



City Council Meeting SEPTEMBER 21, 2015

ALPHARETTA CITY HALL
COUNCIL CHAMBERS
2 PARK PLAZA
7:30 PM

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE TO THE FLAG
- IV. PROCLAMATIONS
 - A. Constitution Week
- V. CONSENT AGENDA
 - A. Council Meeting Minutes (Meeting of 09/08/2015)
- VI. PROJECT UPDATES
 - A. Convention Center
 - B. City Center - Private
 - C. City Center - Public
- VII. PUBLIC HEARING
 - A. PH-15-22 Development Impact Fee Ordinance (1st reading)
 - B. PH-15-23 UDC Changes-Sign Ordinance (1st reading)
 - C. Telecommunications Ordinance (1st reading)
- VIII. OLD BUSINESS
- IX. NEW BUSINESS
 - A. Code Enforcement Board Appointment (Gilvin)
 - B. A Resolution Of The Mayor & Council of The City of Alpharetta Georgia To Authorize The Use Of Eminent Domain To Acquire Certain Property Located At 11800 Amber Park Drive, Alpharetta, Georgia, For Road Project – Northwinds Parkway Extension (Phase 1), Project No.1114.00.
 - C. Approval Of IGA With Fulton County For Donation Of Former Library Property
- X. WORKSHOP
 - A. Rental Housing Study
- XI. PUBLIC COMMENT
- XII. REPORTS
 - A. Election Update

XIII. ADJOURNMENT TO EXECUTIVE SESSION



*A PROCLAMATION
BY THE MAYOR OF THE CITY OF ALPHARETTA*

"CONSTITUTION WEEK"

WHEREAS: The Constitution of the United States, the guardian of our liberties, is a product of reflection and choice, embodying the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS: September 17, 2015 marks the two hundred and twenty-seventh (227th) anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17th through September 23rd as Constitution Week.

NOW THEREFORE: We, the Mayor and City Council of the City of Alpharetta, Georgia, do hereby proclaim the week of September 17, through September 23rd, 2015 as "CONSTITUTION WEEK" in Alpharetta; and urge all citizens to reaffirm the ideals the drafters of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

Proclaimed this 21st day of September, 2015




David C. Belle Isle, Mayor

ATTEST:


Coty Thigpen, City Clerk



OFFICIAL MINUTES OF
PUBLIC HEARING AND COUNCIL MEETING
SEPTEMBER 8, 2015

CITY HALL
2 PARK PLAZA
7:30 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 tapes recorded at said meeting are a matter of public record and are available to be heard at the City of Alpharetta's Clerk's office during normal business hours.

I. CALL TO ORDER

❖ *Mayor Belle Isle called the meeting to order at 7:33*

II. ROLL CALL

Members Present:

Mayor Belle Isle, Council Members Mitchell, Kennedy, and Gilvin

Members Absent:

Mayor Pro Tem Aiken, Council Member Cross

Staff Present:

City Administrator Bob Regus, Assistant City Administrator James Drinkard, City Attorney Sam Thomas, City Clerk Coty Thigpen, Director of Public Works Pete Sewczwicz, Director of Public Safety Gary George, Deputy Director of Recreation and Parks Lisa Cherry

III. PLEDGE TO THE FLAG

IV. PROCLAMATIONS AND PRESENTATIONS

A. National Payroll Week - ADP

- Mayor Belle Isle presented the Proclamation to members of ADP and City of Alpharetta Payroll Manager

V. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 08/24/2015)

B. Financial Management Report for the month ending July 31, 2015.

- ❖ *Council Member Gilvin offered a motion to approve the Consent Agenda*
 - *The motion was seconded by Council Member Kennedy*
 - *Motion approved (5-0)*

VI. PROJECT UPDATES

A. Conference Center/Hotel

- Mr. Regus reported that the schematic design is still underway.

B. City Center - Public

Mr. Regus reported:

- The Fountain is working well thanks to Director Mike Perry
- TriScapes is almost finished with the repairs to the garden
- The City issued a Request for Qualifications for the bandstand and received 3 responses. The City will follow up and send a Request for Proposal to 2 of those responders.
- As a point of information, the City will be taking down 5 or 6 pine trees at City Hall. The trees are leaning and pose a safety risk.

C. City Center - Private

Public Comment

None

VII. PUBLIC HEARING

A. PH-14-11 Alpharetta Downtown Design Guidelines - Ordinance (2nd Reading)

An Ordinance of the City of Alpharetta Adopting the Alpharetta Downtown Design Guidelines; Amending Section 16-44 of the Code of the City of Alpharetta Design Standards to Include the Alpharetta Downtown Design Guidelines; and Repealing all Ordinances or Parts of Ordinances in Conflict Herewith

- Senior Engineer, Eric Graves, came forward to present this item – no changes since 1st reading
- City Attorney, Sam Thomas, read the Ordinance aloud constituting a 2nd reading

- ❖ *Council Member Owens offered a motion to approve*
 - *The motion was seconded by Council Member Kennedy*
 - *Motion approved (5-0)*

B. PH-15-17 Historic Preservation Ordinance (2nd Reading)

An Ordinance Amending Article II of the Unified Development Code of the City of Alpharetta, Georgia to add a new Section 2.9, Entitled "Historic Preservation Incentive Zoning"; to Establish the Alpharetta Historic Preservation Commission; to Provide Procedures for the Designation of a Historic Property; to Provide Incentives and Allow Additional Uses for Designated Historic Properties; to Repeal Conflicting Ordinances; and for Other Purposes.

- Senior Engineer, Eric Graves, came forward to present this item and discuss a few minor changes since 1st reading
- City Attorney, Sam Thomas, read the Ordinance aloud constituting a 2nd reading

Public Comment

- Don Nahser, 305 Karen Dr, Alpharetta, GA, came forward to speak on this item

❖ *Council Member Mitchell offered a motion to approve the Historic Preservation Incentive Zoning Ordinance*

- *The motion was seconded by Council Member Kennedy*
- *Motion approved (5-0)*

C. PH-15-19 – Northwinds Pkwy Ext/Road Abandonment (Clement Drive, Bailey Johnson Road, Manuel Lane Abandonment)

- City Attorney, Sam Thomas, provided a brief summary of this item
- The applicant is requesting that City right-of-way including Clement Drive, Bailey Johnson Road, and Manuel Lane be abandoned and that the property be deeded to them, the future adjacent property owner.
- Clement Drive, Bailey Johnson Road, and Manuel Lane are City maintained right of ways that extend north from Kimball Bridge Road. The applicant is proposing the abandonment and plans to include the property within a John Weiland Homes and Neighborhood development which was approved by the City Council in May of 2015 with a condition requiring the Northwinds Parkway extension.
- The zoning conditions require John Weiland Homes and Neighborhood to dedicate right of way and construct the extension of Northwinds Parkway between Kimball Bridge Road and the northern property line. A development agreement between John Weiland Homes and Neighborhoods and the City will be established to dedicate the right of way.
- The parcels are 1.3 acres or 56,676 square feet for Clement Drive and Bailey Johnston Road and 1.41 acres or 61,298 square feet for Manuel Lane.
- Clement Drive, Bailey Johnson Road, and Manuel Lane is currently maintained or

utilized for vehicular traffic. However, when the applicant closes on the properties the right of way will be abandoned.

- Staff has reviewed the applicant's request and is of the opinion that the requested abandonment will have no impact on the adjoining properties because of redevelopment and will not affect existing traffic patterns in the area.
- City Attorney, Sam Thomas, read the Resolution aloud

Public Comment

None

- ❖ *Council Member Owens offered a motion to adopt the Resolution for abandonment of Clement Drive, Bailey Johnson Road, Manuel Lane in their entirety in accordance with the Resolution as read into the record by City Attorney*
 - *The motion was seconded by Council Member Kennedy*
 - *Motion approved (5-0)*

VIII. NEW BUSINESS

A. FY 2016 Milling and Resurfacing, ITB 16-001

- Director of Public Works, Pete Sewczwicz, came forward to present this item on behalf of staff
- Staff requests that Mayor and Council award Bid No. 16-001 to Northwest Georgia Paving, Inc. in the amount of \$2,009,757.10 for the FY 2016 Milling and Resurfacing Project and authorize the Mayor to execute all necessary documents.
- In FY 2012, the City contracted with Moreland Altobelli Associates, Inc. to evaluate the City's full inventory of roadways utilizing a system similar to that of the Georgia Department of Transportation. In using this approach, each road received a rating from 1 to 100, with lower scores representing a greater need for maintenance. However, pavement ratings are not static and must be continuously re-evaluated. Using the Moreland Altobelli ratings as a baseline, City Staff has continued to re-evaluate roadways and adjust ratings accordingly. The most recent re-evaluation was completed in February of 2015. Based on these revised ratings, 50 roads were included in the annual offering. These roads include:
 - Pinehigh Drive from Kimball Bridge Road to Pineset Drive
 - 2. Lyerly Point from Lansburgh Turn to Cul-de-sac
 - 3. Pine Vista Boulevard from Pineset Drive to Pinehigh Drive
 - 4. Pine Top Court from Pinehigh Drive to Cul-de-sac
 - 5. Pine Knoll from Pinehigh Drive to Cul-de-sac

6. Pinehollow Court from Buice Road to Cul-de-sac
7. Parkerwood Way from Pinehollow Court to Cul-de-sac
8. Bittercress Court from Park Glenn Drive to Cul-de-sac
9. Grenadier Lane from Tuxford Drive to South Kimball Bridge Crossing
10. Rossiter Ridge from Tuxford Drive to Cul-de-sac
11. Linkside Terrace from Linkside Drive to Cul-de-sac
12. Linkside Drive from Newport Bay Passage to Cul-de-sac
13. Linkside Hollow from Linkside Drive to Cul-de-sac
14. Linkside Overview from Linkside Drive to Cul-de-sac
15. North Point Center East from Encore Parkway to North Point Circle
16. North Point Drive from Haynes Bridge Road to North Point Circle
17. Park Brooke Drive from Kimball Bridge Road to Park Brooke Trace
18. Birch Ridge Court from Birch Ridge Drive to Cul-de-sac
19. Birch Ridge Drive from Harris Road to Cul-de-sac
20. Charlotte Drive from Rucker Road to Mid Broadwell Road
21. Kimball Crest Drive from Kimball Bridge Road to Cul-de-sac
22. Creekline Drive from Old Roswell Road to Parkmont Drive
23. Parkmont Drive from Warsaw Road to End
24. Parkcreek Court from Parkmont Drive to Cul-de-sac
25. Sharpe Lane from Thornberry Drive to Cul-de-sac
26. Thornberry Drive from Haynes Bridge Road to Cul-de-sac
27. Park Woods Circle from Old Milton Pkwy to Park Bridge Parkway
28. Silverleaf Way from Park Glenn Drive to Cul-de-sac
29. Roswell Street from Old Milton Pkwy to Milton Avenue
30. Canton Street from Milton Avenue to Old Canton Street
31. Kimball Bridge Road from GA 400 to North Point Parkway
32. Lunetta Lane from Cogburn Ridge Road to Cul-de-sac
33. Cogburn Ridge Road from Cogburn Ridge Way to Cul-de-sac
34. Cogburn Ridge Way from Cogburn Road to Cul-de-sac
35. Pearles Court from Lunetta Lane to Cul-de-sac
36. Mandi Way from Lunetta Lane to Cul-de-sac
37. Dottie Lane from Lunetta Lane to Cul-de-sac
38. Maisie Court from Lunetta Lane to Cul-de-sac
39. Dennis Drive from Rucker Road to End
40. Surrey Point from Canton Street to Cul-de-sac
41. Surrey Court from Surrey Point to Cul-de-sac
42. Elizabeth Boulevard from Dennis Drive to Dennis Drive
43. Emily Lane from Dennis Drive to End
44. Salem Drive from Colony Drive to End
45. Mayfield Circle from Mayfield Road to Cul-de-sac
46. Heritage Lane from Mayfield Circle northwest to End
47. Kenneth Drive from Mayfield Circle to Meadow Drive
48. Meadow Drive from Mayfield Circle northwest to Cul-de-sac
49. Crabapple Chase Court from Crabapple Chase Drive to Cul-de-sac
50. Crabapple Crescent Court from Crabapple Chase Court to Cul-de-sac

Work along North Point Center East, North Point Drive, Roswell Street,

Canton Street, and Kimball Bridge Road will be accomplished at night. Upon completion of the resurfacing of Roswell Street, the Department of Public Works will work with the City's on-call striping contractor to restripe the road to provide on-street parking on both sides, where feasible.

- Also included in the project scope is pavement repair of a portion of the Big Creek Greenway parking lot on Preston Ridge Road. Over time, tree roots have caused severe damage to a portion of the parking lot pavement. The damaged pavement and associated curb and gutter will be removed along with the existing tree roots. The impacted area will be reconstructed with a concrete base topped with 2" of asphalt and the curb and gutter will be re-poured. Tree removal will occur separately from this project.
- The Department of Public Works prepared a request for bids for the locations listed above. The City advertised for competitive bids on June 25, 2015. Bids for the project were received on August 20, 2015, and the City received a total of six bids from the following:

Northwest Georgia Paving, Inc.	\$2,009,757.10
C W Matthews Contracting Company, Inc.	\$2,083,255.75
Blount Construction Company, Inc.	\$2,121,238.88
Allied Paving Contractors, Inc.	\$2,205,575.65
Baldwin Paving Company, Inc.	\$2,259,416.05
Stewart Brothers, Inc.	\$2,660,358.80

- The apparent low bidder, Northwest Georgia Paving, Inc., (NWGP) has completed multiple roadway and paving projects within the Metro Atlanta area. The Department of Public Works reached out to three references (City of Roswell, City of Johns Creek, and City of Calhoun) for NWGP where similar scopes of work were performed. These references complimented NWGP for their workmanship and indicated that they would work with NWGP again in the future if given an opportunity.
- On August 25, 2015, Staff met with representatives of Northwest Georgia Paving, Inc. to review the scope of work and the City's expectations. NWGP assured Staff that they could complete the project for the bid amount and within the allocated time frame. Thus, Staff determined Northwest Georgia Paving, Inc. to be the lowest responsive and responsible bidder.
- As this is a unit price contract, progress payments to the contractor will be based on the quantity of work completed for each item per the values submitted by the contractor in its bid to the City. The City's representative will verify the quantity is correct prior to approving the payment.

Public Comment

None

- ❖ *Council Member Owens offered a motion to award Bid No. 16-001 to Northwest Georgia Paving, Inc. in an amount not to exceed \$2,009,757.10 for the FY 2016*

Milling and Resurfacing and authorize the Mayor to execute all necessary documents

- The motion was seconded by Council Member Kennedy*
- Motion approved (5-0)*

B. Purchase of 2016 Entourage Ford F550 Passenger Vehicle

- Deputy Director of Recreation and Parks, Lisa Cherry, came forward to present this item on behalf of staff
- Staff requests approval for the purchase of one 2016 Glaval Bus 33' Entourage Ford F550 without handicap lift from Alliance Bus Group, Inc. under State of Georgia Contract Number 999990SPD-I20100810-0009 (NJPA RFP # 022209) in the amount of \$82,267.92; and authorize the mayor to execute all necessary documents.
- The City of Alpharetta Recreation and Parks Department received funding in the amount of \$100,000 in the FY2016 Capital Budget to replace the 1999 32-passenger Freightliner bus, which has over 150,000 miles on it. Based on the recommendation of the Alpharetta Recreation Commission with the support of the Alpharetta Golden Age Club, the Department would like to purchase a 2016 Glaval 33' Entourage Ford F550 29-passenger vehicle.
- Under the state contract, the cost for the new bus is \$82,267.92. This bus has the following options: 19,500 GVWR, stainless steel wheel inserts 19.5", 65,000 BTU heater, 90,000 BTU air conditioning, backup camera system with 7" color LCD monitor and remote control, backup alarm, exterior mirror with heat/remote, aluminum footrest, side sliders with seat belt loop, Freedman passenger seat fabric level 4, spare tire, microphone wireless headset kit for driver, overhead luggage rack, rear luggage storage, and DVD system with 1 fixed screen (22") and 2 collapsible monitors (15"). The vehicle is gas-powered and 33' long with a 201" wheel base.
- Staff contacted other companies listed on the state contract. Alliance Bus Group, Inc. provided the lowest price for this vehicle. Alliance Bus Group, Inc. is located in College Park, but the vehicle can be serviced at a dealer in Marietta when needed.
- Before making a final recommendation to Council on the type of bus to purchase, staff presented options to the Alpharetta Recreation Commission at their meeting on August 13, 2015. Members of the Alpharetta Golden Age Club were in attendance to express their support of purchasing a bus without a handicap lift since the City already has a passenger vehicle with a handicap lift. The City is ADA compliant as long as we have one passenger vehicle to accommodate someone in a wheelchair. The Recreation Commission supported the club's recommendation.

Public Comment

None

- ❖ *Council Member Gilvin offered a motion to approve the purchase of one 2016 Glaval Bus 33' Entourage Ford F550 without handicap lift from Alliance Bus Group, Inc. under State of Georgia Contract Number 999990SPD-I20100810-0009 (NJPA RFP # 022209) in the amount not to exceed \$82,267.92; and authorize the mayor to execute all necessary documents.*
- *The motion was seconded by Council Member Mitchell*
- *Motion approved (5-0)*

C. Public Safety Taser Replacement (Capital Lease)

- Director of Public Safety, Gary George, came forward to present this item on behalf of staff
- Staff requests that Mayor and Council approve acquisition of 150 replacement Taser conducted electronic weapons, associated equipment (e.g. batteries, holsters, cartridges, etc.), and extended warranty through Taser International at a cost of \$234,740.75.
- Staff requests that Mayor and Council also adopt a Resolution authorizing the Mayor to execute a master lease agreement, and all associated documents, with SunTrust Bank for the purposes of financing the Taser replacements
- Public Safety's use of Tasers has and will continue to reduce higher use-of-force incidents resulting in fewer injuries to officers and suspects and fewer uses-of-force related complaints. The Tasers presently in service are more than five years old and worn out. The current model is no longer in production, replacement parts are scarce, and the software is no longer supported. This request is for the replacement of 150 Tasers and associated equipment (e.g. batteries, holsters, cartridges, etc.).
- Taser International, Inc. is the City's approved single source provider of conducted electronic weapons and associated equipment. The Public Safety Department evaluated pricing from recent Taser purchases by Gwinnett and DeKalb Counties and the City of Columbus and found it to be competitive with the pricing extended to Alpharetta.
- The Finance Department solicited quotes for the Taser replacements financing from three financial institutions and obtained the following results: SunTrust (2.00%); Georgia Municipal Association through BB&T (2.42%); and Taser International (2.50%). SunTrust provided the most competitive interest rate and is the recommended partner for this transaction. Transaction Terms include:
 - Loan amount: \$234,740.75
 - 5-year term (matches Taser useful life);

- 2.00% fixed interest rate;
- \$48,945.74 annual payment.
- The Public Safety Department has sufficient appropriations programmed within the FY 2016 DEA Fund Budget to fund the annual lease payment. Approval of this capital lease provides the funding plan to ensure Taser replacements are built into the annual operating budget. This 5-year capital lease program (1) ensures highly functional equipment to aid the Department in meeting its service needs to our citizens and (2) eliminates periodic impacts to the capital budget.
- City Attorney, Sam Thomas, read the Resolution aloud

Public Comment

None

❖ *Council Member Mitchell offered a motion to approve the acquisition of 150 replacement Taser conducted electronic weapons, associated equipment, and extended warranty through Taser International at a cost not to exceed \$234,740.75 and adopt attached resolution authorizing mayor to execute a master lease agreement*

- *The motion was seconded by Council Member Kennedy*
- *Motion approved (5-0)*

D. Public Safety Vehicle Purchase

- Director of Public Safety, Gary George, came forward to present this item on behalf of staff
- Staff requests that Mayor and Council Approve the following vehicle purchases:
 - 9 Chevrolet Impala Police Patrol Vehicles from Hardy Chevrolet under state contract for \$21,136.64 each or a total of \$190,229.76
 - 4 Ford Police Interceptor SUV's from Wade Ford under state contract for \$27,983.00 each, or a total of \$111,932.00.
(The contract for both pursuit vehicles is #99999-SPD-ES40199409)
 - 1 Ford Transit Van from Wade Ford under state contract at a cost of \$39,777.00.
(Contract #99999-SPD-ES40199373)
- The Department maintains a fleet of sedans, SUV's, and light trucks selected for specific applications. Vehicles are kept in service for as long as they are mechanically safe and cost-effective to operate. For sedans and SUV's in patrol service, end-of-life is typically reached between 110,000 and 125,000 miles. The

current request is for vehicles needed to replace units that are at or near this threshold.

- The Chevrolet Impala PPV remains the Department's primary sedan, used for most Uniform Patrol and Traffic Enforcement applications. The Impala is the least expensive police sedan by a significant margin, has a larger interior and trunk than other sedans, and has been reasonably reliable.
- Note: Model Year 2016 is the last year of production for the Impala, and General Motors has announced that orders will be cut off this fall. The Department intends to come back to Council before then with a recommendation for future purchases.
- The Ford Police Interceptor SUV is the pursuit-rated version of the Explorer. The Department has purchased a few of these over the last two years for specialized applications. It is significantly roomier than any police sedan and has thus far proven versatile to equip and reliable on the road. With a V-6 engine, fuel costs are lower than other SUV's.
- The Transit Van is a conventional vehicle to be used for transporting multiple personnel to event and incident scenes in lieu of individual vehicles, and by Police and Fire Explorers and volunteers for out-of-town events, training and competitions. The recommended vehicle has the same seating capacity as the van it will replace (15) but enough additional space for equipment to eliminate the use of additional vehicles currently needed on many occasions. In addition, the recommended van has safety features such as traction control, full vehicle length side air bags and individual lap-and-shoulder belts not found on the current model.
- All of the recommended vehicles are replacements for existing vehicles that have reached the end of their safe and/or economic life.

Public Comment

None

- ❖ *Council Member Kennedy offered a motion to approve the purchase of 9 Chevrolet Impala Police Patrol Vehicles from Hardy Chevrolet under state contract for \$21,136.64 each. Also, 4 Ford Police Interceptor SUV's from Wade Ford under state contract for \$27,983.00 each for a total of \$111,932.00 and 1 Ford Transit Van from Wade Ford under state contract at a cost of \$39,777.00.*
- *The motion was seconded by Council Member Owens*
Motion approved (5-0)

IX. PUBLIC COMMENT

None

X. REPORTS

- Assistant City Administrator, James Drinkard, reported that Mayor Pro Tem Aiken would like to appoint Fergal Brady to the Planning Commission and the appointment will run through the end of this calendar year

XI. ADJOURNMENT TO EXECUTIVE SESSION

- ❖ *Council Member Kennedy offered a motion to adjourn to Executive Session*
 - *The motion was seconded by Council Member Mitchell*
- Motion approved (5-0)*

Respectfully Submitted,



Coty Thigpen, City Clerk



City Council Meeting STAFF REPORT

Submitting Department: Community Development
Submitted By: Elicia Taylor, Boards Assistant
Meeting Date: September 21, 2015

I. AGENDA ITEM TITLE:

PH-15-22 DEVELOPMENT IMPACT FEE ORDINANCE **(1ST READING)**

II. RECOMMENDATION:

Adopt the Development Impact Fee Ordinance with the attached Fee Schedule based on the maximum allowable fees.

III. REPORT IN BRIEF:

City staff have been working to update the Development Impact Fee Ordinance. This has been a collaboration between the departments of Finance, Public Works, Recreation and Parks, and Community Development.

Earlier efforts in this project developed the Impact Fee Methodology Report which led to the Capital Improvements Element Amendment and 2015 Annual CIE Update Report which was approved by the State of Georgia Department of Community Affairs, the Atlanta Regional Commission and subsequently adopted by City Council.

This item finalizes the effort with an updated Development Impact Fee Ordinance and Fee Schedule. This Fee Schedule accounts for projects from the Downtown Plan and recent refinements to the City's 2016 CIP.

IV. ALTERNATIVES:

V. ATTACHMENTS:

Impact Fee Presentation, Impact Fee Ordinance, Fee Schedule



FUNDING ALTERNATIVES IMPACT FEE PROGRAM ALPHARETTA, GEORGIA

AUGUST 31, 2015

ROSS+associates
urban planning & plan implementation

in association with

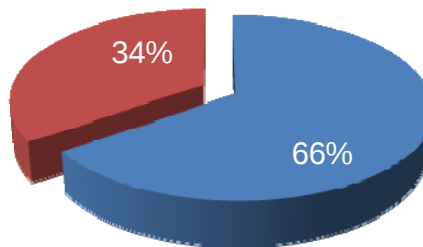


Net Program Costs

	Public Safety			Recreation & Parks		Roads	TOTAL
	Police & Fire	Detention Center	E-911 Center	Parks Projects	Walkways		
Total Costs	\$ 2,327,779	\$ 284,469	\$ 830,469	\$ 118,993,277	\$ 65,676,934	\$ 167,472,302	\$ 355,585,230
Less: Ineligible Costs	\$ (94,180)	\$ -	\$ (377,096)	\$ (58,079,527)	\$ (50,072,360)	\$ (124,561,090)	\$ (233,184,254)
Impact Fee Eligible Cost	\$ 2,233,598	\$ 284,469	\$ 453,373	\$ 60,913,751	\$ 15,604,573	\$ 42,911,212	\$ 122,400,976
Less: Property Tax Credits	\$ (34,979)	\$ -	\$ (15,475)	\$ (18,558,963)	\$ (12,192,902)	\$ (14,570,318)	\$ (45,372,637)
Less: Funds on Hand	\$ (399,989)	\$ -	\$ -	\$ (348,153)	\$ -	\$ (957,053)	\$ (1,705,196)
Net Impact Fee Program Cost	\$ 1,798,630	\$ 284,469	\$ 437,897	\$ 42,006,635	\$ 3,411,671	\$ 27,383,841	\$ 75,323,144
Total by Category \$ 2,520,996 \$ 45,418,306 \$ 27,383,841 \$ 75,323,144							

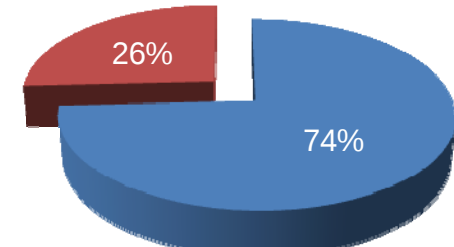
**Potential Revenue by Funding Source
WITH Impact Fees**

■ Existing Tax Base ■ New Growth



**Potential Revenue by Funding Source
WITHOUT Impact Fees**

■ Existing Tax Base ■ New Growth



Example Impact Fees

Land Use	Unit	Public Safety	Recreation & Parks	Roads	Total Fee
Single-Family House	per dwelling	\$ 133.00	\$ 5,111.81	\$ 1,444.72	\$ 6,689.53
Apartment	per dwelling	\$ 133.00	\$ 5,111.81	\$ 1,444.72	\$ 6,689.53
General Light Industrial	per square foot	\$ 0.14	\$ 0.19	\$ 0.28	\$ 0.60
Warehousing	per square foot	\$ 0.05	\$ 0.07	\$ 0.14	\$ 0.27
General Office Building	per square foot	\$ 0.20	\$ 0.27	\$ 0.44	\$ 0.90
Motel	per room	\$ 26.10	\$ 35.32	\$ 242.87	\$ 304.30
Day Care Center	per square foot	\$ 0.17	\$ 0.23	\$ 0.34	\$ 0.74
Drive-in Bank	per square foot	\$ 0.28	\$ 0.38	\$ 1.41	\$ 2.08
Discount Superstore	per square foot	\$ 0.06	\$ 0.08	\$ 1.64	\$ 1.78
Shopping Center	per square foot	\$ 0.10	\$ 0.13	\$ 1.39	\$ 1.62
Specialty Retail Center	per square foot	\$ 0.12	\$ 0.16	\$ 1.55	\$ 1.83
Quality Restaurant	per square foot	\$ 0.44	\$ 0.60	\$ 1.47	\$ 2.52
Fast-Food Restaurant	per square foot	\$ 0.65	\$ 0.88	\$ 5.78	\$ 7.30
Pharmacy/Drugstore	per square foot	\$ 0.10	\$ 0.13	\$ 1.55	\$ 1.79
Convenience Market w/gas	per square foot	\$ 0.11	\$ 0.14	\$ 5.84	\$ 6.09
Supermarket	per square foot	\$ 0.07	\$ 0.09	\$ 1.90	\$ 2.06

Notes: All dollar amounts shown rounded to "cents".
All fees include administration at 3%.

Impact Fee Schedule – Maximum Allowable Fees

ITE Code	Land Use Category	Public Safety	Recreation & Parks	Roads	Subtotal	Admin (3%)	Total Impact Fee	Unit of Measure
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Residential (200-299)

210	Single-Family Detached Housing	129.13	4,962.92	1,402.64	\$ 6,494.69	194.84	\$ 6,689.53	per dwelling
220	Apartment	129.13	4,962.92	1,402.64	\$ 6,494.69	194.84	\$ 6,689.53	per dwelling
230	Residential Condominium/Townhouse	129.13	4,962.92	1,402.64	\$ 6,494.69	194.84	\$ 6,689.53	per dwelling

Port and Terminal (000-099)

030	Intermodal Truck Terminal	0.08	0.11	0.38	\$ 0.57	0.02	\$ 0.59	per square foot
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Industrial/Agricultural (100-199)

110	General Light Industrial	0.13	0.18	0.27	\$ 0.58	0.02	\$ 0.60	per square foot
120	General Heavy Industrial	0.11	0.14	0.06	\$ 0.31	0.01	\$ 0.32	per square foot
140	Manufacturing	0.10	0.14	0.15	\$ 0.39	0.01	\$ 0.40	per square foot
150	Warehousing	0.05	0.07	0.14	\$ 0.26	0.01	\$ 0.27	per square foot
151	Mini-Warehouse	0.00	0.01	0.10	\$ 0.11	0.00	\$ 0.11	per square foot
152	High-Cube Warehouse	0.00	0.01	0.06	\$ 0.08	0.00	\$ 0.08	per square foot

Lodging (300-399)

310	Hotel or Conference Motel	32.85	44.46	342.18	\$ 419.49	12.58	\$ 432.07	per room
311	All Suites Hotel	28.83	39.02	205.22	\$ 273.07	8.19	\$ 281.26	per room
320	Motel	25.34	34.30	235.80	\$ 295.44	8.86	\$ 304.30	per room

Recreational (400-499)

430	Golf Course	14.16	19.17	179.42	\$ 212.75	6.38	\$ 219.14	per acre
437	Bowling Alley	0.06	0.08	1.19	\$ 1.32	0.04	\$ 1.36	per square foot
443	Movie Theater	0.08	0.11	2.78	\$ 2.98	0.09	\$ 3.07	per square foot
460	Arena	192.19	260.09	1,186.55	\$ 1,638.82	49.16	\$ 1,687.98	per acre
480	Amusement Park	524.42	709.70	2,697.05	\$ 3,931.18	117.94	\$ 4,049.12	per acre
490	Tennis Courts	14.06	19.03	578.86	\$ 611.95	18.36	\$ 630.31	per acre
491	Racquet/Tennis Club	0.02	0.02	0.50	\$ 0.54	0.02	\$ 0.56	per square foot
492	Health/Fitness Center	0.04	0.06	1.17	\$ 1.27	0.04	\$ 1.31	per square foot
495	Recreational Community Center	0.07	0.10	1.20	\$ 1.37	0.04	\$ 1.41	per square foot

Impact Fee Schedule – Maximum Allowable Fees *Continued*

ITE Code	Land Use Category	Public Safety	Recreation & Parks	Roads	Subtotal	Admin (3%)	Total Impact Fee	Unit of Measure
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Institutional (500-599)

520	Private Elementary School	0.06	0.08	0.52	\$ 0.65	0.02	\$ 0.67	per square foot
530	Private High School	0.04	0.05	0.46	\$ 0.55	0.02	\$ 0.56	per square foot
560	Church/Place of Worship	0.02	0.03	0.34	\$ 0.39	0.01	\$ 0.40	per square foot
565	Day Care Center	0.16	0.22	0.33	\$ 0.71	0.02	\$ 0.74	per square foot
566	Cemetery	4.70	6.35	178.29	\$ 189.34	5.68	\$ 195.02	per acre

Medical (600-699)

610	Hospital	0.17	0.23	0.43	\$ 0.82	0.02	\$ 0.85	per square foot
620	Nursing Home	0.13	0.18	0.24	\$ 0.56	0.02	\$ 0.57	per square foot
630	Clinic	0.23	0.31	1.01	\$ 1.55	0.05	\$ 1.59	per square foot

Office (700-799)

710	General Office Building	0.19	0.26	0.43	\$ 0.88	0.03	\$ 0.90	per square foot
714	Corporate Headquarters Building	0.20	0.27	0.31	\$ 0.77	0.02	\$ 0.80	per square foot
715	Single-Tenant Office Building	0.18	0.25	0.45	\$ 0.88	0.03	\$ 0.90	per square foot
720	Medical-Dental Office Building	0.23	0.32	1.39	\$ 1.94	0.06	\$ 2.00	per square foot
760	Research and Development Center	0.17	0.23	0.31	\$ 0.71	0.02	\$ 0.73	per square foot
770	Business Park	0.18	0.24	0.48	\$ 0.90	0.03	\$ 0.92	per square foot

Retail (800-899)

812	Building Materials and Lumber Store	0.08	0.11	1.53	\$ 1.72	0.05	\$ 1.77	per square foot
813	Free-Standing Discount Superstore	0.06	0.07	1.59	\$ 1.72	0.05	\$ 1.78	per square foot
814	Variety Store	0.06	0.07	1.31	\$ 1.44	0.04	\$ 1.49	per square foot
815	Free-Standing Discount Store	0.11	0.15	1.46	\$ 1.73	0.05	\$ 1.78	per square foot
816	Hardware/Paint Store	0.06	0.08	0.86	\$ 0.99	0.03	\$ 1.02	per square foot
817	Nursery (Garden Center)	0.18	0.24	2.31	\$ 2.73	0.08	\$ 2.82	per square foot
818	Nursery (Wholesale)	0.10	0.13	1.32	\$ 1.55	0.05	\$ 1.60	per square foot
820	Shopping Center	0.10	0.13	1.35	\$ 1.58	0.05	\$ 1.62	per square foot
823	Factory Outlet Center	0.10	0.13	0.90	\$ 1.13	0.03	\$ 1.16	per square foot
826	Specialty Retail Center	0.11	0.15	1.50	\$ 1.77	0.05	\$ 1.83	per square foot

Impact Fee Schedule – Maximum Allowable Fees *Continued*

ITE Code	Land Use Category	Public Safety	Recreation & Parks	Roads	Subtotal	Admin (3%)	Total Impact Fee	Unit of Measure
Retail - Continued								
841	Automobile Sales	0.09	0.12	1.07	\$ 1.28	0.04	\$ 1.31	per square foot
843	Auto Parts Store	0.06	0.07	1.14	\$ 1.27	0.04	\$ 1.31	per square foot
848	Tire Store	0.07	0.10	0.70	\$ 0.87	0.03	\$ 0.90	per square foot
849	Tire Superstore	0.07	0.10	0.71	\$ 0.88	0.03	\$ 0.91	per square foot
850	Supermarket	0.07	0.09	1.84	\$ 2.00	0.06	\$ 2.06	per square foot
851	Convenience Market (Open 24 Hours)	0.10	0.14	6.18	\$ 6.43	0.19	\$ 6.62	per square foot
853	Convenience Market with Gasoline Pumps	0.10	0.14	5.67	\$ 5.91	0.18	\$ 6.09	per square foot
854	Discount Supermarket	0.13	0.18	1.98	\$ 2.28	0.07	\$ 2.35	per square foot
860	Wholesale Market	0.05	0.06	0.17	\$ 0.28	0.01	\$ 0.29	per square foot
861	Discount Club	0.07	0.10	1.07	\$ 1.24	0.04	\$ 1.28	per square foot
862	Home Improvement Superstore	0.06	0.07	0.40	\$ 0.53	0.02	\$ 0.55	per square foot
863	Electronics Superstore	0.06	0.07	0.51	\$ 0.64	0.02	\$ 0.66	per square foot
870	Apparel Store	0.10	0.13	1.36	\$ 1.59	0.05	\$ 1.64	per square foot
875	Department Store	0.11	0.15	0.47	\$ 0.74	0.02	\$ 0.76	per square foot
880	Pharmacy/Drugstore	0.10	0.13	1.51	\$ 1.74	0.05	\$ 1.79	per square foot
890	Furniture Store	0.02	0.03	0.04	\$ 0.10	0.00	\$ 0.10	per square foot
Services (900-999)								
912	Drive-in Bank	0.28	0.37	1.37	\$ 2.01	0.06	\$ 2.08	per square foot
931	Quality Restaurant	0.43	0.58	1.43	\$ 2.44	0.07	\$ 2.52	per square foot
932	High-Turnover (Sit-Down) Restaurant	0.43	0.58	2.02	\$ 3.04	0.09	\$ 3.13	per square foot
934	Fast-Food Restaurant	0.63	0.85	5.61	\$ 7.09	0.21	\$ 7.30	per square foot
941	Quick Lubrication Vehicle Shop	121.09	163.87	1,390.49	\$ 1,675.45	50.26	\$ 1,725.72	per service bay
944	Gasoline/Service Station	9.23	12.49	1,411.94	\$ 1,433.65	43.01	\$ 1,476.66	per pump
945	Gasoline Station w/Convenience Market	0.01	0.02	954.46	\$ 954.49	28.63	\$ 983.13	per pump
947	Self-Service Car Wash	11.53	15.61	1,809.32	\$ 1,836.45	55.09	\$ 1,891.55	per stall

Comparison of Impact Fees

Examples 2015 and as Currently Adopted

Land Use	Units in Example	Public Safety	Recreation & Parks	Roads	Total
Maximum Impact Fees--2015					
Single-Family House	1 house	\$ 133	\$ 5,112	\$ 1,445	\$ 6,690
Apartment	200 units	\$ 26,601	\$ 1,022,362	\$ 288,944	\$ 1,337,907
General Light Industrial	30,000 sq. feet	\$ 4,110	\$ 5,565	\$ 8,300	\$ 17,975
Warehousing	100,000 sq. feet	\$ 5,438	\$ 7,354	\$ 14,132	\$ 26,924
General Office Building	40,000 sq. feet	\$ 7,894	\$ 10,683	\$ 17,510	\$ 36,087
Motel	120 rooms	\$ 3,132	\$ 4,239	\$ 29,145	\$ 36,516
Day Care Center	3,000 sq. feet	\$ 502	\$ 679	\$ 1,026	\$ 2,207
Drive-in Bank	3,000 sq. feet	\$ 853	\$ 1,154	\$ 4,218	\$ 6,226
Discount Superstore	120,000 sq. feet	\$ 6,835	\$ 9,258	\$ 197,031	\$ 213,123
Shopping Center	600,000 sq. feet	\$ 59,513	\$ 80,525	\$ 833,558	\$ 973,597
Specialty Retail Center	10,000 sq. feet	\$ 1,177	\$ 1,593	\$ 15,486	\$ 18,257
Quality Restaurant	3,000 sq. feet	\$ 1,329	\$ 1,799	\$ 4,424	\$ 7,551
Fast-Food Restaurant	2,500 sq. feet	\$ 1,618	\$ 2,190	\$ 14,446	\$ 18,255
Pharmacy/Drugstore	30,000 sq. feet	\$ 2,976	\$ 4,026	\$ 46,622	\$ 53,624
Convenience Market w/gas	2,000 sq. feet	\$ 214	\$ 289	\$ 11,673	\$ 12,176
Supermarket	60,000 sq. feet	\$ 4,153	\$ 5,611	\$ 113,792	\$ 123,557

Currently Adopted Impact Fees					
Single-Family House	1 house	\$ 264	\$ 545	\$ 1,131	\$ 1,940
Apartment	200 units	\$ 40,600	\$ 79,200	\$ 224,600	\$ 344,400
General Light Industrial	30,000 sq. feet	\$ 8,160	\$ 420	\$ 15,390	\$ 23,970
Warehousing	100,000 sq. feet	\$ 28,500	\$ 1,400	\$ 65,400	\$ 95,300
General Office Building	40,000 sq. feet	\$ 7,840	\$ 560	\$ 48,440	\$ 56,840
Motel	120 rooms	\$ 24,480	\$ 960	\$ 130,920	\$ 156,360
Day Care Center	3,000 sq. feet	\$ 753	\$ 42	\$ 8,295	\$ 9,090
Drive-in Bank	3,000 sq. feet	\$ 753	\$ 42	\$ 8,295	\$ 9,090
Discount Superstore	120,000 sq. feet	\$ 28,800	\$ 1,680	\$ 499,920	\$ 530,400
Shopping Center	600,000 sq. feet	\$ 137,400	\$ 8,400	\$ 2,401,200	\$ 2,547,000
Specialty Retail Center	10,000 sq. feet	\$ 2,510	\$ 140	\$ 27,650	\$ 30,300
Quality Restaurant	3,000 sq. feet	\$ 753	\$ 42	\$ 8,295	\$ 9,090
Fast-Food Restaurant	2,500 sq. feet	\$ 628	\$ 35	\$ 6,913	\$ 7,575
Pharmacy/Drugstore	30,000 sq. feet	\$ 7,440	\$ 420	\$ 89,070	\$ 96,930
Convenience Market w/gas	2,000 sq. feet	\$ 502	\$ 28	\$ 5,530	\$ 6,060
Supermarket	60,000 sq. feet	\$ 14,640	\$ 840	\$ 252,600	\$ 268,080

Why the Differences?

The current impact fees were initially adopted as separate ordinances by 1992, with one amendment to the Public Safety ordinance in 1998.

Alpharetta has grown considerably in population since 1990, increasing to 62,824 people in 2014, a 350% increase over 1990's 13,984.

The new impact fees reflect several factors:

- the progress already made by the City,
- limitations on future growth, and
- a focus on quality of life.

At this point, **Fire Department** facilities and equipment are in place to serve the city's residents and businesses without further expansion, other than the need for additional administrative space.

Police Department needs for additional capacity focus on expansion of the Public Safety Headquarters (which will accommodate the Fire Department also) and one additional 'heavy' vehicle. While personnel, maintenance and vehicle replacement needs will continue, only capital improvements that expand capacity (and have at least a 10-year life) are impact fee eligible.

The **major road network** in the city has also undergone major improvements as a result of the current impact fee program over the past 25 years. Many improvements are planned for the future as traffic congestion persists, but impact fee eligibility has lessened as the proportion of vehicle trips generated by new growth, compared to existing traffic, is much smaller than 20 years ago when Alpharetta was on the cusp of explosive growth. Overall, of the planned major road improvements that will relieve congestion, slightly less than 26% of the cost can come from new growth.

On the other hand, **Recreation & Parks** reflects a major increase in potential impact fee funding. This is due primarily because of the increase in Level of Service standards adopted as part of the Master Plan Update 2015, supplemented by numerous recreation projects included in the City's Capital Improvement Plan. The Recreation & Parks Master Plan Update raises the Level of Service for parks and recreation facilities for today's residents and those expected in the future, in many cases showing the existing facilities to be below the new standards even for the current population. These new standards, extended from the Master Plan's target of 2025 out to 2035, results in a major increase in recreational opportunities for all citizens of the city.

Reducing the Impact Fee Amounts

Adoption of Reduced Impact Fees

The City may adopt the maximum fee for any given public facility category, or could adopt a lower fee if all fees in a particular public facility category are **reduced proportionally** (that is, by the same percentage).

Individual Fee Assessment

A landowner or developer may request an individual assessment when the average figures used in the Methodology Report do not apply to the specific project being proposed.

Individual Appeals

The City's Impact Fee Ordinance provides for the appeal by anyone assessed an impact fee, first to the Impact Fee Administrator and then, if not resolved, to the City Council.

Exemptions

Exemptions from the established impact fee amounts on the adopted Impact Fee Schedule can be adopted by the City Council for development that represents '**extraordinary economic or employment growth.**' The exemptions can be applied by the Council in whole or in part to specified uses based on standards reflecting the Exemption Policy.

Exemption Policy in CIE

The City of Alpharetta recognizes that certain office, retail trade and industrial development projects provide extraordinary benefit in support of the economic advancement of the city's citizens over and above the access to jobs, goods and services that such uses offer in general. To encourage such development projects, the Mayor and City Council may consider granting a reduction in the impact fee for such a development project upon the determination and relative to the extent that the business or project represents extraordinary economic development and employment growth of public benefit to Alpharetta, in accordance with exemption criteria the City may adopt. It is also recognized that the cost of system improvements otherwise foregone through exemption of any impact fee must be funded through revenue sources other than impact fees.

Examples of Impact Fees at 100% Maximum

Land Use	Units in Example	Public Safety	Recreation & Parks	Roads	Total
Single-Family House	1 house	\$ 133	\$ 5,112	\$ 1,445	\$ 6,690
Apartment	200 units	\$ 26,601	\$ 1,022,362	\$ 288,944	\$ 1,337,907
General Light Industrial	30,000 sq. feet	\$ 4,110	\$ 5,565	\$ 8,300	\$ 17,975
Warehousing	100,000 sq. feet	\$ 5,438	\$ 7,354	\$ 14,132	\$ 26,924
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Pharmacy/Drugstore	30,000 sq. feet	\$ 2,976	\$ 4,026	\$ 46,622	\$ 53,624
Convenience Market w/gas	2,000 sq. feet	\$ 214	\$ 289	\$ 11,673	\$ 12,176
Supermarket	60,000 sq. feet	\$ 4,153	\$ 5,611	\$ 113,792	\$ 123,557

DEVELOPMENT IMPACT FEE ORDINANCE
CITY OF ALPHARETTA, GEORGIA

Sec. 16-50 - Short title, authority, and applicability.	1
(a) Short title.	1
(b) Authority.	1
(c) Applicability.	1
Sec. 16-51 - Findings, purpose, and intent.	1
(a) Findings.	1
(b) Purpose.	1
(c) Intent.	2
Sec. 16-52 - Rules of construction and definitions.	2
(a) Rules of construction.	2
(b) Definitions.	3
Sec. 16-53 - Imposition of development impact fees.	6
(a) Construction not subject to impact fees.	6
(b) Grandfathered projects.	7
(c) Method of calculation.	7
Sec. 16-54 - Fee assessment and payment.	8
(a) Fee schedule.	8
(b) Timing of assessment and payment.	8
(c) Individual assessment determinations.	9
(d) Fee certification.	10
Sec. 16-55 - Exemptions.	11
(a) Exemption policy.	11
(b) Process for exemption approval.	11
Sec. 16-56 - Deposit and expenditure of fees.	12
(a) Maintenance of funds.	12
(b) Expenditures; restrictions.	12
(c) Annual report.	12
Sec. 16-57 - Credits.	13

2nd Draft: June 22, 2015

(a) Credits; restrictions.	13
(b) Granting of credits.	13
(c) Guidelines for credit valuation.	14
(d) Credits; application.	14
(e) Credits; registry.	14
(f) Credits; abandoned building permits.	15
Sec. 16-58 - Refunds.	15
(a) Eligibility for a refund.	15
(b) Notice of entitlement to a refund.	15
(c) Filing a request for a refund.	16
(d) Payment of refunds.	16
Sec. 16-59 - Private contractual agreements.	16
(a) Private agreements; authorized.	16
(b) Private agreements; procedure.	16
Sec. 16-60 - Periodic review and amendments.	17
(a) Ordinance amendments.	17
(b) Capital improvements element periodic review.	17
(c) Continuation of validity.	17
Sec. 16-61 - Administrative appeals.	18
(a) Eligibility to file an appeal.	18
(b) Appeals process.	18
(c) Payment of impact fee during appeal.	18
Sec. 16-62 - Enforcement and penalties.	19
(a) Enforcement authority.	19
(b) Violations.	19
Sec. 16-63 - Repealer, severability, and effective date.	19
(a) Repeal of conflicting laws.	19
(b) Severability.	20
(c) Incorporation by reference of Georgia law.	20
(d) Effective date.	20
Attachment A: Impact Fee Schedule.	22

Georgia, City of Alpharetta

DEVELOPMENT IMPACT FEE ORDINANCE

Sec. 16-50 - Short title, authority, and applicability.

(a) Short title.

This ordinance shall be known and may be cited as the “Development Impact Fee Ordinance of Alpharetta, Georgia,” or, for brevity, the “Impact Fee Ordinance.”

(b) Authority.

This ordinance has been prepared and adopted by the city council of Alpharetta, Georgia, in accordance with the authority provided by Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia, the Georgia Development Impact Fee Law (O.C.G.A. 36-71-1 *et seq.* as amended), and such other laws as may apply to the provision of public facilities and the power to charge fees for such facilities.

(c) Applicability.

- (1) The provisions of this ordinance shall not be construed to limit the power of Alpharetta, Georgia, to use any other legal methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this ordinance.
- (2) This ordinance shall apply to all areas under the regulatory control and authority of Alpharetta, Georgia, and such other areas as may be included by intergovernmental agreement.

Sec. 16-51 - Findings, purpose, and intent.

(a) Findings.

The city council of Alpharetta, Georgia, finds and declares:

- (1) That an equitable program for planning and financing public facilities to serve new growth and development is necessary in order to promote and accommodate orderly growth and development and to protect the public health, safety, and general welfare of the citizens of Alpharetta; and
- (2) That certain public facilities as herein defined have been and must be further expanded if new growth and development is to be accommodated at the same level of service available to existing development; and
- (3) That it is fair and equitable that new growth and development shall bear a proportionate share of the cost of such public facilities necessary to serve new growth and development.

(b) Purpose.

- (1) The purpose of this ordinance is to impose impact fees, as hereinafter set forth, for certain public facilities, as hereinafter defined.
 - (2) It is also the purpose of this ordinance to ensure that adequate public facilities are available to serve new growth and development in Alpharetta and to provide that new growth and development bears a proportionate share of the cost of new public facilities needed to serve them.
- (c) Intent.
- This ordinance is intended to implement and be consistent with the Alpharetta Comprehensive Plan, as it may be adopted or amended in accord with the Georgia Comprehensive Planning Act (O.C.G.A. 50-8-1 *et seq.*); and the applicable *Minimum Standards and Procedures for Local Comprehensive Planning* and the *Development Impact Fee Compliance Requirements*, both as adopted by the Georgia Board of Community Affairs and amended from time to time.

Sec. 16-52 - Rules of construction and definitions.

The provisions of this ordinance shall be construed so as to effectively carry out its purpose in the interest of the public health, safety, and general welfare of the citizens of Alpharetta.

- (a) Rules of construction.
- Unless otherwise stated in this ordinance, the following rules of construction shall apply to the text of this ordinance:
- (1) In the case of any difference of meaning or implication between words or phrases as used in this ordinance and as used in other codes, regulations or laws of Alpharetta, such difference shall not affect the meaning or implication of such words or phrases as used in this ordinance.
 - (2) In the case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, summary table or illustrative table, the text shall control.
 - (3) The word “shall” is always mandatory and not discretionary; the word “may” is permissive.
 - (4) Words used in the present tense shall include the future and words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
 - (5) The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other legal or similar entity.
 - (6) The conjunction “and” indicates that all the connected terms, conditions, provisions, or events shall apply.
 - (7) The conjunction “or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - (8) The use of “either ... or” indicates that the connected items, conditions, provisions, or events shall apply singly and not in combination.

2nd Draft: June 22, 2015

- (9) The word “includes” or “including” and the phrase “such as” shall not limit a term to the specific example or examples given but are intended to extend its meaning to all other instances or circumstances of like kind or character.
- (10) The article, section, and paragraph headings and enumerations used in this ordinance are included solely for convenience and shall not affect the interpretation of this ordinance.
- (b) Definitions.

As used in this ordinance, the following terms shall have the meaning set forth below.

Administrator means the director of community development of Alpharetta, Georgia, or the director’s designee, who is hereby charged with implementation and enforcement of this ordinance.

Building permit means the document issued by the city authorizing the construction, repair, alteration or addition to a structure, or authorizing the installation of a mobile home or recreational vehicle. For the purposes of this article, a building permit also means a change of use permit.

Capital improvement means an improvement with a useful life of ten years or more, by new construction or other action, which increases the service capacity of a public facility.

Capital improvements element means that portion of the Alpharetta comprehensive land use plan that sets out projected needs for system improvements during the planning horizon established therein, which provides a schedule that will meet the anticipated need for system improvements, and which provides a description of anticipated funding sources for each required improvement, as most recently adopted or amended by the city council.

City means Alpharetta, a municipal corporation of the state of Georgia.

City council means the city council of Alpharetta, Georgia.

Commencement of construction, for private development, means initiation of physical construction activities as authorized by a development or building permit and leading to completion of a foundation inspection or other initial inspection and approval by a public official charged with such duties; and for public projects, means expenditure or encumbrance of any funds, whether they be development impact fee funds or not, for a public facilities project, or advertising of bids to undertake a public facilities project.

Comprehensive plan means the Alpharetta plan or planning elements as adopted or amended in accord with the Georgia comprehensive planning act (O.C.G.A. 50-8-1 *et seq.*) and the applicable *minimum standards and procedures for local comprehensive planning* as adopted by the Georgia board of community affairs.

Day means a calendar day, unless otherwise specifically identified as a “work” day or other designation when used in the text.

2nd Draft: June 22, 2015

Developer means any person or legal entity undertaking development.

Development means any action which creates demand on or need for public facilities, as defined herein, and includes any construction or expansion of a building, structure, or use; any change in use of land, a building, or structure; or the connection of any building or structure to a public utility.

Development approval means written authorization, such as issuance of a building permit, land disturbance permit or other approval for grading or site development, or other forms of official action required by local law or regulation prior to commencement of construction.

Development impact fee means the payment of money imposed upon and paid by new development as a condition of development approval as its proportionate share of the cost of system improvements needed to serve it.

Dwelling unit means one or more rooms connected together and constituting a separate, independent housekeeping establishment designed for use by one family with provision for cooking, eating, sleeping, bathing and personal sanitation, and physically set apart from any other rooms or dwelling units in the same structure or another structure. A dwelling unit may be a single-family detached home, an apartment or condominium in a multi-family structure, or a manufactured home.

Encumber means to legally obligate by contract or otherwise commit to use by appropriation or other official act of the city council.

Excess capacity means that portion of the capacity of a public facility or system of public facilities which is beyond that necessary to provide adequate service to existing development at the adopted level-of-service standard.

Fee payor means that person or entity who pays a development impact fee, or his or her legal successor in interest when the right or entitlement to any refund of previously paid development impact fees that are required by this ordinance has been expressly transferred or assigned to the successor in interest.

Floor area means the total number of square feet of heated floor space within the exterior walls of a building. Also referred to as the "gross floor area".

Individual assessment determination means a finding by the administrator that an individual assessment study does or does not meet the requirements for such a study as established by this ordinance or, if the requirements are met, the fee calculated therefrom.

2nd Draft: June 22, 2015

Individual assessment study means the engineering, financial, or economic documentation prepared by a fee payor or applicant to allow individual determination of a development impact fee other than by use of the applicable fee schedule.

Level of service means a measure of the relationship between service capacity and service demand for specified public facilities as established by Alpharetta, Georgia in terms of demand to capacity ratios or the comfort and convenience of use or service of such public facilities or both.

Present value means the current value of past, present, or future payments, contributions, or dedications of goods, services, materials, construction, or money, as calculated using accepted methods of financial analysis for determination of “net present value.”

Project means a single improvement or set of interrelated improvements undertaken together within a finite time period at a specific location. With regard to land development, a project may be identified as those construction activities authorized collectively by a building permit or other development approval, or for an interrelated collection of buildings and common public facilities such as a residential subdivision or an office park.

Project improvements means site specific improvements or facilities that are planned, designed, or built to provide service for a specific development project and that are necessary for the use and convenience of the occupants or users of that project only, and that are not “system” improvements. The character of the improvement shall control a determination of whether an improvement is a “project” improvement or a “system” improvement, and the physical location of the improvement on-site or off-site shall not be considered determinative of whether an improvement is a “project” improvement or a “system” improvement. A project improvement may provide no more than incidental service or facility capacity to persons other than users or occupants of the particular project they serve. No improvement or facility included in a plan for public facilities and approved for public funding by Alpharetta, Georgia shall be considered a project improvement.

Property owner means that person or entity that holds legal title to property.

Proportionate share means that portion of the cost of system improvements that is reasonably and fairly related to the service demands and needs of a project.

Public facilities means: (a) parks, open space, and recreation areas and related facilities; and (b) public safety facilities, including police, fire and emergency medical and communications facilities; and (c) roads, streets, and bridges, including rights of way, traffic signals, landscaping, and any other components of local, state or federal streets or highways.

Service area means a geographically defined area as designated in the capital improvements element of the comprehensive plan in which a defined set of public facilities provide or are proposed to provide service to existing or future development.

System improvement costs means costs incurred to provide public facilities capacity to serve new growth and development, including the costs of planning, design, engineering, construction, land acquisition, and land improvement for the construction or reconstruction of facility improvements or expansions. System improvement costs include the construction contract price, surveying and engineering fees, related land acquisition costs (including land purchases, court awards and costs, attorneys' fees, and expert witness fees), and expenses incurred for qualified staff or any qualified engineer, planner, architect, landscape architect, or financial consultant for preparing or updating the capital improvements element, and administrative costs of up to 3 percent of the total of all other system improvement costs. Projected interest charges and other finance costs may be included if the impact fees are to be used for the payment of principal and interest on bonds, notes, or other financial obligations issued to finance system improvements, but such costs do not include routine and periodic maintenance expenditures, personnel training, and other operating costs.

System improvements means capital improvements that are public facilities designed to provide service to more than one project or to the community at large, in contrast to "project" improvements.

Unit of development means the standard incremental measure of land development activity for a specific type of land use upon which the rate of demand for public service and facilities is based, such as a dwelling unit, square foot of floor area, motel room, etc.

Unused or excess impact fee means any individual impact fee payment from which no amount of money or only a portion thereof has been encumbered or expended according to the requirements of this ordinance.

Sec. 16-53 - Imposition of development impact fees.

Any person who after the effective date of this ordinance engages in development shall pay a development impact fee in the manner and amount set forth in this ordinance.

(a) Construction not subject to impact fees.

- (1) The following projects and construction activities do not constitute "development" as defined in this ordinance, and are therefore not subject to the imposition of impact fees:
 - a. Rebuilding no more than the same number of units of development (as defined in this ordinance) that were removed by demolition, or destroyed by fire or other catastrophe, on the same lot or property.
 - b. Remodeling or repairing a structure that does not result in an increase in the number of units of development.
 - c. Replacing a residential housing unit with another housing unit on the same lot or property.

2nd Draft: June 22, 2015

- d. Placing a temporary construction or sales office on a lot during the period of construction or build-out of a development project.
 - e. Constructing an addition to or expansion of a residential housing unit that may increase the floor area or number of rooms. but does not increase the number of housing units.
 - f. Adding uses that are typically accessory to residential uses and intended for the personal use of the residents, such as a deck or patio, detached garage or utility shed, satellite antenna, pet enclosure, or private recreational facilities such as a swimming pool or tennis court.
- (2) A person claiming to be not subject to impact fees under Sec. 16-53 -(a)(1) above shall submit to the administrator information and documentation sufficient to permit the administrator to determine whether such claim is correct.
- (b) Grandfathered projects.
- (1) Notwithstanding any other provision of this ordinance, that portion of a project for which a valid building permit has been issued prior to the effective date of this ordinance shall not be subject to development impact fees so long as the permit remains valid and construction is commenced and is pursued according to the terms of the permit.
 - (2) Any building for which a valid and complete application for a building permit has been received prior to the effective date of this ordinance may proceed without payment of fees otherwise imposed by this ordinance, provided that:
 - a. all fees and development exactions in effect prior to the effective date of this ordinance shall be or have been paid in full; and,
 - b. said construction shall be commenced, pursued and completed within the time established by the building permit, or within 180 days, whichever is later.
- (c) Method of calculation.
- (1) Any development impact fee imposed pursuant to this ordinance shall not exceed a project's proportionate share of the cost of system improvements, and shall be calculated on the basis of levels of service for public facilities that are the same for existing development as for new growth and development, as established in the capital improvements element.
 - (2) Notwithstanding anything to the contrary in this ordinance, the calculation of impact fees shall be net of credits for the present value of ad valorem taxes or other revenues as established in the capital improvements element, and which:
 - a. are reasonably expected to be generated by new growth and development; and
 - b. are reasonably expected on the basis of historical funding patterns to be made available to pay for system improvements of the same category for which an impact fee is imposed.
 - (3) The method of calculating impact fees for public facilities under this ordinance shall be maintained for public inspection as a part of the official records of Alpharetta, Georgia, and may be amended from time to time by official act.

- (4) In addition to the cost of new or expanded system improvements needed to be built to serve new development, the cost basis of a development impact fee may also include the proportionate cost of existing system improvements to the extent that such public facilities have excess service capacity and new development will be served by such facilities, as established in the capital improvements element.
- (5) Development impact fees shall be based on actual system improvement costs or reasonable estimates of such costs, as set forth in the capital improvements element.

Sec. 16-54 - Fee assessment and payment.

- (a) Fee schedule.
 - (1) Payment of a development impact fee pursuant to the fee schedule attached hereto and incorporated herein as Attachment A, shall constitute full and complete payment of the project's proportionate share of system improvements as individually levied by Alpharetta, and shall be deemed to be in compliance with the requirements of this ordinance.
 - (2) When a land development activity for which an application for a building permit has been made includes two or more buildings, structures or other land uses in any combination, including two or more uses within a building or structure other than a shopping center, the total development impact fee shall be the sum of the fees for each and every building, structure, or use, including each and every use within a building or structure. Shopping centers shall be assessed a single impact fee, in accordance with Attachment A, as a single use without regard to its individual tenants.
 - (3) In the event that an applicant contends that the land use category of the proposed development is not shown on the fee schedule or fits within a different category, then:
 - a. The administrator in his or her reasonable discretion shall make a determination as to the appropriate land use designation and the appropriate development impact fee.
 - b. In making such determination, the administrator may require such additional information from the applicant as necessary to form a logical fee determination relative to the impact fees shown on the adopted fee schedule.
 - c. If a land use designation is not in a category contained in this ordinance, then an appropriate new category may be added by the administrator and an appropriate fee established under the city's current impact fee methodology, subject to annual confirmation by the city council.
 - d. Appeals from the decision of the administrator shall be made to the city council in accordance with the administrative appeals section of this ordinance.
- (b) Timing of assessment and payment.
 - (1) Development impact fees shall be assessed at the time of application for a building permit.

2nd Draft: June 22, 2015

- (2) All development impact fees shall be collected no earlier than at the time of issuance of a building permit, and no later than as a prerequisite to issuance of an interior finishes permit or a certificate of occupancy for the building or building shell.
 - (3) For projects not involving issuance of a building permit, all development impact fees shall be collected at the time of approval of the development permit or such other authorization to commence construction or to commence use of a property.
 - (4) If the final use of a building cannot be determined at the time of the initial building permit, the administrator shall have the authority to assess a development impact fee based on the most likely use of the building, and shall adjust the fee in accordance with the following:
 - a. Prior to the completion of the project, and as a condition to the issuance of an interior finishes permit or a certificate of occupancy, as applicable, the developer shall recertify in writing to the administrator the actual land use or uses of the project, and shall present an architect's certificate of the actual gross square footage of floor area attributable to each use.
 - b. In the event that the actual land use or uses and/or the actual gross square footage applicable to the actual land use or uses differs from that originally certified, and in the event that the impact fee applicable to the actual land use or uses and/or gross square footage exceeds the impact fee previously paid, the developer shall be required to pay the amount of the excess as a condition to the issuance of an interior finishes permit or a certificate of occupancy.
 - c. The amount of the excess shall be based upon the impact fee schedule in effect on the date the interior finishes permit or the certificate of occupancy is issued.
 - d. If the actual gross square footage constructed after the issuance of the building permit is less than the amount originally certified, the developer shall be entitled to a refund of the excess portion of the fee.
 - (5) Notwithstanding any other provision of this ordinance, any future change in demand for public facilities in excess of the average demand anticipated at the time of issuance of the building permit shall be assessed such additional fee as would otherwise have been due. Future changes in demand may result from a change in the land use category of the occupant of the building or property, the expansion of a building or use on a property that results in an increase in the units of development (as defined herein), or the subsequent discovery of facts unknown or misrepresented at the time of issuance of the building permit.
- (c) Individual assessment determinations.
- An individual assessment of development impact fees for a particular property or proposed use may be established as follows:
- (1) At their option, an applicant for development approval may petition the administrator for an individual assessment determination of development impact fees due for their project

2nd Draft: June 22, 2015

in lieu of the fee established on the fee schedule attached hereto and incorporated herein as Attachment A.

- (2) In the event that an applicant elects an individual assessment, the applicant shall submit an individual assessment study. The individual assessment study shall:
 - a. be based on relevant and credible information from an accepted standard source of engineering or planning data; or,
 - b. be based on actual, relevant, and credible studies or surveys of facility demand conducted in Alpharetta or its region, carried out by qualified engineers or planners pursuant to accepted methodology; and,
 - c. provide any other written specifications as may be reasonably required by the administrator to substantiate the individual assessment determination.
 - (3) The administrator in his or her reasonable discretion shall determine whether the content of an individual assessment study satisfies the requirements of this ordinance. A negative determination by the administrator may be appealed to the city council in accordance with the administrative appeals section of this ordinance.
 - (4) Any fee approved as an individual assessment determination shall have standing for 180 days following the date of approval. Payment of such an approved individual assessment determination shall constitute full and complete payment of the project's proportionate share of system improvements as individually levied by Alpharetta, and shall be deemed to be in compliance with the requirements of this ordinance.
- (d) Fee certification.
- Upon application to the administrator, a property owner or developer may receive a certification of the development impact fee schedule attached hereto and incorporated herein as Attachment A or a certified fee for a particular project, as applicable.
- (1) The administrator shall provide an applicant with a written certification of the impact fee schedule within 5 working days after the administrator's receipt of a completed application. The fee schedule certified by the administrator shall establish the impact fee schedule for the proposed development activity for a period of 180 days from the date of certification.
 - (2) The administrator shall provide the applicant with a written certification of an individual fee determination within 30 days after receipt of a completed application. The individual fee determination certified by the administrator shall establish the total impact fee for the proposed development activity for the 180 day period immediately following the date of such certification.
 - (3) Notwithstanding the issuance of any certification of an individual fee determination, any additions to the proposed development activity different from the development activity identified in the original application shall be subject to increased or additional impact fees in accordance with the new total amount of development. The impact fees shall be based

upon the impact fee schedule in effect at the time of building permit issuance for the development.

Sec. 16-55 - Exemptions

(a) Exemption policy

The city of Alpharetta recognizes that certain office, retail trade and industrial development projects provide extraordinary benefit in support of the economic advancement of the city's citizens over and above the access to jobs, goods and services that such uses offer in general. To encourage such development projects, the Mayor and city council may consider granting a reduction in the impact fee for such a development project upon the determination and relative to the extent that the business or project represents extraordinary economic development and employment growth of public benefit to Alpharetta, in accordance with exemption criteria the city may adopt. It is also recognized that the cost of system improvements otherwise foregone through exemption of any impact fee must be funded through revenue sources other than impact fees.

(b) Process for exemption approval.

An application for exemption shall be considered under the following procedures:

- (1) An application for exemption approval must be made to the administrator prior to or along with an application for a building permit. Any exemptions not so applied for shall be deemed waived.
- (2) A building permit may be issued upon approval of an exemption, or may be issued without payment of applicable impact fees following receipt of a complete exemption application and pending its approval, but a certificate of occupancy shall not be issued until a decision regarding the exemption has been made, or until such time that the application for exemption is otherwise withdrawn by the applicant and payment of impact fees have been paid.
- (3) Documentation must be provided to the administrator that demonstrates the applicant's eligibility for an exemption. This documentation shall address, but need not be limited to, all applicable exemption criteria adopted by the city. This documentation constitutes the application for exemption.
- (4) The administrator in his or her reasonable discretion shall determine whether an application for exemption addresses the exemption criteria adopted by the city and is complete. A negative determination by the administrator may be appealed to the city council in accordance with the administrative appeals section of this ordinance.
- (5) The administrator or the city council shall determine the eligibility for and extent of exemption, in accordance with the standards and procedures contained in the exemption criteria adopted by the city council. If action by the city council is required, the application for exemption shall be considered at the next regularly scheduled meeting of the city

council that falls at least two weeks after a complete application for exemption has been received by the administrator.

Sec. 16-56 - Deposit and expenditure of fees.

- (a) Maintenance of funds.
 - (1) All development impact fee funds collected for future expenditure on construction or expansion of facilities pursuant to this ordinance shall be maintained in one or more interest-bearing accounts until encumbered or expended. Restrictions on the investment of development impact fee funds shall be the same that apply to investment of all such funds generally.
 - (2) Separate accounting records shall be maintained for each category of system improvements (public safety, recreation and parks, and roads) and for administration fees collected.
 - (3) Interest earned on development impact fees shall be allocated to each category of system improvements and the administration accounts in proportion to the impact fees collected, shall be considered funds of the account on which it is earned and shall be subject to all restrictions placed on the use of development impact fees under this ordinance.
- (b) Expenditures; restrictions.
 - (1) Expenditures from the system improvements impact fee accounts shall be made only for the category of system improvements for which the development impact fee was assessed and collected.
 - (2) Expenditures from the administration account may be expended directly for administrative purposes or transferred to the general fund to cover administrative costs.
 - (3) Except as provided below, development impact fees shall not be expended for any purpose that does not involve building or expanding system improvements that create additional capacity available to serve new growth and development.
 - (4) Notwithstanding anything to the contrary in this ordinance, the following shall be considered general revenue of Alpharetta, and may be expended accordingly:
 - a. impact fees collected to recover the present value of excess capacity in existing system improvements;
 - b. any portion of an impact fee collected as a repayment for expenditures made by Alpharetta for system improvements intended to be funded by such impact fee; and,
 - c. any portion of the impact fee (but not to exceed three percent of the total) collected and allocated by the administrator for administration of the impact fee ordinance, and such additional amount assessed for repayment of the cost of preparing the capital improvements element of the Comprehensive Plan.
- (c) Annual report.

- (1) The administrator shall prepare an annual report to the city council as part of the annual audit describing the amount of any development impact fees collected, encumbered, and used during the preceding fiscal year by category of public facility.
- (2) Such annual report shall be prepared following guidelines of the Georgia Department of Community Affairs (DCA), and submitted to DCA in conjunction with the annual update of the city's capital improvements element.

Sec. 16-57 - Credits.

When eligible, feepayors shall be entitled to a credit against impact fees otherwise due and owing under the circumstances and in the manner set forth in this section.

(a) Credits; restrictions.

- (1) Except as provided in the following Paragraph (2), no credit shall be given for construction, contribution, or dedication of any system improvement or funds for system improvements made before the effective date of this ordinance.
- (2) If the value of any construction, dedication of land, or contribution of money made by a developer (or his or her predecessor in title or interest) prior to the effective date of this ordinance for system improvements that are included for impact fee funding in the capital improvements element, is greater than the impact fee that would otherwise have been paid for the project, then the developer shall be entitled to a credit for such excess construction, dedication, or funding. Notwithstanding anything to the contrary in this ordinance, any credit due under this section shall not constitute a liability of Alpharetta, and shall accrue to the developer to the extent of impact fees assessed for new development for the same category of system improvements.
- (3) In no event shall credit be given for project improvements, or for system improvements not included for impact fee funding in the capital improvements element.

(b) Granting of credits.

- (1) Credit shall be given for the present value of any construction of improvements, contribution or dedication of land, or payment of money by a developer or his or her predecessor in title or interest for system improvements of the same public facilities category for which a development impact fee is imposed, provided that:
 - a. the system improvement is included for impact fee funding in the capital improvements element;
 - b. the amount of the credit does not exceed the portion of the system improvement's cost that is eligible for impact fee funding, as shown in the capital improvements element; and,
 - c. the city council shall have explicitly approved said improvement, contribution, dedication, or payment and the value thereof prior to its construction, dedication, or transfer.

- (2) The credit allowed pursuant to this section shall not exceed the impact fee due for such system improvement unless a greater credit is authorized under a private contractual agreement executed under the provisions of this ordinance.
- (c) Guidelines for credit valuation.
Credits under this section shall be valued using the following guidelines:
 - (1) For the construction of any system improvements by a developer or his or her predecessor in title or interest and accepted by the city, the developer must present evidence satisfactory to the administrator of the original cost of the improvement, from which present value may be calculated.
 - (2) For any contribution or dedication of land for system improvements by a developer or his or her predecessor in title or interest and accepted by the city, the original value of the land shall be the same as that attributed to the property by the validated tax appraisal at the time of dedication, from which present value may be calculated.
 - (3) For any contribution of capital equipment that qualifies as a system improvement by a developer or his or her predecessor in title or interest and accepted by the city, the value shall be the original cost to the developer of the capital equipment or the cost that the city would normally pay for such equipment, whichever is less.
 - (4) For any contribution of money for system improvements from a developer or his or her predecessor in title or interest accepted by the city, the original value of the money shall be the same as that at the time of contribution, from which present value may be calculated.
 - (5) In making a present value calculation, the discount rate used shall be the interest rate being earned on the city's impact fee funds, less average annual inflation, or such other discount rate or inflation rate as the city council in its sole discretion may deem appropriate.
- (d) Credits; application.
 - (1) Credits shall be given only upon written request of the developer to the administrator. A developer must present written evidence satisfactory to the administrator at or before the time of development impact fee assessment.
 - (2) The administrator, in his or her reasonable discretion, shall review all claims for credits and make determinations regarding the allowance of any claimed credit, and the value of any allowed credit.
 - (3) Any credit approved by the administrator shall be acknowledged in writing by the administrator and calculated at the time of impact fee assessment.
 - (4) Appeals from the decision of the administrator shall be made to the city council in accordance with the administrative appeals section of this ordinance.
- (e) Credits; registry.
 - (1) Credits shall be recognized in writing setting forth the name of the person or entity to whom the credit is issued and the amount of the credit.

2nd Draft: June 22, 2015

- (2) The city shall maintain a register (the “credit register”) which shall set forth the name of the credit holder and the amount of the credit.
- (3) Credits are transferable from one developer to another and from one project to another provided that the transfer is accomplished in accordance with the provisions of this section.
 - a. Transfers of credits shall only be effective when entered in the credit register of the city upon written notification signed and dated as of the date of the purported transfer by the person in whose name the credit is registered or on his or her behalf by a person legally authorized to so sign.
 - b. Any attempted transfer not in compliance with the terms of this section shall not be effective, shall not be recognized by the city, and shall result in the waiver and forfeiture of the credit.
- (f) Credits; abandoned building permits.
 - (1) In the event that an impact fee is paid but the building permit is abandoned, credit shall be given for the amount of the impact fee against future impact fees for the same parcel of land, upon submission of adequate evidence to the administrator that an impact fee was received by the city, the amount paid, and that the building permit was abandoned.
 - (2) A building permit shall be deemed abandoned if no construction has been commenced prior to the expiration of the building permit.

Sec. 16-58 - Refunds.

- (a) Eligibility for a refund.
 - (1) Upon the request of a feepayor regarding a property on which a development impact fee has been paid, the development impact fee shall be refunded if:
 - a. capacity is available in the public facilities for which the fee was collected but service is permanently denied; or,
 - b. the development impact fee has not been encumbered or construction has not been commenced within six years after the date the fee was collected.
 - (2) In determining whether development impact fees have been encumbered, development impact fees shall be considered encumbered on a first-in, first-out (FIFO) basis.
- (b) Notice of entitlement to a refund.

When the right to a refund exists due to a failure to spend or encumber the development impact fees, the administrator shall provide written notice of entitlement to a refund to the feepayor who paid the development impact fee at the address shown on the application for development approval or to a successor in interest who has given adequate notice to the administrator of a legal transfer or assignment of the right to entitlement to a refund and who has provided a mailing address. Such notice shall also be published in a newspaper of general circulation in Alpharetta within 30 days after the expiration of the six year period after the date that the development impact fee was collected and shall contain a heading “Notice of

Entitlement to Development Impact Fee Refund.” No refund shall be made for a period of 30 days from the date of said publication.

(c) Filing a request for a refund.

A request for a refund shall be made in writing to the administrator within one year of the time the refund becomes payable or within one year of publication of the notice of entitlement to a refund, whichever is later. Failure to make a claim for a refund within said time period shall result in a waiver of all claims to said funds.

(d) Payment of refunds.

- (1) All refunds shall be made to the feepayor within 60 days after it is determined by the administrator that a sufficient proof of claim for refund has been made, but no sooner than 30 days after publication of the notice of entitlement to the refund.
- (2) A refund shall include a refund of a pro rata share of interest actually earned on the unused or excess impact fee collected.
- (3) In no event shall a feepayor be entitled to a refund for impact fees assessed and paid to recover the cost of excess capacity in existing system improvements, for any portion of an impact fee collected as a repayment for expenditures made by Alpharetta for system improvements intended to be funded by such impact fee, or for that portion of the fee payment that was assessed for administration of the impact fee ordinance or for recovery of the cost of preparation of the capital improvements element.

Sec. 16-59 - Private contractual agreements.

(a) Private agreements; authorized.

Nothing in this ordinance shall prohibit the voluntary mutual approval of a private contractual agreement between the city and any developer or property owner or group of developers and/or property owners in regard to the construction or installation of system improvements and providing for credits or reimbursement for system improvement costs incurred by a developer, including interproject transfers of credits or providing for reimbursement for project improvement costs which are used or shared by more than one development project.

(b) Private agreements; procedure.

- (1) Any private agreement proposed by an applicant pursuant to this section shall be submitted to the administrator for review and negotiation, prior to submission to the city council.
- (2) Any private agreement proposed by an applicant pursuant to this section shall be reviewed and approved by the city attorney as to form and sufficiency prior to consideration by the city council.
- (3) Any such agreement must be presented to and approved by the city council of Alpharetta, Georgia prior to the issuance of a building permit.

- (4) Any such agreement shall provide for execution by mortgagees, lien holders or contract purchasers in addition to the landowner, and shall require the applicant to submit such agreement to the clerk of superior court for recording.

Sec. 16-60 - Periodic review and amendments.

- (a) Ordinance amendments.
 - (1) This ordinance may be amended from time to time as deemed appropriate or desirable.
 - (2) Interim amendments to the impact fee schedule regarding the establishment of new land use categories by the administrator under Sec. 16-54 -(a)(3)c are expressly authorized, and shall be confirmed by the city council when the annual CIE update required under Sec. 16-60 -(b)(1) is approved or when this ordinance is subsequently amended.
- (b) Capital improvements element periodic review.
 - (1) Annual update. At least once each year, the city council shall review and may update the capital improvements element so as to maintain, at a minimum, a schedule of system improvements for each of the subsequent five years. The capital improvements element update may include changes in funding sources or project costs, or changes in the list or scheduling of projects. The capital improvements element Update shall be submitted to the Atlanta Regional Commission for their review, in accordance with the *Development Impact Fee Compliance Requirements* as adopted by the Board of Community Affairs of the State of Georgia.
 - (2) Amendment. In conducting a periodic review of the capital improvements element and calculation of development impact fees, the city council may determine to amend the capital improvements element. Amendments to the capital improvements element shall comply with the procedural requirements of the *Development Impact Fee Compliance Requirements* as adopted by the Board of Community Affairs of the State of Georgia, and shall be required for any change to the capital improvements element that would:
 - a. redefine growth projections, land development assumptions, or goals or objectives that would affect system improvements proposed in the capital improvements element;
 - b. add new public facility categories for impact fee funding, modify impact fee service areas or make changes to system improvement projects;
 - c. change service levels established for an existing impact fee service area; or
 - d. make any other revisions needed to keep the capital improvements element up to date.
- (c) Continuation of validity.

Failure of the city council to undertake a periodic review of the capital improvements element shall result in the continued use and application of the latest adopted development impact fee schedule and other data. The failure to periodically review such data shall not invalidate this ordinance.

Sec. 16-61 - Administrative appeals.

(a) Eligibility to file an appeal.

Only applicants or feepayors who have already been assessed an impact fee by the city or who have already received a written determination of individual assessment, refund or credit amount shall be entitled to an appeal. Such appeals may address:

- (1) The imposition of an impact fee.
- (2) The amount of an impact fee.
- (3) The entitlement to and/or the amount of credits applicable to an impact fee.
- (4) The entitlement to and/or the amount of a refund of an impact fee.

(b) Appeals process.

- (1) The aggrieved applicant or feepayor (hereinafter, the “appellant”) must file a written appeal with the administrator within 15 days of the decision or receipt of written determination from which the appeal is taken.
- (2) Such written appeal shall constitute an application for relief, shall be of sufficient content to set forth the basis for the appeal and the relief sought, and shall include:
 - a. the name and address of the appellant;
 - b. the location of the affected property; and,
 - c. a copy of any applicable written decision or determination made by the administrator (from which the appeal is taken).
- (3) Within 15 days after receipt of the appeal, the administrator shall make a written final decision with respect to the appeal, such decision to be of sufficient content to set forth the basis for the determination.
- (4) Appeals from the final decision of the administrator shall be made to the city council within 30 days of receipt by the appellant of the administrator's final decision. Delivery by hand or certified mail to, or posting upon the property at, the address given by the appellant in the application for relief shall constitute “receipt by the appellant” under this provision.
- (5) The city council shall thereafter hold a hearing on the appeal within 30 days provided that at least 2 weeks written notice thereof can be given to the appellant. The city council shall decide the issue within a reasonable time following the hearing, but in no case later than its next regular meeting, unless the appellant agrees to an extension to a later date. Any party making an appeal shall have the right to appear at the hearing to present evidence and may be represented by counsel.

(c) Payment of impact fee during appeal.

- (1) The filing of an appeal shall not stay the collection of a development impact fee as a condition to the issuance of development approval.
- (2) A developer may pay a development impact fee under protest to obtain a development approval, and by making such payment shall not be estopped from exercising this right of appeal or receiving a refund of any amount deemed to have been collected in excess.

Sec. 16-62 - Enforcement and penalties.

- (a) Enforcement authority.
 - (1) The enforcement of this ordinance shall be the responsibility of the administrator and such personnel as the administrator may designate from time to time.
 - (2) The administrator shall have the right to inspect the lands affected by this ordinance and shall have the right to issue a written notice, a stop work order or citation for violations, as the administrator in his or her reasonable determination may deem appropriate to the circumstances. Refusal of written notice of violation, stop work order or citation under this ordinance shall constitute legal notice of service. The citation shall be in the form of a written official notice issued in person or by certified mail to the owner of the property, or to his or her agent, or to the person performing the work. The receipt of a citation shall require that corrective action be taken within 30 days unless otherwise extended at the discretion of the administrator.
 - (3) The administrator may suspend or revoke any building permit or withhold the issuance of other development approvals if the provisions of this ordinance have been violated by the developer or the owner or their assigns.
- (b) Violations.
 - (1) Knowingly furnishing false information on any matter relating to the administration of this ordinance shall constitute an actionable violation.
 - (2) Proceeding with construction of a project that is not consistent with the project's impact fee assessment, such as the use category claimed or units of development indicated, shall constitute an actionable violation.
 - (3) Failure to take corrective action following the receipt of a citation shall constitute an actionable violation.
 - (4) A violation of this ordinance shall be a misdemeanor punishable according to law, including the general penalty provisions of the Alpharetta Code of Ordinances. In addition to or in lieu of criminal prosecution, the city council shall have the power to sue in law or equity for relief in civil court to enforce this ordinance, including recourse to such civil and criminal remedies in law and equity as may be necessary to ensure compliance with the provisions of this ordinance, including but not limited to injunctive relief to enjoin and restrain any person from violating the provisions of this ordinance and to recover such damages as may be incurred by the implementation of specific corrective actions.

Sec. 16-63 - Repealer, severability, and effective date.

- (a) Repeal of conflicting laws.
 - (1) Adoption of this ordinance specifically repeals and replaces Chapter 16, Article III, Sections 16-50 *et seq.*, of the Alpharetta Code of Ordinances.

2nd Draft: June 22, 2015

(2) Any and all other ordinances, resolutions or regulations, or parts thereof, in conflict with this ordinance are hereby repealed to the extent of such conflict. Where this ordinance overlaps with other ordinances or regulations adopted by the city council, whichever imposes the more stringent restrictions shall prevail.

(b) Severability.

If any sentence, clause, part, paragraph, section, or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the validity of the ordinance as a whole or any other part hereof shall not be affected.

(c) Incorporation by reference of Georgia law.

It is the intent of the city council that this development impact fee ordinance of Alpharetta, Georgia complies with the terms and provisions of the Georgia Development Impact Fee Act (O.C.G.A. 36-71-1 *et seq.* as amended). To the extent that any provision of this ordinance is inconsistent with the provisions of said Chapter 36-71, the latter shall control. Furthermore, to the extent that this ordinance is silent as to any provision of said Chapter 36-71 that is otherwise made mandatory by said Chapter 36-71, such provision shall control and shall be binding upon the city.

(d) Effective date.

This ordinance shall take effect on _____, 2015.

ADOPTED AND APPROVED this ____ day of _____, 2015, by the

CITY OF ALPHARETTA, GEORGIA

Mayor

COUNCIL MEMBERS

(SEAL)

Attest:

Clerk

First Reading _____

Second Reading _____

Attachment A: Impact Fee Schedule

[To be inserted]

Impact Fee Schedule

City of Alpharetta, Georgia

	ITE Code	Land Use Category	Net Impact Fee	Adminis- tration (3%)	Total Impact Fee	
<i>Residential</i>	210	Single-Family Detached Housing	\$ 6,494.69	194.84	\$ 6,689.53	per dwelling
	220	Apartment	\$ 6,494.69	194.84	\$ 6,689.53	per dwelling
	230	Residential Condominium/Townhouse	\$ 6,494.69	194.84	\$ 6,689.53	per dwelling
<i>Port and Terminal</i>	030	Intermodal Truck Terminal	\$ 0.57	0.02	\$ 0.59	per square foot
<i>Industrial/Agricultural</i>	110	General Light Industrial	\$ 0.58	0.02	\$ 0.60	per square foot
	120	General Heavy Industrial	\$ 0.31	0.01	\$ 0.32	per square foot
	140	Manufacturing	\$ 0.39	0.01	\$ 0.40	per square foot
	150	Warehousing	\$ 0.26	0.01	\$ 0.27	per square foot
	151	Mini-Warehouse	\$ 0.11	0.00	\$ 0.11	per square foot
	152	High-Cube Warehouse	\$ 0.08	0.00	\$ 0.08	per square foot
<i>Lodging</i>	310	Hotel or Conference Motel	\$ 419.49	12.58	\$ 432.07	per room
	311	All Suites Hotel	\$ 273.07	8.19	\$ 281.26	per room
	320	Motel	\$ 295.44	8.86	\$ 304.30	per room
<i>Recreational</i>	430	Golf Course	\$ 212.75	6.38	\$ 219.14	per acre
	437	Bowling Alley	\$ 1.32	0.04	\$ 1.36	per square foot
	443	Movie Theater	\$ 2.98	0.09	\$ 3.07	per square foot
	460	Arena	\$ 1,638.82	49.16	\$ 1,687.98	per acre
	480	Amusement Park	\$ 3,931.18	117.94	\$ 4,049.12	per acre
	490	Tennis Courts	\$ 611.95	18.36	\$ 630.31	per acre
	491	Racquet/Tennis Club	\$ 0.54	0.02	\$ 0.56	per square foot
	492	Health/Fitness Center	\$ 1.27	0.04	\$ 1.31	per square foot
	495	Recreational Community Center	\$ 1.37	0.04	\$ 1.41	per square foot
<i>Institutional</i>	520	Private Elementary School	\$ 0.65	0.02	\$ 0.67	per square foot
	530	Private High School	\$ 0.55	0.02	\$ 0.56	per square foot
	560	Church/Place of Worship	\$ 0.39	0.01	\$ 0.40	per square foot
	565	Day Care Center	\$ 0.71	0.02	\$ 0.74	per square foot
	566	Cemetery	\$ 189.34	5.68	\$ 195.02	per acre
<i>Medical</i>	610	Hospital	\$ 0.82	0.02	\$ 0.85	per square foot
	620	Nursing Home	\$ 0.56	0.02	\$ 0.57	per square foot
	630	Clinic	\$ 1.55	0.05	\$ 1.59	per square foot
<i>Office</i>	710	General Office Building	\$ 0.88	0.03	\$ 0.90	per square foot
	714	Corporate Headquarters Building	\$ 0.77	0.02	\$ 0.80	per square foot
	715	Single-Tenant Office Building	\$ 0.88	0.03	\$ 0.90	per square foot
	720	Medical-Dental Office Building	\$ 1.94	0.06	\$ 2.00	per square foot
	760	Research and Development Center	\$ 0.71	0.02	\$ 0.73	per square foot
	770	Business Park	\$ 0.90	0.03	\$ 0.92	per square foot
<i>Retail</i>	812	Building Materials and Lumber Store	\$ 1.72	0.05	\$ 1.77	per square foot
	813	Free-Standing Discount Superstore	\$ 1.72	0.05	\$ 1.78	per square foot
	814	Variety Store	\$ 1.44	0.04	\$ 1.49	per square foot
	815	Free-Standing Discount Store	\$ 1.73	0.05	\$ 1.78	per square foot
	816	Hardware/Paint Store	\$ 0.99	0.03	\$ 1.02	per square foot
	817	Nursery (Garden Center)	\$ 2.73	0.08	\$ 2.82	per square foot
	818	Nursery (Wholesale)	\$ 1.55	0.05	\$ 1.60	per square foot
	820	Shopping Center	\$ 1.58	0.05	\$ 1.62	per square foot
	823	Factory Outlet Center	\$ 1.13	0.03	\$ 1.16	per square foot
	826	Specialty Retail Center	\$ 1.77	0.05	\$ 1.83	per square foot
	841	Automobile Sales	\$ 1.28	0.04	\$ 1.31	per square foot
	843	Auto Parts Store	\$ 1.27	0.04	\$ 1.31	per square foot
	848	Tire Store	\$ 0.87	0.03	\$ 0.90	per square foot
	849	Tire Superstore	\$ 0.88	0.03	\$ 0.91	per square foot
	850	Supermarket	\$ 2.00	0.06	\$ 2.06	per square foot
	851	Convenience Market (Open 24 Hours)	\$ 6.43	0.19	\$ 6.62	per square foot
	853	Convenience Market with Gasoline Pumps	\$ 5.91	0.18	\$ 6.09	per square foot
	854	Discount Supermarket	\$ 2.28	0.07	\$ 2.35	per square foot
	860	Wholesale Market	\$ 0.28	0.01	\$ 0.29	per square foot
	861	Discount Club	\$ 1.24	0.04	\$ 1.28	per square foot
	862	Home Improvement Superstore	\$ 0.53	0.02	\$ 0.55	per square foot
	863	Electronics Superstore	\$ 0.64	0.02	\$ 0.66	per square foot
	870	Apparel Store	\$ 1.59	0.05	\$ 1.64	per square foot
	875	Department Store	\$ 0.74	0.02	\$ 0.76	per square foot

Impact Fee Schedule

City of Alpharetta, Georgia

	ITE Code	Land Use Category	Net Impact Fee	Adminis- tration (3%)	Total Impact Fee	
	880	Pharmacy/Drugstore	\$ 1.74	0.05	\$ 1.79	per square foot
	890	Furniture Store	\$ 0.10	0.00	\$ 0.10	per square foot
<i>Services</i>	912	Drive-in Bank	\$ 2.01	0.06	\$ 2.08	per square foot
	931	Quality Restaurant	\$ 2.44	0.07	\$ 2.52	per square foot
	932	High-Turnover (Sit-Down) Restauant	\$ 3.04	0.09	\$ 3.13	per square foot
	934	Fast-Food Restaurant	\$ 7.09	0.21	\$ 7.30	per square foot
	941	Quick Lubrication Vehicle Shop	\$ 1,675.45	50.26	\$ 1,725.72	per service bay
	944	Gasoline/Service Station	\$ 1,433.65	43.01	\$ 1,476.66	per pump
	945	Gasoline Station w/Convenience Market	\$ 954.49	28.63	\$ 983.13	per pump
	947	Self-Service Car Wash	\$ 1,836.45	55.09	\$ 1,891.55	per stall

Notes: All dollar amounts shown rounded to "cents". See fee schedule for each public facility component for more accurate amounts to four decimals.

ITE Code means the land use code assigned in the *Trip Generation* manual published by the Institute of Transportation Engineers, 9th Edition.

Parks fee applies only to residential uses.

"Square foot" means square foot of gross building floor area.



City Council Meeting STAFF REPORT

Submitting Department: Community Development
Submitted By: Richard McLeod, Senior Planner
Meeting Date: September 21, 2015

I. AGENDA ITEM TITLE: PH-15-23 UDC CHANGES-SIGN ORDINANCE **(1ST READING)**

II. RECOMMENDATION:

Approve the language of the sign ordinance changes.

III. BUDGET IMPLICATIONS:

BUDGETED ITEM: NO

FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST:

APPROPRIATIONS:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>

EXTERNAL FUNDING SOURCES:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>

IV. REPORT IN BRIEF:

V. ALTERNATIVES:

VI. ATTACHMENTS:

Sign Ordinance

AN ORDINANCE TO AMEND ARTICLE II, SECTION 2.6, “SIGNS,” OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO PROVIDE FOR THE MODIFICATION, DELETION AND/OR ADDITION OF CERTAIN DEFINED TERMS RELATED TO SIGNS; TO PROVIDE FOR THE MODIFICATION, DELETION AND/OR ADDITION OF OTHER PROVISIONS RELATED TO CERTAIN TYPES OF SIGNS; AND FOR OTHER PURPOSES.

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

WHEREAS, Section 2.6 of the Unified Development Code of the City of Alpharetta, Georgia (the “Sign Ordinance”) currently regulates the use of signage throughout and within the municipal boundaries of the City of Alpharetta, Georgia (“City”); and

WHEREAS, on June 18, 2015, the United States Supreme Court issued its decision in Reed v. Town of Gilbert, 2015 WL 2473374 (June 18, 2015) (“Reed decision”), a case involving government regulation of signs, which ostensibly expanded First Amendment rights and further limited the restrictions that a government may constitutionally place on the use of signs; and

WHEREAS, due to the Reed decision, the City desires to amend Section 2.6 of the Unified Development Code by deleting, modifying and/or adding certain provisions regulating the placement of signs; and

WHEREAS, a public hearing has been properly advertised and conducted pursuant to the requirements of the Georgia Zoning Procedures Law.

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

Section 1: Subsection 2.6.3, “Definitions,” of Article II of the Unified Development Code is hereby amended by deleting the terms and definitions for “Animated Sign,” “Arcade, Directory or Mall Sign,” “Changing Sign,” “Flashing Sign,” “Tag Sign,” and “Weekend Sign,” and inserting the following terms and definitions in their appropriate alphabetical order:

“Animated Sign. A sign which changes colors or physical position by movement or rotation or which gives the visual impression of such movement or rotation.”

“Directory Sign. A single sign for multiple businesses, offices, professionals, industries, or other entities located within a planned center.”

“Flashing Sign. A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits marked changes in lighting effects.”

“Weekend Sign. A temporary sign that is placed after 12:01 a.m. on Thursday and removed prior to 11:59 p.m. on Sunday.”

Section 2: Subsection 2.6.8, “Prohibited Signs,” of Article II of the Unified Development Code is hereby amended by deleting the last sentence of Paragraph 4, such that Paragraph 4 reads as follows:

“4. Animated and intensely lighted signs—no sign shall be permitted which is animated by means of flashing, blinking or traveling lights or any other means not providing constant illumination.”

Section 3: Subsection 2.6.8, “Prohibited Signs,” of Article II of the Unified Development Code is hereby further amended by deleting Paragraph 32 of said Subsection.

Section 4: Paragraph 2 of Subsection 2.6.11(B), “Illumination of Signs,” of Article II of the Unified Development Code is hereby amended by deleting same, and replacing in lieu thereof a new Paragraph 2, to read as follows:

“2. No sign shall have blinking, flashing or fluctuating lights or other illuminating devices which have a changing light intensity, brightness or color.”

Section 5: Paragraph 1 of Subsection 2.6.11(C), “Weekend Signs,” of Article II of the Unified Development Code is hereby amended by deleting same, and replacing in lieu thereof a new Paragraph 1, to read as follows:

“1. Weekend signs shall be permitted between 12:01 a.m. on Thursday and 11:59 p.m. on Sunday. No weekend sign may be placed for a period longer than ninety-six (96) hours.”

Section 6: Paragraph 1 of Subsection 2.6.11(D), “Flags, Banners and Streamers,” of Article II of the Unified Development Code is hereby amended by deleting same, and replacing in lieu thereof a new Paragraph 1, to read as follows:

“1. Flags, banners, streamers, and similar devices shall be permitted on private property during special events.”

Section 7: Subsection 2.6.11(F), “Changeable Copyboard Signs,” of Article II of the Unified Development Code is hereby amended by deleting same and replacing in lieu thereof a new Section 2.6.11(F), to read as follows:

“F. Changeable Copy Board Signs. Any ground sign permitted under this Ordinance may contain up to sixty-five percent (65%) changeable copy if the sign is located on a lot zoned and used (principal existing use) for an institutional, public or semi-public use and which includes an indoor public assembly place accommodating one hundred (100) or more persons.”

Section 8: Paragraph 8 of Subsection 2.6.12(A), “Signs Permitted in Strip Shopping Centers,” of Article II of the Unified Development Code is hereby amended by deleting same.

Section 9: 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 10: This Ordinance shall be effective immediately upon its adoption by the City Council and incorporated into The Unified Development Code of the City of Alpharetta, Georgia. This Ordinance hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED this the _____ day of _____, 2015.

Approved:

Attest:

David Belle Isle, Mayor

Coty Thigpen, City Clerk
(Seal)

Approved as to Form:

C. Sam Thomas, City Attorney

AN ORDINANCE TO AMEND ARTICLE I, SECTION 1.4.2, “DEFINED TERMS,” DELETE ARTICLE II, SECTION 2.7.1, “ANTENNAS AND TOWERS (TELECOMMUNICATIONS TRANSMISSION EQUIPMENT)”, AND ADD A NEW SECTION 2.8, “WIRELESS TELECOMMUNICATIONS FACILITIES,” OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO PROVIDE FOR THE MODIFICATION, DELETION AND/OR ADDITION OF CERTAIN DEFINED TERMS RELATED TO WIRELESS TELECOMMUNICATIONS FACILITIES; TO PROVIDE FOR THE MODIFICATION, DELETION AND/OR ADDITION OF PROVISIONS RELATED TO WIRELESS TELECOMMUNICATIONS FACILITIES, INCLUDING PROVISIONS RELATED TO ALLOWED ZONING DISTRICTS, SITING REQUIREMENTS, ADMINISTRATIVE PERMITS AND CONDITIONAL USE PERMITS FOR WIRELESS TELECOMMUNICATIONS FACILITIES; AND FOR OTHER PURPOSES.

WHEREAS, the Federal Telecommunications Act authorizes the City to regulate the placement of wireless telecommunications towers and facilities through proper zoning procedures, so long as personal wireless services are not prohibited; and

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

WHEREAS, the City Council finds that aesthetic, cultural, and property values and the health, safety and welfare of the citizens of the City are directly impacted by the number, type and location of wireless telecommunications facilities, including antennas, antenna support structures, wireless towers, equipment cabinets, and other wireless transmission equipment, within the City; and

WHEREAS, the City Council desires to adopt new requirements for applicants to obtain wireless telecommunications facility permits and new regulations governing wireless telecommunications facilities, which will ensure adequate personal wireless services while preserving the health, safety and welfare of the citizens of the City, as well as preserving the aesthetic and historic nature of certain areas in the City; and

WHEREAS, such new regulations are intended to facilitate the orderly deployment of wireless telecommunications facilities throughout the City consistent with the community’s wireless communications service demands and health, safety and general welfare objectives, without conflicting with federal and state regulations; and

WHEREAS, such new regulations are further necessary for compliance with recent revisions to federal law and recent regulations promulgated by the Federal Communications Commission; and

WHEREAS, City staff has sought and obtained input from interested industry members in developing the new regulations; and

WHEREAS, in order to accomplish the foregoing and for other purposes, the City desires to amend Article I, Section 1.4.2, “Defined Terms,” of the Unified Development Code of the City of Alpharetta, Georgia (the “Unified Development Code”) to delete, modify and add definitions for certain terms utilized in the Unified Development Code related to wireless telecommunications facilities; and

WHEREAS, in order to accomplish the foregoing and for other purposes, the City desires to amend Article II, Subsection 2.2.16(C)(3)(k) and Subsection 2.2.17(C)(3.0)(b) to delete inconsistent terms related to wireless telecommunications facilities; and

WHEREAS, in order to accomplish the foregoing and for other purposes, the City desires to amend the regulations set forth in Article II, Section 2.7.1, “Antennas and Towers (Telecommunications Transmission Equipment),” of the Unified Development Code governing wireless telecommunications towers, facilities, antennas and related equipment replacing same with a new Section 2.8, “Wireless Telecommunications Facilities,” in order to provide City requirements for obtaining administrative permits and use permits for wireless telecommunications facilities; and

WHEREAS, a public hearing has been properly advertised and conducted pursuant to the requirements of the Georgia Zoning Procedures Law.

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

Section 1: Article I, Section 1.4.2, “Defined Terms,” of the Unified Development Code is hereby amended by striking the terms and definitions for “antenna” and “tower” and adding the following terms and definitions in their appropriate alphabetical order:

“Antenna. See Section 2.8 for definition of ‘antenna.’”; and

“Wireless Tower. See Section 2.8 for definition of ‘wireless tower.’”

Section 2: Subsection 2.2.16(C)(3)(k) of Article II of the Unified Development Code, is hereby amended by deleting the term “Tower” therefrom, leaving subparagraph (k) “[Reserved]”.

Section 3: Subsection 2.2.17(C)(3.0)(b) of Article II of the Unified Development Code is hereby amended by deleting the term “Antenna Tower” therefrom, leaving subparagraph (b) “[Reserved]”.

Section 4: Table 2.2 of Article II of the Unified Development Code is hereby amended by deleting the row labeled “Tower” in its entirety and inserting a new row labeled “Wireless Tower (subject to approval of conditional use permit in accordance with Section 2.8.7)”, in its

appropriate alphabetical order, with the columns for L-I, O-I, C-2, PSC, SU, CUP, and AG marked "O".

Section 5: Article II, Section 2.7.1, "Antennas and Towers (Telecommunications Transmission Equipment)," of the Unified Development Code is hereby deleted in its entirety and reserved; and

Section 6: Article II of the Unified Development Code is hereby amended by adding a new Section 2.8, entitled "Wireless Telecommunications Facilities," to read as set forth in Exhibit "A" attached hereto as if fully set forth herein; and

Section 7: In the event that any section, subsection, or provision of this Ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this Ordinance, which shall remain in full force and effect as if such portion so declared or adjudged unconstitutional were not originally part of this Ordinance, even if the surviving parts of this Ordinance result in greater restrictions after any unconstitutional or invalid provisions are stricken; and

Section 8: This Ordinance shall be effective immediately upon its adoption by the City Council and incorporated into The Unified Development Code of the City of Alpharetta, Georgia. This Ordinance hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED this the _____ day of _____, 2015.

Approved:

David Belle Isle, Mayor

Attest:

City Clerk

(Seal)

Approved as to Form:

C. Sam Thomas, City Attorney

SECTION 2.8 WIRELESS TELECOMMUNICATIONS FACILITIES

2.8.1. PURPOSE, INTENT AND OBJECTIVES

The purpose of this Section is to reasonably regulate, to the extent permitted under Georgia and federal law, the installations, operations, collocations, modifications, replacements and removals of wireless telecommunications facilities in the City of Alpharetta, recognizing the benefits of wireless communications while reasonably protecting other important City interests, including the public health, safety and welfare, aesthetics and local property values. These regulations are intended to establish reasonable standards and requirements for the siting of wireless telecommunications facilities, including wireless towers, antennas and accessory equipment. It is the intent of these regulations to promote the health, safety and general welfare of the citizens of the City of Alpharetta by establishing an orderly process for regulating the siting of wireless telecommunications facilities while balancing the need for adequate service levels. Therefore, the purposes of this Section are to establish standards for the safe provision of wireless communication services consistent with state and federal law; to minimize the adverse visual impact of wireless telecommunications facilities through proper design, site placement, height limitation and screening and thereby retain the residential and traditional character of the City and maintain property values; and to encourage the shared use of wireless telecommunications facilities. In furtherance of these purposes, the City shall give consideration to the Comprehensive Plan and Future Land Use Map, the Zoning Map, existing land uses, and environmental, residential, historic and other sensitive areas in approving the location and siting of wireless telecommunications facilities.

It is the intent of this Section to address the aesthetic effect of wireless telecommunications facilities on landscapes in the City, the visual impact of wireless telecommunications facilities on surrounding property owners, citizens' demands for these services, and the needs of service providers to close significant gaps in service coverage by implementing the following objectives:

1. Minimize the visual and aesthetic effects of wireless telecommunications facilities through appropriate design, screening and location standards;
2. Promote the siting of wireless telecommunications facilities in a manner such that potential adverse effects to the City and its residents are minimal in order to insure harmony and compatibility with surrounding land uses;
3. Promote the location of wireless telecommunications facilities in areas where the adverse impact on the community is minimal;
4. Promote the installation of wireless telecommunications facilities at locations where other such facilities already exists; and
5. Promote the location and collocation of wireless communication equipment on existing structures thereby minimizing new visual, aesthetic, and public safety impacts.

Pursuant to federal and state law, including Section 704(a) of the Federal Telecommunications Act of 1996, it is not the intent of this section to:

EXHIBIT A

1. Prohibit or have the effect of prohibiting the provision of personal wireless services in the City of Alpharetta;
2. Unreasonably discriminate among providers of functionally equivalent wireless communication services;
3. Regulate the placement, construction or modification of wireless telecommunications facilities on the basis of environmental effects of radio frequency ("RF") emissions where it is demonstrated that the wireless telecommunications facility complies or will comply with the applicable FCC regulations;
4. Prohibit, effectively prohibit or unreasonably delay collocations or modifications to existing wireless telecommunications facilities that the City is required to approve pursuant to federal and state law; or
5. Require the location or siting of wireless telecommunications facilities on City-owned public property.

2.8.2 APPLICABILITY

The provisions of this Section shall apply to all applications to install, place, site, locate, collocate or modify any new or existing wireless telecommunications facility within the City. The provisions of this Section are in addition to, and do not replace, any obligations a wireless telecommunications facility permit holder may have under any other permits issued by the City. Notwithstanding any other provision herein to the contrary, no wireless telecommunications facility may be installed, sited, located, collocated or modified within the public rights-of-way of the City except in accordance with Section 2.8.10 (Wireless Telecommunications Facilities in Public Rights-of-Way). Further, except as expressly set forth in Section 2.8.10 regarding public rights-of-way, no person shall install, place, site, locate, or collocate a wireless telecommunications facility on any property, building or structure owned by the City without the City's separate and distinct agreement and conveyance of a property interest, such as an easement or license, to such party authorizing such use. Subject to the foregoing, the installation, placement, siting, location, or collocation of a wireless telecommunications facility on a City-owned property other than public right-of-way shall be exempt from regulation under this Section.

2.8.3 DEFINITIONS

A. DEFINED TERMS.

When used in this Section, unless the context indicates otherwise, the following terms shall have the meanings set forth below:

Accessory Equipment. Any equipment serving or being used in conjunction with a wireless telecommunications facility, including, without limitation, utility equipment, power meters, power supplies, generators, batteries, cables, control boxes, and equipment cabinets, but

EXHIBIT A

excluding antennas, antenna arrays, antenna attachment devices, equipment shelters, storage sheds, antenna support structures and alternative support structures.

Amateur Radio Antenna. A radio communication facility operated for non-commercial purposes by a FCC-licensed amateur radio operator. The term “amateur radio antenna” shall include the antenna, electronic system and the structure it is affixed to for primary support.

Antenna. An apparatus, device or system of electrical conductors that transmits and/or receives electromagnetic waves, radio or other wireless signals used in the provision of all types of wireless communication services. Where the context permits, use of the term ‘antenna’ shall also refer to the antenna concealment enclosure when such concealment enclosure is required by the applicable design standards.

Antenna Array. A set of antennas and associated mounting hardware having transmission and/or reception elements extending in more than one direction or other similar appurtenances, which share a common attachment device such as a mounting frame or mounting support.

Antenna, Whip. A slim, vertically-oriented, omni-directional antenna.

Antenna Attachment Device. Any pole, mount or device which attaches an antenna(s) or antenna array(s) to the roof or side of an existing building or other alternative support structure, such as an electrical transmission tower, light structure, utility pole, or other similar existing structure. Also referred to as a ‘mount’.

Attached Wireless Telecommunications Facility or Attached WTF. An antenna or antenna array that is attached to an existing building, electrical transmission tower, light structure, utility pole or other alternative support structure with an antenna attachment device, together with accessory equipment, mounted on the roof of or within the subject building, to or within the structure or pole, or on or under the ground proximate to the subject building, structure or pole, as applicable. Attached WTF’s for which an existing building serves as the alternative support structure are:

- (1) “roof-mounted wireless telecommunications facility” - antenna(s) attached with antenna attachment device(s) to the roof of an existing building; and
- (2) “building-mounted wireless telecommunications facility” - antenna(s) mounted on the side of an existing building.

Base station. A station at a specific site authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies and other associated electronics.

EXHIBIT A

Building-Concealed Wireless Telecommunications Facility. An attached wireless telecommunications facility designed and constructed as an existing architectural feature of an existing building in a manner such that the WTF is not discernible from the remainder of the building and is completely enclosed within the architectural feature. Building-Concealed WTF's function as replacements of existing architectural features of a building that extend vertically above the roof of the building in order to position antennas at a greater height. Building architectural features employed as building-concealed WTF's include, but are not limited to steeples, church spires, clock towers, bell towers and cupolas. The term "building-concealed wireless telecommunications facility" does not include in-building antennas and other wireless transmission equipment that are exempt from the permitting requirements of this Section pursuant to Subsection 2.8.8(C) hereof.

Cell on Wheels or COW. A portable self-contained wireless telecommunications facility that can be moved to a location and set up to provide wireless communication services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.

Collocation. The placement or installation of new wireless transmission equipment on a previously approved and constructed wireless tower or support structure on which there is an existing antenna in a manner that negates the need to construct a new freestanding support structure.

Concealed. The classification of a wireless telecommunications facility that is disguised, hidden, integrated as or as part of an existing or proposed structure, or placed and enclosed within an existing or proposed structure, and camouflaged and designed to be aesthetically compatible with existing and proposed building(s), structures, uses, and other site features, including natural and architectural features, located on the site and nearby properties, such that it is not readily identifiable as a wireless telecommunication facility by a casual observer, its presence is not apparent to a casual observer, or it is otherwise minimally visible to the casual observer in accordance with such other prescribed standard of visibility. A concealed WTF (i) is integrated as an architectural feature of an existing building such as a cupola; (ii) uses a design which mimics and is consistent with nearby natural, architectural or site features and is integrated as such a feature, such as a flagpole; or (iii) is attached to and, through the use of concealment techniques, is incorporated as part of an existing non-tower structure, such as utility poles or light structures. "Concealed" also refers to the effective employment of the foregoing design techniques in such a manner as to render a wireless telecommunications facility, or certain components or aspects thereof, minimally visible to the casual observer pursuant to a prescribed standard of visibility. The standard of visibility of a concealed WTF may be further prescribed by other guidelines, standards and regulations applicable to the subject type of WTF.

EXHIBIT A

Coverage, Service. The geographic area reached by an individual wireless telecommunications facility.

Distributed Antenna System or DAS. A network of one or more antennas and related fiber optic nodes typically mounted to existing or proposed non-tower structures, such as utility poles or light structures. A DAS system typically consists of: (1) a number of remote communications nodes deployed throughout a certain coverage area, each including at least one antenna for transmission and reception; (2) a high capacity signal transport medium (typically fiber optic cable) connecting each node to a central communications hub site (DAS hub); and (3) radio transceivers located at the hub site, rather than at each individual node as is the case for small cells) to process or control the communications signals transmitted and received through the antennas. A DAS installation may be considered an attached WTF or concealed freestanding support structure for purposes of these regulations.

DAS Hub. An equipment shelter containing accessory equipment utilized in the deployment and operation of wireless DAS receive/transmit infrastructure that is located elsewhere, but which typically does not have any DAS antennas located at such site.

Electrical Transmission Tower. An electrical transmission tower used to support high voltage (110-kV and above) overhead electrical transmission lines.

Equipment cabinet. A cabinet, enclosure, pedestal, or other similar fixture that is used in association with a WTF to house or contain accessory equipment necessary for the transmission or reception of wireless communication signals. Also referred to as “equipment enclosure.”

Equipment compound. A fenced area surrounding equipment shelters, equipment cabinets, storage sheds, and other ground-mounted wireless transmission equipment, and, if applicable, the framework (or base) of a wireless tower or stealth tower.

Equipment shelter. A small building, shed or similar structure that that is used in association with a WTF to shelter, store or house equipment cabinets and accessory equipment necessary for the transmission or reception of wireless communication signals.

FCC. The Federal Communications Commission.

Flush-mounted. The attachment of an antenna, equipment cabinet or other accessory equipment to the exterior (side) of an antenna support structure or alternative support structure (e.g., building, utility pole, or light structure) in a manner such that there is no visual separation between the support structure and wireless transmission equipment at the

EXHIBIT A

point of attachment or such that the wireless transmission equipment remains in close proximity, abreast and generally parallel to the exterior surface of the support structure, as applicable. Where a maximum distance related to such mounting is given, such distance shall be measured from the existing appurtenant edge of the antenna support structure or alternative support structure to the outside edge of the antenna or accessory equipment, as applicable. Unless otherwise prescribed, where no distance related to the flush-mounting of accessory equipment is given or where flush-mounting is required to be provided such that there is no visual horizontal separation, the accessory equipment or antenna, as applicable, shall appear to a casual observer to be in direct contact with the exterior surface of the support structure. When an antenna housed within an antenna concealment enclosure is expressly allowed to be flush-mounted to the top of a utility pole, light standard, or similar structure, there shall be no vertical separation between the utility pole and antenna concealment enclosure at the point of attachment, and the circumference of the antenna concealment enclosure shall be consistent with the subject structure's circumference at the point of attachment.

Geographic Search Area (GSA). A geographic area designated by a wireless carrier as the area within which to locate a new wireless telecommunications facility, produced in accordance with generally accepted principles of wireless telecommunications or radiofrequency engineering.

Modification or modify. The improvement, upgrade, expansion, or replacement of existing wireless telecommunications facilities, including the installation or replacement of wireless transmission equipment associated with an existing wireless telecommunications facility.

Monopole. A cylindrical, self-supporting (i.e., not supported by guy wires) wireless tower constructed of a single spire.

OTARD antennas. Antennas covered by the "Over-the-Air Reception Devices" rule in 47 C.F.R. § 1.4000 et seq. as may be amended or replaced from time to time.

Propagation Study. A computer simulated model of how a wireless telecommunications facility should perform as part of a network or system. It gives an idea of the service coverage, dead-spots and performance of a proposed wireless telecommunications facility for planning purposes, as well as existing facilities for diagnostic and planning purposes.

Public Right-of-Way. A strip of land over which the City or the State has designated a right of use as a street, road, public thoroughfare or sidewalk for vehicular and/or pedestrian traffic.

EXHIBIT A

Radiofrequency Engineer. An engineer with specialized training and/or experience in (i) the analysis and development of wireless telecommunications facilities and networks and (ii) electrical or microwave engineering, especially the study of radiofrequencies.

Radome. A visually-opaque, radio frequency transparent enclosure which may contain one or more antennas, cables, and related accessory equipment therein.

Repeater. A low power, mobile radio service wireless telecommunication facility used to extend service coverage of cell areas to areas not covered by the originating facility.

Residential. Pertaining to the use of land, means premises such as homes, townhomes, patio homes, duplexes, condominiums and apartment complexes, which contain habitable rooms for occupancy as a residence and which are designed primarily for living, sleeping, cooking, and eating therein.

Scenic View. A wide angle or panoramic field of sight or open space vista that may include natural and/or manmade structures and activities. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or path. A scenic view may be to a far-away object, such as a mountain, or a nearby object, or as part of an open space vista.

Screening or [to] screen. The use of design, existing buildings and structures, existing and proposed vegetation, foliage, and landscaping, existing and proposed man-made or natural site features, and color to obscure a wireless telecommunications facility.

Siting or [to] site. The method and form of placement of a wireless telecommunications facility on a specific area of a property.

Small Cell Facility. A miniaturized, low power mobile radio service wireless telecommunication facility used to provide targeted capacity or service coverage. Small cell facilities are often employed to provide increased capacity in high call-demand areas or to improve service coverage to weak areas. Small cell facilities can consist of one or more radio transceivers, antennas, coaxial cable, power supply, and other associated electronics. Often, this type of wireless telecommunication facility will have all of the components, except for the coaxial cables and antennas, gathered in a self-contained protective housing, or attached separately to a support structure or alternative support structure. Small cell facilities are generally made up of an equipment enclosure and antenna, and are often attached to an existing structure.

Stealth Tower. A freestanding antenna support structure, together with attached wireless transmission equipment, designed with camouflaging methods that render the wireless

EXHIBIT A

telecommunications facility more visually appealing and compatible with the surrounding area and blend the wireless telecommunications facility into an existing visual backdrop. Through the use of structural designs and other camouflaging techniques that are compatible with the natural setting and surrounding structures, stealth towers, such as monopines (or other man-made trees) and unipoles (or slick sticks), are designed to blend into an existing visual backdrop and render the wireless telecommunications facility more visually appealing so as to make the facility less recognizable to the casual observer and reduce or mitigate the facility's potential adverse visual impacts on the surrounding area.

Structure, Historic. A building or structure which has been formally designated as a historic property, building or structure as designated by the Georgia Historic Preservation Division of the Department of Natural Resources, the United States Department of the Interior, or the City Council, or which has sufficient historic merit so as to be listed as a contributing historic building on the City's Historic Resources Inventory.

Support Structure. Any structure on which one or more antennas may be mounted. The term 'support structure' is inclusive of 'alternative support structure' and 'antenna support structure'.

Support Structure, Alternative. An existing structure that is not primarily constructed or designed for the purpose of supporting antennas, but on which one or more antennas may be mounted. Alternative support structures include, but are not limited to, buildings (which may serve as alternative support structures for roof-mounted WTF's, building-mounted WTF's, and building-concealed WTF's), utility poles, light structures, and electrical transmission towers. Alternative support structures have a primary, obvious function other than that of a WTF, and may be concealed or non-concealed.

Support Structure, Antenna. A structure constructed and designed to support antenna(s), antenna array(s), and certain accessory equipment for the primary purpose of accommodating antennas at a desired height, such as a wireless tower, stealth tower or concealed freestanding support structure.

Support Structure, Concealed Freestanding. A clock tower, campanile, free standing steeple, or other similarly designed freestanding support structure that conceals antennas as an architectural feature, or an alternatively designed freestanding antenna support structure that mimics or also serves as a common site feature, such as a flagpole or light structure, and in which the antenna, and the accessory equipment, are completely hidden from view. Concealed freestanding support structures designed as flagpoles or light standards are referred to herein as "faux flagpoles" or "faux light standards", respectively. Concealed freestanding support structures are designed to be aesthetically compatible with existing uses, building(s), and site features located on the site and nearby properties, such that they

EXHIBIT A

are not identifiable or recognizable to the casual observer as a wireless telecommunication facility in order to substantially reduce the facility's potential adverse visual impacts on the surrounding areas. Antenna support structures utilizing concealment elements but which are obviously not such a natural, architectural or site feature so as to render it unidentifiable or unrecognizable as a WTF to the casual observer, such as monopines, slick sticks and other stealth towers, are not 'concealed freestanding support structures.'

Tower, Guy. A wireless tower supported, in whole or in part, by guy wires and ground anchors.

Tower, Lattice. A guyed or self-supporting open frame wireless tower that has three (3) or four (4) sides.

Unipole. A uniformly tapered pole with one or more antennas and associated equipment and cables contained within the interior of the pole, and with a radome located at the top of the pole being the same width as the pole at the point of attachment.

Utility Pole. An existing pole or structure owned or operated and in active use by a public utility, electric membership corporation or electric cooperative that is specifically designed and used to carry lines, cables, or wires for electricity, telephone, or cable television. A "utility pole" does not include street light or light structures, light poles, lamp posts, and other structures primarily designed and used to provide lighting. "Utility pole" includes electrical transmission structures or poles used to support lower voltage overhead electrical transmission lines, but does not include "electrical transmission towers."

Wireless Carrier or Carrier. An entity that provides 'personal wireless services' as defined in 47 U.S.C. §332.

Wireless Communications Services. Wireless radio, data and/or telecommunications services, including cellular, telephone, television, microwave, analog, and digital services, 'personal wireless services' as defined in 47 U.S.C. §332, personal communication services, wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies, wireless utility monitoring and control services, and any other FCC licensed or authorized communications service transmitted over frequencies in the electromagnetic spectrum.

Wireless Telecommunications Facility or WTF. Any facility designed or intended to be used for transmitting or receiving electromagnetic waves, radio or other wireless signals or to otherwise provide wireless communications services, and usually consisting of wireless transmission equipment, including antenna(s) and accessory equipment, mounted to or supported by a wireless tower, antenna support structure, or alternative support structure.

EXHIBIT A

The following nonexclusive list shall be considered a wireless telecommunications facility: new, existing, and replacement wireless towers or other antenna support structures, wireless transmission equipment collocated on existing wireless towers or support structures, and attached wireless telecommunications facilities.

Wireless Tower. A freestanding antenna support structure that is designed and constructed for the sole or primary purpose of supporting one or more antennas, antenna array(s), and other wireless transmission equipment, including non-concealed wireless towers, such as lattice towers, guy towers and monopoles, and stealth towers. The term includes, without limitation, tower structures that are constructed to provide wireless communications services, radio and television transmission towers, microwave towers, common carrier towers, cellular (cell) and digital telephone towers and the like.

Wireless Transmission Equipment. The set of equipment and network components, including antennas, antenna arrays, transmitters, receivers, base stations, power supplies, antenna attachment devices, mounts, cabling, equipment cabinets, other accessory equipment, and equipment shelters, used in connection with a support structure or antenna to provide wireless communication services, but exclusive of the underlying wireless tower, antenna support structure or alternative support structure.

B. CONSTRUCTION OF CERTAIN WORDS AND PHRASES.

For the purposes of this Section 2.8, the following rules shall govern the construction of the respective words and phrases used herein:

1. Measurement of Height. Unless otherwise expressly provided in this Section 2.8, height shall be measured as follows:
 - a. Antenna Support Structure: The height of an antenna support structure (i.e., wireless tower, stealth tower or concealed freestanding support structure) shall be measured as the vertical distance from the average finished grade adjacent to the perimeter of the base of antenna support structure to the highest point of the antenna support structure, including any antenna or other wireless transmission equipment mounted thereto.
 - b. Alternative Support Structure: The height of an alternative support structure other than a building (i.e., utility pole, light structure or electrical transmission tower) shall be measured as the vertical distance from the adjacent finished grade to the highest point of the alternative support structure, including any antenna or other wireless transmission equipment mounted thereto.
 - c. Building: The height of a building shall be measured in the same manner as provided for “Building Height” in Section 1.4.2 of the UDC.
 - d. Roof-Mounted Wireless Telecommunications Facility: The height of a roof-mounted WTF shall be measured as the vertical distance from the existing roof surface of the

EXHIBIT A

- building (at the location where the antenna attachment device or mount is affixed) to the highest point of the roof-mounted wireless telecommunications facility, including any antenna positioned for operation. The height of accessory equipment, new architectural features, concealment enclosures or other approved screening features installed on the roof in association with the WTF shall be measured as the vertical distance from the existing roof surface of the building (at or below the location where such accessory equipment or screening features are affixed) to the highest point of such equipment or screening feature.
- e. Ground-Mounted Equipment Cabinets: The height of a ground-mounted equipment cabinet shall be measured as the vertical distance from the adjacent finished grade to the highest point of the equipment cabinet or related concealment enclosure.
2. Measurement of Volume. Volume is a measure of the exterior displacement, not the interior volume of the enclosures. The measurements used to calculate the volume of an imaginary enclosure shall be based on the dimensions of rectangular cubes within which the antenna and its mount fit.
3. Visibility. Unless otherwise expressly provided in this Section 2.8, the visibility of a wireless telecommunications facility or wireless transmission equipment is based on the viewpoint of a casual observer, who is a person of ordinary sensibilities and intelligence, at ground level from the locations specified within this Section. A wireless telecommunications facility (or wireless transmission equipment) is “visible” when its location or the manner in which it is sited is such that it is likely to be seen by a casual observer or its size, height, shape, color or material contrasts with other objects or features in the surrounding setting such that it is likely to be seen by a casual observer. A wireless telecommunications facility (or wireless transmission equipment) is “plainly visible” when same stands out as an obvious or noticeable feature within its setting. A wireless telecommunications facility is “identifiable” when it is likely to be seen and recognized by a casual observer as a wireless telecommunications facility or something other than the structure or feature that it is designed to mimic.
4. Adjacent Property. An “adjacent property” shall refer to other properties that are contiguous to the subject property or which are only separated from the subject property by right-of-way.
5. DAS and Small Cell Facilities. References to DAS, small cell facilities or small wireless technologies, or to antennas, repeaters, equipment cabinets/pedestals, and other accessory equipment associated therewith, are intended to refer to wireless telecommunications facilities or wireless transmission equipment that are physically much smaller and less visible and can be placed at much lower elevations than macrocell

EXHIBIT A

antennas and accessory equipment, such that they can be more easily deployed with concealment enclosures and other concealment elements that blend with the non-tower support structure on or within which they are installed. The use of the terms “DAS”, “small cell facility”, or “small wireless technologies” herein is for the purpose of generally describing in prevailing industry terminology the type of wireless transmission equipment (in terms of its size, scale, design and feasibility for location on alternative support structures or concealed freestanding support structures) that is allowed for the subject type of wireless telecommunications facility. Such terms are used for the purpose of regulating the design standards of wireless telecommunications facilities in order to limit the aesthetic impact of such facilities. The use of such terms is not intended to regulate the technological or operational aspects of wireless transmission equipment.

2.8.4 PERMITS AND APPLICATIONS

A. WIRELESS TELECOMMUNICATIONS FACILITY PERMIT REQUIRED

No wireless telecommunications facility shall be installed, placed, sited, located, collocated or modified without the issuance of a permit from the City in accordance with the provisions hereof, subject to certain exemptions set forth herein (a permit to install, place, site, locate, collocate or modify a wireless telecommunications facility, whether an administrative permit or a conditional use permit, is also referred to herein as a “WTF permit”). A WTF permit shall be required for each wireless telecommunications facility installation site. The complete removal of a wireless telecommunications facility shall not require a permit under this Section; however, removal must be performed in strict compliance with this Section and other applicable law.

1. Administrative Permits.

Applications requesting administrative approval to install, place, site, locate, collocate or modify a wireless telecommunications facility shall be subject to the approval of the Director or his/her designee, as further set forth herein. Subject to compliance with the regulations provided herein, the following types of wireless telecommunications facilities are authorized by administrative permit:

- a. Concealed Attached Wireless Telecommunications Facilities;
 - (i) Concealed Roof-Mounted WTF's;
 - (ii) Concealed Building-Mounted WTF's;
 - (iii) Building-Concealed WTF's;
 - (iv) Concealed Attached WTF's Mounted to Utility Poles; and
 - (v) Concealed Attached WTF's Mounted to Light Structures;
- b. Attached WTF's Mounted to Electrical Transmission Towers; and
- c. Concealed Freestanding Support Structures.

EXHIBIT A

2. Conditional Use Permits.

Unless authorized by administrative permit or expressly exempted from the WTF permit requirement, all other applications to install, place, site, locate, collocate or modify a wireless telecommunications facility shall be subject to the approval of a conditional use permit by the City Council, as further set forth herein.

B. PRE-APPLICATION REVIEW

Prior to the submission of an application for a WTF permit, a person seeking to install or locate a new wireless telecommunications facility shall have a pre-application meeting with the Director, or his/her designee, to review preliminary documents and graphic exhibits of the proposed WTF and discuss the application, location and design requirements for the proposed WTF. The primary purposes of the review are to streamline applications and reduce site plan and design revisions, as well as the multiple reviews associated therewith.

C. APPLICATION FOR WIRELESS TELECOMMUNICATIONS FACILITY PERMIT

Any person desiring to obtain a permit to install, place, site, locate, collocate or modify a wireless telecommunications facility shall make application to the Community Development Department. All applications for a WTF permit shall be reviewed by the Community Development Department. The submittal of an application for a WTF permit does not authorize the installation, location, collocation, modification or operation of the wireless telecommunication facility.

D. APPLICATION CONTENTS

An application to install, site, locate, collocate or modify a wireless communication facility shall be made on a form(s) prepared by the Community Development Department. The Community Development Director is authorized to prepare application forms, and may develop application forms that distinguish between different types of wireless telecommunications facilities, installations, collocations and modifications in order to streamline the processing of certain applications and to comply with legal requirements. An applicant for a wireless telecommunications facility permit (or such other approvals required herein) shall include such information and documents required by the subject application form, which shall generally include, but not be limited to, the information the City Council requires for a planning and zoning decision, as well as the following:

1. Project Description: A written project description for the proposed wireless telecommunications facility that includes, but is not limited to, a general description of the existing land use setting, existing site features, the type of WTF proposed, visibility from public rights-of-way and properties with 'For-Sale' dwelling uses, concealment

EXHIBIT A

elements and other design features, on and off-site access, landscaping, and other components of the facility; the project description shall also provide the additional authorizations required for the installation, collocation or modification, and describe the steps that applicant has taken to comply with this Section;

2. **Written Narrative:** A written and technically accurate and reliable narrative that explains the nature of the permit sought (new installation, collocation, or modification of an existing WTF) and that further states whether the applicant believes (and the basis therefor) that the WTF is subject to: (a) the provisions of 47 U.S.C. section 332(c)(7), and if so, who the entity is that will be providing personal wireless services; (b) O.C.G.A. § 36-66B-1, *et seq.* (the BILD Act), and if so, why its proposal fits each and every criteria set forth therein; and/or (c) 47 U.S.C. § 1455(a), and if so, why its proposal fits each and every criteria for a Section 6409(a) modification set forth in Section 2.8.9 hereof;
3. **Property Owner Authorization:** A letter of authorization from the property owner(s), including, to the extent allowed by law, the owner of any existing support structure for any proposed attached WTF or collocation, that demonstrates knowledge and acceptance of the applicant's proposed wireless telecommunications facility and use on the subject property;
4. **WTF Owner/Operator and Wireless Provider/Carrier:** The name of the respective parties that will own, operate and be responsible for the maintenance of the proposed WTF and the name of the wireless provider and/or carrier that such WTF will serve;
5. **Photo Simulations and Visual Impact Analysis:** (a) Photo simulations of the WTF, which show the proposed facility from at least four (4) directions within the surrounding area and depict the visibility of WTF from public right-of-way and other properties zoned or used for 'For-Sale' dwelling use (the photo simulations shall include "before" and "after" renderings of the site, its surroundings, the proposed WTF and antennas at maximum height, and any other structures, vegetation, or topography that will conceal or screen the proposed WTF from visibility), (b) detailed drawings or renderings of the proposed WTF, which further provide the manner in which the proposed facility will be enclosed, camouflaged, screened, and/or obscured to meet the visibility requirements set forth herein, and (c) such other visual information, as necessary, to determine the visual impact of the proposed wireless telecommunications facility on the existing setting or to determine compliance with design standards established herein;
6. **Site Plan and Design Specifications.** Written explanation, drawings and scaled site plan providing the following:
 - a. Description of the WTF's components and design (including dimensions, colors, and materials), including accessory equipment, equipment cabinets, and the number, direction, and type of antennas;
 - b. The location and dimensions of the entire site area and the exact location of the support structure, ground-mounted wireless transmission equipment and equipment

EXHIBIT A

- compound (if applicable) with proposed setbacks, buffers, access road improvements, and any proposed landscaping or other development or site features;
- c. Front, side, and rear elevation plans showing the proposed WTF, including the support structure, antennas, accessory equipment, and all ground-mounted wireless transmission equipment;
 - d. Manufacturer specifications, schematics, renderings, and illustrations of the proposed design of the WTF, including, but not limited to, samples of colors and materials of any proposed concealment elements; and
 - e. Land uses and zoning designations or adjacent properties;
- 7. Certification from a professional civil and/or structural engineer (licensed in the State of Georgia) that the proposed antenna attachment device, antenna support structure and/or alternative support structure meet the applicable design standards for wind loads and have structural integrity to accommodate the proposed use;
 - 8. Such additional information necessary for review to confirm compliance with the design requirements set forth herein, as reasonably determined and requested by the Director; and
 - 9. Payment of the application and review fee as established from time to time by resolution of the City Council or, to the extent authorized, by the Director.

E. APPEALS.

Notwithstanding any other provision of the UDC or City Code to the contrary, appeals of administrative decisions or determinations of the Director regarding wireless telecommunications facilities, including denials of WTF permits and alleged errors in the enforcement or interpretation of the meaning of the provisions of this Section 2.8, shall not be taken to or heard by the Board of Appeals. The appeal of a written administrative decision of the Director, including the denial of a WTF permit, may be appealed to the City Council. Any such appeal must be filed with the Director within fifteen (15) days of the date of the written decision being appealed. Failure to timely file such appeal shall render the decision as a final decision. The decision of the City Council in regard to a timely-filed appeal, as well as all other decisions of the City Council pursuant to this Section 2.8, shall be final. The provisions of this Paragraph shall not apply to any request to locate a wireless telecommunications facility within or upon public right-of-way in the City or any decision related thereto.

2.8.5 GENERAL REGULATIONS APPLICABLE TO WIRELESS TELECOMMUNICATIONS FACILITIES

The regulations set forth in this Subsection apply to all wireless telecommunications facilities; provided, however, to the extent additional, conflicting or more detailed requirements are provided for specific types of wireless telecommunication facility in other subsections of this Section 2.8, such specific requirements and design standards shall govern.

EXHIBIT A

- A. The wireless telecommunications facility shall comply with all applicable federal, state and local laws, statutes, regulations rules and ordinances, including, but not limited to, building and safety codes. Wireless telecommunications facilities which have become unsafe or dilapidated shall be repaired or removed pursuant to applicable state and local statutes and ordinances.
- B. Wireless telecommunications facilities shall not be artificially lighted except as follows:
 - 1. When required by the FCC or Federal Aviation Administration (FAA);
 - 2. Where such lighting currently exists on an alternative support structure, such as a light structure or utility pole;
 - 3. Where such lighting is required to assure human safety or protect the public health, safety or welfare as required or approved by the Director of Community Development or City Council, as applicable; or
 - 4. Where such lighting is approved as part of the design for a concealed attached WTF or concealed freestanding support structure, such as a faux light structure.
- C. Wireless telecommunications facilities shall be designed and constructed to ensure that the structural failure or collapse of the antenna support structure or antenna attachment device will not create a safety hazard to adjoining properties, according to applicable Federal regulations and standards which may be amended from time to time.
- D. Wireless telecommunications facilities shall not contain any signs for the purpose of commercial advertising; provided however, signs necessary to identify site identification or ASR (antenna structure registration) number, the owner, the party responsible for the operation and maintenance (including address and telephone number), to warn of danger, and to comply with applicable federal regulations are permitted. Such signage shall be limited to the smallest face area possible to be visible and legible at ground level.
- E. A wireless telecommunications facility, including any antenna or antenna array, that ceases operation for a period of twelve (12) consecutive months shall be determined to have been abandoned and shall be removed within ninety (90) days of such abandonment at the property owner's expense. It shall be the duty of both the property owner and the owner of the wireless telecommunications facility to notify the City in writing of any intent to abandon the use of the facility.
- F. A wireless telecommunications facility, including the antenna support structure, alternative support structure, and/or antenna attachment device, shall meet the applicable design standards for wind loads and have sufficient structural integrity to accommodate the proposed use, as certified by a professional engineer (licensed in the State of Georgia).

EXHIBIT A

- G. Wireless telecommunications facilities shall not be located in a 100-year flood plain or delineated wetlands. Notwithstanding the foregoing, a wireless telecommunications facility may be located in the 100-year floodplain if all accessory equipment can be located above the 100-year flood level, subject to such wireless telecommunications facility's compliance with any and all other City ordinances, regulations and/or rules related to floodplain management, flood damage prevention, and flood hazard reduction.

2.8.6 REGULATIONS FOR WIRELESS TELECOMMUNICATIONS FACILITIES AUTHORIZED BY ADMINISTRATIVE PERMIT

The guidelines, standards and regulations set forth in this Subsection regulate the location, siting, and design of wireless telecommunications facilities authorized by administrative permit. This Subsection shall not apply to any request to locate a wireless telecommunications facility within or upon public right-of-way in the City, including, but not limited to, any request to install, place, site, or locate an attached wireless telecommunications facility on any electrical transmission tower, utility pole or light structure located within or upon any public right-of-way in the City.

A. GENERAL GUIDELINES AND CONSIDERATIONS FOR WTF's AUTHORIZED BY ADMINISTRATIVE PERMIT.

1. Compatibility with the Existing Setting; Aesthetics; Visibility. To ensure the compatibility with surrounding properties and to protect the aesthetics and character of the City, particularly districts and properties zoned or used for 'For-Sale' dwelling uses, the Downtown Overlay, corridors of influence, and public places, all wireless telecommunications facilities subject to administrative approval shall be located, sited and designed so as to be compatible with the existing setting, to minimize the aesthetic and visual impact on surrounding properties, and to maintain the character and appearance of the subject area of the City, as further provided below.
 - a. Location and Siting: WTF's shall be located in areas where existing topography, vegetation, buildings, structures or other site features are available to screen, obscure and/or camouflage the proposed facility, and sited in a manner that utilizes such existing features to effectively screen, hide, and/or camouflage the proposed WTF. WTF's shall be located, sited and otherwise configured in a manner that minimizes adverse effects to the existing landscape and character of the subject area, with specific considerations given to the land uses, architectural design of buildings, and quality of development existing on or planned for the subject and surrounding properties.
 - b. Design: WTF's shall be designed (in terms of size, scale, height, shape, style, color, texture, and materials) to blend in with the existing topography, vegetation, buildings, and structures on the project site as well as its existing setting. WTF's shall

EXHIBIT A

employ a design that is in harmony with the surrounding area in terms of size, mass, visual and physical impact, and that minimizes adverse aesthetic effects to surrounding properties, with specific design considerations as to the height, scale, color, texture, and architectural design of existing buildings, structures and other features located on the subject lot and surrounding properties. Further, the design of a WTF in terms of its size and scale shall give consideration to the required screening of the WTF, including whether the size and scale of concealment enclosures or installed screening elements would create a greater visual impact than the WTF itself or otherwise not meet applicable screening, concealment or visibility standards. The colors and materials of a WTF shall blend into the predominant visual backdrop or the structure on which it is located and be compatible with existing screening features and/or proposed screening elements.

- c. Screening: WTF's shall be screened through the use of existing buildings and structures, existing and proposed vegetation/landscaping, and/or installed site features. Proposed site features shall comply with any and all other applicable provisions or requirements set forth in the UDC governing the location and design of the subject site feature. Proposed vegetation/landscaping must be approved by the City Arborist.
2. Concealment Design Requirements. Except as otherwise expressly provided herein, all wireless telecommunications facilities authorized by administrative permit shall be designed as a concealed WTF. Certain types of attached WTF's may only require partial concealment, such that the applicable design standards and requirements require that certain components of the WTF be fully concealed, such as antenna(s) or certain accessory equipment, while other components of the WTF are required to comply with a less restrictive standard or requirement, provided the overall design of the WTF meets the subject standard of visibility. Subject to and in accordance with the design standards and requirements applicable to the attached WTF, partially-concealed antennas are allowed on certain utility poles and certain buildings, and non-concealed antennas are only allowed on certain electrical transmission towers.
3. General Location and Design Standards for Ground-Mounted Equipment Cabinets. Ground-mounted equipment cabinets shall be located in the rear or side yard or other areas of a property where existing topography, vegetation, buildings, structures or other site features are available to screen, hide, and/or camouflage the equipment cabinet(s). Except as otherwise expressly permitted or restricted pursuant to the specific design standards and requirements set forth in other Paragraphs of this Subsection 2.8.6 applicable to the subject type of WTF, ground-mounted equipment cabinets shall be hidden and/or screened from visibility from public rights-of-way and adjacent properties with a 'For-Sale' dwelling use in a manner that meets the prescribed standard of

EXHIBIT A

visibility applicable to the WTF. Ground-mounted equipment cabinets shall be screened through the use of existing buildings, structures or site features or existing or proposed vegetation or landscaping. When further required to provide sufficient screening, site features, such as fences, walls or other similar screening features, that are compatible with the design (in terms of size, scale, shape, color, texture, and materials) of other existing site features and the style of architecture on the subject property and surrounding properties may be installed. Proposed site features shall comply with any and all other applicable provisions and requirements set forth in the UDC governing the location and design of the subject site feature. Unless sufficiently screened through the use of the foregoing techniques, ground-mounted equipment cabinets shall be painted, colored and textured or located within concealment enclosures designed to blend into the predominant visual backdrop. When a ground-mounted equipment cabinet cannot be located in accordance with the foregoing standards, such equipment shall be located in a flush-to-grade underground vault enclosure with flush-to-grade vents, or vents that extend no more than twenty-four (24) inches above the finished grade, screened from view from public right-of-way. Where an equipment compound is permitted for the subject type of WTF pursuant to the applicable design standards and requirements further set forth in this Subsection 2.8.6, such equipment shall be enclosed by fencing not less than six (6) feet in height. Except where access to the equipment compound is provided, a minimum ten-foot (10') wide landscape strip planted to buffer standards, as set forth in Article II of this Code, shall be required on the exterior of all sides of the fence surrounding the equipment compound as a vegetative screen unless the City Arborist determines that existing plant materials are adequate or other existing site features fully screen the equipment from visibility. Such landscape strip shall be maintained in accordance with Section 3.2 of this Code. Fences shall comply with other applicable regulations of this Code not in conflict with this Section. Unless otherwise expressly provided herein, ground-mounted equipment cabinets and equipment compounds are subject to the setback requirements of the zoning district in which located. The foregoing standards and requirements regulating the location and design of ground-mounted equipment cabinets are intended to supplement the general guidelines and considerations set forth in the preceding subparagraphs of this Paragraph A, as well as the specific design standards and requirements set forth in other Paragraphs of this Subsection 2.8.6 governing the subject type of WTF.

4. Exemptions from Certain Design Requirements. When buffers are provided on the subject lot and the proposed WTF is located, sited and otherwise designed such that the WTF as proposed, and following a 6409(a) modification or as a result of future development on the subject lot, is not and would not be visible from any other lot or any public right-of-way within the City, an application for an administrative WTF permit shall be approved by the Director without requiring the WTF to fully comply with other design standards and requirements applicable to the subject type of WTF.

EXHIBIT A

B. STANDARDS FOR APPROVAL.

1. Administrative Approval. An application for wireless telecommunications facility authorized by administrative permit shall be approved by the Director whenever the Director determines that the proposed wireless telecommunication facility comports with applicable guidelines and fully complies with all regulations, standards and requirements applicable to the subject WTF. Compliance with the minimum requirements further set forth herein (i.e., requirements expressed in specific quantitative values, such as maximum height or antenna volume requirements) does not alone confer a right to issuance of an administrative permit; rather, a proposed wireless telecommunications facility must fully comply with all applicable regulations, standards and requirements, as determined by the Director after consideration of the guidelines, factors for consideration and criteria set forth in this Subsection 2.8.6.
2. Criteria for Evaluating Visual Compatibility and Compliance with Standard of Concealment/Visibility. The general guidelines and factors for consideration set forth in Paragraph A shall be considered by the Director when evaluating whether the proposed wireless telecommunications facility complies with the location, siting, and design standards and requirements applicable to the subject type of WTF. In addition to the aforementioned guidelines and factors for consideration, the following criteria shall be considered by the Director when evaluating and determining whether the proposed wireless telecommunications facility is visually or aesthetically compatible and whether the WTF meets the applicable standard of concealment or visibility:
 - a. Blending: Whether and the extent to which the proposed WTF blends into the surrounding environment, is architecturally compatible with existing buildings and structures, and is integrated into the predominant visual backdrop;
 - b. Screening: Whether and the extent to which the proposed WTF is concealed or screened by existing or proposed topography, vegetation, buildings or other structures, including architectural features or site features located or proposed to be located thereon;
 - c. Size and Height: Whether and the extent to which the size and height of the proposed WTF is compatible with surrounding buildings and structures; and
 - d. Location/Siting. Whether and the extent to which the proposed WTF is located and sited so as to utilize existing natural or manmade features in the vicinity of the WTF, including topography, vegetation, buildings, or other structures, to provide the greatest amount of visual screening and blending with the predominant visual backdrop.

C. CONCEALED ROOF-MOUNTED AND BUILDING-MOUNTED WIRELESS TELECOMMUNICATIONS FACILITIES

EXHIBIT A

The following regulations, standards and requirements govern the location, siting, and design of roof-mounted and building-mounted wireless telecommunications facilities.

1. Allowed Districts with Administrative Permit: L-I, C-2, C-1, O-I, O-P, PSC, SU, MU*, CUP*, R-10M* and AG*.

*The MU, CUP, R-10M and AG districts are subject to the following conditions:

- a. MU and CUP zoned properties. In the MU and CUP districts, concealed roof-mounted and building-mounted wireless telecommunications facilities may only be attached to an existing building or structure used (existing principal use) for an industrial, commercial, office or 'For-Rent' dwelling building (apartment) use.
 - b. R-10M zoned properties. In the R-10M district, concealed roof-mounted and building-mounted wireless telecommunications facilities may only be attached to an existing building or structure used (existing principal use) for a 'For-Rent' dwelling building (apartment) use.
 - c. AG zoned properties. In the AG district, concealed roof-mounted and building-mounted wireless telecommunications facilities may only be attached to an existing building or structure used (existing principal use) for a business, semi-public or institutional use.
2. Standards and Requirements Applicable to Concealed Roof-Mounted and Building-Mounted Wireless Telecommunications Facilities:
 - a. Setback. Concealed roof-mounted and building-mounted wireless telecommunications facilities are subject to the setback requirements of the zoning district in which located.
 - b. General Concealment Elements. The antennas and roof-mounted accessory equipment of concealed roof-mounted and building-mounted wireless telecommunications facilities shall be concealed, camouflaged, screened, and/or obscured by, within or behind existing or proposed architectural features or concealment enclosures in such a manner so as to not be identifiable as a wireless telecommunications facility or visible from public rights-of-way and adjacent properties with 'For-Sale' dwelling uses; provided, however, the antenna(s) of a concealed roof-mounted wireless telecommunications facility located on an existing building that is six (6) stories or seventy-two (72) feet in height, whichever is greater, shall be concealed, camouflaged, screened, and/or obscured by, within or behind existing or proposed architectural features or otherwise sited and designed in such a manner so as to not be readily identifiable as a wireless telecommunications facility or plainly visible from public rights-of-way and adjacent properties with 'For-Sale' dwelling uses. Wireless transmission equipment

EXHIBIT A

may be located within an existing cupola, steeple, or similar architectural treatment in order to screen same from visibility. If existing architectural features are not sufficient to screen the antenna(s) and accessory equipment of a roof-mounted WTF or the accessory equipment of a building-mounted WTF, a parapet wall, cupola, roof screen, or other similar architectural feature that matches the existing architecture of the building, as determined and approved by the Director, may be installed. Notwithstanding the foregoing, antennas for concealed building-mounted WTF's are required to be located within antenna concealment enclosures designed and camouflaged to blend in with the existing building as further set forth herein.

- c. **Accessory Equipment; Equipment Cabinets.** Accessory equipment, including equipment cabinets/enclosures, located on the roof of a building and not otherwise screened by existing or installed architectural features shall be located within concealment enclosures designed to architecturally match the facade, roof, wall or other architectural features of the building, blend in with the existing structural design, color and texture of the building, and, if necessary for compatibility with the existing architectural style of the building, be stepped back from the facade of the building in order to limit the WTF's impact on the building's silhouette. Any newly created architectural feature designed to screen or enclose accessory equipment located on the roof shall not exceed twelve (12) feet in height, as measured from the existing roof surface of the building. Equipment cabinets may also be located on the ground in accordance with the standards set forth in Subsection 2.8.6(A)(3). An equipment compound conforming with the requirements set forth in Subsection 2.8.6(A)(3) may only be sited in the rear or side yard of the lot in locations consistent with existing utility areas of the subject lot.
 - d. Roof-mounted and building-mounted WTF's, including newly created architectural structures or features designed to enclose or screen same, shall be compatible with the architectural style, color, texture, facade design, and materials of the building, and shall be proportional to the scale and size of the building. Antennas and accessory equipment mounted to the roof of the building shall not protrude beyond the exterior walls of the building.
 - e. Cables that are located on the side of the building shall be enclosed in conduit finished to match the materials and color of the building. Cables and conduit shall not be located on the façade of the building.
3. **Additional Design Standards and Requirements for Concealed Roof-Mounted Wireless Telecommunications Facilities.**

EXHIBIT A

- a. Type and Height of Antenna. No antenna, other than a whip antenna, or newly created architectural feature designed to screen same shall exceed twelve (12) feet in height. The antenna of a concealed roof-mounted wireless telecommunication facility shall not protrude above required screening and other architectural features so as to be visible, except as follows:
 - i. Whip antennas, provided that the whip antenna does not exceed fifteen (15) feet in height, no more than fifty percent (50%) of the whip antenna is visible, and the visible portion of such whip antenna is no greater than two (2) inches in diameter;
 - ii. Panel antenna(s) located on an existing building that is six (6) stories or seventy-two (72) feet in height, whichever is greater, which are not otherwise screened by existing or installed architectural features, provided that the antennas are designed, colored and textured to match the facade, roof, walls or other architectural features of the building in order to blend in with same or otherwise camouflaged, designed and sited to blend in with the predominant visual backdrop such that the antenna(s) conforms to the subject visibility standard; and
 - iii. Antennas located within antenna concealment enclosures designed or camouflaged in a manner such that the wireless telecommunications facility conforms to the subject visibility standard.
 - b. The antenna(s) of a concealed roof-mounted WTF's may only be mounted to an existing pitched, gabled or mansard roof if such a mount operates to completely screen the roof-mounted WTF from visibility from the public right-of-way and adjacent properties.
4. Additional Design Standards and Requirements for Concealed Building-Mounted Wireless Telecommunications Facilities:
- a. Type and Height of Antenna. Only antennas enclosed within an antenna concealment enclosure shall be authorized for a concealed building-mounted wireless telecommunication facility. Antennas and their concealment enclosures shall be flush-mounted to the building (with no visual horizontal separation) and shall not extend or project more than eighteen (18) inches outside of the building's silhouette unless architectural features camouflage, screen or obscure same. Antenna concealment enclosures shall be compatible with the architectural style, color, texture, façade, and materials of the building, and appear as an integral part of the building. Antenna concealment enclosures shall not interrupt architectural lines of building facades, including the length and width of the portion of the

EXHIBIT A

façade on which mounted. Antennas and their concealment enclosures shall not extend vertically above the height of the building.

D. BUILDING-CONCEALED WIRELESS TELECOMMUNICATIONS FACILITIES

The following regulations, standards and requirements govern the location, siting and design of building-concealed wireless telecommunications facilities:

1. Allowed Districts with Administrative Permit: L-I, O-I, O-P, C-2, C-1, MU*, CUP*, PSC, SU, R-10M* and AG*.

*The MU, CUP, R-10M and AG districts are subject to the following conditions:

- a. MU and CUP zoned properties. In the MU and CUP districts, building-concealed wireless telecommunications facilities may only be attached to an existing building or structure zoned and used (existing principal use) for an industrial, commercial, office, or 'For-Rent' dwelling building (apartment) use.
 - b. R-10M zoned properties. In the R-10M district, building-concealed wireless telecommunications facilities may only be attached to an existing building or structure used (existing principal use) for a 'For-Rent' dwelling building (apartment) use.
 - c. AG zoned properties. In the AG district, building-concealed wireless telecommunications facilities may only be attached to an existing building or structure used (existing principal use) for a business, semi-public or institutional use.
2. Standards and Requirements Applicable to Building-Concealed Attached Wireless Telecommunications Facilities:
 - a. Existing Building. Building-concealed wireless telecommunications facilities may only be located on existing buildings containing steeples, church spires, clock towers, bell towers or cupolas.
 - b. Maximum Height. The height of a building-concealed wireless telecommunications facility shall not exceed the height of the existing architectural feature (e.g., steeple, church spire, clock tower, bell tower or cupola) that it is designed to replace by more than twenty-five percent (25%); provided, however, the height of a building-concealed WTF designed as a cupola may exceed the height of the existing cupola that it is designed to replace by up to four (4) feet when the subject building is at least three (3) stories or forty (40) feet in height, whichever is greater. Height of the existing architectural feature shall be measured from the location where the roof surface of the building and base of the existing

EXHIBIT A

architectural feature meet to the highest point of the existing architectural feature. Height of the building-concealed WTF is measured from the location where the roof surface of the building and base of the existing or new (replacement) architectural feature meet to the highest point of the new architectural feature in which the antenna is concealed.

- c. Setback. Building-concealed wireless telecommunications facilities are subject to the setback requirements of the zoning districts in which located.
- d. Design Standards and Concealment Elements.
 - (i) A building-concealed WTF, including antenna(s) and accessory equipment, shall be fully enclosed by a new (replacement) architectural feature installed to replace an existing architectural feature of like kind; provided, the following exceptions shall be permitted:
 - (a) Equipment cabinets may be located on the ground in accordance with the standards set forth in Subsection 2.8.6(A)(3). An equipment compound conforming with the requirements set forth in Subsection 2.8.6(A)(3) may be sited in the rear or side yard of the lot in locations consistent with existing utility areas of the subject lot; and
 - (b) Cables may be enclosed in conduit and located on the sides of the architectural feature in which the building-concealed WTF is enclosed and/or the building to which the building-concealed WTF is attached, provided conduit shall be finished to match the materials, texture, and color of the architectural feature and building, as applicable. Cables and conduit shall not be located on the front/façade of the building or architectural feature.
 - (ii) A building-concealed WTF shall be designed as a replacement of an existing architectural feature of a building in such a manner so as to not be identifiable as a WTF by a casual observer. The design of the building-concealed WTF shall be compatible with the architectural style, color, texture, façade, design, and materials of the existing (original) architectural feature and building on which it is located.
 - (iii) The width of a building-concealed WTF shall not increase the width of the existing building, or create building features that protrude beyond the exterior walls of the building.
 - (iv) A building-concealed WTF shall not increase the habitable floor area of the building on which it is located.

E. CONCEALED ATTACHED WTF'S MOUNTED TO UTILITY POLES OR LIGHT STRUCTURES.

EXHIBIT A

The following regulations, standards and requirements govern the location, siting, and design of concealed attached WTF's mounted to existing utility poles or light structures:

1. Allowed Districts with Administrative Permit: L-I, O-I, O-P, C-2, C-1, MU, PSC, and SU.
2. Standards and Requirements Applicable to Concealed Attached WTF's Mounted to Utility Poles or Light Structures.
 - a. Allowed Utility Poles. Attached WTF's may only be attached to existing utility poles supporting aerial (overhead) telephone and electric distribution lines that are at least thirty (30) feet in height.
 - b. Allowed Light Structures. Attached WTF's may only be attached to freestanding light structures that are at least twenty-five (25) feet in height.
 - c. Prohibited Structures. Attached WTF's are not permitted to be attached to the following types of light fixtures:
 - a. Antique or decorative light fixtures or lampposts;
 - b. Post-top lights (post top luminary fixtures); and
 - c. Traffic control devices, including, but not limited to, traffic signal poles or supports.Further, compliance with the requirements and standards set forth in this Subsection shall not authorize or permit the location of a wireless telecommunications facility within or upon public right-of-way in the City (See, Section 2.8.10), or upon any property or light structure owned by the City.
 - d. Minimum Height Location of Antennas. Antenna(s) shall be mounted on the alternative support structure at a height of fifteen (15) feet or more above grade. Pole-mounted equipment cabinets/enclosures shall be mounted on the on the alternative support structure at a height of ten (10) feet or more above grade.
 - e. Wireless Transmission Equipment. Only antennas, repeaters, equipment cabinets or pedestals, and other accessory equipment associated with DAS or small cell facilities may be installed in association with the attached WTF, subject to compliance with other design requirements set forth herein.
 - f. Cables. Cables shall be enclosed in conduit flush mounted to the utility pole or light structure. Conduit shall be finished to match the materials, texture, and color

EXHIBIT A

of the subject utility pole or light structure and positioned on the utility pole or light structure so as to be screened from view from public rights-of-way.

3. Additional Design Standards and Requirements for Attached WTF's Mounted to Utility Poles.

- a. General Concealment Elements. The size, shape and orientation of antenna(s) and accessory equipment mounted to a utility pole shall be consistent with the size, shape and orientation of existing utility equipment installed on the subject utility pole and other utility poles in the nearby area. Such antenna(s) and accessory equipment shall be painted, textured, and designed in a manner consistent with the utility pole's style, color, texture and materials and otherwise camouflaged and designed to blend in with the existing utility pole such that the attached WTF is no more readily apparent or plainly visible from public rights-of-way or adjacent property with a 'For-Sale' dwelling use than the existing utility equipment located on the utility pole. Further, if the utility pole is visible (at ground level) from any property with a 'for-sale' dwelling use, antennas shall be concealed or screened by means of canisters, radomes, shrouds or other similar concealment enclosures, which shall be flush-mounted to the utility pole and painted, textured, and designed in a manner consistent with the utility pole's style, color, texture and materials and otherwise camouflaged and designed to blend in with the existing utility pole.
- b. Type of Antennas; Maximum Number. No type of antenna other than a panel antenna, whip antenna, or antenna enclosed within a canister, radome, shroud or other similar antenna concealment enclosure may be mounted to a utility pole. No more than (a) one (1) whip antenna and (b) three (3) panel antennas or three (3) antenna concealment enclosures (mounted on the side of the pole) may be attached to a utility pole. Alternatively, no more than one (1) canister, radome, shroud or other similar antenna concealment enclosure may be mounted at the top of the utility pole, as set forth below.
- c. Mounting of Antennas. Antennas shall be flush-mounted. A panel antenna, together with its mount, shall not extend horizontally from the utility pole more than the width of existing pole-mounted equipment (on the subject utility pole) with the same orientation, or more than three (3) feet, whichever is less. Panel antennas shall not extend vertically above the height of the utility pole. When flush-mounted to the side of the utility pole, a whip antenna, together with its mount, may extend horizontally up to eighteen (18) inches from the utility pole, and the whip antenna, exclusive of its mounts, may extend vertically up to three (3) feet above the height of the utility pole. Alternatively, the base of a whip antenna

EXHIBIT A

may be flush-mounted (without vertical separation) to the top surface of the utility pole, but shall not extend vertically above the height of the utility pole by more than three (3) feet. For any canister, radome, shroud or other similar antenna concealment placed at the top of the pole, the base of such canister, radome, shroud or other similar antenna concealment enclosure shall be flush-mounted (without vertical separation) to the top surface of the utility pole and shall not extend vertically above the height of the utility pole by more than three (3) feet.

- d. **Maximum Size of Antennas.** A non-enclosed panel antenna shall be no larger than one (1) foot in width and two (2) feet in length. A whip antenna shall be no larger than two (2) inches in diameter and five (5) feet in length.
 - e. **Maximum Antenna Volume.** In addition to the foregoing size limitations, each antenna located on the utility pole shall either be (a) located within a canister, radome, shroud or other similar antenna concealment enclosure that is no more than three (3) cubic feet in volume, or (b) if the antenna is not enclosed within an antenna concealment enclosure, capable of fitting within an enclosure (i.e., an imaginary enclosure) that is no more than three (3) cubic feet in volume. The aggregate volume of actual concealment enclosures and/or imaginary enclosures of all antennas located on the utility pole, including any pre-existing antennas, shall not exceed six (6) cubic feet in volume.
 - f. **Accessory Equipment; Equipment Cabinets.** All pole-mounted accessory equipment, other than cables, conduit, and power meters and switches (and similar equipment installed by an electric utility) shall be located in equipment cabinets or other equipment enclosures. Pole-mounted equipment cabinets and enclosures shall be flush-mounted to the side of the utility pole. The dimensions of a pole-mounted equipment cabinet/enclosure shall be not exceed 30 inches in height (length), 24 inches in width, and 18 inches in depth. The volume of all pole-mounted and ground-mounted equipment cabinets and enclosures associated with wireless transmission equipment located on the utility pole, including pre-existing wireless transmission equipment located on the utility pole, shall not exceed seventeen (17) cubic feet.
4. **Additional Design Standards Requirements for Attached WTF's Mounted to Light Structures.**
- a. **General Concealment Elements.** Antenna(s) and pole-mounted accessory equipment of an attached WTF mounted to a light structure shall be designed, camouflaged, screened and obscured from view in order to render the attached

EXHIBIT A

WTF as visually inconspicuous as possible. Such antenna(s) and accessory equipment shall be painted, textured, and designed in a manner consistent with the light structure's style, color, texture and materials and otherwise camouflaged and designed to blend in with the existing light structure in order to render the attached WTF as visually inconspicuous as possible, such that it is not readily identifiable or plainly visible from public rights-of-way or adjacent property with a 'For-Sale' dwelling use. Antennas shall be concealed or screened by means of canisters, radomes, shrouds or other similar concealment enclosures, which shall be flush-mounted to the top of the light structure and painted, textured, and designed in a manner consistent with the light structure's style, color, texture and materials and otherwise camouflaged and designed to blend in with the existing light structure.

- b. Type of Antennas. Only panel antennas or antennas enclosed within a canister, radome, shroud or other similar antenna concealment enclosure may be mounted to a light structure. No more than (a) three (3) panel antennas or antenna concealment enclosures mounted to the side of a light structure or (b) one (1) antenna concealment enclosure vertically mounted to the top of a light structure shall be attached to a light structure. No light structure shall contain both types of antenna mounts.
- c. Mounting of Antennas. Panel antennas and antenna concealment enclosures mounted to the side of a light structure shall be flush-mounted with minimal visual horizontal separation and without extending vertically above the height of the light structure. Antenna attachment devices shall not extend horizontally from the light structure's pole more than the width of the pole at the location of attachment. Canisters, radomes, or similar antenna concealment enclosures that are vertically mounted shall be flush-mounted (without vertical separation) to the top of the pole and shall not extend vertically above the height of the light structure by more than three (3) feet. The canister, radome or similar antenna concealment enclosure shall be designed and camouflaged to appear as an integral part of the existing pole to which it is attached. If the diameter of an antenna concealment enclosure is greater than the diameter of the top end of the pole, the antenna concealment enclosure must be tapered in a manner consistent with the style of the subject pole. Antennas shall not be mounted to the mast arm or luminary of a light structure.
- d. Maximum Size of Antennas. The diameter of a canister, radome or similar antenna concealment enclosure that is mounted to the top of a pole shall not exceed the diameter of the existing pole at its mid-point. The depth and width of panel antennas and antenna concealment enclosures mounted to the side of a light structure shall not exceed the minimum width of the pole at the location of

EXHIBIT A

attachment by more than fifty percent (50%) and the length of such panel antennas and antenna concealment enclosures shall be no greater than two (2) feet.

- e. Accessory Equipment; Equipment Cabinets. Cable and conduit shall be located inside the pole and not attached to the exterior. All accessory equipment, other than antenna concealment enclosures, cables, conduit, and power meters and switches (and similar equipment installed by an electric utility), shall be located in equipment cabinets or similar enclosures. Equipment cabinets and enclosures shall be flush-mounted to the side of the light structure. The height (length) and depth of a pole-mounted equipment cabinet/enclosure shall not exceed 24 inches and 10 inches, respectively, and the width of a pole-mounted equipment cabinet/enclosure shall not exceed 12 inches or the minimum width of the pole at the location of attachment by more than fifty (50) percent, whichever is greater. The volume of all pole-mounted equipment cabinets/enclosures associated with wireless transmission equipment located on the light structure, including pre-existing wireless transmission equipment located on the light structure, shall not exceed six (6) cubic feet. To the extent ground-mounted equipment cabinets/enclosures are permitted in accordance with Subsection 2.8.6(A)(3) hereof, the volume of all pole-mounted and visible ground-mounted equipment cabinets/enclosures associated with wireless transmission equipment located on the light structure, including pre-existing wireless transmission equipment located on the light structure, shall not exceed seventeen (17) cubic feet.

F. ATTACHED WTF'S MOUNTED TO ELECTRICAL TRANSMISSION TOWERS

The following standards and requirements regulate the location, siting, design, and height of attached WTF's mounted to electrical transmission towers:

1. Allowed Districts with Administrative Permit: All districts.
2. Minimum Height of Alternative Support Structure. Non-concealed attached WTF's may only be mounted to electrical transmission towers with a height of fifty (50) feet or taller, as measured from finished grade. If the height of the electrical transmission tower is less than fifty (50) feet, only concealed attached WTF's may be mounted to such structure.
3. Design Standards and Requirements Applicable to Non-Concealed Attached WTF's Mounted to Electrical Transmission Towers.
 - a. If the electrical transmission tower is eighty (80) feet or more in height, as measured from finished grade, the attached wireless telecommunications facility, including any antenna(s) or antenna array(s), may be mounted to the top of the

EXHIBIT A

electrical transmission tower and extend up to ten (10) feet above the height of such electrical transmission tower.

- b. If the electrical transmission tower is less than eighty (80) feet in height, the attached wireless telecommunications facility, including any antenna(s) or antenna arrays, shall not extend vertically above the height of the electrical transmission tower by more than five (5) feet.
 - c. Antenna(s), antenna array(s), and any other accessory equipment attached to the electrical transmission tower shall be painted and textured to match the color and texture of the electrical transmission tower.
 - d. Ground-mounted equipment cabinets shall be located and designed in conformity with Subsection 2.8.6(A)(3) or located within an equipment compound complying with the requirements set forth in Subsection 2.8.6(A)(3) hereof and set back a minimum of twenty (20) feet from the boundaries of the public utility easement.
4. Design Standards and Requirements Applicable to Concealed Attached WTF's Mounted to Electrical Transmission Towers Less than Fifty Feet in Height.

Only concealed attached WTF's may be attached to an existing electrical transmission tower less than fifty (50) in height. Concealed attached WTF's mounted to electrical transmission towers less than fifty (50) in height require an administrative permit and are required to comply with the design standards applicable to concealed attached WTF's mounted to utility poles, as set forth in subject to the following exceptions:

- a. Pole-mounted equipment cabinets may have dimensions up to 48 inches in height, 28 inches in width, and 20 inches in depth.

G. CONCEALED FREESTANDING SUPPORT STRUCTURES

The following standards and requirements regulate the location, siting, design and height of concealed freestanding support structures:

1. Allowed Districts with Administrative Permit:
 - a. Concealed Freestanding Support Structure to Exceed District Height: L-I and O-I; and
 - b. Concealed Freestanding Support Structure Not to Exceed District Height: All other nonresidential districts and AG*, subject to the following:
 - (i) AG zoned properties: In the AG district, concealed freestanding support structures may only be located on a property used (existing principal use) for a business, semi-public or institutional use.
2. Location, Setback and Height Requirements

EXHIBIT A

- a. Maximum Height.
 - (i) L-I and O-I Districts. The height of a concealed freestanding support structure located in the L-I or O-I districts shall not exceed the following maximum heights, as measured above:
 - (a) Clock tower, campanile, free standing steeple, or other similarly designed freestanding support structure that conceals antennas as an architectural feature: eighty (80) feet;
 - (b) Faux Flagpoles: sixty (60) feet; and
 - (c) Faux Light Structures: forty (40) feet or as otherwise limited by applicable design standards set forth in other provisions of this Code or the City Code.
 - (ii) Nonresidential and AG Districts. The height of a concealed freestanding support structure, as measured above, located in any other nonresidential district or AG district shall not exceed the maximum building or structure height allowed for the subject district or, if otherwise prescribed, the maximum height allowed for the subject type of structure feature in accordance with other applicable provisions of this Code or the City Code.
- b. Setback. Concealed freestanding support structures must be set back from the property line of any other property with a 'For-Sale' dwelling use a minimum distance equal to the height of such concealed freestanding support structure. Concealed freestanding support structures and accessory equipment are further subject to the setback requirements of the zoning district in which located and/or required by existing conditions of zoning, or which are otherwise applicable to the subject type of structure in accordance with other provisions of this Code.

3. Concealment Elements and Design Standards.

- a. General. Concealed freestanding support structures shall fully conceal all wireless transmission equipment, including antenna(s), and may either be designed as an architectural feature or as a structure that mimics a common site feature, such as a faux flagpole or faux light structure, in which the antenna and accessory equipment shall be fully enclosed and completely hidden from view. Concealed freestanding support structures shall be located and designed to be aesthetically compatible with existing uses, building(s), and site features located on the site and nearby properties in such a manner so as not to be reasonably identifiable or recognizable to the casual observer as a wireless telecommunication facility.
- b. Freestanding Architectural Feature.
 - (i) A concealed freestanding support structure designed as an architectural feature may be designed as a clock tower, bell tower, campanile, free standing

EXHIBIT A

steeple, or other similarly designed freestanding architectural feature so as to substantially reduce the WTF's potential adverse visual impacts on the surrounding areas. The design of the concealed freestanding support structure shall be compatible with the architectural style, color, texture, facade, design, and materials of the principal building of the lot on which located and other structures located thereon. In order to ensure visual and aesthetic compatibility with the existing buildings and structures located on the subject property and nearby properties, a concealed freestanding support structure designed as an architectural feature shall require the review and approval of a certificate of design approval by the Design Review Board prior to the issuance of an administrative permit hereunder.

- (ii) All accessory equipment for a concealed freestanding support structure designed as an architectural feature shall be located within the concealed freestanding support structure.
- c. Faux Flag Pole.
- (i) The pole of a faux flag pole shall be tapered in a manner consistent with the style of other flag poles. The diameter of a faux flag pole that is less than fifty (50) feet in height shall not exceed eight (8) inches at its mid-point. The diameter of a faux flag pole that is more than fifty (50) feet in height shall not exceed twelve (12) inches at its mid-point.
 - (ii) No more than one faux flag pole shall be located on any lot or common development.
 - (iii) The faux flag pole shall be located on the property in a manner that is compatible with the location of similar site features on the subject property and other properties in the surrounding area.
 - (iv) Antenna(s) shall be fully concealed within the pole or through the use of canisters, radomes, or similar antenna concealment enclosures flush-mounted (without vertical separation) to the top of the pole. A canister, radome, or similar antenna concealment enclosure shall not exceed the diameter of the pole at its mid-point and shall be designed and camouflaged to appear as an integral part of the flag pole. If the diameter of an antenna concealment enclosure is greater than the diameter of the top end of the pole, the antenna concealment enclosure must be tapered and may not exceed three (3) feet in length. Further, the hoist side of the flag shall be required to span the length of any such antenna concealment enclosure. The flag used on a faux flag pole shall comply with other provisions of this Code governing flags.
 - (v) Accessory equipment shall either be fully enclosed and concealed within the faux flag pole or placed within a ground-mounted equipment cabinet complying with Subsection 2.8.6(A)(3).. An equipment compound

EXHIBIT A

conforming with the requirements set forth in Subsection 2.8.6(A)(3) may only be sited in the rear or side yard of the lot in locations consistent with existing utility areas of the subject lot.

d. Faux Light Structure.

- (i) A faux light structure shall be designed as a replacement of an existing light structure located on the same property so as to substantially reduce the WTF's potential adverse visual impacts on the surrounding areas. The design of a faux light structure, including the design of the pole and any attached light arms, shall be consistent with the size, shape, style, and design of the existing light structure on the property that it is designed to replace/mimic. A faux light structure shall not exceed the height of the existing light structure that it is designed to replace by more than five (5) feet.
- (ii) The faux light structure shall be sited at the same location as the existing light structure that is being replaced.
- (iii) Antenna(s) shall be fully concealed within the pole of the faux light structure or by the use of radomes that do not exceed the circumference of the pole at the location of attachment.
- (iv) Accessory equipment shall either be fully enclosed and concealed within the faux light structure or placed within a ground-mounted equipment cabinet complying with Subsection 2.8.6(A)(3)..

H. VARIANCES.

Notwithstanding any other provision of this Code or the City Code to the contrary, no request for a grant of relief from or a variance or exception to any regulation, standard or requirement set forth in this Section 2.8 may be heard or acted upon by the Board of Appeals. Further, subject to the limited exemption set forth in Subsection 2.8.6(A)(4), no administrative variances to any requirement of this Subsection 2.8.6 shall be permitted except for variances to prescribed setback requirements, as herein provided. Provided the proposed WTF meets the standard of visibility, the Director shall be authorized to grant variances from setback requirements for up to twenty percent (20%) of the prescribed setback requirement in accordance with the standards set forth in Articles IV and V of this Code. Except for the foregoing, any person seeking to install, place, site, locate, collocate or modify an attached wireless telecommunications facility or concealed freestanding support structure that does not fully comply with the applicable standards and requirements set forth in Subsection 2.8.6 shall be required to submit an application for a conditional use permit in accordance with Subsection 2.8.7. The additional application, procedural and other requirements for any such request and the factors to be considered in granting or denying such a request are set forth in Paragraphs B, C, and D of Subsection 2.8.7. The provisions of this Paragraph shall not

EXHIBIT A

apply to any request to locate a wireless telecommunications facility within or upon public right-of-way in the City or any decision related thereto.

2.8.7 STANDARDS AND REGULATIONS FOR WIRELESS TELECOMMUNICATIONS FACILITIES AUTHORIZED BY CONDITIONAL USE PERMIT

The procedures, standards, minimum requirements and standards of approval set forth in this Subsection govern the installation, placement, siting, location, collocation and/or modification of wireless towers, including stealth towers, and the wireless transmission equipment associated therewith, which may only be allowed in certain zoning districts pursuant to the approval of a conditional use permit. Additionally, the procedures and standards for approval set forth in this Subsection govern the installation, placement, siting, location, collocation or modification of concealed attached WTF's, attached WTF's mounted to electrical transmission towers, and concealed freestanding support structures that do not fully comply with the administrative permit standards.

A. WIRELESS TOWERS AND STEALTH TOWERS

1. Allowed Districts with Conditional Use Permit: L-I, O-I, C-2, PSC, SU, CUP*, and AG*.

*The CUP and AG districts are subject to the following conditions:

- a. CUP zoned properties: Wireless towers may only be allowed as a conditional use on lots in the CUP district that are zoned and used (existing principal use) for an industrial, commercial, office, semi-public, or 'For-Rent' dwelling building (apartment) use.
- b. AG zoned properties: Wireless towers may only be allowed as a conditional use on lots in the AG district that are a minimum of four (4) acres in size.

2. Prohibited in Downtown Overlay.

Wireless towers are prohibited in the Downtown Overlay.

3. Minimum Requirements.

- a. Wireless towers must be set back from any off-site residential building or structure a minimum distance equal to the height of the wireless tower. Additionally, wireless towers must be set back from any public right-of-way a distance equal to fifty percent (50%) of the height of the wireless tower.

EXHIBIT A

- b. A wireless tower shall be designed as a stealth tower or monopole.
- c. The height of a wireless tower shall not exceed one-hundred-and-sixty (160) feet.
- d. The wireless tower and all ground-mounted wireless transmission equipment, including equipment shelters and equipment cabinets, shall be located within an equipment compound enclosed by fencing not less than six feet (6') in height and equipped with an appropriate anti-climbing device. The equipment compound shall be subject to the setback requirements of the zoning district in which located.
- e. Landscaping shall be designed in such a way as to preserve existing mature growth and to provide in the determination of the City Arborist, a suitable buffer of plant materials that mitigates the view of the wireless tower and wireless transmission equipment from surrounding properties. Additionally, a minimum 10-foot (10') wide landscape strip planted to buffer standards, as set forth in Article II of the UDC, shall be required on the exterior of all sides of the fence surrounding the equipment compound, except where access to the equipment compound is provided, as a vegetative screen unless the City of Alpharetta Arborist determines that existing plant materials are adequate. Such landscape strip shall be maintained in accordance with the Section 3.2 of the UDC.
- f. A fifty foot (50') heavy planted landscape buffer shall be required along all property lines adjoining property zoned or used for a 'For-Sale' dwelling use. Additionally, if the subject property is zoned AG, a fifty foot (50') heavy planted landscape buffer shall also be required along all public right-of-way. Use of natural topography and preservation of existing vegetation within a fifty foot (50') buffer, which may be supplemented by new vegetation, if needed, may be substituted for the above requirements when found by the Director to provide screening at the appropriate density, depth and height. Landscaping shall be maintained for the life of the project.

B. ATTACHED WIRELESS TELECOMMUNICATIONS FACILITIES AND CONCEALED FREESTANDING SUPPORT STRUCTURES NOT MEETING ADMINISTRATIVE STANDARDS.

1. Purpose and Intent. The purpose of this Paragraph B is to provide a procedure for the review of an application to install, place, site, locate, collocate or modify a wireless

EXHIBIT A

telecommunications facility that generally comports with the design standards and guidelines set forth in Subsection 2.8.6, but fails to fully comply with all guidelines, standards and requirements set forth therein, such that the wireless telecommunications facility is not permitted by administrative permit. Any such application shall be subject to the review and approval of a conditional use permit by City Council in accordance with the standards for approval set forth in Paragraph C below.

2. Allowed Districts with Conditional Use Permit: See, Subsection 2.8.6 for allowed districts based on the subject type of wireless telecommunications facility.
3. Minimum Requirements.
 - a. The wireless telecommunications facility must be sited and designed as a concealed attached wireless telecommunications facility (concealed roof-mounted WTF, concealed building-mounted WTF, building-concealed WTF, concealed attached WTF mounted to utility pole, concealed attached WTF mounted to light structure), attached WTF mounted to electrical transmission tower, or concealed freestanding support structure that generally comports with the design standards and guidelines set forth in Subsection 2.8.6.
 - b. The maximum height of the attached WTF or concealed freestanding support structure shall not exceed the maximum height allowed pursuant to Subsection 2.8.6 by more than twenty-five percent (25%).
 - c. Relief from setback requirements shall not exceed fifty percent (50%) of the applicable requirement.

C. ADDITIONAL APPLICATION REQUIREMENTS FOR CONDITIONAL USE PERMITS

In addition to the application requirements set forth in Subsection 2.8.4 hereof, an applicant applying for a conditional use permit shall further provide the following:

1. A scaled site plan which shall clearly indicate: (a) cable/electrical elements to be utilized, (b) parking, (c) current and proposed on-site land uses and zoning of the property, (d) land uses and zoning designations of adjacent properties, (e) distance from the nearest edge of the support structure and all related equipment to historic structures or scenic views within one (1) mile of the proposed site, (f) adjacent roadways and proposed means of access to the site, (g) proposed setbacks and buffers from adjacent property lines, , and (h) topography of the proposed site, including any existing streams, wetlands and floodplains or similar features.

EXHIBIT A

2. Legal description of the lot and leased parcel (if applicable), for which the conditional use permit is to apply.
3. If applicant contends that the wireless telecommunications facility is required to close a significant gap in service coverage or capacity, an engineering study which includes a current and a future definition of the area of service coverage, capacity and radio frequency goals for voice and data (delineated individually and combined) to be served by the antenna or support structure and the extent to which such antenna or support structure is needed for service coverage and/or capacity of the subject wireless carrier. The study shall include the following information: (a) a description of the applicant's/wireless carrier's current wireless tower locations/sites within a two (2) mile radius of the proposed site, to include the types and kinds of services, service coverage, capacity and radiofrequencies provided by the wireless carrier's antenna located thereon; (b) all other currently proposed wireless tower locations/sites of the applicant/wireless carrier within a two (2) mile radius of the proposed site for which an application or registration has been filed or submitted to another local government or the FCC; (c) the locations of other antennas of the wireless carrier currently proposed for collocation on other existing wireless towers of other owners or wireless carriers within a two (2) mile radius of the proposed site for which an application or registration has been filed or submitted to another local government or the FCC by, or on behalf of, the applicant and/or wireless carrier; ; (d) all existing wireless tower locations and sites of other owners or wireless carriers located within the geographic search area (GSA) that were considered by the applicant/wireless carrier as alternatives to the proposed siting;; (e) other locations within the geographic search area (GSA) that were considered by the applicant/wireless carrier as alternatives to the proposed siting; (f) an analysis and color propagation study of the current usage and service coverage in the service area, including detailed service coverage maps indicating lack of service coverage (coverage gaps), , and the projected or anticipated service coverage of the proposed wireless telecommunications facility. The propagation study shall include a map showing the carrier's existing facilities, existing coverage or capacity area, and the proposed coverage or capacity area at varied antenna heights. The study shall also provide justification that the proposed height of the wireless tower or other wireless telecommunications facility is the minimum necessary to achieve the required service coverage delineated in the study. If a capacity issue is involved, an analysis of the current and projected usage in the GSA shall be included. If applicant contends that the wireless telecommunications facility is required due to a coverage or capacity issue for in-home, in-building or transitory use, the analysis shall describe the service coverage/capacity currently existing for such use and the anticipated service coverage/capacity of the proposed wireless telecommunications facility shall be provided. The study shall bear the signature and certification of a radiofrequency engineer that the information provided in the application is true and correct.

EXHIBIT A

4. A curriculum vitae shall be provided for the radio frequency engineer who certifies any documentation provided as part of the application for a WTF. Information shall include education obtained in the area of radio frequency engineering, and experience in the field, including length of time.
5. An engineer scaled drawing providing the distance between (a) the nearest edge of the proposed wireless tower or other wireless telecommunications facility and the nearest off-site residential building or structure and (b) the nearest point of any proposed accessory equipment of the wireless telecommunications facility and the nearest off-site residential building or structure.
6. Photos depicting the results of a balloon test of the wireless tower. __
7. Certification that the wireless telecommunications facility, including the foundation and all attachments, are designed and will be constructed to meet all applicable and permissible local codes, ordinances, and regulations, including any and all applicable County, State and Federal laws, rules, and regulations, including but not limited to the most recent editions of the National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. Structural integrity analysis shall be provided where antennas and equipment will be attached to an existing structure. Such certification and structural integrity analysis shall bear the signature and seal of a professional engineer (licensed in the State of Georgia) and shall include the design plans.
8. Written documented, detailed analysis of the impact of the proposed wireless telecommunications facility/use addressing the factors specified in Paragraph D below.
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9. Evidence of compliance with applicable FAA requirements under 14 C.F.R. Section 77, as amended, which may include a copy of the FAA determination of no hazard letter or a written statement prepared and signed by a professional airspace safety consultant.
10. Copies of the National Environmental Policy Act (NEPA) and the State Historic Preservation Office (SHPO) reports for the proposed wireless telecommunications facility, if any have been issued.
11. Copy of the Federal Communications Commission (FCC) license applicable for the intended use of the wireless telecommunication facility.

EXHIBIT A

12. Documentation establishing whether a stealth tower is to be proposed, and if not, an explanation as to why not.
13. Analysis of possibilities of collocation or the inability to collocate, including any studies and detailed reasons as to why collocation is not possible and proof of the following: (a) all collocation sites and other alternative sites in the area that are/were being pursued and whether use of such sites has been denied; (b) the ability or inability to site an attached WTF by using existing structures; and (c) all actions taken by the applicant to achieve collocation or site an attached WTF to an existing structure.
14. A written statement providing whether the proposed WTF is engineered and constructed to accommodate additional antennas or antenna arrays and whether the applicant consents to the future collocation of other wireless carriers on the proposed wireless tower .
15. In addition to the nonrefundable application fees (as established by the City Council), an applicant requesting a conditional use permit for a wireless tower shall be responsible for an additional fee equal to the City's actual, direct costs for the review of the engineering study (provided pursuant to Paragraph 4 above) by a third-party consultant (radiofrequency engineer), which shall not exceed \$3,500.00. The applicant shall submit a deposit of \$2,000.00 toward the fee to be paid pursuant to this section with its application.

D. CONSIDERATION OF CONDITIONAL USE PERMITS

Compliance with the minimum requirements set forth in Paragraph A or B of this Subsection does not alone confer a right to issuance of a conditional use permit. In regard to an application for a conditional use permit for a wireless telecommunications facility (i) the Planning Commission shall, after public hearing and consideration of the criteria set forth below, adopt a recommendation of approval, approval with conditions, or denial of the conditional use permit, and (ii) the City Council shall, after public hearing and consideration of the criteria set forth below, approve, approve with conditions, or deny the conditional use permit. Notwithstanding any other provision of this Code to the contrary and in lieu of the conditional use standards set forth in Sections 2.3.7 and 4.2.3, in determining whether to approve, approve with conditions, or deny an application for a conditional use permit for a wireless telecommunications facility, the City Council shall consider the following criteria:

1. Proximity and impact, if any, on residential districts, properties with 'For-Sale' dwelling uses, and historic structures/properties, including the visual and aesthetic impact of the wireless telecommunications facility;
2. Impact on the use of adjacent properties and surrounding areas;

EXHIBIT A

3. Visibility from public rights-of-way, particularly Corridors of Influence, minor arterials, collector streets, and local streets;
4. Demonstrated need for the wireless telecommunications facility at the specified site, including need for service coverage or additional capacity;
5. Demonstrated need for the proposed height of the wireless telecommunications facility;
6. Topography, tree coverage and foliage of the area where the wireless telecommunications facility is to be located that buffer or screen the potential visual impact of the support structure and wireless transmission equipment;
7. Design of the wireless telecommunications facility, with particular reference to design characteristics which have the effect of reducing or eliminating visual obtrusiveness, including consideration of stealth towers and concealed WTF's;
8. Proposed ingress and egress;
9. Availability of suitable existing wireless towers or other support structures for collocation or for siting an attached WTF, so as to not require the construction of additional wireless towers or other antenna support structures;
10. Other alternative sites;
11. Collocation capability (i.e., whether the WTF is engineered and constructed to accommodate additional antennas or antenna arrays) and whether applicant intends to allow, accept, and accommodate collocation in the future;
12. Whether the proposed wireless telecommunications facility will impede the normal and orderly development of surrounding property for uses predominant in the area; and
13. Whether the location and siting of the proposed wireless telecommunications facility is considered to be consistent with a desirable pattern of development for the City, in general.

E. VARIANCES

1. An application for a variance or exception to the minimum requirements applicable to wireless telecommunications facilities subject to the approval of a conditional use permit may only be heard and acted upon by the City Council following the recommendation of

EXHIBIT A

the Planning Commission. Any such variance or exception must be requested as part of the conditional use application and shall be heard by the Planning Commission and decided by the City Council as part of the public hearing process related to the conditional use application. If the conditional use is denied, the variance/exception may not be approved. If the conditional use is approved, with or without conditions, action may then be considered on the proposed variance/exception. Any request to change or modify the conditions of an approved conditional use permit or to modify an existing wireless telecommunications facility that is not otherwise exempt pursuant to Sections 2.8.8 or 2.8.9 (§6409 modification) or subject to administrative approval, shall require an application for a conditional use permit. Notwithstanding any other provision of this Code or the City Code to the contrary, no grant of relief from or variance or exception to the requirements applicable to a wireless telecommunications facility subject to the approval of a conditional use permit shall be heard or acted upon by the Board of Appeals.

2. Variances or exceptions shall be limited to relief from the following requirements of this Section 2.8:

- a. maximum height of the WTF;
- b. minimum setback; and
- c. minimum buffer.

A variance or exception to a height limitation shall not exceed twenty percent (20%) of the maximum height allowed pursuant to the applicable provision of this Section 2.8. Further, a variance or exception to minimum setback or buffer requirements shall not exceed fifty percent (50%) of the minimum setback or buffer required pursuant to the applicable provision of this Section 2.8 or this Code.

3. When a proposed wireless telecommunications facility is recognized as potentially appropriate pursuant to the criteria set forth in Paragraph D, the City Council may grant a variance or exception only upon a showing by applicant, as found by the City Council, of the following:

- a. (i) There are extraordinary and exceptional conditions pertaining to the property where the wireless telecommunication facility is to be located as a result of its size, shape or topography, which are not applicable to other lands in the area; and
- (ii) The application of the particular provision of this Section 2.8 to the property will result in a hardship that is substantially unwarranted by the protection of the public health, safety or general welfare and the need for consistency among all properties similarly zoned; and
- (iii) Granting the variance will not confer any special privileges to the applicant which are inconsistent with the limitations upon other properties similarly

EXHIBIT A

zoned or which are denied to others similarly situated, or otherwise confer to applicant any advantage over similarly zoned properties or others similarly situated; and

- (iv) Granting of the variance would not violate more than one standard of this Section; and
- (v) Relief, if granted, is the minimum necessary to alleviate such unnecessary hardship and will not otherwise serve as a mere convenience to the applicant; and
- (vi) Relief, if granted and with necessary conditions imposed, would be in harmony with the general purpose and intent of this Section 2.8; and
- (vii) Relief, if granted, would not be injurious to surrounding residential areas and neighborhoods, cause substantial detriment to the public good or impair the purpose and intent of this Code; or

b. Failure to grant relief would have the effect of prohibiting personal wireless services.

2.8.8 EXEMPTIONS

The following uses shall not require the approval of an administrative or conditional use WTF permit, as otherwise required pursuant to this Section 2.8, subject to compliance with the applicable requirements set forth below; provided, however, nothing set forth herein shall exempt the subject property or structure from compliance with applicable building, electrical, safety and other construction code requirements, or building or land development regulations, including building and land development permit and site plan review requirements:

- A. Governmental WTF's. Wireless telecommunications facilities, including wireless towers, used solely for public safety purposes, installed and operated as a governmental function by federal or state government, the City, the North Fulton Regional Radio System Authority, or authorized Fulton County public safety agencies (e.g., City or Fulton County 911 emergency communications and City or Fulton County public safety communications for sheriff's office, police department, fire department or first responder medical services) may be installed without the requirement of an administrative or conditional use permit. Unless otherwise prohibited by law, public safety agencies shall be required to provide a map of the wireless tower or wireless telecommunications facility location. Notwithstanding the foregoing requirement regarding the use of the wireless tower for public safety purposes, collocations of wireless transmission equipment for commercial purposes onto an existing governmental wireless tower may be allowed (pursuant to the requirements set forth in the preceding paragraph). When a wireless tower or other wireless telecommunications facility approved for an authorized public safety agency ceases to be operated or used by an authorized public safety agency for a public safety purpose, any current use of such wireless

EXHIBIT A

tower or other wireless telecommunications facility by a nonpublic safety entity (due to prior collocation) shall be deemed nonconforming and the structure shall be deemed a nonconforming structure, unless such nonpublic safety entity submits an application for use of the wireless tower or WTF pursuant to the administrative or conditional use permit requirements set forth in this Section, as applicable, as if it were a new wireless tower or WTF.

- B. COW's. Upon a declaration of a state of emergency or disaster by federal, state, or local government or a determination of public necessity by the City, the City Administrator or his/her designee may approve the placement of a COW at any location within the City, subject to the COW's compliance with Federal and/or State requirements, for a period of not more than one-hundred and twenty (120) days following the duration of the state of emergency or occurrence of the disaster or other event providing for public necessity. Further, the City Administrator or his/her designee may approve the placement of a COW for the purpose of providing service for a special event, subject to the COW's compliance with Federal and/or State requirements, for up to forty-five (45) days prior to such special event, for the duration of the special event, and for up to fourteen (14) days thereafter.
- C. In-Building Antennas. Antennas and other wireless transmission equipment installed entirely within buildings (without any exterior alterations to the exterior walls, roof, or other exterior architectural features of the building) for the primary purpose of providing wireless communications services within such building are not subject to the requirements of this Section.
- D. Amateur Radio Antennas. An amateur radio antenna owned and operated by a FCC-licensed amateur radio station operator and used solely for non-commercial purposes may be located without the requirement of an administrative or conditional use permit provided the following requirements are met:
 - 1. The amateur radio tower, including antenna, is located in the rear yard of the property (behind the principal structure);
 - 2. The amateur radio tower is less than (a) fifty (50) feet in height if located outside the Downtown Overlay, or (b) twenty-five (25) feet in height if located within the Downtown Overlay;
 - 3. The amateur radio tower shall be designed such that the entire structure will remain on the property or within a fall easement if it should fall; and
 - 4. The amateur radio tower and antenna shall meet all accessory structure requirements for the zoning district in which the amateur radio antenna is located except for the foregoing height limitations, which shall control.

EXHIBIT A

- E. Minor Antennas. Satellite dish, television broadcast receiving antennas, and other OTARD antennas that are one meter (39.37 inches) or less in diameter and designed and used only to receive video programming signals (a) from direct broadcast satellite services, (b) from television broadcast stations, or (c) for wireless cable service.

F. Collocations and Modifications.

Collocation of new wireless transmission equipment on an existing antenna support structure and modification of an existing wireless telecommunications facility that conform with the following requirements, as applied to the wireless telecommunications facility as it was previously approved and constructed, do not require the approval of a WTF permit:

1. The proposed collocation shall not increase the height or width of the antenna support structure, as previously approved, to which the wireless transmission equipment is to be attached;
2. New ground-mounted wireless transmission equipment shall be installed within the existing equipment compound, or, when there is not an existing equipment compound, shall be located within an existing equipment cabinet or a replacement equipment cabinet, which shall not exceed the dimensions or footprint of the equipment cabinet being replaced;
3. The proposed modification shall not increase the dimensions (area/perimeter) of the equipment compound, as previously approved, or where there is no equipment compound;
4. The proposed collocation or modification shall comply with any and all regulations, and/or conditions of approval applicable to the wireless telecommunications facility, including any and all design standards and requirements or conditions of approval providing required concealment elements or otherwise related to the design or visibility of the WTF;
5. The proposed modification or collocation shall not exceed the applicable weight limits for the antenna support structure, as demonstrated by a certified letter from a structural engineer licensed to practice in the State of Georgia; and
6. The proposed wireless telecommunications facility will not interfere with emergency or public safety communications, as demonstrated by a certified letter from a licensed radiofrequency engineer.

EXHIBIT A

Notwithstanding the foregoing exemption, any such proposed collocation or modification requires the submittal of an application to the Community Development Department. The contents of such application shall include such information and documentation set forth in Subsection 2.8.4 as necessary to determine compliance with the foregoing criteria, as well as the applicable certifications required above. An application submitted pursuant to this Paragraph shall include a statement providing that the proposed application for collocation or modification is entitled to streamlined processing pursuant to O.C.G.A. § 36-66B-1, *et seq.* (the BILD Act). Any such application shall be reviewed for conformance with applicable building, electrical, safety and other construction code permit requirements, land development permit requirements, and site plan review requirements, including zoning and land use conformity, but shall not otherwise be subject to the issuance of additional administrative or conditional use permit (WTF permit) approvals, provided the proposed collocation or modification conforms with the requirements of this Paragraph. The provisions and procedures set forth in this Paragraph are adopted for the purpose of complying with O.C.G.A. § 36-66B-1, *et seq.* (the BILD Act) and are intended to allow previously approved wireless telecommunications facilities to be modified or collocations to previously approved antenna support structures to be accepted without the requirement of additional zoning or land use review and approval beyond that which is typically required by the City for the issuance of building or electrical permits.

2.8.9 § 6409 MODIFICATIONS – EXEMPTIONS FOR MODIFICATIONS THAT DO NOT SUBSTANTIALLY CHANGE THE PHYSICAL DIMENSIONS OF A WIRELESS TELECOMMUNICATIONS FACILITY

A. Purpose.

This Subsection is adopted pursuant to § 6409(a) of the 2012 Middle Class Tax Relief and Job Creation Act (also referred to as § 6409(a) of the Spectrum Act), codified at 47 U.S.C. § 1455(a), and the new FCC rules and regulations adopted pursuant to Federal Communications Commission Report and Order FCC-14-153 (“Wireless Infrastructure Order”) and set forth in 47 CFR § 1.40001.

B. Definitions.

For the purposes of this Subsection 2.8.9 only, the following terms shall have the meanings ascribed to them below (terms not otherwise defined in this Paragraph B, shall have the meanings set forth in Section 2.8.3):

1. “Base Station” means the alternative support structure of an attached WTF or any wireless transmission equipment at such fixed location associated with the attached

EXHIBIT A

WTF, provided the location and installation of such attached WTF was reviewed, approved, and issued a permit by the City in accordance with the applicable zoning and development regulations set forth in Section 2.8 (or any prior applicable City or local government zoning regulations in effect at the time of the original approval). The term “Base Station” does not encompass the term “Wireless Tower” as defined in this Subsection 2.8.9, or any wireless transmission equipment associated with a Wireless Tower.

2. “Collocation” means the mounting or installation of wireless transmission equipment on an Existing Wireless Tower or Existing Base Station for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
3. “Concealment Elements” means any and all concealment, camouflaging, screening, or blending techniques or methods, or other similar techniques or methods to reduce the visibility of the wireless telecommunication facility, (a) imposed as condition of zoning or conditional use approval at the time of the original approval of the Wireless Tower or Base Station or at the time of the approval of any modification to the Wireless Tower or Base Station occurring prior to February 22, 2012, or constituting a Substantial Change, or (b) required by any applicable regulation or provision of this Section 2.8 (or any prior applicable City or local government zoning regulations) in effect at the time of the original approval of the Wireless Tower or Base Station or at the time of the approval of any modification to the Wireless Tower or Base Station occurring prior to February 22, 2012, or constituting a Substantial Change. “Concealment Elements” include any and all design regulations, requirements or conditions that are applied to Wireless Towers and Base Stations to reduce the visibility of the wireless telecommunication facility, including, but not limited to, conditions or design regulations pertaining to antenna size and type, color of the support structure and wireless transmission equipment, antenna mounting techniques, including the requirement that antennas be flush-mounted, siting Base Stations so that they blend in with similar surrounding structures, requirements as to how cables should be located, and the size, location, design, and screening for ground based equipment. “Concealment Elements” include limitations on the height of the Wireless Tower or Base Station when such height limitations are imposed in conjunction with other design regulations or conditions requiring concealment, camouflaging, screening, blending, or other similar techniques or methods to be employed in order to reduce the visibility of the wireless telecommunication facility.
4. “Current Site” means:
 - a. For Wireless Towers, other than Wireless Towers located in the public rights-of-way, the current boundaries of the leased or owned property surrounding the Wireless Tower and any related access or utility easements, as set forth in the application for

EXHIBIT A

the original approval of such Wireless Tower or any subsequent application to modify such Wireless Tower approved prior to February 22, 2012; and

- b. For Wireless Towers located in the public rights-of-way and Base Stations, the limited area in proximity to the alternative support structure and other wireless transmission equipment already deployed on the ground, but only such restricted area that lies within the current boundaries of the leased or owned property surrounding the Base Station and any related access or utility easements.

5. “Existing Wireless Tower” or “Existing Base Station” means a Wireless Tower or Base Station that:

- a. At the time an application is filed with the City pursuant to this Subsection, supports or houses wireless transmission equipment; and
- b. (i) Was reviewed, approved, and issued a permit by the City in accordance with the applicable zoning and development regulations set forth in Section 2.8, or was reviewed and approved in accordance with any former applicable City or other local government zoning and development regulations governing the permitting of such facilities and equipment at the time of its approval; or
(ii) Was lawfully built and placed into operation in an area that was not zoned at the time of its installation.

“Existing Wireless Tower” or “Existing Base Station” does not include a structure that (i) is merely capable of supporting wireless transmission equipment, (ii) was constructed without the required zoning and development review and approval, or was otherwise illegally constructed, or (iii) was legally constructed in an area that was zoned, but at a time when applicable City or local zoning and development regulations did not require WTF review and approval.

6. “Modification” means the improvement, upgrade, expansion, removal, or replacement of existing wireless telecommunications facilities, including the installation, removal or replacement of wireless transmission equipment associated with an Existing Wireless Tower or Existing Base Station, such as the collocation of antenna on an Existing Wireless Tower or Base Station, the installation, removal or replacement of wireless transmission equipment within an existing equipment compound, or the installation, removal or replacement of an equipment cabinet associated with an Existing Wireless Tower or Existing Base Station, but does not include the complete or substantial replacement of a Wireless Tower or Base Station.

7. “Substantial Change” means a modification that, either singularly or due to the cumulative effect of a series of changes over time, changes the physical dimensions of a Wireless Tower or Base Station in any manner meeting one or more of the following criteria:

EXHIBIT A

- a. For a Wireless Tower other than a Wireless Tower located in the public right-of-way, increases the height of the Wireless Tower by more than ten percent (10%) or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for a Wireless Tower located in the public right-of-way or a Base Station, increases the height of the structure by more than ten percent (10%) or more than ten (10) feet, whichever is greater, provided:
 - (i) In cases where the deployments are or will be separated horizontally, such as on buildings' rooftops, changes in height resulting from a modification shall be measured from the height of the original structure (e.g., change in height is measured from the rooftop to the highest point of the proposed deployment) rather than from the height of a previously approved antenna or WTF (e.g., change in height is not based on the highest point of the existing roof-mounted WTF's antenna); and
 - (ii) In other circumstances, changes in height shall be determined by measuring the change in height from the dimensions of the Wireless Tower or Base Station as originally approved, but inclusive of the most recent modification that received City approval or other applicable local zoning approval prior to February 22, 2012; or
- b. For a Wireless Tower other than a Wireless Tower located in the public right-of-way, involves adding an appurtenance to the body of the Wireless Tower that would protrude from the edge of the Wireless Tower by more than twenty (20) feet, or more than the width of the Wireless Tower structure at the level of the appurtenance, whichever is greater; for a Wireless Tower located in the public right-of-way or a Base Station, involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet; or
- c. Involves the installation of more than the standard number of new equipment cabinets for the technology involved, as reasonably determined by the Director, but not to exceed four (4) equipment cabinets; or, for Wireless Towers located in the public rights-of-way or Base Stations, involves the installation of new equipment cabinet(s) on the ground if there are no pre-existing ground-mounted equipment cabinets associated with such Wireless Tower or Base Station, or involves the installation of ground-mounted equipment cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinet associated with the structure; or
- d. Entails excavation or deployment outside the Current Site boundaries; or

EXHIBIT A

- e. Results in the Wireless Tower or Base Station, as modified, being out of compliance with any current regulation required for approval of a WTF permit, any condition imposed as condition of zoning or conditional use approval at the time of the original approval of the Wireless Tower or Base Station or at the time of the approval of any modification to the Wireless Tower or Base Station occurring prior to February 22, 2012, or constituting a Substantial Change, or any applicable regulation or provision of this Section 2.8 (or any prior applicable City or local government zoning regulations) in effect at the time of the original approval of the Wireless Tower or Base Station or at the time of the approval of any modification to the Wireless Tower or Base Station occurring prior to February 22, 2012, or constituting a Substantial Change, other than regulations or conditions related to height, width, equipment cabinets, or excavation or deployment that do not constitute Substantial Changes in accordance with the thresholds identified in subparagraphs (a) – (d) above, provided that such regulations or conditions related to height, width, equipment cabinets, or excavation or deployment are not concealment elements; or
 - f. Would defeat the concealment elements of the Wireless Tower or Base Station.
8. “Wireless Tower” means any structure built for the sole or primary purpose of supporting any FCC licensed or authorized antennas and their associated facilities, including tower structures that are constructed for wireless communications services, and the associated Current Site.

C. Application Review and Approval

Notwithstanding any other provision of Section 2.8 of this Code, a request for Collocation or Modification that will not result in a Substantial Change in the physical dimensions of an Existing Wireless Tower or Existing Base Station, shall be reviewed and approved in accordance with the procedures set forth in 47 CFR § 1.40001, provided the Director further finds that the proposed Collocation or Modification will comply with generally applicable building, structural, electrical and safety codes and all other objective standards set forth in applicable regulations related to health and safety.

D. Application Contents

Each application that is submitted for review under this Subsection shall clearly identify the application as a Section 6409(a) application and shall be accompanied by such information and documentation set forth in Subsection 2.8.4 as necessary to determine compliance with the foregoing criteria, including, but not limited to:

1. A written and technically accurate and reliable narrative that explains the nature of the permit sought (collocation or modification) and that further states whether the applicant

EXHIBIT A

believes (and the basis therefor) that the WTF is subject to 47 U.S.C. § 1455(a), and if so, why its proposal fits each and every criteria for a Section 6409(a) modification set forth herein.

2. A detailed written description of the proposed Modification to the Existing Wireless Tower or Existing Base Station;
3. A photograph or graphic description to scale and a written description of the Existing Wireless Tower or Existing Base Station as originally constructed, if available, and as currently existing, and a graphic depiction to scale of the Wireless Tower or Base Station after Collocation or Modification;
4. A description of all construction that will be performed in connection with the proposed Collocation or Modification, including any excavation; and
5. A signed declaration by the applicant certifying that the proposed Collocation or Modification shall not constitute a Substantial Change and detailing the reasons therefor.

E. Validity

This Subsection 2.8.9 is adopted for the purpose of complying with Section 6409(a) and the Wireless Infrastructure Order. This Subsection shall become null and void if Section 6409(a) or the Wireless Infrastructure Order is rescinded or invalidated. Any and all permits issued pursuant to this Subsection 2.8.9 shall terminate on the ninety-first (91st) day after Section 6409(a) or the Wireless Infrastructure Order is rescinded or invalidated. Further, if any provision of Section 6409(a) or the Wireless Infrastructure Order limiting the review of a modification or collocation by a local government is found unconstitutional, unenforceable or invalid by a court of competent jurisdiction, the corresponding provision(s) set forth in this Subsection 2.8.9 shall become null and void.

2.8.10 WIRELESS TELECOMMUNICATIONS FACILITIES IN PUBLIC RIGHTS-OF-WAY

A. PURPOSE AND INTENT

It is the purpose and intent of this Section 2.8.10 to provide for the management of the public rights-of-way in order to protect, maintain and promote the public health, safety, and general welfare; to establish reasonable regulations designed to manage the public rights-of-way that provide design requirements and procedures for the placement, construction and maintenance of wireless telecommunications facilities within the public rights-of-way by chartered telephone companies authorized to access such public rights-of-way per to § 46-5-1; to establish and administer reasonable regulations governing the placement, construction and maintenance of wireless telecommunications facilities within the public rights-of-way pursuant to O.C.G.A. § 32-4-92 and consistent with state and federal law, including O.C.G.A. § 46-5-1 and 47 U.S.C. § 253; to provide for and maintain the safety of the traveling public and pedestrians and the appearance

EXHIBIT A

of public rights-of-way; to minimize disruption to the public rights-of-way; and to otherwise preserve the City's authority to manage and regulate the public rights-of-way with the City. Further, these provisions supplement and are in addition to other regulations and guidelines applicable to the use of public rights-of-way in the City.

B. DEFINITIONS

For the purposes of this Subsection 2.8.10 only, the following terms shall have the meanings ascribed to them below (terms not otherwise defined in this Paragraph, shall have the meanings set forth in Section 2.8.3):

Evidence of Need Report. A report providing sufficient information to demonstrate why existing alternative support structures in the public right-of-way cannot reasonably accommodate the applicant's need.

Post-top street light. A tapered steel pole with the luminaire mounted on top of the pole. Also referred to as a "post top luminary fixture."

Registrant. A telephone company that has filed a complete registration application adopted by the City authorizing the telephone company to construct, maintain and operate its lines upon, under, along, and over public rights-of-way of the City in accordance with O.C.G.A. § 46-5-1 and Section 12-21 of The Code of the City of Alpharetta, Georgia, as further set forth in Subsection 2.8.10.C.

Street light standard. A tapered steel pole with a mast arm extending a minimum of three (3) feet from the pole, to which the luminaire or lighting fixture is mounted.

Telephone Company. A telephone company chartered by the laws of the State of Georgia or any other state and certified by the Georgia Public Service Commission to provide telecommunications services in this state, and which is authorized to construct, maintain and operate its lines upon, under, along, and over public rights-of-way of this State in accordance with O.C.G.A. § 46-5-1.

C. REGISTRATION TO ACCESS PUBLIC RIGHTS-OF-WAY OF CITY

1. **Registration Required.** Subject to and in accordance with the additional regulations, terms and conditions prescribed in this Section 2.8.10, only a telephone company that has filed a complete registration application approved by the City in accordance with O.C.G.A. § 46-5-1 and Section 12-21 of The Code of the City of Alpharetta, Georgia (the "City Code") may place, site, locate, install, modify, or maintain a wireless telecommunications facility in public rights-of-way of the City. Wireless

EXHIBIT A

telecommunications facilities may only be placed, sited, located, installed, modified, or maintained by such registrants in public rights-of-way that are located within the service area identified in the registration application approved by the City in accordance with O.C.G.A. § 46-5-1 and Section 12-21 of the City Code. Further, only wireless telecommunications facilities providing the types of services included in the description of services set forth in the application approved by the City in accordance with O.C.G.A. § 46-5-1 and Section 12-21 of the City Code may be placed, sited, located, installed, modified or maintained by a registrant in public right-of-way. If the telephone company has modified the service area or the description of services to be provided as identified in the original application, the telephone company shall update the changes to the service area and/or the services provided prior to submitting an application to locate a wireless telecommunications facility in public rights-of-way of the City.

2. **Review of Registration.** The registration of the registered telephone company shall be reviewed by the City at the time an application to locate a wireless telecommunications facility in public right-of-way is submitted by such registrant. Such review shall include confirmation that all “due compensation” owed to the City has been paid by the registrant pursuant to Section 12-21 of the City Code and O.C.G.A. § 46-5-1. If the City confirms that the registrant has submitted all information in accordance with this subsection (C) and is compliant with the provisions of O.C.G.A. § 46-5-1 and Section 12-21 of the City Code, the City shall notify the registrant of same; provided, however, such notification shall neither have the effect of nor be deemed an accord and satisfaction or waiver of any “due compensation” owed to the City. If the City determines that information has not been submitted in accordance with this subsection (C) or the registration is not compliant with the provisions of O.C.G.A. § 46-5-1 and Section 12-21 of the City Code, the City shall notify the registrant in writing of the non-effectiveness of registration, and reasons for the non-effectiveness.
3. **Effect of Registration; Additional Permits Required.** An effective registration is a precondition for obtaining a permit to locate or place a WTF in public right-of-way. Notwithstanding an effective registration, a registrant shall be required to obtain a permit to place a wireless telecommunications facility in public right-of-way and such other permits as required by other applicable City ordinances, codes or regulations, as well as state and federal law. A permit may be obtained by or on behalf of a registrant having an effective registration if all permitting requirements are met.
 - a. **Non-Exclusive.** Registration in accordance with O.C.G.A. § 46-5-1 and Section 12-21 of the City Code is nonexclusive and does not establish any right or priority to place or maintain a wireless telecommunications facility in any particular area in public rights-of-way within the City. Registrations and the placement of WTF’s in the public rights-of-way are expressly subject to any future amendment of this

EXHIBIT A

Section 2.8.10, and such other City, state or federal laws, codes, ordinances, regulations or policies that may be enacted.

- b. Neither registration nor the issuance of WTF right-of-way placement permit conveys any title, equitable or legal, in the public rights-of-way of the City. Pursuant to O.C.G.A. §§ 46-5-1 and 32-4-92, registration governs only the right to access the public rights-of-way of the City in compliance with City, local, state and federal laws, ordinances, codes and regulations. Registration does not excuse a registrant from obtaining appropriate access or pole attachment agreements before locating its wireless transmission facilities on the facilities of another utility or person, nor does it excuse a registrant from complying with the provisions of this Section 2.8.10 and other applicable City, local, state or federal laws, ordinances, codes and regulations.
- c. A registrant shall not commence to place or maintain a wireless telecommunications facility in public rights-of-way until all applicable permits, including a WTF right-of-way placement permit, have been applied for by registrant and issued by the City or other appropriate authority.

D. WTF RIGHT-OF-WAY PLACEMENT PERMITS

- 1. WTF Right-Of-Way Placement Permit Required. A registrant shall not place, install, site, locate, collocate or modify a wireless telecommunications facility in the public right-of-way of the City without the issuance of an administrative permit from the City in accordance with the provisions hereof (an administrative permit to place, install, site, locate, collocate or modify a wireless telecommunications facility in the public right-of-way of the City is referred to herein as a “WTF right-of-way placement permit”). A WTF right-of-way placement permit shall be required for each wireless telecommunications facility installation site in the public right-of-way. The complete removal of a wireless telecommunications facility shall not require a permit under this Section; however, removal must be performed in strict compliance with this Section.
 - a. Following the issuance of a WTF right-of-way placement permit, a registrant shall not commence to install, construct or place a wireless telecommunications facility in the public right-of-way until all other applicable permits have been issued by the City or other appropriate authority. Registrant acknowledges that as a condition of granting such permits, the City may impose reasonable terms and conditions governing the placement or maintenance of a wireless telecommunications facility in public rights-of-way.
 - b. All issued permits shall apply only to the areas of public rights-of-way specifically identified in the permit. The City may issue a blanket permit to cover certain

EXHIBIT A

activities, such as routine maintenance and repair activities, that may otherwise require individual permits or may impose lesser requirements.

- c. A registrant that places or maintain a wireless telecommunications facility in the public right-of-way shall comply with and abide by all applicable provisions of this Section 2.8.10 and any and all other City, local, state and federal laws, ordinances, codes, statutes, regulations and policies.
2. Exemptions. A WTF right-of-way placement permit shall not be required for the following:
 - a. §6409 Modifications. A registrant shall be exempt from the requirement of obtaining an additional WTF right-of-way placement permit for collocations and modifications that are exempt per Section 2.8.9 hereof (§6409 Modifications – Exemptions for Modifications that do not Substantially Change the Physical Dimensions of a Wireless Telecommunications Facility); provided, however, the registrant shall be required to submit an application as set forth therein.
 - b. Emergencies. Subject to compliance with the other requirements provided herein, in the event of an emergency requiring the replacement or maintenance of a wireless telecommunications facility in the public right-of-way, a registrant shall be exempt from the requirement of first obtaining a WTF right-of-way placement permit prior to performing such work. The term “emergency” shall mean a condition that affects the public's health, safety or welfare, and which includes an unplanned out-of-service condition of a pre-existing service. Registrant shall provide prompt notice to the City of the replacement or maintenance of a wireless telecommunications facility in public rights-of-way in the event of an emergency.
3. Application for WTF right-of-way placement permit.
 - a. General. The Director of Engineering/Public Works, or his/her designee, shall be responsible for the review and approval or denial of all WTF right-of-way placement permit applications. The Community Development Department shall be responsible for receiving all WTF right-of-way placement permit applications. Original applications received by the Community Development Department shall be forwarded to the City Engineering/Public Works Department and copies of same shall be distributed to the Finance Department and all other affected City departments for review for completeness and compliance with City regulations and laws. The Director of Engineering/Public Works shall be responsible for further coordinating departmental review for compliance. Applications for a WTF right-of-way placement permit shall be approved by the Director of Engineering/Public Works

EXHIBIT A

whenever the Director of Engineering/Public Works determines that the proposed WTF fully complies with the subject standards, regulations and requirements, as more fully set forth herein---which may include revisions to the application.

- b. Submittal of Application(s). An application for a WTF right-of-way placement permit shall be submitted to the Community Development Department on an application form prepared by the City and made available to the public. An application shall be required for each WTF or installation site. Where a proposed WTF is part of a planned network of WTF's that will be installed contemporaneously or sequentially, such as a WTF for DAS, applications for each of the WTF's in the proposed network shall be submitted at the same time.
4. Contents of Application. An application for a WTF right-of-way placement shall include such information and documents required by the application form, which shall include, but not be limited to, the information and documents set forth in Section 2.8.4(C), as well as the following:
 - a. Description of Construction: A description of the manner in which the WTF will be installed (i.e. anticipated construction methods and/or techniques) and the timetable for construction of the project or each phase thereof, and the areas of the City which will be affected;
 - b. Traffic Maintenance Plan: A traffic maintenance plan for any disruption or obstruction of the public rights-of-way;
 - c. If appropriate given the type of WTF proposed, an estimate of the cost of restoration to the public rights-of-way;
 - d. Identification of Facilities in Public Right-of-Way: Information that identifies and depicts all utility poles, electrical transmission towers, street light fixtures, traffic control signals and device, and other above-ground structures, fixtures, facilities and equipment currently existing in the area of the public right-of-way to which the permit application applies, and extending one thousand (1,000) feet in each direction along the public right-of-way, if available, including, but not limited to, those owned or used by public utilities, electric membership corporations, electric cooperatives, or the City (such information shall be provided without certification as to correctness, to the extent obtained from other persons with fixtures, facilities or equipment in the public rights-of-way);
 - e. WTF Inventory: An inventory of all existing wireless telecommunications facilities located in the areas of the public right-of-way to which the permit application

EXHIBIT A

applies, and extending one thousand (1,000) feet in each direction along the public right-of-way, including any wireless transmission equipment or support structures that the registrant or its predecessor(s) in interest has previously placed or which are otherwise used by the registrant, and, to the extent such information is available, or which are owned or used by other wireless providers (such information shall be provided without certification as to correctness, to the extent obtained from other persons with WTF's in the public rights-of-way);

- f. Evidence of Need Report: If required due to the type of WTF proposed, an evidence of need report, which shall include sufficient information to demonstrate that existing WTF's, existing utility poles and/or existing street light standards in the public right-of-way, as applicable, cannot reasonably accommodate the applicant's need because:
 - (i) There are no existing WTF's, existing utility poles and/or street light standards, as applicable, located in the public right-of-way within the GSA;
 - (ii) The existing utility poles and/or street light standards, as applicable, in the GSA cannot accommodate the proposed attached WTF because the antenna and/or other wireless transmission equipment cannot be mounted at a sufficient height to meet the applicant's engineering requirements or there is not sufficient space available for mounting wireless transmission equipment meeting the applicant's engineering requirements due to the location of utility equipment or other equipment currently mounted on the subject structure;
 - (iii) The existing utility poles and/or street light standards, as applicable, in the GSA do not have sufficient structural strength and cannot be structurally improved to support the wireless transmission equipment for the applicant's proposed WTF, which shall be further certified by a Georgia-licensed professional engineer;
 - (iv) Taking into consideration economic and technical feasibility, compliance with the design requirements and standards governing the proposed attached WTF are not reasonably practicable due to other existing conditions associated with the existing utility poles and/or street light standards, as applicable;
 - (v) To the extent there are existing WTF's within the GSA available for collocation or modification, the collocation of the proposed WTF on or modification to the existing WTF's would defeat the concealment elements required for the existing WTF; or
 - (vi) The existing utility poles and/or street light standards in the GSA are unsuitable due to other similar limiting factors; and
- g. Such additional information necessary for review in order to confirm compliance with the requirements set forth herein, as reasonably determined and requested by the City.

EXHIBIT A

5. No Application Fee. Notwithstanding any provision set forth in Section 2.8.4 to the contrary, no permit, application or review fee is required for a WTF right-of-way placement permit.

E. GENERAL STANDARDS.

1. General Standards of Approval; Factors for Consideration. The City shall have the authority to prohibit or limit the placement of new or additional wireless telecommunications facilities within certain public rights-of way as reasonably necessary to protect existing facilities in the public rights-of-way, including facilities owed by a public utility or the City, to accommodate City plans for public improvements or projects that the City determines are in the public interest, to prevent interference with the operations of public safety communications services, to accommodate or address traffic safety issues or concerns related to the subject location or arising out of the proposed placement of the wireless telecommunication facility at the subject location, or as otherwise necessary, proper, or incidental to the efficient operation, management or development of the public rights-of-way and the municipal street system.
 - a. Preservation of Safe Traffic Environment, Appearance of Right-of-Way and Efficiency of Right-of-way Maintenance. The type of construction required for the installation, vertical clearance above pavement, horizontal clearance within the public right-of-way, the location of the support structure and wireless transmission equipment, and the location of existing poles, guys, and related ground-mounted utility appurtenances, such as transformers or cabinets, are factors of major importance to preserve a safe traffic environment as well as the appearance of the public right-of-way and the efficiency and economy of public right-of-way maintenance. A critical requirement for locating support structures and wireless transmission equipment along the roadside is the width of the border area; i.e., the space between the edge of pavement, edge of paved shoulder or curb line and the right-of-way line, and its availability and suitability for accommodating such facilities. The safety, maintenance efficiency and appearance of public rights-of-way are enhanced by keeping this space as free as possible from encroachment by obstacles above the ground. Where ground-mounted utility facilities are to occupy this space, they shall be placed as far as possible from the traveled way and beyond the clear zone. The nature and extent of roadside development and the ruggedness of the terrain are additional controlling factors for locating support structures and wireless transmission equipment within the public right-of-way as close as possible to the right-of-way line and outside of the clear zone.
 - b. Non-interference.

EXHIBIT A

- (i) Wireless telecommunications facilities shall be placed and maintained so as not to interfere unreasonably with the use of the public rights-of-way by the public and so as not to cause unreasonable interference with the rights and convenience of property owners who own property adjacent to the subject public right-of-way.
 - (ii) All wireless telecommunications facilities shall be placed and maintained so as not to interfere, displace, damage or destroy any other utilities or facilities, including but not limited to, water mains, sanitary sewer facilities, storm drains, electrical facilities; gas mains, pipes, cables or conduits of the City or any utility's facilities lawfully occupying the public rights-of-way of the City.
 - (iii) All wireless telecommunications facilities shall be placed and maintained so as not to create interference with the operations of public safety communications services.
- c. Insufficient Space. The City has the authority to prohibit or limit the placement of new or additional wireless telecommunications facilities within the public rights-of-way if there is insufficient physical space to accommodate all of the requests to place and maintain WTF's or other facilities in that area of the public rights-of-way.

2. General Design Standards.

- a. Concealed Attached WTF's and Concealed Freestanding Support Structures. Subject to compliance with the other regulations set forth herein, including location, siting and design standards and requirements, and the issuance of a WTF right-of-way placement permit, only the following types of concealed attached WTF's and concealed freestanding support structures may be placed in the public rights-of-way:
 - (i) Concealed attached WTF mounted to one of the following types of alternative support structures:
 - (a) utility pole or electrical transmission tower (i.e., utility-pole-mounted WTF); or
 - (b) streetlight standard (i.e., streetlight-mounted WTF).
 - (ii) Concealed freestanding support structure designed as a:

EXHIBIT A

- (a) streetlight standard, decorative streetlight fixture or decorative lamppost primarily used for public lighting (i.e., faux streetlight facility).
 - b. Wireless Transmission Equipment. Only antennas, repeaters, equipment cabinets or pedestals, and other accessory equipment associated with small wireless technologies, like DAS or small cell facilities, which are physically much smaller and less visible and can be placed at much lower elevations than macrocell antennas and accessory equipment, such that they can be more easily deployed with concealment enclosures and other concealment elements that blend with the non-tower support structure on or within which they are installed, may be located within the public right-of-way; provided, however, a DAS hub may not be located within the public right-of-way. The foregoing provisions are provided for the purpose of generally describing in prevailing industry terminology the type of wireless transmission equipment (in terms of its size, scale, design and feasibility for location on alternative support structures or concealed freestanding support structures) allowed in public rights-of-way in accordance with the further regulations provided herein; the foregoing provisions are not intended to restrict the technology used by the registrant.
 - c. Concealment Elements. In order to preserve the appearance of the public right-of-way and minimize the visual impact of new facilities, all wireless telecommunications facilities and wireless transmission equipment located in the public rights-of-way shall be designed with concealment elements, as further prescribed herein.
- 3. Siting Standards and Requirements for WTF's. In order to limit the proliferation of new support structures in the public right-of-way so as to preserve the appearance of the public right-of-way and prevent physical or visual obstructions to pedestrian or vehicular traffic, inconveniences to public use of the right-of-way, safety hazards to pedestrians and/or motorists, and new visual and aesthetic impacts, a proposed wireless telecommunications facility shall be sited in the public right-of-way in accordance with the following siting alternatives order:
 - a. Utility-Pole-Mounted WTF's. A new wireless telecommunications facility in the public rights-of-way must be placed on existing utility poles (subject to and in accordance with the standards and regulations governing concealed utility-pole-mounted WTF's and other requirements set forth herein), unless such siting is impracticable or technically infeasible. In order to demonstrate that such siting is impracticable or technically infeasible, the registrant shall provide an evidence of need report to the City at its pre-application meeting or as part of the application showing why and how complying with the foregoing standard would be impractical or technically infeasible.

EXHIBIT A

- b. Concealed Streetlight-Mounted WTF's. When a registrant sufficiently demonstrates that there are no existing utility poles in the subject area of the public right-of-way to accommodate the proposed WTF, the proposed wireless telecommunications facility shall be placed on an existing streetlight standard (subject to and in accordance with the standards and regulations governing concealed street-light-mounted WTF's and other requirements set forth herein), unless such siting is impracticable or technically infeasible as sufficiently demonstrated by an evidence of need report; or
 - c. Concealed Freestanding Support Structures: Faux Streetlight Facility. When a registrant sufficiently demonstrates that there are no existing utility poles or streetlight standards in the subject area of the public right-of-way to accommodate the proposed WTF, a faux streetlight facility may be sited in the public right-of-way (subject to and in accordance with the standards and regulations governing faux streetlight facilities and other requirements set forth herein).
4. General Location, Siting and Design Standards for Ground-Mounted Equipment Cabinets.
- a. Purpose and Intent. The purpose of this Paragraph 4 is to establish and prescribe uniform standards and controls for the location and placement of ground-mounted equipment cabinets within the public right-of-way in order to provide a basis for the planning of such installations. These regulations, standards and guidelines for ground-mounted equipment cabinets are intended to cover the majority of situations which will occur and are general in application, particularly in regard to the location of new ground-mounted equipment cabinets in the public rights-of-way. There may be instances where the location of a proposed installation of a ground-mounted equipment cabinet appears to meet the requirements set forth herein, but special circumstances, other considerations, or other regulations may make the location inappropriate. Each requested location for placement of a ground-mounted equipment cabinet is subject to the approval of the City Engineer/Public Works Director and shall be reviewed on its own merit with regard to the foregoing general standards, including, but not limited to, its impact on safety, visual quality of the public right-of-way, and the difficulty of public right-of-way and public utility construction and maintenance, as well as the additional standards and requirements set forth herein.
 - b. Authority. A ground-mounted equipment cabinet may only be installed in the public right-of-way when the location has been reviewed and approved by the City Engineer/Public Works Director. In determining whether the location is appropriate, the City Engineer/Public Works Director shall review the proposed location for compliance with the general standards, the additional standards and requirements

EXHIBIT A

applicable to the subject type of WTF, and such other applicable City, state and federal laws, codes, ordinances, regulations and policies, and further give due consideration to such other factors relevant to the protection of the public health, safety, and welfare in relation to the use and regulation of the public rights-of-way.

- c. General Location Standards and Guidelines. In order to avoid the clustering of multiple ground-mounted equipment cabinets in a single area, a ground-mounted equipment must be spaced a minimum of one thousand (1000) linear feet from another ground-mounted equipment cabinet located in the public right-of-way; however, a maximum of two (2) ground-mounted equipment cabinets may be grouped together in a single location when the other standards hereof are also met. Individual ground-mounted equipment cabinets shall not exceed three (3) feet in width, three (3) feet in depth or five (5) feet high in height. Ground-mounted equipment cabinets shall only be located in areas of the public right-of-way with existing foliage or other aesthetic features that screen or obscure the view of the equipment cabinet or in which there is existing space and conditions such that landscaping can be installed to fully screen such equipment cabinet; provided, however, a ground-mounted equipment cabinet may be located adjacent to an existing utility cabinet in any area of the right-of-way in which there are aerial telecommunications and electric distribution lines. Accessory equipment and equipment cabinets not meeting the requirements hereof, may only be located on the support structure of the WTF subject to and in accordance with the additional regulations set forth herein, or in flush-to-grade underground vault enclosures. Such flush-to-grade underground vault enclosures, including flush-to-grade vents, or vents that extend no more than twenty-four (24) inches above the finished grade and are screened from public view may be incorporated. Electrical meters required for the purpose of providing power to the proposed WTF may be installed above ground on a pedestal in the public right-of-way provided such pedestal is designed or screened to blend in with the surrounding area and meets other applicable standards.
- d. General Design Standards for Ground-Mounted Equipment Cabinets. Subject to such additional design standards and regulations for the subject type of WTF, ground-mounted equipment cabinets shall be painted, textured, and designed in a manner consistent with the style, color, texture and materials of other fixtures and features in the area in which located, or painted, textured and located to blend in with existing foliage/vegetation or additional landscaping, and otherwise camouflaged, screened and designed in such a manner to render the ground-mounted equipment cabinet as visually inconspicuous as possible, such that the ground-mounted equipment cabinet meets the visibility standard applicable to the subject type of WTF, as further set forth herein. All ground-mounted equipment cabinets shall be screened by landscaping unless existing foliage and vegetation and/or other existing

EXHIBIT A

structures or fixtures provide sufficient screening to meet the subject standard of visibility.

- e. Downtown Overlay District. In addition to the foregoing standards, in the Downtown Overlay District, ground-mounted equipment cabinets shall not be located in any area of the public right-of-way in which a pedestrian walkway is also located or planned, unless such equipment cabinet is camouflaged, screened and designed such that it is not visible (to a reasonable person of ordinary sensibilities) from public rights-of-way or any public place.
- f. Residential Areas. In addition to the foregoing standards, ground-mounted equipment cabinets shall not be located in any portion of the public right-of-way that is contiguous to the front or side yard property line of a property with a “for-sale” dwelling use, unless there are existing utility cabinets or enclosures located on the ground and screened with landscaping, such as telephone cabinets or electrical transformer boxes/enclosures, provided (i) there is sufficient space to place the ground-mounted equipment cabinet within such screened area, (ii) the height and other dimensions of the ground-mounted equipment cabinet do not exceed the height or size of the existing utility cabinet or enclosure located on the ground, or be more than five (5) feet in height, three (3) feet in width, or three (3) feet in depth, whichever is less, and (iii) the ground-mounted equipment cabinet is otherwise camouflaged, screened and designed so as to render it as visually inconspicuous as possible, such that the ground-mounted equipment cabinet is not readily apparent or plainly visible (to a reasonable person of ordinary sensibilities) from public rights-of-way or any property with a “for-sale” dwelling use.

F. ADDITIONAL REGULATIONS, DESIGN STANDARDS AND MINIMUM REQUIREMENTS FOR WTF’S IN PUBLIC RIGHTS-OF-WAY

- 1. Additional Regulations and Design Standards for Concealed Utility-Pole-Mounted WTF’s.
 - a. Location Standards. Utility-pole-mounted WTF’s shall be located in areas of the public right-of-way in which there are existing aerial (overhead) telephone and electric distribution lines. Antenna(s) and pole-mounted accessory equipment of utility-pole-mounted WTF’s may only be located on an existing utility pole supporting such aerial lines or on an existing electrical transmission tower. Notwithstanding the foregoing, utility-pole-mounted WTF’s shall not be located in

EXHIBIT A

any portion of the public right-of-way that is contiguous to the front yard property line of a property with a “for-sale” dwelling use.

- b. Minimum Height of Utility Pole. Antenna(s) and pole-mounted accessory equipment of a utility-pole-mounted WTF may only be attached to a utility pole with a height of thirty (30) feet or greater, as measured from finished grade, or on an electrical transmission tower.
- c. Minimum Height Location of Antennas. Antenna(s) shall be mounted on the utility pole or electrical transmission tower) at a height of fifteen (15) feet or more above grade. Pole-mounted equipment cabinets/enclosures shall be mounted on the utility pole or electrical transmission tower at a height of ten (10) feet or more above grade.
- d. Design Standards and Concealment Elements.
 - (i) General Concealment Measures. The size, shape and orientation of antenna(s) and accessory equipment mounted to a utility pole (use of the term “utility pole” shall include “electrical transmission tower” when an electrical transmission tower serves as the alternative support structure) shall be consistent with the size, shape and orientation of existing utility equipment installed on the subject utility pole and other utility poles in the nearby area (within 500 linear feet of the subject utility pole and on the same side of the right-of-way). Such antenna(s) and accessory equipment shall be painted, textured, and designed in a manner consistent with the utility pole’s style, color, texture and materials and otherwise camouflaged and designed to blend in with the existing utility pole such that the utility-pole-mounted WTF is no more readily apparent or plainly visible from public rights-of-way than the existing utility equipment located on the utility pole. Further, if the utility pole is visible (at ground level) from any property with a residential ‘for-sale’ dwelling use, antennas shall be concealed or screened by means of canisters, radomes, shrouds or other similar concealment enclosures, which shall be flush-mounted to the utility pole and painted, textured, and designed in a manner consistent with the utility pole’s style, color, texture and materials and otherwise camouflaged and designed to blend in with the existing utility pole.
 - (ii) Type of Antennas; Maximum Number. No type of antenna other than a panel or whip antenna may be mounted to a utility pole unless such antenna is enclosed within a canister, radome, shroud or other similar concealment enclosures. No more than (a) one (1) whip antenna and (b) three (3) panel

EXHIBIT A

antennas or three (3) antenna concealment enclosures may be attached to a utility pole.

- (iii) **Mounting of Antennas.** Antennas shall be flush-mounted. A panel antenna, together with its mount, shall not extend horizontally from the utility pole more than the width of existing pole-mounted equipment (on the subject utility pole) with the same orientation, or more than three (3) feet, whichever is less. Panel antennas shall not extend vertically above the height of the utility pole. When flush-mounted to the side of the utility pole, a whip antenna, together with its mount, may extend horizontally up to eighteen (18) inches from the utility pole, and the whip antenna, exclusive of its mounts, may extend vertically up to three (3) feet above the height of the utility pole. Alternatively, the base of a whip antenna may be flush-mounted (without vertical separation) to the top surface of the utility pole, but shall not extend vertically above the height of the utility pole by more than three (3) feet. Canisters, radomes, shrouds or other similar antenna concealment enclosures shall be flush-mounted to the side of a utility pole without any visual horizontal separation and without extending vertically above the height of the utility pole. Additionally, one (1) canister, radome, shroud or other similar antenna concealment enclosure may be flush-mounted (without vertical separation) to the top surface of the utility pole, but shall not extend vertically above the height of the utility pole by more than three (3) feet.
- (iv) **Maximum Size of Antennas.** A non-enclosed panel antenna shall be no larger than one (1) foot in width and two (2) feet in length. A whip antenna shall be no larger than two (2) inches in diameter and five (5) feet in length.
- (v) **Maximum Antenna Volume.** In addition to the foregoing size limitations, each antenna located on the utility pole shall either be (a) located within a canister, radome, shroud or other similar antenna concealment enclosure that is no more than three (3) cubic feet in volume, or (b) if the antenna is not enclosed within an antenna concealment enclosure, capable of fitting within an enclosure (i.e., an imaginary enclosure) that is no more than three (3) cubic feet in volume. The aggregate volume of actual concealment enclosures and/or imaginary enclosures of all antennas located on the utility pole, including any pre-existing antennas, shall not exceed six (6) cubic feet in volume.
- (vi) **Accessory Equipment; Equipment Cabinets.** All pole-mounted accessory equipment, other than antennas, antenna attachment devices, cables, conduit, and power meters and switches (and similar equipment installed by an electric utility) shall be located in equipment cabinets or smaller equipment enclosures. Except for any approved ground-mounted equipment cabinet(s), all equipment

EXHIBIT A

cabinets and enclosures shall be flush-mounted to the utility pole. The dimensions of a pole-mounted equipment cabinet/enclosure shall be not exceed 30 inches in height (length), 24 inches in width, and 18 inches in depth. The volume of all pole-mounted and ground-mounted equipment cabinets and enclosures associated with wireless transmission equipment located on the utility pole, including pre-existing wireless transmission equipment located on the utility pole, shall not exceed seventeen (17) cubic feet.

2. Additional Regulations and Design Standards for Concealed Streetlight-Mounted WTF's.
 - a. Location Standards. Streetlight-mounted WTF's may only be located in arterial rights-of-way or areas of the public right-of-way in which there are existing aerial (overhead) telephone and electric distribution lines, and antenna(s) and pole-mounted accessory equipment of streetlight-mounted WTF's may only be located on an existing street light standard. Notwithstanding the foregoing, streetlight-mounted WTF's shall not be located in the Downtown Overlay District or in any portion of the public right-of-way that is contiguous to the front yard property line of a property with a "for-sale" dwelling use.
 - b. Minimum Height of Streetlight Standard. Antenna(s) and pole-mounted accessory equipment of streetlight-mounted WTF's may only be attached to a street light standard with a height of twenty-five (25) feet or more above grade.
 - c. Minimum Height Location of Equipment Cabinets/Enclosures. Pole-mounted equipment cabinets and other equipment enclosures shall be mounted on the street light standard at a height of ten (10) feet or more above grade.
 - d. Lighting, Operability and Maintenance. The streetlight-mounted WTF shall not impair the existing function of the street light standard, including its lighting. Further, the faux streetlight facility must be separately metered for electric power to all wireless transmission equipment located thereon. The applicant shall be responsible for all maintenance to the wireless transmission equipment located on the street light facility or otherwise installed in association therewith.
 - e. Design Standards and Concealment Elements.
 - (i) General Concealment Measures. Antenna(s) and pole-mounted accessory equipment of streetlight-mounted WTF's shall be designed, camouflaged, screened and obscured from view in order to render the attached WTF as visually inconspicuous as possible. Such antenna(s) and accessory equipment shall be painted, textured, and designed in a manner consistent with the street

EXHIBIT A

light standard's style, color, texture and materials and otherwise camouflaged and designed to blend in with the existing street light standard in order to render the attached WTF as visually inconspicuous as possible, such that the streetlight-mounted WTF is not identifiable or plainly visible from public rights-of-way. Antennas shall be concealed or screened by means of canisters, radomes, shrouds or other similar concealment enclosures, which shall be flush-mounted to the top of the street light standard and painted, textured, and designed in a manner consistent with the street light standard's style, color, texture and materials and otherwise camouflaged and designed to blend in with the existing street light standard.

- (ii) Type of Antennas. Only antenna enclosed within a canister, radome, shroud or other similar antenna concealment enclosure may be mounted to a street light standard. No more than one (1) antenna concealment enclosure may be attached to a street light standard.
- (iii) Mounting of Antennas. Canisters, radomes, or similar antenna concealment enclosures shall be flush-mounted (without vertical separation) to the top of the pole located above the point of attachment of the mast arm, but shall not extend vertically above the height of the street light standard by more than three (3) feet. The canister, radome or similar antenna concealment enclosure shall be designed and camouflaged to appear as an integral part of the existing pole to which it is attached. If the diameter of an antenna concealment enclosure is greater than the diameter of the top end of the pole, the antenna concealment enclosure must be tapered in a manner consistent with style of the subject pole. Antennas shall not be mounted to the mast arm of the street light standard.
- (iv) Maximum Size of Antennas. The diameter of the canister, radome or similar antenna concealment enclosure shall not exceed the diameter of the existing pole at its mid-point.
- (v) Accessory Equipment; Equipment Cabinets. Cable and conduit shall be located inside the pole and not attached to the exterior. All accessory equipment, other than antenna concealment enclosures, cables, conduit, and power meters and switches (and similar equipment installed by an electric utility), shall be located in equipment cabinets or smaller equipment enclosures. Equipment cabinets and enclosures shall be flush-mounted to the side of the street light standard. The height (length) and depth of a pole-mounted equipment cabinet/enclosure shall not exceed 24 inches and 10 inches, respectively, and the width of a pole-mounted equipment cabinet/enclosure shall not exceed the minimum width of

EXHIBIT A

the pole at the location of attachment by more than fifty (50) percent. The volume of all pole-mounted equipment cabinets/enclosures located on the street light standard, including pre-existing wireless transmission equipment located on the street light standard, shall not exceed six (6) cubic feet. To the extent ground-mounted equipment cabinets/enclosures are permitted in accordance with Subsection 2.8.10(E)(4) hereof, the volume of all pole-mounted and ground-mounted equipment cabinets/enclosures associated with wireless transmission equipment located on the street light standard, including pre-existing wireless transmission equipment located on the street light standard, shall not exceed seventeen (17) cubic feet.

3. Additional Regulations and Design Standards for Faux Streetlight Facilities.

- a. Purpose and Intent. The following regulations, standards and guidelines for the placement of faux streetlight facilities attempt to cover the large majority of situations which will occur and are general in application, particularly in regard to the location of new faux streetlight facilities in the public right-of-way. There may be instances where a proposed installation of a faux streetlight facility appears to meet the requirements set forth herein, but special circumstances, other considerations, or other regulations may make the installation inappropriate. Each requested location for placement of a faux streetlight facility is subject to the approval of the City Engineer/Public Works Director and shall be reviewed by the City Engineer/Public Works Director on its own merit with regard to the policies and purposes of this Section 2.8.10, including, but not limited to, its impact on safety, visual quality of the public right-of-way, and the difficulty of public right-of-way and public utility construction and maintenance.
- c. Location Standards and Guidelines.
 - (i) A faux streetlight facility may only be installed in the public right-of-way when the location has been reviewed and approved by the City Engineer/Public Works Director. In determining whether the location is appropriate, the City Engineer/Public Works Director shall review the proposed location for compliance with the foregoing general standards, the additional standards and requirement set forth below, and such other applicable City, state and federal laws, codes, ordinances, regulations and policies, and further give due consideration to such other factors relevant to the protection of the public health, safety, and welfare in the use and regulation of the public rights-of-way.
 - (ii) In addition to the standards set forth herein, the location of faux streetlight facilities, including required spacing and separation from existing or planned

EXHIBIT A

street lights, shall comply with all other design standards and guidelines related to street lights required by other applicable City or State laws, ordinances, codes or regulations, including design standards and guidelines that are applicable due to the proposed location lying within certain areas and corridors of the City (e.g., Design Review Board Guidelines, the Downtown Code, and the Northpoint Activity Center Design Guidelines). The spacing and separation of the faux streetlight facility from other street lights shall be consistent and visually compatible with the existing spacing of street lights located on the same side of the right-of-way; provided, however, such compatibility may further require that the location be opposite of or staggered with street lights located on the other side of the public right-of-way, when applicable. When appropriate due to the separation of existing street lights and the locations of any planned street lights, new faux streetlight facilities should generally be located midway between existing/planned street lights on the same side of the right-of-way. Faux streetlight facilities shall be located so as to align with existing and/or planned street lights in the surrounding areas of the public right-of-way and have consistent setback distances from the curb as other street lights.

- (iii) In the event appropriate spacing and separation distances cannot be met, the applicant may include with its application a proposal to replace an existing street light fixture with a faux streetlight facility of the same design. A proposal to replace an existing street light fixture with a faux streetlight facility shall be subject to the approval of the City Council.
- c. Height of Faux Streetlight Facility. The height of the faux streetlight facility shall comply with height requirements set forth in other applicable City regulations, policies and guidelines, including City design standards and guidelines applicable to the proposed location within the City, and/or shall be equivalent to the height of the adjacent existing street lights that it is designed to replicate.
- d. Lighting, Operability and Maintenance. The faux streetlight facility shall function as a street light facility and comply with all City requirements applicable thereto, including, but not limited to, the lighting fixture must comply with all lighting and illumination standards required pursuant to other City laws, codes, regulations and policies. Further, the faux streetlight facility must be separately metered for electric power to its wireless transmission equipment and the lighting fixture. The applicant shall be responsible for all maintenance to and operations of the faux streetlight facility, including the operation, replacement and repair of the lighting fixture.
- e. Design Standards and Concealment Elements.

EXHIBIT A

- (i) Full Concealment. The faux streetlight facility shall be designed (i) in compliance with City design requirements and standards applicable to new street light fixtures generally and as further prescribed for the subject area of the right-of-way, (ii) in compliance with the specifications of street light fixtures that are planned for installation in the subject area of the right-of-way, and/or (iii) to replicate the design of existing street light fixtures in the surrounding area of the public right-of-way, such that the faux streetlight facility is indistinguishable by a casual observer from the existing, planned or other street light fixture(s) that it replicates. The size, shape, height, design, style, color, texture and materials of all components of the faux streetlight facility shall match the existing, planned or other street light fixture(s) that it replicates, and all wireless transmission equipment associated with the faux streetlight facility, other than any permitted ground-mounted equipment cabinet or electric meter, shall be concealed within the pole or post of the structure or otherwise designed and incorporated as a design element of the required style of street light fixture. When the faux streetlight facility is a replacement of an existing street light, the faux streetlight facility shall be designed to fully replicate the street light feature being replaced.
- (ii) Antennas. Antenna(s) shall be enclosed within a canister, radome, shroud or other similar antenna concealment enclosure designed to replicate a design element and to appear to be an integral part of the subject style of street light fixture, such that the antenna and concealment enclosure are indistinguishable from the related feature or design element of the street light fixture(s) that the faux streetlight facility is designed to replicate.
- (iii) Ground-Mounted Equipment Cabinets. The placement of ground-mounted equipment cabinets is subject to Subsection 2.8.10(E)(4) hereof.

G. GENERAL CONDITIONS

1. A WTF right-of-way placement permit issued by the City is a mere privilege that authorizes the permissive use of the public right-of-way for the placement and maintenance of the WTF only. The issuance of a WTF right-of-way placement permit and the placement of such facility in accordance therewith does not create or vest any property right in the applicant, or any other party, or grant authority to impinge upon the rights of others who may have an interest in the public rights-of-way.
2. Other Government Approvals. An applicant shall be required to obtain any and all approvals that may be required by any state or federal governmental unit, department or agency related to the use of right-of-way under its jurisdiction.

EXHIBIT A

3. Conditional Use of Public Right-of-Way.
 - a. The City shall retain the right, without limitation, to alter, change, or cause to be changed, the grading, installation, relocation or width of the public rights-of-way within the limits of the City. Neither the approval of WTF right-of-way placement permit nor any provision set forth in this Section 2.8.10 shall affect the City's authority to add, modify, vacate or abandon public rights-of-way.
 - b. If a registrant desires to use any of its wireless telecommunications facilities for the purpose of providing any other services other than the provision of communications service, including utility or non-utility services to existing or potential consumers or resellers, or by providing any other use to existing or potential consumers, a registrant shall seek such additional and separate authorization from the City and other governmental or regulatory authorities as may be required by applicable law.
 - c. A registrant, or any person that leases or otherwise uses the wireless telecommunications facilities of a registrant, that has been issued a WTF right-of-way placement permit or that has otherwise been authorized to place a WTF in the public rights-of-way of the City shall not make or assert any claim, right, or cause of action or take any other action against the City that will impede the lawful exercise of the City's rights, including requiring the removal or relocation of such facilities from the public rights-of-way of the City, notwithstanding the effect of same on registrant's ability to place or maintain wireless telecommunications facilities in public rights-of-way of the City.
4. Removal and Relocation. Notwithstanding the issuance of a WTF right-of-way placement permit, the City shall have the authority to order the removal and relocation of a WTF located in the public right-of-way that in the reasonable opinion of the City constitutes an obstruction or interference with the construction, maintenance, use, or safe operation of the roadway. Any registrant owning a wireless telecommunications facility located within or adjacent to any part of the public right-of-way or public road which the City or Georgia Department of Transportation (GDOT) has undertaken to improve or intends to improve shall, at registrant's sole cost and expense, remove, relocate, or make the necessary adjustments to its wireless telecommunications facility when, in the reasonable opinion of the City or GDOT, the facility constitutes an obstruction or interference with the use or safe operation of such road by the traveling public or when, in the reasonable opinion of the City or GDOT, the facility will interfere with such contemplated construction or maintenance. Removal or relocation of a wireless telecommunication facility at the direction of the City or GDOT shall be subject to and governed by the applicable provisions of O.C.G.A. §§ 32-4-92, 32-6-171 and 32-6-173, as amended, which shall include the provision of a minimum of sixty (60) days' notice of the required removal or relocation.

EXHIBIT A

5. All Rights of City Reserved. Notwithstanding any provision of this Section 2.8.10 or the City's issuance of a permit or other authorization to place a WTF in the public right-of-way, the City may place and maintain, grant utility easements for, or otherwise permit the placement and maintenance of other utilities in the public rights of way, including, water, sewer, electric, gas, storm drainage, telecommunications, traffic, and other utilities and facilities, cables or conduit, including underground and overhead installations, in public rights-of-way occupied by the registrant. Registrant may allow City facilities to be co-located within City's public rights-of-way through the use of a joint trench during registrant's construction project. Such joint trench projects shall be negotiated in good faith by separate agreement between registrant and City and may be subjected to other City rights-of-way requirements. The City further reserves without limitation the right to alter, change, or cause to be changed, the grading, installation, relocation or width of the public rights-of-way within the City.
6. Restoration of ROW. The area disturbed by the construction or maintenance of a WTF in the public right-of-way shall be kept to a minimum. The registrant shall, at its own expense, restore all right-of-way to a condition equal to or better than the condition existing prior to such construction or maintenance activities. Restoration methods and any work required to repair the right-of-way shall be performed in accordance with City Design Standards or other City-adopted standards and specifications applicable to the construction of City improvements within the public right-of-way. In the absence of any City standards and specifications applicable to the subject work or improvement(s), the materials and methods of construction shall be in accordance with GDOT's current standards and specifications, including GDOT Standard and Supplemental Specifications and/or Special Provisions, and Construction Standards and Details. All repairs and restoration work must be approved by the Director of Engineering/Public Works and final completion of any such work is subject to the reasonable approval of the Director of Engineering/Public Works. If necessary, unsatisfactory restoration work shall be corrected by the registrant, or by the City with all costs billed to the registrant.
7. Registrant shall at all times keep the wireless telecommunications facility authorized by the WTF right-of-way placement permit in a good state of repair from the standpoint of both structure and appearance.
8. Compliance with Applicable Law; Acceptable Industry Practices. Registrant shall place and maintain a wireless telecommunications facility in public rights-of-way in compliance with all applicable standards as established by all local, state or federal law and in conformance with the City ordinances, codes and regulations. All safety practices required by applicable City, local, state and federal law or accepted industry practices and standards shall be used during the placement or maintenance of wireless telecommunications facilities in the public right-of-way. Registrant shall use and

EXHIBIT A

exercise due caution, care and skill in performing work in the public rights-of-way and shall take all reasonable steps to safeguard work site areas. A registrant shall maintain all of its WTF's located in the public rights-of-way in a manner consistent with accepted industry practice and applicable law.

9. Scheduling. In the interest of the public's health, safety and welfare, upon request of the City, a registrant shall coordinate placement or maintenance activities under a permit with any other work, construction, installation or repairs that may be occurring or scheduled to occur within a reasonable timeframe in the subject public rights-of-way. The City may require a registrant to alter reasonably its placement or maintenance schedule for permitted work as necessary so as to minimize disruptions and disturbance in the public rights-of-way. The City may provide a more definite time frame based on specific City construction or maintenance schedules.
10. Registrant's Liability and Risk. City makes no warranties or representations regarding the fitness, suitability or availability of public rights-of-way for the registrant's wireless telecommunications facilities and any performance of work or costs incurred by registrant or provision of services shall be at registrant's sole risk. Nothing in this article shall affect the City's authority to add, vacate or abandon public rights-of-way and City makes no warranties or representations regarding the availability of any added, vacated or abandoned public rights-of-way for wireless telecommunications facilities. Notwithstanding any requirements or conditions the City Engineer may impose in order to protect the public from injury and the right-of-way from damage, a registrant shall be solely responsible for the adequacy and safety of the engineering of its facilities and the operations authorized by the permit. Construction performed to place or maintain a registrant's wireless telecommunications facilities shall not interfere, displace, damage or destroy any other utilities or facilities, including but not limited to, sewers, gas or water mains, storm drains, pipes, cables or conduits of the City or any other person's facilities lawfully occupying the public rights-of-way of the City.
11. Inspection. The City shall have the right to make such inspections of facilities placed or maintained in public rights-of-way as it finds necessary to ensure compliance with this Section. In the event the City determines that a violation exists with respect to registrant's placement or maintenance of facilities in the public rights-of-way that is not considered to be an emergency or danger to the public health, safety or welfare, the City will provide registrant written notice setting forth the violation and requesting correction.
12. As-Builts Plans. An application for a WTF right-of-way placement permit, including an application to replace an existing WTF in the public right-of-way, shall include plans showing the location of the proposed installation of facilities in the public rights-of-way. If the plans so provided require revision based upon actual installation, the registrant

EXHIBIT A

shall promptly provide revised plans. Further, the registrant shall provide “as-builts” upon completion of any installation or construction. The plans shall be in a digitized format showing the two-dimensional location of the facilities based on the City’s geographical database, or other format acceptable to the City. The registrant shall provide such plans at no cost to the City.

13. Cooperation. Subject to applicable law, a registrant shall, on the request of any person holding a permit issued by the City, temporarily support, protect, raise or lower its wireless telecommunications facilities to permit the work authorized by the permit. The expense of such temporary support, protection, raising or lowering of facilities shall be paid by the person requesting the same, and the registrant shall have the authority to require such payment in advance. The registrant shall be given not less than thirty (30) days advance written notice to arrange for such temporary measures. If the City requests the temporary support, protection, raising or lowering of a facility for a public purpose, the City shall not be charged for the temporary support, protection, raising or lowering of the facility.
14. Due Compensation. A registrant that places or maintains wireless telecommunications facilities in the public rights-of-way shall be required to pay “due compensation” to the City as required by applicable City and State laws, ordinances and regulations.
15. Terms and Conditions of Permit. Registrant, in accepting the permit, agrees to abide by the terms and conditions thereof. The placement of the WTF must fully comply with this Section 2.8.10, and any other requirements that the Director of Engineering/Public Works may stipulate. Registrant shall review the permit for additional requirements and, if not in agreement, may withdraw the permit application by written request prior to the placement of the WTF covered by the permit. The registrant, in accepting the permit, agrees to abide by the terms and conditions thereof. Failure to comply with terms of the permit during the installation, operation and maintenance of the WTF may result in revocation of the permit and removal of the WTF.
16. Insurance. A registrant shall, at registrant’s own expense, obtain and continuously maintain for the period of time required for the complete installation of the facilities authorized by the permit, including the repair and restoration of the public right-of-way, and also during such future periods of time when operations are performed involving the maintenance, repair, relocation, or removal of said facilities authorized by the permit, insurance of the kind and in the minimum amounts described herein. Prior to placing a WTF in the public right-of-way or otherwise performing any work in the public right-of-way, registrant shall furnish the City with certificates of insurance, which shall insurance limits, term of insurance, insured parties, and other information sufficient to demonstrate conformance with the requirements provided herein. All insurance coverages required

EXHIBIT A

herein shall be procured and maintained with insurers with an A- or better rating as determined by Best's Key Rating Guide and with a financial size rating of Class V or larger. All liability policies shall be endorsed to name the City, and its elected officials, officers, employees and agents as additional insured parties. The required coverages must be evidenced by properly executed certificates of insurance forms. Every policy of insurance shall provide that the City will receive notice no less than thirty (30) calendar days prior to any cancellation, termination, or a material change in such policy. Registrant shall ensure that any and all policies of insurance procured hereunder shall provide for a waiver of subrogation against the City, and registrant waives any claim against the City which is covered by its insurance hereunder. No policy of insurance shall contain any exclusion for bodily injury or property damage arising from completed operations. The minimum required insurance coverages and respective limits of coverage are as follows:

- a. Worker's compensation insurance in accordance with statutory limits and covering all employees and other persons as established and required by Georgia law. A group-insurer must submit a certificate of authority from the Insurance Commissioner approving the group insurance plan. A self-insurer must submit a certificate from the Georgia Board of Workers' Compensation stating that the registrant qualifies to pay its own workers' compensation claims. Registrant shall require all contractors using the public right-of-way or performing work under the permit to obtain an insurance certificate showing proof of workers' compensation insurance, and registrant shall submit a certificate on its letterhead to the City providing that all contractors performing work in the public right-of-way are covered by workers' compensation insurance.
- b. Employers' liability insurance with minimum limits of (a) One Million Dollars (\$1,000,000) per accident for bodily injury by accident and (b) One Million Dollars (\$1,000,000) per employee for bodily injury by disease. Registrant shall require all contractors using the public right-of-way or performing work under the permit to obtain an insurance certificate showing proof of employers' liability insurance coverage and shall submit a certificate on its letterhead to the City providing that all contractors performing work in the public right-of-way are covered by employers' liability insurance.
- c. Comprehensive general liability insurance with minimum combined single limits of One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) in the aggregate which shall include coverage for bodily injury, broad form property damage (including completed operations coverage), personal injury (including coverage for contractual and employee acts), blanket contractual, independent contractors, products, and completed operations. Further, the policy shall be endorsed to provide "all risks" coverage. The policy shall contain a severability of interests provision. Coverage shall be provided on an "occurrence"

EXHIBIT A

basis as opposed to a “claims made” basis and must include separate aggregates for each permit.

- d. Comprehensive Automobile Liability insurance with minimum combined single limits for bodily injury of not less than One Million Dollars (\$1,000,000) per occurrence and property damage of not less than One Hundred Thousand Dollars (\$100,000) per occurrence with respect to each of registrant’s or its contractor’s owned, hired and non-owned vehicles assigned to or used to place or maintain facilities in the public right-of-way.
 - e. Umbrella/excess liability insurance with minimum combined single limits of Two Million Dollars (\$2,000,000) per occurrence and Four Million Dollars (\$4,000,000) in the aggregate. Such policy shall provide the same coverage set forth in the Comprehensive General Liability insurance policy, and coverage shall be provided on an “occurrence” basis. Such insurance shall be endorsed to name the City, and its elected officials, officers, employees and agents as additional insured parties.
17. Indemnification. A registrant shall indemnify and hold harmless the City, its elected officials, officers, agents and employees, from and against any and all claims, demands, losses, liabilities, suits, actions, costs, expenses (including expenses of litigation and attorneys' fees) and damages (“Claims”) of any type or nature, arising out of the construction, installation, maintenance, repair, removal, relocation, operation, or use of its wireless telecommunications facilities in public rights-of-way, regardless of whether the act or omission complained of is authorized, allowed or prohibited by this Section, provided, however, that a registrant's obligation hereunder shall not extend to any Claims caused by the sole negligence of the City. This indemnification extends to the successors and assigns of registrant and survives the termination or revocation of the permit and the dissolution or, to the extent allowed by law, the bankruptcy of the registrant. This indemnification does not extend beyond the scope of the permit and the uses or work undertaken thereunder.
18. Performance Bond. When necessary due to the estimated costs to repair and restore potential damages to infrastructure located in the right-of-way and/or the estimated costs to remove the WTF, or when warranted by unique circumstances related to the installation of the WTF, as reasonably determined by the City, a performance bond, irrevocable letter of credit, or other acceptable form of surety (as determined by the City) payable to, in favor of, and for the protection of the City shall be required as a condition of a WTF right-of-way placement permit. Such bond or surety shall secure the restoration of the public rights-of-way and ensure the registrant's faithful performance of the installation of the WTF and performance of other work in the public rights-of-way in accordance with the WTF right-of-way placement permit (or any related permit), this Section 2.8.10, or other applicable law, regulation or requirement of the City. The term of any such performance bond, irrevocable letter of credit, or other form of surety shall

EXHIBIT A

be for the period of time required to complete the installation of the facilities authorized by the WTF right-of-way placement permit and to restore the public right-of-way, and shall extend for an additional twelve (12) month period to cover any warranty/guarantee period related to the repair and restoration of any infrastructure located in the right-of-way. The amount of the performance bond, letter of credit, or other form of surety shall be limited to an engineering estimate of the costs to repair and restore potential infrastructure damages and remove the installation or facilities installed by registrant. The bond shall be written by a Surety Company or Bank duly qualified and licensed to do business in the State of Georgia. A registrant shall not commence the installation of any portion of a WTF authorized pursuant to a WTF right-of-way placement permit until the performance bond, letter of credit, or other acceptable surety has been submitted to and approved by the City. In the event the WTF installed by registrant fails to comply with the WTF right-of-way placement permit (or any related permit) or any provision of this Section 2.8.10, registrant fails to complete the installation of the WTF, or registrant fails to complete all restoration work in the public right-of-way as required, the City may declare registrant in default and, in accordance with the provisions of the bond or surety agreement, the City may call the bond/surety agreement, or any part thereof, and use the proceeds thereof to perform the work necessary to correct the subject condition. The rights of the City with respect to any performance bond or surety agreement pursuant to this subsection are in addition to all other rights and remedies the City may have in accordance with other City ordinances, codes or regulations, or at law or in equity, and no action, proceeding or exercise of a right with respect to such bond/surety agreement will affect any other right the City may have.

19. Injury or Damage to Other Property. Nothing contained in this Section shall be construed to make or hold the City responsible or liable for any damage to persons or any property whatsoever arising from the use, operation or condition of the registrant's wireless telecommunications facilities; or by reason of any inspection or re-inspection authorized herein or failure to inspect or re-inspect. Nor shall the issuance of any permit or the approval or disapproval of any placement or maintenance of the registrant's wireless telecommunications facilities constitute any representation, guarantee or warranty of any kind by, nor create any liability upon, the City or any elected official, officer, agent or employee thereof. The City, including its elected officials, officers, agents and employees, shall not be held responsible or liable for any injury or damages that may occur to wireless telecommunications facilities covered by a WTF right-of-way placement permit, or to any connection or connections thereto, by reason of right-of-way maintenance and construction activities, including work performed by the City's employees or contractors, or as a result of work performed by another permittee.
20. Expiration. Unless otherwise provided in the terms and conditions of the permit, a WTF right-of-way placement permit shall expire twelve (12) months after its issuance if the

EXHIBIT A

placement of such facility has not occurred or work to place same has not commenced and been continuously pursued within such time. Subject to the foregoing, a WTF right-of-way placement permit shall be in effect for an indefinite period of time from and after the date approved, unless sooner suspended or revoked by the City, terminated by the registrant, or as otherwise provided by applicable law. A WTF right-of-way placement permit is automatically revoked upon the abandonment of the subject facility.

H. SUSPENSION OR REVOCATION OF WTF RIGHT-OF-WAY PLACEMENT PERMITS

1. Failure of a registrant, within a reasonable time after receipt of written notice from the City, to comply with any of the terms and conditions of a WTF right-of-way placement permit shall be sufficient cause for the suspension or revocation of the permit. The Director of Engineering/Public Works or his/her designee may suspend or revoke a WTF right-of-way placement permit or any related permit authorizing a registrant to use or work in the public rights-of-way for one or more of the following:
 - a. Subject to written notice by the City and a reasonable opportunity to cure same, failure to comply with or satisfy permit conditions or any requirement or condition set forth in this Section 2.8.10 or other applicable City ordinances, codes or regulations governing placement or maintenance of wireless telecommunications facilities in public rights-of-way or the use of the public rights-of-way in relation thereto;
 - b. Misrepresentation or fraud by registrant in a registration or any permit application to the City;
 - c. Subject to O.C.G.A. § 46-5-1, failure to pay “due compensation” to the City; or
 - d. Failure to remove or relocate wireless telecommunications facilities or reimburse the City for the cost of same, as lawfully required.
2. After the suspension or revocation of a permit pursuant to this section, the Director of Engineering/Public Works shall provide written notice of same and the reason therefor to the registrant.

I. APPEALS.

Notwithstanding any other provision of the City Code or Unified Development Code to the contrary, (i) any decision or determination of the Director of Engineering/Public Works in the administration of this Section 2.8.10 or any interpretation of the provisions hereof, may only be appealed to the City Council, and (ii) no variances or exceptions to the requirements of this Section may be granted. The decisions of the Director of Engineering/Public Works, including any decision to deny, suspend or revoke a WTF right-of-way placement permit, are final and conclusive unless appealed to the City Council. An appeal must be filed with the City within thirty (30) days of the date of the written notice of the decision being appealed. The hearing of the appeal shall occur within thirty (30) days of the receipt of the appeal, and the appeal shall be heard

EXHIBIT A

and decided in accordance with procedures to be published in writing by the City, which at a minimum shall include notice to all affected parties and the opportunity to be heard. The decision of the City Council shall be final.

J. TRANSFER OR CONTROL; SALE OR ASSIGNMENT OF ASSETS.

If a registrant transfers, sells or assigns its registration, transfers, sells or assigns any of its WTF's in the public rights-of-way to another telephone company, or upon the occurrence of any such transfer or assignment as an incident of the transfer, sale or assignment of the registrant's assets, the transferee, buyer or assignee shall be obligated to comply with the terms of this Section. Written notice of any such transfer, sale or assignment shall be provided to the City within thirty (30) days of the effective date of the transfer, sale or assignment. If the transferee, buyer or assignee is a current registrant, then the transferee, buyer or assignee is not required to re-register. If the transferee, buyer or assignee is not a current registrant, then the transferee, buyer or assignee shall register as provided in Ch. 12 of the City Code within sixty (60) days of the transfer, sale or assignment. If permit applications are pending in the registrant's name, the transferee, buyer or assignee shall notify the appropriate City officials that the transferee, buyer or assignee is the new applicant. A WTF right-of-way placement permit, the privileges granted, and the further obligations of a registrant created thereby, shall be binding upon all successor and assigns of registrant. Any mortgage, pledge, lease or other encumbrance of or upon the wireless telecommunications facilities shall be subject and subordinate to the rights of the City under this Section and applicable law.

K. ENFORCEMENT.

The City Director of Engineering/Public Works shall be responsible for the administration and enforcement of this Section 2.8.10, and is authorized to give any notice required by law. The remedies and penalties set forth herein are nonexclusive and the exercise of one or more of such remedies or penalties shall not preclude the exercise of another. In addition to the other remedies previously set forth herein, violations of the provisions of this Section shall be enforced, prosecuted and punished in the same manner as set forth in Section 5.9 the Unified Development Code. Additionally, the City may take all necessary civil action to enforce the provisions hereof and may seek appropriate legal or equitable remedies or relief, including injunctive relief. The remedies set forth for in this Section are in addition to and cumulative of all other remedies provided by law.

L. ABANDONMENT OF WTF.

EXHIBIT A

Upon abandonment of a wireless telecommunications facility owned by a registrant and located in the public right-of-way, the registrant shall notify the City of such abandonment within ninety (90) days. In the event of the foregoing or following the City's determination that any such wireless telecommunication facility has been abandoned, the City may direct the registrant by written notice to remove all or any portion of such abandoned wireless telecommunications facility at the registrant's sole expense when the City determines that the abandoned facility's presence interferes with the public health, safety or welfare, which shall include, but shall not be limited to, a determination that such facility:

1. Compromises safety at any time for any public rights-of-way user or during construction or maintenance in the public rights-of-way;
2. Prevents another person from locating facilities in the area of public rights-of-way where the abandoned facility is located when other alternative locations are not reasonably available; or
3. Creates a maintenance condition that is disruptive to the public rights-of-way's use.

In the event of circumstances noted above in (2), the City may require the third person to coordinate with the registrant that owns the existing wireless telecommunications facility for joint removal and placement, where agreed to by the registrant. In the event the City does not direct the removal of the abandoned wireless telecommunications facility, the registrant, by its notice of abandonment to the City shall be deemed to consent to the alteration or removal of all or any portion of the facility by the City or a third party. If the registrant fails to remove all or any portion of an abandoned wireless telecommunications facility as directed by the City within a reasonable time period as may be required by the City under the circumstances, the City may perform such removal and charge the cost of the removal against the registrant or any such third person may perform such removal at its sole costs.

M. Applicability and Effective Date.

The City may further amend this Section 2.8.10 as it shall find necessary in the lawful exercise of its police powers and in the management of the public rights-of-way. The provisions hereof shall be applicable to all wireless telecommunications facilities placed in the public rights-of-way on or after the effective date of the ordinance adopting or amending these provisions, as applicable. Further, to the full extent permitted by state and federal law, the provisions hereof shall be applicable to all existing wireless telecommunications facilities placed in the public rights-of-way prior to the effective date of the ordinance adopting or amending these provisions, as applicable, except that any provision of this article regarding the design, size, composition, or location of wireless telecommunications facilities shall not apply to any facilities lawfully placed within any City right-of-way prior to the effective date of the ordinance from which such provision is derived.

Bio

Donald P. Nahser
305 Karen Drive
Alpharetta, GA 30009-2115
770-475-9684
© 404-626-7808

Born in Atlanta, GA September 21, 1940
Lived in Atlanta until 1965

Moved to Mountain Park, GA in 1965
Was active in the community until 1970
Sponsored the Mountain Park Junior Civic Club 1966-1968
Became a Fulton County Poll Worker and Manager in 1966.
Still Chief Manager in Pct. ML-04

Married Eileen Mahady June 20, 1970
Moved to Sandy Springs, GA

Moved to Alpharetta, GA in 1973.
Still property owner and resident in Alpharetta
Became interested in the workings of City Government and started attending City Council Meetings

Member of Governors ALL-STAR Community Committee 1983-1986
Awarded Community Leader Award in 1983

Awarded Volunteer Award for 2007 by The Georgia Recreation and Parks Association 8th District

Served as Volunteer Program Supervisor for Alpharetta City Band from 1989 to present

Retired from BellSouth in 2003

Member of St. David's Episcopal Church, Roswell
Member of Ga Tech Alumni Association and Alexander-Tharpe Fund.

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA
TO AUTHORIZE THE USE OF EMINENT DOMAIN TO ACQUIRE CERTAIN
PROPERTY LOCATED AT 11800 AMBER PARK DRIVE, ALPHARETTA, GEORGIA,
FOR ROAD PROJECT - NORTHWINDS PARKWAY EXTENSION (PHASE I)
(PROJECT NO. 1114.00)**

WHEREAS, the City of Alpharetta (the "City") has determined that it is necessary to construct a road project, which includes streetscape and infrastructure improvements, on Northwinds Parkway, such public road project being known as the Northwinds Parkway Extension (Phase I), and further identified as Project No. 1114.00 (the "Project"); and

WHEREAS, in order to construct the Project, certain rights are required over, under, and through the property of WBCMT 2007-C31 Amberpark Office Limited Partnership, located at 11800 Amber Park Drive within the City of Alpharetta, Georgia (reference: Parcel No. 17), as further described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, the Mayor and Council have considered the Project and determined that the Project and the use of eminent domain to acquire those certain rights in the foregoing property are necessary, in the public interest, and must be carried out expeditiously to ensure the timely completion of the Project.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA, AS FOLLOWS:

For public road purposes and in order to ensure the timely completion of the Project, the Mayor and Council authorize the City Attorney's Office to acquire through the use of Eminent Domain, pursuant to Title 32 of the Code of Georgia Annotated, the necessary property rights over, under, and across the property located at 11800 Amber Park Drive, Alpharetta, Georgia, in order to ensure the timely completion of the Project - Northwinds Parkway Extension (Phase I); Project No. 1114.00. Further, the Mayor is specifically authorized to execute any and all documents necessary to further the filing of any Petition related to the same and/or in furtherance of this Resolution.

STATE OF GEORGIA
COUNTY OF FULTON

RESOLUTION R2015-_____

SO RESOLVED AND ADOPTED this _____ day of _____, 2015.

CITY OF ALPHARETTA, GEORGIA

By: _____
David Belle Isle, Mayor

COUNCILMEMBERS

Attest:

Coty Thigpen, City Clerk (SEAL)

APPROVED AS TO FORM:

C. Sam Thomas, City Attorney
1909635

EXHIBIT "A"

PROJECT: Northwinds Parkway Extension (Phase I)
PROJECT NO.: 1114.00
PARCEL NO.: 17
DATE OF R/W PLANS: July 15, 2015

Page 1 of 2

All that tract or parcel of land lying and being in Land Lot 804 of the 1st Land District of Fulton County, Georgia, being more particularly described as follows:

RIGHT OF WAY

Beginning at a point 53.000 feet left of DE1 at Station 126+58.78; running thence S 85° 43' 24.2" E a distance of 66.280 feet to a point 12.177 feet right of DE1 at Station 126+46.57; thence S 0° 05' 03.4" W a distance of 151.060 feet to a point 3.786 feet right of DE1 at Station 124+96.47; thence S 77° 41' 52.1" W a distance of 58.123 feet to a point 53.000 feet left of DE1 at Station 124+83.87; thence along an arc 168.727 feet to the left, having a radius of 1447.000 feet, the chord of which is N 3° 05' 17.7" W for a distance of 168.632 feet to the POINT OF BEGINNING. **Containing 0.22 acres, more or less.**

PERMANENT EASEMENT

ALSO, granted is the right to execute certain construction over and upon my land abutting on and adjacent to the right of way in such manner as said City may deem proper to support or accommodate the improvement of said road and to maintain such improvements, including the right to construct and maintain drainage improvements and slopes within the easement area shown colored yellow on the attached plat. Said perpetual easement is to become effective upon the execution hereof and is more particularly described as follows:

Beginning at a point 53.000 feet left of DE1 at Station 126+58.78; running thence along an arc 23.910 feet to the right, having a radius of 1447.000 feet, the chord of which is S 5° 57' 19.3" E for a distance of 23.910 feet to a point 53.000 feet left of DE1 at Station 126+33.99; thence N 73° 39' 36.8" W a distance of 20.488 feet to a point 72.000 feet left of DE1 at Station 126+41.99; thence N 14° 47' 48.4" E a distance of 19.577 feet to a point 65.000 feet left of DE1 at Station 126+61.15; thence S 85° 43' 24.2" E a distance of 12.214 feet to the POINT OF BEGINNING. **Containing 0.01 acres more or less.**

TEMPORARY CONSTRUCTION EASEMENT

ALSO, granted is the right to execute certain construction over and upon my land abutting on and adjacent to the right of way in such manner as said City may deem proper to support or accommodate the improvement of said road, including the right to slope the adjacent ground to tie in with the roadway or sidewalk elevations and to construct any required slopes within the easement areas shown colored purple on the attached plat. Any slopes constructed will remain in place and the City of Alpharetta will cease to maintain said slopes upon expiration of said easement. Said easement is to become effective at the beginning of construction of the above numbered project and will expire upon completion and final acceptance of said project by the City of Alpharetta. Said easement is more particularly described as follows:

Beginning at a point 53.000 feet left of DE1 at Station 124+83.87; running thence S 77° 41' 52.1" W a distance of 6.317 feet to a point 59.165 feet left of DE1 at Station 124+82.44; thence S 86° 16' 46.4" W a distance of 40.625 feet to a point 99.688 feet left of DE1 at Station 124+79.48; thence N 5° 01' 18.4" E a distance of 174.710 feet to a point 75.000 feet left of DE1 at Station 126+63.16; thence S 85° 43' 24.2" E a distance of 10.181 feet to a point 65.000 feet left of DE1 at Station 126+61.15; thence S 14° 47' 48.4" W a distance of 19.577 feet to a point 72.000 feet left of DE1 at Station 126+41.99; thence S 73° 39' 36.8" E

EXHIBIT "A"

Page 2 of 2

a distance of 20.488 feet to a point 53.000 feet left of DE1 at Station 126+33.99; thence along an arc 144.817 feet to the right, having a radius of 1447.000 feet, the chord of which is S 2° 36' 53.5" E for a distance of 144.757 feet and the POINT OF BEGINNING. **Containing 0.13 acres more or less.**



City Council Meeting STAFF REPORT

Submitting Department: Administration
Submitted By: Sam Thomas, City Attorney
Meeting Date: September 21, 2015

I. AGENDA ITEM TITLE: APPROVAL OF IGA WITH FULTON COUNTY FOR DONATION OF FORMER LIBRARY PROPERTY

II. RECOMMENDATION:

Approve an Intergovernmental Agreement between the City of Alpharetta and Fulton County providing for the donation of certain real property located at 238 Canton Street and commonly referred to as the former library property to the City by Fulton County.

III. REPORT IN BRIEF:

IV. ALTERNATIVES:

V. ATTACHMENTS:

An examination of historical and projected
trends in the demand for and supply of rental
housing in the City of Alpharetta

City of Alpharetta Rental Housing Study

Determining the appropriate
mix of renter and owner
housing in the city

May 22, 2015



BleaklyAdvisoryGroup

TABLE OF CONTENTS

Study Summary	2
Introduction and Purpose of the Study	5
Section 1: Current Rental Housing Demand and Inventory in Alpharetta	8
Section 2: Rental Housing Inventory in Alpharetta	11
Section 3: Current Development Pipeline in Alpharetta	16
Section 4: Regional Trends in Tenure Preference	19
Section 5: Estimated Rental Housing Demand in Alpharetta 2015-2020	23

SUMMARY

The City of Alpharetta engaged Bleakly Advisory Group, Inc. (BAG) to examine the historical relationship between rental and owner housing in the city and, from that analysis, determine an appropriate proportion of future rental housing in Alpharetta. The City of Alpharetta is interested in understanding what has been the historical relationship between renter and owner housing demand and the housing inventory. Understanding this relationship will allow the City to adopt policies in its comprehensive plan and zoning and land use policies that can achieve the desired balance between renter and owner units into the future as Alpharetta continues to grow.

The key findings of research are as follows:

Existing City Policy and Practice— It has been a city policy as stated in the Comprehensive Plan to seek to achieve a housing balance of 85% “for sale” housing and 15% “for rent” housing in the city. The City’s comprehensive plan outlines the future land use needs of Alpharetta in terms of acreage that will be required to insure that this is sufficient land area to accommodate the needs of the community. The Housing Element of the 2030 Comprehensive Plan states:

“Housing Policy 2: Maintain a balance between residential buildings designed “for sale” and residential buildings designed “for rent” in Alpharetta such that at least 85% of the housing stock is “for sale” (p.20).

The ratio of “for sale” to “for rent” housing has evolved over the period from 2000 to 2014. In terms of unit additions of the 10,327 units added to the housing inventory over the period, 14% were for-rent units versus 86% for-sale. Thus, the city achieved the objective for creating housing balance as outlined in the comprehensive plan. The result of this policy was to see the proportion of the housing inventory in multifamily for-rent units decrease from 33% in 2000 to 25% in 2014.

Current Rental Housing Ratio--Based on the most recent U.S. Census data, in 2013 the percentage of rental households in the city was 36%, which was a lower percentage of rental households than in 2000 and is attributable to the very rapid expansion in the owner housing inventory over the period, outpacing the rapid growth in rental households that occurred.

OWNER AND RENTER HOUSEHOLDS IN ALPHARETTA 2000-2013						
	2000		2013		Growth 2000-2013	
	N	%	N	%	N	%
Population	34,854		59,553		24,699	71%
Households	13,911	100%	21,775	100%	7,864	57%
Owner Households	8,387	60%	13,902	64%	5,515	66%
Renter Households	5,524	40%	7,873	36%	2,349	43%

Source: U.S. Census, Decennial and American Community Survey

The Rental Housing Inventory is Diverse—Alpharetta’s rental housing inventory includes a range of building types. The majority of rental housing units are in apartment complexes with 10 or more units (56%). Smaller multifamily apartment buildings of 2 to 9 units account for an additional 19% of the rental housing inventory. Single family detached housing represents 17% and townhouses an additional 7% of the rental inventory.

Characteristics of Rental Apartment Complexes—There are 19 apartment complexes in Alpharetta. Their average age is 19 years old. Of the 19 complexes, five were developed since 2000, eight were developed in the 1990s and the balance dates from the 1980s. There are a total of 6,153 units in the 19 complexes. The 19 projects average 323 units in size. Currently vacancies in Alpharetta’s rental apartment complexes are low, generally less than 4%. Asking rents are currently averaging \$1,269 per unit across the inventory.

Building Permit Activity—A review of building permit activity since 2000 shows that over the 13-year period a total of 4,149 units were permitted by the City. Of that total, 3,022 single family units, or 72%, were authorized. A total of 1,127 units, or 28%, were for units in buildings of five or more units, the vast majority of which were rental apartments.

Housing Development Pipeline--There are currently 622 new units of owner-occupied housing under construction in Alpharetta. These units are generally either single family detached housing or townhomes. In addition to these owner-occupied units under construction, a total of 721 units have been approved for future development, resulting in a total of 1,343 owner units in the current development pipeline in Alpharetta. An additional 554 renter units have been approved for development. Thus, rental housing units account for 29% of the total housing units in the development pipeline.

Regional Rental Housing Trends—In Alpharetta rental housing accounts for 36% of the housing inventory. By comparison, in North Fulton County renter units account for 29% of the housing inventory. Looking more broadly at the North Atlanta Metro (Cobb, Cherokee, Forsyth and North Fulton Counties), rental housing represents 28% of the housing inventory in this region. Thus, at 36% if its inventory, Alpharetta has one of the highest proportions of rental housing in the North Atlanta Metro region. A substantial portion of Alpharetta’s rental housing inventory is in single family housing at 24% and larger apartment complexes at 56%. A higher percentage of Alpharetta’s rental inventory has been constructed since 2000 than in North Fulton and North Metro Atlanta.

Impact of Future Growth in Rental Units on Inventory—Based on estimates of future demand for housing in Alpharetta over the next five years, the current inventory of owner and renter housing in Alpharetta would change, as shown below. Two estimates of impact of future additions to the housing stock were analyzed. The first assumes that the future growth in the housing stock follows the historic pattern of approximately 2% annually and in Option A, the tenure preference is based on the current ratio of 36% rental and 64% owner. Under Option B, it is assumed that the tenure preference is consistent with the regional ratio of 28% rental and 72% owner. As shown, the impact that these two

ratios have on the city's overall tenure mix in the housing inventory is minimal. There is approximately a 200 unit difference in the total number of rental units under the two options, and these differences are so minor that the overall tenure ratio in the city remains the same under both options—35% renter and 65% owner. What this demonstrates is that short-term changes in tenure preference have little long-term impact on the tenure mix of the city's overall housing stock.

IMPACT OF ALTERNATIVE TENURE PATTERNS ON ALPHARETTA'S HOUSING STOCK 2015-2020											
Alpharetta						Option A:			Option B:		
Housing Stock		Additions In Pipeline	Housing Stock			Existing Growth			Existing Growth		
2013	%		2016	%		Existing Ratio	Total	%	Regional Ratio	Total	%
Owner	13,902	64%	1,343	15,245	64%	1,585	16,658	65%	1,783	17,028	65%
Renter	7,873	36%	554	8,427	36%	891	9,150	35%	693	9,120	35%
Total	21,775	100%	1,897	23,672	100%	2,476	25,808	1	2,476	26,148	100%

Source: BAG

We conclude from this analysis city policy should work towards a long-term goal of rental housing accounting for between 28% and 36% of the housing inventory. Setting an overall goal of 32% of the overall housing inventory as rental would seem reasonable. This long-range goal would be consistent both with historical renter ratios in the city and with regional trends in the North Atlanta metro region.

This goal could be achieved in a number of ways: one approach would be to consider placing a cap on rental housing applications of 107 units per year, which is derived from applying the 32% ratio to the total number of building permits issued in Alpharetta over the 2000-2014 period, as shown below:

- Total Permits issued 2000-2014: 4,149 units
- Average Permits issued 2000-2014: 296 units
- Targeted Rental Unit Proportion at 36%: 105-110 units

If in a given year some or all of the targeted rental units were not permitted they could carry over to the next year. The total number of targeted rental unit permits could be adjusted every five years to reflect recent trends in total permitting activity. Permits for new units to be created on the site of existing rental apartments could be exempted from this annual limitation as an incentive to redevelop older complexes.

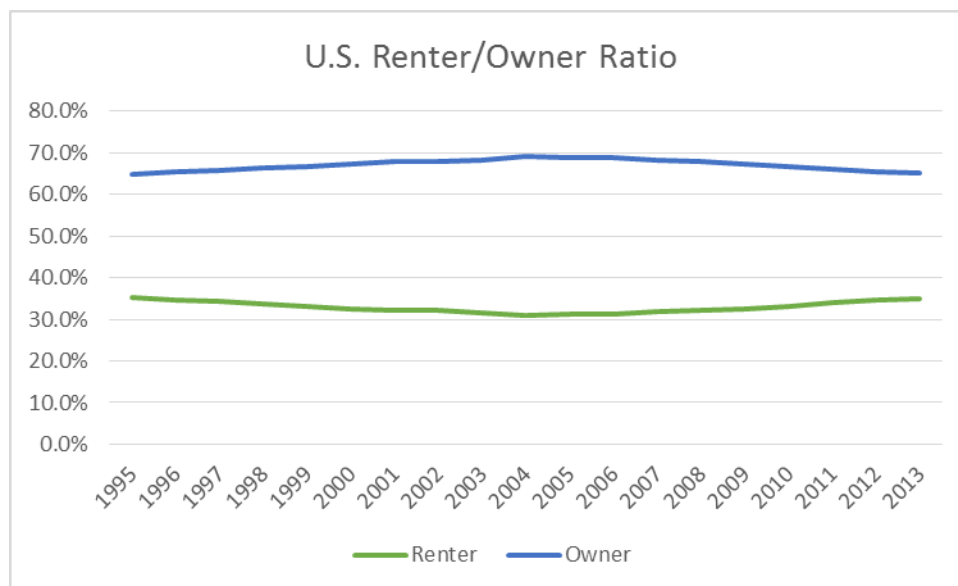
Presented in the following sections is a more detailed discussion of the research which supports these findings.

INTRODUCTION AND PURPOSE OF THE STUDY

The City of Alpharetta engaged Bleakly Advisory Group, Inc. (BAG) to examine the historical relationship between rental and owner housing in the city and, from that analysis, determine an appropriate proportion of future rental housing in Alpharetta. The City of Alpharetta is interested in understanding what has been the historical relationship between renter and owner housing demand and the housing inventory. Understanding this relationship will allow the City to adopt policies in its comprehensive plan and zoning and land use policies that can achieve the desired balance between renter and owner units into the future as Alpharetta continues to grow.

The balance between renter and owner housing in a community is an outcome of a complex interaction of a number of factors including: land values in an area, local land use policies, the historical pattern of development in area in terms of both the relative presence of residential and non-residential land uses, and the level of suburbanization/urbanization that has occurred over time. Another key variable is the characteristics and preferences of households in the area. National economic trends also play a role in the relationship between rental and owner housing.

For example, as shown below national data on renter/owner ratios from U.S. Census data, reported by the Harvard Center for Housing, shows there have been fluctuations over the past 20 years in the percentage of renter/owner ratio partly due to the Great Recession and its aftermath.



The data shows that the ratio between renter and owner housing has generally ranged within a fairly constrained band, with rental housing accounting for between mid-to-low 30% of the housing stock and owner housing ranging from a high of 69% down to 65% in recent years. The Great Recession clearly had an impact on the renter to owner ratio, with renter housing increasing from 32% to just short of 35% over the period, while ownership rates dropped from a high of 69% in 2007 to 65% by 2013.

The purpose of this study is to analyze what has been the ratio of rental housing demand and supply in the City of Alpharetta in the past and given that pattern, what would be the appropriate ratio between renter and owner housing development in the city in the future. This information can provide the basis for the City to establish land use policies for the future that will be designed to achieve the appropriate balance between these two tenure types in Alpharetta's housing inventory.

EXISTING CITY POLICY AND PRACTICE

The City's comprehensive plan outlines the future land use needs of Alpharetta in terms of acreage that will be required to insure that this is sufficient land area to accommodate the needs of the community.

The Housing Element of the 2030 Comprehensive Plan states:

"Housing Policy 2: Maintain a balance between residential buildings designed "for sale" and residential buildings designed "for rent" in Alpharetta such that at least 85% of the housing stock is "for sale" (p.20).

Thus, it has been a city policy as stated in the Comprehensive Plan to seek to achieve a housing balance of 85% "for sale" housing and 15% "for rent" housing in the city. As shown in the exhibit below, the ratio of "for sale" to "for rent" housing has evolved over the period from 2000 to 2014. During that period, based on the city's housing inventory count, the total number of housing units in the city approved as single family for-sale increased by 74% from 13,894 units to 24,221 units by 2014. The greatest growth was in single family for-sale units which grew from 9,289 to 18,209 a growth rate of 96% over the period. Multifamily units designed for rent increased but at a slower pace—from 4,605 to 6,012 units or 31% over the period. In terms of unit additions of the 10,327 units added to the housing inventory over the period, 14% were for-rent units versus 86% for-sale. Thus, the city achieved the objective for creating housing balance as outlined in the comprehensive plan. The result of this policy was to see the proportion of the housing inventory in multifamily for-rent units decrease from 33% in 2000 to 25% in 2014.

HOUSING UNIT INVENTORY BY UNIT TYPE FOR ALPHARETTA 2000-2014															
Households	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Single Family	9,289	9,366	9,611	9,867	10,100	11,914	17,052	17,331	17,415	17,447	17,586	17,681	17,800	17,921	18,209
Multi Family	4,605	4,880	4,893	4,893	4,893	5,084	5,186	5,396	5,396	5,396	5,396	5,762	5,762	6,012	6,012
Total	13,894	14,246	14,504	14,760	14,993	16,998	22,238	22,727	22,811	22,843	22,982	23,443	23,562	23,933	24,221
% Multi-Family	33%	34%	34%	33%	33%	30%	23%	24%	24%	24%	23%	25%	24%	25%	25%

Source: City of Alpharetta/BAG

In this analysis we will examine a number of questions related to determining the appropriate balance of renter and owner housing in Alpharetta:

1. What is the current relationship between owner and renter housing in the city?
2. What are the characteristics of rental households in the city?
3. What is character of the rental housing stock in terms of unit types, age, rents, and additions to supply?
4. What projects are currently in the development pipeline in Alpharetta, both owner and renter?

5. *What are the trends in the region in terms of the balance between renter and owner housing?*
6. *What is the anticipated demand for rental housing in the city in the next 15 years and what changes to the housing inventory will be needed to meet that demand?*
7. *What are the recommendations regarding the most appropriate ratio of renter and owner housing in city going forward?*

SECTION 1: EXISTING ALPHARETTA HOUSEHOLDS, THEIR TENURE PREFERENCES AND CHARACTERISTICS

This section of the report examines the current households who live in Alpharetta, their tenure preference and the key characteristics of rental households.

GROWTH IN HOUSEHOLDS IN ALPHARETTA AND THEIR TENURE PREFERENCE

As seen in the following exhibit, the city of Alpharetta has experienced a period of significant growth since 2000. From 2000 to 2013 the city's population increased from 34,854 to 59,533 residents, a growth of 71% over the 13-year period. During the same time, households increased from 13,911 to 21,775 by the end of the period. This represented a 57% increase in the number of households in the city. During this period the number of rental households increased from 5,524 to 7,873, an increase of 43%. Owner households grew at a more rapid rate from 8,347 to 13,902 by 2013, this represented a 66% growth in owner households over the period.

In 2000 rental households represented 40% of all households in Alpharetta. By 2013 the percentage of rental households was 36%, this lower percentage of rental households in the city is likely attributable to the very rapid expansion in the owner housing inventory over the period, outpacing the rapid growth in rental households that also occurred.

OWNER AND RENTER HOUSEHOLDS IN ALPHARETTA 2000-2013						
	2000		2013		Growth 2000-2013	
	N	%	N	%	N	%
Population	34,854		59,553		24,699	71%
Households	13,911	100%	21,775	100%	7,864	57%
Owner Households	8,387	60%	13,902	64%	5,515	66%
Renter Households	5,524	40%	7,873	36%	2,349	43%

Source: U.S. Census, Decennial and American Community Survey

CHARACTERISTICS OF RENTER HOUSEHOLDS IN ALPHARETTA

Renter households in Alpharetta have characteristics that differentiate them from the overall household characteristics in the city. Alpharetta's rental households have the following characteristics:

- **They are small**—Almost 40% are singles, versus 25% of all Alpharetta households. 61% are composed of one or two-persons versus 52% of households citywide.
- **Family households, while in the majority, are less common**—57% of all renter households are families versus 72% of all households in the city. Married couples account for only 40% of renter households while they represent 60% of all households citywide.
- **There are more single parent households**—17% among renters versus 12% of all households citywide.

- **Children are less common**—only 39% of renter households have children present versus 45% of all households in the city.
- **Millennial and Generation X households predominate**— of all renter households, 35% are members of the Millennial generation (born in the 1980s and 1990s) and an additional 53% are Generation X (born 1965 to 1979) households. By contrast, households citywide are dominated by Generation X at 70%.

RENTER HOUSEHOLD CHARACTERISTICS IN ALPHARETTA, 2013		
	All HHs	Rental HHs
Number of Households	21,775	7,873
Household Size		
1-person	24.7%	38.4%
2-person	27.7%	23.0%
3-person +	47.6%	38.6%
Household Type		
Family Households	71.9%	56.7%
Married Couples	60.1%	40.1%
Single Parent-Female	8.9%	13.4%
Single Parent-Male	2.9%	3.1%
Non-Family Households	28.1%	43.3%
Singles	24.7%	38.4%
2 or more Persons	3.4%	4.9%
Children Present		
With Children	45.0%	38.8%
Without Children	55.0%	61.2%
Age of Householder		
Householder 15-34	17.2%	35.2%
Householder 35-64	69.7%	53.1%
Householder 65+	13.1%	11.7%

Source: U.S. Census, 2009-2013 Community Survey

Rental households in Alpharetta encompass a wide range of incomes but in a pattern that differs from owner households. The 7,873 renter households in Alpharetta in 2013 had a median income of \$58,827 which is 53% of the median income of owner households at \$111,856. In terms of their income distribution, relatively few rental households have incomes of \$25,000 or less—only 17%. The largest percentage of Alpharetta renters have incomes between \$25,000 and \$74,999, accounting for 49% of all Alpharetta renter households. By comparison, among owner households those with incomes of \$100,000 or more are the largest income category with 56% of owner households. Among rental households approximately 20% have incomes in excess of \$100,000—indicating that rental households in Alpharetta tend to have a broad range of incomes, with the majority of renters making greater than \$50,000 annually.

While the overall percentage of renter households in Alpharetta is 36% there is significant variation by income levels. As shown in the exhibit, Alpharetta households with incomes of \$50,000 or less are predominantly renters (59%). By comparison, among households with incomes of \$100,000 or more rental households represent only 17%. Thus, while the proportion of renter households varies significantly by income level, there is a significant presence of renter households at all income levels with the exception of the most affluent (\$150,000+).

DISTRIBUTION OF HOUSEHOLD INCOME IN ALPHARETTA 2013					
Household Income	Renter		Owner		% Renter
	%	Number	%	Number	
\$24,999 or less	16.8%	1,323	8.0%	1,112	54.3%
\$25,000-\$49,999	22.6%	1,779	7.5%	1,043	63.1%
\$50,000-\$74,999	26.8%	2,110	15.0%	2,085	50.3%
\$75,000-\$99,999	13.8%	1,086	13.4%	1,863	36.8%
\$100,000-\$149,999	13.6%	1,071	24.3%	3,378	24.1%
\$150,000+	6.3%	496	31.8%	4,421	10.1%
Median/ # HHs	\$ 58,827	7,873	\$ 111,856	13,902	36.2%

Source: U.S. Census American Community Survey

SECTION 2: THE RENTAL HOUSING INVENTORY IN ALPHARETTA

This section of the report examines the characteristics of the rental housing inventory in Alpharetta as it has changed over time. Often rental housing is analyzed chiefly from the perspective of the rental apartment complex inventory, but as this section will show, there are significant portions of the rental housing inventory that meets the range of the rental housing demand in Alpharetta.

GROWTH IN THE RENTAL HOUSING INVENTORY

Since 2000 Alpharetta has experienced a period of substantial growth both in its population and households and in the size of its housing inventory. In 2000 there was a total of 14,760 housing units in the city, 759 of which were vacant, or 5.1%. At that time there was a total of 13,911 occupied housing units, 60% of which were owner occupied and 40% renter occupied. By 2013, the city's housing inventory expanded to 22,952 units or 57%, and 1,177 of those units were vacant, maintaining a consistent 5% of the total housing inventory. The occupied housing inventory increased to 21,775 units, which was a growth of 57% over the 13-year period. During that period, the growth in owner occupied units out-paced the growth in the rental inventory, resulting in a ratio of 64% owner occupied and 36% renter occupied units by 2013.

HOUSING STOCK AND OCCUPANCY TRENDS IN ALPHARETTA, 2000-2013					
	2000		2013		2000-2013
	Number	%	Number	%	Change
Total Housing Units	14,670	100%	22,952	100.0%	56.5%
Vacant Units	759	5.2%	1,177	5.1%	55.1%
All Occupied Units	13,911	94.8%	21,775	94.9%	56.5%
Owner Occupied	8,387	60.3%	13,902	63.8%	65.8%
Renter Occupied	5,524	39.7%	7,873	36.2%	42.5%

Source: U.S. Census, American Community Survey

CHARACTERISTICS OF THE RENTAL HOUSING STOCK

Alpharetta's rental housing inventory includes a range of building types. The predominant type of rental housing is in apartment complexes with 10 or more units (56%). Smaller multifamily apartment buildings of 2 to 9 units account for an additional 19% of the rental housing inventory. Single family detached housing represents 17% and townhouses an additional 7% of the apartment inventory. Thus, there is a diverse range of housing types in the Alpharetta's rental housing inventory. This is in contrast with the owner housing inventory which is dominated by single family detached and townhomes—representing 98% of the owner inventory.

Given the growth that has occurred in Alpharetta in recent decades, much of the housing inventory is well-established. The existing rental housing inventory was largely built in the period from 1980 to 1999, when 64% of the current units were constructed. The oldest portion of that inventory is now 35 years old, which can be late in the economic lifecycle of apartments if they have not been upgraded and

well-maintained over the period. Since 2000 an additional 23% of the rental inventory was constructed providing the newest segment of options for rental households. These trends are generally consistent with the age of the owner occupied inventory as well, with most of the units constructed in the 1980 to 1999 period and approximately one in five of the current owner units constructed since 2000. This pattern reflects the rapid suburbanization of North Fulton County that occurred in the last 20 years.

CHARACTERISTICS OF ALPHARETTA'S HOUSING STOCK 2013		
	Owner	Renter
Occupied Units	13,902	7,873
Units in Structure	100.0%	100.0%
1 detached	88.5%	17.2%
1 attached	9.7%	7.1%
2-4 units	0.4%	4.0%
5-9 units	0.3%	15.2%
10 or more units	1.1%	56.2%
mobile	0.0%	0.3%
Age of Structure	100.0%	100.0%
2010+	0.3%	0.1%
2000-2009	18.8%	22.8%
1980-1999	73.6%	64.1%
1960-1979	6.4%	10.8%
Pre 1960	0.9%	2.2%

Source: U.S. Census, American Community Survey

RENTS IN ALPHARETTA

Rental rates in Alpharetta have changed significantly since 2000, as reported by the U.S. Census. As shown in the following exhibit, the median rent in the city in 2000 was \$908 per month across the inventory of 5,505 rental units, as self-reported by the rental households. By 2010, the inventory of rental housing had increased to 6,746 units and the median rents had increased to \$1,037 per month. This represented a 14% increase over the period from 2000 to 2010, which was a modest increase, likely reflecting the impacts of the Great Recession that dominated the latter half of this time period. By 2013, reported rents had increased to \$1,109 per month and the rental inventory had expanded to 7,586 units. This represented a 6% increase in rents over three years, outpacing the previous decade's rate of rent increase.

In terms of the distribution of rents the most typical band of rents in Alpharetta increased from \$500-\$999 in 2000, to \$1,000-\$1,499 per month in 2010, and even more dominantly in 2013. In 2013 only 3.6% of rents in Alpharetta were \$500 or less and 10.4% greater than \$1,500 per month. With the

arrival of the new rental inventory in Avalon, with advertised prices of \$1,750 to \$2,025 per month for a one bedroom unit, the proportion of high-cost units in Alpharetta is expected to increase in the future.

RENTS IN ALPHARETTA 2000-2013			
	2000	2010	2013
Occupied Rental Units	5,505	6,746	7,586
Monthly Gross Rent			
\$499 or less	6.0%	2.1%	3.6%
\$500-\$999	66.9%	42.8%	29.8%
\$1,000-\$1,499	24.9%	48.4%	56.2%
\$1,500+	2.2%	6.7%	10.4%
Total	100.0%	100.0%	100.0%
Median Monthly Rent	\$ 908	\$ 1,037	\$ 1,109

Source: 2000 U.S. Census/ American Community Survey

CHARACTERISTICS OF ALPHARETTA'S RENTAL APARTMENT COMPLEXES

Since a substantial portion of Alpharetta's rental inventory is in apartment complexes the key characteristics of this portion of the rental inventory merit additional focus. As shown below, the current 19 apartment complexes in Alpharetta that are tracked by CoStar, a national real estate database provider, average age is 19 years old. Of the 19 complexes, five were developed since 2000, eight were developed in the 1990s and the balance date from the 1980s.

As of 2015, there are a total of 6,153 units in the 19 complexes as reported by Costar. (This is significantly higher than the inventory data from the Census reported early in this section that indicate there were 5,589 units in multifamily complexes of two units or more. It appears the Census data from 2013 did not include in the inventory at Haven at Avalon with 97 units that were built in 2014 and likely did not capture some or all of the AMIL at North Point complex with 399 units, which was constructed in 2012 but occupied over the next 18 months. Adjusting for these two complexes results in a total rental unit count that is very close to the Census reported totals in 2013.)

The 19 projects have a total of 6,153 units or an average of 323 units per complex. Several of the complexes are smaller in scale with approximately 100 units, and three of the complexes have in excess of 400 units—AMLI at Northwinds, Manchester at Mansell Apartments, and AMLI at Milton Park. The typical complex is in the 250-350 unit range.

Current vacancies in Alpharetta's rental apartment complexes are low. With the exception of Haven at Avalon which is in lease-up, the overall vacancy rate is 3.2%. This reflects the resurgence in the rental apartment market that began several years ago near the end of the Great Recession and has continued to show low vacancies and rising rents during this period.

The average apartment unit in Alpharetta is approximately 1,045 SF with the majority of the inventory in one- and two-bedroom unit configurations.

Asking rents are currently averaging \$1,269 per unit across the inventory. Within the 19 complexes, only Saddle Creek Apartments average rents below \$1,000, seven complexes average rents from \$1,000 to \$1,249, 10 complexes average rents between \$1,250 and 1,499, and only one, Haven at Avalon, has average asking rents above \$1,500 per unit per month.

INVENTORY OF CURRENT RENTAL APARTMENT COMPLEXES IN ALPHARETTA , 2015						
Rental Apartment Complexes	Address	Year Built	Units	Vacancy %	Average SF	Asking Rent
Haven at Avalon	1213 Avalon Blvd	2014	97	93.8	992	\$ 1,850
AMLI North Point	9000 Beaver Creek Rd	2012	366	3.8	969	\$ 1,478
The Pointe at Preston Ridge	950 Executive Dr	1988	266	3.4	1,147	\$ 1,215
Parc Alpharetta	1000 Fanfare Way	2006	210	3.3	1,061	\$ 1,442
AMLI at Northwinds	32000 Gardner Dr	1997	800	1.8	1,047	\$ 1,345
Manchester at Mansell Apartments	401 Huntington Dr	1984	468	0.6	1,240	\$ 1,131
ALARA North Point	900 Jameson Pass	1998	264	1.9	1,106	\$ 1,359
Collingwood Apartment Homes	3400 Kimball Bridge Rd	1997	342	1.5	1,057	\$ 1,066
The Lakes at Windward Apartment Homes	905 Lake Union Hill Way	1988	294	11.9	969	\$ 1,216
The Lex	1000 Lexington Farms Dr	1995	352	3.4	1,063	\$ 1,363
Windward Place	3080 Market Pl	1996	288	3.1	1,150	\$ 1,162
The Ascent @ Windward	18000 Masters Way	1998	328	8.2	1,075	\$ 1,348
Saddle Creek Apartments	1465 Mid Broadwell Rd	1996	99	1.0	950	\$ 729
AMLI at Milton Park	26000 Mill Creek Ave	2002	461	2.6	972	\$ 1,310
Wood Bridge Apartments	680 Park Bridge Pky	1995	352	2.3	1,124	\$ 1,270
ALARA Park Bridge	15000 Parkview Ln	2000	352	2.3	1,033	\$ 1,375
Cypress Point Apartments	3500 N Point Pky	1995	306	4.9	949	\$ 1,274
Belmont at Park Bridge Apartments	150 Rockberry Ln	1988	344	2.3	918	\$ 1,036
Webb Bridge Crossing Apartments	5000 Webb Bridge Ct	1986	164	1.2	1,042	\$ 1,002
AVG / TOTAL		1996	6,153	3.20%	1,045	\$ 1,269
Source: CoStar						

SINGLE FAMILY AND MULTIFAMILY BUILDING PERMIT ACTIVITY

An additional useful perspective on changes in Alpharetta's rental housing inventory can be gained from a review of building permit activity since 2000 that shows that over the 13-year period a total of 4,149 units were permitted by the City. Of that total 3,022, or 72%, were for single family units and 1,127, or 28%, were for buildings with five or more units. There is currently a very small inventory of multifamily condominium units in the city, so these permits were likely for the inventory of new apartment units developed during the period. (CoStar data on current apartment complexes reports that 1,486 units were constructed since 2000, with the ALARA Park Bridge complex likely constructed based on permits issued before 2000, which reconciles to the total permits issued.)

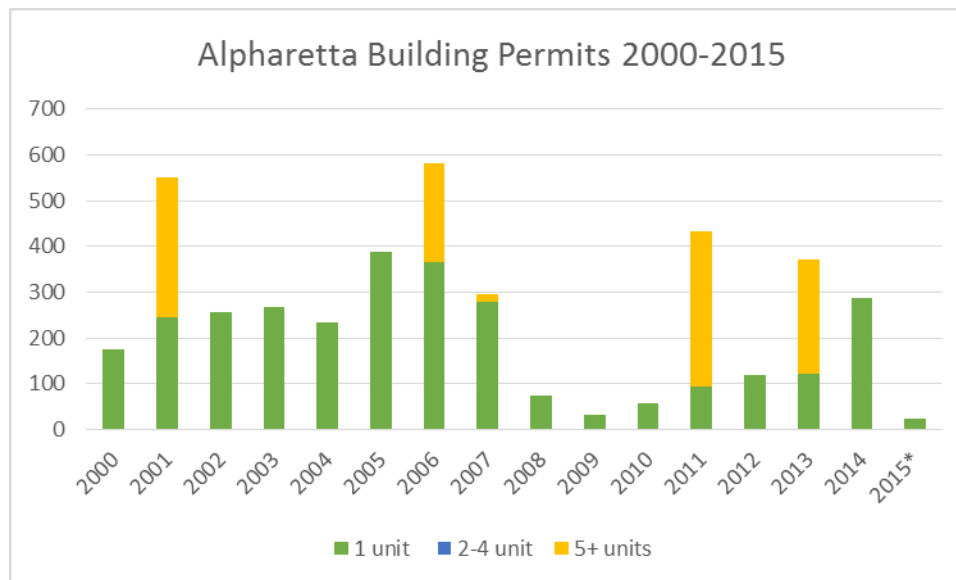
As is typical in other communities the pattern of new multifamily permits is erratic when compared to the rather steady rate for single family units. The 1,127 multifamily units authorized since 2000 occurred in just five years of the 13-year period, while there was some level of single family permits issued each year of the period. However, the effect of the Great Recession on the growth of Alpharetta's housing stock is clear. From 2000 to the 2007 there was an average of 277 single family

permits issued annually, with the peak of 388 in 2005. From 2008 through 2014 the average number of single family permits was just 112 per year, with the 288 permits issued in 2014, the most since 2007.

BUILDING PERMIT ACTIVITY IN ALPHARETTA 2000-2015				
Year	1 unit	2-4 unit	5+ units	Total
2000	175	0	-	175
2001	246	0	304	550
2002	258	0	-	258
2003	267	0	-	267
2004	233	0	-	233
2005	388	0	-	388
2006	365	0	216	581
2007	280	0	17	297
2008	76	0	-	76
2009	32	0	-	32
2010	57	0	-	57
2011	94	0	340	434
2012	119	0	-	119
2013	121	0	250	371
2014	288	0	-	288
2015*	23	0	-	23
	3,022	-	1,127	4,149

* January/February

Source: U.S. Census--Annual Building Permits



SECTION 3: THE DEVELOPMENT PIPELINE IN ALPHARETTA

The preceding sections of the report focused on the current characteristics of rental households and the rental housing inventory in Alpharetta. This section examines future changes to the housing inventory in the city that are either already under construction or have completed the regulatory process for future development.

FOR-SALE PROJECTS APPROVED OR UNDER CONSTRUCTION IN ALPHARETTA 2015					
Development	Unit	Under Construction		Approved	
	Type	Units	Acres	Units	Acres
The Georgian	TH	54	5		
Olmstead Park Townhomes	TH			21	2
Broadwell Development	SF			15	8
Broadwell Road Tract	SF	19	11		
Fern Creek	SF	21	13		
Hearthstone Phase I& II	SF	77	57		
Hearthstone Phase III	SF			31	22
Eastgate	SF	91	42		
Avalon Phase I	SF			132	86
Enclave at Willis Park	SF	28	8.7		
Ruth's Farm	SF	49	10		
Vaughan Drive Townhomes	TH			36	4
Kimball Bridge Walk	TH	36	8		
Windsong Townhomes	TH	32	5		
Cogburn Walk	TH	23	9		
Stonewalk	TH			20	2
Broadwell House	TH	6	0.7		
Parc at Cogburn	TH	19	6		
Overture at Encore Townhomes	TH	76	11.7		
Webb Bridge Preserve	SF	8	4.4		
Harris Walk	SF			13	3
Winthrop Park Townhomes	TH	47	5.8		
Avery Square	SF			20	9.1
Creeside at Encore Townhomes	TH			38	6
Twelve on Canton	SF			12	5.5
Charlotte Drive	SF			5	3.1
Spruell	SF			20	4.4
Old Milton Holdings	SF/TH/Flats			186	21
Alpharetta Lofts	Flats	36	1		
Kimball at Northwoods	SF			130	33
City Center	TH			42	5
Totals		622	198.3	721	214.1

Source: City of Alpharetta/BAG

As shown in the exhibit above, there are currently 622 new units of owner-occupied housing under construction in the city. These units are generally either single family detached housing or townhomes, with one small condominium project, Alpharetta Lofts, under construction. In addition to these owner occupied units under construction, a total of 721 owner units have been approved for future development, resulting in a total of 1,343 owner units in the current development pipeline in Alpharetta. The construction of these units will result in an addition of 8% to the city's current owner-occupied inventory.

RENTAL APARTMENTS APPROVED IN ALPHARETTA 2015	
Development	Units
Westside at Encore	110
Avalon Phase II	276
City Center	168
Approved Total	554

Source: City of Alpharetta/BAG

Rental units are also in the current development pipeline. A total of 554 units have been approved for Westside at Encore, Avalon Phase II, and City Center. The construction of the 554 units in Westside and Avalon will add 7% to the city's current rental housing inventory when completed.

This significant level of development activity in Alpharetta is a reflection of the robust return of the North Fulton housing market in the last 12 to 18 months as the effects of the Great Recession continue to wane and the strong appeal of the North Fulton market in general, and Alpharetta in particular, for new development. This current real estate up-cycle is stimulating a strong response from the development community and also likely reflects addressing some level of pent-up demand that was not being satisfied during the Great Recession when capital for real estate development had largely dried up.

RECENT TRENDS IN OWNER/RENTER RATIO, ALPHARETTA				
	Permitted		Devel. Pipeline	
	2000-2015		2015-2017	
	N	%	N	%
Owner	3,022	73%	1,343	71%
Renter	1,127	27%	554	29%
Total	4,149	100%	1,897	100%

Source: City of Alpharetta/BAG

A comparison of the most recent trends in housing construction in Alpharetta indicates a fairly consistent pattern since 2000. Based on building permits over the 15 years from 2000 to 2015, multifamily units, which are most likely for-rent units, account for 27% of all permits over the period. Looking at the development pipeline for the next 18-24 months it appears that a slightly higher percentage of new housing units will be rental, 29%, as was authorized by permits in the previous fifteen

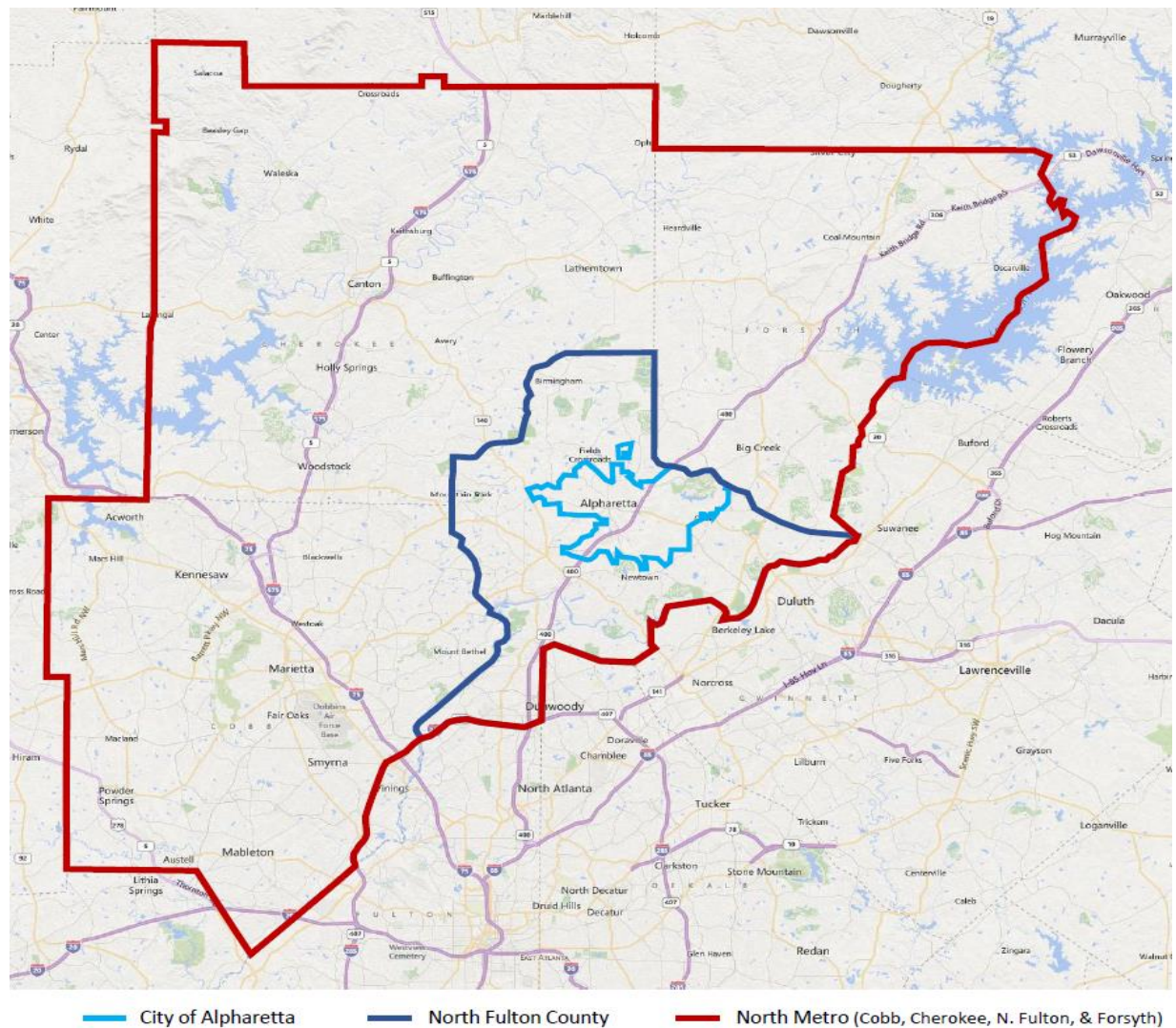
years. Thus, by either measure, the ratio of recent additions to Alpharetta's housing stock has been 2.1 to 2.5 owner units for each new rental unit added to the inventory. This is somewhat lower than the current ratio of 64% owner units and 36% renter units in the existing inventory or roughly a ratio of 1.8 owner units per renter unit and suggests that if these trends continue the overall percentage of housing units in the rental inventory may gradually decline, even though new rental units continue to be added.

SECTION 4: ALPHARETTA RELATIVE TO REGIONAL TRENDS IN RENTAL HOUSING

The previous sections focused exclusively on rental housing market conditions in Alpharetta. This section examines regional rental housing trends and compares those trends to the condition of the rental housing market in the city.

RENTER TO OWNER RATIO IN THE REGION

Presented below is an analysis of the ratio between renter and owner housing in portions of the Atlanta region that appear to be most comparable with Alpharetta. This analysis examines the ratio of renter and owner housing units in the combined municipalities in North Fulton County and for the North Atlanta Metro area, which we defined as the counties of Cherokee, Cobb, Forsyth, and North Fulton County (the portion of the county north of I-285).



This subarea of metro Atlanta shares a similar suburban development pattern to Alpharetta over the past 20 years and captures the heart of the rapidly suburbanizing northern suburbs of the Atlanta region. Generally the area has transitioned from a semi-rural exurban area in the 1980s to some of the Atlanta region's most rapidly growing suburban communities of the past two decades.

RENTER AND OWNER RATIO, ALPHARETTA, NORTH FULTON AND NORTH ATLANTA METRO, 2013						
	Alpharetta	North Fulton	Cherokee	Cobb	Forsyth	North Atlanta Metro
Housing Units	21,775	81,827	76,114	261,242	58,080	477,293
Owner Occ.	13,902	58,160	60,249	173,358	49,730	341,497
Renter Occ.	7,873	23,667	15,895	87,884	8,350	135,796
Owner Occ. %	64%	71%	79%	66%	86%	72%
Renter Occ. %	36%	29%	21%	34%	14%	28%

Source: U.S. Census, American Community Survey, 2013

As noted earlier, rental housing in Alpharetta accounts for 36% of the housing inventory in the city. By comparison, in North Fulton County rental housing represents 29% of the housing inventory. Looking more broadly at the North Atlanta region, rental housing represents 28% of the housing inventory in this area. In terms of its constituent counties, Cobb has the highest percentage of rental units at 34%, followed by North Fulton. The lowest proportion of renter housing is found in Forsyth County at 14%. Thus, Alpharetta, with 36% of its housing inventory in renter units, has one of the highest proportions of rental housing in North Fulton, and in the broader North Atlanta metro region.

Presented below is a comparison of the owner and renter housing stock in Alpharetta and North Fulton and the North Atlanta metro region. In terms of the rental housing inventory a significant portion of the rental housing inventory is single family detached and attached units. In Alpharetta it is 24% which is a higher percentage than in North Fulton as a whole at 20% but less than the North Metro area at 32%. The reason the proportion of the rental inventory in single family units is so high in North Metro is attributable to the lack of a significant inventory of larger rental complexes. In the North Metro larger rental complexes account for only 23.7% of the rental inventory and in North Fulton 29% versus 56% in Alpharetta. Thus, Alpharetta is somewhat unique in having a substantial portion of its rental housing inventory in larger apartment complexes than other North Metro areas.

In terms of the age of its rental inventory, Alpharetta's is a bit newer than the age of rental stock in North Fulton and North Metro. For example, in Alpharetta approximately 23% of the rental housing inventory has been constructed since 2000, versus 15% in North Fulton and 19% in North Metro.

CHARACTERISTICS OF HOUSING STOCK--ALPHARETTA, NORTH FULTON, NORTH METRO, 2013						
	Alpharetta		North Fulton		North Metro	
	Owner	Renter	Owner	Renter	Owner	Renter
Occupied Units	13,902	7,873	86,240	49,037	369,577	161,166
Units in Structure	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
1 detached	88.5%	17.2%	84.3%	13.20%	88.7%	26.8%
1 attached	9.7%	7.1%	11.0%	6.40%	7.7%	5.8%
2-4 units	0.4%	4.0%	0.8%	6.10%	0.6%	7.7%
5-9 units	0.3%	15.2%	2.4%	45.8%	1.1%	36.1%
10 or more units	1.1%	56.2%	1.4%	28.5%	2.0%	23.7%
mobile	0.0%	0.3%	0.0%	0.00%	0.1%	0.1%
Age of Structure	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
2010+	0.3%	0.1%	0.60%	0.50%	0.8%	0.4%
2000-2009	18.8%	22.8%	18.2%	14.0%	26.7%	18.6%
1980-1999	73.6%	64.1%	59.5%	59.4%	50.2%	51.6%
1960-1979	6.4%	10.8%	18.0%	22.9%	17.7%	23.0%
Pre 1960	0.9%	2.2%	3.7%	3.20%	4.6%	6.4%

U.S. Census, American Community Survey, 2013

Presented in the exhibit below is another perspective on the comparative rental housing inventory in Alpharetta versus its regional peers—a look at the comparative income distribution of rental households and their tenure preferences by household income level.

TENURE PREFERENCE BY INCOME LEVEL IN ALPHARETTA, NORTH FULTON AND NORTH ATLANTA METRO, 2013															
Household Income	Alpharetta					North Fulton					North Atlanta Metro				
	Owner		Renter		%	Owner		Renter		%	Owner		Renter		%
	N	%	N	%	Renter	N	%	N	%	Renter	N	%	N	%	Renter
Less than \$25,000	1,118	8%	1,327	17%	54%	4,069	7%	4,736	20%	54%	32,385	9%	39,706	29%	55%
\$25,000-\$49,999	1,040	7%	1,782	23%	63%	5,904	10%	6,608	28%	53%	52,424	15%	43,139	32%	45%
\$50,000-\$99,999	3,940	28%	3,200	41%	45%	14,734	25%	8,249	35%	36%	106,933	31%	38,228	28%	26%
\$100,000-\$149,999	3,383	24%	1,071	14%	24%	13,781	24%	2,504	11%	15%	73,467	22%	9,808	7%	12%
\$150,000+	4,421	32%	493	6%	10%	19,672	34%	1,570	7%	7%	76,288	22%	4,915	4%	6%
Total	13,902	100%	7,873	100%	36%	58,160	100%	23,667	100%	29%	341,497	100%	135,796	100%	28%

Source: U.S. Census, American Community Survey, 2009-2013

The data in the exhibit above illustrates that Alpharetta has one of the most affluent renter populations in the north metro region. For example, only 40% of Alpharetta's rental households have incomes of \$40,000 or less compared to 48% of North Fulton's rental households with incomes at that level. In the broader north metro area 61% of its renter households earn less than \$40,000. In Alpharetta 45% of rental households earn between \$50,000 and \$99,000—the comparable percentage for North Fulton is 36% and in the north metro area 26%. Alpharetta has more rental households in the top income range of \$100,000 or more, with 20% of its renter households in this category, which is comparable to other

areas of North Fulton at 22% but significantly more than in the north metro area with only 11% of renter households in the income range. Thus, overall the income profile of rental households in Alpharetta is more concentrated in the middle and upper income categories than is typical for North Fulton and the north metro area.

Another distinction in Alpharetta is that more middle and upper income households chose to live in rental housing. For example, among all households earning between \$50,000 and \$99,999, 41% of those households are renters in Alpharetta, versus only 35% in North Fulton and 26% in the North Metro area. In the upper income range the pattern towards rental housing is even more pronounced. Among all households with incomes between \$100,000 and \$149,999, 24% are renters in Alpharetta, compared to only 11% in North Fulton and 12% in the north metro area. Thus, Alpharetta has been successful in attracting a significant portion of middle and upper income renters—likely many of these households are renters by choice rather than economic necessity. This a distinctive characteristic of the rental housing market in Alpharetta and may be a function of the types of employers who have been attracted to the area in recent years and the recent additions to the rental inventory that are commanding higher rents and apparently attracting more affluent renter households.

SECTION 5: ESTIMATE OF RENTAL HOUSING DEMAND IN ALPHARETTA 2015-2020

This final section estimates future housing demand in Alpharetta based projections of population and household growth over the 2015-2020 and provides a range of rental housing demand based on a range of assumptions regarding future household growth rates and the future ratio of renter and owner housing based on two key approaches.

POPULATION AND HOUSEHOLD GROWTH

Presented in the following exhibit is a summary of historical and projected population and household growth for Alpharetta, North Fulton and the North Atlanta metro area from 2000 to 2020. As shown in the exhibit below, the city of Alpharetta grew at a 2% compound average annual growth rate (CAGR) from 2000 to 2010. Since that time both population and household growth have slowed slightly to 1.5% from 2010 to 2015. Nielsen is projecting that the city's population and households will grow at a 1.4% CAGR during the next five years increasing the population of the city to 66,381. Data for North Fulton and the North Atlanta Metro area show these broader market areas are exhibiting growth patterns similar to Alpharetta. They grew between 1.9% and 2.3% CAGR in the decade from 2000 to 2010. Then during the period from 2010 to 2015 growth slowed slightly to between 1.6% and 1.7% CAGR.

POPULATION AND HOUSING PROJECTIONS 2015-2020			
	Alpharetta	North Fulton	North Metro
Population			
2000	47,245	264,103	1,089,795
2010	57,551	319,505	1,370,514
CAGR	2.0%	1.9%	2.3%
2015	62,005	346,986	1,485,012
CAGR	1.5%	1.7%	1.6%
2020	66,381	371,868	1,590,956
CAGR	1.4%	1.4%	1.4%
Households			
2000	17,808	102,842	402,563
2010	21,859	123,912	504,961
CAGR	2.0%	1.9%	2.3%
2015	23,564	134,888	547,714
CAGR	1.5%	1.7%	1.6%
2020	25,249	144,743	587,207
CAGR	1.4%	1.4%	1.4%

Source: Nielsen/BAG

Using these historical and projected estimates of population and households to provide context, we prepared two separate estimates of household growth in Alpharetta over the 2015-2020 period and applied to these household growth estimates a range of potential outcomes in terms of renter-to-owner ratio for new households in the city.

The two household growth projections are based on the following:

- **The Nielsen Growth Rate for 2015-2020**—Nielsen demographic data service estimates of future household growth in Alpharetta based on an assumed 1.4% CAGR.
- **Projected Alpharetta's Historic Growth Rate**—During the period from 2000-2010 Alpharetta grew at a 2.0% CAGR. Given the likely pent-up demand as we come out of the Great Recession, this may be a more accurate reflection of growth in the next five years than Nielsen's estimates, which in our experience tend to be conservative. Thus we prepared an estimate of growth in future households in the 2015-2020 period based on the historic growth rate.

The estimate of the ratio of renter and owner housing to accommodate the future household growth was based two different assumptions:

- **Alpharetta's current renter/owner ratio**—We applied the current renter-owner ratio, which is 36% renter, to the growth in households derived under the two projection methodologies. This ratio, while high relative to Alpharetta's peers, may reflect the specific conditions in Alpharetta that have resulted in a higher renter ratio than occurs in the region because of its more mixed use character and other historical development factors.
- **Assumed future rental preference at the north metro rental ratio**—Data from the north metro area shows an overall proportion of 28% renter households across the area. It is possible that over time Alpharetta will "regress toward the mean" of this regional average.

Based on these assumptions a range of estimates of future household growth and the number of rental households that would result are presented in the exhibit below.

Using the Nielsen household growth rates we estimate there will be demand from growth for an additional 1,685 new housing units in Alpharetta over the next five years. We are not assuming that the current vacant inventory of 5% of the current housing stock will absorb much of this new demand, since the low vacancy rate indicates a very tight housing market. Accordingly, we estimate that the new housing demand will range between 472 and 607 new rental households depending on the two assumptions regarding the future rental housing ratio, with the larger number of units from maintaining the current ratio, and the lower estimate resulting if Alpharetta begins to move closer to the North Metro regional rental housing ratio.

Applying the historical household growth rate for Alpharetta to estimate demand for the next five years would increase the estimated number of new households to 2,476. Applying the two rental ratios to

this household growth estimate results in a projected 693 to 891 new rental households in Alpharetta over the next five years.

HOUSEHOLD GROWTH AND TENURE ESTIMATES 2015-2020

Households 2000	12,207	
Households 2010	21,859	
Change 2000-2010	9,652	
CAGR	2.0%	
Households 2015	23,564	
Change 2010-2015	1,705	
CAGR	1.5%	
	Nielsen 2015-2020 Projection	Estimate Using 2000-2010 Growth Rate
Households 2020	25,249	26,040
Change in HHs 2015-2020	1,685	2,476
CAGR	1.4%	2.0%
Demand by Tenure--Existing Ratio		-
Renter 36%	607	891
Owner 64%	1,078	1,585
Demand by Tenure--Regional Ratio		-
Renter 28%	472	693
Owner 72%	1,213	1,783

Source: Nielsen/BAG

Based on these estimates of the future demand for housing in Alpharetta over the next five years, at the end of the period the current inventory of owner and renter housing in Alpharetta would change as follows:

IMPACT OF ALTERNATIVE TENURE PATTERNS ON ALPHARETTA'S HOUSING STOCK 2015-2020

	Alpharetta Housing Stock		Additions In Pipeline	Housing Stock		Option A: Existing Growth			Option B: Existing Growth		
	2013	%		2016	%	Existing Ratio	Total	%	Regional Ratio	Total	%
Owner	13,902	64%	1,343	15,245	64%	1,585	16,658	65%	1,783	17,028	65%
Renter	7,873	36%	554	8,427	36%	891	9,150	35%	693	9,120	35%
Total	21,775	100%	1,897	23,672	100%	2,476	25,808	1	2,476	26,148	100%

Source: BAG

As shown in the exhibit, based on the character of the existing housing stock in Alpharetta, when the units that are under construction or in the development pipeline are completed the city will have 23,672 units in its housing inventory, and the current tenure ratio will be unchanged at 36% renter and 64% owner units. Two estimates of impact of future additions to the housing stock were analyzed. The first assumes that the future growth in the housing stock follows the historic pattern of approximately 2% annually and in Option A, the tenure preference is based on the current ratio of 36% rental and 64%

owner units. Under Option A, it is assumed that the tenure preference is consistent with the regional ratio of 28% rental and 72% owner. As shown, the impact that these two ratios have on the city's overall tenure mix in the housing inventory is minimal. There is approximately a 200-unit difference in the total number of rental units under the two options, and this difference is so minor that the overall tenure ratio remains effectively the same under both options—35% renter and 65% owner. What this demonstrates is that in the short term, changes in tenure preference have little long-term impact on the tenure mix of the city's overall housing stock. Rather, significant change would only be evident from changes over a more prolonged period. This argues that variations year-by-year in the tenure mix of new housing should not be of concern, rather it is long-range trends that need to be in balance.

We conclude from this analysis city policy should work towards a long-term goal of rental housing accounting for between 28% and 36% of the housing inventory. Setting an overall goal of 32% of the overall housing inventory as rental would seem reasonable. This long-range goal would be consistent both with historical renter ratios in the city and with regional trends in the North Atlanta metro region.

This goal could be achieved in a number of ways: one approach would be to consider placing a cap on rental housing applications of 107 units per year, which is derived from applying the 32% ratio to the total number of building permits issued in Alpharetta over the 2000-2014 period, as shown below:

- Total Permits issued 2000-2014: 4,149 units
- Average Permits issued 2000-2014: 296 units
- Targeted Rental Unit Proportion at 32%: 107 units

If in a given year some or all of the targeted rental units were not permitted they could carry over to the next year. The total number of targeted rental unit permits could be adjusted every five years to reflect recent trends in total permitting activity. Permits for new units to be created on the site of existing rental apartments could be exempted from this annual limitation as an incentive to encourage the redevelopment of older complexes.

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Every reasonable effort has been made to insure that the data developed in this assignment reflect the most accurate and timely information possible and is believed to be reliable. This consulting assignment was based on estimates, assumptions and other information developed by Bleakly Advisory Group ("BAG") from its independent research efforts, general industry knowledge and consultations with the client for this assignment and its representatives. No responsibility is assumed for inaccuracies in reporting by the client, its agents or representatives or any other data source used in preparing or presenting this study.

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