



City Council Meeting & Public Hearing

APRIL 17, 2023

OFFICIAL MINUTES

Office of the City Clerk

ALPHARETTA CITY HALL

COMMUNITY ROOM | 2 PARK PLAZA | 6:30 PM

OFFICIAL MINUTES

The public is advised that the following minutes are not a verbatim transcription of business presented at the Council Meeting of the date shown; but are a synopsis of pertinent information. The public is further advised that the video recording for said meeting is a matter of public record and is available to be viewed at the City Clerk's office during normal business hours or viewed online at <https://www.youtube.com/user/alpharettagov>.

1. CALL TO ORDER

- Mayor Gilvin called the meeting to order at 6:31 p.m.

2. ROLL CALL

• Council Members

- Mayor Jim Gilvin
- Brian Will
- Donald F. Mitchell
- Douglas J. DeRito
- John Hipes
- Jason Binder

• Council Members Absent

- Mayor Pro Tem Dan Merkel

• Staff

- Chris Lagerbloom, City Administrator
- Melissa Tracy, City Attorney with Jarrard & Davis
- James Drinkard, Assistant City Administrator
- Lauren Shapiro, City Clerk
- Adam Montgomery, Interim Director of Information Technology
- Cris Randall, Director of Human Resources
- John Robison, Director of Public Safety
- Kathi Cook, Director of Community and Economic Development
- Morgan Rodgers, Director of Recreation, Parks, and Cultural Services

- Pete Sewczwicz, Director of Public Works
- Tom Harris, Director of Finance

3. PLEDGE TO THE FLAG

4. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 3/20/2023)

Consideration of approval of the City Council meeting minutes from the meeting of March 20, 2023.

B. Alcoholic Beverage License Application

Consideration of approval of the following alcoholic beverage license application:

1. PH-23-AB-06 Golden Gaubugi, LLC, d/b/a Hole in the Wall Sushi, 3665 Old Milton Parkway Unit 50, Alpharetta, GA 30005

Restaurant

Consumption on Premises

Beer, Wine & Sunday Sales

Owner: Golden Gaubugi, LLC

Registered Agent: Sung Yoon Cho

C. Financial Management Report (Month Ending February 28, 2023)

Approval of the Financial Management Report for the month ending February 28, 2023.

- Council Member Binder requested to remove the Financial Management Report (Month Ending February 28, 2023) from the Consent Agenda.

PUBLIC COMMENTS

- There were no public comments.
- ❖ Council Member Mitchell offered a motion to approve the Consent Agenda, without the Financial Management Report (Month Ending February 28, 2023).
 - Council Member Binder seconded the motion.
 - The motion was approved unanimously (6-0).

C. Financial Management Report (Month Ending February 28, 2023)

Approval of the Financial Management Report for the month ending February 28, 2023.

PUBLIC COMMENTS

- There were no public comments.
- ❖ Council Member Binder offered a motion to approve the Financial Management Report (Month Ending February 28, 2023).
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (6-0).

5. PUBLIC HEARING

A. Ordinance: Municipal Election Superintendent and Contracting with Fulton County for Such Purposes

FIRST READING

Consideration of adoption of an Ordinance to amend Article I of Chapter 2 of the Code of the City of Alpharetta, Georgia to authorize the appointment of a municipal election superintendent, to authorize the Fulton County Board of Registration and Elections to conduct municipal elections in the City; to authorize the City to enter into a contract with Fulton County for such purposes; to appoint the Fulton County Board of Registration and Elections as Election Superintendent; and for other purposes.

- City Attorney, Melissa Tracy, read the ordinance title aloud.
- The proposed text amendment is attached hereto as "Exhibit A."

PUBLIC COMMENTS

- There were no public comments.
- ❖ Council Member DeRito offered a motion to approve an Ordinance for Municipal Election Superintendent and Contracting with Fulton County for Such Purposes.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (6-0).

6. NEW BUSINESS

A. Intergovernmental Agreement: Fulton County Election Services

Consideration of approval of the Intergovernmental Agreement for the provision of election services between Fulton County, Georgia and the City of Alpharetta, Georgia and authorize the Mayor to execute all necessary documents.

- City Clerk, Lauren Shapiro, came forward to present this item.
- Staff is recommending that Mayor and Council approve the Intergovernmental Agreement for the provision of election services between Fulton County, Georgia and the City of Alpharetta, Georgia and authorize the Mayor to execute all necessary documents.
- During a City Council Work Session on March 20, 2023, it was the consensus of Council that the City should contract with Fulton County to host this year's municipal election, which was later solidified when Mayor and Council adopted Resolution 2174 which authorized Fulton County to conduct the City's November 7, 2023 municipal general election and authorized the city to enter into a contract with Fulton County for such purposes.
- The Intergovernmental Agreement presented tonight, if approved, would assign all duties of elections superintendent to Fulton County. It also states that the City of Alpharetta is responsible for adopting election ordinances, candidate qualification, filing officer duties as required by the Georgia Government Transparency and Campaign Finance Commission, verifying the City's voter list and street maintenance files, providing information related to early voting locations and referendums, and reviewing ballot proofs.

- Currently, the City's estimated pro-rata share of the total election cost is \$379,408.77. This total amount is based on the City's number of registered voters and could change based on whether the County conducts elections for all Fulton County cities in 2023

PUBLIC COMMENTS

- There were no public comments.
- ❖ Council Member Mitchell offered a motion to approve the Intergovernmental Agreement for the provision of election services between Fulton County, Georgia and the City of Alpharetta, Georgia and authorize the Mayor to execute all necessary documents.
 - Council Member Will seconded the motion.
 - The motion was approved unanimously (6-0).

B. PH-23-01 – Unified Development Code (UDC) Text Amendment – Crabapple Overlay

SECOND READING

The first reading of the Unified Development Code (UDC) Text Amendment - Crabapple Overlay took place during the March 27, 2023 City Council Meeting & Public Hearing.

Consideration of text amendments to the Unified Development Code (UDC) to create an overlay district for the Crabapple area and applicable regulations.

- City Attorney, Melissa Tracy, read the ordinance title aloud.
- Director of Community and Economic Development, Kathi Cook, came forward to present this item.
- Staff is recommending that Mayor and Council approve PH-23-01 to adopt an Ordinance approving text amendments to Unified Development Code (UDC) Article II to add Section 2.11 Crabapple Overlay.
- This item was considered at the 3/2/2023 Planning Commission meeting. There was one (1) public comment from a property owner in the proposed overlay asking if the overlay would require streetscape improvements to the existing site. A Planning Commissioner requested that bike racks be added to the street furniture section. After discussion, Planning Commission recommended approval (vote 7-0).
- Director Cook shared that there has only been one change since the first reading, and that was in regards to clarification of building height.
- The proposed text amendment is attached hereto as "Exhibit B."

PUBLIC COMMENTS

- There were no public comments.
- ❖ Council Member Will offered a motion to approve PH-23-01 to adopt an Ordinance approving text amendments to Unified Development Code (UDC) Article II to add Section 2.11 Crabapple Overlay.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (6-0).

C. Energy Efficiency and Block Grant Application

Consideration of approval of the Energy Efficiency and Conservation Block Grant Pre-Award Information Sheet for the submission of a grant application to the Department of Energy for available grant funding in the amount \$138,600 and for the Mayor to execute all necessary documents.

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff is recommending that Mayor and Council approve the Energy Efficiency and Conservation Block Grant Pre-Award Information Sheet for the submission of a grant application to the Department of Energy for available grant funding in the amount \$138,600 and for the Mayor to execute all necessary documents.
- The City of Alpharetta has available an allocation in the amount of \$138,600.00. Eligible uses of EECBG funds include: development of energy efficiency and conservation strategies; retention of a technical consultant for the development of such strategies; residential and commercial building energy audits; grants to nonprofits and governmental agencies to perform energy efficiency retrofits; development and implementation of programs to conserve energy used in transportation; the development, implementation, and installation on or in any government building of on-site renewable energy technology; and more.
- It is noted that, at this time, the Department of Energy has not released the final guidelines regarding the process or information needed to apply for the voucher. All eligible entities that intend to apply for a voucher, however, must sign and submit a Pre-Award Information Sheet by April 28, 2023. This action simply reserves the funds in anticipation of a voucher application being submitted by January 31, 2024.

PUBLIC COMMENTS

- There were no public comments.
- ❖ Council Member Hipes offered a motion to approve the Energy Efficiency and Conservation Block Grant Pre-Award Information Sheet for the submission of a grant application to the Department of Energy for available grant funding in the amount \$138,600 and for the Mayor to execute all necessary documents.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (6-0).

D. Memorandum of Understanding: National Opioid Settlement

Consideration of Approval of the State of Georgia and Local Governments Memorandum of Understanding Concerning National Settlements with Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Walmart Inc., CVS Health Corporation and CVS Pharmacy, Inc., and Walgreen Co.

- City Attorney, Melissa Tracy, came forward to present this item.
- On February 27, 2023, Mayor and City Council approved opting-in to the National Opioid Settlements with Teva, Allergan, CVS, Walgreens, and Walmart.
- This Memorandum of Understanding is the second step of the Teva, Allergan, et al., opioids settlement agreement. This Memorandum of Understanding memorializes how the funds will be divided among the state and local governments.

PUBLIC COMMENTS

- There were no public comments.
- ❖ Council Member Mitchell offered a motion to approve the State of Georgia and Local Governments Memorandum of Understanding Concerning National Settlements with Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Walmart Inc., CVS Health Corporation and CVS Pharmacy, Inc., and Walgreen Co.
 - Council Member Hipes seconded the motion.
 - The motion was approved unanimously (6-0).

7. PUBLIC COMMENT

- There were no public comments.

8. REPORTS

- Council Member Hipes shared that the first farmer's market of the season took place this past Saturday and was followed by the Alpharetta Wine Festival on Sunday. This weekend the Act 1 Theater will present Shakespeare in the Park at The Grove at Wills Park, there is a Home by Dark Concert behind City Hall on Saturday night, and there is also a Concert on the Green fundraiser for Alpharetta and Milton Public Safety Foundations in Crabapple.

9. EXECUTIVE SESSION (IF NECESSARY)

- ❖ Council Member Hipes offered a motion to recess to Executive Session.
 - Council Member Will seconded the motion.
 - The motion was approved unanimously (6-0).
- ❖ Council Member Mitchell offered a motion to reconvene the meeting.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (6-0).

10. RATIFICATION OF EXECUTIVE SESSION ITEMS (IF NECESSARY)

- City Attorney, Melissa Tracy, shared that after discussion in executive session, there are six finalized consent judgments that need to be ratified by Council concerning the following parcels:
 1. Parcel #35/City of Alpharetta, Georgia v. Nagarajan Ramachandran, et al., Civil Action File No. 2022CV363746
 2. Parcel #44/City of Alpharetta, Georgia v. 0.023 Acres of Fee Simple Right of Way, et al., Civil Action File No: 2022CV364092
 3. Parcel #49/City of Alpharetta v. 0.010 Acres of Fee Simple Right of Way, et al., Civil Action File No. 2022CV364146

4. Parcel #64B/City of Alpharetta, Georgia v. Shawn J. Phillips, et al., Civil Action File No. 2022CV363827
5. Parcel #69/City of Alpharetta, Georgia v. 906.88 Square Feet of Permanent Easement, et al., Civil Action File No.: 2022CV364147
6. Parcel #34/City of Alpharetta, Georgia v. Luis Ramirez, et al., Civil Action File No. 2022CV364009

PUBLIC COMMENTS

- There were no public comments.
 - ❖ Council Member DeRito offered a motion to ratify the final consent order and final judgement for Parcel #35/City of Alpharetta, Georgia v. Nagarajan Ramachandran, et al., Civil Action File No. 2022CV363746, Parcel #44/City of Alpharetta, Georgia v. 0.023 Acres of Fee Simple Right of Way, et al., Civil Action File No: 2022CV364092, Parcel #49/City of Alpharetta v. 0.010 Acres of Fee Simple Right of Way, et al., Civil Action File No. 2022CV364146, Parcel #64B/City of Alpharetta, Georgia v. Shawn J. Phillips, et al., Civil Action File No. 2022CV363827, Parcel #69/City of Alpharetta, Georgia v. 906.88 Square Feet of Permanent Easement, et al., Civil Action File No.: 2022CV364147, and Parcel #34/City of Alpharetta, Georgia v. Luis Ramirez, et al., Civil Action File No. 2022CV364009.
 - Council Member Will seconded the motion.
 - The motion was approved unanimously (6-0).
- City Attorney, Melissa Tracy, shared that there is one additional right-of-way matter that should be approved by City Council regarding a settlement authorization and consent judgment for Parcel #51/ City of Alpharetta v. 356.77 Square Feet of Permanent Easement, et al., Civil Action File no. 2022CV364152.

PUBLIC COMMENTS

- There were no public comments.
 - ❖ Council Member DeRito offered a motion to approve and file Consent Judgment and Final order for Parcel #51/ City of Alpharetta v. 356.77 Square Feet of Permanent Easement, et al., Civil Action File no. 2022CV364152.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (6-0).

11. ADJOURNMENT

- ❖ Council Member Hipes offered a motion to adjourn the meeting.
 - Council Member Will seconded the motion.
 - The motion was approved unanimously (6-0).

- With there being no further items to discuss, Mayor Gilvin adjourned the meeting at 7:14 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Lauren Shapiro". The signature is written in a cursive, flowing style.

Lauren Shapiro, City Clerk

EXHIBIT A



AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AMEND ARTICLE I OF CHAPTER 2 OF THE CODE OF THE CITY OF ALPHARETTA, GEORGIA, TO AUTHORIZE THE APPOINTMENT OF A MUNICIPAL ELECTION SUPERINTENDENT, TO AUTHORIZE THE FULTON COUNTY BOARD OF REGISTRATION AND ELECTIONS TO CONDUCT MUNICIPAL ELECTIONS IN THE CITY; TO AUTHORIZE THE CITY TO ENTER INTO A CONTRACT WITH FULTON COUNTY FOR SUCH PURPOSES; TO APPOINT THE FULTON COUNTY BOARD OF REGISTRATION AND ELECTIONS AS ELECTION SUPERINTENDENT; AND FOR OTHER PURPOSES.

WHEREAS, the City of Alpharetta is required to hold municipal elections pursuant to the Charter of the City of Alpharetta and the laws of the State of Georgia; and

WHEREAS, state law provides for the appointment of a municipal superintendent to conduct municipal elections (O.C.G.A. § 21-2-70.1); and

WHEREAS, the Official Code of Georgia Annotated § 21-2-45 further provides:

The governing authority of any municipality may authorize any county within which that municipality wholly or partially lies to conduct any or all elections held pursuant to this chapter. In the event a municipality shall by ordinance authorize such county to conduct elections, such municipality may request such county to perform any or all of the functions:

- (1) That the county shall perform all duties as superintendent of elections as specified under this chapter;
- (2) That the county shall perform all duties as superintendent of elections as specified under this chapter, with the exception of the qualification of candidates;
or
- (3) That the county shall lease or loan any or all of its election equipment to the municipality for the purpose of conducting municipal elections without any responsibility on the part of the county for the actual conduct of the municipal election.

; and

WHEREAS, the Council wishes to amend Section 2-5 of the City Code to add provisions related to the appointment of a municipal superintendent and to authorize the Fulton County Board of Registration and Elections to conduct municipal elections and act as the superintendent of elections as agreed to between the City and Fulton County;

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

Section 1: Section 2-5 of the Code of the City of Alpharetta is hereby amended as set forth on the attached Exhibit “A.”

Section 2: It is the intention of Council, and it is hereby ordained by the authority of Council, that the provisions of this Ordinance shall become and be made a part of the Code of the City of Alpharetta, Georgia, and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.

Section 3: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

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

Section 5: This Ordinance shall be effective immediately upon its adoption by the City Council.

SO ORDAINED, the _____ day of _____, 2023.

CITY OF ALPHARETTA, GEORGIA

By: _____
Jim Gilvin, Mayor

COUNCIL MEMBERS

Donald F. Mitchell

Brian Will

Douglas J. Derito

John Hipes

Jason Binder

Dan Merkel

ATTEST:

APPROVED AS TO FORM:

Lauren Shapiro, City Clerk

Molly Esswein, City Attorney

EXHIBIT “A”

Sec. 2-5. - Elections; Appointment of Superintendents; Conducting Elections. ~~“incumbent” label on ballot.~~

(a) The City Council shall authorize a municipal superintendent to conduct municipal elections according to the provisions of O.C.G.A. § 21-2-70.1, or shall so delegate that role to the Fulton County Board of Registration and Elections pursuant to state law and as provided herein.

(b) Pursuant to state law, particularly O.C.G.A. § 21-2-45, the city may contract or otherwise decide by agreement with the Fulton County Board of Registration and Elections for that board to coordinate and conduct all elections in the city.

(c) In situations where the city has contracted and authorized the county to conduct such election, the Fulton County Board of Registration and Elections shall operate as the superintendent of the election and shall perform all functions of the city or any of its officials in connection with the conduct of such election or runoff thereof, except as hereinafter provided.

(d) All other terms of the contract for conducting the election shall be governed by the Intergovernmental Agreement entered into between the city and the Fulton County Board of Registration and Elections, such terms to include, but not be limited to:

(1) Payment of election costs; and

(2) The county’s financial liability for any litigation arising by reason of the election, if any.

(e) All decisions concerning the qualification of the candidates shall be determined by the City Clerk in accordance with state law and City Code.

(f) It shall be lawful to have the word "incumbent" follow the name of any person who is running and is legally holding office at the time of any legal or special election held in the city.

EXHIBIT B

ORDINANCE NUMBER:



AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AMEND ARTICLE II OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO ADD REGULATIONS PERTAINING TO THE CRABAPPLE OVERLAY; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

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

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

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

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

WHEREAS, the City Council desires to amend Article II of the Unified Development Code for the foregoing purposes; and

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

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

Section 1: Article II, Section 2.11 titled "Crabapple Overlay" of the Unified Development Code is hereby added by amending same as set forth in Exhibit "A" attached hereto as if fully set forth herein.

Section 2: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

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

SO ORDAINED, this _____ day of _____, 2023.

CITY OF ALPHARETTA

By: _____
Jim Gilvin, Mayor

COUNCIL MEMBERS

Mayor Pro Tem Dan Merkel

Council Member Donald F. Mitchell

Council Member Brian Will

Council Member Douglas J. DeRito

Council Member John Hipes

Council Member Jason Binder

[SIGNATURES CONTINUED ON FOLLOWING PAGE]

SIGNATURES CONTINUED FROM PRECEDING PAGE]

(SEAL)

Attest:

Approved as to form and legal sufficiency:

Lauren Shapiro, City Clerk

[INSERT ATTORNEY], City Attorney

Exhibit “A”

SECTION 2.11 CRABAPPLE OVERLAY

2.11.1. General Provisions.

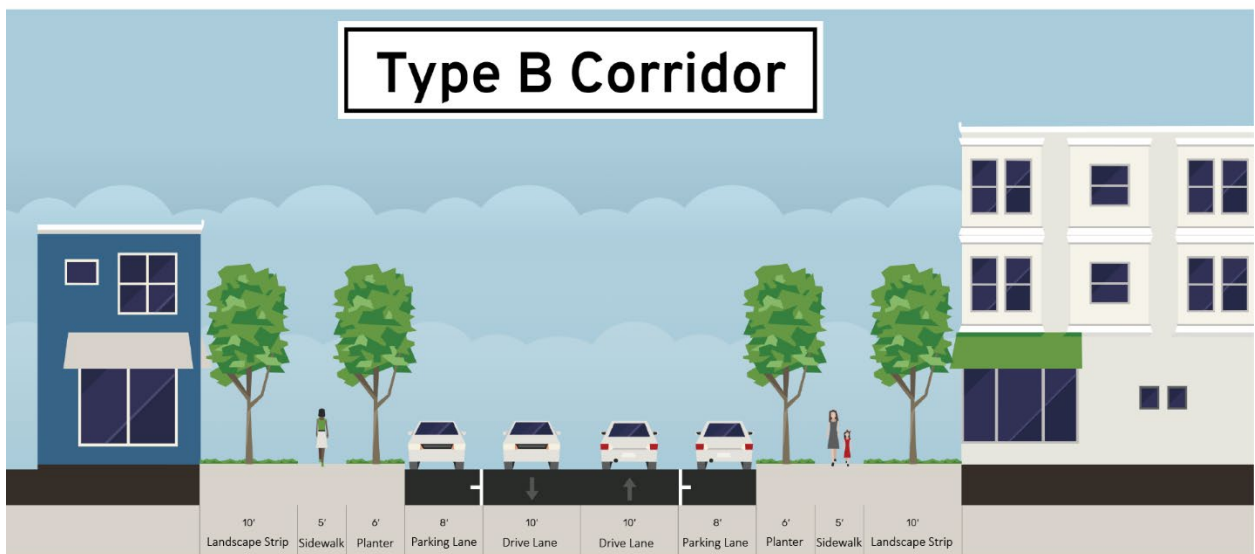
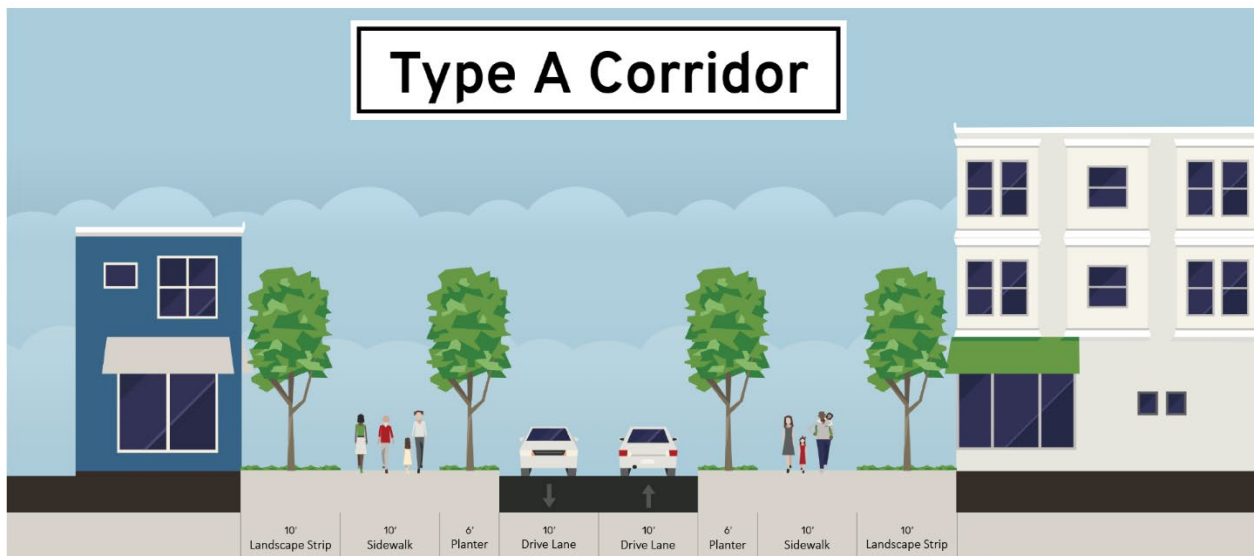
- A. *Title.* This Section shall be known as the "Crabapple Overlay" or may be internally cited as "this overlay."
- B. *General Purpose.* The purpose of this overlay is to enable and support a cohesive vision for the Crabapple area.
- C. *Applicability.*
 - 1. This overlay applies within the area be shown on the Official Zoning Map and labeled "Crabapple Overlay."
 - 2. Parcels within this overlay shall be subject to both the requirements of this Section and the requirements of their underlying zoning district, subject to the conflict provisions in "3" immediately below.
 - 3. When requirements of this overlay conflict with any requirement of the underlying zoning or any other provision of the City Unified Development Code (UDC), the requirements of this overlay shall prevail.
 - 4. When the word "street" is used it means both public and private streets unless stated otherwise.
- D. *Conformance Requirements.*
 - 1. All buildings, structures or land, in whole or in part, must be used or occupied, in conformance with this overlay. All buildings or structures, in whole or in part, must be erected, constructed, moved, enlarged or structurally altered in conformance with this overlay.
 - 2. Nothing in this overlay shall require any change in the plans, construction or intended use of a building or structure for which a lawful permit has been issued or a lawful permit application has been accepted before the effective date of this overlay, provided that the construction under the terms of such permit is diligently followed until its completion.
- E. *Conflicting Provisions.*
 - 1. It is not the intent of this overlay to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this overlay imposes a greater restriction upon the use of property, or requires more space than is imposed or required by other resolutions, rules or regulations, or by easements, covenants or agreements, the provisions of this overlay shall govern.
 - 2. Nothing herein shall be construed as repealing or modifying the conditions of operation or conditions of site development accompanying those zoning approvals, variances, or use permits issued prior to the existence of this overlay; however, modification or repeal of these past conditions of approval may be accomplished through a zoning change in accordance UDC Section 4.2.
- F. *Place Making.* The design of streets, streetscapes, open spaces, civic spaces, and other features regulated by this overlay must incorporate signage, plantings, lighting, materials, and other placemaking elements as follows:
 - 1. In accordance with placemaking plans adopted by the City of Alpharetta; or
 - 2. As submitted by the applicant and approved by the Director of Community development if no plans identified in "1" immediately above have been adopted.

2.11.2. Site Regulations.

- A. *Corridor Types Established.* This overlay uses corridor types to regulate the design of sidewalks, sites, buildings, and other purposes, as shown in the Site Regulation Table and as referenced in other Sections. Corridor types include:
1. **Type A Corridors**, which include Crabapple Road and Broadwell Road.
 2. **Type B Corridors**, which include Marstrow Road, Arklow Drive, and new streets.
- B. *Site Regulation Table.* Sites must be developed in accordance with the following Site Regulation Table.

Site Regulation Table

Site Design Standards		
	Type A Corridors	Type B Corridors
Building Setback (from the back of required sidewalk)	10 ft. min./ 20 ft max.	10 ft. min./ 60 ft. max.
Building Height (as measured along the applicable corridor)	20 ft. or 2 story min., whichever is higher/ Max. per Sec. 2.11.3.D.	20 ft. or 2 story min., whichever is higher/ Max. per Sec. 2.11.3.D.
Surface Parking Lots (see UDC Sec. 3.2.8.C and Sec. 2.11.5.A)	No parking allowed between primary buildings and a public street.	Only one row of parking (parallel with the road) is allowed between primary buildings and a public street.
Streetscape Standards		
	Type A Corridors	Type B Corridors
Sidewalk	10 ft. min.	5 ft. min.
Planter	6 ft. min.	6 ft. min.
Planter Pedestrian Light Spacing (see Sec. 2.10.4.C.2)	40 ft. on-center max.	40 ft. on-center max.
Planter Tree Spacing (see Sec. 2.10.4.C.1)	40 ft. on-center max.	40 ft. on-center max.
On-Street Parking	8 ft. min. (if required)	8 ft. min.
Landscape Strip	Per UDC Sec. 3.2.8.D (see note 1)	Per UDC Sec. 3.2.8.D (see note 1)



Note 1: The Director of Community Development has the authority to reduce or eliminate UDC Sec. 3.2.8.D landscape strips adjacent to buildings with ground floor commercial uses that front and are accessible from the adjacent sidewalk.

C. *Minimum Lot Size.*

1. Minimum lot size in accordance with the underlying zoning district.

D. *Maximum Building Height.*

1. Maximum building height shall not exceed 3 stories and no more than 40'.

2.11.3. Streets.

A. *Applicability.*

1. The Section applies to:
 - a. New development;
 - b. Existing developed sites when more than 25% of the site area is disturbed, except as provided for in "2" immediately below;
 - c. Existing principal buildings that are expanded, except as provided for in "2" immediately below; and
 - d. Existing principal buildings that are renovated or repaired and the value of said work exceeds 50% of the building's replacement cost, except as provided for in "2" immediately below.
2. The Director of Community Development may grant variances to any requirement of this Section for existing developed sites and existing buildings (except as specifically delegated to the City Transportation Engineer) when one or more of the following exists:
 - a. The streetscape would render a site non-conforming with regard to vehicular parking; or
 - b. Existing topography, trees, buildings, bridges, utilities, retaining walls, or other existing features render this Section unreasonable.
3. This Section does not apply on a parcel for which a Land Disturbance Permit or Building Permit is issued but where the Director of Community Development determines that the permit is for an accessory use or structure to the principal use or structure or for minor repairs or additions to the principal building or structure in existence.

B. *Streetscapes.*

1. *Streetscapes Required.*
 - a. New public and private streets must include sidewalks and planters as identified in the Streetscape Standards of the Site Regulation Table prior to the issuance of Certificate of Occupancy, except as indicated in "d" immediately below.
 - b. Existing streets that do not meet the Streetscape Standards of the Site Regulation Table must be brought into compliance with said standards along the site's frontage prior to the issuance of Certificate of Occupancy, except as indicated in "d" immediately below.
 - c. On existing streets where there is insufficient right-of-way for the required streetscape improvements, the right-of-way needed for such improvements may be expanded by mutual agreement between the property owner and the entity holding the right-of-way, or a public access easement may be provided to the City to meet the required improvements.
 - d. On streetscapes that are or will be within the public right-of-way, root barriers are required between the sidewalk and any adjacent landscape strips or planters, subject to approval of the City Arborist.
 - e. The City encourages the use of multi-functional runoff reduction measures in the streetscape, including bioretention areas, stormwater tree box, and planter box. The dimensional standards for planting area, tree spacing, and planting type be varied to accommodate runoff reduction measures.

C. *Planter.*

1. Street trees must be planted in the planter as follows:

- a. Overstory trees must be planted in the planter in accordance with the Streetscape Standards of the Site Regulation Table. Newly planted trees shall be a minimum of 3½ inches in caliper, and must be limbed up to a minimum of 7 feet.
 - b. Trees must have a pervious planting area that is at least 6 feet wide by 10 feet long, 3 feet deep, and 1,800 cubic feet in soil volume. Tree grates are not allowed unless the City Arborist determines that they will not negatively impact tree health.
 - c. Shrubs, groundcover, or mulch must be installed in the tree planting area identified in "b" immediately above when tree grates are not installed. Shrubs must conform to "1" immediately above.
- 2. Pedestrian Lights.
 - a. Pedestrian lights must be installed in the planter in accordance with the Streetscape Standards of the Site Regulation Table.
 - b. Pedestrian lights must be spaced evenly between overstory street trees.
 - c. Pedestrian light spacing may be increased by the Director or Community Development along existing streets when trees, traffic control devices, or other existing conditions prevent the required spacing.
- D. *On-Street Parking.* Newly-created on-street parking on public or private streets must conform to the following:
 - 1. A bulbout must be provided at the end of every three (3) parallel parking spaces.
 - 2. Each bulbout must include at least one overstory tree. Newly planted trees must be a minimum of 3½ inches in caliper, and must be limbed up to a minimum of 7 feet.
 - 3. Trees must have a pervious planting area that is at least 6 feet wide by 10 feet long, 3 feet deep, and 1,800 cubic feet in soil volume. Tree grates are not allowed unless the City Arborist determines that they will not negatively impact tree health.

2.11.4. Parking and Loading.

- A. *Vehicular Parking.*
 - 1. Minimum parking requirements are as required by UDC Section 2.5. Parking requirements may be reduced based upon an Urban Land Institute shared parking analysis or other parking analyses acceptable to the City, subject to approval of the Director of Community Development.
 - 2. Where on-street parking spaces exist in the public right-of-way, one on-street parking space may be substituted for every required parking space, provided:
 - a. The on-street space immediately abuts the subject property.
 - b. Each on-street parking space may only be counted for one property. Where a space straddles an extension of a property line, the space may only be counted by the owner whose property abuts 50% or more of the on-street parking space.
 - c. The Director of Community Development, in consultation with the City Transportation Engineer, may determine that to ensure future roadway capacity or other public purposes, the on-street parking credit may not be available.
- B. *Driveways.*
 - 1. *Applicability.* The following applies to driveways, including those serving alleys, but not to new streets in conformance with Sec. 2.10.4.A.

2. *Location.* Driveways may not be located on a Type A Corridor when access is available from a Type B Corridor.
- C. *Design of Parking Structures.*
1. When a parking structure fronts a Type A Corridor its ground story must have active uses (such as, but not limited to, residential, commercial, office, or civic space) between the parking structure and said street. The active use must be at least 20 feet deep.
 2. Where any portions of structured parking are adjacent to or visible from any street, they must be screened so that cars and ramps are not visible from ground level view from the adjacent parcel or adjacent street (not including an alley). Screening must include:
 - a. Evergreen trees, vines, and landscaping that physically attached to the parking; or
 - b. A facade having the appearance of a horizontal storied building; or
 - c. A combination of "a" and "b" immediately above.
- D. *Loading.*
1. Loading areas for new buildings must be located to the rear of buildings. Loading areas may not be placed between a building and the closest adjacent street.
 2. If a loading area is provided, it must meet the following:
 - a. Screening must consist of either:
 - i. An 8-foot high wall compatible with the principal building in terms of texture, quality, material and color; or
 - ii. Evergreen plant material that can be expected to reach a height of 8 feet with a spread of 4 feet within 3 years of planting.
- E. *Parking Locations.* Driveway and off-street parking lots are only allowed between a building and the closest street when indicated in the Site Regulations Table.

2.11.5. Landscaping and Screening.

- A. *Parking Lot Landscaping.* All parking lots must conform to the requirements of UDC Sec. 3.2.8.C and these additional standards.
1. Landscaped areas within the interior of the parking area may be designed as bio-retention areas, using inwardly draining swales without curbs, in lieu of raised planting areas surrounded by curbs, provided that each parking space provides a wheel stop and provided that depressed areas adjacent to driving aisles are surrounded by painted lines or flush curbing to separate landscaping from driving aisles.
 2. Landscape design and material selection may incorporate practices of water conservation and xeriscape. Use of native materials is encouraged. Plant materials should be arranged so that plants that require similar amounts of irrigation are placed together wherever possible.
- B. *Foundation Plantings.* All building foundations facing a public street must conform to these standards, except as provided for in "3" immediately below:
1. Foundations must be screened with continuous evergreen or semi-evergreen shrubs
 2. At the time of installation, the screening must be at least 1 foot in height and reach a height of 3 feet within 3 years of planting.

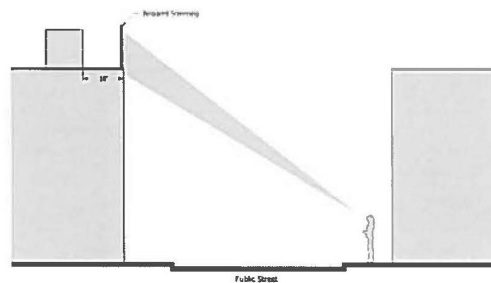
3. Foundation plantings are not required adjacent to ground floor commercial fenestration when said plantings would obstruct views into the commercial establishments, subject to approval of the Director of Community Development.

C. *Service Areas.*

1. Trash and recycling collection and other similar service areas must be located to the side or rear of buildings and may not be between a building and the street.
2. Service areas must be screened on 3 sides and on the 4th side by a solid gate at a minimum of 6 feet in height.
3. Screening must consist of:
 - a. A 6-foot high wall; or
 - b. Evergreen plant material that can be expected to reach a height of 6 feet with a spread of 4 feet within three years of planting.
4. Screening walls must be opaque and be constructed of one or a combination of the following: architectural block; brick; stone; cast-stone; or stucco over standard concrete masonry blocks.
5. The gate must be self-locking and maintained in good working order.

D. *Roof-Mounted Equipment.*

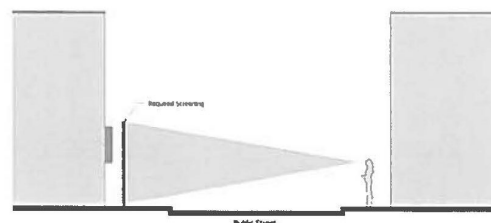
1. Roof-mounted equipment must be set back at least 10 feet from the edge of the roof and screened from ground level view from the abutting parcel or street (not including an alley).
2. New buildings must provide a parapet wall or other architectural element that is compatible with the principal building in terms of texture, quality, material, and color that fully screens roof-mounted equipment from ground level view.



3. For buildings with no or low parapet walls, roof mounted equipment must be screened on all sides by an opaque screen compatible with the principal building in terms of texture, quality, material, and color.

E. *Wall-Mounted Equipment.*

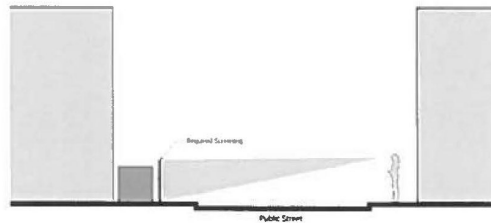
1. Wall-mounted equipment located on any surface that is visible from a street (not including an alley) must be fully screened by landscaping or an opaque wall or fence that is compatible with the principal building in terms of texture, quality, material, and color.



2. If required, screening must be of a height equal to or greater than the height of the mechanical equipment being screened.

F. *Ground-Mounted Equipment.*

1. Ground-mounted mechanical equipment that is visible from a street (not including an alley) must be fully screened by landscaping or an opaque wall or fence that is compatible with the principal building in terms of texture, quality, material, and color.



2. Screening must be of a height equal to or greater than the height of the mechanical equipment being screened.

G. *Plant Material.* All plant material shall conform to UDC Sec. 3.2.8.A, Sec. 3.2.8.C, and the following standards:

1. Plant materials must be hardy to zone 7b in accordance with the U.S. Department of Agriculture's Plant Hardiness Zone Map.
2. Plant materials must be able to survive on natural rainfall once established with no loss of health. However, irrigation may be provided as the option of the property owner.
3. No artificial plants, trees, or other vegetation may be installed as required landscaping and screening.

H. *Maintenance of Landscaping.*

1. The property owner is responsible for maintaining all required landscaping and screening in good health and condition. Any dead, unhealthy, damaged or missing landscaping and screening must be replaced with landscaping and screening that conforms to this Section within 90 days (or within 180 days where weather concerns would jeopardize the health of plant materials) as approved by the City Arborist.
2. All planting areas must be stabilized from soil erosion immediately upon planting and must be maintained for the duration of the use.

2.11.6. Building Design.

- A. *Applicability.* This Section applies to all new buildings, additions to existing buildings, and any change to a building facade except ordinance maintenance and repairs.

B. *Building Architectural Standards.*

1. All buildings, except single-family detached residential, shall be designed in one of the following styles:
 - a. Vernacular
 - b. Greek Revival
 - c. Italianate
 - d. Gothic

- e. Queen Anne
 - f. Colonial Revival
 - g. Adams/Federal
2. Specific elements of the required styles can be found in A Field Guide to American Houses by Virginia Savage McAlester, Residential Architectural Styles in Georgia by the Historic Preservation Division of the Georgia Department of Natural Resources, or other architectural resources.
- C. *Exterior Walls.*
1. Technical and aesthetic requirements.
- a. Wall finishes on sides of individual buildings seen from a public road shall be the same on all visible sides; architecturally significant portions must conform; appendages or secondary wings assume a differing finish according to visibility and architectural merit.
 - b. Wood shingles shall be level at the bottom edge. Corners shall be mitered. Decorative novelty shapes are prohibited.
 - c. Trim shall be consistent on all sides of the building; the primary building mass or the Façade may be further embellished or enhanced.
 - d. Service wings may be expressed in a more simplistic manner, but shall exhibit clear design intent.
2. Materials.
- a. No more than three different exterior materials, exterior colors, or any combination thereof may be used on a single building, not including windows, doors, porches, balconies, foundations, and architectural details.
 - b. Materials may be combined on exterior walls only horizontally, with the heavier below the lighter.
 - c. Exterior material shall be limited to brick, natural stone, clapboard, board and batten, hard-coat stucco, or wood shingles.
 - d. Vinyl or aluminum siding, and synthetic stone veneer are prohibited.
 - e. Stone, brick, and mortar color and style shall match building style.
 - f. Hard-coat stucco shall be a 3-coat plaster finish, integral finish, applied on brick or concrete block; control joints shall be concealed where possible.
 - g. Clapboards and board and battens shall be wood or cementitious board. Hardi board shall have a 4 inch maximum exposure, while Artisan series Hardi board or full three-quarter inch wood siding may have up to an 8 inch lap. False wood graining is prohibited.
 - h. Wood shingles shall be level at the bottom edge.
- D. *Roofs.*
1. Technical and aesthetic requirements
- a. The roof slope on a single mass shall be the same on all sides, except for cat-slides and sheds.
 - b. Roof slopes shall match building style.
 - c. Vents and stacks shall be painted to match the roof material and hidden from view to the extent possible.

d. Overhangs that shed water within 5 feet of an adjacent lot shall be guttered or piped, and diverted away from adjacent lots.

2. Materials.

- a. Materials shall be wood shingles, wood shakes, standing-seam paint grip galvanized metal, slate or asphalt shingles (architectural weathered, wood, or classic green or red), or concrete simulated slate or wood shingles.
- b. Gutters may be ogee or half-round with round downspouts, metal-lined wood, or architecturally formed or molded. Gutter finishes may be copper, unpainted galvanized metal, or color to resemble galvanized metal
- c. Wood shingles shall not drain onto metal roofs.

E. *Foundations.*

- 1. Foundations shall be constructed of poured concrete or concrete masonry units.
- 2. Foundations may be finished with smooth stucco, brick, or stone.
- 3. Front porches of wood shall be supported on masonry piers finished in smooth stucco, masonry, brick, or stone. Piers shall have a minimum width of 18 inches and a minimum depth of 8 inches.

F. *Windows.*

- 1. The provision of windows shall match building style.
- 2. Technical and aesthetic requirements.
 - a. Windows and casings shall match building style.
 - b. Windows shall not be omitted on elevations.
 - c. Window sills shall have a minimum depth of 1.5 inches.
 - d. Ganged windows and bays shall have a continuous sill and 4 inch mulls minimum.
 - e. Grill between glass, reflective glazing, and pop-in grills are prohibited.
 - f. Windows shall be True Divided Lite or Simulated Divided Lite.
- 3. Materials.
 - a. Windows shall have sash with a minimum face width of 2 inches; the dimensions of the glass surface to sash and muntin face shall be a minimum of 0.75 inch.
 - b. Non-glass exterior window components shall be faced in wood, clad wood, or polymer materials, and said materials shall be paint grade or pre-finished.

G. *Doors and windows that operate as sliders are prohibited along Frontages.*

H. *Doors.*

- 1. Technical and aesthetic requirements.
 - a. Doors and casings shall match building style.
 - b. Exterior front doors or doors visible from a public way, shall be hardwood, and may be stained or painted.
- 2. Materials.
 - a. Plastic laminated, stamped metal, and leaded/beveled glass doors are prohibited. Tropical hardwoods are prohibited unless Forest Stewardship Council certified.

- b. Exterior doors shall be a durable, stable wood or clad in wood. Heart pine, wormy chestnut, walnut, cypress, pecan, are acceptable varieties.
 - c. Garage doors shall be wood, composite, or metal. Faux strap hinges, embellishments, standard paneled doors, and arched glass panels shall be prohibited.
- I. *Shutters.*
 - 1. Shutter design shall match building style.
 - 2. Shutters shall be solid-core polymers or durable hardwoods.
 - 3. Vinyl, nail-on, false wood graining, and pre-finished shutters are prohibited.
 - 4. Shutters shall be authentic, fully operable, and capable of totally closing over the window sash. Plank or louver shutters are acceptable. The minimum thickness of shutters shall be 1.25 inches.
 - 5. Shutters Shall occur in pairs, except that windows narrower than 3 feet may utilize a single shutter.
- J. *Chimneys.*
 - 1. Chimneys shall be proportioned, tapered, and shall match building style.
 - 2. Stacks shall be faced in smooth integral finish stucco, brick, stone, or detailed as exposed metal flues.
 - 3. Siding or stucco board is prohibited as a finish material for chimneys.
- K. *Porches and Balconies.*
 - 1. Technical and aesthetic requirements.
 - a. Columns shall match building style
 - b. Classical columns shall be architecturally correct.
 - c. Railings shall be simple pickets or fretwork centered on rails.
 - 2. Materials.
 - a. Porch floors shall be wooden, brick, or stone, and shall rest on masonry piers finished in brick, stone, or smoothed stucco.
 - b. Porch ceilings shall be beaded nominal 1 by 4 inch or 1 by 6 inch, flush boards, tongue and groove boards, or exterior gypsum board with decorative nominal 1 by 4 inch or 1 by 6 inch shallow coffers or strips.
 - c. Plywood ceilings, with or without beads, are prohibited.
 - d. Areas between porch piers, if left open, shall be in-filled with custom wood lattice, wood louvers, brick lattice, or wire mesh planted with vines, and shall match building style. The opening is not required to be in-filled if the distance from grade to bottom of floor structure is less than one foot.
 - e. Columns shall be wood, resin material, or masonry.
 - f. Sheet metal and foam columns are prohibited.
 - g. Railing systems shall be painted wood, iron, or masonry.
 - h. Synthetic and prefabricated railing systems are prohibited.
 - i. Plain, round tapered, fretwork, and straight pickets are permitted.
 - j. Precast classical balusters and ornate spindle work are prohibited.

L. *Trim.*

1. Trim shall match building style.
 - a. Trim shall be consistent on all sides of building masses, with emphasis on the primary building mass and façade.
 - b. Trim for wings not along a Frontage may be simplified to match building style.
2. Materials.
 - a. Trim shall be of wooden or synthetic planks with enough thickness to conceal the edge of the siding. When used on buildings clad in horizontal siding, corner boards, casings, frieze boards, and similar architectural details shall be 1.25 inch thick material.
 - b. Pressure treated trim is prohibited.
 - c. All trim shall be dressed.

2.11.7. Street Furniture.

- A. Pedestrian lighting. Poles shall be Georgia Power “Washington” type in black and fixtures shall be Georgia Power “Granville” type.
- B. Benches shall be Victor Stanley Classic Series CR-138 in black with no center arm rest.
- C. Trash cans shall be Victor Stanley D-35 in black.
- D. Bicycle racks shall be Dero Round Rack in black.