City Council Meeting
SEPTEMBER 16, 2019

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 & PRESENTATIONS

A. City of Alpharetta Flag Presentation

B. Constitution Week Proclamation

V. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 9/09/2019)

VI. PUBLIC HEARING

A. PH-19-21 Unified Development Code Text Amendments - Wireless Telecommunications Facilities (1st Reading)
Consideration of text amendments to Unified Development Code to amend Section 2.8 Wireless Telecommunications Facilities.

B. PH-19-22 Unified Development Code Text Amendments – Bed & Breakfast Definition (1st Reading)
Sponsor: Staff
Consideration of text amendments to the Unified Development Code related to the definition of 'Bed & Breakfast'.

VII. NEW BUSINESS

A. FY 2020 Public Safety Fleet Replacement

B. Approval of a Change Order to Pond & Company

VIII. WORKSHOP

A. North Point LCI Placemaking Plan

B. GDOT Presentation on Proposed Main Street (SR 9) Improvements

C. Unified Development Code Text Amendments – Signs
Sponsor: Mayor Pro Tem Mitchell
Consideration of text amendments to the Unified Development Code related to Sign regulations.

D. North Point Tax Allocation District

E. Preemptive Signals and Connected Vehicles

IX. PUBLIC COMMENT

X. REPORTS

XI. ADJOURNMENT

City Council Meeting
STAFF REPORT

Submitting Department: City Clerk
Submitted By: Erin Cobb
Sponsored By:
Meeting Date: September 16, 2019

I. AGENDA ITEM TITLE: COUNCIL MEETING MINUTES (MEETING OF 9/09/2019)

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 draft minutes 9-9-2019 (002)

City Council Meeting
September 9, 2019
Office of the City Clerk

CITY HALL 2 PARK PLAZA

6:30 PM

This summary is provided as a convenience and service to the public, media and staff. It is not the intent to record proceedings verbatim. Any reproduction of this summary must include this notice. 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

- *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
  - John Robison, Director of Public Safety
  - Morgan Rodgers, Director of Recreation, Parks & Cultural Services
  - Kathi Cook, Director of Community Development
  - Tom Harris, Director of Finance
  - Cris Randall, Director of Human Resources
  - Kurt Kirby, Recreation, Parks & Cultural Services Project Manager

III. PLEDGE TO THE FLAG

IV. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 8/26/2019)

B. Financial Management Report: Month Ending July 31, 2019

- Council Member Binder offered a motion to approve the consent agenda
  - The motion received a second from Council Member Burnett
  - The motion was approved unanimously (7-0)

V. PUBLIC HEARING

A. MP-19-04/V-19-12 North Point Business Center Master Plan/Corner of Haynes Bridge and North Point Parkway

- Director of Community Development, Kathi Cook, came forward to present this item.
- After discussion, Planning Commission recommended approval subject to staff's conditions and accepting some of the applicant's markups as shown in RED below. Text in BLUE added by Staff. Vote 7-0
- Staff recommend Mayor and Council approve MP-19-04/V-19-12 North Point Business Center Master Plan Pod 2, subject to the following conditions:

1. Property shall be developed substantially as depicted on the plan prepared by LeCraw Engineering, dated 8/16/2019, except for modifications required to comply with these conditions.
2. Retail use shall be limited to no more than ~~6,200~~ 8,000 square feet. No single retail space shall exceed 4,800 square feet in size and is not limited to the locations reflected on the site plan or in the staff analysis.
3. North Point Business Center Pod 2 shall be limited to office, restaurant (no drive-through, except existing drive-through restaurants can remain) and retail uses listed below. Restaurant uses include ice cream/yogurt/smoothie/coffee shops.
   a. Art Gallery
   b. Athletic Facility/Fitness Studio
   c. Bakery
   d. Bank
   e. Barber Shop
   f. Beauty Shop
   g. Brewery
   h. Clinic (with approval of a conditional use)
   i. Dance Studio

j. Drug Store (Pharmacy)
k. Dry Cleaning, Pick-up Station
l. Florist
m. Grocery Store/Specialty Food Store
n. Hardware and Garden Supply Store
o. Indoor Recreational Facility
p. Laundry, Pick-up Station
q. Optometrist and Eyewear Store
r. Pet Day Care
s. Pet Grooming
t. Print Shop
u. School, Commercial
v. Shop or Studio, Craftsman/Artist
w. Spa Services (with approval of a conditional use)
x. Stationary Card Store
y. Stockbroker or Financial Services
z. Telecommunications Store
aa. Postal Store Services

4. Maximum building setback from North Point Parkway and Haynes Bridge Road shall be ~~20'~~ 25'. Since the northern property line is the centerline of a private street, the 15' side setback shall be measured from the edge of road.
5. Building elevations and creative signage shall be similar to submitted elevations and comply with the North Point Overlay with respect to building design and material regulations, with final approval by DRB.
6. Developer shall improve streetscapes along North Point Parkway, Haynes Bridge Road and North Point Court as depicted on the 8/16/2019 zoning plan and shall include street furniture, such as benches, lighting and trash cans. In addition, applicant shall incorporate areas for future placemaking arbors and District Thresholds on the LDP plans.
7. Minimum 36,889 square feet (0.85 acres) of open space (26,186 square feet of civic space and 10,703 square feet of amenity space), consisting of a multi-use connection to North Point Park, pocket parks, patio, outdoor dining and other amenity areas shall be provided, as depicted on the 8/16/2019 zoning plan. Civic space shall be developed with decorative landscape, hardscape, seating and pedestrian-scale lighting, as approved by DRB.
8. Developer shall dedicate a permanent public access easement and construct the sidewalk along the existing private street, as depicted on the plan prepared by LeCraw Engineering, dated 8/16/2019, with final design and materials approved by Staff and construction completed prior to the final CO. Sidewalk shall be accessible for pedestrians and bicycles and include seating areas, lighting, landscape, hardscape and wayfinding signage. Multi-use sidewalk improvements shall not be eligible for impact fee credits, if used to meet required open space or EcoDistrict measures. Developer shall maintain the ~~easement~~ public access easement across its property.
9. An enhanced multi-use crosswalk with North Point Leaf pattern, or as approved by Staff, shall be provided across North Point Court, as depicted on the plan

prepared by LeCraw Engineering, dated 8/16/2019. Crosswalk shall ~~not~~ be eligible for impact fee credits, unless ~~if~~ used to meet required EcoDistrict measures.

10. Parking lot tree islands shall comply with UDC requirements, including parking lot area to remain.
11. Developer shall provide a MARTA bus shelter at existing stop on Haynes Bridge Road with final approval by Staff. Shelter shall be eligible for impact (fee) credits.
12. Dumpster enclosures shall be designed with materials that are compatible with primary buildings, meet setbacks and be heavily screened with landscaping from adjacent rights-of-way.
13. Pedestrian-scale lighting shall be provided throughout the development in compliance with North Point Creative Placemaking Plan.
14. Landscape plan shall be approved by the Design Review Board prior to the issuance of an LDP and shall incorporate plants consistent with the EcoDistrict.
15. Developer shall set aside space for a North Point District Threshold (The Alpha or alternative approved by Staff) at the corner of North Point Parkway and Haynes Bridge Road.
16. Developer shall determine if existing landscaping (trees and shrubs) can be saved or spaded and relocated on-site to enhance the maturity level of landscaping at time of project completion. Developer shall work with Staff to save some of the street trees (Oaks) along Haynes Bridge Road and North Point Parkway, which may include shifts in the sidewalk to incorporate existing trees and associated hardscape to frame and protect trees. The corner of Haynes Bridge Road and North Point Parkway should be opened up to create a view corridor for the development and future District Threshold.
17. Developer shall conduct an assessment of ~~required~~ existing landscaping and replace any dead, dying or missing landscape material, as approved by DRB.
18. If additional stormwater facilities are necessary, they shall be aesthetically pleasing and bioswales shall be used where feasible.
19. New utilities shall be placed underground.
20. Off-site improvements made by the Developer shall be entitled to credits against impact fees. Improvements in the right-of-way count as a system improvement. Trail improvements on Haynes Bridge Road and North Point Parkway shall be entitled to impact fee credits.
21. It is understood that this site may be subdivided in the future. Provided that the subdivision complies with these conditions, then it will not require additional land use approvals such as setback variances and the like.
22. Developer shall work with Chick-fil-a property to reconfigure their shared North Point Parkway driveway ~~to provide at least 75' to the drive aisle.~~

- The applicant, Geyer Morris Company, is requesting a master plan amendment to the North Point Business Center Master Plan Pod 2 to allow 'Retail' uses and a variance to the North Point Overlay maximum parking regulations. The proposal includes redevelopment of two (2) former restaurant buildings with three (3), 1-story buildings used for restaurant, retail and office. Pod 2 of the North Point Business Center Master Plan is generally limited to 'Office' as the primary use, as well as bank, hotel and restaurant with drive-through window. The subject property is located at 6055 North Point Parkway and 10800 Haynes Bridge Road, at the northwest corner of Haynes Bridge Road and North Point Parkway.

- The submitted request, if approved, would allow for the redevelopment of two (2) former restaurant buildings with three (3), 1-story buildings used for restaurant, retail and office. The property is subject to the North Point Business Center Master Plan Pod 2, which allows 'Office' as the primary use, as well as bank, hotel and restaurant with drive-through window. The subject property is located at 6055 North Point Parkway and 10800 Haynes Bridge Road, at the northwest corner of Haynes Bridge Road and North Point Parkway.

- The 3.82-acre property is zoned PSC (Planned Shopping Center) and is developed with two (2) restaurants, formerly Joe's Crab Shack (and later Spice) and Ruby Tuesday. Surrounding properties are also zoned PSC and subject to the North Point Business Center Master Plan. Chick-fil-a is located to the west, Starbucks and Steak 'n Shake are located to the north, First Citizens Bank is located to the east and Men's Wearhouse and Ken Stanton Music are located to the south. The Comprehensive Land Use Plan designation of the property is 'Mixed Use', which allows the proposed development.

- North Point Business Center (MP-91-07) Master Plan was approved in 1991 as a 320-acre master planned development consisting of office, shopping center and residential uses. The Master Plan includes eleven (11) pods, of which six (6) are designated 'Office', four (4) 'Retail/Shopping Center' and one (1) 'High Density Residential'. Pod 2 is approved for 'Office' as the primary use, bank, clinic, hotel and restaurant with drive-through window. Services uses are permitted in Pod 2; however, they are required to be located within an office building. Over the years, Pod 2 has been developed with nine (9) restaurants, a hotel and open space. There have been several amendments to the North Point Business Center Master Plan over the years, including an amendment to Pod 2 to increase building height and density for a hotel.

- The property is located in the North Point Activity Center LCI, which was initially adopted in 2008 with a 10-year major update adopted by Council in 2018. The vision for the LCI is to become a walkable, mixed-use village with a focus on sustainability, greenspace and connectivity. The applicant's proposal to redevelop the site with buildings pulled up to the street with parking to the rear, as well as a multi-use connection and enhanced crosswalk to the future North Point Park is consistent with the LCI's vision and would contribute to a walkable environment.

- The LCI update identified a market demand potential of 53,600 – 68,775 square feet of retail use (grocery, pharmacy, local hardware) over the next five (5) years. The demand analysis is intended to be a measure of market viability, not a prediction or recommendation for North Point development. There have been three (3) approvals in the North Point area that included retail use. A total of 46,800 square feet of new retail has been approved in the area. However, it is important to consider that the North Point Mall Redevelopment project will result in the demolition of the 154,886 square foot former Sears building, with that retail square footage going away.

- The applicant is requesting a variance from Unified Development Code (UDC) Subsection 2.10.6(A)(3), North Point Overlay, Parking and Loading, to exceed the maximum parking regulations. The Overlay limits parking by requiring that the impervious area of surface parking stalls not exceed the total building footprint on the site. The site plan depicts the total area of parking stalls to be 30,609 square feet, which exceeds the total building footprint and outdoor dining area of 28,360 square feet. According to the applicant, the proposed parking is necessary to meet the needs of the potential tenants. In addition, the applicant is keeping approximately 47 spaces at the rear of the former Ruby Tuesday property. Redevelopment of the property would result in a net reduction of 57 parking spaces on the property.

- The 3.82-acre site is currently developed with two (2) restaurants: 5,502 square foot Ruby Tuesday and 6,995 square foot Spice restaurants. Surface parking surrounds each building, including parking along the frontage of Haynes Bridge Road and North Point Parkway. Currently, there are 236 surface parking spaces on the properties.

- The submitted site plan depicts redevelopment of the two (2) restaurants with three (3) 1-story, buildings oriented to North Point Parkway and Haynes Bridge Road with parking to the rear. Approximately 47 parking spaces on the former Ruby Tuesday site are proposed to remain. Bldg. 100 is 6,800 square feet, consisting of two (2) suites for medical office (dental) and retail. Bldg. 200 is 9,400 square feet with three (3) suites for restaurant and retail. Bldg. 300 is a standalone building for a 9,380 square foot restaurant. An additional 2,780 SF of outdoor dining area is depicted on the site plan. A total of 8,000 square feet of retail is proposed. The applicant has not announced the tenants of the proposed buildings.

- Streetscape improvements are depicted on the site plan, including a 10' planter and 12' sidewalk along North Point Parkway, 8' planter and 12' sidewalk along Haynes Bridge Road, and 6' planter and 12' sidewalk along North Point Court. Streetscape improvements are also depicted along the private street; however, those improvements are not required by the North Point Overlay and represent the applicant's EcoDistrict measure.

- Unified Development Code (UDC) Parking and North Point Overlay regulations have a minimum requirement of 156 parking spaces for the zoning proposal. The site plan depicts 179 surface parking spaces to serve the site. If approved, the zoning proposal would result in a net reduction of 57 surface parking spaces on the subject property.

- Vehicular access to the site is depicted from two (2) existing driveways off the private street, an existing driveway off North Point Court and an existing shared (with Chick-fil-a) driveway off North Point Parkway. It is recommended that the developer work with the Chick-fil-a site to reconfigure the shared driveway. Pedestrian connections are provided throughout the development, connecting the public sidewalk to all buildings. In addition, a new eight-foot (8') multi-use sidewalk/trail is depicted along the private street, providing a connection to the

future North Point Park. Additional pedestrian facilities are depicted throughout the site.

- The North Point Overlay requires a minimum 15% open space, including both amenity space and civic space on non-residential developments less than five (5) acres. The site plan depicts 10,703 square feet of amenity space and 26,186 square feet of civic space, or a total of 22.2% open space. The site plan depicts landscaped and hardscaped civic space, including pocket parks and a multi-use connection between Haynes Bridge Road and the future North Point Park. Bicycle racks, bicycle service station, bicycle lockable storage and an enhanced crosswalk are proposed in conjunction with the multi-use connection. Amenity space is depicted to include outdoor dining areas, patios, and hardscape areas improved for pedestrian enjoyment.

- A tree survey and assessment were not provided for the site. It appears that there are several trees on the property that are in 'Good' condition. If approved, it is recommended that the developer explore saving or spading and relocating existing landscape trees on the property to enhance the maturity level of landscaping at time of project completion. It is unclear if additional stormwater facilities will be provided on the property.

- The North Point Overlay requires that EcoDistrict measures be incorporated into new developments and redevelopments. The applicant's proposal represents redevelopment of a site with new buildings. Therefore, the applicant must incorporate a minimum of seven (7) EcoDistrict points into the proposed development. According to the site plan. The applicant is requesting credit for 11 - 13 EcoDistrict points. EcoDistrict measures proposed on the property include Additional Landscaped Civic Space, Sustainable Landscaping, Enhanced Bicycle Amenities and Alternative Transportation. If approved, the developer should provide the EcoDistrict measures as requested on the applicant's site plan.

- The applicant provided a trip generation report with a comparison between the proposed development and existing developments. As shown in the table below, the proposed uses would generate a difference of 50 PM Peak Hour trips.

- Staff has reviewed the applicant's proposal and finds that it can generally support the request for master plan amendment and variance to maximum parking regulations. The property is located in the North Point LCI, which envisions the area as a mixed-use, walkable environment with an emphasis on sustainability, open space and connectivity. The applicant's proposal promotes the specific objectives in the PSC zoning district, including connectivity, building orientation to the street, redevelopment of surface parking, access to alternative modes of transportation, creation of vistas and view corridors, pedestrian-friendly streetscape, provision of open space, creative placemaking, and a high-quality landscape plan. The zoning proposal is consistent with the Comprehensive Land Use Plan designation of the property, which is 'Mixed Use'. Given the amount of retail in the North Point Parkway corridor, conditions are recommended limiting retail uses.

- The North Point LCI discusses area-wide initiatives, such as Placemaking and Incorporating Green Pathways and Green Connections. As part of meeting the City's open space requirements and EcoDistrict measures, the applicant proposes a multi-use trail connection between Haynes Bridge Road and the future North Point Park, including an enhanced crosswalk over North Point Court.

- 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 in response to the mailed letters.

- The CZIM was held on July 10, 2019. There were no public comments.

- Attorney, Dennis Webb, came forward to speak on behalf of the applicant.

- Vice President of Retail Development for the Geyer Morris Company, Cameron Grogran, came forward to address questions from Mayor and Council.

Public Comment

- No Public Comment

❖ Council Member Richard offered a motion to approve the MP-19-04/V-19-12 North Point Business Center Master Plan Pod 2, subject to the flowing conditions:

1. Property shall be developed substantially as depicted on the plan prepared by LeCraw Engineering, dated 8/16/2019, except for modifications required to comply with these conditions.
2. Retail use shall be limited to no more than ~~6,200~~ 8,000 square feet. No single retail space shall exceed 4,800 square feet in size and is not limited to the locations reflected on the site plan or in the staff analysis.
3. North Point Business Center Pod 2 shall be limited to office, restaurant (no drive-through, except existing drive-through restaurants can remain) and retail uses listed below. Restaurant uses include ice cream/yogurt/smoothie/coffee shops.
    a. Art Gallery
    b. Athletic Facility/Fitness Studio
    c. Bakery
    d. Bank
    e. Barber Shop
    f. Beauty Shop
    g. Brewery
    h. Clinic (with approval of a conditional use)
    i. Dance Studio
    j. Drug Store (Pharmacy)
    k. Dry Cleaning, Pick-up Station

l. Florist
m. Grocery Store/Specialty Food Store
n. Hardware and Garden Supply Store
o. Indoor Recreational Facility
p. Laundry, Pick-up Station
q. Optometrist and Eyewear Store
r. Pet Day Care
s. Pet Grooming
t. Print Shop
u. School, Commercial
v. Shop or Studio, Craftsman/Artist
w. Spa Services (with approval of a conditional use)
x. Stationary Card Store
y. Stockbroker or Financial Services
z. Telecommunications Store
aa. Postal Store Services

4. Maximum building setback from North Point Parkway and Haynes Bridge Road shall be ~~20'~~ 25'. Since the northern property line is the centerline of a private street, the 15' side setback shall be measured from the edge of road.
5. Building elevations and creative signage shall be similar to submitted elevations and comply with the North Point Overlay with respect to building design and material regulations, with final approval by DRB.
6. Developer shall improve streetscapes along North Point Parkway, Haynes Bridge Road and North Point Court as depicted on the 8/16/2019 zoning plan and shall include street furniture, such as benches, lighting and trash cans. In addition, applicant shall incorporate areas for future placemaking arbors and District Thresholds on the LDP plans.
7. Minimum 36,889 square feet (0.85 acres) of open space (26,186 square feet of civic space and 10,703 square feet of amenity space), consisting of a multi-use connection to North Point Park, pocket parks, patio, outdoor dining and other amenity areas shall be provided, as depicted on the 8/16/2019 zoning plan. Civic space shall be developed with decorative landscape, hardscape, seating and pedestrian-scale lighting, as approved by DRB.
8. Developer shall dedicate a permanent public access easement and construct the sidewalk along the existing private street, as depicted on the plan prepared by LeCraw Engineering, dated 8/16/2019, with final design and materials approved by Staff and construction completed prior to the final CO. Sidewalk shall be accessible for pedestrians and bicycles and include seating areas, lighting, landscape, hardscape and wayfinding signage. Multi-use sidewalk improvements shall not be eligible for impact fee credits, if used to meet required open space or EcoDistrict measures. Developer shall maintain the ~~easement~~ public access easement across its property.
9. An enhanced multi-use crosswalk with North Point Leaf pattern, or as approved by Staff, shall be provided across North Point Court, as depicted on the plan prepared by LeCraw Engineering, dated 8/16/2019. Crosswalk shall ~~not~~ be eligible for impact fee credits, unless ~~if~~ used to meet required EcoDistrict measures.

10. Parking lot tree islands shall comply with UDC requirements, including parking lot area to remain.
11. Developer shall provide a MARTA bus shelter at existing stop on Haynes Bridge Road with final approval by Staff. Shelter shall be eligible for impact (fee) credits.
12. Dumpster enclosures shall be designed with materials that are compatible with primary buildings, meet setbacks and be heavily screened with landscaping from adjacent rights-of-way.
13. Pedestrian-scale lighting shall be provided throughout the development in compliance with North Point Creative Placemaking Plan.
14. Landscape plan shall be approved by the Design Review Board prior to the issuance of an LDP and shall incorporate plants consistent with the EcoDistrict.
15. Developer shall set aside space for a North Point District Threshold (The Alpha or alternative approved by Staff) at the corner of North Point Parkway and Haynes Bridge Road.
16. Developer shall determine if existing landscaping (trees and shrubs) can be saved or spaded and relocated on-site to enhance the maturity level of landscaping at time of project completion. Developer shall work with Staff to save some of the street trees (Oaks) along Haynes Bridge Road and North Point Parkway, which may include shifts in the sidewalk to incorporate existing trees and associated hardscape to frame and protect trees. The corner of Haynes Bridge Road and North Point Parkway should be opened up to create a view corridor for the development and future District Threshold.
17. Developer shall conduct an assessment of ~~required~~ existing landscaping and replace any dead, dying or missing landscape material, as approved by DRB.
18. If additional stormwater facilities are necessary, they shall be aesthetically pleasing and bioswales shall be used where feasible.
19. New utilities shall be placed underground.
20. Off-site improvements made by the Developer shall be entitled to credits against impact fees. Improvements in the right-of-way count as a system improvement. Trail improvements on Haynes Bridge Road and North Point Parkway shall be entitled to impact fee credits.
21. It is understood that this site may be subdivided in the future. Provided that the subdivision complies with these conditions, then it will not require additional land use approvals such as setback variances and the like.
22. Developer shall work with Chick-fil-a property to reconfigure their shared North Point Parkway driveway ~~to provide at least 75' to the drive aisle.~~
23. Two-foot landscape strip will be installed between building D and the multi-use path.

- The motion received a second from Council Member Binder, additionally offering a friendly amendment to add a condition #24, that the applicant work with Staff to provide a barrier or physical buffer along the pocket park areas located on the corner of Haynes Bridge Road and North Point Parkway

- Council Member Richard accepted the friendly amendment from Council Member Binder

- Mayor Pro Tem Mitchell offered a friendly amendment for the applicant to work with DRB and Staff to heighten/elevate the roofline on the building facing North Point Parkway located on the corner of Haynes Bridge Road and North Point Parkway

- Council Member Richard and Council Member Binder accepted the friendly amendment made by Mayor Pro Tem Mitchell

- Council Member Hipes offered a friendly amendment to clarify condition #23 to include "not less than" a two-foot landscape strip

- Council Member Richard accepted the friendly amendment made by Council Member Hipes

- The motion was approved unanimously (7-0)

VI. NEW BUSINESS

A. Consideration of Appointment to the Planning Commission

- Council Member Binder is requesting approval from Mayor and Council to appoint Jill Bernard to the Planning Commission as an alternate.

Public Comment:

- No Public Comment

❖ Council Member Binder offered a motion to approve the appointment of Jill Bernard to the Planning Commission as an alternate

- The motion received a second from Council Member Hipes

- The motion was approved unanimously (7-0)

B. Resolution Establishing the City of Alpharetta Census 2020 Complete Count Committee

- Assistant City Administrator, James Drinkard, came forward to present this item.

- Staff is recommending approval of a resolution establishing the City of Alpharetta Census 2020 Complete Count Committee, and for other purposes, as presented.

- With the approach of the 2020 United States Census, cities and counties across our nation are being tasked with educating the public on the importance of the census and encouraging residents to complete the census survey.

- Georgia had low participation, below national averages, in the 2010 Census. It is estimated that each person counted in Georgia during Census 2010 brought

$1,639.10 to Georgia in federal funding for everything from road infrastructure to public health. It is estimated that 25% of Alpharetta's residents did not participate in the 2010 Census.

- If we see similar participation in Census 2020, the uncounted portion of Alpharetta's population alone could cost Georgia $27.4 million.

- City Attorney, Sam Thomas, read the resolution aloud.

Public Comment:

- No Public Comment

❖ Council Member Merkel offered a motion to approve the Resolution Establishing the City of Alpharetta Census 2020 Complete Count Committee and for other purposes as presented

  - The motion received a second from Mayor Pro Tem Mitchell

  - The motion was approved unanimously (7-0)

C. Annual Technology Refresh 2020

- Director of Information Technology, Randy Bundy, came forward to present this item.

- Staff recommends Mayor and Council approve the request to provide for the annual replacement of technology for all City Departments in FY2020 in an amount not to exceed $300,000.00 and authorize the Mayor to execute all necessary documents.

- This request is to provide for the annual replacement of technology for all city departments. As in prior-years, funding for technology replacement is placed in one capital project account to allow for more efficient management (as opposed to being spread across multiple departments based on an estimate of replacement needs which may or may not equate to the actual need during the fiscal year). The city currently has 463 computers in operation (262 desktops; 201 laptops).

- The main component of the FY 2020 request includes funding for the replacement of approximately 120 computers, 15 cellular phones, 70 iPhones, 53 iPads, and wireless access points throughout city facilities (although actual replacement will be driven by equipment condition).

- The current city standards for technology replacement (based on funding availability)are as follows: servers (5-6 years); SANS – Storage (5-6 years); desktop PCs (4 years); laptop PCs (4 years); iPad tablets (3 years); iPhones (3 years);large scale multi-function printers (MFPs) (5-7 years); small scale MFPs (5 years); small

printers (3-5 years); desktop UPS (electrical service backup) (3 years); Network UPS (closets) (4 years); Wireless Access Points [WAPs] (5 years);network routers/switched/firewalls (5 years); telephony gateways (5-6 years). Larger replacement initiatives are not included in this appropriation (e.g. CISCO network devices).

Public Comment:

- No Public Comment

❖ Council Member Burnett offered a motion to approve the request to provide for the annual replacement of technology for all City Departments in FY 2020 in an amount not to exceed $300,000.00 and authorize the Mayor to execute all necessary documents

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

D. Lease Financing of 30 Replacement Self Contained Breathing Apparatus (SCBA) for Fire Fighters

- Director of Public Safety, John Robison, came forward to present this item.
- Staff recommends Mayor and Council approve the purchase of 30 Self Contained Breathing Apparatus to Municipal Emergency Systems under the National Purchasing Partners competitively procured contract (#00000169) in an amount totaling $199,999.80 and authorize entering into a lease-purchase agreement with Community Leasing Partners (Community First National Bank) for the associated lease financing and authorize the Mayor to execute all necessary documents.
- A self-contained breathing apparatus (SCBA) is a respiratory device that contains and delivers breathable compressed air. It is typically used by firefighters and rescue workers while operating in areas of immediate danger to life and health, such as inside a building fire filled with smoke or toxic gas.
- The City of Alpharetta currently has 54 SCBA's which are deployed as follows: in-service Fire Apparatus (30); reserve Fire Apparatus (15); Training Division (6); spares (3). SCBA equipment is a long-lived asset (10-15 years) but is susceptible to obsolescence when industry standards evolve.
- The National Fire Protection Association (NFPA) is a standard setting body for firefighting professionals. The 2019 NFPA standards included technological/mechanical innovations to SCBA equipment that made units manufactured under the 1997 and 2002 standards obsolete. We have 30 SCBA that were manufactured under the old standards and are also between 12-15 years old

and are being requested for replacement. Once replaced, these 30 units will be deployed on the in-service Fire Apparatus.

- The Department proposes to purchase the replacement SCBA's through National Purchasing Partner's (NPPGov) competitively procured contract (#00000169) with MES (Municipal Emergency Systems). NPP Contracts are competitively solicited by a Lead Public Agency in accordance with government purchasing regulations. The contracts include "piggybacking" language allowing utilization by NPPGov members nationwide. NPPGov is not a reseller, but rather a channel that offers publicly solicited agreements to local and state government entities throughout the nation. Staff has verified the pricing is competitive and represents value to the city. Staff has used MES for its SCBA needs (new units and repairs/parts) and finds them extremely dependable and an excellent customer service-oriented firm.

- The FY 2020 Budget includes funding for replacement of 15 SCBAs. The remaining 15 SCBAs would constitute a funding request in FY 2021.

- While the Department can certainly spread-out the replacement over a two-year period as originally envisioned, there are numerous benefits (training, avoidance of annual pricing adjustments, inherent safety benefits built-into the new standards) to replacing all 30 at once. The department received a quote from MES (Municipal Emergency Services) under NPP Contract #00000169 for the replacement of 30 SCBA's for an amount totaling $199,999.80. MES has a relationship with Community Leasing Partners (financing partner) that allows this purchase to be financed at "0% Interest" over a two-year period. This lease-purchase arrangement would allow the City to maintain its original capital funding approach (e.g. funding final portion in FY 2021) while also allowing for avoidance of potential price increases and ensuring full deployment of all replacement units this fiscal year.

- While Community Leasing Partners labels the financing as "0% Interest", interest will be reflected in the financing documents in order to show ownership at the end of the lease term. The main point is that the City will pay no more than they would if funding the purchase directly to MES. That is, $199,999.80. But rather than making one payment to MES, the City would make two payments to Community Leasing Partners.

- Staff recommends awarding the purchase of 30 SCBA's to MES under the NPP competitively procured contract (#00000169) in an amount totaling $199,999.80 and entering into a lease-purchase agreement with Community Leasing Partners (Community First National Bank) for the associated lease financing of this purchase over a two-year period (FY 2020 and FY 2021).

- Funds for the final lease payment will be programmed into the FY 2021 Budget.

Public Comment:

- No Public Comment

- Council Member Hipes offered a motion to approve the purchase of 30 Self Contained Breathing Apparatus to Municipal Emergency Systems under the National Purchasing Partners competitively procured contract (#00000169) in an amount not to exceed $199,999.80 and authorize entering into a lease-purchase agreement with Community Leasing Partners (Community First National Bank) for the associated lease financing and authorize the Mayor to execute all necessary documents

  - The motion received a second from Council Member Richard

  - The motion was approved unanimously (7-0)

E. Approval of Partnership with Ed Isakson YMCA for the Construction of Eastside Community Center

- Director of Recreation, Parks & Cultural Services, Morgan Rodgers, came forward to present this item.

- Staff recommends Mayor and Council approve the Memorandum of Understanding (MOU) between the City of Alpharetta and the YMCA of Metropolitan Atlanta for the Eastside Community Center/YMCA partnership; allocate $2.5 million dollars from the 2016 Bond Funds for the construction of community space at the Ed Isakson YMCA; and authorize the Mayor to execute all necessary documents.

- The City of Alpharetta and the Ed Isakson YMCA have a long history of working together as partners to improve the quality of life for the citizens of Alpharetta. Recently, the two entities renewed their Lease and Management Agreement. This agreement outlines the joint programming areas and shared use of facility space.

- In the May 2016 Bond Referendum, the City allocated $2.5 million dollars for an East Side Community Center/YMCA Partnership. The YMCA developed plans to add community space to the existing facility. These plans include the addition of 5 community spaces that will be used for community programming by both the City of Alpharetta and the Ed Isakson YMCA, as outlined in the Lease and Management Agreement. The total cost of the construction project is $3.1 million, with the YMCA responsible for any additional cost.

- The current schedule calls for the construction to begin in September and the project to be finished in May 2020. The staff of the YMCA and the City will meet to determine the programming needs and to plan and execute appropriate programming.

- Executive Director of the YMCA, Kim Nelson, came forward to speak on behalf of the YMCA.

Public Comment:

- Ruth Ann Tatum, 250 Pebble Trail, Alpharetta, came forward to ask questions regarding the renovations of the YMCA.

❖ Council Member Binder offered a motion to approve the Memorandum of Understanding (MOU) between the City of Alpharetta and the YMCA of Metropolitan Atlanta for the Eastside Community Center/YMCA partnership; allocate $2.5 million dollars from the 2016 Bond Funds for the construction of community space at the Ed Isakson YMCA; and authorize the Mayor to execute all necessary documents

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

F. Arboricultural On-Call Service Contract for Parks

- Director of Recreation, Parks & Cultural Services, Morgan Rodgers, came forward to present this item.
- Staff recommends Mayor and Council award RFP No. 20-102 to Downey Trees Inc., for an Arboricultural On-Call Service Contract and authorize the Mayor to execute all necessary documents.
- The City has a continuing need for a reliable and responsive arboriculture contractor. Arboricultural services are needed to supplement City resources in providing safe, efficient and effective tree removal and tree care services. This arboricultural service contractor will also be available on an emergency basis, 24 hours a day, seven days a week.
- The Recreation, Parks and Cultural Service Department, with guidance from the Department of Finance, prepared RFP 20-102 (request for proposal) and advertised for proposals in July of 2019. Proposals were received by the City on August 8, 2019. The proposals were then reviewed by the selected Evaluation Committee. The Evaluation Committee consisted of City staff members from the Park Services Division and the Community Development Department. Each member of the committee scored the proposals independently based on the evaluation criteria set forth in the RFP. After the completion of independent reviews, the Evaluation Committee then met on August 21, 2019 to tabulate the overall scores of the respondents.
- For RFP 20-102 Arboricultural On-Call Service Contract, the City received a total of four proposals from the following companies: Downey Trees, Inc., Richmond Tree Experts, Inc., Boutte Tree, Inc., and Caldwell Tree Care. The committee evaluated each proposal based on the following criteria: ISA Certifications (15%); Company Experience (32%); Business Location (10%), Overall Impression of the Company and Response to this RPF (20%), Alpharetta vendor preference (3%) and cost (20%). With

each category being ranked in a scale of 1 - 5 (1 being the lowest to 5 being the highest), the resulting scores were as follows:

- Downey Tree, Inc 4.22
- Caldwell Tree Care 4.04
- Boutte Tree, Inc. 2.98
- Richmond Tree Experts, Inc. 3.87

- After reviewing all the proposals, the top scorer was Downey Trees Inc., who has served as the City's Arboricultural On-Call Service Contractor since 2009.The Evaluation Committee has recommended awarding RFP 20-102 Arboricultural On-Call Service Contract to Downey Trees, Inc. The contract is for two (2) years with three (3) optional one-year renewals, not to exceed a total of five (5) years, with an anticipated effective date of November 1, 2019.

Public Comment:

- No Public Comment

❖ Council Member Binder offered a motion to award RFP No. 20-102 to Downey Trees Inc., for an Arboricultural On-Call Service Contract and authorize the Mayor to execute all necessary documents.

- The motion received a second from Council Member Richard
- The motion was approved unanimously (7-0)

G. Approval of Mid-Broadwell Park Conceptual Master Plan

- Director of Recreation, Parks & Cultural Services, Morgan Rodgers, came forward to present this item.
- Staff recommends Mayor and Council approve the Mid-Broadwell Park Conceptual Master Plan.
- The City of Alpharetta purchased 4.1 acres of parkland on Mid-Broadwell Road so that residents in that area would have a neighborhood park close to their homes.
- The City placed signage on the property announcing the site as a future park and giving residents an email address to send ideas and suggestions for the park to. Taking the ideas that were given on-line, Manley Land Design (an Alpharetta company) was retained to draw a conceptual rendering of the future park.
- Once the conceptual plan was done, the Recreation, Parks & Cultural Services Department held an on-site public input meeting to show the design and talk with local residents. The public input meeting was well attended by residents that live near the park. The overwhelming response from the residents was in favor of the plan.

- The plan consists of a small parking lot, a restroom, small picnic area, kids' nature play area, open space and trails. The woodland area that currently takes up a large portion of the park, will remain.

- Following the public input meeting, based upon input received, a few minor adjustments were made to the plan.

Public Comment:

- No Public Comment

❖ Council Member Binder offered a motion to approve the Mid-Broadwell Park Conceptual Master Plan

- The motion received a second from Council Member Burnett

- The motion was approved unanimously (7-0)

VII. WORKSHOP

A. Transportation Improvement Program

- Staff seeks City Council support to prepare and apply to the Atlanta Regional Commission for Transportation Improvement Program funds for the design and construction of improvements to North Point Parkway (Haynes Bridge Road and Mansell Road); and Alpha Loop pedestrian tunnel under Haynes Bridge Road.

- The Atlanta Regional Commission has sent out a call for applications for transportation projects to be funded in the forthcoming 2020-2025 Transportation Improvement Program. Funds are awarded for new TIP projects and phases, supplemental funding for existing TIP projects, and funding for TIP studies and related non-capital initiatives.

- Projects with federal dollars do require additional environmental impact studies which can increase a project timeline.

- Staff is recommending submitting two applications:

  1) Pedestrian improvements along North Point Parkway which include 12' sidewalks, landscaping, lighting, placemaking signage, crosswalks as recommended in the North Point LCI and North Point Placemaking Plan. The section is located between Haynes Bridge Road and Mansell Road.

  2) Tunnel under Haynes Bridge Road to connect Alpha Loop.

- The application submittal deadline is October 11th and Staff would like authorization to work with Kimley Horn, our on-call consultant, on a joint application effort.

- Director of Public Works, Pete Sewczwicz, came forward to address questions from Mayor and Council.

- On-call consultant, Beth Tucker, came forward to speak on behalf of Kimley Horn.

VIII. PUBLIC COMMENT

- Ruth Ann Tatum, 250 Pebble Trail, Alpharetta, came forward to speak.

IX. REPORTS

- Council Member Binder announced the following upcoming events:
  - 21st Annual Touch a Truck on September 14, 2019 at North Point Mall from 11:00 am – 3:00 pm
  - 7th Annual Gilling and Gridiron on Saturday, September 14, 2019 in Downtown Alpharetta at 11:30 am
  - Home by Dark Concert Series will be featuring JP Williams & Sabrina on Saturday, September 14, 2019 at 7:30 pm
  - IronKids Triathlon is Sunday, September 15, 2019 at Wills Park from 7:15 – 11:00 am
- Council Member Richard announced the Community Zoning Information Meeting scheduled for Wednesday, September 11, 2019 at 6:00 pm at Alpharetta City Hall.
- Council Member Burnett spoke on a discussion he had with the Director of Finance, Tom Harris, regarding capital projects, bond funds and upcoming projects with GDOT.

X. ADJOURNMENT TO EXECUTIVE SESSION

- Council Member Richard offered a motion to adjourn to Executive Session
  - The motion received a second from Council Member Merkel
  - The motion was passed unanimously (7-0)
- With no further business to discuss or items to be heard, Mayor Gilvin adjourned the meeting to Executive Session at 8:20 PM

Respectfully submitted,

Erin Cobb

Erin Cobb, City Clerk

City Council Meeting
STAFF REPORT

Submitting Department: Legal
Submitted By: Sam Thomas
Sponsored By:
Meeting Date: September 16, 2019

I. AGENDA ITEM TITLE: PH-19-21 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS - WIRELESS TELECOMMUNICATIONS FACILITIES (1ST READING)

CONSIDERATION OF TEXT AMENDMENTS TO UNIFIED DEVELOPMENT CODE TO AMEND SECTION 2.8 WIRELESS TELECOMMUNICATIONS FACILITIES.

II. RECOMMENDATION:

Approve amendments to the Unified Development Code as it relates to Wireless Telecommunications Facilities.

III. REPORT IN BRIEF:

Consideration of text amendments to Unified Development Code (UDC) Subsection 2.8.10, Wireless Telecommunications Facilities in Public Rights-of-Way.

Staff proposes amendments to Subsection 2.8.10 of the Unified Development Code in order to come into compliance with Senate Bill 66 with respect to small cell facilities in the public right-of-way. The new Section 2.8.10 is similar to the Model Small Cell Ordinance recommended by Georgia Municipal Association (GMA), of which a copy is attached.

IV. ALTERNATIVES:

V. ATTACHMENTS:

UDC WTF CC Staff Report, ORDINANCE TO AMEND SECTION 2.8.10 OF UDC - PLACEMENT OF WIRELESS FAC IN PUB ROW(3378644.1), GMA Model Ordinance - Wireless Facilities and Antennas(3378563.1), Senate Bill 66 - Streamlining Wireless Facilities and Antennas Act (2019)(3378574.1)

CITY COUNCIL MEETING
STAFF REPORT

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

I. AGENDA ITEM TITLE: PH-19-21 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – WIRELESS TELECOMMUNICATIONS FACILITIES

CITY COUNCIL: SEPTEMBER 16, 2019

This item was heard at the September 5, 2019 Planning Commission meeting. There were no public comments. After discussion, the Planning Commission recommended to approve the item. Vote (7-0)

II. RECOMMENDATION:

Approve amendments to the Unified Development Code as it relates to Wireless Telecommunications Facilities.

III. REPORT IN BRIEF:

Consideration of text amendments to Unified Development Code (UDC) Subsection 2.8.10, Wireless Telecommunications Facilities in Public Rights-of-Way.

Staff proposes amendments to Subsection 2.8.10 of the Unified Development Code in order to come into compliance with Senate Bill 66 with respect to small cell facilities in the public right-of-way. The new Section 2.8.10 is similar to the Model Small Cell Ordinance recommended by Georgia Municipal Association (GMA), of which a copy is attached.

IV. ATTACHMENTS:

- UDC Strike Through and Underline Edits
- Senate Bill 66
- GMA Model Small Cell Ordinance

AN ORDINANCE TO AMEND SECTION 2.8.10 OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA, GEORGIA, RELATED TO THE PLACEMENT OF 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, O.C.G.A. § 32-4-92 authorizes the City to establish reasonable regulations for the installation, construction, maintenance, renewal, removal, and relocation of pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, and other equipment, facilities, or appliances in, on, along, over, or under the public roads of the City.

WHEREAS, 47 U.S.C. § 253(c) provides that the City has authority to manage its public rights of way; 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 Georgia Streamlining Wireless Facilities and Antennas Act., O.C.G.A. Title 36, Chapter 66C (the "SWFAA"), passed by the Georgia General Assembly during the 2019 legislative session, addresses the placement of small wireless facilities in the public rights of way of the City; and

WHEREAS, the City Council desires to modify existing regulations governing the placement of wireless facilities in the public rights-of-way of the City in order to comply with SWFAA; and

WHEREAS, in order to accomplish the foregoing and for other purposes, the City desires to amend Section 2.8.10, "Wireless Telecommunications Facilities in Public Rights-of-Way," of Article II of the Unified Development Code of the City of Alpharetta, Georgia (the "Unified Development Code") 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: Section 2.8.10, titled "Wireless Telecommunications Facilities in Public Rights-of-Way," of Article II of the Unified Development Code is hereby amended by deleting same in its entirety and inserting in lieu thereof a new Section 2.8.10, titled "Wireless Facilities and Antennas

in Public Rights of Way," to read 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 become effective on October 1, 2019, and incorporated into The Unified Development Code of the City of Alpharetta, Georgia. Upon its effective date, this Ordinance shall repeal any and all conflicting ordinances and amendments.

SO ORDAINED this the _____day of _____, 2019.

CITY OF ALPHARETTA, GEORGIA

By:_____
Jim Gilvin, Mayor

COUNCIL MEMBERS

_____

_____

_____

_____

_____

_____

ATTEST:

_____
Erin Cobb, City Clerk

First Reading_____

Second Reading_____

Adopted_____

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

_____
C. Sam Thomas, City Attorney

EXHIBIT "A"

2.8.10 Wireless Facilities and Antennas in Public Rights of Way

A. *Purpose and Compliance.*

1. This Ordinance shall be known as the "Wireless Facilities and Antennas in Public Rights of Way Ordinance" and may be internally cited in this Section 2.8.10 as "this Ordinance."

2. O.C.G.A. § 32-4-92 authorizes the City of Alpharetta, Georgia (the "City") to establish reasonable regulations for the installation, construction, maintenance, renewal, removal, and relocation of pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, and other equipment, facilities, or appliances in, on, along, over, or under the public roads of the City. Further, 47 U.S.C. § 253(c) provides that the City has authority to manage its public rights of way. Finally, the Georgia Streamlining Wireless Facilities and Antennas Act., O.C.G.A. Title 36, Chapter 66C (the "SWFAA"), addresses the placement of small wireless facilities in the public rights of way of the City.

3. The City finds it is in the best interest of the City and its residents and businesses to establish requirements, specifications reasonable conditions regarding placement of small wireless facilities and poles in the public rights of way. These requirements, specifications and conditions are adopted in order to protect the public health, safety and welfare of the residents and businesses of the City and to reasonably manage and protect the public rights of way and its uses in the City.

4. The objective of this Ordinance is to (i) implement the SWFAA and (ii) ensure use of the public rights of way is consistent with the design, appearance and other features of nearby land uses, protects the integrity of historic, cultural and scenic resources and does not harm residents' quality of life.

B. *Definitions*. As used in this Section 2.8.10, the following terms have the following meanings:

"Antenna" means: (i) communications equipment that transmits, receives, or transmits and receives electromagnetic radio frequency signals used in the provision of wireless services or other wireless communications; or (ii) Communications equipment similar to equipment described in part (i) used for the transmission, reception, or transmission and reception of surface waves. Such term shall not include television broadcast antennas, antennas designed for amateur radio use, or satellite dishes for residential or household purposes.

"Applicable Codes" means uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization to the extent such codes have been adopted by the State of Georgia or the City or are otherwise applicable in the City.

"Applicant" means any person that submits an application.

"Application" means a written request submitted by an applicant to the City for a permit to: (i) collocate a small wireless facility in a right of way; or (ii) install, modify, or replace a pole or decorative pole in a right of way on which a small wireless facility is or will be located.

EXHIBIT “A”

“Authority Pole” means a pole owned, managed, or operated by or on behalf of the City. Such term shall not include poles, support structures, electric transmission structures, or equipment of any type owned by an electric supplier.

“Collocate” or “Collocation” means to install, mount, modify, or replace a small wireless facility on or adjacent to a pole, decorative pole, or support structure.

“Communications Facility” means the set of equipment and network components, including wires and cables and associated equipment and network components, used by a communications service provider to provide communications services.

“Communications Service Provider” means a provider of communications services.

“Communications Services” means cable service as defined in 47 U.S.C. § 522(6); telecommunications service as defined in 47 U.S.C. § 153(53); information service as defined in 47 U.S.C. Section 153(24), as each such term existed on January 1, 2019; or wireless services.

“Consolidated Application” means an application for the collocation of multiple small wireless facilities on existing poles or support structures or for the installation, modification, or replacement of multiple poles and the collocation of associated small wireless facilities.

“Decorative Pole” means an authority pole that is specially designed and placed for aesthetic purposes.

“Electric Supplier” means any electric light and power company subject to regulation by the Georgia Public Service Commission, any electric membership corporation furnishing retail service in this state, and any municipality which furnishes such service within this state.

“Eligible Facilities Request” means an eligible facilities request as set forth in 47 C.F.R. § 1.40001(b)(3), as it existed on January 1, 2019.

“FCC” means the Federal Communications Commission of the United States.

“Fee” means a one-time, nonrecurring charge based on time and expense.

“Historic District” means: (i) any district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the secretary of the interior of the United States in accordance with Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement codified by 47 C.F.R. Part 1; (ii) any area designated as a historic district under Article 2 of Chapter 10 of Title 44, the Georgia Historic Preservation Act'; or (iii) any area designated as a historic district or property by law prior to April 26, 2019.

“Law” means and includes any and all federal, state, or local laws, statutes, common laws, codes, rules, regulations, orders, or ordinances.

EXHIBIT “A”

“Micro Wireless Facility” means a small wireless facility not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height that has an exterior antenna, if any, no longer than 11 inches.

“Permit” means a written authorization, in electronic or hard copy format, required to be issued by the City to initiate, continue, or complete the collocation of a small wireless facility or the installation, modification, or replacement of a pole or decorative pole upon which a small wireless facility is collocated.

“Person” means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including an authority.

“Pole” means a vertical pole such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal, or other material that is lawfully located or to be located within a right of way, including without limitation a replacement pole and an authority pole. Such term shall not include a support structure, decorative pole, or electric transmission structure.

“Rate” means a recurring charge.

“Reconditioning Work” means the activities associated with substantially painting, reconditioning, improving, or repairing authority poles.

“Replace,” “Replacement” or “Replacing” means to replace a pole or decorative pole with a new pole or a new decorative pole, similar in design, size, and scale to the existing pole or decorative pole consistent with 47 C.F.R. § 1.40001(b)(7) as it existed on January 1, 2019, in order to address limitations of, or change requirements applicable to, the existing pole to structurally support the collocation of a small wireless facility.

“Replacement Work” means the activities associated with replacing an authority pole.

“Right of Way” means, generally, property or any interest therein, whether or not in the form of a strip, which is acquired for or devoted to a public road; provided, however, that such term shall apply only to property or an interest therein that is under the ownership or control of the City and shall not include property or any interest therein acquired for or devoted to an interstate highway or the public rights, structures, sidewalks, facilities, and appurtenances of buildings for public equipment and personnel used for or engaged in administration, construction, or maintenance of public roads or research pertaining thereto or scenic easements and easements of light, air, view and access.

“Small Wireless Facility” means radio transceivers; surface wave couplers; antennas; coaxial, fiber optic, or other cabling; power supply; backup batteries; and comparable and associated equipment, regardless of technological configuration, at a fixed location or fixed locations that enable communication or surface wave communication between user equipment and a communications network and that meet both of the following qualifications: (i) each wireless provider's antenna could fit within an enclosure of no more than six cubic feet in volume; and (ii) all other wireless equipment associated with the facility is cumulatively no more than 28

cubic feet in volume, measured based upon the exterior dimensions of height by width by depth of any enclosure that may be used. The following types of associated ancillary equipment are not included in the calculation of the volume of all other wireless equipment associated with any such facility: electric meters; concealment elements; telecommunications demarcation boxes; grounding equipment; power transfer switches; cut-off switches; and vertical cable runs for connection of power and other services. Such term shall not include a pole, decorative pole, or support structure on, under, or within which the equipment is located or collocated or to which the equipment is attached and shall not include any wireline backhaul facilities or coaxial, fiber optic, or other cabling that is between small wireless facilities, poles, decorative poles, or support structures or that is not otherwise immediately adjacent to or directly associated with a particular antenna.

"State" means the State of Georgia.

"Support Structure" means a building, billboard, water tank, or any other structure to which a small wireless facility is or may be attached. Such term shall not include a decorative pole, electric transmission structure, or pole.

"Wireless Infrastructure Provider" means any person, including a person authorized to provide telecommunications services in this state, that builds, installs, or operates small wireless facilities, poles, decorative poles, or support structures on which small wireless facilities are or are intended to be used for collocation but that is not a wireless services provider.

"Wireless Provider" means a wireless infrastructure provider or a wireless services provider.

"Wireless Services" means any services provided to the public using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile.

"Wireless Services Provider" means a person that provides wireless services.

"Wireline Backhaul Facility" means an aboveground or underground wireline facility used to transport communications data from a telecommunications demarcation box associated with small wireless facility to a network.

C. *Permits*.

1. A permit is required to collocate a small wireless facility in the public right of way or to install, modify, or replace a pole or a decorative pole in the public right of way. A permit is not required to perform the activities described in O.C.G.A. § 36-66C-6(e) or (f).

2. Any person seeking to collocate a small wireless facility in the public right of way or to install, modify, or replace a pole or a decorative pole in the public right of way shall submit an application to the Public Works Department for a permit. Applications are available from the Public Works Department. Any material change to information contained in an application shall be submitted in writing to the Public Works Department within 30 days after the events necessitating the change.

3. Each application for a permit shall include the maximum application fees permitted under O.C.G.A. § 36-66C-5(a)(1), (a)(2) and (a)(3). Such maximum application fees shall automatically increase on January 1 of each year beginning January 1, 2021, as provided under O.C.G.A. § 36-66C-5(b).

4. The Public Works Department shall review applications for permits according to the timelines and using the procedures identified in O.C.G.A. §§ 36-66C-7 and 36-66C-13.

5. Applications for permits shall be approved except as follows:

   (a) In order to receive a permit to install a pole or replace a decorative pole, the applicant must have determined after diligent investigation that it cannot meet the service objectives of the permit by collocating on an existing pole or support structure on which: (i) the applicant has the right to collocate subject to reasonable terms and conditions; and (ii) such collocation would not impose technical limitations or significant additional costs. The applicant shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and shall provide a written summary of the basis for such determination.

   (b) The Public Works Department may deny an application for a permit upon any of the conditions identified in O.C.G.A. § 36-66C-7(j).

   (c) For applications for new poles in the public right of way in areas zoned for residential use, the Public Works Department may propose an alternate location in the public right of way within 100 feet of the location set forth in the application, and the wireless provider shall use the Public Works Department's proposed alternate location unless the location imposes technical limits or significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and it shall provide a written summary of the basis for such determination.

6. A permit issued under this Subsection 2.8.10(C) shall authorize such person to occupy the public rights of way to: (i) collocate a small wireless facility on or adjacent to a pole or a support structure that does not exceed the limitations set forth in O.C.G.A. § 36-66C-7(h)(3) or on or adjacent to a decorative pole in compliance with O.C.G.A. § 36-66C-12; and (ii) install, modify, or replace a pole or decorative pole for collocation of a small wireless facility that does not exceed the limitations set forth in O.C.G.A. § 36-66C-7(h)(1) and (h)(2).

7. Upon the issuance of a permit under this Ordinance, and on each anniversary of such issuance, every person issued a permit shall submit to the City the maximum annual payments permitted under O.C.G.A. § 36-66C-5(a)(4) and (a)(5); provided, however, that if such person removes its small wireless facilities form the public rights of way pursuant to O.C.G.A. § 36-66C-5(e), then such person shall be responsible for the pro rata portion of the annual payment based on the number of days of occupation since the last annual payment. Upon making such pro rata payment and removal of the small wireless facilities,

the person's annual payment obligations under this section shall cease as of the date of the actual removal. 5 The maximum annual payments shall automatically increase on January 1 of each year beginning January 1, 2021, as provided under O.C.G.A. § 36-66C-5(b).

8. Any person issued a permit shall pay the fees identified in O.C.G.A. § 36-66C-5(a)(6) and (a)(7), as applicable.

9. The City may revoke a permit issued pursuant to this Subsection C if the wireless provider or its equipment placed in the public right of way under that permit subsequently is not in compliance with any provision of this Ordinance or the Georgia Streamlining Wireless Facilities and Antennas Act. Upon revocation, the City may proceed according to the following Paragraph 10.

10. If a wireless provider occupies the public rights of way without obtaining a permit required by this Subsection 2.8.10(C) or without complying with the SWFAA, then the City may, at the sole discretion of the City, restore the right of way, to the extent practicable in the reasonable judgment of the City, to its condition prior to the unpermitted collocation or installation and to charge the responsible wireless provider the reasonable, documented cost of the City in doing so, plus a penalty not to exceed $1,000.00. The City may suspend the ability of the wireless provider to receive any new permits from the City under this Subsection 2.8.10(C) until the wireless provider has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that the City may not suspend such ability of any applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.

11. All accepted applications for permits shall be publicly available subject to the limitations identified in O.C.G.A. § 36-66C-6(c).

12. An applicant may file a consolidated application related to multiple small wireless facilities, poles or decorative poles so long as such consolidated application meets the requirements of O.C.G.A. § 36-66C-13.

13. Activities authorized under a permit shall be completed within the timelines provided in O.C.G.A. § 36-66C-7(k)(2).

14. Issuance of a permit authorizes the applicant to: (i) undertake the collocation, installation, modification or replacement approved by the permit and (ii) operate and maintain the small wireless facilities and any associated pole covered by the permit for a period of ten (10) years.

15. Permits shall be renewed following the expiration of the term identified in Section 3.14 upon the terms and conditions identified in O.C.G.A. § 36-66C-7(k)(2)(B).

16. If an application for a permit seeks to collocate small wireless facilities on authority poles in the public rights of way, then the City shall, within 60-days of receipt of the completed application: (i) provide a good faith estimate for any make-ready work necessary to enable

the authority pole to support the proposed facility; or (ii) notify the wireless provider that the wireless provider will be required to perform the make-ready work. Any make-ready work performed by the City shall be completed pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(n).

D. *Removal; Relocation; Reconditioning; Replacement; Abandonment.*

1. A person may remove its small wireless facilities from the public rights of way according to the procedures of O.C.G.A. § 36-66C-5(e).

2. In the event of a removal under the foregoing paragraph, the right of way shall be, to the extent practicable in the reasonable judgment of the City, restored to its condition prior to the removal. If a person fails to return the right of way, to the extent practicable in the reasonable judgment of the City, to its condition prior to the removal within 90 days of the removal, the City may, at the sole discretion of the City, restore the right of way to such condition and charge the person the City's reasonable, documented cost of removal and restoration, plus a penalty not to exceed $500.00. The City may suspend the ability of the person to receive any new permits under Subsection 2.8.10(C) until the person has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that the City will not suspend such ability of any person that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.

3. If, in the reasonable exercise of police powers, the City determines: (i) a pole or support structure unreasonably interferes with the widening, repair, reconstruction, or relocation of a public road or highway, or (ii) relocation of poles, support structures, or small wireless facilities is required as a result of a public project, the wireless provider shall relocate such poles, support structures, or small wireless facilities pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(l). If the wireless provider fails to relocate a pole, support structure or small wireless facility or fails to provide a written good faith estimate of the time needed to relocate the pole, support structure or small wireless within the time period prescribed in O.C.G.A. § 36-66C-7(l), the City make take the actions authorized by O.C.G.A. § 36-66C-7(o), in addition to any other powers under applicable law.

4. The City shall recondition and replace authority poles consistent with the provisions of O.C.G.A. § 36-66C-7(m). Wireless providers shall accommodate and cooperate with reconditioning and replacement consistent with the provisions of O.C.G.A. § 36- 66C-7(m).

5. A wireless provider must notify the City of its decision to abandon any small wireless facility, support structure or pole pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(p)(1). The wireless provider shall perform all acts and duties identified in O.C.G.A. § 36-66C-7(p) regarding abandonment. The City may take all actions and exercise all powers authorized under O.C.G.A. § 36-66C-7(p) upon abandonment, in addition to any other powers under applicable law.

EXHIBIT "A"

E. *Standards*.

1. Small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities may be placed in the public right of way as a permitted use: (i) upon a receipt of a permit under Subsection 2.8.10(C); (ii) subject to applicable codes; and (iii) so long as such small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities comply with the appropriate provisions of O.C.G.A. § 36- 66C-7(h).

   (a) New, modified, or replacement poles installed in the right of way in a historic district and in an area zoned primarily for residential use shall not exceed 50 feet above ground level.

   (b) Each new, modified, or replacement pole installed in the right of way that is not in a historic district or in an area zoned primarily for residential use shall not exceed the greater of:

      (i) Fifty feet above ground level; or

      (ii) Ten feet greater in height above ground level than the tallest existing pole in the same public right of way in place as of January 1, 2019, and located within 500 feet of the new proposed pole;

   (c) New small wireless facilities in the public right of way and collocated on an existing pole or support structure shall not exceed more than ten feet above the existing pole or support structure.

   (d) New small wireless facilities in the public right of way collocated on a new or replacement pole under subparagraph 1(a) or subparagraph 1(b) of this Subsection 2.8.10(E) may not extend above the top of such poles.

2. A decorative pole should only be located where an existing pole can be removed and replaced, or at a new location where the City has identified that a streetlight is necessary.

3. Unless it is determined that another design is less intrusive, or placement is required under applicable law, small wireless facilities shall be concealed as follows:

   (a) Antennas located at the top of poles and support structures shall be incorporated into the pole or support structure, or placed within shrouds of a size such that the antenna appears to be part of the pole or support structure;

   (b) Antennas placed elsewhere on a pole or support structure shall be integrated into the pole or support structure, or be designed and placed to minimize visual impacts.

   (c) Radio units or equipment cabinets holding radio units and mounted on a pole shall be placed as high as possible, located to avoid interfering with, or creating any hazard to,

any other use of the public rights of way, and located on one side of the pole. Unless the radio units or equipment cabinets can be concealed by appropriate traffic signage, radio units or equipment cabinets mounted below the communications space on poles shall be designed so that the largest dimension is vertical, and the width is such that the radio units or equipment cabinets are minimally visible from the opposite side of the pole on which they are placed.

(d) Wiring and cabling shall be neat and concealed within or flush to the pole or support structure, ensuring concealment of these components to the greatest extent possible.

4. Notwithstanding any provision of this Ordinance to the contrary, an applicant may collocate a small wireless facility within a historic district, and may place or replace a pole within a historic district, only upon satisfaction of the following: (i) issuance of a permit under Subsection 2.8.10(C) and (ii) compliance with applicable codes.

5. Notwithstanding any provision of this Ordinance to the contrary, an applicant may collocate a small wireless facility on a decorative pole, or may replace a decorative pole with a new decorative pole, in the event the existing decorative pole will not structurally support the attachment, only upon satisfaction of the following: (i) issuance of a permit under Subsection 2.8.10(C) and (ii) compliance with applicable codes.

PLEASE CONSULT YOUR CITY / COUNTY ATTORNEY BEFORE ADOPTING

[CITY / COUNTY OF _____]

WIRELESS FACILITIES AND ANTENNAS [CODE / ORDINANCE]

ARTICLE I
PURPOSE AND COMPLIANCE

Section 1.1 O.C.G.A. § [32-4-92(a)(10) / 32-4-42(6)] authorizes the [City of _____, Georgia (the "City") / County of _____, Georgia (the "County"] to establish reasonable regulations for the installation, construction, maintenance, renewal, removal, and relocation of pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, and other equipment, facilities, or appliances in, on, along, over, or under the public roads of the [City / County]. Further, 47 U.S.C. § 253(c) provides that the [City / County] has authority to manage its public rights of way. Finally, the Georgia Streamlining Wireless Facilities and Antennas Act., O.C.G.A. Title 36, Chapter 66C (the "SWFAA"), addresses the placement of small wireless facilities in the public rights of way of the [City / County].

Section 1.2 The [City / County] finds it is in the best interest of the [City / County] and its residents and businesses to establish requirements, specifications reasonable conditions regarding placement of small wireless facilities, poles in the public rights of way. These requirements, specifications and conditions are adopted in order to protect the public health, safety and welfare of the residents and businesses of the [City / County] and to reasonably manage and protect the public rights of way and its uses in the [City / County].

Section 1.3 The objective of this [Code / Ordinance] is to (i) implement the SWFAA and (ii) ensure use of the public rights of way is consistent with the design, appearance and other features of nearby land uses, protects the integrity of historic, cultural and scenic resources and does not harm residents' quality of life.[1]

ARTICLE II
DEFINITIONS

Section 2.1 Unless defined below, terms used in this [Code / Ordinance] shall have the meanings given them in O.C.G.A. § 36-66C-2.

[Alternative Text for Section 2.1][2] As used in this [Code / Ordinance], the following terms have the following meanings:

(a) "Antenna" means: (i) communications equipment that transmits, receives, or transmits and receives electromagnetic radio frequency signals used in the provision of wireless services or other wireless communications; or (ii) Communications equipment similar to equipment described in part (i) used for the transmission, reception, or

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[1] Note, this list of considerations comes from ¶ 86 of FCC 2018 Small Cell Order.

[2] These definitions mirror the SWFAA. Incorporating them directly into the Aesthetics standards means Cities and Counties will need to amend their codes / ordinances if the legislature changes SWFAA definitions. If Cities / Counties adopt the alternative text, remember to monitor the SWFAA and incorporate changes into your codes / ordinances.

transmission and reception of surface waves. Such term shall not include television broadcast antennas, antennas designed for amateur radio use, or satellite dishes for residential or household purposes.

(b) "Applicable Codes" means uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization to the extent such codes have been adopted by the State of Georgia or the [City / County] or are otherwise applicable in the [City / County].

(c) "Applicant" means any person that submits an application.

(d) "Application" means a written request submitted by an applicant to the [City / County] for a permit to: (i) collocate a small wireless facility in a right of way; or (ii) install, modify, or replace a pole or decorative pole in a right of way on which a small wireless facility is or will be located.

(e) "Authority Pole" means a pole owned, managed, or operated by or on behalf of the [City / County]. Such term shall not include poles, support structures, electric transmission structures, or equipment of any type owned by an electric supplier.

(f) "Collocate" or "Collocation" means to install, mount, modify, or replace a small wireless facility on or adjacent to a pole, decorative pole, or support structure.

(g) "Communications Facility" means the set of equipment and network components, including wires and cables and associated equipment and network components, used by a communications service provider to provide communications services.

(h) "Communications Service Provider" means a provider of communications services.

(i) "Communications Services" means cable service as defined in 47 U.S.C. § 522(6); telecommunications service as defined in 47 U.S.C. § 153(53); information service as defined in 47 U.S.C. Section 153(24), as each such term existed on January 1, 2019; or wireless services.

(j) "Consolidated Application" means an application for the collocation of multiple small wireless facilities on existing poles or support structures or for the installation, modification, or replacement of multiple poles and the collocation of associated small wireless facilities.

(k) "Decorative Pole" means an authority pole that is specially designed and placed for aesthetic purposes.

(l) "Electric Supplier" means any electric light and power company subject to regulation by the Georgia Public Service Commission, any electric membership corporation furnishing retail service in this state, and any municipality which furnishes such service within this state.

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(m) "Eligible Facilities Request" means an eligible facilities request as set forth in 47 C.F.R. § 1.40001(b)(3), as it existed on January 1, 2019.

(n) "FCC" means the Federal Communications Commission of the United States.

(o) "Fee" means a one-time, nonrecurring charge based on time and expense.

(p) "Historic District" means: (i) any district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the secretary of the interior of the United States in accordance with Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement codified by 47 C.F.R. Part 1; (ii) any area designated as a historic district under Article 2 of Chapter 10 of Title 44, the Georgia Historic Preservation Act'; or (iii) any area designated as a historic district or property by law prior to April 26, 2019.

(q) "Law" means and includes any and all federal, state, or local laws, statutes, common laws, codes, rules, regulations, orders, or ordinances.

(r) "Micro Wireless Facility" means a small wireless facility not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height that has an exterior antenna, if any, no longer than 11 inches.

(s) "Permit" means a written authorization, in electronic or hard copy format, required to be issued by the [City / County] to initiate, continue, or complete the collocation of a small wireless facility or the installation, modification, or replacement of a pole or decorative pole upon which a small wireless facility is collocated.

(t) "Person" means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including an authority.

(u) "Pole" means a vertical pole such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal, or other material that is lawfully located or to be located within a right of way, including without limitation a replacement pole and an authority pole. Such term shall not include a support structure, decorative pole, or electric transmission structure.

(v) "Rate" means a recurring charge.

(w) "Reconditioning Work" means the activities associated with substantially painting, reconditioning, improving, or repairing authority poles.

(x) "Replace," "Replacement" or "Replacing" means to replace a pole or decorative pole with a new pole or a new decorative pole, similar in design, size, and scale to the existing pole or decorative pole consistent with 47 C.F.R. § 1.40001(b)(7) as it existed on January 1, 2019, in order to address limitations of, or change requirements applicable to, the existing pole to structurally support the collocation of a small wireless facility.

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(y) "Replacement Work" means the activities associated with replacing an authority pole.

(z) "Right of Way" means, generally, property or any interest therein, whether or not in the form of a strip, which is acquired for or devoted to a public road; provided, however, that such term shall apply only to property or an interest therein that is under the ownership or control of the [City / County] and shall not include property or any interest therein acquired for or devoted to an interstate highway or the public rights, structures, sidewalks, facilities, and appurtenances of buildings for public equipment and personnel used for or engaged in administration, construction, or maintenance of public roads or research pertaining thereto or scenic easements and easements of light, air, view and access.

(aa) "Small Wireless Facility" means radio transceivers; surface wave couplers; antennas; coaxial, fiber optic, or other cabling; power supply; backup batteries; and comparable and associated equipment, regardless of technological configuration, at a fixed location or fixed locations that enable communication or surface wave communication between user equipment and a communications network and that meet both of the following qualifications: (i) each wireless provider's antenna could fit within an enclosure of no more than six cubic feet in volume; and (ii) all other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume, measured based upon the exterior dimensions of height by width by depth of any enclosure that may be used. The following types of associated ancillary equipment are not included in the calculation of the volume of all other wireless equipment associated with any such facility: electric meters; concealment elements; telecommunications demarcation boxes; grounding equipment; power transfer switches; cut-off switches; and vertical cable runs for connection of power and other services. Such term shall not include a pole, decorative pole, or support structure on, under, or within which the equipment is located or collocated or to which the equipment is attached and shall not include any wireline backhaul facilities or coaxial, fiber optic, or other cabling that is between small wireless facilities, poles, decorative poles, or support structures or that is not otherwise immediately adjacent to or directly associated with a particular antenna.

(bb) "State" means the State of Georgia.

(cc) "Support Structure" means a building, billboard, water tank, or any other structure to which a small wireless facility is or may be attached. Such term shall not include a decorative pole, electric transmission structure, or pole.

(dd) " Wireless Infrastructure Provider" means any person, including a person authorized to provide telecommunications services in this state, that builds, installs, or operates small wireless facilities, poles, decorative poles, or support structures on which small wireless facilities are or are intended to be used for collocation but that is not a wireless services provider.

(ee) "Wireless Provider" means a wireless infrastructure provider or a wireless services provider.

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(ff) "Wireless Services" means any services provided to the public using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile.

(gg) "Wireless Services Provider" means a person that provides wireless services.

(hh) "Wireline Backhaul Facility" means an aboveground or underground wireline facility used to transport communications data from a telecommunications demarcation box associated with small wireless facility to a network.

Section 2.2 In the event that any federal or state law containing definitions used in this [Code / Ordinance] is amended, the definition in the referenced section, as amended, shall control.

ARTICLE III
PERMITS

Section 3.1 A permit is required to collocate a small wireless facility[3] in the public right of way or to install, modify, or replace a pole or a decorative pole in the public right of way. A permit is not required to perform the activities described in O.C.G.A. § 36-66C-6(e) or (f).

Section 3.2 Any person seeking to collocate a small wireless facility in the public right of way or to install, modify, or replace a pole or a decorative pole in the public right of way shall submit an application to [INSERT NAME OF DEPARTMENT REVIEWING / PROCESSING APPLICATIONS] for a permit. Applications are available from the [INSERT NAME OF DEPARTMENT REVIEWING / PROCESSING APPLICATIONS]. [The application template is included as Exhibit A to this [Code / Ordinance]. Any material change to information contained in an application shall be submitted in writing to the [INSERT NAME OF DEPARTMENT REVIEWING / PROCESSING APPLICATIONS] within 30 days after the events necessitating the change.

Section 3.3 Each application for a permit shall include the maximum application fees permitted under O.C.G.A. § 36-66C-5(a)(1), (a)(2) and (a)(3).[4] Such maximum application fees shall automatically increase on January 1 of each year beginning January 1, 2021, as provided under O.C.G.A. § 36-66C-5(b).

Section 3.4 The [INSERT NAME OF DEPARTMENT REVIEWING / PROCESSING APPLICATIONS] shall review applications for permits according to the timelines and using the procedures identified in O.C.G.A. §§ 36-66C-7 and 36-66C-13.

Section 3.5 Applications for permits shall be approved except as follows:

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[3] **NOTE** Under SWFAA, collocation can be on or adjacent to: (i) a pole or decorative pole or (ii) a support structure. By definition, poles and decorative poles are in the right of way. Support structures may be located outside of the right of way. Permitting of support structures is not part of this process. *See* O.C.G.A. § 36-66C-6(l).

[4] Note, if FCC Order regarding fees is overturned or modified, this should be revisited. SWFAA provides that if the FCC Order is modified or terminated, then fees are capped at what is "fair and reasonable."

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(a) In order to receive a permit to install a pole or replace a decorative pole, the applicant must have determined after diligent investigation that it cannot meet the service objectives of the permit by collocating on an existing pole or support structure on which: (i) the applicant has the right to collocate subject to reasonable terms and conditions; and (ii) such collocation would not impose technical limitations or significant additional costs. The applicant shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and shall provide a written summary of the basis for such determination.

(b) The **[INSERT NAME OF DEPARTMENT REVIEWING / PROCESSING APPLICATIONS]** may deny an application for a permit upon any of the conditions identified in O.C.G.A. § 36-66C-7(j).

(c) For applications for new poles in the public right of way in areas zoned for residential use, the **[INSERT NAME OF DEPARTMENT REVIEWING / PROCESSING APPLICATIONS]** may propose an alternate location in the public right of way within 100 feet of the location set forth in the application, and the wireless provider shall use the **[INSERT NAME OF DEPARTMENT REVIEWING / PROCESSING APPLICATIONS]** proposed alternate location unless the location imposes technical limits or significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and it shall provide a written summary of the basis for such determination.

Section 3.6 A permit issued under this ARTICLE III shall authorize such person to occupy the public rights of way to: (i) collocate a small wireless facility on or adjacent to a pole or a support structure that does not exceed the limitations set forth in O.C.G.A. § 36-66C-7(h)(3) or on or adjacent to a decorative pole in compliance with O.C.G.A. § 36-66C-12; and (ii) install, modify, or replace a pole or decorative pole for collocation of a small wireless facility that does not exceed the limitations set forth in O.C.G.A. § 36-66C-7(h)(1) and (h)(2).

Section 3.7 Upon the issuance of a permit under this **[Code / Ordinance]**, and on each anniversary of such issuance, every person issued a permit shall submit to the **[City / County]** the maximum annual payments permitted under O.C.G.A. § 36-66C-5(a)(4) and (a)(5); provided, however, that if such person removes its small wireless facilities form the public rights of way pursuant to O.C.G.A. § 36-66C-5(e), then such person shall be responsible for the pro rata portion of the annual payment based on the number of days of occupation since the last annual payment. Upon making such pro rata payment and removal of the small wireless facilities, the person's annual payment obligations under this section shall cease as of the date of the actual removal. [5] The maximum annual payments shall automatically increase on January 1 of each year beginning January 1, 2021, as provided under O.C.G.A. § 36-66C-5(b).

Section 3.8 Any person issued a permit shall pay the fees identified in O.C.G.A. § 36-66C-5(a)(6) and (a)(7), as applicable.

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[5] Note, if FCC Order regarding fees is overturned or modified, SWFAA provides fees are capped at what is "fair and reasonable." This provision may need to be revised if the FCC Order is overturned.

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Section 3.9 The [City/County] may revoke a permit issued pursuant to this ARTICLE III if the wireless provider or its equipment placed in the public right of way under that permit subsequently is not in compliance with any provision of this [Code / Ordinance] or the Georgia Streamlining Wireless Facilities and Antennas Act. Upon revocation, the [City / County] may proceed according to Section 3.10.

Section 3.10 If a wireless provider occupies the public rights of way without obtaining a permit required by this ARTICLE III or without complying with the SWFAA, then the [City / County] may, at the sole discretion of the [City / County], restore the right of way, to the extent practicable in the reasonable judgment of the [City / County], to its condition prior to the unpermitted collocation or installation and to charge the responsible wireless provider the reasonable, documented cost of the [City / County] in doing so, plus a penalty not to exceed $1,000.00.[6] The [City / County]may suspend the ability of the wireless provider to receive any new permits from the [City / County] under this ARTICLE III until the wireless provider has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that the [City / County] may not suspend such ability of any applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.

Section 3.11 All accepted applications for permits shall be publically available subject to the limitations identified in O.C.G.A. § 36-66C-6(c).

Section 3.12 An applicant may file a consolidated application related to multiple small wireless facilities, poles or decorative poles so long as such consolidated application meets the requirements of O.C.G.A. § 36-66C-13.

Section 3.13 Activities authorized under a permit shall be completed within the timelines provided in O.C.G.A. § 36-66C-7(k)(2).

Section 3.14 Issuance of a permit authorizes the applicant to: (i) undertake the collocation, installation, modification or replacement approved by the permit and (ii) operate and maintain the small wireless facilities and any associated pole covered by the permit for a period of ____[7] years.

Section 3.15 Permits shall be renewed following the expiration of the term identified in Section 3.14 upon the terms and conditions identified in O.C.G.A. § 36-66C-7(k)(2)(B).

Section 3.16 If an application for a permit seeks to collocate small wireless facilities on authority poles in the public rights of way, then the [City / County] shall, within 60-days of receipt of the completed application: (i) provide a good faith estimate for any make-ready work necessary to enable the authority pole to support the proposed facility; or (ii) notify the wireless provider that the wireless provider will be required to perform the make-ready work. Any make-ready work performed by the [City/County] shall be completed pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(n).

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[6] Penalty authorized under O.C.G.A. § 36-66C-6(b).

[7] Note, must be at least 10 years under O.C.G.A. § 36-66C-7(k)(2)(B).

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ARTICLE IV
REMOVAL; RELOCATION; RECONDITIONING; REPLACEMENT; ABANDONMENT

Section 4.1 A person may remove its small wireless facilities from the public rights of according to the procedures of O.C.G.A. § 36-66C-5(e).

Section 4.2 In the event of a removal under Section 4.1, the right of way shall be, to the extent practicable in the reasonable judgment of the [City / County], restored to its condition prior to the removal. If a person fails to return the right of way, to the extent practicable in the reasonable judgment of the [City / County], to its condition prior to the removal within 90 days of the removal, the [City / County] may, at the sole discretion of the [City / County], restore the right of way to such condition and charge the person the [City / County]'s reasonable, documented cost of removal and restoration, plus a penalty not to exceed $500.00.[8] The [City / County] may suspend the ability of the person to receive any new permits under ARTICLE III until the person has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that the [City / County] will not suspend such ability of any person that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.

Section 4.3 If, in the reasonable exercise of police powers, the [City / County] determines: (i) a pole or support structure unreasonably interferes with the widening, repair, reconstruction, or relocation of a public road or highway, or (ii) relocation of poles, support structures, or small wireless facilities is required as a result of a public project, the wireless provider shall relocate such poles, support structures, or small wireless facilities pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(l). If the wireless provider fails to relocate a pole, support structure or small wireless facility or fails to provide a written good faith estimate of the time needed to relocate the pole, support structure or small wireless within the time period prescribed in O.C.G.A. § 36-66C-7(l), the [City/county] make take the actions authorized by O.C.G.A. § 36-66C-7(o), in addition to any other powers under applicable law.

Section 4.4 The [City / County] shall recondition and replace authority poles consistent with the provisions of O.C.G.A. § 36-66C-7(m). Wireless providers shall accommodate and cooperate with reconditioning and replacement consistent with the provisions of O.C.G.A. § 36-66C-7(m).

Section 4.5 A wireless provider must notify the [City / County] of its decision to abandon any small wireless facility, support structure or pole pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(p)(1). The wireless provider shall perform all acts and duties identified in O.C.G.A. § 36-66C-7(p) regarding abandonment. The [City / County] may take all actions and exercise all powers authorized under O.C.G.A. § 36-66C-7(p) upon abandonment, in addition to any other powers under applicable law.

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[8] Penalty authorized under O.C.G.A. § 36-66C-5(e).

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ARTICLE V
STANDARDS

Section 5.1 Small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities may be placed in the public right of way as a permitted use: (i) upon a receipt of a permit under ARTICLE III; (ii) subject to applicable codes; and (iii) so long as such small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities comply with the appropriate provisions of O.C.G.A. § 36-66C-7(h).

(a) OPTION[9] New, modified, or replacement poles installed in the right of way in a historic district and in an area zoned primarily for residential use shall not exceed 50 feet above ground level.

(b) OPTION[10] Each new, modified, or replacement pole installed in the right of way that is not in a historic district or in an area zoned primarily for residential use shall not exceed the greater of:

(i) Fifty feet above ground level; or

(ii) Ten feet greater in height above ground level than the tallest existing pole in the same public right of way in place as of January 1, 2019, and located within 500 feet of the new proposed pole;

(c) OPTION[11] New small wireless facilities in the public right of way and collocated on an existing pole or support structure shall not exceed more than ten feet above the existing pole or support structure.

(d) OPTION[12] New small wireless facilities in the public right of way collocated on a new or replacement pole under Section 5.1(a) or Section 5.1(b) may not extend above the top of such poles.

Section 5.2 OPTION[13] A decorative pole should only be located where an existing pole can be removed and replaced, or at a new location where the [City / County] has identified that a streetlight is necessary.

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[9] Note, these track O.C.G.A. § 36-66C-7(h)(1)-(3) and can be included in the City or County wants these standards directly in its [Code / Ordinance]. Also, O.C.G.A. § 36-66C-7(h) only relates to permitted use and administrative approval. It is not clear whether there can be an absolute prohibition against larger equipment.

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[13] Note, this needs to be considered carefully as it relates to O.C.G.A. § 36-66B-6(3).

PLEASE CONSULT YOUR CITY / COUNTY ATTORNEY BEFORE ADOPTING

Section 5.3 OPTION Unless it is determined that another design is less intrusive, or placement is required under applicable law, small wireless facilities shall be concealed as follows:

(a) Antennas located at the top of poles and support structures shall be incorporated into the pole or support structure, or placed within shrouds of a size such that the antenna appears to be part of the pole or support structure;

(b) Antennas placed elsewhere on a pole or support structure shall be integrated into the pole or support structure, or be designed and placed to minimize visual impacts.

(c) Radio units or equipment cabinets holding radio units and mounted on a pole shall be placed as high as possible, located to avoid interfering with, or creating any hazard to, any other use of the public rights of way, and located on one side of the pole. Unless the radio units or equipment cabinets can be concealed by appropriate traffic signage, radio units or equipment cabinets mounted below the communications space on poles shall be designed so that the largest dimension is vertical, and the width is such that the radio units or equipment cabinets are minimally visible from the opposite side of the pole on which they are placed.

(d) Wiring and cabling shall be neat and concealed within or flush to the pole or support structure, ensuring concealment of these components to the greatest extent possible.

Section 5.4 Notwithstanding any provision of this [Code/Ordinance] to the contrary, an applicant may collocate a small wireless facility within a historic district, and may place or replace a pole within a historic district, only upon satisfaction of the following: (i) issuance of a permit under ARTICLE III and (ii) compliance with applicable codes.

Section 5.5 Notwithstanding any provision of this [Code/Ordinance] to the contrary, an applicant may collocate a small wireless facility on a decorative pole, or may replace a decorative pole with a new decorative pole, in the event the existing decorative pole will not structurally support the attachment, only upon satisfaction of the following: (i) issuance of a permit under ARTICLE III and (ii) compliance with applicable codes.

Senate Bill 66

By: Senators Gooch of the 51st, Ginn of the 47th, Lucas of the 26th, Dugan of the 30th, Cowsert of the 46th and others

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,
2 so as to enact the "Streamlining Wireless Facilities and Antennas Act"; to streamline the
3 deployment of wireless broadband in the public rights of way; to provide for definitions; to
4 require certain meetings between applicants and authorities before applications are submitted
5 under this Act; to provide the manner in which this Act may be implemented; to provide rate
6 and fee caps and the process to be followed for the removal of small wireless facilities; to
7 authorize wireless providers to collocate small wireless facilities on authority poles and
8 decorative poles in the right of way subject to administrative review and to occupy the right
9 of way for certain uses, including certain placements of poles and certain collocations of
10 small wireless facilities, subject to administrative review; to provide a permit application
11 process with certain exemptions and certain limitations on an authority's use and
12 administration of the right of way; to provide certain time frames and other requirements for
13 the application process, permits, relocations, reconditioning, make-ready work,
14 abandonment, imminent risks to public safety, repair of damage to the right of way, and
15 notices; to require certain applications for other uses to comply with applicable law; to
16 require an applicant to comply with certain requirements in the right of way; to provide for
17 certain requirements in historic districts; to provide a process by which an authority may
18 propose alternative locations for new poles in the right of way in areas zoned for residential
19 use; to provide for certain requirements for decorative poles; to provide for consolidated
20 applications and the tolling of application processing once certain volumes have been
21 reached; to provide for a process for the resolution of conflicting application requests; to
22 provide for indemnification by wireless providers and limitations of liability for authorities
23 and their officers, employees, or agents; to provide that, absent an agreement to the contrary,
24 an authority may not require a wireless provider to provide services unrelated to the
25 collocation for which approval is sought; to address the applicability of this Act to
26 agreements between authorities and wireless providers entered into before October 1, 2019;
27 to provide that, except to the extent authorized by federal law, nothing in this Act authorizes
28 the state or any political subdivision thereof, including an authority, to require small wireless

29 facility deployment or to regulate wireless services; to address any perceived conflicts
30 between this Act and Chapter 66B of Title 36; to address the law applicable to certain
31 activities relating to wireline backhaul facilities; to provide that the approval of certain
32 activities relating to small wireless facilities shall not authorize the provision of
33 communications services; to provide for certain limitations on the regulation of certain
34 communications facilities and the regulation and imposition of a tax, fee, or charge on certain
35 communications services; to provide that this Act shall not apply to an authority to the extent
36 such authority uses communications facilities to provide free Wi-Fi services to the public;
37 to provide that nothing in this Act relieves any person of any duties provided for in Chapter 9
38 of Title 25; to provide for related matters; to provide for effective dates; to repeal conflicting
39 laws; and for other purposes.

40 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

41 **SECTION 1.**

42 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
43 by adding a new chapter to read as follows:

44 "CHAPTER 66C

45 36-66C-1.

46 This chapter shall be known and may be cited as the 'Streamlining Wireless Facilities and
47 Antennas Act.'

48 36-66C-2.

49 As used in this chapter, the term:

50 (1) 'Administrative review' means review by an authority, including authority staff, of
51 an application to determine whether the issuance of a permit is in conformity with the
52 applicable provisions of this chapter.

53 (2) 'Antenna' means:

54 (A) Communications equipment that transmits, receives, or transmits and receives
55 electromagnetic radio frequency signals used in the provision of wireless services or
56 other wireless communications; or

57 (B) Communications equipment similar to equipment described in subparagraph (A)
58 of this paragraph used for the transmission, reception, or transmission and reception of
59 surface waves.

60 Such term shall not include television broadcast antennas, antennas designed for amateur
61 radio use, or satellite dishes for residential or household purposes.

62 (3) 'Applicable codes' means uniform building, fire, safety, electrical, plumbing, or
63 mechanical codes adopted by a recognized national code organization to the extent such
64 codes have been adopted by the state or an authority or are otherwise applicable in the
65 jurisdiction in which the application is submitted.
66 (4) 'Applicant' means any person that submits an application.
67 (5) 'Application' means a written request submitted by an applicant to an authority for
68 a permit to:
69 (A) Collocate a small wireless facility in a right of way; or
70 (B) Install, modify, or replace a pole or decorative pole in a right of way on which a
71 small wireless facility is or will be collocated.
72 (6) 'Authority' means any county, consolidated government, or municipality or any
73 agency, district, subdivision, or instrumentality thereof. Such term shall not include an
74 electric supplier.
75 (7) 'Authority pole' means a pole owned, managed, or operated by or on behalf of an
76 authority. Such term shall not include poles, support structures, electric transmission
77 structures, or equipment of any type owned by an electric supplier.
78 (8) 'Class I Authority' means any county which has 100,000 parcels or more of real
79 property within the unincorporated area of such county, any consolidated government
80 which has 100,000 parcels or more of real property within the consolidated area, or any
81 municipality which has 100,000 parcels or more of real property within the municipality.
82 (9) 'Class II Authority' means any county which has at least 10,000 parcels but less than
83 100,000 parcels of real property within the unincorporated area of such county, any
84 consolidated government which has at least 10,000 parcels but less than 100,000 parcels
85 of real property within the consolidated area, or any municipality which has at least
86 10,000 parcels but less than 100,000 parcels of real property within the municipality.
87 (10) 'Class III Authority' means any county which has less than 10,000 parcels of real
88 property within the unincorporated area of such county, any consolidated government
89 which has less than 10,000 parcels of real property within the consolidated area, or any
90 municipality which has less than 10,000 parcels of real property within the municipality.
91 (11) 'Collocate' or 'collocation' means to install, mount, modify, or replace a small
92 wireless facility on or adjacent to a pole, decorative pole, or support structure.
93 (12) 'Communications facility' means the set of equipment and network components,
94 including wires and cables and associated equipment and network components, used by
95 a communications service provider to provide communications services.
96 (13) 'Communications service provider' means a provider of communications services.
97 (14) 'Communications services' means cable service as defined in 47 U.S.C.
98 Section 522(6); telecommunications service as defined in 47 U.S.C. Section 153(53);

99 information service as defined in 47 U.S.C. Section 153(24), as each such term existed
100 on January 1, 2019; or wireless services.
101 (15) 'Consolidated application' means an application for the collocation of multiple small
102 wireless facilities on existing poles or support structures or for the installation,
103 modification, or replacement of multiple poles and the collocation of associated small
104 wireless facilities.
105 (16) 'Decorative pole' means an authority pole that is specially designed and placed for
106 aesthetic purposes.
107 (16.1) 'Electric supplier' shall have the same meaning as provided in Code
108 Section 46-3-3.
109 (17) 'Eligible facilities request' means an eligible facilities request as set forth in 47
110 C.F.R. Section 1.40001(b)(3), as it existed on January 1, 2019.
111 (18) 'FCC' means the Federal Communications Commission of the United States.
112 (19) 'Fee' means a one-time, nonrecurring charge based on time and expense.
113 (20) 'Historic district' means:
114 (A) Any district, site, building, structure, or object included in, or eligible for inclusion
115 in, the National Register of Historic Places maintained by the secretary of the interior
116 of the United States in accordance with Section VI.D.1.a.i-v of the Nationwide
117 Programmatic Agreement codified by 47 C.F.R. Part 1;
118 (B) Any area designated as a historic district under Article 2 of Chapter 10 of Title 44,
119 the 'Georgia Historic Preservation Act'; or
120 (C) Any area designated as a historic district or property by law prior to the effective
121 date of this Code section.
122 (21) 'Law' means and includes any and all federal, state, or local laws, statutes, common
123 laws, codes, rules, regulations, orders, or ordinances.
124 (22) 'Metropolitan statistical area' means a standard metropolitan statistical area which
125 is located within this state and recognized by the United States Department of Commerce,
126 Bureau of the Census, according to the United States decennial census of 2010 or any
127 future such census.
128 (23) 'Micro wireless facility' means a small wireless facility not larger in dimension
129 than 24 inches in length, 15 inches in width, and 12 inches in height that has an exterior
130 antenna, if any, no longer than 11 inches.
131 (24) 'Permit' means a written authorization, in electronic or hard copy format, required
132 to be issued by an authority to initiate, continue, or complete the collocation of a small
133 wireless facility or the installation, modification, or replacement of a pole or decorative
134 pole upon which a small wireless facility is collocated.

135 (25) 'Person' means an individual, corporation, limited liability company, partnership,
136 association, trust, or other entity or organization, including an authority.
137 (26) 'Pole' means a vertical pole such as a utility, lighting, traffic, or similar pole made
138 of wood, concrete, metal, or other material that is lawfully located or to be located within
139 a right of way, including without limitation a replacement pole and an authority pole.
140 Such term shall not include a support structure, decorative pole, or electric transmission
141 structure.
142 (27) 'Rate' means a recurring charge.
143 (28) 'Reconditioning work' means the activities associated with substantially painting,
144 reconditioning, improving, or repairing authority poles.
145 (29) 'Replace,' 'replacement,' or 'replacing' means to replace a pole or decorative pole
146 with a new pole or a new decorative pole, similar in design, size, and scale to the existing
147 pole or decorative pole consistent with 47 C.F.R. 1.40001(b)(7) as it existed on
148 January 1, 2019, in order to address limitations of, or change requirements applicable to,
149 the existing pole to structurally support the collocation of a small wireless facility.
150 (30) 'Replacement work' means the activities associated with replacing an authority pole.
151 (31) 'Right of way' has the same meaning as provided in paragraph (25) of Code
152 Section 32-1-3; provided, however, that such term shall apply only to property or an
153 interest therein that is under the ownership or control of an authority and shall not include
154 property or any interest therein acquired for or devoted to an interstate highway or the
155 public rights, structures, sidewalks, facilities, and appurtenances described in
156 subparagraph (K) or (R) of paragraph (24) of Code Section 32-1-3.
157 (32) 'Small wireless facility' means radio transceivers; surface wave couplers; antennas;
158 coaxial, fiber optic, or other cabling; power supply; backup batteries; and comparable and
159 associated equipment, regardless of technological configuration, at a fixed location or
160 fixed locations that enable communication or surface wave communication between user
161 equipment and a communications network and that meet both of the following
162 qualifications:
163 (A) Each wireless provider's antenna could fit within an enclosure of no more than six
164 cubic feet in volume; and
165 (B) All other wireless equipment associated with the facility is cumulatively no more
166 than 28 cubic feet in volume, measured based upon the exterior dimensions of height
167 by width by depth of any enclosure that may be used. The following types of
168 associated ancillary equipment are not included in the calculation of the volume of all
169 other wireless equipment associated with any such facility:
170 (i) Electric meters;
171 (ii) Concealment elements;

172 (iii) Telecommunications demarcation boxes;
173 (iv) Grounding equipment;
174 (v) Power transfer switches;
175 (vi) Cut-off switches; and
176 (vii) Vertical cable runs for connection of power and other services.
177 Such term shall not include a pole, decorative pole, or support structure on, under, or
178 within which the equipment is located or collocated or to which the equipment is attached
179 and shall not include any wireline backhaul facilities or coaxial, fiber optic, or other
180 cabling that is between small wireless facilities, poles, decorative poles, or support
181 structures or that is not otherwise immediately adjacent to or directly associated with a
182 particular antenna.
183 (33) 'State' means the State of Georgia.
184 (34) 'Support structure' means a building, billboard, water tank, or any other structure to
185 which a small wireless facility is or may be attached. Such term shall not include a
186 decorative pole, electric transmission structure, or pole.
187 (35) 'Wireless infrastructure provider' means any person, including a person authorized
188 to provide telecommunications services in this state, that builds, installs, or operates small
189 wireless facilities, poles, decorative poles, or support structures on which small wireless
190 facilities are or are intended to be used for collocation but that is not a wireless services
191 provider.
192 (36) 'Wireless provider' means a wireless infrastructure provider or a wireless services
193 provider.
194 (37) 'Wireless services' means any services provided to the public using licensed or
195 unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile.
196 (38) 'Wireless services provider' means a person that provides wireless services.
197 (39) 'Wireline backhaul facility' means an aboveground or underground wireline facility
198 used to transport communications data from a telecommunications demarcation box
199 associated with small wireless facility to a network.

200 36-66C-3.
201 (a) An applicant that has not previously held a meeting with a Class I Authority that
202 complies with this Code section shall meet with the Class I Authority at least 30 days
203 before submitting applications under Code Section 36-66C-6 to inform such authority in
204 good faith when such applicant expects to commence deployment of small wireless
205 facilities and poles within such authority pursuant to this chapter, the number of small
206 wireless facilities and poles it expects to deploy during the 24 months after
207 commencement, and the expected timing of such deployments.

208 (b) Upon request by any Class II Authority that is located within a metropolitan statistical
209 area and with which the applicant has not previously held a meeting that complies with this
210 Code section, an applicant shall meet with such authority at least 30 days before submitting
211 applications under Code Section 36-66C-6 to inform such authority in good faith when
212 such applicant expects to commence deployment of small wireless facilities and poles
213 within such authority pursuant to this chapter, the number of small wireless facilities and
214 poles it expects to deploy during the 24 months after commencement, and the expected
215 timing of such deployments.
216 (c) All documents or other information provided by the applicant in the course of, or in
217 association with, any meetings provided for in this Code section shall be presumed to be
218 confidential and proprietary and a trade secret as such term is defined in Code
219 Section 10-1-761, shall be subject to exemption from disclosure under state and federal
220 law, and shall not be subject to disclosure under Article 4 of Chapter 18 of Title 50.

221 36-66C-4.
222 A wireless provider may collocate small wireless facilities and install, modify, or replace
223 associated poles or decorative poles under this chapter without an agreement with an
224 authority and without an implementing ordinance. An authority may make available to
225 wireless providers rates, fees, and other terms that comply with this chapter and that are
226 adopted by ordinance, resolution, or another document by the authority after public notice.
227 In the absence of an ordinance, a resolution, or another document that complies with this
228 chapter, and until any such ordinance, a resolution, or other document is adopted, if at all,
229 a wireless provider may collocate small wireless facilities and install, modify, or replace
230 associated poles or decorative poles pursuant to the requirements of this chapter. An
231 authority may not require a wireless provider to enter into an agreement to implement this
232 chapter, but nothing in this chapter shall prohibit an authority and a wireless provider from
233 voluntarily entering one or more such agreements, including such agreements with rates,
234 fees, and other terms that differ from those in this chapter; provided, however, that the
235 authority shall make each such agreement available for public inspection and available for
236 adoption upon the same terms and conditions to any requesting wireless provider.

237 36-66C-5.
238 (a) As a condition to the issuance of a permit to collocate a small wireless facility or to
239 install, modify, or replace a pole or a decorative pole for collocation of a small wireless
240 facility in a right of way, the applicant shall pay the following fees and rates:
241 (1) A fee for each application for the collocation of each small wireless facility on an
242 existing pole assessed by the authority not to exceed $100.00 per small wireless facility;

243 (2) A fee for each application for each replacement pole with an associated small
244 wireless facility assessed by the authority not to exceed $250.00;
245 (3) A fee for each application for each new pole with an associated small wireless facility
246 assessed by the authority not to exceed $1,000.00 per pole with an associated small
247 wireless facility;
248 (4) An annual right of way occupancy rate assessed by the authority for nonexclusive
249 occupancy of the right of way by the applicant not to exceed:
250 (A) One hundred dollars per year for each small wireless facility collocated on any
251 existing or replacement pole, including an existing or replacement authority pole; or
252 (B) Two hundred dollars per year for each new pole, other than a replacement pole,
253 with an associated small wireless facility;
254 (5) An annual attachment rate for collocations on authority poles not to exceed $40.00
255 per year per small wireless facility, which shall be nondiscriminatory regardless of the
256 services provided by the collocating wireless provider;
257 (6) A fee for make-ready work, as provided in subsection (n) of Code Section 36-66C-7;
258 and
259 (7) Generally applicable nondiscriminatory fees for any permit required under generally
260 applicable law; provided, however, that an applicant shall not be required to obtain or pay
261 any fees for a building permit, as the permit issued pursuant to this chapter serves as a
262 building permit for the applicable poles and small wireless facilities.
263 (b) The monetary caps provided in paragraphs (1), (2), (3), (4), and (5) of subsection (a)
264 of this Code section shall increase 2.5 percent annually beginning January 1, 2021.
265 (c) If, in a final adjudication not subject to further appeal or to review by the United States
266 Supreme Court, a federal court reviewing Accelerating Wireless Broadband Deployment
267 by Removing Barriers to Infrastructure Investment, et al., Declaratory Ruling and Third
268 Report and Order, WT Docket No. 17-79 and WC Docket No. 17-84, FCC 18-133
269 (released September 27, 2018), or a related FCC order, or a Georgia federal district court,
270 the United States Court of Appeals for the Eleventh Circuit, or the United States Supreme
271 Court interpreting 47 U.S.C. Section 253(c) as it existed on January 1, 2019, determines
272 that fair and reasonable compensation includes not only cost based charges but also market
273 based charges with respect to application fees or right of way occupancy rates for the
274 installation of small wireless facilities or poles, or to authority pole attachment rates for
275 small wireless facilities, then:
276 (1) Beginning on July 1 of the calendar year following the date that the final adjudication
277 is no longer subject to further appeal or to review by the United States Supreme Court,
278 the monetary caps provided in paragraphs (1), (2), (3), (4), and (5) of subsection (a) of
279 this Code section for the fees or rates to which the determination applies, excluding any

280 increases that have been made under subsection (b) of this Code section, shall double;
281 and
282 (2) Beginning on July 1 of the second calendar year following the date that the final
283 adjudication is no longer subject to further appeal or to review by the United States
284 Supreme Court, the monetary caps in paragraphs (1), (2), (3), (4), and (5) of
285 subsection (a) of this Code section for the fees or rates to which the determination applies
286 shall terminate. In place of any monetary caps that terminate pursuant to this subsection,
287 applicants shall pay fees or rates, as each may be applicable, that constitute the fair and
288 reasonable compensation due to the authority under applicable law.
289 (d) An applicant shall not be subject to any fees or rates other than those expressly
290 provided for by this Code section or as may be otherwise voluntarily negotiated between
291 an applicant and the authority in accordance with Code Section 36-66C-4.
292 (e) The applicant, or the person that owns or operates the small wireless facility collocated
293 in the right of way, may remove its small wireless facilities at any time from the right of
294 way upon not less than 30 days' prior written notice to the authority and may cease paying
295 to the authority any applicable fees and rates for such use, as of the date of the actual
296 removal of the small wireless facilities. In the event of such removal, the right of way shall
297 be, to the extent practicable in the reasonable judgment of the authority, restored to its
298 condition prior to the removal. If the applicant fails to return the right of way, to the extent
299 practicable in the reasonable judgment of the authority, to its condition prior to the removal
300 within 90 days of the removal, the authority may, at the sole discretion of the authority,
301 restore the right of way to such condition and charge the applicant the authority's
302 reasonable, documented cost of removal and restoration, plus a penalty not to exceed
303 $500.00. The authority may suspend the ability of the applicant to receive any new permits
304 from the authority until the applicant has paid the amount assessed for such restoration
305 costs and the penalty assessed, if any; provided, however, that the authority shall not
306 suspend such ability of any applicant that has deposited the amount in controversy in
307 escrow pending an adjudication of the merits of the dispute by a court of competent
308 jurisdiction.

309 36-66C-6.
310 (a) A wireless provider may collocate small wireless facilities on authority poles and
311 decorative poles in the right of way, subject to administrative review only and the issuance
312 of a permit as set forth in this Code section. Subject to administrative review only and the
313 issuance of a permit as set forth in this Code section, a wireless provider may occupy the
314 right of way for the following uses, provided that such uses shall be in accordance with

315 applicable provisions of this chapter, including without limitation, those set forth in Code
316 Section 36-66C-9:
317 (1) Collocation of a small wireless facility on or adjacent to a pole or a support structure
318 that does not exceed the limitations set forth in paragraph (3) of subsection (h) of Code
319 Section 36-66C-7 or on or adjacent to a decorative pole in compliance with Code
320 Section 36-66C-12; and
321 (2) Installation, modification, or replacement of a pole or a decorative pole for
322 collocation of a small wireless facility that does not exceed the limitations set forth in
323 paragraphs (1) and (2) of subsection (h) of Code Section 36-66C-7.
324 (b) No wireless provider shall collocate any small wireless facility in the right of way or
325 install, modify, or replace a pole or decorative pole for collocation of a small wireless
326 facility in the right of way without first filing an application and obtaining a permit
327 therefor, except as otherwise expressly provided in subsection (e) of this Code section.
328 Any failure to comply with this subsection by a wireless provider shall allow the applicable
329 authority, at the sole discretion of the authority, to restore the right of way, to the extent
330 practicable in the reasonable judgment of the authority, to its condition prior to the
331 unpermitted collocation or installation and to charge the responsible wireless provider its
332 reasonable, documented cost of doing so, plus a penalty not to exceed $1,000.00. The
333 authority may suspend the ability of the wireless provider to receive any new permits from
334 the authority until the wireless provider has paid the amount assessed for such restoration
335 costs and the penalty assessed, if any; provided, however, that the authority shall not
336 suspend such ability of any applicant that has deposited the amount in controversy in
337 escrow pending an adjudication of the merits of the dispute by a court of competent
338 jurisdiction.
339 (c) The authority shall make accepted applications publicly available; provided, however,
340 that an applicant may designate portions of its application materials that it reasonably
341 believes contain trade secrets by following the procedures set forth in paragraph (34) of
342 subsection (a) of Code Section 50-18-72.
343 (d) The application shall be made by the applicable wireless provider or its duly authorized
344 representative and shall contain the following:
345 (1) The applicant's name, address, telephone number, and email address, including
346 emergency contact information for the applicant;
347 (2) The names, addresses, telephone numbers, and email addresses of all consultants, if
348 any, acting on behalf of the applicant with respect to the filing of the application;
349 (3) A general description of the proposed work and the purposes and intent of the
350 proposed facility. The scope and detail of such description shall be appropriate to the

351 nature and character of the physical work to be performed, with special emphasis on
352 those matters likely to be affected or impacted by the physical work proposed;
353 (4) Detailed construction drawings regarding the proposed use of the right of way;
354 (5) To the extent the proposed facility involves collocation on a pole, decorative pole,
355 or support structure, a structural report performed by a duly licensed engineer evidencing
356 that the pole, decorative pole, or support structure will structurally support the
357 collocation, or that the pole, decorative pole, or support structure may and will be
358 modified to meet structural requirements, in accordance with applicable codes;
359 (6) For any new aboveground facilities, visual depictions or representations if such are
360 not included in the construction drawings;
361 (7) Information indicating the horizontal and approximate vertical location, relative to
362 the boundaries of the right of way, of the small wireless facility for which the application
363 is being submitted;
364 (8) If the application is for the installation of a pole or replacement of a decorative pole,
365 a certification that complies with subsection (k) of this Code section;
366 (9) If the small wireless facility will be collocated on a pole or support structure owned
367 by a third party, other than an authority pole or a decorative pole, a certification that the
368 wireless provider has permission from the owner to collocate on the pole or support
369 structure; and
370 (10) If the applicant is not a wireless services provider, a certification that a wireless
371 services provider has requested in writing that the applicant collocate the small wireless
372 facilities or install, modify, or replace the pole or decorative pole at the requested
373 location.
374 (e) An application shall not be required for the following activities, provided that a
375 wireless provider may be required to obtain permits for such activities, such as electrical
376 permits or street opening permits, if otherwise required by generally applicable law:
377 (1) With respect to a pole or decorative pole on which a small wireless facility is
378 collocated, inspections, testing, repairs, and modifications that maintain functional
379 capacity and aesthetic and structural integrity, provided that modifications are limited by
380 the structural load analysis supplied by the applicant in its prior application to the
381 authority; and
382 (2) With respect to a small wireless facility, inspections, testing, or repairs that maintain
383 functional capacity or the replacement or upgrade of antennas or other components of the
384 small wireless facility such as a swap out or addition of antennas and radio equipment as
385 required by the applicant, with antennas and other components that are substantially
386 similar in color, aggregate size, and other aesthetics to that previously permitted by the
387 authority and consistent with the height and volume limits for small wireless facilities

388 under this chapter, so long as the pole, decorative pole, or support structure will
389 structurally support, or prior to installation will be modified to support, the structural load
390 in accordance with the structural load analysis supplied by the applicant in its prior
391 application to the authority.
392 (f) An authority shall not require a wireless provider to obtain a permit or any other
393 approval or require fees or rates for the installation, placement, maintenance, operation, or
394 replacement of micro wireless facilities that are suspended on cables that are strung
395 between poles or support structures in the right of way in compliance with applicable
396 codes; provided, however, that an authority may require a wireless provider to obtain
397 permits for any additional activities such as electrical work, excavation, or closure of
398 sidewalks or vehicular lanes within the right of way if otherwise required by generally
399 applicable law. Such permits shall be issued on a nondiscriminatory basis upon terms and
400 conditions applied to any other person's similar activities in the right of way.
401 (g) Any material change to information contained in an application shall be submitted in
402 writing to the authority within 30 days after the events necessitating the change.
403 (h) Unless otherwise provided by applicable law, all applications pursuant to this chapter
404 shall be accompanied by the fees required under Code Sections 36-66C-4 and 36-66C-5.
405 (i) An authority shall not enter into an exclusive arrangement with any person for use of
406 the right of way for the collocation of small wireless facilities or the installation, operation,
407 marketing, modification, maintenance, or replacement of poles or for the right to attach to
408 authority poles. A person that purchases or otherwise acquires an authority pole is subject
409 to the requirements of this subsection.
410 (j) The authority, in the exercise of its administration and regulation of the management
411 of the right of way, shall be competitively neutral and nondiscriminatory with regard to
412 other users of the right of way.
413 (k) A wireless provider shall not apply to install a pole or replace a decorative pole unless
414 it has determined after diligent investigation that it cannot meet the service objectives of
415 the permit by collocating on an existing pole or support structure on which:
416 (1) The wireless provider has the right to collocate subject to reasonable terms and
417 conditions; and
418 (2) Such collocation would not impose technical limitations or significant additional
419 costs. The wireless provider shall certify that it has made such a determination in good
420 faith, based on the assessment of a licensed engineer, and shall provide a written
421 summary of the basis for such determination.
422 (l) Requests for installation, modification, or replacement of a support structure are not
423 eligible for administrative review as set forth in this Code section.

424 (m) An application that is subject to administrative review shall be approved except as
425 provided in subsection (j) of Code Section 36-66C-7.
426 (n) The provisions of this chapter concerning the collocation of small wireless facilities
427 on poles and the installation, modification, and replacement of poles by wireless providers
428 apply only to poles that are lawfully located or are to be lawfully located within the right
429 of way. An authority has the burden of establishing that an existing pole's location within
430 the right of way is not lawful.

431 36-66C-7.
432 (a) The requirements of this Code section govern an authority's review of applications for
433 uses that are subject to administrative review as described in subsection (a) of Code
434 Section 36-66C-6.
435 (b) Within 20 days of receipt of a written application, the authority shall:
436 (1) Notify the applicant in writing of the commencement and completion dates of any
437 widening, repair, reconstruction, or relocation of the applicable right of way that is
438 scheduled to commence, or is anticipated in good faith to commence, within 24 months
439 after the application is filed;
440 (2) Notify the applicant, based on the authority's good faith preliminary review of the
441 information provided in the application, of any aspect of the application that appears to
442 be grounds for the authority's denial of the application pursuant to subsection (j) of this
443 Code section; and
444 (3) Determine whether the application is complete and inform the applicant of its
445 determination in writing. If the authority determines that an application is incomplete,
446 it shall specifically identify to the applicant in writing all missing information within such
447 20 day period; otherwise the application is deemed complete. If the authority identifies
448 missing information to the applicant as provided in this paragraph, the applicant may
449 submit such missing information to the authority within 20 days of receipt of notification
450 in writing from the authority that the application is incomplete without paying any
451 additional application fee, and any subsequent review of the application by the authority
452 for completeness shall be limited to the previously identified missing information. If the
453 authority determines that an application remains incomplete, or if the authority
454 determines that the applicant has made material changes to the application other than to
455 address the missing information identified by the authority, the authority shall notify the
456 applicant of such determination in writing within ten days of receipt of the resubmission
457 of the written application, and absent an agreement to the contrary between the authority
458 and the applicant that is confirmed by email or other writing, such notice shall constitute

459 a denial of the application. If the authority does not provide such written notification to
460 the applicant within this ten-day period, the application shall be deemed complete.
461 (c) The authority shall make its final decision to approve or deny the application within 30
462 days of the written determination that the application is complete or when the application
463 is deemed complete under paragraph (3) of subsection (b) of this Code section, whichever
464 is earlier, for a collocation, and within 70 days of the written determination that the
465 application is complete or when the application is deemed complete under paragraph (3)
466 of subsection (b) of this Code section, whichever is earlier, for the installation,
467 modification, or replacement of a pole or decorative pole.
468 (d) A decision to deny an application pursuant to this Code section shall be in writing,
469 shall identify all reasons for the denial, and shall identify the provisions of applicable codes
470 or other standards applicable pursuant to this chapter on which the denial was based. The
471 decision to deny shall be sent to the applicant contemporaneously. The review period shall
472 run until the written decision is delivered to the applicant in accordance with subsection (s)
473 of this Code section.
474 (e) If the authority fails to act on an application within the review period provided for in
475 subsection (d) of this Code section, the applicant may provide the authority written notice
476 that the time period for acting has lapsed, and the authority shall then have 20 days after
477 receipt of such notice to render its written decision. The application shall be deemed
478 approved by passage of time and operation of law if the authority does not render its
479 written decision within such 20 days.
480 (f) An applicant may, at the applicant's discretion and subject to the consolidated
481 application requirements and processes under Code Section 36-66C-13, file a consolidated
482 application.
483 (g) Notwithstanding any other provision of this chapter and to the extent that an
484 application constitutes an eligible facilities request, the authority shall not deny the
485 application and shall approve the application within 60 days according to the procedures
486 established under 47 C.F.R. 1.40001(c).
487 (h) Small wireless facilities and new, modified, or replacement poles to be used for
488 collocation of small wireless facilities may be placed in the right of way as a permitted use
489 in accordance with Code Section 36-66C-6, subject to applicable codes and the following
490 requirements:
491 (1) Each such new, modified, or replacement pole installed in the right of way in a
492 historic district and in an area zoned primarily for residential use shall not exceed 50 feet
493 above ground level;

494 (2) Each such new, modified, or replacement pole installed in the right of way not in
495 historic district or in an area zoned primarily for residential use shall not exceed the
496 greater of:
497 (A) Fifty feet above ground level; or
498 (B) Ten feet greater in height above ground level than the tallest existing pole in the
499 same authority right of way in place as of January 1, 2019, and located within 500 feet
500 of the new proposed pole; and
501 (3) New small wireless facilities in the right of way shall not exceed:
502 (A) For a collocation on an existing pole or support structure, more than ten feet above
503 the existing pole or support structure; or
504 (B) For a collocation on a new, modified, or replacement pole under paragraph (1)
505 or (2) of this subsection, the height limit provided in such paragraphs.
506 (i)(1) A wireless provider shall comply with reasonable and nondiscriminatory
507 requirements that prohibit communications service providers and electric service
508 providers from installing poles in a right of way in an area designated solely for
509 underground or buried facilities of communications service providers and electric service
510 providers where the authority:
511 (A) Has required all such facilities other than light poles and attachments to be placed
512 underground and all such undergrounding has been completed prior to the submission
513 of the application, or, for rights of way where such facilities other than light poles and
514 attachments have not been deployed, has in effect a reasonable and nondiscriminatory
515 zoning or development ordinance or regulation that requires such facilities other than
516 light poles and attachments to be placed underground;
517 (B) Does not prohibit the replacement of light poles or the collocation of small wireless
518 facilities in the designated area; and
519 (C) Permits wireless providers to seek a waiver of the underground requirements for
520 the placement of a new pole to support small wireless facilities, which waivers shall be
521 addressed in a nondiscriminatory manner and consistent with applicable law.
522 (2) An authority that adopts undergrounding requirements shall:
523 (A) Allow a wireless provider to maintain in place any previously collocated small
524 wireless facilities subject to any applicable pole attachment agreement; or
525 (B) Either allow the wireless provider to replace the pole associated with previously
526 collocated small wireless facilities at the same location or propose an alternate location
527 within 50 feet of the prior location, which the wireless provider shall use unless such
528 alternate location imposes technical limits or significant additional costs.

529 (j) An authority shall approve an application for permitted uses described in subsection (a)
530 of Code Section 36-66C-6 unless the requested collocation of a small wireless facility or
531 the requested installation, modification, or replacement of a pole or decorative pole:
532 (1) Interferes with the operation of traffic control equipment;
533 (2) Interferes with sight lines or clear zones for transportation or pedestrians;
534 (3) Fails to comply with the federal Americans with Disabilities Act, 42 U.S.C. Section
535 12101, et seq., or similar laws of general applicability regarding pedestrian access or
536 movement;
537 (4) Requests that ground-mounted small wireless facility equipment be located more than
538 7.5 feet in radial circumference from the base of the pole, decorative pole, or support
539 structure to which the small wireless facility antenna would be attached, provided that the
540 authority shall not deny the application if a greater distance from the base of the pole,
541 decorative pole, or support structure is necessary to avoid interfering with sight lines or
542 clear zones for transportation or pedestrians or to otherwise protect public safety;
543 (5) Fails to comply with applicable codes;
544 (6) Fails to comply with the maximum limitations set forth in subsection (h) of this Code
545 section or the requirements of subsection (i) of this Code section;
546 (7) With respect to an application to install a pole or decorative pole, interferes with the
547 widening, repair, reconstruction, or relocation of a public road or highway by an authority
548 or the Department of Transportation that has been advertised for bid and scheduled for
549 completion within six months after the application is filed;
550 (8) With respect to an application to install a pole or decorative pole, interferes with a
551 public works construction project governed by Chapter 91 of Title 36 and scheduled for
552 completion within six months after the application is filed;
553 (9) Fails to comply with Code Section 36-66C-10, 36-66C-11, or 36-66C-12;
554 (10) Fails to comply with laws of general applicability that address pedestrian and
555 vehicular traffic and safety requirements; or
556 (11) Fails to comply with laws of general applicability that address the occupancy or
557 management of the right of way and that are not otherwise inconsistent with this chapter.
558 (k)(1) A permit from the authority authorizes an applicant to undertake only certain
559 activities in accordance with this chapter and shall not create a property right or grant
560 authorization or license to the applicant to impinge upon the rights of other persons that
561 may already have an interest in the right of way.
562 (2) Collocation, installation, modification, or replacement for which a permit is issued
563 under this chapter shall be completed within six months after issuance, provided that an
564 extension shall be granted for up to an additional six months upon written request made
565 to the authority before the end of the initial six-month period if a delay results from

566 circumstances beyond the reasonable control of the applicant. Issuance of a permit
567 authorizes the applicant to:
568 (A) Undertake the collocation, installation, modification, or replacement approved by
569 the permit; and
570 (B) Operate and maintain the small wireless facilities and any associated pole covered
571 by the permit for a period of not less than ten years, which shall be renewed for
572 equivalent durations so long as the applicant is in compliance with the criteria set forth
573 in subsection (j) of this Code section, subject to the relocation requirements described
574 in subsection (l) of this Code section and the applicant's right to terminate at any time.
575 (l) If, in the reasonable exercise of police powers, an authority requires widening, repair,
576 reconstruction, or relocation of a public road or highway, or relocation of poles, support
577 structures, or small wireless facilities is required as a result of a public project, a wireless
578 provider shall relocate poles and support structures that such wireless provider has installed
579 in the right of way for the collocation of small wireless facilities pursuant to this chapter
580 at no cost to the authority in the event that such poles and support structures are found by
581 the authority to unreasonably interfere with the widening, repair, reconstruction, or
582 relocation project or the public project. If widening, repair, reconstruction, or relocation
583 is required as a condition or result of a project by a person other than an authority, such
584 person shall bear the cost of relocating such poles or support structures and any
585 communications facilities on such poles or support structures. The wireless provider shall
586 relocate the poles or support structures:
587 (1) By the date designated in a written notice from the authority that contains a good
588 faith estimate by the authority of the date by which the authority intends to commence
589 work, whenever the authority has determined that such removal, relocation, change, or
590 alteration is reasonably necessary for the construction, repair, maintenance, or installation
591 of any authority improvement or operations in or upon the right of way so long as the
592 same time frames are applied to all utilities in the right of way; provided, however, that
593 the date designated for relocation shall be at least 45 days after the authority provides the
594 written notice to the wireless provider; or
595 (2) Within the time frame that the wireless provider estimates in good faith is reasonably
596 needed to complete the relocation, so long as the wireless provider provides the authority
597 written notice of its good faith estimate within 30 days following receipt of the written
598 notice provided by the authority pursuant to paragraph (1) of this subsection and explains
599 in detail why such wireless provider cannot reasonably complete the relocation by the
600 date designated in the authority's written notice.

601 (m)(1) The wireless provider shall reasonably cooperate with the authority to carry out
602 reconditioning work activities in a manner that minimizes interference with the wireless
603 provider's approved use of the facility.
604 (2) The authority shall use reasonable efforts to provide the wireless provider with
605 written notice of reconditioning work at least 120 days before such reconditioning work
606 begins. Upon receiving such notice, it shall be the wireless provider's sole responsibility
607 to provide adequate measures to cover, remove, or otherwise protect the wireless
608 provider's communications facility from the consequences of the reconditioning work,
609 including but not limited to paint and debris fallout. The authority reserves the right to
610 require the wireless provider to remove all of the wireless provider's communications
611 facilities from the authority pole and surrounding premises during reconditioning work,
612 provided that the requirement to remove such is contained in the written notice required
613 by this Code section. All costs associated with the protection measures, including
614 temporary removal, shall be the sole responsibility of the wireless provider. If the
615 authority fails in good faith to give notice within at least 120 days, it shall not affect the
616 authority's rights under this subsection. In all cases, as much notice as possible shall be
617 provided, but less than 30 days' notice shall be prohibited. The authority shall provide
618 the wireless provider with a date by which its equipment must be protected or removed.
619 (3) The wireless provider may request a modification of the authority procedures for
620 carrying out reconditioning work in order to reduce interference with the wireless
621 provider's operation of its communications facility. If the authority agrees to the
622 modification, the wireless provider shall be responsible for all reasonable incremental
623 costs related to the modification.
624 (4) The authority shall provide the wireless provider with at least 120 days written notice
625 of any replacement work before the authority may remove the wireless provider's
626 communications facilities. The authority shall also promptly notify the wireless provider
627 when the authority poles have been replaced and the wireless provider can reinstall its
628 equipment. During the replacement work, the wireless provider may maintain a
629 temporary communications facility on the property, or after approval by an authority on
630 any land owned or controlled by an authority in the vicinity of the property. If the
631 property will not accommodate the wireless provider's temporary communications facility
632 or if the parties cannot agree on a temporary location, the wireless provider, at its sole
633 discretion, shall have the right to suspend the applicable permit until the replacement pole
634 is installed, upon 30 days' written notice to the authority.
635 (n) For any collocation on authority poles in the right of way, the authority shall provide
636 a good faith estimate for any make-ready work necessary to enable the authority pole to
637 support the proposed facility, including replacement of the pole if necessary, within 60

638 days after receipt of a completed application requesting attachment to the authority pole.
639 Alternatively, the authority may require the wireless provider to perform the make-ready
640 work and notify the wireless provider of such within the 60 day period. If the wireless
641 provider or its contractor performs the make-ready work, the wireless provider shall
642 indemnify the authority for any negligence by the wireless provider or its contractor in the
643 performance of such make-ready work, the work shall not be deemed to violate Chapter 91
644 of this title, and the work shall otherwise comply with applicable law. If the authority opts
645 to perform the make-ready work itself, the authority shall complete the work, including any
646 pole replacement, within 90 days of receipt of written acceptance of the good faith estimate
647 by the wireless provider. Such acceptance shall be signified by payment via check or other
648 commercially reasonable and customary means specified by the authority. The authority
649 may require that the replacement authority pole have the same functionality as the pole
650 being replaced. If the authority pole is replaced, the authority shall operate authority
651 fixtures on the pole, and, absent an agreement to the contrary between the authority and the
652 wireless provider that is confirmed in writing, the authority shall take ownership of the new
653 pole.
654 (o) If the wireless provider fails to relocate a support structure or pole or fails to provide
655 a written good faith estimate of the time needed to relocate a support structure or pole
656 within the time period prescribed in subsection (l) of this Code section, the authority shall
657 have the right and privilege, ten days or more after the wireless provider receives written
658 notice from the authority, to cut power to or move any support structure or pole located
659 within the right of way, as the authority may determine to be necessary, appropriate, or
660 useful in order to commence work on the public project.
661 (p)(1) If a wireless provider decides to abandon any small wireless facility, support
662 structure, or pole, it shall notify the authority in writing as soon as practicable, but no
663 later than 30 days prior to the abandonment. Following receipt of such notice, the
664 authority shall instruct the wireless provider in writing to remove all or any portion of the
665 small wireless facility, support structure, or pole if the authority determines that such
666 removal will be in the best interest of public safety and welfare. If the wireless provider
667 fails to remove the abandoned small wireless facility, support structure, or pole within 90
668 days after such notice, the authority may do so and recover the actual and reasonable
669 expenses of doing so from the wireless provider, its successors, or its assigns, plus a
670 penalty not to exceed $500.00. The authority may suspend the ability of the wireless
671 provider, its successors, or its assigns, as applicable, to receive any new permits from the
672 authority until the wireless provider, its successors, or its assigns, as applicable, have paid
673 the amount assessed for such removal costs and the penalty assessed, if any; provided,
674 however, that the authority shall not suspend such ability of any applicant that has

675 deposited the amount in controversy in escrow pending an adjudication of the merits of
676 the dispute by a court of competent jurisdiction. Nothing in this chapter precludes an
677 authority from adopting reasonable and nondiscriminatory requirements that are not
678 inconsistent with this subsection with respect to the removal of abandoned small wireless
679 facilities, support structures, or poles.
680 (2) A small wireless facility that is not operated or a support structure or pole that is not
681 utilized for a continuous period of 12 months shall be considered abandoned, and the
682 owner of such small wireless facility, support structure, or pole shall remove such within
683 90 days after receipt of written notice from the authority notifying such owner of such
684 small wireless facility, support structure, or pole of the abandonment. The authority shall
685 send the notice by certified or registered mail, return receipt requested, to such owner at
686 the last known address of such owner of the small wireless facility, support structure, or
687 pole. If the owner does not provide written notice that the small wireless facility has not
688 been out of operation or the support structure or pole has in fact been utilized for a
689 continuous period of 12 months or does not remove such small wireless facility, support
690 structure, or pole within the 90 day period, the authority may remove or cause the
691 removal of such small wireless facility, support structure, or pole pursuant to the terms
692 of its support structure or pole attachment agreement for authority poles or through
693 actions provided for abatement of nuisances or by other law for removal and cost
694 recovery.
695 (q) If the authority determines that a wireless provider's activity in a right of way
696 pursuant to this chapter creates an imminent risk to public safety, the authority may
697 provide written notice to the wireless provider and demand that the wireless provider
698 address such risk. If the wireless provider fails to reasonably address the risk within 24
699 hours of the written notice, the authority may take or cause to be taken action to
700 reasonably address such risk and charge the wireless provider the reasonable documented
701 cost of such actions.
702 (r) The authority may require a wireless provider to repair all damage to a right of way
703 directly caused by the activities of the wireless provider, while occupying, installing,
704 repairing, or maintaining small wireless facilities, poles, or support structures, in such
705 right of way and to restore the right of way to its condition before the damage occurred
706 pursuant to the competitively neutral and reasonable requirements and specifications of
707 the authority. If the wireless provider fails to return the right of way, to the extent
708 practicable in the reasonable judgment of the authority, to its condition prior to the
709 damage within 90 days of receipt of written notice from the authority, the authority may,
710 at the sole discretion of the authority, restore the right of way to such condition and
711 charge the wireless provider its reasonable, documented cost of doing so, plus a penalty

712 not to exceed $500.00. The authority may suspend the ability of the wireless provider to
713 receive any new permits from the authority until the wireless provider has paid the
714 amount assessed for such restoration costs and the penalty assessed, if any; provided,
715 however, that the authority shall not suspend such ability of any applicant that has
716 deposited the amount in controversy in escrow pending an adjudication of the merits of
717 the dispute by a court of competent jurisdiction.
718 (s) An authority shall send any notice or decision required by this Code section by
719 registered or certified mail, statutory overnight delivery, hand delivery, or email
720 transmission. The decision or notice shall be deemed delivered upon email transmission,
721 deposit into overnight mail or regular mail receptacle with adequate postage paid, or
722 actual receipt if delivered by hand.

723 36-66C-8.
724 Applications for any other uses that are not expressly set forth or referenced in
725 subsection (a) of Code Section 36-66C-6 or that are not otherwise addressed by this chapter
726 shall require compliance with, and issuance of a permit under, applicable law. Without
727 limiting the foregoing, any modification, maintenance, repair, or replacement that is not set
728 forth in subsections (e) and (f) of Code Section 36-66C-6 or that is not eligible for
729 administrative review under Code Section 36-66C-7 shall require compliance with, and
730 issuance of a permit under, applicable law.

731 36-66C-9.
732 (a) An applicant in the right of way shall employ due care during the installation and
733 maintenance process and shall comply with all safety and right of way protection
734 requirements of general applicability set forth in applicable law.
735 (b) An applicant in the right of way shall not place any small wireless facilities, support
736 structures, poles, or decorative poles where they will interfere with any existing
737 infrastructure or equipment and shall locate its lines and equipment in such a manner as not
738 to interfere unnecessarily with the usual vehicular or pedestrian traffic patterns or with the
739 rights or reasonable convenience of owners of property that abuts any right of way.

740 36-66C-10.
741 Notwithstanding any provision of this chapter to the contrary, within a historic district, an
742 applicant may collocate a small wireless facility and may place or replace a pole, only upon
743 satisfaction of the following:
744 (1) The issuance of a permit under subsection (a) of Code Section 36-66C-6; and

745 (2)(A) Compliance with any objective, reasonable, and nondiscriminatory aesthetic and
746 structural requirements that have been made publicly available in writing by the
747 authority at least 30 days prior to submission of the application; provided, however, that
748 any such requirements may not have the effect of materially inhibiting any wireless
749 provider's technology or service, and compliance with any such requirements shall not
750 be considered a part of the small wireless facility for purposes of the size restrictions
751 in the definition of small wireless facility; or
752 (B) In the absence of any such requirements, a replacement pole shall be substantially
753 similar in height and appearance to the pole being replaced.

754 36-66C-11.
755 For applications for new poles in the right of way in areas zoned for residential use, the
756 authority may propose an alternate location in the right of way within 100 feet of the
757 location set forth in the application, and the wireless provider shall use the authority's
758 proposed alternate location unless the location imposes technical limits or significant
759 additional costs. The wireless provider shall certify that it has made such a determination
760 in good faith, based on the assessment of a licensed engineer, and it shall provide a written
761 summary of the basis for such determination.

762 36-66C-12.
763 Notwithstanding any provision of this chapter to the contrary, an applicant may collocate
764 a small wireless facility on a decorative pole, or may replace a decorative pole with a new
765 decorative pole, in the event the existing decorative pole will not structurally support the
766 attachment, only upon satisfaction of the following:
767 (1) The issuance of a permit under subsection (a) of Code Section 36-66C-6; and
768 (2)(A) Compliance with any objective and reasonable aesthetic and structural
769 requirements that have been made publicly available in writing by the authority at least
770 30 days prior to submission of the application; provided, however, that any such
771 requirements shall not have the effect of materially inhibiting any wireless provider's
772 technology or service, and compliance with any such requirements shall not be
773 considered a part of the small wireless facility for purposes of the size restrictions in the
774 definition of small wireless facility; or
775 (B) In the absence of any such requirements, a replacement decorative pole shall be
776 substantially similar in height and appearance to the decorative pole being replaced.
777 The authority shall operate authority fixtures on the replaced decorative pole, and, absent
778 an agreement to the contrary between the authority and the wireless provider that is

779 confirmed by email or other writing, the authority shall take ownership of the new
780 decorative pole.

781 36-66C-13.
782 (a) An applicant may submit a single consolidated application, provided that such a
783 consolidated application shall be for a geographic area no more than two miles in diameter
784 and shall comply with this Code section. The denial of one or more small wireless
785 facilities or poles in a consolidated application shall not delay the processing of any other
786 small wireless facilities or poles in the same application. An authority may issue a single
787 permit or multiple permits for the small wireless facilities and poles in a consolidated
788 application.
789 (b) In a Class I Authority:
790 (1) A consolidated application for the placement of new poles and the collocation of one
791 or more small wireless facilities on such new poles may include no more than ten poles
792 and any associated small wireless facilities. While an applicant has applications,
793 including consolidated applications, pending before the Class I Authority for review of
794 25 or more new poles and the collocation of associated small wireless facilities, the Class
795 I Authority may, but shall not be required to, toll the processing requirements under Code
796 Section 36-66C-7 for any application subsequently submitted by the same applicant for
797 the placement of new poles and the collocation of associated small wireless facilities.
798 The number of new poles with collocated small wireless facilities pending for review
799 before the Class I Authority that may toll the processing requirements for subsequent
800 applications pursuant to this paragraph shall increase to 30, effective July 1, 2020; to 35,
801 effective July 1, 2021; to 40, effective July 1, 2022; to 45, effective July 1, 2023; and to
802 50, effective July 1, 2024; and
803 (2) A consolidated application for the collocation of small wireless facilities on existing
804 poles or support structures may include no more than 20 sites. While an applicant has
805 applications, including consolidated applications, pending before the Class I Authority
806 for review of 70 or more sites for the collocation of small wireless facilities on existing
807 poles or support structures, the Class I Authority may, but shall not be required to, toll
808 the processing requirements under Code Section 36-66C-7 for any application
809 subsequently submitted by the same applicant for the collocation of small wireless
810 facilities on existing poles or support structures. The number of sites for the collocation
811 of small wireless facilities pending for review before the Class I Authority that may toll
812 the processing requirements for subsequent applications pursuant to this subparagraph
813 shall increase to 80, effective July 1, 2020; to 90, effective July 1, 2021; to 100, effective
814 July 1, 2022; to 110, effective July 1, 2023; and to 120, effective July 1, 2024.

815 (c) In a Class II Authority:

816 (1) A consolidated application for the placement of new poles and the collocation of one
817 or more small wireless facilities on such new poles may include no more than five poles
818 and any associated small wireless facilities. While an applicant has applications,
819 including consolidated applications, pending before the Class II Authority for review of
820 15 or more new poles and the collocation of associated small wireless facilities, the Class
821 II Authority may, but shall not be required to, toll the processing requirements under
822 Code Section 36-66C-7 for any application subsequently submitted by the same applicant
823 for the placement of new poles and the collocation of associated small wireless facilities;
824 and

825 (2) A consolidated application for the collocation of small wireless facilities on existing
826 poles or support structures may include no more than 15 sites. While an applicant has
827 applications, including consolidated applications, pending before the Class II Authority
828 for review of 45 or more sites for the collocation of small wireless facilities on existing
829 poles or support structures, the Class II Authority may toll the processing requirements
830 under Code Section 36-66C-7 for any application subsequently submitted by the same
831 applicant for the collocation of small wireless facilities on existing poles or support
832 structures.

833 (d) In a Class III Authority:

834 (1) A consolidated application for the placement of new poles and the collocation of one
835 or more small wireless facilities on such new poles may include no more than two poles
836 and any associated small wireless facilities. While an applicant has applications,
837 including consolidated applications, pending before the Class III Authority for review of
838 eight or more new poles and the collocation of associated small wireless facilities, the
839 Class III Authority may, but shall not be required to, toll the processing requirements
840 under Code Section 36-66C-7 for any application subsequently submitted by the same
841 applicant for the placement of new poles and the collocation of associated small wireless
842 facilities; and

843 (2) A consolidated application for the collocation of small wireless facilities on existing
844 poles or support structures may include no more than six sites. While an applicant has
845 applications, including consolidated applications, pending before the Class III Authority
846 for review of 24 or more sites for the collocation of small wireless facilities on existing
847 poles or support structures, the Class III Authority may, but shall not be required to, toll
848 the processing requirements under Code Section 36-66C-7 for any application
849 subsequently submitted by the same applicant for the collocation of small wireless
850 facilities on existing poles or support structures.

851 (e) For purposes of subsections (b), (c), and (d) of this Code section:

852 (1) Small wireless facilities and poles that a wireless services provider applicant has
853 requested a third party to deploy and that are included in a pending application by the
854 third party shall be counted as pending requests by the wireless services provider
855 applicant; and
856 (2) When the processing of an application is tolled pursuant to subsection (b), (c), or (d),
857 the application is no longer counted as pending. As processing of applications is
858 completed, the authority shall begin processing previously tolled applications in the order
859 in which they were submitted, unless the applicant specifies a different order.

860 36-66C-14.
861 If multiple applications are received by the authority to install two or more poles or
862 decorative poles at the same location or to collocate two or more small wireless facilities
863 on the same pole, decorative pole, or support structure, the authority shall resolve
864 conflicting requests in an appropriate, reasonable, and nondiscriminatory manner.

865 36-66C-15.
866 (a) An authority shall not require a wireless provider to indemnify and hold the authority
867 and its officers and employees harmless against any claims, lawsuits, judgments, costs,
868 liens, losses, expenses, or fees arising from the wireless provider's activities in the public
869 right of way under this chapter, except when a court of competent jurisdiction has found
870 that the negligence of the wireless provider while conducting such activities caused the
871 harm that resulted in such claims, lawsuits, judgments, costs, liens, losses, expenses, or fees
872 or to require a wireless provider to obtain insurance naming the authority or its officers and
873 employees an additional insured against any of the foregoing.
874 (b) In no event shall any authority or any officer, employee, or agent affiliated therewith,
875 while in the performance of its or his or her official duties, be liable for any claim related
876 to the siting, installation, maintenance, repair, replacement, relocation, permitting, or
877 location of wireless equipment, facilities, poles, or infrastructure, including, but not limited
878 to, any claim for destruction, damage, business interruption, or signal interference with
879 other communications service providers wherein such siting, installation, maintenance,
880 repair, replacement, relocation, permitting, or location was undertaken in substantial
881 compliance with this chapter.

882 36-66C-16.
883 Absent an agreement to the contrary that is made public and that is available for adoption
884 upon the same terms and conditions to any requesting wireless provider, an authority shall
885 not require an applicant to perform services unrelated to the collocation for which approval

886 is sought, such as in-kind contributions to the authority, including reserving fiber, conduit,
887 or space on a utility pole or a wireless support structure for the authority, and such
888 authority may not require an applicant to transfer small wireless facilities, poles, decorative
889 poles, or support structures to the authority, provided that the authority may require transfer
890 of an authority pole replaced by the applicant to accommodate its collocation.

891 36-66C-17.
892 If an authority and a wireless provider entered into an agreement addressing the subject
893 matter of this chapter prior to October 1, 2019:
894 (1) This chapter shall not apply until such agreement expires or is terminated pursuant
895 to its terms with regard to poles, decorative poles, support structures, replacement poles,
896 and small wireless facilities installed pursuant to such agreement prior to October 1,
897 2019; and
898 (2) Otherwise, the provisions of this chapter shall apply to poles, decorative poles,
899 support structures, replacement poles, and small wireless facilities installed on or after
900 October 1, 2019.

901 36-66C-18.
902 Except to the extent authorized by current or future federal law, nothing in this chapter
903 shall authorize this state or any political subdivision thereof, including, but not limited to,
904 an authority, to require small wireless facility deployment or to regulate wireless services.

905 36-66C-19.
906 In the event of any conflict between the provisions of this chapter and the provisions of
907 Chapter 66B of this title, this chapter shall control as to the collocation of small wireless
908 facilities and the construction, installation, maintenance, modification, operation, and
909 replacement of poles or support structures by wireless providers in the right of way.

910 36-66C-20.
911 (a) The construction, installation, maintenance, modification, operation, and replacement
912 of wireline backhaul facilities in the right of way are not addressed by this chapter, and any
913 such activity shall comply with Code Section 46-5-1, Chapter 76 of this title, and other
914 applicable law.
915 (b) The approval of the installation, placement, maintenance, or operation of a small
916 wireless facility pursuant to this chapter shall not authorize the provision of any
917 communications services.

918 (c) Except as provided in this chapter or otherwise expressly authorized by state or federal
919 law, an authority shall not adopt or enforce any ordinances, regulations, or requirements
920 as to the placement or operation of communications facilities in a right of way by a
921 communications services provider authorized by state or local law to operate in a right of
922 way, regulate any communications services, or impose or collect any tax, fee, or charge for
923 the provision of communications services over the communications services provider's
924 communications facilities in a right of way.
925 (d) This chapter shall not apply to an authority to the extent that such authority uses
926 communications facilities to provide free Wi-Fi services to the public.

927 36-66C-21.
928 Nothing in this chapter relieves any person of any duties set forth in Chapter 9 of Title 25."

929 **SECTION 2.**

930 (a) Code Sections 36-66C-1, 36-66C-2, and 36-66C-3 of this Act shall become effective
931 upon this Act's approval by the Governor or upon this Act becoming law without such
932 approval.
933 (b) Except as provided for in subsection (a) of this section, this Act shall become effective
934 on October 1, 2019.

935 **SECTION 3.**

936 All laws and parts of laws in conflict with this Act are repealed.

City Council Meeting
STAFF REPORT

Submitting Department: Community Development
Submitted By:
Sponsored By: Staff
Meeting Date: September 16, 2019

I. AGENDA ITEM TITLE: PH-19-22 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – BED & BREAKFAST DEFINITION (1ST READING)
SPONSOR: STAFF
CONSIDERATION OF TEXT AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE RELATED TO THE DEFINITION OF 'BED & BREAKFAST'.

II. RECOMMENDATION:

Approve amendments to the Unified Development Code as it relates to the definition of 'Bed and Breakfast'.

III. REPORT IN BRIEF:

Consideration of text amendments to Unified Development Code (UDC) Subsection 1.4 Definitions. Text amendments are proposed to the definition of 'Bed and Breakfast'. The current definition limits the use to no more than 15 guests. However, it is more appropriate and easier to regulate the number of guest rooms. In addition, the City's parking regulations are based on the number of guest rooms, not the number of guests.

IV. ALTERNATIVES:

V. ATTACHMENTS:

UDC B&B CC Staff Report, Ordinance, SECTION_1.4___DEFINITIONS - Bed & Breakfast

CITY COUNCIL MEETING
STAFF REPORT

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

I. AGENDA ITEM TITLE: PH-19-22 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – BED AND BREAKFAST DEFINITION

CITY COUNCIL: SEPTEMBER 16, 2019

This item was heard at the September 5, 2019 Planning Commission meeting. There were no public comments. After discussion, the Planning Commission recommended to approve the item. Vote (7-0)

II. RECOMMENDATION:

Approve amendments to the Unified Development Code as it relates to the definition of 'Bed and Breakfast'.

III. REPORT IN BRIEF:

Consideration of text amendments to Unified Development Code (UDC) Subsection 1.4 Definitions.

Text amendments are proposed to the definition of 'Bed and Breakfast'. The current definition limits the use to no more than 15 guests. However, it is more appropriate and easier to regulate the number of guest rooms. In addition, the City's parking regulations are based on the number of guest rooms, not the number of guests.

IV. ATTACHMENTS:

- UDC Strike Through and Underline Edits

AN ORDINANCE TO AMEND ARTICLE I OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO AMEND THE DEFINITION OF 'BED AND BREAKFAST'; 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 said Codes 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 I 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 I, Subsection 1.4 titled "Definitions" 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: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

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

SO ORDAINED this the _____day of _____, 2019.

Approved:

_____
Jim Gilvin, Mayor

Attest:

_____
Erin Cobb, City Clerk
(Seal)

Approved as to Form:

_____
C. Sam Thomas, City Attorney

COUNCILMEMBERS

_____

_____

_____

_____

_____

_____

Exhibit “A”

Bed and Breakfast. A building in which lodging and meals are provided for no more than ~~15~~ seven (7) guest rooms and one (1) owner's suite and meals are served in a common dining room. Lodging facilities and services are provided for transient guests for an average stay of less than 7 days and offered to the public for compensation. Bed and breakfast does not include retail uses, bar, conference center or special event facilities.

SECTION 1.4 - DEFINITIONS

1.4.1 Use of words and phrases.

For the purpose of this Ordinance, the following shall apply to the use of words and phrases:

A. Words used in the present tense include the future tense. Words used in the singular tense include the plural tense, and words used in the plural tense include the singular tense. The masculine person "his" also means "her."

B. The word "shall" is always mandatory and not discretionary.

C. The word "may" is permissive.

D. The word "and" indicates that all of the conditions, requirements, or factors so connected must be met or fulfilled, whereas the word "or" indicates that at least one condition, requirement, or factor so connected must be met.

E. The term "such as" is intended to introduce one or more examples in illustration of a requirement or point, and is used herein to mean "including but not limited to the following."

F. The word "structure" includes the word "building."

G. The word "lot" shall include the words "plot," "tract," "parcel," and "property."

H. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged," or "designed to be used or occupied."

I. The verbs "zone" and "rezone" have the same meaning and refer to the act of amending the Official Zoning Map through the process established by this Ordinance.

J. The nouns "zone," "zoning district" and "district" have the same meaning and refer to the Zoning Districts established under this Ordinance.

K. All words and phrases shall be interpreted within the context of the sentence, Section and Article in which they occur.

1.4.2 Defined terms.

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

Acceleration Lane. An added roadway lane which permits integration and merging of slower moving vehicles into the main vehicular stream.

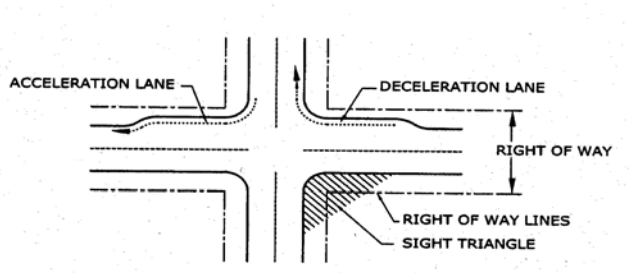


FIGURE 1

Access. A way or means of approach to provide physical entrance to a property.

Accessory Structure. A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

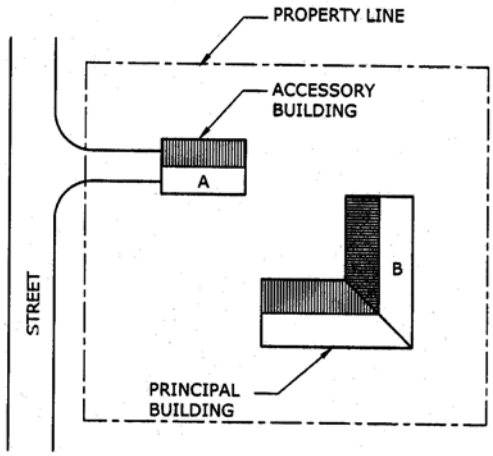


FIGURE 2

Accessory Use. A use customarily incidental and subordinate to the principal use and located on the same lot with such principal use.

Acre. A measure of land area containing 43,560 square feet.

1. *Acreage, Gross.* The total area of a property measured in acres and fractions thereof rounded to the nearest one-tenth acre.
2. *Acreage, Net.* The total buildable area of a property measured in acres to the nearest one-tenth, as existed when originally approved for its current zoning district, less any flood plain, easements and land dedicated to and accepted for streets or other public improvements by the City.

Adult Book Store. A retail establishment, a majority of whose inventory consists of books, magazines, videotapes and similar materials containing sexual activities or specified anatomical parts.

Airport. A property or structure licensed and approved by the Federal Aviation Administration where fixed wing aircraft or helicopters can land and take off, which may be equipped with hangars, facilities for refueling and repair and various accommodations for passengers.

Aisle. The traveled way, which is not the public right-of-way, by which cars enter and depart parking spaces.

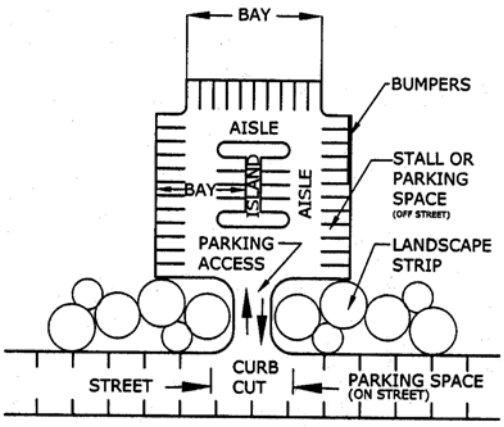


FIGURE 3

Alley. A non-exclusive private easement or publicly dedicated service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Alteration of Building. Any change in the supporting members of a building (such as bearing walls, columns or girders); any change in the non-supporting interior walls of a building; any addition or reduction to a building; any change in use; or any relocation of a building from one location or position to another.

Amphitheater. An outdoor area designed or intended for the projection of sound to be heard by a nearby audience.

Amenity. A natural or man-made feature which is intended to enhance or make more attractive or satisfying a particular property.

Animal Hospital, Large Animals. A place where horses, cattle, sheep or other animals normally kept in agricultural settings are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Animal Hospital, Small Animals. A place where dogs, cats, birds or other animals normally kept as household pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Annexation. The incorporation of a land area into the City with a resulting change in the city limit boundaries.

Antenna. See Section 2.8 for definition of 'antenna.'

Apartment. One or more rooms comprising an independent dwelling unit in a 'For-Rent' building.

Applicant. Any person making a request to the City for any approval, permit or authorization under the procedures contained in this Ordinance.

Art Galleries. An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This does not include libraries, museums, or non-commercial art galleries, or where such display of art is incidental to the primary use.

Asphalt Plant. A business which manufactures, mixes, or blends asphaltic products for distribution.

Assisted Living Facility. See Congregate Housing.

Associations. An organization of persons having common interests or purposes.

Auditorium. An indoor building or structure designed or intended for use for the gathering of people as an audience to hear music, lectures, plays, and other presentations.

Auto Sales and Leasing. The use of any building, land area, or other premises or portions thereof, for the display, sales or lease of automobiles, trucks, vans, trailers or recreational vehicles, including internet transactions where most vehicles are not stored on site.

Automobile. A self-propelled, free moving vehicle, with at least four but no more than six wheels, designed primarily for the transportation of passengers or for conveyance of up to two tons of materials on a street or roadway.

Automobile Service Station. Any building, land area or other premises, or portion thereof used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories, or the provision of tune-up or light maintenance services for vehicles.

Automotive Service Establishment. A business principally engaged in the repair of automobiles or other motorized vehicles, or the installation or repair of equipment or parts on motorized vehicles such as mufflers, brakes, tires, radios, transmissions, and engines or engine parts.

Bakery. An establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on or off site. Such use may include incidental food service.

Bank. A freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds. This may include credit unions, savings and loans, and traditional banks.

Barber Shop. Any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

Basement. An area below the first floor of a building used for storage, garages, and utilities or for common use of the occupants of the building. A basement used for any one or more of the above purposes shall not be counted as a story.

Beauty Shop. Any commercial establishment, residence, vehicle, or other establishment, place, or event wherein cosmetology is offered or practiced on a regular basis for compensation, excluding such types of services requiring customers to disrobe.

Bed and Breakfast. A building in which lodging and meals are provided for no more than ~~15~~ seven (7) guest rooms and one (1) owner's suite and meals are served in a common dining room. Lodging facilities and services are provided for transient guests for an average stay of less than 7 days and offered to the public for compensation. Bed and breakfast does not include retail uses, bar, conference center or special event facilities.

Berm. A mound of earth, or the act of pushing earth into a mound.

Block. A tract of land bounded by streets or a combination of streets and public land, rights-of-way or any other barrier to the community or development.

Board of Appeals. The appointed Board of Appeals of the City of Alpharetta.

Boarding House. A dwelling where more than two, but fewer than six rooms are provided for lodging for definite periods of times. Meals may or may not be provided, but there is one common kitchen facility. No meals are provided to outside guests.

Book or Stationery Store. An establishment for the sale or distribution of books and miscellaneous stationery by direct retail sales to the public.

Bottled Gas Storage and Distribution. An establishment where gas is stored for wholesale distribution.

Boutique Hotel. A high quality hotel which contains less than 120 rooms located in a unique setting, such as the City's Downtown, mixed-use developments and/or an entertainment district. The building shall reflect a unique exterior architecture and interior design compatible with the area in which the hotel is located. The boutique hotel shall provide guests with high quality services, such as, but not limited to, concierge, on-site restaurant, room service, meeting space, business center, banquet facilities, spas, doormen, valet parking, boutiques and/or other amenities. Guest rooms within the building shall contain no equipment for food preparation other than a mini-fridge and/or microwave. There shall be no self-serve laundry facilities (for guests use) within the building. Access to each guest room shall be through an inside lobby supervised at all hours.

Brewery. A facility where malt beverages are manufactured or brewed.

Broadcasting Studio. An establishment for the dissemination of radio, television, satellite, or similar medium, which may include a transmission tower.

Buffer Area or Buffer Strip. That portion of a lot set aside for open space and screening purposes pursuant to applicable provisions of this Ordinance to separate different zoning districts or uses on one property from uses on another property. A required set back area may not be included in a required buffer area or visa-versa.

Buffer, Undisturbed. An area of land as defined above that exists in its natural state without intrusion or alteration. The addition of landscaping into areas of sparse vegetation within undisturbed buffers does not constitute intrusion or alteration.

Buildable Area. See "Lot Building Area."

Builder's Equipment. An area designed or intended for the storage and use of equipment or materials common in the construction trade. This may not include sales of such equipment or materials.

Building. Any structure built for or intended for occupancy, storage or shelter of persons, animals, personal or business property, or machinery of any kind which is entirely separated from any other structure.

Building Code. The latest edition of all codes relating to the construction of buildings and their mechanical, electrical and other systems, as adopted by the City of Alpharetta pursuant to the Georgia Uniform Building Code Act and also referred to as the Standard Building Code.

Building Frontage. The linear width of a building facing or most nearly facing a street.

Building Height. The vertical distance to the highest point of the roof surface of a flat roof, the deck line of a mansard roof, and to the mean height level between eaves and ridge of a gable, hip or gambrel roof, as measured from the average finished grade across the building frontage.

Building Inspector. The Building Official of the City of Alpharetta or the Building Official's designated representative.

Building Site. A parcel or lot or land occupied or intended to be occupied by a building or structure having not less than the minimum area permitted by the code.

Bus Shelter. A small, roofed structure, having from one to three walls, located near a street, and designed primarily for the protection and convenience of bus passengers.

Car Wash. Any building or premises or portions thereof dedicated to use for washing automobiles; or a structure containing facilities for washing automobiles.

Carpenter Shop. An establishment utilized for the manufacture or assemblage of wood into usable forms for sale and distribution.

Carpet and Rug Sales. An establishment for the retail or wholesale sale of floor coverings.

Cemetery. Land used or dedicated to the burial or internment of human or animal remains, including crematoriums, mausoleums, necessary sales, and maintenance facilities.

Center Line of Street. Any line surveyed as such by the City of Alpharetta or the Georgia Department of Transportation or their designee, or, if no such survey exists, the line which is midway between the edge of pavement or back of curb of a street.

Central Business District (CBD). That portion of the City bounded by Mayfield Road to the North, Old Milton Parkway to the South, Haynes Bridge Road and Highway 9 to the east and Roswell and Canton Streets to the west. (see page 2-103)

Certificate of Occupancy. A document issued by the Director indicating that a particular building conforms with the requirements of this Ordinance and the building is complete and ready for use.

Church. A facility incorporating one or more buildings where religious services are conducted.

City. The City of Alpharetta, Georgia.

City Administrator. The Chief Operating Officer of the City of Alpharetta or his designee.

City Clerk. The City Clerk of Alpharetta, Georgia, or the City Clerk's designated representative.

City Council or Mayor and Council. The legally constituted and elected governing body of the City of Alpharetta, Georgia.

Clinic. An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists, medical professionals, or social workers and where patients are not usually lodged overnight.

Club. Buildings and facilities owned or operated by an association or persons for a social or recreational purpose.

Collection Box. A container, trailer, vehicle or other structure, used for the purpose of acquiring donated goods, by a for-profit or not-for-profit entity.

Commercial Parking Lot. An area or structure dedicated to the temporary storage of automobiles or other vehicles for periods of less than 24 hours for a fee, operated as the principal use of the property or structure.

Community Development Director. The Director of the Community Development Department or his designee.

Comprehensive Plan (CP). The long-range plan for guiding development in the City of Alpharetta and the City's urban area to a point in time at least 15 years from when the plan was adopted, with the overall goal being to accommodate development in a timely, orderly, and efficient arrangement of land uses and public facilities and services that meet the needs of present and future residents and businesses.

Concept Plan. A generalized map presenting an image or representation of a proposed development, and showing those plan elements as further required by this Ordinance.

Concrete Plant. A business which manufactures, mixes, or blends concrete products for distribution.

Conditional Use. A use that generally would not be appropriate throughout a zoning district but which, if controlled as to visual appearance, number, area, height, location, or relation to abutting or nearby uses, would not be injurious to the public, health, safety, welfare, morals, order, comfort, convenience, appearance or general welfare. Such uses may be permitted only in zoning districts specified in this Ordinance and are subject to conditions and approval by the Mayor and Council.

Condominium. A legal form of multiple ownership consisting of a building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

Condominium, Office. An office building (or group of buildings) organized, owned and maintained as a condominium.

Condominium, Residential. A building type consisting of individual units located within a single structure. The structure normally has at least two, but no more than six stories. The structure is designed to appear as a single building with no architectural distinction between the units. Architectural elements such as materials, colors and windows are repeated consistently throughout the building and there is usually a single roof element and a single point of primary entry. The architectural style typically expresses the horizontal lines of the building which then accentuates the floors of the building as a primary visual element. The common areas of the building such as the elevators and lobby may be expressed as special features on the main elevations of the structure.

Congregate Housing. Any group dwelling or facility licensed by the state, public or private, which for gain or otherwise, regularly provides one or more persons with assisted living care. The term "assisted living care" means specialized care and services including the provision of personal services, the administration of medications by a certified medication aide and the provision of assisted self-preservation. The term "personal services" includes, but is not limited to, individual assistance with or supervision of self-administered medication, assistance, essential activities of daily living such as eating, bathing, grooming, dressing, toileting, ambulation and transfer. The term "assisted self-preservation" means the capacity of a resident to be evacuated from an assisted living facility to a designated point of safety and within an established period of time as determined by the Office of Fire Safety Commissioner. Assisted self-preservation is a function of all of the following:

1. The condition of the individual.
2. The assistance that is available to be provided to the individual by the staff of the assisted living facility; and
3. The construction of the building in which the assisted living facility is housed, including whether such building meets the state fire safety requirements applicable to an existing health care occupancy.

Construction Trailer. A temporary structure used as an office and located on an active construction site.

Contractor's Office with outside storage. A room or group of rooms used for conducting business that includes an enclosed exterior space for the storage of business related equipment and supplies.

Contractor's Office without outside storage. A room or group of rooms used for conducting business that does not use any exterior storage area.

Convenience Center with Gas Pumps. A facility that combines a small retail store with the sale and dispensing of gasoline products.

Convenience Store. A retail establishment primarily selling packaged food and household convenience items, which may also dispense automobile fuel, oil and accessories. Excluded from this definition is any establishment providing automotive maintenance services or repairs.

Craftsman Shop or Studio. A facility where products are made or serviced on an individual basis without the use of mechanized or assembly line production equipment.

Curb Break or Curb Cut. Any interruption or break in the line of a street curb for the purpose of connecting a driveway to a street, or otherwise to provide vehicular access to abutting property.

Data Center. A building or complex of buildings in which a substantial portion of the gross square footage is dedicated to the housing of computer or data processing equipment or systems.

Day Care Center. Any establishment operated by an individual, partnership, society, agency, corporation, institution or group, and licensed by or registered with the State of Georgia as a group day care home or day care center, which enrolls therein for pay, for supervision and care, seven or more children or adults. Such facility may provide supervision, care, education, recreation and specialized programmings but does not provide overnight accommodations.

Deed. An instrument that conveys or transfers title to land or other real property.

Density. The average number of dwelling units or gross square feet of building floor area per gross acre of land. For an individual property, the density shall be calculated by dividing the total dwelling units or gross square footage of the building by the total gross acres of the property that existed when originally approved for its current zoning district.

Design Review Board. The Design Review Board of the City of Alpharetta, as established by this Ordinance and appointed by the Mayor and Council.

Development Activity. The construction of public improvements, site improvements, or buildings, including any alteration of a property in preparation for such construction. Development Activity shall also include the "thinning" or removal of trees from undeveloped land in conjunction with a forest management program, and the removal of trees incidental to the development of land or to the marketing of land for development.

Director. Unless otherwise specified, the Director of Community Development of the City of Alpharetta, Georgia, or the Director's designated representative.

Discount Store. A retail store that sells new or used goods or products at prices lower than traditional retail outlets. Discount stores principally engage in offering a category of similar goods or a wide assortment of goods for sale to the general public.

Distillery. A facility where distilled spirits are manufactured (distilled, rectified or blended).

Drainage. See Article III, Section 3.1 for all definitions relating to drainage and storm water control.

Drive or Driveway. A surfaced asphalt or concrete area on a lot which provides direct access for vehicles between a street and a private garage, carport or other permitted parking space or parking area or loading area.

Dry cleaning, pick-up station. An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

Dry cleaning plant. A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and/or agitation, and other processes incidental thereto.

Duplex (or semi-detached). A building type consisting of two independent units that are attached by a common side wall, floor and/or ceiling. Such units normally have at least two, but no more than four floors. These units may share a common front door and are sometimes designed to appear as a single unit.

Dwelling, 'For-Rent' (Downtown Overlay).

a. Unit—A residential unit designed to be leased or rented and occupied by a single family tenant and located within the Downtown Overlay (map A).

b. Building—A structure incorporating multiple rental units. (See Apartments.)

c. See Section 2.7 Standards for Downtown Overlay.

Dwelling, 'For-Rent' (Outside of Downtown Overlay).

a. Unit—A residential unit designed to be leased or rented and occupied by a single family tenant.

b. Building—A structure incorporating multiple rental units. (See Apartment.)

c. See Section 2.7 Standards for Units (outside of Downtown Overlay).

Dwelling, 'For-Sale'.

a. Detached—A free-standing residential unit designed to be purchased and occupied by a single family.

b. Attached—A residential unit attached to other residential units and designed to be purchased and occupied by a single family.

c. Condominium—A type of property ownership in which a 'For-Sale' unit is purchased and the purchaser of each unit acquires full title to the unit and an undivided interest in the common elements (the land, roof, elevator, etc.).

Dwelling, Group. A building or portion of a building occupied or intended for occupancy by a number of unrelated persons or families, but in which separate cooking facilities are not provided for such resident persons or families. The term "group dwelling" includes but is not limited to the terms rooming house, apartment hotel, nursing home, fraternity or sorority house, YMCA or YWCA. A hotel, motel or bed and breakfast tourist home shall not be deemed to be a group dwelling as herein defined.

Dwelling Unit. One or more rooms connected together and constituting a separate, independent housekeeping establishment designed for use by one family with provision for cooking, eating, sleeping, bathing and personal sanitation, and physically set apart from any other rooms or dwelling units in the same structure or another structure.

Easement. A grant by a property owner of any designated part of a property for the use by another for a specified purpose without transfer of title or right of ownership.

Egress. An exit.

Electric power yards, substation. All equipment, fixtures, and personal property operated or maintained in connection with the production of electricity using any source of thermal, steam, wind, or solar energy with a generating capacity of more than 500 kilowatts and less than 50 megawatts.

Existing Use. The use of a lot or structure at the current time or another time if so designated.

Extended Stay Hotel. A building containing guest rooms for lodging, offered to the public for compensation, which are advertised, designed, intended or routinely utilized for weekly or monthly occupancy, or in which at least 30% of all guest rooms have facilities for the refrigeration and preparation of food by guests, such as a refrigerator and a cooktop/stove (or a refrigerator, a microwave, and a dishwasher or kitchenette sink), and a self-serve laundry facility is available for guests use. For the purposes of this Code, extended stay hotels and hotels (or motels) are separate and distinct uses. See, Section 2.7.3.

Family. One or more persons related by blood, adoption, guardianship or marriage and/or not more than three unrelated persons, living and cooking together as a single, nonprofit housekeeping unit.

Family Day Care Home. An accessory use within a private residence, licensed by or registered with the State of Georgia as a family day care home, operated by the occupant of the dwelling who enrolls for pay, for supervision and care without overnight accommodations, three but not more than six children or adults.

Fast Food Restaurant. See Restaurant, Drive-thru or Fast Food.

Fence. A structure made of manufactured materials—and used for the purpose of defining a boundary, creating an enclosure, providing security, privacy or screening, or as a means of protection.

Flood Control. See Article III, Section 3.4, for definitions relating to flooding and flood control.

Floor Area. The total number of square feet of heated floor space within the exterior walls of a building.

Floor, First. The location within a building in which the primary egress and ingress are provided.

Florist, Retail With Greenhouse. Any business establishment which, as its primary business, sells at retail flowers and ornamental plants. A greenhouse or nursery for the growing of plants, or another open or enclosed supplemental display area outside the establishment, is permitted as a normal accessory use.

Florist, Retail Without Greenhouse. Any business establishment which, as its primary business, sells at retail flowers and ornamental plants. A greenhouse or nursery for the growing of plants, or another open or enclosed supplemental display area outside the establishment, is not permitted.

Frontage Lot or Street Frontage. The width in linear feet of a lot where it abuts the right-of-way of any street from which access may be directly gained.

Funeral Home. A building used for the preparation of deceased human beings for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

Future Land Use Map. The map named as such and contained in the Comprehensive Plan that indicates areas appropriate for various land uses and public facilities over time and as described in the Comprehensive Plan text.

Garage Sale. The sale or offering for sale of miscellaneous personal items on a residential zoned lot, (not including churches and schools).

Garden District. That portion of Canton Street bounded by Church Street to the south and Hopewell Road to the north.

Gasoline Station. A facility where primary use is the dispensation of fuels. (Also see Convenience Center with Gas Pumps)

Gazebo. An accessory, open air structure not exceeding 300 sq. ft. in size.

Governing Body. The Mayor and Council of the City of Alpharetta, Georgia, under whose authority this Ordinance is enacted into law, administered, and enforced.

Grade. The degree rise or descent of a sloping surface. The average elevation of the sidewalk or crown of road surrounding a building site.

Grade, Finished. See Section 3.1, "Site Grading and Land Disturbance."

Greenhouse. A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants for subsequent sale or for personal enjoyment.

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

Group Home. A dwelling shared by four or fewer persons, excluding resident owner, (or no more than six persons including the resident owner), who live together as a single housekeeping unit and in a long term, family-like environment in which the resident owner, serving as the primary caregiver to the residents, provides care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. 1. No group home shall be located within 2,000 ft. of another group home as measured at the property line. 2. A group home shall be limited to one structure and multiple structures located near one another shall not be considered components of one group home. Each structure shall meet distance requirements. The term "group home" shall not include a halfway house, a treatment center for alcoholism or drug abuse, and work release facility for convicts or ex-convicts, a home for detention and/or rehabilitation of juveniles adjudged delinquent or unruly and placed in custody of the state or other housing facilities serving as an alternate to incarceration. The term "group home" shall also not allow the use of a dwelling as an apartment or duplex. A "group home" shall not allow use of the dwelling as a home for individuals on parole, probation, or convicted and released from incarceration, for any crimes including child molestation, aggravated child molestation, or child sexual abuse, as defined in O.C.G.A. 16-6-4 or individuals required to register as sex offenders pursuant to O.C.G.A. 42-1-12. A group home may include a home for the handicapped. As used in this subsection, the term "handicapped" shall mean:

1. Having a physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently;
2. Having a record of having such an impairment; or

3. Being regarded as having impairment.

However, the term "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals.

Hardware Store. A facility of 30,000 or fewer square feet gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliance, garden supplies, etc.; if greater than 30,000 square feet, such a facility is a Home Improvement Center.

Historic Business District. That portion of the Central Business District bounded by Church Street to the north, Highway 9 to the east, Marietta Street to the south and Milton High School to the west. (see page 2-122)

Home Improvement Center. A facility of more than 30,000 square feet gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders hardware, paint and glass, houseware and household appliances, garden supplies, and cutlery.

Home Occupation. Any activity carried out as a business and/or for profit by the resident and conducted as an accessory use in the resident's dwelling unit.

Hospital. A building providing primary or tertiary health services and medical or surgical care to persons including in-patients and out-patients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

Hotel (or Motel). A building in which lodging along with customary lodging facilities and services, such as meeting rooms, restaurant, maid service and fitness center, are provided for transient guests for an average stay of less than 7 days and offered to the public for compensation. Hotel services shall include the provision of food and beverage services suitable for both guests and groups, on-site restaurant, lounges, group meeting spaces with banquet facilities and selective amenities, such as but not limited to spas, banquet rooms, doormen, valet parking, concierge, and high-end restaurant and boutiques. Guest rooms within the building shall contain no equipment for food preparation other than a mini-fridge and/or microwave. There shall be no self-serve laundry facilities (for guests use) within the building. Access to each guest room shall be through an inside lobby supervised at all hours.

Improvements. The buildings, public utilities and facilities, and accessory structures built on or serving a property.

A. *Public Improvements.* Any structure, owned by or to be dedicated to a government or a utility regulated by the Georgia Public Service Commission, together with its associated public land, easement or right-of-way, necessary to provide transportation, drainage, public or private utilities, or other public services such as education, recreation, or public safety.

B. *Site Improvements.* Any structure, other than a principal building or a structure intended for dedication to public ownership, constructed to support or provide for the use or occupancy of a property, such as driveways, parking and loading areas, retaining walls and other earthen works, erosion and sedimentation control facilities, stormwater drains and detention facilities, and connections to public water, sewer or other utilities.

Industrial Park. A development that contains a number of separate industrial buildings and supporting uses on one or more lots, which is designed, planned, constructed and managed on an integrated and coordinated basis.

Industrialized Buildings. Prefabricated structures as defined in O.C.G.A. 110-2 and usually used for a limited time period such as for a site construction office, portable classroom and site real estate office.

Ingress. Access or entry.

Island. In parking lot and street design, built-up curbs (and in parking lots usually placed at the end of parking rows) as a guide to traffic and also used for landscaping, signing or lighting.

Junk or Salvage Yards. Any area, lot, land, parcel, building or structure or part thereof used for the storage, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or two or more unregistered, inoperable vehicles or other type of junk. See Also "Recycling Center."

Kennel. An establishment in which more than six dogs or other domesticated animals more than one year old may be housed, groomed, bred, boarded, trained or sold.

Land Disturbance Permit. A permit issued by the City that authorizes Development Activity, and includes, but is not limited to, activity related to soil erosion control, clearing and grubbing, grading, public and site improvements. This permit does not authorize building construction.

Land Use. See "Use," "Principal Use," and "Accessory Use."

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.

Loading Space, Off-street. A space or berth used for the loading or unloading of commercial vehicles, trucks or other vehicles.

Lot. A portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership or for development or both. In determining the area and dimensions of a lot, no part of the street right-of-way or private street easement may be included.

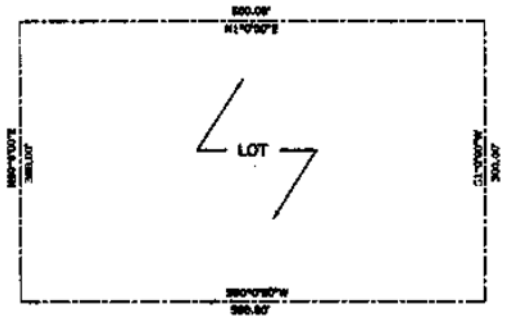


FIGURE 4

Lot Building Area. The portion of a lot located interior to the front, side and rear yard building setback lines; that is, the portion of a lot wherein a building may be located.

Lot, Corner. A lot abutting two or more streets at their intersection.

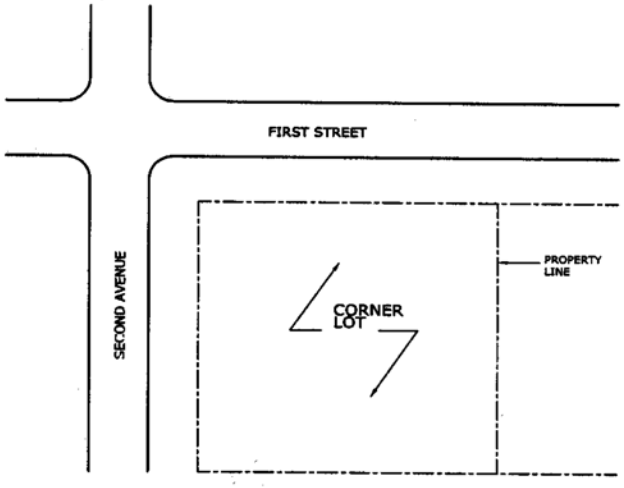


FIGURE 5

Lot Coverage. That portion of the lot that is covered by buildings, structures, and any other impervious surface.

Lot Depth. The distance between front and rear lot lines. If front and rear lines of said lot are not parallel, such least dimension shall be deemed to be the lot depth.

Lot, Double Frontage. A lot which has frontage on more than one street, provided however, that no corner lot shall qualify as a double frontage lot unless said corner lot has frontage on three or more streets.

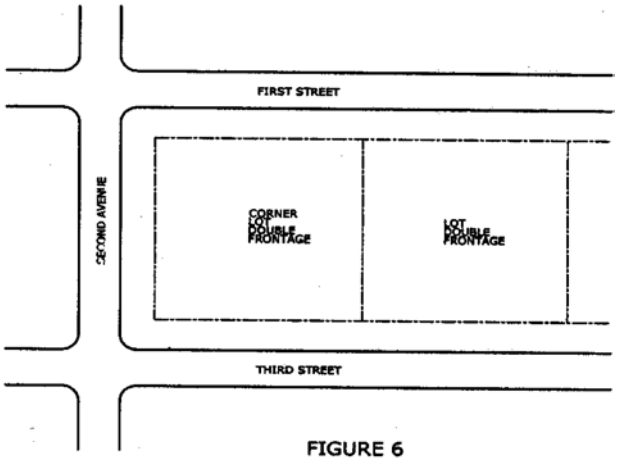


FIGURE 6

Lot, Flag. An "L" shaped lot whose frontage is provided by the driveway access which ties the buildable portion of the property to the street.

Lot Frontage. See "Frontage."

Lot Line. A line of record bounding a lot which divides one lot from another lot or from a street or any public space.

A. *Front Lot Line.* Any boundary line of a lot which is coterminous with a public street right-of-way line or private street easement line. For a corner lot, the narrow portion is usually considered the front.

B. *Rear Lot Line.* Any boundary line of a lot which does not intersect with a street right-of-way or private street easement line and which is usually opposite of the front lot line.

C. *Side Lot Line.* Any boundary line of a lot which intersects with a street right-of-way or private street easement line.

Lot of Record. A lot which exists as shown or described on a plat or deed recorded in the Office of the Clerk of the Superior Court of Fulton County.

Lot Width. The distance measured between side lot lines at the front minimum setback line between intersecting lot lines.

Lot Width—Cul-de-sac. The distance measured between side lot lines at the point of the property that is twice the front setback requirement from the front property line.

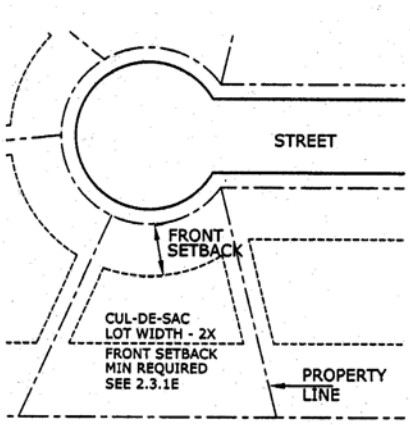


FIG 7

Mansard Façade. An architectural appendage or embellishment to a flat topped structure which is attached to the front external wall and if intended to create the appearance of a mansard roof. See also "Roof."

Manufactured Building. A factory-built, structure that meets national standards for manufactured buildings.

Manufacturing, Heavy. The extraction of natural resources or the transformation of raw materials through mechanical or chemical means into new products ready for assembly, fabrication or use in the production of finished goods.

Manufacturing, Light. The fabrication or assembly of parts into a finished product or component products.

Marquee. Any hood, canopy, awning or permanent construction which projects from a wall of a building, usually above an entrance.

Massage Therapy. Any use, other than a hospital or clinic, where non-medical manipulative devices or exercises are practiced upon the human body by someone other than a licensed medical professional.

Master Plan. A plan map and associated statement of intent which, at least, includes a depiction of pods, roads, buffers, flood areas, permitted uses and development regulations which represents the framework for development activity on a property. See also "Concept Plan."

Median Break or Cut. Any interruption in the curb separating opposing vehicular travel lanes of a street for the purpose of allowing ingress or egress by left turning movements to a street, or abutting property.

Metes and Bounds. A method of describing the boundaries of land by directions and distances from a known point of reference.

Mezzanine. An intermediate floor between two other stories that does not contain more than 1/3 of the area of the floor below it.

Mini-Warehouse. A structure containing separate storage spaces of varying sizes leased or rented on an individual basis.

Mobile Home. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling. 'For-Sale', with or without a permanent foundation when connected to public. utilities. The term mobile home shall not include motorized vehicles with temporary living quarters. Mobile homes built after 1976 are referred to as "Manufactured Homes" or "Industrialized Buildings".

Mobile Home Park. A site with required public and/or private improvements and utilities for the long-term parking of two or more mobile homes or manufactured homes each on a single lot, and which may include such accessory uses as retail convenience sales, Laundromat, and recreational facilities for the exclusive use of residents.

Motel. See "Hotel".

Nail Salon. An establishment that offers nail care services such as manicures, pedicures, and nail enhancements, excluding such types of services requiring customers to disrobe.

Natural Resources Commission. The appointed natural resources commission (formerly known as the Tree Commission) for the City of Alpharetta.

Neighborhood Grocery. A facility with a floor area of at least 3,000 square feet but not more than 50,000 square feet that sells primarily grocery items such as prepackaged food, produce, meats, baked goods, beverages and similar food items intended for off-site consumption. At least 60% of the floor area of the facility shall be dedicated to the sale of said grocery items, including any immediately adjacent circulation and service areas, but not including storage.

Nonconforming Lot. A lot of record whose area, frontage, dimensions, or location were lawful prior to the adoption, revision, or amendment of this Ordinance, and which, by reason of such adoption, revision or amendment, no longer meets or exceeds one or more such requirements of the applicable zoning district.

Nonconforming Sign. Any structure or sign which was lawfully erected and maintained prior to the adoption, revision, or amendment of this Ordinance, and which by reason of such adoption, revision or amendment fails to conform to all applicable regulations and restrictions of this Ordinance.

Nonconforming Structure. A structure or building whose size, dimensions, or location on a property were lawful prior to the adoption, revision, or amendment of this Ordinance, but which, by reason of such adoption, revision, or amendment, no longer meets or conforms to one or more such requirements of this Ordinance.

Nonconforming Use. A use or activity that was lawful prior to the adoption, revision, or amendment of this Ordinance, but which, by reason of such adoption, revision, or amendment, is not a use or activity permitted by right or no longer meets or conforms to the requirements of this Ordinance.

Nursery, Plant. Land or greenhouses used to raise flowers, shrubs and plants for sale to distributors or for subsequent replanting by the owner, a landscape company or others. See also "Florist, Retail."

Nursery School. See "Day Care Center."

Nursing Home. An extended or intermediate care facility required to be licensed or approved by the State of Georgia to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Office. A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

Office Building. A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

Office Park. A development that contains a number of separate office buildings and supporting uses on one or more lots, which is designed, planned, constructed and managed on an integrated and coordinated basis.

Opaque. Impenetrable to view, or so obscuring to view that buildings, structures, and uses become visually indistinguishable.

Open Space. A privately or publicly owned area on the grounds of a premises outside of any principal building or parking area, which is open to the sky and set aside and intended for the outdoor enjoyment of occupants or visitors to the property, and which may but is not required to include such pedestrian oriented improvements as landscaping, walkway paths, pergolas, gazebos, bikeways, exercise or play equipment, and benches, and which may further include up to 20% of its area in water bodies or areas inappropriate for pedestrian use. Open space shall not include any other required open areas such as required building setbacks, buffers, landscape strips or other similar requirements of this ordinance. There are 2 types of open space: Civic space and Amenity space.

1. *Civic Space.* Portion of open space for public use defined by the combination of certain physical constants including the relationships among their intended use, their size, their landscaping, and their adjacent buildings. Civic space may include the following types: park, square, plaza, pocket park and playground.
2. *Amenity Space.* The covered or uncovered, but unenclosed, outdoor areas of at least 100 square feet each for use by the occupants, invitees and guests of the development and specifically excluding civic spaces and required sidewalks. Amenity spaces may include the following types: rooftop deck, balconies, patios and porches, outdoor dining areas, pool areas, athletic courts and similar uses, yards and lawns, gardens, hardscape areas improved for pedestrian enjoyment, wooded areas and runoff reduction measures such as bioretention areas and cisterns.

Outdoor Storage. The keeping, in an unroofed area of any goods, material, merchandise or vehicles in the same place for more than 24 hours.

Outdoor Vending. Sale and/or display of products in an area exposed to open air on two or more sides.

Owner. An individual, firm, association, syndicate, partnership or corporation having a majority proprietary interest in land or a building, or their authorized representative.

Parapet. That portion of a wall which extends above the roof line.

Parcel. A lot or tract of land, or several adjoining lots in common ownership.

Park Space. A public- or privately-owned area, which is set aside for the enjoyment for occupants or visitors to the property, and which may include both outdoor and indoor areas developed for active and/or passive recreation.

Parking Area. Any public or private area at grade or within a structure used for the express purpose of temporarily parking automobiles and other vehicles otherwise in operation for personal or business use.

Parking Garage. An accessory building or portion of a principal building used only for the private storage of motor vehicles as an accessory use.

Parking Space. A space identified and set aside for the temporary parking of an automobile or other motor vehicle which is subdivided into the following categories:

A. *Compact Car Parking Space.* A designated space not less than 8 feet by 16 feet expressly provided within a parking area for purposes of temporarily parking a compact car or other compact motor vehicle.

B. *Handicapped Parking Space.* A designated space not less than thirteen feet in width (including loading area) and twenty feet in length, laid out and designated by signage in accordance with the requirements of the Georgia Accessibility Code for Buildings and Facilities.

C. *Handicap - Van Only.* A designated space not less than sixteen feet in width including loading area and twenty feet in length.

D. *Regular Parking Space.* A designated space not less than 9 feet in width by 19 feet in length.

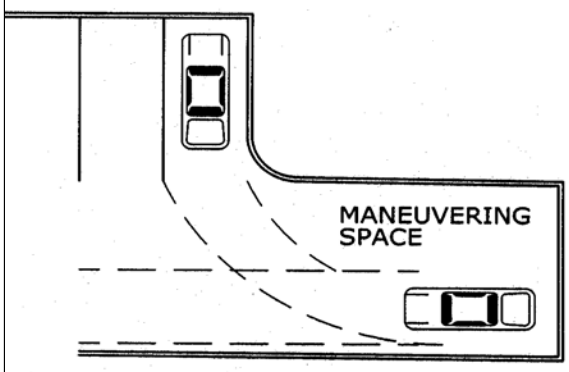


FIGURE 8

Patio House. A 'For-Sale' dwelling in which most, or all, of a lot is used with yard space combined instead of divided. Front, rear and side yard are consolidated into one garden area, either partially or completely bordered by rooms or enclosed by walls. See also "Zero Lot Line."

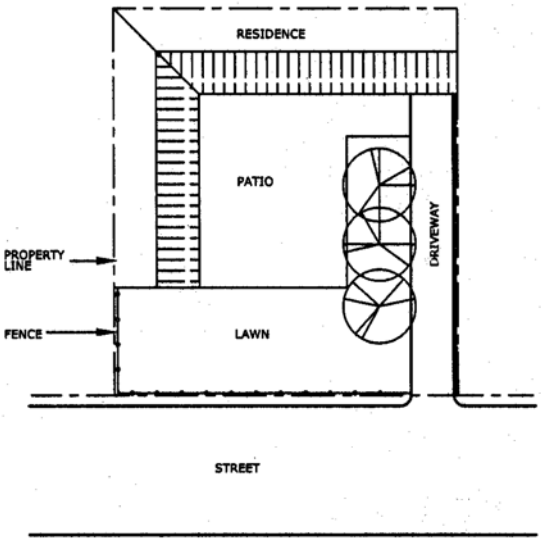


FIGURE 9

Pedestrian Walkway. A right-of-way within a block dedicated to public use, five feet or more in width, intended primarily for pedestrians or bicycles and other non-motorized vehicles.

Perimeter. The boundaries or borders of a lot, tract or parcel of land.

Permit. Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization.

Permitted Use. Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Person. Any individual, corporation, association, firm, partnership or other legal entity.

Pet Day Care. A facility that provides care on a regular basis to household animals for a period of less than 24 hours with no overnight accommodations.

Planned Center, Office, Commercial or Industrial. A group of rental stores, service establishments, offices, industries and any other businesses planned to serve the public, which is in common ownership or condominium ownership.

Planning Commission. The appointed Planning Commission of the City of Alpharetta, Georgia.

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.

Plat. (1) a map representing a tract of land, showing the boundaries and location of individual properties and streets; (2) a map of a subdivision or site plan.

Plat, Final. The final map of all or a portion of a subdivision which is presented to the proper review authority for final approval and recorded in the office of the Clerk of Superior Court of Fulton County.

Plat, Minor. A division of a tract or parcel of land into not more than four (4) lots and does not dedicate or offer for dedication any new street or require construction of any private road for access to any lots and does not require extension of sanitary sewer, stormwater, or water mains to service lots.

Plat, Preliminary. A preliminary map indicating the proposed layout of the subdivision or site plan which is submitted to the proper review authority for consideration and preliminary approval.

Portable. See Industrialized Buildings.

Premises. An area of land with its appurtenances and buildings which, because of its unity of use, is one unit of real estate.

Principal Building. The building or other structure within which is conducted (or intended to be conducted) the principal use of the lot on which said building is situated.

Principal Use. The primary or predominant use of any lot.

Prohibited Use. A use that is not permitted in a zoning district by right as a principal use, as an accessory use, or as a conditional use.

Public Space. A public- or privately-owned area, which is set aside for the enjoyment for occupants or visitors to the property, and which is developed for recreation, entertainment, and/or civic purposes and may include plazas, outdoor theaters, sculpture gardens, parks, playgrounds, community gardens, or other areas where people can gather. Areas that are restricted to the general public, like residential amenities, may not be included within the public space requirement.

Recreation Facility. A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

1. *Recreation Facilities, Indoor.* Recreational uses conducted almost wholly indoors, including bowling alley, skating rink, shooting range, health club, etc.
2. *Recreation Facilities, Outdoors.* Recreational uses conducted almost wholly outdoors, including ball fields, soccer, etc.

Recycling Center. A use operated exclusively for the collection and temporary storage of used paper, glass, metal, and similar materials suitable for reprocessing, which are transported elsewhere for separating, processing, or storage.

Rental Services Establishment. Any business establishment which rents or leases items of personal property such as tools, appliances and equipment to the general public.

Residence. A dwelling unit.

Restaurant. An establishment where food and drink are prepared, served and consumed primarily within the principal building, and without a drive-in or drive-thru component.

Restaurant, Drive-thru or Fast-Food. Any establishment, building or structure where food or drink are served for consumption, either on or off the premises, with drive-thru components. This definition shall not include otherwise permitted restaurants where outdoor table service is provided to customers in outdoor dining areas.

Retail Establishment, Mixed Sales. Any business establishment selling a wide variety of goods arranged in several departments including, but not limited to, hardware, automotive, sporting goods, audio and video equipment, and clothing.

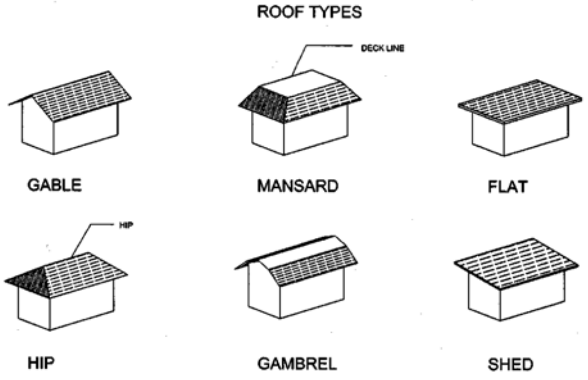
Retail Sales Establishment. A business principally engaged in offering a category of similar goods or products for sale to the general public, such as grocery store, hardware store, pharmacy, clothing shop, home furnishings store, office supplies store, and the like.

Retail Services Establishment. A business principally engaged in providing a service, as opposed to products, to the general public, such as a banking or financial institution, real estate or insurance office, barber or beauty shop, travel agency, amusement or recreation center, health clinic, legal firm, professional service, and the like.

Retail Strip Center. A group of retail stores designed as one development and being less than 50,000 square feet in size.

Right-of-Way. A strip of land occupied or intended to be occupied by a street, sidewalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special purpose use. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use in fee simple.

Roof. The outside top covering of a building.



Salvage Yard. A facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded material.

School, Academic. Any building or part thereof which is designed, constructed or used for education or instruction following the same curriculum offered in a public elementary, secondary, trade or technical, or higher education facility, and accredited to award diplomas as such.

School, Commercial. Any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge or vocational pursuit, other than an academic school.

Semipublic Use. A use owned or operated by a nonprofit, religious, or educational institution for the purpose of providing educational, cultural, recreational, religious, or social services to the general public.

Service Drive. A minor, permanent, public right-of-way which is used primarily for vehicular service access to the back or side or properties otherwise abutting on a street.

Setback. The straight line distance between a street right-of-way or a lot line and the nearest point of a structure or building or projection therefrom (excluding steps, roof overhang, chimneys, bay windows and patios).

Setback, Front Cul-de-Sac.

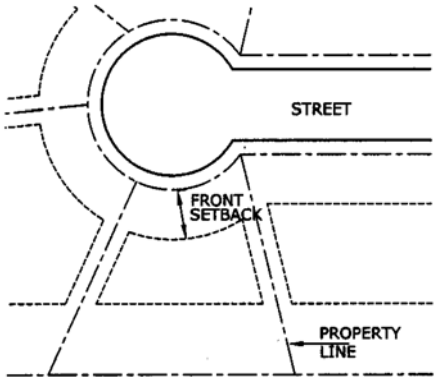


FIG 11

Setback, Minimum. The shortest distance allowed between a property line and any principal or accessory building on a lot, not including any required buffer areas. Minimum setback requirements for buildings are associated with the type of lot line from which the setback is taken; for instance, a "side yard setback" is measured from a side lot line.

Shopping Center. A group of retail sales or services establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements with a total size of at least 50,000 square feet.

Shopping Center, Specialty. A shopping center whose shops cater to a specific market and are linked together by an architectural, historical or geographic theme or by a commonality of goods and services.

Sidewalk. A paved, surfaced or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

Sign. See Article II, Section 2.6, for all definitions relating to signs.

Site Plan. A plan accurately drawn to scale of a development project, depicting the buildings proposed to be placed on the property, related public and site improvements on the site, and additional information as required by this Ordinance or conditions of zoning approval, and other applicable ordinances.

Smoke Shop and Tobacco Store. Any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco instruments; provided, however, that any grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes or tobacco as an ancillary sale shall not be defined as a "smoke shop and tobacco store".

Spa Services. A business that provides services, which may include non-medical massage, other personal services such as skin, nail, hair treatments, hair removal/waxing, and such types of services requiring a customer to disrobe, and may have the sale of associated retail products. Such business shall be located within a retail center, shall not occupy more than 4,000 sq. ft. and shall not be closer than 2,000 ft. to a comparable business.

Special Care Home. An accessory use in a 'For-Sale' dwelling occupied by one or more persons related by blood, adoption, guardianship or marriage and/or not more than three unrelated persons, some of whom are in need of special care, living together as a nonprofit housekeeping unit. The term "special care home" shall include a home for adolescents, a home for physically handicapped persons and a home for mentally handicapped persons. The term "special care home" shall not include the business of operating a boarding house, rooming house or other similar establishment. Additionally, the term shall not include a penal institution, any place for persons convicted of a crime or any place for persons found to be juvenile delinquents.

Storage, Climate Controlled. A facility consisting of a building or group of buildings that contain individual storage units of varying sizes in a climate controlled environment where customer access is through a lobby and where no commercial transactions or activities take place other than the rental of the storage units (permitted in L-I only).

Storage, Mini-Warehouse. A facility consisting of a building or group of buildings that are surrounded by a security fence with controlled access and which contains individual storage units of varying sizes whose doors open directly to the outside and where no commercial transactions or activities take place other than the rental of the storage units.

Storefront Street. A street, that by virtue of its pre-existing pedestrian-supportive qualities. or its future importance to pedestrian connectivity, requires that new development along it achieves a high standard of design and pedestrian orientation.

Storm Water Management Report. A report prepared by a Professional Engineer registered in the State of Georgia that details the pre and post development activity hydrologic conditions.

Story. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling next above. Each floor or level in a multi-story building used for parking, even if below grade, shall be classified as a story.

Street. A dedicated and accepted public right-of-way for vehicular traffic from which direct access may be gained to abutting properties, or an easement or private right-of-way approved by the City Council to serve such purpose. The term "street" shall refer to the full width located between the limits of the right-of-way or easement, and not be limited to the roadway itself.

A. *Principal Arterials* —are those streets and highways which serve major activity centers and emphasize traffic service rather than access to abutting land access. Principal arterials include all limited access freeways, expressways or parkways, and carry a high proportion of total area travel on a minimum of mileage.

B. *Major Arterials* —are those streets which interconnect with the principal arterial system and provide service to trips of moderate length with emphasis on both traffic service and land access and generally do not penetrate identifiable single family residential neighborhoods.

C. *Minor Arterials* —provide intra-community continuity but should not penetrate identifiable neighborhoods.

D. *Collector Streets* —distribute trips from arterial street to their ultimate origin or destination. Collector streets provide a greater level of land access than arterial streets, may enter or traverse identifiable neighborhoods, and rarely serve significant volumes of through traffic.

E. *Local Streets* —comprise all facilities not classified as arterial or collector. Local streets provide land access with service to through traffic being actively discouraged.

Street, Future Right-of-Way Line. The right-of-way line which is anticipated by the City, State or other agency for future development.

Street Right-of-Way Line. The limit of public ownership or private easement for property containing or intended to contain a street, dividing it from an adjacent lot.

Structure. A combination of materials to form a construction for use, occupancy or ornamentation which is fastened or attached to the ground.

Structure Height. The vertical distance to the highest point of a structure, as measured in the same manner as "Building Height" herein.

Subdivision. The division of a lot, tract or parcel of land into 2 or more lots, tracts, parcels or other divisions of land for sale, development, finance or lease.

Swimming Pool. A water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above-surface pool having a depth of more than 30 inches, designed, used and maintained for swimming and bathing.

Temporary Use. A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Theater. A building or part of a building devoted to showing motion pictures, or for dramatic, musical or live performances.

Townhouse/Rowhouse. A building type consisting of at least three, but not more than eight independent units that are attached by common side walls in a linear arrangement. Each unit occupies the space from the ground to the roof and normally has at least two, but no more than four floors. Such units typically feature a primary entrance on the front elevation and variations in materials, colors and/or windows to create a visual distinction between each of the attached units.

Tract. See "Lot."

Tree. See Article III, Section 3.2, for definitions relating to tree protection.

Use. The purpose for which a property or structure is designed, intended, reserved, or occupied.

Use, Accessory. See "Accessory Use."

Use, Conditional. See "Conditional Use."

Use, Principal. See "Principal Use."

Variance. Permission granted under circumstances prescribed herein to depart from the specific requirements of this Ordinance.

Vehicle for Hire Company. An establishment offering to transport passengers for a fee in any motorized or animal-drawn vehicle, the charges for which are determined by agreement, mileage or by the length of time for which the vehicle is engaged and also described as a taxi or limousine service.

Warehouse. A building used primarily for the storage of goods and materials. See also "Mini-Warehouse."

Wholesale Trade. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users, or to other wholesalers; or

acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wireless Telecommunications Facilities. See Section 2.8 for definition of 'wireless tower.'

Yard. An area that lies between the buildings on a lot and the nearest lot line.

1. *Front Yard.* A yard situated along any public street right-of-way or private street easement.
2. *Rear Yard.* A yard situated along a rear lot line.
3. *Side Yard.* A yard situated along a side lot line.

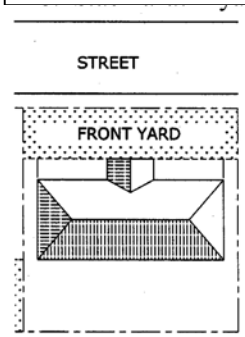


FIG 12

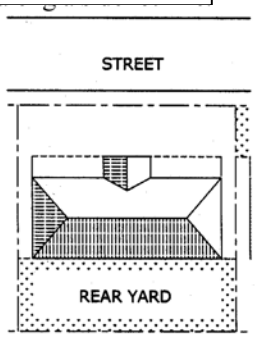


FIG 13

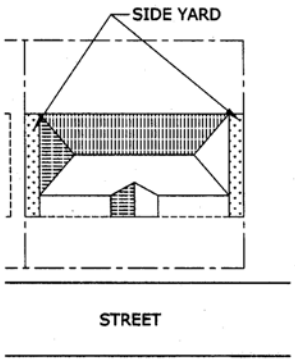


FIG 14

Zero Lot Line. The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

Zoning Change. An amendment to the Official Zoning Map or other action having the result of rezoning a property, approval of a Conditional Use on a particular property, or a change in conditions of approval applied to the zoning or conditional uses pertaining to a property.

Zoning Map. The Official Zoning Map of the City of Alpharetta, Georgia, which may include a series of maps in section.

(Ord. No. 689, § 1, 6-2-2014 ; Ord. No. 702, § 1(Exh. A), 3-2-2015 ; Ord. No. 704, § 1, 6-1-2015 ; Ord. No. 715 , § 1, 9-28-2015; Ord. No. 718 , § 1, 12-14-2015; Ord. No. 730 , § 1, 12-5-2016; Ord. No. 741 , § 1, 6-5-2017; Ord. No. 744 , § 1, 7-10-2017; Ord. No. 749 , § 1, 9-18-2017; Ord. No. 772 , § 1, 2-4-2019)

City Council Meeting
STAFF REPORT

Submitting Department: Public Safety
Submitted By: Will Merrill
Sponsored By:
Meeting Date: September 16, 2019

I. AGENDA ITEM TITLE: FY 2020 PUBLIC SAFETY FLEET REPLACEMENT

II. RECOMMENDATION:

Staff recommends approval for the Department of Public Safety to purchase fifteen (15) vehicles and one (1) motorcycle at a total cost of $574,010:

Five (5) Ford F-150 pickup trucks from Alan Vigil Ford, available on state contract (99999-SPD-ES40199373-002). The total costs of these five vehicles is $180,250.

Nine (9) Ford Police Interceptor Utilities (Explorers) from Wade Ford, available on state contract (ES-RFR-40199-409). The total costs of these nine (9) vehicles is $329,497.

One (1) Chevrolet Tahoe from Hardy Chevrolet, available on state contract (SWC 40199-409). The total cost of this vehicle is $37,867.

One (1) Harley Davidson motorcycle from Killer Creek Harley Davidson at a cost of $26,396.00 (3 competitive quotes).

Approval to expend to $130,000 for estimated costs associated with purchasing and installing necessary emergency equipment for the vehicles.

III. BUDGET IMPLICATIONS:

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

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT
FLEET REPLACEMENT 30131150 542200 C1202	$729,348.00
NEW FLEET 30131150 542200 C1810	$54,250.00

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT
None	$0.00
None	$0.00

IV. REPORT IN BRIEF:

As approved in the FY 20 budget, the Department of Public Safety seeks approval to purchase (15) vehicles and one (1) motorcycle at a total cost of $574,010. Fourteen of these vehicles and the motorcycle will be replacements for older units that have reached end of service thresholds and will be auctioned. One new vehicle is being purchased to provide a vehicle for the new assistant fire marshal authorized in the budget. As a general guide for replacement, the Department uses 110,000 miles for front line Patrol vehicles and years of service and higher mileage for Administrative vehicles. See attached list of vehicles to be replaced and auctioned. The requested vehicles include:

Nine (9) Ford Police Interceptor Utilities (Explorers) from Wade Ford, available on state contract (ES-RFR-40199-409). This is a continuation of the transition from Chevrolet Impalas (which are no long being manufactured) to Ford SUVs started 4 years ago. The department utilizes these vehicles for front-line patrol

functions as well as detectives and administrative police and fire needs. SUVs in the Administrative fleet will be used to quickly replace Patrol fleet vehicles that may be damaged throughout the Fiscal Year due to accidents. This reduces turnaround time for replacements and ensures front line Officers have quality vehicles. The total costs of these nine (9) vehicles is $329,497.

Five (5) Ford F-150 pickup trucks (4 wheel drive) from Alan Vigil Ford, available on state contract (99999-SPD-ES40199373-002). Two of these purchases will be replacing two (2) trucks (two wheel drive) currently utilized by the Criminal Investigations Division. The other two purchases will replace sedans due to the changing needs of personnel (Admin police training to tow trailer; fleet manager to haul tires, etc). The remaining pickup will be a new fleet vehicle added to provide a vehicle to the new assistant fire marshal position (specifically, the new truck will go to Fire Admin training allowing current SUV to go to new position). It is the Department's preference and current plan that all vehicles be all-wheel or 4-wheel drive for the emergency response capabilities and safety factors. The total costs of these five vehicles is $180,250.

One (1) Chevrolet Tahoe from Hardy Chevrolet, available on state contract (SWC 40199-409). This vehicle will be used by our K9 unit to replace a 2013 Tahoe with 112,091 miles which will be auctioned. The Tahoe is used for K9 vehicle because it has more cargo room and an air conditioning system that supplies the needs of both the operator and the K9. The total cost of this vehicle is $37,867.

One (1) Harley Davidson motorcycle to replace a 2009 BMW motorcycle (15,833 miles). For motorcycles, the Department uses of years in service - usually between 6-8 years- to determine replacement threshold (as do a number of other metro-area agencies). Competitive quotes were obtained for this purchase with the results as follows:

Killer	Creek	Harley	Davidson	($26,396.00)
Falcons	Fury	Harley	Davidson	($26,468.49)
Harley	Davidson	of	Atlanta	($26,655.47)

The Department recommends awarding the purchase to Killer Creek which is the lowest bidder and they are a local business located within 1-mile of City limits. The total cost of this motorcycle, including emergency equipment installed by the dealer, is $26,396.

Approval is also requested to expend up to $127,213 for estimated costs associated with purchasing and installing necessary emergency equipment for the vehicles (e.g. lightbars, computer stands, radios, weapon racks, prisoner transport systems, graphics, etc.). As a practice, the Department reuses emergency equipment from older vehicles and installs it into the newer vehicles whenever possible. However, the transition of some equipment from the Impala to the Explorer may not be possible requiring a higher initial year cost as we replace the Impalas. This also includes the costs associated with prepping vehicles for auction (removing law enforcement equipment and markings). The up-fitting vendor(s) is currently the subject of a Request for Proposal 20-105. Included in this up-fitting request are the costs estimated for a new Fire Battalion Chief vehicle that will be brought before council at a later date as the costs for the vehicle build are not finalized at this time.

Funding for this initiative is requested from existing appropriations within the Department's Capital Fleet Replacement and New Fleet accounts.

V. ALTERNATIVES:

VI. ATTACHMENTS:

2020 HD motorcycle Bid Comparison sheet, HD of Atlanta email quote, Killer Creek Quote, Falcons Furry Quote, FY20 Agenda Vehicle price quotes, 2020 Fleet replacement vehicle list

COMPETITIVE BID RECORD

Project Description: 2020 Harley Davidson FLHTP motorcycle

	VENDOR	Killer Creek Harley Davidson		Falons Furry Harley Davidson		Harley Davidson of ATL			
	PHONE	770-777-1000		386-566-1171		770-944-1340			
	CONTACT	Charles Harrison		Vince Champion		David Newman			
Quantity	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	2020 Harley Davidson Electra Glide (FLHTP)	$26,396.00	$26,396.00	$26,468.49	$26,468.49	$26,655.47	$26,655.47		
	Police motorcycle with emergency lighting and								
	equipment installed by dealership								
		GRAND TOTAL	$26,396.00	GRAND TOTAL	$26,468.49	GRAND TOTAL	$26,655.47	GRAND TOTAL	$0.00

REMARKS: **2020 Harley Davidson Electra Glide (FLHTP) Police mototcycle with emergency lighting and eqiupment installed. It is recommended that Killer Creek HD is chosen as the vendor for this purchase. Killer Creek is the closest dealership (less than 1 mile from City) and has the lowest price. We have good working experience with Killer Creek during the purchase of motorcycle last budget year. I attempted to get an itemized quote from Harley Davidson of Atlanta on dealership letterhead but the dealership would not provide one.**

COMPETITIVE BID RECORD

	VENDOR	Elite Equine Shavings		Doug Samples Shavings		Carolina Shavings	
		LLC					
	PHONE	800-830-3983		404-569-1714		864-835-9798	
	QUOTER	George		Doug Samples		Jenine Glenn	
Quantity	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
4000 Bales	bales of pine shavings for stall bedding	$3.25	$13,000.00	$3.95	$15,800.00	$3.55	$14,200.00
	Delivered	included		$300.00	$300.00	included	
		GRAND TOTAL	$13,000.00	GRAND TOTAL	$16,100.00	GRAND TOTAL	$14,200.00

REMARKS: Obtained quotes for delivered price per bales of shavings for stall bedding for Wills Park Equestrian Center Stalls. Funds are avialable in Recreation and Parks account # 100-6110-531-1000 Project # 615016.

Simpson, James

From: David Newman <dnewman@hdatlanta.com>
Sent: Thursday, August 8, 2019 12:44 PM
To: Simpson, James
Subject: RE: Alpharetta Police price quote 2020 FLHTP

Hello James, sorry for the delay. It took a little longer getting the parts quote from our supplier than I thought. The bike itself would be $17,200.00 the parts would be $9,455.47. Your total for the bike and parts installed would be $26,655.47. Thank you for the opportunity.

From: Simpson, James <JSimpson@alpharetta.ga.us>
Sent: Thursday, August 8, 2019 10:30 AM
To: David Newman <dnewman@hdatlanta.com>
Subject: RE: Alpharetta Police price quote 2020 FLHTP

Good morning, any update on a timeframe on receiving the quote? My finance is asking for it asap.

Captain J.T. Simpson #237
Alpharetta Police Department
Special Operations Division
678-297-6330 - Office
770-864-0129 – Cell
jsimpson@alpharetta.ga.us

From: David Newman <dnewman@hdatlanta.com>
Sent: Tuesday, July 30, 2019 11:21 AM
To: Simpson, James <JSimpson@alpharetta.ga.us>
Subject: RE: Alpharetta Police price quote 2020 FLHTP

Yes I received your email. Just waiting on my parts department to get the numbers on the parts. I hope to have everything by tomorrow(Wednesday 31st). Thank you

---

From: Simpson, James <JSimpson@alpharetta.ga.us>
Sent: Tuesday, July 30, 2019 11:08 AM
To: David Newman <dnewman@hdatlanta.com>
Subject: RE: Alpharetta Police price quote 2020 FLHTP

Confirming that you received my email last week. Let me know if there are any questions or concerns. Thank you.

Captain J.T. Simpson #237
Alpharetta Police Department
Special Operations Division
678-297-6330 - Office

770-864-0129 – Cell
jsimpson@alpharetta.ga.us

From: Simpson, James
Sent: Tuesday, July 23, 2019 9:46 AM
To: 'dnewman@hdatlanta.com' <dnewman@hdatlanta.com>
Subject: Alpharetta Police price quote 2020 FLHTP

Good to speak with you again Mr. Newman. I would like to get a bid for 1 2020 FLHTP Harley Davidson Police Motorcycle. All black with the following options and lighting package.

- Saddle bag guards
- Standard mirrors
- Heated hand grips
- Rear cylinder fan kit
- 15 inch windshield
- Siren kit

- Front light array on the faring that is mounted just below the windshield
- Two front PAR36 double LEDs
- The 90/45 degree lights on each side of front forks
- The Whelen Tour pack with LED lights mounted in it along with red 3rd brake lights in the back of the box. Gel battery, battery charger, and AC outlet kit
- Two LED lights mounted on each side on the saddle bag guards
- Two LED lights mounted on the rear of each saddle bag guard
- Installation of SETCOM microphone kit (we will provide the SETCOM)

Thank you and I look forward to hearing from you.

Captain J.T. Simpson #237
Alpharetta Police Department
Special Operations Division
678-297-6330 - Office
770-864-0129 – Cell
jsimpson@alpharetta.ga.us

Alpharetta Police Dept.

Item	Description	Quantity	Total Price
FLHTP	2020 Harley-Davidson Motorcycle	1	$17,092.00
90200561	Saddlebag Guardrails	1pr	$ 249.95
26800128	Cool Fan Kit	1	$ 235.95
71400031	Push Buttons	2	$ 10.00
69200173	Switch Pak	1	$ 49.95
69000057	Siren Kit	1	$ 789.95
66000038	Battery Tender	1	$ 39.95
M2BC	Tag Lights	2	$ 249.95
MO8T	Light Aray	1	$ 499.95
HDRS	Rear Bracket	2	$ 45.00
HDSS	Side Bracket	2	$ 89.95
TLIA	Amber TION	1	$ 99.95
TLIB	Blue TION	9	$ 799.55
TIONFC	Chrome Flange	10	$ 139.95
M1BATT	Aux Battery	1	$ 249.95
M4B6CHRG	Charging system for Tour Pak	1	$ 269.95
M1GROUND	Ground Plane	1	$ 19.95
RBKTHD8	45/90 Bracket	2	$ 89.00
LINZ6	LED Light	4	$ 369.95
P32F2BB	Passing Lamps	1pr	$ 399.95
KCHDCB1	Fork Bracket	1pr	$ 99.95
M4BSEP	Seperation Plate	1	$ 99.95
30A Relays	Relays	2	$ 45.00
Shop Supplies	Electrical Shop Supplies	1	$ 50.00
M4B6R	Tour Pak with Lights	1	$ 2,295.00
M2KTHD1	Tag Bracket	1	$ 39.95
MBADPT14	Adapter Plate	1	$ 89.95
Labor	Labor to Install	27.2	$ 1,904.00
	TOTAL OF ALL PARTS,ACCESSORIES,AND VEHICLE		**$26,396.00**

Killer Creek Harley-Davidson
11480 Alpharetta Highway Roswell GA 30076 - Phone 770.777.1000 - Fax 770.777.1010
www.killercreekharley.com

FALCONS FURY HARLEY DAVISDSON

ALPHARETTA POLICE MOTORCYCLE QUOTE

Harley-Davidson FLHTP (1FMP1K-DOM) Model year 2020:	$15,847.00
Freight:	$435.00
Total for each Bike:	**$16282.00**

Parts list

54180-10 Police Tour Pak for LED's	$ 1,192.51
68000137 Tour Pak Wiring Adaptor Kit	$ 55.48
53196-09 Tour Pak Adaptor Plate	$ 98.95
65989-97D Auxiliary Battery	$ 121.45
69940-10 Tour Pak LED Split/ Blue (3 Required @231.07 ea.)	$ 1386.40
26800128 Cool Flow Fan	$ 269.95
71400031 FLHTP Faring Switch Pack Blank Switch Button (2 Required @4.78 ea.)	$ 9.57
69200173 FLHTP Faring Left Switch Pak	$ 55.34
57200151 Right Side mid-frame air deflector	$ 15.29
69000057 Emergency Response Kit	$ 953.95
69263-04A Whelen Par 36 Blue/Blue	$ 539.95
68000288 HD Light Array	$ 809.95
68000276 Light Programmer for Light array	$ 257.35
70255-028 Aux. Housing RH chrome for take down function	$ 35.95
71718-02 Aux. on/off switch for take down function housing	$ 17.95
RBKTH8 90 & 45 DEGREE FORK MOUNT	$ 86.67
RBKTHD9 Whelen HD rear Crash Bar Mount (2 required @38.52 ea.)	$ 77.04
LINZ6 Whelen lights for Rear Crash Bar (12 required @150.23 ea.)	$ 1802.74
Parts Total	**$ 7,786.49**
Labor Total ($100.00 Per Hour)	**$ 2,400.00**
Total Price (Parts @ Motorcycle)	**$ 26,468.49**

ALLAN VIGIL FORD-LINCOLN GOVERNMENT SALES

2019 Ford F150 (1/2 ton)
Regular Cab, 6 Cyl, 4x2, SWB

SWC #99999-SPD-ES40199373-002

Equipment included in Base price

3.3L V6 Flex Fuel engine
6 Speed Automatic Transmission
Factory Installed A/C
AM-FM Radio
Solar Tinted Glass
Power Steering/ABS Brakes
Rear view back up camera
Vinyl 40/20/40 Bench Seat
Rubber Floor Covering
Full Size Spare/ Step bumper
Autolamp headlights
Short Bed (6.5 ft)
6500 GVWR
P245/70Rx17 Tires
Rain sensing wipers

Exterior Colors	Interior Color Medium Gray
D1 Stone Gray	X
PQ Race Red	X
N1 Blue Jeans	X
E7 Velocity Blue	X
UX Ingot Silver	X
UM Agate Black	X
J7 Magnetic	X
YZ White	**X**
E2 Magma Red **(XLT Only)**	X

School Bus Yellow is available at $720.00 per vehicle

FOB Allan Vigil Ford
Delivery- see chart, $75 minimum

ALLAN VIGIL FORD GOV'T SALES
6790 Mt. Zion Blvd
Morrow, GA 30260

770-968-0680 Phone
800-821-5151 Toll Free
678-364-3910 Fax

* 5.0L V8 or 3.5L Ecoboost engine required
** Not available with regular cab short wheel base
*** Requires 85A (Power W-L-M)

Base Price $19,155.00

NOTE: Auto Start/Stop is standard on all F150 engines

Options	Price	
5.0L V8 Flex Fuel engine	1,836.00	1836
3.5L V6 EcoBoost engine**	2,388.00	
2.7L V6 Ecoboost	916.00	
Long Bed (8 ft)	285.00	
Extended range fuel tank**	410.00	410
Super Cab (6.5 ft. bed)	2,525.00	
Super Cab (8 ft. bed) *	3,690.00	
4x4 Option (All models)	2,645.00	2645
Skid Plates	155.00	155
Crew Cab SWB (5.5 ft bed)	4,920.00	4920
Crew Cab LWB* (6.5 ft bed)	5,850.00	
Limited Slip Axle	525.00	
Tilt / Cruise	215.00	
Running boards (black)	262.00	262
Daytime Running Lights	42.00	42
Power Windows/Locks/Mirrors	1,088.00	
Power Seat-**requires 85A**	345.00	345
Class IV Hitch (w/o tow pkg)	100.00	
Trailer Tow Pkg	555.00	
Trailer Tow Pkg **(w/101A pkg)**	916.00	916
Tow Mirrors w/ spotlights***	495.00	
XL w/ Power W-L-M, SYNC, AM/FM/CD, & Cruise control.	2,075.00	2075
SYNC(Bluetooth)& Cruise con.	690.00	
40-20-40 Cloth Split Bench	N/C	
Cloth Buckets w/console	275.00	275
Electric Brake Controller	265.00	
Fog Lights	135.00	
Carpet w/ Mats	140.00	140
XL SSV Package	49.00	
XLT Package	4,763.00	
Rear window defroster & privacy glass	305.00	305
Aluminum Wheels & Bumpers	740.00	740
Box Side Steps	305.00	
Tailgate Step	355.00	
Reverse Sensing-**requires 53A or 53B**	255.00	255
Spray-in Bedliner	375.00	375
Options total		15696
Other vendor added equipment		
Delivery		75
Total		**$34,926.00**

Contact person OK Bob Burtner
Agency Allan Vigil Ford
Phone Number
Fax number

Code
995
99G
99P
145
655
X1C
X1CLong
F1E
413
W1Cs
W1Cl
XL9
50S
18B
942
85A
91P
53B
53A
53A
54Y/59S

101A
52P/50S
CG
WG
67T
595
168
66S
300A
57Q/924

86A
63S
63T
76R

ATK

Aug, 2018

GA Statewide Contract ES-RFR-40199-409

Pursuit Utility Vehicle (Explorer) All Wheel Drive

3.3L V6 Hybrid Engine, Cloth Front/Vinyl Rear, Power Windows/Locks/Mirrors/Drv Seat, Pursuit Rated Tires

WADE FORD, Inc. Government Sales 3860 South Cobb Dr Smyrna, GA 30080

Roger Moore Phone (678) 460-3881 Fax (770) 433-2412 email: rogermoore@wade.com

	Code	Vehicle Options		Total		Code	Added Equipment		Total
1	99B	3.3 V6 Regular Gasoline Eng	(3,083.00)	(3,083.00)		66A	Head Light Solution	868.00	0.00
	99C	3.0 L V6 EcoBoost Engine	759.00	0.00		66B	Tail Light Solution	417.00	0.00
				0.00		66C	Rear Lighting Solution	442.00	0.00
1	86T	Taillight Housing	59.00	59.00		67G	Cargo Wiring Upfit Pkg	1,314.00	0.00
	51PW	Spotlight Prep (1,2)	136.00	0.00		67H	Ready for Road Pkg	3,485.00	0.00
	51YZ	Regular Spot Light (1,2)	210.00	0.00		67U	Ultimate Wiring Pkg	544.00	0.00
1	51RS	LED Spot Light (1,2) Unity	411.00	411.00		60A	Pre Wire Grille	49.00	0.00
1	43D	Dark Car (Courtesy light inop)	19.00	19.00		47C	Front Wire Connector Kit	102.00	0.00
	47A	Engine Idle Feature	255.00	0.00		21P	Rear Wire Connector Kit	127.00	0.00
	17T	Red Cargo Dome Lamp	49.00	0.00		63L	Rear Quarter Marker Lights	563.00	0.00
	65U	Interior Upgrade	378.00	0.00		63B	Side Marker Mirror Lights	285.00	0.00
	16C	Carpet w/ Mats	122.00	0.00		21L	Front Aux Warn Lights	540.00	0.00
	88F	2nd Row Cloth Seats	59.00	0.00		21W	Front Pocket Warn Lights	626.00	0.00
	87P	Power Passenger Seat	310.00	0.00		96W	Windshield Warning Lights	1,092.00	0.00
1	17A	Dual AC w/ Front Controls	597.00	597.00		96T	Rear Spoiler Warning Lights	1,371.00	0.00
	64E	Painted Aluminum Wheels	461.00	0.00		18X	100 Watt Siren Speaker	294.00	0.00
	65L	Full Wheel Covers	59.00	0.00		52B	Enhanced TPU Cooler	2,865.00	0.00
1	53M	SYNC Hands Free System	288.00	288.00		16D	Badge Delete	0.00	0.00
1	61RS	Steering Wheel Switches	153.00	153.00		91A	Two Tone Vinyl (roof doors)	821.00	0.00
	59*	Keyed Alike (Need code)	49.00	0.00					0.00
1	55F	Keyless Remote (4 total)	332.00	332.00		CB1	Standard Cop Box Installed	1,995.00	0.00
	593	Perimeter Alarm (req 55F)	117.00	0.00		SB1	Standard Scale Box Installed	2,395.00	0.00
1	87R	Camera Monitor in Mirror	0.00	0.00			other models available		0.00
	19L	Lockable Gas Cap	20.00	0.00					0.00
1	76R	Reverse Sensing	269.00	269.00					0.00
1	60R	Noise Suppression Bonds	98.00	98.00					0.00
1	549	Heated Mirrors	59.00	59.00					0.00
	55B	BLIS (Blind Spot Alert)	533.00	0.00					0.00
	63V	Cargo Storage Vault	239.00	0.00		2TD	2-tone Paint 4 Doors Only	1,000.00	0.00
	942	Daytime Running Lights	43.00	0.00		2TB	2-tone Paint Doors & Roof	1,300.00	0.00
	43L	Silent Mode (req 942)	19.00	0.00					0.00
	68Z	Roof Rack	152.00	0.00		GSP	Mercedes Grey 2-tone	1,400.00	0.00
1	68G	Rear Door Handle/Lock Inop	34.00	34.00					0.00
	52P	Hidden Lock Plunger	157.00	0.00		PRO	20 GGE STAG Propane Fuel	9,990.00	0.00
1	18W	Rear Window Inop	25.00	25.00			System. Installed Complete		0.00
	90DE	Ballistic Doors Lvl 3 (1,2)	1,553.00	0.00		CNG	8.2 GGE STAG CNG Fuel	9,990.00	0.00
	90FG	Ballistic Doors Lvl 4 (1,2)	2,365.00	0.00			System. Installed complete		0.00
	41H	Engine Block Heater	88.00	0.00			**DELIVERY**		0.00

Base Vehicle	**$35,772.00**
Total Chassis Options	**($739.00)**
Total Body Options	**$0.00**
VSO Paint	**0.00**
Delivery Zone	**$100.00**
Total	**$35,133.00**
Agency Contact	
Phone	
Agency	
Address	

		PAINT COLORS			
	YZ	Oxford White	Vermillion Red	E4	
1	UM	Black	Light Blue Metallic	LN	
	BU	Medium Brown Metallic	Blue Metallic	FT	
	E3	Arizona Beige Clearcoat	Silver Gray Metallic	TN	
	HG	Smokestone Metallic	Sterling Gray Metallic	UJ	
	J1	Kodiac Brown Metallic	Ingot Silver Metallic	UX	
	JL	Dark Toreador Red Metallic	Medium Titanium Metallic	YG	
	KR	Norsea Blue Metallic	Fire Engine Red (VSO)	4650	
	LK	Dark Blue	Dark Forest Green (VSO)	7606	
	LM	Royal Blue	Emerald Green (VSO)	7862	

VSO Special Paint add 950.00

rev 23 July 2018

GA Statewide Contract ES-RFR-40199-409

Pursuit Utility Vehicle (Explorer) All Wheel Drive

3.3L V6 Hybrid Engine, Cloth Front/Vinyl Rear, Power Windows/Locks/Mirrors/Drv Seat, Pursuit Rated Tires

WADE FORD, Inc. Government Sales 3860 South Cobb Dr Smyrna, GA 30080

Roger Moore Phone (678) 460-3881 Fax (770) 433-2412 email: rogermoore@wade.com

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	87P	Power Passenger Seat	310.00	0.00		96W	Windshield Warning Lights	1,092.00	0.00
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	65L	Full Wheel Covers	59.00	0.00		52B	Enhanced TPU Cooler	2,865.00	0.00
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	61RS	Steering Wheel Switches	153.00	0.00		91A	Two Tone Vinyl (roof doors)	821.00	0.00
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	593	Perimeter Alarm (req 55F)	117.00	0.00		SB1	Standard Scale Box Installed	2,395.00	0.00
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	19L	Lockable Gas Cap	20.00	0.00					0.00
1	76R	Reverse Sensing	269.00	269.00					0.00
1	60R	Noise Suppression Bonds	98.00	98.00					0.00
	549	Heated Mirrors	59.00	0.00					0.00
1	55B	BLIS (Blind Spot Alert)	533.00	533.00					0.00
	63V	Cargo Storage Vault	239.00	0.00		2TD	2-tone Paint 4 Doors Only	1,000.00	0.00
	942	Daytime Running Lights	43.00	0.00		2TB	2-tone Paint Doors & Roof	1,300.00	0.00
	43L	Silent Mode (req 942)	19.00	0.00					0.00
	68Z	Roof Rack	152.00	0.00		GSP	Mercedes Grey 2-tone	1,400.00	0.00
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	52P	Hidden Lock Plunger	157.00	0.00		PRO	20 GGE STAG Propane Fuel	9,990.00	0.00
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	90FG	Ballistic Doors Lvl 4 (1,2)	2,365.00	0.00			System. Installed complete		0.00
	41H	Engine Block Heater	88.00	0.00			**DELIVERY**		0.00

Base Vehicle	**$35,772.00**
Total Chassis Options	**($175.00)**
Total Body Options	**$0.00**
VSO Paint	**0.00**
Delivery Zone	**$100.00**
Total	**$35,697.00**
Agency Contact	
Phone	
Agency	
Address	

		PAINT COLORS			
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1	UM	Black	Light Blue Metallic	LN	
	BU	Medium Brown Metallic	Blue Metallic	FT	
	E3	Arizona Beige Clearcoat	Silver Gray Metallic	TN	
	HG	Smokestone Metallic	Sterling Gray Metallic	UJ	
	J1	Kodiac Brown Metallic	Ingot Silver Metallic	UX	
	JL	Dark Toreador Red Metallic	Medium Titanium Metallic	YG	
	KR	Norsea Blue Metallic	Fire Engine Red (VSO)	4650	
	LK	Dark Blue	Dark Forest Green (VSO)	7606	
	LM	Royal Blue	Emerald Green (VSO)	7862	

rev 23 July 2018

VSO Special Paint add 950.00

Hardy Chevrolet
2019 Chevrolet Tahoe Pursuit
Juan Lizano, Fleet Sales

2019 Chevrolet Tahoe Pursuit			$ 32,136.00
Std. Equipment: V8 · Auto · A/C · AM/FM/BT · Power windows ·locks · mirrors · Power drivers seat · cloth bucket seat w/ no console · vinyl rear seat · tilt steering wheel · cruise control · remote keyless entry · vinyl floor covering · rear view camera · aux. battery			
Available options:	**place "x" if desired**		
Admin pkg. (Aluminum wheels • Carpet • Bucket Seats • Remote Start)		$1,140.00	$ -
Inoperable inside door handle • windows • locks	X	$172.00	$ 172.00
Red / White front aux. dome light		$179.00	$ -
4 x 4 Drive train (5W4 Special Service)		$2,969.00	$ -
4 x 4 Drive Train (Pursuit)	X	$3,606.00	$ 3,606.00
6 extra key fobs / keys	X	$109.00	$ 109.00
Spotlamp (non LED)		$408.00	$ -
Spotlamp LED	X	$615.00	$ 615.00
Carpet flooring w/mats (included w/admin)		$173.00	$ -
Grill lamp & Siren speaker wiring		$193.00	$ -
Delivery	X	$150.00	$ 150.00
Ext Color: Siren Red _____ extra charge		$500.00	$ -
Black_____ White _____			
Silver Ice_____ Satin Steel _____			
Pepperdust _____			
Blue Velvet _____ Shadow Gray _____			
Total per unit			**$ 36,788.00**
Number of units	**1**		**1**
Total purchase order			**$ 36,788.00**

SWC 40199-409

jlizano@hardyautomotive.com
phone 770-445-9411 x 198 fax 770-445-9659

2020 Fleet Replacement Vehicles:

Vehicles to be replaced are as follows:

Year	Make	Model	VIN	Mileage
2009	Toyota	Camry(Admin)	JTNBB46K293051859	166660
2006	Chevy	Impala(Admin)	2G1WS551169369881	162201
2009	Toyota	Camry(Admin)	4T1BB46K79U102836	156484
2014	Chevrolet	Silverado(CID)	3GCPCREH3EG257925	147934
2006	Ford	Explorer(Admin)	1FMEU62E36UB38036	139388
2012	Chevy	Impala(PIT)	2G1WD5E39C1178120	*133472*
2005	Chevy	Impala(PIT)	2G1WF55K659211936	86657
2004	Chevy	Tahoe(CID)	1GNEC13V14J304536	131177
2011	Chevy	Colorado(CID)	1GCESCF9XB8123428	124706
2014	Chevrolet	Impala(CID)	2G1WD5E36E1115642	121458
2013	Chevrolet	Impala(Traffic)	2G1WD5E32D1265200	121009
2013	Chevrolet	Tahoe(K9)	1GNLC2E02DR176145	112091
2011	Chevrolet	Tahoe(Fire Ad)	1GNLC2E02BR190852	119246
2006	Ford	E250(SWAT)	1FTNE24L76DA03454	104510
2009	Chevrolet	Impala(Patrol)	2G1WS57M391242060	81261
2009	BMW	Motorcycle	WB10388049ZT13973	15,833

City Council Meeting
STAFF REPORT

Submitting Department: Recreation and Parks
Submitted By: Ruby Flynn
Sponsored By:
Meeting Date: September 16, 2019

I. AGENDA ITEM TITLE: APPROVAL OF A CHANGE ORDER TO POND & COMPANY

II. RECOMMENDATION:

Staff requests the approval of Change Order #2 in an amount not to exceed $17,060.00 for City of Alpharetta Contract #17-1022A with Pond & Company for construction management and administrative services during construction of improvement to Windward Park.

III. BUDGET IMPLICATIONS:

BUDGETED ITEM: YES

FISCAL IMPACT: YES

INCLUDED IN CURRENT FY CPTL BUDGET: YES

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST: $17,060.00

APPROPRIATIONS:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT
Park Development (30161150-541500-C1920)	$17,060.00

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT
N/A	$0.00

IV. REPORT IN BRIEF:

The Department of Recreation, Parks, and Cultural Services is requesting a change order in the amount of $17,060 to an existing contract with Pond & Company. This change order will support the provision of certain project management services by Pond & Company for construction of improvements to the City's Windward Park.

On October 7, 2016 Pond & Company was awarded a contract to provide on-call park planning services (Contract #17-1002) at a total value of $80,720.00. Change Order #1 in the amount of $730.00 was subsequently approved, bringing the total value of the contract to $81,450.00. Approval of this request, Change Order #2, would increase the total value to $98,510.00.

If approved, under the requested change order Pond & Company will provide the following services during construction of Windward Park:

- Attend one pre-bid meeting and/or answer contractor RFIs during the bid phase.
- Attend one pre-construction coordination meeting with the General Contractor and Client prior to any construction activities. This meeting will review the plans and GC project schedule, as well as review any requirements of the plans and specifications for submittals and inspections (GC responsible for scheduling city inspections).
- Pond will perform the 7-day inspection of erosion and sediment control measures upon notice by GC that they are installed and ready for review. GC is responsible for maintaining the site in conformance with all City and State requirements.

- Review shop drawings/submittals submitted by the contractor to ensure compliance with design requirements.

- Answering contractor Requests For Information (RFIs). As construction progresses, the GC my encounter field conditions that were unknown or unanticipated; GC may provide alternative methods of construction or find the need to seek substitutions. Any number of issues can arise, and Pond will be available to review and respond to contractor RFIs and advise the Client on decisions related to RFIs.

- Project site visits to observe construction progress. Pond will perform visits to observe and report on progress and to meet with the contractor(s) (and client if in attendance) for a status update on progress. Site visits will be pre-scheduled with at least 48 hrs noticed as request by the city and contractor(s).

- Final review – upon notification from the city and contractor(s) that substantial completion has been attained on specifics parts or the project as a whole, and the contractor has provided a list of any outstanding items remaining to be completed, Pond will make a site visit to verify substantial completion, review the list of items to be completed, and develop our own list of any final "punch list" items that need to be resolved prior to recommending client acceptance of the completed work.

V. ALTERNATIVES:

VI. ATTACHMENTS:

2019-08-30 Windward Construction Admin CO

POND

Responsive People. Real Partners.

Architects
Engineers
Planners
Constructors

3500 Parkway Lane
Suite 500
Peachtree Corners, GA 30092

P 678.336.7740
F 678.336.7744
www.pondco.com

Revised August 30, 2019

Kurt Kirby
City of Alpharetta Recreation and Parks, Director
1825 Old Milton Parkway
Alpharetta, GA 30009

Changer Order 02: Construction Administration / Management Services for Windward Park

Mr. Kirby,

As requested, Pond can provide Construction Management and Administration Services for Windward Park. Pond understands that the city is not hiring a single General Contractor to oversee all aspects of construction at the park, rather the Parks Dept. is acting as the GC, coordinating the various contractors and suppliers for the improvements at Windward Park. Pond will through these additional services be available to the Parks Department staff, for the duration of construction to provide guidance, review, and support on behalf of the city. Description of proposed services and estimated cost to provide these services follows:

Task 1: Construction Management and Administration Services

Pond will provide the following services during construction of Windward Park:

- Attend one pre-bid meeting and/or answer contractor RFIs during the bid phase
- Attend one preconstruction coordination meeting with the General Contractor and Client prior to any construction activities. This meeting will review the plans and GC project schedule, as well as review any requirements of the plans and specifications for submittals and inspections (GC responsible for scheduling city inspections).
- Pond will perform the 7-day inspection of erosion and sediment control measures upon notice by GC that they are installed and ready for review. GC is responsible for maintaining the site in conformance with all City and State requirements.
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- Answering contractor Requests For Information (RFIs). As construction progresses, the GC my encounter field conditions that were unknow or unanticipated; GC may provide alternative methods of construction or find the need to seek substitutions. Any number of issues can arise, and Pond will be available to review and respond to contractor RFIs and advise the Client on decisions related to RFIs.
- Project site visits to observe construction progress. Pond will perform visits to observe and report on progress and to meet with the contractor(s) (and client if in attendance) for a status update on progress. Site visits will be prescheduled with at least 48 hrs noticed as request by the city and contractor(s).
- Final review – upon notification from the city and contractor(s) that substantial completion has been attained on specifics parts or the project as a whole, and the contractor has provided a list of any outstanding items remaining to be completed, Pond will make a site visit to verify substantial completion, review the list of items to be completed, and develop our own list of any final “punch list” items that need to be resolved prior to recommending client acceptance of the completed work.

WORK SCHEDULE

Pond will provide these services from General Contractor Notice to Proceed through final acceptance of the completed project. The fee is based on up to a 4-month (120 calendar day) schedule of work. If the selected contractor(s) proposes a longer or shorter project schedule the fee will be adjusted accordingly. If the

All Pond & Company marketing materials are printed on papers containing post-consumer recycled fibers and are FSC Certified.

contractor(s) exceed the timeframe herein, Pond's fee for services will need to be adjusted to match time and services provided.

ASSUMPTIONS + EXCLUSIONS

The following items are conditions of or exclusions from this scope of work. Any excluded item can be provided as a service by Pond, however will require a contract modification.

- Value Engineering Services are not included.
- Redesign due to contractor recommendation or request is not included. Contractor may provide alternatives for review via shop drawings. Any changes that would require permit revision are not included.
- Weekly and daily site visits or meetings/calls are not included.
- Utility coordination is the responsibility of the contractor.
- Technical inspections are not included – contractor is responsible for scheduling any required city inspectors and if needed special inspectors.
- As-built survey and drawings/documentation are not included – these shall be the responsibility of the contractor.
- Time extensions due to contractor delays, additional time required for contractor RFIs that exceed the allotted hours, and other unforeseen delays will require additional compensation.

FEE STRUCTURE

This is a Not to Exceed Contract. Pond shall receive compensation for the above-described responsibilities and be compensated for work performed. Fees are to be billed monthly.

Task 1: Construction Management and Administration Services	$ 16,660.00
Expenses allowance (mileage, plots, courier, or other direct costs)	$400.00
Total:	**$17,060.00**

Sincerely,

Matthew Wilder, PLA, ASLA
Director of Landscape Architecture | Principal

Accepted by:

_____
Name

_____
Title

_____
Signature

_____
Date

Attachments:

Hours, Rates, Costs by Task

City of Alpharetta Parks

PROJECT:
Windward Park

PERSONNEL				
PERSONNEL	EST. HOURS	RATE/HR.	COST $	TOTALS
PRINCIPAL	13	$200	$2,600	
DESIGN DIRECTOR	8	$150	$1,200	
PROJECT MANAGER	0	$120	$0	
SENIOR Civil ENGINEER	46	$130	$5,980	
Civil ENGINEER	32	$100	$3,200	
SENIOR LANDSCAPE ARCHITECT	4	$110	$440	
LANDSCAPE ARCHITECT	36	$90	$3,240	
CLERICAL	4	$60	$240	
			Sub-Total	$16,660
TOTAL DIRECT LABOR	143 Manhours			$16,660
DIRECT COSTS (SPECIFY):				
Travel, Production				$400
SUBCONSULTANTS (LIST):				
TOTAL DIRECT COSTS				$400
COST AMOUNT FOR PHASE				$17,060

City of Alpharetta Parks

PHASE/TASK
Task 1 Const. Mgmt and Admin

$0

TASKS	No. of SHT	PRINC.	DESIGN DIR.	PROJ. MAN.	SEN. CIVIL ENG.	CIVIL ENG.		SEN. LAND. ARCH.	LAND. ARCH.	CLER.	TOTAL	% OF TOTAL
Tasks												
Attend Pre-bid mttg/ bid phase RFIs					3.00	4.00			6.00		13.00	9.1%
Attend Preconstruction Meeting		3.00			3.00				3.00		9.00	6.3%
7-day inspection					4.00						4.00	2.8%
Review shop drainga / submittals		2.00			4.00	12.00		2.00	6.00		26.00	18.2%
Review and Respond to RFIs		2.00			4.00	16.00		2.00	8.00		32.00	22.4%
Site visits and reporting		6.00			24.00				9.00		39.00	27.3%
Final Review and punchlist					4.00				4.00		8.00	5.6%
Project Management			8.00							4.00	12.00	8.4%
		13	8	0	46	32	0	4	36	4	143	100.0%

City Council Meeting
STAFF REPORT

Submitting Department: Community Development
Submitted By:
Sponsored By:
Meeting Date: September 16, 2019

I. AGENDA ITEM TITLE: NORTH POINT LCI PLACEMAKING PLAN

II. RECOMMENDATION:

This item is presented for discussion purposes only.

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:

Staff and the City's consultants will present an overview of the North Point Creative Placemaking Plan and request feedback and comment from City Council in preparation for the item coming forward at a later date for consideration of adoption.

V. ALTERNATIVES:

VI. ATTACHMENTS:

DRAFT - North Point Creative Placemaking Plan

North Point

Creative Placemaking Plan

City of Alpharetta, Georgia

September 2019 - DRAFT

MKSK BPA

ARC

THE CITY OF ALPHARETTA GEORGIA

Contributors

North Point Creative Placemaking Plan

City of Alpharetta

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John Hipes | City Council

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INTRODUCTION

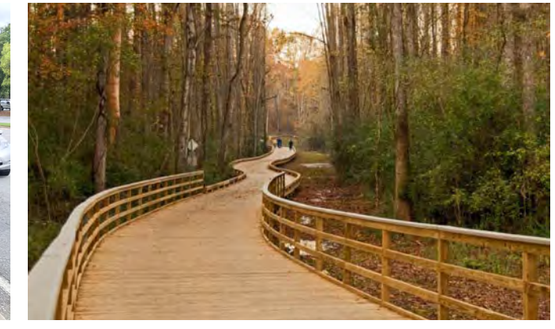
SECTION 01

Purpose

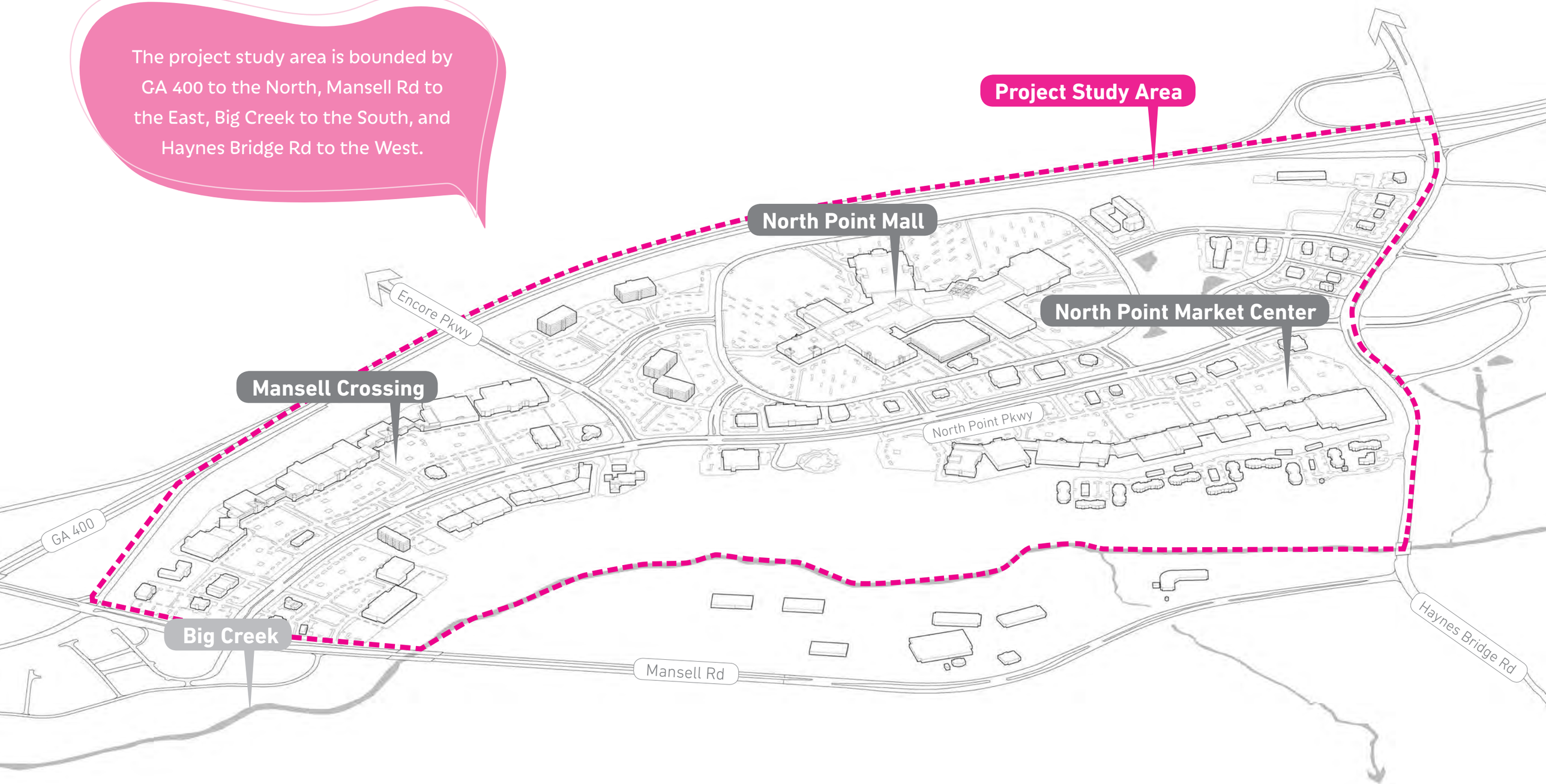
An Actionable Vision for North Point

The North Point Area is a critical transportation and commercial district for the citizens of Alpharetta and the northern Fulton County region. While the area moves traffic fluidly, it does so at the expense of other modes. Public transit opportunities are limited and could be increased to provide a free or low-cost alternative to driving. Walking and cycling could also be viable alternatives given the proximity of new residential development and amenities such as the Big Creek Greenway. Likewise, the visual quality of both the public realm and the adjacent private development has evolved to accommodate the automobile, resulting in a place that lacks strong community identity. A plan is needed that can foster an attractive and vibrant district through right-of-way improvements, private development guidelines, and a grounded implementation strategy.

The groundwork has been established with the 2008 North Point Activity Center LCI Plan, 2018 LCI Plan Update, and the 2017 City of Alpharetta 2035 Comprehensive Plan. Building on this foundation, now is the time to evaluate how the public realm in the North Point Area can be redesigned to encourage more walking, bicycling, and transit use. Such improvements can help stimulate the transformation of North Point into a vibrant mixed-use district with a strong sense of place while retaining the area's important role in regional commerce and moving traffic safely and efficiently.



The project study area is bounded by GA 400 to the North, Mansell Rd to the East, Big Creek to the South, and Haynes Bridge Rd to the West.



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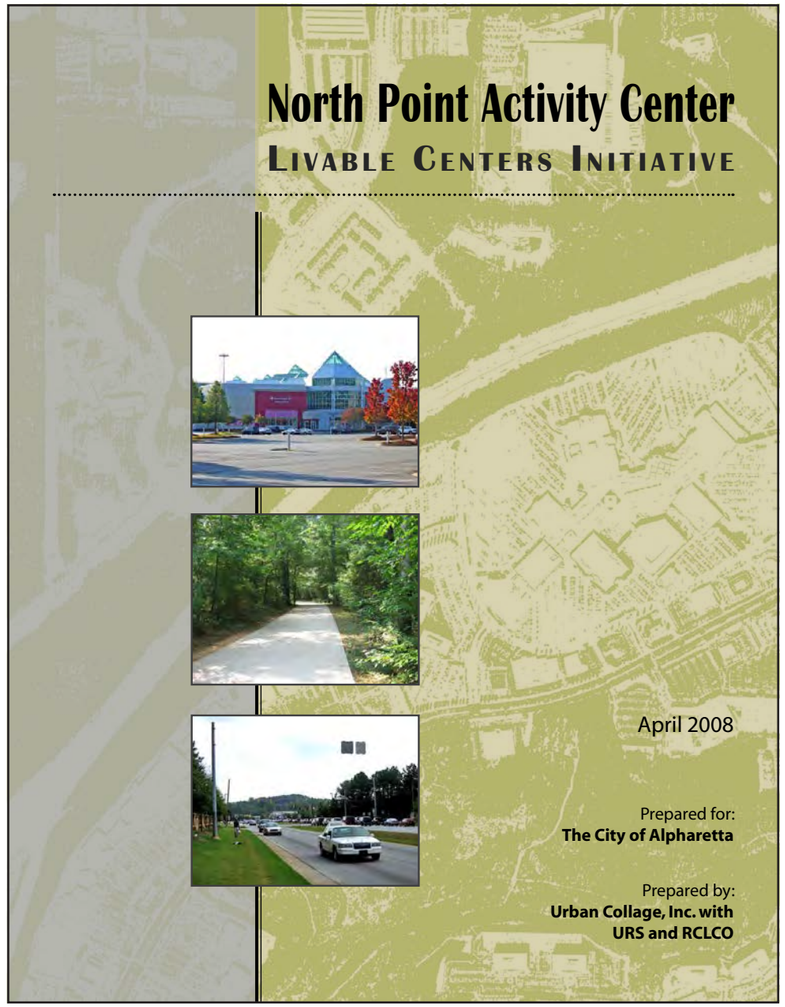
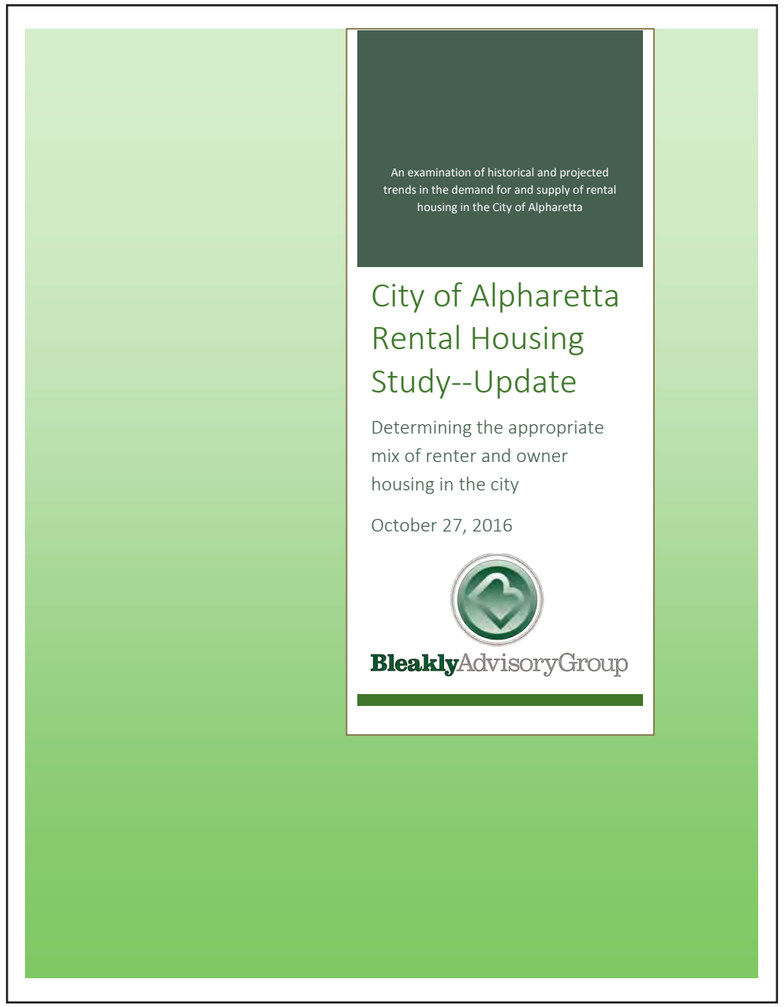
Background

Building on Prior Community-Based Planning Efforts



North Point Activity Center LCI (2008)

This plan, adopted in 2008, advances a new vision for North Point and recommended enhancements to area transportation, access, and connectivity as well as policies to encourage high-quality development and improved sense of place in North Point.



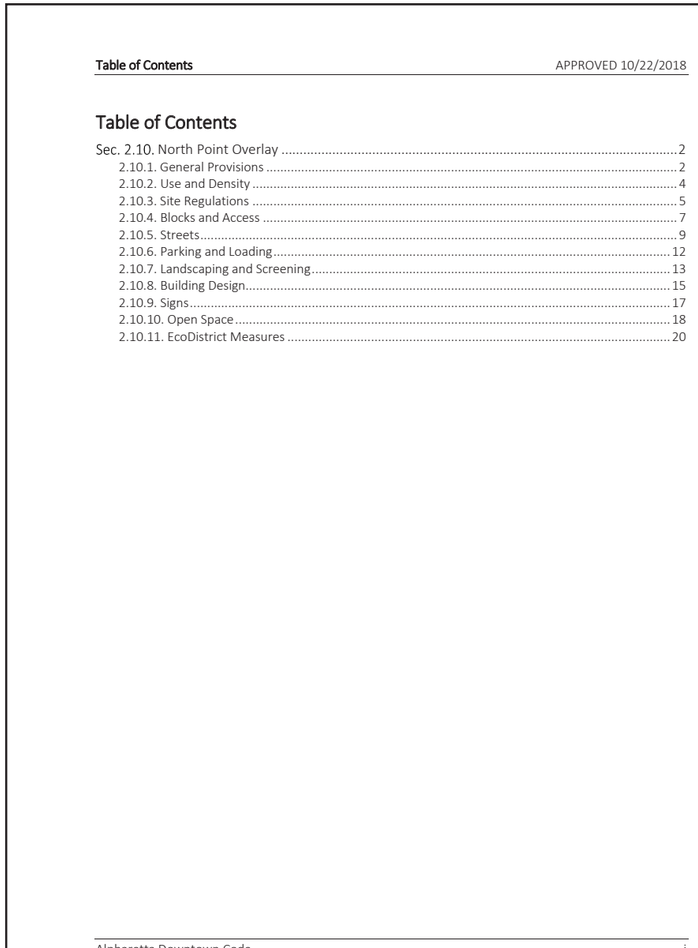
Rental Housing Study Update (2016)

2035 Comprehensive Plan (2017)

This guiding city plan envisions North Point as a regional destination for shopping, jobs and entertainment that will transition into a walkable and vibrant community destination with places to shop, work, entertain and live.

North Point LCI Update (2018)

This plan revisits the 2008 LCI study and addresses current challenges for growth and to create future opportunities by focusing on walkability and quality development. Based on public engagement and input from city council, city staff, and private stakeholders, the plan includes recommendations for 100-day and 5-Year action plans that were adopted by the city in 2018.



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Alpharetta Downtown Code i

North Point Overlay District (2018)

This recently adopted zoning overlay is intended to facilitate the continued development of North Point as the district detailed in the 2018 LCI Plan and Comprehensive Plan.

Background

Coordinating with Recent & Upcoming Development Projects

The Point at North Point Mall

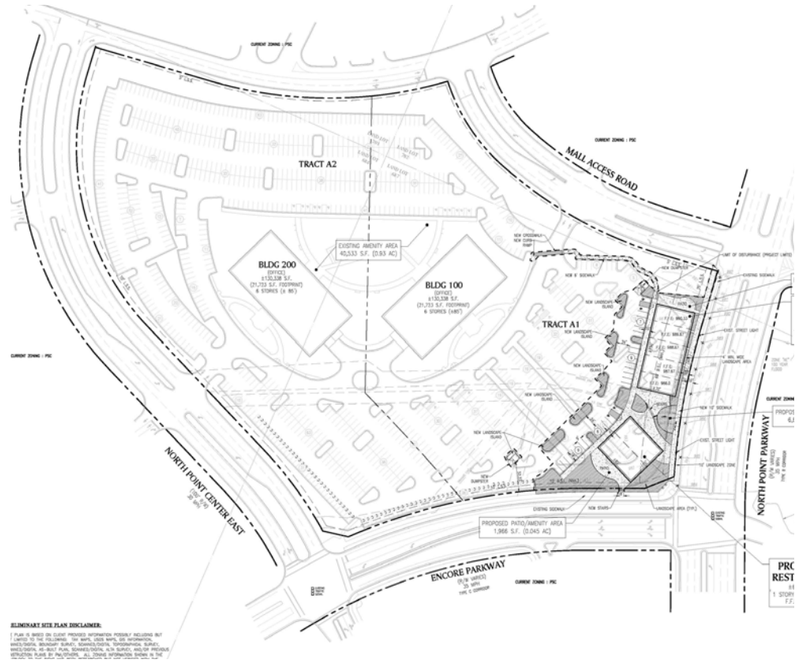
This project is being developed by Brookfield and includes the demolition of the Sears anchor and the redevelopment of the site into a mixed-use district of three-hundred units of multi-family residential as well as numerous common areas, restaurants and other commercial uses, and connections to an adjacent park.

North Point Mall Park

This fourteen-acre park is planned for an area that is currently a fenced-off stormwater detention facility for the North Point Mall parking lot. The project is inspired by signature spaces like Falls Park in Greenville and Historic Fourth Ward Park in Atlanta.

Ecco Park

This residential development on North Point Drive will include 159 attached housing units with on-site parking and pedestrian connections to the future North Point Mall Park.



Encore Commons

This project is led by Accesso and includes the redevelopment of an existing parking lot at the intersection of North Point Parkway and Encore Parkway into two commercial buildings with enhanced outdoor amenities and connections to the future Alpha Loop extension.

Mansell Crossing

This project is led by Brixmor and will include new commercial outparcel development along North Point Parkway, upgrades to the existing movie theater property, and new active transportation connections within the site to the Big Creek Greenway.

Process

A Nine-Month, Three-Phase Effort

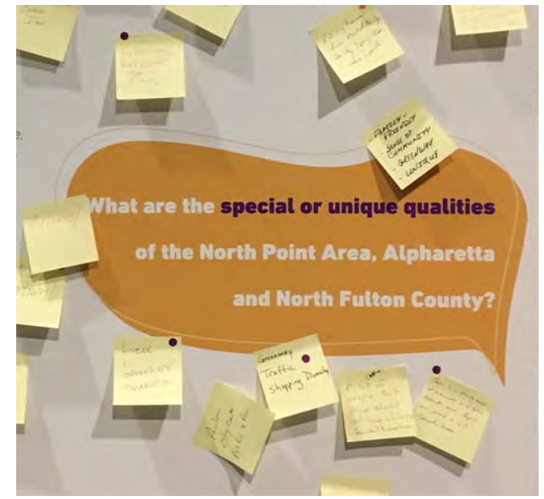
The North Point Creative Placemaking Plan is a nine-month effort divided into three primary tasks. The team worked closely with the various stakeholders whose support will be needed to help achieve the vision - municipal staff and officials, ARC, GDOT, MARTA, North Fulton CID, business owners, investors, and the greater Alpharetta community.

In **Task 1: Coordinate, Analyze, Engage** the team conducted the groundwork to form a solid foundation for the Plan.

In **Task 2: Plan Development** the team synthesized the information gathered during Task 1 and extracted from it the story the North Point Area wants to tell the outside world.

In **Task 3: Finalize Plan** the team refined this story based on input received in Task 2 and crafted the steps needed to implement a collective vision for the North Point Area.

More detailed information regarding the schedule, tasks, meetings, and deliverables for each Task can be found on the following page.



NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG

1. COORDINATE, ANALYZE, ENGAGE

- Design Work Plan & Detailed Schedule
- Develop Community Engagement Process
- Existing Plan & Data Review
- Discover the North Point Area
- Conduct Existing Conditions Analysis
- Identify Opportunities & Challenges
- Establish Benchmarking & Best Practices
- Conduct Public Meeting #1

Task 1 Meetings
- Initial Client Meeting
- Project Management Team Meeting #1 & #2
- Stakeholder Group Meetings
- Public Meeting #1

Task 1 Deliverables
- Work Plan, Project Schedule, Public Engagement Plan
- Project Management Team Presentations
- Stakeholder Inventory & Initial Assessment
- Benchmarking & Best Practices Summary Report
- Public Meeting Deliverables & Input Summary Memo

2. PLAN DEVELOPMENT

- Develop Draft Recommendations
- Review & Present Draft Placemaking Plan Concepts
- Conduct Public Meeting #2

Task 2 Meetings
- Project Management Team Meeting #3
- Public Meeting #2

Task 2 Deliverables
- Draft Placemaking Plan
- Presentation Materials

3. FINALIZE PLAN

- Develop Draft Plan
- Host Public Meeting #3
- Prepare Final Plan
- Deliver Final Plan

Task 3 Meetings
- Project Management Team Meeting #4
- Public Meeting #3

Task 3 Deliverables
- Draft Plan Document (in PDF form)
- Public Meeting #3 Materials
- Final Plan Document with Supporting Appendices, Concept Plans, & Typical Sections (in PDF form)
- Supporting Graphics & Data in Original Formats

Approach

A Creative Approach to Community Development

The approach to Placemaking at North Point is guided by three overarching principles that best position public resources and investment.

Build Value

How do we create long-term economic competitiveness and high quality of life?

Build on Assets

How do we create a place that is uniquely Alpharetta and uniquely North Point?

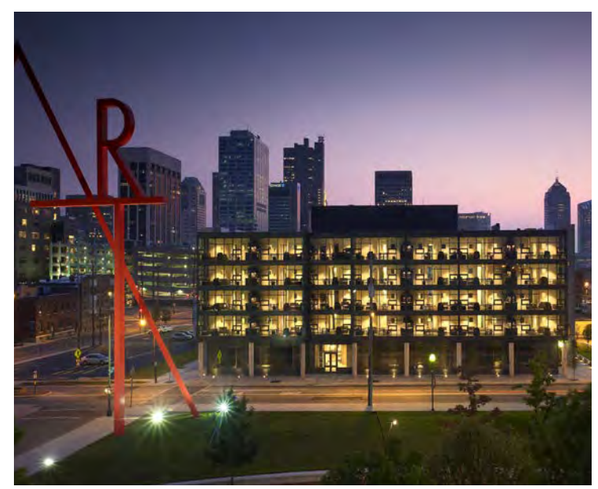
Build for People

How do we create an environment that is safe, accessible, walkable and connected?

Build Value: All urban development must start with planning for the public realm. Streets, walks, trails, parks, and greenspaces are the backbone of quality of life in our communities and the drivers of economic development. They are also one of the most equitable forms of investment in our communities. By focusing on the public realm first, we are building the framework for long-term value. When planned and designed well, the street networks, infrastructure, and public spaces that comprise the public realm endure and provide value across multiple redevelopment cycles.

Build on Assets: The strategies for enhancing the North Point District must be faithful to the historical, cultural, and social qualities that are unique to this part of the Alpharetta community. By building on local strengths and authentic qualities, we can create places that have meaning and importance to the local community while creating the signature placeamking qualities that will make this area a draw for visitors throughout the region.

Build for People: The defining quality of the approach to Placemaking at North Point is to anchor every recommendation around creating a place for people. Places that are green, walkable, safe, comfortable, and interesting provide a foundation for economic development that drives success across all real estate market segments. But crafting a District for people is about more than urban design qualities, it is about always pairing community development with economic development to ensure an inclusive and equitable approach to building community.



POINTS
ALLEY

ANALYSIS

SECTION 02

To ensure that Placemaking investments are positioned to best accomplish the community's goals for the North Point District, a data-based analysis was conducted to understand the trajectory of future development within the area. The analysis involved exploration of regional transportation networks, local traffic and mobility patterns, land ownership, regulatory and policy parameters, national and regional economic trends, watershed and ecological context, local environmental conditions, and cultural and historical strata, as well as qualitative assessments of the built and natural environment in the district. This understanding, paired with robust community input, informed the development, location, and implementation strategies for creative Placemaking elements. This analysis focused on the answer to one key question: as the North Point District transitions from an auto-dominated environment to a walkable and vibrant mixed-use district, what are the sustainable drivers of value? Four primary drivers of value are identified below, along with recommendations of how Placemaking strategies can reinforce this value.

History of North Point

Before the mid-1960s, the area that would become the North Point was largely rural, with agricultural fields and woodlands dominating the landscape. The construction of Georgia 400 brought significant change to the area, as the multi-lane highway brought enhanced access between Alpharetta and the greater Atlanta metro area.

In the early 1990s, North Point Parkway and Encore Parkway were constructed in conjunction with North Point Mall, Mansell Crossing, and North Point Market Center. By the time North Point Mall opened in 1993, the Mansell and Haynes Bridge interchanges were completed, the oak trees lining North Point Parkway were planted, and the character of the area was firmly established. In 2002, the first 2.3-mile section of the Big Creek Greenway opened within the 100-year floodplain of the Big Creek (formerly Vickery Creek) along the southern edge of the project area. (Since then, the Big Creek Greenway has extended along the creek throughout Alpharetta and into nearby Roswell and Forsyth County.)

ALPHARETTA

COUNTY SEAT

MILTON

FARMING

RETAIL

GA 400

AGRICULTURE

POULTRY

CROSSROADS

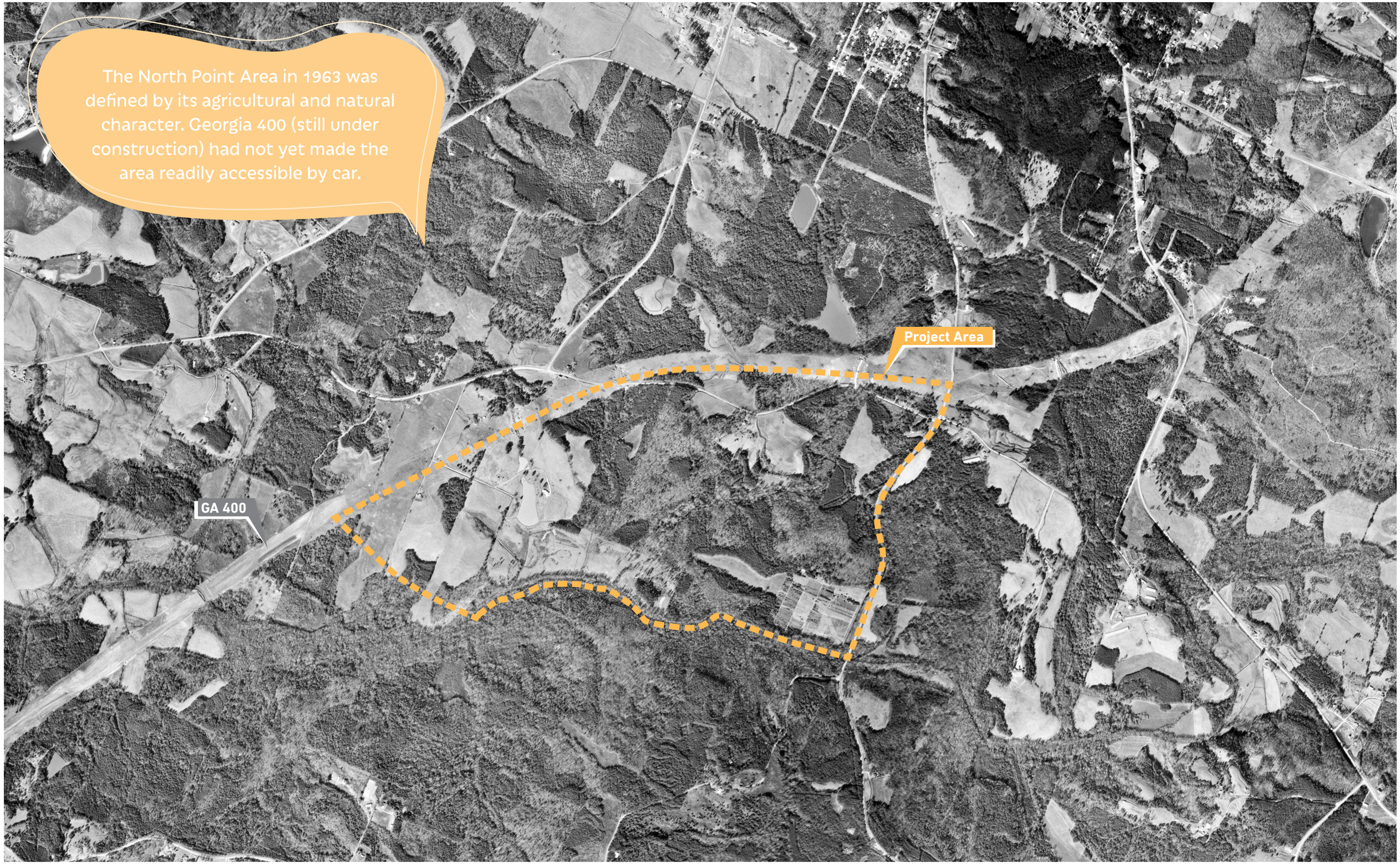
SHOPPING

COTTON

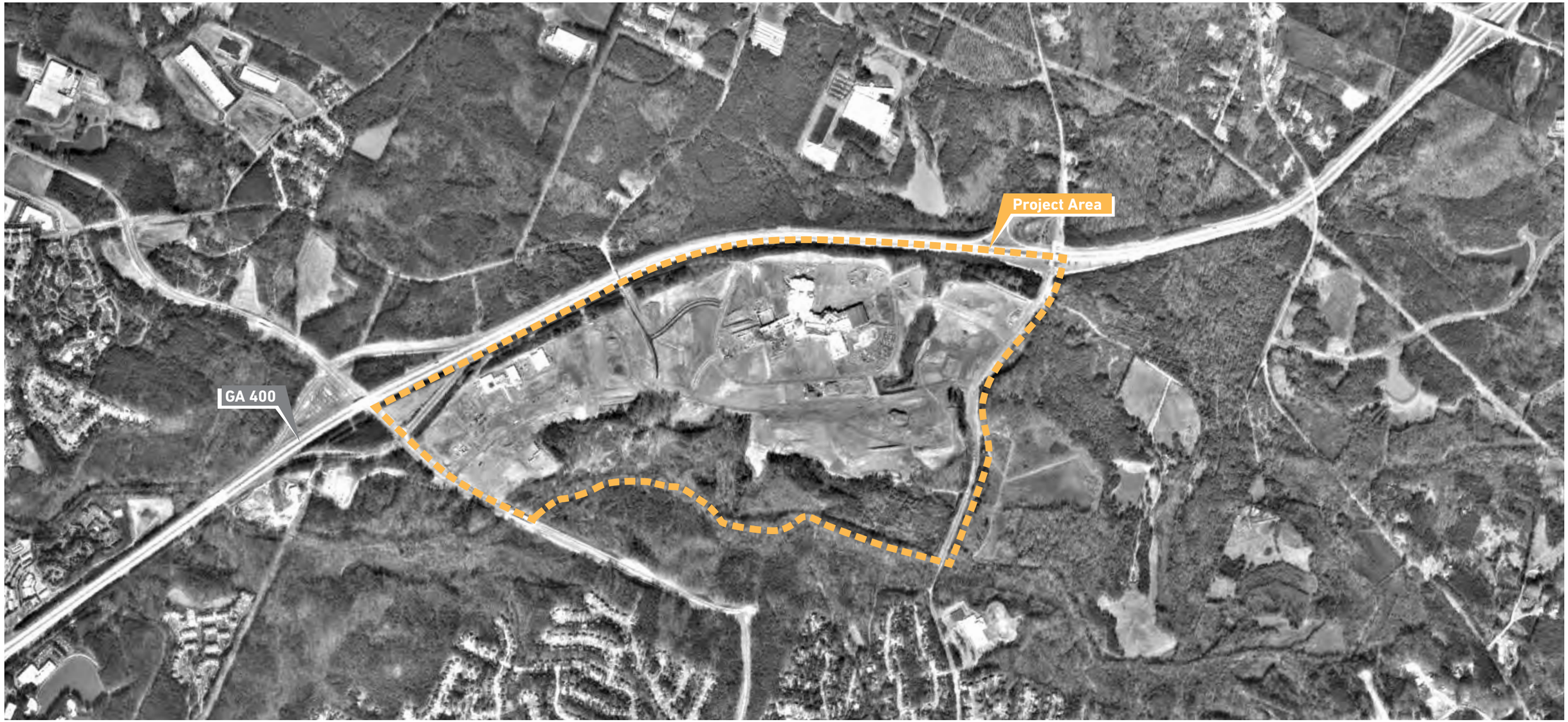
TEXTILES

CHEROKEE

MARKET ROADS

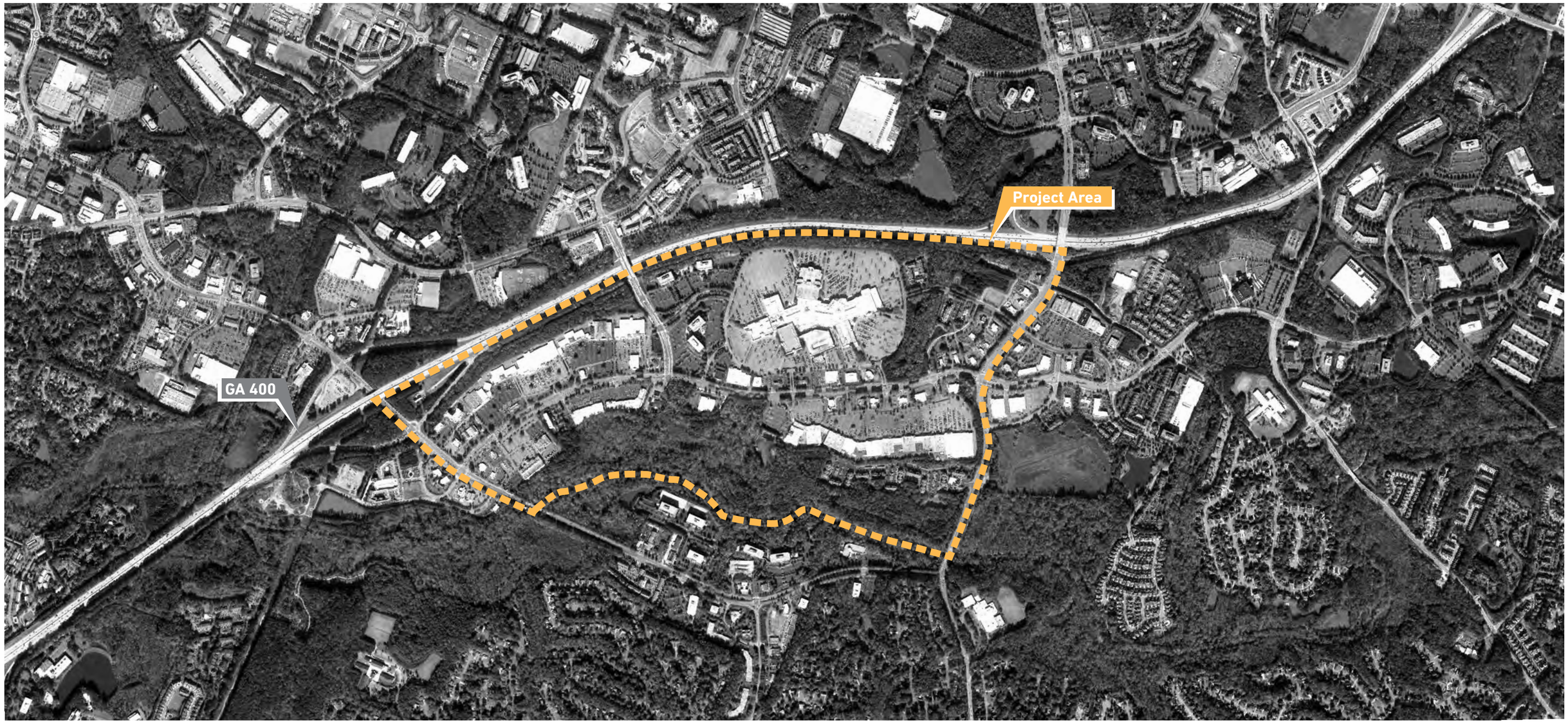

The North Point Area in 1963 was defined by its agricultural and natural character. Georgia 400 (still under construction) had not yet made the area readily accessible by car.
Project Area
GA 400

North Point Through Time - 1993



The transformation of the district was underway with the development of the North Point Mall.

North Point Through Time - 2018

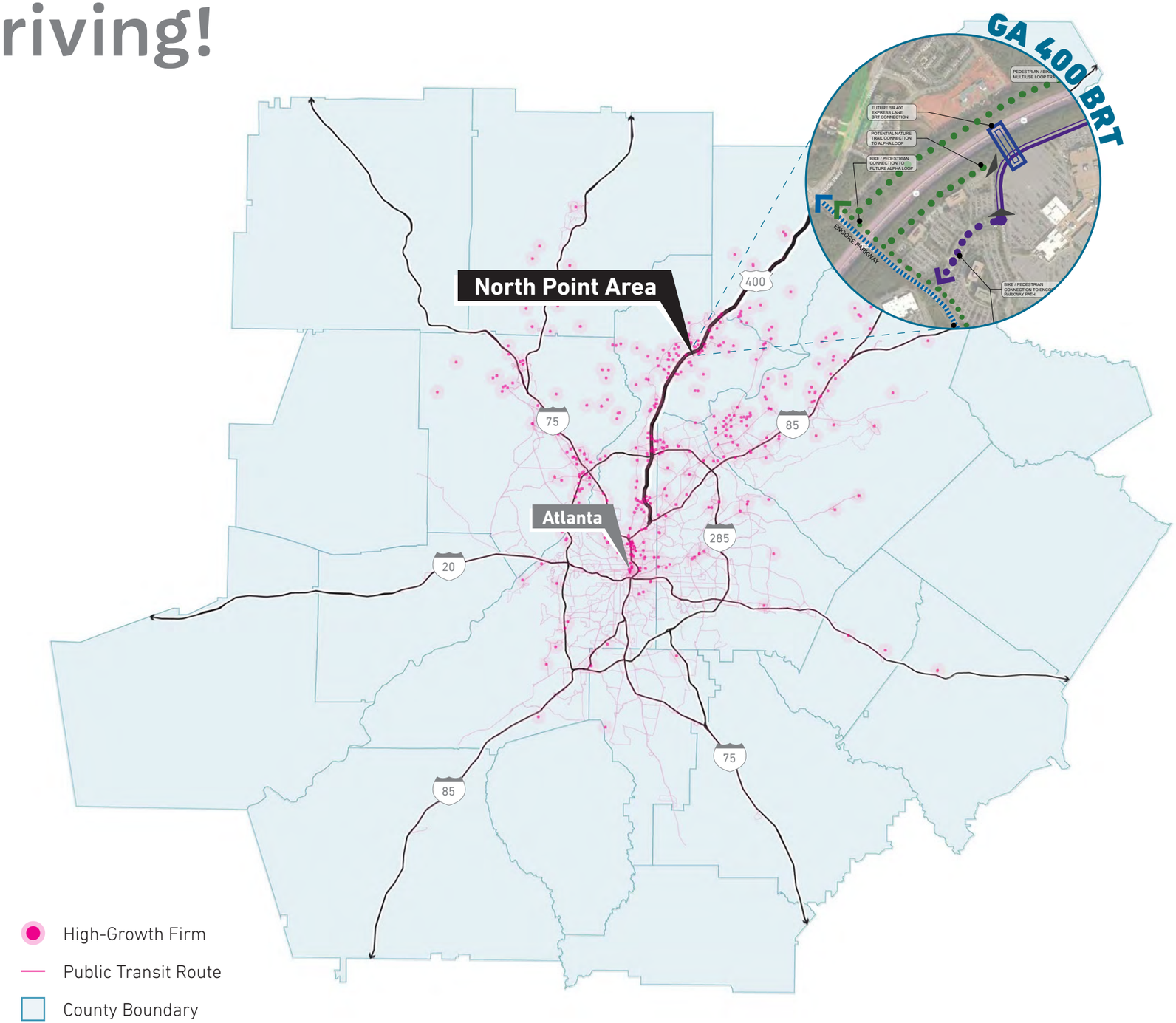


The fabric of the North Point Area today reflects an auto-centric retail development pattern.

North Point is Thriving!

Current scholarship on the structure of American cities demonstrates that contemporary urban regions are characterized by a constantly evolving matrix of employer and employee locations within a metropolitan-wide labor market. Connectivity to the regional transportation network, and therefore access to a dispersed labor market, is one of the strongest determinants of new business location decisions. With the construction of Georgia 400 in the early 1970s and subsequent improvement of access to Alpharetta through the construction of major roads and transit (including planned BRT service), the City has leveraged its well-connected location into the creation of a community that is one of the most highly desirable locations to live and work in the region. This is evidenced by population and employment growth that is among the strongest in the metropolitan area.

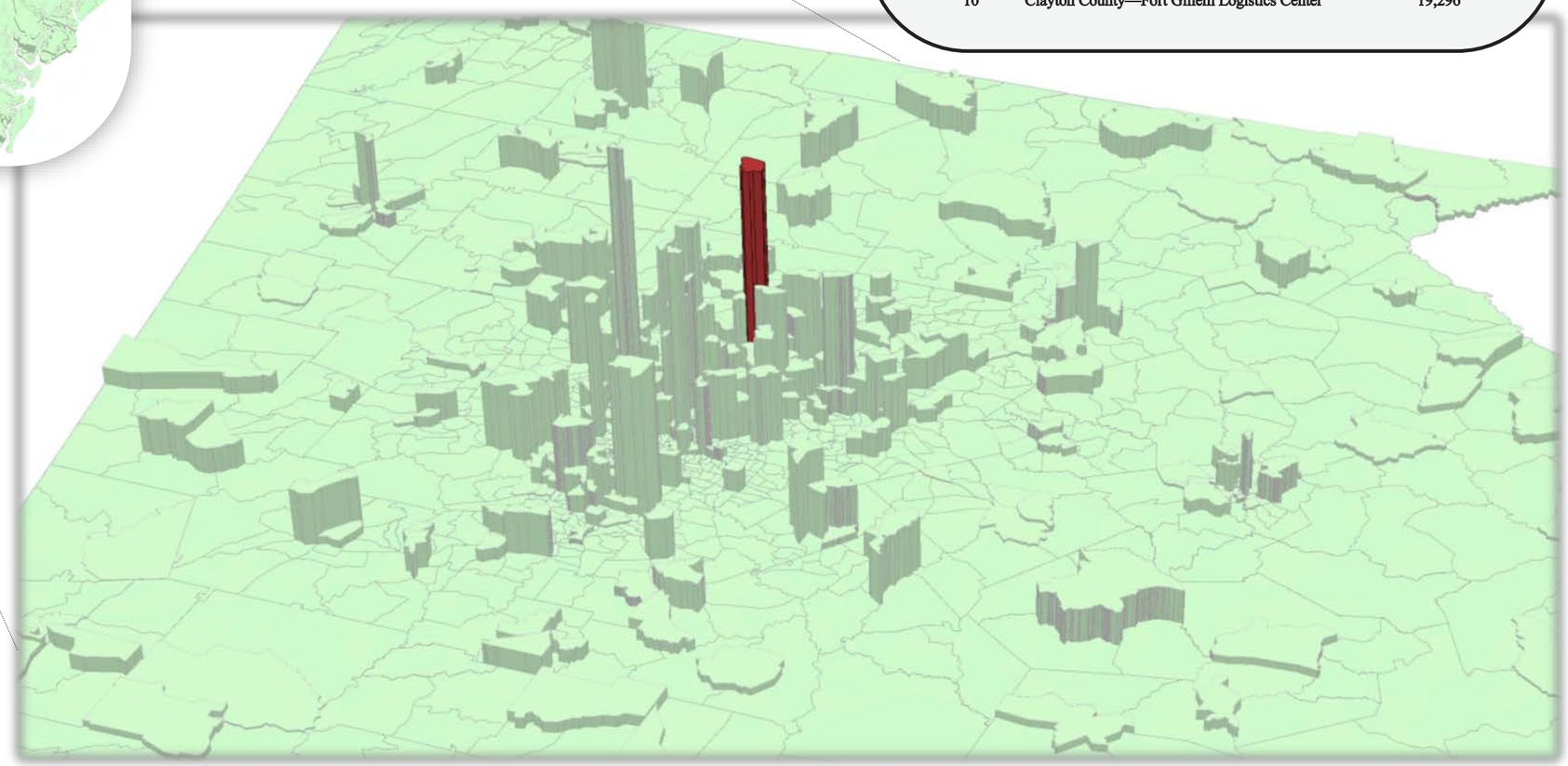
The North Point District is immediately adjacent to Georgia 400, the primary north/south transportation spine of the region, and is equidistant between, and well-connected to, the I-75 and I-85 corridors along major east/west thoroughfares. With the implementation of Bus Rapid Transit along GA 400 and a planned station adjacent to the North Point District, the opportunity to develop multi-modal mobility options for commuters and visitors will help ensure the continued viability of commercial and mixed-use development markets within the district. Placemaking investments that highlight existing transit services along North Point Parkway, plan creatively for the proposed BRT connection, support universal mobility options (pedestrian-based), and provide a safe and accessible public realm will lay the foundation for economic competitiveness and high quality of life in North Point.



Vibrancy Centers as Locations for High-Growth Firms (The Professional Geographer, 2018)

Top 10 Tracts (Georgia)

Rank	Census Tract Area	Daytime Population Increase
1	Downtown Atlanta—State Capitol	41,354
2	Downtown Atlanta—Five Points & Georgia State	37,252
3	Downtown Atlanta—Peachtree Center	32,858
4	Alpharetta—North Point Area & Sanctuary Park	26,907
5	Dekalb County—Emory University	26,667
6	Sandy Springs—285 @ 400 (King & Queen Building)	24,099
7	Buckhead—Lenox Road & Piedmont	23,862
8	Downtown Augusta GA	23,596
9	Warner Robbins	21,001
10	Clayton County—Fort Gillem Logistics Center	19,296



Greatest Daytime Population Increases in the State of Georgia

Using ESRI 'Daytime Population' Statistics for the 1,964 Census Tracts that make up the state of Georgia. Census population #s for each tract (nightime population) are subtracted from total daytime population figures to come up with the daytime population increases shown above.

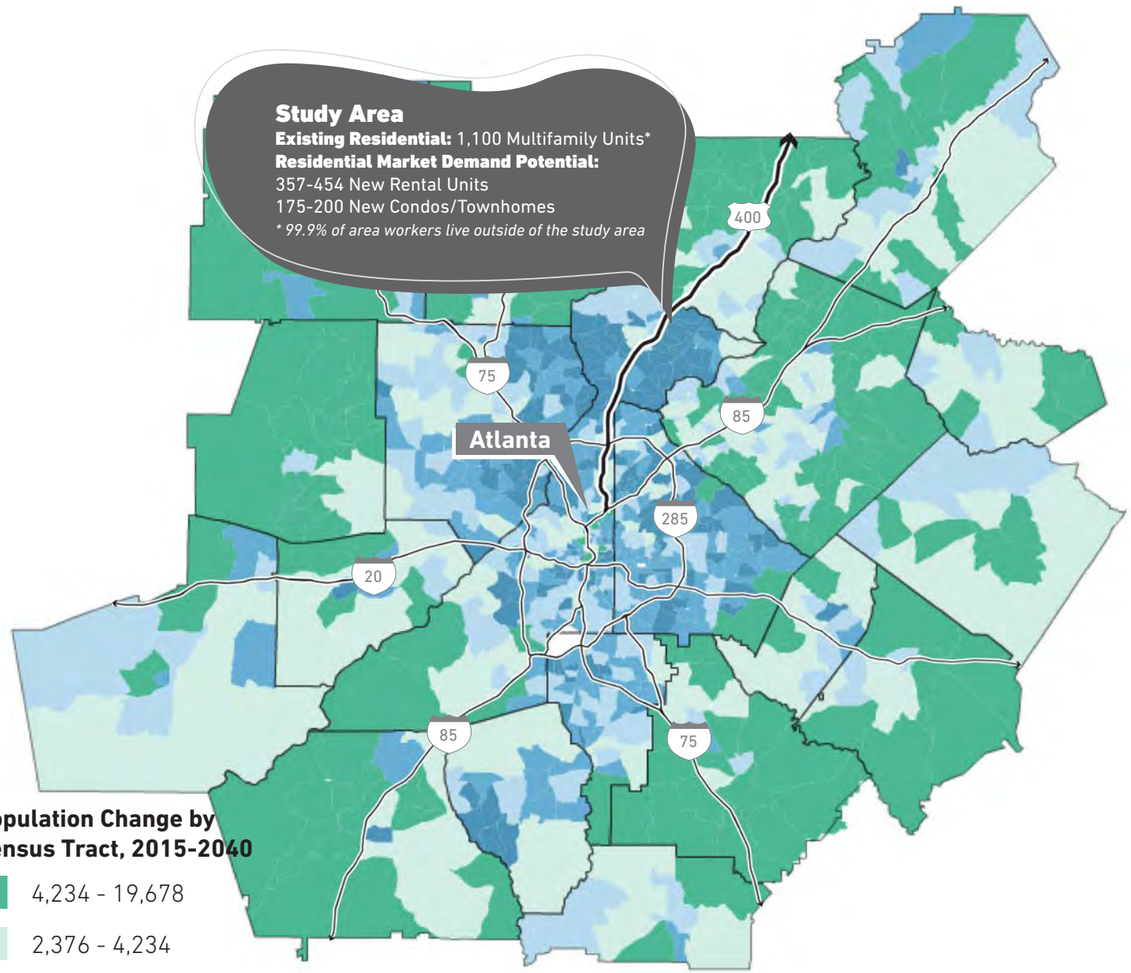
City Population Trends

"More people are moving to Alpharetta than any other large city in Georgia"

N. Fulton is home to Georgia's Fastest Growing Large City, Mitchell Northam, The Atlanta Journal-Constitution (June 13, 2017)

1960	1970	1980	1990	2000	2010	2017
1,349	*2,455*	*3,128*	*13,002*	*34,854*	*57,551*	*65,799*

Regional Housing and Employment Statistics

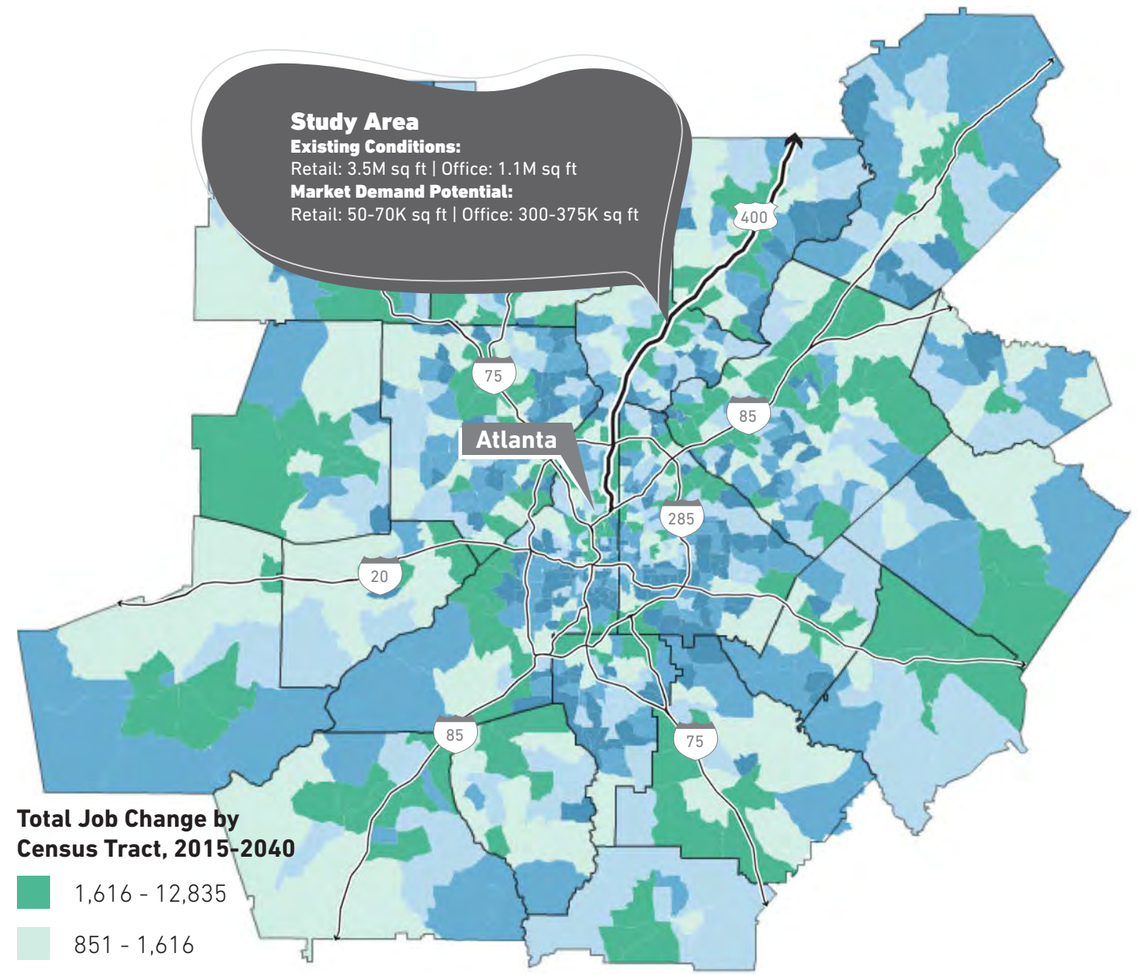


Population Change by Census Tract, 2015-2040

- 4,234 - 19,678
- 2,376 - 4,234
- 1,387 - 2,376
- 619-1,387
- 15-619

Source: 2018 North Point LCI Plan

People want to Live in Alpharetta



Total Job Change by Census Tract, 2015-2040

- 1,616 - 12,835
- 851 - 1,616
- 482 - 851
- 216 - 482
- -111 - 216

Source: 2018 North Point LCI Plan

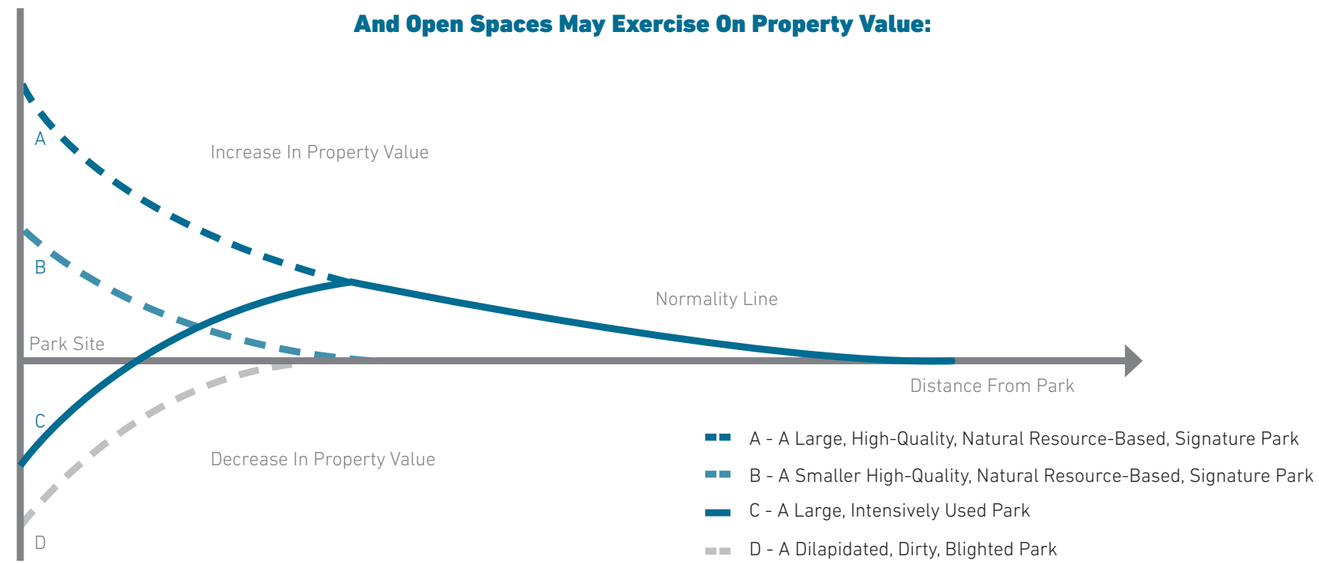
People want to Work in Alpharetta

North Point is Green!

There is a growing global recognition of the significant positive impact that parks, trails and greenspace can have on economic competitiveness, public health, social well-being, and a wide range of equity issues. Nature-based parks provide unique value to the community due to consumer preferences for this type of park, the demonstrated restorative qualities of natural environments, a wide range of ecosystem services, and the potential for these types of parks to provide critical green infrastructure to support the healthy and resilient stewardship of the community's air, soil, and water resources. Given the evidence of the broad and substantial range of benefits that public green space can confer, parks, trails and public open space must be a critical and integrated piece of the infrastructure of our cities, and play a central role in the planning for the future of districts such as North Point.

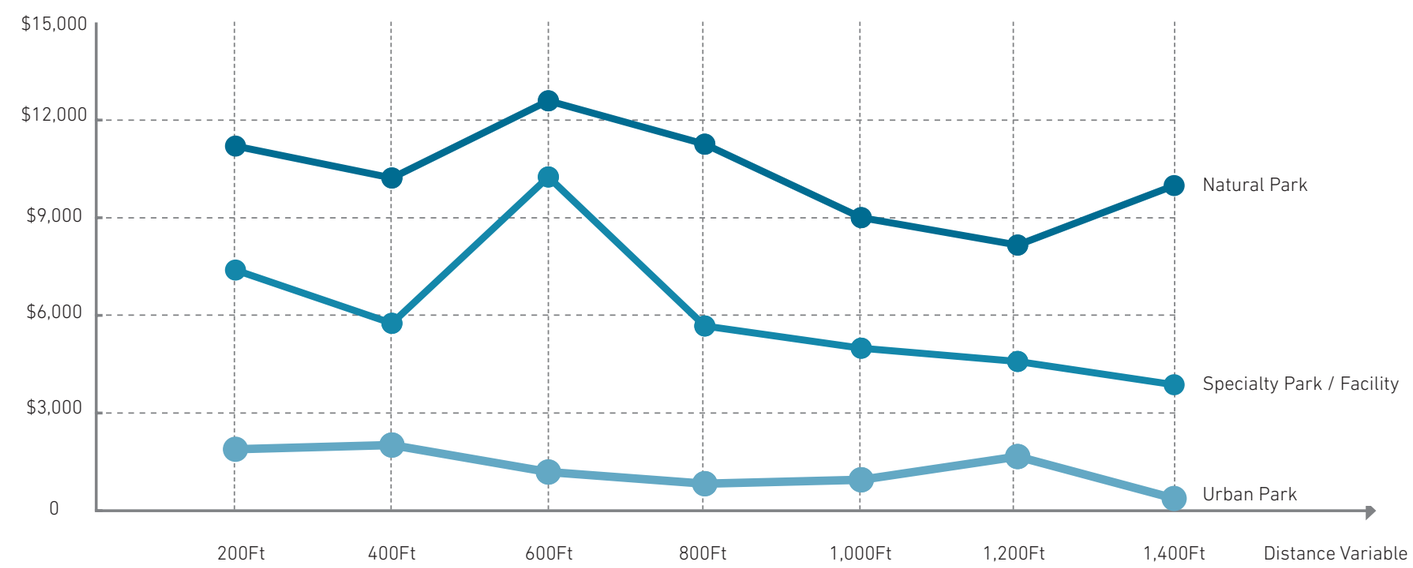
At first glance, the North Point District appears to be comprised almost entirely of pavement and low density development, but in fact it is home to Alpharetta's greatest green asset: the riparian corridor of the Big Creek. The opportunities that the Big Creek can provide to the surrounding neighborhoods for recreation, respite, restoration, and community and economic development is significant. Of equal and related benefit is the analysis and potential re-creation/restoration of tributaries to the Big Creek. From innovative stormwater management approaches to the development of a connected system of green park spaces throughout the district, the arrangement of these green threads throughout the district must frame future redevelopment scenarios. For the North Point community to fully leverage the value of the Big Creek and its connected green spaces, future development – shops, homes, businesses – must do more than just provide trail connections to the greenway; they must fundamentally re-orient to this asset. Primary frontage of future developments must be assigned to the Big Creek Greenway and related park spaces to maximize economic and community benefit. A comprehensive and multi-purpose approach to capitalizing on the district's green assets is consistent with previous community-based plan recommendations and Placemaking investments that preserve and enhance these assets will be one of the primary drivers of value for the future of North Point.

Alternate Scenarios Reflecting The Range Of Impacts That Parks And Open Spaces May Exercise On Property Value:



Source: The Trust For Public Land. (2007). The Economic Benefits Of Land Conservation

Variations In Proximate Values At Different Distances For Each Open Space Type



Source: The Trust For Public Land. (2007). The Economic Benefits Of Land Conservation

The network of green and open spaces in the North Point Area as they exist today.

North Point Mall

"North Point Park"

Mansell Crossing

Big Creek Greenway

North Point Market Center

Big Creek

Encore Pkwy

North Point Ctr E

North Point Cir

North Point Pkwy

Haynes Bridge Rd

Mansell Rd

400

100yr Floodplain

Waterway

Green & Open Space

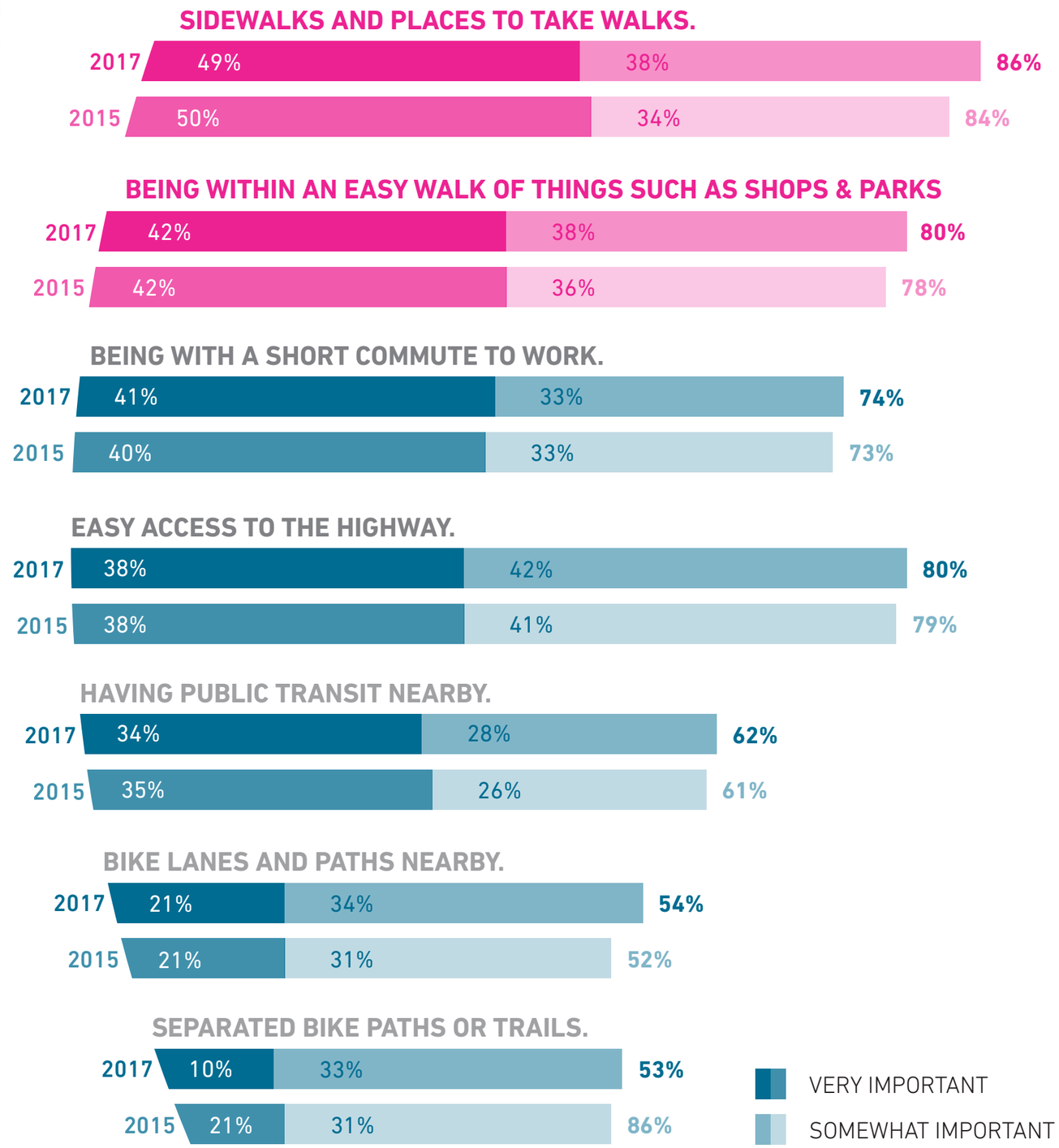
0' 1600' N

North Point is Walkable!

Walkability is arguably the top driver of successful mixed-use developments throughout the country, and equally important from the standpoint of transportation and social equity. Building for a universal mode of transportation – pedestrian mobility – creates the opportunity for street-level activity which drives district vibrancy and also accommodates the needs of a substantial portion of our population that does not have access to or the physical ability to operate an automobile. Lessons from the social and human sciences have given the design profession tools for creating spaces that don't just accommodate walking, but that encourage street-level activity and makes those experiences positive and memorable. Fine-grained development massing, human-scaled detailing, thermal comfort through street trees, and access to green spaces are just a sampling of the often overlooked urban design principles that affect our basic human needs and dictate the journey dynamics of the pedestrian.

Despite the predominant presence of roads and surface parking areas throughout the district that cater to the automobile, North Point is home to one of the most beloved and well-used bike and pedestrian routes in the region, the Big Creek Greenway. North Point is also the future home of an extension of the Alpha Loop - Alpharetta's signature trail system. Most importantly, the intersection of Encore Parkway and North Point Parkway represents the geography where these two highly-valued community assets meet. This central, visible location provides an opportunity for a signature park space and trailhead that serves these two community-wide trail networks. The continued planning for the Alpha Loop extension and connection with the Big Creek Greenway, the development of a fine-grained network of walks and trails that connect future mixed-use developments in the district to these valuable corridors, and the routine provision of bike/ped facilities on all public streets will be a catalyst for attracting investment and serving community needs in this emerging mixed-use district. Placemaking investments that build on these trail-based assets and encourage walkability will drive value in the North Point District.

MOST IMPORTANT FACTORS IN DECIDING WHERE TO LIVE:



SOURCE: NATIONAL ASSOCIATION OF REALTORS. (2017). NATIONAL COMMUNITY AND TRANSPORTATION PREFERENCES SURVEY.

The network of trails, paths, and sidewalks in the North Point Area as they exist today.

Alpha Loop

North Point Mall

Mansell Crossing

Big Creek Greenway

Big Creek

North Point Market Center

Encore Pkwy

Mansell Rd

North Point Ctr E

North Point Cir

North Point Pkwy

North Point Dr

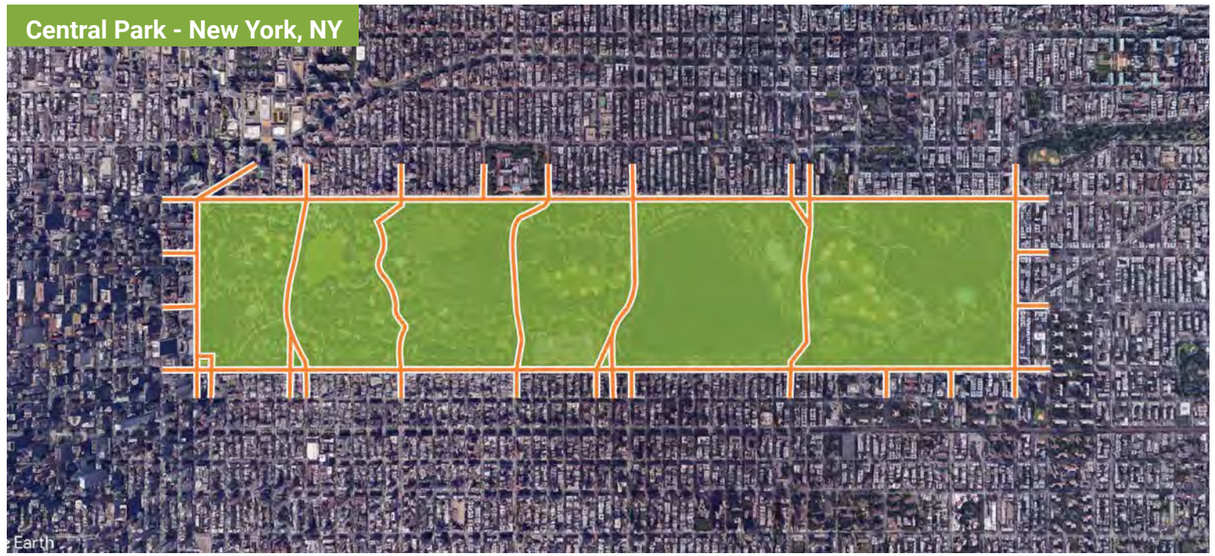
Haynes Bridge Rd

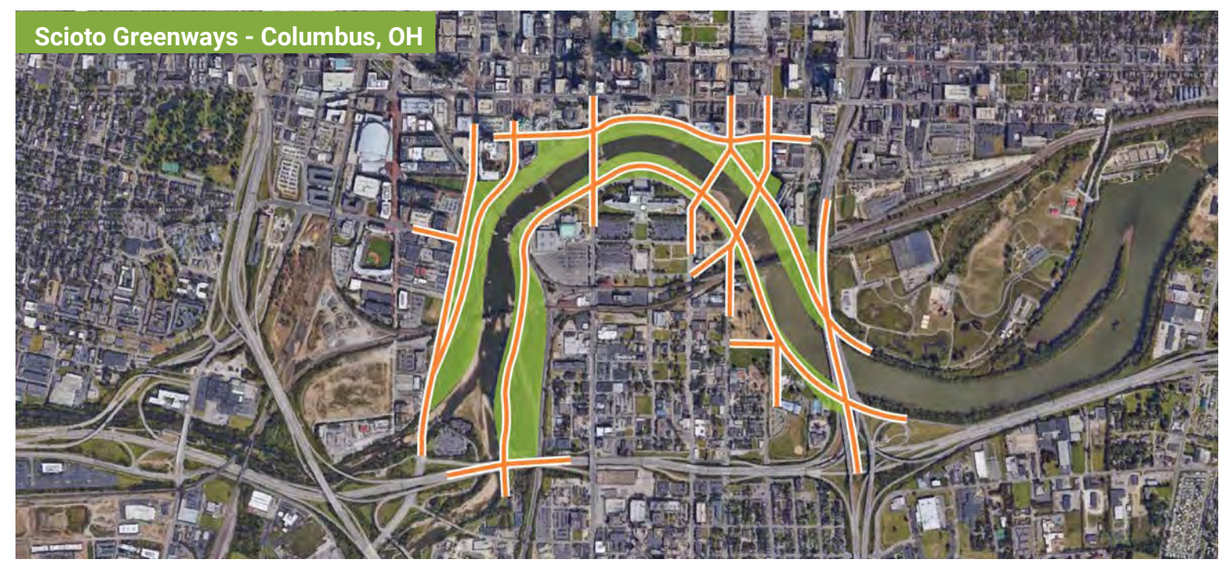
400

- MARTA Stop
- Alpha Loop (Proposed Alignment)
- Big Creek Greenway
- Recreation Paths
- Sidewalk

0' 1600' N

Park and Greenway Frontage Can Anchor Urban Spaces and Add Significant Value to Surrounding Land





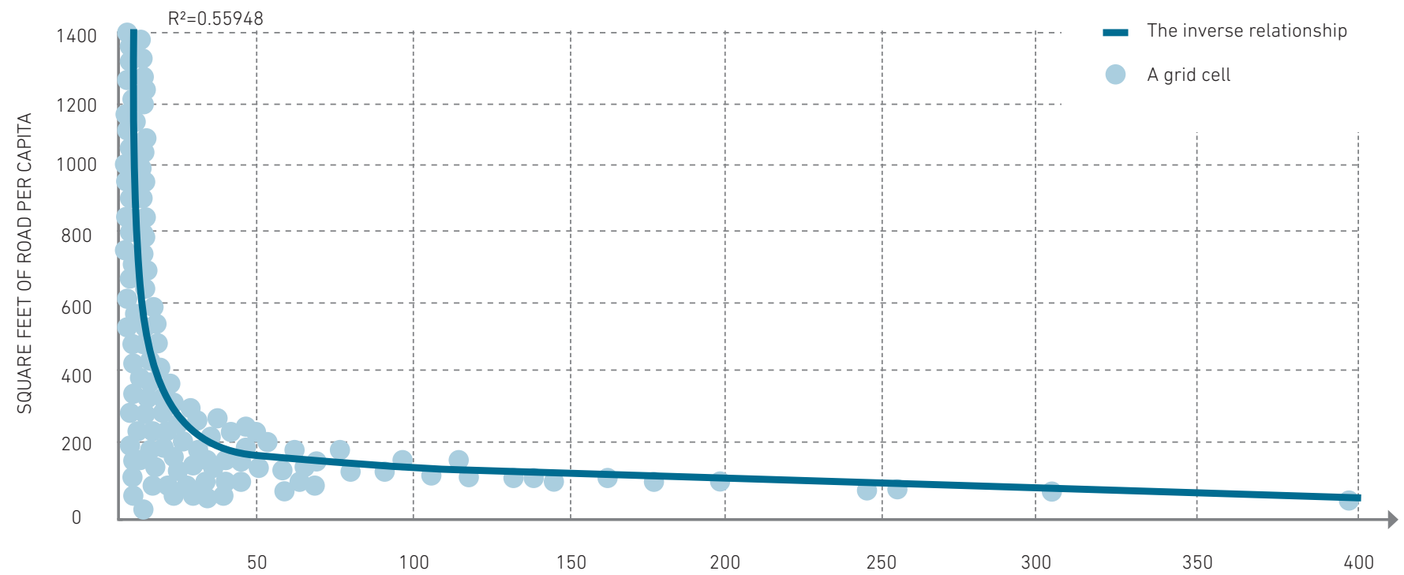
Loading Dock Area Behind Mansell Crossing Could Become Big Creek Greenway Frontage

North Point is Livable!

Recent research in urban geography has demonstrated a positive overlap between the place-based qualities that attract the various market segments of a mixed-use development. The physical attributes that support a live, work, and play environment include a diversity of land uses, human-centered urban form, compact design, and a well-connected, socially-accessible network of public ways. These attributes work collectively to create an environment that supports pedestrian interaction and activity which is one of the primary ingredients that drives the demand for housing choice, a healthy work environment, and experience-based retail and entertainment. Providing a mix of diverse land uses creates the origins and destinations which generate street level activity and internal trip capture – reducing the dependency on automobile use. This pedestrian activity is further supported and enhanced by a built environment that is crafted to encourage walkability: using built form to create interesting, comfortable, accessible, low-stress journeys. Lastly, the compactness and connectivity of a developed district increases the interface between pedestrian activity and economic activity and the accessibility of the development to its surrounding market and community context.

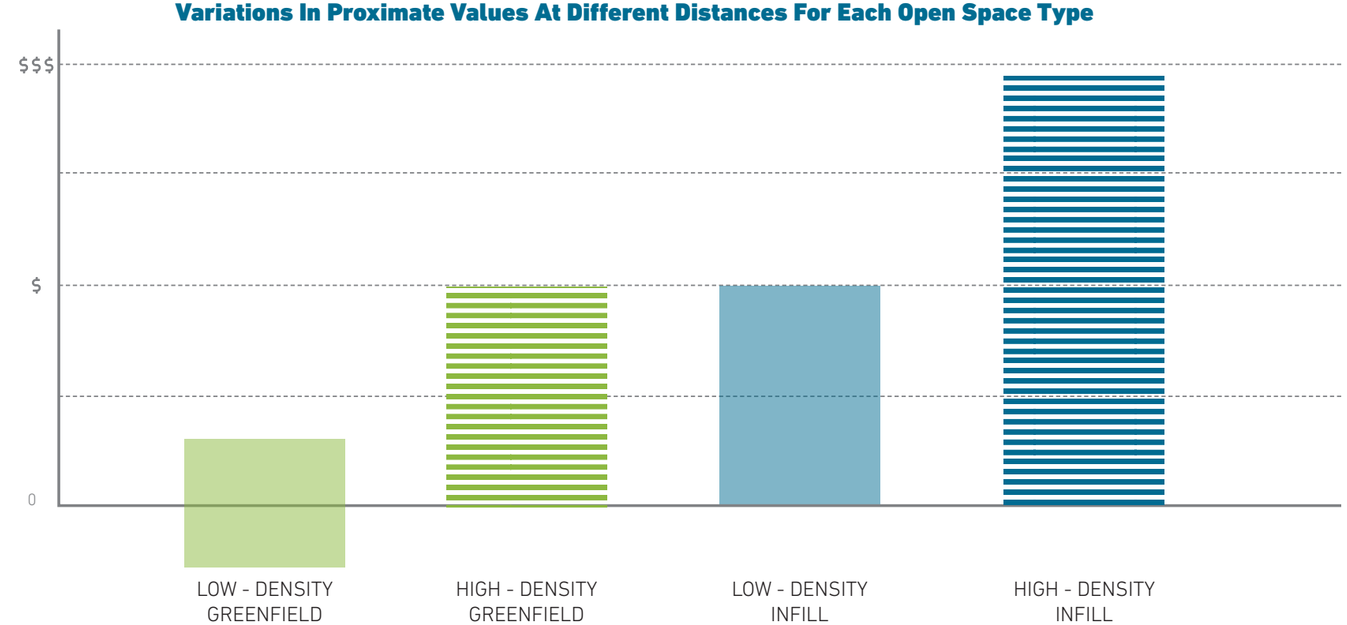
The spatial structure of the North Point District today is characterized by high-volume, widely-spaced arterials with a notable absence of local public streets. This results in limited route choice, extremely large, disconnected development blocks (or connected circuitously via surface parking), and very poor walkability. These attributes distinctly lack the qualities of a livable neighborhood and do not support the goals of creating a vibrant mixed-use environment. The recent planning efforts and policies in the district have begun to reverse this trend and local property owners and developers are responding to this community-based momentum and to the market demand for more livable places. In the context of Placemaking strategies, the investment of public resources in creative placemaking elements must be deployed in locations that will hold and drive value during the district's transition from auto-oriented regional retail to a walkable mixed-use neighborhood. Situating public art, constructing trail improvements, and implementing other types permanent capital improvements in an out-dated and shifting development landscape will risk depreciating the full value of those investments. Conversely, Placemaking strategies that respond to emerging development patterns that are move livable and vibrant will drive value in the next generation of economic and community development in North Point.

ROAD AREA (PER CAPITA) AGAINST OBSERVED DENSITY



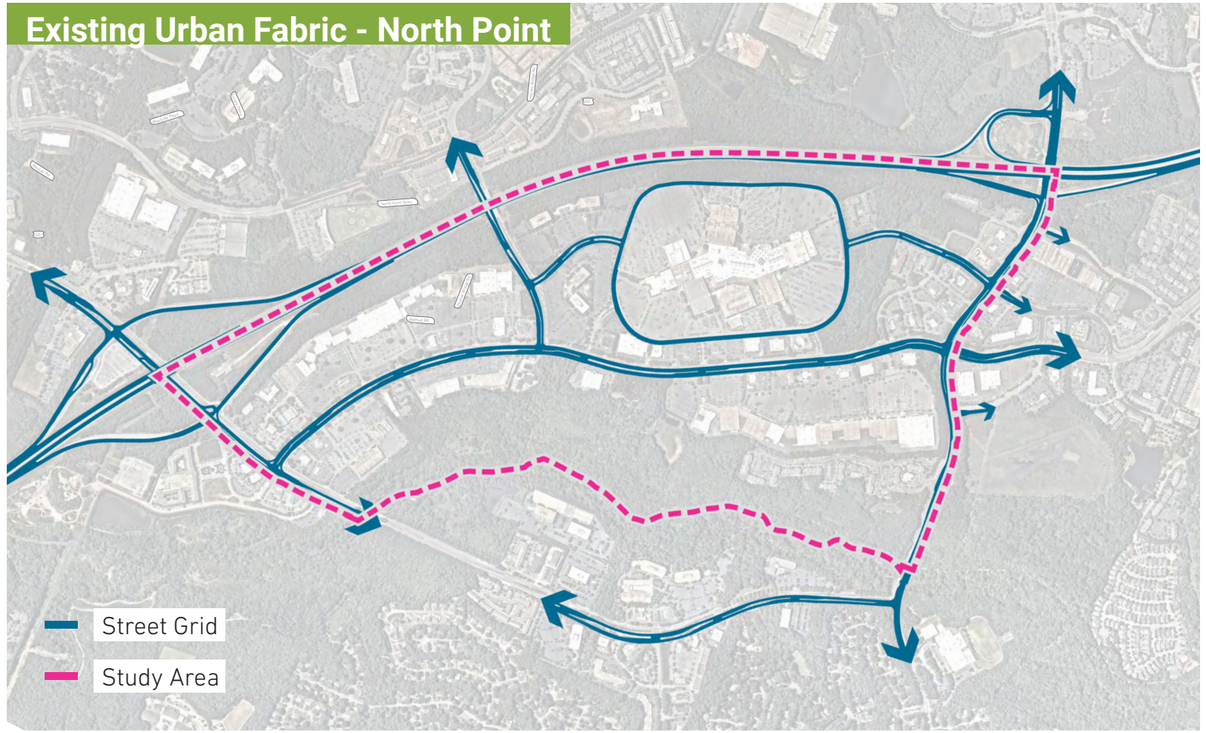
Source: Patrick Lynch and Christopher Zimmerman(2015). Land Use and Municipal Budgets

Variations In Proximate Values At Different Distances For Each Open Space Type

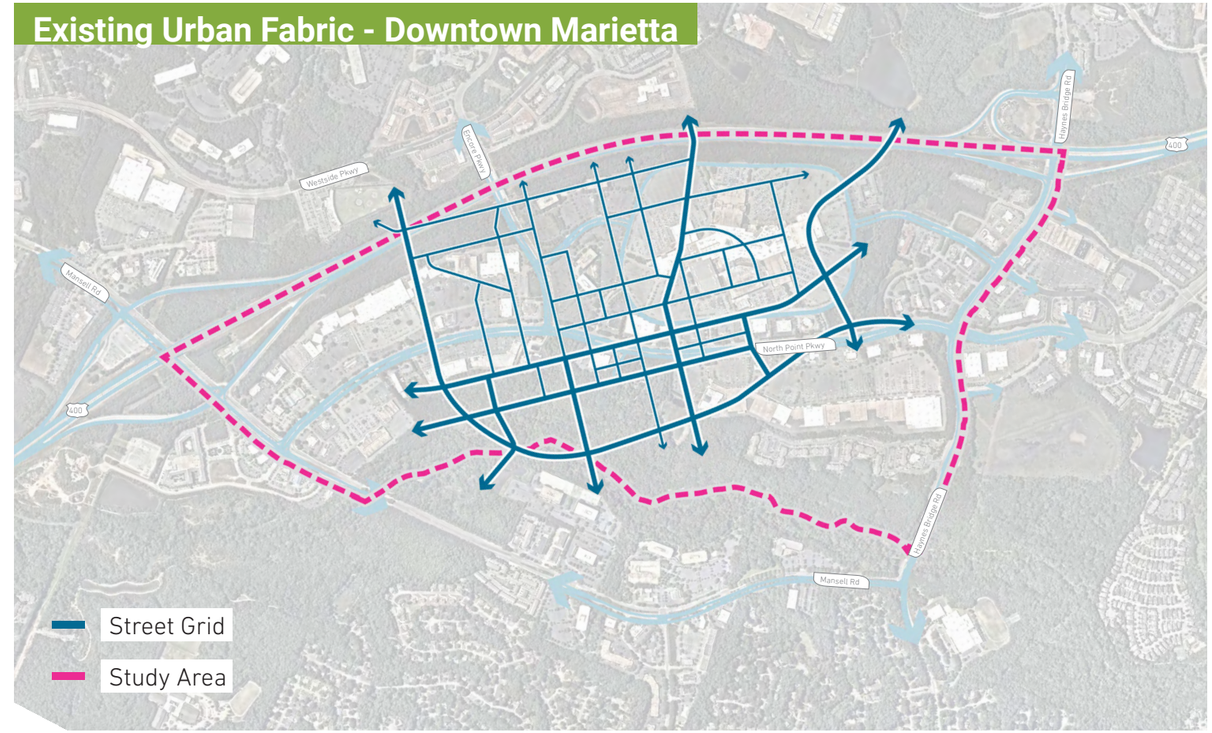


Source: Land Use and Municipal Budgets the Fiscal Connection by Patrick Lynch and Christopher Zimmerman

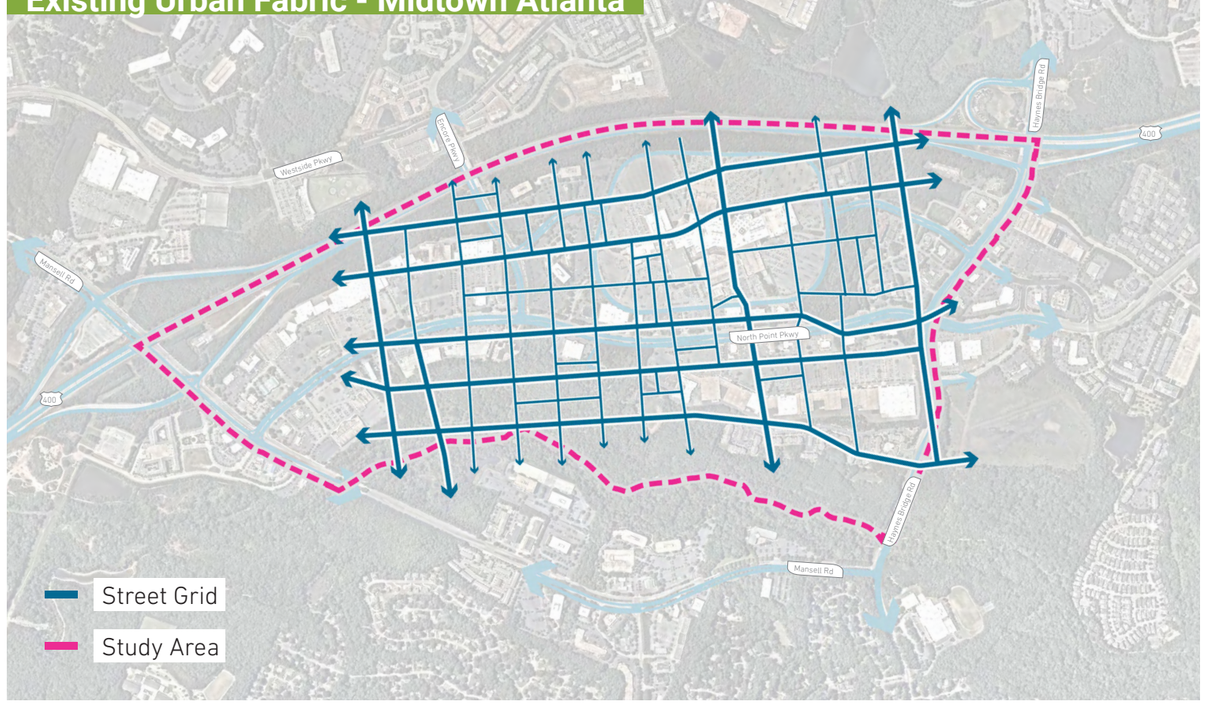
Existing Urban Fabric - North Point



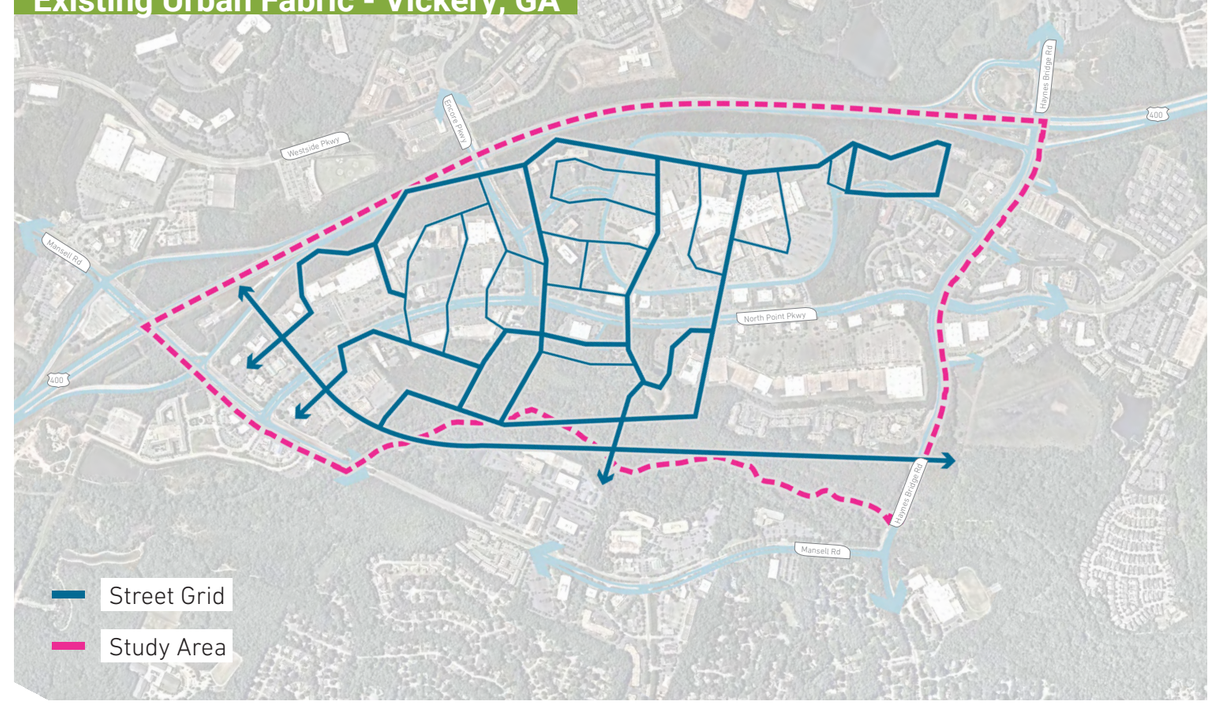
Existing Urban Fabric - Downtown Marietta



Existing Urban Fabric - Midtown Atlanta



Existing Urban Fabric - Vickery, GA



0' 3200' N

Vibrant Streets Can Accommodate Vehicles and People

Athens, GA
Broad Street

24,000 Cars/Day

Savannah, GA
East Bay Street

25,200 Cars/Day

Alpharetta, GA
Main Street

31,500 Cars/Day

Alpharetta, GA

North Point Parkway

23,000 Cars/Day

Public Engagement

Forging Connections through Placemaking

According to Creative Placemaking (Schupbach, 2015), "The arts bring diverse people together and give a sense of belonging to community members (bridging social capital)." This concept drove the planning process and generated activities designed to increase participants' connection to the North Point Area.

The team deployed creative engagement strategies throughout the project to connect the cultural sector with the business community, residents, as well as visitors to the North Point Area. The robust outreach process included stakeholder interviews, interactive mobile workshops, and public open houses. These engagement sessions connected people, brought fun to the public engagement process, and developed new collaborative connections between people in the community in ways that will serve ongoing community building.

The following pages summarize the outreach conducted during the creation of this plan.

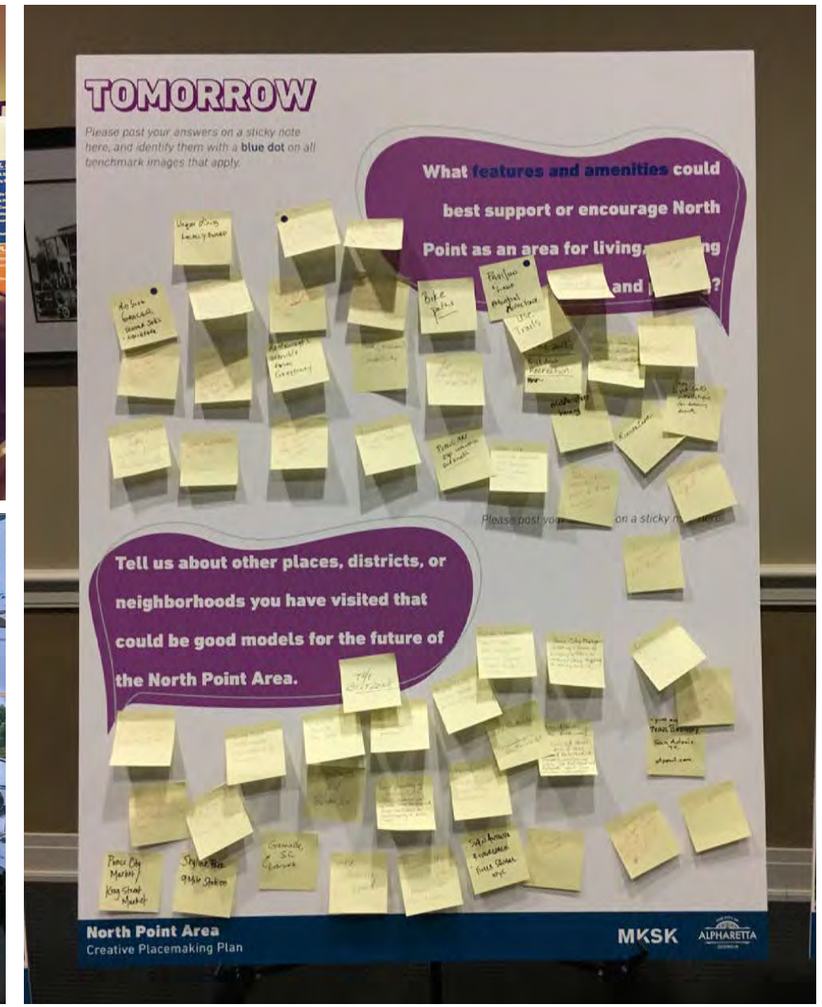
Outreach Activities

Creative Strategies for Community Building

Stakeholder interviews: Over three days in December 2018, the team conducted ten stakeholder roundtables with North Point area property owners, brokers, businesses, and development partners as well as elected officials and key city staff. The goal of these meetings was twofold: one, to listen, learn, and understand the key issues at play in the North Point area; and two, to share initial research and observations with project stakeholders.

Mobile Interactive Workshops: During Task 2 the team conducted a series of interactive community workshops designed to reach as many people as possible who live, work, and play in the North Point Area. The most-attended of these workshops took place during the 2019 Taste of Alpharetta.

Public Open Houses: The team conducted two public open houses during the project. The first open house (held on January 23rd, 2019) provided an opportunity to explore attendees relationship with, and impression of the North Point Area. Interactive exercises were developed to tease out the special or unique qualities of the district and develop strategies to leverage them to create a more vibrant North Point. The second open house (held on April 30th, 2019) introduced the public to the initial placemaking concepts and invited the community to share their thoughts on the recommendations.



Key Findings

Public Engagement Summary

The following four themes were established through our conversations with members of the North Point community as a means to guide the project and build on the unique and special qualities of the district.

North Point is Vibrant. North Point is a robust commercial center at the heart of a growing regional economy with significant opportunities for retail, residential, office, recreation, and cultural uses and activities.

North Point is Green. North Point is an eco-district interwoven with green oases, streams and wetlands, and opportunities for parks and unique places providing respite for people and habitat for native plants and animals.

North Point is Walkable. North Point is a place defined by mature tree canopies and connected forested areas threaded with trails and pathways to provide easy access to its many shopping, dining, and entertainment destinations.

North Point is Livable. With access to major employers, transportation options, housing choices, activity centers, and human-scale spaces, North Point is well positioned to become a livable community within the metro area.

The following pages feature a selection of representative quotes and findings from the engagement process.

What positive qualities draw people to the North Point area and encourage them to stay?

1. Shopping
2. Dining
3. Big Creek Greenway

What aspects of the North Point Area need improvement?

1. More Walkable/Bikeable/Transit
2. More Green Space
3. Less Asphalt

What are the strengths and assets around which we can build future placemaking ideas?

1. Surface Parking
2. Green Space
3. Public Art

What features and amenities could best support or encourage North Point as an area for living, working and playing?

1. Activated Public & Private Spaces
2. Mixed-Use & Housing Development
3. Outdoor Recreation Opportunities

"Create spaces that encourage walking/cycling/running rather than being in cars."

"[I want] a reason to not go to Avalon or Downtown."

"Encourage green space and living at North Point."

"The Big Creek Greenway is key to future development; the most unknown asset the City has."

"Walkable green space, less asphalt, a 'wow' factor!"

"Over the next few decades, we will - by necessity - become our own urban center."

"Family-friendly, sense of community, greenway, unique."

"Let's focus on parks, environment, and entertainment to make a family-friendly destination."

"Right now, North Point isn't viewed as a premier location or opportunity."

Recommendations

SECTION 03

Two Big Moves

Redefining North Point as a Healthy, Connected Community

The creative Placemaking elements for the North Point District have grown out of the ideas and aspirations of the Alpharetta community: the residents, employees, business owners, property owners, and interested stakeholders who shared their insights throughout the planning process.

These community-based Placemaking ideas are envisioned as catalytic agents to drive the transition of North Point from an automobile-dominated, regional retail district to a safe, accessible, walkable, connected, and vibrant mixed-use neighborhood. To accomplish this, three overarching principles have guided the Placemaking approach and the development of creative Placemaking elements:

Build Value: Starting with the public realm to create the framework for long term economic competitiveness and quality of life

Build on Assets: Creatively building on the natural, historical and cultural strengths of the community to develop Placemaking elements that are authentic to Alpharetta and North Point.

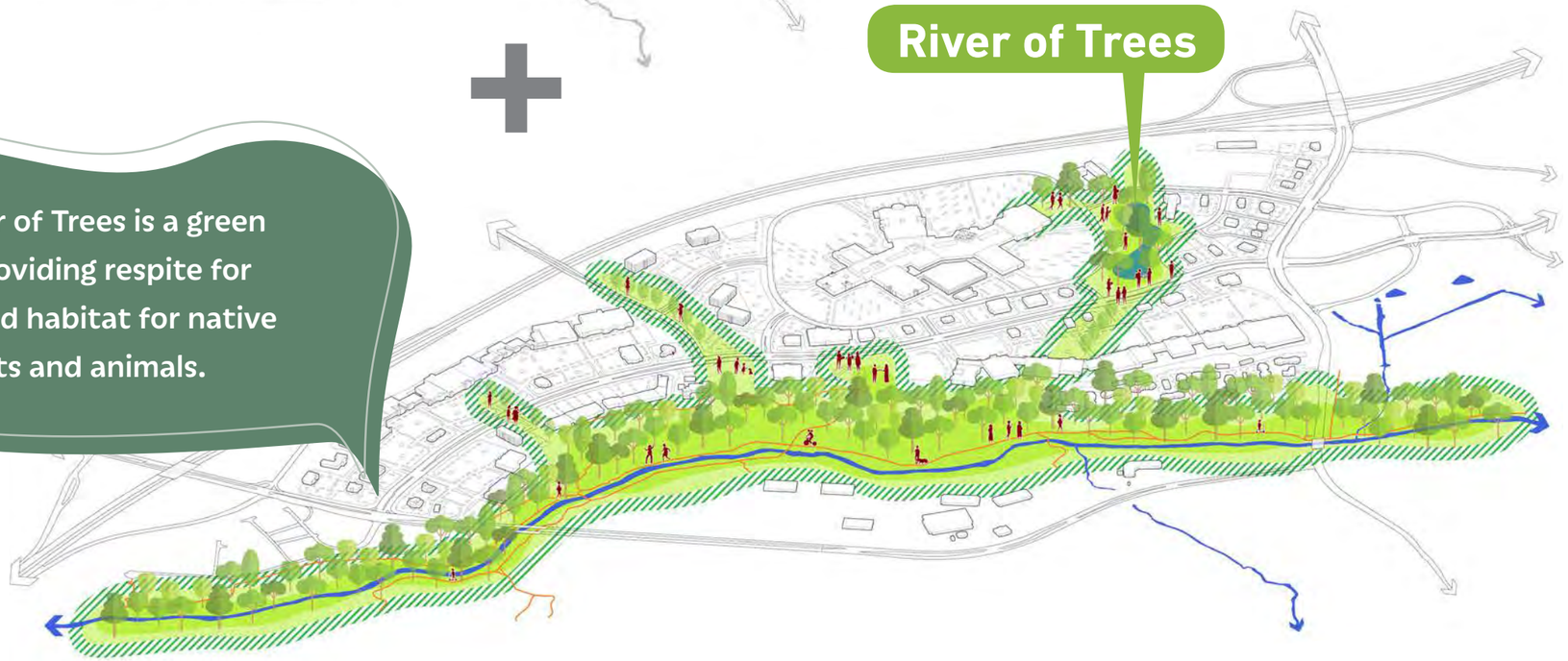
Build for People: Designing every improvement to enhance the pedestrian experience

With a focus on the public realm – the streets, trails, paths, parks, natural resources and green spaces that positively drive economic value and livability – the Placemaking ideas for North Point have been organized into Two Big Moves: The PARKway and the River of Trees.

The PARKway is a pedestrian paradise defined by its human-scaled spaces, lush native landscapes, and innovative features.

+

The River of Trees is a green oasis providing respite for people and habitat for native plants and animals.



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The PARKway

The PARKway is an organizing concept for addressing the public ways in North Point. The approach to public streets within the district sets the foundation for walkability, livability, economic development, successful commerce, and civic life. The primary Placemaking elements of the PARKway are described below:

Branding, Identity & Environmental Graphics – Central to the Placemaking process was the discernment of the authentic qualities that define the North Point District and the development of those qualities into a brand and identity that could guide the creation of creative Placemaking elements. From investigation into the history of the North Point area, conversation with long-time residents, and equally important, discussions about the future of Alpharetta and this District, a brand and identity was created. This brand will inform the creation of built elements within the District as well as other types of marketing collateral, print, digital, and other forms of public communications media. One of the leading themes that emerged during our development of identity for the District was that North Point is Green! This is at once a recognition of existing assets (the Big Creek Greenway), hidden or latent assets (former tributaries, wetlands, and developed floodplain), current initiatives (Eco-District designation), and a vision for the future. The notion of a green district flows up into the design of all creative placemaking elements and the creation of environmental graphics. Manifestations of this idea include organic patterns, weathered or organic construction materials, emblems of the natural environment, and the design of physical improvements for low-maintenance, long-term durability, and future recycling/upcycling.

Development Framework - The streets and blocks of the North Point District create the framework on which all private investment is arrayed. This network of public ways can be designed to create both a walkable environment and high-value development parcels. North Point currently has very large development blocks bordered by high-volume arterials. The recommended Development Framework creates a much finer-grained network of streets to encourage compact development and walkability. This network can be developed incrementally and built around existing major arterials and intersections. The success of this approach hinges on how streets and adjacent development address features that drive value. There are two very high-value frontages in the District – North Point Parkway and the Big Creek Greenway. In alignment with the LCI and the North Point Overlay, North Point Parkway is envisioned to support development that will address the street. This re-orientation of development creates valuable visibility and access for commercial uses and also contributes to traffic calming and the creation of a more walkable environment. The frontage on the Big Creek Greenway is untapped. All major urban parks and greens have public frontage which creates tremendous "beachfront" value for adjacent real estate and creates vital public access to park amenities. As private investment in North Point begins to look forward to the next generation of development within the district, both of these primary frontages, North Point Parkway and the Big Creek Greenway, should be prioritized.

District Thresholds – The gateways to North Point for the vast majority of visitors reside at the intersection of major arterials and represent opportunities to highlight the emerging identity of the District. The intersections of Mansell Road, Haynes Bridge Road, and Encore Parkway with North Point Parkway are highly-visible locations and set the first impression as you enter the District. The District Thresholds proposed at these locations are sculptural features which identify North Point by name and create iconic architectural elements that build on the Placemaking themes that were collaboratively developed with the Alpharetta community. Different variations of these gateway features have been created to provide a variety of options, but all have consistent qualities that are crucial to success:

Scale: distinctly upright elements create a large vertical canvas in a landscape where available real estate for monumental features is limited.

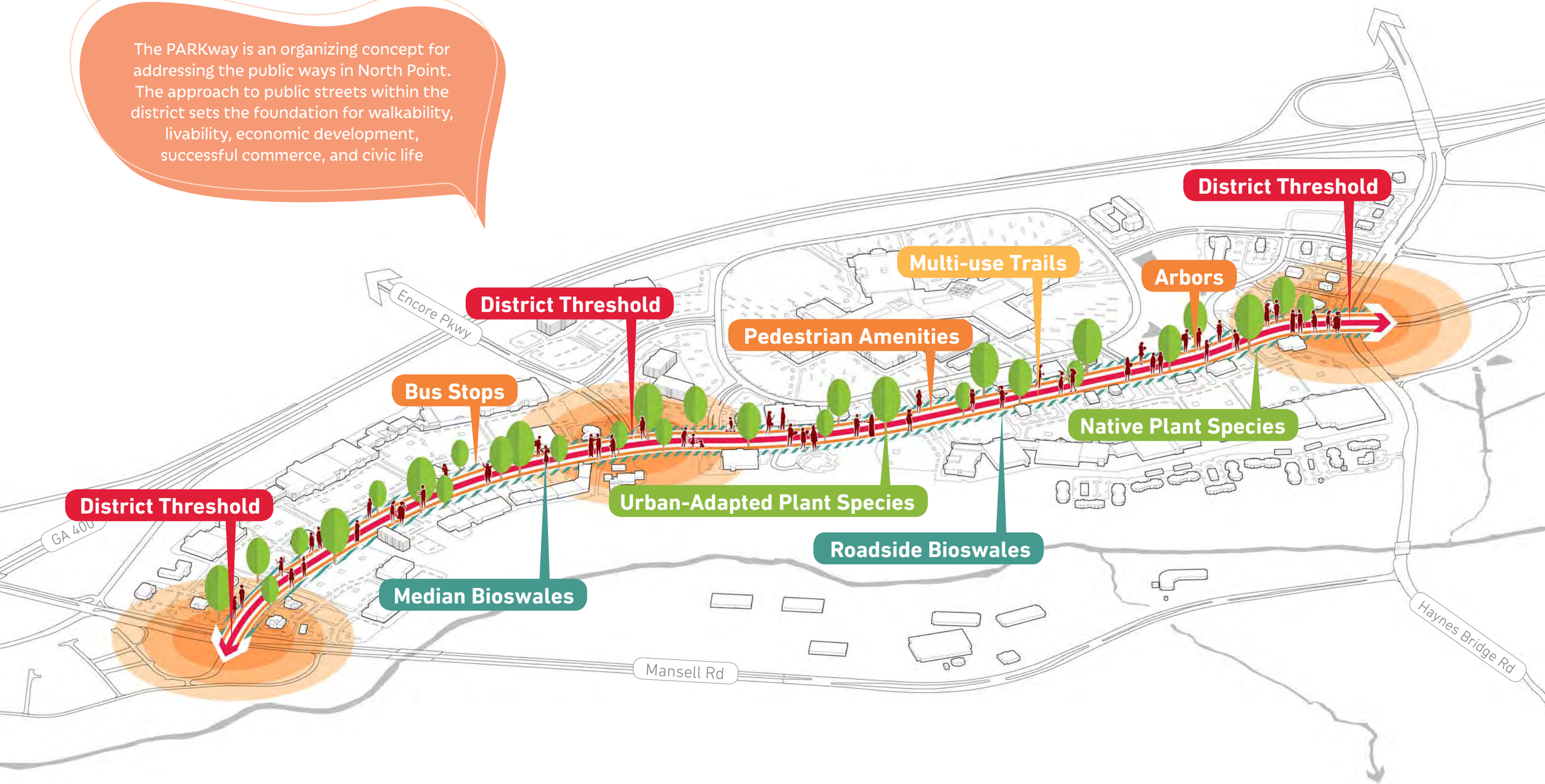
18 hr Presence: all elements feature an architectural lighting component that makes the District Thresholds a commanding presence throughout the operative hours of the North Point District.

Brand & Identity: each of the District Threshold concepts captures the qualities of the proposed branding for North Point, notably the organic details of the structure and the incorporation of greenery.

Durability: these sculptural elements are envisioned as steel structures (stainless, weathering, or painted) which provide long-term durability, an armature for climbing greenery, and the potential for long-term upcycling/recycling.

North Point Parkway – North Point Parkway is the predominant feature of the District, carrying roughly 20,000 vehicles per day and providing access and visibility to businesses throughout the district. Convenient and legible vehicular access is critical to the success of current businesses in North Point and will continue to be vital during transition in development form and in the future vision of the District as a walkable, mixed-use District. The current condition and impression of North Point Parkway, however, is that it is designed solely for automobile use and is neither safe nor conducive to pedestrian activity. The ability for North Point Parkway to serve an important vehicular function and be a primary feature of a walkable, green environment is a critical, and achievable objective of the Placemaking process. To accomplish this objective, the PARKway concept envisions the main thoroughfare through the District as a comfortable pedestrian and bicycle route, a critical component of the public transit system, and an essential element in a larger approach to green infrastructure and creative water resources management. Recommended improvements include arbors with flowering vines to create a memorable pedestrian walking and biking experience, improved transit stop shelters, street furniture to accommodate walking and cycling, enhanced crosswalks, bioswales and bioretention to manage stormwater runoff, and the accommodation of smart infrastructure into the street corridor.

The PARKway is an organizing concept for addressing the public ways in North Point. The approach to public streets within the district sets the foundation for walkability, livability, economic development, successful commerce, and civic life



NORTH POINT
ALPHARETTA, GA

VIBRANT. GREEN. WALKABLE. LIVABLE.

Visual Identity

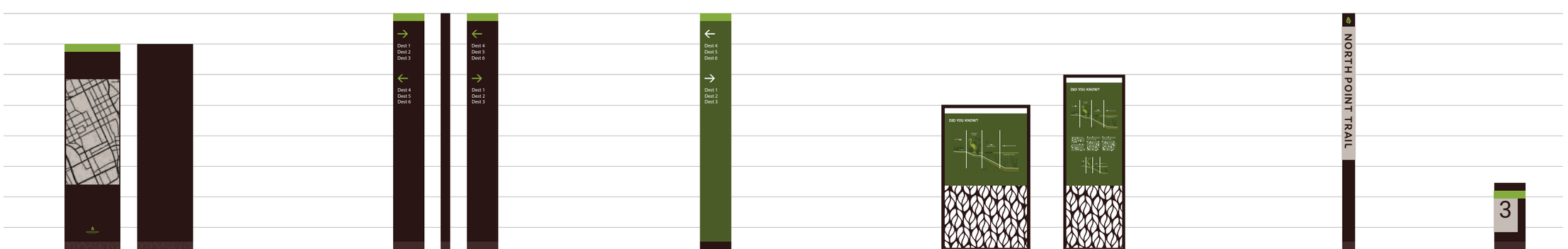
One of the leading themes that emerged during our development of identity for the district was that North Point is green! This is at once a recognition of existing assets, hidden or latent assets, current initiatives, and a vision for the future.

Environmental Graphics Can Enliven Spaces, Promote Identity, and Curate the Visitor Experience

SCALE: 1/4″ = 1′

Gateway A

Banners



Pedestrian Kiosk

Pedestrian Directional A

Pedestrian Directional B

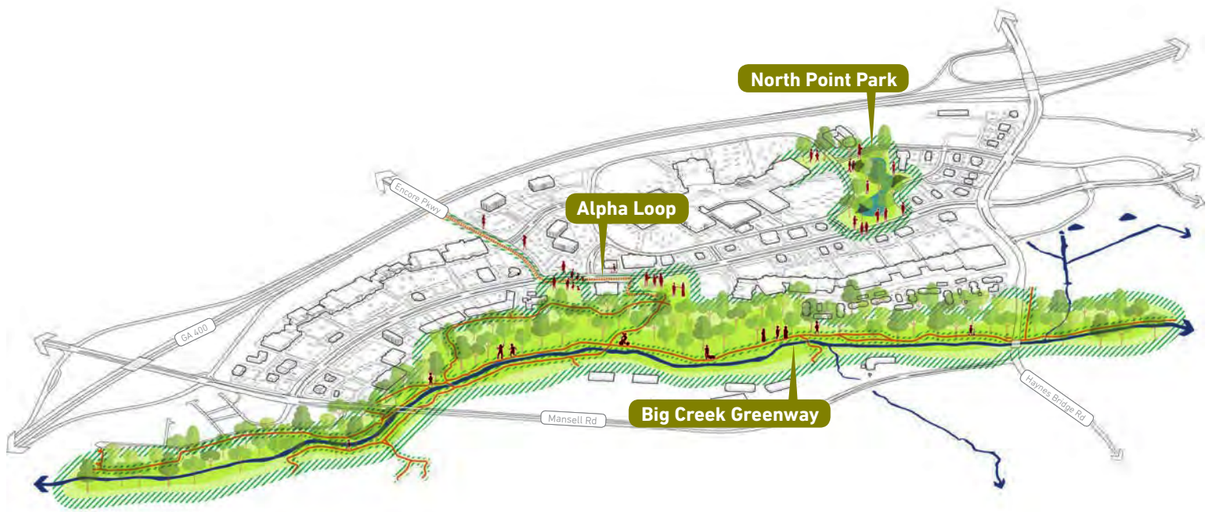
Interpretive Signs

Trailhead Marker

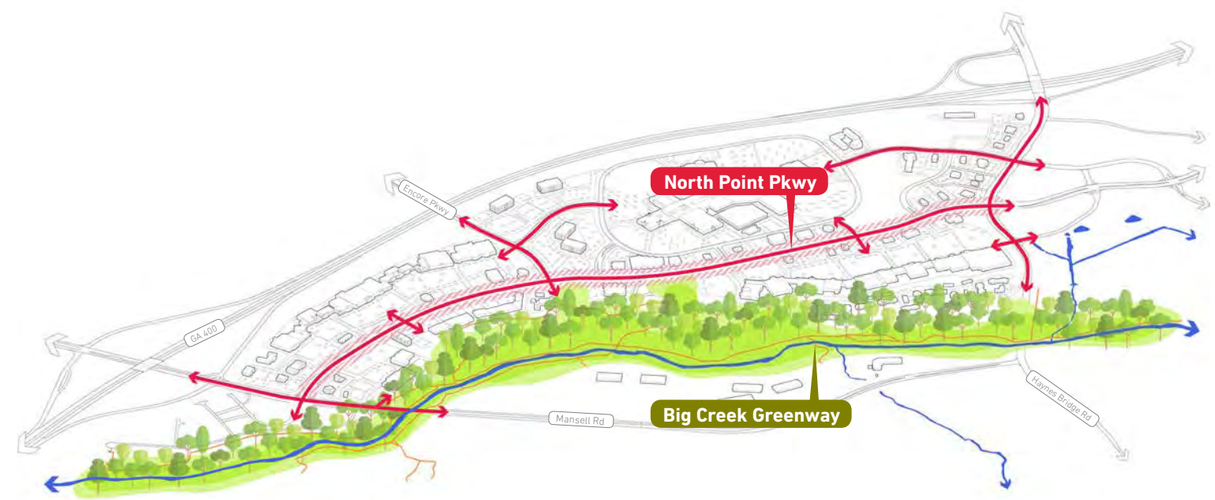
Mile Marker

Development Framework

Trails & Greenways / Parks & Open Space



Key Corridors / Human-Scale Urban Form



Drivers of Value

The recommended Development Framework creates a much finer-grained network of streets to encourage compact development and walkability. This network can be developed incrementally and built around existing major arterials and intersections. The success of this approach hinges on how streets and adjacent development address features that drive value.

The development framework of the North Point Area supports a walkable, vibrant, and human-centered district.

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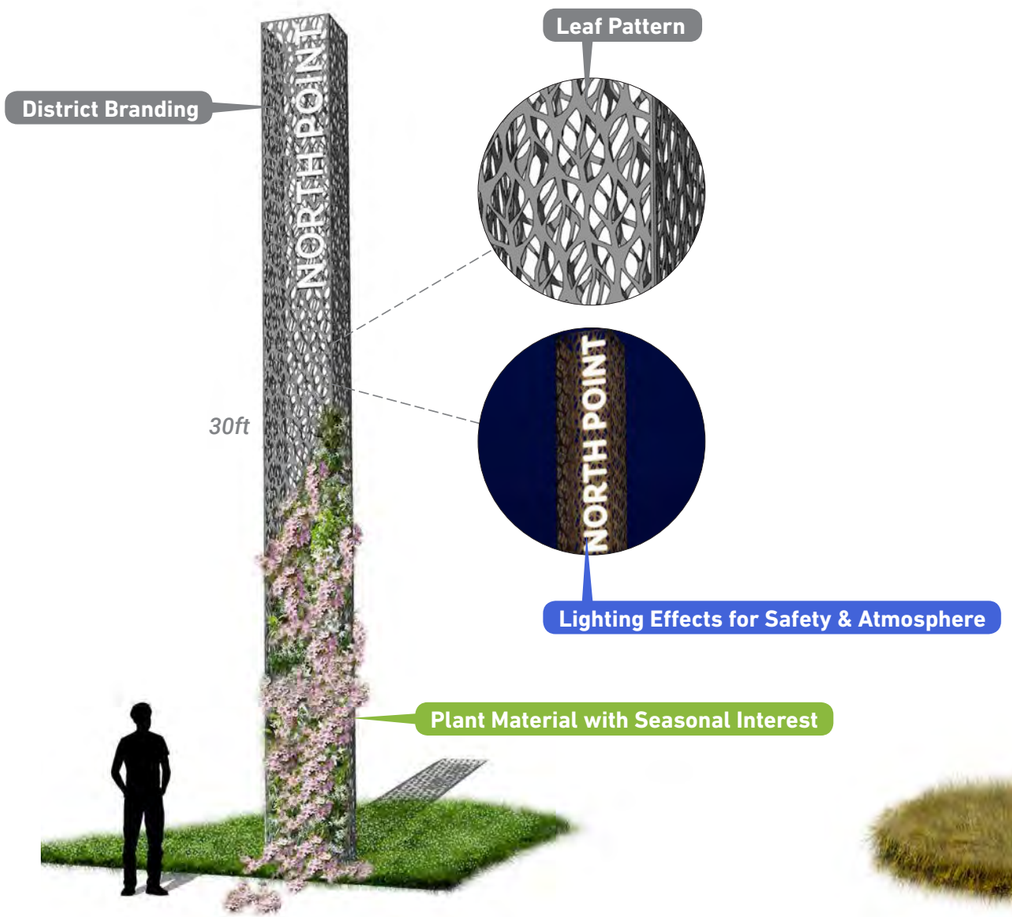
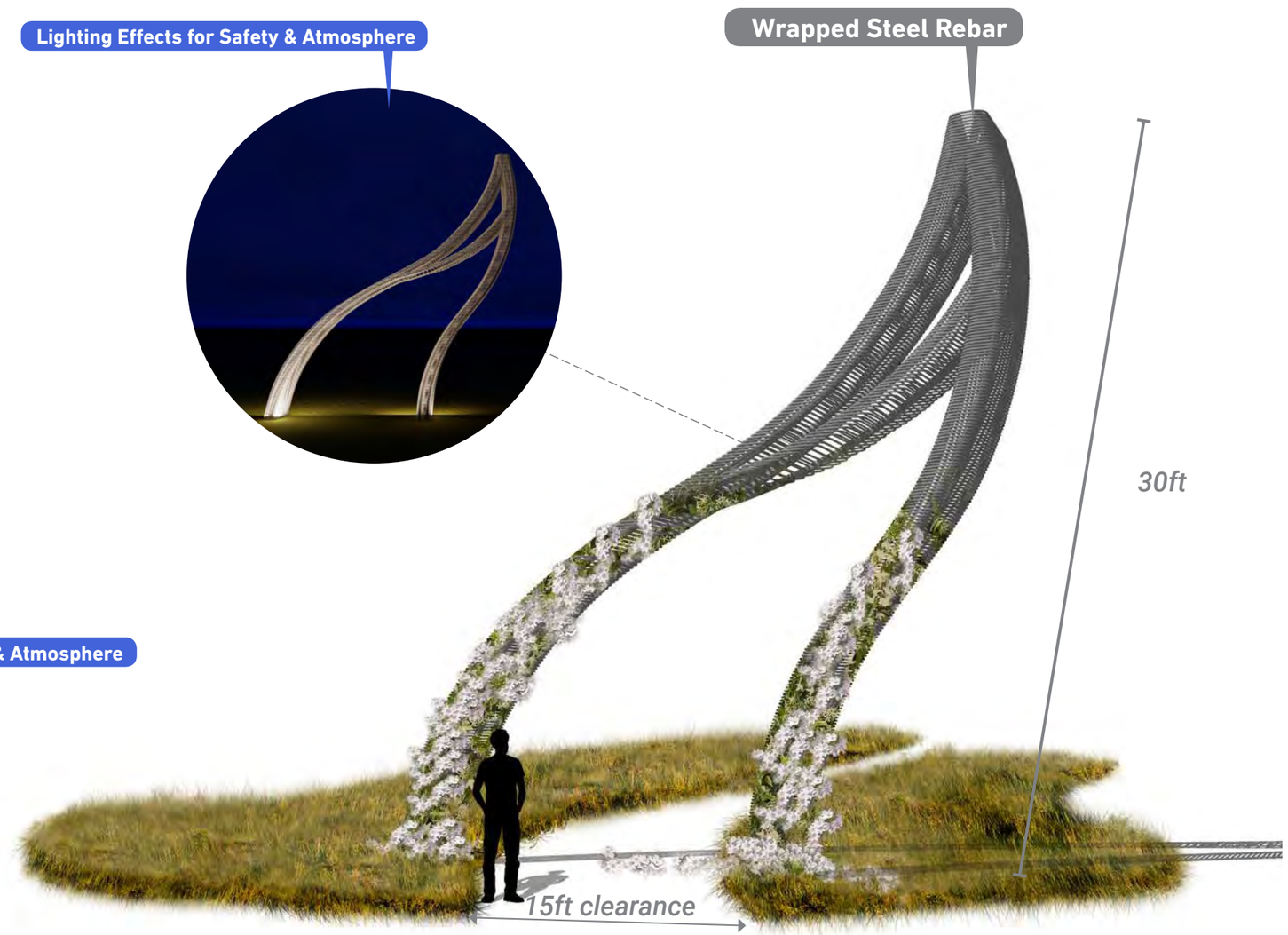
District Threshold Inspiration

The District Thresholds are inspired by the natural environment of the Big Creek Greenway and the larger Piedmont ecoregion.

District Threshold Concepts





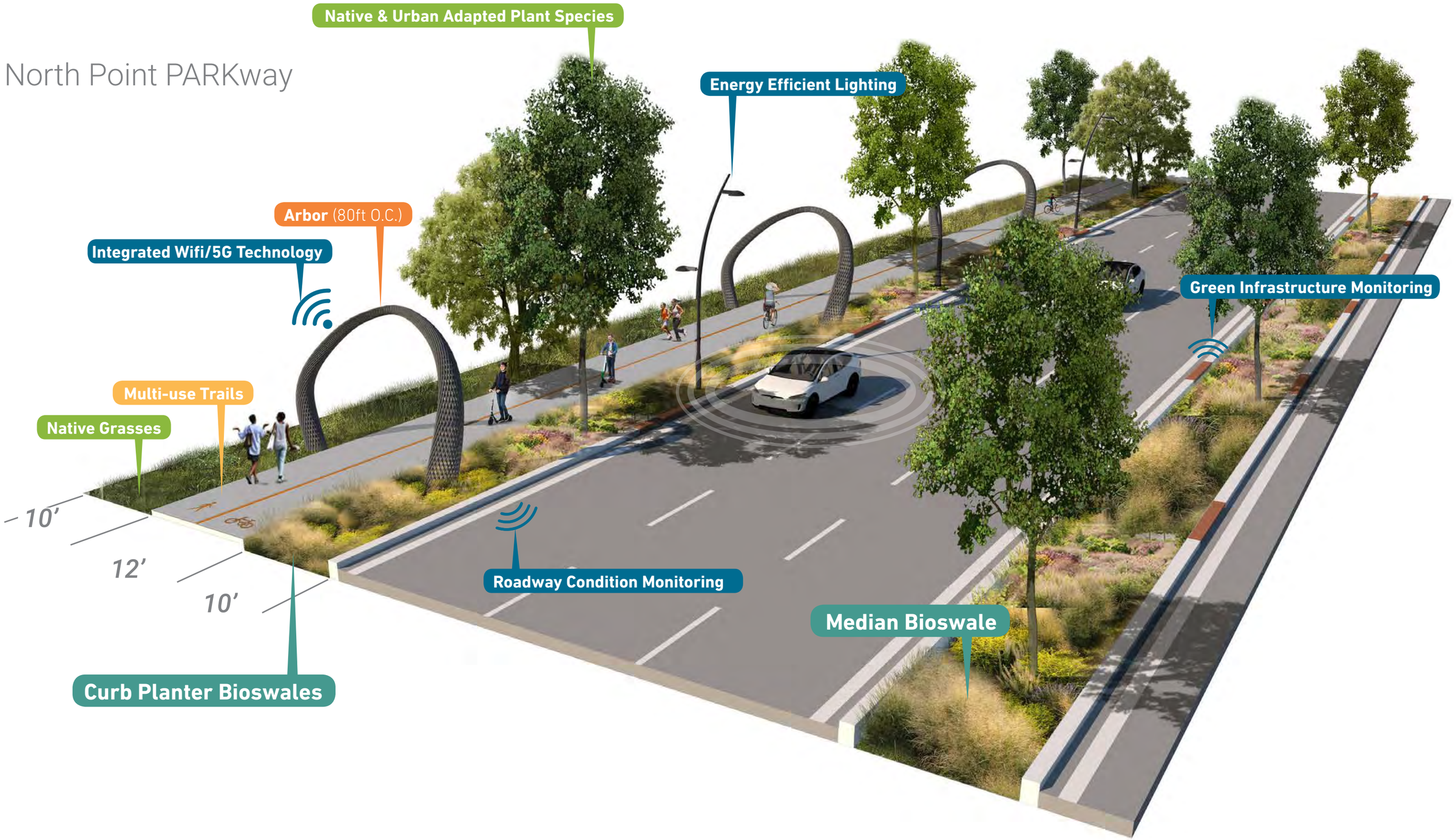
The Lattice

The Lattice features an inlaid leaf pattern, raised lettering and is designed to accommodate plant material

The Alpha

The Alpha features a dynamic shape reminiscent of the letter “A” and is designed to accommodate plant material.

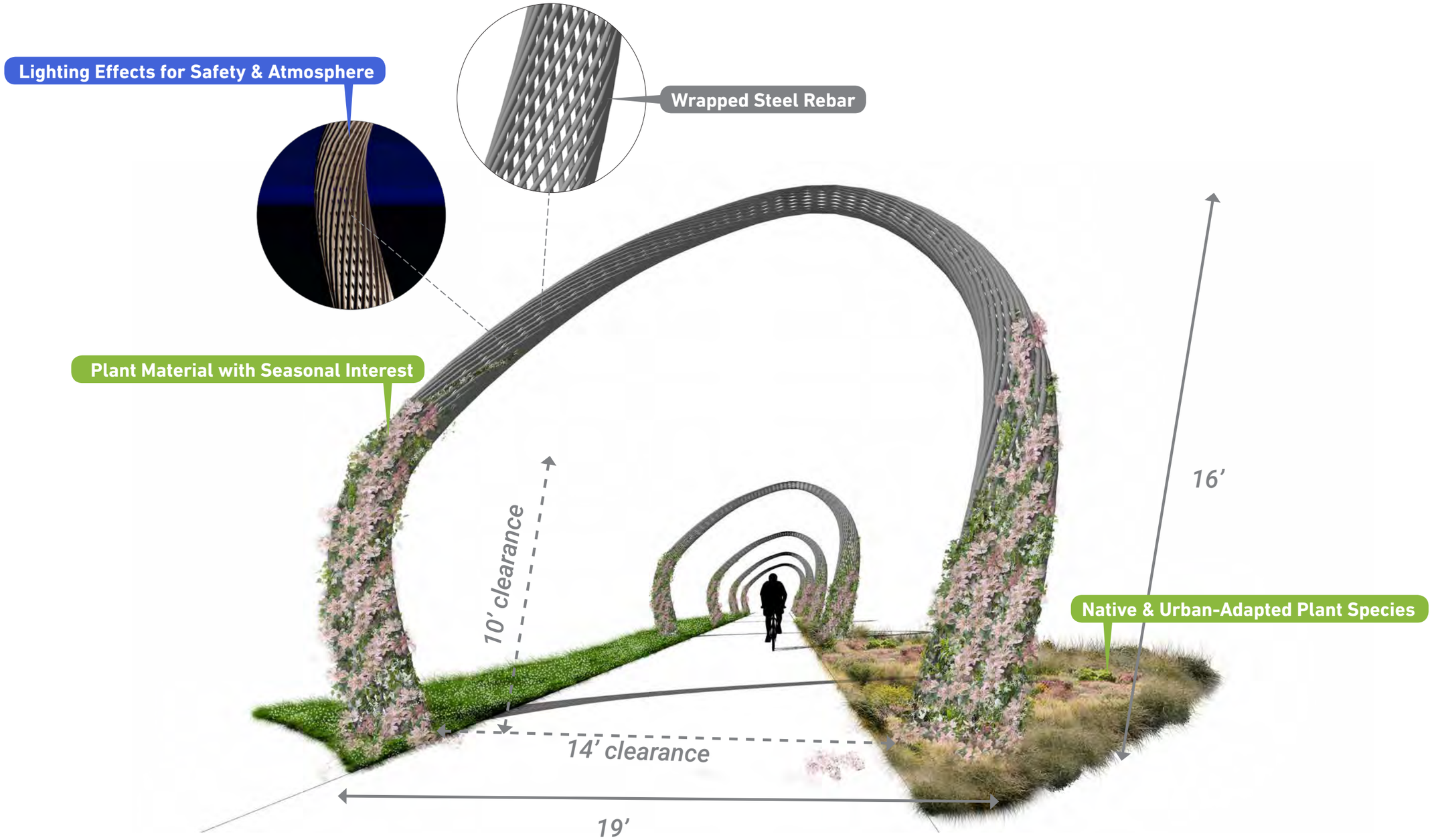
North Point PARKway



North Point PARKway Crossing

Arbor Structures

The Arbor Structures are inspired by the natural environment of the Big Creek Greenway and the larger Piedmont ecoregion. These features are a human-scaled interpretation of the larger District Thresholds.



Arbor Promenade

The Arbor Promenade winds its way down both sides of North Point Parkway, creating a whimsical environment that invites exploration. The structures are a marrying of beauty and function. They are designed to accommodate plant material and provide lighting effects for safety and atmosphere.

River of Trees

The River of Trees complements the PARKway as an organizing concept for capturing the major drivers of value in the North Point District. The green assets of North Point – the Big Creek Greenway being the most notable – are drivers of economic value and a critical component of public health, social equity, and quality of life. The approach to natural resources and public green space within the district sets the foundation for creating a walkable, mixed-use community. The primary Placemaking elements of the River of Trees are described below:

Big Creek Greenway – The Big Creek Greenway is recognized by Alpharetta residents as one of the most beloved and well-used trails and amenities in the community. Despite this recognition, the Greenway remains relatively unleveraged in its capacity as a driver of economic development, and to some extent, unleveraged in its capacity as a linear park amenity. The River of Trees concept envisions the Big Creek Greenway as not just a trail system, but as a signature linear park with a strong connection to adjacent community development. This connection should take the form of public frontage and public access along the interface between floodplain and development parcels. Providing a public street along this green edge would provide access, visibility, a public address, and significant amenity value for adjacent private development, as well as creating the public views and public access to the Greenway which benefits the entire community. Additional recommendations for the Greenway include the creation of Moments – places to stop, rest, relax, learn, or socialize along the corridor. The creation of these amenities along the trail, along with some sensitive expansion of the trail system to create secondary loops, increases the usability of the Greenway and better serves shorter-length pedestrian trips. The Moments would be anchored by creative architectural elements constructed from organic materials (i.e. salvaged logs or boulders) that provide visual interest and interpretive learning opportunities.

Big Creek Tributaries – One of the key features of the Big Creek stream corridor that has been largely lost over time is the network of tributaries that feed into the creek. Urban tributaries and floodplains are not suitable for development as homes or businesses, but are perfectly suited as public green spaces, public parks, and critical green infrastructure. Alpharetta has a vested interest in the water quality within the Big Creek watershed, and improvements that protect and enhance the watershed should be considered priorities. Historic photos and the examination of extant stormwater infrastructure and topographical conditions suggest the locations of these former tributaries and offers exciting possibilities for the design of public space and development within the district. The exposure or re-creation of these tributaries allows the potential for significant water quality improvements as well as major improvements to habitat and habitat connectivity within the region. The Placemaking concept for North Point recommends a comprehensive and bold approach to envisioning future development within the district that is anchored around these tributaries, or Rivers of Trees. By identifying the appropriate location for these tributaries within the district, they can serve as:

Green Infrastructure: regional stormwater management facilities that address water quality, and potentially water quantity, BMPs as well as improving the health of the stream and floodplain ecosystem.

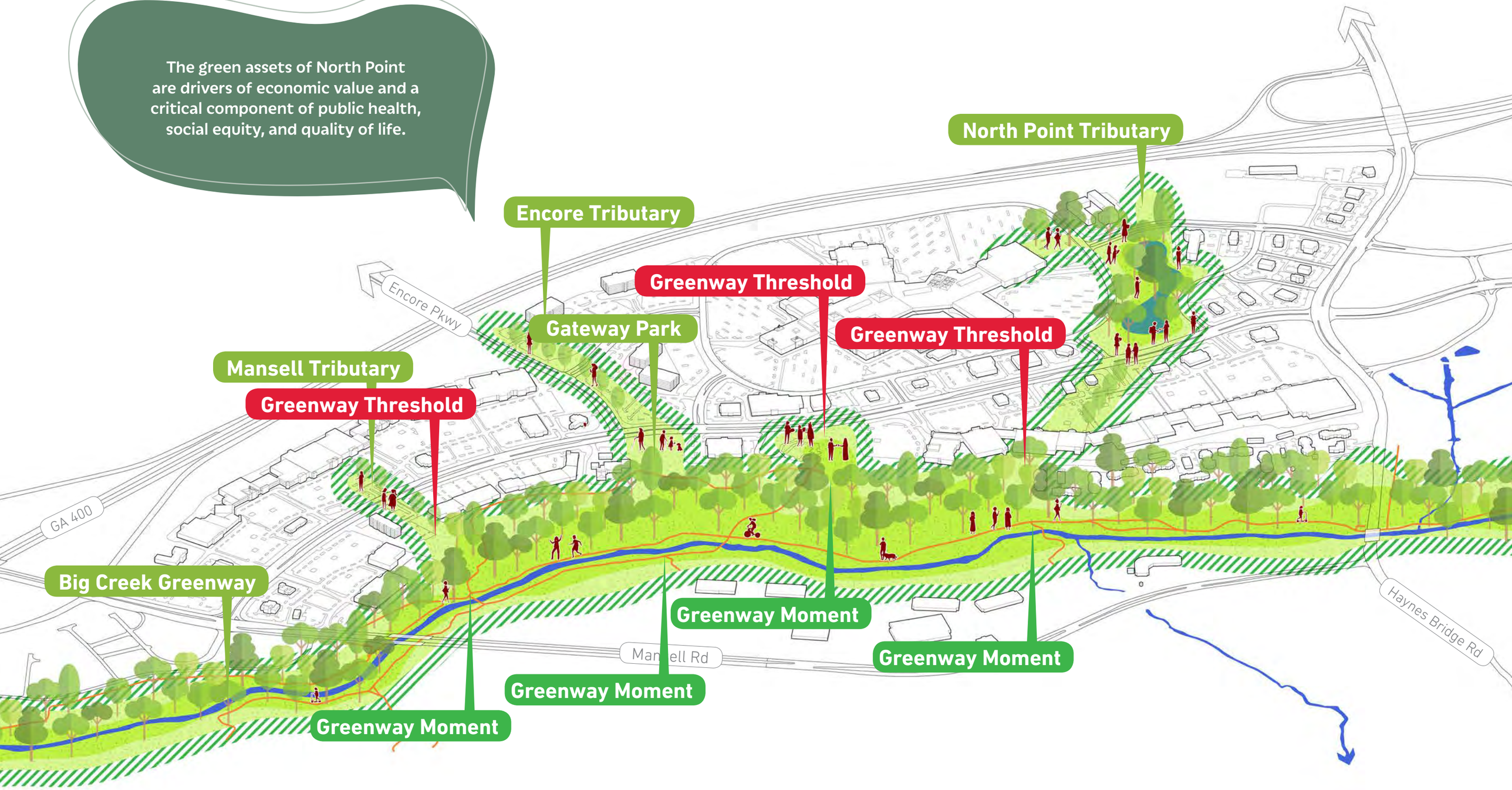
Social Infrastructure: public parks and greens that provide community benefit and also serve as amenities which create value for adjacent real estate and development

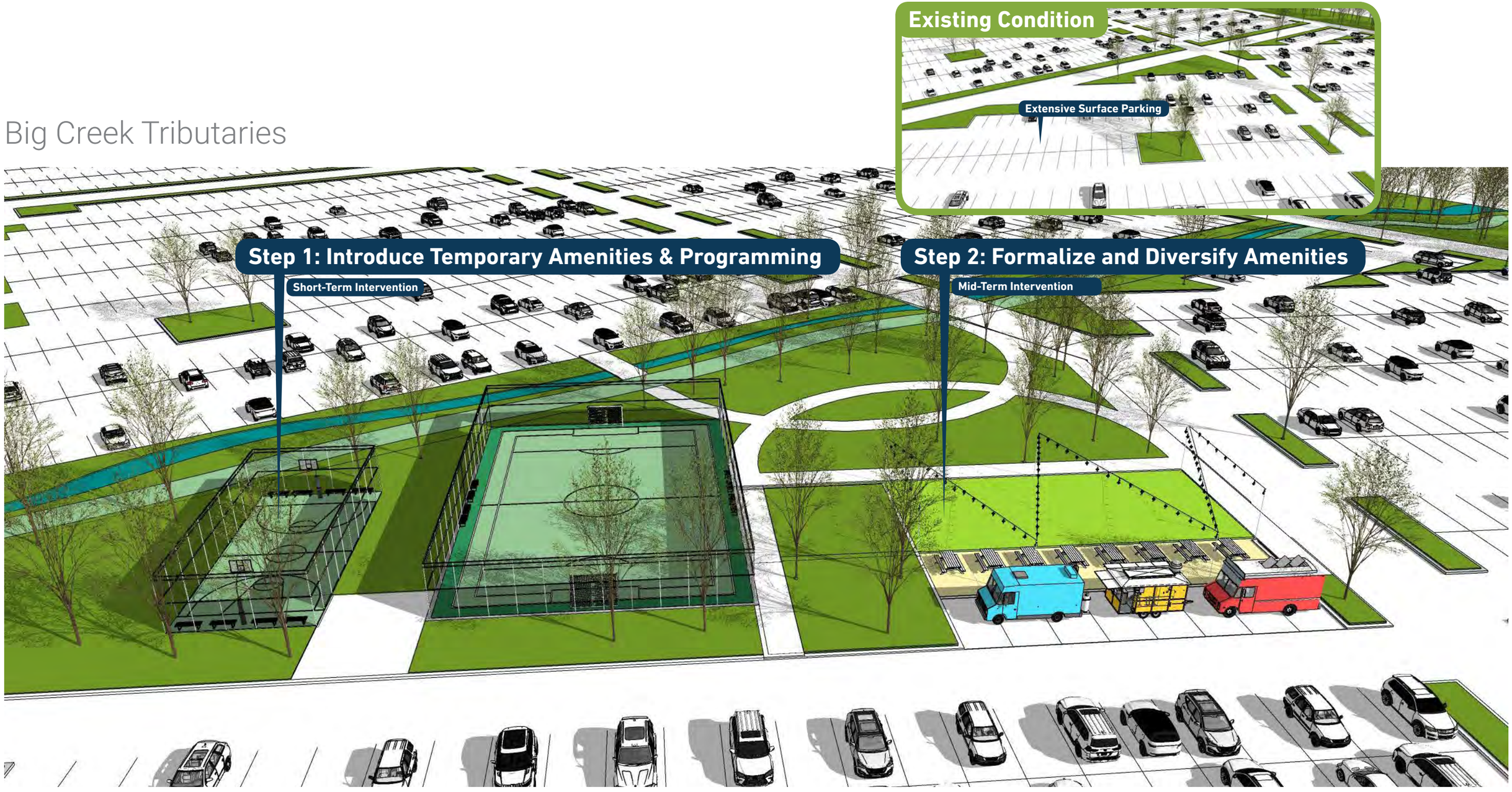
Transportation Infrastructure: trail systems and greenways that serve local bicycle and pedestrian trips, increasing internal trip capture between local origins and destinations (reducing local vehicular trips), and providing highly visible and legible locations for bike and pedestrian crossings over the North Point Parkway.

The development of these multi-functional tributaries could take place incrementally as future redevelopment matures. Beginning with the careful location of these tributaries in locations that could functionally serve as stormwater features (similar to the plan for the North Point Mall Stormwater Park), the green spaces could take shape as a series of interventions that range from temporary public space (food trucks, small sport fields) to permanent green infrastructure and public park that serves surrounding community development. These spaces would also flow across North Point Parkway in a series of crosswalks at key intersections.

Greenway Thresholds & Gateway Park – The connection between North Point development and the valuable green assets described above takes place at Greenway Thresholds – locations where the Big Creek tributaries (or River of Trees) intersect with the Big Creek Greenway. These locations should be highly visible from North Point Parkway and serve as icons for navigation and wayfinding within the district. The Placemaking concepts for these elements build on the brand and identity of the district by creating dynamic, organic forms which also serve as gateways for Big Creek Greenway users entering the North Point District. Though often an overlooked market, the community of trail users can provide significant contribution to the success of commercial development within the District. As a comparison, the Swamp Rabbit Trail in Greenville, SC supports over 500,000 users per year and has served as a strong economic development catalyst for trailside businesses along its length. The most important Greenway Threshold, and one of the chief opportunities of the Placemaking strategy for North Point is Gateway Park. Gateway Park sits roughly at the intersection of North Point Parkway and Encore Parkway and represents the geography where Alpharetta's two signature trail systems will meet. The proposed Alpha Loop extension and the existing Big Creek Greenway trail will intersect at this location and the City has been working successfully working with property owners to acquire the public access needed for this highly significant trailhead. Gateway Park has the potential to become one of Alpharetta's signature public parks and one of the most heavily used public amenities in the region.

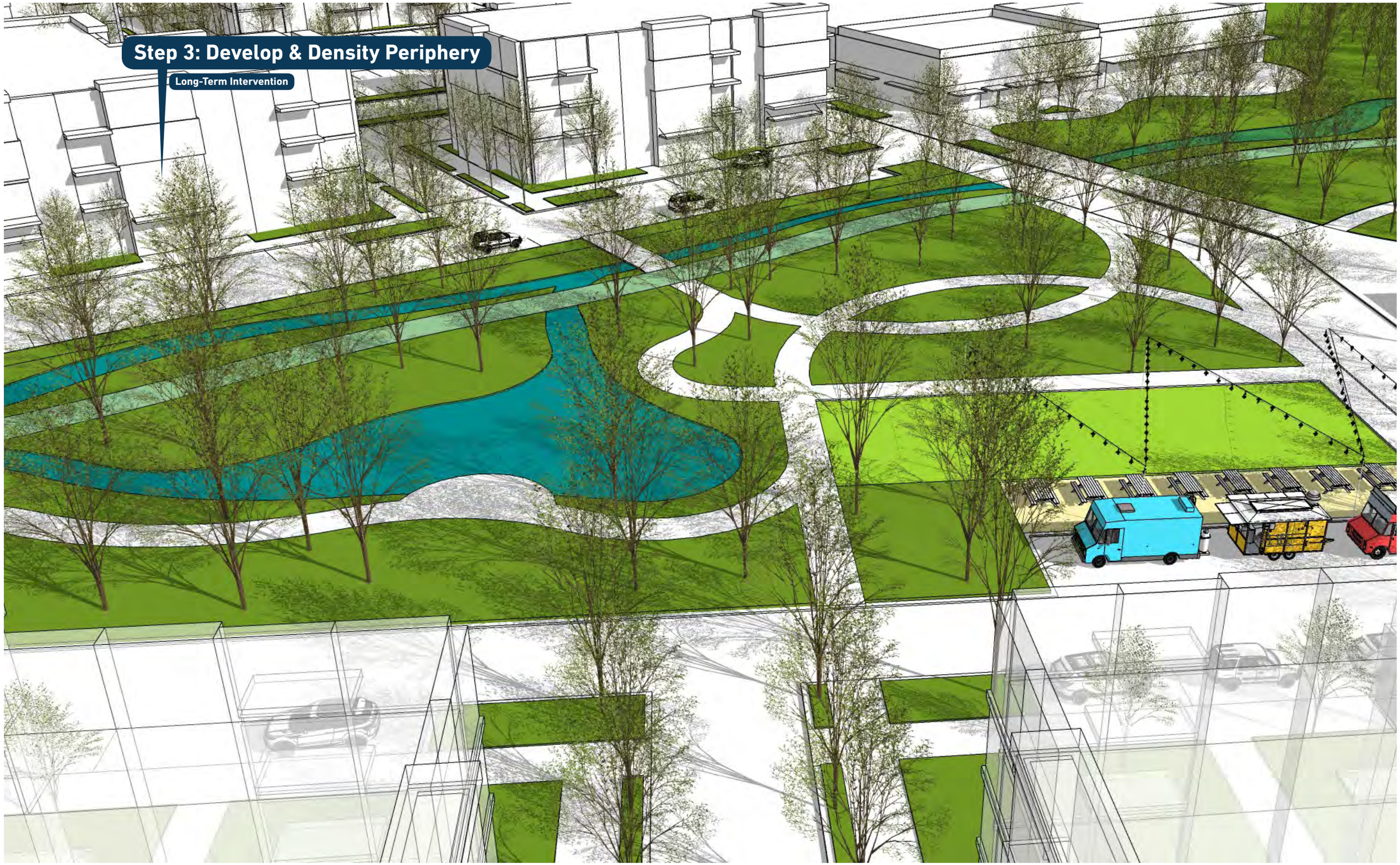
The green assets of North Point are drivers of economic value and a critical component of public health, social equity, and quality of life.

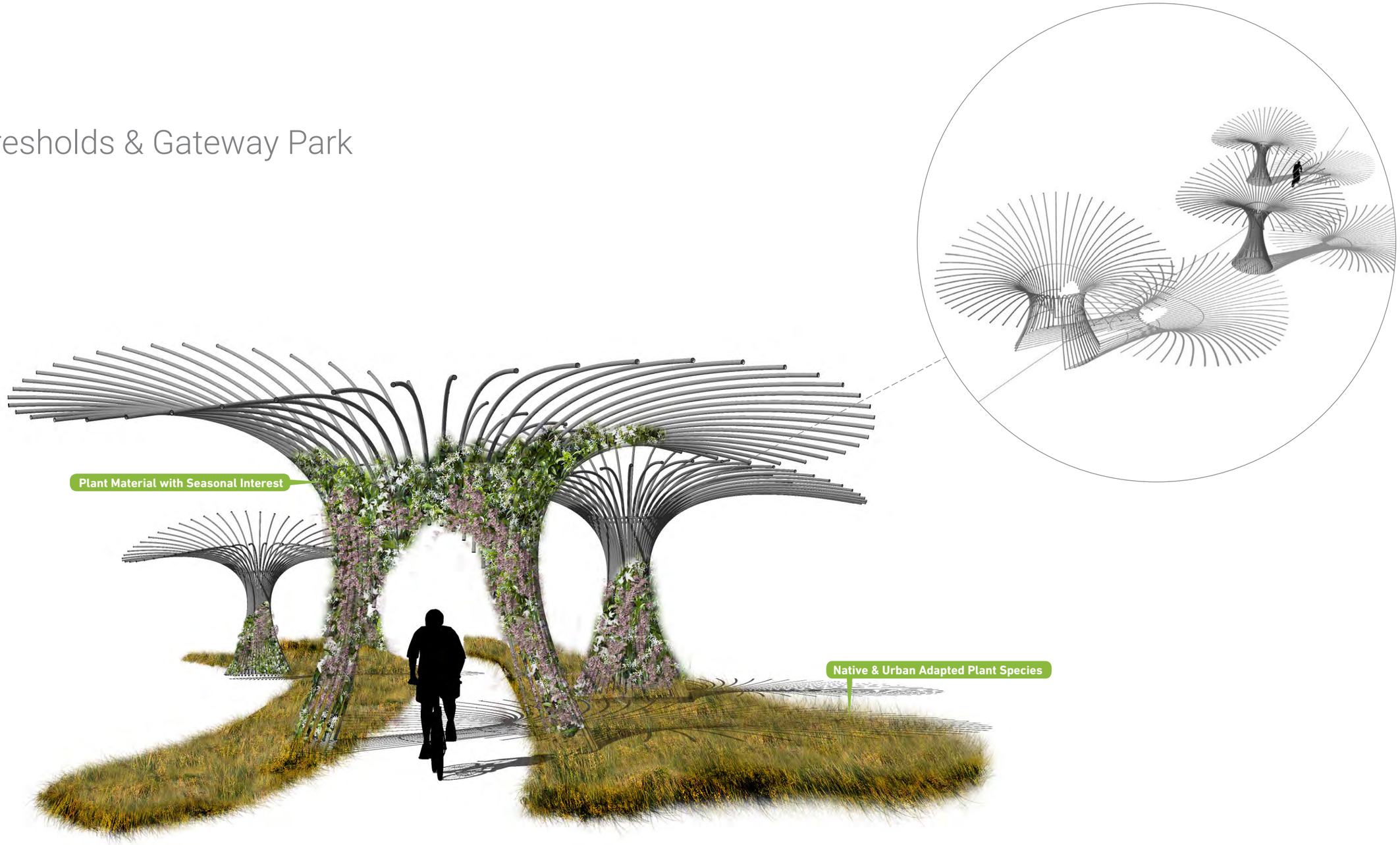




Incremental Development

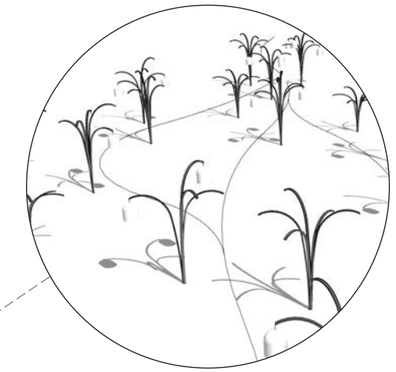
Beginning with the careful location of these tributaries in locations that could functionally serve as stormwater features, the greenspace could take shape as a series of interventions that range from temporary public space to permanent green infrastructure and public park that serves surrounding community development.


Step 3: Develop & Density Periphery
Long-Term Intervention



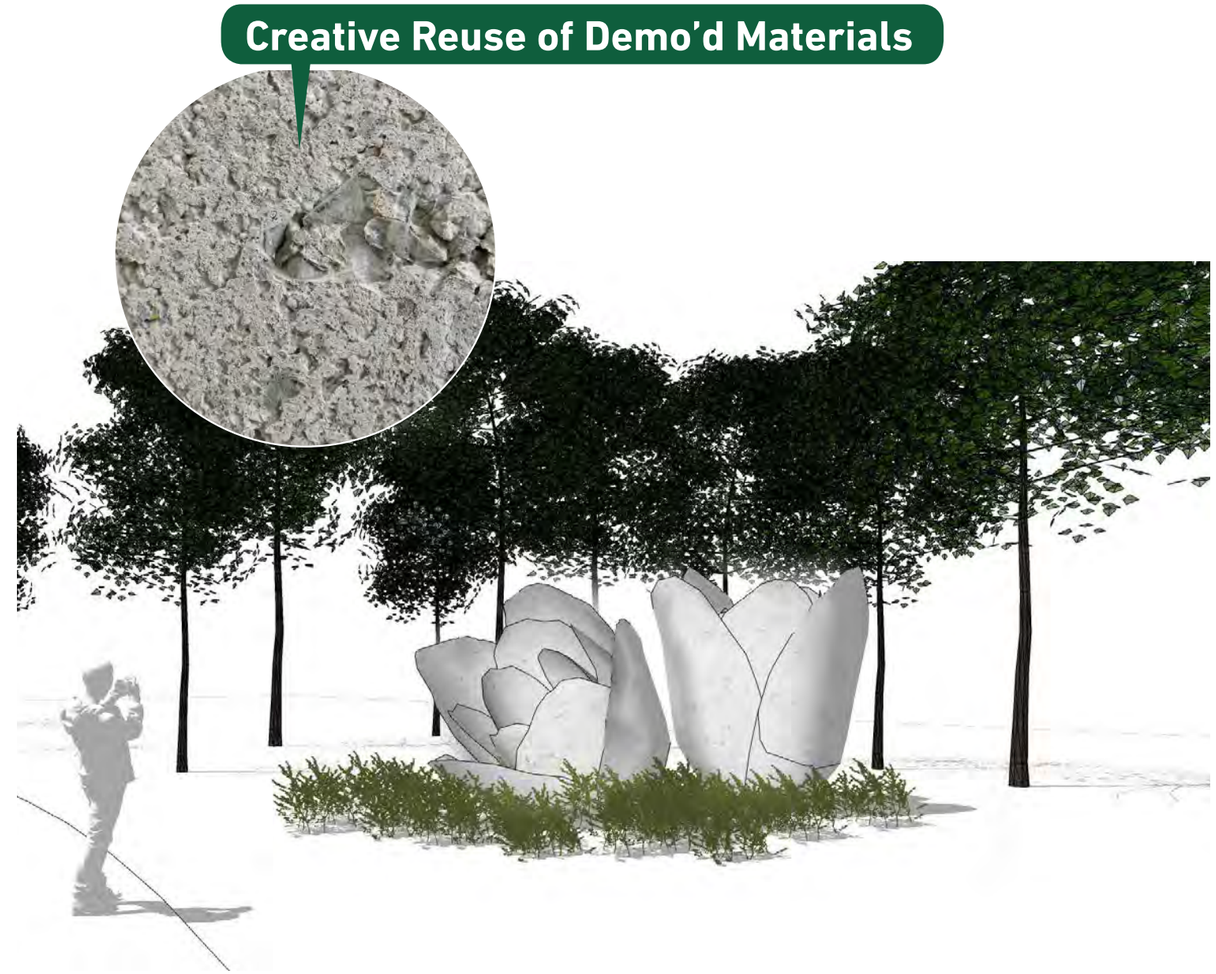
Threshold Concept - Big Creek Arbors

The Big Creek Arbors are conceived as vertical gardens and serve as a monumental greenway entry experience



Threshold Concept - Big Creek Strands

The Big Creek Strands are conceived as an abstract field of meadow grasses and provide an immersive greenway entry experience.



Places to Stop, Rest, Relax, Learn, and Socialize

The Moments would be anchored by creative architectural elements constructed from organic materials (i.e. salvaged logs or boulders) that provide visual interest and interpretive learning opportunities.

Creative Reuse of Natural Materials

IMPLEMENTATION

SECTION 05

100-Day Action Plan

A Roadmap for Quick Project Implementation

1. **Incorporate placemaking plan into city's comprehensive plan.**
2. **Incorporate placemaking and green space recommendations into North Point overlay district.**
3. **Incorporate recommended green space into city's parks and recreation master plan.**
4. **Identify vendor and funding sources for gateway signage and monuments.**
5. **Adopt the North Point brand system.**
6. **Utilize brand mark/icon for tactical urbanism projects (crosswalks, pathways, etc.).**
7. **Seek funding for feasibility study of recommended infrastructure improvements along North Point Parkway.**
8. **Formalize quarterly North Point property owners meeting.**
9. **Work with Bike Alpharetta to develop bike-friendly event in the North Point area.**
10. **Work with MARTA, North Fulton CID, and private property owners to obtain and install new transit infrastructure.**
11. **Draft scope of work and identify funding for area thoroughfare plan.**
12. **Draft scope of work and identify funding for area stormwater master plan.**
13. **Identify key parcels for city acquisition.**
14. **Determine placemaking projects for public/private partnerships and public capital funding.**

5-Year Plan Implementation Matrix

Actions and Timeframes for Successful Implementation

ACTION	PRIMARY PARTNERS	TIMEFRAME	0-1	2-3	3-5
STRATEGY 1: ACTIVATE THE DISTRICT (VIBRANCY)					
Host small-scale events (ex. food truck rodeo).	City, Property Owners	Immediate			
Launch tactical urbanism design and public art efforts.	City	Immediate			
Host large-scale events (annual festival, etc.).	City, Property Owners	Short			
Host bike-friendly event in district.	City, Bike Alpharetta	Short			
STRATEGY 2: ARTICULATE THE VISION (MARKETING)					
Adopt North Point brand system.	City, Property Owners	Immediate			
Utilize brand mark/icon for tactical urbanism projects (crosswalks, pathways, etc.).	City, Property Owners	Immediate			
Market the plan to stakeholders and investors.	City, Property Owners	Immediate			
Create a branded North Point investment guide.	City, Property Owners	Short			

5-Year Plan Implementation Matrix

Actions and Timeframes for Successful Implementation

ACTION	PRIMARY PARTNERS	TIMEFRAME	0-1	2-3	3-5
STRATEGY 3: SET THE STAGE (PHYSICAL IMPROVEMENTS)					
Install street banners.	City	Immediate			
Preliminary design for Alpha Loop connection.	City	Immediate			
Preliminary design for PARKway streetscape.	City	Immediate			
Construct Alpha Loop connection.	City	Long			
Install new transit infrastructure.	City, MARTA	Short			
Develop and install signage and sculpture package.	City	Short			
Develop North Point area thoroughfare plan.	City	Short			
Develop North Point area stormwater master plan.	City	Short			
Construct PARKway streetscape.	City	Medium			
Construct Gateway Park.	City	Medium			

5-Year Plan Implementation Matrix

Actions and Timeframes for Successful Implementation

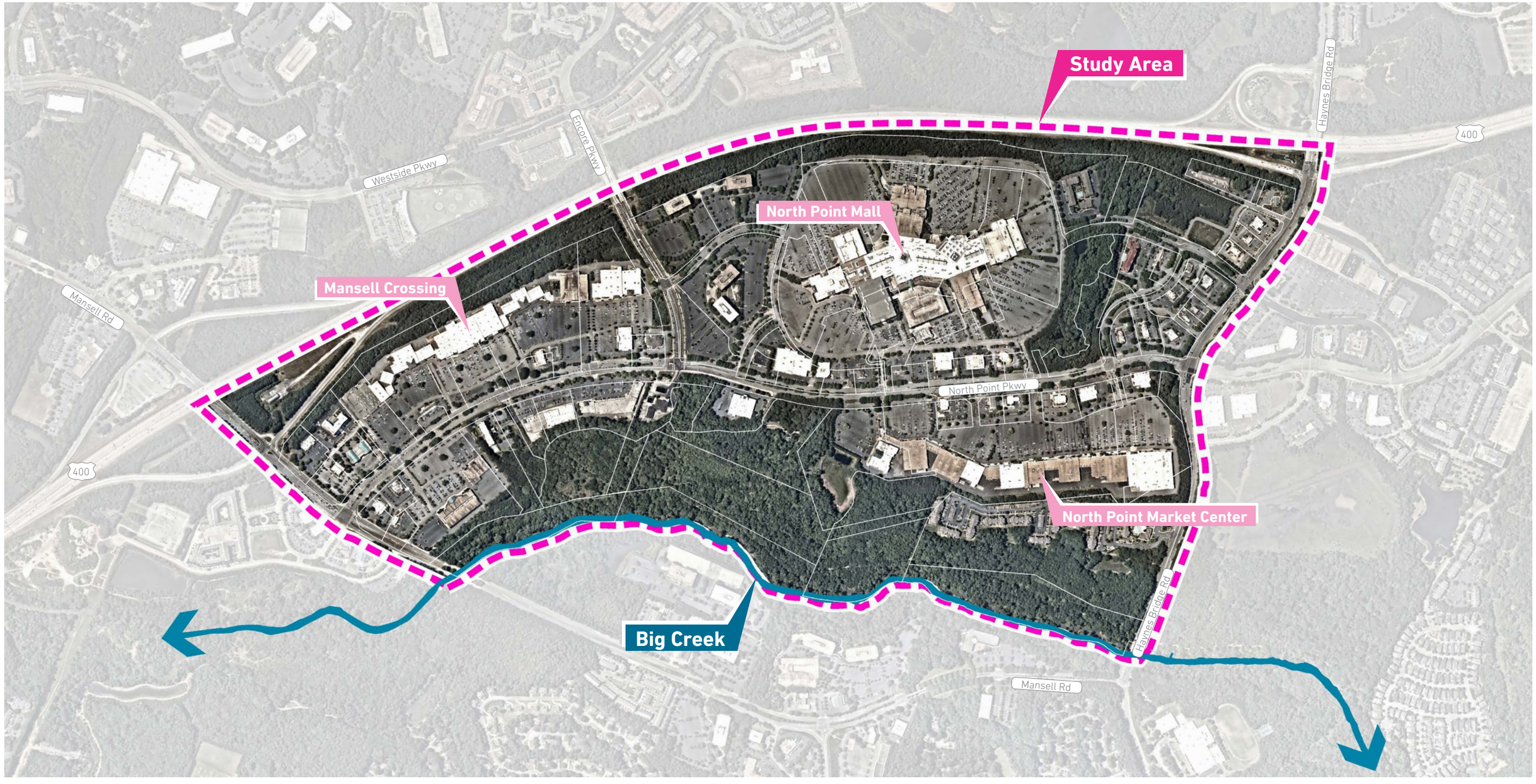
ACTION	PRIMARY PARTNERS	TIMEFRAME	0-1	2-3	3-5
STRATEGY 4: ORGANIZE FOR SUCCESS (PARTNERSHIPS)					
Adopt Creative Placemaking Plan into City Comprehensive Plan.	City	Immediate			
Incorporate recommended green space into city's parks and recreation master plan.	City	Immediate			
Incorporate placemaking and green space recommendations in North Point overlay district.	City	Immediate			
Identify vendor and funding sources for gateway signage and monuments.	City	Immediate			
Identify key parcels for city acquisition.	City	Immediate			

APPENDIX

SECTION 06

Aerial Image

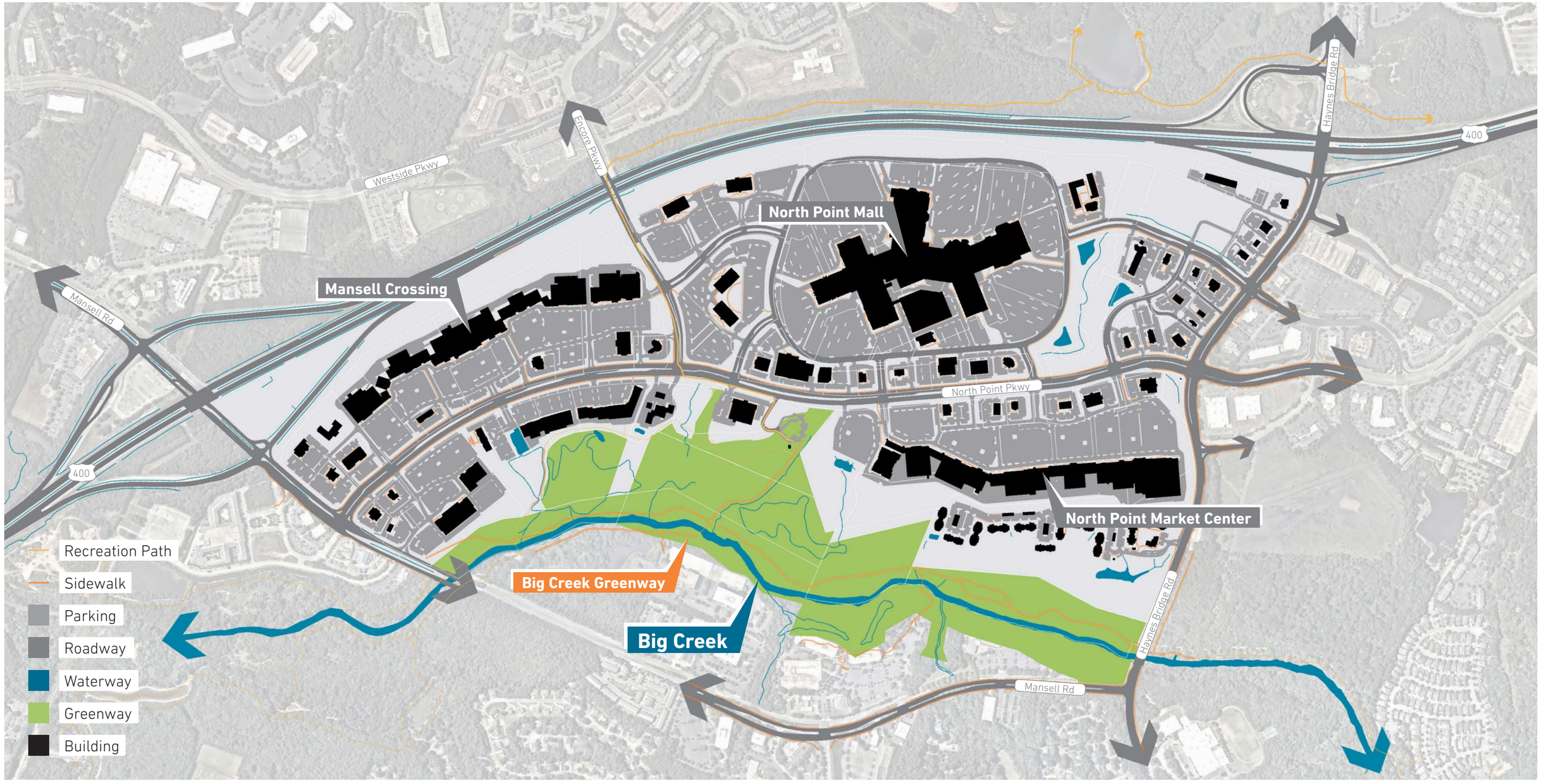
Existing Conditions



0' 1600' N

Base Map

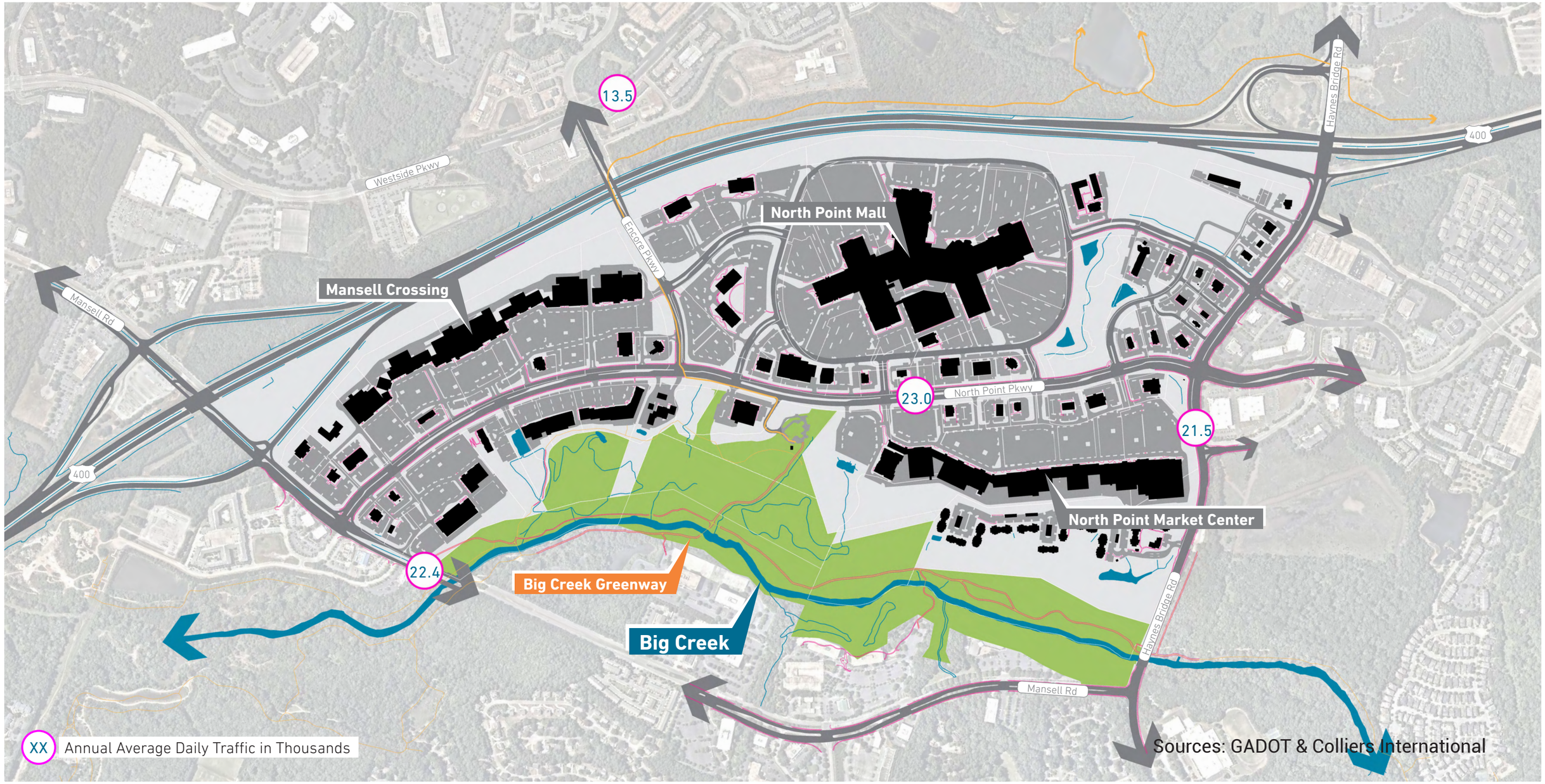
Existing Conditions



0' 1600'

Traffic Count

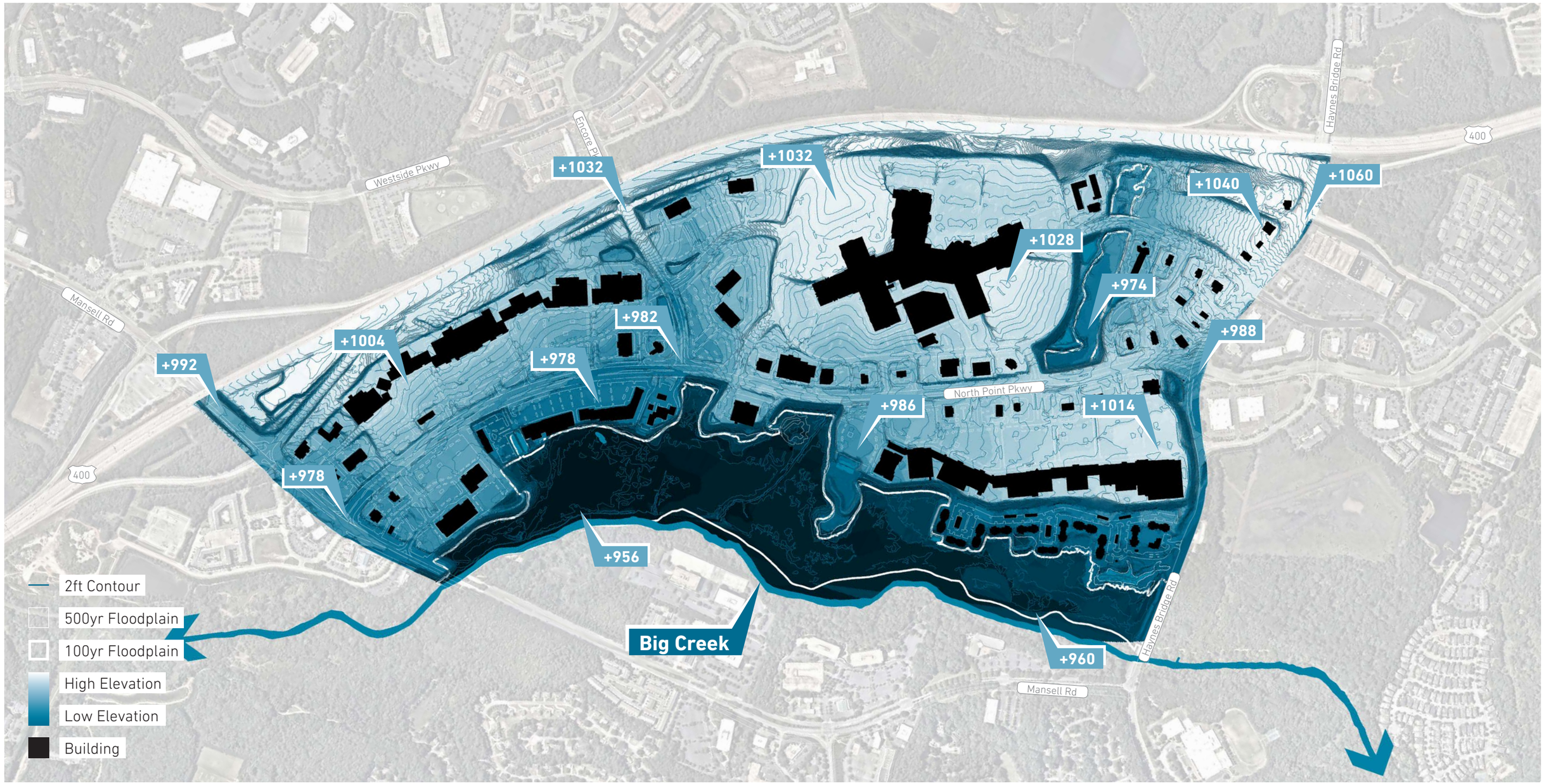
Existing Conditions



0' 1600'

Topography

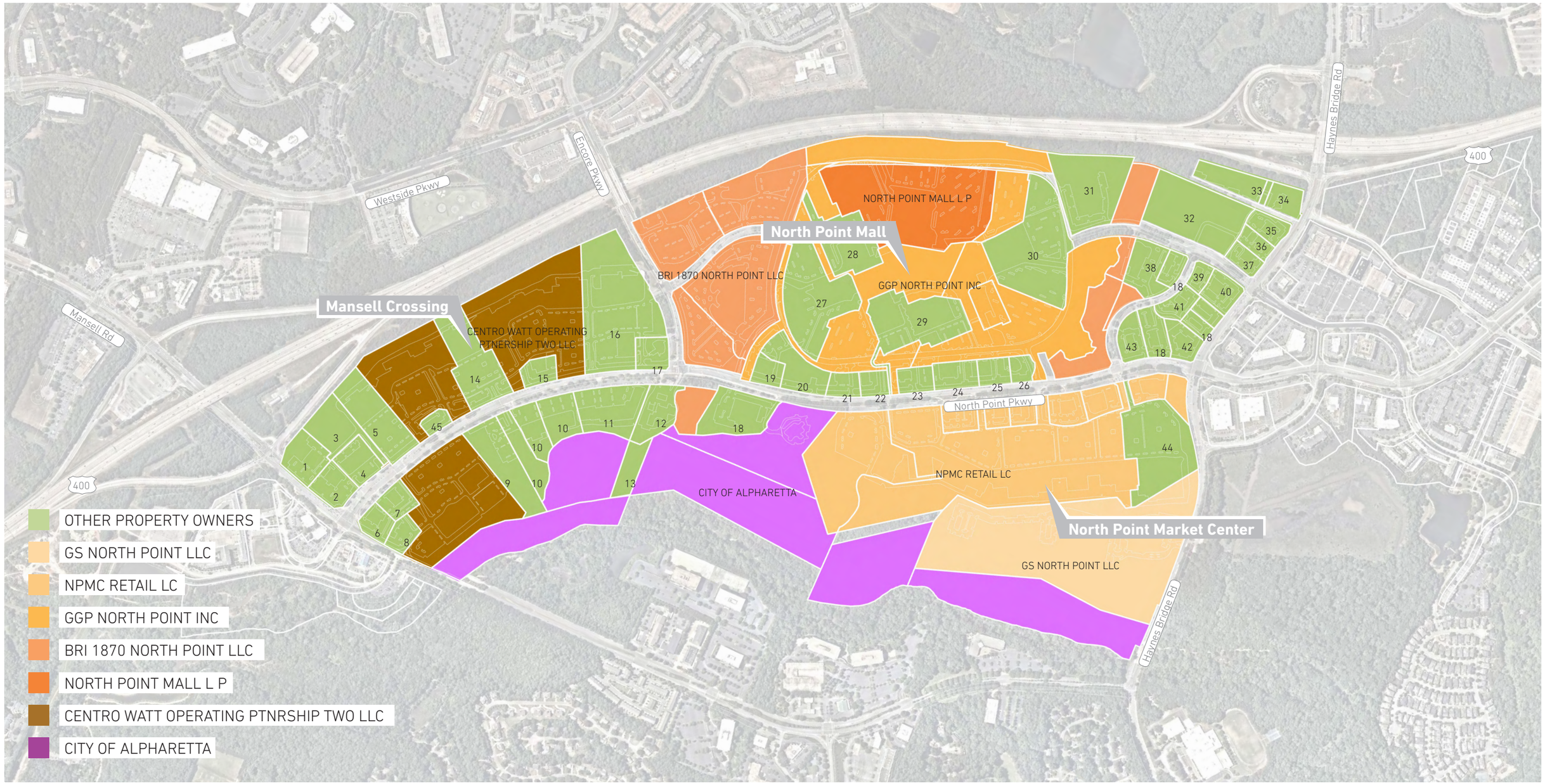
Existing Conditions



Ownership

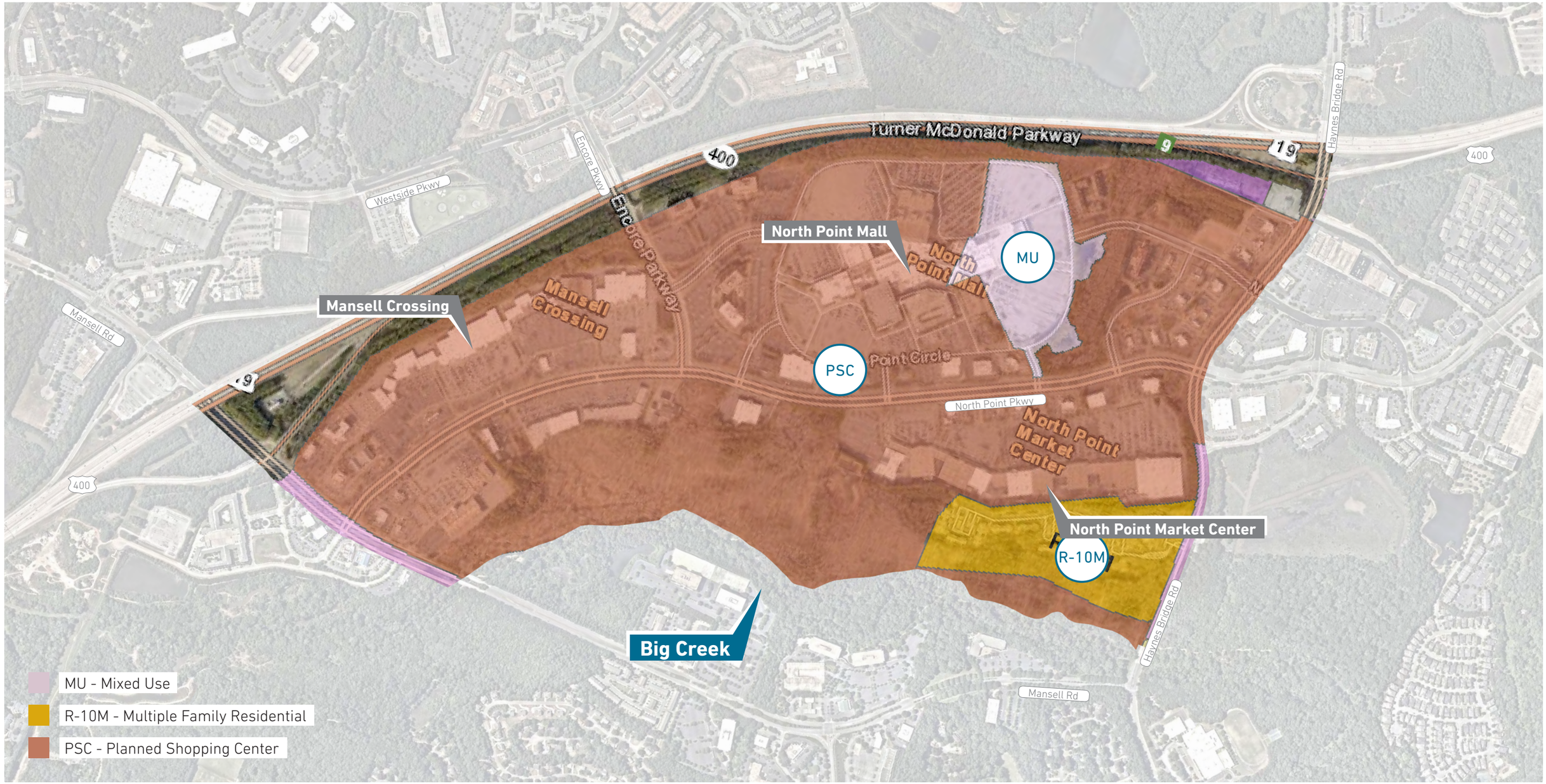
Existing Conditions

1. CAPTEC NET LEASE REALTY INC
2. MANSELL NORTH POINT LLC
3. GREATER ATLANTA HOTEL LLC
4. SHOPS AT MANSELL LLC
5. TRU TWO THOUSAND FIVE RE I LLC
6. FAMILY INVESTMENT GROUP LLC
7. DB TRIPLE DIPPER RESTAURANT LLC
8. ARC CAFEUSA001 LLC
9. AHP H6 ALPHARETTA LLC
10. WIGGINS W B JR
11. CORO NORTH POINT LLC
12. BLUE VENTURES LLC
13. THOMAS L M JR
14. SMGA LLC
15. CWOP TWO MANSELL VERIZON LLC
16. MANSELL CROSSING RETAIL LP
17. WACHOVIA BANK OF GEORGIA
18. VILLAGE CREATIVE LABS PARTNERS L P
19. ALPHA Z-BOY PARTNERS LLC
20. HOLLYWOOD CAMARILLO PARTNERS LP
21. HUBERT PROP LLLP
22. RIPON MAIN ASSOCIATES L P
23. SUN TRUST BANK ATL
24. PALM J LLC
25. SWANN INVESTMENTS L P
26. COLE CP ALPHARETTA GA LLC
27. VON MAUR INC
28. GGP NORTH POINT LAND LLC
29. DILLARD DEPARTMENT STORES INC
30. SEARS
31. HPTMI II PROPERTIES TRUST
32. COUSINS WESTSIDE LLC
33. BRE/ESA P PORTFOLIO LLC
34. HAYNES ROCK LLC
35. GREENE HOGG NP II LLC
36. BFC PROPERTIES INC ET AL
37. GREENE HOGG NP I LLC
38. BRE LQ PROPERTIES LLC
39. D & D INVESTMENT ASSOCIATES LLLP
40. KOLODKIN ALAN B & ELAINE S
41. ANSLEY INVESTMENT PARTNERS L P
42. ORLANDO BK ONE ASSOCIATES LP
43. BP NORTHPOINT LLC
44. DAYTON HUDSON CORP
45. THE ORIGINAL HONEY BAKED HAM CO OF GA INC



Zoning

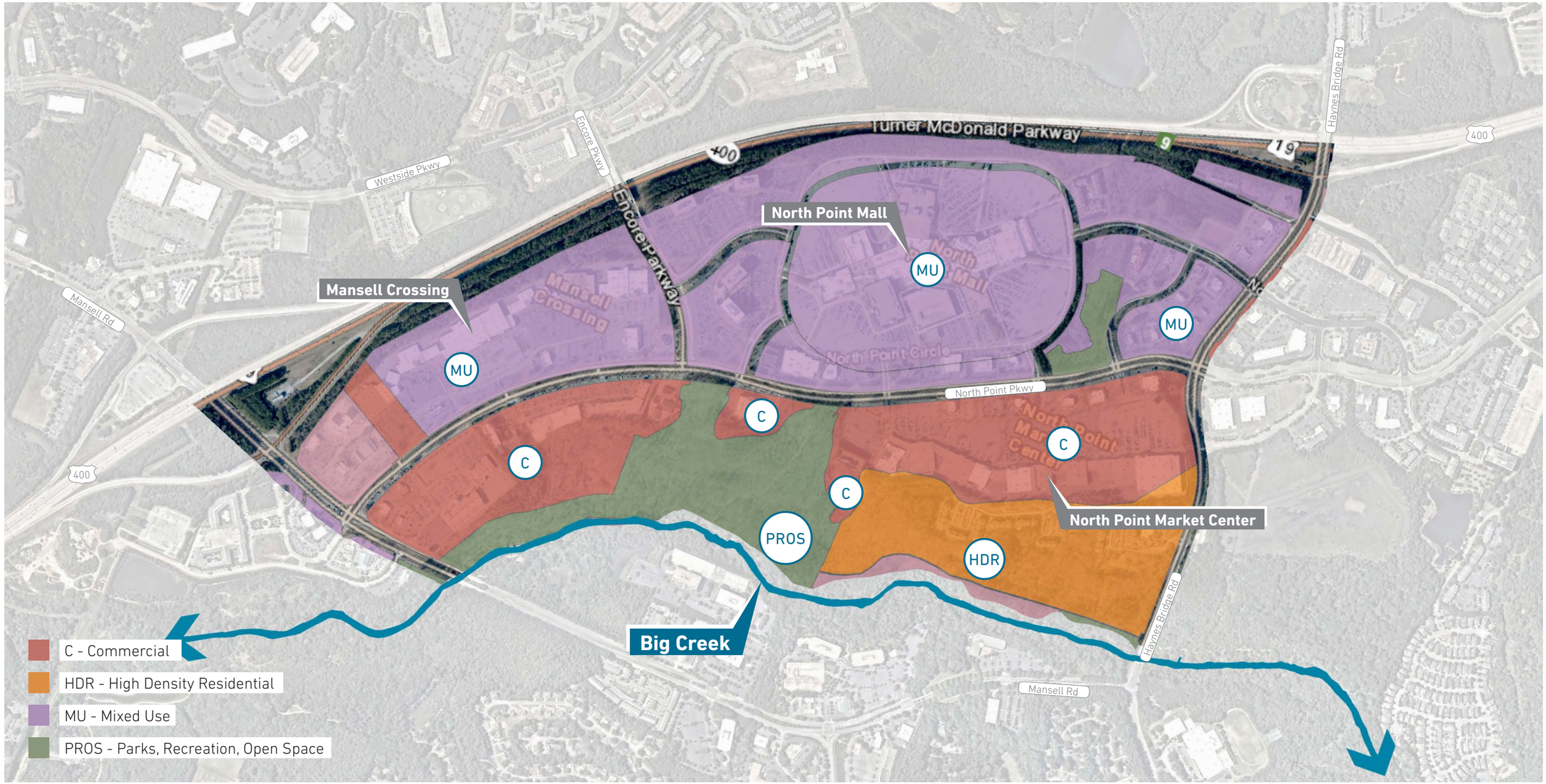
Existing Conditions



0' 1600' N

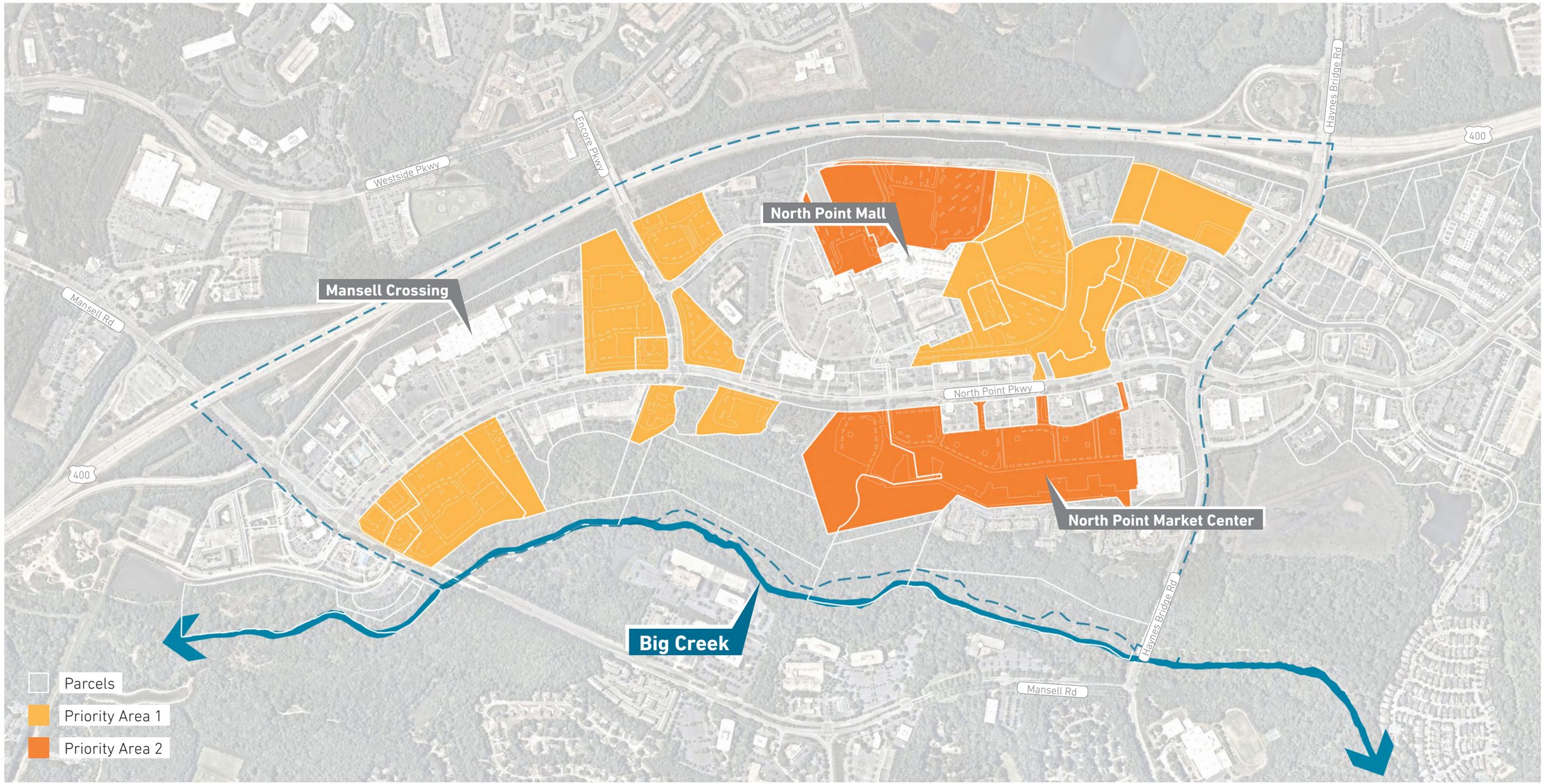
Future Land Use

Existing Conditions



North Point LCI Density Priority Map

Existing Conditions



City Council Meeting
STAFF REPORT

Submitting Department: Community Development
Submitted By:
Sponsored By:
Meeting Date: September 16, 2019

I. AGENDA ITEM TITLE: GDOT PRESENTATION ON PROPOSED MAIN STREET (SR 9) IMPROVEMENTS

II. RECOMMENDATION:

This item is presented for discussion purposes only.

III. REPORT IN BRIEF:

Georgia Department of Transportation's State Program Delivery Administrator, Kimberly Nesbitt, will provide an overview and status update on the SR 9 improvement project (PI 721790 & 721780).

IV. ALTERNATIVES:

V. ATTACHMENTS:

City Council Meeting
STAFF REPORT

Submitting Department: Community Development
Submitted By:
Sponsored By: Mayor Pro Tem Mitchell
Meeting Date: September 16, 2019

I. AGENDA ITEM TITLE: UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – SIGNS
SPONSOR: MAYOR PRO TEM MITCHELL
CONSIDERATION OF TEXT AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE RELATED TO SIGN REGULATIONS.

II. RECOMMENDATION:

This item is being presented for discussion purposes only.

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:

Staff will introduce a discussion of certain text amendments to the Unified Development Code related to Sign regulations. The purpose of this discussion is to elicit initial feedback from City Council; especially as it relates to suggested refinements or modifications, prior to the item proceeding through the public hearing process.

V. ALTERNATIVES:

VI. ATTACHMENTS:

UDC Signs Staff and Mitchell (002), Sign Changes 8-30-19Final

CITY COUNCIL MEETING
STAFF REPORT

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

I. AGENDA ITEM TITLE: PH-19-07 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – SIGN CODE

PLANNING COMMISSION: SEPTEMBER 5, 2019

CITY COUNCIL: SEPTEMBER 23, 2019

II. RECOMMENDATION:

Presented for discussion purposes only prior to public hearing process.

III. REPORT IN BRIEF:

Consideration of text amendments to Unified Development Code (UDC) Section 2.6 Signs.

Proposed amendments to the Sign Code include:

1. Section 2.6.4. A. Permit Required. Changed section to require any change to an existing sign, including only a face change obtain a permit. (Mitchell)
2. Section 2.6.8 Prohibited signs and devices. Prohibit neon signs with exposed neon lighting and any illumination used to create a neon tube look. (Mitchell)
3. Limit monument signs in the downtown to a maximum height of 6', monument signs throughout other commercial uses are proposed a maximum height of 10' in place of the currently permitted 15'. (Staff)
4. Section 2.6.12. A. (3) Requirements for non-residential zoning districts. Allow rear entrance signs to be a maximum of 50% of the allowed front facing sign. This is to address buildings that have front and rear pedestrian entrances, and those with access from the Greenway and future Alpha Loop. (Staff)
5. Section 2.6.12. G Removed this section which allowed increased copy area when one or more of the monument signs otherwise permitted are foregone. (Staff)
6. Section 2.6.12 (9) C. Signs permitted in Industrial and Office Parks: Reduced maximum permitted copy area from 150 sf to 75 sf. (Staff)
7. Section 2.6.12 D. (1) Added "no digital copy is allowed" for clarification. (Staff)
8. Section 2.6.12. E. (6) Changed buildings of 3 stories to 2 stories are permitted a wall sign at top of the building. (Staff)
9. Section 2.6.12. G. Removal of last sentence which states the regulation does not apply if only changing sign face. (Mitchell)

IV. ATTACHMENTS:

- UDC Strike Through and Underline Edits

SECTION 2.6 - SIGNS[2]

2.6.1 Findings, purpose and intent.

A. *Findings.*

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

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

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

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

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

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

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

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

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

4. To maintain an aesthetically attractive city in which signs are compatible with the surrounding area;
5. To maintain for the City's residents, workers and visitors a safe and aesthetically attractive environment and to advance the aesthetic interests of the City;
6. To prevent the destruction of the natural beauty and environment of the City and maintain and maximize tree coverage within the City;
7. To establish comprehensive sign regulations which effectively balance the protection of legitimate business and development needs and the rights of individuals and businesses to convey their messages through signs with the promotion of a safe and aesthetically attractive environment for residents, workers and visitors to the City and the protection of the public health, safety, and general welfare;
8. To ensure the protection of free speech rights under the State and United States Constitution within the City;
9. To promote economic development;
10. To establish a permit system to allow specific types of signs in zoning districts consistent with the uses, intent and aesthetic characteristics of the areas where the signs are to be located;
11. To provide temporary signs in limited circumstances;
12. To place reasonable controls on non-conforming signs that are by definition contrary to the public health, safety and welfare while protecting the constitutional rights of the owners of said non-conforming signs;
13. To provide for the maintenance of signs;
14. To avoid the harmful aspects of the unrestricted proliferation of signs; and
15. To ensure the fair and consistent enforcement of sign regulations.

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

2.6.2 Scope of regulations.

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

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

C. Nothing herein shall be construed to permit display of any message which is obscene, illegal or speech which is otherwise unprotected under the First Amendment of the United States Constitution. Nothing herein shall be construed to prohibit a prosecution for violation of a criminal statute by the City or other duly constituted government authority or a civil action by the City or other private person or entity.

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

2.6.3 Definitions.

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

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

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

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

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

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

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

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

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

City. The City of Alpharetta, Georgia.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.6.4 Permits and applications.

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

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

1. The street address of the property upon which the subject sign is to be located and a site plan of the property which bears the scaled and labeled proposed location of the sign.
2. The aggregate area and copy area for all signs on the parcel.
3. The name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located.
4. Name, address, telephone number, business license number and signature of the business owner authorizing placement of the sign.
5. Name, address, telephone number, fax number, business license number and signature of the sign contractor.
6. The type of sign to be erected, the area and copy area of the sign, the height of the sign (if free-standing), the shape of the sign, the color(s) of the sign, the material of the sign and details showing how the sign will be mounted, installed or erected.
7. For permanent free-standing, ground and monument signs only, show dimensioned sign location on site plan and include structural foundation and mounting details. Indicate the location and size of all existing permanent free-standing, ground and monument signs on the property.
8. The cost of the sign (materials and installation).
9. All applicants for signs which incorporate electricity must obtain an electrical permit or, if previously issued, a copy of the electrical permit. Signs connected to an approved, existing wired outlet or junction box do not require electrical permits.
10. If the proposed sign is subject to the design standards or other requirements set forth in the Design Review Board Ordinance (codified as §§ 16-37—16-46 of The Code of the City of Alpharetta, Georgia), the applicant must also submit such additional forms, information and/or documents as may be required by the provisions of said ordinance.

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

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

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

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

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

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

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

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

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

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

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

2.6.5 Variances.

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

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

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

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

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

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

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

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

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

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

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

2.6.6 Non-conforming signs.

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

A. The City finds that non-conforming signs may adversely affect the public health, safety and welfare. Such signs adversely affect the aesthetic characteristics of the city and may adversely affect public safety due to the visual impact of said signs on motorists and the structural characteristics of said signs. Accordingly, the following registration requirements are found to be necessary in order to minimize these possible adverse effects through annual inspections and maintenance and allow the City to remain cognizant of the locations and maintenance of said signs.

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

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

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

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

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

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

2.6.7 Exemptions from permit requirements.

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

A. Standard informational signs.

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

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

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

E. Window signs meeting the standards of this Ordinance.

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

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

2.6.8 Prohibited signs and devices.

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

1. Balloons, pennants, streamers, feather signs, air or gas filled figures, or similar attention-getting devices or wind-activated devices, excluding flags.
2. Swinging signs.
3. Rotating signs.
4. Animated signs, flashing signs, and intensely lighted signs.
5. Beacons, search lights or laser lights or images.
6. Variable message boards used for purposes other than traffic management.
7. Signs which purport to be, or are an imitation of, or resemble an official traffic sign or signal.
8. Window signs which, in aggregate, exceed 20% of the window area or otherwise fail to meet the standards of this Ordinance.
9. A-frame signs, sandwich board, sidewalk or curb signs are prohibited except when placed within 5 ft. of the front door of a building.
10. Signs painted on or attached to utility poles, trees, rocks or other similar objects, except signs lawfully placed on utility poles by a government, public authority or public utility.

11. Signs which obstruct a fire escape, required exit, window or door opening used as a means of ingress or egress, or which interfere with any opening required for ventilation, or which violate any code of the City, including the Life Safety Code and the Fire Prevention Code.

12. Signs occupying a parking space required under the minimum parking requirements of this Ordinance, other than signs designating the space as reserved for handicapped or other use.

13. Signs which do not conform to City-adopted building and electrical codes.

14. Signs which emit audible sound, odor or visible matter.

15. Portable signs.

16. [Reserved].

17. [Reserved].

18. Signs attached to any street signs or traffic control devices, or to any pole supporting same, or any sign attached to any utility pole, other than those signs lawfully placed by a government, public agency, or public utility.

19. Signs projected on a building.

20. Signs in a public right-of-way other than publicly owned or maintained signs.

21. Signs which are in violation of the rules and regulations of any zoning overlay district presently existing or as may later be enacted.

22. Signs located on any substandard lot.

23. Abandoned signs.

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

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

26. Signs exceeding 156 sq. ft. in copy area if located on a commercial building, signs exceeding 240 sq. ft. in copy area if located on an industrial or office park building and/or signs and sign structures in excess of ~~15~~ 10 ft. in height (measured from the ground to the highest point of the structure).

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

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

29. LED or any other illumination shall not be used to create the look of neon tubes.

(Ord. No. 720 , § 2(Exh. A), 2-22-2016; Ord. No. 736 , § 1, 3-20-2017)

2.6.9 Remedies.

In case any sign covered by this Ordinance is or is proposed to be erected, constructed, altered, converted or used in violation of any provision of this Ordinance, the Director may, in addition to other remedies, and after due notice to the appropriate person(s), issue a citation for violation of this Ordinance requiring the presence of the violator in the municipal court or the Alpharetta Code Enforcement Board, or

institute injunctive or other appropriate legal or administrative proceedings to prevent such unlawful erection, construction, alteration, conversion or use or to correct or abate such violation.

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

2.6.10 Severability.

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

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

2.6.11 General provisions.

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

A. MAINTENANCE AND APPEARANCE OF SIGNS.

1. All signs shall be maintained in good condition and present a neat and orderly appearance. Any sign showing gross neglect, or which becomes dilapidated, or which is surrounded by an unmaintained ground area, or due to its condition which may pose a threat to the safety of the public may be required to be repaired or removed as set forth below.
2. The Director, upon finding any of the above conditions, will give the owner written notice which may be up to 10 days to correct the deficiencies or to remove the sign or signs. If the owner refuses to correct the deficiencies or remove the sign, the Director may issue a citation under the enforcement provisions of this Ordinance.

B. ILLUMINATION OF SIGNS.

1. The light from any illuminated sign shall not be of an intensity or brightness which will interfere with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent properties.
2. No sign shall have blinking, flashing, or fluctuating lights or other illuminating devices which have a changing light intensity, brightness or color.
3. No color lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
4. Neither direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles.
5. Lighting for free-standing signs shall be located above the sign and aimed downward in order to minimize the brightness added to the night sky.
6. Neon shall not be used.

C. MEASUREMENT OF SIGN AREA.

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

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

3. *Monument Signs.*

   a. *Area of Sign.* For monument signs, the "sign area" or "area of the sign" shall mean the total area of the visible surface of the sign, including the base, sign structure, and sign face of the sign. The computation of the sign area of a monument sign shall include the entire surface of the base, sign structure and sign face, as measured from top to bottom and side to side. For monument signs that are double-faced, when the sign face surfaces are parallel and are back to back, or where the interior angle formed by the faces is sixty (60) degrees or less, the area of the sign shall be taken as the areas on the largest side.

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

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

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

D. STANDARDS FOR MONUMENT SIGNS.

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

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

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

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

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

1. Banners shall be permitted for either one (1) fourteen (14) day period per calendar year per lot or two (2) seven (7) day periods per calendar year per lot. An individual banner permit may be divided into two (2) non-consecutive seven (7) day periods provided the dates are stated on the permit. However, in the case of lots which contain a shopping center (or strip shopping center) with multiple tenant spaces, each tenant space shall be allowed to erect or place a banner for either one (1) fourteen (14) day period per calendar year or two (2) seven (7) day periods per calendar year.

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

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

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

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

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

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

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

2.6.12 Requirements for non-residential zoning districts.

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

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

2. *Wall Signs.* One wall sign per road frontage for each tenant space no greater than one (1) sq. ft. of sign area per one (1) ln. ft. of tenant space frontage shall be permitted; provided, however, no more than two (2) wall signs shall be allowed for a tenant space (i.e. Corner tenants within strip

shopping centers may have a wall sign on the end of the building in addition to the wall sign on the front of the building for a maximum of two (2) wall signs).

3. *Rear Entrance Sign.* One (1) rear entrance sign is allowed for each tenant space within the strip shopping center. Rear entrance signs shall be located ~~on~~ near the tenant space's rear entrance door and shall not exceed ~~two (2) sq. ft. in area. Rear entrance signs shall not require a permit from the Director.~~ 50% of the front facing sign allowed for the same tenant.

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

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

6. *Sign During Construction.* One (1) temporary free-standing sign per strip shopping center project shall be permitted during the construction of the strip shopping center or the principal building of any outparcel. Such sign shall be allowed upon the commencement of construction for which a land disturbance permit has been issued, and terminating upon the issuance of a certificate of occupancy, installation of a permanent sign, or expiration/termination of the land development permit, whichever is first to occur. The sign shall not exceed ten (10) ft. in height, thirty-two (32) sq. ft. in area, and must be set back ten (10) ft. from the public right-of-way (five (5) ft. in the Central Business District). Further, the location of the sign be confined to the site of construction, and only one (1) such sign may be permitted per project.

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

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

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

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

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

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

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

d. The maximum height of any such sign shall be twelve (12) ft. and the maximum area permitted for any such sign is as follows:

Height	Area of Sign	Copy Area
10 feet or less	420 sq. ft.	78 sq. ft.
~~Over 10 ft. but not more than 12 ft.~~	~~360 sq. ft.~~	~~64 sq. ft.~~

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

g. ~~The owner or developer of a shopping center which exceeds 150,000 sq. ft. may elect to forego one or more of the monument signs otherwise permitted under this subsection. For each sign that is foregone, the owner of or developer may elect to increase the copy area of one remaining sign up to 100% of the square footage that is otherwise permitted under this subsection, or, in the event there is more than one remaining sign, this percentage may be allocated among the remaining signs. In no event shall the copy area of any sign be increased by more than 100%. By way of illustration, if an owner of a shopping center exceeding 200,000 sq. ft. elects to forego one of the four permitted monument signs, he might elect to increase the copy area of one of the remaining signs by 100%, or he might elect to increase the copy area of one remaining sign by 50% and the two other signs by 25% each, etc.~~

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

2. *Canopy Signs and Wall Signs.*

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

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

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

3. *Under-Canopy Signs.*

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

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

4. *Rear Entrance Sign.*

   a. One rear entrance sign is permitted for each tenant space within the shopping center. ~~The developer or owner of the shopping center shall be responsible to the City for proper rear entrance signage of tenant spaces, including proper maintenance.~~

   b. Rear entrance signs shall be located ~~on~~ near the tenant space's rear door.

   c. ~~The area of rear entrance signs shall not exceed 8 sq. ft.; however, the sign may not be less than 18 in. wide and 12 in. high.~~ 50% of the front facing sign allowed for the same tenant.

5. *Signs During Construction.*

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

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

7. *Window Signs.*

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

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

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

8. *Reserved.*

9. *Signs Permitted for Cinema Complexes.*

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

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

   c. The height of a monument sign for a cinema complex shall not exceed ~~fifteen~~ ten (~~15~~ 10) ft.

   d. Reserved.

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

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

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

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

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

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

1. *Free-Standing Signs.*

a. *Primary Free-Standing (Monument) Signs.* A maximum of two (2) primary monument signs are permitted in an industrial or office park. No primary monument sign shall exceed ~~15~~ 10 ft. in height. A changeable copy board is not permitted on an industrial or office park sign. No primary monument sign shall be located within 20 ft. of the public right-of-way of the street which affords the principal means of access to the industrial or office park. The permitted area for primary free-standing signs is as follows:

Frontage	Area	Copy Area
Up to 500 feet	75 square feet	60 sq. ft.
501—~~1,000~~ and more feet	100 square feet	75 sq. ft.
~~1,001—1,500 feet~~	~~150 square feet~~	~~100 sq. ft.~~
~~Over 1,500 feet~~	~~200 square feet~~	~~150 sq. ft.~~

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

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

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

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

5. *Reserved.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Buildings of three (~~3~~2) stories or greater may have a wall sign located at the top of the building and is not greater than ~~forty-eight square feet (48 sq. ft.)~~ 20sqft per story (of building), in area.

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

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

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

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

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

G. Building Ground Signs (monument signs) within the Downtown Overlay shall not be internally illuminated. Where illumination is needed, lighting fixtures may be placed at the top of the sign and aimed downward or may be placed on the ground and aimed in such a way as to illuminate the sign without creating spillover into the night sky. Maximum height shall not exceed 6 feet.~~This regulation shall apply only to new signs. The changing of a sign face or panel shall not constitute a new sign.~~

(Ord. No. 720 , § 2(Exh. A), 2-22-2016; Ord. No. 736 , § 2, 3-20-2017)

2.6.13 Requirements for residential zoning districts.

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

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

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

D. *CUP Districts.* Within CUP zoning districts, 'For-Rent' dwelling developments shall also be permitted one permanent, free-standing, directional sign. Such sign shall be a monument sign and shall match

the appearance of the primary sign on the site, be setback at least ten feet (10 ft.) from the public right-of-way, and shall be no greater than thirty-two square feet (32 sq. ft.) in area.

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

Footnotes:

--- (**2**) ---

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

City Council Meeting
STAFF REPORT

Submitting Department: Finance
Submitted By: Thomas Harris
Sponsored By:
Meeting Date: September 16, 2019

I. AGENDA ITEM TITLE: NORTH POINT TAX ALLOCATION DISTRICT

II. RECOMMENDATION:

This item is presented for discussion purposes only. No formal action is requested.

III. REPORT IN BRIEF:

Based on direction from City Council, staff retained Bleakly Advisory Group to assist the City in evaluating opportunities that could result from creating a Tax Allocation District (TAD) for the North Point Mall / LCI Area. Preliminary findings were presented to the City Council on April 8, 2019.

Bleakly Advisory Group has since begun drafting a redevelopment plan outlining the justification, rationale, boundaries, fiscal data and proposed projects that could result from the establishment of this Tax Allocation District.

Geoff Koski with Bleakly Advisory Group will present an update on the redevelopment plan.

IV. ALTERNATIVES:

V. ATTACHMENTS:

Draft North Point TAD Redevelopment Plan, TAD Redevelopment Plan Presentation Updated

REDEVELOPMENT PLAN

TAX ALLOCATION DISTRICT #1
ALPHARETTA NORTH POINT ACTIVITY CENTER

AUGUST 2019

PREPARED FOR:

THE CITY OF ALPHARETTA

PREPARED BY:

BleaklyAdvisoryGroup

DRAFT

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* Headings followed by a letter in parenthesis [e.g. (A)] denote information required per Georgia Code Chapter 36, Title 44.

EXECUTIVE SUMMARY

INTRODUCTION

This Redevelopment Plan (the Plan) has been prepared for the City of Alpharetta to create Tax Allocation District #1 – Alpharetta North Point Activity Center. This report presents the justification, rationale, boundaries, fiscal data and proposed projects that could result from the establishment of this Tax Allocation District (TAD). This Redevelopment Plan was prepared in conformance with provisions of the Georgia Redevelopment Powers Law (O.C.G.A. Title 36 Chapter 44) that governs the creation of the Tax Allocation Districts (TADs) in the state. The City of Alpharetta is responsible for preparing this plan and for proposing to establish this TAD.

The general boundaries, goals, development opportunities and proposed public improvements, as well as the broad economic/market forces impacting the redevelopment area are addressed in this report. Previous City plans have also been relied upon to provide the economic justification, rationale, and related background data to designate this redevelopment area and TAD. This plan also identifies the development with nearer-term potential and defines desired uses of TAD proceeds that would result from implementing those projects. The Redevelopment Plan concludes with a "School District Impact Analysis," which is a statutory requirement of the Redevelopment Powers Law.

CHALLENGES, OPPORTUNITIES, AND VISION FOR THE REDEVELOPMENT AREA

The Alpharetta North Point Activity Center, which is centered on North Point Mall, is an important commercial hub for the citizens of Alpharetta and an important revenue generator for the City of Alpharetta and Fulton County. The mall alone generated $4.0 million in real property taxes and an estimated $12.9 million in local sales taxes for the County, School District, City, MARTA, CID and regional transportation (T-SPLOST) programs in 2018. Other nearby businesses rely on the mall to generate customer traffic – increasing its economic impact.

While the district continues to be a destination, new nearby competitors are drawing more attention and spending from the North Point area. The new competitive areas are typically more walkable, mixed-use, and pedestrian-oriented than the auto-focused design of the North Point area. With numerous parking lots and underutilized real estate, the area has become less appealing to consumers seeking a pedestrian-friendly experience. These and other recent trends impacting retailers locally and nationally, have led to retail sales at North Point trending downward, while vacancy rates have increased in the mall, as well as in the area surrounding the mall, since its peak performance period in the 1990s and early 2000s.

The City desires to be proactive to help stabilize, transition and improve the area before economic conditions deteriorate to unacceptable levels. In 2018 the City updated its LCI Plan for the North Point area to encourage more mixed-use real estate, promote quality development, improve walkability, and provide more amenities, including green space, for residents and workers. However, the City seeks additional funding sources to help pay for public improvements outlined in the LCI Plan and achieve the City's vision for the area.

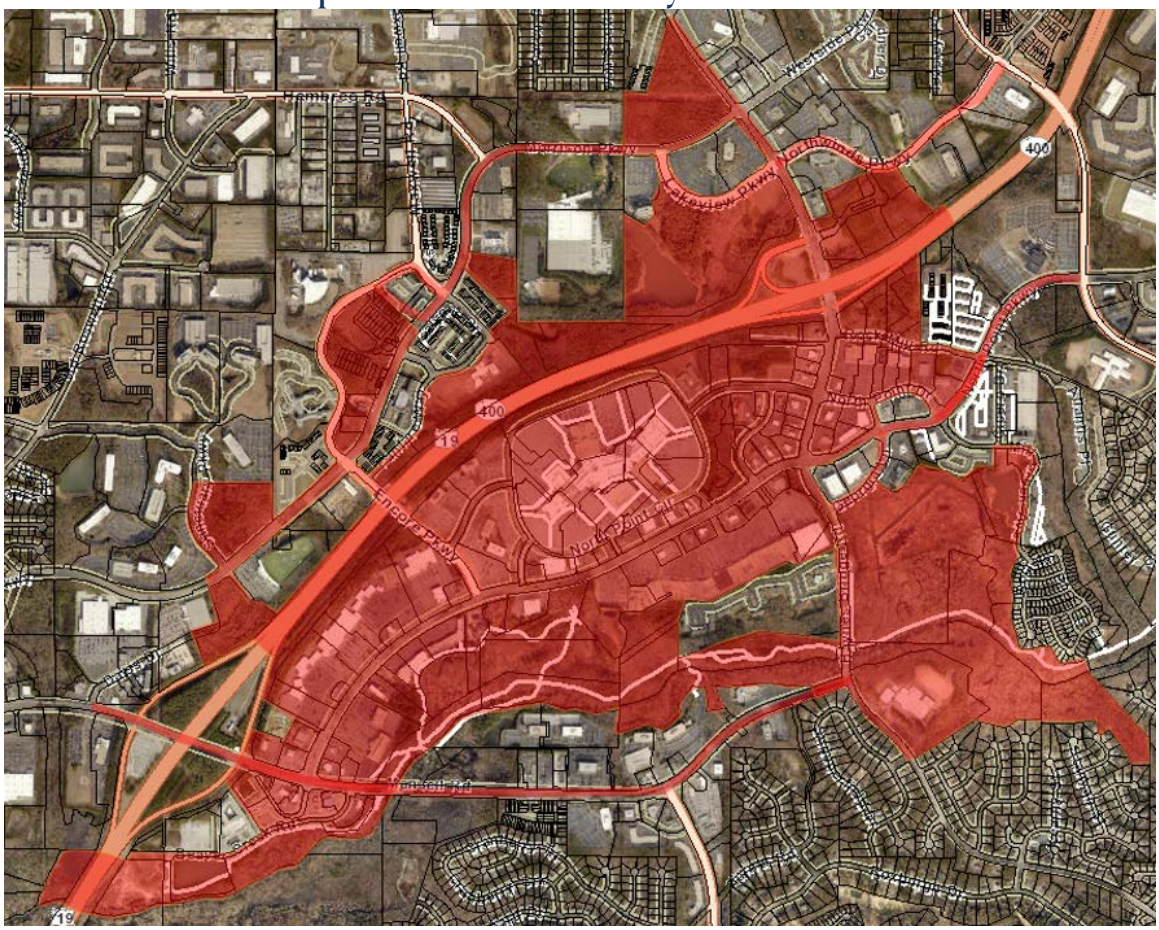
THE GOAL

The City has two primary goals for the North Point Activity Center, as detailed in the 2018 LCI Plan:

- **Transportation, access, and connectivity:** Prioritize the necessary intensity of development to reduce congestion on existing roadways and reduce vehicular trips through an emphasis on walkability.
- **High-quality development and creating a sense of place:** Integrated mixed-use centers that allow for a unique diverse lifestyle that includes activity in public spaces.

To achieve the goals for the area, the City will need to make significant infrastructure investments, providing public infrastructure improvements and other public amenities to create the environment and attract private investment to build the types of projects that residents desire. This TAD is intended to provide resources to address the challenges in the North Point area.

Proposed North Point Activity Center TAD



Tax Allocation District #1 - Alpharetta North Point Activity Center parcels in red. The TAD also includes the shaded public rights-of-way (ROW) adjacent to and connecting the included parcels, to provide flexibility for the City to make supportive public improvements within those corridors as appropriate. A list of each TAD parcel is included in the appendix.

TAX ALLOCATION DISTRICT #1 - ALPHARETTA NORTH POINT ACTIVITY CENTER BOUNDARY

The boundaries of the proposed Tax Allocation District #1 - Alpharetta North Point Activity Center are shown on the map above. This redevelopment area was drawn to capture the commercial core of the area, as well as the areas in which funds generated by the TAD can be spent on public infrastructure and other public uses.

The proposed TAD contains those parcels that are shaded in red in the above map, along with public rights of way that connect the TAD parcels. These parcels total 897.9 acres, including the North Point Mall, other identified future development sites, vacant parcels, and nearby retail properties that could benefit from the public infrastructure. The TAD excludes existing single-family residential neighborhoods, apartments, and currently high-valued commercial real estate parcels. The boundaries also incorporate public right of way (ROW) and locations where trails, parks, streetscape and infrastructure investments are planned. In sum, the TAD parcels represent slightly less than 5% of Alpharetta's total M&O tax digest – leaving flexibility to address other parts of the City in the future, as warranted.

Tax Allocation District #1 –Alpharetta North Point Activity Center identified in this plan contains 138 parcels, with an estimated taxable real estate digest of just under $268.8 million. Of the total acreage in the TAD, approximately 234 acres (26%) were exempt from taxation as of 2018. A complete list of included parcels can be found in the appendix.

Summary Characteristics Tax Allocation District #1 – Alpharetta North Point Activity Center	
Parcels	138
Acres	897.9
Estimated Taxable Digest	$268,759,560
Current City of Alpharetta M&O Digest	$5,396,601,616
Proposed TAD % of Total City Digest	4.98%

WHY TAX ALLOCATION DISTRICT #1 - ALPHARETTA NORTH POINT ACTIVITY CENTER QUALIFIES AS A TAD

The City of Alpharetta has the authority to exercise all redevelopment and other powers authorized or granted municipalities pursuant to the Redevelopment Powers Law (Chapter 44 of Title 36 of the O.C.G.A.), as approved by Alpharetta voters by referendum in 2006.

The redevelopment area meets the statutory definition of a Redevelopment Area under the "inadequate infrastructure" provisions (Section C) of the Redevelopment Powers Law. The presence of inadequate infrastructure to support the City's vision for the area is not equally applicable or prevalent throughout the entire area but clearly meets the intent of the statute.

In order to accommodate new development and expanded public facilities such as parks, green space, pedestrian amenities and stormwater management in the area, new infrastructure investments by the City will need to be completed. Tax Allocation District #1 – Alpharetta North Point Activity Center qualifies under the Redevelopment Powers Law as described in Section C, as well as B:

(C) An 'area with inadequate infrastructure' means an area characterized by:

(i) Deteriorating or inadequate parking, roadways, bridges, pedestrian access, or public transportation or transit facilities incapable of handling the volume of traffic into or through the area, either at present or following redevelopment; or

(ii) Deteriorating or inadequate utility infrastructure either at present or following redevelopment.

In particular, the area's preponderance of auto-oriented land uses and infrastructure leads to inadequate:

- infrastructure to entice a more pedestrian-oriented land use pattern,
- pedestrian and bicycle-specific infrastructure,
- public greenspace and/or pedestrian connections, and
- stormwater utility infrastructure that will allow for greater development density, which will enhance the active transportation network.

Portions of the redevelopment area, particularly North Point Mall and some adjacent commercial properties that depend on the mall, also meet the definition of a 'deteriorating area' by exhibiting evidence of economic decline under items (ii), (iii) and (iv) of the six criteria, as underlined below.

(B) A 'deteriorating area' is an area that is experiencing physical or economic decline or stagnation as evidenced by <u>two or more</u> of the following:

(ii) <u>High commercial</u> or residential <u>vacancies compared to the political subdivision as a whole</u>;

(iii) The predominance of structures or buildings of relatively low value compared to the value of structures or buildings in the surrounding vicinity or <u>significantly slower growth in the property tax digest than is occurring in the political subdivision as a whole</u>;

(iii) <u>Declining or stagnant rents</u> or sales prices compared to the political subdivision as a whole.

POTENTIAL DEVELOPMENT

Already identified development opportunities impact roughly 132 acres or about 15% of the total acreage within the proposed TAD, including the North Point Mall. This represents areas where specific development projects have been proposed and quantified. The future development forecast reflects the addition of approximately 1,250 housing units, including a mix of multi-family for-sale and rental units, and for-sale townhomes, plus 2.5 million SF of new or rehabilitated retail/office development where specific projects and land uses have been quantified. These levels of new construction are not likely to be achievable absent the major public improvements outlined in the LCI Plans and other initiatives proposed by the City.

Combined, these sites have a current estimated current taxable full market (assessed) value of just over $227.6 million. Proposed projects on these sites have the potential to be valued at $709.1 million at build out, generating an incremental increase of nearly $425 million in total and an average gain in tax digest of $192.6 million (more than $1.4 million per acre) on those 132 acres.

The balance of acreage within the proposed TAD, where no specific projects or direct investment of TAD proceeds are anticipated, currently contains $44.3 million in taxable full market value. The "halo effect" from redevelopment projects is expected to increase the value of those other sites <u>to</u> an estimated $658 million, representing a 48% increase of over existing conditions. This estimate results

in total gain in tax digest of $85.5 million ($112,000 per acre) on those remaining 766 acres (a major portion of which are tax exempt). Combined, the entire TAD has the potential to roughly double in total taxable digest by 2030. This forecast assumes that public improvements needed to support the area's transition to a more residential, mixed-use district would be completed in a timely manner.

POTENTIAL TAD FUNDING

Assuming an approximate 10-year phasing schedule of the above planned development and providing a reasonable allowance for "background growth" in the TAD as a whole as implemented projects benefit nearby areas, it is estimated that the area could generate $594 million in total real property taxes over the life of the TAD, assuming that millage rates do not change over the forecast period. Of this amount, it is estimated that $271.5 million would be collected from the base value of the TAD and continue to flow to the respective taxing jurisdictions' general funds. The balance of $322.8 million would be tax allocation increments accruing to the TAD Special Fund.

For general planning and forecasting purposes it is likely unrealistic to anticipate that 100% of total tax allocation increments generated over the entire length of the TAD will be available to invest in projects. Typical 20 to 25-year financing instruments will be leveraged based on tax increment that can be realistically generated and anticipated within the first 10 years of the TAD's existence. Applying a 6% discount rate to this cash flow over the first 15 to 20 years provides a reasonable approximation of the of the capacity of this future income stream to leverage actual investment, such as issuing a TAD bond or obtaining private financing. The net present value is estimated to range from approximately $65 million to $87 million.

POTENTIAL INVESTMENTS OF TAD PROCEEDS

The total public cost for implementing the potential public improvements as described in the full body of this report, is currently estimated at over $165 million, which the City intends to fund, at least partially, through the tax allocation district. The purpose of the proposed infrastructure improvements funded by the TAD would be:

- Roadway connections to improve the flow of vehicular traffic that will be present in the area at the time of redevelopment.
- Enhancements such as streetscapes, curb and sidewalk improvements and public spaces to improve the experience of pedestrians, and other residents and visitors in the district.
- Stormwater management improvements, which could also function as public park/green space.

Potential long-term costs to improve the infrastructure could exceed the estimated proceeds that could be financed through TAD increments alone. TAD funds would therefore need to be used strategically to leverage other funding sources.

SCHOOL DISTRICT IMPACTS

There are projected to be 2,823 residents in the 1,250 new housing units constructed in the proposed TAD, based on currently planned projects. This analysis estimates that 290 of these residents would be school-aged children. Thus, over the next 20 years there would be, on average, an addition of 14 new school-aged children from new development each year.

The expected development within the TAD could include 350 townhomes and 900 multifamily units. The overall average value of all planned townhomes is estimated at $450,000 per unit, based on current average pricing of new-build townhomes in the area. This equates to a total of $157.5 million in new residential home value. Currently there are no single-family or townhome residential properties within the TAD area. The overall average value of all planned multifamily units in the TAD is estimated at $190,000 per unit, based on current average pricing of new-build apartments in northern Fulton County. This equates to a total of $328.5 million in new value created by the apartments. Currently there are no multifamily rental properties within the TAD area.

The new potential retail development within the proposed TAD will generate sales taxes for the Fulton County School District during years in which a special purpose local option sales tax for educational purposes (ESPLOST) is in effect. At completion, the new and renovated retail space within the North Point TAD area will generate an estimated $167 million in net new retail sales annually. This would result in $1.7 million in total ESPLOST revenue annually by build-out. These ESPLOST collections, which will likely only occur at this level only with the TAD in place, are not pledged to the TAD Special Fund and will accrue to the school district throughout the life of the TAD. ESPLOST revenues generated from within the North Point area have been declining in real terms in recent years and could continue to decrease if no significant actions are taken to transform the character of the area. Personal property digest associated with office and new or rehabilitated retail development would also accrue to the School District's general fund, offsetting a significant percentage of real estate taxes that are pledged to the TAD.

More detailed findings are provided in the full report below.

INTRODUCTION

This Redevelopment Plan has been prepared for the City of Alpharetta to create Tax Allocation District #1 – North Point Activity Center. This report presents the justification, rationale, boundaries, fiscal data, and proposed projects that could result from the establishment of this Tax Allocation District (TAD). This Redevelopment Plan was prepared in conformance with provisions of the Georgia Redevelopment Powers Law (O.C.G.A. Title 36 Chapter 44) that governs the creation of the Tax Allocation Districts (TADs) in the state. This plan was prepared for the City of Alpharetta by Bleakly Advisory Group, Inc. (BAG).

The "North Point Activity Center" is anchored by North Point Mall, a 1.6 million square foot super-regional shopping center occupying nearly 94 acres. Developed in the early 1990's, this facility is an important source of public revenue for Alpharetta, Fulton County and its School District, directly generating an estimated $4.0 million in property taxes and $12.9 million in local sales taxes for the County, School District, City, MARTA, North Point CID and regional transportation (TSPLOST) programs in 2018. Due to recent trends impacting retailers locally and nationally, it is estimated that Mall vacancy has recently risen above 20% and average sales per SF for remaining mall tenants have been declining at a significant annual percentage rate since 2014.

The mall's declining sales performance has in turn negatively impacted other nearby retail centers that depend upon customer traffic generated by the mall. The recent struggles of nearby properties are reflected in increasing vacancy rates and stagnating commercial rents reported by CoStar. The analysis for this plan estimates that department stores and other businesses within the mall provide employment to 1,850 workers, with several hundred additional jobs provided by nearby commercial, retail and entertainment businesses. While North Point may not currently be classified as 'blighted or distressed' a continuation of recent trends will have obvious negative consequences to both local employment and local governmental revenues.

The City of Alpharetta has been aware of the economic challenges facing North Point and similar 25- to 40-year old auto-centric retail districts throughout the Atlanta metro region and has focused substantial planning effort on a strategy to address issues at North Point before conditions deteriorate to unacceptable levels.

The general boundaries for the North Point Activity Center, goals for the future, development opportunities, and proposed improvements, as well as the broad economic and market forces impacting the redevelopment area have been addressed in prior studies undertaken by the City. Specifically, the previous plans that are relevant to this Redevelopment Plan include the Alpharetta Comprehensive Plan, the 2008 North Point Livable Centers Initiative Plan, and the 2018 North Point Livable Centers Initiative Plan Update. This prior work has been extensively relied upon to provide the justification, rationale and related background data that are necessary to designate this redevelopment area a TAD.

The City's latest Comprehensive Plan identifies several specific goals and objectives related to the North Point Redevelopment Area. Among these include: (1) Preserve the North Point area as a regional destination for shopping, jobs, and entertainment; (2) enhance the area with improvements and new development that supports a walkable and vibrant community destination with places to shop, work, entertain, and live; (3) emphasize connectivity and uses that generate a high level of activity; (4)

encourage transit-oriented development that anticipates the extension of MARTA transit service; (5) expand the street network, enhance public transit service, create a pedestrian-family environment, and link adjacent residential, office, and commercial areas to major destinations within the North Point activity center or serve as a safe and convenient connection to other destinations in the community; and (6) expand entertainment uses and capitalize on the amphitheater location. These goals were supported by City policies, development incentives and zoning to achieve desired changes.

Tax Allocation District #1 – Alpharetta North Point Activity Center, as established by this Redevelopment Plan, will allow the North Point area to continue to be an important regional employment center, a community asset for Alpharetta's residents and workers, as well as a highly-valued and growing part of the city's tax base, by accomplishing the above stated goals through enhanced infrastructure and improved development environment. This plan outlines a strategy to leverage tax increments from within the district to make needed public improvements. By using the City's redevelopment powers, the intent of this plan is to achieve better-quality development and higher-quality public infrastructure than would otherwise be feasible without the proposed TAD, at no additional cost to Alpharetta taxpayers.

OVERVIEW OF TAX ALLOCATION DISTRICTS

Tax allocation districts are Georgia's version of tax increment financing. Tax increment financing is a redevelopment funding mechanism that reinvests the future taxes from real estate development back into a project either (a) directly, as an incentive to attract new private investment into an area or (b) indirectly by paying for public improvements that could not be absorbed as a private development cost. As described by the Council of Development Finance Agencies. (www.cdfa.net), TIF was created and first used in California in 1952. Hundreds of TIF districts have helped spur urban redevelopment in cities across the country. Today, 49 states and the District of Columbia use tax increment financing in some form.

In 1985, the Georgia General Assembly authorized formation of Georgia's form of tax increment financing called Tax Allocation Districts (TADs). The purpose of tax allocation districts in Georgia is to identify qualified areas where tax increment financing can be used, similarly to other states. A TAD allows incremental property taxes generated by new development within the designated district to be used to finance costs related to the development, such as public infrastructure, land acquisition, relocation, demolition, parking structures, utilities, debt service and planning costs. Other allowed uses of "TAD proceeds" include:

- Sewer expansion and repair
- Storm drainage
- Street construction and expansion
- Water supply improvements
- Park improvements
- Bridge construction and repair
- Curb and sidewalk work
- Grading and earthwork
- Traffic control

Cities and counties throughout Georgia have created TADs to stimulate major new construction and renovation or rehabilitation in underdeveloped or blighted areas. Nearly 80 Georgia cities and counties have either created or are considering establishing TADs in their communities. There were also several existing TAD's in Fulton County as of the end 2018. A TAD offers local governments the opportunity to promote worthwhile redevelopment projects that would otherwise not be financially viable or are in areas that would otherwise be unattractive to private investment.

Prior to the last Recession in 2008 and 2009, other Georgia tax allocation districts such as Atlantic Station (Midtown Atlanta) and Camp Creek Marketplace (East Point), demonstrated the economic benefits which TADs can generate. These benefits include:

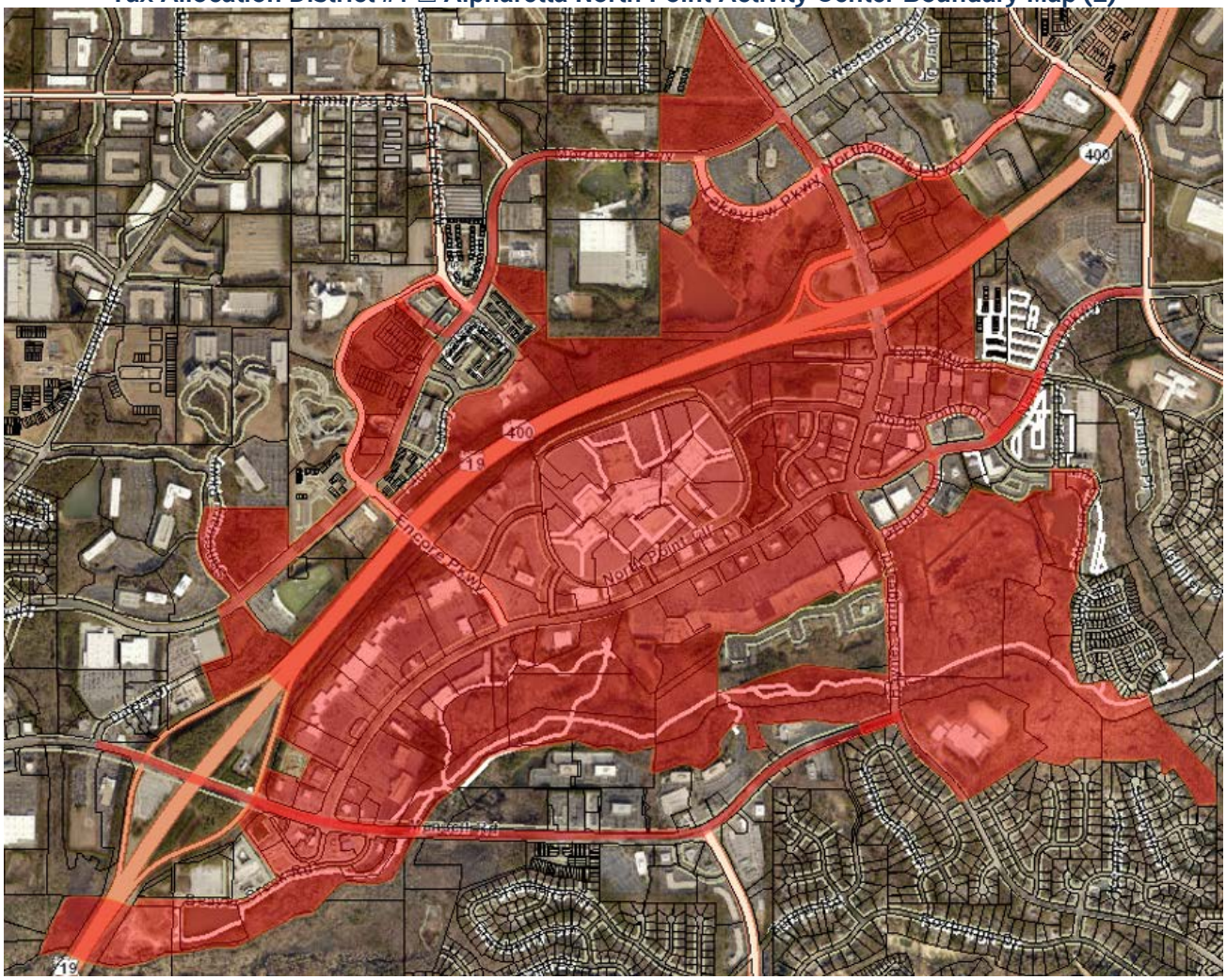
- **A stronger economic base—** TAD incentives can attract private development that would not otherwise have occurred absent of the District designation.
- **The halo effect—**Several Georgia TADs have generated significant new investment in areas surrounding the TAD as well as within the tax allocation districts, further expanding positive economic impacts to the host taxing jurisdictions. The boundaries of the proposed TAD have been drawn with the objective of maximizing halo effects on surrounding neighborhoods.
- **No impact on current tax revenues—**Redevelopment is effectively promoted without tapping into existing general governmental revenues or levying special assessments on property owners.
- **Expands the local tax base—**By stimulating economic activity, TAD's expand the local tax digest, create additional demand for retail sales and as a result, local sales taxes and SPLOST revenues.
- **Is self-financing—**TADs are self-financing, since they are funded by the incremental tax revenues from new development within the district.
- **High leverage—**Typically TAD funds represent between 5-15% of project costs, leveraging 7-20 times their value in private investment.

In summary, a tax allocation district is a financing mechanism that can be used to pay for public infrastructure or reduce private development costs, to make an underutilized area attractive to private investment and development, at no additional cost to local taxpayers. Establishing a TAD does not create a tax increase for either the community or property owners within the district. Nor does a TAD reduce tax revenues to the community, below levels which existed at the time the District was certified. In many cases, TADs can increase general fund revenues from new business personal property taxes, added county sales taxes, hotel/motel taxes, business license fees and other revenues that are not pledged for redevelopment purposes and would not otherwise occur.

GEOGRAPHIC BOUNDARIES (A)

The boundaries of the proposed Tax Allocation District #1 – Alpharetta North Point Activity Center are shown on the map below. This redevelopment area was drawn to include the relevant parcels within the North Point area, as defined by the LCI study, that are likely to improve or redevelop over time, creating tax collections above current levels, and/or parcels, including public right of way (ROW), that are likely to benefit from infrastructure improvements to achieve the goals for the area.

Tax Allocation District #1 – Alpharetta North Point Activity Center Boundary Map (L)



The boundaries for the Redevelopment Area are shown on the map above and summarized on the next page. The proposed Tax Allocation District #1 – North Point Activity Center contains 138 parcels totaling 897.9 acres, with a taxable real estate digest of just under $268.8 million.

This acreage estimate does not include streets, rights of way and other land for which no assessment records are available.

Summary Characteristics Tax Allocation District #1 – Alpharetta North Point Activity Center	
Parcels	138
Acres	897.9
Taxable Digest	$268,759,560
Current City of Alpharetta M&O Digest	$5,396,601,616
Proposed TAD % of Total City Digest	4.98%

Source: Fulton County Tax Assessment data and Bleakly Advisory Group

GROUNDS FOR EXERCISE OF REDEVELOPMENT POWERS (B)

Tax Allocation Districts (TAD) are authorized in Georgia under the Redevelopment Powers Law, O.C.G.A. Title 36, Chapter 44. In 2009, the Redevelopment Powers Law was amended, with the following definition of a "redevelopment area".

'Redevelopment area' means an urbanized area as determined by current data from the US Bureau of the Census or an area presently served by sewer that qualifies as a 'blighted or distressed area', a 'deteriorating area,' or an 'area with inadequate infrastructure' as follows:

(A) A 'blighted or distressed area' is an area that is experiencing one of more conditions of blight as evidenced by:

(i) The presence of structures, buildings, or improvements that by reason of dilapidation; deterioration; age; obsolescence; inadequate provision for ventilation, light, air, sanitation, or open space; overcrowding; conditions which endanger life or property by fire or other causes; or any combination of such factors, are conducive to ill health, transmission of disease, infant mortality, high unemployment, juvenile delinquency, or crime and are detrimental to the public health, safety, morals, or welfare;

(ii) The presence of a predominant number of substandard, vacant, deteriorated, or deteriorating structures, the predominance of a defective or inadequate street layout, or transportation facilities; or faulty lot layout in relation to size, accessibility, or usefulness;

(iii) Evidence of pervasive poverty, defined as being greater than 10 percent of the population in the area as determined by current data from the U.S. Bureau of the Census, and an unemployment rate that is 10 percent higher than the state average;

(iv) Adverse effects of airport or transportation related noise or environmental contamination or degradation or other adverse environmental factors that the political subdivision has determined to be impairing the redevelopment of the area; or

(v) The existence of conditions through any combination of the foregoing that substantially impair the sound growth of the community and retard the provision of housing accommodations or employment opportunities;

(B) A 'deteriorating area' is an area that is experiencing physical or economic decline or stagnation as evidenced by two or more of the following:

(i) The presence of a substantial number of structures or buildings that are 40 years old or older and have no historic significance;

(ii) High commercial or residential vacancies compared to the political subdivision as a whole;

(iii) The predominance of structures or buildings of relatively low value compared to the value of structures or buildings in the surrounding vicinity or significantly slower growth in the property tax digest than is occurring in the political subdivision as a whole;

(iv) Declining or stagnant rents or sales prices compared to the political subdivision as a whole;
(v) In areas where housing exists at present or is determined by the political subdivision to be appropriate after redevelopment, there exists a shortage of safe, decent housing that is not substandard and that is affordable for persons of low and moderate income;
(vi) Deteriorating or inadequate utility, transportation, or transit infrastructure; and

(C) An 'area with inadequate infrastructure' means an area characterized by:
(i) Deteriorating or inadequate parking, roadways, bridges, pedestrian access, or public transportation or transit facilities incapable of handling the volume of traffic into or through the area, either at present or following redevelopment; or
(ii) Deteriorating or inadequate utility infrastructure either at present or following redevelopment.

WHY NORTH POINT QUALIFIES AS A REDEVELOPMENT AREA

The City of Alpharetta has the authority to exercise all redevelopment and other powers authorized or granted municipalities pursuant to the Redevelopment Powers Law (Chapter 44 of Title 36 of the O.C.G.A.), as approved by Alpharetta voters by referendum in 2006.

The redevelopment area meets the statutory definition of a Redevelopment Area under the "inadequate infrastructure" provisions (Section C) of the Redevelopment Powers Law. The presence of inadequate infrastructure to support the City's vision for the area is not equally applicable or prevalent throughout the entire area but clearly meets the intent of the statute.

The City of Alpharetta and its citizen have identified the area in need of infrastructure improvement in plans for the redevelopment area over the past 10+ years. An initial planning document, the North Point Livable Centers Initiative (LCI), was completed and adopted by City Council in April 2008 that laid the framework for the vision for the area. That vision was reiterated and refined in the City's most recent Comprehensive Plan as well as in the LCI update adopted in 2018.

The original North Point Livable Centers Initiative Master Plan provided a framework for the district's future and resulted in numerous district-wide improvements. The 2018 LCI update identified several recurring themes and priorities that emerged from public input sessions, including walkability, placemaking, and green space. The desired and planned enhanced public infrastructure and amentites identified in the plans are currently lacking in the area and the City seeks to use its redevelopment powers, through the creation of Tax Allocation District #1 – Alpharetta North Point Activity Center, to assist with the upgrades.

Specifically, the adopted LCI plan calls for high priority strategies to transform the area "into walkable areas of high-quality retail" in concentrated nodes. Tactics to accomplish this strategy included in the plan:

- developing a double-loaded corridor lined with active ground floor buildings,
- developing a focal green space for the area,
- strengthening the local greenspace network,
- transforming underutilized mall parking areas and stormwater detention facilities, and
- creating a multiuse gathering and event space with ties to proposed pathway connections.

In order to accommodate new development and expanded public facilities such as parks, green space, pedestrian amenities and stormwater management in the area, new infrastructure investments by the City will need to be completed.

Thus, the Tax Allocation District #1 – Alpharetta North Point Activity Center qualifies under the Redevelopment Powers Law as described in Section C:

(D) An 'area with inadequate infrastructure' means an area characterized by:

(iv) Deteriorating or inadequate parking, roadways, bridges, pedestrian access, or public transportation or transit facilities incapable of handling the volume of traffic into or through the area, either at present or following redevelopment; or

(v) Deteriorating or inadequate utility infrastructure either at present or following redevelopment.

In particular, the area's preponderance of auto-oriented land uses and infrastructure leads to inadequate:

- infrastructure to entice a more pedestrian-oriented land use pattern,
- pedestrian and bicycle-specific infrastructure,
- public greenspace and/or pedestrian connections, and
- stormwater utility infrastructure that will allow for greater development density, which will enhance the active transportation network.

Portions of the redevelopment area, particularly North Point Mall and some adjacent commercial properties that depend on the mall, also meet the definition of a 'deteriorating area' by exhibiting evidence of economic decline under items (ii), (iii) and (iv) of the six criteria, as underlined below.

(C) A 'deteriorating area' is an area that is experiencing physical or economic decline or stagnation as evidenced by <u>two or more</u> of the following:

(ii) <u>High commercial</u> or residential <u>vacancies compared to the political subdivision as a whole</u>;

(iii) The predominance of structures or buildings of relatively low value compared to the value of structures or buildings in the surrounding vicinity or <u>significantly slower growth in the property tax digest than is occurring in the political subdivision as a whole</u>;

(iv) <u>Declining or stagnant rents</u> or sales prices compared to the political subdivision as a whole.

The North Point Mall and nearby retail parcels exhibit higher vacancy, slower/declining sales, stagnant rents, and slower growth in property tax digest compared to the City of Alpharetta as a whole. As an example of higher commercial vacancies in the redevelopment area, the office properties within the TAD boundaries had lower vacancy rates in 4Q 2009 (7.9%) as compared to Alpharetta overall (13.8%), according to CoStar. By 4Q 2017 the situation changed dramatically. Whereas the city's overall office vacancy rate decreased to 10.4%, the vacancy rate within the TAD area rose above the city's rate to 12.2%. Thus, while the city overall improved its office vacancy rate over the past 10 years, the North Point area's vacancy rate increased by over 50%, providing further evidence of the declining nature of the commercial real estate performance.

Also, according to Fulton County tax assessment data, the assessed value of in-line mall stores at North Point, containing 656,000 SF of gross leasable area, was recently reduced on appeal by more than 20% in 2019. The assessed values of the department stores connected to the mall were also reduced in value

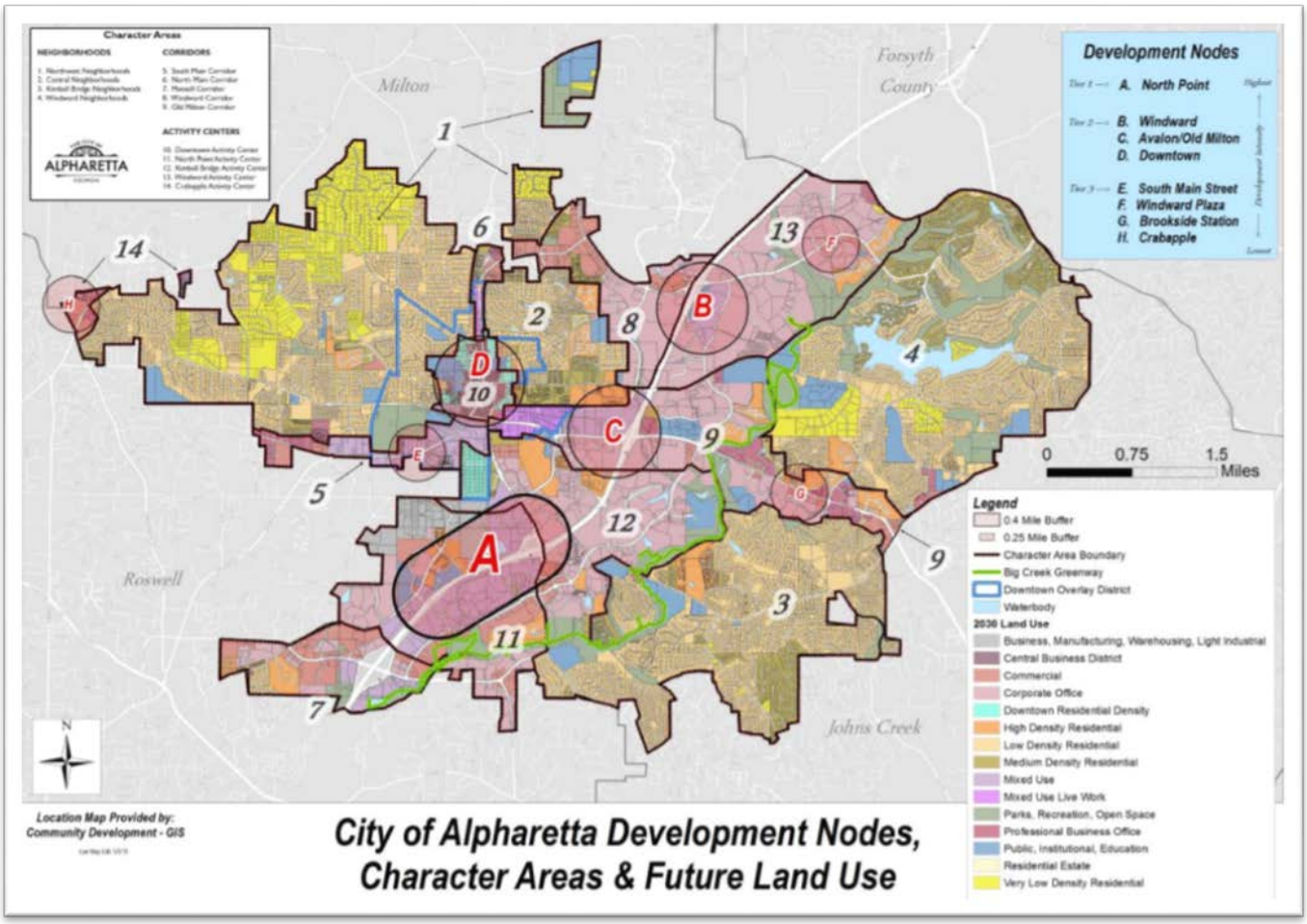
by a range of 3.2% to 16.7% since 2017. Assessments on other retail properties in the vicinity of the mall have also been flat to declining over the past five years. As previously noted, an important objective of this redevelopment plan is to help stabilize and reverse 'deteriorating' retail sales and value trends in this part of Alpharetta, before the redevelopment area becomes 'blighted and distressed'.

PLAN VISION AND GOAL

The City's 2017 Comprehensive Plan and 2016 Comprehensive Land Use Plan, along with the 2007 Livable Centers Initiative Plan and the 2017 Livable Centers Initiative Plan Update for North Point, have identified several economic development objectives for the community that are relevant to this effort.

The current City of Alpharetta Comprehensive Plan, expresses intent to "PRESERVE the North Point area as a regional destination for shopping, jobs, and entertainment, and ENHANCE the area with improvements and new development that supports a walkable and vibrant community destination with places to shop, work, entertain, and live." The Comprehensive Plan calls for future development to "emphasize connectivity, uses that generate a high level of activity and…reinforce a walkable, mixed-used destination supported by a range of housing types and transportation modes."

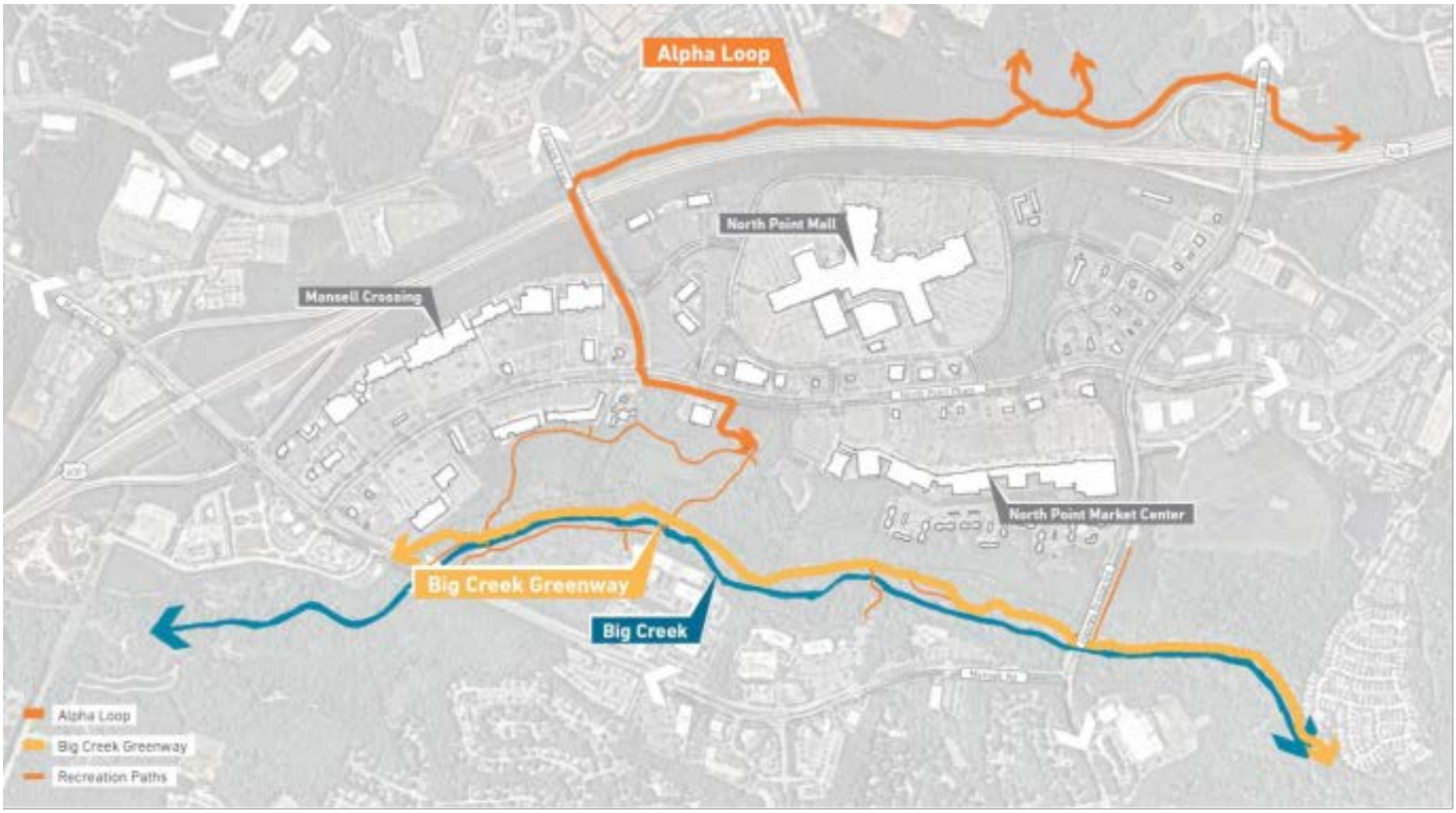
Development Nodes, Character Areas, & Future Land Use (2017 Comprehensive Plan)



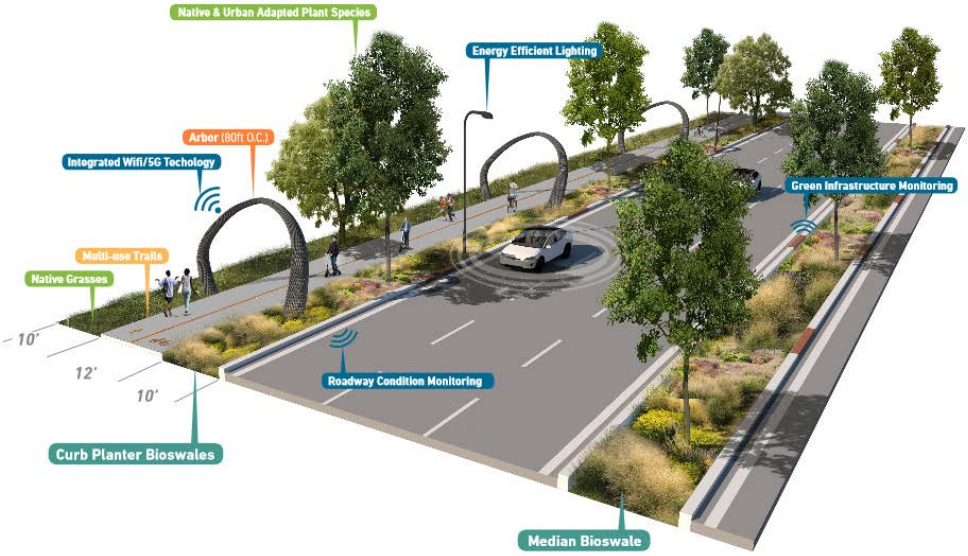
The 2018 Livable Centers Initiative Plan Update built upon this vision for the North Point area. With community input, the LCI developed four guiding principles for future development in North Point:

- Create a "park once walk everywhere" walkable environment
- Create multimodal connections parallel to North Point Parkway
- Induce redevelopment of large areas of surface parking
- Improve the area's retail balance.

Upon council approval of the LCI plan, the City continued to carry out the plan's recommendations by creating a Creative Placemaking Plan that examines options to improve safety and walkability along the North Point Parkway corridor. The study includes wayfinding concepts, streetscape design guidelines, and a signage program and plan to encourage efficient and safe movement of pedestrians, bicycles and vehicles in, through and around the North Point area. Shown below are renderings excerpted from this plan, developed by MKSK and included here with the City's permission.



It is likely that infrastructure investments in the area, to be paid for at least partially by this proposed TAD, will focus on active transportation improvements along and near North Point Parkway as shown above, adding crosswalks and connections to the Big Creek Greenway at the end of Encore Parkway.



The development of this TAD will facilitate the key investments and redevelopments that will:

- aid the community in meeting the City's adopted goals for the North Point area, and
- support in the financing of the planned infrastructure improvements depicted above.

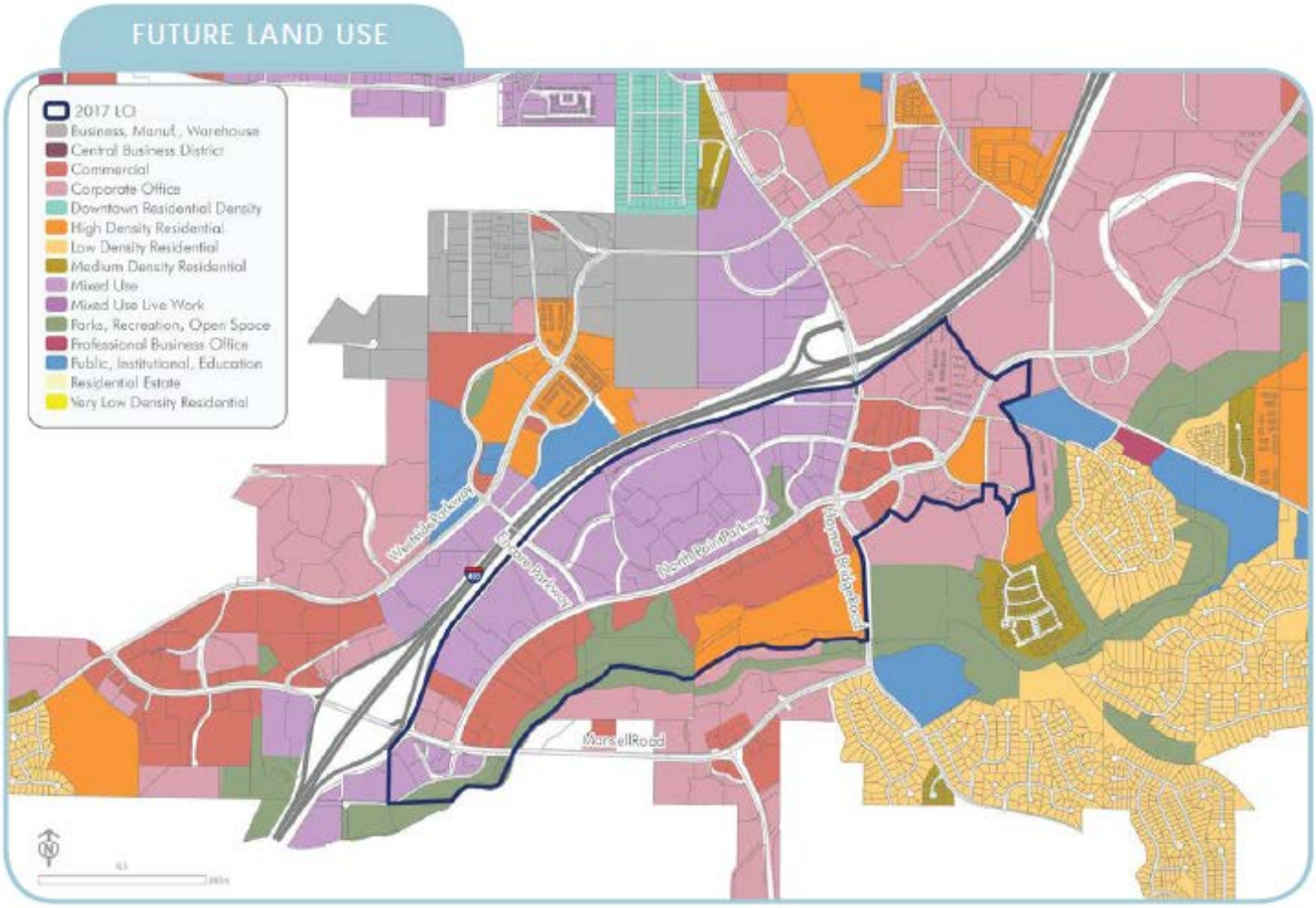
PROPOSED LAND USES AFTER REDEVELOPMENT (C)

The City's proposed future land uses within the redevelopment area are illustrated in the Future Development maps above that identify the locations of the "Activity Areas" and "Development Nodes" described in the Comprehensive Plan. The map shows that the area encompasses the North Point Activity Center as well as the North Point Development Node. This area is envisioned to be a combination of Corporate Office, Mixed Use, High Density Residential, and Commercial. The financial and public infrastructure inducements offered

by this TAD directly address the central issues and opportunities identified in the City's Comprehensive Plan, as well as the adopted LCI plans, in an area that has been identified as a high priority by City residents.

This redevelopment plan is therefore both fully consistent with, and designed to implement, the major recommendations contained in the 2017 Comprehensive Plan, the City's adopted Future Land Use Map, the multiple LCI planning efforts, and the subsequent Creative Placemaking Plan.

Future Land Use Map (2017 LCI Plan Update)



PROPOSED REDEVELOPMENT PROJECTS (D)

The process of transforming a 25-year old, traditional auto-oriented retail shopping center district into a "walkable and vibrant community destination with places to shop, work, entertain, and live" with an emphasis on connectivity, "uses that generate a high level of activity" and create "diverse housing options in mixed-used developments" will require substantial public and private investment. The total cost of utility infrastructure, parks, greenspace, placemaking, streetscapes and related public improvements identified in recent studies have been estimated to fall within a range of $100 to $155 million.

Requiring developers to contribute to public improvements that directly benefit their projects and using traditional local funding mechanisms is expected to cover a substantial percentage of these costs. However, absent of the additional funding mechanisms offered by the TAD, implementation could take decades to achieve and fail to deliver the level of quality desired by Alpharetta residents.

This proposed TAD would be selectively used as a tool to help achieve the type of future development envisioned for this area. Several major proposed projects and/or development sites, in varying stages of planning and permitting, are included within the TAD boundaries. If early catalyst projects in key locations can be successfully developed, including some projects that do not require financial support from the TAD, the resulting tax increment would provide financial resources that can be leveraged elsewhere to build supportive parks, trails, infrastructure and related public realm improvements. These public improvements would in turn, enhance the value of other development sites over time.

The above illustrations describe development proposals that are in various stages of planning or permitting within the proposed TAD. These projects may or may not be completed as currently proposed.

Offering direct financial incentives to developers through the TAD to reduce the costs of private development on private sites would be considered only in limited cases, if the applicant can offer a compelling financial reason to do so. In such rare cases the City would also require TAD proceeds to be targeted as much as possible for specific purposes that are consistent with overall redevelopment goals for the area.

The table on the following page estimates the combined future assessed value of residential and commercial development that is associated with development proposals made for specific sites within the proposed TAD. Taxable values are forecast estimates, based on comparable assessed values for similar property types in northern Fulton County (not construction costs). The actual taxable value of these future developments will ultimately be determined by the Fulton County Tax Assessor.

REMAINDER OF THE TAD

Most of the remaining parcels within the proposed North Point Activity Center TAD not illustrated above, are already developed. This plan makes conservative assumptions regarding future redevelopment and tax digest growth associated with the remaining 766 acres where no specific development projects have been proposed. It can be reasonably assumed that additional development and incremental value growth will occur in the balance of the TAD, after investments in the key redevelopment sites are made. While investments are likely to be made on those parcels as well, they are not likely to be projects that qualify for and/or request TAD funding. In the balance of the TAD where no specific projects or strategies have been proposed, the forecast used for this analysis assumed 3% annual allowance for future digest growth, after the economic impacts of TAD-supported projects begin to take effect. Estimates of achievable development and digest totals are summarized in the table and graph on the next page.

TOTAL POTENTIAL DEVELOPMENT

In summary, already identified development opportunities impact roughly 132 acres or about 15% of the total acreage within the proposed TAD, including North Point Mall. This represents parcels where specific development projects have been proposed and quantified. The future development forecast reflects the addition of approximately 750 housing units that have been proposed and are likely to be completed on those 132 acres, including for-sale condominiums, townhomes, and multi-family apartments. The forecast includes another 500 for-sale units, including a mix of townhomes and condominium flats, which could be developed within the balance of the TAD. These include sites where the City has <u>not</u> approved development applications, or where no specific development proposals have been made. In addition to new housing, the development forecast includes 2.5 million SF of new or rehabilitated retail, commercial (including hotel) and office development. These levels of new construction are not likely to be achieved absent of the major public improvements outlined in the LCI Plans, as well as other initiatives proposed by the City. Combined development sites <u>where specific projects have been proposed</u>, have a current estimated full market value of $227.6 million and a taxable digest value of just over $91 million (most of the value is currently in the mall site). Proposed projects on these 132 acres have the potential to grow to a full market value of over $709 million and a digest value of $284 million at build out, generating an incremental increase in tax digest of $192.6 million (more than $1.4 million per acre).

The balance of 766 acres within the proposed TAD, where no specific projects or direct investment of TAD proceeds have been analyzed, currently contains $444.3 million in full market value. The "halo effect" from development projects is expected to increase the value of these other sites <u>to</u> an estimated $658 million, representing a 48% increase of over existing conditions. This estimate results in total gain in tax digest of $85.5 million ($112,000 per acre) on those remaining acres. Combined, the entire 898-acre TAD has the <u>potential</u> to more than double in total taxable digest by 2030. This forecast assumes that public improvements needed to support the area's transition to a more mixed-use district would be completed in a timely manner.

Summary Development Forecast – Incremental Property Tax Digest

Project Areas	Acres	Development Forecast: Residential* For-Sale Units	Multi-Family Rental Units	Office (SF)	New/ Rehab Comm/Retail (SF)	Estimated 2019 Base Digest	Estimated Future (Year 10) Tax Digest
North Point Mall Area	79.1		328		1,105,059	**$81,702,000**	$128,599,861
Other Project Sites	52.8	280	140	1,200,000	118,500	**$9,344,080**	$155,039,261
Balance of TAD**	766.0	500			110,000	**$177,713,480**	$263,210,276
Development Totals:	**897.9**	**780**	**468**	**1,200,000**	**1,333,559**	**$268,759,560**	**$546,849,398**

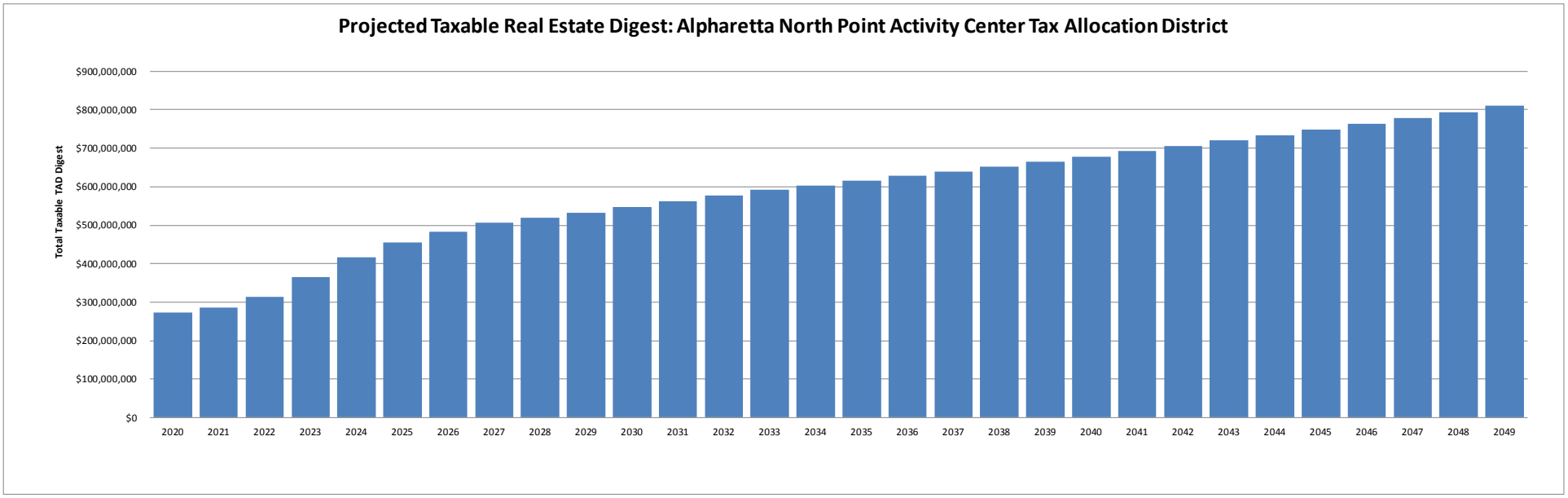
* This column includes both condominium flats and townhomes - no SF homes are anticipated.

** Refers to remaining TAD parcels where no specific projects have yet to be approved.

Estimated Incremental Tax Digest Growth: $278,089,838

Percent Change 103.5%

Source: Alpharetta Project Data and Bleakly Advisory Group, Inc.



CONTRACTUAL RELATIONSHIPS (E)

Pursuant to O.C.G.A. §34-44-3(a), the City Council of Alpharetta will act as the redevelopment agent and will exercise redevelopment powers as needed to implement this plan. In doing so, the Council, acting directly or through a designee such as a City development authority, may conduct the following activities and enter into the following contracts:

1. Coordinate implementation activities with other major participants in the redevelopment plan and their respective development and planning entities, including Fulton County and other stakeholders, as well as with City or County authorities and various Alpharetta departments involved in implementing this redevelopment plan.

2. Enter into development agreements with private developers to construct infrastructure and vertical developments to implement the redevelopment plan.

3. Negotiate and enter into commercial financing agreements and intergovernmental agreements as needed.

4. Coordinate public improvement planning, design and construction among City, County and State agencies and departments.

5. Prepare (either directly or through subcontract to other appropriate entities) economic and financial analyses, project-specific feasibility studies and assessments of tax base increments in support of the issuance of tax allocation bonds or other forms of financing by the City.

6. The City will enter into contractual relationships with qualified vendors for the provision of professional and other services required in qualifying and issuing the bonds or other forms of financing, including, but not limited to, legal, underwriting, financial analysis and other related services.

7. The City will perform other duties as necessary to implement the redevelopment plan.

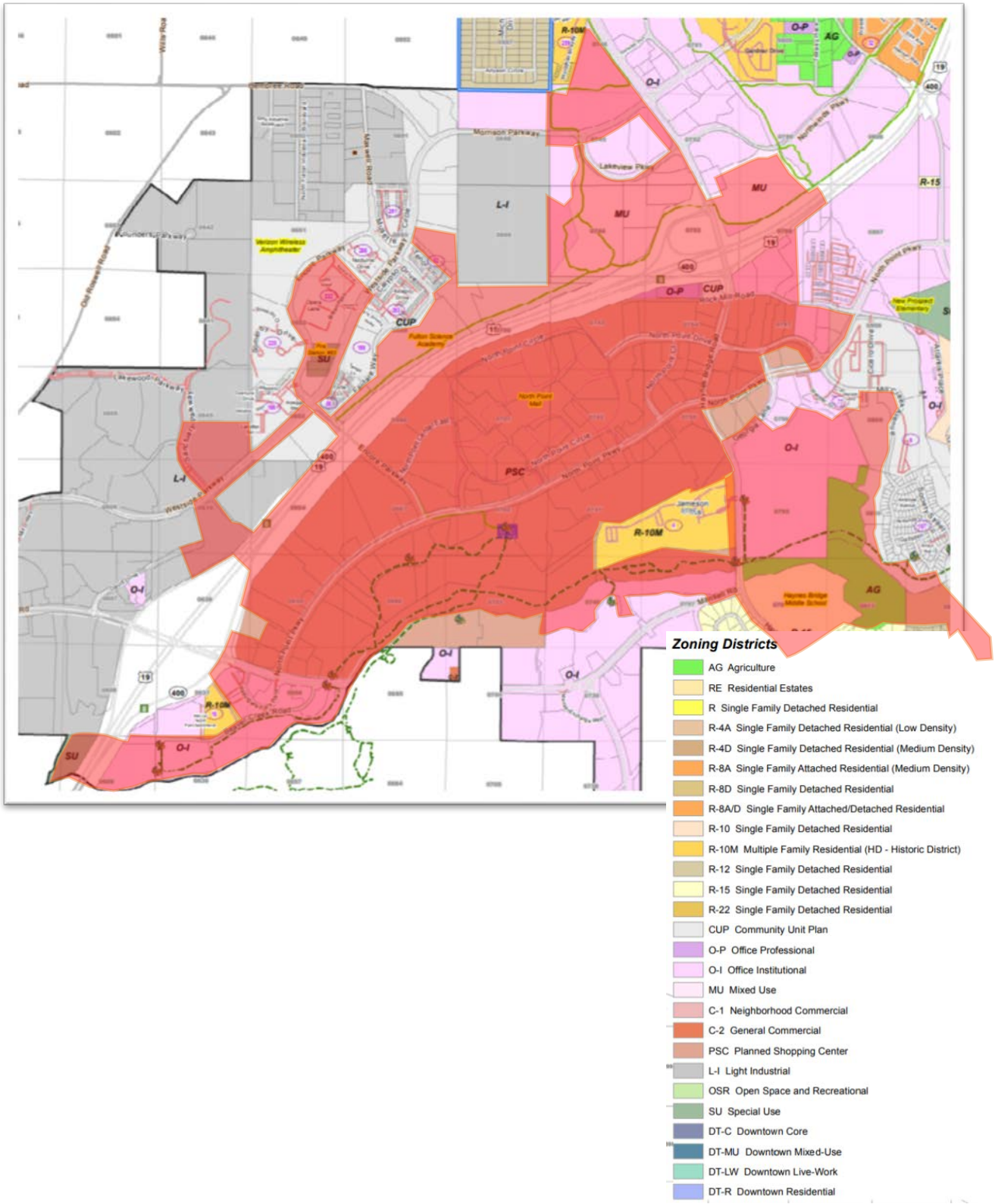
RELOCATION PLANS (F)

As is currently foreseen, no demolition of housing units is anticipated within the North Point Activity Center Tax Allocation District. In the future should the relocation of existing homes or businesses be required, such relocation expenses may be provided for under all applicable federal, state, and local guidelines if public funds are used for property acquisition and such funding sources require relocation benefits to be offered.

ZONING & LAND USE COMPATIBILITY (G)

The redevelopment area includes several categories of commercial and residential development, including single- and multi-family housing. The area is covered by several zoning classifications including Planned Shopping Center, Office Institutional, Mixed Use, and Community Unit Plan. These zoning classifications allow all land uses that are proposed in this Redevelopment Plan. The map below identifies the City's applicable zoning and overlay districts. This map, as well as the Future

Development map, presented previously, identify allowed current and proposed future land uses within the redevelopment area and TAD. The fact that proposed redevelopment sites are consistent with existing zoning indicates that this Redevelopment Plan is compatible with zoning and land use.



METHOD OF FINANCING / PROPOSED PUBLIC INVESTMENTS (H)

FINANCIAL ANALYSIS OF POTENTIAL PROJECTS

This section estimates potential revenues from redevelopment projects in the North Point Activity Center TAD, over the life of the TAD, assuming both Fulton County and the Fulton County Public Schools pledge their respective M&O millage to the TAD.[1] Including such a forecast is a requirement of the statute. The following forecast presents a reasonable estimate of the amount of future tax allocation increment that could be generated over the life of the TAD based upon (a) the characteristics of real estate within the district's boundaries, (b) current/anticipated market conditions, (c) the nature of development desired by the City and allowed by zoning, (d) the characteristics of known development projects that are in various stages of planning within the district, (e) County assessment practices and the likely taxable value of completed development, (f) current applicable millage rates and (g) the expected economic impact of public investments of TAD proceeds on future real estate values within the district.

There are obviously other factors that can impact this forecast which are more difficult to anticipate, such as future business cycles, changes in applicable millage rates, and future investments in competitive projects located outside of the TAD or outside the City of Alpharetta, over which the City has no control. Time lag effects in the assessment process can reduce/delay the receipt of property taxes from new development by as much as two years depending on the timing of new construction. Office, commercial and certain multi-family projects within the TAD may also qualify, and developers may apply for leasehold interest tax abatements from the County or City development authorities which, if awarded, could reduce and delay the collection tax allocation increments over the first ten (and in some cases possibly more) years after completion of those projects. While the following forecast is intended to be conservative, it cannot incorporate all potential variables and should be viewed as one reasonable projection of future revenues which could become available to pay eligible redevelopment costs.

Assuming an approximate 10-year phasing schedule and providing a reasonable allowance for "background growth" in the TAD as a whole as implemented projects benefit nearby areas, it is estimated that the area could generate nearly $596 million in total real property taxes over the life of the TAD, assuming that millage rates do not change over the forecast period. Of this amount, it is estimated that $272.3 million would be collected from the base value of the TAD and continue to flow to the respective taxing jurisdictions' general funds. The balance of $323.7 million would be tax allocation increments accruing to the TAD Special Fund.

Real estate taxes levied on existing properties within the proposed TAD raised an estimated $9.07 million in total general fund real estate taxes to the City, County, and School District, combined in the current fiscal year (FY2019). Total levied taxes on real estate averaged $10,100 per acre over the entire TAD, including $1.29 million and $1,443/acre to Alpharetta. If the forecasted build-out and resulting valuations estimated in the above-described projects existed today, these same areas would have generated $18.45 million in combined City, County, and School District general fund real estate taxes, averaging more than $20,500 per acre. This estimate excludes additional taxes on business

[1] Counties and school districts in other parts of Georgia have requested and cities have agreed to rebate portions of their respective millage rates as a payment in lieu of taxes, reducing the effective millage rate pledged to the TAD. The following section assumes that Alpharetta will NOT be asked to rebate County or School District Tax Increments as a payment in lieu of taxes, but financial models possess the capability to incorporate such assumptions.

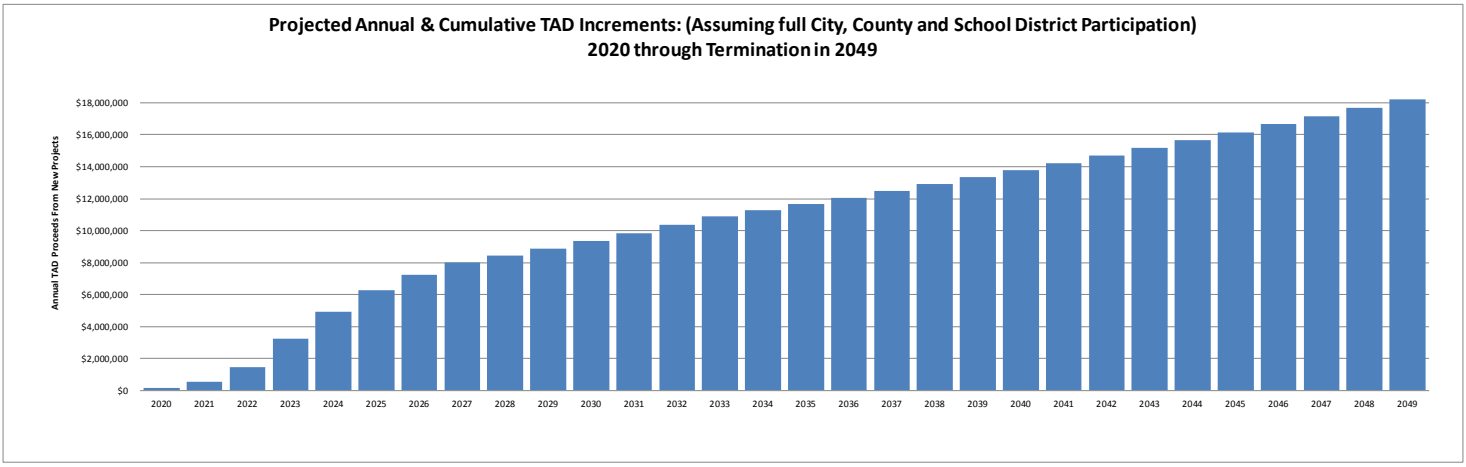
personal property, which could conservatively add another 20% to 25% to estimated ad valorem revenues from new commercial development within the TAD.

Estimated Potential Tax Allocation Increment at Build Out

Project	Current Millage Rates	Base Digest Conditions	2030 Forecast Conditions	Incremental Change
Annual General Fund Property Taxes				
City of Alpharetta	4.820	$1,295,421	$2,635,814	$1,340,393
Fulton County	10.380	$2,789,724	$5,676,297	$2,886,573
Fulton County School System	18.546	$4,984,415	$10,141,869	$5,157,454
TOTALS:	**33.746**	**$9,069,560**	**$18,453,980**	**$9,384,420**
Base Digest/General Fund		$9,069,560	$9,069,560	
TAD Proceeds		$0.00	$9,384,420	

Source: Alpharetta Project Data and Bleakly Advisory Group, Inc.

The impact of this future development on real estate taxes and potential TAD proceeds is summarized in the following graph. This analysis forecasts that the use of TAD proceeds could increase property tax collections on real estate by a net of almost $6.3 million per year by 2025 and continuing to increase until build-out of the identified projects is completed by 2030. This growth would result from the combination of new construction, rehabilitation of existing commercial property, and the general value growth these investments could cause among other nearby properties. Allowing for phased development, total tax increment available to the TAD special fund could approach $323.8 million over 30 years. Applying a 6% discount rate to this cash flow over the first 15 to 20 years provides a reasonable approximation of the of the capacity of this future income stream to leverage actual investment, such as issuing a TAD bond or obtaining private financing. The net present value is estimated to range between $65 million and $88 million.[2]



Aggregate TAD Increments	Annual @ Bld Out	Build-Out Year	10 Years	15 Years	20 Years	25 Years	30Years
Total City/County/BOE Increment	$9,384,420	2030	$49,349,879	$101,197,653	$163,859,100	$237,635,037	$323,765,687
Cash Flow Discounted @	6%		$39,465,929	$64,820,140	$87,508,624	$97,965,784	$114,813,347

[2] For general planning and forecasting purposes it is likely unrealistic to anticipate that 100% of total tax allocation increments generated over the entire length of the TAD will be available to invest in projects. Typical 20 to 25-year financing instruments will be leveraged based on tax increment that can be realistically generated and anticipated within the first 10 years of the TAD's existence. Forecast tax digest growth beyond year 20 or 25 is not likely to be leveraged as a financing source for long-term investments extending beyond the termination date of the TAD. In practice, "excess" tax increments generated toward the end of the life of a TAD, which are not needed for debt service payments, tend to be either rebated back to the taxing jurisdictions or applied to retire debt early, enabling the TAD to be dissolved prior to the stated termination date in the redevelopment plan.

From the projected tax allocation increments, it is possible that the City could be asked to rebate a portion of County or School TAD increments back to those jurisdictions as payments in lieu of taxes (PILOT payments), effectively lowering the net millage rate contributed by those jurisdictions to the TAD. This analysis made no specific assumptions for this possibility. To the extent that rebates are requested from initial TAD proceeds rather than later year proceeds after redevelopment has occurred, the amount of financing that could be leveraged by the TAD is reduced accordingly.

The amount of project funding this revenue stream could deliver depends upon multiple factors, including the number of years to repay the financing, interest rates at the time of issuance, as well as debt coverage ratios and reserve requirements imposed by lenders. Changing these inputs produces differing estimates of financing or bonding potential. Any number of realistic alternative scenarios could be to produce results that vary by a factor of 25% or more depending on future market conditions or whether the City provided a credit enhancement to secure a lower interest rate. Issuing TAD bonds or other form of debt instruments might enable the City to front-load more improvements than would be possible without issuing debt.

Estimated Bonding Capacity: Proposed Tax Allocation District #1 (Assumes County and School District Participation)

Issue Year:			**2023**
Debt Issuance Costs			
Amount Delivered to Projects:		$	38,400,000
Capitalized Interest:		$	5,395,000
Debt Service Reserve:(# Payments)		$	3,810,000
Bond Issuance Costs @:	3.0%	$	1,428,150
Total Bond Amount: (Rounded)		$	49,030,000
Assumed Financing Terms			
Loan period in years			25
Interest Only Period (Years)			2
PRN Retirement Period (Years)			23
Interest Rate:			5.50%
Annual Debt Service Payments			($3,808,143)
Estimated Annual Tax Increment		$	4,938,358
Stabilized Debt Service Coverage Ratio:			1.30
Cumulative Financing Costs			
Total Debt Service:			($92,980,584)
Interest Only Period:			($5,393,300)
Total interest over term of loan:			($43,950,584)

Source: Bleakly Advisory Group, Inc.

This table contains a hypothetical scenario whereby the City can leverage $49 million in financing for public improvements in a first bond, issued for a 25-year term in the second or third year after the TAD is formed. This assumes that commitments could be secured for a redevelopment project at the North Point Mall, plus a minimum of one other large investment described in the earlier section. As shown, annual debt service payments associated with this issue total about $3.8 million, with the first two years paid by capitalized interest and the balance of the note amortized over the remaining 23

years. Annual TAD increment is projected to reach almost $5.0 million by the time debt service payments are needed, resulting in a healthy 1.3 debt coverage ratio. After deducting reserve requirements and issuance costs, roughly $38.4 million or 78% of total financing would be available for distribution to individual projects from this first issue.

As previously noted, TAD proceeds are projected to approach the $9.4 million level at build-out. Therefore, a second issue of nearly the same amount could be secured a few years later as additional growth occurs. Using a portion of TAD proceeds as a partial funding source to secure grants or other lower-cost public financing could also leverage more funding for construction than is attainable by issuing conventional debt financing. Using a simple "pay as you go" approach to utilize TAD funds also yields roughly $114.8 million on a discounted net present value basis over 30 years, further suggesting that multiple investment of TAD proceeds would be possible.

As previously noted, Alpharetta's redevelopment strategy focuses on developing policies, guidelines and funding approaches that can be applied broadly to support investments in public improvements. Using TAD funds to provide development incentives to individual projects would be used sparingly, only if the applicant can demonstrate financial need, and only if the project contributes a broader public benefit in return. Considering all factors, this analysis forecasts that a total investment of future TAD proceeds in the range of $65 to almost $90 million is reasonable and suggests the opportunity to negotiate terms of consent agreements or pay off the TAD before the end of 30 years.

PROPOSED USES OF TAD PROCEEDS

The Redevelopment Powers Law gives Georgia's communities wide latitude in the use of tax allocation district funds to support redevelopment. As enumerated in Section 36-44-3, the following are all eligible uses for TAD funds in a redevelopment area:

- Construction of building(s) for business, commercial, industrial, governmental, educational, charitable, or social use
- Renovation, rehabilitation, reconstruction repair or demolition of any existing building
- Creation of public housing
- Creation of public works or public facilities
- Preservation of historic structures
- Creation or improvement of public spaces
- Creation or improvement of mass transit facilities
- Development, or improvement of telecommunications infrastructure
- Creation or improvement of pedestrian access and safety
- Property acquisition, site preparation, demolition, environmental remediation
- Infrastructure and utility relocation, rehabilitation or installation

The existing infrastructure in the North Point redevelopment area is inadequate to support the community's full vision for the area. Having a TAD in place will help fund infrastructure improvements necessary to improve the transportation network (streets and sidewalks), enhance parks and open space and provide stormwater management for future area development.

The total public cost for implementing the potential public improvements as described in detail in the most recent LCI plan, including construction and improvement of the necessary public infrastructure, is currently estimated at over $165 million, which the City intends to fund, at least partially, through the tax allocation district. The purpose of the proposed infrastructure improvements funded by the TAD would be:

- Roadway connections to improve the flow of vehicular traffic that will be present in the area at the time of redevelopment.
- Enhancements such as streetscapes, curb and sidewalk improvements and public spaces to improve the experience of pedestrians, and other residents and visitors in the district.
- Stormwater management improvements, which could also function as public park/green space.

Potential long-term costs to improve the infrastructure could exceed the estimated proceeds that could be financed through TAD increments alone. TAD funds would therefore need to be used strategically to leverage other funding sources.

Priorities for the use of TAD proceeds will evolve as project planning proceeds, more detailed engineering budgets are prepared, and actual costs become better known. The intent is to employ TAD proceeds as available and necessary to make infrastructure improvements financially feasible and to attract users that would positively impact the redevelopment area, the city and the regional economy.

Proposed Uses of Future TAD Proceeds: Tax Allocation District #1 - Alpharetta North Point Activity Center
(Assumes County and School District Participation)

Potential Uses of TAD Proceeds	Estimated Total Cost	Estimated TAD Contribution	% of Total TAD Proceeds
Public Infrastructure Improvements [1]	$16,900,000	$15,000,000	23.01%
New Parks & Greenspace [2]	$50,350,000	$25,000,000	38.34%
Walkability & Place-Making [3]	$30,800,000	$9,200,000	14.11%
Streetscapes Improvements (Local Match)[4]	$57,500,000	$11,500,000	17.64%
Development Incentives [5]	$10,000,000	$4,500,000	6.90%
TOTALS:	**$165,600,000**	**$65,200,000**	**100.0%**

NOTES

1 *Estimated TAD contribution to new roads and intersection improvements recommended in LCI Plan.*
2 *Estimated TAD contribution to linear parks, gateways, greenway connectors and pocket parks.*
3 *Estimated TAD contribution to new trail connections, pedestrian connections & event spaces.*
4 *Estimated TAD contribution to support up to 5 miles of potential streetscape improvements.*
5 *Remaining set aside for direct incentives to redevelopment projects if the "but for" test can be met.*

Source: City of Alpharetta and Bleakly Advisory Group, Inc.

The table above contains a representative distribution of fund uses among various priorities. TAD proceeds will be allocated to specific purposes as opportunities present themselves. Uses of TAD proceeds may include supporting on- and off-site development (including parks, streets, sidewalks,

roads, signage, site preparation, utility improvements, storm water management and environmental remediation) and paying for public amenities that cannot otherwise be afforded.

As previously noted, the calculations and estimates made above provide one reasonable forecast of achievable future redevelopment within the TAD, resulting in gains in the area's real estate tax digest, corresponding tax allocation increments, supportable TAD financing proceeds and potential uses for those proceeds to reduce redevelopment costs. Numerous combinations of equally reasonable inputs and assumptions could be applied to produce marginally different results. This report sets an achievable expectation for the TAD's future financial performance, which is intended to help the City make current and future decisions. The timing of future investments of TAD proceeds, the method(s) of funding, underwriting criteria applied to bond financing (if used) and all related decisions will be made by City officials in charge of such decisions, at the appropriate times.

ASSESSED VALUATION (I) & TAX ALLOCATION INCREMENT BASE (M)

The Redevelopment Powers Law specifies that this plan "recites the last known assessed valuation of the redevelopment area and estimate the assessed valuation after redevelopment." The tax base is expected to increase in the future through the private investment stimulated by implementation of the redevelopment plan and the investment of TAD increments into infrastructure investments.

Tax Allocation District #1 –Alpharetta North Point Activity Center identified in this plan contains 138 parcels totaling nearly 898 acres, with a taxable real estate digest in the City of Alpharetta of $268.8 million. Of the total acreage in the TAD, approximately 233.7 acres (26%) were exempt from taxation as of 2018. A complete list of included parcels can be found in the appendix.

Pursuant to the Redevelopment Powers Law, upon adoption of the Redevelopment Plan and the creation of the tax allocation district, the City of Alpharetta will request that the Georgia Commissioner of Revenue certify the tax base of Tax Allocation District #1 –Alpharetta North Point Activity Center as of December 31, 2019, as the base year for the district. Values presented herein could change before the district is certified.

Summary Forecast Estimate – Incremental Property Tax Digest

		Development Forecast				Estimated	Estimated
Project Areas	Acres	Residential* For-Sale Units	Multi-Family Rental Units	Office (SF)	New/ Rehab Comm/Retail (SF)	2019 Base Digest	Future (Year 10) Tax Digest
North Point Mall Area	79.1		328		1,105,059	**$81,702,000**	$128,599,861
Other Project Sites	52.8	280	140	1,200,000	118,500	**$9,344,080**	$155,039,261
Balance of TAD**	766.0	500			110,000	**$177,713,480**	$263,210,276
Development Totals:	**897.9**	**780**	**468**	**1,200,000**	**1,333,559**	**$268,759,560**	**$546,849,398**
* This column includes both condominium flats and townhomes - no SF homes are anticipated.				Estimated Incremental Tax Digest Growth:			$278,089,838
** Refers to remaining TAD parcels where no specific projects have yet to be approved.				Percent Change			103.5%

Source: Alpharetta Project Data and Bleakly Advisory Group, Inc.

The above table estimates the combined impact of implementing the redevelopment projects summarized above over a multi-year period. At build out, the combination of forecasted new construction, rising land value, and the increased average value of building improvements per square foot are estimated to raise the total taxable market value (FMV) of the TAD from $672 million currently to nearly $1.4 billion at completion. This analysis estimates that the TAD's overall taxable

digest would increase over the current base by $278.1 million, an 103% increase over existing conditions at build-out.

HISTORIC PROPERTY WITHIN BOUNDARIES OF TAD (J)

No historic properties are within the boundaries of the proposed Tax Allocation District #1 – Alpharetta North Point Activity Center. The City acknowledges that no historic properties will be substantially altered in any way inconsistent with technical standards for rehabilitation; or demolished unless feasibility for reuse has been evaluated based on technical standards for the review of historic preservation projects, which technical standards for rehabilitation and review shall be those used by the state historic preservation officer.

CREATION & TERMINATION DATES FOR TAD (K)

Tax Allocation District #1 – Alpharetta North Point Activity Center will be created effective December 31, 2019. The Redevelopment Powers Law provides that the district will be in existence until all redevelopment costs, including debt service, are paid in full. This repayment could take 25 or more years from the date of issuance.

TAD BOUNDARIES EXISTING USES OF REAL PROPERTY (L)

The proposed boundaries for the Tax Allocation District #1 –Alpharetta North Point Activity Center are overlaid on the existing land use map that is included in the Zoning & Land Use Compatibility section above. The TAD boundaries include the respective tax parcels listed in the appendix and the associated public ROW adjacent to the TAD parcels. For any section of roadway that abuts a TAD parcel and/or is used as a boundary in the TAD map, the entire section of ROW is intended to be included inside the TAD boundary in order to maintain flexibility to use TAD proceeds for public improvements to those rights of way, if desired by the redevelopment agency.

North Point Redevelopment Area Tax Increment Base	
Number of Parcels	138
Fair Market Value (including tax exempt property)	$714,087,245
Taxable Value (@ 40%)	$268,759,560
City of Alpharetta (M&O) Millage:	**4.820**
City of Alpharetta Base Property Taxes Collected	$1,295,421
Fulton Co. Schools (M&O) Millage:	**18.546**
Fulton Co. Schools Base Property Taxes Collected	$4,984,415
Fulton County (M&O) Millage:	**10.380**
Fulton Co. Base Property Taxes Collected	$2,789,724
TOTAL Base Property Taxes Collected	**$9,069,560**

The proposed TAD represents 5.0% of Alpharetta's estimated 2018 tax digest and may be subject to change. This amount is well below the 10% maximum value threshold for all TADs in a single taxing jurisdiction, as prescribed in the Redevelopment Powers Law. This means that should the City Council choose, it could add additional tax digest to one or more future TADs. The amount of total digest the

City can place in TADs would also increase as the City's tax digest grows in the future. The base valuation of the proposed TAD is estimated as follows:

Property Taxes Collected Within Tax District to Serve as Base Amount:
Total Taxable Digest ($268,759,560) x Useable Millage (0.033746)* = $9,069,560
(*This revenue estimate assumes consent by the County and Fulton County School District.)

AD VALOREM PROPERTY TAXES FOR COMPUTING TAX ALLOCATION INCREMENTS (N)

As provided in the Redevelopment Powers Law, the taxes that will be included in the tax increment base for the tax allocation district are based on the following authorized millage rates:

Alpharetta North Point Redevelopment Area Millage Rates	
City of Alpharetta (M&O) Millage:	4.820
Fulton County Schools (M&O) Millage:	10.380
Fulton County (M&O) Millage:	18.546
TOTAL Millage Rate	**33.746**

Levies for bonded indebtedness and Special Service Districts (SSD) are not included in the calculation of the millage rates for TAD purposes.
Source: Georgia Department of Revenue

TAX ALLOCATION BOND ISSUES (O, P, Q)

AMOUNT OF BOND ISSUE

Upon adoption of this Redevelopment Plan, the City of Alpharetta proposes to issue tax allocation bonds or other financing instruments, in one or more issues. Estimated supportable levels of future financing could range from $10 million to $70 million depending upon whether Fulton County Schools and Fulton County consent to participate, and the terms available at the time of issuance and the types of financing methods used.

TERM OF THE BOND ISSUE OR ISSUES

The City of Alpharetta proposes to issue tax allocation bonds or alternative forms of financing for a term no longer than 25 years.

Upon adopting this redevelopment plan and obtaining consent agreements with Fulton County and the Fulton County School District, the City of Alpharetta proposes to either:
(a) seek fixed-rate tax exempt bonds;
(b) obtain comparable forms of commercial financing as available, or
(c) enter into a development agreement to remit certain tax allocation increments.

Should financing be sought in the future, the actual rate, terms and issuance costs would be determined at the time of issuance based upon general market conditions, anticipated development within the TAD, assessed taxable property values and federal tax law considerations.

Bonds, loans or pay-as-you-go agreements will be secured by the positive tax allocation increment from eligible ad valorem taxes levied for these purposes. The actual amount of collected tax increments will depend upon the pace at which the redevelopment plan is implemented and the impact of the redevelopment activities and other economic factors on the tax base in the TAD as a whole.

RATE OF BOND ISSUE

Should Alpharetta issue fixed-rate tax exempt bonds or comparable financing as available, actual interest rates and payment terms will be determined at the time of issuance based upon general market conditions, anticipated development within the redevelopment area, assessed taxable property values, and federal tax law considerations.

PROPERTY TO BE PLEDGED FOR PAYMENT OF THE BONDS

Should the respective taxing jurisdictions consent to participate, and should the City choose to issue bonds or other forms of private financing, such financing will be secured by the positive tax allocation increment from eligible ad valorem taxes on real estate, as levied by the City of Alpharetta, Fulton County, and the Fulton County School System. The City does not anticipate pledging tax allocation increments from either local sales taxes or taxes on commercial personal property at this time.

SCHOOL SYSTEM IMPACT ANALYSIS (R)

Georgia's Redevelopment Powers Law governs the operation of tax allocation districts in the State. The Law was amended during the 2009 legislative session to include a new provision under Section 36-44-3(9)(R), requiring the preparation of a "School System Impact Analysis" on the applicable local school district. This section estimates the potential future impacts of Tax Allocation District #1 – Alpharetta North Point Activity Center on the Fulton County Public School District, in accordance with the requirements of this section of the Redevelopment Powers Law.

THE CURRENT VALUE OF THE PROPOSED TAD VERSES THE FULTON SCHOOLS TAX DIGEST

The current taxable digest for the proposed TAD is $268.8 million. According to the Georgia Department of Revenue, the latest published (2016) assessed value of the Fulton School's net taxable M&O digest exceeded $30.6 billion and is higher than that amount today. The current taxable digest within the proposed TAD is nine-tenths of one percent (0.88%) of the School District's total taxable digest. The amount of ad valorem school taxes on real estate collected from the properties in the proposed TAD, as determined by the tax assessor on December 31, 2018, will continue to flow to the Fulton County School District throughout the operation of the TAD. (This revenue is currently estimated at approximately $5.3 million annually). The value of business personal property associated with the development of new commercial space within the TAD will also continue to flow to the School District General Fund.

Proposed Tax Allocation District #1 – Alpharetta North Point Activity Center
TAD Digest as a Percent of Taxing Jurisdictions*

Taxing Jurisdiction	Net Taxable M&O Digest
Tax Allocation District #1 – Alpharetta North Point Activity Center	$285,392,640
Alpharetta (2018)	$5,376,000,000
Fulton County (2016)	$50,315,707,360
Fulton County School System (2016)	$30,638,052,590
Alpharetta North Point Activity Center TAD Taxable Digest as a % of	
Alpharetta	4.98%
Fulton County	0.53%
Fulton Public Schools	0.88%

* This table reports published 2016 Digest values for the county and School System. DOR has not certified or published the Fulton County Digest for 2017 or 2018.

SOURCE: Georgia Department of Revenue, Local Government Services Division

PROPOSED DEVELOPMENT IN NORTH POINT TAD

As detailed earlier in this plan, there are potential development projects that that are currently planned within this proposed TAD. Already identified development opportunities impact roughly 132 acres or about 15% of the total acreage within the TAD, including North Point Mall. This represents areas where specific redevelopment projects have been proposed and quantified. The future development forecast reflects the addition of approximately 1,250 housing units (multifamily apartments and for-sale townhomes) and 2.5 million SF of new or rehabilitated retail/office development where specific projects and land uses have been quantified. These levels of new construction are not likely to be achievable absent the major public improvements outlined in the LCI Plans and other initiatives proposed by the City.

Combined, these sites have a current estimated current taxable full market (assessed) value of just over $227.6 million. Proposed projects on these sites have the potential to be valued at $709.1 million at build out, generating an incremental increase of nearly $425 million in total and an average gain in tax digest of $192.6 million (more than $1.4 million per acre) on those 132 acres.

The balance of acreage within the proposed TAD, where no specific projects or direct investment of TAD proceeds are anticipated, currently contains $444 million in full market value. The "halo effect" from redevelopment projects is expected to increase the value of those other sites to an estimated $658 million, representing a 48% increase of over existing conditions. This estimate results in total gain in tax digest of $85.5 million on those remaining 766 acres. Combined, the entire TAD has the potential to roughly double in total taxable digest by 2030. This forecast assumes that public improvements needed to support the area's transition to a more residential, mixed-use district would be completed in a timely manner.

		Development Forecast				Estimated	Estimated
Project Areas	Acres	Residential* For-Sale Units	Multi-Family Rental Units	Office (SF)	New/ Rehab Comm/Retail (SF)	2019 Base Digest	Future (Year 10) Tax Digest
North Point Mall Area	79.1		328		1,105,059	**$81,702,000**	$128,599,861
Other Project Sites	52.8	280	140	1,200,000	118,500	**$9,344,080**	$155,039,261
Balance of TAD**	766.0	500			110,000	**$177,713,480**	$263,210,276
Development Totals:	**897.9**	**780**	**468**	**1,200,000**	**1,333,559**	**$268,759,560**	**$546,849,398**
* This column includes both condominium flats and townhomes - no SF homes are anticipated.				Estimated Incremental Tax Digest Growth:			$278,089,838
** Refers to remaining TAD parcels where no specific projects have yet to be approved.				Percent Change			103.5%

Source: Alpharetta Project Data and Bleakly Advisory Group, Inc.

As summarized above, these projects could create nearly 1,250 residential units and 2.53 million square feet of commercial and office space. The new commercial and office space can be expected to generate increased in personal property tax digest, which will not be pledged as TAD increment and will accrue directly to the School District's general fund.

ESTIMATED NUMBER OF FUTURE PUBLIC-SCHOOL STUDENTS LOCATED WITHIN THE TAD

The table below presents an estimate of the residents and school-aged children that could be generated from the proposed development should it all occur. The population and school-age children multipliers are adapted from Center for Urban Policy Research (CUPR) at Rutgers University in a study called "Residential Demographic Multipliers for Georgia." These resident and school-aged children multipliers reflect the average number of school-aged children by bedroom type for the townhouse and multifamily housing. Experience with walkable mixed-use developments, including Avalon in Alpharetta, indicates they are most in demand by empty-nester households, single-person households

and young working professionals, with few children present in these household types, versus single-family housing.

NORTH POINT TAD POPULATION AND SCHOOL-AGED CHILDREN FROM POTENTIAL DEVELOPMENT					
Unit Type	**Units at Build-Out**	**Population Multiplier***	**Estimated Population**	**School-Aged Children Multiplier***	**Estimated School-Aged Children**
Townhouse	350	2.2	753	0.33	114
Multifamily**	900	2.3	2,070	0.20	176
Total	**1,250**		**2,823**		**290**

** Multipliers adapted from: CUPR, Rutgers University, "Residential Demographic Multipliers for Georgia"*
*** Includes a mix of for-sale condominium flats and apartments.*

As indicated in the table, there are projected to be 2,823 residents in the 1,250 new housing units constructed in the proposed TAD. Approximately 290 of these residents would be school-aged children. Thus, over the next 20 years there would be, on average, an addition of 14 new school-aged children from new development each year.

LOCATION OF SCHOOL FACILITIES WITHIN THE REDEVELOPMENT AREA

The Haynes Bridge Middle School is included inside the TAD boundary to facilitate the possible future use of TAD proceeds for help fund future transportation and/or multi-use trail improvements in the area. The proposed TAD also contains one private school facility, the Fulton Science Academy, located at 3035 Fanfare Way, which is located between Encore Parkway and Maxwell Road. The school district also owns 6.3 acres on two parcels located on North Fulton Parkway, which are listed as undeveloped.

PROJECTION OF THE AVERAGE VALUE OF RESIDENTIAL PROPERTIES RESULTING FROM REDEVELOPMENT

Based on the expected development within the TAD as outlined above, overall average value of all planned 350 townhomes is estimated at $450,000 per unit, based on current average pricing of new-build townhomes in the area. This equates to a total of $157.5 million in new residential home value. Currently there are no single-family or townhome residential properties within the TAD area.

The overall average value of all planned 900 multifamily units in the TAD is estimated at $190,000 per unit, based on current average pricing of new-build apartments in northern Fulton County. This equates to a total of $328.5 million in new value created by the apartments. Currently there are no multifamily rental properties within the TAD area.

PROJECTION OF EDUCATIONAL SPECIAL PURPOSE LOCAL OPTION SALES TAXES TO BE GENERATED

The new potential retail development within the proposed TAD will generate sales taxes for the Fulton County School District during years in which a special purpose local option sales tax for educational purposes (ESPLOST) is in effect. At completion, the new and renovated retail space within the North Point TAD area will generate an estimated $167 million in net new retail sales

annually. This would result in $1.7 million in total ESPLOST revenue annually by build-out. These ESPLOST collections, which will likely only occur at this level only with the TAD in place, are not pledged to the TAD Special Fund and will accrue to the school district throughout the life of the TAD. Retail sales in the North Point area have been declining in real terms since 2014, while retail vacancy rates have increased. These trends are not likely to reverse without a concerted public sector effort to change the character of the area.

REVENUES TO THE FULTON COUNTY SCHOOL SYSTEM FROM TAD #1	
Forecast ESPLOST Revenue	
Est. New Retail SF in TAD	1,333,559
Estimated Average Retail Sales Per SF	$250
Estimated Total Retail Sales	$333,389,750
Estimated Net New Sales at 50%	$166,694,875
ESPLOST Revenue to Fulton Schools (1%)	**$1,666,949**

Source: Bleakly Advisory Group

Finally, it is important to note that developers of retail, office or hotel properties are eligible to apply for leasehold interest tax abatements from the County or City development authorities which, if awarded, would reduce and delay the collection of school tax allocation increments over the first ten (and in some cases possibly more) years after completion of those projects. The City intends to encourage developers to work through the mechanism of the TAD rather than seek leasehold interest abatements. However, if the City is unsuccessful and abatements are awarded, the School District's receipt of real property taxes could be delayed regardless of whether the Board of Education consents to participate in the TAD.

DRAFT

APPENDIX

TAX PARCELS (PROPERTIES WITHIN THE TAD)

Parcel ID	Parcel Address	Owner	Acres	Tax Digest	LU Code	Class Code
12 261006880440	1000 NORTH POINT PKY	G G P NORTH POINT INC	24.20	$66,005,400	341	C5
12 273007020363	6500 NORTH POINT PKY	NPMC RETAIL LC	34.39	$18,400,000	344	C5
12 261006870490	555 NORTH POINT CENTER E	BRI 1870 NORTH POINT LLC	7.30	$9,600,000	3A4	C4
12 249006540247	7461 NORTH POINT PKWY	CENTRO WATT OPERATING PTNRSHIP TWO LLC	16.92	$9,566,480	345	C5
12 261006870466	200 NORTH POINT CENTER E	BRI 1870 NORTH POINT LLC	11.76	$8,400,000	3A4	C4
12 261006870508	333 NORTH POINT CENTER E	BRI 1870 NORTH POINT LLC	8.81	$8,400,000	3A4	C4
12 261006870458	100 NORTH POINT CENTER E	BRI 1870 NORTH POINT LLC	4.90	$7,902,000	3A4	C4
12 262006550181	7300 NORTH POINT PKWY	CORO NORTH POINT LLC	4.68	$5,863,800	344	C4
12 250006550293	815 N POINT PKWY	CENTRO WATT OPERATING PTNRSHIP TWO LLC	11.34	$5,661,580	344	C5
12 261006870334	7131 NORTH POINT PKWY	MANSELL CROSSING RETAIL LP	13.15	$5,564,640	344	C5
12 272007430374	1325 NORTH POINT DR	HPTMI II PROPERTIES TRUST	7.34	$5,311,680	252	C4
12 250006550236	7660 NORTH POINT PKWY	CENTRO WATT OPERATING PTNRSHIP TWO LLC	14.06	$4,771,940	344	C5
12 260007000123	5000 NORTH POINT DR	NORTH POINT MALL L P	18.09	$4,000,000	346	C5
12 261007010435	1000 NORTH POINT PKY	DILLARD DEPARTMENT STORES INC	6.64	$3,990,200	346	C4
12 262006550173	7500 NORTH POINT PKWY	AHP H6 ALPHARETTA LLC	4.74	$3,982,720	254	C4
12 273007550138	6000 NORTH POINT PKY	DAYTON HUDSON CORP	8.74	$3,793,720	345	C5
12 250006540211	7491 NORTH POINT PKWY	SMGA LLC	5.96	$3,722,800	345	C4
12 261006880358	4500 NORTH POINT PL	GGP NORTH POINT LAND L L C	4.79	$3,713,000	364	C4
12 286007970312	975 NORTH POINT DR	LAROSE LLC & CLINGING VINE LLC	4.45	$3,040,000	345	C4
12 261007020392	6731 NORTH POINT PKY	HOLLYWOOD CAMARILLO PARTNERS L P	3.33	$2,690,400	373	C3
12 273007420415	380 NORTH POINT PKY	PALM J LLC	1.92	$2,626,000	345	C4
12 250006380287	7731 NORTHPOINT PKWY	TRU TWO THOUSAND FIVE RE I LLC	5.31	$2,600,000	345	C4
12 286007540230	970 NORTH POINT DR	CH RETAIL FUND I ATLANTA STONE WALK L L C	2.43	$2,576,160	344	C4
12 272007430416	6000 NORTH POINT CIR	SEARS	10.04	$2,454,760	346	C5
12 273007420399	2000 NORTH POINT CIR	G G P NORTH POINT INC	1.30	$2,391,480	346	C3

12 272007440514	0 LAKEVIEW PKWY	LWV TPA GA 400 LLC	53.51	$2,376,040	300	C5
12 286007970262	965 NORTH POINT DR	COLE JO ALPHARETTA GA LLC	3.54	$2,275,600	373	C4
12 273007020355	6500 NORTH POINT PKY	NPMC RETAIL LC	12.39	$2,200,000	365	C4
12 261006880341	4000 NORTH POINT PL	VON MAUR INC	8.23	$1,878,000	346	C4
12 262006861364	7300 NORTH POINT PKWY	WIGGINS W B JR	2.51	$1,835,560	374	C4
12 248006520514	0 WESTSIDE PKWY	JEN GEORGIA 7 LLC	20.40	$1,824,080	300	C5
12 261006870276	6800 NORTHPOINT PKWY	VILLAGE CREATIVE LABS PARTNERS L P	4.43	$1,800,000	373	C4
12 286007970270	955 NORTH POINT DR	DDL NORTHPOINT LLC	1.99	$1,730,800	373	C3
12 286007970353	5865 NORTH POINT PKY	ATIVYA NP5865 LLC	2.85	$1,674,240	3B3	C4
12 273007420431	1000 NORTH POINT PKY	G G P NORTH POINT INC	18.50	$1,638,200	300	C5
12 285007520648	0 HAYNES BRIDGE RD	NORTHWINDS LAND LLC	22.85	$1,560,000	300	C5
12 273007430265	1350 NORTH POINT CT	BRE LQ PROPERTIES LLC	2.90	$1,560,000	254	C4
12 286007970288	945 NORTH POINT DR	USR REAL ESTATE HOLDINGS LLC	1.95	$1,552,680	373	C4
12 286007970338	925 NORTH POINT DR	NATIONAL RETAIL PROPERTIES LP	3.34	$1,468,360	321	C4
12 250006370338	7855 NORTH POINT PKWY	SHOPS AT MANSELL LLC	2.20	$1,450,600	3C3	C4
12 262006861372	115 NORTH POINT PKWY	WIGGINS W B JR	2.08	$1,399,960	344	C4
12 261006870292	7000 NORTH POINT PKY	BLUE VENTURES LLC	2.88	$1,345,600	332	C4
12 286007550254	10865 HAYNES BRIDGE RD	NEUSE INCORPORATED	2.09	$1,341,360	351	C3
12 249006070310	0 DAVIS DR	ROCK MILL 400 L P	11.26	$1,298,320	300	I5
12 272007430382	0 NORTH POINT DR	COUSINS WESTSIDE LLC	8.36	$1,280,000	300	C4
12 286007970346	915 NORTH POINT PKY	MILKATHY CORP	2.21	$1,200,000	325	C4
12 272007430432	0 NORTH POINT DR	G G P NORTH POINT INC	5.00	$1,080,000	300	C4
12 273007420381	310 NORTH POINT PKY	SWANN INVESTMENTS L P	1.38	$1,065,960	373	C3
12 249006400384	0 SANCTUARY PKY	SANCTUARY ACQUISITIONS EAST LLC	14.22	$1,060,000	300	C5
12 272007540305	1950 ROCK MILL RD	BRE/ESA P PORTFOLIO LLC	2.46	$1,026,760	255	C3
12 272007540487	10920 HAYNES BRIDGE RD	GREENE HOGG NP II LLC C/O BROGDON CONSULTING	1.47	$1,000,000	321	C3
12 273007550195	6055 NORTH POINT PKY	VILLAGE CREATIVE LABS PARTNERS L P	1.86	$980,560	325	C3
12 260006890219	0 FANFARE WAY	LENNAR GEORGIA, INC.	10.99	$949,600	300	C5
12 272007540495	10910 HAYNES BRIDGE RD	BFC PROPERTIES INC ET AL	1.05	$949,000	325	C3
12 250006370429	2345 MANSELL RD	RISING SUN PROPERTIES INC	1.43	$857,440	321	C3

12 250006550368	7925 MANSELL RD	MANSELL NORTH POINT L L C	2.10	$854,920	321	C4
12 286007970296	935 NORTH POINT DR	PALLADIAN NORTH POINT COMMONS LLC	1.56	$853,400	373	C3
12 273007540220	10890 HAYNES BRIDGE RD	KOLODKIN ALAN B & ELAINE S	1.82	$852,390	321	C3
12 250006370387	2355 MANSELL RD	RUBY REDS II	2.14	$850,120	321	C4
12 273007550203	10800 HAYNES BRIDGE RD	ORLANDO BK ONE ASSOCIATES L P RIPON MAIN ASSOCIATES L P	1.69	$811,600	321	C3
12 273007550294	6010 NORTH POINT PKY	NPMC RETAIL LC	1.45	$800,000	374	C3
12 261006870326	7001 NORTH POINT PKWY	WACHOVIA BANK OF GEORGIA	1.69	$780,400	351	C3
12 250006370403	2335 MANSELL RD	2335 MANSELL RD LLC	1.57	$776,680	321	C3
12 250006550269	7800 EASTSIDE DR	DB TRIPLE DIPPER RESTAURANT LLC	1.54	$756,800	325	C3
12 261007020384	6751 NORTH POINT PKY	ALPHA Z-BOY PARTNERS, LLC	1.27	$755,960	373	C3
12 273007420316	6250 NORTH POINT PKY	NPMC RETAIL LC	1.82	$751,120	373	C3
12 249006540254	7301 NORTH POINT PKWY	CWOP TWO MANSELL VERIZON LLC	1.40	$733,760	373	C3
12 273007550187	6085 NORTH POINT PKY	BP NORTHPOINT LLC	1.77	$720,000	325	C3
12 250006560243	2310 MANSELL RD	ARC CAFEUSA001 LLC	1.31	$711,680	325	C3
12 261007020418	6503 NORTH POINT PKWY	RIPON MAIN ASSOCIATES L P	1.15	$685,560	351	C3
12 250006560441	2375 MANSELL RD	HAY FAMILY TRUST THE	1.97	$676,160	325	C3
12 250006560250	7900 NORTH POINT PKWY	FAMILY INVESTMENT GROUP LLC	1.42	$654,440	321	C3
12 272007540453	10885 HAYNES BRIDGE RD	10885 HAYNES BRIDGE ROAD LLC	1.99	$641,400	373	C3
12 273007550302	6110 NORTH POINT PKY	NPMC RETAIL LC	1.64	$640,000	374	C3
12 273007410341	6400 NORTH POINT PKY	NPMC RETAIL LC	1.58	$640,000	325	C3
12 272007540503	10900 HAYNES BRIDGE RD	GREENE HOGG NP I LLC	1.17	$630,000	325	C3
12 250006370395	2365 MANSELL RD	COLE BN ALPHARETTA GA LLC	1.23	$616,280	325	C3
12 273007420423	6301 NORTH POINT PKY	COLE CP ALPHARETTA GA LLC	0.98	$601,000	321	C3
12 239006090095	0 WOOTEN RD	COMPASS LENDER LLC	9.65	$600,000	300	I5
12 250006370353	7955 MANSELL RD	CAPTEC NET LEASE REALTY INC	2.68	$600,000	321	C4
12 286007550247	5975 NORTH POINT DR	CH RETAIL FUND I ATLANTA STONE WALK L L C	2.14	$592,120	320	C4
12 273007410119	6499 NORTH POINT PKWY	SUN TRUST BANK ATL	1.44	$586,000	351	C3
12 261007020400	6551 NORTH POINT PKY	HUBERT PROP LLLP	1.23	$578,080	373	C4
12 250006370510	0 RESURGENS PARK PL	PPF AMLI MANSELL ROAD FRONTAGE LLC	2.67	$556,000	300	C4

12 286007981889	0 NORTH FULTON EXPWY	DELTA COMMUNITY CREDIT UNION	3.65	$546,920	300	C4
12 273007540246	2355 NORTH POINT CT	ANSLEY INVESTMENT PARTNERS L P	1.41	$530,070	325	C3
12 273007540279	2500 NORTH POINT CT	VILLAGE CREATIVE LABS PARTNERS L P	1.08	$477,160	321	C3
12 250006550228	7601 NORTH POINT PKWY	ORIGINAL HONEY BAKED HAM CO OF GA INC THE	0.81	$442,440	374	C3
12 273007410325	6304 NORTH POINT PKWY	NPMC RETAIL LC	1.19	$440,000	351	C3
12 272007540321	11190 HAYNES BRIDGE RD	HAYNES ROCK LLC	1.57	$439,560	353	C3
12 260006893312	0 WESTSIDE PKWY	ADVANCE EDUCATION INC	5.08	$438,840	300	C4
12 273007540238	1100 NORTH POINT DR	D & D INVESTMENT ASSOCIATES LLLP	0.83	$435,440	325	C3
12 273007410333	6360 NORTH POINT PKY	NPMC RETAIL LC	1.08	$424,000	321	C3
12 273007540212	10830 HAYNES BRIDGE RD	VILLAGE CREATIVE LABS PARTNERS L P	0.78	$417,200	325	C3
12 250006370528	0 RESURGENS PARK PL	PPF AMLI MANSELL ROAD FRONTAGE LLC	2.59	$407,600	300	C4
12 273007550443	10830 HAYNES BRIDGE RD	VILLAGE CREATIVE LABS PARTNERS L P	0.79	$398,280	325	C3
12 260006890136	3035 FANFARE WAY	LENNAR GEORGIA, INC.	12.07	$380,000	300	C5
12 286007981871	0 NORTH FULTON EXPWY	DELTA COMMUNITY CREDIT UNION	2.74	$352,800	300	C4
12 260006902865	0 ENCORE PKWY	CMC HOMES LLC	2.57	$302,400	300	C4
12 272007540461	10905 HAYNES BRIDGE RD	NORTH POINT INVESTMENTS LLC	0.87	$281,200	349	C3
12 287008090217	0 MILL CREEK AVE	MILTON PARK TOWN SQUARE HOMEOWNERS ASSN	1.88	$162,440	300	C3
12 287008100032	0 HAYNES BRIDGE RD	SHAW JOHN R. ET AL	10.00	$143,000	100	R4
12 248006520522	0 WESTSIDE PKWY	COUSINS WESTSIDE LLC	1.96	$141,440	300	C4
12 272007540313	0 ROCK MILL RD	BRE/ESA P PORTFOLIO LLC	0.25	$132,960	300	C3
12 288008110286	0 HAYNES BRIDGE RD	HOLE WILLIAM R	15.64	$128,880	100	R5
12 250006370411	2335 MANSELL RD	2335 MANSELL RD LLC	0.36	$115,880	339	C3
12 287008091900	0 MILL CREEK AVE	MILTON PARK TOWN SQUARE HOMEOWNERS ASSN	9.52	$82,240	800	C4
12 250006360479	0 BEAVER CREEK RD	RESURGENS PARK OWNERS ASSOCIATION INC	7.78	$37,080	300	C4
12 260107000015	0 ROCK MILL RD	G G P NORTH POINT INC	9.74	$31,000	300	C4
12 286007530132	0 HAYNES BRIDGE RD	METRO M3 INC	0.84	$19,680	300	C3
12 273007550286	0 NORTH POINT CT	NPMC RETAIL LC	1.19	$13,600	800	C3
12 250006370437	0 MANSELL RD	RESURGENS PARK OWNERS ASSOCIATION INC	1.30	$12,000	300	C3
12 271007450325	0 HAYNES BRIDGE RD	MORRISON W LEE JR & ANNE R	24.43	$8,860	300	V5
12 272007430440	0 NORTH POINT PKY	BRI 1870 NORTH POINT LLC	3.71	$8,440	300	C4

12 273007420175	0 NORTH POINT DR	BRI 1870 NORTH POINT LLC	4.58	$7,560	300	C4
12 261006870474	0 NORTH POINT PKY	BRI 1870 NORTH POINT LLC	2.15	$4,920	300	C4
12 273007420258	0 NORTH POINT CT	BRI 1870 NORTH POINT LLC	0.83	$2,280	300	C3
12 287008101048	0 MILL CREEK AVE	PALISADES AT MILTON PARK HOMEOWNERS ASSN	5.95	$40	111	R4
12 248006520431	0 MAXWELL RD	CITY OF ALPHARETTA	1.93	$0	600	E1
12 250006360495	0 BEAVER CREEK RD	CITY OF ALPHARETTA	1.15	$0	600	E1
12 251006360097	0 BIG CREEK	CITY OF ALPHARETTA	14.09	$0	600	E1
12 262006560164	0 MANSELL RD REAR	CITY OF ALPHARETTA	8.54	$0	699	E1
12 286007981897	0 NORTH FULTON EXPWY	FULTON COUNTY BOARD OF EDUCATION	5.14	$0	300	E1
12 286007981905	0 NORTH FULTON EXPWY	FULTON COUNTY BOARD OF EDUCATION	1.22	$0	300	E1
12 249006530149	0 MAXWELL RD	MAXWELL CEMETERY	1.38	$0	601	E4
12 287007950130	0 HAYNES BRIDGE RD	CITY OF ALPHARETTA	65.10	$0	699	E1
12 274007400464	900 HAYNES BRIDGE RD	CITY OF ALPHARETTA THE	9.86	$0	600	E1
12 262006860093	0 MAXWELL RD	THOMAS L M JR	1.78	$0	100	R4
12 262006860390	0 NORTH POINT PKWY	CITY OF ALPHARETTA	7.65	$0	600	E1
12 260006894237	3035 FANFARE WAY	FULTON SCIENCE ACADEMY PRIVATE SCHOOL INC	19.80	$0	612	E6
12 262006860192	0 MANSELL RD	CITY OF ALPHARETTA	14.02	$0	600	E1
12 262006860200	0 NORTH POINT PKY	CITY OF ALPHARETTA THE	17.15	$0	600	E1
12 261006870482	0 NORTH POINT PKY	CITY OF ALPHARETTA THE	9.87	$0	600	E1
12 286007982648	0 NORTH FULTON EXPWY	FULTON COUNTY BOARD OF EDUCATION	2.48	$0	699	E1
12 274007400449	0 MANSELL RD	CITY OF ALPHARETTA	14.37	$0	600	E1
12 288008110237	10665 HAYNES BRIDGE RD	FULTON COUNTY BOARD OF EDUCATION	30.00	$0	612	E1
12 287008100263	0 MILL CREEK AVE, REAR	CITY OF ALPHARETTA	7.44	$0	699	E1
12 260006893320	0 WESTSIDE PKWY	CITY OF ALPHARETTA	0.75	$0	300	E1

Alpharetta Mayor and City Council

MAYOR JIM GILVIN

POST 2, BEN BURNETT

POST 1 & MAYOR PRO TEM DONALD MITCHELL

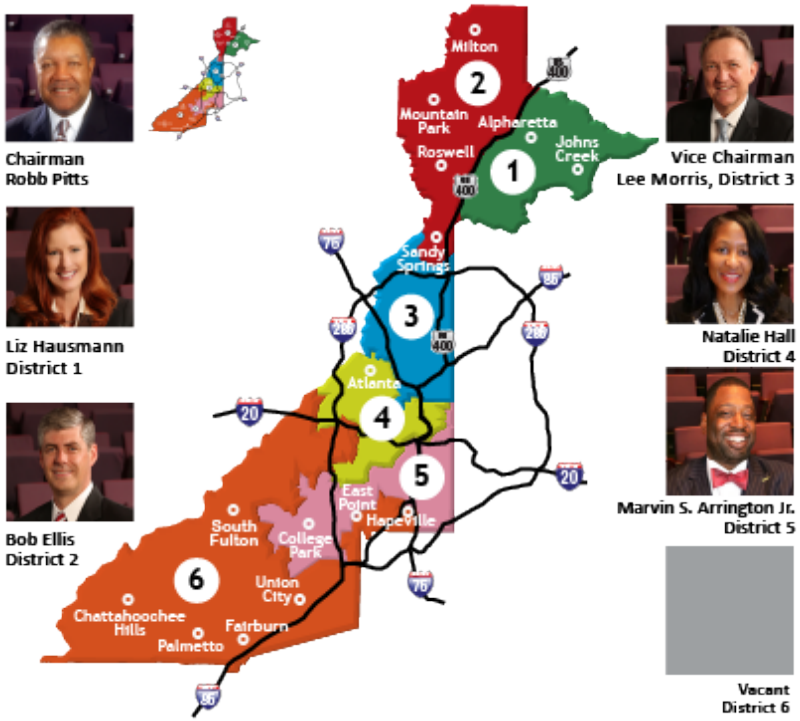
POST 3, KAREN RICHARD

POST 4, JOHN HIPES

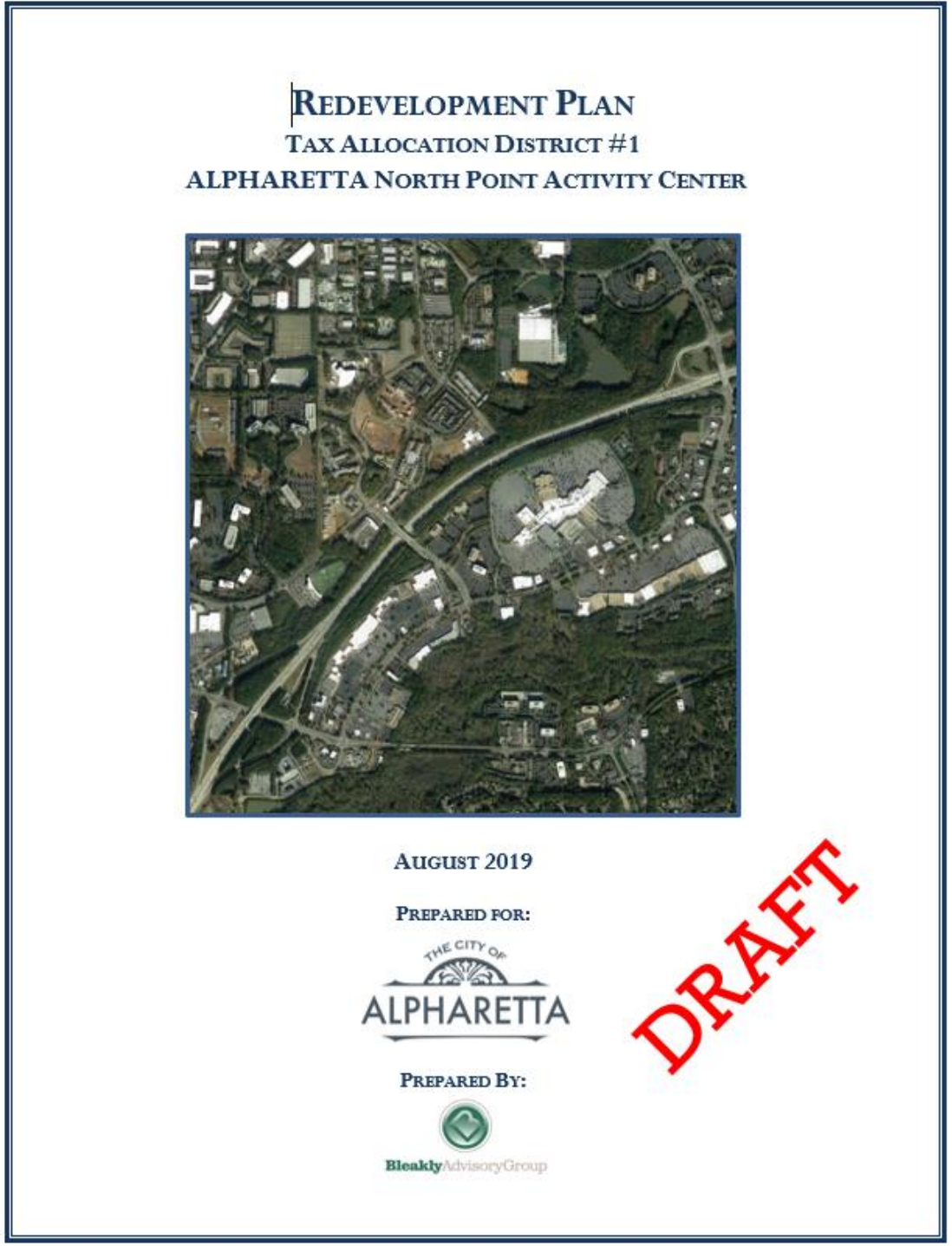
POST 6, DAN MERKEL

POST 5, JASON BINDER

Fulton County Board of Commissioners



Fulton County Board of Education



REDEVELOPMENT PLAN
TAX ALLOCATION DISTRICT #1: ALPHARETTA NORTH POINT ACTIVITY CENTER

Presentation to the Alpharetta City Council

September 16, 2019

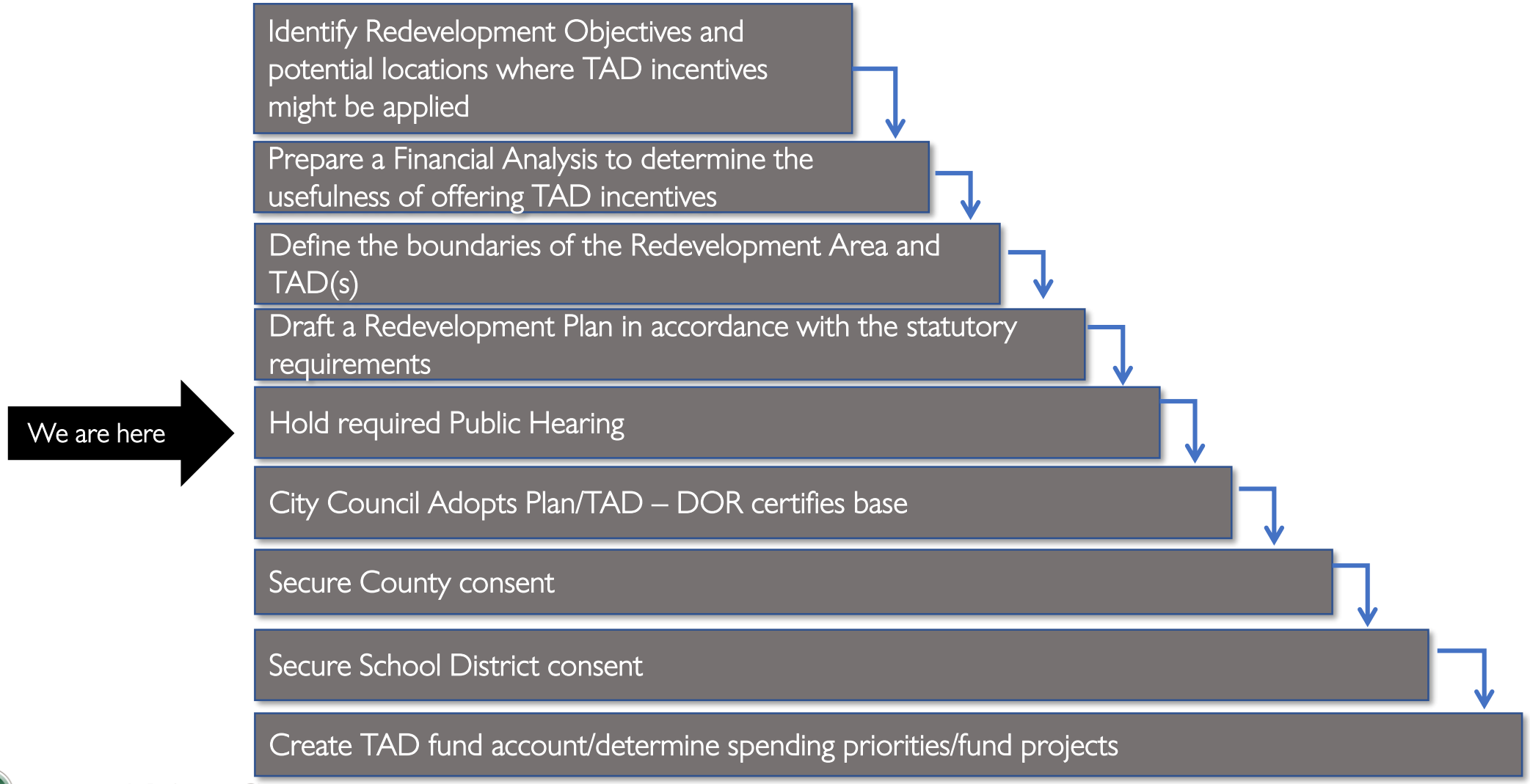
THE CITY OF ALPHARETTA GEORGIA

BleaklyAdvisoryGroup

Background

- The Redevelopment Powers Law (Chapter 44 of Title 36 of the O.C.G.A.), is Georgia's version of tax increment financing (TIF)
  - TIF enables communities to **invest incremental property tax growth** on public improvements, or to incentivize development that would not be financially feasible otherwise
  - TADs and TAD incentives are NOT to be confused with **property tax abatements** granted by local development authorities, special service districts or with urban renewal
- TADs help finance planned public improvements, accelerate an area's transition and/or stabilize its economic competitiveness
- The City of Alpharetta has the authority to exercise powers authorized or granted municipalities pursuant to the Redevelopment Powers Law, as approved by Alpharetta voters by referendum in 2006.

Redevelopment Plan Approval Steps



The Redevelopment Plan addresses:

- Boundaries
- Goals
- Development opportunities
- Proposed public improvements
- School Impacts
- Etc.

DRAFT

REDEVELOPMENT PLAN
TAX ALLOCATION DISTRICT #1 – ALPHARETTA NORTH POINT ACTIVITY CENTER

THE CITY OF ALPHARETTA

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* Headings followed by a letter in parenthesis [e.g. (A)] denote information required per Georgia Code Chapter 36, Title 44.

Challenges, Opportunities, and Vision for the Redevelopment Area

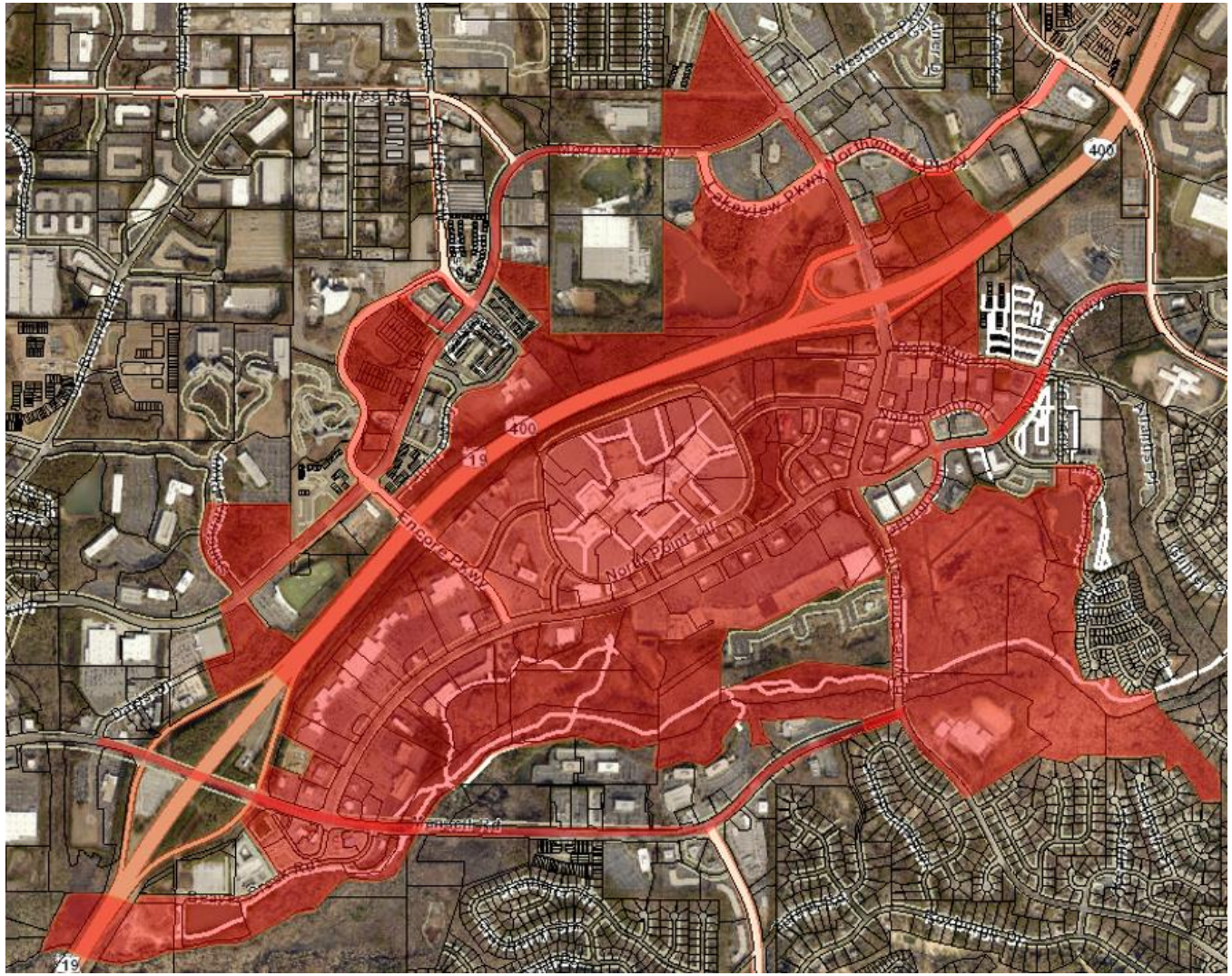
- The Alpharetta North Point Activity Center:
  - important commercial hub
  - important revenue generator for the City of Alpharetta and Fulton County.
    - The mall alone generated $4.0 million in real property taxes and an estimated $12.9 million in local sales taxes in 2018
  - With numerous parking lots and underutilized real estate, the area has become **less appealing to consumers** seeking a pedestrian-friendly experience
  - The City desires to be **proactive to help stabilize, transition and improve** the area before economic conditions deteriorate to unacceptable levels

THE GOAL

- The City has two primary goals for the North Point Activity Center, as detailed in the 2018 LCI Plan:
  - Transportation, access, and connectivity
    - Prioritize the necessary intensity of development to reduce congestion on existing roadways and reduce vehicular trips through an emphasis on walkability.
  - High-quality development and creating a sense of place
    - Integrated mixed-use centers that allow for a unique diverse lifestyle that includes activity in public spaces.

- To achieve the goals, the City will need to make **significant infrastructure investments** to create the environment and attract private investment to build the types of projects that residents desire.

TAX ALLOCATION DISTRICT #1: ALPHARETTA NORTH POINT ACTIVITY CENTER



- 138 parcels
- 898 acres
- Taxable real estate digest: $268.8 million
- 4.98% of Total City Digest

This acreage estimate does not include streets, rights of way and other land for which no assessment records are available.

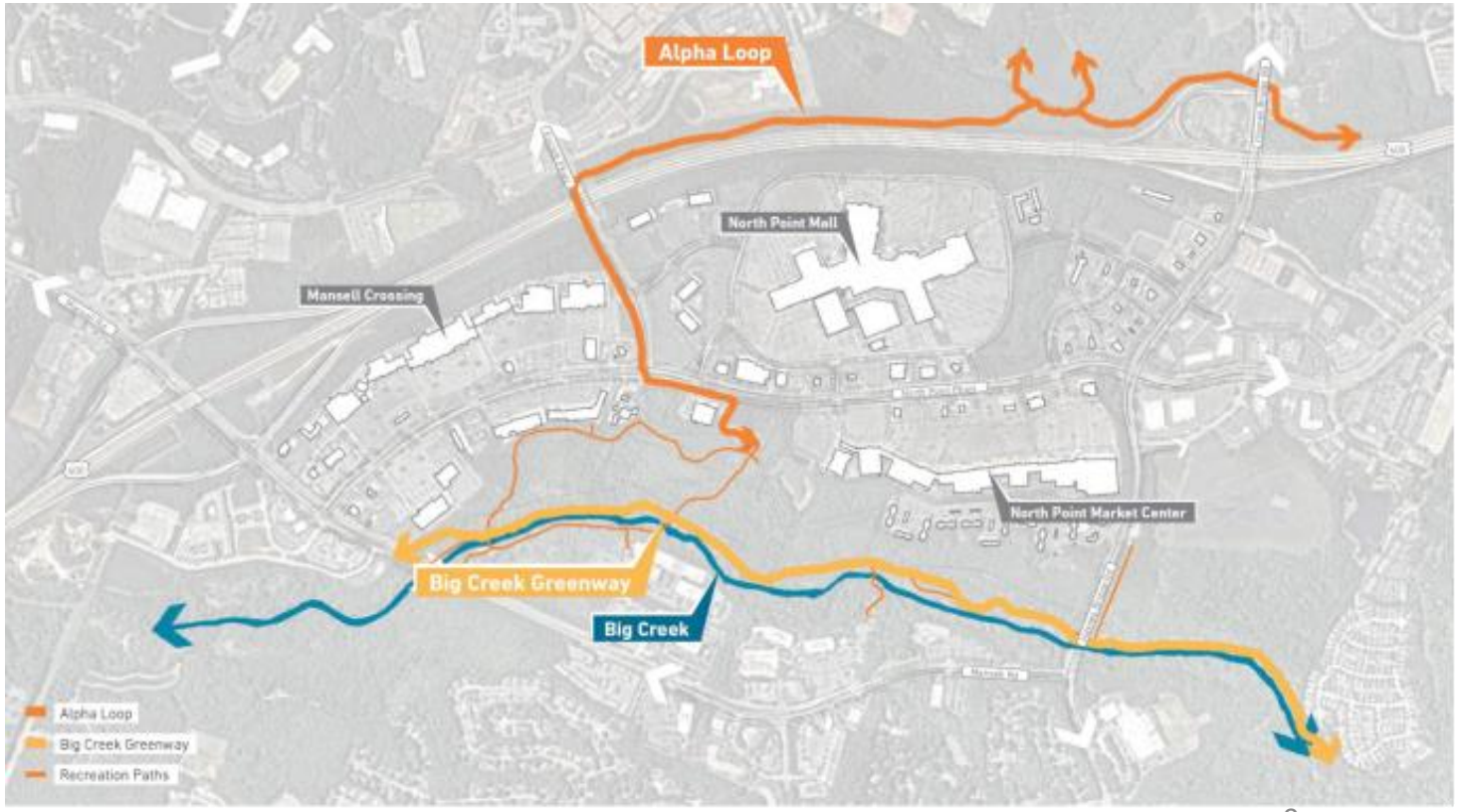
GROUNDS FOR EXERCISE OF REDEVELOPMENT POWERS

- An '***area with inadequate infrastructure***'
  - to entice a more pedestrian-oriented land use pattern,
  - pedestrian and bicycle-specific infrastructure,
  - public greenspace and/or pedestrian connections, and
  - stormwater utility infrastructure

- A '***deteriorating area***'
  - *High commercial or residential vacancies compared to the political subdivision as a whole;*
  - *The predominance of structures or buildings of relatively low value compared to the value of structures or buildings in the surrounding vicinity or significantly slower growth in the property tax digest than is occurring in the political subdivision as a whole;*
  - *Declining or stagnant rents or sales prices compared to the political subdivision as a whole.*

GROUNDS FOR EXERCISE OF REDEVELOPMENT POWERS

- In order to accommodate new development and expanded public facilities such as parks, green space, pedestrian amenities and stormwater management in the area, new infrastructure investments by the City will need to be completed.



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TAX ALLOCATION INCREMENT BASE

North Point Redevelopment Area Tax Increment Base	
Number of Parcels	138
Fair Market Value (including tax exempt property)	$714,087,245
Taxable Value (@ 40%)	$268,759,560
City of Alpharetta (M&O) Millage:	4.820
City of Alpharetta Base Property Taxes Collected	**$1,295,421**
Fulton Co. Schools (M&O) Millage:	18.546
Fulton Co. Schools Base Property Taxes Collected	**$4,984,415**
Fulton County (M&O) Millage:	10.380
Fulton Co. Base Property Taxes Collected	**$2,789,724**
TOTAL Base Property Taxes Collected	**$9,069,560**

PROPOSED REDEVELOPMENT PROJECTS

The future development forecast reflects the addition of approximately 1,250 housing units and 2.5 million SF of new or rehabilitated retail/ office development within the TAD area.

- Much of this development is already planned, proposed, or under construction.

Total tax increment available to the TAD could approach $300 million over 30 years.

- Applying a 6% discount rate to this cash flow over the first 15 to 20 years provides a reasonable approximation of the of the capacity of this future income stream to leverage actual investment
- The net present value is estimated to range between **$65 million and $88 million**

PROPOSED REDEVELOPMENT PROJECTS

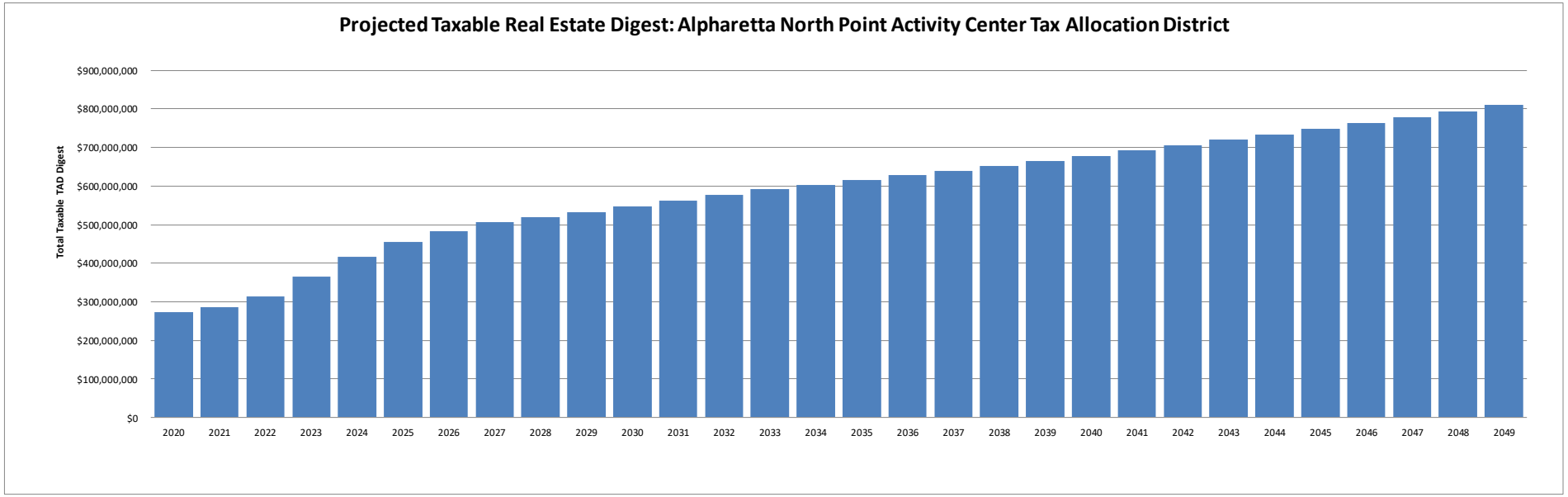
Project Areas	Acres	Development Forecast: Residential* For-Sale Units	Multi-Family Rental Units	Office (SF)	New/ Rehab Comm/Retail (SF)	Estimated 2019 Base Digest	Estimated Future (Year 10) Tax Digest
North Point Mall Area	79.1		328		1,105,059	**$81,702,000**	$128,599,861
Other Project Sites	52.8	280	140	1,200,000	118,500	**$9,344,080**	$155,039,261
Balance of TAD**	766.0	500			110,000	**$177,713,480**	$263,210,276
Development Totals:	**897.9**	**780**	**468**	**1,200,000**	**1,333,559**	**$268,759,560**	**$546,849,398**

* This column includes both condominium flats and townhomes - no SF homes are anticipated.

** Refers to remaining TAD parcels where no specific projects have yet to be approved.

Estimated Incremental Tax Digest Growth:	$278,089,838
Percent Change	103.5%

Source: Alpharetta Project Data and Bleakly Advisory Group, Inc.



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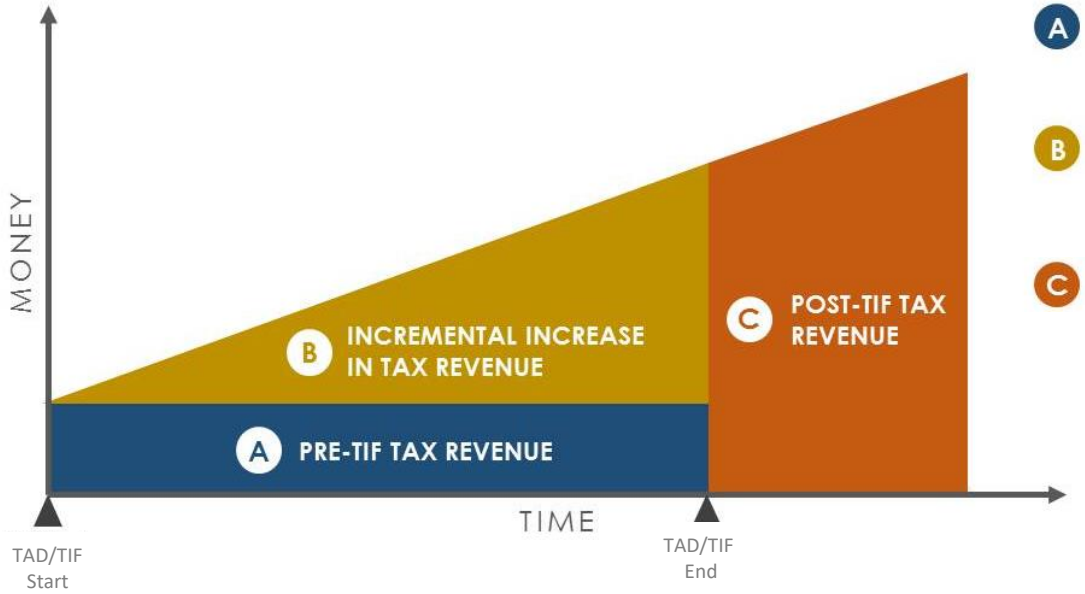
PROPOSED REDEVELOPMENT PROJECTS



A PRE-TIF TAX REVENUE

$9.1 million annual →

City of Alpharetta $1.3 million
Fulton Co. Schools $5.0 million
Fulton County $2.8 million

B INCREMENTAL INCREASE

$65 million and $88 million for projects

C POST-TIF TAX REVENUE

$18.5 million + "Halo Effect" annual →

City of Alpharetta $2.6 million
Fulton Co. Schools $10.2 million
Fulton County $5.7 million

Tax Allocation District #1 – Alpharetta North Point Activity Center will be created effective December 31, 2019. The Redevelopment Powers Law provides that the district will be in existence until all redevelopment costs, including debt service, are paid in full.

This repayment could take 25 or more years from the date of issuance.

School System Impact Analysis

- In 2016 the Fulton School's net taxable M&O digest exceeded $30.6 billion and is higher than that amount today.
- The current taxable digest within the proposed TAD is nine-tenths of one percent (0.88%) of the School District's total taxable digest.
- Ad valorem school taxes will continue to flow to the Fulton County School District throughout the operation of the TAD. (Currently approximately $5.3 million annually)
- Forecast: 2,823 residents in 1,250 new housing units
  - Approximately 290 school-aged children
  - Thus, over the next 20 years there would be, on average, an addition of 14 new school-aged children from new development each year

NORTH POINT TAD POPULATION AND SCHOOL-AGED CHILDREN FROM POTENTIAL DEVELOPMENT

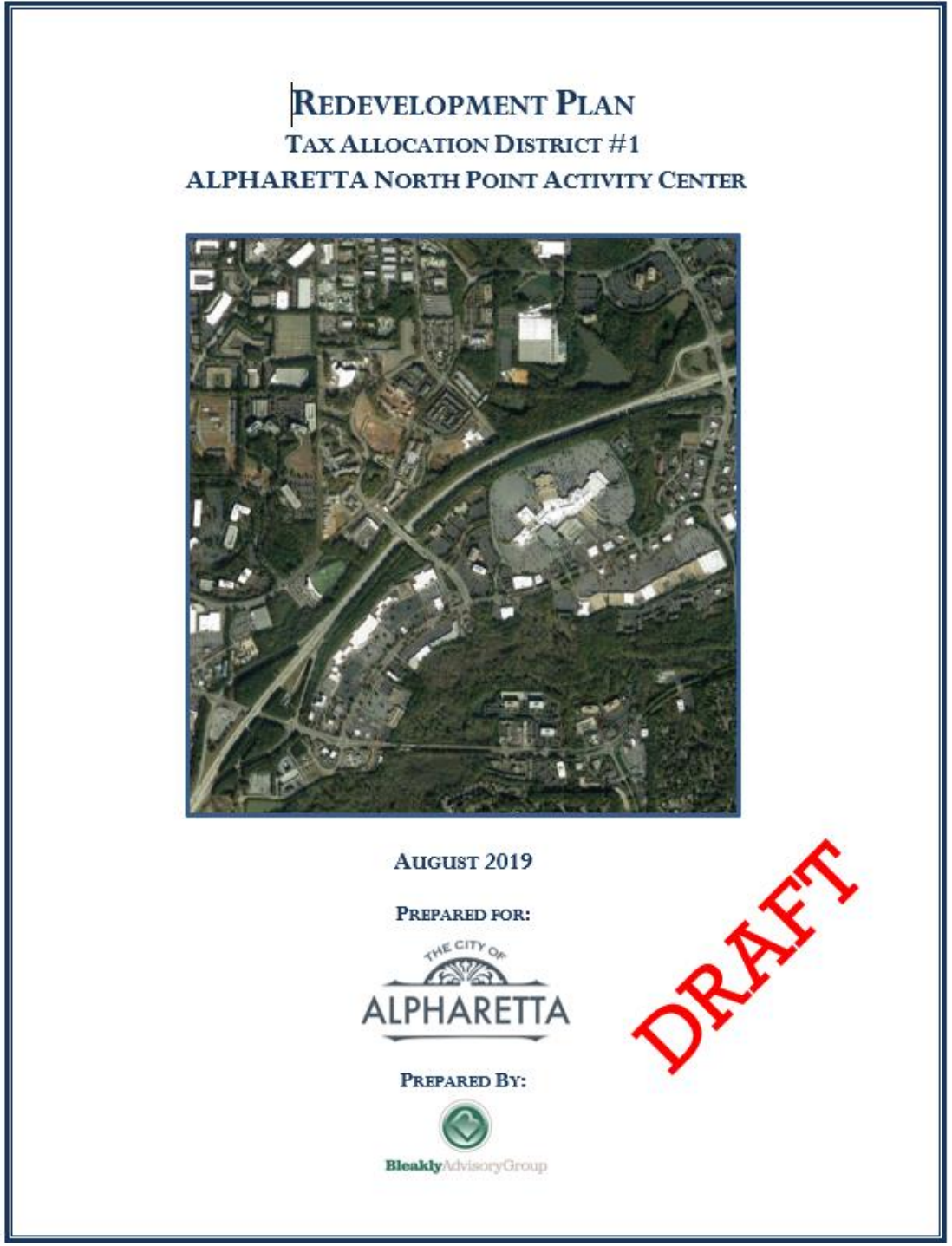
Unit Type	Units at Build-Out	Population Multiplier*	Estimated Population	School-Aged Children Multiplier*	Estimated School-Aged Children
Townhouse	350	2.2	753	0.33	114
Multifamily**	900	2.3	2,070	0.20	176
Total	**1,250**		**2,823**		**290**

** Multipliers adapted from: CUPR, Rutgers University, "Residential Demographic Multipliers for Georgia"*
*** Includes a mix of for-sale condominium flats and apartments.*

REVENUES TO THE FULTON COUNTY SCHOOL SYSTEM FROM TAD #1

Forecast ESPLOST Revenue	
Est. New Retail SF in TAD	1,333,559
Estimated Average Retail Sales Per SF	$250
Estimated Total Retail Sales	$333,389,750
Estimated Net New Sales at 50%	$166,694,875
ESPLOST Revenue to Fulton Schools (1%)	**$1,666,949**

Source: Bleakly Advisory Group



REDEVELOPMENT PLAN
TAX ALLOCATION DISTRICT #1: ALPHARETTA NORTH POINT ACTIVITY CENTER

Presentation to the Alpharetta City Council

September 16, 2019

THE CITY OF ALPHARETTA GEORGIA

BleaklyAdvisoryGroup

City Council Meeting
STAFF REPORT

Submitting Department: Public Works
Submitted By: Arash Moradkhani
Sponsored By:
Meeting Date: September 16, 2019

I. AGENDA ITEM TITLE: PREEMPTIVE SIGNALS AND CONNECTED VEHICLES

II. RECOMMENDATION:

This item is presented for discussion purposes only. Staff seeks input and direction from City Council.

III. REPORT IN BRIEF:

On July 8, 2019, City Council awarded RFP 19-113 to Temple Inc. for the installation of a traffic preemption system and associated equipment at 100 signalized intersections with a 5-year connectivity and support contract. A component of the software includes connected vehicle capabilities. These capabilities are available when an individual downloads the app TravelSafely from Glance.

A few of the capabilities within the app are: driver notification when a signal will change, inform the driver where an emergency vehicle is coming from, inform drivers when pedestrians are at an intersection, school zone warnings, and several more. The City may establish policy to have the capabilities turned off from the traffic control cabinet. One item to note concerning notifications of pedestrians, the pedestrian must also have the app turned on. Also, nobody, other than the Alpharetta Fire Vehicles will have the ability to utilize the traffic signal preemptive component of the software.

Alpharetta has 129 signals within the City, thus 29 will not have preemptive signal equipment installed in the traffic control cabinets. Recently, the North Fulton Community Improvement District (NFCID) recently allocated over $300k towards a connected vehicle initiative and they are utilizing the same software the City is installing with 2 exceptions.

The system the NFCID is planning to purchase will attach to our mast arms and their system will be compatible for future in-dash Ford vehicles starting in the year 2022. Instead of an individual having to download the app, the Ford Vehicles will already have software in the vehicles to access the data coming from the signals. The NFCID has over 40 traffic signals within their District. Partnering with the NFCID will enable all of the traffic signals within the City installed with preemptive signal technology for our emergency vehicles. Again, only the City's Fire emergency vehicles will have the ability to preempt a traffic signal as it approaches the intersection.

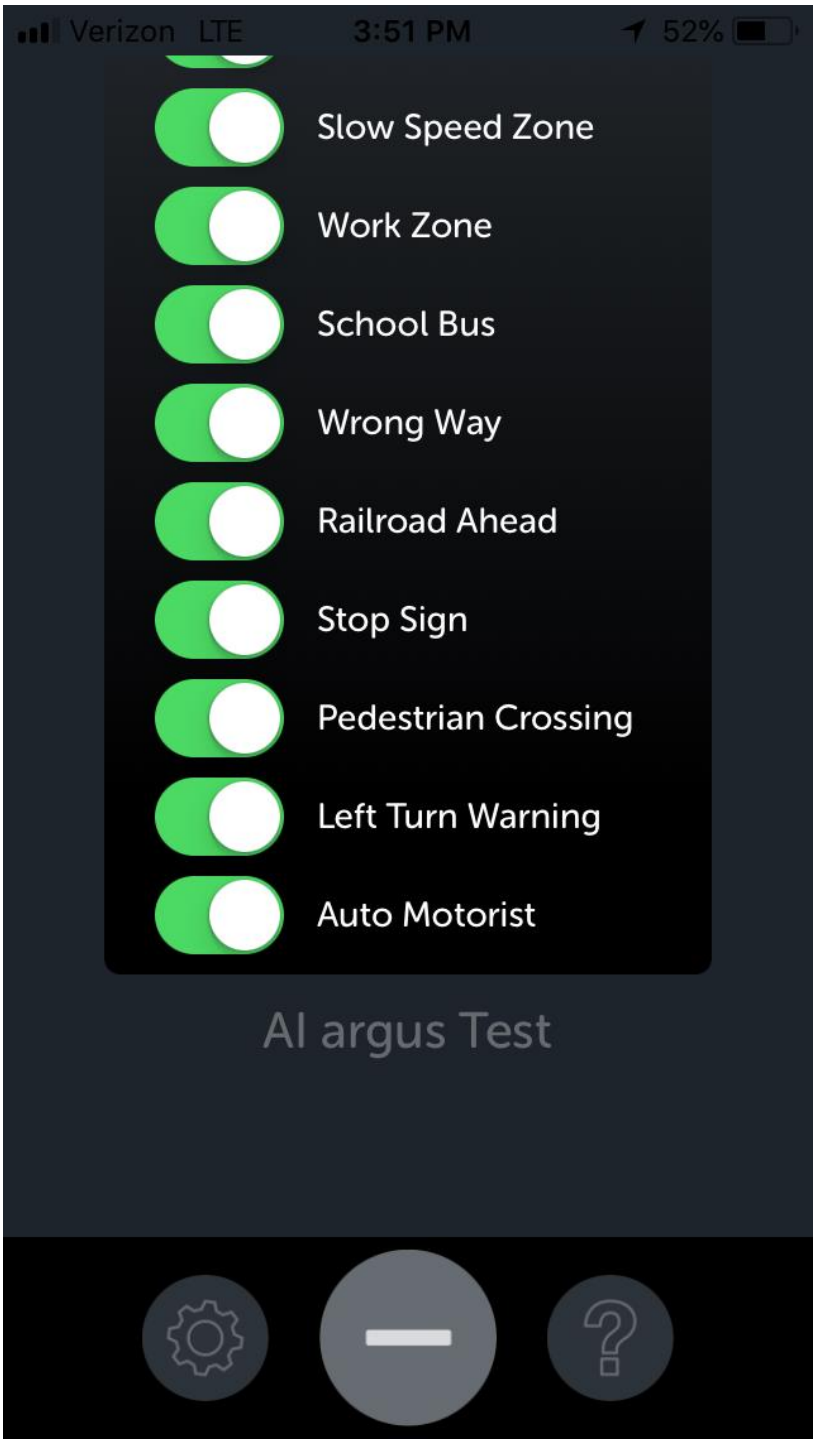
Similar to the equipment the City purchased, the individual aspects of the app can be turned off if it is desired with the software the NFCID will be installing. In other words, the City can decide what aspects to have turned on and what aspects of the app can be turned off. Control of the information from the traffic control cabinets is at the City's discretion.

Prior to any installation occurring, the City and the NFCID will have to agree on a MOU regarding the placement and access of the equipment they will be installing on the traffic signals. The equipment will be maintained by City staff and or City vendors. Distribution of any data collected by the software will go through City staff and at the direction of Mayor and Council. Items like this will be spelled out in a MOU to be brought forward at a future Council Meeting.

IV. ALTERNATIVES:

V. ATTACHMENTS:

Glance TravelSafely Mobile Application_Screenshots, Image of Proposed NFCID Equipment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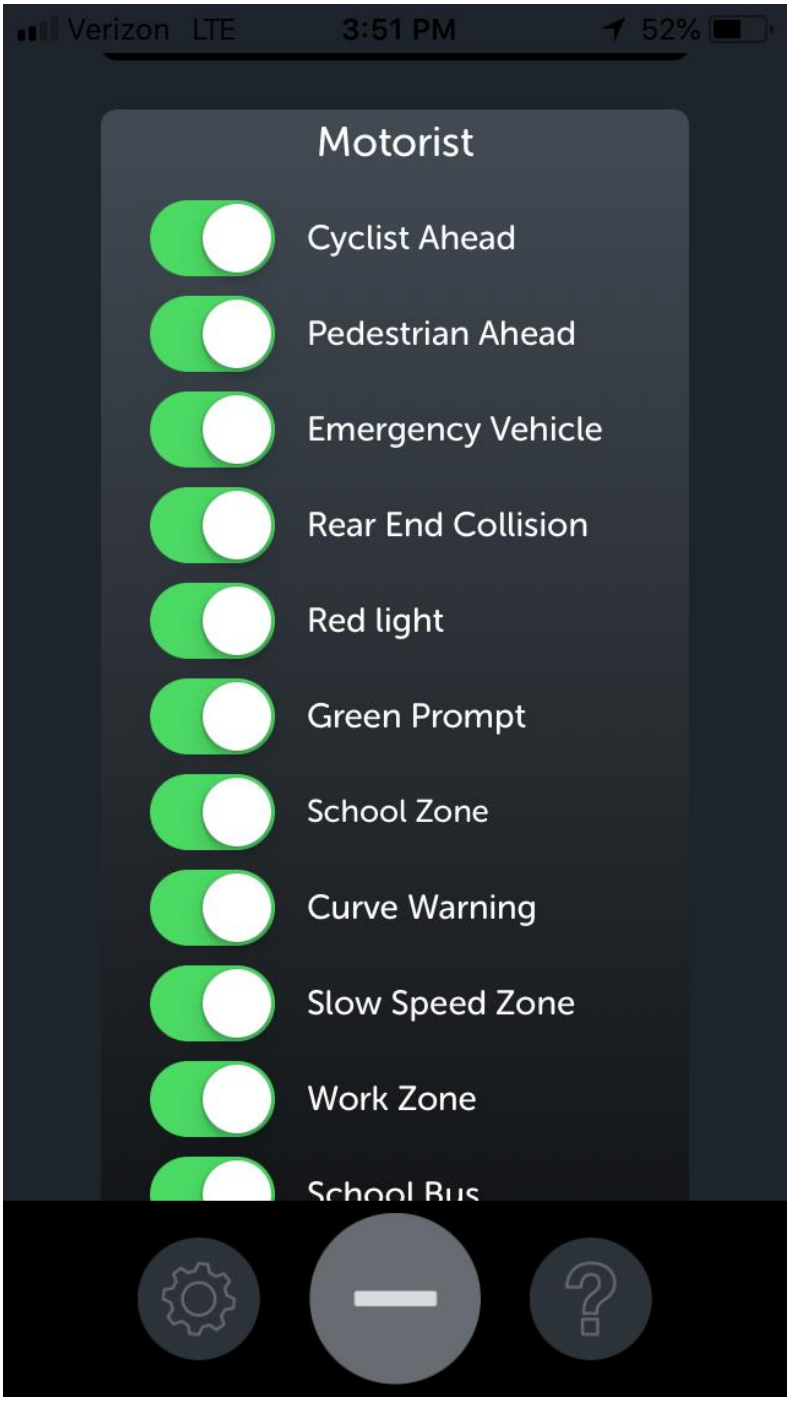
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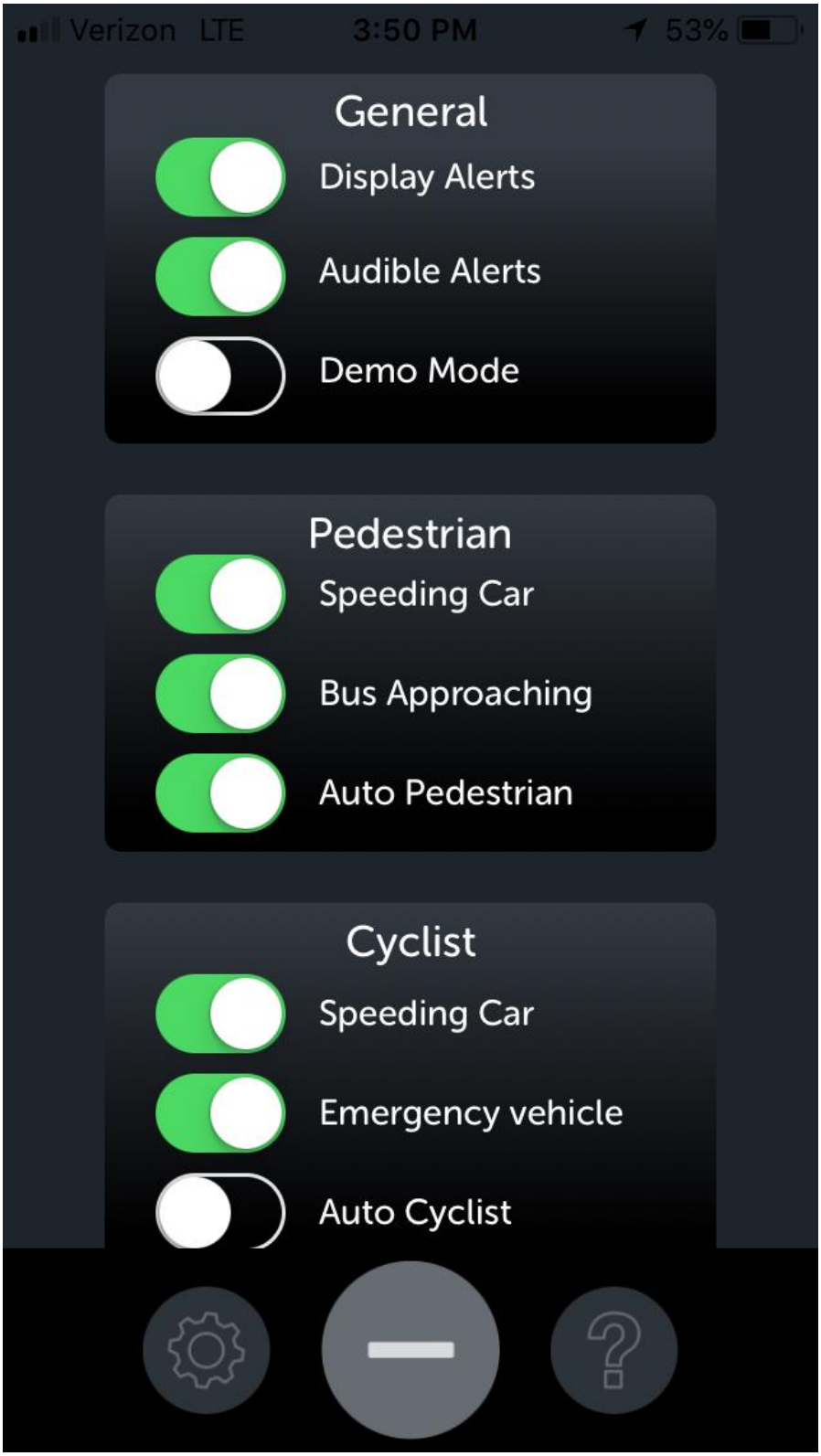
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Audible Alerts
Demo Mode
Pedestrian
Speeding Car
Bus Approaching
Auto Pedestrian
Cyclist
Speeding Car
Emergency vehicle
Auto Cyclist

L'ville-Suwanee Road
SR 317
NE 4000
ONE WAY