



AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AMEND ARTICLE II, ARTICLE III, AND APPENDIX A: ALPHARETTA DOWNTOWN CODE OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO AMEND REGULATIONS PERTAINING TO ELECTRIC VEHICLE CHARGING STATIONS; TO AMEND REGULATIONS PERTAINING TO ALPHARETTA DOWNTOWN DESIGN GUIDELINES; TO AMEND AND ADD REGULATIONS PERTAINING TO SIGNS; TO AMEND AND ADD REGULATIONS PERTAINING TO TREE CONSERVATION; TO AMEND AND ADD REGULATIONS PERTAINING TO MULTI-USE TRAILS; 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 Article II, Article III, and Appendix A: Alpharetta Downtown Code of the Unified Development Code for the foregoing purposes; and

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

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

**Section 1:** Article II, Subsection 2.3.6 titled "Fence and Wall Requirements" 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, Subsection 2.5.7 titled "Electric Vehicle Charging Stations (EVCS)" 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 2.6 titled "Signs" 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:** Article II, Subsection 2.10.5 titled “North Point Overlay Streets” of the Unified Development Code is hereby amended by amending same as set forth in Exhibit “D” attached hereto as if fully set forth herein.

**Section 5:** Article III, Section 3.2 titled “Tree Conservation, Landscape, and Buffer Requirements” of the Unified Development Code is hereby amended by amending same as set forth in Exhibit “E” attached hereto as if fully set forth herein.

**Section 6:** Article III, Subsection 3.5.7 titled “Multi-Use Trails” of the Unified Development Code is hereby added by amending same as set forth in Exhibit “F” attached hereto as if fully set forth herein.

**Section 7:** Appendix A: Alpharetta Downtown Code, Subsection 2.3.5 titled “Multi-Use Trails” of the Unified Development Code is hereby amended by amending same as set forth in Exhibit “G” attached hereto as if fully set forth herein.

**Section 8:** Alpharetta Downtown Design Guidelines, as referenced in Appendix A: Alpharetta Downtown Code of the Unified Development Code is hereby amended by amending same as set forth in Exhibit “H” attached hereto as if fully set forth herein.

**Section 9:** If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

**Section 10:** This Ordinance shall be effective immediately upon its adoption by the City Council and 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 16<sup>th</sup> day of October 2023

CITY OF ALPHARETTA

By: \_\_\_\_\_

Jim Gilvin, Mayor

[SIGNATURES CONTINUED ON FOLLOWING PAGE]

[SIGNATURES CONTINUED FROM PRECEDING PAGE]

COUNCIL MEMBERS

  
\_\_\_\_\_  
Mayor Pro Tem Dan Merkel

  
\_\_\_\_\_  
Council Member Donald F. Mitchell

  
\_\_\_\_\_  
Council Member Brian Will

  
\_\_\_\_\_  
Council Member Douglas J. DeRito

  
\_\_\_\_\_  
Council Member John Hipes

  
\_\_\_\_\_  
Council Member Jason Binder



Attest:

  
\_\_\_\_\_  
Lauren Shapiro, City Clerk

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
Molly Esswein, City Attorney

---

# Exhibit "A"

---

### **2.3.6 Fence and wall requirements.**

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

---

# Exhibit “B”

---

### **2.5.7 Electric Vehicle Charging Stations (EVCS).**

All **non-residential and Dwelling, 'For-Rent'** developments requiring 100 or more vehicle parking spaces shall provide Electric Vehicle charging stations (EVCS). One (1) **Level 2** EVCS for every 25 required vehicle parking spaces **or one (1) Level 3 EVCS for every 100 required vehicle parking spaces** shall be required.

---

# Exhibit "C"

## SECTION 2.6 SIGNS<sup>1</sup>

### **2.6.8 Prohibited signs and devices.**

Except as otherwise provided, the following types of signs or attention-getting devices are prohibited in all zoning districts of the City:

1. Balloons, pennants, streamers, feather signs, air or gas filled figures, or similar attention-getting devices or wind-activated devices, excluding flags.
2. Swinging signs.
3. Rotating signs.
4. Animated signs, flashing signs, and intensely lighted signs.
5. Beacons, search lights or laser lights or images.
6. Variable message boards used for purposes other than traffic management.
7. Signs which purport to be, or are an imitation of, or resemble an official traffic sign or signal.
8. Window signs which, in aggregate, exceed 20% of the window area or otherwise fail to meet the standards of this Ordinance.
9. A-frame signs, sandwich board, sidewalk or curb signs are prohibited except when placed within 5 ft. of the front door of a building.
10. Signs painted on or attached to utility poles, trees, rocks or other similar objects, except signs lawfully placed on utility poles by a government, public authority or public utility.
11. Signs which obstruct a fire escape, required exit, window or door opening used as a means of ingress or egress, or which interfere with any opening required for ventilation, or which violate any code of the City, including the Life Safety Code and the Fire Prevention Code.
12. Signs occupying a parking space required under the minimum parking requirements of this Ordinance, other than signs designating the space as reserved for handicapped or other use.
13. Signs which do not conform to City-adopted building and electrical codes.
14. Signs which emit audible sound, odor or visible matter.
15. Portable signs.
16. [Reserved].
17. [Reserved].
18. Signs attached to any street signs or traffic control devices, or to any pole supporting same, or any sign attached to any utility pole, other than those signs lawfully placed by a government, public agency, or public utility.
19. Signs projected on a building.
20. Signs in a public right-of-way other than publicly owned or maintained signs.

---

<sup>1</sup>Ord. No. 720 , § 2(Exh. A), adopted 2-22-2016, repealed former § 2.6 (2.6.1—2.6.14), and enacted a new § 2.6 as set out herein. The former § 2.6 pertained to similar subject matter and derived from the original codification and Ord. No. 713 , §§ 1—8, adopted Sept. 28, 2015.

21. Signs which are in violation of the rules and regulations of any zoning overlay district presently existing or as may later be enacted.
22. Signs located on any substandard lot.
23. Abandoned signs.
24. Any sign that is structurally unsound, or is a hazard to traffic or pedestrians.
25. Dilapidated or neglected signs. A sign (including sign structure) will be dilapidated or neglected if it does not present a neat and orderly appearance, which may be manifested by the following: rust or holes on or in the sign or sign structure, or broken, missing, loose or bent parts, faded or flaking paint, non-operative or partially non-operative illuminating or mechanical devices or missing letters in sign copy.
26. Signs exceeding 156 sq. ft. in copy area if located on a commercial building, signs exceeding 240 sq. ft. in copy area if located on an industrial or office park building and/or signs and sign structures in excess of 10 ft. in height (measured from the ground to the highest point of the structure).
27. Signs in any area designated as an undisturbed buffer pursuant to a federal, state or local law, a condition of zoning, or approved plat.
28. Internally illuminated window signs, including neon or LED signs (except as otherwise permitted herein). Additionally, LED, string or similar lighting outlining the windows, doors or other similar building features shall be prohibited.
29. Cabinet signs in the Downtown Overlay.
30. Face illuminated channel letter signs in the Downtown Overlay.

( Ord. No. 720 , § 2(Exh. A), 2-22-2016; Ord. No. 736 , § 1, 3-20-2017; Ord. No. 805 , § 1(Exh. A), 8-10-2020; Ord. No. 841 , § 2(Exh. B), 2-21-2022)

### **2.6.11 General provisions.**

Except as otherwise provided in this Ordinance, the following general regulations apply to all zoning districts in the City:

#### **A. MAINTENANCE AND APPEARANCE OF SIGNS.**

1. All signs shall be maintained in good condition and present a neat and orderly appearance. Any sign showing gross neglect, or which becomes dilapidated, or which is surrounded by an unmaintained ground area, or due to its condition which may pose a threat to the safety of the public may be required to be repaired or removed as set forth below.
2. The Director, upon finding any of the above conditions, will give the owner written notice which may be up to 10 days to correct the deficiencies or to remove the sign or signs. If the owner refuses to correct the deficiencies or remove the sign, the Director may issue a citation under the enforcement provisions of this Ordinance.

#### **B. ILLUMINATION OF SIGNS.**

1. The light from any illuminated sign shall not be of an intensity or brightness which will interfere with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent properties.
2. No sign shall have blinking, flashing, or fluctuating lights or other illuminating devices which have a changing light intensity, brightness or color.

3. No color lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
4. Neither direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles.
5. Lighting for free-standing signs shall be located above the sign and aimed downward in order to minimize the brightness added to the night sky.

C. MEASUREMENT OF SIGN AREA.

1. *Generally.* Except as otherwise provided herein, the area of a sign shall be computed as the area within the smallest rectangle enclosing the limits of a sign face, together with any sign face cabinet, frame, material, texture, or color forming an integral part of the sign face used to differentiate the sign face from the structure upon which it is placed. The computation of the area of a sign face shall not include the structure, supports, or uprights on which the sign face is placed or any portions of a sign structure that are not intended to contain any copy or serve background, but rather are purely structural or architectural in nature, except as provided above.
2. *Double-Faced Signs.* For double-faced signs, when the sign face surfaces are parallel and are back to back, or where the interior angle formed by the faces is sixty (60) degrees or less, the area of the sign shall be taken as the areas on the largest side. For all other multi-faced signs, the area of the sign shall be the total area on all sides that can be viewed from any angle.
3. *Monument Signs.*
  - a. *Area of Sign.* For monument signs, the "sign area" or "area of the sign" shall mean the total area of the visible surface of the sign, including the base, sign structure, and sign face of the sign. The computation of the sign area of a monument sign shall include the entire surface of the base, sign structure and sign face, as measured from top to bottom and side to side. For monument signs that are double-faced, when the sign face surfaces are parallel and are back to back, or where the interior angle formed by the faces is sixty (60) degrees or less, the area of the sign shall be taken as the areas on the largest side.
  - b. *Sign Face.* For monument signs, the area of the sign face shall be measured in the same manner as provided for the measurement of the area of sign for all other signs.
  - c. *Copy Area.* For monument signs, the copy area shall be measured in the manner provided in the definition of "copy area."
  - d. *Tenant Panels and Changeable Copy Board.* If a portion of a monument sign includes a sign face with tenant panels or changeable copy board, which is separated from another copy area on the sign by portions of a sign structure that are not intended to contain any copy, but rather are purely structural or architectural in nature, the portion of the sign containing tenant panels or changeable copy board shall be measured separately from the other copy area of the sign (i.e., the copy area of the monument sign is the total of (i) the area within the smallest rectangle enclosing the limits of the sign face comprised of tenant panels or changeable copy and (ii) the other (separated) copy area.

D. STANDARDS FOR MONUMENT SIGNS.

1. The base of a monument sign shall be at least as wide as the sign face. Unless otherwise specified in a Master Sign Plan or a condition of zoning approval, the base and structure of a monument sign shall be constructed of brick, stone, or other architectural materials matching the principal building's materials and color. Any poles or columns utilized for

structural purposes shall be fabricated or covered so that they may not be detected visually. Foundations shall be designed to carry weight and wind load of the sign, in soil which it is placed.

2. Any tenant panels or changeable copy on a monument sign shall have a uniform background color and material.
3. All monument signs shall display the property address in numbers at least six (6) inches in height. The numerical address shall not be considered part of the sign face and shall not count against the allowable sign square footage provided such numbers are not more than twelve (12) inches in height.
4. Except for subdivision signs, monument signs may not be constructed before the principal building is on a lot.

**E. BANNERS. Banners require a permit and are permitted in all zoning districts pursuant to the following standards:**

1. Banners shall be permitted for either one (1) fourteen (14) day period per calendar year per lot or two (2) seven (7) day periods per calendar year per lot. An individual banner permit may be divided into two (2) non-consecutive seven (7) day periods provided the dates are stated on the permit. However, in the case of lots which contain a shopping center (or strip shopping center) with multiple tenant spaces, each tenant space shall be allowed to erect or place a banner for either one (1) fourteen (14) day period per calendar year or two (2) seven (7) day periods per calendar year. Applicants that require review and approval of signage from the Design Review Board (DRB), other than for a Master Sign Plan, shall be permitted one (1) banner sign for up to a 60 day period after submission of a DRB application.
- a. The Director may grant an extension of the time period set forth above for a commercial business when the business fronts a roadway that is under construction. In order to qualify for such an extension:
  1. The subject roadway construction must be related to a project performed by the City, County or the Georgia Department of Transportation; and
  2. The subject roadway construction is planned to continue for three (3) months or more following the date of the request for an extension; and
  3. The subject roadway construction either:
    - a. Causes the removal of a monument sign; or
    - b. As determined in the discretion of the Director, disrupts the store frontage to the extent the site and/or business appears dosed without the use of a banner.

Any extension granted under this subsection shall be limited to the duration of the subject roadway construction. Extensions granted by the Director may be revoked or limited at any time due to changes in the roadway construction or disruption of the store frontage as determined in the discretion of the Director. The Director may require removal or replacement of any banner placed pursuant to an extension at any time if the banner is not maintained in good condition as determined in the discretion of the Director.

2. In addition to the foregoing, banners shall be allowed on private property during an approved temporary use, as defined in Section 2.3.2 of the U.D.C., for the approved period of such temporary use, but not to exceed forty-five (45) days; provided, however, the placement of banners on lots during approved temporary uses shall not be permitted more than two (2) times per calendar year per lot. Any such banners shall be removed upon termination of the temporary use or within forty-five (45) days from the

date it is first placed on the lot, whichever is first to occur. Upon removal, no banner shall be placed on the same lot for a period of sixty (60) days.

3. Banners shall not exceed 24 sq. ft. total area in size.
  4. Banners must either be free-standing or mounted to the wall of a tenant space or the lot's existing monument sign. If free-standing, the height of the banner shall not exceed five (5) [feet] above grade. If mounted to the wall of a tenant space, the width of the banner shall not exceed tenant frontage and shall not extend above the horizontal plane of the roof where the building wall and roof meet. If mounted to the lot's existing monument sign, the banner shall not extend beyond the sign face of the monument sign.
  5. Banners shall be erected with supports or other means so that they do not sag or become dilapidated.
- F. PLACEMENT OF SIGNS. Except within the Central Business District, all free-standing signs must be set back at least ten (10) ft. from the public right-of-way. Within the Central Business District, all free standing signs must be set back at least five (5) feet from the public right-of-way.
- G. CHANGEABLE COPY. Any monument sign permitted under this Ordinance may contain up to sixty-five percent (65%) changeable copy if the sign is located on a lot zoned and used (as its principal existing use) for an institutional, public or semi-public use and which includes an indoor public assembly place accommodating one hundred (100) or more persons.

**H. SIGNS PERMITTED IN STRIP SHOPPING CENTERS, SHOPPING CENTERS, AND MIXED-USE DEVELOPMENTS.** To ensure aesthetic compatibility of signage throughout a development, strip shopping centers, shopping centers, and mixed-use developments shall submit a Master Sign Plan to the City's Design Review Board for consideration. At a minimum, Master Sign Plans shall address signage type, sign face color, and illumination color. Plans shall limit sign illumination color to one (1) color and sign face colors to no more than three (3) colors, except that licensed trademark/logo colors shall be permitted. Master Sign Plans shall apply to any signage that requires a permit.

( Ord. No. 720 , § 2(Exh. A), 2-22-2016; Ord. No. 847 , § 1(Exh. A), 4-18-2022)

---

# Exhibit “D”

---

## SECTION 2.10 NORTH POINT OVERLAY

### 2.10.5. Streets.

#### A. *Applicability.*

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

#### B. *Streetscapes.*

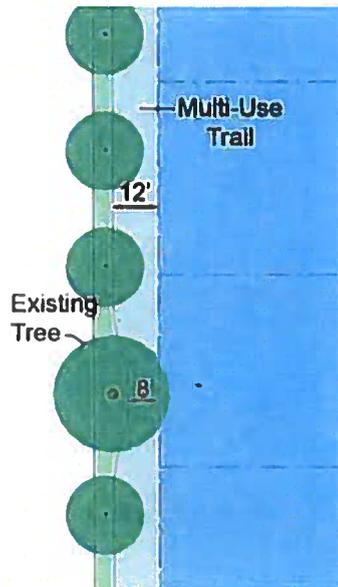
1. *Streetscapes Required.*
  - a. New public and private streets must include sidewalks and planters as identified in the Streetscape Standards of the Site Regulation Table prior to the issuance of Certificate of Occupancy, except as indicated in "d" immediately below.
  - b. Existing streets that do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

dimensional standards for planting area, tree spacing, and planting type be varied to accommodate runoff reduction measures.

- f. Alternative streetscape may be approved by City Transportation Engineer for multi-use trails in accordance with Sec. 2.10.5.C.

C. *Multi-Use Trails.*

1. Multi-use trails shall have an average width of 12 feet, but their width may be periodically reduced to 8 feet where topography, wetlands, stream buffers, existing buildings, existing trees, or other existing conditions render this requirement infeasible. The maximum aggregate length of this reduced width is 400 feet.



2. A multi-use trail ~~may~~ shall be required instead of a sidewalk along any new or existing street when the location is identified for a multi-use trail in the North Point Livable Centers Initiative Study or another plan that has been adopted by the City of Alpharetta. A multi-use trail may be required in other locations identified for a multi-use trail in the North Point Livable Centers Initiative Study, the Alpha Loop Plan, or another plan that has been adopted by the City of Alpharetta.
3. ~~Where a City of Alpharetta park or access easement held by the City of Alpharetta abuts a street subject to "1" above, the multi use trail may also be located in such park or easement.~~
4. In approving a multi-use trail in lieu of a sidewalk, the City Transportation Engineer, upon application, shall ~~may~~ reduce the required planter width to a minimum width of 5 feet if the proposed reduction is supported by the public health, safety and general welfare.
5. Buildings shall maintain a minimum setback of twenty-feet (20') from a multi-use trail.

---

# Exhibit “E”

## SECTION 3.2 TREE CONSERVATION, LANDSCAPE, AND BUFFER REQUIREMENTS<sup>2</sup>

### 3.2.1 General.

In order to maintain and promote the public health, safety and welfare, the City has established regulations governing the conservation, planting, and replacement of trees. The importance of trees is recognized for their contribution toward quality of life, visual quality of the city, and improved property values. It is the City's intent to prevent the indiscriminate removal of trees without denying the reasonable use and enjoyment of real property. It is also the intent of these regulations that all applicable sites within the City maintain or obtain minimum tree density, as defined herein. Consistent with the expressed purpose of these regulations, all persons shall make reasonable efforts to protect and retain certain existing, self-supporting trees as defined herein. Each person shall be responsible for the normal care of trees located on its premises.

- A. Willful injury or disfigurement of any tree growing within the City shall be a violation of this Ordinance.
- B. No person shall:
  - 1. Attach any sign, notice or other object to any tree or fasten wires, cables, nails or screws to any tree in a manner that could prove harmful to the tree.
  - 2. Pour any material on any tree or on nearby ground which could be harmful to the tree.
  - 3. Cause or encourage any unnecessary fire or burning near or around any tree.
  - 4. Construct a concrete, asphalt, brick or gravel sidewalk, significantly compact the soil, place fill material, or create other impervious or semi-impervious surfaces around any tree so as to cut off air, light or water from the roots of the tree so as to adversely impact the tree's root system.
  - 5. Pile building material or equipment around any tree so as to cause injury thereto.
  - 6. Deny routine maintenance, watering and reasonable arboricultural care to existing and newly established trees as may be required as a result of activities taking place under this Section.
  - 7. Remove any tree without Permit.
  - 8. Remove or prune a tree on commercial property during non-development activity unless they follow ISA industry standard protocols for pruning or have written approval from the Director.
  - 9. Park any vehicle on the unpaved area underneath existing tree canopies.

( Ord. No. 739 , 5-1-2017)

### 3.2.2 Definitions.

For the purposes of this Section, unless the context indicates otherwise, the following terms shall have the meaning set forth below:

*Boundary Tree.* Any tree located on adjacent property with a critical root zone that will be impacted by proposed land disturbance activity.

---

<sup>2</sup>Ord. No. 739 , adopted May 1, 2017, amended Section 3.2 in its entirety to read as herein set out. Former Section 3.2, Subsections 3.2.1—3.2.19, pertained to tree protection, and derived from the original codification.

*Buffer.* An area required to remain undisturbed or replanted where existing vegetation is sparse, as determined by the director.

*Caliper.* A standard of trunk measurement for replacement trees. Caliper inches are measured at the height of 6 inches above the ground for trees up to and including 4 inch caliper and 12 inches above the ground for trees larger than 4 inch caliper.

*Conifer Tree.* Any tree with needle leaves and a woody cone fruit including, but not limited to, pine, juniper and cedar species.

*Conserve.* Protect from harm or destruction; preserve; save.

*Critical Root Zone (CRZ).* The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The Critical Root Zone will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to one and three-tenths times the number of inches of the trunk diameter. EXAMPLE: The CRZ radius of a twenty (20) inch diameter tree is twenty-six (26) feet.

*Dead Tree.* Any standing tree which is no longer alive or has the ability to sustain itself through natural processes as determined by a qualified professional.

*Development Activity.* Any alteration of the natural environment, which requires the approval of a development or site plan and issuance of a Land Disturbance Permit. Development Activity shall also include the "thinning" or removal of trees from land in conjunction with a forest management program, the removal or destruction of trees incidental to the development of land or to the marketing of land for development, the removal or destruction of trees in conjunction with any grading activity, including the removal or filling (stockpiling) of soil, and logging or the removal of trees not in conjunction with an ongoing forest management program. Nothing in this definition shall be deemed to require or authorize the issuance of a permit for any activity described herein.

*Diameter Breast-Height (DBH).* The standard measure of tree size (for trees existing on a site). The tree trunk is measured at a height of 4½ feet above the ground. If a tree splits into multiple trunks below 4½ feet, the trunk is measured at its most narrow point beneath the split.

*Director.* The Director of Community Development or designee shall administer and enforce the provisions of this Ordinance; provided, however, that a designee shall have no authority to revoke permits.

*Georgia 400 Tree Protection Zone.* All property within a horizontal distance of 120 feet of the right-of-way of Georgia 400. At major intersections on Georgia 400 having exit and/or entrance ramps the protection zone shall be reduced to 60 feet. The reduction shall apply for the length of each such ramp. The Georgia 400 Tree Protection Zone is a Buffer.

*Grading Activity.* Altering ground surfaces to specified elevations, dimensions and/or slopes; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

*Guidance Document.* A document maintained by the City of Alpharetta Arborist that includes clarifications to requirements with examples and additional technical standards about tree protection, tree planting, species selection, and other information relevant to the protection and replanting of trees in the City of Alpharetta. The document may be revised by the City Arborist as conditions and technical standards evolve.

*Hardwood Tree.* Any tree that is not coniferous (cone bearing). This definition is based on the colloquialism, and does not necessarily reflect any true qualities of the tree.

*International Society of Arboriculture (ISA).* A professional organization that promotes the professional practice of arboriculture, sets standards for obtaining professional credentials for arborist, and establishes best practices for tree care, pruning, and protection.

*Land Disturbance Permit.* A permit issued by the City that authorizes Development Activity and includes, but is not limited to, Soil Erosion Protection, clearing and grubbing, land disturbance and building construction.

*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.

*Landscape Tree.* A tree or trees that were planted or retained on a developed or previously developed site.

*Lot Building Area.* The area of a lot encompassed by front sides and rear yard setbacks or building line as required by City Ordinance and Subdivision Regulations.

*Mass Grading.* The grading within existing or across proposed property lines including the removal of trees and disturbance of soils in order to prepare a site for construction where buildings are not approved.

*Mulch.* An organic material spread around the base of a plant or on a plant bed to enrich and insulate the soil. Types of mulch include Pine Straw, Shredded Hardwood, Wood Chips, and Bark Chips. Mulch should be free of disease and pests. Synthetic or artificial mulches are not acceptable for use in the City of Alpharetta.

*Non-Development Activity.* Any alteration of the natural environment which does not require development or site plan approval, but which would include the proposed removal or destruction of any tree(s). Any removal of trees that constitutes Development Activity as that term is herein defined shall not constitute non-development activity.

*Ornamental Tree.* A tree that provides a visual impact in the landscape. The impact may be provided through form, bark, branching structure, leaf color, and/or flower color. Typically a small or medium size tree.

*Overstory Tree.* Those trees that compose the top layer or canopy of vegetation and will generally reach a mature height greater than 40 feet and typically have a spreading canopy.

*Permit (Tree Removal Permit).* An official Permit for tree removal issued by the City of Alpharetta.

*Pervious Surface.* All that area of land that can be landscaped or planted, allows natural passage through by water, and is not covered by man-made materials or structures such as buildings or paving.

*Pine Tree.* An evergreen coniferous tree that has clusters of needle-shaped leaves.

*Plantable Area.* The pervious surface area available for the preservation or planting of trees. Plantable Area shall not include that portion of the lot that is covered by buildings and structures permitted pursuant to the maximum lot coverage standards of this Ordinance.

*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.

*Pruning (Tree Pruning).* To cut away dead, overgrown, or undesirable branches or stems. Pruning of trees to be done in compliance with standard arboricultural practices as outlined in ANSI A300 and shall maintain the trees natural form and structure.

*Qualified Issuing HOA (QIH)* An established HOA, POA, or COA with recorded covenants that maintains a contract with a landscape architect or Qualified Professional that has attended and passed the required tree removal permit regulation class provided by the city. The QIH shall be permitted to issue tree removal permits to their HOA, POA, or COA members where trees are located within the front setback and shall require recompense and/or replacement where required by Section 3.2. QIH certification can be revoked at any time by City if QIH is found to be in non-compliance.

**Qualified Professional.** An International Society of Arboriculture (ISA) Certified Arborist, an American Society of Consulting Arborists (ASCA) Registered Consulting Arborist, or a Registered Forester.

**Recompense.** Replacement of trees or payment into the City held tree fund for the removal of Specimen Trees.

**Replacement Planting.** The planting of trees on a site that before development had more trees, and after development shall have less trees per acre.

**Responsible Party.** Any individual, firm, principal, or other entity who is a signatory to a Tree Removal Permit Application or Land Disturbance Permit for Development Activity or any person or company caught in the act of tree removal without a City-issued permit, or who violates any other provision of this Ordinance.

**Shade Tree.** Any tree that has a spreading canopy that provides partial to full shade to the ground with a minimum height of 20 feet.

**Semi-Pervious.** Hardscape, aggregate or porous paver that allows at least fifty percent (50%) of surface water to pass through the manmade material and into the underlying soil.

**Softwood Tree.** Any coniferous (cone bearing) tree. This definition is based on the colloquialism, and does not necessarily reflect any true qualities of the tree.

**Specimen Tree.** Any tree which qualifies for special consideration for preservation due to its size, type, condition, location or historical significance and which also meets the minimum size criteria set forth below.

**Size Criteria:**

<b>Pine Trees:</b>	30-inch diameter or larger for trees in the Pinus (Pine) genus.
<b>Coniferous Trees:</b>	20" diameter or larger for trees in the cedrus (deodar cedar), Thuja (Arborvitae), or other ecologically similar trees.
<b>Overstory Trees:</b>	30-inch diameter or larger for trees in the Liquidambar (Sweetgum) or Liriodendron (Tulip poplar) genus.
	20-inch diameter or larger for trees in the Fagus (Beech), Nyssa (Tupelo), Diospyros (Persimmon), Sassafras (Sassafras), or other ecologically similar trees.
	20-inch diameter or larger for Magnolia grandiflora (Southern magnolia) and those cultivars that generally reach a mature height over 40'.
	24-inch (24") diameter or larger for trees in all other genera.
<b>Understory Trees:</b>	8-inch (8") diameter or larger.
	10-inch (10") diameter or larger for Oxydendron arboretum (Sourwood).

See additional requirements for Specimen Trees in "The Guidance Document."

**Street/Streetscape Tree.** Any tree located or proposed to be located along a public or private street. The actual location will be determined by the specific zoning district or overlay. In situations where there is limited planting space in the right-of-way and or safety concerns, street trees may be located at the back of the sidewalk or within the landscape strip on private property and the discretion of the Director.

**Structural Root Plate.** The zone of rapid root taper that provides the tree stability against wind throw. The radius of the structural root plate is equal to 0.5 feet per inch of DBH.

*Timber Harvest.* Harvesting of timber from sites as a timber management activity as part of a demonstrated ongoing agricultural land use.

*Tree.* Any living, self-supporting woody or fibrous plant which normally obtains a diameter breast height of at least three (3) inches, and typically has one (1) main stem or trunk and many branches.

*Tree Care Plan.* A plan developed to provide an impacted tree the best possible chance of survival. A tree care plan should be prepared by a qualified professional and conform to the requirements of ANSI A300 and the Guidance Document

*Tree Density.* A measurement of trees on a property, expressed as inches per acre. For existing trees density is calculated based on DBH. For proposed trees tree density is calculated based on the caliper.

*Tree Grouping.* A community of trees as determined by the Director to merit special consideration as an ecological feature based upon species composition, form, structure, age, and condition. Tree groupings shall be in good condition and free from defects and or insect and disease infestations. Specimen trees and trees of quality may be included in tree groupings and every alternative should be evaluated to save these trees. Except as otherwise provided in Section 3.2., Tree Groupings will be treated as specimen trees for preservation credits and every alternative should be evaluated to save these trees.

*Tree of Quality.* A tree that merits special consideration due to historical significance, ideal shape and structure, or uniqueness of the species as determined by the Director. A tree of quality shall be in good condition, free from defects and or insect and disease infestations, and of a typical form for that species. Except as otherwise provided in Section 3.2., Trees of Quality will be treated as specimen trees for preservation credits and every alternative should be evaluated to save these trees. Pine, Yellow poplar, Sweetgum, Bradford pear, Leyland cypress, invasive species, or other species as determined by the Director shall not be considered a tree of quality.

*Tree Removal or Removal of Trees.* Removal of trees through an act of cutting down a tree or any act which causes a tree to die within 2 years after commission of the act or impedes the ability of the tree to sustain itself, including but not limited to damage inflicted upon the root system, trunk, or canopy as a result of:

1. The improper use of machinery on the trees;
2. The storage of materials in or around the trees;
3. Soil compaction;
4. Altering the natural grade to expose the roots or to cover the tree's root system with more than 4 inches of soil;
5. Causing the infection or infestation of the tree by pests, fungus or harmful bacteria;
6. Pruning judged to be excessive by the Director or not in accordance with the standard set forth by the International Society of Arboriculture (ISA);
7. Paving with concrete, asphalt or other impervious surface within such proximity as to be harmful to the tree or its root system; and
8. Application of herbicides or defoliant to any tree without first obtaining a permit.

*Tree Planting List.* List of preferred tree species for use in the City of Alpharetta. Species not included on this list may be approved at the discretion of the Director. The Tree Planting List is included in the Arborist Guidance Document.

*Tree Protection Area.* An area encompassing the critical root zone of a tree that shall remain in a pervious state.

*Tree Save Area.* An area designated for the purpose of meeting tree density requirements, saving natural trees, and/or preserving natural buffers that shall remain in a pervious state.

*Understory Trees.* Those trees that grow beneath the overstory, and will generally reach a mature height less than 40 feet. Understory trees may include coniferous trees that meet these same height characteristics.

*Zoning Districts.* Those areas as defined in the Zoning Ordinance and shown on the Zoning Map.

( Ord. No. 739 , 5-1-2017; Ord. No. 749 , § 4, 9-18-2017; Ord. No. 769 , § 1, 11-12-2018; Ord. No. 850 , § 1(Exh. A), 1-3-2023)

### **3.2.3 Exemptions.**

A. The following shall be exempt from the provisions of this section:

1. The removal of trees with a Permit.
2. The removal of trees from horticultural properties such as farms, nurseries or orchards. This exception shall not be interpreted to include timber harvesting incidental to development of the land;
3. The necessary removal of trees by a utility company within dedicated utility easements;
4. The removal of trees on public rights-of-way conducted by, on behalf of, or any activity pursuant to work to be dedicated to, a federal, state, county, municipal or other governmental agency in pursuance of its lawful activities or functions in the construction or improvement of public rights-of-way;
5. The removal of trees from lakes and detention ponds, and drainage easements, unless specifically planted to be part of the stormwater system; or
6. The removal of any tree which is dead or has become or threatens to become a danger to human life or property;
7. **The removal of any tree which is located in the front setback of a 'For-Sale' dwelling that receives permit approval from their Qualified Issuing HOA (QIH).**

B. Notwithstanding the foregoing, all reasonable efforts shall be made to save specimen trees and trees of quality, and tree groupings.

C. Nothing in this section shall be deemed to authorize, directly or indirectly, the removal of a tree from the Georgia 400 Tree Protection Zone or any buffer.

( Ord. No. 739 , 5-1-2017)

---

# Exhibit “F”

### **3.5.7 Multi-Use Trails.**

- A. Multi-use trails shall have an average width of 12 feet, but their width may be periodically reduced to 8 feet where topography, wetlands, stream buffers, existing buildings, existing trees, or other existing conditions render this requirement infeasible. The maximum length of this reduced width is 400 feet.
- B. A multi-use trail shall be required instead of a sidewalk along any new or existing street when the location is identified for a multi-use trail in planning documents that has been adopted by the City of Alpharetta.
- C. In approving a multi-use trail in lieu of a sidewalk, the City Transportation Engineer, upon application, shall reduce the required planter width to a minimum width of 5 feet if the proposed reduction is supported by the public health, safety and general welfare.
- D. Buildings shall maintain a minimum setback of twenty-feet (20') from a multi-use trail.
- E. Signage, exclusive of city required wayfinding or recreational signs, shall maintain a 10' setback from multi-use trails.

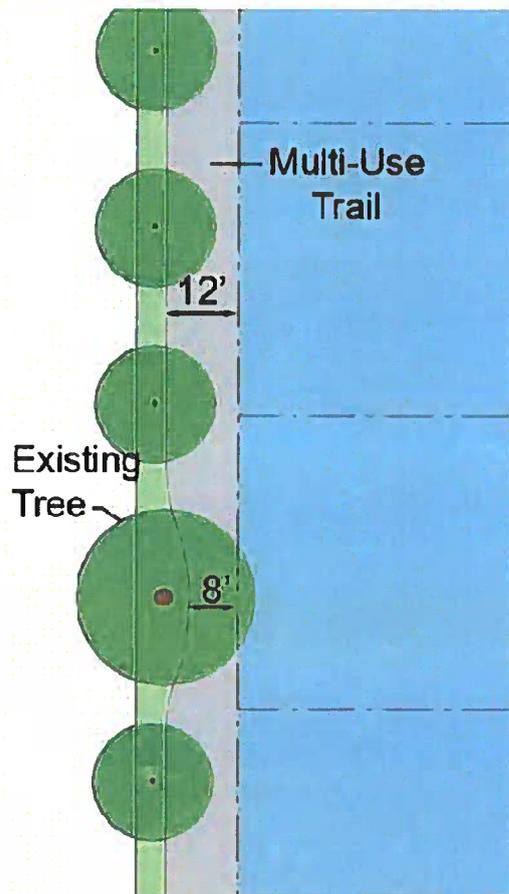
---

# Exhibit "G"

## Sec. 2.3. Streets.

### 2.3.5. Multi-Use Trails.

- A. Multi-use trails shall have an average width of 12 feet, but their width may be periodically reduced to 8 feet where topography, wetlands, stream buffers, existing buildings, existing trees, or other existing conditions render this requirement infeasible. The maximum length of this reduced width is 400 feet.
- B. A multi-use trail ~~may~~ **shall** be required instead of a sidewalk along any new or existing street when the location is identified for a multi-use trail in the Downtown Master Plan or other plan that has been adopted by the City of Alpharetta.



- C. Where a City of Alpharetta park or access easement held by the City of Alpharetta abuts a street subject to Section 2.3.5.A above, the multi-use trail may also be located in such park or easement.
- D. In approving a multi-use trail in lieu of a sidewalk, the City Transportation Engineer, upon application, shall ~~may~~ reduce the required planter width to a minimum width of 5 feet if the proposed reduction is supported by the public health, safety and general welfare.
- E. Buildings shall maintain a minimum setback of twenty-feet (20') from a multi-use trail.

---

# Exhibit “H”

The Alpharetta Downtown Design Guidelines (The Design Guidelines) are an amendment to the Alpharetta Design Review Ordinance and Design Guidelines. These guidelines expand the area subject to the Alpharetta Design Review Ordinance and Design Guidelines to include the **Downtown Overlay "Downtown Core"** identified on page 70 of the adopted **Alpharetta Downtown Master Plan (The Master Plan)**. These guidelines also provide additional standards that apply to all non-single family detached buildings, structures, sites and areas and the property on which they are located. Other applicable guidelines, regulations, and ordinances regulating development also apply. Where guidelines stated in this document are in conflict with other governing regulations, unless otherwise noted, the more restrictive shall control. Additionally, sculptures, art, and murals shall require review by the Cultural Arts Commission.

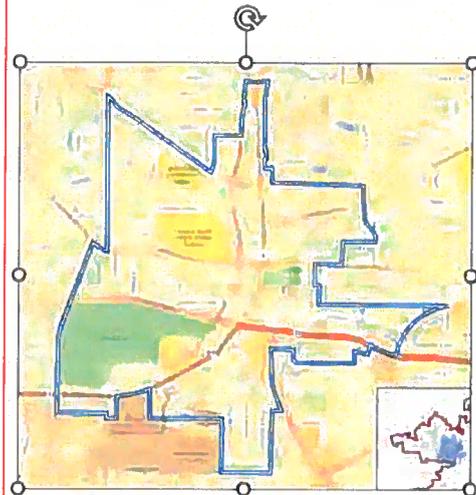
The Design Guidelines are intended to promote new development within Downtown Alpharetta that meets the goals of The Master Plan. These Guidelines include both standards (requirements that must be complied with) and recommendations (suggestions that are strongly encouraged to be complied with). Standards typically use the word "shall", an active verb (i.e. "provide" or "install") and/or a clear directive ("are not permitted", or "are required"). Images and illustrations are provided of many of the issues discussed and are intended to aid developers and City Staff in the design and approval processes.

Finally, some guidelines only apply to specific building types. Definitions of these building types are established in the **City of Alpharetta Downtown Code Overlay**, which applies to the entire **Downtown Code Overlay** regulated by these Design Guidelines.

#### Master Plan Goals

Downtown Alpharetta is envisioned as a vibrant live-work-play district featuring shops and restaurants, walkable streets, a range of open spaces, civic uses, new mixed-use development, contextual housing, preserved historic resources, and much more. With its rich sense-of-place and small town scale, Downtown is intended to represent an authentic town center with programming and designs that differentiate it from other business centers in the Alpharetta area and make it a focal point for citizens of Alpharetta and nearby communities.

While the Design Guidelines are not intended to establish a single architectural design direction for Downtown Alpharetta, they do provide guidance and standards for site design, the design of buildings and streetscapes, material selections, exterior lighting, and signage design that are consistent with the design of the traditional Main Street as seen in small to medium sized towns throughout the United States, most of which were built during the 19th century up through the early part of the 20th century. The Design Guidelines are intended to be flexible and fluid in order to take advantage of future development trends, while maintaining a sense of visual cohesiveness within the downtown area.



These guidelines apply to all non-single family detached buildings, structures, sites and areas and the property on which they are located within the **Downtown Code Overlay** of the Alpharetta Downtown Master Plan Study Area.