



City Council Meeting and Public
Hearing
NOVEMBER 12, 2018

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

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE TO THE FLAG

IV. PROCLAMATIONS AND PRESENTATIONS

A. March of Dimes Prematurity Awareness Month

V. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 11/5/2018)

B. Alcoholic Beverage License Applications

PH-18-AB-55 Cast Enterprises LLC

d/b/a Freshii

12460 Crabapple Rd. #502

Alpharetta, GA 30004

Consumption on Premises

Beer, Wine & Sunday Sales

Owner &

Reg. Agent Troy J. Mathews

VI. PUBLIC HEARING

A. CLUP-18-05 / Z-18-09 / V-18-11: The Providence Group / Haynes Bridge at Devore

Consideration of a request to rezone approximately 15.3 acres from R-12 (Dwelling, 'For-Sale', Residential) to R-8A/D (Dwelling, 'For-Sale', Attached/Detached Residential) to allow for a 122-unit townhome subdivision. A comprehensive land use plan amendment is requested from 'Commercial' to 'High Density Residential' and a variance is requested to reduce stream buffers. The property is located at 11705, 11715 & 11725 Haynes Bridge Road and 310 Norcross Street and is legally described as being located in Land Lot 747, 1st District, 2nd Section, Fulton County, Georgia.

B. E-18-08: 191 Roswell Street / Gibson Parking Exception

Consideration of a request for parking special exception to allow for off-site parking on the Alpharetta Community Center property. The property is located at 191 Roswell Street and is legally described as being located in Land Lot 694, 1st District, 2nd Section, Fulton County, Georgia.

C. E-18-09: Change Healthcare Technologies / Sign Exception

Consideration of a sign exception to allow two (2) additional monument signs and to increase the height of one monument sign. The property is located at 5995 Windward Parkway and is legally described as being located in Land Lots 1113, 1114, 1175 & 1176, 2nd District, 1st Section, Fulton County, Georgia.

D. E-18-10: Wellstar / Sign Exception

NOTE: This item has been deferred by the Applicant and will be neither heard nor considered during tonight's meeting. The item has been placed on the December 12 City Council Agenda.

Consideration of a sign exception to allow additional wall signs. The property is located at 2450 Old Milton Parkway and is legally described as being located in Land Lot 749, 1st District, 2nd Section, Fulton County, Georgia.

VII. OLD BUSINESS

A. PH-18-05: Unified Development Code Text Amendments - Fire Pits / Clearing And Grading Regulations (2nd Reading)

Consideration of text amendments to Unified Development Code, Article III to address clearing and grading activities and Article IV to add Fire Pit regulations.

B. PH-18-13: Unified Development Code Text Amendments - Wireless Telecommunications Facilities (2nd Reading)

Consideration of text amendments to Unified Development Code to amend Section 2.8 Wireless Telecommunications Facilities.

C. Ordinance - Fire Pits (2nd reading)

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AMEND CHAPTER 20, ARTICLE I, SECTION 20-8 OF THE CODE OF THE CITY OF ALPHARETTA, GEORGIA, TO ADD AN EXCEPTION TO THE PROHIBITIONS ON OUTSIDE BURNING; TO ADD STANDARDS FOR RECREATIONAL FIRE PITS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

VIII. WORKSHOP

A. GDOT Local Bridge Replacement Program

B. Wills Park Equestrian Center Master Plan

C. Special Events Review

D. Wireless Broadband Deployment - Industry Overviews

IX. PUBLIC COMMENT

X. REPORTS

XI. ADJOURNMENT



City Council Meeting and Public Hearing STAFF REPORT

Submitting Department: City Clerk

Submitted By:

Meeting Date: November 12, 2018

I. AGENDA ITEM TITLE: COUNCIL MEETING MINUTES (MEETING OF 11/5/2018)

II. RECOMMENDATION:

III. BUDGET IMPLICATIONS:

BUDGETED ITEM: NO

FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST:

APPROPRIATIONS:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>

EXTERNAL FUNDING SOURCES:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>

IV. REPORT IN BRIEF:

V. ALTERNATIVES:

VI. ATTACHMENTS:

City Council Meeting Minutes 11-5-18



City Council Meeting
November 5, 2018
Office of the City Clerk
ALPHARETTA CITY HALL
COUNCIL CHAMBERS
2 PARK PLAZA

This summary is provided as a convenience and service to the public, media and staff. It is not the intent to record proceedings verbatim. Any reproduction of this summary must include this notice. Public comments are noted as heard by Council, but not quoted or paraphrased. This document includes limited presentation by Council and invited speakers in summary form. This is not an official record of the Alpharetta City Council Meeting proceedings. Official Minutes are recorded and available for review.

I. CALL TO ORDER

A. *Mayor Gilvin called the meeting to order at 6:30 p.m.*

II. ROLL CALL

- Council Members
 - Mayor Jim Gilvin
 - Mayor Pro Tem Donald F. Mitchell
 - Jason Binder
 - Ben Burnett
 - John Hipes
 - Dan Merkel
 - Karen Richard
- Staff
 - Bob Regus, City Administrator
 - Sam Thomas, City Attorney
 - James Drinkard, Asst. City Administrator
 - Peter Sewczwicz, Director of Public Works
 - Wes McCall, Deputy Director of Public Safety
 - Morgan Rodgers, Director of Recreation and Parks
 - Michael Woodman, Senior Planner

III. PLEDGE TO THE FLAG

IV. PROCLAMATIONS AND PRESENTATIONS

A. Native American History Month Proclamation

B. Veteran's Day Proclamation

V. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 10/15/2018 & 10/22/2018)

B. Alcoholic Beverage License Applications

PH-18-AB-54 YKIM 21, LLC

d/b/a Burger 21
2500 Old Milton Pkwy Ste. 100
Alpharetta, GA 30009

Purpose: Consumption on Premises
Beer, Wine, Sunday Sales

Owner: Paul Kim
Reg. Agent: Steve Tong-gun Hahn

C. Financial Management Report: Month Ending September 30, 2018

❖ Mayor Pro Tem Mitchell offered a motion to approve the Consent Agenda

- The motion received a second from Council Member Burnett
- The motion was approved unanimously 7-0

VI. PUBLIC HEARING

A. PH-18-05 Unified Development Code Text Amendments/Fire Pit & Clearing and Grading Regulations (1st reading)

- Senior Planner, Michael Woodman, came forward to present this item.
- Staff recommends Mayor and Council approve the text amendments to Unified Development Code, Section 3.2 as it relates to clearing and grading activities and Section 4.4 as it relates to adding recreational fire pit regulations. Consideration of amendments to Unified Development Code (UDC) Section 3.2 Tree Conservation, Landscape, and Buffer Requirements and Section 4.4 Development Permitting and Construction.
- Staff proposes to add recreational fire pit definition and regulations to UDC Section 4.4, Development Permitting and Construction. UDC text amendments are proposed in response to questions and complaints received from residents with concerns over smoke intrusion and safety. The UDC does not currently regulate recreational fire pits. Staff proposes

regulations that would limit the size and location of a recreational fire pit.

- Staff proposes to add a definition for 'Mass Grading' and regulations to UDC Section 3.2 addressing clearing and grading activities associated with land development.
- City Attorney read the Ordinance title into the record

Public Comment

None

❖ Council Member Richard offered a motion to approve PH-18-05 Unified Development Code Text Amendments/Fire Pit & Clearing and Grading Regulations and the Ordinance as read by City Attorney

- The motion received a second from Council Member Binder
- The motion was approved unanimously 7-0

B. PH-18-05 Unified Development Code Text Amendments – Wireless Telecommunications Facilities

- Assistant City Attorney, Scott Hastey came forward to present this item
- Consideration of text amendments to Unified Development Code (UDC) Section 2.8 Wireless Telecommunications Facilities as it relates to small cell technology in the public right-of-way. The proposed text amendments are necessary to comply with changing State and Federal regulations, as well as to provide additional options for siting small cell technology in the public right-of-way.
- The item was removed from the table and heard by the Planning Commission at its November 1, 2018 meeting. Three (3) people representing the wireless telecommunications industry spoke on the item identifying possible conflicting language in the ordinance, as well as asking for greater flexibility in aesthetic standards. After discussion, the Planning Commission recommended approval of the item. Vote (6-0-1 abstained)
- City Attorney read the Ordinance title into the record

Public Comment

- Don Barbour, came forward to speak on this item on behalf of AT&T
- Ellen Smith, came forward to speak on this item on behalf of Parker Poe (counsel for Crown Castle)
- Brandon Nelson, came forward to speak on this item on behalf of Zayo
- Renee Shepherd, came forward to speak on this item on behalf of Verizon

- ❖ Council Member Burnett offered a motion to approve PH-18-05 Unified Development Code Text Amendments – Wireless Telecommunications Facilities and Ordinance as read by the City Attorney
 - The motion received a second from Council Member Richard
 - The motion was approved unanimously 7-0

VII. NEW BUSINESS

A. Ordinance - Fire Pits (1st reading)

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AMEND CHAPTER 20, ARTICLE I, SECTION 20-8 OF THE CODE OF THE CITY OF ALPHARETTA, GEORGIA, TO ADD AN EXCEPTION TO THE PROHIBITIONS ON OUTSIDE BURNING; TO ADD STANDARDS FOR RECREATIONAL FIRE PITS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

- City Attorney, Sam Thomas, provided an overview of this item and read the title into the record

Public Comment

- John Courtnee, 120 Woodfield Ln, Alpharetta, GA came forward to speak on this item
- ❖ Council Member Richard offered a motion to approve the Fire Pit Ordinance amendments as read by the City Attorney
 - The motion received a second from Council Member Binder
 - The motion was approved unanimously 7-0

B. Bethany Road Roundabouts, ITB 19-004

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff recommends Mayor and Council award ITB 19-004 to CMES, Inc. for the construction of the Bethany Road Roundabouts project in the amount of \$3,225,687.00; approve the Intragovernmental Agreement with Fulton County for the construction of watermain improvements within the project limits; approve Atkins North America, Inc.'s proposal for construction management, engineering, and inspections services in the amount of \$298,130.25; and, authorize the Mayor to execute all necessary documents.
- The award of this bid is for the construction of the Bethany Road Roundabouts project.
- Construction of a roundabout at the intersection of Bethany Road and Mid Broadwell Road (TSPLOST); Construction of a roundabout at the intersection of Bethany Road and Mayfield Road (TSPLOST); and, Construction of a 6'-wide sidewalk along the south side of Mayfield Road from Bethany Road to Chantilly Drive.

- Plans and specifications for this project were prepared by Tetra Tech's design team with program management oversight provided by Atkins. During the utility coordination process, Fulton County Public Works identified a need to upgrade the existing waterline system within the project limits.
- The County provided the design which was incorporated into the design and bid documents. Additionally, an Intragovernmental Agreement has been prepared for the construction of the watermain improvements and will fully reimburse the City for said work.
- The project advertised for competitive bids during August and September 2018. Bids for the project were received on September 27, 2018 and the City received a total of six bids from the following:

CMES, Inc.	\$3,225,687.00
Vertical Earth Inc.	\$3,325,826.18
Bartow Paving Company, Inc.	\$3,453,064.73
C. W. Matthews Contracting Co., Inc.	\$3,627,377.69
Baldwin Paving Company, Inc.	\$3,795,380.81
Precision 2000, Inc.	\$3,814,948.53

- The apparent low bidder, CMES Inc. is an experienced contractor which has worked on several projects with similar elements in Georgia for multiple governmental agencies including City of Roswell, Forsyth County, Henry County, and the Georgia Department of Transportation.
- Staff from Atkins met with representatives of CMES Inc. on October 25, 2018 to review the scope of work and the City's expectations. CMES Inc. assured Atkins that they could complete the project for the bid amount and within the allocated time frame. Based upon Atkins' recommendation, staff determined CMES Inc. to be the lowest responsive and responsible bidder.
- Once a contract with CMES Inc. has been finalized and executed, construction may begin immediately. The anticipated completion date for work is no more than 300 days from notice to proceed.
- On November 14, 2016, Atkins North America, Inc. was awarded a contract for providing the City with assistance on larger scale bond and TSPLOST projects in the form of project management, right-of-way acquisitions, construction management, and construction inspection services. At Staff's direction, Atkins has prepared a proposal for providing construction project management, inspection, and engineering services for the Bethany Road Roundabouts project. Their scope includes:
 - Providing an experienced project manager to provide oversight and coordinate activities of Atkins, City Staff, and CMES, Inc.; Providing experienced inspectors to monitor and document the day to day construction activities; and,
 - Assigning a dedicated engineer to maintain document control, assist in shop drawing and submittal review, and assist with site or design challenges.

- Atkins has proposed Mr. Obie Brannon to serve as project manager. Mr. Brannon

serves as Atkins' project manager on the Rucker Road Corridor project where his team provides a similar scope of services. Additionally, Mr. Brannon has been involved in the management of projects constructed by CMES, Inc. for other government agencies. Thus, Mr. Brannon is familiar with both the City's expectations and procedures and with CMES, Inc. personnel and capabilities.

- The proposed fee for these services is \$298,130.25 which is based on an estimated number of hours to be worked over a 12 month time frame.
- The original allocated budget for Bethany Road at Mid Broadwell Road was \$1,280,000.00. To date \$131,170.00 was encumbered for design and \$31,384.00 was encumbered for project management. With this award, an additional \$857,874.00 will be encumbered for construction and \$104,345.59 will be encumbered for construction management. Right of way costs are expected to total \$89,000.00. This brings the total project cost to \$1,214,223.59, leaving an allocated balance of \$65,776.41.
- The original allocated budget for Bethany Road at Mayfield Road was \$1,280,000.00. To date \$137,620.00 was encumbered for design and \$31,385.00 was encumbered for project management. With this award, an additional \$1,613,034.00 will be encumbered for construction and \$193,784.66 will be encumbered for construction management. Right of way costs are expected to total \$136,000.00. This brings the total project cost to \$2,112,273.66, leaving an allocated shortfall of \$832,273.66.
- The Bethany Road at Mayfield Road project scope overlaps with a portion of the Mayfield Road Bond Sidewalk scope which is estimated at \$403,154.00 for construction and right-of-way. Applying these Bond funds reduces the allocated shortfall to \$429,119.66.

Public Comment

None

- ❖ Mayor Pro Tem Mitchell offered a motion to approve the ITB 19-004 for the construction of the Bethany Road Roundabouts project in an amount not to exceed \$3,523,817.25
 - The motion received a second from Council Member Merkel
 - The motion was approved unanimously 7-0

C. Northside Hospital Sponsorship

- Director of Recreation and Parks, Morgan Rodgers, came forward to present this item.
- Staff recommends Mayor and Council approve the sponsorship with Northside Hospital as outlined in the Memorandum of Understanding.
- Northside Hospital has proposed a three year sponsorship program focusing on the Health and Wellness aspects of the parks and programs. Northside would provide the City of Alpharetta \$50,000.00 per year for three years. In return, the City would enhance/develop facilities at Wills Park Wacky World Playground, at Wills Park Trail

Head and at the Alpharetta Greenway Trail Head, and fund free quarterly fitness programs throughout the City of Alpharetta during the three year program.

- Signs would be installed at each of the three facilities during the first year. Appropriate signage will be placed at the site of the sponsored programs and through appropriate social media.

Public Comment

None

❖ Council Member Binder offered a motion to approve the sponsorship with Northside Hospital as outlined in the Memorandum of Understanding.

- The motion received a second from Council Member Hipes
- The motion was approved unanimously 7-0

D. MOU with the City of Johns Creek for certain Recreation Programs

- Director of Recreation and Parks, Morgan Rodgers, came forward to present this item.
- Staff recommends Mayor and Council approval of the MOU with the City of Johns Creek as presented.
- In 2017, Alpharetta and Johns Creek continued the MOU establishing a program to waive non-resident fees for selected youth recreational sports programs: Youth Softball, Youth Baseball, and Youth Lacrosse. This MOU will expire before the Spring 2019 season and needs to be renewed. This MOU allows citizens from both cities to choose where they would like to participate in the above programs, without concern for city limit restrictions.
- All participating Athletic Associations (Alpharetta Youth Softball Association, Newtown Recreation and Ocee Park Athletic Associations are in favor of continuing the MOU. Alpharetta Staff have meet with Johns Creek staff and the renewing of the MOU is being done concurrently in both cities. The Alpharetta Recreation Commission voted unanimously at their October 9, 2018 meeting to approve the renewal of the MOU

Public Comment

None

❖ Council Member Binder offered a motion to approve the MOU with the City of Johns Creek as presented.

- The motion received a second from Council Member Merkel
- The motion was approved unanimously 7-0

E. Renewal of Lease and Management Agreement with the YMCA

- Director of Recreation and Parks, Morgan Rodgers, came forward to present this item.
- Staff recommends Mayor and Council approve of the updated Lease and Management Agreement with the YMCA
- The City of Alpharetta and the Ed Isakson YMCA entered into a Lease and Management Agreement in March, 2007 to lease certain City property to the YMCA, allow for public access to the Greenway and provide program activity by the City.
- The City and the YMCA wish to amend and modify the Agreement to allow the two entities to work collaboratively to serve the residents of Alpharetta, to fulfill unmet needs, to provide scholarships to those residents otherwise unable to participate and to enhance the range and quality of programs and services in the community. The City Attorney has reviewed the document and has approved the form of the document. The Recreation Commission approved the renewal at their September Meeting.

Public Comment

None

- ❖ Council Member Binder offered a motion to approve the updated Lease and Management Agreement with the YMCA and authorize the Mayor to execute all necessary documents
 - The motion received a second from Council Member Hipes
 - The motion was approved unanimously 7-0

VIII. WORKSHOP

A. Academy Street / Webb Bridge Road Corridor

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- On October 10th and 11th, city staff hosted community conversations to present concepts for the Academy Street / Webb Bridge Road corridor and receive input from the public. The October 10th meeting focused on Webb Bridge Road from North Point Parkway to Webb Bridge Way. The October 11th meeting focused on Academy Street from Haynes Bridge Road to Westside Parkway.
- Based on the feedback from attendees, the following elements have been incorporated into the typical sections for the roadway:
- Bike lanes have been moved adjacent to the travel lanes. This is the preferred location expressed by Bike Alpharetta. Staff is working with Bike Alpharetta to acquire formal documentation as such.
- Trees will be provided between the roadway and sidewalks where space permits. In some areas this will be achieved through the use of tree grates which will extend slightly into the sidewalk area.
- Along the Alpha Loop alignment portion of the project, a minimum of 8' wide clear

area will be provided for the sidewalk/trail.

Public Comment

- Jason Guest, 4185 Big Creek Overlook, Alpharetta, GA came forward to speak on this item
- Melissa Bondurant, owner of Webb bridge Animal Hospital, came forward to speak on this item

B. Use and Rental of City Facilities by Outside Groups

- Director of Recreation and Parks, Morgan Rodgers, came forward to present this item.
- Staff recommends Mayor and Council provide direction to ensure proper use of the public facilities and spaces, and remaining with the values of the City of Alpharetta and without infringing on anyone's constitutional rights.
- The City has received several request from outside groups to use public spaces for various events, such Easter Egg Hunt by churches, political rallies by candidates and fund raising activities in general. Staff request direction to ensure proper use of the public facilities and spaces, and remaining with the values of the City of Alpharetta and without infringing on anyone's constitutional rights.

Public Comment

None

IX. PUBLIC COMMENT

None

X. REPORTS

- Council Member Binder made a few announcements on behalf of Recreation and Parks:
 - City is in beginning stages of developing an Equestrian Center Master Plan and the 1st public input meeting will be Tuesday, November 6th at 6pm at City Hall
 - On this Wednesday, November 7th, the City will have the 1st harvest from our garden at the new Park at Old Rucker from 9-10am
- Mayor Pro Tem Mitchell reminded everyone to go vote tomorrow
- Council Member Burnett announced that the City will be moving forward to raise the minimum wage for City employees to \$16 an hour
- Assistant City Administrator, James Drinkard made the following announcements regarding upcoming meetings:
 - There will be a series of 2 meetings regarding the Haynes Bridge Corridor – 1st on November 13th at 6pm at Haynes Bridge Middle School and the 2nd meeting to be on November 14th at 6pm at Park Place, 3125 Old Alabama Road.

- Also on November 14th, the City will host its monthly Community Zoning Information Meeting at 6pm where a total of 9 applicants will be present to discuss upcoming applications

XI. ADJOURNMENT

- ❖ Council Member Richard offered a motion to adjourn into Executive Session
- The motion received a second from Council Member Merkel
- Motion was approved unanimously 7-0

Respectfully submitted,

A handwritten signature in black ink that reads "Coty Thigpen". The signature is written in a cursive, flowing style.

Coty Thigpen, City Clerk



City Council Meeting and Public Hearing STAFF REPORT

Submitting Department: Administration

Submitted By:

Meeting Date: November 12, 2018

I. AGENDA ITEM TITLE: ALCOHOLIC BEVERAGE LICENSE APPLICATIONS

PH-18-AB-55 CAST ENTERPRISES LLC

D/B/A FRESHII

12460 CRABAPPLE RD. #502

ALPHARETTA, GA 30004

CONSUMPTION ON PREMISES

BEER, WINE & SUNDAY SALES

OWNER &

REG. AGENT TROY J. MATHEWS

II. RECOMMENDATION:

III. BUDGET IMPLICATIONS:

BUDGETED ITEM: NO

FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST:

APPROPRIATIONS:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

IV. REPORT IN BRIEF:

V. ALTERNATIVES:

VI. ATTACHMENTS:



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT
SUBMITTED BY: KATHI COOK
DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: CLUP-18-03/Z-18-09 THE PROVIDENCE GROUP/HAYNES BRIDGE AT DEVORE

CITY COUNCIL: NOVEMBER 12, 2018

This item was heard at the November 1, 2018 Planning Commission meeting. Staff recommended approval of the item subject to 26 conditions. One resident representing Haynes Park HOA spoke in support of the development and one resident in opposition to the development spoke with concerns over drainage and did not like the condominium building. After discussion, the Planning Commission recommended to approve the item subject to staff's recommended conditions. Vote (6-1)

II. RECOMMENDATION:

Approve CLUP-18-03/Z-18-09 The Providence Group/Haynes Bridge at Devore, subject to the following conditions:

1. The site, consisting of approximately 15.3 acres, shall be zoned R-8A/D and developed substantially similar to site plan submitted by Travis Pruitt & Associates, Inc., dated 10/16/2018, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
2. The Comprehensive Land Use Plan designation of the property shall be 'High Density Residential'.
3. Architecture and materials shall be developed similar to the submitted renderings, subject to approval by Staff. Buildings shall have 3-sided architecture with brick and/or stone as the primary material. Side and rear building elevations visible from Haynes Bridge Road shall have similar architectural details and materials as the front façade, as approved by Staff. Townhome buildings facing Haynes Bridge Road shall have a stone base with brick upper floors and shall include the following elements: chimneys, porches and balconies and over-sized lights. Chimneys shall extend past the plane of the side elevation.
4. Minimum 20' decorative landscape strip shall be required along Haynes Bridge Road, consisting of trees, shrubs and ground cover, as approved by Staff. Landscape strip shall include decorative metal fence with brick or stone columns with gates and sidewalk connection to the public sidewalk, similar to Sonoma subdivision on North Main Street. Project entrance shall include a decorative knee wall and shall be heavily landscaped with ornamental plantings, as approved by Staff.
5. Minimum 25' landscape buffer, replanted where sparse, shall be provided along the common property line with Haynes Park and shall be supplemented with evergreen trees and shrubs to provide a visual screen, as approved by Staff. A 10' landscape strip shall be required along south property line.
6. Amenity areas shall be developed with a park-like setting with decorative landscape, hardscape, seating and pedestrian-scale lighting, as approved by Staff.
7. Haynes Bridge Road streetscape shall include minimum 8' sidewalk, 6' planting strip and decorative pedestrian lighting. Street trees shall alternate in the planting strip and backside of sidewalk to provide a canopy for pedestrians.
8. Developer shall remove exotic and invasive trees and shrubs within stream buffers and tree save areas and replant where sparse, as approved by Staff.
9. Decorative paver apron and planted median shall be required at the project driveway, as approved by Staff.
10. Development shall be gated with private roads and maintained by the HOA.
11. Residential driveways shall be minimum 18' from garage to sidewalk or alley (if no sidewalk).

12. Internal sidewalks shall be provided on one side of the street, including a connection to the front of all units and shall be minimum 5' with 4' planting strip and pedestrian-scale lighting provided throughout the development.
13. Unfinished wood fences and decks shall not be visible from the street.
14. Developer shall dedicate permanent easement and construct a 12' concrete, accessible multi-use trail (Alpha Loop) as depicted on the site plan prepared by Travis Pruitt & Associates, Inc., dated 10/16/2018, with final alignment/design/materials approved by Staff and construction completed prior to the first CO. A crosswalk shall be provided across Haynes Bridge Road and shall be constructed of a material approved by Staff. Alpha Loop shall include seating/gathering areas, lighting (pedestrian and bollards), landscape, hardscape and trail entrance gateways/arches at Haynes Bridge Road and at eastern property line. Applicant shall hand clear undergrowth, invasive species and dead materials within the stream buffer and maintain such condition to the City's satisfaction. Wayfinding signage shall be placed at key locations along the trail. Alpha Loop connection to Haynes Park shall be minimum 6' wide. Alpha Loop improvements, not including Haynes Park spur, shall be eligible for impact fee credits, as approved by Staff.
15. Alpha Loop shall maintain a minimum 20' setback from residential buildings, as approved by Staff.
16. Existing trees shall be preserved as depicted on the site plan prepared by Travis Pruitt & Associates, Inc., dated 10/16/2018, except that tree #279 may be removed for a decel lane. In addition, developer shall save tree #276 (24" Scarlet Oak).
17. Developer shall identify locations with significant tree groupings outside of the required undisturbed buffers and stream buffers. Tree groupings shall be incorporated into the final site plan, as approved by Staff.
18. Off-site tree encroachment shall be limited to no more than 20% on the CRZ and shall require notification/approval by property owner, as approved by administrative variance.
19. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
20. Overhead utilities shall be placed underground.
21. Developer shall be responsible for all costs associated with upgrading the signal to accommodate new development. Traffic signal modification to be complete prior to final plat.
22. Streets less than 24' wide shall be marked "No Parking".
23. Widths/lengths of fire department access road shall comply with Appendix D – Fire Apparatus Access Roads.
24. Developer shall provide a northbound right-turn lane on Haynes Bridge Road entering the site.
25. Developer shall construct 1 shared left-turn/through lane and 1 right-turn lane exiting the site onto Haynes Bridge Road and Devore Road and 1 ingress lane entering the site.
26. Utility structures, headwalls, etc. shall be finished with decorative stone, if visible from the Alpha Loop.

III. REPORT IN BRIEF:

The applicant, The Providence Group, is requesting a rezoning of 15.3 acres from R-12 (Dwelling, 'For-Sale' Residential) to R-8A/D (Dwelling, 'For-Sale' Attached/Detached Residential) to allow for the construction of 92 'For-Sale' Townhome units and 30 'For-Sale' Condominium units on 15.3 acres within a gated community. A comprehensive land use plan amendment is requested from 'Commercial' to 'High Density Residential'. The subject property is located at 11705, 11715 & 11725 Haynes Bridge Road and 310 Norcross Street on the east side of Haynes Bridge Road at the intersection with Devore Road.

DISCUSSION

The submitted request, if approved, will allow for a 122-unit residential subdivision, including 30 'For-Sale' condominium units and 92 'For-Sale' townhome units on 15.3 acres within a gated community. The proposed density is 7.97 dwelling units per acre. A comprehensive land use plan amendment and rezoning is requested to allow the proposed residential subdivision. The subject property is located at 11705, 11715

& 11725 Haynes Bridge Road and 310 Norcross Street on the east side of Haynes Bridge Road at the intersection with Devore Road.

The property consists of several parcels of land all zoned R-12 and developed with three (3) single-family detached homes. Surrounding properties are zoned R-4A to the north, R-10M and O-I to the east, O-I to the south and C-2 to the west. Haynes Park subdivision is located to the north, AMLI apartments and Northwinds to the east, 600 Northwinds Center West and Crème de la Crème daycare to the south and QT and Express Oil Change to the west. The Comprehensive Land Use Plan designation of the property is 'Commercial', which requires an amendment to allow the proposed residential subdivision.

The proposed single-family attached uses are appropriate at this location given the surrounding development pattern, which includes townhomes, 'For-Rent' apartments, office and commercial uses. Residential densities vary widely in the area, including densities of just under four (4) dwelling units/acre at Haynes Park, seven (7) dwelling units/acre at Chelsea Walk and ten (10) dwelling units/acre at AMLI Northwinds.

The City's Comprehensive Plan states that Alpharetta has 29% of all retail space in North Fulton County, approximately 8.24 million square feet. As the retail environment changes, the City will continue to see vacant retail spaces opening up. The Alpharetta Crossing shopping center, located across Haynes Bridge Road from the subject property, has nearly 50,000 square feet of unoccupied retail space for over a year. Therefore, new commercial development is not warranted and could negatively impact Downtown (re)development efforts.

SITE PLAN

The submitted site plan depicts 92 townhome units and 30 stacked condominium units on 15.3 acres within a gated community. Condominium units are depicted within two (2) buildings near the front of the subdivision. Townhome units are depicted within 18 buildings and consist of 70 rear entry and 22 front entry units. Townhome unit widths range in size from 18' to 27'. Three (3) townhome buildings are oriented to Haynes Bridge Road, which is similar to the Sonoma townhome community located on North Main Street and Winthrop Park Drive. An amenity area with clubhouse and pool is depicted at the rear of the property.

The project entrance is depicted at the Haynes Bridge Road and Devore Road signal. The project entrance is gated with new private internal streets and alleys. A total of 37 guest parking spaces are provided throughout the site. Overall site setbacks are proposed to be 65' along Haynes Bridge Road, 10' along the north property line, 20' along the east property line and 5' along the south property line.

A 25' landscape buffer is depicted along the north property line, as required with the rezoning of the Haynes Park subdivision. Condition #9 from file MP-06-02/Z-06-01/CLUP-06-01 Northwinds Pod D/John Wieland Amendment allowed for half the buffer to be met on the Haynes Park property and half met on the applicant's property subject to agreements with adjacent property owners. John Wieland Homes secured the necessary agreements. A 50' undisturbed buffer is provided on the adjacent O-I parcels to the south. A 20' landscape strip is required along Haynes Bridge Road, exclusive of any utilities and easements. A perennial stream runs through the northeast corner of the site and includes a 100' stream buffer and 150' impervious setback. The applicant proposed three (3) underground detention areas partially within the impervious setback, which is permitted is the stormwater facilities allow for infiltration.

According to the breakdown provided by the applicant, the site plan includes 7.49 acres, or 49%, greenspace. Greenspace includes pervious (green), unusable areas such as landscape strips and buffers, as well as pervious open space (amenity and civic space) areas. Amenity space is depicted throughout the site plan, including a pocket park with tree save area south of the project entrance, clubhouse and pool, dog park, community garden and two (2) additional open spaces areas near the condominium buildings.

The City’s Alpha Loop project has a planned alignment on the adjacent AMLI Northwinds property to the rear of the applicant’s site, with a connection between the inner and outer loops through the applicant’s site. The site plan depicts the 12’ Alpha Loop running through the center of the property from east to west, as well as a small spur connecting to Haynes Park to the north. The Alpha Loop will include an easement to allow public access. 90-degree turns are depicted on the site plan in conjunction with the Alpha Loop alignment through the site, which is not ideal. The City’s Alpha Loop Consultant reviewed the site plan and was generally okay with the 90-degree turns, since they occur at an intersection. The Consultant recommended that crosswalks for the Alpha Loop be designed to be safe for pedestrians and cyclists and to typical standards. A minimum 5’ landscape strip between the Alpha Loop and internal streets was also recommended by the Consultant.

The property is heavily wooded, primarily consisting of Hardwoods. Tree saves are depicted within the stream buffer and along Haynes Bridge Road. Tree #279 (36” Tuliptree – Fair Condition) is depicted to be saved; however, the tree would be significantly impacted by a northbound right-turn lane on Haynes Bridge Road entering the site. Staff identified an additional specimen tree save opportunity (Tree #276 – 24” Scarlet Oak) that falls within the amenity area at the rear of the applicant’s site plan. If approved, Staff recommends a condition requiring the applicant to identify and save significant tree groupings, which may result in the loss of residential units.

The applicant submitted photographs and renderings of the townhome and condominium products. Buildings are primarily brick with stone, siding, board and batten and shake accents. Standing seam metal roof and timber accents are also shown. The photographs and renderings depict units with a stoop or recessed entry, as well as single- and double-stacked porches.

TRAFFIC

The proposed project, consisting of 92 townhome units and 30 condominium units, would generate 70 PM Peak Hour trips. When compared to development of the property under the ‘Commercial’ future land use designation, the applicant’s proposal to construct a residential subdivision would result in a significant reduction of vehicular trips over retail or office use (see table below).

Table 1: Trip Generation Comparison							
<i>Haynes Bridge Road Tract</i>							
Land Use	ITE Code	Density	Daily Traffic			AM Peak Hour	PM Peak Hour
			Total	Enter	Exit	Total	Total
Future Land Use Map (assumes 10,000 SF of retail per acre)							
<i>Retail (per Future Land Use Map)</i>	820	153,000 SF	5,776	2,888	2,888	144	583
Proposed Zoning (15.3- acres)							
<i>Multifamily Housing (Proposed Zoning)</i>	220	122 units	882	441	441	58	70

Land Use	ITE Code	Density	Enter	Exit	Total	AM Peak	PM Peak
Office	720	153,000 SF	907	907	1814	269	250

The applicant provided a traffic study, prepared by Kimley-Horn & Associates. The study shows that the intersection at Haynes Bridge Road and Devore Road current operates at a LOS A during the AM and PM Peak Hours and will continue to operate at LOS A with or without the proposed project by the project build-out year of 2023. System improvements are not proposed; however, the following site improvements are proposed:

- Provide a northbound right-turn lane on Haynes Bridge Road entering the site.
- Construct 1 shared left-turn/through lane and 1 right-turn lane exiting the site onto Haynes Bridge Road and Devore Road and 1 ingress lane entering the site.

SCHOOLS

Residential development is known to increase school enrollment. Fulton County calculated the potential maximum number of children who may live on the property by using the Fulton County Schools standard calculation to identify the number of children that a residential development will generate. The following chart outlines these figures:

FULTON COUNTY SCHOOLS – 92 Townhome Units & 30 Single-Family Condominium Units

School	Single Family Average #
Manning Oaks Elementary School	1 to 33 students
Northwestern Middle School	0 to 20 students
Milton High School	1 to 29 students
TOTAL	2 to 82 students

Based on the total figure for all three school levels, it can be assumed that the proposed development could house approximately 2 – 82 school age children. Numbers provided by Fulton County Schools show that all three (3) schools are currently over capacity.

STANDARDS FOR ZONING CHANGES

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

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

Response: The zoning proposal would be suitable as it relates to the use and development of adjacent or nearby properties. Additional commercial use on the subject property could detract from (re)development efforts in the Downtown. In addition, residential use on the subject property would have less impacts to Haynes Park subdivision located immediately adjacent and to the north.

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

Response: The zoning proposal should not adversely affect the existing use or usability of adjacent or nearby properties. Additional commercial use on the subject property could detract from (re)development efforts in the Downtown. In addition, residential use on the subject property would have less impacts to Haynes Park subdivision located immediately adjacent and to the north.

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

Response: The applicant's proposal should not have significant impacts on the natural environment. The applicant's site plan respects on-site stream buffers and tree saves are identified throughout the site.

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

Response: The existing R-12 zoning allows single-family detached homes on minimum 12,000 square foot lots. Given the use and development of adjacent properties, which are developed with townhomes, 'For-Rent' apartments, office and commercial uses, development under the current zoning would be difficult and would likely result in the property being developed under the 'Commercial' future land use designation of the property. The proposed residential attached uses would have less impact on the adjacent Haynes Park subdivision than development of the property under the 'Commercial' designation.

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

Response: The zoning proposal would have impacts on public facilities and services as it would result in an increased demand on parks and recreation, fire and police and schools. However, the applicant's proposal to construct a residential subdivision would result in a significant reduction of vehicular trips.

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

Response: The 'Commercial' designation of the property is likely no longer appropriate given that commercial use on the subject property could detract from the (re)development efforts in the Downtown.

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

Response: The request to allow 'For-Sale' single-family attached product should not have negative impacts to public health, safety or welfare. While the proposed zoning is not consistent with the future land use designation of the property, additional commercial use on the subject property could detract from (re)development efforts in the Downtown. In addition, residential use on the subject property would have less impacts to Haynes Park subdivision located immediately adjacent and to the north.

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

Response: The zoning proposal is appropriate given the use and development of adjacent properties, which are developed with residential and non-residential uses. Residential use on the subject property would have less impacts to Haynes Park subdivision located immediately adjacent and to the north.

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

Response: The request to allow 'For-Sale' single-family attached product is not consistent with the Comprehensive Land Use Plan designation of the property, which is 'Commercial'. However, additional commercial use on the subject property could detract from (re)development efforts in the Downtown. In addition, residential use on the subject property would have less impacts to Haynes Park subdivision located immediately adjacent and to the north.

COMPREHENSIVE LAND USE PLAN

Unified Development Code Section 4.1.3 Standards for CLUP amendment approval, provides the following criteria for consideration when evaluating a request for a change in land use:

A. The extent to which a change in the economy, land use or development opportunities of the area has occurred.

Response: Commercial use on the subject property could detract from (re)development efforts in the Downtown. Nearly 50,000 square feet of retail space remains vacant in the Alpharetta Crossing shopping center, which is located across Haynes Bridge Road from the applicant's property.

B. The extent to which the proposed designation is in compliance with the goals and policies of the Plan.

Response: The proposal is consistent with the following goals, policies and strategies in the City's Comprehensive Plan:

H Strategy 1.2: Encourage higher residential densities and appropriate mix of uses close to Downtown Alpharetta and in the GA-400 corridor.

H Strategy 1.5: Promote subdivisions that foster a sense of community and promote pedestrian mobility, the natural environment, community recreation and public open space.

H Policy 2: Maintain a balance between 'owner-occupied' and 'renter-occupied' in Alpharetta such that at least 68% of the housing stock is 'owner-occupied'.

H Strategy 5.1: Ensure that at the very beginning of the design process, consideration is given to the natural environment (i.e. topography, tree preservation, creek flows) and accommodations are made for amenities (i.e. sidewalks, lighting, open spaces), in order to support a high quality residential product.

T Strategy 2.4: Encourage an interconnected public sidewalk and trail network within new developments and enhance connectivity area wide by linking new sidewalks and trails to existing sidewalks and trails in adjacent

neighborhoods. In addition, the system should link residential areas to commercial, schools, employment centers, transit and parks.

T Strategy 2.6: While examining new development proposals, assess their ability to offer transportation alternatives and reduce the number of vehicular trips.

C. The extent to which the proposed designation would require changes in the provision of public facilities and services.

Response: The zoning proposal would have impacts on public facilities and services as it relates to increased demand on parks and recreation, fire and police and schools. However, the applicant's proposal would generate fewer vehicular trips than a commercial use developed on the property. The proposed subdivision would also complete an important connection between the inner and outer Alpha Loop.

D. The extent to which the proposed designation would impact the public health, safety, and welfare.

Response: The request to allow 'For-Sale' single-family attached product should not have negative impacts to public health, safety or welfare. While the proposed zoning is not consistent with the future land use designation of the property, additional commercial use on the subject property could detract from (re)development efforts in the Downtown. In addition, residential use on the subject property would have less impacts to Haynes Park subdivision located immediately adjacent and to the north.

E. The extent to which additional land area is needed to be developed for a specific type of use.

Response: Staff has concerns that commercial use on the subject property could detract from (re)development efforts in the Downtown.

F. The extent to which area demographics or projections are not occurring as projected.

Response: Not applicable.

CONCURRENCES

Staff has reviewed the applicant's proposal and finds that it can generally support the request for comprehensive land use plan amendment and rezoning. The proposed rezoning to R-8A/D is consistent with the existing use of adjacent and nearby properties. While the proposed use is inconsistent with the comprehensive land use plan designation of the property, additional commercial use on the subject property could detract from the (re)development efforts in the Downtown.

CITIZEN PARTICIPATION PLAN

The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no comments were received.

COMMUNITY ZONING INFORMATION MEETING

The CZIM was held on September 12, 2018 and October 11, 2018. Seven (7) residents signed-in with comments. Residents generally support the development, but asked for more trees be protected and a heavy buffer to screen the development from Haynes Bridge Road.



IV. ATTACHMENTS:

- Site Plan
- Elevations

CLUP-18-05 / Z-18-09 / V-18-11



LEGEND

-  Case Number
-  Tax Parcels

CLUP-18-05 / Z-18-09 / V-18-11

D/LL: 1/2/747

PC Date: 10/04/18

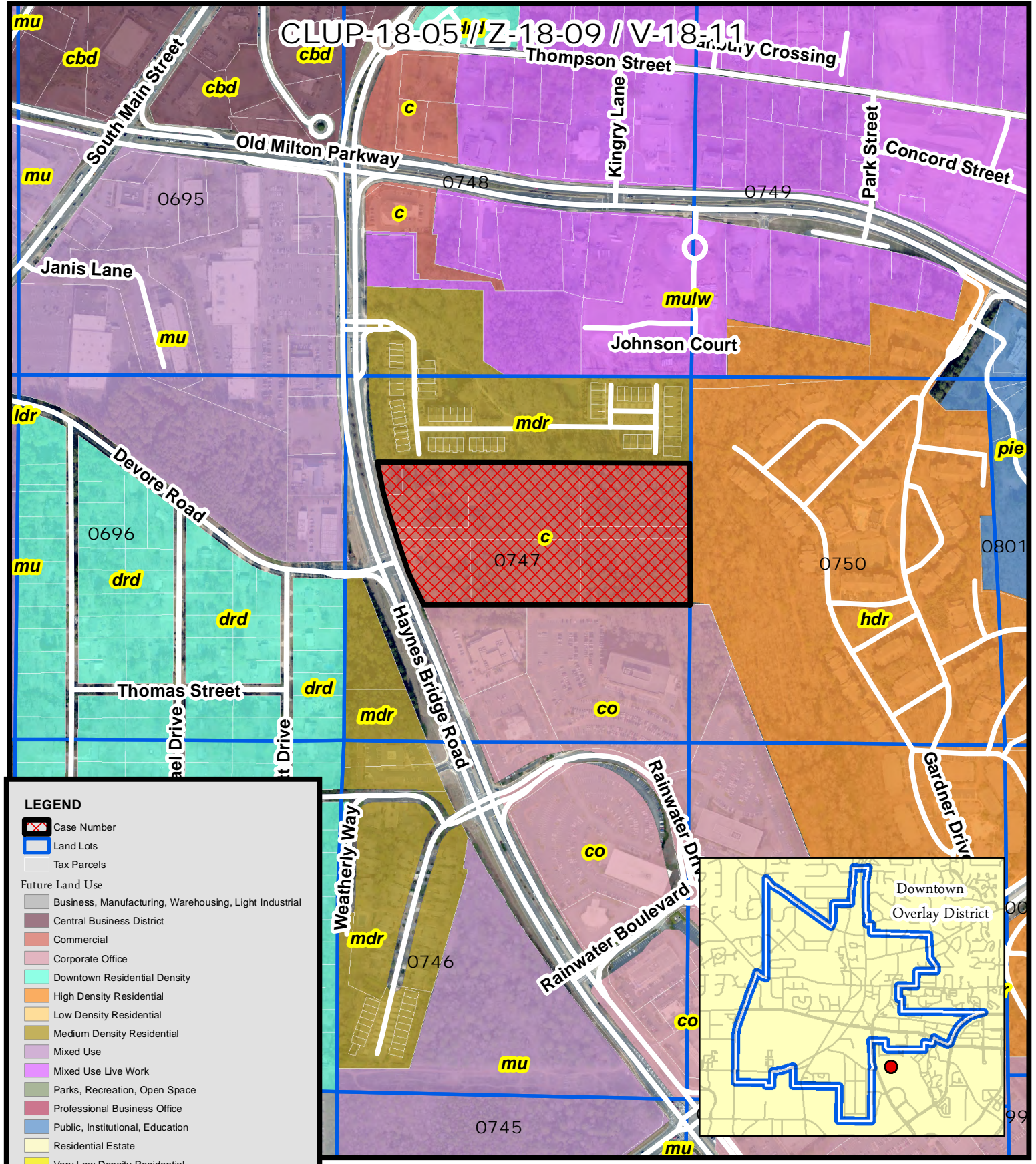
CC Date: 10/22/18

Aerial Map
 Providence Group Townhomes
 Haynes Bridge Road

Location Map Provided by:
 Community Development - GIS



CLUP-18-05 / Z-18-09 / V-18-11

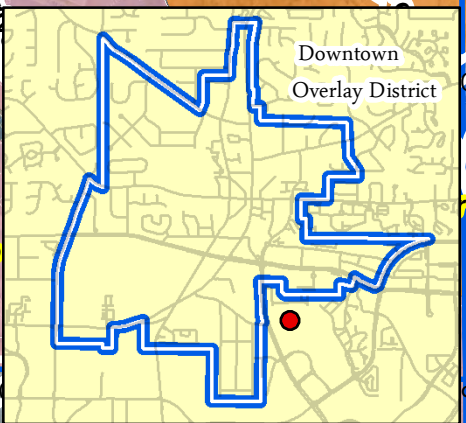


LEGEND

- Case Number
- Land Lots
- Tax Parcels

Future Land Use

- Business, Manufacturing, Warehousing, Light Industrial
- Central Business District
- Commercial
- Corporate Office
- Downtown Residential Density
- High Density Residential
- Low Density Residential
- Medium Density Residential
- Mixed Use
- Mixed Use Live Work
- Parks, Recreation, Open Space
- Professional Business Office
- Public, Institutional, Education
- Residential Estate
- Very Low Density Residential



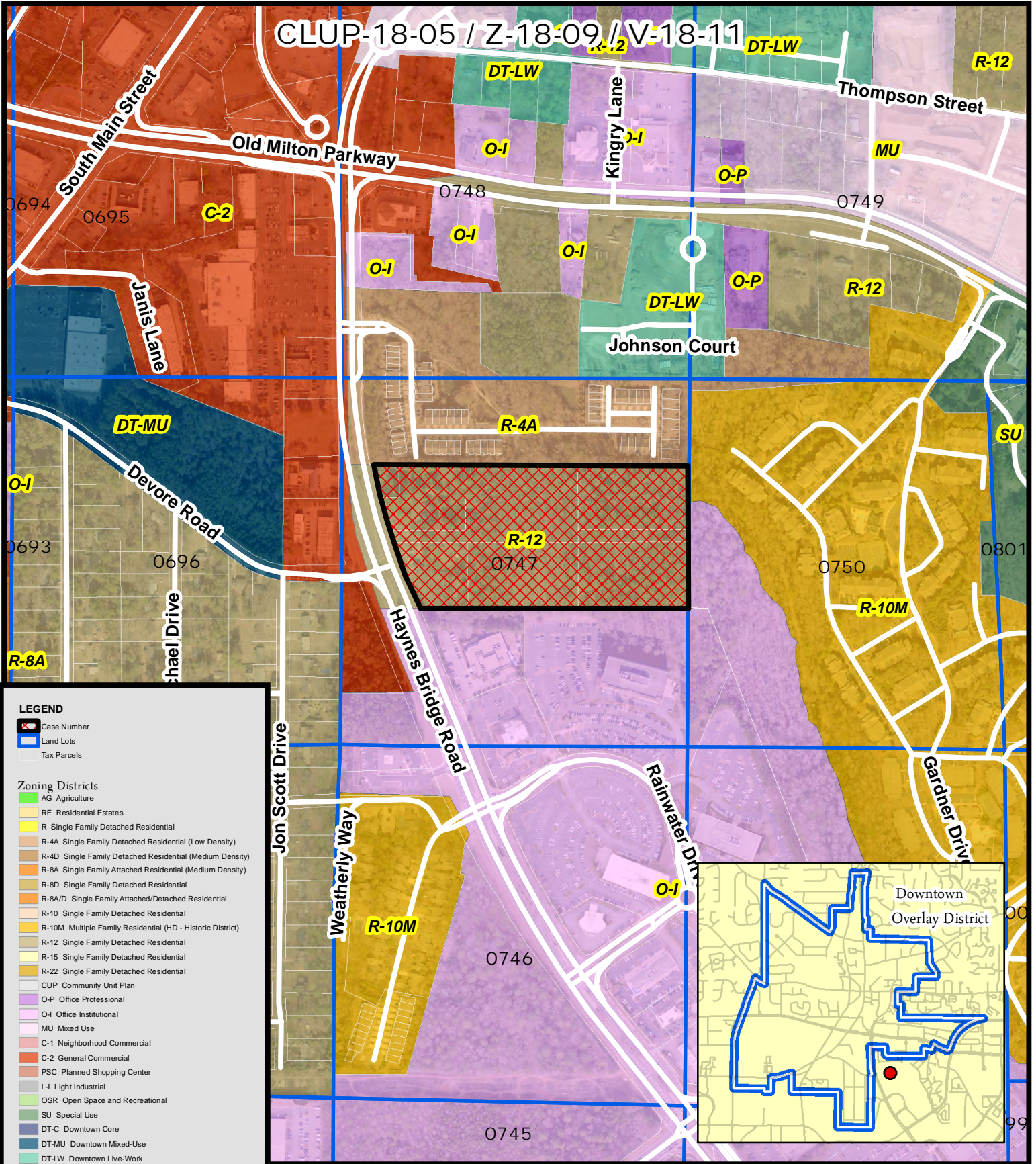
CLUP-18-05 / Z-18-09 / V-18-11
 D/LL: 1/2/747
 PC Date: 10/04/18
 CC Date: 10/22/18

Future Land Use
 Providence Group Townhomes
 Haynes Bridge Road



Location Map Provided by:
 Community Development - GIS

CLUP-18-05 / Z-18-09 / V-18-11

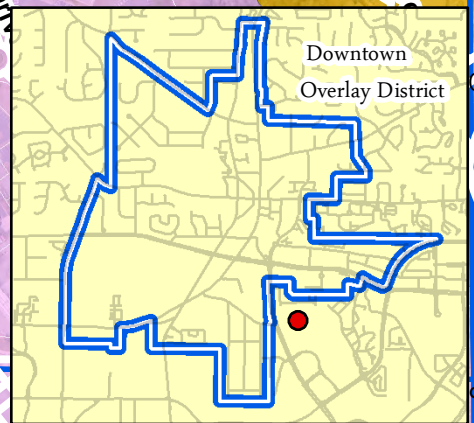


LEGEND

- Case Number
- Land Lots
- Tax Parcels

Zoning Districts

- AG Agriculture
- RE Residential Estates
- R Single Family Detached Residential
- R-4A Single Family Detached Residential (Low Density)
- R-4D Single Family Detached Residential (Medium Density)
- R-8A Single Family Attached Residential (Medium Density)
- R-8D Single Family Detached Residential
- R-8A/D Single Family Attached/Detached Residential
- R-10 Single Family Detached Residential
- R-10M Multiple Family Residential (HD - Historic District)
- R-12 Single Family Detached Residential
- R-15 Single Family Detached Residential
- R-22 Single Family Detached Residential
- CUP Community Unit Plan
- O-P Office Professional
- O-I Office Institutional
- MU Mixed Use
- C-1 Neighborhood Commercial
- C-2 General Commercial
- PSC Planned Shopping Center
- L-I Light Industrial
- OSR Open Space and Recreational
- SU Special Use
- DT-C Downtown Core
- DT-MU Downtown Mixed-Use
- DT-LW Downtown Live-Work
- DT-R Downtown Residential



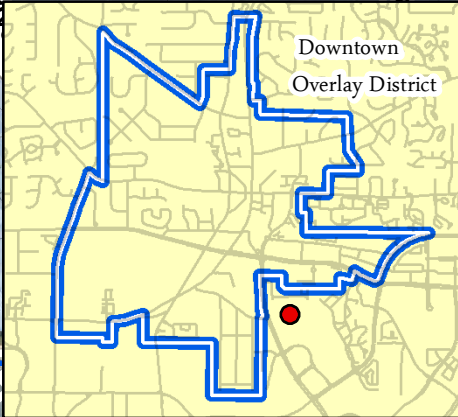
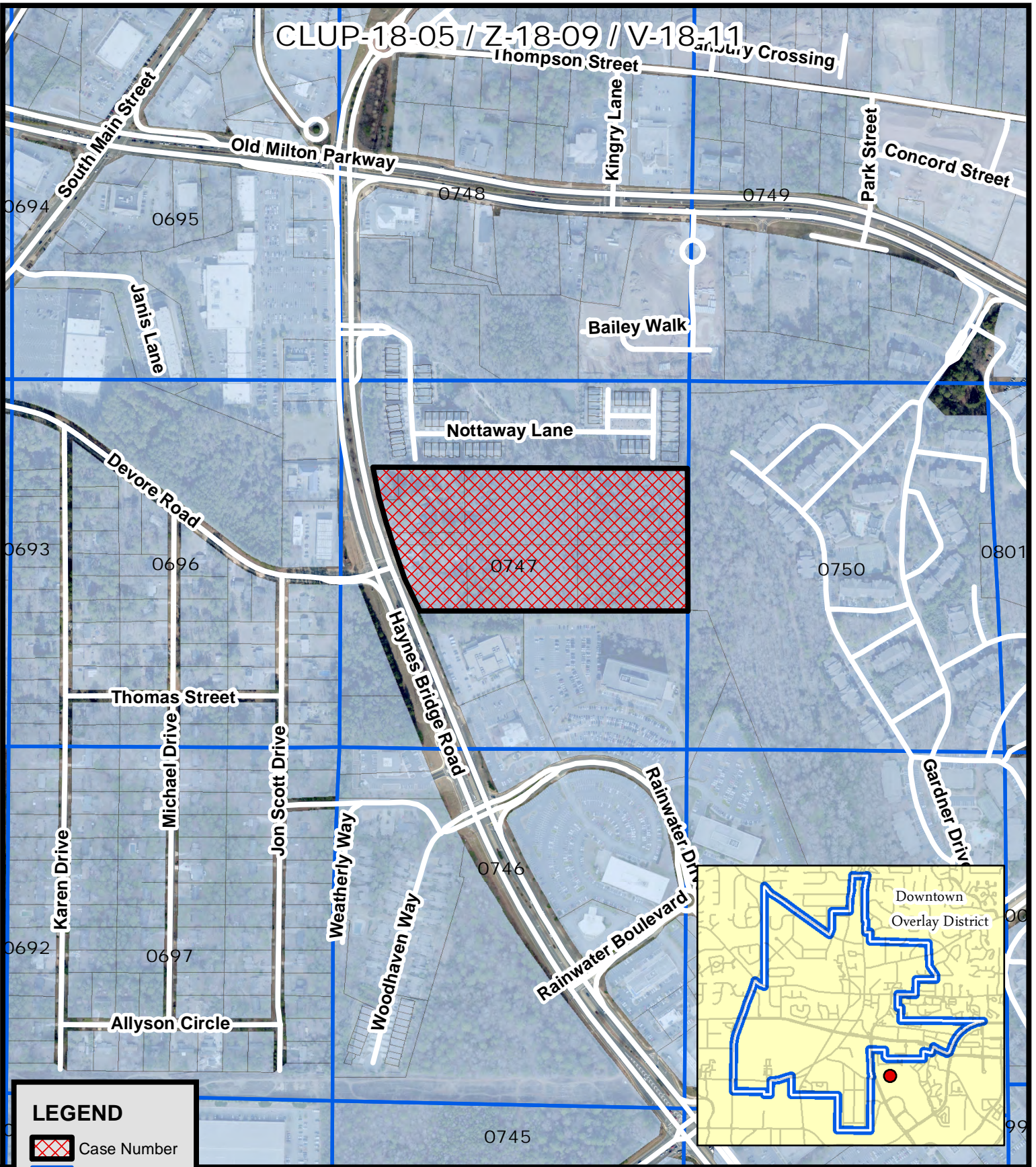
CLUP-18-05 / Z-18-09 / V-18-11
 D/LL: 1/2/747
 PC Date: 10/04/18
 CC Date: 10/22/18

Zoning Districts
 Providence Group Townhomes
 Haynes Bridge Road






Location Map Provided by:
 Community Development - GIS

CLUP-18-05 / Z-18-09 / V-18-11



LEGEND

-  Case Number
-  Land Lots
-  Tax Parcels

Location Map
 Providence Group Townhomes
 Haynes Bridge Road

CLUP-18-05 / Z-18-09 / V-18-11
 D/LL: 1/2/747
 PC Date: 11/01/18
 CC Date: 11/12/18



Location Map Provided by:
 Community Development - GIS

Proposed Elevations 10.19.18



Proposed Elevations 10.19.18



Proposed Elevations 10.19.18



Proposed Elevations 10.19.18



Proposed Elevations 10.19.18



Rear Entry Townhomes





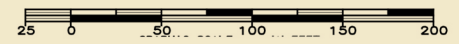




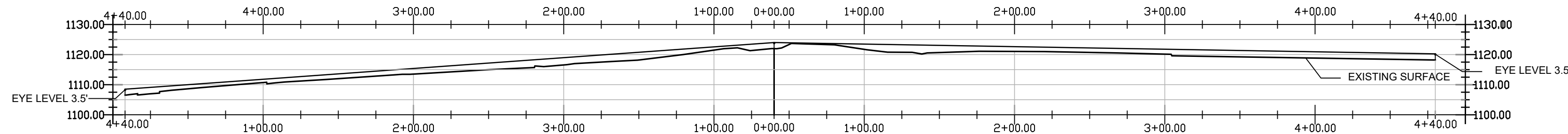




CONCEPT PLAN
 Haynes Bridge Road
 Tract



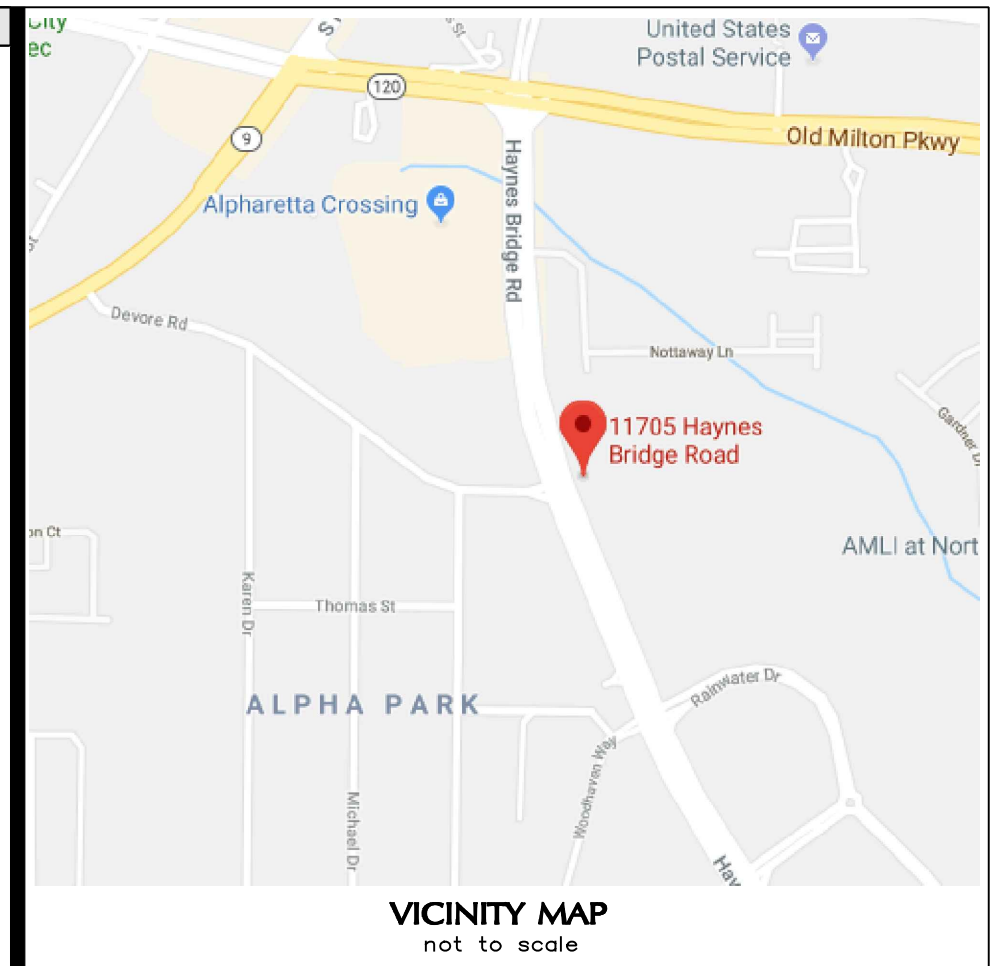
4317 Park Drive, Suite 400
 Norcross, Georgia 30093
 Phone: (770)416-7511
 Fax: (770)416-6759
 www.travispruitt.com



ENTRANCE DISTANCE PROFILE

LEGAL DESCRIPTION TRACT 1

OVERALL BOUNDARY
 ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 747 OF THE 1ST DISTRICT, 2ND SECTION, CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING FROM THE INTERSECTION FORMED BY THE NORTHERLY RIGHT-OF-WAY OF RAINWATER DRIVE (VARIABLE RIGHT-OF-WAY) AND THE EASTERLY RIGHT-OF-WAY OF HAYNES BRIDGE ROAD (VARIABLE RIGHT-OF-WAY), THENCE ALONG SAID EASTERLY RIGHT-OF-WAY OF HAYNES BRIDGE ROAD 779.22 FEET IN A NORTHWESTERLY DIRECTION TO AN IRON PIN SET AT THE POINT OF BEGINNING;
 THENCE CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY OF HAYNES BRIDGE ROAD (RIGHT-OF-WAY VARIES) NORTH 22 DEGREES 00 MINUTES 23 SECONDS WEST A DISTANCE OF 182.24 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 2226.83 FEET AND A LENGTH OF 119.40 FEET, SAID CURVE HAVING A CHORD BEARING OF NORTH 20 DEGREES 28 MINUTES 15 SECONDS WEST AND A CHORD DISTANCE OF 52.64 FEET TO AN IRON PIN SET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 2226.83 FEET AND A LENGTH OF 135.39 FEET, SAID CURVE HAVING A CHORD BEARING OF NORTH 15 DEGREES 50 MINUTES 17 SECONDS WEST AND A CHORD DISTANCE OF 133.31 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 2226.83 FEET AND A LENGTH OF 133.33 FEET, SAID CURVE HAVING A CHORD BEARING OF NORTH 12 DEGREES 22 MINUTES 53 SECONDS WEST AND A CHORD DISTANCE OF 133.31 FEET TO A HALF INCH REBAR FOUND; THENCE DEPARTING SAID RIGHT-OF-WAY NORTH 89 DEGREES 57 MINUTES 57 SECONDS EAST A DISTANCE OF 571.00 FEET TO A HALF INCH REBAR FOUND; THENCE DEPARTING SAID APPROXIMATE LAND LOT LINE SOUTH 89 DEGREES 57 MINUTES 56 SECONDS WEST A DISTANCE OF 1080.17 FEET TO A HALF INCH REBAR FOUND AND SAID POINT BEING THE POINT OF BEGINNING.
 SAID TRACT CONTAINS 666,676 SQUARE FEET OR 15.305 ACRES.



SITE NOTES

SITE AREA	15.30 ACRES
DEVELOPMENT TYPE	
EXISTING ZONING	R-12
PROPOSED ZONING	R-8A/D
PROPOSED LAND USE	TOWNHOUSE
TOTAL UNITS	122
DENSITY	7.97 UNITS PER ACRE

DEVELOPMENT STANDARDS	
26' FRONT ENTRY TOWNS	24
18'-22' REAR ENTRY TOWNS	62
STACKED CONDO UNITS	36
OPEN SPACE	NA

PARKING	
PARKING SPACES	37

- NOTES
- SPEED LIMIT OF HAYNES BRIDGE ROAD IS 45 MPH.
 - ACCORDING TO THE U.S. FISH AND WILDLIFE SERVICE NATIONAL WETLANDS INVENTORY - WETLANDS ARE NOT LOCATED ON THIS SITE.
 - ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP FOR FULTON COUNTY, A PORTION OF THE PROPERTY DOES NOT FALL WITHIN A DESIGNATED FLOOD ZONE "AE" (AREAS OF 100 YEAR FLOOD).
 - WATERS OF THE STATED ARE WITHIN 200' OF THIS PROPERTY.
 - THE CHATTAHOOCHEE RIVER IS NOT WITHIN 2000' OF THIS PROPERTY.
 - COUNTY FIRE DEPARTMENT SHALL APPROVE ROAD LAYOUT AND ENTRANCES.
 - WATER SERVICE SHALL BE PROVIDED BY FULTON COUNTY. EXISTING WATER SERVICE WILL BE USED.
 - SANITARY SEWER SERVICE WILL BE PROVIDED BY FULTON COUNTY. EXISTING SEWER WILL BE TAPPED ON SITE.
 - THE PROPOSED DEVELOPMENT MAY BE GATED AND HAVE PRIVATE STREETS.

VARIANCES:

NO VARIANCES AT THIS TIME.

ZONING PLAN
 HAYNES BRIDGE ROAD

Land Lot 747, 1st District, 2nd Section
 City of Alpharetta
 Fulton County, Georgia

DATE: 11-06-2018
 SCALE: 1" = 60'
 CN: 18059CP 16
 LSV:
 JN:
 FN:

SURVEY NOTES:

- THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE TITLE BLOCK SAID USE DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT EXPRESS PERMISSION BY THE SURVEYOR MAKING SAID PERSON.
- THE SURVEY SHOWN HEREON WAS PREPARED WITHOUT BENEFIT OF ANY ABSTRACT OF TITLE; THEREFORE, BARRON M. DUNN AND TRAVIS PRUITT & ASSOCIATES, INC. MAKE NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS, AND OTHER SIMILAR MATTERS.
- UNLESS OTHERWISE SPECIFIED, ALL DISTANCES AS SHOWN ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET (39.37 INCHES = 1 METER).
- THE PROJECT HORIZONTAL DATUM IS RELATIVE TO THE NORTH AMERICAN DATUM 1983 (NAD83), 2011 ADJUSTMENT, PROJECTED TO THE GEORGIA STATE PLANE COORDINATE SYSTEM WEST ZONE. THE VERTICAL DATUM IS RELATIVE TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) USING THE NATIONAL GEODETIC SURVEY (NGS) GEOID 2012A.
- FLOOD HAZARD NOTE: BY GRAPHIC PLOTTING ONLY, A PORTION OF THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD HAZARD ZONE AND IS DEPICTED AS ZONE "AE" AS DEFINED BY THE FEMA FLOOD INSURANCE RATE MAP OF FULTON COUNTY, GEORGIA AND INCORPORATED AREAS MAP NUMBER 13151C0056F, EFFECTIVE DATE 9/18/13.
- WETLANDS ARE SHOWN PER FIELD LOCATED WETLAND FLAGS PROVIDED BY GMA ENVIRONMENTAL CONSULTING, AS PROVIDED BY TRAVIS PRUITT & ASSOCIATES VIA EMAIL ON 3/15/18.

UTILITY STATEMENT:

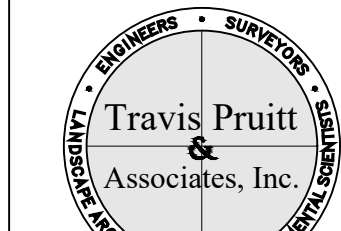
- INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER, AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURE IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURE NOT SHOWN MAY BE ENCOUNTERED BY THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS AND HIS CONTRACTORS. I SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION.

REFERENCE PLAT:

- A SITE PLAN FOR CREME DE LA CREME PREPARED BY DEVELOPMENT CONSULTANTS GROUP DATED 2/18/97.
- RIGHT-OF-WAY PLANS FOR HAYNES BRIDGE ROAD PREPARED BY MORELAND ALTOBELLI & ASSOCIATES DATED 2/9/90, PLANS COMPLETED 1/11/93.
- SURVEY FOR HOWARD T AND ELSIE KNIGHT PREPARED BY DORSEY R. BRUMBLOW DATED 12/6/65.
- SURVEY FOR MR & MRS MARCUS L STRICKLAND PREPARED BY DORSEY R. BRUMBLOW DATED 3/16/63.
- SURVEY FOR WALTER BATES PREPARED BY DORSEY R. BRUMBLOW DATED 10/19/63.
- SURVEY FOR JOHN W BURGESS PREPARED BY DORSEY R. BRUMBLOW DATED 10/19/63.

OWNER/DEVELOPER
thePROVIDENCEgroup
 Warren Jolly
 11340 Lakefield Drive
 Building II, Suite 200
 Johns Creek, Georgia 30097
 Tele: (678) 475-1800

4317 Park Drive, Suite 400
 Norcross, Georgia 30093
 Phone: (770)416-7511
 Fax: (770)416-6759
 www.travispruitt.com

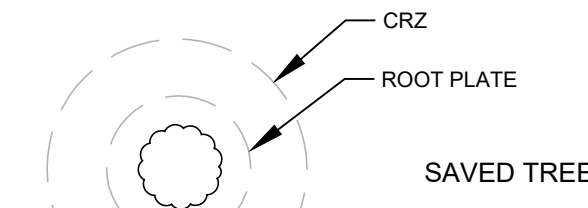


TOWNHOME LOT DATA	REQUIRED	PROPOSED
FRONT SETBACK		10'
MIN. DISTANCE B/N BUILDINGS		40'
FRONT TO FRONT		15'
SIDE TO SIDE		50'
REAR TO REAR		20'
FRONT TO SIDE		
MINIMUM FLOOR AREA	1,200 SF	1,200 SF
MIN. BUILDING WIDTH		18'

PERIMETER SETBACKS	REQUIRED	PROPOSED
FRONT SETBACK HAYNES BRIDGE RD.		65'
SIDE SETBACK		5'
REAR SETBACK		20'
MAXIMUM BUILDING COVERAGE	40%	40%

Curve #	Radius	Length	Chord Length	Chord Direction
C1	2226.83'	119.40'	119.39'	N20° 28' 15"W
C2	2226.83'	52.64'	52.64'	N18° 15' 25"W
C3	2226.83'	135.39'	135.37'	N15° 50' 17"W
C4	2226.83'	133.33'	133.31'	N12° 22' 52"W

LEGEND



Open Space Calculations			
Haynes Bridge Road @ Devore		SF	
Active Amenity Area		29,080	
Dog Park		9,600	
North of Stream		134,200	
South of Stream including Garden Area		64,700	
Frontage after buffer North Entrance		29,100	
Frontage after buffer South Entrance		19,600	
Muse between Townhome Units		3,400	
Muse between Townhome Units		3,400	
Pocket Park at Condo Units		11,100	
Green space between Condo & Townhomes		6,900	Acres
	311,080	7.14	

Total Site	15.3	
Open Space	7.14	47%

CITIZEN PARTICIPATION FORM - PART B

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

Public Hearing or Project Name: CLUP-18-05 / Z-18-09

Contact Name: Warren Jolly

Telephone: 678-2181729

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

none

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Letter | <input type="checkbox"/> Personal Visits |
| <input type="checkbox"/> Telephone | <input type="checkbox"/> Group Meeting |
| <input type="checkbox"/> Email | <input type="checkbox"/> Other (Please Specify) _____ |

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

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

Signature of Authorized Agent: Warren Jolly

Date: 10/9/18

Print Form

THE
PROVIDENCE
GROUP

October 5, 2018

RE: REZONING APPLICATION

Dear Property Owner:

The Providence Group of Georgia, LLC has filed an application to rezone approximately 15.3 acres on Haynes Bridge Road from R-12 to R8A/D to permit the construction of residential development. A site plan of the proposed development is attached for reference.

The Planning Commission meeting is scheduled for Thursday, November 1, 2018 and the City Council meeting is scheduled for Monday, November 12, 2018. Both meetings will be held at 6:30 pm at the Alpharetta City Hall Council Chambers located at 2 Park Plaza, Alpharetta, Georgia. If you have questions or would like additional information, please contact The Providence Group by phone at 678-218-1729, by email at bstitt@theprovidencegroup.com or by mail at 11340 Lakefield Drive, Johns Creek, GA 30097.

Sincerely,



Warren S. Jolly
President

Attachments
Site Plan

ALPHA DEVELOPMENT CORP	1048 WINDING BRANCH CT	ATLANTA GA 30338
ALPHA DEVELOPMENT CORP	P O BOX 92	ALPHARETTA GA 30009
BAILEY JAMES R & BAILEY MARY M	115 NOTTAWAY LANE	ALPHARETTA GA 30009
BRAMBHATT KANAIYALAI S & SAROJINI K	3771 ARC WAY	LAWRENCEVILLE GA 30044
BURGESS B GAIL	11715 HAYNES BRIDGE RD	ALPHARETTA GA 30009-1928
C S H F OF GA INC	1800 CENTURY BLVD NE	ATLANTA GA 30345
CARTER MILLARD T ET AL	884 DOCK LATHAM TRL	BALL GROUND GA 30107
COLLINGS MICHAEL T & COLLINGS LAURA D	121 NOTTAWAY LANE	ALPHARETTA GA 30009
COLONY PARK INC	284 S MAIN ST SUITE 400	ALPHARETTA GA 30009
COOK RAYMA	345 MICHAEL DR	ALPHARETTA GA 30009
COUNTRY MANOR HOMES DEV CORP	284 SOUTH MAIN ST # 600	ALPHARETTA GA 30004
COUNTRY MANOR HOMES DEVELOPMENT CORP	286 S MAIN ST	ALPHARETTA GA 30009
CREME PROPERTIES L P	8400 E PRENTICE AVE SUITE 1320	GREENWOOD VILLAGE CO 80111-2925
DALTEX ALPHARETTA LLC	3715 NORTHSIDE PKWY	ATLANTA GA 30327
DAMERON JULIA	207 NOTTAWAY LANE	ALPHARETTA GA 30009
DANYO DAN	730 COOPER SANDY COVE	ALPHARETTA GA 30004-0801
DASTHAGIR GULAM & NGUYEN THAO T	113 NOTTAWAY LANE	ALPHARETTA GA 30009
DESMOND KERRY M & SHANLEY CATHERINE M	111 NOTTAWAY LANE	ALPHARETTA GA 30009
DOVE JAMES D	292 S. MAIN ST SUITE 500	ALPHARETTA GA 30009
DOVE PAUL F	292 S MAIN ST STE 600	ALPHARETTA GA 30009-1985
EARTHLY MATTERS CONTRACTING INC	1360 UNION HILL RD SUITE 1E	ALPHARETTA GA 30004
FLESHER STEVE R II	336 KAREN DR	ALPHARETTA GA 30009
FORD DEMARCO D	201 NOTTAWAY LANE	ALPHARETTA GA 30009
FOX DIANA M	205 NOTTAWAY LANE	ALPHARETTA GA 30009
FREDO JILL A	203 NOTTAWAY LANE	ALPHARETTA GA 30009
FULTON COUNTY BANK	101 N TRYON ST	CHARLOTTE NC 28255
GRONHOLM SCOTT A & GINGER D	12200 KING CIR	ROSWELL GA 30075
HAYNES PARK NEIGHBORHOOD ASSOCIATION INC	500 SUGAR MILL RD BLDG/STE B200	SANDY SPRINGS GA 30350
HENDERSON SUSAN WEBB STANLEY T	311 ROCK FENCE RD NW	ADAIRSVILLE GA 30103
HERRON CLAUD J & DEANNA G	351 JON SCOTT DR	ALPHARETTA GA 30004-2109
HFT INVESTMENT HOLDINGS LLC	304 KAREN DR	ALPHARETTA GA 30009
HODGSON ENTERPRISES LLC	294 SOUTH MAIN ST # 300	ALPHARETTA GA 30004
HOLIDAY ENTERTAINMENT LLC	1827 POWERS FERRY RD # 5	ATLANTA GA 30339
J & J PROPERTIES INC	P.O. BOX 22147	KNOXVILLE TN 37933

JDR HOLDINGS LLLP	292 SOUTH MAIN ST # 200	ALPHARETTA GA 30004
JMA HOMES ONE SIXTY LLC	PO BOX 768731	ROSWELL GA 30076
JOHNSON GREAG & JOHNSON LYNN PAULETTE BECKMAN	119 NOTTAWAY LANE	ALPHARETTA GA 30009
KARTOS JOHN L	P.O. BOX 22147	KNOXVILLE TN 37933
KENT RONALD & ELIZABETH	294 KAREN DR	ALPHARETTA GA 30009-2114
KIRBO STEVEN W & WALKER MELISSA	117 NOTTAWAY LANE	ALPHARETTA GA 30009
KJM HOLDINGS LLC	895 MANSELL RD	ROSWELL GA 30076
KNIGHT ELSIE BURGESS	11725 HAYNES BRIDGE RD	ALPHARETTA GA 30201
KREIKEMEIER JOHN E & JEAN	292 SOUTH MAIN ST #100	ALPHARETTA GA 30004-1950
LAMBERT DANNY R	315 KAREN DR	ALPHARETTA GA 30009
LEWIS LARRY & LEWIS DAWN V	1962 OLD DOMINION DR	SANDY SPRINGS GA 30350
M V P INVESTMENT CO	4710 LOU IVY RD	DULUTH GA 30096
MANSELL HARRY E	353 MICHAEL DR	ALPHARETTA GA 30009
MIDWEST PROPERTIES LLC	2895 BROOKFIELD CIR	CUMMING GA 30040
MULKEY LAWRENCE W	13630 BIRMINGHAM HWY	ALPHARETTA GA 30004
MULL RONALD C & MULL JACQUELINE D	213 NOTTAWAY LANE	ALPHARETTA GA 30009
NAHSER DONALD P	305 KAREN DR	ALPHARETTA GA 30004-2115
NATIONAL PROPERTIES CORP	P.O. BOX 3475	TULSA OK 74101-3475
NEWSOME BARBARA S & RONALD J	1500 CUMBERLAND CT	ALPHARETTA GA 30009-3120
ORDWAY IAN C	14741 BIRMINGHAM HIGHWAY	MILTON GA 30004
OU YI-CHUNG & CHUO YUN-FANG	123 NOTTAWAY LANE	ALPHARETTA GA 30009
OZER ALI	370 JON SCOTT DR	ALPHARETTA GA 30009
PERLING JONATHAN & ALLYSON	P O BOX 92	ALPHARETTA GA 30009
PETRAKOPOULOS CHARLES GEORGE & ANGELOS GEORGE	371 JON SCOTT DR	ALPHARETTA GA 30009-2109
PETTAS DEMETRIOS ET AL	350 JON SCOTT DR	ALPHARETTA GA 30004
PETTAS DENNIS & PETTAS JENNIFER	2410 SPRINGMONTE PL	CUMMING GA 30041
PURE TAQUERIA LLC	103 ROSWELL ST	ALPHARETTA GA 30009
RICHMOND INVESTMENTS INC	371 ARC WAY	MARIETTA GA 30064
SCHOLES EDWARD J III & SCHOLES MARIA B	211 NOTTAWAY LANE	ALPHARETTA GA 30009
SHANNI ELSIE D	320 KAREN DR	ALPHARETTA GA 30004
SMOTHERS ERIC W & SMOTHERS SHANNON L	209 NOTTAWAY LANE	ALPHARETTA GA 30009
SOURCE CAPITAL INVESTMENTS L L C	330 RHODES CHASE CT	ALPHARETTA GA 30004
STRAY CAT LLC	325 MICHAEL DR	ALPHARETTA GA 30009
STRICKLAND MARCUS L & EDNA B	1235 OLD JONES RD	ALPHARETTA GA 30004

THOMPSON RICHARD L	14315 WYNDHAM FARMS DR	MILTON GA 30004-3264
TRANOR GARY & STEPHEN GARY	346 KAREN DR	ALPHARETTA GA 30004-2116
TRIBBLE DONNA E	285 KAREN DR	ALPHARETTA GA 30009
TWO TWELVE DEVORE ROAD TRUST	312 W MAIN ST	CUMMING GA 30040
VLAHIOTIS JOHN & SOFIA	5310 HUNTERS OAK DR	ALPHARETTA GA 30201-1463
VLM HOLDINGS LLC	1 KING ST APT 202	CHARLESTON SC 29401
WICKS RONALD S & MARY A	270 S MAIN ST	ALPHARETTA GA 30009
WILLIAMS MARGARET	10815 SHAGBARK TRL	ROSWELL GA 30075
WILSON WALTER D SR TR	217 S MAIN ST	ALPHARETTA GA 30004
WRIGHT DAVID & WRIGHT ASHLEY	93 THOMPSON PL	ROSWELL GA 30075

THE
PROVIDENCE
GROUP

Summary of Meetings with Haynes Park Homeowners Association regarding rezoning of Haynes Bridge Road Assemblage.

July 10, 2018 – Warren Jolly of The Providence Group met with Jim Reynolds and Bill (who has since moved) of the Haynes Park HOA Board. Discussion was had regarding square footages of homes, gating of the community, buffers and setbacks along the shared property line and location of the Alpha Loop Trail.

August 2, 2018 – Warren Jolly of the Providence Group met with Jim Reynolds, Jim Fineis and Tom Warner of the Haynes Park HOA Board. Discussion was a follow-up to the previously discussed items. Buffers & Setbacks between the two communities and location of the Alpha Loop.

October 22, 2018 – Warren Jolly of the Providence Group met with Jim Reynolds, Jim Fineis and Tom Warner of the Haynes Park HOA Board. This meeting was to discuss progress and updating of the rezoning application and to further discuss how the development will address buffers and setbacks along the property line. We discussed needing to meet again once Staff Comments are released, in case there are changes to the site plan.

A follow-up meeting is scheduled for October 29, 2018 between The Providence Group and the Haynes Park HOA Board after Staff Comments are finalized. This meeting will be to update the HOA Board with Staff Comments and to walk the property line and demonstrate location of the connection and buffers.



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT
SUBMITTED BY: KATHI COOK
DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: E-18-08 GIBSON/191 ROSWELL STREET PARKING EXCEPTION

CITY COUNCIL: NOVEMBER 12, 2018

This item was heard at the November 1, 2018 Planning Commission meeting. Staff recommended approval of the item subject to 10 conditions. No one spoke for or against the request. After discussion, the Planning Commission recommended to approve the item subject to staff's recommended conditions with the removal of conditions # 1 and 5. Vote (7-0)

II. RECOMMENDATION:

Approve E-18-08 Gibson/191 Roswell Street Parking Exception, subject to the following conditions (~~Redlines below indicate Planning Commission changes to staff recommendation. Bluelines below indicate City Attorney's change to Planning Commission recommendation~~):

- ~~1. Applicant shall enter into a parking agreement with the City prior to receiving a business license. There shall be no regular overnight parking associated with the applicant's use and within the existing Community Center parking lot. Spaces shall be open to the public after office hours. Applicant shall enter into a joint easement agreement with the City, subject to approval by the City Attorney and Staff. There shall be no regular overnight parking associated with the applicant's use and within the existing Community Center parking lot.~~
2. Exterior modifications to the existing building and new buildings shall require DRB approval.
3. Applicant shall remove the 2 curb cuts and driveways on Roswell Street. New curbing shall be provided on Roswell Street where curb cuts removed. Right-of-way required for 8' sidewalk shall be dedicated to the City for future construction by others.
4. Maximum square footage for second building depicted may be reduced to the maximum amount that could be accommodated on the site with required parking. In no case shall more than 9 offsite shared spaces be permitted. If use changes from office than additional parking accommodations may be required.
- ~~5. The 7 constructed parking spaces may be reserved for the applicant's business between the hours of 7AM-5PM, Monday through Friday.~~
6. There shall be no visible outside storage of materials, vehicles or equipment associated with the applicant's business.
7. In-lieu of providing required parking spaces on-site, the applicant shall construct 7 parking spaces as depicted on site plan prepared by Engineering 303, dated 8/17/2018.
8. Trees shall be saved substantially as depicted on the plan prepared by Engineering 303, dated 8/17/2018.
9. Prior to CO, applicant shall dedicate a minimum 16' easement for the Alpha Loop, as depicted on plan prepared by Engineering 303, dated 8/17/2018.
10. Landscape and hardscape shall be installed substantially per plan prepared by Jefferson Land Consulting & Solutions, dated 8/30/2018.

III. REPORT IN BRIEF:

The applicant, Dan Gibson, is requesting a parking special exception to allow required parking to be constructed and met off-site on the adjacent Alpharetta Community Center property. Seven (7) parking spaces are proposed to be constructed on the Community Center property with the balance of required parking met in the existing

Community Center parking lot. The subject property is located at 191 Roswell Street on the west side of Roswell Street and south of the Community Center at Wills Park.

DISCUSSION

The submitted request, if approved, will allow existing and proposed buildings to meet parking requirements on an adjacent City-owned property. A parking special exception is requested to allow for the construction of seven (7) off-site parking spaces and to meet the balance of required parking within the existing Alpharetta Community Center parking lot. The subject property is located at 191 Roswell Street on the west side of Roswell Street and south of the Community Center at Wills Park. The applicant could provide required parking onsite but cars would be crossing over the Alpha Loop to access the lot. Additionally if 7 spaces are built offsite then those could be utilized by the public after hours and on weekends.

The property is located in the Downtown Overlay and is developed with a 2-story, 2,220 square foot duplex that is currently unoccupied. The applicant proposes to convert the existing structure into a professional office, as well as a future 3,000 square foot office building at the rear of the property. The two (2) existing curb cuts and residential driveways are proposed to be removed, which will help improve the aesthetics of the property. The second building should be restricted to a square footage that would accommodate required parking onsite. The offsite parking agreement should be to increase the loop experience and provide more greenspace onsite but not increase density.

The 0.37-acre property is zoned C-2 (General Commercial) and surrounding properties are also zoned C-2, except that the Alpharetta Community Center property to the north is zoned SU (Special Use). The Alpharetta Community Center at Wills Park is located to the north and west, a 2-story office building to the south and a dance studio to the east. The property owner is currently in negotiations to sell the rear 0.62 acres of the property to the City to be combined with the Community Center and Wills Park.



The Downtown Master Plan Update and Alpharetta Downtown Code requirements replaced the City's Historic Downtown Incentive Zoning (HDIZ) in 2015. The City recently updated the Downtown parking requirements to provide for parking in-lieu of fees and parking special exception for downtown businesses that can't meet their required parking on-site. The Code changes allow buildings to be built to the edge of the street, similar to Main Street and Milton Avenue, instead of parking lots between buildings and the street. In order to create a more walkable environment, buildings should front the street and parking should be centralized in a downtown.

The table below provides the required parking required, as well as, proposed constructed parking and shared parking. The maximum parking need in the future is 16 spaces. The remaining balance of parking would require payment into the parking fund for nine (9) spaces; however the applicant is requesting to utilize existing parking spaces in the Community Center parking lot.

Use	SF	Parking Rate	Required Parking
Office (existing bldg.)	2,220 SF	3/1,000 SF	7
Office (future bldg.)	3,000 SF	3/1,000 SF	9
Subtotal			16
Constructed Parking on Community Center Property (off-site)			7
Parking Shortfall/Proposed Shared Parking in Existing Community Center Parking Lot (off-site)			9

SITE PLAN

The submitted site plan depicts an existing 2-story, 2,220 square foot duplex to be renovated and converted to a professional office and a future 2-story, 3,000 square foot office building at the rear of the property. The property is only 60' wide, including the frontage along Roswell Street. Two (2) existing residential driveways are proposed to be removed and replaced with seven (7) parking spaces constructed on the adjacent Alpharetta Community Center property. The new parking spaces make up an area of 1,451 square feet on the City's property. The applicant proposes to meet the balance of required parking utilizing shared parking within the existing Community Center parking lot.

A 12' section of the Alpha Loop is depicted along the common property line between the applicant's property and the Community Center property, providing a connection to Wills Park. A 16' easement is provided over the Alpha Loop section within the applicant's property, which constitutes an area of 2,118 square feet. The applicant proposes to dedicate a permanent easement to the City for the Alpha Loop through the subject property and allow the public to use the 7 constructed spaces after office hours. This section of Alpha Loop would connect to GDOT's proposed realignment of Devore Road, which will eventually connect to Roswell Street just south of the applicant's property.

EXCEPTION REVIEW CRITERIA

The City of Alpharetta Unified Development Code Article IV, Section 4.5.3 outlines the criteria set forth for granting an exception. The ordinance specifically states..."an exception may be granted upon a finding that":

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; or

Response: The subject property is only 60' wide, including the frontage along Roswell Street. On-site parking on small downtown parcels is difficult to accommodate, which is why encouraging shared parking and off-site parking agreements is important to a thriving downtown. Downtowns are walkable, which can take advantage of creative solutions to parking. The applicant could accommodate parking onsite but this exception would allow the public to use their spaces after hours, allow more greenspace by sharing unused spaces and prevent vehicles crossing over the loop.

(2) The application of the Ordinance to this particular piece of property would create an unnecessary hardship; or

Response: The subject property is only 60' wide, including the frontage along Roswell Street. Removal of the two (2) existing residential driveways is consistent with the Alpharetta Downtown Code, which does not allow parking between the street and the structure. On-site parking on small downtown parcels is difficult to accommodate, which is why encouraging shared parking and off-site parking agreements is important to a thriving downtown.

(3) There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned; or

Response: The subject property is only 60' wide, including the frontage along Roswell Street. Removal of the two (2) existing residential driveways is consistent with the Alpharetta Downtown Code, which does not allow parking between the street and the structure. On-site parking on small downtown parcels is difficult to accommodate, which is why encouraging shared parking and off-site parking agreements is important to a thriving downtown.

(4) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the City of Alpharetta ordinances.

Response: On-site parking on small downtown parcels is difficult to accommodate, which is why encouraging shared parking and off-site parking agreements is key to a thriving downtown. 10 Roswell Street (Corner Deli Building) was granted a parking special exception to allow a music venue with off-site parking agreements.

CONCURRENCES

Staff has reviewed the application and is generally in agreement with the request for parking special exception. The applicant's site is ideally situated near public parking and the applicant proposes to construct additional parking spaces in the Community Center parking lot, which will be shared. It is difficult to provide on-site parking on small downtown parcels as it would limit density and in some areas parcels would be purchased and developed solely for the purpose of surface parking. This could be a detriment to building connectivity and needed density along downtown streets. It should be noted that each request for parking special exception is based upon the available inventory at the request time. Approval of this application would benefit the Community Center by providing spaces after office hours that are typically needed for busy recreational programs.

CITIZEN PARTICIPATION PLAN

The 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 no comments were received.

COMMUNITY ZONING INFORMATION MEETING

The CZIM was held on October 10, 2018. One (1) citizen signed-in, but had no comments.

IV. ATTACHMENTS:

- Site Plan

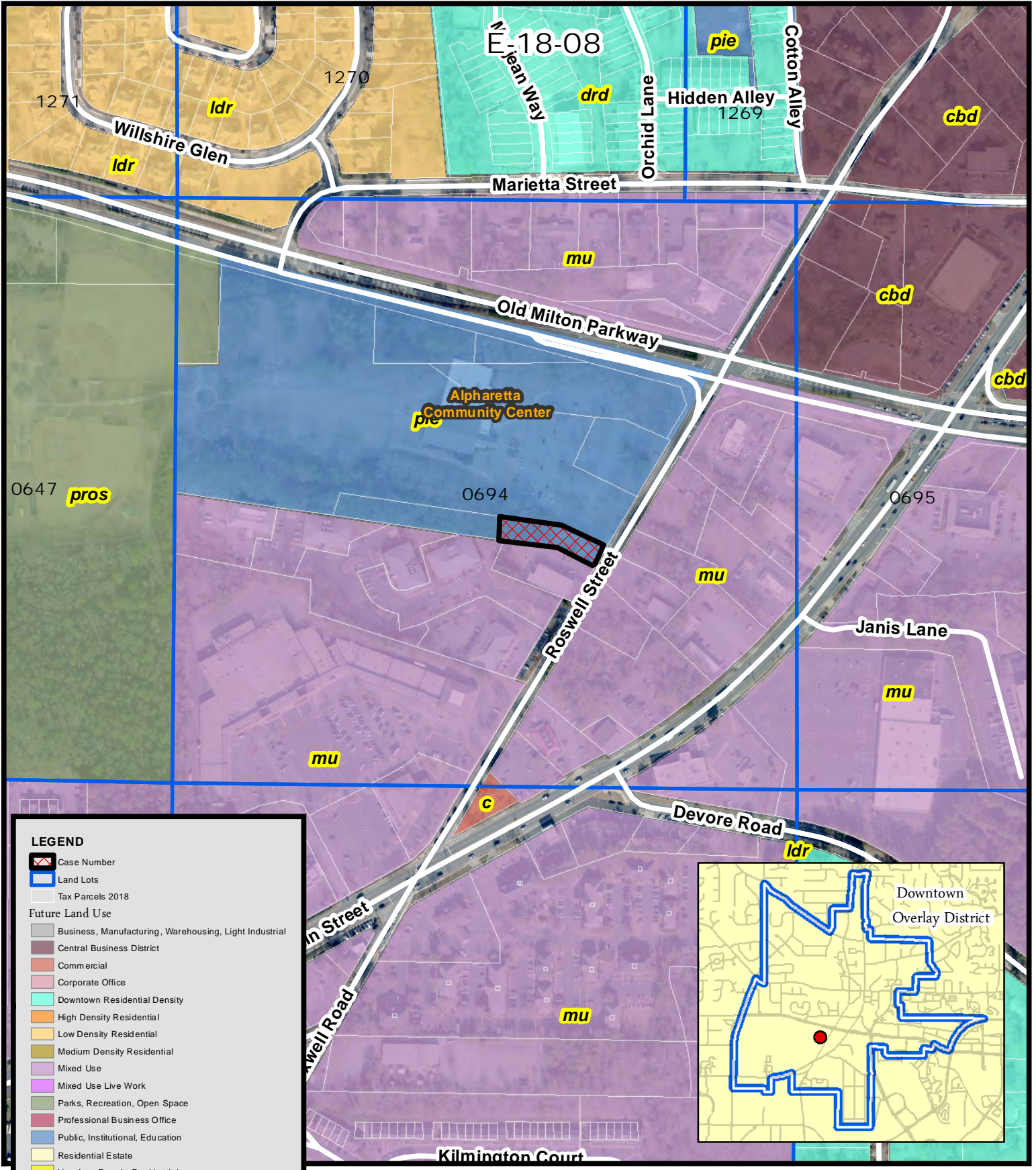


Aerial Map
 Gibson Parking Exception
 191 Roswell Street

E-18-08
 D/LL: 1/2/694
 PC Date: 11/01/18
 CC Date: 11/12/18

Location Map Provided by:
 Community Development - GIS





LEGEND

- Case Number
- Land Lots
- Tax Parcels 2018

Future Land Use

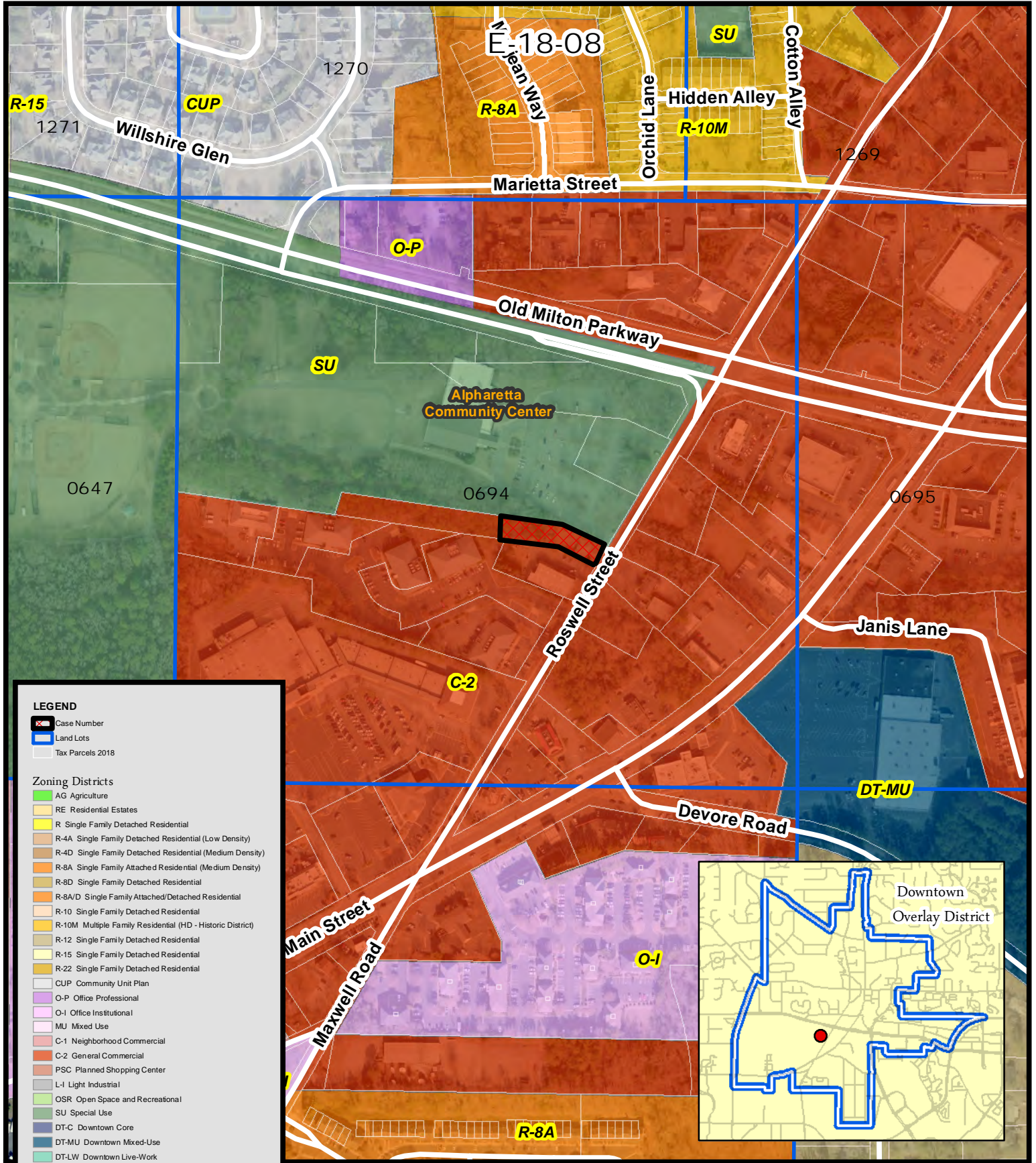
- Business, Manufacturing, Warehousing, Light Industrial
- Central Business District
- Commercial
- Corporate Office
- Downtown Residential Density
- High Density Residential
- Low Density Residential
- Medium Density Residential
- Mixed Use
- Mixed Use Live Work
- Parks, Recreation, Open Space
- Professional Business Office
- Public, Institutional, Education
- Residential Estate
- Very Low Density Residential

Future Land Use
 Gibson Parking Exception
 191 Roswell Street

E-18-08
 D/LL: 1/2/694
 PC Date: 11/01/18
 CC Date: 11/12/18



Location Map Provided by:
 Community Development - GIS



LEGEND

- Case Number
- Land Lots
- Tax Parcels 2018

Zoning Districts

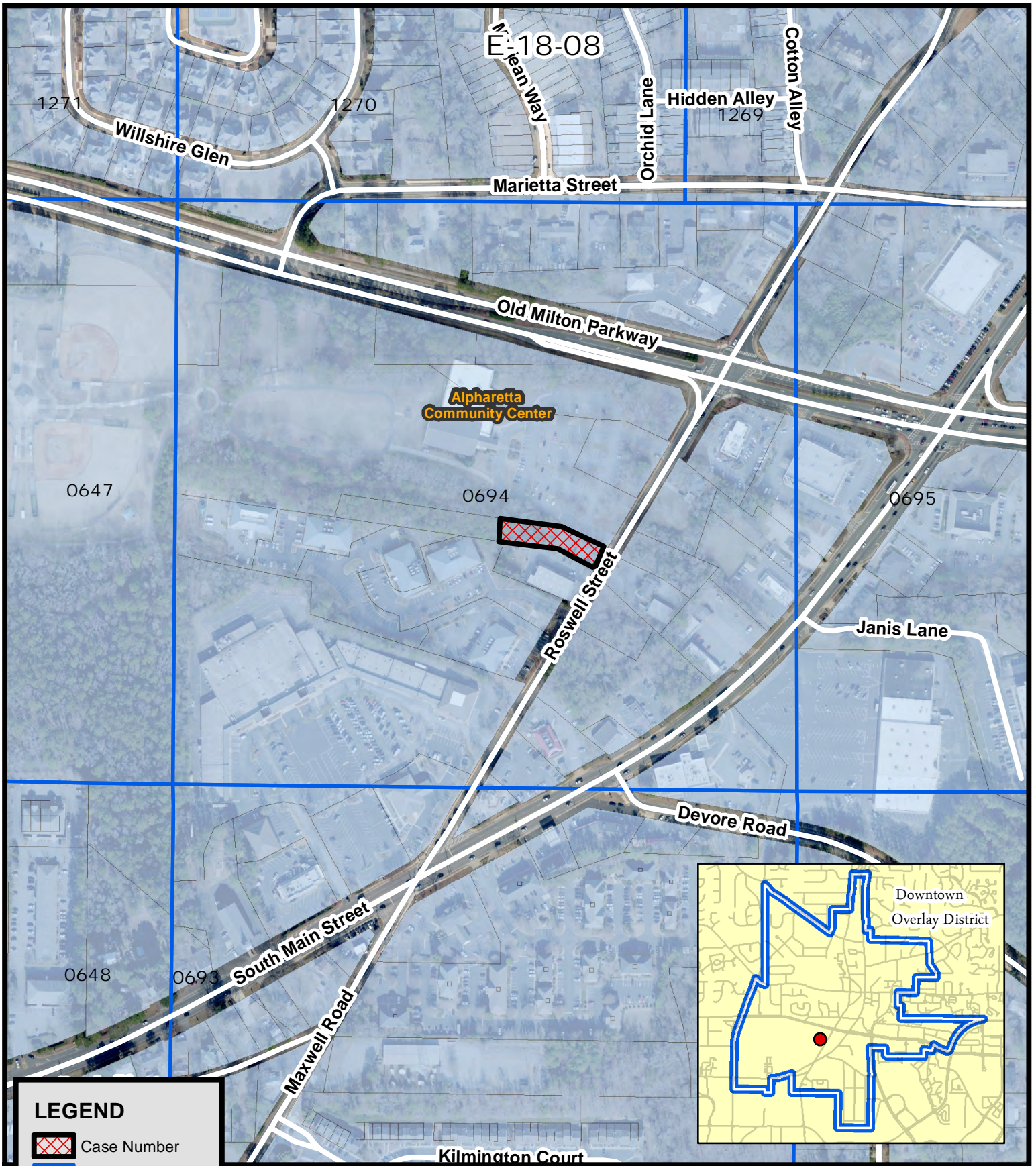
- AG Agriculture
- RE Residential Estates
- R Single Family Detached Residential
- R-4A Single Family Detached Residential (Low Density)
- R-4D Single Family Detached Residential (Medium Density)
- R-8A Single Family Attached Residential (Medium Density)
- R-8D Single Family Detached Residential
- R-8A/D Single Family Attached/Detached Residential
- R-10 Single Family Detached Residential
- R-10M Multiple Family Residential (HD - Historic District)
- R-12 Single Family Detached Residential
- R-15 Single Family Detached Residential
- R-22 Single Family Detached Residential
- CUP Community Unit Plan
- O-P Office Professional
- O-I Office Institutional
- MU Mixed Use
- C-1 Neighborhood Commercial
- C-2 General Commercial
- PSC Planned Shopping Center
- L-I Light Industrial
- OSR Open Space and Recreational
- SU Special Use
- DT-C Downtown Core
- DT-MU Downtown Mixed-Use
- DT-LW Downtown Live-Work
- DT-R Downtown Residential

Zoning Map
 Gibson Parking Exception
 191 Roswell Street




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Location Map Provided by:
 Community Development - GIS



LEGEND

-  Case Number
-  Land Lots
-  Tax Parcels 2018

Location Map
Gibson Parking Exception
191 Roswell Street

E-18-08
D/LL: 1/2/694
PC Date: 11/01/18
CC Date: 11/12/18

Location Map Provided by:
Community Development - GIS



CITIZEN PARTICIPATION FORM - PART B

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

Public Hearing or Project Name: 191 Roswell Street

Contact Name: Dan Gibson, Owner Telephone: 77-667-5010

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

Any communications received will be communicated with Staff.

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

- | | |
|--|--|
| <input checked="" type="checkbox"/> Letter | <input type="checkbox"/> Personal Visits |
| <input type="checkbox"/> Telephone | <input type="checkbox"/> Group Meeting |
| <input type="checkbox"/> Email | <input type="checkbox"/> Other <i>(Please Specify)</i> _____ |

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

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

Signature of Authorized Agent:

Rhonda Ledbetter

Rhonda Ledbetter, Engineering 303, 770-442-0500

Date: 10/10/18

Print Form

KARTOS JOHN L
P.O. BOX 22147
KNOXVILLE TN 37933

WILSON WALTER D SR TR
217 S MAIN ST
ALPHARETTA GA 30004

HAIGLER CAPITAL LLC
164 ROSWELL ST
ALPHARETTA GA 30009

CITY OF ALPHARETTA
2 SOUTH MAIN ST
ALPHARETTA GA 30004

CITY OF ALPHARETTA
2 SOUTH MAIN ST NE
ALPHARETTA GA 30004

HAIGLER CAPITAL LLC
2005 OLD MILTON PKWY
ALPHARETTA GA 30009

KARTOS JOHN L
P.O. BOX 22147
KNOXVILLE TN 37933

FIFTH AVENUE MISSION LLC
1141 SHERIDAN RD NE
ATLANTA GA 30324-3714

TALLANT PROPERTIES LLC
206 HIDDEN RIVER DR
WOODSTOCK GA 30188

FULTON COUNTY BANK
101 N TRYON ST
CHARLOTTE NC 28255

ROYAL ROSWELL LLC
2655 HERMITAGE DR
CUMMING GA 30041

CITY OF ALPHARETTA
2 S SOUTH MAIN ST
ALPHARETTA GA 30004-1936

J & J PROPERTIES INC
P.O. BOX 22147
KNOXVILLE TN 37933

CANOPY MAIN STREET INC
300 WILMOT
DEERFIELD IL 60015

NAVIGATOR REAL ESTATE HOLDINGS LLC
790 PERSHING RD
RALEIGH NC 27608

KARTOS JOHN L
P.O. BOX 22147
KNOXVILLE TN 37933

ALPHA DEVELOPMENT CORP
P O BOX 92
ALPHARETTA GA 30009

YOUNG DEER PROPERTIES LLC
5887 GLENRIDGE DR SUITE 150
ATLANTA GA 30328

BRAMBHATT KANAIYALAI S & SAROJINI K
3771 ARC WAY
LAWRENCEVILLE GA 30044

CITY OF ALPHARETTA
2 S SOUTH MAIN ST
ALPHARETTA GA 30004-1936

STAFF TECH INVESTMENTS LLC
221 ROSWELL ST
ALPHARETTA GA 30009

AARENE REAL ESTATE HOLDINGS LLC
296 THOMPSON ST
ALPHARETTA GA 30004

PROVIDENCE PARTNERS GROUP LLC
204 MARIETTA ST
ALPHARETTA GA 30004

CITY OF ALPHARETTA
2 SOUTH MAIN ST
ALPHARETTA GA 30004

WILSON WALTER D SR TR
217 S MAIN ST
ALPHARETTA GA 30004

CITY OF ALPHARETTA
2 SOUTH MAIN ST
ALPHARETTA GA 30004-0349

THE LIONHEART SCHOOL INC
225 ROSWELL ST
ALPHARETTA GA 30009-1933

BRUNA LLC
P O BOX 1324
ALPHARETTA GA 30009

ONE NINE ONE ROSWELL STREET LLC
3105 SALISBURY DR
ALPHARETTA GA 30004

AMANA ACADEMY INC
285 S MAIN ST
ALPHARETTA GA 30009

October 9, 2018

City of Alpharetta
2 Park Plaza
Alpharetta, Georgia 30009

RE: Variance Application by Dan Gibson for 191 Roswell Street, Alpharetta, GA for Shared Parking

Dear Property Owner,

Dan Gibson has filed a variance application for 191 Roswell Street in Alpharetta, Georgia to permit shared parking with the City of Alpharetta Community Center.

The Planning Commission meeting is scheduled for Thursday, November 1, 2018 and the City Council Meeting is scheduled for Monday, November 12, 2018. Both meetings are at 6:30 p.m. in City Hall. If you have any questions or would like additional information, please contact Dan Gibson at dan@gibsonconstructioncompany.com.

A site plan is attached for your consideration.

Sincerely,

Dan Gibson

This drawing is the property of Engineering303, LLC, and is not to be reproduced or copied in whole or in part or used for furnishing information to others, or for any other purpose detrimental to the interest of Engineering303, LLC, and is to be returned upon request.

ABBREVIATION LEGEND:

BC	= back of curb
C&G	= curb and gutter
CB	= catch basin
CD	= check dam
CL	= centerline
CMF	= concrete monument found
CMP	= corrugated metal pipe
CO	= clean out
CT	= crimp top pin
DI	= drop inlet
DIP	= ductile iron pipe
DWCB	= dbl. wing catch basin
EP	= edge of pavement
FC	= face of curb
FES	= flared end section
FH	= fire hydrant
GI	= grate inlet
GW	= guy wire
GP	= guy pole
HW	= head wall
IPF	= iron pin found
IPS	= iron pin set
JB	= junction box
INV	= invert
L.L.L.	= land lot line
LP	= light pole
MH	= manhole (sanitary sewer)
OCS	= outlet control structure
OT	= open top pipe
PL	= property line
PP	= power pole
RB	= reinforcing bar
RCP	= reinforced concrete pipe
R/W	= right-of-way
TB	= thrust blocking
TSP	= traffic signal pole
TSB	= traffic signal box
TP	= telephone pole
TSP	= traffic signal pole
WM	= water meter
WV	= water valve
YI	= yard inlet

SYMBOL LEGEND:

	= existing concrete
	= existing asphalt
	= existing gravel/riprap
	= fire hydrant
	= guy wire
	= light pole
	= power pole
	= sanitary sewer manhole
	= clean out
	= transformer
	= water meter
	= single wing catch basin
	= grate inlet
	= junction box
	= head wall
	= buffer
	= bldg setback
	= fence
	= overhead electric
	= underground electric
	= water line
	= sanitary line
	= gas line
	= computed point

Legend

	Existing Asphalt		Existing Building
	Proposed Parking		Future Development
	Landscaped Area		Proposed Permeable Paver Area
	Proposed City Property		Pedestrian Connection Trail

Underground Detention Facility to be designed during permitting of future development.

Engineer

Engineering303, LLC
108 Allen Street
Cumming, Ga. 30040
Contact: Brian King
Phone: 770-442-0500
brian@engineering303.com

Developer

Gibson Construction
12460 Crabapple Road
Alpharetta, GA .30004
24 Hour Contact:
Mr. Dan Gibson
Phone: 770.667.5010

Owner

One Nine One Roswell Street LLC
3105 Salisbury Drive
Alpharetta, GA 30004



LOCATION MAP NOT TO SCALE

Site Area

Total Site Area: 0.99 Acres
Proposed Parcels:
Tract 1A: 0.37 Ac (16,070 SF)
Tract 1B: 0.62 Ac (27,000 SF)

Impervious Area

Pre-Development: 2,665 SF
Proposed On Site: 3,823 SF
Proposed Off Site: 1,471 SF

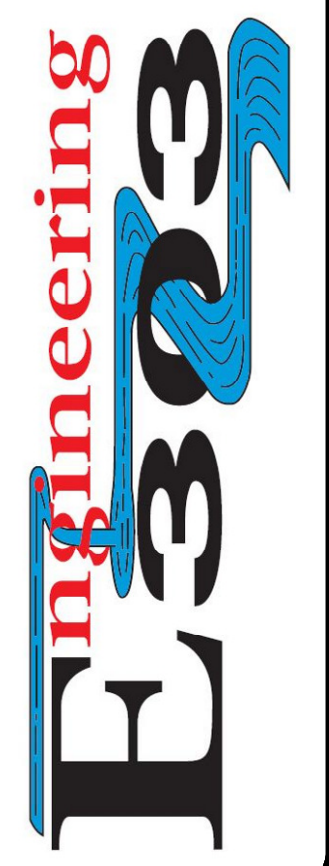
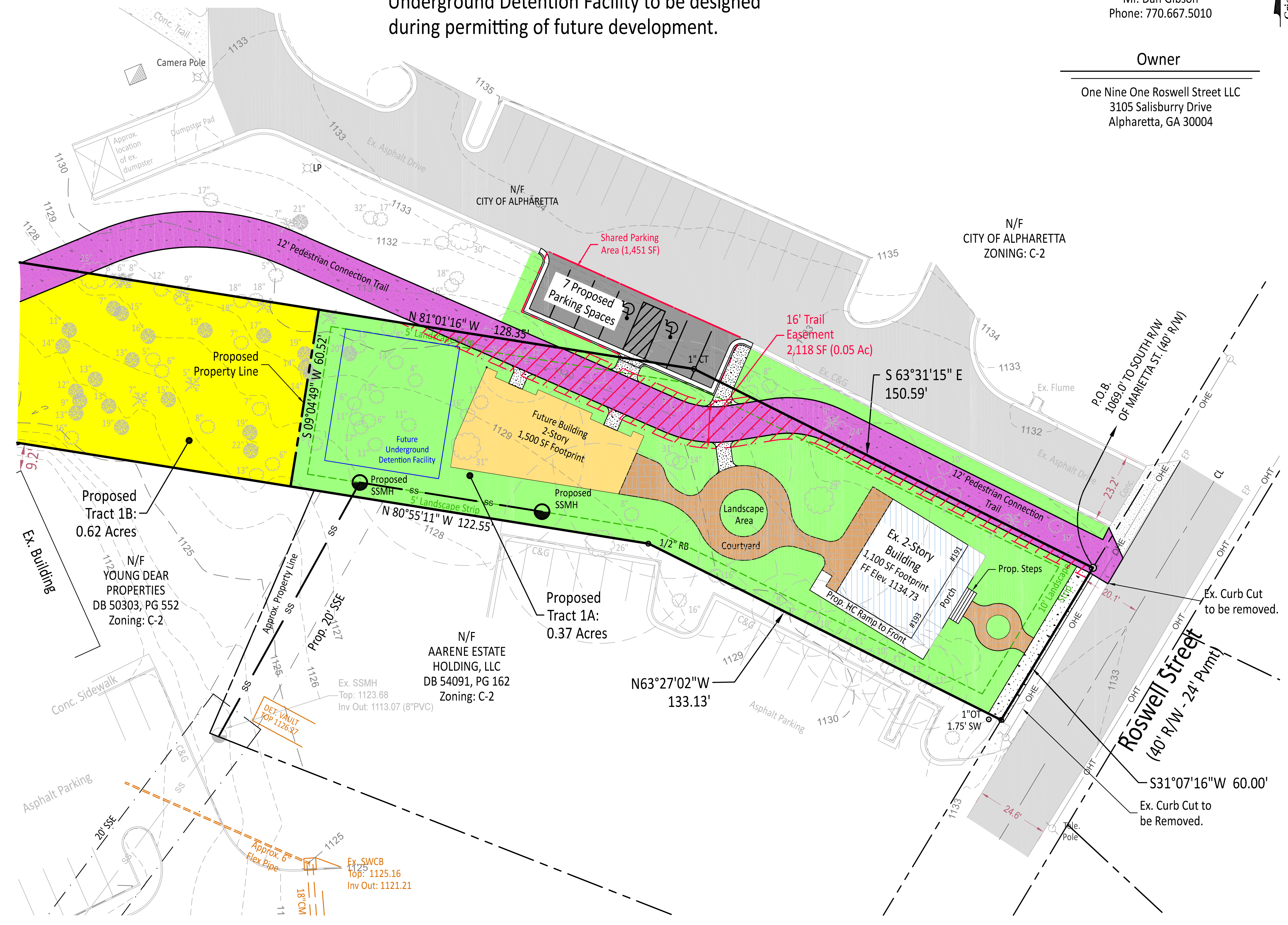
Parcel Information

Address: 191 Roswell Street
Parcel ID: 12 258306940130
Zoning: C-2, General Commercial
Overlay District: Downtown
Proposed Use: Office

Building Setbacks:
Front: Conditional
Side: Conditional
Rear: 10'

Landscape Strips:
10' adjacent to Roswell Street
5' Exterior Property Lines

Required Parking:
Per Overlay: 3 spaces/1,000 GSF: 16 spaces
Proposed Parking: 7 spaces including 2 HC







Conceptual Site Plan for:
191 Roswell Street
Dan Gibson
City of Alpharetta
1st District, 2nd Section
Fulton County, GA
Land Lot 684

Civil Engineering, Land Surveying,
Stream and Wetland Restoration
108 Allen Street Cumming, Georgia 30040
Phone: 770-442-0500 www.engineering303.com

Drawn: RL
Date: 8-17-18
Sheet
Site-1
Project Number
18-4404

Tree Plan

-  EXISTING TREE CANOPY
-  ORNAMENTAL HARDWOOD
-  EVERGREEN FLOWERING SHRUBS
-  LAWN



**JEFFERSON
LAND
CONSULTING
& SOLUTIONS**

Ph 678.776.7463
info@JeffersonLandConsulting.com



ISA CERT. ARBORIST #SO-10037A
EXP. 04.20.2019
LEVEL II E&S CERT. #43626
EXP. 06.07.2019

191 ROSWELL ST
191 ROSWELL STREET
ALPHARETTA, GA 30032
LAND LOT 694
CITY OF ALPHARETTA, GA

DATE: 08.30.18

Revisions:
-

THIS IS A SCHEMATIC PLAN AND ALL FEATURES OF THIS PLAN ARE SUBJECT TO CHANGE AND ARE SUBJECT TO LOCAL ZONING AND BUILDING CODES WHICH SHALL BE VERIFIED PRIOR TO SUBMITTING FINAL PLANS TO THE RULING MUNICIPALITY OR PRIOR TO CONSTRUCTION, WHICHEVER COMES FIRST.

CONCEPTUAL
TREE PLAN

L1.1.0

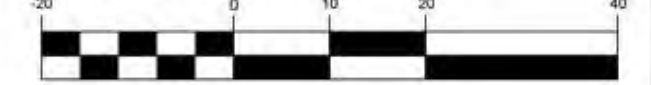


Know what's below.
Call before you dig.



SITE INFORMATION BASED ON EXISTING SITE
CONDITIONS PLAN PREPARED BY
ENGINEERING 303 DATED 07/24/2018.

SCALE : 1"=20'



CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: _____

 Fee Paid Initial: _____

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

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

Contact Information:

Contact Name: **Dan Gibson** Telephone: **770-667-5010**

Address: **12460 Crabapple Road** Suite: _____

City: **Alpharetta** State: **GA** Zip: **30004** Fax: _____

Mobile Tel: **770-667-5010** Email: **dan@gibsonconstructioncompany.com**

Subject Property Information:

Address: **191 Roswell Street** Current Zoning: **C-2**

District: **1st** Section: **2nd** Land Lot: **694** Parcel ID: **12 258306940130**

Proposed Zoning: **N/A** Current Use: **Vacant duplex**

This Application For (Check All That Apply):

- | | |
|---|---|
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Master Plan Amendment |
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Master Plan Review |
| <input checked="" type="checkbox"/> Variance | <input type="checkbox"/> Public Hearing |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Other (Specify): _____ |

APPLICANT REQUEST AND INTENT

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

Office

Applicant's Request (Please itemize the proposal):

Shared parking to consist of 7 proposed parking spaces and 9 existing parking spaces in the adjacent Community Center parking lot.

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

Update/remodel existing building with a front porch & handicap accessible ramp addition as well as front pedestrian access accented with landscaping. A proposed 2-story (+/- 3,000 sf) building in the rear to be built at a future time. Both buildings to be used as office space.

BOARD OF ZONING APPEALS REVIEW CRITERIA

Please respond to the following ONLY if you are applying for a zoning variance.

Are there extraordinary and exceptional conditions pertaining to the subject property because of its size, shape, or topography? Please describe them.

The property is narrow and long thus limiting the area to add additional parking with access to be contained within the property limits.

Would the application of the Zoning Code standards as they relate to the subject property create an unnecessary hardship? Please explain.

Yes, the required parking with driveway access is unable to be located within the limits of the property.

Are there conditions that are peculiar to the subject property? Please describe them in detail.

Would relief, if granted, cause substantial detriment to the public good or impair the purpose and intent of the Zoning Code? Please defend your response.

No. This is an opportunity to enhance and upgrade this property in order to create a more aesthetically appealing office space thus bringing business back into an otherwise vacant and unused building space.

On a separate sheet or sheets, please provide any information or evidence that supports your request and the statements that you have provided in this application.

GIBSON PARKING EXCEPTION

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Daniel Payne Gibson Telephone: (404) 456-8869

Address: 191 Roswell St. Suite:

City: Alpharetta State: GA Zip: 30009

Authorization:

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

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

- Annexation, Special Use, Rezoning, Conditional Use, Variance Shared Parking, Master Plan, Land Use Application, Other

Identify Authorized Applicant: Engineering 303

Name of Authorized Applicant: Rhonda Ledbetter Telephone: (770) 442-0500

Address: 108 Allen Street Suite:

City: Cumming State: GA Zip: 30090

So Sworn and Attested: Owner Signature: [Signature] Date: 8/30/18

Notary: Tiffany Darracott Notary Signature: [Signature] Date: 8/30/18



DISCLOSURE FORM

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

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

Name of Applicant or Opponent: Daniel Payne Gibson

Subject Public Hearing Case: _____

Campaign Contribution Information:

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

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

Name of Official: N/A Position: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

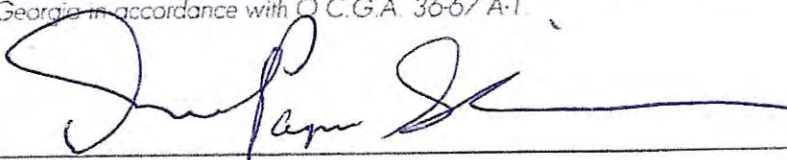
Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: N/A Value: _____

Campaign Contribution Information:

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

Signature:  Date: 8/29/18

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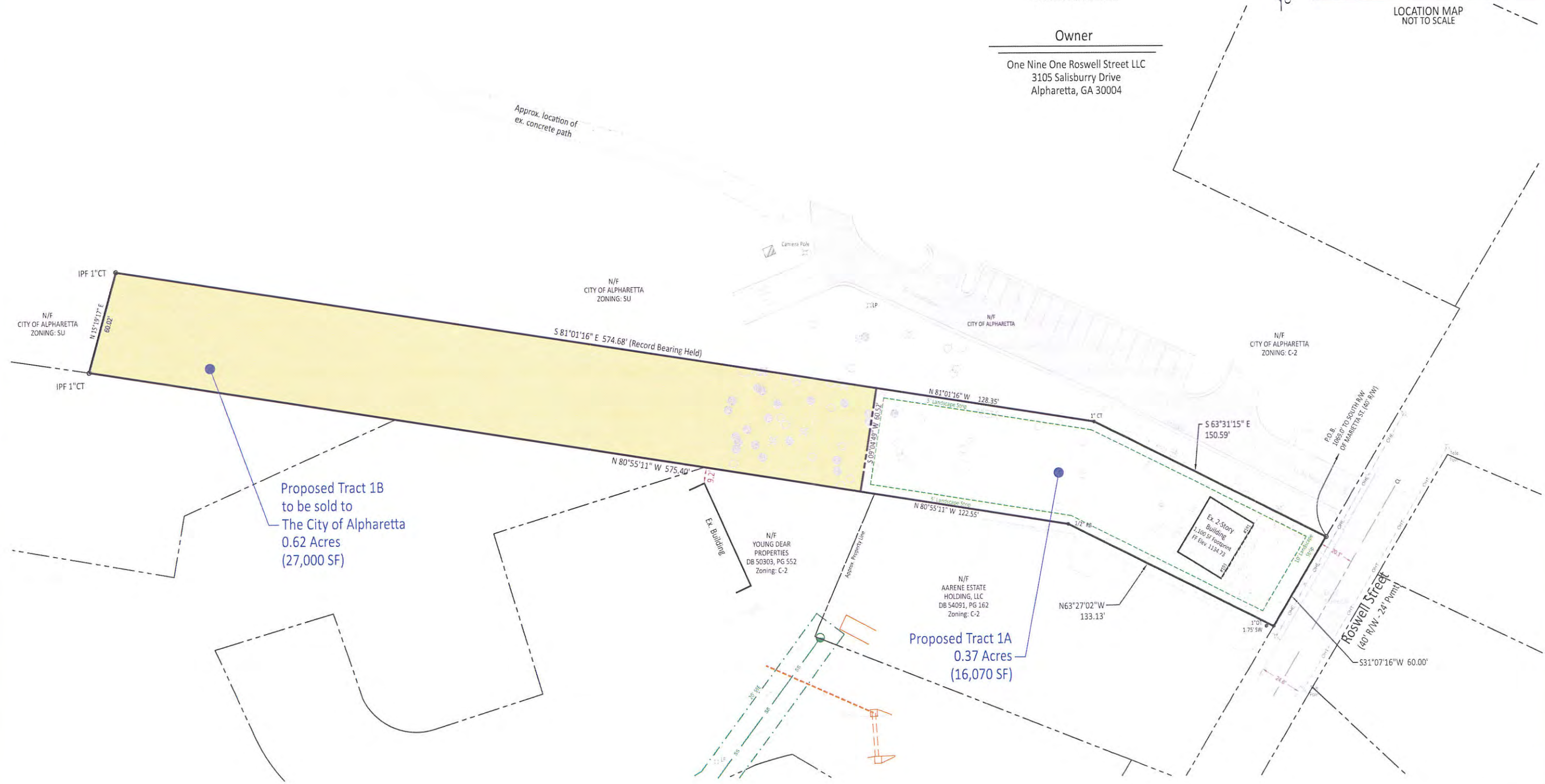
GIBSON PARKING EXCEPTION



Engineer
Engineering303, LLC
108 Allen Street
Cumming, Ga. 30040
Contact: Brian King
Phone: 770-442-0500
brian@engineering303.com

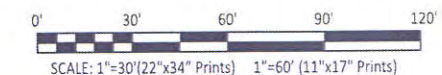
Developer
Gibson Construction
12460 Crabapple Road
Alpharetta, GA .30004
24 Hour Contact:
Mr. Dan Gibson
Phone: 770.667.5010

Owner
One Nine One Roswell Street LLC
3105 Salisbury Drive
Alpharetta, GA 30004



Proposed Tract 1B
to be sold to
The City of Alpharetta
0.62 Acres
(27,000 SF)

Proposed Tract 1A
0.37 Acres
(16,070 SF)



SCALE: 1"=30'(22"x34" Prints) 1"=60'(11"x17" Prints)

Existing Conditions for:
191 Roswell Street
Dan Gibson
City of Alpharetta
1st District, 2nd Section
Land Lot 694
Fulton County, GA

Civil Engineering, Land Surveying,
Stream and Wetland Restoration
108 Allen Street Cumming, Georgia 30040
Phone: 770-442-0500 www.engineering303.com

Drawn: RL
Date: 7-24-18
Sheet
Ex. Cond.-1
Project Number
18-4404

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Grid-Ga West



LOCATION MAP
NOT TO SCALE



Engineer

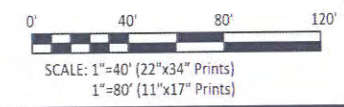
Engineering303, LLC
108 Allen Street
Cumming, Ga. 30040
Contact: Brian King
Phone: 770-442-0500
brian@engineering303.com

Developer

Gibson Construction
12460 Crabapple Road
Alpharetta, GA .30004
24 Hour Contact:
Mr. Dan Gibson
Phone: 770.667.5010

Owner

One Nine One Roswell Street LLC
3105 Salisbury Drive
Alpharetta, GA 30004



Aerial View for:
191 Roswell Street
Dan Gibson
City of Alpharetta
1st District, 2nd Section
Fulton County, GA
Land Lot 694



Civil Engineering, Land Surveying,
Stream and Wetland Restoration
108 Allen Street Cumming, Georgia 30040
Phone: 770-442-0500 www.engineering303.com

Drawn: RL
Date: 7-24-18
Sheet
Aerial-1
Project Number
18-4404

LEGAL DESCRIPTION (as shown on survey):

LYING WITHIN THE CITY OF ALPHARETTA, SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF INTERSECTION OF THE SOUTHERN RIGHT-OF-WAY OF MARIETTA STREET (40' R/W) AND THE NORTH RIGHT-OF-WAY OF ROSWELL STREET (40' R/W); THENCE, SOUTHWESTERLY FOLLOWING ALONG SAID RIGHT-OF-WAY OF ROSWELL STREET, A DISTANCE OF 1,069.0 FEET TO A POINT, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE, CONTINUING ALONG SAID RIGHT-OF-WAY, S.31°07'16"W. A DISTANCE OF 60.00 FEET TO A POINT; THENCE, DEPARTING SAID RIGHT-OF-WAY, N.63°27'02"W. A DISTANCE OF 133.13 FEET TO A POINT; THENCE, N.80°55'11"W. A DISTANCE OF 575.40 FEET TO A POINT; THENCE, N.15°19'17"E. A DISTANCE OF 60.02 FEET TO A POINT; THENCE, S.81°01'16"E. A DISTANCE OF 574.68 FEET TO A POINT; THENCE, S.63°31'15"E. A DISTANCE OF 150.59 FEET TO A POINT ON THE NORTHERN RIGHT-OF-WAY OF ROSWELL STREET, SAID BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 0.9887 ACRES.

FLOOD HAZARD NOTE:

THIS PROPERTY IS NOT CONTAINED WITHIN THE LIMITS OF A FLOOD HAZARD ZONE AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP OF THE CITY OF ALPHARETTA, FULTON COUNTY, GA. (COMMUNITY PANEL NO. 13121C0058 E.) MOST RECENTLY REVISED JUNE 22, 1998.

SURVEYOR'S NOTES:

CERTAIN INTERIOR IMPROVEMENTS NOT SHOWN HEREON. MATTERS OF RECORD NOT SHOWN HEREON ARE EXCEPTED. CERTAIN UNDERGROUND UTILITIES THIS TRACT (I.E. WATER, NATURAL GAS, ELECTRICITY, PHONE, ETC.) AND/OR THEIR APPURTENANCES ARE NOT SHOWN HEREON.

TAX PARCEL I.D. NUMBERS

12-2583-0694-013

TOPOGRAPHIC NOTES:

TOPOGRAPHY SHOWN HEREON WAS PREPARED FROM A GROUND SURVEY. TOPOGRAPHY IS SHOWN ONLY FOR A PORTION OF THE PROPERTY. CONTOUR INTERVAL SHOWN IS ONE FOOT. THE SOURCE OF VERTICAL DATUM IS FULTON COUNTY GIS MONUMENT F-320, LOCATED ALONG HWY 9 IN LAND LOT 694, PUBLISHED ELEVATION FOR F-320 IS 1133.40 MSL DATUM.

EXISTING TREE SUMMARY: (DAB SURVEY AREA)

Table with 4 columns: TREE D.B.H., UNIT VALUE, NUMBER OF TREES, E.D.F. UNITS. Rows include tree sizes from 2" to 24" and a TOTAL row.

EXISTING TREE SUMMARY: (REFERENCE SURVEY AREA)

Table with 4 columns: TREE D.B.H., UNIT VALUE, NUMBER OF TREES, E.D.F. UNITS. Rows include tree sizes from 2" to 24" and a TOTAL row.

ARBORIST NOTES:

- 1. IF TREE SURVEY INNACCURACIES ARE FOUND ON-SITE, A STOP WORK ORDER WILL BE ISSUED UNTIL REVISED PLANS ARE APPROVED AND PROCESSED BASED ON ACCURATE INFORMATION. 2. THE CITY ARBORIST MUST INSPECT THE SITE BEFORE LAND DISTURBANCE... 3. THE CITY ARBORIST MUST INSPECT THE SITE BEFORE THE ISSUANCE OF A "CERTIFICATE OF OCCUPANCY"... 4. TREES AGREED UPON TO BE SAVED BY THE CITY, OWNER, DEVELOPER AND CONTRACTOR ARE THE RESPONSIBILITY OF THE OWNER. 5. WATERING BAGS WILL BE PROVIDED FOR ALL TREES PRIOR TO ISSUANCE OF THE CERTIFICATE OF OCCUPANCY... 6. ALL NEWLY PLANTED TREES SHALL HAVE VISIBLE ROOT FLARES AT FINISHED GRADE... 7. MULCH MUST BE APPLIED TO TREES WITHIN 2 WEEKS OF START OF CONSTRUCTION. 8. A THREE YEAR SPECIMEN TREE CARE MAINTENANCE PROGRAM BY AN ISA CERTIFIED ARBORIST WILL BE REQUIRED FOR SPECIMEN TREES. 9. LANDSCAPING WILL BE DONE WITHOUT THE USE OF EQUIPMENT UNDER THE TREES... 10. ALL NEW PLANT MATERIAL WILL BE PLACED UNDER THE TREES USING CARE NOT TO IMPACT ROOTS.

AREA THIS TRACT:

43,069.65 SQ. FT. 0.9887 ACRES

OWNER/DEVELOPER

GIBSON CONSTRUCTION 12460 CRABAPPLE ROAD SUITE 202, #323 ALPHARETTA, GEORGIA 30004 24 HR. CONTACT: MFL DAN GIBSON OFF: (770) 667-5010

REFERENCE SURVEY:

CONSTRUCTION PLANS FOR DAN GIBSON, 191 ROSWELL ST, PREPARED BY TANGENT DESIGN, DATED 05/10/2006. SURVEY REFERENCE ON PLANS: BOSTWICK, DUKE, HAPER & WORTHY, (770-552-0804), DATE OF SURVEY 04/16/2003.

PRECISION OF SURVEY:

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A FIELD CLOSURE OF ONE FOOT IN 82,525 FEET AND AN ANGULAR ERROR OF 1.22 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING CRANDALL'S RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000 FEET. FIELD ANGLES AND LINEAR DISTANCES MEASURED USING A TOPCON GTS-303 TOTAL STATION. BEARING ARE REFERENCED TO STATE PLANE COORDINATES, GEORGIA WEST ZONE.

DAVID A. BURRE ENGINEERS & SURVEYORS, INC. 11660 ALPHARETTA HWY, SUITE 100 ROSWELL, GEORGIA 30076 (770)442-0500

BOUNDARY, TOPOGRAPHIC, AND TREE SURVEY FOR: 191 ROSWELL STREET L.D.P. D060043

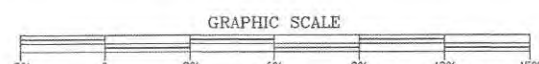


Table with columns: NO., DESCRIPTION, DATE, BY, APPRO. Includes project details and professional seal information.

SHEET 1 OF 10 PROJECT NUMBER 08-3249

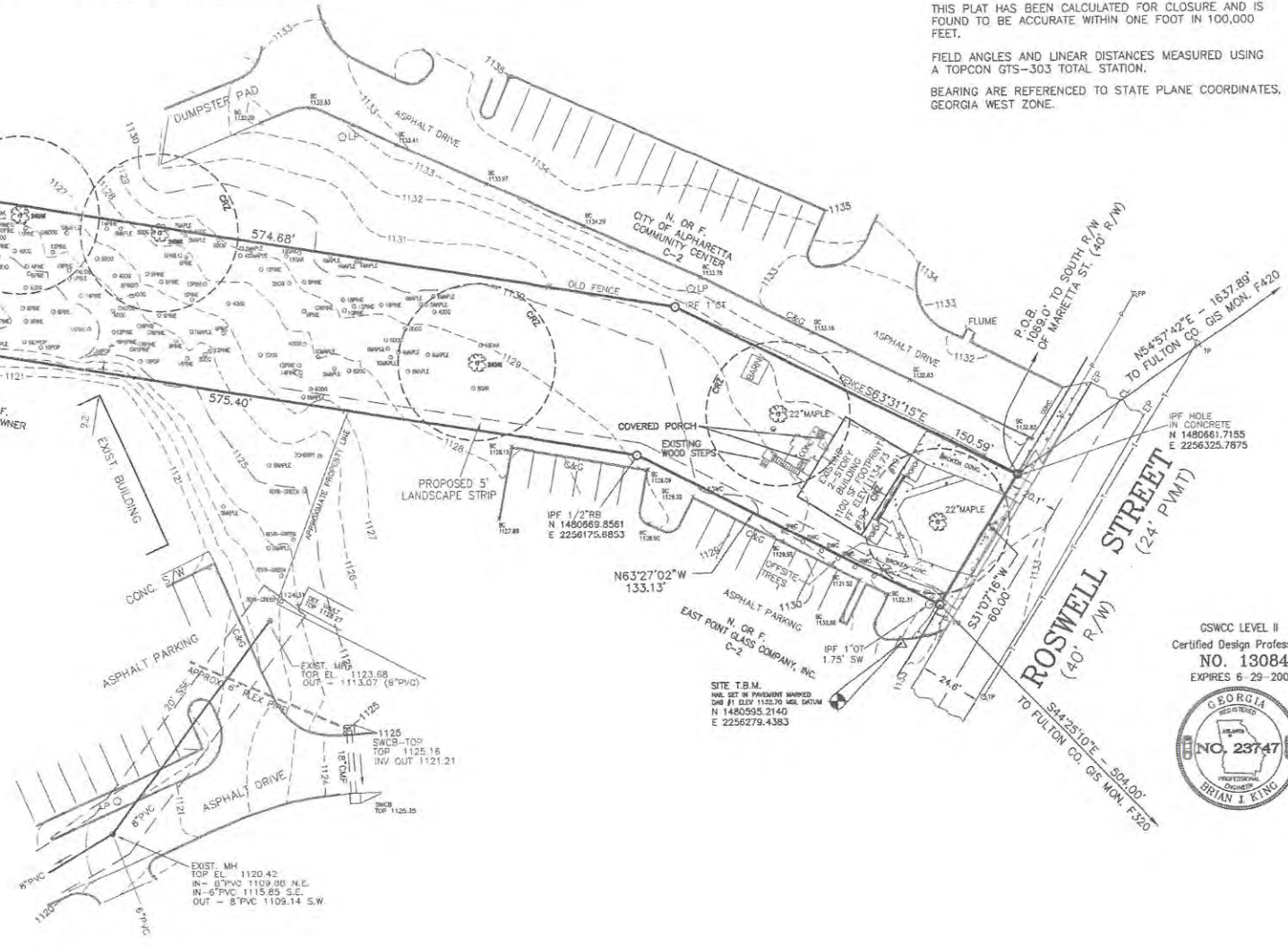
LEGEND: List of symbols and abbreviations for survey features like back of curb, building setback line, catch basin, etc.

LEGAL DESCRIPTION: ALL THAT TRACT OR PARCEL OF LAND LYING OR BEING IN LAND LOT 694 OF THE 1ST DISTRICT, 2ND SECTION, OF FULTON COUNTY, GEORGIA, AND LYING WITHIN THE CITY OF ALPHARETTA, SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT OF INTERSECTION OF THE SOUTHERN RIGHT-OF-WAY OF MARIETTA STREET (40' R/W) AND THE NORTH RIGHT-OF-WAY OF ROSWELL STREET (40' R/W); THENCE, SOUTHWESTERLY FOLLOWING ALONG SAID RIGHT-OF-WAY OF ROSWELL STREET, A DISTANCE OF 1,069.0 FEET TO A POINT, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE, CONTINUING ALONG SAID RIGHT-OF-WAY, S.31°07'16"W, A DISTANCE OF 60.00 FEET TO A POINT; THENCE, DEPARTING SAID RIGHT-OF-WAY, N.63°27'02"W, A DISTANCE OF 133.13 FEET TO A POINT; THENCE, N.80°55'11"W, A DISTANCE OF 575.40 FEET TO A POINT; THENCE, N.15°19'17"E, A DISTANCE OF 60.02 FEET TO A POINT; THENCE, S.81°01'16"E, A DISTANCE OF 574.68 FEET TO A POINT; THENCE, S.63°31'15"E, A DISTANCE OF 150.59 FEET TO A POINT ON THE NORTHERN RIGHT-OF-WAY OF ROSWELL STREET, SAID BEING THE TRUE POINT OF BEGINNING. SAID TRACT OR PARCEL OF LAND CONTAINING 0.9887 ACRES.



SEE TREE PROTECTION PLAN AND EROSION CONTROL PLAN FOR THE PLACEMENT OF TREE PROTECTION FENCE THE CRZ OF SPECIMEN TREES SHALL BE PROTECTED WITH WIRE-BACK TREE SAVE FENCING WITH METAL SUPPORT POSTS AND TREE SAVE SIGNAGE TREE SAVE FENCE FOR ENTIRE SITE MUST BE INSTALLED, INSPECTED AND APPROVED PRIOR TO INSTALLATION OF EROSION CONTROL MEASURES. NO LAND DISTURBANCE IS ALLOWED BEFORE TREE SAVE FENCING HAS BEEN APPROVED.

CR/D, CAL, WEST... THESE DRAWINGS ARE THE PROPERTY OF DAVID A. BURRE ENGINEERS & SURVEYORS, INC. AND ARE NOT TO BE REPRODUCED OR COPIED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF DAVID A. BURRE ENGINEERS & SURVEYORS, INC. ANY REPRODUCTION OR COPIING OF THESE DRAWINGS WITHOUT THE WRITTEN CONSENT OF DAVID A. BURRE ENGINEERS & SURVEYORS, INC. IS STRICTLY PROHIBITED. COPYRIGHT © 1996



CITIZEN PARTICIPATION FORM - PART A

This form must be completed and submitted with the applicant's completed Public Hearing Application. Applications submitted to the City of Alpharetta without a completed Citizen Participation Form - Part A will not be accepted.

Public Hearing or Project Name: 191 Roswell Street

Contact Name: Dan Gibson, Owner Telephone: 770-667-5010

The following people will be notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified. Use additional pages as needed.

See attached

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Method by which these individuals will be contacted. Please mark all that apply. *If you select "Other," please provide a description of the method of contact that will be used.*

- | | |
|--|---|
| <input checked="" type="checkbox"/> Letter | <input type="checkbox"/> Personal Visits |
| <input type="checkbox"/> Telephone | <input type="checkbox"/> Group Meeting |
| <input type="checkbox"/> Email | <input type="checkbox"/> Other (Please Specify) _____ |

Please describe the method(s) by which these individuals will have the opportunity to respond or contact the applicant with questions or concerns about the proposal.

To be determined and communicated in letter.

GIBSON PARKING EXCEPTION

KARTOS JOHN L
P.O. BOX 22147
KNOXVILLE TN 37933

WILSON WALTER D SR TR
217 S MAIN ST
ALPHARETTA GA 30004

HAIGLER CAPITAL LLC
164 ROSWELL ST
ALPHARETTA GA 30009

CITY OF ALPHARETTA
2 SOUTH MAIN ST
ALPHARETTA GA 30004

CITY OF ALPHARETTA
2 SOUTH MAIN ST NE
ALPHARETTA GA 30004

HAIGLER CAPITAL LLC
2005 OLD MILTON PKWY
ALPHARETTA GA 30009

KARTOS JOHN L
P.O. BOX 22147
KNOXVILLE TN 37933

FIFTH AVENUE MISSION LLC
1141 SHERIDAN RD NE
ATLANTA GA 30324-3714

TALLANT PROPERTIES LLC
206 HIDDEN RIVER DR
WOODSTOCK GA 30188

FULTON COUNTY BANK
101 N TRYON ST
CHARLOTTE NC 28255

ROYAL ROSWELL LLC
2655 HERMITAGE DR
CUMMING GA 30041

CITY OF ALPHARETTA
2 S SOUTH MAIN ST
ALPHARETTA GA 30004-1936

J & J PROPERTIES INC
P.O. BOX 22147
KNOXVILLE TN 37933

CANOPY MAIN STREET INC
300 WILMOT
DEERFIELD IL 60015

NAVIGATOR REAL ESTATE HOLDINGS LLC
790 PERSHING RD
RALEIGH NC 27608

KARTOS JOHN L
P.O. BOX 22147
KNOXVILLE TN 37933

ALPHA DEVELOPMENT CORP
P O BOX 92
ALPHARETTA GA 30009

YOUNG DEER PROPERTIES LLC
5887 GLENRIDGE DR SUITE 150
ATLANTA GA 30328

BRAMBHATT KANAIYALAI S & SAROJINI K
3771 ARC WAY
LAWRENCEVILLE GA 30044

CITY OF ALPHARETTA
2 S SOUTH MAIN ST
ALPHARETTA GA 30004-1936

STAFF TECH INVESTMENTS LLC
221 ROSWELL ST
ALPHARETTA GA 30009

AARENE REAL ESTATE HOLDINGS LLC
296 THOMPSON ST
ALPHARETTA GA 30004

PROVIDENCE PARTNERS GROUP LLC
204 MARIETTA ST
ALPHARETTA GA 30004

CITY OF ALPHARETTA
2 SOUTH MAIN ST
ALPHARETTA GA 30004

WILSON WALTER D SR TR
217 S MAIN ST
ALPHARETTA GA 30004

CITY OF ALPHARETTA
2 SOUTH MAIN ST
ALPHARETTA GA 30004-0349

THE LIONHEART SCHOOL INC
225 ROSWELL ST
ALPHARETTA GA 30009-1933

BRUNA LLC
P O BOX 1324
ALPHARETTA GA 30009

ONE NINE ONE ROSWELL STREET LLC
3105 SALISBURY DR
ALPHARETTA GA 30004

AMANA ACADEMY INC
285 S MAIN ST
ALPHARETTA GA 30009

GIBSON PARKING EXCEPTION



JLCS

Jefferson Land Consulting & Solutions
 Landscape Architecture – Arborist – Erosion Control
 8125 Grogans Ferry Road, Sandy Springs, GA 30350
 678.776.7463 – bret@JeffersonLandConsulting.com

ARBORIST INSPECTION REPORT No. 01

Project Name: 191 Roswell St
Project Address: 191 Roswell St
Alpharetta, GA 30009
Ruling Municipality: City of Alpharetta, Fulton County, GA **Specimen Tree:** 30" HW; 30" SW; 8" FL
Report Date: August 27, 2018
Weather of Site Visit: Sunny, 82 degrees
Site Visitation Date: August 15, 2018
Time of Site Visit: 10:00 a.m. - 11:00 p.m.

Summary:

At the request of the property owner, One Nine One Roswell Street LLC., I visited the site located at 191 Roswell Street, Alpharetta, Fulton County, GA on August 15, 2018 at approximately 10:00 a.m. During my visit, I observed and recorded the conditions of the existing trees on site in the 0.37 acres at the front of the property, as shown on the attached Existing Tree Inventory plan. The property has an existing commercial structure at the front of the property and mix of hardwood and softwood trees in the rear and along the side property lines. I also recorded conditions of any boundary trees that may be effected by future development.

Sincerely,

Bret D. Jefferson, RLA, ISA
 Registered Landscape Architect, LA1331
 ISA Certified Arborist, SO-10037A

Attachments: Tree Inventory chart, site photos, Existing Tree Inventory plan.

E-18-08
GIBSON PARKING EXCEPTION

TREE ID	PHOTO ID	SIZE (in)	CRZ (r)	GENUS	ASSESSMENT	CONDITION	HAZARD	RECOMMENDATION
Specimen Trees								
17	1-2	26	33.8	Silver Maple	minor dead limbs, hollow trunk east side, hazard to adjacent structure	Poor	high	remove
18	3	22	28.6	Ash	good strong structure	Good	-	tree to remain
24	4	31	40.3	Silver Maple	triple trunk below 4.5' height, included bark	Poor	low	remove
27	5	25	32.5	Water Oak	Included bark, sap seeping from trunk, hazard to dumper & proposed walkway	Fair	high	remove
75	6	30	39	White Oak	major dead limb, minor dead limbs	Fair	low	analyze in 1 year
89	7	30	39	Water Oak	twin below 4.5' height, hazard to proposed parking area	Poor	high	remove
94	8	32	41.6	Water Oak	twin trunk below 4.5' height, hazard to proposed parking & walkway	Poor	high	remove
101	9	26	33.8	Elder	triple trunk below 4.5' height, hazard to proposed parking area	Poor	high	remove
Non-Specimen Trees								
1		18	23.4	Oak	good strong structure	Good	-	tree to remain
2		11	14.3	Elm	good strong structure	Good	-	tree to remain
3		12	15.6	Elm	good strong structure	Good	-	tree to remain
4		11	14.3	Elm	good strong structure	Good	-	tree to remain
5		10	13	Elm	good strong structure	Good	-	tree to remain
6		11	14.3	Elm	good strong structure	Good	-	tree to remain
7		10	13	Elm	good strong structure	Good	-	tree to remain
8		9	11.7	Sweetgum	good strong structure	Good	-	tree to remain
10		16	20.8	Oak	good strong structure	Good	-	tree to remain
20		10	13	White Oak	good strong structure	Good	-	tree to remain
21		10	13	Elder	good strong structure	Good	-	tree to remain
22		8	10.4	Ash	good strong structure	Good	-	tree to remain
23		14	18.2	Silver Maple	top of tree canopy lean, included bark	Fair	low	analyze in 1 year
25		16	20.8	Ash	Dead, top dead	Dead	high	remove
26		9	11.7	Silver Maple	top of tree canopy lean	Fair	low	analyze in 1 year
55		19	24.7	Pine	good strong structure	Good	-	tree to remain
56		22	28.6	Pine	peeling bark, sap seeping from trunk, signs of root rot	Fair	low	analyze in 1 year
57		13	16.9	Water Oak	good strong structure	Good	-	tree to remain
58		6	7.8	Elm	good strong structure	Good	-	tree to remain
59		7	9.1	Sweet Gum	good strong structure	Good	-	tree to remain
60		17	22.1	Pine	good strong structure	Good	-	tree to remain
62		18	23.4	Water Oak	good strong structure	Good	-	tree to remain
63		18	23.4	Willow Oak	peeling bark, signs of root rot	Poor	low	analyze in 1 year
64		19	24.7	Pine	good strong structure	Good	-	tree to remain
65		14	18.2	Pine	good strong structure	Good	-	tree to remain
66		14	18.2	Pine	Major dead limbs	Fair	low	analyze in 1 year
67		7	9.1	Water Oak	good strong structure	Good	-	tree to remain
69		17	22.1	White Oak	good strong structure	Good	-	tree to remain
70		6	7.8	White Oak	good strong structure	Good	-	tree to remain
71		11	14.3	White Oak	minor dead limbs	Good	-	tree to remain
72		6	7.8	White Oak	good strong structure	Good	-	tree to remain
73		11	14.3	White Oak	minor dead limbs	Good	-	tree to remain
74		11	14.3	Sweet Gum	good strong structure	Good	-	tree to remain
76		16	20.8	Ash	good strong structure	Good	-	tree to remain
77		11	14.3	Sweet Gum	Major dead limbs	Fair	low	analyze in 1 year
78		4	5.2	White Oak	good strong structure	Good	-	tree to remain
79		13	16.9	Willow Oak	good strong structure	Good	-	tree to remain
80		14	18.2	White Oak	good strong structure	Good	-	tree to remain
82		19	24.7	Pine	good strong structure	Good	-	tree to remain
83		15	19.5	White Oak	good strong structure	Good	-	tree to remain
85		8	10.4	Ash	twin trunk at 6" height	Poor	low	analyze in 1 year
86		7	9.1	Black Cherry	good strong structure	Good	-	tree to remain
87		10	13	Red Oak	good strong structure	Good	-	tree to remain
88		12	15.6	Black Cherry	good strong structure	Good	-	tree to remain
93	10	16	20.8	Water Oak	trunk leaning, major dead limbs	Poor	low	analyze in 1 year
99		7	9.1	Elder	Major & minor dead limbs, hazard to proposed parking area	Poor	high	remove
100		5	6.5	Ash	good strong structure	Good	-	tree to remain
300		18	23.4	White Oak	good strong structure	Good	-	tree to remain
301		17	22.1	Pine	Major dead limbs, hazard to parking area	Poor	high	remove
302		16	20.8	Water Oak	good strong structure	Good	-	tree to remain
303		18	23.4	Water Oak	good strong structure	Good	-	tree to remain
304		16	20.8	Water Oak	minor ivy on trunk	Good	-	tree to remain
309		7	9.1	Walnut	minor ivy on trunk	Good	-	tree to remain
					crowded within other trees	Fair	-	remove



Photo #1 - Tree ID 17

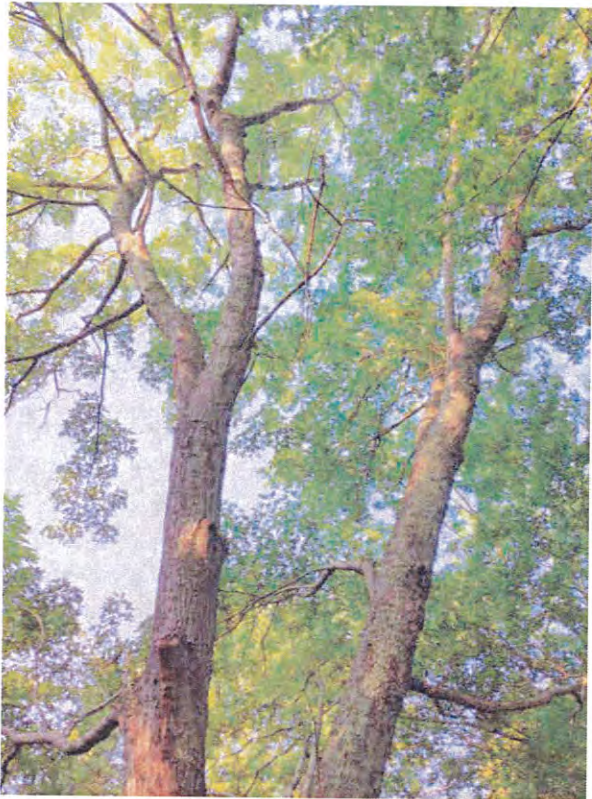


Photo #2 - Tree ID 17



Photo #3 - Tree ID 18



Photo #4 - Tree ID 24



Photo #5 - Tree ID 27



Photo #6 - Tree ID 75



Photo #7 - Tree ID 89



Photo #8 - Tree ID 94



Photo #9 - Tree ID 101

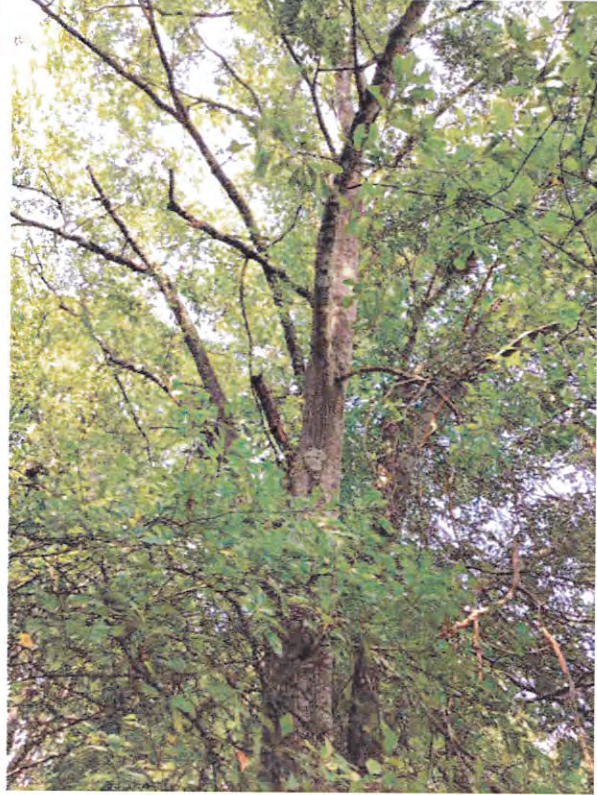


Photo #10 - Tree ID 93

End Arborist Inspection Report No. 01

City of Alpharetta
 Dept. of Community Development
 2 Park Plaza
 Alpharetta, GA 30009



August 17, 2018

Re: 191 Roswell Street - Trip Generation
 For Dan Gibson

To Whom It May Concern:

Engineering303 respectfully submits the below trip generation estimates for the above referenced project. The tables below show the estimated traffic increase and weekday trip generations by the proposed commercial office development on Roswell Street.

ITE Vehicle Trip Generation Rates (8th Edition):

Use	Units	Weekday	AM	PM	AM In	AM Out	PM In	PM Out
General Office	5.2 KSF	11.01	1.55	1.49	88%	12%	17%	83%

Total Trips:

Use	Units	Total Generated Trips			Total Distribution of Generated Trips			
		Daily	AM	PM	AM In	AM Out	PM In	PM Out
General Office	5.2 KSF	57	8	8	7	1	1	6

For this assessment, E303 considered overall building square footage. The provided trip generation estimates are based on data found in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 8th Edition (see enclosure). Please do not hesitate to contact myself or Brian King, PE should you have any questions regarding this information.

Respectfully submitted,

Rhonda Ledbetter

Rhonda Ledbetter



City Council Meeting and Public Hearing STAFF REPORT

Submitting Department: Community Development

Submitted By:

Meeting Date: November 12, 2018

I. AGENDA ITEM TITLE: E-18-09: CHANGE HEALTHCARE TECHNOLOGIES / SIGN EXCEPTION
CONSIDERATION OF A SIGN EXCEPTION TO ALLOW TWO (2) ADDITIONAL MONUMENT SIGNS AND TO INCREASE THE HEIGHT OF ONE MONUMENT SIGN. THE PROPERTY IS LOCATED AT 5995 WINDWARD PARKWAY AND IS LEGALLY DESCRIBED AS BEING LOCATED IN LAND LOTS 1113, 1114, 1175 & 1176, 2ND DISTRICT, 1ST SECTION, FULTON COUNTY, GEORGIA.

II. RECOMMENDATION:

III. BUDGET IMPLICATIONS:

BUDGETED ITEM: NO

FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST:

APPROPRIATIONS:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

IV. REPORT IN BRIEF:

V. ALTERNATIVES:

VI. ATTACHMENTS:

Change Healthcare Sign Exception CC Staff Report, Aerial Map-, Location Map-, Updated Sign Exception Plans Submitted 10.26.18), 12130399 (1) (33428_125663) (Citizen Participation Form - Part B 10.18.18), Change Healthcare Sign Variance Application. Updated 10.26.18



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT
SUBMITTED BY: KATHI COOK
DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: E-18-09 CHANGE HEALTHCARE TECHNOLOGIES SIGN EXCEPTION

CITY COUNCIL: NOVEMBER 12, 2018

II. RECOMMENDATION:

Approve E-18-09 Change Healthcare Technologies Sign Exception, subject to the following conditions:

1. Directory sign locations, number, size (height and copy area), materials and color shall be limited to plans prepared by Harkess-Ord, dated 10/25/2018, except to comply with the conditions below and as approval by Staff.
2. Directory signs shall include decorative landscape around the base of each sign, as approved by Staff.
3. Applicant shall secure sign permits for all unpermitted signs requiring a permit within 30 days of approval of the sign exception.
4. No additional directory signs shall be permitted on the subject property.
5. Directory sign called out as Site marker #3 shall be removed within 30 days of approval of the sign exception.

III. REPORT IN BRIEF:

The applicant, Change Healthcare Technologies, LLC, requests consideration of a sign exception to bring three (3) existing directory signs into conformance with the City's sign regulations. Existing directory signs were constructed without the required sign permits and have been determined to be non-conforming signs. The property is located at 5995 Windward Parkway at the southwest corner of Windward Parkway and Marconi Drive.

DISCUSSION

The submitted request, if approved, would allow three (3) existing, non-conforming directory signs to remain on the subject property and to bring the signs into conformance with the City's sign regulations. The business associated with the property has changed from McKesson to Change Healthcare. The applicant proposes changes to the existing signs to reflect the change in business name. The property is located at 5995 Windward Parkway at the southwest corner of Windward Parkway and Marconi Drive.

The property is developed with a 435,000 square foot office building, formerly occupied by McKesson Technologies, and zoned CUP (Community Unit Plan) subject to the Windward Master Plan Pod 14. Surrounding properties are also zoned CUP with a Business Center designation and located within the Windward Master Plan. The Edison loft office development is located to the south and west, Jekyll Brewing Company to the east, ISO Power Plant Equipment Supplier to the south and an undeveloped parcel and data center to the north.

There are four (4) existing directory signs, or monument signs, on the property. Based on Staff's research, the four (4) signs were constructed without the required sign permits and have been determined to be non-

conforming signs. The City encourages non-conforming signs to be brought into compliance with the Sign Code, since such signs adversely affect the aesthetic characteristics of the City. Unified Development Code (UDC) Subsection 2.6.6. Non-conforming Signs, states that “no change in shape, size or design shall be permitted, except to make a non-conforming sign comply with all requirements of this Ordinance.” The largest sign is a traditional monument sign located at the main entrance to the property off Marconi Drive. The other three (3) directory signs are site markers located along Marconi Drive. The location of each directory sign is depicted on the location map below.



UDC Subsection 2.6.12(C) allows an unspecified number directory signs for office buildings within an Office Park. Directory signs are limited to a copy area of no more than 32 square feet and maximum height of 10'. As shown in the table below, one (1) of the existing signs (monument) has a height of 15', which exceeds the maximum permitted height. The applicant proposes to remove Site Marker #3, bringing the total number to three (3) directory signs. The UDC requires a monument sign base and structure to be constructed of brick, stone or other architectural materials matching the principal building. Existing directory signs have a concrete finish, which the applicant proposes to upgrade with a stone base and new paint. The applicant does not propose any changes that would increase the height or size of the existing signs.

Directory Signs	Location	Copy Area	Height
Site Marker #1	Windward/Marconi	6.72 SF	8.33'
Monument	Marconi/Main Entrance	15 SF	15'
Site Marker #2	Marconi	6.72 SF	8.33'
Site Marker #3		SIGN TO BE REMOVED	

EXCEPTION REQUIREMENTS

The City of Alpharetta Unified Development Code Article II, Section 4.5.4. outlines the criteria set forth for granting an exception to the sign regulations. The ordinance specifically states...“an exception may be granted upon a finding that”:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of size, shape or topography; or

Response: The existing monument sign structure at the main entrance to the property off Marconi Drive is just over five-feet (5') in height. However, the base of the monument sign sits at an elevation that is nearly ten-feet (10') higher than the finished elevation of Marconi Drive. Therefore, the height of the sign is 15'.

2. The application of the Ordinance to this particular piece of property would create an unnecessary hardship; or

Response: The application of the Ordinance would require the applicant to remove the existing monument at the main entrance to the property in order to comply with the sign regulations.

3. There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned; or

Response: The existing monument sign structure at the main entrance to the property off Marconi Drive is just over five-feet (5') in height. However, the base of the monument sign sits at an elevation that is nearly ten-feet (10') higher than the finished elevation of Marconi Drive. Therefore, the height of the sign is 15'.

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Ordinance.

Response: The sign exception would not cause substantial detriment to the public good. The applicant proposes to remove one (1) of the existing, non-conforming signs and to upgrade the remaining signs. In addition, the copy area of each sign is well below the maximum copy area permitted in the Sign Code.

CONCURRENCES

Staff has reviewed the application and is in general agreement with the requested sign exception. The applicant is attempting to bring existing directory signs into conformance with the City's sign regulations, while improving the aesthetics of the signs. The applicant proposes removal of one (1) directory sign, aesthetic upgrades to the remaining signs and to limit the copy area well below the maximum. If approved, conditions are recommended limiting the location, number, size, and materials, as well as requiring decorative landscaping around the base of the signs.

CITIZEN PARTICIPATION PLAN

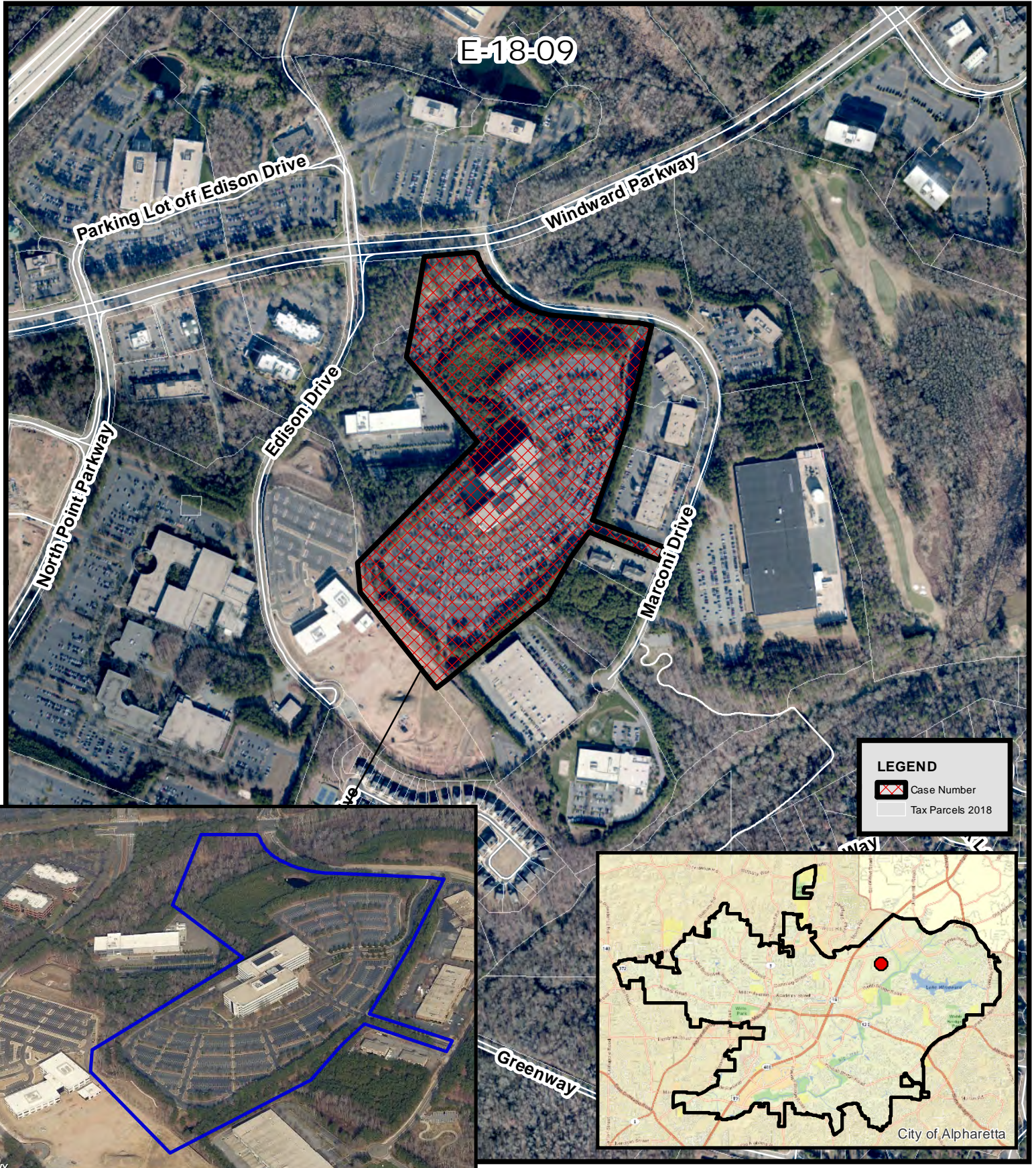
The applicant notified adjacent property owners of the sign variance request and intent for the property. The citizen participation report states that one (1) adjacent property owner responded with no concerns.

COMMUNITY ZONING INFORMATION MEETING

The CZIM was held on October 10, 2018. One (1) person signed-in with a comment that they liked that the monument signs will match the stone facing on bridges in the area.

IV. ATTACHMENTS:

- Sign Locations
- Sign Photographs



E-18-09

Parking Lot off Edison Drive

Windward Parkway



North Point Parkway

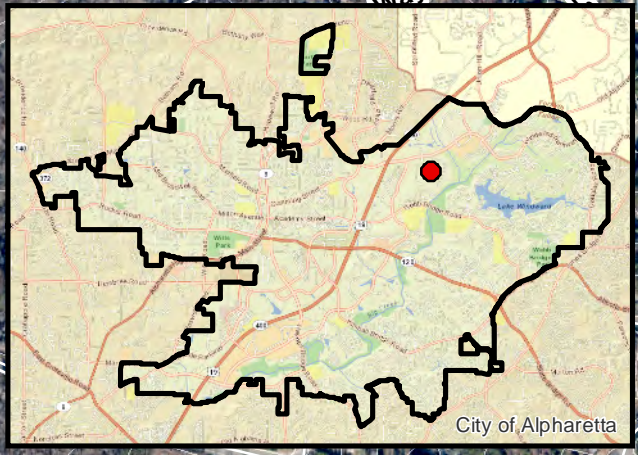
Edison Drive

Marconi Drive

Greenway

LEGEND

-  Case Number
-  Tax Parcels 2018

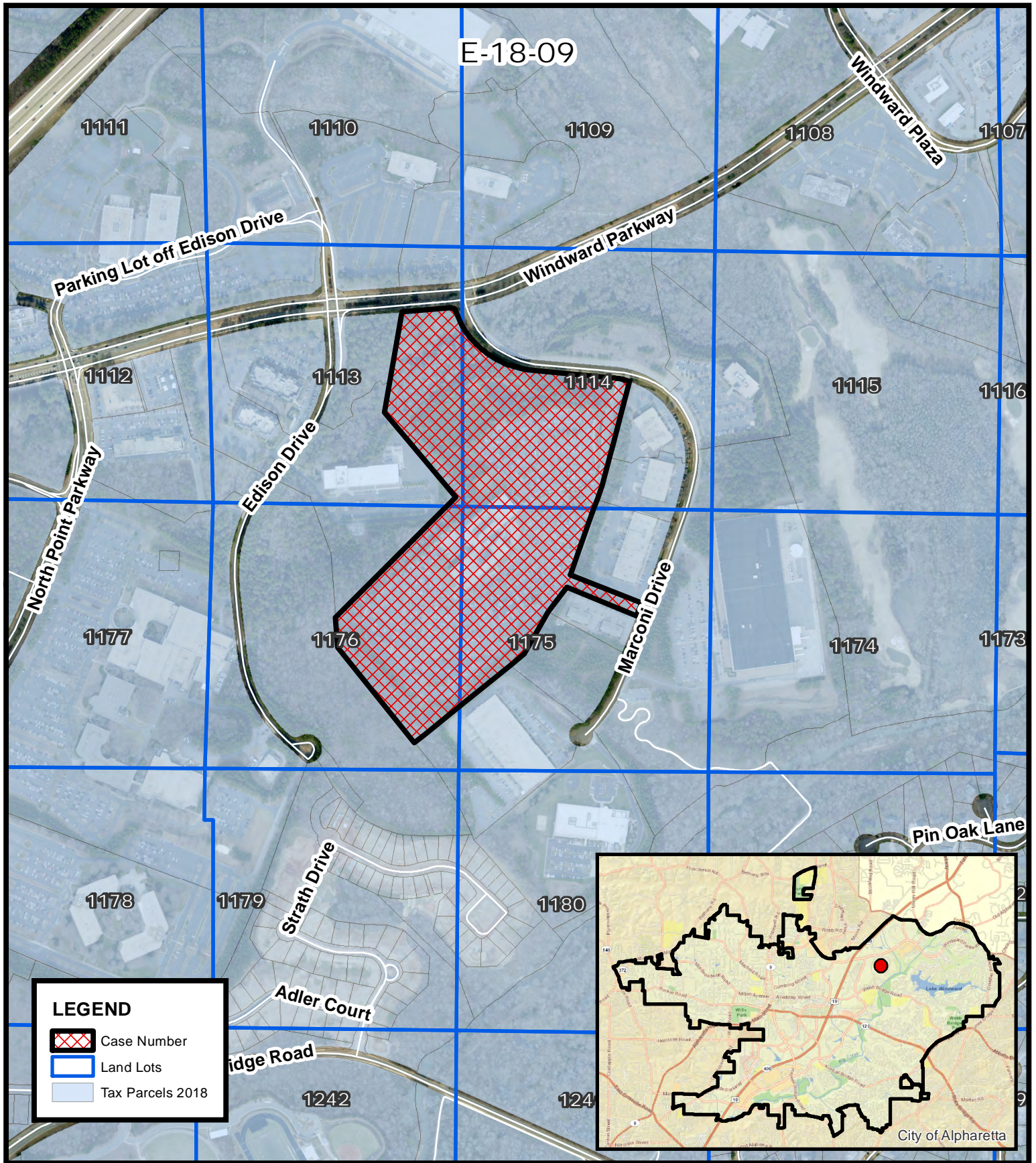


Aerial Map
 Change Healthcare Tech Sign Exception
 5995 Windward Parkway

E-18-09
 D/LL: 2/1/1113, 1114,
 1176, 1175
 CC Date: 11/12/18



Location Map Provided by:
 Community Development - GIS



E-18-09

Parking Lot off Edison Drive

Windward Parkway

Windward Plaza

North Point Parkway

Edison Drive

Marconi Drive




Pin Oak Lane

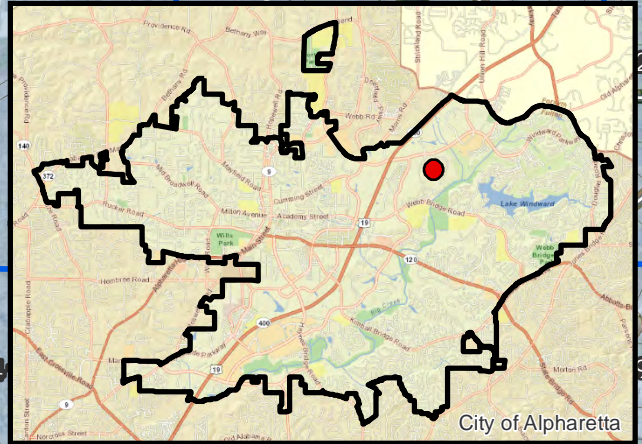
Strath Drive

Adler Court

idge Road

LEGEND

-  Case Number
-  Land Lots
-  Tax Parcels 2018



Location Map
 Change Healthcare Tech Sign Exception
 5995 Windward Parkway

E-18-09
 D/LL: 2/1/1113, 1114,
 1176, 1175
 CC Date: 11/12/18



Location Map Provided by:
 Community Development - GIS

**CHANGE HEALTHCARE / ALPHARETTA
SITE MARKER / MONUMENT
PROPOSED SIGNAGE**

25 October 2018

V4.3

SITE MARKER / MONUMENT LOCATIONS



SITE MARKER 1 / EXISTING CONDITION



SITE MARKER 1 / PROPOSED SIGN



COPY AREA: 6.72 FT. SQ.
STRUCTURE HEIGHT: 80"
STRUCTURE WIDTH: 54"
STRUCTURE DEPTH: 15.25"
HEIGHT TO TOP OF STRUCTURE FROM CLOSEST STREET: 100"

NOTES

Double-sided
Address to be fabricated letters
Change Healthcare logo to be fabricated letters
Existing site marker painted gray per business park guidelines
New stone base per business park guidelines

MONUMENT / EXISTING CONDITION



MONUMENT / PROPOSED SIGN



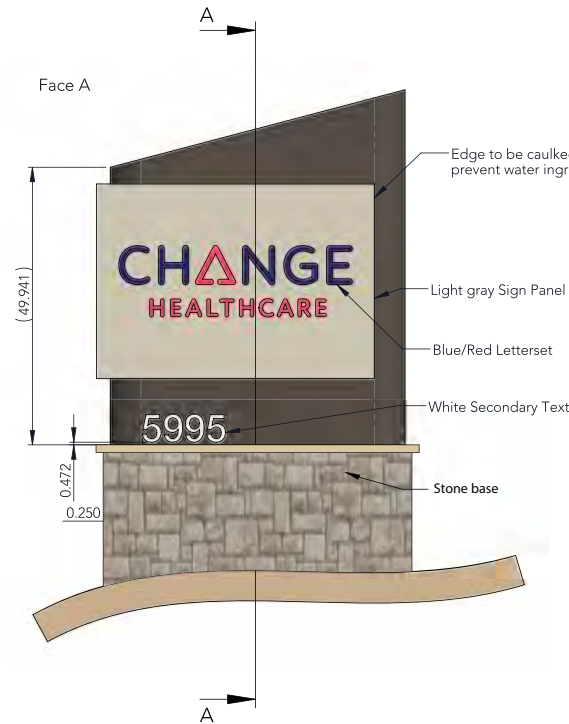
COPY AREA: 15 FT. SQ.
STRUCTURE HEIGHT: 61.5"
STRUCTURE WIDTH: 297.5"
STRUCTURE DEPTH: 22"
HEIGHT TO TOP OF STRUCTURE FROM CLOSEST STREET: 15'

NOTES

Change Healthcare logo to be fabricated letters
Existing monument painted gray per business park guidelines
New stone base per business park guidelines

SITE MARKER / GENERAL DETAILS

Harkess-Ord



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Primary dimensions are in millimeters.
Secondary dimensions are in inches.

Tolerance, unless otherwise stated:
Angular: $\pm 0.5^\circ$
Linear: $\pm 0.5mm$ ($\pm 1/64"$)

This is a visual performance specification document, prior to manufacture full working drawings, supporting technical documentation & visual layouts are to be supplied to Harkess-Ord for approval.

Product to be manufactured and installed in accordance with the regulations, codes and ordinances appropriate to the location of installation.

Product fixings, foundations and footings must withstand wind & other applicable structural loadings in accordance with the regulations, codes & standards of the installation location.

Installation, fixings & fixing method must be sufficient to meet the anticipated structural loads appropriate to the site specific surface to which the completed sign is to be mounted.

All joints and fixings must accommodate the anticipated degree of thermal expansion and contraction of the materials used with respect to local site specific conditions. All fixings to be stainless steel unless otherwise specified. Materials to be used as specified. Alternative or equivalent specifications must be approved by the Client. All materials and finishes to be used, applied, treated and handled in accordance with the supplier guidelines. All visible regions must be free of scratches, distortions and blemishes.

Always use the Artwork files provided for the correct graphic layout.

Illumination of the face to be consistent and should extend fully to all edges and corners, with no hotspots, dull spots or fading to the edges.

All electrical components, wiring & switch gear must be appropriate for the environment in which the completed product is to be installed & comply with all appropriate codes and regulations of that region.

Ensure no light leakage where not required.

PRODUCT
**Site Marker
Alpharetta**

DRAWING TITLE
General Assembly

ITEM CODE

REVISIONS

DATE	REV	DESCRIPTION	DRAWN	APPROVED
07/02/2018	A	First Issue	MdB	

DRAWN	MdB	DATE	07/02/2018
CHECKED		DATE	07/02/2018
APPROVED		DATE	07/02/2018
SHEET SIZE	A3		

Do Not Scale Drawing

DRAWING NUMBER	Issue	SHEET No.
702-A-0035	r A	1 of 2

FOR MATERIALS & FINISHES, REFER TO SPECIFICATION SHEET: CHC-SS-1000

1/3 Cowan Street,
Ponsonby,
Auckland 1011, New Zealand

Bellerive House, 3 Muirfield Crescent,
London E14 9SZ, United Kingdom

Level 1, 524 La Trobe St,
West Melbourne
Victoria 3003, Australia

263 West 38th Street, Floor 8,
New York, NY 10018, USA

50 California Street
Suite 1525
San Francisco, CA 94111 USA

SITE MARKER / GENERAL DETAILS

Harkess-Ord

ITEM NO.	PART NUMBER	DESCRIPTION	QTY.
1	635-B-0500	Site Marker Panel Assembly	1
2	635-D-1051	Lower Mounting Bracket	1
3	635-D-1050	Upper Mounting Bracket	2
4	702-D-1052	Site Number	2
5		#8 x 0.5" Flat head screw	12
6		#10 Fixings	12

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Primary dimensions are in millimeters.
Secondary dimensions are in inches.
Tolerance, unless otherwise stated:
Angular: $\pm 0.5^\circ$
Linear: $\pm 0.5\text{mm}$ [$\pm 1/64"$]

This is a visual performance specification document, prior to manufacture full working drawings, supporting technical documentation & visual layouts are to be supplied to Harkess-Ord for approval.

Product to be manufactured and installed in accordance with the regulations, codes and ordinances appropriate to the location of installation.

Product fixings, foundations and fastings must withstand wind & other applicable structural loadings in accordance with the regulations, codes & standards of the installation location.

Installation, fixings & fixing method must be sufficient to meet the anticipated structural loads appropriate to the site specific surface to which the completed sign is to be mounted.

All joints and fixings must accommodate the anticipated degree of thermal expansion and contraction of the materials used with respect to local site specific conditions. All fixings to be stainless steel unless otherwise specified. Materials to be used as specified. Alternative or equivalent specifications must be approved by the Client. All materials and finishes to be used, applied, treated and handled in accordance with the supplier guidelines. All visible regions must be free of scratches, distortions and blemishes.

Always use the Artwork files provided for the correct graphic layout.
Illumination of the face to be consistent and should extend fully to all edges and corners, with no hotspots, dull spots or fading to the edges.

All electrical components, wiring & switch gear must be appropriate for the environment in which the completed product is to be installed & comply with all appropriate codes and regulations of that region.

Ensure no light leakage where not required.

PRODUCT

Site Marker
Alpharetta

DRAWING TITLE
General Assembly

ITEM CODE

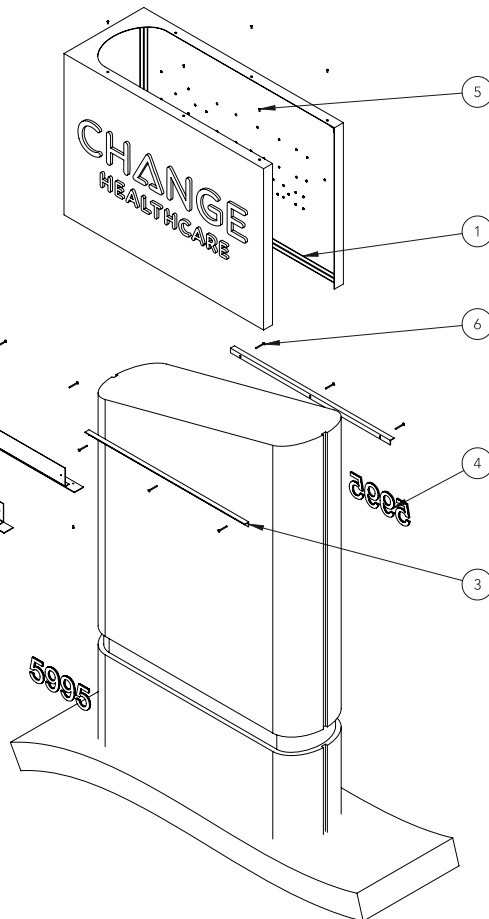
REVISIONS

DATE	REV	DESCRIPTION	DRAWN	APPROVED
07/02/2018	A	First Issue	MdeB	

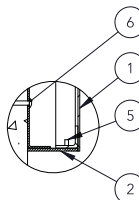
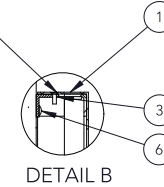
DRAWN	MdeB	DATE	07/02/2018
CHECKED		DATE	07/02/2018
APPROVED		DATE	07/02/2018
SHEET SIZE	A3		

Do Not Scale Drawing

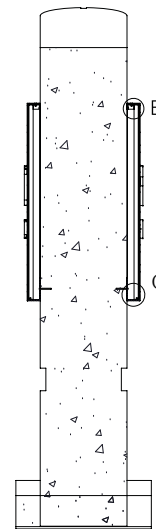
DRAWING NUMBER	Issue	SHEET No.
702-A-0035	r A	2 of 2



Paint gray to match panel
Matthews Mist Gray Metallic
with satin finish.



Paint gray to match panel
Matthews Mist Gray Metallic
with satin finish.



SECTION A-A

FOR MATERIALS & FINISHES, REFER TO SPECIFICATION SHEET: CHC-SS-1000

1/3 Cowan Street,
Ponsonby,
Auckland 1011, New Zealand

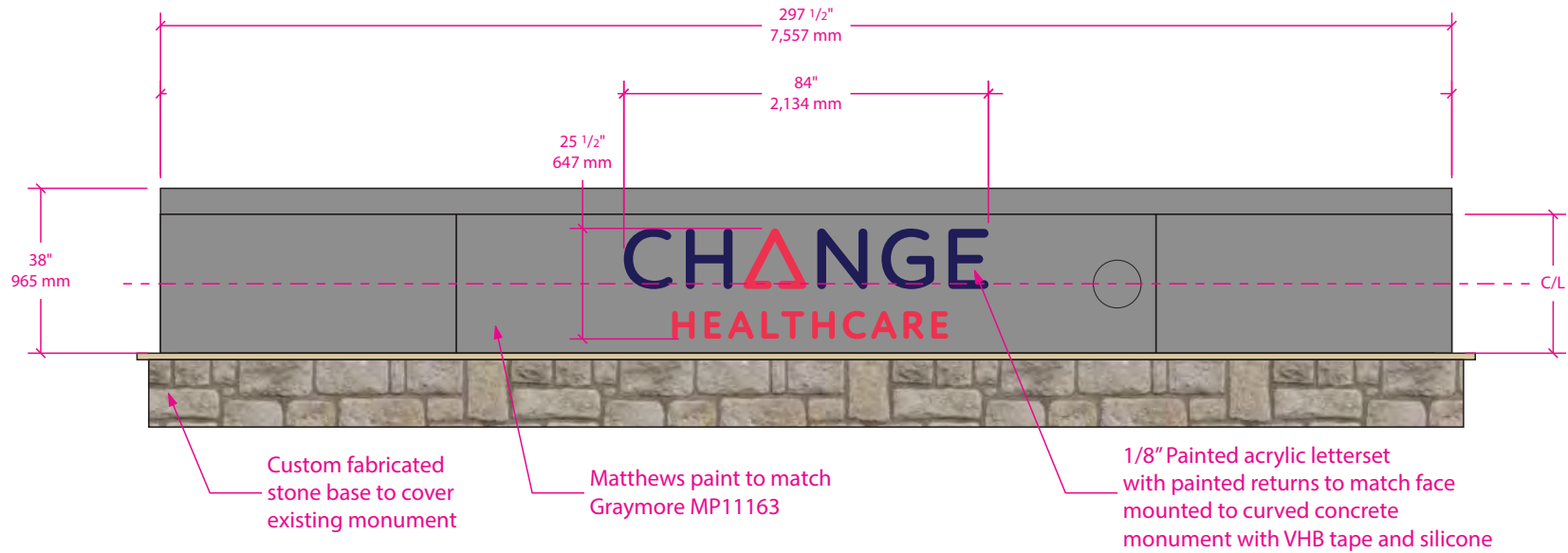
Bellerive House, 3 Muirfield Crescent,
London E14 9SZ, United Kingdom

Level 1, 524 La Trobe St,
West Melbourne
Victoria 3003, Australia

263 West 38th Street, Floor 8,
New York, NY 10018, USA

50 California Street
Suite 1525
San Francisco, CA 94111 USA

MONUMENT / GENERAL DETAILS



Alpharetta Monument - NE_004

CHC - Alpharetta Monument Sign | Scale: 1/2"=1'-0" | 27 June 2018 | R3

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IMPORTANT
THIS IS FOR QUOTATION PURPOSES ONLY. PRODUCTION ARTWORK AND LAYOUT WILL BE SUPPLIED PRIOR TO PRODUCTION.

APPROVAL	SIGNATURE	DATE

Harkess-Ord
263 West 38th St, Floor 8, New York, NY 10018
Phone: 212 704 9989 Fax: 212 704 9969

Thank you.

Please contact Brennan Higgins
with comments or questions
about this document:

Office +1 212 704 9733
Mobile +1 917 517 3758
Brennan.Higgins@Harkess-Ord.com

CITIZEN PARTICIPATION FORM - PART B

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

Public Hearing or Project Name: Sign Exception for 5995 Windward Parkway - E-18-09

Contact Name: Jessica Hill Telephone: 404-504-7754

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

A letter was sent on September 20, 2018 to all abutting property owners describing the proposed sign exception.

Enclosed with this submittal is a copy of the letter and the list of recipients. Only one recipient responded to the letter,

indicating no concerns with the proposal. A copy of the email is also enclosed. The applicant's representative attended the CZIM

on October 10, 2018 and the response to the proposal was only positive. Prior to filing, the applicant also requested review and

approval of the sign proposal from the Windward Business Center Association and received approval on June 26, 2018.

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Letter | <input type="checkbox"/> Personal Visits |
| <input type="checkbox"/> Telephone | <input type="checkbox"/> Group Meeting |
| <input type="checkbox"/> Email | <input type="checkbox"/> Other (Please Specify) _____ |

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

All adjoining owners, identified in the list attached were notified. The Windward Business Center Association also reviewed and approved the proposed signage prior to submittal of the application.

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

Signature of Authorized Agent:

Jessica L. Hill
Council and Authorized Agent
for Applicant

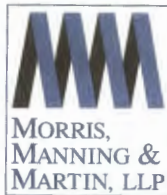
Date:

10/13/18

Print Form

Adjoining Owner Mailing List

Adjoining Property Address and ID	Owner Name and Mailing Address
0 Marconi Drive and 2050 Marconi Drive (21 553011140286 and 21 553011140328)	Rogers Campus LLC 2050 Marconi Dr. Alpharetta, Georgia 30005
3 Edison Drive R (21 550011760139)	Windward Creative, LP 3350 Riverwood Pkwy. Atlanta, Georgia 30339
5905 Windward Parkway (21 549011130459)	5095 Windward Investors LLC 621 North Avenue, NE Atlanta, Georgia 30308
0 Windward Parkway (21 549011130327)	Fifty Nine Zero Five Windward Parkway LLC 3756 Lavista Road Tucker Georgia 30084
2555 Marconi Drive (21 553011140336)	Minbro Marconi LLC 2555 Marconi Drive Alpharetta, Georgia 30005
2755 Marconi Drive (21 553011140302)	Docuteam Consulting Inc. 4331 Halifax Terrace NE Alpharetta, Georgia 30005
2855 Marconi Drive (21 553011140310)	CXI Holdings LLC 2208 Hollowbrooke Court Acworth, Georgia 30101
3755 Marconi Drive (21 554011750272)	Marconi Drive Offices LLC 2450 Atlanta Hwy Cumming Georgia 30040
0 Marconi Drive and 4955 Marconi Drive (21 554011750264 and 21 554011750223)	Selig Enterprises Inc. 1100 Spring Street, NW #500 Atlanta, Georgia 30309
6000 Windward Parkway (21 553011090200)	Ryder Truck Rental Inc. P.O. Box 025719 Miami, FL 33102
5900 Windward Parkway (21 549011100338)	Windward Office Center LLC 1755 N. Brown Road, Suite 110 Lawrenceville, Georgia 30043
0 Windward Parkway (21 553011090259)	National Waterfowl Alliance Waterfowl USA Unlimited Inc P.O. Box 50 Edgefield, SC 20824
3000 Marconi Drive (21 554011740208)	JDM II GA LLC 2400 E. Arizona Biltmore Circle, Suite 1270, Bldg 2 Phoenix, Arizona 85016
Windward Business Center Association, Inc.	c/o pmgcommercial Property Management P.O. Box 325 Alpharetta, Georgia 30009



Jessica L. Hill, Esq.
404-504-7754
jhill@mmmlaw.com
www.mmmlaw.com

VIA US MAIL

September 20, 2018

RE: Sign Exception for 5995 Windward Parkway – E-18-09

Dear Property Owner:

You are receiving this letter because you own property in the immediate vicinity of 5995 Windward Parkway. Change Healthcare Technologies, LLC has submitted a sign exception application to allow three of the four existing freestanding signs on the property to remain and be updated to reflect Change Healthcare and also upgrade the materials and paint to match the current Windward Business Center Association guidelines. Enclosed are the plans submitted for the sign exception. The Windward Business Center Association has already reviewed and approved the signage proposal. The application will be reviewed at the Alpharetta Community Zoning Information Meeting on October 10th at 6 PM and the Alpharetta City Council will consider the request on November 12th at 6:30 PM. Both meetings take place at Alpharetta City Hall. If you have any questions about the proposal, please contact me, or attend the Community Zoning Information Meeting on October 10th.

Sincerely,

Jessica L. Hill
Attorney for Applicant

JLH/db
Enclosure

SITE MARKER / MONUMENT LOCATIONS



SITE MARKER 1 / EXISTING CONDITION



SITE MARKER 1 / PROPOSED SIGN



COPY AREA: 6.72 FT. SQ.
STRUCTURE HEIGHT: 80"
STRUCTURE WIDTH: 54"
STRUCTURE DEPTH: 15.25"
HEIGHT TO TOP OF STRUCTURE FROM CLOSEST STREET: 100"

NOTES

Double-sided
Address to be fabricated letters
Change Healthcare logo to be fabricated letters
Existing site marker painted gray per business park guidelines
New stone base per business park guidelines

MONUMENT / EXISTING CONDITION



MONUMENT / PROPOSED SIGN



COPY AREA: 4.875 FT. SQ.
STRUCTURE HEIGHT: 61.5"
STRUCTURE WIDTH: 297.5"
STRUCTURE DEPTH: 22"
HEIGHT TO TOP OF STRUCTURE FROM CLOSEST STREET: 15'

NOTES

Change Healthcare logo to be fabricated letters
Existing monument painted gray per business park guidelines
New stone base per business park guidelines

Jessica L. Hill

From: Kate Carver <kcarver@seligenterprises.com>
Sent: Thursday, September 27, 2018 12:07 PM
To: Jessica L. Hill
Subject: Sign Exception for 5995 Windward Parkway

I'm in receipt of your letter dated September 20, 2018.

We have no concerns about the proposed signage changes.

Kate Carver
Senior Property Manager
Selig Enterprises, Inc.
1100 Spring Street NW, Suite 550
Atlanta, Georgia 30309-2848

Email: kcarver@seligenterprises.com
Direct Dial: (404) 898-9042



P. O. BOX 325 APHARETTA, GA 30009 678.366.2221

June 26, 2018

Change Healthcare
Carolyn smith
5995 Windward Parkway
Alpharetta, GA 30005

Re: Windward Business Center
 Signage – 5995 Windward Parkway
 Alpharetta, GA 30005

Dear Carolyn,

The Windward Business Center Association Design Review Committee is in receipt of your recent request for proposed signage at the above referenced property. After careful review, the Committee has rendered the decision as stated below.

The signage request is approved subject to the following conditions:

1. Site marker 1 sign is approved as submitted per new signage guidelines
2. Site marker 2 sign is approved as submitted per new signage guidelines with the addition of “service entrance” and directional arrow mounted on sign.
3. Monument sign is approved as submitted per new signage guidelines.
4. Site marker 3 sign is not approved and is to be removed.

Please note that the Committee’s comments and any approvals thereof are based on the specific plans currently submitted. Please note, applicant must obtain approval from the City of Alpharetta prior to installation. Any changes in the plans due to County/City must be highlighted in a cover memo and resubmitted to the Windward Business Center Association DRC for review..

Please feel free to contact me if you have any questions or require additional clarification.

Sincerely,

Kimbrle Matherly
Managing Agent
Windward Business Center Association, Inc.

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: _____

 Fee Paid Initial: _____

COMMUNITY DEVELOPMENT DEPARTMENT

• 2 PARK PLAZA •

ALPHARETTA, GA 30009

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

Contact Information:

Contact Name: Change Healthcare Technologies, LLCTelephone: 813-288-2713Address: 5995 Windward Parkway

Suite: _____

City AlpharettaState: GAZip: 30005

Fax: _____

Mobile Tel: _____

Email: carolyn.smith@changehealthcare.com

Subject Property Information:

Address: 5995 Windward Parkway, Alpharetta, GA, 30005Current Zoning: CUP

District: _____

Section: _____

Land Lot: _____

Parcel ID: 21553011130279Proposed Zoning: n/aCurrent Use: Office

This Application For (Check All That Apply):

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

APPLICANT REQUEST AND INTENT

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

The property is currently developed with an office building. Four monument signs are existing on the property.

Applicant's Request (Please itemize the proposal):

The applicant requests an exception from Section 2.6.12.(C)(1)(b) to allow two additional free standing (monument) signs pursuant to the authority granted in Sections 4.5.4(A)(2)(d) and 4.5.4(B)(1) of the code. One of the signs also exceeds the allowable height as measured from road grade. The monument sign is 61.5 inches tall, but is approximately 15 feet tall as measured from road grade due to topography.

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

This application, as detailed in the attached letter of intent, requests that an exception be made to allow three of the four signs to remain and allow aesthetic improvements to them to bring them up to current Windward standards and reflect the current tenants.

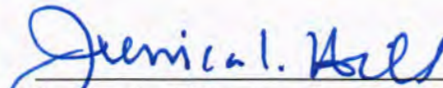
CHANGE HEALTHCARE TECH SIGN EXEMPTION

Sign Exception Letter of Intent

The applicant requests a sign exception to allow two signs that mark the location of a headquarter office development located at the southwestern corner of Windward Parkway and Marconi Drive to remain and be renovated. The office development is situated interior of a heavily wooded 40-acre property. The applicant recently completed a merger with McKesson which involved a change in ownership of the subject property and reorganization of certain lines of business within the company. There are currently four freestanding signs located at vehicular entrances to the development that have been there for many years and identify McKesson. In connection with this application, it is proposed that one of the four signs will be removed and three will remain, consisting of two site marker signs and one monument sign. Pursuant to the current Alpharetta sign ordinance, only one freestanding sign is allowed. This application will allow two additional signs to remain for a total of three freestanding signs. The site marker sign requested to remain is located at the intersection of Windward Parkway and Marconi Drive and the other monument sign requested to remain is located at the intersection of Marconi Drive and the property's northern private drive. A prior owner installed and improved the signs and the signs are now nonconforming.

Approval of the exception will allow the applicant to enhance the signs' aesthetic appearance and change the copy on the signs to reflect the current ownership. No changes in the dimensions of the signs are proposed from existing conditions. The proposed changes include painting the signs and cladding them with stone bases to bring the existing signs into conformity with the Windward Business Association, Inc.'s standards. The Windward Business Center Association, Inc. has approved the signage requested in this application as evidenced by the June 26, 2018 letter included in this application.

By:

Jessica L. Hill, Esq., Attorney for Applicant

CHANGE HEALTHCARE TECH SIGN EXEMPTION

Sign Exception Review Criteria

Pursuant to Section 4.5.4(A)(2)(d) and 4.5.4(B)(1), an exception may be granted upon a finding that:

(a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of size, shape or topography; or

There are extraordinary and exceptional conditions pertaining to the property because of the property's large size and topography. The office facility is located in the interior of a heavily wooded 40-acre property. Due to the heavy foliage and the size of the property, the office facility is not visible from Windward Parkway or from the northern entrance to the property. The sign exception will allow the existing signs to continue to provide visibility for the office facility and will assist employees and visitors in locating the facility.

(b) The application of the Ordinance to this particular piece of property would create an unnecessary hardship; or

The application of the Ordinance to this particular piece of property would create a hardship by causing navigational challenges for employees and visitors. As mentioned above, the signs are critical to locating and navigating to the office facility due to lack of visibility. Such a hardship is unnecessary, as the applicant proposes to improve the signs in accordance with the Windward Business Association, Inc.'s standards.

(c) There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned; or

There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned. The signs are existing and were utilized by a prior owner for many years. Due to the topographic and visibility challenges affecting the property, the continued use of the signs is essential to providing notice to visitors and employees of the location of the office facility.

(d) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Ordinance.

Relief, if granted, would benefit the public good and would not impair the purpose and intent of the Ordinance. The Windward Business Association, Inc. has approved the design of the proposed renovations to the existing signs. The proposed sign exception will enable the applicant to improve the appearance of the existing signs while continuing to assist the public in locating the office facility.

CHANGE HEALTHCARE TECH SIGN EXEMPTION

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Change Healthcare Technologies, LLC Telephone: 813-288-2713
Address: 5995 Windward Parkway Suite:
City Alpharetta State: GA Zip: 30005

Authorization:

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

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

- Annexation Special Use
Rezoning Conditional Use
[X] Variance Master Plan
Land Use Application Other

Identify Authorized Applicant:

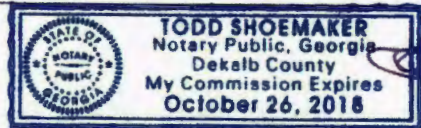
Change Healthcare Technologies, LLC c/o Morris, Manning and Martin, LLP

Name of Authorized Applicant: Telephone: 813-288-2713
Address: 5995 Windward Parkway Suite:
City Alpharetta State: GA Zip: 30005

So Sworn and Attested:

Owner Signature: [Signature] Date: 8/28/18

Notary:
Notary Signature: [Signature] Date: 8/28/18



CHANGE HEALTHCARE TECH SIGN EXEMPTION

DISCLOSURE FORM

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

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

Name of Applicant or Opponent: Change Healthcare Technologies, LLC

Subject Public Hearing Case: _____

Campaign Contribution Information:

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

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

Name of Official: N/A Position: _____

Description of Contribution: MA Value: _____

Description of Contribution: N/A Value: _____

Description of Contribution: N/A Value: _____

Description of Contribution: MA Value: _____

Description of Contribution: N/A Value: _____

Campaign Contribution Information:

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

Signature: Joyl H. Alkon

Date: 8/28/18

CITIZEN PARTICIPATION FORM - PART A

This form must be completed and submitted with the applicant's completed Public Hearing Application. Applications submitted to the City of Alpharetta without a completed Citizen Participation Form - Part A will not be accepted.

Public Hearing or Project Name: _____

Contact Name: Change Healthcare Technologies, LLC, Carolyn Smith Telephone: 813-288-2713

The following people will be notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified. Use additional pages as needed.

<p>See Attached</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
--	--

Method by which these individuals will be contacted. Please mark all that apply. *If you select "Other," please provide a description of the method of contact that will be used.*

- | | |
|--|--|
| <input checked="" type="checkbox"/> Letter | <input type="checkbox"/> Personal Visits |
| <input type="checkbox"/> Telephone | <input type="checkbox"/> Group Meeting |
| <input type="checkbox"/> Email | <input type="checkbox"/> Other <i>(Please Specify)</i> _____ |

Please describe the method(s) by which these individuals will have the opportunity to respond or contact the applicant with questions or concerns about the proposal.

CHANGE HEALTHCARE TECH SIGN EXEMPTION

Adjoining Owner Mailing List

Adjoining Property Address and ID	Owner Name and Mailing Address
0 Marconi Drive and 2050 Marconi Drive (21 553011140286 and 21 553011140328)	Rogers Campus LLC 2050 Marconi Dr. Alpharetta, Georgia 30005
3 Edison Drive R (21 550011760139)	Windward Creative, LP 3350 Riverwood Pkwy. Atlanta, Georgia 30339
5905 Windward Parkway (21 549011130459)	5095 Windward Investors LLC 621 North Avenue, NE Atlanta, Georgia 30308
0 Windward Parkway (21 549011130327)	Fifty Nine Zero Five Windward Parkway LLC 3756 Lavista Road Tucker Georgia 30084
2555 Marconi Drive (21 553011140336)	Minbro Marconi LLC 2555 Marconi Drive Alpharetta, Georgia 30005
2755 Marconi Drive (21 553011140302)	Docuteam Consulting Inc. 4331 Halifax Terrace NE Alpharetta, Georgia 30005
2855 Marconi Drive (21 553011140310)	CXI Holdings LLC 2208 Hollowbrooke Court Acworth, Georgia 30101
3755 Marconi Drive (21 554011750272)	Marconi Drive Offices LLC 2450 Atlanta Hwy Cumming Georgia 30040
0 Marconi Drive and 4955 Marconi Drive (21 554011750264 and 21 554011750223)	Selig Enterprises Inc. 1100 Spring Street, NW #500 Atlanta, Georgia 30309
6000 Windward Parkway (21 553011090200)	Ryder Truck Rental Inc. P.O. Box 025719 Miami, FL 33102
5900 Windward Parkway (21 549011100338)	Windward Office Center LLC 1755 N. Brown Road, Suite 110 Lawrenceville, Georgia 30043
0 Windward Parkway (21 553011090259)	National Waterfowl Alliance Waterfowl USA Unlimited Inc P.O. Box 50 Edgefield, SC 20824
3000 Marconi Drive (21 554011740208)	JDM II GA LLC 2400 E. Arizona Biltmore Circle, Suite 1270, Bldg 2 Phoenix, Arizona 85016

CHANGE HEALTHCARE TECH SIGN EXEMPTION

Legal Description

All that tract or parcel of land lying and being in Land Lots 1113, 1114, 1175 and 1176, 2nd District, 1st Section, City of Alpharetta, Fulton County, Georgia and being more particularly described as follows:

BEGINNING at the intersection of the east right-of-way of Edison Drive (right-of-way varies) With the south right-of-way of Windward Parkway (right-of-way varies); thence along the south right-of-way of Windward Parkway North 85°29'04" East 361.70 feet to an iron pin found (1/2" rebar), being the TRUE POINT OF BEGINNING; thence continuing along said right-of-way North 85°29'04" East, a distance of 185.61 feet to a point; thence continuing along said right-of-way line 40.80 feet along a curve, said curve having a chord of North 84°22'37" East 40.79 feet and a radius of 1055.09 feet to a point on the west right-of-way of Marconi Drive (not dedicated) (right-of-way varies); thence along said right-of-way 27.40 feet along a curve, said curve having a chord of South 57°28'53" East 25.31 feet and a radius of 20.00 feet to a point; thence continuing along said right-of-way line 499.43 feet along a curve, said curve having a chord of South 51°30'19" East 471.83 feet and a radius of 430.00 feet to a point; thence continuing along said right-of-way line South 84°46'44" East, a distance of 440.81 feet to a point; thence continuing along said right-of-way line 87.56 feet along a curve, said curve having a chord of South 78°48'23" East 87.40 feet and a radius of 420.00 feet to an iron pin set (1/2" rebar); thence leaving said right-of-way South 14°26'24" West, a distance of 582.51 feet to an iron pin set (1/2" rebar); thence South 19°14'59" West, a distance of 494.27 feet to an iron pin set (3/4" rebar); thence South 67°50'01" East, a distance of 397.00 feet to an iron pin set (1/2" rebar) on the west right-of-way of Marconi Drive; thence along said right-of-way South 22°09'59" West, a distance of 50.00 feet to an iron pin set (1/2" rebar); thence leaving said right-of-way North 67°50'01" West, a distance of 394.46 feet to an iron pin set (1/2" rebar); thence South 35°31'46" West, a distance of 159.43 feet to an iron pin set (1/2" rebar); thence South 29°40'01" West, a distance of 250.39 feet to an iron pin set (1/2" rebar); thence South 51°05'43" West, a distance of 665.00 feet to an iron pin set (1/2" rebar); thence North 43°30'00" West, a distance 597.98 feet to an iron pin set (1/2" rebar); thence North 04°30'00" West, a distance of 171.68 feet to an iron pin found (1/2" rebar); thence North 44°51'12" East, a distance of 880.10 feet to an iron pin set (3/4" rebar); thence, North 40°08'48" West, a distance of 572.50 feet to an iron pin found (1/2" rebar); thence North 09°54'57" East, a distance of 530.21 feet to an iron pin found (1/2" rebar); said iron pin being the TRUE POINT OF BEGINNING.

The above described property contains 40.091 acres and is shown on and is described according to that certain ALTA/ACSM Land Title Survey prepared for HBO & Company of Georgia and Chicago Title Insurance Company by Rochester & Associates, Inc. (James C. Jones, Georgia Registered Land Surveyor No. 2298, dated February 20, 1997, last revised December 16, 1997, Job No. 95-207.13-2604), which certain survey is incorporated herein by this reference and made a part hereof.

CHANGE HEALTHCARE TECH SIGN EXEMPTION



P.O. BOX 325 APHARETTA, GA 30009 678.366.2221

June 26, 2018

Change Healthcare
Carolyn smith
5995 Windward Parkway
Alpharetta, GA 30005

Re: Windward Business Center
 Signage – 5995 Windward Parkway
 Alpharetta, GA 30005

Dear Carolyn,

The Windward Business Center Association Design Review Committee is in receipt of your recent request for proposed signage at the above referenced property. After careful review, the Committee has rendered the decision as stated below.

The signage request is approved subject to the following conditions:

1. Site marker 1 sign is approved as submitted per new signage guidelines
2. Site marker 2 sign is approved as submitted per new signage guidelines with the addition of "service entrance" and directional arrow mounted on sign.
3. Monument sign is approved as submitted per new signage guidelines.
4. Site marker 3 sign is not approved and is to be removed.

Please note that the Committee's comments and any approvals thereof are based on the specific plans currently submitted. Please note, applicant must obtain approval from the City of Alpharetta prior to installation. Any changes in the plans due to County/City must be highlighted in a cover memo and resubmitted to the Windward Business Center Association DRC for review..

Please feel free to contact me if you have any questions or require additional clarification.

Sincerely,

Kimbrle Matherly
Managing Agent
Windward Business Center Association, Inc.



City Council Meeting and Public Hearing STAFF REPORT

Submitting Department: Community Development

Submitted By:

Meeting Date: November 12, 2018

I. AGENDA ITEM TITLE: E-18-10: WELLSTAR / SIGN EXCEPTION

NOTE: THIS ITEM HAS BEEN DEFERRED BY THE APPLICANT AND WILL BE NEITHER HEARD NOR CONSIDERED DURING TONIGHT'S MEETING. THE ITEM HAS BEEN PLACED ON THE DECEMBER 12 CITY COUNCIL AGENDA.

CONSIDERATION OF A SIGN EXCEPTION TO ALLOW ADDITIONAL WALL SIGNS. THE PROPERTY IS LOCATED AT 2450 OLD MILTON PARKWAY AND IS LEGALLY DESCRIBED AS BEING LOCATED IN LAND LOT 749, 1ST DISTRICT, 2ND SECTION, FULTON COUNTY, GEORGIA.

II. RECOMMENDATION:

III. BUDGET IMPLICATIONS:

BUDGETED ITEM: NO

FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST:

APPROPRIATIONS:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>

EXTERNAL FUNDING SOURCES:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>

IV. REPORT IN BRIEF:

V. ALTERNATIVES:

VI. ATTACHMENTS:



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT
SUBMITTED BY: KATHI COOK
DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: PH-18-05 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – FIRE PIT REGULATIONS AND CLEARING & GRADING ACTIVITIES

CITY COUNCIL: October 22, 2018

This item was heard at the July 12, 2018 Planning Commission meeting. Two (2) residents spoke on the item with concerns over the fire pit regulations. After discussion, the Planning Commission tabled the item. The item was presented at a Council workshop on September 17, 2018. Council directed staff to move forward with the fire pit regulations as proposed by Staff with the addition of a definition for 'fire pit', removal of 'grills and stoves' from the proposed regulation and only regulating the size and setbacks for a recreational fire pit.

This item was removed from the table and heard by the Planning Commission at its October 4, 2018 meeting. Two (2) residents spoke on the item, one in support of the proposed text amendments and one in opposition to the text amendments. After discussion, the Planning Commission recommended approval of the item with changes to the definition of 'mass grading' and replacing 'review' with 'approval' on the proposed regulation addressing land disturbance permits. Vote (6-1)

II. RECOMMENDATION:

Approve text amendments to Unified Development Code, Section 3.2 as it relates to clearing and grading activities and Section 4.4 as it relates to adding recreational fire pit regulations.

III. REPORT IN BRIEF:

Consideration of amendments to Unified Development Code (UDC) Section 3.2 Tree Conservation, Landscape, and Buffer Requirements and Section 4.4 Development Permitting and Construction.

Fire Pit Regulations:

Staff proposes to add recreational fire pit definition and regulations to UDC Section 4.4, Development Permitting and Construction. UDC text amendments are proposed in response to questions and complaints received from residents with concerns over smoke intrusion and safety. The UDC does not currently regulate recreational fire pits. Staff proposes regulations that would limit the size and location of a recreational fire pit.

Clearing & Grading:

Staff proposes to add a definition for 'Mass Grading' and regulations to UDC Section 3.2 addressing clearing and grading activities associated with land development.

IV. ATTACHMENTS:

- UDC Strike Through and Underline Edits

AN ORDINANCE TO AMEND ARTICLES III AND IV OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO ADD A DEFINITION AND REGULATIONS ADDRESSING MASS GRADING; TO ADD A DEFINITION AND REGULATIONS ADDRESSING RECREATIONAL FIRE PITS; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, on or about May 21, 2001, the City of Alpharetta (the “City”) adopted a comprehensive zoning ordinance known and cited as the Unified Development Code of the City of Alpharetta, Georgia, which has subsequently been amended from time to time (the “Unified Development Code”); and

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; and

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 the Unified Development Code more responsive to community needs; and

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; and

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

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

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

Section 1: **Article III, Subsection 3.2.2**, “Definitions” of the Unified Development Code is hereby amended by adding the following terms and definitions in their appropriate alphabetical order:

“*Mass Grading*. The grading within existing or across proposed property lines including the removal of trees and disturbance of soils in order to prepare a site for construction where buildings are not approved.”

Section 2: **Subsection 3.2.5(A)** [Land Disturbance Permit for Development Activity] of Article III of the Unified Development Code is hereby amended to address pad grading and mass grading.

Section 3: **Subsection 4.4.5** [Building Permit] of Article IV of the Unified Development Code is hereby amended to add a definition for recreational fire pits and regulations addressing size and location.

Section 4: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall

not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

Section 5: This Ordinance shall be effective immediately upon its adoption by the City Council and incorporated into The Unified Development Code of the City of Alpharetta, Georgia. This Ordinance hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED this the _____ day of _____, 2018.

Approved:

Jim Gilvin, Mayor

Attest:

COUNCILMEMBERS

Coty Thigpen, City Clerk
(Seal)

Approved as to Form:

C. Sam Thomas, City Attorney

SECTION 4.4 - DEVELOPMENT PERMITTING AND CONSTRUCTION

No development activity shall commence or proceed except in accordance with the provisions of this Ordinance.

4.4.1 Plan approval.

Any person seeking development activity on land within the City shall first submit to the Director such plans, plats, or construction drawings as may be required by this Ordinance and approved by the Director prior to the initiation of development activities. Approval of plans by City or its authorized agents shall not imply nor transfer acceptance of responsibility for the application of the principles of engineering, architecture, landscape architecture, or any other profession, from the professional corporation or individual under whose hand or supervision the plans were prepared and sealed.

No land disturbance permit shall be interpreted to relieve any owner of the responsibility of maintaining full compliance with all codes, ordinances, and other regulations of the City. Any land disturbance permit issued in error or in contradiction to the provisions of this Ordinance shall be considered to have been null and void upon its issuance.

4.4.2 Preliminary development approval.

A. *Pre-Application Review.* Any person seeking development activity approval is encouraged to schedule a Pre-Application Review with the Community Development Department Staff.

The review would include preliminary documents and graphic exhibits of the proposed development activity application.

The purpose of the review is to expedite applications and reduce application design and development costs.

B. *Preliminary Plat,* (Applies to Residential and Non-Residential Subdivisions which are not included as a part of an approved master plan).

1. *Procedure for approval:*

- a. Application for preliminary plat approval shall be submitted to the Community Development Department. The application shall include:
 - (1) The application in the form furnished by the Community Development Department.
 - (2) Two (2) copies of the preliminary plat showing the entire ownership drawn to the preliminary subdivision plat specifications of this Ordinance.
 - (3) Payment of all preliminary plat application and review fees.
- b. The application forms, fees, and filing deadlines shall be published and made available to the public. The Community Development Department shall review the application for completeness. Incomplete applications will be returned to the owner.
- c. Ten (10) days following the application deadline, the Community Development Department shall indicate on a preliminary subdivision plat or in a written memorandum all comments related to compliance with this Ordinance and conditions of zoning approval. Subject to any action of the City Council, the Director shall have sole authority to determine the applicability of any provisions of this Ordinance.
- d. The owner shall be responsible for all of the comments of the Community Development Department prior to the resubmission of the revised preliminary plat application.
- e. The revised preliminary plat shall be submitted to the Community Development Department.

- f. The Community Development Department may not approve any preliminary plat whereon is shown a lot that would present particularly unusual difficulties for construction, including a building that would clearly require a variance to be reasonably usable whether due to the presence of floodplain, unusual configuration, zoning compliance, lack of public utilities, or for any other reason.
 - g. The owner shall be responsible for compliance with all codes, regulations, and zoning requirements, and for the satisfaction of all the noted and written comments of the Community Development Department.
 - h. When the Community Development Department has determined that the preliminary plat is in compliance with this Ordinance and any conditions of zoning the Director shall sign and date a copy of the plat.
 - i. The preliminary plat approval shall remain in effect for a period of one (1) year, after which time it shall become null and void and a new review may be required if no permit has been issued and development activity begun.
2. *Standards for Approval.* The Preliminary Plat shall be clear and legible at a scale of not greater than one hundred (100) feet to one (1) inch. The recommended maximum dimensions of the sheet size is 24 inches by 36 inches and the minimum dimensions of 17 inches by 22 inches; however, the Director may approve other sheet sizes and scales as appropriate.

The proposed name of the subdivision and proposed street names shall not duplicate or too closely approximate, phonetically, the name of any other subdivision or street in the City of Fulton County. If shown to the contrary, the Director may refuse to accept such subdivision and street names. The subdivision may use letter designations in place of street names on the Preliminary Plat.

Names having historic significance to the City by virtue of their association to events, individuals, local industries, or natural features should be used to the greatest extent possible.

3. *Preliminary Plat shall include:*
- a. Proposed project name.
 - b. Project design and layout including total acreage, proposed use, proposed number of lots, minimum lot size, proposed density and other relevant zoning conditions and regulations in tabular form.
4. *Evidence of preliminary subdivision plat approval.* Each preliminary subdivision plat shall carry the following certificates printed or stamped on the plat:

- a. Approval from the Fulton County Development Services Department for appropriate utilities.
- b. Preliminary Surveyor's Certificate.

I hereby certify that this proposed preliminary plat correctly represents data compiled or verified through a survey completed by me on _____, 19 _____, of property shown and described hereon.

By: _____

Registered Land Surveyor's No. _____

Date: _____

- c. Preliminary subdivision plat approval.

All requirements of the Alpharetta Unified Development Regulations relative to the preparation and submittal of a preliminary plat having been fulfilled, approval of this plat is hereby granted, subject to further provisions of said Ordinance.

Community Development Department

Date: _____

This preliminary plat approval shall expire twelve (12) months from the date of approval provided a Land Disturbance Permit is not issued.

([Ord. No. 718](#), §§ 21, 22, 12-14-2015)

4.4.3 Land disturbance permit.

A. *Development Activities Authorized.* Persons seeking to perform development activity on land within the City shall not commence or proceed until civil construction drawings are submitted and approved in accordance with this Ordinance.

A Land Disturbance Permit shall be issued to authorize all activities associated with development activity, including, but not limited to, clearing and grubbing, grading, and the construction of such improvements as streets, surface parking areas and drives, sewer systems, domestic water systems, storm water drainage facilities, sidewalks, or other structures permanently placed on or in the property except for buildings or other structures requiring the issuance of a building permit. Utility projects which are reviewed and approved by other agencies, such as Fulton County, must obtain a Land Disturbance Permit from the City of Alpharetta.

B. *Process for Approval.* The Community Development Department shall be responsible for the coordination and approval of all land disturbance permit applications. For subdivisions, application for the issuance of a land disturbance permit may proceed after approval of the preliminary plat.

1. Application for a land disturbance permit shall be made to the Community Development Department. The application shall include:
 - a. Application in the form furnished by the Community Development Department, requesting review for issuance of a land disturbance permit.
 - b. City checklists with sheet number and/or note number annotated next to each checklist item.
 - c. Five (5) copies of the civil design and construction drawings prepared in conformance with the specifications in this Ordinance.
 - d. Payment of permit application and review fee.
2. The application forms, fees, and schedule for application processing shall be revised from time-to-time by the Director.
3. The owner may be required to secure development approval from Fulton County, the State of Georgia, and Federal Review Agencies. Development approval may be required from, but not limited to:
 - a. Fulton County Development Services Department;
 - b. Fulton County Health Department;
 - c. U.S. Army Corps of Engineers;
 - d. U.S. Environmental Protection Agency;
 - e. Georgia Department of Natural Resources.

4. Complete applications received by the application deadline shall be distributed to the City Engineering Department, City Fire Marshall, City Arborist, City Public Works Department, and other City departments deemed appropriate by the Director for review.
5. Ten (10) days following the application deadline, the Community Development Department shall indicate in a written memorandum all comments related to compliance of the civil construction drawings with this Ordinance, conditions of zoning approval, and the regulations of other departments and state agencies, as appropriate. The Director shall forward to the owner's representative all review comments.
6. The owner shall be responsible for compliance with all codes, regulations, and zoning requirements, and for the satisfaction of all of the comments of the Community Development Department. The owner's representative shall review the comments with the appropriate department. Once each department is satisfied that the civil design and construction drawings are in compliance with this Ordinance, each department will sign and date the route sheet, and the approved plans.
7. The owner shall pay the development fee (Land Disturbance Permit Fee), and provide the required performance bonds prior to plan approval. The required performance bonds include the Erosion Control Bond, the Tree Bond and the Existing Roads Improvement Bond.

The Erosion Control Bond shall be calculated at \$3,000.00 per disturbed acre.

The Tree Bond shall be calculated at \$500.00 per tree for every required tree planting within a 25' interior radius of the site perimeter.

The Existing Roads Improvement Bond is calculated at 100% of the cost of any improvements to existing roads.

The amounts of the aforementioned Land Disturbance Permit Fee and performance bonds are determined by the Director of the Community Development Department and may be revised from time to time at his or her discretion.

The release of any performance bond is contingent upon the performance of bonded work and the completion of a satisfactory inspection of said work by the Community Development Department. Should the ownership of any bonded work be altered during the duration of any bond, it shall be the responsibility of the owner specified in the original bond paperwork to ensure that proper sureties be continued irrespective of original ownership.

8. The applicant for land disturbance permit must complete the City's "Fundamentals of Erosion and Sedimentation Control" course prior to receiving a permit. The onsite superintendent of the job must possess a valid certificate of course completion. City of Alpharetta erosion control officers may request the onsite superintendent show the course verification card at any time deemed necessary. If the superintendent does not possess a valid certificate of completion, a Stop Work Order will be issued until an onsite superintendent attends the course.
9. Any person who receives an erosion control violation will be required to attend the "Fundamentals of Erosion and Sedimentation Control" course for a second time. If after completing the course, the person receives another violation, no further land disturbance permits will be issued. The person may appeal by requesting to be placed on the City of Alpharetta Council agenda and appear before City of Alpharetta Council at the regular scheduled meeting to request additional permits.
10. Following the approval by all appropriate City Departments, the Director shall issue a soil erosion control and sedimentation permit authorizing the placement of erosion control and tree protection devices based on the approved civil design and construction drawings.
11. The owner shall request a site soil erosion control inspection from the Engineering Department. Upon site approval, the Land Disturbance Permit will be issued.

C. *Expiration of Land Disturbance Permit.*

1. If the development activity described in any land disturbance permit has not substantially begun within 12 months from the date of the construction plans approval said permit shall expire and be null and void. One 12-month extension may be granted with a written request to the Director, prior to the permit expiration date.
2. If for any reason a land disturbance permit expires after development activities have commenced, the owner shall be responsible for stabilizing the site for erosion control, under the direction of the City Engineer.
3. Any land disturbance permit that has expired may be required, by the Director, to apply for a new land disturbance permit as outlined in the land disturbance permit approval process of this Ordinance.

([Ord. No. 681, § 1, 10-7-2013](#) ; [Ord. No. 718](#) , § 23, 12-14-2015)

4.4.4 Required drawings.

The site construction plans shall be clear and legible; and shall include but not be limited to the following:

- A. Site Plan.
- B. Grading Plan.
- C. Erosion and Sedimentation Control Plan.
- D. Storm Water Management Plan.
- E. Street Improvement Plan and Profile.
- F. Landscape/Tree Removal Plan.
- G. Tree Survey Plan and Inventory.
- H. Domestic Water Plan.
- I. Floodplain Management Plan.
- J. Standard Drawings and Construction Specifications.

4.4.5 Building permit.

- A. *Plan Approval.* Any owner, authorized agent, or prime contractor who desires to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, plumbing, low voltage, energy conservation, or fire protection system, the installation of which is regulated by this Code, including the Georgia State Minimum Standard Codes, or to cause any such work to be done, shall first make application to the Building Division and obtain a permit for the work being done.

Exception No. 1: Permits shall not be required for the following mechanical work:

1. Any portable-heating appliances, ventilation equipment, cooling units, or evaporative coolers.
2. Any steam, hot, chilled water piping within heating and cooling equipment regulated by this Code.
3. Replacement of any part which does not alter its approval or make it unsafe.
4. Any self-contained refrigeration system containing 10 lb. or less of refrigerant and actuated by motors of one horsepower or less.

Exception No. 2:

1. Retaining walls which do not exceed 4 feet in vertical height, as measured from the low side exposed toe of the wall to the top of the wall at any point.
2. Residential storage buildings less than 100 square feet in floor area without electrical, mechanical, or plumbing systems.
3. Play or tree houses less than 50 square feet in floor area without electrical, mechanical, or plumbing systems.
4. Fences which do not exceed 10 feet in vertical height and which do not extend into front yards or side yards which border onto public streets.
5. Basketball goals which are stand-alone and not part of a basketball court.
6. Driveways and parking areas for one and two family dwellings or townhouses, except that no curb cuts leading into a public right-of-way shall be made without City Engineering Department written approval on any property.
7. Roof covering replacements not involving any structure modifications.
8. Decorative water features not intended for human use containing water less than 24 inches in depth or which do not have water filtering equipment that require waste water disposal.

Although structures listed in Exception No. 2 are exempt from requiring a permit, listed structures shall meet the requirements of all other applicable codes, ordinances, and regulations governing same.

Ordinary minor repairs under \$500.00 in total labor and materials cost may be made without a permit providing these minor repairs shall not violate any Code. Examples of minor repairs shall include but not be limited to: exterior painting, installation of a window, air conditioning unit, replacement of windows, and installation of gutters.

- B. *Building Permit Expiration.* Plans and specifications for projects reviewed by the City Building and Fire Departments shall be permitted within six (6) months of the final review and approval date of such plans and specifications to be valid for obtaining a building permit or the project shall be deemed to have been abandoned.

Permits shall expire six (6) months from the date of issue if the permittee fails to request and pass a required first inspection, whether or not construction has been initiated.

Permits shall also expire if the permittee fails to request and pass a required inspection during any six (6) month period after any previous required inspection has been passed.

The Building Official is authorized to grant no more than two (2) permit extensions, not to exceed ninety (90) days each, during which time the permittee shall request and pass a required inspection. Requests for extension shall be made prior to permit expiration, shall be in writing, and shall show justifiable cause.

- C. *Procedure for Processing.* The Director shall be responsible for administering and enforcing the City building codes, as well as coordinating building plan review with the City Fire Marshall.

1. Prior to issuance of a building permit, the owner shall have received tree protection and soil erosion, and sedimentation control approval as required in this Ordinance.
2. Application for a building permit shall be made to the Building Division. The application shall include:
 - a. Application in the form furnished by the Building Division requesting plan review for issuance of a building permit.
 - b. Land disturbance permit or recorded Final Plat.
 - c. One (1) set of the building plans (three [3] sets for non-residential projects) prepared in conformance with this Ordinance and the applicable City building codes.

- d. Fulton County Development Services Department approval for on-site sewage disposal and pretreatment systems and, Fulton County Health Department for on-site food service.
 - e. City business license for all contractors and builders.
 - f. Payment of all building permit application and review fees.
 - g. Payment of all water and sewer permit fees.
 - h. Payment of all impact fees.
3. All applications for building permits shall be accompanied by a site plan drawn to scale (minimum 1" = 30'), showing the actual dimensions of the lot to be built upon, the right-of-way of the existing street address, the dimensions of the building to be erected, the location of the building on the lot, the number of dwelling units the building is designed to accommodate (if for a residential structure), the building setback lines, lot and block number the location of all easements, buffers, floodplains, retaining walls and other such information as may be essential for determining whether the provisions of all City Ordinances are being observed.
 4. Residential Building Plan Requirements: Refer to the Residential Permitting Procedures.
 5. Commercial Building Plan Requirements: Refer to the Commercial Permitting Procedures.
 6. For any structure served by an on-site sewage disposal system, a permit issued by the Fulton County Development Services Department shall be required prior to the issuance of a building permit.
- D. *Plan Review.* Each project shall include a Plan Review Submittal form, as furnished by the Department. Applicants are required to supply all information requested on this form in order to have their plans logged into the City review system.

If plans are such that no comment is required, they shall be stamped "Approved as Submitted". If plans are such that only minor "red line" comment is required, they shall be stamped "Approved as Noted" by both the City Building Official and the Fire Marshall, and the designated contact will be notified that the plans are ready for permit issue. It shall be the responsibility of the owner's designated contact person to notify all parties concerned of the plan review comments and to coordinate all responses regarding resubmission of corrected plans for final plan review.

After permitting, one set of plans with the original City signature approvals shall be placed on the job site and shall remain there throughout construction for inspector's reference during scheduled inspections.

1. Industrialized Buildings, as defined in O.C.G.A. 110-2, includes such buildings as site construction offices, real estate sales offices, temporary classrooms, and other such similar structures designed for habitable use on a site, usually for a limited time period. Such buildings shall be hereinafter referred to as "portables", whether or not installed on a temporary or permanent foundation or for temporary or permanent use.
2. Tool and storage trailers that are properly and currently licensed and apportioned for over-the-road use by Georgia and other states PSC/DOT authority, are not considered as portables for applicability of site or building plans required.
3. Two (2) sets of dimensioned site plans, drawn to a legible scale, and two (2) legible copies of the portable manufacturer's approved foundation installation plan and floor plan for the portable to be installed are required to be submitted to the City Building Division for building and zoning compliance review and permit issue prior to moving any portable on site.
4. After City review, one site and foundation/floor plan set will be retained by the City for record and one set will be returned to the applicant and must be placed on site and in an accessible location for required inspections prior to use. Site plans shall be drawn to scale and shall show at least the location of the property lines, setback lines, street rights-of-way, easements, buffers existing and proposed site structures, location and size of the portable, and existing and proposed drive entrances and paved areas.

5. All portables, or tool or storage trailers, and their appurtenances shall be located as follows:
 - a. All sites—Portables shall not be located on any public or private street that may be used or openly accessed by the public.
 - b. Commercial/Industrial Sites—Portables or trailers located on commercial or industrial sites shall be located behind setback lines and within buildable areas, outside buffers or easements, and at least twenty feet (20') behind any right of way.
 - c. Residential Site Construction Offices—Portables located on residential lots and used for construction offices or storage of construction materials shall maintain a minimum ten foot (10') setback from property lines, except on corner lots where a minimum twenty foot (20') setback shall be maintained, and shall be located outside any buffer or easement, and at least twenty feet (20') behind any right of way line at road intersections.
 - d. Residential Site Sales Offices—Portables located on residential lots and used for real estate sales offices or other approved uses not directly related to construction shall be located within building setback lines and within buildable areas, outside buffers or easements, and at least twenty feet (20') within any right of way line at road intersections.
6. Temporary installation foundation plans shall show the location and size of the support piers and the location and required restraint ratings of the tie-downs.

Portables installed on permanent foundations shall have a site specific foundation plan designed for a portable and sealed by a Georgia registered architect or engineer. The manufacturer's drawings and specifications are acceptable provided that the necessary information is included.

- E. *Contractor Licenses.* It shall be the duty of every individual or firm doing electrical, gas, mechanical, plumbing, low voltage, utility or fire protection work either as prime, contractor, or subcontractor under contract with a prime contractor, builder, or other contractor, or land or home owner to have a proper City issued subcontractor permit for such work prior to commencing work.

All prime contractors, builders, or other contractors shall furnish written proof of his business license registration including number; expiration date, business street address, name of the owner or responsible party, and a business telephone contact number. Business license registration numbers shall be affixed to the building permit application by the applicant.

The subcontractor shall provide proof of a current business license registration. A current Georgia contractor's license, as issued by the Georgia State Construction Industry Licensing Board, for his respective trade. Both license numbers shall be affixed to the subcontractor permit application by the applicant.

All work performed by a land or home owner or his hired workmen shall meet the provisions of this Code.

A home owner, when building or performing work for his/her own personal one and two family dwelling will not be required to have a business license in order to obtain a City building permit.

- F. *Requirements not Covered by Code.* Any requirement necessary for the strength, stability, fire protection, or proper operation of an existing or proposed building, structure, or electrical, gas, mechanical, plumbing, energy conservation, or fire protection system, or for property protection, or life safety, health, or welfare, not specifically covered by this Code shall be determined by the Building Official and the Fire Marshall.

- G. *Temporary Toilet Facilities.*

1. Construction sites within the City shall be provided with temporary nonsewered toilet facilities for worker use during construction and shall remain in place until permanent access to toilets are provided onsite.

2. For residential 'For-Sale' dwellings, construction sites, one (1) nonsewered toilet shall be provided for up to four (4) work sites, provided all work sites being served are within two hundred feet (200') walking distance of the unit.
3. For commercial sites, and 'For-Rent' dwellings sites, the developer or prime contractor must obtain a Non-Sewered Toilet System (NSTS) permit from the Fulton County Health Department stipulating the minimum number of units required on the project.
4. Inspections will not be made without the required temporary nonsewered or permanent toilets being in place, as required.
5. The developer or prime contractor of a permitted construction site shall be responsible for providing and maintaining required temporary toilet facilities throughout the duration of construction.

H. *Structural Fill and Backfill.*

1. Materials used for structural fill under and directly adjacent to buildings, drives, and walks and for backfill behind foundation and retaining walls shall be unfrozen unsaturated natural soils, clean and free of organic matter, silt, large rocks or stones, or foreign matter and debris. Material used may be coarse gravel, crushed natural stone, or sand free of silt, loam, or soluble materials, or any combination of the above.
2. Structural fills and backfills shall not be placed on subgrades that contain frost, mud, or are frozen.
3. In lieu of specific written direction and supervision by a Georgia licensed architect or engineer, fills shall be placed and compacted in loose layers of 6"—12" thickness and shall be compacted using sheepsfoot rollers, pneumatic tire rollers, tamper rollers, vibrating tampers, or other compaction equipment suitable to obtain the required density throughout the entire layer being compacted.
4. Fills and backfills shall be installed systemically and as early as possible to allow for natural settlement and shall not place over wet, spongy, or porous subgrade materials.
5. Backfill shall be placed against supported foundation walls or backfill shall be placed simultaneously on each side of unsupported walls, until supports are in place.
6. The top or bottom of any cut or fill slope in excess of one foot vertical rise or fall to three foot of horizontal run (1:3) shall not be located any closer than two feet (2') horizontal measure from the edge of drives, walks, paved areas, or retaining walls top or toe of wall.
7. The two foot (2') area adjacent to drives, walks, paved areas, tops or toes of retaining walls shall be graded at a (+/-) 2% slope (1/4"/ft.) and where feasible shall slope away from paved surfaces and walls.

I. *Site Retaining Walls.*

1. Site retaining walls, whether attached or detached from buildings or not, which are over four feet (4') in height at any point along the wall, as measured from the exposed low side toe of the wall to the top of the wall, shall be constructed to City Standard Drawings, City approved Manufactured Systems Drawings, or must be professionally engineered by a Georgia licensed architect or engineer.
2. Retaining walls shall also show planned top of wall heights, as measured above, plus reasonable points of top of wall elevation changes.

J. *Site Wall Safety Barriers.*

1. Any portions of site retaining walls over six feet (6') in height must be provided with a continuous safety barrier mounted at or immediately adjacent to the top of the wall at reasonably accessible areas.

2. Safety barriers shall be of substantial construction for the intended prevention of access, must be at least three feet (3') in height, as measured from grade at the base of the barrier to the top of the barrier; and may be man-made or vegetative in nature.
3. When vegetative barriers are used, they shall be of substantial maturity and density, at the time of Final Building Inspection, to prevent reasonable access to the top of the wall.
4. Site retaining wall construction and safety barrier plan submittals shall include dimensioned drawings, with sufficient clarity, detail, and written explanatory notes to describe the nature of work to be done.

K. Recreational Fire Pits.

1. Definition. A pit dug and/or constructed into or on the ground in which a contained outdoor fire is made.
2. Fire pits shall have a diameter of no greater than three feet (3') or a burn area of no greater than seven (7) square feet. Fire pits must be at least twenty-five feet (25') from all structures and twenty-five feet (25') from property lines.

L. Standards for Approval.

1. Building permits shall only be issued on buildable lots of record, as defined in this Ordinance.
2. City Building Codes:
 - a. The Code of The City of Alpharetta, Georgia.
 - b. 1994 Standard Building Code—Chapter 1 for Administration of Building and Technical Codes.
 - c. Georgia State Minimum Standard Building Code.
 - d. Georgia State Minimum Standard One and Two-Family Dwelling Code.
 - e. Georgia State Minimum Standard Electrical Code.
 - f. Georgia State Minimum Standard Plumbing Code.
 - g. Georgia State Minimum Standard Mechanical Code.
 - h. Georgia State Minimum Standard Gas Code.
 - i. Life Safety Code, NFPA 101, latest adopted issue.
 - j. Georgia State Minimum Standard Fire Prevention Code.
 - k. Georgia State Energy Code for Buildings.
 - l. Georgia State Accessibility Code and O.C.G.A. 30-3.
 - m. Georgia State Minimum Standard Swimming Pool Code.
 - n. Standard Existing Building Code.
 - o. Standard Unsafe Building Abatement Code.
 - p. Standard Amusement Device Code.

([Ord. No. 720](#), § 5, 2-22-2016)

4.4.6 Inspections and development activity completion.

- A. *Development Activity.* Following the issuance of the Soil and Erosion and Sedimentation Control Permit.

1. Required erosion and sedimentation control measures must be installed where practical by the owner and inspected and approved by the City Engineer. Areas required to be undisturbed by this Ordinance, conditions of zoning approval, or other ordinance or regulation shall be designated by an active tree protection fence or other appropriate markings and shall be inspected and approved by the City Engineer prior to the commencement of any clearing or grading activities. Additional sediment control measures will be installed if measures shown on plans do not provide sufficient erosion and sediment control.
- B. *Development Activity Inspections.* Requests for inspection shall be made by the owner's representative to the City Engineer at least 24 hours prior to commencement of development activity for each of the following phases as authorized by the land disturbance permit. Inspections shall be made and passed prior to continuation of further activity or proceeding into new phases. The phase inspections are as follows:
1. Erosion Control—Installation of erosion and sediment control and tree protection devices.
 2. Clearing and Grading—Installation of slope stakes shall be required. Upon completion of street grading, inspection, and approval shall be required prior to trenching or continuation with subgrade preparation.
 3. Installation of storm drainage pipe, detention, or other storm water facilities.
 4. Installation of on-site sewerage system or sanitary sewer and appurtenances. This notification shall be made simultaneously with official notification by the developer or contractor to the Fulton County Public Works Department and/or Fulton County Health Department, and, if for informational purposes only, to the City Engineer.
 5. Street Curbing and Gutter—Inspection should be requested before and after the forms or string-line have been set. Street width and vertical and horizontal alignment will be spot-checked.
 6. Sub-Base or Sub-Grade of Streets—After compaction, the sub-grade will be string-lined for depth and crown. The sub-grade shall be roll tested and shall pass, with no movement, to the satisfaction of the City Engineer.
 7. Street Base—The base will be string-lined for depth and crown and shall pass a roll test with no movement to the satisfaction of the City Engineer.
 8. Paving—The City Engineer shall be on site during the paving process to check consistency, depth, and workmanship, as applicable. For asphalt paving, the temperature of the material will be monitored and the street will be cored after completion to check thickness.
- C. *Building Inspections.* Inspections shall be scheduled with the Building Inspection Division. Requests for inspection shall include the street address, building permit number, and type of inspection. The building permit must be displayed on site and legible from the public street at all times.
1. *Posting of Permit.* Work requiring a permit shall not be started until the permittee or his agent, posts the building permit yard card in a conspicuous place at the front of the site where the permitted work is to be done. Cards shall be accessible and readable from the public right-of-way and located in such a position so as to permit City and other governing agency officials to conveniently view and make any required entries thereon.

The permit holder is responsible for maintaining the permit yard card and all damaged, lost, or stolen permit yard cards must be replaced by the permittee before further inspections may be made.

Permit yard cards shall be maintained in position until all required final inspections have been approved and signed off on the yard card and the building, structure or system is ready for occupancy and use.
 2. *Site Inspection Preparation.* No Inspections will be made by City building or fire inspectors on any construction site not having an accessible building permit yard card displayed and

"effective" soil erosion control measures in place, per City Engineering Department requirements.

Site silt fences, gravel construction entrances, and other City Engineering Department required erosion control measures shall be constantly maintained in good condition that effectively contains all site erosion within the site limits and out of waterways, streets and paved walkways.

Required inspections will not be performed when the site is in need of erosion control repair and violates City soils erosion control laws. Inspectors will leave a Notice of Violation on the permit yard card for the permittee to contact the City Engineering Department for their inspection and direction for repair.

It is the responsibility of the permittee to obtain written erosion control violation release from the City Engineering Department. No further building inspections will be performed on the site without this written release.

3. *Inspections Not Required.* The City does not normally provide inspection of certain residential construction applications, such as foundation walls with less than eight feet (8') of unbalanced fill, damp-proofing, foundation wall draitile, backfill, exterior wall insulation, and roof covering.

Builders are charged by building code law and the conditions of permit with a responsibility of installing these components to code compliance.

If code violations are detected in any application not normally inspected by City officials or other governing authorities, the permittee shall immediately correct the violations noted and all corrections shall be inspected and approved by City building, fire, or other authorized inspectors prior to proceeding with any other construction.

No waiver letters, statements from builders, owners, architects, or professional engineers, nor "hold harmless" agreements or other similar warrants or releases shall be accepted by the City in lieu of required code violation corrections and full code compliance.

No further inspections will be made, nor shall any Certificate of Occupancy be issued for any work until any noted code violations are corrected and found to be in codes compliance by City officials.

4. *Required Building Inspections.* The Building Official, upon notification from the permittee, shall make the following building inspections and such other inspections as necessary to ascertain codes compliance and shall either release that portion of the construction found to be in compliance by signature at the appropriate section on the permit yard card or shall notify the permittee of any violations which must be corrected in order to comply with this Code, by issuing a Notice of Violation to the permittee.
 - a. FOOTING: To be made after trenches are excavated and cleaned; forms erected and supported; required reinforcing is properly secured in place and supported; and before any concrete is placed.
 - b. SLAB-PREP: To be made after footings have been placed (if applicable); underground Mechanical, Electrical, and Plumbing (MEP) systems have been City inspected, approved, and properly backfilled; under-pin areas are excavated and clean; forms are erected and supported; required reinforcing is in place and supported; rock base is in place at below grade slabs; vapor barrier is in place; and before any concrete is placed.
 - c. FOUNDATION (When required): To be made after required wall reinforcement is in place and at least one side of concrete retaining wall forms are secured in place, wall cavities are cleaned, and second side forms are ready to be placed, or placed and safe access to form tops for inspection is provided, plan listed weep holes and piping sleeves are in place, and before any concrete is placed.

In the case of masonry walls—Block is erected and required wall reinforcing is in place and safe access is provided to wall top for cavity inspection, plan listed weep holes and piping sleeves are in place, and prior to any wall cavity grouting or fill.

In the case of wood foundation or other wood site walls—Timbers are in place and properly spiked together, tee style or other professionally designed style dead heads are in place and properly spiked together, weep holes and filtration cloth is in place, and before backfill is placed.

At all commercial or industrial sites or at a one or two family residential site builder's request, a second inspection of the building foundation walls, by City inspectors shall be required to verify proper placement of wall water proofing measures.

- d. WALL/CEILING COVER (Commercial Only): To be made after the roof or other effective overhead weather seal is complete; all framing, bracing, fire and draft stops and blocking are effectively in place; exterior walls and gabled ends are sheathed and doors and windows are installed to effectively weather protect the structure interior; mechanical, electrical, and plumbing rough-ins at the area to be inspected are complete and under required tests; fabricated fireplaces or other fuel burning appliances are installed with flues and vents stubbed clear to the next level or area to be inspected or through the roof and weather capped; and before any wall or ceiling cover has been placed, except that walls may be one side covered so as to not restrict safe and readily accessible full wall cavity view for inspection.
- e. FRAMING (Residential Only): To be made after roof is complete; all framing, bracing, fire stops and blocking are effectively in place; exterior walls and gabled ends are sheathed and doors and windows are installed to effectively weather protect a structure interior; mechanical, electrical, and plumbing rough-ins are complete and under required tests; pre-fabricated fireplace or other fuel burning appliances are installed with chimneys, flues, and vents through the roof and weather capped; or dedicated masonry fireplace openings are structurally independent and temporarily provide weather protection to interior spaces until masonry is completed; and before any insulation or wall or ceiling cover has been placed.
- f. GEORGIA ENERGY CODE (GEC) COMPLIANCE: To be made at various stages of construction, by direct reference to the GEC Compliance Report submitted at initial permit issue, as follows:
 - (1) Residential Construction—Exterior wall cavity insulation and sloped, vaulted, or flat ceiling or floor closed cavity insulation may be inspected after the Framing inspection and before any wall or ceiling cover is placed at these concealed areas. Exposed and visible insulation at attics, accessible concealed spaces, unheated crawl spaces, and basements will be inspected as part of the Final building inspection.
 - (2) All Other Construction—Interior and exterior wall and ceiling insulation, as listed on the building plans, may be inspected as part of the Wall/Ceiling Cover inspection provided that all wall or ceiling structural and MEP components may be viewed and properly inspected and verified from either or both sides of the wall or ceiling assembly, in the opinion of the inspector. If wall or ceiling construction cannot be properly inspected with the plan required insulation in place during the Wall/Ceiling Cover inspection, a separate insulation inspection shall be performed prior to covering these areas. Exposed and visible insulation at attics, accessible concealed spaces, unheated crawl spaces, and basements will be inspected as part of the Final building inspection. General Energy Code Compliance Certificates and must be on file at the City Building Department, prior to issue of a Certificate of Occupancy.
- g. BUILDING FINAL: To be made after a building or structure is complete and ready for safe occupancy and use. Building, mechanical, electrical, and plumbing finals shall be made at the same time. Prior to requesting a building final inspection a permittee shall assure that

all inspections and written approvals required prior to final inspections are signed off on the permit yard card.

All site work, walks, drives, paved areas, striping, handicap access routes, signage, landscaping, and other appurtenances or protectants listed on the plans for commercial work or as required by this Code or other laws for residential work, are completed, final inspected, and signed off on the permit yard card by the various other governing authorities listed and checked on the permit yard card and as required by State or County regulations.

5. *Mechanical, General.* The Building Official, upon notification from the permittee, shall make the following mechanical systems inspections and such other inspections as necessary and shall either release that portion of the construction by signature at the appropriate section on the permit yard card, or shall notify the permit holder, of any violations which must be corrected in order to comply with this Code, by issuing a Notice of Violation to the permittee.

- a. **SLAB PREP:** To be made after trenches or ditches are excavated, underground ducting, conduits and sleeves are installed and ready for test and before any backfill is put in place.
- b. **WALL/CEILING COVER (Commercial Only):** To be made with the wall/ceiling cover building inspection and after all mechanical equipment, ducting, duct insulation, piping, piping insulation, fire stops and fire dampers are installed, control wiring, or other concealed mechanical system components in the area to be inspected are in place, complete, supported properly, required pressure tests are applied, flues and vents are stubbed clear to the next level or area to be inspected or through the roof and weather capped; and before any wall/ceiling covers are installed.

Large or multiple floor buildings over 15,000 sq. ft. in total area may be inspected in stages and partially approved for the continuation of construction at the Building official's discretion.

- c. **ROUGH-IN (Residential Only):** To be made with the framing inspection and after all mechanical equipment, ducting, duct insulation, piping, piping insulation, fire stops, control wiring, or other concealed mechanical system components are in place, completed, supported properly, required pressure tests are applied, and flues and vents are stubbed through the roof and weather capped; and before any wall or ceiling covers are installed.
- d. **GAS LINE: (To be made at various stages of construction, as follows)**
 - (1) **Residential, Rough Piping Inspection:** To be made with the framing inspection and shall include all system piping from the point of delivery (gas meter) to within six feet (6') of and in the same room as all outlets or appliances that may be connected. A gas piping pressure test is required for this inspection.
 - (2) **Commercial, Rough Piping Inspection:** To be made with the wall/ceiling cover inspection and shall include all system piping from the point of delivery (gas meter) to within six feet (6') of and in the same room as all outlets or appliances that may be connected in the area to be inspected and shall include piping run stubouts to the next area to be inspected. A gas piping pressure test is required for this inspection.
- e. **METERS:** To be made after rough piping inspection and before the final inspection; when all mechanical equipment and other gas fired appliances and equipment and controls are in place and ready for safe test operation; venting, vent connectors, and flues are installed into final position and supported; piping runs are complete to the final appliance connector or union connection at the appliance or equipment; all gas shut off valves are in place and in the "off" or closed position, with appliances or equipment disconnected; and the gas piping system is ready for public utility connection and testing. A gas piping pressure test is required for this inspection. The sole purpose of this Meters inspection is to allow the installer to check installed mechanical systems and equipment for proper and safe operation, prior to Final inspection. Public utility connection shall not be made to the permitted work until this inspection has been approved.

- f. FINAL: To be made with the building final inspection and after public utilities have been connected and all conditioned air systems and gas fired appliances are in full operation; all controls, compressors, condensate drains, insulation, ties and supports, and other system designed components are in place and final connected, all final trim and required labeling is in place, filters or other air purifying components are cleaned and in place, and all systems have been tested and balanced and the installation is ready for its intended use.
6. *Electrical, General.* The Building Official, upon notification from the permittee, shall make the following electrical systems inspections and such other inspections as necessary and shall either release that portion of the construction by signature at the appropriate section on the permit yard card, or shall notify the permit holder, of any violations which must be corrected in order to comply with this Code, by issuing a Notice of Violation to the permittee.

- a. TEMPORARY POLE: To be made after a minimum 4 × 4 size temporary electrical power pole has been set into the ground with a minimum two feet (2') buried and the pole firmly supported.

An eight foot (8') minimum length grounding electrode (rod) is required to be installed, with an unspliced grounding electrode conductor connected and sized per Code requirements, and a listed weather-proof enclosure shall be connected and firmly attached to the pole.

The City requires at least one (1) 115V/20A weather-proof duplex service outlet with GFCI protection and at least one (1) 230V/20A service outlet to be installed at the pole.

At least one (1) temporary power pole shall be installed at each permitted construction site for use during construction, unless approved by the Building official. No temporary power shall be used for more than one permitted site.

- b. SLAB PREP: To be made after trenches or ditches are excavated, underground conduits, sleeves, or other devices are installed and before any backfill is put in place.
- c. WALL/CEILING COVER (Commercial Only): To be made with the wall/ceiling cover building inspection of the area to be inspected and after all services and branch circuit distribution wiring that service the area to be inspected is in place, boxes are secured, required conduit serving the area to be inspected and conduit passing through that area to other areas to be inspected at a later date is in place and fastened properly, wiring is protected from physical damage, panel boards and switching gear servicing the area are set and secured to the structure with service and distribution wiring stubbed into their approved enclosures, disconnects are in place and secured, bonding and grounding rough wiring is stubbed out near its termination point, and before any wall or ceiling cover is installed.

Large or multiple floor buildings over 15,000 sq. ft. in total area may be inspected in stages and partially approved for the continuation of construction at the Building Official's discretion.

- d. ROUGH-IN (Residential Only): To be made with the building framing rough-in inspection and after all service cable, branch circuit distribution wiring, and low voltage wiring to be concealed is in place and stubbed into panel boxes set and secured to the structure; outlet, junction, and fixture boxes are in place and secured; required conduit is in place and fastened properly; wiring is protected from physical damage; and before any wall or ceiling cover is installed.

In situations where a dwelling unit's exterior siding or finish veneer has not been installed, cables, feeders, and fixture wiring to be concealed shall be stubbed close or into exterior wall cavities closest to the point of final connection and coiled into place. Wall or ceiling cavities containing stubbed cables or wiring shall not be covered until inspection of terminal runs has been approved.

- e. METERS: To be made after framing and all wall and ceiling coverings are in place and before final inspection; when all electrical service and control equipment is set, wired, fused, bonded and grounded, required disconnects are connected, all outlet devices and switch controls are connected, lighting fixtures, appliances, and equipment are set or boxed out and ready for safe operation, and the electrical system is ready for connection to public utilities.

The sole purpose of this Meters inspection is to allow the installer to check out all installed electrical systems and equipment for proper and safe operation, per its listing. Public utility connection shall not be made to permit work until this inspection has been approved.

- f. LOW VOLTAGE: To be made with the wall/ceiling cover or rough-in inspection, as applicable to type of construction, where low voltage wiring systems are to be concealed; or with the meters inspection, where low voltage wiring systems are to be surface mounted.

Where concealed, inspection shall include review of distribution wiring/cable types and rating, boxes and connections, wiring protection from physical damage, grounding and bonding, disconnects, control panel cabinets or enclosures, and other system components.

Where surface mounted, inspection shall include review of raceway types and mounting, wire fills to manufacturer's specifications, connection points (must be open to view, except that plug-in types shall be connected), grounding and bonding, disconnects, outlets and plugs, control panel cabinets or enclosures, and other system components.

- g. POOL BOND: To be made when all metallic parts of a pool structure, including the metal reinforcing of the pool shell and decking; forming shells and mounting brackets of no-niche fixtures; metal fittings within or attached to a pool structure; metal parts of pool equipment to include pumps, motors, covers, and other features; cables, raceways, and piping within five feet of the inside edge of the pool or within twelve feet above the pool maximum water level; are connected together with approved pressure connectors into a common bonding grid with a minimum #8 solid copper conductor, bare or insulated, and the system is ready to be concealed. Dependent upon site conditions, this inspection may have to be done in several separate trips to be completed and shall be at the inspector's discretion.
- h. IRRIGATION: To be made when all irrigation system wiring and conduit is in place; control panels, transformers, and their enclosures are mounted; junction boxes and splice points are open to view, high voltage power wiring is in place and GFCI protected, and the system is ready for safe operation.

GFCI protection for irrigation system wiring and controls is mandatory and may be provided by direct plug and cord connection from the transformer primary to a GFCI protected wall outlet or hard wired from the primary to a disconnect that is protected by a GFCI breaker located at the electrical panel.

- i. FINAL: To be made with the building final inspection, after all public utilities have been connected and all installed electrical systems are in full operation; all equipment, motors, appliances, fixtures, controls, guards, and other related systems have been labeled, tested, and balanced and the completed electrical installation is ready for its intended use.

- 7. *Plumbing, General.* The Building Official, upon notification from the permittee, shall make the following plumbing systems inspections and such other inspections as necessary and shall either release that portion of the construction by signature at the appropriate section on the permit yard card, or shall notify the permit holder, of any violations which must be corrected in order to comply with this Code, by issuing a Notice of Violation to the permittee.

- a. SLAB PREP: To be made after trenches or ditches are excavated and all under slab drainage and water service and distribution piping and sleeves and protectants are installed and under required tests and before any backfill is placed.

- b. SEWER TAP: To be made any time during construction, but before requesting final building inspection. This inspection is an open trench inspection of the exterior sewer piping from the building or structure foundation edge, to and including connection to the public or site sewer. Sewer piping shall be inspected for proper bedding, fall, materials, fittings, cleanout positions, and connection to the public or site sewer.
 - c. WALL/CEILING COVER (Commercial Only): To be made with the building wall/ceiling cover inspection and after all drainage, waste, vent, and water service and distribution piping is in place at the area to be inspected and stubouts are installed to the next area to be inspected, all piping and fixture roughs are properly fastened into place and protected from physical damage. All concealed fixture connections shall be made, rated assemblies installed and fire safe, concealed piping insulation installed, rough trim boxes, enclosures, access panels or vaults are secured in place, boots and flashings are installed, required pressure tests are applied, and before any wall or ceiling cover is installed.
 - d. ROUGH-IN (Residential Only): To be made with the framing rough-in inspection and after all drainage, waste, vent, and water service and distribution piping is in place and fastened and protected against physical damage. All concealed fixture connections shall be made, concealed piping insulation installed, rough trim boxes, enclosures, access panels/vaults secured in place, boots and flashings installed, required air or water pressure tests are applied and ready for inspection, and before any wall or ceiling cover is installed.
 - e. BACK FLOW: To be made prior to or with the final building inspection and shall include inspection of all water and irrigation systems requiring backflow prevention measures.
 - f. FINAL: To be made with the building final inspection, after all public utilities have been connected and all plumbing fixtures are properly set, trapped and connected to the drainage system, properly valved, protected against back siphonage, and connected to the potable water system. All water heating and other plumbing devices and appliances must be connected, valved, vented, pressure protected, secured in place, insulated and sealed, cleaned and tested for proper operation, and the completed plumbing system installation is ready for its intended safe use.
- D. *Responsibility for Quality and Design.* The completion of inspections by the City and authorization for work continuation shall not transfer responsibility for the quality of the work performed or materials used from the owner, nor imply or transfer acceptance of responsibility for project design or engineering from the professional corporation or individual under whose hand or supervision the plans were prepared.
- 1. Stop Work Orders: Work which is not authorized by an approved permit, or which is not in conformance to the approved plans for the development activity project, or which is not in compliance with the provisions of this Ordinance or any other adopted code, regulation, or ordinance of the City, shall be subject to immediate stop work order by the Director, Building Official or City Engineer.
- E. *Tree Removal Compliance Inspection.*
- 1. Following the issuance of a land disturbance permit for the development activity, the Arborist shall, from time-to-time, inspect the property for the purpose of certifying compliance with the requirements of the permit. In the event of non-compliance, the Arborist shall issue a stop work order. No Certificate of Occupancy shall be issued until actual compliance is obtained.
 - 2. If any required tree removal conditions have not been met within the time specified in the permit and provided the Director has not granted a written extension, the City may use the cash or bond proceeds to insure that these conditions are met.
 - 3. After development activity is concluded, the Arborist shall continue to make random inspections to insure that required trees are maintained. Replacement shall be required or bond/letter of credit posted within thirty (30) days of notice by the Arborist should any of these trees die, be removed, or be destroyed within two (2) years after completion of development.

F. *Floodplain.*

1. Properties containing or adjacent to the established Areas of Special Flood Hazard and Areas of Future-conditions Flood Hazard shall provide an elevation certificate or floodproofing certification using the FEMA floodproofing certificate along with the design and operation/maintenance plan to the Building Official after the lowest floor is completed, after placement of the horizontal structural members of the lowest floor upon placement of the lowest floor, or floodproofing by whatever construction means, whichever is applicable in accordance with Article III Section 3.4.5.B
2. Said certification shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same in accordance with Article III Section 3.4.5.B. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Director shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

G. *As-Built Drawings.* Upon completion of the development activity as authorized by the land disturbance permit and prior to final inspection of public and private improvements, the owner shall submit to the City Engineer for review and approval a complete set of record drawings showing "as-built" conditions prepared by land surveyor registered in the State of Georgia. These drawings shall show actual location, true vertical and horizontal alignment, and finished elevations of:

1. Drainage System.
2. Detention Volume Certification.
3. Sanitary Sewer System (approved by Fulton County if served by Fulton County).
4. Public Water System (approved by Fulton County if served by Fulton County).

H. *Final Subdivision Plat.*

1. Process for Approval—Prior to the application for final subdivision plat approval; all storm water drainage and detention facilities, water and sewer utilities, street base, sidewalks, and curbing construction required for approval of the Final Subdivision Plat shall have been properly installed and completed in accordance with this Ordinance.

The Community Development Department shall be responsible for the coordination and approval of all final subdivision plats.

- a. Application for a final subdivision plat approval shall be made to the Community Development Department. The application shall include:
 - (1) Application in the form furnished by the Community Development Department requesting final subdivision plat review.
 - (2) Two (2) copies of final subdivision plat prepared in conformance with the specifications in this Ordinance.
 - (3) One copy of as-built drawings pursuant to the requirements of this Ordinance, sealed by a land surveyor registered in the State of Georgia, for projects served by City water supply.
 - (4) Payment of all final subdivision plat application and review fees.
- b. Ten (10) days following the application deadline, the Community Development Department shall indicate in a written memorandum all comments related to compliance with this Ordinance and conditions of zoning approval.
- c. The owner shall be responsible for all of the plan review comments prior to the resubmission of the revised final subdivision plat. All revisions to previous submittals shall be noted in the revision block and dated.

- d. Proof of payment for streetlights shall be provided to the City Engineer, prior to his approval of the final subdivision plat. At a minimum, this proof shall be in the form of a letter from the approved utility provider.
- e. Payment for materials and installation of traffic control devices shall be made to the City Engineer in accordance with the traffic engineering requirements in this Ordinance. Payment of the cost of street striping or required signalization, if required and not completed by the owner, shall also be received by the City Engineer prior to approval of the final subdivision plat.
- f. Provide one set water and sewer as-built with proof of approval by Fulton County Development Services Department, prior to approval by the Public Works Department.
- g. The Community Development Department shall not sign the final subdivision plat until all requirements of this Ordinance and other applicable regulations have been met. The final subdivision plat shall be accompanied by a bond, letter of credit, or other acceptable surety providing for the maintenance of all installations and improvement required by this Ordinance in the subdivision for a period of twelve (12) months following the date of final approval of the public improvements. The maintenance period may be extended by the Director at the request of the owner, provided it is in the best interest of the City.
- h. Once the Director has approved the final subdivision plat and all other affected departments and agencies of government as required have certified compliance, the Community Development Department shall certify by signature on the original of the final subdivision plat that all of the requirements of this Ordinance, and the conditions of zoning approval have been met, and that all other affected departments have approved the plat. The final subdivision plat shall not be deemed approved until the CERTIFICATE OF FINAL PLAT APPROVAL has been signed by the Community Development Department, City Engineer and the Fulton County Health Department.
- i. The owner shall be responsible for recording the approved final plat at Fulton County; and shall provide to the Community Development Department a reproducible Mylar copy showing the stamp of the Fulton County Court Clerk, and two (2) full size copies.
 - (1) Standards for Approval—The Final Subdivision Plat shall be clear and legible at a minimum scale of 100 feet to the inch. The Director may approve other scales as appropriate. The maximum sheet size shall not exceed 42" × 30". The maximum size acceptable for recording is 17" × 22", or as required by the Fulton County Superior Court Clerk. If the complete plat cannot be shown on one sheet, then said final subdivision plat shall be shown on several sheets with an index map indicated on each sheet. The minimum sheet size shall not be less than 17" × 22". All letters, numbers and other information shall be legible on the recorded copy. There shall be sufficient space available for the certificates as required. Graphic standards shall comply with the Georgia Plat Act.

The final subdivision plat shall conform substantially to the preliminary subdivision plat and it shall constitute only that portion of the approved preliminary subdivision plat which the owner proposes to record and develop at any one time, provided that such portion conforms to the requirements of this Ordinance. Any substantial deviation from the Preliminary Plat shall require revision and approval of the Preliminary Plat.

The final subdivision plat shall contain the following information:

- (a) Name of the subdivision, unit number and street names.
- (b) Name, address, and phone number of owner of record.
- (c) Name, address and phone number of each professional firm associated with a portion of the final plat (engineers, surveyors, etc.).
- (d) Site acreage.

- (e) Site zoning, case numbers, zoning conditions and date of approval for any applicable rezoning, master plan, variance, or special use permit affecting this site.
- (f) Date the final subdivision plat drawing, graphic scale, north point, notation as to the reference or bearings to magnetic, true north, or grid north, and indication whether bearings shown are calculated from angles turned.
- (g) Land District, Land Section, and Land Lot.
- (h) Name of the former subdivision, if any, or all the entire final subdivision plat if it has been previously subdivided.
- (i) Location map.
- (j) Courses and distances to the nearest Fulton County GIS monument.
- (k) Boundary lines of the property, to be indicated by a heavy line, giving distances to the nearest one hundredth (1/100) foot and bearing to the nearest second, which shall be balanced and closed with an error of closure not to exceed one (1) to ten thousand (10,000). The error of closure shall be stated.
- (l) City and Fulton County political boundary lines accurately tied to the lines of the property by distance and angles when such lines traverse the subdivision.
- (m) Locations, widths, and names of all streets and alleys within and immediately adjoining the final subdivision plat, address numbers, the location and widths of all public crosswalks, sidewalks, greenway trails and other public rights of way.
- (n) Street centerlines showing angles of deflection and standard curve data, radii, length of tangents and arcs, and degree of curvature with basis of curve data.
- (o) Lot lines with dimensions to the nearest one-tenth (1/10) foot, and bearing to the nearest second radii of rounded corners, as necessary to describe each lot.
- (p) Front and rear setback lines with dimensions.
- (q) Location of all buffers, landscape strips, greenway easements, and no access easements, etc., are required by this Ordinance.
- (r) When lots are located on a curve or when side lot lines are at angles other than ninety (90) degrees, the lot width at the building line shall be shown.
- (s) Lots or sites numbered in numerical order and blocks lettered alphabetically.
- (t) Location and size of all drainage structures, location, dimension and purpose of any easements, including slope easements, if required, public and private service utility right-of-way lines, fire hydrants and water mains.
- (u) Any areas to be reserved, donated, or dedicated to public use or sites for other than residential use with notes stating their purpose and limitations; and of any lands to be reserved by deed covenant for common uses of all property owners. Include statement that all common areas are to be maintained by the homeowners.
- (v) Statement "The City of Alpharetta does not enforce restrictive covenants."
- (w) Certificates and statements are shown below, as follows.
- (x) A statement that the private covenants are to be recorded separately and the following statement provided: "This final subdivision plat is subject to the covenants set forth in the separate document(s) attached hereto, dated _____, which hereby becomes a part of this final subdivision plat," recorded and signed by the owner.

- (y) Accurate location, material, and description of monuments and markers. Monuments to be placed prior to approval of the Final Plat.
- (z) Extent of the Areas of Special Flood Hazard and Areas of Future-conditions Flood Hazard and a flood plain chart showing the area within and outside the floodplain and a minimum allowable lowest finished floor elevation for a/each lot containing or adjacent to any portion of the Area of Special Flood Hazard and Area of Future-conditions Flood Hazard.
- (aa) The information required by the current Georgia Recording of Maps, Plats, etc., by Clerks of Superior Court Act must be shown.
- (bb) All other applicable notes and notations as may be required by the Director.
- (2) Certificate of Final Subdivision Plat Approval—Each final subdivision plat shall carry the following certificates printed or stamped on the plat.
 - (a) Approval from the Fulton County Health Department.
 - (b) Surveyor's Certificate.

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown thereon actually exist or are marked as "future" and will be placed during construction of the improvements shown on this plat; and their location, size, type, and material are correctly shown.

By: _____

Registered Georgia Land Surveyor Survey No. _____

Date: _____

- (c) Owner's Certificate of Dedication and Acknowledgement:

(STATE OF GEORGIA)

(COUNTY OF FULTON)

The owner of record of the land shown on this plat and whose name is subscribed thereto, in person, or through a duly authorized agent, hereby acknowledges that this final subdivision plat was made from an actual survey, dedicates to the City of Alpharetta the complete ownership, and use of all streets (_____ acres), public water facilities, storm drains, easements (_____ acres), greenway easements (_____ acres), and other public facilities and appurtenances thereon shown (_____ acres).

Subdivider: _____

Date: _____

Owner: _____

Date: _____

- (d) Certificate of Final Subdivision Plat Approval.

The Community Development Department of the City of Alpharetta, Georgia, certifies that this plat complies with all requirements of the Alpharetta Unified Development Regulations including the City of Alpharetta Zoning requirements.

Community Development Department

Engineering Department

- I. *Final Development Activity Inspection and Approval.*
 1. *Final Inspection by the City Engineer.*
 - a. A final development inspection may be requested when all site work and/or public improvements have been accomplished according to the terms of the approved site construction drawings and with this Ordinance, codes, and regulations.
 - b. As-built drawings shall be approved, in accordance with the requirements of this Ordinance, prior to the performance of a final development inspection.
 - c. The owner shall be responsible for correcting any deficiencies identified in the final development inspection prior to issuance of a letter of Final Development Inspection Approval.
 2. *Maintenance Bond and Landscape Maintenance Bond.*
 - a. Following issuance of Final Development Inspection Approval and prior to approval of the final subdivision plat or issuance of a certificate of occupancy, a maintenance bond and a landscape maintenance bond in a form acceptable to the Director is required. For the Maintenance Bond, the owner shall be responsible for maintenance/public improvements for one (1) year from the date of Final Development Inspection Approval, or longer if requested by the City Engineer. A performance bond may be required if deemed necessary by the City Engineer. For the Landscape Maintenance Bond, the owner shall be responsible for maintenance for eighteen (18) months from the date of Final Development Inspection Approval.
 - (1) The value of the Maintenance Bond shall be determined by the Director based on the dollar value of the improvements and the requirements of the City.
 - (2) The value of the Landscape Maintenance Bond shall be calculated by the property owner and shall be sufficient for the costs of labor, materials and maintenance for all landscaping improvements as set forth in the improvement plans.
 3. *Acceptance of Public Improvements.*
 - a. Prior to expiration of the maintenance bond, a final inspection of the public improvements shall be conducted by the City Engineer.
 - b. The owner shall correct all defects or deficiencies in materials or workmanship.
 - c. The maintenance bond shall not be released until the City Engineer is satisfied that all public improvements are in conformance with the specifications of this Ordinance.
 - d. The City shall not accept the public improvements into perpetual maintenance until such time as said improvements are certified by the City Engineer as being in conformance with the specifications of this Ordinance.
- J. *Certificate of Occupancy.* It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy shall have been issued therefor by the Director, stating that the proposed use of the building or land conforms to the requirements of this Ordinance and other codes and ordinances adopted by the City.
- K. *A temporary Certificate of Occupancy* may be issued for a period not to exceed six months during alterations or partial occupancy of a building or structure pending its completion, provided that such

temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

L. *A Certificate of Occupancy shall be required for any of the following:*

1. Occupancy and use of building or structure constructed or enlarged.
2. Change in use of existing buildings to uses of a different classification.

([Ord. No. 681, § 1, 10-7-2013](#) ; [Ord. No. 693, 9-2-2014](#) ; [Ord. No. 718](#) , §§ 21, 24, 12-14-2015)

4.4.7 Assignment of names and addresses.

A. *Street and Development names.*

1. Proposed street and development names must be reviewed and approved by the Community Development Department prior to issuance of the land disturbance permit. Any changes to existing names must also be approved by the Director of the Community Development Department. Street names may be reserved through approval as shown on the Preliminary Plat if so requested. Names may be chosen from a historic street name bank available upon request from Community Development.
2. Street names shall consist of a root name of the developer's choosing or from the historic street name bank, and a suffix designation. The following suffixes are acceptable: Street, Road, Avenue, Court, Place, Way, Trace, Terrace, Drive, Lane, Parkway, Trail, Close, Circle, Cove, Highway, Pass, Entry, Loop, and Boulevard.

The following affixes are acceptable for private drives: Close, cove, entry, lane, pass, place, terrace, trace and trail.

Directional prefixes (i.e., north, south) and the prefixes "old" or "new" shall not be used.

3. Except within the same development, no proposed street name shall duplicate (be spelled the same or be phonetically the same) as an existing street name within the City of Alpharetta or surrounding municipalities regardless of the use of such suffix designations as "Street," "Avenue," "Boulevard," "Drive," "Place," "Way," "Court," or however otherwise designated. In the same subdivision, a root name may not occur more than twice. No street names will be allowed which begin with "River," or "Peachtree".
4. All street root names and suffix designations are subject to approval of the Director. Unacceptable language, abbreviations, contractions or initials may not be used.
5. Root names shall consist of no more than 13 characters including space, hyphens, etc. Letters not occurring in the English alphabet, and numerals, shall not be used. Only suffixes will be abbreviated.

B. *Street Address Assignments.*

1. A street address number must be assigned prior to issuance of a building permit. For any new structure proposed in a property which has not been assigned an address, a street number will be assigned upon confirmation or establishment of the property as a buildable lot of record under the requirements of this Ordinance.
2. Subdivision house numbers will be assigned when the Final Plat is submitted for review and is approved for the property. Submit two (2) copies of the approved plat to the Department. (Legible reductions are acceptable.)
3. Non-residential Projects will be numbered after the issuance of the Land Disturbance Permit.
4. Residential and commercial properties will be addressed on the road that the building is facing, regardless of access. The property must have frontage on the street on which it is addressed.

5. Apartments and Condominium Projects will be numbered when a Land Disturbance Permit is issued. Apartment Projects example:

John
2101
Alpharetta, GA 30202

Cypress

Smith
Court

2 101 is building two

2 1 01 is first floor

21 01 is unit one

Units with breezeways will have even numbered units on right and odd numbered unit on left. Each building is required to have a sign indicating the building number. Each breezeway is required to have a sign at the breezeway entrance indicating the unit numbers. The sign at the extreme left of the breezeway of building two (having a 3-story building with basement level) for example will read:

2001-2003
2101-2103
2201-2203

At the point where the main road splits, a permanent location sign is required to be posted as follows:

Buildings
5-8
←
9-15
⇒

6. The Certificate of Occupancy will not be issued without the above requirements being met and the street number clearly posted on the property.

([Ord. No. 681, § 1, 10-7-2013](#))

4.4.8 Surveying and mapping.

- A. This section sets forth requirements for the City of Alpharetta mapping and surveying monuments as described:

1. The City of Alpharetta Mapping and Surveying Monuments System will coexist with the Official System of Mapping and Surveying Landmark Monuments of Fulton County and be an expansion thereof.
2. The term "monument" shall consist of one azimuth monument and one monument with established northing, easting and elevation based on The North American Datum of 1983 (NAD 83), strategically placed, being composed of concrete with a brass cap stamped with an identifying number furnished or approved by the City Engineer.
3. The City Engineer shall keep a current copy of the reference maps and tables. Such information shall be made available for purchase by the public.
4. All maps or construction plans must include coordinate references to the City of Alpharetta Surveying Monuments, prior to issuance of the Land Disturbance Permit.
5. If, in the opinion of the City Engineer, a monument which is part of the Official City of Alpharetta Surveying Monuments is endangered by the proposed land disturbance, the applicant/owner

shall be notified and disturbance shall not be permitted until: The applicant/owner shall pay to the City a fee to replace said monument. This fee shall be based upon 105% of the monument replacement cost; to be negotiated by the City with a Registered Land Surveyor, qualified to set the monument to the City of Alpharetta Standards.

6. For any proposed development, the developer will set one new monument, two monuments for twenty acres and at least one additional monument for each additional ten acres or major fraction thereof. All control monuments shall be located and tied together by traverse, with a positional tolerance that meets the standards of Second Order, Class Two surveys.

The City Engineer shall have the authority to stop all land disturbance activity, until such time as proper fees have been paid to replace the damaged or disturbed monument.

- B. All plats shall conform to the Georgia Code Section 15-6-67 and Chapter 180-7 of the rules of State Board of Registration for Professional Engineers and Land Surveyors.
- C. Construction plans and as-built drawings shall be furnished as a digital file, as requested by City personnel.

1. Minor Subdivision Plat. (Replaces exemption plat)

- a. The Community Development Department shall be responsible for the coordination and approval of all minor subdivision plats.

- (1) Application for a minor subdivision plat approval shall be made to the Community Development Department. The application shall include:

- (a) Application in the form furnished by the Community Development Department requesting minor subdivision plat review.

- (b) Two (2) copies of minor subdivision plat prepared in conformance with the specifications in this Ordinance.

- (c) Payment of minor subdivision plat review fees.

- (2) Ten (10) days following the application deadline, the Director shall indicate in a written memorandum all comments related to compliance with this Ordinance and conditions of zoning approval. Subject to any action of the City Council, the Director shall have sole authority to determine the applicability of any provisions of this Ordinance.

- (3) The owner shall be responsible for all of the plan review comments prior to the resubmission of the revised minor subdivision plat. All revisions to previous submittals shall be noted in the revision block and dated.

- (4) The Community Development Department shall not sign the minor subdivision plat until all requirements of this Ordinance and other applicable regulations have been met.

- (5) Once the Director has approved the minor subdivision plat and all other affected departments and agencies of government as required have certified compliance, the Community Development Department shall certify by signature on the original of the minor subdivision plat that all of the requirements of this Ordinance, and the conditions of zoning approval have been met, and that all other affected departments have approved the plat. The final subdivision plat shall not be deemed approved until the CERTIFICATE OF MINOR PLAT APPROVAL has been signed by the Community Development Department.

- (6) The owner shall be responsible for recording the approved plat at Fulton County; and shall provide two (2) full size copies showing the stamp of the Fulton County Court Clerk.

- (7) Standards for Approval—The Minor Subdivision Plat shall be clear and legible at a recommended scale of 100 feet to the inch. The Director may approve other scales as appropriate. The maximum sheet size shall not exceed 42" × 30". The maximum size acceptable for recording is 17" × 22", or as required by Fulton County. If the complete plat cannot be shown on one sheet, then said plat shall be shown on several sheets with an index map indicated on each sheet. The minimum sheet size shall not be less than 17" × 22". All letters, numbers and other information shall be legible on the recorded copy. There shall be sufficient space available for the certificates as required.

The minor subdivision plat shall contain the following information:

- (a) Name of the subdivision, unit number and street names.
- (b) Name and address and phone number of owner of record.
- (c) Name, address, and phone number of each professional firm associated with the portion of the final plat (engineers, surveyors, etc.).
- (d) Site acreage.
- (e) Zoning, case numbers with conditions, and date of approval for any applicable rezoning, master plan, variance, or special use permit affecting the site.
- (f) Date of drawing, graphic scale, north point, notation as to the reference or bearings to magnetic, true north, or grid north, and indication whether bearings shown are calculated from angles turned.
- (g) Land District, Land Section, and Land Lot.
- (h) Name of the former subdivision, if any, or of the entire plat if it has been previously subdivision.
- (i) Location map.
- (j) Courses and distances to the nearest Fulton County GIS monument.
- (k) Boundary lines of the property, to be indicated by a heavy line, giving distances to the nearest one hundredth (1/100) foot and bearing to the nearest second, which shall be balanced and closed with an error of closure not to exceed one (1) to ten thousand (10,000). The error of closure shall be stated.
- (l) City and Fulton County political boundary lines accurately tied to the lines of the property by distance and angles when such lines traverse the subdivision.
- (m) Locations, widths, and names of all streets and alleys within and immediately adjoining the final subdivision plat, address numbers, the location and widths of all public crosswalks, sidewalks, greenway trails and other public rights-of-way.
- (n) Lot lines with dimensions to the nearest one-tenth (1/10) foot, and bearing to the nearest second radii of rounded corners, as necessary to describe each lot.
- (o) Front and rear setback lines with dimensions.
- (p) Location of any buffer, landscape strip and greenway easements, no access easement, etc., are required by this Ordinance or the Zoning Regulations.
- (q) Lots or sites numbered in numerical order and blocks lettered alphabetically.
- (r) Location and size of all drainage structures, location, dimension and purpose of any easements, including slope easements, if required, public and private service utility right-of-way lines, fire hydrants and water mains.
- (s) Accurate location, material, and description of monuments and markers. Monuments to be placed prior to approval of the Plat.

- (t) Extent of the Areas of Special Flood Hazard and Areas of Future-conditions Flood Hazard and a floodplain chart showing the area within and outside the floodplain and a minimum allowable lowest finished floor elevation for each lot containing or adjacent to any portion of the Area of Special Flood Hazard and Area of Future-conditions Flood Hazard.
 - (u) The information required by the current Georgia Recording of Maps, Plats, etc., by Clerks of Superior Court.
 - (v) All other applicable notes and notations as may be required by the Director.
- (8) Certificate of Minor Subdivision Plat Approval—Each minor subdivision plat shall carry the following certificates printed or stamped on the plat.
- a. *Surveyor's Certificate.* It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown thereon actually exist or are marked as "future" and will be placed during construction of the improvements shown on this plat; and their location, size, type and material are correctly shown.

By: _____

Registered Georgia Land Surveyor Survey No. _____

Date: _____

b. *Owner's Certificate of Dedication and Acknowledgement:*

(STATE OF GEORGIA)

(COUNTY OF FULTON)

The owner of record of the land shown on this plat and whose name is subscribed thereto, in person, or through a duly authorized agent, hereby acknowledges that this subdivision plat was made from an actual survey, and that there are no public dedications on this property.

Subdivider:

Date:

Owner:

Date:

- c. *Certificate of Minor Subdivision Plat Approval.* The Community Development Department of the City of Alpharetta, Georgia, certifies that this plat complies with all requirements of the Alpharetta Unified Development Code including Zoning Requirements.

([Ord. No. 693, 9-2-2014](#) ; [Ord. No. 718](#) , §§ 21, 24, 12-14-2015)

4.4.9 Maintenance and performance securities.

- A. *Maintenance Securities.* A maintenance bond, letter of credit, cash bond, or other equivalent form of security as approved by the City, shall be posted with the City by all developers where street or other improvements are made and offered to the City for acceptance and maintenance. The amount of this security will be calculated by the Community Development Department and shall be provided before the final plat can be recorded. Any bond, except cash bond, letter of credit or other equivalent form of approved security shall be on forms supplied or approved by the City and shall not be terminated or otherwise allowed to expire without at least thirty (30) days prior written notice to that effect to both the City and the subdivider or person. Separate bonds are required for each subdivision unit, phase or like entity. The developer shall maintain all improvements in the subdivision, to be dedicated to the City, for a minimum of one (1) year from the date of final plat recording. No dedication of improvements shall be accepted by the City until the expiration of one (1) year from such date and inspection from the public, action may be taken by the City Council by majority of those voting approving, approving with changes, or rejecting the proposal, or the City Council may table the proposal for consideration at its next regular meeting, or the City Council may refer the matter back to the Planning Commission for further consideration.
- B. *Referral to Planning Commission for Further Consideration.* The Director shall conduct such further studies as appropriate and shall present any proposed text amendment to the Planning Commission that has been heard by the City Council and referred back to it for further consideration. Public notice of the Planning Commission and City Council's hearing shall be given in the same manner as prescribed herein, and the Planning Commission shall conduct its public hearing and take action as described above.

SECTION 3.2 - TREE CONSERVATION, LANDSCAPE, AND BUFFER REQUIREMENTS¹¹

3.2.1 General.

In order to maintain and promote the public health, safety and welfare, the City has established regulations governing the conservation, planting, and replacement of trees. The importance of trees is recognized for their contribution toward quality of life, visual quality of the city, and improved property values. It is the City's intent to prevent the indiscriminate removal of trees without denying the reasonable use and enjoyment of real property. It is also the intent of these regulations that all applicable sites within the City maintain or obtain minimum tree density, as defined herein. Consistent with the expressed purpose of these regulations, all persons shall make reasonable efforts to protect and retain certain existing, self-supporting trees as defined herein. Each person shall be responsible for the normal care of trees located on its premises.

- A. Willful injury or disfigurement of any tree growing within the City shall be a violation of this Ordinance.
- B. No person shall:
 1. Attach any sign, notice or other object to any tree or fasten wires, cables, nails or screws to any tree in a manner that could prove harmful to the tree.
 2. Pour any material on any tree or on nearby ground which could be harmful to the tree.
 3. Cause or encourage any unnecessary fire or burning near or around any tree.
 4. Construct a concrete, asphalt, brick or gravel sidewalk, significantly compact the soil, place fill material, or create other impervious or semi-impervious surfaces around any tree so as to cut off air, light or water from the roots of the tree so as to adversely impact the tree's root system.
 5. Pile building material or equipment around any tree so as to cause injury thereto.
 6. Deny routine maintenance, watering and reasonable arboricultural care to existing and newly established trees as may be required as a result of activities taking place under this Section.
 7. Remove any tree without Permit.
 8. Remove or prune a tree on commercial property during non-development activity unless they follow ISA industry standard protocols for pruning or have written approval from the Director.
 9. Park any vehicle on the unpaved area underneath existing tree canopies.

([Ord. No. 739](#), 5-1-2017)

3.2.2 Definitions.

For the purposes of this Section, unless the context indicates otherwise, the following terms shall have the meaning set forth below:

Boundary Tree. Any tree located on adjacent property with a critical root zone that will be impacted by proposed land disturbance activity.

Buffer. An area required to remain undisturbed or replanted where existing vegetation is sparse, as determined by the director.

Caliper. A standard of trunk measurement for replacement trees. Caliper inches are measured at the height of 6 inches above the ground for trees up to and including 4 inch caliper and 12 inches above the ground for trees larger than 4 inch caliper.

Conifer Tree. Any tree with needle leaves and a woody cone fruit including, but not limited to, pine, juniper and cedar species.

Critical Root Zone (CRZ). The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The Critical Root Zone will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to one and three-tenths times the number of inches of the trunk diameter. EXAMPLE: The CRZ radius of a twenty (20) inch diameter tree is twenty-six (26) feet.

Dead Tree. Any standing tree which is no longer alive or has the ability to sustain itself through natural processes as determined by a qualified professional.

Development Activity. Any alteration of the natural environment, which requires the approval of a development or site plan and issuance of a Land Disturbance Permit. Development Activity shall also include the "thinning" or removal of trees from land in conjunction with a forest management program, the removal or destruction of trees incidental to the development of land or to the marketing of land for development, the removal or destruction of trees in conjunction with any grading activity, including the removal or filling (stockpiling) of soil, and logging or the removal of trees not in conjunction with an ongoing forest management program. Nothing in this definition shall be deemed to require or authorize the issuance of a permit for any activity described herein.

Diameter Breast-Height (DBH). The standard measure of tree size (for trees existing on a site). The tree trunk is measured at a height of 4½ feet above the ground. If a tree splits into multiple trunks below 4½ feet, the trunk is measured at its most narrow point beneath the split.

Director. The Director of Community Development or designee shall administer and enforce the provisions of this Ordinance; provided, however, that a designee shall have no authority to revoke permits.

Georgia 400 Tree Protection Zone. All property within a horizontal distance of 120 feet of the right-of-way of Georgia 400. At major intersections on Georgia 400 having exit and/or entrance ramps the protection zone shall be reduced to 60 feet. The reduction shall apply for the length of each such ramp. The Georgia 400 Tree Protection Zone is a Buffer.

Grading Activity. Altering ground surfaces to specified elevations, dimensions and/or slopes; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Guidance Document. A document maintained by the City of Alpharetta Arborist that includes clarifications to requirements with examples and additional technical standards about tree protection, tree planting, species selection, and other information relevant to the protection and replanting of trees in the City of Alpharetta. The document may be revised by the City Arborist as conditions and technical standards evolve.

Hardwood Tree. Any tree that is not coniferous (cone bearing). This definition is based on the colloquialism, and does not necessarily reflect any true qualities of the tree.

International Society of Arboriculture (ISA). A professional organization that promotes the professional practice of arboriculture, sets standards for obtaining professional credentials for arborist, and establishes best practices for tree care, pruning, and protection.

Land Disturbance Permit. A permit issued by the City that authorizes Development Activity and includes, but is not limited to, Soil Erosion Protection, clearing and grubbing, land disturbance and building construction.

Landscape Strip. A portion of a lot required to be reserved for, installed with, and maintained with vegetation. Such a strip may or may not be required to be of a linear form. No utilities or parking shall be allowed within a required landscape strip.

Landscape Tree. A tree or trees that were planted or retained on a developed or previously developed site.

Lot Building Area. The area of a lot encompassed by front sides and rear yard setbacks or building line as required by City Ordinance and Subdivision Regulations.

Mass Grading. The grading within existing or across proposed property lines including the removal of trees and disturbance of soils in order to prepare a site for construction where buildings are not approved.

Mulch. An organic material spread around the base of a plant or on a plant bed to enrich and insulate the soil. Types of mulch include Pine Straw, Shredded Hardwood, Wood Chips, and Bark Chips. Mulch should be free of disease and pests. Synthetic or artificial mulches are not acceptable for use in the City of Alpharetta.

Non-Development Activity. Any alteration of the natural environment which does not require development or site plan approval, but which would include the proposed removal or destruction of any tree(s). Any removal of trees that constitutes Development Activity as that term is herein defined shall not constitute non-development activity.

Ornamental Tree. A tree that provides a visual impact in the landscape. The impact may be provided through form, bark, branching structure, leaf color, and/or flower color. Typically a small or medium size tree.

Overstory Tree. Those trees that compose the top layer or canopy of vegetation and will generally reach a mature height greater than 40 feet and typically have a spreading canopy.

Permit (Tree Removal Permit). An official Permit for tree removal issued by the City of Alpharetta.

Pervious Surface. All that area of land that can be landscaped or planted, allows natural passage through by water, and is not covered by man-made materials or structures such as buildings or paving.

Pine Tree. An evergreen coniferous tree that has clusters of needle-shaped leaves.

Plantable Area. The pervious surface area available for the preservation or planting of trees. Plantable Area shall not include that portion of the lot that is covered by buildings and structures permitted pursuant to the maximum lot coverage standards of this Ordinance.

Planted Area. An area of living plant material created for the purpose of establishing open space and consisting of a minimum of 50% of the area devoted to trees and shrubs.

Pruning (Tree Pruning). To cut away dead, overgrown, or undesirable branches or stems. Pruning of trees to be done in compliance with standard arboricultural practices as outlined in ANSI A300 and shall maintain the trees natural form and structure.

Qualified Professional. An International Society of Arboriculture (ISA) Certified Arborist, an American Society of Consulting Arborists (ASCA) Registered Consulting Arborist, or a Registered Forester.

Recompense. Replacement of trees or payment into the City held tree fund for the removal of Specimen Trees.

Replacement Planting. The planting of trees on a site that before development had more trees, and after development shall have less trees per acre.

Responsible Party. Any individual, firm, principal, or other entity who is a signatory to a Tree Removal Permit Application or Land Disturbance Permit for Development Activity or any person or company caught in the act of tree removal without a City-issued permit, or who violates any other provision of this Ordinance.

Shade Tree. Any tree that has a spreading canopy that provides partial to full shade to the ground with a minimum height of 20 feet.

Semi-Pervious. Hardscape, aggregate or porous paver that allows at least fifty percent (50%) of surface water to pass through the manmade material and into the underlying soil.

Softwood Tree. Any coniferous (cone bearing) tree. This definition is based on the colloquialism, and does not necessarily reflect any true qualities of the tree.

Specimen Tree. Any tree which qualifies for special consideration for preservation due to its size, type, condition, location or historical significance and which also meets the minimum size criteria set forth below.

Size Criteria:

<i>Pine Trees:</i>	30-inch diameter or larger for trees in the Pinus (Pine) genus.
<i>Coniferous Trees:</i>	20" diameter or larger for trees in the cedrus (deodar cedar), Thuja (Arborvitae), or other ecologically similar trees,
<i>Overstory Trees:</i>	30-inch diameter or larger for trees in the Liquidambar (Sweetgum) or Liriodendron (Tulip poplar) genus
	20-inch diameter or larger for trees in the Fagus (Beech), Nyssa (Tupelo), Diospyros (Persimmon), Sassafras (Sassafras), or other ecologically similar trees
	20-inch diameter or larger for Magnolia grandiflora (Southern magnolia) and those cultivars that generally reach a mature height over 40'
	24-inch (24") diameter or larger for trees in all other genera
<i>Understory Trees:</i>	8-inch (8") diameter or larger.
	10-inch (10") diameter or larger for Oxydendron arboretum (Sourwood).

See additional requirements for Specimen Trees in "The Guidance Document."

Street/Streetscape Tree. Any tree located or proposed to be located along a public or private street. The actual location will be determined by the specific zoning district or overlay. In situations where there is limited planting space in the right-of-way and or safety concerns, street trees may be located at the back of the sidewalk or within the landscape strip on private property and the discretion of the Director.

Structural Root Plate. The zone of rapid root taper that provides the tree stability against wind throw. The radius of the structural root plate is equal to 0.5 feet per inch of DBH.

Timber Harvest. Harvesting of timber from sites as a timber management activity as part of a demonstrated ongoing agricultural land use.

Tree. Any living, self-supporting woody or fibrous plant which normally obtains a diameter breast height of at least three (3) inches, and typically has one (1) main stem or trunk and many branches.

Tree Care Plan. A plan developed to provide an impacted tree the best possible chance of survival. A tree care plan should be prepared by a qualified professional and conform to the requirements of ANSI A300 and the Guidance Document

Tree Density. A measurement of trees on a property, expressed as inches per acre. For existing trees density is calculated based on DBH. For proposed trees tree density is calculated based on the caliper.

Tree Grouping. A community of trees as determined by the Director to merit special consideration as an ecological feature based upon species composition, form, structure, age, and condition. Specimen trees and trees of quality may be included in tree groupings and every alternative should be evaluated to save these trees. Except as otherwise provided in Section 3.2., Tree Groupings will be treated as specimen trees for preservation credits and every alternative should be evaluated to save these trees.

Tree of Quality. A tree that merits special consideration due to historical significance, ideal shape and structure, or uniqueness of the species as determined by the Director. Except as otherwise provided in Section 3.2., Trees of Quality will be treated as specimen trees for preservation credits and every alternative should be evaluated to save these trees.

Tree Removal or Removal of Trees. Removal of trees through an act of cutting down a tree or any act which causes a tree to die within 2 years after commission of the act or impedes the ability of the tree to sustain itself, including but not limited to damage inflicted upon the root system, trunk, or canopy as a result of:

1. The improper use of machinery on the trees;
2. The storage of materials in or around the trees;
3. Soil compaction;
4. Altering the natural grade to expose the roots or to cover the tree's root system with more than 4 inches of soil;
5. Causing the infection or infestation of the tree by pests, fungus or harmful bacteria;
6. Pruning judged to be excessive by the Director or not in accordance with the standard set forth by the International Society of Arboriculture (ISA);
7. Paving with concrete, asphalt or other impervious surface within such proximity as to be harmful to the tree or its root system; and
8. Application of herbicides or defoliant to any tree without first obtaining a permit.

Tree Planting List. List of preferred tree species for use in the City of Alpharetta. Species not included on this list may be approved at the discretion of the Director. The Tree Planting List is included in the Arborist Guidance Document.

Tree Protection Area. An area encompassing the critical root zone of a tree that shall remain in an a pervious state.

Tree Save Area. An area designated for the purpose of meeting tree density requirements, saving natural trees, and/or preserving natural buffers that shall remain in a pervious state.

Understory Trees. Those trees that grow beneath the overstory, and will generally reach a mature height less than 40 feet. Understory trees may include coniferous trees that meet these same height characteristics.

Zoning Districts. Those areas as defined in the Zoning Ordinance and shown on the Zoning Map.

([Ord. No. 739](#), 5-1-2017; [Ord. No. 749](#), § 4, 9-18-2017)

3.2.3 Exemptions.

- A. The following shall be exempt from the provisions of this section:
1. The removal of trees with a Permit.

2. The removal of trees from horticultural properties such as farms, nurseries or orchards. This exception shall not be interpreted to include timber harvesting incidental to development of the land;
 3. The necessary removal of trees by a utility company within dedicated utility easements;
 4. The removal of trees on public rights-of-way conducted by, on behalf of, or any activity pursuant to work to be dedicated to, a federal, state, county, municipal or other governmental agency in pursuance of its lawful activities or functions in the construction or improvement of public rights-of-way;
 5. The removal of trees from lakes and detention ponds, and drainage easements, unless specifically planted to be part of the stormwater system; or
 6. The removal of any tree which is dead or has become or threatens to become a danger to human life or property;
- B. Notwithstanding the foregoing, all reasonable efforts shall be made to save specimen trees and trees of quality, and tree groupings.
- C. Nothing in this section shall be deemed to authorize, directly or indirectly, the removal of a tree from the Georgia 400 Tree Protection Zone or any buffer.

([Ord. No. 739](#), 5-1-2017)

3.2.4 Permit required for non-development activity (activity which does not require a building permit, etc.).

- A. Except for routine or seasonal pruning or transplanting of trees, and except as exempted, no person shall engage in any Non-Development Activity as defined without first obtaining a permit. The request for a permit shall be submitted to the Director in the form of a tree removal permit application through the City process and shall include:
1. The reason for the proposed work
 2. Either a site sketch or photograph of the tree(s) proposed to be removed, identifying such tree(s) by size and species.
 3. Specimen Trees shall only be approved for removal if they are in declining health or as approved by the Director. If a request includes a Specimen Tree, the applicant shall provide a risk assessment or similar report, following currently accepted industry standards and protocols, prepared by a qualified professional outlining the condition of the trees and associated risks.

If the request for a permit is complete, complies with the Ordinance, and requests tree removal for one of the purposes identified in Paragraph B below, the Director shall issue a permit no later than ten (10) working days from receipt and shall inform applicant if replanting will be required. If the request is incomplete or denied, the Director shall notify applicant in writing regarding the specific reason for denial.

- B. The Director shall issue a permit for the following:
1. The removal of dead, substantially injured, damaged or diseased trees;
 2. The removal of any non-specimen tree, provided the tree is not a required landscape strip tree, buffer tree, or other code required trees and that the applicable minimum tree density requirement is maintained.
 3. The removal of any specimen tree, landscape strip tree, buffer tree or other code required tree with a replanting agreement approved by the director.

([Ord. No. 739](#), 5-1-2017)

3.2.5 Land disturbance permit for development activity.

- A. No person shall engage in a Development Activity and no Land Disturbance Permit shall be issued without first obtaining an approved site plan stamped and signed by the Director.
1. Trees and or soils shall not be disturbed or removed in order to pad grade or mass-grade a site unless building construction is imminent. In order to be imminent, proposed buildings shall require approval.
- B. Except as provided in Section 3.2.4 and Paragraph (c) of this subsection, no tree removal shall be approved for any site not under active development. For the purposes of this Ordinance, a site is not under active development unless there exists an approved development plan delineating the improvements to be constructed on the site consistent with the use for which the site is zoned, and there is a reasonable certainty that construction is imminent.
- C. A Land Disturbance Permit may be issued for Grading Activity on a site not under active development provided that:
1. The sole purpose of the Grading Activity is for the storage, removal or altering of soil for fill balancing on another site under active development;
 2. The site not under active development must be under common ownership or common development control with the site that is under active development;
 3. The site not under active development must be contiguous to, or located within one (1) mile of, the site under active development. For the purposes of this Section, the measurement of distances shall be from property line to property line along the most direct route of travel on a public road;
 4. The proposed Grading Activity shall not result in the damage or removal of more than ten percent (10%) of the total tree density (inches per acre) on the site not under active development;
 5. The proposed Grading Activity shall not decrease the tree density below the minimum inches per acre required for the site. For the purposes of this Section, trees in Buffers that will be required shall be excluded from minimum density calculations;
 6. The area to be disturbed within the site shall be the area that will have the least adverse impact on existing trees, Specimen Trees, Trees of Quality, and Groupings of Trees as determined by the Director. In addition, the area must be visually screened from public or private roads and drives, developed residential and commercial properties, by a one hundred foot (100') buffer or a buffer of sufficient depth to provide reasonable visual screening. In order to provide reasonable visual screening, it may be necessary to locate access roads to the impacted area in a winding manner to prevent a straight line of site to the impacted area; and
 7. The disturbed area within the site shall be replanted with trees to a tree density of 130 inches per acre no later than eighteen (18) months from the issuance of the Land Disturbance Permit authorizing the Grading Activities. A tree replacement plan and a bond shall be submitted and approved by the Director prior to the issuance of the permit authorizing the Grading Activities. The completion bond shall be held until the planting is complete and at that time transfer to an eighteen (18) month maintenance bond to ensure survival of the replacement trees. The applicant shall be responsible for the irrigation (watering) of trees during the period of the bonds. The replanting requirements of this Section shall not apply, and the initial bond shall be released, if, on or before fifteen (15) months from the issuance of the permit authorizing the Grading Activity, the site becomes under active development pursuant to the issuance of a Land Disturbance Permit and the approval of development plans in compliance with the provisions of this Ordinance.
- D. Nothing in this Section shall be deemed to authorize any Grading Activity or similar activity not otherwise in compliance with the Land Subdivision Regulations of the City of Alpharetta, including,

the Soil and Sedimentation Control Ordinance. Further, nothing in this Section shall be deemed to eliminate the requirement that all reasonable efforts must be taken to save and not adversely impact the Critical Root Zones of Specimen Trees, trees of quality, and tree groupings and that all applicable sites from the City shall maintain or obtain the minimum tree density required by this Ordinance.

([Ord. No. 739](#), 5-1-2017)

3.2.6 Application requirements.

- A. When a person applies for a Land Disturbance Permit as defined herein, such person shall provide the following information:
 1. A complete tree survey and inventory, which shall contain the following information:
 - a. All Specimen Trees, Trees of Quality, Tree Groupings, Landscape Trees, and Boundary Trees on the site and within 30 feet of the limits of disturbance; with an indication whether they are to be retained or removed;
 - b. All trees that are to be counted toward the tree density requirement greater than 2" DBH, including size (Caliper or DBH) and species. Sampling methods may be used to determine tree densities for forested areas (over 5 acres) that are to be preserved. Sampling methods must conform to industry standards and protocols and be no less than a 10% sample;
 - c. Tree Protection Zones and Tree Save Areas must be delineated on the plan;
 - d. All buffers with existing trees to be delineated on plans as Tree Save Areas. Land Disturbance within any Buffer is subject to Director approval;
 - e. The tree survey and inventory shall be a to-scale map or a site plan prepared and sealed by a registered surveyor.
 2. An integrated site plan showing Specimen Trees, Trees of Quality, Tree Groupings, Boundary Trees, the trees to be saved and those to be removed, existing utilities and those to be installed, grading, the approximate location of all structures, driveways and curb cuts and all proposed tree plantings and other landscaping. It is required that all reasonable efforts be made to save Specimen trees, Trees of Quality, Tree Groupings. (Reasonable efforts shall include, but not be limited to, alternate building design, building location, parking area layout, parking area location, stormwater BMP locations and the like).
 - a. If a Specimen Tree, Tree of Quality, or Tree Grouping cannot be saved a hardship justification in the form of a letter shall be submitted to the Director for review and approval and be included within the plan set;
 - b. If a Boundary Tree cannot be saved or results in an encroachment into the Critical Root Zone of greater than 10%, evidence of notification to the owner of the tree will be required to be provided to the Director. This notification shall generally include the current condition of the tree, % encroachment, potential outcomes of the encroachment, and proposed tree care to offset the encroachment. In no way does this authorize any encroachment into the Structural Root Plate of a Boundary Tree.
 3. A detailed plan to protect and preserve landscaping and trees before, during and for a period of two (2) years after construction, which shall contain the following information:
 - a. All items found on the Arborist Checklist located in the Arborist Guidance Document;
 - b. Existing roads, utility lines, drainage and detention facilities, and other pertinent items in the vicinity of the site.
 - c. The locations of existing and proposed structures, paving, driveways, cut and fill areas, detention areas, etc.

- d. Phase lines or limits of construction;
- e. A delineation of all protected zones with any required dimensions;
- f. Calculations showing compliance with the required Tree Density and Recompense per section 3.2.7
- g. Locations of all existing and proposed utility lines and easements;
- h. Locations of any boring sites for underground utilities;
- i. Locations of all Specimen Trees, Trees of Quality, Groupings of Trees, Landscape Trees and Boundary Trees and indications whether they are to be removed or preserved;
- j. Locations of all tree protection devices, materials to be used in each location and details;
- k. A delineation of tree save areas in which trees have been inventoried for density calculations;
- l. If applicable, locations and details of all permanent tree protection measures (tree wells, aeration systems, permeable paving, retaining walls, bollards, etc.); and
- m. A tree care plan developed by a Qualified Professional designed specifically for each tree to be saved that warrants care due to the changes in site conditions or as approved by the Director. The tree care plan shall be prepaid prior to issuance of the land disturbance permit and a paid invoice provided to the City. In the event of a change in ownership, arrangements must be made to allow access for the tree care to continue throughout the required timeframe.
- n. A full landscape plan meeting all of the requirements of this Section including tree density, recompense, landscape strip, parking lot tree coverage and screening, groundcover, hardscapes, etc. The landscape plan submitted shall be the one that is expected to be planted. Permit only plans will not be accepted by the Director.
- o. Additional information as required on a case-by-case basis.

The above items may be integrated into the normal application requirements and submittals.

- B. Minor additions to existing development require only a sketch showing changes to be submitted to the Director for review and approval.

([Ord. No. 739](#), 5-1-2017)

3.2.7 Minimum tree density and recompense requirements.

The intent and goal of these regulations is to insure that a minimum density of trees is maintained on all developed sites and that a significant amount of tree canopy coverage and pervious soil area is maintained throughout the City. The density requirement must be met whether or not a property or site had trees prior to development or any tree removal. The density may be achieved by counting existing trees 2" in diameter or greater to be preserved, planting new trees in accordance with the minimum standards of this Section, or some combination of the two. Vegetated runoff reduction measures which include trees also count toward the tree density requirement. Minimum tree density shall be calculated and established pursuant to the formula and analysis set forth in the Guidance Document.

- A. All sites within the City other than 'For-Sale' residential lots shall maintain or achieve a Minimum Tree Density of 130 inches per acre. The owner shall be subject to the minimum tree density requirement set forth in this paragraph, but the owner shall base the density calculations on the net site area excluding the acreage required for Buffers and infrastructure improvements (roads, utility lines, detention ponds, etc.). In no event shall a parking lot be considered an infrastructure improvement.

- B. All 'For-Sale' residential lots in the City shall maintain a minimum tree density of 130 inches per acre or provide a calculation as described in the Guidance Document that shows the lot meets or exceeds a 30% canopy coverage based upon trees growing within the property lines. For new construction or new plantings this calculation may be based upon the mature spread of the newly planted trees at 20 years after planting. If replacement planting is required on a 'For-Sale' residential lot, it is encouraged to provide at a minimum a two-inch (2") caliper tree or larger in the lawn area in the front yard or landscape strip if space allows.
- C. Owners shall receive a density credit of two (2) times the inches for each Specimen Tree saved by utilizing an alternate design during development. Specimen trees that cannot be saved must be replaced with recompense plantings equal to three (3) times the DBH of the tree(s) removed. Recompense trees shall be a minimum of four-inch (4") caliper at time of planting. Trees of Quality or Tree Groupings shall receive a density credit of one (1) times the inches for each tree saved. Specimen Trees removed without prior approval shall be subject to the recompense replanting requirements as described in section 3.2.10 Tree Damage and subject to the applicable penalties as described in Section 3.2.17.
- D. An owner may request a reduction in recompense plantings, which may be granted at the discretion of the Director. The reduction shall be calculated considering Specimen Trees, Trees of Quality or Tree Groupings and other landscape amenities that are incorporated into the site plan utilizing an approved alternative design.
- E. In the event that Specimen Tree Recompense cannot be achieved through planting on the subject property, two alternative methods of compliance may, at the discretion of the Director, be approved: planting at a location remote from the project site; or, a recompense payment to the City of Alpharetta Tree Replacement Fund. The following standards have been established for administering these alternative recompense methods.
 - 1. The director must review and approve all requests for alternative recompense. In no instance shall 100% of the required recompense be met through these alternative methods. As many trees as can reasonably be expected to survive and thrive must be planted on the subject property. No permit shall be issued until the Director has approved the request and received the necessary documentation and/or funds.
 - 2. If trees are to be planted at another location, the off-site location should be in the same area of the City as the project site and a tree replacement plan meeting all applicable standards must be provided by the owner and reviewed and approved by the City Arborist. If tree planting is proposed on City property all specifications for such planting shall be met as determined by the Director of Public Works or the Director of Recreation and Parks. A completion bond in the amount of 100% of the installation and materials cost shall be provided prior to issuance of any land disturbance permit.
 - 3. If a recompense payment to the City of Alpharetta Tree Replacement Fund is approved, the amount of the donation shall be established by the Director. The amount of the recompense payment shall be 100% of the estimated costs of the average 3 bids from reputable landscape contractors, licensed to do business in the City, for the materials, installation, and care during the trees establishment period (18 months) provided by the owner and reviewed and approved by the City.

([Ord. No. 739](#), 5-1-2017)

3.2.8 Tree Replanting, Buffer, and Landscape standards.

A. Tree Replanting.

- 1. Unless otherwise approved by the Director, it is recommended that trees selected for replanting be on the Recommended Tree List. Trees selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor and form in order to assure a reasonable expectation of survivability. Standards for transplanting shall be in keeping

with those established in the International Society of Arboriculture publication Tree and Shrub Transplanting Manual or similar publication. Reference the American Association of Nurserymen publication American Standard for Nursery Stock (ANSI Z60.1-2014) for plant material quality specifications. Reference the Manual of Woody Landscape Plants (Michael Dirr, 2009, Stipes Pub Llc.) or similar publication for information on tree species and site requirements.

2. It is desirable that replanted trees be ecologically compatible with the site and neighboring sites. Accordingly, the replanted trees shall be of the same or similar species as those removed when practical.
- C. All replanted overstory trees shall be at least six (6) feet tall and have a trunk of not less than two (2) caliper inches. All replanted understory trees shall be at least four (4) feet tall or have a trunk not less than one (1) caliper inch. In order to provide sufficient growing area for planted trees, the following minimum criteria must be observed unless otherwise approved by the Director.
- a. No more than 25% of any one genus may be included in any replanting plan.
 - b. A minimum of 40% of the required tree density on a site is recommended to be met through overstory tree planting.
 - c. Greater than 50% of the trees shall be natives.
- B. Buffer Requirements.
1. A lot zoned or used for a rental dwelling, office, institutional, commercial, industrial uses or occupied by a non 'For-Sale' residential use shall provide a fifty foot wide undisturbed buffer along all property lines adjoining property zoned for or used by 'For-Sale' residential purposes. Where commercial or industrial districts or developments abut R-10M zoning districts, the same buffer requirements apply. The buffer shall be in addition to the required building setback line.
 - a. When a new, 'For-Sale' development is proposed adjacent to an existing, non-residential use with no buffer present, the 50' buffer must be provided by the residential development.
 - b. If a 50' buffer has been provided on the property adjacent to a proposed, non-residential development, the buffer requirement may be waived with the approval of the Director.
 2. Except as otherwise provided, herein, buffer strips shall be preserved in their natural undisturbed state, except that sparsely planted buffers shall be enhanced with additional plant material. Enhancement plants must provide an opaque screen within two (2) years of planting and must consist of trees, shrubs, and groundcover plants meeting the following standards:
 - a. Plant selection will consist of eighty (80) percent evergreen species and twenty (20) percent deciduous species;
 - b. Deciduous trees must be a minimum of 2 inch caliper at time of installation;
 - c. Evergreen trees must be a minimum of 9 feet tall at time of installation;
 - d. Shrubs must be a minimum of 3 feet tall at time of installation;
 - e. Plants will be spaced a maximum of eight (8) feet on center or as approved by the Director;
 - f. Plantings shall be designed with plant palate containing a mixture of colors, textures, and heights.
 3. Undisturbed buffers shall not contain any surface parking or storm water, detention facilities, or any structures except that the Director may approve underground facilities within the buffer or the crossing of the buffer for the purpose of extending utilities.
 4. The Director may approve vegetated runoff reduction measures within the buffer. The planting requirements above may be varied to accommodate vegetated runoff reduction measures as part of an approved stormwater management plan, if properly designed to provide stormwater management and screening functions.

5. Stream buffers must be replanted where disturbed for approved access and utility crossing. Replacement plantings must be native and be arranged to have a natural appearance.
6. All buffer plantings are subject to the approval of the Director.

C. Parking Lot Landscaping.

1. Surface parking lots shall provide a minimum 200 square foot wide landscape island at the end of each parking bay, and a 200 square foot island located each 72 feet of single parking length. Each landscape island shall be planted with one shade tree. Islands shall be excavated to 3 feet deep or to a depth 6 inches greater than the height of the root ball and backfilled with a minimum of 600 cubic feet of friable soil. Islands that are 400 square feet or larger and corner islands shall be planted with a large overstory tree. Parking lot trees must be 2" caliper minimum at time of planting and have a clear trunk to a minimum height of 6 feet. The remainder of a landscape island shall be planted with shrubs, ornamental grasses, and ground covers; and mulch shall be applied. Turf grass will not be accepted. Utilities and lighting shall not be allowed within required parking lot landscape islands.
2. Alternate landscape configurations may be approved if the Director determines that the alternate design exceeds the standards above and/or is part of a smart stormwater design for the site that includes multi-functional, vegetated runoff reduction measures. An alternate configuration could also include a stormwater component or the preservation and enhancement of existing trees which are provided above and beyond other tree preservation requirements; which are deemed of community value by the Director; and shall result in a minimum of 50% parking lot canopy coverage within 15 years.
3. The required tree area shall be protected against compaction and shall provide sufficient area for tree growth. Utilities are not allowed within the minimum area. The trees shall be maintained in accordance with best management practices as defined by the International Society of Arboriculture guidelines, and shall not be removed or pruned without permission from the City Arborists.
4. Shrubs shall be provided to screen paved areas and parking lots from the public right-of-way, private drives and adjacent property year round. Shrubs shall be 2 feet tall at time of planting, 2 rows deep and shall provide a screen within 3 years of planting. Alternate screening methods such as fencing may be approved by the Director.

D. Landscape Strips.

1. The City wants to promote tree lined streets therefore, a minimum of ten (10) feet wide landscape strip shall be provided along all public right-of-ways and private roads. Main streets which are listed below shall have twenty (20) foot landscape strips, except those located within the Downtown Overlay District. which shall have ten (10) feet wide landscape strips or landscaping as approved by the Director.

MAIN STREETS:

Highway 9

Mansell Road

Windward Parkway

Northpoint Parkway

Westside Parkway

Old Milton Parkway

Haynes Bridge Road

Kimball Bridge Road

2. No permanent structures other than signage are permitted within the landscape strip. This includes pavement, retaining walls, drainage structures, detention ponds, flumes, curbing, etc. unless approved by the Director.
 - a. Retaining walls built with decorative masonry and designed as a landscape feature may be located within the landscape strip subject to approval by the Director. All required plantings must be installed so as not to interfere with the structural integrity of the wall.
 3. Actual spacing of street trees is based on the average canopy spread of the species selected as outlined in the Arborist Guidance document. If the spacing of shade trees exceeds 25 feet on center understory trees shall be required to fill in the gaps between each shade tree. Spacing of shade trees shall not exceed 40 feet on center. Shade trees shall be a minimum 4" caliper; ornamental trees shall be a minimum 3" caliper. The use of a combination of shade trees and ornamental trees is recommended.
 4. For commercial development and for master plan subdivisions, a minimum of five (5) foot landscape strip shall be provided along all property lines which do not adjoin a public right-of-way or private road. One (1) shade tree, minimum 4" caliper, shall be provided for every fifty (50) linear feet of landscape strip. For master plan subdivisions, this requirement is only required along the external property line of the overall project.
 5. Shrubs shall be provided in all landscape strips. Shrubs shall be a minimum of 2 feet tall at time of planting. Shrubs located in landscape strips may be used to meet the parking lot screening requirement.
- E. Additional screening shall be provided around all utility areas, detention facilities, dumpster/refuse areas, drive through areas, loading and unloading zones, etc. to screen views from the public right-of-way, private roads, drives, and adjacent properties year round. Screening shall be provided in any combination of the standards below or as approved by the Director.
1. Plant selection will consist of eighty (80) percent evergreen species and twenty (20) percent deciduous species;
 2. Deciduous trees must be a minimum of 2 inch caliper at time of installation;
 3. Evergreen trees must be a minimum of 6 foot tall at time of installation;
 4. Shrubs must be a minimum of 4 foot tall at time of installation;
 5. Screening for detention facilities must incorporate an alternating double row of evergreen shrubs 4 foot tall at time of planting.
 6. A combination of decorative walls, fences, and landscape material may be used with the approval of the Director.
- F. Lighting Fixtures shall be arranged so that the source of any light is screened from residential views and located as to not interfere with the tree canopy at time of planting or in the future.
- G. All required landscape areas shall be provided with a minimum of 1 water spigot or other water source within 150 feet.
- H. A bond shall be required for a minimum of 18 months to ensure the maintenance and irrigation of the landscaping materials.
- I. All landscape plans and tree planting plans for non "For Sale" residential properties shall be prepared as a to-scale map or a site plan prepared and sealed by a Registered Landscape Architect in the State of Georgia. Tree only plans may be prepared by a Qualified Professional.
- J. Outdoor Dining Areas. At-grade outdoor dining areas shall include perimeter landscaping and decorative detectable barriers in order to define the area. Detectable barriers shall include decorative planters, low walls or other improvement approved by the Community Development Director. Uncovered outdoor dining areas shall include one (1) shade tree per 750 square feet.

([Ord. No. 739](#), 5-1-2017)

3.2.9 Tree Protection and Conservation Standards.

Prior to commencement of any grading, construction, or tree removal authorized through the issuance of a land disturbance permit and continuing until a final subdivision plat has been recorded or a certificate of occupancy has been issued, the following system shall be used:

- A. A tree protection area shall be required for any tree located within 30 feet of any proposed grading, construction or tree removal; and shall be established by physical barriers and maintained until such work is complete.
- B. Location and Types of Tree Protection Devices.
 - 1. Tree protection devices are to be installed as shown on the plan or otherwise completely surrounding the Critical Root Zone of all trees to be preserved.
 - 2. The plan shall indicate which types of tree protection are to be installed and where they are to be installed. The types identified on the plan shall be consistent with the City's Tree Protection Details, available in the Arborist Guidance Document.
 - 3. The locations of all tree protection devices will be verified by the City prior to the issuance of the construction permit for clearing and/or grading.
 - 4. Once Protected Zones are established and approved, any changes are subject to Development and Inspections Department review.
- C. Tree Protection measures are to be installed as shown on the City's Tree Protection Details, available in the Arborist Guidance Document.
- D. Sequence of Installation and Removal. All tree protection devices shall be installed prior to any land disturbance permit authorizing tree removal. Community Development Department must inspect the installation of tree protection and erosion and sedimentation control devices prior to the issuance of the land disturbance permit. Tree protection must remain in functioning condition until the certificate of occupancy is issued.
- E. The cleaning of equipment, storage of materials or dirt, disposal of waste materials such as paint, oil, solvents or other harmful substances, or any other such act which may be harmful to the continued vitality of the tree(s) within the tree protection area, is prohibited.

([Ord. No. 739](#), 5-1-2017)

3.2.10 Tree damage.

Any tree designated in the plan to be saved, including Trees of Quality and Tree Groupings, that is damaged during construction or grading, or as a result of such activities, shall be treated according to accepted International Society of Arboriculture Standards, or replaced with a tree(s) equal to the DBH of the tree removed. However, any Specimen Tree damaged as described above shall be replaced with a tree(s) eight (8) times the DBH of the tree removed with a minimum four-inch (4") tree Caliper. In the event that a damaged specimen tree must be removed, the location occupied by the tree's Critical Root Zone must remain in a previous state with no structures or buildings placed in this area and violations shall be subject to the applicable penalties as described herein. Any specimen tree damaged on "For-Sale" residential lots as the result of failure to receive tree removal approval for non-construction tree removal or as a result of failure to protect a specimen tree during non-construction tree removal will result in up to three (3) times recompense.

([Ord. No. 739](#), 5-1-2017)

3.2.11 Tree survey inspection.

Following the receipt of the completed tree removal application and supporting data, the Director shall schedule and conduct an inspection of the proposed development site. Following inspection, the Director shall advise the applicant of any recommended changes in the applicant's proposed tree removal, protection or replanting plans necessary to make the plans comply with the provisions of this Ordinance.

([Ord. No. 739](#), 5-1-2017)

3.2.12 Tree removal applications, approval and expiration.

- A. The Director shall review all applications and supporting data and take one (1) of the following actions: approve, approve with conditions or disapprove. Applications, which meet the requirements of this Ordinance, shall be approved.
- B. Development Activity will not be authorized until such time as appropriate Land Disturbance Permits have been issued and approval granted.
- C. Tree removal and replacement shall begin no later than one hundred eighty (180) days after issuance of the permit and shall be completed no later than two (2) years after the issuance of the permit. Except as provided in these regulations authorizing certain cut and fill activities. The Director may refuse to issue any permit for tree removal until the submission of all development plans and receipt of other evidence satisfactory to the Director that there is a reasonable certainty that the Development is imminent.

([Ord. No. 739](#), 5-1-2017)

3.2.13 Tree removal and landscaping compliance inspection.

- A. Following the issuance of a Land Disturbance Permit for the development site, the Director shall from time to time inspect the site for the purpose of certifying compliance with the requirements of the tree removal. In the event of non-compliance, the Director may revoke or modify any City permit pertaining to the Development Activity for which the Land Disturbance Permit has been issued. No certificate of occupancy shall be issued until actual compliance is obtained.
- B. If any required Land Disturbance Permit conditions have not been met within the time specified in the Land Disturbance Permit, and provided the Director has not granted a written extension, the City may use the cash or bond proceeds to insure that these conditions are met. The bond will have an expiration date no longer than one (1) year, and the proceeds will go to the City of Alpharetta Tree Replacement Fund.
- C. After development is complete, the Director shall continue to make random inspections to insure that required trees and landscaping are maintained. Replacement shall be required or bond/letter of credit posted within thirty (30) days of notice by the Director should any of the tree(s) or landscaping die, be removed or be destroyed.
- D. Notwithstanding any other provision of this Ordinance to the contrary, a home builder's responsibility to replace a newly planted tree or trees shall terminate upon the issuance of a certificate of occupancy or at the end of the maintenance bond time frame, whichever is longer, provided that an inspection conducted immediately prior to the issuance of the certificate of occupancy confirms that the replanted tree or trees were planted properly as established in the ISA (International Society of Arboriculture) standards, and are healthy and free of pests and disease. Nothing in this Ordinance shall be deemed to eliminate any other obligation the homebuilder may have pursuant to any private agreement between the homebuilder and homeowner, or any restrictive covenants that are applicable to the property.

([Ord. No. 739](#), 5-1-2017)

3.2.14 Permit fee.

The fee for review of a request for permits shall be \$5.00. The fee for review of an application for a Land Disturbance Permit (which only applies to Development Activity and Grading Activity) shall be \$50.00 per acre and a maximum of \$500.00. These fees may be revised from time to time by resolution of the City Council, or delegated to the Director to be administratively established and revised from time to time.

([Ord. No. 739](#), 5-1-2017)

3.2.15 Enforcement, appeals and variances.

- A. Enforcement. All requests for permits and all applications for tree removal shall initially be submitted to and reviewed by the City Arborist. The City Arborist shall be responsible for recommending to the Director the approval or denial of applications for Land Disturbance Permits.
- B. Appeals.
 - 1. Requests for appeal of any administrative decision shall first be addressed to the Director.
 - 2. Written requests for appeal of any administrative decision are permitted and must be submitted to the Board of Zoning Appeals within ten (10) days after notice of such decision. Such written appeal shall be made in the form of a letter, which outlines the salient points upon which the appeal is based.
 - 3. The Board of Zoning Appeals shall schedule a hearing as soon as reasonably practicable to consider the appeal, and shall issue a written decision within thirty (30) days of the hearing.
 - 4. If the appeal concerns an administrative decision regarding Specimen Trees, Trees of Quality, Tree Groupings, or Boundary Trees it shall be the applicant's burden to demonstrate that reasonable alternatives have been considered in order to save said trees (as described herein). Documented evidence shall be filed by the applicant with the written request for appeal and shall include, but not be limited to the following:
 - a. Boundary survey showing topography, easements, creeks and other features of the property.
 - b. Two alternative development plans, which include the Specimen Tree(s), Trees of Quality, Groupings of Trees, or Boundary Trees.
 - c. An itemized estimate of additional costs associated with saving the trees.
- C. Variance.
 - 1. Written requests for a variance are permitted.
 - 2. The Director shall have the authority to grant variances not to exceed twenty percent (20%) of the minimum or maximum standards of this Ordinance.
 - 3. Variances that exceed twenty percent (20%) or variances that exceed the allowance of administrative variances shall be heard by the Board of Zoning Appeals.
 - 4. Variances can be granted only in the case of extreme hardship or unusual circumstance. The factors to be taken into consideration by the Board may include the following, but shall not be solely economic:
 - a. The ease with which the applicant can alter or revise the proposed development or improvement to accommodate existing trees.

- b. The economic hardship that would be imposed upon the applicant were the variance denied.
 - c. The heightened desirability of preserving tree cover in densely developed or densely populated areas.
 - d. The need for visual screening in transitional zones or relief from glare, blight, commercial or industrial unsightliness or any other visual affront.
 - e. Whether the continued presence of the tree or trees is likely to cause danger to a person or property.
 - f. Whether the topography of the area in which the tree is located is of such a nature to be damaging or injurious to trees.
 - g. Whether the removal of the trees is for the purpose of thinning a heavily wooded area where some trees will remain.
 - h. Whether tree removal would have an adverse impact upon existing biological and ecological systems.
 - i. Whether tree removal would affect noise pollution by increasing source noise levels to such a degree that a public nuisance may be anticipated or a violation of the noise control ordinance will occur.
 - j. Whether the general health and life expectancy of the tree or trees warrant the measures necessary to prolong the life of the trees based upon accepted ISA practices.
- D. Appeal from the Decisions of the Board of Appeals shall be by Writ of Certiorari to the Fulton Superior Court, and must be filed within thirty (30) days of the date of the Board's decision.

([Ord. No. 739](#), 5-1-2017)

3.2.16 Natural Resources Commission.

The Mayor and each City Council member shall appoint one (1) member to a seven (7) member Natural Resources Commission.

- A. The Natural Resources Commission shall give advice to the Council based on an annual re-evaluation of experience under the Ordinance, provide leadership in the development of understanding of the objectives and methods of the tree program, and assist the Director in the development and maintenance of technical specifications and guidelines. In addition, the natural Resources Commission primary objectives shall be:
- 1. To promote the benefits of maintaining a healthy tree canopy for the City of Alpharetta;
 - 2. To provide educational outreach activities for the purpose of informing the community about resource conservation, protection of the environment, and the maintenance of the city's natural amenities, in particular its trees;
 - 3. To plan and organize Arbor Day and facilitate other events, activities, meetings and projects that support environmental awareness and education;
 - 4. To encourage Alpharetta's citizens to take greater responsibility for improving their community through litter prevention, waste reduction, recycling, tree plantings and other, similar means.
 - 5. To oversee the following:
 - a. Alpharetta's Tree Conservation, Landscape, and Buffer Ordinance.
 - b. Tree City USA designation.
 - c. Keep America Beautiful affiliation.

- B. The Natural Resources Commission shall assist the Arborist in producing and maintaining the Arborist Guidance Document, including the a list of proposed changes to the kinds and species of trees described in the Tree Planting List. Any such changes may be adopted and may be changed from time to time.
- C. The Natural Resources Commission shall enlist technical advisors in the fields of land development, landscape architecture and horticulture or related professions.
- D. The Natural Resources Commission shall have the power and authority to maintain the Tree City USA and Keep America Beautiful (KAB) certifications by:
 - 1. Strengthening environmental outreach opportunities associated with the Tree City USA and KAB organizations by promoting community participation and acting as an advocate of tree and environmental conservation efforts;
 - 2. Supporting the City's efforts through public/private partnerships;
 - 3. Making recommendations for the enhancement of public outreach and education programs concerning environmental and tree related issues;
 - 4. Developing and implementing a sustainable program for their environmental accomplishments; and
 - 5. Providing regular updates to City Council regarding Natural Resources Commission activities.

([Ord. No. 739](#), 5-1-2017)

3.2.17 Penalties.

Any person, firm, corporation, limited liability company, Responsible Party, or other entity found guilty of violating or knowingly assisting in the commission of a violation of this Section shall be subject to the penalties specified herein. Each day any violation of any provision of this Section shall occur and each day any violation shall continue shall constitute a separate offense of this Section.

- A. A violation of this Section shall constitute a misdemeanor punishable by a fine of up to one thousand dollars per incident. Replacement plantings shall also be required. Penalties and fines, including replacement plantings must be satisfied within the timeline stated on the violation and/or stop work order. Appeals can be filed with the Board of Zoning Appeals.
- B. In the event that a Specimen Tree is damaged or removed in violation of this Section on non "For-Sale" residential property or as part of a construction project, violators shall be subject to replace Specimen Trees with trees having a total density equal to eight (8) times the unit value of the tree removed with a minimum four-inch (4") tree caliper. Furthermore, the location and extent of the tree's Critical Root Zone shall permanently remain in a pervious state with no structures or buildings placed on it. In the event that a Specimen Tree is damaged or removed in violation of this Section on a "For-Sale" residential property not in conjunction with a construction project, violators shall be subject to replace Specimen Trees with trees having a total density up to three (3) times the unit value of the tree removed. The city shall take into consideration the amount of trees that can be reasonably placed on the property in violation. If the DBH of the removed tree cannot be determined the measurement shall be taken at the upper most portion of the remaining stump.
- C. In the event that a non-specimen tree, including Trees of Quality and Tree Groupings, is damaged or removed in violation of this Section, violators shall be subject to replacement plantings equal to one (1) times the DBH of the tree removed with a minimum two inch (2") caliper trees. If the DBH of the removed tree cannot be determined the measurement shall be taken as stated in Section 3.2.17.B.

- D. In addition to A. and B., upon notice from the Director, work on any development that is being done contrary to the provisions of this Section shall immediately cease. The stop-work notice shall be in writing and shall go to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. When an emergency exists, the Director shall not be required to give written notice prior to stopping the work. Further, in the event that work on any development is being done contrary to the provisions of this Section, the Director may revoke any permit pertaining to the development activity for which the Land Disturbance Permit has been issued and may refuse to issue any further permit until, at the discretion of the Director, the work on the development is brought into compliance with the provisions of this Section.

([Ord. No. 739](#), 5-1-2017)

Footnotes:

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Editor's note— [Ord. No. 739](#), adopted May 1, 2017, amended Section 3.2 in its entirety to read as herein set out. Former Section 3.2, Subsections 3.2.1—3.2.19, pertained to tree protection, and derived from the original codification.



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT
SUBMITTED BY: KATHI COOK
DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: PH-18-13 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – WIRELESS TELECOMMUNICATIONS FACILITIES

CITY COUNCIL: NOVEMBER 5, 2018

This item was heard at the October 12, 2018 Planning Commission meeting. A few people spoke on the item with concerns over . After discussion, the Planning Commission tabled the item.

The item was removed from the table and heard by the Planning Commission at its November 1, 2018 meeting. Three (3) people representing the wireless telecommunications industry spoke on the item identifying possible conflicting language in the ordinance, as well as asking for greater flexibility in aesthetic standards. After discussion, the Planning Commission recommended approval of the item. Vote (6-0-1 abstained)

II. RECOMMENDATION:

Approve PH-18-13 Unified Development Code Text Amendments – Wireless Telecommunications Facilities as it relates to small cell technology in the public right-of-way.

III. REPORT IN BRIEF:

Consideration of text amendments to Unified Development Code (UDC) Section 2.8 Wireless Telecommunications Facilities as it relates to small cell technology in the public right-of-way. The proposed text amendments are necessary to comply with changing State and Federal regulations, as well as to provide additional options for siting small cell technology in the public right-of-way.

IV. ATTACHMENTS:

- UDC Strike Through and Underline Edits

AN ORDINANCE TO AMEND SECTION 2.8, “WIRELESS TELECOMMUNICATIONS FACILITIES,” OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO PROVIDE FOR THE MODIFICATION, DELETION AND/OR ADDITION OF CERTAIN DEFINED TERMS RELATED TO WIRELESS TELECOMMUNICATIONS FACILITIES; TO PROVIDE FOR THE MODIFICATION, DELETION AND/OR ADDITION OF PROVISIONS RELATED TO WIRELESS TELECOMMUNICATIONS FACILITIES, INCLUDING PROVISIONS RELATED TO THE PLACEMENT OF SMALL WIRELESS FACILITIES IN PUBLIC RIGHTS-OF-WAY; AND FOR OTHER PURPOSES.

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

WHEREAS, the City Council deems it necessary to modify existing regulations governing the location, placement, and design of small wireless facilities within the City’s public rights-of-way in order to encourage wireless broadband infrastructure investment and extend wireless communications coverage, increase data capacity and further enable the provision of wireless broadband services; and

WHEREAS, the City Council finds that aesthetic, cultural, and property values and the health, safety and welfare of the citizens of the City are directly impacted by the number, type, design, visibility, and location of small wireless facilities attached to existing infrastructure located in the public rights-of-way of the City, and further finds that such interests of the City are further and more adversely impacted by the installation of new poles or other support structures within the public rights-of-way; and

WHEREAS, the City Council desires to modify existing requirements for applicants to obtain wireless telecommunications facility permits and existing regulations governing wireless telecommunications facilities, including the placement of small wireless facilities in the public rights-of-way of the City, in order to further enable the provision of personal wireless services and wireless broadband services, while preserving the health, safety and welfare of the citizens of the City, including the aesthetic and historic nature of certain areas in the City; and

WHEREAS, such new regulations are intended to promote the deployment of broadband services in the City by facilitating the orderly deployment of small wireless facilities in the public rights-of-way throughout the City in a manner that balances residents’ and businesses’ wireless communications and information service demands with the community’s health, safety and general welfare objectives, and which is consistent with federal and state law and regulations; and

WHEREAS, such new regulations are further necessary for compliance with recent rules and regulations adopted by the Federal Communications Commission; and

WHEREAS, in order to accomplish the foregoing and for other purposes, the City desires to amend the regulations set forth in Article II, Section 2.8, “Wireless Telecommunications Facilities,” of the Unified Development Code of the City of Alpharetta, Georgia (the “Unified

Development Code”) governing the location and siting of wireless telecommunications facilities, particularly including regulations set forth in Subsection 2.8.10 (titled “Wireless Telecommunications Facilities in Public Rights-of-Way”) governing the placement of small wireless facilities in public rights-of-way; and

WHEREAS, a public hearing has been properly advertised and conducted pursuant to the requirements of the Georgia Zoning Procedures Law.

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

Section 1: Article II, Section 2.8 titled “Wireless Telecommunications Facilities,” of the Unified Development Code is hereby amended by revising same as set forth in Exhibit “A” attached hereto as if fully set forth herein; and

Section 2: In the event that any section, subsection, or provision of this Ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this Ordinance, which shall remain in full force and effect as if such portion so declared or adjudged invalid or unconstitutional were not originally part of this Ordinance, even if the surviving parts of this Ordinance result in greater restrictions after any unconstitutional or invalid provisions are stricken; and

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

SO ORDAINED this the _____ day of _____, 2018.

CITY OF ALPHARETTA, GEORGIA

By: _____
Jim Gilvin, Mayor

COUNCIL MEMBERS

ATTEST:

Coty Thigpen, City Clerk

First Reading _____

Second Reading _____

Adopted _____

APPROVED AS TO FORM:

C. Sam Thomas, City Attorney

EXHIBIT “A”

Key to Identify Revisions:

Additions – Underlined

Deletions - ~~Strikethrough~~

SECTION 2.8 - WIRELESS TELECOMMUNICATIONS FACILITIES

2.8.1. Purpose, intent and objectives.

The purpose of this Section is to reasonably regulate, to the extent permitted under Georgia and federal law, the installations, operations, collocations, modifications, replacements and removals of wireless telecommunications facilities in the City of Alpharetta, recognizing the benefits of wireless communications while reasonably protecting other important City interests, including the public health, safety and welfare, aesthetics and local property values. These regulations are intended to establish reasonable standards and requirements for the siting of wireless telecommunications facilities, including wireless towers, antennas and accessory equipment. It is the intent of these regulations to promote the health, safety and general welfare of the citizens of the City of Alpharetta by establishing an orderly process for regulating the siting of wireless telecommunications facilities while balancing the need for adequate service levels. Therefore, the purposes of this Section are to establish standards for the safe provision of wireless communication services consistent with state and federal law; to minimize the adverse visual impact of wireless telecommunications facilities through proper design, site placement, height limitation and screening and thereby retain the residential and traditional character of the City and maintain property values; and to encourage the shared use of wireless telecommunications facilities. In furtherance of these purposes, the City shall give consideration to the Comprehensive Plan and Future Land Use Map, the Zoning Map, existing land uses, and environmental, residential, historic and other sensitive areas in approving the location and siting of wireless telecommunications facilities.

It is the intent of this Section to address the aesthetic effect of wireless telecommunications facilities on landscapes in the City, the visual impact of wireless telecommunications facilities on surrounding property owners, citizens' demands for these services, and the needs of service providers to close significant coverage gaps in service coverage and provide greater capacity by implementing the following objectives:

1. Minimize the ~~adverse visual and~~ aesthetic effects of wireless telecommunications facilities through appropriate design, screening and location standards;
2. Promote the siting of wireless telecommunications facilities in a manner such that potential adverse effects to the City and its residents are minimal in order to insure harmony and compatibility with surrounding land uses;
3. Promote the location of wireless telecommunications facilities in areas where the adverse impact on the community is minimal;
4. Promote the installation of wireless telecommunications facilities at locations where other such facilities already exist; and
5. Promote the location and collocation of wireless communication equipment on existing structures thereby minimizing new visual, aesthetic, and public safety impacts.

Pursuant to federal and state law, including Section 704(a) of the Federal Telecommunications Act of 1996, it is not the intent of this section to:

1. Prohibit or have the effect of prohibiting the provision of personal wireless services in the City of Alpharetta;
2. Unreasonably discriminate among providers of functionally equivalent wireless communication services;
3. Regulate the placement, construction or modification of wireless telecommunications facilities on the basis of environmental effects of radio frequency ("RF") emissions where it is demonstrated that the wireless telecommunications facility complies or will comply with the applicable FCC regulations;
4. Prohibit, effectively prohibit or unreasonably delay collocations or modifications to existing wireless telecommunications facilities that the City is required to approve pursuant to federal and state law; or
5. Require the location or siting of wireless telecommunications facilities on City-owned public property.

([Ord. No. 715](#), § 6(Exh. A), 9-28-2015)

2.8.2 Applicability.

The provisions of this Section [2.8](#) shall apply to all applications to install, place, site, locate, collocate or modify any new or existing wireless telecommunications facility within the City. The provisions of this Section [2.8](#) are in addition to, and do not replace, any obligations a wireless telecommunications facility permit holder may have under any other permits issued by the City. Notwithstanding any other provision herein to the contrary, no wireless telecommunications facility may be installed, sited, located, collocated or modified within the public rights-of-way of the City except in accordance with Section 2.8.10 (Wireless Telecommunications Facilities in Public Rights-of-Way). Further, except as expressly set forth in Section 2.8.10 regarding public rights-of-way, no person shall install, place, site, locate, or collocate a wireless telecommunications facility on any property, building or structure owned by the City without the City's separate and distinct agreement and conveyance of a property interest, such as an easement or license, to such party authorizing such use. Subject to the foregoing, the installation, placement, siting, location, or collocation of a wireless telecommunications facility on a City-owned property other than public right-of-way shall be exempt from regulation under this Section.

([Ord. No. 715](#), § 6(Exh. A), 9-28-2015)

2.8.3 Definitions.

A. *Defined terms.* When used in this Section, unless the context indicates otherwise, the following terms shall have the meanings set forth below:

Accessory Equipment. Any equipment serving or being used in conjunction with a wireless telecommunications facility, including, without limitation, utility equipment, power meters, power supplies, generators, batteries, cables, control boxes, and equipment cabinets, but excluding antennas, antenna arrays, antenna attachment devices, equipment shelters, storage sheds, antenna support structures and alternative support structures.

Amateur Radio Antenna. A radio communication facility operated for non-commercial purposes by a FCC-licensed amateur radio operator. The term "amateur radio antenna" shall include the antenna, electronic system and the structure it is affixed to for primary support.

Antenna. An apparatus, device or system of electrical conductors that transmits and/or receives electromagnetic waves, radio or other wireless signals used in the provision of all types of wireless communication services. Where the context permits, use of the term 'antenna' shall also refer to the antenna concealment enclosure when such concealment enclosure is required by the applicable design standards.

Antenna Array. A set of antennas and associated mounting hardware having transmission and/or reception elements extending in more than one direction or other similar appurtenances, which share a common attachment device such as a mounting frame or mounting support.

Antenna Attachment Device. Any pole, mount or device which attaches an antenna(s) or antenna array(s) to the roof or side of an existing building or other alternative support structure, such as an electrical transmission tower, light structure, utility pole, or other similar existing structure. Also referred to herein as a 'mount'.

Antenna, Whip. A slim, vertically-oriented, omni-directional antenna.

Attached Wireless Telecommunications Facility or Attached WTF. An antenna or antenna array that is attached to an existing building, electrical transmission tower, light structure, utility pole or other alternative support structure with an antenna attachment device, together with accessory equipment, mounted on the roof of or within the subject building, to or within the structure or pole, or on or under the ground proximate to the subject building, structure or pole, as applicable. Attached WTF's for which an existing building serves as the alternative support structure are:

- (1) "Roof-mounted wireless telecommunications facility" - antenna(s) attached with antenna attachment device(s) to the roof of an existing building; and
- (2) "Building-mounted wireless telecommunications facility" - antenna(s) mounted on the side of an existing building.

Base station. A station at a specific site authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies and other associated electronics.

Broadband services. A fixed or mobile wireless terrestrial service that consists of the capability to transmit at a rate of not less than 25 megabits per second in the downstream direction and at least 3 megabits per second in the upstream direction to end users and in combination with such service provides: (a) access to the Internet; or (b) computer processing, information storage, or protocol conversion.

Building-Concealed Wireless Telecommunications Facility. An attached wireless telecommunications facility designed and constructed as an existing architectural feature of an existing building in a manner such that the WTF is not discernible from the remainder of the building and is completely enclosed within the architectural feature. Building-Concealed WTF's function as replacements of existing architectural features of a building that extend vertically above the roof of the building in order to position antennas at a greater height. Building architectural features employed as building-concealed WTF's include, but are not limited to steeples, church spires, clock towers, bell towers and cupolas. The term "building-concealed wireless telecommunications facility" does not include in-building antennas and other wireless transmission equipment that are exempt from the permitting requirements of this Section pursuant to Subsection 2.8.8(C) hereof.

Cell on Wheels or COW. A portable self-contained wireless telecommunications facility that can be moved to a location and set up to provide wireless communication services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.

Collocation. The placement or installation of new wireless transmission equipment on a previously approved and constructed wireless tower or support structure on which there is an existing antenna in a manner that negates the need to construct a new freestanding support structure.

Concealed. The classification of a wireless telecommunications facility that is disguised, hidden, integrated as or as part of an existing or proposed structure, or placed and enclosed within an existing or proposed structure, and camouflaged and designed to be aesthetically compatible with existing and proposed building(s), structures, uses, and other site features, including natural and architectural features, located on the site and nearby properties, such that it is not readily identifiable as a wireless

telecommunication facility by a casual observer, its presence is not apparent to a casual observer, or it is otherwise minimally visible to the casual observer in accordance with such other prescribed standard of visibility. A concealed WTF (i) is integrated as an architectural feature of an existing building such as a cupola; (ii) uses a design which mimics and is consistent with nearby natural, architectural or site features and is integrated as such a feature, such as a flagpole; or (iii) is attached to and, through the use of concealment techniques, is incorporated as part of an existing non-tower structure, such as utility poles or light structures. "Concealed" also refers to the effective employment of the foregoing design techniques in such a manner as to render a wireless telecommunications facility, or certain components or aspects thereof, minimally visible to the casual observer pursuant to a prescribed standard of visibility. The standard of visibility of a concealed WTF may be further prescribed by other guidelines, standards and regulations applicable to the subject type of WTF.

Coverage, Service. The geographic area reached by an individual wireless telecommunications facility.

DAS Hub. An equipment shelter containing accessory equipment utilized in the deployment and operation of wireless DAS receive/transmit infrastructure that is located elsewhere, but which typically does not have any DAS antennas located at such site.

Distributed Antenna System or DAS. A network of one or more antennas and related fiber optic nodes typically mounted to existing or proposed non-tower structures, such as utility poles or light structures. A DAS system typically consists of: (1) a number of remote communications nodes deployed throughout a certain coverage area, each including at least one antenna for transmission and reception; (2) a high capacity signal transport medium (typically fiber optic cable) connecting each node to a central communications hub site (DAS hub); and (3) radio transceivers located at the hub site, rather than at each individual node (as is the case for small cells) to process or control the communications signals transmitted and received through the antennas. A DAS installation may be considered an attached WTF or concealed freestanding support structure for purposes of these regulations.

Electrical Transmission Tower. An electrical transmission tower used to support high voltage (110-kV and above) overhead electrical transmission lines.

Equipment cabinet. A cabinet, enclosure, pedestal, or other similar fixture that is used in association with a WTF to house or contain accessory equipment necessary for the transmission or reception of wireless communication signals. Also referred to as "equipment enclosure."

Equipment compound. A fenced area surrounding equipment shelters, equipment cabinets, storage sheds, and other ground-mounted wireless transmission equipment, and, if applicable, the framework (or base) of a wireless tower or stealth tower.

Equipment shelter. A small building, shed or similar structure that that is used in association with a WTF to shelter, store or house equipment cabinets and accessory equipment necessary for the transmission or reception of wireless communication signals.

FCC. The Federal Communications Commission.

Flush-mounted. The attachment of an antenna, equipment cabinet or other accessory equipment to the exterior (side) of an antenna support structure or alternative support structure (e.g., building, utility pole, or light structure) in a manner such that there is no visual separation between the support structure and wireless transmission equipment at the point of attachment or such that the wireless transmission equipment remains in close proximity, abreast and generally parallel to the exterior surface of the support structure, as applicable. Where a maximum distance related to such mounting is given, such distance shall be measured from the existing appurtenant edge of the antenna support structure or alternative support structure to the outside edge of the antenna or accessory equipment, as applicable. Unless otherwise prescribed, where no distance related to the flush-mounting of accessory equipment is given or where flush-mounting is required to be provided such that there is no visual horizontal separation, the accessory equipment or antenna, as applicable, shall appear to a casual observer to be in direct contact with the exterior surface of the support structure. When an antenna housed within an antenna concealment enclosure is expressly allowed to be flush-mounted to the top of a utility pole, light standard, or similar structure, there shall be no vertical separation between the utility pole and antenna

concealment enclosure at the point of attachment, and the circumference of the antenna concealment enclosure shall be consistent with the subject structure's circumference at the point of attachment.

Geographic Search Area (GSA). A geographic area designated by a wireless carrier as the area within which to locate a new wireless telecommunications facility, produced in accordance with generally accepted principles of wireless telecommunications or radio frequency engineering.

Modification or modify. The improvement, upgrade, expansion, or replacement of existing wireless telecommunications facilities, including the installation or replacement of wireless transmission equipment associated with an existing wireless telecommunications facility.

Monopole. A cylindrical, self-supporting (i.e., not supported by guy wires) wireless tower constructed of a single spire.

OTARD antennas. Antennas covered by the "Over-the-Air Reception Devices" rule in 47 C.F.R. § 1.4000 et seq. as may be amended or replaced from time to time.

Propagation Study. A computer simulated model of how a wireless telecommunications facility should perform as part of a network or system. It gives an idea of the service coverage, dead-spots and performance of a proposed wireless telecommunications facility for planning purposes, as well as existing facilities for diagnostic and planning purposes.

Public Right-of-Way. A strip of land over which the City or the State has designated a right of use as a street, road, public thoroughfare or sidewalk for vehicular and/or pedestrian traffic.

Radio Frequency Engineer. An engineer with specialized training and/or experience in (i) the analysis and development of wireless telecommunications facilities and networks and (ii) electrical or microwave engineering, especially the study of radio frequencies.

Radome. A visually-opaque, radio frequency transparent enclosure which may contain one or more antennas, cables, and related accessory equipment therein.

Repeater. A low power, mobile radio service wireless telecommunication facility used to extend service coverage of cell areas to areas not covered by the originating facility.

Residential. Pertaining to the use of land, means premises such as homes, townhomes, patio homes, duplexes, condominiums and apartment complexes, which contain habitable rooms for occupancy as a residence and which are designed primarily for living, sleeping, cooking, and eating therein.

Scenic View. A wide angle or panoramic field of sight or open space vista that may include natural and/or manmade structures and activities. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or path. A scenic view may be to a far-away object, such as a mountain, or a nearby object, or as part of an open space vista.

Screening or [to] screen. The use of design, existing buildings and structures, existing and proposed vegetation, foliage, and landscaping, existing and proposed man-made or natural site features, and color to obscure a wireless telecommunications facility.

Siting or [to] site. The method and form of placement of a wireless telecommunications facility on a specific area of a property.

Small ~~Cell~~—Wireless Facility. A miniaturized, low power mobile radio service wireless telecommunication facility used to provide targeted capacity or service coverage. Small cell facilities are often employed to provide increased capacity in high call-demand areas or to improve service coverage to weak areas. Small cell facilities can consist of one or more radio transceivers, antennas, coaxial cable, power supply, and other associated electronics. Often, this type of wireless telecommunication facility will have all of the components, except for the coaxial cables and antennas, gathered in a self-contained protective housing, or attached separately to a support structure or alternative support structure. Small cell facilities are generally made up of an equipment enclosure and antenna, and are often attached to an existing structure.

Stealth Tower. A freestanding antenna support structure, together with attached wireless transmission equipment, designed with camouflaging methods that render the wireless telecommunications facility more visually appealing and compatible with the surrounding area and blend the wireless telecommunications facility into an existing visual backdrop. Through the use of structural designs and other camouflaging techniques that are compatible with the natural setting and surrounding structures, stealth towers, such as monopines (or other man-made trees) and unipoles (or slick sticks), are designed to blend into an existing visual backdrop and render the wireless telecommunications facility more visually appealing so as to make the facility less recognizable to the casual observer and reduce or mitigate the facility's potential adverse visual impacts on the surrounding area.

Structure, Historic. A building or structure which has been formally designated as a historic property, building or structure as designated by the Georgia Historic Preservation Division of the Department of Natural Resources, the United States Department of the Interior, or the City Council, or which has sufficient historic merit so as to be listed as a contributing historic building on the City's Historic Resources Inventory.

Support Structure. Any structure on which one or more antennas may be mounted. The term 'support structure' is inclusive of 'alternative support structure' and 'antenna support structure'.

Support Structure, Alternative. An existing structure that is not primarily constructed or designed for the purpose of supporting antennas, but on which one or more antennas may be mounted. Alternative support structures include, but are not limited to, buildings (which may serve as alternative support structures for roof-mounted WTF's, building-mounted WTF's, and building-concealed WTF's), utility poles, light structures, and electrical transmission towers. Alternative support structures have a primary, obvious function other than that of a WTF, and may be concealed or non-concealed.

Support Structure, Antenna. A structure constructed and designed to support antenna(s), antenna array(s), and certain accessory equipment for the primary purpose of accommodating antennas at a desired height, such as a wireless tower, stealth tower or concealed freestanding support structure.

Support Structure, Concealed Freestanding. A clock tower, campanile, freestanding steeple, or other similarly designed freestanding support structure that conceals antennas as an architectural feature, or an alternatively designed freestanding antenna support structure that mimics or also serves as a common site feature, such as a flagpole or light structure, and in which the antenna, and the accessory equipment, are completely hidden from view. Concealed freestanding support structures designed as flagpoles or light standards are referred to herein as "faux flagpoles" or "faux light standards", respectively. Concealed freestanding support structures are designed to be aesthetically compatible with existing uses, building(s), and site features located on the site and nearby properties, such that they are not identifiable or recognizable to the casual observer as a wireless telecommunication facility in order to substantially reduce the facility's potential adverse visual impacts on the surrounding areas. Antenna support structures utilizing concealment elements but which are obviously not such a natural, architectural or site feature so as to render it unidentifiable or unrecognizable as a WTF to the casual observer, such as monopines, ~~slick sticks~~ and other stealth towers, are not 'concealed freestanding support structures.' provided, however, a unipole or slick-stick that is substantially similar in size, height, diameter and color as utility poles, light poles or other similar site features on the site and nearby properties.

Tower, Guy. A wireless tower supported, in whole or in part, by guy wires and ground anchors.

Tower, Lattice. A guyed or self-supporting open frame wireless tower that has three (3) or four (4) sides.

Unipole. A uniformly tapered pole with one or more antennas and associated equipment and cables contained within the interior of the pole, and with a radome located at the top of the pole being the same width as the pole at the point of attachment.

Utility Pole. An existing pole or structure owned or operated and in active use by a public utility, electric membership corporation or electric cooperative that is specifically designed and used to carry lines, cables, or wires for electricity, telephone, or cable television. A "utility pole" does not include street light or light structures, light poles, lamp posts, and other structures primarily designed and used to

provide lighting. "Utility pole" includes electrical transmission structures or poles used to support lower voltage overhead electrical transmission lines, but does not include "electrical transmission towers."

Wireless Carrier or Carrier. An entity that provides 'personal wireless services' as defined in 47 U.S.C. §332.

Wireless Communications Services. Wireless radio, data and/or telecommunications services, including cellular, telephone, television, microwave, analog, and digital services, 'personal wireless services' as defined in 47 U.S.C. §332, personal communication services, wireless broadband services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies, wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies, wireless utility monitoring and control services, and any other FCC licensed or authorized communications service transmitted over frequencies in the electromagnetic spectrum.

Wireless Telecommunications Facility or WTF. Any facility designed or intended to be used for transmitting or receiving electromagnetic waves, radio or other wireless signals or to otherwise provide wireless communications services, and usually consisting of wireless transmission equipment, including antenna(s) and accessory equipment, mounted to or supported by a wireless tower, antenna support structure, or alternative support structure. The following nonexclusive list shall be considered a wireless telecommunications facility: new, existing, and replacement wireless towers or other antenna support structures, wireless transmission equipment collocated on existing wireless towers or support structures, and attached wireless telecommunications facilities, and small wireless facilities. Also referred to herein as a "wireless facility."

Wireless Tower. A freestanding antenna support structure that is designed and constructed for the sole or primary purpose of supporting one or more antennas, antenna array(s), and other wireless transmission equipment, including non-concealed wireless towers, such as lattice towers, guy towers and monopoles, and stealth towers. The term includes, without limitation, tower structures that are constructed to provide wireless communications services, radio and television transmission towers, microwave towers, common carrier towers, cellular (cell) and digital telephone towers and the like.

Wireless Transmission Equipment. The set of equipment and network components, including antennas, antenna arrays, transmitters, receivers, base stations, power supplies, antenna attachment devices, mounts, cabling, equipment cabinets, other accessory equipment, and equipment shelters, used in connection with a support structure or antenna to provide wireless communication services, but exclusive of the underlying wireless tower, antenna support structure or alternative support structure.

B. *Construction of Certain Words and Phrases.* For the purposes of this Section 2.8, the following rules shall govern the construction of the respective words and phrases used herein:

1. Measurement of Height. Unless otherwise expressly provided in this Section 2.8, height shall be measured as follows:
 - a. Antenna Support Structure: The height of an antenna support structure (i.e., wireless tower, stealth tower or concealed freestanding support structure) shall be measured as the vertical distance from the average finished grade adjacent to the perimeter of the base of [the] antenna support structure to the highest point of the antenna support structure, including any antenna or other wireless transmission equipment mounted thereto.
 - b. Alternative Support Structure: The height of an alternative support structure other than a building (i.e., utility pole, light structure or electrical transmission tower) shall be measured as the vertical distance from the adjacent finished grade to the highest point of the alternative support structure, including any antenna or other wireless transmission equipment mounted thereto.
 - c. Building: The height of a building shall be measured in the same manner as provided for "Building Height" in Section 1.4.2 of the UDC.
 - d. Roof-Mounted Wireless Telecommunications Facility: The height of a roof-mounted WTF shall be measured as the vertical distance from the existing roof surface of the building (at

the location where the antenna attachment device or mount is affixed) to the highest point of the roof-mounted wireless telecommunications facility, including any antenna positioned for operation. The height of accessory equipment, new architectural features, concealment enclosures or other approved screening features installed on the roof in association with the WTF shall be measured as the vertical distance from the existing roof surface of the building (at or below the location where such accessory equipment or screening features are affixed) to the highest point of such equipment or screening feature.

- e. Ground-Mounted Equipment Cabinets: The height of a ground-mounted equipment cabinet shall be measured as the vertical distance from the adjacent finished grade to the highest point of the equipment cabinet or related concealment enclosure.
2. Measurement of Volume. Volume is a measure of the exterior displacement, not the interior volume of the enclosures. The measurements used to calculate the volume of an imaginary enclosure shall be based on the dimensions of rectangular cubes within which the antenna and its mount fit.
3. Visibility. Unless otherwise expressly provided in this Section 2.8, the visibility of a wireless telecommunications facility or wireless transmission equipment is based on the viewpoint of a casual observer, who is a person of ordinary sensibilities and intelligence, at ground level from the locations specified within this Section. A wireless telecommunications facility (or wireless transmission equipment) is "visible" when its location or the manner in which it is sited is such that it is likely to be seen by a casual observer or its size, height, shape, color or material contrasts with other objects or features in the surrounding setting such that it is likely to be seen by a casual observer. A wireless telecommunications facility (or wireless transmission equipment) is "plainly visible" when same stands out as an obvious or noticeable feature within its setting. A wireless telecommunications facility is "identifiable" when it is likely to be seen and recognized by a casual observer as a wireless telecommunications facility or something other than the structure or feature that it is designed to mimic.
4. Adjacent Property. An "adjacent property" shall refer to other properties that are contiguous to the subject property or which are only separated from the subject property by right-of-way.
5. DAS and Small Cell Facilities. References to DAS, small cell facilities or small wireless technologies, or to antennas, repeaters, equipment cabinets/pedestals, and other accessory equipment associated therewith, are intended to refer to wireless telecommunications facilities or wireless transmission equipment that are physically much smaller and less visible and can be placed at much lower elevations than macrocell antennas and accessory equipment, such that they can be more easily deployed with concealment enclosures and other concealment elements that blend with the non-tower support structure on or within which they are installed. The use of the terms "DAS", "small cell facility", or "small wireless technologies" herein is for the purpose of generally describing in prevailing industry terminology the type of wireless transmission equipment (in terms of its size, scale, design and feasibility for location on alternative support structures or concealed freestanding support structures) that is allowed for the subject type of wireless telecommunications facility. Such terms are used for the purpose of regulating the design standards of wireless telecommunications facilities in order to limit the aesthetic impact of such facilities. The use of such terms is not intended to regulate the technological or operational aspects of wireless transmission equipment.

([Ord. No. 715](#), § 6(Exh. A), 9-28-2015)

2.8.4 Permits and applications.

- A. *Wireless Telecommunications Facility Permit Required.* No wireless telecommunications facility shall be installed, placed, sited, located, collocated or modified without the issuance of a permit from the City in accordance with the provisions hereof, subject to certain exemptions set forth herein (a permit to install, place, site, locate, collocate or modify a wireless telecommunications facility, whether an administrative permit or a conditional use permit, is also referred to herein as a "WTF permit"). A

WTF permit shall be required for each wireless telecommunications facility installation site. The complete removal of a wireless telecommunications facility shall not require a permit under this Section; however, removal must be performed in strict compliance with this Section and other applicable law.

1. Administrative Permits. Applications requesting administrative approval to install, place, site, locate, collocate or modify a wireless telecommunications facility shall be subject to the approval of the Director or his/her designee, as further set forth herein. Subject to compliance with the regulations provided herein, the following types of wireless telecommunications facilities are authorized by administrative permit:
 - a. Concealed Attached Wireless Telecommunications Facilities;
 - (i) Concealed Roof-Mounted WTF's;
 - (ii) Concealed Building-Mounted WTF's;
 - (iii) Building-Concealed WTF's;
 - (iv) Concealed Attached WTF's Mounted to Utility Poles; and
 - (v) Concealed Attached WTF's Mounted to Light Structures;
 - b. Attached WTF's Mounted to Electrical Transmission Towers; and
 - c. Concealed Freestanding Support Structures.
 2. Conditional Use Permits. Unless authorized by administrative permit or expressly exempted from the WTF permit requirement, all other applications to install, place, site, locate, collocate or modify a wireless telecommunications facility shall be subject to the approval of a conditional use permit by the City Council, as further set forth herein.
- B. *Pre-Application Review.* Prior to the submission of an application for a WTF permit, a person seeking to install or locate a new wireless telecommunications facility ~~shall~~ **is strongly encouraged to** have a voluntary pre-application meeting with the Director, or his/her designee, to review preliminary documents and graphic exhibits of the proposed WTF and discuss the application, location and design requirements for the proposed WTF. The primary purposes of the review are to streamline applications and reduce site plan and design revisions, as well as the multiple reviews associated therewith.
- C. *Application for Wireless Telecommunications Facility Permit.* Any person desiring to obtain a permit to install, place, site, locate, collocate or modify a wireless telecommunications facility shall make application to the Community Development Department. All applications for a WTF permit shall be reviewed by the Community Development Department. The submittal of an application for a WTF permit does not authorize the installation, location, collocation, modification or operation of the wireless telecommunication facility.
- D. *Application Contents.* An application to install, site, locate, collocate or modify a wireless communication facility shall be made on a form(s) prepared by the Community Development Department. The Community Development Director is authorized to prepare application forms, and may develop application forms that distinguish between different types of wireless telecommunications facilities, installations, collocations and modifications in order to streamline the processing of certain applications and to comply with legal requirements. An applicant for a wireless telecommunications facility permit (or such other approvals required herein) shall include such information and documents required by the subject application form, which shall generally include, but not be limited to, the information the City Council requires for a planning and zoning decision, as well as the following:
1. Project Description: A written project description for the proposed wireless telecommunications facility that includes, but is not limited to, a general description of the existing land use setting, existing site features, the type of WTF proposed, visibility from public rights-of-way and properties with 'For-Sale' dwelling uses, concealment elements and other design features, on and off-site access, landscaping, and other components of the facility; the project description

shall also provide the additional authorizations required for the installation, collocation or modification, and describe the steps that applicant has taken to comply with this Section;

2. **Written Narrative:** A written and technically accurate and reliable narrative that explains the nature of the permit sought (new installation, collocation, or modification of an existing WTF) and that further states whether the applicant believes (and the basis therefor) that the WTF is subject to: (a) the provisions of 47 U.S.C. section 332(c)(7), and if so, who the entity is that will be providing personal wireless services; (b) O.C.G.A. § 36-66B-1, et seq. (the BILD Act), and if so, why its proposal fits each and every criteria set forth therein; and/or (c) 47 U.S.C. § 1455(a), and if so, why its proposal fits each and every criteria for a Section 6409(a) modification set forth in Section 2.8.9 hereof;
3. **Property Owner Authorization:** A letter of authorization from the property owner(s), including, to the extent allowed by law, the owner of any existing support structure for any proposed attached WTF or collocation, that demonstrates knowledge and acceptance of the applicant's proposed wireless telecommunications facility and use on the subject property;
4. **WTF Owner/Operator and Wireless Provider/Carrier:** The name of the respective parties that will own, operate and be responsible for the maintenance of the proposed WTF and the name of the wireless provider and/or carrier that such WTF will serve;
5. **Photo Simulations and Visual Impact Analysis:** (a) Photo simulations of the WTF, which show the proposed facility from at least four (4) directions within the surrounding area and depict the visibility of WTF from public right-of-way and other properties zoned or used for 'For-Sale' dwelling use (the photo simulations shall include "before" and "after" renderings of the site, its surroundings, the proposed WTF and antennas at maximum height, and any other structures, vegetation, or topography that will conceal or screen the proposed WTF from visibility), (b) detailed drawings or renderings of the proposed WTF, which further provide the manner in which the proposed facility will be enclosed, camouflaged, screened, and/or obscured to meet the visibility requirements set forth herein, and (c) such other visual information, as necessary, to determine the visual impact of the proposed wireless telecommunications facility on the existing setting or to determine compliance with design standards established herein;
6. **Site Plan and Design Specifications.** Written explanation, drawings and scaled site plan providing the following:
 - a. Description of the WTF's components and design (including dimensions, colors, and materials), including accessory equipment, equipment cabinets, and the number, direction, and type of antennas;
 - b. The location and dimensions of the entire site area and the exact location of the support structure, ground-mounted wireless transmission equipment and equipment compound (if applicable) with proposed setbacks, buffers, access road improvements, and any proposed landscaping or other development or site features;
 - c. Front, side, and rear elevation plans showing the proposed WTF, including the support structure, antennas, accessory equipment, and all ground-mounted wireless transmission equipment;
 - d. Manufacturer specifications, schematics, renderings, and illustrations of the proposed design of the WTF, including, but not limited to, samples of colors and materials of any proposed concealment elements; and
 - e. Land uses and zoning designations or adjacent properties;
7. **Certification from a professional civil and/or structural engineer** (licensed in the State of Georgia) that the proposed antenna attachment device, antenna support structure and/or alternative support structure meet the applicable design standards for wind loads and have structural integrity to accommodate the proposed use;
8. Such additional information necessary for review to confirm compliance with the design requirements set forth herein, as reasonably determined and requested by the Director; and

9. Payment of the application and review fee as established from time to time by resolution of the City Council or, to the extent authorized, by the Director.
- E. *Appeals.* Notwithstanding any other provision of the UDC or City Code to the contrary, appeals of administrative decisions or determinations of the Director regarding wireless telecommunications facilities, including denials of WTF permits and alleged errors in the enforcement or interpretation of the meaning of the provisions of this Section 2.8, shall not be taken to or heard by the Board of Appeals. The appeal of a written administrative decision of the Director, including the denial of a WTF permit, may be appealed to the City Council. Any such appeal must be filed with the Director within fifteen (15) days of the date of the written decision being appealed. Failure to timely file such appeal shall render the decision as a final decision. The decision of the City Council in regard to a timely-filed appeal, as well as all other decisions of the City Council pursuant to this Section 2.8, shall be final. The provisions of this Paragraph shall not apply to any request to locate a wireless telecommunications facility within or upon public right-of-way in the City or any decision related thereto.

([Ord. No. 715](#), § 6(Exh. A), 9-28-2015)

2.8.5 General regulations applicable to wireless telecommunications facilities.

The regulations set forth in this Subsection apply to all wireless telecommunications facilities; provided, however, to the extent additional, conflicting or more detailed requirements are provided for specific types of wireless telecommunication facility in other subsections of this Section 2.8, such specific requirements and design standards shall govern.

- A. The wireless telecommunications facility shall comply with all applicable federal, state and local laws, statutes, regulations rules and ordinances, including, but not limited to, building and safety codes. Wireless telecommunications facilities which have become unsafe or dilapidated shall be repaired or removed pursuant to applicable state and local statutes and ordinances.
- B. Wireless telecommunications facilities shall not be artificially lighted except as follows:
1. When required by the FCC or Federal Aviation Administration (FAA);
 2. Where such lighting currently exists on an alternative support structure, such as a light structure or utility pole;
 3. Where such lighting is required to assure human safety or protect the public health, safety or welfare as required or approved by the Director of Community Development or City Council, as applicable; or
 4. Where such lighting is approved as part of the design for a concealed attached WTF or concealed freestanding support structure, such as a faux light structure.
- C. Wireless telecommunications facilities shall be designed and constructed to ensure that the structural failure or collapse of the antenna support structure or antenna attachment device will not create a safety hazard to adjoining properties, according to applicable Federal regulations and standards which may be amended from time to time.
- D. Wireless telecommunications facilities shall not contain any signs for the purpose of commercial advertising; provided however, signs necessary to identify site identification or ASR (antenna structure registration) number, the owner, the party responsible for the operation and maintenance (including address and telephone number), to warn of danger, and to comply with applicable federal regulations are permitted. Such signage shall be limited to the smallest face area possible to be visible and legible at ground level.
- E. A wireless telecommunications facility, including any antenna or antenna array, that ceases operation for a period of twelve (12) consecutive months shall be determined to have been abandoned and shall be removed within ninety (90) days of such abandonment at the property owner's expense. It shall be the duty of both the property owner and the owner of the wireless

telecommunications facility to notify the City in writing of any intent to abandon the use of the facility.

- F. A wireless telecommunications facility, including the antenna support structure, alternative support structure, and/or antenna attachment device, shall meet the applicable design standards for wind loads and have sufficient structural integrity to accommodate the proposed use, as certified by a professional engineer (licensed in the State of Georgia).
- G. Wireless telecommunications facilities shall not be located in a 100-year flood plain or delineated wetlands. Notwithstanding the foregoing, a wireless telecommunications facility may be located in the 100-year floodplain if all accessory equipment can be located above the 100-year flood level, subject to such wireless telecommunications facility's compliance with any and all other City ordinances, regulations and/or rules related to floodplain management, flood damage prevention, and flood hazard reduction.

([Ord. No. 715](#), § 6(Exh. A), 9-28-2015)

2.8.6 Regulations for wireless telecommunications facilities authorized by administrative permit.

The guidelines, standards and regulations set forth in this Subsection regulate the location, siting, and design of wireless telecommunications facilities authorized by administrative permit. This Subsection shall not apply to any request to locate a wireless telecommunications facility within or upon public right-of-way in the City, including, but not limited to, any request to install, place, site, or locate an attached wireless telecommunications facility on any electrical transmission tower, utility pole or light structure located within or upon any public right-of-way in the City.

A. General Guidelines and Considerations for WTF's Authorized by Administrative Permit.

- 1. Compatibility with the Existing Setting; Aesthetics; Visibility. To ensure the compatibility with surrounding properties and to protect the aesthetics and character of the City, particularly districts and properties zoned or used for 'For-Sale' dwelling uses, the Downtown Overlay, corridors of influence, and public places, all wireless telecommunications facilities subject to administrative approval shall be located, sited and designed so as to be compatible with the existing setting, to minimize the aesthetic and visual impact on surrounding properties, and to maintain the character and appearance of the subject area of the City, as further provided below.
 - a. Location and Siting: WTF's shall be located in areas where existing topography, vegetation, buildings, structures or other site features are available to screen, obscure and/or camouflage the proposed facility, and sited in a manner that utilizes such existing features to effectively screen, hide, and/or camouflage the proposed WTF. WTF's shall be located, sited and otherwise configured in a manner that minimizes adverse effects to the existing landscape and character of the subject area, with specific considerations given to the land uses, architectural design of buildings, and quality of development existing on or planned for the subject and surrounding properties.
 - b. Design: WTF's shall be designed (in terms of size, scale, height, shape, style, color, texture, and materials) to blend in with the existing topography, vegetation, buildings, and structures on the project site as well as its existing setting. WTF's shall employ a design that is in harmony with the surrounding area in terms of size, mass, visual and physical impact, and that minimizes adverse aesthetic effects to surrounding properties, with specific design considerations as to the height, scale, color, texture, and architectural design of existing buildings, structures and other features located on the subject lot and surrounding properties. Further, the design of a WTF in terms of its size and scale shall give consideration to the required screening of the WTF, including whether the size and scale of concealment enclosures or installed screening elements

would create a greater visual impact than the WTF itself or otherwise not meet applicable screening, concealment or visibility standards. The colors and materials of a WTF shall blend into the predominant visual backdrop or the structure on which it is located and be compatible with existing screening features and/or proposed screening elements.

- c. Screening: WTF's shall be screened through the use of existing buildings and structures, existing and proposed vegetation/landscaping, and/or installed site features. Proposed site features shall comply with any and all other applicable provisions or requirements set forth in the UDC governing the location and design of the subject site feature. Proposed vegetation/landscaping must be approved by the City Arborist.
2. Concealment Design Requirements. Except as otherwise expressly provided herein, all wireless telecommunications facilities authorized by administrative permit shall be designed as a concealed WTF. Certain types of attached WTF's may only require partial concealment, such that the applicable design standards and requirements require that certain components of the WTF be fully concealed, such as antenna(s) or certain accessory equipment, while other components of the WTF are required to comply with a less restrictive standard or requirement, provided the overall design of the WTF meets the subject standard of visibility. Subject to and in accordance with the design standards and requirements applicable to the attached WTF, partially-concealed antennas are allowed on certain utility poles and certain buildings, and non-concealed antennas are only allowed on certain electrical transmission towers.
3. General Location and Design Standards for Ground-Mounted Equipment Cabinets. Ground-mounted equipment cabinets shall be located in the rear or side yard or other areas of a property where existing topography, vegetation, buildings, structures or other site features are available to screen, hide, and/or camouflage the equipment cabinet(s). Except as otherwise expressly permitted or restricted pursuant to the specific design standards and requirements set forth in other Paragraphs of this Subsection 2.8.6 applicable to the subject type of WTF, ground-mounted equipment cabinets shall be hidden and/or screened from visibility from public rights-of-way and adjacent properties with a 'For-Sale' dwelling use in a manner that meets the prescribed standard of visibility applicable to the WTF. Ground-mounted equipment cabinets shall be screened through the use of existing buildings, structures or site features or existing or proposed vegetation or landscaping. When further required to provide sufficient screening, site features, such as fences, walls or other similar screening features, that are compatible with the design (in terms of size, scale, shape, color, texture, and materials) of other existing site features and the style of architecture on the subject property and surrounding properties may be installed. Proposed site features shall comply with any and all other applicable provisions and requirements set forth in the UDC governing the location and design of the subject site feature. Unless sufficiently screened through the use of the foregoing techniques, ground-mounted equipment cabinets shall be painted, colored and textured or located within concealment enclosures designed to blend into the predominant visual backdrop. When a ground-mounted equipment cabinet cannot be located in accordance with the foregoing standards, such equipment shall be located in a flush-to-grade underground vault enclosure with flush-to-grade vents, or vents that extend no more than twenty-four (24) inches above the finished grade, screened from view from public right-of-way. Where an equipment compound is permitted for the subject type of WTF pursuant to the applicable design standards and requirements further set forth in this Subsection 2.8.6, such equipment shall be enclosed by fencing not less than six (6) feet in height. Except where access to the equipment compound is provided, a minimum ten-foot (10') wide landscape strip planted to buffer standards, as set forth in Article II of this Code, shall be required on the exterior of all sides of the fence surrounding the equipment compound as a vegetative screen unless the City Arborist determines that existing plant materials are adequate or other existing site features fully screen the equipment from visibility. Such landscape strip

shall be maintained in accordance with Section 3.2 of this Code. Fences shall comply with other applicable regulations of this Code not in conflict with this Section. Unless otherwise expressly provided herein, ground-mounted equipment cabinets and equipment compounds are subject to the setback requirements of the zoning district in which located. The foregoing standards and requirements regulating the location and design of ground-mounted equipment cabinets are intended to supplement the general guidelines and considerations set forth in the preceding subparagraphs of this Paragraph A, as well as the specific design standards and requirements set forth in other Paragraphs of this Subsection 2.8.6 governing the subject type of WTF.

4. Exemptions from Certain Design Requirements. When buffers are provided on the subject lot and the proposed WTF is located, sited and otherwise designed such that the WTF as proposed, and following a 6409(a) modification or as a result of future development on the subject lot, is not and would not be visible from any other lot or any public right-of-way within the City, an application for an administrative WTF permit shall be approved by the Director without requiring the WTF to fully comply with other design standards and requirements applicable to the subject type of WTF.

B. *Standards for Approval.*

1. Administrative Approval. An application for wireless telecommunications facility authorized by administrative permit shall be approved by the Director whenever the Director determines that the proposed wireless telecommunication facility comports with applicable guidelines and fully complies with all regulations, standards and requirements applicable to the subject WTF. Compliance with the minimum requirements further set forth herein (i.e., requirements expressed in specific quantitative values, such as maximum height or antenna volume requirements) does not alone confer a right to issuance of an administrative permit; rather, a proposed wireless telecommunications facility must fully comply with all applicable regulations, standards and requirements, as determined by the Director after consideration of the guidelines, factors for consideration and criteria set forth in this Subsection 2.8.6.
2. Criteria for Evaluating Visual Compatibility and Compliance with Standard of Concealment/Visibility. The general guidelines and factors for consideration set forth in Paragraph A shall be considered by the Director when evaluating whether the proposed wireless telecommunications facility complies with the location, siting, and design standards and requirements applicable to the subject type of WTF. In addition to the aforementioned guidelines and factors for consideration, the following criteria shall be considered by the Director when evaluating and determining whether the proposed wireless telecommunications facility is visually or aesthetically compatible and whether the WTF meets the applicable standard of concealment or visibility:
 - a. Blending: Whether and the extent to which the proposed WTF blends into the surrounding environment, is architecturally compatible with existing buildings and structures, and is integrated into the predominant visual backdrop;
 - b. Screening: Whether and the extent to which the proposed WTF is concealed or screened by existing or proposed topography, vegetation, buildings or other structures, including architectural features or site features located or proposed to be located thereon;
 - c. Size and Height: Whether and the extent to which the size and height of the proposed WTF is compatible with surrounding buildings and structures; and
 - d. Location/Siting: Whether and the extent to which the proposed WTF is located and sited so as to utilize existing natural or manmade features in the vicinity of the WTF, including topography, vegetation, buildings, or other structures, to provide the greatest amount of visual screening and blending with the predominant visual backdrop.

C. *Concealed Roof-Mounted and Building-Mounted Wireless Telecommunications Facilities.* The following regulations, standards and requirements govern the location, siting, and design of roof-mounted and building-mounted wireless telecommunications facilities.

1. Allowed Districts with Administrative Permit: L-I, C-2, C-1, O-I, O-P, PSC, SU, MU*, CUP*, R-10M* and AG*.

*The MU, CUP, R-10M and AG districts are subject to the following conditions:

- a. MU and CUP zoned properties. In the MU and CUP districts, concealed roof-mounted and building-mounted wireless telecommunications facilities may only be attached to an existing building or structure used (existing principal use) for an industrial, commercial, office or 'For-Rent' dwelling building (apartment) use.
 - b. R-10M zoned properties. In the R-10M district, concealed roof-mounted and building-mounted wireless telecommunications facilities may only be attached to an existing building or structure used (existing principal use) for a 'For-Rent' dwelling building (apartment) use.
 - c. AG zoned properties. In the AG district, concealed roof-mounted and building-mounted wireless telecommunications facilities may only be attached to an existing building or structure used (existing principal use) for a business, semi-public or institutional use.
2. Standards and Requirements Applicable to Concealed Roof-Mounted and Building-Mounted Wireless Telecommunications Facilities:
 - a. Setback. Concealed roof-mounted and building-mounted wireless telecommunications facilities are subject to the setback requirements of the zoning district in which located.
 - b. General Concealment Elements. The antennas and roof-mounted accessory equipment of concealed roof-mounted and building-mounted wireless telecommunications facilities shall be concealed, camouflaged, screened, and/or obscured by, within or behind existing or proposed architectural features or concealment enclosures in such a manner so as to not be identifiable as a wireless telecommunications facility or visible from public rights-of-way and adjacent properties with 'For-Sale' dwelling uses; provided, however, the antenna(s) of a concealed roof-mounted wireless telecommunications facility located on an existing building that is six (6) stories or seventy-two (72) feet in height, whichever is greater, shall be concealed, camouflaged, screened, and/or obscured by, within or behind existing or proposed architectural features or otherwise sited and designed in such a manner so as to not be readily identifiable as a wireless telecommunications facility or plainly visible from public rights-of-way and adjacent properties with 'For-Sale' dwelling uses. Wireless transmission equipment may be located within an existing cupola, steeple, or similar architectural treatment in order to screen same from visibility. If existing architectural features are not sufficient to screen the antenna(s) and accessory equipment of a roof-mounted WTF or the accessory equipment of a building-mounted WTF, a parapet wall, cupola, roof screen, or other similar architectural feature that matches the existing architecture of the building, as determined and approved by the Director, may be installed. Notwithstanding the foregoing, antennas for concealed building-mounted WTF's are required to be located within antenna concealment enclosures designed and camouflaged to blend in with the existing building as further set forth herein.
 - c. Accessory Equipment; Equipment Cabinets. Accessory equipment, including equipment cabinets/enclosures, located on the roof of a building and not otherwise screened by existing or installed architectural features shall be located within concealment enclosures designed to architecturally match the facade, roof, wall or other architectural features of the building, blend in with the existing structural design, color and texture of the building, and, if necessary for compatibility with the existing

architectural style of the building, be stepped back from the facade of the building in order to limit the WTF's impact on the building's silhouette. Any newly created architectural feature designed to screen or enclose accessory equipment located on the roof shall not exceed twelve (12) feet in height, as measured from the existing roof surface of the building. Equipment cabinets may also be located on the ground in accordance with the standards set forth in Subsection 2.8.6(A)(3). An equipment compound conforming with the requirements set forth in Subsection 2.8.6(A)(3) may only be sited in the rear or side yard of the lot in locations consistent with existing utility areas of the subject lot.

- d. Roof-mounted and building-mounted WTF's, including newly created architectural structures or features designed to enclose or screen same, shall be compatible with the architectural style, color, texture, facade design, and materials of the building, and shall be proportional to the scale and size of the building. Antennas and accessory equipment mounted to the roof of the building shall not protrude beyond the exterior walls of the building.
 - e. Cables that are located on the side of the building shall be enclosed in conduit finished to match the materials and color of the building. Cables and conduit shall not be located on the façade of the building.
3. Additional Design Standards and Requirements for Concealed Roof-Mounted Wireless Telecommunications Facilities.
- a. Type and Height of Antenna. No antenna, other than a whip antenna, or newly created architectural feature designed to screen same shall exceed twelve (12) feet in height. The antenna of a concealed roof-mounted wireless telecommunication facility shall not protrude above required screening and other architectural features so as to be visible, except as follows:
 - i. Whip antennas, provided that the whip antenna does not exceed fifteen (15) feet in height, no more than fifty percent (50%) of the whip antenna is visible, and the visible portion of such whip antenna is no greater than two (2) inches in diameter;
 - ii. Panel antenna(s) located on an existing building that is six (6) stories or seventy-two (72) feet in height, whichever is greater, which are not otherwise screened by existing or installed architectural features, provided that the antennas are designed, colored and textured to match the facade, roof, walls or other architectural features of the building in order to blend in with same or otherwise camouflaged, designed and sited to blend in with the predominant visual backdrop such that the antenna(s) conforms to the subject visibility standard; and
 - iii. Antennas located within antenna concealment enclosures designed or camouflaged in a manner such that the wireless telecommunications facility conforms to the subject visibility standard.
 - b. The antenna(s) of concealed roof-mounted WTF's may only be mounted to an existing pitched, gabled or mansard roof if such a mount operates to completely screen the roof-mounted WTF from visibility from the public right-of-way and adjacent properties.
4. Additional Design Standards and Requirements for Concealed Building-Mounted Wireless Telecommunications Facilities:
- a. Type and Height of Antenna. Only antennas enclosed within an antenna concealment enclosure shall be authorized for a concealed building-mounted wireless telecommunication facility. Antennas and their concealment enclosures shall be flush-mounted to the building (with no visual horizontal separation) and shall not extend or project more than eighteen (18) inches outside of the building's silhouette unless architectural features camouflage, screen or obscure same. Antenna concealment enclosures shall be compatible with the architectural style, color, texture, façade, and materials of the building, and appear as an integral part of the building. Antenna

concealment enclosures shall not interrupt architectural lines of building facades, including the length and width of the portion of the façade on which mounted. Antennas and their concealment enclosures shall not extend vertically above the height of the building.

D. *Building-Concealed Wireless Telecommunications Facilities.* The following regulations, standards and requirements govern the location, siting and design of building-concealed wireless telecommunications facilities:

1. Allowed Districts with Administrative Permit: L-I, O-I, O-P, C-2, C-1, MU*, CUP*, PSC, SU, R-10M* and AG*.

*The MU, CUP, R-10M and AG districts are subject to the following conditions:

- a. MU and CUP zoned properties. In the MU and CUP districts, building-concealed wireless telecommunications facilities may only be attached to an existing building or structure zoned and used (existing principal use) for an industrial, commercial, office, or 'For-Rent' dwelling building (apartment) use.
 - b. R-10M zoned properties. In the R-10M district, building-concealed wireless telecommunications facilities may only be attached to an existing building or structure used (existing principal use) for a 'For-Rent' dwelling building (apartment) use.
 - c. AG zoned properties. In the AG district, building-concealed wireless telecommunications facilities may only be attached to an existing building or structure used (existing principal use) for a business, semi-public or institutional use.
2. Standards and Requirements Applicable to Building-Concealed Attached Wireless Telecommunications Facilities:
 - a. Existing Building. Building-concealed wireless telecommunications facilities may only be located on existing buildings containing steeples, church spires, clock towers, bell towers or cupolas.
 - b. Maximum Height. The height of a building-concealed wireless telecommunications facility shall not exceed the height of the existing architectural feature (e.g., steeple, church spire, clock tower, bell tower or cupola) that it is designed to replace by more than twenty-five percent (25%); provided, however, the height of a building-concealed WTF designed as a cupola may exceed the height of the existing cupola that it is designed to replace by up to four (4) feet when the subject building is at least three (3) stories or forty (40) feet in height, whichever is greater. Height of the existing architectural feature shall be measured from the location where the roof surface of the building and base of the existing architectural feature meet to the highest point of the existing architectural feature. Height of the building-concealed WTF is measured from the location where the roof surface of the building and base of the existing or new (replacement) architectural feature meet to the highest point of the new architectural feature in which the antenna is concealed.
 - c. Setback. Building-concealed wireless telecommunications facilities are subject to the setback requirements of the zoning districts in which located.
 - d. Design Standards and Concealment Elements.
 - (i) A building-concealed WTF, including antenna(s) and accessory equipment, shall be fully enclosed by a new (replacement) architectural feature installed to replace an existing architectural feature of like kind; provided, the following exceptions shall be permitted:
 - (a) Equipment cabinets may be located on the ground in accordance with the standards set forth in Subsection 2.8.6(A)(3). An equipment compound conforming with the requirements set forth in Subsection 2.8.6(A)(3) may be

sited in the rear or side yard of the lot in locations consistent with existing utility areas of the subject lot; and

- (b) Cables may be enclosed in conduit and located on the sides of the architectural feature in which the building-concealed WTF is enclosed and/or the building to which the building-concealed WTF is attached, provided conduit shall be finished to match the materials, texture, and color of the architectural feature and building, as applicable. Cables and conduit shall not be located on the front/façade of the building or architectural feature.
- (ii) A building-concealed WTF shall be designed as a replacement of an existing architectural feature of a building in such a manner so as to not be identifiable as a WTF by a casual observer. The design of the building-concealed WTF shall be compatible with the architectural style, color, texture, façade, design, and materials of the existing (original) architectural feature and building on which it is located.
- (iii) The width of a building-concealed WTF shall not increase the width of the existing building, or create building features that protrude beyond the exterior walls of the building.
- (iv) A building-concealed WTF shall not increase the habitable floor area of the building on which it is located.

E. *Concealed Attached WTF's Mounted to Utility Poles or Light Structures.* The following regulations, standards and requirements govern the location, siting, and design of concealed attached WTF's mounted to existing utility poles or light structures [which are not located within public right-of-way](#):

1. Allowed Districts with Administrative Permit: L-I, O-I, O-P, C-2, C-1, MU, PSC, and SU.
2. Standards and Requirements Applicable to Concealed Attached WTF's Mounted to Utility Poles or Light Structures.
 - a. Allowed Utility Poles. Attached WTF's may only be attached to existing utility poles supporting aerial (overhead) telephone and electric distribution lines that are at least thirty (30) feet in height.
 - b. Allowed Light Structures. Attached WTF's may only be attached to freestanding light structures that are at least twenty-five (25) feet in height.
 - c. Prohibited Structures. Attached WTF's are not permitted to be attached to the following types of light fixtures:
 - a. Antique or decorative light fixtures or lampposts;
 - b. Post-top lights (post top luminary fixtures); and
 - c. Traffic control devices, including, but not limited to, traffic signal poles or supports.

Further, compliance with the requirements and standards set forth in this Subsection shall not authorize or permit the location of a wireless telecommunications facility within or upon public right-of-way in the City (See, Section 2.8.10), or upon any property or light structure owned by the City.

- d. Minimum Height Location of Antennas. Antenna(s) shall be mounted on the alternative support structure at a height of fifteen (15) feet or more above grade. Pole-mounted equipment cabinets/enclosures shall be mounted on the alternative support structure at a height of ten (10) feet or more above grade.

- e. Wireless Transmission Equipment. Only antennas, repeaters, equipment cabinets or pedestals, and other accessory equipment associated with DAS or small cell facilities may be installed in association with the attached WTF, subject to compliance with other design requirements set forth herein.
 - f. Cables. Cables shall be enclosed in conduit flush mounted to the utility pole or light structure. Conduit shall be finished to match the materials, texture, and color of the subject utility pole or light structure and positioned on the utility pole or light structure so as to be screened from view from public rights-of-way.
3. Additional Design Standards and Requirements for Attached WTF's Mounted to Utility Poles.
- a. General Concealment Elements. The size, shape and orientation of antenna(s) and accessory equipment mounted to a utility pole shall be consistent with the size, shape and orientation of existing utility equipment installed on the subject utility pole and other utility poles in the nearby area. Such antenna(s) and accessory equipment shall be painted, textured, and designed in a manner consistent with the utility pole's style, color, texture and materials and otherwise camouflaged and designed to blend in with the existing utility pole such that the attached WTF is no more readily apparent or plainly visible from public rights-of-way or adjacent property with a 'For-Sale' dwelling use than the existing utility equipment located on the utility pole. Further, if the utility pole is visible (at ground level) from any property with a 'for-sale' dwelling use, antennas shall be concealed or screened by means of canisters, radomes, shrouds or other similar concealment enclosures, which shall be flush-mounted to the utility pole and painted, textured, and designed in a manner consistent with the utility pole's style, color, texture and materials and otherwise camouflaged and designed to blend in with the existing utility pole.
 - b. Type of Antennas; Maximum Number. No type of antenna other than a panel antenna, whip antenna, or antenna enclosed within a canister, radome, shroud or other similar antenna concealment enclosure may be mounted to a utility pole. No more than (a) one (1) whip antenna and (b) three (3) panel antennas or three (3) antenna concealment enclosures (mounted on the side of the pole) may be attached to a utility pole. Alternatively, no more than one (1) canister, radome, shroud or other similar antenna concealment enclosure may be mounted at the top of the utility pole, as set forth below.
 - c. Mounting of Antennas. Antennas shall be flush-mounted. A panel antenna, together with its mount, shall not extend horizontally from the utility pole more than the width of existing pole-mounted equipment (on the subject utility pole) with the same orientation, or more than three (3) feet, whichever is less. Panel antennas shall not extend vertically above the height of the utility pole. When flush-mounted to the side of the utility pole, a whip antenna, together with its mount, may extend horizontally up to eighteen (18) inches from the utility pole, and the whip antenna, exclusive of its mounts, may extend vertically up to three (3) feet above the height of the utility pole. Alternatively, the base of a whip antenna may be flush-mounted (without vertical separation) to the top surface of the utility pole, but shall not extend vertically above the height of the utility pole by more than three (3) feet. For any canister, radome, shroud or other similar antenna concealment placed at the top of the pole, the base of such canister, radome, shroud or other similar antenna concealment enclosure shall be flush-mounted (without vertical separation) to the top surface of the utility pole and shall not extend vertically above the height of the utility pole by more than three (3) feet.
 - d. Maximum Size of Antennas. A non-enclosed panel antenna shall be no larger than one (1) foot in width and two (2) feet in length. A whip antenna shall be no larger than two (2) inches in diameter and five (5) feet in length.

- e. Maximum Antenna Volume. In addition to the foregoing size limitations, each antenna located on the utility pole shall either be (a) located within a canister, radome, shroud or other similar antenna concealment enclosure that is no more than three (3) cubic feet in volume, or (b) if the antenna is not enclosed within an antenna concealment enclosure, capable of fitting within an enclosure (i.e., an imaginary enclosure) that is no more than three (3) cubic feet in volume. The aggregate volume of actual concealment enclosures and/or imaginary enclosures of all antennas located on the utility pole, including any pre-existing antennas, shall not exceed six (6) cubic feet in volume.
 - f. Accessory Equipment; Equipment Cabinets. All pole-mounted accessory equipment, other than cables, conduit, and power meters and switches (and similar equipment installed by an electric utility), shall be located in equipment cabinets or other equipment enclosures. Pole-mounted equipment cabinets and enclosures shall be flush-mounted to the side of the utility pole. The dimensions of a pole-mounted equipment cabinet/enclosure shall be not exceed 30 inches in height (length), 24 inches in width, and 18 inches in depth. The volume of all pole-mounted and ground-mounted equipment cabinets and enclosures associated with wireless transmission equipment located on the utility pole, including pre-existing wireless transmission equipment located on the utility pole, shall not exceed seventeen (17) cubic feet.
4. Additional Design Standards Requirements for Attached WTF's Mounted to Light Structures.
- a. General Concealment Elements. Antenna(s) and pole-mounted accessory equipment of an attached WTF mounted to a light structure shall be designed, camouflaged, screened and obscured from view in order to render the attached WTF as visually inconspicuous as possible. Such antenna(s) and accessory equipment shall be painted, textured, and designed in a manner consistent with the light structure's style, color, texture and materials and otherwise camouflaged and designed to blend in with the existing light structure in order to render the attached WTF as visually inconspicuous as possible, such that it is not readily identifiable or plainly visible from public rights-of-way or adjacent property with a 'For-Sale' dwelling use. Antennas shall be concealed or screened by means of canisters, radomes, shrouds or other similar concealment enclosures, which shall be flush-mounted to the top of the light structure and painted, textured, and designed in a manner consistent with the light structure's style, color, texture and materials and otherwise camouflaged and designed to blend in with the existing light structure.
 - b. Type of Antennas. Only panel antennas or antennas enclosed within a canister, radome, shroud or other similar antenna concealment enclosure may be mounted to a light structure. No more than (a) three (3) panel antennas or antenna concealment enclosures mounted to the side of a light structure or (b) one (1) antenna concealment enclosure vertically mounted to the top of a light structure shall be attached to a light structure. No light structure shall contain both types of antenna mounts.
 - c. Mounting of Antennas. Panel antennas and antenna concealment enclosures mounted to the side of a light structure shall be flush-mounted with minimal visual horizontal separation and without extending vertically above the height of the light structure. Antenna attachment devices shall not extend horizontally from the light structure's pole more than the width of the pole at the location of attachment. Canisters, radomes, or similar antenna concealment enclosures that are vertically mounted shall be flush-mounted (without vertical separation) to the top of the pole and shall not extend vertically above the height of the light structure by more than three (3) feet. The canister, radome or similar antenna concealment enclosure shall be designed and camouflaged to appear as an integral part of the existing pole to which it is attached. If the diameter of an antenna concealment enclosure is greater than the diameter of the top end of the pole, the antenna concealment enclosure must be

tapered in a manner consistent with the style of the subject pole. Antennas shall not be mounted to the mast arm or luminary of a light structure.

- d. **Maximum Size of Antennas.** The diameter of a canister, radome or similar antenna concealment enclosure that is mounted to the top of a pole shall not exceed the diameter of the existing pole at its mid-point. The depth and width of panel antennas and antenna concealment enclosures mounted to the side of a light structure shall not exceed the minimum width of the pole at the location of attachment by more than fifty percent (50%) and the length of such panel antennas and antenna concealment enclosures shall be no greater than two (2) feet.
 - e. **Accessory Equipment; Equipment Cabinets.** Cable and conduit shall be located inside the pole and not attached to the exterior. All accessory equipment, other than antenna concealment enclosures, cables, conduit, and power meters and switches (and similar equipment installed by an electric utility), shall be located in equipment cabinets or similar enclosures. Equipment cabinets and enclosures shall be flush-mounted to the side of the light structure. The height (length) and depth of a pole-mounted equipment cabinet/enclosure shall not exceed 24 inches and 10 inches, respectively, and the width of a pole-mounted equipment cabinet/enclosure shall not exceed 12 inches or the minimum width of the pole at the location of attachment by more than fifty (50) percent, whichever is greater. The volume of all pole-mounted equipment cabinets/enclosures associated with wireless transmission equipment located on the light structure, including pre-existing wireless transmission equipment located on the light structure, shall not exceed six (6) cubic feet. To the extent ground-mounted equipment cabinets/enclosures are permitted in accordance with Subsection 2.8.6(A)(3) hereof, the volume of all pole-mounted and visible ground-mounted equipment cabinets/enclosures associated with wireless transmission equipment located on the light structure, including pre-existing wireless transmission equipment located on the light structure, shall not exceed seventeen (17) cubic feet.
- F. ***Attached WTF's Mounted to Electrical Transmission Towers.*** The following standards and requirements regulate the location, siting, design, and height of attached WTF's mounted to electrical transmission towers:
1. **Allowed Districts with Administrative Permit:** All districts.
 2. **Minimum Height of Alternative Support Structure.** Non-concealed attached WTF's may only be mounted to electrical transmission towers with a height of fifty (50) feet or taller, as measured from finished grade. If the height of the electrical transmission tower is less than fifty (50) feet, only concealed attached WTF's may be mounted to such structure.
 3. **Design Standards and Requirements Applicable to Non-Concealed Attached WTF's Mounted to Electrical Transmission Towers.**
 - a. If the electrical transmission tower is eighty (80) feet or more in height, as measured from finished grade, the attached wireless telecommunications facility, including any antenna(s) or antenna array(s), may be mounted to the top of the electrical transmission tower and extend up to ten (10) feet above the height of such electrical transmission tower.
 - b. If the electrical transmission tower is less than eighty (80) feet in height, the attached wireless telecommunications facility, including any antenna(s) or antenna arrays, shall not extend vertically above the height of the electrical transmission tower by more than five (5) feet.
 - c. Antenna(s), antenna array(s), and any other accessory equipment attached to the electrical transmission tower shall be painted and textured to match the color and texture of the electrical transmission tower.
 - d. Ground-mounted equipment cabinets shall be located and designed in conformity with Subsection 2.8.6(A)(3) or located within an equipment compound complying with the

requirements set forth in Subsection 2.8.6(A)(3) hereof and set back a minimum of twenty (20) feet from the boundaries of the public utility easement.

4. Design Standards and Requirements Applicable to Concealed Attached WTF's Mounted to Electrical Transmission Towers Less than Fifty Feet in Height.

Only concealed attached WTF's may be attached to an existing electrical transmission tower less than fifty (50) [feet] in height. Concealed attached WTF's mounted to electrical transmission towers less than fifty (50) [feet] in height require an administrative permit and are required to comply with the design standards applicable to concealed attached WTF's mounted to utility poles, as set forth in subject to the following exceptions:

- a. Pole-mounted equipment cabinets may have dimensions up to 48 inches in height, 28 inches in width, and 20 inches in depth.

G. *Concealed Freestanding Support Structures.* The following standards and requirements regulate the location, siting, design and height of concealed freestanding support structures:

1. Allowed Districts with Administrative Permit:

- a. Concealed Freestanding Support Structure to Exceed District Height: L-I and O-I; and
- b. Concealed Freestanding Support Structure Not to Exceed District Height: All other nonresidential districts and AG, subject to the following:
 - (i) AG zoned properties: In the AG district, concealed freestanding support structures may only be located on a property used (existing principal use) for a business, semi-public or institutional use.

2. Location, Setback and Height Requirements.

a. Maximum Height.

- (i) L-I and O-I Districts. The height of a concealed freestanding support structure located in the L-I or O-I districts shall not exceed the following maximum heights, as measured above:
 - (a) Clock tower, campanile, freestanding steeple, or other similarly designed freestanding support structure that conceals antennas as an architectural feature: eighty (80) feet;
 - (b) Faux Flagpoles: sixty (60) feet; and
 - (c) Faux Light Structures: forty (40) feet or as otherwise limited by applicable design standards set forth in other provisions of this Code or the City Code.
- (ii) Nonresidential and AG Districts. The height of a concealed freestanding support structure, as measured above, located in any other nonresidential district or AG district shall not exceed the maximum building or structure height allowed for the subject district or, if otherwise prescribed, the maximum height allowed for the subject type of structure feature in accordance with other applicable provisions of this Code or the City Code.

- b. Setback. Concealed freestanding support structures must be set back from the property line of any other property with a 'For-Sale' dwelling use a minimum distance equal to the height of such concealed freestanding support structure. Concealed freestanding support structures and accessory equipment are further subject to the setback requirements of the zoning district in which located and/or required by existing conditions of zoning, or which are otherwise applicable to the subject type of structure in accordance with other provisions of this Code.

3. Concealment Elements and Design Standards.

- a. General. Concealed freestanding support structures shall fully conceal all wireless transmission equipment, including antenna(s), and may either be designed as an architectural feature or as a structure that mimics a common site feature, such as a faux flagpole or faux light structure, in which the antenna and accessory equipment shall be fully enclosed and completely hidden from view. Concealed freestanding support structures shall be located and designed to be aesthetically compatible with existing uses, building(s), and site features located on the site and nearby properties in such a manner so as not to be reasonably identifiable or recognizable to the casual observer as a wireless telecommunication facility.
- b. Freestanding Architectural Feature.
 - (i) A concealed freestanding support structure designed as an architectural feature may be designed as a clock tower, bell tower, campanile, freestanding steeple, or other similarly designed freestanding architectural feature so as to substantially reduce the WTF's potential adverse visual impacts on the surrounding areas. The design of the concealed freestanding support structure shall be compatible with the architectural style, color, texture, facade, design, and materials of the principal building of the lot on which located and other structures located thereon. In order to ensure visual and aesthetic compatibility with the existing buildings and structures located on the subject property and nearby properties, a concealed freestanding support structure designed as an architectural feature shall require the review and approval of a certificate of design approval by the Design Review Board prior to the issuance of an administrative permit hereunder.
 - (ii) All accessory equipment for a concealed freestanding support structure designed as an architectural feature shall be located within the concealed freestanding support structure.
- c. Faux Flag Pole.
 - (i) The pole of a faux flag pole shall be tapered in a manner consistent with the style of other flag poles. The diameter of a faux flag pole that is less than fifty (50) feet in height shall not exceed eight (8) inches at its mid-point. The diameter of a faux flag pole that is more than fifty (50) feet in height shall not exceed twelve (12) inches at its mid-point.
 - (ii) No more than one faux flag pole shall be located on any lot or common development.
 - (iii) The faux flag pole shall be located on the property in a manner that is compatible with the location of similar site features on the subject property and other properties in the surrounding area.
 - (iv) Antenna(s) shall be fully concealed within the pole or through the use of canisters, radomes, or similar antenna concealment enclosures flush-mounted (without vertical separation) to the top of the pole. A canister, radome, or similar antenna concealment enclosure shall not exceed the diameter of the pole at its mid-point and shall be designed and camouflaged to appear as an integral part of the flag pole. If the diameter of an antenna concealment enclosure is greater than the diameter of the top end of the pole, the antenna concealment enclosure must be tapered and may not exceed three (3) feet in length. Further, the hoist side of the flag shall be required to span the length of any such antenna concealment enclosure. The flag used on a faux flag pole shall comply with other provisions of this Code governing flags.
 - (v) Accessory equipment shall either be fully enclosed and concealed within the faux flag pole or placed within a ground-mounted equipment cabinet complying with Subsection 2.8.6(A)(3). An equipment compound conforming with the

requirements set forth in Subsection 2.8.6(A)(3) may only be sited in the rear or side yard of the lot in locations consistent with existing utility areas of the subject lot.

d. Faux Light Structure.

- (i) A faux light structure shall be designed as a replacement of an existing light structure located on the same property so as to substantially reduce the WTF's potential adverse visual impacts on the surrounding areas. The design of a faux light structure, including the design of the pole and any attached light arms, shall be consistent with the size, shape, style, and design of the existing light structure on the property that it is designed to replace/mimic. A faux light structure shall not exceed the height of the existing light structure that it is designed to replace by more than five (5) feet.
- (ii) The faux light structure shall be sited at the same location as the existing light structure that is being replaced.
- (iii) Antenna(s) shall be fully concealed within the pole of the faux light structure or by the use of radomes that do not exceed the circumference of the pole at the location of attachment.
- (iv) Accessory equipment shall either be fully enclosed and concealed within the faux light structure or placed within a ground-mounted equipment cabinet complying with Subsection 2.8.6(A)(3).

H. *Variances.* Notwithstanding any other provision of this Code or the City Code to the contrary, no request for a grant of relief from or a variance or exception to any regulation, standard or requirement set forth in this Section 2.8 may be heard or acted upon by the Board of Appeals. Further, subject to the limited exemption set forth in Subsection 2.8.6(A)(4), no administrative variances to any requirement of this Subsection 2.8.6 shall be permitted except for variances to prescribed setback requirements, as herein provided. Provided the proposed WTF meets the standard of visibility, the Director shall be authorized to grant variances from setback requirements for up to twenty percent (20%) of the prescribed setback requirement in accordance with the standards set forth in Articles IV and V of this Code. Except for the foregoing, any person seeking to install, place, site, locate, collocate or modify an attached wireless telecommunications facility or concealed freestanding support structure that does not fully comply with the applicable standards and requirements set forth in Subsection 2.8.6 shall be required to submit an application for a conditional use permit in accordance with Subsection 2.8.7. The additional application, procedural and other requirements for any such request and the factors to be considered in granting or denying such a request are set forth in Paragraphs B, C, and D of Subsection 2.8.7. The provisions of this Paragraph shall not apply to any request to locate a wireless telecommunications facility within or upon public right-of-way in the City or any decision related thereto.

([Ord. No. 715](#), § 6(Exh. A), 9-28-2015)

2.8.7 Standards and regulations for wireless telecommunications facilities authorized by conditional use permit.

The procedures, standards, minimum requirements and standards of approval set forth in this Subsection govern the installation, placement, siting, location, collocation and/or modification of wireless towers, including stealth towers, and the wireless transmission equipment associated therewith, which may only be allowed in certain zoning districts pursuant to the approval of a conditional use permit. Additionally, the procedures and standards for approval set forth in this Subsection govern the installation, placement, siting, location, collocation or modification of concealed attached WTF's, attached WTF's mounted to electrical transmission towers, and concealed freestanding support structures that do not fully comply with the administrative permit standards.

A. *Wireless Towers and Stealth Towers.*

1. Allowed Districts with Conditional Use Permit: L-I, O-I, C-2, PSC, SU, CUP*, and AG*.

*The CUP and AG districts are subject to the following conditions:

- a. CUP zoned properties: Wireless towers may only be allowed as a conditional use on lots in the CUP district that are zoned and used (existing principal use) for an industrial, commercial, office, semi-public, or 'For-Rent' dwelling building (apartment) use.
 - b. AG zoned properties: Wireless towers may only be allowed as a conditional use on lots in the AG district that are a minimum of four (4) acres in size.
2. Prohibited in Downtown Overlay. Wireless towers are prohibited in the Downtown Overlay.
 3. Minimum Requirements.
 - a. Wireless towers must be set back from any off-site residential building or structure a minimum distance equal to the height of the wireless tower. Additionally, wireless towers must be set back from any public right-of-way a distance equal to fifty percent (50%) of the height of the wireless tower.
 - b. A wireless tower shall be designed as a stealth tower or monopole.
 - c. The height of a wireless tower shall not exceed one-hundred-and-sixty (160) feet.
 - d. The wireless tower and all ground-mounted wireless transmission equipment, including equipment shelters and equipment cabinets, shall be located within an equipment compound enclosed by fencing not less than six feet (6') in height and equipped with an appropriate anti-climbing device. The equipment compound shall be subject to the setback requirements of the zoning district in which located.
 - e. Landscaping shall be designed in such a way as to preserve existing mature growth and to provide in the determination of the City Arborist, a suitable buffer of plant materials that mitigates the view of the wireless tower and wireless transmission equipment from surrounding properties. Additionally, a minimum 10-foot (10') wide landscape strip planted to buffer standards, as set forth in Article II of the UDC, shall be required on the exterior of all sides of the fence surrounding the equipment compound, except where access to the equipment compound is provided, as a vegetative screen unless the City of Alpharetta Arborist determines that existing plant materials are adequate. Such landscape strip shall be maintained in accordance with Section 3.2 of the UDC.
 - f. A fifty foot (50') heavy planted landscape buffer shall be required along all property lines adjoining property zoned or used for a 'For-Sale' dwelling use. Additionally, if the subject property is zoned AG, a fifty foot (50') heavy planted landscape buffer shall also be required along all public right-of-way. Use of natural topography and preservation of existing vegetation within a fifty foot (50') buffer, which may be supplemented by new vegetation, if needed, may be substituted for the above requirements when found by the Director to provide screening at the appropriate density, depth and height. Landscaping shall be maintained for the life of the project.

B. *Attached Wireless Telecommunications Facilities and Concealed Freestanding Support Structures not Meeting Administrative Standards.*

1. Purpose and Intent. The purpose of this Paragraph B is to provide a procedure for the review of an application to install, place, site, locate, collocate or modify a wireless telecommunications facility that generally comports with the design standards and guidelines set forth in Subsection 2.8.6, but fails to fully comply with all guidelines, standards and requirements set forth therein, such that the wireless telecommunications facility is not permitted by administrative permit. Any such application shall be subject to

the review and approval of a conditional use permit by City Council in accordance with the standards for approval set forth in Paragraph C below.

2. Allowed Districts with Conditional Use Permit: See, Subsection 2.8.6 for allowed districts based on the subject type of wireless telecommunications facility.
 3. Minimum Requirements.
 - a. The wireless telecommunications facility must be sited and designed as a concealed attached wireless telecommunications facility (concealed roof-mounted WTF, concealed building-mounted WTF, building-concealed WTF, concealed attached WTF mounted to utility pole, concealed attached WTF mounted to light structure), attached WTF mounted to electrical transmission tower, or concealed freestanding support structure that generally comports with the design standards and guidelines set forth in Subsection 2.8.6.
 - b. The maximum height of the attached WTF or concealed freestanding support structure shall not exceed the maximum height allowed pursuant to Subsection 2.8.6 by more than twenty-five percent (25%).
 - c. Relief from setback requirements shall not exceed fifty percent (50%) of the applicable requirement.
- C. *Additional Application Requirements for Conditional Use Permits.* In addition to the application requirements set forth in Subsection 2.8.4 hereof, an applicant applying for a conditional use permit shall further provide the following:
1. A scaled site plan which shall clearly indicate: (a) cable/electrical elements to be utilized, (b) parking, (c) current and proposed on-site land uses and zoning of the property, (d) land uses and zoning designations of adjacent properties, (e) distance from the nearest edge of the support structure and all related equipment to historic structures or scenic views within one (1) mile of the proposed site, (f) adjacent roadways and proposed means of access to the site, (g) proposed setbacks and buffers from adjacent property lines, and (h) topography of the proposed site, including any existing streams, wetlands and floodplains or similar features.
 2. Legal description of the lot and leased parcel (if applicable), for which the conditional use permit is to apply.
 3. If applicant contends that the wireless telecommunications facility is required to close a significant gap in service coverage or capacity, an engineering study which includes a current and a future definition of the area of service coverage, capacity and radio frequency goals for voice and data (delineated individually and combined) to be served by the antenna or support structure and the extent to which such antenna or support structure is needed for service coverage and/or capacity of the subject wireless carrier. The study shall include the following information: (a) a description of the applicant's/wireless carrier's current wireless tower locations/sites within a two (2) mile radius of the proposed site, to include the types and kinds of services, service coverage, capacity and radio frequencies provided by the wireless carrier's antenna located thereon; (b) all other currently proposed wireless tower locations/sites of the applicant/wireless carrier within a two (2) mile radius of the proposed site for which an application or registration has been filed or submitted to another local government or the FCC; (c) the locations of other antennas of the wireless carrier currently proposed for collocation on other existing wireless towers of other owners or wireless carriers within a two (2) mile radius of the proposed site for which an application or registration has been filed or submitted to another local government or the FCC by, or on behalf of, the applicant and/or wireless carrier; (d) all existing wireless tower locations and sites of other owners or wireless carriers located within the geographic search area (GSA) that were considered by the applicant/wireless carrier as alternatives to the proposed siting; (e) other locations within the geographic search area (GSA) that were considered by the applicant/wireless carrier as alternatives to the proposed siting; (f) an

analysis and color propagation study of the current usage and service coverage in the service area, including detailed service coverage maps indicating lack of service coverage (coverage gaps), and the projected or anticipated service coverage of the proposed wireless telecommunications facility. The propagation study shall include a map showing the carrier's existing facilities, existing coverage or capacity area, and the proposed coverage or capacity area at varied antenna heights. The study shall also provide justification that the proposed height of the wireless tower or other wireless telecommunications facility is the minimum necessary to achieve the required service coverage delineated in the study. If a capacity issue is involved, an analysis of the current and projected usage in the GSA shall be included. If applicant contends that the wireless telecommunications facility is required due to a coverage or capacity issue for in-home, in-building or transitory use, the analysis shall describe the service coverage/capacity currently existing for such use and the anticipated service coverage/capacity of the proposed wireless telecommunications facility shall be provided. The study shall bear the signature and certification of a radio frequency engineer that the information provided in the application is true and correct.

4. A curriculum vitae shall be provided for the radio frequency engineer who certifies any documentation provided as part of the application for a WTF. Information shall include education obtained in the area of radio frequency engineering, and experience in the field, including length of time.
5. An engineer scaled drawing providing the distance between (a) the nearest edge of the proposed wireless tower or other wireless telecommunications facility and the nearest off-site residential building or structure and (b) the nearest point of any proposed accessory equipment of the wireless telecommunications facility and the nearest off-site residential building or structure.
6. Photos depicting the results of a balloon test of the wireless tower.
7. Certification that the wireless telecommunications facility, including the foundation and all attachments, are designed and will be constructed to meet all applicable and permissible local codes, ordinances, and regulations, including any and all applicable County, State and Federal laws, rules, and regulations, including but not limited to the most recent editions of the National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. Structural integrity analysis shall be provided where antennas and equipment will be attached to an existing structure. Such certification and structural integrity analysis shall bear the signature and seal of a professional engineer (licensed in the State of Georgia) and shall include the design plans.
8. Written documented, detailed analysis of the impact of the proposed wireless telecommunications facility/use addressing the factors specified in Paragraph D below.
9. Evidence of compliance with applicable FAA requirements under 14 C.F.R. Section 77, as amended, which may include a copy of the FAA determination of no hazard letter or a written statement prepared and signed by a professional airspace safety consultant.
10. Copies of the National Environmental Policy Act (NEPA) and the State Historic Preservation Office (SHPO) reports for the proposed wireless telecommunications facility, if any have been issued.
11. Copy of the Federal Communications Commission (FCC) license applicable for the intended use of the wireless telecommunication facility.
12. Documentation establishing whether a stealth tower is to be proposed, and if not, an explanation as to why not.
13. Analysis of possibilities of collocation or the inability to collocate, including any studies and detailed reasons as to why collocation is not possible and proof of the following: (a) all collocation sites and other alternative sites in the area that are/were being pursued and

whether use of such sites has been denied; (b) the ability or inability to site an attached WTF by using existing structures; and (c) all actions taken by the applicant to achieve collocation or site an attached WTF to an existing structure.

14. A written statement providing whether the proposed WTF is engineered and constructed to accommodate additional antennas or antenna arrays and whether the applicant consents to the future collocation of other wireless carriers on the proposed wireless tower.
 15. In addition to the nonrefundable application fees (as established by the City Council), an applicant requesting a conditional use permit for a wireless tower shall be responsible for an additional fee equal to the City's actual, direct costs for the review of the engineering study (provided pursuant to Paragraph 4 above) by a third-party consultant (radio frequency engineer), which shall not exceed \$3,500.00. The applicant shall submit a deposit of \$2,000.00 toward the fee to be paid pursuant to this section with its application.
- D. *Consideration of Conditional Use Permits.* Compliance with the minimum requirements set forth in Paragraph A or B of this Subsection does not alone confer a right to issuance of a conditional use permit. In regard to an application for a conditional use permit for a wireless telecommunications facility (i) the Planning Commission shall, after public hearing and consideration of the criteria set forth below, adopt a recommendation of approval, approval with conditions, or denial of the conditional use permit, and (ii) the City Council shall, after public hearing and consideration of the criteria set forth below, approve, approve with conditions, or deny the conditional use permit. Notwithstanding any other provision of this Code to the contrary and in lieu of the conditional use standards set forth in Sections 2.3.7 and 4.2.3, in determining whether to approve, approve with conditions, or deny an application for a conditional use permit for a wireless telecommunications facility, the City Council shall consider the following criteria:
1. Proximity and impact, if any, on residential districts, properties with 'For-Sale' dwelling uses, and historic structures/properties, including the visual and aesthetic impact of the wireless telecommunications facility;
 2. Impact on the use of adjacent properties and surrounding areas;
 3. Visibility from public rights-of-way, particularly Corridors of Influence, minor arterials, collector streets, and local streets;
 4. Demonstrated need for the wireless telecommunications facility at the specified site, including need for service coverage or additional capacity;
 5. Demonstrated need for the proposed height of the wireless telecommunications facility;
 6. Topography, tree coverage and foliage of the area where the wireless telecommunications facility is to be located that buffer or screen the potential visual impact of the support structure and wireless transmission equipment;
 7. Design of the wireless telecommunications facility, with particular reference to design characteristics which have the effect of reducing or eliminating visual obtrusiveness, including consideration of stealth towers and concealed WTF's;
 8. Proposed ingress and egress;
 9. Availability of suitable existing wireless towers or other support structures for collocation or for siting an attached WTF, so as to not require the construction of additional wireless towers or other antenna support structures;
 10. Other alternative sites;
 11. Collocation capability (i.e., whether the WTF is engineered and constructed to accommodate additional antennas or antenna arrays) and whether applicant intends to allow, accept, and accommodate collocation in the future;

12. Whether the proposed wireless telecommunications facility will impede the normal and orderly development of surrounding property for uses predominant in the area; and
13. Whether the location and siting of the proposed wireless telecommunications facility is considered to be consistent with a desirable pattern of development for the City, in general.

E. *Variances.*

1. An application for a variance or exception to the minimum requirements applicable to wireless telecommunications facilities subject to the approval of a conditional use permit Cannot read may only be heard and acted upon by the City Council following the recommendation of the Planning Commission. Any such variance or exception must be requested as part of the conditional use application and shall be heard by the Planning Commission and decided by the City Council as part of the public hearing process related to the conditional use application. If the conditional use is denied, the variance/exception may not be approved. If the conditional use is approved, with or without conditions, action may then be considered on the proposed variance/exception. Any request to change or modify the conditions of an approved conditional use permit or to modify an existing wireless telecommunications facility that is not otherwise exempt pursuant to Sections 2.8.8 or 2.8.9 (§6409 modification) or subject to administrative approval, shall require an application for a conditional use permit. Notwithstanding any other provision of this Code or the City Code to the contrary, no grant of relief from or variance or exception to the requirements applicable to a wireless telecommunications facility subject to the approval of a conditional use permit shall be heard or acted upon by the Board of Appeals.
2. Variances or exceptions shall be limited to relief from the following requirements of this Section 2.8:
 - a. Maximum height of the WTF;
 - b. Minimum setback; and
 - c. Minimum buffer.

A variance or exception to a height limitation shall not exceed twenty percent (20%) of the maximum height allowed pursuant to the applicable provision of this Section 2.8. Further, a variance or exception to minimum setback or buffer requirements shall not exceed fifty percent (50%) of the minimum setback or buffer required pursuant to the applicable provision of this Section 2.8 or this Code.

3. When a proposed wireless telecommunications facility is recognized as potentially appropriate pursuant to the criteria set forth in Paragraph D, the City Council may grant a variance or exception only upon a showing by applicant, as found by the City Council, of the following:
 - a. (i) There are extraordinary and exceptional conditions pertaining to the property where the wireless telecommunication facility is to be located as a result of its size, shape or topography, which are not applicable to other lands in the area; and
 - (ii) The application of the particular provision of this Section 2.8 to the property will result in a hardship that is substantially unwarranted by the protection of the public health, safety or general welfare and the need for consistency among all properties similarly zoned; and
 - (iii) Granting the variance will not confer any special privileges to the applicant which are inconsistent with the limitations upon other properties similarly zoned or which are denied to others similarly situated, or otherwise confer to applicant any advantage over similarly zoned properties or others similarly situated; and
 - (iv) Granting of the variance would not violate more than one standard of this Section; and

- (v) Relief, if granted, is the minimum necessary to alleviate such unnecessary hardship and will not otherwise serve as a mere convenience to the applicant; and
 - (vi) Relief, if granted and with necessary conditions imposed, would be in harmony with the general purpose and intent of this Section 2.8; and
 - (vii) Relief, if granted, would not be injurious to surrounding residential areas and neighborhoods, cause substantial detriment to the public good or impair the purpose and intent of this Code; or
- b. Failure to grant relief would have the effect of prohibiting personal wireless services.

([Ord. No. 715](#), § 6(Exh. A), 9-28-2015)

2.8.8 Exemptions.

The following uses shall not require the approval of an administrative or conditional use WTF permit, as otherwise required pursuant to this Section 2.8, subject to compliance with the applicable requirements set forth below; provided, however, nothing set forth herein shall exempt the subject property or structure from compliance with applicable building, electrical, safety and other construction code requirements, or building or land development regulations, including building and land development permit and site plan review requirements:

- A. Governmental WTF's. Wireless telecommunications facilities, including wireless towers, used solely for public safety purposes, installed and operated as a governmental function by federal or state government, the City, the North Fulton Regional Radio System Authority, or authorized Fulton County public safety agencies (e.g., City or Fulton County 911 emergency communications and City or Fulton County public safety communications for sheriff's office, police department, fire department or first responder medical services) may be installed without the requirement of an administrative or conditional use permit. Unless otherwise prohibited by law, public safety agencies shall be required to provide a map of the wireless tower or wireless telecommunications facility location. Notwithstanding the foregoing requirement regarding the use of the wireless tower for public safety purposes, collocations of wireless transmission equipment for commercial purposes onto an existing governmental wireless tower may be allowed (pursuant to the requirements set forth in the preceding paragraph). When a wireless tower or other wireless telecommunications facility approved for an authorized public safety agency ceases to be operated or used by an authorized public safety agency for a public safety purpose, any current use of such wireless tower or other wireless telecommunications facility by a nonpublic safety entity (due to prior collocation) shall be deemed nonconforming and the structure shall be deemed a nonconforming structure, unless such nonpublic safety entity submits an application for use of the wireless tower or WTF pursuant to the administrative or conditional use permit requirements set forth in this Section, as applicable, as if it were a new wireless tower or WTF.
- B. COW's. Upon a declaration of a state of emergency or disaster by federal, state, or local government or a determination of public necessity by the City, the City Administrator or his/her designee may approve the placement of a COW at any location within the City, subject to the COW's compliance with Federal and/or State requirements, for a period of not more than one-hundred and twenty (120) days following the duration of the state of emergency or occurrence of the disaster or other event providing for public necessity. Further, the City Administrator or his/her designee may approve the placement of a COW for the purpose of providing service for a special event, subject to the COW's compliance with Federal and/or State requirements, for up to forty-five (45) days prior to such special event, for the duration of the special event, and for up to fourteen (14) days thereafter.
- C. In-Building Antennas. Antennas and other wireless transmission equipment installed entirely within buildings (without any exterior alterations to the exterior walls, roof, or other exterior

architectural features of the building) for the primary purpose of providing wireless communications services within such building are not subject to the requirements of this Section.

- D. Amateur Radio Antennas. An amateur radio antenna owned and operated by a FCC-licensed amateur radio station operator and used solely for non-commercial purposes may be located without the requirement of an administrative or conditional use permit provided the following requirements are met:
1. The amateur radio tower, including antenna, is located in the rear yard of the property (behind the principal structure);
 2. The amateur radio tower is less than (a) fifty (50) feet in height if located outside the Downtown Overlay, or (b) twenty-five (25) feet in height if located within the Downtown Overlay;
 3. The amateur radio tower shall be designed such that the entire structure will remain on the property or within a fall easement if it should fall; and
 4. The amateur radio tower and antenna shall meet all accessory structure requirements for the zoning district in which the amateur radio antenna is located except for the foregoing height limitations, which shall control.
- E. Minor Antennas. Satellite dish, television broadcast receiving antennas, and other OTARD antennas that are one meter (39.37 inches) or less in diameter and designed and used only to receive video programming signals (a) from direct broadcast satellite services, (b) from television broadcast stations, or (c) for wireless cable service.
- F. Collocations and Modifications. Collocation of new wireless transmission equipment on an existing antenna support structure and modification of an existing wireless telecommunications facility that conform with the following requirements, as applied to the wireless telecommunications facility as it was previously approved and constructed, do not require the approval of a WTF permit:
1. The proposed collocation shall not increase the height or width of the antenna support structure, as previously approved, to which the wireless transmission equipment is to be attached;
 2. New ground-mounted wireless transmission equipment shall be installed within the existing equipment compound, or, when there is not an existing equipment compound, shall be located within an existing equipment cabinet or a replacement equipment cabinet, which shall not exceed the dimensions or footprint of the equipment cabinet being replaced;
 3. The proposed modification shall not increase the dimensions (area/perimeter) of the equipment compound, as previously approved, or where there is no equipment compound;
 4. The proposed collocation or modification shall comply with any and all regulations, and/or conditions of approval applicable to the wireless telecommunications facility, including any and all design standards and requirements or conditions of approval providing required concealment elements or otherwise related to the design or visibility of the WTF;
 5. The proposed modification or collocation shall not exceed the applicable weight limits for the antenna support structure, as demonstrated by a certified letter from a structural engineer licensed to practice in the State of Georgia; and
 6. The proposed wireless telecommunications facility will not interfere with emergency or public safety communications, as demonstrated by a certified letter from a licensed radio frequency engineer.

Notwithstanding the foregoing exemption, any such proposed collocation or modification requires the submittal of an application to the Community Development Department. The contents of such application shall include such information and documentation set forth in Subsection 2.8.4 as necessary to determine compliance with the foregoing criteria, as well as

the applicable certifications required above. An application submitted pursuant to this Paragraph shall include a statement providing that the proposed application for collocation or modification is entitled to streamlined processing pursuant to O.C.G.A. § 36-66B-1, et seq. (the BILD Act). Any such application shall be reviewed for conformance with applicable building, electrical, safety and other construction code permit requirements, land development permit requirements, and site plan review requirements, including zoning and land use conformity, but shall not otherwise be subject to the issuance of additional administrative or conditional use permit (WTF permit) approvals, provided the proposed collocation or modification conforms with the requirements of this Paragraph. The provisions and procedures set forth in this Paragraph are adopted for the purpose of complying with O.C.G.A. § 36-66B-1, et seq. (the BILD Act) and are intended to allow previously approved wireless telecommunications facilities to be modified or collocations to previously approved antenna support structures to be accepted without the requirement of additional zoning or land use review and approval beyond that which is typically required by the City for the issuance of building or electrical permits.

([Ord. No. 715](#), § 6(Exh. A), 9-28-2015)

2.8.9 § 6409 modifications—Exemptions for modifications that do not substantially change the physical dimensions of a wireless telecommunications facility.

- A. *Purpose.* This Subsection is adopted pursuant to § 6409(a) of the 2012 Middle Class Tax Relief and Job Creation Act (also referred to as § 6409(a) of the Spectrum Act), codified at 47 U.S.C. § 1455(a), and the new FCC rules and regulations adopted pursuant to Federal Communications Commission Report and Order FCC-14-153 ("Wireless Infrastructure Order") and set forth in 47 CFR § 1.40001.
- B. *Definitions.* For the purposes of this Subsection 2.8.9 only, the following terms shall have the meanings ascribed to them below (terms not otherwise defined in this Paragraph B, shall have the meanings set forth in Section 2.8.3):
1. *Base Station* means the alternative support structure of an attached WTF or any wireless transmission equipment at such fixed location associated with the attached WTF, provided the location and installation of such attached WTF was reviewed, approved, and issued a permit by the City in accordance with the applicable zoning and development regulations set forth in Section 2.8 (or any prior applicable City or local government zoning regulations in effect at the time of the original approval). The term "Base Station" does not encompass the term "Wireless Tower" as defined in this Subsection 2.8.9, or any wireless transmission equipment associated with a Wireless Tower.
 2. *Collocation* means the mounting or installation of wireless transmission equipment on an Existing Wireless Tower or Existing Base Station for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
 3. *Concealment Elements* means any and all concealment, camouflaging, screening, or blending techniques or methods, or other similar techniques or methods to reduce the visibility of the wireless telecommunication facility, (a) imposed as condition of zoning or conditional use approval at the time of the original approval of the Wireless Tower or Base Station or at the time of the approval of any modification to the Wireless Tower or Base Station occurring prior to February 22, 2012, or constituting a Substantial Change, or (b) required by any applicable regulation or provision of this Section 2.8 (or any prior applicable City or local government zoning regulations) in effect at the time of the original approval of the Wireless Tower or Base Station or at the time of the approval of any modification to the Wireless Tower or Base Station occurring prior to February 22, 2012, or constituting a Substantial Change. "Concealment Elements" include any and all design regulations, requirements or conditions that are applied to Wireless Towers and Base Stations to reduce the visibility of the wireless telecommunication facility, including, but not limited to, conditions or design regulations pertaining to antenna size and type, color of the support structure and wireless transmission equipment, antenna mounting techniques, including the requirement that antennas be flush-mounted, siting Base Stations so

that they blend in with similar surrounding structures, requirements as to how cables should be located, and the size, location, design, and screening for ground based equipment. "Concealment Elements" include limitations on the height of the Wireless Tower or Base Station when such height limitations are imposed in conjunction with other design regulations or conditions requiring concealment, camouflaging, screening, blending, or other similar techniques or methods to be employed in order to reduce the visibility of the wireless telecommunication facility.

4. *Current Site* means:
 - a. For Wireless Towers, other than Wireless Towers located in the public rights-of-way, the current boundaries of the leased or owned property surrounding the Wireless Tower and any related access or utility easements, as set forth in the application for the original approval of such Wireless Tower or any subsequent application to modify such Wireless Tower approved prior to February 22, 2012; and
 - b. For Wireless Towers located in the public rights-of-way and Base Stations, the limited area in proximity to the alternative support structure and other wireless transmission equipment already deployed on the ground, but only such restricted area that lies within the current boundaries of the leased or owned property surrounding the Base Station and any related access or utility easements.
5. *Existing Wireless Tower or Existing Base Station* means a Wireless Tower or Base Station that:
 - a. At the time an application is filed with the City pursuant to this Subsection, supports or houses wireless transmission equipment; and
 - b. (i) Was reviewed, approved, and issued a permit by the City in accordance with the applicable zoning and development regulations set forth in Section 2.8, or was reviewed and approved in accordance with any former applicable City or other local government zoning and development regulations governing the permitting of such facilities and equipment at the time of its approval; or
(ii) Was lawfully built and placed into operation in an area that was not zoned at the time of its installation.

"Existing Wireless Tower" or "Existing Base Station" does not include a structure that (i) is merely capable of supporting wireless transmission equipment, (ii) was constructed without the required zoning and development review and approval, or was otherwise illegally constructed, or (iii) was legally constructed in an area that was zoned, but at a time when applicable City or local zoning and development regulations did not require WTF review and approval.

6. *Modification* means the improvement, upgrade, expansion, removal, or replacement of existing wireless telecommunications facilities, including the installation, removal or replacement of wireless transmission equipment associated with an Existing Wireless Tower or Existing Base Station, such as the collocation of antenna on an Existing Wireless Tower or Base Station, the installation, removal or replacement of wireless transmission equipment within an existing equipment compound, or the installation, removal or replacement of an equipment cabinet associated with an Existing Wireless Tower or Existing Base Station, but does not include the complete or substantial replacement of a Wireless Tower or Base Station.
7. *Substantial Change* means a modification that, either singularly or due to the cumulative effect of a series of changes over time, changes the physical dimensions of a Wireless Tower or Base Station in any manner meeting one or more of the following criteria:
 - a. For a Wireless Tower other than a Wireless Tower located in the public right-of-way, increases the height of the Wireless Tower by more than ten percent (10%) or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for a Wireless Tower located in the public right-of-way or a Base Station, increases the height of the structure by more than ten percent (10%) or more than ten (10) feet, whichever is greater, provided:

- (i) In cases where the deployments are or will be separated horizontally, such as on buildings' rooftops, changes in height resulting from a modification shall be measured from the height of the original structure (e.g., change in height is measured from the rooftop to the highest point of the proposed deployment) rather than from the height of a previously approved antenna or WTF (e.g., change in height is not based on the highest point of the existing roof-mounted WTF's antenna); and
 - (ii) In other circumstances, changes in height shall be determined by measuring the change in height from the dimensions of the Wireless Tower or Base Station as originally approved, but inclusive of the most recent modification that received City approval or other applicable local zoning approval prior to February 22, 2012; or
 - b. For a Wireless Tower other than a Wireless Tower located in the public right-of-way, involves adding an appurtenance to the body of the Wireless Tower that would protrude from the edge of the Wireless Tower by more than twenty (20) feet, or more than the width of the Wireless Tower structure at the level of the appurtenance, whichever is greater; for a Wireless Tower located in the public right-of-way or a Base Station, involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet; or
 - c. Involves the installation of more than the standard number of new equipment cabinets for the technology involved, as reasonably determined by the Director, but not to exceed four (4) equipment cabinets; or, for Wireless Towers located in the public rights-of-way or Base Stations, involves the installation of new equipment cabinet(s) on the ground if there are no pre-existing ground-mounted equipment cabinets associated with such Wireless Tower or Base Station, or involves the installation of ground-mounted equipment cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinet associated with the structure; or
 - d. Entails excavation or deployment outside the Current Site boundaries; or
 - e. Results in the Wireless Tower or Base Station, as modified, being out of compliance with any current regulation required for approval of a WTF permit, any condition imposed as condition of zoning or conditional use approval at the time of the original approval of the Wireless Tower or Base Station or at the time of the approval of any modification to the Wireless Tower or Base Station occurring prior to February 22, 2012, or constituting a Substantial Change, or any applicable regulation or provision of this Section 2.8 (or any prior applicable City or local government zoning regulations) in effect at the time of the original approval of the Wireless Tower or Base Station or at the time of the approval of any modification to the Wireless Tower or Base Station occurring prior to February 22, 2012, or constituting a Substantial Change, other than regulations or conditions related to height, width, equipment cabinets, or excavation or deployment that do not constitute Substantial Changes in accordance with the thresholds identified in subparagraphs a.—d. above, provided that such regulations or conditions related to height, width, equipment cabinets, or excavation or deployment are not concealment elements; or
 - f. Would defeat the concealment elements of the Wireless Tower or Base Station.
 - 8. *Wireless Tower* means any structure built for the sole or primary purpose of supporting any FCC licensed or authorized antennas and their associated facilities, including tower structures that are constructed for wireless communications services, and the associated Current Site.
- C. *Application Review and Approval.* Notwithstanding any other provision of Section 2.8 of this Code, a request for Collocation or Modification that will not result in a Substantial Change in the physical dimensions of an Existing Wireless Tower or Existing Base Station, shall be reviewed and approved in accordance with the procedures set forth in 47 CFR § 1.40001, provided the Director further finds that the proposed Collocation or Modification will comply with generally applicable building, structural, electrical and safety codes and all other objective standards set forth in applicable regulations related to health and safety.

- D. *Application Contents.* Each application that is submitted for review under this Subsection shall clearly identify the application as a Section 6409(a) application and shall be accompanied by such information and documentation set forth in Subsection 2.8.4 as necessary to determine compliance with the foregoing criteria, including, but not limited to:
1. A written and technically accurate and reliable narrative that explains the nature of the permit sought (collocation or modification) and that further states whether the applicant believes (and the basis therefor) that the WTF is subject to 47 U.S.C. § 1455(a), and if so, why its proposal fits each and every criteria for a Section 6409(a) modification set forth herein.
 2. A detailed written description of the proposed Modification to the Existing Wireless Tower or Existing Base Station;
 3. A photograph or graphic description to scale and a written description of the Existing Wireless Tower or Existing Base Station as originally constructed, if available, and as currently existing, and a graphic depiction to scale of the Wireless Tower or Base Station after Collocation or Modification;
 4. A description of all construction that will be performed in connection with the proposed Collocation or Modification, including any excavation; and
 5. A signed declaration by the applicant certifying that the proposed Collocation or Modification shall not constitute a Substantial Change and detailing the reasons therefor.
- E. *Validity.* This Subsection 2.8.9 is adopted for the purpose of complying with Section 6409(a) and the Wireless Infrastructure Order. This Subsection shall become null and void if Section 6409(a) or the Wireless Infrastructure Order is rescinded or invalidated. Any and all permits issued pursuant to this Subsection 2.8.9 shall terminate on the ninety-first (91st) day after Section 6409(a) or the Wireless Infrastructure Order is rescinded or invalidated. Further, if any provision of Section 6409(a) or the Wireless Infrastructure Order limiting the review of a modification or collocation by a local government is found unconstitutional, unenforceable or invalid by a court of competent jurisdiction, the corresponding provision(s) set forth in this Subsection 2.8.9 shall become null and void.

([Ord. No. 715](#), § 6(Exh. A), 9-28-2015)

2.8.10 Wireless Telecommunications Facilities in Public Rights-of-Way.

- A. *Purpose and Intent.* It is the purpose and intent of this Section 2.8.10 to provide for the management of the public rights-of-way in order to protect, maintain and promote the public health, safety, and general welfare; to establish reasonable regulations designed to manage the public rights-of-way that provide design requirements and procedures for the placement, construction and maintenance of wireless telecommunications facilities within the public rights-of-way by chartered telephone companies authorized to access such public rights-of-way per [O.C.G.A.] § 46-5-1; to establish and administer reasonable regulations governing the placement, construction and maintenance of wireless telecommunications facilities within the public rights-of-way pursuant to O.C.G.A. § 32-4-92 and consistent with state and federal law, including O.C.G.A. § 46-5-1 and 47 U.S.C. § 253 and §332; to provide for and maintain the safety of the traveling public and pedestrians and the appearance of public rights-of-way; to minimize disruption to the public rights-of-way; and to otherwise preserve the City's authority to manage and regulate the public rights-of-way within the City. Further, these provisions supplement and are in addition to other regulations and guidelines applicable to the use of public rights-of-way in the City.
- B. *Definitions.* For the purposes of this Subsection 2.8.10 only, the following terms shall have the meanings ascribed to them below (terms not otherwise defined in this Paragraph, shall have the meanings set forth in Section 2.8.3):

Broadband services. A fixed or mobile wireless terrestrial service that consists of the capability to transmit at a rate of not less than 25 megabits per second in the downstream direction and at

least 3 megabits per second in the upstream direction to end users and in combination with such service provides (a) access to the Internet or (b) computer processing, information storage, or protocol conversion.

Cable operator. The term 'cable operator' shall have the same meaning as provided in 47 U.S.C. §522.

Decorative Pole. A street light or traffic signal pole that is specially designed or placed for aesthetic purposes.

Evidence of Need Report. A report providing sufficient information to demonstrate why existing ~~alternative support structures~~ utility poles and street lights in the public right-of-way cannot reasonably accommodate the applicant's need.

Pedestrian light. (i) A pedestrian-scale fixture situated adjacent to sidewalks; and (ii) composed of a footing, pole shaft and luminaire, which may or may not be attached to an arm extending from the pole, between twelve (12) and twenty (20) feet in height; and (iii) operated for pedestrian safety and for sidewalk, trail or pathway illumination.

Personal wireless services. The term 'personal wireless services' shall have the same meaning as provided in 47 U.S.C. §332, which defines the term as 'commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.' This definition, including the terms 'commercial mobile services,' 'unlicensed wireless services,' and 'common carrier wireless exchange access services,' shall further be interpreted in a manner consistent with federal statutes and regulations under the Federal Telecommunications Act of 1996, including FCC interpretations of such terms by rule or order.

Post-top street light. A tapered steel pole with the luminaire mounted on top of the pole. Also referred to as a "post-top luminary fixture."

Qualified broadband provider. A 'cable operator,' as defined in 47 U.S.C. § 522, that offers or provides broadband services as a 'mass-market retail service.' The term 'mass-market retail service' means services marketed and sold on a standardized basis to residential customers, small businesses, and other end-user customers such as schools, including institutions of higher education, and libraries, but does not include enterprise offerings or special access services, which are typically offered to larger organizations through customized or individually negotiated arrangement.

Registrant. A person or entity eligible to access the public rights-of-way of the City as set forth in Paragraph C of this Subsection 2.8.10.

Replacement utility pole. A pole constructed to replace an existing utility pole, which is substantially similar in design, size and scale as the existing utility pole it serves to replace and conforms to the other requirements set forth herein.

Street light. A light standard, light pole or similar light fixture located within public right-of-way, composed of a footing, pole shaft, and horizontally mounted luminaire, and primarily designed and operated for street or roadway illumination. A pole or structure which is used or designed to carry lines, cables, or wires for electricity, telephone, or cable television, and to which a luminaire is attached, is not a "street light." A pole or structure, with or without a luminaire for roadway or sidewalk illumination, which supports or to which is attached one or more vehicular or pedestrian signal heads, is not a "street light."

~~*Street light standard.* A tapered steel pole with a mast arm extending a minimum of three (3) feet from the pole, to which the luminaire or lighting fixture is mounted, and designed and operated for street or roadway illumination.~~

~~*Telephone Company.* A telephone company 'telecommunications carrier,' as defined in 47 U.S.C. §153, chartered by the laws of the State of Georgia or any other state and certified by the Georgia Public Service Commission pursuant to O.C.G.A. 46-5-163 to provide telecommunications services in this state, and which is authorized to construct, maintain and operate its lines upon, under, along, and over public rights-of-way of this State in accordance with O.C.G.A. § 46-5-1.~~

~~*Traffic signal pole.* A steel or concrete strain pole with span wire or a steel pole with mast arm(s), with one or more vehicular signal heads attached to the span wire (strain pole) or mast arm, which is located within public right-of-way, and which is owned, managed, or operated by the City or which the City has the responsibility to maintain or manage.~~

~~*Utility pole.* An existing pole or structure owned or operated and in active use by a public utility, electric membership corporation or electric cooperative that is specifically designed and used to carry lines, cables, or wires for electricity, telephone, or cable television. A "utility pole" does not include street lights, light standards or poles, lamp posts, and other structures primarily designed and used to provide lighting.~~

C. *Registration-Eligibility to Access Public Rights-of-Way of City.*

~~An applicant for approval under this Section 2.8.10 must either be (1) a provider of personal wireless services; (2) a qualified broadband provider; or (3) a telephone company, including a third-party provider or neutral carrier. Speculative facilities will not be approved.~~

- ~~1. Registration Required. Subject to and in accordance with the additional regulations, terms and conditions prescribed in this Section 2.8.10, only a telephone company that has filed a complete registration application approved by the City in accordance with O.C.G.A. § 46-5-1 and Section 12-21 of The Code of the City of Alpharetta, Georgia (the "City Code") may place, site, locate, install, modify, or maintain a wireless telecommunications facility in public rights-of-way of the City. Wireless telecommunications facilities may only be placed, sited, located, installed, modified, or maintained by such registrants in public rights-of-way that are located within the service area identified in the registration application approved by the City in accordance with O.C.G.A. § 46-5-1 and Section 12-21 of the City Code. Further, only wireless telecommunications facilities providing the types of services included in the description of services set forth in the application approved by the City in accordance with O.C.G.A. § 46-5-1 and Section 12-21 of the City Code may be placed, sited, located, installed, modified or maintained by a registrant in public right-of-way. If the telephone company has modified the service area or the description of services to be provided as identified in the original application, the telephone company shall update the changes to the service area and/or the services provided prior to submitting an application to locate a wireless telecommunications facility in public rights-of-way of the City.~~
- ~~2. Review of Registration. The registration of the registered telephone company shall be reviewed by the City at the time an application to locate a wireless telecommunications facility in public right-of-way is submitted by such registrant. Such review shall include confirmation that all "due compensation" owed to the City has been paid by the registrant pursuant to Section 12-21 of the City Code and O.C.G.A. § 46-5-1. If the City confirms that the registrant has submitted all information in accordance with this subsection C. and is compliant with the provisions of O.C.G.A. § 46-5-1 and Section 12-21 of the City Code, the City shall notify the registrant of same; provided, however, such notification shall neither have the effect of nor be deemed an accord and satisfaction or waiver of any "due compensation" owed to the City. If the City determines that information has not been submitted in accordance with this subsection C. or the registration is not compliant with the provisions of O.C.G.A. § 46-5-1 and Section 12-21 of the~~

~~City Code, the City shall notify the registrant in writing of the non-effectiveness of registration, and reasons for the non-effectiveness.~~

~~3.—Effect of Registration; Additional Permits Required. An effective registration is a pre-condition for obtaining a permit to locate or place a WTF in public right-of-way. Notwithstanding an effective registration, a registrant shall be required to obtain a permit to place a wireless telecommunications facility in public right-of-way and such other permits as required by other applicable City ordinances, codes or regulations, as well as state and federal law. A permit may be obtained by or on behalf of a registrant having an effective registration if all permitting requirements are met.~~

~~a. Non-Exclusive. Registration in accordance with O.C.G.A. § 46-5-1 and Section 12-21 of the City Code is nonexclusive and does not establish any right or priority to place or maintain a wireless telecommunications facility in any particular area in public rights-of-way within the City. Registrations and the placement of WTF's in the public rights-of-way are expressly subject to any future amendment of this Section 2.8.10, and such other City, state or federal laws, codes, ordinances, regulations or policies that may be enacted.~~

~~b.—Neither registration nor the issuance of WTF right-of-way placement permit conveys any title, equitable or legal, in the public rights-of-way of the City. Pursuant to O.C.G.A. §§ 46-5-1 and 32-4-92, registration governs only the right to access the public rights-of-way of the City in compliance with City, local, state and federal laws, ordinances, codes and regulations. Registration does not excuse a registrant from obtaining appropriate access or pole attachment agreements before locating its wireless transmission facilities on the facilities of another utility or person, nor does it excuse a registrant from complying with the provisions of this Section 2.8.10 and other applicable City, local, state or federal laws, ordinances, codes and regulations.~~

~~c.—A registrant shall not commence to place or maintain a wireless telecommunications facility in public rights-of-way until all applicable permits, including a WTF right-of-way placement permit, have been applied for by registrant and issued by the City or other appropriate authority.~~

D. *WTF Right-of-Way Placement Permits.*

1. WTF Right-Of-Way Placement Permit Required. ~~A registrant~~No person or entity shall ~~not~~ place, install, site, locate, collocate or modify a wireless telecommunications facility in the public right-of-way of the City without the issuance of an administrative permit from the City in accordance with the provisions hereof (an administrative permit to place, install, site, locate, collocate or modify a wireless telecommunications facility in the public right-of-way of the City is referred to herein as a "WTF right-of-way placement permit"). A WTF right-of-way placement permit shall be required for each wireless telecommunications facility installation site in the public right-of-way. The complete removal of a wireless telecommunications facility shall not require a permit under this Section; however, removal must be performed in strict compliance with this Section.

a. Following the issuance of a WTF right-of-way placement permit, a ~~registrant~~permittee shall not commence to install, construct or place a wireless telecommunications facility in the public right-of-way until all other applicable permits have been issued by the City or other appropriate authority. Registrant acknowledges that as a condition of granting such permits, the City may impose reasonable terms and conditions governing the placement or maintenance of a wireless telecommunications facility in public rights-of-way.

b. All issued permits shall apply only to the areas of public rights-of-way specifically identified in the permit. The City may issue a blanket permit to cover certain activities, such as routine maintenance and repair activities, that may otherwise require individual permits or may impose lesser requirements.

c. A registrant that places or maintain a wireless telecommunications facility in the public right-of-way shall comply with and abide by all applicable provisions of this Section 2.8.10

and any and all other City, local, state and federal laws, ordinances, codes, statutes, regulations and policies.

d. A WTF right-of-way placement permit, if granted, allows the permittee to construct and maintain a service utility line for a maximum of fifty-two feet (52') within the public right-of-way.

2. Exemptions. A WTF right-of-way placement permit shall not be required for the following:

a. §6409 Modifications. A registrant shall be exempt from the requirement of obtaining an additional WTF right-of-way placement permit for collocations and modifications that are exempt per Section 2.8.9 hereof (§6409 Modifications — Exemptions for Modifications that do not Substantially Change the Physical Dimensions of a Wireless Telecommunications Facility); provided, however, the registrant shall be required to submit an application as set forth therein.

b. Emergencies. Subject to compliance with the other requirements provided herein, in the event of an emergency requiring the replacement or maintenance of a wireless telecommunications facility in the public right-of-way, a registrant shall be exempt from the requirement of first obtaining a WTF right-of-way placement permit prior to performing such work. The term "emergency" shall mean a condition that affects the public's health, safety or welfare, and which includes an unplanned out-of-service condition of a pre-existing service. Registrant shall provide prompt notice to the City of the replacement or maintenance of a wireless telecommunications facility in public rights-of-way in the event of an emergency.

3. Application for WTF right-of-way placement permit.

a. General. The Director of Engineering/Public Works, or his/her designee, shall be responsible for the review and approval or denial of all WTF right-of-way placement permit applications. The Community Development Department shall be responsible for receiving all WTF right-of-way placement permit applications. Original applications received by the Community Development Department shall be forwarded to the City Engineering/Public Works Department and copies of same shall be distributed to the Finance Department and all other affected City departments for review for completeness and compliance with City regulations and laws. The Director of Engineering/Public Works shall be responsible for further coordinating departmental review for compliance. Applications for a WTF right-of-way placement permit shall be approved by the Director of Engineering/Public Works whenever the Director of Engineering/Public Works determines that the proposed WTF fully complies with the subject standards, regulations and requirements, as more fully set forth herein—which may include revisions to the application.

b. Pre-Application Conference. Before application submittal, applicants are strongly encouraged to schedule and attend a voluntary pre-application conference with City staff for all WTF right-of-way placement permit applications. The pre-application conference is intended to foster cooperative discussion between applicants and staff, identify potentially avoidable issues, and generally streamline the application review process to occur after the applicant formally submits its application. City staff will endeavor to provide applicants with an appointment between approximately five (5) and fifteen (15) working days after a written request for an appointment is received.

cb. Submittal of Application(s). An application for a WTF right-of-way placement permit(s) shall be submitted to the Community Development Department on an application form prepared by the City and made available to the public. The City will provide on its public website the contact information, including the e-mail address and telephone number, of the point of contact at the City authorized to receive WTF right-of-way placement permit applications, who shall also be the point of contact for requesting and scheduling a pre-application conference. An application shall be required for each WTF or installation site, except as otherwise expressly provided in this Paragraph 3.

d. Planned Network; Batching. Where a proposed WTF is part of a planned network of WTF's that will be installed contemporaneously or sequentially, such as a WTF for DAS, or an applicant otherwise seeks to construct, modify or replace a network of WTF's, the applicant may either:

(i) Submit applications for each of the WTF's in the ~~proposed-planned~~ network shall be submitted at the same time; or

(ii) Submit a single, consolidated application for the multiple WTF's in the planned network.

Subject to the other requirements and procedures set forth herein, when WTF's requested under a single, consolidated application are approved by the City, the City may issue either a single WTF right-of-way placement permit for multiple WTF's (i.e., single permit covering all approved WTF's) or multiple permits (i.e., separate permit for each approved WTF).

e. Single Source of Contact. At the time of submittal of an application for a WTF right-of-way placement permit, the City Administrator will appoint a single point of contact for all matters related to the application and the proposed project or, if multiple applications are submitted at the same time for a planned network, the proposed network project.

4. Contents of Application. An application for a WTF right-of-way placement shall include such information and documents required by the application form, which shall include, but not be limited to, the information and documents set forth in Section 2.8.4(CD), as well as the following:

a. Description of Construction: A description of the manner in which the WTF will be installed (i.e. anticipated construction methods and/or techniques) and the timetable for construction of the project or each phase thereof, and the areas of the City which will be affected;

b. Traffic Maintenance Plan: A traffic maintenance plan for any disruption or obstruction of the public rights-of-way;

c. Estimate of Costs to Restore: If appropriate given the type of WTF proposed, an estimate of the cost of restoration to the public rights-of-way;

d. Identification of Facilities in Public Right-of-Way: Information that identifies and depicts all utility poles, electrical transmission towers, street lights ~~fixtures~~, traffic ~~control~~-signals ~~poles~~ and related equipment and devices, and other above-ground structures, fixtures, facilities and equipment currently existing in the area of the public right-of-way to which the permit application applies, and extending one thousand (1,000) feet in each direction along the public right-of-way, if available, including, but not limited to, those owned or used by public utilities, electric membership corporations, electric cooperatives, or the City (such information shall be provided without certification as to correctness, to the extent obtained from other persons with fixtures, facilities or equipment in the public rights-of-way);

e. WTF Inventory: An inventory of all existing wireless telecommunications facilities located in the areas of the public right-of-way to which the permit application applies, and extending one thousand (1,000) feet in each direction along the public right-of-way, ~~including any wireless transmission equipment or support structures~~ that the registrant or its predecessor(s) in interest has previously placed or which are otherwise used by the registrant, ~~and, to the extent such information is available, or which are owned or used by other wireless providers (such information shall be provided without certification as to correctness, to the extent obtained from other persons with WTF's in the public rights-of-way)~~J;

f. Evidence of Need Report: If required due to the type of WTF proposed, an evidence of need report, which shall include sufficient information to demonstrate that there are no existing WTF's, utility poles, and/or street lights, as applicable, located in the public rights-of-way within the GSA, or the existing WTF's, existing utility poles and/or existing street lights standards in the public rights-of-way, as applicable, cannot reasonably accommodate the applicant's need because:

- ~~(i) There are no existing WTF's, existing utility poles and/or street light standards, as applicable, located in the public right-of-way within the GSA;~~
- ~~(ii) The existing utility poles and/or street light standards, as applicable, in the GSA cannot accommodate the proposed attached WTF because the antenna and/or other wireless transmission equipment of the proposed attached WTF cannot be mounted at a sufficient height on the utility pole or light pole to meet the applicant's engineering requirements, or there is not sufficient space available for mounting wireless transmission equipment meeting the applicant's engineering requirements due to the location of utility equipment or other equipment currently mounted on the subject structure, or; (iii) For the existing utility poles and/or street light standards, as applicable, in the GSA does not have sufficient structural strength and cannot be structurally improved to support the wireless transmission equipment for the applicant's proposed WTF or any required structural improvements would not comply with the other requirements or standards set forth herein, all of which shall be supported by a written determination of the owner of the subject utility pole or, to the extent allowed by law, the owner of the light pole, which shall be further certified by a Georgia-licensed professional engineer; or~~
- ~~(iiiv) Taking into consideration economic and technical feasibility, compliance with the design requirements and standards governing the proposed attached WTF are not reasonably practicable due to the design of, or other existing conditions associated with, the existing WTF, utility poles and/or street light standards, as applicable; or~~
- ~~(iiiv) To the extent there are Collocation on or modification of the existing WTF's within the GSA available for collocation or modification, the collocation of the proposed WTF on or modification to the existing WTF's would defeat the concealment elements required for the existing WTF; or~~
- ~~(iv) The existing utility poles and/or street lights standards in the GSA are unsuitable due to other similar limiting factors; provided that an engineering requirement or stated need for a height in excess of the maximum heights of WTF's permitted under this Subsection 2.8.10 shall not constitute a reasonable basis; and~~
- ~~(v) The need cannot be sufficiently addressed by the installation of a replacement utility pole meeting the requirements of this Subsection.~~
- g. Such additional information necessary for review in order to confirm compliance with the requirements set forth herein, as reasonably determined ~~and requested~~ by the City ~~and set forth in the application forms made available to the public.~~

5. No Application Fee. Notwithstanding any provision set forth in Section 2.8.4 to the contrary, no permit, application or review fee is required for a WTF right-of-way placement permit.

6. Review for Completeness; Notice of Deficiency. Within thirty (30) days of receipt of an application for a WTF right-of-way placement permit, the City must determine and notify the applicant in writing whether the application is complete or incomplete, and if an application is incomplete, the City must specifically identify (i) the missing documents or information and (ii) the specific rule, regulation or code provision creating the underlying obligation to provide same. If the applicant makes a supplemental submission to address or provide the missing information or documents identified by the City within sixty (60) days of the notice sent by the City, the City shall have ten (10) days from receipt of such supplemental submission to verify that the application is complete and, if not, notify the applicant in writing that the supplemental submission was not sufficient to render the application complete and specifically identify the missing documents or information that still need(s) to be submitted pursuant to the City's original notice. The additional documents or information provided in the supplemental submission shall be limited to the deficiencies cited in the original notice from the City and no material changes shall be made to the original application other than those necessary to cure any identified deficiencies. If a supplemental submission includes material changes to the proposed WTF's identified in the original application, proposes or requests a WTF not identified

in the original application, or otherwise includes or makes a material change to the original application other than as necessary to cure the deficiencies identified by the City, such supplemental submission shall be deemed a new application. If an applicant fails to submit sufficient documents or information to render the application complete within sixty (60) days of the notice sent by the City, the original notice sent by the City shall serve as written notice of the denial of the application, and the application shall be deemed denied.

7. Deadline for Action on Applications. The City shall approve or deny an application for a WTF right-of-way placement permit within the applicable time period set forth in subparagraph (a), plus any tolling period(s) pursuant to subparagraph (b).

a. General Time Period for Action on Application. Subject to the tolling provisions set forth below, the City, by and through the Director of Public Works, or his/her designee, shall make its final decision to approve or deny the application(s) within the following time periods, unless the Director of Public Works extends the time for review for good cause shown and notifies the applicant in advance of such extension of time and the reasons therefor:

- (i) For an application(s) for an attached WTF, within sixty (60) days of receipt of such application(s); or
- (ii) For an application(s) for a new structure, within ninety (90) days of receipt of such application(s); or
- (iii) For multiple applications or a single, consolidated application for a network project which seek a mix of attached WTF's and new structures (i.e., one or more of the applications is for a new structure), within ninety (90) days of receipt of such applications.

b. Tolling Period. Unless a written agreement between the applicant and the City provides otherwise, the tolling period for an application, if any, shall be as follows:

- (i) If within ten (10) days of receipt of an application for a WTF right-of-way placement permit, the City notifies the applicant that an application is incomplete and specifically identifies (i) the missing documents or information and (ii) the specific rule, regulation or code provision creating the obligation to submit same to the City, the time period for action on an application shall reset and not begin until the applicant submits all of the documents and information identified by the City to render the application complete (i.e., the date the applicant submits all of the documents and information identified by the City in the deficiency notice is day zero).
- (ii) For all other initial applications, the tolling period shall be the number of days from –
 - (a) The day after the date the City sends written notice to the applicant that the application is incomplete in accordance with Paragraph 6 of this Section, until
 - (b) The date the applicant submits all the documents and information identified by the City in such notice to render the application complete.
- (iii) For resubmitted applications (or supplemental submissions) following a notice of deficiency from the City pursuant to Paragraph 6 of this Section, the tolling period shall be the number of days from—
 - (a) The day after the date the City sends written notice to the applicant that the applicant's supplemental submission was not sufficient to render the application complete and specifically identifies the missing documents or information that need to be submitted based on the City's original notice under Paragraph 6 of this section, until
 - (b) The date the applicant submits all the documents and information identified by the City to render the application complete.

provided that such notice regarding the insufficiency of the supplemental submission is sent by the City to the applicant within ten (10) days following the City's receipt of the supplemental submission in response to the City's original notice under Paragraph 6 of this Section.

8. Final Decision. The City must advise the applicant in writing of its final decision and, if such final decision is to deny the application, provide the basis for such denial, including identifying the specific City rule, regulation or code provision or other applicable law on which the denial was based.

a. The denial of any WTF or site requested under a single, consolidated application shall -not serve as a basis for denial of other WTF's or sites requested under the same application, unless such denial is due to applicant's failure to submit a complete application in accordance with the provisions hereof. Subject to applicant's compliance with the other batching or consolidated application requirements set forth in this Subsection, the City shall grant a permit(s) for any and all WTF's in a consolidated application that it does not otherwise deny.

E. *General Standards.*

1. General Standards of Approval; Factors for Consideration. The City shall have the authority to prohibit or limit the placement of new or additional wireless telecommunications facilities within certain public rights-of-way as reasonably necessary to protect existing facilities in the public rights-of-way, including facilities owned by a public utility or the City, to accommodate City plans for public improvements or projects that the City determines are in the public interest, to prevent interference with the operations of public safety communications services, to accommodate or address traffic safety issues or concerns related to the subject location or arising out of the proposed placement of the wireless telecommunication facility at the subject location, or as otherwise necessary, proper, or incidental to the efficient operation, management or development of the public rights-of-way and the municipal street system.

a. Preservation of Safe Traffic Environment, Appearance of Right-of-Way and Efficiency of Right-of-way Maintenance. The type of construction required for the installation, vertical clearance above pavement, horizontal clearance within the public right-of-way, the location of the support structure and wireless transmission equipment, and the location of existing poles, guys, and related ground-mounted utility appurtenances, such as transformers or cabinets, are factors of major importance to preserve a safe traffic environment as well as the appearance of the public right-of-way and the efficiency and economy of public right-of-way maintenance. A critical requirement for locating support structures and wireless transmission equipment along the roadside is the width of the border area; i.e., the space between the edge of pavement, edge of paved shoulder or curb line and the right-of-way line, and its availability and suitability for accommodating such facilities. The safety, maintenance efficiency and appearance of public rights-of-way are enhanced by keeping this space as free as possible from encroachment by obstacles above the ground. Where ground-mounted utility facilities are to occupy this space, they shall be placed as far as possible from the traveled way and beyond the clear zone. The nature and extent of roadside development and the ruggedness of the terrain are additional controlling factors for locating support structures and wireless transmission equipment within the public right-of-way as close as possible to the right-of-way line and outside of the clear zone.

b. Non-interference.

- (i) Wireless telecommunications facilities shall be placed and maintained so as not to interfere unreasonably with the use of the public rights-of-way by the public and so as not to cause unreasonable interference with the rights and convenience of property owners who own property adjacent to the subject public right-of-way.
 - (ii) All wireless telecommunications facilities shall be placed and maintained so as not to interfere, displace, damage or destroy any other utilities or facilities, including but not limited to, water mains, sanitary sewer facilities, storm drains, electrical facilities, gas mains, pipes, cables or conduits of the City or any utility's facilities lawfully occupying the public rights-of-way of the City.
 - (iii) All wireless telecommunications facilities shall be placed and maintained so as not to create interference with the operations of public safety communications services.
 - (iv) All wireless telecommunications facilities shall be placed and maintained so as not to interfere with traffic signal communications or any equipment or communications systems used for traffic control, management or monitoring purposes.
- c. Insufficient Space. The City has the authority to prohibit or limit the placement of new or additional wireless telecommunications facilities within certain areas of the public rights-of-way if there is insufficient physical space to accommodate all of the requests to place and maintain WTF's or other facilities in ~~that-such~~ area of the public rights-of-way.

2. General Design Standards.

- a. ~~Types of Wireless Facilities Authorized by Permit. Concealed Attached WTF's and Concealed Freestanding Support Structures.~~ Subject to compliance with the other regulations set forth herein, including location, siting and design standards and requirements, and the issuance of a WTF right-of-way placement permit, only the following types of concealed ~~attached WTF's and concealed freestanding support structures~~ wireless facilities may be placed in the public rights-of-way:
 - (i) Concealed attached WTF mounted to one of the following types of alternative support structures:
 - (a) Utility pole or ~~electrical transmission tower~~ replacement utility pole (i.e., utility-pole-mounted WTF);
 - (b) Street light pole standard (i.e., streetlight-mounted WTF); ~~or~~
 - (c) Traffic signal pole.
 - (ii) Concealed freestanding support structure designed as a:
 - (a) Street light fixture, such as a street light standard or pole, pedestrian light, decorative street light, fixture or decorative post-top luminaire (lamppost) which is primarily used for public lighting (i.e., faux streetlight facility); or
 - (b) Concealed Unipole.
- b. Wireless Transmission Equipment. Only antennas, repeaters, radio units, equipment cabinets or pedestals, and other accessory equipment associated with small wireless ~~technologies~~ facilities, like DAS or small cell facilities, which are physically much smaller and less visible and can be placed at much lower elevations than macrocell antennas and accessory equipment, such that they can be more easily deployed with concealment enclosures and other concealment elements that blend with the non-tower support structure on or within which they are installed, may be located within the public right-of-way; provided, however, a DAS hub may not be located within the public right-of-way. The foregoing provisions are provided for the purpose of generally describing in prevailing industry terminology the type of wireless transmission equipment (in terms of its size, scale, design and feasibility for location on alternative support structures or concealed

freestanding support structures) allowed in public rights-of-way in accordance with the further regulations provided herein; the foregoing provisions are not intended to restrict the technology used by the registrant.

- c. Concealment Elements. In order to preserve the appearance of the public right-of-way and minimize the visual impact of new facilities, all wireless telecommunications facilities and wireless transmission equipment located in the public rights-of-way shall be designed with concealment elements, as further prescribed herein. It is the intent of this ordinance to prescribe concealment elements that are technically feasible and reasonably directed to avoiding or remedying the intangible public harm of unsightly or out-of-character deployments.
3. Siting Standards and Requirements for WTF's. In order to limit the proliferation of new support structures in the public right-of-way so as to preserve the appearance of the public right-of-way and prevent physical or visual obstructions to pedestrian or vehicular traffic, inconveniences to public use of the right-of-way, safety hazards to pedestrians and/or motorists, and new visual and aesthetic impacts, a proposed wireless telecommunications facility shall be sited in the public right-of-way in accordance with the ~~following~~ siting alternatives order set forth below. In order to demonstrate that a siting is impracticable or technically infeasible, the registrant shall provide an evidence of need report to the City at its pre-application meeting or as part of the application showing why and how complying with the foregoing standard would be impractical or technically infeasible:
 - a. Utility-Pole-Mounted WTF's. A new wireless telecommunications facility in the public rights-of-way must be placed on ~~existing~~ utility poles or replacement utility poles (subject to and in accordance with the standards and regulations governing concealed utility-pole-mounted WTF's and other requirements set forth herein), unless such siting is impracticable or technically infeasible as sufficiently demonstrated by an evidence of need report; ~~In order to demonstrate that such siting is impracticable or technically infeasible, the registrant shall provide an evidence of need report to the City at its pre-application meeting or as part of the application showing why and how complying with the foregoing standard would be impractical or technically infeasible.~~
 - b. Concealed Streetlight-Mounted WTF's. When a registrant sufficiently demonstrates that there are no existing utility poles in the subject area of the public right-of-way to accommodate the proposed WTF, the proposed wireless telecommunications facility shall be placed on an existing street light ~~standard~~ (subject to and in accordance with the standards and regulations governing concealed street-light-mounted WTF's and other requirements set forth herein), unless such siting is impracticable or technically infeasible as sufficiently demonstrated by an evidence of need report; ~~or~~
 - c. Concealed Attached WTF Mounted to Traffic Signal Pole. When a registrant sufficiently demonstrates that there are no existing utility poles and street lights in the subject area of the public right-of-way to accommodate the proposed WTF, the proposed wireless telecommunications facility may be placed on an existing traffic signal pole (subject to and in accordance with the standards and regulations governing concealed street-light-mounted WTF's and other requirements set forth herein), unless such siting is impracticable or technically infeasible as sufficiently demonstrated by an evidence of need report; or
 - c. New Concealed Freestanding Support Structures: Faux Streetlight Facility or Concealed Unipole. When a registrant sufficiently demonstrates that there are no existing utility poles, ~~or street lights or traffic signal poles standards~~ in the subject area of the public right-of-way to accommodate the proposed WTF, a faux streetlight facility or concealed unipole may be sited in the public right-of-way (subject to and in accordance with the standards and regulations governing faux streetlight facilities and concealed unipoles and other requirements set forth herein).
 4. General Location, Siting and Design Standards for Ground-Mounted Equipment Cabinets.

- a. Purpose and Intent. For the purpose of preserving a safe traffic environment, the appearance of the right-of-way and the efficiency and economy of right-of-way maintenance, the installation of ground-mounted equipment cabinets shall be avoided unless (i) the mounting of accessory equipment on the support structure is not technically feasible or (ii) the adverse impact caused by such ground-mounted equipment cabinet is no greater than the adverse impact caused by mounting an equipment cabinet on the side of the support structure in accordance with the requirement applicable thereto as set forth herein. The purpose of this Paragraph 4 is to establish and prescribe uniform standards and controls for the location and placement of ground-mounted equipment cabinets within the public right-of-way in order to provide a basis for the planning of such installations when the foregoing conditions are present. These regulations, standards and guidelines for ground-mounted equipment cabinets are intended to cover the majority of situations which will occur and are general in application, particularly in regard to the location of new ground-mounted equipment cabinets in the public rights-of-way. There may be instances where the location of a proposed installation of a ground-mounted equipment cabinet appears to meet the requirements set forth herein, but special circumstances, other considerations, or other regulations may make the location inappropriate. Each requested location for placement of a ground-mounted equipment cabinet is subject to the approval of the City Engineer/Public Works Director and shall be reviewed on its own merit with regard to the foregoing general standards, including, but not limited to, its impact on safety, visual quality of the public right-of-way, and the difficulty of public right-of-way and public utility construction and maintenance, as well as the additional standards and requirements set forth herein.
- b. Authority. A ground-mounted equipment cabinet may only be installed in the public right-of-way when the location has been reviewed and approved by the City Engineer/Public Works Director. In determining whether the location is appropriate, the City Engineer/Public Works Director shall review the proposed location for compliance with the general standards, the additional standards and requirements applicable to the subject type of WTF, and such other applicable City, state and federal laws, codes, ordinances, regulations and policies, and further give due consideration to such other factors relevant to the protection of the public health, safety, and welfare in relation to the use and regulation of the public rights-of-way.
- c. General Location Standards and Guidelines. A ground-mounted equipment cabinet associated with a wireless telecommunications facility shall be permitted only where consistent with the portion of the corridor in which it is to be placed, which may require that it be located underground or in alleys, screened with landscaping, or otherwise shielded from visibility. In no event may a ground-mounted equipment cabinet interfere with pedestrian or vehicular traffic. In order to avoid the clustering of multiple ground-mounted equipment cabinets in a single area, a ground-mounted equipment [cabinet] must be spaced a minimum of one thousand (1000) linear feet from another ground-mounted equipment cabinet located in the public right-of-way; however, a maximum of two (2) ground-mounted equipment cabinets may be grouped together in a single location when the other standards hereof are also met. Individual ~~No~~ dimension of a ground-mounted equipment cabinet (height/width/depth)s shall not exceed three (3) feet in width, three (3) feet in depth or five (5) feet high in height. Ground-mounted equipment cabinets shall be designed and placed so that the largest dimension is not vertical, and the height is such that same is not plainly visible from the roadway. Ground-mounted equipment cabinets shall only be located in areas of the public right-of-way with existing foliage or other aesthetic features that screen or obscure the view of the equipment cabinet or in which there is existing space and conditions such that landscaping can be installed to fully screen such equipment cabinet; provided, however, a ground-mounted equipment cabinet may be located adjacent to an existing utility cabinet in any area of the right-of-way in which there are aerial telecommunications and electric distribution lines. Accessory equipment and equipment cabinets not meeting the requirements hereof, may only be located on the support structure of the WTF subject to and in accordance with the additional regulations

set forth herein, or in flush-to-grade underground vault enclosures. Such flush-to-grade underground vault enclosures, including flush-to-grade vents, or vents that extend no more than twenty-four (24) inches above the finished grade and are screened from public view may be incorporated. Electrical meters required for the purpose of providing power to the proposed WTF may be installed above ground on a pedestal in the public right-of-way provided such pedestal is designed or screened to blend in with the surrounding area and meets other applicable standards.

- d. General Design Standards for Ground-Mounted Equipment Cabinets. Subject to such additional design standards and regulations for the subject type of WTF, ground-mounted equipment cabinets shall be painted, textured, and designed in a manner consistent with the style, color, texture and materials of other fixtures and features in the area in which located, or painted, textured and located to blend in with existing foliage/vegetation or additional landscaping, and otherwise camouflaged, screened and designed in such a manner to render the ground-mounted equipment cabinet as visually inconspicuous as possible, such that the ground-mounted equipment cabinet meets the visibility standard applicable to the subject type of WTF, as further set forth herein. All ground-mounted equipment cabinets shall be screened by landscaping unless existing foliage and vegetation and/or other existing structures or fixtures provide sufficient screening to meet the subject standard of visibility.
- e. Downtown Overlay District. In addition to the foregoing standards, in the Downtown Overlay District, ground-mounted equipment cabinets shall not be located in any area of the public right-of-way ~~in which adjacent to an existing or planned sidewalk or~~ pedestrian walkway ~~is also located or planned~~, unless such equipment cabinet is camouflaged, screened and designed so as to render it as visually inconspicuous as possible such that it is not readily apparent or plainly visible (to a reasonable person of ordinary sensibilities) from public rights-of-way or any public place.
- f. Residential Areas. In addition to the foregoing standards, ground-mounted equipment cabinets shall not be located in any portion of the public right-of-way that is contiguous adjacent to the front lot line or side yard property line of a property with a "for-sale" dwelling use, unless there are existing utility cabinets or enclosures located on the ground and screened with landscaping, such as telephone cabinets/pedestals or electrical transformer boxes/enclosures, provided (i) there is sufficient space to place the ground-mounted equipment cabinet within such screened area, (ii) the height and other dimensions of the ground-mounted equipment cabinet do not exceed the height or size of the existing utility cabinet or enclosure located on the ground, ~~or be and no dimension (height/width/depth) of the ground-mounted equipment cabinet is more than five three (35) feet in height, three (3) feet in width, or three (3) feet in depth, whichever is less~~, and (iii) the ground-mounted equipment cabinet is otherwise camouflaged, screened and designed so as to render it as visually inconspicuous as possible, such that the ground-mounted equipment cabinet is not readily apparent or plainly visible (to a reasonable person of ordinary sensibilities) from public rights-of-way or any property with a "for-sale" dwelling use.

5. General Design Standards for Pole-Mounted Equipment.

- a. Equipment Cabinets Required; Exception. All pole-mounted accessory equipment other than cables, conduit, and power meters and switches (and similar equipment installed by an electric utility) shall be placed in equipment cabinets or shrouds; provided, however, radio units may be mounted on support structures or poles without being placed within an equipment cabinet or shroud where placing the radio unit(s) within an equipment cabinet or shroud increases the visibility of the WTF, is more detrimental to the visual quality of the public right-of-way or surrounding area, or has a more adverse aesthetic effect or other impact such that it is less desirable from an aesthetic, public safety or similar standpoint.
- b. Location and Design. Pole-mounted equipment cabinets or, to the extent permitted pursuant to the foregoing provisions, pole-mounted radio units shall be:

- (i) placed on a support structure or pole as high as technically and legally feasible to minimize visual impacts and to avoid interfering with or creating any hazard to other public uses of the public right-of-way;
- (ii) located on only one (1) side of the support structure or pole;
- (iii) designed and placed so that the largest dimension is vertical, and the width is such that the equipment cabinets or radio units are not plainly visible from the opposite side of the support structure on which they are placed when viewed from the roadway; and
- (iv) installed as close to the pole as technically and legally feasible and oriented to minimize impacts to the visual profile.

6. Standards for Replacement Utility Pole. When the modification of a utility pole is necessary to accommodate the attachment of a wireless facility or wireless transmission equipment on the utility pole, a replacement utility pole may be installed to replace such utility pole if the following requirements are met:

- a. The replacement utility pole shall be placed no more than ten feet (10') from the original utility pole, as measured from the centerpoint of each pole, and aligned with the centerlines of other utility poles within the public right-of-way;
- b. The height of the replacement utility pole shall not exceed the height of the original utility pole by more than five feet (5') or ten percent (10%) of the height of the original utility pole, whichever is greater; and
- c. The existing utility pole was not installed to accommodate the attachment of a wireless facility or wireless transmission equipment on such pole or for the primary purpose of supporting a wireless facility.

F. *Additional Regulations, Design Standards and Minimum Requirements for WTF's in Public Rights-of-Way.*

1. Additional Regulations and Design Standards for Concealed Utility-Pole-Mounted WTF's.

- a. Location Standards. Utility-pole-mounted WTF's shall be located in areas of the public right-of-way in which there are existing utility poles supporting aerial (overhead) telephone ~~and or~~ electric distribution or transmission lines. Antenna(s) and pole-mounted accessory equipment of utility-pole-mounted WTF's may only be located on ~~an existing~~ a utility pole currently supporting such aerial lines or a replacement utility pole ~~or on an existing electrical transmission tower. Notwithstanding the foregoing, utility pole-mounted WTF's shall not be located in any portion of the public right-of-way that is contiguous to the front yard property line of a property with a "for sale" dwelling use.~~
- b. Minimum Height of Utility Pole. Antenna(s) and pole-mounted accessory equipment of a utility-pole-mounted WTF may only be attached to a utility pole with a height of twenty-fivethirty (2530) feet or greater, as measured from finished grade, or on an electrical transmission tower.
- c. Minimum Height Location of Antennas. Antenna(s) shall be mounted on the utility pole or electrical transmission tower at a height of fifteen (15) feet or more above grade. Pole-mounted equipment cabinets/enclosures shall be mounted on the utility pole or electrical transmission tower at a height of ten (10) feet or more above grade.
- d. Design Standards and Concealment Elements.
 - (i) General Concealment Measures. The size, shape and orientation of antenna(s) and accessory equipment mounted to a utility pole (use of the term "utility pole" shall include "electrical transmission tower" when an electrical transmission tower serves as the alternative support structure) shall be consistent with the size, shape and orientation of existing utility equipment installed on the subject utility pole and other utility poles in the nearby area (within 500 linear feet of the subject utility pole and on

the same side of the right-of-way). Such antenna(s) and accessory equipment shall be painted, textured, and designed in a manner consistent with the utility pole's style, color, texture and materials and otherwise camouflaged and designed to blend in with the existing utility pole such that the utility-pole-mounted WTF is no more readily apparent or plainly visible from public rights-of-way than the existing utility equipment located on the utility pole. Further, if the utility pole is located in any portion of the public right-of-way that is contiguous to the front yard property line of a property with a residential "for-sale" dwelling use or visible (at ground level) from any property with a residential 'for-sale' dwelling use, antennas shall be concealed or screened by means of canisters, radomes, shrouds or other similar concealment enclosures, which shall be ~~flush-mounted, to the utility pole and~~ painted, textured, and designed in a manner consistent with the utility pole's style, color, texture and materials and otherwise camouflaged and designed to blend in with the existing utility pole.

- (ii) Type of Antennas; Maximum Number. No type of antenna other than a panel or whip antenna may be mounted to a utility pole unless such antenna is enclosed within a canister, radome, shroud or other similar concealment enclosures. No more than (a) one (1) whip antenna and ~~(b) three-four (43)~~ panel antennas or antenna concealment enclosures may be side-mounted three (3)- (b) one (1) pole-top mounted antenna within canisters, radomes, shrouds or other similar antenna concealment enclosures may be attached to a utility pole.
- (iii) Mounting of Antennas. ~~Antennas shall be flush-mounted.~~ A panel antenna or canister antenna (or other antenna concealment enclosure) mounted to the side of the utility pole, together with its mount, shall not extend horizontally from the side of the utility pole more than ~~the width of existing pole-mounted utility equipment (on the subject utility pole)~~ with the same orientation (located on the utility pole), or more than three (3) feet, whichever is less. ~~Panel~~ No antennas mounted to the side of a utility pole shall not extend vertically above the height of the utility pole, other than a flush-mounted . ~~When flush-mounted to the side of the utility pole, a whip antenna which, together with its mount, may extend horizontally up to eighteen (18) inches from the utility pole, and the whip antenna, exclusive of its mounts, may extend vertically up to three (3) feet above the height of the utility pole.~~ Alternatively, ~~the base of~~ a whip antenna may be flush-top-mounted (without vertical separation) to the top surface of on the utility pole, but shall not extend vertically above the height of the utility pole by more than ~~three-five (35) feet, and any vertical separation between the top of the pole and the base of the whip antenna shall not be plainly visible.~~ Canisters, radomes, shrouds or other similar antenna concealment enclosures ~~shall may~~ be flush-mounted to the side of a utility pole, ~~without any visual horizontal separation and without~~ shall not extending vertically above the height of the utility pole. Additionally, one (1) canister, radome, shroud or other similar antenna concealment enclosure may be flush-top-mounted on the utility pole (without vertical separation)- (vertically mounted to the top surface of the utility pole), provided that such canister, radome, shroud or other similar antenna concealment enclosure, including its mount, is centered on the top of the utility pole, is not wider than the diameter of the top of the utility pole, and does but shall not extend vertically above the height of the utility pole by more than three (3) feet.
- (iv) Maximum Size of Antennas. A non-enclosed panel antenna shall be no larger than one (1) foot in width and two (2) feet in length. A whip antenna shall be no larger than two (2) inches in diameter and five (5) feet in length.
- (v) Maximum Antenna Volume. In addition to the foregoing size limitations, each antenna located on the utility pole shall either be (a) located within a canister, radome, shroud or other similar antenna concealment enclosure that is no more than three (3) cubic feet in volume, or (b) if the antenna is not enclosed within an antenna concealment enclosure, capable of fitting within an enclosure (i.e., an imaginary enclosure) that is no more than three (3) cubic feet in volume. The aggregate volume of actual

concealment enclosures and/or imaginary enclosures of all antennas located on the utility pole, including any pre-existing antennas, shall not exceed six (6) cubic feet in volume.

- (vi) Accessory Equipment; Equipment Cabinets. All pole-mounted ~~accessory equipment, other than antennas, antenna attachment devices, cables, conduit, and power meters and switches (and similar equipment installed by an electric utility) shall be located in equipment cabinets or smaller equipment enclosures. Except for any approved ground-mounted equipment cabinet(s), all~~ equipment cabinets ~~and~~ enclosures or, where permitted, radio units shall be flush-mounted to the utility pole. The vertical dimension of a pole-mounted equipment cabinet/enclosure shall ~~be~~ not exceed ~~30-48 inches in height (length), and the width and depth of a pole-mounted equipment cabinet/enclosure shall not exceed the minimum width of the pole at the location of attachment by more than fifty (50) percent~~ 24 inches in width, and 18 inches in depth. The volume of all pole-mounted equipment cabinets and accessory equipment located on the utility pole and, to the extent permitted under Subsection 2.8.10(E)(4), ~~and~~ ground-mounted equipment cabinets and enclosures associated with wireless transmission equipment located on the utility pole, including any pre-existing wireless transmission equipment located on the utility pole, shall not exceed ~~seventeen (17)~~ twenty-one (21) cubic feet.

2. Additional Regulations and Design Standards for Concealed Streetlight-Mounted WTF's.

- a. ~~Prohibited Structures. No attached WTF may be mounted to a pedestrian light, decorative pole, or post-top luminaire. Location Standards. Streetlight-mounted WTF's may only be located in arterial rights-of-way or areas of the public right-of-way in which there are existing aerial (overhead) telephone and electric distribution lines, and antenna(s) and pole-mounted accessory equipment of streetlight-mounted WTF's may only be located on an existing street light standard. Notwithstanding the foregoing, streetlight-mounted WTF's shall not be located in the Downtown Overlay District or in any portion of the public right-of-way that is contiguous to the front yard property line of a property with a "for-sale" dwelling use.~~
- b. Minimum Height of Streetlight Standard. Antenna(s) and pole-mounted accessory equipment of streetlight-mounted WTF's may only be attached to a street light standard with a height of ~~twenty-five (205)~~ 205 feet or more above grade.
- c. Minimum Height Location of Equipment Cabinets/~~Enclosures~~ Accessory Equipment. Pole-mounted equipment cabinets and other equipment enclosures or accessory equipment shall be mounted on the street light ~~standard~~ at a height of ten (10) feet or more above grade.
- d. Lighting, Operability and Maintenance. The streetlight-mounted WTF shall not impair the existing function of the street light ~~standard~~, including its lighting. Further, the streetlight-mounted WTF faux streetlight facility must be separately metered for electric power to all wireless transmission equipment located thereon. The applicant shall be responsible for all maintenance to the wireless transmission equipment located on the street light ~~facility~~ or otherwise installed in association therewith.
- e. Design Standards and Concealment Elements.
- (i) General Concealment Measures. Antenna(s) and pole-mounted accessory equipment of streetlight-mounted WTF's shall be designed, camouflaged, screened and obscured from view in order to render the attached WTF as visually inconspicuous as possible. Such antenna(s) and accessory equipment shall be painted, textured, and designed in a manner consistent with the street light ~~s standard's~~ style, color, texture and materials and otherwise camouflaged and designed to blend in with the existing street light ~~standard~~ in order to render the attached WTF as visually inconspicuous as possible,

such that the streetlight-mounted WTF is not readily identifiable or plainly visible from public rights-of-way. Antennas shall be concealed or screened by means of canisters, radomes, shrouds or other similar concealment enclosures, which shall be flush-mounted to the top of the street light pole standard—and painted, textured, and designed in a manner consistent with the street light polestandard's style, color, texture and materials and otherwise camouflaged and designed to blend in with the existing street light standard.

- (ii) Type of Antennas. Only antenna enclosed within a canister, radome, shroud or other similar antenna concealment enclosure may be mounted to a street light standard. No more than one (1) antenna concealment enclosure may be attached to a street light standard.
- (iii) Mounting of Antennas. Canisters, radomes, or similar antenna concealment enclosures shall be flush-mounted (without vertical separation) to the top of the pole located above the point of attachment of the mast arm or horizontally mounted luminaire, but shall not extend vertically above the height of the street light standard by more than three (3) feet. The canister, radome or similar antenna concealment enclosure shall be designed and camouflaged to appear as an integral part of the existing pole to which it is attached. If the diameter of an antenna concealment enclosure is greater than the diameter of the top end of the pole, the antenna concealment enclosure must be tapered in a manner consistent with style of the subject pole. Antennas shall not be mounted to the mast arm of the street light standard.
- (iv) Maximum Size of Antennas. The diameter of the canister, radome or similar antenna concealment enclosure shall not exceed the diameter of the existing pole at its mid-point.
- (v) Accessory Equipment; Equipment Cabinets. Cable and conduit shall be located inside the pole and not attached to the exterior. All accessory equipment, other than antenna concealment enclosures, cables, conduit, and power meters and switches (and similar equipment installed by an electric utility), shall be located in equipment cabinets or smaller equipment enclosures. Equipment cabinets and enclosures shall be flush-mounted to the side of the street light standard. The height (length) and depth of a pole-mounted equipment cabinet/enclosure shall not exceed 24-48 inches and 10 inches, respectively, and the width and depth of a pole-mounted equipment cabinet/enclosure shall not exceed the minimum width (diameter) of the pole at the location of attachment by more than fifty (50) percent. The volume of all pole-mounted equipment cabinets/enclosures and accessory equipment located on the street light and, to the extent permitted under Subsection 2.8.10(E)(4), ground-mounted equipment cabinets/enclosures associated with the wireless transmission equipment located on the street light standard, including pre-existing wireless transmission accessory equipment located on or associated with the street light standard, shall not exceed six-seventeen (176) cubic feet. To the extent ground-mounted equipment cabinets/enclosures are permitted in accordance with Subsection 2.8.10(E)(4) hereof, the volume of all pole-mounted and ground-mounted equipment cabinets/enclosures associated with wireless transmission equipment located on the street light standard, including pre-existing wireless transmission equipment located on the street light standard, shall not exceed seventeen (17) cubic feet.

3. Additional Regulations and Design Standards for Concealed Attached WTF's Mounted to Traffic Signal Poles

- a. General Location Standards. A wireless telecommunications facility may only be mounted on a traffic signal pole with sufficient space to accommodate the associated wireless transmission equipment, as reasonably determined by the Director of Public Works, based on the existing or planned use of the traffic signal pole, including the location of equipment used by the City (or GDOT) for traffic control, transportation or similar public purposes. A

wireless telecommunications facility shall not be mounted on a traffic signal pole when, in the reasonable opinion of the City (or, if applicable, GDOT), it is determined that the proposed wireless transmission equipment, including its proposed location or manner of attachment, would not comply with the requirements set forth in subparagraph (b) below. Further, due to the finite amount of traffic signal poles available for attachment, applications will be denied when approval of same would effectively grant the applicant an exclusive license or right to placements on traffic signal poles within certain corridors or areas of the City.

- b. Interference with Operation and Maintenance of Traffic Signals and Other Devices. The placement of wireless transmission equipment on a traffic signal pole shall not obstruct, interfere with, impair or impede the use, operation or maintenance of the traffic signal pole or any equipment used by the City (or GDOT) for traffic control, transportation or other governmental purposes, whether or not such equipment is mounted on the subject traffic signal pole, including, but not limited to, any equipment or devices used for or as part of any intelligent transportation system (ITS), dedicated short range communications (DSRC) system, vehicle detection system, video detection system, CCTV system, or transportation management system or any elements of any transportation communications network. Wireless transmission equipment attached to a traffic signal pole shall not obstruct, materially interfere with or adversely affect the safe and efficient maintenance, repair or installation of any infrastructure or equipment used by the City (or GDOT) for traffic control, transportation or other governmental purposes, or otherwise compromise safety of workers maintaining, repairing or installing such infrastructure or equipment.
- c. Other Prohibited Attachments.

 - (i) Decorative Poles. No WTF may be attached to a traffic signal pole with a post-top luminaire or other decorative pole (decorative traffic signal pole).
 - (ii) Mast Arm. No wireless transmission equipment may be attached to the mast arm of a traffic signal pole.
 - (iii) Conflicting Future Use. No wireless transmission equipment may be attached to any space on the traffic signal pole needed or required by the City (or GDOT) for the future expansion or placement of equipment used for traffic control, traffic management, traffic monitoring, transportation or similar public purposes.
- d. Rights Retained by City. The City's approval of an attached WTF mounted to a traffic signal pole shall not limit the City's right to operate and maintain the traffic signal pole in the manner that best enables the functioning of the traffic signals or other transportation equipment located thereon, or otherwise prevent or limit the City's authority to perform any act necessary, proper or incidental to the safe and efficient operation of the transportation system in the City. Notwithstanding any other provision hereof to the contrary, the City's approval of the attachment of wireless transmission equipment on a traffic signal pole shall not be deemed to constitute a waiver or estoppel of its right to order the removal or relocation of such wireless transmission equipment as further provided herein.
- e. Minimum Height Location of Equipment Cabinets/Accessory Equipment. Pole-mounted equipment cabinets/shrouds or radio units shall be mounted on the traffic signal pole at a height of ten (10) feet or more above grade.
- f. Design Standards and Concealment Elements.

 - (i) General Concealment Measures. Antenna(s) and pole-mounted accessory equipment shall be designed, camouflaged, screened and obscured from view in order to render the attached WTF as visually inconspicuous as possible. Such antenna(s) and accessory equipment shall be painted, textured, and designed in a manner consistent with the traffic signal pole's style, color, texture and materials and otherwise camouflaged and designed to blend in with the traffic signal pole in order to render the attached WTF as visually inconspicuous as possible, such that the attached WTF is

not readily identifiable or plainly visible from public rights-of-way. Antennas shall be concealed or screened by means of canisters, radomes, shrouds or other similar concealment enclosures, which shall be flush-mounted to the top of the traffic signal pole and painted, textured, and designed in a manner consistent with the street light pole's style, color, texture and materials and otherwise camouflaged and designed to blend in with the existing street light.

- (ii) Type of Antennas. Only antenna enclosed within a canister, radome, shroud or other similar antenna concealment enclosure may be mounted to a street light. No more than one (1) antenna concealment enclosure may be attached to a street light standard.
- (iii) Mounting of Antennas. Canisters, radomes, or similar antenna concealment enclosures shall be flush-mounted (without vertical separation) to the top of the pole, but shall not extend vertically above the height of the traffic signal pole by more than three (3) feet. The canister, radome or similar antenna concealment enclosure shall be designed and camouflaged to appear as an integral part of the existing pole to which it is attached. If the diameter of an antenna concealment enclosure is greater than the diameter of the top end of the pole, the antenna concealment enclosure must be tapered in a manner consistent with style of the subject pole. Antennas shall not be mounted to the mast arm of the street light.
- (iv) Maximum Size of Antennas. The diameter of the canister, radome or similar antenna concealment enclosure shall not exceed the diameter of the existing pole at its mid-point.
- (v) Accessory Equipment; Equipment Cabinets. Cable and conduit shall be located inside the pole and not attached to the exterior. All accessory equipment, other than antenna concealment enclosures, cables, conduit, and power meters and switches (and similar equipment installed by an electric utility), shall be located in equipment cabinets or smaller equipment enclosures. Equipment cabinets and enclosures shall be flush-mounted to the side of the street light standard. The height (length) of a pole-mounted equipment cabinet/enclosure shall not exceed 48 inches, and the width and depth of a pole-mounted equipment cabinet/enclosure shall not exceed the minimum width (diameter) of the pole at the location of attachment by more than fifty (50) percent. The volume of all pole-mounted equipment cabinets/enclosures and accessory equipment located on the street light and, to the extent permitted under Subsection 2.8.10(E)(4), ground-mounted equipment cabinets/enclosures associated with the wireless transmission equipment located on the street light, including pre-existing accessory equipment located on or associated with the street light, shall not exceed seventeen (17) cubic feet.

34. Additional Regulations and Design Standards for Faux Streetlight Facilities.

- a. Purpose and Intent. The following regulations, standards and guidelines for the placement of faux streetlight facilities attempt to cover the large majority of situations which will occur and are general in application, particularly in regard to the location of new faux streetlight facilities in the public right-of-way. There may be instances where a proposed installation of a faux streetlight facility appears to meet the requirements set forth herein, but ~~special circumstances,~~ other prescribed considerations, or ~~other~~ regulations may make the installation inappropriate. Each requested location for placement of a faux streetlight facility is subject to the approval of the City Engineer/Public Works Director and shall be reviewed by the City Engineer/Public Works Director on its own merit with regard to the policies and purposes of this Section 2.8.10, including, but not limited to, its impact on safety, visual quality of the public right-of-way, and the difficulty of safe operation, maintenance or construction of the public right-of-way or improvements thereto and public utilities ~~construction and maintenance~~.
- b. Location Standards and Guidelines.

- (i) A faux streetlight facility may only be installed in the public right-of-way when the location has been reviewed and approved by the City Engineer/Public Works Director. In determining whether the location is appropriate, the City Engineer/Public Works Director shall review the proposed location for compliance with the foregoing general standards, the additional standards and requirement set forth below, and such other applicable City, state and federal laws, codes, ordinances, regulations and policies, and further give due consideration to such other factors relevant to the protection of the public health, safety, and welfare in the use and regulation of the public rights-of-way.
 - (ii) In addition to the standards set forth herein, the location of faux streetlight facilities, including required spacing and separation from existing or planned street lights, shall comply with all other design standards and guidelines related to street lights required by other applicable City or State laws, ordinances, codes or regulations, including design standards and guidelines that are applicable due to the proposed location lying within certain areas and corridors of the City (e.g., Design Review Board Guidelines, the Downtown Code, and the Northpoint Activity Center Design Guidelines). The spacing and separation of the faux streetlight facility from other existing or planned street lights shall be consistent and visually compatible with the existing and planned spacing of street lights located on the same side of the right-of-way; provided, however, ~~such visual~~ compatibility may further or alternatively require that ~~the location of the faux streetlight facility be opposite of or staggered~~ located in a manner consistent with the spacing and separation of existing or planned street lights located on the other side of the public right-of-way, ~~when applicable such as requiring that the faux streetlight facility be located so as to be staggered with or opposite of street lights located on the other side of the right-of-way.~~ When appropriate, ~~due to the separation of existing street lights, faux street light facilities should be~~ and the locations of any planned street lights, new faux streetlight facilities should generally be located midway between existing/planned street lights existing street trees located on the same side of the right-of-way when such street trees are aligned generally with existing street lights in other areas of the subject corridor on the same side of the right-of-way. Faux streetlight facilities shall be located so as to align with existing and/or planned street lights and street trees in the surrounding areas of the public right-of-way and have consistent setback distances from the curb as other street lights.
 - (iii) In the event appropriate spacing and separation distances cannot be met, the applicant may include with its application a proposal to replace an existing street light fixture with a faux streetlight facility of the same with a substantially similar design. A proposal to replace an existing street light fixture with a faux streetlight facility shall be subject to the approval of the City Council.
- c. Height of Faux Streetlight Facility. The height of the faux streetlight facility shall comply with height requirements set forth in other applicable City regulations, policies and guidelines, including City design standards and guidelines applicable to the proposed location within the City, and/or ~~shall be equivalent to be consistent with~~ the height of the adjacent existing street lights that it is designed to replicate.
 - d. Lighting, Operability and Maintenance. The faux streetlight facility shall function as a street light facility and comply with all City requirements applicable thereto, including, but not limited to, the lighting fixture must comply with all lighting and illumination standards required pursuant to other City laws, codes, regulations and policies. Further, the faux streetlight facility must be separately metered for electric power to its wireless transmission equipment and the lighting fixture. The applicant shall be responsible for all maintenance to and operations of the faux streetlight facility, including the operation, replacement and repair of the lighting fixture.
 - e. Design Standards and Concealment Elements.

- (i) Full Concealment. The faux streetlight facility shall be designed (i) in compliance with City design requirements and standards applicable to new street light fixtures generally and as further prescribed for the subject area of the right-of-way, (ii) in compliance with the specifications of street light fixtures that are planned for installation in the subject area of the right-of-way, and/or (iii) to replicate the design of existing street light fixtures in the surrounding area of the public right-of-way, such that the faux streetlight facility is indistinguishable by a casual observer from the existing, planned or other street light fixture(s) that it replicates. The size, shape, height, design, style, color, texture and materials of all components of the faux streetlight facility shall match the existing, planned or other street light fixture(s) that it replicates, and all wireless transmission equipment associated with the faux streetlight facility, other than any permitted ground-mounted equipment cabinet or electric meter, shall be concealed within the pole or post of the structure or otherwise designed and incorporated as a design element of the required style of street light fixture. When the faux streetlight facility is a replacement of an existing street light, the faux streetlight facility shall be designed to fully replicate the street light feature being replaced.
- (ii) Antennas. Antenna(s) shall be enclosed within a canister, radome, shroud or other similar antenna concealment enclosure designed to replicate a design element and to appear to be an integral part of the subject style of street light fixture, such that the antenna and concealment enclosure are indistinguishable from the related feature or design element of the street light fixture(s) that the faux streetlight facility is designed to replicate.
- (iii) Ground-Mounted Equipment Cabinets. The placement of ground-mounted equipment cabinets is subject to Subsection 2.8.10(E)(4) hereof.

f. Special Provisions Applicable to Residential Areas. The additional regulations set forth in this subparagraph (f) apply to any faux streetlight facility located in any portion of the public right-of-way adjacent to the front lot line (and if a corner lot, any side lot line with street frontage) of a property with a "for-sale" dwelling use:

- (i) Location. The faux streetlight facility shall be located as close as reasonably possible to the side lot line of a property with a "for-sale" dwelling use, if extended, but in no event more than ten (10) feet from such side lot line.
- (ii) Subdivisions with no existing street lights. When there are no existing street lights located within the right-of-way of a subdivision street, the faux streetlight facility shall be designed as a pedestrian light with a post-top luminaire unless otherwise expressly provided any design standard or guideline required by any other applicable City or State law, ordinance, code or regulation.

5. Additional Regulations and Design Standards for Concealed Unipoles.

- a. General. The installation of a concealed unipole in the public right-of-way will be permitted only when (i) the applicant sufficiently demonstrates that (a) no existing utility poles, street lights, or traffic signal poles are available for attachment and (b) the placement of a faux streetlight facility is impracticable or technically infeasible, and (ii) the concealed unipole is compatible and not out of character with the subject corridor right-of-way and the surrounding area based on its compliance with the standards and guidelines provided herein. The following regulations, standards and guidelines for the placement of concealed unipoles attempt to cover the large majority of situations which will occur and are general in application, particularly in regard to the location of such facilities in the public right-of-way. There may be instances where a proposed installation of a concealed unipole appears to meet the requirements set forth herein, but other prescribed considerations or regulations may make the installation inappropriate. Each requested location for placement of a faux

streetlight facility is subject to the approval of the City Engineer/Public Works Director and shall be reviewed by the City Engineer/Public Works Director on its own merit with regard to the policies and purposes of this Section 2.8.10, including, but not limited to, its impact on safety, visual quality of the public right-of-way, and the safe operation, maintenance or construction of the public right-of-way or improvements thereto and public utilities.

- b. Height. The height of a concealed unipole shall be visually compatible with other structures in the area and shall not exceed the height of other utility poles or street lights located within 500 feet of same by more than ten (10) feet or twenty percent (20%), whichever is less.
- c. Design Standards and Concealment Elements. Concealed unipoles shall be painted, textured, and designed in a manner consistent with the style, color, texture and materials of street light poles or similar, non-wooden poles in the surrounding area so as to not be readily apparent to a casual observer. In addition, the City may require the applicant to install a decorative or integrated pole designed to conceal the equipment.
- d. Location. Where a concealed unipole is designed in a manner consistent with street light poles in the surrounding area, the concealed unipole pole shall be located in the same manner as faux streetlight facilities pursuant to Subsection 2.8.10(F)(4)(b)(ii); provided, however, a concealed unipole may be placed at the midpoint lying of such spacing where same is more compatible with the existing conditions of the subject area.

G. *General Conditions.*

- 1. A WTF right-of-way placement permit issued by the City is a mere privilege that authorizes the permissive use of the public right-of-way for the placement and maintenance of the WTF only. The issuance of a WTF right-of-way placement permit and the placement of such facility in accordance therewith does not create or vest any property right in the applicant, or any other party, or grant authority to impinge upon the rights of others who may have an interest in the public rights-of-way.
- 2. Other Government Approvals. An applicant shall be required to obtain any and all approvals that may be required by any state or federal governmental unit, department or agency related to the use of right-of-way under its jurisdiction.
- 3. Conditional Use of Public Right-of-Way.
 - a. The City shall retain the right, without limitation, to alter, change, or cause to be changed, the grading, installation, relocation or width of the public rights-of-way within the limits of the City. Neither the approval of WTF right-of-way placement permit nor any provision set forth in this Section 2.8.10 shall affect the City's authority to add, modify, vacate or abandon public rights-of-way.
 - b. If a registrant desires to use any of its wireless telecommunications facilities for the purpose of providing any other services other than the provision of communications service, including utility or non-utility services to existing or potential consumers or resellers, or by providing any other use to existing or potential consumers, a registrant shall seek such additional and separate authorization from the City and other governmental or regulatory authorities as may be required by applicable law.
 - c. A registrant, or any person that leases or otherwise uses the wireless telecommunications facilities of a registrant, that has been issued a WTF right-of-way placement permit or that has otherwise been authorized to place a WTF in the public rights-of-way of the City shall not make or assert any claim, right, or cause of action or take any other action against the City that will impede the lawful exercise of the City's rights, including requiring the removal or relocation of such facilities from the public rights-of-way of the City, notwithstanding the effect of same on registrant's ability to place or maintain wireless telecommunications facilities in public rights-of-way of the City.

4. Removal and Relocation. Notwithstanding the issuance of a WTF right-of-way placement permit, the City shall have the authority to order the removal and/or relocation of a WTF located in the public right-of-way that in the reasonable opinion of the City constitutes an obstruction or interference with the construction, maintenance, use, or safe operation of the roadway. Any registrant owning a wireless telecommunications facility located within public right-of-way which is within or adjacent to any part of the public right-of-way or public road which the City or Georgia Department of Transportation (GDOT) has undertaken to improve or intends to improve shall, at registrant's sole cost and expense, remove, relocate, or make the necessary adjustments to its wireless telecommunications facility when, in the reasonable opinion of the City or GDOT, the facility constitutes an obstruction or interference with the use or safe operation of such road by the traveling public or when, in the reasonable opinion of the City or GDOT, the facility will interfere with such contemplated construction or maintenance. Removal or relocation of a wireless telecommunication facility at the direction of the City or GDOT shall be subject to and governed by the applicable provisions of O.C.G.A. §§ 32-4-92, 32-6-171 and 32-6-173, as amended, which shall include the provision of a minimum of sixty (60) days' notice of the required removal or relocation.
5. All Rights of City Reserved. Notwithstanding any provision of this Section 2.8.10 or the City's issuance of a permit or other authorization to place a WTF in the public right-of-way, the City may place and maintain, grant utility easements for, or otherwise permit the placement and maintenance of other utilities in the public rights-of-way, including, water, sewer, electric, gas, storm drainage, telecommunications, traffic, and other utilities and facilities, cables or conduit, including underground and overhead installations, in public rights-of-way occupied by the registrant. Registrant may allow City facilities to be co-located within City's public rights-of-way through the use of a joint trench during registrant's construction project. Such joint trench projects shall be negotiated in good faith by separate agreement between registrant and City and may be subjected to other City rights-of-way requirements. The City further reserves without limitation the right to alter, change, or cause to be changed, the grading, installation, relocation or width of the public rights-of-way within the City.
6. Restoration of ROW. The area disturbed by the construction or maintenance of a WTF in the public right-of-way shall be kept to a minimum. The registrant shall, at its own expense, restore all right-of-way to a condition equal to or better than the condition existing prior to such construction or maintenance activities. Restoration methods and any work required to repair the right-of-way shall be performed in accordance with City Design Standards or other City-adopted standards and specifications applicable to the construction of City improvements within the public right-of-way. In the absence of any City standards and specifications applicable to the subject work or improvement(s), the materials and methods of construction shall be in accordance with GDOT's current standards and specifications, including GDOT Standard and Supplemental Specifications and/or Special Provisions, and Construction Standards and Details. All repairs and restoration work must be approved by the Director of Engineering/Public Works and final completion of any such work is subject to the reasonable approval of the Director of Engineering/Public Works. If necessary, unsatisfactory restoration work shall be corrected by the registrant, or by the City with all costs billed to the registrant.
7. Registrant shall at all times keep the wireless telecommunications facility authorized by the WTF right-of-way placement permit in a good state of repair from the standpoint of both structure and appearance.
8. Compliance with Applicable Law; Acceptable Industry Practices. Registrant shall place and maintain a wireless telecommunications facility in public rights-of-way in compliance with all applicable standards as established by all local, state or federal law and in conformance with the City ordinances, codes and regulations. All safety practices required by applicable City, local, state and federal law or accepted industry practices and standards shall be used during the placement or maintenance of wireless telecommunications facilities in the public right-of-way. Registrant shall use and exercise due caution, care and skill in performing work in the public rights-of-way and shall take all reasonable steps to safeguard work site areas. A

registrant shall maintain all of its WTF's located in the public rights-of-way in a manner consistent with accepted industry practice and applicable law.

9. Scheduling. In the interest of the public's health, safety and welfare, upon request of the City, a registrant shall coordinate placement or maintenance activities under a permit with any other work, construction, installation or repairs that may be occurring or scheduled to occur within a reasonable timeframe in the subject public rights-of-way. The City may require a registrant to alter reasonably its placement or maintenance schedule for permitted work as necessary so as to minimize disruptions and disturbance in the public rights-of-way. The City may provide a more definite time frame based on specific City construction or maintenance schedules.
10. Registrant's Liability and Risk. City makes no warranties or representations regarding the fitness, suitability or availability of public rights-of-way for the registrant's wireless telecommunications facilities and any performance of work or costs incurred by registrant or provision of services shall be at registrant's sole risk. Nothing in this article shall affect the City's authority to add, vacate or abandon public rights-of-way and City makes no warranties or representations regarding the availability of any added, vacated or abandoned public rights-of-way for wireless telecommunications facilities. Notwithstanding any requirements or conditions the City Engineer may impose in order to protect the public from injury and the right-of-way from damage, a registrant shall be solely responsible for the adequacy and safety of the engineering of its facilities and the operations authorized by the permit. Construction performed to place or maintain a registrant's wireless telecommunications facilities shall not interfere, displace, damage or destroy any other utilities or facilities, including but not limited to, sewers, gas or water mains, storm drains, pipes, cables or conduits of the City or any other person's facilities lawfully occupying the public rights-of-way of the City.
11. Inspection. The City shall have the right to make such inspections of facilities placed or maintained in public rights-of-way as it finds necessary to ensure compliance with this Section. In the event the City determines that a violation exists with respect to registrant's placement or maintenance of facilities in the public rights-of-way that is not considered to be an emergency or danger to the public health, safety or welfare, the City will provide registrant written notice setting forth the violation and requesting correction.
12. As-Builts Plans. An application for a WTF right-of-way placement permit, including an application to replace an existing WTF in the public right-of-way, shall include plans showing the location of the proposed installation of facilities in the public rights-of-way. If the plans so provided require revision based upon actual installation, the registrant shall promptly provide revised plans. Further, the registrant shall provide "as-builts" upon completion of any installation or construction. The plans shall be in a digitized format showing the two-dimensional location of the facilities based on the City's geographical database, or other format acceptable to the City. The registrant shall provide such plans at no cost to the City.
13. Cooperation. Subject to applicable law, a registrant shall, on the request of any person holding a permit issued by the City, temporarily support, protect, raise or lower its wireless telecommunications facilities to permit the work authorized by the permit. The expense of such temporary support, protection, raising or lowering of facilities shall be paid by the person requesting the same, and the registrant shall have the authority to require such payment in advance. The registrant shall be given not less than thirty (30) days advance written notice to arrange for such temporary measures. If the City requests the temporary support, protection, raising or lowering of a facility for a public purpose, the City shall not be charged for the temporary support, protection, raising or lowering of the facility.
14. Due Compensation. A registrant that places or maintains wireless telecommunications facilities in the public rights-of-way shall be required to pay "due compensation" to the City as required by applicable City and State laws, ordinances and regulations.
15. Terms and Conditions of Permit. Registrant, in accepting the permit, agrees to abide by the terms and conditions thereof. The placement of the WTF must fully comply with this Section 2.8.10, and any other requirements that the Director of Engineering/Public Works may stipulate.

Registrant shall review the permit for additional requirements and, if not in agreement, may withdraw the permit application by written request prior to the placement of the WTF covered by the permit. The registrant, in accepting the permit, agrees to abide by the terms and conditions thereof. Failure to comply with terms of the permit during the installation, operation and maintenance of the WTF may result in revocation of the permit and removal of the WTF.

16. Insurance. A registrant shall, at registrant's own expense, obtain and continuously maintain for the period of time required for the complete installation of the facilities authorized by the permit, including the repair and restoration of the public right-of-way, and also during such future periods of time when operations are performed involving the maintenance, repair, relocation, or removal of said facilities authorized by the permit, insurance of the kind and in the minimum amounts described herein. Prior to placing a WTF in the public right-of-way or otherwise performing any work in the public right-of-way, registrant shall furnish the City with certificates of insurance, which shall [provide] insurance limits, term of insurance, insured parties, and other information sufficient to demonstrate conformance with the requirements provided herein. All insurance coverages required herein shall be procured and maintained with insurers with an A- or better rating as determined by Best's Key Rating Guide and with a financial size rating of Class V or larger. All liability policies shall be endorsed to name the City, and its elected officials, officers, employees and agents as additional insured parties. The required coverages must be evidenced by properly executed certificates of insurance forms. Every policy of insurance shall provide that the City will receive notice no less than thirty (30) calendar days prior to any cancellation, termination, or a material change in such policy. Registrant shall ensure that any and all policies of insurance procured hereunder shall provide for a waiver of subrogation against the City, and registrant waives any claim against the City which is covered by its insurance hereunder. No policy of insurance shall contain any exclusion for bodily injury or property damage arising from completed operations. The minimum required insurance coverages and respective limits of coverage are as follows:
 - a. Worker's compensation insurance in accordance with statutory limits and covering all employees and other persons as established and required by Georgia law. A group-insurer must submit a certificate of authority from the Insurance Commissioner approving the group insurance plan. A self-insurer must submit a certificate from the Georgia Board of Workers' Compensation stating that the registrant qualifies to pay its own workers' compensation claims. Registrant shall require all contractors using the public right-of-way or performing work under the permit to obtain an insurance certificate showing proof of workers' compensation insurance, and registrant shall submit a certificate on its letterhead to the City providing that all contractors performing work in the public right-of-way are covered by workers' compensation insurance.
 - b. Employers' liability insurance with minimum limits of (a) One Million Dollars (\$1,000,000) per accident for bodily injury by accident and (b) One Million Dollars (\$1,000,000) per employee for bodily injury by disease. Registrant shall require all contractors using the public right-of-way or performing work under the permit to obtain an insurance certificate showing proof of employers' liability insurance coverage and shall submit a certificate on its letterhead to the City providing that all contractors performing work in the public right-of-way are covered by employers' liability insurance.
 - c. Comprehensive general liability insurance with minimum combined single limits of One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) in the aggregate which shall include coverage for bodily injury, broad form property damage (including completed operations coverage), personal injury (including coverage for contractual and employee acts), blanket contractual, independent contractors, products, and completed operations. Further, the policy shall be endorsed to provide "all risks" coverage. The policy shall contain a severability of interests provision. Coverage shall be provided on an "occurrence" basis as opposed to a "claims made" basis and must include separate aggregates for each permit.

- d. Comprehensive Automobile Liability insurance with minimum combined single limits for bodily injury of not less than One Million Dollars (\$1,000,000) per occurrence and property damage of not less than One Hundred Thousand Dollars (\$100,000) per occurrence with respect to each of registrant's or its contractor's owned, hired and non-owned vehicles assigned to or used to place or maintain facilities in the public right-of-way.
 - e. Umbrella/excess liability insurance with minimum combined single limits of Two Million Dollars (\$2,000,000) per occurrence and Four Million Dollars (\$4,000,000) in the aggregate. Such policy shall provide the same coverage set forth in the Comprehensive General Liability insurance policy, and coverage shall be provided on an "occurrence" basis. Such insurance shall be endorsed to name the City, and its elected officials, officers, employees and agents as additional insured parties.
17. Indemnification. A registrant shall indemnify and hold harmless the City, its elected officials, officers, agents and employees, from and against any and all claims, demands, losses, liabilities, suits, actions, costs, expenses (including expenses of litigation and attorneys' fees) and damages ("Claims") of any type or nature, arising out of the construction, installation, maintenance, repair, removal, relocation, operation, or use of its wireless telecommunications facilities in public rights-of-way, regardless of whether the act or omission complained of is authorized, allowed or prohibited by this Section, provided, however, that a registrant's obligation hereunder shall not extend to any Claims caused by the sole negligence of the City. This indemnification extends to the successors and assigns of registrant and survives the termination or revocation of the permit and the dissolution or, to the extent allowed by law, the bankruptcy of the registrant. This indemnification does not extend beyond the scope of the permit and the uses or work undertaken thereunder.
18. Performance Bond. When necessary due to the estimated costs to repair and restore potential damages to infrastructure located in the right-of-way and/or the estimated costs to remove the WTF, or when warranted by unique circumstances related to the installation of the WTF, as reasonably determined by the City, a performance bond, irrevocable letter of credit, or other acceptable form of surety (as determined by the City) payable to, in favor of, and for the protection of the City shall be required as a condition of a WTF right-of-way placement permit. Such bond or surety shall secure the restoration of the public rights-of-way and ensure the registrant's faithful performance of the installation of the WTF and performance of other work in the public rights-of-way in accordance with the WTF right-of-way placement permit (or any related permit), this Section 2.8.10, or other applicable law, regulation or requirement of the City. The term of any such performance bond, irrevocable letter of credit, or other form of surety shall be for the period of time required to complete the installation of the facilities authorized by the WTF right-of-way placement permit and to restore the public right-of-way, and shall extend for an additional twelve (12) month period to cover any warranty/guarantee period related to the repair and restoration of any infrastructure located in the right-of-way. The amount of the performance bond, letter of credit, or other form of surety shall be limited to an engineering estimate of the costs to repair and restore potential infrastructure damages and remove the installation or facilities installed by registrant. The bond shall be written by a Surety Company or Bank duly qualified and licensed to do business in the State of Georgia. A registrant shall not commence the installation of any portion of a WTF authorized pursuant to a WTF right-of-way placement permit until the performance bond, letter of credit, or other acceptable surety has been submitted to and approved by the City. In the event the WTF installed by registrant fails to comply with the WTF right-of-way placement permit (or any related permit) or any provision of this Section 2.8.10, registrant fails to complete the installation of the WTF, or registrant fails to complete all restoration work in the public right-of-way as required, the City may declare registrant in default and, in accordance with the provisions of the bond or surety agreement, the City may call the bond/surety agreement, or any part thereof, and use the proceeds thereof to perform the work necessary to correct the subject condition. The rights of the City with respect to any performance bond or surety agreement pursuant to this subsection are in addition to all other rights and remedies the City may have in accordance with other City ordinances, codes or

regulations, or at law or in equity, and no action, proceeding or exercise of a right with respect to such bond/surety agreement will affect any other right the City may have.

19. Injury or Damage to Other Property. Nothing contained in this Section shall be construed to make or hold the City responsible or liable for any damage to persons or any property whatsoever arising from the use, operation or condition of the registrant's wireless telecommunications facilities; or by reason of any inspection or re-inspection authorized herein or failure to inspect or re-inspect. Nor shall the issuance of any permit or the approval or disapproval of any placement or maintenance of the registrant's wireless telecommunications facilities constitute any representation, guarantee or warranty of any kind by, nor create any liability upon, the City or any elected official, officer, agent or employee thereof. The City, including its elected officials, officers, agents and employees, shall not be held responsible or liable for any injury or damages that may occur to wireless telecommunications facilities covered by a WTF right-of-way placement permit, or to any connection or connections thereto, by reason of right-of-way maintenance and construction activities, including work performed by the City's employees or contractors, or as a result of work performed by another permittee.
20. Expiration. Unless otherwise provided in the terms and conditions of the permit, a WTF right-of-way placement permit shall expire twelve (12) months after its issuance if the placement of such facility has not occurred or work to place same has not commenced and been continuously pursued within such time. Subject to the foregoing, a WTF right-of-way placement permit shall be in effect for an indefinite period of time from and after the date approved, unless sooner suspended or revoked by the City, terminated by the registrant, or as otherwise provided by applicable law. A WTF right-of-way placement permit is automatically revoked upon the abandonment of the subject facility.

H. *Suspension or Revocation of WTF Right-of-Way Placement Permits.*

1. Failure of a registrant, within a reasonable time after receipt of written notice from the City, to comply with any of the terms and conditions of a WTF right-of-way placement permit shall be sufficient cause for the suspension or revocation of the permit. The Director of Engineering/Public Works or his/her designee may suspend or revoke a WTF right-of-way placement permit or any related permit authorizing a registrant to use or work in the public rights-of-way for one or more of the following:
 - a. Subject to written notice by the City and a reasonable opportunity to cure same, failure to comply with or satisfy permit conditions or any requirement or condition set forth in this Section 2.8.10 or other applicable City ordinances, codes or regulations governing placement or maintenance of wireless telecommunications facilities in public rights-of-way or the use of the public rights-of-way in relation thereto;
 - b. Misrepresentation or fraud by registrant in a registration or any permit application to the City;
 - c. Subject to O.C.G.A. § 46-5-1, failure to pay "due compensation" to the City; or
 - d. Failure to remove or relocate wireless telecommunications facilities or reimburse the City for the cost of same, as lawfully required.
 2. After the suspension or revocation of a permit pursuant to this section, the Director of Engineering/Public Works shall provide written notice of same and the reason therefor to the registrant.
- I. *Appeals.* Notwithstanding any other provision of the City Code or Unified Development Code to the contrary, (i) any decision or determination of the Director of Engineering/Public Works in the administration of this Section 2.8.10 or any interpretation of the provisions hereof, may only be appealed to the City Council, and (ii) no variances or exceptions to the requirements of this Section may be granted. The decisions of the Director of Engineering/Public Works, including any decision to deny, suspend or revoke a WTF right-of-way placement permit, are final and conclusive unless appealed to the City Council. An appeal must be filed with the City within thirty (30) days of the date of the written notice of the decision being appealed. The hearing of the appeal shall occur within

thirty (30) days of the receipt of the appeal, and the appeal shall be heard and decided in accordance with procedures to be published in writing by the City, which at a minimum shall include notice to all affected parties and the opportunity to be heard. The decision of the City Council shall be final.

- J. *Transfer or Control; Sale or Assignment of Assets.* If a registrant transfers, sells or assigns its registration, transfers, sells or assigns any of its WTF's in the public rights-of-way to another telephone company, or upon the occurrence of any such transfer or assignment as an incident of the transfer, sale or assignment of the registrant's assets, the transferee, buyer or assignee shall be obligated to comply with the terms of this Section. Written notice of any such transfer, sale or assignment shall be provided to the City within thirty (30) days of the effective date of the transfer, sale or assignment. If the transferee, buyer or assignee is a current registrant, then the transferee, buyer or assignee is not required to re-register. If the transferee, buyer or assignee is not a current registrant, then the transferee, buyer or assignee shall register as provided in Ch. 12 of the City Code within sixty (60) days of the transfer, sale or assignment. If permit applications are pending in the registrant's name, the transferee, buyer or assignee shall notify the appropriate City officials that the transferee, buyer or assignee is the new applicant. A WTF right-of-way placement permit, the privileges granted, and the further obligations of a registrant created thereby, shall be binding upon all successor and assigns of registrant. Any mortgage, pledge, lease or other encumbrance of or upon the wireless telecommunications facilities shall be subject and subordinate to the rights of the City under this Section and applicable law.
- K. *Enforcement.* The City Director of Engineering/Public Works shall be responsible for the administration and enforcement of this Section 2.8.10, and is authorized to give any notice required by law. The remedies and penalties set forth herein are nonexclusive and the exercise of one or more of such remedies or penalties shall not preclude the exercise of another. In addition to the other remedies previously set forth herein, violations of the provisions of this Section shall be enforced, prosecuted and punished in the same manner as set forth in Section 5.9 the Unified Development Code. Additionally, the City may take all necessary civil action to enforce the provisions hereof and may seek appropriate legal or equitable remedies or relief, including injunctive relief. The remedies set forth for in this Section are in addition to and cumulative of all other remedies provided by law.
- L. *Abandonment of WTF.* Upon abandonment of a wireless telecommunications facility owned by a registrant and located in the public right-of-way, the registrant shall notify the City of such abandonment within ninety (90) days. In the event of the foregoing or following the City's determination that any such wireless telecommunication facility has been abandoned, the City may direct the registrant by written notice to remove all or any portion of such abandoned wireless telecommunications facility at the registrant's sole expense when the City determines that the abandoned facility's presence interferes with the public health, safety or welfare, which shall include, but shall not be limited to, a determination that such facility:
1. Compromises safety at any time for any public rights-of-way user or during construction or maintenance in the public rights-of-way;
 2. Prevents another person from locating facilities in the area of public rights-of-way where the abandoned facility is located when other alternative locations are not reasonably available; or
 3. Creates a maintenance condition that is disruptive to the public rights-of-way's use.

In the event of circumstances noted above in 2., the City may require the third person to coordinate with the registrant that owns the existing wireless telecommunications facility for joint removal and placement, where agreed to by the registrant. In the event the City does not direct the removal of the abandoned wireless telecommunications facility, the registrant, by its notice of abandonment to the City shall be deemed to consent to the alteration or removal of all or any portion of the facility by the City or a third party. If the registrant fails to remove all or any portion of an abandoned wireless telecommunications facility as directed by the City within a reasonable time period as may be required by the City under the circumstances, the City may perform such removal and charge the cost of the removal against the registrant or any such third person may perform such removal at its sole costs.

M. *Applicability and Effective Date.* The City may further amend this Section 2.8.10 as it shall find necessary in the lawful exercise of its police powers and in the management of the public rights-of-way. The provisions hereof shall be applicable to all wireless telecommunications facilities placed in the public rights-of-way on or after the effective date of the ordinance adopting or amending these provisions, as applicable. Further, to the full extent permitted by state and federal law, the provisions hereof shall be applicable to all existing wireless telecommunications facilities placed in the public rights-of-way prior to the effective date of the ordinance adopting or amending these provisions, as applicable, except that any provision of this article regarding the design, size, composition, or location of wireless telecommunications facilities shall not apply to any facilities lawfully placed within any City right-of-way prior to the effective date of the ordinance from which such provision is derived.

([Ord. No. 715](#), § 6(Exh. A), 9-28-2015)

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AMEND CHAPTER 20, ARTICLE I, SECTION 20-8 OF THE CODE OF THE CITY OF ALPHARETTA, GEORGIA, TO ADD AN EXCEPTION TO THE PROHIBITIONS ON OUTSIDE BURNING; TO ADD STANDARDS FOR RECREATIONAL FIRE PITS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

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

WHEREAS, Chapter 20 (Fire Prevention and Protection) of The Code of the City of Alpharetta, Georgia provides regulations for governing outside burning within the City; and

WHEREAS, the City Council desires to amend Chapter 20, Article I, Section 20-8 of The Code of the City of Alpharetta, Georgia in order to add an additional exception and to establish standards for recreational fire pits.

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

Section 1. Chapter 20, Article I, Section 20-8 of The Code of the City of Alpharetta, Georgia (the "Code") is hereby amended by adding the following to paragraph (b):

"(6) Fires in recreational fire pits, as defined in the Unified Development Code (the "UDC") and subject to the size and location requirements contained in the UDC. Such fires are not required to be approved in advance by the Public Safety Department and are not limited to cooking purposes. Fires in fire pits must be attended at all times, and smoke from a fire pit that creates a nuisance is prohibited. For the purposes of this section only, nuisance is defined as smoke that enters a neighboring home with windows and doors closed. If the Public Safety Department receives complaints from more than one neighboring household within a twenty-four (24) hour period, an officer shall respond and inspect, and make a reasonable determination based upon the nuisance standard in this section

as to whether a fire should be extinguished and whether a warning or citation should be issued."

Section 2. It is the intention of the City Council and it is hereby ordained by the authority of the City Council that the provisions of this Ordinance shall become and be made a part of the Code of the City of Alpharetta, Georgia and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.

Section 3. If any section, subsection, provision, 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 become effective immediately upon adoption.

Section 5. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

CITY OF ALPHARETTA, GEORGIA

By: _____
Jim Gilvin, Mayor

[SIGNATURES CONTINUED ON FOLLOWING PAGE]

[SIGNATURES CONTINUED FROM PREVIOUS PAGE OF
ORDINANCE AMENDING CHAPTER 20, ARTICLE I, SECTION 20-8
OF THE CODE OF THE CITY OF ALPHARETTA, GEORGIA]

COUNCIL MEMBERS

Jason Binder

Ben Burnett

John Hipes

Dan Merkel

Donald Mitchell

Karen Richard

(SEAL)

Attest:

Coty Thigpen, City Clerk

First Reading_____

Second Reading_____

Adopted_____

3010438



City Council Meeting and Public Hearing STAFF REPORT

Submitting Department: Public Works

Submitted By:

Meeting Date: November 12, 2018

I. AGENDA ITEM TITLE: GDOT LOCAL BRIDGE REPLACEMENT PROGRAM

II. RECOMMENDATION:

Please permit staff to submit a letter of interest to the Georgia Department of Transportation for consideration of replacement of a vehicular bridge on Waters Road through GDOT's Local Bridge Replacement Program and have the Mayor authorize any necessary documents.

III. REPORT IN BRIEF:

Georgia Department of Transportation has approached the City inquiring our interest in GDOT's Local Bridge Replacement Program. Specifically speaking, the bridge replacement under consideration is Waters Road Bridge over Long Indian Creek. The program consists of utilizing federal, state, and local funding to accomplish the project.

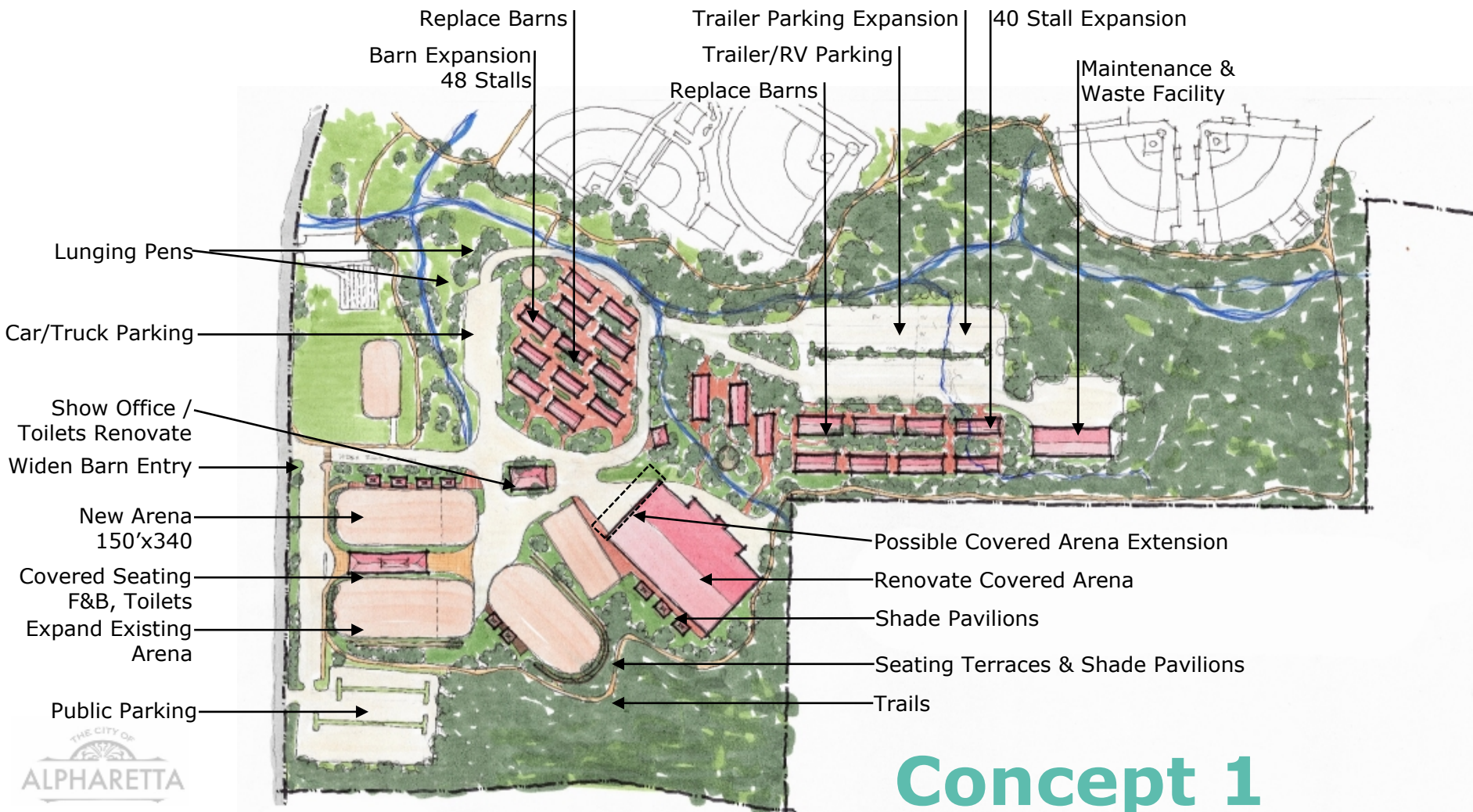
The City would be responsible for obtaining right-of-way as well as legal fees associated with the acquisition. Previous projects GDOT has worked on estimates the City's expense to be approximately \$100,000-\$150,000. The approximate cost of the bridge replacement, design and construction is over \$1.5M.

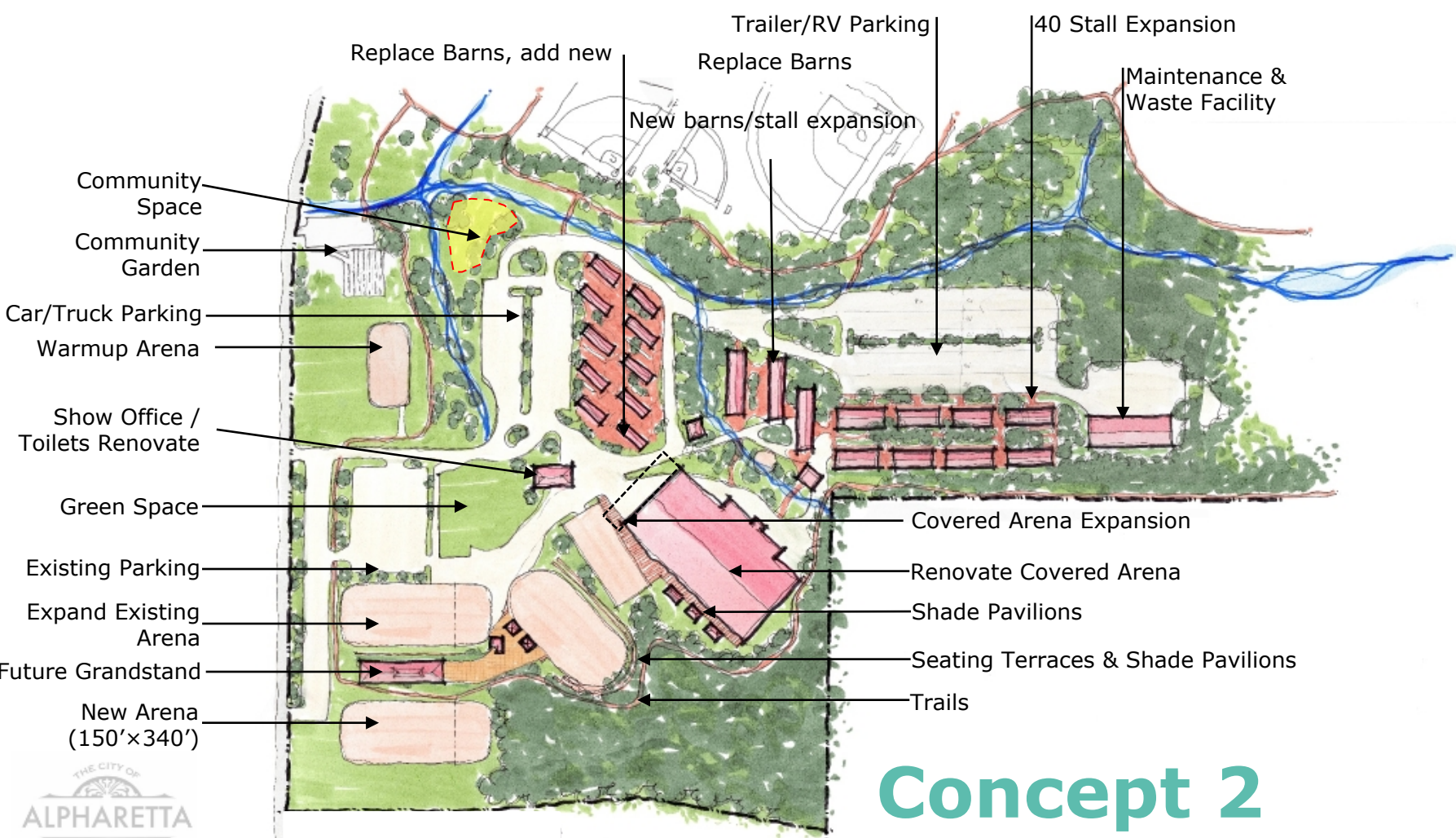
Public Works is requesting Council permission to move forward with submitting a letter to GDOT stating we are interested in participating in GDOT's Local Bridge Replacement Program. Upon receiving the letter, GDOT will develop a preliminary ROW estimate through the use of GIS Data and provide the City a MOU for the City to execute.

One component of the Local Bridge Replacement Program is the City is required to submit the estimated land cost and associated fees at the onset of the project. GDOT has informed Public Works the funds would be due in the Spring of 2019. Funds are available in the Bridge Maintenance Account.

IV. ALTERNATIVES:

V. ATTACHMENTS:





Alternative Back Arena



Special Events in Recreation, Parks & Cultural Services

Present and Future of Events in Alpharetta

The Present and Future of Events in Alpharetta

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graph LR; A[Evaluate Events] --> B[Propose Modifications]; B --> C[Implement Change];
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Evaluate Events

Propose Modifications

Implement Change



Alpharetta Farmers Market



29 Saturdays, April -October

Toilets, Trash, Road Closure

Produced by the ABA

1,000 Shoppers Each Week

29,000 Shoppers Annually

Total Cost to City \$2,500

Cost per attendee: \$0.09



Taste of Alpharetta



First Thursday in May

Complete Event Planning and Production

35,000 Attendees, 65 Restaurants

Total Event Cost \$236,417*

(*Event Cost \$191,417 + Support Funds)

Net Cost to City \$52,089

Event Revenue (Food Tickets) \$139,327

Sponsorship Support \$20,000

ACVB Support \$2,500

In-kind Support \$22,500

Cost per attendee: \$1.48

Food Truck Alley



Every Thursday - April-October

Complete Event Planning and Production

1,000 Attendees Each Week

21,000 Attendees Annually

Total Event Cost \$63,300

Net Cost to City \$45,500

Event Revenue \$11,950

Sponsorship Support \$9,800

ACVB Support \$6,000

In-kind Support \$2,000

Cost per attendee: \$2.17





Brooke Street Park Summer Concert Series



15 Saturdays - May - October

Coordination, Toilets, Trash

50-500 Attendees Each Week

3,750 Attendee Annually

Total Event Cost \$71,200

Net Cost to City \$51,200

ACVB Support \$20,000

Cost per attendee: \$13.65

Alpharetta Arts Streetfest



Memorial Weekend

Coordination, Toilets, Trash, Road Closure

15,000 Attendees Annually

Total Cost to City \$33,175

Cost per attendee: \$2.21



Memorial Day Tribute



Memorial Day

Tents, Trash, Road Closure

Produced by Alpharetta Rotary Club

400 Attendees Annually

Total Cost to City \$5,186

Cost per attendee: \$12.96





Brew Moon Festival



2 Saturdays - June & September

Stage, Tents, Trash, Road Closure

Produced by the ABA

1,500 Attendees Per Event

3,000 Attendees Annually

Total Cost to City \$8,000

Cost per attendee: \$2.66

Old Soldiers Day Parade



First Saturday in August

Planning, Coordination, Stage, Tents, Trash,
Road Closure

5,000 Attendees Annually

Total Cost to City \$18,435

Cost per attendee: \$3.69





Road Races

Mayor's Corporate Challenge, 1/2 Marathon, Iron Kids, Heart & Sole 5K, Erin's Hope 5K, K9 5K



Mayor's Corporate Challenge

Tents, Trash, Road Closure

Produced by the Alpharetta Rotary Club

Total Cost to City \$2,873

Cost per attendee: \$1.91



Grilling & Gridiron



Saturday in September

Toilets, Trash, Tents, Road Closure

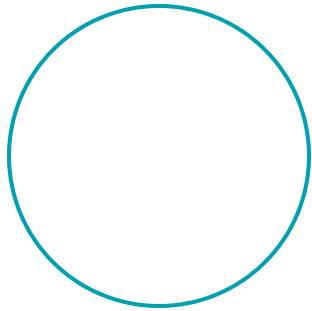
Produced by Lionheart School

2,000 Attendees Annually

Total Cost to City \$6,000

Cost per attendee: \$3

European Market



Saturday in September

Coordination, Toilets, Trash, Road Closure

2,000 Attendees Annually

Total Cost to City \$4,800

Cost per attendee: \$2.40





Scarecrow Harvest



Saturday in September

Complete Event Planning and Production

8,000 Attendees Annually

Total Event Cost \$24,669

Net Cost to City \$21,269

In-kind Support \$3,400

Cost per attendee: \$2.66



Wire & Wood



Second Weekend in October

Complete Event Planning and Production
15,000 Attendees Annually

Total Event Cost \$192,000

Net Cost to City \$114,000

Sponsorship Support \$35,000

ACVB Support \$40,000

In-kind Support \$3,000

Cost per attendee: \$7.60



Restless in Resthaven



Third Weekend in October

Coordination, Toilets, Trash, Tents, Sound,
Road Closure

300 Attendees Annually

Total Cost to City \$17,350

Cost per attendee: \$57.83



Tree Lighting



First Saturday in December

Complete Event Planning and Production

10,000 Attendees Annually

Total Event Cost \$58,000

Net Cost to City \$55,000

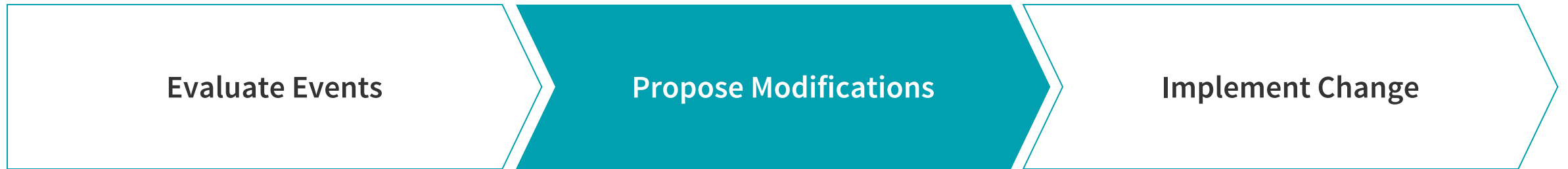
Sponsor Support \$3,000

Cost per attendee: \$5.50

Event Name	Event Date	Total Cost to City
Farmers Market	April-October	\$2,500
Taste of Alpharetta	First Thurs in May	\$52,089
Food Truck Alley	May-October	\$45,500
Brooke Street Park Series	May-October	\$51,200
Alpharetta Arts Streetfest	Memorial Weekend	\$33,175
Memorial Day Tribute	Memorial Day	\$5,186
Brew Moon (June)	First Sat in June	\$4,000
Old Soldier's Day Parade	First Sat in August	\$18,435
Mayor's Corporate Challenge		\$2,873
Grilling & Gridiron	Mid-September	\$6,000
European Market	Mid-September	\$4,800
Scarecrow Harvest	Last Sat in September	\$21,269
Brew Moon (Sept)	Last Sat in September	\$4,000
Wire & Wood	2nd Weekend in Oct.	\$114,000
Restless in Resthaven	3rd Weekend in Oct.	\$17,350
Season of Celebration	1st and 2nd Sat in Dec.	\$55,000
	Total Approx Event Costs	\$437,377

Annual Event Costs Summary

The Present and Future of Events in Alpharetta



Proposed Modifications

- Ticket-Free Wire & Wood
- Two Saturdays of Holiday Celebrations
- Some Temporary Relocations During Hotel Construction
- Taste of Alpharetta Kicks Off the Season, Move Date of Scarecrow
- Move All Road Races to Weekend Mornings
- Increase Sponsorship Sales to Reduce Net Costs to City Per Event
- Expand Events Beyond Downtown





**Ticket-Free
Wire & Wood**

15,000 Attendees
**\$75,000
Sponsorship**



Alpharetta's
**SEASON of
CELEBRATION**

**First and Second
Saturdays in December
Becomes the
Season of Celebration**

**Week 1: Tree Lighting, SEC
Game, Performances,
Santa, Plus More!**

**Week 2: Community Food
Drive, Caroling, Santa, and
More!**



Relocations for 2019

Farmers Market City Center

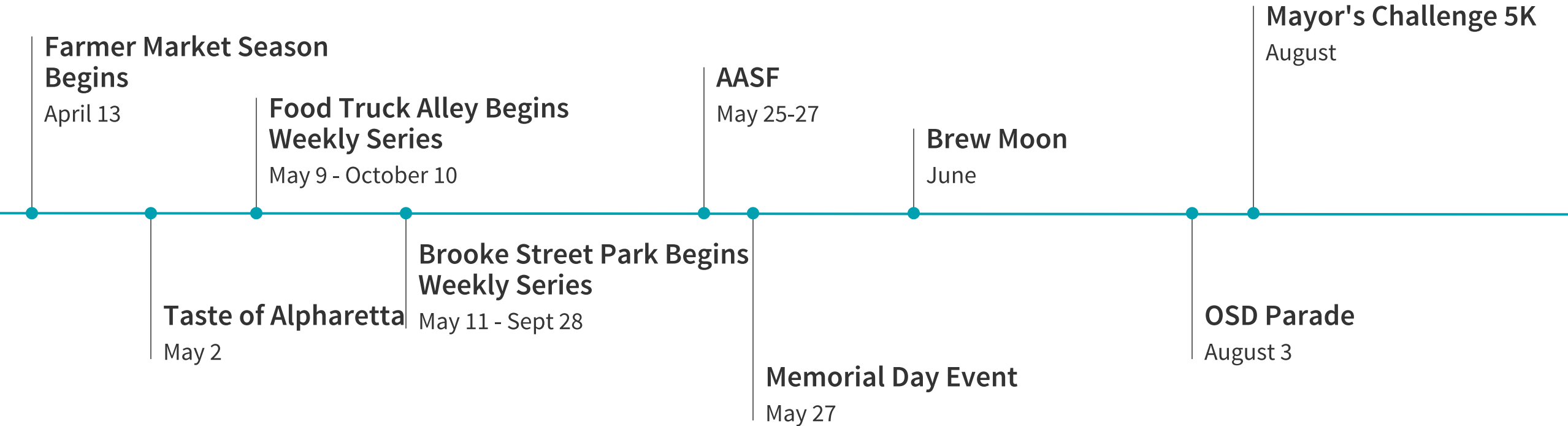
Scarecrow Harvest Brooke Street Park

Taste of Alpharetta NorthPoint Mall or City Center

Alpharetta Arts Streetfest & European Market Village Green

Food Truck Alley Alternating Weeks at Old Roswell Lot & Village Green

Spring/Summer Season



Summer/Fall Season

Grilling & Gridiron

September

Brew Moon

September

European Market

September

Scarecrow Harvest

October 5

Wire & Wood

October 11-12

Restless in Resthaven

October 19-20

**Season of Celebration
2-Saturdays**

December 7 and 14



Move All Road Races to Weekends

Impacts 2-3 Events

Relieves Pressure on Downtown Residents and Traffic



**Increase
Sponsorship
Sales to Reduce
Net Costs to City**

Lowers Net Cost to City

Allows for High Caliber Events

Professional Dedicated to Sales and Fulfillment

**Expand Events
Beyond
Downtown**



Serve All of Alpharetta

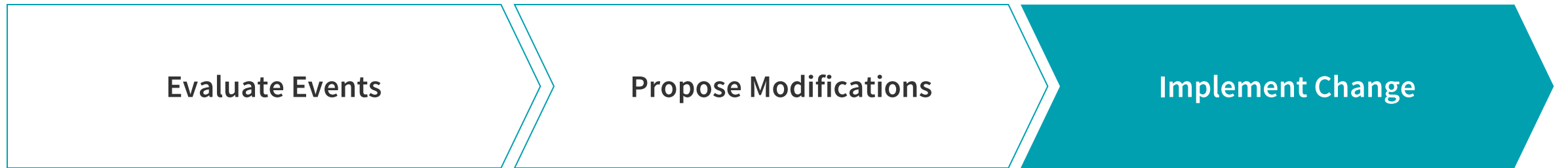
	Proposed Modification	Financial Impact of Proposed Modifications
	Ticket-Free Wire & Wood	Zero Net Increase - The \$30,000 fee paid to talent agent was offset by savings on fencing and security and \$35,000 in sponsorship
	Two Saturdays of Holiday Celebrations	Cost will increase by approximately 30% (\$15k)
Some Temporary Relocations During Hotel Construction	Farmers Market Relocated to North and South Broad Streets	Zero Net Increase
	Taste of Alpharetta Relocated to Village Green or North Point Mall	Costs will increase by approximately 10% (\$20k)
	Food Truck Alley Alternating Weeks between Village Green and Old Roswell Parking Lot	Cost will increase by approximately 20% (\$12k)
	Alpharetta Arts Streetfest Relocate to Village Green	Zero Net Increase
	European Market Relocate to Village Green	Zero Net Increase
	Scarecrow Harvest Relocate to Brooke Street Park and Change Date	Zero Net Increase - There will be net cost savings due to built-in restrooms and stage.
	Add Cornhole ATL on Village Green	Zero Net Increase
	Move Road Races to Weekends	Zero Net Increase
	Increase Sponsorship Sales	Net Income (see Sponsorship Chart)
	Expand Events Beyond Downtown	TBD

Approximate Cost of Proposed Modifications

Event Name	2018 Event Date	2018 Sponsorship Totals	2019 Sponsorship Goal
Taste of Alpharetta	First Thurs in May	\$45,000	\$50,000
Food Truck Alley	May-October	\$17,800	\$31,500
Brooke Street Park Series	May-October	\$20,000	\$50,000
Scarecrow Harvest	Last Sat in September	\$3,400	\$10,000
Wire & Wood	2nd Weekend in Oct.	\$78,000	\$50,000
Season of Celebration	1st and 2nd Sat in Dec.	\$3,000	\$20,000
	Sub Total	\$167,200	\$211,500
	Net Sponsorship Revenue to City (Total Sponsorship Goal, Minus 20%)	\$150,480	\$190,350

Sponsorship Goals for 2019

The Present and Future of Events in Alpharetta



A woman in a pink one-piece swimsuit is captured mid-air, jumping from a wooden dock into a calm lake. She has her arms outstretched and her hair is in a bun. The background features rolling hills covered in dense green foliage under a clear blue sky. The water in the foreground shows ripples from the dock and the woman's jump.

Implement Change



City Council Meeting and Public Hearing STAFF REPORT

Submitting Department: Council

Submitted By:

Meeting Date: November 12, 2018

I. AGENDA ITEM TITLE: WIRELESS BROADBAND DEPLOYMENT - INDUSTRY OVERVIEWS

II. RECOMMENDATION:

This item is being presented for information and educational purposes only.

III. REPORT IN BRIEF:

Representatives from several wireless technology providers and service carriers will provide comments and insights into deployment of 5G technologies in Alpharetta in accordance with the City's proposed ordinance.

Because the City is carrier / company agnostic and technologies vary across the industry, invitations to present during this workshop were extended to all companies that provided comment and feedback during the development of the associated ordinance.

IV. ALTERNATIVES:

V. ATTACHMENTS: