

**AN ORDINANCE TO AMEND ARTICLE I, ARTICLE II, ARTICLE III AND APPENDIX A: ALPHARETTA DOWNTOWN CODE OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO MODIFY CERTAIN DEFINED TERMS IN SUBSECTION 1.4.2. DEFINED TERMS; TO MODIFY OPEN SPACE STANDARDS IN THE MU ZONING DISTRICT; TO MODIFY CERTAIN DEFINED TERMS IN SUBSECTION 3.2.2. DEFINITIONS; TO MODIFY CIVIC AND AMENITY SPACE STANDARDS IN THE DT-C, DT-MU, DT-LW AND DT-R ZONING DISTRICTS; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

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

**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; and

**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 the Unified Development Code more responsive to community needs; and

**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; and

**WHEREAS**, the City Council desires to amend Article I, 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 amendment to the Unified Development Code promotes the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the City of Alpharetta;

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

**Section 1:** Article I, Subsection 1.4.2, “Defined Terms,” of the Unified Development Code is hereby amended by modifying the following terms and definitions in their appropriate alphabetical order:

“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.”

“Open Space. A privately 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.”

**Section 2:** Subsection 2.2.20(B)(6) [*MU – Permitted Principal Uses*] of Article II of the Unified Development Code is hereby amended by replacing “Park Space” with “Open Space” and changing the regulation from a goal to a requirement in the said subsection.

**Section 3:** Subsection 2.2.20(D) [*MU – District Regulations*] of Article II of the Unified Development Code is hereby amended by replacing “Park Space” with “Open Space” in the said subsection.

**Section 4:** Article III, Subsection 3.2.2, “Definitions,” of the Unified Development Code is hereby amended by modifying the following terms and definitions in their appropriate alphabetical order:

“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.”

**Section 5:** Alpharetta Downtown Code Subsection 3.5.3 [*DT-C – Dimensional Standards*] of Appendix A of the Unified Development Code is hereby amended by modifying the regulations for civic and amenity space as follows:

“The minimum required civic space and amenity space shall be proportionally increased for densities above 10 dwelling units per acre.”

**Section 6:** Alpharetta Downtown Code Subsection 3.6.3 [*DT-MU – Dimensional Standards*] of Appendix A of the Unified Development Code is hereby amended by modifying the regulations for civic and amenity space as follows:

“The minimum required civic space and amenity space shall be proportionally increased for densities above 10 dwelling units per acre.”

**Section 7:** Alpharetta Downtown Code Subsection 3.7.3 [*DT-LW – Dimensional Standards*] of Appendix A of the Unified Development Code is hereby amended by modifying the regulations for civic and amenity space as follows:

“The minimum required civic space and amenity space shall be proportionally increased for densities above 8 dwelling units per acre.”

**Section 8:** Alpharetta Downtown Code Subsection 3.8.3 [*DT-R – Dimensional Standards*] of Appendix A of the Unified Development Code is hereby amended by modifying the regulations for civic and amenity space as follows:

“The minimum required civic space and amenity space shall be proportionally increased for densities above 8 dwelling units per acre.”

**Section 9:** If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City

Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

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

SO ORDAINED this the 18<sup>th</sup> day of September, 2017.

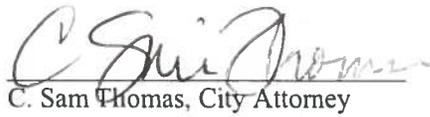
Approved:

  
David Belle Isle, Mayor ~~Pro Tem~~  
Chris Owens

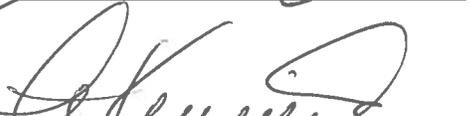
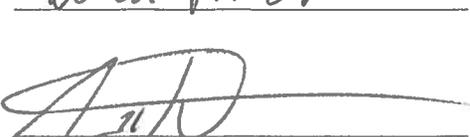
Attest:

  
Coty Thigpen, City Clerk  
(Seal)

Approved as to Form:

  
C. Sam Thomas, City Attorney

COUNCILMEMBERS



#### 1.4.2 Defined terms.

*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.

*Open Space.* A privately 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, sidewalks, 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.

#### 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' units shall require conditional use approval.

3. *Commercial:* At least 25% 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.
4. *Public Space:* A minimum of 10% of the gross land area must be designed for public use as recreation, entertainment and/or civic space.
5. *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.
6. *~~Park Space~~ Open Space:* Each MU development shall ~~set a goal to~~ provide a minimum of one acre of open space park land/100 population generated by residential uses. Household size shall be calculated using the most current US Census data for the City of Alpharetta. Required park open space and public space shall be achieved on-site and exclusive from each other.

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 2.1, 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, progressive care facility).
- b. Dwelling, 'For-Rent'.
- c. Bed and Breakfast.

2. *Commercial Uses:*

- a. Bank, Savings & Loan.
- b. Contractor's Office (no on site storage).
- c. Day Care Center.
- d. Entertainment Venue (jazz club, comedy club, dinner theater, etc.).
- e. Hotel/Motel.
- f. Liquor Store.
- g. Outdoor/Indoor Recreation Facilities.
- h. Religious Institution.
- i. School, Commercial.
- j. Spa Services.
- k. Theater, Cinema.

3. *Semipublic Uses, Utilities:*

- a. Athletic Facilities.
- b. Public Building.

c. 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. 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.

Public Space: Each MU development shall have a minimum of 10% of the gross land area designed for public use. Public space shall be used for recreation, entertainment or civic purposes and may include plazas, outdoor theaters, sculpture gardens, parks, playground, community gardens or any other spaces where people can gather. Business kiosks shall be located outside of public space. Sidewalks and residential amenities may not be included within the public space requirement.

~~Park Open~~ Space: ~~Park Open~~ space may include residential recreational amenities. However, at least 50% of the required ~~park open~~ space shall be provided in passive-~~park 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 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.* 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. When reviewing the phasing strategy or timeline, the City

Council may link the issuance of 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](#) )

### **3.2.2 Definitions.**

*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 ~~will~~ shall be allowed within a required landscape strip.

## **Appendix A. Alpharetta Downtown Code.**

### **3.5.3. DT-C, Dimensional Standards.**

The minimum required civic space and amenity space shall be proportionally increased for densities above 10 dwelling units per acre.

### **3.6.3. DT-MU, Dimensional Standards.**

The minimum required civic space and amenity space shall be proportionally increased for densities above 10 dwelling units per acre.

### **3.7.3. DT-LW, Dimensional Standards.**

The minimum required civic space and amenity space shall be proportionally increased for densities above 8 dwelling units per acre.

### **3.8.3. DT-R, Dimensional Standards.**

The minimum required civic space and amenity space shall be proportionally increased for densities above 8 dwelling units per acre.