



City Council Meeting OCTOBER 4, 2021

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

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **PLEDGE TO THE FLAG**
- IV. **PROCLAMATIONS & PRESENTATIONS**
 - A. **Proclamation: Education Partnership Between Auburn University And Fulton County Schools**
 - B. **Proclamation for Arts & Humanities Month**
- V. **CONSENT AGENDA**
 - A. **City Council Meeting Minutes (Meeting of 9-27-2021)**
- VI. **OLD BUSINESS**
 - A. **PH-21-14 UDC Text Amendments - Permitted and Conditional Uses and Temporary Uses -**
Second Reading
Consideration of text amendments to Unified Development Code (UDC) Article II, Use of Land and Structures and Appendix A: Alpharetta Downtown Code to amend permitted and conditional uses in several zoning districts, as well as amendments to temporary uses.
 - B. **PH-21-16 UDC Text Amendments - Medical Marijuana Production and Dispensary Use -**
Second Reading
Consideration of text amendments to the Unified Development Code (UDC) to add a definition and regulations addressing medical marijuana production and dispensary use.
- VII. **NEW BUSINESS**
 - A. **Microsoft Azure Cloud Services (IaaS) - FY2022 Renewal**
 - B. **McGinnis Ferry Road Widening Condemnation**
 - 1. A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AUTHORIZE THE USE OF EMINENT DOMAIN TO ACQUIRE CERTAIN PROPERTY LOCATED AT 13029 DARTMORE AVENUE, ALPHARETTA, GEORGIA (TAX PARCEL NO.: 21 -5680-1054-092-2) FOR ROAD PROJECT - MCGINNIS FERRY ROAD WIDENING FROM RONALD REAGAN BOULEVARD/UNION HILL ROAD TO HOSPITAL PARKWAY
 - 2. A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AUTHORIZE THE USE OF EMINENT DOMAIN TO ACQUIRE CERTAIN PROPERTY LOCATED AT 13021 DARTMORE AVENUE, ALPHARETTA, GEORGIA (TAX PARCEL NO.: 21 -5680-1054-094-8) FOR ROAD PROJECT - MCGINNIS FERRY ROAD WIDENING FROM RONALD REAGAN BOULEVARD/UNION HILL ROAD TO HOSPITAL PARKWAY
 - 3. A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AUTHORIZE THE USE OF EMINENT DOMAIN TO ACQUIRE CERTAIN PROPERTY LOCATED AT 13013 DARTMORE AVENUE, ALPHARETTA, GEORGIA (TAX PARCEL NO.: 21 -5680-1054-096-3) FOR ROAD PROJECT - MCGINNIS FERRY

ROAD WIDENING FROM RONALD REAGAN BOULEVARD/UNION HILL ROAD TO
HOSPITAL PARKWAY

4. A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AUTHORIZE THE USE OF EMINENT DOMAIN TO ACQUIRE CERTAIN PROPERTY LOCATED AT 13009 DARTMORE AVENUE, ALPHARETTA, GEORGIA (TAX PARCEL NO.: 21 -5680-1054-097-1) FOR ROAD PROJECT - MCGINNIS FERRY ROAD WIDENING FROM RONALD REAGAN BOULEVARD/UNION HILL ROAD TO HOSPITAL PARKWAY
5. A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AUTHORIZE THE USE OF EMINENT DOMAIN TO ACQUIRE CERTAIN PROPERTY LOCATED AT 13005 DARTMORE AVENUE, ALPHARETTA, GEORGIA (TAX PARCEL NO.: 21 -5680-1054-098-9) FOR ROAD PROJECT - MCGINNIS FERRY ROAD WIDENING FROM RONALD REAGAN BOULEVARD/UNION HILL ROAD TO HOSPITAL PARKWAY

VIII. WORKSHOP

A. Webb Bridge Road Corridor Improvements Update

IX. PUBLIC COMMENT

X. REPORTS

XI. ADJOURNMENT TO EXECUTIVE SESSION



City Council Meeting STAFF REPORT

Submitting Department: City Clerk

Submitted By:

Sponsored By:

Meeting Date: October 4, 2021

I. AGENDA ITEM TITLE: CITY COUNCIL MEETING MINUTES (MEETING OF 9-27-2021)

II. RECOMMENDATION:

III. REPORT IN BRIEF:

IV. ALTERNATIVES:

V. ATTACHMENTS:

Council Meeting Minutes Draft 9-27-2021



City Council Meeting
September 27, 2021
Office of the City Clerk
CITY HALL 2 PARK PLAZA | 6:30 PM

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

I. CALL TO ORDER

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

II. ROLL CALL

- **Council Members**

- Mayor Jim Gilvin
- Mayor Pro Tem Donald F. Mitchell
- Jason Binder
- Ben Burnett
- John Hipes
- Dan Merkel
- Karen Richard

- **Staff**

- Bob Regus, City Administrator
- Michael Stacy, City Attorney
- James Drinkard, Asst. City Administrator
- Erin Cobb, City Clerk
- Kathi Cook, Director of Community Development
- Morgan Rodgers, Director of Recreation, Parks & Cultural Services
- John Robison, Director of Public Safety
- Tom Harris, Director of Finance
- Michael Woodman, Senior Planner

III. PLEDGE TO THE FLAG

IV. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 9-20-2021)

B. Alcoholic Beverage License Applications

1. PH-21-AB-23 Cactus Cantina Inc.
d/b/a Cactus Cantina
3055 North Point Parkway Suite 100
Alpharetta, GA 30005

Restaurant
Consumption on Premises
Liquor, Beer, Wine & Sunday Sales

Owner: Jovito Garcia
Registered Agent: Emily Abdelrazeq
2. PH-21-AB-26 Agincourt Industries, LLC
d/b/a Maple Street Biscuit Company
50 Canton Street Suite 113
Alpharetta, GA 30009

Restaurant
Consumption on Premises
Beer, Wine & Sunday Sales

Owner: Agincourt Industries, LLC
Registered Agent: Michael Sard

❖ Mayor Pro Tem Mitchell offered a motion to approve the consent agenda

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

V. PUBLIC HEARING

A. PH-21-AB-25 Minimum Distance Requirement Waiver Request for 122 Marietta Street

- City Clerk, Erin Cobb, came forward to present this item.
- Staff is recommending approval of PH-21-AB-25 Minimum Distance Requirement Waiver Request for 122 Marietta Street.
- The applicant, Michele Sedgewick, has applied for a variance for the alcoholic beverage license minimum distance requirements at 122 Marietta Street, Alpharetta, Georgia, 30009. The concept is similar to another establishment she owns, Theo's Brother's Bakery, located in Crabapple. This location will offer a walk up counter as well as dine in service with a full-service menu. In order to obtain an alcoholic beverage license from the City of Alpharetta the location has to meet the following distance requirements per City Code Section 4-17 which states:
 - (a) No person may sell or offer to sell alcoholic beverages:
 - (1) Within 200 feet of any private residence unless such residence is itself in a commercial district.
 - (2) Within 300 feet of any public library or branch thereof.

(3) Within 300 feet of the property line of any church, shrine, chapel of a mortuary or other place used exclusively for religious services, and any school grounds or college campus.

(4) Within 300 feet of that portion of a public park which is habitually used for recreational purposes; or

(5) Within 200 feet of a regular stop as designated by the county board of education where a school bus for the transportation of school children in the public schools of the county shall take on or discharge school children.

- The applicant meets all distance requirements with the exception of the distance between a private residence. The proposed location is 120 feet from a private residence, which are townhomes located on the opposite side of Marietta Street.
- However, City Code Section 4-17(d) allows City Council to grant a variance to the minimum distance requirements between a private residence and an establishment seeking an on-premises consumption license if there exists one or more of the conditions set forth in subsection (d)(1) and all of the conditions set forth in subsection (d)(2):

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

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

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

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

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

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

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

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

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

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

- Staff has reviewed the application for a variance and believe they meet at least three conditions in code section 4-17(d)(1) and all of the conditions listed in Section 4-17(d)(2), as they are in the immediate vicinity of other licensed establishments of a similar nature (Pure Taqueria & Next to Pure Event Facility aka N2P), the establishment is a contributing historical building as defined by the historic preservation ordinance, the primary entrance is not visible along the line of measurement as the entrance is in the back, and the property is zoned to allow for a use that is suitable for an alcohol license such as a restaurant. The proposal is also consistent with the Future Land Use of this area, which is mixed use (MU).
- **Public Comment:** No Public Comment

- ❖ Council Member Richard offered a motion to approve PH-21-AB-25 Minimum Distance Requirement Waiver Request for 122 Marietta Street

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

B. Z-21-08 / CU-21-11 Mayfair on Main / 217 South Main Street

This item was deferred by the applicant for 30 days and will neither be heard nor discussed at this time.

C. PH-21-14 UDC Text Amendments - Permitted and Conditional Uses and Temporary Uses

This item was moved up on the agenda as the applicant for Z-21-07 / V-21-24 236 / 244 North Main Street was not yet present

- Director of Community Development, Kathi Cook, came forward to present this item.
- This item was considered at the 9/2/2021 Planning Commission meeting. There were no public comments. After discussion, Planning Commission recommended approval. Vote 6-0
- Staff is asking for consideration of text amendments to Unified Development Code (UDC) Article II Use of Land and Structures, to amend permitted and conditional uses in several zoning districts and to amend temporary uses, including outdoor tent sales, not-for-profit seasonal events, religious meetings, and open lot sales of Christmas trees, fruits and vegetables and other harvested products.
- In conjunction with a recent request for a 'Church', Staff reviewed the List of Permitted and Conditional Uses in the Unified Development Code (UDC) for compliance with the "equal terms" provision of the Religious Land Use and Institutionalized Persons Act (RLUIPA). While the UDC generally complies with the "equal terms" provision, a few uses were identified as needing to be changed from permitted to conditional use. Those uses include, 'Club, Association, or Lodge', 'Public Building', 'Recreation Facilities, Indoor', 'Recreational Facilities, Outdoor' and 'Theater, Cinema'.
- Staff recommends an amendment to the 'Builder's Equipment/Material' use to change it from permitted to conditional use in the C-2 (General Commercial) district. There are many C-2 properties in the Downtown, of which 'Builder's Equipment/Material' is not appropriate.
- Staff also identified some general cleanup items in Table 2.2, List of Permitted and Conditional Uses, which included adding two (2) designations to the table for Accessory Uses and Subordinate Uses. In addition, some uses were consolidated, such as 'Junk Yard' and 'Salvage Yard' and 'Automotive Service' and 'Automotive Service Station'. Support retail uses in the O-P (Office-Professional) zoning district were consolidated, since many of the uses that were listed are not identified elsewhere in the UDC.
- Staff recommends amendments within the Temporary Uses subsection to limit certain temporary uses to properties that are zoned or used for non-residential use and to add regulations for seasonal events associated with a for-profit entity.
- City Attorney, Michael Stacy, read the ordinance aloud.

- **Public Comment:** No Public Comment
- ❖ Council Member Richard offered a motion to approve PH-21-14 UDC Text Amendments - Permitted and Conditional Uses and Temporary Uses and the ordinance as presented
 - The motion received a second from Council Member Binder
 - The motion was approved unanimously (7-0)

D. Z-21-07 / V-21-24 236 / 244 North Main Street

- Senior Planner, Michael Woodman, came forward to present this item.
- This item was considered at the 9/2/2021 Planning Commission meeting. Staff recommended approval subject to 16 conditions. There were no public comments. After discussion, Planning Commission recommended approval subject to staff's recommended conditions and accepting certain changes requested by the applicant (Planning Commission changes shown in RED). Vote 6-0
- Staff is recommending that Council approve Z-21-07/V-21-24 ALPHA AT MAIN/236 & 244 NORTH MAIN STREET, subject to the following conditions:
 1. Approximately 1.61 acres shall be zoned DT-LW and developed substantially similar to site plan prepared by Paradigm, revised 8/11/2021, 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 comments by the Downtown Consultant and in compliance with the Alpharetta Downtown Code, subject to final approval by DRB. All homes shall have 4-sided architecture, materials, and details. Homes fronting North Main Street shall be brick.
 3. Side setback separation between structures shall be no less than 6', as depicted on the site plan prepared by Paradigm, revised 8/11/2021.
 4. Homes along North Main Street shall have a front yard defined by a decorative front courtyard, as depicted on the submitted rendering, with final approval by Staff. Courtyards ~~shall not~~ may encroach into the required 10' landscape strip, as approved by Staff.
 5. Landscape strip along North Main Street shall be planted with shade trees as a continuation of what has been planted or designed in the Downtown and outside of utility easements, as approved by Staff.
 6. Project entrance shall include a decorative paver apron, landscaping, ~~and low wall.~~
 7. Amenity areas shall be developed with decorative landscape, hardscape, low walls, and seating, where appropriate, with final approval by Staff. Landscape shall include plant selections promoting the historic Downtown.
 8. Creeping vines shall be planted to cover retaining and low walls.

9. Developer shall save trees as depicted on the site plan prepared by Paradigm, revised 8/11/2021.
 10. 5' landscape strips along the north and south property lines shall be planted with evergreens, **except for units 5 and 6 where the courtyard meets the property line.**
 11. A 10' landscape strip, heavily planted where sparse, shall be required along the western property line, as approved by Staff.
 12. 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.
 13. Fire access shall meet IFC 2018 Appendix D and Fire Hydrants.
 14. Stormwater management facilities may be placed underground within the proposed private alley, with final approval by Staff. Facilities shall be indicated on the recorded plat, clearly describing the underground facilities, their function, purpose, ownership, and granting access for inspection, maintenance and repair rights to the HOA and the City of Alpharetta. These facilities and associated maintenance responsibilities shall also be included in the recorded covenants with all costs to be borne by the HOA and Homeowners of the subdivision.
 15. Garbage pickup shall be from the alley.
 16. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
- The applicant, Alpha at Main, LLC, is requesting a rezoning and variance to allow for the construction of eleven (11) 'For-Sale' single-family detached homes with side courtyards on approximately 1.61 acres in the Downtown. A rezoning is requested from O-I (Office-Institutional) to DT-LW (Downtown Live-Work) and a variance is requested to reduce the side setback minimum separation between structures from ten-feet (10') to six-feet (6'). The subject property is located at 236 and 244 North Main Street near the northwest corner of North Main Street and Mayfield Road.
 - The submitted request, if approved, would allow for the construction of eleven (11) 'For-Sale' single-family detached homes on 1.61 acres in the Downtown. The proposed residential density is 6.83 dwelling units per acre. The applicant proposes a rezoning from O-I to DT-LW and a variance to reduce the side setback minimum separation between structures from ten-feet (10') to six-feet (6'). The subject property is located at 236 and 244 North Main Street near the northwest corner of North Main Street and Mayfield Road.
 - The property is developed with two (2) single-family detached homes that have been converted to business use. 236 North Main Street is the Thomann Law Firm and 244 North Main Street is State Farm Insurance. Surrounding properties are zoned R-15 (Dwelling, 'For-Sale', Residential) to the west, O-I to the north and south, and C-1 (Neighborhood Commercial) to the east. North Fulton Chiropractic Center is located to the north, two (2) unplatted single-family detached lots are located to the east, Midas Auto Repair is located to the south, and Dogwood Forest is located to the east. The Comprehensive Land Use Plan designation of the property is 'Mixed Use Live Work', which allows the proposed single-family detached homes.

- The applicant is requesting a variance to the DT-LW side setback minimum separation between structures to reduce the distance from ten-feet (10') to six-feet (6'). The applicant's site plan depicts a minimum 6' separation between structures. However, the separation between structures increases to approximately sixteen feet (16') for a length of approximately 30' to accommodate the side courtyard. When accounting for the side courtyard, the average side setback separation between structures is nearly ten-feet (10'). Similar Downtown residential developments have been granted variances to reduce the side setback separation between structures, with the most recent request approved at The 1858.
- The Downtown Master Plan 5-Year market demand study reflects a demand potential of 40 – 45 single-family detached 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, 377 single-family detached homes have been approved in the Downtown in the six (6) years since the adoption of the 2015 Downtown Master Plan update. The applicant's proposed density of 6.83 dwelling units per acre is in-line with past approvals in the Downtown.

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

Development Name	Type	Acres	Density
Hudson Park	16 SFD	2.41 acres	6.64 du/ac
The 1858	11 SFD	1.68 acres	6.55 du/ac
AlphaDev	11 SFD, 6 TH	2.21 acres	7.7 du/ac
Alcovy Place	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, 137 TH	23.89 acres	6.8 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)	1.5 acres	16 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	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	377 units
Townhome	300 units
Condominium (Mid-Entry)	80 units
Condominium (High-End)	48 units
For-Rent	168 units
TOTAL	973 units (83% For-Sale/17% For-Rent)

- The submitted site plan depicts eleven (11), two (2) and three (3) story single-family detached homes with side courtyards. Access is provided from North Main Street by way of a 24' private alley. Lots range in size from 4,417 to 6,427 square feet with an average lot size of 5,223 square feet. A minimum fifteen-foot (15') setback is provided along North Main Street, which is due to easements and overhead utilities along the property frontage. The site plan accounts for the new twelve-foot (12') sidewalk that will be installed by GDOT along the property frontage. Minimum building setbacks are consistent with the DT-LW development standards.
- The Downtown Code requires 2.5 parking spaces per dwelling unit, or 28 parking spaces for the proposed subdivision. Each home is proposed to have three (3) side-by-side parking spaces within a garage and a Code-compliant driveway accommodating three (3) additional cars, for a total of 66 parking spaces.

- The proposed development complies with the minimum 10% amenity space required in the DTLW district. The site plan depicts 22.5% amenity space, which includes a tree save area, private courtyards, as well as internal sidewalks and property frontage along North Main Street.
- There are a few specimen trees on the subject property, consisting primarily of Hardwoods. The applicant's site plan depicts a tree save area at the rear of the property, which includes tree groupings and trees of quality. A note on the site plan indicates that stormwater management would be provided underground and within the private alley, which is on a separate lot.
- According to the applicant's architect, homes will be designed in the Greek Revival architectural style, which is approved for use in the Downtown. Primary exterior material is proposed to be brick, stucco, or siding. Roof materials are proposed to be architectural asphalt shingles with metal roof accents. The submitted renderings depict the homes along North Main Street to be three (3) stories and the rear homes to be two (2) stories. All homes have a gable roof with rooftop porch and covered front entry with Classical columns. The City's Downtown Consultant reviewed the renderings and had the following comments:
 - Shed roof element needs to resolve at the façade and relate to the building mass below. A break in the front plane of the façade will facilitate this condition.
 - If all buildings are identical, the primary exterior material should be the same material.
 - A transom and/or sidelight windows could be added to the front door.
 - Front entry porches should be supported by square or round Classical columns.
 - The cornice should be emphasized with a wide, divided band of trim.
 - Renderings only show the front elevation. A condition should be recommended requiring 4-sided architecture, materials, and details.
- The applicant provided a trip generation report, which estimates that the proposed 11-lot single-family detached subdivision would generate 13 AM Peak Hour trips and 12 PM Peak Hour trips.
- 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

School	Single Family Average #
Alpharetta Elementary School	1 to 4 students
Hopewell Middle School	0 to 2 students
Cambridge High School	1 to 4 students
TOTAL	2 to 10 students

- Based on the total figure for all three school levels, it can be assumed that the proposed development could house approximately 2 – 10 school age children. Numbers provided by Fulton County Schools show that all three (3) schools have capacity.
- 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 and nearby properties. The requested zoning, DT-LW, is consistent with the future land use designation of the property and surrounding area, which is 'Mixed Use Live Work'. The property is surrounded by a mix of uses, with commercial uses on the adjacent properties to the north and south and single-family residential use to the west. The property to the south is an auto repair shop, which includes a 25' buffer between the auto repair shop and the applicant's property.
- 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 developed with a mix of residential and commercial uses. The property to the south is an auto repair shop, which includes a 25' buffer between the auto repair shop and the applicant's property.
- c. Whether the zoning proposal will adversely affect the natural environment. Response: The proposal should not have significant impacts on the natural environment. A tree save area is depicted at the rear of the proposed development.
- d. Whether there are substantial reasons why the property cannot or should not be used as currently zoned. Response: The subject property is located in the Downtown Overlay, which includes opportunities for properties to develop under one of the Downtown zoning districts. The requested zoning, DT-LW, is consistent with the future land use designation of the property and surrounding area, which is 'Mixed Use Live Work'.
- 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 proposal would not place an excessive burden on public facilities and services. The request would increase demand on schools and parks.
- 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 one of the Downtown zoning districts. The requested zoning, DT-LW, is consistent with the future land use designation of the property and surrounding area, which is 'Mixed Use Live Work'.
- g. Whether the zoning proposal reflects a reasonable balance between the promotion of the public health, safety, morality, or general welfare against the right to unrestricted use of property. Response: The request should not negatively impact public health, safety, or welfare. The proposed zoning is consistent with the future land use 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 is located in the Downtown Overlay, which includes opportunities for properties to develop under one of the Downtown zoning districts. The requested zoning, DT-LW, is consistent with the future land use designation of the property and surrounding area, which is 'Mixed Use Live Work'.

- i. The extent to which the zoning proposal is consistent with the Comprehensive Plan. Response: The Comprehensive Land Use Plan designation of the property is 'Mixed Use LiveWork', which allows the proposed single-family detached subdivision.
- 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: The proposed side setback reduction would accommodate a zero-lot line product with a side courtyard. When accounting for the entire side courtyard, the average side setback separation between structures is nearly ten-feet (10').
 2. The application of the Ordinance to this particular piece of property would create an unnecessary hardship; or Response: The proposed side setback reduction would accommodate a zero-lot line product with a side courtyard. When accounting for the entire side courtyard, the average side setback separation between structures is nearly ten-feet (10').
 3. There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned; or Response: The proposed side setback reduction would accommodate a zero-lot line product with a side courtyard. When accounting for the entire side courtyard, the average side setback separation between structures is nearly ten-feet (10').
 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. When accounting for the entire side courtyard, the average side setback separation between structures is nearly ten-feet (10').
- Staff has reviewed the applicant's proposal and finds that the request for rezoning and variance does not conflict with the established review criteria. The zoning proposal is consistent with the vision of the Downtown Master Plan and comprehensive land use plan designation of the property. Approval of the variance should not cause substantial detriment to the public good.
- The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no comments were received.
- CZIM was held on August 11, 2021. There were no public comments.
- Attorney Don Rolader, 200 Foothills Pkwy, Marble Hill, GA 30148, came forward on behalf of the applicant.
- Architect, Brooks Hall, 1825 Powers Ferry Road Atlanta, GA 30339, came forward to speak on behalf of the applicant.
- **Public Comment:**
 - David Kalosis, 720 Creek Road Milton, GA 30004, came forward with concerns regarding the proposed project.

- ❖ Council Member Richard offered a motion to approve Z-21-07/V-21-24 ALPHA AT MAIN/236 & 244 NORTH MAIN STREET, subject to the following conditions:

1. Approximately 1.61 acres shall be zoned DT-LW and developed substantially similar to site plan prepared by Paradigm, revised 8/11/2021, 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 Exhibit A, except for modifications required to comply with comments by the Downtown Consultant and in compliance with the Alpharetta Downtown Code, subject to final approval by DRB. All homes shall have detailed architecture and similar materials on all four sides. Homes fronting North Main Street shall be primarily brick.
3. Side setback separation between structures shall be no less than 6', as depicted on the site plan prepared by Paradigm, revised 8/11/2021.
4. Homes along North Main Street shall have a front yard defined by a decorative front courtyard, as depicted on the submitted rendering, with final approval by Staff. Courtyards may encroach into the required 10' landscape strip, as approved by Staff.
5. Landscape strip along North Main Street shall be planted with shade trees as a continuation of what has been planted or designed in the Downtown and outside of utility easements, as approved by Staff.
6. Project entrance shall include a decorative paver apron, landscaping paver entry subject to GDOT approval.
7. Amenity areas shall be developed with decorative landscape, hardscape, low walls and seating, where appropriate, with final approval by Staff. Landscape shall include plant selections promoting the historic Downtown.
8. Creeping vines shall be planted to cover retaining and low walls.
9. Developer shall save trees as depicted on the site plan prepared by Paradigm, revised 8/11/2021.
10. 5' landscape strips along the north and south property lines shall be planted with evergreens, except for units 5 and 6 where the courtyard meets the property line.
11. A 10' landscape strip, heavily planted where sparse, shall be required along the western property line, as approved by Staff.
12. 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.
13. Fire access shall meet IFC 2018 Appendix D and Fire Hydrants.

14. Stormwater management facilities may be placed underground within the proposed private alley, with final approval by Staff. Facilities shall be indicated on the recorded plat, clearly describing the underground facilities, their function, purpose, ownership, and granting access for inspection, maintenance and repair rights to the HOA and the City of Alpharetta. These facilities and associated maintenance responsibilities shall also be included in the recorded covenants with all costs to be borne by the HOA and Homeowners of the subdivision.
15. Garbage pickup shall be from the alley.
16. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
 - The motion received a second from Council Member Binder
 - The motion was approved (6-1); Council Member Burnett voting in opposition

E. PH-21-16 UDC Text Amendments - Medical Marijuana Production and Dispensary Use

- Director of Community Development, Kathi Cook, came forward to present this item.
- This item was considered at the 9/2/2021 Planning Commission meeting. There were no public comments. After discussion, Planning Commission recommended approval. Vote 6-0
- Staff is asking for consideration of text amendments to Unified Development Code (UDC) Article II Use of Land and Structures, to add definitions for Medical Marijuana Dispensary and Production Facility and assign uses to zoning districts.
- In response to the State's recent selection of licensed medical marijuana producers, Staff proposes definitions of Medical Marijuana Dispensary and Production, as well as assigning uses to zoning districts within the Unified Development Code (UDC). Staff proposes to allow 'Medical Cannabis or Marijuana Dispensary' in the LI (Light Industrial) zoning district with approval of a conditional use and to prohibit 'Medical Cannabis or Marijuana Production Facility' in all zoning districts.
- City Attorney, Michael Stacy, read the ordinance aloud.
- **Public Comment:** No Public Comment
- ❖ Council Member Richard offered a motion to approve PH-21-16 UDC Text Amendments - Medical Marijuana Production and Dispensary Use and the ordinance as presented
 - The motion received a second from Council Member Merkel
 - The motion was approved (6-1); Council Member Burnett voting in opposition

VI. NEW BUSINESS

A. Cardiac Monitors and AEDs Replacements (Public Safety Department)

- Director of Public Safety, John Robison, came forward to present this item.
- Staff is recommending that Council approve the purchase of 10 LIFEPAK 15 cardiac monitors/defibrillators, 55 AEDs (automated external defibrillator), and associated equipment/maintenance through Stryker Medical at a cost of \$572,484.61 ("AED Equipment"). Adopt the attached Resolution authorizing the Mayor to execute all associated documents with Banc of America Public Capital Corporation for the purposes of financing the AED Equipment.
- The Department of Public Safety seeks approval to purchase 10 LIFEPAK 15 cardiac monitors/defibrillators, 55 AEDs (automated external defibrillator), and associated equipment/maintenance through Stryker Medical at a cost of \$572,484.61 ("AED Equipment").
- The Fire Division uses LIFEPAK Monitors (cardiac monitors) to diagnose, treat and monitor medical patients, particularly those experiencing cardiac events. These are emergency-room type units with leads that attach to the patient to provide vital signs such as heart rhythms, blood pressure and pulse oximetry. The features and functions of such units are determined by both the hardware and the software that operates the units and communicates with users.
- The City's current heart monitors were purchased in 2017 and have reached the end of their useful life (9 monitors in total). Both the hardware and software are beyond the manufacturer's effective support, and they do not have some contemporary features required to meet current American Heart Association standards of care. This purchase request includes replacement of the 9 existing cardiac monitors and the purchase of one additional monitor for the Rapid-Rescue-Response Truck approved in the 2022 Capital budget.
- One of the biggest advantages the LIFEPAK 15 provides is the ability to transfer care of critical patients to our transporting agency, AMR, without interruption, as they too use LIFEPAK monitors. We believe that the ability for our members and ambulance personnel to operate each other's cardiac monitors is extremely valuable. Additionally, Roswell, Milton and Sandy Springs Fire Departments all use LIFEPAK 15 monitors, which, again, is a huge asset as we frequently provide mutual aid with those departments. The City has roughly 82 AEDs placed throughout operations (government buildings, parks, public safety). Most of these have reached their useful life (55 AEDs are requested herein for replacement). Specifically, the AEDs, batteries and pads are beyond the manufacturer's effective support, and they do not have some contemporary features to meet current standards. Stryker has included the replacement of 55 AEDs in this proposal, and they will maintain all the AEDs, batteries, and pads for a 5-year term.
- Stryker is a sole-source (see attached letter) provider for this program. The attached quote includes all costs associated with the purchase of ten (10) LIFEPAK 15 heart monitors and 55 AEDs and associated training and totals \$572,484.61. Stryker is the sole-source provider in the hospital (hospitals and hospital-owned facilities), emergency response services and emergency response training (paramedics, professional and volunteer fire) markets in the U.S. and Canada for the LIFEPAK series of cardiac monitors/defibrillators. LIFEPAK monitors are deployed by AMR as well as our companion North Fulton cities, which creates a seamless emergency response.

- Capital Lease Program: The Finance Department solicited quotes for the AED Equipment financing from multiple financial institutions and obtained the following results: Banc of America (0.9496%); Signature Public Funding Corp. (1.135%); BB&T (1.44%); and Public Sector Capital (1.757%).
- Banc of America provided the most competitive interest rate and is the recommended partner for this transaction. Transaction terms include:
 - Loan amount: \$572,485
 - 5-year term;
 - 0.9496% fixed interest rate;
 - no closing costs; and
 - \$117,274.63 annual payment.
- The Public Safety Department has \$95,000 currently funded in the operating budget for this lease payment (based on the original anticipated replacement of the existing fleet of 9 cardiac monitors). The additional funding (to cover the additional cardiac monitor and AEDs) will come from other accounts within the operating budget and/or a mid-year funding request.
- City Attorney, Michael Stacy, read the resolution aloud.
- **Public Comment:** No Public Comment
- ❖ Council Member Hipes offered a motion to approve the purchase of 10 LIFEPAK 15 cardiac monitors/defibrillators, 55 AEDs (automated external defibrillator), and associated equipment/maintenance through Stryker Medical at an annual lease cost of \$117,274.63 for a 5-year period ("AED Equipment") and adopt the presented resolution authorizing the Mayor to execute all associated documents with Banc of America Public Capital Corporation for the purposes of financing the AED Equipment
 - The motion received a second from Council Member Merkel
 - The motion was approved unanimously (7-0)

VII. WORKSHOPS

A. Police Training Update

- Director of Public Safety, John Robison, came forward to present this item.
- This item is being presented as a workshop and will not require a formal vote.
- As discussed at our last Council Retreat, the Police Department has made some major adjustments to our training program, and we have added additional training to ensure that we remain ready to handle any situation that we may encounter. The delivery of training in the areas of Use of Force and De-escalation and Defensive Tactics have become central points of focus in our training approach. These aspects of policing are the most dangerous, contentious, and scrutinized areas of our profession. We have always done a very good job training on these topics, but we want and need to do more. When it comes to De-Escalation and Use of Force Training, the use of realistic scenarios is the best way to reinforce classroom and online training. It is widely accepted that real world scenarios are the best way to train our officers. Though we currently use real world scenarios as much as possible, we have always been limited by a lack of having a dedicated facility.

- Enhancing the frequency and quality of training requires that the Police Department has a dedicated facility that we can use to set up real world scenarios and various other types of training. This dedicated facility must be one where we can simulate houses, businesses, schools and other areas where officers would be called on to handle incidents. The common term for this is a "Shoot House", and there are various ways to make a "Shoot House" work. Physically building walls, walls on wheels and various other temporary structures create a great deal of flexibility for utilizing numerous, effective training scenarios. Therefore, we are in need of a permanent, dedicated space to create. Currently, we do not have enough space to utilize any form of "Shoot House."
- In order to train Defensive/Control tactics as a part of de-escalation training, we also need a permanent dedicated space for this type of training. We need to have the ability to have mats and other equipment set up at all times for 24-hour access. Part of our new training program is offering ongoing training for officers while on duty, which requires 24 hours access to a dedicated facility. This approach will also be much more cost effective to train officers during their normal work hours, when possible, which will greatly reduce overtime. We have certified instructors on every shift and division of the agency, so we are prepared to do training 24/7 if we can find the necessary space to do so.
- The discussion centered around the possibility of Public Safety using the Crabapple Government Center as their training facility.

VIII. PUBLIC COMMENT

- David Kalosis, 720 Creek Road Milton, GA 30004, with a business located at 291 North Main Street Alpharetta, GA 30009, came forward to ask about updates on the State Route 9 project.

IX. REPORTS

- Council Member Hipes appointed Ms. Charlise Forehand as his appointee to the Board of Ethics.
- Council Member Merkel announced 10 upcoming events in Alpharetta. Additionally commented on the budget cuts that were made to the Parks, Recreation, & Cultural Services Department due to COVID-19.
- Asst. City Administrator, James Drinkard, provided an update on the upcoming parks bond referendum and TSPLOST 2 public information meetings.
- Asst. City Administrator, James Drinkard, provided an update on the Council Chambers A/V system replacement.

X. ADJOURNMENT TO EXECUTIVE SESSION

- ❖ Council Member Binder offered a motion to adjourn into Executive Session
 - The motion received a second from CM Merkel
 - The motion was approved unanimously (7-0)
- ❖ With no further business to discuss or items to be heard, Mayor Gilvin adjourned the meeting into Executive Session at 8:23 P.M.

Respectfully submitted,

A handwritten signature in cursive script that reads "Erin Cobb".

Erin Cobb, City Clerk



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

CITY COUNCIL SPONSOR: STAFF-INITIATED

I. AGENDA ITEM TITLE: PH-21-14 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – PERMITTED USE DISTRICTS AND REGULATIONS AND TEMPORARY USES

CITY COUNCIL:

SEPTEMBER 27, 2021

This item was considered at the 9/2/2021 Planning Commission meeting. There were no public comments. After discussion, Planning Commission recommended approval. Vote 6-0

II. REPORT IN BRIEF:

Consideration of text amendments to Unified Development Code (UDC) Article II Use of Land and Structures, to amend permitted and conditional uses in several zoning districts and to amend temporary uses, including outdoor tent sales, not-for-profit seasonal events, religious meetings, and open lot sales of Christmas trees, fruits and vegetables and other harvested products.

DISCUSSION

In conjunction with a recent request for a 'Church', Staff reviewed the List of Permitted and Conditional Uses in the Unified Development Code (UDC) for compliance with the "equal terms" provision of the Religious Land Use and Institutionalized Persons Act (RLUIPA). While the UDC generally complies with the "equal terms" provision, a few uses were identified as needing to be changed from permitted to conditional use. Those uses include, 'Club, Association, or Lodge', 'Public Building', 'Recreation Facilities, Indoor', 'Recreational Facilities, Outdoor' and 'Theater, Cinema'.

Staff recommends an amendment to the 'Builder's Equipment/Material' use to change it from permitted to conditional use in the C-2 (General Commercial) district. There are many C-2 properties in the Downtown, of which 'Builder's Equipment/Material' is not appropriate.

Staff also identified some general cleanup items in Table 2.2, List of Permitted and Conditional Uses, which included adding two (2) designations to the table for Accessory Uses and Subordinate Uses. In addition, some uses were consolidated, such as 'Junk Yard' and 'Salvage Yard' and 'Automotive Service' and 'Automotive Service Station'. Support retail uses in the O-P (Office-Professional) zoning district were consolidated, since many of the uses that were listed are not identified elsewhere in the UDC.

Staff recommends amendments within the Temporary Uses subsection to limit certain temporary uses to properties that are zoned or used for non-residential use and to add regulations for seasonal events associated with a for-profit entity.

III. ATTACHMENTS:

- UDC Strike Through and Underline Edits

SECTION 2.2 a - CONDITIONAL USE REVIEW CRITERIA

When reviewing a conditional use, consideration shall be given to factors associated with the use including, but not limited to, the following:

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

([Ord. No. 807](#), § 2(Exh. B), 9-8-2020)

2.2.1 AG agriculture.

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

1. Agricultural and Residential Uses.
 - a. Bed and Breakfast.
 - b. Dwelling, 'For-Sale' Detached.
 - c. Farmlands, including livestock, poultry.
2. Business Uses.
 - a. Taxidermist.
3. Semipublic Uses, Utilities.
 - a. Park or Playground.

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

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

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Group Home.
5. Special Care Home in a detached 'For-Sale' dwelling.
6. Swimming pool, tennis court, detached garage, play house, green house, storage shed, patio, gazebo and other private recreation facilities.
7. Clubhouse, swimming pool, or community recreation facilities serving a development.
8. Barns, stables and similar structures for the housing, repair, storing, or processing of farm products of the property.

9. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
 10. Signs, subject to all of the requirements regulating signage herein.
 11. Retaining walls and other site improvement structures approved as part of the development permit.
- C. *Conditional Uses.* A property in the AG district may be used for any of the following only upon approval as a conditional use by the City Council:
1. Residential and Agricultural Uses.
 - a. One (1) additional 'For-Sale' detached dwelling.
 - b. Greenhouse, Nursery.
 2. Business Uses.
 - a. Animal Hospital, Veterinarian (small and large animal).
 - b. Broadcasting (Radio or TV).
 - c. Builder's Equipment/Material.
 - d. Carpenter Shop, Woodworking.
 - e. Equestrian Center.
 - f. Kennel.
 - g. Special Event Facility.
 3. Semipublic Uses, Utilities.
 - a. Airport.
 - b. Athletic Facility, Fitness Studio.
 - c. Auditorium.
 - d. Cemetery.
 - e. Church, Synagogue.
 - f. Club, Association or Lodge.
 - g. Country Club.
 - h. Golf Course, Driving Range.
 - i. Heliport, Public/Private.
 - j. Utility Substation.
 - k. Wireless Tower.

D. *District Regulations.*

Minimum lot size—5 acres.

Minimum Lot Width—200 feet.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—25 feet.

Rear yard—50 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,800 square feet.

([Ord. No. 744](#), § 6, 7-10-2017; [Ord. No. 800](#), § 1(Exh. A), 6-22-2020; [Ord. No. 808](#), § 2(Exh. B), 9-8-2020)

2.2.2 Re-residential estate.

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

1. Agricultural and Residential Uses.
 - a. Dwelling, 'For-Sale' Detached.
2. Semipublic Uses, Utilities.
 - a. Park or Playground.

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

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

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Group Home.
5. Special Care Home in a 'For-Sale' detached dwelling.
6. Swimming pool, tennis court, detached garage, play house, green house, storage shed, patio, gazebo and other private recreation facilities.
 - a. Clubhouse, swimming pool, or community recreation facilities serving a development.
 - b. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
 - c. Signs, subject to all of the requirements regulating signage herein.
 - d. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Uses.* A property in the R-E district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.
 - a. Church, Synagogue, or any other religious institutions.
 - [b. Country Club.](#)

- c. Golf Course, Driving Range.
- d. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
- e. Bed and Breakfast.
- f. Equestrian Center.

D. *District Regulations.*

Minimum Lot Size—3 acres.

Minimum Lot Width—100 feet.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—25 feet.

Rear yard—50 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,800 square feet.

Accessory Structure setback see Sec. 2.3 (c).

([Ord. No. 730](#), § 2, 12-5-2016; [Ord. No. 800](#), § 1(Exh. A), 6-22-2020)

2.2.3 R-Dwelling, 'for-sale', residential.

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

- 1. Agricultural and Residential Uses.
 - a. Dwelling, 'For-Sale', Detached.
- 2. Semipublic Uses, Utilities.
 - a. Park or Playground.

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

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

- 1. Privacy and decorative fences and walls.
- 2. Home Occupation in a residence.
- 3. Family Day Care Home in a residence.

4. Group Home.
 5. Special Care Home in a 'For-Sale' detached dwelling.
 6. Swimming pool, tennis court, detached garage, play house, green house, storage shed, patio, gazebo and other private recreation facilities.
 7. Clubhouse, swimming pool, or community recreation facilities serving a development.
 8. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
 9. Signs, subject to all of the requirements regulating signage herein.
 10. Retaining walls and other site improvement structures approved as part of the development permit.
- C. *Conditional Uses.* A property in the R district may be used for any of the following only upon approval as a conditional use by the City Council:
1. Semipublic Uses, Utilities.
 - a. Bed and Breakfast.
 - b. Church, Synagogue, or any other religious institutions.
 - c. Country Club.
 - d. Golf Course, Driving Range.
 - e. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
 - f. Equestrian Center.

D. *District Regulations.*

Minimum Lot Size—1 acre (43,560 square feet).

Minimum Lot Width—100 feet.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—25 feet.

Rear yard—50 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,800 square feet.

Accessory Structure Setback see Sec. 2.3 (c).

([Ord. No. 730](#), § 2, 12-5-2016; [Ord. No. 800](#), § 1(Exh. A), 6-22-2020)

2.2.4 R-22 dwelling, 'for-sale', residential.

A. *Permitted Principal Uses.* A property in the R-22 district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.
 - a. Dwelling, 'For-Sale' Detached.
2. Semipublic Uses, Utilities.
 - a. Park or Playground.

B. *Accessory Uses.* A property in the R-22 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

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

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Group Home.
5. Special Care Home in a 'For-Sale' detached dwelling.
6. Swimming pool, tennis court, detached garage, play house, green house, storage shed, patio and other private recreation facilities.
7. Clubhouse, swimming pool, or community recreation facilities serving a development.
8. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
9. Signs, subject to all of the requirements regulating signage herein.
10. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Uses.* A property in the R-22 district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Agriculture and Residential Uses.
 - a. Bed and Breakfast.
2. Semipublic Uses, Utilities.
 - a. Church, Synagogue or any other religious institution.
 - b. Club, Association or Lodge.
 - c. Country Club.
 - d. Equestrian Center.
 - e. Golf Course, Driving Range.
 - f. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. *District Regulations.*

Minimum Lot Size—22,000 square feet.

Minimum Lot Width—100 feet.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—35 feet.

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

Side yard—25 feet.

Rear yard—30 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,500 square feet.

Accessory Structures Setback see Sec. 2.3 (c).

([Ord. No. 730](#), § 2, 12-5-2016; [Ord. No. 800](#), § 1(Exh. A), 6-22-2020)

2.2.5 R-15 dwelling, 'for-sale', residential.

A. *Permitted Principal Uses.* A property in the R-15 district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.
 - a. Dwelling, 'For-Sale', Detached.
2. Semipublic Uses, Utilities.
 - a. Park or Playground.

B. *Accessory Uses.* A property in the R-15 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

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

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

10. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Uses.* A property in the R-15 district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Agriculture and Residential Uses.
 - a. Bed and Breakfast.
2. Semipublic Uses, Utilities.
 - a. Church, Synagogue.
 - b. Club, associations, or Lodge.
 - c. Country Club.
 - d. Golf Course, Driving Range.
 - e. Equestrian Center.
 - f. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. *District Regulations.*

Minimum Lot Size—15,000 square feet

Minimum Lot Width—100 feet.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—35 feet.

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

Side yard—10 feet.

Rear yard—25 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,500 square feet.

([Ord. No. 730](#), § 2, 12-5-2016; [Ord. No. 800](#), § 1(Exh. A), 6-22-2020)

2.2.6 R-12 dwelling, 'for-sale', residential.

A. *Permitted Principal Uses.* A property in the R-12 district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.
 - a. Dwelling, 'For-Sale', Detached.
2. Semipublic Uses, Utilities.
 - a. Park or Playground.

- B. *Accessory Uses.* A property in the R-12 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

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

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Group Home.
5. Special Care Home in a 'For-Sale' detached dwelling.
6. Swimming pool, tennis court, detached garage, play house, storage shed, patio and other private recreation facilities.
7. Clubhouse, swimming pool, or community recreation facilities serving a development.
8. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
9. Signs, subject to all of the requirements regulating signage herein.
10. Retaining walls and other site improvement structures approved as part of the development permit.

- C. *Conditional Uses.* A property in the R-12 district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.
 - a. Church, Synagogue.
 - b. Club, associations, or Lodge.
 - c. Country Club
 - d. Golf Course, Driving Range.
 - e. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. *District Regulations.*

Minimum Lot Size—12,000 square feet.

Minimum Lot Width—80 feet.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—30 feet.

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

Side yard—10 feet.

Rear yard—30 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,500 square feet.

Accessory Structure Setback see Sec. 2.3 (c).

2.2.7 R-10 dwelling, 'for-sale', residential.

A. *Permitted Principal Uses.* A property in the R-10 district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.
 - a. Dwelling, 'For-Sale', Detached.
2. Semipublic Uses, Utilities.
 - a. Park or Playground.

B. *Accessory Uses.* A property in the R-10 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

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

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Group Home.
4. Family Day Care Home in a residence.
5. Special Care Home in a 'For-Sale' detached dwelling.
6. Swimming pool, tennis court, detached garage, play house, storage shed, patio and other private recreation facilities.
7. Clubhouse, swimming pool, or community recreation facilities serving a development.
8. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
9. Signs, subject to all of the requirements regulating signage herein.
10. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Uses.* A property in the R-10 district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.
 - a. Church, Synagogue.
 - b. Club, associations, or Lodge.
 - c. Country Club.
 - d. Golf Course/Driving Range.
 - e. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. *District Regulations.*

Minimum Lot Size—10,000 square feet.

Minimum Lot Width—75 feet.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—30 feet.

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

Side yard—10 feet.

Rear yard—25 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,500 square feet.

Accessory Structures Setback see Sec. 2.3 (c).

2.2.8 R-4A dwelling, 'for-sale', attached residential—Low density.

A. *Permitted Principal Uses.* A property in the R-4A district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.
 - a. Dwelling, 'For-Sale' Attached.
2. Semipublic Uses, Utilities.
 - a. Park or Playground.

B. *Accessory Uses.* A property in the R-4A district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

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

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Swimming pool, tennis court, detached garage, play house, storage shed, patio and other private recreation facilities.
5. Clubhouse, swimming pool, or community recreation facilities serving a development.
6. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
7. Signs, subject to all of the requirements regulating signage herein.
8. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Uses.* A property in the R-4A district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.
 - a. Church, Synagogue.
 - b. Club, associations, or Lodge.
 - c. Country Club.
 - d. Golf Course/Driving Range.
 - e. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. District Regulations.

Minimum Lot Size—1 acre.

Maximum Density of Dwelling Units—4 per acre.

Minimum Lot Width—30 feet for each individual lot, if the development is subdivided or 30 feet for each dwelling unit.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—35 feet.

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

Side yard:

From lot line of adjacent property—20.

Between building groupings—20 feet.

Between individual lots, if the development is subdivided—none.

Rear yard—30 feet.

Maximum Coverage By Principal Buildings—40%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,200 square feet.

2.2.8a R-4D dwelling, 'for sale' detached residential—Low density.

- A. *Permitted Principal Uses.* A property in the R-4D district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:
 1. Agricultural and Residential Uses.
 - a. Dwelling, Single-Family Detached.
 2. Semipublic Uses, Utilities.
 - a. Park or Playground.
- B. *Accessory Uses.* A property in the R-4D district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through

approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

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

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Swimming pool, tennis court, detached garage, play house, storage shed, patio and other private recreation facilities.
5. Clubhouse, swimming pool, or community recreation facilities serving a development.
6. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
7. Signs, subject to all of the requirements regulating signage herein.
8. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Uses.* A property in the R-4D district may be used for any of the following only upon approval as a conditional use by the City Council.

1. Semipublic Uses, Utilities.
 - a. Church, Synagogue.
 - b. Club, associations, or Lodge.
 - c. Country Club.
 - d. Golf Course/Driving Range.
 - e. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. *District Regulations.*

Minimum Lot Size—5,000 sf.

Maximum Density of Dwelling Units—4 per acre.

Minimum Lot Width—50 ft.

Minimum Setbacks.

Front yard—from all street frontages.

From right-of-way of local street—35 feet.

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

Side yard—5 feet.

Corner Side Yard—10 feet.

Rear yard:

With Rear Alley—0'.

No Rear Alley—20'.

Maximum Coverage By Principal Buildings—40%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,500 square feet.

([Ord. No. 692, § 1\(Exh. 1\), 7-21-2014](#))

2.2.9 R-8A/D dwelling, 'for-sale', attached/detached residential—Medium density.

A. *Permitted Principal Uses.* A property in the R-8A/D district may be used for those uses in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.
 - a. Dwelling, 'For-Sale', Attached and Detached.
2. Semipublic Uses, Utilities.
 - a. Park or Playground.

B. *Accessory Uses.* A property in the R-8A district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

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

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Swimming pool, tennis court, play house, storage shed, patio and other private recreation facilities.
5. Clubhouse, swimming pool, or community recreation facilities serving a development.
6. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
7. Signs, subject to all of the requirements regulating signage herein.
8. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Uses.* A property in the R-8A district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.
 - a. Church, Synagogue.
 - b. Club, associations, or Lodge.
 - c. Country Club.
 - d. Golf Course/Driving Range.
 - e. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. *District Regulations.*

Minimum Lot Size—the development shall occupy a total of at least 1 acre Attached, 4,500 sq. ft. Detached. No minimum lot size is required for each dwelling unit within the development.

Maximum Density of Dwelling Units—8 per gross acre.

Minimum Lot Width—50 feet for each individual lot, if the development is subdivided or 30 feet for each dwelling unit.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—35 feet.

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

Side yard.

From lot line of adjacent property—5 feet.

Between building groupings—10 feet.

Between individual lots, if the development is subdivided—none.

Rear yard—W/Rear Alley—0', No Rear Alley—20'.

Maximum Coverage By Principal Buildings—40%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,200 square feet.

Rear Yard: Alley—0', No Rear Alley—20'

([Ord. No. 675, § 1, 6-3-2013](#))

2.2.10 R-10M dwelling, 'for-rent' or 'for-sale', residential.

A. *Permitted Principal Uses.* A property in the R-10M district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.
 - a. Dwelling, 'For-Sale', Attached.
 - b. Dwelling 'For-Rent'.
 - c. Bed and Breakfast.
2. Semipublic Uses, Utilities.
 - a. Park or Playground.

B. *Accessory Uses.* A property in the R-10M district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

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

1. Privacy and decorative fences and walls.
 2. Home Occupation in a residence.
 3. Family Day Care Home in a residence.
 4. Swimming pool, tennis court, storage shed, play house, patio and other private recreation facilities.
 5. Clubhouse, swimming pool, or community recreation facilities serving a development.
 6. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
 7. Signs, subject to all of the requirements regulating signage herein.
 8. Retaining walls and other site improvement structures approved as part of the development permit.
- C. *Conditional Uses.* A property in the R-10M district may be used for any of the following only upon approval as a conditional use by the City Council:
1. Business Uses.
 - a. Dwelling, Group (congregate housing, nursing home, etc.).
 2. Semipublic Uses, Utilities.
 - a. Church, Synagogue.
 - b. Club, associations, or Lodge.
 - c. Country Club.
 - d. Golf Course/Driving Range.
 - e. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. *District Regulations.*

Minimum Lot Size—the development shall occupy a total of at least one acre. No minimum lot size is required for each dwelling unit within the development.

Maximum Density of Dwelling Units—10 per gross acre.

Minimum Lot Width.

For the property to be developed—75 feet.

If the development is subdivided—20 feet for each individual lot, or 20 feet for each dwelling unit.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—35 feet.

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

Side yard.

From lot line of adjacent property—25 feet.

Between building groupings—20 feet.

Between individual lots, if the development is subdivided—none.

Rear yard—50 feet.

Maximum Coverage By Principal Buildings—none.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—none.

([Ord. No. 730](#), §§ 3, 4, 12-5-2016)

2.2.11 CUP community unit plan.

This district is intended to allow for the development of a mix of uses within the framework of a masterplan. The district regulations are intended to allow greater design flexibility without increasing overall density.

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

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

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

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

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

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

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

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

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

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

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

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Special Care Home in a 'For-Sale' detached dwelling.
5. Swimming pool, tennis court, play house, storage shed, patio and other private recreation facilities.
6. Clubhouse, swimming pool, or community recreation facilities serving a development.

7. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
 8. Signs, subject to all of the requirements regulating signage herein.
 9. Retaining walls and other site improvement structures approved as part of the development permit.
- C. *Conditional Uses.* A property in the CUP district may be used for those uses listed in Table 2.2, including any of the following uses if the uses have been included in the conditions of approval for the CUP zoning on the property; or if the uses are designated on the CUP's Concept Plan; or if the CUP's concepts plan identifies district categories (i.e. commercial, office) wherein the use would otherwise be permitted by right or as a conditional use:
1. Agricultural and Residential Uses.
 - a. Dwelling, Group (congregate housing, assisted living facility, home-elderly, nursing).
 - b. Dwelling, 'For-Sale' Attached.
 - c. Dwelling, 'For-Sale' Detached.
 - d. Dwelling, 'For-Rent'.
 - ~~e. Reserved.~~
 - e. Bed and Breakfast.
 2. Business Uses.
 - a. Animal Hospital, small animals.
 - b. Art Galleries.
 - c. Automobile Sales and Leasing.
 - d. Automobile Service and Service Station.
 - e. Automotive Parts.
 - ~~f. Automotive Service.~~
 - f. Bakery.
 - g. Barber Shop.
 - h. Bank, Savings and Loan.
 - i. Beauty Shop.
 - ~~k. Billiards.~~
 - j. Book Store or Stationery.
 - k. Boutique Hotel.
 - l. Bowling Alley.
 - m. Brewery.
 - n. Broadcasting Studio (radio or TV).
 - o. Building Equipment/Material.
 - p. Clinic.
 - q. Contractor's Office with and without outside storage.
 - r. Convenience Market with or without gas pumps.
 - s. Dance Studio.

- t. Day Care Center.
 - u. Distillery.
 - v. Drug Store.
 - w. Dry Cleaning Pick-up Station.
 - x. Equestrian Center.
 - y. Extended stay hotel (see Section 2.7).
 - z. Florist, Retail without Greenhouse.
 - aa. Funeral Home w/ no cemetery or mausoleum.
 - bb. Golf, Miniature.
 - cc. Grocery Store.
 - dd. Hardware and Garden Supply Store.
 - ee. Hotel or Motel.
 - ff. Laboratory, Research or Commercial.
 - gg. Laundry, Self-Serve, Pick-up.
 - hh. Liquor Store.
 - ii. Office Building or Office Park.
 - jj. Park, playground.
 - kk. Pet Day Care.
 - ll. Pet Grooming.
 - mm. Print Shop.
 - nn. Public Building.
 - oo. Recreation Facilities, Indoor and Outdoor.
 - pp. Rental Services Establishment without outside storage.
 - qq. Restaurant.
 - rr. Restaurant, with Drive-thru window.
 - ss. Retail Sales and Services Establishments not otherwise listed for this zoning district.
 - tt. Retail Establishment, Mixed Sales.
 - uu. School, Commercial.
 - vv. Shop or Studio, Craftsman/Artist.
 - ww. Spa Services.
 - xx. Special Event Facility.
 - yy. Theater, Cinema.
3. Wholesale, Storage and Industrial Uses.
- a. Laundry, Industrial.
 - b. Locker, Frozen Food or Cold Storage.
 - c. Manufacturing, Light.
 - d. Wholesale Establishment.

4. Semipublic Uses, Utilities.

- a. Airport, public or private.
- b. Amphitheater.
- c. Athletic Facility, Fitness Studio.
- d. Auditorium.
- e. Church, Synagogue.
- f. Club, association or lodge.
- g. Country Club.
- h. Fire Station.
- i. Golf Course, Driving Range.
- j. Heliport, public or private.
- k. Hospital.
- l. Library.
- m. Museum.
- n. Park or Playground.
- o. Power Station.
- p. School, Academic.
- q. Switching Station (Telecom).
- r. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
- s. Wireless Tower.

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

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

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

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

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

([Ord. No. 718](#), §§ 2, 4, 12-14-2015; [Ord. No. 741](#), § 4, 6-5-2017; [Ord. No. 744](#), §§ 2, 6, 7-10-2017; [Ord. No. 808](#), § 2(Exh. B), 9-8-2020)

2.2.12 O-P office-professional.

This district is intended to provide for the development of business and professional offices, hospitals, medical and dental facilities and limited commercial activity.

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

1. Residential Uses.
 - a. Bed and Breakfast.
2. Business Uses.
 - a. Bank, Savings and Loan.
 - b. Barber Shop and Beauty Shop.
 - c. Clinic (medical/dental).
 - d. Contractor's office without outside storage.
 - e. Day care center.
 - f. Office (professional/administrative).
 - ~~g. Print Shop.~~
 - ~~h. Public Building.~~
 - ~~i. Staffing/personnel office.~~
 - ~~j. Stock brokerage/financial services office.~~
 - ~~k. Tax preparation office.~~
 - ~~l. Travel agency.~~
3. Semipublic Uses, Utilities.
 - a. Park or Playground.
4. The following support retail uses are allowed provided that they are located within an office building and (in total) do not constitute more than 25% of the floor area of the office building in which they are located:
 - a. Book store or Stationery.
 - b. Retail Establishment - limited to a Computer Supply Store, Jewelry Store (not to exceed 1,200 SF), Office Supply Store (not to exceed 1,200 SF), Optometrist/Eye Wear, Package Shipping/Mail Box Store, and Cell Phone Store.
 - ~~b. Computer/computer supply store.~~
 - ~~c. Copy center.~~
 - ~~d. Jewelry store (not to exceed 1,200 sq. ft.).~~
 - ~~e. Office supply store (not to exceed 1,200 sq. ft.).~~
 - ~~f. Optometrist/Eye wear.~~
 - ~~g. Package shipping/mail box store.~~
 - ~~h. Phone store.~~
 - ~~i. Print Shop.~~
 - ~~j. Stationery/card store.~~

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

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

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

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

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

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

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

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

2. Privacy and decorative fences and walls.
3. Swimming pool, tennis court, patio and other private recreation facilities.
4. Clubhouse, swimming pool, or community recreation facilities serving a development.
5. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
6. Signs, subject to all of the requirements regulating signage herein.
7. Retaining walls and other site improvement structures approved as part of the development permit.

- C. *Conditional Uses.* A property in the O-P district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Business Uses.
 - a. Art Gallery.
 - b. Bakery.
 - c. Dry Cleaning Pick up station with drive-thru.
 - d. Fitness studio.
 - e. Florist.
 - f. Restaurant without drive-thru.
 - g. School Commercial.
 - h. Shop or studio, Craftsman/Artist.
 - i. Spa Services.
2. Semipublic Uses, Utilities.
 - a. Auditorium.

- b. Church, Synagogue.
- c. Club, association or lodge.
- d. Public Building.
- e. School, Academic.
- f. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. District Regulations.

Minimum Lot Area—30,000 square feet.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—40%.

Maximum Building Height—40 feet.

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

2.2.13 O-I office-institutional.

This district is intended for the development of planned office areas which allow for design flexibility through a master plan. Commercial activities are permitted as subordinate uses to the office development.

- A. *Conditional Principal Uses.* A property in the O-I district may be used for the uses listed below and shown in Table 2.2 in accordance with an approved masterplan, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use. Lots of less than five (5) acres in size may be developed for bank or office use without public hearing subject to Design Review Board Approval.
- 1. Residential Uses.
 - a. Dwelling, Group (nursing home, children's home, congregate housing, assisted living facility).
 - 2. Business Uses.
 - a. Bank, Savings and Loan.
 - b. Broadcasting Studio (radio or TV).
 - c. Clinic.
 - d. Congregate Housing.
 - e. Day Care Center.
 - f. Drug Store.

- g. Office Building or Office Park.
 - h. Recreational Facilities (Indoor or Outdoor).
 - i. Special Event Facility.
 - j. Theater, Cinema.
3. Semipublic Uses, Utilities.
- a. Church, Synagogue.
 - b. Club, association or lodge.
 - c. Golf Course, Driving Range.
 - d. Heliport.
 - e. Hospital.
 - f. Library.
 - g. Museum.
 - h. Public Building.
 - i. School, Academic.

~~h. Recreation Facilities (Indoor or Outdoor).~~

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

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

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

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

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

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

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

The dwelling and the commercial or office structure to which it is accessory shall be in compliance with all applicable provisions of the life safety code, the building code, and other standard codes of the City.
2. Privacy and decorative fences and walls.
3. Swimming pool, tennis court, patio and other private recreation facilities.
4. Clubhouse, swimming pool, or community recreation facilities serving a development.
5. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
6. Signs, subject to all of the requirements regulating signage herein.

7. Retaining walls and other site improvement structures approved as part of the development permit.
 8. Retail service uses up to 25% of the floor area of an office building for services incidental to the associated office use.
- C. *Conditional Subordinate Uses.* A property in the O-I district may be used for any of the following listed uses upon approval as a conditional use by the City Council provided that the uses in aggregate do not constitute more than 25% of the total project and are not segregated so as to create a retail strip center.
1. Residential Uses.
 - a. Reserved.
 2. Business Uses.
 - a. Art Galleries.
 - b. Automobile Service and Service Station.
 - c. Bakery.
 - d. Barber Shop.
 - e. Beauty Shop.
 - f. Book Store.
 - g. Boutique Hotel.
 - h. Bowling Alley.
 - i. Brewery.
 - j. Car Wash.
 - k. Contractor's Office without outside storage.
 - l. Convenience Market with or without gas pumps.
 - m. Dance Studio.
 - n. Distillery.
 - o. Dry Cleaning Pick-up Station.
 - p. Extended Stay Hotel (see Sec. 2.7).
 - q. Florist, Retail without Greenhouse.
 - r. Funeral Home w/out cemetery or mausoleum.
 - s. Golf, Miniature, or Golf Driving Range.
 - t. Hotel/motel.
 - u. Laboratory, Research or Commercial.
 - v. Liquor Store.
 - w. Parking Lot, Commercial.
 - x. Print Shop.
 - y. Restaurant.
 - z. Restaurant, Drive-In or Fast-Food with Drive-thru window.
 - aa. Retail Sales & Services Establishments subject to the limitation of [subsection] 2.2.13 B 8.
 - bb. School, Commercial.

- cc. Spa Services.
- 3. Wholesale, Storage and Industrial Uses.
 - a. Manufacturing, Light.
- 4. Semipublic Uses, Utilities.
 - a. Airport.
 - b. Amphitheater.
 - c. Athletic Facility.
 - d. Auditorium.
 - e. Country Club.
 - ~~f. Hospital.~~
 - f. Fire Station.
 - g. Park or Playground.
 - h. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
 - i. Wireless Tower.

D. *District Regulations.*

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

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—40%.

Maximum Building Height—40 feet.

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

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

([Ord. No. 718](#), §§ 3, 6, 12-14-2015; [Ord. No. 741](#), § 4, 6-5-2017; [Ord. No. 744](#), §§ 2, 6, 7-10-2017; [Ord. No. 808](#), § 2(Exh. B), 9-8-2020)

2.2.14 C-1 neighborhood commercial.

A. *Permitted Principal Uses.* A property in the C-1 district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Residential Uses.

- a. Dwelling, 'For-Sale'—in an existing or historic structure only.

~~b. Reserved.~~

- b. Bed and Breakfast.

2. Business Uses.

- a. Art Gallery.

- b. Bakery.

- c. Bank, Savings and Loan.

- d. Barber Shop.

- e. Beauty Shop.

- f. Book Store.

- g. Carpet and Rug Sales.

- h. Clinic.

~~i. Contractor's Office without outside storage.~~

i. Dance Studio.

- j. Day Care Center.

- k. Drug Store.

- l. Dry Cleaning Pick-up Station.

- m. Florist, Retail Without Greenhouse.

~~n. Gourmet Food Store.~~

- n. Hardware and Garden Supply Store.

~~p. Jewelry Store.~~

- o. Laundry, Self-Serve, Pick-up.

p. Nail Salon.

- q. Office Building or Park.

- r. Pet Day Care.

- s. Pet Grooming.

- t. Print Shop.

~~v. Reserved.~~

- u. Restaurant.

- v. Retail Sales and Services (Establishments not otherwise listed for this zoning district as a permitted or conditional use).

- w. School, Commercial.

- x. Shop or Studio, Craftsman/Artist.

~~aa. Theater, Cinema.~~

3. Semipublic Uses, Utilities.

~~a. Club, association or lodge.~~

a. Library.

b. Museum.

c. Park or Playground.

d. School, Academic.

~~e. Public Building.~~

- B. *Accessory Uses.* A property in the C-1 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

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

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

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

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

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

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

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

2. Privacy and decorative fences and walls.
3. Swimming pool, tennis court, patio and other private recreation facilities.
4. Clubhouse, swimming pool, or community recreation facilities serving a development.
5. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations, herein.
6. Signs, subject to all of the requirements regulating signage herein.
7. Retaining walls and other site improvement structures approved as part of the development permit.

- C. *Conditional Uses.* A property in the C-1 district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Residential Uses.

~~a. Reserved.~~

a. Dwelling, Group (congregate housing, assisted living facility, nursing).

2. Business Uses.

- a. Animal Hospital, small animals.
- b. Assisted Living, Congregate housing
- c. Automotive Parts.
- d. Bowling Alley.
- e. Brewery.
- f. Check Cashing.
- g. Club, association or lodge.
- h. Contractor's Office with out outside storage.
- i. Distillery.
- j. Funeral home with no cemetery or mausoleum.
- k. Golf, Miniature.
- l. Grocery Store.
- m. Hotel/Motel.
- n. Liquor Store.
- o. Parking Lot, Commercial.
- p. Pest Control Business.
- ~~q. School, Academic.~~
- q. Rental Services Establishment without outside storage.
- r. Restaurant, with Drive-thru Window.
- s. Retail Establishment, Mixed Sales.
- t. Smoke Shop and Tobacco Store.
- u. Spa Services.
- v. Special Event Facility.

w. Theater, Cinema.

3. Semipublic Uses, Utilities.

- a. Athletic Facility, Fitness Studio.
- b. Auditorium.
- c. Church, Synagogue.
- d. Hospital.

e. Public Building.

- f. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. *District Regulations.*

Minimum Lot Area—30,000 square feet.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—45%.

Maximum Building Height—35 feet.

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

([Ord. No. 704](#), § 2, 6-1-2015; [Ord. No. 718](#), §§ 6—8, 12-14-2015; [Ord. No. 730](#), §§ 3, 4, 12-5-2016; [Ord. No. 741](#), § 4, 6-5-2017; [Ord. No. 744](#), § 4, 7-10-2017; [Ord. No. 772](#), § 2, 2-4-2019; [Ord. No. 808](#), § 2(Exh. B), 9-8-2020)

2.2.15 C-2 general commercial.

A. *Permitted Principal Uses.* A property in the C-2 district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Residential Uses.

- a. Dwelling, 'For-Sale'—in an existing or historic structure only.
- b. Bed and Breakfast.

2. Business Uses.

- a. Art Gallery.
- b. Automobile Service ~~and Service~~ Station.
- c. Automotive Parts.
- ~~d. Automotive Service.~~
- d. Bakery.
- e. Bank, Savings and Loan.
- f. Barber Shop.
- g. Beauty Shop.
- h. Book Store.
- i. Bowling Alley.
- j. Broadcasting Studio (radio or TV).
- ~~l. Building Materials, retail with enclosed storage.~~
- k. Carpet and Rug Sales.
- l. Clinic.
- ~~e. Clubs, fraternity, association or lodge.~~
- ~~q. Reserved.~~
- m. Contractor's Office ~~with and~~ without outside storage.

- n. Convenience Market with or without gas pumps.
- o. Dance Studio.
- p. Day Care Center.
- q. Drug Store.
- r. Dry Cleaning Pick-up Station.
- s. Florist, Retail Without Greenhouse.
- t. Grocery Store.
- u. Hardware and Garden Supply Store.
- v. Home Improvement Store.
- w. Laundry, Self-Serve, Pick-up.
- x. Liquor Store.

y. Nail Salon.

- z. Office Building or Park.
- aa. Parking Lot, Commercial.
- bb. Pet Day Care.
- cc. Pet Grooming.
- dd. Print Shop.

~~hh. Public Building.~~

~~ii. Recreation Facilities (Indoor).~~

- ee. Rental Services Establishment without outside storage.
- ff. Restaurant.
- gg. Restaurant, w/Drive-thru Window.
- hh. Retail Sales and Services Establishments not otherwise listed for this zoning district as a permitted or conditional use.
- ii. Retail Establishment, Mixed Sales.
- jj. School, Commercial.
- kk. Shop or Studio, Craftsman/Artist.

~~qq. Theater, Cinema.~~

3. Semipublic Uses, Utilities.

- a. Athletic Facilities, Fitness Studio.
- ~~b. Club, association or lodge.~~
- b. Hospital.
- c. Library.
- d. Museum.
- e. Park or Playground.
- f. School, Academic.

- B. **Accessory Uses.** A property in the C-2 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as

a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following: (See also Supplementary Regulations in this Article.)

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

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

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

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

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

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

2. Privacy and decorative fences and walls.
3. Swimming pool, tennis court, patio and other private recreation facilities.
4. Clubhouse, swimming pool, or community recreation facilities serving a development.
5. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
6. Signs, subject to all of the requirements regulating signage herein.
7. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Uses.* A property in the C-2 district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Residential Uses.

~~a. Reserved.~~

~~b. Reserved.~~

- a. Dwelling, Group (congregate housing, nursing home, etc.).

2. Business Uses.

- a. Animal Hospital, small animals.
- b. Assisted Living, Congregate housing.
- c. Automobile Sales and Leasing.
- d. Boutique Hotel.
- e. Brewery.
- f. Builder's Equipment/Material.
- g. Car Wash.
- h. Check Cashing.

- i. Church, Synagogue.
- j. Club, fraternity, association or lodge.
- k. Contractor's Office with outside storage.
- l. Distillery.
- m. Extended Stay Hotel (see Sec. 2.7).
- ~~k. Florist, Retail with Greenhouse.~~
- n. Funeral Homes.
- o. Golf, Miniature.
- p. Greenhouse with nursery.
- q. Hotel or Motel.
- r. Limousine Service and Taxi.
- s. Massage Therapy (see Sec. 2.7).
- t. Pest Control Business.
- u. Spa Services.
- v. Recreation Facilities, Indoor.
- w. Recreation Facilities, Outdoor.
- x. Small Appliance Repair Shop.
- y. Smoke Shop and Tobacco Store.
- z. Spa Services.
- aa. Special Event Facility.
- bb. Theater, Cinema.

~~3. Wholesale, Storage and Industrial Uses.~~

- ~~a. Wholesale Establishment.~~

3. Semipublic Uses, Utilities.

- a. Auditorium.
- b. Public Building.
- ~~c. Recreational Facilities (Outdoor).~~
- c. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
- d. Wireless Tower.

D. *District Regulations.*

Minimum Lot Area—none.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—Conditional (based on prevailing development patterns).

Side yard—Conditional (based on prevailing development patterns).

Rear yard—10 feet.

Maximum Coverage By Principal Buildings—70% (for development within Downtown Overlay—90%).

Maximum Building Height—40 feet.

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

([Ord. No. 703](#), § 1, 6-1-2015; [Ord. No. 704](#), § 2, 6-1-2015; [Ord. No. 718](#), §§ 5—7, 9, 12-14-2015; [Ord. No. 730](#), §§ 3, 4, 12-5-2016; [Ord. No. 741](#), § 4, 6-5-2017; [Ord. No. 744](#), §§ 2, 6, 7-10-2017; [Ord. No. 772](#), § 3, 2-4-2019; [Ord. No. 808](#), § 2(Exh. B), 9-8-2020)

2.2.16 PSC planned shopping center.

All uses in the PSC zoning district shall be located within, or as part of a shopping center or specialty shopping center.

A. *Conditional Principal Uses.* A property in the PSC district may be used for those uses listed in Table 2.2, only upon approval as a conditional use by the city council:

1. Residential Uses

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

2. Business Uses.

- a. Art Galleries.
- ~~b. Automobile Service Station.~~
- ~~c. Automotive Parts.~~
- b. Bakery.
- c. Barber Shop.
- d. Bank, Savings and Loan.
- e. Beauty Shop.
- f. Brewery.
- g. Book Store.
- h. Car Wash.
- i. Carpet and Rug Sales.
- j. Clinic.
- ~~m. Convenience Market with or without gas pumps.~~
- k. Dance Studio.
- l. Day Care Center.
- m. Distillery.
- n. Drug Store (Pharmacy).

- o. Florist, Retail without Greenhouse.
- p. Grocery Store (max. 50,000 SF in the North Point Overlay).
- q. Hardware Store (max. 50,000 SF in the North Point Overlay).
- r. Home Improvement Store.
- s. Laundry, Self-Serve, Pick-up.
- t. Liquor Store.
- u. Office Building or Park.
- v. Pest Control Business.
- ~~z. Pet Grooming.~~
- ~~aa. Public Building.~~
- ~~bb. Recreational Facilities (Indoor).~~
- w. Rental Services Establishment without outside storage.
- x. Restaurant.
- y. Restaurant w/Drive-thru window.
- z. Retail Sales and Services Establishments not otherwise listed for this zoning district as a permitted or conditional use.
- aa. Retail Establishment, Mixed Sales.
- ~~hh. Special Event Facility.~~
- ~~ii. Theater, Cinema.~~

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

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

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

- C. *Conditional Subordinate Uses.* A property in the PSC district may be used for any of the following only upon approval as a conditional use by the City Council and provided that these uses in aggregate do not constitute more than 50% of the site area:

- 1. Residential Uses.
 - a. Reserved.
- 2. Business Uses.
 - a. Animal Hospital, small animals.
 - b. Automobile Service and Service Station.
 - c. Automotive Parts.

~~d. Automotive Service.~~

- d. Bowling Alley.
- e. Boutique Hotel.
- f. Broadcasting Studio (radio or TV).

~~g. Building Materials, retail with enclosed storage.~~

- g. Convenience Center with gas pumps.
- h. Dry Cleaning Plant.
- i. Dry Cleaning Plant with pick-up station.

~~l. Florist, Retail with Greenhouse.~~

- j. Funeral Home with no cemetery or mausoleum.

k. Greenhouse, Nursery.

- l. Golf, Miniature.
- m. Hotel or Motel.

n. Nail Salon.

- o. Parking Lot, Commercial.
- p. Pet Day Care.
- q. Pet Grooming.
- r. Print Shop.

~~s. Radio or TV, Transmitter or Studio.~~

s. Recreation Facilities, Indoor.

- t. School, Commercial.
- u. Shop or Studio, Craftsman/Artist.
- v. Spa Services.

w. Special Event Facility.

x. Theater, Cinema.

3. Semipublic Uses, Utilities.

- a. Athletic Facility, Fitness Studio.
- b. Auditorium.
- c. Church, Synagogue.
- d. Club, fraternity, association or lodge.
- e. Heliport, public or private.
- f. Libraries.
- g. Museum.
- h. Park or Playground.

i. Public Building.

- j. Recreational Facilities (Outdoor).
- k. School, Academic.

~~k. Reserved.~~

- l. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
- m. Wholesale Establishment.
- n. Wireless Tower.

D. *District Regulations.*

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

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—40%.

Maximum Building Height—40 feet.

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

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

1. Pedestrian connectivity to all uses.
2. Large parking areas below grade, in decks or screened. Design efforts to provide shared parking will also be considered.
3. Accommodations for public transportation.
4. Buildings that face or appear to face public roadways.
5. Appearance standards for buildings and structured parking.
6. Limitations on uninterrupted building elevations.
7. Creation of vistas and view corridors within development.
8. Focal point features at prominent locations and ends of vistas.
9. Incorporation of natural site features.
10. Block lengths conducive to pedestrian traffic.
11. Detention and retention facilities designed to be aesthetically pleasing.
12. Creative methods for stormwater management to provide additional open space.
13. Attractive and usable street furniture in public spaces.
14. Emphasis on a high quality landscape plan.

([Ord. No. 715](#), § 2, 9-28-2015; [Ord. No. 718](#), §§ 3, 4, 12-14-2015; [Ord. No. 741](#), § 4, 6-5-2017; [Ord. No. 744](#), §§ 2, 4, 6, 7-10-2017; [Ord. No. 767](#), §§ 1—3, 10-22-2018; [Ord. No. 808](#), § 2(Exh. B), 9-8-2020)

2.2.17 L-I industrial.

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

1. Agricultural and Residential Uses.

~~a. Greenhouse, Nursery.~~

~~a. Dwelling, Group (home-elderly, children, nursing).~~

2. Business Uses.

a. Animal Hospital, small and large animals.

b. Art Gallery.

c. Automobile Service ~~and Service~~ Station.

d. Automotive Parts.

e. Automotive Sales and Leasing.

~~f. Automotive Service.~~

f. Bakery.

g. Bank, Savings and Loan.

h. Book Store.

i. Bowling Alley.

j. Brewery.

k. Broadcasting Studio (radio or TV).

l. Builder's Equipment/Material.

m. Car Wash.

n. Carpenter Shop, Woodworking.

o. Carpet and Rug Sales.

p. Check Cashing.

q. Church, Synagogue.

r. Congregate Housing.

s. Contractor's Office with and without outside storage.

t. Convenience Market with or without gas pumps.

u. Dance Studio.

v. Day Care Center.

w. Discount Store.

x. Distillery.

y. Drug Store.

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

jjj. Tire Retreading.

3. Wholesale, Storage and Industrial Uses.

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

~~i. Warehouse.~~

- i. Welding Shop.
- j. Wholesale Trade Establishment.

4. Semipublic Uses, Utilities.

- a. Athletic Facility, Fitness Studio.
- b. Amphitheater.
- c. Auditorium.
- d. Church, Synagogue.
- e. Heliport.
- f. Hospital.

g. Library.

h. Museum.

i. Park or Playground.

j. Public Building.

k. School, Academic.

l. Switching Station, Telecom.

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

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

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

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

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

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

1.0 *Business Uses.*

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

~~i. Theater, Cinema.~~

2.0 *Wholesale, Storage and Industrial Uses.*

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

3.0 *Semipublic Uses, Utilities.*

- a. Airport, public or private.

~~b. Reserved.~~

~~d. Museum and Library.~~

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

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

4.1 *General Standards.*

- a. No access to transfer station facility shall be allowed from streets that primarily access residential developments;
- b. Access streets shall be paved and shall be able to withstand maximum load limits established by the State of Georgia as approved by the Engineering Director;
- c. No portion of a new transfer station shall be located within a three-mile radius of the property lines of an existing transfer station;
- d. A minimum 200 foot undisturbed buffer and ten-foot improvement setback shall be required along all property lines except public rights-of-way;
- e. A minimum 50 foot buffer and ten-foot improvement setback shall be required along all public rights-of-way;
- f. A minimum six foot high solid fence or wall shall be located on property lines or interior to the required buffers and improvement setback;
- g. Operation of the facility shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday; 9:00 a.m. to 7:00 p.m., Saturday; 12:00 p.m. to 5:00 p.m., Sunday (for routine maintenance and other non-operational facility activities).
- h. Only municipal solid waste is accepted at the facility. No treated or untreated regulated medical waste, treated and destroyed medical waste or asbestos waste debris shall be accepted;
- i. All solid waste is removed from the transfer station within 24 hours of receipt;
- j. A transfer station with permanent operating mechanical equipment must have an attendant on duty whenever the facility is open;
- k. The facility shall be designed and constructed in a manner to ensure that odor will not be emitted from the site;
- l. The transfer facility must be cleaned at least once every 24 hours;
- m. The entrance and exit shall be cleaned at a frequency which prevents the tracking or off-site migration of waste materials;
- n. The operator shall take adequate measures to minimize the creation, emission, or accumulation of excessive dust and particulates;
- o. The operator shall take adequate steps to control or prevent the propagation, harborage and attraction of pests;
- p. All floors must be free from standing water. All drainage from cleaning areas must be discharged to sanitary sewers, authorized cleaning areas must be discharged to sanitary sewers, authorized sanitary waste treatment facilities, or a corrosion-resistant holding tank;
- q. The facility shall provide fire suppression equipment as directed by the City of Alpharetta Fire Department;
- r. All solid waste passing through the transfer station must be ultimately treated or disposed of at an authorized facility;
- s. The transfer station must have adequate storage space for incoming solid waste;
- t. Operational records must be maintained at facilities with permanent operating mechanical equipment. These records must include a daily log of the quantity of solid waste received

and transported, specifying the origin by hauler and the destination of the solid waste transported daily;

- u. The facility shall not generate more than 150 total vehicle trips per day;
- v. An annual report must be submitted to the Community Development Department which summarized the information gathered in (t), above;
- w. The facility shall be developed, operated and maintained in a safe, nuisance-free manner; and
- x. The facility and its operation must be in compliance with GA EPD requirements.

4.2 *Additional Permit Application Requirements.*

- a. Application requirements. An application for a solid waste transfer station permit must confirm to the requirements set forth herein. Applications for initial permits to construct and operate a solid waste transfer station must include the following:
 - (1) Regional plan or map. The regional plan or map must delineate the service area of the proposed transfer station.
 - (2) Site plan. The site plan must include:
 - (a) Site conditions and projected site utilization, including all site structures (such as buildings, fences, gates, entrances and exits, parking areas);
 - (b) Property boundaries, access roads, the locations of all surface water bodies, and 100-year floodplain boundaries;
 - (c) All proposed structures and areas designated for unloading, sorting, storage, and loading, including dimensions, elevations and floor plans of these structures and areas, and the general process flow; and
 - (d) Adjacent properties, including the location of public and private water supplies on these properties.
 - (3) Engineering report. The engineering report must include:
 - (a) A description of the general operating plan for the proposed facility, including the origin, composition, and expected weight or volume of all solid waste to be accepted, the maximum time any such waste will be stored, where all waste will be disposed of, and the proposed capacity operating hours, and the expected life of the facility;
 - (b) A description of all machinery and equipment, including the design capacity;
 - (c) A proposed transfer plan specifying the transfer route, the number and type of transfer vehicles to be used, and how often solid waste will be transferred to the disposal site;
 - (d) A description of the facility's drainage system and water supply system; and
 - (e) A contingency plan that details an alternative solid handling system for periods when not operating, or for delays in transporting solid waste due to undesirable conditions, such as delivery of unauthorized waste, fires, dust, odor, vectors, unusual traffic conditions, equipment breakdown or other emergencies.

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

- a. Unloading and loading areas.
 - (1) The unloading area must be adequate in size and design to facilitate efficient unloading from the collection vehicles and the unobstructed movement of vehicles;

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

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

D. *District Regulations.*

Minimum lot size—one acre.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—35%.

Maximum Building Height—35 feet.

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

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

([Ord. No. 708](#), § 1, 8-10-2015; [Ord. No. 715](#), § 3, 9-28-2015; [Ord. No. 718](#), §§ 7, 10—12, 12-14-2015; [Ord. No. 741](#), §§ 2, 3, 6-5-2017; [Ord. No. 744](#), §§ 2, 3, 5, 6, 7-10-2017; [Ord. No. 808](#), § 2(Exh. B), 9-8-2020)

2.2.18 OSR open space and recreational.

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

1. Semipublic Uses, Utilities.

~~a. Community Center.~~

a. Park or Playground.

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

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

1. Privacy and decorative fences and walls.

2. Clubhouse, swimming pool, tennis courts or other community recreation facilities.

3. Vehicle access and public parking areas.

4. Signs, subject to all of the requirements regulating signage herein.

5. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Uses.* A property in the OSR district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.

a. Amphitheater.

b. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. *District Regulation.*

Minimum Lot Size—none.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—15 feet.

Rear yard—30 feet.

Maximum Coverage By Principal Buildings—20%.

Maximum Building Height—75 feet.

Screening and buffers—none.

2.2.19 SU special use.

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

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

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

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

1. Privacy and decorative fences and walls.
2. Swimming pool, tennis court, patio and other recreation facilities.
3. Clubhouse, swimming pool, or community recreation facilities serving a development.
4. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
5. Signs, subject to all of the requirements regulating signage herein.
6. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Uses.* A property in the SU district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.

- a. Cemetery.
- b. Church, Synagogue, or other religious institutions.
- c. Club, association or lodge.
- d. Power Station.
- e. Prison.
- f. Public Building.
- g. Recreation Facilities, Outdoor.
- h. Wireless Tower.

D. *District Regulations.*

Minimum Lot Size—none.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—10 feet.

Rear yard—10 feet.

Maximum Coverage By Principal Buildings—70%.

Maximum Building Height—40 feet.

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

([Ord. No. 744](#), § 6, 7-10-2017)

2.2.20 MU mixed use district.

This district is intended to allow for the development of a mix of uses within the framework of a master plan. The district regulations are intended to allow greater design flexibility in order to accommodate a pedestrian focused environment that provides opportunities for living, working, shopping, recreation and entertainment.

- A. *Applicability.* This zoning district is applicable to properties located within:
 - 1. Areas that are primarily non-residential in character; or
 - 2. Along major roadways that are primarily commercial in character; or
 - 3. Historic Downtown Alpharetta; or
 - 4. As noted in the Comprehensive Land Use Plan.
- B. *Permitted Principal Uses.* A property in the MU district may be used only for those uses approved as part of the conditions of approval of the MU zoning on the property and as further limited below.

1. *Dwelling, attached or detached:* At least 25% of the MU development shall be utilized as residential dwellings. Land use calculations shall utilize gross floor area for vertical mix of uses and land area for horizontal mix of uses.

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

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

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

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

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

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

Combination of Horizontal and Vertical Mixed Use:

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

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

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

1. *Residential Uses:*

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

2. *Commercial Uses:*

a. Art Gallery.

b. Bakery.

c. Bank, Savings & Loan.

d. Barber Shop.

e. Beauty Shop.

f. Book Store.

g. Boutique Hotel.

h. Brewery.

i. Clinic.

j. Dance Studio.

~~d. Contractor's Office (no on-site storage).~~

k. Day Care Center.

l. Distillery.

m. Drug Store (Pharmacy).

n. Dry cleaning, Pickup Station.

o. Florist, Retail.

~~h. Entertainment Venue (jazz club, comedy club, dinner theater, etc.).~~

p. Grocery Store (max. 50,000 SF in the North Point Overlay).

q. Hardware and Garden Supply Store (max. 50,000 SF in the North Point Overlay).

r. Hotel/Motel.

s. Liquor Store.

t. Nail Salon.

u. Office.

v. Pet Grooming.

w. Print Shop.

x. Recreation Facilities, Indoor and Outdoor.

~~y. Religious Institution.~~

z. Restaurant.

aa. Retail Establishment.

- bb. School, Commercial.
- cc. Spa Services.
- dd. Special Event Facility.
- ee. Theater, Cinema.

3. *Semipublic Uses, Utilities:*

- a. Athletic Facilities, Fitness Studio.
- b. Church, Synagogue.
- c. Heliport.
- d. Library.
- e. Museum.
- f. Park or Playground.
- g. Public Building.
- h. School, Academic.

D. *District Regulations.*

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

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

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

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

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

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

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

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

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

([Ord. No. 702, § 1\(Exh. A\), 3-2-2015](#) ; [Ord. No. 732](#) , § 1, 2-6-2017; [Ord. No. 741](#) , § 4, 6-5-2017; [Ord. No. 744](#) , § 2, 7-10-2017; [Ord. No. 749](#) , §§ 2, 3, 9-18-2017; [Ord. No. 767](#) , § 4(Exh. A), 10-22-2018; [Ord. No. 808](#) , § 2(Exh. B), 9-8-2020)

Table 2.1 List of Development Standards

District	Lot Area	Lot ^B Width	Front Yd. Set Back (ft.) ^F	Side Yards (ft.)	Corner Side Yards (ft.)	Rear Yards (ft.)	Total Bldg. Coverage	Max. Ht. In (ft.)	Min. Flr. Area in Sq. Ft.	Max. Impervious Area ^A
AG	5 acres	200	50' local street 65' all other streets	25	35	50	25%	35	1,800	40%
RE	3 acres	100	50'/65'	25	35	50	25%	35	1,800	40%
R ^E	One acre	100	50'/65'	25	35	50	25%	35	1,800	50%

R-22 ^E	22,000 sq. ft.	100	35' local street 65' all other streets	25	35	30	25%	35	1,500	50%
R-15 ^E	15,000 sq. ft.	100	35' local street 65' all other streets	10	20	25	25%	35	1,500	50%
R-12 ^E	12,000 sq. ft.	80	30' local street 65' all other streets	10	20	30	25%	35	1,500	50%
R-10 ^E	10,000 sq. ft.	75	30' local street 65' all other streets	10	20	25	25%	35	1,500	50%
R-4A ^E	One acre	30	35' local street 65' all other streets	20 ^C	20	30	40%	35	1,200	60%
R-4D	5,000 sq. ft.	50	35'/65'	5	10	w/alley 0' no alley 20'	40%	35	1,500	60%

R-8A/D ^E	One acre (Attached) 4,500 sq. ft. (Detached)	50	35' local street 65' all other streets	5 adjacent property 10 between buildings	10	w/alley 0' no alley 20'	40%	35	1,200	60%
R-10M ^E	One acre	75	35' local street 65' all other streets	25 adjacent property 20 between buildings	35	50	None	35	None	60%
CUP ^D	100 acres	Cond.	Cond.	Cond.	Cond.	Cond.	Cond.	Cond.		70%
O-P	30,000 sq. ft.	NONE	50' local street 65' all other streets	15	50' local street 65' all other streets	15	40%	40		70%
O-I ^D	25 acres	None	50/65	15	50/65	15	40%	40		70%
C-1	30,000 sq. ft.	NONE	50' local street 65' all other streets	15	50' local street 65' all other streets	15	45%	35		80%
C-2	NONE	NONE	Cond.	Cond.	Cond.	10	70% 90% DT Overlay	40		90% (95% DT Overlay)
PSC ^D	10 acres	NONE	50/65	15	50/65	15	40	40		80%
L-I	One acre	NONE	50' local	15	50' local	15	35%	35		80%

			street 65' all other streets		street 65' all other streets					
OS & R	NONE	NONE	50/60	15	50/65	30	20	75	NONE	NONE
SU	NONE	NONE	50/65	10	50/65	10	70%	40		80%
MU	25 acres	Cond.	Cond.	Cond.	Cond.	Cond.	Cond.	Cond.		80%

A - Includes surface or deck parking.

B - Minimum lot width at setback line per unit.

C - Side yard set back from project boundaries and building groupings.

D - Area regulations conditional and are subject to a master plan.

E - All minimum lot sizes as noted are allowable if served by sanitary sewer. If sanitary sewer is not available to the property, then Fulton County Health Department (lot size) regulation shall apply for septic tank approval.

F - Tree save areas may overlap the building lot and building setback area. Such tree save areas must be identified on the land disturbance permit and dedicated on the final plat for permanent preservation.

([Ord. No. 718](#), § 13(Exh. A), 12-14-2015; [Ord. No. 732](#), § 1, 2-6-2017)

TABLE 2.2 LIST OF PERMISSIBLE AND CONDITIONAL USES

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

USES	AG	RE	R	R-22	R-15	R-12	R-10	R-4A	R-4D	R-8A/D	R-10M	CUP*	OI*	OP	C-1	C-2	PSC	LI	OS-R	SU	MU
Adult Entertainment Establishment																		O			

Airport, Public/Private	O											O	<u>S</u>					O		X	
Amphitheater												O	Θ <u>S</u>					X	O	X	
Animal Hospital, Small Animal (Veterinarian)	O											O			O	O	Θ <u>S</u>	X			
Animal Hospital, Large Animal	O																	X			
Art Galleries												O	Θ <u>S</u>	O	X	X	O	X			O
Asphalt Plant																		O			
Athletic Facilities/Fitness Studio	O											O	Θ <u>S</u>	O	X <u>O</u>	X	Θ <u>S</u>	X			O
Auditorium	O											O	Θ <u>S</u>	O	O	O	Θ <u>S</u>	X			
Auto Sales and Leasing (Trucks, Vans, Cars and Accessories)												O				O		X			
Automotive Parts												O			O	X	Θ <u>S</u>	X			
Automotive Service & Service Station												O	Θ <u>S</u>			X	Θ <u>S</u>	X			
Automotive Service Station												Θ	Θ			X	Θ	X			
Bakery												O	Θ <u>S</u>	O	X	X	O	X			O
Bank, Savings and Loan, Mortgage Company												O	O	X	X	X	O	X			O
Barber/Beauty Shop												O	Θ <u>S</u>	X	X	X	O				O
Bed and Breakfast	X	O	O	O	O						X	O		X	X	X					O
Book Store or Stationery												O	Θ <u>S</u>	<u>A</u>	X	X	O	X			O
Bottle Gas Storage and Distribution																		X			

Boutique Hotel													O	$\Theta \underline{S}$			O	$\Theta \underline{S}$	O			O
Bowling Alley													O	$\Theta \underline{S}$		<u>O</u>	X	$\Theta \underline{S}$	X			
Brewery													O	$\Theta \underline{S}$		O	O	O	X			O
Broadcasting Studio (Radio and TV)	O												O	<u>O</u>			X	<u>S</u>	X			
Builder's Equipment/Material	O												O				$\times$ <u>O</u>		X			
Car Wash														$\Theta \underline{S}$			O	O	X			
Carpenter Shop, Woodworking	O																		X			
Carpet and Rug Sales																X	X	O	X			
Cemetery	O																					O
Check Cashing																	O	O		X		
Church, Synagogue	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	$\Theta \underline{S}$	X		O	O
Clinic, Public/Private													O	O	X	X	X	O				O
Club, associations, or Lodge	O			O	O	O	O	O	O	O	O	O	O	O	$\times$ <u>O</u>	$\times$ <u>O</u>	$\Theta \underline{S}$			$\times$ <u>O</u>		
Concrete Plant																			O			
Congregate Housing, Assisted Living Facility											O	O	O		O	O			X			O
Contractor's Office without outside storage													O	$\Theta \underline{S}$	X	$\times$ <u>O</u>	X		X			Θ
Contractor's Office with outside storage													O			Θ <u>O</u>	$\times$ <u>O</u>		X			
Convenience Center w/Gas Pumps													O	$\Theta \underline{S}$			X	$\Theta \underline{S}$	X			

Country Club	O	O	O	O	O	O	O	O	O	O	O	O	O	<u>S</u>								
Dance Studio													O	<u>Θ S</u>		X	X	O	X			O
Day Care Center													O	O	X	X	X	O	X			O
Discount Store																			X			
Distillery													O	<u>Θ S</u>		O	O	O	X			O
Drug Store (Pharmacy)													O	O		X	X	<u>O</u>	X			O
Dry Cleaning, Pick-Up Station													O	<u>Θ S</u>	O	X	X	<u>Θ S</u>	X			O
Dry Cleaning, Plant																		<u>Θ</u>	O			
Dwelling, 'For-Sale', Attached								X		X	X	O						O				O
Dwelling, 'For-Sale', Detached	X	X	X	X	X	X	X		X	X		O						O				O
Dwelling, 'For-Rent'											X	O										O
Dwelling, Group												O	O	O		O	O					O
Equestrian Center	O	O	O	O	O								O							X	<u>Θ</u>	
Extended Stay Hotel (see Section 2.7)													O	<u>Θ S</u>			O		O			
Family Day Care Home (accessory use)	X	X	X	X	X	X	X	X	X	X	X	O										
Farmlands (including Livestock, poultry)	X																					
Fire station													O	<u>Θ S</u>							X	
Fireworks Sales																			X			
Florist, Retail													O	<u>Θ S</u>	O	X	X	O				O

Funeral Homes with no cemetery or mausoleum													O	Θ <u>Σ</u>		O	O	Θ <u>Σ</u>	X				
Glass Fabrication																			O				
Golf Course, Driving Range	O	O	O	O	O	O	O	O	O	O	O	O	O	O					<u>O</u>		X		
Golf, Miniature													O	Θ <u>Σ</u>		O	O	Θ <u>Σ</u>			<u>X</u>		
Greenhouse, Nursery	O																O	<u>Σ</u>	X				
Grocery Store													O			O	X	O	X				O
Group Home, Special Care Home (accessory use)	X	X	X	X	X	X	X						<u>O</u>										
Hardware and Garden Supply Store													O			X	X	O	X				O
Heliport, Public/Private	O												O	O				Θ <u>Σ</u>	X		X		O
Home Improvement Store																X	O	X					
Home-Elderly, Children, Nursing												O	O	O		X <u>O</u>	X <u>O</u>		X				
Hospital													O	O		O	X		X		X		
Hotel or Motel													O	Θ <u>Σ</u>		O	O	Θ <u>Σ</u>					O
Indoor Shooting Range																			O				
Junk/ <u>Salvage</u> Yard																			O				
Kennel	O																		X				
Laboratory, Research Commercial													O	Θ <u>Σ</u>					X				
Laundry, Industrial													O						O				

Laundry, Self-Serve, Pick-Up												O			X	X	O	X			
Limousine Service and Taxi (with or without outside vehicle storage)																O		X			
Liquor Store												O	Θ <u>Σ</u>		O	X	O	X			O
Locker, Frozen Food or Cold Storage												O						X			
Machine Shop																		X			
Manufacturing, Heavy, General																		O			
Manufacturing, Light												O	Θ <u>Σ</u>					X			
Massage Therapy															O			X			
Mini-warehouse Storage, Conditioned or Unconditioned space																		X			
Museum and Libraries												O	O		X	X	Θ <u>Σ</u>	X		X	O
Nail Salon												O	Θ		X	X	Θ <u>Σ</u>	X			O
Office												O	O	X	X	X	O	X			O
Park or Playground	X	X	X	X	X	X	X	X	X	X	X	O	Θ <u>Σ</u>	X	X	X	Θ <u>Σ</u>	X	X	X	O
Parking Lot, Commercial												O	Θ <u>Σ</u>		O	X	Θ <u>Σ</u>	X			
Pawn Shop																		X			
Pest Control Business (with or without onsite chemical storage)															O	O		X			
Pet Day Care												O			X	X	Θ <u>Σ</u>	X			
Pet Grooming												O			X	X	Θ <u>Σ</u>	X			O

Power Station										O							O		O
Print Shop										O	Θ <u>Σ</u>	× <u>Δ</u>	X	X	Θ <u>Σ</u>	X			O
Prison																		O	
Public Building										O	O	× <u>O</u>	× <u>O</u>	× <u>O</u>	Θ <u>Σ</u>	X		× <u>O</u>	O
Recreation Facilities, Indoor (Health Clubs, Skating Rink, Billiards, Children's event facilities, etc.)										O	O			× <u>O</u>	Θ <u>Σ</u>	X			O
Recreational Facilities, Outdoor										O	O		Θ	O	Θ <u>Σ</u>	X		× <u>O</u>	O
Recycling Center																O			
Rental Services Establishment without outside storage										O			O	X	O	X			
Rental Services Establishment with outside storage																X			
Restaurant										O	Θ <u>Σ</u>	O	X	X	O	X			O
Restaurant w/Drive-thru window										O	Θ <u>Σ</u>		O	X	O	X			
Retail Establishment										O	Θ <u>Σ</u>	<u>Δ</u>	X	X	O	X			O
Retail Establishment (Mixed Sales)										O			O	X	O	X			
Sawmill																O			
School, Academic										O	O	O	X	X	Θ <u>Σ</u>	X		X	O
School, Commercial (Beauty, Business)										O	Θ <u>Σ</u>	O	X	X	Θ <u>Σ</u>	X			O

Septic Tank, Sales, Construction																		X		
Sewage, Disposal Plant																		O		
Shop or Studio, Craftsman/Artist											O		O	X	X	Θ <u>S</u>	X			
Small Appliance Repair Shop															O		X			
Smoke Shop and Tobacco Store														O	O		X			
Spa Services											O	Θ <u>S</u>	O	O	O	Θ <u>S</u>	X			O
Special Event Facility	O										O	O		O	O	Θ <u>S</u>	X			O
Storage, Inside																	X			
Storage, Outside																	X			
Switching Station (Telecom)											O						X			
Tattoo Parlor and Body Piercing																	X			
Taxidermist	X																Θ <u>X</u>			
Theater, Cinema											O	O		X <u>O</u>	X <u>O</u>	Θ <u>S</u>	Θ <u>X</u>			O
Tire Retreading																	O			
Transfer Station																	O			
Utility Substation	O	O	O	O	O	O	O	O	O	O	O	O	Θ <u>S</u>	O	O	O	Θ <u>S</u>	O	O	X
Welding Shop																	X			
Wholesale Establishment											O					Θ <u>S</u>	X			

Wireless Tower (subject to approval of conditional use permit in accordance with Section 2.8.7)	0											0	0		0	0	0	0
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([Ord. No. 671](#), § 1, 2-4-2013; [Ord. No. 675](#), § 1, 6-3-2013; [Ord. No. 692](#), § 1(Exh. 1), 7-21-2014; [Ord. No. 703](#), § 1, 6-1-2015; [Ord. No. 704](#), § 2, 6-1-2015; [Ord. No. 708](#), § 1, 8-10-2015; [Ord. No. 715](#), § 4, 9-28-2015; [Ord. No. 718](#), § 14(Exh. B), 12-14-2015; [Ord. No. 730](#), § 5, 12-5-2016; [Ord. No. 741](#), § 5(Exh. A), 6-5-2017; [Ord. No. 744](#), § 7(Exh. A), 7-10-2017; [Ord. No. 767](#), § 7(Exh. C), 10-22-2018; [Ord. No. 772](#), § 8(Exh. A), 2-4-2019; [Ord. No. 808](#), § 2(Exh. B), 9-8-2020)

* Uses under the CUP and OI Zoning Districts shall be permissible through an approved master plan amendment and statement of intent.

SECTION 2.2 a. CONDITIONAL USE REVIEW CRITERIA

When reviewing a conditional use, consideration shall be given to factors associated with the use including, but not limited to, the following:

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

SECTION 2.3 SUPPLEMENTARY REGULATIONS

2.3.2 Temporary uses.

The Director may authorize a temporary use, as follows:

- A. Carnival, circus or fair on property zoned and used for non-residential use, for a period not to exceed 4 days. A period not to exceed 30 days may be granted by the Director if the event is held within a designated amphitheater facility as defined by Code and confirmed by the Director. Site shall meet adequate parking and safety concerns and limit impacts to surrounding properties.
- B. Outdoor tent sales on property zoned and used for non-residential use, for a period not to exceed forty-five (45) days. Authorization may not be granted more than two (2) times per year, per property.
- C. Seasonal events associated with a not-for-profit on property zoned and used for non-residential use, for a period not to exceed seventy-five (75) days. Authorization may not be granted more than two (2) times per year, per property.
Seasonal Events associated with a for-profit entity on property zoned and used for non-residential use for a period not to exceed thirty (30) days. Authorization may not be granted more than four (4) times per year, per property. Seasonal events, such as an ice-skating rink, corn maze, haunted house, etc. shall be limited to activities that draw fewer than 100 people at a time.
- D. Religious meeting in a tent or other temporary structure ~~in the AG, R-10M, CUP, O-I, C-1, and C-2 Districts~~ on property zoned and used for non-residential use, for a period not to exceed sixty (60) days.
- E. Open lot sale of Christmas trees, fruit and vegetables, and other harvested products ~~in the AG, O-I, C-1, C-2 and L-1 Districts~~ on property zoned and used for non-residential use, for a period not to exceed forty-five (45) days.
- F. Real estate sales office, related to an active development, in any district, for a period not to exceed one (1) year, provided no sleeping accommodations are maintained in the structure.
- G. Contractor's office, construction trailer and equipment shed, in any district, related to an active development, for a period of one (1) year provided that such office be placed on the property to which it is appurtenant.
- H. Commercial television or motion picture filming activities not to exceed seven (7) calendar days at any residential location, or a period not to exceed twenty-one (21) days if approved by the Mayor and Council. The director or the Mayor and Council may impose conditions to the issuance of the permit to minimize the disturbance to the residential neighborhood. These conditions may include neighborhood notification requirements, parking and traffic control, and limitations on the hours of operation. In no event shall filming activities commence prior to 7:00 a.m. or continue after 10:00 p.m.
- I. All temporary certificates of zoning compliance may be renewed provided that it is determined that said use is clearly of a temporary nature, will cause no increased traffic congestion and will not create a nuisance to surrounding uses.
- J. The director may require City Council review and approval of any temporary uses.
- K. Fireworks sales in a tent or other temporary structure in the L-1 District, for a period not to exceed ninety (90) days.

(Ord. No. 688, § 1, 4-28-2014 ; Ord. No. 708 , § 1, 8-10-2015; Ord. No. 718 , § 15, 12-14-2015; Ord. No. 808 , § 3(Exh. C), 9-8-2020)

Sec. 3.4. Uses Allowed by District.

3.4.1. Allowed Use Table.

- A. In order to regulate a variety of similar uses, use categories have been established for principal uses. Use standards for both principal and accessory uses are specified in Section 2.3 and Section 2.7 of the Unified Development Code. Uses not listed may be interpreted by the Director of Community Development. When the Director of Community Development cannot determine placement, an application shall be made to the Board of Appeals for interpretation.
- B. Principal and accessory uses allowed by district are shown in the table below.

3.4.2. Use Table Key.

- A. Permitted Use (X). Indicates a use is permitted in the respective district. The use is also subject to all other applicable requirements of the Unified Development Code.
- B. Conditional Use (O). Indicates a use may be permitted in the respective district only where approved by the City Council in accordance with Section 4.2 of the Unified Development Code. Conditional uses are subject to all other applicable requirements of the Unified Development Code, including any applicable use standards, except where the use standards are expressly modified by the City Council as part of the conditional use permit approval.
- C. Use Not Permitted. An empty cell indicates that a use is not permitted in the respective district.

Key: X = Permitted Use O = Conditional Use Empty Cell = Use Not Permitted				
Use Category	Downtown Zoning Districts			
Specific Use	DT-C	DT-MU	DT-LW	DT-R
Open Uses				
Community Garden	X	X	X	X
Equestrian Center				
Farmlands (including Livestock, poultry)				
Greenhouse, Nursery				
Residential Uses				
Household living (see district regulations for additional density and Conditional Use Permit requirements):				
Dwelling, 'For-Sale,' Attached	X	X	X	X
Dwelling, 'For-Sale,' Detached	X	X	X	X
Dwelling, 'For-Rent'	O	O		
Group living:				
Congregate Housing, Assisted Living Facility	O	O		
Home-Elderly, Children, Nursing	X	X		
Public/Institutional Uses				
Associations, (Clubs & Lodges)	X O	X O	O	O
Cemetery				
Church, Synagogue, Other Place of Worship	O	O	O	O
Country Club				
Fire Station	X	X		
Golf Course, Driving Range				

Museums & Libraries	X	X	O	
Park and Playground	X	X	X	X
Power Station				
Prison				
Public Building	X <u>O</u>	X <u>O</u>	O	
Sewage, Disposal Plant				
School, Academic	O	X	O	
School, Commercial (Beauty, Business)	X	X	O	
Utility Substation	O	O	O	O
Telecommunications				
Antenna Tower				
Broadcasting Studio (Radio & TV)	O	O	O	
Switching Station (Telecom)				
Commercial Uses				
Adult Entertainment Establishment				
Amphitheater	O	O	O	
Animal Hospital, Small Animal (Veterinarian)	O	O		
Animal Hospital, Large Animal		O		
Art Galleries	X	X	O	
Athletic Facilities/Fitness Studio	X	X	O	
Auditorium	O	O	O	
Auto Sales and Leasing (Trucks, Vans, Cars & Accessories)		O		
Automotive Parts	X	X		
Automotive Service		X		
Bakery (under 8,000 square feet in floor area)	X	X	O	
Bakery (8,000 square feet or more in floor area)		X		
Bank, Savings & Loan, Mortgage Company	X	X	O	
Barber Shop	X	X	O	
Beauty Shop	X	X	O	
Bed & Breakfast	X	X	O	O
Book Store or Stationery	X	X	O	
Boutique Hotel	O	O		
Brewery	O	O		
Car Wash				
Carpet and Rug Sales	O	O		
Check Cashing		O		
Clinic, Public/Private	X	X	O	
Contractor's Office (with no outside storage)	O	X	O	
Contractor's Office (with outside storage)		O		
Convenience Center (with gas pumps)		X	O	
Dance Studio	X	X	O	
Day Care Center	O	X	O	
Discount Store				
Distillery	O	O		
Drug Store, Pharmacy	X	X	O	
Dry Cleaning, Pick-Up Station	X	X		

Florist, Retail (with no greenhouse)	X	X	O	
Florist, Retail (with greenhouse)		O		
Funeral Home (with no cemetery or mausoleum)	O	O	O	
Golf, Miniature		O		
Grocery Store (under 2,000 square feet in floor area, located at a street corner, and limited to one per block)	X	X	O	
Grocery Store (2,000 square feet or more in floor area)	X	X		
Hardware & Garden Supply Store (under 8,000 square feet in floor area)	X	X		
Hardware & Garden Supply Store (8,000 square feet or more in floor area)		X		
Home Improvement Store		X		
Hospital		O		
Hotel	O	O		
Indoor Shooting Range				
Kennel				
Laundry, Self-Serve, Pick-Up		X		
Liquor Store	O	O		
Massage Therapy		O		
Nail Salon	X	X	O	
Office	X	X	X	
Outdoor Recreational Facilities (Commercial) (Playfields, etc.)	O	O	O	
Parking Lot, Commercial (under 30 spaces)	O	O	O	
Parking Lot, Commercial (30 spaces or more)	O	O		
Pawn Shop				
Pet Day Care (with no overnight boarding)	X	X	O	
Pet Grooming	X	X		
Print Shop	X	X	O	
Recreation Facilities, Indoor (Health Clubs, Bowling Alley, Skating Rink, Billiards, Children's event facilities, etc.)	O	O	O	
Rental Services Establishment with no outside storage	O	X		
Restaurant (see Accessory Uses for additional drive-through requirements)	X	X	O	
Retail Establishment (with no mixed-sales)	X	X	O	
Retail Establishment (with mixed-sales)	O	O		
Service Station, Automotive		X		
Shop or Studio, Craftsman/Artist	X	X	O	
Small Appliance Repair Shop	O	O		
Spa Services	O	O	O	
Special Event Facility	O	O		
Tattoo Parlor & Body Piercing				
Theater, Cinema	O	O		
Industrial Uses				
Asphalt Plant				

Bottle Gas Storage & Distribution				
Builder's Equipment/Material				
Carpenter Shop, Woodworking (under 8,000 square feet in floor area)	O	O		
Carpenter Shop, Woodworking (8,000 square feet or more in floor area)				
Concrete Plant				
Dry Cleaning, Plant				
Glass Fabrication (under 8,000 square feet in floor area)				
Glass Fabrication (8,000 square feet or more in floor area)	O	O		
Junk Yard				
Laboratory, Research Commercial				
Laundry, Industrial				
Locker, Frozen Food or Cold Storage				
Machine Shop				
Manufacturing, Heavy, General				
Manufacturing, Light, Limited (under 8,000 square feet in floor area)	O	O		
Manufacturing, Light, Limited (8,000 square feet or more in floor area)				
Mini-warehouse Storage, Conditioned or Unconditioned Space				
Pest Control Business (with or without onsite chemical storage)		O		
Recycling Center				
Rental Services Establishment with outside storage (other than auto related)				
Salvage Yards				
Sawmill				
Septic Tank, Sales, Construction				
Storage, Inside				
Storage, Outside				
Taxidermist				
Tire Retreading				
Transfer Station				
Welding Shop				
Wholesale Storage and Distribution				
Transportation Uses				
Airport, Public/Private				
Heliport, Public/Private				
Limousine Service & Taxi (with or without outside vehicle storage)		O		
Accessory Uses				
Clubhouse, swimming pool, or community recreation facilities serving a development	X	X	X	X

Drive-Through Window		O		
Dwelling, 'For-Sale', Accessory	X	X	X	X
Family Day Care Home	X	X	X	X
Group Home				
Home Occupation	X	X	X	X
Live-Work	X	X	X	
Parking Garage	X	X	O	
Privacy and decorative fences and walls	X	X	X	X
Retail service uses up to 25% of the floor area of an office building for services incidental to the associated office use.	X	X	O	
Retaining walls and other site improvement structures approved as part of the development permit.	X	X	X	X
Signs, subject to all of the requirements regulating signage of the district.	X	X	X	X
Special Care Home	X	X	X	X
Swimming pool, tennis court, detached garage, play house, green house, storage shed, patio, gazebo and other private recreation facilities	X	X	X	X
Vehicle access, parking and loading areas	X	X	X	X

(Ord. No. 741 , § 4, 6-5-2017; Ord. No. 744 , § 2, 7-10-2017; Ord. No. 808 , § 4(Exh. D), 9-8-2020)

3.4.3. Specific Use Standards.

The following principal and accessory uses must conform with the indicated use standards.

- A. **Dwelling, 'For-Sale' Accessory.** Where a Dwelling, 'For-Sale' Accessory is allowed, it is subject to the following:
1. The dwelling shall be accessory to a permitted commercial use and shall be located above or to the rear of such use to which it is accessory.
 2. The dwelling shall be attached by a common wall with the commercial or office structure to which it is accessory.
 3. The dwelling shall be occupied by a single family, a member of whom is the owner or tenant of the commercial structure to which it is accessory.
 4. The square footage of the dwelling shall not exceed 40% of the combined square footage of the commercial structure and the dwelling.
 5. The dwelling and the commercial structure to which it is accessory shall be in compliance with all applicable provisions of the life safety code, the building code, and other codes of the City.
- B. **Live-Work.** Where Live-Work is allowed, it is subject to the following:
1. Live-work is only permitted on the first floor of a dwelling unit.
 2. A minimum of one person must occupy the dwelling containing the live-work use as their primary place of residence.
 3. The live-work use may employ no more than two persons not living on the premises at any one time.

-
4. No business storage or warehousing of material, supplies or equipment is permitted outside of the dwelling containing the live-work use.
 5. The nonresidential use of the live-work use is limited to a permitted or conditional use in the zoning district.
 6. No equipment or process may be used in connection with the live-work use that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off the premises.
 7. No more than 5 customers are permitted on the premises at any one time.

AN ORDINANCE TO AMEND ARTICLE II AND APPENDIX A: ALPHARETTA DOWNTOWN CODE OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO AMEND VARIOUS PERMITTED, CONDITIONAL, SUBORDINATE AND ACCESSORY USES IN THE RE (RESIDENTIAL ESTATE), CUP (COMMUNITY UNIT PLAN), O-P (OFFICE-PROFESSIONAL), O-I (OFFICE-INSTITUTIONAL), C-1 (NEIGHBORHOOD COMMERCIAL), C-2 (GENERAL COMMERCIAL), PSC (PLANNED SHOPPING CENTER), LI (LIGHT INDUSTRIAL), OSR (OPEN SPACE AND RECREATIONAL), SU (SPECIAL USE), AND MU (MIXED USE) ZONING DISTRICTS AND TABLE 2.2 LIST OF PERMISSIBLE AND CONDITINAL USES; TO AMEND ‘ASSOCIATIONS (CLUBS & LODGES)’ AND ‘PUBLIC BUILDINGS’ USES IN THE DT-C (DOWNTOWN CORE) AND DT-MU (DOWNTOWN MIXED-USE) ZONING DISTRICTS; TO AMEND TEMPORARY USES AND ADD A TEMPORARY USE FOR SEASONAL EVENTS ASSOCIATED WITH A FOR-PROFIT ENTITY; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

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

WHEREAS, the Mayor and Council of the City of Alpharetta (the “City Council” or “Council”) are charged with the protection of the public health, safety, and welfare of the citizens of the City of Alpharetta; and

WHEREAS, the Unified Development Code was designed to be amended from time to time when circumstances warrant that modifications be made in order to make said Codes more responsive to community needs; and

WHEREAS, the City Council finds that ordinances and regulations governing the uses of land and development of land within the City, as well as the City’s operations, should be continually improved from time to time and modified as necessary to better protect and promote the public health, safety and welfare of the residents and businesses of the City of Alpharetta; and

WHEREAS, the City Council desires to amend Article II and Appendix A: Alpharetta DOWNTOWN Code of the Unified Development Code for the foregoing purposes; and

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

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

Section 1: Article II, Subsection 2.2.2(C) titled “RE-residential estate, Conditional Uses”, Subsection 2.2.11(C) titled “CUP-community unit plan, Conditional Uses”, Subsection 2.2.12(A and C) titled “O-P office-professional, Permitted Principal Uses and Conditional Uses”, Subsection 2.2.13(A and C) titled “O-I office-institutional, Conditional Principal Uses and Conditional Subordinate Uses”, Subsection 2.2.14(A and C) titled “C-1 neighborhood commercial, Permitted Principal Uses and Conditional Uses”, Subsection 2.2.15(A and C) titled “C-2 general commercial, Permitted Principal Uses

and Conditional Uses”, Subsection 2.2.16(A and C) titled “PSC planned shopping center, Conditional Principal Uses and Conditional Subordinate Uses”, Subsection 2.2.17(A and C) titled “LI light industrial, Permitted Principal Uses and Conditional Uses”, Subsection 2.2.18(A) titled “OSR open space and recreational, Permitted Principal Uses”, Subsection 2.2.19(A and C) titled “SU special use, Permitted Principal Uses and Conditional Uses”, Subsection 2.2.20(C) titled “MU mixed use district, Conditional Uses” and Table 2.2 List of Permissible and Conditional Uses of the Unified Development Code is hereby amended by revising same as set forth in Exhibit “A” attached hereto as if fully set forth herein; and

Section 2: Article II, Subsection 2.3.2 titled “Temporary uses” of the Unified Development Code is hereby amended by revising same as set forth in Exhibit “B” attached hereto as if fully set forth herein; and

Section 3: Appendix A: Alpharetta Downtown Code, Subsection 3.4.2 titled “Use Table Key” of the Unified Development Code is hereby amended by revising same as set forth in Exhibit “C” attached hereto as if fully set forth herein; and

Section 4: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

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

SO ORDAINED this the _____ day of _____, 2021.

Approved:

Jim Gilvin, Mayor

Attest:

COUNCILMEMBERS

Erin Cobb, City Clerk
(Seal)

Approved as to Form:

City Attorney

Exhibit “A”

SECTION 2.2 a - CONDITIONAL USE REVIEW CRITERIA

When reviewing a conditional use, consideration shall be given to factors associated with the use including, but not limited to, the following:

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

([Ord. No. 807](#), § 2(Exh. B), 9-8-2020)

2.2.1 AG agriculture.

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

1. Agricultural and Residential Uses.
 - a. Bed and Breakfast.
 - b. Dwelling, 'For-Sale' Detached.
 - c. Farmlands, including livestock, poultry.
2. Business Uses.
 - a. Taxidermist.
3. Semipublic Uses, Utilities.
 - a. Park or Playground.

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

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

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Group Home.
5. Special Care Home in a detached 'For-Sale' dwelling.
6. Swimming pool, tennis court, detached garage, play house, green house, storage shed, patio, gazebo and other private recreation facilities.
7. Clubhouse, swimming pool, or community recreation facilities serving a development.
8. Barns, stables and similar structures for the housing, repair, storing, or processing of farm products of the property.

9. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
 10. Signs, subject to all of the requirements regulating signage herein.
 11. Retaining walls and other site improvement structures approved as part of the development permit.
- C. *Conditional Uses.* A property in the AG district may be used for any of the following only upon approval as a conditional use by the City Council:
1. Residential and Agricultural Uses.
 - a. One (1) additional 'For-Sale' detached dwelling.
 - b. Greenhouse, Nursery.
 2. Business Uses.
 - a. Animal Hospital, Veterinarian (small and large animal).
 - b. Broadcasting (Radio or TV).
 - c. Builder's Equipment/Material.
 - d. Carpenter Shop, Woodworking.
 - e. Equestrian Center.
 - f. Kennel.
 - g. Special Event Facility.
 3. Semipublic Uses, Utilities.
 - a. Airport.
 - b. Athletic Facility, Fitness Studio.
 - c. Auditorium.
 - d. Cemetery.
 - e. Church, Synagogue.
 - f. Club, Association or Lodge.
 - g. Country Club.
 - h. Golf Course, Driving Range.
 - i. Heliport, Public/Private.
 - j. Utility Substation.
 - k. Wireless Tower.

D. *District Regulations.*

Minimum lot size—5 acres.

Minimum Lot Width—200 feet.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—25 feet.

Rear yard—50 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,800 square feet.

([Ord. No. 744](#), § 6, 7-10-2017; [Ord. No. 800](#), § 1(Exh. A), 6-22-2020; [Ord. No. 808](#), § 2(Exh. B), 9-8-2020)

2.2.2 Re-residential estate.

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

1. Agricultural and Residential Uses.
 - a. Dwelling, 'For-Sale' Detached.
2. Semipublic Uses, Utilities.
 - a. Park or Playground.

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

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

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Group Home.
5. Special Care Home in a 'For-Sale' detached dwelling.
6. Swimming pool, tennis court, detached garage, play house, green house, storage shed, patio, gazebo and other private recreation facilities.
 - a. Clubhouse, swimming pool, or community recreation facilities serving a development.
 - b. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
 - c. Signs, subject to all of the requirements regulating signage herein.
 - d. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Uses.* A property in the R-E district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.
 - a. Church, Synagogue, or any other religious institutions.

[b. Country Club.](#)

- c. Golf Course, Driving Range.
- d. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
- e. Bed and Breakfast.
- f. Equestrian Center.

D. *District Regulations.*

Minimum Lot Size—3 acres.

Minimum Lot Width—100 feet.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—25 feet.

Rear yard—50 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,800 square feet.

Accessory Structure setback see Sec. 2.3 (c).

([Ord. No. 730](#) , § 2, 12-5-2016; [Ord. No. 800](#) , § 1(Exh. A), 6-22-2020)

2.2.3 R-Dwelling, 'for-sale', residential.

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

- 1. Agricultural and Residential Uses.
 - a. Dwelling, 'For-Sale', Detached.
- 2. Semipublic Uses, Utilities.
 - a. Park or Playground.

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

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

- 1. Privacy and decorative fences and walls.
- 2. Home Occupation in a residence.
- 3. Family Day Care Home in a residence.

4. Group Home.
 5. Special Care Home in a 'For-Sale' detached dwelling.
 6. Swimming pool, tennis court, detached garage, play house, green house, storage shed, patio, gazebo and other private recreation facilities.
 7. Clubhouse, swimming pool, or community recreation facilities serving a development.
 8. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
 9. Signs, subject to all of the requirements regulating signage herein.
 10. Retaining walls and other site improvement structures approved as part of the development permit.
- C. *Conditional Uses.* A property in the R district may be used for any of the following only upon approval as a conditional use by the City Council:
1. Semipublic Uses, Utilities.
 - a. Bed and Breakfast.
 - b. Church, Synagogue, or any other religious institutions.
 - c. Country Club.
 - d. Golf Course, Driving Range.
 - e. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
 - f. Equestrian Center.

D. *District Regulations.*

Minimum Lot Size—1 acre (43,560 square feet).

Minimum Lot Width—100 feet.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—25 feet.

Rear yard—50 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,800 square feet.

Accessory Structure Setback see Sec. 2.3 (c).

([Ord. No. 730](#), § 2, 12-5-2016; [Ord. No. 800](#), § 1(Exh. A), 6-22-2020)

2.2.4 R-22 dwelling, 'for-sale', residential.

A. *Permitted Principal Uses.* A property in the R-22 district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.
 - a. Dwelling, 'For-Sale' Detached.
2. Semipublic Uses, Utilities.
 - a. Park or Playground.

B. *Accessory Uses.* A property in the R-22 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

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

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Group Home.
5. Special Care Home in a 'For-Sale' detached dwelling.
6. Swimming pool, tennis court, detached garage, play house, green house, storage shed, patio and other private recreation facilities.
7. Clubhouse, swimming pool, or community recreation facilities serving a development.
8. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
9. Signs, subject to all of the requirements regulating signage herein.
10. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Uses.* A property in the R-22 district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Agriculture and Residential Uses.
 - a. Bed and Breakfast.
2. Semipublic Uses, Utilities.
 - a. Church, Synagogue or any other religious institution.
 - b. Club, Association or Lodge.
 - c. Country Club.
 - d. Equestrian Center.
 - e. Golf Course, Driving Range.
 - f. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. *District Regulations.*

Minimum Lot Size—22,000 square feet.

Minimum Lot Width—100 feet.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—35 feet.

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

Side yard—25 feet.

Rear yard—30 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,500 square feet.

Accessory Structures Setback see Sec. 2.3 (c).

([Ord. No. 730](#), § 2, 12-5-2016; [Ord. No. 800](#), § 1(Exh. A), 6-22-2020)

2.2.5 R-15 dwelling, 'for-sale', residential.

A. *Permitted Principal Uses.* A property in the R-15 district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.
 - a. Dwelling, 'For-Sale', Detached.
2. Semipublic Uses, Utilities.
 - a. Park or Playground.

B. *Accessory Uses.* A property in the R-15 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

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

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

10. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Uses.* A property in the R-15 district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Agriculture and Residential Uses.
 - a. Bed and Breakfast.
2. Semipublic Uses, Utilities.
 - a. Church, Synagogue.
 - b. Club, associations, or Lodge.
 - c. Country Club.
 - d. Golf Course, Driving Range.
 - e. Equestrian Center.
 - f. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. *District Regulations.*

Minimum Lot Size—15,000 square feet

Minimum Lot Width—100 feet.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—35 feet.

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

Side yard—10 feet.

Rear yard—25 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,500 square feet.

([Ord. No. 730](#), § 2, 12-5-2016; [Ord. No. 800](#), § 1(Exh. A), 6-22-2020)

2.2.6 R-12 dwelling, 'for-sale', residential.

A. *Permitted Principal Uses.* A property in the R-12 district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.
 - a. Dwelling, 'For-Sale', Detached.
2. Semipublic Uses, Utilities.
 - a. Park or Playground.

- B. *Accessory Uses.* A property in the R-12 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

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

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Group Home.
5. Special Care Home in a 'For-Sale' detached dwelling.
6. Swimming pool, tennis court, detached garage, play house, storage shed, patio and other private recreation facilities.
7. Clubhouse, swimming pool, or community recreation facilities serving a development.
8. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
9. Signs, subject to all of the requirements regulating signage herein.
10. Retaining walls and other site improvement structures approved as part of the development permit.

- C. *Conditional Uses.* A property in the R-12 district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.
 - a. Church, Synagogue.
 - b. Club, associations, or Lodge.
 - c. Country Club
 - d. Golf Course, Driving Range.
 - e. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. *District Regulations.*

Minimum Lot Size—12,000 square feet.

Minimum Lot Width—80 feet.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—30 feet.

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

Side yard—10 feet.

Rear yard—30 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,500 square feet.

Accessory Structure Setback see Sec. 2.3 (c).

2.2.7 R-10 dwelling, 'for-sale', residential.

A. *Permitted Principal Uses.* A property in the R-10 district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.
 - a. Dwelling, 'For-Sale', Detached.
2. Semipublic Uses, Utilities.
 - a. Park or Playground.

B. *Accessory Uses.* A property in the R-10 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

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

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Group Home.
4. Family Day Care Home in a residence.
5. Special Care Home in a 'For-Sale' detached dwelling.
6. Swimming pool, tennis court, detached garage, play house, storage shed, patio and other private recreation facilities.
7. Clubhouse, swimming pool, or community recreation facilities serving a development.
8. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
9. Signs, subject to all of the requirements regulating signage herein.
10. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Uses.* A property in the R-10 district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.
 - a. Church, Synagogue.
 - b. Club, associations, or Lodge.
 - c. Country Club.
 - d. Golf Course/Driving Range.
 - e. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. *District Regulations.*

Minimum Lot Size—10,000 square feet.

Minimum Lot Width—75 feet.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—30 feet.

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

Side yard—10 feet.

Rear yard—25 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,500 square feet.

Accessory Structures Setback see Sec. 2.3 (c).

2.2.8 R-4A dwelling, 'for-sale', attached residential—Low density.

A. *Permitted Principal Uses.* A property in the R-4A district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.
 - a. Dwelling, 'For-Sale' Attached.
2. Semipublic Uses, Utilities.
 - a. Park or Playground.

B. *Accessory Uses.* A property in the R-4A district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

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

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Swimming pool, tennis court, detached garage, play house, storage shed, patio and other private recreation facilities.
5. Clubhouse, swimming pool, or community recreation facilities serving a development.
6. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
7. Signs, subject to all of the requirements regulating signage herein.
8. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Uses.* A property in the R-4A district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.
 - a. Church, Synagogue.
 - b. Club, associations, or Lodge.
 - c. Country Club.
 - d. Golf Course/Driving Range.
 - e. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. District Regulations.

Minimum Lot Size—1 acre.

Maximum Density of Dwelling Units—4 per acre.

Minimum Lot Width—30 feet for each individual lot, if the development is subdivided or 30 feet for each dwelling unit.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—35 feet.

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

Side yard:

From lot line of adjacent property—20.

Between building groupings—20 feet.

Between individual lots, if the development is subdivided—none.

Rear yard—30 feet.

Maximum Coverage By Principal Buildings—40%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,200 square feet.

2.2.8a R-4D dwelling, 'for sale' detached residential—Low density.

- A. *Permitted Principal Uses.* A property in the R-4D district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:
 1. Agricultural and Residential Uses.
 - a. Dwelling, Single-Family Detached.
 2. Semipublic Uses, Utilities.
 - a. Park or Playground.
- B. *Accessory Uses.* A property in the R-4D district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through

approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

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

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Swimming pool, tennis court, detached garage, play house, storage shed, patio and other private recreation facilities.
5. Clubhouse, swimming pool, or community recreation facilities serving a development.
6. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
7. Signs, subject to all of the requirements regulating signage herein.
8. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Uses.* A property in the R-4D district may be used for any of the following only upon approval as a conditional use by the City Council.

1. Semipublic Uses, Utilities.
 - a. Church, Synagogue.
 - b. Club, associations, or Lodge.
 - c. Country Club.
 - d. Golf Course/Driving Range.
 - e. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. *District Regulations.*

Minimum Lot Size—5,000 sf.

Maximum Density of Dwelling Units—4 per acre.

Minimum Lot Width—50 ft.

Minimum Setbacks.

Front yard—from all street frontages.

From right-of-way of local street—35 feet.

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

Side yard—5 feet.

Corner Side Yard—10 feet.

Rear yard:

With Rear Alley—0'.

No Rear Alley—20'.

Maximum Coverage By Principal Buildings—40%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,500 square feet.

([Ord. No. 692, § 1\(Exh. 1\), 7-21-2014](#))

2.2.9 R-8A/D dwelling, 'for-sale', attached/detached residential—Medium density.

A. *Permitted Principal Uses.* A property in the R-8A/D district may be used for those uses in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.
 - a. Dwelling, 'For-Sale', Attached and Detached.
2. Semipublic Uses, Utilities.
 - a. Park or Playground.

B. *Accessory Uses.* A property in the R-8A district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

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

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Swimming pool, tennis court, play house, storage shed, patio and other private recreation facilities.
5. Clubhouse, swimming pool, or community recreation facilities serving a development.
6. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
7. Signs, subject to all of the requirements regulating signage herein.
8. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Uses.* A property in the R-8A district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.
 - a. Church, Synagogue.
 - b. Club, associations, or Lodge.
 - c. Country Club.
 - d. Golf Course/Driving Range.
 - e. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. *District Regulations.*

Minimum Lot Size—the development shall occupy a total of at least 1 acre Attached, 4,500 sq. ft. Detached. No minimum lot size is required for each dwelling unit within the development.

Maximum Density of Dwelling Units—8 per gross acre.

Minimum Lot Width—50 feet for each individual lot, if the development is subdivided or 30 feet for each dwelling unit.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—35 feet.

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

Side yard.

From lot line of adjacent property—5 feet.

Between building groupings—10 feet.

Between individual lots, if the development is subdivided—none.

Rear yard—W/Rear Alley—0', No Rear Alley—20'.

Maximum Coverage By Principal Buildings—40%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,200 square feet.

Rear Yard: Alley—0', No Rear Alley—20'

([Ord. No. 675, § 1, 6-3-2013](#))

2.2.10 R-10M dwelling, 'for-rent' or 'for-sale', residential.

A. *Permitted Principal Uses.* A property in the R-10M district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.

- a. Dwelling, 'For-Sale', Attached.
- b. Dwelling 'For-Rent'.
- c. Bed and Breakfast.

2. Semipublic Uses, Utilities.

- a. Park or Playground.

B. *Accessory Uses.* A property in the R-10M district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

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

1. Privacy and decorative fences and walls.
 2. Home Occupation in a residence.
 3. Family Day Care Home in a residence.
 4. Swimming pool, tennis court, storage shed, play house, patio and other private recreation facilities.
 5. Clubhouse, swimming pool, or community recreation facilities serving a development.
 6. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
 7. Signs, subject to all of the requirements regulating signage herein.
 8. Retaining walls and other site improvement structures approved as part of the development permit.
- C. *Conditional Uses.* A property in the R-10M district may be used for any of the following only upon approval as a conditional use by the City Council:
1. Business Uses.
 - a. Dwelling, Group (congregate housing, nursing home, etc.).
 2. Semipublic Uses, Utilities.
 - a. Church, Synagogue.
 - b. Club, associations, or Lodge.
 - c. Country Club.
 - d. Golf Course/Driving Range.
 - e. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. *District Regulations.*

Minimum Lot Size—the development shall occupy a total of at least one acre. No minimum lot size is required for each dwelling unit within the development.

Maximum Density of Dwelling Units—10 per gross acre.

Minimum Lot Width.

For the property to be developed—75 feet.

If the development is subdivided—20 feet for each individual lot, or 20 feet for each dwelling unit.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—35 feet.

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

Side yard.

From lot line of adjacent property—25 feet.

Between building groupings—20 feet.

Between individual lots, if the development is subdivided—none.

Rear yard—50 feet.

Maximum Coverage By Principal Buildings—none.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—none.

([Ord. No. 730](#), §§ 3, 4, 12-5-2016)

2.2.11 CUP community unit plan.

This district is intended to allow for the development of a mix of uses within the framework of a masterplan. The district regulations are intended to allow greater design flexibility without increasing overall density.

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

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

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

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

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

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

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

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

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

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

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

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Special Care Home in a 'For-Sale' detached dwelling.
5. Swimming pool, tennis court, play house, storage shed, patio and other private recreation facilities.
6. Clubhouse, swimming pool, or community recreation facilities serving a development.

7. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
 8. Signs, subject to all of the requirements regulating signage herein.
 9. Retaining walls and other site improvement structures approved as part of the development permit.
- C. *Conditional Uses.* A property in the CUP district may be used for those uses listed in Table 2.2, including any of the following uses if the uses have been included in the conditions of approval for the CUP zoning on the property; or if the uses are designated on the CUP's Concept Plan; or if the CUP's concepts plan identifies district categories (i.e. commercial, office) wherein the use would otherwise be permitted by right or as a conditional use:
1. Agricultural and Residential Uses.
 - a. Dwelling, Group (congregate housing, assisted living facility, home-elderly, nursing).
 - b. Dwelling, 'For-Sale' Attached.
 - c. Dwelling, 'For-Sale' Detached.
 - d. Dwelling, 'For-Rent'.
 - ~~e. Reserved.~~
 - e. Bed and Breakfast.
 2. Business Uses.
 - a. Animal Hospital, small animals.
 - b. Art Galleries.
 - c. Automobile Sales and Leasing.
 - d. Automobile Service and Service Station.
 - e. Automotive Parts.
 - ~~f. Automotive Service.~~
 - f. Bakery.
 - g. Barber Shop.
 - h. Bank, Savings and Loan.
 - i. Beauty Shop.
 - ~~k. Billiards.~~
 - j. Book Store or Stationery.
 - k. Boutique Hotel.
 - l. Bowling Alley.
 - m. Brewery.
 - n. Broadcasting Studio (radio or TV).
 - o. Building Equipment/Material.
 - p. Clinic.
 - q. Contractor's Office with and without outside storage.
 - r. Convenience Market with or without gas pumps.
 - s. Dance Studio.

- t. Day Care Center.
 - u. Distillery.
 - v. Drug Store.
 - w. Dry Cleaning Pick-up Station.
 - x. Equestrian Center.
 - y. Extended stay hotel (see Section 2.7).
 - z. Florist, Retail without Greenhouse.
 - aa. Funeral Home w/ no cemetery or mausoleum.
 - bb. Golf, Miniature.
 - cc. Grocery Store.
 - dd. Hardware and Garden Supply Store.
 - ee. Hotel or Motel.
 - ff. Laboratory, Research or Commercial.
 - gg. Laundry, Self-Serve, Pick-up.
 - hh. Liquor Store.
 - ii. Office Building or Office Park.
 - jj. Park, playground.
 - kk. Pet Day Care.
 - ll. Pet Grooming.
 - mm. Print Shop.
 - nn. Public Building.
 - oo. Recreation Facilities, Indoor and Outdoor.
 - pp. Rental Services Establishment without outside storage.
 - qq. Restaurant.
 - rr. Restaurant, with Drive-thru window.
 - ss. Retail Sales and Services Establishments not otherwise listed for this zoning district.
 - tt. Retail Establishment, Mixed Sales.
 - uu. School, Commercial.
 - vv. Shop or Studio, Craftsman/Artist.
 - ww. Spa Services.
 - xx. Special Event Facility.
 - yy. Theater, Cinema.
3. Wholesale, Storage and Industrial Uses.
- a. Laundry, Industrial.
 - b. Locker, Frozen Food or Cold Storage.
 - c. Manufacturing, Light.
 - d. Wholesale Establishment.

4. Semipublic Uses, Utilities.

- a. Airport, public or private.
- b. Amphitheater.
- c. Athletic Facility, Fitness Studio.
- d. Auditorium.
- e. Church, Synagogue.
- f. Club, association or lodge.
- g. Country Club.
- h. Fire Station.
- i. Golf Course, Driving Range.
- j. Heliport, public or private.
- k. Hospital.
- l. Library.
- m. Museum.
- n. Park or Playground.
- o. Power Station.
- p. School, Academic.
- q. Switching Station (Telecom).
- r. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
- s. Wireless Tower.

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

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

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

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

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

([Ord. No. 718](#), §§ 2, 4, 12-14-2015; [Ord. No. 741](#), § 4, 6-5-2017; [Ord. No. 744](#), §§ 2, 6, 7-10-2017; [Ord. No. 808](#), § 2(Exh. B), 9-8-2020)

2.2.12 O-P office-professional.

This district is intended to provide for the development of business and professional offices, hospitals, medical and dental facilities and limited commercial activity.

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

1. Residential Uses.
 - a. Bed and Breakfast.
2. Business Uses.
 - a. Bank, Savings and Loan.
 - b. Barber Shop and Beauty Shop.
 - c. Clinic (medical/dental).
 - d. Contractor's office without outside storage.
 - e. Day care center.
 - f. Office (professional/administrative).
 - ~~g. Print Shop.~~
 - ~~h. Public Building.~~
 - ~~i. Staffing/personnel office.~~
 - ~~j. Stock brokerage/financial services office.~~
 - ~~k. Tax preparation office.~~
 - ~~l. Travel agency.~~
3. Semipublic Uses, Utilities.
 - a. Park or Playground.
4. The following support retail uses are allowed provided that they are located within an office building and (in total) do not constitute more than 25% of the floor area of the office building in which they are located:
 - a. Book store or Stationery.
 - b. Retail Establishment - limited to a Computer Supply Store, Jewelry Store (not to exceed 1,200 SF), Office Supply Store (not to exceed 1,200 SF), Optometrist/Eye Wear, Package Shipping/Mail Box Store, and Cell Phone Store.
 - ~~b. Computer/computer supply store.~~
 - ~~c. Copy center.~~
 - ~~d. Jewelry store (not to exceed 1,200 sq. ft.).~~
 - ~~e. Office supply store (not to exceed 1,200 sq. ft.).~~
 - ~~f. Optometrist/Eye wear.~~
 - ~~g. Package shipping/mail box store.~~
 - ~~h. Phone store.~~
 - ~~i. Print Shop.~~
 - ~~j. Stationery/card store.~~

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

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

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

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

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

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

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

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

2. Privacy and decorative fences and walls.
3. Swimming pool, tennis court, patio and other private recreation facilities.
4. Clubhouse, swimming pool, or community recreation facilities serving a development.
5. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
6. Signs, subject to all of the requirements regulating signage herein.
7. Retaining walls and other site improvement structures approved as part of the development permit.

- C. *Conditional Uses.* A property in the O-P district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Business Uses.
 - a. Art Gallery.
 - b. Bakery.
 - c. Dry Cleaning Pick up station with drive-thru.
 - d. Fitness studio.
 - e. Florist.
 - f. Restaurant without drive-thru.
 - g. School Commercial.
 - h. Shop or studio, Craftsman/Artist.
 - i. Spa Services.
2. Semipublic Uses, Utilities.
 - a. Auditorium.

- b. Church, Synagogue.
- c. Club, association or lodge.
- d. Public Building.
- e. School, Academic.
- f. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. District Regulations.

Minimum Lot Area—30,000 square feet.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—40%.

Maximum Building Height—40 feet.

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

2.2.13 O-I office-institutional.

This district is intended for the development of planned office areas which allow for design flexibility through a master plan. Commercial activities are permitted as subordinate uses to the office development.

A. *Conditional Principal Uses.* A property in the O-I district may be used for the uses listed below and shown in Table 2.2 in accordance with an approved masterplan, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use. Lots of less than five (5) acres in size may be developed for bank or office use without public hearing subject to Design Review Board Approval.

1. Residential Uses.

- a. Dwelling, Group (nursing home, children's home, congregate housing, assisted living facility).

2. Business Uses.

- a. Bank, Savings and Loan.
- b. Broadcasting Studio (radio or TV).
- c. Clinic.
- d. Congregate Housing.
- e. Day Care Center.
- f. Drug Store.
- g. Office Building or Office Park.

- h. Recreational Facilities (Indoor or Outdoor).
- i. Special Event Facility.
- j. Theater, Cinema.

3. Semipublic Uses, Utilities.

- a. Church, Synagogue.
- b. Club, association or lodge.
- c. Golf Course, Driving Range.
- d. Heliport.
- e. Hospital.
- f. Library.
- g. Museum.
- h. Public Building.
- i. School, Academic.

~~h. Recreation Facilities (Indoor or Outdoor).~~

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

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

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

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

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

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

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

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

2. Privacy and decorative fences and walls.
3. Swimming pool, tennis court, patio and other private recreation facilities.
4. Clubhouse, swimming pool, or community recreation facilities serving a development.
5. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
6. Signs, subject to all of the requirements regulating signage herein.
7. Retaining walls and other site improvement structures approved as part of the development permit.

8. Retail service uses up to 25% of the floor area of an office building for services incidental to the associated office use.
- C. *Conditional Subordinate Uses.* A property in the O-I district may be used for any of the following listed uses upon approval as a conditional use by the City Council provided that the uses in aggregate do not constitute more than 25% of the total project and are not segregated so as to create a retail strip center.
1. Residential Uses.
 - a. Reserved.
 2. Business Uses.
 - a. Art Galleries.
 - b. Automobile Service and Service Station.
 - c. Bakery.
 - d. Barber Shop.
 - e. Beauty Shop.
 - f. Book Store.
 - g. Boutique Hotel.
 - h. Bowling Alley.
 - i. Brewery.
 - j. Car Wash.
 - k. Contractor's Office without outside storage.
 - l. Convenience Market with or without gas pumps.
 - m. Dance Studio.
 - n. Distillery.
 - o. Dry Cleaning Pick-up Station.
 - p. Extended Stay Hotel (see Sec. 2.7).
 - q. Florist, Retail without Greenhouse.
 - r. Funeral Home w/out cemetery or mausoleum.
 - s. Golf, Miniature, or Golf Driving Range.
 - t. Hotel/motel.
 - u. Laboratory, Research or Commercial.
 - v. Liquor Store.
 - w. Parking Lot, Commercial.
 - x. Print Shop.
 - y. Restaurant.
 - z. Restaurant, Drive-In or Fast-Food with Drive-thru window.
 - aa. Retail Sales & Services Establishments subject to the limitation of [subsection] 2.2.13 B 8.
 - bb. School, Commercial.
 - cc. Spa Services.

3. Wholesale, Storage and Industrial Uses.
 - a. Manufacturing, Light.
4. Semipublic Uses, Utilities.
 - a. Airport.
 - b. Amphitheater.
 - c. Athletic Facility.
 - d. Auditorium.
 - e. Country Club.
 - ~~f. Hospital.~~
 - f. Fire Station.
 - g. Park or Playground.
 - h. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
 - i. Wireless Tower.

D. *District Regulations.*

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

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—40%.

Maximum Building Height—40 feet.

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

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

([Ord. No. 718](#), §§ 3, 6, 12-14-2015; [Ord. No. 741](#), § 4, 6-5-2017; [Ord. No. 744](#), §§ 2, 6, 7-10-2017; [Ord. No. 808](#), § 2(Exh. B), 9-8-2020)

2.2.14 C-1 neighborhood commercial.

A. *Permitted Principal Uses.* A property in the C-1 district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Residential Uses.

- a. Dwelling, 'For-Sale'—in an existing or historic structure only.

~~b. Reserved.~~

- b. Bed and Breakfast.

2. Business Uses.

- a. Art Gallery.

- b. Bakery.

- c. Bank, Savings and Loan.

- d. Barber Shop.

- e. Beauty Shop.

- f. Book Store.

- g. Carpet and Rug Sales.

- h. Clinic.

~~i. Contractor's Office without outside storage.~~

i. Dance Studio.

- j. Day Care Center.

- k. Drug Store.

- l. Dry Cleaning Pick-up Station.

- m. Florist, Retail Without Greenhouse.

~~n. Gourmet Food Store.~~

- n. Hardware and Garden Supply Store.

~~p. Jewelry Store.~~

- o. Laundry, Self-Serve, Pick-up.

p. Nail Salon.

- q. Office Building or Park.

- r. Pet Day Care.

- s. Pet Grooming.

- t. Print Shop.

~~v. Reserved.~~

- u. Restaurant.

- v. Retail Sales and Services (Establishments not otherwise listed for this zoning district as a permitted or conditional use).

- w. School, Commercial.

- x. Shop or Studio, Craftsman/Artist.

~~aa. Theater, Cinema.~~

3. Semipublic Uses, Utilities.

~~a. Club, association or lodge.~~

a. Library.

b. Museum.

c. Park or Playground.

d. School, Academic.

~~e. Public Building.~~

- B. *Accessory Uses.* A property in the C-1 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

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

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

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

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

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

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

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

2. Privacy and decorative fences and walls.
3. Swimming pool, tennis court, patio and other private recreation facilities.
4. Clubhouse, swimming pool, or community recreation facilities serving a development.
5. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations, herein.
6. Signs, subject to all of the requirements regulating signage herein.
7. Retaining walls and other site improvement structures approved as part of the development permit.

- C. *Conditional Uses.* A property in the C-1 district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Residential Uses.

~~a. Reserved.~~

a. Dwelling, Group (congregate housing, assisted living facility, nursing).

2. Business Uses.

- a. Animal Hospital, small animals.
- b. Assisted Living, Congregate housing
- c. Automotive Parts.
- d. Bowling Alley.
- e. Brewery.
- f. Check Cashing.
- g. Club, association or lodge.
- h. Contractor's Office with out outside storage.
- i. Distillery.
- j. Funeral home with no cemetery or mausoleum.
- k. Golf, Miniature.
- l. Grocery Store.
- m. Hotel/Motel.
- n. Liquor Store.
- o. Parking Lot, Commercial.
- p. Pest Control Business.
- ~~q. School, Academic.~~
- q. Rental Services Establishment without outside storage.
- r. Restaurant, with Drive-thru Window.
- s. Retail Establishment, Mixed Sales.
- t. Smoke Shop and Tobacco Store.
- u. Spa Services.
- v. Special Event Facility.

w. Theater, Cinema.

3. Semipublic Uses, Utilities.

- a. Athletic Facility, Fitness Studio.
- b. Auditorium.
- c. Church, Synagogue.
- d. Hospital.

e. Public Building.

- f. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. *District Regulations.*

Minimum Lot Area—30,000 square feet.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—45%.

Maximum Building Height—35 feet.

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

([Ord. No. 704](#), § 2, 6-1-2015; [Ord. No. 718](#), §§ 6—8, 12-14-2015; [Ord. No. 730](#), §§ 3, 4, 12-5-2016; [Ord. No. 741](#), § 4, 6-5-2017; [Ord. No. 744](#), § 4, 7-10-2017; [Ord. No. 772](#), § 2, 2-4-2019; [Ord. No. 808](#), § 2(Exh. B), 9-8-2020)

2.2.15 C-2 general commercial.

A. *Permitted Principal Uses.* A property in the C-2 district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Residential Uses.

- a. Dwelling, 'For-Sale'—in an existing or historic structure only.
- b. Bed and Breakfast.

2. Business Uses.

- a. Art Gallery.
- b. Automobile Service ~~and Service~~ Station.
- c. Automotive Parts.
- ~~d. Automotive Service.~~
- d. Bakery.
- e. Bank, Savings and Loan.
- f. Barber Shop.
- g. Beauty Shop.
- h. Book Store.
- i. Bowling Alley.
- j. Broadcasting Studio (radio or TV).
- ~~l. Building Materials, retail with enclosed storage.~~
- k. Carpet and Rug Sales.
- l. Clinic.
- ~~e. Clubs, fraternity, association or lodge.~~
- ~~q. Reserved.~~
- m. Contractor's Office ~~with and~~ without outside storage.

- n. Convenience Market with or without gas pumps.
- o. Dance Studio.
- p. Day Care Center.
- q. Drug Store.
- r. Dry Cleaning Pick-up Station.
- s. Florist, Retail Without Greenhouse.
- t. Grocery Store.
- u. Hardware and Garden Supply Store.
- v. Home Improvement Store.
- w. Laundry, Self-Serve, Pick-up.
- x. Liquor Store.

y. Nail Salon.

- z. Office Building or Park.
- aa. Parking Lot, Commercial.
- bb. Pet Day Care.
- cc. Pet Grooming.
- dd. Print Shop.

~~hh. Public Building.~~

~~ii. Recreation Facilities (Indoor).~~

- ee. Rental Services Establishment without outside storage.
- ff. Restaurant.
- gg. Restaurant, w/Drive-thru Window.
- hh. Retail Sales and Services Establishments not otherwise listed for this zoning district as a permitted or conditional use.
- ii. Retail Establishment, Mixed Sales.
- jj. School, Commercial.
- kk. Shop or Studio, Craftsman/Artist.

~~qq. Theater, Cinema.~~

3. Semipublic Uses, Utilities.

- a. Athletic Facilities, Fitness Studio.
- ~~b. Club, association or lodge.~~
- b. Hospital.
- c. Library.
- d. Museum.
- e. Park or Playground.
- f. School, Academic.

- B. **Accessory Uses.** A property in the C-2 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as

a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following: (See also Supplementary Regulations in this Article.)

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

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

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

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

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

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

2. Privacy and decorative fences and walls.
3. Swimming pool, tennis court, patio and other private recreation facilities.
4. Clubhouse, swimming pool, or community recreation facilities serving a development.
5. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
6. Signs, subject to all of the requirements regulating signage herein.
7. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Uses.* A property in the C-2 district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Residential Uses.

~~a. Reserved.~~

~~b. Reserved.~~

- a. Dwelling, Group (congregate housing, nursing home, etc.).

2. Business Uses.

- a. Animal Hospital, small animals.
- b. Assisted Living, Congregate housing.
- c. Automobile Sales and Leasing.
- d. Boutique Hotel.
- e. Brewery.
- f. Builder's Equipment/Material.
- g. Car Wash.
- h. Check Cashing.

- i. Church, Synagogue.
- j. Club, fraternity, association or lodge.
- k. Contractor's Office with outside storage.
- l. Distillery.
- m. Extended Stay Hotel (see Sec. 2.7).
- ~~k. Florist, Retail with Greenhouse.~~
- n. Funeral Homes.
- o. Golf, Miniature.
- p. Greenhouse with nursery.
- q. Hotel or Motel.
- r. Limousine Service and Taxi.
- s. Massage Therapy (see Sec. 2.7).
- t. Pest Control Business.
- u. Spa Services.
- v. Recreation Facilities, Indoor.
- w. Recreation Facilities, Outdoor.
- x. Small Appliance Repair Shop.
- y. Smoke Shop and Tobacco Store.
- z. Spa Services.
- aa. Special Event Facility.
- bb. Theater, Cinema.

~~3. Wholesale, Storage and Industrial Uses.~~

- ~~a. Wholesale Establishment.~~

3. Semipublic Uses, Utilities.

- a. Auditorium.
- b. Public Building.
- ~~c. Recreational Facilities (Outdoor).~~
- c. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
- d. Wireless Tower.

D. *District Regulations.*

Minimum Lot Area—none.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—Conditional (based on prevailing development patterns).

Side yard—Conditional (based on prevailing development patterns).

Rear yard—10 feet.

Maximum Coverage By Principal Buildings—70% (for development within Downtown Overlay—90%).

Maximum Building Height—40 feet.

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

([Ord. No. 703](#), § 1, 6-1-2015; [Ord. No. 704](#), § 2, 6-1-2015; [Ord. No. 718](#), §§ 5—7, 9, 12-14-2015; [Ord. No. 730](#), §§ 3, 4, 12-5-2016; [Ord. No. 741](#), § 4, 6-5-2017; [Ord. No. 744](#), §§ 2, 6, 7-10-2017; [Ord. No. 772](#), § 3, 2-4-2019; [Ord. No. 808](#), § 2(Exh. B), 9-8-2020)

2.2.16 PSC planned shopping center.

All uses in the PSC zoning district shall be located within, or as part of a shopping center or specialty shopping center.

A. *Conditional Principal Uses.* A property in the PSC district may be used for those uses listed in Table 2.2, only upon approval as a conditional use by the city council:

1. Residential Uses

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

2. Business Uses.

- a. Art Galleries.
- ~~b. Automobile Service Station.~~
- ~~c. Automotive Parts.~~
- b. Bakery.
- c. Barber Shop.
- d. Bank, Savings and Loan.
- e. Beauty Shop.
- f. Brewery.
- g. Book Store.
- h. Car Wash.
- i. Carpet and Rug Sales.
- j. Clinic.
- ~~m. Convenience Market with or without gas pumps.~~
- k. Dance Studio.
- l. Day Care Center.
- m. Distillery.
- n. Drug Store (Pharmacy).

- o. Florist, Retail without Greenhouse.
- p. Grocery Store (max. 50,000 SF in the North Point Overlay).
- q. Hardware Store (max. 50,000 SF in the North Point Overlay).
- r. Home Improvement Store.
- s. Laundry, Self-Serve, Pick-up.
- t. Liquor Store.
- u. Office Building or Park.
- v. Pest Control Business.
- ~~z. Pet Grooming.~~
- ~~aa. Public Building.~~
- ~~bb. Recreational Facilities (Indoor).~~
- w. Rental Services Establishment without outside storage.
- x. Restaurant.
- y. Restaurant w/Drive-thru window.
- z. Retail Sales and Services Establishments not otherwise listed for this zoning district as a permitted or conditional use.
- aa. Retail Establishment, Mixed Sales.
- ~~hh. Special Event Facility.~~
- ~~ii. Theater, Cinema.~~

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

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

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

- C. *Conditional Subordinate Uses.* A property in the PSC district may be used for any of the following only upon approval as a conditional use by the City Council and provided that these uses in aggregate do not constitute more than 50% of the site area:

- 1. Residential Uses.
 - a. Reserved.
- 2. Business Uses.
 - a. Animal Hospital, small animals.
 - b. Automobile Service and Service Station.
 - c. Automotive Parts.

~~d. Automotive Service.~~

- d. Bowling Alley.
- e. Boutique Hotel.
- f. Broadcasting Studio (radio or TV).

~~g. Building Materials, retail with enclosed storage.~~

- g. Convenience Center with gas pumps.
- h. Dry Cleaning Plant.
- i. Dry Cleaning Plant with pick-up station.

~~l. Florist, Retail with Greenhouse.~~

- j. Funeral Home with no cemetery or mausoleum.

k. Greenhouse, Nursery.

- l. Golf, Miniature.
- m. Hotel or Motel.

n. Nail Salon.

- o. Parking Lot, Commercial.
- p. Pet Day Care.
- q. Pet Grooming.
- r. Print Shop.

~~s. Radio or TV, Transmitter or Studio.~~

s. Recreation Facilities, Indoor.

- t. School, Commercial.
- u. Shop or Studio, Craftsman/Artist.
- v. Spa Services.

w. Special Event Facility.

x. Theater, Cinema.

3. Semipublic Uses, Utilities.

- a. Athletic Facility, Fitness Studio.
- b. Auditorium.
- c. Church, Synagogue.
- d. Club, fraternity, association or lodge.
- e. Heliport, public or private.
- f. Libraries.
- g. Museum.
- h. Park or Playground.

i. Public Building.

- j. Recreational Facilities (Outdoor).
- k. School, Academic.

~~k. Reserved.~~

- l. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
- m. Wholesale Establishment.
- n. Wireless Tower.

D. *District Regulations.*

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

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—40%.

Maximum Building Height—40 feet.

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

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

1. Pedestrian connectivity to all uses.
2. Large parking areas below grade, in decks or screened. Design efforts to provide shared parking will also be considered.
3. Accommodations for public transportation.
4. Buildings that face or appear to face public roadways.
5. Appearance standards for buildings and structured parking.
6. Limitations on uninterrupted building elevations.
7. Creation of vistas and view corridors within development.
8. Focal point features at prominent locations and ends of vistas.
9. Incorporation of natural site features.
10. Block lengths conducive to pedestrian traffic.
11. Detention and retention facilities designed to be aesthetically pleasing.
12. Creative methods for stormwater management to provide additional open space.
13. Attractive and usable street furniture in public spaces.
14. Emphasis on a high quality landscape plan.

([Ord. No. 715](#), § 2, 9-28-2015; [Ord. No. 718](#), §§ 3, 4, 12-14-2015; [Ord. No. 741](#), § 4, 6-5-2017; [Ord. No. 744](#), §§ 2, 4, 6, 7-10-2017; [Ord. No. 767](#), §§ 1—3, 10-22-2018; [Ord. No. 808](#), § 2(Exh. B), 9-8-2020)

2.2.17 L-I industrial.

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

1. Agricultural and Residential Uses.

~~a. Greenhouse, Nursery.~~

~~a. Dwelling, Group (home-elderly, children, nursing).~~

2. Business Uses.

a. Animal Hospital, small and large animals.

b. Art Gallery.

c. Automobile Service ~~and Service~~ Station.

d. Automotive Parts.

e. Automotive Sales and Leasing.

~~f. Automotive Service.~~

f. Bakery.

g. Bank, Savings and Loan.

h. Book Store.

i. Bowling Alley.

j. Brewery.

k. Broadcasting Studio (radio or TV).

l. Builder's Equipment/Material.

m. Car Wash.

n. Carpenter Shop, Woodworking.

o. Carpet and Rug Sales.

p. Check Cashing.

q. Church, Synagogue.

r. Congregate Housing.

s. Contractor's Office with and without outside storage.

t. Convenience Market with or without gas pumps.

u. Dance Studio.

v. Day Care Center.

w. Discount Store.

x. Distillery.

y. Drug Store.

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

jjj. Tire Retreading.

3. Wholesale, Storage and Industrial Uses.

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

~~i. Warehouse.~~

- i. Welding Shop.
- j. Wholesale Trade Establishment.

4. Semipublic Uses, Utilities.

- a. Athletic Facility, Fitness Studio.
- b. Amphitheater.
- c. Auditorium.
- d. Church, Synagogue.
- e. Heliport.
- f. Hospital.

g. Library.

h. Museum.

i. Park or Playground.

j. Public Building.

k. School, Academic.

l. Switching Station, Telecom.

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

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

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

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

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

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

1.0 *Business Uses.*

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

~~i. Theater, Cinema.~~

2.0 *Wholesale, Storage and Industrial Uses.*

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

3.0 *Semipublic Uses, Utilities.*

- a. Airport, public or private.

~~b. Reserved.~~

~~d. Museum and Library.~~

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

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

4.1 *General Standards.*

- a. No access to transfer station facility shall be allowed from streets that primarily access residential developments;
- b. Access streets shall be paved and shall be able to withstand maximum load limits established by the State of Georgia as approved by the Engineering Director;
- c. No portion of a new transfer station shall be located within a three-mile radius of the property lines of an existing transfer station;
- d. A minimum 200 foot undisturbed buffer and ten-foot improvement setback shall be required along all property lines except public rights-of-way;
- e. A minimum 50 foot buffer and ten-foot improvement setback shall be required along all public rights-of-way;
- f. A minimum six foot high solid fence or wall shall be located on property lines or interior to the required buffers and improvement setback;
- g. Operation of the facility shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday; 9:00 a.m. to 7:00 p.m., Saturday; 12:00 p.m. to 5:00 p.m., Sunday (for routine maintenance and other non-operational facility activities).
- h. Only municipal solid waste is accepted at the facility. No treated or untreated regulated medical waste, treated and destroyed medical waste or asbestos waste debris shall be accepted;
- i. All solid waste is removed from the transfer station within 24 hours of receipt;
- j. A transfer station with permanent operating mechanical equipment must have an attendant on duty whenever the facility is open;
- k. The facility shall be designed and constructed in a manner to ensure that odor will not be emitted from the site;
- l. The transfer facility must be cleaned at least once every 24 hours;
- m. The entrance and exit shall be cleaned at a frequency which prevents the tracking or off-site migration of waste materials;
- n. The operator shall take adequate measures to minimize the creation, emission, or accumulation of excessive dust and particulates;
- o. The operator shall take adequate steps to control or prevent the propagation, harborage and attraction of pests;
- p. All floors must be free from standing water. All drainage from cleaning areas must be discharged to sanitary sewers, authorized cleaning areas must be discharged to sanitary sewers, authorized sanitary waste treatment facilities, or a corrosion-resistant holding tank;
- q. The facility shall provide fire suppression equipment as directed by the City of Alpharetta Fire Department;
- r. All solid waste passing through the transfer station must be ultimately treated or disposed of at an authorized facility;
- s. The transfer station must have adequate storage space for incoming solid waste;
- t. Operational records must be maintained at facilities with permanent operating mechanical equipment. These records must include a daily log of the quantity of solid waste received

and transported, specifying the origin by hauler and the destination of the solid waste transported daily;

- u. The facility shall not generate more than 150 total vehicle trips per day;
- v. An annual report must be submitted to the Community Development Department which summarized the information gathered in (t), above;
- w. The facility shall be developed, operated and maintained in a safe, nuisance-free manner; and
- x. The facility and its operation must be in compliance with GA EPD requirements.

4.2 *Additional Permit Application Requirements.*

- a. Application requirements. An application for a solid waste transfer station permit must confirm to the requirements set forth herein. Applications for initial permits to construct and operate a solid waste transfer station must include the following:
 - (1) Regional plan or map. The regional plan or map must delineate the service area of the proposed transfer station.
 - (2) Site plan. The site plan must include:
 - (a) Site conditions and projected site utilization, including all site structures (such as buildings, fences, gates, entrances and exits, parking areas);
 - (b) Property boundaries, access roads, the locations of all surface water bodies, and 100-year floodplain boundaries;
 - (c) All proposed structures and areas designated for unloading, sorting, storage, and loading, including dimensions, elevations and floor plans of these structures and areas, and the general process flow; and
 - (d) Adjacent properties, including the location of public and private water supplies on these properties.
 - (3) Engineering report. The engineering report must include:
 - (a) A description of the general operating plan for the proposed facility, including the origin, composition, and expected weight or volume of all solid waste to be accepted, the maximum time any such waste will be stored, where all waste will be disposed of, and the proposed capacity operating hours, and the expected life of the facility;
 - (b) A description of all machinery and equipment, including the design capacity;
 - (c) A proposed transfer plan specifying the transfer route, the number and type of transfer vehicles to be used, and how often solid waste will be transferred to the disposal site;
 - (d) A description of the facility's drainage system and water supply system; and
 - (e) A contingency plan that details an alternative solid handling system for periods when not operating, or for delays in transporting solid waste due to undesirable conditions, such as delivery of unauthorized waste, fires, dust, odor, vectors, unusual traffic conditions, equipment breakdown or other emergencies.

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

- a. Unloading and loading areas.
 - (1) The unloading area must be adequate in size and design to facilitate efficient unloading from the collection vehicles and the unobstructed movement of vehicles;

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

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

D. *District Regulations.*

Minimum lot size—one acre.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—35%.

Maximum Building Height—35 feet.

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

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

([Ord. No. 708](#), § 1, 8-10-2015; [Ord. No. 715](#), § 3, 9-28-2015; [Ord. No. 718](#), §§ 7, 10—12, 12-14-2015; [Ord. No. 741](#), §§ 2, 3, 6-5-2017; [Ord. No. 744](#), §§ 2, 3, 5, 6, 7-10-2017; [Ord. No. 808](#), § 2(Exh. B), 9-8-2020)

2.2.18 OSR open space and recreational.

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

1. Semipublic Uses, Utilities.

~~a. Community Center.~~

a. Park or Playground.

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

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

1. Privacy and decorative fences and walls.

2. Clubhouse, swimming pool, tennis courts or other community recreation facilities.

3. Vehicle access and public parking areas.

4. Signs, subject to all of the requirements regulating signage herein.

5. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Uses.* A property in the OSR district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.

a. Amphitheater.

b. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. *District Regulation.*

Minimum Lot Size—none.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—15 feet.

Rear yard—30 feet.

Maximum Coverage By Principal Buildings—20%.

Maximum Building Height—75 feet.

Screening and buffers—none.

2.2.19 SU special use.

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

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

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

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

1. Privacy and decorative fences and walls.
2. Swimming pool, tennis court, patio and other recreation facilities.
3. Clubhouse, swimming pool, or community recreation facilities serving a development.
4. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
5. Signs, subject to all of the requirements regulating signage herein.
6. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Uses.* A property in the SU district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.

- a. Cemetery.
- b. Church, Synagogue, or other religious institutions.
- c. Club, association or lodge.
- d. Power Station.
- e. Prison.
- f. Public Building.
- g. Recreation Facilities, Outdoor.
- h. Wireless Tower.

D. *District Regulations.*

Minimum Lot Size—none.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—10 feet.

Rear yard—10 feet.

Maximum Coverage By Principal Buildings—70%.

Maximum Building Height—40 feet.

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

([Ord. No. 744](#), § 6, 7-10-2017)

2.2.20 MU mixed use district.

This district is intended to allow for the development of a mix of uses within the framework of a master plan. The district regulations are intended to allow greater design flexibility in order to accommodate a pedestrian focused environment that provides opportunities for living, working, shopping, recreation and entertainment.

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

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

B. *Permitted Principal Uses.* A property in the MU district may be used only for those uses approved as part of the conditions of approval of the MU zoning on the property and as further limited below.

1. *Dwelling, attached or detached:* At least 25% of the MU development shall be utilized as residential dwellings. Land use calculations shall utilize gross floor area for vertical mix of uses and land area for horizontal mix of uses.

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

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

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

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

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

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

Combination of Horizontal and Vertical Mixed Use:

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

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

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

1. *Residential Uses:*

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

2. *Commercial Uses:*

a. Art Gallery.

b. Bakery.

c. Bank, Savings & Loan.

d. Barber Shop.

e. Beauty Shop.

f. Book Store.

g. Boutique Hotel.

h. Brewery.

i. Clinic.

j. Dance Studio.

~~d. Contractor's Office (no on-site storage).~~

k. Day Care Center.

l. Distillery.

m. Drug Store (Pharmacy).

n. Dry cleaning, Pickup Station.

o. Florist, Retail.

~~h. Entertainment Venue (jazz club, comedy club, dinner theater, etc.).~~

p. Grocery Store (max. 50,000 SF in the North Point Overlay).

q. Hardware and Garden Supply Store (max. 50,000 SF in the North Point Overlay).

r. Hotel/Motel.

s. Liquor Store.

t. Nail Salon.

u. Office.

v. Pet Grooming.

w. Print Shop.

x. Recreation Facilities, Indoor and Outdoor.

~~y. Religious Institution.~~

z. Restaurant.

aa. Retail Establishment.

- bb. School, Commercial.
- cc. Spa Services.
- dd. Special Event Facility.
- ee. Theater, Cinema.

3. *Semipublic Uses, Utilities:*

- a. Athletic Facilities, Fitness Studio.
- b. Church, Synagogue.
- c. Heliport.
- d. Library.
- e. Museum.
- f. Park or Playground.
- g. Public Building.
- h. School, Academic.

D. *District Regulations.*

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

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

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

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

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

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

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

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

9. Focal point features at prominent locations and ends of vistas.
10. Incorporation of natural site features.
11. Block lengths conducive to pedestrian traffic.
12. Detention and retention facilities designed to be aesthetically pleasing.
13. Creative methods for stormwater management to provide additional open space.
14. Attractive and usable street furniture in public spaces.
15. Emphasis on a high quality landscape plan.
16. Number of office jobs internally captured on-site.

F. *Time Linkage/Concurrency.* In order to ensure that the objectives of MU district are met and development occurs which incorporates a mix of uses, a development phasing strategy or time line shall be established for each MU project, subject to the following:

1. *Open Space and Civic Space.* No certificate of occupancy for any use shall be issued until a proportional amount of required open space and civic space has been installed.

Furthermore, when reviewing the phasing strategy or timeline, the City Council may link the issuance of other permits and/or certificates of occupancy for a portion of the development with the completion of other portions of the development.

([Ord. No. 702, § 1\(Exh. A\), 3-2-2015](#) ; [Ord. No. 732](#) , § 1, 2-6-2017; [Ord. No. 741](#) , § 4, 6-5-2017; [Ord. No. 744](#) , § 2, 7-10-2017; [Ord. No. 749](#) , §§ 2, 3, 9-18-2017; [Ord. No. 767](#) , § 4(Exh. A), 10-22-2018; [Ord. No. 808](#) , § 2(Exh. B), 9-8-2020)

Table 2.1 List of Development Standards

District	Lot Area	Lot ^B Width	Front Yd. Set Back (ft.) ^F	Side Yards (ft.)	Corner Side Yards (ft.)	Rear Yards (ft.)	Total Bldg. Coverage	Max. Ht. In (ft.)	Min. Flr. Area in Sq. Ft.	Max. Impervious Area ^A
AG	5 acres	200	50' local street 65' all other streets	25	35	50	25%	35	1,800	40%
RE	3 acres	100	50'/65'	25	35	50	25%	35	1,800	40%
R ^E	One acre	100	50'/65'	25	35	50	25%	35	1,800	50%

R-22 ^E	22,000 sq. ft.	100	35' local street 65' all other streets	25	35	30	25%	35	1,500	50%
R-15 ^E	15,000 sq. ft.	100	35' local street 65' all other streets	10	20	25	25%	35	1,500	50%
R-12 ^E	12,000 sq. ft.	80	30' local street 65' all other streets	10	20	30	25%	35	1,500	50%
R-10 ^E	10,000 sq. ft.	75	30' local street 65' all other streets	10	20	25	25%	35	1,500	50%
R-4A ^E	One acre	30	35' local street 65' all other streets	20 ^C	20	30	40%	35	1,200	60%
R-4D	5,000 sq. ft.	50	35'/65'	5	10	w/alley 0' no alley 20'	40%	35	1,500	60%

R-8A/D ^E	One acre (Attached) 4,500 sq. ft. (Detached)	50	35' local street 65' all other streets	5 adjacent property 10 between buildings	10	w/alley 0' no alley 20'	40%	35	1,200	60%
R-10M ^E	One acre	75	35' local street 65' all other streets	25 adjacent property 20 between buildings	35	50	None	35	None	60%
CUP ^D	100 acres	Cond.	Cond.	Cond.	Cond.	Cond.	Cond.	Cond.		70%
O-P	30,000 sq. ft.	NONE	50' local street 65' all other streets	15	50' local street 65' all other streets	15	40%	40		70%
O-I ^D	25 acres	None	50/65	15	50/65	15	40%	40		70%
C-1	30,000 sq. ft.	NONE	50' local street 65' all other streets	15	50' local street 65' all other streets	15	45%	35		80%
C-2	NONE	NONE	Cond.	Cond.	Cond.	10	70% 90% DT Overlay	40		90% (95% DT Overlay)
PSC ^D	10 acres	NONE	50/65	15	50/65	15	40	40		80%
L-I	One acre	NONE	50' local	15	50' local	15	35%	35		80%

			street 65' all other streets		street 65' all other streets					
OS & R	NONE	NONE	50/60	15	50/65	30	20	75	NONE	NONE
SU	NONE	NONE	50/65	10	50/65	10	70%	40		80%
MU	25 acres	Cond.	Cond.	Cond.	Cond.	Cond.	Cond.	Cond.		80%

A - Includes surface or deck parking.

B - Minimum lot width at setback line per unit.

C - Side yard set back from project boundaries and building groupings.

D - Area regulations conditional and are subject to a master plan.

E - All minimum lot sizes as noted are allowable if served by sanitary sewer. If sanitary sewer is not available to the property, then Fulton County Health Department (lot size) regulation shall apply for septic tank approval.

F - Tree save areas may overlap the building lot and building setback area. Such tree save areas must be identified on the land disturbance permit and dedicated on the final plat for permanent preservation.

([Ord. No. 718](#), § 13(Exh. A), 12-14-2015; [Ord. No. 732](#), § 1, 2-6-2017)

TABLE 2.2 LIST OF PERMISSIBLE AND CONDITIONAL USES

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

USES	AG	RE	R	R-22	R-15	R-12	R-10	R-4A	R-4D	R-8A/D	R-10M	CUP*	OI*	OP	C-1	C-2	PSC	LI	OS-R	SU	MU
Adult Entertainment Establishment																		O			
Airport, Public/Private	O											O	<u>S</u>					O		X	

Amphitheater										O	Θ	Σ					X	O	X
Animal Hospital, Small Animal (Veterinarian)	O									O			O	O	Θ	Σ	X		
Animal Hospital, Large Animal	O																X		
Art Galleries										O	Θ	Σ	O	X	X	O	X		O
Asphalt Plant																	O		
Athletic Facilities/Fitness Studio	O									O	Θ	Σ	O	✕	X	Θ	Σ	X	O
Auditorium	O									O	Θ	Σ	O	O	O	Θ	Σ	X	
Auto Sales and Leasing (Trucks, Vans, Cars and Accessories)										O				O			X		
Automotive Parts										O			O	X	Θ	Σ	X		
Automotive Service & Service Station										O	Θ	Σ		X	Θ	Σ	X		
Automotive Service Station										Θ	Θ			✕	Θ	✕			
Bakery										O	Θ	Σ	O	X	X	O	X		O
Bank, Savings and Loan, Mortgage Company										O	O	X	X	X	O	X			O
Barber/Beauty Shop										O	Θ	Σ	X	X	X	O			O
Bed and Breakfast	X	O	O	O	O				X	O		X	X	X					O
Book Store or Stationery										O	Θ	Σ	A	X	X	O	X		O
Bottle Gas Storage and Distribution																	X		
Boutique Hotel										O	Θ	Σ		O	Θ	Σ	O		O

Bowling Alley													0	Θ <u>Σ</u>	<u>0</u>	X	Θ <u>Σ</u>	X				
Brewery													0	Θ <u>Σ</u>	0	0	0	X			0	
Broadcasting Studio (Radio and TV)	0												0	<u>0</u>		X	<u>Σ</u>	X				
Builder's Equipment/Material	0												0			✕ <u>0</u>		X				
Car Wash														Θ <u>Σ</u>		0	0	X				
Carpenter Shop, Woodworking	0																	X				
Carpet and Rug Sales																X	X	0	X			
Cemetery	0																			0		
Check Cashing																0	0		X			
Church, Synagogue	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Θ <u>Σ</u>	X		0	0
Clinic, Public/Private													0	0	X	X	X	0			0	
Club, associations, or Lodge	0			0	0	0	0	0	0	0	0	0	0	0	0	✕ <u>0</u>	✕ <u>0</u>	Θ <u>Σ</u>			✕ <u>0</u>	
Concrete Plant																			0			
Congregate Housing, Assisted Living Facility											0	0	0		0	0		X			0	
Contractor's Office without outside storage													0	Θ <u>Σ</u>	X	✕ <u>0</u>	X		X		Θ	
Contractor's Office with outside storage													0			Θ	✕ <u>0</u>		X			
Convenience Center w/Gas Pumps													0	Θ <u>Σ</u>		X	Θ <u>Σ</u>	X				
Country Club	0	0	0	0	0	0	0	0	0	0	0	0	0	<u>Σ</u>								

Dance Studio													O	Θ <u>Σ</u>		X	X	O	X			O
Day Care Center													O	O	X	X	X	O	X			O
Discount Store																			X			
Distillery													O	Θ <u>Σ</u>		O	O	O	X			O
Drug Store (Pharmacy)													O	O		X	X	<u>O</u>	X			O
Dry Cleaning, Pick-Up Station													O	Θ <u>Σ</u>	O	X	X	Θ <u>Σ</u>	X			O
Dry Cleaning, Plant																		Θ	O			
Dwelling, 'For-Sale', Attached								X		X	X	O						O				O
Dwelling, 'For-Sale', Detached	X	X	X	X	X	X	X		X	X		O						O				O
Dwelling, 'For-Rent'											X	O										O
Dwelling, Group												O	O	O		O	O					O
Equestrian Center	O	O	O	O	O								O							X	Θ	
Extended Stay Hotel (see Section 2.7)													O	Θ <u>Σ</u>			O		O			
Family Day Care Home (accessory use)	X	X	X	X	X	X	X	X	X	X	X	O										
Farmlands (including Livestock, poultry)	X																					
Fire station													O	Θ <u>Σ</u>							X	
Fireworks Sales																			X			
Florist, Retail													O	Θ <u>Σ</u>	O	X	X	O				O

Funeral Homes with no cemetery or mausoleum													O	Θ <u>Σ</u>		O	O	Θ <u>Σ</u>	X				
Glass Fabrication																			O				
Golf Course, Driving Range	O	O	O	O	O	O	O	O	O	O	O	O	O	O					<u>O</u>		X		
Golf, Miniature													O	Θ <u>Σ</u>		O	O	Θ <u>Σ</u>			<u>X</u>		
Greenhouse, Nursery	O																O	<u>Σ</u>	X				
Grocery Store													O			O	X	O	X			O	
Group Home, Special Care Home (accessory use)	X	X	X	X	X	X	X						<u>O</u>										
Hardware and Garden Supply Store													O			X	X	O	X			O	
Heliport, Public/Private	O												O	O				Θ <u>Σ</u>	X		X	O	
Home Improvement Store																X	O	X					
Home-Elderly, Children, Nursing												O	O	O	X <u>O</u>	X <u>O</u>		X					
Hospital													O	O		O	X		X		X		
Hotel or Motel													O	Θ <u>Σ</u>		O	O	Θ <u>Σ</u>				O	
Indoor Shooting Range																			O				
Junk/ <u>Salvage</u> Yard																			O				
Kennel	O																		X				
Laboratory, Research Commercial													O	Θ <u>Σ</u>					X				
Laundry, Industrial													O						O				

Laundry, Self-Serve, Pick-Up												O			X	X	O	X			
Limousine Service and Taxi (with or without outside vehicle storage)																O		X			
Liquor Store												O	Θ <u>Σ</u>		O	X	O	X			O
Locker, Frozen Food or Cold Storage												O						X			
Machine Shop																		X			
Manufacturing, Heavy, General																		O			
Manufacturing, Light												O	Θ <u>Σ</u>					X			
Massage Therapy															O			X			
Mini-warehouse Storage, Conditioned or Unconditioned space																		X			
Museum and Libraries												O	O		X	X	Θ <u>Σ</u>	X		X	O
Nail Salon												O	Θ		X	X	Θ <u>Σ</u>	X			O
Office												O	O	X	X	X	O	X			O
Park or Playground	X	X	X	X	X	X	X	X	X	X	X	O	Θ <u>Σ</u>	X	X	X	Θ <u>Σ</u>	X	X	X	O
Parking Lot, Commercial												O	Θ <u>Σ</u>		O	X	Θ <u>Σ</u>	X			
Pawn Shop																		X			
Pest Control Business (with or without onsite chemical storage)															O	O		X			
Pet Day Care												O			X	X	Θ <u>Σ</u>	X			
Pet Grooming												O			X	X	Θ <u>Σ</u>	X			O

Power Station										O							O		O
Print Shop										O	Θ <u>S</u>	$\times$ <u>A</u>	X	X	Θ <u>S</u>	X			O
Prison																		O	
Public Building										O	O	$\times$ <u>O</u>	$\times$ <u>O</u>	$\times$ <u>O</u>	Θ <u>S</u>	X		$\times$ <u>O</u>	O
Recreation Facilities, Indoor (Health Clubs, Skating Rink, Billiards, Children's event facilities, etc.)										O	O			$\times$ <u>O</u>	Θ <u>S</u>	X			O
Recreational Facilities, Outdoor										O	O		Θ	O	Θ <u>S</u>	X		$\times$ <u>O</u>	O
Recycling Center																O			
Rental Services Establishment without outside storage										O			O	X	O	X			
Rental Services Establishment with outside storage																X			
Restaurant										O	Θ <u>S</u>	O	X	X	O	X			O
Restaurant w/Drive-thru window										O	Θ <u>S</u>		O	X	O	X			
Retail Establishment										O	Θ <u>S</u>	<u>A</u>	X	X	O	X			O
Retail Establishment (Mixed Sales)										O			O	X	O	X			
Sawmill																O			
School, Academic										O	O	O	X	X	Θ <u>S</u>	X		X	O
School, Commercial (Beauty, Business)										O	Θ <u>S</u>	O	X	X	Θ <u>S</u>	X			O

Septic Tank, Sales, Construction																		X		
Sewage, Disposal Plant																		O		
Shop or Studio, Craftsman/Artist											O		O	X	X	Θ <u>Σ</u>	X			
Small Appliance Repair Shop															O		X			
Smoke Shop and Tobacco Store														O	O		X			
Spa Services											O	Θ <u>Σ</u>	O	O	O	Θ <u>Σ</u>	X			O
Special Event Facility	O										O	O		O	O	Θ <u>Σ</u>	X			O
Storage, Inside																	X			
Storage, Outside																	X			
Switching Station (Telecom)											O						X			
Tattoo Parlor and Body Piercing																	X			
Taxidermist	X																Θ <u>X</u>			
Theater, Cinema											O	O		X <u>O</u>	X <u>O</u>	Θ <u>Σ</u>	Θ <u>X</u>			O
Tire Retreading																	O			
Transfer Station																	O			
Utility Substation	O	O	O	O	O	O	O	O	O	O	O	Θ <u>Σ</u>	O	O	O	Θ <u>Σ</u>	O	O	X	
Welding Shop																	X			
Wholesale Establishment											O					Θ <u>Σ</u>	X			

Wireless Tower (subject to approval of conditional use permit in accordance with Section 2.8.7)	0											0	0		0	0	0		
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([Ord. No. 671, § 1, 2-4-2013](#) ; [Ord. No. 675, § 1, 6-3-2013](#) ; [Ord. No. 692, § 1\(Exh. 1\), 7-21-2014](#) ; [Ord. No. 703, § 1, 6-1-2015](#); [Ord. No. 704, § 2, 6-1-2015](#); [Ord. No. 708, § 1, 8-10-2015](#); [Ord. No. 715, § 4, 9-28-2015](#); [Ord. No. 718, § 14\(Exh. B\), 12-14-2015](#); [Ord. No. 730, § 5, 12-5-2016](#); [Ord. No. 741, § 5\(Exh. A\), 6-5-2017](#); [Ord. No. 744, § 7\(Exh. A\), 7-10-2017](#); [Ord. No. 767, § 7\(Exh. C\), 10-22-2018](#); [Ord. No. 772, § 8\(Exh. A\), 2-4-2019](#); [Ord. No. 808, § 2\(Exh. B\), 9-8-2020](#))

* Uses under the CUP and OI Zoning Districts shall be permissible through an approved master plan amendment and statement of intent.

SECTION 2.2 a. CONDITIONAL USE REVIEW CRITERIA

When reviewing a conditional use, consideration shall be given to factors associated with the use including, but not limited to, the following:

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

Exhibit “B”

SECTION 2.3 SUPPLEMENTARY REGULATIONS

2.3.2 Temporary uses.

The Director may authorize a temporary use, as follows:

- A. Carnival, circus or fair on property zoned and used for non-residential use, for a period not to exceed 4 days. A period not to exceed 30 days may be granted by the Director if the event is held within a designated amphitheater facility as defined by Code and confirmed by the Director. Site shall meet adequate parking and safety concerns and limit impacts to surrounding properties.
- B. Outdoor tent sales on property zoned and used for non-residential use, for a period not to exceed forty-five (45) days. Authorization may not be granted more than two (2) times per year, per property.
- C. Seasonal events associated with a not-for-profit on property zoned and used for non-residential use, for a period not to exceed seventy-five (75) days. Authorization may not be granted more than two (2) times per year, per property.
Seasonal Events associated with a for-profit entity on property zoned and used for non-residential use for a period not to exceed thirty (30) days. Authorization may not be granted more than four (4) times per year, per property. Seasonal events, such as an ice-skating rink, corn maze, haunted house, etc. shall be limited to activities that draw fewer than 100 people at a time.
- D. Religious meeting in a tent or other temporary structure ~~in the AG, R-10M, CUP, O-I, C-1, and C-2 Districts~~ on property zoned and used for non-residential use, for a period not to exceed sixty (60) days.
- E. Open lot sale of Christmas trees, fruit and vegetables, and other harvested products ~~in the AG, O-I, C-1, C-2 and L-1 Districts~~ on property zoned and used for non-residential use, for a period not to exceed forty-five (45) days.
- F. Real estate sales office, related to an active development, in any district, for a period not to exceed one (1) year, provided no sleeping accommodations are maintained in the structure.
- G. Contractor's office, construction trailer and equipment shed, in any district, related to an active development, for a period of one (1) year provided that such office be placed on the property to which it is appurtenant.
- H. Commercial television or motion picture filming activities not to exceed seven (7) calendar days at any residential location, or a period not to exceed twenty-one (21) days if approved by the Mayor and Council. The director or the Mayor and Council may impose conditions to the issuance of the permit to minimize the disturbance to the residential neighborhood. These conditions may include neighborhood notification requirements, parking and traffic control, and limitations on the hours of operation. In no event shall filming activities commence prior to 7:00 a.m. or continue after 10:00 p.m.
- I. All temporary certificates of zoning compliance may be renewed provided that it is determined that said use is clearly of a temporary nature, will cause no increased traffic congestion and will not create a nuisance to surrounding uses.
- J. The director may require City Council review and approval of any temporary uses.
- K. Fireworks sales in a tent or other temporary structure in the L-1 District, for a period not to exceed ninety (90) days.

(Ord. No. 688, § 1, 4-28-2014 ; Ord. No. 708 , § 1, 8-10-2015; Ord. No. 718 , § 15, 12-14-2015; Ord. No. 808 , § 3(Exh. C), 9-8-2020)

Exhibit “C”

Sec. 3.4. Uses Allowed by District.

3.4.1. Allowed Use Table.

- A. In order to regulate a variety of similar uses, use categories have been established for principal uses. Use standards for both principal and accessory uses are specified in Section 2.3 and Section 2.7 of the Unified Development Code. Uses not listed may be interpreted by the Director of Community Development. When the Director of Community Development cannot determine placement, an application shall be made to the Board of Appeals for interpretation.
- B. Principal and accessory uses allowed by district are shown in the table below.

3.4.2. Use Table Key.

- A. Permitted Use (X). Indicates a use is permitted in the respective district. The use is also subject to all other applicable requirements of the Unified Development Code.
- B. Conditional Use (O). Indicates a use may be permitted in the respective district only where approved by the City Council in accordance with Section 4.2 of the Unified Development Code. Conditional uses are subject to all other applicable requirements of the Unified Development Code, including any applicable use standards, except where the use standards are expressly modified by the City Council as part of the conditional use permit approval.
- C. Use Not Permitted. An empty cell indicates that a use is not permitted in the respective district.

Key: X = Permitted Use O = Conditional Use Empty Cell = Use Not Permitted				
Use Category	Downtown Zoning Districts			
Specific Use	DT-C	DT-MU	DT-LW	DT-R
Open Uses				
Community Garden	X	X	X	X
Equestrian Center				
Farmlands (including Livestock, poultry)				
Greenhouse, Nursery				
Residential Uses				
Household living (see district regulations for additional density and Conditional Use Permit requirements):				
Dwelling, 'For-Sale,' Attached	X	X	X	X
Dwelling, 'For-Sale,' Detached	X	X	X	X
Dwelling, 'For-Rent'	O	O		
Group living:				
Congregate Housing, Assisted Living Facility	O	O		
Home-Elderly, Children, Nursing	X	X		
Public/Institutional Uses				
Associations, (Clubs & Lodges)	X O	X O	O	O
Cemetery				
Church, Synagogue, Other Place of Worship	O	O	O	O
Country Club				
Fire Station	X	X		
Golf Course, Driving Range				
Museums & Libraries	X	X	O	
Park and Playground	X	X	X	X
Power Station				

Prison				
Public Building	✕ <u>O</u>	✕ <u>O</u>	O	
Sewage, Disposal Plant				
School, Academic	O	X	O	
School, Commercial (Beauty, Business)	X	X	O	
Utility Substation	O	O	O	O
Telecommunications				
Antenna Tower				
Broadcasting Studio (Radio & TV)	O	O	O	
Switching Station (Telecom)				
Commercial Uses				
Adult Entertainment Establishment				
Amphitheater	O	O	O	
Animal Hospital, Small Animal (Veterinarian)	O	O		
Animal Hospital, Large Animal		O		
Art Galleries	X	X	O	
Athletic Facilities/Fitness Studio	X	X	O	
Auditorium	O	O	O	
Auto Sales and Leasing (Trucks, Vans, Cars & Accessories)		O		
Automotive Parts	X	X		
Automotive Service		X		
Bakery (under 8,000 square feet in floor area)	X	X	O	
Bakery (8,000 square feet or more in floor area)		X		
Bank, Savings & Loan, Mortgage Company	X	X	O	
Barber Shop	X	X	O	
Beauty Shop	X	X	O	
Bed & Breakfast	X	X	O	O
Book Store or Stationery	X	X	O	
Boutique Hotel	O	O		
Brewery	O	O		
Car Wash				
Carpet and Rug Sales	O	O		
Check Cashing		O		
Clinic, Public/Private	X	X	O	
Contractor's Office (with no outside storage)	O	X	O	
Contractor's Office (with outside storage)		O		
Convenience Center (with gas pumps)		X	O	
Dance Studio	X	X	O	
Day Care Center	O	X	O	
Discount Store				
Distillery	O	O		
Drug Store, Pharmacy	X	X	O	
Dry Cleaning, Pick-Up Station	X	X		
Florist, Retail (with no greenhouse)	X	X	O	
Florist, Retail (with greenhouse)		O		
Funeral Home (with no cemetery or mausoleum)	O	O	O	
Golf, Miniature		O		

Grocery Store (under 2,000 square feet in floor area, located at a street corner, and limited to one per block)	X	X	O	
Grocery Store (2,000 square feet or more in floor area)	X	X		
Hardware & Garden Supply Store (under 8,000 square feet in floor area)	X	X		
Hardware & Garden Supply Store (8,000 square feet or more in floor area)		X		
Home Improvement Store		X		
Hospital		O		
Hotel	O	O		
Indoor Shooting Range				
Kennel				
Laundry, Self-Serve, Pick-Up		X		
Liquor Store	O	O		
Massage Therapy		O		
Nail Salon	X	X	O	
Office	X	X	X	
Outdoor Recreational Facilities (Commercial) (Playfields, etc.)	O	O	O	
Parking Lot, Commercial (under 30 spaces)	O	O	O	
Parking Lot, Commercial (30 spaces or more)	O	O		
Pawn Shop				
Pet Day Care (with no overnight boarding)	X	X	O	
Pet Grooming	X	X		
Print Shop	X	X	O	
Recreation Facilities, Indoor (Health Clubs, Bowling Alley, Skating Rink, Billiards, Children's event facilities, etc.)	O	O	O	
Rental Services Establishment with no outside storage	O	X		
Restaurant (see Accessory Uses for additional drive-through requirements)	X	X	O	
Retail Establishment (with no mixed-sales)	X	X	O	
Retail Establishment (with mixed-sales)	O	O		
Service Station, Automotive		X		
Shop or Studio, Craftsman/Artist	X	X	O	
Small Appliance Repair Shop	O	O		
Spa Services	O	O	O	
Special Event Facility	O	O		
Tattoo Parlor & Body Piercing				
Theater, Cinema	O	O		
Industrial Uses				
Asphalt Plant				
Bottle Gas Storage & Distribution				
Builder's Equipment/Material				
Carpenter Shop, Woodworking (under 8,000 square feet in floor area)	O	O		
Carpenter Shop, Woodworking (8,000 square feet or more in floor area)				

Concrete Plant				
Dry Cleaning, Plant				
Glass Fabrication (under 8,000 square feet in floor area)				
Glass Fabrication (8,000 square feet or more in floor area)	O	O		
Junk Yard				
Laboratory, Research Commercial				
Laundry, Industrial				
Locker, Frozen Food or Cold Storage				
Machine Shop				
Manufacturing, Heavy, General				
Manufacturing, Light, Limited (under 8,000 square feet in floor area)	O	O		
Manufacturing, Light, Limited (8,000 square feet or more in floor area)				
Mini-warehouse Storage, Conditioned or Unconditioned Space				
Pest Control Business (with or without onsite chemical storage)		O		
Recycling Center				
Rental Services Establishment with outside storage (other than auto related)				
Salvage Yards				
Sawmill				
Septic Tank, Sales, Construction				
Storage, Inside				
Storage, Outside				
Taxidermist				
Tire Retreading				
Transfer Station				
Welding Shop				
Wholesale Storage and Distribution				
Transportation Uses				
Airport, Public/Private				
Heliport, Public/Private				
Limousine Service & Taxi (with or without outside vehicle storage)		O		
Accessory Uses				
Clubhouse, swimming pool, or community recreation facilities serving a development	X	X	X	X
Drive-Through Window		O		
Dwelling, 'For-Sale', Accessory	X	X	X	X
Family Day Care Home	X	X	X	X
Group Home				
Home Occupation	X	X	X	X
Live-Work	X	X	X	
Parking Garage	X	X	O	
Privacy and decorative fences and walls	X	X	X	X

Retail service uses up to 25% of the floor area of an office building for services incidental to the associated office use.	X	X	O	
Retaining walls and other site improvement structures approved as part of the development permit.	X	X	X	X
Signs, subject to all of the requirements regulating signage of the district.	X	X	X	X
Special Care Home	X	X	X	X
Swimming pool, tennis court, detached garage, play house, green house, storage shed, patio, gazebo and other private recreation facilities	X	X	X	X
Vehicle access, parking and loading areas	X	X	X	X

(Ord. No. 741 , § 4, 6-5-2017; Ord. No. 744 , § 2, 7-10-2017; Ord. No. 808 , § 4(Exh. D), 9-8-2020)

3.4.3. Specific Use Standards.

The following principal and accessory uses must conform with the indicated use standards.

A. **Dwelling, 'For-Sale' Accessory.** Where a Dwelling, 'For-Sale' Accessory is allowed, it is subject to the following:

1. The dwelling shall be accessory to a permitted commercial use and shall be located above or to the rear of such use to which it is accessory.
2. The dwelling shall be attached by a common wall with the commercial or office structure to which it is accessory.
3. The dwelling shall be occupied by a single family, a member of whom is the owner or tenant of the commercial structure to which it is accessory.
4. The square footage of the dwelling shall not exceed 40% of the combined square footage of the commercial structure and the dwelling.
5. The dwelling and the commercial structure to which it is accessory shall be in compliance with all applicable provisions of the life safety code, the building code, and other codes of the City.

B. **Live-Work.** Where Live-Work is allowed, it is subject to the following:

1. Live-work is only permitted on the first floor of a dwelling unit.
2. A minimum of one person must occupy the dwelling containing the live-work use as their primary place of residence.
3. The live-work use may employ no more than two persons not living on the premises at any one time.
4. No business storage or warehousing of material, supplies or equipment is permitted outside of the dwelling containing the live-work use.
5. The nonresidential use of the live-work use is limited to a permitted or conditional use in the zoning district.
6. No equipment or process may be used in connection with the live-work use that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off the premises.
7. No more than 5 customers are permitted on the premises at any one time.



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

CITY COUNCIL SPONSOR: STAFF INITIATED

I. AGENDA ITEM TITLE: PH-21-16 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – MEDICAL MARIJUANA

CITY COUNCIL:

SEPTEMBER 27, 2021

This item was considered at the 9/2/2021 Planning Commission meeting. There were no public comments. After discussion, Planning Commission recommended approval. Vote 6-0

II. REPORT IN BRIEF:

Consideration of text amendments to Unified Development Code (UDC) Article II Use of Land and Structures, to add definitions for Medical Marijuana Dispensary and Production Facility and assign uses to zoning districts.

DISCUSSION

In response to the State's recent selection of licensed medical marijuana producers, Staff proposes definitions of Medical Marijuana Dispensary and Production, as well as assigning uses to zoning districts within the Unified Development Code (UDC). Staff proposes to allow 'Medical Cannabis or Marijuana Dispensary' in the LI (Light Industrial) zoning district with approval of a conditional use and to prohibit 'Medical Cannabis or Marijuana Production Facility' in all zoning districts.

III. ATTACHMENTS:

- UDC Strike Through and Underline Edits

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.

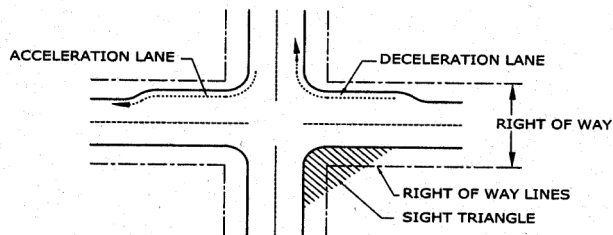


FIGURE 1

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.

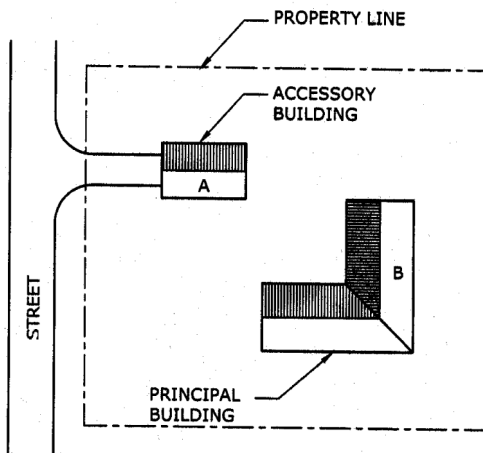


FIGURE 2

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.

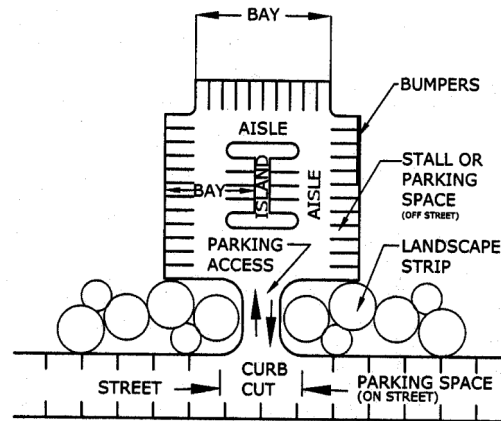


FIGURE 3

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 seven (7) guest rooms and one (1) owner's suite and meals are served in a common dining room. Lodging facilities and services are provided for transient guests for an average stay of less than 7 days and offered to the public for compensation. Bed and Breakfast does not include retail uses, public bar, conference center or special event facilities. Guest rooms within the building shall contain no equipment for food preparation other than a coffee maker, 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 the interior of the building.

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. This includes, but is not limited to, swap shops, flea markets, antique malls, donation centers, surplus stores and thrift stores.

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

Downtown Overlay. That portion of the City generally bounded by Canton Street and Mayfield Road to the North; Wills Road and the western boundaries of Milton Manor and Milton Estates Subdivisions to the West; South Main Street, Old Milton Parkway and the southern boundary of Alpha Park Subdivision to the South; and Westside Parkway and the eastern boundary of Alpha Park Subdivision to the East. The study area of the City of Alpharetta Downtown Master Plan shall be shown on the Official Zoning Map and labeled "Downtown Overlay." In the event of a conflict between the general description set out herein and the Map, the Map shall control.

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.

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

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

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

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

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

-
- A. *Public Improvements.* Any structure, owned by or to be dedicated to a government or a utility regulated by the Georgia Public Service Commission, together with its associated public land, easement or right-of-way, necessary to provide transportation, drainage, public or private utilities, or other public services such as education, recreation, or public safety.
 - B. *Site Improvements.* Any structure, other than a principal building or a structure intended for dedication to public ownership, constructed to support or provide for the use or occupancy of a property, such as driveways, parking and loading areas, retaining walls and other earthen works, erosion and sedimentation control facilities, stormwater drains and detention facilities, and connections to public water, sewer or other utilities.

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

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

Ingress. Access or entry.

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

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

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

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

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

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

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

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

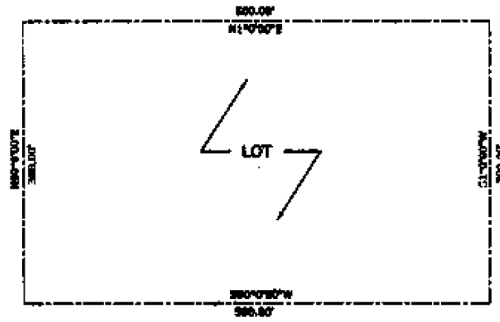


FIGURE 4

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

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

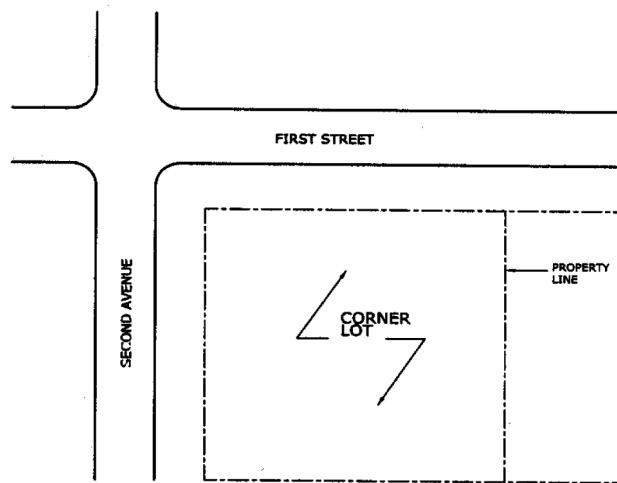


FIGURE 5

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

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

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

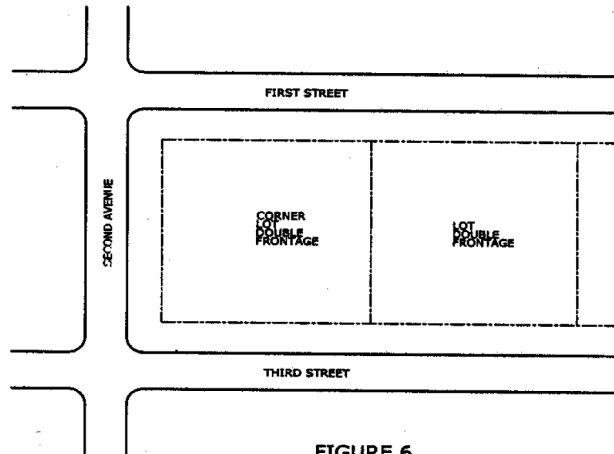


FIGURE 6

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

Lot Frontage. See "Frontage."

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

- A. *Front Lot Line.* Any boundary line of a lot which is coterminous with a public street right-of-way line or private street easement line. For a corner lot, the narrow portion is usually considered the front.
- B. *Rear Lot Line.* Any boundary line of a lot which does not intersect with a street right-of-way or private street easement line and which is usually opposite of the front lot line.
- C. *Side Lot Line.* Any boundary line of a lot which intersects with a street right-of-way or private street easement line.

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

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

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

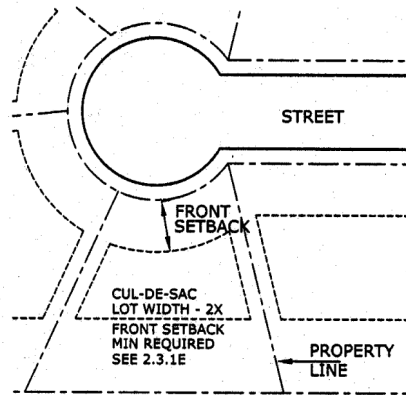


FIG 7

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

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

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

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

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

Massage Therapy. 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. Such business shall be located within a zoning category allowing retail use, shall not occupy more than 4,000 sq. ft. and shall not be closer than 2,000 ft. to a comparable business. The term "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.

Medical Cannabis Dispensary or Medical Marijuana Dispensary. Any business premises that sells, distributes, or otherwise dispenses "low THC oil" and/or any related "product" (as those terms are defined in O.C.G.A. §16-12-200(12), (15)), pursuant to a "dispensing license" (as that term is defined by O.C.G.A. § 16-12-200(9)); provided, however, that any pharmacy (as that term is defined in O.C.G.A. § 26-4-5(30)(B)) that holds such a dispensing license shall not be deemed a Medical Cannabis Dispensary or Medical Marijuana Dispensary. Every such dispensary shall adhere to all applicable state and local laws, rules, regulations, and ordinances, including, but not limited to, O.C.G.A. §§ 16-12-200 to-236 and the rules and regulation promulgated by the Georgia Access to Medical Cannabis Commission. A Medical Cannabis Dispensary or Medical Marijuana Dispensary shall not be closer than 2,000 ft. to a day care center or early care or education program, public or private school, religious institution or place of worship, government building, park, residential dwelling, residential substance abuse diagnostic or treatment facility, any licensed drug or alcohol rehabilitation facility, or any other medical cannabis dispensary or medical marijuana dispensary, and the distance shall be measured from property boundary to property boundary.

Medical Cannabis Production Facility or Medical Marijuana Production Facility. Any business premises which produces and/or manufactures "low THC oil" and/or any related "product" (as those terms are defined in O.C.G.A. §16-12-200(12), (15)), pursuant to a "Class 1 production license" or "Class 2 production license" (as those terms are defined by O.C.G.A. § 16-12-200(3), (4)). This use is a prohibited use in all zoning districts.

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".

Mural. A hand-painted, hand-tiled, or digitally printed restorative image on the exterior wall of a building or other permanent surface.

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

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

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

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

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

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

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

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

Nursery School. See "Day Care Center."

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

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

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

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

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

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

shall not include any other required open areas such as required building setbacks, buffers, landscape strips or other similar requirements of this ordinance. There are 2 types of open space: Civic space and Amenity space.

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

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

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

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

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

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

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

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

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

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

- A. *Compact Car Parking Space.* A designated space not less than 8 feet by 16 feet expressly provided within a parking area for purposes of temporarily parking a compact car or other compact motor vehicle.
- B. *Handicapped Parking Space.* A designated space not less than thirteen feet in width (including loading area) and twenty feet in length, laid out and designated by signage in accordance with the requirements of the Georgia Accessibility Code for Buildings and Facilities.
- C. *Handicap - Van Only.* A designated space not less than sixteen feet in width including loading area and twenty feet in length.
- D. *Regular Parking Space.* A designated space not less than 9 feet in width by 19 feet in length.

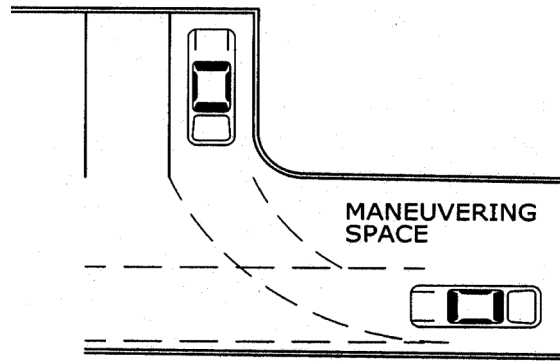


FIGURE 8

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

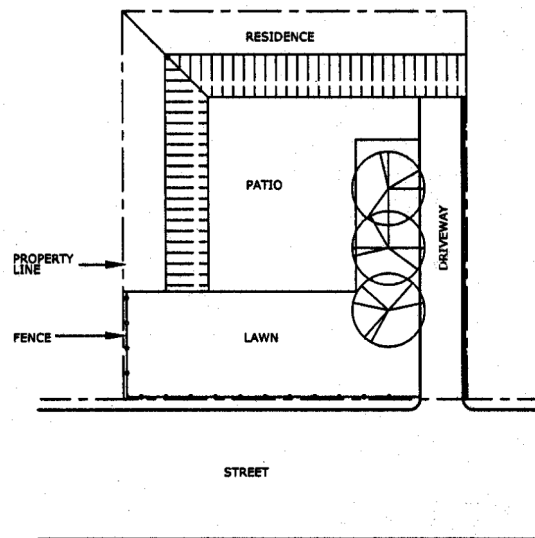


FIGURE 9

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

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

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

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

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

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

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

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

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

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

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

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

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

Portable. See Industrialized Buildings.

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

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

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

Privacy Fence. A sight-obscuring fence used to block the area enclosed by the fence from view from neighboring properties or public rights-of-way. Sight-obscuring shall mean opaque or having such qualities as to constitute a complete visual barrier to persons outside the perimeter of the sight-obscuring object. A fence which partially obscures sight shall not be considered sight-obscuring if the distance or open space between boards, slats, rails, stanchions, or balusters (which shall not exceed four (4) inches in width) equals or exceeds the width of said boards, slats, etc., measured at ninety (90) degree angles.

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.

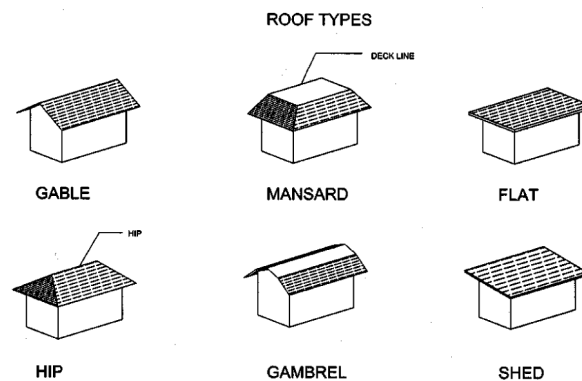
Retail Sales Establishment. A business principally engaged in offering a category of similar goods or products for sale to the general public, such as grocery store, hardware store, pharmacy, clothing shop, home furnishings store, office supplies store, and the like.

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.

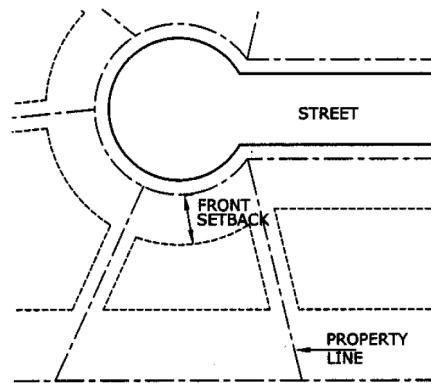


FIG 11

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 business premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or instruments, vape products, or any combination thereof. Such businesses shall be located within a retail center and shall not be closer than 2,000 ft. to a school, religious institution, government building, park, residential dwelling or each other. Distance shall be measured by

the straight-line distance from premises to premises. "Smoke shop and tobacco store" shall not include any grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes, vape or tobacco as an ancillary sale (ten percent (10%) or less of total sales).

Spa Services. A business that provides services requiring a customer to disrobe, which may include non-medical massage, other personal services such as skin, nail, hair treatments, hair removal/waxing, and may have the sale of associated retail products. Such business shall be located within a zoning category allowing retail use, shall not occupy more than 4,000 sq. ft. and shall not be closer than 2,000 ft. to a comparable business. The term "spa establishment" shall not include hospitals or other professional health care establishments separately licensed as such by the state.

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

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

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

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.

Special Event Facility. A public or privately owned structure or area used for the purposes of performances, sporting events, receptions or parties, or similar attractions that may generate heavy traffic. Facilities may include improvements to accommodate special events, such as access and circulation improvements, parking areas, gathering areas, and other physical improvements necessary to accommodate special events.

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.

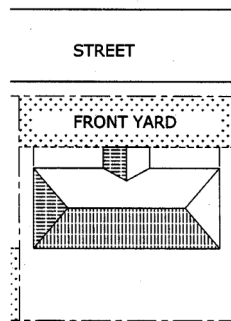


FIG 12

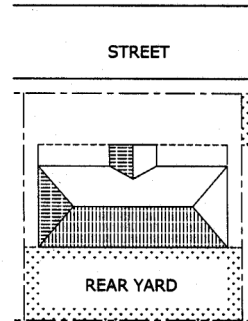


FIG 13

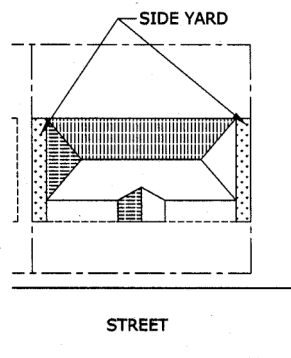


FIG 14

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; Ord. No. 778 , § 1, 6-17-2019; Ord. No. 786 , § 1, 9-23-2019; Ord. No. 787 , § 1(Exh. A), 10-28-2019; Ord. No. 804 , § 1(Exh. A), 8-10-2020; Ord. No. 807 , § 1(Exh. A), 9-8-2020; Ord. No. 808 , § 1(Exh. A), 9-8-2020)

2.2.17 L-I industrial.

- A. *Permitted Principal Uses.* A property in the L-I district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:
1. Agricultural and Residential Uses.
 - a. Greenhouse, Nursery.
 2. Business Uses.
 - a. Animal Hospital, small and large animals.
 - b. Art Gallery.
 - c. Automobile Service Station.
 - d. Automotive Parts.
 - e. Automotive Sales and Leasing.
 - f. Automotive Service.
 - g. Bakery.
 - h. Bank, Savings and Loan.
 - i. Book Store.
 - j. Bowling Alley.
 - k. Brewery.
 - l. Broadcasting Studio (radio or TV).
 - m. Building Materials with Outdoor Storage.
 - n. Building Materials, Retail with enclosed storage.
 - o. Car Wash.
 - p. Carpenter Shop, Woodworking.
 - q. Carpet and Rug Sales.
 - r. Check Cashing.
 - s. Church, Synagogue.
 - t. Commercial Parking Lot.
 - u. Congregate Housing.
 - v. Contractor's Office with and without outside storage.
 - w. Convenience Market with or without gas pumps.
 - x. Dance Studio.
 - y. Day Care Center.
 - z. Discount Store.
 - aa. Distillery.

-
- bb. Drug Store.
 - cc. Dry Cleaning Pick-up Station.
 - dd. Fireworks Sales.
 - ee. Funeral Home.
 - ff. Greenhouse, Nursery.
 - gg. Grocery Store.
 - hh. Hardware and Garden Center.
 - ii. Home, Elderly, Children, Nursing.
 - jj. Heliport.
 - kk. Home Improvement Store.
 - ll. Kennel.
 - mm. Laboratory, Research or Commercial.
 - nn. Laundry, Self-Serve, Pick-up.
 - oo. Liquor Store.
 - pp. Massage Therapy (see Sec. 2.7).
 - qq. Office Building or Office Park.
 - rr. Pawn Shop.
 - ss. Pest Control.
 - tt. Pet Day Care.
 - uu. Pet Grooming.
 - vv. Print Shop.
 - ww. Radio or TV, Transmitter or Studio.
 - xx. Recreation Facilities (Indoor).
 - yy. Rental Services Establishment with outside storage.
 - zz. Rental Services Establishment without outside storage.
 - aaa. Restaurant.
 - bbb. Restaurant, Drive-In or Fast-Food.
 - ccc. Retail Sales and Services Establishments not otherwise listed for this zoning district as a permitted or conditional use.
 - ddd. Retail Establishment, Mixed Sales.
 - eee. Shop or Studio, Craftsman/Artist.
 - fff. Small Appliance Repair Shop.
 - ggg. Smoke Shop and Tobacco Store.
 - hhh. Spa Services.

-
- iii. Special Event Facility.
 - jjj. Storage, Inside.
 - kkk. Tattoo Parlor, Body Piercing.
 - III. Taxidermist.
 - mmm. Tire Retreading.
 - nnn. Vehicle for Hire Company.
3. Wholesale, Storage and Industrial Uses.
- a. Bottled Gas, storage and distribution.
 - b. Builder's Equipment.
 - c. Concrete Plant.
 - d. Dry Cleaning Plant.
 - e. Locker, Frozen Food or Cold Storage.
 - f. Machine Shop.
 - g. Manufacturing, Light.
 - h. Mini-Warehouse.
 - i. Septic Tank Sales, Construction.
 - j. School, Commercial.
 - k. Storage, Outside.
 - l. Warehouse.
 - m. Welding Shop.
 - n. Wholesale Trade Establishment.
4. Semipublic Uses, Utilities.
- a. Athletic Facility—Outdoor.
 - b. Amphitheater.
 - c. Auditorium.
 - d. Park or Playground.
 - e. Hospital.
 - f. School, Academic.
 - g. Switching Station, Telecom.
- B. *Accessory Uses.* A property in the L-I district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.
- Permitted accessory structures and uses include but are not limited to the following:
- 1. Privacy and decorative fences and walls.

-
2. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
 3. Signs, subject to all of the requirements regulating signage herein.
 4. Retaining walls and other site improvement structures approved as part of the development permit.
- C. Conditional Uses. When reviewing a conditional use, consideration shall be given to factors associated with the use including, but not limited to, the following:
1. Site design.
 2. Property access.
 3. Hours of operation of the business.
 4. Vehicular trips generated by the use.
 5. Impact of the use on surrounding properties.
 6. Impact of the use on the natural features of the site.

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

1.0 *Business Uses.*

- a. Adult Entertainment Establishment (see Sec. 2.7).
- b. Airport, Public/Private.
- c. Boutique Hotel.
- d. Extended Stay Hotel.
- e. Golf Driving Range.
- f. Glass Fabrication.
- g. Medical Cannabis or Marijuana Dispensary
- h. Taxidermist.
- i. Tire Retreading.
- j. Theater, Cinema.

2.0 *Wholesale, Storage and Industrial Uses.*

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

-
- j. Salvage Yard.
 - k. Sawmill.
 - l. Sewage Disposal Plant.
 - m. Transfer Station.

3.0 *Semipublic Uses, Utilities.*

- a. Airport, public or private.
- b. Reserved.
- c. Church, Synagogue, or other religious institutions.
- d. Museum and Library.
- e. Power Station.
- f. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
- g. Wireless Tower.

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

4.1 *General Standards.*

- a. No access to transfer station facility shall be allowed from streets that primarily access residential developments;
- b. Access streets shall be paved and shall be able to withstand maximum load limits established by the State of Georgia as approved by the Engineering Director;
- c. No portion of a new transfer station shall be located within a three-mile radius of the property lines of an existing transfer station;
- d. A minimum 200 foot undisturbed buffer and ten-foot improvement setback shall be required along all property lines except public rights-of-way;
- e. A minimum 50 foot buffer and ten-foot improvement setback shall be required along all public rights-of-way;
- f. A minimum six foot high solid fence or wall shall be located on property lines or interior to the required buffers and improvement setback;
- g. Operation of the facility shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday; 9:00 a.m. to 7:00 p.m., Saturday; 12:00 p.m. to 5:00 p.m., Sunday (for routine maintenance and other non-operational facility activities).
- h. Only municipal solid waste is accepted at the facility. No treated or untreated regulated medical waste, treated and destroyed medical waste or asbestos waste debris shall be accepted;
- i. All solid waste is removed from the transfer station within 24 hours of receipt;
- j. A transfer station with permanent operating mechanical equipment must have an attendant on duty whenever the facility is open;
- k. The facility shall be designed and constructed in a manner to ensure that odor will not be emitted from the site;

-
- l. The transfer facility must be cleaned at least once every 24 hours;
 - m. The entrance and exit shall be cleaned at a frequency which prevents the tracking or off-site migration of waste materials;
 - n. The operator shall take adequate measures to minimize the creation, emission, or accumulation of excessive dust and particulates;
 - o. The operator shall take adequate steps to control or prevent the propagation, harborage and attraction of pests;
 - p. All floors must be free from standing water. All drainage from cleaning areas must be discharged to sanitary sewers, authorized cleaning areas must be discharged to sanitary sewers, authorized sanitary waste treatment facilities, or a corrosion-resistant holding tank;
 - q. The facility shall provide fire suppression equipment as directed by the City of Alpharetta Fire Department;
 - r. All solid waste passing through the transfer station must be ultimately treated or disposed of at an authorized facility;
 - s. The transfer station must have adequate storage space for incoming solid waste;
 - t. Operational records must be maintained at facilities with permanent operating mechanical equipment. These records must include a daily log of the quantity of solid waste received and transported, specifying the origin by hauler and the destination of the solid waste transported daily;
 - u. The facility shall not generate more than 150 total vehicle trips per day;
 - v. An annual report must be submitted to the Community Development Department which summarized the information gathered in (t), above;
 - w. The facility shall be developed, operated and maintained in a safe, nuisance-free manner; and
 - x. The facility and its operation must be in compliance with GA EPD requirements.

4.2 *Additional Permit Application Requirements.*

- a. Application requirements. An application for a solid waste transfer station permit must confirm to the requirements set forth herein. Applications for initial permits to construct and operate a solid waste transfer station must include the following:
 - (1) Regional plan or map. The regional plan or map must delineate the service area of the proposed transfer station.
 - (2) Site plan. The site plan must include:
 - (a) Site conditions and projected site utilization, including all site structures (such as buildings, fences, gates, entrances and exits, parking areas);
 - (b) Property boundaries, access roads, the locations of all surface water bodies, and 100-year floodplain boundaries;
 - (c) All proposed structures and areas designated for unloading, sorting, storage, and loading, including dimensions, elevations and floor plans of these structures and areas, and the general process flow; and
 - (d) Adjacent properties, including the location of public and private water supplies on these properties.

(3) Engineering report. The engineering report must include:

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

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

a. Unloading and loading areas.

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

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

D. *District Regulations.*

Minimum lot size—one acre.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—35%.

Maximum Building Height—35 feet.

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

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

(Ord. No. 708 , § 1, 8-10-2015; Ord. No. 715 , § 3, 9-28-2015; Ord. No. 718 , §§ 7, 10—12, 12-14-2015; Ord. No. 741 , §§ 2, 3, 6-5-2017; Ord. No. 744 , §§ 2, 3, 5, 6, 7-10-2017; Ord. No. 808 , § 2(Exh. B), 9-8-2020)

TABLE 2.2 LIST OF PERMISSIBLE AND CONDITIONAL USES

On the following table, an open circle "O" means that the use will be permitted in that district only if a Conditional Use Permit is granted by the City Council. An "X" means that the use is permitted in the zone district subject to the general provisions of the Unified Development Code. For uses not included in this list or when the Director of Community Development is unable to determine placement, application shall be made to the Board of Appeals for interpretation.

USES	AG	RE	R	R-22	R-15	R-12	R-10	R-4A	R-4D	R-8A/D	R-10M	CUP*	OI*	OP	C-1	C-2	PSC	LI	OS-R	SU	MU
Adult Entertainment Establishment																		O			
Airport, Public/Private	O											O						O		X	
Amphitheater												O	O					X	O	X	
Animal Hospital, Small Animal (Veterinarian)	O											O	O		O	O	O	X			
Animal Hospital, Large Animal	O																	X			
Art Galleries												O	O	O	X	X	O	X			O
Asphalt Plant																		O			
Associations, (Clubs and Lodges)	O			O	O	O	O	O	O	O	O	O	O	O	X	X	O			X	
Athletic Facilities/Fitness Studio	O											O	O	O	X	X	O	X			O
Auditorium	O											O	O	O	O	O	O	X			
Auto Sales and Leasing (Trucks,												O				O		X			

Vans, Cars and Accessories)																				
Automotive Parts											O			O	X	O	X			
Automotive Service											O				X	O	X			
Bakery											O	O	O	X	X	O	X			O
Bank, Savings and Loan, Mortgage Company											O	O	X	X	X	O	X			O
Barber Shop											O	O	X	X	X	O				O
Beauty Shop											O	O	X	X	X	O				O
Bed and Breakfast	X	O	O	O	O					X	O		X	X	X					O
Book Store or Stationery											O	O		X	X	O	X			O
Bottle Gas Storage and Distribution																	X			
Boutique Hotel											O	O			O	O	O			O
Bowling Alley											O	O			X	O	X			
Brewery											O	O		O	O	O	X			O
Broadcasting Studio (Radio and TV)	O										O				X		X			
Builder's Equipment/Material	O										O				X		X			
Car Wash												O			O	O	X			
Carpenter Shop, Woodworking	O																X			
Carpet and Rug Sales														X	X	O	X			
Cemetery	O																		O	

Check Cashing															O	O		X			
Church, Synagogue	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	X		O	O
Clinic, Public/Private												O	O	X	X	X	O				O
Concrete Plant																		O			
Congregate Housing, Assisted Living Facility										O	O	O			O	O		X			O
Contractor's Office without outside storage												O	O	X	X	X		X			O
Contractor's Office with outside storage												O				O	X		X		
Convenience Center w/Gas Pumps												O	O			X	O	X			
Country Club	O	O	O	O	O	O	O	O	O	O	O	O									
Dance Studio												O	O		X	X	O	X			O
Day Care Center												O	O	X	X	X	O	X			O
Discount Store																		X			
Distillery												O	O		O	O	O	X			O
Drug Store (Pharmacy)												O	O		X	X		X			O
Dry Cleaning, Pick- Up Station												O	O	O	X	X	O	X			O
Dry Cleaning, Plant																	O	O			
Dwelling, 'For-Sale', Attached								X		X	X	O					O				O

Dwelling, 'For-Sale', Detached	X	X	X	X	X	X	X		X	X		O					O				O
Dwelling, 'For-Rent'											X	O									O
Dwelling, Group											O	O	O		O	O					O
Equestrian Center	O	O	O	O	O							O							X		O
Extended Stay Hotel (see Section 2.7)												O	O			O		O			
Family Day Care Home (accessory use)	X	X	X	X	X	X	X	X	X	X	X	O									
Farmlands (including Livestock, poultry)	X																				
Fire station												O	O						X		
Fireworks Sales																		X			
Florist, Retail												O	O	O	X	X	O				O
Florist, Retail with greenhouse																O	O				
Funeral Homes with no cemetery or mausoleum												O	O		O	O	O	X			
Glass Fabrication																		O			
Golf Course, Driving Range	O	O	O	O	O	O	O	O	O	O	O	O	O							X	
Golf, Miniature												O	O		O	O	O				
Greenhouse, Nursery	O															O		X			
Grocery Store												O			O	X	O	X			O

Group Home, Special Care Home (accessory use)	X	X	X	X	X	X	X														
Hardware and Garden Supply Store												O				X	X	O	X		O
Heliport, Public/Private	O											O	O					O	X		O
Home Improvement Store																X	O	X			
Home-Elderly, Children, Nursing											O	O	O		X	X		X			
Hospital												O	O		O	X		X		X	
Hotel or Motel												O	O		O	O	O				O
Indoor Shooting Range																		O			
Junk Yard																		O			
Kennel	O																	X			
Laboratory, Research Commercial												O	O					X			
Laundry, Industrial												O						O			
Laundry, Self-Serve, Pick-Up												O			X	X	O	X			
Limousine Service and Taxi (with or without outside vehicle storage)																O		X			
Liquor Store												O	O		O	X	O	X			O

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(Supp. No. 14)

Locker, Frozen Food or Cold Storage												O						X			
Machine Shop																		X			
Manufacturing, Heavy, General																		O			
Manufacturing, Light, Limited												O	O					X			
Massage Therapy																O		X			
<u>Medical Cannabis or Marijuana Dispensary</u>																		<u>O</u>			
Mini-warehouse Storage, Conditioned or Unconditioned space																		X			
Museum and Libraries												O	O		X	X	O	X		X	O
Nail Salon												O	O		X	X	O	X			O
Office												O	O	X	X	X	O	X			O
Outdoor Recreational Facilities (Commercial) (Playfields, etc.)												O	O		O	O	O	X		X	O
Park and Playground	X	X	X	X	X	X	X	X	X	X	X	O	O	X	X	X	O	X	X	X	O
Parking Lot, Commercial												O	O		O	X	O	X			

Pawn Shop																		X			
Pest Control Business (with or without onsite chemical storage)														O	O			X			
Pet Day Care											O			X	X	O	X				
Pet Grooming											O			X	X	O	X				O
Power Station											O						O		O		
Print Shop											O	O	X	X	X	O	X				O
Prison																			O		
Public Building											O	O	X	X	X	O	X		X		O
Radio, TV, Transmitter, Studio	O										O	O			O	O	X				
Recreation Facilities, Indoor (Health Clubs, Bowling Alleys, Skating Rink, Billiards, Children's event facilities, etc.)											O	O			X	O	X				O
Recycling Center																	O				
Rental Services Establishment with no outside storage											O			O	X	O	X				
Rental Services Establishment with outside storage (other than auto related)																	X				

Restaurant												O	O	O	X	X	O	X			O
Restaurant w/Drive-thru window												O	O		O	X	O	X			
Retail Establishment												O	O		X	X	O	X			O
Retail Establishment (Mixed Sales)												O			O	X	O	X			
Salvage Yards																		O			
Sawmill																		O			
School, Academic												O	O	O	X	X	O	X		X	O
School, Commercial (Beauty, Business)												O	O	O	X	X	O	X			O
Septic Tank, Sales, Construction																		X			
Service Station, Automotive												O	O			X	O	X			
Sewage, Disposal Plant																		O			
Shop or Studio, Craftsman/Artist												O		O	X	X	O	X			
Small Appliance Repair Shop																O		X			
Smoke Shop and Tobacco Store															O	O		X			
Spa Services												O	O	O	O	O	O	X			O
Special Event Facility	O											O	O		O	O	O	X			O
Storage, Inside																		X			
Storage, Outside																		X			

Switching Station (Telecom)												O						X			
Tattoo Parlor and Body Piercing																		X			
Taxidermist	X																	O			
Theater, Cinema												O	O		X	X	O	O			O
Tire Retreading																					
Transfer Station																		O			
Utility Substation	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	X	
Welding Shop																		X			
Wholesale (storage and distribution)												O					O	X			
Wireless Tower (subject to approval of conditional use permit in accordance with Section 2.8.7)	O											O	O			O	O	O		O	

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

* Uses under the CUP and OI Zoning Districts shall be permissible through an approved master plan amendment and statement of intent.

SECTION 2.2 a. CONDITIONAL USE REVIEW CRITERIA	
When reviewing a conditional use, consideration shall be given to factors associated with the use including, but not limited to, the following:	
1. Site design	4. Vehicular trips generated by the use
2. Property access	5. Impact of the use on surrounding properties
3. Hours of operation of the business	6. Impact of the use on the natural features of the site

AN ORDINANCE TO AMEND ARTICLES I AND II OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO ADD DEFINITIONS FOR ‘MEDICAL CANNABIS DISPENSARY OR MEDICAL MARIJUANA DISPENSARY’ AND ‘MEDICAL CANNABIS PRODUCTION FACILITY OR MEDICAL MARIJUANA PRODUCTION FACILITY’; TO ADD ‘MEDICAL CANNABIS DISPENSARY OR MEDICAL MARIJUANA DISPENSARY’ AS A CONDITIONAL USE IN THE LI (LIGHT INDUSTRIAL) ZONING DISTRICT AND TO TABLE 2.2 LIST OF PERMISSIBLE AND CONDITIONAL USES; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

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

WHEREAS, the Mayor and Council of the City of Alpharetta (the “City Council” or “Council”) are charged with the protection of the public health, safety, and welfare of the citizens of the City of Alpharetta; and

WHEREAS, the Unified Development Code was designed to be amended from time to time when circumstances warrant that modifications be made in order to make said Codes more responsive to community needs; and

WHEREAS, the City Council finds that ordinances and regulations governing the uses of land and development of land within the City, as well as the City’s operations, should be continually improved from time to time and modified as necessary to better protect and promote the public health, safety and welfare of the residents and businesses of the City of Alpharetta; and

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

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

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

Section 1: Article I, Subsection 1.4.2 titled “Defined Terms” of the Unified Development Code is hereby amended by revising same as set forth in Exhibit “A” attached hereto as if fully set forth herein; and

Section 2: Article II, Subsection 2.2.17(C) titled “LI light industrial, Conditional Uses” and Table 2.2 List of Permissible and Conditional Uses of the Unified Development Code is hereby amended by revising same as set forth in Exhibit “B” attached hereto as if fully set forth herein; and

Section 3: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this

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

Section 4: This Ordinance shall be effective immediately upon its adoption by the City Council and the amendments made herein shall be incorporated into the Unified Development Code of the City of Alpharetta, Georgia, as applicable. This Ordinance hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED this the _____ day of _____, 2021.

Approved:

Jim Gilvin, Mayor

Attest:

COUNCILMEMBERS

Erin Cobb, City Clerk
(Seal)

Approved as to Form:

City Attorney

Exhibit “A”

Medical Cannabis Dispensary or Medical Marijuana Dispensary. Any business premises that sells, distributes, or otherwise dispenses “low THC oil” and/or any related “product” (as those terms are defined in O.C.G.A. §16-12-200(12), (15)), pursuant to a “dispensing license” (as that term is defined by O.C.G.A. § 16-12-200(9)); provided, however, that any pharmacy (as that term is defined in O.C.G.A. § 26-4-5(30)(B)) that holds such a dispensing license shall not be deemed a Medical Cannabis Dispensary or Medical Marijuana Dispensary. Every such dispensary shall adhere to all applicable state and local laws, rules, regulations, and ordinances, including, but not limited to, O.C.G.A. §§ 16-12-200 to-236 and the rules and regulation promulgated by the Georgia Access to Medical Cannabis Commission. A Medical Cannabis Dispensary or Medical Marijuana Dispensary shall not be closer than 2,000 ft. to a day care center or early care or education program, public or private school, religious institution or place of worship, government building, park, residential dwelling, residential substance abuse diagnostic or treatment facility, any licensed drug or alcohol rehabilitation facility, or any other medical cannabis dispensary or medical marijuana dispensary, and the distance shall be measured from property boundary to property boundary.

Medical Cannabis Production Facility or Medical Marijuana Production Facility. Any business premises which produces and/or manufactures “low THC oil” and/or any related “product” (as those terms are defined in O.C.G.A. §16-12-200(12), (15)), pursuant to a “Class 1 production license” or “Class 2 production license” (as those terms are defined by O.C.G.A. § 16-12-200(3), (4)). This use is a prohibited use in all zoning districts.

Exhibit “B”

2.2.17 L-I industrial.

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

1. Agricultural and Residential Uses.
 - a. Greenhouse, Nursery.
2. Business Uses.
 - a. Animal Hospital, small and large animals.
 - b. Art Gallery.
 - c. Automobile Service Station.
 - d. Automotive Parts.
 - e. Automotive Sales and Leasing.
 - f. Automotive Service.
 - g. Bakery.
 - h. Bank, Savings and Loan.
 - i. Book Store.
 - j. Bowling Alley.
 - k. Brewery.
 - l. Broadcasting Studio (radio or TV).
 - m. Building Materials with Outdoor Storage.
 - n. Building Materials, Retail with enclosed storage.
 - o. Car Wash.
 - p. Carpenter Shop, Woodworking.
 - q. Carpet and Rug Sales.
 - r. Check Cashing.
 - s. Church, Synagogue.
 - t. Commercial Parking Lot.
 - u. Congregate Housing.
 - v. Contractor's Office with and without outside storage.
 - w. Convenience Market with or without gas pumps.
 - x. Dance Studio.
 - y. Day Care Center.
 - z. Discount Store.
 - aa. Distillery.
 - bb. Drug Store.
 - cc. Dry Cleaning Pick-up Station.
 - dd. Fireworks Sales.

- ee. Funeral Home.
- ff. Greenhouse, Nursery.
- gg. Grocery Store.
- hh. Hardware and Garden Center.
- ii. Home, Elderly, Children, Nursing.
- jj. Heliport.
- kk. Home Improvement Store.
- ll. Kennel.
- mm. Laboratory, Research or Commercial.
- nn. Laundry, Self-Serve, Pick-up.
- oo. Liquor Store.
- pp. Massage Therapy (see Sec. 2.7).
- qq. Office Building or Office Park.
- rr. Pawn Shop.
- ss. Pest Control.
- tt. Pet Day Care.
- uu. Pet Grooming.
- vv. Print Shop.
- ww. Radio or TV, Transmitter or Studio.
- xx. Recreation Facilities (Indoor).
- yy. Rental Services Establishment with outside storage.
- zz. Rental Services Establishment without outside storage.
- aaa. Restaurant.
- bbb. Restaurant, Drive-In or Fast-Food.
- ccc. Retail Sales and Services Establishments not otherwise listed for this zoning district as a permitted or conditional use.
- ddd. Retail Establishment, Mixed Sales.
- eee. Shop or Studio, Craftsman/Artist.
- fff. Small Appliance Repair Shop.
- ggg. Smoke Shop and Tobacco Store.
- hhh. Spa Services.
- iii. Special Event Facility.
- jjj. Storage, Inside.
- kkk. Tattoo Parlor, Body Piercing.
- lll. Taxidermist.
- mmm. Tire Retreading.
- nnn. Vehicle for Hire Company.

3. Wholesale, Storage and Industrial Uses.
 - a. Bottled Gas, storage and distribution.
 - b. Builder's Equipment.
 - c. Concrete Plant.
 - d. Dry Cleaning Plant.
 - e. Locker, Frozen Food or Cold Storage.
 - f. Machine Shop.
 - g. Manufacturing, Light.
 - h. Mini-Warehouse.
 - i. Septic Tank Sales, Construction.
 - j. School, Commercial.
 - k. Storage, Outside.
 - l. Warehouse.
 - m. Welding Shop.
 - n. Wholesale Trade Establishment.
 4. Semipublic Uses, Utilities.
 - a. Athletic Facility—Outdoor.
 - b. Amphitheater.
 - c. Auditorium.
 - d. Park or Playground.
 - e. Hospital.
 - f. School, Academic.
 - g. Switching Station, Telecom.
- B. *Accessory Uses.* A property in the L-I district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.
- Permitted accessory structures and uses include but are not limited to the following:
1. Privacy and decorative fences and walls.
 2. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
 3. Signs, subject to all of the requirements regulating signage herein.
 4. Retaining walls and other site improvement structures approved as part of the development permit.
- C. *Conditional Uses.* When reviewing a conditional use, consideration shall be given to factors associated with the use including, but not limited to, the following:
1. Site design.
 2. Property access.
 3. Hours of operation of the business.

4. Vehicular trips generated by the use.
5. Impact of the use on surrounding properties.
6. Impact of the use on the natural features of the site.

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

1.0 *Business Uses.*

- a. Adult Entertainment Establishment (see Sec. 2.7).
- b. Airport, Public/Private.
- c. Boutique Hotel.
- d. Extended Stay Hotel.
- e. Golf Driving Range.
- f. Glass Fabrication.
- g. Medical Cannabis or Marijuana Dispensary
- h. Taxidermist.
- i. Tire Retreading.
- j. Theater, Cinema.

2.0 *Wholesale, Storage and Industrial Uses.*

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

3.0 *Semipublic Uses, Utilities.*

- a. Airport, public or private.
- b. Reserved.
- c. Church, Synagogue, or other religious institutions.
- d. Museum and Library.
- e. Power Station.

- f. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
 - g. Wireless Tower.
- 4.0 *Transfer Station.* Any facility associated with waste or a facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility or processing operation.
- 4.1 *General Standards.*
- a. No access to transfer station facility shall be allowed from streets that primarily access residential developments;
 - b. Access streets shall be paved and shall be able to withstand maximum load limits established by the State of Georgia as approved by the Engineering Director;
 - c. No portion of a new transfer station shall be located within a three-mile radius of the property lines of an existing transfer station;
 - d. A minimum 200 foot undisturbed buffer and ten-foot improvement setback shall be required along all property lines except public rights-of-way;
 - e. A minimum 50 foot buffer and ten-foot improvement setback shall be required along all public rights-of-way;
 - f. A minimum six foot high solid fence or wall shall be located on property lines or interior to the required buffers and improvement setback;
 - g. Operation of the facility shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday; 9:00 a.m. to 7:00 p.m., Saturday; 12:00 p.m. to 5:00 p.m., Sunday (for routine maintenance and other non-operational facility activities).
 - h. Only municipal solid waste is accepted at the facility. No treated or untreated regulated medical waste, treated and destroyed medical waste or asbestos waste debris shall be accepted;
 - i. All solid waste is removed from the transfer station within 24 hours of receipt;
 - j. A transfer station with permanent operating mechanical equipment must have an attendant on duty whenever the facility is open;
 - k. The facility shall be designed and constructed in a manner to ensure that odor will not be emitted from the site;
 - l. The transfer facility must be cleaned at least once every 24 hours;
 - m. The entrance and exit shall be cleaned at a frequency which prevents the tracking or off-site migration of waste materials;
 - n. The operator shall take adequate measures to minimize the creation, emission, or accumulation of excessive dust and particulates;
 - o. The operator shall take adequate steps to control or prevent the propagation, harborage and attraction of pests;
 - p. All floors must be free from standing water. All drainage from cleaning areas must be discharged to sanitary sewers, authorized cleaning areas must be discharged to sanitary sewers, authorized sanitary waste treatment facilities, or a corrosion-resistant holding tank;
 - q. The facility shall provide fire suppression equipment as directed by the City of Alpharetta Fire Department;
 - r. All solid waste passing through the transfer station must be ultimately treated or disposed of at an authorized facility;

- s. The transfer station must have adequate storage space for incoming solid waste;
- t. Operational records must be maintained at facilities with permanent operating mechanical equipment. These records must include a daily log of the quantity of solid waste received and transported, specifying the origin by hauler and the destination of the solid waste transported daily;
- u. The facility shall not generate more than 150 total vehicle trips per day;
- v. An annual report must be submitted to the Community Development Department which summarized the information gathered in (t), above;
- w. The facility shall be developed, operated and maintained in a safe, nuisance-free manner; and
- x. The facility and its operation must be in compliance with GA EPD requirements.

4.2 *Additional Permit Application Requirements.*

- a. Application requirements. An application for a solid waste transfer station permit must confirm to the requirements set forth herein. Applications for initial permits to construct and operate a solid waste transfer station must include the following:
 - (1) Regional plan or map. The regional plan or map must delineate the service area of the proposed transfer station.
 - (2) Site plan. The site plan must include:
 - (a) Site conditions and projected site utilization, including all site structures (such as buildings, fences, gates, entrances and exits, parking areas);
 - (b) Property boundaries, access roads, the locations of all surface water bodies, and 100-year floodplain boundaries;
 - (c) All proposed structures and areas designated for unloading, sorting, storage, and loading, including dimensions, elevations and floor plans of these structures and areas, and the general process flow; and
 - (d) Adjacent properties, including the location of public and private water supplies on these properties.
 - (3) Engineering report. The engineering report must include:
 - (a) A description of the general operating plan for the proposed facility, including the origin, composition, and expected weight or volume of all solid waste to be accepted, the maximum time any such waste will be stored, where all waste will be disposed of, and the proposed capacity operating hours, and the expected life of the facility;
 - (b) A description of all machinery and equipment, including the design capacity;
 - (c) A proposed transfer plan specifying the transfer route, the number and type of transfer vehicles to be used, and how often solid waste will be transferred to the disposal site;
 - (d) A description of the facility's drainage system and water supply system; and
 - (e) A contingency plan that details an alternative solid handling system for periods when not operating, or for delays in transporting solid waste due to undesirable conditions, such as delivery of unauthorized waste, fires, dust, odor, vectors, unusual traffic conditions, equipment breakdown or other emergencies.

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

- a. Unloading and loading areas.

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

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

D. *District Regulations.*

Minimum lot size—one acre.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—35%.

Maximum Building Height—35 feet.

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

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

(Ord. No. 708 , § 1, 8-10-2015; Ord. No. 715 , § 3, 9-28-2015; Ord. No. 718 , §§ 7, 10—12, 12-14-2015; Ord. No. 741 , §§ 2, 3, 6-5-2017; Ord. No. 744 , §§ 2, 3, 5, 6, 7-10-2017; Ord. No. 808 , § 2(Exh. B), 9-8-2020)

TABLE 2.2 LIST OF PERMISSIBLE AND CONDITIONAL USES

On the following table, an open circle "O" means that the use will be permitted in that district only if a Conditional Use Permit is granted by the City Council. An "X" means that the use is permitted in the zone district subject to the general provisions of the Unified Development Code. For uses not included in this list or when the Director of Community Development is unable to determine placement, application shall be made to the Board of Appeals for interpretation.

USES	AG	RE	R	R- 22	R- 15	R- 12	R- 10	R- 4A	R- 4D	R- 8A/D	R- 10M	CUP*	OI*	OP	C- 1	C- 2	PSC	LI	OS- R	SU	MU
Adult Entertainment Establishment																		O			
Airport, Public/Private	O											O						O		X	
Amphitheater												O	O					X	O	X	
Animal Hospital, Small Animal (Veterinarian)	O											O	O		O	O	O	X			
Animal Hospital, Large Animal	O																	X			
Art Galleries												O	O	O	X	X	O	X			O
Asphalt Plant																		O			

Associations, (Clubs and Lodges)	O			O	O	O	O	O	O	O	O	O	O	O	X	X	O			X	
Athletic Facilities/Fitness Studio	O											O	O	O	X	X	O	X			O
Auditorium	O											O	O	O	O	O	O	X			
Auto Sales and Leasing (Trucks, Vans, Cars and Accessories)												O				O		X			
Automotive Parts												O			O	X	O	X			
Automotive Service												O				X	O	X			
Bakery												O	O	O	X	X	O	X			O
Bank, Savings and Loan, Mortgage Company												O	O	X	X	X	O	X			O
Barber Shop												O	O	X	X	X	O				O
Beauty Shop												O	O	X	X	X	O				O
Bed and Breakfast	X	O	O	O	O						X	O		X	X	X					O

Book Store or Stationery												O	O		X	X	O	X			O
Bottle Gas Storage and Distribution																		X			
Boutique Hotel												O	O			O	O	O			O
Bowling Alley												O	O			X	O	X			
Brewery												O	O		O	O	O	X			O
Broadcasting Studio (Radio and TV)	O											O				X		X			
Builder's Equipment/Material	O											O				X		X			
Car Wash													O			O	O	X			
Carpenter Shop, Woodworking	O																	X			
Carpet and Rug Sales															X	X	O	X			
Cemetery	O																			O	
Check Cashing															O	O		X			
Church, Synagogue	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	X		O	O

Clinic, Public/Private												O	O	X	X	X	O				O
Concrete Plant																		O			
Congregate Housing, Assisted Living Facility											O	O	O		O	O		X			O
Contractor's Office without outside storage												O	O	X	X	X		X			O
Contractor's Office with outside storage												O			O	X		X			
Convenience Center w/Gas Pumps												O	O			X	O	X			
Country Club	O	O	O	O	O	O	O	O	O	O	O	O									
Dance Studio												O	O		X	X	O	X			O
Day Care Center												O	O	X	X	X	O	X			O
Discount Store																		X			
Distillery												O	O		O	O	O	X			O

Hardware and Garden Supply Store												O			X	X	O	X			O
Heliport, Public/Private	O											O	O				O	X		X	O
Home Improvement Store																X	O	X			
Home-Elderly, Children, Nursing										O		O	O		X	X		X			
Hospital												O	O		O	X		X		X	
Hotel or Motel												O	O		O	O	O				O
Indoor Shooting Range																		O			
Junk Yard																		O			
Kennel	O																	X			
Laboratory, Research Commercial												O	O					X			
Laundry, Industrial												O						O			

Laundry, Self-Serve, Pick-Up												O			X	X	O	X			
Limousine Service and Taxi (with or without outside vehicle storage)																O		X			
Liquor Store												O	O		O	X	O	X			O
Locker, Frozen Food or Cold Storage												O						X			
Machine Shop																		X			
Manufacturing, Heavy, General																		O			
Manufacturing, Light, Limited												O	O					X			
Massage Therapy																O		X			
<u>Medical Cannabis or Marijuana Dispensary</u>																		<u>O</u>			
Mini-warehouse Storage, Conditioned or																		X			

Unconditioned space																						
Museum and Libraries												O	O		X	X	O	X		X	O	
Nail Salon												O	O		X	X	O	X			O	
Office												O	O	X	X	X	O	X			O	
Outdoor Recreational Facilities (Commercial) (Playfields, etc.)												O	O		O	O	O	X		X	O	
Park and Playground	X	X	X	X	X	X	X	X	X	X	X	O	O	X	X	X	O	X	X	X	O	
Parking Lot, Commercial												O	O		O	X	O	X				
Pawn Shop																		X				
Pest Control Business (with or without onsite chemical storage)															O	O		X				
Pet Day Care												O			X	X	O	X				

Pet Grooming												O			X	X	O	X			O
Power Station												O						O		O	
Print Shop												O	O	X	X	X	O	X			O
Prison																				O	
Public Building												O	O	X	X	X	O	X		X	O
Radio, TV, Transmitter, Studio	O											O	O			O	O	X			
Recreation Facilities, Indoor (Health Clubs, Bowling Alleys, Skating Rink, Billiards, Children's event facilities, etc.)												O	O			X	O	X			O
Recycling Center																		O			
Rental Services Establishment with no outside storage												O			O	X	O	X			
Rental Services Establishment with outside storage																		X			

Shop or Studio, Craftsman/Artist												O		O	X	X	O	X			
Small Appliance Repair Shop																O		X			
Smoke Shop and Tobacco Store															O	O		X			
Spa Services												O	O	O	O	O	O	X			O
Special Event Facility	O											O	O		O	O	O	X			O
Storage, Inside																		X			
Storage, Outside																		X			
Switching Station (Telecom)												O						X			
Tattoo Parlor and Body Piercing																		X			
Taxidermist	X																	O			
Theater, Cinema												O	O		X	X	O	O			O
Tire Retreading																					
Transfer Station																		O			

Utility Substation	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	X	
Welding Shop																		X			
Wholesale (storage and distribution)												O					O	X			
Wireless Tower (subject to approval of conditional use permit in accordance with Section 2.8.7)	O											O	O			O	O	O		O	

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

* Uses under the CUP and OI Zoning Districts shall be permissible through an approved master plan amendment and statement of intent.

SECTION 2.2 a. CONDITIONAL USE REVIEW CRITERIA	
When reviewing a conditional use, consideration shall be given to factors associated with the use including, but not limited to, the following:	
1. Site design	4. Vehicular trips generated by the use
2. Property access	5. Impact of the use on surrounding properties
3. Hours of operation of the business	6. Impact of the use on the natural features of the site



City Council Meeting STAFF REPORT

Submitting Department: Information Technology

Submitted By: Randy Bundy

Sponsored By:

Meeting Date: October 4, 2021

I. AGENDA ITEM TITLE: MICROSOFT AZURE CLOUD SERVICES (IAAS) - FY2022 RENEWAL

II. RECOMMENDATION:

Approve the request to renew and award SHI the Microsoft Azure Cloud Services (IaaS) using the Statewide Contract (SWC) 99999-SPD-SPD0000060-003 for Cloud Solutions for all City Departments in FY2022 in an amount not to exceed \$240,000 and authorize the Mayor to execute all necessary documents.

III. BUDGET IMPLICATIONS:

BUDGETED ITEM: YES

FISCAL IMPACT: YES

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: YES

TOTAL PROJECT COST: \$240,000.00

APPROPRIATIONS:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
Across Multiple Departments - Professional Services	\$240,000

EXTERNAL FUNDING SOURCES:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
N/A	\$0.00

IV. REPORT IN BRIEF:

This is a request for approval for the Azure Cloud Services - FY2022 renewal. These cloud services provide a large percentage of our servers and data storage for City of Alpharetta information technology systems. This is a critical part of our hybrid data center infrastructure.

The procurement uses the Microsoft negotiated Statewide Contract (SWC) 99999-SPD-T20190814-0002 for Cloud Solutions ensuring the best pricing possible. This is fully funded in the FY2022 budget approved by the City Council.

V. ALTERNATIVES:

NONE

VI. ATTACHMENTS:

City of Alpharetta eVerify Microsoft Azure Airnet September 2021,
NonCompetitiveForm_Submission_855194475, SHI DOAS SWC Contract Extension April 2021,
SHI_DOAS_EXECUTED PA_100319

CITY OF ALPHARETTA

AFFIDAVIT VERIFYING CONTRACTOR PARTICIPATION IN FEDERAL WORK AUTHORIZATION PROGRAM



By executing this affidavit, the undersigned contractor verifies its individual, firm or corporation which is engaged in the physical performance of services on behalf of the **City of Alpharetta (GA)** has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91. Furthermore, the undersigned contractor will continue to use the federal work authorization program throughout the contract period and the undersigned contractor will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the contractor with the information required by O.C.G.A. § 13-10-91(b).

Contractor hereby attests that its federal work authorization user identification number and date of authorization are as follows:

138882
Federal Work Authorization (E-Verify) User Identification Number (Note: 6 to 8 Digit Code)

Jul 24, 2008
Date Of Authorization

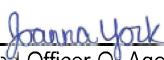
SHI International Corp.
Name Of Contractor

Azure Deployment with Airnet
Name Of Project

This form represents the State of Georgia provided affidavit formatted with the City of Alpharetta logo. Other affidavit forms are acceptable as long as the same information is provided.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed On: September 9, 2021 in City: Somerset, State NJ


Signature Of Authorized Officer Or Agent

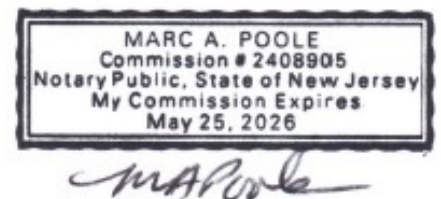
Joanna York
Printed Name Of Authorized Officer Or Agent

Contract Specialist
Printed Title Of Authorized Officer Or Agent

SUBSCRIBED AND SWORN BEFORE ME ON THIS THE 9 **DAY OF** September, 2021


NOTARY PUBLIC

5-25-26
My Commission Expires On



Form Name:	Non-Competitive Form
Submission Started:	September 1, 2021 4:41 pm
Browser:	Chrome 91.0.4472.124 / Windows
IP Address:	32.140.232.250
Unique ID:	855194475
Request ID:	#199
Submission Completed:	September 1, 2021 5:43 pm
Process Time:	0 day(s), 1 hour(s), 2 minute(s), 16 second(s)
Participant(s):	Randy Bundy
Location:	37.750999450684, -97.821998596191

Purchasing Exceptions	Licensed computer software and associated support/maintenance
Justification (if needed)	Approve the request to provide for Microsoft Azure Cloud Services (IaaS) using the Statewide Contract 99999-SPD-SPD0000060-0003

Budgetary Information

Budgeted	Yes
Fund	General Fund
Account Name/Project Name	MICROSOFT AZURE CLOUD INFRASTRUCTURE AS A SERVICE (IAAS)
Account #/Project #	10017350-523900
Subject to Green Ordinance	Yes

General Information

Date	09/01/2021
Originator's Name	Albert Johnson
Originator's Email	ajohnson@alpharetta.ga.us
Department	Information Technology
Department Director/Designee Name	Randy Bundy
Department Director/Designee Email	rbundy@alpharetta.ga.us
Requisition #	unkown
Requisition \$	\$240000
Vendor Name	SHI International Corp
Vendor #	157

Department Director Approval

Name	Randy Bundy
-------------	-------------

Date/Time	Sep 01, 2021 05:43 PM
Department Director Approval	Approve



CONTRACT AMENDMENT # 10 EXTENSION # 5

This amendment by and between the Contractor and State Entity defined below shall be effective as of the date this Amendment is fully executed.

STATE OF GEORGIA CONTRACT	
State Entity's Name:	Department of Administrative Services
Contractor's Full Legal Name:	SHI International Corp.
Contract No.:	99999-SPD-SPD0000060-0003
Solicitation Title/Event Name:	Software
Contract Award Date:	08/13/2012
Current Contract Term:	05/01/2020-04/30/2021

BACKGROUND AND PURPOSE. The Contract is in effect through the Current Term provided above. The parties hereto now desire to amend the contract to (1) extend for an additional term of twelve months (2) increase the total number of billable hours (3) expand the approved categories, and (4) include requirements under Georgia House Bill 953.

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby agree as follows:

1. **CONTRACT EXTENSION.** The parties hereby agree that the contract will be extended for an additional period of time as follows:

NEW CONTRACT TERM	
Beginning Date of New Contract Term:	05/01/2021
End Date of New Contract Term:	04/30/2022

The parties agree the contract will expire at midnight on the date defined as the "End Date of the New Contract Term" unless the parties agree to extend the contract for an additional period of time.

2. **BILLABLE HOURS:** Exhibit A, Paragraph #2 to this Statewide Contract is hereby deleted in its entirety and replaced with the following:

“The Statewide Contract for software does not offer services that are in the nature of project work. Accordingly, Services for Software consulting or installation that Contractor provides a User Agency through the Statewide Contract for Software shall not exceed three (3) months effort by a team of SHI professionals (including simultaneous concurrent efforts of multiple professionals that do not exceed a three (3) month duration); or (b) three hundred and twenty (320) hours (total) of billable work provided at the rates contained in SHI's proposal that forms part of the contract, whichever is greater.”

3. **APPROVED CATEGORIES:** Contractor may sell Software products, under this Statewide Contract, within the following Categories:

Business Applications
Communication
Education
Graphic & Design Networking & Servers
Operating Systems Programing & Web Development
Security
Utilities
Virtualization
Anti-Virus
File and Data Security
Virus Protection
Business Software
Database Software
Development Tools
Education/Entertainment
Gaming Software
Graphics, Audio, Video Software
Internet/Communications
Networking
Project management Storage Management
System Management
Identity Management
Backup Disaster Recovery System BYOD
Migration Enterprise Software
Analytics Intelligence
Automation
Mobile Technology
Software Development
Workforce Software

4. **HB 953:** Contractor shall comply with the provisions of Georgia House Bill 953 and will notify its subcontractors of said Bill. Georgia House Bill 953 is incorporated by reference as Attachment A.
5. **SUCCESSORS AND ASSIGNS.** This Amendment shall be binding upon and inure to the benefit of the successors and permitted assigns of the parties hereto.

CONTRACT NUMBER: 99999-SPD-SPD0000060-0003

ENTIRE AGREEMENT. Except as expressly modified by this Amendment, the contract shall be and remain in full force and effect in accordance with its terms and shall constitute the legal, valid, binding and enforceable obligations to the parties. This Amendment and the contract (including any written amendments thereto), collectively, are the complete agreement of the parties and supersede any prior agreements or representations, whether oral or written, with respect thereto. Should the State of Georgia (DOAS) enter into a new contract for these products and/or services, during the term of this Extension, the new contract shall supersede this Extension.

IN WITNESS WHEREOF, the parties have caused this Amendment to be duly executed by their authorized representatives.

CONTRACTOR

Contractor's Full Legal Name: (PLEASE TYPE OR PRINT)	SHI International Corp.
Authorized Signature:	<i>Elisabeth Arnold</i>
Printed Name and Title of Person Signing:	Elisabeth Arnold - Lead Contracts Specialist
Date:	02/12/2021
Company Address:	290 Davidson Ave., Somerset, NJ 08873

STATE ENTITY

Authorized Signature:	<i>Lisa Eason</i>
Printed Name and Title of Person Signing:	Lisa Eason Deputy Commissioner State Purchasing Division
Date:	3/26/2021
Company Address:	200 Piedmont Avenue, S.E., Suite 1302, West Tower Atlanta, Georgia 30334-9010

PARTICIPATING ADDENDUM

Between

SHI International Corporation
(hereinafter "Contractor")

And

Georgia Department of Administrative Services
(hereinafter "DOAS" or "Participating State/Entity")

Pursuant to

NASPO ValuePoint
Cloud Solutions 2016-2026

Administered by the Utah (hereinafter "Lead State") Master Agreement No: AR2488

1. SCOPE

The State of Utah, acting by and through the National Association of State Procurement Officials (NASPO) ValuePoint, competitively procured and awarded a Request for Proposal resulting in Master Agreement number AR2488. The Master Agreement was created as a cooperative purchasing agreement for Cloud Solutions.

This addendum establishes Contractor as a non-exclusive, non-mandatory source of supply for (1) all State of Georgia governmental entities subject to the State Purchasing Act, including but not limited to certain state offices, agencies, departments, boards, bureaus, commissions, institutions and colleges and universities and (2) all other State of Georgia governmental entities such as state authorities, local government, municipalities, cities, townships, counties and other political subdivisions of the State of Georgia. All entities authorized to make purchases pursuant to this Addendum shall be referred to collectively as "Purchasing Entities".

This addendum allows for purchase of the following Cloud Solutions:

Software as a Service (SaaS)

Infrastructure as a Service (IaaS)

Platform as a Service (PaaS)

Value Added Services

Additional Value-Added Services

Maintenance Services

Professional Services

- Deployment Services
- Consulting/Advisory Services
- Architectural Design Services
- Statement of Work Services

PARTICIPATING ADDENDUM

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Pursuant to

**NASPO ValuePoint
Cloud Solutions 2016-2026**

Administered by the Utah (hereinafter "Lead State") Master Agreement No: AR2488

Partner Services

Training Deployment Services

The above-listed Cloud Services may be obtained from the Service Providers specifically provided for in Appendix A to this Participating Addendum. No Purchasing Entity may purchase Cloud Solutions from a Service Provider who is not listed in Appendix A. No terms and conditions of Service Providers (including but not limited to sub-contractors, resellers, and partners) will be considered binding on the Participating State, a Participating Entity, a Purchasing Entity, or the Contractor other than the terms and conditions attached as an Exhibit to Appendix A. Any documents containing terms and conditions that are in conflict with the terms and conditions or that contain terms and conditions beyond the scope of this Participating Addendum and the documents attached to Appendix A are not binding on the parties. The Participating State may amend Appendix A to add or remove Service Providers as necessary. Amendment of Appendix A must be made in writing as an amendment to this Participating Addendum, signed by the parties and approved as required by the laws of the State of Georgia.

Contractor shall be responsible for successful performance and compliance with all requirements in accordance with the terms and conditions under this Participating Addendum, even if the work is performed by a subcontractor.

The Contractor's Master Agreement products or services listed on the Contractor's page of the NASPO ValuePoint website are included in this Addendum only if they are listed in Appendix A and they are not offered on a Mandatory Statewide Contract. In the event they are offered on a Mandatory Statewide Contract, products or services may be procured under this Addendum if a waiver is granted by the Participating State/Entity.

Any obligations placed upon Contractor under the Master Agreement and this Participating Addendum shall also apply to any service provider (including but not limited to resellers, subcontractors, partners, or agents) that provides any product or service under the Master Agreement and this Participating Addendum. Contractor shall also ensure compliance by all service providers (including but not limited to resellers, subcontractors, partners, or agents) of all obligations and requirements set forth under the Master Agreement and this Participating Addendum.

PARTICIPATING ADDENDUM

Between

SHI International Corporation
(hereinafter "Contractor")

And

Georgia Department of Administrative Services
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Pursuant to

**NASPO ValuePoint
Cloud Solutions 2016-2026**

Administered by the Utah (hereinafter "Lead State") Master Agreement No: AR2488

2. TERM

The term of this Participating Addendum and State Contract Number: 99999-SPD-T20190814-0002 shall be effective upon the date of final execution below (the "Effective Date") by the State of Georgia through September 15, 2026, unless otherwise terminated in accordance with the termination provisions of this Participating Addendum or the Master Agreement. JE
-NC

3. NON-EXCLUSIVE CONTRACT

The contract shall be non-exclusive and shall not in any way preclude the State of Georgia from entering into similar contracts and/or arrangements with other vendors or from acquiring similar, equal or like goods and/or services from other entities or sources.

4. PRIMARY CONTACTS

The primary contact individuals for this Participating Addendum are as follows (or their named successors):

Contractor

Name:	Joe Raney
Address:	290 Davidson Ave., Somerset, NJ 08873
Telephone:	678-557-4714
Fax:	732-868-6055
Email:	Joe_Raney@SHI.com

PARTICIPATING ADDENDUM

Between

SHI International Corporation

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Pursuant to

NASPO ValuePoint

Cloud Solutions 2016-2026

Administered by the Utah (hereinafter "Lead State") Master Agreement No: AR2488

Participating State:	
Name:	Beverly Alexander
Address:	200 Piedmont Avenue, SE Suite 1308, West Tower Atlanta, GA 30334
Telephone:	404-656-5345
Email:	Beverly.alexander@doas.ga.gov

5. PARTICIPATION

This Participating Addendum (and the corresponding NASPO ValuePoint Master Agreement) may be used by all state agencies, institutions of higher education, political subdivisions and other entities authorized to use statewide contracts in the State of Georgia. Pursuant to O.C.G.A. § 50-5-57, DOAS hereby certifies the Contractor as a source of supply to Purchasing Entities for the goods and services available to Purchasing Entities pursuant to this Addendum. Orders shall be placed individually and from time to time by Purchasing Entities. The execution of this Addendum only establishes the Contractor as an authorized source of supply by DOAS and creates no financial obligation on the part of DOAS. Purchasing Entities are solely and individually financially responsible for their respective purchases. The Addendum does not guarantee any minimum level of purchases. Issues of interpretation and eligibility for participation are solely within the authority of the State Chief Procurement Official.

Executive branch state agencies that are required to use the Georgia Enterprise Technology Services (GETS) for their IT infrastructure must receive prior approval from the Georgia Technology Authority (GTA) before making purchases under this contract. Instructions for the agencies to obtain approval and a list of the relevant agencies are provided in the User Guide for this contract.

With respect to any "Educational Discount Price", offered by Contractor pursuant to this Addendum, the parties agree that the following Purchasing Entities shall be eligible to receive any Educational Discount Price: Board of Regents of the University System of Georgia and all of its colleges and universities, the

PARTICIPATING ADDENDUM

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Cloud Solutions 2016-2026

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Technical College System of Georgia and all of its technical schools, the State Board of Education, the Georgia Department of Education, the Georgia Academy for the Blind, the Georgia School for the Deaf, the Atlanta Area School for the Deaf, public K-12 schools, public boards of education, "local school systems" and "local units of administration as those terms are defined by O.C.G.A § 20-2-242, and any other Purchasing Entity identified by the parties as an educational entity.

Contractor acknowledges that Purchasing Entities are a political subdivision of the State of Georgia. The laws of the State of Georgia shall govern this Participating Addendum. Nothing under this Participating Addendum or the Master Agreement shall be deemed or construed as a waiver of the State's right of sovereign immunity. The Participating State/Entity and Purchasing Entities are agreeing to the terms of the Master Agreement only to the extent the terms are not in conflict with Georgia law.

Purchasing Entities, as a political subdivision of the State of Georgia, may not sign their own Participating Addendum, unless approved by the Chief Procurement Officer of the state where the Purchasing Entities are located.

6. NO THIRD PARTY BENEFICIARIES

Nothing in this Participating Addendum or any purchase orders issued pursuant to this Addendum shall be construed to create a third party beneficiary to this Addendum.

7. ORDER OF PRECEDENCE

- (i) The Participating Addendum ("PA"), including any Amendments and Exhibits attached, A Participating Entity's Participating Addendum shall not diminish, change, or impact the rights of the Lead State with regard to the Lead State's contractual relationship with the Contractor under the Terms of Utah NASPO ValuePoint Master Agreement;
- (ii) NASPO ValuePoint Master Agreement Terms & Conditions, with the exception of Attachment E, which is hereby deleted;
- (iii) The Solicitation;
- (iv) Contractor's response to the Solicitation, as revised and accepted by the Lead State; and
- (v) A Service Level Agreement or Purchasing Order issued against the Participating Addendum.

PARTICIPATING ADDENDUM

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Pursuant to

NASPO ValuePoint

Cloud Solutions 2016-2026

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These documents shall be read to be consistent and complementary. Any conflict among these documents shall be resolved by giving priority to these documents in the order listed above. Contractor terms and conditions that apply to this Participating Addendum are only those that are expressly accepted by the Participating State and must be in writing and attached to the Participating Addendum as an Exhibit or Attachment. The Participating Addendum language prevails unless a mutually agreed exception has been negotiated. Such exception must be made in writing as an amendment to this Participating Addendum, signed by the parties and approved as required by the laws of the State of Georgia.

No other terms and conditions shall apply, including terms and conditions listed in the Contractor's response to the Solicitation, or terms listed or referenced on the Contractor's website, in the Contractor quotation/sales order or in similar documents subsequently provided by the Contractor to a Purchasing Entity. No purchase order, invoice, or other documents associated with any sales, orders, or supply of any good or service under this Participating Addendum shall contain any terms or conditions other than as set forth in the Participating Addendum. Any such extraneous terms and conditions shall be void, invalid, and unenforceable against the State of Georgia or the Participating Entity. Any refusal by Contractor/Subcontractor to supply any goods or services under this Participating Addendum conditioned upon the State of Georgia or the Participating Entity submitting to any extraneous terms and conditions shall be a material breach of the Participating Addendum and constitute an act of bad faith by the Contractor/Subcontractor. Contractor shall insure that contracts or agreements with subcontractors, agents, partners, and/or resellers, and the performance of services in relation to this Participating Addendum by the same, do not conflict with this Participating Addendum.

8. CHANGES IN CONTRACTOR REPRESENTATION

DOAS requires the assignment of a primary account representative (for each category). The Contractor shall identify by name and location the primary account representative for each awarded category who will be responsible for the performance of the contract. The Contractor must also provide a next in line account representative, that will serve as a back-up for the State. The State requires the Contractor to notify DOAS of any changes in key account representatives, in writing within 10 calendar days of the change.

9. AMENDMENTS

Any further Amendments to the Master Agreement after the Effective Date of this Participating Addendum, that have been approved by the Lead State, will not be applicable to this Participating Addendum and will

PARTICIPATING ADDENDUM

Between

SHI International Corporation

(hereinafter "Contractor")

And

Georgia Department of Administrative Services

(hereinafter "DOAS" or "Participating State/Entity")

Pursuant to

NASPO ValuePoint

Cloud Solutions 2016-2026

Administered by the Utah (hereinafter "Lead State") Master Agreement No: AR2488

not be valid unless made in writing as an amendment to this Participating Addendum, signed by the parties and approved as required by the laws of the State of Georgia. No oral understanding or agreement not incorporated in this Participating Addendum is binding on any of the parties.

10. SUB-CONTRACTORS, PARTNERS, RESELLERS

The Contractor and Service Provider shall identify its strategic business partners related to services provided under this contract, including but not limited to, all sub-Contractors or other entities or individuals who may be a party to a joint venture or similar agreement with the Service Provider, who will be involved in any Cloud solution and/or operations.

Contractor must ensure that any sub-Contractor (including service providers) fulfillment partner, dealer, or reseller who makes sales under this Participating Addendum complies with the terms of the Master Agreement and this Participating Addendum. No terms or conditions of the Service Provider (including but not limited to sub-contractors, resellers, and partners), not included in this Participating Addendum, shall be considered binding on the Participating State unless specifically agreed to in writing. Any contractual agreement resulting from this Participating Addendum shall specify that the Contractor is solely responsible for ensuring fulfillment of all requirements of the Master Agreement, this Participating Addendum, and any Service Level Agreements or other customer agreements.

11. RESELLER APPROVAL

Contractors wishing to add a Reseller to the Statewide contract must follow the State approval process. Reseller Partners must be approved in advance by the State as a condition of eligibility under this Contract. The State reserves the right to rescind any such participation. The State also reserves the right to request the Contractor to name additional Resellers, in the best interest of the State, at the State's sole discretion. The Contractor must complete and submit the following forms as part of the State Reseller approval process:

- (i) Sales and Use Tax Form – Populated with Reseller information
- (ii) Debarment Letter – Contractor statement indicating Reseller is not debarred (Federal or State level)
- (iii) E-Verify Form

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-
- (iv) DOAS Reseller Request/Approval Spreadsheet – Contractor to complete DOAS approval spreadsheet with Reseller contact information and PO instructions. Contractor shall specify whether orders must be placed directly with Contractor or may be placed directly with the designated Reseller. Contractor must provide the State, in advance, all necessary ordering information, billing address and Federal Identification number.

Approved Resellers must be eligible to quote lower than or equal Contract pricing under this Contract. Contractors are encouraged to identify multiple approved Resellers to participate in competitive transactions.

Contractor shall be responsible for Reseller performance and compliance with all Contract terms and conditions. Products purchased through Reseller must be reported by the Contractor in the required Quarterly Sales Reports to the State.

Immediate notice to DOAS is required by the Contractor, in the event, a change in Reseller's status occurs during the Contract term.

12. PURCHASING PROCESS

(i) Statement of Need

A Purchasing Entity or Participating Entity purchasing Cloud Solutions from this Participating Addendum shall create a Statement of Need, each time they desire to purchase Cloud Solutions. The Entity shall issue a detailed Statement of Need to the Contractor(s) who offers the applicable Cloud Solution(s). The State Entity reserves the right to require a specific format, information, and pre-approvals on the Statement of Need Form. At a minimum, the format of the Statement of Need is left to the discretion of the Purchasing Entity or Participating Entity, but forms submitted by entities of the State of Georgia must contain the following:

- a. Current State
- b. Desired Scope
- c. Business Requirements

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-
- d. Technical Requirements
 - e. Functional Requirements

Upon request, Contractor will assist Purchasing Entities in obtaining cloud service provider contact information and any applicable license agreements, maintenance agreement, or any other documents pertinent to the products and/or services in this Participating Addendum wherever such information and documents have not been made available within the Master Contract. Contractor shall ensure that such agreements and documents contain static terms and that weblinks are not included in the terms of such agreements and documents.

Although certain cloud service provider license agreements, maintenance agreements, and other documents have been included in the Master Agreement, DOAS intends to further negotiate those agreements. Accordingly, DOAS must approve any applicable license agreements, maintenance agreement, or any other documents pertinent to the products and/or services in this Participating Addendum prior to order by a Purchasing Entity that is an entity of the State of Georgia. Contractor is responsible for ensuring that this step takes place and that only agreements approved by DOAS are utilized in conjunction with sales to such Purchasing Entities.

(ii) Proposal

Contractor shall provide the Purchasing Entity with a Proposal addressing the requested Cloud Services. At a minimum, the Proposal will include the following:

- a. Price
- b. Scope – Statement of Work
- c. Conditions, SLAs, Obligations
- d. Additional Terms and Conditions
- e. Timeframe
- f. Exit Process and Cost

(iii) Orders

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Any order placed by an Purchasing Entity for a product and/or service available from this Master Agreement shall be deemed to be a sale under (and governed by the prices and other terms and conditions) of the Master Agreement unless the parties to the order agree in writing that another contract or agreement applies to such order.

The State instructs Purchasing Entities within the jurisdiction of this Addendum to include the Participating State Contract Number: 99999-SPD-T20190814-0002 and the Master Agreement Number: AR2488 on all purchase orders issued to Contractor. 

Orders will be placed by a Purchasing Entity directly with Contractor or approved sub-Contractor, fulfillment partner, dealer or reseller. The Purchasing Entity may modify Master Agreement or Participating Addendum terms and conditions relating to Purchasing Entity's specific order through an Order Agreement, which must be signed by both the Purchasing Entity and Contractor. An Order Agreement shall be between the signing Purchasing Entity and the Contractor, and shall not be interpreted to diminish, change, or impact any other Order Agreement entered with a separate Purchasing Entity. An Order Agreement shall not diminish, change, or impact the rights of the Lead State with regard to the Lead State's contractual relationship with the Contractor under the Terms of Utah NASPO ValuePoint Master Agreement and shall not diminish, change, or impact the rights of DOAS with regard to DOAS's contractual relationship with the Contractor under the Terms of Utah NASPO ValuePoint Master Agreement and Participating Addendum.

The State of Georgia constitution prohibits State entities from pledging the State's credit. Accordingly, entities of the State of Georgia may only be obligated for the amount indicated in a purchase order executed by the state entity. Contractor shall ensure that all sales to entities of the State of Georgia and any supplemental agreements comply with the provisions of the January 6, 2017 memo "Contracting with the Georgia Department of Administrative Services located at http://doas.ga.gov/assets/State%20Purchasing/Stage%203%20Documents/Contracting_With_DOAS.pdf as well as any subsequent revisions to such memo.

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Contractor shall ensure that all sub-Contractors providing services under this agreement executes the appropriate e-verify affidavit located at http://www.audits.ga.gov/NALGAD/section_3_affidavits.html

Orders for State Agencies, Departments, Boards, Bureaus, Commissions, Universities, and Schools (collectively "State Entities") shall include the Statement of Need and Statement of Work (accepted Contractor Proposal). It is the responsibility of the Contractor to ensure orders from State Entities include required documents.

For orders greater than \$100,000 in the first year or orders involving FISMA (Federal Information Security Management Act) Moderate or High data, Supplier will provide, for informational purposes only, a copy of the order to a designated DOAS/GTA contact person. The purpose is to assure that organizations are complying with applicable policies, statutes, and guidelines.

The State is not liable for any costs incurred by Contractors prior to entering into a formal contract or any order that does not meet the minimum requirements.

(iv) Payment: Payment terms shall be as specified in the Proposal and Invoice.

- a. Invoices. Invoices for payments must be submitted by the Contractor to the Purchasing Entity requesting the services with sufficient detail to support payment. The terms and conditions included in the Contractor's invoice shall be deemed to be solely for the convenience of the parties. No terms or conditions of any such invoice shall be binding upon the Purchasing Entity, and no action by the Purchasing Entity, including without limitation the payment of any such invoice in whole or in part, shall be construed as binding or estopping the State with respect to any such term or condition, unless the invoice term or condition has been previously agreed to by the State as an amendment to the contract.
- b. Inspection and Approval. Final inspection and approval of all work required under the contract shall be performed by the designated Purchasing Entity officials. Payments

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shall not be made until contractual deliverable(s) are received and accepted by the Purchasing Entity.

- c. **Payment.** Purchasing Entity will render payment to Contractor when the terms and conditions of the contract and specifications have been satisfactorily completed on the part of the Contractor as solely determined by the Participating Entity. Payment will be made by the responsible Purchasing Entity. In no event, shall the Purchasing Entity be responsible or liable to pay for any services provided by the Contractor prior to the Effective Date of the contract, and the Contractor hereby waives any claim or cause of action for any such services.
- d. **Travel Expenses.** Expenses for travel shall not be reimbursed unless specifically permitted under the duties of the Contractor. All travel must be approved in advance by the Purchasing Entity. Expenditures made by the Contractor for travel will be reimbursed at the current rate paid by the State, available here: <https://sao.georgia.gov/state-travel-policy>.
- e. **Responsibility for Taxes:** The State of Georgia and its agencies shall not be responsible for, or indemnify a Contractor for, any federal, state, or local taxes which may be imposed or levied upon the subject matter of this Participating Addendum.
- f. **Federal Funds.** Payments under this Contract may be made from federal funds obtained by the State. The Contractor is responsible for compliance with all federal requirements imposed on these funds and accepts full financial responsibility for any requirements imposed by the Contractor's failure to comply with federal requirements. Participating entities may include additional contract terms and conditions with their PO's that incorporate language required by federal grant conditions.

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13. PROFESSIONAL/TECHNICAL (P/T) SERVICES

Professional/Technical Services **must** be within the scope of services available through the Master Contract. Purchasing Entities may require retainage as specified in their individual Order Agreements or Purchase Orders.

14. OWNERSHIP IN INTELLECTUAL PROPERTY

The parties each recognize that each has no right, title, or interest, proprietary or otherwise, in or to the name or any logo, or intellectual property owned or licensed by the other. Each agree that, without prior written consent of the other or as described in this Contract, it shall not use the name, any logo, or intellectual property owned or licensed by the other.

15. TERMINATION OF INDIVIDUAL ORDERS OR PURCHASE ORDERS

The individual orders, Order Agreements, or purchase orders may be terminated as follows:

(i) Termination for Cause

- a. If, for any reasons, or through any cause, the Contractor or Subcontractor fails to fulfill in timely and proper manner his obligations, or if the Contractor or Subcontractor violates any of the covenants, agreements, or stipulations of this Participating Addendum, the Purchasing Entity shall have the right to terminate any outstanding order by giving written notice to the Contractor and Subcontractor of such termination and specifying the effective date thereof. In that event, all finished or unfinished documents, data, studies, surveys, drawings, models, photographs, supplies and other materials shall, at the option of the Participating Entity, become property of the Purchasing Entity and the Contractor/Subcontractor shall be entitled to receive compensation for any satisfactory

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work completed on such documents and other materials that are usable to the Purchasing Entity.

(ii) Termination for Convenience

- a. A Purchasing Entity may terminate an order at any time by giving written notice of such termination to the Contractor and the Subcontractor and specifying the effective date thereof, at least thirty (30) days before the effective date of such termination. In that event, all finished or unfinished documents, data, studies, surveys, drawings, models, photographs, supplies and other materials shall, at the option of the Purchasing Entity, become property of the Purchasing Entity and the Contractor/Subcontractor shall be entitled to receive compensation for any satisfactory work completed on such documents and other materials that are usable to the Purchasing Entity.

(iii) Immediate Termination

- a. A Purchasing Entity may immediately terminate an order pursuant to the terms of Paragraph 16 of this Participating Addendum.

16. TERMINATION OF PARTICIPATING ADDENDUM

The following provisions relating to termination shall be added to Paragraph 7 of the Master Agreement entitled "Termination":

Termination for Non-appropriation: Pursuant to O.C.G.A. Section 50-5-64, any purchase made pursuant to this Participating Addendum will terminate immediately and absolutely if DOAS or the Purchasing Entity determines that adequate funds are not appropriated or granted or funds are de-appropriated such that DOAS or the Purchasing Entity cannot fulfill its obligations under the Statewide Contract, which determination is at DOAS and/or Purchasing Entity's sole discretion and shall be conclusive. A termination made pursuant to these terms is not a termination for convenience and will not be treated as such.

Immediate Termination DOAS may terminate the Participating Addendum for any one or more of the following reasons effective immediately without advance notice:

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- a. In the event the Contractor is required to be certified or licensed as a condition precedent to providing goods and services, the revocation or loss of such license or certification may result in immediate termination of the Statewide Contract effective as of the date on which the license or certification is no longer in effect;
 - b. DOAS determines that the actions, or failure to act, of the Contractor, its agents, employees or sub-Contractors have caused, or reasonably could cause, life, health or safety to be jeopardized;
 - c. The Contractor fails to comply with confidentiality laws or provisions.

In any termination event, in addition to data transition, Contractor shall allow the Purchasing Entity to transition accounts, licenses, and technical configurations, to a new provider at no additional cost other than those detailed in the original customer agreement. This includes, but is not limited to third party cloud hosting accounts. Specific data removal and transition information is available and provided by the unique technology partners. This data removal and transition information shall adhere to the contract terms of the Master Agreement and this Participating Addendum.

Survival: The following provisions shall survive termination or expiration of the Participating Addendum: Section 17 (Indemnification), Section 19 (Security and Data Protection), Section 23 (Arbitration, Indemnification, Damages, Warranties), and Section 24 (Security and Data Protection).

Performance and Payment Time Frames that Exceed Contract Duration: All maintenance or other agreements for services entered into during the duration of a service level agreement and whose performance and payment time frames extend beyond the duration of this Participating Addendum and/or the Master Agreement shall remain in effect for performance and payment purposes (limited to the time frame and services established per each written agreement). To the extent that any agreements extend beyond the duration of this Participating Addendum and/or the Master Agreement, the terms and conditions in this Participating Addendum and the Master Agreement, as well as the terms and conditions of any written service level agreements or purchasing orders, will remain in effect through the time frame in the written agreement, or until the written agreement is terminated. No new leases, maintenance, or other agreements for services may be executed after the Master Agreement has expired or after this

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Participating Addendum has expired or been terminated. For the purposes of this section, renewals of maintenance, subscriptions, SaaS subscriptions and agreements, and other service agreements shall not be considered "new."

17. INDEMNIFICATION

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- (i) The Master Agreement's Indemnification (Section 13, subpart a) provision controls. The Master Agreement's Limitation of Liability clause (Section 13, subpart c) is deleted and replaced with the following:

The limit of liability shall be as follows:

- a. Contractor's liability for any claim, loss or liability arising out of, or connected with the products or services provided, and whether based upon default, or other liability such as breach of contract, warranty, negligence, misrepresentation or otherwise, shall in no case exceed direct damages in: (i) an amount equal to two (2) times the charges specified in the Purchase Order for the products or services, or parts thereof forming the basis of the Purchasing Entity's claim, (said amount not to exceed a total of twelve (12) months charges payable under the applicable Purchase Order) or (ii) five million dollars (\$5,000,000) per purchase by a Purchasing Entity, whichever is greater, except to the extent resulting from Contractor's recklessness, bad faith, or intentional misconduct.
- b. The Purchasing Entity may retain such monies from any amount due Contractor as may be necessary to satisfy any claim for damages, costs and the like asserted against the Purchasing Entity unless Contractor at the time of the presentation of claim shall demonstrate to the Purchasing Entity's satisfaction that sufficient monies are set aside by the Contractor in the form of a bond or through insurance coverage to cover associated damages and other costs.
- c. Notwithstanding the above, neither the Contractor nor the Purchasing Entity shall be liable for any consequential, indirect or special damages of any kind which may result directly or indirectly from such performance, including, without limitation, damages resulting from loss of use or loss of profit by the Purchasing Entity, the Contractor, or by others. For purposes of clarity, damages relating to data breach are considered to be direct damages.
- d. The limitations of liability will not apply to claims for bodily injury or death as set forth in Section 13 and Section 30 under the Master Agreement, when made applicable under a specific Purchase Order. The limitations of liability shall not apply to damages due to data breach either by Contractor, including those related to any solution or services provided by Contractor.

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Notwithstanding any language to the contrary, no interpretation of this contract shall find that the State of Georgia or its agencies have agreed to indemnify Contractor or any third parties. Any term or conditions otherwise is null and void.

- (ii) **Coordination of Defense.** In connection with indemnification of a Purchasing Entity or DOAS, when a Georgia state entity is a named defendant in any lawsuit, the defense of the Georgia state entity shall be coordinated by the Attorney General of Georgia. The Attorney General of Georgia may, but has no obligation to, authorize Contractor to control the defense and any related settlement negotiations; provided, however, that, in such event, Contractor shall not agree to any settlement of claims against the State of Georgia without first obtaining a concurrence from the Attorney General of Georgia. If the Attorney General of Georgia does not authorize sole control of the defense and settlement negotiations for Contractor, Contractor shall be granted authorization to participate in any proceeding related to this section; provided however notwithstanding anything of the contrary herein, Contractor shall continue to be obligated to indemnify the participating entity and, to the extent applicable, any and all purchasing entities, in accordance with and to the extent Contractor provides such indemnity under this Master Agreement.

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18. Section 31 of the Master Agreement is amended to include the following provision:

Service Provider Disclaimers of Warranties Invalid. Any term or condition that excludes, disclaims, or limits a Contract Vendor warranty is null and void.

Warranty of Security: Unless otherwise agreed in writing, the Contractor and all Service Providers, including but not limited to sub-contractors, resellers, and partners, will not perform any of the services outside of the United States, and the Contractor will not allow any State of Georgia data to be sent by any medium, transmitted, or accessed outside of the United States.

The Contractor and all Service Providers must notify the Purchasing Entity and the State of Georgia (through the Participating State Contact to this Participating Addendum) as soon as possible or no later than twenty-four (24) hours following discovery of the breach of any unauthorized access of data occurs.

Indemnification (Breach of Warranty of Security): The Contractor agrees to defend, indemnify, and hold harmless the State of Georgia, the Participating Entities, and any officers, directors, or employees of such for any claims, suits, or proceedings related to a breach of the Warranty of Security. The Contractor will include credit monitoring services at its own cost for those individuals affected or potentially affected by a breach of this warranty for a two-year period following the breach.

19. SECURITY AND DATA PROTECTION. The Contractor is responsible for the security and protection of the Purchasing Entity's data. The terms, conditions, and provisions of this Security and Data Protection section apply in addition to any terms, conditions and provisions of the Master Agreement related to security and data protection. This Security and Data Protection section survives the completion, termination, expiration, or cancellation of this Purchasing Addendum.

(i) The following terms are added to the Master Agreement at Exhibit 1, Software as a Service:

a. Application Security Audits and Remediation. Contractor will audit, at the application level the security of the systems and processes used to provide any and all Cloud Computing or Hosting Services to the State. This security audit: (1) will be performed at least once every calendar year beginning with the initial year of the Contract; (2) will be performed according to Statement on Standards for Attestation Engagements ("SSAE") 18 Service Organization Control ("SOC") 1 or 2, International Organization for Standardization ("ISO")

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27001, or FedRamp; (3) will be performed by third party security professionals at Contractor's election and expense; (4) will result in the generation of an audit report ('Contractor Audit Report'), which will, to the extent permitted by applicable law, be deemed confidential information and as not public data under the Georgia Data Practices Act; and (5) may be performed for other purposes in addition to satisfying this section.

Upon the State's reasonable, advance written request, Contractor will provide the State a copy of the current Contract Vendor Audit Report. If the Contractor Audit Report is of or involves a third party's IT environment, the State may be required to execute a non-disclosure agreement with the third party.

Contractor will make best efforts to remediate any control deficiencies identified in the Contractor Vendor Audit Report in a commercially reasonable timeframe.

If the State becomes aware of any other Contractor controls that do not substantially meet the State's requirements, the State may request remediation from Contractor. Contractor will make best efforts to remediate any control deficiencies identified by the State or known by the Contractor, in a commercially reasonable timeframe.

b. Secure Coding. Contractor warrants that all Cloud Services are free from any and all defects in materials, workmanship, and design. Contractor warrants that all Cloud Services are free from any and all viruses, malware, and other harmful or malicious code. Contractor must scan all source code for vulnerabilities, including before and after any source code changes are made and again before being placed into production, and must promptly remediate any and all vulnerabilities. Contractor must follow best practices for application code review and the most current version of the Open Web Application Security Project (OWASP) 10.

(ii) Insurance and Liability. Contractor shall maintain the insurance described in the Standard Insurance Requirements section, below.

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Notwithstanding any limitation of liabilities in the Participating Addendum, the Contractor shall be liable for damages to the extent such damages are within the insurance limit. For purposes of clarification, the foregoing sentence shall in no way limit the Contractor's liability.

- (iii) Subcontractors. Contractor agrees that no State data shall be transmitted, exchanged or otherwise provided to other parties except as specifically agreed to in writing by the Chief Information Security Officer or delegate. Contractor must ensure that any contractors, subcontractors, agents and others to whom it provides State data, agree in writing to be bound by the same restrictions and conditions under the Participating Addendum that apply to Contractor with respect to such data.
- (iv) Compliance with Data Privacy and Security Laws and Standards. In addition to the requirements of the Master Contract, Contractor shall comply with all applicable State and Federal data privacy and data security laws, rules, and regulations, including the following.

Any work performed by Contractor shall comply with relevant requirements of the Participating State's Enterprise Architecture and Georgia Information Technology Standards, if such entity is under the purview of the Georgia Technology Authority. These standards may be found at <https://gta.georgia.gov/psg/>.

Contractor shall comply with the Health Insurance Portability Accountability Act ("HIPPA"), the HITECH Act, and other similar privacy laws. Contractor also shall comply with the HIPPA Privacy Rule, HIPPA Security Rule, and other similar rules, regulations, and laws, including future amendments thereto.

Contractor shall comply with all applicable requirements, restrictions, and conditions set forth in the Criminal Justice Information Services ("CJIS") – Security Policy, Version 5.3 dated 8/4/2014, including, but not limited to, conducting FBI fingerprint background checks on all of Contractor agents, employees, and subcontractors that have or will have access to Criminal Justice information ("CJI").

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Contractor acknowledges that for the purposes of this Participating Addendum when storing, processing, transmitting or otherwise accessing State data subject to the Family Educational Rights and Privacy Act ("FERPA"), it is designated as a "school official" with "legitimate educational interest" in the State data and associated metadata, as those terms have been defined under FERPA and its implementing regulations, and Contractor agrees to abide by the limitations and requirements imposed by 34 CFR 99.33(a) on school officials. Contractor shall use Ordering Entity data only for the purpose of fulfilling duties under the Contract and will not monitor or share such data with or disclose it to any third party except as provided for in this Participating Addendum, as required by law, or as authorized in writing by the Ordering Entity. By way of illustration and not of limitation, Contractor will not use such data for Contractor's own benefit and, in particular, will not engage in "data mining" of such data or communications, whether through automated or human means, except as necessary to fulfill its duties under this Participating Addendum, or as required by law, or authorized in writing by the Purchasing Entity.

All of Contractor's systems and components that process, store, or transmit Cardholder Data shall comply with the most recent version of the Payment Card Industry Data Security Standard ("PCI DSS") promulgated by the PCI Security Standards Council. The Contractor shall, upon request, provide the State with Contractor's current Attestation of Compliance signed by a PCI QSA ("Qualified Security Assessor").

- (v) Business Continuity and Backups. Contractor shall ensure that the State's designated recovery timelines are met. Contractor shall have written business continuity and disaster recovery plans that define roles, responsibilities and procedures necessary to ensure that Cloud Services provided under this Participating Addendum shall be maintained in the event of a disruption to the Contractor's operations, regardless of the cause of the disruption. Such plans must, at a minimum, define the Contractor's actions to address the impacts of the following key areas likely to cause a disruption to Contractor's operations: loss of key personnel, loss of facility, and loss of information technology. Contractor must conduct testing and review of its business continuity and disaster recovery plan at least annually. Upon State request, Contractor must also participate, at mutually agreed upon times, in State business continuity and disaster recovery testing, training, and exercise activities.

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20. PUBLIC RECORDS

The laws of the State of Georgia, including the Georgia Open Records Act, as provided in O.C.G.A. Section 50-18-70 et seq., require procurement records and other records to be made public unless otherwise provided by law. Contractor agrees that this Contract, any related purchase orders, related invoices, related pricing lists, and the Proposal will be public documents, and may be available for distribution. Contractor gives DOAS, the Purchasing Entities, and the State of Georgia express permission to make copies of this Contract, any related purchase orders, related invoices, related pricing lists, and Proposal. The permission to make copies as noted will take precedence over any statements of confidentiality, proprietary information, copyright information, or similar notation. DOAS, the Purchasing Entities, and/or the State Georgia will not inform Contractor of any request for a copy of this Contract, including any related purchase orders, related invoices, related pricing lists, or the Proposal.

21. STANDARD INSURANCE REQUIREMENTS

The Contractor shall procure and maintain, until all of its obligations have been discharged (including any warranty periods under the statewide contract have been satisfied), insurance which shall protect the Contractor and the State of Georgia (as an additional insured) from any claims for bodily injury, property damage, or personal injury covered by the indemnification obligations set forth in the statewide contract attached to this solicitation throughout the duration of the statewide contract. The Contractor shall procure and maintain the insurance policies described below at the Contractor's own expense and shall furnish DOAS an insurance certificate listing the State of Georgia as certificate holder and as an additional insured. The insurance certificate must document that the Commercial General Liability insurance coverage purchased by the Contractor includes contractual liability coverage applicable to the statewide contract. In addition, the insurance certificate must provide the following information: the name and address of the insured; name, address, telephone number and signature of the authorized agent; name of the insurance company (authorized to operate in Georgia); a description of coverage in detailed standard terminology (including policy period, policy number, limits of liability, exclusions and endorsements); and an acknowledgment of notice of cancellation to DOAS.

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The Contractor is required to maintain the following insurance coverage's during the term of the statewide contract:

- 1) Workers Compensation Insurance (Occurrence) in the amounts of the statutory limits established by the General Assembly of the State of Georgia (A self-insurer must submit a certificate from the Georgia Board of Workers Compensation stating that the Contractor qualifies to pay its own workers compensation claims.) In addition, the Contractor shall require all Sub-Contractors occupying the premises or performing work under the statewide contract to obtain an insurance certificate showing proof of Workers Compensation Coverage with the following minimum coverage:

Bodily injury by accident - per employee	\$100,000;
Bodily injury by disease - per employee	\$100,000;
Bodily injury by disease – policy limit	\$500,000.
- 2) Commercial General Liability Policy with the following minimum coverage:

Policy shall include bodily, property damage and broad form contractual liability coverage.	
Each Occurrence Limit	\$1,000,000
Personal & Advertising Injury Limit	\$1,000,000
General Aggregate Limit	\$2,000,000
Products/Completed Ops. Aggregate Limit	\$2,000,000
- 3) Automobile Liability

Bodily Injury and Property Damage for any owned, hired or non-owned vehicles used in the performance of the statewide contract	
Combined Single Limit	\$1,000,000
- 4) Errors and Omissions Limit \$2,000,000
- 5) Commercial Umbrella Limit \$2,000,000.

PARTICIPATING ADDENDUM

Between

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(hereinafter "Contractor")

And

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Pursuant to

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Cloud Solutions 2016-2026**

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The foregoing policies shall contain a provision that coverage afforded under the policies will not be canceled, or not renewed or allowed to lapse for any reason until at least thirty (30) days prior written notice has been given to DOAS. Certificates of Insurance (ACORD form or equivalent approved by the State) showing such coverage to be in force shall be filed with DOAS prior to commencement of any work under the statewide contract and remain in effect for the duration of the statewide contract. The foregoing policies shall be obtained from insurance companies authorized to do business in Georgia and shall be with companies acceptable to DOAS, which must have a minimum A.M. Best rating of A-. All such coverage shall remain in full force and effect during the term and any renewal or extension thereof.

Within ten (10) business days of an executed Participating Addendum, the Contractor must procure the required insurance and provide DOAS with two (2) Certificates of Insurance. Certificates must reference the Contract Number: 99999-SPD-T20190814-0002. The Contractor's submitted pricing must include the cost of the required insurance. No contract performance shall occur unless and until the required insurance certificates are provided.

22. INDIVIDUAL CUSTOMER

Each State entity and political subdivision, as a Purchasing Entity, that purchases products/services shall be treated as individual customers. Except to the extent modified by a Participating Addendum, each agency and political subdivision shall be responsible to follow the terms and conditions of the Master Agreement; and they shall have the same rights and responsibilities for their purchases as the Lead State has in the Master Agreement. Each agency and political subdivision shall be responsible for their own charges, fees, and liabilities. Each agency and political subdivision shall have the same rights to any

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indemnity or to recover any costs allowed in the contract for their purchases. The Contractor shall apply the charges to each Purchasing Entity or Purchasing Entity individually.

23. ARBITRATION, INDEMNIFICATION, DAMAGES, WARRANTIES

Notwithstanding any language to the contrary, no interpretation of this contract shall find that the State of Georgia or its agencies have agreed to binding arbitration. Any term or condition that requires the parties to mediate or arbitrate is null and void. Voluntary dispute resolution procedures are valid to the extent allowed by law. Further, the State of Georgia does not agree to pay attorney fees, costs, or late payment charges. Nothing herein, whether express or implied, shall be deemed to create an obligation on the part of the State to indemnify, defend, hold harmless or release the Contractor, Contractor's sub-Contractors, or Contractor's agents. This shall extend to all agreements related to the subject matter of this Participating Addendum, and to all terms subsequently added, without regard to order of preference.

24. STATE OF GEORGIA ePAYABLE/PURCHASING CARD PROGRAM

DOAS administers a program which provides a purchasing card (hereinafter, "State of Georgia PCard") to be used by authorized government employees of certain governmental entities electing to participate in the program to purchase necessary supplies. The Contractor agrees to accept payment via ePayables and shall impose no fee on either DOAS or any Purchasing Entity for the use of ePayables pursuant to this Statewide Contract. Payment via ePayables is the preferred method of compensation processing. DOAS has entered into a Contract with its PCard provider, Bank of America, to provide the e-Payables solution which will allow DOAS and Purchasing Entities to facilitate electronic payment by DOAS and Purchasing Entities to the Contractor.

All purchases made by Purchasing Entities' representatives utilizing State of Georgia ePayables shall be exempt from sales tax. It is the responsibility of the Purchasing Entity representative to provide the Purchasing Entity's tax identification number as needed at the point of sale.

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The Contractor shall keep the State of Georgia ePayables numbers confidential and shall not disclose the State of Georgia ePayables numbers except as expressly authorized by DOAS. The Contractor represents that State of Georgia ePayables numbers will be processed, transmitted and stored in compliance with the Payment Card Industry Data Security Standard. The Contractor shall provide immediate written notice to the current DOAS contract administrator in the event of (1) any unauthorized disclosure of State of Georgia ePayables Numbers or (2) Contractor's failure to maintain compliance with the Payment Card Industry Data Security Standard in the Contractor's contract performance. The Contractor agrees to cooperate with DOAS, Purchasing Entities, and DOAS contractual partner(s) for ePayables in resolving any issues or disputes.

25. ADMINISTRATIVE FEE AND SALES REPORTING SUBMISSION

Pursuant to O.C.G.A. Section 50-5-51(10), DOAS has the authority to collect monies, rebates, or commissions payable to the State that are generated by supply contracts established pursuant to O.C.G.A. Section 50-5-57. These administrative fees are used by DOAS to fund various initiatives, including the administration of existing and new statewide contracts, training, and technology. DOAS requires each Contractor to pay to DOAS an administrative fee on all sales pursuant to the resulting statewide contract. The administrative fee amount for this statewide contract is 2.00 percent (%) for a duration of 1 (one) year. After the initial duration of 1 year, parties will assess the 2% administrative fee amount and determine if a modified administrative fee is justified. All Contractors must agree that the Fee will not be identified separately from the product and/or service pricing offered to Purchasing Entities wherever that pricing may appear (website, catalog, invoices, etc.). This Fee will be collected by the awarded Contractor and remitted to DOAS in accordance with the following paragraphs.

- (i) Quarterly Sales Report. The Quarterly Sales Report must be received by DOAS twenty (20) days after the end of the Fiscal Quarter through submission within the Contractor Portal of Team Georgia Marketplace, and the Fees must be received as a response to an invoice generated by DOAS between the time of receipt of the invoice and forty-five (45) days after the end of the fiscal quarter as defined by the table below:

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<i>DOAS' Fiscal Quarters</i>	<i>Months</i>	<i>Contractor's Quarterly Sales Report Due Date</i>	<i>Contractor's Payment Due Date (In Response to DOAS generated Invoice)</i>
<i>Quarter 1</i>	<i>July 1st – September 30th</i>	<i><u>October 20th</u></i>	<i><u>November 15th</u></i>
<i>Quarter 2</i>	<i>October 1st – December 31st</i>	<i><u>January 20th</u></i>	<i><u>February 15th</u></i>
<i>Quarter 3</i>	<i>January 1st – March 31st</i>	<i><u>April 20th</u></i>	<i><u>May 15th</u></i>
<i>Quarter 4</i>	<i>April 1st – June 30th</i>	<i><u>July 20th</u></i>	<i><u>August 15th</u></i>
			30 DAYS FOLLOWING TERMINATION OF SWC

At the end of each state fiscal quarter as defined above, Contractor shall prepare the Quarterly Sales Report and submit the file through the Contractor Portal of Team Georgia Marketplace, including the Contractor's most up-to-date Invoice Contact Name (Billing Contact), Contractor Billing Address, and Contractor Billing E-Mail. In the event that no sales have occurred, the Contractor must complete and submit the Quarterly Sales Report, indicating that no sales have occurred, and submit the file through Contractor Portal of Team Georgia Marketplace. No later than the date identified above as the "Contractor's Payment Due Date" for each fiscal quarter, the Contractor shall remit a payment of fees to DOAS in response to a DOAS generated invoice, through Electronic Funds Transfer (EFT).

By submission of these reports and corresponding Contractor payments, Contractor is certifying their correctness. DOAS, at its sole discretion, may also accept payment of Fees from the Contractor via electronic funds transfer (EFT).

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-
- (ii) Auditing and Contract Close Out. All sales reports and Fee payments shall be subject to audit by the State. Contractor shall maintain books, records and documents which sufficiently and properly document and calculate all charges billed to the State and all Fees throughout the term of the statewide contract for a period of at least five (5) years following the date of final payment or completion of any required audit, whichever is later. Contractor shall permit the Auditor of the State of Georgia or any authorized representative of the State, and where federal funds are involved, the Comptroller General of the United States, or any other authorized representative of the United States government, to access and examine, audit, excerpt and transcribe any directly pertinent books, documents, papers, electronic or optically stored and created records or other records of the Contractor relating to orders, invoices or payments or any other documentation or materials pertaining to the statewide contract, wherever such records may be located during normal business hours upon written notice. In the event of a need to apply an audit review, the State will work with SHI regarding applicable time frames. Audit shall be limited to records in connection with DOAS only. Contractor shall not impose a charge for audit or examination of the Contractor's books and records. If an audit discloses material incorrect billings or improprieties, the State reserves the right to charge the Contractor for the cost of the audit and appropriate reimbursement. DOAS shall deliver a copy of its Audit findings to Contractor and Contractor shall have reasonable opportunity to review and dispute such findings. Evidence of criminal conduct will be turned over to the proper authorities.

In no event, shall Contractor retain any amount of money in excess of the compensation to which Contractor is entitled and all non-disputed Fees owed DOAS shall be paid within thirty (30) calendar days of termination of the statewide contract for any reason.

- (iii) Modifying or Canceling the Fee. DOAS reserves the right to modify and/or cancel the Fee at any time. Contractor shall immediately amend the statewide contract pricing to reflect any modification or cancellation of the Fee by DOAS. In addition, DOAS reserves the right to revise

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collection and reporting requirements in conjunction with implementation of an on-line procurement system.

- (iv) Late Payment Fee. In the event DOAS does not receive the Contractor's payment of the Fees on or before the Contractor's Payment Due Date, the parties agree the Contractor must pay DOAS interest on the overdue Fees at a rate of eighteen percent (18%) per annum. Interest will be calculated as follows:

$$(\text{Administrative Fee Amount Due}) \times (18\%) = X$$

$$X / 365 \text{ (366 for leap years)} = Y$$

$$Y \times (\text{Number of Days Payment is Late}) = \text{Interest Owed}$$

For the purposes of this provision, payment of the Fees shall be considered received by DOAS on (1) the date of DOAS' receipt of the EFT confirmation or (2) the date DOAS receives the envelope containing a check for the correct amount of the administrative fee. In the event the Contractor does not submit full payment of the Fees owed, interest shall only be applicable to the portion of the Fees which is outstanding. In the event the Contractor makes an error and overpays, the Contractor is responsible for alerting DOAS in writing of the Contractor's discovery of the overpayment. DOAS will confirm whether an overpayment has occurred and refund or credit the overpayment amount to the Contractor no later than thirty (30) days' following DOAS' receipt of written notice of the overpayment. DOAS will have no responsibility for interest or any other fees with respect to Contractor's overpayment of Fees.

26. QUARTERLY BUSINESS REVIEW MEETINGS

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The Contractor must participate in Quarterly Business Review ("QBR") meetings at DOAS' request. During the QBR meetings, the Contractor will present a written and oral status to DOAS regarding all work orders/purchase orders (including date and value). The QBR meeting will also focus on the status of service level agreements and key performance indicators agreed to by Contractor and DOAS. The QBR meeting may involve, but not be limited to, the following: review of the Contractor's performance and submitted reports, identification of areas of improvement to be addressed, review of the previous quarter's sales statistics, strategies to grow sales volume, development/monitoring of a Contractor service "scorecard."

27. COMPLIANCE WITH THE LAW

The Contractor, its employees, agents, and sub-Contractors shall comply with all applicable federal, state, and local laws, rules, ordinances, regulations and orders now or hereafter in effect when performing under the Contract, including without limitation, all laws applicable to the prevention of discrimination in employment and the use of targeted small businesses as sub-Contractors or Contractors. The Contractor, its employees, agents and sub-Contractors shall also comply with all federal, state and local laws regarding business permits and licenses that may be required to carry out the work performed under the Contract. Contractor and Contractor's personnel shall also comply with all State and State Entity policies and standards in effect during the performance of the Contract, including but not limited to the State Entity's policies and standards relating to personnel conduct, security, safety, confidentiality, and ethics. Contractor certifies that Contractor is not currently engaged in, and agrees for the duration of this Contract, including any renewals or extensions thereof, not to engage in, a boycott of Israel, as defined in O.C.G.A. § 50-5-85. Further, the provisions of O.C.G.A. Section 45-10-20 et seq. have not and must not be violated under the terms of this Contract. Further, Contractor represents that Contractor complies with and will continue to comply with O.C.G.A. § 21-5-76. The laws of the State of Georgia shall govern this Participating Addendum.

28. CERTIFICATION REGARDING SALES AND USE TAX

By executing the Contract the Contractor certifies it is either (a) registered with the State Department of Revenue, collects, and remits State sales and use taxes as required by Georgia law, including Chapter 8 of Title 48 of the O.C.G.A.; or (b) not a "retailer" as defined in O.C.G.A. Section 48-8-2. The Contractor also acknowledges that the State may declare the Contract void if the above certification is false. The

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Contractor also understands that fraudulent certification may result in the DOAS or its representative filing for damages for breach of contract.

29. DRUG-FREE WORKPLACE

The Contractor hereby certifies as follows:

- (i) Contractor will not engage in the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana during the performance of this Contract; and
- (ii) If Contractor has more than one employee, including, Contractor shall provide for such employee(s) a drug-free workplace, in accordance with the Georgia Drug-free Workplace Act as provided in O.C.G.A. Section 50-24-1 et seq., throughout the duration of this Contract; and
- (iii) Contractor will secure from any sub-Contractor hired to work on any job assigned under this Contract the following written certification: "As part of the subcontracting agreement with (Contractor's Name), (Sub-Contractor's Name) certifies to the Contractor that a drug-free workplace will be provided for the sub-Contractor's employees during the performance of this Contract pursuant to paragraph 7 of subsection (b) of Code Section 50-24-3."

Contractor may be suspended, terminated, or debarred if it is determined that:

- (i) Contractor has made false certification here in above; or

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-
- (ii) Contractor has violated such certification by failure to carry out the requirements of O.C.G.A. Section 50-24-3(b).

30. ASSIGNMENT

Neither Party may, nor will it have the power to, assign or novate this Participating Addendum with the consent of the other.

31. AMENDMENT

No amendment or variation of the terms of this Participating Addendum shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or agreement not incorporated in the Participating Addendum is binding on any of the parties.

32. AGREEMENT

This Participating Addendum together with its exhibits and/or amendments and the Master Agreement together with its exhibits and/or amendments, set forth the entire agreement between the parties with respect to the subject matter of all previous communications, representations or agreements, whether oral or written, with respect to the subject matter hereof. Terms and conditions inconsistent with, contrary or in addition to the terms and conditions of this Participating Addendum together with its exhibits and/or amendments and the Master Agreement, together with its exhibits and/or amendment shall not be added to or incorporated into this Participating Addendum together with its exhibits and/or amendments or the Master Agreement and its exhibits and/or amendments, by any subsequent purchase order or otherwise (except as required by Purchasing Entities in order to utilize specific funds for a procurement), and any such attempts to add or incorporate such terms and conditions are hereby rejected. The terms and conditions of this Participating Addendum and the Master agreement and its exhibits and/or amendments shall prevail and govern in the case of any such inconsistent or additional terms.

By signing below, Contractor agrees to offer the same services as on the Utah NASPO ValuePoint Master Agreement Number AR2488, at prices equal to or lower than the prices on the contract.

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IN WITNESS WHEREOF, the parties have executed this Addendum as of the date of execution by both parties below.

Contractor: SHI International Corp.	Participating Entity: Georgia Department of Administrative Services
Signature: 	Signature: 
Name: Natalie Castagno	Name: Lisa Eason
Title: Director of Contracts & RFPs	Title: Deputy Commissioner, State Purchasing Division
Date: 10/2/19	Date: 10-3-19

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AUTHORIZE THE USE OF EMINENT DOMAIN TO ACQUIRE CERTAIN PROPERTY LOCATED AT 13029 DARTMORE AVENUE, ALPHARETTA, GEORGIA (TAX PARCEL NO.: 21 -5680-1054-092-2) FOR ROAD PROJECT - MCGINNIS FERRY ROAD WIDENING FROM RONALD REAGAN BOULEVARD/UNION HILL ROAD TO HOSPITAL PARKWAY

WHEREAS, the City of Alpharetta (the "City"), in conjunction with the City of Johns Creek and Forsyth County, has determined that it is necessary to construct a road project, which includes the widening of, and construction of other operational improvements to, a portion of McGinnis Ferry Road, such road project being known as the McGinnis Ferry Road from Ronald Reagan Boulevard/Union Hill Road to Hospital Parkway project (the "Project"); and

WHEREAS, in order to construct the Project, it is necessary to acquire certain rights to, in, over, under, through, and across the property now or formerly owned by Kalyan Veluri and Varnika Srivastava located at 13029 Dartmore Avenue (Tax Parcel No.: 21 -5680-1054-092-2) within the City of Alpharetta, Georgia (reference: **Project Parcel 52**), as further described and shown in Attachment "A" attached hereto and incorporated herein by this reference; and

WHEREAS, the Mayor and Council have considered the Project and determined that the Project and the use of eminent domain to acquire those certain rights to, in, over, under, through, and across the foregoing property are necessary, in the public interest, and must be carried out expeditiously to ensure the timely completion of the Project.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA, AS FOLLOWS:

For public road purposes and to meet the public necessity for immediately acquiring the subject property rights, which are hereby declared, the Mayor and Council authorize the City Attorney's Office to acquire through the use of Eminent Domain, pursuant to Title 32 of the Official Code of Georgia Annotated, the necessary property rights to, in, over, under, through, and across the property located at 13029 Dartmore Avenue, Alpharetta, Georgia (Tax Parcel No.: 21 -5680-1054-092-2), in order to ensure the timely completion of the Project - McGinnis Ferry Road from Ronald Reagan Boulevard/Union Hill Road to Hospital Parkway. Further, the Mayor and the City Administrator are specifically authorized to execute, on behalf of and as if signed by every member of the governing authority of the City, the Mayor and Council, any and all documents necessary to

further the filing of any Petition for Condemnation or Declaration of Taking related to the same and/or in furtherance of this Resolution.

SO RESOLVED, this _____ day of _____ 2021.

CITY OF ALPHARETTA, GEORGIA

By: _____
Jim Gilvin, Mayor

COUNCIL MEMBERS

Jason Binder

Ben Burnett

John Hipes

Dan Merkel

(SEAL)

Attest:

Donald Mitchell

Erin Cobb, City Clerk

Karen Richard

Approved as to form and legal sufficiency:

City Attorney
4288812



STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAP

PROJECT NO: 0004634
COUNTY: FORSYTH/FULTON
LAND LOT NO:
LAND DISTRICT:
GMD
DATE SH OF

DRAWING No.
60-0019A



REDU PERM ESMT - PAR 50/50/ST		REDU PERM ESMT - TRACT-2	
PMT	OFFSET	STAT	ALIGNMENT
	DIST	BEARING	
DE20321	65.00 R	129°15.00	McGinnis Ferry Rd Const CL
	18.95	S 01°34'00.79" E	
10429	49.95 S	129°25.35	McGinnis Ferry Rd Const CL
	50.95	S 00°00.77" E	
647	49.94 R	131°16.28	McGinnis Ferry Rd Const CL
	15.86	S 65°27'14.41" W	
DE20323	65.00 R	131°16.28	McGinnis Ferry Rd Const CL
	41.28	N 24°41'19.21" W	
DE20321	65.00 R	129°15.00	McGinnis Ferry Rd Const CL
REDU PERM ESMT	0.013	ST	
REDU PERM ESMT	0.013	ADRES	

REC'D PERM EASMT - PAR 53/54-40		RED'D PERM. EASMT.		DEB18
PNT	OFFSET/ DIST	START/ BEARING	ALIGNMENT	
DE20326	55.00 R	194/15.97	McGinnis Ferry Rd Const CL	
	5.79	N 65°11'29.6" E		
645	49.27 R	194/15.95	McGinnis Ferry Rd Const C	
	5.83	S 83°30'11.1" E		
10449	49.34 R	194/15.97	McGinnis Ferry Rd Const CL	
	5.85	N 64°10'41.0" E		
DE20327	55.00 R	194/65.53	McGinnis Ferry Rd Const CL	
	49.97	N 24°11'19.2" W		
DE20328	55.00 R	194/15.97	McGinnis Ferry Rd Const CL	
REC'D EASMT	206.13	ST		
REC'D EASMT	0.007	AF		

REC'D PERM ES&W - PAR 54/SY41		REC'D PERM. ES&W.T. DE619	
PNT	OFFSET/ DIST	STARTING BEARING	ALIGNMENT
DE02027	55.00 N 5.66 E	194°45.93 S 59°10'47.0" E	McGonalls Ferry Rd Const CL
10449	55.24 N 49.80 E	194°45.92 S 59°14'14.5" E	McGonalls Ferry Rd Const CL
644	49.47 N 5.57 S	195°15.19 S 65°08'05.1" W	McGonalls Ferry Rd Const C
DE02028	55.00 N 50.00	195°15.93 N 24°41'19.2" W	McGonalls Ferry Rd Const CL
DE02027	55.00 N 279.66 S	194°45.93 S	McGonalls Ferry Rd Const CL
REC'D ES&W	0.000 ACRES		

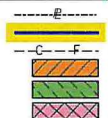
REC'D PERM ESWT - PAR 56/SV43		REC'D PERM ESWT - DE621	
PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
DE020329	55.00 R	195:65.94	
	5.23	5 65°08'39.6" E	McGinnis Ferry Rd Const CL
643	50.01	195:65.93	
	5.27	5 65°08'42.2" E	McGinnis Ferry Rd Const C
654	49.69 R	195:65.91	
	(0.40)	5 65°09'01.6" E	McGinnis Ferry Rd Const C
DE020330	60.00 R	195:65.96	
	50.27	1 18°38'48.8" W	McGinnis Ferry Rd Const CL
DE020329	55.00 R	195:65.94	
REC'D ESWT -	390.47		McGinnis Ferry Rd Const CL
REC'D ESWT -	0.009	ACRES	

REC'D R/W - PWT 57.59210		REC'D R/W DE822	
PWT	OFFSET	STATION/BEARING	ALIGNMENT
DE020216	62.00	184°01'0"	McGinnis Ferry Rd Const CL
	39.36	184°01'18.7" E	
DE020332	62.24	185°00'0"	McGinnis Ferry Rd Const CL
DE020333	55.00	185°00'0"	McGinnis Ferry Rd Const CL
	50.57	185°00'56.9" E	
APX. LENGTH	229.60		McGinnis Ferry Rd Const CL
CONTOUR BEAR	S 2.8° 51' 41.8" E		
LEATH CORNER	229.65		
HADJUS	- 1700.00		
	- 3.02 13.2"		
DE020335	5.44	187°05'55"	McGinnis Ferry Rd Const CL
		S 57° 50' 46.0" W	
1100.00	43.56	187°05'55"	McGinnis Ferry Rd Const CL
		S 57° 50' 46.3" W	
637	33.53	187°55' 48"	McGinnis Ferry Rd Const CL

11695 41.25 L 183°95.99 McGinnis Ferry Rd Const CL
22.00 8 62°54' 12.0" E
DE20276 62.00 L 184°03.10 McGinnis Ferry Rd Const CL
RECD R/W 5281.10 SF
RECD R/W 0.121 ACRES
REMAINDER 1/- 2.750 ACRES

HEAD PERM ES&W - PAR 57/29/210		HEAD PERM ES&W - DE23	
PNT	OFFSET	STATION	ALIGNMENT
	DIST	BEARING	
DE20280	90.00	184°12.4'	WcGlns Ferry Rd Const CL
	184.29	3°10'00.0" E	
DE20336	90.00	186°00.0'	WcGlns Ferry Rd Const CL
ARC LENGTH	162.00		
CHORD ARCL	5.36	S55°25.0' W	
CHORD BEAR	162.00		
CHORD DIST	177.00		
RADIUS	177.00		
ANGLE	90.00		
DE20337	60.00	187°56.40'	WcGlns Ferry Rd Const CL
	187.56	S55°46.0' W	
DE20335	90.00	187°56.06'	WcGlns Ferry Rd Const CL
ARC LENGTH	229.00		
CHORD ARCL	229.00		
CHORD BEAR	229.00	S55°47.8' W	
CHORD DIST	277.00		
RADIUS	277.00		
ANGLE	90.00		
DE20334	55.00	185°40.90'	WcGlns Ferry Rd Const CL
	185.41	S57°06.36' W	
DE20333	55.00	189°30.15'	WcGlns Ferry Rd Const CL
	189.30	S39°15.52' W	
DE20332	62.00	184°03.10'	WcGlns Ferry Rd Const CL
	184.03	S54°48.17' W	
DE20276	62.00	184°03.10'	WcGlns Ferry Rd Const CL
	184.03	S54°48.17' W	
DE20280	90.00	184°12.4'	WcGlns Ferry Rd Const CL
HEAD PERM ES&W - PAR 57/29/210			
HEAD ES&W	0.1794	ACRES	

REQD DMYT ESMT - PAR 57/57210		REQ'D DMYT, ESMT, DE24	
DWT	DPF217	STAT	ALING
DE20135	50.00 L	186:50.00	McGinnis Ferry Rd Const
DE20137	50.00 L	186:50.00	McGinnis Ferry Rd Const
ARC LENGTH	F4.14		
CURVD BEAR	S 35° 16' 45.5" E		
LATIO			
RADIUS	1780.00		
CHORD	37107.50		
DE20137	50.00 L	187:52.75	McGinnis Ferry Rd Const
DE20137	50.00 L	187:52.40	McGinnis Ferry Rd Const
ARC LENGTH	110.27		
CURVD BEAR	S 35° 50' 50.6" W		
LATIO			
RADIUS	1710.00		
CHORD	2277.02		
DE20137	50.00 L	186:50.00	McGinnis Ferry Rd Const

[illegible]

DATE	REVISIONS

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAP

PROJECT NO: 0004634
COUNTY: FORSYTH/FULTON
LAND LOT NO:
LAND DISTRICT:
GMD
DATE: SH OF

DRAWING NO.
60-0022

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AUTHORIZE THE USE OF EMINENT DOMAIN TO ACQUIRE CERTAIN PROPERTY LOCATED AT 13021 DARTMORE AVENUE, ALPHARETTA, GEORGIA (TAX PARCEL NO.: 21 -5680-1054-094-8) FOR ROAD PROJECT - MCGINNIS FERRY ROAD WIDENING FROM RONALD REAGAN BOULEVARD/UNION HILL ROAD TO HOSPITAL PARKWAY

WHEREAS, the City of Alpharetta (the "City"), in conjunction with the City of Johns Creek and Forsyth County, has determined that it is necessary to construct a road project, which includes the widening of, and construction of other operational improvements to, a portion of McGinnis Ferry Road, such road project being known as the McGinnis Ferry Road from Ronald Reagan Boulevard/Union Hill Road to Hospital Parkway project (the "Project"); and

WHEREAS, in order to construct the Project, it is necessary to acquire certain rights to, in, over, under, through, and across the property now or formerly owned by Nitin Surve located at 13021 Dartmore Avenue (Tax Parcel No.: 21 -5680-1054-094-8) within the City of Alpharetta, Georgia (reference: **Project Parcel 54**), as further described and shown in Attachment "A" attached hereto and incorporated herein by this reference; and

WHEREAS, the Mayor and Council have considered the Project and determined that the Project and the use of eminent domain to acquire those certain rights to, in, over, under, through, and across the foregoing property are necessary, in the public interest, and must be carried out expeditiously to ensure the timely completion of the Project.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA, AS FOLLOWS:

For public road purposes and to meet the public necessity for immediately acquiring the subject property rights, which are hereby declared, the Mayor and Council authorize the City Attorney's Office to acquire through the use of Eminent Domain, pursuant to Title 32 of the Official Code of Georgia Annotated, the necessary property rights to, in, over, under, through, and across the property located at 13021 Dartmore Avenue, Alpharetta, Georgia (Tax Parcel No.: 21 -5680-1054-094-8), in order to ensure the timely completion of the Project - McGinnis Ferry Road from Ronald Reagan Boulevard/Union Hill Road to Hospital Parkway. Further, the Mayor and the City Administrator are specifically authorized to execute, on behalf of and as if signed by every member of the governing authority of the City, the Mayor and Council, any and all documents necessary to

further the filing of any Petition for Condemnation or Declaration of Taking related to the same and/or in furtherance of this Resolution.

SO RESOLVED, this _____ day of _____ 2021.

CITY OF ALPHARETTA, GEORGIA

By: _____
Jim Gilvin, Mayor

COUNCIL MEMBERS

Jason Binder

Ben Burnett

John Hipes

Dan Merkel

(SEAL)

Attest: _____
Donald Mitchell

Erin Cobb, City Clerk

Karen Richard

Approved as to form and legal sufficiency:

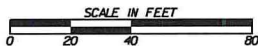
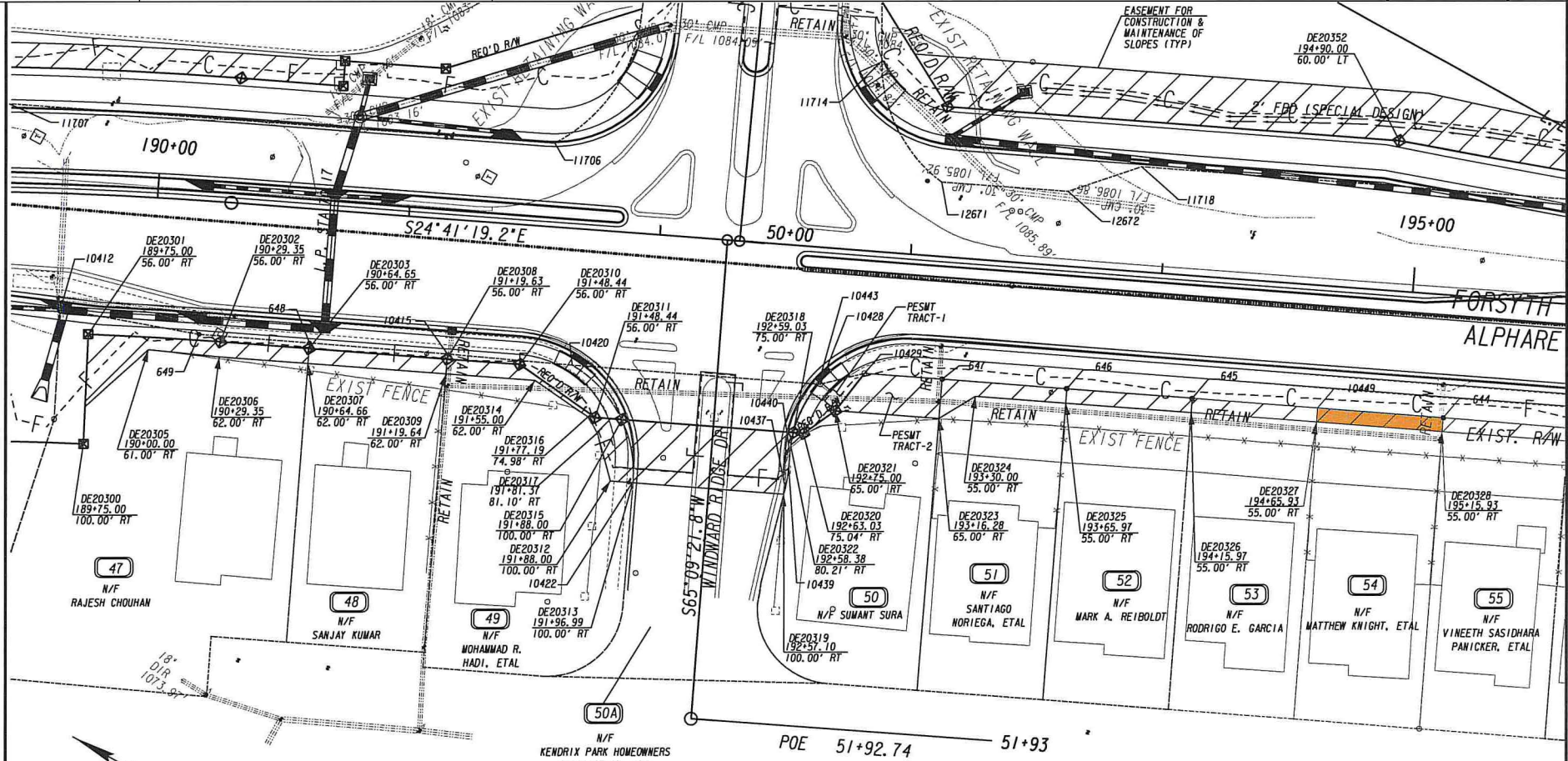
City Attorney
4289729

5/5/2020
CWE-20116

SPLOT-10
split border - B1-PD, 101

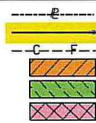
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CWEPLA

60-0019e.dgn
R.I. No.
0004634

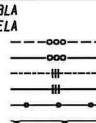


INSET #1 FOR WINDWARD RIDGE DR.
SEE SHEET 60-0019

PROPERTY AND EXISTING R/W LINE
REQUIRED R/W LINE
CONSTRUCTION LIMITS
EASEMENT FOR CONSTR
& MAINTENANCE OF SLOPES
EASEMENT FOR CONSTR OF SLOPES
EASEMENT FOR CONSTR OF DRIVES



BEGIN LIMIT OF ACCESS.....BLA
END LIMIT OF ACCESS.....ELA
EXISTING LIMIT OF ACCESS
RED'D LIMIT OF ACCESS
EXISTING LIMIT OF ACCESS & R/W
RED'D LIMIT OF ACCESS & R/W
ORANGE BARRIER FENCE
ESA - ENV. SENSITIVE AREA



DATE	REVISIONS	DATE	REVISIONS

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAP
PROJECT NO: 0004634
COUNTY: FORSYTH/FULTON
LAND LOT NO:
LAND DISTRICT:
GMD
DATE SH OF

DRAWING No.
60-0019A

RECD PERM ESMT - PAR 50/SVST		RECD PERM. EASMT.		DEG15 PESMT-TRACT-C	
PMT	OFFSET	DIST	STAT	BEARING	ALIGNMENT
DE20321	65.00	R	1509.75.00		McGinlis Ferry Rd Const CL
	18.95		3 07° 34' 00.9" E		
10429	49.17	R	1509.75.00		McGinlis Ferry Rd Const CL
	15.86		5 05° 23' 00.00" E		
647	49.14	R	1516.16.30		McGinlis Ferry Rd Const CL
	15.86		5 05° 23' 14.4" W		
DE20323	65.00	R	1516.16.30		McGinlis Ferry Rd Const CL
	15.86		2 04° 19.2" E		
DE20321	65.00	R	1509.75.00		McGinlis Ferry Rd Const CL
RECD EASMT	742.85	SF			
RECD EASMT	0.013	ACRES			

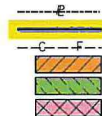
REC'D PERIN. CSST - PAR 53/5940		REC'D PERIN. EXST - DES10	
PNT	OFFSET	STATION	ALIGNMENT
	DIST	BEARING	
DE020326	55.00 R	194/15.97	McGinnis Ferry Rd Const CL
	5.66	5 11' 27.6" E	
645	49.21 R	194/15.97	McGinnis Ferry Rd Const CL
	49.97	S 24° 12' 11.1" E	
10449	49.94 R	194/16.92	McGinnis Ferry Rd Const CL
	5.66	S 65° 10' 47.0" W	
DE020327	55.00 R	194/15.97	McGinnis Ferry Rd Const CL
	49.97	S 24° 11' 19.2" E	
REC'D EXST	+ 286.13	AF	
REC'D EXST	+ 0.007	SCRS	

RED TERN - SW - MAR 5/9/41		RED TERN - ESW - DE69	
FMT	UTSETZ	STATION	ALIGNMENT
	DIST	BEARING	
DE20327	55.00	194°46.5' N	McGinnis Ferry Rd Const CL
	5.0	194°46.5' N	McGinnis Ferry Rd Const CL
10449	49.34	194°46.5' N	McGinnis Ferry Rd Const CL
	49.99	S 24° 12' 14.5" E	McGinnis Ferry Rd Const CL
644	49.47	195°13.5' N	McGinnis Ferry Rd Const CL
55.00	5.53	195°13.5' 08.05" N	McGinnis Ferry Rd Const CL
328	50.00	195°13.5' 08.05" N	McGinnis Ferry Rd Const CL
	50.00	N 24° 11' 19.2" E	McGinnis Ferry Rd Const CL
DE20327	55.00	194°46.5' N	McGinnis Ferry Rd Const CL
RED TERN - SW	278.66	ACES	
RED TERN - SW	0.006	ACES	

PMT	OFFSET	START/END	ALIGNMENT	

DE020726	62.00	184.03.10	18.7° E	McGillivray Ferry Rd Const CL
DE020732	62.00	184.03.16	18.7° E	McGillivray Ferry Rd Const CL
DE020733	55.00	185.00.00	45.5° E	McGillivray Ferry Rd Const CL
DE020734	55.00	185.00.00	37.0° E	McGillivray Ferry Rd Const CL
ARC LENGTH CHORD BEARING LATN	222.60 S 37° 55' 47.8" E 222.6			
RADIUS	1700.00			
DEGREE	127.72 13.2°			
DE020735	53.50	187.55.05	45.0° E	McGillivray Ferry Rd Const CL
DE020736	53.50	187.55.05	45.0° E	McGillivray Ferry Rd Const CL
DE020737	117.00	187.55.00	65.3° W	McGillivray Ferry Rd Const CL
DE020738	637	187.55.48		McGillivray Ferry Rd Const CL
ARC LENGTH CHORD BEARING LATN	365.99 N 44° 52' 14.51" W 365.99			
RADIUS	1435.82			
DEGREE	152.24 2.4°			
DE020739	62.00	188.03.59	2.0° E	McGillivray Ferry Rd Const CL
DE020740	62.00	188.03.59	2.0° E	McGillivray Ferry Rd Const CL
ARC BEARING CHORD BEARING LATN	S 28.83.10 S 28.83.10 4.7-2.750			
REMARKS				

REC'D WY/CSW - PWS 37/09/210			REC'D WY/CSW - DESA		
PWT	OFFSET/L	STATION/O	ALIGNMENT		
DEC2018	60.00	L 186+50.00	McGinnis Ferry Rd	Cons	CSL
ENCL 106318	130.00	L 186+90.00	McGinnis Ferry Rd	Cons	CSL
CHORD 180.00	74.14				
INT'L CHORD	35° 16' 45.5" E				
INT'L CHORD	74.13				
RADIUS	1780.00				
DELTA	172° 09' 59"				
DEC2014	130.00	L 187+58.00	McGinnis Ferry Rd	Cons	CSL
ENCL 106318	60.00	L 187+56.40	McGinnis Ferry Rd	Cons	CSL
CHORD 180.00	74.13				
INT'L CHORD	35° 00' 50.6" W				
INT'L CHORD	110.25				
DELTA	172° 09' 59"				
DELTA	327° 02' 31"				
DEC2018	60.00	L 186+50.00	McGinnis Ferry Rd	Cons	CSL



BEGIN LIMIT OF ACCESS.....BLA	
END LIMIT OF ACCESS.....ELA	
EXISTING LIMIT OF ACCESS	-----000-----
REQ'D LIMIT OF ACCESS	-----000-----
EXISTING LIMIT OF ACCESS & R/W	-----III-----
REQ'D LIMIT OF ACCESS & R/W	-----III-----
ORANGE BARRIER FENCE	-----●-----●-----
ESA - ENV. SENSITIVE AREA	-----V-----

DATE	REVISIONS

DATE	REVISIONS

STATE OF GEORGIA		
DEPARTMENT OF TRANSPORTATION		
RIGHT OF WAY MAP		
PROJECT NO:0004634		
COUNTY: FORSTH/FULTON		
LAND LOT NO:		
LAND DISTRICT:		
GMD	DRAWING No.	
DATE	SH	OF
		60-0022

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AUTHORIZE THE USE OF EMINENT DOMAIN TO ACQUIRE CERTAIN PROPERTY LOCATED AT 13013 DARTMORE AVENUE, ALPHARETTA, GEORGIA (TAX PARCEL NO.: 21 -5680-1054-096-3) FOR ROAD PROJECT - MCGINNIS FERRY ROAD WIDENING FROM RONALD REAGAN BOULEVARD/UNION HILL ROAD TO HOSPITAL PARKWAY

WHEREAS, the City of Alpharetta (the "City"), in conjunction with the City of Johns Creek and Forsyth County, has determined that it is necessary to construct a road project, which includes the widening of, and construction of other operational improvements to, a portion of McGinnis Ferry Road, such road project being known as the McGinnis Ferry Road from Ronald Reagan Boulevard/Union Hill Road to Hospital Parkway project (the "Project"); and

WHEREAS, in order to construct the Project, it is necessary to acquire certain rights to, in, over, under, through, and across the property now or formerly owned by Sandeep Dhore and Sanyogita Dhore located at 13013 Dartmore Avenue (Tax Parcel No.: 21 -5680-1054-096-3) within the City of Alpharetta, Georgia (reference: **Project Parcel 56**), as further described and shown in Attachment "A" attached hereto and incorporated herein by this reference; and

WHEREAS, the Mayor and Council have considered the Project and determined that the Project and the use of eminent domain to acquire those certain rights to, in, over, under, through, and across the foregoing property are necessary, in the public interest, and must be carried out expeditiously to ensure the timely completion of the Project.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA, AS FOLLOWS:

For public road purposes and to meet the public necessity for immediately acquiring the subject property rights, which are hereby declared, the Mayor and Council authorize the City Attorney's Office to acquire through the use of Eminent Domain, pursuant to Title 32 of the Official Code of Georgia Annotated, the necessary property rights to, in, over, under, through, and across the property located at 13013 Dartmore Avenue, Alpharetta, Georgia (Tax Parcel No.: 21 -5680-1054-096-3), in order to ensure the timely completion of the Project - McGinnis Ferry Road from Ronald Reagan Boulevard/Union Hill Road to Hospital Parkway. Further, the Mayor and the City Administrator are specifically authorized to execute, on behalf of and as if signed by every member of the governing authority of the City, the Mayor and Council, any and all documents necessary to

further the filing of any Petition for Condemnation or Declaration of Taking related to the same and/or in furtherance of this Resolution.

SO RESOLVED, this _____ day of _____ 2021.

CITY OF ALPHARETTA, GEORGIA

By: _____
Jim Gilvin, Mayor

COUNCIL MEMBERS

Jason Binder

Ben Burnett

John Hipes

Dan Merkel

(SEAL)

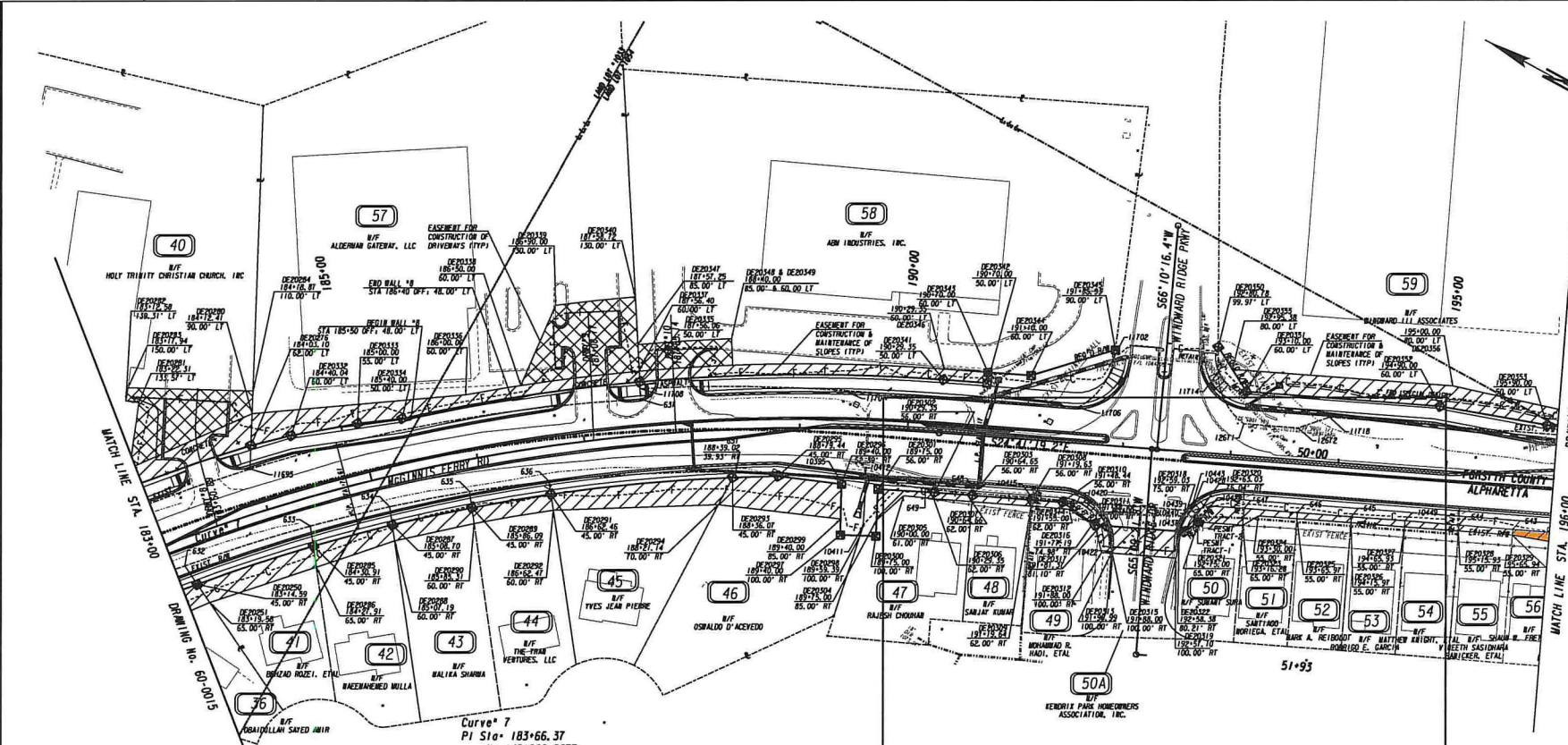
Attest: _____
Donald Mitchell

Erin Cobb, City Clerk

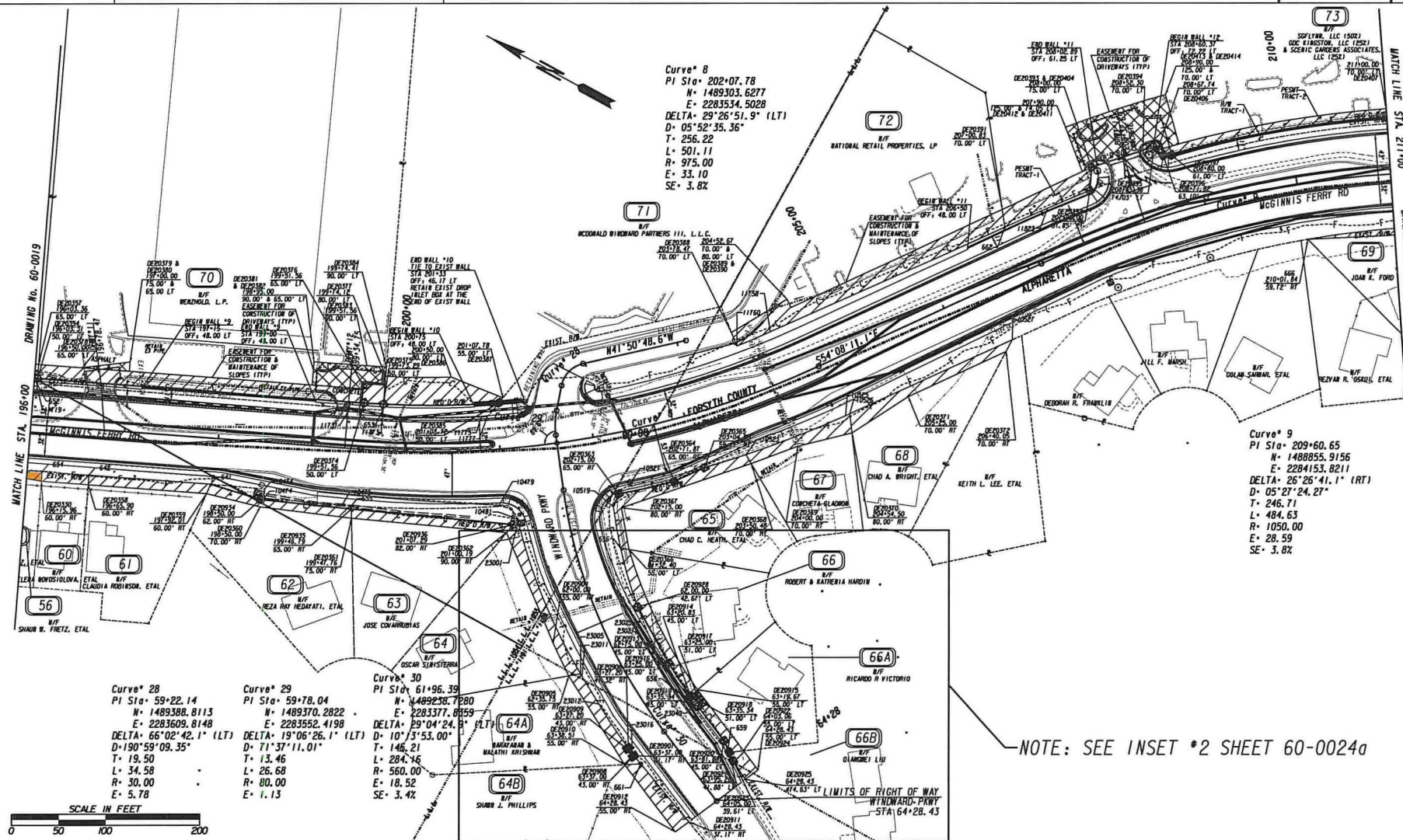
Karen Richard

Approved as to form and legal sufficiency:

City Attorney
4290136



PROPERTY AND EXISTING R/W LINE REQUIRED R/W LINE CONSTRUCTION LIMITS EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES EASEMENT FOR CONSTR OF SLOPES EASEMENT FOR CONSTR OF DRIVES	BEGIN LIMIT OF ACCESS.....BLA END LIMIT OF ACCESS.....ELA EXISTING LIMIT OF ACCESS REQ'D LIMIT OF ACCESS EXISTING LIMIT OF ACCESS & R/W REQ'D LIMIT OF ACCESS & R/W ORANGE BARRIER FENCE ESA - ENV. SENSITIVE AREA	DATE REVISIONS	DATE REVISIONS	STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP PROJECT NO:0004634 COUNTY: FORSYTH/FULTON LAND LOT NO: LAND DISTRICT: GWD DATE SH OF 60-0019
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PROPERTY AND EXISTING R/W LINE REQUIRED R/W LINE CONSTRUCTION LIMITS EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES EASEMENT FOR CONSTR OF SLOPES EASEMENT FOR CONSTR OF DRIVES	E C F	BEGIN LIMIT OF ACCESS.....BLA END LIMIT OF ACCESS.....ELA EXISTING LIMIT OF ACCESS RED'D LIMIT OF ACCESS EXISTING LIMIT OF ACCESS & R/W RED'D LIMIT OF ACCESS & R/W ORANGE BARRIER FENCE ESA - ENV. SENSITIVE AREA	DATE REVISIONS	DATE REVISIONS	STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP PROJECT NO: 0004634 COUNTY: FORSYTH/FULTON LAND LOT NO: LAND DISTRICT: GMD DATE SH OF DRAWING No. 60-0024	

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AUTHORIZE THE USE OF EMINENT DOMAIN TO ACQUIRE CERTAIN PROPERTY LOCATED AT 13009 DARTMORE AVENUE, ALPHARETTA, GEORGIA (TAX PARCEL NO.: 21 -5680-1054-097-1) FOR ROAD PROJECT - MCGINNIS FERRY ROAD WIDENING FROM RONALD REAGAN BOULEVARD/UNION HILL ROAD TO HOSPITAL PARKWAY

WHEREAS, the City of Alpharetta (the "City"), in conjunction with the City of Johns Creek and Forsyth County, has determined that it is necessary to construct a road project, which includes the widening of, and construction of other operational improvements to, a portion of McGinnis Ferry Road, such road project being known as the McGinnis Ferry Road from Ronald Reagan Boulevard/Union Hill Road to Hospital Parkway project (the "Project"); and

WHEREAS, in order to construct the Project, it is necessary to acquire certain rights to, in, over, under, through, and across the property now or formerly owned by Veerappan Palaniappan and Meenakshi Veerappan located at 13009 Dartmore Avenue (Tax Parcel No.: 21 -5680-1054 -097-1) within the City of Alpharetta, Georgia (reference: **Project Parcel 60**), as further described and shown in Attachment "A" attached hereto and incorporated herein by this reference; and

WHEREAS, the Mayor and Council have considered the Project and determined that the Project and the use of eminent domain to acquire those certain rights to, in, over, under, through, and across the foregoing property are necessary, in the public interest, and must be carried out expeditiously to ensure the timely completion of the Project.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA, AS FOLLOWS:

For public road purposes and to meet the public necessity for immediately acquiring the subject property rights, which are hereby declared, the Mayor and Council authorize the City Attorney's Office to acquire through the use of Eminent Domain, pursuant to Title 32 of the Official Code of Georgia Annotated, the necessary property rights to, in, over, under, through, and across the property located at 13009 Dartmore Avenue, Alpharetta, Georgia (Tax Parcel No.: 21 -5680-1054-097-1), in order to ensure the timely completion of the Project - McGinnis Ferry Road from Ronald Reagan Boulevard/Union Hill Road to Hospital Parkway. Further, the Mayor and the City Administrator are specifically authorized to execute, on behalf of and as if signed by every member of the governing authority of the City, the Mayor and Council, any and all documents necessary to

further the filing of any Petition for Condemnation or Declaration of Taking related to the same and/or in furtherance of this Resolution.

SO RESOLVED, this _____ day of _____ 2021.

CITY OF ALPHARETTA, GEORGIA

By: _____
Jim Gilvin, Mayor

COUNCIL MEMBERS

Jason Binder

Ben Burnett

John Hipes

Dan Merkel

(SEAL)

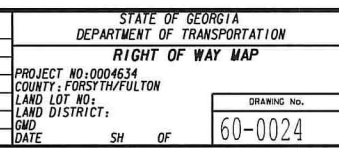
Attest: _____
Donald Mitchell

Erin Cobb, City Clerk

Karen Richard

Approved as to form and legal sufficiency:

City Attorney
4312012



02/25/2020
SVE-D0416

0PL01-V0
SVE-D0416

2016217-60-0025.dgn
DWG16

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAP
PROJECT NO: 0004634
COUNTY: FORSYTH/FULTON
LAND LOT NO:
LAND DISTRICT:
DATE SH OF
60-0025

RECD PERM ESWT - PAR 63/SV44 RECD PERM ESWT DE30

PNT	OFFSET/	STATION/	ALIGNMENT
	DIST	BEARING	
DE20330	60.00 R	196+15.96	McGinnis Ferry Rd Const CL
654	49.00 R	N 65°09'01.6" E	McGinnis Ferry Rd Const CL
642	49.55 R	N 64°45'11.3" E	McGinnis Ferry Rd Const CL
DE20358	60.00 R	196+65.90	McGinnis Ferry Rd Const CL
DE20359	60.00 R	197+92.01	McGinnis Ferry Rd Const CL
RECD EASWT	0.014	ACRES	

RECD PERM ESWT - PAR 61/SV45 RECD PERM ESWT DE31

PNT	OFFSET/	STATION/	ALIGNMENT
	DIST	BEARING	
DE20358	60.00 R	196+65.90	McGinnis Ferry Rd Const CL
642	49.55 R	N 64°45'11.3" E	McGinnis Ferry Rd Const CL
641	49.70 R	N 64°38'25.3" E	McGinnis Ferry Rd Const CL
DE20359	60.00 R	197+92.01	McGinnis Ferry Rd Const CL
RECD EASWT	0.030	ACRES	

RECD PERM ESWT - PAR 62/SV46 RECD PERM ESWT DE32

PNT	OFFSET/	STATION/	ALIGNMENT
	DIST	BEARING	
641	49.70 R	N 64°38'25.3" E	McGinnis Ferry Rd Const CL
10473	50.34 R	N 65°55'12.1" E	McGinnis Ferry Rd Const CL
10474	60.34 R	N 64°02'16.0" E	McGinnis Ferry Rd Const CL
10475	61.26 R	N 64°02'16.0" E	McGinnis Ferry Rd Const CL
ARC LENGTH	2.35		
CHORD BEAR	197+92.01		
LATH CHORD	197+92.01		
RADIUS	1073.90		
DEGREE	5°20'01.1"		
655	61.32 R	N 59°45'39.9" E	McGinnis Ferry Rd Const CL
DE20935	65.00 R	199+46.79	McGinnis Ferry Rd Const CL
DE20934	62.00 R	199+50.00	McGinnis Ferry Rd Const CL
641	49.70 R	N 64°38'25.3" E	McGinnis Ferry Rd Const CL
RECD R/W	0.014	ACRES	
RECD EASWT	0.014	ACRES	

RECD PERM ESWT - PAR 62/SV46 RECD PERM ESWT DE32

PNT	OFFSET/	STATION/	ALIGNMENT
	DIST	BEARING	
DE20359	60.00 R	197+92.01	McGinnis Ferry Rd Const CL
641	49.70 R	N 64°38'25.3" E	McGinnis Ferry Rd Const CL
DE20934	62.00 R	199+50.00	McGinnis Ferry Rd Const CL
DE20935	65.00 R	199+46.79	McGinnis Ferry Rd Const CL
DE20361	75.00 R	199+47.16	McGinnis Ferry Rd Const CL
DE20360	70.00 R	199+50.00	McGinnis Ferry Rd Const CL
DE20359	60.00 R	197+92.01	McGinnis Ferry Rd Const CL
RECD EASWT	0.032	ACRES	

RECD PERM ESWT - PAR 63/SV47 RECD PERM ESWT DE33

PNT	OFFSET/	STATION/	ALIGNMENT
	DIST	BEARING	
DE20935	65.00 R	199+46.79	McGinnis Ferry Rd Const CL
655	61.32 R	N 59°45'39.9" E	McGinnis Ferry Rd Const CL
ARC LENGTH	156.77		
CHORD BEAR	199+46.79		
LATH CHORD	199+46.79		
RADIUS	1073.90		
DEGREE	5°20'01.1"		
10473	50.34 R	N 65°55'12.1" E	McGinnis Ferry Rd Const CL
ARC LENGTH	26.48		
CHORD BEAR	199+46.79		
LATH CHORD	199+46.79		
RADIUS	1073.90		
DEGREE	5°20'01.1"		
10474	60.34 R	N 64°02'16.0" E	McGinnis Ferry Rd Const CL
10475	61.26 R	N 64°02'16.0" E	McGinnis Ferry Rd Const CL
ARC LENGTH	26.48		
CHORD BEAR	199+46.79		
LATH CHORD	199+46.79		
RADIUS	1073.90		
DEGREE	5°20'01.1"		
10476	61.32 R	N 59°45'39.9" E	McGinnis Ferry Rd Const CL
DE20935	65.00 R	199+46.79	McGinnis Ferry Rd Const CL
RECD R/W	0.009	ACRES	
RECD EASWT	0.009	ACRES	

RECD PERM ESWT - PAR 63/SV47 RECD PERM ESWT DE33

PNT	OFFSET/	STATION/	ALIGNMENT
	DIST	BEARING	
DE20361	75.00 R	199+47.16	McGinnis Ferry Rd Const CL
10473	50.34 R	N 65°55'12.1" E	McGinnis Ferry Rd Const CL
DE20935	65.00 R	199+46.79	McGinnis Ferry Rd Const CL
DE20362	80.00 R	199+50.00	McGinnis Ferry Rd Const CL
DE20361	75.00 R	199+47.16	McGinnis Ferry Rd Const CL
RECD R/W	0.037	ACRES	
RECD EASWT	0.037	ACRES	

RECD PERM ESWT - PAR 65/SV48 RECD PERM ESWT DE34

PNT	OFFSET/	STATION/	ALIGNMENT
	DIST	BEARING	
10519	77.62 R	N 82°48'07.0" E	McGinnis Ferry Rd Const CL
ARC LENGTH	29.91		
CHORD BEAR	199+46.79		
LATH CHORD	199+46.79		
RADIUS	1073.90		
DEGREE	5°20'01.1"		
10520	78.54 R	N 82°48'07.0" E	McGinnis Ferry Rd Const CL
ARC LENGTH	83.01		
CHORD BEAR	199+46.79		
LATH CHORD	199+46.79		
RADIUS	1073.90		
DEGREE	5°20'01.1"		
DE20365	59.11 R	N 53°59'18.6" E	McGinnis Ferry Rd Const CL
DE20364	55.00 R	N 53°59'18.6" E	McGinnis Ferry Rd Const CL
ARC LENGTH	60.66		
CHORD BEAR	199+46.79		
LATH CHORD	199+46.79		
RADIUS	1073.90		
DEGREE	5°20'01.1"		
DE20365	65.00 R	199+46.79	McGinnis Ferry Rd Const CL
10519	77.62 R	N 82°48'07.0" E	McGinnis Ferry Rd Const CL
RECD R/W	0.011	ACRES	
RECD EASWT	0.011	ACRES	

RECD PERM ESWT - PAR 65/SV48 RECD PERM ESWT DE35

PNT	OFFSET/	STATION/	ALIGNMENT
	DIST	BEARING	
DE20366	55.00 L	61+32.40	Windward Pkwy/Publix Drwy North
656	46.75 L	N 79°50'48.6" E	Windward Pkwy/Publix Drwy North
ARC LENGTH	45.00		
CHORD BEAR	61+32.40		
LATH CHORD	61+32.40		
RADIUS	1073.90		
DEGREE	5°20'01.1"		
10519	77.62 R	N 82°48'07.0" E	McGinnis Ferry Rd Const CL
DE20363	65.00 R	199+46.79	McGinnis Ferry Rd Const CL
ARC LENGTH	60.66		
CHORD BEAR	199+46.79		
LATH CHORD	199+46.79		
RADIUS	1073.90		
DEGREE	5°20'01.1"		
DE20364	55.00 R	N 53°59'18.6" E	McGinnis Ferry Rd Const CL
DE20365	59.11 R	N 53°59'18.6" E	McGinnis Ferry Rd Const CL
ARC LENGTH	46.17		
CHORD BEAR	199+46.79		
LATH CHORD	199+46.79		
RADIUS	1073.90		
DEGREE	5°20'01.1"		
10523	59.30 R	N 82°48'07.0" E	McGinnis Ferry Rd Const CL
DE20368	70.00 R	199+50.00	McGinnis Ferry Rd Const CL
DE20367	80.00 R	199+50.00	McGinnis Ferry Rd Const CL
DE20366	55.00 L	61+32.40	Windward Pkwy/Publix Drwy North
RECD EASWT	0.040	ACRES	

RECD PERM ESWT - PAR 67/SV49 RECD PERM ESWT DE36

PNT	OFFSET/	STATION/	ALIGNMENT
	DIST	BEARING	
DE20368	70.00 R	199+50.00	McGinnis Ferry Rd Const CL
10523	59.30 R	N 82°48'07.0" E	McGinnis Ferry Rd Const CL
ARC LENGTH	114.03		
CHORD BEAR	199+50.00		
LATH CHORD	199+50.00		
RADIUS	1073.90		
DEGREE	5°20'01.1"		
10525	60.13 R	N 53°44'15.5" E	McGinnis Ferry Rd Const CL
DE20370	80.00 R	199+50.00	McGinnis Ferry Rd Const CL
DE20369	70.00 R	199+50.00	McGinnis Ferry Rd Const CL
DE20368	70.00 R	199+50.00	McGinnis Ferry Rd Const CL
RECD EASWT	0.034	ACRES	

RECD PERM ESWT - PAR 68/SV50 RECD PERM ESWT DE37

PNT	OFFSET/	STATION/	ALIGNMENT
	DIST	BEARING	
DE20370	80.00 R	199+50.00	McGinnis Ferry Rd Const CL
10526	60.13 R	N 53°44'15.5" E	McGinnis Ferry Rd Const CL
10527	61.45 R	N 53°44'15.5" E	McGinnis Ferry Rd Const CL
DE20372	70.00 R	199+50.00	McGinnis Ferry Rd Const CL
DE20371	70.00 R	199+50.00	McGinnis Ferry Rd Const CL
DE20370	80.00 R	199+50.00	McGinnis Ferry Rd Const CL
RECD EASWT	0.047	ACRES	

RECD PERM ESWT - PAR 69/SV56 RECD PERM ESWT DE38

PNT	OFFSET/	STATION/	ALIGNMENT
	DIST	BEARING	
655	59.72 R	N 210°01.84	McGinnis Ferry Rd Const CL
ARC LENGTH	162.96		
CHORD BEAR	N 54°14'55.8" E		
LATH CHORD	162.96		
RADIUS	955.45		
DEGREE	5°45'20.7"		
655	59.72 R	N 210°01.84	McGinnis Ferry Rd Const CL
DE20373	65.00 R	N 211°14.15	McGinnis Ferry Rd Const CL
655	59.72 R	N 210°01.84	McGinnis Ferry Rd Const CL
RECD EASWT	0.021	ACRES	

RECD PERM ESWT - PAR 70/SV57 RECD PERM ESWT DE39

PNT	OFFSET/	STATION/	ALIGNMENT
	DIST	BEARING	
DE20374	50.00 L	196+03.31	McGinnis Ferry Rd Const CL
DE20374	50.00 L	196+03.31	McGinnis Ferry Rd Const CL
ARC LENGTH	20.52		
CHORD BEAR	N 24°29'38.3" E		
LATH CHORD	20.52		
RADIUS	955.45		
DEGREE	5°11'38.3"		
DE20375	50.00 L	196+03.31	McGinnis Ferry Rd Const CL
653	43.69 L	N 65°29'34.2" E	McGinnis Ferry Rd Const CL
ARC LENGTH	34.37		
CHORD BEAR	N 25°31'20.2" E		
LATH CHORD	34.37		
RADIUS	955.45		
DEGREE	5°11'38.3"		
11131	43.69 L	N 65°29'34.2" E	McGinnis Ferry Rd Const CL
652	44.53 L	N 65°29'34.2" E	McGinnis Ferry Rd Const CL
RECD R/W	0.051	ACRES	
RECD EASWT	0.051	ACRES	

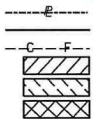
RECD PERM ESWT - PAR 70/SV57 RECD PERM ESWT DE40

PNT	OFFSET/	STATION/	ALIGNMENT
	DIST	BEARING	
DE20377	65.00 L	196+03.31	McGinnis Ferry Rd Const CL
DE20376	65.00 L	196+03.31	McGinnis Ferry Rd Const CL
DE20377	65.00 L	196+03.31	McGinnis Ferry Rd Const CL
DE20375	50.00 L	196+03.31	McGinnis Ferry Rd Const CL
ARC LENGTH	20.52		
CHORD BEAR	N 24°29'38.3" E		
LATH CHORD	20.52		
RADIUS	955.45		
DEGREE	5°11'38.3"		
DE20374	50.00 L	196+03.31	McGinnis Ferry Rd Const CL
DE20374	50.00 L	196+03.31	McGinnis Ferry Rd Const CL
DE20377	65.00 L	196+03.31	McGinnis Ferry Rd Const CL
RECD EASWT	0.131	ACRES	

RECD PERM ESWT - PAR 70/SV57 RECD PERM ESWT DE41

PNT	OFFSET/	STATION/	ALIGNMENT
	DIST	BEARING	
DE20378	65.00 L	196+03.31	McGinnis Ferry Rd Const CL
DE20379	75.00 L	197+00.00	McGinnis Ferry Rd Const CL
DE20380	65.00 L	197+00.00	McGinnis Ferry Rd Const CL
DE20378	65.00 L	196+03.31	McGinnis Ferry Rd Const CL

PROPERTY AND EXISTING R/W LINE
REQUIRED R/W LINE
CONSTRUCTION LIMITS
EASEMENT FOR CONSTR
& MAINTENANCE OF SLOPES
EASEMENT FOR CONSTR OF SLOPES
EASEMENT FOR CONSTR OF SLOPES



BEGIN LIMIT OF ACCESS.....BLA
END LIMIT OF ACCESS.....ELA
EXISTING LIMIT OF ACCESS
RECD LIMIT OF ACCESS
EXISTING LIMIT OF ACCESS & R/W
RECD LIMIT OF ACCESS & R/W
ORANGE BARRIER FENCE
ESA - ENV. SENSITIVE AREA

DATE REVISIONS

DATE REVISIONS

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AUTHORIZE THE USE OF EMINENT DOMAIN TO ACQUIRE CERTAIN PROPERTY LOCATED AT 13005 DARTMORE AVENUE, ALPHARETTA, GEORGIA (TAX PARCEL NO.: 21 -5680-1054-098-9) FOR ROAD PROJECT - MCGINNIS FERRY ROAD WIDENING FROM RONALD REAGAN BOULEVARD/UNION HILL ROAD TO HOSPITAL PARKWAY

WHEREAS, the City of Alpharetta (the "City"), in conjunction with the City of Johns Creek and Forsyth County, has determined that it is necessary to construct a road project, which includes the widening of, and construction of other operational improvements to, a portion of McGinnis Ferry Road, such road project being known as the McGinnis Ferry Road from Ronald Reagan Boulevard/Union Hill Road to Hospital Parkway project (the "Project"); and

WHEREAS, in order to construct the Project, it is necessary to acquire certain rights to, in, over, under, through, and across the property now or formerly owned by Shreni Goel and Harsh Mittal located at 13005 Dartmore Avenue (Tax Parcel No.: 21 -5680-1054-098-9) within the City of Alpharetta, Georgia (reference: **Project Parcel 61**), as further described and shown in Attachment "A" attached hereto and incorporated herein by this reference; and

WHEREAS, the Mayor and Council have considered the Project and determined that the Project and the use of eminent domain to acquire those certain rights to, in, over, under, through, and across the foregoing property are necessary, in the public interest, and must be carried out expeditiously to ensure the timely completion of the Project.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA, AS FOLLOWS:

For public road purposes and to meet the public necessity for immediately acquiring the subject property rights, which are hereby declared, the Mayor and Council authorize the City Attorney's Office to acquire through the use of Eminent Domain, pursuant to Title 32 of the Official Code of Georgia Annotated, the necessary property rights to, in, over, under, through, and across the property located at 13005 Dartmore Avenue, Alpharetta, Georgia (Tax Parcel No.: 21 -5680-1054-098-9), in order to ensure the timely completion of the Project - McGinnis Ferry Road from Ronald Reagan Boulevard/Union Hill Road to Hospital Parkway. Further, the Mayor and the City Administrator are specifically authorized to execute, on behalf of and as if signed by every member of the governing authority of the City, the Mayor and Council, any and all documents necessary to

further the filing of any Petition for Condemnation or Declaration of Taking related to the same and/or in furtherance of this Resolution.

SO RESOLVED, this _____ day of _____ 2021.

CITY OF ALPHARETTA, GEORGIA

By: _____
Jim Gilvin, Mayor

COUNCIL MEMBERS

Jason Binder

Ben Burnett

John Hipes

Dan Merkel

(SEAL)

Attest:

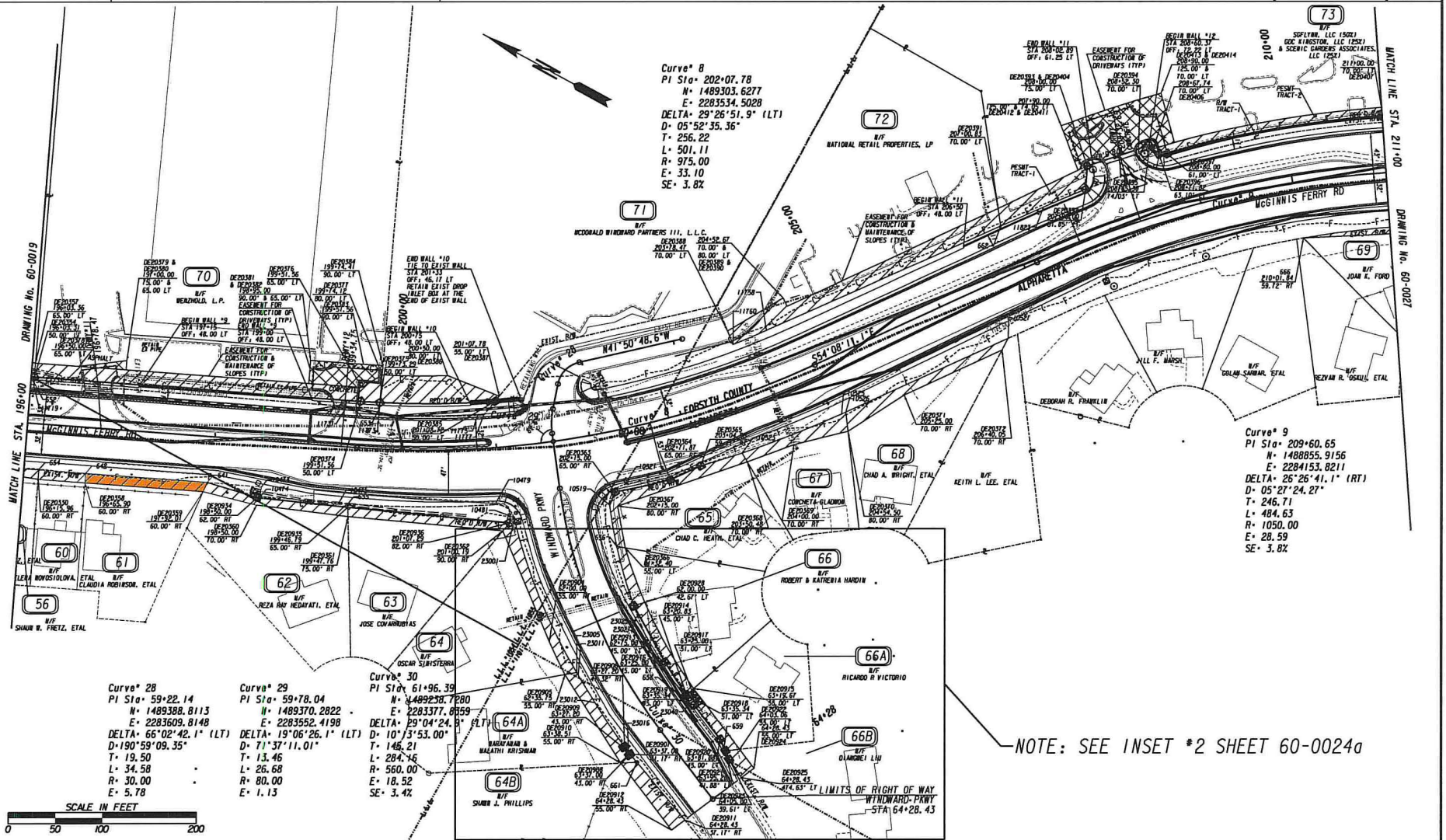
Donald Mitchell

Erin Cobb, City Clerk

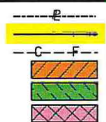
Karen Richard

Approved as to form and legal sufficiency:

City Attorney
4290762



PROPERTY AND EXISTING R/W LINE
REQUIRED R/W LINE
CONSTRUCTION LIMITS
EASEMENT FOR CONSTR
& MAINTENANCE OF SLOPES
EASEMENT FOR CONSTR OF SLOPES
EASEMENT FOR CONSTR OF DRIVES



BEGIN LIMIT OF ACCESS.....BLA
END LIMIT OF ACCESS.....ELA
EXISTING LIMIT OF ACCESS
REQ'D LIMIT OF ACCESS
EXISTING LIMIT OF ACCESS & R/W
REQ'D LIMIT OF ACCESS & R/W
ORANGE BARRIER FENCE
ESA - ENV. SENSITIVE AREA

DATE

REVISIONS

DATE

REVISIONS

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAP

PROJECT NO:0004634
COUNTY: FORSYTH/FULTON
LAND LOT NO:
LAND DISTRICT:
DATE SH OF

DRAWING No.
60-0024

RECD PERM ESMT - PAR 62/SV44 RECD PERM. EASMT. DE630

PNT	OFFSET/	DIST	STATION/	BEARING	ALIGNMENT
DE20330	60.00	R	196+15.56		McGinnis Ferry Rd Const CL
	10.40		N 63°09'01.6" E		
654	49.60	R	196+15.56		McGinnis Ferry Rd Const CL
	49.93		S 24°45'11.3" E		
642	49.55	R	196+65.90		McGinnis Ferry Rd Const CL
	10.45		S 65°07'24.6" W		
DE20358	60.00	R	196+65.90		McGinnis Ferry Rd Const CL
	49.54		N 24°41'19.2" W		
DE20330	60.00	R	196+15.56		McGinnis Ferry Rd Const CL
RECD EASMT	• 320.51	SF			
RECD EASMT	• 0.012	ACRES			

RECD PERM ESMT - PAR 62/SV44 RECD PERM. EASMT. DE631

PNT	OFFSET/	DIST	STATION/	BEARING	ALIGNMENT
DE20358	60.00	R	196+65.90		McGinnis Ferry Rd Const CL
	10.45		N 63°09'01.6" E		
642	49.55	R	196+65.90		McGinnis Ferry Rd Const CL
	10.45		S 24°45'11.3" E		
641	49.10	R	197+49.01		McGinnis Ferry Rd Const CL
	10.91		S 64°38'25.3" W		
DE20359	60.00	R	197+49.01		McGinnis Ferry Rd Const CL
	126.10		N 24°41'19.2" W		
RECD EASMT	• 137.46	SF			
RECD EASMT	• 0.010	ACRES			

RECD R/W - PAR 62/SV46 RECD R/W. DE630

PNT	OFFSET/	DIST	STATION/	BEARING	ALIGNMENT
641	49.10	R	197+49.01		McGinnis Ferry Rd Const CL
	57.13		S 24°03'16.1" E		
10473	50.34	R	196+33.55		McGinnis Ferry Rd Const CL
	10.00		S 65°55'12.1" W		
10474	60.34	R	196+33.55		McGinnis Ferry Rd Const CL
	23.64		S 24°03'16.0" E		
10475	61.25	R	199+36.87		McGinnis Ferry Rd Const CL
ARC LENGTH	• 9.35				
CHORD BEAR	• S 24°20'04.7" E				
LATH CHORD	• 9.35				
RADIUS	• 1073.90				
DEGREE	• 5°20'07.1"				
655	61.32	R	199+46.43		McGinnis Ferry Rd Const CL
	9.69		S 59°45'39.9" W		
DE20935	65.00	R	199+46.43		McGinnis Ferry Rd Const CL
	36.84		N 25°54'48.0" W		
DE20934	62.00	R	199+58.00		McGinnis Ferry Rd Const CL
	55.16		N 71°35'40.9" W		
641	49.10	R	197+49.01		McGinnis Ferry Rd Const CL
RECD R/W	• 608.21	SF			
RECD R/W	• 0.014	ACRES			
REMAINDER	• +/- 0.485	ACRES			

RECD PERM ESMT - PAR 62/SV46 RECD PERM. EASMT. DE632

PNT	OFFSET/	DIST	STATION/	BEARING	ALIGNMENT
DE20359	60.00	R	197+49.01		McGinnis Ferry Rd Const CL
	10.91		S 64°38'25.3" E		
641	49.10	R	197+49.01		McGinnis Ferry Rd Const CL
	25.16		S 61°36'48.0" E		
DE20934	62.00	R	199+58.00		McGinnis Ferry Rd Const CL
	36.84		N 71°35'40.9" W		
DE20935	65.00	R	199+46.43		McGinnis Ferry Rd Const CL
	10.05		S 59°45'39.9" W		
DE20361	75.00	R	199+47.16		McGinnis Ferry Rd Const CL
	37.09		N 21°45'38.9" W		
DE20360	70.00	R	199+47.16		McGinnis Ferry Rd Const CL
	38.05		N 74°54'19.2" W		
DE20359	60.00	R	197+49.01		McGinnis Ferry Rd Const CL
RECD EASMT	• 1471.71	SF			
RECD EASMT	• 0.032	ACRES			

RECD R/W - PAR 65/SV47 RECD R/W. DE671

PNT	OFFSET/	DIST	STATION/	BEARING	ALIGNMENT
DE20935	65.00	R	199+46.79		McGinnis Ferry Rd Const CL
	1.69		N 50°45'39.9" E		
655	61.32	R	199+46.43		McGinnis Ferry Rd Const CL
ARC LENGTH	• 156.77				
CHORD BEAR	• S 29°44'18.1" E				
LATH CHORD	• 156.63				
RADIUS	• 1073.90				
DEGREE	• 5°20'07.1"				
10475	61.25	R	200+94.24		McGinnis Ferry Rd Const CL
ARC LENGTH	• 25.48				
CHORD BEAR	• S 4°54'57.2" W				
LATH CHORD	• 24.58				
DEGREE	• 246.31°14.4"				
10481	76.58	R	201+12.19		McGinnis Ferry Rd Const CL
	7.50		N 79°38'11.0" W		
DE20936	82.00	R	201+07.29		McGinnis Ferry Rd Const CL
	172.92		N 63°10'49.4" W		
DE20935	65.00	R	199+46.79		McGinnis Ferry Rd Const CL
	172.43				
RECD R/W	• 0.039	ACRES			
REMAINDER	• +/- 0.406	ACRES			

RECD PERM ESMT - PAR 65/SV47 RECD PERM. EASMT. DE633

PNT	OFFSET/	DIST	STATION/	BEARING	ALIGNMENT
DE20361	75.00	R	199+47.16		McGinnis Ferry Rd Const CL
	10.05		N 59°45'39.9" E		
DE20935	65.00	R	199+46.79		McGinnis Ferry Rd Const CL
	172.92		S 63°10'49.4" E		
DE20936	82.00	R	201+07.29		McGinnis Ferry Rd Const CL
	11.12		N 79°38'11.0" W		
DE20362	90.00	R	201+00.19		McGinnis Ferry Rd Const CL
	165.54		N 21°46'18.3" W		
DE20361	75.00	R	199+47.16		McGinnis Ferry Rd Const CL
RECD EASMT	• 154.53	SF			
RECD EASMT	• 0.037	ACRES			

RECD R/W - PAR 65/SV48 RECD R/W. DE634

PNT	OFFSET/	DIST	STATION/	BEARING	ALIGNMENT
10519	77.62	R	202+07.44		McGinnis Ferry Rd Const CL
ARC LENGTH	• 29.33				
CHORD BEAR	• S 43°35'49.8" E				
LATH CHORD	• 27.90				
RADIUS	• 20.00				
DEGREE	• 246.31°21.4"				
10521	58.96	R	202+25.92		McGinnis Ferry Rd Const CL
ARC LENGTH	• 83.81				
CHORD BEAR	• S 43°01'49.3" E				
LATH CHORD	• 81.78				
RADIUS	• 1073.90				
DEGREE	• 5°20'07.1"				
DE20363	58.11	R	203+04.95		McGinnis Ferry Rd Const CL
	35.67		N 53°39'18.6" W		
DE20364	60.00	R	202+71.87		McGinnis Ferry Rd Const CL
	60.69		N 41°50'27.4" W		
CHORD BEAR	• N 41°50'27.4" W				
LATH CHORD	• 60.65				
RADIUS	• 1040.00				
DEGREE	• 5°30'33.2"				
DE20363	65.00	R	202+15.00		McGinnis Ferry Rd Const CL
	15.00		S 82°38'07.0" W		
10519	77.62	R	202+07.44		McGinnis Ferry Rd Const CL
RECD R/W	• 482.82	SF			
RECD R/W	• 0.017	ACRES			
REMAINDER	• +/- 0.364	ACRES			

RECD PERM ESMT - PAR 65/SV48 RECD PERM. EASMT. DE635

PNT	OFFSET/	DIST	STATION/	BEARING	ALIGNMENT
DE20366	55.00	L	61+32.40		Windward Phwy/Public Drwy North
	9.16		N 19°20'48.6" W		
656	46.75	L	61+28.03		Windward Phwy/Public Drwy North
ARC LENGTH	• 46.00				
CHORD BEAR	• N 51°04'49.6" E				
LATH CHORD	• 44.99				
RADIUS	• 501.12				
DEGREE	• 10°59'40.9"				
10519	77.62	R	202+07.44		McGinnis Ferry Rd Const CL
	15.00		N 82°38'07.0" E		
DE20363	65.00	R	202+15.00		McGinnis Ferry Rd Const CL
ARC LENGTH	• 60.66				
CHORD BEAR	• S 41°50'27.4" E				
LATH CHORD	• 60.65				
RADIUS	• 1040.00				
DEGREE	• 5°30'33.2"				
DE20364	60.00	R	202+71.87		McGinnis Ferry Rd Const CL
	35.67		S 53°39'18.6" E		
DE20365	58.11	R	203+04.95		McGinnis Ferry Rd Const CL
ARC LENGTH	• 46.17				
CHORD BEAR	• S 46°29'52.0" E				
LATH CHORD	• 46.17				
RADIUS	• 1073.90				
DEGREE	• 5°20'07.1"				
10523	50.30	R	203+48.48		McGinnis Ferry Rd Const CL
	10.91		S 30°37'42.6" W		
DE20368	70.00	R	203+50.49		McGinnis Ferry Rd Const CL
	46.13		N 40°03'54.9" W		
DE20367	60.00	R	203+50.49		McGinnis Ferry Rd Const CL
	45.83		S 30°33'51.5" W		
DE20365	55.00	R	61+32.40		Windward Phwy/Public Drwy North
RECD EASMT	• 2030.66	SF			
RECD EASMT	• 0.047	ACRES			

RECD PERM ESMT - PAR 67/SV48 RECD PERM. EASMT. DE636

PNT	OFFSET/	DIST	STATION/	BEARING	ALIGNMENT
DE20368	70.00	R	203+50.49		McGinnis Ferry Rd Const CL
	10.91		N 30°37'42.6" E		
ARC LENGTH	• 174.03				
CHORD BEAR	• S 50°45'16.6" E				
LATH CHORD	• 173.99				
RADIUS	• 1073.90				
DEGREE	• 5°20'07.1"				
10525	60.09	R	204+56.13		McGinnis Ferry Rd Const CL
	9.02		S 53°44'15.5" E		
10526	60.13	R	204+56.13		McGinnis Ferry Rd Const CL
	20.36		S 54°22'17.7" W		
DE20370	80.00	R	204+54.50		McGinnis Ferry Rd Const CL
	182.38		N 4°45'46.9" W		
DE20369	70.00	R	204+00.00		McGinnis Ferry Rd Const CL
	33.07		N 49°35'11.4" W		
DE20368	70.00	R	203+50.49		McGinnis Ferry Rd Const CL
RECD EASMT	• 1486.58	SF			
RECD EASMT	• 0.034	ACRES			

RECD PERM ESMT - PAR 68/SV50 RECD PERM. EASMT. DE637

PNT	OFFSET/	DIST	STATION/	BEARING	ALIGNMENT
DE20370	80.00	R	204+54.50		McGinnis Ferry Rd Const CL
	20.36		N 54°22'17.7" E		
10526	60.13	R	204+56.13		McGinnis Ferry Rd Const CL
	182.38		N 4°45'46.9" E		
10527	61.45	R	206+51.23		McGinnis Ferry Rd Const CL
	14.07		S 80°27'12.8" W		
DE20372	70.00	R	205+25.00		McGinnis Ferry Rd Const CL
	115.05		N 54°08'11.1" W		
DE20371	70.00	R	205+25.00		McGinnis Ferry Rd Const CL
	11.20		S 67°12'35.0" W		
DE20370	80.00	R	204+54.50		McGinnis Ferry Rd Const CL
RECD EASMT	• 2055.19	SF			
RECD EASMT	• 0.047	ACRES			

RECD PERM ESMT - PAR 69/SV56 RECD PERM. EASMT. DE638

PNT	OFFSET/	DIST	STATION/	BEARING	ALIGNMENT
666	59.72	R	210+01.84		McGinnis Ferry Rd Const CL
ARC LENGTH	• 162.62				
CHORD BEAR	• S 37°14'55.8" E				
LATH CHORD	• 168.44				
RADIUS	• 895.45				
DEGREE	• 5°20'07.1"				
665	58.92	R	211+74.13		McGinnis Ferry Rd Const CL
	6.17		S 60°49'56.0" W		
DE20373	65.00	R	211+74.13		McGinnis Ferry Rd Const CL
	161.98		N 91°57'52.5" W		
666	59.72	R	210+01.84		McGinnis Ferry Rd Const CL
RECD EASMT	• 306.88	SF			
RECD EASMT	• 0.021	ACRES			

RECD R/W - PAR 70/SV207 RECD R/W. DE639

PNT	OFFSET	DIST	STATION	BEARING	ALIGNMENT
DE20354	50.00		196+01.31		McGinnis Ferry Rd Const CL
	148.24			N 24°41'19.2" E	
DE20374	50.00	L	199+51.56		McGinnis Ferry Rd Const CL
ARC LENGTH	26.65				
CHORD BEAR	S 25°19'38.3" E				
LATH CHORD	26.62				
RADIUS	925.00				
DEGREE	6°11'38.9"				
DE20375	50.00	L	199+73.29		McGinnis Ferry Rd Const CL
	6.31			S 65°29'34.2" W	
ARC LENGTH	34.97				McGinnis Ferry Rd Const CL
CHORD BEAR	N 25°31'20.2" W				
LATH CHORD	34.96				
RADIUS	976.93				
DEGREE	5°53'10.4"				
11731	43.47	R	199+37.20		McGinnis Ferry Rd Const CL
	333.90			N 24°29'49.3" W	
652	44.53	R	196+03.30		McGinnis Ferry Rd Const CL
	4			S 65°29'34.2" E	
DE20354	50.00		196+01.31		McGinnis Ferry Rd Const CL
DE20374	2247.13				
DE20375	0.66				
REMARKS	1/2 - 4 SPS				
		ACRES			



City Council Meeting STAFF REPORT

Submitting Department: Public Works
Submitted By: Geoffrey Sarra, Pam Bush
Sponsored By:
Meeting Date: October 4, 2021

I. AGENDA ITEM TITLE: WEBB BRIDGE ROAD CORRIDOR IMPROVEMENTS UPDATE

II. RECOMMENDATION:

This item is being presented as a workshop and no formal vote will be required.

III. REPORT IN BRIEF:

Staff from the Department of Public Works will present an update on the Webb Bridge Road TSPLOST projects.

Morris Road to North Point Parkway

- The roadway will be resurfaced and restriped to provide a 4' bike lane in each direction.
- Existing 12' wide travel lanes will be reduced to a 10' width to achieve this.
- Curb lines, sidewalks, and planting areas/grass stripes will remain as they are today.

East of North Point Parkway to Big Creek Greenway (Design Underway)

- The existing roadway bridge and pedestrian bridge will be replaced with a new bridge immediately downstream (south) of the existing roadway bridge.
- New bridge will provide pedestrian accommodations along both sides.
- Design will avoid impacts to existing detention ponds and maintain the East Gate Subdivision's streetscape along Webb Bridge Road.
- Design is anticipated to be complete in April 2022 pending any revisions resulting from right of way negotiations.

Big Creek Greenway to Roundabout at Webb Bridge Way (Design Underway)

- Design plans are anticipated to be complete in the first quarter of 2022 pending any revisions resulting from right of way negotiations.
- Right of way phase is anticipated to begin in late 2021 with the acquisition of title reports and appraisals.
- Submission of offers to property owners for required right of way and easements is anticipated to begin by Spring 2022.
- Acquisition of all required right of way and easements is anticipated to be complete in late Fall 2023.
- Project is anticipated to go out for bid for construction at the end of 2023.

Roundabout at Webb Bridge Way

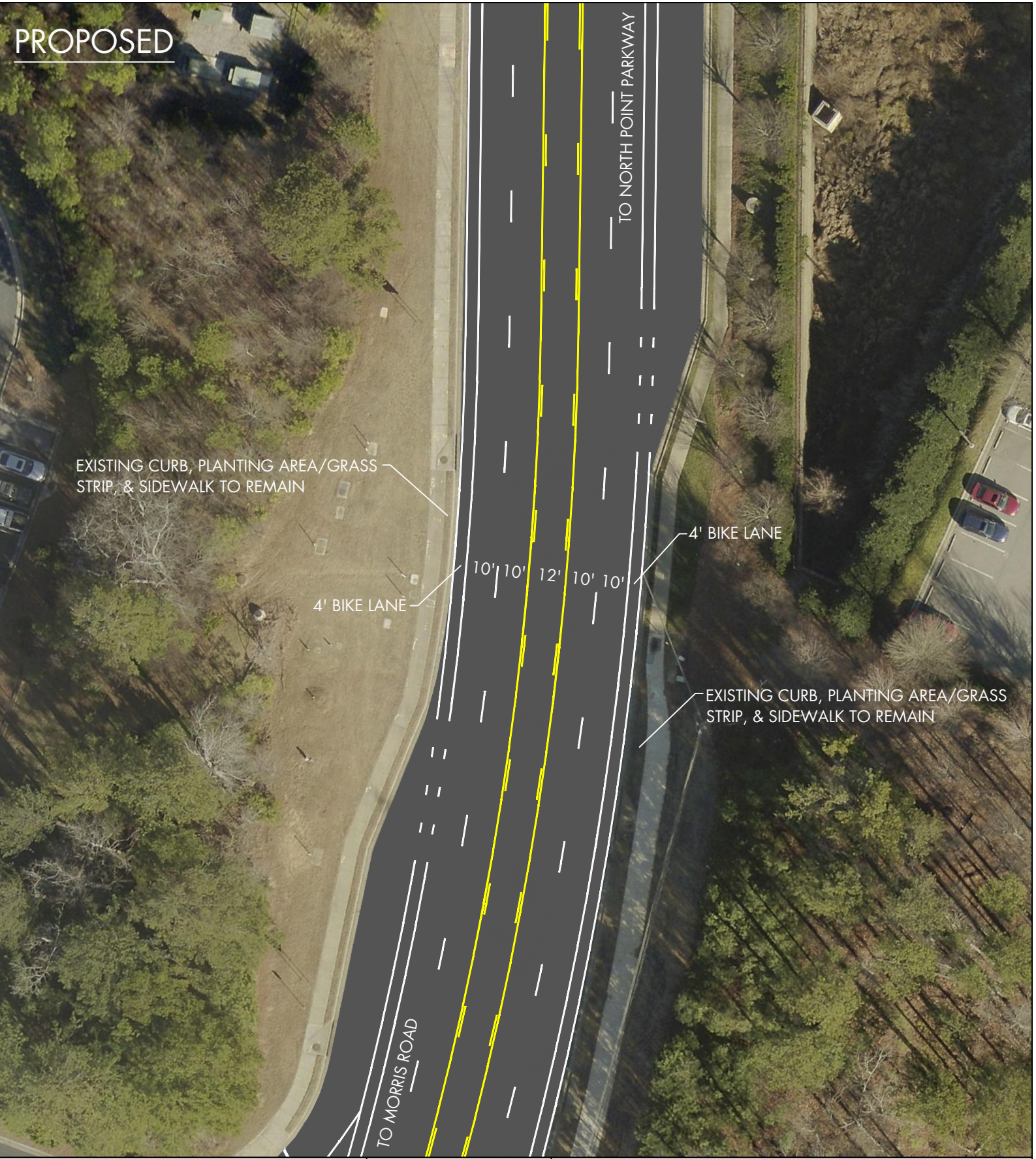
- Design plans are anticipated to be complete in the first quarter of 2022 pending any revisions resulting from right of way negotiations.
- Right of way phase began on September 1, 2021 with the ordering of title reports for 16 parcels.

- Acquisition of all title reports and appraisals is anticipated to be completed by early 2022.
- Submission of offers to property owners for required right of way and easements is anticipated to begin in early Spring 2022.
- Acquisition of all required right of way and easements is anticipated to be complete in early Summer of 2022.
- Project is anticipated to go out for bid for construction in late Summer 2022.

IV. ALTERNATIVES:

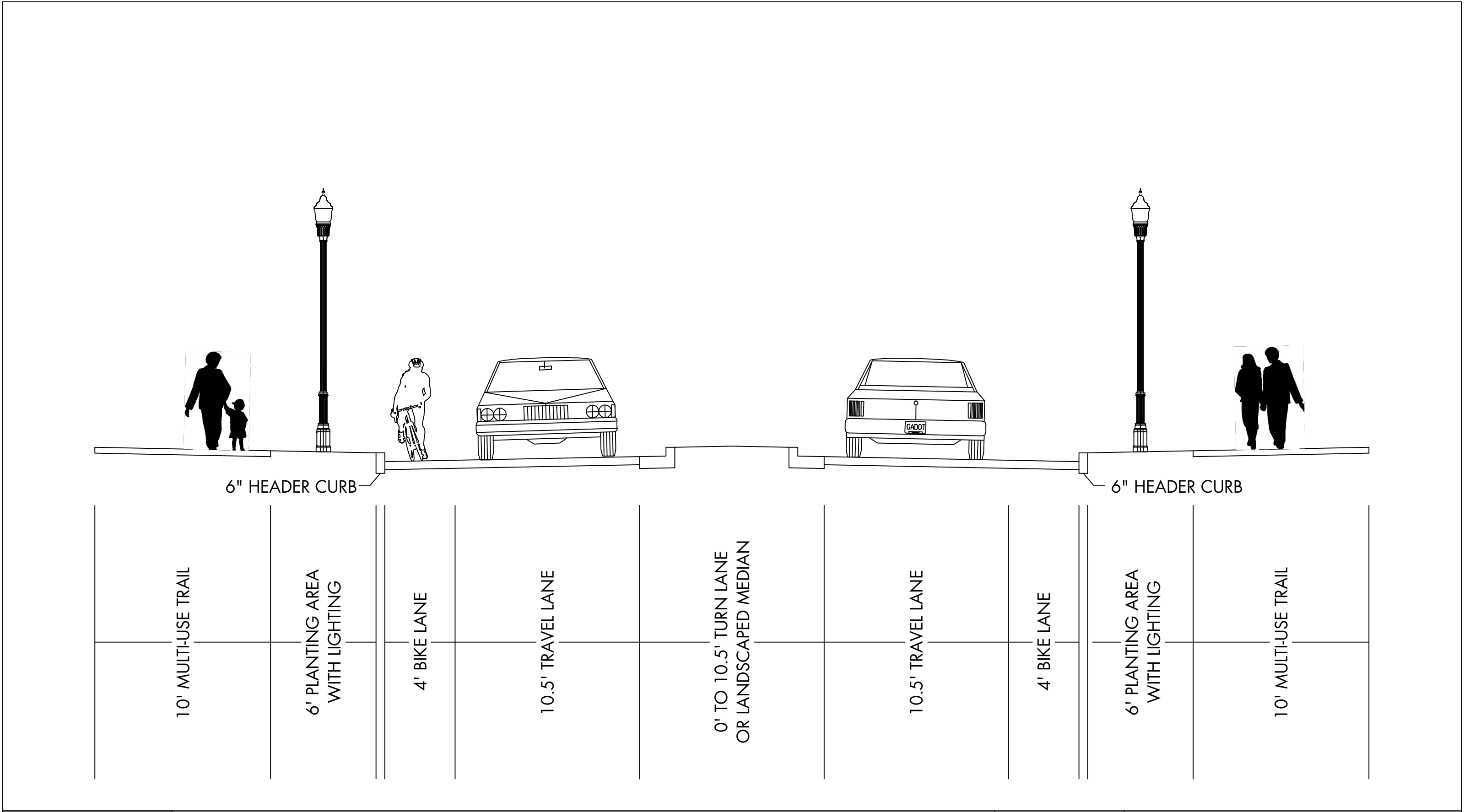
V. ATTACHMENTS:

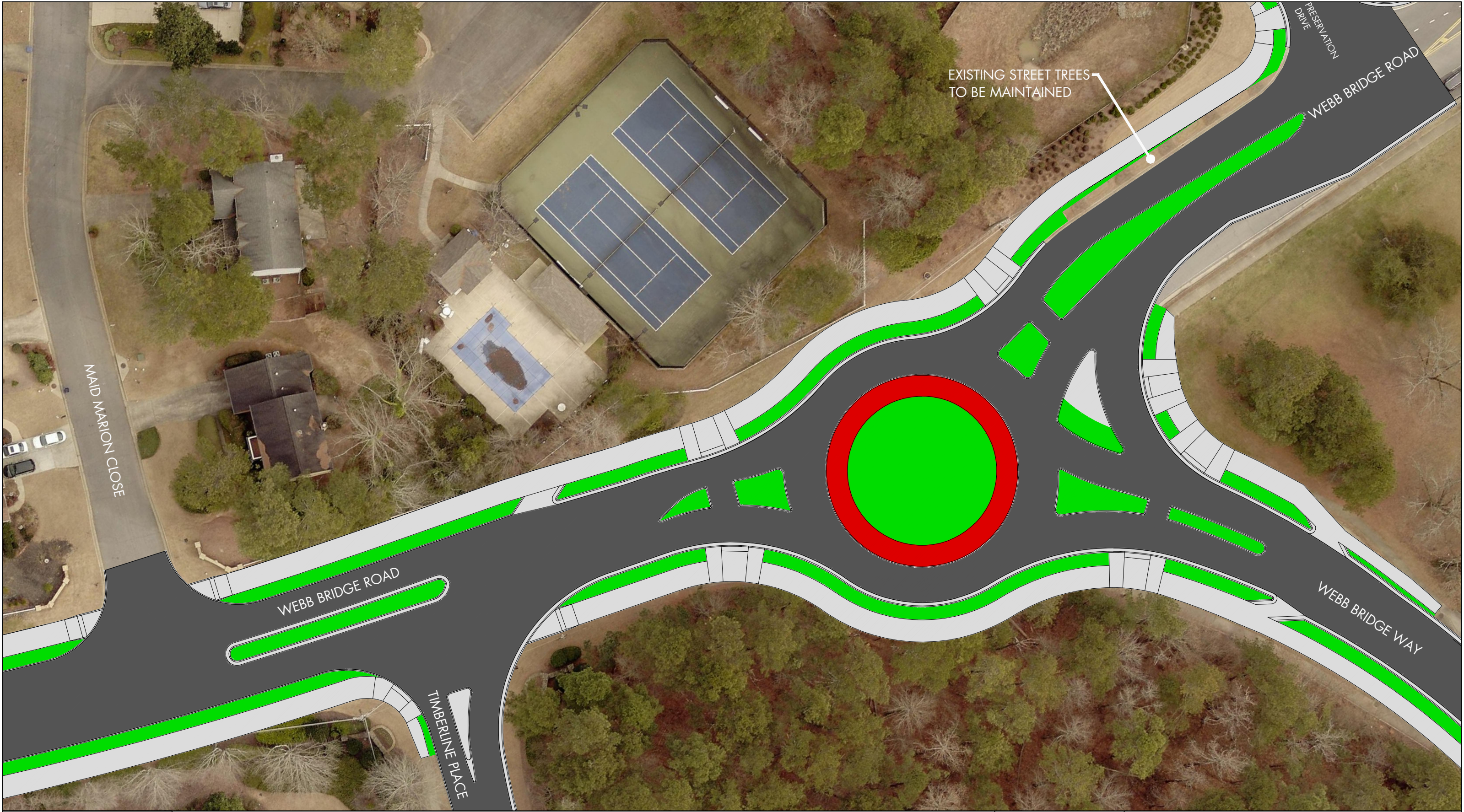
Morris Road to North Point Parkway, East of North Point to Big Creek Greenway, Webb Bridge Road Typical Section - Big Creek Greenway to Roundabout, Webb Bridge Road at Webb Bridge Way Roundabout, Webb Bridge Road Typical Section - Roundabout to Webb Bridge Park, Bridge over Big Creek

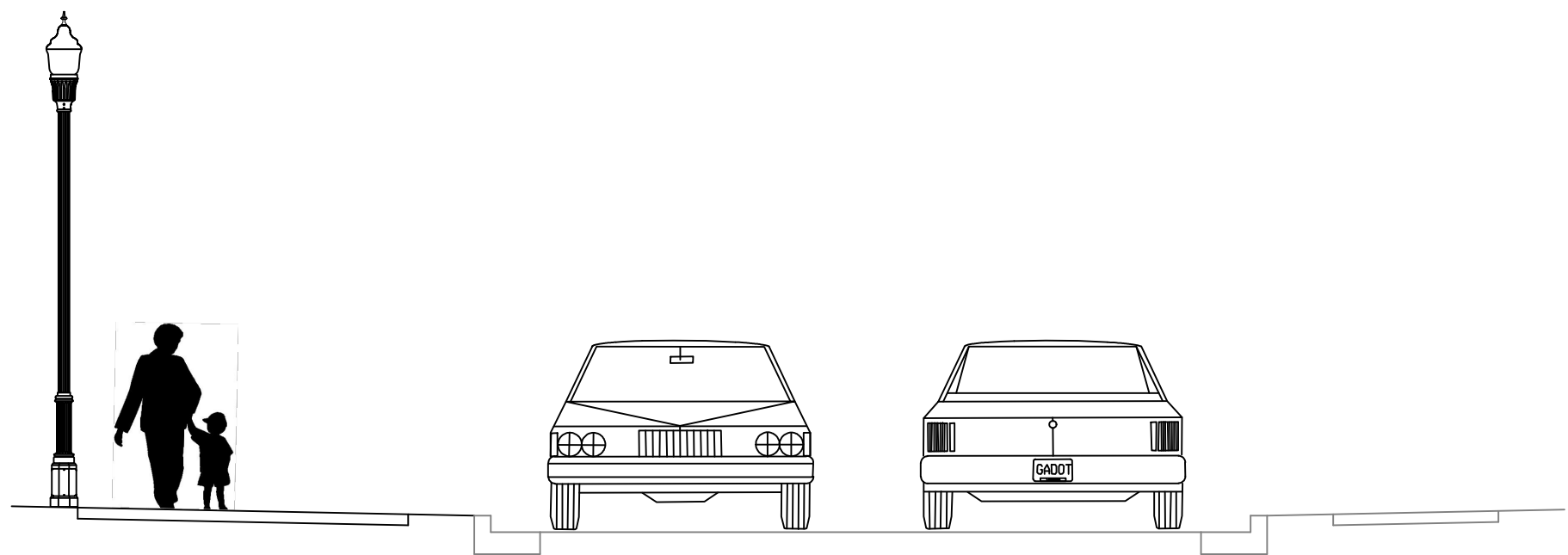




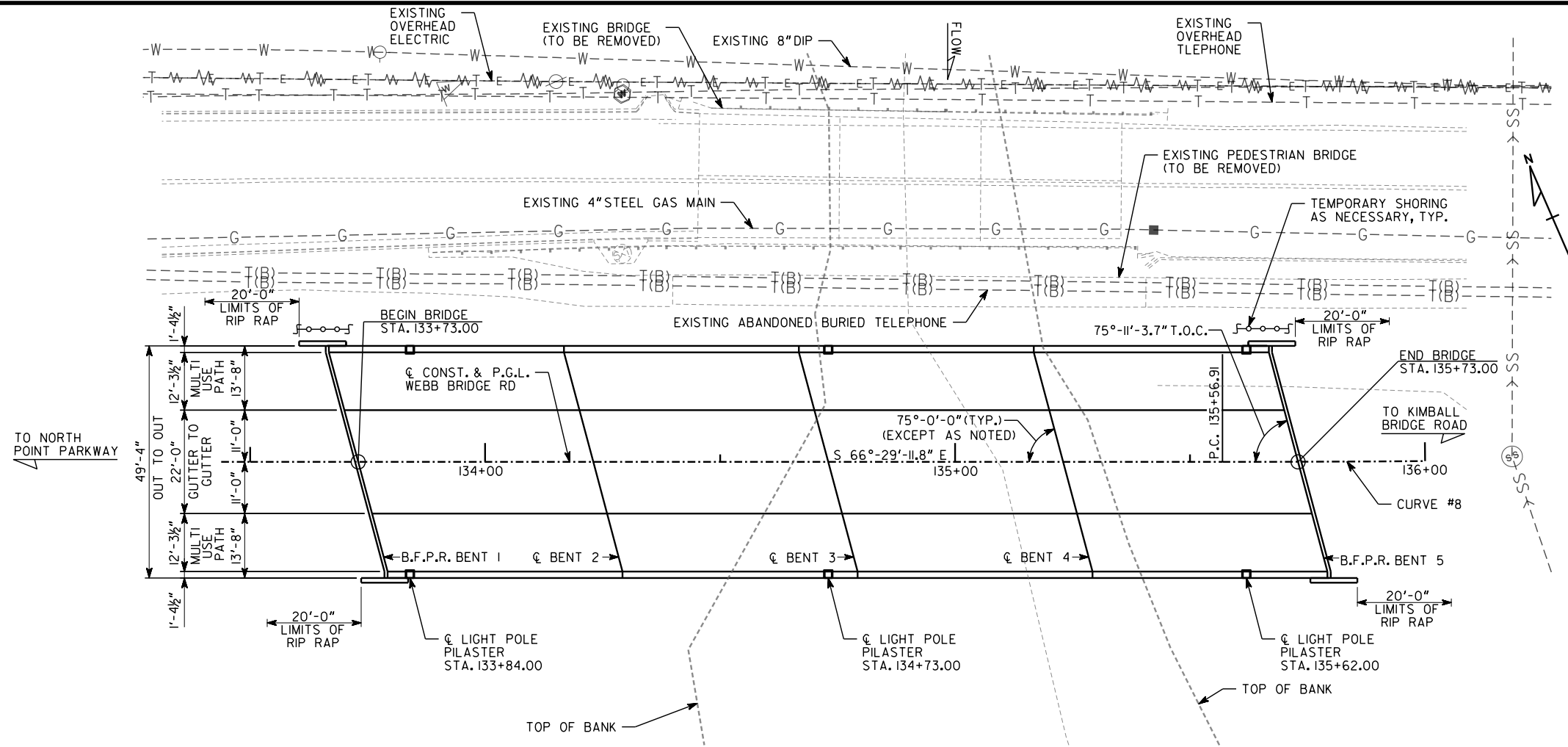




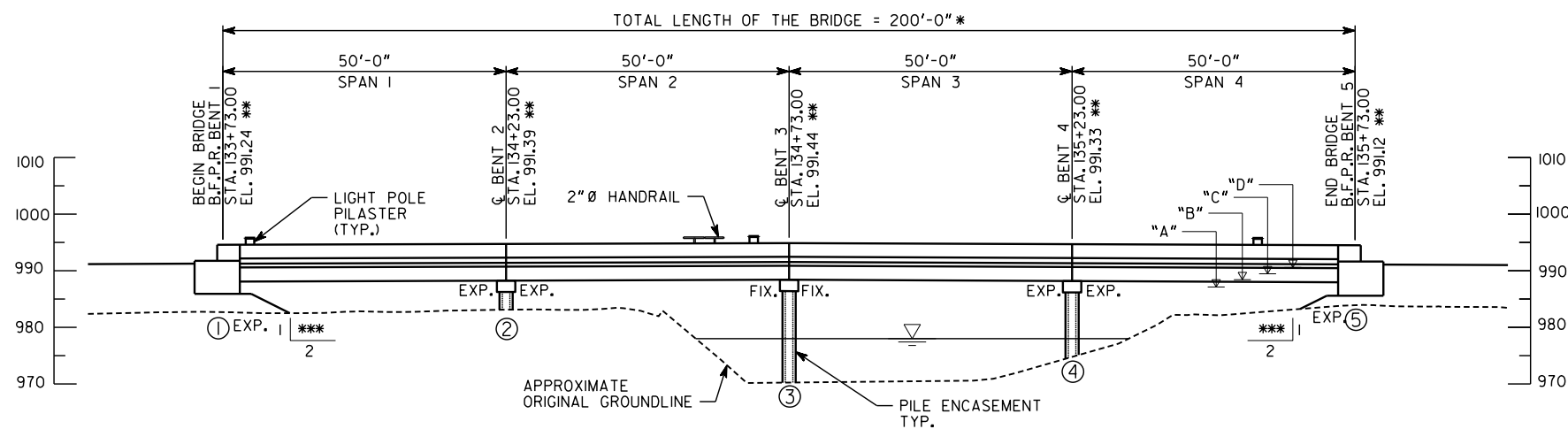




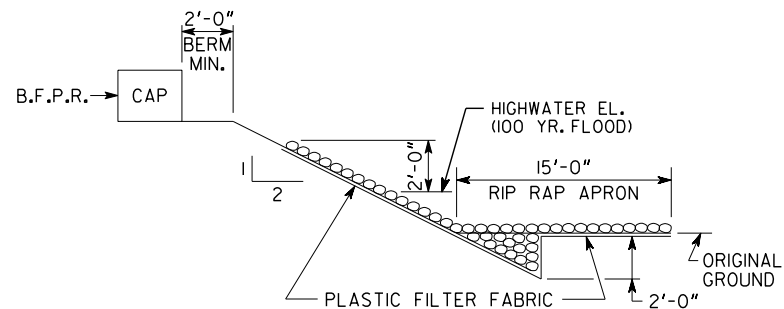
10' MULTI-USE TRAIL	2' GRASS STRIP	EX. CURB & GUTTER	EX. PAVEMENT WIDTH VARIES	EX. CURB & GUTTER	EX. GRASS STRIP	EX. 5' SIDEWALK
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PLAN



ELEVATION



RIP RAP DETAIL
NO SCALE

PLACE RIP RAP AND FILTER FABRIC FROM 2 FT. BELOW ORIGINAL GROUND TO 2 FT. ABOVE HIGHWATER ELEVATION. EXTEND RIP RAP AND FILTER FABRIC 20 FT. BEYOND END OF WINGWALLS UNLESS OTHERWISE NOTED. WHERE BERM ELEVATION IS LOWER THAN 2 FT. ABOVE HIGHWATER, EXTEND RIP RAP AND FILTER FABRIC ACROSS BERM.

FLOODSTAGE ELEVATIONS		
KEY	YEAR	HIGH WATER ELEVATION
"A"	25	987.12
"B"	50	988.41
"C"	100	989.45
"D"	500	990.56

HIGH WATER ELEVATIONS SHOWN ARE AT FIRST CROSS SECTION UPSTREAM OR DOWNSTREAM OF THE BRIDGE, RESPECTIVELY.

BRIDGE CONSISTS OF

- 4 - 50'-0" TYPE I MODIFIED AASHTO PSC BEAM SPAN ----- SPECIAL DESIGN
- 3 - PILE INTERIOR BENT ----- SPECIAL DESIGN
- 2 - PILE END BENTS ----- SPECIAL DESIGN

DESIGN DATA

SPECIFICATIONS ----- AASHTO LRFD 8TH EDITION
(SEISMIC DESIGN PER GDOT BRIDGE AND STRUCTURES MANUAL, CHAPTER 9)
DESIGN VEHICLE LIVE LOAD ----- HL-93
FUTURE PAVING ALLOWANCE ----- 30 LBS PER SQ FT

TRAFFIC DATA

TRAFFIC ----- AADT = 18600 (2019)
DIRECTIONAL ----- 69%
TRUCKS ----- 2%
DESIGN SPEED ----- 40 MPH

BERM ELEVATIONS ★	
LOCATION	ELEVATION
BENT 1 LEFT	985.81
BENT 1 RIGHT	985.85
BENT 5 LEFT	985.74
BENT 5 RIGHT	985.69

★ NOTE: FOR BRIDGE ENDROLL STAKING PURPOSES ONLY.

BENCHMARK DATA

CONTROL POINT D-22
N 1483810.24 E 2270710.36
EL. 996.60
DESC: 60DMAGNLS

EXISTING UTILITIES

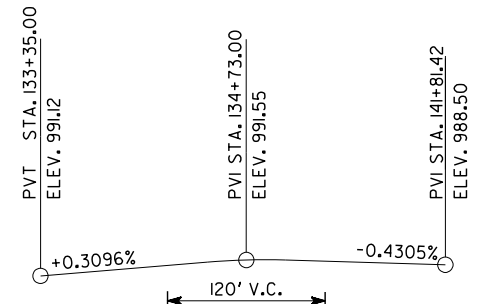
8" WATER LINE (DUCTILE IRON)
4" GAS LINE (PLASTIC)

NOTES:

- END BENT PILES NOT SHOWN.
- * - MEASURED ALONG ϕ CONST.
- ** - STATIONS AND ELEVATIONS ARE ALONG PROFILE GRADE LINE AT THE INTERSECTION OF PROFILE GRADE LINE AND B.F.P.R. OR ϕ BENT.
- *** - SLOPE NORMAL TO BENT.
- ALL BENTS ARE PARALLEL.
- THE PROPOSED BRIDGE DECK IS TO BE BUILT WITH A 2% NORMAL CROWN.

PI STA= 137+90.65
N= 1483475.0036
E= 2271330.1893
DELTA= 05°21'11.7" (LT)
D= 01°08'45.30"
T= 233.75
L= 467.16
R= 5000.00
E= 5.46

WEBB BRIDGE ROAD HORIZONTAL CURVE DATA CURVE #8



WEBB BRIDGE ROAD VERTICAL CURVE DATA

EXISTING BRIDGE SERIAL NO. 121-0300-0
EXISTING BRIDGE ID NO. 121-09411M-005.80E
PROJECT NO. HQ12202

BRIDGE NO. 1

GEORGIA
CITY OF ALPHARETTA
PUBLIC WORKS DEPARTMENT

PRELIMINARY LAYOUT
WEBB BRIDGE ROAD
OVER BIG CREEK

FULTON

SCALE 1"=15'

AUGUST 12, 2021

DRAWING NO. 35-001		DESIGNED MDF		CHECKED RK		REVIEWED	
BRIDGE SHEET 001		DRAWN JWF		DESIGN GROUP		APPROVED	



DATE						GEORGIA CITY OF ALPHARETTA PUBLIC WORKS DEPARTMENT					
REVISES						SECTIONS WEBB BRIDGE ROAD OVER BIG CREEK FULTON					
BY						SCALE: 1/2" = 1'-0" UNLESS OTHERWISE NOTED AUGUST 12, 2021					
						<table><tr><td>DESIGNED DRAWN</td><td>MDF JWF</td><td>CHECKED DESIGN GROUP</td><td>RK</td><td>REVIEWED APPROVED</td></tr></table>	DESIGNED DRAWN	MDF JWF	CHECKED DESIGN GROUP	RK	REVIEWED APPROVED
DESIGNED DRAWN	MDF JWF	CHECKED DESIGN GROUP	RK	REVIEWED APPROVED							

1 INCH WHEN PRINTED FULL SIZE