

AN ORDINANCE TO AMEND ARTICLES II AND IV OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO MODIFY PROVISIONS IN SUBSECTION 2.3.6 RELATED TO REQUIRED MATERIALS FOR FENCES AND WALLS; TO DELETE SECTION 2.6 (“SIGNS”) IN ITS ENTIRETY AND REPLACE WITH A NEW SECTION 2.6 IN ORDER TO PROVIDE FOR THE MODIFICATION, DELETION AND ADDITION OF PROVISIONS RELATED TO SIGNS; TO MODIFY PROVISIONS IN SUBSECTIONS 4.2.1 AND 4.2.2 RELATED TO APPLICATIONS AND PUBLIC HEARINGS FOR REZONINGS, TEXT AMENDMENTS AND CONDITIONAL USES; TO MODIFY PROVISIONS IN SUBSECTION 4.4.5 RELATED TO BUILDING PLAN REQUIREMENTS; 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 Articles II and IV 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: Paragraph C of Subsection 2.3.6 of Article II of the Unified Development Code is hereby amended by deleting same and inserting in lieu thereof a new Paragraph C to read as follows:

“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. 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.”

Section 2: **Section 2.6** of Article II of the Unified Development Code is hereby amended by deleting same in its entirety and inserting in lieu thereof a new Section 2.6 to read as set forth in Exhibit “A” attached hereto as if fully set forth herein.

Section 3: **Paragraph A of Subsection 4.2.1** of Article IV of the Unified Development Code is hereby amended by deleting same and inserting in lieu thereof a new Paragraph A to read as follows:

- “A. An application for a zoning change may be initiated by the City Council, the Planning Commission, the Director, or by any person who owns property within the City. Unless initiated by the City Council, the Planning Commission or the Director, all such applications shall be initiated by the owner of a majority interest in the property affected.”

Section 4: **Paragraph 1 of Subsection 4.2.2(B)** of Article IV of the Unified Development Code is hereby amended by deleting same and inserting in lieu thereof a new Paragraph 1 to read as follows:

- “1. The Director shall submit each application to the Planning Commission, together with a report of the Director's findings and a recommendation. The Planning Commission shall review and take action upon each application after holding a public hearing. In making a recommendation on each application, the Planning Commission shall follow the standards set forth under this Section. The recommendation of the Planning Commission and that of the Director, together with the minutes of the Planning Commission hearing at which the application is reviewed, shall be submitted to the City Council. If the Planning Commission does not act upon an application, the Director may take it to the City Council without a recommendation from the Planning Commission. No member of the Planning Commission shall rule on a matter in which he or she has a financial interest.”

Section 5: **Paragraphs 4 and 5 of Subsection 4.4.5(C)** of Article IV of the Unified Development Code are hereby amended by deleting same in their entirety and inserting in lieu thereof new Paragraphs 4 and 5 to read as follows:

- “4. Residential Building Plan Requirements: Refer to the Residential Permitting Procedures.
5. Commercial Building Plan Requirements: Refer to the Commercial Permitting Procedures.”

Section 6: 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 7: This Ordinance shall be effective immediately upon its adoption by the City Council and incorporated into The Unified Development Code of the City of Alpharetta, Georgia. This Ordinance hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED this the _____ day of _____, 2015.

Approved:

David Belle Isle, Mayor

Attest:

COUNCILMEMBERS

Coty Thigpen, City Clerk
(Seal)

Approved as to Form:

C. Sam Thomas, City Attorney

