



PLANNING COMMISSION MEETING FEBRUARY 2, 2023

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

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **APPROVAL OF MEETING MINUTES**
 - a PC Meeting Minutes 1-5-2023
- IV. **WORKSHOP**
 - a **Deferrals, Tabling, and Postponements** - Alpharetta City Clerk, Lauren Shapiro, will provide an overview to clarify the rules surrounding certain motions, as well as legal advertising requirements related to these types of motions.
- V. **ITEMS FROM BOARD MEMBERS**
- VI. **ITEMS FROM STAFF**
- VII. **PUBLIC HEARING**
 - a **PH-23-02 Unified Development Code (UDC) Text Amendments – Procedures to Establish a Residential Infill Overlay District**
Consideration of text amendments to the Unified Development Code (UDC) to add procedures for establishing a residential infill overlay district.
- VIII. **ADJOURNMENT**



Planning Commission Meeting
January 5, 2023
Department of Community Development
ALPHARETTA CITY HALL | 2 PARK PLAZA
6:30 P.M.

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

- Tracy Jackson called the meeting to order at 6:34 P.M.

II. ROLL CALL

- **Planning Commissioners present:**
 - Francis Kung'u (Chairman)
 - Karen Richard
 - Todd Stratton
 - William Perkins
 - Valerie Manley (Alternate)
 - Martine Zurinskas
 - Jill Reynolds
- **Staff present:**
 - Kathi Cook, Director of Community Development & Economic Development
 - Michael Woodman, Planning + Development Services Manager
 - Nikisha Mistry, GIS Specialist/Planner
 - Tracy Jackson, Planning + Zoning Coordinator

III. SWEARING-IN CEREMONY

- Mayor Gilvin swore in all the Commissioners that were unable to attend the annual meeting on January 3, 2023.

IV. ELECTION OF CHAIRMAN AND VICE CHAIRMAN

- ❖ Commissioner Perkins offered a motion to nominate Commissioner Kung'u to serve as Chairman.
 - Commissioner Richard seconded the nomination.
 - Commissioner Kung'u accepted nomination.
- ❖ Commissioner Perkins offered a motion to nominate Commissioner Brady to serve as Vice

Chairman

- Commissioner Reynolds seconded the nomination.
- Commissioner Perkins accepted the nomination on behalf of Commissioner Brady

V. APPROVAL OF MEETING MINUTES

1. Commissioner Zurinkas offered a motion to approve meeting minutes from December 1, 2022.
 - Commissioner Manley seconded the motion.
 - The motion was approved unanimously (7-0)

VI. ITEMS FROM BOARD MEMBERS

VII. ITEMS FROM STAFF

VIII. PUBLIC HEARING

1. Z-23-01 KJ Luxury Homes/1580 Mayfield Road

- Planning & Development Services Manager, Woodman came forward to present this item.

Consideration of a rezoning to allow for the construction of 7 'For-Sale' single-family detached homes on 5.66 acres. A rezoning is requested from AG (Agriculture) to R-22 (Dwelling, 'For-Sale', Residential). The property is located at 1580 Mayfield Road and is legally described as being located in Land Lots 1057 and 1104, 2nd District, 2nd Section, Fulton County, Georgia.

Staff recommends the following conditions:

1. The site, consisting of approximately 5.66 acres, shall be zoned R-22 and developed substantially similar to site plan prepared by ACR Engineering, Inc., revised 12/13/2022, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
2. Home elevations shall be substantially similar to the submitted photographs, labeled Exhibit A – Home Photographs, with final approval by Staff. No more than 50% of homes shall have siding as the primary (more than 50%) material on the front façade. Homes shall have 3-sided architecture, materials, and details, as approved by Staff.
3. Developer shall improve Mayfield Road frontage with a 6' planter planted with street trees, minimum 6' sidewalk and decorative pedestrian lighting, as approved by Staff.
4. Local Street shall have a 44' right-of-way width and sidewalk on one side of the street. Local street shall be private and maintained by the HOA.
5. Minimum 20' decorative landscape strip shall be provided along Mayfield Road, consisting of trees, shrubs, and ground cover, as approved by Staff. Landscape strip shall include a decorative brick or stone wall (similar to Gransley or Harrington Falls entrance) or berm and landscaping shall include a mix of evergreen and deciduous material.
6. Minimum 10' landscape strip planted to buffer standards shall be provided along the common property line with Gransley and shall be planted to provide a visual screen, as approved by Staff. Existing trees shall be saved in the buffer where not in conflict with site balancing and utility installation.
7. Unfinished wood fences and decks shall not be visible from Mayfield Road.

8. Trees shall be preserved as depicted on the plan prepared by ACR Engineering, Inc., revised 12/13/2022.
9. Developer shall identify and save additional tree groupings and/or trees of quality, as approved by Staff.
10. Developer shall remove exotic and invasive trees and shrubs within tree save areas and replant where sparse, as approved by Staff.
11. Downstream analysis shall require evaluation at each release point and at each choke point between the site and the 10% study points.
12. Stormwater Pond shall be moved to the area where the release can be tied into the existing pipe between Lots 3 and 4 in Harrington Falls, as approved by Staff. Stormwater pond shall have earthen banks, rather than walls. Landscape area surrounding stormwater management facility shall be planted as a buffer.
13. Developer shall make reasonable efforts to make a direct connection between stormwater management pond outfall and downstream connection point, rather than releasing at grade, as approved by Staff. If an at-grade release is required, the release shall be at least 20' from the property line through a level spreader and directed through an existing or proposed off site drainage easement. Level spreader shall not be within required landscape strips.
14. Utility structures, headwalls, etc. shall be finished with decorative stone, if visible from Gransley or Harrington Falls.
15. No more than 1 of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.

- **Applicant (Kamran Jalali)** came forward to discuss 7 homes that are being built stating that each unit is 4,000 sqft with 3 car attached garage. Applicant also discussed storm water, infiltration, and water quantity control.
- **The Planning Commission discussed the following:**
Commissioners discuss condition #12, price point (1.2 million +) of each unit, the curb cut, sidewalk issues, left turn into property and retention pond piping on where the water will ultimately go.
- **Public comment:**
 - Jody Rhude property owner at 12955 Harrington Drive-Questions on variance home density.
 - Jessica Huffstutler property owner questions about drainage flooding, lot sizes, tree coverage and decrease in property value.
 - Fred Maihmer 1282 Gensler Court (Lot 6) concerned about the drainage near his home.
- ❖ **Commissioner Perkins offered a motion to Approve (Z-23-01 KJ Luxury Homes/1580 Mayfield Road) Subject to the following conditions and note the change as noted by staff on #12, all the staff recommendations including the change to A & B on #12.**
 - Commissioner seconded the motion.
 - Motion Failed 3/4
 - 3(Approve) Commissioner Perkins, Chairman Kung'u and Commissioner Stratton
 - 4 (Opposed) Commissioner Richard, Commissioner Reynolds, Commissioner Manley, and Commissioner Zurinkas all opposed

1. The site, consisting of approximately 5.66 acres, shall be zoned R-22 and developed substantially similar to site plan prepared by ACR Engineering, Inc., revised 12/13/2022, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
2. Home elevations shall be substantially similar to the submitted photographs, labeled Exhibit A – Home Photographs, with final approval by Staff. No more than 50% of homes shall have siding as the primary (more than 50%) material on the front façade. Homes shall have 3-sided architecture, materials, and details, as approved by Staff.
3. Developer shall improve Mayfield Road frontage with a 6' planter planted with street trees, minimum 6' sidewalk and decorative pedestrian lighting, as approved by Staff.
4. Local Street shall have a 44' right-of-way width and sidewalk on one side of the street. Local street shall be private and maintained by the HOA.
5. Minimum 20' decorative landscape strip shall be provided along Mayfield Road, consisting of trees, shrubs, and ground cover, as approved by Staff. Landscape strip shall include a decorative brick or stone wall (similar to Gransley or Harrington Falls entrance) or berm and landscaping shall include a mix of evergreen and deciduous material.
6. Minimum 10' landscape strip planted to buffer standards shall be provided along the common property line with Gransley and shall be planted to provide a visual screen, as approved by Staff. Existing trees shall be saved in the buffer where not in conflict with site balancing and utility installation.
7. Unfinished wood fences and decks shall not be visible from Mayfield Road.
8. Trees shall be preserved as depicted on the plan prepared by ACR Engineering, Inc., revised 12/13/2022.
9. Developer shall identify and save additional tree groupings and/or trees of quality, as approved by Staff.
10. Developer shall remove exotic and invasive trees and shrubs within tree save areas and replant where sparse, as approved by Staff.
11. Downstream analysis shall require evaluation at each release point and at each choke point between the site and the 10% study points.
12. Stormwater Pond shall be moved to the area where the release can be tied into the existing pipe between Lots 3 and 4 in Harrington Falls, as approved by Staff. Stormwater pond shall have earthen banks, rather than walls. Landscape area surrounding stormwater management facility shall be planted as a buffer.
13. Developer shall make reasonable efforts to make a direct connection between stormwater management pond outfall and downstream connection point, rather than releasing at grade, as approved by Staff. If an at-grade release is required, the release shall be at least 20' from the property line through a level spreader and directed through an existing or proposed off site drainage easement. Level spreader shall not be within required landscape strips.
14. Utility structures, headwalls, etc. shall be finished with decorative stone, if visible from Gransley or Harrington Falls.

1.5. No more than 1 of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.

2. Z-23-02/V-23-01 92 Thompson Street Condominiums

- Planning & Development Services Manager, Woodman came forward to present this item.

Consideration of a rezoning and variance to allow for the construction of a 5-unit 'For-Sale' condominium building on 1.13 acres. A rezoning is requested from R-12 (Dwelling, 'For-Sale', Residential) and O-P (Office-Professional) to DT-LW (Downtown Live-Work), and a variance is requested to allow a stream buffer encroachment. The property is located at 82 & 92 Thompson Street and is legally described as being located in Land Lot 748, 1st District, 2nd Section, Fulton County, Georgia.

Staff is recommending the following conditions:

1. The site, consisting of approximately 1.13 acres, shall be zoned DT-LW and developed substantially similar to site plan prepared by Travis Pruitt & Associates, Inc., revised 12/16/2022, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
2. Architecture and materials shall be developed substantially similar to the renderings, labeled Exhibit A, except for modifications required to comply with these conditions and in compliance with the Alpharetta Downtown Code and Downtown Consultant's comments, subject to final approval by DRB.
3. Thompson Street streetscape shall generally be improved, as follows: 30' half width right-of-way to incorporate an 8' sidewalk (concrete with brick banding), 6' planter, 8' on-street parking, 10' travel lane, and decorative pedestrian lighting, with final approval by Staff.
4. Shade trees shall be required in the planter along Thompson Street and behind the sidewalk in the 10' landscape strip as a continuation of what has been planted or designed in the Downtown and outside of utility easements, as approved by DRB. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, groundcovers and/or shrubs.
 - a. Open space shall be developed as depicted on the site plan prepared by Travis Pruitt & Associates, revised 12/16/2022, including decorative landscaping, hardscape, walls, and seating, as approved by DRB. Landscape plan shall include plant selections promoting the historic Downtown.
 - b. Tree removal shall be limited to the site plan prepared by Travis Pruitt & Associates, Inc., revised 12/16/2022.
 - c. Developer shall identify and save additional tree groupings and/or trees of quality, as approved by Staff.
 - d. Developer shall construct a minimum 8' concrete connection between the Alpha Loop and Thompson Street sidewalk, as depicted on the site plan prepared by Travis Pruitt & Associates, Inc, revised 12/16/2022. Alpha Loop connection shall be placed within a minimum 10' permanent easement and shall include bicycle access stair ramps, lighting (bollards), landscape, hardscape, wayfinding signage and crosswalk at Kingry Lane, as approved by Staff.
5. Fences and walls visible from the public right-of-way shall be decorative, as approved by Staff.

6. Prior to the issuance of an LDP, developer shall provide the City with an engineering justification showing that the proposed Alpha Loop connection and existing channel along eastern property line will function properly. Any modification to the existing channel would require a hydraulic trespass assessment.
 7. Utility structures, headwalls, etc. shall be finished with decorative stone, where visible from the Alpha Loop, as approved by DRB.
 8. Stream buffer encroachment shall be permitted as depicted on the site plan prepared by Travis Pruitt & Associates, Inc., revised 12/16/2022.
 9. To mitigate stream buffer encroachments, developer shall remove existing encroachments and comply with one or a combination of the following measures, as approved by Staff:
 - a. Provide 50% additional runoff reduction or water quality volume above the standard city requirements.
 - b. Provide buffer enhancement on an agreed upon area equal to at least 2 times the area of encroachment / impact. These can include, removing fallen trees from inside the stream bed that are impeding flow, plant eroded or sparsely vegetated areas of stream banks with live stakes, add enhanced buffer plantings where sparsely vegetated, and remove invasive vines.
 - c. Obtain any necessary state and federal approvals for the stream and buffer impacts.
 - d. Or alternative mitigation measures, as approved by Staff.
 10. No more than 1 of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
- **Jeff Pitman** came forward to present for the property owner Paul Gibbs (Roswell, GA) and discuss new plan for property, stating that they have no problem abiding by all conditions that staff is requesting. Paul Gibbs also came forward and spoke about how much he loves the Alpharetta Community and is excited to build in the location and bring a new look to the area. Jeff stated that he is working out stream issues on and around the land of the property and is eager to work forward with this project. Paul will live in the 8,000 SqFt condo at the top of the property. The surrounding units will be 4,000 Sqft with a price point of just over 2 million. The 4,000 Sqft units will include 4 parking spaces, private elevator access and 12-foot ceilings. They also have a perpetual easement with the alcove next to the property, with no chance that the easement will be interrupted. Brent Thomas came forward to discuss storm waters and stream buffer variance stating that the retaining wall on the property at its highest will be 11 feet.
 - **The Planning Commission discussed the following:**
 Commissions discussed issues with prior applicants building units that may require noise reduction or sound proofing materials, stating that with the price point where it is tenants may have an issue if the units are not built with such material that will help with sound proofing.
 Commissioners discussed underground parking, retaining wall height, and or will there be screens added to the parking area or a ½ wall built to cover/hide head lights.
 - **Public Comment:**
 - Bob Collins Academy Park Neighbor Association is in support project if conditions that are being requested are incorporated into requesting rezoning and variances.
 - Nick Greecco property owner 310 Banbury Crossing questions regarding the mainstream run off, finish of retaining wall and cars heading to parking lot off alpha loop.

- Paul Gibbs Property owner and resident asked a few questions about property.
 - ❖ Commissioner Stratton offered a motion to approve **(Z-23-02/V-23-01 82-92 Thompson Street Condominiums)** subject to the conditions read by Mr. Woodman, on #11 add after headwalls retaining walls, as we discussed earlier to read “Utility, headwalls, retaining walls ect...and add to that the academy park conditions that were agreed to with the applicant and 4 conditions that were provided by Mr. Woodman.
 - Commissioner Reynolds seconded the motion.
 - The motion was approved unanimously (7-0)
1. The site, consisting of approximately 1.13 acres, shall be zoned DT-LW and developed substantially similar to site plan prepared by Travis Pruitt & Associates, Inc., revised 12/16/2022, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
 2. Architecture and materials shall be developed substantially similar to the renderings, labeled Exhibit A, except for modifications required to comply with these conditions and in compliance with the Alpharetta Downtown Code and Downtown Consultant’s comments, subject to final approval by DRB.
 3. Thompson Street streetscape shall generally be improved, as follows: 30’ half width right-of-way to incorporate an 8’ sidewalk (concrete with brick banding), 6’ planter, 8’ on-street parking, 10’ travel lane, and decorative pedestrian lighting, with final approval by Staff.
 4. Shade trees shall be required in the planter along Thompson Street and behind the sidewalk in the 10’ landscape strip as a continuation of what has been planted or designed in the Downtown and outside of utility easements, as approved by DRB. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, groundcovers and/or shrubs.
 5. Open space shall be developed as depicted on the site plan prepared by Travis Pruitt & Associates, revised 12/16/2022, including decorative landscaping, hardscape, walls, and seating, as approved by DRB. Landscape plan shall include plant selections promoting the historic Downtown.
 6. Tree removal shall be limited to the site plan prepared by Travis Pruitt & Associates, Inc., revised 12/16/2022.
 7. Developer shall identify and save additional tree groupings and/or trees of quality, as approved by Staff.
 8. Developer shall construct a minimum 8’ concrete connection between the Alpha Loop and Thompson Street sidewalk, as depicted on the site plan prepared by Travis Pruitt & Associates, Inc, revised 12/16/2022. Alpha Loop connection shall be placed within a minimum 10’ permanent easement and shall include bicycle access stair ramps, lighting (bollards), landscape, hardscape, wayfinding signage and crosswalk at Kingry Lane, as approved by Staff.
 9. Fences and walls visible from the public right-of-way shall be decorative, as approved by Staff.
 10. Prior to the issuance of an LDP, developer shall provide the City with an engineering justification showing that the proposed Alpha Loop connection and existing channel

along eastern property line will function properly. Any modification to the existing channel would require a hydraulic trespass assessment.

11. Utility structures, headwalls, retaining wall, etc. shall be finished with decorative stone, where visible from the Alpha Loop, as approved by DRB.
12. Stream buffer encroachment shall be permitted as depicted on the site plan prepared by Travis Pruitt & Associates, Inc., revised 12/16/2022.
13. To mitigate stream buffer encroachments, developer shall remove existing encroachments and comply with one or a combination of the following measures, as approved by Staff:
 - a. Provide 50% additional runoff reduction or water quality volume above the standard city requirements.
 - b. Provide buffer enhancement on an agreed upon area equal to at least 2 times the area of encroachment / impact. These can include, removing fallen trees from inside the stream bed that are impeding flow, plant eroded or sparsely vegetated areas of stream banks with live stakes, add enhanced buffer plantings where sparsely vegetated, and remove invasive vines.
 - c. Obtain any necessary state and federal approvals for the stream and buffer impacts.
 - d. Or alternative mitigation measures, as approved by Staff.
14. No more than 1 of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.

3. MP-23-01/V-23-04 META WINDWARD PARK

- Community Development Director, Cook came forward to present this item.

Consideration of a master plan amendment and variance to amend development regulations and to amend the remaining residential development mix to allow 100 'For-Sale' townhomes and 130 'For-Rent' units. A variance is requested to eliminate the neighborhood grocery requirement. The property is located at 0 North Point Parkway and 0 Dryden Road and is legally described as being located in Land Lots 1112, 1177, 1188, and 1189, 2nd District, 1st/2nd Section, Fulton County, Georgia.

- **Kathryn Zickert** came forward representing the applicant META (Property owner) and indirectly for Empire (Developer) to adjust an old plan to a new pl which will include an office building and a grocery store. The applicant is ok with changing the 130 'For-Rent' units to 'For-Sale units' if needed to approve the project. Applicant accepts all staff recommendations.
- **The Planning Commission discussed the following:**

Commissioners asking what is square footage of grocery store? 3000 sqft. Commissioners question why 130 For-Rent units instead of all For-Sale? Applicant is stating that they are leaving the total units for the project will be the same but will utilize 130 as For-Rent to add to the City of Alpharetta. The original plan included a hotel but changed because apartments are more financeable and office tenants would like to see some rental units available. The price point of the townhomes will be high 400's- lower 500's for 1500-1900 sqft. The price point of the apartments will be around \$2,000 per month. Commissioners ask applicant to consider all "For-

Sale' units.

- **Public Comment:**

- Kim Yaeger-(2505 Milford Lane) Opposing this project and this feels like a bait and switch, we were sold this vision in the beginning and now the project is changing again.
- Jasha Fleming-(539 Headwind Way) Opposing the rental part of the project and that the original plan is still not what they are receiving as a resident.

- ❖ **Commissioner Richard offered a motion to Defer (MP-23-01/V-23-04 META/Windward Park)**

- **Commissioner Zurinkas seconded the motion.**
- **The motion was deferred unanimously (7-0)**

4. CLUP-22-05/Z-22-15/CU-22-12/V-22-29 Story Book Builders/31 & 51 Thompson Street

- Planning & Development Services Manager, Woodman came forward to present this item.

Consideration of a comprehensive land use plan amendment, rezoning, conditional use and variances to allow for the construction of 18 'For-Sale' single-family detached homes and 4 'For-Sale' townhomes on 2.23 acres in the Downtown. A comprehensive land use plan amendment is requested from 'Commercial' to 'Mixed Use Live Work' and a rezoning is requested from C-2 (General Commercial) and DT-LW (Downtown Live-Work) to DT-LW. A conditional use is requested to increase density from 8 to 10 dwelling units per acre and variances are requested to eliminate interparcel connectivity, reduce minimum separation between a driveway and intersection, and reduce the planter strip along Thompson Street. The property is located at 31 and 51 Thompson Street and is legally described as being located in Land Lot 748, 1st District, 2nd Section, Fulton County, Georgia

- **Kathryn Zickert** came forward to present this item, Kathy spoke about previous plans, says they don't want to lose out on the project but would like the commissioners and staff to help the applicant figure out what is it that they can do to get this project approved. There is an issue in regard to sacrificing trees to build this project. The applicant wants staff's opinion on where they need to go with this to get this done. They will use the City's arborist to determine what they can do. Applicant is ok if they need to redesign if needed as well. Applicant is asking for advice at this point.
- **Chad Key** (Principal Builder) discussed the saving of specific trees on the property and or planting new trees.
- **The Planning Commission discussed the following:**
Commissioners discuss detention pond and how it works, use of drive and it works.
- **Public Comment:**
 - Nick Greecco property owner 310 Banbury Crossing- Like plan wants to know if the driveway can be adjusted.
 - Bob Collins 12504 Wexcroft Lane-Concerned about storm water and where will it go.

- ❖ Commissioner Richard offered a motion to Defer **(CLUP-22-05/Z-22-15/CU-22-12/V-22-29 Story Book Builders/31 & 51 Thompson Street)** until applicant can reach a decision on tree preservation and or removal.
 - Commissioner Zurinkas seconded the motion.
 - The motion was Deferred unanimously (7-0)

IX. ANNOUNCEMENTS

X. ADJOURNMENT

- ❖ With there being no further items to consider or discuss Chairman Kung'u adjourned the meeting at 11:06 P.M.

Respectfully submitted,

Tracy Jackson

Tracy Jackson, Planning + Zoning Coordinator



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

CITY COUNCIL SPONSOR: STAFF INITIATED

I. AGENDA ITEM TITLE: PH-23-02 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – PROCEDURES TO ESTABLISH A RESIDENTIAL INFILL OVERLAY DISTRICT

PLANNING COMMISSION: FEBRUARY 2, 2023

CITY COUNCIL: FEBRUARY 27, 2023

II. REPORT IN BRIEF:

Consideration of text amendments to Unified Development Code (UDC) Section 2.3 Supplementary Regulations to add procedures for establishing a residential infill overlay district.

DISCUSSION

In order to recognize particular needs of an existing neighborhood where an active HOA is not present it is recommended that procedures be established for an application to be considered. An overlay district can help preserve special characteristics of a neighborhood with specific zoning regulations and design guidelines.

Staff proposes procedures to establish a Residential Infill Overlay District. The procedures propose an initial 30% threshold of real property owners in support of the overlay for the City to consider creating a residential infill overlay district. A 75% threshold of real property owners in support is proposed prior to City Council adoption of the overlay. The intent of these procedures is to provide a process to establish a residential infill overlay district where there is support among a majority of the property owners in order to impose an additional layer of regulation to help combat incompatible development in established neighborhoods. The Meadow Brook Hills, Milton Estates and Stone Gate Manor Residential Infill Overlay District was approved in August 2022 in response to negative impacts from redevelopment in those neighborhoods.

III. ATTACHMENTS:

- UDC Text Amendments

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.
- 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.*
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 Procedures to Establish a Residential Infill Overlay District.

- A. The City shall require the filing of a petition and completed application for any Residential Infill Overlay District on forms promulgated by the Community Development department director.
- B. Any person(s) interested in pursuing the approval of a Residential Infill Overlay District upon request to the Community Development department will be provided with a petition and application form. The petition will allow for persons to sign in favor of the approval of a Residential Infill Overlay District. All signatories to the petition must be real property owners residing within the proposed Residential Infill Overlay District. The Community Development director shall not allow the petition process for the adoption of a Residential Infill Overlay District ordinance to begin to be reviewed and investigated by city staff until thirty (30) percent of the property owners in the proposed Residential Infill Overlay District have voted in favor of the imposition of the Residential Infill Overlay District designation by signing the petition described in this division. Once the thirty (30) percent threshold has been achieved, the Community Development director shall initiate notice to all property owners within the proposed district of a public hearing to be held at the Planning Commission and City Council meetings.
- C. Application forms must be accompanied by a boundary map and a complete list of each property located in the Residential Infill Overlay District by street address or tax parcel identification number(s). All applications must be accompanied by a written description of why the particular properties qualify for a Residential Infill Overlay District designation. This written description shall include an analysis of all the following criteria that shall guide the Planning Commission and City Council in deciding if specific property should be classified as a Residential Infill Overlay District:
1. Whether the built environment of a neighborhood and its location, size or age, is one in which it is desirable to ensure that new and remodeled single-family dwellings and related accessory uses and structures are compatible with the height, size, and level of forestation of the existing dwellings and lots; and
 2. Whether there is a need to establish and maintain a balance between preserving the character of a mature neighborhood while accommodating compatible new residential developments.
- D. All applications and petitions for a Residential Infill Overlay District shall become final upon presentation at a public hearing before the Planning Commission and City Council, at which time the petition will include a minimum of seventy-five (75) percent of the property owners in support of the overlay district.
- E. The staff of the Community Development department shall conduct a site inspection on all complete applications for a Residential Infill Overlay District designation and shall investigate and prepare an analysis of such application and shall include a written analysis of whether the properties at issue satisfy the criteria identified in subsection C. The staff of the Community Development department shall present its findings and recommendations in written form to the Planning Commission and City Council. Copies of the written findings shall be reasonably available to the public.
- F. In addition to all other applicable standards and criteria, the Planning Commission and City Council shall consider whether the property at issue satisfies the criteria set forth in subsection C. If the Planning Commission and City Council approves the creation of a specific Residential Infill Overlay District, the newly

created district shall be governed by the regulations in this division and any other applicable regulations in the code.

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