



PLANNING COMMISSION MEETING

MARCH 3, 2022

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

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF MEETING MINUTES
 - a. Approval of Meeting Minutes from February 3, 2022
- IV. ITEMS FROM BOARD MEMBERS
- V. ITEMS FROM STAFF
- VI. PUBLIC HEARING
 - a. **Z-22-01 / V-22-03 / Wexler / 182 Marietta Street**
Consideration of a rezoning from C-2 (General Commercial) to DT-R (Downtown Residential) to allow for 1 'For-Sale' single-family detached home on 0.72 acres in the Downtown Overlay. A variance is requested to reduce buffer requirements. The property is located at 182 Marietta Street and is legally described as being located in Land Lots 694 & 1270, 1st District, 2nd Section, Fulton County, Georgia.
 - b. **MP-22-01 / Bridge Road Holdings LLC**
DEFERRED: this item has been deferred by the Applicant. it will not be heard or considered by the Planning Commission on March 3, 2022.
Consideration of a master plan amendment to add a 2.45-acre property to the Preston Ridge Master Plan Pod M to allow for a 2-story, 19,000 square foot retail and medical office building and a 1-story, 1,950 square foot medical office building. The property is located at 0 Old Milton Parkway and 11505 Morris Road and is legally described as being located in Land Lots 855 & 856, 1st District, 2nd Section, Fulton County, Georgia.
 - c. **PH-22-01 / Unified Development Code Text Amendments - Research/Development, Laboratory, Athletic Facility & Fitness Studio and Driveways**
Consideration of text amendments to the Unified Development Code (UDC) to add definitions, uses and regulations associated with Research & Development, Laboratory, Athletic Facility & Fitness Studio, and Driveways.
- VII. ADJOURNMENT



Planning Commission Meeting February 3, 2022

Department of Community Development

ALPHARETTA 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 Planning Commission, but not quoted or paraphrased. This document includes limited presentation by Planning Commission and invited speakers in summary form. The public is advised that the tapes recorded at said meeting are a matter of public record and are available upon request.

I. CALL TO ORDER

- Chairman Kung'u called the meeting to order at 6:31 p.m.

II. ROLL CALL

- **Planning Commissioners present:**
 - Francis Kung'u (Chair)
 - Dana Davis
 - William Perkins
 - Todd Stratton
 - Jill Reynolds
- **Planning Commissioners Absent**
 - Fergal Brady (Vice Chair)
 - Larry Attig
 - Jamie Bendall (Alternate)
 - Valerie Manley (Alternate)
- **Staff present:**
 - Kathi Cook, Director of Community Development & Economic Development
 - Michael Woodman, Planning + Development Services Manager
 - Eric Graves, Senior Engineer, Development Services
 - Alexandra Callum, Planning + Zoning Coordinator

III. APPROVAL OF MEETING MINUTES

- ❖ Commissioner Perkins offered a motion to approve the Planning Commission Meeting Minutes from January 6, 2022.
 - Commissioner Davis second the motion.

- The motion was approved unanimously (5-0).

IV. ITEMS FROM BOARD MEMBERS

V. ITEMS FROM STAFF

VI. PUBLIC HEARING

A. CU-21-16 / Custom Pools Atlanta

- Planning + Development Services Manager Michael Woodman came forward to present this item.
 - The applicant, Custom Pools of Atlanta, is requesting a conditional use and variances to operate a 'Contractor's Office with Outside Storage' in a 3,000 square foot building on 0.67 acres. Variances are requested to reduce an undisturbed buffer and landscape strip. The subject property is located at 711 North Main Street at the southwest corner of North Main Street and Henderson Parkway.
 - Variances are requested to reduce an undisturbed buffer from 50' to a minimum fifteen-feet (15') and to allow easements within the twenty-foot (20') landscape strip along North Main Street. The City's Unified Development Code (UDC) requires a 50' undisturbed buffer on commercial properties abutting properties that are zoned or used for residential use. The adjacent, undeveloped property in the City of Milton has mixed-use zoning. Therefore, it could be developed in the future for residential use. The homebuilder of the subdivision to the southwest pad graded the adjacent property and sold it in 2009. A buffer was planted, which is approximately 15' wide, on the south side of the mixed-use parcel to screen the property from the residential property to the south.
 - As it relates to the landscape strip variance, the site plan depicts the twenty-foot (20') landscape strip along North Main Street without any landscape material. The landscape strip is encumbered by a permanent easement, and it is unclear if GDOT will allow the applicant to plant the required landscape strip trees and shrub within the easement. The applicant's site plan indicates a willingness by the applicant to plant the area to City landscape strip standards; however, GDOT would have to approve the plantings.
 - Custom Pools of Atlanta has been in business for approximately twenty (20) years and provides swimming pool contractor services. The applicant describes the use of the property as a contractor's office with customers by appointment only. Outside storage is for the overnight storage of work trucks and trailers with small machinery. Hours of operation are proposed to be Monday – Saturday 6:30 AM – 7:00 PM. The applicant anticipates five (5) employees at the start, with up to ten (10) employees in the future.
 - The site plan depicts a one (1) story over basement, 3,000 square foot building fronting North Main Street on a 0.67-acre corner lot. Parking is provided to the side and rear of the building with access to the site from Henderson Parkway. The rear parking area, including six (6) parking spaces, sits at the basement level of the building. The front parking lot, which also has six (6) parking spaces is situated at the main level of the building.
 - A minimum 15' buffer is provided along the west and south property lines, which is depicted with an eight-foot (8') wood privacy fence.
 - Five (5) tree saves, including four (4) hardwoods and one (1) pine, are identified on the site plan in the southwest corner of the property. A stormwater detention facility is depicted at the rear of the building abutting the rear parking lot.
 - As shown in the table below, Staff estimated vehicular trips generated from the property based on the proposed 3,000 square foot Contractor's Office. It is estimated that the use will generate five (5) AM Peak Hour trips and six (6) PM Peak Hour trips.
 - Staff reviewed the applicant's proposal in consideration of the review criteria associated with a conditional use and variance. The proposal should not have significant impacts on surrounding properties, which are primarily developed with non-residential uses. While the property to the west could be developed for residential use, it is more likely to be developed with a commercial use given its

frontage on North Main Street. If approved, conditions are recommended placing limitations on the outside storage area, business activities and requiring screening of outdoor storage areas from the public right-of-way. Variance hardships relate to the size of the property, presence of GDOT easements and adjacent mixed-use zoning.

- The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that comments were received from two (2) nearby properties regarding the proposed entrance and requests for a similar buffer and solid fence along the south property line, as well as a request that construction vehicles not block the street during the pick-off and drop-off times of the pre-school to the south.
- The City also received questions from nearby properties similar to those received by the applicant. In addition, City Staff discussed and provided the applicant's public hearing request to the City of Milton. Milton Staff did not have any concerns with the applicant's proposed vegetation and fencing adjacent to the Milton city limits.
- The CZIM was held on January 12, 2022. There were several public comments and questions, including what would be stored outside, whether chemicals would be stored at the property, whether there would be outdoor pool displays, if the company was new or existing, will work trucks make noise, whether outdoor storage would be visible from the residential properties, size of trucks, hours of operation, whether the location was purely office or sales/retail, traffic pattern during school hours, and how long construction would last. There were comments that the use seemed more appropriate for an industrial area and concerns over the loss of tree cover.
- Approve CU-21-16/V-21-34 Custom Pools of Atlanta/711 North Main Street, subject to the following conditions:
 - 'Contractor's Office with Outside Storage' shall be added as a conditional use at 711 North Main Street and limited to no more than 3,000 square feet.
 - Conditional use approval shall be limited to Custom Pools of Atlanta; no additional 'Contractor's Office with Outside Storage' use or subleasing shall be permitted on the subject property.
 - 'Contractor's Office with Outside Storage' shall be limited to office with customers by appointment and outside storage of work trucks and trailers with small machinery.
 - Hours of operation shall be limited to Monday – Saturday 6:30 AM – 7:00 PM.
 - Site shall be developed, and trees shall be saved substantially as depicted on the site plan prepared by Georgia Premier Land Services, Inc., revision date 4/1/2021.
 - Outside storage shall be limited to the rear parking lot and shall be limited to the storage of work trucks and trailers with small machinery, as depicted in Exhibit A. Outdoor storage shall be screened from public streets, except where visible from the project driveway, as approved by the Design Review Board (DRB).
 - Per the property owner, work trucks shall not utilize audible reverse alarms on the property.
 - Swimming pool chemicals shall not be stored in the building or in the outside storage area.
 - A minimum 15' planted buffer shall be provided along the west and south property lines, as depicted on the site plan prepared by Georgia Premier Land Services, Inc., revision date 4/1/2021. Buffer shall be planted with a mix of evergreen trees and shrubs. Privacy fence shall be placed inside the 15' buffer with evergreen landscape material screening the fence from adjacent properties, with final approval by DRB.
 - Developer shall work with GDOT and the City to allow the required planting material in the landscape strip along North Main Street. If GDOT will not allow required planting material within the 20' landscape strip, planting material shall be planted at the back of the easement and in front of the building and parking lot, with final approval by DRB.
 - Building shall be brick and stone, as depicted, and scale shall be substantially similar to the submitted renderings. Building architecture shall meet an approved style in the Downtown Overlay, with final approval of design and materials by the Downtown Consultant and DRB.
 - If a dumpster is used, enclosure shall consist of materials similar to those used on the building and gate

- shall be metal and opaque, as approved by DRB.
 - North Main St driveway shall be removed prior to the issuance of a Certificate of Occupancy.
 - Full stormwater management shall be required. Reasonable efforts should be made to obtain easements to tie stormwater pond outfall through a pipe directly into a downstream structure rather than releasing at grade. If tie in is not possible, measures shall be used to prevent concentrated flow at the property line.
 - Corner of North Main Street and Henderson Parkway shall be heavily landscaped and include ornamental planting beds, with final approval by DRB.
 - Signage shall not be internally illuminated.
- The Planning Commission discussed the following:
 - Was there any attempt to look at alternatives in terms of where the building is placed to avoid the change from 50' to 15'? I would ask the applicant that question- he can verify. There is a hardship. By changing to a mixed used in Milton, that affected this property.
 - Regarding condition 14, the term "reasonable efforts"- what does this mean? The condition was provided by our storm water engineer. She wanted to give some flexibility to the applicant. I think she is looking for the applicant to make the effort to tie in. He can work with Staff to find an alternative.
 - On item 9 regarding the buffer- there's a difference between the planted buffer and the natural tree buffer. The owners of Primrose requested the south side is the same as the west side. In this picture, the dark line represents the property. All those trees are off-site. There is no opportunity to provide a buffer on the school's property. There is not a buffer required here- the applicant brought that unsolicited.
 - On the privacy fence- it was requested it was solid. The applicant confirmed it is a solid privacy fence.
- The applicant, Danny Franke, came forward to speak on behalf of this application
 - Owner of the property and owner of Custom Pools of Atlanta.
 - He has owned the property for over 20 years. The neighborhood did not exist, and I was not given a notice when it was rezoned.
 - This is an appointment only location.
 - We are a residential pool contractor.
- The Planning Commission discussed the following:
 - Were there any alternatives where the building could have been moved? No- we've pushed it as far as we can, given the parking and detention.
 - As far as the fleet you'll be parking, how many vehicles will be there? One, maybe two. We don't have big commercial vehicles. We transport small, earth moving equipment. We do not have a trailer larger than 18 feet. We have zero intention of becoming a retail store, and we don't want chemicals in our building.
 - As far as the parking spots at the top, who are those for? Those are mainly for employees.
 - There are a lot of cars parked on the side of the road where the school is. There is a concern of safety for the kids. Are you not concerned with the tightness of the median trying to navigate? We move these trucks through backyards and driveways. There will be no issue.
 - When did the adjacent property become the city of Milton? 2009. The city of Milton went from a traditional code to a form-based code.

Public Comment:

- There were no public comments for this item.
 - ❖ Commissioner Stratton offered a motion to approve the item subject to the conditions as presented.
 - Commissioner Perkins seconded the motion.
 - The motion was approved unanimously (5-0).

VII. ADJOURNMENT

- Chairman Kung'u adjourned the meeting at 7:10 p.m.

Respectfully submitted,

Alexandra Callum

Alexandra Callum, Planning + Zoning Coordinator



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: Z-22-01/V-22-03 WEXLER/182 MARIETTA STREET

PLANNING COMMISSION: MARCH 3, 2022

CITY COUNCIL: MARCH 28, 2022

II. RECOMMENDATION:

Approve Z-22-01/V-22-03 WEXLER/182 MARIETTA STREET, subject to the following conditions:

1. Approximately 0.71 acres shall be zoned DT-R and limited to 1 single-family detached home. Site shall be developed substantially similar to the submitted site layout, labeled Exhibit A, except for modifications required to comply with the conditions below and subject to meeting all City code requirements and conditions of zoning.
2. Home elevation shall be substantially similar to the submitted inspiration photos, labeled Exhibit B, with final approval by the Downtown Consultant and DRB.
3. Home and garage shall maintain a minimum 20' front setback, 10' side setback and 10' rear setback.
4. Landscape strip along Marietta 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 and overhead utilities, as approved by Staff.
5. A decorative low wall, metal fencing or hedge with columns shall frame the front yard.
6. A 10' planted buffer shall be provided along the east, south, and west property lines and planted with a mix of evergreen trees and shrubs. Existing trees within the 10' buffers identified to be in Good condition shall be saved, with final approval by Staff.
7. Property owner shall improve Marietta Street frontage with a 6' planter planted with street trees, 6' sidewalk and decorative pedestrian lighting, as approved by Staff.
8. Property owner acknowledges that redevelopment of the properties to the east and west with a commercial or mixed-use development shall not require a buffer adjacent to the subject property.
9. Home, accessory structures and infiltration shall be positioned on the property to have the least impact to existing trees along the west and south property lines, as approved by Staff.
10. 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.

III. REPORT IN BRIEF:

The applicants, Andrew and Kourtney Wexler, are requesting a rezoning and variance to allow for the construction of one (1) 'For-Sale' single-family detached home on 0.71 acres in the Downtown. A rezoning is requested from C-2 (General Commercial) to DT-R (Downtown Residential) and a variance is requested to reduce buffers. The subject property is located at 182 Marietta Street on the south side of Marietta Street and just west of Marjean Way.

DISCUSSION

The submitted request, if approved, would allow for the construction of one (1) 'For-Sale' single-family detached home on 0.71 acres in the Downtown. The applicant proposes a rezoning from C-2 (General Commercial) to DT-R (Downtown Residential) and a variance to reduce

undisturbed buffers. The subject property is located at 182 Marietta Street on the south side of Marietta Street and just west of Marjean Way.

The property is developed with a single-family detached home that has been converted to a Contractor's Office (Sutton's Service Appliance Repair). Surrounding properties are zoned C-2 to the east and south, O-P (Office-Professional) to the west and R-8A (Dwelling, 'For-Sale' Attached) to the north. Windsong townhomes are located to the north, 172 Marietta Street (former residence converted to business use) to the east, 204 Marietta Street (Gibraltar Real Estate Services – former residence converted to business use) to the west and Alpharetta Beach House office development to the south. The Comprehensive Land Use Plan designation of the property is 'Mixed Use', which allows the proposed single-family detached home.

A variance is requested to reduce the 50' undisturbed buffers required adjacent to commercial properties. Commercially zoned land abuts the subject property on the east, south and west sides. In most cases, non-residential properties provide the undisturbed buffers. But, since the applicant proposes a rezoning to allow residential use, the buffer requirement becomes the applicant's responsibility. The property to the rear, Alpharetta Beach Houses, already provides a buffered area which ranges in width from 25' to 60'. The properties to the east and west have been converted to commercial uses and could redevelop in the future under the current zoning, C-2 and O-P, or through rezoning to a Downtown zoning district.

SITE PLAN

According to the applicant, the home will be three (3) stories and approximate 5,000 square feet. A driveway with Porte cochere is proposed on the east side of the home leading to a garage at the rear of the property. The garage and driveway will accommodate the required resident and guest parking. The home is depicted with a 40' front setback (not including the covered entry) and a minimum fifteen-foot (15') side setback. The garage at the rear of the property is depicted with an eight-foot (8') side setback and 22' rear setback. DT-R allows a minimum ten-foot (10') front setback, zero-foot (0') side setback (ten-feet (10') between structures), and ten-foot (10') rear setback.

The applicant's arborist identified five (5) specimen-sized Oaks in the front yard of the property, of which all are in Poor condition and should not be considered for preservation. Additional trees are identified in the arborist report that are in good condition and have potential for preservation. The applicant has indicated that they intend to save the stand of trees along the west side of the property and along the rear property line.

BUILDING ELEVATION

The applicant submitted inspiration photos of the home, which depict a Neoclassical or Beaux Arts style. The City's Downtown Consultant reviewed the inspiration photos and believes the style complies with the Downtown Overlay architectural regulations.

STANDARDS FOR ZONING CHANGES

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

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

Response: The requested zoning, DT-R, is consistent with the future land use designation of the property and surrounding area, which is 'Mixed Use'. The north side of Marietta Street is developed with residential uses (townhomes and single-family detached) and the south side of Marietta Street is developed with single-family detached homes that have been converted to commercial uses.

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

Response: The future land use of the property allows for single use development, residential and commercial, and mixed-use development. The zoning proposal would not adversely affect the existing use or usability of adjacent or nearby properties if a condition is approved absolving the properties to the east and west from buffer requirements should those properties redevelop with commercial or mixed-use development.

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

Response: The applicant's proposal should not adversely affect the natural environment. The applicant intends to save the stand of trees along the west and south property lines.

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

Response: The property is zoned C-2, which allows auto-oriented uses and other heavy commercial uses that are inconsistent with the vision for the area to become a mixed-use, walkable environment. The future land use of the property allows for single use development, residential and commercial, and mixed-use development.

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

Response: The zoning proposal would not cause an excessive burden on public facilities and services. The requested rezoning would allow one (1) single-family detached home.

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

Response: The subject property is located in the Downtown Overlay, which includes opportunities for properties to develop under the Downtown zoning districts. The future land use of the property allows for single use development, residential and commercial, and mixed-use development.

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 zoning proposal reflects a reasonable balance. The applicant's proposal is compatible with the future land use of the property, which allows for single use development, residential and commercial, and mixed-use development.

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

Response: The property is zoned C-2, which allows auto-oriented uses and other heavy commercial uses that are inconsistent with the vision for the area to become a mixed-use, walkable environment. The future land use of the property allows for single use development, residential and commercial, and mixed-use development.

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', which allows the proposed DT-R zoning district.

VARIANCE REVIEW CRITERIA

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

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

Response: There are not exceptional conditions pertaining to the property due to its size, shape or topography. However, in most cases undisturbed buffers are not applicable on 'For-Sale' residential properties. If approved, a condition is recommended absolving the properties to the east and west from buffer requirements if those properties redevelop with commercial or mixed-use development.

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

Response: The subject property is just under 150' wide, which once the buffers are applied would leave less than 50' of area for development. The future land use of the property allows for single use development, residential and commercial, and mixed-use development. The application of the ordinance would discourage residential development along Marietta Street, which already has a residential presence.

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

Response: The subject property is just under 150' wide, which once the buffers are applied would leave less than 50' of area for development. The future land use of the property allows for single uses, residential and commercial, and mixed-use development. The application of the ordinance would discourage residential development along Marietta Street, which already has a residential presence.

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

Response: Approval of the variance should not cause substantial detriment to the public good. The buffer requirement would discourage residential development along Marietta Street, which already has a residential presence. If approved, a condition is recommended absolving the properties to the east and west from buffer requirements if those properties redevelop with commercial or mixed-use development.

CONCURRENCES

Staff has reviewed the applicant's proposal and finds that the request for rezoning and variance do 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. The Mixed-Use future land use designation of the property allows for single use development, residential and commercial, as well as mixed-use development.

Application of the 50' undisturbed buffer requirement would discourage residential development along Marietta Street, which already has a residential presence and feel. If approved, a condition is recommended absolving the properties to the east and west from buffer requirements if those properties redevelop with commercial or mixed-use development.

CITIZEN PARTICIPATION PLAN

The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that the applicant has spoken to several residents and property owners in the general vicinity of the property and that feedback has been positive. Two (2) letters of support were provided by the applicant from residents in Victoria Square.

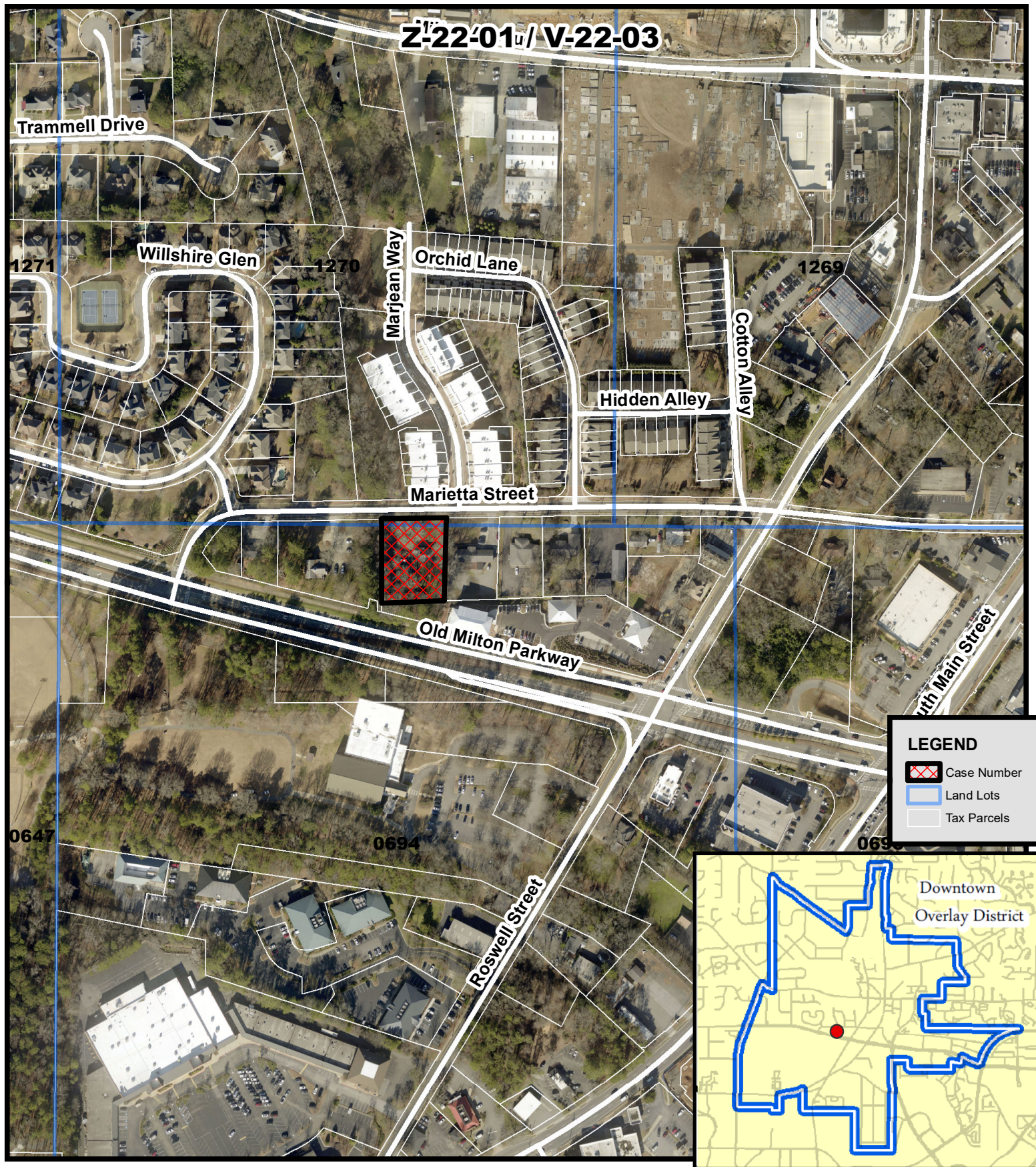
The property owner of the Alpharetta Beach Houses, the adjacent property to the south, provided a letter of support to the City. One of the adjacent commercial property owners stated that they do not want the residential zoning to impact their ability to redevelop in the future.

COMMUNITY ZONING INFORMATION MEETING

CZIM was held on February 9, 2022. There were no public comments.

IV. ATTACHMENTS:

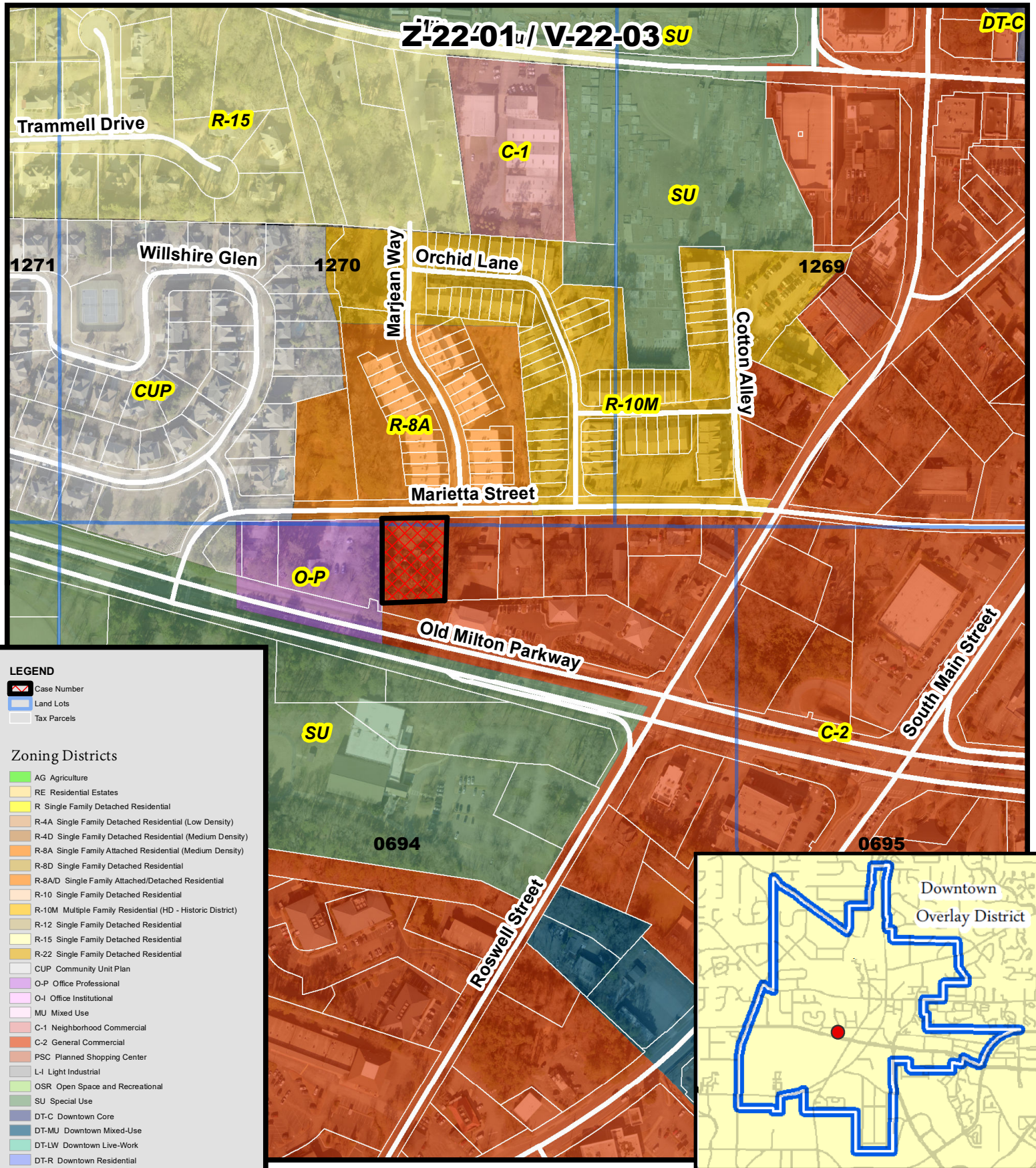
- Exhibit A – Site Layout
- Exhibit B – Inspiration Photos



Aerial Map
Wexler
182 Marietta Street

Z-22-01 / V-22-03
D/LL: 1/2/694
PC: 3/03/22
CC: 3/28/22

Location Map Provided by:
Community Development - GIS



Zoning Map
Wexler
182 Marietta Street

Z-22-01 / V-22-03
D/LL: 1/2/694
PC: 3/03/22
CC: 3/28/22

Z-22-01_u / V-22-03

Trammell Drive

ldr

cbd

pie

1271

Willshire Glen

1270

Marjean Way

Orchid Lane

1269

cbd

ldr

drd

Hidden Alley

Cotton Alley

Marietta Street

mu

Old Milton Parkway

cbd

cbd

pie

0694

0695

Roswell Street

mu

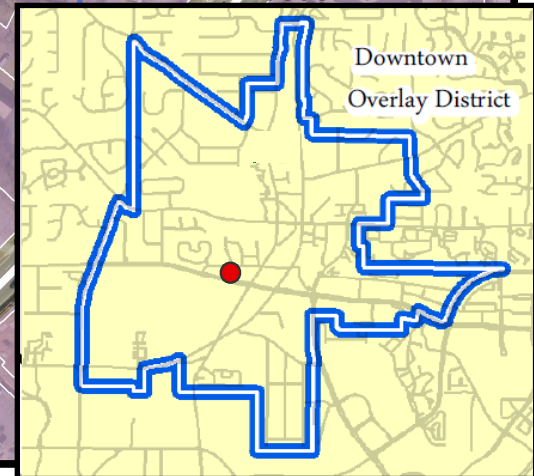
C

LEGEND

- Case Number
- Land Lots
- Tax Parcels

Future Land Use

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



Z-22-01 / V-22-03

D/LL: 1/2/694

PC: 3/03/22

CC: 3/28/22

Future Land Use
Wexler
182 Marietta Street

Location Map Provided by:
Community Development - GIS



Z-22-01_u / V-22-03

Trammell Drive

1271

Willshire Glen

1270

Marjean Way

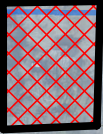
Orchid Lane

1269

Hidden Alley

Cotton Alley

Marietta Street



Old Milton Parkway

0647

0694

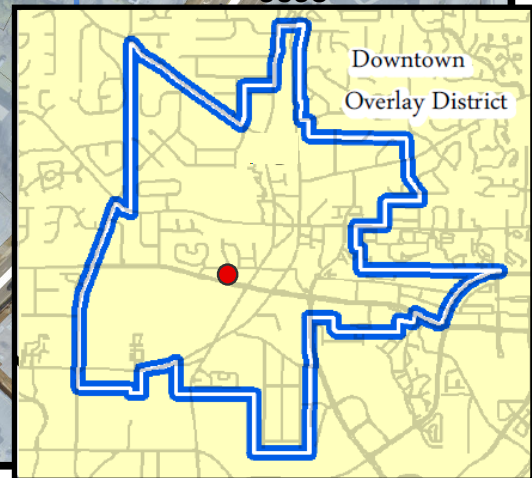
0695

Roswell Street

South Main Street

LEGEND

-  Case Number
-  Land Lots
-  Tax Parcels



Location Map

Wexler

182 Marietta Street

Z-22-01 / V-22-03

D/LL: 1/2/694

PC: 3/03/22

CC: 3/28/22

**Location Map Provided by:
Community Development - GIS**

Exhibit A- Site Layout

LEGEND AND SYMBOLS USED

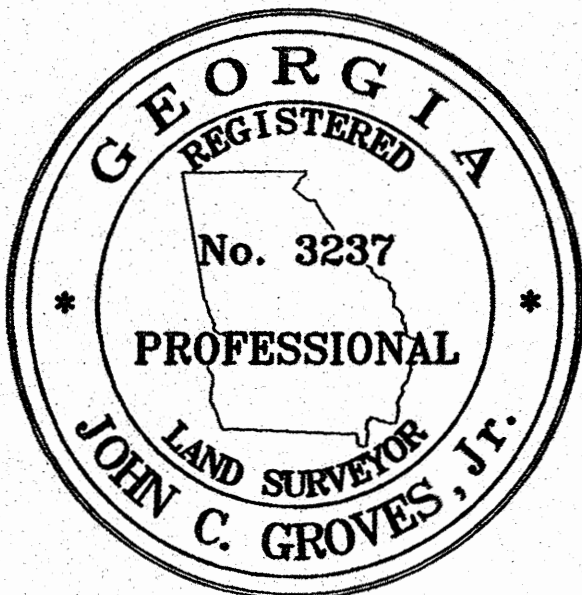
- IPF - Iron Pin Found
- IPS - Iron Pin Set (1/2" Capped Rebar)
- RBF - Rebar Found
- OTF - Open Top Pipe Found
- CTF - Crimped Top Pipe Found
- MON - Monument Found
- CMF - Concrete Monument Found
- CP - Calculated Point
- ⊗ PP - Power Pole
- ⊗ LP - Light Pole
- ⊗ PED - Utility Pedestal
- ⊗ FH - Fire Hydrant
- ⊗ WM - Water Meter
- ⊗ WV - Water Valve
- ⊗ GM - Gas Meter
- ⊗ SMH - Sewer Manhole
- ⊗ CB - Catch Basin
- DI - Drop Inlet
- ⊗ C/O - Cleanout
- ⊗ PBX - Power Box
- ⊗ Deciduous Tree
- ⊗ Coniferous Tree
- CMP - Corrugated Metal Pipe
- RCP - Reinforced Concrete Pipe
- R/W - Right of Way
- N~F - Now or Formerly
- DB, PG - Deed Book and Page
- PB, PG - Plat Book and Page
- POB - Point of Beginning

N~F
PROVIDENCE PARTNERS GROUP LLC
DB 29774, PG 399

N~F
172 MARIETTA ST LLC
DB 54591, PG 263

N~F
ALPHARETTA BEACH HOUSE LLC
DB 52906, PG 170

AREA
30,784 SQ.FT.
0.71 ACRES



SURVEYOR'S CERTIFICATION

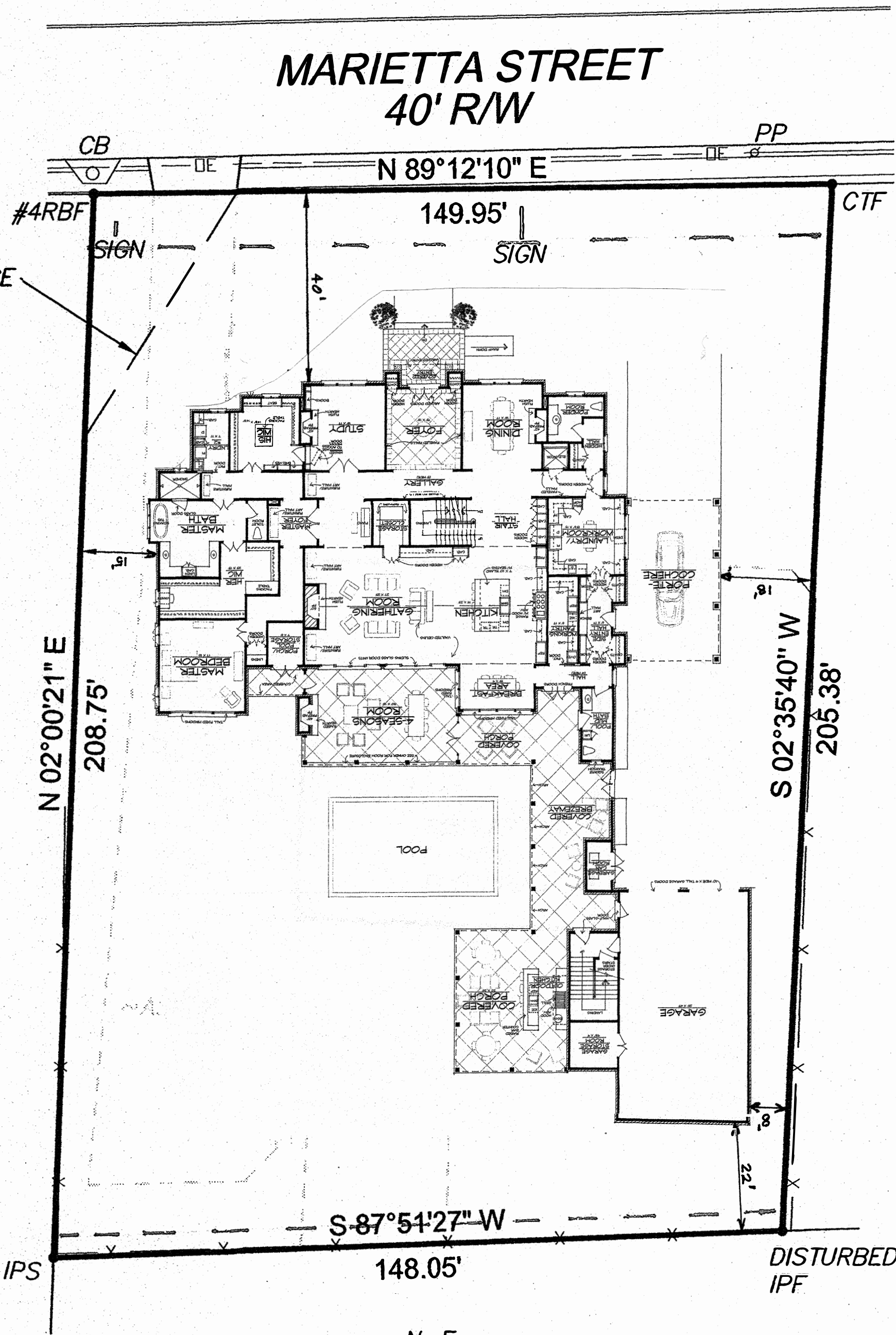
This survey is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel. the recording information of the document(s), map(s), plat(s) or other instrument(s) which created the parcel(s) are stated hereon. Recordation of this survey does not imply approval of the local jurisdiction, availability of permits, compliance with local regulations or requirements, nor suitability for any use or purpose of the land.

Further, the undersigned land surveyor certifies that this map, plat or plan complies with the minimum technical standards for property surveys in Georgia as set forth in Chapter 180-7 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Plat Act OCGA 15-6-67.

John C. Groves, Jr. RLS 3237

SURVEYOR'S NOTES:

1. The field data upon which this plat is based has a relative positional accuracy of 0.02 feet.
2. This plat has been calculated for closure and has a mathematical error of 1: 300,000+.
3. Field angles and measurements acquired for the production of this plat were obtained on 12/2/21 using a Leica TCRP 1203 Total Station.
4. This plat was prepared without benefit of a current title examination. Easements or other encumbrances may exist which are not shown hereon. All matters pertaining to title are excepted.
5. No provisions have been made to secure the delineation of any wetlands, historical, or cultural features that may exist on this property.
6. Information regarding the reputed presence, size, character, and location of existing underground utilities and structures is shown hereon. There is no certainty of the accuracy of this information and it shall be considered in that light by those using this drawing. The location and arrangement of underground utilities and structures shown hereon may be inaccurate and utilities and structures not shown may be encountered. The owner, his employees, his consultants, his contractors and/or his agents shall hereby distinctly understand that the surveyor is not responsible for the correctness or sufficiency of this information shown hereon as to such underground installations.
7. The certification, as shown hereon, is purely a statement of professional opinion based on knowledge, information and belief; and based on existing field evidence and documentary evidence available. The certification is not an expressed or implied warranty or guarantee.



FOOTHILLS
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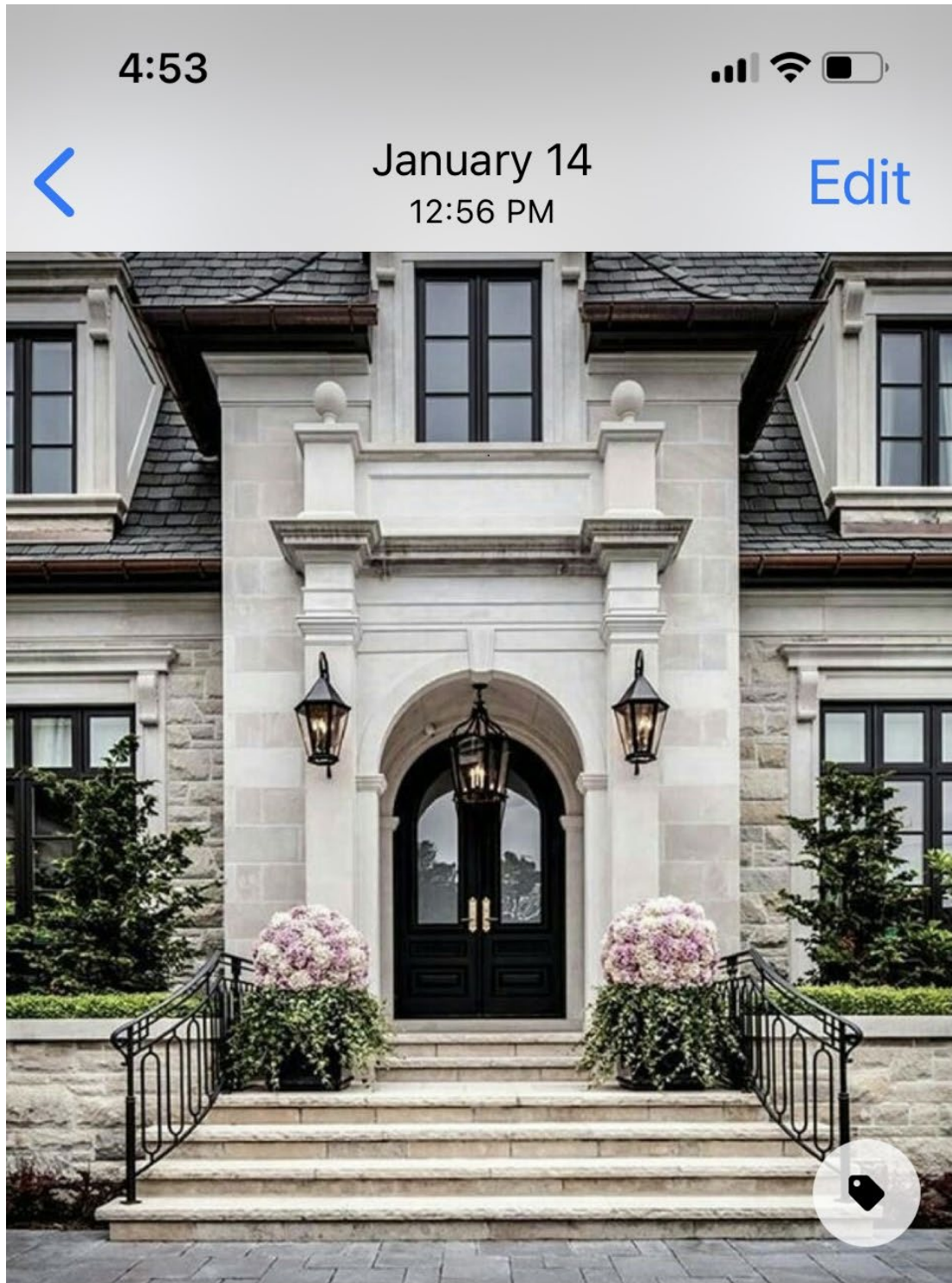
8450 KNOX BRIDGE HWY
CANTON, GA 30114
(678) 533-8637
www.foothillslandsurveying.com
GA LSF #1152

BOUNDARY SURVEY
PREPARED FOR
ANDREW & KOURTNEY WEXLER

LOCATED IN LAND LOT 694
1ST DISTRICT, 2ND SECTION
FULTON COUNTY, GEORGIA

DATE:	12/2/21
SCALE:	1"=20'
DRAWING:	21-325
COORD:	
REVISIONS:	
SHEET #:	1 of 1

Exhibit B – Inspiration Photos



Wattpad
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Exhibit B – Inspiration Photos



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2158 Bolton Rd. NW
Atlanta GA 30318

Office (404) 799 5472

Mobile (404) 444-0003

todd@bottetree.com

www.bottetree.com

12 January 2022

Arborist Letter
Steve Laboda
Capstone Building Group
SITE: 182 Marietta Street
Alpharetta, GA 30009

Dear Steve:

Thank you for having me out to the property to inspect the five primary Oak trees on the site listed above. I conducted a Level II inspection, which is primarily a visual observation of the trees. I believe that four of the five trees are in poor condition, and have listed the individual information below. Photos have been sent in a separate email.

1. 25" diameter Oak tree slight left of driveway: 20% deadwood in canopy.
2. Leaning 27" Oak tree left of driveway near the street and utility wires: Blown out top with heavily decayed stub at break point.
3. 20" Oak center of cluster: 15% of canopy has recently failed resulting in decay at top.
4. 28" Oak left of driveway closest to house: Decayed area at previous break or pruning cut. Blown out top. Crack running from the ground to 30' up the tree.
5. 28" Oak tree left of center of front yard: 28" Oak. 30% dead canopy with heavy decay in these dead limbs. Decay at base.

Sincerely,

Todd Harkleroad
404-444-0003 mobile
404-799-5472 office
404-334-3288 fax
ISA Certified Arborist
SO-5818A
ISA Tree Risk Assessment Qualification



Please note that Arborist Letters are to be considered Level II inspections (visual and general physical review of the tree) only and do not constitute a full aerial inspection nor a Resistograph analysis of the tree(s) listed.











182 Marietta
St. Alph.

④

⑤

③

①

②



2158 Bolton Rd. NW
Atlanta GA 30318

Office (404) 799 5472

Mobile (404) 444-0003

todd@bouttetree.com

www.bouttetree.com

23 February 2022

Arborist Letter
Steve Laboda
Capstone Building Group
SITE: 182 Marietta Street
Alpharetta, GA 30009

Dear Steve:

Thank you for having me out to the property to inspect the five primary Oak trees on the site listed above. I conducted a Level II inspection, which is primarily a visual observation of the trees. I believe that several of the trees are in poor condition, and warrant removal. Others appear to be in good condition, and of these, a few would benefit from protective measures during construction. Details follow in the list below. Photos have been sent in a separate email.

1. 10" Oak right front of house. Good condition.
2. 12" Hickory Right rear of house. Good condition.
3. 3" Japanese Maple right of house: Should be transplanted before construction, but in good condition.
4. 25" Oak tree right of driveway: Good condition. Care should be taken during current driveway removal, and a prescription will likely be needed.
5. 13" Hickory right rear of house, slight left of driveway: 20% dead canopy, damaged, decayed limbs, blown out central lead.
6. 12" Oak right of house, slight right of driveway: Good condition, likely to need a prescription.
7. 10" Mulberry tree, right of driveway approaching rear fence: Good condition, likely to need a prescription.
8. 12" Hickory right of driveway near rear fence: Good condition, likely to need a prescription.
9. 20" Oak tree at fence end of driveway, left side Good condition, likely to need a prescription.
10. 27" Oak tree at rear of house, center-right backyard: Decay at previous pruning cuts/limb breaks. 15% dead canopy. Large areas of peeling bark in lower 15' of the trunk, signs of decay at base. Likely a DDH tree.
11. 20" Sweetgum at center of rear fenceline: Good condition.
12. 12" Hickory at center of rear fenceline: Good condition.
13. A cluster of trees that are all in good condition: 10" Cherry, 8" Cherry, 8" Cherry, 10" Oak, 27" Water Oak.
14. LEFT NEIGHBOR'S 28" Oak: Fair condition. Exhibits 15% decline in canopy, numerous dead or broken limbs, several unhealed wounds from pruning or damage.
15. REAR BUFFER along Old Milton. This stand of trees appears to be in good condition, and based on the plans as presented to me, would likely have little to no impact by the construction.
16. RIGHT BUFFER to the right of the fence on client's property (ownership is not known to me): This stand of trees appears to be in good condition, and based on the plans as presented to me, would likely have little to no impact by the construction

Sincerely,



Todd Harkleroad
404-444-0003 mobile
404-799-5472 office
404-334-3288 fax
ISA Certified Arborist
SO-5818A
ISA Tree Risk Assessment Qualification



Please note that Arborist Letters are to be considered Level II inspections (visual and general physical review of the tree) only and do not constitute a full aerial inspection nor a Resistograph analysis of the tree(s) listed.

From: [Kourtney Wexler](#)
To: [Woodman, Michael](#)
Subject: Fwd: Letter/182 Marietta
Date: Wednesday, February 23, 2022 4:37:27 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[image005.jpg](#)
[Capstone182MariettaII.pdf](#)

CAUTION: This email originated from outside the City. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Michael,
I hope this will help some also.
Thanks again for everything!
Kourtney
Photos
Get [Outlook for iOS](#)

From: Todd Harkleroad <Todd@BoutteTree.com>
Sent: Wednesday, February 23, 2022 2:59 PM
To: KOURTNEY_WEXLER@HOTMAIL.COM; steve@capstonebuildinggroup.com
Subject: Letter/182 Marietta

Thanks!

From: Todd Harkleroad
Sent: Wednesday, February 23, 2022 2:27 PM
To: Kourtney_wexler@hotmail.com; steve@capstonebuildinggroup.com
Subject: Photos

Letter to follow.





Very kind regards,

Todd Harkleroad
Boutte Tree, Inc.
ISA Arborist SO-5818A
Tree Risk Assessment Qualification
404.444.0003



Community Zoning Information Meeting
February 9, 2022
Department of Community Development
Via Zoom
6:00 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 Planning Commission, but not quoted or paraphrased. This document includes limited presentation by Planning Commission and invited speakers in summary form. The public is advised that the tapes recorded at said meeting are a matter of public record and are available upon request.

I. Staff Members Present:

- a. Michael Woodman
- b. Ben Kern

II. Items:

- a. V-21-31 / PH-21-22 Kimball Plaza – 11380 State Bridge Road
 - i. The applicant was unable to present but was available to answer question via chat. Michael Woodman presented the item.
 - ii. Requesting a variance to reduce the waiting period from September 2021.
 - iii. The applicant is asking for a change to the condition to allow for a medical use in addition to the retail use.
Public Comments: there were no public comments for this item.
- b. MP-21-11 / Bridge Road Holdings, LLC
 - i. The applicant, David Belle Isle, was not present for this meeting. Michael Woodman presented the item.
 - ii. The applicant is requesting to bring this property into the Preston Glen Master Plan.
 - iii. 19,000 sq foot, 2 story building with medical and retail.
Public Comments: there were no public comments for this item.
- c. Z-22-01 / V-22-03 / Wexler / 182 Marietta Street
 - i. The applicant, Kourtney Wexler, presented this item.
 - ii. The request is to rezone from C2 to DTR to build a single-family home.
Public Comments: there were no public comments for this item.
- d. CLUP-21-06 / Z-21-10 / PH-21-20 / V-22-04 / Alcovy Haynes Bridge Road and Jon Scott Drive



Community Zoning Information Meeting
February 9, 2022
Department of Community Development
Via Zoom
6:00 PM

i. Ethan Underwood, the attorney for the applicant, presented this item.

ii. 20-unit development- mixture of detached, single-family units, townhomes, and semi-attached

iii. 3,000 sq feet minimum size

iv. \$1,000,000 + prices

v. There will be a barrier wall at the 5-foot landscape strip.

vi. Wants this to be a new wave of high-end housing.

Public Comments: chat comments (see next section)

-I don't think the development of the single-family residential units should be allowed. You can change the commercial side, but the price of the homes will bump up our property taxes. (resident of 469 Karen Drive) *We understand it's bringing some change. Is your concern traffic or that the houses are too expensive?* I'm concerned about the density of the project. You already have townhomes across the street.

-I am very opposed to this project. I don't believe it aligns with the city's 2040 Comprehensive Plan, nor does it align with the goals of the Council. The citizens want to preserve our tree canopy and improve walkability. We want to protect natural areas of land. This will impact traffic as well. (resident off Haynes Bridge Road)

III. Chat Comments:

COMMENT THREAD BEGAN WITH ALCOVY HAYNES BRIDGE DEVELOPMENT:

18:10:53 From Jim to Everyone:

I oppose this development

18:10:58 From Taylor to Everyone:

agree

18:12:02 From Jim to Everyone:

too much concentration of home in this area

18:12:34 From Adeniyi to Everyone:

How much is the square footage and cost of the houses and townhomes?

18:14:45 From Kimberly's iPhone to Everyone:

Does anyone know what this will do to our property values? Do the residents truly get a say so?

18:16:10 From Jim Siegel to Everyone:



Community Zoning Information Meeting
February 9, 2022
Department of Community Development
Via Zoom
6:00 PM

This will raise your property values. Why would you be opposed?

18:17:48 From Leslie Carpenter to Everyone:

I don't feel the density of this proposal is sufficient to cause the destruction of our single family subdivision

18:17:48 From Linda Bilderback to Everyone:

Linda Bilderback I am for this new developement. Maybe you could state what the current zoning lot size is now. I live on Haynes Bridge

18:18:05 From Kimberly's iPhone to Everyone:

I do live in Alpha Park and have lived here for 30 years. The development is to large.

18:18:53 From Jim to Everyone:

we are looking for single family home on each lot as is now

18:19:01 From Leslie Carpenter to Everyone:

deforestation, water reclamation, sewage and trash removal...

18:19:45 From Leslie Carpenter to Everyone:

6 to 12 separation of residences is way to close,

18:21:06 From Leslie Carpenter to Everyone:

why not buy everybody out at the valuable price increase that you are speaking of

18:23:57 From Kimberly's iPhone to Everyone:

Yes

18:24:00 From Leslie Carpenter to Everyone:

is police to be increased

18:24:24 From Kimberly's iPhone to Everyone:

What is the next step?

18:24:28 From Leslie Carpenter to Everyone:

is fire dept on board with this

18:24:57 From Adeniyi to Everyone:

What is the timeline for building these out..?

18:25:45 From Leslie Carpenter to Everyone:

why not make a subdivision all along the south of devore along Haynes bridge

18:26:06 From Kimberly's iPhone to Everyone:

We can attend the meeting?

18:26:20 From Adeniyi to Everyone:



Community Zoning Information Meeting
February 9, 2022
Department of Community Development
Via Zoom
6:00 PM

Why not increase the green space between the single family detached houses by 50% and reduce the number of town homes?

18:27:31 From danielle west to Ben Kern (Direct Message):

Thank you for taking the time to share these details with us! I love how Alpharetta is evolving!

18:27:37 From Leslie Carpenter to Everyone:

just the commercial zoned Haynes bridge side

18:27:38 From Jim Siegel to Everyone:

Will the city of Alpharetta force a repaving of Devore Road?

18:28:21 From Kimberly's iPhone to Everyone:

Can I go to City Hall and pick up today's attachment's?

18:28:23 From Ben Kern to danielle west(Direct Message):

You're welcome Danielle - glad to be able to keep you in the loop!

18:28:30 From Leslie Carpenter to Everyone:

make a strip along Haynes bridge & keep out of alpha park

18:29:05 From Adeniyi to Everyone:

Why not also increase the width of the road and add bike paths as part of the development and pay for it?

18:31:04 From Adeniyi to Everyone:

Devore

18:31:34 From Leslie Carpenter to Everyone:

a long strip of commercial should be developed for a strip of row houses

18:31:44 From Adeniyi to Everyone:

Need to ICT ease the Devore road width due to impact

18:32:05 From Adeniyi to Everyone:

Need to increase width of Devore

18:33:07 From Adeniyi to Everyone:

Width of Devore road is more important not side walk due to impact

18:36:27 From Adeniyi to Everyone:

Totally agree on having lots of trees more than what is here

18:37:04 From Leslie Carpenter to Everyone:

so 11 residences where there is 3

18:37:26 From Adeniyi to Everyone:

All trees planned need to be reflected in site plan

18:37:46 From Randy Blasch (he, him, his) to Everyone:



Community Zoning Information Meeting
February 9, 2022
Department of Community Development
Via Zoom
6:00 PM

We were told when Alpha Park was rezoned that Alpharetta would not allow the development to be changed piecemeal. How is this consistent with that?

18:39:14 From Adeniyi to Everyone:

Single family homes are more desirable than town homes

18:39:30 From Leslie Carpenter to Everyone:

that's it for me , for now

18:40:39 From Leslie Carpenter to Everyone:

signs were posted for the Monday night meeting?

18:40:40 From Kimberly's iPhone to Everyone:

I was unaware of Monday's meeting

18:40:55 From danielle west to Everyone:

Thanks again!!

18:41:31 From Kimberly's iPhone to Everyone:

I would like to meet with someone and I believe many of us would like to meet

18:41:32 From Randy Blasch (he, him, his) to Everyone:

This affects ALL Of Alpha Park, so it would appreciated if we were ALL included

18:42:00 From Kimberly's iPhone to Everyone:

I never received a letter and I live in the middle

18:42:18 From Leslie Carpenter to Everyone:

770 781 4100

18:42:54 From Ethan Underwood to Everyone:

EUNDERWOOD@MHTLEGAL.COM

IV. Meeting Ended

CITIZEN PARTICIPATION FORM - PART B

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

Wexler- 182 Marietta Street

Public Hearing or Project Name: _____

Kourtney and Andrew Wexler

(k) 678.361.2203

Contact Name: _____

Telephone: (a) 678.464.1152

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

We have received a lot of positive feedback about rezoning this property.

-Please see the attached exchange from someone who received our letter.

-We have received a lot of verbal support from our neighbors at Victoria Square.

-Jeff Harris, President of Windsong Townhomes, directly across the street from the property is in favor of the rezoning. He is communicating with the residents to draft a formal letter of support, if everyone agrees.

-Mr. Penn Hodges, the developer behind the property is in favor of this rezoning and has emailed Kathi Cook his support.

- I, Kourtney Wexler, initiated an in person visit with the property owners adjacent to the property. The property owner at 204 Marietta Street wanted to talk with City, so he contacted Kathi Cook with questions. I don't know the results of that exchange.

-We haven't been successful in reaching 172 Marietta Street as they don't frequent the location often.

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

☒

Letter

☒

Personal Visits

☐

Telephone

☐

Group Meeting

☐

Email

☐

Other (Please Specify) _____

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

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

Signature of Authorized Agent: _____

Date: _____

Print Form

11:17



+1 (404) 932-4802 >

iMessage

Wed, Jan 26, 5:04 PM

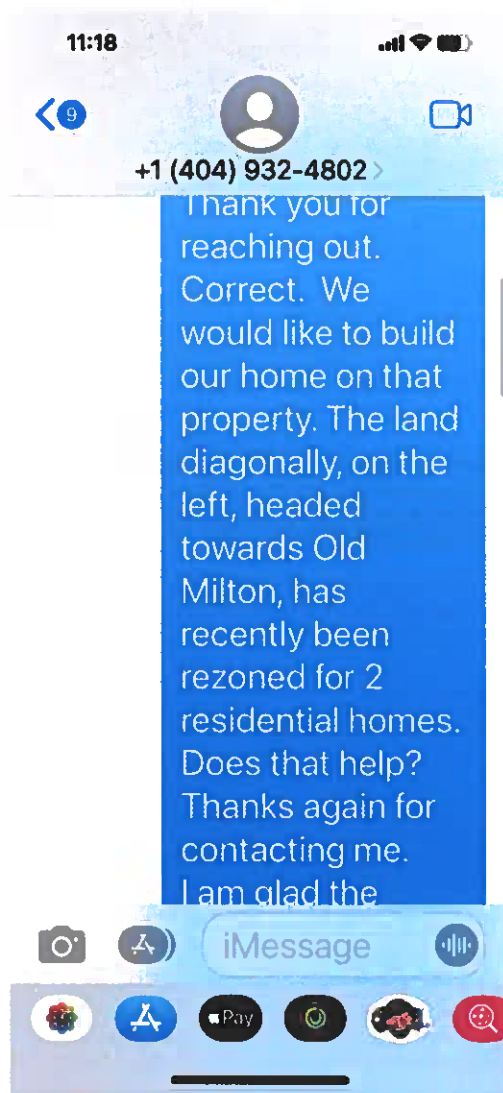
Hi Kourtney, I got your rezoning notification. Quick question, are you rezoning 182 Marietta for one single-family detached home or something different, thank you. Keith

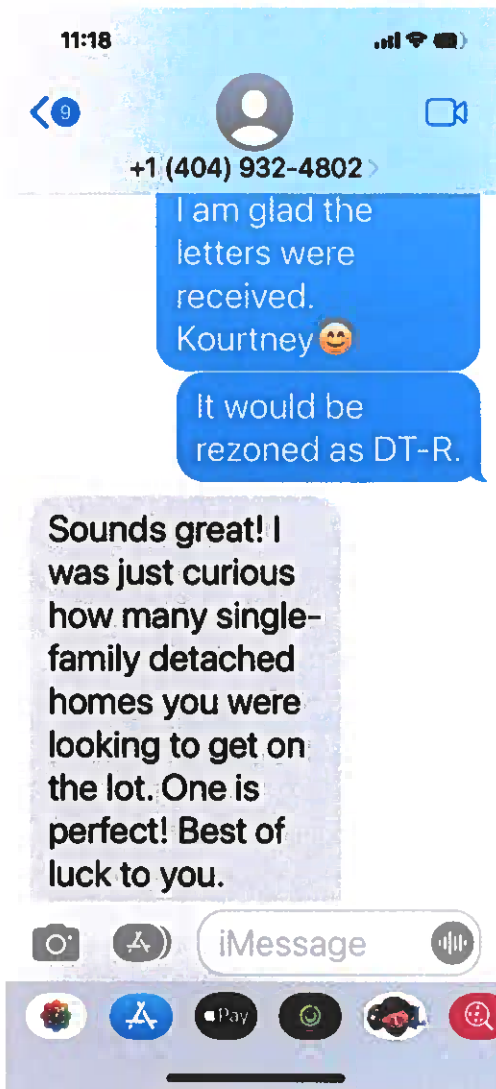
Hi Keith,
Thank you for



iMessage







11:18



+1 (404) 932-4802 >

homes you were
looking to get on
the lot. One is
perfect! Best of
luck to you.

Thank you for
getting back to
me!

Thank you so
much.
We are certainly
crossing our
fingers. 🙌



iMessage



From: [Woodman, Michael](#)
To: [Callum, Alexandra](#)
Subject: FW: upcoming planning comm -22-01/v-22-03 182 Marietta St
Date: Thursday, February 24, 2022 9:07:42 AM

From: [REDACTED]
Sent: Thursday, February 24, 2022 8:45 AM
To: Woodman, Michael <mwoodman@alpharetta.ga.us>
Subject: upcoming planning comm -22-01/v-22-03 182 Marietta St

CAUTION: This email originated from outside the City. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Michael,

My name is Lauren Holmes. I am emailing you regarding the Variance request regarding 182 Marietta St. I am an owner in Victoria Sq. subdivision. I believe with .72 acres of land a builder/developer has plenty of space to build one home. I do not agree with giving them less of a buffer. I believe this will lead to other developers/builders to come in and ask later for this to continue down the street and we will turn into Thompson St with large homes on top of each other. This will add to more congestion and cut-throughs on Marietta St. I know it sounds ridiculous being a townhome community and talk "on top of each other" but we enjoy a quiet life where we are located and do not want what is happening in downtown to move into our quiet area. I know from past experience after a buffer is reduced the developer/builder comes back and then asks to increase density since it will become a DT-R and that designation allows more density.

I would like to email the planning commission prior to the March 3rd meeting and to the Council before it moves to them. I did not find any of those emails on the Alpharetta website. Can you direct me to that or send those to me?

Thank you,

Lauren Holmes
12010 Orchid Lane
Alpharetta, Ga 30009

From: [Woodman, Michael](#)
To: [Callum, Alexandra](#)
Subject: FW: 182 Marietta Street
Date: Tuesday, February 22, 2022 8:40:48 AM

Alex – For the file, public comment

From: penn hodge [REDACTED] >
Date: February 7, 2022 at 8:46:17 PM EST
To: Andrew Wexler <andrew_wexler@hotmail.com>, "Cook, Kathi" <Kcook@alpharetta.ga.us>
Subject: Fwd: 182 Marietta Street

CAUTION: This email originated from outside the City. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathi,

We fully support Andrew's rezoning. We should all be proud he has pick downtown Alpharetta to live in.

Best regards
Penn

Penn Hodge
131 Roswell Street
Suite B201
Alpharetta, Georgia 30009
678-762-9950
Cell 770-687-7112

[REDACTED]
[REDACTED]

Sorry for typos and errors, I have bad eyes and ADHD.

On Feb 4, 2022, at 3:21 PM, Andrew Wexler
<andrew_wexler@hotmail.com> wrote:

Penn,

Great to hear from you. I hope you and your family are well. We are working to get the zoning changed on the lot so we do not own it yet. It would be great to get a letter of

support for our change. Can you send me the information on the parcel?

Best,
Andrew

Sent from [Mail](#) for Windows

SURVEYOR'S NOTES:

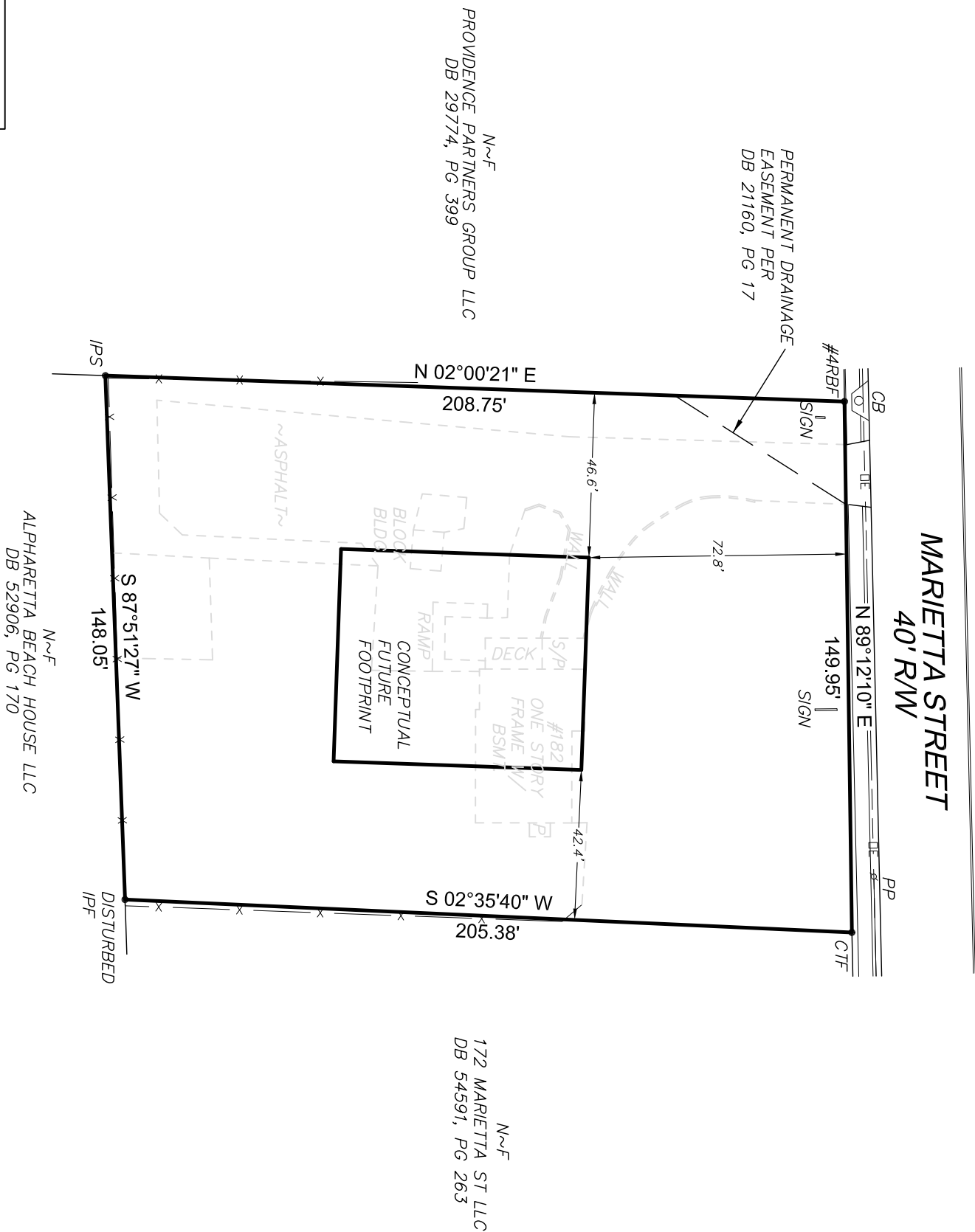
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3. Field angles and measurements acquired for the production of this plat were obtained on 11/21/21 using a Leica TCPR 1203 Total Station.
4. This plat was prepared without benefit of a current title examination. Easements or other encumbrances may exist which are not shown hereon. All matters pertaining to title are excepted.
5. No provisions have been made to secure the delineation of any wellheads, historical, or cultural features that may exist on this property.
6. Information regarding the reputed presence, size, character, and location of existing underground utilities and structures is shown hereon. There is no certainty of the accuracy of this information and it shall be considered in that light by those using this drawing. The location and arrangement of underground utilities and structures shown hereon may be inaccurate and utilities and structures not shown may be encountered. The owner, his employees, his consultants, his contractors and/or his agents shall hereby distinctly understand that the surveyor is not responsible for the correctness or sufficiency of this information shown hereon as to such underground installations.
7. The certification, as shown hereon, is purely a statement of professional opinion based on knowledge, information and belief, and based on existing field evidence and documentary evidence available. The certification is not an expressed or implied warranty or guarantee.

SURVEYOR'S CERTIFICATION

This survey is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel, the recording information of the document(s), map(s), plat(s) or other instrument(s) which created the parcel(s) are stated hereon. Recordation of this survey does not imply approval of the local jurisdiction, availability of permits, compliance with local regulations or requirements, nor suitability for any use or purpose of the land.

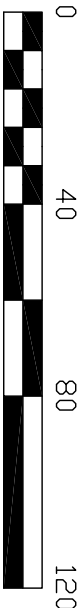
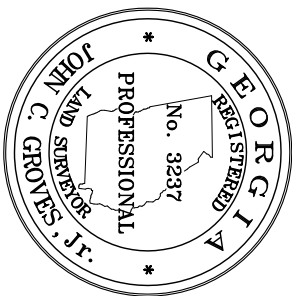
Further, the undersigned land surveyor certifies that this map, plat or plan complies with the minimum technical standards for property surveys in Georgia as set forth in Chapter 180-7 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Plat Act OCGA 15-6-67.

John C. Groves, Jr. RLS 3237

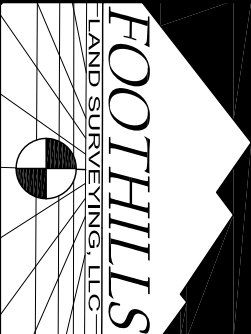


LEGEND AND SYMBOLS USED

- IPF - Iron Pin Found
- IPS - Iron Pin Set (1/2" Capped Rebar)
- RBE - Rebar Found
- OTF - Open Top Pipe Found
- CTF - C/Tamped Top Pipe Found
- MON - Monument Found
- CMF - Concrete Monument Found
- CP - Calculated Point
- ↘ PP - Power Pole
- ↘ LP - Light Pole
- ↘ PED - Utility Pedestal
- ↘ FH - Fire Hydrant
- WM - Water Meter
- ↘ WV - Water Valve
- ◇ GM - Gas Meter
- SMH - Sewer Manhole
- ↘ CB - Catch Basin
- DI - Drop Inlet
- ◎ C/O - Cleanout
- ☒ PBX - Power Box
- ⌚ DD - Deciduous Tree
- 🌳 CT - Coniferous Tree
- CMP - Corrugated Metal Pipe
- RCP - Reinforced Concrete Pipe
- RW - Right of Way
- N-F - Now or Formerly
- DB, PG - Deed Book and Page
- PB, PG - Plat Book and Page
- POB - Point of Beginning



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BOUNDARY SURVEY
PREPARED FOR
ANDREW & KOURTNEY WEXLER

LOCATED IN LAND LOT 694
1ST DISTRICT, 2ND SECTION
FULTON COUNTY, GEORGIA

DATE:	12/2/21
SCALE:	1"=40'
DRAWING:	21-325
COORD:	
REVISIONS:	
SHEET #: 1 of 1	

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

Z-22-01

FOR OFFICE USE ONLY

Case #: PHA210069

PH #:

☐ Property Taxes & Code Violations Verified

☒ Fee Paid Initial: [Signature]

COMMUNITY DEVELOPMENT DEPARTMENT

2 PARK PLAZA

ALPHARETTA, GA 30009

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

Contact Information:

Contact Name: Andrew and Kourtney Wexler

Telephone: K- 678.361.2203
A- 678.464.1152

Address: 12051 Orchid Lane

Suite:

City: Alpharetta

State: GA

Zip: 30009

Fax:

Mobile Tel: K- 678.361.2203
A- 678.464.1152

Email: kourtney_wexler@hotmail.com
andrew_wexler@hotmail.com

Subject Property Information:

Address: 182 Marietta Street

Current Zoning: C-2

District: 1st

Section: 2nd

Land Lot: 694

Parcel ID: 12-2583-0694-004-9

Proposed Zoning: DT-R

Current Use: Suttons Service- Home Appliance Repair

This Application For (Check All That Apply):

☐ Conditional Use

☒ Rezoning

☐ Variance

☐ Exception

☐ Master Plan Amendment

☐ Master Plan Review

☐ Public Hearing

☐ Other (Specify):

☐ Comprehensive Plan Amendment

APPLICANT REQUEST AND INTENT

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

The proposed use of the property would be the site of a single family custom built home. The proposed dwelling would be an approximately 5000 square foot, 2 story home with basement, garage, and pool.

Applicant's Request (Please itemize the proposal):

We are requesting you approve the following:

- 1- Rezoning of the property from C-2 to DT-R.
- 2- Approval of the custom built home, garage, and pool.

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

Our intent would be to rezone the property from C-2 to DT-R, so we may build a custom home for our family to occupy.

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Tim Sutton Telephone: 770-318-3539
Address: 12094 Cotton Alley Suite: _____
City: ALPHARETTA State: GA Zip: 30009

Authorization:

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

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

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

Property Owner's Authorized Applicant (if applicable):

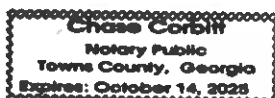
Name of Authorized Applicant: Andrew Wexler Telephone: 678-464-1152
Address: 12051 Orchid Lane Suite: _____
City: ALPHARETTA State: GA Zip: 30009

So Sworn and Attested:

Owner Signature: Tim Sutton Date: 12-28-21

Notary:

Notary Signature: [Signature] Date: 12-28-21



DISCLOSURE FORM

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

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

Name of Applicant or Opponent: Andrew and Kourtney Wexler

Subject Public Hearing Case: _____

Campaign Contribution Information:

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

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

Name of Official: N/A Position: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

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

Signature: 

Date: 12.29.2021

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

Although Marietta Street consists of commercial properties, it is adjacent to residential properties on MarJean Lane, as well as the Victoria Square community.

201 Marietta Street recently was approved for 2 single family dwellings, which would be in alignment with the overall quaintness of downtown Alpharetta. (See photos of homes recently approved)

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

Rezoning this property will change the use of the property, but will not diminish the value of the surrounding properties. Building a custom home on this property will add character to the overall charm of Downtown Alpharetta while increasing property values to the communities around it.

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

It is unlikely, as this C-2 zoned property has been on and off the market since January 28, 2020. Therefore, it seems that in this market, if it hasn't sold under its current zoning, it is either grossly over priced or the need isn't there any more.

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

Because we are empty nesters, rezoning this property and approving a custom built home, would not increase the population or traffic. In fact, it would reduce the above mentioned concerns. In addition, it has the potential to reduce noise and air pollution also.

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

Rezoning this property and approving a custom built, single family dwelling, would not add to the school system population or utilities as we don't have any school aged children. We are not seeking to build this home and sell it. We want to build our home in this town we have been a part of since 1997.

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

The proposed rezoning will meet the criteria of Alpharetta's Comprehensive Plan and the future land use. Rezoning to DT-R protects the community even more than mixed use.

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

As the landscape of Alpharetta continues to evolve, we feel rezoning this property from C-2 to DT-R would be a positive alignment of the goals the city has forecasted.

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

CITIZEN PARTICIPATION FORM - PART A

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

Public Hearing or Project Name: _____

Andrew and Kourtney Wexler

k-678.361.2203

Contact Name: _____ Telephone: a-678.464.1152

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

Please see attached list

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

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

- | | |
|--|---|
| ☒ Letter | ☐ Personal Visits |
| ☐ Telephone | ☐ Group Meeting |
| ☐ Email | ☐ Other (Please Specify) |

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

172 MARIETTA ST LLC
172 MARIETTA ST
ALPHARETTA GA 30009-1534

BALSANO DEBORAH
12028 ORCHID LANE
ALPHARETTA GA 30009

BROWN MICHAEL & RITA K
205 N ESPLANADE
ALPHARETTA GA 30009

CALAVAN MATTHEW C & CALAVAN
KATHERINE L
205 MARJEAN WAY
ALPHARETTA GA 30009

CIACCIA LOUIS & MARYANNE
12009 ORCHID LANE
ALPHARETTA GA 30009

DEARMAN BARBARA L
2090 WILSHIRE GLEN
ALPHARETTA GA 30004

FAY JAMES PATRICK & ELLEN TEDESCO
310 MARJEAN WAY
ALPHARETTA GA 30009

GAMBLE O NEILL CINDY
250 MARJEAN WAY
ALPHARETTA GA 30009

GILKEY SCOTT & ALICIA
2095 WILSHIRE GLEN
ALPHARETTA GA 30004

GRIFFIN DAUDA & TYLER DERRICK
305 MARJEAN WAY
ALPHARETTA GA 30009

ALPHARETTA BEACH HOUSE LLC
131 ROSWELL ST # B201
ALPHARETTA GA 30009

BARRANCA JOHN P & BARRANCA LISA A
12034 ORCHID LANE
ALPHARETTA GA 30009

BRUGNOLI ANDREW & CATHERINE A
12012 ORCHID LANE
ALPHARETTA GA 30009

CALLAWAY WILLIAM H JR
12038 ORCHID LANE
ALPHARETTA GA 30009

CLARK LOUISE
12044 ORCHID LANE
ALPHARETTA GA 30009

DEMETRIOU CLINTON A & DEMETRIOU JOY D
12024 ORCHID LANE
ALPHARETTA GA 30009

FOWLER SAMUEL WREN
12004 ORCHID LN
ALPHARETTA GA 30009

GANT STEPHEN
12036 ORCHID LANE
ALPHARETTA GA 30009

GOOD MICHAEL & ZARRINA
225 MARJEAN WAY
ALPHARETTA GA 30009

HANJI SANJAY & HANJI
2055 WILSHIRE GLEN
ALPHARETTA GA 30004

ARTHUR L ABBEY & BARBARA L LIVING TRUST
THE
260 MARJEAN WAY
ALPHARETTA GA 30009

BERG JOHANN
4951 MARK JOHN WAY
CUMMING GA 30040

BUONOCORE JENNIFER
12005 ORCHID LANE
ALPHARETTA GA 30009

CHLOMAV LLC
2365 WALL ST SUITE 120
CONYERS GA 30013

DAWSON JERRY W & GRACE
738 MUSTANG DR
HARTWELL GA 30643

DETCHEON TRACI L
2011 HIDDEN ALY
ALPHARETTA GA 30009

FOX LYDIA
12022 ORCHID LN
ALPHARETTA GA 30004

GEER WALTER I III
210 MARJEAN WAY
ALPHARETTA GA 30009

GRANGER STUART A
2006 HIDDEN ALY
ALPHARETTA GA 30009

HELLRIEGEL JOHN EDWARD & JUDITH TOWER
26 PEACHTREE CIR # 3
ATLANTA GA 30309

HENDRIX ANDREW J & MARES SARA
2085 WILLSHIRE GLN
ALPHARETTA GA 30009

HICKS MARJORIE LYNNE
12007 ORCHID LN
ALPHARETTA GA 30004

HINTON MICHAEL E
2007 HIDDEN ALY
ALPHARETTA GA 30009

HOLMES LAUREN L & MARK J
13900 HAGOOD RD
ALPHARETTA GA 30004

HUSKEY ALYSSA & BAIRD DONALD
12046 ORCHID LN
ALPHARETTA GA 30009

KANDLER KURT EUGENE
15130 TAYLOR RD
ALPHARETTA GA 30004

KEITH ELIZABETH
300 MARJEAN WAY
ALPHARETTA GA 30009

KOVALEV ANDREY & KAVALIOVA MARYIA
12003 ORCHID LANE
ALPHARETTA GA 30009

KRITEMAN LEWIS S & LAURA H
280 MARJEAN WAY
ALPHARETTA GA 30009

LETCHAS ARTHUR ET AL
240 MARJEAN WAY
ALPHARETTA GA 30009

LINCH KEITH E & JOHNSON TONYA G
270 MARJEAN WAY
ALPHARETTA GA 30009

MAGNOLIA DRIVE LLC
3360 MARLA BLVD NW
NORCROSS GA 30092

MINER JONATHAN S
12032 ORCHID LN
ALPHARETTA GA 30009

MOHAMED M YUSUF M & KHEDR SHEREEN M
4649 PERSIMMON DR
DUBLIN CA 94568-7646

MOORE WILLIAM & DEBORA A
220 MARJEAN WAY
ALPHARETTA GA 30009

MOSS LESLIE W
214 MARIETTA ST
ALPHARETTA GA 30004

NGUYEN NATHANIEL & DINH CHRISTINA
2060 WILLSHIRE GLEN
ALPHARETTA GA 30004

PARK JOAN H
12040 ORCHID LN
ALPHARETTA GA 30009

PATEL SHAILESHKUMAR & DAYALJI PATEL
MNESHA
2100 WILLSHIRE GLN
ALPHARETTA GA 30009

PAUL DAVID A & AMY L
12020 ORCHID LN
ALPHARETTA GA 30009-7989

PROVIDENCE PARTNERS GROUP LLC
204 MARIETTA ST
ALPHARETTA GA 30004

PRP LAND LLC & VICTORIA SQUARE
TOWNHOME ASSN INC
P.O. BOX 2458
ALPHARETTA GA 30023-2458

RATTARY DEBRA ANN
12002 ORCHID LANE
ALPHARETTA GA 30009

REINHARDT MICHAEL
12026 ORCHID LANE
ALPHARETTA GA 30009

RULAND MICHAEL & ELISA STEVENSON
320 MARJEAN WAY
ALPHARETTA GA 30009

SALVANHA JETHER
2065 WILLSHIRE GLN
ALPHARETTA GA 30009

SANDER ANN P
12008 ORCHID LN
ALPHARETTA GA 30009

SAUNDERS JEREMIE A SAUNDERS
MARCELLA M
12042 ORCHID LN
ALPHARETTA GA 30009-7989

SAWANT PRASHANT VASANT SAWANT ASHWINI
P
2070 WILLSHIRE GLEN
ALPHARETTA GA 30004

SEDG INVESTMENTS LLC
13050 BETHANY RD
ALPHARETTA GA 30009-1931

SHRIVASTAVA ASHWINI & SAHAY ALKA
2080 WILLSHIRE GLEN
ALPHARETTA GA 30004

TALON NEIGHBORHOODS LLC
1418 DRESDEN DR SUITE 200
ATLANTA GA 30319

TKB2 PROPERTIES LLC
125 N CHRISTOPHERS RUN
ALPHARETTA GA 30004

VANSANT ROBERT SCOTT & STACEY O
215 MARJEAN WAY
ALPHARETTA GA 30009

VIRGINIA N BURGESS REVOCABLE LIVING
TRUST THE
152 MARIETTA ST
ALPHARETTA GA 30004-1922

WILLS COMMONS HOMOWNERS ASSOC
INC
P.O. BOX 2458
ALPHARETTA GA 30023-2458

SPIEGEL AMY SUE
235 MARJEAN WAY
ALPHARETTA GA 30009

TANG DARIN & TERI
245 MARJEAN WAY
ALPHARETTA GA 30009

TRAINUM TIMOTHY WADE & TRAINUM
KATARZYNA E
2105 WILLSHIRE GLN
ALPHARETTA GA 30009

VICTORIA SQUARE TOWNHOME ASSOCIATION
INC
P.O. BOX 2458
ALPHARETTA GA 30023-2458

WALDORF WILLIAM
12006 ORCHID LANE
ALPHARETTA GA 30009

WINDSONG TOWNHOME COMMUNITY
ASSOCIATION INC
1418 DRESDEN DR SUITE 200
ATLANTA GA 30319

SUTTON TIMOTHY E & MARY L
12094 COTTON ALY
ALPHARETTA GA 30009-7983

TAPP THOMAS C TAPP NADIA B
12011 ORCHID LN
ALPHARETTA GA 30009

VANCE DAVID A
2000 HIDDEN ALLEY
ALPHARETTA GA 30009-7986

VICTORIA SQUARE TOWNHOME ASSOCIATION
INC
7380 MCGINNIS FERRY RD SUITE 200
SUWANEE GA 30024

WEISHAAR PAMELA & BISHOP LAUREN
12048 ORCHID LN
ALPHARETTA GA 30009

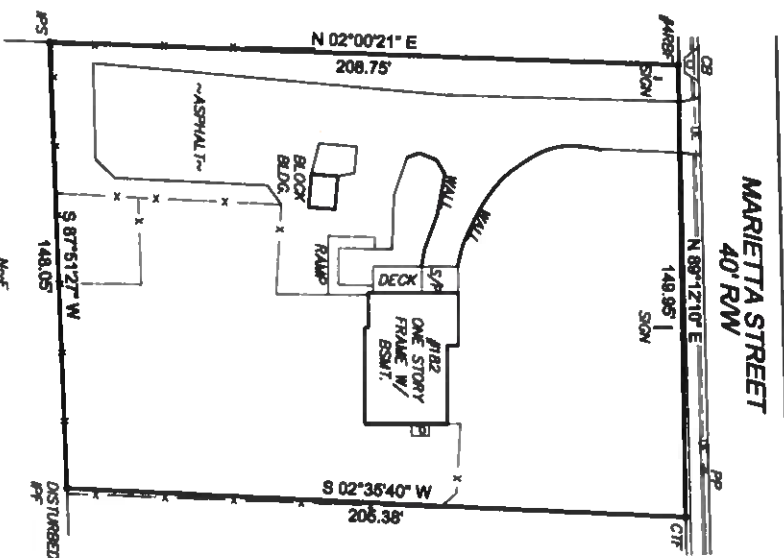
WOODY JOSEPH F & WOODY DESIREE L
230 MARJEAN WAY
ALPHARETTA GA 30009

LEGEND AND SYMBOLS USED

- Iron Pin Found
- Iron Pin Set (1/2" Capped Rubber)
- RGP - Rubber Found
- OTF - Open Top Pipe Found
- CTR - Closed Top Pipe Found
- MCH - Manhole Found
- CBF - Concrete Basement Found
- CP - Calculated Point
- PP - Power Pole
- LP - Light Pole
- PEB - Light Pole
- FH - Fire Hydrant
- WM - Water Meter
- WV - Water Valve
- CM - Gas Meter
- SMH - Sewer Manhole
- CS - Catch Basin
- DI - Drop Inlet
- CO - Culvert
- PGX - Power Box
- C - Cautious Tree
- C - Cautious Tree
- CBF - Compacted Metal Pipe
- RGP - Reinforced Concrete Pipe
- RW - Right of Way
- H-F - New or Former
- DB, PG - Dead Book and Page
- RL, PG - Plot Book and Page
- POB - Point of Beginning



N-F
PROVIDENCE PARTNERS GROUP LLC
DB 23774, PG 359



N-F
172 MARIETTA ST LLC
DB 54591, PG 263

SURVEYORS CERTIFICATION

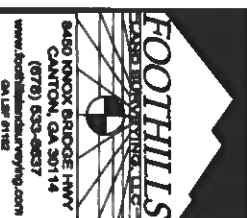
This survey is a measurement of an existing parcel or parcels of land and does not establish or create a new parcel. The recording information of this document(s), map(s), plat(s) or other instrument(s) which created the parcel(s) are stated herein. The surveyor does not warrant the accuracy of the survey data, nor the validity of the parcel(s), compliance with local regulations or requirements, nor suitability for any use or purpose of the land.

Further, the undersigned land surveyor certifies that this map, plat or plan complies with the minimum technical standards for property surveys in Georgia as set forth in Chapter 140-7 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Public Act 2004-15-6-67.

John C. Grewell, Jr., PLS 3207



AREA
30.704 SQ. FT.
0.71 ACRES

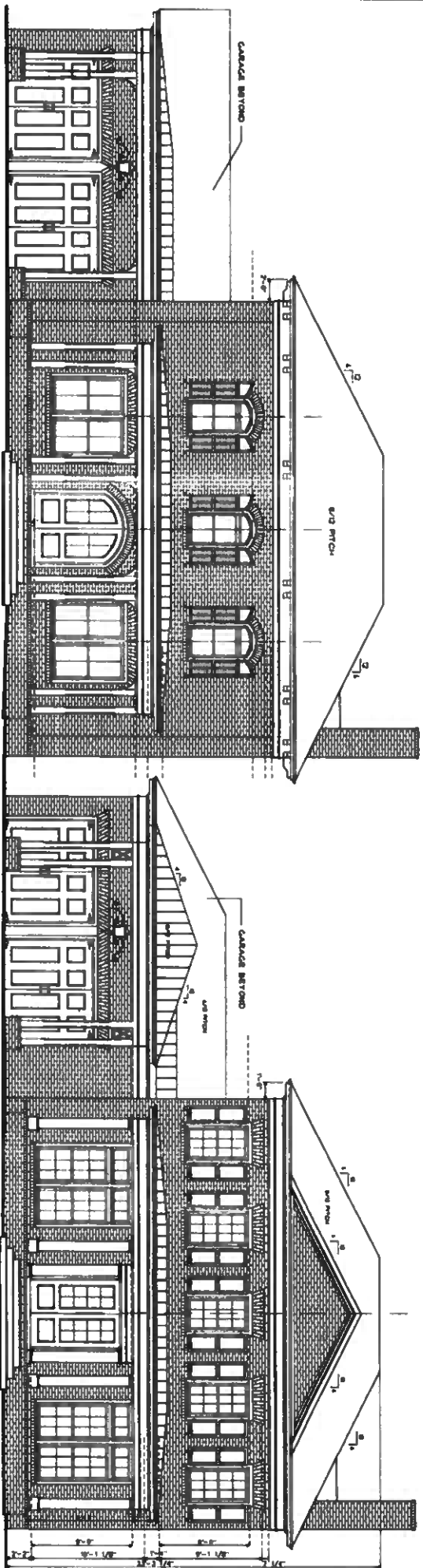


BOUNDARY SURVEY
PREPARED FOR
ANDREW & KOURTNEY WEXLER
LOCATED IN LAND LOT 694
1ST DISTRICT, 2ND SECTION
FULTON COUNTY, GEORGIA

DATE: 12/2/21
SCALE: 1"=40'
DRAWING: 21-325
COORD:
REVISIONS:
SHEET # 1 of 1

SURVEYORS NOTES:

1. The field data upon which this plat is based has a relative positional accuracy of 0.02 feet.
2. This plat has been calculated for closure and has a mathematical error of 1 : 300,000+.
3. Field angles and measurements acquired for the production of this plat were obtained on 12/02/21 using a Leica TC8P 1203 Total Station.
4. This plat was prepared without benefit of a current title insurance. Easements or other encumbrances may exist which are not shown herein. All matters pertaining to this are excepted.
5. No provisions have been made to assure the definition of any wetlands, historical, or cultural features that may exist on this property.
6. Information regarding the regulated presence, type, character, and location of existing underground utilities and structures is shown herein. There is no certainty of the accuracy of this information and it shall be considered to that light by those using this drawing. The location and assignment of underground utilities and structures shown herein may be inaccurate and utility owner. The surveyor, his consultants, his contractors and/or the agency shall be held harmless for the consequences or liability of this information shown herein as to such underground utilities.
7. The certification, as shown herein, is purely a statement of professional opinion based on the evidence, information and data, and based on existing field evidence and documentary evidence available. The certification is not an expression of implied warranty or guarantee.



LOT 02

LOT 01

STREETSCAPE CONCEPT

03.31.21

201 MARIETTA ST.
ALPHARETTA, GA 30009
OWNER: FERGAL BRADY

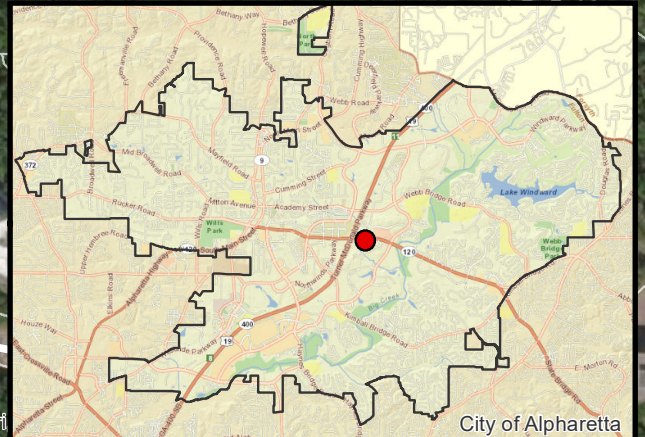
Real Estate

[View Bill](#)[View bill image](#)

As of	12/28/2021
Bill Year	2021
Bill	2106208
Owner	SUTTON TIMOTHY E & MARY L
Parcel ID	12 -2583-0694-004-9

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	12/1/2021	\$799.02	\$799.02	\$0.00	\$0.00	\$0.00
TOTAL		\$799.02	\$799.02	\$0.00	\$0.00	\$0.00

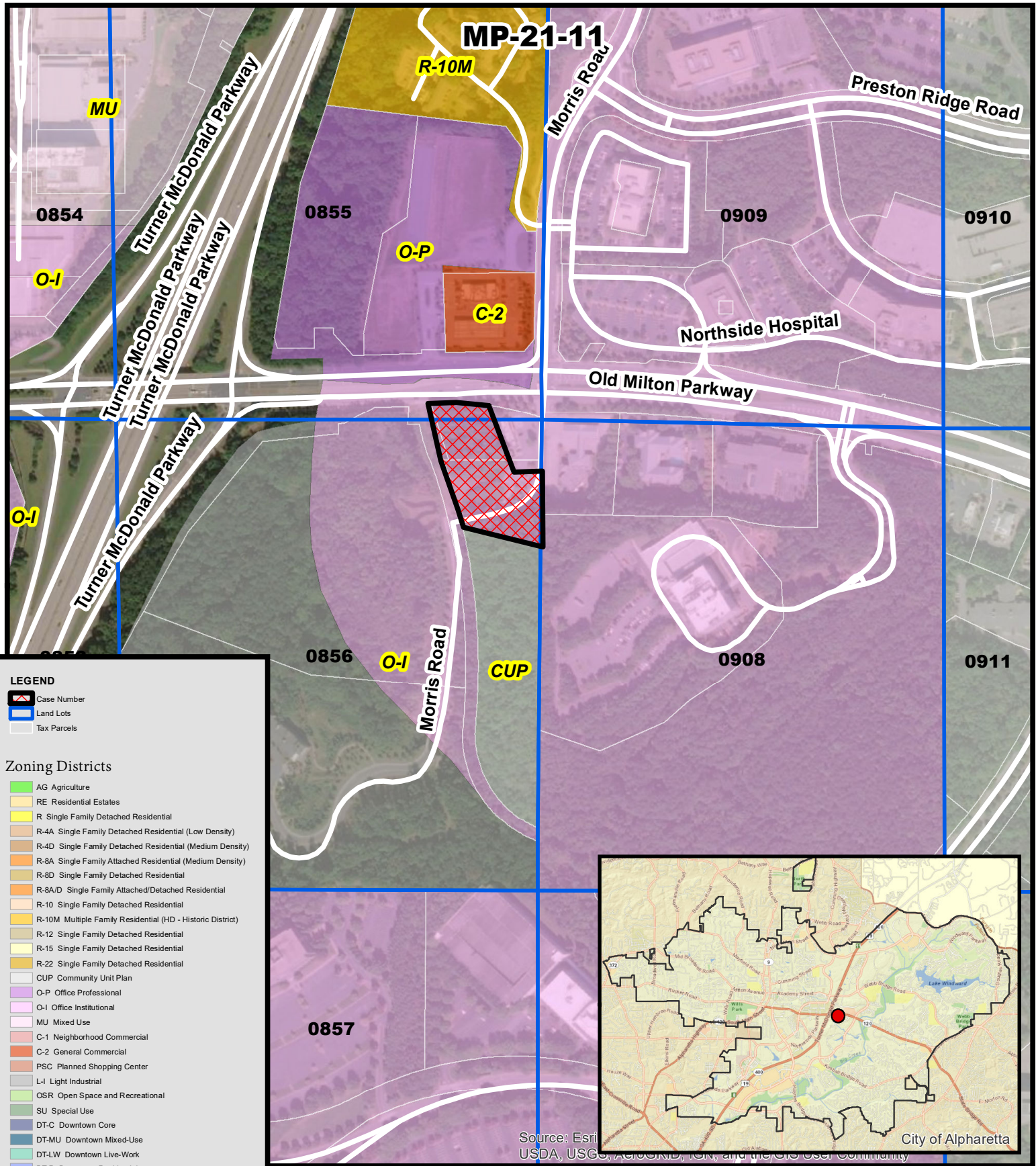


Aerial Map

Bridge Road Holdings LLC

MP-21-11
D/LL: 1/2/855, 856
PC: 3/3/22
CC: 3/28/22

Location Map Provided by:
Community Development - GIS

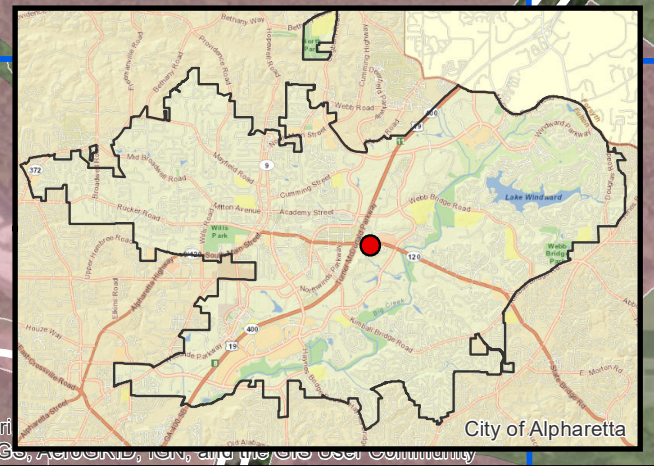
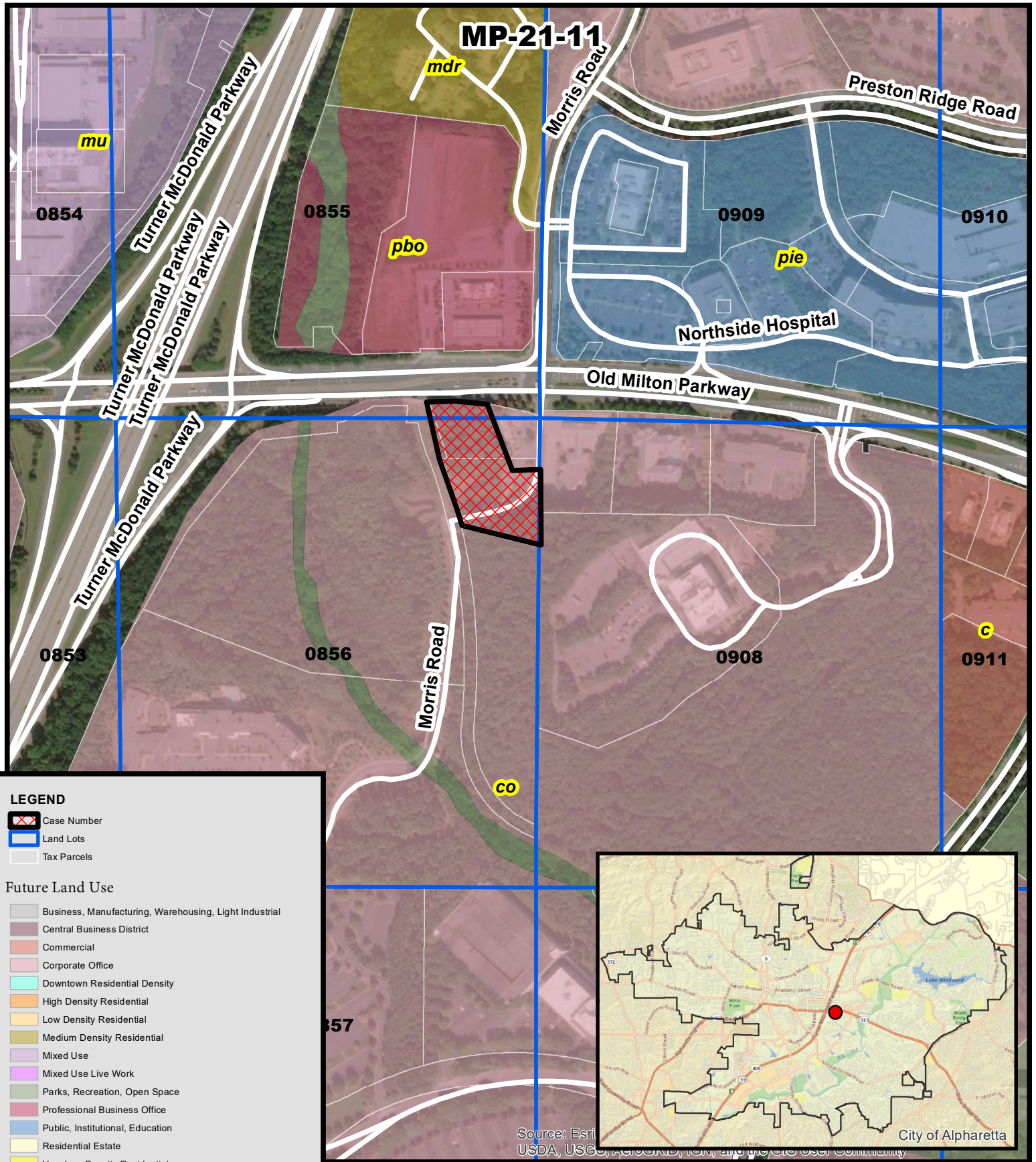


Zoning Map

Bridge Road Holdings LLC

MP-21-11
D/LL: 1/2/855, 856
PC: 3/3/22
CC: 3/28/22

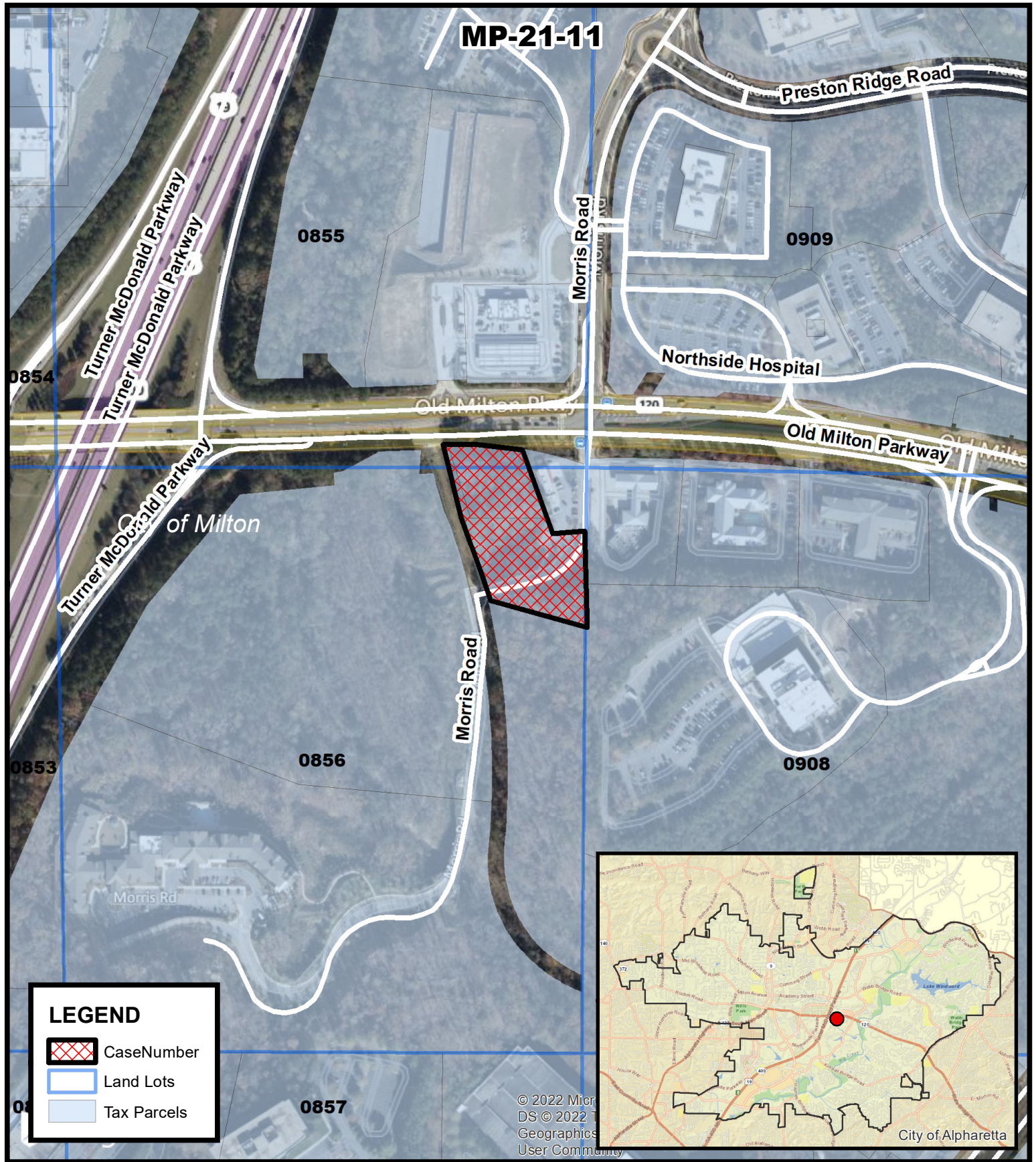
Location Map Provided by:
Community Development - GIS



Future Land Use Bridge Road Holdings LLC

MP-21-11
D/LL: 1/2/855, 856
PC: 3/3/22
CC: 3/28/22

Location Map Provided by:
Community Development - GIS



Location Map
Bridge Road Holdings LLC

MP-21-11
D/LL: 1/2/855, 856
PC: 3/3/22
CC: 3/21/22



Location Map Provided by:
Community Development - GIS

CITIZEN PARTICIPATION FORM - PART B

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

Public Hearing or Project Name: Bridge Road Holdings LLC

Contact Name: David Belle Isle Telephone: 770-664-6699

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

We have received no responses.

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

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

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

3333 Old Milton Alpharetta LLC; Bre Esa P Portfolio LLC; Burson Claire Lee; Midgard Self Storage Alpharetta GA LLC; Northside Ventures Inc; Piper Fund Holding LLC; QT 782 GA LLC; Sam's Commercial Properties LLC; Triad Newcastle LLC; Waffle House Inc.

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

Signature of Authorized Agent: 

Date: 2-22-2022

Print Form



Community Zoning Information Meeting
February 9, 2022
Department of Community Development
Via Zoom
6:00 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 Planning Commission, but not quoted or paraphrased. This document includes limited presentation by Planning Commission and invited speakers in summary form. The public is advised that the tapes recorded at said meeting are a matter of public record and are available upon request.

I. Staff Members Present:

- a. Michael Woodman
- b. Ben Kern

II. Items:

- a. V-21-31 / PH-21-22 Kimball Plaza – 11380 State Bridge Road
 - i. The applicant was unable to present but was available to answer question via chat. Michael Woodman presented the item.
 - ii. Requesting a variance to reduce the waiting period from September 2021.
 - iii. The applicant is asking for a change to the condition to allow for a medical use in addition to the retail use.Public Comments: there were no public comments for this item.
- b. MP-21-11 / Bridge Road Holdings, LLC
 - i. The applicant, David Belle Isle, was not present for this meeting. Michael Woodman presented the item.
 - ii. The applicant is requesting to bring this property into the Preston Glen Master Plan.
 - iii. 19,000 sq foot, 2 story building with medical and retail.Public Comments: there were no public comments for this item.
- c. Z-22-01 / V-22-03 / Wexler / 182 Marietta Street
 - i. The applicant, Kourtney Wexler, presented this item.
 - ii. The request is to rezone from C2 to DTR to build a single-family home.Public Comments: there were no public comments for this item.
- d. CLUP-21-06 / Z-21-10 / PH-21-20 / V-22-04 / Alcovy Haynes Bridge Road and Jon Scott Drive



Community Zoning Information Meeting
February 9, 2022
Department of Community Development
Via Zoom
6:00 PM

i. Ethan Underwood, the attorney for the applicant, presented this item.

ii. 20-unit development- mixture of detached, single-family units, townhomes, and semi-attached

iii. 3,000 sq feet minimum size

iv. \$1,000,000 + prices

v. There will be a barrier wall at the 5-foot landscape strip.

vi. Wants this to be a new wave of high-end housing.

Public Comments: chat comments (see next section)

-I don't think the development of the single-family residential units should be allowed. You can change the commercial side, but the price of the homes will bump up our property taxes. (resident of 469 Karen Drive) *We understand it's bringing some change. Is your concern traffic or that the houses are too expensive?* I'm concerned about the density of the project. You already have townhomes across the street.

-I am very opposed to this project. I don't believe it aligns with the city's 2040 Comprehensive Plan, nor does it align with the goals of the Council. The citizens want to preserve our tree canopy and improve walkability. We want to protect natural areas of land. This will impact traffic as well. (resident off Haynes Bridge Road)

III. Chat Comments:

COMMENT THREAD BEGAN WITH ALCOVY HAYNES BRIDGE DEVELOPMENT:

18:10:53 From Jim to Everyone:

I oppose this development

18:10:58 From Taylor to Everyone:

agree

18:12:02 From Jim to Everyone:

too much concentration of home in this area

18:12:34 From Adeniyi to Everyone:

How much is the square footage and cost of the houses and townhomes?

18:14:45 From Kimberly's iPhone to Everyone:

Does anyone know what this will do to our property values? Do the residents truly get a say so?

18:16:10 From Jim Siegel to Everyone:



Community Zoning Information Meeting
February 9, 2022
Department of Community Development
Via Zoom
6:00 PM

This will raise your property values. Why would you be opposed?

18:17:48 From Leslie Carpenter to Everyone:

I don't feel the density of this proposal is sufficient to cause the destruction of our single family subdivision

18:17:48 From Linda Bilderback to Everyone:

Linda Bilderback I am for this new developement. Maybe you could state what the current zoning lot size is now. I live on Haynes Bridge

18:18:05 From Kimberly's iPhone to Everyone:

I do live in Alpha Park and have lived here for 30 years. The development is to large.

18:18:53 From Jim to Everyone:

we are looking for single family home on each lot as is now

18:19:01 From Leslie Carpenter to Everyone:

deforestation, water reclamation, sewage and trash removal...

18:19:45 From Leslie Carpenter to Everyone:

6 to 12 separation of residences is way to close,

18:21:06 From Leslie Carpenter to Everyone:

why not buy everybody out at the valuable price increase that you are speaking of

18:23:57 From Kimberly's iPhone to Everyone:

Yes

18:24:00 From Leslie Carpenter to Everyone:

is police to be increased

18:24:24 From Kimberly's iPhone to Everyone:

What is the next step?

18:24:28 From Leslie Carpenter to Everyone:

is fire dept on board with this

18:24:57 From Adeniyi to Everyone:

What is the timeline for building these out..?

18:25:45 From Leslie Carpenter to Everyone:

why not make a subdivision all along the south of devore along Haynes bridge

18:26:06 From Kimberly's iPhone to Everyone:

We can attend the meeting?

18:26:20 From Adeniyi to Everyone:



Community Zoning Information Meeting
February 9, 2022
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6:00 PM

Why not increase the green space between the single family detached houses by 50% and reduce the number of town homes?

18:27:31 From danielle west to Ben Kern (Direct Message):

Thank you for taking the time to share these details with us! I love how Alpharetta is evolving!

18:27:37 From Leslie Carpenter to Everyone:

just the commercial zoned Haynes bridge side

18:27:38 From Jim Siegel to Everyone:

Will the city of Alpharetta force a repaving of Devore Road?

18:28:21 From Kimberly's iPhone to Everyone:

Can I go to City Hall and pick up today's attachment's?

18:28:23 From Ben Kern to danielle west(Direct Message):

You're welcome Danielle - glad to be able to keep you in the loop!

18:28:30 From Leslie Carpenter to Everyone:

make a strip along Haynes bridge & keep out of alpha park

18:29:05 From Adeniyi to Everyone:

Why not also increase the width of the road and add bike paths as part of the development and pay for it?

18:31:04 From Adeniyi to Everyone:

Devore

18:31:34 From Leslie Carpenter to Everyone:

a long strip of commercial should be developed for a strip of row houses

18:31:44 From Adeniyi to Everyone:

Need to ICT ease the Devore road width due to impact

18:32:05 From Adeniyi to Everyone:

Need to increase width of Devore

18:33:07 From Adeniyi to Everyone:

Width of Devore road is more important not side walk due to impact

18:36:27 From Adeniyi to Everyone:

Totally agree on having lots of trees more than what is here

18:37:04 From Leslie Carpenter to Everyone:

so 11 residences where there is 3

18:37:26 From Adeniyi to Everyone:

All trees planned need to be reflected in site plan

18:37:46 From Randy Blasch (he, him, his) to Everyone:



Community Zoning Information Meeting
February 9, 2022
Department of Community Development
Via Zoom
6:00 PM

We were told when Alpha Park was rezoned that Alpharetta would not allow the development to be changed piecemeal. How is this consistent with that?

18:39:14 From Adeniyi to Everyone:

Single family homes are more desirable than town homes

18:39:30 From Leslie Carpenter to Everyone:

that's it for me , for now

18:40:39 From Leslie Carpenter to Everyone:

signs were posted for the Monday night meeting?

18:40:40 From Kimberly's iPhone to Everyone:

I was unaware of Monday's meeting

18:40:55 From danielle west to Everyone:

Thanks again!!

18:41:31 From Kimberly's iPhone to Everyone:

I would like to meet with someone and I believe many of us would like to meet

18:41:32 From Randy Blasch (he, him, his) to Everyone:

This affects ALL Of Alpha Park, so it would appreciated if we were ALL included

18:42:00 From Kimberly's iPhone to Everyone:

I never received a letter and I live in the middle

18:42:18 From Leslie Carpenter to Everyone:

770 781 4100

18:42:54 From Ethan Underwood to Everyone:

EUNDERWOOD@MHTLEGAL.COM

IV. Meeting Ended

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: _____

PH #: _____

☐ Property Taxes & Code Violations Verified

☐ Fee Paid Initial: _____

COMMUNITY DEVELOPMENT DEPARTMENT

2 PARK PLAZA

ALPHARETTA, GA 30009

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

Contact Information:

Contact Name: **David Belle Isle**

Telephone: **770-664-6699**

Address: **178 S. Main Street**

Suite: **250**

City: **Alpharetta**

State: **GA**

Zip: **30009**

Fax: **770-664-9989**

Mobile Tel: **404-310-1336**

Email: **dbi@hbilawfirm.com**

Subject Property Information:

Address: **Old Milton Parkway**

Current Zoning: **O&I**

District: **1st**

Section: **2nd**

Land Lot: **856**

Parcel ID:

12-2970-0856-024-2

12-2970-0856-029-1

12-2970-0856-030-9

Proposed Zoning: **MP**

Current Use: **Vacant Lot**

This Application For (Check All That Apply):

☐ Conditional Use

☒ Master Plan Amendment

☐ Comprehensive Plan Amendment

☐ Rezoning

☐ Master Plan Review

☐ Variance

☒ Public Hearing

☐ Exception

☐ Other (Specify): _____

APPLICANT REQUEST AND INTENT

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

Medical Office and Retail.

Applicant's Request (Please itemize the proposal):

Amend Preston Ridge Master Plan to include adjacent subject property.

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

Owner desires to build one 1-story medical office building and one 2-story building with retail on the first floor and medical office on the second floor.

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: **Salman Rasheed**

Telephone: **248-854-7088**

Address: **P.O Box 5484**

Suite: _____

City **Alpharetta**

State: **GA**

Zip: **30009**

Authorization:

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

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

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

Property Owner's Authorized Applicant (if applicable):

Name of Authorized Applicant: **Bridge Road Holdings, LLC**

Telephone: **248-854-7088**

Address: **P.O Box 5484**

Suite: _____

City **Alpharetta**

State: **GA**

Zip: **30009**

So Sworn and Attested:

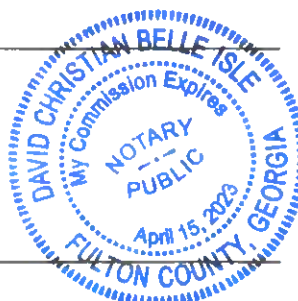
Owner Signature: _____

Date: **12/1/21**

Notary: _____

Notary Signature: _____

Date: **12-1-2021**



ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

- 11 -

How will this proposal be compatible with surrounding properties?

It will be consistent with adjacent properties that are within the Preston Ridge Master Plan

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

It will provide services and amenities for surrounding residents and businesses.

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

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

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

No impact to schools.

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

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

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

DISCLOSURE FORM

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

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

Name of Applicant or Opponent: **Bridge Road Holdings LLC**

Subject Public Hearing Case: _____

Campaign Contribution Information:

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

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

Name of Official: N/A Position: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

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

Signature: _____



Date: _____

12/1/21

CITIZEN PARTICIPATION FORM - PART A

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

Public Hearing or Project Name: Bridge Road Holdings LLC

Contact Name: David Belle Isle Telephone: 770-664-6699

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

3333 OLD MILTON ALPHARETTA LLC

SAM'S COMMERCIAL PROPERTIES LLC

BRE ESA P PORTFOLIO LLC

TRIAD NEWCASTLE LLC

BURSON CLAIRE LEE

WAFFLE HOUSE INC

MIDGARD SELF STORAGE ALPHARETTA GA LLC

NORTHSIDE VENTURES INC

PIPER FUND HOLDING LLC

QT 782 GA LLC ET AL

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

- | | |
|--|---|
| ☒ Letter | ☐ Personal Visits |
| ☐ Telephone | ☐ Group Meeting |
| ☐ Email | ☐ Other (Please Specify) |

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



MEMORANDUM

To: David Belle Isle
Hipes & Belle Isle, LLC

From: Ana Eisenman, P.E.
Allison Laber, E.I.T.
Kimley-Horn and Associates, Inc.

Date: January 27, 2022

RE: ***Old Milton Parkway at Morris Road – Trip Generation Memorandum***

Kimley-Horn is pleased to provide this trip generation memorandum for the *Old Milton Parkway at Morris Road* site in Alpharetta, Georgia.

PROJECT OVERVIEW

The *Old Milton Parkway at Morris Road* site is a proposed development consisting of two buildings located primarily in the southwestern quadrant of the intersection of Old Milton Parkway (SR 120) and Morris Road. Building A is proposed to be located on the northwest side of Morris Road, and Building B is proposed to be located on the southeast side of Morris Road.

Site access is proposed via three (3) full movement driveways along Morris Road. One driveway, located approximately 550 feet southeast of Old Milton Parkway/State Bridge Road (SR 120), is proposed to serve Building A. Additionally, Building A is anticipated to connect to parking associated with the existing restaurant located on the southwest corner of the intersection of Morris Road at Old Milton Parkway/State Bridge Road (SR 120). The existing restaurant has a driveway located along Morris Road approximately 70 feet south of Old Milton Parkway/State Bridge Road (SR 120). Two driveways, located approximately 400 feet and 475 feet southeast of Old Milton Parkway/State Bridge Road (SR 120), are proposed to serve Building B.

TRIP GENERATION

Project traffic, for the purposes of this evaluation, is defined as the vehicle trips expected to be generated by the Subject Property. Anticipated trip generation for the *Old Milton Parkway at Morris Road* development was calculated using rates and equations contained in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, 10th Edition, 2017. This analysis determines the projected trip generation volumes associated with the proposed retail (Shopping Center, ITE Code 820) and medical office uses (Medical-Dental Office Building, ITE Code 720).

Two options for the land use densities are being considered for the site:

Option 1: Building A (19,000 SF total) will consist of half retail land use (9,500 SF) and half medical office land use (9,500 SF). Building B (1,950 SF total) will consist entirely of medical office land use.



Due to the land uses proposed for the Option 1. Mixed-Use reductions occur with one another. For example, people instead of driving off-site or to the site adjacent roadways.

Daily Trips			AM Peak Hour			PM Peak Hour		
Total	In	Out	Total	In	Out	Total	In	Out
HIDE THIS ROW								
352	176	176	32	25	7	41	11	30
358	179	179	9	6	3	36	17	19
710	355	355	41	31	10	77	28	49
682	341	341	35	28	7	75	27	48

The density and the anticipated project trip generation for Option 1 are summarized in **Table 1**.

Table 1: Option 1 Trip Generation Old Milton Parkway at Morris Road Building											
Land Use	ITE Code	Density	Daily Traffic			AM Peak			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit
Medical-Dental Office Building	720	11,450 SF	352	176	176	32	25	7	41	11	30
Shopping Center	820	9,500 SF	358	179	179	9	6	3	36	17	19
Total Gross Trips			710	355	355	41	31	10	77	28	49
<i>Mixed-Use Reduction</i>			-28	-14	-14	-6	-3	-3	-2	-1	-1
Net New Trips			682	341	341	35	28	7	75	27	48

Option 2: Building A (19,000 SF total) and Building B (1,950 SF total) will consist entirely of medical office land use. Due to the single land use proposed for the site, mixed-use reductions were not applied to the trip generation for Option 2. The density and the anticipated project trip generation for Option 2 are summarized in **Table 2**.

Table 2: Option 2 Trip Generation Old Milton Parkway at Morris Road Building											
Land Use	ITE Code	Density	Daily Traffic			AM Peak			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit
Medical-Dental Office Building	720	20,950 SF	730	365	365	56	44	12	73	20	53
Total Gross Trips			730	365	365	56	44	12	73	20	53
Net New Trips			730	365	365	56	44	12	73	20	53

SUMMARY

Based on the findings above, Option 1 is projected to generate 682 daily trips (341 entering, 341 exiting), 35 AM peak hour project trips (28 entering, 7 exiting), and 75 PM peak hour project trips (27 entering, 48 exiting). Option 2 is projected to generate 730 daily trips (365 entering, 365 exiting), 56 AM peak hour project trips (44 entering, 12 exiting), and 73 PM peak hour project trips (20 entering, 53 exiting).

Based on a comparison of the land use alternatives, Option 1 (mixed medical office and retail) is projected to generate fewer Daily and AM peak hour trips than Option 2 (all medical office). However, the PM peak hour is projected to generate slightly more traffic, two more trips under Option 1 over Option 2. Overall, the number of trips anticipated from either alternative is relatively similar. The greatest number of peak hour trips is anticipated in the PM peak hour, though the projected 75 or fewer trips during the peak is not expected to have a significant impact on peak hour traffic in the vicinity of the site.

If you have any questions concerning this letter or need additional information, please do not hesitate to contact me.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



Ana Eisenman, P.E.
Project Engineer

Attachments:

- Figure 1: Site Aerial
- Trip Generation Analysis
- Site Plan



Option 1

Trip Generation Analysis (10th Ed. With 2nd Edition Handbook Daily IC & 3rd Edition AM/PM IC) Old Milton Parkway at Milton Road Alpharetta, GA													
Land Use			Density		Daily Trips			AM Peak Hour			PM Peak Hour		
					Total	In	Out	Total	In	Out	Total	In	Out
Proposed Project Trips													
LUC	Land Use		Density	Units	HIDE THIS ROW								
720	Medical-Dental Office Building		11,450	Sq. Ft. GFA	352	176	176	32	25	7	41	11	30
820	Shopping Center		9,500	Sq. Ft. GFA	358	179	179	9	6	3	36	17	19
Total Proposed Trips					710	355	355	41	31	10	77	28	49
Mixed-Use Reductions - TOTAL					-28	-14	-14	-6	-3	-3	-2	-1	-1
Driveway Volumes					682	341	341	35	28	7	75	27	48

Option 2

Trip Generation Analysis (10th Ed. With 2nd Edition Handbook Daily IC & 3rd Edition AM/PM IC) Old Milton Parkway at Milton Road Alpharetta, GA													
Land Use		Density		Daily Trips			AM Peak Hour			PM Peak Hour			
				Total	In	Out	Total	In	Out	Total	In	Out	
Proposed Project Trips													
LUC	Land Use	Density	Units	HIDE THIS ROW									
720	Medical-Dental Office Building	20,950	Sq. Ft. GFA	730	365	365	56	44	12	73	20	53	
Alternative Mode Reductions - TOTAL				0	0	0	0	0	0	0	0	0	
Driveway Volumes				730	365	365	56	44	12	73	20	53	

OLD MILTON PARKWAY / STATE BRIDGE ROAD / GEORGIA STATE ROUTE NO. 126
R/W VARIES

PERMANENT SLOPE
MAINTENANCE EASEMENT
(DB 17843, PG 323)

PERMANENT SLOPE
MAINTENANCE EASEMENT
(DB 18232, PG 58)

OLD MORRIS ROAD
(ABANDONED)
30' R/W

MORRIS ROAD
30' R/W

Building A

19,000 SF
(2x9,500)
PARKING
95 REQ'D
95 SHOWN

FPE 1022
BFE 1011

DMP

UND/GRD DET/WQ POND

UND/GRD DET/WQ POND

DET/WQ POND

DMP

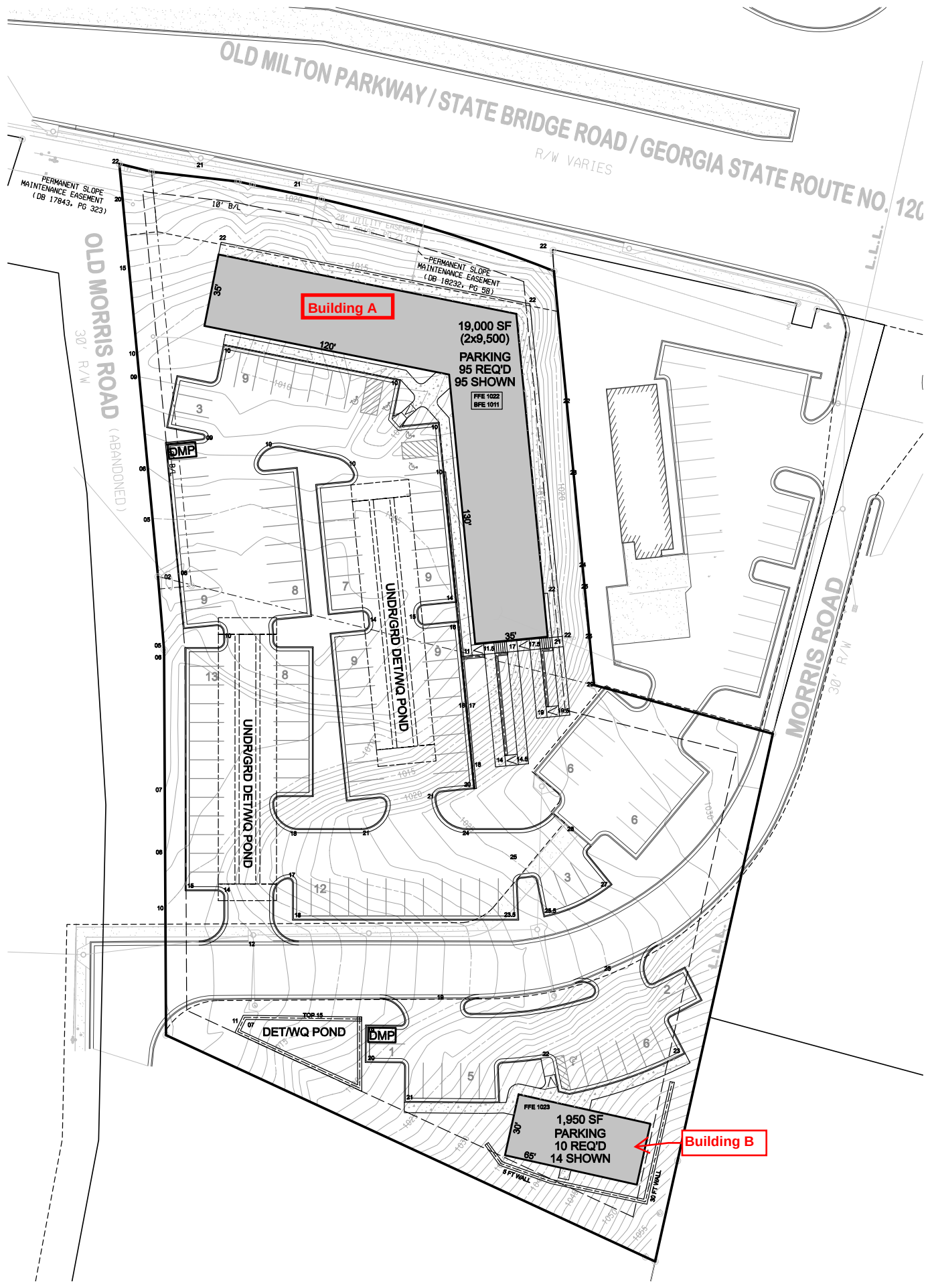
Building B

1,950 SF
PARKING
10 REQ'D
14 SHOWN

FPE 1023

5 FT WALL

5 FT WALL

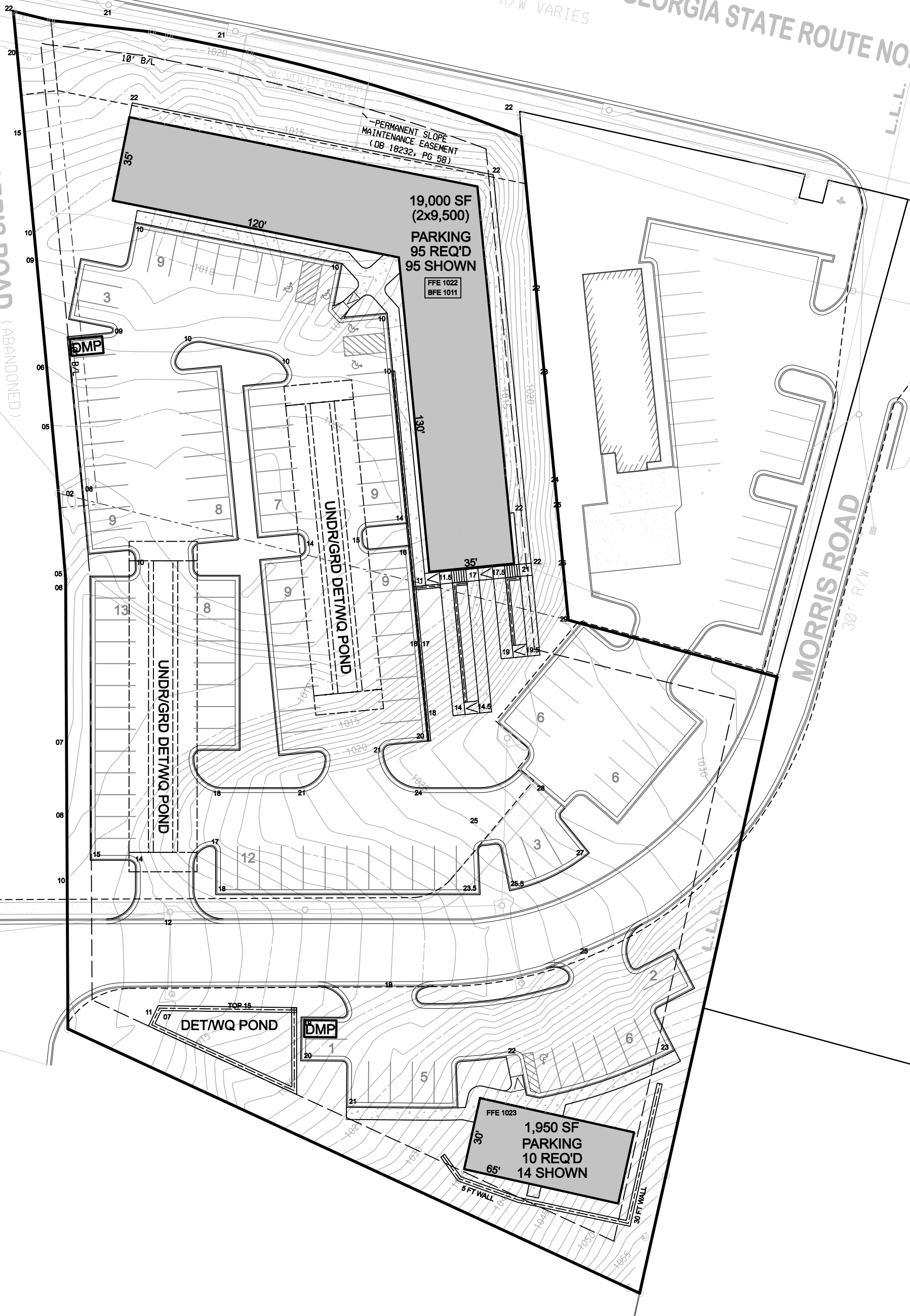


Original Plot Date	08/02/2021
Scale	1" = 30'
Drawn By	SJL
Checked By	RCL
Original Field Date	07/30/2021
Crew	RL/WE/AL
Field Book	FIELD SKETCH
Job No.	210257
Dwg. No.	210257-SJL
Sheet	1 of 1

OLD MILTON PARKWAY / STATE BRIDGE ROAD / GEORGIA STATE ROUTE NO. 120
R/W VARIES

PERMANENT SLOPE
MAINTENANCE EASEMENT
(DB 17843, PG 323)

OLD MORRIS ROAD
(ABANDONED)
30' R/W



Tract 1

All that tract or parcel of land lying and being in Land Lot 856 of the 1st District, 2nd Section, Fulton County, Georgia, more particularly described as follows:

To find the Point of Beginning, begin at a point located at the intersection of the southerly right-of-way of State Bridge Road with the easterly right-of-way of Morris Road (30-foot right-of-way); thence South 18 degrees 22 minutes 52 seconds East 199.47 feet to a point, at the Point of Beginning; thence North 88 degrees 54 minutes 47 seconds West 16.15 feet to a closed top pipe found at the easterly right-of-way of Morris Road; thence South 17 degrees 45 minutes 20 seconds East along the easterly right-of-way of Morris Road 185.27 feet to an iron pin found; thence South 13 degrees 14 minutes 21 seconds East along the easterly right-of-way of Morris Road 185.27 feet to an iron pin found; thence South 78 degrees 08 minutes 46 seconds East 259.85 feet to a point; thence North 00 degrees 23 minutes 44 seconds East 259.84 feet to a closed top pipe found; thence North 87 degrees 51 minutes 34 seconds West 88.90 feet to a point; thence North 88 degrees 54 minutes 47 seconds West 200.00 feet to a point, at The Point of Beginning.

Tract 2

All that tract or parcel of land lying and being in Land Lot 856 of the 1st District, 2nd Section, Fulton County, Georgia, more particularly described as follows:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 855 and 856 of the 1st District, 2nd Section, Fulton County, Georgia, more particularly described as follows:

TO FIND THE POINT OF BEGINNING, begin at a point located at the intersection of the southerly right-of-way of State Bridge Road and the easterly right-of-way of Morris Road (30-foot right-of-way) having State plane coordinate values NAD 27, of North equals 1479961.71 and East equals 468993.87 which point is the Point of Commencement; thence south 89 degrees 04 minutes 39 seconds east a distance of 15.88 feet to a point which is located at State plane coordinate values NAD 27, of north 1479961.45 and East equals 469011.69 which point is the POINT OF BEGINNING; thence North 83 degrees 29 minutes 51 seconds East along the southerly right-of-way of State Bridge Road 44.03 feet to a point; thence South 87 degrees 12 minutes 00 seconds East along the southerly right-of-way of State Bridge Road 4.87 feet to a point; thence northeasterly along the southerly right-of-way of State Bridge Road along an arc measuring 33.60 feet (subtended by a chord North 88 degrees 17 minutes 26 seconds East 33.60); thence continuing southeasterly along the southerly right-of-way of State Bridge Road along an arc measuring 117.50 feet (subtended by a chord South 85 degrees 29 minutes 23 seconds East 117.38 feet) to a point; thence South 18 degrees 33 minutes 22 seconds East 200.00 feet to a point; thence North 18 degrees 22 minutes 52 seconds West 199.47 feet to a point located at the intersection of the southerly right-of-way of State Bridge Road and the easterly right-of-way of Morris Road, at the Point of Beginning.

Tract 3

All that tract or parcel of land lying and being in Land Lot 856 of the 1st District, 2nd Section, Fulton County, Georgia, being more particularly described as follows:

Beginning at the intersection of the southerly right-of-way line of State Bridge Road (State Route 120) having a 100-foot right-of-way and the easterly right-of-way of Morris Road, having a 60-foot right-of-way; thence South 18 degrees 00 minutes East, along the 60-foot right-of-way line of Morris Road for a distance of 200.00 feet to an iron pin; thence South 72 degrees 00 minutes West a distance of 15.0 feet to an iron pin; thence North 18 degrees 00 minutes West a distance of 205.2 feet to a point on the southerly right-of-way line of State Bridge Road; thence South 89 degrees 00 minutes East a distance of 15.9 feet to an iron pin on said right-of-way and the point of beginning.

Less and Except that portion of subject property conveyed to the Department of Transportation, recorded in Deed Book 6889, Page 88, Fulton County Records; and that portion of subject property taken by Declaration of taking in favor of Department of Transportation recorded in Deed Book 17843, Page 323, Fulton County Records.

Tracts 1, 2 and 3 being more particularly described as follows:

All that lot, tract or parcel of land containing 2.4529 Acres (106,848 square feet) lying and being in Land Lots 855 & 856 of the 1st District, 2nd Section of Fulton County Georgia and being more particularly described as follows:

BEGINNING at an iron pin set at the intersection of the southern right-of-way of State Bridge Road, also known as Old Milton Parkway and GA State Route No. 120 (having a variable width right-of-way) and the eastern right-of-way of Morris Road (having a 30 foot right-of-way); thence proceed along said southern right-of-way of State Bridge Road, SOUTH 89 DEGREES 17 MINUTES 57 SECONDS EAST a distance of 15.87 feet to a point; thence NORTH 83 DEGREES 30 MINUTES 20 SECONDS EAST a distance of 44.03 feet to a point; thence SOUTH 87 DEGREES 11 MINUTES 34 SECONDS EAST a distance of 4.87 feet to a concrete monument found; thence along a curve turning to the right with an arc length of 33.60 feet having a radius of 6402.63 feet and being subtended by a chord bearing of NORTH 88 DEGREES 17 MINUTES 51 SECONDS EAST a distance of 33.60 feet to a point; thence along a curve turning to the right with an arc length of 117.50 feet having a radius of 768.51 feet and being subtended by a chord bearing of SOUTH 85 DEGREES 28 MINUTES 56 SECONDS EAST a distance of 117.38 feet to an iron pin found (1/2 inch rebar); thence departing said right-of-way of State Bridge Road, SOUTH 18 DEGREES 32 MINUTES 56 SECONDS EAST a distance of 200.00 feet to an iron pin set; thence SOUTH 87 DEGREES 53 MINUTES 03 SECONDS EAST a distance of 89.06 feet to an iron pin found (1/2 inch rebar), located on the eastern land lot line of land lot 856; thence along said land lot line SOUTH 00 DEGREES 23 MINUTES 44 SECONDS EAST a distance of 259.91 feet to an iron pin set; thence departing said land lot line NORTH 78 DEGREES 08 MINUTES 20 SECONDS WEST a distance of 259.20 feet to an iron pin found (1 inch crimp top pipe) located on the eastern right-of-way of Morris Road; thence along the eastern right-of-way of Morris Road NORTH 13 DEGREES 13 MINUTES 55 SECONDS WEST a distance of 185.27 feet to a point; thence NORTH 17 DEGREES 44 MINUTES 56 SECONDS WEST a distance of 35.38 feet to an iron pin found (1 inch crimp top pipe); thence NORTH 18 DEGREES 18 MINUTES 24 SECONDS WEST a distance of 199.27 feet to an iron pin set at the intersection of the southern right-of-way of State Bridge Road, said iron pin being the POINT OF BEGINNING.

Together with:

Easement parcels:

Non-Exclusive Access Easement as set forth in Access Easement Agreement recorded in Deed Book 56721, page 514, as amended in First Amendment to Access Easement Agreement recorded in Deed Book 58496, page 191, Fulton County, Georgia Records.

And:

Non-Exclusive Access Easement as set forth in Access, Parking and Storm Water Easement Agreement recorded in Deed Book 56925, page 627, as amended in First Amendment to Access, Parking and Storm Water Easement Agreement recorded in Deed Book 58496, page 202, Fulton County, Georgia Records.



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

CITY COUNCIL SPONSOR: DAN MERKEL

I. AGENDA ITEM TITLE: PH-22-01 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – RESEARCH & DEVELOPMENT, LABORATORY, ATHLETIC FACILITY & FITNESS STUDIO AND DRIVEWAYS

PLANNING COMMISSION: MARCH 3, 2022

CITY COUNCIL: MARCH 28, 2022

II. REPORT IN BRIEF:

Consideration of text amendments to Unified Development Code (UDC) Section 1.4 Definitions, Section 2.2 Permitted Use Districts and Regulations, Section 2.3 Supplementary Regulations, Section 2.5 Parking and Loading, and Appendix A: Alpharetta Downtown Code, Section 3.4 Uses Allowed by District, to add definitions, permitted uses and regulations related to Research and Development, Laboratory, Athletic Facility & Fitness Studio and Driveways.

DISCUSSION

Athletic Facility and Fitness Studio

It is recommended that 'Athletic Facility, Fitness Studio' be separated into two (2) distinct uses and that definitions be added for each use. The uses are proposed to be assigned as permitted or conditional uses in commercial, office, light industrial and mixed-use zoning categories.

Laboratory, Research or Commercial

'Laboratory, Research or Commercial' is a use that is identified in the UDC; however, there is currently no definition. Staff proposes a definition that follows the four (4) levels of laboratory biosafety established at the Federal level. A Level 4 laboratory, which allows work with dangerous and exotic agents which cause severe to fatal disease in humans and for which vaccines or other treatments are not available, are identified as prohibited in all zoning districts.

Research and Development

In an effort to respond to market demand for research and development opportunities in the City, a new use and definition is recommended for 'Research and Development'. The use is proposed as a permitted use in existing Office Buildings and Office Parks, where office is a permitted use within an existing master plan and in the LI (Light Industrial) district.

Driveways and Curb Cuts

Text amendments are recommended to clarify that driveway access on double frontage lots should be from the lower classification street. In addition, an amendment is

recommended to clarify that residential lot curb cuts or driveways may be closer than 300' from a curb cut on an adjacent residential lot, but that an individual residential lot may not have more than one (1) curb cut per 300' of street frontage.

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.

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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. Additional 'For-Sale' detached dwelling.
 - b. Greenhouse, Nursery.
 2. Business Uses.
 - a. Animal Hospital, Veterinarian.
 - b. Broadcasting (Radio or TV).
 - c. Builder's Equipment.
 - d. Carpenter Shop, Woodworking.
 - e. Equestrian Center.
 - f. Golf Course, Driving Range.
 - g. Kennel.
 - h. Special Event Facility.
 3. Semipublic Uses, Utilities.
 - a. Airport.
 - ~~b. Athletic Facility.~~
 - b. Auditorium.
 - c. Cemetery.
 - d. Church, Synagogue or any other religious institution.
 - e. Club or Lodge.
 - f. Country Club.
 - g. Heliport, Public/Private.
 - h. Utility Substation.
 - i. 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; Ord. No. 833 , § 2(Exh. B), 7-26-2021)

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.

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- 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; Ord. No. 833 , § 2(Exh. B), 7-26-2021; Ord. No. 836 , § 1(Exh. A), 10-4-2021)

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.

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- 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 or golf 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; Ord. No. 833 , § 2(Exh. B), 7-26-2021)

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. Semipublic Uses, Utilities.
 - a. Church, Synagogue or any other religious institution.
 - b. Country Club, Association or Lodge.

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

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; Ord. No. 833 , § 2(Exh. B), 7-26-2021)

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.

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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. Semipublic Uses, Utilities.
 - a. Associations, (Clubs and Lodges).
 - b. Church, Synagogue or other religious institution.
 - c. Country Club with golf course or 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—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; Ord. No. 833 , § 2(Exh. B), 7-26-2021)

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. Associations, (Clubs and Lodges).
 - b. Church, Synagogue, or any other religious institutions.
 - c. Country Club with golf course or driving range.
 - d. 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. Associations, (Clubs and Lodges).
 - b. Church, Synagogue, or any other religious institution.
 - c. Country Club with golf course or driving range.
 - d. 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. Associations, (Clubs and Lodges).
 - b. Church, Synagogue, or other religious institutions.
 - c. Country Club with golf course or driving range.
 - d. 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. Associations, (Clubs and Lodges).
 - b. Church, Synagogue, or other religious institutions.
 - c. Country Club with golf course or driving range.
 - d. 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. Associations, (Clubs and Lodges).
 - b. Church, Synagogue, or other religious institutions.
 - c. Country Club with golf course or driving range.

-
- d. 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. Associations, (Clubs and Lodges).
 - b. Church, Synagogue, or other religious institutions.
 - c. Country Club with golf course or driving range.
 - d. 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, office parks, research and development and related accessory uses, streets and other facilities.

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

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

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

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

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

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- v. Distillery.
 - w. Drug Store.
 - x. Dry Cleaning Pick-up Station.
 - y. Equestrian Center.
 - z. Extended stay hotel (see Section 2.7).
 - aa. Fitness Studio.
 - bb. Florist, Retail without Greenhouse.
 - cc. Funeral Home w/no cemetery or mausoleum.
 - dd. Golf, Miniature.
 - ee. Grocery Store.
 - ff. Hardware and Garden Supply Store.
 - gg. Hotel or Motel.
 - hh. Laboratory, Research or Commercial.
 - ii. Laundry, Self-Serve, Pick-up.
 - jj. Liquor Store.
 - kk. Office Building or Office Park (Research and Development shall be a permitted use within an existing Office Building or Office Park or where office is a permitted use within an existing master plan).
 - ll. Park, playground.
 - mm. Pet Day Care.
 - nn. Pet Grooming.
 - oo. Print Shop.
 - pp. Public Building.
 - qq. Recreation Facilities, Indoor and Outdoor.
 - rr. Rental Services Establishment without outside storage.
 - ss. Research and Development.
 - tt. Restaurant.
 - uu. Restaurant, with Drive-thru window.
 - vv. Retail Sales and Services Establishments not otherwise listed for this zoning district.
 - ww. Retail Establishment, Mixed Sales.
 - xx. School, Commercial.
 - yy. Shop or Studio, Craftsman/Artist.
 - zz. Spa Services.
 - aaa. Special Event Facility.
 - bbb. 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.~~
- c. Auditorium.
- d. Church, Synagogue.
- e. Club, association or lodge.
- f. Country Club.
- g. Fire Station.
- h. Golf Course, Driving Range.
- i. Heliport, public or private.
- j. Hospital.
- k. Library.
- l. Museum.
- m. Park or Playground.
- n. Power Station.
- o. School, Academic.
- p. Switching Station (Telecom).
- q. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
- r. Wireless Tower.

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

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

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

Minimum Lot Width, Minimum Setbacks, Maximum Coverage by Principal Buildings, Maximum Building Height, Minimum Floor Area of a Dwelling Unit, Screening and Buffers: Each area within the CUP shall be designated for use in accordance with one of the various zoning districts in this Ordinance, and shall comply with

the requirements of such designated zoning district or, if more restrictive, the conditions of approval of the CUP zoning on the property.

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

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

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).
 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. *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. Shop or studio, Craftsman/Artist.
 - h. School Commercial.
 - i. Spa Services.
 2. Semipublic Uses, Utilities.
 - a. Auditorium.
 - b. Church, Synagogue.
 - c. Club, association or lodge.
 - d. Public Building.
 - e. School, Academic.

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- 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).*

(Ord. No. 836 , § 1(Exh. A), 10-4-2021)

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, office or **research and development** 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 (**Research and Development shall be a permitted use within an existing Office Building or Office Park or where office is a permitted use within an existing master plan.**)
- h. Recreational Facilities (Indoor or Outdoor).

i. Research and Development.

j. Special Event Facility.

k. 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.

- 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.

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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. Animal Hospital, Small Animal.
 - b. Art Galleries.
 - c. Athletic Facility.
 - d. Automobile Service and Service Station.
 - e. Bakery.
 - f. Barber Shop.
 - g. Beauty Shop.
 - h. Book Store.
 - i. Boutique Hotel.
 - j. Bowling Alley.
 - k. Brewery.
 - l. Car Wash.
 - m. Contractor's Office without outside storage.
 - n. Convenience Market with or without gas pumps.
 - o. Dance Studio.
 - p. Distillery.
 - q. Dry Cleaning Pick-up Station.
 - r. Extended Stay Hotel (see Sec. 2.7).
 - s. Fitness Studio.
 - t. Florist, Retail without Greenhouse.
 - u. Funeral Home w/out cemetery or mausoleum.
 - v. Golf, Miniature, or Golf Driving Range.
 - w. Hotel/motel.
 - x. Laboratory, Research or Commercial.
 - y. Liquor Store.
 - z. Parking Lot, Commercial.
 - aa. Print Shop.

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- bb. Restaurant.
 - cc. Restaurant, with Drive-thru window.
 - dd. Retail Sales & Services Establishments subject to the limitation of [subsection] 2.2.13 B 8.
 - ee. School, Commercial.
 - ff. 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. 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; Ord. No. 813 , § 1(Exh. A), 10-26-2020; Ord. No. 836 , § 1(Exh. A), 10-4-2021)

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. 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. Dance Studio.
 - j. Day Care Center.
 - k. Drug Store.
 - l. Dry Cleaning Pick-up Station.
 - m. Fitness Studio.
 - n. Florist, Retail Without Greenhouse.
 - o. Hardware and Garden Supply Store.
 - p. Laundry, Self-Serve, Pick-up.
 - q. Nail Salon.
 - r. Office Building or Park.
 - s. Pet Day Care.
 - t. Pet Grooming.
 - u. Print Shop.
 - v. Restaurant.

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- w. Retail Sales and Services (Establishments not otherwise listed for this zoning district as a permitted or conditional use).
 - x. School, Commercial.
 - y. Shop or Studio, Craftsman/Artist.
3. Semipublic Uses, Utilities.
- a. Library.
 - b. Museum.
 - c. Park or Playground.
 - d. School, Academic.
- 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. Dwelling, Group (congregate housing, assisted living facility, nursing).
 - 2. Business Uses.

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- a. Animal Hospital, small animals.
 - b. Assisted Living, Congregate housing.
 - c. ~~Athletic Facility.~~
 - d. Automotive Parts.
 - e. Bowling Alley.
 - f. Brewery.
 - g. Check Cashing.
 - h. Club, association or lodge.
 - i. Contractor's Office without outside storage.
 - j. Distillery.
 - k. Funeral home with no cemetery or mausoleum.
 - l. Golf, Miniature.
 - m. Grocery Store.
 - n. Hotel/Motel.
 - o. Liquor Store.
 - p. Parking Lot, Commercial.
 - q. Pest Control Business.
 - r. Rental Services Establishment without outside storage.
 - s. Restaurant, with Drive-thru Window.
 - t. Retail Establishment, Mixed Sales.
 - u. Smoke Shop and Tobacco Store.
 - v. Spa Services.
 - w. Special Event Facility.
 - x. Theater, Cinema.
3. Semipublic Uses, Utilities.
- ~~a. Athletic Facility, Fitness Studio.~~
 - a. Auditorium.
 - b. Church, Synagogue.
 - c. Hospital.
 - d. Public Building.
 - 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 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; Ord. No. 836 , § 1(Exh. A), 10-4-2021)

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. Athletic Facility.
- c. Automobile Service and Service Station.
- d. Automotive Parts.
- e. Bakery.
- f. Bank, Savings and Loan.
- g. Barber Shop.
- h. Beauty Shop.
- i. Book Store.
- j. Bowling Alley.
- k. Broadcasting Studio (radio or TV).
- l. Carpet and Rug Sales.
- m. Clinic.
- n. Contractor's Office without outside storage.

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- o. Convenience Market with or without gas pumps.
 - p. Dance Studio.
 - q. Day Care Center.
 - r. Drug Store.
 - s. Dry Cleaning Pick-up Station.
 - ~~t. Fitness Studio.~~
 - u. Florist, Retail Without Greenhouse.
 - v. Grocery Store.
 - w. Hardware and Garden Supply Store.
 - x. Home Improvement Store.
 - y. Laundry, Self-Serve, Pick-up.
 - z. Liquor Store.
 - aa. Nail Salon.
 - bb. Office Building or Park.
 - cc. Parking Lot, Commercial.
 - dd. Pet Day Care.
 - ee. Pet Grooming.
 - ff. Print Shop.
 - gg. Rental Services Establishment without outside storage.
 - hh. Restaurant.
 - ii. Restaurant, w/Drive-thru Window.
 - jj. Retail Sales and Services Establishments not otherwise listed for this zoning district as a permitted or conditional use.
 - kk. Retail Establishment, Mixed Sales.
 - ll. School, Commercial.
 - mm. Shop or Studio, Craftsman/Artist.
3. Semipublic Uses, Utilities.
- ~~a. Athletic Facilities, Fitness Studio.~~
 - a. Hospital.
 - b. Library.
 - c. Museum.
 - d. Park or Playground.
 - e. 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. 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.

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- j. Club, fraternity, association or lodge.
 - k. Contractor's Office with outside storage.
 - l. Distillery.
 - m. Extended Stay Hotel (see Sec. 2.7).
 - 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. Semipublic Uses, Utilities.
- a. Auditorium.
 - b. Public Building.
 - 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; Ord. No. 836 , § 1(Exh. A), 10-4-2021)

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. Bakery.
- c. Barber Shop.
- d. Bank, Savings and Loan.
- e. Beauty Shop.
- f. Brewery.
- g. Book Store.
- h. Car Wash.
- i. Carpet and Rug Sales.
- j. Clinic.
- k. Dance Studio.
- l. Day Care Center.
- m. Distillery.
- n. Drug Store (Pharmacy).
- o. Florist, Retail without Greenhouse.
- p. Grocery Store (max. 50,000 SF in the North Point Overlay).
- q. Hardware Store (max. 50,000 SF in the North Point Overlay).
- r. Home Improvement Store.
- s. Laundry, Self-Serve, Pick-up.

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- t. Liquor Store.
 - u. Office Building or Park.
 - v. Pest Control Business.
 - 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.
- 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. Athletic Facility.
 - c. Automobile Service and Service Station.
 - d. Automotive Parts.
 - e. Bowling Alley.
 - f. Boutique Hotel.
 - g. Broadcasting Studio (radio or TV).
 - h. Convenience Center with gas pumps.
 - i. Dry Cleaning Plant.
 - j. Dry Cleaning Plant with pick-up station.
 - k. Fitness Studio.

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- l. Funeral Home with no cemetery or mausoleum.
 - m. Greenhouse, Nursery.
 - n. Golf, Miniature.
 - o. Hotel or Motel.
 - p. Nail Salon.
 - q. Parking Lot, Commercial.
 - r. Pet Day Care.
 - s. Pet Grooming.
 - t. Print Shop.
 - u. Recreation Facilities, Indoor.
 - v. School, Commercial.
 - w. Shop or Studio, Craftsman/Artist.
 - x. Spa Services.
 - y. Special Event Facility.
 - z. Theater, Cinema.
3. Semipublic Uses, Utilities.
- ~~a. Athletic Facility, Fitness Studio.~~
 - a. Auditorium.
 - b. Church, Synagogue.
 - c. Club, fraternity, association or lodge.
 - d. Heliport, public or private.
 - e. Libraries.
 - f. Museum.
 - g. Park or Playground.
 - h. Public Building.
 - i. Recreational Facilities (Outdoor).
 - j. School, Academic.
 - k. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
 - l. Wholesale Establishment.
 - m. 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; Ord. No. 836 , § 1(Exh. A), 10-4-2021)

2.2.17 L-I light-industrial.

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

1. Agricultural and Residential Uses.
 - a. Dwelling, Group (home-elderly, children, nursing).

2. Business Uses.

- a. Animal Hospital, small and large animals.
- b. Art Gallery.
- c. Athletic Facility.
- d. Automobile Service and Service Station.
- e. Automotive Parts.
- f. Automotive Sales and Leasing.
- g. Bakery.
- h. Bank, Savings and Loan.
- i. Book Store.
- j. Bowling Alley.
- k. Brewery.
- l. Broadcasting Studio (radio or TV).
- m. Builder's Equipment/Material.
- n. Car Wash.
- o. Carpenter Shop, Woodworking.
- p. Carpet and Rug Sales.
- q. Check Cashing.
- r. Church, Synagogue.
- s. Congregate Housing.
- t. Contractor's Office with and without outside storage.
- u. Convenience Market with or without gas pumps.
- v. Dance Studio.
- w. Day Care Center.
- x. Discount Store.
- y. Distillery.
- z. Drug Store.
- aa. Dry Cleaning Pick-up Station.
- bb. Fireworks Sales.
- cc. Fitness Studio.
- dd. Funeral Home.
- ee. Greenhouse, Nursery.
- ff. Grocery Store.
- gg. Hardware and Garden Center.

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

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- a. Bottled Gas, storage and distribution.
 - b. Locker, Frozen Food or Cold Storage.
 - c. Machine Shop.
 - d. Manufacturing, Light.
 - e. Mini-Warehouse.
 - f. Septic Tank Sales, Construction.
 - g. School, Commercial.
 - h. Storage, Inside and Outside.
 - i. Welding Shop.
 - j. Wholesale Trade Establishment.
4. Semipublic Uses, Utilities.
- ~~a. Athletic Facility, Fitness Studio.~~
 - a. Amphitheater.
 - b. Auditorium.
 - c. Church, Synagogue.
 - d. Heliport.
 - e. Hospital.
 - f. Library.
 - g. Museum.
 - h. Park or Playground.
 - i. Public Building.
 - j. School, Academic.
 - k. 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.

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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.

2.0 *Wholesale, Storage and Industrial Uses.*

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

3.0 *Semipublic Uses, Utilities.*

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

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

4.1 *General Standards.*

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- 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;

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- 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;

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

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

D. *District Regulations.*

Minimum lot size—one acre.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—35%.

Maximum Building Height—35 feet.

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

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

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

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:

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1. Semipublic Uses, Utilities.
 - 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.

(Ord. No. 836 , § 1(Exh. A), 10-4-2021)

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.

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- a. Golf, Miniature.
 - 2. Semipublic Uses, Utilities.
 - a. Airport.
 - b. Amphitheater.
 - c. Equestrian Center.
 - d. Fire Station.
 - e. Golf Course, Driving Range.
 - f. Heliport, Public/Private.
 - g. Hospital.
 - h. Library.
 - i. Museum.
 - j. Park or Playground.
 - k. School, Academic.
 - l. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
 - 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; Ord. No. 836 , § 1(Exh. A), 10-4-2021)

2.2.20 MU mixed use district.

This district is intended to allow for the development of a mix of uses 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: $\text{Land Use Land Area (acres) / Total MU Land Area (acres)} = \% \text{ Land Use of MU Development}$

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

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

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:

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

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

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

1. Residential Uses:
 - a. Dwelling, Group (assisted living facility, congregate housing).
 - b. Dwelling, 'For-Rent'.
 - c. Dwelling, 'For-Sale', Attached and Detached.

-
- d. Bed and Breakfast.
2. Commercial Uses:
- a. Art Gallery.
 - b. Athletic Facility.
 - c. Bakery.
 - d. Bank, Savings & Loan.
 - e. Barber Shop.
 - f. Beauty Shop.
 - g. Book Store.
 - h. Boutique Hotel.
 - i. Brewery.
 - j. Clinic.
 - k. Dance Studio.
 - l. Day Care Center.
 - m. Distillery.
 - n. Drug Store (Pharmacy).
 - o. Dry cleaning, Pickup Station.
 - p. Fitness Studio.
 - q. Florist, Retail.
 - r. Grocery Store (max. 50,000 SF in the North Point Overlay).
 - s. Hardware and Garden Supply Store (max. 50,000 SF in the North Point Overlay).
 - t. Hotel/Motel.
 - u. Liquor Store.
 - v. Nail Salon.
 - w. Office.
 - x. Pet Grooming.
 - y. Print Shop.
 - z. Recreation Facilities, Indoor and Outdoor.
 - aa. Restaurant.
 - bb. Retail Establishment.
 - cc. School, Commercial.
 - dd. Spa Services.
 - ee. Special Event Facility.
 - ff. Theater, Cinema.

3. Semipublic Uses, Utilities:

~~a. Athletic Facilities, Fitness Studio.~~

- a. Church, Synagogue.
- b. Heliport.
- c. Library.
- d. Museum.
- e. Park or Playground.
- f. Public Building.
- g. 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; Ord. No. 836 , § 1(Exh. A), 10-4-2021)

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	10	20	30	25%	35	1,500	50%

			other streets							
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 street 65' all other streets	15	50' local street 65' all other streets	15	35%	35		80%
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 "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	S					O		X	
Amphitheater												O	S					X	O	X	
Animal Hospital, Small Animal (Veterinarian)	O											O	S		O	O	S	X			
Animal Hospital, Large Animal	O																	X			
Art Galleries												O	S	O	X	X	O	X			O
Asphalt Plant																		O			
Athletic Facility/ Fitness Studio	⊖											O	S	⊖	O	X	S	X			O
Auditorium	O											O	S	O	O	O	S	X			
Auto Sales and Leasing (Trucks,												O				O		X			

Vans, Cars and Accessories)																				
Automotive Parts											O			O	X	S	X			
Automotive Service & Service Station											O	S			X	S	X			
Bakery											O	S	O	X	X	O	X			O
Bank, Savings and Loan, Mortgage Company											O	O	X	X	X	O	X			O
Barber/Beauty Shop											O	S	X	X	X	O				O
Bed and Breakfast	X	O	O	O	O					X	O		X	X	X					O
Book Store or Stationery											O	S	A	X	X	O	X			O
Bottle Gas Storage and Distribution																	X			
Boutique Hotel											O	S			O	S	O			O
Bowling Alley											O	S		O	X	S	X			
Brewery											O	S		O	O	O	X			O
Broadcasting Studio (Radio and TV)	O										O	O			X	S	X			
Builder's Equipment/Material	O										O				O		X			
Car Wash												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	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	O	O	S			O	
Concrete Plant																		O			
Congregate Housing, Assisted Living Facility											O	O	O		O	O		X			O
Contractor's Office without outside storage												O	S	X	O	X		X			
Contractor's Office with outside storage												O				O		X			
Convenience Center w/Gas Pumps												O	S			X	S	X			
Country Club	O	O	O	O	O	O	O	O	O	O	O	O	S								
Dance Studio												O	S		X	X	O	X			O
Day Care Center												O	O	X	X	X	O	X			O
Discount Store																		X			
Distillery												O	S		O	O	O	X			O
Drug Store (Pharmacy)												O	O		X	X	O	X			O
Dry Cleaning, Pick- Up Station												O	S	O	X	X	S	X			O
Dry Cleaning, Plant																		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		
Extended Stay Hotel (see Section 2.7)												O	S			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	S						X		
Fireworks Sales																		X			
<u>Fitness Studio</u>												<u>O</u>	<u>S</u>	O	<u>X</u>	<u>X</u>	<u>S</u>	<u>X</u>			<u>O</u>
Florist, Retail												O	S	O	X	X	O				O
Funeral Homes with no cemetery or mausoleum												O	S		O	O	S	X			
Glass Fabrication																		O			
Golf Course, Driving Range	O	O	O	O	O	O	O	O	O	O	O	O	O					O		X	
Golf, Miniature												O	S		O	O	S			X	
Greenhouse, Nursery	O															O	S	X			

Grocery Store												O			O	X	O	X			O
Group Home, Special Care Home (accessory use)	X	X	X	X	X	X	X					O									
Hardware and Garden Supply Store												O			X	X	O	X			O
Heliport, Public/Private	O											O	O				S	X		X	O
Home Improvement Store															X	O	X				
Home-Elderly, Children, Nursing										O	O	O		O	O		X				
Hospital												O	O		O	X		X		X	
Hotel or Motel												O	S		O	O	S				O
Indoor Shooting Range																		O			
Junk/Salvage Yard																		O			
Kennel	O																	X			
Laboratory, Research Commercial												O	S					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	S		O	X	O	X			O
Locker, Frozen Food or Cold Storage												O						X			
Machine Shop																		X			
Manufacturing, Heavy, General																		O			
Manufacturing, Light												O	S					X			
Massage Therapy																O		X			
Medical Cannabis or Marijuana Dispensary																		O			
Mini-warehouse Storage, Conditioned or Unconditioned space																		X			
Museum and Libraries												O	O		X	X	S	X		X	O
Nail Salon												O			X	X	S	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	S	X	X	X	S	X	X	X	O
Parking Lot, Commercial												O	S		O	X	S	X			
Pawn Shop																		X			
Pest Control Business (with or without onsite chemical storage)															O	O		X			

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

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

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

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

* 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

2.3.1 General exemptions.

- A. *Heights—Exclusions.* The following structures are exempt from the height limitations imposed within each zoning district:
1. Church spires, cupolas, and chimneys.
 2. Agricultural accessory structures, such as barns, silos, windmills, and the like.
 3. Parapets and structures used for ornamental or aesthetic purposes not to exceed twelve (12) feet.
 4. Elevator penthouses not to exceed fifteen (15) feet.
 5. Mechanical equipment on building roofs or rooftop antennas provided any such equipment exceeding 12 feet in height shall be contained within a structure or otherwise screened from ground view from adjoining streets and properties.
- B. *Front Yard Requirements—Existing Residential Areas.* The setback requirements of this Ordinance shall not apply to any residential lot where the average setback on developed lots located adjacent to and on each side of such lot and within the same zoning district and fronting on the same street as such lot is less than the minimum required setback. In such cases, the setback of such a lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots. In no case, however, shall setbacks be less than 15 feet.

If the adjacent developed lots on both sides of a vacant residential lot, within the same zoning district and fronting on the same street as such lot, have front yard setbacks greater than the minimum required by the zoning district, then the minimum setback on the vacant lot shall be the average of the 2 adjacent developed lots.

- C. *Double Frontage Lots.*
1. Double frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A landscaped or natural buffer of at least twenty feet (20'), across which shall be the right of access, shall be provided along the line of lots abutting such a traffic artery.
 2. On lots having frontage on two (2) streets, but not located on a corner, the minimum front yard setback requirement shall be provided along each street frontage.
 3. Double frontage lots shall obtain access from the street with the lower functional classification, unless this poses a safety hazard or would otherwise be impractical.
- D. *Setbacks—Exclusions.*
1. No building or structure or projection thereof, including porch, deck, terrace or chimney, shall be erected closer to a property line than the applicable setback regulation prescribed herein allows. However, uncovered steps, patio slabs, driveways, walkways, retaining walls of no more than 4' in height, and roof overhangs of up to 18" may be located within setback areas.
 2. Required setbacks may accommodate vegetated runoff reduction measures, provided such setbacks meet fire code standards. The runoff reduction measures may not compromise public safety such as the sight distance triangles required by the City.
- E. *Flag Lots.*

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1. Flag lots are prohibited for residential development. Residential building sites must meet minimum lot width requirements at the front setback line or at twice the required front setback for cul-de-sac lots.

(Ord. No. 730 , § 6, 12-5-2016; Ord. No. 732 , § 2, 2-6-2017)

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 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 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; Ord. No. 836 , § 1(Exh. B), 10-4-2021)

2.3.3 Accessory uses and structures.

- A. *Home Occupations.* An occupation, profession or trade customarily carried on by an occupant in a dwelling unit as a secondary use which is clearly incidental to the dwelling unit for residential purposes and which meets all of the following conditions:
1. The use shall be carried on wholly within the dwelling unit principal building. The attachment of an accessory building by a breezeway, roof or similar structure shall not be deemed as sufficient for the accessory building to be considered as a portion of the primary building.
 2. Not more than 25% of the floor area, not to exceed 500 square feet, of the dwelling unit building shall be used for the conduct of the home occupation.
 3. No merchandise or articles shall be displayed for advertising purposes, nor be displayed in such a way as to be visible from outside the dwelling unit. Garage doors shall not be left in the open position when the garage is used for the storage of business related materials.
 4. No merchandise or articles shall be stored other than inside the dwelling unit.
 5. No equipment or business vehicles may be stored or parked on the premises except that 1 business vehicle (the carrying capacity of which shall not exceed 1andhalf; tons and shall not exceed six (6) tires and/or two (2) axles) used exclusively by the resident may be parked in a carport, garage or an approved parking space in the rear or side yard and not within the public street or right-of-way.
 6. A home occupation may not generate more than six non-residential trips per day to the home, excluding occupant trips.
 7. There shall be no alteration of the residential character of the dwelling unit or premises or structures on the premises.
 8. No person not a resident of the dwelling unit shall work in the dwelling unit in connection with the home occupation. This prohibition shall also apply to independent contractors and employees who serve the resident of the dwelling unit.
 9. One (1) off-street paved parking space for each 250 square feet of floor area devoted to the home occupation shall be provided in addition to the required parking for residential use of the building.
 10. No motor power, other than electrically operated motors, shall be used and the total horsepower of such motors shall not exceed 3 horsepower or 1 horsepower for any single motor.
 11. No nameplate or sign shall be displayed upon the dwelling unit or structure on the premises except 1 unlighted sign not exceeding 1 square foot in area and located not less than 20 feet from any property line.
 12. No aspect of the home occupation which is noticeable to neighbors shall be conducted between the hours of 9:00 p.m. of one evening and 7:00 a.m. of the next day.
- B. *Swimming Pools.* All swimming pools shall comply with the following requirements:

Construction Plan: An application for a permit to construct a swimming pool shall be submitted to and approved by the Building Official.

Pool Location: Swimming pools and their auxiliary structures shall maintain a 20' setback from side and rear property lines or the same setback as the principle structure, whichever is less. Swimming pools shall not be located within the required front yard of any lot or closer to the front lot line than the principal building on the lot. Pools may also not be located within a buffer or easement.

Accessory Buildings: Pool houses, cabanas and other structures related to a swimming pool shall be subject to all of the requirements for "accessory buildings" and shall maintain a minimum 10 foot setback from side and rear lot lines or the same setbacks as the principal.

Fencing: All swimming pools shall be enclosed by a fence that is at least 5 feet in height and constructed so as not to pass a four inch (4") diameter sphere through any opening. The fence must be maintained in good condition and shall be self-closing and self-latching. The fencing shall be located so as to not obstruct visibility at road intersections.

- C. *Uses Customarily Accessory to Dwellings Located in Residential Zoning Districts.* Each of the following uses is considered to be a customary accessory use to a dwelling, and as such, may be situated on the same lot with the principal use to which it serves as an accessory provided that the setback and yard requirements are met and provided that the accessory structure is not located closer to a road than the principal structure. No such accessory use shall be more than 20% in size of principal use or be located in a required front yard.
1. Private garage not to exceed the following storage capacities; 'For-Sale' dwelling, 4 automobiles; 'For-Rent' dwelling, 2 automobiles per dwelling unit; group dwelling, 1½ automobiles per sleeping room. Structures shall maintain a 10 foot setback from rear and side lot lines or the same setbacks as the principal building, whichever is less.
 2. Open storage space or parking area for motor vehicles provided that such space does not exceed the maximum respective storage capacities listed above; and provided that such space shall not be used for more than 1 commercial vehicle licensed as 1 ton or more in capacity per family residing on the premises.
 3. Shed or tool room for the storage of household goods or equipment used in grounds or building maintenance. Structures shall maintain a 10 foot setback from rear and side lot lines or the same setbacks as the principal building, whichever is less.
 4. Miscellaneous free-standing structures such as gazebos shall maintain a 10 foot setback from lot lines or the same setbacks as the principal building, whichever is less.
 5. Children's playhouse and play equipment.
 6. Quarters for the keeping of pets owned by occupants for non-commercial purposes provided that such use does not generate a nuisance to adjoining properties. Such quarters shall maintain a 20 foot setback from rear and side lot lines.
 7. Private swimming pool and bathhouse or cabana. Swimming pool shall maintain a 20 foot setback from side and rear lot lines, or the same setback as the principle structure whichever is less. All other structures shall maintain a 10 foot setback from side and rear lot lines or the same setbacks as the principal building, whichever is less.
 8. Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes. Same setbacks shall apply as for the principal building.
 9. Backyard chickens on minimum 1-acre properties with a single-family detached dwelling, limited to no more than 6 chickens and no roosters allowed. Associated structures (chicken coop, run, etc.) shall maintain a minimum 25' setback from the rear and side property lines. Chicken coop and run shall not exceed 9' in height. No chickens shall be permitted within any undisturbed water buffers, wetlands, or regulated floodplain.

(Ord. No. 833 , § 1(Exh. A), 7-26-2021)

2.3.4 Standards for dwelling, 'for-sale', detached houses.

- A. All detached 'For-Sale' dwellings shall meet or exceed the following requirements in addition to the requirements of all applicable Building Codes:
1. Each dwelling shall be connected to a potable water supply and sanitary sewage disposal system approved by the Fulton County Development Services Department.
 2. Foundation: The structure shall be attached to a permanent foundation constructed in accordance with the Building Code.
 3. Exterior siding: Exterior siding materials shall consist of wood, brick, stone, concrete, stucco, EIFS or similar materials, or lap siding of masonite, vinyl or similar materials, or any combination of the above.

The exterior siding shall extend the full height of the exterior walls, from the surrounding grade to the bottom of the eaves or other juncture with the roof.
 4. Roofs: All roof surfaces shall have a minimum pitch of 2.25:12 (2¼ inches of rise for every 12 inches of run), except that mansard and gambrel roofs must meet this requirement only for those surfaces that rise from the eaves. All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles, clay tiles, slate, standing seam metal or similar materials.
 5. Houses shall be at least 20 ft. in width.
 6. A porch or hard surfaced landing shall be provided at each exterior door and stairway top and bottom, which shall be at least as wide as the door it serves, but no less than 36 inches in width and 36 inches in depth.

2.3.5 Buffers and landscape requirements.

See UDC Section 3.2.8.

(Ord. No. 718 , § 16, 12-14-2015; Ord. No. 732 , §§ 3, 4, 2-6-2017; Ord. No. 737 , § 1, 5-1-2017; Ord. No. 739 , 5-1-2017)

2.3.6 Fence and wall requirements.

- A. *Height.* Height of fences and walls used as fences shall not exceed six (6) feet on residential property and eight (8) feet on non-residential property. These limits may be exceeded by up to 50% on sloped lots where the appearance of an even fence line is desired.
- B. *Location on Property.* In order to prevent the obstruction of visibility, no walls, fences, shrubbery or hedges over three (3) feet in height shall be located within twenty (20) feet of an intersection of two or more streets or within ten (10) feet of the edge of a driveway leading to a street. Fences and walls shall be placed at least five (5) feet from required landscape strips and buffers to accommodate construction and maintenance unless approved otherwise at a public hearing.
- C. *Materials.* Fences and walls used as fences shall be made of wood which shall be protected from decay by the use of naturally durable wood or wood that is pressure treated, metal, brick, block, vinyl or stone. The use of plywood/sheet goods as a material is prohibited. Barbed, razor wire or electrically charged fencing shall be permitted in AG and RE districts and may be permitted, subject to administrative review and approval, in other districts.
- D. *Appearance.* All fencing shall be constructed with finished side facing away from the property owners property. Fences and walls used as fences shall not be finished with bright or primary colors or be visually distracting in any other way. A privacy fence or chainlink fence along a public or private right-of-way shall only be permitted when the required landscape strip and associated landscape material is provided. Privacy

and chainlink fences shall be prohibited in a front yard, except that the Director of Community Development, or designee, may approve a privacy fence in the front yard on collector or arterial streets.

- E. *Permit.* A permit for construction shall not be required to erect a fence or wall used as a fence which is built in accordance with these standards. Signage incorporated into such fences shall require a sign permit.

(Ord. No. 720 , § 1, 2-22-2016; Ord. No. 808 , § 3(Exh. C), 9-8-2020)

2.3.7 Reserved.

Editor's note(s)—Ord. No. 730 , § 7, adopted Dec. 5, 2016, repealed former § 2.3.7 which pertained to conditional uses.

SECTION 2.5 PARKING AND LOADING¹

Areas suitable for parking vehicles in off-street locations shall be required in all districts at the time of the initial construction of any principal building or when a structural alteration or change in a principal building produces an increase in dwelling units, guest rooms, floor area, seating or bed capacity, or when a conversion in use occurs.

Off-street parking shall be provided and maintained in accordance with the following requirements. A parking study may be submitted to support a request for a proposed parking reduction. This study shall be reviewed by Community Development and must be approved prior to permitting.

(Ord. No. 718 , § 17(Exh. C), 12-14-2015; Ord. No. 732 , § 5, 2-6-2017)

2.5.1 Number of vehicle parking spaces required.

The following number of off-street vehicle parking spaces shall be required for the respective use:

- A. *Residential Uses.* Residential parking spaces required by this Ordinance shall be standard parking spaces (9 feet by 19 feet).

Dwelling, 'For-Sale', detached:

Two (2) spaces on the same lot for each dwelling unit, plus 1 additional space where a home occupation is permitted.

Dwelling, 'For-Sale', attached; efficiency or one-bedroom units:

One and one-half (1½) spaces for each dwelling unit.

Two or more bedroom units:

One (1) space for each bedroom.

Bed and Breakfast:

One (1) space for each bedroom.

Dwelling, 'For-Rent', residential:

Two (2) spaces for each unit, plus one (1) guest space per 20 units.

¹Editor's note(s)—Ord. No. 718 , § 17(Exh. C), adopted Dec. 14, 2015, repealed the former § 2.5 (2.5.1—2.5.9), and enacted a new 2.5 (2.5.1—2.5.9) as set out herein. The former § 2.5 pertained to similar subject matter and derived from the original codification and Ord. No. 675, § 1, adopted June 3, 2013.

Group Home/Congregate Housing:

One (1) space for each two (2) sleeping rooms.

B. *Business Uses.*

Medical, dental and optical offices:

One (1) space per 200 square feet.

Professional and business offices not otherwise specifically enumerated:

One (1) space for each 250 square feet of gross floor space.

Banks:

One (1) space for each 300 square feet of gross floor space.

Hotels (or Motels) and Extended Stay Hotels:

One (1) space for each guest room, plus 1 employee space for each 20 sleeping rooms, plus one space per 500 sq. ft. of space used for convention rooms, conference rooms, ballrooms, restaurant and/or retail shops.

Day Care:

One (1) space for each 400 square feet. (Stacking for six cars must be provided on site.)

Service and repair establishments not otherwise specifically enumerated:

One (1) space for each 250 square feet of floor area not used for storage.

Retail businesses, not otherwise specifically enumerated:

One (1) space for each 200 square feet of gross floor space.

Auto, truck and mobile home sales, outdoor equipment and machinery sales, commercial nurseries:

One (1) space per 100 square feet of showroom, sales office or other conditioned space.

Restaurants:

One (1) space for each 100 sq. ft. of the entire facility.

Retail Shopping Center:

Less than 50,000 sq. ft.: One (1) space for each 200 sq. ft.

50,000—400,000 sq. ft.: One (1) space for each 250 sq. ft.

Over 400,000 sq. ft.: One (1) space for each 285 sq. ft.

Theaters, night clubs and other such places of public assembly:

One (1) space for each 4 seats accommodations plus 1 employee space for each 10 seats.

Service stations:

Two (2) spaces for each gasoline pump plus 1 space per 250 sq. ft. for convenience store.

Funeral homes:

One (1) space for each 4 seats in chapel or parlor plus sufficient space to park or store all company vehicles.

Technology Centers/Data Processing Centers:

One (1) space per 1,000 square feet per gross area of unmanned space together with parking as required for space dedicated to manned space at 1 space per 300 square feet. Land for additional parking calculated at 1 space per 500 square feet of gross area shall be set aside and preserved until such time as additional parking is needed and/or use changes. This land shall not be subdivided from the remainder of the property so that it can be used for parking in the future.

C. *Wholesale and Industrial Uses.*

Wholesaling and industrial uses including lumber, brick, coal, junk and supply yards:

One (1) space per 1,000 square feet.

D. *Public and Semipublic Uses.*

Hospitals:

One (1) space per bed, plus 1 space per 200 square feet of floor area used for outpatient treatment.

Churches, stadium and other places of public assembly:

One (1) space for each 2 seats in the principal assembly room.

Places of assembly or indoor recreation without fixed seats:

One (1) space for each 500 square feet of playing court, rink, playing field and spectator area, plus one (1) space for each 200 sq. ft. of gross floor space directed to other patron use areas.

Schools, elementary and middle schools:

One (1) space for each classroom and administrative office plus 5 spaces for visitors.

Schools, senior high:

One (1) space for each classroom and administrative office plus 1 space for each 4 students based on the design capacity of the school.

Other public building:

One (1) space for each 300 square feet of gross floor space.

(Ord. No. 718 , § 17(Exh. C), 12-14-2015)

2.5.2 Shared parking.

- A. *Common Off-street Parking Areas.* Two (2) or more principal uses may utilize a common area in order to comply with the off-street parking requirements, provided that the total number of individual spaces available in the common area is not less than the sum of the spaces required for the individual uses as separately computed in accordance with the provisions of this Ordinance. If it can be demonstrated that the principal uses would not utilize the shared parking areas during the same hours, the required number of parking spaces may be reduced by 25% in the common area.

(Ord. No. 718 , § 17(Exh. C), 12-14-2015)

2.5.3 Off-street loading and unloading spaces.

- A. Every lot on which a business, trade or industry is thereafter established shall provide space as indicated below for the loading and unloading of vehicles off the street. Such space shall have access to an alley or, if there is no alley, to a street. For the purpose of this Section, an off-street loading space shall have the minimum dimensions of 12 by 40 feet and be clear and be free of obstructions at all times.

Required spaces shall be provided as follows:

Retail businesses, office, wholesale, industrial, governmental and institutional uses, including public assembly places, hospitals and educational institutions, 1 space for the first 25,000 square feet of total floor area or fractional part thereof. For anything in excess of 25,000 square feet, such uses shall provide loading spaces according to the following schedule:

SQUARE FEET	NUMBER OF SPACES
25,000—99,999	2
100,000—159,999	3
160,000—239,999	4
240,000—349,999	5
For each additional 100,000 or fraction thereof	1 additional

- B. Vehicles uses for the loading and unloading of retail merchandise may not be parked overnight (between 10:00 p.m. of one day and 8:00 a.m. of the next day) in a location closer to the frontage street than the principal building.

(Ord. No. 718 , § 17(Exh. C), 12-14-2015)

2.5.4 Locational criteria for parking.

- A. Location on Other Property. If the required parking cannot reasonably be provided on the same lot on which the principal use is conducted, such parking may be provided on other off-street property provided such property lies within 500 feet of the main entrance to the principal use. Such parking shall be associated with the principal use and shall not thereafter be reduced or encroached upon in any manner.
- B. Location of Required Parking in Residential Districts. Required parking spaces in residential districts shall be subject to applicable area regulations pertaining to setbacks (front, side and rear yard), lot coverage, and accessory and principal structures.

Required parking spaces in 'For-Sale' residential districts shall be contained within a carport, garage or completely enclosed building, in addition:

Each 'For Sale' dwelling unit shall have a minimum 18' long and 10' wide paved driveway, as measured from the garage to the back of sidewalk, or back of curb where a sidewalk is not provided.

Ordinary passenger vehicles and non-commercial pickup trucks may be parked on a paved driveway providing ingress and egress to the lot or on a paved parking space provided that the maximum width of the total paved area cannot exceed 40 (forty) feet.

One (1) business vehicle not prohibited by the provisions of this Ordinance from parking within a residential district and one or more recreational vehicles or boats, or boat trailers may be parked or stored in an area not visible from a street.

The regular parking or storage of any business vehicle, any vehicle used in connection with a home occupation, or any vehicle with a carrying capacity of more than one-and-one-half (1½) tons is prohibited in any residential district. Pickup or panel trucks, used to provide daily transportation to and from work, are allowed in all residential districts.

- C. Parking and Storage of Certain Vehicles. No automobile, truck, motorcycle, trailer or other vehicle of any kind or type without current license plates shall be parked or stored on any lot in a residential district except in a completely enclosed building.

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1. Any person who, as of the effective date of this Article (6/94), has established a long-standing practice of parking or storing boats or recreational vehicles which is not in compliance with the provisions of C(1), above, may continue such practice as a lawful nonconforming use, subject only to the provisions of any applicable district regulations.
 2. Any person may apply to the Director of Community Development for a variance to the provisions of C(1), above pertaining to the parking and storage of boats or recreational vehicles. Variances shall be granted only in the case of extreme hardship or unusual circumstance, as contrasted with merely granting an advantage or a convenience. The factors to be taken into consideration by the Director may include the following:
 - a. The ease with which the applicant can comply with the provisions of this ordinance;
 - b. Whether there are extraordinary and exceptional conditions pertaining to the particular lot because of its size, shape, topography or location of the improvements on the lot;
 - c. The economic hardship that would be imposed upon the applicant if the variance were denied; and
 - d. Whether relief, if granted, would cause substantial detriment to the public good or impair the purpose and intent of this ordinance.
 3. Where appropriate, the Director may attach reasonable conditions to the grant of a variance. The Director may also approve an alternative parking practice which, although not in strict compliance with the literal provisions of this Article, is deemed by the Director to be in compliance with the spirit of the Ordinance. All variances are personal to the applicant and shall terminate upon the sale of the lot.
- D. Written variance applications shall be acted upon by the Director within thirty (30) days of receipt. Variance applications denied by the Director may be appealed by filing a written appeal with the Board of Appeals within fifteen (15) days of the date of denial. The Board shall act upon the appeal at its next available meeting following receipt of the appeal.
- E. No parking or loading area shall be used for the sale, repair, dismantling or servicing or storing of any vehicle, equipment, materials or supplies.

(Ord. No. 718 , § 17(Exh. C), 12-14-2015; Ord. No. 757 , § 2, 5-9-2018; Ord. No. 772 , § 4, 2-4-2019)

2.5.5 Design criteria.

- A. **Parking Space Area Requirements.** Including aisles, entrances and exits, each required off-street parking area, lot or other facility shall contain a minimum of 300 square feet of space for each vehicle to be accommodated. Not less than 80% of the parking spaces required by this Ordinance shall be standard parking spaces (9 feet by 19 feet). The dimensions of parking spaces and aisles shall be in accordance with the Parking Standards Illustration (Table 2.3). In order to reduce impervious area, projects using runoff reduction measures may use alternative off street parking dimensions as specified in Table 2.3.a. Accessible parking shall be designed and provided in accordance with the requirements of the Georgia Accessibility Code for Buildings and Facilities.
- B. **Permitted Percentage of Compact Car Parking Spaces.** Up to 20% of the parking spaces required by this Ordinance may be compact car parking spaces (8 feet by 16 feet). Compact spaces shall be located on the periphery of the parking lot wherever possible.
- C. **Minimum Parking Bay Width.** The minimum width for 90 degree parking bays shall be 60 feet for standard spaces and 54 feet for compact spaces, except for projects using runoff reduction measures, as noted in 2.5.5.A above.

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- D. Off-street parking lots, whether public or private, shall be graded to insure proper drainage, surfaced with concrete or asphalt on an approved base and maintained in good condition free of weeds, dust, trash and debris. A gravel surface may be used for parking when such parking is in excess of code requirements and located within 700' of a waterway.
 - E. Tree Preservation. To allow an existing or new development to preserve healthy existing trees within or adjacent to a parking lot, the number of required off-street parking spaces may be reduced by up to twenty percent (20%).
 - F. Within residential districts, gravel parking in existence as of 01/01/01 may remain. Such gravel parking areas shall accommodate a maximum of two vehicles and shall be contained on three sides by landscape timbers.
 - G. Pervious paving materials for parking areas are allowed as part of an approved stormwater management plan for the site with a long-term maintenance agreement.
 - H. Parking Lot Landscaping. See, Sec. 2.3.5.
 - I. Multifunctional Functional Runoff Reduction Measures. To encourage multifunctional runoff reduction measures and provide incentives for their use, bioretention areas, vegetated swales, planter boxes, rainwater harvesting systems, and other vegetated BMPs may be used to meet the perimeter island, interior island, and median island landscaping requirements of this Chapter, and may be constructed in the designated landscape areas if part of an approved stormwater management plan for the site and if screening functions are maintained.
 - J. Tandem Parking. Enclosed tandem parking spaces shall only count for one required parking space, since only one space is fully accessible.

(Ord. No. 718 , § 17(Exh. C), 12-14-2015; Ord. No. 732 , §§ 6—9, 2-6-2017; Ord. No. 772 , § 5, 2-4-2019)

2.5.6 Public street access.

- A. *Access to Parking Lots.* A plan of entrances, exits and storm water drainage shall be submitted to the Department of Community Development and approved prior to the issuance of a development permit for off-street parking lots, whether public or private. Installation of entrances, exits and drainage systems shall have been completed prior to the issuance of a certificate of occupancy. All curb cut locations as well as widths shall comply with the Alpharetta Standard Drawings.
- B. *Driveways and Curb Cuts.* Local structures may have access points to parking lots as needed to fit the development, in accordance with professional traffic engineering practice. In general, curb cuts shall be spaced at least 300 feet apart and be located at least 300 feet away from a street intersection. A curb cut on a residential lot may be closer than 300 feet from a curb cut on an adjacent lot, but an individual residential lot shall not have more than one (1) curb cut per 300 feet of street frontage.
- C. *Vision Clearance.* In all districts no fence, wall, shrubbery or other obstruction to vision between the heights of 2½ feet and 10 feet above the finished grade of streets shall be erected, permitted or maintained within 20 feet of the intersection of the right-of-way lines of streets.

(Ord. No. 718 , § 17(Exh. C), 12-14-2015; Ord. No. 732 , §§ 6—9, 2-6-2017)

2.5.7 Electric Vehicle Charging Stations.

All developments requiring 100 or more vehicle parking spaces shall provide electric vehicle charging stations. One (1) electric vehicle charging station for every 25 required vehicle parking spaces shall be required.

(Ord. No. 718 , § 17(Exh. C), 12-14-2015)

2.5.8 Number of bicycle parking spaces required.

A. *Residential Uses.*

Dwelling, 'For-Rent':

One (1) bicycle space for every two (2) units.

B. *Business Uses.*

Retail, Office, Hotel, Place of Assembly, Entertainment:

One (1) bicycle space for every 25 required vehicle parking spaces.

C. *Public and Semipublic Uses.*

Schools (public/private):

One (1) bicycle space for every ten (10) employees, plus one (1) space for every four (4) students.

D. *Miscellaneous/Other.*

To be determined by the Transportation Engineer and/or Zoning Administrator.

(Ord. No. 718 , § 17(Exh. C), 12-14-2015)

2.5.9 Prohibited parking.

A. Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, no person shall:

1. Park a vehicle, except temporarily for the purpose of and while actually engaged in loading or unloading of property or passengers, in acceleration or deceleration lane; or
2. Park a vehicle overnight in a cul-de-sac located in a residential district.
3. Park a vehicle on an unpaved surface in any commercial district, the front yard of a residence or the side or rear yard if the side or rear yard faces fronts on the street, except as provided for in Subsection 2.5.5(E).

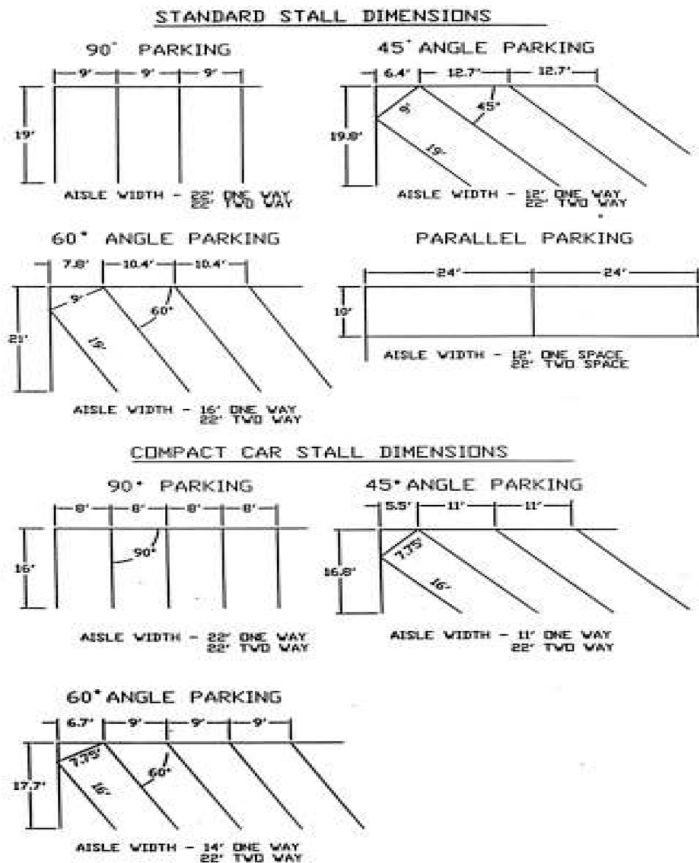
B. The City may, but is not required to, post no parking signs in areas where parking is prohibited in Paragraph 'A' above, and the failure to post signs shall not excuse any person from compliance with Paragraph 'A'.

C. Paragraph 'A' of this section shall not apply to the driver of any vehicle which is disabled while on the roadway in such a manner and to such extent that is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

D. No inoperable vehicle shall be parked or stored on a street within a residential district. An automobile or other vehicle shall be deemed inoperable if it meets any one of the following criteria:

1. It does not meet the Official Code of Georgia requirements for operating on a public street;
2. It is extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor or transmission;
3. It is not operable on the public streets because it is not currently registered with the Georgia Department of Motor Vehicles;
4. It is not capable of being operated on a public street due to missing or inoperable mechanical or electronic parts; or
5. It has been continuously parked in the same location for a period of thirty (30) consecutive days.

TABLE 2.3 - PARKING LOT STANDARDS



NOTES:

1. FIRE LANES SHALL BE A MINIMUM OF TWENTY-FOUR (24) FEET.
2. DIMENSIONS SHOWN FOR PARKING STALLS ARE MINIMUM. COLUMNS & OTHER OBSTRUCTIONS WILL BE ALLOWED IN THE FRONT TWO (2) FEET AND REAR FIVE (5) FEET OF THE LENGTH OF THE STALL, AND SHALL NOT INTRUDE MORE THAN SIX (6) INCHES INTO THE WIDTH OF THE STALL.
3. REFERENCE CITY OF ALPHARETTA STANDARD PLANS FOR CONSTRUCTION DETAILS.

Table 2.3.a Alternative Criteria for Off-Street Parking

The following are recommended alternative criteria for off-street parking design to reduce impervious area of the site.

Angle	Base Module	Vehicle Projection	Aisle Width	Single Loaded Module	Wall to Interlock	Interlock to Interlock	Curb to Curb	Overhang
θ	M ₁	VP	A	M ₂	M ₃	M ₄	M ₅	Overhang
30	41'-2"	15'-1"	11'-0"	26'-1"	37'-6"	33'-10"	38'-8"	1'-3"
45	47'-0"	17'-7"	11'-10"	29'-5"	44'-0"	41'-0"	43'-6"	1'-9"
60	51'-6"	19'-0"	13'-6"	32'-6"	49'-4"	47'-2"	47'-2"	2'-2"

90	59'-0"	18'-0"	23'-0"	41'-0"	59'-0"	59'-0"	54'-0"	2'-6"
	Low Turnover			Medium Turnover			High Turnover	
Angle	Width Projection	Interlock	Width Projection	Interlock	Width Projection	Interlock	Width Projection	Interlock
Θ	WP	I	WP	I	WP	I	WP	I
30	16'-6"	3'-7"	17'-0"	3'-8"	16'-6"	3'-9"	18'-0"	3'-11"
45	11'-8"	2'-11"	12'-0"	3'-0"	12'-4"	3'-1"	12'-9"	3'-2"
60	9'-6"	2'-1"	9'-10"	2'-2"	10'-1"	2'-2"	10'-5"	2'-3"
90	8'-3"	0'-0"	8'-6"	0'-0"	8'-9"	0'-0"	9'-0"	0'-0"

Source: Urban Land Institute (2010). The Dimensions of Parking, Fifth Edition. National Parking Association.

Notes: Recommendations assume (1) one-way traffic for aisles less than 90 degrees, and two-way traffic for 90 degree parking; (2) double loaded aisles; and (3) a design vehicle that is 6'7" by 17'3".

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 UseO = Conditional UseEmpty 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)	O	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	O	O	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 Facility/ Fitness Studio	X	X	⊖	
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		

Fitness Studio	X	X	O	
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; Ord. No. 836 , § 1(Exh. C), 10-4-2021)

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.

SECTION 1.4 DEFINITIONS

1.4.1 Use of words and phrases.

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

- A. Words used in the present tense include the future tense. Words used in the singular tense include the plural tense, and words used in the plural tense include the singular tense. The masculine person "his" also means "her."
- B. The word "shall" is always mandatory and not discretionary.
- C. The word "may" is permissive.
- D. The word "and" indicates that all of the conditions, requirements, or factors so connected must be met or fulfilled, whereas the word "or" indicates that at least one condition, requirement, or factor so connected must be met.
- E. The term "such as" is intended to introduce one or more examples in illustration of a requirement or point, and is used herein to mean "including but not limited to the following."
- F. The word "structure" includes the word "building."
- G. The word "lot" shall include the words "plot," "tract," "parcel," and "property."
- H. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged," or "designed to be used or occupied."
- I. The verbs "zone" and "rezone" have the same meaning and refer to the act of amending the Official Zoning Map through the process established by this Ordinance.
- J. The nouns "zone," "zoning district" and "district" have the same meaning and refer to the Zoning Districts established under this Ordinance.
- K. All words and phrases shall be interpreted within the context of the sentence, Section and Article in which they occur.

1.4.2 Defined terms.

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

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

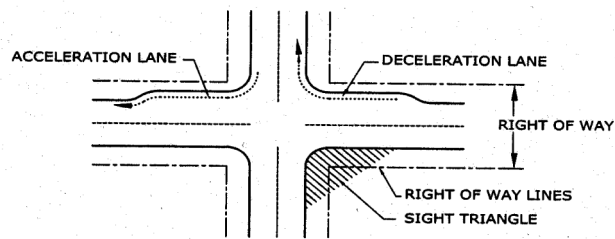


FIGURE 1

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

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

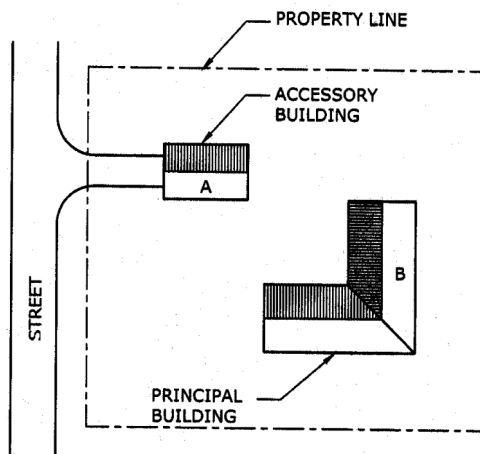


FIGURE 2

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

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

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

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

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

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

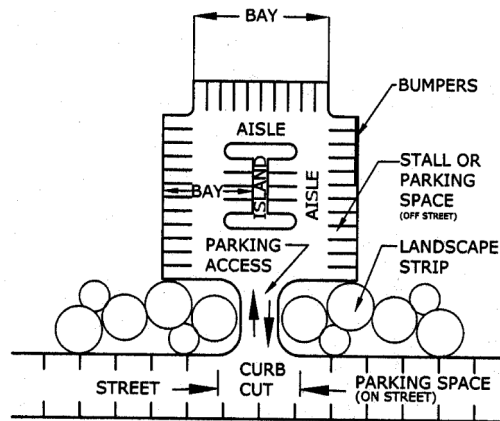


FIGURE 3

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

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

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

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

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

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

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

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

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

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

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

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

Assisted Living Facility. See Congregate Housing.

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

Athletic Facility. An establishment sometimes referred to as a health club or gym. These facilities are typically located in a large space containing special equipment, and may include indoor and/or outdoor courts (tennis, basketball, etc.) and swimming facilities, where people go to do physical exercise. Establishments tend to be general exercise facilities but often provide specialized classes. Businesses frequently include incidental related services such as, personal training, tanning beds, massage and stretch therapy, nutritional programs, café, juice bars, and retail sales.

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.

Fitness Studio. An establishment where equipment or instruction is provided for a specialized activity related to physical well-being such as, personal training, dance, martial arts, boxing, yoga, barre and other forms of similar physical exercise. These facilities are typically located in a smaller space due to their focused specialty. Businesses frequently include incidental related services such as, tanning beds, massage and stretch therapy, nutritional programs, café, juice bars, and retail sales.

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.

Laboratory, Research or Commercial (also see Research and Development). A facility that provides controlled conditions in which scientific or technological research, experiments, and measurement may be performed. At the Federal level, four levels of laboratory biosafety have been created. The levels denote the types of actions, administrative (procedures, training or physical controls (protective gear, filtration) that should be used to contain the agent(s) being worked with. Containment means protection of the lab workers, those in the building, and the greater environment. Containment level limited to biosafety levels 1, 2 and 3.

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.

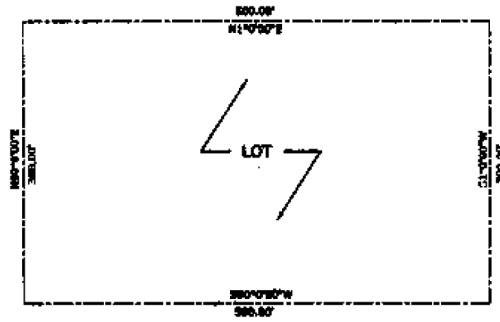


FIGURE 4

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.

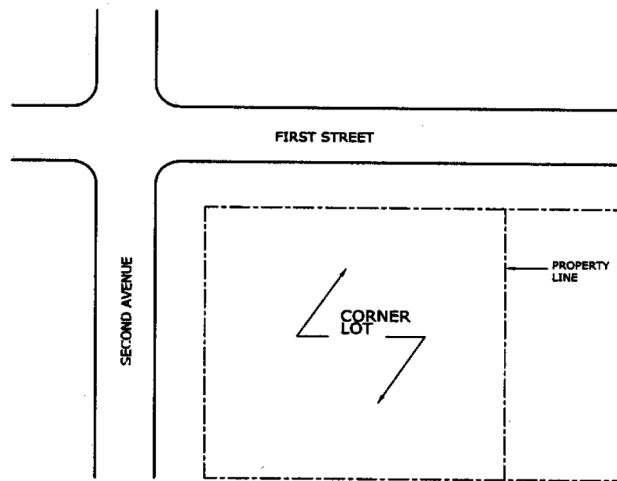


FIGURE 5

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.

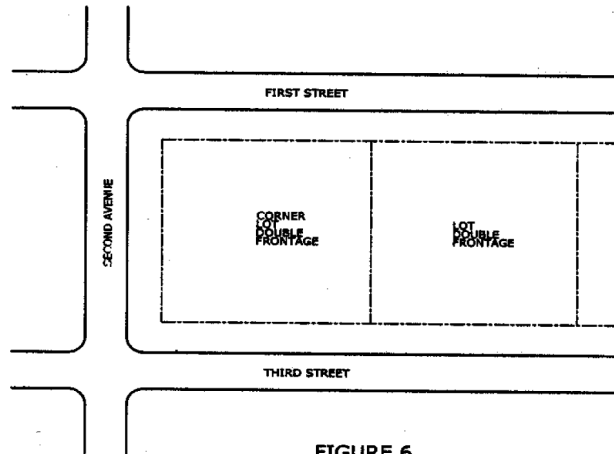


FIGURE 6

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.

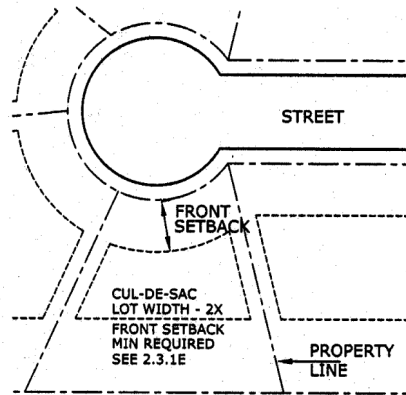


FIG 7

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 16-12-236 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.

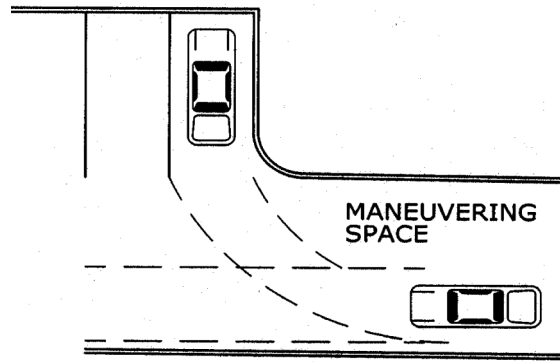


FIGURE 8

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."

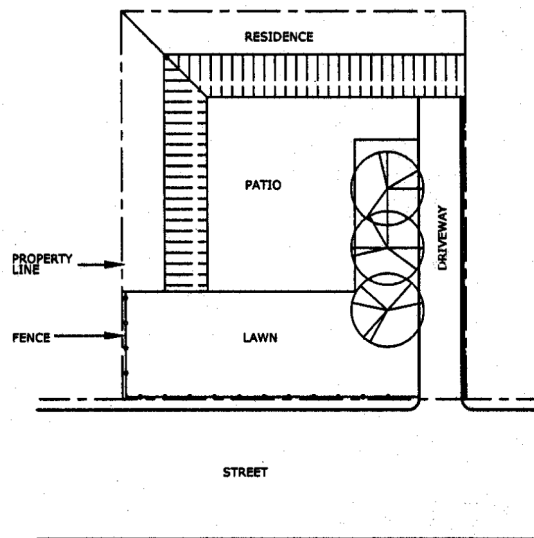


FIGURE 9

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.

Research and Development. A use that includes activities that businesses undertake to innovate and introduce new products and services, such as biomedical, software and technology development and manufacturing, technically oriented services and training facilities, engineering and consulting, scientific laboratories and clean rooms, office and corporate headquarters. Incidental related commercial and services uses are permitted within this use. Space dedicated to manufacturing and laboratory activities shall be limited to no more than 50% of a building or development.

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.

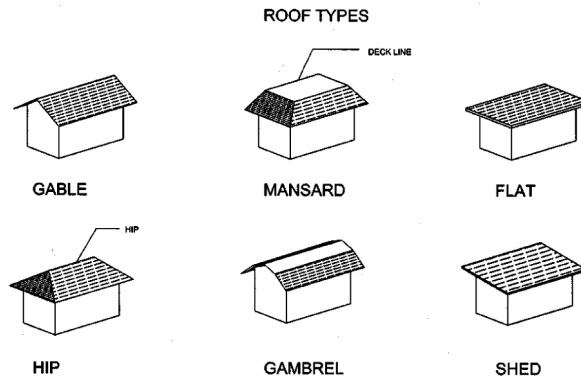
Retail Sales Establishment. A business principally engaged in offering a category of similar goods or products for sale to the general public, such as grocery store, hardware store, pharmacy, clothing shop, home furnishings store, office supplies store, and the like.

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.

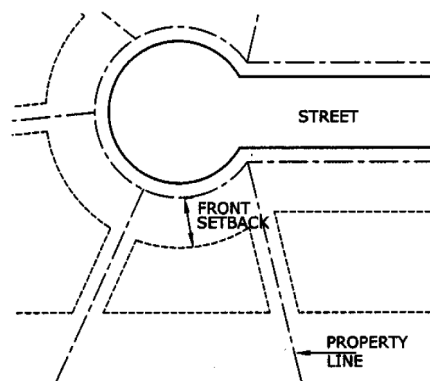


FIG 11

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.

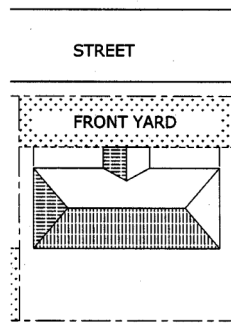


FIG 12

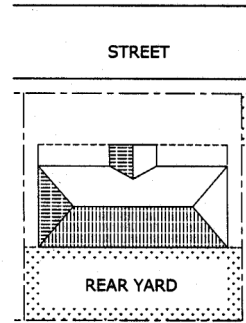


FIG 13

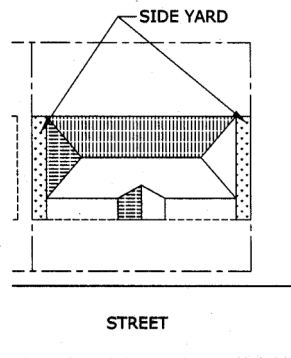


FIG 14

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; Ord. No. 835 , § 1(Exh. A), 10-4-2021)