



City Council Meeting & Public Hearing

APRIL 29, 2024

OFFICIAL MINUTES

Office of the City Clerk

ALPHARETTA CITY HALL

COUNCIL CHAMBERS | 2 PARK PLAZA | 6:30 PM

OFFICIAL MINUTES

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

1. CALL TO ORDER

- Mayor Gilvin called the meeting to order at 6:30 p.m.
- Mayor Gilvin announced that Z-24-06/PH-24-06/V-24-06 55 Canton has been deferred by the applicant to the June 3, 2024 City Council Meeting and Public Hearing.

2. ROLL CALL

• Council Members

- Mayor Jim Gilvin
- Mayor Pro Tem Dan Merkel
- Brian Will
- Fergal M. Brady
- Donald F. Mitchell
- Douglas J. DeRito
- John Hipes

• Staff

- Chris Lagerbloom, City Administrator
- Molly Esswein, City Attorney
- Lauren Shapiro, City Clerk
- James Drinkard, Assistant City Administrator
- Adam Montgomery, Director of Information Technology
- Brooke Lappin, Director of Courts
- Cris Randall, Director of Human Resources
- Kathi Cook, Director of Community & Economic Development
- Morgan Rodgers, Director of Recreation, Parks & Cultural Arts Services
- Pete Sewczwicz, Director of Public Works

- Tom Harris, Director of Finance
- Brian Borden, Zoning Administrator
- Trent Lindgren, Police Major
- Ryan Thomas, Project Manager

3. PLEDGE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

A. Proclamation: Public Service Recognition Week

- Mayor Gilvin presented Director of Human Resources, Cris Randall, and City Administrator, Chris Lagerbloom, with a proclamation to recognize Public Service Recognition Week.

5. CONSENT AGENDA

A. City Council Meeting Minutes (Meeting of 4/15/2024)

Consideration of approval of the City Council meeting minutes from the meeting of April 15, 2024.

B. Ratification of Consent Order and Final Judgment: Parcel 66 of McGinnis Ferry Road Widening Project

Council ratification of Consent Order and Final Judgment (CAFN:2022CV364016) in the amount of \$240,000.00 regarding Parcel #66 of the McGinnis Ferry Road Widening Project (Pl #004634)(Owners: Robert A. Hardin, Katrenia C. Hardin, and Windward Community Services Association, Inc.)

C. Financial Management Report (Month Ending February 29, 2024)

Consideration of approval of the Financial Management Report for the month ending February 29, 2024.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member Mitchell offered a motion to approve the Consent Agenda.
 - Council Member Will seconded the motion.
 - The motion was approved unanimously (7-0).

6. PUBLIC HEARING

A. PH-24-09 Dr. J.L. Morris House/116 North Main Street – Historic Designation

Consideration of a request to designate the Dr. J.L. Morris House as historic. The property is located at 116 North Main Street and is legally described as being located in Land Lot 1252, 2nd District, 2nd Section, Fulton County, Georgia.

FIRST READING

- Zoning Administrator, Brian Borden, came forward to present this item.
- The applicant, Brent Beecham, requests consideration of a public hearing in order to designate a structure as historic. Conditions of zoning require that the Dr. J.L. Morris House (A.K.A. Violin Shop) be saved, restored, and designated as historic under the City's Historic Preservation Incentive Ordinance. The subject property is located at 116 North Main Street on the west side of North Main Street at the intersection with Cumming Street.
- This item was considered at the April 11, 2024 Historic Preservation Commission meeting. There were no public comments. After discussion, Historic Preservation Commission recommended approval (vote 5-0).
- Staff recommends that Mayor and City Council approve PH-24-09 Dr. J.L. Morris House/116 North Main Street – Historic Designation.
- The property was approved for rezoning and variance on May 23, 2022, to allow two (2), three (3) story mixed-use buildings with 32,000 square feet of office, 4,000 square feet of retail, 8,000 square feet of restaurant and four (4) 'For-Sale' condominium units with structured parking. The proposed development included saving and restoring the Dr. J.L. Morris House (A.K.A. The Violin Shop) for use as a restaurant or office. The subject property is located at 116 North Main Street on the west side of North Main Street at the Cumming Street intersection.
- The Dr. J.L. Morris House was constructed in 1935 and is 89 years old. The structure is approximately 3,117 square feet and was constructed in the English Vernacular Revival style. According to Alpharetta, Milton County – the Early Years, Dr. J.L. Morris became one of Alpharetta's first family doctors despite his formal schooling ending after 5th grade. After developing a strong interest in reading, J.L. Morris decided to pursue a career as a doctor at the age of 34. After practicing medicine in Buena Vista, Georgia for seventeen (17) years, Dr. Morris came to Alpharetta in 1929 and opened his first office at what is now 116 North Main Street. Dr. Morris's daughter, Jessie Morris Roberts followed in his footsteps and the two of them provided medical service for Alpharetta for over 94 years.
- The Citizen Participation Plan Report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no comments were received.
- A Community Zoning Information Meeting was held on March 13, 2024. There were no public comments.
- Staff has reviewed the applicant's proposal against the established review criteria for a historic designation. The proposal meets the criteria for historic designation.

PUBLIC COMMENTS:

- There were no public comments.

- ❖ Mayor Pro Tem Merkel offered a motion to approve PH-24-09 Dr. J.L. Morris House/116 North Main Street – Historic Designation.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (7-0).

B. E-24-02 King's Ridge Christian School Tree Recompense Exception

Consideration of an exception to waive tree recompense in conjunction with the construction of a baseball field. The property is located at 0, 13600, 13630, 13650, and 13660 Cogburn Road and is legally described as being located in Land Lots 896 & 905, 2nd District, 2nd Section, Fulton County, Georgia.

- Director of Community and Economic Development, Kathi Cook, came forward to present this item.
- The applicant, King's Ridge Christian School, is requesting an exception to eliminate tree recompense associated with the construction of a baseball field on 19.46 acres. King's Ridge Christian School is expanding its athletic programs and facilities, and the required tree recompense limits the school's ability to build the baseball field. The subject property is located at 0, 13600, 13630, 13650, and 13660 Cogburn Road, on the west side of Cogburn Road and south of Bethany Bend.
- Staff is recommending that Mayor and City Council approve E-24-02 King's Ridge Christian School Tree Recompense Exception, subject to the following conditions:
 1. The site, consisting of approximately 19.46 acres, shall be developed substantially similar to site plan prepared by Brewer Engineering, revised 3/1/24, except for modifications required to comply with the conditions below and subject to meeting all City code requirements and conditions of zoning.
 2. Tree removal and replacement shall be limited to the tree plans labeled Sheet T.1 and T.2 prepared by TJ Schell, LLC. Tree recompense shall be waived for the removal of 2,187".
 3. Existing gravel parking lot and drive aisle shall be upgraded with a geogrid system and parking spaces delineated.
 4. Stormwater facilities shall not be visible from Cogburn Road, unless constructed as a decorative amenity. Any visible stormwater structures shall be faced with decorative brick or stone.
- John Ellis (CGLS Architects 2300 Lake Park Drive, Smyrna, GA 30080) came forward to speak on behalf of the applicant.
- Edward Spurka (Head of King's Ridge Christian School, 2765 Bethany Bend, Alpharetta, GA 30004) came forward to speak on behalf of the applicant.

PUBLIC COMMENTS:

- There were no public comments.

- ❖ Mayor Pro Tem Merkel offered a motion to approve E-24-02 King's Ridge Christian School Tree Recompense Exception, as presented.
 - Council Member Brady seconded the motion.
 - The motion was approved unanimously (7-0).

C. CLUP-24-01 / Z-24-04 / V-24-04 Upper Hembree Tract / Empire Communities

Consideration of a comprehensive land use plan amendment, rezoning and variances to allow for the redevelopment of the former's Harry's Market with a 149-lot single-family detached subdivision on 19.32 acres. A comprehensive land use plan amendment is requested from 'Commercial' to 'High Density Residential' and a rezoning is requested from PSC (Planned Shopping Center) to R-8D (Dwelling, 'For-Sale', Detached Residential – High Density). Variances are requested to Unified Development Code (UDC) Subsection 2.2.9(D) to increase building coverage by principal buildings from 40% to 65%, and reduce minimum lot width from 50' to 31' and to UDC Subsection 3.2.8(B)(1)(a) to reduce the 50' undisturbed buffer. The property is located at 1180 Upper Hembree Road and is legally described as being located in Land Lots 550 & 553, 1st District, 2nd Section, Fulton County, Georgia.

- Director of Community and Economic Development, Kathi Cook, came forward to present this item.
- The applicant, Empire Communities, is requesting a comprehensive land use plan amendment, rezoning and variance to allow for the construction of 149 'For-Sale' single-family detached homes on 19.32 acres. The applicant requests a comprehensive land use plan amendment from 'Commercial' to 'High Density Residential' and a rezoning from PSC (Planned Shopping Center) to R-8A/D (Dwelling, 'For-Sale', Attached/Detached Residential). Variances are requested to reduce undisturbed buffers, lot width, and building/lot coverage. The subject property is located at 1180 Upper Hembree Road south of the intersection at Upper Hembree Road and Harris Road.
- This item was considered at the March 7, 2024 Planning Commission meeting. There were three (3) public comments in support including the following comments: safety during demolition, dog park should be fenced, on-street parking, need more housing, property should be developed as mixed-use, identify tree saves, and can existing intersection handle traffic. After discussion, Planning Commission recommended approval subject to staff's recommended conditions. (vote 6-0).
- This item was deferred at the March 25th City Council meeting. Council concerns included guest parking, density, playground for children, and changing the future land use designation of the property. In response, the applicant revised the site plan resulting in the following changes: increase the number of guest parking spaces from 36 to 66, decrease the number of dwelling units from 149 to 147, addition of a playground area, removal of the one-way street paralleling Upper Hembree Road,

and change the secondary access from a gated fire/emergency access only to a right-in and right-out.

- Staff is recommending that Mayor and City Council approve CLUP-24-01/Z-24-04/V-24-04 Upper Hembree Tract/Empire Communities, subject to the following conditions:
 1. The 19.32-acre property shall be zoned 'R-8A/D' and shall be developed substantially as depicted on the site plan prepared by PEC, revised 3/26/24, except for modifications required to comply with these conditions. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
 2. The comprehensive land use plan designation of the property shall be 'High Density Residential'.
 3. Maximum density shall not exceed 7.61 dwelling units per acre.
 4. Minimum lot width shall be 31'.
 5. Maximum building coverage shall not exceed 48% and impervious coverage shall not exceed 65%.
 6. Architecture and materials shall be developed substantially similar to the submitted renderings, labeled Exhibit A - Renderings, subject to final approval by Staff.
 7. To screen rooftops, a landscape buffer shall be provided along Upper Hembree Road as depicted in the site plan prepared by PEC, revised 3/26/24, with final approval by Staff. Developer shall work with City Staff and Georgia Power to identify appropriate landscape screening material where the buffer area overlaps utility easements. Existing trees shall be preserved, where possible, and the remaining area planted to City buffer standards, with final approval by Staff.
 8. Minimum 15' planted buffer shall be provided along the west property line and along the south property line adjacent to Hembree Forest. Minimum 20' planted buffer shall be provided along the east property line and along the south property line adjacent to non-residential use. Existing trees shall be preserved, where possible, and the remaining area planted to City buffer standards, with final approval by Staff.
 9. Developer shall enhance project entrance with a decorative planted median, decorative landscaping beds on each side of the entrance, and a unique monument or sculpture representative of the proposed community, as approved by Staff. Monument or sculpture shall be approved by the Cultural Arts Commission. Existing monument sign in the entrance median shall be removed.

10. Minimum 1.47 acres of open space shall be improved substantially as depicted on the plan prepared by PEC, revised 3/26/24. HOA shall be responsible for maintenance of all open space.
11. Privacy fences and unfinished wood decks shall not be visible from the public right-of-way.
12. Configuration of the secondary curb cut shall be determined at land disturbance permit, with final approval by Staff.
13. Internal streets shall have a 4' planter and 5' sidewalk on one side of the street (not including alleys), as approved by Staff. Decorative pedestrian lighting shall be required throughout the development. Internal streets shall be private and maintained by the HOA.
14. Developer shall improve Upper Hembree Road streetscape with a min. 2' planter planted with a row of shrubs, 6' sidewalk, and street trees planted in the landscape area behind the sidewalk, as approved by Staff. Developer shall remove existing acceleration lane east of the existing entrance and incorporate the area into the Upper Hembree Road streetscape. HOA shall be responsible for the maintenance of the landscape material in the planter. Streetscape shall include decorative pedestrian lighting. Offsite improvements shall be eligible for impact fee credits.
15. Minimum 10' landscape strip shall be required along new internal streets as measured behind the sidewalk, except at side yard conditions on corner lots. The minimum 10' landscape strip shall not apply to alleys. Landscape strips and buffers shall be exclusive of utilities and easements except where necessary for utilities to cross landscape strips and buffers, with final approval by Staff. If Fulton County requires an unencumbered water line easement, shrubs shall replace trees on one side of the street.
16. Pedestrian amenities including sidewalks, lighting, and benches shall be included throughout the development and in amenity areas.
17. Developer shall save trees in the tree save area depicted on the site plan prepared by PEC, revised 3/26/24. In addition, developer shall save trees in the triangular area at the existing entrance to the property, except where the egress lane is being re-configured.
18. Developer shall implement the recommendations of the submitted traffic impact study, with final approval by Staff. Developer shall be responsible for any necessary intersection or signal improvements at Upper Hembree Road and Harris Road. Any such offsite improvements not triggered by the development shall be eligible for impact fee credits.
19. Stormwater management facility shall be screened as depicted on the site plan prepared by Kimley Horn, dated 3/1/24, with final approval by Staff. Smart

stormwater design techniques shall be employed to address run-off reduction, as approved by Staff.

20. Per mutual agreement, developer shall provide a privacy fence and evergreen trees along the south property line adjacent to Hembree Forest while protecting trees in the tree save area.

21. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.

- The submitted request, if approved, would allow for the development of 149 'For-Sale' single-family detached homes on 19.32 acres. The proposed density is 7.72 dwelling units per acre. The applicant requests a comprehensive land use plan amendment from 'Commercial' to 'High Density Residential' and a rezoning from PSC (Planned Shopping Center) to R-8A/D (Dwelling, 'For-Sale', Attached/Detached Residential). Variances are requested to reduce undisturbed buffers, lot width, and increase building/lot coverage. The subject property is located at 1180 Upper Hembree Road south of the intersection at Upper Hembree Road and Harris Road.
- The property served as Harry's Farmers Market until 2014 before becoming the corporate offices and distribution center for Whole Foods. The existing building is approximately 145,000 square feet and the surface parking lot includes approximately 588 parking spaces. Surrounding properties are zoned O-I (Office-Institutional) to the west, C-1 (Neighborhood Commercial), R-15 (Dwelling, 'For-Sale', Residential), O-I, and O-P (Office-Professional) to the north, and City of Roswell to the south and east. Medical and professional offices are located to the west, single-family detached home, Spirit of God Church, and professional offices are located to the north, flex office/warehouse are located to the east and south, and Hembree Forest subdivision is located to the south. The comprehensive land use plan designation of the property is 'Commercial'. The applicant proposes to change the future land use designation to 'High Density Residential'.
- The submitted site plan depicts a 149-lot single-family detached subdivision with access from an existing signalized intersection at Upper Hembree Road and Harris Road. A 2nd curb cut is depicted at the northeast corner of the property but will be limited to fire and emergency access only and gated. Homes are proposed to be front- and rear-loaded, with 99 rear-loaded homes having a minimum lot size of 2,000 square feet and minimum lot width of 31' and 50 front-loaded homes having a minimum lot size of 4,500 square feet and minimum lot width of 38'. Homes around the perimeter of the property are proposed to be two (2) stories and the remaining homes will be three (3) stories. New internal streets and alleys will be private. Minimum building setbacks are provided below.

Upper Hembree Road – 65'

Side – 5'

Rear – 20'

Typical Lot Setbacks:

Front – 10'

Side – 0' (10' b/w homes)

Rear – 20' (no alley), 0' (alley)

- Five-foot (5') sidewalks are depicted throughout the development, including a connection to the sidewalk along Upper Hembree Road. The sidewalk along Upper Hembree Road should be expanded to a minimum six feet (6'). A landscape buffer is depicted along Upper Hembree Road and fifteen-foot (15') replanted buffers are depicted along the east, west and south property lines.
- Unified Development Code (UDC) Parking regulations require two (2) parking spaces for each single-family detached home, as well as a minimum ten-foot (10') by eighteen-foot (18') driveway for a total of 447 parking spaces. Each home has two (2) side-by-side parking spaces in a garage, as well as two (2) spaces in the code-compliant driveway, for a total of 596 parking spaces. An additional 36 guest parking spaces are provided throughout the development.
- The site plan depicts approximately 4.9 acres of community space, including 1.47-acres of improved amenity space. Proposed community amenities include a pickleball court, dog park, pedestrian improvements, clubhouse and pool, community green, as well as several linear greenspaces fronted with homes.
- The applicant provided a traffic impact study, including a trip generation report which estimates that the 149 single-family detached homes would generate 119 AM Peak Hour trips and 149 PM Peak Hour trips. According to the applicant, a grocery store would generate approximately 237 AM Peak Hour trips and 600 PM Peak Hour trips. Therefore, the proposal to allow a residential development would represent a significant reduction in vehicular trips on streets in the area.
- Fulton County calculated the potential maximum number of children who may live on the property by using the Fulton County Schools standard calculation to identify the number of children that a residential development will generate. Based on the total figure for all three school levels, it can be assumed that the proposed development could house approximately 28 – 151 school age children. Numbers provided by Fulton County Schools show that Milton High School is currently over capacity.
- The Citizen Participation Plan report submitted by the applicant states that letters were mailed to each property owner within 500' of the subject property stating the applicant's intent. The report states that no public comments were received as a result of the public notice mailing. However, the applicant noted that questions were raised by the public at the CZIM regarding traffic and impacts to surrounding properties. The applicant committed to meeting with an adjacent residential

neighbor, inspecting an existing fence along the south property line, and review stormwater outlets from the existing detention pond. City Staff was contacted by a homeowner in Bellsmith Regency with concerns over traffic and density. The homeowner was placed in contact with the applicant.

- The Community Zoning Information Meeting was held on February 14, 2024. There were no public comments on the sign-in sheet.
- Kenneth Wood (350 Research Court, Peachtree Corners, GA 30092) came forward to speak on behalf of the applicant.
- Paul Corley (Empire) came forward to speak on behalf of the applicant.

PUBLIC COMMENTS:

- Bob Cummings (790 Birch Ridge Drive, Roswell, GA 30076) came forward to speak against this item.
- Bob Vanderhorst (Resident at Bellsmith Regency) came forward to speak in favor of this item.
- Hillary Threat (715 Birch Ridge Drive, Roswell, GA 30076) came forward to speak against this item.
- Grant Duffy (4200 Harris Ridge Court, Roswell, GA 30076) came forward to speak against this item.
- Mayor Pro Tem Merkel offered a motion to approve CLUP-24-01/Z-24-04/V-24-04 Upper Hembree Tract/Empire Communities, subject to the following conditions:
 1. The 19.32-acre property shall be zoned 'R-8A/D' and shall be developed substantially as depicted on the site plan prepared by PEC, revised 3/26/24, except for modifications required to comply with these conditions. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
 2. The comprehensive land use plan designation of the property shall be 'High Density Residential'.
 3. Maximum density shall not exceed 7.61 dwelling units per acre.
 4. Minimum lot width shall be 31'.
 5. Maximum building coverage shall not exceed 48% and impervious coverage shall not exceed 65%.
 6. Architecture and materials shall be developed substantially similar to the submitted renderings, labeled Exhibit A - Renderings, subject to final approval by Staff.
 7. To screen rooftops, a landscape buffer shall be provided along Upper Hembree Road as depicted in the site plan prepared by PEC, revised 3/26/24, with final

approval by Staff. Developer shall work with City Staff and Georgia Power to identify appropriate landscape screening material where the buffer area overlaps utility easements. Existing trees shall be preserved, where possible, and the remaining area planted to City buffer standards, with final approval by Staff.

8. Minimum 15' planted buffer shall be provided along the west property line and along the south property line adjacent to Hembree Forest. Minimum 20' planted buffer shall be provided along the east property line and along the south property line adjacent to non-residential use. Existing trees shall be preserved, where possible, and the remaining area planted to City buffer standards, with final approval by Staff.
9. Developer shall enhance project entrance with a decorative planted median, decorative landscaping beds on each side of the entrance, and a unique monument or sculpture representative of the proposed community, as approved by Staff. Monument or sculpture shall be approved by the Cultural Arts Commission. Existing monument sign in the entrance median shall be removed.
10. Minimum 1.47 acres of open space shall be improved substantially as depicted on the plan prepared by PEC, revised 3/26/24. HOA shall be responsible for maintenance of all open space.
11. Privacy fences and unfinished wood decks shall not be visible from the public right-of-way.
12. Configuration of the secondary curb cut shall be determined at land disturbance permit, with final approval by Staff.
13. Internal streets shall have a 4' planter and 5' sidewalk on one side of the street (not including alleys), as approved by Staff. Decorative pedestrian lighting shall be required throughout the development. Internal streets shall be private and maintained by the HOA.
14. Developer shall improve Upper Hembree Road streetscape with a min. 2' planter planted with a row of shrubs, 6' sidewalk, and street trees planted in the landscape area behind the sidewalk, as approved by Staff. Developer shall remove existing acceleration lane east of the existing entrance and incorporate the area into the Upper Hembree Road streetscape. HOA shall be responsible for the maintenance of the landscape material in the planter. Streetscape shall include decorative pedestrian lighting. Offsite improvements shall be eligible for impact fee credits.
15. Minimum 10' landscape strip shall be required along new internal streets as measured behind the sidewalk, except at side yard conditions on corner lots. The minimum 10' landscape strip shall not apply to alleys. Landscape strips and buffers shall be exclusive of utilities and easements except where necessary for utilities to cross landscape strips and buffers, with final approval by Staff. If

Fulton County requires an unencumbered water line easement, shrubs shall replace trees on one side of the street.

16. Pedestrian amenities including sidewalks, lighting, and benches shall be included throughout the development and in amenity areas.
17. Developer shall save trees in the tree save area depicted on the site plan prepared by PEC, revised 3/26/24. In addition, developer shall save trees in the triangular area at the existing entrance to the property, except where the egress lane is being re-configured.
18. Developer shall implement the recommendations of the submitted traffic impact study, with final approval by Staff. Developer shall be responsible for any necessary intersection or signal improvements at Upper Hembree Road and Harris Road. Any such offsite improvements not triggered by the development shall be eligible for impact fee credits.
19. Stormwater management facility shall be screened as depicted on the site plan prepared by Kimley Horn, dated 3/1/24, with final approval by Staff. Smart stormwater design techniques shall be employed to address run-off reduction, as approved by Staff.
20. Per mutual agreement, developer shall provide a privacy fence and evergreen trees along the south property line adjacent to Hembree Forest while protecting trees in the tree save area.
21. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
 - Council Member DeRito seconded the motion.
 - The motion was approved (6-1 with Council Member Hipes in opposition).

D. Z-24-06/PH-24-06/V-24-06 55 Canton

DEFERRED: This item has been deferred by the Applicant to the June 3, 2024 City Council Meeting and Public Hearing. This item will not be discussed, heard, or considered by the City Council during tonight's meeting.

Consideration of a rezoning, parking in-lieu fees, and variances to allow for the construction of a mixed-use building with 36' 'For-Sale' condominium units and 7,303 square feet of restaurant space on 1.02 acres in the Downtown Overlay. A rezoning is requested from C-2 (General Commercial) to DT-C (Downtown Core) and parking in-lieu fees are requested for approximately four (4) parking spaces. Variances are requested to Unified Development Code (UDC) Appendix A: Alpharetta Downtown Code Subsection 3.5.5 to increase the maximum building footprint and to UDC Subsection 2.5.5(j) to allow tandem parking spaces to count toward minimum parking requirements.

The property is located at 32, 38 & 44 Old Canton Street and is legally described as located in Land Lot 1269, 2nd District, 2nd Section, Fulton County, Georgia.

E. CLUP-24-02/Z-24-07/CU-24-04/V-24-07 Park Walke II

Consideration of a comprehensive land use plan amendment, rezoning, conditional use and variances to allow for the construction of 34 'For-Sale' townhomes on 3.41 acres in the Downtown. A comprehensive land use plan amendment is requested from 'Commercial' to 'Mixed Use Live-Work' and a rezoning is requested from C-2 (General Commercial) to DT-LW (Downtown Live-Work). A conditional use is requested to increase density above 8 dwelling units per acre and variances are requested to Unified Development Code (UDC) Appendix A Subsection 2.2.3 to eliminate interconnected streets, block requirements, stub-out streets and allow dead end streets, to UDC Appendix A Subsections 2.4.6 and 2.7.2 to allow parking between the building and the street, and to Appendix A Subsection 3.7.3 to increase maximum lot coverage from 70% to 80%. The property is located at 2220, 2240, 2260, 2270 and 2300 Old Milton Parkway and is legally described as being located in Land Lots 748, 1st District, 2nd Section, Fulton County, Georgia.

- Zoning Administrator, Brian Borden, came forward to present this item.
- The applicant, The Providence Group, is requesting a comprehensive land use plan amendment, rezoning, conditional use, and variances to allow for the construction of 34 'For-Sale' townhomes on 3.41 acres in the Downtown. The proposed density is 9.97 dwelling units per acre. A comprehensive land use plan amendment is requested for the western portion of the property from 'Commercial' to 'Mixed Use Live-Work' and a rezoning is requested for the western portion of the property from C-2 (General Commercial) to DT-LW (Downtown Live-Work). A conditional use is requested to increase density and variances are requested to modify Downtown block and access standards (interconnected streets, blocks, stub-out streets, and dead-end streets) and vehicle parking location, as well as to increase maximum lot coverage. The subject property is located at 2220, 2240, 2260, 2270, and 2300 Old Milton Parkway at the northeast corner of Old Milton Parkway and Haynes Bridge Road.
- This item was considered at the April 11, 2024 Planning Commission meeting. There was one (1) public comment requesting that the applicant replace trees in kind. After discussion, Planning Commission recommended approval subject to staff's recommended conditions and accepting the applicant's changes (vote 7-0).
- Staff is recommending that Mayor and Council approve CLUP-24-02/Z-24-07/CU-24-04/V-24-07 Park Walke II, subject to the following conditions:
 1. Approximately 3.41 acres shall be zoned DT-LW and developed substantially similar to site plan prepared by Travis Pruitt & Associates, dated 4/26/24, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.

2. The comprehensive land use plan designation of the property shall be 'Mixed Use Live Work'.
3. Architecture and materials shall be developed substantially similar to the submitted renderings, labeled Exhibit A, except for modifications required to comply with the Alpharetta Downtown Code, subject to final approval by DRB. All townhomes shall have 4-sided architecture, materials, and details.
4. Density shall not exceed 9.97 dwelling units per acre.
5. Block, access, and vehicle parking location shall be as depicted on the site plan prepared by Travis Pruitt & Associates, dated 4/26/24, or as approved by Staff and GDOT.
6. Maximum lot coverage shall be 80%, except that the developer shall utilize pervious hardscape materials to minimize lot coverage, as approved by Staff.
7. Front yards may encroach into landscape strips, subject to meeting the minimum landscape material requirements, as approved by DRB.
8. Developer shall improve Old Milton Parkway streetscape with a minimum 2' planter planted with a row of shrubs or grass (subject to GDOT approval), minimum 8' sidewalk, and decorative pedestrian lighting, with final approval by Staff. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, groundcovers and/or shrubs.
9. Project entrance, alleys, and sidewalks internal to the site shall be developed as depicted on the site plan prepared by Travis Pruitt & Associates, dated 4/26/24, with final approval by Staff. Decorative pedestrian lighting shall be required throughout the development. Internal streets and alleys shall be private and maintained by the HOA.
10. Minimum 15' building setback and 10' landscape strip shall be provided along Old Milton Parkway. Building setbacks shall be as depicted on the site plan prepared by Travis Pruitt & Associates, dated 4/26/24. Stoops, stairs, and porches may encroach into the setback and landscape strip.
11. Developer shall plant minimum 6" caliper Nuttall Oaks as shown on the Conceptual Hardscape & Landscape Plan – Old Milton & Haynes Bridge prepared by Pollock & Associates, dated 4/8/24, or other species approved by Staff, along Old Milton Parkway frontage, as approved by DRB. Trees shall be planted approximately 35' apart unless design requires a deviation, i.e. a sidewalk connection or park, to be approved by Staff.
12. Minimum 10' landscape strips shall be required along both sides of the project entrance. Minimum 5' sidewalk shall be required along the west side of project entrance and shall connect to the sidewalk at the mail kiosk. Fulton County and secondary utilities shall be allowed in landscape strips. Should Fulton County require an unencumbered water easement, shrubs shall replace trees in the

landscape strip on waterline side of entrance. There shall be no other landscape strips along internal roads, alleys, or drives.

13. Minimum 10' planted buffer shall be provided along the east property line, with final approval by DRB.
14. Project entrance shall include a decorative paver apron, landscape, and hardscape, as approved by DRB. Improvements shall be maintained by the HOA.
15. Decorative wall with fence along Old Milton Parkway shall be substantially similar to East of Main, as approved by DRB. Developer shall plant Creeping Phlox (pink or white), or alternative plantings, at the top of the wall and creeping vines at the base of the wall, with final approval by DRB. Improvements shall be maintained by the HOA.
16. Open space shall be developed substantially similar to the Conceptual Hardscape & Landscape Plan – Old Milton at Haynes Bridge – Linear Park plan prepared by Pollock & Associates, dated 4/3/24, the Conceptual Hardscape & Landscape Plan – Old Milton & Haynes Bridge prepared by Pollock & Associates, dated 4/8/24, and site plan prepared by Travis Pruitt & Associates, dated 4/26/24, as approved by Staff. Open space shall be developed with a park-like setting with decorative landscape, hardscape, and seating. Landscape shall include plant selections promoting the historic Downtown. Improvements shall be maintained by the HOA.
17. Developer shall save trees as depicted on the site plan prepared by Travis Pruitt & Associates, dated 4/26/24.
18. Per public hearing file #Z-18-05/E-18-07 Kairos Old Milton LLC/DT-LW, developer shall provide a City-approved bus shelter at the existing MARTA bus stop adjacent to the applicant's property, as approved by MARTA, GDOT, and Staff.
19. Unfinished wood fences and decks shall not be visible from the public street.
20. HVAC and similar equipment shall not be visible or shall be screened from the public right-of-way.
21. Garbage pickup shall be from within the development.
22. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
23. Trees shall not be required between the driveways of Units 15-18, 19-23, and 24-28.
- The eastern portion of the property is zoned DT-LW and was approved in 2018 for two (2) office buildings (52,000 square feet) with structured parking. The western portion of the property is zoned C-2. Of the five (5) parcels, only the middle parcel is currently developed which was a former funeral home. The eastern and western

parcels are undeveloped, and the two (2) remaining parcels were previously developed with single-family homes; however, those structures have since been demolished. Surrounding properties are zoned DT-LW to the north, O-I (Office-Institutional) to the east, DT-LW, O-I, and C-2 to the south, and C-2 to the west. Cadence Bank is located to the east, Thompson Street Flats and Park Walke I (under construction) are located to the north, Publix stormwater pond is located to the west, and Sabri Guven Fine Jewelry, My First Academy and a recently approved townhome development are located to the south. The comprehensive land use plan designation of the property is 'Commercial' and 'Mixed Use Live Work', of which the applicant is requesting an amendment to change the designation of the western half of the property.

- The applicant requests variances to modify Downtown block and access regulations and vehicle parking location, as well as to increase maximum lot coverage.
- The applicant's proposed density, which requires approval of a conditional use to increase density above eight (8) dwelling units per acre, is similar to densities approved at the adjacent properties to the north (Thompson Street Flats and Park Walke I/Thompson Street Park).
- The submitted site plan depicts 34 'For-Sale' townhomes with access from a new entrance off Old Milton Parkway. Townhomes are depicted with access from a new private alley. Fourteen (14) rear-loaded townhomes are oriented to Old Milton Parkway and are approximately 33' wide. Units 15-28 are also rear-loaded with frontage on a shared amenity space with Park Walke I and are twenty-feet (20') wide. Units 29-34 are front-loaded and approximately 26' wide. A fifteen-foot (15') setback and ten-foot (10') landscape strip are depicted along Old Milton Parkway. Apart from Chelsea Walk which was approved with a fifteen-foot (15') building setback and landscape strip, all other developments approved since 2015 along Old Milton Parkway in the Downtown have been approved with a twenty-foot (20') building setback and landscape strip.
- An eight-foot (8') sidewalk and two-foot (2') planter are depicted along Old Milton Parkway and five-foot (5') sidewalks are depicted throughout the development. Ten-foot (10') landscape strips are depicted along the east and west property lines where the property adjoins the Publix detention pond (west) and Cadence Bank (east).
- Each townhome unit will have two (2) side-by-side parking spaces within a garage and a Code-compliant driveway accommodating two (2) additional cars. Four (4) guest parking spaces are provided at the mail kiosk near the project entrance. The Downtown Code requires 85 parking spaces for the proposed subdivision (2.5 parking spaces/unit), of which 140 spaces are provided on the site plan.
- The site plan depicts 0.43 acres, or 12.5%, amenity space within the proposed development, which complies with the minimum requirement. The DT-LW district requires a minimum 10% amenity space for properties less than five (5) acres, as

well as a proportional increase in amenity space for densities above eight (8) dwelling units per acre. Amenity space is proposed to include a pocket park, amenity tree save area, and plaza. The plaza will also serve as a fire truck turnaround and provides line-of-sight to the tree save area.

- There are approximately fourteen (14) specimen trees on the property. Of those, the applicant proposes to save three (3) specimen trees and 83" of tree groupings in a tree save area in the northwest corner of the property. The proposed tree save area is contiguous to a required tree save area on the adjacent property to the north, which is being developed by the same homebuilder. As confirmed by the City Arborist, most of the specimen trees on the property are in various states of declining health and therefore are not good tree saves. An underground stormwater facility is depicted to the west of the project entrance along Old Milton Parkway in an area called out as a pocket park.
- The submitted renderings depict two (2) story and three (3) story townhomes in three (3) different product types. The two (2) story Alexandria, which is depicted along the frontage of the property, is the largest product type in the Federal and Greek Revival style. The product types proposed along the rear of the property are two (2) story over basement and three (3) story in the Georgian style. All townhomes are depicted with a brick exterior. Units will range in size from approximately 2,100 to 3,050 square feet and will consist of three (3) and four (4) bedrooms. According to the City's Downtown Consultant, the proposed photographs generally comply with the design regulations in the Downtown Overlay.
- The applicant provided a trip generation information, which estimates that the 34 townhome units would generate approximately fifteen (15) AM Peak Hour trips and eighteen (18) PM Peak Hour trips.
- Fulton County calculated the potential maximum number of children who may live on the property by using the Fulton County Schools standard calculation to identify the number of children that a residential development will generate. Based on the total figure for all three school levels, it can be assumed that the proposed development could house approximately 3 – 15 school age children. Numbers provided by Fulton County Schools show that all three (3) schools have existing capacity.
- The Citizen Participation Plan report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no comments were received.
- A Community Zoning Information Meeting was held on March 13, 2024. There were two (2) public comments, one (1) in support and one (1) with questions about density.
- Staff has reviewed the applicant's proposal against the established review criteria for a comprehensive land use plan amendment, rezoning, conditional use and

variance. The proposal is consistent with the vision of the Downtown Master Plan and the proposed future land use designation and zoning match surrounding properties. In addition, the proposed density is consistent with densities approved on the adjacent properties to the north. Developments approved along Old Milton Parkway in the Downtown have provided a twenty-foot (20') building setback and landscape strip, except that Chelsea Walk was approved with a fifteen-foot (15') building setback and landscape strip. If approved, a twenty-foot (20') building setback and landscape strip should be provided along Old Milton Parkway, and the developer should provide MARTA bus shelter at the existing bus stop.

- There are exceptional conditions pertaining to the property due to its unusual shape, topography, and two (2) deceleration turn lanes along its frontage which contributes to the requested variances. The properties to the north have been redeveloped or approved for redevelopment and do not allow for interconnected streets. If approved, lot coverage should be minimized by utilizing pervious hardscape materials.
- Warren Jolly (The Providence Group) came forward to speak on behalf of the applicant.
- Kathy Zickert (Attorney with Smith, Gambrell, and Russell) came forward to speak on behalf of the applicant.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve CLUP-24-02/Z-24-07/CU-24-04/V-24-07 Park Walke II, subject to the following conditions:
 1. Approximately 3.41 acres shall be zoned DT-LW and developed substantially similar to site plan prepared by Travis Pruitt & Associates, dated 4/26/24, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
 2. The comprehensive land use plan designation of the property shall be 'Mixed Use Live Work'.
 3. Architecture and materials shall be developed substantially similar to the submitted renderings, labeled Exhibit A, except for modifications required to comply with the Alpharetta Downtown Code, subject to final approval by DRB. All townhomes shall have 4-sided architecture, materials, and details.
 4. Density shall not exceed 9.97 dwelling units per acre.
 5. Block, access, and vehicle parking location shall be as depicted on the site plan prepared by Travis Pruitt & Associates, dated 4/26/24, or as approved by Staff and GDOT.

6. Maximum lot coverage shall be 80%, except that the developer shall utilize pervious hardscape materials to minimize lot coverage, as approved by Staff.
7. Front yards may encroach into landscape strips, subject to meeting the minimum landscape material requirements, as approved by DRB.
8. Developer shall improve Old Milton Parkway streetscape with a minimum 2' planter planted with a row of shrubs or grass (subject to GDOT approval), minimum 8' sidewalk, and decorative pedestrian lighting, with final approval by Staff. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, groundcovers and/or shrubs.
9. Project entrance, alleys, and sidewalks internal to the site shall be developed as depicted on the site plan prepared by Travis Pruitt & Associates, dated 4/26/24, with final approval by Staff. Decorative pedestrian lighting shall be required throughout the development. Internal streets and alleys shall be private and maintained by the HOA.
10. Minimum 15' building setback and 10' landscape strip shall be provided along Old Milton Parkway. Building setbacks shall be as depicted on the site plan prepared by Travis Pruitt & Associates, dated 4/26/24. Stoops, stairs, and porches may encroach into the setback and landscape strip.
11. Developer shall plant minimum 6" caliper Nuttall Oaks as shown on the Conceptual Hardscape & Landscape Plan – Old Milton & Haynes Bridge prepared by Pollock & Associates, dated 4/8/24, or other species approved by Staff, along Old Milton Parkway frontage, as approved by DRB. Trees shall be planted approximately 35' apart unless design requires a deviation, i.e. a sidewalk connection or park, to be approved by Staff.
12. Minimum 10' landscape strips shall be required along both sides of the project entrance. Minimum 5' sidewalk shall be required along the west side of project entrance and shall connect to the sidewalk at the mail kiosk. Fulton County and secondary utilities shall be allowed in landscape strips. Should Fulton County require an unencumbered water easement, shrubs shall replace trees in the landscape strip on waterline side of entrance. There shall be no other landscape strips along internal roads, alleys, or drives.
13. Minimum 10' planted buffer shall be provided along the east property line, with final approval by DRB.
14. Project entrance shall include a decorative paver apron, landscape, and hardscape, as approved by DRB. Improvements shall be maintained by the HOA.
15. Decorative wall with fence along Old Milton Parkway shall be substantially similar to East of Main, as approved by DRB. Developer shall plant Creeping Phlox (pink or white), or alternative plantings, at the top of the wall and creeping vines at the base of the wall, with final approval by DRB. Improvements shall be maintained by the HOA.

16. Open space shall be developed substantially similar to the Conceptual Hardscape & Landscape Plan – Old Milton at Haynes Bridge – Linear Park plan prepared by Pollock & Associates, dated 4/3/24, the Conceptual Hardscape & Landscape Plan – Old Milton & Haynes Bridge prepared by Pollock & Associates, dated 4/8/24, and site plan prepared by Travis Pruitt & Associates, dated 4/26/24, as approved by Staff. Open space shall be developed with a park-like setting with decorative landscape, hardscape, and seating. Landscape shall include plant selections promoting the historic Downtown. Improvements shall be maintained by the HOA.
17. Developer shall save trees as depicted on the site plan prepared by Travis Pruitt & Associates, dated 4/26/24.
18. Per public hearing file #Z-18-05/E-18-07 Kairos Old Milton LLC/DT-LW, developer shall provide a City-approved bus shelter at the existing MARTA bus stop adjacent to the applicant's property, as approved by MARTA, GDOT, and Staff.
19. Unfinished wood fences and decks shall not be visible from the public street.
20. HVAC and similar equipment shall not be visible or shall be screened from the public right-of-way.
21. Garbage pickup shall be from within the development.
22. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
23. Trees shall not be required between the driveways of Units 15-18, 19-23, and 24-28.
24. Developer will work DRB on the rear facing units 25-30 with greater architectural detailing and final approval by staff.
 - Council Member Brady seconded the motion.
 - The motion passed unanimously (7-0).

F. PH-24-07 Unified Development Code Text Amendment – Hotels

FIRST READING

Consideration of text amendments to Articles I and II of the Unified Development Code (UDC) to amend the definition and miscellaneous regulations pertaining to 'Extended Stay Hotel', add a definition 'Hotel, Hybrid', add 'Hotel, Hybrid' use in certain zoning districts, and add 'Hotel, Hybrid' miscellaneous regulations.

- Director of Community and Economic Development Director, Kathi Cook, came forward to present this item.
- City Attorney, Molly Esswein, read the ordinance title aloud.
- The proposed ordinance is attached hereto as "Exhibit A."

- This item was considered at the April 11, 2024 Planning Commission meeting. There were no public comments. After discussion, Planning Commission recommended approval (vote 7-0).
- Staff recommends that Mayor and City Council approve amendments to Unified Development Code (UDC) Articles I and II to amend the definition of 'Extended Stay Hotel', add a definition for 'Hotel, Hybrid', add 'Hotel, Hybrid' use in certain zoning districts, amend Miscellaneous Regulations pertaining to 'Extended Stay Hotels', and add Miscellaneous Regulations pertaining to the 'Hotel, Hybrid' use. Amend UDC Section 1.4. Definitions, amend UDC Section 2.2 Permitted Use Districts and Regulations, and amend UDC Section 2.7 Miscellaneous Regulations.
- The amendments to the definition and miscellaneous regulations pertaining to 'Extended Stay Hotel' is necessary to distinguish the use from the proposed 'Hotel, Hybrid' use. The primary distinction proposed to the definition of 'Extended Stay Hotel' is to the average length of stay. Additional regulations related to 'Extended Stay Hotel' and 'Hotel, Hybrid' are proposed to address public health, safety, and welfare. These include prohibitions against vehicles backing into parking spaces with the license plate not visible from the drive aisle, as well as a maximum height for shrubs along the properties' road frontage.
- The proposed 'Hotel, Hybrid' use is intended to address a new hotel concept allowing stays up to one (1) year. The new hotel concept typically has rooms equipped with a full kitchen and laundry room. Currently, the City's Unified Development Code (UDC) includes three (3) hotel uses, 'Boutique Hotel', 'Hotel or Motel' and 'Extended Stay Hotel'. 'Extended Stay Hotel' use would not allow the new hotel concept due to the length of stay and in-room food preparation and laundry facilities.
- The proposed definition of 'Hotel, Hybrid' limits the number of long-term stay rooms (up to one year) to no more than 30% of the total rooms in the hotel. All other rooms would comply with the definition of 'Hotel or Motel' which has an average stay of less than seven (7) days. Staff proposes to allow 'Hotel, Hybrid' by conditional use in the CUP (Community Unit Plan), O-I (Office-Institutional), C-2 (General Commercial), PSC (Planned Shopping Center), LI (Light Industrial), and MU (Mixed Use) zoning districts. As is the case with an 'Extend Stay Hotel', miscellaneous regulations are proposed for the 'Hotel, Hybrid' use, including a minimum three (3) acre parcel size, minimum 60,000 square feet of conference room or group meeting space, minimum 4-star hotel rating, specific parking rate, maximum number of long-term stay rooms, minimum 3,000 square foot on-site sit-down restaurant, minimum room size and maximum occupancy, to name a few. A conditional use request for this hotel type would be required to comply with the miscellaneous regulations in order to be considered for approval.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve PH-24-07 Unified Development Code Text Amendment – Hotels, as presented.
 - Council Member Mitchell seconded the motion.
 - Council Member Hipes offered a friendly amendment to change the wording for c4 for second reading of conditional use where it talks about the 60,000 square foot so that it is applicable to each of the following.
 - Mayor Pro Tem Merkel and Council Member Mitchell accepted the friendly amendment.
 - The motion passed unanimously (7-0).

7. NEW BUSINESS

A. Resolution: Update and Approval of a Policy for Engineering/Design Services for Federal Aid Highway Program Funded Projects

Consideration of adoption of a resolution to update and adopt a policy regarding engineering and design services selection proves for Federal Aid Highway Program (FAHP) funded projects and with authorization for the Mayor to execute the Georgia Department of Transportation Confirmation of Understanding, as part of the City's Local Administered Project (LAP) Re-certification Application.

- Director of Finance, Tom Harris, came forward to speak on this item.
- City Attorney, Molly Esswein, read the resolution title aloud.
- The Georgia Department of Transportation (GDOT) receives a delegated authority to approve certain types of projects for development and construction administration from the Federal Highway Administration (FHWA). The Local Administered Project (LAP) process allows GDOT to delegate authority to qualified Local Governments (LG) such as the City of Alpharetta.
- The LAP certification is beneficial for the LG to administer a project successfully. The certification allows the LG to create time savings related to their authority to develop, advertise, award, and manage the project. This time savings does not diminish the LG's responsibility to provide professional engineering and other resources necessary to ensure all State and Federal requirements are followed. The LG will be certified for a period of three (3) years or until either party modifies or rescinds the agreement. By agreeing to accept Federal-aid funds, the LG assumes the stewardship roles and responsibilities with respect to properly carrying out the Federal-aid project process.

- The City of Alpharetta most recently completed the LAP recertification process in 2021.
- As detailed above, the LAP certification stays in effect for a period of three (3) years and is currently working towards the 2024 recertification.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member Brady offered a motion to adopt a resolution to authorizing approval of the Policy (Engineering and Design Services Selection Process for FAHP Funded Projects) and authorizing the Mayor to execute the companion GDOT Confirmation of Understanding (Appendix B to the Policy).
 - Council Member DeRito seconded the motion.
 - The motion passed unanimously (7-0).

B. Contract Approval: Lighting of Webb Bridge Road Corridor

Consideration of approval of a contract to Georgia Power to install lighting along the Webb Bridge Road Corridor from east of North Point Parkway to east of the new Roundabout at Webb Bridge Road/Webb Bridge Way Intersection in an amount not to exceed \$1,280,000.00; approve a yearly expense of \$59,786.40 for the maintenance and usage fee associated with 301 streetlights, and to authorize Mayor to execute all necessary documents.

- Director of Public Works, Pete Sewczwicz came forward to present this item.
- On February 5, 2024, City Council awarded the construction of the Webb Bridge Corridor, which includes the span running from Big Creek Greenway to the intersection with Maid Marion Close to OhmShiv Construction, LLC in the amount of \$14,491,227.19. The total length of this section is approximately 1.6 miles.
- Each of the bidders that responded to ITB 24-009 provided a cost to install a pedestrian lighting system including 173 decorative poles, fixtures (LUMEC Serenade), and cables along the corridor. A cost proposal was obtained from Georgia Power to provide the lighting system. Georgia Power's cost proposal to lease the lighting system is provided below by the low bidder.
- Monthly energy consumption is included in Georgia Power's proposed cost. The monthly service amount will remain the same indefinitely for the lifetime of the current agreement with Georgia Power. Georgia Power Company will own and maintain the entire lighting system for the lifetime of the installation. Georgia Power's fee for usage and maintenance equates to \$16.28/pole/month. The average cost per month for energy usage along Rucker Road and Kimball Bridge Road is approximately \$7/fixture/month.

- During discussion of the item at the February 5th Council Meeting, a question was posed if the LUMEC fixtures meet Dark Sky compliance. These fixtures do not, only because they have a glass globe encasing the downward lit fixture. The premise is that when the light shines down, a small percentage of the light reflects upward and thus doesn't meet the dark sky criteria. In order for a fixture to meet dark sky compliance, there can't be a globe around the light fixture.
- A fixture that does meet dark sky compliance is the King Luminare (see attached exhibit). Community Development was consulted on the fixture and did approve it. The City could elect to install a 74 watt fixture, instead of a 60 watt fixture, and that would increase the average, but it would also make it considerably brighter at the base of the fixture. Georgia Power has the capability of controlling the output of individual lights, making the 74W option a little more desirable in that it provides the City the ability to dim lights if needed. There would be no additional cost for the 74 watt fixture.
- The cost to install the King Luminare on the stretch of Webb Bridge Road is \$1,000,000. However, the sections of Webb Bridge Road currently under construction, bridge replacement and roundabout area, will not match the middle section. The total number of lights that need to be replaced in these areas is 128. Georgia Power provided the City with a cost of \$280,000.00 to purchase, replace, and install the King Luminare fixture. If Georgia Power replaces the fixtures currently installed/purchased, Georgia Power will add the poles and fixtures under their maintenance responsibility. The cost to replace the 128 fixtures will be \$280,000.000 and the cost associated with usage and Georgia Power to maintain the fixtures is \$4,973.20 per month (\$16.52/pole/month) respectively.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member DeRito offered a motion to approve an award of a contract to Georgia Power to install lighting along the Webb Bridge Road Corridor from east of North Point Parkway to east of the new Roundabout at Webb Bridge Road/Webb Bridge Way Intersection in an amount not to exceed \$1,280,000.00; approve a yearly expense of \$59,786.40 for the maintenance and usage fee associated with 301 streetlights, and to authorize Mayor to execute all necessary documents.
 - Council Member Hipes seconded the motion.
 - The motion passed unanimously (7-0).

C. Premises Usage Agreement: Alpharetta Town Commons and the City of Alpharetta

Consideration of approval of the Premises Usage Agreement between the City of Alpharetta and Alpharetta Town Commons, LLC, located at 10 Roswell Street, permitting the use of parking lot for Taste of Alpharetta 2024.

- Director of Recreation, Parks, and Cultural Services, Morgan Rodgers, came forward to present this item.
- As in years past, the City of Alpharetta is requesting a usage agreement for the Alpharetta Town Commons, LLC parking lot for the annual Taste of Alpharetta event on May 9th, 2024, from 8:00am-11:59pm. Due to the attendance of this event, it is required to accommodate the activities of the event.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member Hipes offered a motion to approve the Premises Usage Agreement between the City of Alpharetta and Alpharetta Town Commons, LLC located at 10 Roswell Street, permitting the use of parking lot for Taste of Alpharetta 2024.
 - Council Member Will seconded the motion.
 - The motion passed unanimously (6-0; as Mayor Pro Tem Merkel was not in the room during the vote).

D. Resolution: Authorizing the Use of Eminent Domain for Parcel 18 of the Webb Bridge Road Improvements Project

Consideration of adoption of a resolution of the Mayor and Council of the City of Alpharetta, Georgia to authorize the use of eminent domain to acquire certain property located at Webb Bridge Road, Alpharetta, GA 30005 (Tax Parcel 21-5590-1239-056-4) for right of way for proposed Webb Bridge Road Bike & Pedestrian Improvements from Big Creek Greenway to Webb Bridge Way and with authorization for the Mayor to execute all necessary documents.

- City Attorney, Molly Esswein, came forward to present this item.
- City Attorney Esswein read the resolution title aloud.
- During the March 25, 2024 City Council Meeting, Mayor and City Council adopted a resolution authorizing the use of eminent domain for this parcel for the Webb Bridge Road Improvements Project. However, the City Attorney's Office determined that there was a scrivener's error in the previously approved resolution documentation and would require a new resolution to be brought forward for consideration before moving forward and filing with the Court.
- The City has determined that it is necessary to make bike and pedestrian improvements from Big Creek Greenway to Webb Bridge Way. This road project is known as the Webb Bridge Road Project (the "Project"). In order to construct the Project, it is necessary to acquire certain rights (through the use of eminent domain) to, in, over, under, through and across property within the City of Alpharetta, Georgia. Further, the use of eminent domain is not only necessary for the public

interest, but also must be carried out expeditiously to ensure the timely completion of the Project.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to adopt a resolution for the Mayor and Council of the City of Alpharetta, Georgia to authorize the use of eminent domain to acquire certain property located at Webb Bridge Road, Alpharetta, GA 30005 (Tax Parcel 21-5590-1239-056-4) for right of way for proposed Webb Bridge Road Bike & Pedestrian Improvements from Big Creek Greenway to Webb Bridge Way and with authorization for the Mayor to execute all necessary documents.
 - Council Member Brady seconded the motion.
 - The motion passed unanimously (7-0).

E. Resolution: Atlanta Regional Commission Transportation Improvement Program Grant

Consideration of adoption of a resolution by the Mayor and Council of the City of Alpharetta, Georgia supporting an application and funding match for the Atlanta Regional Commission Transportation Improvement Program Grant.

- City Clerk, Lauren Shapiro came forward to speak on this item.
- City Attorney Esswein read the resolution title aloud.
- In 2008, City Council adopted the North Point Activity Center Livable Centers Initiative, which has been updated and recommended pedestrian safety and streetscape improvements.
- This resolution, if adopted, will be incorporated into the application package for the Atlanta Regional Commission Transportation Improvement Program (TIP) Grant, which is due on May 6, 2024. Further, this resolution details that the City Council supports this grant application and will provide appropriate match funds, if awarded.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member Mitchell offered a motion to adopt a resolution by the Mayor and Council of the City of Alpharetta, Georgia supporting an application and funding match for the Atlanta Regional Commission Transportation Improvement Program Grant.
 - Council Member Bradfy seconded the motion.
 - The motion passed unanimously (7-0).

F. Cultural Arts Commission Appointment Removal

- Mayor Gilvin announced that he will remove Gene Andrews from the Cultural Arts Commission.

8. PUBLIC COMMENT

- There were no public comments.

9. REPORTS

- Council Member Hipes reported that the Recreation, Parks, and Cultural Services Department has several events going on this time of year. Yesterday, we had the farewell party for Wacky World Playground. Other upcoming events include, the rodeo, home by dark concert series, the Alpharetta Rotary Concerts on the Green, Webb Bridge Dog Ribbon Cutting, Taste of Alpharetta, and Paint the Town.
- Assistant City Administrator shared that there will also be a Ribbon Cutting this week for Mid Broadwell Park.

10. EXECUTIVE SESSION (IF NECESSARY)

- There was not an executive session.

11. ADJOURNMENT

- ❖ Council Member Will offered a motion to adjourn the meeting.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (7-0).
- With there being no further items to consider or discuss, Mayor Gilvin adjourned the meeting at 9:00 p.m.

Respectfully submitted,



Lauren Shapiro, City Clerk

SECTION 2.7 MISCELLANEOUS REGULATIONS

2.7.0 Dwelling, for-rent residential.

- a. Standards for developing For-Rent residential in the Downtown Overlay:
1. Required off-street parking spaces shall be no greater than 400 feet, as measured along a pedestrian walkway, from the door of the unit they serve.
 2. Buildings with "for-rent" use shall incorporate outdoor amenity spaces provided on the lot and available as passive or active recreational space by occupants, subject to the following:
 - (i) Outdoor amenity space shall be provided at a minimum ratio of 30 square feet per dwelling unit.
 - (ii) Outdoor amenity space may be met in one contiguous open area or in multiple open areas on the lot. To receive credit the area must be at least 10 feet in both length and depth.
 - (iii) Outdoor amenity space may be located at or above grade.
 - (iv) Outdoor amenity space may be roofed but cannot be enclosed.
 - (v) Outdoor amenity space cannot be parked or driven upon, except for emergency access.
 - (vi) In calculating the minimum outdoor amenity space requirement, the following can be included: swimming pools, paved surfaces and structures when they are a part of approved features such as gazebos, fountains, and plazas (but excluding any parking areas serving such approved features), ground-level active and passive recreational facilities, roof decks, and roof top gardens
 3. For-rent dwellings are prohibited on first floor of building on a Storefront Street. In addition, all ground floor residential units shall:
 - (i) Be oriented to the sidewalk.
 - (ii) Provide individual unit entrance from the exterior of the building.
 - (iii) Provide individual stoops or porches.
 - (iv) Provide a minimum of one ground floor window facing the sidewalk
 4. A minimum of 50 percent of dwelling units above the first-floor shall have balconies with a minimum floor dimension of 6 feet by 8 feet.
 5. No bicycles, storage boxes, storage crates, interior furniture, or any other item, except patio furniture or potted plants, may be placed on balconies.
 6. Adequate provision for the disposal of refuse shall be made within each apartment building, or such refuse shall be conveyed to a central point or points to facilitate collection.
 7. Buildings containing "Downtown For-Rent Dwellings" may not be located more than 1,500 feet from at least one neighborhood grocery store, (measured along the most direct improved pedestrian route from the door of the building containing the for-rent dwelling to the closest customer door.
- b. Standards for developing For-Rent residential in outside of Downtown Overlay:
1. Required off-street parking spaces shall be no greater than 400 feet, as measured along a pedestrian walkway, from the door of the unit they serve.
 2. Buildings with "for-rent" use shall incorporate outdoor amenity spaces provided on the lot and available as passive or active recreational space by occupants, subject to the following:

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- (i) Outdoor amenity space shall be provided at a minimum ratio of 75 square feet per dwelling unit.
 - (ii) Outdoor amenity space may be met in one contiguous open area or in multiple open areas on the lot. To receive credit the area must be at least 10 feet in both length and depth.
 - (iii) Outdoor amenity space may be located at or above grade.
 - (iv) Outdoor amenity space may be roofed but cannot be enclosed.
 - (v) Outdoor amenity space cannot be parked or driven upon, except for emergency access.
 - (vi) In calculating the minimum outdoor amenity space requirement, the following can be included: swimming pools, paved surfaces and structures when they are a part of approved features such as gazebos, fountains, and plazas (but excluding any parking areas serving such approved features), ground-level active and passive recreational facilities, roof decks, and roof top gardens.
 - (vii) In calculating the minimum outdoor amenity space requirement, open and public spaces counting towards the minimum requirements of the applicable zoning district may not be included.
 3. For-rent dwellings are prohibited on first floor of building on a Storefront Street. A maximum of two building sides shall be permitted first floor dwellings. In addition, all ground floor residential units shall:
 - (i) Be oriented to the sidewalk.
 - (ii) Provide individual unit entrance from the exterior of the building.
 - (iii) Provide individual stoops or porches.
 - (iv) Provide a minimum of one ground floor window facing the sidewalk.
 4. A minimum of 50 percent of dwelling units above the first-floor shall have balconies with a minimum floor dimension of 6 feet by 8 feet.
 5. No bicycles, storage boxes, storage crates, interior furniture, or any other item, except patio furniture or potted plants, may be placed on balconies.
 6. First floor shall be a minimum of 14 ft. as measured from floor to ceiling, additional floors shall be a minimum of 9' floor to ceiling.
 7. Adequate provision for the disposal of refuse shall be made within each apartment building, or such refuse shall be conveyed to a central point or points to facilitate collection.
 8. A minimum of 30 square feet of separate storage closet shall be provided for every 5 dwelling units. This storage space should be convenient to outside ground level and appropriate for storage of trunks and items of dead storage.
 9. For Rent units shall be incorporated as part of a mixed use project and incorporate a neighborhood grocery of sufficient size to support the development.

(Ord. No. 702, § 1(Exh. A), 3-2-2015)

2.7.1 Reserved.

Ord. No. 715 , § 5, adopted Sept. 28, 2015, repealed former § 2.7.1, which pertained to antennas and towers.

2.7.2 Bed and breakfast.

- A. Bed and breakfast establishments shall be allowed as a permitted use within the OP zoning district and as a conditional use within the CUP and some 'For-Sale' residential districts subject to the following:

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1. The rooms utilized are part of the primary residential use.
 2. No more than fifteen (15) guests are permitted at any time.
 3. The facility includes a common dining room and individual guest rooms do not include kitchens.
 4. The establishment is owner occupied and operated.
 5. It is determined that the use of the facility as a Bed and Breakfast will not detrimentally impact surrounding properties by virtue of noise, traffic, excess activity and other factors which could undermine the character and normal enjoyment of the surrounding property.
 6. Sufficient parking is provided to accommodate the building owner and guests at the rate of one space per bedroom.
 7. Parking may not be located closer to the frontage street than the primary building and the parking shall be screened with landscaping to maintain the residential appearance and character of the establishment.
 8. No retail or other sales shall be permitted within the establishment unless such sales are clearly incidental to the operation of the Bed and Breakfast.
 9. The owner operator shall maintain a current City of Alpharetta Home Occupation license for the operation of the Bed and Breakfast.
 10. Identification of the Bed and Breakfast shall be limited to one ground sign no greater than six (6) square feet in area, four (4) feet in height and setback ten (10) feet from the right-of-way.

2.7.2.1 Data Center.

A Data Center use shall be subject to the following:

1. Noise testing shall be required prior to issuance of a Certificate of Occupancy in order to ensure compliance with the Noise Ordinance.
2. Exterior lighting shall be designed and constructed with fully shielded fixtures that direct light downward and into the interior of the property and away from adjacent roads and adjacent properties.
3. Buildings shall be a minimum of 20' in height.
4. Principal building facades that face adjacent public roads shall meet the following standards:
 - a. Shall avoid the use of undifferentiated surfaces by including at least two (2) of the following design elements:
 - (1) Change in building height, building step-backs or recesses, fenestration, change in building material, pattern, or use of architectural accent materials.
 - b. 75% of each elevation facing a public roadway shall be brick, stone or accent material. Each elevation which faces a public roadway shall be consistent in terms of design, materials, details and treatment.
 - c. Chain link fence shall not be visible from the public roadways. All fencing along roadways shall be decorative with Director approval.
 - d. In order to minimize visibility from adjacent roads and adjacent properties, ground level and roof top mechanical equipment and loading areas shall be screened. Roof top screening shall be provided by principal building parapet. Ground level equipment shall be screened by a visually solid screen wall constructed of materials compatible with those used in exterior construction of the principal building. Mechanical equipment located in a manner found to have no adverse

impact on adjacent roads and adjacent property, as determined by the Director shall not be required to be screened.

- e. No data center building shall be located within 100' of a collector or local roadway. Site line studies shall be provided to confirm screening of equipment from adjacent roads and properties.
- f. A 40' heavy planted landscape buffer shall be required along public roadways. Use of natural topography and preservation of existing vegetation, supplemented by new vegetation, if needed, may be substituted for the above requirements when found by Director to provide screening at the appropriate density, depth and height. Landscape shall be maintained for the life of the project. Photographic documentation shall be provided for City record prior to issuance of certificate of occupancy.

(Ord. No. 689, § 1, 6-2-2014)

2.7.3 Extended stay hotel.

- A. *Definition.* "Extended Stay Hotel" means a building ~~in which lodging is provided for transient guests for an average stay of less than one (1) month and offered to the public for compensation and containing guest rooms for lodging, offered to the public for compensation, which are advertised, designed, intended or routinely utilized for weekly or monthly occupancy, or in which at least 30% of all guest rooms have facilities~~ for the refrigeration and preparation of food by guests, such as a refrigerator and a cooktop/stove (or a refrigerator, a microwave, and a dishwasher or kitchenette sink), and a self-serve laundry facility is available for guests use. For the purposes of this Code, extended stay hotels, hybrid hotels, and hotels (or motels) are separate and distinct uses.
- B. *Findings and Purpose.* The City finds that extended stay hotels offer an alternative form of lodging from hotels (or motels) or corporate apartments (apartments with short-term leases) for longer-term, business travelers, families in the process of relocating or awaiting new construction or remodeling, long-term tourists and similar patrons. Extended stay hotels, which are places of public accommodation providing longer-term temporary lodging (weekly or monthly occupancies), may be an appropriate use in certain zoning districts as determined by the City Council after considering and finding that certain factors are met, including the use is compatible with surrounding uses, properties and neighborhoods, will not impede the normal and orderly development of surrounding property for uses predominant in the area, and the location and character of said conditional use is consistent with a desirable pattern of development for the city; however, the City finds that if extended stay hotels are left unregulated, such uses can become transitional residences and in some cases permanent residential accommodations, akin to "For-Rent" dwellings. Further, because extended stay hotels are designed for longer-term, temporary lodging (weekly or monthly occupancies), whereas hotels or motels are designed for short-term transient occupancies (less than seven (7) days) and hybrid hotels are designed for short-term and long-term transient occupancies (less than seven (7) days and up to one (1) year, respectively), the City finds that tourism activities and other attendant activities of guests at extended stay hotels differ from those activities of guests at hotels or motels and hybrid hotels, which may not be compatible with the City's comprehensive plan or economic development goals. Accordingly, the City finds that extended stay hotels are separate and distinct land uses from hotels (or motels) and hybrid hotels and that different considerations must be considered to ensure that such uses are consistent with the City's land use patterns and tourism and economic development goals. The City therefore finds that it is necessary to establish regulations that distinguish these types of uses in order to encourage the appropriate use of land for the development of hotels (motels) and hybrid hotels to implement important City interests, including the promotion of tourism within the City, while also providing the opportunity for the development of extended stay hotels to meet the demands of businesses and the community for lodging accommodations designed for longer-term business travelers, families in the process of locating a new residence, awaiting new construction or remodeling, and long-term tourists, while also preventing such uses from becoming permanent residential occupancies or dwellings.

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- C. *Conditional Use Permit Approval.* The location, construction and use of a property or building for an extended stay hotel use shall require the prior approval of a conditional use permit by the City Council. In addition to consideration of the conditional use standards otherwise provided for in this Code, the approval of a conditional use permit for an extended stay hotel is subject to the City Council finding that the proposed use meets the following requirements:
1. The minimum lot size for extended stay hotels is three (3) acres.
 2. No facility may contain more than thirty-five (35) guestrooms per gross acre of development.
 3. All guestrooms which have facilities for the refrigeration and preparation of food by guests shall have a minimum of four hundred square feet (400 sq. ft.) of floor area. For any such guestrooms designed for occupancy of more than two (2) guests, a minimum of five hundred and fifty square feet (550 sq. ft.) of floor area shall be required.
 4. A minimum of 15% of the gross area of the lot must be designed and used as outdoor amenity space. Outdoor amenity spaces may only be used for the following types of active and/or passive recreational uses: yards or lawns available for unstructured recreation; gardens; hardscape areas or walkway paths for pedestrian enjoyment (but excluding any improvements serving parking areas), which may include pergolas, gazebos, benches and exercise or play equipment; pool areas; tennis courts, basketball courts and similar recreational facilities; and playgrounds designed and equipped for the recreation of children, which must be fenced and may include an open shelter. However, outdoor amenity space shall not include any other required open areas such as required building setbacks, buffers, landscape strips or other similar requirements of this Ordinance or other applicable laws.
 5. All such facilities shall provide a fifty-foot (50') buffer from any property zoned for a 'For-Rent' dwelling use and a one-hundred-foot (100') buffer from any property zoned for a 'For-Sale' dwelling use.
 6. No building may be located within three hundred feet (300 ft.) of any residentially zoned property, inclusive of the required buffer.
 7. Access to each guest room shall be through an inside lobby which is supervised at all hours the facility is open.
 8. Number of Vehicle Parking Spaces Required: One (1) space for each guest room, plus 1 employee space for each 20 sleeping rooms, plus one space per 500 sq. ft. of space used for convention rooms, conference rooms, ballrooms, restaurant and/or retail shops.
- D. *Additional Regulations.* Extended stay hotels shall comply with the following additional regulations:
1. The maximum occupancy for a guestroom with facilities for the refrigerated storage and preparation of food by guests that is less than five hundred and fifty square feet (550 sq. ft.) in floor area shall be two (2) persons. For all guestrooms with facilities for the refrigerated storage and preparation of food by guests that exceed five hundred and fifty square feet (550 sq. ft.), the maximum occupancy shall be four (4) persons. For the purposes of this provision, minor children related by blood or marriage to an adult occupant shall be excluded from this computation; provided, however, that in no event shall the maximum occupancy of any room exceed the requirements of the Life Safety Code. Further, except to the extent the regulations of the Life Safety Code are applicable, the restrictions set forth in this subparagraph shall not apply to extended stay hotels built prior to the effective date of these regulations.
 2. No more than ten percent (10%) of individual guests shall register, ~~reside~~ lodge in, or occupy a room or rooms within the same facility for more than a continuous ninety (90) day period, nor shall any guest move from one room to another without a three (3) day vacancy in between.
 3. Each such facility shall be protected with an alarm system and a sprinkler system meeting the requirements of the Life Safety Code.

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4. No outdoor storage or permanent parking of equipment or vehicles shall be permitted. Parking of inoperable vehicles and vehicles backed into parking spaces with the license plate not visible from the parking lot drive aisle shall be prohibited.
 5. Off-street parking lot lighting shall have an average footcandles of 3.0 and maximum footcandles of 6.0. Parking lot lighting shall be maintained in good working order.
 6. No permanent business license shall be issued for the conduct of any business from any guestroom of the facility.
 7. No facility under this section may be converted to or used as an apartment or condominium.
 8. Facilities under this section shall maintain parking lot and landscape strip shrubs along the properties' road frontage at a height not to exceed four (4) feet.
- E. The prior approval of a hotel (or motel) or hybrid hotel use shall not confer the right to locate, construct or use a property or building as an extended stay hotel. No hotel (or motel) or hybrid hotel may be converted to an extended stay hotel without the approval of a conditional use permit by the City Council in accordance with the foregoing standards.
- F. Extended stay hotels built prior to the effective date of these regulations, which conform to the standards in place at the time of their approval, shall be deemed non-conforming uses; provided, however, such uses shall comply with the regulations set forth in Paragraph D above, except to the extent expressly excepted therefrom as provided herein.

(Ord. No. 718 , § 18, 12-14-2015)

2.7.4 Indoor shooting ranges.

- A. *Definition.* Indoor Shooting Range (Range) shall be defined as a room, place or enclosure wherein the firing of firearms is permitted for the practice of marksmanship.
- B. *License Requirements.* It shall be unlawful for any person, association, partnership or cooperation to operate a Range within the City of Alpharetta without a license to do so. The annual license fee for the operation of a Range shall be established from time to time by resolution of the City Council. The initial annual license fee shall be one hundred dollars. (\$100.00). The annual license fee shall be due and payable on or before the first business day of January each year.
- C. *License Qualifications.*
1. No license to operate a Range shall be granted to any person who, within five (5) years prior to the filing of the application for such license, has been convicted under any federal, state or local law of any offense involving the possession or use of firearms, any misdemeanor involving moral turpitude, or any felony. For the purposes of this section, a plea of nolo contendere shall constitute a conviction.
 2. No license fee operation of a Range shall be granted to any person who has had any City license revoked within two (2) years prior to the filing of the application.
- D. *License Application.*
1. Every applicant for a license shall make a written application to the City Clerk on forms prescribed by the City Clerk. All Applications shall be accompanied by a certified check for the full amount of the license fee, together with a separate check or cash in the amount of one hundred dollars (\$100.00) to defray investigative and administrative costs. If the application is denied, or if the applicant withdraws the application prior to its approval, the license fee (without interest) shall be refunded, but the one hundred dollar (\$100.00) investigative fee shall be retained.

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2. Every application for a license shall be accompanied by one or more fully completed background questionnaires on forms prescribed by the City Clerk. The background questionnaire shall be completed by the owner and primary operator of the Range. If the owner is a corporation or partnership, each officer and director of the corporation and each general partner of the partnership shall provide a background questionnaire.
 3. The City Clerk or her designee shall review the application and shall send a copy to all affected departments of city government to determine compliance with city regulations and laws, and to the police department to investigate the character and reputation of the applicant and other parties required to submit background questionnaires.

E. *Regulations.*

1. Buildings containing Ranges shall have walls, ceilings and floors that are either impenetrable to the bullets of the firearms being used within it, or have internal baffling built so that the bullets cannot hit the walls or ceilings. Provisions shall also be made to stop glancing bullets or particles of bullets at the sides of the target area.
2. A system of ventilation shall be installed within the Range in accordance with the standards and requirements of the Environmental Protection Agency (the "EPA").
3. The Range shall be so constructed and insulated that the discharge of firearms within shall not disturb persons outside the premises. The discharge of firearms shall be deemed to constitute a disturbance if the noise level exceeds fifty-five decibels (55dBA) at a distance of fifty feet (50') or more from the building containing the Range. Sound measurements shall be made with a sound level meter.
4. Hearing Protectors which fully cover the shooters' ears will be provided by the Range and made available for all shooters or other persons in the firing area.
5. There shall be one (1) instructor for each five (5) firing points in use. All instructors will be required to be certified by the National Rifle Association or similar organization satisfactory to the City. The owner of the Range shall require personnel, instructors and attendants to be at least eighteen (18) years of age.
6. No person under the age of eighteen (18) years of age shall be permitted to enter the Range unless accompanied by an adult.
7. No weapons other than handguns or rimfire rifles with a .22 caliber or less shall be allowed on the premises. All weapons brought into the Range shall be in a case designed for the weapons so that no part of the weapon will be visible. Certified law enforcement officers are exempt from the provisions of this Ordinance.
8. Loaded weapons shall only be allowed in the firing area of the Range and shall not be permitted in any other place inside the building or premises or within the property boundaries outside the building.
9. Not more than one (1) person shall shoot from a firing point at one (1) time. All of the persons except instructors must stand behind the firing point. No person shall be allowed in front of a firing point at any time during operating hours except instructors and/or employees and law enforcement officers.
10. An emergency system shall be installed within each Range, capable of alerting the people on the Range to stop firing immediately.
11. It shall be unlawful for any person operating a Range to permit any person or persons to bring any alcoholic beverages on the premises of any Range, or to permit the consumption of alcoholic beverages on the premises or to permit alcoholic beverages to be left at any place on the premises. It shall also be unlawful for any person operating a Range to permit any intoxicated person to be on or remain in the premises of a Range.

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12. It shall be unlawful for any person operating a Range to permit any form of gambling or wagering.
 13. It shall be the responsibility of the licensee or instructor to brief patrons concerning the rules and regulations in the Range before they are permitted to use the firing Range. The licensee shall keep posted in a conspicuous place inside the building and outside the building a sign stating the rules and regulations of the Range.
 14. All Ranges shall be subject to all requirements of the Occupational Safety and Health Act, and the National Institute for Occupational Safety and Health.

F. *Location and Hours of Operation.*

1. No Range shall be located within five hundred feet (500') of any parcel of land which is zoned for residential uses or purposes. No Range shall be located within any zoning category other than industrial (L-1) as defined on Article 6 of the Alpharetta Zoning Ordinance. In addition, the operation of a Range within the L-1 zoning district shall require a conditional use permit. The measurement of distance for the purposes of this Section shall be from property line to property line along the shortest possible straight line distance, regardless of any customary or common route or path of travel, i.e. "as the crow flies".
2. No Range shall be open for business between the hours of 12:00 midnight and 6:00 a.m.

G. *Suspension or Revocation of License.* The City Clerk may suspend or revoke the license of any licensee found to have violated any provision of this Ordinance. However, no license shall be suspended or revoked without the opportunity for a hearing before the City Council. Any licensee desiring a hearing shall, within fifteen (15) days of being notified of an Ordinance violation, file a written petition for a hearing in the office of the City Clerk. A hearing shall be conducted by the City Council within thirty (30) days of the filing of the petition, unless a continuation of such date is agreed to by the licensee and the City Clerk. The licensee shall have the right to be represented by an attorney at the hearing at the expense of the licensee. The findings of the City Council shall be forwarded to the City Clerk after the conclusion of the hearing and it shall be the duty of the City Clerk to notify the licensee of the action of the City Council. The findings of the City Council shall be final. The findings of the City Council may be appealed to the Superior Court of the County within thirty (30) days of the date of the findings; provided, however, that the findings shall not be set aside unless found to be contrary to the law or Ordinance, or unsupported by any evidence on the record as a whole. For the purposes of this Section, notice shall be deemed delivered when personally served or, when served by mail, within three (3) days after the date of deposit in the United States Mail.

H. *Criminal Penalties.*

1. Any person, firm or cooperation operating a Range within the municipality without having obtained a license as provided for in this Section, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not less than two thousand dollars (\$2,000.00); and each day the Range is operated without a license shall be a separate offense.
2. Any licensee who violates any provision of this Section shall be guilty of a misdemeanor and upon conviction shall be fined in an amount not less than fifty dollars (\$50.00) nor more than two thousand dollars (\$2,000.00); and each violation thereof shall constitute a separate offense and shall be punishable as such.

I. *Unlawful Operation Declared Nuisance.* Any Range operated, conducted or maintained contrary to the provisions of this Section shall be declared to be unlawful and a public nuisance. The City may, in addition to, or in lieu of prosecuting a criminal action hereunder, commence an action or proceedings for abatement or removal thereof, in the manner provided by law.

J. *Liability Insurance and Bond.*

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1. The owner of the Range, whether individual, or corporate or other business entity, shall carry liability insurance protecting the general public and users of the Range against any injury resulting from the discharge of firearms in the Range in the amount of not less than five hundred thousand dollars (\$500,000.00) bodily injury and one hundred thousand dollars (\$100,000.00) property damage.
 2. As a condition to the issuance of a license, each licensee shall post to the City Clerk a five hundred dollar (\$500.00) cash or surety bond payable to the City of Alpharetta and conditioned upon the licensee's faithful performance of all provisions of this Ordinance. All surety bonds shall be issued by a surety licensed to do business in the State of Georgia and listed on the U.S. Treasury list as an "approved surety".

2.7.5 Adult entertainment.

A. *Purpose.* The purpose of this Ordinance is to reasonably regulate adult entertainment establishments in a manner that serves the legitimate governmental interest of reducing criminal activity and protecting property values without unreasonably infringing upon the protected rights of adult entertainment establishments and their patrons.

B. *Definitions.*

Adult Entertainment Establishment. A Nightclub, cabaret or other establishment featuring live performances by topless and/or bottomless dancers, strippers or similar entertainers, where such performances are characterized by the display or exposure of specified anatomical areas.

Church. A building in which persons regularly assemble for religious worship intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.

Good Moral Character. Refers to a person that has not been convicted of a drug-related or alcohol-related felony or sex-related crime in the past five (5) years.

Licensed Day-Care Center. A facility licensed by the State of Georgia that provides care, training, education, custody, treatment or supervision for more than twelve (12) children under fourteen (14) years of age, where such children are not related by blood, marriage or adoption to the Owner or Operator of the facility, for less than twenty-four (24) hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.

Minor. Any person who has not attained the age of eighteen (18) years.

Operator. The manager or other natural person principally in charge of an Adult Entertainment Establishment.

Owner. The proprietor if a sole proprietorship, all partners (general and limited) if a partnership, or all officers, directors and persons holding ten percent (10%) or more of the outstanding shares if a corporation.

Residential. Premises such as homes, townhomes, patio homes, mobile homes, duplexes, condominiums and apartment complexes, which contain habitable rooms for nontransient occupancy and which are designed primarily for living, sleeping, cooking, and eating therein.

School. A building where persons regularly assemble for the purpose of instruction or education together with the playgrounds, stadiums and other structures or grounds used in conjunction therewith. The term is limited to:

1. Public and private schools used for primary or secondary education, in which any regular kindergarten or grades one (1) through twelve (12) classes are taught; and
2. Special educational facilities in which students who have physical or learning disabilities receive specialized education in lieu of attending regular classes in kindergarten or any of grades one (1) through twelve (12).

Specified Anatomical Areas. Shall include any of the following:

1. Less than completely and opaquely covered human genital or pubic region; buttock; or female breast below a point immediately above the top of the areola; or
2. Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

C. *Regulations.*

1. No person, firm, partnership, corporation, or other entity shall advertise, or cause to be advertised, an Adult Entertainment Establishment without a valid adult entertainment license issued pursuant to this Section.
2. No later than March 1 of each year an Adult Entertainment Establishment licensee shall file a verified report with the City Clerk certifying the licensee's gross receipts and amounts paid to dancers for the preceding calendar year.
3. No Adult Entertainment Establishment shall employ or contract with as a dancer a person under the age of eighteen (18) years of age or a person not permitted pursuant to this Section.
4. No person under the age of eighteen (18) years of age shall be admitted to an Adult Entertainment Establishment.
5. An Adult Entertainment Establishment shall be closed between 12:00 midnight and 9:00 a.m.
6. No patron, dancer or other employee of an Adult Entertainment Establishment shall, while on the premises of an Adult Entertainment Establishment, commit the offense of public indecency as defined in O.C.G.A. § 16-6-8. For the purposes of this Section, the term "employee" includes an "independent contractor".
7. If any portion, or subparagraph, of this section of this Ordinance, or its application to any person or circumstance, is held invalid, by a Court of competent jurisdiction, the remainder or application to other persons or circumstances shall not be affected.

D. *License Requirements.* It shall be unlawful for any person, association, partnership or corporation to engage in, conduct or carry on, in or upon any premises within the City of Alpharetta, an Adult Entertainment Establishment without a license to do so. The issuance of such a license shall not be deemed to authorize, condone or make legal any activity or conduct that is illegal or unlawful under the laws of the State of Georgia or the United States. The annual license fee for an Adult Entertainment Establishment shall be established from time to time by Resolution of the City Council.

E. *On Premises Operator Requirement.* An Adult Entertainment Establishment shall designate a natural person to serve as an on-premises Operator. The Operator shall be principally in charge of the Establishment and shall be located on the premises on a regular basis.

F. *Employee Permit Requirement.* It shall be unlawful for any person to be employed by an Adult Entertainment Establishment without a permit issued under the terms of this Section.

G. *Admission of Minors.*

1. It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of an Adult Entertainment at any time that the Establishment is open for business.
2. It shall be the duty of the Operator of each Adult Entertainment Establishment to ensure that an attendant is stationed at each public entrance to the Establishment at all times during such Establishment's regular business hours. It shall be the duty of the attendants to not allow any person under the age of eighteen (18) years of age to enter the Establishment. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless such attendant asked for and was furnished:

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- a. A valid Operator's, commercial Operator's or chauffeur's driver's license; or
 - b. A valid personal identification certification issued by the Georgia Department of Public Safety reflecting that such person is eighteen (18) years of age or older.

H. *Location and Development Standards.*

- 1. No Adult Entertainment Establishment shall be located:
 - a. Within seven hundred fifty feet (750') of any parcel of land which is zoned for residential uses or purposes;
 - b. Within seven hundred fifty feet (750') of any parcel of land upon which a church, school, licensed daycare center, governmental building simultaneously owned and occupied by such government, library, civic center, neighborhood public park or neighborhood playground is located;
 - c. Within seven hundred fifty feet (750') of any parcel of land upon which another Adult Entertainment Establishment is located;
 - d. Within any zoning category other than Light Industrial (L-1) as defined in Article II of the Alpharetta Unified Development Code.

The measurement of distances for purposes of this Section shall be from property line to property line along the shortest possible straight-line distance, regardless of any customary or common route or path of travel, i.e. "as the crow flies." The term "parcel of land" means any quantity of land capable of being described by located and boundary, designated and used or to be used as a unit.

- 1. The minimum lot area for an Adult Entertainment Establishment shall be one (1) acre.
- 2. Adult Entertainment Establishments shall be required to be on lots that have a minimum of one hundred fifty feet (150') of road frontage on a public road, street or highway. Such Establishments shall have a minimum of two (2) driveways, which shall provide access to a public road, street or highway.
- 3. In addition to development standards governing the L-1 zoning district, buildings and structures established in connection with an Adult Entertainment Establishment shall be set back at least forty feet (40') from any other business establishment and minimum rear yard shall be seventy-five feet (75').
- 4. Adult Entertainment Establishments shall be required to provide one (1) automobile parking space for each twenty-five square feet (25 sq. ft.) of gross building area or for every three (3) customer seats, whichever results in the greater number of parking spaces.
- 5. Adult Entertainment Establishments shall not allow the merchandise or activities of the Establishment to be visible from any point outside such Establishment.

I. *Employee Requirements.*

- 1. Employees of an Adult Entertainment Establishment shall be not less than eighteen (18) years of age.

Every employee must be of good moral character as defined in this Section. Any employee who is convicted of a sex-related crime, or drug-related or alcohol-related felony while employed as an Adult Entertainment Establishment employee shall not thereafter be employed by any Adult Entertainment Establishment licensed under this Ordinance for a period of five (5) years from the date of such conviction, unless a longer time is ordered by a Court of competent jurisdiction. The term "convicted" shall include an adjudication of guilt or a plea of guilty. The term "employed as an Adult Entertainment Establishment employee" shall include all work done or services performed while in the scope of employment elsewhere than on the licensed premises.

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2. Before any person may be employed by an Adult Entertainment Establishment, he or she shall file an application for an Adult Entertainment employee permit with the City Clerk on forms that require the information set forth in provision (a) above. Each such person shall also provide a signed and notarized consent on forms prescribed by the Georgia Crime Information Center authorizing the release of such person's criminal records to the Alpharetta Police Department. The City shall have fifteen (15) days to investigate the information contained in the application. If the employee is found to be of good moral character, the City Clerk shall grant the permit. Upon approval, the employee may begin working on the licensed premises. If approval is denied, the prospective employee may, within ten (10) days of said denial, apply to the City Clerk for a hearing. The decision of the licensing officer after the hearing may be appealed to the City Council. An investigative fee of fifty dollars (\$50.00) shall accompany the application.
 3. The license of any employee who violates the provisions of this Code, the Ordinances of the City of Alpharetta, laws and regulations of the State of Georgia, or the rules and regulations of the City shall be subject to suspension or revocation.
 4. For the purpose of this Ordinance, independent contractors shall be considered as employees and shall be permitted as employees, regardless of the business relationship with the Owner or licensee of any Adult Entertainment Establishment.

J. *License Application.*

1. Any person, association, partnership or corporation desiring to obtain a license to operate, engage in, conduct or carry on any Adult Entertainment Establishment shall make application to the City Clerk, or her designated representative. The Application must be made in the name of the Adult Entertainment Establishment, the Operator and each Owner, as defined in this Section, of the Adult Entertainment Establishment. The application shall be accompanied by a non-refundable fee, established from time to time by Resolution of the City Council, to defray, in part, the cost of investigation and report required by this Section.
2. The license application does not authorize the engaging in, operation of, conduct of or carrying on of any Adult Entertainment Establishment.

K. *Application Contents.*

1. The name, street address (and mailing address if different) and Georgia driver's license number of the intended Operator;
2. The name, street address (and mailing address if different) and Georgia driver's license number of the Owner;
3. The name under which the Establishment is to be operated and a general description of the services to be provided;
4. The telephone number of the Establishment;
5. The address and legal description of the parcel of land on which the Establishment is to be located;
6. The business, occupation or employment history of each Owner and Operator for the five (5) years immediately proceeding the date of the application.
7. If any Owner or Operator has had an Adult Entertainment Establishment license or similar type of license denied, revoked or suspended, and if so, the violation that led to the denial, suspension or revocation, the date of the denial, suspension or violation, date of conviction, jurisdiction and any disposition, including any fine or sentence imposed and whether terms of disposition have been fully completed.

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8. If any Owner or Operator has been convicted of any crime involving good moral character in the past five (5) years and, if so, a complete description of any such crime including date of violation, date of conviction, jurisdiction and any disposition, including any fine or sentence imposed and whether terms of disposition have been fully completed.
 9. If the Establishment is or proposes to do business under a trade name, a copy of the trade name properly recorded.
 10. If the Establishment is a Georgia corporation, a certified copy of the articles of incorporation, together with all amendments thereto; and the most recent annual report.
 11. If the Establishment is a foreign corporation, a certified copy of the certificate of authority to transact business in this state, together with all amendments thereto; and the most recent annual report.
 12. If the Establishment is a limited partnership formed under the laws of Georgia, a certified copy of the certificate of limited partnership, together with all amendments thereto, filed in the office of the County Clerk.
 13. If the Establishment is a foreign limited partnership, a certified copy of the certificate of limited partnership and the qualification documents, together with all amendments thereto.
 14. Three (3) character references for each Owner and Operator from individuals who are not related by blood or marriage to any Owner or Operator, who will not directly or indirectly benefit financially if the license is granted, and who have not been convicted of any crime involving good moral character. The licensing officer shall prepare forms consistent with the provisions of this subsection for the applicants who shall submit all character references on such forms.
 15. A plat by a registered engineer, licensed by the State of Georgia, certifying the location of the proposed premises is not inconsistent with the provisions contained in Section (h) of this Ordinance respecting location and development standards.
 16. The application shall contain a statement under oath that:
 - a. The person(s) signing the application have personal knowledge of the information contained in the application and that the information contained therein is true and correct; and
 - b. The person(s) signing the application have read the provisions of this Section.
 17. The application shall be signed by each Owner and the Operator.
 18. Each Owner and Operator shall provide a signed and notarized consent on forms prescribed by the Georgia Crime Information Center authorizing the release of each such person's criminal records to the Alpharetta Police Department.
 19. The written consent of a Fulton County resident certifying that such resident shall serve as a registered agent for each Owner and Operator, as required by Section 20(a) of this Ordinance.
 20. Any of items 9. through 13. noted previously shall not be required for a renewal application if the applicant states that the documents previously furnished the City Clerk with the original application or previous renewals thereof remain correct and current.
- L. *Owner and Operator to Appear.* At least one (1) Owner, as defined in this Section, and the Operator shall personally appear at the public hearing scheduled pursuant to Subsection M.2. of this regulation for consideration of the application.
- M. *Application and Investigation.*
1. Within fifteen (15) days of receipt of the application, the City Clerk or designee shall review the application and shall send a copy to all affected departments of city government to determine

compliance with city regulations and laws and to the Police Department to investigate the character and reputation of each Owner and Operator. Each department notified shall submit a report within fifteen (15) days to the City Clerk. If no report is received, it shall be concluded that there is no objection.

2. The City Clerk shall prepare and cause to be published a notice of each pending application, which notice shall include the date the application will be considered by the Council, the location or street number of the premises where applicant proposes to conduct activities permitted by this Section and the name of each Owner and Operator. The applicant shall pay the publication costs. The notice shall be published in a newspaper of general circulation within the City, and shall appear once a week for two (2) weeks immediately preceding consideration of the application by Council. Each applicant for a license for an Adult Entertainment Establishment shall, at such applicant's expense, post on the premises where the activities permitted by such license are to be conducted, continuously for a period of not less than ten (10) days prior to the consideration of the application by the Council, a notice of the pending application, meeting the following minimum specifications: This notice shall be painted or printed in black letters three inches (3") or more in height, against a white background, on a wooden or metal sign and having a surface of not less than twelve square feet (12 sq. ft.), and shall be placed with the base of the sign not more than three feet (3') from the ground on the most conspicuous part of the premises, facing the most frequently traveled road, street or highway abutting same, and not more than ten feet (10') therefrom. The sign shall state clearly the nature and purpose of the application, the date and hour and place of the Council hearing, and the name of each Owner and Operator making the application.
3. The Mayor and Council may grant the license following the public hearing if it finds:
 - a. The required fee has been paid.
 - b. The application conforms in all respects to the provisions of this Ordinance.
 - c. No Owner or Operator knowing made a material misrepresentation in the application.
 - d. Each Owner and Operator has fully cooperated in the investigation of his application.
 - e. Each Owner and Operator is of good moral character as defined in this Ordinance.
 - f. No Owner or Operator has had an Adult Entertainment Establishment license or other similar license or permit denied, suspended or revoked for cause involving moral character by this City or any other city located in or out of this State prior to the date of application.
 - g. The building, structure, equipment or location of the Adult Entertainment Establishment, as proposed by applicant, will comply with all applicable City zoning and development standards.
 - h. Each Owner who is a natural person and the Operator is at least twenty-one (21) years of age.
 - i. No Owner or Operator is a City employee or an elected or appointed City official, or a spouse of an elected or appointed City official.
 - j. No Owner or Operator has within five (5) years of the date of application, committed or knowingly allowed another to commit the crime of public indecency, as defined in O.C.G.A. § 16-6-6, upon the premises of an Adult Entertainment Establishment or similar business.
 - k. The location of the proposed Adult Entertainment Establishment is not inconsistent with the provisions of this ordinance and the grant of such license will not cause a violation of this or any other Ordinance or regulation of the City of Alpharetta, State of Georgia, or the United States.
 - l. The registered agent's written consent has been provided.
 - m. Subsection H. of this Ordinance respecting location and development standards.

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4. If the license is approved it shall be issued jointly in the name of the Establishment and each Owner and Operator.
 5. The issuance of an Adult Entertainment Establishment license shall not authorize any other conduct or activity regulated by other City ordinances, including, but not limited to, the Alcoholic Beverage Ordinance. Applicants desiring to obtain an alcoholic beverage license or other such license shall submit separate application for each such license, and must independently satisfy all conditioned of each applicable ordinance.
 6. As a condition to the issuance of a license, the Establishment shall post with the City Clerk a ten thousand dollar (\$10,000.00) cash bond or surety bond payable to the City of Alpharetta and conditioned upon the licensee's faithful performance of the provisions of this Ordinance. All surety bonds shall be issued by a surety licensed to do business in the State of Georgia and listed on the U.S. Treasury list as an "approved surety".
- N. *License Renewal.* Licenses for Adult Entertainment Establishments may be renewed on a calendar year basis provided that the licensees continue to meet the requirements set out in this Ordinance. The renewal fee for an Adult Entertainment license shall be established from time to time by resolution of the City Council. Renewal applications shall be submitted by November 15 of each year prior to January 1 of the year for which such permit is requested. The form for renewal applications shall be designated by the City Clerk.
- O. *Licenses Non-Transferable.* No Adult Entertainment Establishment license may be sold, transferred or assigned by a licensee, or by operation of law, to any other person or persons. Any such sale, transfer or assignment, or attempted sale, transfer or assignment, shall be deemed to constitute a voluntary surrender of such license and such license shall thereafter be null and void; provided and excepting, however, that if the licensee is a partnership and one or more of the partners should die, one or more of the surviving partners may acquire, by purchase or otherwise, the interest of the deceased partner or partners without effecting a surrender or termination of such license, and in such case, the license upon notification to the City, shall be placed in the name of the surviving partner. An Adult Entertainment Establishment license issued to a corporation shall be deemed terminated and void when either any outstanding stock of the corporation is sold, transferred or assigned after the issuance of the license, or any stock not issued at the time of the granting of a license is thereafter issued.
- P. *Change of Location or Name.*
1. No Adult Entertainment Establishment shall move from the location specified on its license until a change of location fee, established by resolution of the City Council, has been deposited with the City, and approval has been obtained from the Mayor and Council for the City of Alpharetta. Such approval shall not be given unless all requirements and regulations, as contained in the City's Code, have been met.
 2. No licensee shall operate, conduct, manage, engage in, or carry on any Adult Entertainment Establishment under any name other than his name and the name of the business as specified on the license.
 3. Any application for an extension or expansion of a building or other place of business where an Adult Entertainment Establishment is located shall require inspection and shall comply with the provisions and regulations of this Ordinance.
- Q. *Revocation and Appeal.*
1. The City Clerk shall be authorized to suspend or revoke an Adult Entertainment Establishment license under the conditions set forth in this Section. In the event the City Clerk seeks to suspend or to revoke a license, the City Clerk shall give written notification to the licensee of such action and such notice shall contain a specification of the violation or violations.

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2. The City Clerk shall be authorized to suspend or revoke a license in the event of any one or more of the following:
 - a. A licensee gave false or misleading information in the original application or renewal process;
 - b. A licensee has knowingly allowed possession, use, or sale of controlled substances on the premises, or the licensee did not make a reasonable effort to prevent any such occurrence;
 - c. A licensee has knowingly allowed a violation of this Adult Entertainment Establishment Ordinance, any other Ordinance of the City, or any criminal law of the State of Georgia to occur on the premises, or the licensee did not make a reasonable effort to prevent any such violation;
 - d. A licensee has violated any provision of this Adult Entertainment Ordinance.
 - e. A licensee has been convicted of any drug-related, alcohol-related or sex-related crime by the State of Georgia or the City of Alpharetta regarding an offense which was committed on the premises or which would otherwise violate the provisions of this Ordinance; and
 - f. A licensee fails to pay any fee, license fee, fine or other amount of money due to the City of Alpharetta under this Ordinance or any other licensing Ordinance of the City of Alpharetta.
 3. In the event that the City Clerk determines that a license violation has occurred, such license shall be suspended for ten (10) days for the first violation. For a second violation occurring within any consecutive twelve-month period, the license shall be suspended for thirty (30) days. For a third violation occurring within any consecutive twelve-month period, the license shall be suspended for ninety (90) days. Any license that has been suspended three (3) or more times in any consecutive twelve-month period shall be revoked. In addition, any licensee found to be in violation of Sections C.4 and C.6 of this Ordinance shall be subject to immediate license revocation. Provided, however, that the license shall be authorized to continue its business operations until the date of the hearing. No licensee or any other applicant may apply for a license for the same premises during any period of suspension or revocation.
 4. In the event of a suspension or revocation by the City Clerk, the licensee may appeal the decision of the City Clerk to the Mayor and the City Council by filing a written notice of appeal with the City Clerk within ten (10) days from the date of the effective date of the written notice received by the licensee in accordance with subsection 1 of this Section. The notice of appeal shall be accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The City Clerk may submit a memorandum in response to the memorandum filed by the licensee on appeal to the City Council. The City Clerk's decision shall be final unless an appeal is timely filed. An appeal shall stay the City Clerk's decision until the appeal is heard or withdrawn. The Clerk shall place the appeal on the agenda of the next regular Council Meeting occurring not less than five (5) nor more than thirty (30) days after receipt of the appeal.
 5. When an appeal is placed on the Council agenda, the Council may take either of the following actions:
 - a. Set a hearing date before the City Council and instruct the City Clerk to give such notice of hearing as may be required by law; or
 - b. Appoint a hearing officer and fix the time and place for hearing. The hearing officer may or may not be a City employee, and may be appointed for an extended period of time. The Clerk shall assume responsibility for such publication of notice of the hearing as may be required by law. If a hearing officer is appointed, the hearing shall be conducted in accordance with the procedures set out in this Ordinance.

In either event, the hearing shall be held within thirty (30) days of the Council's action, unless a continuance of such date is agreed to by the licensee and the City Clerk.

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6. At any hearing, the hearing officer or the City Council (if it elects not to appoint a hearing officer) shall receive oral and written testimony regarding the appeal. Hearings shall be conducted under rules issued by the hearing officer or City Council, which shall be consistent with rules applied in administrative proceedings, and shall ensure that each party may present evidence, cross-examine witnesses and be represented by legal counsel.
 7. If the hearing is held before the City Council, the City Council may sustain, overrule or modify the action of the City Clerk. The decision of the Mayor and City Council shall be final. Appeals from the decision of the Mayor and City Council shall be to the Superior Court of Fulton County filed within thirty (30) days of the final action of Mayor and City Council.
 8. If the hearing is held before the hearing officer, the hearing officer shall, within reasonable time not to exceed fifteen (15) days from the date of such hearing is terminated, submit a written report to the Council. Such report shall contain a brief summary of the evidence considered and state findings, conclusions and recommendations. The report may recommend that the City Council sustain, overrule or modify the action of the City Clerk. All such reports shall be filed with the City Clerk, and shall be considered public records. A copy of such report shall be forwarded by certified mail to the appellant the same day it is filed with the City Clerk, with additional copies furnished to the City Administrator and Chief of Police. The City Clerk shall place the hearing officer's report on the agenda of the next regular Council meeting occurring not less than ten (10) days after the report is filed and shall notify the appellant of the date of such meeting at least ten (10) days prior to the meeting unless the appellant stipulates to a shorter notice period.
 9. The Council may adopt or reject the hearing officer's decision in its entirety or may modify the proposed recommendation. The Council shall base its determination on the hearing officer's report and other evidence in the record. No additional evidence or arguments shall be permitted at the Council meeting. If the Council does not adopt the hearing officer's recommendation, it may:
 - a. Refer the matter to the same or another hearing officer for a de novo hearing, or for the taking of additional evidence on specific points, and in either of such cases the hearing officer shall proceed as provided in this Section.
 - b. Decide the case upon review of the entire record before the hearing officer with or without taking additional evidence.

R. *Criminal Penalties.*

1. Any person, firm or corporation operating an Adult Entertainment Establishment within the City of Alpharetta without having obtained a license as provided in this Ordinance, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not less than five hundred dollars (\$500.00) nor more than two thousand dollars (\$2,000.00); and each day the Adult Entertainment Establishment is operated without a license shall be a separate offense.
2. Any person, firm or corporation who violates any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined in an amount not less than fifty dollars (\$50.00) nor more than two thousand dollars (\$2,000.00); and each violation thereof shall constitute a separate offense and shall be punishable as such.

- S. *Unlawful Operation Declared Nuisance.* Any Adult Entertainment Establishment operated, conducted or maintained contrary to the provisions of this Section shall be and the same is hereby declared to be unlawful and a public nuisance. The City may, in addition to, or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings for abatement, removal or injunction thereof, in the manner provided by law. It shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such Adult Entertainment Establishment and

restrain and enjoin any person from operating, conducting or maintaining an Adult Entertainment Establishment contrary to the provisions of this Ordinance.

T. *Notices; Registered Agent; Jurisdiction.*

1. All licensed establishments must have and continuously maintain in Fulton County a registered agent upon whom any process, notice or demand required or permitted by law under this Section to be served upon the licensee may be served. This person shall act as registered agent for the Operator and each Owner. This person must be a natural person who is a resident of Fulton County. The Operator shall be appointed registered agent if he or she is a resident of Fulton County. The licensee shall file the name of such agent, along with the written consent of such agent, with the City Clerk in such form as the Clerk may prescribe. By appointing such registered agent, and as a condition of the issuance of a license pursuant to the terms of this Ordinance, the licensee agrees that any legal action brought by the City against the Adult Entertainment Establishment or the licensee (which includes the Operator or any Owner) to enforce the provisions of the Ordinance may be filed in any court of competent jurisdiction in Fulton County, Georgia.
2. Any notice required or permitted to be given by the City Clerk or any other city office division, department or other agency under this Section to any licensee, Operator or Owner of an Adult Entertainment Establishment may be given either by personal delivery or by certified United States mail, postage prepaid, return receipt requested, addressed to licensee's registered agent at the most recent address specified in the agent's written consent form received by the City Clerk, or any notice of address change which has been received by the City Clerk. If personally delivered, the effective date of the notice shall be the date of delivery. If mailed, the effective date of the notice shall be two (2) days after the notice is placed in the mail.

U. *Conditions.*

1. All Adult Entertainment Establishments shall be kept in a clean, sanitary condition, and shall be in full compliance with all ordinances and regulations of the city, county and state.
2. The County Health Department shall have the authority to regularly inspect Adult Entertainment Establishments to determine compliance with all city, county and state health rules and regulations and report any violations to the City Clerk.
3. The City Fire Department shall have the authority to regularly inspect Adult Entertainment Establishments to determine compliance with all city, county and state fire regulations and report any violations to the City Clerk.
4. The building inspector or designee shall have the authority to regularly inspect Adult Entertainment Establishments to determine compliance with all technical codes of the city.
5. The City Police Department shall have the authority to periodically inspect Adult Entertainment Establishments to determine compliance with all provisions of this Ordinance or other applicable law and report any violations to the City Clerk.

2.7.6 Adult bookstores.

A. *Intent, Rationale and Findings.*

1. *Purpose.* It is the purpose of this Ordinance to regulate sexually oriented businesses, such as adult book or video stores and sexual device shops, in order to promote the health, safety, moral, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is

neither the intent nor effect of this Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Ordinance to condone or legitimize the distribution of obscene material.

2. *Findings and Rationale.* Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the City Council, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theaters*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRaz*, 409 U.S. 109 (1972); and

Artistic Entertainment, Inc. v. City of Warner Robins, 331 F.3d 1196 (11th Cir. 2003); *Artistic Entertainment, Inc. v. City of Warner Robins*, 223 F.3d 1306 (11th Cir. 2000); *Williams v. Pryor*, 240 F.3d 944 (11th Cir. 2001); *Williams v. A.G. of Alabama*, 378 F.3d 1232 (11th Cir. 2004); *Gary v City of Warner Robins*, 311 F.3d 1334 (11th Cir. 2002); *Ward v. County of Orange*, 217 F.3d 1350 (11th Cir. 2000); *Boss Capital, Inc. v. City of Casselberry*, 187 F.3d 1251 (11th Cir. 1999); *David Vincent, Inc. v. Broward County*, 200 F.3d 1325 (11th Cir. 2000); *Sammy's of Mobile, Ltd. v. City of Mobile*, 140 F.3d 993 (11th Cir. 1998); *Lady J. Lingerie, Inc. v. City of Jacksonville*, 176 F.3d 1358 (11th Cir. 1999); *This That And The Other Gift and Tobacco, Inc. v. Cobb County*, 285 F.3d 1319 (11th Cir. 2002); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *Grand Faloan Tavern, Inc. v. Wicker*, 670 F.2d 943 (11th Cir. 1982); *International Food and Beverage Systems v. Ft. Lauderdale*, 794 F.2d 1520 (11th Cir. 1986); *Gammoh v. City of LaHabra*, 396 F.3d 1114 (9th Cir. 2005); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); and

Fairfax MK, Inc. v. City of Clarkston, 274 Ga. 520 (2001); *Morrison v. State*, 272 Ga. 129 (2000); *Sewell v. Georgia*, 233 S.E.2d 187 (Ga. 1977), dismissed for want of a substantial federal question, 435 U.S. 982 (1978) (sexual devices); *Flippen Alliance for Community Empowerment, Inc. v. Brannan*, 601 S.E. 2d 106 (Ga. Ct. App. 2004); *Chamblee Visuals, LLC v. City of Chamblee*, 270 Ga. 33 (1998); *World Famous Dudley's Food and Spirits, Inc. v. City of College Park*, 265 Ga. 618 (1995); *Airport Bookstore, Inc. v. Jackson*, 242 Ga. 214 (1978); and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Austin, Texas—1986; Indianapolis, Indiana—1984; Garden Grove, California—1991; Houston, Texas—1983; Phoenix, Arizona—1979, 1995-98; Chattanooga, Tennessee—1999-2003; Los Angeles, California—1977; Whittier, California—1978; Spokane, Washington—2001; St. Cloud, Minnesota—1994; Littleton, Colorado—2004; Oklahoma City, Oklahoma—1986; Dallas, Texas—1997; Greensboro, North Carolina—2003; Amarillo, Texas—1977; New York, New York Times Square—1994; and the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses. (June 6, 1989, State of Minnesota).

the City Council finds:

- (a) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation.
- (b) Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.

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- (c) Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the City's rationale for this Ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the City's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the City. The City finds that the cases and documentation relied on in this Ordinance are reasonably believed to be relevant to said secondary effects.

B. *Definitions.* The following terms used in this Ordinance shall have the meanings indicated below:

Adult Bookstore or Adult Video Store. Means a commercial establishment which, as one of its substantial business activities, offers 'For-Sale' or rental for any form of consideration any one or more of the following items: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas. A substantial business activity exists where the commercial establishment devotes more than ten square feet (10 sq. ft.) of its total interior business base to the display, sale and/or rental of the foregoing items or derives more than five percent (5%) of its net sales from the sale or rental, or any form of consideration, of the foregoing items. All references to the term "adult bookstore" throughout this Ordinance shall be deemed to include adult video stores and sexual device shops, and all regulations hereinafter set forth in this Ordinance shall be deemed to apply to and include adult bookstores, adult video stores, and sexual device shops.

Church. Means a building in which persons regularly assemble for religious worship intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.

Licensed Day Care Center. A facility licensed by the State of Georgia that provides care, training, education, custody, treatment or supervision for more than twelve (12) children under fourteen (14) years of age, where such children are not related by blood, marriage or adoption to the Owner or Operator of the facility, for less than twenty-four (24) hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.

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 non-transient occupancy and which are designed primarily for living, sleeping, cooking, and eating therein.

School. A building where persons regularly assemble for the purpose of instruction or education together with the playgrounds, stadiums and other structures or grounds used in conjunction therewith. The term is limited to:

1. Public and private schools used for primary or secondary education, in which any regular kindergarten or grades one (1) through twelve (12) classes are taught; and
2. Special educational facilities in which students who have physical or learning disabilities receive specialized education in lieu of attending regular classes in kindergarten or any of grades one (1) through twelve (12).

Sexual Device. Means any three-dimensional object designed and marketed for stimulation of the male or female human genitals, anus, female breasts, or for sadomasochistic use or abuse of one's self or others and shall include devices such as dildos, vibrators, penis pumps, and physical representation of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

Sexual Device Shop. Means a commercial establishment that regularly features sexual devices. Nothing in this definition shall be construed to include any pharmacy, drug store, medical clinic, or any establishment primarily

dedicated to providing medical or healthcare products or services, nor shall this definition be construed to include commercial establishments which do not restrict access to their premises by reason of age.

Specified Anatomical Areas. Shall include any of the following:

1. Less than completely and opaquely covered human genital or pubic region; buttock; or female breast below a point immediately above the top of the areola; or
2. Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities. Means genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

C. *Location; Development Standards.*

1. No adult bookstore shall be located:
 - a. Within one thousand feet (1,000') of any parcel of land which is zoned for residential uses or purposes or used residentially;
 - b. Within one thousand feet (1,000') of any parcel of land upon which a church, school, licensed daycare center, governmental building simultaneously owned and occupied by such government, library, civic center, neighborhood public park or neighborhood playground is located;
 - c. Within one thousand feet (1,000') of any parcel of land upon which another adult bookstore is located;
 - d. Within any zoning category other than Industrial (L-I) as defined in Article II of the Unified Development Code.

The measurement of distances for purposes of this section shall be from property line to property line along the shortest possible straight-line distance, regardless of any customary or common route or path of travel, i.e. "as the crow flies." The term "parcel of land" means any quantity of land capable of being described by location and boundary, designated and used or to be used as a unit.

- (1) The minimum lot area for an adult bookstore facility shall be one (1) acre.
- (2) Adult bookstores shall be required to be on lots that have a minimum of one hundred fifty feet (150') of road frontage on a public road, street or highway. Such Establishments shall have a minimum of two (2) driveways, which shall provide access to a public road, street or highway.
- (3) In addition to development standards governing the L-I zoning district, buildings and structures established in connection with an adult bookstore shall be set back at least forty feet (40') from any other business establishment and the minimum rear yard shall be seventy-five feet (75').
- (4) Adult bookstores shall be required to provide one (1) automobile parking space for each twenty-five square feet (25 sq. ft.) of gross building area or for every three (3) customer seats, whichever results in the greater number of parking spaces.
- (5) Adult bookstores shall not allow the depictions of specified anatomical areas or specified sexual activities to be visible from any point outside the structure.

- D. *Violations; Penalties.* Any person, firm or corporation who violates any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined in an amount not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00); and each violation thereof shall constitute a

separate offense and shall be punishable as such; and each day that a violation continues shall be punishable as a separate offense.

- E. *Unlawful Operation Declared Nuisance.* Any adult bookstore operated, conducted or maintained contrary to the provisions of this Ordinance shall be and the same is hereby declared to be unlawful and a public nuisance. The City may, in addition to, or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings for abatement, removal or injunction thereof, in the manner provided by law. It shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove the adult bookstore and restrain and enjoin any person from operating, conducting or maintaining the adult bookstore contrary to the provisions of this Ordinance.
- F. *Licensing Provisions.* The owner and/or operator of an adult bookstore shall be subject to the same application and licensing requirements applicable to owners and operators of adult entertainment establishments as set forth in Section 2.7.5 of this Code, specifically including the following sections: Section 2.7.5D., E., I., J., K., L., M., N., O., P. and Q. It shall be unlawful for any person to operate an adult bookstore in the City without a valid license issued in accordance with such provisions.
- G. *Scienter.* This Ordinance does not impose strict liability. Unless a culpable mental state is otherwise specified herein, a showing of a knowing or reckless mental state is necessary to establish a violation of a provision of this Ordinance. Notwithstanding anything to the contrary, for the purposes of this Ordinance, an act by an employee that constitutes grounds for suspension or revocation of that employee's license shall be imputed to the sexually oriented business licensee for purposes of finding a violation of this Ordinance, or for the purpose of license denial, suspension, or revocation, only if an officer, director, or a general partner, or a person who managed, supervised or controlled the operation of the business premises, knowingly or recklessly allowed such act to occur on the premises. It shall be a defense to liability that the person to who liability is imputed was powerless to prevent the act.
- H. *Severability.* This Ordinance and each section and provision of said Ordinance hereunder are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, is hereby declared to be the controlling legislative intent that if any provisions of this Ordinance, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid. Should any procedural aspect of this Ordinance be invalidated, such invalidation shall not affect the enforceability of the substantive aspects of this Ordinance.
- I. *Supplemental Regulations.* Where possible, this Ordinance shall be interpreted to supplement other ordinances regulating adult oriented businesses. Where there is a direct conflict, the more strict provision shall control.

2.7.7 Reserved.

Ord. No. 730 , § 8, adopted Dec. 5, 2016, repealed former § 2.7.7 which pertained to massage therapy.

2.7.8 Hybrid hotel.

- A. Definition. "Hybrid Hotel" means a building in which lodging along with customary lodging facilities and services, such as meeting rooms, restaurant, maid service and fitness center, are provided for transient guests for a mix of short- and long-term stays. The hybrid hotel primarily provides lodging for transient guests for an average stay of less than 7 days and offered to the public for compensation. No more than 30% of guest rooms may provide lodging for transient guests for long-term stays up to one year. Hotel services shall include the provision of food and beverage services suitable for both guests and groups, on-site restaurant, lounges, group meeting space with banquet facilities and selective amenities, such as but not

limited to spas, banquets rooms, doormen, valet parking, concierge, and high-end restaurant and boutiques. Guest rooms within the building shall not contain equipment for food preparation other than a mini-fridge and/or microwave, except that rooms provided for longer stays may have equipment for food preparation. There shall be no self-laundry facilities (for guest's use) within the building, except that rooms provided for longer stays may have self-laundry facilities. Access to each guest room shall be through an inside lobby supervised at all hours.

- B. *Findings and Purpose.* The City finds that hybrid hotels offer an alternative form of lodging from hotels (or motels) or corporate apartments (apartments with short-term leases) for longer-term, business travelers, families in the process of relocating or awaiting new construction or remodeling, long-term tourists and similar patrons. Hybrid hotels, which are places of public accommodation providing both short- and longer-term temporary lodging, may be an appropriate use in certain zoning districts as determined by the City Council after considering and finding that certain factors are met, including the use is compatible with surrounding uses, properties and neighborhoods, will not impede the normal and orderly development of surrounding property for uses predominant in the area, and the location and character of the hybrid hotel is consistent with a desirable pattern of development for the City; however, the City finds that if hybrid hotels are left unregulated, such uses can become transitional residences and in some cases permanent residential accommodations, akin to 'For-Rent' dwellings. Further, because hybrid hotels are designed for a mix of short- and long-term temporary lodging, whereas hotels or motels are designed for short-term transient occupancies (less than seven (7) days) and extended stay hotels are designed for long-term transient occupancies (weekly or monthly occupancies), the City finds that tourism activities and other attendant activities of guests at hybrid hotels differ from those activities of guests at hotels or motels, which may not be compatible with the City's comprehensive plan or economic development goals. Accordingly, the City finds that hybrid hotels are separate and distinct land uses from hotels (or motels) and extended stay hotels and that different considerations must be considered to ensure that such uses are consistent with the City's land use patterns and tourism and economic development goals. The City therefore finds that it is necessary to establish regulations that distinguish these types of uses in order to encourage the appropriate use of land for the development of hotels (motels) to implement important City interests, including the promotion of tourism within the City, while also providing the opportunity for the development of hybrid hotels to meet the demands of businesses and the community for lodging accommodations designed for a mix of short- and longer-term business travelers, families in the process of locating a new residence, awaiting new construction or remodeling, and long-term tourists, while also preventing such uses from becoming permanent residential occupancies or dwellings.
- C. *Conditional Use Permit Approval.* The location, construction and use of a property or building for a hybrid hotel use shall require the prior approval of a conditional use permit by the City Council. In addition to consideration of the conditional use standards otherwise provided for in this Code, the approval of a conditional use permit for a hybrid hotel is subject to the City Council finding that the proposed use meets the following requirements:
1. The minimum lot or development size for hybrid hotels is three (3) acres.
 2. The building shall contain no more than thirty percent (30%) of guest rooms for long-term stays.
 3. Building shall be rated by Forbes or AAA as 4 stars or better.
 4. Building or development shall have a minimum 60,000 square foot conference room, event space, or group meeting space with banquet facilities.
 5. Building shall have a minimum 3,000 square foot sit-down restaurant with table service.
 6. All guestrooms which have facilities for the refrigeration and preparation of food by guests shall have a minimum of four hundred square feet (400 sq. ft.) of floor area.

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7. A minimum of 15% of the gross area of the lot must be designed and used as outdoor amenity space. Outdoor amenity spaces may only be used for the following types of active and/or passive recreational uses: yards or lawns available for unstructured recreation; gardens; hardscape areas or walkway paths for pedestrian enjoyment (but excluding any improvements serving parking areas), which may include pergolas, gazebos, benches and exercise or play equipment; pool areas; tennis courts, basketball courts and similar recreational facilities; and playgrounds designed and equipped for the recreation of children, which must be fenced and may include an open shelter. However, outdoor amenity space shall not include any other required open areas such as required building setbacks, buffers, landscape strips or other similar requirements of this Ordinance or other applicable laws.
 8. All such buildings shall provide a minimum fifty-foot (50') buffer from any property zoned for a 'For-Sale' or 'For-Rent' dwelling use.
 9. Access to each guest room shall be through an inside lobby which is supervised at all hours the building is open.
 10. Number of Vehicle Parking Spaces Required: One (1) space for each short-term guest room and two (2) spaces for each long-term guest room, plus 1 employee space for each 20 guest rooms, plus one space per 500 sq. ft. of space used for convention rooms, conference rooms, ballrooms, restaurant and/or retail shops.

D. Additional Regulations. Hybrid hotels shall comply with the following additional regulations:

1. The maximum occupancy for a guest room with facilities for the refrigerated storage and preparation of food by guests that is less than five hundred and fifty square feet (550 sq. ft.) in floor area shall be two (2) persons. For all guestrooms with facilities for the refrigerated storage and preparation of food by guests that exceed five hundred and fifty square feet (550 sq. ft.), the maximum occupancy shall be four (4) persons. The maximum occupancy shall be six (6) persons when an additional bedroom is provided. For the purposes of this provision, minor children related by blood or marriage to an adult occupant shall be excluded from this computation; provided, however, that in no event shall the maximum occupancy of any room exceed the requirements of the Life Safety Code.
2. No more than 30% of individual guests shall register, lodge in, or occupy a room or rooms within the same facility for more than a continuous 365-day period, nor shall any guest move from one room to another without a three (3) day vacancy in between.
3. Each such building shall be protected with an alarm system and a sprinkler system meeting the requirements of the Life Safety Code.
4. No outdoor storage or permanent parking of equipment or vehicles shall be permitted. Parking of inoperable vehicles and vehicles backed into parking spaces with the license plate not visible from the parking lot drive aisle shall be prohibited.
5. Off-street parking lot lighting shall have an average footcandles of 3.0 and maximum footcandles of 6.0. Parking lot lighting shall be maintained in good working order.
6. No permanent business license shall be issued for the conduct of any business from any guestroom of the building.
7. No building under this section may be converted to or used as an apartment or condominium.

E. The prior approval of a hotel or motel use shall not confer the right to locate, construct or use a property or building as a hybrid hotel. No hotel or motel may be converted to a hybrid hotel without the approval of a conditional use permit by the City Council in accordance with the foregoing standards.

SECTION 2.2 a CONDITIONAL USE REVIEW CRITERIA

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

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

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

2.2.1 AG agriculture.

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

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

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

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

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

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7. Clubhouse, swimming pool, or community recreation facilities serving a development.
 8. Barns, stables and similar structures for the housing, repair, storing, or processing of farm products of the property.
 9. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
 10. Signs, subject to all of the requirements regulating signage herein.
 11. Retaining walls and other site improvement structures approved as part of the development permit.
- C. *Conditional Uses.* A property in the AG district may be used for any of the following only upon approval as a conditional use by the City Council:
1. Residential and Agricultural Uses.
 - a. Additional 'For-Sale' detached dwelling.
 - b. Greenhouse, Nursery.
 2. Business Uses.
 - a. Animal Hospital, Veterinarian.
 - b. Broadcasting (Radio or TV).
 - c. Builder's Equipment.
 - d. Carpenter Shop, Woodworking.
 - e. Equestrian Center.
 - f. Golf Course, Driving Range.
 - g. Kennel.
 - h. Special Event Facility.
 3. Semipublic Uses, Utilities.
 - a. Airport.
 - b. Auditorium.
 - c. Cemetery.
 - d. Church, Synagogue or any other religious institution.
 - e. Club or Lodge.
 - f. Country Club.
 - g. Heliport, Public/Private.
 - h. Utility Substation.
 - i. Wireless Tower.

D. *District Regulations.*

Minimum lot size—5 acres.

Minimum Lot Width—200 feet.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—25 feet.

Rear yard—50 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

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

(Ord. No. 744 , § 6, 7-10-2017; Ord. No. 800 , § 1(Exh. A), 6-22-2020; Ord. No. 808 , § 2(Exh. B), 9-8-2020; Ord. No. 833 , § 2(Exh. B), 7-26-2021; Ord. No. 843 , § 2(Exh. B), 4-18-2022)

2.2.2 Re-residential estate.

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

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

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

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

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

D. *District Regulations.*

Minimum Lot Size—3 acres.

Minimum Lot Width—100 feet.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—25 feet.

Rear yard—50 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

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

Accessory Structure setback see Sec. 2.3 (c).

(Ord. No. 730 , § 2, 12-5-2016; Ord. No. 800 , § 1(Exh. A), 6-22-2020; Ord. No. 833 , § 2(Exh. B), 7-26-2021; Ord. No. 836 , § 1(Exh. A), 10-4-2021)

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

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

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

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

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

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

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

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

1. Semipublic Uses, Utilities.
 - a. Bed and Breakfast.
 - b. Church, Synagogue, or any other religious institutions.
 - c. Country Club.
 - d. Golf course or golf driving range.
 - e. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
 - f. Equestrian Center.

D. *District Regulations.*

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

Minimum Lot Width—100 feet.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—25 feet.

Rear yard—50 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

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

Accessory Structure Setback see Sec. 2.3 (c).

(Ord. No. 730 , § 2, 12-5-2016; Ord. No. 800 , § 1(Exh. A), 6-22-2020; Ord. No. 833 , § 2(Exh. B), 7-26-2021)

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

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

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

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

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

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

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

1. Semipublic Uses, Utilities.
 - a. Church, Synagogue or any other religious institution.
 - b. Country Club, Association or Lodge.
 - c. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
 - d. Bed and Breakfast.

e. Golf Course, Driving Range.

f. Equestrian Center.

D. *District Regulations.*

Minimum Lot Size—22,000 square feet.

Minimum Lot Width—100 feet.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—25 feet.

Rear yard—30 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

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

Accessory Structures Setback see Sec. 2.3 (c).

(Ord. No. 730 , § 2, 12-5-2016; Ord. No. 800 , § 1(Exh. A), 6-22-2020; Ord. No. 833 , § 2(Exh. B), 7-26-2021)

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

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

1. Agricultural and Residential Uses.

a. Dwelling, 'For-Sale', Detached.

2. Semipublic Uses, Utilities.

a. Park or Playground.

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

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

1. Privacy and decorative fences and walls.

2. Home Occupation in a residence.

3. Family Day Care Home in a residence.

4. Group Home.

5. Special Care Home in a 'For-Sale' detached dwelling.

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6. Swimming pool, tennis court, detached garage, play house, storage shed, patio and other private recreation facilities.
 7. Clubhouse, swimming pool, or community recreation facilities serving a development.
 8. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
 9. Signs, subject to all of the requirements regulating signage herein.
 10. Retaining walls and other site improvement structures approved as part of the development permit.
- C. *Conditional Uses.* A property in the R-15 district may be used for any of the following only upon approval as a conditional use by the City Council:
1. Semipublic Uses, Utilities.
 - a. Associations, (Clubs and Lodges).
 - b. Church, Synagogue or other religious institution.
 - c. Country Club with golf course or driving range.
 - d. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
 - e. Bed and Breakfast.
 - f. Equestrian Center.

D. *District Regulations.*

Minimum Lot Size—15,000 square feet

Minimum Lot Width—100 feet.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—10 feet.

Rear yard—25 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

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

(Ord. No. 730 , § 2, 12-5-2016; Ord. No. 800 , § 1(Exh. A), 6-22-2020; Ord. No. 833 , § 2(Exh. B), 7-26-2021)

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

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

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

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

 - 1. Privacy and decorative fences and walls.
 - 2. Home Occupation in a residence.
 - 3. Family Day Care Home in a residence.
 - 4. Group Home.
 - 5. Special Care Home in a 'For-Sale' detached dwelling.
 - 6. Swimming pool, tennis court, detached garage, play house, storage shed, patio and other private recreation facilities.
 - 7. Clubhouse, swimming pool, or community recreation facilities serving a development.
 - 8. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
 - 9. Signs, subject to all of the requirements regulating signage herein.
 - 10. Retaining walls and other site improvement structures approved as part of the development permit.
 - C. *Conditional Uses.* A property in the R-12 district may be used for any of the following only upon approval as a conditional use by the City Council:
 - 1. Semipublic Uses, Utilities.
 - a. Associations, (Clubs and Lodges).
 - b. Church, Synagogue, or any other religious institutions.
 - c. Country Club with golf course or driving range.
 - d. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. *District Regulations.*

Minimum Lot Size—12,000 square feet.

Minimum Lot Width—80 feet.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—10 feet.

Rear yard—30 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

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

Accessory Structure Setback see Sec. 2.3 (c).

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

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

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

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

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

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

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

1. Semipublic Uses, Utilities.
 - a. Associations, (Clubs and Lodges).
 - b. Church, Synagogue, or any other religious institution.
 - c. Country Club with golf course or driving range.

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

D. *District Regulations.*

Minimum Lot Size—10,000 square feet.

Minimum Lot Width—75 feet.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—10 feet.

Rear yard—25 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

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

Accessory Structures Setback see Sec. 2.3 (c).

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

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

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

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

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

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

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7. Signs, subject to all of the requirements regulating signage herein.
 8. Retaining walls and other site improvement structures approved as part of the development permit.
- C. *Conditional Uses.* A property in the R-4A district may be used for any of the following only upon approval as a conditional use by the City Council:
1. Semipublic Uses, Utilities.
 - a. Associations, (Clubs and Lodges).
 - b. Church, Synagogue, or other religious institutions.
 - c. Country Club with golf course or driving range.
 - d. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. *District Regulations.*

Minimum Lot Size—1 acre.

Maximum Density of Dwelling Units—4 per acre.

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

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard:

From lot line of adjacent property—20.

Between building groupings—20 feet.

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

Rear yard—30 feet.

Maximum Coverage By Principal Buildings—40%.

Maximum Building Height—35 feet.

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

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

- A. *Permitted Principal Uses.* A property in the R-4D district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:
1. Agricultural and Residential Uses.
 - a. Dwelling, Single-Family Detached.
 2. Semipublic Uses, Utilities.
 - a. Park or Playground.

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

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

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

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

1. Semipublic Uses, Utilities.
 - a. Associations, (Clubs and Lodges).
 - b. Church, Synagogue, or other religious institutions.
 - c. Country Club with golf course or driving range.
 - d. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

- D. *District Regulations.*

Minimum Lot Size—5,000 sf.

Maximum Density of Dwelling Units—4 per acre.

Minimum Lot Width—50 ft.

Minimum Setbacks.

Front yard—from all street frontages.

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

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

Side yard—5 feet.

Corner Side Yard—10 feet.

Rear yard:

With Rear Alley—0'.

No Rear Alley—20'.

Maximum Coverage By Principal Buildings—40%.

Maximum Building Height—35 feet.

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

(Ord. No. 692, § 1(Exh. 1), 7-21-2014)

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

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

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

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

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

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

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

1. Semipublic Uses, Utilities.
 - a. Associations, (Clubs and Lodges).
 - b. Church, Synagogue, or other religious institutions.
 - c. Country Club with golf course or driving range.
 - d. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. *District Regulations.*

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

Maximum Density of Dwelling Units—8 per gross acre.

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

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard.

From lot line of adjacent property—5 feet.

Between building groupings—10 feet.

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

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

Maximum Coverage By Principal Buildings—40%.

Maximum Building Height—35 feet.

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

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

(Ord. No. 675, § 1, 6-3-2013)

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

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

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

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

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

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.

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

D. *District Regulations.*

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

Maximum Density of Dwelling Units—10 per gross acre.

Minimum Lot Width.

For the property to be developed—75 feet.

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

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard.

From lot line of adjacent property—25 feet.

Between building groupings—20 feet.

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

Rear yard—50 feet.

Maximum Coverage By Principal Buildings—none.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—none.

(Ord. No. 730 , §§ 3, 4, 12-5-2016)

2.2.11 CUP community unit plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

C. *Conditional Uses.* A property in the CUP district may be used for those uses listed in Table 2.2, including any of the following uses if the uses have been included in the conditions of approval for the CUP zoning on the property; or if the uses are designated on the CUP's Concept Plan; or if the CUP's concepts plan identifies district categories (i.e. commercial, office) wherein the use would otherwise be permitted by right or as a conditional use:

1. Agricultural and Residential Uses.

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

2. Business Uses.

- a. Animal Hospital, small animals.
- b. Art Galleries.
- c. Athletic Facility.
- d. Automobile Sales and Leasing.
- e. Automobile Service and Service Station.
- f. Automotive Parts.
- g. Bakery.
- h. Barber Shop.
- i. Bank, Savings and Loan.
- j. Beauty Shop.
- k. Book Store or Stationery.
- l. Boutique Hotel.
- m. Bowling Alley.
- n. Brewery.
- o. Broadcasting Studio (radio or TV).
- p. Building Equipment/Material.
- q. Clinic.
- r. Contractor's Office with and without outside storage.
- s. Convenience Market with or without gas pumps.
- t. Dance Studio.
- u. Day Care Center.
- v. Distillery.
- w. Drug Store.

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- x. Dry Cleaning Pick-up Station.
 - y. Equestrian Center.
 - z. Extended stay hotel (see Section 2.7).
 - aa. Fitness Studio.
 - bb. Florist, Retail without Greenhouse.
 - cc. Funeral Home wino cemetery or mausoleum.
 - dd. Golf, Miniature.
 - ee. Grocery Store.
 - ff. Hardware and Garden Supply Store.
 - gg. Hotel or Motel.
 - hh. Hotel, Hybrid.
 - ii. Laboratory, Research or Commercial.
 - jj. Laundry, Self-Serve, Pick-up.
 - kk. Liquor Store.
 - ll. Office Building or Office Park (Research and Development shall be a permitted use within an existing Office Building or Office Park or where office is a permitted use within an existing master plan).
 - mm. Park, playground.
 - nn. Pet Day Care.
 - oo. Pet Grooming.
 - pp. Print Shop.
 - qq. Public Building.
 - rr. Recreation Facilities, Indoor and Outdoor.
 - ss. Rental Services Establishment without outside storage.
 - tt. Research and Development.
 - uu. Restaurant.
 - vv. Restaurant, with Drive-thru window.
 - ww. Retail Sales and Services Establishments not otherwise listed for this zoning district.
 - xx. Retail Establishment, Mixed Sales.
 - yy. School, Commercial.
 - zz. Shop or Studio, Craftsman/Artist.
 - aaa. Spa Services.
 - bbb. Special Event Facility.
 - ccc. Theater, Cinema.
3. Wholesale, Storage and Industrial Uses.

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- a. Laundry, Industrial.
 - b. Locker, Frozen Food or Cold Storage.
 - c. Manufacturing, Light.
 - d. Wholesale Establishment.
4. Semipublic Uses, Utilities.
- a. Airport, public or private.
 - b. Amphitheater.
 - c. Auditorium.
 - d. Church, Synagogue.
 - e. Club, association or lodge.
 - f. Country Club.
 - g. Fire Station.
 - h. Golf Course, Driving Range.
 - i. Heliport, public or private.
 - j. Hospital.
 - k. Library.
 - l. Museum.
 - m. Parle or Playground.
 - n. Power Station.
 - o. School, Academic.
 - p. Switching Station (Telecom).
 - q. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
 - r. Wireless Tower.

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

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

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

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

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

(Ord. No. 718 , §§ 2, 4, 12-14-2015; Ord. No. 741 , § 4, 6-5-2017; Ord. No. 744 , §§ 2, 6, 7-10-2017; Ord. No. 808 , § 2(Exh. B), 9-8-2020; Ord. No. 836 , § 1(Exh. A), 10-4-2021; Ord. No. 843 , § 2(Exh. B), 4-18-2022)

2.2.12 O-P office-professional.

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

- A. *Permitted Principal Uses.* A property in the O-P district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:
1. Residential Uses.
 - a. Bed and Breakfast.
 2. Business Uses.
 - a. Bank, Savings and Loan.
 - b. Barber Shop and Beauty Shop.
 - c. Clinic (medical/dental).
 - d. Contractor's office without outside storage.
 - e. Day care center.
 - f. Office (professional/administrative).
 3. Semipublic Uses, Utilities.
 - a. Park or Playground.
 4. The following support retail uses are allowed provided that they are located within an office building and (in total) do not constitute more than 25% of the floor area of the office building in which they are located:
 - a. Book store or Stationery.
 - b. Retail Establishment - limited to a Computer Supply Store, Jewelry Store (not to exceed 1,200 SF), Office Supply Store (not to exceed 1,200 SF), Optometrist/Eye Wear, Package Shipping/Mail Box Store, and Cell Phone Store.
- B. *Accessory Uses.* A property in the O-P district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

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

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

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

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

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

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

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

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

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

1. Business Uses.
 - a. Art Gallery.
 - b. Bakery.
 - c. Dry Cleaning Pick up station with drive-thru.
 - d. Fitness studio.
 - e. Florist.
 - f. Restaurant without drive-thru.
 - g. Shop or studio, Craftsman/Artist.
 - h. School Commercial.
 - i. Spa Services.
2. Semipublic Uses, Utilities.
 - a. Auditorium.
 - b. Church, Synagogue.
 - c. Club, association or lodge.
 - d. Public Building.
 - e. School, Academic.
 - f. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. *District Regulations.*

Minimum Lot Area—30,000 square feet.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—40%.

Maximum Building Height—40 feet.

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

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

2.2.13 O-I office-institutional.

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

A. *Conditional Principal Uses.* A property in the O-1 district may be used for the uses listed below and shown in Table 2.2 in accordance with an approved masterplan, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use. Lots of less than five (5) acres in size may be developed for bank, office or research and development use without public hearing subject to Design Review Board Approval.

1. Residential Uses.

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

2. Business Uses.

a. Bank, Savings and Loan.

b. Broadcasting Studio (radio or TV).

c. Clinic.

d. Congregate Housing.

e. Day Care Center.

f. Drug Store.

g. Manufacturing, Heavy.

h. Office Building or Office Park (Research and Development shall be a permitted use within an existing Office Building or Office Park or where office is a permitted use within an existing master plan).

i. Recreational Facilities (Indoor or Outdoor).

j. Research and Development.

k. Special Event Facility.

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- I. Theater, Cinema.
 - 3. Semipublic Uses, Utilities.
 - a. Church, Synagogue.
 - b. Club, association or lodge.
 - c. Golf Course, Driving Range.
 - d. Heliport.
 - e. Hospital.
 - f. Library.
 - g. Museum.
 - h. Public Building.
 - i. School, Academic.
 - B. *Accessory Uses.* A property in the O-I district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

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

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

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

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

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

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

The dwelling and the commercial or office structure to which it is accessory shall be in compliance with all applicable provisions of the life safety code, the building code, and other standard codes of the City.
 - 2. Privacy and decorative fences and walls.
 - 3. Swimming pool, tennis court, patio and other private recreation facilities.
 - 4. Clubhouse, swimming pool, or community recreation facilities serving a development.
 - 5. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
 - 6. Signs, subject to all of the requirements regulating signage herein.
 - 7. Retaining walls and other site improvement structures approved as part of the development permit.
 - 8. Retail service uses up to 25% of the floor area of an office building for services incidental to the associated office use.

C. *Conditional Subordinate Uses.* A property in the O-I district may be used for any of the following listed uses upon approval as a conditional use by the City Council provided that the uses in aggregate do not constitute more than 25% of the total project and are not segregated so as to create a retail strip center.

1. Residential Uses.
 - a. Reserved.
2. Business Uses.
 - a. Animal Hospital, Small Animal.
 - b. Art Galleries.
 - c. Athletic Facility.
 - d. Automobile Service and Service Station.
 - e. Bakery.
 - f. Barber Shop.
 - g. Beauty Shop.
 - h. Book Store.
 - i. Boutique Hotel.
 - j. Bowling Alley.
 - k. Brewery.
 - l. Car Wash.
 - m. Contractor's Office without outside storage.
 - n. Convenience Market with or without gas pumps.
 - o. Dance Studio.
 - p. Distillery.
 - q. Dry Cleaning Pick-up Station.
 - r. Extended Stay Hotel (see Sec. 2. 7).
 - s. Fitness Studio.
 - t. Florist, Retail without Greenhouse.
 - u. Funeral Home w/out cemetery or mausoleum.
 - v. Golf, Miniature, or Golf Driving Range.
 - w. Hotel/motel.
 - x. Hotel, Hybrid.
 - y. Laboratory, Research or Commercial.
 - z. Liquor Store.
 - aa. Parking Lot, Commercial.
 - bb. Print Shop.
 - cc. Restaurant.

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- dd. Restaurant, with Drive-thru window.
 - ee. Retail Sales & Services Establishments subject to the limitation of [subsection] 2.2.13 B 8.
 - ff. School, Commercial.
 - gg. Spa Services.
 - 3. Wholesale, Storage and Industrial Uses.
 - a. Manufacturing, Light.
 - 4. Semipublic Uses, Utilities.
 - a. Airport.
 - b. Amphitheater.
 - c. Auditorium.
 - d. Country Club.
 - e. Fire Station.
 - f. Park or Playground.
 - g. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
 - h. Wireless Tower.

D. *District Regulations.*

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

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—40%.

Maximum Building Height—40 feet.

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

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

(Ord. No. 718 , §§ 3, 6, 12-14-2015; Ord. No. 741 , § 4, 6-5-2017; Ord. No. 744 , §§ 2, 6, 7-10-2017; Ord. No. 808 , § 2(Exh. B), 9-8-2020; Ord. No. 813 , § 1(Exh. A), 10-26-2020; Ord. No. 836 , § 1(Exh. A), 10-4-2021; Ord. No. 843 , § 2(Exh. B), 4-18-2022)

2.2.14 C-1 neighborhood commercial.

- A. *Permitted Principal Uses.* A property in the C-1 district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:
1. Residential Uses.
 - a. Dwelling, 'For-Sale'—in an existing or historic structure only.
 - b. Bed and Breakfast.
 2. Business Uses.
 - a. Art Gallery.
 - b. Bakery.
 - c. Bank, Savings and Loan.
 - d. Barber Shop.
 - e. Beauty Shop.
 - f. Book Store.
 - g. Carpet and Rug Sales.
 - h. Clinic.
 - i. Dance Studio.
 - j. Day Care Center.
 - k. Drug Store.
 - l. Dry Cleaning Pick-up Station.
 - m. Fitness Studio.
 - n. Florist, Retail Without Greenhouse.
 - o. Hardware and Garden Supply Store.
 - p. Laundry, Self-Serve, Pick-up.
 - q. Nail Salon.
 - r. Office Building or Park.
 - s. Pet Day Care.
 - t. Pet Grooming.
 - u. Print Shop.
 - v. Restaurant.
 - w. Retail Sales and Services (Establishments not otherwise listed for this zoning district as a permitted or conditional use).

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- x. School, Commercial.
 - y. Shop or Studio, Craftsman/Artist.
 - 3. Semipublic Uses, Utilities.
 - a. Library.
 - b. Museum.
 - c. Park or Playground.
 - d. School, Academic.
 - B. *Accessory Uses.* A property in the C-1 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

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

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

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

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

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

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

The dwelling and the commercial or office structure to which it is accessory shall be in compliance with all applicable provisions of the life safety code, the building code, and other standard codes of the City.
 - 2. Privacy and decorative fences and walls.
 - 3. Swimming pool, tennis court, patio and other private recreation facilities.
 - 4. Clubhouse, swimming pool, or community recreation facilities serving a development.
 - 5. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations, herein.
 - 6. Signs, subject to all of the requirements regulating signage herein.
 - 7. Retaining walls and other site improvement structures approved as part of the development permit.
 - C. *Conditional Uses.* A property in the C-1 district may be used for any of the following only upon approval as a conditional use by the City Council:
 - 1. Residential Uses.
 - a. Dwelling, Group (congregate housing, assisted living facility, nursing).
 - 2. Business Uses.
 - a. Animal Hospital, small animals.
 - b. Assisted Living, Congregate housing.

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- c. Athletic Facility.
 - d. Automotive Parts.
 - e. Bowling Alley.
 - f. Brewery.
 - g. Check Cashing.
 - h. Club, association or lodge.
 - i. Contractor's Office without outside storage.
 - j. Distillery.
 - k. Funeral home with no cemetery or mausoleum.
 - l. Golf, Miniature.
 - m. Grocery Store.
 - n. Hotel/Motel.
 - o. Liquor Store.
 - p. Parking Lot, Commercial.
 - q. Pest Control Business.
 - r. Rental Services Establishment without outside storage.
 - s. Restaurant, with Drive-thru Window.
 - t. Retail Establishment, Mixed Sales.
 - u. Smoke Shop and Tobacco Store.
 - v. Spa Services.
 - w. Special Event Facility.
 - x. Theater, Cinema.
3. Semipublic Uses, Utilities.
- a. Auditorium.
 - b. Church, Synagogue.
 - c. Hospital.
 - d. Public Building.
 - e. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. District Regulations.

Minimum Lot Area—30,000 square feet.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—45%.

Maximum Building Height—35 feet.

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

(Ord. No. 704 , § 2, 6-1-2015; Ord. No. 718 , §§ 6—8, 12-14-2015; Ord. No. 730 , §§ 3, 4, 12-5-2016; Ord. No. 741 , § 4, 6-5-2017; Ord. No. 744 , § 4, 7-10-2017; Ord. No. 772 , § 2, 2-4-2019; Ord. No. 808 , § 2(Exh. B), 9-8-2020; Ord. No. 836 , § 1(Exh. A), 10-4-2021; Ord. No. 843 , § 2(Exh. B), 4-18-2022)

2.2.15 C-2 general commercial.

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

1. Residential Uses.
 - a. Dwelling, 'For-Sale'—in an existing or historic structure only.
 - b. Bed and Breakfast.
2. Business Uses.
 - a. Art Gallery.
 - b. Athletic Facility.
 - c. Automobile Service and Service Station.
 - d. Automotive Parts.
 - e. Bakery.
 - f. Bank, Savings and loan.
 - g. Barber Shop.
 - h. Beauty Shop.
 - i. Book Store.
 - j. Bowling Alley.
 - k. Broadcasting Studio (radio or TV).
 - l. Carpet and Rug Sales.
 - m. Clinic.
 - n. Contractor's Office without outside storage.
 - o. Convenience Market with or without gas pumps.
 - p. Dance Studio.
 - q. Day Care Center.

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

- B. *Accessory Uses.* A property in the C-2 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

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

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

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

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

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

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

The dwelling and the commercial or office structure to which it is accessory shall be in compliance with all applicable provisions of the life safety code, the building code, and other standard codes of the City.
 2. Privacy and decorative fences and walls.
 3. Swimming pool, tennis court, patio and other private recreation facilities.
 4. Clubhouse, swimming pool, or community recreation facilities serving a development.
 5. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
 6. Signs, subject to all of the requirements regulating signage herein.
 7. Retaining walls and other site improvement structures approved as part of the development permit.
- C. *Conditional Uses.* A property in the C-2 district may be used for any of the following only upon approval as a conditional use by the City Council:
1. Residential Uses.
 - a. Dwelling, Group (congregate housing, nursing home, etc.).
 2. Business Uses.
 - a. Animal Hospital, small animals.
 - b. Assisted Living, Congregate housing.
 - c. Automobile Sales and Leasing.
 - d. Boutique Hotel.
 - e. Brewery.
 - f. Builder's Equipment/Material.
 - g. Car Wash.
 - h. Check Cashing.
 - i. Church, Synagogue.
 - j. Club, fraternity, association or lodge.
 - k. Contractor's Office with outside storage.
 - l. Distillery.
 - m. Extended Stay Hotel (see Sec. 2.7).

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- n. Funeral Homes.
 - o. Golf, Miniature.
 - p. Greenhouse with nursery.
 - q. Hotel or Motel.
 - r. Hotel, Hybrid.
 - s. Limousine Service and Taxi.
 - t. Massage Therapy (see Sec. 2.7).
 - u. Pest Control Business.
 - v. Spa Services.
 - w. Recreation Facilities, Indoor.
 - x. Recreation Facilities, Outdoor.
 - y. Small Appliance Repair Shop.
 - z. Smoke Shop and Tobacco Store.
 - aa. Spa Services.
 - bb. Special Event Facility.
 - cc. Theater, Cinema.
3. Semipublic Uses, Utilities.
- a. Auditorium.
 - b. Public Building.
 - c. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
 - d. Wireless Tower.

D. *District Regulations.*

Minimum Lot Area—none.

Minimum Lot Width—none.

Minimum Setbacks.

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

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

Rear yard—10 feet.

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

Maximum Building Height—40 feet.

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

(Ord. No. 703 , § 1, 6-1-2015; Ord. No. 704 , § 2, 6-1-2015; Ord. No. 718 , §§ 5—7, 9, 12-14-2015; Ord. No. 730 , §§ 3, 4, 12-5-2016; Ord. No. 741 , § 4, 6-5-2017; Ord. No. 744 , §§ 2, 6, 7-10-2017; Ord. No. 772 , § 3, 2-4-2019; Ord. No. 808 , § 2(Exh. B), 9-8-2020; Ord. No. 836 , § 1(Exh. A), 10-4-2021; Ord. No. 843 , § 2(Exh. B), 4-18-2022)

2.2.16 PSC planned shopping center.

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

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

1. Residential Uses.
 - a. Dwelling, 'For-Sale', Attached (only allowed in the North Point Overlay and not exceeding (8) dwelling units/acre unless additional density is authorized in accordance with said overlay).
 - b. Dwelling, 'For-Sale', Detached (only allowed in the North Point Overlay and not exceeding (8) dwelling units/acre unless additional density is authorized in accordance with said overlay).
2. Business Uses.
 - a. Art Galleries.
 - b. Bakery.
 - c. Barber Shop.
 - d. Bank, Savings and Loan.
 - e. Beauty Shop.
 - f. Brewery.
 - g. Book Store.
 - h. Car Wash.
 - i. Carpet and Rug Sales.
 - j. Clinic.
 - k. Dance Studio.
 - l. Day Care Center.
 - m. Distillery.
 - n. Drug Store (Pharmacy).
 - o. Florist, Retail without Greenhouse.
 - p. Grocery Store (max. 50,000 SF in the North Point Overlay).
 - q. Hardware Store (max. 50,000 SF in the North Point Overlay).
 - r. Home Improvement Store.
 - s. Laundry, Self-Serve, Pick-up.
 - t. Liquor Store.
 - u. Office Building or Park.
 - v. Pest Control Business.
 - w. Rental Services Establishment without outside storage.

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- x. Restaurant.
 - y. Restaurant w/Drive-thru window.
 - z. Retail Sales and Services Establishments not otherwise listed for this zoning district as a permitted or conditional use.
 - aa. Retail Establishment, Mixed Sales.
- B. *Accessory Uses.* A property in the PSC district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.
- Permitted accessory structures and uses include but are not limited to the following:
- 1. Privacy and decorative fences and walls.
 - 2. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
 - 3. Signs, subject to all of the requirements regulating signage herein.
 - 4. Retaining walls and other site improvement structures approved as part of the development permit.
- C. *Conditional Subordinate Uses.* A property in the PSC district may be used for any of the following only upon approval as a conditional use by the City Council and provided that these uses in aggregate do not constitute more than 50% of the site area:
- 1. Residential Uses.
 - a. Reserved.
 - 2. Business Uses.
 - a. Animal Hospital, small animals.
 - b. Athletic Facility.
 - c. Automobile Service and Service Station.
 - d. Automotive Parts.
 - e. Bowling Alley.
 - f. Boutique Hotel.
 - g. Broadcasting Studio (radio or TV).
 - h. Convenience Center with gas pumps.
 - i. Dry Cleaning Plant.
 - j. Dry Cleaning Plant with pick-up station.
 - k. Fitness Studio.
 - l. Funeral Home with no cemetery or mausoleum.
 - m. Greenhouse, Nursery.
 - n. Golf, Miniature.
 - o. Hotel or Motel.

p. Hotel, Hybrid.

- q. Nail Salon.
 - r. Parking Lot, Commercial.
 - s. Pet Day Care.
 - t. Pet Grooming.
 - u. Print Shop.
 - v. Recreation Facilities, Indoor.
 - w. School, Commercial.
 - x. Shop or Studio, Craftsman/Artist.
 - y. Spa Services.
 - z. Special Event Facility.
 - aa. Theater, Cinema.
3. Semipublic Uses, Utilities.
- a. Auditorium.
 - b. Church, Synagogue.
 - c. Club, fraternity, association or lodge.
 - d. Heliport, public or private.
 - e. Libraries.
 - f. Museum.
 - g. Park or Playground.
 - h. Public Building.
 - i. Recreational Facilities (Outdoor).
 - j. School, Academic.
 - k. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
 - l. Wholesale Establishment.
 - m. Wireless Tower.

D. *District Regulations.*

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

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—40%.

Maximum Building Height—40 feet.

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

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

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

(Ord. No. 715 , § 2, 9-28-2015; Ord. No. 718 , §§ 3, 4, 12-14-2015; Ord. No. 741 , § 4, 6-5-2017; Ord. No. 744 , §§ 2, 4, 6, 7-10-2017; Ord. No. 767 , §§ 1—3, 10-22-2018; Ord. No. 808 , § 2(Exh. B), 9-8-2020; Ord. No. 836 , § 1(Exh. A), 10-4-2021; Ord. No. 843 , § 2(Exh. B), 4-18-2022)

2.2.17 L-I industrial.

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

1. Agricultural and Residential Uses.
 - a. Dwelling, Group (home-elderly, children, nursing).
2. Business Uses.
 - a. Animal Hospital, small and large animals.
 - b. Art Gallery.
 - c. Athletic Facility.

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

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

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- e. Mini-Warehouse.
 - f. Septic Tank Sales, Construction.
 - g. School, Commercial.
 - h. Storage, Inside and Outside.
 - i. Welding Shop.
 - j. Wholesale Trade Establishment.
4. Semipublic Uses, Utilities.
- a. Amphitheater.
 - b. Auditorium.
 - c. Church, Synagogue.
 - d. Heliport.
 - e. Hospital.
 - f. Library.
 - g. Museum.
 - h. Park or Playground.
 - i. Public Building.
 - j. School, Academic.
 - k. Switching Station, Telecom.
- B. *Accessory Uses.* A property in the L-I district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.
- Permitted accessory structures and uses include but are not limited to the following:
- 1. Privacy and decorative fences and walls.
 - 2. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
 - 3. Signs, subject to all of the requirements regulating signage herein.
 - 4. Retaining walls and other site improvement structures approved as part of the development permit.
- C. *Conditional Uses.* When reviewing a conditional use, consideration shall be given to factors associated with the use including, but not limited to, the following:
- 1. Site design.
 - 2. Property access.
 - 3. Hours of operation of the business.
 - 4. Vehicular trips generated by the use.
 - 5. Impact of the use on surrounding properties.
 - 6. Impact of the use on the natural features of the site.

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

1.0 *Business Uses.*

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

2.0 *Wholesale, Storage and Industrial Uses.*

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

3.0 *Semipublic Uses, Utilities.*

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

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

4.1 *General Standards.*

- a. No access to transfer station facility shall be allowed from streets that primarily access residential developments;
- b. Access streets shall be paved and shall be able to withstand maximum load limits established by the State of Georgia as approved by the Engineering Director;

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- c. No portion of a new transfer station shall be located within a three-mile radius of the property lines of an existing transfer station;
 - d. A minimum 200 foot undisturbed buffer and ten-foot improvement setback shall be required along all property lines except public rights-of-way;
 - e. A minimum 50 foot buffer and ten-foot improvement setback shall be required along all public rights-of-way;
 - f. A minimum six foot high solid fence or wall shall be located on property lines or interior to the required buffers and improvement setback;
 - g. Operation of the facility shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday; 9:00 a.m. to 7:00 p.m., Saturday; 12:00 p.m. to 5:00 p.m., Sunday (for routine maintenance and other non-operational facility activities).
 - h. Only municipal solid waste is accepted at the facility. No treated or untreated regulated medical waste, treated and destroyed medical waste or asbestos waste debris shall be accepted;
 - i. All solid waste is removed from the transfer station within 24 hours of receipt;
 - j. A transfer station with permanent operating mechanical equipment must have an attendant on duty whenever the facility is open;
 - k. The facility shall be designed and constructed in a manner to ensure that odor will not be emitted from the site;
 - l. The transfer facility must be cleaned at least once every 24 hours;
 - m. The entrance and exit shall be cleaned at a frequency which prevents the tracking or off-site migration of waste materials;
 - n. The operator shall take adequate measures to minimize the creation, emission, or accumulation of excessive dust and particulates;
 - o. The operator shall take adequate steps to control or prevent the propagation, harborage and attraction of pests;
 - p. All floors must be free from standing water. All drainage from cleaning areas must be discharged to sanitary sewers, authorized cleaning areas must be discharged to sanitary sewers, authorized sanitary waste treatment facilities, or a corrosion-resistant holding tank;
 - q. The facility shall provide fire suppression equipment as directed by the City of Alpharetta Fire Department;
 - r. All solid waste passing through the transfer station must be ultimately treated or disposed of at an authorized facility;
 - s. The transfer station must have adequate storage space for incoming solid waste;
 - t. Operational records must be maintained at facilities with permanent operating mechanical equipment. These records must include a daily log of the quantity of solid waste received and transported, specifying the origin by hauler and the destination of the solid waste transported daily;
 - u. The facility shall not generate more than 150 total vehicle trips per day;
 - v. An annual report must be submitted to the Community Development Department which summarized the information gathered in (t), above;
 - w. The facility shall be developed, operated and maintained in a safe, nuisance-free manner; and

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- x. The facility and its operation must be in compliance with GA EPD requirements.

4.2 *Additional Permit Application Requirements.*

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

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

- a. Unloading and loading areas.
 - (1) The unloading area must be adequate in size and design to facilitate efficient unloading from the collection vehicles and the unobstructed movement of vehicles;
 - (2) The unloading and loading pavement areas must be constructed of concrete or asphalt paving material and equipped with adequate drainage structures;
 - (3) Processing, tipping, sorting, storage, and compaction areas must be located within an enclosed building;

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- (4) Provisions must be made for weighing or measuring all solid waste transferred to the facility;
 - (5) Sufficient internal storage areas must be provided for incoming solid waste;
 - (6) Exhaust removal systems must be installed in enclosed areas; and
 - (7) The facility must be designed to accommodate expected traffic flow in a safe and efficient manner.

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

D. *District Regulations.*

Minimum lot size—one acre.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—35%.

Maximum Building Height—35 feet.

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

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

(Ord. No. 708 , § 1, 8-10-2015; Ord. No. 715 , § 3, 9-28-2015; Ord. No. 718 , §§ 7, 10—12, 12-14-2015; Ord. No. 741 , §§ 2, 3, 6-5-2017; Ord. No. 744 , §§ 2, 3, 5, 6, 7-10-2017; Ord. No. 808 , § 2(Exh. B), 9-8-2020; Ord. No. 835 , § 1(Exh. B), 10-4-2021; Ord. No. 836 , § 1(Exh. A), 10-4-2021; Ord. No. 843 , § 2(Exh. B), 4-18-2022)

2.2.18 OSR open space and recreational.

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

1. Semipublic Uses, Utilities.

a. Park or Playground.

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

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

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

1. Privacy and decorative fences and walls.
2. Clubhouse, swimming pool, tennis courts or other community recreation facilities.
3. Vehicle access and public parking areas.
4. Signs, subject to all of the requirements regulating signage herein.
5. Retaining walls and other site improvement structures approved as part of the development permit.

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

1. Semipublic Uses, Utilities.
 - a. Amphitheater.
 - b. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. *District Regulation.*

Minimum Lot Size—none.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—15 feet.

Rear yard—30 feet.

Maximum Coverage By Principal Buildings—20%.

Maximum Building Height—75 feet.

Screening and buffers—none.

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

2.2.19 SU special use.

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

1. Business Uses.
 - a. Golf, Miniature.
2. Semipublic Uses, Utilities.
 - a. Airport.
 - b. Amphitheater.

-
- c. Equestrian Center.
 - d. Fire Station.
 - e. Golf Course, Driving Range.
 - f. Heliport, Public/Private.
 - g. Hospital.
 - h. Library.
 - i. Museum.
 - j. Park or Playground.
 - k. School, Academic.
 - l. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
- B. *Accessory Uses.* A property in the SU district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.
- Permitted accessory structures and uses include but are not limited to the following:
- 1. Privacy and decorative fences and walls.
 - 2. Swimming pool, tennis court, patio and other recreation facilities.
 - 3. Clubhouse, swimming pool, or community recreation facilities serving a development.
 - 4. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
 - 5. Signs, subject to all of the requirements regulating signage herein.
 - 6. Retaining walls and other site improvement structures approved as part of the development permit.
- C. *Conditional Uses.* A property in the SU district may be used for any of the following only upon approval as a conditional use by the City Council:
- 1. Semipublic Uses, Utilities.
 - a. Cemetery.
 - b. Church, Synagogue, or other religious institutions.
 - c. Club, association or lodge.
 - d. Power Station.
 - e. Prison.
 - f. Public Building.
 - g. Recreation Facilities, Outdoor.
 - h. Wireless Tower.
- D. *District Regulations.*
- Minimum Lot Size—none.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—10 feet.

Rear yard—10 feet.

Maximum Coverage By Principal Buildings—70%.

Maximum Building Height—40 feet.

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

(Ord. No. 744 , § 6, 7-10-2017; Ord. No. 836 , § 1(Exh. A), 10-4-2021)

2.2.20 MU mixed use district.

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

A. *Applicability.* This zoning district is applicable to properties located within:

1. Areas that are primarily non-residential in character; or
2. Along major roadways that are primarily commercial in character; or
3. Historic Downtown Alpharetta; or
4. As noted in the Comprehensive Land Use Plan.

B. *Permitted Principal Uses.* A property in the MU district may be used only for those uses approved as part of the conditions of approval of the MU zoning on the property and as further limited below.

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

Dwelling, 'For-Rent' and 'For-Sale' units shall require conditional use approval as set forth in Table 2.2.

2. *Commercial:* At least 10% of the MU development shall be utilized as commercial uses (as approved in the MU master plan). Land use calculations shall utilize gross floor area for vertical mix of uses and land area for horizontal mix of uses.
3. *Open Space:* MU developments shall incorporate the following amounts and types of open space:
 - a. *All developments:* A minimum of 10% of the gross land area shall be designed for use as civic space in conformance with Sec. 2.10.10.C of the North Point Overlay.
 - b. *Developments with residential uses:* In addition to the requirements of "a" immediately above, each MU development containing residential uses shall provide a minimum of one acre of open space/100 population generated by residential uses. Household size shall be

calculated using the most current US Census data for the City of Alpharetta. This requirement shall not apply in the North Point Overlay, where alternate standards apply.

4. *Office/Institutional*: At least 25% of the MU development shall be utilized for office buildings. Land use calculations shall utilize gross floor area for vertical mix of uses and land area for horizontal mix of uses.
5. Redevelopment projects that incorporate existing buildings and do not conform to the dwelling, commercial, or office/institutional percentages set forth in "1", "2" or "4" above (prior to redevelopment) are not subject to said requirements when all of the following are met:
 - a. At least 75% of the total existing floor area remains after redevelopment; and
 - b. The total floor area of new construction does not exceed the total floor area of existing buildings to remain; and
 - c. The redevelopment does not increase the degree of non-conformity with regards to the percentages set forth in "1", "2" or "4" above.

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

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

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

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

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

Combination of Horizontal and Vertical Mixed Use:

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

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

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

1. Residential Uses:
 - a. Dwelling, Group (assisted living facility, congregate housing).
 - b. Dwelling, 'For-Rent'.
 - c. Dwelling, 'For-Sale', Attached and Detached.
 - d. Bed and Breakfast.
2. Commercial Uses:
 - a. Art Gallery.
 - b. Athletic Facility.

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

-
- b. Heliport.
 - c. Library.
 - d. Museum.
 - e. Park or Playground.
 - f. Public Building.
 - g. School, Academic.

D. *District Regulations.*

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

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

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

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

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

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

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

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

16. Number of office jobs internally captured on-site.

F. *Time Linkage/Concurrency.* In order to ensure that the objectives of MU district are met and development occurs which incorporates a mix of uses, a development phasing strategy or time line shall be established for each MU project, subject to the following:

1. *Open Space and Civic Space.* No certificate of occupancy for any use shall be issued until a proportional amount of required open space and civic space has been installed.

Furthermore, when reviewing the phasing strategy or timeline, the City Council may link the issuance of other permits and/or certificates of occupancy for a portion of the development with the completion of other portions of the development.

(Ord. No. 702, § 1(Exh. A), 3-2-2015 ; Ord. No. 732 , § 1, 2-6-2017; Ord. No. 741 , § 4, 6-5-2017; Ord. No. 744 , § 2, 7-10-2017; Ord. No. 749 , §§ 2, 3, 9-18-2017; Ord. No. 767 , § 4(Exh. A), 10-22-2018; Ord. No. 808 , § 2(Exh. B), 9-8-2020; Ord. No. 836 , § 1(Exh. A), 10-4-2021; Ord. No. 843 , § 2(Exh. B), 4-18-2022)

District	Lot Area	Lot ^B Width	Front Yd. Set Back (ft.) ^F	Side Yards (ft.)	Corner Side Yards (ft.)	Rear Yards (ft.)	Total Bldg. Coverage	Max. Ht. In (ft.)	Min. Flr. Area in Sq. Ft.	Max. Impervious Area ^A
AG	5 acres	200	50' local street 65' all other streets	25	35	50	25%	35	1,800	40%
RE	3 acres	100	50'/65'	25	35	50	25%	35	1,800	40%
R ^E	One acre	100	50'/65'	25	35	50	25%	35	1,800	50%
R-22 ^E	22,000 sq. ft.	100	35' local street 65' all other streets	25	35	30	25%	35	1,500	50%
R-15 ^E	15,000 sq. ft.	100	35' local street 65' all other streets	10	20	25	25%	35	1,500	50%
R-12 ^E	12,000 sq. ft.	80	30' local street 65' all other streets	10	20	30	25%	35	1,500	50%
R-10 ^E	10,000 sq. ft.	75	30' local street 65' all other streets	10	20	25	25%	35	1,500	50%
R-4A ^E	One acre	30	35' local street 65' all	20 ^C	20	30	40%	35	1,200	60%

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

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L-I	One acre	NONE	50' local street 65' all other streets	15	50' local street 65' all other streets	15	35%	35		80%
OS & R	NONE	NONE	50/60	15	50/65	30	20	75	NONE	NONE
SU	NONE	NONE	50/65	10	50/65	10	70%	40		80%
MU	25 acres	Cond.	Cond.	Cond.	Cond.	Cond.	Cond.	Cond.		80%

A - Includes surface or deck parking.

B - Minimum lot width at setback line per unit.

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

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

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

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

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

TABLE 2.2 LIST OF PERMISSIBLE AND CONDITIONAL USES

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

USES	AG	RE	R	R-22	R-15	R-12	R-10	R-4A	R-4D	R-8A/D	R-10M	CUP*	OI*	OP	C-1	C-2	PSC	LI	OS-R	SU	MU
Adult Entertainment Establishment																		O			
Airport, Public/Private	O											O	S					O		X	
Amphitheater												O	S					X	O	X	
Animal Hospital, Small Animal (Veterinarian)	O											O	S		O	O	S	X			
Animal Hospital, Large Animal	O																	X			
Art Galleries												O	S	O	X	X	O	X			O
Asphalt Plant																		O			
Athletic Facility												O	S		O	X	S	X			O
Auditorium	O											O	S	O	O	O	S	X			
Auto Sales and Leasing (Trucks, Vans, Cars and Accessories)												O				O		X			
Automotive Parts												O			O	X	S	X			

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Automotive Service & Service Station												O	S			X	S	X			
Bakery												O	S	O	X	X	O	X			O
Bank, Savings and Loan, Mortgage Company												O	O	X	X	X	O	X			O
Barber/Beauty Shop												O	S	X	X	X	O				O
Bed and Breakfast	X	O	O	O	O						X	O		X	X	X					O
Book Store or Stationery												O	S	A	X	X	O	X			O
Bottle Gas Storage and Distribution																		X			
Boutique Hotel												O	S			O	S	O			O
Bowling Alley												O	S		O	X	S	X			
Brewery												O	S		O	O	O	X			O
Broadcasting Studio (Radio and TV)	O											O	O			X	S	X			
Builder's Equipment/Material	O											O				O		X			
Car Wash													S			O	O	X			
Carpenter Shop, Woodworking	O																	X			
Carpet and Rug Sales															X	X	O	X			
Cemetery	O																			O	
Check Cashing															O	O		X			
Church, Synagogue	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	S	X		O	O

Clinic, Public/Private												O	O	X	X	X	O				O
Club, associations, or Lodge	O			O	O	O	O	O	O	O	O	O	O	O	O	O	S			O	
Concrete Plant																		O			
Congregate Housing, Assisted Living Facility										O	O	O		O	O			X		O	
Contractor's Office without outside storage												O	S	X	O	X		X			
Contractor's Office with outside storage												O				O		X			
Convenience Center w/Gas Pumps												O	S			X	S	X			
Country Club	O	O	O	O	O	O	O	O	O	O	O	O	S								
Dance Studio												O	S		X	X	O	X		O	
Day Care Center												O	O	X	X	X	O	X		O	
Discount Store																		X			
Distillery												O	S		O	O	O	X		O	
Drug Store (Pharmacy)												O	O		X	X	O	X		O	
Dry Cleaning, Pick- Up Station												O	S	O	X	X	S	X		O	
Dry Cleaning, Plant																		O			
Dwelling, 'For-Sale', Attached								X		X	X	O					O			O	

Dwelling, 'For-Sale', Detached	X	X	X	X	X	X	X		X	X		O					O				O
Dwelling, 'For-Rent'											X	O									O
Dwelling, Group											O	O	O		O	O					O
Equestrian Center	O	O	O	O	O							O								X	
Extended Stay Hotel (see Section 2.7)												O	S			O		O			
Family Day Care Home (accessory use)	X	X	X	X	X	X	X	X	X	X	X	O									
Farmlands (including Livestock, poultry)	X																				
Fire station												O	S							X	
Fireworks Sales																		X			
Fitness Studio												O	S	O	X	X	S	X			O
Florist, Retail												O	S	O	X	X	O				O
Funeral Homes with no cemetery or mausoleum												O	S		O	O	S	X			
Glass Fabrication																		O			
Golf Course, Driving Range	O	O	O	O	O	O	O	O	O	O	O	O	O					O		X	
Golf, Miniature												O	S		O	O	S			X	
Greenhouse, Nursery	O															O	S	X			
Grocery Store												O			O	X	O	X			O

Group Home, Special Care Home (accessory use)	X	X	X	X	X	X	X					O									
Hardware and Garden Supply Store												O			X	X	O	X			O
Heliport, Public/Private	O											O	O				S	X		X	O
Home Improvement Store															X	O	X				
Home-Elderly, Children, Nursing										O	O	O	O	O			X				
Hospital												O	O		O	X		X		X	
Hotel or Motel												O	S		O	O	S				O
<u>Hotel, Hybrid</u>												<u>O</u>	<u>S</u>			<u>O</u>	<u>S</u>	<u>O</u>			<u>O</u>
Indoor Shooting Range																		O			
Junk/Salvage Yard																		O			
Kennel	O																	X			
Laboratory, Research Commercial												O	S					X			
Laundry, Industrial												O						O			
Laundry, Self-Serve, Pick-Up												O			X	X	O	X			
Limousine Service and Taxi (with or without outside vehicle storage)																O		X			

Liquor Store												O	S		O	X	O	X			O
Locker, Frozen Food or Cold Storage												O						X			
Machine Shop																		X			
Manufacturing, Heavy, General																		O			
Manufacturing, Light												O	S					X			
Massage Therapy																O		X			
Medical Cannabis or Marijuana Dispensary																		O			
Mini-warehouse Storage, Conditioned or Unconditioned space																		X			
Museum and Libraries												O	O		X	X	S	X		X	O
Nail Salon												O			X	X	S	X			O
Office												O	O	X	X	X	O	X			O
Park or Playground	X	X	X	X	X	X	X	X	X	X	X	O	S	X	X	X	S	X	X	X	O
Parking Lot, Commercial												O	S		O	X	S	X			
Pawn Shop																		X			
Pest Control Business (with or without onsite chemical storage)															O	O		X			

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

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

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

(Ord. No. 671, § 1, 2-4-2013 ; Ord. No. 675, § 1, 6-3-2013 ; Ord. No. 692, § 1(Exh. 1), 7-21-2014 ; Ord. No. 703 , § 1, 6-1-2015; Ord. No. 704 , § 2, 6-1-2015; Ord. No. 708 , § 1, 8-10-2015; Ord. No. 715 , § 4, 9-28-2015; Ord. No. 718 , § 14(Exh. B), 12-14-2015; Ord. No. 730 , § 5, 12-5-2016; Ord. No. 741 , § 5(Exh. A), 6-5-2017; Ord. No. 744 , § 7(Exh. A), 7-10-2017; Ord. No. 767 , § 7(Exh. C), 10-22-2018; Ord. No. 772 , § 8(Exh. A), 2-4-2019; Ord. No. 808 , § 2(Exh. B), 9-8-2020; Ord. No. 813 , § 1(Exh. A), 10-26-2020; Ord. No. 835 , § 1(Exh. B), 10-4-2021; Ord. No. 836 , § 1(Exh. A), 10-4-2021; Ord. No. 843 , § 2(Exh. B), 4-18-2022)

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

SECTION 2.2 a. CONDITIONAL USE REVIEW CRITERIA	
When reviewing a conditional use, consideration shall be given to factors associated with the use including, but not limited to, the following:	
1. Site design	4. Vehicular trips generated by the use
2. Property access	5. Impact of the use on surrounding properties
3. Hours of operation of the business	6. Impact of the use on the natural features of the site

SECTION 1.4 DEFINITIONS

1.4.1 Use of words and phrases.

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

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

1.4.2 Defined terms.

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

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

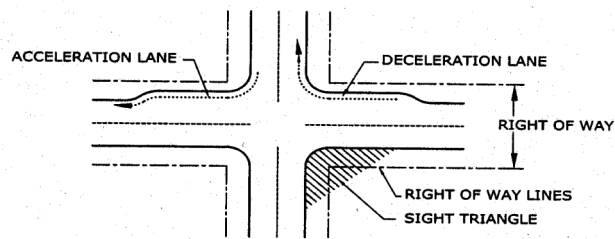


FIGURE 1

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

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

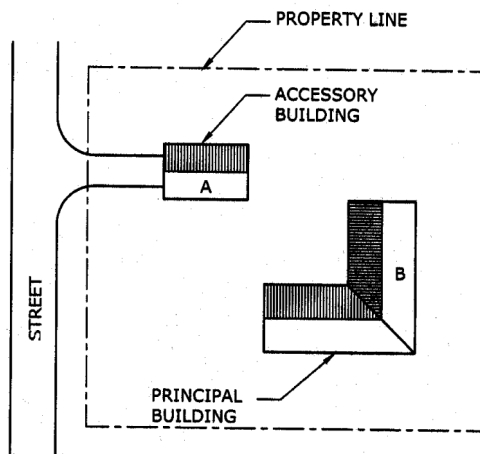


FIGURE 2

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

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

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

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

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

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

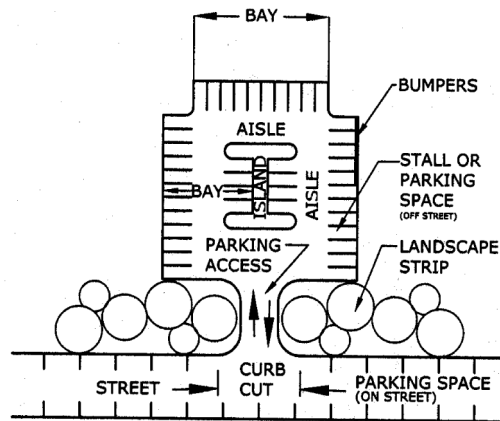


FIGURE 3

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

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

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

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

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

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

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

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

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

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

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

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

Assisted Living Facility. See Congregate Housing.

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

Athletic Facility. An establishment sometimes referred to as a health club or gym. These facilities are typically located in a large space containing special equipment, and may include indoor and/or outdoor courts (tennis, basketball, etc.) and swimming facilities, where people go to do physical exercise. Establishments tend to be general exercise facilities but often provide specialized classes. Businesses frequently include incidental (occupying no more than 10% of the floor area) related services such as, personal training, tanning beds, massage and stretch therapy, nutritional programs, cafe, juice bars, and retail sales.

Auditorium. An indoor building or structure designed or intended for use for the gathering of people as an audience to hear music, lectures, plays, and other presentations.

Auto Sales and Leasing. The use of any building, land area, or other premises or portions thereof, for the display, sales or lease of automobiles, trucks, vans, trailers or recreational vehicles, including internet transactions where most vehicles are not stored on site.

Automobile. A self-propelled, free moving vehicle, with at least four but no more than six wheels, designed primarily for the transportation of passengers or for conveyance of up to two tons of materials on a street or roadway.

Automobile Service Station. Any building, land area or other premises, or portion thereof used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories, or the provision of tune-up or light maintenance services for vehicles.

Automotive Service Establishment. A business principally engaged in the repair of automobiles or other motorized vehicles, or the installation or repair of equipment or parts on motorized vehicles such as mufflers, brakes, tires, radios, transmissions, and engines or engine parts.

Bakery. An establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on or off site. Such use may include incidental food service.

Bank. A freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds. This may include credit unions, savings and loans, and traditional banks.

Barber Shop. Any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

Basement. An area below the first floor of a building used for storage, garages, and utilities or for common use of the occupants of the building. A basement used for any one or more of the above purposes shall not be counted as a story.

Beauty Shop. Any commercial establishment, residence, vehicle, or other establishment, place, or event wherein cosmetology is offered or practiced on a regular basis for compensation, excluding such types of services requiring customers to disrobe.

Bed and Breakfast. A building in which lodging and meals are provided for no more than seven (7) guest rooms and one (1) owner's suite and meals are served in a common dining room. Lodging facilities and services are provided for transient guests for an average stay of less than 7 days and offered to the public for compensation. Bed and Breakfast does not include retail uses, public bar, conference center or special event facilities. Guest rooms within the building shall contain no equipment for food preparation other than a coffee maker, mini-fridge and/or microwave. There shall be no self-serve laundry facilities (for guests use) within the building. Access to each guest room shall be through the interior of the building.

Berm. A mound of earth, or the act of pushing earth into a mound.

Block. A tract of land bounded by streets or a combination of streets and public land, rights-of-way or any other barrier to the community or development.

Board of Appeals. The appointed Board of Appeals of the City of Alpharetta.

Boarding House. A dwelling where more than two, but fewer than six rooms are provided for lodging for definite periods of times. Meals may or may not be provided, but there is one common kitchen facility. No meals are provided to outside guests.

Book or Stationery Store. An establishment for the sale or distribution of books and miscellaneous stationery by direct retail sales to the public.

Bottled Gas Storage and Distribution. An establishment where gas is stored for wholesale distribution.

Boutique Hotel. A high quality hotel which contains less than 120 rooms located in a unique setting, such as the City's Downtown, mixed-use developments and/or an entertainment district. The building shall reflect a unique exterior architecture and interior design compatible with the area in which the hotel is located. The boutique hotel shall provide guests with high quality services, such as, but not limited to, concierge, on-site restaurant, room service, meeting space, business center, banquet facilities, spas, doormen, valet parking, boutiques and/or other amenities. Guest rooms within the building shall contain no equipment for food preparation other than a mini-fridge and/or microwave. There shall be no self-serve laundry facilities (for guests use) within the building. Access to each guest room shall be through an inside lobby supervised at all hours.

Brewery. A facility where malt beverages are manufactured or brewed.

Broadcasting Studio. An establishment for the dissemination of radio, television, satellite, or similar medium, which may include a transmission tower.

Buffer Area or Buffer Strip. That portion of a lot set aside for open space and screening purposes pursuant to applicable provisions of this Ordinance to separate different zoning districts or uses on one property from uses on another property. A required set back area may not be included in a required buffer area or visa-versa.

Buffer, Undisturbed. An area of land as defined above that exists in its natural state without intrusion or alteration. The addition of landscaping into areas of sparse vegetation within undisturbed buffers does not constitute intrusion or alteration.

Buildable Area. See "Lot Building Area."

Builder's Equipment. An area designed or intended for the storage and use of equipment or materials common in the construction trade. This may not include sales of such equipment or materials.

Building. Any structure built for or intended for occupancy, storage or shelter of persons, animals, personal or business property, or machinery of any kind which is entirely separated from any other structure.

Building Code. The latest edition of all codes relating to the construction of buildings and their mechanical, electrical and other systems, as adopted by the City of Alpharetta pursuant to the Georgia Uniform Building Code Act and also referred to as the Standard Building Code.

Building Frontage. The linear width of a building facing or most nearly facing a street.

Building Height. The vertical distance between the "ground" and the level of the highest point of the roof surface of a flat roof, the deck line of a mansard roof, and to the mean height level between eaves and ridge of a gable, hip or gambrel roof. For the purpose of measuring building height, the "ground" level is the highest of the following three levels: curb level; established or mean street grade if no curb exists; or the average existing ground level adjoining the building if the building is setback more than 10 feet from the street line.

Building Inspector. The Building Official of the City of Alpharetta or the Building Official's designated representative.

Building Site. A parcel or lot or land occupied or intended to be occupied by a building or structure having not less than the minimum area permitted by the code.

Bus Shelter. A small, roofed structure, having from one to three walls, located near a street, and designed primarily for the protection and convenience of bus passengers.

Car Wash. Any building or premises or portions thereof dedicated to use for washing automobiles; or a structure containing facilities for washing automobiles.

Carpenter Shop. An establishment utilized for the manufacture or assemblage of wood into usable forms for sale and distribution.

Carpet and Rug Sales. An establishment for the retail or wholesale sale of floor coverings.

Cemetery. Land used or dedicated to the burial or internment of human or animal remains, including crematoriums, mausoleums, necessary sales, and maintenance facilities.

Center Line of Street. Any line surveyed as such by the City of Alpharetta or the Georgia Department of Transportation or their designee, or, if no such survey exists, the line which is midway between the edge of pavement or back of curb of a street.

Central Business District (CBD). That portion of the City bounded by Mayfield Road to the North, Old Milton Parkway to the South, Haynes Bridge Road and Highway 9 to the east and Roswell and Canton Streets to the west. (see page 2-103)

Certificate of Occupancy. A document issued by the Director indicating that a particular building conforms with the requirements of this Ordinance and the building is complete and ready for use.

Church. A facility incorporating one or more buildings where religious services are conducted.

City. The City of Alpharetta, Georgia.

City Administrator. The Chief Operating Officer of the City of Alpharetta or his designee.

City Clerk. The City Clerk of Alpharetta, Georgia, or the City Clerk's designated representative.

City Council or Mayor and Council. The legally constituted and elected governing body of the City of Alpharetta, Georgia.

Clinic. An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists, medical professionals, or social workers and where patients are not usually lodged overnight.

Club. Buildings and facilities owned or operated by an association or persons for a social or recreational purpose.

Collection Box. A container, trailer, vehicle or other structure, used for the purpose of acquiring donated goods, by a for-profit or not-for-profit entity.

Commercial Parking Lot. An area or structure dedicated to the temporary storage of automobiles or other vehicles for periods of less than 24 hours for a fee, operated as the principal use of the property or structure.

Community Development Director. The Director of the Community Development Department or his designee.

Comprehensive Plan (CP). The long-range plan for guiding development in the City of Alpharetta and the City's urban area to a point in time at least 15 years from when the plan was adopted, with the overall goal being to accommodate development in a timely, orderly, and efficient arrangement of land uses and public facilities and services that meet the needs of present and future residents and businesses.

Concept Plan. A generalized map presenting an image or representation of a proposed development, and showing those plan elements as further required by this Ordinance.

Concrete Plant. A business which manufactures, mixes, or blends concrete products for distribution.

Conditional Use. A use that generally would not be appropriate throughout a zoning district but which, if controlled as to visual appearance, number, area, height, location, or relation to abutting or nearby uses, would not be injurious to the public, health, safety, welfare, morals, order, comfort, convenience, appearance or general welfare. Such uses may be permitted only in zoning districts specified in this Ordinance and are subject to conditions and approval by the Mayor and Council.

Condominium. A legal form of multiple ownership consisting of a building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

Condominium, Office. An office building (or group of buildings) organized, owned and maintained as a condominium.

Condominium, Residential. A building type consisting of individual units located within a single structure. The structure normally has at least two, but no more than six stories. The structure is designed to appear as a single building with no architectural distinction between the units. Architectural elements such as materials, colors and windows are repeated consistently throughout the building and there is usually a single roof element and a single point of primary entry. The architectural style typically expresses the horizontal lines of the building which then accentuates the floors of the building as a primary visual element. The common areas of the building such as the elevators and lobby may be expressed as special features on the main elevations of the structure.

Congregate Housing. Any group dwelling or facility licensed by the state, public or private, which for gain or otherwise, regularly provides one or more persons with assisted living care. The term "assisted living care" means specialized care and services including the provision of personal services, the administration of medications by a certified medication aide and the provision of assisted self-preservation. The term "personal services" includes, but is not limited to, individual assistance with or supervision of self-administered medication, assistance, essential activities of daily living such as eating, bathing, grooming, dressing, toileting, ambulation and transfer. The term "assisted self-preservation" means the capacity of a resident to be evacuated from an assisted living facility to a designated point of safety and within an established period of time as determined by the Office of Fire Safety Commissioner. Assisted self-preservation is a function of all of the following:

1. The condition of the individual.
2. The assistance that is available to be provided to the individual by the staff of the assisted living facility; and
3. The construction of the building in which the assisted living facility is housed, including whether such building meets the state fire safety requirements applicable to an existing health care occupancy.

Construction Trailer. A temporary structure used as an office and located on an active construction site.

Contractor's Office with outside storage. A room or group of rooms used for conducting business that includes an enclosed exterior space for the storage of business related equipment and supplies.

Contractor's Office without outside storage. A room or group of rooms used for conducting business that does not use any exterior storage area.

Convenience Center with Gas Pumps. A facility that combines a small retail store with the sale and dispensing of gasoline products.

Convenience Store. A retail establishment primarily selling packaged food and household convenience items, which may also dispense automobile fuel, oil and accessories. Excluded from this definition is any establishment providing automotive maintenance services or repairs.

Craftsman Shop or Studio. A facility where products are made or serviced on an individual basis without the use of mechanized or assembly line production equipment.

Curb Break or Curb Cut. Any interruption or break in the line of a street curb for the purpose of connecting a driveway to a street, or otherwise to provide vehicular access to abutting property.

Data Center. A building or complex of buildings in which a substantial portion of the gross square footage is dedicated to the housing of computer or data processing equipment or systems.

Day Care Center. Any establishment operated by an individual, partnership, society, agency, corporation, institution or group, and licensed by or registered with the State of Georgia as a group day care home or day care center, which enrolls therein for pay, for supervision and care, seven or more children or adults. Such facility may provide supervision, care, education, recreation and specialized programmings but does not provide overnight accommodations.

Deed. An instrument that conveys or transfers title to land or other real property.

Density. The average number of dwelling units or gross square feet of building floor area per gross acre of land. For an individual property, the density shall be calculated by dividing the total dwelling units or gross square footage of the building by the total gross acres of the property that existed when originally approved for its current zoning district.

Design Review Board. The Design Review Board of the City of Alpharetta, as established by this Ordinance and appointed by the Mayor and Council.

Development Activity. The construction of public improvements, site improvements, or buildings, including any alteration of a property in preparation for such construction. Development Activity shall also include the "thinning" or removal of trees from undeveloped land in conjunction with a forest management program, and the removal of trees incidental to the development of land or to the marketing of land for development.

Director. Unless otherwise specified, the Director of Community Development of the City of Alpharetta, Georgia, or the Director's designated representative.

Discount Store. A retail store that sells new or used goods or products at prices lower than traditional retail outlets. Discount stores principally engage in offering a category of similar goods or a wide assortment of goods for sale to the general public. This includes, but is not limited to, swap shops, flea markets, antique malls, donation centers, surplus stores and thrift stores.

Distillery. A facility where distilled spirits are manufactured (distilled, rectified or blended).

Downtown Overlay. That portion of the City generally bounded by Canton Street and Mayfield Road to the North; Wills Road and the western boundaries of Milton Manor and Milton Estates Subdivisions to the West; South Main Street, Old Milton Parkway and the southern boundary of Alpha Park Subdivision to the South; and Westside Parkway and the eastern boundary of Alpha Park Subdivision to the East. The study area of the City of Alpharetta Downtown Master Plan shall be shown on the Official Zoning Map and labeled "Downtown Overlay." In the event of a conflict between the general description set out herein and the Map, the Map shall control.

Drainage. See Article III, Section 3.1 for all definitions relating to drainage and storm water control.

Drive or Driveway. A surfaced asphalt or concrete area on a lot which provides direct access for vehicles between a street and a private garage, carport or other permitted parking space or parking area or loading area.

Dry cleaning, pick-up station. An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

Dry cleaning plant. A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and/or agitation, and other processes incidental thereto.

Duplex (or semi-detached). A building type consisting of two independent units that are attached by a common side wall, floor and/or ceiling. Such units normally have at least two, but no more than four floors. These units may share a common front door and are sometimes designed to appear as a single unit.

Dwelling, 'For-Rent' (Downtown Overlay).

- a. Unit—A residential unit designed to be leased or rented and occupied by a single family tenant and located within the Downtown Overlay (map A).
- b. Building—A structure incorporating multiple rental units. (See Apartments.)
- c. See Section 2.7 Standards for Downtown Overlay.

Dwelling, 'For-Rent' (Outside of Downtown Overlay).

- a. Unit—A residential unit designed to be leased or rented and occupied by a single family tenant.
- b. Building—A structure incorporating multiple rental units. (See Apartment.)
- c. See Section 2.7 Standards for Units (outside of Downtown Overlay).

Dwelling, 'For-Sale'.

- a. Detached—A free-standing residential unit designed to be purchased and occupied by a single family.
- b. Attached—A residential unit attached to other residential units and designed to be purchased and occupied by a single family.
- c. Condominium—A type of property ownership in which a 'For-Sale' unit is purchased and the purchaser of each unit acquires full title to the unit and an undivided interest in the common elements (the land, roof, elevator, etc.).

Dwelling, Group. A building or portion of a building occupied or intended for occupancy by a number of unrelated persons or families, but in which separate cooking facilities are not provided for such resident persons or families. The term "group dwelling" includes but is not limited to the terms rooming house, apartment hotel, nursing home, fraternity or sorority house, YMCA or YWCA. A hotel, motel or bed and breakfast tourist home shall not be deemed to be a group dwelling as herein defined.

Dwelling Unit. One or more rooms connected together and constituting a separate, independent housekeeping establishment designed for use by one family with provision for cooking, eating, sleeping, bathing and personal sanitation, and physically set apart from any other rooms or dwelling units in the same structure or another structure.

Easement. A grant by a property owner of any designated part of a property for the use by another for a specified purpose without transfer of title or right of ownership.

Egress. An exit.

Electric power yards, substation. All equipment, fixtures, and personal property operated or maintained in connection with the production of electricity using any source of thermal, steam, wind, or solar energy with a generating capacity of more than 500 kilowatts and less than 50 megawatts.

Existing Use. The use of a lot or structure at the current time or another time if so designated.

Extended Stay Hotel. ~~A building in which lodging is provided for transient guests for an average stay of less than one (1) month and offered to the public for compensation and A building containing guest rooms for lodging, offered to the public for compensation, which are advertised, designed, intended or routinely utilized for weekly or monthly occupancy, or in which at least 30% of all~~ guest rooms have facilities for the refrigeration and preparation of food by guests, such as a refrigerator and a cooktop/stove (or a refrigerator, a microwave, and a dishwasher or kitchenette sink), and a self-serve laundry facility is available for guests use. For the purposes of this Code,

extended stay hotels, [hybrid hotels](#), and hotels (or motels) are separate and distinct uses. See Section 2.7.3, [and Section 2.7.8](#).

Family. One or more persons related by blood, adoption, guardianship or marriage and/or not more than three unrelated persons, living and cooking together as a single, nonprofit housekeeping unit.

Family Day Care Home. An accessory use within a private residence, licensed by or registered with the State of Georgia as a family day care home, operated by the occupant of the dwelling who enrolls for pay, for supervision and care without overnight accommodations, three but not more than six children or adults.

Fast Food Restaurant. See Restaurant, Drive-thru or Fast Food.

Fence. A structure made of manufactured materials—and used for the purpose of defining a boundary, creating an enclosure, providing security, privacy or screening, or as a means of protection.

Fitness Studio. An establishment where equipment or instruction is provided for a specialized activity related to physical well-being such as, personal training, dance, martial arts, boxing, yoga, barre and other forms of similar physical exercise. These facilities are typically located in a smaller space due to their focused specialty. Businesses frequently include incidental (occupying no more than 10% of the floor area) related services such as, tanning beds, massage and stretch therapy, nutritional programs, cafe, juice bars, and retail sales.

Flood Control. See Article III, Section 3.4, for definitions relating to flooding and flood control.

Floor Area. The total number of square feet of heated floor space within the exterior walls of a building.

Floor, First. The location within a building in which the primary egress and ingress are provided.

Florist, Retail With Greenhouse. Any business establishment which, as its primary business, sells at retail flowers and ornamental plants. A greenhouse or nursery for the growing of plants, or another open or enclosed supplemental display area outside the establishment, is permitted as a normal accessory use.

Florist, Retail Without Greenhouse. Any business establishment which, as its primary business, sells at retail flowers and ornamental plants. A greenhouse or nursery for the growing of plants, or another open or enclosed supplemental display area outside the establishment, is not permitted.

Frontage Lot or Street Frontage. The width in linear feet of a lot where it abuts the right-of-way of any street from which access may be directly gained.

Funeral Home. A building used for the preparation of deceased human beings for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

Future Land Use Map. The map named as such and contained in the Comprehensive Plan that indicates areas appropriate for various land uses and public facilities over time and as described in the Comprehensive Plan text.

Garage Sale. The sale or offering for sale of miscellaneous personal items on a residential zoned lot, (not including churches and schools).

Garden District. That portion of Canton Street bounded by Church Street to the south and Hopewell Road to the north.

Gasoline Station. A facility where primary use is the dispensation of fuels. (Also see Convenience Center with Gas Pumps)

Gazebo. An accessory, open air structure not exceeding 300 sq. ft. in size.

Governing Body. The Mayor and Council of the City of Alpharetta, Georgia, under whose authority this Ordinance is enacted into law, administered, and enforced.

Grade. The degree rise or descent of a sloping surface. The average elevation of the sidewalk or crown of road surrounding a building site.

Grade, Finished. See Section 3.1, "Site Grading and Land Disturbance."

Greenhouse. A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants for subsequent sale or for personal enjoyment.

Greenspace. All that area of land that can be landscaped or planted, allows natural passage through by water, and is not covered by manmade materials or structures such as buildings or paving.

Group Home. A dwelling shared by four or fewer persons, excluding resident owner, (or no more than six persons including the resident owner), who live together as a single housekeeping unit and in a long term, family-like environment in which the resident owner, serving as the primary caregiver to the residents, provides care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. 1. No group home shall be located within 2,000 ft. of another group home as measured at the property line. 2. A group home shall be limited to one structure and multiple structures located near one another shall not be considered components of one group home. Each structure shall meet distance requirements. The term "group home" shall not include a halfway house, a treatment center for alcoholism or drug abuse, and work release facility for convicts or ex-convicts, a home for detention and/or rehabilitation of juveniles adjudged delinquent or unruly and placed in custody of the state or other housing facilities serving as an alternate to incarceration. The term "group home" shall also not allow the use of a dwelling as an apartment or duplex. A "group home" shall not allow use of the dwelling as a home for individuals on parole, probation, or convicted and released from incarceration, for any crimes including child molestation, aggravated child molestation, or child sexual abuse, as defined in O.C.G.A. 16-6-4 or individuals required to register as sex offenders pursuant to O.C.G.A. 42-1-12. A group home may include a home for the handicapped. As used in this subsection, the term "handicapped" shall mean:

1. Having a physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently;
2. Having a record of having such an impairment; or
3. Being regarded as having impairment.

However, the term "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals.

Hardware Store. A facility of 30,000 or fewer square feet gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliance, garden supplies, etc.; if greater than 30,000 square feet, such a facility is a Home Improvement Center.

Home Improvement Center. A facility of more than 30,000 square feet gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders hardware, paint and glass, houseware and household appliances, garden supplies, and cutlery.

Home Occupation. Any activity carried out as a business and/or for profit by the resident and conducted as an accessory use in the resident's dwelling unit.

Hospital. A building providing primary or tertiary health services and medical or surgical care to persons including in-patients and out-patients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

Hotel (or Motel). A building in which lodging along with customary lodging facilities and services, such as meeting rooms, restaurant, maid service and fitness center, are provided for transient guests for an average stay of less than 7 days and offered to the public for compensation. Hotel services shall include the provision of food

and beverage services suitable for both guests and groups, on-site restaurant, lounges, group meeting spaces with banquet facilities and selective amenities, such as but not limited to spas, banquet rooms, doormen, valet parking, concierge, and high-end restaurant and boutiques. Guest rooms within the building shall contain no equipment for food preparation other than a mini-fridge and/or microwave. There shall be no self-serve laundry facilities (for guests use) within the building. Access to each guest room shall be through an inside lobby supervised at all hours.

Hotel, Hybrid. A building in which lodging along with customary lodging facilities and services, such as meeting rooms, restaurant, maid service and fitness center, are provided for transient guests for a mix of short- and long-term stays. The hybrid hotel primarily provides lodging for transient guests for an average stay of less than 7 days and offered to the public for compensation. No more than 30% of guest rooms may provide lodging for transient guests for long-term stays up to one year. Hotel services shall include the provision of food and beverage services suitable for both guests and groups, on-site restaurant, lounges, group meeting space with banquet facilities and selective amenities, such as but not limited to spas, banquet rooms, doormen, valet parking, concierge, and high-end restaurant and boutiques. Guest rooms within the building shall not contain equipment for food preparation other than a mini-fridge and/or microwave, except that rooms provided for longer stays may have equipment for food preparation. There shall be no self-laundry facilities (for guest's use) within the building, except that rooms provided for longer stays may have self-laundry facilities. Access to each guest room shall be through an inside lobby supervised at all hours.

Improvements. The buildings, public utilities and facilities, and accessory structures built on or serving a property.

- A. *Public Improvements.* Any structure, owned by or to be dedicated to a government or a utility regulated by the Georgia Public Service Commission, together with its associated public land, easement or right-of-way, necessary to provide transportation, drainage, public or private utilities, or other public services such as education, recreation, or public safety.
- B. *Site Improvements.* Any structure, other than a principal building or a structure intended for dedication to public ownership, constructed to support or provide for the use or occupancy of a property, such as driveways, parking and loading areas, retaining walls and other earthen works, erosion and sedimentation control facilities, stormwater drains and detention facilities, and connections to public water, sewer or other utilities.

Industrial Park. A development that contains a number of separate industrial buildings and supporting uses on one or more lots, which is designed, planned, constructed and managed on an integrated and coordinated basis.

Industrialized Buildings. Prefabricated structures as defined in O.C.G.A. 110-2 and usually used for a limited time period such as for a site construction office, portable classroom and site real estate office.

Ingress. Access or entry.

Island. In parking lot and street design, built-up curbs (and in parking lots usually placed at the end of parking rows) as a guide to traffic and also used for landscaping, signing or lighting.

Junk or Salvage Yards. Any area, lot, land, parcel, building or structure or part thereof used for the storage, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or two or more unregistered, inoperable vehicles or other type of junk. See Also "Recycling Center."

Kennel. An establishment in which more than six dogs or other domesticated animals more than one year old may be housed, groomed, bred, boarded, trained or sold.

Laboratory, Research or Commercial (also see *Research and Development*). A facility that provides controlled conditions in which scientific or technological research, experiments, and measurement may be performed. At the Federal level, four levels of laboratory biosafety have been created. The levels denote the types of actions, administrative (procedures, training or physical controls (protective gear, filtration) that should be used to contain

the agent(s) being worked with. Containment means protection of the lab workers, those in the building, and the greater environment. Containment level limited to biosafety levels 1, 2 and 3.

Land Disturbance Permit. A permit issued by the City that authorizes Development Activity, and includes, but is not limited to, activity related to soil erosion control, clearing and grubbing, grading, public and site improvements. This permit does not authorize building construction.

Land Use. See "Use," "Principal Use," and "Accessory Use."

Landscape Strip. A portion of a lot required to be reserved for, installed with, and maintained with vegetation. Such a strip may or may not be required to be of a linear form. No utilities or parking shall be allowed within a required landscape strip.

Loading Space, Off-street. A space or berth used for the loading or unloading of commercial vehicles, trucks or other vehicles.

Lot. A portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership or for development or both. In determining the area and dimensions of a lot, no part of the street right-of-way or private street easement may be included.

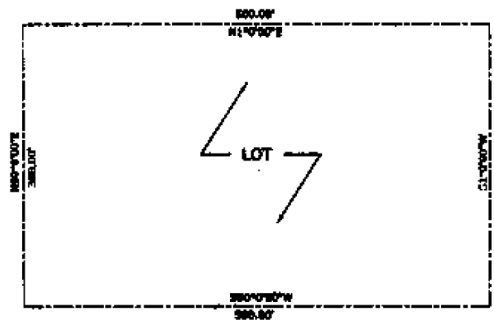


FIGURE 4

Lot Building Area. The portion of a lot located interior to the front, side and rear yard building setback lines; that is, the portion of a lot wherein a building may be located.

Lot, Corner. A lot abutting two or more streets at their intersection.

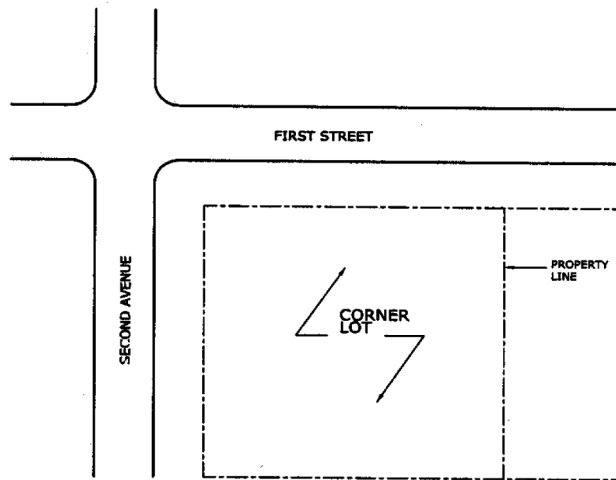


FIGURE 5

Lot Coverage. That portion of the lot that is covered by buildings, structures, and any other impervious surface.

Lot Depth. The distance between front and rear lot lines. If front and rear lines of said lot are not parallel, such least dimension shall be deemed to be the lot depth.

Lot, Double Frontage. A lot which has frontage on more than one street, provided however, that no corner lot shall qualify as a double frontage lot unless said corner lot has frontage on three or more streets.

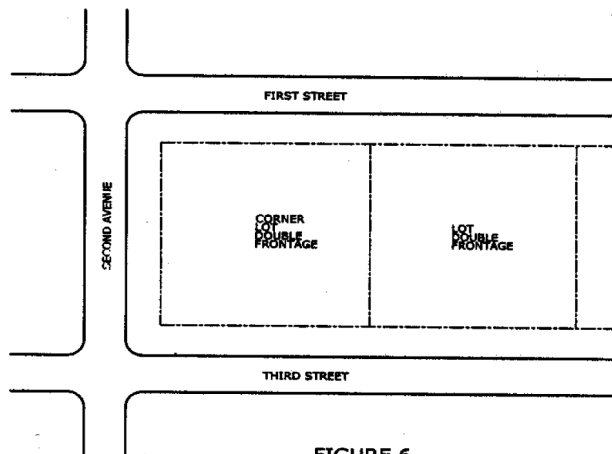


FIGURE 6

Lot, Flag. An "L" shaped lot whose frontage is provided by the driveway access which ties the buildable portion of the property to the street.

Lot Frontage. See "Frontage."

Lot Line. A line of record bounding a lot which divides one lot from another lot or from a street or any public space.

- A. *Front Lot Line.* Any boundary line of a lot which is coterminous with a public street right-of-way line or private street easement line. For a corner lot, the narrow portion is usually considered the front.
- B. *Rear Lot Line.* Any boundary line of a lot which does not intersect with a street right-of-way or private street easement line and which is usually opposite of the front lot line.

- C. *Side Lot Line.* Any boundary line of a lot which intersects with a street right-of-way or private street easement line.

Lot of Record. A lot which exists as shown or described on a plat or deed recorded in the Office of the Clerk of the Superior Court of Fulton County.

Lot Width. The distance measured between side lot lines at the front minimum setback line between intersecting lot lines.

Lot Width—Cul-de-sac. The distance measured between side lot lines at the point of the property that is twice the front setback requirement from the front property line.

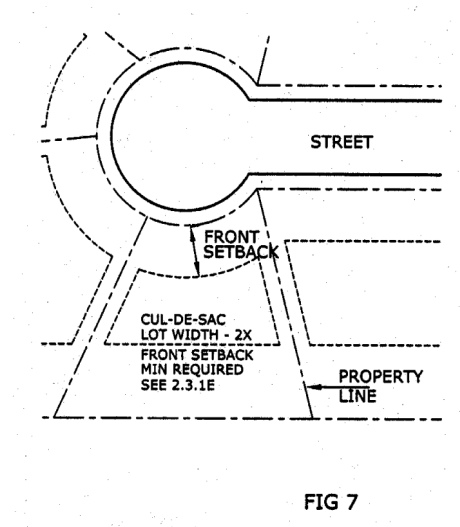


FIG 7

Mansard Façade. An architectural appendage or embellishment to a flat topped structure which is attached to the front external wall and if intended to create the appearance of a mansard roof. See also "Roof."

Manufactured Building. A factory-built, structure that meets national standards for manufactured buildings.

Manufacturing, Heavy. The extraction of natural resources or the transformation of raw materials through mechanical or chemical means into new products ready for assembly, fabrication or use in the production of finished goods.

Manufacturing, Light. The fabrication or assembly of parts into a finished product or component products.

Marquee. Any hood, canopy, awning or permanent construction which projects from a wall of a building, usually above an entrance.

Massage Therapy. The manipulation and/or treatment of soft tissues of the body, including, but not limited to, the use of effleurage, petrissage, pressure, friction, tapotement, kneading, vibration, range of motion stretches, a system of structured touch, pressure, movement, and holding to the soft tissue of the body, and any other soft tissue manipulation whether manual or by use of massage apparatus, and may include the use of water, oils, lotions, creams, lubricants, salt glows or scrubs, hydrotherapy, heliotherapy, hot packs, cold packs or other topical preparations. Such business shall be located within a zoning category allowing retail use, shall not occupy more than 4,000 sq. ft. and shall not be closer than 2,000 ft. to a comparable business. The term "massage" or "massage therapy" shall not include diagnosis, the prescribing of drugs or medicines, spinal or other joint manipulations, or any service or procedure when performed by a person who is licensed by the state to practice chiropractic, physical therapy, podiatry or medicine. Further, the term "massage" or "massage therapy" shall not include the following when lawfully performed by a natural person licensed or certified by the state board of cosmetology

while engaged in the practice authorized by such state license (or certificate of registration) in accordance with, and as further regulated by, the state licensing laws set forth in O.C.G.A. § 43-10-1 et seq.:

- (1) Touching of the scalp or face by a state-licensed barber or cosmetologist;
- (2) Touching of the hands or feet by a state-licensed nail technician or cosmetologist; and
- (3) Touching of the face, neck, décolletage, or arms by a state-licensed esthetician or cosmetologist. It shall be unlawful to establish a massage establishment in the city, unless said establishment is located:
 - (1) At least 300 feet from State Route 9;
 - (2) At least 300 feet from State Route 120; and
 - (3) At least 300 feet from any parcel occupied by a house of worship, public or private elementary or secondary school/public park, state-licensed day care facility, or any residence.

The foregoing minimum distance requirements shall not apply to any massage establishment located within a mixed use development in the MU district. For the purpose of this subsection, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest point on a boundary line of the massage establishment parcel to the closest point on the State Route 9 or State Route 120 right-of-way, or to the closest point on a boundary line of any parcel containing a house of worship, public or private elementary or secondary school, public park, or residence.

Master Plan. A plan map and associated statement of intent which, at least, includes a depiction of pods, roads, buffers, flood areas, permitted uses and development regulations which represents the framework for development activity on a property. See also "Concept Plan."

Median Break or Cut. Any interruption in the curb separating opposing vehicular travel lanes of a street for the purpose of allowing ingress or egress by left turning movements to a street, or abutting property.

Medical Cannabis Dispensary or Medical Marijuana Dispensary. Any business premises that sells, distributes, or otherwise dispenses "low THC oil" and/or any related "product" (as those terms are defined in O.C.G.A. § 16-12-200(12), (15)), pursuant to a "dispensing license" (as that term is defined by O.C.G.A. § 16-12-200(9)); provided, however, that any pharmacy (as that term is defined in O.C.G.A. § 26-4-5(30)(B)) that holds such a dispensing license shall not be deemed a Medical Cannabis Dispensary or Medical Marijuana Dispensary. Every such dispensary shall adhere to all applicable state and local laws, rules, regulations, and ordinances, including, but not limited to, O.C.G.A. §§ 16-12-200 to 16-12-236 and the rules and regulation promulgated by the Georgia Access to Medical Cannabis Commission. A Medical Cannabis Dispensary or Medical Marijuana Dispensary shall not be closer than 2,000 ft. to a day care center or early care or education program, public or private school, religious institution or place of worship, government building, park, residential dwelling, residential substance abuse diagnostic or treatment facility, any licensed drug or alcohol rehabilitation facility, or any other medical cannabis dispensary or medical marijuana dispensary, and the distance shall be measured from property boundary to property boundary.

Medical Cannabis Production Facility or Medical Marijuana Production Facility. Any business premises which produces and/or manufactures "low THC oil" and/or any related "product" (as those terms are defined in O.C.G.A. § 16-12-200(12), (15)), pursuant to a "Class 1 production license" or "Class 2 production license" (as those terms are defined by O.C.G.A. § 16-12-200(3), (4)). This use is a prohibited use in all zoning districts.

Metes and Bounds. A method of describing the boundaries of land by directions and distances from a known point of reference.

Mezzanine. An intermediate floor between two other stories that does not contain more than 1/3 of the area of the floor below it.

Mini-Warehouse. A structure containing separate storage spaces of varying sizes leased or rented on an individual basis.

Mobile Home. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling. 'For-Sale', with or without a permanent foundation when connected to public utilities. The term mobile home shall not include motorized vehicles with temporary living quarters. Mobile homes built after 1976 are referred to as "Manufactured Homes" or "Industrialized Buildings".

Mobile Home Park. A site with required public and/or private improvements and utilities for the long-term parking of two or more mobile homes or manufactured homes each on a single lot, and which may include such accessory uses as retail convenience sales, Laundromat, and recreational facilities for the exclusive use of residents.

Motel. See "Hotel".

Mural. A hand-painted, hand-tiled, or digitally printed restorative image on the exterior wall of a building or other permanent surface.

Nail Salon. An establishment that offers nail care services such as manicures, pedicures, and nail enhancements, excluding such types of services requiring customers to disrobe.

Natural Resources Commission. The appointed natural resources commission (formerly known as the Tree Commission) for the City of Alpharetta.

Neighborhood Grocery. A facility with a floor area of at least 3,000 square feet but not more than 50,000 square feet that sells primarily grocery items such as prepackaged food, produce, meats, baked goods, beverages and similar food items intended for off-site consumption. At least 60% of the floor area of the facility shall be dedicated to the sale of said grocery items, including any immediately adjacent circulation and service areas, but not including storage.

Nonconforming Lot. A lot of record whose area, frontage, dimensions, or location were lawful prior to the adoption, revision, or amendment of this Ordinance, and which, by reason of such adoption, revision or amendment, no longer meets or exceeds one or more such requirements of the applicable zoning district.

Nonconforming Sign. Any structure or sign which was lawfully erected and maintained prior to the adoption, revision, or amendment of this Ordinance, and which by reason of such adoption, revision or amendment fails to conform to all applicable regulations and restrictions of this Ordinance.

Nonconforming Structure. A structure or building whose size, dimensions, or location on a property were lawful prior to the adoption, revision, or amendment of this Ordinance, but which, by reason of such adoption, revision, or amendment, no longer meets or conforms to one or more such requirements of this Ordinance.

Nonconforming Use. A use or activity that was lawful prior to the adoption, revision, or amendment of this Ordinance, but which, by reason of such adoption, revision, or amendment, is not a use or activity permitted by right or no longer meets or conforms to the requirements of this Ordinance.

Nursery, Plant. Land or greenhouses used to raise flowers, shrubs and plants for sale to distributors or for subsequent replanting by the owner, a landscape company or others. See also "Florist, Retail."

Nursery School. See "Day Care Center."

Nursing Home. An extended or intermediate care facility required to be licensed or approved by the State of Georgia to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Office. A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

Office Building. A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

Office Park. A development that contains a number of separate office buildings and supporting uses on one or more lots, which is designed, planned, constructed and managed on an integrated and coordinated basis.

Opaque. Impenetrable to view, or so obscuring to view that buildings, structures, and uses become visually indistinguishable.

Open Space. A privately or publicly owned area on the grounds of a premises outside of any principal building or parking area, which is open to the sky and set aside and intended for the outdoor enjoyment of occupants or visitors to the property, and which may but is not required to include such pedestrian oriented improvements as landscaping, walkway paths, pergolas, gazebos, bikeways, exercise or play equipment, and benches, and which may further include up to 20% of its area in water bodies or areas inappropriate for pedestrian use. Open space shall not include any other required open areas such as required building setbacks, buffers, landscape strips or other similar requirements of this ordinance. There are 2 types of open space: Civic space and Amenity space.

1. *Civic Space.* Portion of open space for public use defined by the combination of certain physical constants including the relationships among their intended use, their size, their landscaping, and their adjacent buildings. Civic space may include the following types: park, square, plaza, pocket park and playground.
2. *Amenity Space.* The covered or uncovered, but unenclosed, outdoor areas of at least 100 square feet each for use by the occupants, invitees and guests of the development and specifically excluding civic spaces and required sidewalks. Amenity spaces may include the following types: rooftop deck, balconies, patios and porches, outdoor dining areas, pool areas, athletic courts and similar uses, yards and lawns, gardens, hardscape areas improved for pedestrian enjoyment, wooded areas and runoff reduction measures such as bioretention areas and cisterns.

Outdoor Storage. The keeping, in an unroofed area of any goods, material, merchandise or vehicles in the same place for more than 24 hours.

Outdoor Vending. Sale and/or display of products in an area exposed to open air on two or more sides.

Owner. An individual, firm, association, syndicate, partnership or corporation having a majority proprietary interest in land or a building, or their authorized representative.

Parapet. That portion of a wall which extends above the roof line.

Parcel. A lot or tract of land, or several adjoining lots in common ownership.

Park Space. A public- or privately-owned area, which is set aside for the enjoyment for occupants or visitors to the property, and which may include both outdoor and indoor areas developed for active and/or passive recreation.

Parking Area. Any public or private area at grade or within a structure used for the express purpose of temporarily parking automobiles and other vehicles otherwise in operation for personal or business use.

Parking Garage. An accessory building or portion of a principal building used only for the private storage of motor vehicles as an accessory use.

Parking Space. A space identified and set aside for the temporary parking of an automobile or other motor vehicle which is subdivided into the following categories:

- A. *Compact Car Parking Space.* A designated space not less than 8 feet by 16 feet expressly provided within a parking area for purposes of temporarily parking a compact car or other compact motor vehicle.
- B. *Handicapped Parking Space.* A designated space not less than thirteen feet in width (including loading area) and twenty feet in length, laid out and designated by signage in accordance with the requirements of the Georgia Accessibility Code for Buildings and Facilities.

- C. *Handicap - Van Only.* A designated space not less than sixteen feet in width including loading area and twenty feet in length.
- D. *Regular Parking Space.* A designated space not less than 9 feet in width by 19 feet in length.

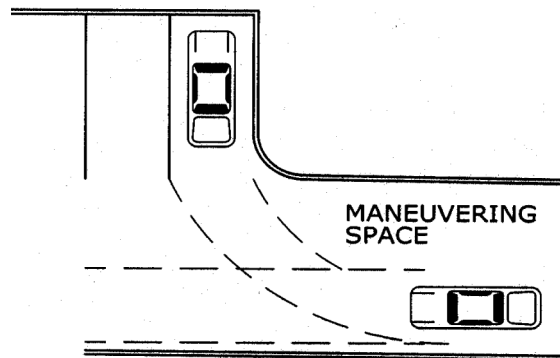


FIGURE 8

Patio House. A 'For-Sale' dwelling in which most, or all, of a lot is used with yard space combined instead of divided. Front, rear and side yard are consolidated into one garden area, either partially or completely bordered by rooms or enclosed by walls. See also "Zero Lot Line."

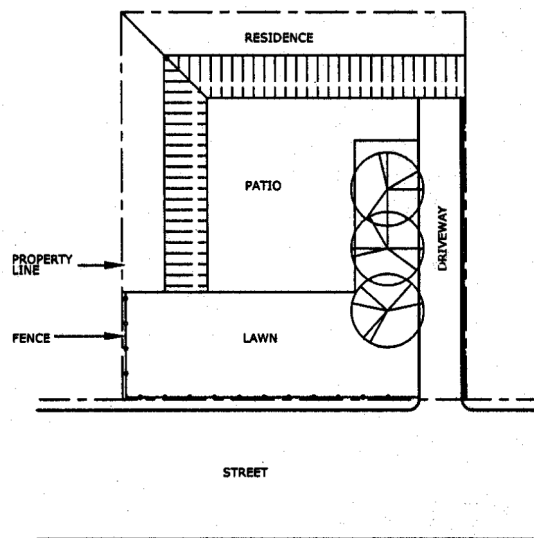


FIGURE 9

Pedestrian Walkway. A right-of-way within a block dedicated to public use, five feet or more in width, intended primarily for pedestrians or bicycles and other non-motorized vehicles.

Perimeter. The boundaries or borders of a lot, tract or parcel of land.

Permit. Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization.

Permitted Use. Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Person. Any individual, corporation, association, firm, partnership or other legal entity.

Pet Day Care. A facility that provides care on a regular basis to household animals for a period of less than 24 hours with no overnight accommodations.

Planned Center, Office, Commercial or Industrial. A group of rental stores, service establishments, offices, industries and any other businesses planned to serve the public, which is in common ownership or condominium ownership.

Planning Commission. The appointed Planning Commission of the City of Alpharetta, Georgia.

Planted Area. An area of living plant material created for the purpose of establishing open space and consisting of a minimum of 50% of the area devoted to trees and shrubs.

Plat. (1) a map representing a tract of land, showing the boundaries and location of individual properties and streets; (2) a map of a subdivision or site plan.

Plat, Final. The final map of all or a portion of a subdivision which is presented to the proper review authority for final approval and recorded in the office of the Clerk of Superior Court of Fulton County.

Plat, Minor. A division of a tract or parcel of land into not more than four (4) lots and does not dedicate or offer for dedication any new street or require construction of any private road for access to any lots and does not require extension of sanitary sewer, stormwater, or water mains to service lots.

Plat, Preliminary. A preliminary map indicating the proposed layout of the subdivision or site plan which is submitted to the proper review authority for consideration and preliminary approval.

Portable. See Industrialized Buildings.

Premises. An area of land with its appurtenances and buildings which, because of its unity of use, is one unit of real estate.

Principal Building. The building or other structure within which is conducted (or intended to be conducted) the principal use of the lot on which said building is situated.

Principal Use. The primary or predominant use of any lot.

Privacy Fence. A sight-obscuring fence used to block the area enclosed by the fence from view from neighboring properties or public rights-of-way. Sight-obscuring shall mean opaque or having such qualities as to constitute a complete visual barrier to persons outside the perimeter of the sight-obscuring object. A fence which partially obscures sight shall not be considered sight-obscuring if the distance or open space between boards, slats, rails, stanchions, or balusters (which shall not exceed four (4) inches in width) equals or exceeds the width of said boards, slats, etc., measured at ninety (90) degree angles.

Prohibited Use. A use that is not permitted in a zoning district by right as a principal use, as an accessory use, or as a conditional use.

Public Space. A public- or privately-owned area, which is set aside for the enjoyment for occupants or visitors to the property, and which is developed for recreation, entertainment, and/or civic purposes and may include plazas, outdoor theaters, sculpture gardens, parks, playgrounds, community gardens, or other areas where people can gather. Areas that are restricted to the general public, like residential amenities, may not be included within the public space requirement.

Recreation Facility. A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

1. *Recreation Facilities, Indoor.* Recreational uses conducted almost wholly indoors, including bowling alley, skating rink, shooting range, health club, etc.
2. *Recreation Facilities, Outdoors.* Recreational uses conducted almost wholly outdoors, including ball fields, soccer, etc.

Recycling Center. A use operated exclusively for the collection and temporary storage of used paper, glass, metal, and similar materials suitable for reprocessing, which are transported elsewhere for separating, processing, or storage.

Rental Services Establishment. Any business establishment which rents or leases items of personal property such as tools, appliances and equipment to the general public.

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

Residence. A dwelling unit.

Restaurant. An establishment where food and drink are prepared, served and consumed primarily within the principal building, and without a drive-in or drive-thru component.

Restaurant, Drive-thru or Fast-Food. Any establishment, building or structure where food or drink are served for consumption, either on or off the premises, with drive-thru components. This definition shall not include otherwise permitted restaurants where outdoor table service is provided to customers in outdoor dining areas.

Retail Establishment, Mixed Sales. Any business establishment selling a wide variety of goods arranged in several departments including, but not limited to, hardware, automotive, sporting goods, audio and video equipment, and clothing.

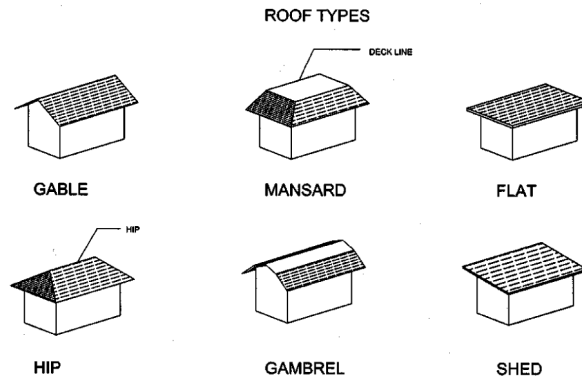
Retail Sales Establishment. A business principally engaged in offering a category of similar goods or products for sale to the general public, such as grocery store, hardware store, pharmacy, clothing shop, home furnishings store, office supplies store, and the like.

Retail Services Establishment. A business principally engaged in providing a service, as opposed to products, to the general public, such as a banking or financial institution, real estate or insurance office, barber or beauty shop, travel agency, amusement or recreation center, health clinic, legal firm, professional service, and the like.

Retail Strip Center. A group of retail stores designed as one development and being less than 50,000 square feet in size.

Right-of-Way. A strip of land occupied or intended to be occupied by a street, sidewalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special purpose use. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use in fee simple.

Roof. The outside top covering of a building.



Salvage Yard. A facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded material.

School, Academic. Any building or part thereof which is designed, constructed or used for education or instruction following the same curriculum offered in a public elementary, secondary, trade or technical, or higher education facility, and accredited to award diplomas as such.

School, Commercial. Any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge or vocational pursuit, other than an academic school.

Semipublic Use. A use owned or operated by a nonprofit, religious, or educational institution for the purpose of providing educational, cultural, recreational, religious, or social services to the general public.

Service Drive. A minor, permanent, public right-of-way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Setback. The straight line distance between a street right-of-way or a lot line and the nearest point of a structure or building or projection therefrom (excluding steps, roof overhang, chimneys, bay windows and patios).

Setback, Front Cul-de-Sac.

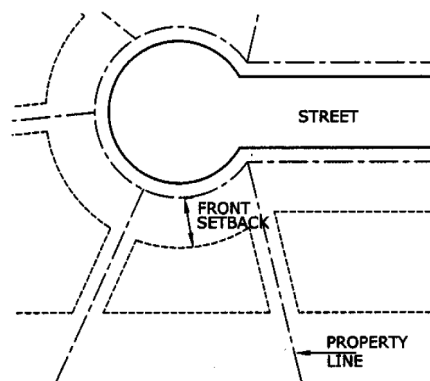


FIG 11

Setback, Minimum. The shortest distance allowed between a property line and any principal or accessory building on a lot, not including any required buffer areas. Minimum setback requirements for buildings are associated with the type of lot line from which the setback is taken; for instance, a "side yard setback" is measured from a side lot line.

Shopping Center. A group of retail sales or services establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements with a total size of at least 50,000 square feet.

Shopping Center, Specialty. A shopping center whose shops cater to a specific market and are linked together by an architectural, historical or geographic theme or by a commonality of goods and services.

Sidewalk. A paved, surfaced or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

Sign. See Article II, Section 2.6, for all definitions relating to signs.

Site Plan. A plan accurately drawn to scale of a development project, depicting the buildings proposed to be placed on the property, related public and site improvements on the site, and additional information as required by this Ordinance or conditions of zoning approval, and other applicable ordinances.

Smoke Shop and Tobacco Store. Any business premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or instruments, vape products, or any combination thereof. Such businesses shall be located within a retail center and shall not be closer than 2,000 ft. to a school, religious institution, government building, park, residential dwelling or each other. Distance shall be measured by the straight-line distance from premises to premises. "Smoke shop and tobacco store" shall not include any grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes, vape or tobacco as an ancillary sale (ten percent (10%) or less of total sales).

Spa Services. A business that provides services requiring a customer to disrobe, which may include non-medical massage, other personal services such as skin, nail, hair treatments, hair removal/waxing, and may have the sale of associated retail products. Such business shall be located within a zoning category allowing retail use, shall not occupy more than 4,000 sq. ft. and shall not be closer than 2,000 ft. to a comparable business. The term "spa establishment" shall not include hospitals or other professional health care establishments separately licensed as such by the state.

It shall be unlawful to establish a spa establishment in the city, unless said establishment is located:

- (1) At least 300 feet from State Route 9;
- (2) At least 300 feet from State Route 120; and
- (3) At least 300 feet from any parcel occupied by a house of worship, public or private elementary or secondary school, public park, state-licensed day care facility, or any residence.

The foregoing minimum distance requirements shall not apply to any spa establishment located within a mixed use development in the MU district. For the purpose of this subsection, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest point on a boundary line of the spa establishment parcel to the closest point on the State Route 9 or State Route 120 right-of-way, or to the closest point on a boundary line of any parcel containing a house of worship, public or private elementary or secondary school, public park, or residence.

Special Care Home. An accessory use in a 'For-Sale' dwelling occupied by one or more persons related by blood, adoption, guardianship or marriage and/or not more than three unrelated persons, some of whom are in need of special care, living together as a nonprofit housekeeping unit. The term "special care home" shall include a home for adolescents, a home for physically handicapped persons and a home for mentally handicapped persons. The term "special care home" shall not include the business of operating a boarding house, rooming house or other similar establishment. Additionally, the term shall not include a penal institution, any place for persons convicted of a crime or any place for persons found to be juvenile delinquents.

Special Event Facility. A public or privately owned structure or area used for the purposes of performances, sporting events, receptions or parties, or similar attractions that may generate heavy traffic. Facilities may include improvements to accommodate special events, such as access and circulation improvements, parking areas, gathering areas, and other physical improvements necessary to accommodate special events.

Storage, Climate Controlled. A facility consisting of a building or group of buildings that contain individual storage units of varying sizes in a climate controlled environment where customer access is through a lobby and where no commercial transactions or activities take place other than the rental of the storage units (permitted in L-I only).

Storage, Mini-Warehouse. A facility consisting of a building or group of buildings that are surrounded by a security fence with controlled access and which contains individual storage units of varying sizes whose doors open directly to the outside and where no commercial transactions or activities take place other than the rental of the storage units.

Storefront Street. A street, that by virtue of its pre-existing pedestrian-supportive qualities, or its future importance to pedestrian connectivity, requires that new development along it achieves a high standard of design and pedestrian orientation.

Storm Water Management Report. A report prepared by a Professional Engineer registered in the State of Georgia that details the pre and post development activity hydrologic conditions.

Story. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling next above. Each floor or level in a multi-story building used for parking, even if below grade, shall be classified as a story.

Street. A dedicated and accepted public right-of-way for vehicular traffic from which direct access may be gained to abutting properties, or an easement or private right-of-way approved by the City Council to serve such purpose. The term "street" shall refer to the full width located between the limits of the right-of-way or easement, and not be limited to the roadway itself.

- A. *Principal Arterials*—are those streets and highways which serve major activity centers and emphasize traffic service rather than access to abutting land access. Principal arterials include all limited access freeways, expressways or parkways, and carry a high proportion of total area travel on a minimum of mileage.
- B. *Major Arterials*—are those streets which interconnect with the principal arterial system and provide service to trips of moderate length with emphasis on both traffic service and land access and generally do not penetrate identifiable single family residential neighborhoods.
- C. *Minor Arterials*—provide intra-community continuity but should not penetrate identifiable neighborhoods.
- D. *Collector Streets*—distribute trips from arterial street to their ultimate origin or destination. Collector streets provide a greater level of land access than arterial streets, may enter or traverse identifiable neighborhoods, and rarely serve significant volumes of through traffic.
- E. *Local Streets*—comprise all facilities not classified as arterial or collector. Local streets provide land access with service to through traffic being actively discouraged.

Street, Future Right-of-Way Line. The right-of-way line which is anticipated by the City, State or other agency for future development.

Street Right-of-Way Line. The limit of public ownership or private easement for property containing or intended to contain a street, dividing it from an adjacent lot.

Structure. A combination of materials to form a construction for use, occupancy or ornamentation which is fastened or attached to the ground.

Structure Height. The vertical distance to the highest point of a structure, as measured in the same manner as "Building Height" herein.

Subdivision. The division of a lot, tract or parcel of land into 2 or more lots, tracts, parcels or other divisions of land for sale, development, finance or lease.

Swimming Pool. A water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above-surface pool having a depth of more than 30 inches, designed, used and maintained for swimming and bathing.

Temporary Use. A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Theater. A building or part of a building devoted to showing motion pictures, or for dramatic, musical or live performances.

Townhouse/Rowhouse. A building type consisting of at least three, but not more than eight independent units that are attached by common side walls in a linear arrangement. Each unit occupies the space from the ground to the roof and normally has at least two, but no more than four floors. Such units typically feature a primary entrance on the front elevation and variations in materials, colors and/or windows to create a visual distinction between each of the attached units.

Tract. See "Lot."

Tree. See Article III, Section 3.2, for definitions relating to tree protection.

Use. The purpose for which a property or structure is designed, intended, reserved, or occupied.

Use, Accessory. See "Accessory Use."

Use, Conditional. See "Conditional Use."

Use, Principal. See "Principal Use."

Variance. Permission granted under circumstances prescribed herein to depart from the specific requirements of this Ordinance.

Vehicle for Hire Company. An establishment offering to transport passengers for a fee in any motorized or animal-drawn vehicle, the charges for which are determined by agreement, mileage or by the length of time for which the vehicle is engaged and also described as a taxi or limousine service.

Warehouse. A building used primarily for the storage of goods and materials. See also "Mini-Warehouse."

Wholesale Trade. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wireless Telecommunications Facilities. See Section 2.8 for definition of 'wireless tower.'

Yard. An area that lies between the buildings on a lot and the nearest lot line.

1. *Front Yard.* A yard situated along any public street right-of-way or private street easement.
2. *Rear Yard.* A yard situated along a rear lot line.
3. *Side Yard.* A yard situated along a side lot line.

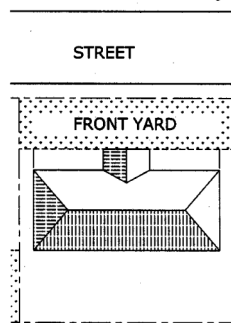


FIG 12

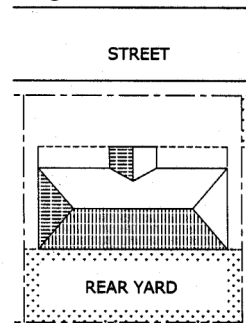


FIG 13

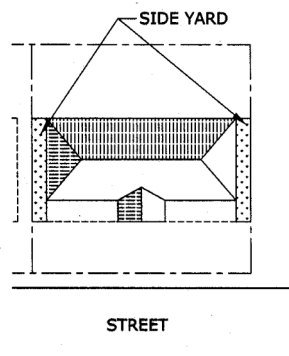


FIG 14

Zero Lot Line. The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

Zoning Change. An amendment to the Official Zoning Map or other action having the result of rezoning a property, approval of a Conditional Use on a particular property, or a change in conditions of approval applied to the zoning or conditional uses pertaining to a property.

Zoning Map. The Official Zoning Map of the City of Alpharetta, Georgia, which may include a series of maps in section.

(Ord. No. 689, § 1, 6-2-2014 ; Ord. No. 702, § 1(Exh. A), 3-2-2015 ; Ord. No. 704, § 1, 6-1-2015 ; Ord. No. 715, § 1, 9-28-2015; Ord. No. 718, § 1, 12-14-2015; Ord. No. 730, § 1, 12-5-2016; Ord. No. 741, § 1, 6-5-2017; Ord. No. 744, § 1, 7-10-2017; Ord. No. 749, § 1, 9-18-2017; Ord. No. 772, § 1, 2-4-2019; Ord. No. 778, § 1, 6-17-2019; Ord. No. 786, § 1, 9-23-2019; Ord. No. 787, § 1(Exh. A), 10-28-2019; Ord. No. 804, § 1(Exh. A), 8-10-2020; Ord. No. 807, § 1(Exh. A), 9-8-2020; Ord. No. 808, § 1(Exh. A), 9-8-2020; Ord. No. 835, § 1(Exh. A), 10-4-2021; Ord. No. 843, § 1(Exh. A), 4-18-2022; Ord. No. 847, § 1(Exh. A), 8-22-2022)

ORDINANCE NUMBER:



AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AMEND ARTICLES I AND II OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO ADD AND AMEND DEFINITIONS, USE OF LAND AND STRUCTURES, AND MISCELLANEOUS REGULATIONS PERTAINING TO EXTENDED STAY HOTELS AND HYBRID HOTELS; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

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

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

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

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

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

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

Section 1: Article I, Subsection 1.4.2 titled “Defined Terms” of the Unified Development Code is hereby amended by amending same as set forth in Exhibit “A” attached hereto as if fully set forth herein.

Section 2: Article II, Section 2.2 titled “Permitted Use Districts and Regulations” of the Unified Development Code is hereby amended by amending same as set forth in Exhibit “B” attached hereto as if fully set forth herein.

Section 3: Article II, Section 2.7 titled “Miscellaneous Regulations” of the Unified Development Code is hereby amended by amending same as set forth in Exhibit “C” attached hereto as if fully set forth herein.

Section 4: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have

been adopted in its current form without the invalid or unconstitutional provision contained therein.

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

SO ORDAINED, this ____ day of _____.

CITY OF ALPHARETTA

By: _____
Jim Gilvin, Mayor

COUNCIL MEMBERS

Mayor Pro Tem Dan Merkel

Council Member Donald F. Mitchell

Council Member Brian Will

Council Member Douglas J. DeRito

Council Member John Hipes

Council Member Fergal Brady

(SEAL)

Attest:

Approved as to form and legal sufficiency:

Lauren Shapiro, City Clerk

[INSERT ATTORNEY], City Attorney

Exhibit “A”

1.4.2 Defined Terms.

Extended Stay Hotel. ~~A building in which lodging is provided for transient guests for an average stay of less than one (1) month and offered to the public for compensation and A building containing guest rooms for lodging, offered to the public for compensation, which are advertised, designed, intended or routinely utilized for weekly or monthly occupancy, or in which at least 30% of all~~ guest rooms have facilities for the refrigeration and preparation of food by guests, such as a refrigerator and a cooktop/stove (or a refrigerator, a microwave, and a dishwasher or kitchenette sink), and a self-serve laundry facility is available for guests use. For the purposes of this Code, extended stay hotels, hybrid hotels, and hotels (or motels) are separate and distinct uses. See Section 2.7.3, and Section 2.7.8.

Hotel, Hybrid. A building in which lodging along with customary lodging facilities and services, such as meeting rooms, restaurant, maid service and fitness center, are provided for transient guests for a mix of short- and long-term stays. The hybrid hotel primarily provides lodging for transient guests for an average stay of less than 7 days and offered to the public for compensation. No more than 30% of guest rooms may provide lodging for transient guests for long-term stays up to one year. Hotel services shall include the provision of food and beverage services suitable for both guests and groups, on-site restaurant, lounges, group meeting space with banquet facilities and selective amenities, such as but not limited to spas, banquets rooms, doormen, valet parking, concierge, and high-end restaurant and boutiques. Guest rooms within the building shall not contain equipment for food preparation other than a mini-fridge and/or microwave, except that rooms provided for longer stays may have equipment for food preparation. There shall be no self-laundry facilities (for guest's use) within the building, except that rooms provided for longer stays may have self-laundry facilities. Access to each guest room shall be through an inside lobby supervised at all hours.

Exhibit “B”

2.2.11 CUP community unit plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

- C. *Conditional Uses.* A property in the CUP district may be used for those uses listed in Table 2.2, including any of the following uses if the uses have been included in the conditions of approval for the CUP zoning on the property; or if the uses are designated on the CUP's Concept Plan; or if the

CUP's concepts plan identifies district categories (i.e. commercial, office) wherein the use would otherwise be permitted by right or as a conditional use:

1. Agricultural and Residential Uses.
 - a. Dwelling, Group (congregate housing, assisted living facility, home-elderly, nursing).
 - b. Dwelling, 'For-Sale' Attached.
 - c. Dwelling, 'For-Sale' Detached.
 - d. Dwelling, 'For-Rent'.
 - e. Bed and Breakfast.
2. Business Uses.
 - a. Animal Hospital, small animals.
 - b. Art Galleries.
 - c. Athletic Facility.
 - d. Automobile Sales and Leasing.
 - e. Automobile Service and Service Station.
 - f. Automotive Parts.
 - g. Bakery.
 - h. Barber Shop.
 - i. Bank, Savings and Loan.
 - j. Beauty Shop.
 - k. Book Store or Stationery.
 - l. Boutique Hotel.
 - m. Bowling Alley.
 - n. Brewery.
 - o. Broadcasting Studio (radio or TV).
 - p. Building Equipment/Material.
 - q. Clinic.
 - r. Contractor's Office with and without outside storage.
 - s. Convenience Market with or without gas pumps.
 - t. Dance Studio.
 - u. Day Care Center.
 - v. Distillery.
 - w. Drug Store.
 - x. Dry Cleaning Pick-up Station.
 - y. Equestrian Center.

- z. Extended stay hotel (see Section 2.7).
- aa. Fitness Studio.
- bb. Florist, Retail without Greenhouse.
- cc. Funeral Home wino cemetery or mausoleum.
- dd. Golf, Miniature.
- ee. Grocery Store.
- ff. Hardware and Garden Supply Store.
- gg. Hotel or Motel.
- hh. Hotel, Hybrid.
- ii. Laboratory, Research or Commercial.
- jj. Laundry, Self-Serve, Pick-up.
- kk. Liquor Store.
- ll. Office Building or Office Park (Research and Development shall be a permitted use within an existing Office Building or Office Park or where office is a permitted use within an existing master plan).
- mm. Park, playground.
- nn. Pet Day Care.
- oo. Pet Grooming.
- pp. Print Shop.
- qq. Public Building.
- rr. Recreation Facilities, Indoor and Outdoor.
- ss. Rental Services Establishment without outside storage.
- tt. Research and Development.
- uu. Restaurant.
- vv. Restaurant, with Drive-thru window.
- ww. Retail Sales and Services Establishments not otherwise listed for this zoning district.
- xx. Retail Establishment, Mixed Sales.
- yy. School, Commercial.
- zz. Shop or Studio, Craftsman/Artist.
- aaa. Spa Services.
- bbb. Special Event Facility.
- ccc. Theater, Cinema.
- 3. Wholesale, Storage and Industrial Uses.
 - a. Laundry, Industrial.
 - b. Locker, Frozen Food or Cold Storage.

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

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

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

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

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

Open space: Each CUP shall have a minimum of 15% of the gross acres of the CUP dedicated or set aside as open space. Amenities may be included within the 15% open space requirement. However, open

space shall not include any other required open areas such as required building set backs, buffers, landscape strips or other similar requirements of this Ordinance or other applicable laws.

(Ord. No. 718 , §§ 2, 4, 12-14-2015; Ord. No. 741 , § 4, 6-5-2017; Ord. No. 744 , §§ 2, 6, 7-10-2017; Ord. No. 808 , § 2(Exh. B), 9-8-2020; Ord. No. 836 , § 1(Exh. A), 10-4-2021; Ord. No. 843 , § 2(Exh. B), 4-18-2022)

2.2.13 O-I office-institutional.

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

- A. *Conditional Principal Uses.* A property in the O-1 district may be used for the uses listed below and shown in Table 2.2 in accordance with an approved masterplan, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use. Lots of less than five (5) acres in size may be developed for bank, office or research and development use without public hearing subject to Design Review Board Approval.
1. Residential Uses.
 - a. Dwelling, Group (nursing home, children's home, congregate housing, assisted living facility).
 2. Business Uses.
 - a. Bank, Savings and Loan.
 - b. Broadcasting Studio (radio or TV).
 - c. Clinic.
 - d. Congregate Housing.
 - e. Day Care Center.
 - f. Drug Store.
 - g. Manufacturing, Heavy.
 - h. Office Building or Office Park (Research and Development shall be a permitted use within an existing Office Building or Office Park or where office is a permitted use within an existing master plan).
 - i. Recreational Facilities (Indoor or Outdoor).
 - j. Research and Development.
 - k. Special Event Facility.
 - l. Theater, Cinema.
 3. Semipublic Uses, Utilities.
 - a. Church, Synagogue.
 - b. Club, association or lodge.
 - c. Golf Course, Driving Range.
 - d. Heliport.
 - e. Hospital.

- f. Library.
- g. Museum.
- h. Public Building.
- i. School, Academic.

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

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

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

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

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

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

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

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

2. Privacy and decorative fences and walls.
3. Swimming pool, tennis court, patio and other private recreation facilities.
4. Clubhouse, swimming pool, or community recreation facilities serving a development.
5. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
6. Signs, subject to all of the requirements regulating signage herein.
7. Retaining walls and other site improvement structures approved as part of the development permit.
8. Retail service uses up to 25% of the floor area of an office building for services incidental to the associated office use.

- C. *Conditional Subordinate Uses.* A property in the O-I district may be used for any of the following listed uses upon approval as a conditional use by the City Council provided that the uses in aggregate do not constitute more than 25% of the total project and are not segregated so as to create a retail strip center.

1. Residential Uses.
 - a. Reserved.
2. Business Uses.
 - a. Animal Hospital, Small Animal.

- b. Art Galleries.
 - c. Athletic Facility.
 - d. Automobile Service and Service Station.
 - e. Bakery.
 - f. Barber Shop.
 - g. Beauty Shop.
 - h. Book Store.
 - i. Boutique Hotel.
 - j. Bowling Alley.
 - k. Brewery.
 - l. Car Wash.
 - m. Contractor's Office without outside storage.
 - n. Convenience Market with or without gas pumps.
 - o. Dance Studio.
 - p. Distillery.
 - q. Dry Cleaning Pick-up Station.
 - r. Extended Stay Hotel (see Sec. 2. 7).
 - s. Fitness Studio.
 - t. Florist, Retail without Greenhouse.
 - u. Funeral Home w/out cemetery or mausoleum.
 - v. Golf, Miniature, or Golf Driving Range.
 - w. Hotel/motel.
 - x. Hotel, Hybrid.
 - y. Laboratory, Research or Commercial.
 - z. Liquor Store.
 - aa. Parking Lot, Commercial.
 - bb. Print Shop.
 - cc. Restaurant.
 - dd. Restaurant, with Drive-thru window.
 - ee. Retail Sales & Services Establishments subject to the limitation of [subsection] 2.2.13 B 8.
 - ff. School, Commercial.
 - gg. Spa Services.
3. Wholesale, Storage and Industrial Uses.

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

D. *District Regulations.*

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

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—40%.

Maximum Building Height—40 feet.

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

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

(Ord. No. 718 , §§ 3, 6, 12-14-2015; Ord. No. 741 , § 4, 6-5-2017; Ord. No. 744 , §§ 2, 6, 7-10-2017; Ord. No. 808 , § 2(Exh. B), 9-8-2020; Ord. No. 813 , § 1(Exh. A), 10-26-2020; Ord. No. 836 , § 1(Exh. A), 10-4-2021; Ord. No. 843 , § 2(Exh. B), 4-18-2022)

2.2.15 C-2 general commercial.

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

1. Residential Uses.
 - a. Dwelling, 'For-Sale'—in an existing or historic structure only.
 - b. Bed and Breakfast.
2. Business Uses.
 - a. Art Gallery.
 - b. Athletic Facility.
 - c. Automobile Service and Service Station.
 - d. Automotive Parts.
 - e. Bakery.
 - f. Bank, Savings and loan.
 - g. Barber Shop.
 - h. Beauty Shop.
 - i. Book Store.
 - j. Bowling Alley.
 - k. Broadcasting Studio (radio or TV).
 - l. Carpet and Rug Sales.
 - m. Clinic.
 - n. Contractor's Office without outside storage.
 - o. Convenience Market with or without gas pumps.
 - p. Dance Studio.
 - q. Day Care Center.
 - r. Drug Store.
 - s. Dry Cleaning Pick-up Station.
 - t. Fitness Studio.
 - u. Florist, Retail Without Greenhouse.
 - v. Grocery Store.
 - w. Hardware and Garden Supply Store.
 - x. Home Improvement Store.
 - y. Laundry, Self-Serve, Pick-up.
 - z. Liquor Store.
 - aa. Nail Salon.
 - bb. Office Building or Park.
 - cc. Parking lot, Commercial.
 - dd. Pet Day Care.

- ee. Pet Grooming.
 - ff. Print Shop.
 - gg. Rental Services Establishment without outside storage.
 - hh. Restaurant.
 - ii. Restaurant w/ Drive-thru Window.
 - jj. Retail Sales and Services Establishments not otherwise listed for this zoning district as a permitted or conditional use.
 - kk. Retail Establishment, Mixed Sales.
 - ll. School, Commercial.
 - mm. Shop or Studio, Craftsman/Artist.
3. Semipublic Uses, Utilities.
- a. Hospital.
 - b. Library.
 - c. Museum.
 - d. Park or Playground.
 - e. School, Academic.
- B. *Accessory Uses.* A property in the C-2 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.
- Permitted accessory structures and uses include but are not limited to the following: (See also Supplementary Regulations in this Article.)
1. Dwelling, 'For-Sale' Accessory: A 'For-Sale' accessory dwelling shall be permitted under the following conditions:

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

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

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

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

The dwelling and the commercial or office structure to which it is accessory shall be in compliance with all applicable provisions of the life safety code, the building code, and other standard codes of the City.
 2. Privacy and decorative fences and walls.
 3. Swimming pool, tennis court, patio and other private recreation facilities.
 4. Clubhouse, swimming pool, or community recreation facilities serving a development.

5. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
 6. Signs, subject to all of the requirements regulating signage herein.
 7. Retaining walls and other site improvement structures approved as part of the development permit.
- C. *Conditional Uses.* A property in the C-2 district may be used for any of the following only upon approval as a conditional use by the City Council:
1. Residential Uses.
 - a. Dwelling, Group (congregate housing, nursing home, etc.).
 2. Business Uses.
 - a. Animal Hospital, small animals.
 - b. Assisted Living, Congregate housing.
 - c. Automobile Sales and Leasing.
 - d. Boutique Hotel.
 - e. Brewery.
 - f. Builder's Equipment/Material.
 - g. Car Wash.
 - h. Check Cashing.
 - i. Church, Synagogue.
 - j. Club, fraternity, association or lodge.
 - k. Contractor's Office with outside storage.
 - l. Distillery.
 - m. Extended Stay Hotel (see Sec. 2.7).
 - n. Funeral Homes.
 - o. Golf, Miniature.
 - p. Greenhouse with nursery.
 - q. Hotel or Motel.
 - r. Hotel, Hybrid.
 - s. Limousine Service and Taxi.
 - t. Massage Therapy (see Sec. 2.7).
 - u. Pest Control Business.
 - v. Spa Services.
 - w. Recreation Facilities, Indoor.
 - x. Recreation Facilities, Outdoor.
 - y. Small Appliance Repair Shop.

- z. Smoke Shop and Tobacco Store.
- aa. Spa Services.
- bb. Special Event Facility.
- cc. Theater, Cinema.
- 3. Semipublic Uses, Utilities.
 - a. Auditorium.
 - b. Public Building.
 - c. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
 - d. Wireless Tower.

D. *District Regulations.*

Minimum Lot Area—none.

Minimum Lot Width—none.

Minimum Setbacks.

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

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

Rear yard—10 feet.

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

Maximum Building Height—40 feet.

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

(Ord. No. 703 , § 1, 6-1-2015; Ord. No. 704 , § 2, 6-1-2015; Ord. No. 718 , §§ 5—7, 9, 12-14-2015; Ord. No. 730 , §§ 3, 4, 12-5-2016; Ord. No. 741 , § 4, 6-5-2017; Ord. No. 744 , §§ 2, 6, 7-10-2017; Ord. No. 772 , § 3, 2-4-2019; Ord. No. 808 , § 2(Exh. B), 9-8-2020; Ord. No. 836 , § 1(Exh. A), 10-4-2021; Ord. No. 843 , § 2(Exh. B), 4-18-2022)

2.2.16 PSC planned shopping center.

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

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

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

- a. Art Galleries.
- b. Bakery.
- c. Barber Shop.
- d. Bank, Savings and Loan.
- e. Beauty Shop.
- f. Brewery.
- g. Book Store.
- h. Car Wash.
- i. Carpet and Rug Sales.
- j. Clinic.
- k. Dance Studio.
- l. Day Care Center.
- m. Distillery.
- n. Drug Store (Pharmacy).
- o. Florist, Retail without Greenhouse.
- p. Grocery Store (max. 50,000 SF in the North Point Overlay).
- q. Hardware Store (max. 50,000 SF in the North Point Overlay).
- r. Home Improvement Store.
- s. Laundry, Self-Serve, Pick-up.
- t. Liquor Store.
- u. Office Building or Park.
- v. Pest Control Business.
- w. Rental Services Establishment without outside storage.
- x. Restaurant.
- y. Restaurant w/Drive-thru window.
- z. Retail Sales and Services Establishments not otherwise listed for this zoning district as a permitted or conditional use.
- aa. Retail Establishment, Mixed Sales.

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

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

- 1. Privacy and decorative fences and walls.
- 2. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.

3. Signs, subject to all of the requirements regulating signage herein.
 4. Retaining walls and other site improvement structures approved as part of the development permit.
- C. *Conditional Subordinate Uses.* A property in the PSC district may be used for any of the following only upon approval as a conditional use by the City Council and provided that these uses in aggregate do not constitute more than 50% of the site area:
1. Residential Uses.
 - a. Reserved.
 2. Business Uses.
 - a. Animal Hospital, small animals.
 - b. Athletic Facility.
 - c. Automobile Service and Service Station.
 - d. Automotive Parts.
 - e. Bowling Alley.
 - f. Boutique Hotel.
 - g. Broadcasting Studio (radio or TV).
 - h. Convenience Center with gas pumps.
 - i. Dry Cleaning Plant.
 - j. Dry Cleaning Plant with pick-up station.
 - k. Fitness Studio.
 - l. Funeral Home with no cemetery or mausoleum.
 - m. Greenhouse, Nursery.
 - n. Golf, Miniature.
 - o. Hotel or Motel.
 - p. Hotel, Hybrid.
 - q. Nail Salon.
 - r. Parking Lot, Commercial.
 - s. Pet Day Care.
 - t. Pet Grooming.
 - u. Print Shop.
 - v. Recreation Facilities, Indoor.
 - w. School, Commercial.
 - x. Shop or Studio, Craftsman/Artist.
 - y. Spa Services.
 - z. Special Event Facility.

aa. Theater, Cinema.

3. Semipublic Uses, Utilities.

a. Auditorium.

b. Church, Synagogue.

c. Club, fraternity, association or lodge.

d. Heliport, public or private.

e. Libraries.

f. Museum.

g. Park or Playground.

h. Public Building.

i. Recreational Facilities (Outdoor).

j. School, Academic.

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

l. Wholesale Establishment.

m. Wireless Tower.

D. *District Regulations.*

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

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—40%.

Maximum Building Height—40 feet.

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

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

1. Pedestrian connectivity to all uses.

2. Large parking areas below grade, in decks or screened. Design efforts to provide shared parking will also be considered.

3. Accommodations for public transportation.

4. Buildings that face or appear to face public roadways.
5. Appearance standards for buildings and structured parking.
6. Limitations on uninterrupted building elevations.
7. Creation of vistas and view corridors within development.
8. Focal point features at prominent locations and ends of vistas.
9. Incorporation of natural site features.
10. Block lengths conducive to pedestrian traffic.
11. Detention and retention facilities designed to be aesthetically pleasing.
12. Creative methods for stormwater management to provide additional open space.
13. Attractive and usable street furniture in public spaces.
14. Emphasis on a high quality landscape plan.

(Ord. No. 715 , § 2, 9-28-2015; Ord. No. 718 , §§ 3, 4, 12-14-2015; Ord. No. 741 , § 4, 6-5-2017; Ord. No. 744 , §§ 2, 4, 6, 7-10-2017; Ord. No. 767 , §§ 1—3, 10-22-2018; Ord. No. 808 , § 2(Exh. B), 9-8-2020; Ord. No. 836 , § 1(Exh. A), 10-4-2021; Ord. No. 843 , § 2(Exh. B), 4-18-2022)

2.2.17 L-I industrial.

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

1. Agricultural and Residential Uses.
 - a. Dwelling, Group (home-elderly, children, nursing).
2. Business Uses.
 - a. Animal Hospital, small and large animals.
 - b. Art Gallery.
 - c. Athletic Facility.
 - d. Automobile Service and Service Station.
 - e. Automotive Parts.
 - f. Automotive Sales and Leasing.
 - g. Bakery.
 - h. Bank, Savings and Loan.
 - i. Book Store.
 - j. Bowling Alley.
 - k. Brewery.
 - l. Broadcasting Studio (radio or TV).
 - m. Builder's Equipment/Material.
 - n. Car Wash.

- o. Carpenter Shop, Woodworking.
- p. Carpet and Rug Sales.
- q. Check Cashing.
- r. Church, Synagogue.
- s. Congregate Housing.
- t. Contractor's Office with and without outside storage.
- u. Convenience Market with or without gas pumps.
- v. Dance Studio.
- w. Day Care Center.
- x. Discount Store.
- y. Distillery.
- z. Drug Store.
- aa. Dry Cleaning Pick-up Station.
- bb. Fireworks Sales.
- cc. Fitness Studio.
- dd. Funeral Home.
- ee. Greenhouse, Nursery.
- ff. Grocery Store.
- gg. Hardware and Garden Center.
- hh. Home Improvement Store.
- ii. Kennel.
- jj. Laboratory, Research or Commercial.
- kk. Laundry, Self-Serve, Pick-up.
- ll. Limousine Service and Taxi.
- mm. Liquor Store.
- nn. Massage Therapy (see Sec. 2.7).
- oo. Nail Salon.
- pp. Office Building or Office Park.
- qq. Parking Lot, Commercial.
- rr. Pawn Shop.
- ss. Pest Control.
- tt. Pet Day Care.
- uu. Pet Grooming.
- vv. Print Shop.

- ww. Recreation Facilities, Indoor and Outdoor.
- xx. Rental Services Establishment with outside storage.
- yy. Rental Services Establishment without outside storage.
- zz. Research and Development.
- aaa. Restaurant.
- bbb. Restaurant w/ Drive-thru Window.
- ccc. Retail Sales and Services Establishments not otherwise listed for this zoning district as a permitted or conditional use.
- ddd. Retail Establishment, Mixed Sales.
- eee. Shop or Studio, Craftsman/Artist.
- fff. Small Appliance Repair Shop.
- ggg. Smoke Shop and Tobacco Store.
- hhh. Spa Services.
- iii. Special Event Facility.
- jjj. Tattoo Parlor, Body Piercing.
- kkk. Taxidermist.
- lll. Theater, Cinema.
- mmm. Tire Retreading.
- 3. Wholesale, Storage and Industrial Uses.
 - a. Bottled Gas, storage and distribution.
 - b. Locker, Frozen Food or Cold Storage.
 - c. Machine Shop.
 - d. Manufacturing, Light.
 - e. Mini-Warehouse.
 - f. Septic Tank Sales, Construction.
 - g. School, Commercial.
 - h. Storage, Inside and Outside.
 - i. Welding Shop.
 - j. Wholesale Trade Establishment.
- 4. Semipublic Uses, Utilities.
 - a. Amphitheater.
 - b. Auditorium.
 - c. Church, Synagogue.
 - d. Heliport.

- e. Hospital.
- f. Library.
- g. Museum.
- h. Park or Playground.
- i. Public Building.
- j. School, Academic.
- k. Switching Station, Telecom.

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

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

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

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

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

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

1.0 *Business Uses.*

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

2.0 *Wholesale, Storage and Industrial Uses.*

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

3.0 *Semipublic Uses, Utilities.*

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

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

4.1 *General Standards.*

- a. No access to transfer station facility shall be allowed from streets that primarily access residential developments;
- b. Access streets shall be paved and shall be able to withstand maximum load limits established by the State of Georgia as approved by the Engineering Director;
- c. No portion of a new transfer station shall be located within a three-mile radius of the property lines of an existing transfer station;
- d. A minimum 200 foot undisturbed buffer and ten-foot improvement setback shall be required along all property lines except public rights-of-way;
- e. A minimum 50 foot buffer and ten-foot improvement setback shall be required along all public rights-of-way;
- f. A minimum six foot high solid fence or wall shall be located on property lines or interior to the required buffers and improvement setback;
- g. Operation of the facility shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday; 9:00 a.m. to 7:00 p.m., Saturday; 12:00 p.m. to 5:00 p.m., Sunday (for routine maintenance and other non-operational facility activities).
- h. Only municipal solid waste is accepted at the facility. No treated or untreated regulated medical waste, treated and destroyed medical waste or asbestos waste debris shall be accepted;

- i. All solid waste is removed from the transfer station within 24 hours of receipt;
- j. A transfer station with permanent operating mechanical equipment must have an attendant on duty whenever the facility is open;
- k. The facility shall be designed and constructed in a manner to ensure that odor will not be emitted from the site;
- l. The transfer facility must be cleaned at least once every 24 hours;
- m. The entrance and exit shall be cleaned at a frequency which prevents the tracking or off-site migration of waste materials;
- n. The operator shall take adequate measures to minimize the creation, emission, or accumulation of excessive dust and particulates;
- o. The operator shall take adequate steps to control or prevent the propagation, harborage and attraction of pests;
- p. All floors must be free from standing water. All drainage from cleaning areas must be discharged to sanitary sewers, authorized cleaning areas must be discharged to sanitary sewers, authorized sanitary waste treatment facilities, or a corrosion-resistant holding tank;
- q. The facility shall provide fire suppression equipment as directed by the City of Alpharetta Fire Department;
- r. All solid waste passing through the transfer station must be ultimately treated or disposed of at an authorized facility;
- s. The transfer station must have adequate storage space for incoming solid waste;
- t. Operational records must be maintained at facilities with permanent operating mechanical equipment. These records must include a daily log of the quantity of solid waste received and transported, specifying the origin by hauler and the destination of the solid waste transported daily;
- u. The facility shall not generate more than 150 total vehicle trips per day;
- v. An annual report must be submitted to the Community Development Department which summarized the information gathered in (t), above;
- w. The facility shall be developed, operated and maintained in a safe, nuisance-free manner; and
- x. The facility and its operation must be in compliance with GA EPD requirements.

4.2 *Additional Permit Application Requirements.*

- a. Application requirements. An application for a solid waste transfer station permit must confirm to the requirements set forth herein. Applications for initial permits to construct and operate a solid waste transfer station must include the following:
 - (1) Regional plan or map. The regional plan or map must delineate the service area of the proposed transfer station.
 - (2) Site plan. The site plan must include:
 - (a) Site conditions and projected site utilization, including all site structures (such as buildings, fences, gates, entrances and exits, parking areas);

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

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

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

4.4 Expansion or Modification of Existing Facilities. No transfer station facility existing as of 12/06/04 may make modifications which require a permit, make changes that require a permit modification from the GA EPD or increase the square footage of any buildings on site without City Council approval. When reviewing modification or expansion plans, the Council

may consider the extent to which the proposed modification or expansion meets the standards established in Sections 4.1 and 4.3, herein; however, any existing buildings which do not meet setback requirements shall be considered non-conforming and shall remain, but may not be expanded with regard to the setback non-conformity pursuant to UDC Sec. 2.4.2.

D. *District Regulations.*

Minimum lot size—one acre.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

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

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

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—35%.

Maximum Building Height—35 feet.

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

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

(Ord. No. 708 , § 1, 8-10-2015; Ord. No. 715 , § 3, 9-28-2015; Ord. No. 718 , §§ 7, 10—12, 12-14-2015; Ord. No. 741 , §§ 2, 3, 6-5-2017; Ord. No. 744 , §§ 2, 3, 5, 6, 7-10-2017; Ord. No. 808 , § 2(Exh. B), 9-8-2020; Ord. No. 835 , § 1(Exh. B), 10-4-2021; Ord. No. 836 , § 1(Exh. A), 10-4-2021; Ord. No. 843 , § 2(Exh. B), 4-18-2022)

2.2.20 MU mixed use district.

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

A. *Applicability.* This zoning district is applicable to properties located within:

1. Areas that are primarily non-residential in character; or
2. Along major roadways that are primarily commercial in character; or
3. Historic Downtown Alpharetta; or
4. As noted in the Comprehensive Land Use Plan.

B. *Permitted Principal Uses.* A property in the MU district may be used only for those uses approved as part of the conditions of approval of the MU zoning on the property and as further limited below.

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

Dwelling, 'For-Rent' and 'For-Sale' units shall require conditional use approval as set forth in Table 2.2.

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

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

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

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

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

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

Combination of Horizontal and Vertical Mixed Use:

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

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

- C. *Conditional Uses.* A property in the MU district may be used for those uses listed below and in Table 2.2, as well as, any additional uses included in the conditions of approval for the MU

zoning on the property. Conditional uses not included in the master plan shall require a public hearing by the Planning Commission and approval by the City Council.

1. Residential Uses:

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

2. Commercial Uses:

- a. Art Gallery.
- b. Athletic Facility.
- c. Bakery.
- d. Bank, Savings & Loan.
- e. Barber Shop.
- f. Beauty Shop.
- g. Book Store.
- h. Boutique Hotel.
- i. Brewery.
- j. Clinic.
- k. Dance Studio.
- l. Day Care Center.
- m. Distillery.
- n. Drug Store (Pharmacy).
- o. Dry cleaning, Pickup Station.
- p. Fitness Studio.
- q. Florist, Retail.
- r. Grocery Store (max. 50,000 SF in the North Point Overlay).
- s. Hardware and Garden Supply Store (max. 50,000 SF in the North Point Overlay).
- t. Hotel/Motel.
- u. Hotel, Hybrid.
- v. Liquor Store.
- w. Manufacturing. Heavy.
- x. Nail Salon.
- y. Office.
- z. Pet Grooming.

- aa. Print Shop.
- bb. Recreation Facilities, Indoor and Outdoor.
- cc. Restaurant.
- dd. Retail Establishment.
- ee. School, Commercial.
- ff. Spa Services.
- gg. Special Event Facility.
- hh. Theater, Cinema.
- 3. Semipublic Uses, Utilities:
 - a. Church, Synagogue.
 - b. Heliport.
 - c. Library.
 - d. Museum.
 - e. Park or Playground.
 - f. Public Building.
 - g. School, Academic.

D. *District Regulations.*

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

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

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

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

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

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

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

- 1. Retail, restaurant, office, and personal service uses at ground level.
- 2. Pedestrian connectivity to all uses.
- 3. Large parking areas below grade, in decks or screened. Design efforts to provide shared parking will also be considered.
- 4. Accommodations for public transportation.

5. Buildings that face or appear to face public roadways.
 6. Appearance standards for buildings and structured parking.
 7. Limitations on uninterrupted building elevations.
 8. Creation of vistas and view corridors within development.
 9. Focal point features at prominent locations and ends of vistas.
 10. Incorporation of natural site features.
 11. Block lengths conducive to pedestrian traffic.
 12. Detention and retention facilities designed to be aesthetically pleasing.
 13. Creative methods for stormwater management to provide additional open space.
 14. Attractive and usable street furniture in public spaces.
 15. Emphasis on a high quality landscape plan.
 16. Number of office jobs internally captured on-site.
- F. *Time Linkage/Concurrency.* In order to ensure that the objectives of MU district are met and development occurs which incorporates a mix of uses, a development phasing strategy or time line shall be established for each MU project, subject to the following:
1. *Open Space and Civic Space.* No certificate of occupancy for any use shall be issued until a proportional amount of required open space and civic space has been installed.

Furthermore, when reviewing the phasing strategy or timeline, the City Council may link the issuance of other permits and/or certificates of occupancy for a portion of the development with the completion of other portions of the development.

(Ord. No. 702, § 1(Exh. A), 3-2-2015 ; Ord. No. 732 , § 1, 2-6-2017; Ord. No. 741 , § 4, 6-5-2017; Ord. No. 744 , § 2, 7-10-2017; Ord. No. 749 , §§ 2, 3, 9-18-2017; Ord. No. 767 , § 4(Exh. A), 10-22-2018; Ord. No. 808 , § 2(Exh. B), 9-8-2020; Ord. No. 836 , § 1(Exh. A), 10-4-2021; Ord. No. 843 , § 2(Exh. B), 4-18-2022)

TABLE 2.2 LIST OF PERMISSIBLE AND CONDITIONAL USES

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

USES	AG	RE	R	R-22	R-15	R-12	R-10	R-4A	R-4D	R-8A/D	R-10M	CUP*	OI*	OP	C-1	C-2	PSC	LI	OS-R	SU	MU
Adult Entertainment Establishment																		O			
Airport, Public/Private	O											O	S					O		X	
Amphitheater												O	S					X	O	X	
Animal Hospital, Small Animal (Veterinarian)	O											O	S		O	O	S	X			
Animal Hospital, Large Animal	O																	X			
Art Galleries												O	S	O	X	X	O	X			O
Asphalt Plant																		O			
Athletic Facility												O	S		O	X	S	X			O
Auditorium	O											O	S	O	O	O	S	X			
Auto Sales and Leasing (Trucks, Vans, Cars and Accessories)												O				O		X			
Automotive Parts												O			O	X	S	X			

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Automotive Service & Service Station												O	S			X	S	X			
Bakery												O	S	O	X	X	O	X			O
Bank, Savings and Loan, Mortgage Company												O	O	X	X	X	O	X			O
Barber/Beauty Shop												O	S	X	X	X	O				O
Bed and Breakfast	X	O	O	O	O						X	O		X	X	X					O
Book Store or Stationery												O	S	A	X	X	O	X			O
Bottle Gas Storage and Distribution																		X			
Boutique Hotel												O	S			O	S	O			O
Bowling Alley												O	S		O	X	S	X			
Brewery												O	S		O	O	O	X			O
Broadcasting Studio (Radio and TV)	O											O	O			X	S	X			
Builder's Equipment/Material	O											O				O		X			
Car Wash													S			O	O	X			
Carpenter Shop, Woodworking	O																	X			
Carpet and Rug Sales															X	X	O	X			
Cemetery	O																			O	
Check Cashing															O	O		X			
Church, Synagogue	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	S	X		O	O

Clinic, Public/Private												O	O	X	X	X	O				O
Club, associations, or Lodge	O			O	O	O	O	O	O	O	O	O	O	O	O	O	S			O	
Concrete Plant																		O			
Congregate Housing, Assisted Living Facility										O	O	O		O	O			X		O	
Contractor's Office without outside storage											O	S	X	O	X			X			
Contractor's Office with outside storage											O				O			X			
Convenience Center w/Gas Pumps											O	S			X	S		X			
Country Club	O	O	O	O	O	O	O	O	O	O	O	S									
Dance Studio											O	S		X	X	O		X		O	
Day Care Center											O	O	X	X	X	O		X		O	
Discount Store																		X			
Distillery											O	S		O	O	O		X		O	
Drug Store (Pharmacy)											O	O		X	X	O		X		O	
Dry Cleaning, Pick-Up Station											O	S	O	X	X	S		X		O	
Dry Cleaning, Plant																		O			
Dwelling, 'For-Sale', Attached							X		X	X	O					O				O	

Dwelling, 'For-Sale', Detached	X	X	X	X	X	X	X		X	X		O					O				O
Dwelling, 'For-Rent'											X	O									O
Dwelling, Group											O	O	O		O	O					O
Equestrian Center	O	O	O	O	O							O								X	
Extended Stay Hotel (see Section 2.7)												O	S			O		O			
Family Day Care Home (accessory use)	X	X	X	X	X	X	X	X	X	X	X	O									
Farmlands (including Livestock, poultry)	X																				
Fire station												O	S							X	
Fireworks Sales																		X			
Fitness Studio												O	S	O	X	X	S	X			O
Florist, Retail												O	S	O	X	X	O				O
Funeral Homes with no cemetery or mausoleum												O	S		O	O	S	X			
Glass Fabrication																		O			
Golf Course, Driving Range	O	O	O	O	O	O	O	O	O	O	O	O	O					O		X	
Golf, Miniature												O	S		O	O	S			X	
Greenhouse, Nursery	O															O	S	X			
Grocery Store												O			O	X	O	X			O

Group Home, Special Care Home (accessory use)	X	X	X	X	X	X	X					O									
Hardware and Garden Supply Store												O			X	X	O	X			O
Heliport, Public/Private	O											O	O				S	X		X	O
Home Improvement Store															X	O	X				
Home-Elderly, Children, Nursing										O	O	O		O	O		X				
Hospital												O	O		O	X		X		X	
Hotel or Motel												O	S		O	O	S				O
<u>Hotel, Hybrid</u>												<u>O</u>	<u>S</u>			<u>O</u>	<u>S</u>	<u>O</u>			<u>O</u>
Indoor Shooting Range																		O			
Junk/Salvage Yard																		O			
Kennel	O																	X			
Laboratory, Research Commercial												O	S					X			
Laundry, Industrial												O						O			
Laundry, Self-Serve, Pick-Up												O			X	X	O	X			
Limousine Service and Taxi (with or without outside vehicle storage)																O		X			

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Liquor Store												O	S		O	X	O	X			O
Locker, Frozen Food or Cold Storage												O						X			
Machine Shop																		X			
Manufacturing, Heavy, General																		O			
Manufacturing, Light												O	S					X			
Massage Therapy																O		X			
Medical Cannabis or Marijuana Dispensary																		O			
Mini-warehouse Storage, Conditioned or Unconditioned space																		X			
Museum and Libraries												O	O		X	X	S	X		X	O
Nail Salon												O			X	X	S	X			O
Office												O	O	X	X	X	O	X			O
Park or Playground	X	X	X	X	X	X	X	X	X	X	X	O	S	X	X	X	S	X	X	X	O
Parking Lot, Commercial												O	S		O	X	S	X			
Pawn Shop																		X			
Pest Control Business (with or without onsite chemical storage)															O	O		X			

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

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

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

(Ord. No. 671, § 1, 2-4-2013 ; Ord. No. 675, § 1, 6-3-2013 ; Ord. No. 692, § 1(Exh. 1), 7-21-2014 ; Ord. No. 703 , § 1, 6-1-2015; Ord. No. 704 , § 2, 6-1-2015; Ord. No. 708 , § 1, 8-10-2015; Ord. No. 715 , § 4, 9-28-2015; Ord. No. 718 , § 14(Exh. B), 12-14-2015; Ord. No. 730 , § 5, 12-5-2016; Ord. No. 741 , § 5(Exh. A), 6-5-2017; Ord. No. 744 , § 7(Exh. A), 7-10-2017; Ord. No. 767 , § 7(Exh. C), 10-22-2018; Ord. No. 772 , § 8(Exh. A), 2-4-2019; Ord. No. 808 , § 2(Exh. B), 9-8-2020; Ord. No. 813 , § 1(Exh. A), 10-26-2020; Ord. No. 835 , § 1(Exh. B), 10-4-2021; Ord. No. 836 , § 1(Exh. A), 10-4-2021; Ord. No. 843 , § 2(Exh. B), 4-18-2022)

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

SECTION 2.2 a. CONDITIONAL USE REVIEW CRITERIA

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

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

Exhibit “C”

SECTION 2.7 MISCELLANEOUS REGULATIONS

2.7.3 Extended stay hotel.

- A. *Definition.* "Extended Stay Hotel" means a building ~~in which lodging is provided for transient guests for an average stay of less than one (1) month and offered to the public for compensation and containing guest rooms for lodging, offered to the public for compensation, which are advertised, designed, intended or routinely utilized for weekly or monthly occupancy, or in which at least 30% of all~~ guest rooms have facilities for the refrigeration and preparation of food by guests, such as a refrigerator and a cooktop/stove (or a refrigerator, a microwave, and a dishwasher or kitchenette sink), and a self-serve laundry facility is available for guests use. For the purposes of this Code, extended stay hotels, ~~hybrid hotels~~, and hotels (or motels) are separate and distinct uses.
- B. *Findings and Purpose.* The City finds that extended stay hotels offer an alternative form of lodging from hotels (or motels) or corporate apartments (apartments with short-term leases) for longer-term, business travelers, families in the process of relocating or awaiting new construction or remodeling, long-term tourists and similar patrons. Extended stay hotels, which are places of public accommodation providing longer-term temporary lodging (weekly or monthly occupancies), may be an appropriate use in certain zoning districts as determined by the City Council after considering and finding that certain factors are met, including the use is compatible with surrounding uses, properties and neighborhoods, will not impede the normal and orderly development of surrounding property for uses predominant in the area, and the location and character of said conditional use is consistent with a desirable pattern of development for the city; however, the City finds that if extended stay hotels are left unregulated, such uses can become transitional residences and in some cases permanent residential accommodations, akin to "For-Rent" dwellings. Further, because extended stay hotels are designed for longer-term, temporary lodging (weekly or monthly occupancies), whereas hotels or motels are designed for short-term transient occupancies (less than seven (7) days) ~~and hybrid hotels are designed for short-term and long-term transient occupancies (less than seven (7) days and up to one (1) year, respectively)~~, the City finds that tourism activities and other attendant activities of guests at extended stay hotels differ from those activities of guests at hotels or motels ~~and hybrid hotels~~, which may not be compatible with the City's comprehensive plan or economic development goals. Accordingly, the City finds that extended stay hotels are separate and distinct land uses from hotels (or motels) ~~and hybrid hotels~~ and that different considerations must be considered to ensure that such uses are consistent with the City's land use patterns and tourism and economic development goals. The City therefore finds that it is necessary to establish regulations that distinguish these types of uses in order to encourage the appropriate use of land for the development of hotels (motels) ~~and hybrid hotels~~ to implement important City interests, including the promotion of tourism within the City, while also providing the opportunity for the development of extended stay hotels to meet the demands of businesses and the community for lodging accommodations designed for longer-term business travelers, families in the process of locating a new residence, awaiting new construction or remodeling, and long-term tourists, while also preventing such uses from becoming permanent residential occupancies or dwellings.
- C. *Conditional Use Permit Approval.* The location, construction and use of a property or building for an extended stay hotel use shall require the prior approval of a conditional use permit by the City Council. In addition to consideration of the conditional use standards otherwise provided for in this Code, the approval of a conditional use permit for an extended stay hotel is subject to the City Council finding that the proposed use meets the following requirements:
1. The minimum lot size for extended stay hotels is three (3) acres.
 2. No facility may contain more than thirty-five (35) guestrooms per gross acre of development.

3. All guestrooms which have facilities for the refrigeration and preparation of food by guests shall have a minimum of four hundred square feet (400 sq. ft.) of floor area. For any such guestrooms designed for occupancy of more than two (2) guests, a minimum of five hundred and fifty square feet (550 sq. ft.) of floor area shall be required.
 4. A minimum of 15% of the gross area of the lot must be designed and used as outdoor amenity space. Outdoor amenity spaces may only be used for the following types of active and/or passive recreational uses: yards or lawns available for unstructured recreation; gardens; hardscape areas or walkway paths for pedestrian enjoyment (but excluding any improvements serving parking areas), which may include pergolas, gazebos, benches and exercise or play equipment; pool areas; tennis courts, basketball courts and similar recreational facilities; and playgrounds designed and equipped for the recreation of children, which must be fenced and may include an open shelter. However, outdoor amenity space shall not include any other required open areas such as required building setbacks, buffers, landscape strips or other similar requirements of this Ordinance or other applicable laws.
 5. All such facilities shall provide a fifty-foot (50') buffer from any property zoned for a 'For-Rent' dwelling use and a one-hundred-foot (100') buffer from any property zoned for a 'For-Sale' dwelling use.
 6. No building may be located within three hundred feet (300 ft.) of any residentially zoned property, inclusive of the required buffer.
 7. Access to each guest room shall be through an inside lobby which is supervised at all hours the facility is open.
 8. Number of Vehicle Parking Spaces Required: One (1) space for each guest room, plus 1 employee space for each 20 sleeping rooms, plus one space per 500 sq. ft. of space used for convention rooms, conference rooms, ballrooms, restaurant and/or retail shops.
- D. *Additional Regulations.* Extended stay hotels shall comply with the following additional regulations:
1. The maximum occupancy for a guestroom with facilities for the refrigerated storage and preparation of food by guests that is less than five hundred and fifty square feet (550 sq. ft.) in floor area shall be two (2) persons. For all guestrooms with facilities for the refrigerated storage and preparation of food by guests that exceed five hundred and fifty square feet (550 sq. ft.), the maximum occupancy shall be four (4) persons. For the purposes of this provision, minor children related by blood or marriage to an adult occupant shall be excluded from this computation; provided, however, that in no event shall the maximum occupancy of any room exceed the requirements of the Life Safety Code. Further, except to the extent the regulations of the Life Safety Code are applicable, the restrictions set forth in this subparagraph shall not apply to extended stay hotels built prior to the effective date of these regulations.
 2. No more than ten percent (10%) of individual guests shall register, ~~reside~~ lodge in, or occupy a room or rooms within the same facility for more than a continuous ninety (90) day period, nor shall any guest move from one room to another without a three (3) day vacancy in between.
 3. Each such facility shall be protected with an alarm system and a sprinkler system meeting the requirements of the Life Safety Code.
 4. No outdoor storage or permanent parking of equipment or vehicles shall be permitted. Parking of inoperable vehicles and vehicles backed into parking spaces with the license plate not visible from the parking lot drive aisle shall be prohibited.
 5. Off-street parking lot lighting shall have an average footcandles of 3.0 and maximum footcandles of 6.0. Parking lot lighting shall be maintained in good working order.
 6. No permanent business license shall be issued for the conduct of any business from any guestroom of the facility.

7. No facility under this section may be converted to or used as an apartment or condominium.

8. Facilities under this section shall maintain parking lot and landscape strip shrubs along the properties' road frontage at a height not to exceed four (4) feet.

- E. The prior approval of a hotel (or motel) or hybrid hotel use shall not confer the right to locate, construct or use a property or building as an extended stay hotel. No hotel (or motel) or hybrid hotel may be converted to an extended stay hotel without the approval of a conditional use permit by the City Council in accordance with the foregoing standards.
- F. Extended stay hotels built prior to the effective date of these regulations, which conform to the standards in place at the time of their approval, shall be deemed non-conforming uses; provided, however, such uses shall comply with the regulations set forth in Paragraph D above, except to the extent expressly excepted therefrom as provided herein.

(Ord. No. 718 , § 18, 12-14-2015)

2.7.8 Hybrid hotel.

A. Definition. "Hybrid Hotel" means a building in which lodging along with customary lodging facilities and services, such as meeting rooms, restaurant, maid service and fitness center, are provided for transient guests for a mix of short- and long-term stays. The hybrid hotel primarily provides lodging for transient guests for an average stay of less than 7 days and offered to the public for compensation. No more than 30% of guest rooms may provide lodging for transient guests for long-term stays up to one year. Hotel services shall include the provision of food and beverage services suitable for both guests and groups, on-site restaurant, lounges, group meeting space with banquet facilities and selective amenities, such as but not limited to spas, banquets rooms, doormen, valet parking, concierge, and high-end restaurant and boutiques. Guest rooms within the building shall not contain equipment for food preparation other than a mini-fridge and/or microwave, except that rooms provided for longer stays may have equipment for food preparation. There shall be no self-laundry facilities (for guest's use) within the building, except that rooms provided for longer stays may have self-laundry facilities. Access to each guest room shall be through an inside lobby supervised at all hours.

B. Findings and Purpose. The City finds that hybrid hotels offer an alternative form of lodging from hotels (or motels) or corporate apartments (apartments with short-term leases) for longer-term, business travelers, families in the process of relocating or awaiting new construction or remodeling, long-term tourists and similar patrons. Hybrid hotels, which are places of public accommodation providing both short- and longer-term temporary lodging, may be an appropriate use in certain zoning districts as determined by the City Council after considering and finding that certain factors are met, including the use is compatible with surrounding uses, properties and neighborhoods, will not impede the normal and orderly development of surrounding property for uses predominant in the area, and the location and character of the hybrid hotel is consistent with a desirable pattern of development for the City; however, the City finds that if hybrid hotels are left unregulated, such uses can become transitional residences and in some cases permanent residential accommodations, akin to 'For-Rent' dwellings. Further, because hybrid hotels are designed for a mix of short- and long-term temporary lodging, whereas hotels or motels are designed for short-term transient occupancies (less than seven (7) days) and extended stay hotels are designed for long-term transient occupancies (weekly or monthly occupancies), the City finds that tourism activities and other attendant activities of guests at hybrid hotels differ from those activities of guests at hotels or motels, which may not be compatible with the City's comprehensive plan or economic development goals. Accordingly, the City finds that hybrid hotels are separate and distinct land uses from hotels (or motels) and extended stay hotels and that different considerations must be considered to ensure that such uses are consistent with the City's land use patterns and tourism and economic development goals. The City therefore finds that it is necessary to establish regulations that distinguish these types of uses in order to encourage the appropriate use of land for the development of hotels (motels) to implement important City interests, including the promotion of

tourism within the City, while also providing the opportunity for the development of hybrid hotels to meet the demands of businesses and the community for lodging accommodations designed for a mix of short- and longer-term business travelers, families in the process of locating a new residence, awaiting new construction or remodeling, and long-term tourists, while also preventing such uses from becoming permanent residential occupancies or dwellings.

C. *Conditional Use Permit Approval.* The location, construction and use of a property or building for a hybrid hotel use shall require the prior approval of a conditional use permit by the City Council. In addition to consideration of the conditional use standards otherwise provided for in this Code, the approval of a conditional use permit for a hybrid hotel is subject to the City Council finding that the proposed use meets the following requirements:

1. The minimum lot or development size for hybrid hotels is three (3) acres.
2. The building shall contain no more than thirty percent (30%) of guest rooms for long-term stays.
3. Building shall be rated by Forbes or AAA as 4 stars or better.
4. Building or development shall have a minimum 60,000 square foot conference room, event space, or group meeting space with banquet facilities.
5. Building shall have a minimum 3,000 square foot sit-down restaurant with table service.
6. All guestrooms which have facilities for the refrigeration and preparation of food by guests shall have a minimum of four hundred square feet (400 sq. ft.) of floor area.
7. A minimum of 15% of the gross area of the lot must be designed and used as outdoor amenity space. Outdoor amenity spaces may only be used for the following types of active and/or passive recreational uses: yards or lawns available for unstructured recreation; gardens; hardscape areas or walkway paths for pedestrian enjoyment (but excluding any improvements serving parking areas), which may include pergolas, gazebos, benches and exercise or play equipment; pool areas; tennis courts, basketball courts and similar recreational facilities; and playgrounds designed and equipped for the recreation of children, which must be fenced and may include an open shelter. However, outdoor amenity space shall not include any other required open areas such as required building setbacks, buffers, landscape strips or other similar requirements of this Ordinance or other applicable laws.
8. All such buildings shall provide a minimum fifty-foot (50') buffer from any property zoned for a 'For-Sale' or 'For-Rent' dwelling use.
9. Access to each guest room shall be through an inside lobby which is supervised at all hours the building is open.
10. Number of Vehicle Parking Spaces Required: One (1) space for each short-term guest room and two (2) spaces for each long-term guest room, plus 1 employee space for each 20 guest rooms, plus one space per 500 sq. ft. of space used for convention rooms, conference rooms, ballrooms, restaurant and/or retail shops.

D. *Additional Regulations.* Hybrid hotels shall comply with the following additional regulations:

1. The maximum occupancy for a guest room with facilities for the refrigerated storage and preparation of food by guests that is less than five hundred and fifty square feet (550 sq. ft.) in floor area shall be two (2) persons. For all guestrooms with facilities for the refrigerated storage and preparation of food by guests that exceed five hundred and fifty square feet (550 sq. ft.), the maximum occupancy shall be four (4) persons. The maximum occupancy shall be six (6) persons when an additional bedroom is provided. For the purposes of this provision, minor children related by blood or marriage to an adult occupant shall be excluded from this computation; provided, however, that in no event shall the maximum occupancy of any room exceed the requirements of the Life Safety Code.

2. No more than 30% of individual guests shall register, lodge in, or occupy a room or rooms within the same facility for more than a continuous 365-day period, nor shall any guest move from one room to another without a three (3) day vacancy in between.
 3. Each such building shall be protected with an alarm system and a sprinkler system meeting the requirements of the Life Safety Code.
 4. No outdoor storage or permanent parking of equipment or vehicles shall be permitted. Parking of inoperable vehicles and vehicles backed into parking spaces with the license plate not visible from the parking lot drive aisle shall be prohibited.
 5. Off-street parking lot lighting shall have an average footcandles of 3.0 and maximum footcandles of 6.0. Parking lot lighting shall be maintained in good working order.
 6. No permanent business license shall be issued for the conduct of any business from any guestroom of the building.
 7. No building under this section may be converted to or used as an apartment or condominium.
- E. The prior approval of a hotel or motel use shall not confer the right to locate, construct or use a property or building as a hybrid hotel. No hotel or motel may be converted to a hybrid hotel without the approval of a conditional use permit by the City Council in accordance with the foregoing standards.