

**A RESOLUTION TO EXTEND THE TEMPORARY MORATORIUM ON THE ACCEPTANCE, REVIEW AND PROCESSING OF APPLICATIONS FOR PERMITS FOR THE INSTALLATION, CONSTRUCTION, LOCATION AND/OR SITING OF TELECOMMUNICATIONS EQUIPMENT, INCLUDING APPLICATIONS FOR ADMINISTRATIVE PERMITS FOR LOW IMPACT TELECOMMUNICATIONS EQUIPMENT AND APPLICATIONS FOR CONDITIONAL USE PERMITS FOR HIGH IMPACT TELECOMMUNICATIONS EQUIPMENT, WITHIN THE BOUNDARIES OF THE CITY OF ALPHARETTA, GEORGIA; AND FOR OTHER PURPOSES**

**WHEREAS**, the Federal Telecommunications Act authorizes local governments, including the City of Alpharetta ("City"), to regulate the placement, construction and modification of personal wireless service facilities (referred to as "telecommunications equipment" in the City's zoning regulations) through proper zoning procedures, so long as wireless service coverage is not prohibited; and

**WHEREAS**, the Mayor and Council of the City of Alpharetta ("City Council") find that aesthetic, cultural, and property values and the health, safety and welfare of the citizens of the City are directly impacted by the number, type and location of antennas, poles, towers and other telecommunications equipment (i.e., personal wireless service facilities, wireless facilities, and wireless support structures) within the City; and

**WHEREAS**, to maintain the status quo the City Council adopted Resolution R2014-1715 on May 12, 2014, which is hereby incorporated by reference as if fully set forth herein, declaring a moratorium on the City's acceptance, review and processing of any new applications for telecommunications equipment, as further set forth therein, for the period of time necessary to (i) perform a study to evaluate the impact and effect of current City regulations governing the placement, construction and modification of telecommunications equipment within the municipal boundaries of the City, (ii) following the completion of the study and based on certain findings thereof, develop and prepare legislation in the form of an ordinance to amend regulations in the Unified Development Code of the City of Alpharetta, Georgia (the "Unified Development Code") governing the placement, construction and modification of telecommunications equipment, (iii) advertise and hold public hearings, as required by law, regarding such proposed ordinance to amend the text of the Unified Development Code, and (iv) consider for formal adoption such ordinance to amend the Unified Development Code; and

**WHEREAS**, the Council adopted Resolution R2014-1735 on August 4, 2014, and Resolution No. 1774 on January 12, 2015, which are hereby incorporated by reference as if fully set forth herein, extending the moratorium on the City's acceptance, review and processing of any new applications for telecommunications equipment, as further set forth in said Resolutions, such that the current termination date and time of the subject moratorium is May 11, 2015 at 11:59 p.m.; and

**WHEREAS**, Axis Teknologies, LLC completed its study of existing telecommunications equipment providing coverage within the City and presented same to the City Council on April 20, 2015; and

**WHEREAS**, before final legislative action can be made regarding a text amendment to the Unified Development Code a hearing regarding such amendment must be held by the Planning Commission and a subsequent hearing regarding such amendment must be held by the City Council; and

**WHEREAS**, before the foregoing hearings may be held, the City must publish notice of such hearings within a newspaper of general circulation within the municipal boundaries of the City not less than fifteen (15) days and not more than forty-five (45) days prior to such hearings, as required by law; and

**WHEREAS**, such hearings have been advertised and are scheduled to be held on May 7, 2015 (Planning Commission) and May 18, 2015 (City Council); and

**WHEREAS**, in order to continue to maintain the status quo pending the foregoing public hearings and consideration of a text amendment to the Unified Development Code, an extension of the moratorium is necessary to suspend the City's acceptance, processing and review of any new applications for (a) administrative permits for Low Impact Telecommunications Equipment, (b) conditional use permits for High Impact Telecommunications Equipment, and (c) any other permit related to the installation, construction, location, or siting of telecommunications equipment within the City beginning AT 11:59 p.m. on May 11, 2015, and continuing until 11:59 p.m. on June 1, 2015; and

**WHEREAS**, notwithstanding the foregoing, such moratorium is not intended to be applicable to applications for "collocation" of a "wireless facility" on an existing "wireless support structure" or "modification" of an existing "wireless facility,"

as such terms are defined in O.C.G.A. § 36-66B-3 and for which streamlined processing is required pursuant to O.C.G.A. § 36-66B-4; and

**WHEREAS**, the Federal Telecommunications Act requires the City to act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed; and

**WHEREAS**, in order to continue to act on requests for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time, this moratorium shall be temporary in nature as previously set forth, and shall not operate to unreasonably delay any request for such authorization; and

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

1. The moratorium imposed herein incorporates the findings and statements set forth in the preceding "Whereas" clauses and such clauses are made a part of this moratorium, and the aforesaid recitals are not mere recitals, but are material portions of this Resolution; and
2. This Resolution extends the moratorium that became effective at 12:01 a.m. on May 13, 2014, until 11:59 p.m. on June 1, 2015; and
3. Until 11:59 p.m. on June 1, 2015, notwithstanding any provision of the Unified Development Code of the City of Alpharetta, Georgia to the contrary, there shall be a complete moratorium on the City's acceptance, processing and review of any new applications for (a) administrative permits for Low Impact Telecommunications Equipment, (b) conditional use permits for High Impact Telecommunications Equipment, and (c) any other permit related to the placement, location, installation, construction, or modification of telecommunications equipment within the City; and
4. During the moratorium neither the City nor any of its departments or staff shall accept, process or review applications for (a) administrative permits for Low Impact Telecommunications Equipment, (b) conditional use permits for High Impact Telecommunications Equipment, or (c) any

other permit related to the placement, location, installation, construction, or modification of telecommunications equipment within the City, except as set forth in the following paragraph; and

5. This moratorium is not intended to be applicable to applications for "collocation" of a "wireless facility" on an existing "wireless support structure" or "modification" of an existing "wireless facility" when such proposed "collocation" or "modification" does not increase the overall height or width of the "wireless support structure" or the dimensions of the "equipment compound," as set forth in O.C.G.A. §§ 36-66B-3 and 36-66B-4; and
6. This moratorium shall expire at 11:59 p.m. June 1, 2015, and be of no further force and effect, unless shortened or extended by an official action of the Mayor and Council of the City of Alpharetta; and
7. The moratorium period adopted herein is deemed to be the appropriate minimum time for the further development and completion of the amendments to such regulations without unduly diminishing the rights of individuals; and
8. This Resolution shall not apply to or otherwise affect completed applications duly filed prior to the effective date of Resolution 2014-1715; and
9. The provisions of this Resolution are severable, and should any section, subsection, sentence, clause, phrase or other portion of this Resolution, or its application to any person, entity or circumstance, be held by a court of competent jurisdiction to be unconstitutional or invalid, the remainder of the Resolution, or application of the provision to other persons, entities or circumstances, shall not be affected.

**SO RESOLVED AND ADOPTED** by the Mayor and Council of the City of Alpharetta, Georgia, this \_\_\_\_ day of May, 2015.

CITY OF ALPHARETTA, GEORGIA

By: \_\_\_\_\_  
David Belle Isle, Mayor

STATE OF GEORGIA  
COUNTY OF FULTON

RESOLUTION \_\_\_\_\_

COUNCILMEMBERS

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(SEAL)

Attest:

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Coty Thigpen, City Clerk

APPROVED AS TO FORM:

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C. Sam Thomas, City Attorney