



PLANNING COMMISSION MEETING MARCH 5, 2020

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

I. CALL TO ORDER

- a. Election of Officers for 2020

II. ROLL CALL

III. APPROVAL OF MEETING MINUTES

- a. December 5, 2019

IV. ITEMS FROM BOARD MEMBERS

V. ITEMS FROM STAFF

VI. PUBLIC HEARING

- a. Z-20-01/V-20-02 AlphaDev/296 & 304 Thompson Street

Consideration of a rezoning and variance to allow a 17-unit single-family detached subdivision on 2.21 acres in the Downtown. A rezoning is requested from R-12 (Dwelling, 'For-Sale', Residential) to DT-LW (Downtown Live-Work) and a variance is requested to reduce the minimum 20' recess requirement of a street-facing garage. The property is located at 296 & 304 Thompson Street and is legally described as being located in Land Lot 802, 1st District, 2nd Section, Fulton County, Georgia.

- b. Z-20-02/V-20-06 Sedgwick Residence/Devore Road

Consideration of a rezoning and variance to allow one (1) single-family detached home on 0.29 acres in the Downtown. A rezoning is requested from C-2 (General Commercial) to DT-MU (Downtown Mixed Use). Variances are requested to reduce the requirement for a street-facing garage to be recessed a minimum 20' behind the front façade in the Downtown and the reduce the minimum 18' driveway requirement. The property is located at 0 Devore Road on the south side of Devore Road and east of Alpharetta Highway and is legally described as being located in Land Lot 693, 1st District, 2nd Section, Fulton County, Georgia.

- c. PH-19-09 Unified Development Code Text Amendments – Signs (Mitchell)

Consideration of text amendments to the Unified Development Code related to Sign regulations.

- d. PH-19-28 Unified Development Code and Code of Ordinance Text Amendments – Massage and Spa Establishments

Consideration of text amendments to the Unified Development Code and Code of Ordinances related to Massage and Spa Establishment regulations.

VII. ADJOURNMENT



PLANNING COMMISSION MEETING DECEMBER 5, 2019

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

*This summary is provided as a convenience and service to the public, media and staff. It is not the intent to record proceedings verbatim. Any reproduction of this summary must include this notice. Public comments are noted as heard by the Planning Commission, but not quoted or paraphrased. This document includes limited presentation by the Planning Commission and invited speakers in **summary** form*

- I. **CALL TO ORDER**
- II. **ROLL CALL**

Members

- Francis Kung'u (Chair)
- Larry Attig
- John Goss
- William Perkins
- Jamie Bendall
- Jill Bernard
- Martine Zurinskas
- Fergal Brady (Absent)
- Candy Waylock (Absent)

Staff Present

- Kathi Cook, Director of Community Development
- Eric Graves, Senior Traffic Engineer
- Michael Woodman, Senior Planner
- Elicia Taylor Planning and Zoning Coordinator

III. APPROVAL OF MEETING MINUTES

a. November 7, 2019 Meeting Minutes

- ❖ Commissioner Attig offered a motion approve the meeting minutes
 - Commissioner Zurinkas seconded the motion
 - The motion was approved (7-0)

IV. ITEMS FROM BOARD MEMBERS

V. ITEMS FROM STAFF

VI. PUBLIC HEARING

a. Z-19-03/V-19-16 100 North Main Street

Michael Woodman presented consideration of a request to rezone approximately 0.92 acres from C-1 (Neighborhood Commercial) to DT-MU (Downtown Mixed-Use) to allow for a three-story, 30,000 square foot office building with structured parking. A variance is requested to increase the maximum building footprint. The property is located at 100 North Main Street on the west side of North Main Street at the intersection with Cumming Street and is legally described as being located in Land Lot 1252, 2nd District, 2nd Section, Fulton County, Georgia.

Applicant presented:

- History of project
- Requested Changes to Staff Conditions

Public Comment:

In Favor:

1. Lawrence Bracken (West Main Development)
2. Rich Dipolito, Concordia Properties
3. Lanny Donaho, 33 Church St

Reasons:

1. Beautiful Building/Architecture
2. Consistent with Downtown Plan
3. Responsible Owner

In Opposition:

1. Christina Appen, 124 Violet Garden Walk
2. Ray Appen, 124 Violet Garden Walk
3. Emily Dickson, 116 North Main St
4. Pete Wilkerson, 140 Rose Garden Ln

Concerns:

- Traffic
- Cumming Street Extension
- Access to lower level parking deck from Violet Garden Walk and Lily Garden Place
- Visual Buffers
- Light pollution
- Use of amenity rooftop
- Pedestrian safety
- Tree Removal
- Buffer for Parking deck
- Potential rezoning of 116 North Main St

After discussion, the Planning Commission recommended approval subject to Staff's recommendation with some of the Applicant's requested changes

❖ Commissioner Attig offered a motion to approve Z-19-03/V-19-16 100 North Main Street subject to the following conditions:

1. The site, consisting of approximately 0.92 acres, shall be zoned DT-MU and developed substantially similar to site plan submitted by AEC, revised 10/23/2019, except for modifications required to comply with the conditions below. Uses shall be limited to office, retail and restaurant.
2. Maximum building height shall be no greater than 3 stories and 46'.
3. Minimum building setback on North Main Street shall be ~~20'~~ 15' and shall include a minimum ~~10'~~ 5' landscape strip located outside of any easements. Minimum building setback on Violet Garden Walk shall be 20', as measured from the existing right-of-way.
4. Maximum building footprint shall not exceed 11,534 square feet.
5. Architecture and materials shall be developed similar to the submitted renderings, except for modifications required to comply with these conditions and in compliance with the Alpharetta Downtown Code, subject to approval by the DRB. Openings in parking deck walls shall be decorative screens similar to Teasley Place mixed-use development.

6. Parking deck shall be screened with a mix of landscape materials of varying heights, with final approval by DRB.
7. Decorative lighting and trees shall be placed on the upper level of the parking deck, as depicted on submitted renderings.
8. In conjunction with a Development Agreement, the developer shall set aside 5,141 square feet (0.118 acres) of land to accommodate future right-of-way for the Cumming Street extension, as depicted on the site plan prepared by AEC, revised 10/23/2019.
9. Access to the ~~upper level of the~~ parking deck from North Main Street shall be closed off to vehicular traffic at such time that the Cumming Street extension is completed. Additional useable space, as a result of closing off the North Main Street access, may only be added to the building if parking requirements have been met. Access shall be constructed from new roadway.
10. Final streetscape shall include decorative pedestrian lighting, as approved by Staff.
11. Street trees shall be required within the planter along North Main Street (as approved by GDOT) and Violet Garden Walk, as well as behind the sidewalks as a continuation of what has been previously planted or designed in the Downtown and outside of any utility easements, as approved by Staff. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, groundcovers and/or shrubs.
12. Amenity space shall be developed ~~on the building rooftop~~. ~~Landscape improvements to the existing tree area with shall be~~ a park-like setting with heavy decorative landscape, hardscape, walls and seating. The landscape shall include plant selections promoting the historic district. Developer shall remove exotic and invasive trees and shrubs within the area called out as amenity space at the rear of the property, as approved by Staff. ~~Rooftop amenity shall be limited to use by office employees only.~~
13. Foundation plantings, consisting of shrubs, vines and/or grasses, shall be required in front of the building and along North Main Street, Cumming Street and Violet Garden Walk.
14. Developer shall save: Tree #339 (28" Pecan). The City Arborist may approve up to a 20% encroachment into the CRZ of trees with additional tree care to offset the encroachment, as approved by Staff.
15. Off-site tree encroachment shall be limited to no more than 20% on the CRZ and shall require notification to property owner.
16. Decorative paver aprons shall be required at permanent project driveways, as approved by Staff.
17. ~~New Overhead~~ utilities shall be placed underground.
18. ~~10' sidewalk on Violet Garden Walk shall be reduced to 5' with the remaining 5' added to the landscape area.~~
19. ~~Lower level parking deck shall be limited by a gated system, no deliveries, restricted to employees only and no public parking.~~
20. ~~Developer shall screen car head lights with sufficient parking deck wall height and landscaping.~~

- Commissioner Zurinkas seconded the motion
- The motion was approved (7-0)

b. MP-19-07/Z-19-04/CU-19-09 TPA Group/360 Tech Village

Kathi Cook, Director of Community Development presented consideration of a request to amend the 360 Tech Village Master Plan to allow 255 'For-Rent' units, 63 'For-Sale' Townhome units, 24,000 square feet of retail/restaurant use, 470,000 square feet of office use and open space. A rezoning is requested for approximately 7.7 acres from O-I (Office-Institutional) to MU (Mixed-Use) and a conditional use is requested to allow 'Dwelling, 'For-Rent' and 'For-Sale' uses. The property is located on the west side of Haynes Bridge Road south of Lakeview Parkway and is legally described as Land Lots 744, 745, 752, and 753, 1st District, 2nd Section, Fulton County, Georgia.

Public Comment:

In Favor:

1. Patty Murray, 12944 Dartmoor Circle
2. Morgan Reynolds, 3397 Twin Rose Place
3. Ray Appen, 316 Lynn Circle
4. Austin Smith, Cumming GA

Reasons:

- Support of Live/Work/Play Environment for Employees and Residents
- Less of a commute
- Affordable residential product
- Alpha Loop

After presentation from Applicant and discussion by the Commissioners of:

- Application
- Staff recommended conditions and Applicant's Markup to Conditions
- Housing Studies and Policy,
- Current mix being a good reduction in amount of restaurant and retail
- Removal of Hotel
- Open Space, Preservation of Green Space
- Increase in Office Space
- History of plans for this project
- "For Rental" makes sense at this location
- North Point LCI Goals and Objectives
- Project viability with amount of "For Rental"

❖ Commissioner Goss offered a motion to approve

MP-19-07/Z-19-04/CU-19-09 TPA Group/360 Tech Village subject to the following conditions :

1. The 62.47-acre property shall be zoned MU. Site shall be developed substantially similar to plans by Nelson, revised 11/25/2019 (SP-18), subject to the approved conditions.
2. Architectural style of all buildings shall be substantially similar to submitted renderings prepared by Nelson, with non-residential buildings approved by the DRB and residential buildings approved by Staff.
3. Development regulations shall be as follows:
 - a. Office – Maximum of 630,080 square feet. Building height shall be limited as depicted on the site plan prepared by Nelson, revised 11/25/2019.
 - b. Retail/Restaurant – Maximum of 31,525 square feet and maximum height of 2 stories or 35', whichever is less. No more than 3 single-tenant, freestanding retail buildings shall be permitted. A minimum 3,000 square foot neighborhood grocery shall be required. There shall be no drive-through restaurants. Individual restaurants may be attached via architectural features such as metal arches, outdoor seating areas, patios and similar amenities, as approved by Staff.
 - c. 'For-Sale' Residential – Up to 60 townhome units shall be permitted in up to 3-story buildings. No more than 10% of townhomes shall be permitted to be rented, as recorded in the development covenants.
 - d. 'For-Rent' Residential – After January 1, 2022, 140 'For-Rent' units shall be permitted a Certificate of Occupancy in accordance with UDC 'For-Rent' requirements. **After January 1, 2023, 115 'For-Rent' units shall be permitted a Certificate of Occupancy in accordance with UDC 'For-Rent' requirements.** 'For-Rent' residential shall be permitted above office or retail uses on at least 1 side of the building. At-grade 'For-Rent' units shall have walkouts with sidewalk connections. Building maximum height shall be 4 stories or 60 feet, whichever is less. All units shall be one (1) and two (2) bedrooms with no more than 40% of the units being 2-bedrooms. 'For-Rent' units shall be constructed concurrently with a minimum 125,680 square feet of office use. A Certificate of Occupancy shall not be issued for rental units until 125,680 square feet of office has been constructed or is substantially under construction as determined by Staff. The units shall be part of a mixed-use project containing a minimum of 50 acres and incorporating retail/restaurant, 'For-Sale' residential, neighborhood grocery and a minimum of 125,680 square feet of office. 'For-Rent' units shall have first class amenities, which shall include a private pool, fitness center, secure gated parking, resident's lounge, business center, on-site management office, concierge services and secure elevator

access. If a building permit is not issued by December 16, 2022 residential units shall revert to 'For-Sale' only.

- e. Parking Decks – Maximum of 5 levels, except that parking decks along Lakeview Parkway shall be a maximum of 3 levels. Except for the 3 parking decks serving office buildings, all parking decks shall be wrapped with residential or non-residential uses where visible from the public right-of-way. Parking decks visible from Haynes Bridge Road, Lakeview Parkway and Morrison Parkway shall be treated with comparable materials and finishes as the buildings they serve or screened from view with evergreen landscaping, as approved by Staff. Parking decks visible from Georgia 400 and the interchange shall be screened from view with evergreen landscaping. Suitability of parking deck elevation, visibility and landscape screening shall be approved by the Design Review Board.
4. The Master Plan area shall be limited to the following uses and further restricted by conditions of zoning:
 - a. office
 - b. retail
 - c. restaurant (no drive-thru)
 - d. residential
5. Retail uses shall be those uses customarily accessory to or amenities for office uses, restricted to the following uses:
 - a. Art Gallery
 - b. Bakery
 - c. Barber Shop
 - d. Beauty Shop
 - e. Book Store
 - f. Computer Supply Store
 - g. Copy Center/Print Shop
 - h. Drug Store (not to exceed 2,000 SF)
 - i. Dry Cleaning Pick-up Station
 - j. Fitness Studio
 - k. Florist, Retail without Greenhouse
 - l. Gourmet Food Store
 - m. Office Supply Store (not to exceed 2,000 SF)
 - n. Package Shipping/Mail Box Store
 - o. Restaurant (no drive-thru)
 - p. Retail Sales and Services Establishment
 - q. Shop or Studio, Craftsman/Artist
 - r. School, Commercial
6. Building setback and landscape strip along Lakeview Parkway shall be 20'.
7. New internal street shall meet the Type 'C' Corridor regulations, as approved by the City's Traffic Engineer, and streets shall be private. Pedestrian bridges, stairs, elevators and escalators may encroach into public spaces if they don't impede pedestrian circulation or safety.
8. Building permit shall not be issued for any freestanding retail building before a building permit is issued for the 125,080 square foot office building.
9. Specimen trees shall be given special consideration and every attempt to incorporate them into the site plan shall be made as stipulated in the City's Tree Protection Ordinance. In addition, specimen trees #473, 477, 512, 447 545, 563, 566, 568, 821, 591, 593, 596, and

820 600 shall be saved **subject to Alpha Loop and roadway improvement requirements.**

10. A minimum 25.06 acres of civic space and 7.22 acres of amenity space shall be required for the proposed development, as depicted on the 11/25/2019 plan. The greenspace to the west of the lake shall remain undisturbed, except for the trail and related improvements around the lake. A bocce ball court, or an alternative outdoor recreational feature, shall be required within an area designated public space, as approved by Staff.

Design Conditions:

11. Developer shall provide bicycle racks, benches, trash receptacles, decorative crosswalks, planters, kiosks and other street furniture, where appropriate, throughout the development. At-grade pedestrian and bicycle connections shall be provided throughout the site, including between buildings and recreational facilities within the development and across Lakeview Parkway to the existing office development. Pedestrian crossings throughout development shall be ramped and the surface materials shall be brick pavers, cobblestones or architecturally treated concrete products as approved by Staff. Bicycle facilities shall be provided throughout the development.
12. Detention facilities shall not be visible from a public right-of-way, except a decorative water feature approved by Staff.
13. Retaining walls visible from developed areas exceeding 16' in height shall be terraced.
14. Developer shall meet EcoDistrict measures per Page 6 of the applicant's Letter of Intent, dated 10/7/2019. Developer shall provide detailed information at LDP and building permit regarding compliance with each requested EcoDistrict measure, with final approval by Staff.
15. A bus shelter ~~and dedicated lane~~ shall be incorporated into the plan design along Haynes Bridge Road or at an alternative location acceptable to MARTA. Developer shall work in good faith with MARTA to add the development to city bus routes in order to assist with transportation service for employees, residents and guests. The public shall be permitted to park in the office parking lots on evenings and weekends. **Applicant shall not be required to construct a bus shelter if MARTA does not add 360 Tech Village to its route system.**
16. Prior to LDP for development, the applicant shall submit for approval a document to be entitled 'TPA Group/360 Tech Village Design Standards'. This document shall include elevations or architectural themes of buildings, specifications for street furniture including benches, trash receptacles, lighting, fountains, bicycle racks, bus shelter, signage landscaping themes and focal point features and shall be substantially similar to the renderings filed with the 2019 application, as amended. Design standards will be presented to Staff and the Design Review Board for review and approval. This document also shall detail entrance treatment for the Haynes Bridge Road/Lakeview Parkway intersection, which shall compliment any existing or changed entrance feature across Lakeview Parkway. Retaining walls also shall be complementary.
17. Plans for buildings, landscaping and signage (in the form of a 'sign package') shall be subject to review and approval by the Design Review Board.
18. Awnings shall be provided on buildings at street level in commercial areas where reasonably appropriate in order to protect pedestrians from inclement weather.
19. Surface parking areas shall comply with current UDC requirements for screening and tree islands. A decorative, low wall shall be located along Lakeview Parkway, where needed, to obscure views of surface parking from Lakeview Parkway.
20. All buildings along Haynes Bridge Road, Morrison Parkway and Lakeview Parkway must

face those streets or appear to face those streets. Backside of buildings or 'back of house' functions (such as loading or dumpster area) shall not be visible from those streets. Parapet walls shall be used as needed to screen roof-top mechanical equipment and views.

21. New driveways within the development shall be private and shall include a planted median with sufficient space for tree plantings, as approved by Staff.
22. The view corridor from Haynes Bridge Road to the lake, along the main boulevard, shall be required, as depicted on the plan. A structure for seating or gathering, such as a gazebo or similar structure, shall be provided at the end of the boulevard near the lake, as approved by Staff.
23. The corner of Haynes Bridge Road and Lakeview Parkway shall be designed with a minimum 5,000 square foot green space and shall incorporate ~~the existing wall~~ a wall approved by the DRB, landscaping and a focal point feature (sculpture). Applicant shall provide a minimum of 6 original sculptures located at prominent locations throughout the development, as approved by Staff with input from the local arts committee. Locations shall include the corner of Lakeview Parkway and Haynes Bridge Road. Approval and construction of at least 1 sculpture shall be required concurrent with the first CO. A minimum of 1 additional sculpture shall be required concurrent with the first CO of each subsequent phase of development. All sculptures shall be required prior to final CO issued for the last building constructed.
24. In order to further 2035 Comprehensive Plan strategy LU 6.2, no stand-alone retail development shall be located within 500' of the GA 400 interchange.
25. Prior to the first LDP for development, applicant shall submit a construction phasing plan that shall demonstrate how construction will be staged and implemented in a manner that screens construction views from adjacent roadways. All project components shall be developed in the first phase, except for the 200,000 SF and 150,000 SF office buildings and associated parking decks.
26. Prior to the first LDP for development, applicant shall submit a revised master plan for the entire parcel to the City, which shall incorporate the approved conditions, as well as the following:
 - Approved specifications and standards identified for each use within the total development.
 - Pedestrian network.
 - Overall planned open space areas.
27. Each plan submitted for an LDP shall include an on-going density and acreage tabulation.
28. Alcohol license distance requirements from residential development shall be waived.
29. Creative signage is encouraged, and rooftop signs shall be permitted, as approved by the DRB.
30. All site plans and civil design plans hereafter submitted to the City of Alpharetta shall state as the first note: "This plan reflects conditions stipulated through public hearing regarding case MP-19-07/Z-19-04/CU-19-09 TPA Group/360 Tech Village"

Landscape Conditions:

31. Along Lakeview Parkway, the existing sidewalk shall be widened with brick or similar pavers an additional 2' in the beauty strip to the back of curb. All new utilities shall be located underground. Existing landscape strips adjacent to the development along

Morrison Parkway, Haynes Bridge Road and Lakeview Parkway shall be replanted where needed, as approved by Staff.

32. Landscaping areas shall not contain any parking, water detention area or buildings, or portion thereof, except that a detention pond or ponds may be located within the landscaping area if decorative and will provide an amenity. However, there shall be no encroachment into the Georgia 400 tree buffer, except for multi-use path as approved by Staff.
33. At least 1 rooftop amenity shall be required within the development. Outdoor dining areas shall not count against the maximum permitted retail/restaurant square footage.
34. Provide detailed street planting for Haynes Bridge Road, Morrison Parkway and Lakeview Parkway. Landscape plan shall be approved prior to issuance of an LDP and shall try to save the existing mature street trees, except at curb cuts and in accordance with an approved stream piping plan along Lakeview Parkway, Morrison Parkway and Haynes Bridge Road, with final approval by Staff.
35. Developer shall be responsible for planting and maintenance of medians within the development site and for the medians located on Lakeview Parkway, which are contiguous to the development site. The planting and maintenance shall be in accordance with a plan approved by Staff.
36. Parking lot islands shall be planted with trees, shrubs and ground covers (not with mulch only). Investigate the possibility of adding shade structures and/or trees on the top floor of parking decks to cover a minimum 15% of this surface.
37. Developer shall dedicate a permanent easement and construct a 12' multi-use trail (Alpha Loop) as depicted on the site plan prepared by Nelson, revised 11/25/2019, with final alignment/design/materials approved by Staff and construction completed prior to the first residential CO. Alpha Loop shall be clearly delineated and separate from private sidewalk associated with storefronts on the 'For-Rent' building. A crosswalk shall be provided across Morrison Parkway at the existing signalized intersection at Lakeview Parkway and shall be constructed of a material approved by Staff. Trail entrance gateways/arches shall be provided on Morrison Parkway and Haynes Bridge Road **and shall count towards the original sculpture's requirement**. Alpha Loop shall include seating/gathering areas, lighting, landscape, hardscape, and Zagster **(or comparable bike sharing provider)** bike station (per applicant's Letter of Intent). Multi-use trail shall be promoted to the public by providing parking, access and trails for public enjoyment. A bike share station shall be provided at a location(s) along the trail, as approved by Staff. Wayfinding signage shall be placed at key locations along the trail. Developer shall dedicate a minimum 20' permanent easement through the GA 400 buffer for the purpose of a future Alpha Loop trail alignment. Alpha Loop improvements shall be eligible for impact fee credits, as approved by Staff. Alpha Loop shall maintain a minimum 20' setback from all buildings, **except along the ground floor storefronts associated with the 'For-Rent' building**.
38. The 50' perimeter around the lake shall include a minimum 12' wide multi-use trail and gathering areas (gazebo, grilling stations, fire pits, benches, etc.) and exercise stations, as approved by Staff. The width of the multi-use trail may be reduced to save trees, as approved by Staff. The condition of the existing pedestrian bridges across the lake shall be assessed, repairs and widening shall be made by the developer/property owner as approved by Staff.

39. The 32,124 square foot Central Green shall include landscape and hardscape for public space for recreation, entertainment, and/or civic purposes.
40. Lake shall be designed for active recreation, including terraced amphitheater, plaza area, food truck staging area, and pier.
41. Wetlands shall be counted as park space, if applicant improves the area with boardwalks, walkways, or educational amenities.
42. Site access off Lakeview Parkway shall be unsignalized. The right-in/right-out only drive on Lakeview Parkway shall be channelized to prevent unlawful turning movements. A roundabout shall be required on Lakeview Parkway, as depicted on the plan, at site driveway 3. Design of roundabout shall meet City LOS standards, as approved by Staff.
- ~~43. Master Plan approval shall revert to 2015 approval, uses and site plan, if a building permit is not issued for office use by 12/16/2021.~~

General Conditions of Approval to GRTA Notice of Decision:

44. Development Intensity and Use
- Provide a mix of residential, office and retail uses.
45. Access Management
- Signalized intersections along Lakeview Parkway shall be a minimum of 1,000' from the existing signal at the intersection of Haynes Bridge Road and Lakeview Parkway.
 - Provide a maximum of 4 site driveways on Lakeview Parkway.
 - Align driveways on Lakeview Parkway with opposing existing driveways or offset by a minimum of 150'.
 - Any full movement site driveway on Lakeview Parkway must be a minimum of 450' from Haynes Bridge Road.
 - Any right-in/right-out site driveways on Lakeview Parkway must be a minimum of 200' from Haynes Bridge Road.
 - No direct site access is allowed onto Haynes Bridge Road.
 - No outparcels are allowed direct access on Haynes Bridge Road or Lakeview Parkway.
 - Provide shared driveway between adjacent property (shown as "MetLife") and the proposed development, as shown on plan.
 - All internal intersections shall be a minimum of 100' from Lakeview Parkway.
46. Pedestrian Facilities
- Provide a system of sidewalks throughout the development providing pedestrian access to all uses, building entrances and site driveways.
 - Provide safe pedestrian crossings at all site driveway intersections (four-legged intersections) on Lakeview Parkway, including roundabouts.
47. Road Improvements to GRTA Notice of Decision:

Haynes Bridge Road at Lakeview Parkway/Northwinds Parkway

- Construct 1 additional northbound left-turn lane along Haynes Bridge Road onto Lakeview Parkway creating dual northbound left-turn lanes. ~~This requirement shall be removed if a new study by DRI determines it unnecessary.~~
- Construct 1 additional eastbound right-turn lane along Lakeview Parkway onto Haynes Bridge Road creating dual eastbound right-turn lanes. ~~This requirement shall be removed if a new study by DRI determines it unnecessary.~~
- All intersections with Haynes Bridge Road and Lakeview Parkway shall be designed as directed by staff.

48. ~~Top floor of parking decks shall add shade structures and or trees to cover a minimum 15% of the surface~~

- Commissioner Attig seconded the motion

❖ Commissioner Bendall offered a Friendly amendment to strike condition # 48 and instead revise condition #36 to read:

Parking lot islands shall be planted with trees, shrubs and ground covers (not with mulch only). ~~Investigate the possibility of adding~~ Developer shall add shade structures and/or trees on the top floor of parking decks to cover a minimum 15% of this surface

- Commissioner Attig accepted the Friendly Amendment
- The motion with the Friendly Amendment was approved (7-0)

VII. ADJOURNMENT



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: Z-20-01/V-20-02 ALPHADEV/296 & 304 THOMPSON STREET

PLANNING COMMISSION: MARCH 5, 2020

CITY COUNCIL: MARCH 23, 2020

II. RECOMMENDATION:

Approve Z-20-01/V-20-02 ALPHADEV/296 & 304 THOMPSON STREET, subject to the following conditions:

1. The site, consisting of approximately 2.21 acres, shall be zoned DT-LW and developed substantially similar to site plan submitted by Engineering 303, revised 1/7/2020, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
2. Architecture and materials shall be developed substantially similar to the submitted renderings, except for modifications required to comply with these conditions and in compliance with the Alpharetta Downtown Code, subject to final approval by DRB. Detached homes shall include a mix of flat and gable roofs. Townhomes shall have flat roofs, be oriented to the Alpha Loop and include 4-sided architecture and materials, as approved by DRB.
3. Detached lots shall generally utilize existing grades and include decorative walls (brick and/or stone), as depicted on the submitted renderings, with final approval by DRB.
4. Thompson Street streetscape shall generally be improved as follows: 30' half width right-of-way to incorporate 8' sidewalk (concrete with brick paver banding), 6' planter, 8' on-street parking, 10' travel lane and street trees, with final approval by Staff.
5. New shared private roadway shall be a paver system with a 40' right-of-way, as depicted on the plan prepared by Engineering 303, revised 1/7/2020. Roadway shall include 1' concrete bands, 5' paver sidewalks and 12' paver travel lane, with final design approved by Staff. Street shall be marked with "No Parking". Maintenance of paver system shall be addressed in HOA covenants.
6. Final streetscapes shall include decorative pedestrian lights.
7. Shade trees shall be required in the planter along Thompson Street and behind the sidewalk in the 10' landscape strip as a continuation of what has been planted or designed in the Downtown and outside of utility easements, as approved by Staff. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, groundcovers and/or shrubs.
8. Roadways with on-street parking shall incorporate curb extensions at intersections.
9. Garages may face new street, per the plan prepared by Engineering 303, revised 1/7/2020.
10. Development shall not be gated.
11. Project entrance shall include decorative landscaping and wall (depicted on submitted renderings), as approved by Staff.
12. Amenity space shall be developed with decorative landscaping, hardscape, firepit, fountain, walls and seating. The landscape shall include plant selections promoting the historic Downtown.
13. Trees shall be saved as depicted on the tree save plan prepared by Engineering 303, dated 2/26/2020. The northern 30' of the property shall be a tree save area with limited tree removal as approved by Staff and related to the construction of the Alpha Loop.
14. Developer shall plant minimum 6" caliper canopy trees on either side of project entrance and on either side of the new street at intersection with alley, as approved by Staff.
15. Developer shall plant 5' landscape strips along the East and West property lines with a single row of Evergreen trees, spaced appropriately, along with the required shade trees.

16. As depicted on the submitted site plan, developer shall construct the Alpha Loop (12' concrete, accessible multi-use trail) within the northern 30' of the property, with final alignment, design and materials approved by Staff and construction completed prior to the first CO. Alpha Loop shall be placed within public right-of-way or a permanent easement and shall include seating/gathering areas, lighting (pedestrian and bollards), landscape and hardscape. Wayfinding signage shall be placed at key location(s) along the trail. Alpha Loop improvements shall be eligible for impact fee credits, as approved by Staff. Alpha Loop shall maintain a minimum 10' setback from residential buildings, as approved by Staff.
17. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
18. Developer shall provide interparcel access to allow for a future connection to the properties to the East and West, as depicted on the plan prepared by Engineering 303, revised 1/7/2020.
19. Fences and walls visible from the public right-of-way shall be decorative, as approved by Staff. Unfinished wood fences and decks shall not be visible from the street.

Developer agreements with surrounding neighborhoods:

20. New utilities shall be placed underground.
21. Stormwater management facility shall be underground.
22. Stormwater runoff infiltration/detention system shall be designed and installed so that the Post-Development Discharge from the subject property shall not exceed the Pre-Development Discharge for the 1 year through 100-year storm events.
23. Prior to a land disturbance permit on property, developer shall hire and pay for a licensed registered professional engineer(s) to conduct a photo journal of downstream water bodies located within 500' of the property to determine baseline conditions. Developer shall fund a post-development photo journal by the same engineer(s), to be conducted within 90 days following the recordation of the final plat for the last phase of the development. Developer shall remediate any siltation found by the photo journal over and above the predevelopment baseline that is caused by the development of the property and that is not the result of siltation that would have otherwise occurred absent the development of the property. No such study or remediation will be required if any owner of any such respective body of water refuses the developer access to conduct either the photo journal or the remediation.
24. If allowed by the Academy Park HOA to be installed upon its property, the Developer shall install an 8' tall decorative fence with maintenance access gate along the common boundary of the subject property and Academy Park.
25. Developer shall install evergreen landscape material along Alpha Loop, if no impacts to existing trees, with final approval by Staff.
26. Developer shall install additional landscape material on the south side of Thompson Street across from new street, as approved by Staff.
27. Developer shall provide at least 2 additional on-street parking spaces within the development.

III. REPORT IN BRIEF:

The applicant, AlphaDev, LLC, is requesting to rezone 2.21 acres from R-12 (Dwelling, 'For-Sale', Residential) to DT-LW (Downtown Live-Work) in order to construct a 17-lot single-family subdivision, including eleven (11) detached homes and six (6) townhome units. A variance is requested to reduce the minimum 20' recess requirement applicable to street-facing garages associated with a detached home in the Downtown. The subject property is located at 296 and 304 Thompson Street on the North side of Thompson Street and West of Westside Parkway.

DISCUSSION

The submitted request, if approved, would allow for the construction of a 17-lot residential subdivision, consisting of eleven (11) single-family detached homes and six (6) townhome units on 2.21 acres in the Downtown Overlay. The proposed residential density is 7.7 dwelling units per acre. The applicant proposes to rezone the property from R-12 to DT-LW, as well as a variance

to reduce the minimum 20' recess requirement applicable to street-facing garages associated with a detached home in the Downtown. The subject property is located at 296 and 304 Thompson Street on the North side of Thompson Street and West of Westside Parkway.

The property represents two (2) parcels of land with frontage on Thompson Street. Both properties are developed with single-family detached homes. Surrounding properties are zoned R-4A (Dwelling, 'For-Sale', Residential Attached – Low Density) to the North, R-12 to the East and West, and MU (Mixed Use) to the South. Academy Park is located to the North, unplatted, single-family detached homes are located to the East and West, and the Foundry is under construction and located to the South. The proposed use is consistent with the Comprehensive Land Use Plan designation of the property, which is 'Mixed Use Live Work'.

The applicant is requesting a variance from UDC Appendix A: Alpharetta Downtown Code Subsection 2.4.6 (C) to reduce the minimum 20' recess requirement applicable to street-facing garages associated with detached homes in the Downtown. According to the applicant, the variance is necessary due to the narrow shape of the property and the applicant's proposed product, which includes a focus on outdoor living. Detached lots are proposed to have a zero-lot line side setback on one (1) side and an outdoor courtyard on the other side. This configuration limits the layout of a side- or rear-loaded product.

The Downtown Master Plan 5-Year market demand study reflects a demand potential of 40 – 45 single-family detached units and 185 – 210 townhome units. The demand analysis is intended to be a measure of market viability, not a prediction or recommendation for Downtown development. As shown in the table below, a total of 339 single-family detached homes and 246 'For-Sale' townhome units have been approved in the Downtown in the five (5) years since the adoption of the 2015 Downtown Master Plan update.

Downtown Overlay – Residential Approvals since the 2015 Downtown Master Plan Update

Development Name	Type	Acres	Density
Alcovy	10 SFD	1.23 acres	8.1 du/ac
City Center/Voysey	42 SFD, 168 For-Rent	25 acres	8.0 du/ac
Midwick	17 SFD, 23 TH	5.85 acres	6.8 du/ac
Old Milton Holdings (Foundry)	25 SFD, 89 TH, 42 Condo (High)	23.89 acres	6.5 du/ac
Thompson Street Flats (Kairos)	24 Condo (High)	2.39 acres	10.0 du/ac
Burnett Circle (Ouray)	43 TH	5.72 acres	7.5 du/ac
Weyhill	9 SFD	3.1 acres	2.9 du/ac
Teasley Place	24 Condo (High)	2.2 acres	10.9 du/ac
East of Main	60 SFD, 42 TH	13.87 acres	7.35 du/ac
Twelve on Canton	12 SFD	5.46 acres	2.2 du/ac
The Maxwell	58 SFD, 80 Condo (Mid)	12.91 acres	10.7 du/ac
Rowes Downtown (Tiffany Square)	22 SFD	3.26 acres	6.75 du/ac
Chelsea Walk	49 TH	7.04 acres	7.0 du/ac
Manning on the Square	58 SFD	11.7 acres	4.96 du/ac
Villa Magnolia	26 SFD	3.53 acres	7.37 du/ac

Downtown Overlay – Number of Approved Residential Units by Type

Residential Type	Number Approved
Single-Family Detached	339 units
Townhome	246 units
Condominium (Mid-Entry)	80 units
Condominium (High-End)	90 units
For-Rent	168 units
TOTAL	923 units (82% For-Sale/18% For-Rent)

SITE PLAN

The submitted site plan depicts eleven (11) single-family detached lots and six (6) townhome units in two (2) buildings served by a new private street. Detached homes are oriented to the private street and townhomes are oriented to the Alpha Loop. Detached lots range in size from 3,808 to 5,210 square feet, with an average lot size of 4,255 square feet. Both residential types are proposed to be 3-stories. Each detached home is depicted to include a front patio and side courtyard with a zero-lot line setback on one (1) side of the home and at least ten-feet (10') of separation between structures. Townhomes are depicted with a front patio and rooftop terrace overlooking a natural area, which will include a future alignment of the Alpha Loop. Minimum building setbacks are consistent with the DT-LW development standards.

Each home/townhome has two (2) parking spaces within a garage and a Code-compliant driveway accommodating two (2) additional cars. Two (2) guest parallel parking spaces are provided along the alley and four (4) parallel parking spaces will be provided with the Thompson Street streetscape improvements. The Downtown Code requires 43 parking spaces for the proposed subdivision, of which 74 parking spaces are provided.

The City's Transportation Engineer has reviewed the applicant's plan and agrees with the proposed 40' street right-of-way. The UDC calls for a 50' right-of-way for local residential streets but provides administrative authority to Staff to reduce rights-of-way for safety purposes. In addition, the new street will be private and maintained by the Homeowner's Association (HOA) and the necessary streetscape improvements can be accommodated within the proposed right-of-way. The private street terminates with an alley, which serves the six (6) townhome units. The alley ends at the East and West property lines and includes future interparcel access to the adjacent properties. An eight-foot (8') brick sidewalk is depicted along Thompson Street. A shared paver system roadway with five-foot (5') sidewalks is depicted along the new private street and providing connectivity to the townhome units, pocket park and Alpha Loop. The proposed roadway allows for greater flexibility for site layout while providing additional infiltration for stormwater.

The submitted site plan calls out 19,484 square feet, or 20.3%, of open space, which includes courtyards, patios, rooftop terraces, a pocket park, other common areas and the Alpha Loop. The applicant's proposal exceeds the minimum 10% amenity space required in the DT-LW district. A firepit surrounded by seating is depicted within the pocket park and a fountain anchors the common area located between the two (2) townhome buildings. If approved, amenity areas should include improvements associated with gathering and seating areas, as depicted in the submitted renderings.

The 12' Alpha Loop multiuse trail is depicted within the northern 30' of the property. The area was previously called out as a tree save area, which is consistent with the natural setting

associated with the Thompson Street portion of the Alpha Loop. If approved, the northern 30' of the property should be designated a tree save area. The applicant's letter of intent requests that the Alpha Loop be reduced to eight-feet (8') in order to save trees. However, Staff would only support reductions in the Alpha Loop on a case-by-case basis and based on tree saves and Alpha Loop design approved by Staff.

There are several 'Good' condition trees on the subject property, consisting primarily of Hardwoods. The applicant provided a tree save plan depicting several specimen and trees of quality being saved on the West, North and East sides of the property. If approved, the northern 30' of the property should be designated as a tree save area due to the presences of the Alpha Loop and per the agreement between the applicant and Academy Park HOA. This tree save area should remain undisturbed, except to install the Alpha Loop and related improvements.

A note on the site plan indicates that stormwater management will be handled underground and located within the proposed pocket park toward the rear of the subdivision.

RENDERINGS

According to the applicant's architect, the proposed renderings reflect a Neoclassical architectural style. Detached homes are depicted to be 3-stories with a combination of gable and flat rooftops. Townhomes are depicted to be 3-stories with flat rooftops. Decorative walls are shown along Thompson Street to frame the subdivision and on individual lots in order to maintain the existing topography. The following note from the applicant's architect is provided on the submitted site plan.

*296/304 Thompson Street provides a unique opportunity to create an extraordinary enclave of luxury single-family homes (11 detached and 6 attached) tucked away, and yet just steps away from Avalon, Alpharetta's City Hall, and City Center downtown district. **Neoclassical architecture** (drawing inspiration from the "classical" art and culture of classical antiquity) recalls a familiar and vernacular tradition of small towns of the American South. The new interior streetscape will feature a consistency of scale and proportion, and yet variety and individuality will be provided for each family residing in this special place. These homes will incorporate both indoor and outdoor living through the use of private courtyards, thereby offering a product that will add welcomed diversity to the residential architecture and family living along Thompson Street.*

TRAFFIC

The applicant provided a trip generation report, which estimates that the proposed development would generate 47 PM Peak Hour trips.

SCHOOLS

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

FULTON COUNTY SCHOOLS – 11 Detached Homes and 6 Townhome Units

School	Single Family Average #
Manning Oaks Elementary School	1 to 6 students
Hopewell Middle School	0 to 2 students
Alpharetta High School	2 to 5 students
TOTAL	3 to 13 students

Based on the total figure for all three school levels, it can be assumed that the proposed development could house approximately 3 – 13 school age children. Numbers provided by Fulton County Schools show that Manning Oaks Elementary and Alpharetta High School are currently over capacity.

STANDARDS FOR ZONING CHANGES

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

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

Response: The zoning proposal would be suitable as it relates to the use and development of adjacent or nearby properties, which are primarily developed with similar residential uses and densities.

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

Response: The zoning proposal would not adversely affect the existing use or usability of adjacent or nearby properties, which are primarily developed with similar residential uses and densities.

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

Response: The applicant's proposal should not have significant impacts on the natural environment.

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

Response: The subject property could be developed with single-family detached lots with a minimum lot size of 12,000 square feet, which would likely result in 6 - 7 lots. However, the R-12 district has building setbacks that are not conducive to the walkable vision of the Downtown and the proposed rezoning to DT-LW is consistent with the Comprehensive Land Use Plan designation of the property.

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

Response: The zoning proposal does not represent a change of use, as residential could be developed on the property under the current zoning district.

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

Response: The subject property is located in the Downtown Overlay, which includes opportunities for properties to develop under the Downtown zoning districts.

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

Response: The applicant's zoning proposal reflects a reasonable balance and is consistent with the Comprehensive Land Use Plan designation of the property.

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

Response: The subject property could be developed with single-family detached lots with a minimum lot size of 12,000 square feet, which would likely result in 6 - 7 lots. However, the R-12 district has building setbacks that are not conducive to the walkable vision of the Downtown and the proposed rezoning to DT-LW is consistent with the Comprehensive Land Use Plan designation of the property.

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

Response: The zoning proposal is consistent with the Comprehensive Land Use Plan designation of the property, which is 'Mixed Use Live Work'.

VARIANCE REVIEW CRITERIA

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

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

Response: Approval of the variance should not cause substantial detriment to the public good. The subject property is long and narrow, which constrains the site layout. In addition, the applicant proposes zero-lot line, courtyard homes, which further restricts a side-loaded product.

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

Response: The unusual shape of the property and the proposed product make it difficult for the applicant to recess the street-facing garage, as required by the UDC.

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

Response: The unusual shape of the property and the proposed product make it difficult for the applicant to recess the street-facing garage, as required by the UDC.

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

Response: Approval of the variance should not cause substantial detriment to the public good. The subject property is long and narrow, which constrains the site layout. In addition, the applicant proposes zero-lot line, courtyard homes, which further restricts a side-loaded product.

CONCURRENCES

City Staff has reviewed the applicant's zoning proposal and finds that it can generally support the request for rezoning and variance. The zoning proposal is consistent with the vision of the Downtown Master Plan and the City's Comprehensive Plan. The zoning proposal would be suitable as it relates to the use and development of adjacent or nearby properties, which are primarily developed with residential uses. Approval of the variance should not cause substantial detriment to the public good. The subject property is long and narrow, which constrains the site layout. In addition, the applicant proposes zero-lot line, courtyard homes, which further restricts a side-loaded product.

CITIZEN PARTICIPATION PLAN

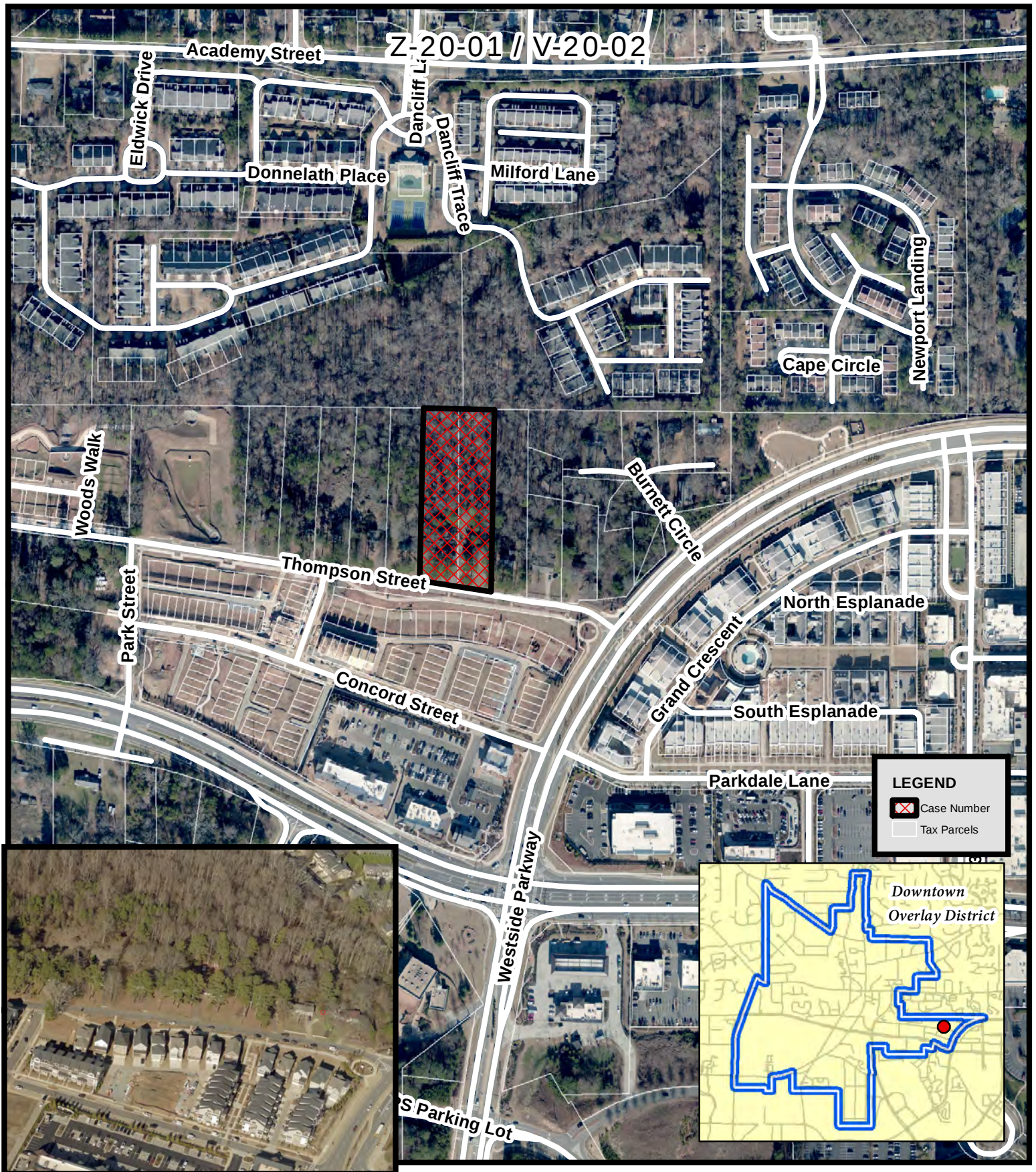
The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. In addition, the applicant held meetings with Academy Park Property Owners Association on 1/17/2020 and 2/18/2020, Midwick Subdivision on 1/27/2020 and a Foundry Subdivision property owner on 1/17/2020. The report states that a variety of issues were discussed, including price points, architecture, stormwater, tree preservation around the Alpha Loop, paver system for new street, fence adjacent to Academy Park, evergreen screening along the Alpha Loop, density, screening of vehicle headlights, home size, courtyard size, garage/driveway size as it relates to adequate parking, and rental restriction. Per the report, the applicant has agreed to provide an 8' fence adjacent to Academy Park, paver system roadway to address stormwater/erosion concerns, evergreen landscaping along the Alpha Loop, additional landscaping on the South side of Thompson Street across from new street, add two (2) additional guest spaces, and limit number of rentals. The applicant states that agreements made between the developer and surrounding neighborhoods are contingent upon the approval of the project with 17 lots. However, it should be noted that the Staff recommendation is not tied to a lot yield.

COMMUNITY ZONING INFORMATION MEETING

The CZIM was held on January 8, 2020. There were a several public comments in support of the applicant's proposal.

IV. ATTACHMENTS:

- Site Plan
- Renderings

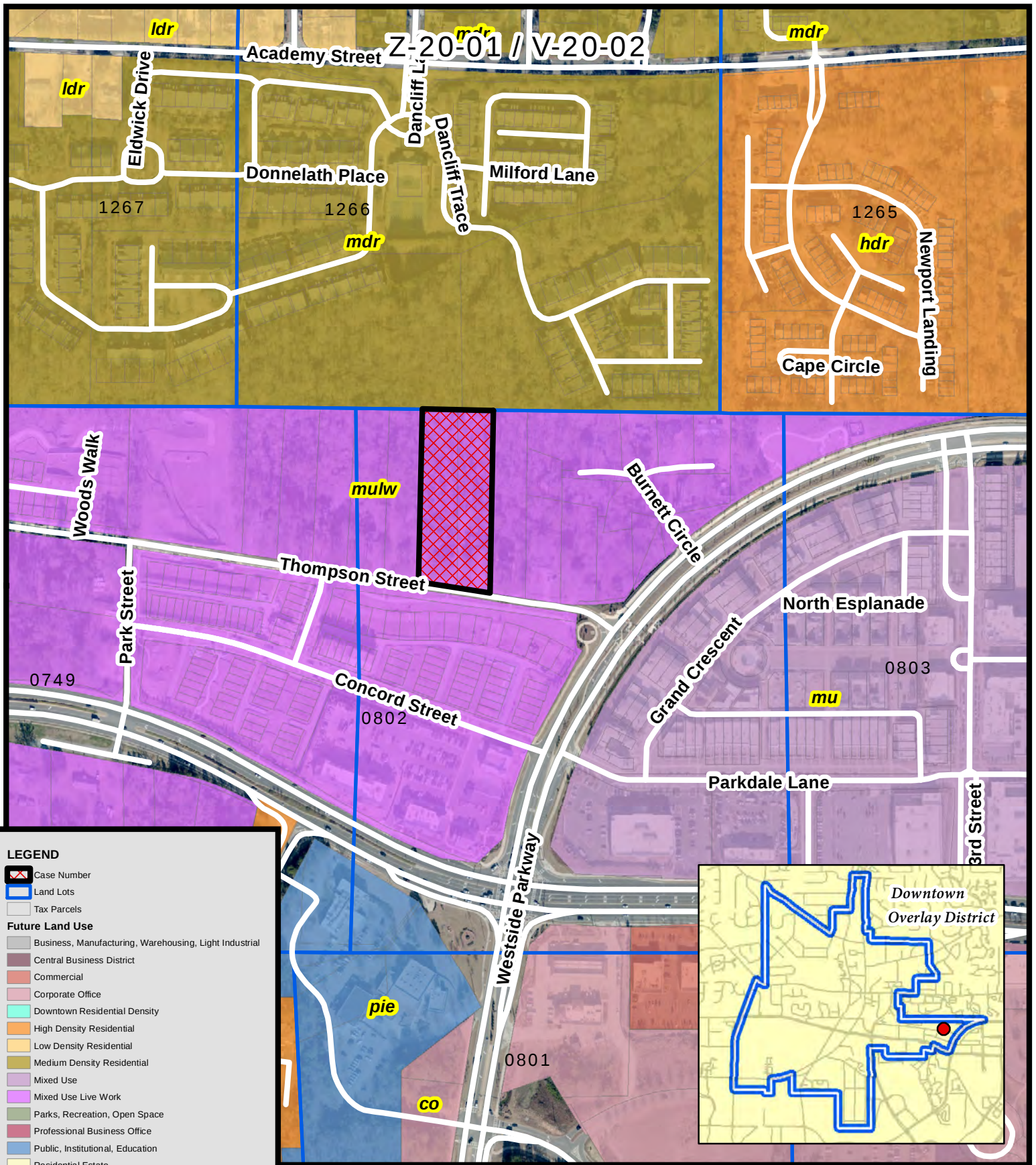


Aerial Map
296 & 304 Thompson Street

Z-20-01 / V-20-02
D/LL: 1/2/695
PC Date: 2/06/20
CC Date: 2/24/20



Location Map Provided by:
Community Development - GIS

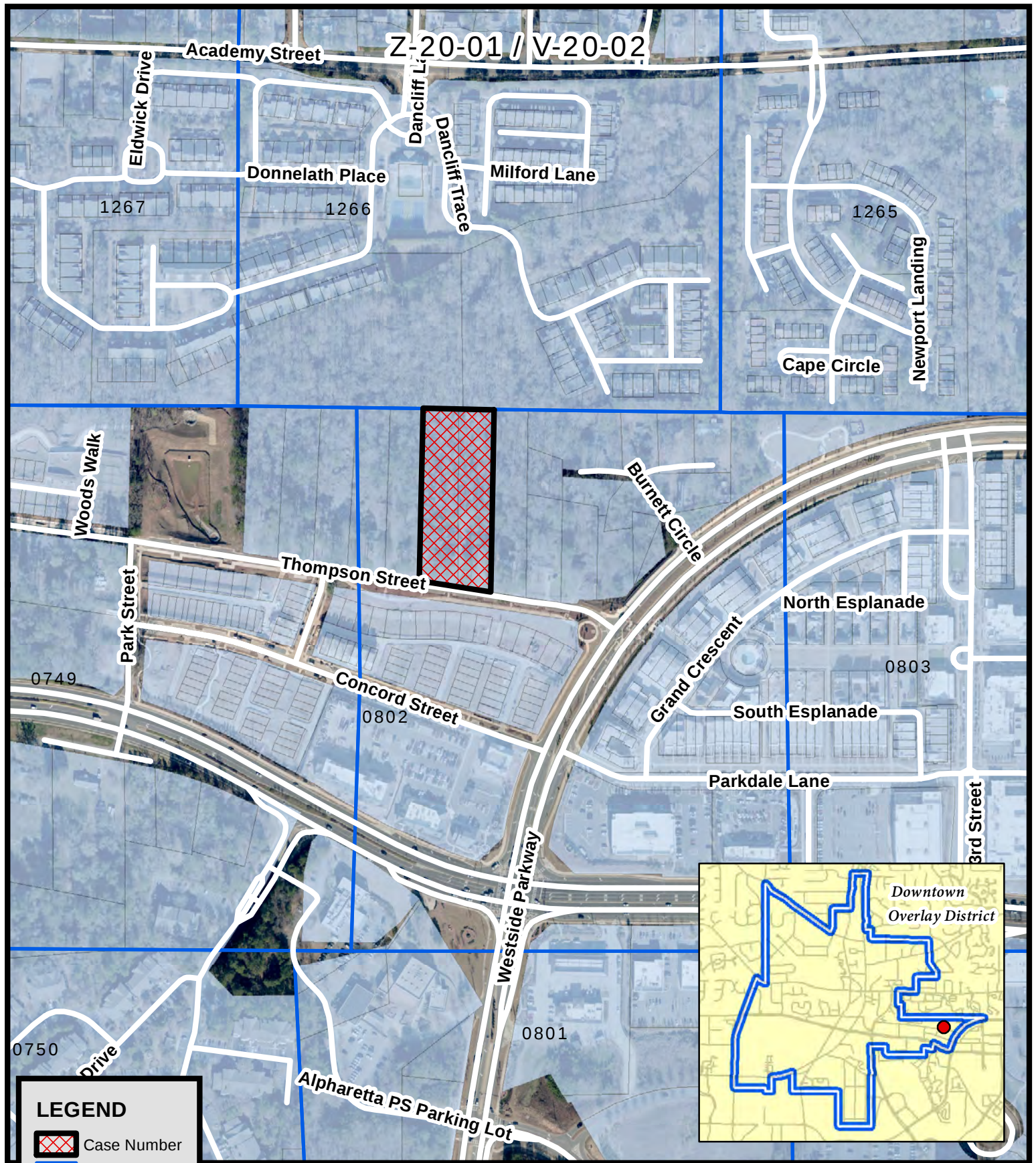


Future Land Use 296 & 304 Thompson Street

Z-20-01 / V-20-02
D/LL: 1/2/695
PC Date: 2/06/20
CC Date: 2/24/20



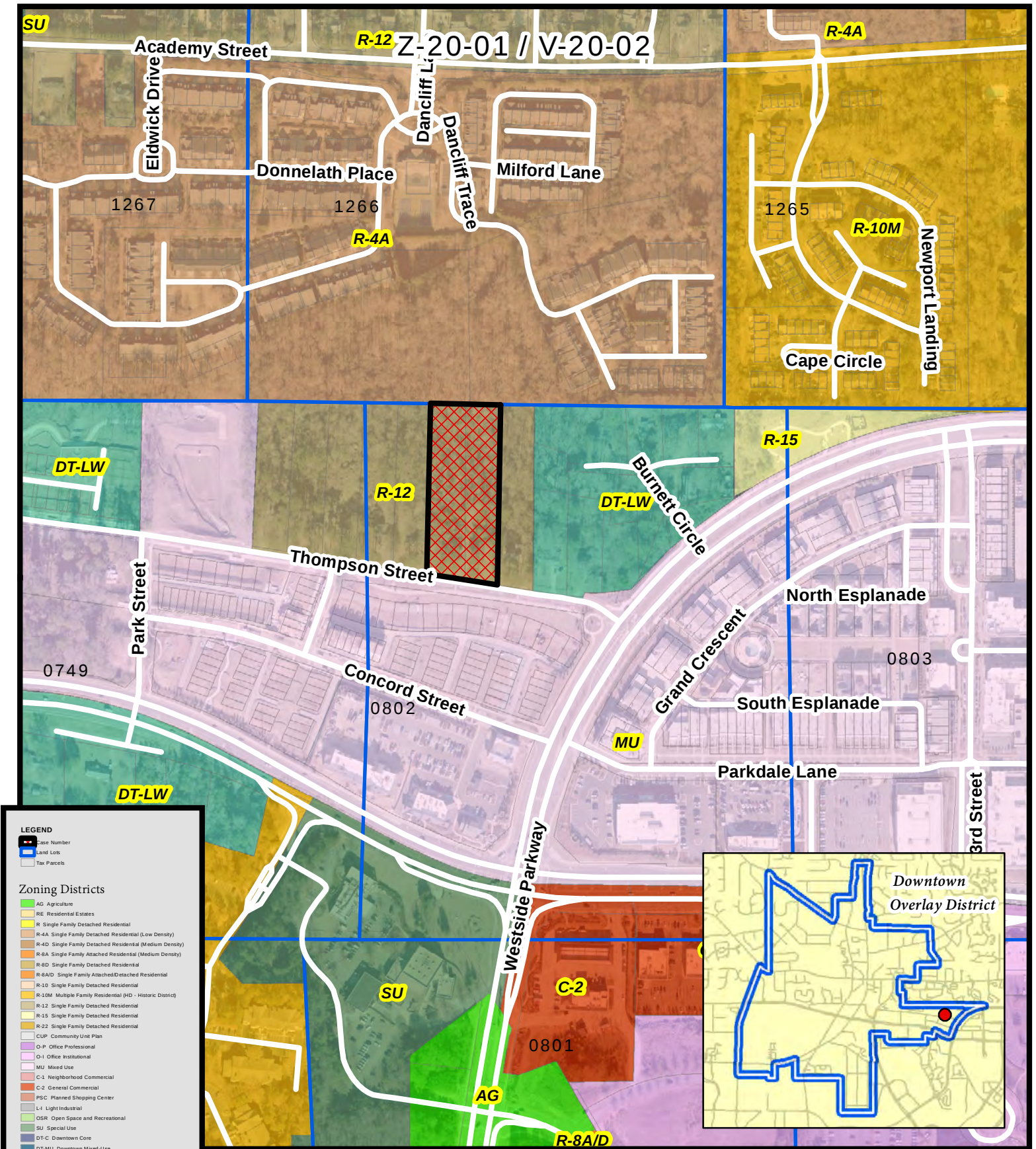
Location Map Provided by:
Community Development - GIS



Z-20-01 / V-20-02
 D/LL: 1/2/695
 PC Date: 2/06/20
 CC Date: 2/24/20



Location Map Provided by:
 Community Development - GIS

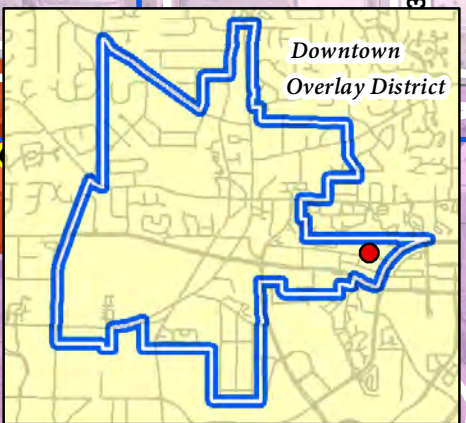


LEGEND

Case Number
 Land Lots
 Tax Parcels

Zoning Districts

- AG Agriculture
- RE Residential Estates
- R Single Family Detached Residential
- R-4A Single Family Detached Residential (Low Density)
- R-4D Single Family Detached Residential (Medium Density)
- R-6A Single Family Attached Residential (Medium Density)
- R-6D Single Family Attached Residential (Medium Density)
- R-8A/D Single Family Attached Detached Residential
- R-10 Single Family Detached Residential
- R-10M Multiple Family Residential (HD - Historic District)
- R-12 Single Family Detached Residential
- R-15 Single Family Detached Residential
- R-22 Single Family Detached Residential
- CUP Community Unit Plan
- O-P Office Professional
- O-I Office Institutional
- MU Mixed Use
- C-1 Neighborhood Commercial
- C-2 General Commercial
- PSC Planned Shopping Center
- L-1 Light Industrial
- OSR Open Space and Recreational
- SU Special Use
- DT-C Downtown Core
- DT-MU Downtown Mixed-Use
- DT-LW Downtown Live-Work
- DT-R Downtown Residential



Zoning Map 296 & 304 Thompson Street

Z-20-01 / V-20-02
 D/LL: 1/2/695
 PC Date: 2/06/20
 CC Date: 2/24/20



Location Map Provided by:
 Community Development - GIS

296 & 304 Thompson St. Rezoning and Variance 1.8.2020

[illegible]

296 & 304 Thompson St. Rezoning and Variance 1.8.2020

[illegible]

Exhibit “D” – Supplement 2020-02-24

Summary of the Issues/Questions Raised and the Applicant’s Responses during the Public Participation Process and Supporting Documents

Since the Applicant submitted its initial public participation report, the Applicant and its representatives have corresponded with the following interested parties and addressed the issues raised as described below:

E. Correspondence with Academy Park Property Owners Association

The Applicant held a second meeting with the Academy Park Property Owners Association on February 18, 2020 at the Academy Park Clubhouse. Attendees from Academy Park were:

- Gary Cardoza – President – [REDACTED]
- Steve Stolle – Vice President – [REDACTED]
- Gariel Burchett – Secretary – [REDACTED]
- Dan Mitnik - Board Member – [REDACTED]
- Meg Baer – Property Manager – [REDACTED]

Summary of Issues/Questions & Responses:

Issue #1: Neighbors expressed desire that trees be preserved around the Alpha Loop.

Response: The Applicant has designated trees it intends to preserve. In addition, the Applicant is seeking to reduce the width of the Alpha Loop within this area to 8 feet in order to preserve these trees.

Issue #2: Neighbors expressed concern with erosion from stormwater, because they have experienced significant erosion of the creek behind Academy Park and have had to repair the POA’s bridges over the creek.

Response: The Applicant has agreed to create a pre- and post-development photo journal on the Subject Property, and will provide stormwater discharge rates equal to or less than the pre-development rate, and intends to utilize pavers in the access road to facilitate additional infiltration of stormwater. However, the Applicant emphasized that utilizing a paver system for the access drive is extremely expensive, and that it is imperative that it be able to develop 17 units to cover this and other development expenses.

Issue #3: Neighbors requested that the developer install an 8-foot tall fence along Academy Park’s boundary, and that no gate be installed within this length of fence.

Response: The Applicant is agreeable to installing this fence.

Issue #4: Neighbors expressed concern with the Landscaping of the project, specifically requesting that evergreen trees be installed along the Alpha Loop, and that Academy Park be able to approve them.

Response: The Applicant is working with the City regarding required landscaping and will comply with all applicable landscaping regulations. The developer is agreeable to utilizing evergreen plants.

Issue #5: Neighbors stated they are comfortable with the density of this project.

Response: The Applicant agrees that its proposed density is appropriate, and is necessary to facilitate the requested improvements.

The Applicant has negotiated the following zoning conditions with the Academy Park HOA and is agreeable to them be conditions of zoning approval.

1. Each home in the development shall have not less than a two-car, enclosed garage.
2. There shall be a landscaped entrance with a monument type sign.
3. All utilities shall be underground.
4. Membership in a property owners association shall be required for the maintenance of common areas and the access drive.
5. The access drive serving the development will be surfaced by pavers.
6. Stormwater detention facility will be underground.
7. The stormwater runoff infiltration/detention system shall be designed and installed so that the Post-Development Discharge from the subject property shall not exceed the Pre-Development Discharge for the 1 year through 100-year storm events.
8. Prior to any land disturbance at the subject property, developer shall hire and pay for a licensed registered professional engineer(s) to conduct a photo journal of downstream water bodies located within 500 feet of the property to determine baseline conditions. Developer shall fund a post-development photo journal by the same engineer(s), to be conducted within 90 days following the recordation of the final plat for the last phase of the development. Developer shall remediate any siltation found by the photo journal over and above the predevelopment baseline that is caused by the development of the subject property and that is not the result of siltation that would have otherwise occurred absent the development of the subject property. No such study or remediation will be required if any owner of any such respective body of water refuses the developer access to conduct either the photo journal or the remediation.
9. If allowed by the Academy Park HOA to be installed upon its property, the Developer shall install an 8-foot tall decorative fence with maintenance access gate along the common boundary of the subject property and Academy Park.

From: [Cook, Kathi](#)
To: [Woodman, Michael](#); [Taylor, Elicia](#)
Subject: FW: Thompson Road projects
Date: Friday, February 7, 2020 2:28:22 PM

From: Merkel, Dan <dmerkel@alpharetta.ga.us>
Sent: Friday, February 07, 2020 2:14 PM
To: Cook, Kathi <Kcook@alpharetta.ga.us>
Subject: Fwd: Thompson Road projects

Sent from my iPhone

Dan Merkel, CIC
Southern States Insurance
Councilman City of Alpharetta
404-513-9814

Begin forwarded message:

From: Cathy Treible [REDACTED]
Date: February 7, 2020 at 1:26:42 PM EST
To: "CityCouncilandMayor@alpharetta.ga.us"
<CityCouncilandMayor@alpharetta.ga.us>
Subject: Thompson Road projects

Dear Mayor and City Council,

My husband and I moved into Midwick in June, 2019 and absolutely love living in Downtown Alpharetta. We attended the first "information meeting" on the proposed **Alpha Dev project**. At first glance it looked impressive and seemed to fit in with the look and feel we were told would be developed on Thompson street when we considered moving to downtown Alpharetta. While we like the plans we saw, we are concerned about the rezoning and increased density. Our fear is that this will set a precedent for the other undeveloped lots on Thompson. We understand that the developer wants to maximize houses per acre because it makes better financial sense for him but this should not be a reason to grant his request for rezoning. Perhaps he should have considered that before purchasing the land.

Another concern is the **Providence Group's** new proposed project directly across from Midwick. I understand the density they are requesting is 16.5 homes/acre, which is even higher than the denied plans of Edward Andrew's project?? Not only is this more

homes/acre but the view from Thompson street will be side and garages?? This is not what we were told "upscale" Thompson street would eventually look like. One argument I heard at the last City Council meeting I attended was that the area needs more "affordable" housing and this is the reason they are increasing the density. I'm sorry, but my husband and I, and many of our Midwick neighbors, have worked hard our entire lives to be able to live here. We raised our families, sent our kids to college, maintained and then sold our family homes, and now are able to afford living this "in-town" lifestyle. Is there enough "affordable" housing within walking distance to work places in Alpharetta? No... but there are plenty of older neighborhoods, like I lived in, where there is a short commute. Living on Thompson Street and surrounding downtown streets is a privilege and something we have all worked hard to achieve. Building "affordable" lower priced homes amongst our communities will not only effect our property values but alter the long range outlook of beautiful Thompson Street.

Respectfully,

Cathy Treible
335 Banbury Crossing



OF WIRE FRAUD!

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CITIZEN PARTICIPATION FORM - PART B

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

Public Hearing or Project Name: Z-20-01/V-20-02 - 296 & 304 Thompson Street

Contact Name: Miles Hansford & Tallant, LLC. - J. Ethan Underwood Telephone: 770-781-4100

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

The Applicant attended the Alpharetta Community Zoning Information Meeting (CZIM) on January 8, 2020. Copies of the comment sheets are attached as Exhibit "A". A list of the neighboring residents and property owners to be notified of the scheduled Public Hearing is attached as Exhibit "B". Copies of this letter sent January 14, 2020 and the mailing certification are attached as Exhibit "C". The Applicant also initiated group meetings with the Academy Park Property Owners Association on January 17, 2020 and the Midwick subdivision on January 27, 2020. A summary of issues raised by all adjoining property owners and supporting documents are attached as Exhibit "D".

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

☒ Letter	☐ Personal Visits
☒ Telephone	☒ Group Meeting
☒ Email	☒ Other <i>(Please Specify)</i> <u>CZIM</u>

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

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

Signature of Authorized Agent: 

Date: 1/29/2020

Print Form

Exhibit "A"

Copy of the January 8, 2020 Community Zoning Information Meeting (CZIM) Comment Sheets

296 & 304 Thompson St. Rezoning and Variance 1.8.2020

[illegible]

296 & 304 Thompson St. Rezoning and Variance 1.8.2020

[illegible]

Exhibit "B"

List of Neighboring Residents and Property Owners to be Notified of the Schedule Public Hearing

ACADEMY PARK NEIGHBORHOOD ASSN
INC
12102 DANCLIFF TRC
ALPHARETTA GA 30009

ANDERSON HARRY G & RUTH J
12210 DANCLIFF TRCE
ALPHARETTA GA 30009

AVALON RESIDENTIAL COMMUNITY ASSOCIATION
INC
1465 NORTHSIDE DR NW 128
ATLANTA GA 30318

AVREN DOUGLAS
205 HEMBREE PARK TER
ROSWELL GA 30076

AVREN JOSHUA
35 BURNETT CIR
ALPHARETTA GA 30009

AVREN MARK
467 JON SCOTT DR
ALPHARETTA GA 30004

BOATWRIGHT CATHERINE A
11750 DANCLIFF TRCE
ALPHARETTA GA 30009

BONDUR RICHARD D & SUSAN M
12155 DANCLIFF TRCE
ALPHARETTA GA 30009

BRANDON SIANNON & SHARI
325 ETOWAH DOWNS CT
BALL GROUND GA 30107

BREIER RUSSELL & RITA
11720 DANCLIFF TRCE
ALPHARETTA GA 30009

CAIN JAMIE
12140 DANCLIFF TRC
ALPHARETTA GA 30009

CARTER BENJAMIN C & CARTER EUGENIA C
138 GRAND CRES
ALPHARETTA GA 30009

CLELAND DAVID C & CLELAND JOANNE W
11770 DANCLIFF TRC
ALPHARETTA GA 30009

CONTE RICHARD E & ROBERTA J
11690 DANCLIFF TRCE
ALPHARETTA GA 30009

COONEY ARTHUR COONEY JOAN
12010 DANCLIFF TRCE
ALPHARETTA GA 30009

DEVELLE CAROLYN PATRICIA & SICILIANO
MARK RICHARD
109 MEETING ST
ALPHARETTA GA 30009

DEWEERD GARY A
11760 DANCLIFF TRCE
ALPHARETTA GA 30009

DODSON KAREN C & DODSON DARRYL L
11970 DANCLIFF TRCE
ALPHARETTA GA 30009

DOZIER MICHAEL J & DOZIER JANE M
11900 DANCLIFF TRC
ALPHARETTA GA 30004

DUNNING MARINA & DUNNING TIMOTHY
11725 DANCLIFF TRC
ALPHARETTA GA 30009

EDWARDS THOMAS J & ALIISON
11960 DANCLIFF TRCE
ALPHARETTA GA 30009-8737

FELDER PATRICK W
11745 DANCLIFF TRCE
ALPHARETTA GA 30009

GEISEL PAMELA ANN
11870 DANCLIFF TRCE
ALPHARETTA GA 30009-8736

GOULD DAVID S
11920 DANCLIFF TRCE
ALPHARETTA GA 30009

GREEN PATRICE H
12150 DANCLIFF TRC
ALPHARETTA GA 30009-8730

GRENDAL RANDOLPH F & BARBARA
113 MEETING ST
ALPHARETTA GA 30009

GUPTA MANISH K
372 CONCORD ST
ALPHARETTA GA 30009

HARRISON SCOTT W & HARRISON SARA J
11840 DANCLIFF TRC
ALPHARETTA GA 30009

HARTMAN DAVID P & MARY W
11785 DANCLIFF TRCE
ALPHARETTA GA 30009-8738

HOWARD CHARLES W & KATHRYN
11850 DANCLIFF TRCE
ALPHARETTA GA 30004

HUI HUA CHIANG
11880 DANCLIFF TRCE UNIT 11880
ALPHARETTA GA 30009

ISRAEL ROBERT SOLOMON & DALE MENDELSON
12190 DANCLIFF TRCE
ALPHARETTA GA 30009

JACOBIE ANDREW & JACOBIE ROBYN
12135 DANCLIFF TRC
ALPHARETTA GA 30009

JACOBSEN JOSEPH & JILL
364 CONCORD ST
ALPHARETTA GA 30009

JERROLD MARION & DOUG
11890 DANCLIFF TRCE
ALPHARETTA GA 30009-8736

JMC LENDER LLC
6000 LAKE FOREST DR STE 100
ATLANTA GA 30328

JODY AVREN LIVING TRUST THE
4191 MCCLESKY DR NE
MARIETTA GA 30066

JODY AVREN LIVING TRUST THE
4191 MCCLESKY DR NE
MARIETTA GA 30066

KAELIN MELISSA J & TODD
297 THOMPSON ST
ALPHARETTA GA 30009

KHARAB RACHID
55 BURNETT CIR
ALPHARETTA GA 30004

KONKEL JOHN & STUMPE BEATE
12120 DANCLIFF TRCE
ALPHARETTA GA 30009

KROENKE STEVEN J
11735 DANCLIFF TRCE
ALPHARETTA GA 30009-8738

LENKE MARK E & LAURIE L
12110 DANCLIFF TRCE
ALPHARETTA GA 30009

LIBERTY PARK VILLAGE LLC
5100 PEACHTREE PKWY STE 200
NORCROSS GA 30092

MALCOLM JEFFERY K & ONYEMA A
281 THOMPSON ST
ALPHARETTA GA 30009

MC DONALD VIRGINIA O
11990 DANCLIFF TRC
ALPHARETTA GA 30009

MC LEOD BETTY JEAN
152 GRAND CRESCENT
ALPHARETTA GA 30009-8740

MEREDITH MICHAEL R & MEREDITH KIMBERLY J
1210 ANGEL POND E
GREENSBORO GA 30642

METRO TEA
11800 DANCLIFF TRCE
ALPHARETTA GA 30009

MILLER DENISE A
11925 DANCLIFF TRCE
ALPHARETTA GA 30009-8740

NIECE DEREK S
2575 MILFORD LN
ALPHARETTA GA 30009

NORWOOD DARRIN
11830 DANCLIFF TRCE
ALPHARETTA GA 30009

OSTEN JOSEPH W III
12145 DANCLIFF TRCE
ALPHARETTA GA 30009

PULTE HOME CORPORATION
2475 NORTHWINDS PKWY STE 600
ALPHARETTA GA 30009

PURCELL ANDREW J & MYRNA I
12185 DANCLIFF TRCE
ALPHARETTA GA 30009

RAINWATER RICHARD T & TRUDY W
11795 DANCLIFF TRCE
ALPHARETTA GA 30009

RAY ANGELIA
11715 DANCLIFF TRCE
ALPHARETTA GA 30009

REVOCABLE LIVING TRUST OF DIANE
MACIEIK
11740 DANCLIFF TRCE
ALPHARETTA GA 30009

RICHARD JOHN F & RICHARD KAREN A
11680 DANCLIFF TRC
ALPHARETTA GA 30005

RIDLEY DAVID T & PEGGY J
11680 DANCLIFF TRCE
ALPHARETTA GA 30009

RITCHIE ROLAND S JR & MARY R
11790 DANCLIFF TRCE
ALPHARETTA GA 30009

ROBERTON WALL KAREN K & RAINSFORD JAMES J
12020 DANCLIFF TRCE
ALPHARETTA GA 30009

ROEMER SIDNEY & ADELE J
12175 DANCLIFF TRCE
ALPHARETTA GA 30009

ROSNER MARK & JILL B
12000 DANCLIFF TRACE
ALPHARETTA GA 30004

RSP BURNETT LLC
6000 LAKE FORREST DR STE 100
ATLANTA GA 30328

RSP BURNETT LLC
3975 N STRATFORD RD
ATLANTA GA 30342

SACHS NANCY & STEVEN
12200 DANCLIFF TRCE
ALPHARETTA GA 30009

SAHAR INVESTMENTS LLC
8720 RHAPSODY LANE
CUMMING GA 30041

SAUERTEIG JAIME E & IRENE
12160 DANCLIFF TRCE
ALPHARETTA GA 30009

SHAW JOHN
11700 DANCLIFF TRCE
ALPHARETTA GA 30009

SHEVLIN JAMES MICHAEL & ANN MARIE
11710 DANCLIFF TRCE
ALPHARETTA GA 30009

SMALLEY KAREN E
20 BURNETT DR
ALPHARETTA GA 30004

SMEAL SCOTT A & SMEAL DIANNA
12130 DANCLIFF TRCE
ALPHARETTA GA 30009

STROH MARTHA A
11945 DANCLIFF TRCE
ALPHARETTA GA 30009

THOMPSON STREET REAL ESTATE LLC
5055 WALNUT CREEK TRL
ALPHARETTA GA 30005

WALLER BARBARA A
34 BURNETT DR
ALPHARETTA GA 30004

WEIRBACH STEPHEN J & PECK BRENDA J
11780 DANCLIFF TRC
ALPHARETTA GA 30009

WILSON DAVID D
140 GRAND CRES
ALPHARETTA GA 30009

WOLF JEANNE ELIZABETH
11935 DANCLIFF TRC
ALPHARETTA GA 30009

ZHOU RICHARD Q
11255 ABBOTTS STATION DR
DULUTH GA 30097

ZICK DARRYL II
11910 DANCLIFF TRCE
ALPHARETTA GA 30009

PECQUEUR ANDRE JUSTIN & FU KING FEI
285 THOMPSON ST
ALPHARETTA GA 30009

AUBERT EDWARD & SHARON JEAN
289 THOMPSON ST
ALPHARETTA GA 30009

CORYER ERIC
293 THOMPSON ST
ALPHARETTA GA 30009

CHANCE GEORGE A & LISA M
111 MEETING ST
ALPHARETTA GA 30009

PREMA BHASKAR NATHU & PREMA RAMA
107 MEETING ST
ALPHARETTA GA 30009

HERRIG MARITZA & DAVID
103 MEETING ST
ALPHARETTA GA 30009

MICHAELS PHILLIP & LAURIE RENEGAR
101 MEETING ST
ALPHARETTA GA 30009

MICHAELS PHILLIP
107 MEETING ST
ALPHARETTA GA 30009

CARPENTER MICHAEL & CARPENTER MARY JO
277 THOMPSON ST
ALPHARETTA GA 30009

SEXTON DANIEL LEE & SEXTON MARY JEAN
273 THOMPSON ST
ALPHARETTA GA 30009

NIELSEN RENE G & WIGGINS PEGGY
LADALE
269 THOMPSON ST
ALPHARETTA GA 30009

265 THOMPSON STREET LLC
265 THOMPSON ST
ALPHARETTA GA 30009

RUPPEL ROBERT OTTO & RUPPEL SUSAN LEFEBVRE
261 THOMPSON ST
ALPHARETTA GA 30009

BEAM BRIAN KEITH & SONYA DENISE
257 THOMPSON ST
ALPHARETTA GA 30009

HODSDON PATRICIA & MARK
249 THOMPSON ST
ALPHARETTA GA 30009

STIMSON JOHN H
245 THOMPSON ST
ALPHARETTA GA 30009

FANCHER JOE D & FANCHER THERESA B
432 CONCORD ST
ALPHARETTA GA 30009

RANGANATHAN BALAMOUROUGAN &
BALAMOUROUGAN USHA
430 CONCORD ST
ALPHARETTA GA 30009

HAMILTON JAMES H & LAURA MARY
428 CONCORD ST
ALPHARETTA GA 30009

KIRKUP DAVID C & JOSEPHINE KIM
426 CONCORD ST
ALPHARETTA GA 30009

COFFEY BRUCE & SUSAN
424 CONCORD ST
ALPHARETTA GA 30009

REFAI BASEL & KOUDSI NOURA
422 CONCORD ST
ALPHARETTA GA 30009

ATKINSON TREVOR
420 CONCORD ST
ALPHARETTA GA 30009

WINTERBOTTOM DANIEL CRAIG
416 CONCORD ST
ALPHARETTA GA 30009

MABRY JAMES MICHAEL & NANCY LOU
412 CONCORD ST
ALPHARETTA GA 30009

BROWN JAMES ROBERT JR & ANDREA ELSA
410 CONCORD ST
ALPHARETTA GA 30009

HESNIUS SONYA G
408 CONCORD ST
ALPHARETTA GA 30009

MCCAULEY EDWARD F & MARY KAY
362 CONCORD ST
ALPHARETTA GA 30009

JACOBSEN JOSEPH & JILL
364 CONCORD ST
ALPHARETTA GA 30009

BOYD GREGG WARREN & JOHANNA DEKKER
366 CONCORD ST
ALPHARETTA GA 30009

GABALDON REBECCA & MILLER TROY
368 CONCORD ST
ALPHARETTA GA 30009

WERTZ JEFFREY KENNETH & LANA M
370 CONCORD ST
ALPHARETTA GA 30009

GUPTA MANISH K
372 CONCORD ST
ALPHARETTA GA 30009

Exhibit "C"

Copies of the January 14, 2020 Public Hearing Notification Letters and Mailing Certification Receipts



202 Tribble Gap Road | Suite 200 | Cumming, Georgia 30040

38 Sloan Street | Roswell, Georgia 30075

770-781-4100 | www.mhtlegal.com

J. Ethan Underwood
eunderwood@mhtlegal.com

January 14, 2020

Re: Z-20-01/V-20-02 - 296 & 304 Thompson Street

Dear Neighbors:

In an effort to foster community accord, AlphaDEV LLC, (the "Applicant") would like to inform interested property owners that it has submitted a land use application to the City of Alpharetta to facilitate the development of 17 Residential Dwellings on approximately 2.21 acres located on Thompson Street. The Applicant proposes to develop on the subject property upscale residences including 11 Dwellings, Single-Family Detached and 6 Townhouses.

The Applicant is requesting the following:

- 1) Rezone the property from R-12 to DT-LW.
- 2) A variance to eliminate the requirement that a garage facing a street be recessed a minimum distance of 20 feet behind the front building façade. (See City of Alpharetta UDC § 2.4.6(C).)

A copy of the proposed site plan is enclosed.

Public hearings on Z-20-01/V20-02 are scheduled to be held at 6:30 pm on February 6, 2020 before the Alpharetta Planning Commission and at 6:30 pm on February 24, 2020 before the Alpharetta City Council in the Alpharetta City Council Chambers, located at 2 Park Plaza, Alpharetta, GA 30009.

The Applicant is committed to keeping the public informed during the process of these applications. If you have any questions, comments, or concerns, please contact us. When contacting our office, please reference AlphaDEV, LLC so that we may facilitate your request more efficiently.

Sincerely,

Ethan Underwood
Attorney for Applicant

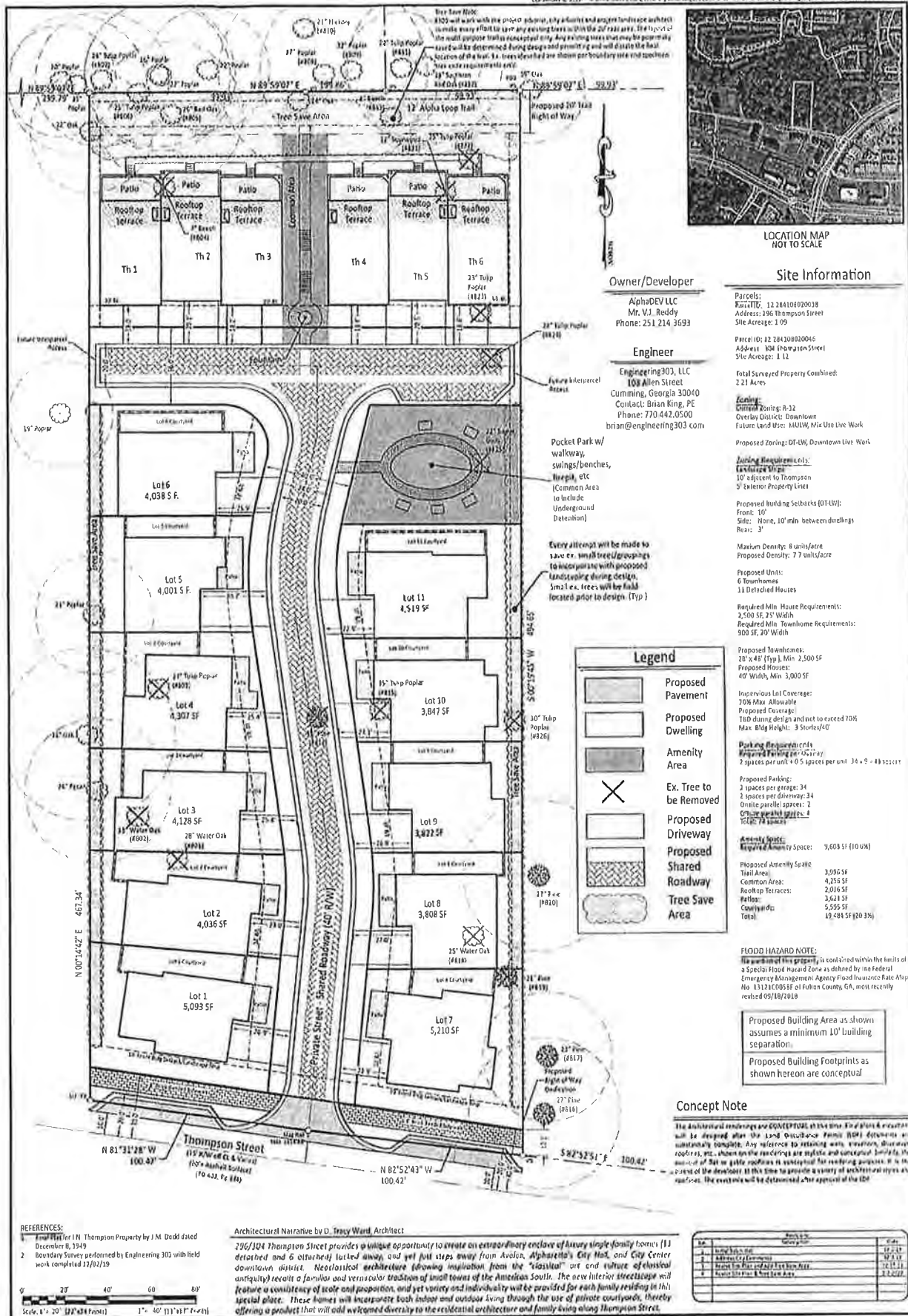


Exhibit "D"

Summary of the Issues/Questions Raised and the Applicant's Responses during the Public Participation Process and Supporting Documents

Since the Applicant submitted its initial public participation report, the Applicant and its representatives have corresponded with the following interested parties and addressed the issues raised as described below:

A. Correspondence with Interested Parties.

The Applicant attended the CZIM on January 8, 2020 at the Alpharetta City Hall Community Room.

Summary of Issues/Questions & Responses:

- Issue #1:** Attendees expressed concern with price points of houses in the development.
- Response:** The Applicant anticipates the proposed townhomes will sell starting in the \$850ks and the detached homes will sell starting at about \$1.1 million.
- Issue #2:** Neighbors inquired regarding whether architecture will match the area. Neighbors stated they like the architectural renderings produced in the application.
- Response:** The Applicant will construct homes that substantially conform to the architectural renderings.
- Issue #2:** Neighbors inquired as to where stormwater will be discharged.
- Response:** Stormwater will be discharged along its natural watercourse, into the creek behind the property, after being detained and meeting water quality requirements.

B. Correspondence with Academy Park Property Owners Association

The Applicant held a meeting with the Academy Park Property Owners Association on January 17, 2020 at the Academy Park Clubhouse. Attendees from Academy Park were:

- Gordon Hagler – Former President
- Gary Cardoza – Board Member – [REDACTED]
- Steve Stolle – Board Member – [REDACTED]
- Gariel Burchett – Board Member – [REDACTED]
- Dan Mitnik - Board Member – [REDACTED]
- Meg Baer – Property Manager – [REDACTED]

Not attending:

- Ron Hutchison – Board Member - [REDACTED]

Summary of Issues/Questions & Responses:

- Issue #1:** Neighbors expressed desire that trees be preserved around the Alpha Loop.
- Response:** The Applicant has designated trees it intends to preserve. In addition, the Applicant is seeking to reduce the width of the Alpha Loop within this area to 8 feet in order to preserve these trees.
- Issue #2:** Neighbors inquired regarding whether architecture will match the area. Neighbors stated they like the architectural renderings produced with the application.
- Response:** The Applicant will construct homes that substantially conform to the architectural renderings submitted.
- Issue #3:** Neighbors expressed concern with erosion from stormwater, because they have experienced significant erosion of the creek behind Academy Park and have had to repair the POA's bridges over the creek.
- Response:** The Applicant has agreed to perform pre- and post-development hydrology studies on the Subject Property, will provide stormwater discharge rates equal to or less than the pre-development rate, and intends to utilize pavers in the access road to facilitate additional infiltration of stormwater. However, the Applicant emphasized that utilizing a paver system for the access drive is extremely expensive, and that it is imperative that it be able to develop 17 units to cover this and other development expenses. If the developer is able to develop 17 units, the Applicant is agreeable to adding a zoning condition that it will use pavers in the access drive, and that the development will have a an HOA or POA with a management fund to maintain the pavers.
- Issue #4:** Neighbors requested assurances that road cannot be covered with asphalt after development is complete.
- Response:** The Applicant emphasized that utilizing a paver system for the access drive is extremely expensive, and that it is imperative that it be able to develop 17 units to cover this and other development expenses. If the developer is able to develop 17 units, the Applicant is agreeable to adding a zoning condition that the access drive may not be asphalted, and that the development will have an HOA with a management fund to maintain the pavers.
- Issue #5:** Neighbors requested that the developer install an 8-foot tall fence along Academy Park's boundary, and that no gate be installed within this length of fence.
- Response:** The Applicant is agreeable to installing this fence.
- Issue #6:** Neighbors expressed concern with the Landscaping of the project, specifically requesting that evergreen trees be installed along the Alpha Loop, and that Academy Park be able to approve them.

Response: The Applicant is working with the City regarding required landscaping and will comply with all applicable landscaping regulations. The developer is agreeable to utilizing evergreen plants.

Issue #7: Neighbors stated they are comfortable with the density of this project.

Response: The Applicant agrees that its proposed density is appropriate, and is necessary to facilitate the requested improvements.

C. Meeting with The Foundry Resident, Rene Neilsen.

The Applicant meet with Rene Neilsen on January 17, 2020 at Mr. Neilsen's home, located at 269 Thompson Street, Alpharetta, GA.

Summary of Issues/Questions & Responses:

Issue #1: Mr. Neilsen lives directly across Thompson Street from the proposed access drive of the development, and expressed concern that headlights from the residents will shine into his home.

Response: The access drive will be elevated above Thompson Street, so headlights from vehicles leaving the development will be angled downward as they approach the intersection with Thompson Street. This should keep headlights from shining directly into the Neilsens' home, as they will be angled to the left or right as vehicles turn. The Applicant is also willing to install additional landscaping within the southerly ROW of Thompson Street, if approved by the City.

Issue #2: Mr. Neilsen asked whether the portion of the Alpha Loop on the south side of Thompson Street will be removed and relocated behind the Subject Property.

Response: The portion of the Alpha Loop on the south side of Thompson Street will be not be removed.

D. Correspondence with Midwick Subdivision Residents

The Applicant held a meeting with Midwick Subdivision residents at the Alpharetta City Hall Community Room on January 27, 2020. Attendees from Midwick were:

- Stephen Bogart - 360 Banbury Crossing – [REDACTED]
- Christine Newhart – 535 Woodswalk – [REDACTED]

Summary of Issues/Questions & Responses:

Issue #1: Attendees expressed concern with price points of houses in the development.

Response: The Applicant anticipates the proposed townhomes will sell starting in the \$850ks and the detached homes will sell starting at about \$1.1 million.

Issue #2: Neighbors expressed concern with minimum square footage of homes.

Response: The Applicant intends to build minimum 3000 sq. ft single family dwellings & minimum 2500 sq. ft townhouses.

Issue #3: Neighbors inquired regarding whether architecture will match the area. Neighbors stated they like the architectural renderings produced in the application.

Response: The Applicant will construct homes that substantially conform to the architectural renderings submitted.

Issue #4: Neighbors expressed inquired regarding the width of courtyards.

Response: Courtyards will be a minimum of 10' x 10'.

Issue #5: Neighbors expressed concern with minimum square footage of garages and whether they will be large enough to hold two vehicles.

Response: Each garage will be at least 18' x 20', large enough to hold 2 large vehicles.

Issue #6: Neighbors expressed concern with number of cars each driveway will hold.

Response: Each driveway will be large enough to hold 2 large vehicles without them blocking sidewalks or the access drive.

Issue #7: Neighbors expressed concern with the route of the Alpha Loop.

Response: The Applicant is agreeing to install a portion of the Alpha Loop on its property, so long as he can develop 17 units, which is necessary to pay for this and additional expenses.

Issue #8: Neighbors expressed concern over larger families living in the development, as this will add traffic and reduce available parking.

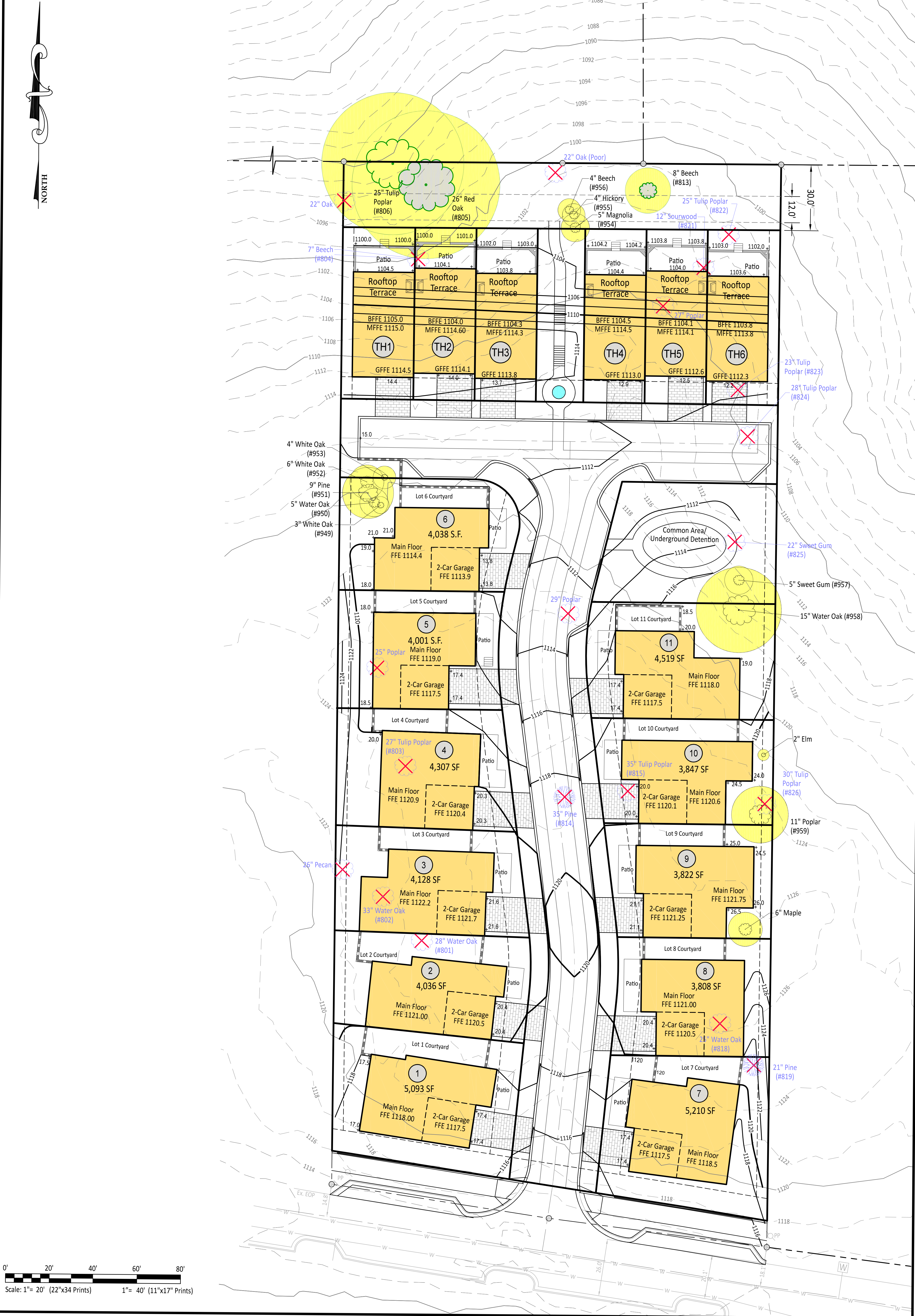
Response: The Applicant is providing adequate parking spaces, can add two additional parking spaces not shown on the site plan, and will comply with all ROW design regulations of the City.

Issue #9: Neighbors stated they are comfortable with the density of this project, but are very concerned with the density of other developments in the area and their effect on traffic.

Response: The Applicant agrees that its proposed density is appropriate, and is willing to support the installation of speed bumps/tables on Thompson Street.

Issue #10: Neighbors asked whether there will be a restriction on the number of rentals of homes in the development.

Response: The Applicant is agreeable to limiting the number of rentals via its HOA covenants.



Drawn: RL
Date: 2-26-2020
Sheet
Tree Save
Project Number
19-4628

Civil Engineering, Land Surveying,
Stream and Wetland Restoration

108 Allen Street Cumming, Georgia 30040
Phone: 770-442-0500 www.engineering303.com

Concept Plan for:
AlphaDEV LLC
296 & 304 Thompson Street

Land Lot 802

The City of Alpharetta
1st District, 2nd Section

Fulton County, Georgia



19-11-20-01 Thompson St Arborist Report Alpharetta

Reference UDC
Alpharetta, Georgia



Location Map



All of the following information is based upon visual field observations and 30 years of practical horticultural experience. No scientific or lab tests have been performed. I certify that all information in this report is true and inclusive to the best of my knowledge and is prepared in good faith.

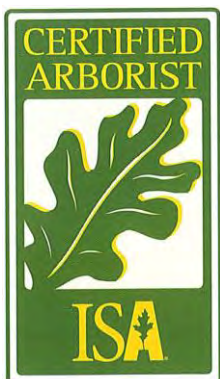
Outdoor Spaces, LLC

By Scott Hall, Owner

On Site Specimen Evaluation Date: November 30, 2019; February 25, 2020

Report Date: December 1, 2019

Revised Date: February 26, 2020



Outdoor Spaces, LLC
Scott Hall, Owner
RLA, Certified Arborist
Certificate Number: SO-5434A
404-328-6561 Cell
678-965-4784 Fax
scottandeyrena@bellsouth.net

Warranty Disclaimer:

Although, this report will determine whether or not a tree is a specimen; it is provided as best judgment opinion. Ultimately, the governing body's (Gwinnett County) arborist or representative shall determine whether a tree is classified as a specimen or not.

All specimen tree locations shall be approximate. The provided tree locations shall NOT be GPS located and in no manner shall the provided tree location plan be used or represented as a tree survey. It is the sole responsibility of the OWNER to have all tagged specimen trees located by a Certified Land Surveyor.

No warranties express or implied are made with respect to the report of aforementioned specimen trees. It is understood the OWNER makes use of this report by the ARBORIST at OWNER's sole risk and that the report is provided as best judgment opinion. In no manner does this report guarantee the life or imply any length of life span of the trees that are determined to be specimens.

Arborist Note:

Due to certain species and undesirable traits, some trees shall be considered in poor condition if the following is true. Numerous trees grown in a native setting may appear to grow as multi-trunk; however this is not desirable in most trees. Most trees that have multi-trunks at the base are usually created when two separate trees grow together or the tree branches off at an early age and they become Co-Dominate Leaders. Either scenario is an undesirable condition for most trees because they both create weak crotches, included bark and/or a prime place for debris and water to get trapped that will always cause decay. In this case these trees become a life safety issue and can not be considered specimen trees.

Some trees are an exception to this rule, such as, but not limited to:

Crape Myrtles, Birches, Wax Myrtles, Red Buds, Fringe Trees, Dogwoods, Hollies, Cedars, Sourwoods, Sweet Bay Magnolias, Red Bays and Live Oaks.

These are an exception because they naturally create sucker growth from the roots and/or trunk or do not typically have the life safety issues because they are not large growing trees.

Reference: Sinclair, Wayne A., 1936. Diseases of Trees and Shrubs / Wayne A. Sinclair and Howard H. Lyon.-2nd Ed. Published 2005

Smiley, E.. (2003). Does included bark reduce the strength of codominant stems?. Journal of Arboriculture 29.

One of the most common locations for the aboveground portion of a tree to fail is at the junction of two or more codominant stems. Due to the frequency of failures at this point, a study was undertaken to get a better understanding of the mechanical strength of this point and to determine if included bark reduces the strength of the union. Eighty-four codominant stems were removed from 26 felled maple trees. These crotches were securely anchored and split apart using measured force. Breaking force varied from 64 to 2,363 kg. The regression line produced from the comparison of stem diameter and force required for breaking the union when there was no included bark was $\text{Force} = \text{Diameter} * 613 - 1388$, $r^2 = 0.92$. When only those unions with included bark were analyzed, the regression line was $\text{Force} = \text{Diameter} * 537 - 1285$, $r^2 = 0.76$. There

was a significant difference between the regression lines ($p < 0.05$). Codominant stems that have bark trapped in the union are significantly weaker than those that do not have bark included. The differences appear to be greater with smaller-diameter stems than with larger stems.

SECTION 3.2 - TREE CONSERVATION, LANDSCAPE, AND BUFFER REQUIREMENTS (Adopted 05-15-17)

3.2.2 Definitions.

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

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

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

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

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

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

Diameter Breast-Height (DBH): The standard measure of tree size (for trees existing on a site). The tree trunk is measured at a height of 4 1/2 feet above the ground. If a tree splits into multiple trunks below 4 1/2 feet, the trunk is measured at its most narrow point beneath the split.

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

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

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

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

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

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

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

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

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

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

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

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

Size Criteria:

Pine Trees: 30-inch diameter or larger for trees in the *Pinus* (Pine) genus.

Coniferous Trees: 20" diameter or larger for trees in the *cedrus* (deodar cedar), *Thuja* (Arborvitae), or other ecologically similar trees,

Overstory Trees: 30-inch diameter or larger for trees in the *Liquidambar* (Sweetgum) or *Liriodendron* (Tulip poplar) genus

- 20-inch diameter or larger for trees in the *Fagus* (Beech), *Nyssa* (Tupelo), *Diospyros* (Persimmon), *Sassafras* (Sassafras), or other ecologically similar trees,
- 20-inch diameter or larger for *Magnolia grandiflora* (Southern magnolia) and those cultivars that generally reach a mature height over 40'
- 24-inch (24") diameter or larger for trees in all other genera

Understory Trees: 8-inch (8") diameter or larger.

- 10-inch (10") diameter or larger for *Oxydendron arboretum* (Sourwood).

See additional requirements for Specimen Trees in The Guidance Document

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

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

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

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

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

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

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

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

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

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



Notes:

- All tree locations are approximate and have not been field surveyed. Refer to survey for locations.
- All 20" DBH trees within 30' of property line have been identified and specimen size have been evaluated.



Tree Location



North

Not To Scale

**Specimen
Location Plan**

19-11-20-01 Thompson St Arborist Report Alpharetta

Tree #	Size/ Species	Health Condition	Structural Condition	Classification	Comments	Photo # (See Attached)	City of Alpharetta's Assessment
801	28" Water Oak	Good	Fair	Specimen	Canopy is one sided	1	
802	33" (18"-19") Water Oak	Poor	Poor	Non-Specimen/ Boundary tree	Cavities at base. Decay at root crown. 2 Trees grown together creating 2 Co-Dominate Leaders with weak crotches and included bark. Due the species, a multi-stem tree is undesirable and could be a life safety issue.	2-4	
803	27" Tulip Poplar	Good	Good	Non-Specimen/ Boundary tree			
804	7" Beech	Good	Good	Non-Specimen/ Tree of Quality			
805	26" Red Oak	Good	Good	Specimen			
806	25" Tulip Poplar	Good	Good	Non-Specimen/ Boundary tree	Needs corrective pruning to remove dead branches	15	
807	24" Tulip Poplar	Good	Good	Non-Specimen/ Boundary tree			
808	37" Tulip Poplar	Poor	Poor	Non-Specimen	2 Co-Dominate Leaders with 1 dead. Deep cavity at base with decay. Due the species, a multi-stem tree is undesirable and could be a life safety issue.	5-6	
809	32" Tulip Poplar	Good	Poor	Non-Specimen/ Boundary tree	2 Co-Dominate Leaders with included bark. Due the species, a multi-stem tree is undesirable and could be a life safety issue.	7	
810	21" Hickory	Good	Good	Non-Specimen/ Boundary tree			
811	20" Tulip Poplar	Good	Good	Non-Specimen/ Boundary tree			
812	28" Southern Red Oak	Good	Good	Specimen/ Boundary tree			
813	8" Beech	Good	Good	Non-Specimen/ Tree of Quality			
814	35" Pine	Poor	Poor	Non-Specimen	Large cavity with decay.	8	
815	35" Tulip Poplar	Poor	Poor	Non-Specimen	2 Trees grown together creating 2 Co-Dominate Leaders with weak crotches and included bark. Due the species, a multi-stem tree is undesirable and could be a life safety issue.	9	
816	27" Pine	Good	Good	Non-Specimen/ Boundary tree			
817	23" Pine	Good	Good	Non-Specimen/ Boundary tree			

19-11-20-01 Thompson St Arborist Report Alpharetta							
Tree #	Size/ Species	Health Condition	Structural Condition	Classification	Comments	Photo # (See Attached)	City of Alpharetta's Assessment
818	25" Water Oak	Fair	Poor/ Hazard	Non-Specimen	2 Co-Dominate Leaders 25' up with split along union. Should be considered a hazard tree. Due the species, a multi-stem tree is undesirable and could be a life safety issue.	10	
819	21" Pine	Good	Good	Non-Specimen/ Boundary tree			
820	27" Pine	Good	Good	Non-Specimen/ Boundary tree			
821	12" Sourwood	Fair	Fair	Specimen			
822	25" Tulip Poplar	Good	Good	Specimen/ Possible Boundary tree			
823	23" Tulip Poplar	Good	Good	Non-Specimen/ Possible Boundary tree			
824	28" Tulip Poplar	Good	Good	Specimen/ Possible Boundary tree			
825	22" Sweet Gum	Good	Good	Non-Specimen/ Possible Boundary tree			
826	30" (17"-23") Tulip Poplar	Good	Poor	Non-Specimen/ Possible Boundary tree	2 Trees grown together creating 2 Co-Dominate Leaders with weak crotches and included bark. Due the species, a multi-stem tree is undesirable and could be a life safety issue.	11	
947	8" Tulip Poplar	Good	Fair	Tree of Quality	Needs corrective pruning to re-establish center leader.	12	
948	8" Sweet Gum	Good	Fair	Tree of Quality	Needs corrective pruning to re-establish center leader.	13	
949	3" White Oak	Good	Good	Tree of Quality		14	
950	5" Water Oak	Good	Good	Tree of Quality		14	
951	9" Pine	Good	Good	Tree of Quality		14	
952	6" White Oak	Good	Good	Tree of Quality		14	
953	4" White Oak	Good	Good	Tree of Quality		14	
954	5" Southern Magnolia	Good	Good	Tree of Quality		16	
955	4" Hickory	Good	Fair	Tree of Quality	Needs corrective pruning to re-establish center leader.	16	
956	4" Beech	Good	Fair	Tree of Quality		16	
957	5" Sweet Gum	Good	Good	Tree of Quality		17	
958	15" Water Oak	Good	Fair	Tree of Quality	Needs corrective pruning to re-establish center leader.	18	
959	11" Poplar	Good	Fair	Tree of Quality	Needs corrective pruning to re-establish center leader.	19	

1/8/20

296 & 304 Thompson St

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: _____

☐ Fee Paid Initial: _____

COMMUNITY DEVELOPMENT DEPARTMENT

2 PARK PLAZA

ALPHARETTA, GA 30009

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

Contact Information:Contact Name: Miles, Hansford & Tallant, LLC. - J. Ethan UnderwoodTelephone: 770-781-4100Address: 202 Tribble Gap RoadSuite: 200City: CummingState: GA Zip: 30040Fax: 770-781-9191

Mobile Tel: _____

Email: eunderwood@mhtlegal.com / tfisher@mhtlegal.com**Subject Property Information:**Address: 296 & 304 Thompson StreetCurrent Zoning: R-12District: 1 Section: 2 Land Lot: 802 Parcel ID: 12 284108020038 & 12 284108020046Proposed Zoning: DTLW Current Use: Single Family Dwelling**This Application For (Check All That Apply):**☐ Conditional Use☐ Master Plan Amendment☐ Exception☒ Rezoning☐ Master Plan Review☒ Variance☐ Public Hearing☐ Comprehensive Plan Amendment☐ Other (Specify): _____

APPLICANT REQUEST AND INTENT

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

17 Residential Dwellings (11 Detached, Single-Family Dwellings and 6 Townhouses).

Applicant's Request (Please itemize the proposal):

- 1) Rezone the Subject Property from R-12 to DT-LW.
- 2) A variance to eliminate the requirement that a garage facing a street be recessed a minimum distance of 20 feet behind the front building façade. [See City of Alpharetta UDC § 2.4.6(C).]

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

The Applicant's Proposal will facilitate construction of 17 high-end single-family residences. Eleven of these residences will be single-family detached dwellings; the remaining six will be townhouses. The Subject Property will incorporate the design standards of the Downtown Overlay district and increase the vibrancy of Downtown Alpharetta. The Subject Property will also provide pedestrian and cyclist interconnectivity via a public sidewalk along Thompson Street on the south end of the Property and to an extension of the proposed Alpha Loop trail on the north end of the Property. A more complete description of the Applicant's Intent is included with the Letter of Intent, which is submitted with this Application and incorporated herein by reference.

1/8/20

296 & 304 Thompson St

PROPERTY OWNER AUTHORIZATION

Property Owner Information:Contact Name: Shari BrandonTelephone: 404-580-7700Address: 325 Etowah Downs Ct

Suite: _____

City Ball GroundState: GAZip: 30107Authorization:

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

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

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

Identify Authorized Applicant:Name of Authorized Applicant: AlphaDEV LLCTelephone: 251-214-3693Address: P.O. Box 986

Suite: _____

City AlpharettaState: GAZip: 30009So Sworn and Attested:Owner Signature: Shari BrandonDate: 12/2/19Notary:Notary Signature: [Signature]Date: 12/2/19

1/8/20

296 & 304 Thompson St

PROPERTY OWNER AUTHORIZATION

Property Owner Information:Contact Name: The Estate of Shannon BrandonTelephone: 404-580-7700Address: 325 Etowah Downs Ct

Suite: _____

City Ball GroundState: GAZip: 30107Authorization:

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

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

☐ Annexation☐ Special Use☒ Rezoning☐ Conditional Use☒ Variance☐ Master Plan☐ Land Use Application☐ OtherIdentify Authorized Applicant:Name of Authorized Applicant: AlphaDEV LLCTelephone: 251-214-3693Address: P.O. Box 986

Suite: _____

City AlpharettaState: GAZip: 30009So Sworn and Attested:Owner Signature: for the estate Shan BrandonDate: 12-2-19Notary:Notary Signature: T. FisherDate: 12/2/19

1/8/20

Z-20-01/V-20-02
296 & 304 Thompson St
Deed Book 60058 Pg 595
Filed and Recorded May-29-2019 11:18am
2019-0224468
Real Estate Transfer Tax \$0.00
Georgia Intangible Tax Paid \$0.00
CATHELENE ROBINSON
Clerk of Superior Court
Fulton County, Georgia

Return to:
Dyer & Rusbridge, P.C.
291 E. Main Street
Canton, GA 30114

STATE OF GEORGIA
COUNTY OF CHEROKEE

Cross Reference:
Deed Book 39479, Page 1

AFFIDAVIT

Before me, the undersigned officer duly authorized to administer oaths, personally appeared SHARI BRANDON, who, after being duly sworn, deposes and says:

1.

Affiant is over the age of eighteen (18) years and is a citizen of the United States. Affiant resides in Cherokee County Georgia.

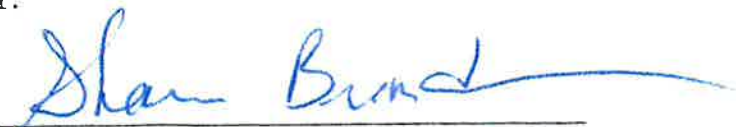
2.

Affiant is the Wife of SHANNON BRANDON who died on April 23, 2019, and was a resident of the State of Georgia, County of Cherokee, at the time of his death as evidenced by the certified copy of the Certificate of Death attached hereto and incorporated herein as Exhibit "A".

3.

At the time of his death, SHANNON BRANDON, deceased, was the joint owner with his spouse, SHARI BRANDON, as Joint Tenants with Right of Survivorship, of **ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 802 OF THE 1st DISTRICT, 2ND SECTION, FULTON COUNTY, GEORGIA, AND BEING LOT 17 OF THE I.N. THOMPSON PROPERTY, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 41, PAGE 19, FULTON COUNTY, GEORGIA RECORDS, WHICH PLAT AND RECORD THEREOF ARE INCORPORATED HEREIN BY REFERENCE**, such that, upon his death, said property immediately reverted to and vested in Affiant, as his survivor.

FURTHER AFFIANT SAYETH NOT.


SHARI BRANDON

Sworn to and subscribed before me



1/8/20

Z-20-01/V-20-02
296 & 304 Thompson St

State File Number 2019GA000024175

1. DECEDENT'S LEGAL FULL NAME (First, Middle, Last) SHANNON BRANDON		1a. IF FEMALE, ENTER LAST NAME AT BIRTH		2. SEX MALE		2a. DATE OF DEATH (Mo., Day, Year) ACTUAL DATE OF DEATH 04/23/2019	
3. SOCIAL SECURITY NUMBER		4a. AGE (Years) 61		4b. UNDER 1 YEAR Mos. Days Hours Mins.		5. DATE OF BIRTH (Mo., Day, Year) 08/18/1957	
6. BIRTHPLACE ALABAMA		7a. RESIDENCE - STATE GEORGIA		7b. COUNTY CHEROKEE		7c. CITY, TOWN BALL GROUND	
7d. STREET AND NUMBER 325 ETOWAH DOWNS COURT		7e. ZIP CODE 30107		7f. INSIDE CITY LIMITS? NO		8. ARMED FORCES? NO	
8a. USUAL OCCUPATION BUSINESS DEVELOPMENT MANAGER		8b. KIND OF INDUSTRY OR BUSINESS PROFESSIONAL STAFFING					
9. MARITAL STATUS MARRIED		10. SPOUSE NAME SHARI MORALES				11. FATHER'S FULL NAME (First, Middle, Last) WILLIAM GERALD BRANDON	
12. MOTHER'S MAIDEN NAME (First, Middle, Last) POLLY PARKER		13a. INFORMANT'S NAME (First, Middle, Last) SHARI BRANDON				13b. RELATIONSHIP TO DECEDENT SPOUSE	
13c. MAILING ADDRESS 325 ETOWAH DOWNS COURT BALL GROUND GEORGIA 30107				14. DECEDENT'S EDUCATION BACHELOR'S DEGREE			
15. ORIGIN OF DECEDENT (Italian, Mex., French, English, etc.) NO, NOT SPANISH/HISPANIC/LATINO				16. DECEDENT'S RACE (White, Black, American Indian, etc.) (Specify) WHITE			
17a. IF DEATH OCCURRED IN HOSPITAL INPATIENT				17b. IF DEATH OCCURRED OTHER THAN HOSPITAL (Specify)			
18. HOSPITAL OR OTHER INSTITUTION NAME (If not in either give street and no.) NORTHSIDE HOSPITAL-CHEROKEE				19. CITY, TOWN or LOCATION OF DEATH CANTON		20. COUNTY OF DEATH CHEROKEE	
21. METHOD OF DISPOSITION (specify) CREMATION		22. PLACE OF DISPOSITION MOUNTAIN VIEW CREMATION SERVICE 119 NORTHGATE INDUSTRIAL DRIVE BALL GROUND GEORGIA 30107				23. DISPOSITION DATE (Mo., Day, Year) 04/25/2019	
24a. EMBALMER'S NAME		24b. EMBALMER LICENSE NO.		25. FUNERAL HOME NAME POOLE FUNERAL HOME AND CREMATION SERVICES			
25a. FUNERAL HOME ADDRESS 1970 EAGLE DRIVE WOODSTOCK GEORGIA 30189							
26a. SIGNATURE OF FUNERAL DIRECTOR BRIAN K POOLE				26b. FUN. DIR. LICENSE NO. 5067		AMENDMENTS	
27. DATE PRONOUNCED DEAD (Mo., Day, Year) 04/23/2019		28. HOUR PRONOUNCED DEAD 18:10 MILITARY					
29a. PRONOUNCER'S NAME Carole JEANNE Lovering				29b. LICENSE NUMBER RN225897		29c. DATE SIGNED 04/23/2019	
30. TIME OF DEATH 18:10 MILITARY		31. WAS CASE REFERRED TO MEDICAL EXAMINER NO					
32. Part I. Enter the chain of events-diseases, injuries, or complications that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, Or ventricular fibrillation without showing the etiology. DO NOT ABBREVIATE.						Approximate interval between onset and death	
IMMEDIATE CAUSE (Final disease or condition resulting in death)						A. CARDIAC ARREST VENTRICULAR TACHYCARDIA Due to, or as a consequence of	
						B. INFLUENZA A PNEUMONIA Due to, or as a consequence of	
						C. OBSTRUCTIVE DEEP APNEA Due to, or as a consequence of	
						D.	
Part II. Enter significant conditions contributing to death but not related to cause given in Part 1A. If female, indicate if pregnant or birth occurred within 90 days of death.				33. WAS AUTOPSY PERFORMED? UNKNOWN		34. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH?	
35. TOBACCO USE CONTRIBUTED TO DEATH UNKNOWN		36. IF FEMALE (range 10-54) PREGNANT NOT APPLICABLE		37. ACCIDENT, SUICIDE, HOMICIDE, UNDETERMINED (Specify) NATURAL			
38. DATE OF INJURY (Mo., Day, Year)		39. TIME OF INJURY		40. PLACE OF INJURY (Home, Farm, Street, Factory, Office, Etc.) (Specify)		41. INJURY AT WORK? (Yes or No)	
42. LOCATION OF INJURY (Street, Apartment Number, City or Town, State, Zip, County)							
43. DESCRIBE HOW INJURY OCCURRED						44. IF TRANSPORTATION INJURY	
45. To the best of my knowledge death occurred at the time, date and place and due to the cause(s) stated. Medical Certifier (Name, Title, License No.) RAXIT PATEL, MD, 64951				46. On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the cause(s) stated. Medical Examiner/Coroner (Name, Title, License No.)			
45a. DATE SIGNED (Mo., Day, Year) 04/25/2019		45b. HOUR OF DEATH 18:10 MILITARY		46a. DATE SIGNED (Mo., Day, Year)		46b. HOUR OF DEATH	
47. NAME, ADDRESS, AND ZIP CODE OF PERSON COMPLETING CAUSE OF DEATH RAXIT PATEL 1120 15TH STREET AUGUSTA GEORGIA 30912							
48. REGISTRAR (Signature) /S/ GWENDOLYN DUFFIN						49. DATE FILED - REGISTRAR (Mo., Day, Year) 04/26/2019	

1/8/20

Z-20-01/V-20-02
296 & 304 Thompson St

THIS IS TO CERTIFY THAT THIS IS A TRUE REPRODUCTION OF THE ORIGINAL RECORD ON FILE WITH THE STATE
OFFICE OF VITAL RECORDS, GEORGIA DEPARTMENT OF PUBLIC HEALTH. THIS CERTIFIED COPY IS ISSUED UNDER
THE AUTHORITY OF CHAPTER 31-10, CODE OF GEORGIA AND 511-1-3 DPH RULES AND REGULATIONS.

Swendolyn Duffin

DEPUTY STATE REGISTRAR AND CUSTODIAN
GEORGIA STATE OFFICE OF VITAL RECORDS

COUNTY CUSTODIAN: *Charles Smith*

ISSUED BY: *Olivia Barahona*

DATE ISSUED: APR 26 2019

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VOID IF ALTERED OR COPIED

SEAL

1/8/20

296 & 304 Thompson St

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Thompson Street Real Estate LLCTelephone: 678-414-1793Address: 5055 Walnut Creek Trail

Suite: _____

City AlpharettaState: GAZip: 30005

Authorization:

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

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

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

Identify Authorized Applicant:

Name of Authorized Applicant: AlphaDEV LLCTelephone: 251-214-3693Address: P.O. Box 986

Suite: _____

City AlpharettaState: GAZip: 30009

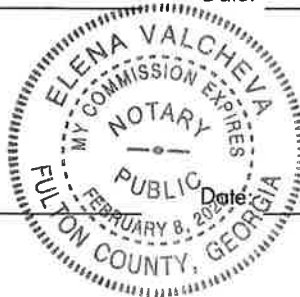
So Sworn and Attested:

Owner Signature: _____

Date: 11/29/19

Notary: _____

Notary Signature: _____

Date: 11-29-19

1/8/20

Z-20-01/V-20-02
296 & 304 Thompson St

DISCLOSURE FORM

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

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

Name of Applicant or Opponent: AlphaDEV LLC

Subject Public Hearing Case: _____

Campaign Contribution Information:

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

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

Name of Official: N/A Position: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

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

Signature: _____



Date: _____

11/29/2019

1/8/20

Z-20-01/V-20-02
296 & 304 Thompson St



**Miles Hansford
& Tallant, LLC**
ATTORNEYS AT LAW

202 Tribble Gap Road | Suite 200 | Cumming, Georgia 30040

38 Sloan Street | Roswell, Georgia 30075

770-781-4100 | www.mhtlegal.com

J. Ethan Underwood
eunderwood@mhtlegal.com

CAMPAIGN DISCLOSURE

Applicant:	AlphaDEV LLC
Subject Property:	2.21 Acres Designated as Fulton County Tax Parcel(s): 12-284108020038 & 12 284108020046
Current Zoning:	R-12
Proposed Zoning:	DT-LW
Proposed Use:	17 Residential Dwellings (11 Dwellings, Single-Family Detached and 6 Townhouses)
ROW Access:	Thompson Street

To Whom It May Concern:

Pursuant to Section 36-67A-3 of the Official Code of Georgia Annotated, adopted by the Georgia General Assembly, effective July 1, 1986, please be advised that as of the date of this letter, Miles, Hansford & Tallant, LLC has made the following campaign contributions to local officials of Alpharetta:

NONE

This letter constitutes the disclosure of campaign contributions with respect to the above-referenced application.

Sincerely,

Ethan Underwood
Attorney for Applicant

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

This Proposal to rezone to DT-LW for 17 single-family dwellings on 2.21 acres is compatible with the surrounding properties because the surrounding properties are also zoned for residential development. The Future Development Map shows the Subject Property in the Mixed Use Live Work category within the Downtown Overlay District, where the DT-LW zoning classification is an appropriate category. The adjacent properties to the west, south, and east are in the Mixed Use Live Work category as well, and the adjacent property to the north is in the Medium Density Residential category. The Proposal to rezone to DT-LW is therefore consistent with the medium- to high-density residential development that either already exists or is anticipated on the surrounding properties.

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

This Proposal will positively affect the use and value of the surrounding residential properties. The use of the surrounding properties will be enhanced by the interconnectivity provided to the proposed Alpha Loop trail on the northern end of the Subject Property and by the interconnectivity provided to the sidewalk along Thompson Street along the southern end of the Subject Property. The value of the surrounding properties will be enhanced by the Subject Property's high-end residences and premium site design.

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

No. The Subject Property cannot be developed for a reasonable economic use as currently zoned, because the current zoning, R-12, would likely yield less than half as many dwellings, making development cost-prohibitive based on current and anticipated land prices.

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

The increase to population if the Proposal were approved would be minor: approximately 43 people (assuming 2.5 people per residence). The increase to traffic would be minor as well: approximately 94 trips per 24 hours (17 residences multiplied by 5.75 vehicle trips per residence per 24 hours equals 98 vehicle trips per 24 hours). A Trip Generation Report analyzing the projected effects of the Proposal on traffic is submitted with this Application, and incorporated by reference.

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

The impact to schools would be minimal. The number of new students that will live at the Subject Property is estimated to be approximately 13 (assuming 0.75 students per residence) spread across all grades. With regard to public utilities, sanitary sewer, water, natural gas, electricity and cable are available to the Subject Property. The impact on public utilities will be in keeping with growth projected by utility providers.

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

The Proposal is consistent with the Alpharetta Comprehensive Plan and the Future Land Use Map/Future Development Map. Specifically, the Alpharetta Comprehensive Plan designates the Subject Property as lying within the Old Milton Corridor character area, where one of the goals is to "create opportunities for . . . medium and high density residential developments" and "adding and/or linking sidewalks." (See 2035 Comp. Plan at p. 46.) The Future Development Map shows the Subject Property in the Mixed Use Live Work land use category within the Downtown Overlay District, where the proposed DT-LW zoning category is an approved category. Up to 8 residential units per acre is allowed in the DT-LW zoning category, and the Proposal calls for only 7.56 units per acre.

Are there existing or changing conditions which affect the development of the property and support the proposed request?

Yes. The Subject Property is located near the Avalon development, where high-quality, high-density residential products already exist and are being added. Also, several nearby properties have already been rezoned to the DT-LW zoning category. Presumably, other nearby and adjacent properties will also be rezoned to DT-LW. Thus, rezoning the Subject Property to the DT-LW zoning category will ensure that high-quality development consistent with nearby and adjacent properties continues as envisioned in the Alpharetta Comprehensive Plan.

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

BOARD OF ZONING APPEALS REVIEW CRITERIA

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

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

Yes, regarding City of Alpharetta UDC § 2.4.6(C). The narrow shape, size, and topography of the property, and the resulting setbacks and landscaping requirements along the boundary lines, substantially limit the buildable area of the subject property and necessitate placement of the structures in the locations proposed by the Applicant. Unless the proposed variance is approved, the narrowness of the Subject Property will not allow for construction of the proposed housing types and architectural designs, as the resulting house shapes would significantly reduce the finished square footage of each home and prohibit the development of the walled courtyards proposed for each of the detached dwellings.

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

Yes. The application of the UDC standards for the proposed DT-LW zoning classification would create an unnecessary hardship for the Subject Property. Based upon the shape and size of the Subject Property, strict conformity to the requirement to offset garage doors 20 feet behind the front façade would prevent the reasonable economic development of the Subject Property (i.e. using the proposed housing type and architectural design). The Applicant asserts that the requested variance is not necessary if the central drive is constructed as a "Residential Alley" and the facades facing the exterior of the Subject Property are deemed the "front building facades." However, the Applicant has submitted this variance at the request of City Staff.

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

Yes. The Subject Property is reserving land for the City to utilize for the extension of the proposed Alpha Loop, which is consuming developable space that could otherwise be used for development by the Applicant. In addition, the proportions of the Subject Property (approximately 500' in length and approximately 200' in width) are peculiarly ill-suited for development under the UDC standard that requires the offset of front-loaded garage doors 20 feet behind the front façade. Due to the shape, size and topography of the site, the only feasible access to a garage door will be from the central access drive, and if the facades facing this central access drive are deemed the "front facades," the shape of the homes resulting from strict conformity to UDC § 2.4.6(C) would detract from the aesthetics of the project design, prohibit a unique housing style missing from the Thompson Street Area, and create driveway courtyards that are prone to be used for outside storage.

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

No. The requested variance would not cause substantial detriment to the public good or impair the purpose and intent of the UDC. The variance is minimum necessary to facilitate the proposed project and applies only to 7 of the proposed units. The project will accomplish the intent of the UDC provision at issue, which is to provide superior aesthetic appeal, wall articulation (rather than monolithic facades), and encourage walkability within the project and surrounding area.

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

1/8/20

296 & 304 Thompson St

CITIZEN PARTICIPATION FORM - PART A

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

Public Hearing or Project Name: AlphaDEV LLC

Contact Name: Miles Hansford & Tallant, LLC. - J. Ethan Underwood Telephone: 770-781-4100

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

Owners of properties located within 500 ft. of the Subject Property

City officials

Affected government departments

Interested parties noted on any list provided by the City

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

- | | |
|--|--|
| ☒ Letter | ☐ Personal Visits |
| ☐ Telephone | ☐ Group Meeting |
| ☐ Email | ☒ Other <i>(Please Specify)</i> CZIM |

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

Individuals can contact Ethan Underwood via telephone at 770-781-4100 or via email eunderwood@mhtlegal.com as well as during the public participation process.

**Miles Hansford
& Tallant, LLC**
ATTORNEYS AT LAW

202 Tribble Gap Road | Suite 200 | Cumming, Georgia 30040

38 Sloan Street | Roswell, Georgia 30075

770-781-4100 | www.mhtlegal.com**J. Ethan Underwood**
underwood@mhtlegal.com**RESERVATION OF CONSTITUTIONAL AND OTHER LEGAL RIGHTS**

Applicant:	AlphaDEV LLC
Subject Property:	2.21 Acres Designated as Fulton County Tax Parcel(s): 12-284108020038 & 12 284108020046
Current Zoning:	R-12
Proposed Zoning:	DT-LW
Proposed Use:	17 Residential Dwellings (11 Dwellings, Single-Family Detached and 6 Townhouses)
ROW Access:	Thompson Street

This Reservation of Constitutional and Other Legal Rights ("the Reservation") is intended to supplement and form a part of the land use application (the "Application") of the Applicant and the owners of the Subject Property and to put the City of Alpharetta on notice of the Applicant's assertion of its constitutional and legal rights.

The Applicant has filed a timely application, has provided all required information and has submitted the appropriate application fees. The Application meets all judicial and statutory requirements for approval.

The Applicant asserts the statements contained in the application package submitted herewith, incorporated herein by reference, and as may be amended (the "Application") describing justification for the Application, in any, as if such were fully stated herein. The Applicant incorporates all statements made in the Public Hearing Application submitted concurrently herewith as its letter of intent required by the City of Alpharetta.

A refusal by the City of Alpharetta to approve the Application, as requested by the Applicant, will impose a disproportionate hardship on the Applicant and owners of the Subject Property without benefiting any surrounding property owners. There is no reasonable use of the Subject Property except for development as proposed by the Applicant.

A refusal by the City of Alpharetta to approve the Application, as requested by the Applicant, will be unconstitutional in that it will constitute a taking of the Applicant's and owners' property rights without first paying fair, adequate, and just compensation for such rights in violation of Article I, Section III, Paragraph I of the Georgia Constitution of 1983, as amended, and the Fifth and Fourteenth Amendments to the Constitution of the United States.

A denial of the Application, as requested by the Applicant, will constitute an arbitrary and capricious act by the City of Alpharetta without any basis for such, and will constitute an abuse of discretion in violation of Article I, Section I, Paragraph I of the Georgia Constitution of 1983, as amended and the Due Process Clause of the Fifth and Fourteenth Amendments to the Constitution of the United States.



A refusal by the City of Alpharetta to approve the Application, as requested by the Applicant, will prohibit the only viable economic use of the Subject Property, will be unconstitutional and will discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owner and the owners of similarly situated properties in violation of Article I, Section I, Paragraph II of the Georgia Constitution of 1983, as amended and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

The City of Alpharetta cannot lawfully impose more restrictive standards on the Subject Property's development than are presently set forth in the UDC. To do so will constitute a taking of the Subject Property as set forth above, and also amount to an unlawful delegation of the Board's authority in response to neighborhood opposition, in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution of 1983, as amended. Any zoning conditions or other restrictions imposed on the Subject Property without the consent of the Applicant and property owners that do not serve to ameliorate the negative impacts of the development are invalid and void. As such, the Applicant and owners reserve the right to challenge any such zoning conditions and other restrictions. The Applicant and owners also reserve the right to challenge any unlawful exactions, whether they are in the form of illegal impact fees or otherwise.

Furthermore, this Reservation also constitutes an Ante Litem Notice pursuant to O.C.G.A. § 36-11-1, which places the City of Alpharetta and all other agents of the City on notice of the Applicant's and owners' intent to seek monetary damages and attorney's fees against the City of Alpharetta for any rezoning action, zoning condition, illegal impact fee and any other unlawful restrictions and exactions that are imposed on the Subject Property, the Applicant and the owners.

Finally, the Applicant and owners assert that the UDC, Future Development Map and Comprehensive Plan were not adopted in compliance with the laws or constitutions of the State of Georgia or of the United States, and a denial of the Applicant's request based upon provisions illegally adopted will deprive the Applicant and owners of due process under the law.

By filing this Reservation, the Applicant reserves all rights and remedies available to it under the United States Constitution, the Georgia Constitution, all applicable federal, state, and local laws and ordinances, and in equity.

The Applicant and owners respectfully request that this Application be approved as requested by the Applicant and in the manner shown on the Application, which is incorporated herein by reference. This Reservation forms an integral part of the Application, and we ask that the City of Alpharetta include this Reservation with the Applicant's other application documents. The Applicant and owners reserve the right to amend and supplement this Reservation at any time.

Sincerely,

Ethan Underwood
Attorney for Applicant

1/8/20

Z-20-01/V-20-02
296 & 304 Thompson St



**Miles Hansford
& Tallant, LLC**
ATTORNEYS AT LAW

202 Tribble Gap Road | Suite 200 | Cumming, Georgia 30040

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J. Ethan Underwood
eunderwood@mhtlegal.com

REVISED 2020-01-08

LETTER OF INTENT

Applicant:	AlphaDEV LLC
Subject Property:	2.21 Acres Designated as Fulton County Tax Parcel(s): 12-284108020038 & 12 284108020046
Current Zoning:	R-12
Proposed Zoning:	DT-LW
Proposed Use:	17 Residential Dwellings (11 Dwellings, Single-Family Detached and 6 Townhouses)
ROW Access:	Thompson Street

This Letter of Intent is intended to comply with the application procedures established by The City of Alpharetta, GA for submittal of land use applications, as required by the City of Alpharetta Unified Development Code (the "UDC"), City of Alpharetta Public Hearing Application Requirements, and other City of Alpharetta Ordinances and Standards.

The Applicant has submitted contemporaneously with this Letter of Intent the application package for the Proposed Zoning and Proposed Use, as may be amended (the "Application"). With regard to any zoning, conditional use permit, and variances requested in the Application (as applicable), the Applicant incorporates all statements made in the Public Hearing Application as part of this Letter of Intent.

PROPOSED ZONING AND USE

The Applicant requests to rezone the Subject Property to the Proposed Zoning and intends to develop the Subject Property for the Proposed Use. The Applicant intends to develop 17 Residential Dwellings, the private, local residential street, sidewalk, and other amenities and site features. Specifically, the Applicant proposes to development 11 Single-Family Detached Dwellings and 6 Townhouses. The Applicant also intends to facilitate the extension of the proposed Alpha Loop through the northern portion of the Subject Property based on the Proposed Use of 17 residential units.

The Proposed Use incorporates the design standards of the Downtown Overlay District and will increase the vibrancy of Downtown Alpharetta. The Proposed Use is compatible with the surrounding properties because the surrounding properties are also zoned for residential development. The DT-LW zoning category is also consistent with the Future Development Map, which shows the Subject Property in the Mixed Use Live Work category within the Downtown Overlay District.

Like the Subject Property, the adjacent properties to the west, south, and east are located within the Mixed Use Live Work category; the adjacent property to the north is located within the Medium Density Residential category. The Proposed Use to rezone to DT-LW is therefore consistent with the medium- to high-density residential development that either already exists or is anticipated on the surrounding properties. The Proposed Use will also provide pedestrian and cyclist interconnectivity via a public



sidewalk along Thompson Street on the south end of the Property and an extension of the Alpha Loop trail through the northern portion of the Property.

The Proposed Use will result in only a minor population increase of approximately 43 people (assuming 2.5 people per residence) and only a minor increase to traffic: approximately 94 trips per 24 hours (17 residences multiplied by 5.75 vehicle trips per residence per 24 hours equals 98 vehicle trips per 24 hours). Likewise, the impact to schools would be minimal: approximately 13 new students (assuming 0.75 students per residence) spread across all grades. Sanitary sewer, water, natural gas, electricity and cable are available to the Subject Property and the impact on public utilities will be in keeping with growth projected by utility providers.

TREES AND LANDSCAPING.

The site design includes a tree save area along the northern boundary of the Subject Property. This area contains the vast majority of mature, specimen trees on the Subject Property. The site design also includes tree save areas along the western and eastern boundaries of the Subject Property. Preservation of these tree save areas will provide a visual separation between neighboring property owners and the proposed development, and the tree groupings within these tree save areas will provide wildlife habitat that would not be accommodated by the preservation of trees elsewhere on the Subject Property. The location of the proposed tree save areas is also necessary to allow shaping of the topography for proper stormwater flow and utility installation in the remaining portions of the Subject Property. Once developed, the Applicant will install new tree plantings in disturbed areas to comply with City requirements.

The property will be landscaped in accordance with all applicable ordinances. In addition, the Applicant proposes to install evergreen landscaping along the western and eastern boundaries of the Subject Property to provide privacy for future residents of both the Subject Property, as well as the adjoining properties.

Staff has requested that efforts be made to preserve trees identified on the Applicant's Tree Survey as #801 (28" Water Oak) and #805 (26" Red Oak). However, #801 (28" Water Oak) is located at one of the highest elevations of the subject property, and the sloping of the topography required to comply with applicable regulations to capture and treat stormwater runoff necessitate removal of this tree; moreover, even if this tree could be preserved, (a) it would require large retaining walls that could not be properly secured without damaging the tree's critical root zone and (b) the tree would be left at an elevation that would negatively affect the aesthetics of the Project and the Thomson Street Area.

Regarding #805 (26" Red Oak), connection and construction of the proposed Alpha Loop will unfortunately require removal of this tree. This is the case even though the Applicant is proposing (as allowed by City Ordinance) that the portion of the Alpha Loop running through the Subject Property be reduced from a 12-foot wide path to an 8-foot wide path, solely for the purpose of preserving trees.



PROPOSED ARCHITECTURE

The Proposed Use provides a unique opportunity to create an extraordinary enclave of luxury single-family homes tucked away, and yet just steps away (via the Alpha Loop) from Alpharetta's City Hall and City Center downtown district. Neoclassical architecture (drawing inspiration from the "classical" art and culture of classical antiquity) recalls a familiar and vernacular tradition of small towns of the South. The new interior streetscape will feature a consistency of scale and proportion, and yet variety and individuality will be provided for each family residing in this special place.

The Thompson Street Area is lacking large, detached single-family dwelling units and the Applicant proposes to develop and construct 11 such homes, with a minimum finished area of 3,800 sf. Each such home will be designed using classical and traditional architecture, and incorporate exterior patios and walled courtyards to create outdoor living spaces. The Applicant submits with and incorporates into the Application conceptual renderings of the proposed architecture it intends to utilize in constructing the Proposed Use.

The Architectural renderings are conceptual at this time. Final plans and elevations will be designed after the Land Disturbance Permit (LDP) documents are substantially complete. Any reference to retaining walls, elevations, driveways, rooflines, etc. shown on the renderings are stylistic and conceptual. Similarly, the number of flat or gable rooflines is conceptual for rendering purposes. It is the intent of the developer at this time to provide a variety of architectural styles and rooflines. The exact mix will be determined after approval of the LDP.

VARIANCE JUSTIFICATION - GENERAL

Pursuant to City of Alpharetta UDC § 4.5.3, a variance may be granted when a zoning provision will result in a hardship that is substantially unwarranted by the protection of the public health, safety or general welfare and the need for consistency among all properties similarly zoned. The Applicant is requesting the following variance:

- 1) A variance to eliminate the requirement that a garage facing a street be recessed a minimum distance of 20 feet behind the front building façade. (See City of Alpharetta UDC § 2.4.6(C).)

The Applicant asserts that the requested variance is not necessary if the central drive is constructed as a "Residential Alley" and the facades facing the exterior of the Subject Property are deemed the "front building facades." However, assuming the variance is determined to be necessary to facilitate the proposed site design, only 7 of the proposed units require the requested variance if the facades facing the internal access drive are deemed the "front building facades."

The narrow shape, size, and topography of the property, and the resulting setbacks and landscaping requirements along the boundary lines, substantially limit the buildable area of the subject property and necessitate placement of the structures in the locations proposed by the Applicant. The Subject Property's length (approximately 500') is substantially greater than its width (approximately 200'), resulting in a long, narrow tract that necessitates front loaded garages, accessed from the central access drive. The requested variances, however, will not cause substantial detriment to the public good or impair the purpose and

1/8/20

Z-20-01/V-20-02
296 & 304 Thompson St



Page 4 of 4

intent of the UDC. First, the variances are minimal and apply only to the private, local residential street located wholly within the Subject Property.

Strict conformity with the requirement to offset front-loaded garage doors 20 feet behind the front façade would result in the following negative results:

- 1) The proposed housing types, sizes, and the proposed architectural designs cannot be constructed.
- 2) The resulting house shapes would prohibit the development of the walled courtyards proposed for each of the detached dwellings.
- 3) The resulting house shapes would create driveway courtyards that are prone to be used for outside storage.

The proposed homes are unique in size and product type along Thompson Street, and the exemplary architectural detail proposed by the Applicant justify the requested variance, if such is deemed necessary. Because the Proposed Use complies with all criteria appropriate for consideration of the land use application, the Applicant and owners respectfully request that this Application be approved as requested by the Applicant and in the manner shown on the Application, which is incorporated herein by reference. The Applicant and owners reserve the right to amend and supplement this Letter of Intent at any time.

Sincerely,

Ethan Underwood
Attorney for Applicant

1/8/20

Z-20-01/V-20-02
296 & 304 Thompson St

Trip Generation Report

			A.M. Peak			P.M. Peak		
Land Use	Number of Homes	Daily Total Vehicle Trips	In	Out	Total	In	Out	Total
Single-Family, Detached Residential	17	98	10	33	42	33	15	47

1/8/20

Z-20-01/V-20-02
296 & 304 Thompson St

Legal Description

All that tract or parcel of land lying and being in Land Lot 802, 1st District, 2nd Section, Fulton County, Georgia, being more particularly described as follows:

COMMENCING at a 3/4" Open Top Pipe found at the northeast corner of Lot 18 of the I.N. Thompson Property Subdivision;

THENCE along the south line of Academy Park Neighborhood Association (Plat Book 226, Page 54 and Plat Book 254, Page 70) S 89°59'07" W a distance of 99.93' to a 1/2" rebar with blue cap (LSF# 1121) set at the northeast corner of Lot 17 and being the POINT OF BEGINNING;

THENCE S 00°19'45" W a distance of 494.65' to a 1/2" rebar with blue cap (LSF# 1121) set on the right-of-way of Thompson Street (r/w varies) at the common corner of Lots 17 and 18;

THENCE the following courses and distances along the northerly right-of-way of Thompson Street (r/w varies);

N 82°52'43" W a distance of 100.42' to a mag nail at the corner common to Lots 16 and 17;

N 81°31'28" W a distance of 100.47' to a 1/2" rebar found at the corner common to Lots 15 and 16;

THENCE departing said right-of-way proceeding N 00°14'42" E a distance of 467.34' to a 1/2" rebar with blue cap (LSF# 1121) set at the northerly corner common to Lots 15 and 16;

THENCE along the south line of Academy Park Neighborhood Association N 89°59'07" E a distance of 99.93' to a 1/2" rebar with blue cap (LSF# 1121) set at the northerly corner common to Lots 16 and 17;

THENCE along the south line of Academy Park Neighborhood Association N 89°59'07" E a distance of 99.93' to a 1/2" rebar with blue cap (LSF# 1121) and being the POINT OF BEGINNING.

Said tract contains 2.206 acres and is set out as Lots 16 and 17 of the I.N. Thompson Property (Plat Book 41, Page 19), a.k.a. 296 and 304 Thompson Street Alpharetta, Georgia.

This legal description is prepared solely for the purpose of facilitating a land use application and should not be relied upon for any other purpose.

1/8/20

296 & 304 Thompson St

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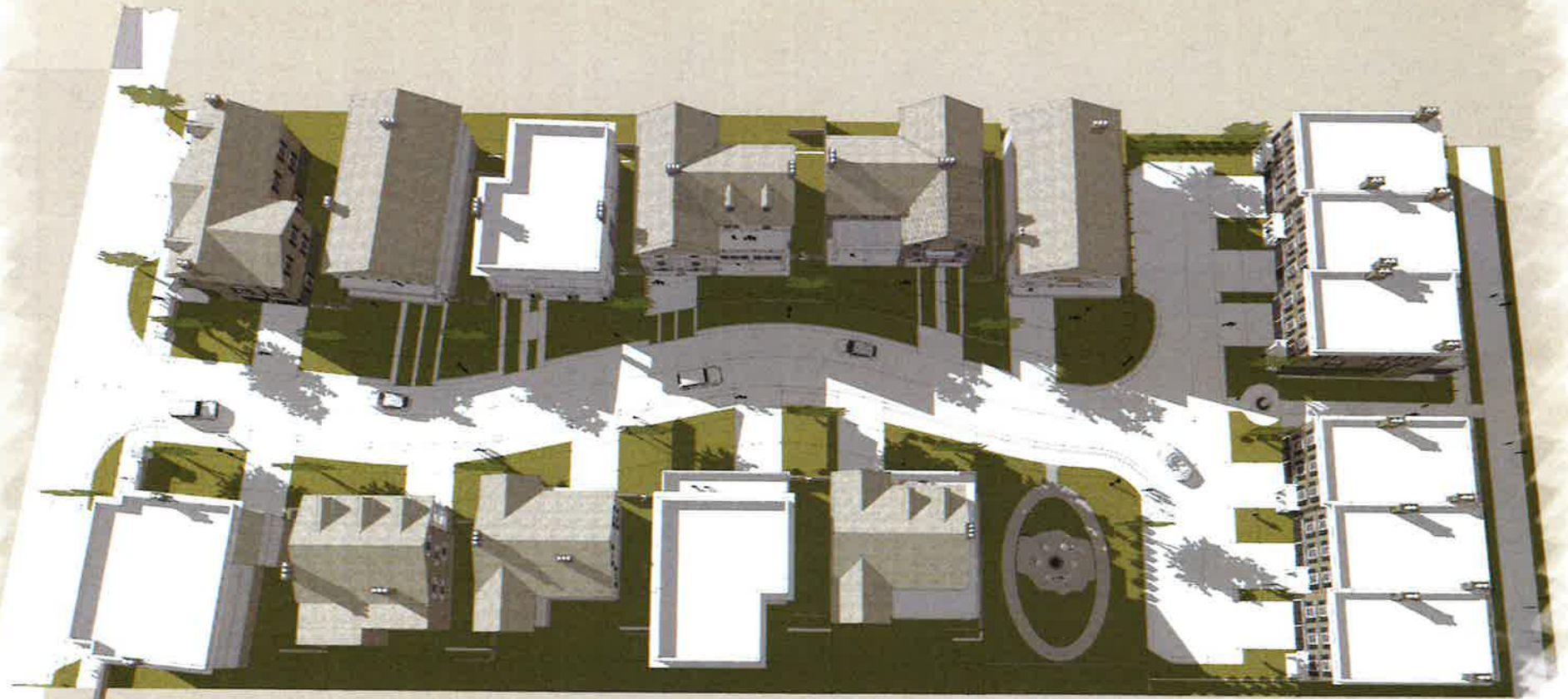


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Z-20-01/V-20-02
296 & 304 Thompson St



ARCHITECT
D. TRACY WARD
—><—
Est. 1996

1/7/20

Z-20-01/V-20-02
296 & 304 Thompson St



1/7/20

1/8/20

Z-20-01/V-20-02
296 & 304 Thompson St



ARCHITECT
D. TRACY WARD
EST 1996

1/7/20

1/8/20

Z-20-01/V-20-02
296 & 304 Thompson St



1/7/20

1/8/20

Z-20-01/V-20-02
296 & 304 Thompson St



ARCHITECT
D. TRACY WARD
EST. 1919

1/7/20

1/8/20

Z-20-01/V-20-02
296 & 304 Thompson St



ARCHITECT
D. TRACY WARD
EST. 1918

1/7/20

1/8/20

Z-20-01/V-20-02
296 & 304 Thompson St



ARCHITECT
D. TRACY WARD
EST. 1915

1/7/20

1/8/20

Z-20-01/V-20-02
296 & 304 Thompson St



ARCHITECT
D. TRACY WARD
—><—
EST. 1915

1/7/20

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Z-20-01/V-20-02
296 & 304 Thompson St



ARCHITECT
D. TRACY WARD
EST. 1916

1/7/20

1/8/20

Z-20-01/V-20-02
296 & 304 Thompson St



ARCHITECT
D. TRACY WARD
EST 1966

1/7/20

1/8/20

Z-20-01/V-20-02
296 & 304 Thompson St



ARCHITECT
D. TRACY WARD
EST. 1998

1/7/20



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: Z-20-02/V-20-06 SEDGWICK RESIDENCE/DEVORE ROAD

PLANNING COMMISSION: MARCH 5, 2020

CITY COUNCIL: MARCH 23, 2020

II. RECOMMENDATION:

Approve Z-20-02/V-20-06 SEDGWICK RESIDENCE/DEVORE ROAD, subject to the following conditions:

1. The site, consisting of approximately 0.29 acres, shall be zoned DT-MU and developed substantially similar to site plan prepared by Lew Oliver Inc., except for modifications required to comply with the conditions below. Permitted uses above the detached garage shall be limited to the following:
 - a. Professional Office
 - b. Shop or Studio, Craftsman/Artist
2. Minimum 18' long driveway shall be required.
3. Street-facing garage shall be recessed a minimum 5' behind the front façade of the home.
4. Architecture and materials shall be substantially similar to the submitted renderings, except for modifications required to comply with the Downtown Consultant's markups related to the home and in compliance with the Alpharetta Downtown Code, with final approval by DRB.
5. A mix of shrubs, vines and grasses shall be planted along the proposed wall, as approved by DRB.

III. REPORT IN BRIEF:

The applicant, Michele Sedgwick, is requesting a rezoning of 0.29 acres from C-2 (General Commercial) to DT-MU (Downtown Mixed-Use) to allow for the construction of a 'For-Sale' single family detached home. Variances are requested to reduce the minimum driveway length and garage recess requirements. The subject property is located at 0 Devore Road on the South side of Devore Road between Alpharetta Highway and Karen Drive.

DISCUSSION

The submitted request, if approved, will allow for the construction of one (1) 'For-Sale' single-family detached home on 0.29 acres in the Downtown Overlay. The applicant requests that 'Office' and 'Shop or Studio, Craftsman/Artist' be permitted as an accessory use in a space above a detached garage. The applicant proposes to rezone the property from C-2 to DT-MU and variances to reduce the minimum 18' driveway requirement and minimum 20' garage recess requirement. The subject property is located at 0 Devore Road on the South side of Devore Road between Alpharetta Highway and Karen Drive.

The property is currently undeveloped. A variance (V-07-30) was previously approved on the property to reduce the front and side building setbacks in order to develop an office and training center associated with Sedgwick Management. However, a building permit was never issued for that use and the variance approval was voided on 9/24/2009. Surrounding properties are zoned C-2 to the North and West and O-I (Office Institutional) to the South and East. Bank

of America is located to the North, Seven Seas Café is located to the West and Colony Park Offices are located to the South and East. The zoning proposal is consistent with the Comprehensive Land Use Plan designation of the property, which is 'Mixed Use'.

Variances are requested to reduce the requirement for a street-facing garage to be recessed a minimum 20' behind the front façade of a home and to reduce the minimum 18' long driveway requirement. The submitted site plan depicts the garage to be in-line with the front setback of the home with a ten-foot (10') long driveway. It appears that the garage could be recessed an additional eight-feet (8') in order to comply with the minimum 18' driveway requirement. Due to the unusual, shallow shape of the property (average depth of approximately 63', approximately 54' East side of property and approximately 73' West side of property), it is unlikely that the street-facing garage recess requirement could be met.

GDOT has a roadway project on Highway 9 (Alpharetta Highway), which includes the realignment of Devore Road at Highway 9. The new configuration will move Devore Road to the North side of the Bank of America property and the intersection becoming signalized. It is estimated that the roadway project will begin by the end of 2020.

SITE PLAN

The submitted site plan depicts a 2-story single family home with detached garage on 0.29 acres (approximately 12,600 square feet) fronting on Devore Road. According to the applicant, the home will be approximately 3,500 square feet. The residence is located on the West side of the property with a walled courtyard in the center and a detached garage on the East side of the property. 'Office' or 'Shop or Studio, Craftsman/Artist' use are proposed within the approximate 600 square foot space above the detached garage. Ten-foot (10') building setbacks are depicted on the front, sides and rear. However, the DT-MU district only requires a zero-foot (0') side setback and six-foot (6') rear setback, which would allow for adjustments to the site layout.

Two (2) parking spaces are provided within the garage, which complies with the UDC parking regulations. However, the driveway is only approximately 10' long and would not accommodate the required guest parking space and commercial parking space (space above detached garage). Since GDOT's Main Street project does not propose any on-street parking along the remnant portion of Devore Road, it is recommended that the minimum 18' long driveway be provided. As noted in the paragraph above, the DT-MU building setbacks would allow for the site layout to be adjusted to accommodate the required 18' long driveway.

The applicant's site plan depicts a walled courtyard between the home and detached garage, which would serve as the required amenity space for the property. The DT-MU district requires a minimum 10%, or approximately 1,200 square feet of amenity space for the subject property. The courtyard is approximately 60' x 20', which should meet the minimum requirement.

It appears that the property was previously cleared with the remaining trees concentrated along the East (side) and South (rear) property lines. If approved, it is recommended that existing trees be protected, where possible.

ELEVATIONS

The applicant's proposed renderings, prepared by Lew Oliver. The City's Downtown Consultant provided markups of the applicant's initial proposal, which was too contemporary for the

historic Downtown. The applicant updated the renderings to incorporate some of the recommended changes. If approved, it is recommended that the other markups be reflected in the final design of the home. Final design of fencing/wall and landscaping shall be approved by the Design Review Board (DRB).

TRAFFIC

The City's Transportation Engineer states that the applicant's proposal would generate a total of 10 daily trips.

STANDARDS FOR ZONING CHANGES

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

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

Response: The zoning proposal would be suitable as it relates to the use and development of adjacent or nearby properties, which have a 'Mixed Use' designation in the Downtown. In addition, Devore Road transitions from non-residential to residential as you move from West to East and North to South.

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

Response: The zoning proposal would not adversely affect the existing use or usability of adjacent or nearby properties, which have a 'Mixed Use' designation in the Downtown. In addition, Devore Road transitions from non-residential to residential as you move from West to East and North to South.

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

Response: The applicant's proposal should not have significant impacts on the natural environment. The site was previously cleared with the only remaining trees being located along the rear property line adjacent to Colony Park Offices. It is recommended that existing trees be saved, where possible.

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

Response: The subject property is zoned C-2, which allows a variety of auto-oriented uses that are inconsistent with the vision of creating a walkable Downtown. In addition, commercial use of the subject property would likely have greater impacts on public facilities and services.

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

Response: The zoning proposal, if approved, would generally have less impact on public facilities and services, except that a single-family home could generate school-aged children.

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

Response: The subject property is located in the Downtown Overlay, which includes opportunities for properties to develop under the Downtown zoning districts.

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

Response: The applicant's request to change the zoning of the property from commercial to residential reflects a reasonable balance. The C-2 zoning district allows a variety of auto-oriented uses, which are inconsistent with the vision of creating a walkable Downtown. In addition, commercial use of the property would likely have greater impacts on public facilities and services.

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

Response: The subject property could be developed with a variety of commercial uses under the existing zoning. However, the C-2 zoning district allows a variety of auto-oriented uses, which are inconsistent with the vision of creating a walkable Downtown. In addition, commercial use of the property would likely have greater impacts on public facilities and services.

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

Response: The zoning proposal is consistent with the Comprehensive Land Use Plan designation of the property, which is 'Mixed Use'.

VARIANCE REVIEW CRITERIA

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

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

Response: Approval of the variance to reduce the garage recess requirement should not cause substantial detriment to the public good. The property has an unusual, shallow shape, which limits site layout. The minimum 18' driveway could be accommodated given the reduced setbacks in the DT-MU district.

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

Response: The property has an unusual, shallow shape, which limits site layout. The minimum 18' driveway could be accommodated given the reduced setbacks in the DT-MU district.

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

Response: The property has an unusual, shallow shape, which limits site layout. The minimum 18' driveway could be accommodated given the reduced setbacks in the DT-MU district.

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

Response: Approval of the variance to reduce the garage recess requirement should not cause substantial detriment to the public good. The property has an unusual, shallow shape, which limits site layout. If approved, it is recommended that the minimum 18' long driveway be accommodated on the property.

CONCURRENCES

Staff has reviewed the applicant's proposal and finds that it can generally support the request for rezoning and variance to reduce the garage recess requirement. The proposal is consistent with the vision of the Downtown. The property could be developed under the existing C-2 zoning with a variety of auto-oriented uses, which is inconsistent with a walkable Downtown.

The property has an unusual, shallow shape, which limits site layout, including recessing the garage 20' behind the front façade of the home. The applicant could accommodate the minimum 18' long driveway, if the detached garage was pushed back from Devore Road. The DT-MU district only requires a six-foot (6') rear setback, whereas the applicant's site plan depicts a ten-foot (10') rear setback. If approved, it is recommended that the 18' driveway be provided.

CITIZEN PARTICIPATION PLAN

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

COMMUNITY ZONING INFORMATION MEETING

The CZIM was held on February 12, 2020. There were no public comments.

IV. ATTACHMENTS:

- Site Plan
- Renderings

Z-20-02 / V-20-06



Aerial Map
Sedgwick Rezoning
130 Devore Road

Z-20-02/V-20-06
D/LL: 1/2/693
PC Date: 3/05/20
CC Date: 3/23/20

Location Map Provided by:
Community Development - GIS



Z-20-02 / V-20-06

SU

0694

Roswell Street

0695

C-2

Janis Lane

Future Site of
The Maxwell

South Main Street

DT-MU

Burton Drive

Devore Road

Burgess Walk

Karen Drive

0696

C-2

R-8A

port

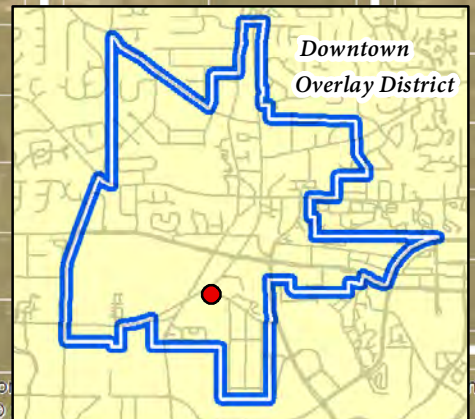
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LEGEND

- Case Number
- Land Lots
- Tax Parcels

Zoning Districts

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



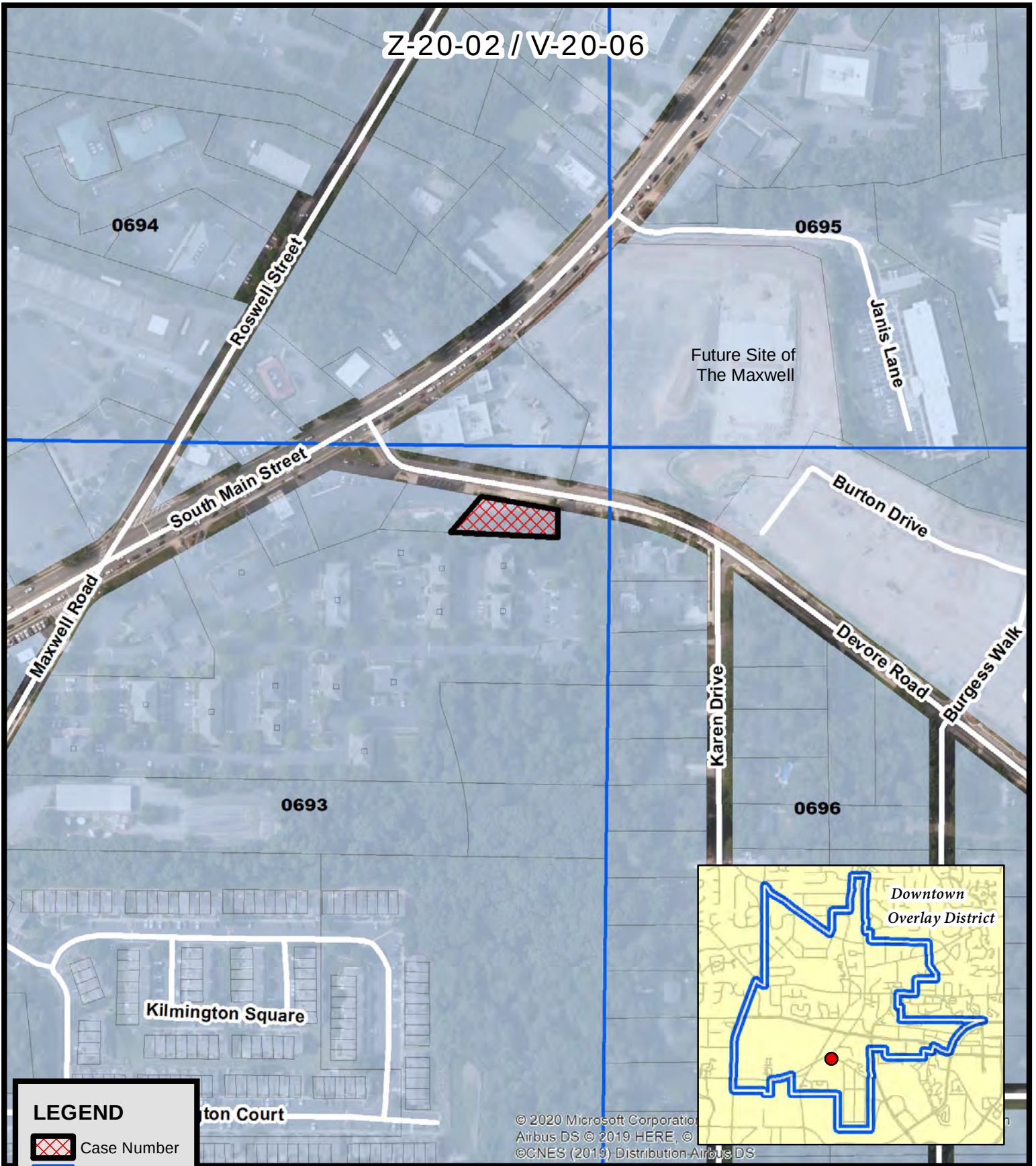
Zoning Map Sedgwick Rezoning 130 Devore Road

Z-20-02/V-20-06
D/LL: 1/2/693
PC Date: 3/05/20
CC Date: 3/23/20

Location Map Provided by:
Community Development - GIS



Z-20-02 / V-20-06



LEGEND

-  Case Number
-  Land Lots
-  Tax Parcels

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**Location Map
Sedgwick Rezoning
130 Devore Road**

Z-20-02/V-20-06
D/LL: 1/2/693
PC Date: 3/05/20
CC Date: 3/23/20

Location Map Provided by:
Community Development - GIS



Z-20-02 / V-20-06



Future Land Use Sedgwick Rezoning 130 Devore Road

Z-20-02/V-20-06
D/LL: 1/2/693
PC Date: 3/05/20
CC Date: 3/23/20

Location Map Provided by:
Community Development - GIS



Sedgwick Rezoning 2.12.2020

[illegible]

Sent 2/9/2020

CITIZEN PARTICIPATION FORM - PART B

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

Public Hearing or Project Name:

SEDGWICK RESIDENCE

Contact Name:

Michael Sedgwick

Telephone:

678-595-7008

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

*I did not receive any notification with
Questions or Comments.*

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

☒

Letter

☐

Personal Visits

☐

Telephone

☐

Group Meeting

☐

Email

☐

Other (Please Specify) _____

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

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

Signature of Authorized Agent: _____

Date:

02/09/2020

Print Form

1/27/20

Z-20-02/V-20-06
Sedgwick Devore Rd

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: PHA200001

☒ Fee Paid Initial: RC

COMMUNITY DEVELOPMENT DEPARTMENT

2 PARK PLAZA

ALPHARETTA, GA 30009

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

Contact Information:

Contact Name: Michele Sedgwick Telephone: 678.595.7008
Address: 2451 COMMENCE STREET Suite: _____
City: ALPHARETTA State: GA Zip: 30009 Fax: _____
Mobile Tel: _____ Email: _____

Subject Property Information:

Address: DEVORE ROAD Current Zoning: C-2
District: _____ Section: _____ Land Lot: _____ Parcel ID: _____
Proposed Zoning: DTMU Current Use: VACANT

This Application For (Check All That Apply):

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

1/27/20

Sedgwick Devore Rd

APPLICANT REQUEST AND INTENT

What is the proposed use(s) of the property? REZONE TO DT-MU
SINGLE FAMILY HOME

Applicant's Request (Please itemize the proposal):

REZONE TO DT-MU

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

ENABLE ABILITY TO BUILD A SINGLE FAMILY DWELLING

1/27/20

Z-20-02/V-20-06
Sedgwick Devore Rd

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Michele Sedgwick Telephone: 678.595.7008
Address: 2451 Commerce Street Suite: _____
City: ALPHARETTA State: GA Zip: 30009

Authorization:

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

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

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

Identify Authorized Applicant:

Name of Authorized Applicant: Michele Sedgwick Telephone: 678.595.7008
Address: 2451 Commerce Street Suite: _____
City: Alpharetta State: GA Zip: 30009

So Sworn and Attested:

Owner Signature: [Signature] Date: 12.30.19

Notary:

Notary Signature: [Signature] Date: 12.30.19



DISCLOSURE FORM

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

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

Name of Applicant or Opponent:

Michelle Sedgwick

Subject Public Hearing Case:

Campaign Contribution Information:

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

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

Name of Official:

N/A

Position:

Description of Contribution:

N/A

Value:

Description of Contribution:

N/A

Value:

Description of Contribution:

N/A

Value:

Description of Contribution:

N/A

Value:

Description of Contribution:

N/A

Value:

Campaign Contribution Information:

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

Signature:

Date:

12.30.19

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

It will be consistent and cohesive with the planned mixed use / residential and townhouse planned and existing developments.

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

This proposal would maintain or increase surrounding property values.

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

perhaps, but not as it relates to the value of developing the property for my home.

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

It would be less impactful than commercial for both traffic and population.

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

likewise, the impact would be less than commercial.

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

This proposal is consistent with the downtown mixed use plan.

Are there existing or changing conditions which affect the development of the property and support the proposed request?

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

1/27/20

Z-20-02/V-20-06

Sedgwick Devore Rd

CITIZEN PARTICIPATION FORM - PART A

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

Public Hearing or Project Name:

MICHAEL SEDGWICK RESIDENCE

Contact Name:

MICHAEL SEDGWICK

Telephone:

678 595-7008

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

SEE ATTACHED LIST

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



Letter



Personal Visits



Telephone



Group Meeting



Email



Other (Please Specify)

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

1/27/20

Z-20-02/V-20-06
Sedgwick Devore Rd

ATLANTA CABLE PARTNERS L P
1 COMCAST CENTER 32ND FL
PHILADELPHIA PA 19103-2838

BYINGTON FRANK & MADGE
310 MAXWELL RD STE 100
ALPHARETTA GA 30009-2061

COLONY PARK INC
284 S MAIN ST STE 400
ALPHARETTA GA 30009

COLONY PARK INC
284 SOUTH MAIN ST # 600
ALPHARETTA GA 30201

COLONY PARKS INC
150 BLUE PINE CT # 20682
JASPER GA 30143

COUNTRY MANOR HOMES DEVELOPMENT CORP
286 S MAIN ST
ALPHARETTA GA 30009

CRABAPPLE LAKES INC
284 SOUTH MAIN ST # 600
ALPHARETTA GA 30004

DANIELAK MARY H
314 MAXWELL RD STE 400
ALPHARETTA GA 30201

DANIELAK MICHAEL W & MARY
314 MAXWELL RD # 300
ALPHARETTA GA 30201

DOVE JAMES D
292 S. MAIN ST SUITE 500
ALPHARETTA GA 30009

DOVE PAUL F
292 S MAIN ST STE 600
ALPHARETTA GA 30009-1985

DURGA PROPERTIES LLC
280 S MAIN ST
ALPHARETTA GA 30009

FULTON COUNTY BANK
101 N TRYON ST
CHARLOTTE NC 28255

GIGLIA PETER J
284 S MAIN ST STE 800
ALPHARETTA GA 30009

HARDCASTLE JAMES ROBERT
314 MAXWELL RD SUITE 500
ALPHARETTA GA 30004

HFT INVESTMENT HOLDINGS LLC
285 KAREN DR
ALPHARETTA GA 30009

HODGSON ENTERPRISES LLC
294 SOUTH MAIN ST # 300
ALPHARETTA GA 30004

HOLIDAY ENTERTAINMENT LLC
1827 POWERS FERRY RD # 5
ATLANTA GA 30339

IAN CONRAD ORDWAY LIVING TRUST THE
14738 BIRMINGHAM HWY
ALPHARETTA GA 30004

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

JDR HOLDINGS LLLP
292 SOUTH MAIN ST # 200
ALPHARETTA GA 30004

JENNINGS CENTURY DRIVE LLC
284 S MAIN ST # 900 & 1000
ALPHARETTA GA 30009

JPM VENTURES LLC
292 SOUTH MAIN ST
ALPHARETTA GA 30009

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

KENT RONALD & ELIZABETH
294 KAREN DR
ALPHARETTA GA 30009-2114

KREIKEMEIER JOHN E & JEAN
292 SOUTH MAIN ST #100
ALPHARETTA GA 30004-1950

L & L REAL ESTATE INC
282 SOUTH MAIN ST # S-D
ALPHARETTA GA 30004

LAMBERT DANNY R
315 KAREN DR
ALPHARETTA GA 30009

LINEAR INVESTMENT GROUP LLC
P O BOX 2303
ALPHARETTA GA 30023

MADDOX RANDALL C & MONIQUE S
5435 TALLANTWORTH TRL
CUMMING GA 30040

1/27/20

Z-20-02/V-20-06
Sedgwick Devore Rd

MAMMOTH DETAIL SALON INC
255 S MAIN ST
ALPHARETTA GA 30009

MF 217 MAIN LLC
26 MILTON AVE
ALPHARETTA GA 30009

NAHSER DONALD P
305 KAREN DR
ALPHARETTA GA 30004-2115

NEWSOME BARBARA S & RONALD J
1500 CUMBERLAND CT
ALPHARETTA GA 30009-3120

PERLING JONATHAN & ALLYSON
P O BOX 92
ALPHARETTA GA 30009

PURE TAQUERIA LLC
103 ROSWELL ST
ALPHARETTA GA 30009

RACHEL TRIBBLE
304 KAREN DR
ALPHARETTA GA 30009

RIVOLI PROPERTIES INC & ALPHA DEVELOPMENT
CORP
PO BOX 92
ALPHARETTA GA 30009

ROGERS DAVID
314 MAXWELL RD # 100
ALPHARETTA GA 30201

ROGERS DAVID
314 MAXWELL RD # 200
ALPHARETTA GA 30201

RP DEVELOPMENT LLC
308 S MAIN ST SUITE 100
ALPHARETTA GA 30004

SOURCE CAPITAL INVESTMENTS L L C
330 RHODES CHASE CT
ALPHARETTA GA 30004

TALLANT PROPERTIES LLC
206 HIDDEN RIVER DR
WOODSTOCK GA 30188

THOMPSON RICHARD L
14315 WYNDHAM FARMS DR
MILTON GA 30004-3264

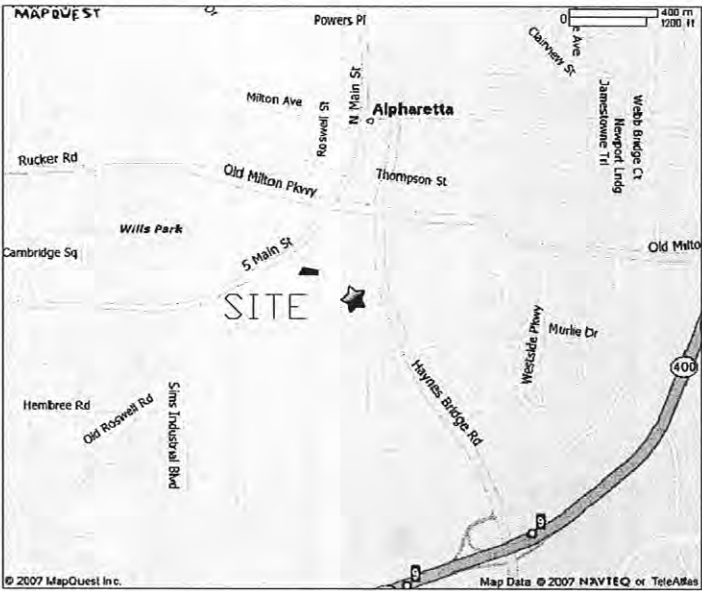
TRIBBLE DONNA E
285 KAREN DR
ALPHARETTA GA 30009

WICKS RONALD S & MARY A
270 S MAIN ST
ALPHARETTA GA 30009

1/27/20

Sedgewick Devore Rd

LOCATION DIAGRAM



- LEGEND
- IPF IRON PIN FOUND
 - IPS IRON PIN SET
 - O POINT
 - REBAR
 - OTF OPEN TOP PIPE
 - CIP CRIMP TOP PIPE
 - CMF CONCRETE MONUMENT FOUND
 - R/W RIGHT-OF-WAY
 - P.O.C. POINT OF COMMENCEMENT
 - P.O.B. POINT OF BEGINNING
 - D.B./PG. DEED BOOK/PAGE
 - P.B./PG. PLAT BOOK/PAGE
 - (199.23') RECORD DISTANCE
 - N.T.S. NOT TO SCALE
 - MH MANHOLE
 - SS SANITARY SEWER
 - CO CLEAN OUT
 - SD STORM DRAIN (SEWER)
 - CB CATCH BASIN
 - DI DROP INLET
 - WI WEIR INLET
 - HW HEAD WALL
 - WM WATER METER
 - WV WATER VALVE
 - FH FIRE HYDRANT
 - UG UNDERGROUND
 - GM GAS METER
 - GV GAS VALVE
 - EM ELECTRIC METER
 - LPX LIGHT POLE
 - PP POWER POLE
 - GW GUY WIRE
 - SP SERVICE POLE
 - ELEC. ELECTRIC
 - FOC FIBER OPTIC CABLE
 - BOC BACK OF CURB
 - INV. INVERT
 - RCP REINFORCED CONCRETE PIPE
 - CMP CORRUGATED METAL PIPE
 - CONC. CONCRETE
 - TELE. TELEPHONE
 - TP TELEPHONE POLE
 - CL CENTER LINE
 - AC. ACRES
 - SQ. FT. SQUARE FEET
 - EL. ELEVATION
 - 11" SG SWEETGUM TREE
 - 12" HW HARDWOOD TREE
 - PROPERTY LINE
 - EASEMENT LINE
 - OHE OVERHEAD ELECTRIC LINE
 - UGE UNDERGROUND ELECTRIC LINE
 - UGG UNDERGROUND GAS LINE
 - W WATER LINE
 - SS SANITARY SEWER LINE
 - SD STORM DRAINAGE LINE
 - FENCE LINE
 - N/F NOW OR FORMALLY
 - EP EDGE PAVEMENT
 - SWCB SINGLE WING CATCH BASIN
 - SPOT ELEVATION

SURVEY REFERENCES:

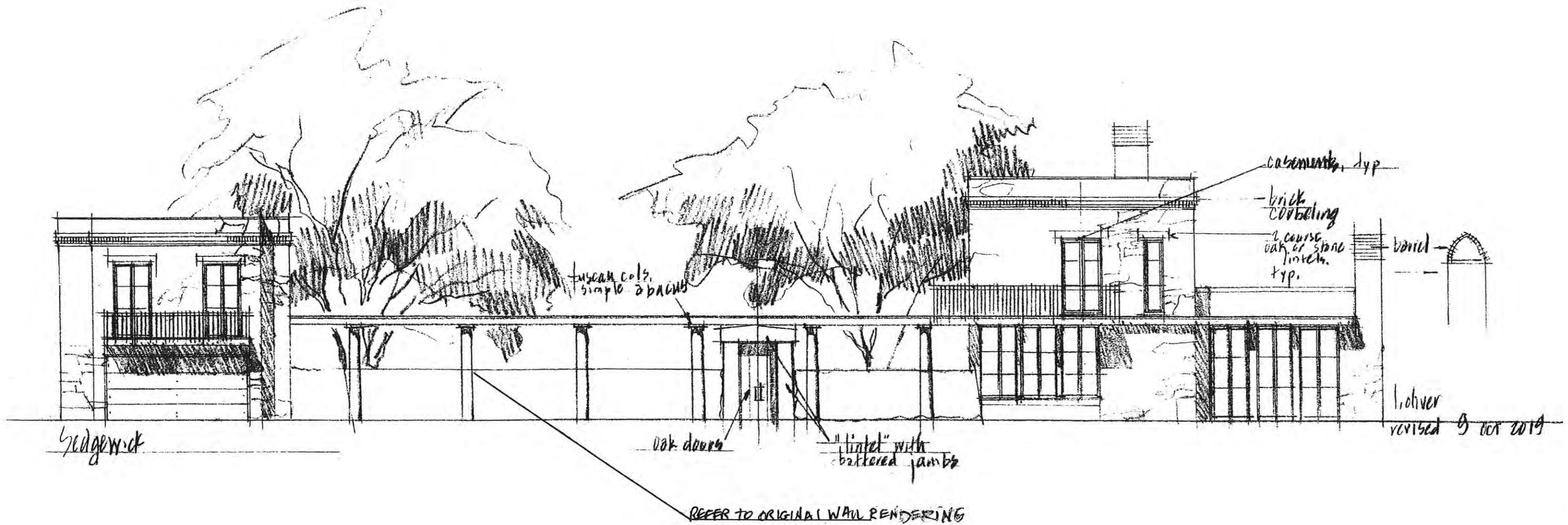
1. LIMITED WARRANTY DEED, RECORDED IN FULTON COUNTY, GA, DEED BOOK 44708, PAGE 589, 110 DEVORE RD.
2. QUITCLAIM DEED, RECORDED IN FULTON COUNTY, GA, DEED BOOK 25488, PAGE 331, 280 SOUTH MAIN ST
3. SECURITY DEED AND AGREEMENT, RECORDED IN FULTON COUNTY, GA, DEED BOOK 15668, PAGE 200, 270 MAIN STREET.
4. NOTICE FILING FOR UCC REAL ESTATE RELATED COLLATERAL, RECORDED IN FULTON COUNTY, GA, DEED BOOK 21411, PAGE 331, 101 DEVORE RD.
5. WARRANTY DEED, RECORDED IN FULTON COUNTY, GA, DEED BOOK 44297, PAGE 648, 308 MAXWELL RD.
6. WARRANTY DEED, RECORDED IN FULTON COUNTY, GA, DEED BOOK 19317, PAGE 1, 308 MAXWELL RD.
7. CONDOMINIUM PLAT OF COLONY PARK, INC., RECORDED IN FULTON COUNTY, GA, PLAT BOOK 11, PAGE 1, 308 MAXWELL RD.

SURVEYOR'S NOTES:

1. HORIZONTAL AND VERTICAL CONTROL FOR THIS SITE WAS ESTABLISHED UTILIZING GPS METHODS. FIELD DATA WAS OBTAINED FROM THE AFORE-MENTIONED SURVEY CONTROL BY CONVENTIONAL METHODS. CONVENTIONAL MEASUREMENTS WERE OBTAINED BY USING A LEICA TC800 THEODOLITE AND TDS RANGER.
2. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 62,301 FEET.
3. THE FIELD WORK FOR THIS PLAT WAS PERFORMED ON OCT 12, 2007
4. THE HORIZONTAL CONTROL FOR THIS SURVEY IS BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83) AND THE GEORGIA STATE PLANE COORDINATE SYSTEM (WEST ZONE) THE VERTICAL CONTROL IS BASED ON NAVD 88.
5. THE INFORMATION SHOWN ON THIS DRAWING CONCERNING UTILITIES WAS OBTAINED FROM VISUAL INSPECTION OF THE SURFACE OF THE PROPERTY, AND NOT FROM UTILITY COMPANY PLATS OR RECORDS. THE OWNER, ARCHITECT, CONTRACTOR AND THEIR AGENTS ARE RESPONSIBLE FOR MAKING THEIR OWN DETERMINATIONS AS TO THE ACTUAL SIZE, TYPE AND LOCATION OF UNDERGROUND AND OTHER UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE THERETO.
6. CONTOUR INTERVAL SHOWN AT 2'

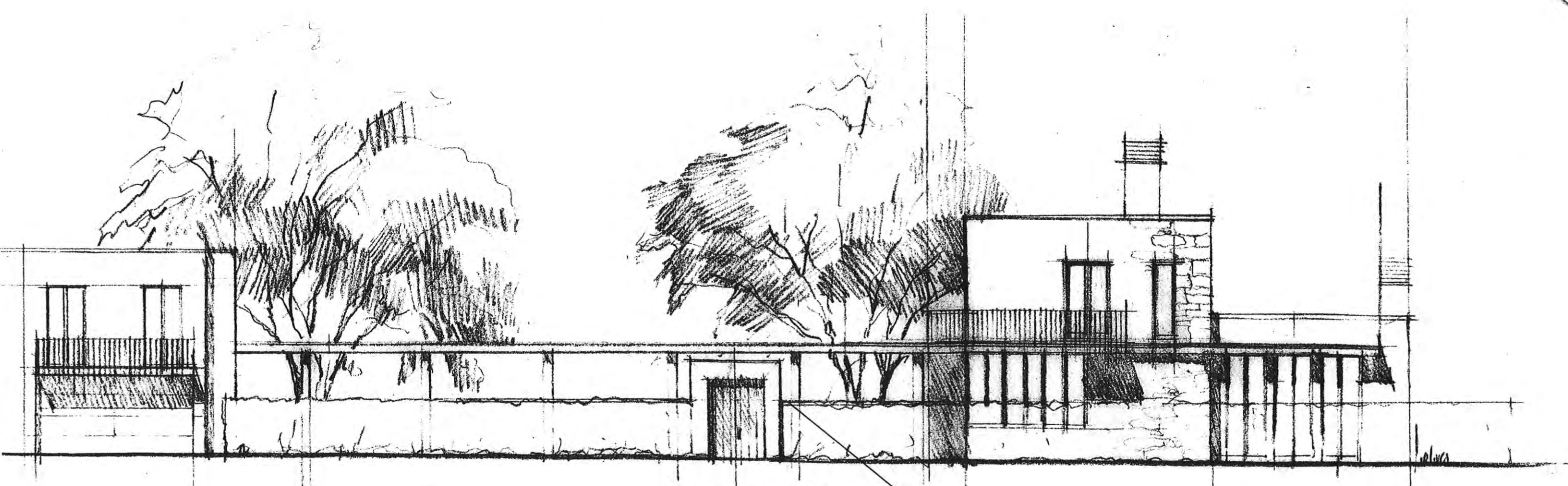
NUMBER	TREE SIZE AND TYPE	NUMBER	TREE SIZE AND TYPE	NUMBER	TREE SIZE AND TYPE
1	2" FINE	26	6" MAPLE	51	12" POPUL
2	12" POPUL	27	6" HEMLOCK	52	12" POPUL
3	6" FINE	28	12" FINE	53	12" POPUL
4	2" OAK	29	12" FINE	54	12" POPUL
5	12" POPUL	30	12" FINE	55	12" POPUL
6	12" POPUL	31	6" BEECH	56	12" POPUL
7	12" POPUL	32	2" BEECH	57	12" POPUL
8	12" FINE	33	12" FINE	58	12" POPUL
9	12" POPUL	34	12" FINE	59	12" POPUL
10	12" FINE	35	12" FINE	60	12" POPUL
11	12" FINE	36	12" FINE	61	12" POPUL
12	12" FINE	37	12" FINE	62	12" POPUL
13	12" FINE	38	12" FINE	63	12" POPUL
14	12" POPUL	39	12" FINE	64	12" POPUL
15	12" POPUL	40	12" FINE	65	12" POPUL
16	12" POPUL	41	12" FINE	66	12" POPUL
17	12" FINE	42	12" FINE	67	12" POPUL

DATE REVISIONS	DESIGNED: CADD DRAWN: CC/SCN CHECKED: CAM/SCN APPROVED: CAM	LOWE ENGINEERS 2000 RIVEREDGE PARKWAY SUITE 400 ATLANTA, GEORGIA 30328 TEL: 770-857-8400 FAX: 770-857-8401	SEDGEWICK MANAGEMENT 308 MAXWELL ROAD N/F COLONY PARK, INC.	BOUNDARY & TOPOGRAPHIC SURVEY OF 110 DEVORE ROAD LAND LOT 693 FULTON COUNTY 1ST DISTRICT, 2ND SECTION GEORGIA	PROJ. NO.: 07-0116 DATE: OCT 19, 2007 SCALE: 1" = 20' DWG. NO.:
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1/27/20

Z-20-02/V-20-06
Sedgwick Devore Rd

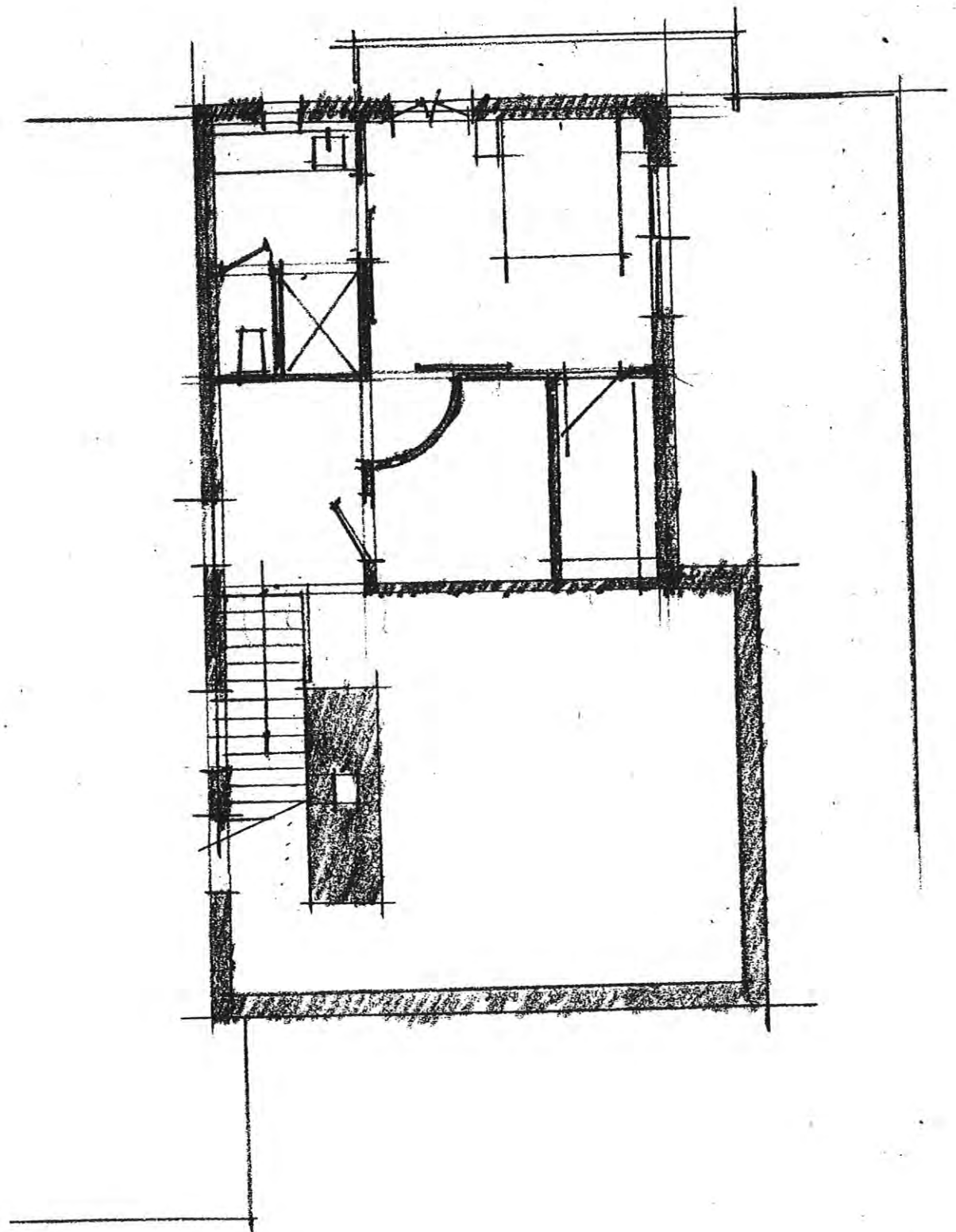
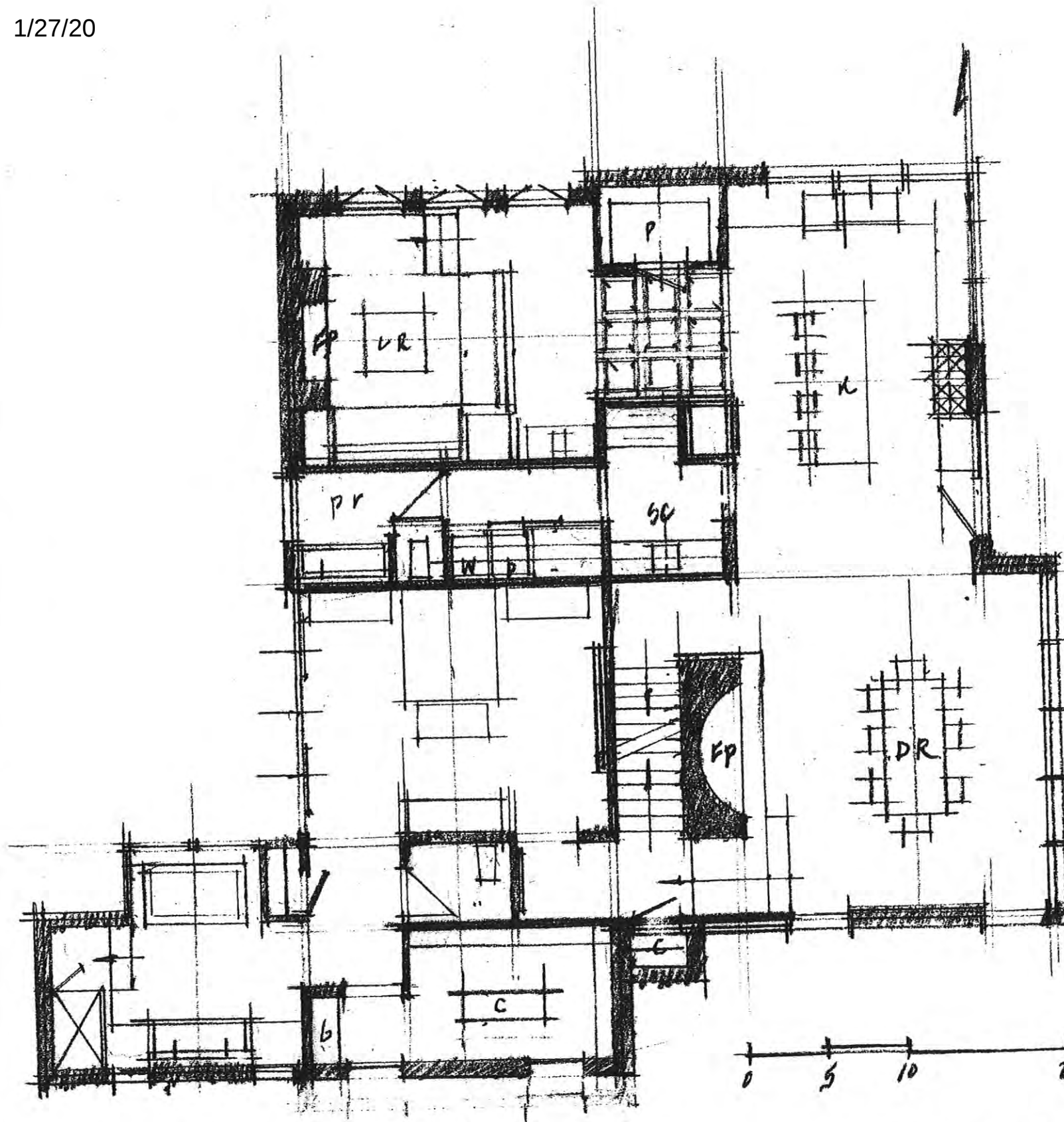


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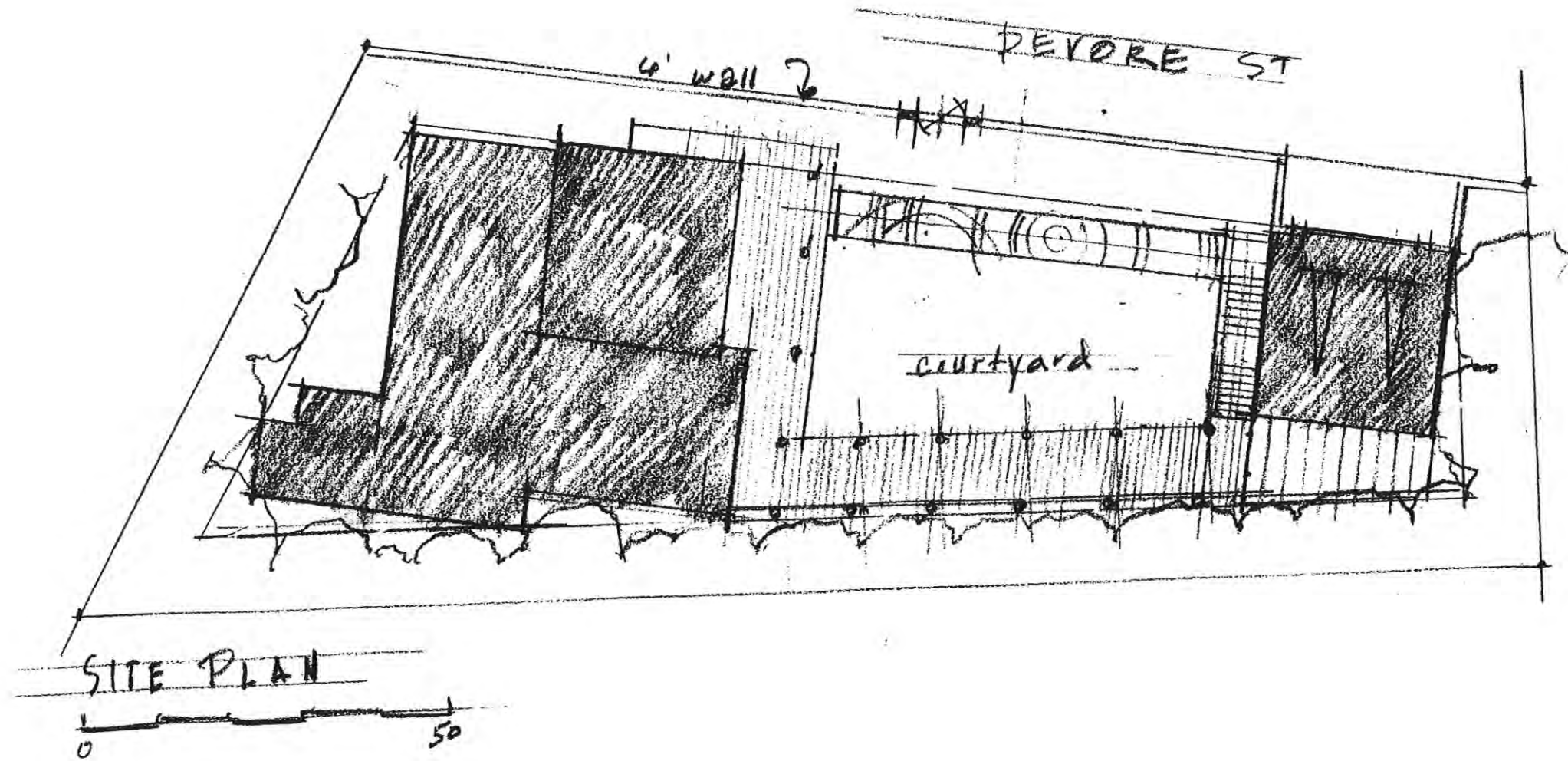
ORIGINAL WAM DESIGN

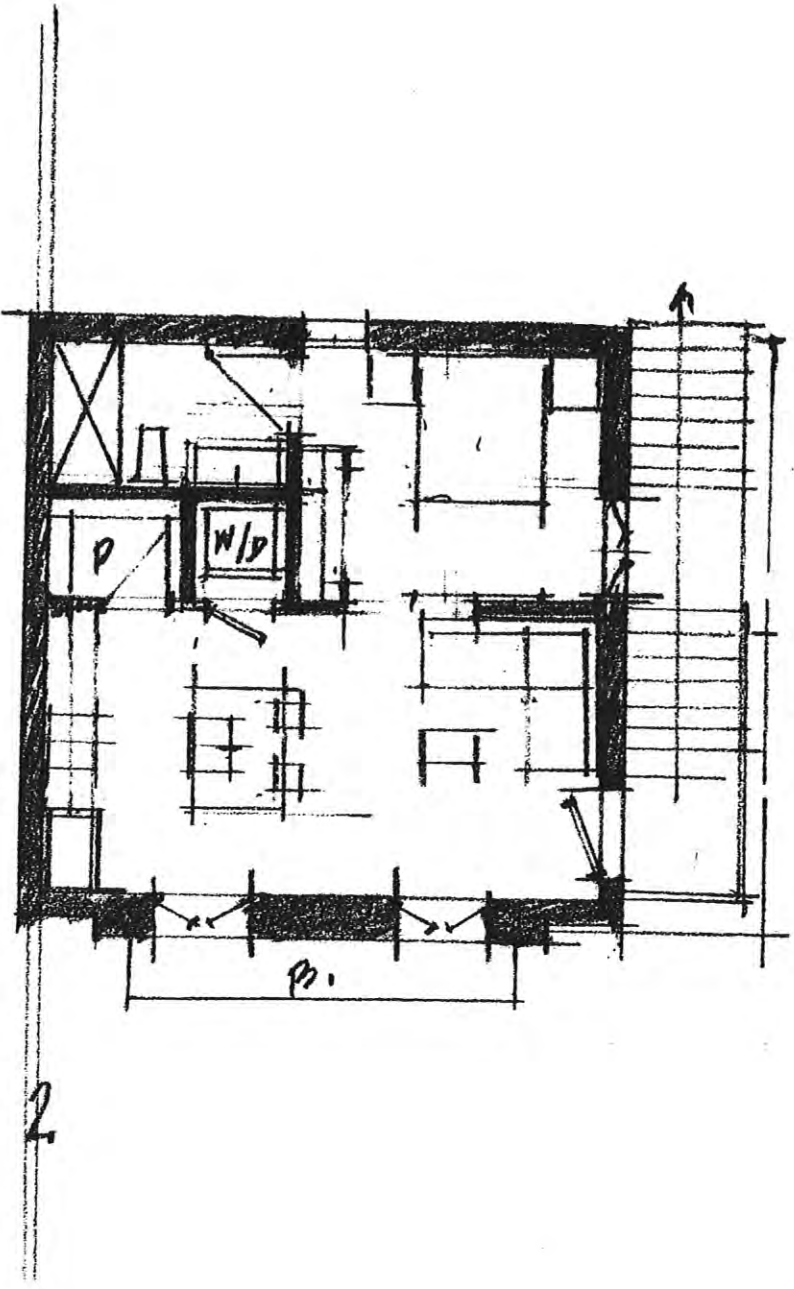
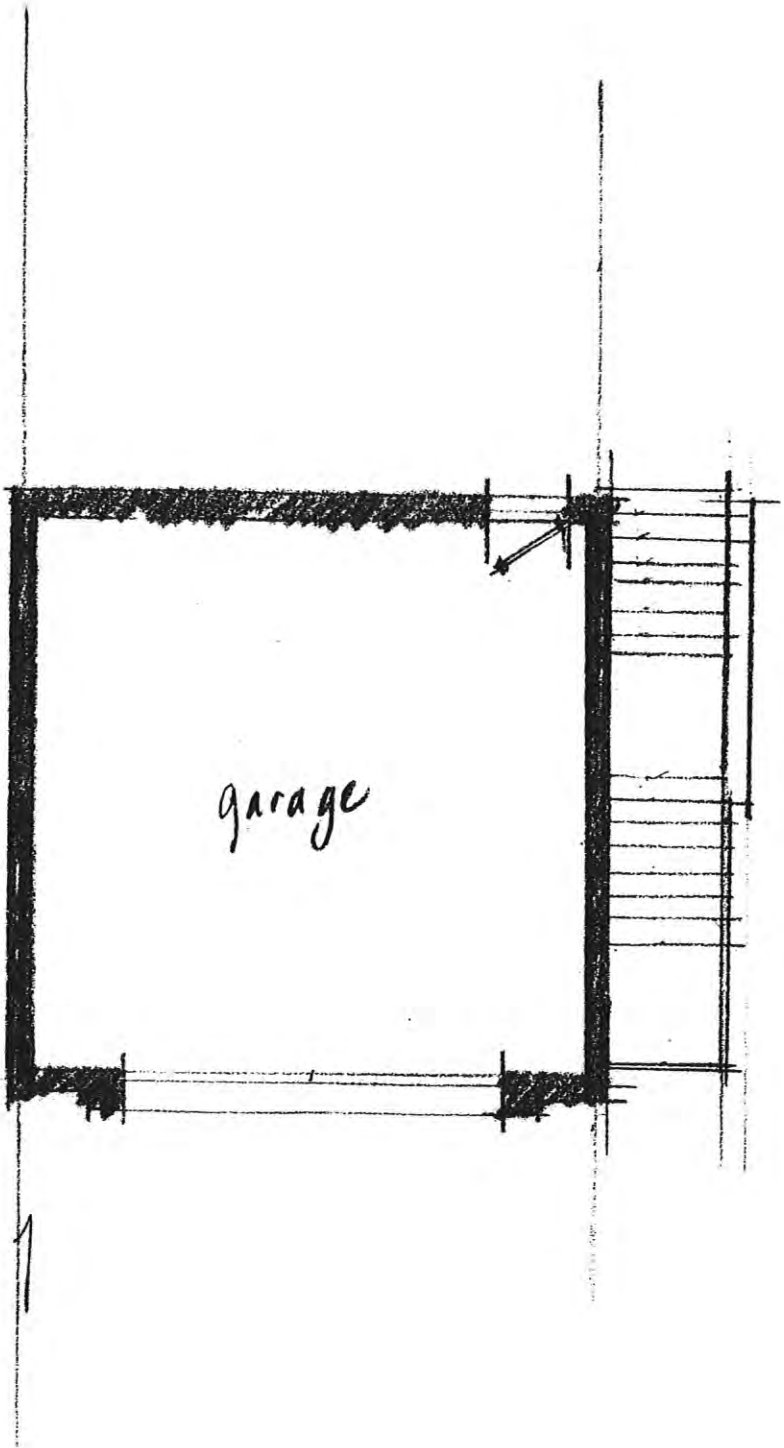
1/27/20

Z-20-02/V-20-06
Sedgwick Devore Rd



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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: MARCH 5, 2020

CITY COUNCIL: MARCH 16, 2020

2ND READING – MARCH 23, 2020

II. RECOMMENDATION:

Approve amendments to the Unified Development Code as it relates to the Sign Code.

III. REPORT IN BRIEF:

Consideration of text amendments to Unified Development Code (UDC) Sections 2.6 Signs and 2.10 North Point Overlay.

The following text amendments are proposed to the Sign Code:

1. Subsection 2.6.4 (A) Permit Required. Change to require any change to an existing sign, including only a face change, obtain a permit.
2. Subsection 2.6.8 (26) Prohibited signs and devices. Reduce the maximum height of a monument sign from 15' to 10'.
3. Subsection 2.6.8 (29) Prohibited signs and devices. Prohibit neon signs with exposed neon lighting and any illumination used to create a neon tube look.
4. Subsection 2.6.11 (B)(6) Illumination of Signs. Prohibit the use of neon to illuminate signs.
5. Subsection 2.6.12 (A)(2) and Subsection 2.6.12 (B)(2)(d) Requirements for non-residential zoning districts. Allow unused sign area for wall and perpendicular signs to be aggregated and distributed to particular building elevations, but limited to no more than 2 wall signs and 1 perpendicular sign on the same building elevation and not internally-illuminated.
6. Subsection 2.6.12 (A)(3) Requirements for non-residential zoning districts. Allow rear entrance wall sign to be a maximum 50% of the allowed front facing wall sign. This is to address buildings that have front and rear pedestrian entrances, and those with access from the Big Creek Greenway and future Alpha Loop.
7. Subsection 2.6.12 (B)(1) Reduce the maximum height of a monument sign to 10' or less. Remove subsection (1)(g) which allowed increased copy area when one or more of the monument signs otherwise permitted are foregone. Allow rear entrance wall sign to be a maximum 50% of the allowed front facing wall sign.
8. Subsection 2.6.12 (C)(1) Signs Permitted in Industrial and Office Parks. Reduce the maximum height of a monument sign from 15' to 10' and reduce the permitted copy area of a monument sign from 150 square feet to 75 square feet.
9. Subsection 2.6.12 (C)(2) Signs Permitted in Industrial and Office Parks. Allow a blade sign in lieu of a wall sign with a sign area not to exceed 50% of the allowable wall sign area.
10. Subsection 2.6.12 (D)(1) Add "no digital copy is allowed" for clarification.
11. Subsection 2.6.12 (E)(6) Change buildings of 3 stories to 2 stories are permitted a wall sign at top of the free-standing commercial building.
12. Subsection 2.6.12 (F) Signs permitted within the Downtown Overlay and MU zoned properties. Delete subsection (2) regarding rear wall signs.
13. Subsection 2.6.12 (G) Add maximum height of a monument sign not to exceed 6' and remove last sentence, which states the regulation does not apply if only changing sign face.

14. Subsection 2.10.9 North Point Overlay, Signs. Delete subsection (C) regarding rear wall signs.

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 within 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 rights-of-way, drive entrances, buildings and the location of existing free-standing signs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. **Rear Entrance Sign.** One (1) rear entrance sign is allowed for each tenant space within the strip shopping center. Rear entrance signs shall be located on 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.
 - a. **Applicability.** Businesses located within the first two floors of a building that backs onto a parking lot, alley, park or other public space may have an additional wall sign.
 - b. **Location.** Rear entrance signs shall be located near the tenant space's rear door facing the parking lot, alley, park or other public space and placed within general proximity of the associated business.
 - c. **Size.** The area of rear entrance signs shall not exceed 50% of the front facing sign area allowed for the same tenant.
4. **Window Signs.** Window signs, as defined in this Ordinance, are permitted for each tenant space in a shopping center. The aggregate copy area of such signs, however, shall not exceed a maximum of twenty percent (20%) of the total window area of the subject tenant space. One (1) illuminated window sign is permitted for each tenant space provided that such sign does exceed a maximum of four (4) sq. ft. in area. Illuminated window signs shall be included in the maximum aggregate window sign area calculation. Any illuminated window sign shall be constant in its light emission, shall not be animated, and shall not be so large or of character to obscure vision into the premises from the outside. Window signs shall not require a permit from the Director. However, each tenant shall immediately remove any window sign upon receipt of written notification from the Director stating that such window sign obscures the vision of police or other security or safety personnel into the premises in a manner that endangers public safety.
5. **Under-Canopy Sign.** One (1) under-canopy sign is permitted for each tenant space within a strip shopping center, which shall not exceed 8 sq. ft. in area.
6. **Sign During Construction.** One (1) temporary free-standing sign per strip shopping center project shall be permitted during the construction of the strip shopping center or the principal building of any outparcel. Such sign shall be allowed upon the commencement of construction for which a land disturbance permit has been issued, and terminating upon the issuance of a certificate of occupancy, installation of a permanent sign, or expiration/termination of the land development permit, whichever is first to occur. The sign shall not exceed ten (10) ft. in height, thirty-two (32) sq. ft. in area, and must be set back ten (10) ft. from the public right-of-way (five (5) ft. in the Central Business District). Further, the location of the sign be confined to the site of construction, and only one (1) such sign may be permitted per project.
7. **Standard Informational Signs.** Standard informational signs, as defined in this Section, shall be permitted for each lot. Standard informational signs do not require a permit from the Director.

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

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

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

Size of Center (enclosed leasable space)	Total Number of Signs

50,000 sq. ft. to 150,000 sq. ft.	2
Over 150,000 sq. ft. to 200,000 sq. ft.	3
Over 200,000 sq. ft.	4

- b. The monument sign may have up to four (4) tenant panels, which shall be calculated as part of the copy area.
- c. No such sign shall be located within twenty (20) ft. of the public right-of-way of the street which affords the principal means of access to the shopping center. The sight distance of each sign shall conform to City standards, and evidence of conformity shall be provided to the Director.
- d. The maximum height of any such sign shall be 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 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.

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

3. *Under-Canopy Signs.*

- a. One (1) under-canopy sign is permitted for each tenant space within a shopping center.
- b. Under-canopy signs shall extend perpendicular to the wall of the tenant space, shall not exceed 8 sq. ft. in area, and shall be attached at a uniform height sufficient to assure the safety of pedestrians. Under-canopy signs shall match the wall or canopy signage for the subject tenant space unless otherwise approved by the Director.

4. *Rear Entrance Sign.*

- a. ~~Applicability. Businesses located within the first two floors of a building that backs onto a parking lot, alley, park or other public space may have an additional wall sign. 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. ~~Location.~~ Rear entrance signs shall be located ~~on~~ near the tenant space's rear door facing the parking lot, alley, park or other public space and placed within general proximity of the associated business.
- c. ~~Size.~~ The area of rear entrance signs shall not exceed ~~8 sq. ft.; however, the sign may not be less than 18 in. wide and 12 in. high.~~ 50% of the front facing sign area allowed for the same tenant.

5. *Signs During Construction.*

- a. One (1) temporary free-standing sign per shopping center project shall be permitted during the construction of the shopping center or the principal building of any outparcel. Such sign shall be allowed upon the commencement of construction for which a land disturbance permit has been issued, and terminating upon the issuance of a certificate of occupancy, the installation of a permanent sign, or the expiration/termination of the land development permit, whichever is first to occur.
- b. The size of the sign shall not exceed thirty-two square feet (32 sq. ft.) in area and the height of such sign shall not exceed ten feet (10 ft.). Further, the location of the sign shall be confined to the site of construction, and only one (1) such sign may be permitted per project.

7. *Window Signs.*

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

stating that such window sign obscures the vision of police or other security or safety personnel into the premises in such a manner that endangers public safety.

8. *Reserved.*

9. *Signs Permitted for Cinema Complexes.*

- 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. **In lieu of a wall sign, up to 50% of the wall sign area allowance may be used for a blade sign.**
 3. **Door or Wall Sign.** One (1) sign of up to three square feet (3 sq. ft.) is permitted for each tenant space within a building. Such signs shall be located on the door of the suite, or on a wall immediately adjacent to the door of the suite for business establishments located in a building without a common front entry.
 4. **Directory Signs.** Directory signs are permitted in industrial or office parks. Each exterior directory sign shall be a monument sign. Height of a directory sign shall not exceed ten feet (10 ft.).
 5. **Reserved.**
 6. **Rear, Secondary or Delivery Entrance Signs.** Rear, secondary or delivery entrance signs are permitted at appropriate locations within an industrial or office park. All such signs shall be free-standing and shall not exceed eight square feet (8 sq. ft.) in size and ten feet (10 ft.) in height.
 7. **Signs During Construction.** One (1) temporary free-standing sign for each subdivided tract within an industrial or office park is permitted during construction. Such sign shall be allowed upon the commencement of construction for which a land disturbance permit has been issued, and terminating upon the issuance of a certificate of occupancy, the installation of a permanent sign, or the expiration/termination of the land development permit, whichever is first to occur.

The size of such sign shall not exceed thirty-two square feet (32 sq. ft.) and the maximum height of such sign shall be ten feet (10 ft.). Further, the location of the sign shall be confined to the site of construction.
 8. **Standard Informational Signs.** Standard informational signs, as defined in this Section, shall be permitted for each lot. Standard informational signs do not require a permit from the Director.
- D. **Signs Permitted for Convenience Centers with Gasoline Pumps.**
1. One monument sign per road frontage not to exceed ten feet (10 ft.) in height and thirty-two square feet (32 sq. ft.) in area. The monument sign may include changeable copy board, not to exceed four (4) square feet in area, which shall be calculated as part of the copy area **no digital copy is allowed.**
 2. Wall signage for convenience store and accessory buildings shall not exceed an aggregate area of eighty square feet (80 sq. ft.).
 3. One canopy sign per road frontage not to exceed twenty square feet (20 sq. ft.) per sign.
 4. Signs on pumps shall not exceed three square feet (3 sq. ft.) per pump.
 5. Window signs, as defined in this Ordinance, are permitted. The aggregate copy area of such signs, however, shall not exceed a maximum of twenty percent (20%) of the total window area

of the subject building or tenant space. One (1) illuminated window sign is permitted for each tenant space provided that such sign does not exceed four (4) sq. ft. in area.

6. Standard Informational Signs. Standard informational signs, as defined in this Section, shall be permitted for each lot. Standard informational signs do not require a permit from the Director.
- E. *Signs Permitted for Free-Standing Commercial Establishments not Located within a Shopping Center, Office Park or Industrial Park.*
1. One (1) monument sign per road frontage no greater than ten feet (10 ft.) in height with no more than thirty-two square feet (32 sq. ft.) of area. Each sign shall be set back not less than ten feet (10 ft.) from the public right-of-way, except in the Central Business District where the setback shall be not less than five feet (5 ft.) from the public right-of-way.
 2. One (1) wall sign per road frontage for each tenant space no greater than one square foot (1 sq. ft.) of area per one linear foot (1 ln. ft.) of tenant frontage; provided, however, no more than 2 wall signs shall be allowed for a tenant space.
 3. One (1) rear door sign not to exceed three square feet (3 sq. ft.) in area.
 4. Window signs not exceeding twenty percent (20%) of the glass area.
 5. One (1) sign no greater than three square feet (3 sq. ft.) located on the front door or on a wall immediately adjacent to the front door.
 6. Buildings of ~~three~~ two (32) 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.)~~ 20 sq. ft. per story (of building) in area.
 7. One (1) temporary free-standing sign shall be permitted during the construction of the principal building for the lot. Such sign shall be allowed upon the commencement of construction for which a land disturbance or building permit has been issued, and terminating upon the issuance of a certificate of occupancy, the installation of a permanent sign, or the expiration/termination of the land development or building permit, whichever is first to occur. The sign shall not exceed ten feet (10 ft.) in height, thirty-two square feet (32 sq. ft.) in area, and must be set back ten feet (10 ft.) from the public right-of-way (five feet (5 ft.) in the Central Business District).
 8. Standard Informational Signs. Standard informational signs, as defined in this Section, shall be permitted for each lot. Standard informational signs do not require a permit from the Director.
- F. *Signs permitted within the Downtown Overlay and MU zoned properties.* In addition to the signs authorized under a designated category, each business in the Downtown Overlay and within MU zoned properties may utilize the following additional signage:
1. Each located on the ground floor of a building shall be permitted one (1) perpendicular sign which shall not exceed eight (8) square feet in size and shall be placed at least eight (8) feet, but no more than twelve (12) feet above sidewalk. In order to foster originality, the shape of the sign may not incorporate more than one set of parallel edges and words may only comprise up to 50% of the sign face area. The remaining sign face area must incorporate some form of graphic design. In addition, signs must be mounted on decorative black brackets.
 2. ~~Businesses located within the first two floors of a building that backs onto a parking lot, alley, park or other public space may have an additional wall sign up to twenty-four (24) square feet in size. This additional wall sign shall be located on the back of the building facing the parking lot, alley, park or other public space and placed within general proximity of the associated business.~~
- G. 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.

SECTION 2.10 - NORTH POINT OVERLAY

2.10.9. Signs.

A. Materials. Signage must be finished in the same exterior materials as the principal structure.

B. Monument Sign.

1. A minimum 2 feet wide planting area must be provided around the base of all monument signs.
2. Shrubs, groundcover, or mulch must be installed in the tree area identified in "1" immediately above.

C. Additional Walls Signs. One additional wall sign is permitted in excess of the sign allowances of UDC Sec. 2.6 – Signs. If an additional wall sign is installed, it is subject to the following:

1. The sign may be up to 24 square feet in size.

~~2. The sign must be located on the back or side of the building facing a parking lot, alley, or open space.~~

([Ord. No. 767](#) , § 5(Exh. B), 10-22-2018)





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UDC Changes to Sign Ordinance

9.11.19

[illegible]

UDC Changes to Sign Ordinance

CZIM

11.13.19

NAME	ADDRESS	Comments
	NO	
	Comments	



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: PH-19-28 UNIFIED DEVELOPMENT CODE AND CODE OF ORDINANCES TEXT AMENDMENTS – MASSAGE AND SPA ESTABLISHMENTS

PLANNING COMMISSION: MARCH 5, 2020

CITY COUNCIL: MARCH 16, 2020 CITY COUNCIL (2ND READING) – MARCH 23, 2020

II. RECOMMENDATION:

Approve amendments to the Unified Development Code and Code of Ordinances as it relates to Massage and Spa Establishments.

III. REPORT IN BRIEF:

Consideration of text amendments to Unified Development Code (UDC), Section 1.4 Definitions. Proposed amendments include:

1. Amend the definitions of 'Massage Therapy' and 'Spa Services' to match the definitions in the City's Code of Ordinances and including distance requirements from the Code of Ordinances Subsection related to Massage and Spa Establishments.

Consideration of text amendments to the Code of Ordinances, Article IX Massage and Spa Establishments. Proposed amendments include:

2. Amend the definitions of 'Massage or Massage Therapy' and 'Spa Establishment' to match the definitions in the Unified Development Code (UDC) and including distance requirements from the Code of Ordinances Subsection related to Massage and Spa Establishments.
3. Replace the City's Public Safety Department with the City's Community Development Department as the administrator of the ordinance.
4. Delete last 2 sentences of subsection 10-279 (a) which limits massage and spa establishment licenses to no more than 20 such licenses.

IV. ATTACHMENTS:

- UDC and Code of Ordinances Strike Through and Underline Edits



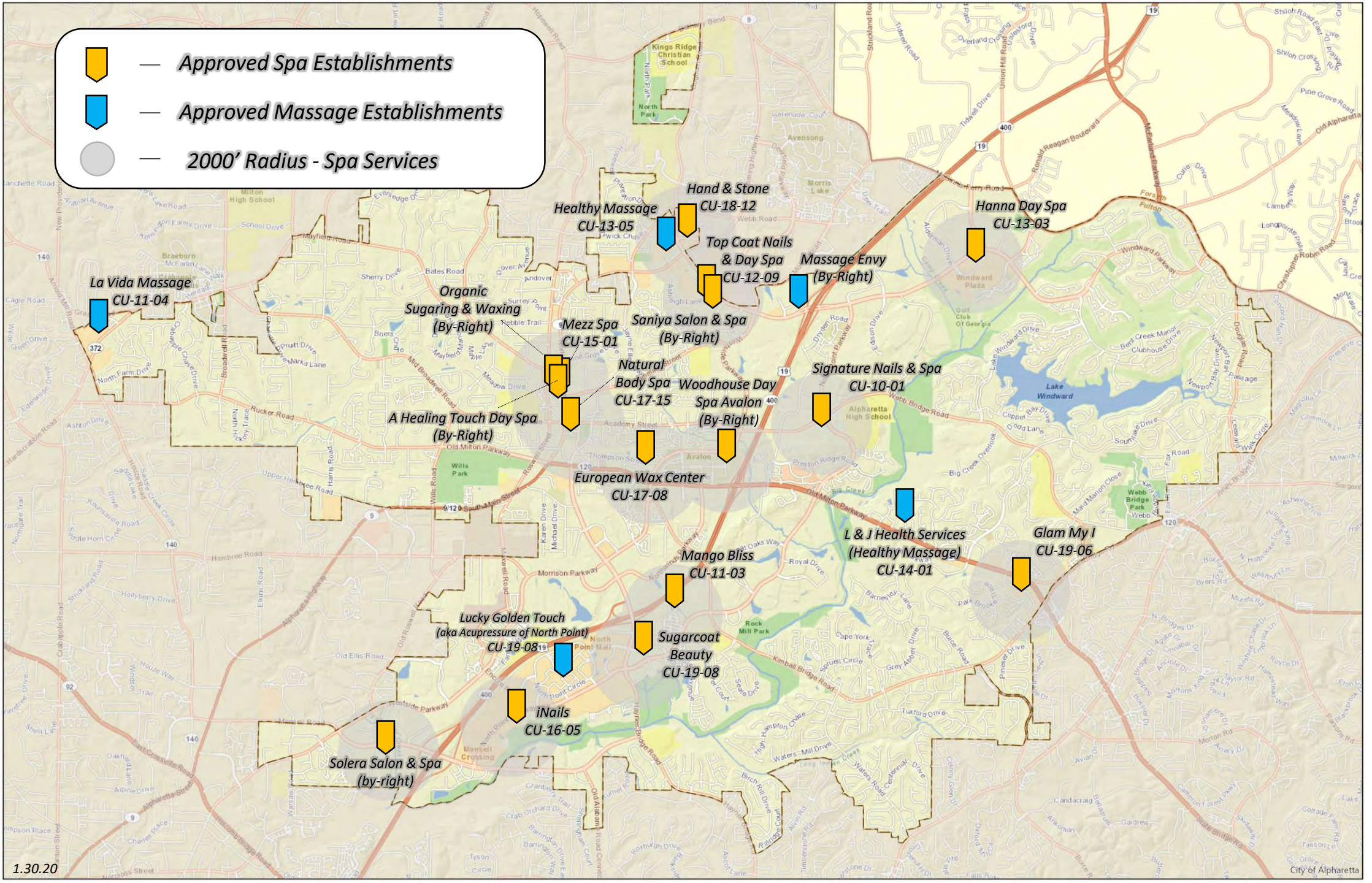
— *Approved Spa Establishments*



— *Approved Massage Establishments*



— *2000' Radius - Spa Services*



ARTICLE IX. - MESSAGE AND SPA ESTABLISHMENTS⁵

Footnotes:

--- (5) ---

State Law reference— Massage therapy practice, O.C.G.A. § 43-24A-22 et seq.

Sec. 10-275. - Purpose and legislative findings.

The Georgia General Assembly has declared that the practice of massage therapy is an activity affecting the public interest and involving the health, safety, and welfare of the public, and that the practice of massage therapy by a person who is not licensed under the Georgia Massage Therapy Practice Act (O.C.G.A. § 43-24A-1 et seq.) is a public nuisance, and harmful to the public health, safety, and welfare. The city council agrees with those findings. Furthermore, the city council finds that, for many massage establishments, the business in fact is sexual conduct or the intimation of sexual conduct, rather than lawful massage therapy. Such establishments offer massage services as a subterfuge for prostitution, masturbation for hire, and other paid sexual contact, which are harmful to the public health, safety, and welfare. There is difficulty and expense in conclusively distinguishing between such establishments and legitimate massage establishments, but one rational distinction is whether the establishment has a relationship with a corporate or franchising hierarchy, which would tend to safeguard against unlawful sexual activities on the massage establishment premises. It is a purpose of this article to impose licensing requirements to help prevent illegal massage, prostitution, and related sex crimes, yet without hindering legitimate massage establishments operating under a business structure with external oversight that serves that purpose. Pursuant to O.C.G.A. § 43-24A-22 (allowing local regulation of massage businesses and of persons not licensed by the state), it is the purpose of this article to regulate the operation of massage establishments and spa establishments, and to regulate employees of such establishments who are not licensed as massage therapists by the state, as an exercise of the city's police power in order to protect the health, safety and general welfare of the citizens of the city.

(Ord. No. 723, § 12-161, 4-4-2016)

Sec. 10-276. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means any person, firm, corporation, or other legal entity applying for a license to operate a massage establishment or spa establishment, as defined herein, or a person applying for a work permit, as provided for herein.

Employee means any person who performs any service on the premises of a massage establishment or spa establishment, on a full-time, part-time, or contract basis, regardless of whether the person is denominated an employee, independent contractor, agent, apprentice, trainee, or otherwise. The term "employee" does not include a person who is licensed or provisionally permitted pursuant to the Georgia Massage Therapy Practice Act (O.C.G.A. § 43-24A-1 et seq.), or a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

Hearing officer means the city administrator, or his designee, appointed to conduct hearings under this article.

Massage or massage therapy means the manipulation and/or treatment of soft tissues of the body, including, but not limited to, the use of effleurage, petrissage, pressure, friction, tapotement, kneading, vibration, range of motion stretches, a system of structured touch, pressure, movement, and holding to

the soft tissue of the body, and any other soft tissue manipulation whether manual or by use of massage apparatus, and may include the use of water, oils, lotions, creams, lubricants, salt glows or scrubs, hydrotherapy, heliotherapy, hot packs, cold packs or other topical preparations. The term "massage" or "massage therapy" shall not include diagnosis, the prescribing of drugs or medicines, spinal or other joint manipulations, or any service or procedure when performed by a person who is licensed by the state to practice chiropractic, physical therapy, podiatry or medicine. Further, the term "massage" or "massage therapy" shall not include the following when lawfully performed by a natural person licensed or certified by the state board of cosmetology while engaged in the practice authorized by such state license (or certificate of registration) in accordance with, and as further regulated by, the state licensing laws set forth in O.C.G.A. § 43-10-1 et seq.:

- (1) Touching of the scalp or face by a state-licensed barber or cosmetologist;
- (2) Touching of the hands or feet by a state-licensed nail technician or cosmetologist; and
- (3) Touching of the face, neck, décolletage, or arms by a state-licensed esthetician or cosmetologist.

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

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

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

Massage apparatus means any manual, mechanical, hydraulic, hydrokinetic, electric or electronic device or instrument or any device or instrument operated by manual, mechanical, hydraulic, hydrokinetic or electric power for the purpose of administering a massage.

Massage establishment means a commercial establishment where any person offers or engages in massage or massage therapy. The term "massage establishment" shall not include hospitals or other professional health care establishments separately licensed as such by the state.

Premises means the real property, or portion thereof, upon which the massage establishment or spa establishment is located, including, but not limited to, the establishment and the grounds, private walkways, and parking lots and/or parking garages under the ownership or control of the establishment.

Spa establishment means a business that provides services requiring a customer to disrobe, which may include non-medical massage, other personal services such as skin, nail, hair treatments, hair removal/waxing, and may have the sale of associated retail products. Such business shall be located within a zoning category allowing retail use, shall not occupy more than 4,000 sq. ft. and shall not be closer than 2,000 ft. to a comparable business. ~~commercial establishment that offers or engages in personal services that call for the patron to disrobe, such as body wraps, hydro-mineral wraps, body polishes, body washes, baths and hydro-tub soaks.~~ The term "spa establishment" shall not include hospitals or other professional health care establishments separately licensed as such by the state.

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

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

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

Specified criminal activity means any of the following specified crimes:

- (1) Illegal gambling;
- (2) Prostitution, keeping a place of prostitution, pimping, pandering, pandering by compulsion, masturbation for hire, sodomy, aggravated sodomy, rape, child molestation, sexual assault, sexual battery, aggravated sexual assault, aggravated sexual battery, or public indecency;
- (3) Obscenity, disseminating or displaying matter harmful to a minor, or use of a child in a sexual performance;
- (4) Any offense related to any massage establishment or spa establishment or which is related to the regulatory purposes of this article, including controlled substance offenses, tax violations, racketeering, crimes involving sex, crimes involving prostitution, or crimes involving obscenity;
- (5) Any attempt, solicitation, or conspiracy to commit one of the foregoing offenses; or
- (6) Any offense in another jurisdiction that, had the predicate act been committed in Georgia, would have constituted any of the foregoing offenses.

(Ord. No. 723, § 12-162, 4-4-2016)

Sec. 10-277. - Penalties.

Any person violating any of the provisions of this article shall be punished as provided in section 1-8. Nothing in this section and no action taken hereunder shall be held to exclude such other civil, criminal, or administrative proceedings as may be authorized by other provisions of this Code or any of the laws in force in the city, or to exempt anyone violating this Code or any part of said laws from any penalty which may be incurred.

(Ord. No. 723, § 12-163, 4-4-2016)

Sec. 10-278. - Scope of regulations.

- (a) All licenses and work permits issued under this article shall constitute a mere privilege to operate or work at the establishment specified in the license or work permit during the term of the license or work permit only, and shall be subject to all terms and conditions imposed by the city, the county and the state.
- (b) This article shall not be enforced against:
 - (1) Any natural person who is a physician, chiropractor, physical therapist, or similar professional licensed and regulated by or through the state while engaged in the practice of the profession for which the person is licensed by the state;
 - (2) Any hospital or other professional health care establishment, including a physician's, physical therapist's, or chiropractor's office, separately licensed as such by the state;
 - (3) Any natural person who is a massage therapist licensed by the state under the Georgia Massage Therapy Practice Act (O.C.G.A. § 43-24A-1 et seq.) while engaged in the practice of massage therapy as authorized and regulated under said Act; notwithstanding the foregoing exception, the provisions of this article regulating massage establishments and spa

establishments and the operation of such establishments shall be enforced against any such person to the extent such person owns, operates or manages a massage establishment or spa establishment or supervises the employees thereof, unless otherwise expressly excepted herein; or

- (4) Any other individual or entity expressly exempted from local legislation by the laws of the state.
- (c) Licenses and work permits issued before the adoption of the ordinance from which this article is derived shall continue in effect for their original terms, subject to the regulations provided herein, including the revocation provisions in section 10-284, as amended.
- (d) All massage establishments, spa establishments, and their employees shall comply with this article upon its adoption, including those that hold a license or a work permit issued before the adoption of the ordinance from which this article is derived.
- (e) The director of ~~public safety~~ Community Development may exempt a massage establishment or a spa establishment and its employees from the licensing requirements of sections 10-279 through 10-281 for a specified calendar year. An exemption under this subsection expires on December 31 of the year for which it was granted. Upon the expiration of an exemption, the establishment and its employees are subject to all requirements of sections 10-279 through 10-281. Any request for an exemption shall be submitted in writing to the director of ~~public safety~~ Community Development and is automatically rejected unless the director of ~~public safety~~ Community Development grants the exemption. An exemption, if granted by the director of ~~public safety~~ Community Development, shall be in writing and shall be based upon evaluation of the request according to the following standards:
 - (1) Whether the establishment is part of a chain that operates in multiple locations under common ownership, franchise agreements, or a similar arrangement that involves centralized control or corporate supervision;
 - (2) Whether persons who provide services to customers at the establishment hold state licenses;
 - (3) The establishment's, its owners', and its managers' histories relative to compliance with massage establishment or spa establishment licensing requirements;
 - (4) Whether the location used by the establishment has been free from association with unlawful activity for the last 12 months; and
 - (5) Whether the establishment is managed and operated by a person who has been continually licensed pursuant to the Georgia Massage Therapy Practice Act for at least seven years.

(Ord. No. 723, § 12-164, 4-4-2016)

Sec. 10-279. - Massage/spa establishment license required; application.

- (a) *Massage/spa establishment license required.* It shall be unlawful for any person or legal entity to operate a massage establishment or a spa establishment in the city without a valid massage/spa establishment license. This license requirement is in addition to obtaining an occupation tax certificate pursuant to article III of chapter 42 pertaining to taxation. ~~No more than 20 massage/spa establishment licenses may be in effect at a time. The city shall not issue a massage/spa establishment license that would result in more than 20 such establishments being licensed to operate simultaneously.~~
- (b) *Application.* An applicant for a massage/spa establishment license shall file in person at the city department of ~~public safety records division~~ Community Development a completed application made on a form provided by the city. The application must be executed by the person primarily responsible for the operation of the establishment. If the applicant is a partnership, limited liability company, corporation, or other legal entity, the application must also be executed by an officer, member, partner or shareholder, as applicable. Signatures on the application shall be notarized. An application shall be considered complete when it contains the information and/or items required in this subsection, accompanied by the annual regulatory fee:

- (1) The applicant's full legal name and any other names used by the applicant in the preceding five years.
- (2) A signed and sworn affidavit verifying the applicant's lawful presence in the United States as required by O.C.G.A. § 50-36-1. If the applicant is a partnership, limited liability company, corporation, or other legal entity, a signed and sworn affidavit verifying the lawful presence of each person who executes the application on behalf of the applicant.
- (3) A signed and sworn affidavit attesting that the applicant either uses the federal work authorization program in accordance with federal regulations or that the applicant employs fewer than 11 people or otherwise does not fall within the requirements of O.C.G.A. § 36-60-6.
- (4) Current business address and residential mailing address for the applicant.
- (5) The business name, location, legal description, mailing address and telephone number of the establishment.
- (6) If the applicant is a sole proprietor, written proof of age, in the form of a driver's license or a picture identification document containing the applicant's date of birth issued by an agency of a state or of the federal government.
- (7) If the applicant is not a sole proprietor, then the partnership, limited liability company, corporation, or other legal entity shall submit a complete list of the legal entity's:
 - a. Officers;
 - b. Directors;
 - c. Partners, members, or shareholders (natural persons) holding a ten percent or greater ownership interest in such legal entity, or if there is no shareholder (natural person) with at least a ten percent interest, the ten shareholders with the greatest ownership interest;
 - d. Employee or agent primarily responsible for operation of the massage or spa establishment; and
 - e. Written proof of age, in the form of a driver's license or a picture identification document containing the applicant's date of birth issued by an agency of a state or of the federal government for each person listed in subsections (b)(7)a through d of this section.
- (8) A statement of whether the applicant or any person listed in response to subsection (b)(7) of this section has been an owner, director, officer, partner, member, or shareholder of a massage establishment or spa establishment that has, in the previous five years (and at a time during which the person was so related to the establishment):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Had its license to operate a massage establishment or a spa establishment revoked.
- (9) A statement of whether the applicant or any person listed in response to subsection (b)(7) of this section has within the previous five years been arrested for, convicted of, or pleaded guilty or entered a plea of nolo contendere to a specified criminal activity as defined in this article, and if so, each specified criminal activity involved, including the date, place, and jurisdiction of each such arrest and/or conviction.
- (10) A statement of whether the applicant or a person listed in response to subsection (b)(7) of this section has in the previous 12 months resided with someone who has been an owner, director, officer, partner, member, or shareholder of a massage establishment or spa establishment that has, in the previous five years (and at a time during which the person was so related to the establishment):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Had its license to operate a massage establishment or a spa establishment revoked.

- (11) If the applicant is a partnership, limited liability company, corporation or other legal entity required to be chartered under the laws of the state or authorized by the secretary of state to do business in the state, such corporation must be chartered under the laws of the state or authorized by the secretary of state to do business in the state and must submit copies of the certificate of organization or incorporation, as applicable, and articles of organization or incorporation, as applicable.
- (12) A sworn and notarized statement of a registered agent who is a resident of the county and who is at least 18 years of age, required to be designated by a licensee to receive any process, notice or demand required or permitted by law or under this article to be served upon the applicant.
- (13) A statement as to whether the applicant is the owner of the premises wherein the establishment will be operated or the holder of a lease thereon for the period to be covered by the license. If the applicant is a lease holder, the following shall be submitted with the license application:
 - a. A copy of the lease; and
 - b. The written consent of the owner of the real property upon which the premises are located which demonstrates knowledge and acceptance of the applicant's proposed operation of a massage establishment or spa establishment on the subject property, grants permission to the applicant to submit the subject application, and acknowledges and represents that such real property owner has read and fully understands the requirements of this article, including, but not limited to, the provisions set forth in section 10-288.
- (14) A copy of a \$25,000.00 surety bond, issued by a company approved to issue surety bonds by the state insurance commissioner, payable to the city upon the entry of an injunction by the county superior court against operation of the applicant's massage establishment or spa establishment due to unlawful operation of same while the applicant held a massage/spa establishment license under this article.
- (15) For every person on the premises who offers, or will offer, services for which a license under O.C.G.A. § 43-24A-1 et seq. is required, a copy of the state license for each such person as well as a color photograph, no smaller than two inches by two inches, showing the face, neck, and shoulders of each such person; or, if there are none, a statement certifying that the application is for the operation of a spa establishment only and that neither the establishment nor any person on the premises offers, or will offer, massage.

The information provided pursuant to subsection (b) of this section shall be supplemented in writing by certified mail, return receipt requested, to the city department of ~~public safety records division~~ Community Development within ten working days of a change of circumstances which would render the information originally submitted false or incomplete.

- (c) *Confidentiality.* The information provided by an applicant in connection with an application for a license under this article shall be maintained by the city department of ~~public safety records division~~ Community Development on a confidential basis, and such information may be disclosed to the public only as required under governing law. Any information protected by the right to privacy as recognized by state or federal law shall be redacted prior to any required disclosure under the Georgia Open Records Act or other applicable law.
- (d) *Issuance of license.* Upon the filing of a completed massage/spa establishment license application, the city shall cause to be conducted a criminal background investigation of the applicant and shall transmit a summary of the investigation results to the director of ~~public safety~~ Community Development or ~~his~~ her designee. Within 60 days of the filing of the application, the director of ~~public safety~~ Community Development, or ~~his~~ her designee, shall either issue a license to the applicant or issue a written notice of intent to deny the license to the applicant. The director of ~~public safety~~ Community Development, or ~~his~~ her designee, shall issue the license unless:

- (1) The applicant or a person listed in response to subsection (b)(7) of this section is less than 21 years of age.
 - (2) The applicant has failed to provide information required by this article for issuance of a license or has falsely answered a question or request for information on the application form.
 - (3) The applicant is neither the owner of the premises wherein the establishment will be operated, nor the holder of a lease thereon for the period to be covered by the license.
 - (4) The annual regulatory fee required by this article has not been paid.
 - (5) The establishment is not in compliance with the location requirements of this article or of any part of the Code. This provision shall not be grounds to deny a license to a massage establishment or spa establishment that was, in all respects, lawfully operating at the premises prior to the adoption of the location requirements of the ordinance from which this article is derived and that has continued to lawfully operate at the premises.
 - (6) The city has revoked a massage/spa establishment license at the premises within the previous 12 months.
 - (7) The applicant or a person listed in response to subsection (b)(7) of this section has been an owner, director, officer, partner, member, or shareholder of a massage establishment or spa establishment that has, in the previous five years (and at a time during which the person was so related to the establishment):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Had its license to operate a massage establishment or a spa establishment revoked.
 - (8) The applicant or a person listed in response to subsection (b)(7) of this section has within the previous five years been convicted of, or pleaded guilty or entered a plea of nolo contendere to, a specified criminal activity, as defined in this article.
 - (9) The establishment does not comply with all applicable building, health, and life safety codes, or the building to be occupied does not have a valid, current certificate of occupancy.
 - (10) The applicant or a person listed in response to subsection (b)(7) of this section has in the previous 12 months resided with someone who has been an owner, director, officer, partner, member, or shareholder of a massage establishment or spa establishment that has, in the previous five years (and at a time during which the person was so related to the establishment):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Had its license to operate a massage establishment or a spa establishment revoked.
 - ~~(11) The license, if issued, would result in more than 20 massage/spa establishment licenses being in effect at the time.~~
 - (12) The applicant is a partnership, limited liability company, corporation or other legal entity that is required to be chartered under the laws of the state or authorized by the secretary of state to do business in the state, but is not so chartered or authorized.
- (e) *License display.* A license, if issued, shall be issued in the name of the applicant. The license shall be posted in a conspicuous place at or near the entrance to the establishment so that it may be read at any time that the establishment is occupied by patrons or is open to the public.
- (f) *Employee permit display.* Massage establishments and spa establishments shall post each employee's work permit issued by the city in a conspicuous place at or near the entrance to the establishment so that it may be read at any time that the establishment is occupied by patrons or is open to the public.

(Ord. No. 723, § 12-165, 4-4-2016)

Sec. 10-280. - Regulatory fee; expiration.

- (a) There shall be an annual regulatory fee, consisting of a non-refundable investigative fee and a license fee, for each massage and spa establishment licensed within the city. The investigative and license fees shall be set by the director of ~~public safety~~ Community Development. The full regulatory fee shall be paid with the license application and shall not be prorated under any circumstances. If the applicant withdraws the application or the license is denied, the applicant shall be refunded the full license fee paid. No refund shall be allowed once the license has been issued.
- (b) All licenses granted hereunder shall be for the calendar year and expire on December 31 of each year. Each subsequent application shall be treated as an initial application and the applicant shall be required to comply with all rules and regulations for the granting of licenses as if no previous license had been held. Existing licensees shall file applications by November 1 of each year for the following license year. Applications received after November 1 shall be subject to a ten percent late fee.
- (c) No license issued pursuant to this article shall be transferable. Upon change of ownership, even if only in part, a new application will be completed and submitted along with all necessary fees.

(Ord. No. 723, § 12-166, 4-4-2016)

Sec. 10-281. - Employee work permits required.

- (a) Massage/spa establishment work permit required. It shall be unlawful for any person to be an employee, as defined in this article, of a massage establishment or spa establishment in the city without a valid massage/spa establishment work permit issued under the terms of this article, except that a person who holds a valid massage/spa establishment license or who is listed in response to section 10-279(b)(7) (a) through (c) in relation to a valid massage/spa establishment license shall not be required to also obtain a massage/spa establishment work permit to be an employee at that particular licensed establishment. A person who works at more than one establishment shall obtain a separate work permit for each establishment. No applicant for a massage/spa establishment work permit shall work at a massage establishment or a spa establishment in the city until the applicant receives, and the establishment posts, the employee's work permit as required by this article. A receipt issued by the city is not a valid massage/spa establishment work permit and does not authorize the person to work in a massage establishment or spa establishment.
- (b) Application. An applicant for a massage/spa establishment work permit shall file in person at the city department of public safety, records division, a completed application made on a form provided by the city. The application must be signed and notarized. Applicants shall make themselves available for photographing. An application shall be considered complete when it contains the information and/or items required in this subsection (b), accompanied by the work permit fee:
 - (1) The applicant's full legal name and any other names used by the applicant in the preceding five years.
 - (2) Current business address or another mailing address for the applicant.
 - (3) Written proof of age, in the form of a driver's license or a picture identification document containing the applicant's date of birth issued by an agency of a state or of the federal government.
 - (4) A signed and sworn affidavit verifying the applicant's lawful presence in the United States as required by O.C.G.A. § 50-36-1.
 - (5) The name and address of the massage establishment or spa establishment for which the applicant seeks to obtain the work permit.
 - (6) A statement of whether the applicant has been an owner, director, officer, partner, member, or shareholder of a massage establishment or spa establishment that has, in the previous five years (and at a time during which the person was so related to the establishment):

- a. Been declared by a court of law to be a nuisance; or
 - b. Had its license to operate a massage establishment or a spa establishment revoked.
- (7) A statement of whether the applicant has within the previous five years been arrested for, convicted of, or pleaded guilty or entered a plea of nolo contendere to a specified criminal activity as defined in this article, and if so, each specified criminal activity involved, including the date, place, and jurisdiction of each such arrest and/or conviction.
- (8) A copy of the applicant's state massage therapy license and proof of continuing education credit.

The information provided pursuant to subsection (b) of this section shall be supplemented in writing by certified mail, return receipt requested, to the city department of public safety, records division, within ten (10) working days of a change of circumstances which would render the information originally submitted false or incomplete.

- (c) The information provided by an applicant in connection with an application for a work permit under this article shall be maintained by the city department of public safety, records division, on a confidential basis, and such information may be disclosed to the public only as required under governing law. Any information protected by the right to privacy as recognized by state or federal law shall be redacted prior to any required disclosure under the Georgia Open Records Act or other applicable law.
- (d) Issuance of work permit. Upon the filing of a completed massage/spa establishment work permit application, the city shall cause to be conducted a criminal background investigation of the applicant and shall transmit a summary of the investigation results to the director of public safety or his designee. Within 30 days of the filing of a completed massage/spa establishment work permit application, the director of public safety or his designee shall either issue a work permit to the applicant or issue a written notice of intent to deny the work permit to the applicant. The director of public safety, or his designee, shall issue the work permit unless:
- (1) The applicant is less than 18 years of age.
 - (2) The applicant has failed to provide information required by this article for issuance of a work permit or has falsely answered a question or request for information on the application form.
 - (3) The work permit fee required by this article has not been paid.
 - (4) The establishment for which the applicant seeks a work permit does not have a valid massage/spa establishment license from the city.
 - (5) The applicant has been an owner, director, officer, partner, member, or shareholder of a massage establishment or spa establishment that has, in the previous five years (and at a time during which the person was so related to the establishment):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Had its license to operate a massage establishment or a spa establishment revoked.
 - (6) The applicant has within the previous five years been convicted of, or pleaded guilty or entered a plea of nolo contendere to, a specified criminal activity, as defined in this article.
- (e) The work permit, if issued, will be valid for a period of one year from the date it is issued. The replacement and additional work permit shall be issued upon payment of one-half of the fee charged for a work permit and will expire the same date as the then-current work permit. A massage establishment or spa establishment employee shall provide the employee's work permit to the establishment for which it was issued to be posted on the premises pursuant to this article.
- (f) The director of public safety, or his designee shall issue a written notice of intent to revoke an employee's work permit, following notice and hearing pursuant to this article, and demand its return if the employee has violated the provisions of this article, any state law or applicable local ordinance.

- (g) It shall be unlawful for an employee whose work permit has been revoked to refuse to return the work permit to the city department of public safety, records division, or to alter, conceal, deface, or destroy the work permit.
- (h) The permit fee for a massage/spa establishment work permit shall be established by the director of public safety.

(Ord. No. 723, § 12-167, 4-4-2016)

Sec. 10-282. - General operating provisions.

- (a) Massage establishments and spa establishments shall keep on file, on the premises of the establishment, a list of all persons who perform any service on the premises of the establishment, their home addresses and home or mobile telephone numbers, their duties and services performed for the massage or spa establishment, whether such persons have massage/spa establishment work permits issued by the city, and whether such persons have licenses or provisional permits issued by the state pursuant to the Georgia Massage Therapy Practice Act. The holder of a massage/spa establishment license must also keep on file, on the premises of the establishment, a copy of the establishment's two most recent license applications. A list of all employees, and most recent copies of their state licenses (if so licensed) and certifications shall be provided to the city department of ~~public safety, records division,~~ Community Development no later than January 15 of each year.
- (b) Massage establishments and spa establishments shall maintain correct and accurate records of each instance that a service is provided, the type of service provided, and the name of the person at the establishment who provided the service. The records shall be subject to inspection by the city manager, the chief of police, and their designees during those times when the establishment is occupied by patrons or is open to the public.
- (c) No massage establishment or spa establishment shall allow any person required to have any state-mandated licenses, or a massage/spa establishment work permit pursuant to this article, to perform any service on the premises until such person has procured such license or work permit. Licensees and all managers and/or supervisors of any massage or spa establishment are required by this article to inspect and verify that each person who performs services on the premises who is required to have a valid state license or city work permit, has the required license or work permit on the establishment premises at all times, and failure to do so shall be a violation of this article.
- (d) Each massage establishment and spa establishment shall have an owner, manager or supervisor on the premises at all hours that the establishment is occupied by patrons or is open to the public. Further, each massage establishment shall have a state-licensed massage therapist on the premises at all hours that the establishment is occupied by patrons or is open to the public. No massage establishment shall hold itself out as being open for business at any time when there is no state-licensed massage therapist on the premises. In addition to the other penalties and remedies provided herein, if during an inspection there is no owner, manager, or supervisor, or, if applicable, state-licensed massage therapist on the premises, the establishment must cease operations and close until an owner, manager or supervisor or state-licensed massage therapist, as applicable, is on the premises.
- (e) Records required to be maintained under this article shall be kept for a minimum of two (2) years. Records shall be made available to the director of ~~public safety~~ Community Development or ~~his~~ her designee, during business hours, at the establishment's business location in the city.
- (f) All employees and other persons on the premises, with the exception of customers receiving a massage from a state-licensed massage therapist, shall be completely clothed. For the purposes of this article, the term "completely clothed" means having on the upper portion of the body appropriate undergarments and either a blouse or shirt which shall cover all the upper body, save the arms and neck, and shall mean having on the lower body appropriate undergarments plus either pants or a skirt, and said pants or skirt must cover from the waist down to a point at least two inches above the knee. All clothes worn in compliance with this article shall be entirely non-transparent.

- (g) No customer receiving a massage from a state-licensed massage therapist shall expose his genitals, pubic area, anus, buttocks, or the female breast to another person on the premises of a massage establishment or spa establishment. This prohibition does not apply to the showing of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel, provided the areola is not exposed in whole or in part.
- (h) No massage establishment or spa establishment shall be or remain open for business between the hours of 9:00 p.m. and 7:00 a.m. No person shall be or remain inside a massage establishment or spa establishment between the hours of 10:00 p.m. and 6:00 a.m. No massage establishment or spa establishment shall hold itself out as open at a time that the establishment is prohibited, under this subsection, from being open for business.
- (i) A readable sign shall be posted at the main entrance identifying the establishment. Signs shall comply with the sign requirements of this Code.
- (j) Minimum lighting shall be provided in accordance with the building code, as adopted by the city council, and at least one artificial light of not less than 40 watts (or equivalent illumination) shall be provided in each enclosed room or booth.
- (k) Ordinary beds or mattresses shall not be permitted in any massage establishment or spa establishment.
- (l) No massage establishment or spa establishment shall knowingly or recklessly allow any minor (i.e., a person under the age of 18 years) to be or remain inside the massage establishment or spa establishment unless the minor is accompanied by his parent, legal guardian, or a person who is at least 21 years of age and has been entrusted with the minor by the minor's parent or legal guardian.
- (m) No person shall knowingly or recklessly touch, manipulate, fondle, or handle in any manner the sexual organs, genital area, or anus of any other person on the premises of a massage establishment or spa establishment.
- (n) Massage establishments and spa establishments shall post and maintain a copy of the human trafficking notice available on the Georgia Bureau of Investigation internet website (as per O.C.G.A. § 16-5-47) in each public restroom for the establishment and in another conspicuous location in clear view of the public and employees where similar notices are customarily posted.
- (o) It shall be unlawful to operate a massage establishment or spa establishment with storefront windows that have material and glazing applied or affixed that reduce light transmission through the windows to less than 32 percent, plus or minus three percent, or increase light reflectance to more than 20 percent.
- (p) Massage establishments, spa establishments, and their employees shall ensure that storefront windows are not blocked by curtains, blinds, posters, advertisements, or any other screening material.

(Ord. No. 723, § 12-168, 4-4-2016)

Sec. 10-283. - Inspection.

Massage establishments, spa establishments, and their employees shall permit the city manager, director of ~~public safety~~ **Community Development**, and/or their designees or agents to inspect, from time to time on an occasional basis, any portion of the establishment premises where patrons are permitted, for the purpose of ensuring compliance with the regulations of this article, during those times when the establishment is occupied by any patron or is open to the public. This section shall be narrowly construed by the city to authorize reasonable inspections of the licensed premises pursuant to this article.

(Ord. No. 723, § 12-169, 4-4-2016)

Sec. 10-284. - Revocation of license or work permit.

- (a) Revocation for specific violations. The director of public safety and/or Community Development, or his/her designee shall issue a written notice of intent to revoke a massage/spa establishment license or a massage/spa establishment work permit, as applicable, if:
- (1) The licensee or work permit holder has failed to maintain the qualifications for holding a license or work permit;
 - (2) The licensee or work permit holder has recklessly given false information in the application for the license or the employee work permit or has failed to supplement the application information as required by section 10-279(b) or 10-281(b) after a change of circumstances that rendered the information originally submitted false or incomplete;
 - (3) The licensee or work permit holder has failed to maintain correct and accurate records as required by this article;
 - (4) The licensee or work permit holder has engaged in or recklessly allowed possession, use, or sale of controlled substances on the premises of the establishment;
 - (5) The licensee or work permit holder has engaged in or recklessly allowed prostitution on the premises of the establishment;
 - (6) The licensee or work permit holder has engaged in or recklessly allowed sodomy, aggravated sodomy, public indecency, prostitution, pimping, pandering, pandering by compulsion, masturbation for hire, or disorderly conduct to occur in or on the premises of the establishment;
 - (7) The licensee or work permit holder has knowingly or recklessly allowed a person under the age of 21 years to consume alcohol on the premises of the establishment;
 - (8) The licensee or work permit holder has violated section 10-282(c);
 - (9) The licensee or work permit holder has knowingly or recklessly allowed any minor (i.e., a person under the age of 18 years) to be or remain inside the massage establishment or spa establishment unless the minor is accompanied by his parent, legal guardian, or a person who is at least 21 years of age and has been entrusted with the minor by the minor's parent or legal guardian; or
 - (10) The licensee or work permit holder has recklessly allowed three or more violations of this article within a 12-month period.
- (b) When a notice of intent to revoke a license or employee work permit has been issued, the licensee, any person listed on the licensee's application, or the work permit holder, as the case may be, shall not apply for or be issued any new license or permit under chapter 4, chapter 28, or chapter 42, until such notice has been withdrawn or, if revocation has become effective, until two years after the effective date of revocation.
- (c) When any person listed on a massage/spa establishment license application, any employee of the establishment, or any person who performs massage at the establishment, is arrested for unlawful sexual conduct of any kind alleged to have occurred at the massage establishment or spa establishment, no person listed on the establishment's license application and no employee of the establishment may apply for or be issued any new license or permit for that location under chapter 4, chapter 28, or chapter 42, until the arrestee is cleared or until 90 days following the arrest have passed, whichever occurs sooner.

(Ord. No. 723, § 12-170, 4-4-2016)

Sec. 10-285. - Hearing; license denial, revocation; appeal.

- (a) When the director of public safety and/or Community Development, or his/her designee, issues a written notice of intent to deny or revoke a license or employee work permit, the director of public safety and/or Community Development or his/her designee shall immediately send such notice, which shall include the specific grounds under this article for such action, to the applicant or

licensee/work permit holder (respondent) by personal delivery or certified mail. The notice shall be directed to the most current business address or other mailing address on file with the city department of public safety, records division, and/or Community Development for the respondent. The notice shall also set forth the following: the respondent shall have ten days after the delivery of the written notice to submit, at the office of the director of public safety and/or Community Development or his/her designee, a written request for a hearing. If the respondent does not request a hearing within said ten days, the city manager's written notice shall become a final denial or revocation, as the case may be, on the 30th day after it is issued.

- (b) If the respondent does make a written request for a hearing within said ten days, then the director of public safety and/or Community Development, or his/her designee shall, within ten days after the submission of the request, send a notice to the respondent indicating the date, time, and place of the hearing. The hearing shall be conducted not less than ten (10) days nor more than 20 days after the date that the hearing notice is issued.
- (c) The city administrator or his designee shall serve as the hearing officer for any such appeal.
- (d) At the hearing, the respondent shall have the opportunity to present all relevant arguments and to be represented by counsel, present evidence and witnesses on his behalf, and cross-examine any of the city's witnesses. The respondent shall bear the burden of proving entitlement to the license. The hearing shall take no longer than one day, unless extended at the request of the respondent to meet the requirements of due process and proper administration of justice. The hearing officer shall issue a final written decision, including specific reasons for the decision pursuant to this article, to the respondent within five days after the hearing.
- (e) If the decision is to deny or revoke the license, the decision shall advise the respondent of the right to appeal such decision to a court of competent jurisdiction, and the decision shall not become effective until the 30th day after it is rendered. If the hearing officer's decision finds that no grounds exist for denial or revocation of the license, the hearing officer shall, contemporaneously with the issuance of the decision, order the director of public safety and/or Community Development to immediately withdraw the intent to deny or revoke the license and to notify the respondent in writing by certified mail of such action. If the respondent is not yet licensed, the director of public safety and/or Community Development shall contemporaneously therewith issue the license or work permit to the applicant.
- (f) If any court action challenging a licensing or work permitting decision is initiated, the city shall consent to expedited briefing and/or disposition of the action, shall comply with any expedited schedule set by the court, and shall facilitate prompt judicial review of the proceedings.

(Ord. No. 723, § 12-171, 4-4-2016)

~~Sec. 10-286. Location and distance requirements.~~

- ~~(a) It shall be unlawful to establish a massage establishment or a spa establishment in the city, unless said establishment is located:
 - ~~(1) At least 300 feet from State Route 9;~~
 - ~~(2) At least 300 feet from State Route 120; and~~
 - ~~(3) At least 300 feet from any parcel occupied by a house of worship, public or private elementary or secondary school, public park, state-licensed day care facility, or any residence.~~~~
- ~~(b) The foregoing minimum distance requirements shall not apply to any massage establishment or spa establishment located within a mixed use development in the MU district. For the purpose of this subsection, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest point on a boundary line of the massage establishment or spa establishment parcel to the closest point on the State Route 9 or State Route~~

~~120 right-of-way, or to the closest point on a boundary line of any parcel containing a house of worship, public or private elementary or secondary school, public park, or residence.~~

(Ord. No. 723, § 12-172, 4-4-2016)

Sec. 10-287. - Remedies.

- (a) Any premises, building, dwelling, or other structure in which a massage establishment or spa establishment is operated or maintained in violation of this article is declared to be a public nuisance, and harmful to the public health, safety, and welfare. The city's legal counsel may bring an action in the county superior court to restrain, prohibit, and/or enjoin the use of such premises as a massage establishment or spa establishment in the county superior court.
- (b) The operation of a massage establishment or spa establishment by a partnership, limited liability company, corporation, or other legal entity in violation of this article is declared to be a public nuisance, and harmful to the public health, safety, and welfare. The city's legal counsel may bring an action in the county superior court to restrain, prohibit, and/or enjoin such operation of a massage establishment or spa establishment.
- (c) The operation of a massage establishment by a person in violation of this article is declared to be a public nuisance, and harmful to the public health, safety, and welfare. The city's legal counsel may bring an action in the county superior court to restrain, prohibit, and/or enjoin such operation of a massage establishment or spa establishment.
- (d) It shall not be necessary, in order to obtain an injunction under this section, to allege or prove that there is no adequate remedy at law or to allege or prove any special injury.
- (e) If the court declares a massage establishment or spa establishment to be a nuisance, or if the court issues an injunction against a massage establishment or spa establishment pursuant to this article, the city shall be entitled, on motion, to recover its reasonable attorney's fees and costs incurred in bringing the action.

(Ord. No. 723, § 12-173, 4-4-2016)

Sec. 10-288. - Real property used for illegal sexual activity; property owner responsibility.

- (a) In accordance with O.C.G.A. § 41-3-13, the municipal court shall have jurisdiction to hear and determine the question of the existence of the nuisance provided for in O.C.G.A. § 41-3-1 and as further defined herein, and, if found to exist, to order its abatement.
- (b) As used in this subsection, the term:
 - (1) "Sex crime-related arrest" means an arrest for unlawful sexual conduct of any kind alleged to have occurred at the massage establishment or spa establishment, including, but not limited to, and citation, summons, accusation or indictment for violations of state laws concerning lewdness, prostitution, sodomy, the solicitation of sodomy, or masturbation for hire; provided, however, that any such arrests which result directly from cooperation between the real property owner and a law enforcement agency shall not be considered a sex crime-related arrest for purposes of this section.
 - (2) "Substantial illegal sexual activity" means activity comprised of three or more separate incidents resulting in sex crime-related arrests within a 24-month period on the same parcel of real property.
- (c) Any owner of real property, regardless of whether such owner is the occupant of the subject premises, who has knowledge that substantial illegal sexual activity is being conducted on such property, shall be guilty of maintaining a nuisance, and such real property shall be deemed a nuisance and may be abated as provided by law.

- (d) The owner of real property shall be deemed to have knowledge of illegal sexual activity occurring on a parcel of real property if the city notifies the owner in writing of two or more separate incidents occurring on the same premises within a 24-month period that result in sex crime-related arrests and, after the receipt of such notice and within 24 months of the first of the incidents resulting in a sex crime-related arrest, one or more separate incidents occur which result in a sex crime-related arrest.
- (e) The provisions of this section are cumulative of any other remedies and shall not be construed to repeal any other existing remedies for related nuisances. Nothing in this section and no action taken hereunder shall be held to exclude such other civil, criminal, or administrative proceedings as may be authorized by other provisions of this Code or any of the laws in force in the city, or to exempt anyone violating this Code or any part of said laws from any penalty which may be incurred.

(Ord. No. 723, § 12-174, 4-4-2016)

Secs. 10-289—10-309. - Reserved.

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.

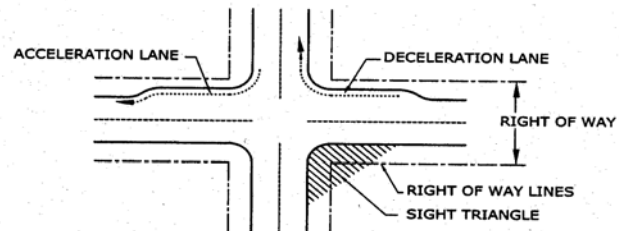
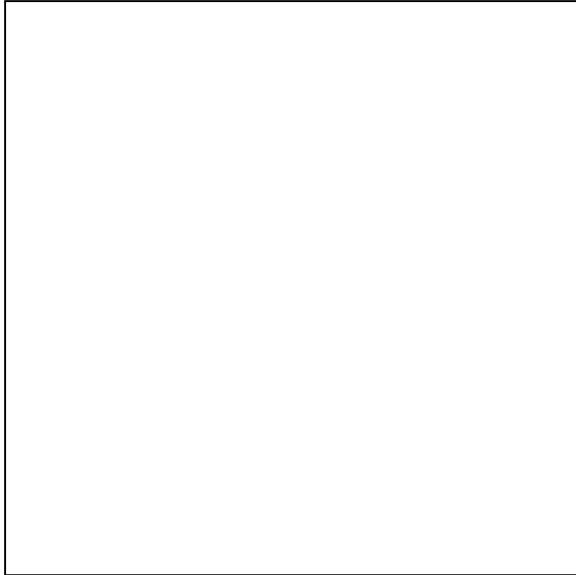


FIGURE 1

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.

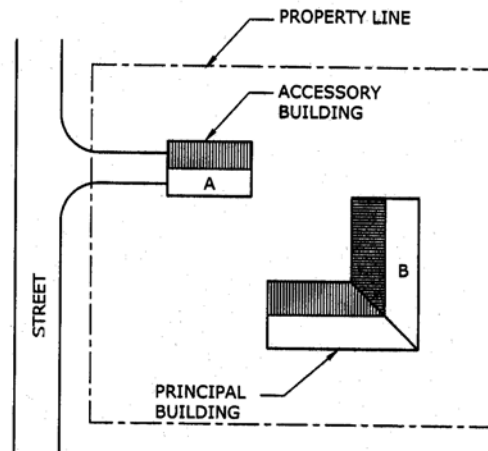
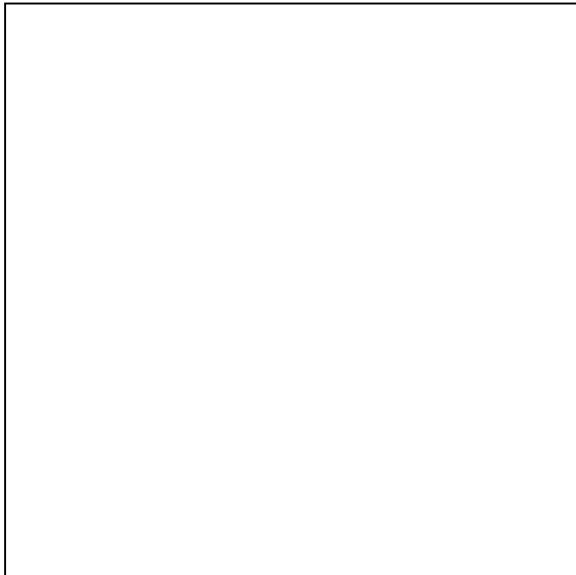


FIGURE 2

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.

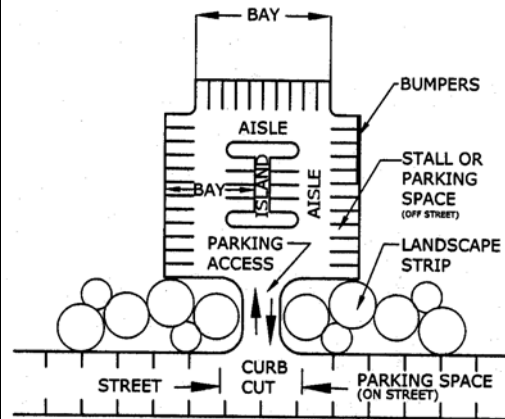
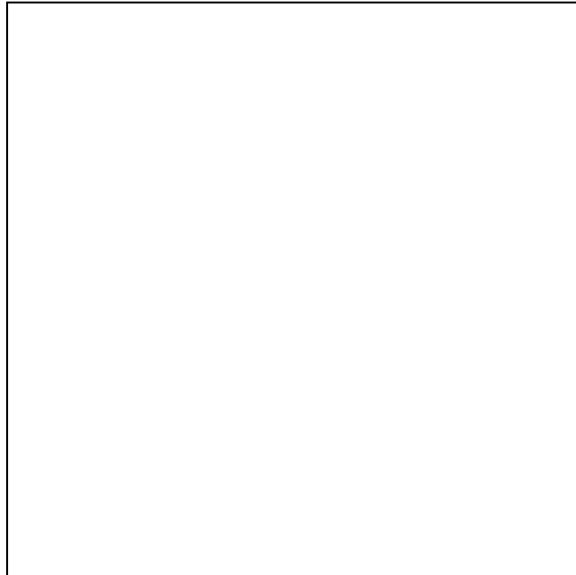


FIGURE 3

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 guest and meals are served in a common dining room.

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."

Kenel. 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.

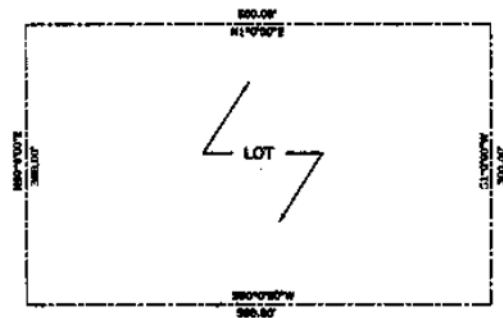
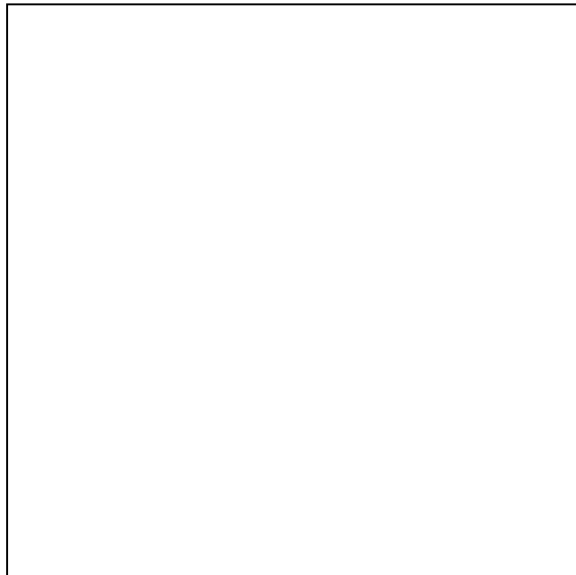
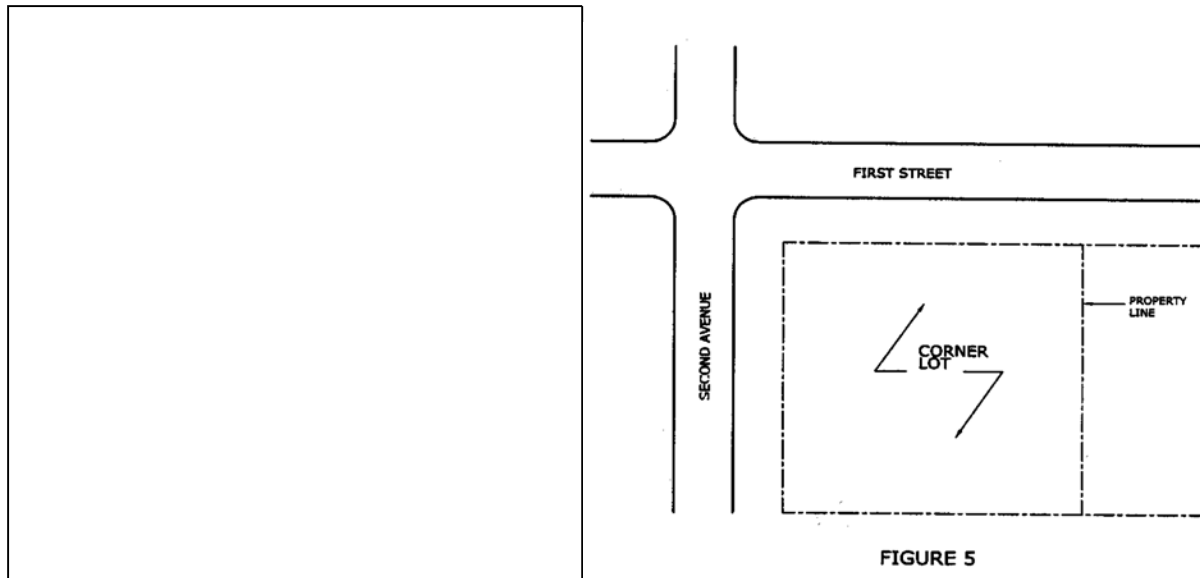


FIGURE 4

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.

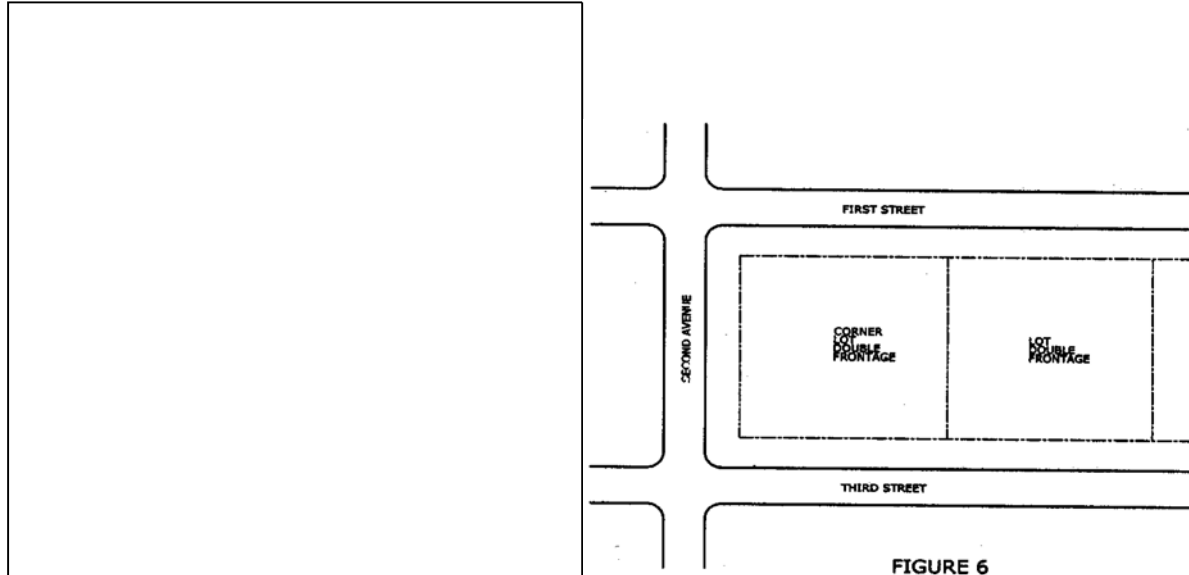
Lot, Corner. A lot abutting two or more streets at their intersection.



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.



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.

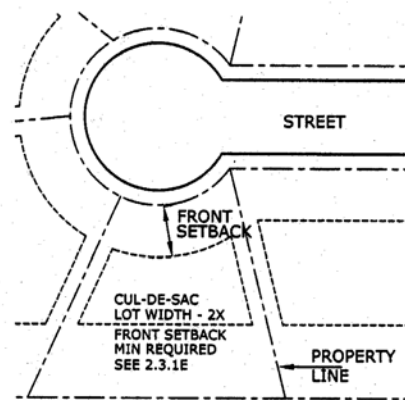
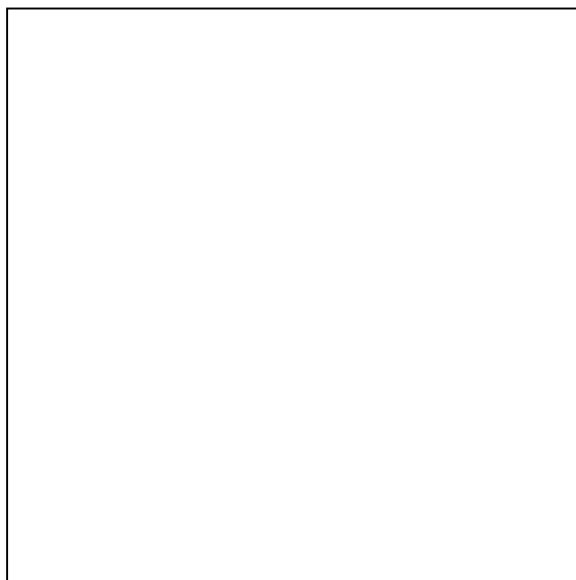


FIG 7

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. The manipulation and/or treatment of soft tissues of the body, including, but not limited to, the use of effleurage, petrissage, pressure, friction, tapotement, kneading, vibration, range of motion stretches, a system of structured touch, pressure, movement, and holding to the soft tissue of the body, and any other~~

soft tissue manipulation whether manual or by use of massage apparatus, and may include the use of water, oils, lotions, creams, lubricants, salt glows or scrubs, hydrotherapy, heliotherapy, hot packs, cold packs or other topical preparations. The term "massage" or "massage therapy" shall not include diagnosis, the prescribing of drugs or medicines, spinal or other joint manipulations, or any service or procedure when performed by a person who is licensed by the state to practice chiropractic, physical therapy, podiatry or medicine. Further, the term "massage" or "massage therapy" shall not include the following when lawfully performed by a natural person licensed or certified by the state board of cosmetology while engaged in the practice authorized by such state license (or certificate of registration) in accordance with, and as further regulated by, the state licensing laws set forth in O.C.G.A. § 43-10-1 et seq.:

- (1) Touching of the scalp or face by a state-licensed barber or cosmetologist;
- (2) Touching of the hands or feet by a state-licensed nail technician or cosmetologist; and
- (3) Touching of the face, neck, décolletage, or arms by a state-licensed esthetician or cosmetologist.

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

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

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

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.

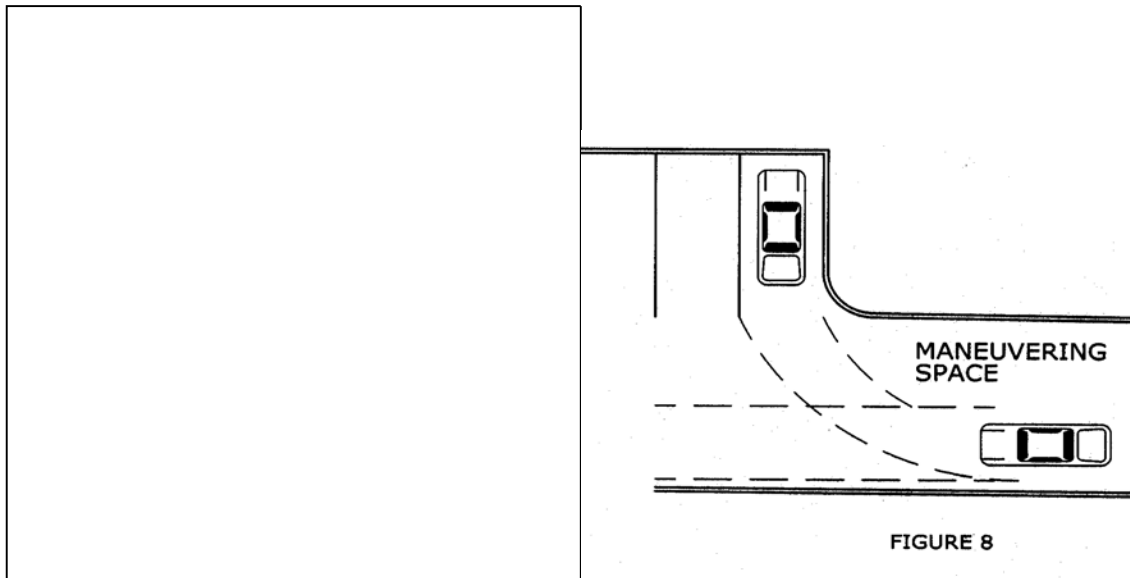
Park Space. A public- or privately-owned area, which is set aside for the enjoyment for occupants or visitors to the property, and which may include both outdoor and indoor areas developed for active and/or passive recreation.

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.

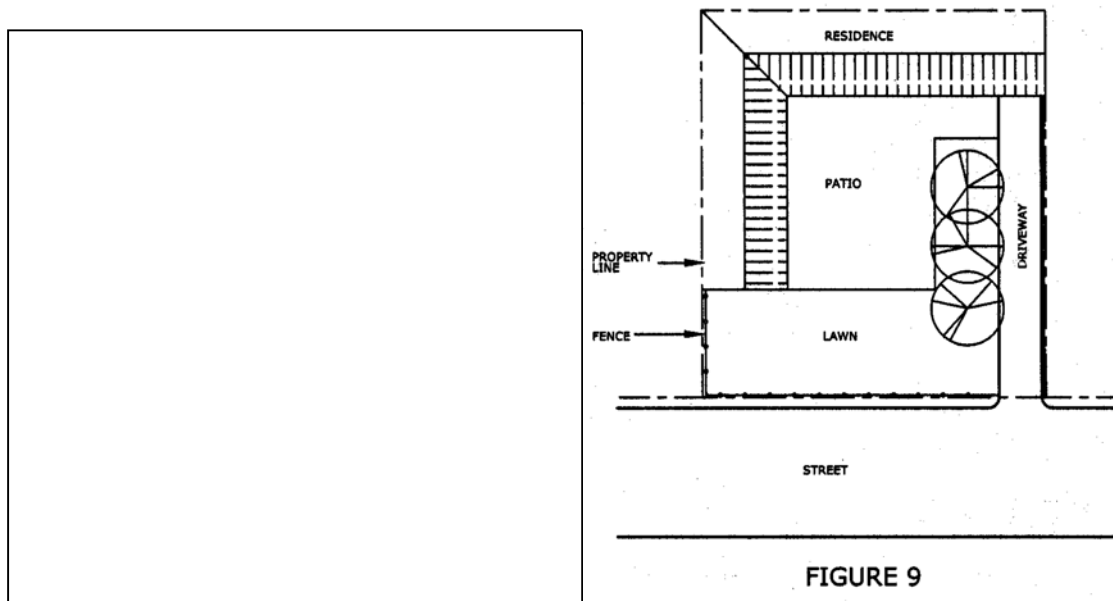
Parking Garage. An accessory building or portion of a principal building used only for the private storage of motor vehicles as an accessory use.

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.



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."



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.

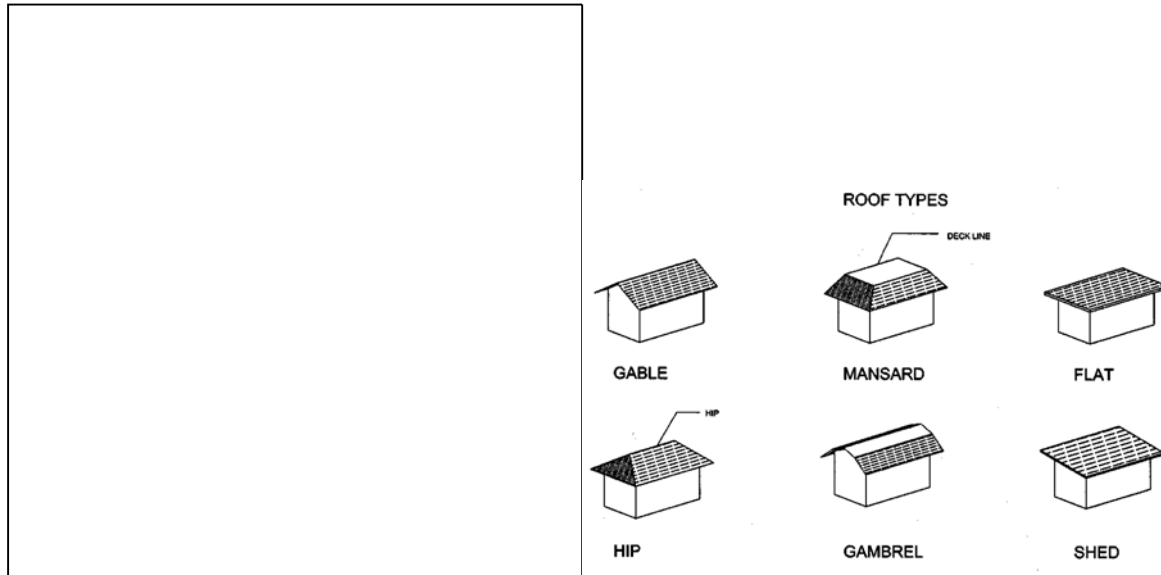
Retail Sales Establishment. A business principally engaged in offering a category of similar goods or products for sale to the general public, such as grocery store, hardware store, pharmacy, clothing shop, home furnishings store, office supplies store, and the like.

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 of 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.

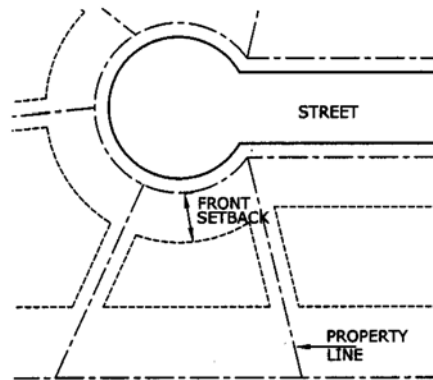
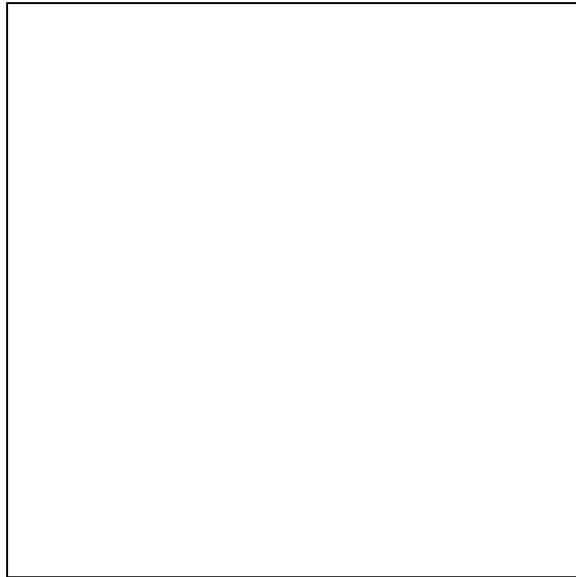


FIG 11

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

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

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

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

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.

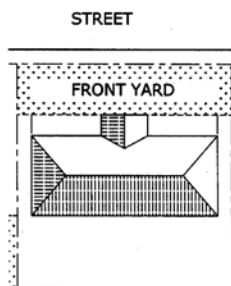
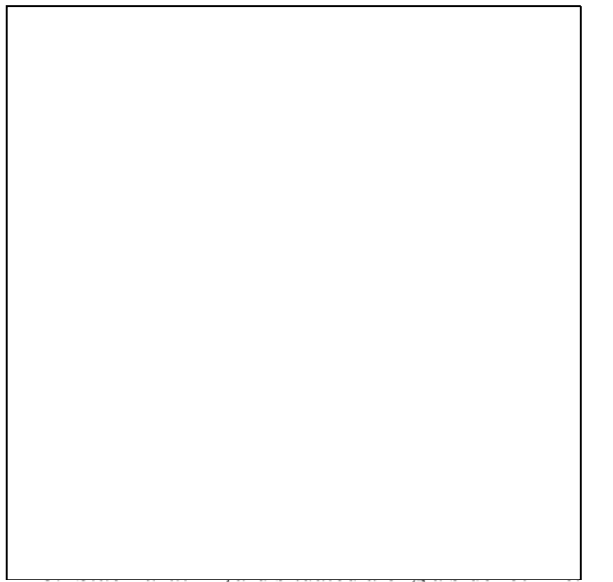


FIG 12

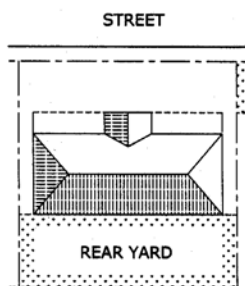


FIG 13

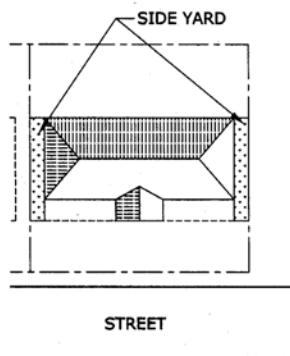


FIG 14

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)