

1 **STATE OF GEORGIA**
2 **COUNTY OF FULTON**
3 **CITY OF SOUTH FULTON**

4
5 **ORDINANCE NO 2018-047**
6

7 **AN ORDINANCE TO AMEND THE CITY OF SOUTH FULTON ZONING AND**
8 **PLANNING REGULATIONS AND FOR OTHER LAWFUL PURPOSES**

9 **(Sponsored by Councilmembers Rowell and Gilyard)**

10
11 **WHEREAS**, the City of South Fulton (“City”) is a municipal corporation duly
12 organized and existing under the laws of the State of Georgia;

13
14 **WHEREAS**, the duly elected governing authority of the City is the Mayor and
15 Council thereof (“City Council”);

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17 **WHEREAS**, the City has been vested with the power and authority to regulate
18 the practice, conduct or use of property for the purposes of maintaining health, morals,
19 safety, security, peace and the general welfare of the City;

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21 **WHEREAS**, the City Council, as a part of planning, zoning and growth
22 management, is in process of assessing the City’s zoning regulations, and studying the
type of development which could be anticipated within the City;

23
24 **WHEREAS**, the City Council has a strong interest in growth management so as
25 to promote the traditional police power goals of health, safety, morals, aesthetics and
26 the general welfare of the community; in particular, the lessening of congestion on City
27 streets, security of the public from crime and other dangers, promotion of health and
28 general welfare of its citizens, protection of the aesthetic qualities of the City including
29 access to air and light, and facilitation of the adequate provision of transportation and
other public requirements;

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31 **WHEREAS**, the Mayor and City Council have conducted a properly advertised
32 public hearing in accordance with the Georgia Zoning Procedures Act prior to adoption
of this Ordinance; and

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34 **WHEREAS**, the City Council finds this Ordinance to be in the best interests of
the health, safety, and general welfare of the City.

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36 **NOW, THEREFORE, THE COUNCIL OF THE CITY OF SOUTH FULTON**
37 **HEREBY ORDAINS** as follows:

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39 **Section 1:** The City Code of Ordinances Title 5, Planning and Zoning is hereby
40 amended by creating Chapter 1, Zoning, Generally, Chapter 2, Subdivision Regulations
41 and Chapter 4, Transfer of Development Rights, and amending Chapter 5, Planning
42 Commission, and Chapter 6, Zoning Board of Appeals, which shall read as follows:

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TITLE 5 – ZONING AND PLANNING

CHAPTER 1. - ZONING, GENERALLY

Sec. 5-1001. Effect on existing planning and zoning authorization.

This Chapter shall become effective upon its adoption by the City Council. All powers and authority granted by this chapter to the City’s Planning Commission and City’s Zoning Board of Appeals shall be cumulative. Such powers and authority shall be in addition to all other powers and authority the planning commission and board of appeals now has or may later have under other laws.

Sec. 5-1002. Retention of filing fees.

The policy for refunds of application fees in zoning matters will be as follows:

(1) If the application is accepted and filed with the City as an official document, no part of the application fee will be returned.

(2) If the application is merely presented and returned to the applicant at his request, or at the suggestion of the staff, before any entry is made upon any City record, the full amount of the fee will be returned.

Sec. 5-1003. Filing fees.

The fees for filing of a zoning application with the county shall be as fixed from time to time by the City Council.

Sec. 5-1004. Mailing of zoning agendas; charges.

Subscription charges for mailing of zoning agendas shall be as fixed from time to time by the City Council.

Sec. 5-1005. Violation of chapter.

(a) Any person found to be violating any provision of this Chapter shall be served written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, take all necessary action to correct the violations and shall permanently cease such violations.

(b) Any person who intentionally violates any provision of this Chapter and who shall continue any violation beyond the time limit provided for the satisfactory correction thereof, and any person who fails to cease all work after a stop order has been issued on a project, shall be punished in a manner as prescribed by law. Each day in which a violation shall continue shall constitute a separate offense.

77 (c) Any person convicted of violating the provisions of this Chapter shall be punished
78 in the manner prescribed by law for misdemeanors, and shall further reimburse the City
79 for any expense, loss, or damage occasioned the City by reason of such violation.

80 (d) City police and code enforcement officers are hereby authorized to issue
81 citations or summonses, or both, charging violations under this Chapter, returnable to
82 the Municipal Court of the City of South Fulton for trial.

83 **Sec. 5-1006. Grant of power.**

84 For the purpose of promoting the health, safety, morals, convenience, order, prosperity,
85 or general welfare of the City, the City Council is empowered, in accordance with the
86 conditions and the procedure specified in this Chapter, to regulate the location, height,
87 bulk, number of stories, and size of buildings and other structures, the percentage of lot
88 which may be occupied, the sizes of yards, courts, and other open spaces, the density
89 and distribution of populations, and the uses of buildings, structures, and land for trade,
90 industry, residence, recreation, agriculture, forestry, conservation, water supply,
91 sanitation, protection against floods, public activities, and other purposes. These
92 regulations shall be made in accordance with a comprehensive plan and shall be
93 designed to lessen congestion in the streets; to secure safety from fire, panic, and other
94 dangers; to promote health and the general welfare; to provide adequate light and air; to
95 prevent the overcrowding of land; to avoid undue concentration of population; to
96 facilitate the adequate provision of transportation, water, sewerage, schools, parks, and
97 other public requirements. The regulations shall be made with reasonable
98 consideration, among other things, of the character of the district and its peculiar
99 suitability for particular uses, and with a view to promoting desirable living conditions
100 and the sustained stability of neighborhoods, protecting property against blight and
101 depreciation, securing economy in governmental expenditures, conserving the value of
102 buildings, and encouraging the most appropriate use of land and other buildings and
103 structures throughout the City.

104 **Sec. 5-1007. Plan and resolution.**

105 The City Council may exercise the powers set forth in section 14-1006 of this Chapter
106 and, for the purposes therein mentioned, may divide the City into districts of any
107 number, shape, and size as it may determine; and within these districts it may regulate
108 the erection, construction, reconstruction, alteration, and use of buildings and structures
109 and the use of land. The lawful use of any land, building, or structure that was existing
110 and lawful at the time of the enactment or amendment of zoning regulations may,
111 except as hereinafter provided, be continued although such does not conform with the
112 provisions of such regulations or amendments (hereinafter called nonconforming use).
113 The City Council may provide in the zoning resolution for the continuance, restoration,
114 reconstruction, extension, or substitution of a nonconforming use.

115 **Sec. 5-1008. Method of procedure.**

116 Before enacting the zoning resolution the City Council shall hold a public hearing
117 thereon, notice of the time and place of which shall be published once a week for at
118 least two weeks in the newspaper in which sheriff's advertisements are published prior
119 to holding of the same.

120 **Sec. 5-1009. Zoning amendments.**

121 The zoning maps and text may be amended from time to time, but no amendment shall
122 become effective unless it shall have been proposed by or shall first have been
123 submitted to the planning commission for review and recommendation. The planning
124 commission shall have 30 days from the date of the submission of a fully completed
125 application within which to submit its recommendation. If the planning commission fails
126 to submit a recommendation within the 30-day period, it shall be deemed to have
127 recommended approval of the proposed amendment.

128 **Sec. 5-1010. Enforcement of this Chapter and remedies.**

129 The City Council shall provide for the enforcement of this Chapter or any resolution
130 effective pursuant to the provisions of this Chapter by means of the withholding of
131 building permits and occupancy permits, and for such purposes has established and
132 filled the position of building official. It shall be unlawful to construct, reconstruct, or alter
133 any building or other structure without first obtaining a building permit from the
134 Community Development Department or to use such building or structure on any land
135 without first obtaining an occupancy permit from the Community Development
136 Department; and the Community Development Department shall not issue any permit
137 unless the requirements of this Chapter and of any resolution effective pursuant to it are
138 complied with.

139 **Sec. 5-1011. Conflict with other laws.**

140 Whenever the regulations made under the authority of this Chapter require a greater
141 width or size of yards, courts, or other open spaces, or require a lower height of building
142 or smaller number of stories, or require a greater percentage of lot to be left
143 unoccupied, or impose other more restrictive standards than are required in or under
144 any other regulation, the regulations effective under authority of this Chapter shall
145 govern. Whenever the provisions of any other regulation require more restrictive
146 standards than are required by the regulations made effective under the authority of this
147 Chapter, the provisions of such regulation shall govern.

148 **Sec. 5-1012. Zoning Resolution.**

149 The City Zoning Resolution, containing applicable City zoning regulations, is adopted as
150 Appendix C to the City Code of Ordinances. Said appendix shall be maintained in the
151 office of the City Clerk and Community Development Director, or at a location
152 designated by the Clerk, for inspection by the public.

153 CHAPTER 2. - **SUBDIVISION REGULATIONS**

154 **Sec. 5-2001. Intent of Chapter.**

155 The public health, safety, morals, and general welfare require the harmonious, orderly,
156 and progressive development of land within the City of South Fulton. In furtherance of
157 this purpose, regulation of the subdivision of land by the City Council is authorized for
158 the following purposes, among others:

159 (1) To encourage the development of economically sound and stable
160 communities;

161 (2) To ensure the provision of required streets, utilities, and other facilities and
162 services to new land developments;

163 (3) To ensure the adequate provision of safe and convenient traffic access
164 and circulation, both vehicular and pedestrian, in new land developments;

165 (4) To ensure the provision of needed public open spaces and building sites
166 in new land developments through the dedication or reservation of land for recreational,
167 educational, and other public purposes; and

168 (5) To ensure, in general, the wise development of new areas, in harmony
169 with the Comprehensive Plan of the City of South Fulton

170 **Sec. 5-2002. Platting authority.**

171 No plat of a subdivision within the City of South Fulton shall be filed or recorded in the
172 office of the Clerk of the Superior Court of Fulton County until it shall have been
173 submitted to and approved by the Community Development Director and indication of
174 such approval entered in writing on the plat. The Clerk of the superior court shall not file
175 or record a plat of a subdivision which does not have an indication of approval. The
176 filing or recording of a plat of a subdivision without the approval of the Community
177 Development Director as required by this Title is hereby declared a violation of this Title
178 and, upon conviction, is punishable as provided by law.

179 **Sec. 5-2003. Provisions of regulations.**

180 (a) The Community Development Director shall prepare and recommend to the City
181 Council for adoption regulations governing the subdivision of land within the City of
182 South Fulton. This Title may provide for the harmonious development of the City; for the
183 coordination of streets within subdivisions with other existing or planned streets or
184 official map streets; for the size of blocks and lots; for the dedication or reservation of
185 land for streets, school sites, and recreation areas and of easements for utilities and
186 other public services and facilities; and for a distribution of population and traffic which
187 will tend to create conditions favorable to health, safety, convenience, prosperity, or
188 general welfare.

189 (b) The subdivision regulations may include requirements as to the extent to which
190 and the manner in which streets shall be graded, surfaced, and improved, and water,
191 sewers, septic tanks, and other utility mains, piping, connections, or other facilities shall
192 be installed as a condition precedent to the approval of the plat. The subdivision
193 regulations may provide that, in lieu of the completion of any work and installations
194 previous to the final approval of a plat, the City Council may accept a bond, in an
195 amount and with surety and conditions satisfactory to it, providing for and securing to
196 the City of South Fulton the actual construction and installations of such improvements
197 and utilities within a period specified by the Community Development Department and
198 expressed in the bond; and the City Council shall enforce the bonds by all appropriate
199 legal and equitable remedies. The City Council may adopt and amend any land
200 subdivision regulations after a public hearing thereon, at least 15 days' notice of the
201 time and place of which shall have been published in a newspaper of general circulation
202 in the City.

203 **Sec. 5-2004. Effect of plat approval on status of dedications.**

204 The approval of a final plat by the Community Development Director shall not be
205 deemed to constitute or effect an acceptance by the City of the dedication of any street,
206 utility, structure, use or other ground shown upon the plat until such time as the public
207 improvement shown thereon has been accepted by the Community Development
208 Director on behalf of the City.

209 **Sec. 5-2005. Penalties for transferring lots in unapproved subdivisions.**

210 The owner or agent of the owner of any land to be subdivided within the City of South
211 Fulton, who transfers or sells or agrees to sell or negotiates to sell this land by reference
212 to or exhibition or by other use of a plat of subdivision of the land before the final plat
213 has been approved by the Community Development Director and recorded in the office
214 of the Clerk of the Superior Court of Fulton County, shall be guilty of a violation and,
215 upon conviction thereof, shall be punished as provided by law; and the description by
216 metes and bounds in the instrument of transfer or other document used in the process
217 of selling or transfer shall not exempt the transaction from such penalties. The City of
218 South Fulton, through its attorney or other official designated by the City Council, may
219 enjoin any transfer or sale or agreement by appropriate action.

220 **Sec. 5-2006. Acceptance of and improvements in unapproved streets.**

221 From and after the time when the City Council shall have attached by virtue of the
222 adoption by the Mayor and City Council of a major street plan and the adoption by the
223 City Council of a set of land subdivision regulations, the City Council shall not accept,
224 lay out, open, improve, grade, pave, or light any street or lay or authorize the laying of
225 any water mains, sewers, connections, or other facilities or utilities in any street within
226 the City of South Fulton unless the street shall have been accepted or opened as, or
227 shall otherwise have received the legal status of, a public street prior to the acceptance
228 by the City Council, or unless the street corresponds in its location and lines with a
229 street shown on an approved subdivision plat; however, the City Council may locate and

230 construct or may accept any other street if the resolution or other measure for such
231 approval be first submitted to the Community Development Department for its review
232 and comment. Such street shall have the status of an approved street as fully as though
233 it had been originally shown on an approved subdivision plat.

234 **Sec. 5-2007. Erection of buildings.**

235 From and after the time when the City Council shall have adopted of a major street plan
236 and the adoption by the City Council of a set of land subdivision regulations, no building
237 permit shall be issued for and no building or other structure shall be erected on any lot
238 within the City of South Fulton unless the street giving access to the lot up which the
239 building is proposed to be placed shall be accepted or opened as, or shall have
240 otherwise received the legal status of a public street prior to that time, or unless such
241 street corresponds in its location and lines with a street shown on a subdivision plat
242 approved by the Community Development Director, or with a street located and
243 accepted by the City Council, or as provided for by the Fulton County Zoning
244 Resolution, or as otherwise adopted by the City of South Fulton. Any building erected
245 in violation of this section shall be deemed an unlawful structure, and the city building
246 official, employees designated by the Community Development Director, City Attorney,
247 or other official designated by the City Council may bring appropriate action to enjoin
248 such erection or cause it to be vacated or removed, or issue a citation to any person
249 who shall erect a building in violation of this Chapter.

250 **Sec. 5-2008. Additional Applicable Regulations.**

251 The City Subdivision Regulations, containing applicable City subdivision regulations, is
252 adopted as Appendix D to the City Code of Ordinances. Said appendix shall be
253 maintained in the office of the City Clerk and Community Development Director, or at a
254 location designated by the Clerk, for inspection by the public.

255 **CHAPTER 3. TRANSFER OF DEVELOPMENT RIGHTS**

256 **Sec. 5-3001. Purpose and intent.**

257 It is the purpose and intent of this Chapter to provide for the transfer of development
258 rights (the maximum development that would be allowed on a parcel under its current
259 zoning) from one property to another to promote the conservation of natural,
260 agricultural, environmental, historical and cultural resources and encourage smart
261 growth in appropriate areas.

262 **Sec. 5-3002. Applicability of regulations.**

263 The provisions of this Chapter apply only to that portion of the City of South Fulton
264 bordered to the west by the Chattahoochee River, to the south by the City of
265 Chattahoochee Hills, and to the east by Cascade-Palmetto Highway (SR 154),
266 referenced formally in the Fulton County 2035 Comprehensive Plan as the Cedar Grove
267 Agricultural Overlay District character area. Compliance with all other applicable City of

268 South Fulton ordinances, regulations and resolutions is required; however, when in
269 conflict, the provisions of this Chapter shall prevail.

270 **Sec. 5-3003. Transfer of development rights.**

271 The transfer of development rights is a method for permanently conserving and
272 protecting land by transferring the rights to develop from one property (sending area) to
273 another (receiving area).

274 **Sec. 5-3004. Sending areas.**

275 Sending areas are those properties from which development rights may be transferred
276 to a receiving area. Sending areas may be any properties in the Cedar Grove
277 Agricultural Area except those areas designated as receiving areas or as otherwise
278 prohibited by this Chapter. Additional sending areas may be designated through the
279 amendment process as set forth in the Fulton County Zoning Resolution as adopted
280 herein and the procedures and requirements set forth in O.C.G.A. § 36-66A-2.

281 **Sec. 5-3005. Receiving areas.**

282 Receiving areas are those properties which may receive development rights from a
283 sending area. Receiving areas are those properties intended for mixed-use
284 development, specifically the regional living working area on the South Fulton 2025
285 Land Use Plan Map. Additional receiving areas may be designated through the
286 amendment process as set forth in the Fulton County Zoning Resolution as adopted
287 herein and the procedures and requirements set forth in O.C.G.A. § 36-66A-2.

288 **Sec. 5-3006. Eligibility.**

289 Landowners or representatives with the authority to transfer fee simple ownership of
290 any parcel in the Cedar Grove Agricultural Area (except as noted below) may apply for
291 a transfer of development rights certificate. Parcels not eligible are as follows:

292 (1) Any parcel from which all development rights have previously been sold or
293 transferred;

294 (2) Any parcel on which a conservation easement (legally binding agreement
295 between a property owner and a governmental body or charitable organization qualified
296 under O.C.G.A. § 44-10-2(2) that restricts the type and amount of development and use
297 that may take place on a property) or other permanent deed restriction has been
298 previously granted;

299 (3) Any parcel fully developed based on its existing zoning;

300 (4) Any parcel or portion of a parcel that has been designated as open space
301 (land on which no additional development associated with residential, industrial or
302 commercial purposes is allowed, except in compliance with this Chapter and other

303 zoning and planning regulations adopted herein) in a hamlet or conservation
304 subdivision;

305 (5) Any publicly owned parcel; and

306 (6) Any land within riparian buffers mandated by state or local law.

307 **Sec. 5-3007. Application requirements for a transfer of development rights**
308 **certificate.**

309 An eligible landowner or authorized representative must provide the following:

310 (1) Name, address and telephone number of applicant and applicant's agent,
311 if any;

312 (2) Proof of ownership of the sending property;

313 (3) Metes and bounds written legal description and plat prepared within 90
314 days of the date of application by a licensed surveyor;

315 (4) Written description of the physical characteristics of the property;

316 (5) Site plan which illustrates existing or proposed dwellings, historic
317 structures, easements or other encumbrances; and

318 (6) The processing fee as established by the Community Development
319 Department.

320 **Sec. 5-3008. Calculation of development rights.**

321 Within 95 days of the receipt of a complete application for a transfer of development
322 rights certificate, the Community Development Director shall certify the number of
323 transferable development rights, assign serial numbers accordingly, and issue a transfer
324 of development rights certificate. Development rights shall be calculated in accordance
325 with the formula included in the Fulton County 2035 Comprehensive Plan on a gross
326 acreage basis. For each eligible gross acre of the sending area, one development right
327 (TDR) will be issued. The area of a parcel with fractional acreage will be calculated by
328 rounding the total acreage down to the nearest whole number and issuing one TDR per
329 acre.

330 **Sec. 5-3009. Calculation methods for acquisition of development rights.**

331 The following formulas shall be used to compute the amount of land that must be
332 preserved in the sending areas to develop a receiving area:

333 (1) Residential:

334 Total number of proposed residential units in the receiving area (living working) minus
335 the total gross acreage of the area to be developed (excluding the acreage required for

336 the 300-foot rural protection development setback) = Total number of acres to be
337 preserved in the sending areas

338 Example #1:

339 Suppose 500 acres in a living working area are to be developed at 14 units per acre
340 (the maximum residential density permitted in a living working area). Therefore, 500
341 acres × 14 units per acre = 7,000 units to be developed.

342 7,000 units minus 500 acres (acreage of living working area to be developed) = 6,500
343 acres to be preserved in the sending areas

344 One TDR = one acre. Therefore, 6,500 TDRs must be transferred to the receiving area.

345 (2) Commercial:

346 Total square feet of commercial space in the receiving area divided by 2,000 = Total
347 number of acres to be preserved in the sending area

348 Example #1:

349 Suppose 30,000 square feet of commercial uses are proposed to be developed in a
350 receiving area: 30,000/2,000 = 15 TDRs

351 One TDR = one acre. Therefore, 15 TDRs must be transferred to the receiving area.

352 **Sec. 5-3010. Appeal of calculation.**

353 Any landowner or authorized representative aggrieved by a final decision of the
354 Community Development Director related to the certification of transfer of development
355 rights may appeal such final decision to the Board of Zoning Appeals by filing an
356 appeal, in writing, setting forth plainly and fully why the calculation is in error. Such
357 appeal shall be filed no later than 30 days after the date of the Community Development
358 Director's final decision.

359 **Sec. 5-3011. Approval of transfer of development rights and appeal process.**

360 Any proposed transfer of development rights shall be subject to the notice, hearing and
361 approval requirements of O.C.G.A. § 36-66A-2. A transfer of development rights shall
362 be approved by the City Council if it meets the requirements of this Chapter.

363 **Sec. 5-3012. Appeal of transfer decision.**

364 Any appeal or other legal challenge to the City Council's final decision regarding a
365 transfer of development rights shall be pursued by Petition for Writ of Certiorari filed with
366 the Superior Court of Fulton County within 30 days of the date of the City Council's
367 decision in accordance with State Law.

368 **Sec. 5-3013. Recordation of transfer of development rights transactions (sending**
369 **areas).**

370 (a) Deed of transfer. A deed of transfer shall be required to convey development
371 rights from a sending parcel to a purchaser. The deed shall be valid only if it is signed
372 by the owner or authorized representative of the sending parcel, complies with all legal
373 requirements for the transfer of real estate, contains provisions established by the
374 policies of the Community Development Director and is recorded in the chain of title
375 after the conservation easement is secured against the sending parcel.

376 A deed of transfer shall contain a metes and bounds written legal description and a plat
377 prepared by a licensed surveyor, the names and addresses of the grantor and the
378 grantee of the development rights, the serial numbers of the TDRs being conveyed
379 along with a copy of the TDR certificate issued by the Community Development
380 Department and proof of the execution and recordation of a conservation easement on
381 the sending parcel.

382 (b) Conservation easement. To convey the certified development rights on a sending
383 area, a conservation easement between the owner of the sending area and an
384 organization authorized by the laws of the State of Georgia to accept, hold and
385 administer conservation easements, pursuant to O.C.G.A. § 44-10-1, Georgia Uniform
386 Conservation Easement Act, must be signed and recorded with the Fulton County
387 Clerk, prior to the deed of transfer. Conservation easements established pursuant to
388 this section may not be released or nullified by any party.

389 The Community Development Director or designee may develop a model conservation
390 easement form and require it be used to fulfill the requirements of this section.

391 In addition to the provisions of the Georgia Uniform Conservation Easement Act, each
392 conservation easement shall contain:

393 (1) A metes and bounds written legal description and plat prepared by a
394 licensed surveyor;

395 (2) Prohibitions against the use and development of the sending area
396 property which are inconsistent with open space as defined in this Chapter;

397 (3) Assurances that prohibitions will run with the land and bind the landowner
398 and every successor in interest to include a statement that the easement shall survive
399 any merger of the easement interest and the fee simple interest of the property;

400 (4) The serial numbers of the TDRs being transferred in the deed of transfer
401 from the sending area property subject to the conservation easement; and

402 (5) A statement that nothing in the easement shall be construed to convey to
403 the public a right of access or use of the property and that the owner of the property, his
404 heirs, successors and assignees will retain exclusive right to such access or use subject
405 to the terms of the easement.

406 (c) Sufficiency of documents. Prior to the recordation of the deed of transfer and the
407 conservation easement, parties to the transaction must obtain an opinion from a
408 licensed Georgia attorney that the deed and easement have been executed by all
409 necessary parties and is perpetual and binding on the property owner and every
410 successor in interest. A copy of this document shall be provided to the City.

411 (d) Re-issuance of TDR certificates. In the event of the transfer of fewer than all of a
412 landowner's development rights, the landowner must return the original TDR certificate
413 to the Community Development Department upon the recordation of the conservation
414 easement and deed of transfer. The landowner must provide a copy of the deed of
415 transfer that contains the serial numbers of the development rights transferred.

416 Within 95 days of the receipt of the complete TDR certificate, the Community
417 Development Department shall reissue a certificate to the landowner reflecting the
418 remaining TDRs and the corresponding serial numbers.

419 **Sec. 5-3014. Recordation of transfer of development rights transactions**
420 **(receiving areas).**

421 The following information shall be recorded on the face of any plat for property which
422 receives development rights under the provisions of this Chapter:

423 (1) A statement that the development rights used in the plat have been
424 transferred in accordance with the deed of transfer, prescribed in this Chapter.

425 (2) The serial numbers of the TDRs conveyed along with a copy of the TDR
426 certificate issued by the Community Development Department.

427 **Sec. 5-3015. Transfer of development rights bank.**

428 Subsequent to the adoption of this Chapter, the City of South Fulton may create a
429 transfer of development rights bank ("the bank") to encourage the exchange of
430 development rights in the private market and encourage the preservation of land. The
431 bank will facilitate the exchange by purchasing and selling development rights. Also for
432 the purposes of conserving land, the bank may hold TDRs for any length of time to
433 include in perpetuity.

434 **Sec. 5-3016. Organization of the bank.**

435 The bank shall be directed and managed by a bank board to consist of five members
436 who shall be residents of the City of South Fulton, nominated by the Community
437 Development Director and approved by the Mayor and City Council. Specifically, one
438 member shall be experienced in the banking or financial industry, one member shall be
439 a private landowner in the Cedar Grove Agricultural Area, one member shall be
440 experienced in the legal industry, one member shall represent a conservation
441 organization, and one member shall be a representative from the real estate
442 development industry. The terms of office for the bank board members shall be four (4)
443 years and staggered.

444 Three (3) members shall constitute a quorum. A majority vote shall be required for any
445 action before the bank board.

446 The bank board may adopt procedural and substantive rules to govern its powers,
447 duties and functions. Staff support shall be provided by the Community Development
448 Department.

449 (1) Empowerments. The bank board shall be empowered to:

450 a. Enter into agreements for professional services, e.g. consulting,
451 appraising, accounting, subject to available funding;

452 b. Apply for and accept grants or loans for the bank board's
453 authorized purposes;

454 c. Purchase, receive, sell or hold TDRs;

455 d. Purchase properties in fee simple to preserve them through
456 conservation easements and resell the restricted properties at fair market value; and

457 e. Do all other things necessary to carry out the functions and
458 operations of the Bank.

459 (2) Authority and compensation. The members of the bank board shall
460 receive no compensation from the bank except reimbursement for expenses incurred
461 for the performance of their duties as board members.

462 (3) Registry of TDRs. For the purposes of tracking and marketing transfer of
463 development rights, a central registry of available transfer of development rights
464 certificates shall be established by the bank or the Community Development
465 Department in the event the bank is not established.

466 (4) Acquisition priorities. The following priorities shall be considered by the
467 bank board for purchasing TDRs:

468 a. Properties adjacent to the living working area (outside the 300-foot
469 rural protection setback);

470 b. Properties that border the Chattahoochee River, its tributaries, and
471 any associated water features such as wetlands.

472 c. Development pressures on the land;

473 d. Price of the development rights;

474 e. Pre-existing perpetual restrictions against development;

475 f. Proximity to other properties with easement restrictions for the
476 purpose of creating large, contiguous tracts of conserved land;

477 g. Environmental assessments; and
478 h. Other factors of public interest determined by the bank board.

479 (5) Purchase, sale and value of TDRs. To determine purchase and/or sales
480 price of development rights, the bank board may negotiate, use a competitive bid
481 process, or any other method deemed fair and equitable by the bank board.

482 Purchase and sale prices must be supported by an appraisal paid for by the bank
483 board.

484 Any eligible landowner may approach the bank board with an offer to sell TDRs. The
485 bank board shall have 60 days to consider and respond to such offers.

486 Landowners shall follow the procedures and requirements for certification of TDRs as
487 prescribed by this Chapter.

488 All transactions through the bank board must follow the recordation requirements
489 prescribed by this Chapter.

490 The bank board may, as a preservation measure, acquire fee simple interest in sending
491 area parcels on a competitive basis in the open market.

492 The intent of a purchase is to place a perpetual conservation easement on a property
493 and then resell the restricted parcel for fair market value. Purchase and resale of
494 sending area parcels is limited to those parcels where development pressures or the
495 prospects of a change of the use of the property are high and/or whose location and/or
496 quality are such that the property's preservation is important to the continued viability of
497 the Cedar Grove Agricultural Area.

498 (6) Right of first refusal. The bank board shall have the authority to enter into
499 right of first refusal agreements with sending area landowners for the purchase of either
500 TDRs or property in fee simple.

501 The right of first refusal agreement is an instrument that is recorded in the chain of title
502 for the subject property, and is to be effective concurrent with the ownership of the
503 signer(s) of the agreement and to be renewed by immediate family members who may
504 become successive owners.

505 In the event that all or a portion of the TDRs or property may be sold to someone other
506 than an immediate family member or developed or subdivided, notification by the
507 landowner to the bank board shall be required.

508 Within 90 days of notification, the bank board may exercise the right of first refusal by
509 acquiring either the development rights or the property in fee simple at a price which is
510 equal to any bona fide offer which has been tendered to the landowner or the appraised
511 fair market value, if an offer has not been tendered, plus \$1.00.

512 **CHAPTER 4. RESERVED.**

513
514 **CHAPTER 5. - PLANNING COMMISSION**

515 **Sec. 5-5001. - Duty.**

516 It shall be the function and duty of the planning commission to make a
517 recommendation(s) for action by the City Council on zoning map/text and
518 comprehensive plan amendments. The City shall provide for the public notice and
519 public hearings required by Georgia law.

520 **Sec. 5-5002. -Membership; terms.**

521 (a) The planning commission shall consist of eight City residents, who shall be
522 appointed by the governing authority as follows:

523 (1) One member shall be nominated by each member of the City Council and the
524 Mayor; and

525 (2) Each member shall be approved by a vote of the majority of the City Council.

526 (b) *Terms.* The planning commission member shall serve a term consistent with that
527 of the member of the City Council (or the mayor) making the nomination. A planning
528 commission member shall serve until his or her replacement is appointed by the
529 City Council in a manner consistent with this chapter. The planning commission
530 members shall serve no more than two terms, either consecutive or non-
531 consecutive, and a term shall end upon the swearing in or re-swearing in of the
532 member of the City Council (or the mayor) who nominates the planning commission
533 member.

534 (c) *Chair and vice chair.* The planning commission shall elect one of its members to
535 serve as chairperson and another to serve as vice-chairperson. The chairperson
536 and vice-chairperson of the planning commission shall serve a term of one year or
537 until reelected or a successor is elected. The duty of the chair shall be to conduct
538 the meetings in accordance with the procedures set forth herein and any other rules
539 or regulations established by the planning commission. The vice-chairperson shall
540 conduct the meetings in the chair's absence. The vice-chairperson may be
541 appointed chair if the chair is removed from office, or due to a physical or mental
542 disability, cannot perform the duties of chair.

543 (d) *Qualifications.*

544 (1) Members of the planning commission shall hold no other City office or City-
545 compensated position during such member's term.

546 (2) All planning commission members shall be residents of the City.

547 (3) The members of the planning commission shall complete a two hour training
548 session, as required by the Community Development Services Director.

549 (e) *Removal.*

550 (1) Except as provided below, planning commission members serve at the
551 pleasure of the City Council and may be removed, with or without cause, upon
552 motion of the nominating Councilmember and affirmative vote of a majority of
553 the City Council.

554 (2) Planning commission members shall automatically be removed from the
555 commission if they miss two consecutive meetings without the permission of the
556 chair, or if the commission member fails to attend at least 75 percent of the
557 commission meetings in a 12-month period. The commission secretary shall
558 notify the City Clerk of any commission member who does not attend a
559 meeting. If a commission member is removed for failure to attend meetings as
560 set forth in this subsection, the removal is automatic and does not require a
561 vote of the City Council.

562 (f) *Compensation.* The City Council shall, by resolution, determine the amount of
563 compensation, if any, to be paid to the members of the planning commission. In the
564 absence of such resolution, no compensation shall be provided to the members of
565 the planning commission.

566 **Sec. 5-5003. - Planning commission and City Council to adopt rules of procedures.**

567 The planning commission may propose rules of procedure to the City Council
568 governing the calling and conducting of public hearings. Robert's Rules of Order shall
569 govern any procedural questions not otherwise covered.

570 **Sec. 5-5004. - Voting.**

571 Four members present shall constitute a quorum and shall be authorized to act.
572 Whenever a vote is required by the members of the planning commission, the member
573 appointed by the mayor shall not vote except in the case of a tie.

574 **Sec. 5-5006. - Secretary of planning commission; staff support.**

575 The Community Development Services Director, or his or her designee within
576 Community Development Services Department, shall serve as the planning commission
577 secretary. The secretary shall provide support to the planning commission as
578 reasonable and necessary to accomplish said commission's duties. The secretary of the
579 planning commission shall provide the members of the planning commission all
580 information submitted to, or generated by, City staff on each proposed amendment,
581 which the commission considers, including: a copy of the application and all supporting
582 materials; all other written communications given to the staff either in support of or in the
583 opposition to the amendment; and the proposed amendment. The secretary shall be
584 responsible for permanently maintaining the records of the planning commission.

585
586 **CHAPTER 6. – ZONING BOARD OF APPEALS**

587 **Sec. 5-6001. - Membership; terms.**

588 (a) The zoning board of appeals which shall consist of eight City residents who shall
589 be appointed by the City Council as follows:

590 (1) One member shall be nominated by each member of the City Council and the
591 Mayor; and

592 (2) Each member shall be approved by a vote of the majority of the City Council.

593 (b) *Terms.* The zoning board of appeals members shall serve a term consistent with
594 that of the member of the City Council (or the mayor) making the nomination. An
595 enforcement board member shall serve until his or her replacement is appointed by the
596 City Council in a manner consistent with this chapter. The zoning board of appeals
597 members shall serve no more than two terms, either consecutive or non-consecutive,
598 and a term shall end upon the swearing in or re-swearing in of the member of the City
599 Council (or the mayor) who nominates the enforcement board member.

600 (c) *Chair and vice-chairperson.* The zoning board of appeals shall elect one of its
601 members to serve as chairperson and another to serve as vice-chairperson. The
602 chairperson and vice-chairperson of the zoning board shall serve a term of one year or
603 until reelected or a successor is elected. The duty of the chair shall be to conduct the
604 meetings in accordance with the procedures set forth herein and any other rules or
605 regulations established by the zoning board of appeals. The vice-chairperson shall
606 conduct the meetings in the chair's absence. The vice-chairperson may be appointed
607 chair if the chair is removed from office, or due to a physical or mental disability, cannot
608 perform the duties of chair.

609 (d) *Qualifications.*

610 (1) Zoning board members shall hold no other City office or City-compensated
611 position during such member's term.

612 (2) All zoning board of appeals members shall be residents of the City.

613 (3) The zoning board of appeals members shall complete a two hour training session,
614 as required by the Community Development Services Director.

615 (e) *Removal.*

616 (1) Except as provided below, zoning board of appeals members may be removed by
617 the City Council at any time, with or without cause.

618 (2) Zoning board of appeals members shall automatically be removed from the board
619 if they miss two consecutive meetings without the permission of the chair, or if the board
620 member fails to attend at least 75 percent of the board meetings in a 12-month period.
621 The board secretary shall notify the City Clerk of any board member who does not
622 attend a meeting. If a board member is removed for failure to attend meetings as set

623 forth in this subsection, the removal is automatic and does not require a vote of the City
624 Council.

625 (f) *Compensation.* The City Council may, by resolution, determine the amount of
626 compensation, if any, to be paid to the zoning board of appeals members. In the
627 absence of such resolution, no compensation shall be provided to the members of the
628 zoning board of appeals.

629 **Sec. 5-6002. - Meetings of the board.**

630 The zoning board of appeals may adopt its rules of procedure, subject to confirmation
631 by the City Council, and determine its time of meetings. The date and time of each
632 meeting shall be standardized and regular; provided, however, the zoning board of
633 appeals may call for and have a specially called meeting subject to the requirements of
634 Georgia law. In the case of a specially called meeting, at least 24 hours public notice
635 shall be made available. Agenda items to be considered shall be publicized in the same
636 manner as meetings of the mayor and Council. A meeting may be canceled by the
637 chairperson, secretary or community development director or his designee if there are
638 no matters to be acted upon by the board.

639 **Sec. 5-6003. - Rules of procedure.**

640 The zoning board of appeals may propose rules of procedure to the City Council.
641 Robert's Rules of Order, as revised from time to time, shall govern in the absence of
642 rules or procedures otherwise. The zoning board of appeals rules shall be made
643 available for distribution to the public.

644 **Sec. 5-6004. - Quorum, voting, and actions by board.**

645 A quorum of the board shall consist of four members of the board. A quorum is
646 necessary for the board to take official action. A member who has withdrawn from the
647 meeting without being excused as provided herein shall be counted as present for the
648 purpose of determining whether a quorum is present. All official actions of the board
649 shall be taken by majority vote of the members present. The board member nominated
650 by the mayor shall not vote unless there is a tie. A roll call vote shall be taken upon the
651 request of any member.

652 **Sec. 5-6005. - Secretary.**

653 The Community Development Services Director, or his or her designee within
654 Community Development Services Department, shall serve as secretary of the zoning
655 board of appeals. The secretary shall provide support to the zoning board of appeals as
656 reasonable and necessary to accomplish said board's duties. The secretary of the
657 zoning board of appeals shall provide the members of the zoning board of appeals all
658 information submitted to, or generated by, City staff on each proposed amendment,
659 which the zoning board of appeals considers, including: a copy of the application and all
660 supporting materials; all other written communications given to the staff either in support
661 of or in the opposition to the amendment; any decision of the board; the minutes, if any,

662 of the board meeting; and any filings made by any party that appears before the board.
663 The secretary shall be responsible for transmitting the records of the zoning board of
664 appeals to the City Clerk.

665 **Sec. 5-6006. - Staff analysis, findings of fact, and recommendation on each**
666 **application for variance and special exception.**

667 The appropriate City staff shall conduct a site inspection of and shall prepare a written
668 analysis of each matter coming before the zoning board of appeals. The analysis shall
669 cite to and analyze the criteria and standards necessary to decide the issue presented
670 to the zoning board of appeals. The analysis may include a recommendation to the
671 zoning board of appeals.

672 **Sec. 5-6008. - Testimony.**

673 All testimony before the zoning board of appeals shall be taken as if under oath
674 regardless of whether or not a formal oath or affirmation is administered. The
675 chairperson, or in his absence the acting chairperson, may administer oaths and compel
676 the attendance of witnesses by subpoena.

677 **Sec. 5-6009. - Hearings before the zoning board of appeals.**

678 (a) *Subject matter jurisdiction.* The zoning board of appeals shall have the jurisdiction,
679 power, and duty to hear and decide appeals may be filed by any person aggrieved by,
680 or by any City official, department, board, commission, or agency affected by, any final
681 order, requirement, or decision of an administrative official, based on or made in the
682 enforcement of the zoning ordinance, by filing with the secretary of the board an
683 application for appeal specifying the grounds thereof, within 30 days after the action
684 appealed from was taken. The City may appeal to the zoning board of appeals a
685 decision of the planning commission. The failure of a City official, department, board,
686 commission, or agency to act shall not be construed to be an order, requirement or
687 decision within the meaning of this division. A person shall be considered aggrieved for
688 purposes of this subsection only if:

689 (1) Said person or said person's property was the subject of the action appealed from;
690 or

691 (2) Said person has a substantial interest in the action appealed from that is in danger
692 of suffering special damage or injury not common to all property owners similarly
693 situated.

694 (b) *Deadline to file an appeal.* All appeals shall be filed pursuant to this chapter within
695 30 days of the decision appealed.

696 (c) *Appeal stays all legal proceedings.* An appeal stays all legal proceedings in
697 furtherance of the action appealed from unless the official from whom the appeal is
698 taken certifies to the board, after notice of appeal has been filed, that by reasons of
699 facts stated in the certificate, a stay would, in that official's opinion, cause imminent peril

700 to life and property. In such a case, proceedings shall be stayed only by a restraining
701 order granted by the Superior Court of Fulton County.

702 (d) *Time of hearing.* The board shall fix a reasonable time for the hearing of the
703 appeal and give notice thereof to the parties in interest. Any party may appear at the
704 hearing in person, by an agent, by an attorney or by a written documentation. The
705 zoning board of appeals will not furnish a court reporter, but any party to the proceeding
706 may do so at its own cost.

707 (e) *Notice of hearing.* Notice of public hearing before the board on any application for
708 appeal, variance, or special exception shall be provided as follows:

709 (1) Written notice of the nature of the proposed application, and the date, time, and
710 place of the public hearing before the board shall be mailed by first class mail to all
711 property owners within 1320 feet of the boundaries of the subject property as measured
712 by use of the official zoning map, and as such property owners are listed on the tax
713 records of the county, at least 15 days before the public hearing before the board;

714 (2) Signs shall be posted within the public right-of-way or on the subject property at
715 least 15 days before the hearing before the board. One sign shall be posted for each
716 500 feet of street frontage or fraction thereof along each street on which the subject
717 property has frontage. Signs shall be double-faced and posted so that the face of the
718 sign is at a right angle to the street in order that said signs can be read by the traveling
719 public in both directions. The lettering on the signs shall be at least one inch in size and
720 the sign shall state the nature of the proposed application and the date, time and place
721 of the public hearing before the board; and

722 (3) Notice of the nature of the proposed application and the date, time and place of
723 the public hearing before the board shall be published in the newspaper of general
724 circulation within the City in which are carried the legal advertisements of the City at
725 least 15 days prior to the date of the hearing before the board and not more than 45
726 days prior to the date of the hearing before the board.

727 (f) *Decision of the board.* Following the consideration of all testimony, documentary
728 evidence, and matters of record, the zoning board of appeals shall make a
729 determination on the matter before it. The zoning board of appeals shall decide the
730 appeal within a reasonable time but in no event more than 60 days from the date of the
731 hearing. An appeal shall be sustained only upon an expressed finding by the board that
732 the administrative official's action was based on an erroneous finding of a material fact,
733 or that the administrative official acted in an arbitrary manner. In exercising its powers,
734 the zoning board of appeals may reverse or affirm, wholly or partly, or may modify the
735 order, requirement, decision or determination appealed from, and to that end shall have
736 all the powers of the administrative official from whom the appeal was taken and may
737 issue or direct the issuance of a permit provided all requirements imposed by all other
738 applicable laws are met.

739 **Sec. 5-6010. - Compliance with standards upon denial.**

740 In such case that an application to the board is initiated due to an existing violation of
741 this chapter and such application is denied, the violation shall be required to be
742 corrected within ten to 30 days of such denial or as specified by the board if a greater
743 time period is required. The maximum extension of time the board may grant for
744 correction shall not be less than 30 nor more than 90 days.

745 **Sec. 5-6011. - Successive applications.**

746 An application for a variance or special exception affecting all or a portion of the same
747 property which was denied by the zoning board of appeals shall not be submitted more
748 than once every 24 months measured from the date of final decision by the zoning
749 board of appeals. The zoning board of appeals may waive or reduce this 24-month time
750 interval by resolution provided that if the application for a variance or special exception
751 was denied by the zoning board of appeals, the time interval between the date of said
752 denial and any subsequent application or amendment affecting the same property shall
753 be no less than six months.

754 **Sec. 5-6012. - Appeals of decisions of the zoning board of appeals.**

755 All final decisions of the board under the provisions of this chapter may be appealed to
756 the Superior Court as allowed by law.

757

758 *****

759

760 **Section 2.** It is hereby declared to be the intention of the City Council that:

761 (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are
762 or were, upon their enactment, believed by the City Council to be fully valid, enforceable
763 and constitutional.

764 (b) To the greatest extent allowed by law, each and every section, paragraph,
765 sentence, clause or phrase of this Ordinance is severable from every other section,
766 paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph,
767 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
768 section, paragraph, sentence, clause or phrase of this Ordinance.

769 (c) In the event that any phrase, clause, sentence, paragraph or section of this
770 Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or
771 otherwise unenforceable by the valid judgment or decree of any court of competent
772 jurisdiction, it is the express intent of the City Council that such invalidity,
773 unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not
774 render invalid, unconstitutional or otherwise unenforceable any of the remaining
775 phrases, clauses, sentences, paragraphs or sections of this Ordinance.

776 **Section 3.** All Ordinances and parts of Ordinances in conflict herewith are hereby
777 expressly repealed.

778 **Section 4.** The city attorney and city clerk are authorized to make non-
779 substantive editing and renumbering revisions to this ordinance for proofing,
780 codification, and supplementation purposes. The final version of all ordinances shall
781 be filed with the city clerk.

782 **Section 5.** The effective date of this Ordinance shall be the date of adoption unless
783 provided otherwise by the City Charter or state and/or federal law.
784

785 **Section 6. *Instruction to City Clerk.*** The City Clerk is hereby directed to forward a
786 copy of this ordinance to the City Community Development Department, Planning
787 Commission, City Zoning Consultant and Zoning Board of Appeals.
788

789 The foregoing **ORDINANCE No. 2018-047**, adopted on _____ was
790 offered by Councilmember _____, who moved its approval. The motion was
791 seconded by Councilmember _____, and being put to a vote, the result
792 was as follows:

793
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795 **“SECOND READING”**

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AYE

NAY

800 William “Bill” Edwards, Mayor
801 Mark Baker, Mayor Pro Tem
802 Catherine Foster Rowell
803 Carmalitha Lizandra Gumbs
804 Helen Zenobia Willis
805 Gertrude Naeema Gilyard
806 Rosie Jackson
807 khalid kamau

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_____	_____
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811 THIS ORDINANCE adopted this _____ day of _____ 2018. CITY OF SOUTH
812 FULTON, GEORGIA.

813

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815 **“SECOND READING”**

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822 _____
WILLIAM “BILL” EDWARDS, MAYOR

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828 ATTEST:

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MARK MASSEY, CITY CLERK

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839 APPROVED AS TO FORM:

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843 _____
EMILIA C. WALKER, CITY ATTORNEY

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CITY OF SOUTH FULTON



COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING

SUBJECT: Ord2018-048 Adopting Zoning Resolution as Appendix C

DATE OF MEETING: 11/27/2018

DEPARTMENT: Attorney

ATTACHMENTS:

Description	Type	Upload Date
Ord2018-048 Adopting Zoning Resolution as Appendix C	Cover Memo	11/21/2018

1 STATE OF GEORGIA
2 COUNTY OF FULTON
3 CITY OF SOUTH FULTON
4

5 **ORDINANCE NO 2018-048**
6

7 **A ORDINANCE ADOPTING THE CITY OF SOUTH FULTON ZONING RESOLUTION**
8 **AS APPENDIX C TO THE CITY CODE OF ORDINANCES AND ZONING MAP AND**
9 **FOR OTHER LAWFUL PURPOSES**

10 **(Sponsored by Councilmembers Rowell and Gilyard)**
11

12 **WHEREAS**, the City of South Fulton (“City”) is a municipal corporation duly
13 organized and existing under the laws of the State of Georgia;

14 **WHEREAS**, the duly elected governing authority of the City is the Mayor and
15 Council thereof (“City Council”);

16 **WHEREAS**, the City has been vested with the power and authority to regulate
17 the practice, conduct or use of property for the purposes of maintaining health, morals,
18 safety, security, peace and the general welfare of the City;

19 **WHEREAS**, the City Council, as a part of planning, zoning and growth
20 management, is in process of assessing the City’s zoning regulations and studying the
21 type of development which could be anticipated within the City;

22 **WHEREAS**, the City Council has conducted a properly advertised public hearing
23 in accordance with the Georgia Zoning Procedures Act prior to adoption of this
24 ordinance; and

25 **WHEREAS**, the City Council finds this Ordinance to be in the best interests of
26 the health, safety, and general welfare of the City.

27 **NOW, THEREFORE, THE COUNCIL OF THE CITY OF SOUTH FULTON**
28 **HEREBY ORDAINS** as follows:
29

30 **Section 1:** The City hereby adopts the City of South Fulton Zoning Resolution
31 attached hereto, which shall be Appendix C to the City’s Code of Ordinances. The City
32 further hereby adopts the official City of South Fulton Zoning Map attached hereto as
33 Exhibit B.
34

35 *****
36

37 **Section 2.** It is hereby declared to be the intention of the Mayor and Council that: (a)
38 All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or
39 were, upon their enactment, believed by the City Council to be fully valid, enforceable
40 and constitutional.
41
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44 (b) To the greatest extent allowed by law, each and every section, paragraph,
45 sentence, clause or phrase of this Ordinance is severable from every other section,
46 paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph,
47 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
48 section, paragraph, sentence, clause or phrase of this Resolution.

49 (c) In the event that any phrase, clause, sentence, paragraph or section of this
50 Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or
51 otherwise unenforceable by the valid judgment or decree of any court of competent
52 jurisdiction, it is the express intent of the City Council that such invalidity,
53 unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not
54 render invalid, unconstitutional or otherwise unenforceable any of the remaining
55 phrases, clauses, sentences, paragraphs or sections of the Ordinance.

56 **Section 3.** All Ordinances and Resolutions in conflict herewith are hereby expressly
57 repealed.

58 **Section 4.** The city attorney, city clerk and contracted city codifier are authorized to
59 make non-substantive formatting and renumbering edits to this ordinance for proofing,
60 codification, and supplementation purposes. The final version of all ordinances shall be
61 filed with the clerk.

62 **Section 5.** The effective date of this Ordinance shall be the date of adoption unless
63 provided otherwise by the City Charter or state and/or federal law.
64

65 **Section 6. Instruction to City Clerk.** The City Clerk is hereby directed to forward a
66 copy of this ordinance to the City Community Development Department, Planning
67 Commission and Zoning Board of Appeals.
68

69 The foregoing **ORDINANCE No. 2018-048**, adopted on _____ was
70 offered by Councilmember _____, who moved its approval. The motion was
71 seconded by Councilmember _____, and being put to a vote, the result
72 was as follows:

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“SECOND READING”

	A YE	N AY
William “Bill” Edwards, Mayor	_____	_____
Mark Baker, Mayor Pro Tem	_____	_____
Catherine Foster Rowell	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____

91 THIS RESOLUTION adopted this _____ day of _____ 2018. CITY OF
92 SOUTH FULTON, GEORGIA.
93

94
95 **“SECOND READING”**
96

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98
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100 _____
101 WILLIAM “BILL” EDWARDS, MAYOR
102

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106 ATTEST:
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109 _____
110 MARK MASSEY
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117 APPROVED AS TO FORM:
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120 _____
121 EMILIA C. WALKER, CITY ATTORNEY
122

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Zoning Resolution

SOUTH FULTON, GEORGIA CODE OF ORDINANCES

APPENDIX C

Adopted [Enter Adoption Date]

ARTICLE I. - TITLE

This resolution, as it may be amended from time to time, shall be formally known and referred to as the City of South Fulton Zoning Resolution.

ARTICLE II. - PURPOSE

This resolution is entered for the purposes, among others, of lessening congestion on the roads and streets; securing safety from fire, flood, and other dangers; providing adequate light and air; promoting the health and general welfare; encouraging such distribution of population and such classification of land uses and utilization as will facilitate economic and adequate provisions for transportation, communications, roads, airports, water supply, drainage, sanitation, education, recreation and other public requirements. These regulations are made with reasonable consideration, among others, to the character of the districts and their peculiar suitability for particular uses, and with a general view of promoting desirable living conditions, protecting property against blight and depreciation, and encouraging the most appropriate use of land throughout South Fulton.

26 ARTICLE III. - DEFINITIONS

27 3.1 - Scope.

28 Words not defined herein shall be construed to have the meaning given by Merriam-
29 Webster's Collegiate Dictionary, eleventh edition or later edition.

30 3.2 - Use and interpretation.

31 The following shall apply to the use of all words in this Resolution:

- 32 a. Words used in the present tense shall include the future tense.
- 33 b. Words used in the singular shall include the plural and vice versa.
- 34 c. The word shall is mandatory.
- 35 d. The word may is permissive.
- 36 e. The nouns zone, zoning district and district have the same meaning and refer
37 to the zoning districts established by this Resolution.
- 38 f. The phrase used for shall include the phrases arranged for, designed for,
39 intended for, maintained for and occupied for.

40 3.3 - Definitions.

41 **3.3.1 A**

42 *Accessory Site Feature.* Mechanical, electrical and ancillary equipment, cooling
43 towers, mechanical penthouses, heating and air conditioning units and/or pads, exterior
44 ladders, storage tanks, processing equipment, service yards, storage yards, exterior
45 work areas, loading docks, maintenance areas, dumpsters, recycling bins, and any
46 other equipment, structure or storage area located on a roof, ground or building.

47 *Address Post.* An upright post fixed securely in the ground bearing the physical
48 address of the personal property as assigned per Fulton County Tax Assessor property
49 records. All address posts shall comply with the standards for location, installation and
50 aesthetic as detailed in Article 34 of the South Fulton Zoning Resolution.

51 *Adjoin.* To have a common border with. Adjoin may also mean coterminous,
52 contiguous, abutting and adjacent.

53 *Administrative Minor Variance.* A variance to the minimum district yard requirements
54 of not more than 1 foot, granted administratively by the Director of Community
55 Development.

56 *Administrative Modification.* A change to an approved condition of zoning that
57 constitutes only a technical change and does not involve significant public interest as
58 determined by the Director of Community Development.

59 *Administrative Variance.* A request for relief from: 1) the standards contained in
60 Article 34, Development Regulations, 2) a request to reduce the 10 foot improvement
61 setback adjacent to buffers or 3) a request for 10 percent reduction of parking spaces
62 as required in Article 18.2.4.

63 *Adult Bookstore* . An establishment or facility licensed to do business in South
64 Fulton having a minimum of 25 percent of its stock in trade, for any form of
65 consideration, any one or more of the following materials:

66 (i) Books, magazines, periodicals, or other printed matter, or photographs, films,
67 motion pictures, video cassettes, cds, dvds or other video reproductions, or
68 slides or other visual representations which are characterized by the depiction
69 or description of "specified sexual activities" or "specified anatomical areas", as
70 defined herein; or

71 (ii) Instruments, devices, novelties, toys or other paraphernalia that are designed
72 for use in connection with "specified sexual activities" as defined herein or
73 otherwise emulate, simulate, or represent "specified anatomical areas" as
74 defined herein.

75 *Adult Entertainment*. Permitting, performing, or engaging in live acts:

76 (1) of touching, caressing, or fondling of the breasts, buttocks, and anus, vulva, or
77 genitals,

78 (2) of displaying of any portion of the areola of the female breast, or any portion of
79 his or her pubic hair, cleft of the buttocks, anus, vulva or genitals,

80 (3) of displaying of pubic hair, anus, vulva, or genitals,

81 (4) or acts which simulate sexual intercourse (homosexual or heterosexual),
82 masturbation, sodomy, bestiality, oral copulation, flagellation.

83 None of these definitions shall be construed to permit any act which is in violation of
84 any applicable city or state law.

85 *Adult Entertainment Establishment*. Any establishment or facility licensed to do
86 business in South Fulton where adult entertainment is regularly sponsored, allowed,
87 encouraged, condoned, presented, sold, or offered to the public. This definition shall not
88 include traditional or mainstream theater which means a theater, movie theater, concert
89 hall, museum, educational institution or similar establishment or facility which regularly
90 features live or other performances or showings which are not distinguished or
91 characterized by an emphasis on the depiction, display, or description or the featuring of
92 "specified anatomical areas" or "specified sexual activities" in that the depiction, display,
93 description or featuring is incidental to the primary purpose of any performance.
94 Performances and showings are regularly featured when they comprise 90 percent of all
95 performances or showings.

96 *Alternative Antenna Support Structure*. Clock towers, campaniles, free standing
97 steeples, light structures and other alternative designed support structures that
98 camouflage or conceal antennas as an architectural or natural feature.

99 *Amateur Radio Antenna*. Radio communication facility that is an accessory structure
100 to a single family residential dwelling operated for non-commercial purposes by a
101 Federal Communication Commission licensed amateur radio operator. The term
102 antenna shall include both the electronic system and any structures it is affixed to for
103 primary support.

104 *Antenna.* Any exterior apparatus designed for telephone radio, or television
105 communications through the sending and/or receiving of electromagnetic waves.

106 *Apartment.* A building which contains three or more dwelling units either attached to
107 the side, above or below another unit. Apartment may also refer to a dwelling unit
108 attached to a non-residential building. (See Dwelling, Multi-Family)

109 *Appeal.* A request for relief from a decision made by the Director of Community
110 Development, other department directors, the Board of Zoning Appeals, and/or the City
111 Council.

112 *Applicable Wall Area.* The wall on which a wall sign is attached including all walls
113 and windows that have the same street or pedestrian orientation. All open air spaces
114 shall be excluded from the applicable wall area.

115 *Attic.* An unheated storage area located immediately below the roof.

116 *Authorized Agent.* Person with legal authority to act on behalf of an applicant.

117 *Automotive Garage.* See Garage, Automotive Repair.

118 *Automotive Specialty Shop.* A use which provides one or more specialized repair
119 sales and/or maintenance functions such as the sale, replacement, installation or repair
120 of tires, mufflers, batteries, brakes and master cylinders, shock absorbers, instruments
121 (such as speedometers and tachometers), radios and sound systems or upholstery for
122 passenger cars, vans, and light trucks only. No use authorized herein shall permit any
123 private or commercial activity which involves auto/truck leasing, painting, repair or
124 alteration of the auto body, nor shall any repair, replacement, modification, adjustment,
125 or servicing of the power plant or drive-train or cooling system be permitted, except that
126 minor tune-up involving the changing of spark plugs, points or condenser, including
127 engine block oil changes, are permitted. (See Service Station 3.3.19)

128 **3.3.2 B**

129 *Babysitting.* A service in which shelter, care, and supervision are provided for 4 or
130 fewer children below the age of 12 on an irregular basis.

131 *Banner.* Any sign of lightweight fabric or similar material that is either with frame or
132 without frame and hung or mounted to a pole, building or other background by one or
133 more edges. Flags are not considered banners.

134 *Bar.* A commercial establishment used primarily for the sale or dispensing of
135 alcoholic beverages for on-site consumption; where food may be available for
136 consumption on the premises as accessory to the primary use; where entertainment
137 opportunities are not the primary use and occupy no more than 10% of the total gross
138 square footage of the business. A bar shall not be considered a Nightclub, Private Club
139 or Club.

140 *Barbed Wire.* Barbed wire, also known as barb wire, is a type of fencing wire
141 constructed with sharp edges or points arranged at intervals along the strand(s). Barbed
142 wire may be straight or concertina style (formed in coils). This type of fence material is
143 commonly used for agricultural and security purposes.

144 **Basement.** A level below a floor of a building with a minimum of one-half (½) of the
145 total wall area below grade. A basement is not a story. The term basement is
146 synonymous with cellar.

147 **Beacon.** Any light with one or more beams directed into the atmosphere or directed
148 at one or more points not on the same lot as the light source; also any light with one or
149 more beams that rotate or move.

150 **Bed and Breakfast Inn.** A residence in which the frequency and volume of visitors
151 are incidental to the primary use as a private residence and where guest rooms are
152 made available for visitors for fewer than 30 consecutive days. Breakfast is the only
153 meal served and is included in the charge for the room. Use allowed in non-residential
154 districts and permitted in AG-1 and TR with a Use Permit.

155 **Berm.** A planted earthen mound.

156 **Billboard.** A sign which advertises services, merchandise, entertainment or
157 information which is not available at the property on which the sign is located.

158 **Board.** South Fulton City Council.

159 **Boarding House.** A residential use other than a hotel or motel in which lodging may
160 be provided to non-household members and which includes the provision of meals.

161 **Brewpub.** An accessory use to a permitted restaurant where distilled spirits, malt
162 beverages or wines are licensed to sell and where beer or malt beverages are
163 manufactured or brewed for consumption on the premise and solely in draft form.

164 **Buffer, State Waters.** An area along the course of any State waters to be
165 maintained in an undisturbed and natural condition.

166 **Buffer, Tributary.** A protection area adjoining the tributaries of the Chattahoochee
167 River. Tributary buffer specifications are contained in Part D of each prospective land
168 use section of the Tree Ordinance.

169 **Buffer, Zoning.** A natural undisturbed portion of a lot, except for approved access
170 and utility crossings, which is set aside to achieve a visual barrier between the use on
171 the lot and adjacent lots and/or uses. A buffer is achieved with natural vegetation and
172 must be replanted subject to the approval of the Director of Community Development or
173 his/her designated agent(s) when sparsely vegetated. Clearing of undergrowth from a
174 buffer is prohibited except when accomplished under the supervision of the Director of
175 Community Development or his/her designated agent(s).

176 **Buildable Area.** The portion of a parcel of land where a building may be located and
177 which shall contain enough square footage to meet the minimum required by the zoning
178 district. That portion which is not located in the minimum setbacks, utility corridors,
179 driveways, slopes to build streets, tree save areas, landscape strips, specimen tree
180 areas, state water buffers, tributary buffers, zoning buffers, wetlands, storm water and
181 sanitary sewer easements.

182 **Building.** Any structure with a roof, designed or built for the support, enclosure,
183 shelter, or protection of persons, animals, chattels, or property of any kind.

184 *Building Line.* A building line is one which is no closer to a property line than the
185 minimum yard (setback) requirements.

186 *Business.* A use involving retailing, wholesaling, warehousing, outside storage,
187 manufacturing or the delivery of services regardless of whether payment is involved.
188 The term Business does not include uses which are customarily incidental (accessory)
189 to another use.

190 **3.3.3 C**

191 *Canopy.* A roof-like cover, excluding carports, that either projects from the wall of a
192 building or is freestanding.

193 *Car Wash, Principal.* A primary or main use which provides space for cleaning
194 vehicles.

195 *Car Wash, Accessory.* A customarily incidental use of an attached or detached bay
196 for cleaning vehicles.

197 *Cellar.* See basement.

198 *Cemetery, Human.* The use of property as a burial place for human remains. Such a
199 property may contain a mausoleum.

200 *Cemetery, Pet.* The use of property as a burial place for the remains of pets. Such a
201 property may contain a mausoleum.

202 *Check Cashing Establishment.* Any establishment licensed by the State of Georgia
203 pursuant to O.C.G.A. sections 7-1-700 et seq.

204 *Church, Temple or Place of Worship.* A facility in which persons regularly assemble
205 for religious ceremonies. This shall include, on the same lot, accessory structures and
206 uses such as minister's and caretaker's residences, and others uses identified under the
207 provisions for Administrative and Use Permits.

208 *Clear Cutting.* The removal of all vegetation from a property, whether by cutting or
209 other means, excluding stream buffer requirements.

210 *Clinic.* A use where medical examination and treatment is administered to persons
211 on an outpatient basis. No patient shall be lodged on an overnight basis.

212 *Club.* A non-profit entity organized for a social, educational or recreational use
213 normally involving community centers, public swimming pools and/or public recreational
214 courts, civic clubhouses, lodge halls, fraternal organizations, country clubs and similar
215 facilities. A Club shall not be considered a Nightclub, Private Club or Bar. (See Article
216 19.3.2)

217 *Cluster-style Mailbox.* A style whereby mailboxes, meeting the specifications of the
218 United States Postal Service (USPS) with the inscription plainly legible "U.S. MAIL" and
219 "APPROVED BY THE POSTMASTER GENERAL" are assembled and grouped
220 together on a single area of land so that they are regarded as one unit. Cluster-style
221 mailboxes must be manufactured cluster-style mailboxes approved by both the City and
222 the USPS.

223 *Cluster-style Mailbox Kiosk.* Cluster-style mailbox units built into a larger structure
224 exhibiting the architectural style and building materials typical of the
225 neighborhood/development.

226 *Commercial Amusement /Indoor.* A use where recreational activity such as movie
227 theaters, arcades, billiards, game rooms, sporting activities and other recreational
228 amusements are conducted within a building.

229 *Commercial Amusement/Outdoor.* A use where recreational activity such as skating
230 rinks, batting cages, miniature golf, drive-in theaters and other recreational activities or
231 amusements that are conducted outside a building.

232 *Composting.* A processing operation for the treatment of vegetative matter into
233 humus-like material that can be recycled as a soil fertilizer amendment such as trees,
234 leaves and plant material. Organic animal waste, food, municipal sludge, solid waste,
235 and other non-farm or vegetative type wastes are not included.

236 *Condominium.* A form of ownership as defined by State law in which common
237 elements are jointly owned. A condominium is not a building type.

238 *Conservation Subdivision.* A single family detached residential subdivision in which
239 a minimum of 40 percent of the total land area is set aside as permanently protected
240 open space as defined by Article VI of the South Fulton Subdivision Regulations.

241 *Construction Material.* Building materials and rubble resulting from construction,
242 remodeling, repair, and/or demolition operations on pavements, houses, commercial
243 buildings and other structures. Such materials include, but are not limited to, asbestos
244 containing waste, wood, bricks, metal, concrete, wall board, paper, cardboard, inert
245 waste landfill material, and other nonputrescible wastes which have a low potential for
246 groundwater contamination.

247 *Convalescent Center/Nursing Home/Hospice.* A state licensed use in which
248 domiciliary care is provided to convalescing, chronically or terminally ill persons who are
249 provided with food, shelter and care and not meeting the test of family. This use shall
250 not include hospitals, clinics, or similar institutions devoted primarily to the diagnosis
251 and treatment of the sick or injured.

252 *Convenient Location and Time.* Suitable time and easily accessible place for
253 applicants to meet with interested parties to discuss rezoning and/or use permit
254 petitions.

255 *Convenience Store.* A use offering a limited variety of groceries household goods,
256 and personal care items, always in association with the dispensing of motor fuels as an
257 accessory use, but in all cases excluding vehicle service, maintenance and repair.

258 *Country Inn.* A facility, with the owner or innkeepers residing on the premises,
259 where guest rooms are made available for visitors for fewer than 30 consecutive days.
260 A Country Inn is distinguished from a Bed and Breakfast category in that it serves both
261 breakfast and lunch or dinner.

262 *Courtyard.* An open air area, other than a yard, that is bounded by the walls of a
263 building. Courtyards are used primarily for supplying pedestrian access, light, and air to
264 the abutting building(s). Site furniture, lighting and landscaping are appropriate for

265 courtyards. Vehicular access allowed for unloading and loading only. No vehicular
266 parking or vehicular storage is allowed.

267 *Crematorium.* A facility for the reduction of remains to ashes by incineration.

268 *Cul-de-sac.* A street having only one connection to another street, and is terminated
269 by a vehicular turn-around.

270 *Curb Cut.* A connection between a roadway and a property for vehicular access.
271 Curb cut applies to access regardless of the existence of curbing.

272 *Cutoff.* A luminaire light distribution where the emission does not exceed 2.5
273 percent of the lamp lumens at an angle of 90 degrees above nadir and does not exceed
274 10 percent at a vertical angle of 80 degrees above nadir.

275 *Cutoff Fixture.* A luminaire light distribution where the candela per 1,000 lamp
276 lumens does not numerically exceed 25 (2.5 percent) at or above a vertical angle of 90
277 degrees above nadir, and 100 (10 percent) at or above a vertical angle of 80 degrees
278 above nadir. This applies to all lateral angles around the luminaire.

279 **3.3.4 D**

280 *Day Care Facility.* A use in which shelter, care, and supervision for (7) or more
281 persons on a regular basis away from their residence for less than 24 hours a day. A
282 Day Care Facility may provide basic educational instruction. The term shall include
283 nursery school, kindergarten, early learning center, play school, pre-school, and Group
284 Day Care Home.

285 *Day Care Home, Family.* See Family Day Care Home.

286 *Day-Night Average Sound Level (DNL).* The day-night average sound level (DNL) is
287 the 24-hour average sound level, in decibels, obtained from the accumulation of all
288 events with the addition of 10 decibels to sound levels in the night from 10 P.M. to 7
289 A.M. The weighing of nighttime events accounts for the usual increased interfering
290 effects of noise during the night, when ambient levels are lower and people are trying to
291 sleep. DNL is a weighted average measured in decibels (db).

292 *Deck.* A structure abutting a dwelling with no roof or walls except for visual partitions
293 and railings not to exceed 42" above finished floor which is constructed on piers or a
294 foundation above-grade for use as an outdoor living area.

295 *Department.* Department of Planning and Community Services or future name as
296 adopted by the Mayor and Council of South Fulton.

297 *Development, Duplex.* A development of duplexes.

298 *Development, Multi-family.* A development of multifamily dwelling units on a single
299 lot of record.

300 *Development Permit Standards.* Requirements established for each administrative
301 and use permit such as setbacks, access, landscape and buffer areas, hours of
302 operation etc.

303 *Development of Regional Impact (DRI) Study.* A review by the Atlanta Regional
304 Commission and the Georgia Regional Transportation Authority of large scale projects

305 that are of sufficient size that they are likely to create impacts beyond the jurisdiction in
306 which each project will be located.

307 *Development, Single-Family.* A development of single family dwelling units, with
308 each dwelling unit including accessory structures, on a separate lot of record.

309 *Development Standards.* Dimensional measurements as specified in zoning districts
310 relating to such standards as yard setbacks, lot area, lot frontage, lot width, height and
311 floor area.

312 *Development, Townhouse.* A development of townhouse dwelling units.

313 *Director.* Director of Community Development.

314 *Distribution Line.* A pipeline other than a gathering or transmission line.

315 *District, Nonresidential.* A term used to identify all districts except single-family
316 dwelling districts, all apartment districts, R-6, TR, MHP and residential portions of a
317 CUP — Includes AG-1.

318 *District, Residential.* A term which applies to all single-family dwelling districts, all
319 apartment districts, R-6, TR, MHP and residential portions of a CUP — Excludes AG-1.

320 *Drainage Facility.* A facility which provides for the collection, removal and detention
321 of surface water or groundwater from land by drains, water course or other means.

322 *Drive-in/up Restaurant.* A restaurant designed for customers to park and place and
323 receive food orders while remaining in their motor vehicles.

324 *Driveway.* A vehicular access way.

325 *Dwelling.* Any building or portion thereof which is designed for or used for residential
326 purposes for periods of more than 30 consecutive days.

327 *Dwelling, Duplex.* A structure that contains two dwelling units.

328 *Dwelling, Multi-family.* A structure containing three or more dwelling units not
329 including townhouses, triplexes or quadruplexes.

330 *Dwelling, Quadruplex.* Four attached dwellings in one building in which each unit
331 shares one or two walls with an adjoining unit or units.

332 *Dwelling, Triplex.* A building containing three dwelling units, each of which has
333 direct access to the outside or to a common hall.

334 *Dwelling Unit.* One or more rooms constructed with cooking, sleeping and sanitary
335 facilities designed for and limited to use as living quarters for one family.

336 *Dwelling Unit, Single Family.* One dwelling unit that is not attached to any other
337 dwelling unit by any means.

338 *Dwelling Unit, Townhouse.* A dwelling unit in a row of at least three such units in
339 which each unit has its own front and rear access to the outside, no unit is located over
340 another unit, and each unit is separated from any other unit by one or more vertical
341 common walls.

342 **3.3.5 E**

343 *Environmentally Adverse Use.* Any use or activity which poses a potential or
344 immediate threat to the environment and/or is physically harmful or destructive to living
345 beings. Without limiting the generality of the foregoing, the following uses are
346 specifically declared to be environmentally adverse:

- 347 (1) All uses listed in Zoning Resolution Article 4.18, Section 4.18.3;
- 348 (2) All uses that will result in the discharge of any chemical listed in any of the
349 following publications:
 - 350 a. The Environmental Protection Agency's List of Hazardous Air Pollutants as
351 included in the Clean Air Act Amendments of 1990, including any
352 modifications or amendments thereto;
 - 353 b. The Environmental Protection Agency's List of Toxic Pollutants prepared in
354 accordance with the Clean Water Act as codified at 40 C.F.R. 401.15 of the
355 Code of Federal Regulations, including any modifications or amendments
356 thereto; or
 - 357 c. The Environmental Protection Agency's List of Priority Pollutants prepared
358 in accordance with the Clean Water Act as codified at 40 C.F.R. 423,
359 Appendix A, of the Code of Federal Regulations, including any
360 modifications or amendments thereto.
- 361 (3) All uses that will require the issuance of a permit by or will be otherwise
362 subject to regulations promulgated by either the Environmental Protection
363 Agency or the State of Georgia Environmental Protection Division.

364 *Environmentally Stressed Community.* Any existing residential development (single
365 family dwelling, duplex dwelling, triplex dwelling, quadruplex dwelling, townhouse
366 dwelling or multifamily dwelling), any portion of which is located within ½ mile of an
367 existing pollution point as identified by the U.S. Environmental Protection Agency's
368 Envirofacts website found at www.epa.gov/enviro/.

369 *Explosive.* A chemical compound, mixture or device, the primary or common
370 purpose of which is to function by explosion. The term includes, but is not limited to,
371 dynamite, black powder, pellet powder, initiating explosives, detonators, safety fuses,
372 squibs, detonating cord, igniter cord, igniters, display fireworks, and gun powder.

373 **3.3.6 F**

374 *Family.* Family means one or more persons related by blood, marriage, adoption,
375 guardianship or other duly authorized custodial relationship, or up to four unrelated
376 persons, occupying a dwelling unit and living as a single housekeeping unit, as
377 distinguished from persons occupying a rooming, boarding or lodging house, or a hotel.
378 A group residence which falls under the definition of a family, but does not require a Use
379 Permit for a Group Residence (Article 19.4.20, 19.4.20(1), and/or 19.4.20(2)), shall
380 comply with applicable federal, state and local licensing requirements and shall not be
381 located closer than a quarter mile to the nearest property line of another group
382 residence.

383 *Family Day Care Home.* A Home Occupation in which shelter, care, and supervision
384 are provided for 6 or fewer persons on a regular basis. A Family Day Care Home may
385 provide basic educational instruction.

386 *Farm.* A parcel of land which is used for the raising of animals (including fish) on a
387 commercial basis, such as ranching, dairy farming, piggeries, poultry farming and fish
388 farming; a facility for the business of boarding or renting horses to the public; or a site
389 used for the raising or harvesting of agricultural crops such as wheat, field forage and
390 other plant crops intended for food or fiber.

391 *Fast Food Restaurant.* See Restaurant, Fast Food.

392 *Flag Lot.* A lot where frontage to a public street is provided via a narrow strip of land
393 forming a pole or stem to the buildable portion of the lot.

394 *Flood Lamp.* A form of lighting designed to direct its output in a specific direction
395 with a reflector formed from the glass envelope of the lamp itself. Such lamps are so
396 designated by the manufacturers and are typically used in residential outdoor area
397 lighting.

398 *Flood Light.* A form of lighting designed to direct its output in a diffuse, more or less
399 specific direction, with reflecting or refracting elements located external to the lamp.

400 *Flood Plain Management Terms.* The following definitions apply to Sections of the
401 Zoning Resolution on Flood Plain Management.

402 (1) *As-built drawings.* Plans which show the actual locations, elevations, and
403 dimensions of the improvements as certified by a professional engineer or a
404 licensed surveyor in the State of Georgia.

405 (2) *Base Flood.* The flood having a one percent chance of being equaled or
406 exceeded in any given year - the 100-year flood.

407 (3) *Base Flood Elevation (B.F.E.).* The highest water surface elevation anticipated
408 at any given point during the base flood.

409 (4) *Development.* Any man-made change to improved or unimproved real estate,
410 including but not limited to buildings or other structures, such as mining,
411 dredging, filling, grading, paving, excavation or drilling operations.

412 (5) *Federal Emergency Management Agency (FEMA).* The Federal Agency which
413 administers the National Flood Insurance Program. This agency prepares,
414 revises and distributes the maps and studies adopted under Article IV, Section
415 24.

416 (6) *Flood or Flooding.* A general and temporary condition of partial or complete
417 inundation of normally dry land areas from the overflow of inland waters or the
418 unusual and rapid accumulation of runoff of surface waters from any source.

419 (7) *Flood Elevation Study.* An examination, evaluation, and determination of flood
420 hazards and, if appropriate, corresponding water surface elevations.

- 421 (8) Flood Boundary and Floodway Map. An official map of South Fulton on which
422 FEMA has delineated the various flood boundaries, the floodway fringe, and the
423 floodways.
- 424 (9) Flood Fringe. That area contained by the flood boundaries exclusive of the
425 regulatory floodway.
- 426 (10) Flood Insurance Rate Map (FIRM). The official map of South Fulton on which
427 FEMA has delineated the risk premium zones.
- 428 (11) Flood Insurance Study (FIS). A compilation of flood related data obtained
429 from the flood studies for the unincorporated areas of South Fulton, Georgia,
430 prepared by FEMA.
- 431 (12) Flood Plain. Lands subject to flooding, which have a one percent probability
432 of flooding occurrence in any calendar year; the 100-year flood plain is shown
433 on the Flood Boundary and Floodway Map. Also referred to as area of
434 moderate Flood Hazard.
- 435 (13) Flood Prone Area. Areas shown on the Flood Insurance Rate Map as "Zone
436 B" (zone where the contributing drainage area is less than one square mile) and
437 which are determined by the Department of Public Works to be a hazard to
438 adjacent properties or development in the event of the base flood.
- 439 (14) Flood Proofing. Any combination of structural and nonstructural additions,
440 changes, or adjustments to structures which reduce or eliminate flood damage
441 to real estate or improved real property, water and sanitary facilities, structures
442 and their contents.
- 443 (15) Floodway. See Regulatory Floodway.
- 444 (16) Freeboard. A factor of safety usually expressed in feet above a flood level for
445 purposes of flood plain management.
- 446 (17) Functionally Dependent Use. A use which cannot perform its intended
447 purpose unless it is located or carried out in close proximity to water.
- 448 (18) I.R.F. Elevation. See "Base Flood Elevation."
- 449 (19) Lowest Floor. The lowest minimum floor including basement and attached
450 garage.
- 451 (20) Map. The Flood Boundary and Floodway Map or the Flood Insurance Rate
452 Map.
- 453 (21) Mean Sea Level. For purposes of Flood Plain Management, the National
454 Geodetic Vertical Datum (NGVD) of 1929.
- 455 (22) Mobile Home. See Mobile Home under "M" headings in main text of
456 Definitions.
- 457 (23) Mobile Home Park/Mobile Home Subdivision. A parcel (or contiguous
458 parcels) of land divided into two or more mobile home lots for rent or sale for
459 which the construction of facilities for servicing the lot on which the mobile
460 home is to be affixed (including at a minimum the installation of utilities, either

- 461 final site grading or the pouring of concrete pads and construction of streets)
462 was completed on or after April 5, 1972.
- 463 (24) NGVD. National Geodetic Vertical Datum.
- 464 (25) New Structure. Any proposed structure which does (did) not have a valid
465 building permit prior to the effective date of this resolution. Note: This resolution
466 was adopted on March 11, 1955. Records suggest that flood plain management
467 provisions were first adopted on April 5, 1972.
- 468 (26) Regulatory Floodway. The channel of a river or other watercourse and the
469 adjacent land areas that must be reserved in order to discharge the base flood
470 without cumulatively increasing the water surface elevation more than a
471 designated height.
- 472 (27) Riverine. Relating to, formed by, or resembling a river (including tributaries),
473 stream, or brook.
- 474 (28) Special Flood Hazard Area. Those lands subject to periodic flooding and
475 shown on the "Flood Insurance Rate Map" as a numbered or unnumbered "A"
476 zone.
- 477 (29) Start of Construction. The first placement of permanent construction of a
478 structure, excluding a mobile home, on a site, such as the pouring of slabs or
479 footing or any work beyond excavation. Permanent construction does not
480 include land preparation, such as clearing, grading, and filling; nor does it
481 include the installation of streets and/or walkways. Excavation for a basement,
482 footings, piers or foundations, and the erection of temporary forms are not
483 permanent forms of construction. The installation of accessory buildings, such
484 as garages and sheds, apart from the main structure also fail to qualify as
485 permanent construction.
- 486 (30) Start of Construction. For any structure, except mobile home, which has no
487 basement or poured footings, the "start of construction" includes the first
488 permanent framing or assembly of the structure or any part thereof on its park
489 or mobile home subdivision. For a mobile home, "start" means the date on
490 which the mobile home is to be affixed (including, at a minimum, the
491 construction of streets, either final site grading or the pouring of pads, and
492 installation of utilities) is completed.
- 493 (31) State Coordinating Agency. The Flood Plain Management Coordinator of the
494 Georgia Department of Natural Resources.
- 495 (32) Structure. All walled and roofed buildings, storage tanks and other structural
496 improvements located principally above ground.
- 497 (33) Water Surface Elevation. The relationship between the projected heights and
498 the NGVD reached by floods of various magnitudes and frequencies in the flood
499 plains.
- 500 *Floor Area, Gross.* The sum of all floors of a structure as measured to the outside
501 surfaces of exterior walls or the center of connected or common walls, including
502 common public areas, such as lobbies, rest rooms and hallways, spaces devoted

503 exclusively to permanent mechanical systems, permanent storage areas, stairwells,
504 elevator shafts, but excluding internal parking and loading areas, attics, porches,
505 balconies and other areas outside of the exterior walls of the building. Gross floor area
506 is used to determine the building sizes for all but single-family dwellings and to
507 determine required parking when floor area is the designated measure for a use.
508 Commonly referred to as Floor Area. (Amended 7/5/89)

509 *Floor Area, Ground.* The heated floor area of the first story of a building above a
510 basement or, if no basement, the lowest story.

511 *Floor Area, Heated.* The sum of all heated area of a dwelling or dwelling unit, as
512 appropriate, measured to the inside surfaces of exterior walls, excluding porches,
513 balconies, attics, basements (finished or unfinished), garages, patios and decks.

514 *Floor Area, Net.* The sum of all floors of a structure as measured to the outside
515 surfaces of exterior walls, excluding halls, stairways, elevator shafts, attached and
516 detached garages, porches, balconies, attics with less than 7 feet of headroom,
517 basements, patios and decks are excluded.

518 *Floor Area, Net Leasable.* Gross floor area less the common public areas.

519 *Food Truck.* A Food Truck is a mobile, fully self-contained unit with valid State of
520 Georgia registration that sells only food and/or beverages (non-alcoholic) and that
521 utilizes no outside cooking area. Mobile food vendors which stop for less than or equal
522 to 30 minutes at a single location shall not be considered Food Trucks.

523 *Foot-candle.* A unit of measure for illuminance on a surface that is everywhere one
524 foot from a point source of light of one candle, and equal to one lumen per square foot
525 of area.

526 *Fuel Oil.* A liquid petroleum product that is burned in a furnace for the generation of
527 heat or used in an engine for the generation of power. The oil may be a distilled fraction
528 of petroleum, a residuum from refinery operations, a crude petroleum, or a blend of two
529 or more of these.

530 *Full Cutoff.* A luminaire light distribution where zero candela intensity occurs at or
531 above an angle of 90 degrees above nadir. Additionally, the candela per 1000 lamp
532 lumens does not numerically exceed 100 (10 percent) at or above a vertical angle of 80
533 degrees above nadir. This applies to all lateral angles around the luminaire.

534 *Full Cutoff Fixture.* An outdoor light fixture shielded or constructed in such a manner
535 that it emits no light above the horizontal plane of the fixture.

536 **3.3.7 G**

537 *Garage, Automotive Repair.* A use primarily for the repair, replacement,
538 modification, adjustment, or servicing of the power plant or drive-train or major
539 components of automobiles and motorized vehicles. The repair of heavy trucks and
540 equipment shall not be included in this use. The use may include paint and body shops.
541 The outside storage of unlicensed and unregistered vehicles is prohibited as part of this
542 use.

543 *Garage, Truck and Heavy Equipment Repair.* A use which may provide a full-range
544 of repairs and services including major overhauls on trucks and heavy equipment.
545 Includes paint and body shops. Allowed in M-1 and M-2 (Heavy Industrial) Districts.

546 *Garden Center.* A business whose primary operation is the sale of seeds and
547 organic and inorganic materials, which include but are not limited to trees, shrubs,
548 flowers, and other plants for sale or transplanting, mulch, pine straw, and other organic
549 products for landscaping purposes, and other limited retail accessory products for
550 gardening and/or landscaping with an approved Use Permit for Landscaping Business,
551 Plant Nursery, or Garden Center with Indoor Retail Component

552 *Gathering Line.* A pipeline that transports fuel oil/liquid petroleum product from a
553 current production facility to a transmission line or main.

554 *Glare.* The sensation produced within the visual field by luminance that is
555 sufficiently greater than the luminance to which the eyes are adapted, causing
556 annoyance, discomfort, or loss in visual performance and visibility.

557 *Golf Course.* A use of land for playing the game of golf. The term shall not include
558 miniature golf, but may include a Country Club and a driving range as an accessory
559 use.

560 *Governmental Facility.* A building or institution provided by the government to care
561 for a specified need, such as a courthouse or jail.

562 *Grade.* The average elevation of the finished surface of the ground adjacent to all
563 sides of any structure.

564 *Green space.* Green space means permanently protected land and water, including
565 agricultural and forestry land, that is in its undeveloped, natural state or that has been
566 developed only to the extent consistent with, or is restored to be consistent with, one or
567 more of the following goals:

- 568 (1) Water quality protection for rivers, streams, and lakes;
- 569 (2) Flood protection;
- 570 (3) Wetlands protection;
- 571 (4) Reduction of erosion through protection of steep slopes, areas with erodible
572 soils, and stream banks;
- 573 (5) Protection of riparian buffers and other areas that serve as natural habitat and
574 corridors for native plant and animal species;
- 575 (6) Scenic protection;
- 576 (7) Protection of archaeological and historic resources;
- 577 (8) Provision of recreation in the form of boating, hiking, camping, fishing, hunting,
578 running, jogging, biking, walking, and similar outdoor activities; and
- 579 (9) Connection of existing or planned areas contributing to the goals set out in this
580 paragraph.

581 *Group Residence/Shelter.* A state licensed 24-hour residential facility functioning as
582 a single housekeeping unit for the sheltered care of persons with special needs which,
583 in addition to providing food and shelter, may also provide some combination of
584 personal care, social or counseling services and transportation. Bedroom suites shall
585 not include kitchen facilities. For purposes of this Resolution, group residence/shelter
586 shall not include those facilities which exclusively care for children under the age of 17.
587 A group residence shall comply with applicable federal, state and local licensing
588 requirements and shall not be located closer than a quarter mile to the nearest property
589 line of another group residence.

590 *Group Residence for Children.* A dwelling unit or facility in which full time residential
591 care is provided for children under the age of 17 as a single housekeeping unit. A group
592 residence must comply with applicable federal, state and local licensing requirements. A
593 group residence may not serve the purpose of, or as an alternative to, incarceration. A
594 group residence shall not be located closer than a quarter mile to the nearest property
595 line of another group residence.

596 *Guest House.* A detached accessory dwelling unit located on the same lot with a
597 single-family dwelling unit. A guest house may be only used by relatives, guest or
598 employees that work on the property without payment for rent .

599 **3.3.8 H**

600 *Hardship.* The existence of extraordinary and exceptional conditions pertaining to
601 the size, shape, or topography of a particular property, because of which the property
602 cannot be developed in strict conformity with the provisions of the Zoning Resolution.

603 *Height.* The vertical distance measured from the finished grade along all walls of a
604 structure to the highest point of the coping or parapet of a flat roof or to the average
605 height between eaves and ridge for gable, hip and gambrel roofs.

606 *Height, Sign.* The elevation measured from grade level adjoining a sign to the
607 highest point on the sign; except that when measuring a free-standing sign, any part of
608 which is located below the centerline of an adjoining street, said sign shall be measured
609 from the elevation of the centerline of the road to the highest point on the sign, (as
610 shown in Illustration XXXIII-1).

611 *Historic Period Lighting.* Commercial lighting with an architectural design from the
612 late 19th and early 20th centuries.

613 *Home Occupation.* An accessory use of a dwelling unit for business, operated by
614 members of the resident family only. (See Article Section 4.12)

615 *Home Schooling.* The practice of teaching one's own children at home in
616 accordance with Sections 20-2-690 and 20-2-690.1 of the Georgia Code.

617 *Hoop Stress.* A causation of internal and external pressure loading on the pipe.

618 *Hospital.* The provision of in-patient health care for people, including general
619 medical and surgical services, psychiatric care and specialty medical facilities. Out-
620 patient facilities are normally included.

621 *Hotel/Motel.* A building in which lodging and/or boarding is provided for fewer than
622 30 days. The term may include a restaurant in conjunction therewith and may also
623 mean tourist court, motor lodge and inn.

624 *Hotel, Apartment.* A use which provides individual units which include cooking
625 facilities, and which are used for temporary lodging to persons not related to the owner
626 for fewer than 30 days.

627 **3.3.9 I**

628 *IESNA.* The Illuminating Engineering Society of North America, a non-profit
629 professional organization of lighting specialists that has established recommended
630 design standards for various lighting applications.

631 *Identification Monument.* See Article 33, Signs.

632 *Illuminance.* The quantity of light arriving at a surface divided by the area of the
633 illuminated surface, measured in foot-candles. Horizontal illuminance applies to a
634 horizontal surface, vertical illuminance applies to a vertical surface. Average illuminance
635 is the level of illuminance over an entire illuminated target area. Maximum illuminance is
636 the highest level of illuminance on any point within the entire area; minimum illuminance
637 is the lowest level of illuminance on any point within the entire area.

638 *Illuminance Levels.* Illuminance levels and foot candles noted in this ordinance
639 mean the maintained illuminance levels; the illuminance levels occurring just prior to
640 lamp replacement and luminaire cleaning. The average illuminance level applies to an
641 entire illuminated target area. Minimum and maximum illuminance levels apply to small
642 areas within the entire illuminated target area. Unless otherwise noted, illuminance
643 levels refer to horizontal illuminance levels.

644 *Illumination.* Direct illumination is illumination which is projected from within a sign,
645 building, etc. Indirect illumination is illumination which is projected onto a sign, building,
646 etc.

647 *Improvement Setback.* An area adjacent to a zoning buffer in which no
648 improvements and/or structures shall be constructed. No development activity such as
649 tree removal, stump removal or grinding, land disturbance or grading is permitted
650 without the approval of the Director of the Environment and Community Development
651 Department.

652 *Institutional Use.* Includes schools, colleges, vocational schools, hospitals, places of
653 worship, asylums, museums, and other similar uses or facilities.

654 **3.3.10 J**

655 *Junk Facility.* See Salvage/Storage/Junk Facility.

656 **3.3.11 K**

657 *Kennel.* A use for the shelter of domestic animals where the shelter of these
658 animals involves an exchange of revenue in which a business license is required. If the
659 kennel is a non-business operation, its use may be certified by the South Fulton Animal
660 Control Office.

661 **3.3.12 L**

662 *Lamp.* The component of an outdoor luminaire that produces light.

663 *Land Disturbance Permit.* A permit issued by the Department of Community
664 Development that authorizes the commencement of alteration or development of a
665 given tract of land or the commencement of any land disturbing activity..

666 *Land Disturbing Activity.* Any alteration of land which may result in soil erosion from
667 water or wind and the movement of sediment into water or onto lands, including, but not
668 limited to, clearing, dredging, grading, excavating, transporting and filling.

669 *Landfill, Inert Waste Disposal.* A disposal facility accepting only waste that will not or
670 is not likely to cause production of leachate of environmental concern by placing an
671 earth cover thereon. Such waste is limited to earth and earth-like products, concrete,
672 cured asphalt, rocks, bricks, yard trash, stumps, limbs and leaves. This definition
673 excludes other types of industrial and demolition waste not specifically listed above.
674 Refer to the rules concerning Solid Waste Management of the Georgia Department of
675 Natural Resources, Environmental Protection Division, as amended, for further
676 definition.

677 *Landfill, Solid Waste Disposal.* A disposal facility accepting solid waste excluding
678 hazardous waste disposed of by placing an earth cover thereon. Solid waste includes
679 waste from domestic, agricultural, commercial and industrial sources. Refer to the rules
680 concerning Solid Waste Management of the Georgia Department of Natural Resources,
681 Environmental Protection Division, as amended, for further definition.

682 *Landscape Strip.* An area required by this resolution or by conditions of zoning
683 which is reserved for the installation and/or maintenance of plant materials.

684 *Landscaping Business.* A business whose primary operation is the sale and/or
685 storage of organic and inorganic materials, plants, mulch, pine straw, and other limited
686 related accessory products for the landscape industry and the storage and use of
687 associated landscape vehicles with an approved Use Permit for Landscaping Business,
688 Plant Nursery, or Garden Center with Indoor Retail Component.

689 *Large Scale Retail/Service Commercial Structure.* An individual retail/service
690 commercial structure that is 75,000 square feet or greater. This size threshold refers to
691 an individual establishment and its associated outdoor areas used for display and
692 storage.

693 *Large Scale Retail/Service Commercial Development.* A retail/service commercial
694 development with at least one large scale retail structure but no more than four such
695 structures whether freestanding or combined.

696 *Lawful Use.* Any use of lots or structure which is not in violation of any existing
697 federal, state or local law, statute, regulation or ordinance.

698 *Library.* A place set apart to contain books and other literary material for reading,
699 study, or reference, for use by members of a society or the general public.

700 *Light, Direct.* Light emitted directly from the lamp, off of the reflector or reflector
701 diffuser, or through the refractor or diffuser lens, of luminaire.

702 *Light, Fully-shielded.* Outdoor light fixtures shielded or constructed so that no light
703 rays are emitted by the installed fixture at angles above the horizontal plane as certified
704 by a photometric test report.

705 *Light, Indirect.* Direct light that has been reflected or has scattered off of other
706 surfaces.

707 *Loading Space.* An area within the main building or on the same lot, which provides
708 for the loading, or unloading of goods and equipment from delivery vehicles.

709 *Lodge and/or Retreat/Campground.* A facility allowed with a Use Permit which
710 provides space, food and/or lodging facilities for social, educational or recreational
711 purposes.

712 *Lot.* The basic lawful unit of land, identifiable by a single deed. A group of two or
713 more contiguous lots owned by the same entity and used for a single use shall be
714 considered a single lot. Lot, tract and parcel are synonymous.

715 *Lot, Corner.* A Multiple Frontage Lot adjoining two streets at their intersection.

716 *Lot Frontage.* The shortest property line adjoining a street or, for lots requiring no
717 street frontage, oriented toward a street. A property line adjoining a stub street shall not
718 be considered as frontage unless it is proposed for access or is the only street frontage.
719 Front yard requirements shall be measured from this property line. In situations where a
720 multiple frontage lot has equal distance on street frontages, the Director of Development
721 Services shall determine the legal lot frontage.

722 *Lot Line, Front.* A lot line which extends the entire length of an abutting street from
723 intersecting property line to intersecting property line. The front lot line of a corner lot
724 abuts the street which adjoins the lot for the shortest distance.

725 *Lot Line, Rear.* Generally, the rear lot line is the lot line opposite and most distant
726 from the front lot line. For a pointed or irregular lot, the rear lot line shall be an imaginary
727 line, parallel to and the most distant from the front lot line, not less than twenty feet long,
728 and wholly within the lot. True triangular lots do not have rear lot lines. Lots with more
729 than one front lot line do not have rear lot lines. The Director of Community
730 Development or his/her designee shall make the final determination of rear lot lines
731 when in dispute or undefined by this definition.

732 *Lot line, side.* A lot line which is not a rear or front lot line.

733 *Lot Line/Property Line.* A line established through recordation of an approved plat,
734 or a deed in the absence of a platting requirement, which separates a lot from other lots,
735 or a lot from rights-of-way.

736 *Lot, Multiple Frontage.* Lots adjoining more than one street.

737 *Lot, Nonconforming.* See "Nonconforming Lot, Use or Structure".

738 *Lot-of-Record.* A lot, whether lawful or unlawful, which appears on a deed and/or
739 plat recorded in the official records of the Clerk of Superior Court.

740 *Lot, Unlawful.* Any lot-of-record which, at the time of recordation in the official
741 records of the Clerk of Superior Court, was not in compliance with zoning and
742 subdivision laws in effect at that time.

743 *Lot Width, Minimum.* The least dimension required along the building line specified
744 for each district, parallel to the lot frontage and measured between side lot lines.

745 *Luminaire.* This is a complete lighting system and includes a lamp or lamps and a
746 fixture.

747 *Luminaire Height.* The height of a luminaire shall be the vertical distance from the
748 ground directly below the centerline of the luminaire to the lowest direct-light-emitting
749 part of the luminaire.

750 **3.3.13 M**

751 *Maintenance, Normal.* The upkeep of a sign for the purpose of maintaining safety
752 and appearance which may include painting, bulb replacement, panel replacement,
753 letter replacement, repair of electrical components, and structural reinforcements to its
754 original condition.

755 *Massing.* Varying the massing of a building may be achieved by varying the surface
756 planes of the building with porches, balconies, bay windows, and/or overhangs, and/or
757 stepping-back the buildings from the second floor and above, and/or breaking up the
758 roofline with different elements to create smaller compositions.

759 *Marquee.* Any permanent roof-like structure projecting beyond a building or
760 extending along and projecting beyond the wall of the building used for advertising or
761 identification.

762 *Medical Related Lodging.* A use which provides temporary lodging for family
763 members of a hospitalized patient.

764 *Mineral Extraction.* Severance and/or removal of sand, stone, gravel, top soil, and
765 other mineral resources whenever such severance and/or removal is not conducted in
766 conjunction with a permitted development activity.

767 *Mini-warehouse.* A structure or group of structures containing separate
768 spaces/stalls which are leased or rented on an individual basis for the storage of goods.

769 *Minor Variance.* An application requesting deviation from the minimum yard
770 requirements, not to exceed ten percent of the dimensional requirements.

771 *Mobile Home.* A structure, transportable in one or more sections, which is built on a
772 permanent chassis and designed to be used with or without a permanent foundation
773 when connected to the required utilities. For flood plain management purposes, mobile
774 home includes travel trailers and similar vehicles placed on a site for 180 consecutive
775 days or more. For all other purposes including insurance purposes under FEMA
776 sponsored programs, mobile home does not include travel trailers and similar vehicles.
777 A mobile home is not a modular home.

778 *Mobile Home Park.* Use of property for two or more mobile homes for living
779 purposes, and spaces or lots set aside and offered for use for mobile homes. Does not
780 include mobile home sales lot.

781 *Model Home.* A dwelling unit used for conducting business related to the sale of a
782 development.

783 *Modification.* An application requesting change to an approved condition of zoning
784 or use permit, except for conditions that pertain to a change in use, increase in density,
785 and/or increase in height.

786 *Modular Home.* A factory-fabricated, single family dwelling built in one or more
787 sections, designed for placement on a permanent foundation and not having a
788 permanent chassis. A modular home is not a mobile home.

789 *Motel.* See Hotel/Motel.

790 *Multi-tenant.* Two or more businesses that provide goods and/or services within
791 separate structures located on the same site or within the same structure that provides
792 wall separation and private access for each business.

793 **3.3.14 N**

794 *NADIR.* The point directly below the luminaire defined as 0 degrees vertical angle.

795 *Nightclub.* A commercial establishment used primarily for entertainment and the
796 sale or dispensing of alcoholic beverages; where the sale of prepared food, if any, is
797 accessory to the primary use and the gross receipts from the sales of alcoholic
798 beverages exceeds the gross receipts from the sales of food. A nightclub shall not be
799 considered a Bar, Private Club or Club. (See Article 19.4.31(1).)

800 *Nonconforming (Grandfathered) Lot, Use or Structure.* A lawful use, lot or structure
801 that was nonconforming at the time of the adoption of the South Fulton Zoning
802 Resolution, or subsequent amendments thereto, and does not now meet the minimum
803 requirements of the district in which it is located as a result of such adoption or
804 amendment. Also, a use, lot or structure which has been made nonconforming by some
805 City or state action. Any change or addition to a use, lot or structure must comply with
806 current provisions of the South Fulton Zoning Resolution. (See Section 4.3.1.)

807 *Nursing Home.* A use in which domiciliary care is provided to 3 or more chronically
808 ill non-family members who are provided with food, shelter and care. This use shall not
809 include hospitals, clinics or similar institutions devoted primarily to the diagnosis and
810 treatment of the sick or injured. Convalescent Center, nursing home and personal care
811 home are further distinguished in Administrative and Use Permit provisions.

812 **3.3.15 O**

813 *Off-Premise.* A location outside of the subject lot for a designated use.

814 *Off-Site/Premise.* The location of a structure or use outside the lot-of-record of the
815 subject development including the adjoining street or other right-of-way.

816 *On-Premise.* The individual lot-of-record on which the use is located.

817 *On-Site/Premise.* The location of a structure or use within the confines of a property
818 delineated by property lines or, if referenced in a zoning or use permit case, within the
819 confines of the boundaries of the legal description filed with the petition.

820 *Office, Temporary.* A mobile, manufactured or other structure which is used as an
821 office for real estate sales, on-site construction management and related functions.
822 Requires an administrative permit under Temporary Structures.

823 *Open space.* A portion of a site which is permanently set aside for public or private
824 use and will not be developed. The space may be used for passive or active recreation
825 or may be reserved to protect or buffer natural areas. Open space may include wooded
826 areas other than required landscape strips and buffers, pathways/walkways, fields, and
827 sensitive environmental areas such as wetlands, etc. Detention facilities and platted
828 residential lots shall not be included in open space calculations.

829 *Outparcel (spin-site).* A portion of a larger parcel of land generally designed as a
830 site for a separate structure and business from the larger tract. An outparcel may or
831 may not be a subdivision of a larger parcel. To be recognized as an outparcel, the
832 portion must be identified on a Site Plan approved for the larger parcel.

833 **3.3.16 P**

834 *Parcel.* See lot.

835 *Parking Lot.* An area which is used for the parking of vehicle.

836 *Parking space.* An area designated for the parking of one vehicle on an all weather
837 surface. No more than two carport or garage spaces may offset the minimum parking
838 requirements in a single-family residential district. (Specifications Included In Article
839 XVIII)

840 *Path.* A cleared way for pedestrians and/or bicycles that may or may not be paved
841 or otherwise improved.

842 *Pawn Shop.* A business that lends money at interest on personal property deposited
843 with the lender until redeemed.

844 *Personal Care Home/Assisted Living.* A state licensed use in which domiciliary care
845 is provided to adults who are provided with food, shelter and personal services. This
846 use shall not include hospitals, convalescent centers, nursing homes, hospices, clinics,
847 or similar institutions devoted primarily to the diagnosis and treatment of the sick or
848 injured.

849 *Pipeline.* Any conduit through which natural gas, petroleum, oxygen, or other
850 flammable or combustible products, or any of their derivative products are conveyed or
851 intended to be conveyed.

852 *Plans Review.* The act of reviewing plans and specifications to insure that proposed
853 undertakings comply with various governing laws, ordinances and resolutions.
854 Compliance is subsequently utilized to determine that work and materials are in
855 accordance with approved plans and specifications.

856 *Plant Nursery.* Any land used to raise trees, shrubs, flowers and other plants for
857 sale or transplanting, but not including the retail sale of any related garden supplies
858 such as chemical fertilizer, tools and other similar goods and/or equipment, or the retail
859 sale of plants not grown on the property except with an approved Use Permit for
860 Landscaping Business, Plant Nursery, or Garden Center with Indoor Retail Component .

861 *Plat, Final.* A finished drawing of a subdivision which provides a complete and
862 accurate depiction of all legal and engineering information required by the Subdivision
863 Regulations. Certification is necessary for recording.

864 *Plat, Preliminary.* A drawing which shows the proposed layout of a subdivision in
865 sufficient detail to clearly indicate its feasibility, but is not in final form for recordation
866 pursuant to the Subdivision Regulations.

867 *Pollution Point.* The location of an air pollution source (AFS report*), CERCLA site
868 (CERCLIS report*), HSI site (RCRA report*), NPDES site (PCS/ICIS report*), landfill,
869 RCRA site (RCRA report*), solid waste landfill, TRI site (TRI report*), or known reported
870 environmental violation. (*Found at Envirofacts website: www.epa.gov/enviro/)

871 *Porch.* A roofed open structure projecting from the exterior wall of a building and
872 having at least seventy percent of the total area of the vertical planes forming its
873 perimeter unobstructed in any manner except by insect-screening between floor and
874 ceiling.

875 *Primary Variance.* An application requesting relief from the standards of the Zoning
876 Resolution, except relief from use, minimum lot area, or minimum lot frontage.

877 *Prison/Correctional Facility.* A public or state-licensed private owned building(s),
878 and all accessory uses and structures, used for long-term confinement housing and
879 supervision of persons who are serving terms of imprisonment for violation of criminal
880 laws. A prison is distinguished from a jail, in that a prison is considered to be larger and
881 for longer terms, and is normally operated under the authority or jurisdiction of the State
882 or Federal government. (See Article 19.4.34, Private Correctional Facility)

883 *Private club.* A corporation chartered, organized and existing under the laws of the
884 state, exempt from federal income taxes pursuant to Section 501(c) of the Internal
885 Revenue Code, as amended, actively in operation within the City, having at least 300
886 members regularly paying monthly, quarterly, or semiannual dues or user fees,
887 organized and operated exclusively for pleasure, recreation and other nonprofitable
888 purposes, no part of the net earnings of which inures to the benefit of any shareholder
889 or member, and owning, hiring or leasing a building or space therein for the reasonable
890 use of its members with suitable kitchen and dining room space and equipment and
891 maintaining and using a sufficient number of employees for cooking, preparing and
892 serving meals for its members and guests; provided, that no member or officer, agent or
893 employee of the club is paid, or directly or indirectly receives, in the form of salary or
894 other compensation, any profits from the sale of alcoholic beverages to the club or its
895 members or guests beyond a fixed salary. In no event shall dues or user fees be paid
896 on a daily basis. Activities defined by this Zoning Resolution as Adult Entertainment or
897 facilities defined as an Adult Entertainment Establishment shall be prohibited within a
898 Private Club establishment. A Private Club shall not be considered a Nightclub, Club or
899 Bar. (See Article 19.4.31(1).)

900 *Property.* When used in conjunction with an application for rezoning, an area of land
901 composed of less than one lot, or of accumulations of one or more lots, or parts thereof.

902 *Protected Zone.* All lands that fall outside the buildable area of a parcel, all areas of
903 a parcel required to remain in open space, all areas required as landscape strips and/or

904 buffers (including zoning buffers, state water buffers and tributary buffers) and all tree
905 save areas according to the provisions of the South Fulton Zoning Resolution,
906 conditions of zoning, use permit or variance approval, and/or the Tree Preservation
907 Ordinance.

908 **3.3.17 Q**

909 Reserved.

910 **3.3.18 R**

911 *Razor Wire/Barbed Tape.* Razor wire has a central strand of high tensile strength
912 wire and a steel tape punched into a shape with barbs. The steel tape is then cold-
913 crimped tightly to the wire everywhere except for the barbs. Barbed tape is very similar,
914 but has no central reinforcement wire. Razor wire or barbed tape may be straight or
915 concertina style (formed in coils).

916 *Recreational Court, Private.* An improved area designed and intended for the
917 playing of a game or event such as basketball or tennis, and which serves a single
918 family dwelling(s), duplex dwellings and/or multi-family dwellings, or combinations of
919 dwelling types, including such improved areas which are owned and/or controlled by a
920 neighborhood club or similar organization. A basketball goal adjoining a driveway of
921 typical residential driveway dimensions shall not constitute a recreational court.

922 *Recreational Court, Public.* An improved area designed and intended for the playing
923 of a game or event such as basketball or tennis, and is operated as a business or as a
924 club unless such club is a neighborhood club or similar organization identified under
925 Recreational Court, Private.

926 *Recreational Facilities.* Includes parks, recreation areas, golf courses, playgrounds,
927 recreation counters (indoor & outdoor), playing fields, and other similar uses or facilities.

928 *Recreation Fields.* An outside area designed and equipped for the conduct of sports
929 and leisure time activities including but not limited to softball, soccer, football, and field
930 hockey.

931 *Recreational Vehicle.* A vehicle used for leisure time activities and as a dwelling unit
932 while traveling. Examples include a camper, a motor home and a travel trailer. As
933 distinguished from a mobile home, dimensions shall not exceed a width of eight and
934 one-half (8.5) feet and a length of forty five (45) feet.

935 *Recycling Center, Collecting.* Any facility utilized for the purpose of collecting
936 materials to be recycled including, but not limited to, plastics, glass, paper and
937 aluminum materials. A drop off point for temporary storage of recyclables, no
938 processing or reprocessing of materials is allowed. Such use may be principal or
939 accessory to a non-residential use on non-residentially zoned property, except AG-1
940 zoned properties unless, the primary use is a permitted non-residential use.

941 *Recycling Center, Reprocessing.* A facility, in which recyclables, such as
942 newspapers, magazines, cardboard, books and other paper products; glass; metal
943 cans; and other products, are recycled, reprocessed and treated to return such products
944 to a condition in which they may again be used in new products. The Recycling Center,

945 Reprocessing use is allowed in the C-2 (Commercial) and M-1A (Industrial Park)
946 districts with a Use Permit. The reprocessing or storage, bailing or otherwise dealing in
947 scrap irons or other metals, used cloth, plumbing fixtures, appliances, brick, wood or
948 other building materials; and the storage or accumulation outside of a storage building
949 of used vehicle tires or tire carcasses is prohibited. A recycling center is not to be
950 considered a landfill.

951 *Relocated Residential Structure.* A dwelling which has been removed from one
952 location for relocation to another lot.

953 *Reprocessing.* Waste materials are subjected to a special process or treatment to
954 return such products to a condition in which they may again be used in new products.

955 *Residential Use Dwelling.* Any building or portion thereof where one actually lives or
956 has his home; a place of human habitation.

957 *Restaurant.* An establishment where meals are prepared and served to seated
958 patrons. Food orders are taken at the tables and served by wait staff. A cafeteria shall
959 also be considered to be a restaurant. The serving of those meals shall be the principal
960 business conducted, with the serving of alcoholic beverages to be consumed on the
961 premises as only incidental thereto.

962 *Restaurant, Fast Food.* A food service establishment which sells food from a
963 counter or window for consumption on-premises or off-premises. Tables may be
964 provided, and food may be served at a table, but may not be ordered from a table.

965 *Retail Use.* A business whose primary purpose is the sale of merchandise to
966 consumers.

967 *Retreat.* See Lodge.

968 *Right-of-Way.* A portion of land over which a local or state government has
969 designated a right of use.

970 *Roadside Produce Stand.* A use offering either farm-grown, prepared food products
971 such as fruits, vegetables, canned foods, or prepared packaged meats for sale from a
972 vehicle or a temporary structure. The consumption of food on-site is prohibited.

973 *Roadside Vending.* The sale of merchandise such as clothing, crafts, household
974 item, firewood, etc., from a temporary table or cart.

975 *Rooming House.* A residential use other than a hotel or motel in which lodging may
976 be provided to non-household members for periods of 30 days or longer, and which
977 does not include the provision of meals.

978 **3.3.19 S**

979 *Salvage/Storage/Junk Facility.* Any use involving the storage or disassembly of
980 wrecked or junked automobiles, trucks or other vehicles; vehicular impound lots;
981 storage, bailing or otherwise dealing in scrap irons or other metals, used paper, used
982 cloth, plumbing fixtures, appliances, brick, wood or other building materials; and the
983 storage or accumulation outside of a storage building of used vehicle tires or tire
984 carcasses which cannot be reclaimed for their original use. Such uses are storage
985 and/or salvage facilities whether or not all or part of such operation is conducted inside

986 or outside a building or as principal or accessory uses. The Salvage/Storage/Junk
987 Facility is allowed in the M-1 (Light Industrial) and M-2 (Heavy Industrial) districts with a
988 Use Permit. State approval is required for all sites utilized for reclamation and/or
989 disposal of toxic and/or hazardous waste.

990 *Scale.* Scale refers to the relationship of the size of a building to neighboring
991 buildings and of a building to a site. In general, the scale of new construction should
992 relate to the majority of surrounding buildings.

993 *Schools, Colleges & Universities.* Any educational facility established under the
994 laws of the state (and usually regulated in matters of detail by local authorities), in the
995 various districts, counties, or towns, maintained at the public expense by taxation, and
996 open, usually without charge, to all residents of the city, town or other district; private
997 schools which have students regularly attending classes and which teach subjects
998 commonly taught in these schools of this state; any educational facility operated by a
999 private organization or local county, or state that provides training or education beyond
1000 and in addition to that training received in grades kindergarten to twelfth, including but
1001 not limited to, trade, business and vocational schools; any institution of higher learning,
1002 consisting of an assemblage of colleges united under one corporate organization or
1003 government, affording instruction in the arts and sciences and the learned professions,
1004 and conferring degrees.

1005 *School, Private.* An educational use having a curriculum at least equal to a public
1006 school, but not operated by the South Fulton Board of Education.

1007 *School, Special.* An educational use devoted to special education including the
1008 training of gifted, learning disabled, mentally and/or physically handicapped persons,
1009 but not operated by the South Fulton Board of Education.

1010 *Screen.* A fence, wall, hedge, landscaping, earthen berm, buffer area or any
1011 combination of these that is designed to provided a visual and/or physical barrier.

1012 *Seasonal Business Use.* A primary use involving the sale of items related to
1013 calendar holidays, such as Christmas trees, Halloween pumpkins, etc., which may be
1014 conducted outside.

1015 *Secondary Variance.* An appeal of a decision and/or action of a department director
1016 or deputy department director authorized to hear a variance request or interpretation of
1017 the Zoning Resolution.

1018 *Self-Storage/Mini.* A single-level structure or group of structures containing separate
1019 spaces/stalls and which are leased or rented to individuals for the storage of goods.

1020 *Self-Storage/Multi.* A multi-level structure containing separate storage rooms/stalls
1021 under a single roof that are leased or rented.

1022 *Senior housing.* A single family or multi-family development intended for, operated
1023 for and designed to accommodate residents 62 years of age and older. Senior housing
1024 communities are designed for seniors to live on their own, but with the security and
1025 conveniences of community living. Some provide communal dining rooms and planned
1026 recreational activities (congregate living or retirement communities), while others
1027 provide housing with only minimal amenities or services.

1028 *Service Commercial Use.* A business whose primary purpose is to provide a
1029 service.

1030 *Service Line.* A distribution line that transports natural gas from a common source of
1031 supply to: (1) a customer meter or the connection to a customer's piping, whichever is
1032 farther downstream, or (2) the connection to a customer's piping if there is no customer
1033 meter. The customer meter is the meter that measures the transfer of gas from one
1034 operator to a customer.

1035 *Service Station.* A use which provides for the sale of motor vehicle fuels and
1036 automotive accessories, and which may provide minor repair and maintenance
1037 services. A service station shall be limited to four or fewer bays excluding no more than
1038 one attached or detached bay for washing cars. No portion of the site shall be used for
1039 the display of cars for sale.

1040 *Setback.* A space between a property line and a building or specified structure.

1041 *Setback, Minimum.* The minimum yards as specified in the various use districts. A
1042 minimum required space between a property line and a structure. An area identified by
1043 a building line.

1044 *Sidewalk.* A paved area designated for pedestrians which is constructed in
1045 accordance with South Fulton standards.

1046 *Sign.* Any name, identification, description, display, illustration, writing, emblem,
1047 pictorial representation or device which is affixed to or represented directly or indirectly
1048 upon a building, structure or land in view of the general public, and which directs
1049 attention to a product, place, activity, person, institution or business.

1050 *Sign, Abandoned.* Any sign that is located on property which becomes vacant and
1051 /or unoccupied, pertains to a business which does not currently conduct a business of
1052 valid business licensing, or pertains to a product no longer being sold on premises or
1053 pertains to time, event or purpose which no longer applies.

1054 *Sign Animated.* Any sign that uses movement or change of lighting to depict action
1055 or create a special effect or scene.

1056 *Sign Area.* The sign area of a freestanding sign shall be the combination of sign
1057 faces enclosing the limits of all representations measured from the extreme lowest point
1058 of the sign to the extreme highest point of the sign and from the extreme left edge to the
1059 extreme right edge of each sign face, including any frame and excluding any support
1060 structure. When sign representations are not placed upon an independent surface, the
1061 sign area shall be the area of the smallest regular polygon completely enclosing the
1062 limits of all representations including any frame (painted or otherwise as shown on
1063 Illustrations XXXIII-1 and 2), contrasting material or color differentiation against which
1064 representations may be placed. The sign area calculation shall encompass all open
1065 space within the polygon and any internally illuminated portions of the sign structure.

1066 The message area of an identification monument sign shall be delineated by a
1067 polygon touching the extremities of all representations thereon as shown on Illustration
1068 XXXIII-3. For V-shaped signs, the sign area shall be composed of the total area of both
1069 faces if the faces meet at an angle of 90 degrees or more, or the total area of the larger

1070 face if less than 90 degrees. The area of signs with more than two faces shall be one
1071 half of the sum of the area of all faces.

1072 *Sign, Candidate.* A sign used for the purpose of soliciting votes for a public office or
1073 legislation.

1074 *Sign, Canopy.* Any sign that is a part of or attached to an awning, canopy, or other
1075 fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor
1076 service area. A marquee is not a canopy.

1077 *Sign, Changeable Copy (Electronic).* Any sign that uses changing lights to form a
1078 sign message or messages wherein the sequence of messages and the rate of change
1079 is electronically programmed and can be modified by electronic processes.

1080 *Sign, Changeable Copy (Manual).* Any sign that has a reader board format serving
1081 as background for letters/messages that are manually changeable.

1082 *Sign, Freestanding.* Any sign supported by structures or supports that are placed
1083 on, or anchored in, the ground and that are independent from any building or other
1084 structure, but not including monument type signs.

1085 *Sign Height.* See Height, Sign.

1086 *Sign, Identification Monument.* A sign where the bottom of the sign structure is flush
1087 with the ground generally at the same horizontal width as the sign face, as distinguished
1088 from a pole sign. Identification monuments are permitted in lieu of other free-standing
1089 business signage allowed herein or in conjunction with a residential development and
1090 the sign face shall be a continuous polygon flush with the base of the sign and sign
1091 copy shall be limited to the name of the development, tenant names, logo and address
1092 of the development or business.

1093 *Sign, Illumination of.* See Illumination.

1094 *Sign, Kiosk.* A sign consisting of a list of names of businesses located on a property
1095 or in a building.

1096 *Sign, Portable.* Any sign not permanently attached to the ground or other permanent
1097 structure, or a sign designed to be transported, including, but not limited to, signs
1098 designed to be transported by means of wheels; signs converted to A- or T- frames;
1099 menu and sandwich board signs; balloons used as signs; umbrellas used for
1100 advertising; and signs attached to or painted on vehicles parked and visible from the
1101 public right-of-way, unless said vehicle is used in the normal day-to-day operations of
1102 the business.

1103 *Sign, Projecting.* Any sign affixed to a building or wall in such a manner that its
1104 leading edge extends more than six inches beyond the surface of such building or wall.

1105 *Sign, Roof.* Any sign erected and constructed wholly on and over the roof of a
1106 building, supported by the roof structure, and extending vertically above the highest
1107 portion of the roof.

1108 *Sign, Temporary.* Any sign that is used only temporarily and is not permanently
1109 mounted.

1110 *Sign, Vehicle.* A vehicle with sign(s) permanently painted, attached or magnetically
1111 designed to be affixed to a vehicle for the purpose of providing advertisements of
1112 products, services or events or directing people to a business or activity. Trailers or non-
1113 motorized vehicles are not to be classified as vehicles with signs.

1114 *Sign, Wall.* Any sign attached parallel to, but within two feet of, a wall, painted on
1115 the wall surface, or erected and confined within the limits of an outside wall of any
1116 building or structure, which is supported by such wall or building and which displays
1117 only one sign surface.

1118 *Sign, Wall (Entry).* Any single faced sign attached to or erected and confined within
1119 the limits of an exterior wall generally located along the perimeter of a development.

1120 *Sign, Window.* Any temporarily affixed sign of pictures, symbol, or combination
1121 thereof, designed to communicate information about an activity, business, commodity,
1122 event, sale, or service, that is displayed within one foot of a window, attached inside a
1123 window or placed upon a window (including windows on doors) and is visible from the
1124 exterior of the window.

1125 *Sign, Weekend Directional.* Real estate signs for the purpose of marketing and
1126 providing directions to residential developments.

1127 *Site Plan.* A detailed plan, drawn to scale, based on a certified boundary survey,
1128 and reflecting conditions of zoning approval, various requirements of State law, and City
1129 Ordinances and Resolutions.

1130 *Site Plan, Preliminary.* A detailed plan, normally associated with rezoning and Use
1131 Permit requests, which is drawn to scale and reflects the various requirements of State
1132 law and of City Ordinances and Resolutions. A Preliminary Site Plan must be drawn to
1133 scale and shall contain information listed for such a plan in the Development Review
1134 Guide.

1135 *Skywalk.* An elevated, grade separated pedestrian walkway or bridge located over a
1136 public right-of-way.

1137 *Special Event.* An event or happening organized by any person or organization
1138 which will generate or invite considerable public participation and/or spectators for a
1139 particular and limited purpose of time, including, but not limited to, special sales and
1140 service promotions, car shows, arts and crafts shows, horse shows, carnivals, festivals,
1141 exhibitions, circuses, fairs, show houses and tours of homes for charity. Special events
1142 are not limited to those events conducted on the public streets but may occur entirely on
1143 private property. Special events may be for profit or nonprofit. Events which will occur in
1144 the public right-of-way, such as roadway foot races, fundraising walks, bike-a-thons,
1145 parades, etc. are subject to the approval of the South Fulton Police Department. For
1146 special events local in nature and marketed only to the local community which anticipate
1147 less than 250 attendees at any one time, see administrative permit (Article 19.3.3.
1148 Event, Special Indoor/Outdoor). See use permit (Article 19.4.19. Festivals or Events,
1149 Outdoor/Indoor) for special events marketed to populations outside the local community
1150 where organizer anticipates 250 attendees or more at any one time. The director shall
1151 make the final determination of the appropriate category.

1152 *Specified Anatomical Areas.* Less than completely and opaquely covered human
1153 genitals, pubic regions, buttocks, or female breasts below a point immediately above the
1154 top of the areola; and human male genitals in a discernibly turgid state, even if
1155 completely and opaquely covered.

1156 *Specified Sexual Activities.* Human genitals in a state of sexual stimulation or
1157 arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other
1158 erotic touching of human genitals, pubic regions, buttocks or female breasts.

1159 *Spill Light.* The light that illuminates surfaces beyond the intended area of
1160 illumination caused by the uncontrolled direct light component from the luminaires.

1161 *Stadium.* A large open or enclosed structure used for sports and other major events
1162 and partly or completely surrounded by tiers of seats for spectators.

1163 *Story.* A portion of a building between the surface of any floor and the floor or space
1164 above it, excluding basements and attics.

1165 *Story, Half.* A heated and finished area below a roof, one or more of the vertical
1166 walls of which are less than normal ceiling height for the building.

1167 *Street.* A roadway/right-of-way located and intended for vehicular traffic. Streets
1168 may be public or they may be private if specifically approved by the Department of
1169 Community Development as part of a subdivision plat.

1170 Public streets are rights-of-way used for access owned and maintained by the
1171 federal, state, or local government.

1172 Private streets are roadways constructed to South Fulton Standards but owned
1173 and maintained by a private entity. Necessary easements for ingress and egress for
1174 police, fire, emergency vehicles and all operating utilities shall be provided. Should
1175 South Fulton ever be petitioned to assume ownership and maintenance of the
1176 private streets prior to dedication of the streets, they must be brought to acceptable
1177 South Fulton standards subject to the approval of the Director of Public Works.

1178 Stub streets are rights-of-way that dead ends into an interior property line.

1179 Freeway - Any multi-lane roadway having full access control and separation of
1180 directional traffic. A freeway accommodates large volumes of high speed traffic and
1181 provides efficient movement of vehicular traffic for interstate and major through
1182 travel.

1183 Principal Arterial - Any roadway that has partial or no access control and is
1184 primarily used for fast or heavy traffic. Emphasis is placed on mobility rather than
1185 access to adjacent land.

1186 Minor Arterial - Any roadway that has partial or no access control and is
1187 primarily used for interconnectivity of major arterials and places more emphasis on
1188 access to adjacent land over mobility than principal arterials.

1189 Collector Road - Any roadway that has partial or no access control and has
1190 more emphasis on access to adjacent land over mobility than arterials. The primary
1191 purpose is to distribute trips to and from the arterial system to their destination
1192 points and allow access to the local roads.

1193 Local Road - Any roadway that has no access control and places strong
1194 emphasis on access to adjacent land over mobility while service to through traffic is
1195 discouraged.

1196 Full Access Control - Preference is given to through traffic by providing access
1197 connections only with selected public roads and by prohibiting crossing at grade
1198 and direct private connections.

1199 Partial Access Control - Preference is given to through traffic to a degree that in
1200 addition to connection with selected public roads, there may be some crossing at
1201 grade and some private connections.

1202 No Access Control - Preference is generally given to access to adjacent land
1203 rather than mobility.

1204 *Structure.* Anything built or constructed which occupies a location on, or is attached,
1205 to the ground. Driveways, surface parking lots, patios, and similar paved surfaces are
1206 not considered structures.

1207 *Structure, Accessory.* A subordinate structure, customarily incidental to a principal
1208 structure or use and located on the same lot. Examples of accessory structures in
1209 single-family dwelling districts include outbuildings, such as, tool sheds, woodsheds,
1210 workshops, outdoor kitchens, pool houses, gazebos, guest houses, storage sheds,
1211 detached garages and detached carports, etc. Fences and retaining walls are not
1212 considered accessory structures. Driveways, surface parking lots, patios, and similar
1213 paved surfaces are not considered accessory structures.

1214 *Structure, Principal.* A structure in which the principal use or purpose on a property
1215 occurs, and to which all other structures on the property are subordinate. Principal shall
1216 be synonymous with main and primary.

1217 *Subdivision.* The division of land into two or more lots. A development consisting of
1218 subdivided lots.

1219 *Surface, All-weather.* Any surface treatment, including gravel, which is applied to
1220 and maintained so as to prevent erosion, and to prevent vehicle wheels from making
1221 direct contact with soil, sod or mud; and which effectively prevents the depositing of soil,
1222 sod or mud onto streets from areas required to be so treated.

1223 *Swimming Pool, Private.* A recreation facility designed and intended for water
1224 contact activities which serves a single family dwelling(s), duplex dwellings and/or multi-
1225 family dwellings, or combinations of dwelling types, including pools which are owned
1226 and/or controlled by a neighborhood club or similar organization.

1227 *Swimming Pool, Public.* A recreation facility designed and intended water contact
1228 activities which is operated as a business or as a club unless such club is associated
1229 with a neighborhood club or similar organization.

1230 **3.3.20 T**

1231 *Tenant Panels.* An on-premise sign panel(s) that list the name of tenants within a
1232 shopping center or development which the primary sign identifies.

1233 *Thoroughfare, Major.* Any street which is classified in the Transportation Element of
1234 the Comprehensive Plan as either a freeway, an arterial or a major collector.

1235 *Thoroughfare, Minor.* Any street which is classified in the Transportation Element of
1236 the Comprehensive Plan as a minor collector or local street.

1237 *Tower.* Any structure that is designed and constructed primarily for the purpose of
1238 supporting one or more antennas, including self-supporting lattice towers, guyed towers
1239 and monopoles but not Alternative Antenna Support Structures. The term includes radio
1240 and television transmission towers, microwave towers, common carrier towers, cellular
1241 telephone towers and the like excluding amateur radio antenna.

1242 *Transfer Station.* A facility used to transfer solid waste from one transportation
1243 vehicle to another for transportation to a disposal facility or processing operation.

1244 *Transmission Line.* A pipeline other than a gathering line that (1) transports fuel
1245 oil/liquid petroleum product from a gathering line or storage facility (tank farm) to a
1246 distribution center or storage facility (tank farm) and/or (2) transports fuel oil/liquid
1247 petroleum product within a storage field.

1248 *Trespass Light.* The off-site spill light that illuminates beyond the property
1249 boundaries in which the light fixture is installed, where it is neither wanted nor needed.

1250 *Truck Stop.* Any business, premises, or land in which or upon which a business,
1251 service or industry involving the maintenance, servicing, storage, or repair of
1252 commercial vehicles is conducted or rendered, including the dispensing of motor fuel or
1253 other petroleum products directly into motor vehicles and the sale of accessories or
1254 equipment for trucks and similar commercial vehicles. A truck stop also may include
1255 overnight accommodations and restaurant facilities primarily for the use of truck crews.
1256 Trucks/trailers shall have current registration and license plates with decal.

1257 *Truck Terminal.* A primary use of property where trucks/trailers are temporarily
1258 stored maintained or based and where trucks load and unload cargo and freight and
1259 where the cargo and freight may be broken down or aggregated into smaller or larger
1260 loads for transfer to other vehicles or modes of transportation. Truck terminals may
1261 include uses incidental to the principal use such as facilities for servicing of trucks and
1262 warehouse storage facilities. Trucks/trailers shall have current registration and license
1263 plates with decal. (Permitted M-2 Heavy Industrial District).

1264 **3.3.21 U**

1265 *Use.* The purpose or function arranged or intended for a structure or property.

1266 *Use, Accessory.* A subordinate use which is customarily incidental to the principal
1267 use of a lot, and which is located on the same lot as a principal use.

1268 *Use, Principal.* The primary or main purpose or function of a lot or structure.
1269 Synonymous with Main and Primary.

1270 *Use Permit.* A permit approved by the City Council, pursuant to a public hearing,
1271 which authorizes a use which must meet certain standards which exceed the
1272 requirements of the district as-a-whole.

1273 **3.3.22 V**

1274 *Variance, Primary.* An application requesting relief from the standards of the Zoning
1275 Resolution, except relief from use, minimum lot area, or minimum lot frontage.

1276 *Variance, Secondary.* An appeal of a decision and/or action of a department director
1277 or deputy department director authorized to hear a variance request or interpretation of
1278 the Zoning Resolution.

1279 *Vegetative Screen.* An evergreen planting which, within three years of planting,
1280 provides a 100 percent visual barrier between a lot and adjacent lots and uses with a
1281 minimum height of 6 feet. A vegetative screen is composed of plant materials.

1282 *Vehicle, Junk or Salvage.* Any automobile, truck or other vehicle which is missing
1283 one of the following: 1) current registration, 2) license plate with current decal, 3) proof
1284 of liability insurance, 4) drive train component for more than 30 days.

1285 *Veterinary Clinic/Hospital.* A place where animals are given medical care and the
1286 boarding of animals is limited to short-term care incidental to the hospital use.

1287 **3.3.23 W**

1288 *Waste.* Materials that are discarded, disposed of or no longer usable.

1289 *Waste Disposal Boundary.* The limit of all waste disposal areas, appurtenances,
1290 and ancillary activities (including but not limited to internal access roads and drainage
1291 control devices).

1292 *Waste, Hazardous.* See Georgia Department of Natural Resources definition.

1293 *Waste, Solid.* See Georgia Department of Natural Resources definition.

1294 **3.3.24 X**

1295 Reserved.

1296 **3.3.25 Y**

1297 *Yard.* A land area extending between a structure and a lot line.

1298 *Yard, Front.* A yard abutting any street except the side street on a corner lot. Front
1299 yards extend the entire length of an abutting street from intersecting lot line to
1300 intersecting lot line. The front yard of corner lots shall be applied to the street which
1301 abuts the lot for the shortest distance.

1302 *Yard, Minimum.* The minimum distance between a building or specified structure
1303 and a lot line as specified in the district regulations.

1304 *Yard, Rear.* The rear yard is the minimum required distance between the rear lot
1305 line and a structure. True triangular lots do not have rear yards. Lots with more than one
1306 front lot line do not have rear yards. The Director of Community Development or his/her
1307 designee shall make the final determination of rear yards when in dispute or undefined
1308 by this definition.

1309

1310 Yard, Sale. The sale or offering for sale of more than one (1) article of tangible
1311 personal property at retail or wholesale pricing on property which is located in any
1312 residential zoning district as defined by the Fulton County Zoning Resolution. Common
1313 areas of a residential development or community are included. All sales entitled: garage
1314 sale; tag sale; porch sale; lawn sale; attic sale; basement sale; rummage sale; flea
1315 market sale or any similar casual sale of tangible personal property are included. Yard
1316 sales do not require a permit but are limited to no more than two (2) sales per calendar
1317 year on the same property.

1318 *Yard, Side.* A yard which is not a front or rear yard.

1319 **3.3.26 Z**

1320 *Zoning Conditions.* Requirements placed on property by the City Council at the time
1321 of approval of a rezoning and/or use permit.

1322 *Zoning Modification.* An application to change approved zoning conditions on
1323 rezonings and use permits where it has been determined by the Director of the
1324 Environment and Community Development Department that the requested change
1325 involves a matter of significant public interest.

1326

1327 **ARTICLE IV. - GENERAL PROVISIONS**

1328 **4.1 - Scope and intent.**

1330 This article includes a variety of regulations that apply to uses and structures
1331 allowed in more than one use district or to uses and structures allowed in all use
1332 districts except when specifically excluded by provisions contained elsewhere in this
1333 resolution.

1334 *4.1.1 Other laws apply.* Compliance with this resolution shall not substitute for
1335 compliance with federal and state laws nor for other South Fulton ordinances and
1336 resolutions.

1337 *4.1.2 Judicial and quasi-judicial actions.* Zoning-related legal proceedings or
1338 appeals to boards designated within this resolution shall stay deadlines and expiration
1339 dates which are designated in this resolution. Appeals from decisions of the City Council
1340 and the Zoning Board of Appeals shall be brought within 30 days. Appeals from the
1341 application, interpretation and administration of this resolution shall be to the Zoning
1342 Board of Appeals unless otherwise specifically provided for in the various sections of
1343 this resolution.

1344 *4.1.3 Administrative approval.* The action on a request brought under a provision of
1345 the Zoning Resolution which requires approval by at least one South Fulton official,
1346 accompanied or followed by an interoffice memorandum which shall be addressed to,
1347 and included in, the appropriate zoning file or alternate file if there is no zoning file. A
1348 courtesy copy of the authorization memo shall be sent to the Director of the Department
1349 of Public Works, and the Department of Community Development.

1350 4.2 - Lot, structure and use regulations.

1351 4.2.1 *Use, permitted use, change of use.* Properties shall be used and structures or
1352 parts thereof shall be erected, constructed, reconstructed, modified, moved, enlarged,
1353 or altered in conformity with the regulations contained in this resolution and any
1354 conditions of zoning.

1355 A. *Permitted uses.* If either a specific use or a class of use is not listed as a
1356 permitted use in compliance with the zoning district standards and any zoning
1357 conditions, such specific use or class of use shall be prohibited in that district.

1358 B. *Change of use.* Any change of use, including a change of a single use within a
1359 multiple use structure, shall comply with the requirements of this resolution and
1360 any condition of zoning.

1361 C. *Single family district limitations.* Single family dwelling districts shall be
1362 restricted to no more than one main or principal structure per lot.

1363 4.2.2 *Lots.* Structures shall be erected and uses shall be established only upon a
1364 single lot which meets or exceeds the requirements of this resolution or conditions of
1365 zoning, whichever is more restrictive. Regardless of the minimum requirements of
1366 individual zoning districts, a plat shall not be approved until the buildable area (including
1367 the buildable area(s) within the 50 percent of a minimum lot size which must be outside
1368 a flood plain) of every lot is determined to be sufficient to accommodate a square
1369 configured from the minimum building area required by the zoning district.

1370 Lots created within a development project to accommodate detention and retention
1371 facilities which are incidental, related, appropriate, and clearly subordinate to the main
1372 use in the project are exempt from the minimum lot size requirements in all zoning
1373 districts. No other construction/building shall be permitted on such lots. A 10-foot access
1374 easement is required in accordance with established standards.

1375 4.2.3 *Reduction of lot area.* When a lot or property is reduced in size, all resulting
1376 divisions and all structures shall meet the minimum requirements of the applicable
1377 provisions of this resolution; except that if a lot or property is reduced in area to less
1378 than the district minimum lot size as a result of government action, the lot shall be
1379 deemed nonconforming.

1380 4.2.4 *Division of conditionally-zoned parcels.* All lots of a proposed subdivision
1381 must be in keeping with unit and density allocations, and other conditions of zoning as
1382 well as the Subdivision Regulations and this resolution. If each proposed parcel does
1383 not conform to such conditions, the proposed division shall require a rezoning to
1384 accomplish the desired modification of conditions.

1385 4.2.5 *Uses and structures permitted in yards, and outside storage.*

1386 A. *Uses and structures permitted in yards.* In addition to uses which may be
1387 provided for, conditioned or excluded from yards by other sections of this
1388 resolution, yards may be used for driveways, signs, at-grade parking, loading
1389 areas, fountains, flag poles, yard ornaments not to exceed four feet in height,
1390 walls, fences, walkways, lawns, buffers, landscape areas, underground utilities,
1391 well houses, storm water management facilities and tree preservation areas. No

1392 part of any yard or use made thereof shall serve the requirements for any other
1393 lot or structure.

1394 B. *Limitations on the location of outside storage and accessory displays.* Outside
1395 storage and accessory displays are permitted as indicated below for the various
1396 use districts.

1397 1. *Outside storage associated with residential uses or districts including AG-1*
1398 *used for residential purposes only.* Such storage is permitted in side and
1399 rear yards only, and must be screened from adjoining residential uses and
1400 from streets with an opaque fence or a vegetative screen which complies
1401 with Appendix G of the Tree Preservation Ordinance [See Code ch. 26, art.
1402 VI]. Any storage not normally associated with residential use shall be
1403 prohibited.

1404 2. *Outside storage associated with industrial uses or districts.* Outside
1405 storage is permitted in rear and side yards only in the M1-A District and in
1406 all yards in the M-2 District. Outside storage shall be located at least 25 feet
1407 from any residential property line. Such storage must be screened, in
1408 accordance with Appendix G of the Tree Preservation Ordinance [See
1409 Code ch. 26, art. VI], from neighboring residential uses in all industrial
1410 districts and from streets in the M-1A and M-1 Districts.

1411 3. *Outside storage associated with institutional, office and/or commercial*
1412 *uses or districts.* Outside storage is permitted only within rear yards, and
1413 shall be located at least 25 feet from any residential property line. Such
1414 storage must be screened from neighboring residential uses and streets
1415 with an opaque fence or a vegetative screen which complies with Appendix
1416 G of the Tree Preservation Ordinance [See Code ch. 26, art. VI].

1417 4. *Outside accessory display associated with commercial and/or industrial*
1418 *uses or districts.* Accessory displays for merchandise which is being offered
1419 for sale on-premise shall be permitted in the commercial and industrial
1420 districts only. Such displays may be located in any yard as long as it is not
1421 located in a minimum yard. Vehicle and similar displays may be located in
1422 minimum front yards, but may not encroach upon minimum landscape
1423 areas.

1424 *4.2.6 Maintenance of vegetation.* Pervious surfaces including yards shall be
1425 permanently maintained and shall be landscaped with grass, trees, shrubs, hedges
1426 and/or other landscaping materials approved by the City arborist.

1427 *4.2.7 Lots with well and/or septic tank.* Any lot upon which both an individual well
1428 and septic tank/drain field are utilized shall be governed by regulations of the South
1429 Fulton Health Department. Lots utilizing both a well and a septic tank shall be not less
1430 than one acre in size. Any lot proposed to be served by either a well or a septic
1431 tank/drain field shall comply with the larger of the minimum lot area required by the
1432 health code or the minimum required for the district in which the lot is located.

1433 4.2.8 Multiple zoning. Whenever a lot is zoned for more than one single family
1434 dwelling district or zoned a single family district(s) and AG-1, the district which
1435 comprises the largest area shall control the development standards for that lot.

1436 4.2.9 Building separations. All building separations shall be as specified by the
1437 Standard Building Code.

1438 4.3 - Exceptions.

1439 This resolution shall apply to every lot, parcel, property, use and structure in South
1440 Fulton except as excluded in this section. Furthermore, the provisions herein shall not
1441 apply to properties and structures owned, operated and/or leased for use by South
1442 Fulton for public purposes. The use of said property for a nonconforming use does not
1443 establish a precedent for other nonpublic (governmental) uses. Should the public use
1444 cease to exist, the provisions herein shall apply.

1445 4.3.1 Nonconforming lots, uses and structures. Within the zoning districts
1446 established by this resolution there may exist lots, structures, and uses of both land and
1447 structures which were lawful before this resolution was adopted or subsequently
1448 amended, but which would be prohibited, regulated, or restricted under the terms of this
1449 resolution as adopted or subsequently amended. Nonconforming lots, uses and
1450 structures may continue in their nonconforming status with the following limitations
1451 and/or requirements.

1452 A. Nonconforming lot. A single, lawful lot-of-record which does not meet the
1453 requirements of this resolution for area or dimensions, or both, may be used for
1454 the buildings and accessory buildings necessary to carry out permitted uses
1455 subject to the following provisions:

- 1456 1. Parking space requirements as provided for in article XVIII are met; and
1457 2. Such lot does not adjoin another vacant lot(s) or portion of a lot in the
1458 same ownership.
1459 3. If two or more adjoining lots or portions of lots in single ownership do not
1460 meet the requirements established for lot width, frontage or area, the
1461 property involved shall be treated as one lot, and no portion of said lot shall
1462 be used or sold in a manner which diminishes compliance with this
1463 resolution. This paragraph shall not apply to nonconforming lots when 50
1464 percent or more of adjoining lots on the same street are the same size or
1465 smaller.

1466 B. Nonconforming uses of land. When a use of land is nonconforming pursuant to
1467 the provisions of this resolution, such use may continue as long as it remains
1468 otherwise lawful and complies with the following provisions:

- 1469 1. No nonconforming use shall be enlarged, increased or extended to occupy
1470 a greater area of land than that which was occupied at the time use became
1471 nonconforming;

- 1472 2. No nonconforming use shall be moved in whole or in part to any other
1473 portion of the lot not occupied by such use at the time the use became
1474 nonconforming; and
- 1475 3. If any nonconforming use of land ceases for a period of more than one
1476 year, any subsequent use of such land shall comply with this resolution.
- 1477 C. *Nonconforming use of structures.* If a lawful use of structure, or of a structure
1478 and lot in combination, exists at the effective date of adoption of this resolution
1479 or its subsequent amendment that would not be allowed under provisions of this
1480 resolution as adopted or amended, the use may be continued so long as it
1481 complies with other regulations, subject to the following conditions:
- 1482 1. No existing structure devoted to a use not permitted by this resolution shall
1483 be enlarged, extended, constructed, reconstructed, moved, or structurally
1484 altered except in changing the use of the structure to a permitted use;
- 1485 2. Any nonconforming use may be extended throughout any part of a building
1486 which was arranged or designed for such use at the time the use became
1487 nonconforming, but no such use shall be extended to occupy any land
1488 outside such building;
- 1489 3. If no structural alterations are made, any nonconforming use of a structure
1490 or structure and land may be changed to another nonconforming use of the
1491 same or more restrictive nature;
- 1492 4. When a nonconforming use of a structure or a structure and land in
1493 combination is replaced with a conforming use, such structure or land may
1494 not later revert to a nonconforming use;
- 1495 5. When a nonconforming use of a structure or structure and land in
1496 combination is discontinued or abandoned for one year, the structure or
1497 structure and land in combination shall not thereafter be used except in
1498 conformance with the regulations of the district in which it is located; and
- 1499 6. A nonconforming use of a structure and/or a nonconforming use of land
1500 shall not be extended or enlarged by attachment to a building or land of
1501 additional signs which can be seen from off the land or by the addition of
1502 other uses of a nature which would be prohibited generally in the district.
- 1503 D. *Nonconforming structures.* When a structure exists on the effective date of
1504 adoption of this resolution or its amendments that could not be built under the
1505 terms of this resolution because of restrictions on building area, lot coverage,
1506 height, yards, or other characteristics of the structure or its location on the lot,
1507 such structure may remain as long as it complies with all other zoning
1508 regulations, subject to the following conditions:
- 1509 1. No structure may be enlarged or altered in a way which increases its
1510 nonconformity;
- 1511 2. Destruction, by any means, of more than sixty percent of the gross square
1512 footage of a structure shall require that the structure be reconstructed in
1513 conformity with the provisions of this resolution;

1514 3. Any structure which is moved, for any reason and for any distance
1515 whatever, shall conform to the regulations for the district in which it is
1516 located.

1517 4. Telecommunications Facilities.

1518 a. All telecommunication facilities existing on the effective date of this
1519 resolution shall be allowed to continue to be used as they presently
1520 exist.

1521 b. Routine maintenance (including modifications to accommodate the co-
1522 location of an additional user or users) shall be permitted on existing
1523 telecommunication facilities.

1524 c. Replacement of antennas on a structure with different antennas shall
1525 be considered routine maintenance so long as the replacement
1526 antenna(s) does not increase the height of any existing structure.

1527 E. *Rezoning Which Results in Nonconforming Structures.*

1528 When a property containing lawful structures is rezoned, the following shall
1529 apply:

1530 1. The approval of the rezoning by the City Council shall automatically adjust
1531 minimum/maximum yards to the extent necessary for existing structures to
1532 comply.

1533 2. All new construction, expansions or additions shall comply with the
1534 minimum yard requirements of the new district.

1535 3. Buffers and landscape areas shall be established by conditions of zoning
1536 which shall have precedence over the district standards contained in
1537 section 4.23.

1538 4. Destruction or removal of buildings which preexisted rezoning shall
1539 reinstate the development standards of the then applicable district
1540 provisions of this Zoning Resolution.

1541 F. *Exemptions due to state or City action.* Whenever a lot becomes
1542 nonconforming as a result of land acquisition by the City or state, building
1543 permits shall be granted for new construction provided the proposed structure
1544 complies with all but lot area requirements, and setback requirements shall be
1545 reduced without requirement for a variance to the extent of the width of the
1546 acquired property.

1547 Whenever a structure becomes nonconforming as a result of City or state action
1548 other than an amendment to this resolution, the use of the structure may
1549 continue and the structure may be replaced as though no nonconformity exists
1550 if, subsequent to such action, the structure is destroyed.

1551 4.3.2 *Model homes.* Dwelling units may be utilized for sales offices and/or model
1552 homes as long as two or more lots and/or dwelling units in the development have not
1553 undergone an initial sale or lease by the builder.

1554 **4.3.3 Height limits.** The zoning districts' maximum height limitations for structures
1555 shall not apply to the following:

- 1556 A. Church spires and belfries.
- 1557 B. Water storage tanks.
- 1558 C. Cooling towers.
- 1559 D. Chimneys.
- 1560 E. Mechanical penthouses located on roofs.
- 1561 F. Smokestacks.
- 1562 G. Flag poles.
- 1563 H. Silos and grain elevators.
- 1564 I. Fire towers.

1565 Public and semi-public buildings (except as exempt in section 4.3), hospitals and
1566 schools may be erected to 60 feet in height, and churches and temples may be erected
1567 to 75 feet in height. For each foot that said buildings exceed the height regulations of
1568 the district in which located, an additional foot of side and rear yard setbacks shall be
1569 required.

1570 **4.3.4 Minimum building lines.** The minimum yards (setbacks) in each district shall
1571 establish minimum building lines for all structures except those named in section 4.2.5
1572 entitled Uses and Structures Permitted in Yards, and Outside Storage.

1573 A. *Multiple frontage lots.* Lots adjoining more than one public street shall provide
1574 a minimum front yard along each right-of-way except corner lots. The setbacks
1575 for the street-adjointing side yards of corner lots shall be as specified in the
1576 district regulations.

1577 B. *Permitted encroachments into yards.* The following encroachments shall be
1578 allowed to the extent specified below:

1579 1. *Nonresidential.* Canopies shall be allowed over walkways or driveways to
1580 within 12 feet of the street right-of-way or the right-of-way based on the
1581 street's functional classification, whichever is farther from the street's
1582 centerline. Fuel pumps and pump islands, when permitted, shall be set
1583 back as stated in this paragraph for canopies.

1584 2. *Single-family Residential and Townhouses used for single family on*
1585 *individual lots of record.*

1586 Porches, decks or patios attached to the main dwelling may extend no more
1587 than 10 feet into a minimum front or rear yard.

1588 Outdoor fireplaces and outdoor uncovered kitchens, whether stand-alone or
1589 constructed as a part of a patio, retaining wall or other structure, may only
1590 be located in the rear yard and may extend no more than 10 feet into the

1591 minimum rear yard. In no case shall an outdoor fireplace be located closer
1592 than 10 feet to a property line.

1593 Awnings may project to within 5 feet of a side lot line.

1594 3. *All zoning districts.* Architectural features such as cornices, eaves, steps,
1595 gutters, fire chases, chimneys which are a part of an exterior wall of the
1596 primary structure, and fire escapes may not encroach or project over more
1597 than 36 inches into any minimum yard.

1598 4. *Adjoining railroads.* For those uses which utilize a rail siding for loading
1599 and unloading, there shall be no minimum rear yard requirement adjoining
1600 the siding.

1601 C. *Flag lots.* Minimum yards shall not be identified within the stem portion of a flag
1602 lot unless such portion, independent of the flag portion, can meet the
1603 requirements of 4.2.2. Measurements for a front yard setback shall begin at the
1604 point of intersection of the stem and the flag portion of a flag lot running along
1605 the property line the most perpendicular to the stem. A flag lot stem shall not be
1606 less than 15 feet in width.

1607 4.3.5 *Encroachment on public rights-of-way.* No privately owned structures other
1608 than driveways, access walkways, and mailboxes shall be permitted within a publicly
1609 owned right-of-way. Mailbox support structures shall also be permitted within the City
1610 owned right-of-way provided that the mailbox support structure or appurtenance
1611 conforms to the following conditions.

1612 1. Mailbox support structures or appurtenances shall not be constructed of
1613 masonry, concrete or stone unless the support design has been shown to be
1614 safe by crash tests and is approved by the Director of Community
1615 Development.

1616 2. With the exceptions noted in subsection 1. above, the mailbox support
1617 structure shall be a single four-inch × four-inch or four-inch circumference
1618 wooden or metal post with strength no greater than a two-inch diameter
1619 standard steel hollow pipe and embedded not more than 24 inches in to the
1620 ground.

1621 3. A mailbox support structure containing a metal post shall not be fitted with an
1622 anchor plate, but it may have an anti-twist device that extends no more than ten
1623 inches below the ground surface.

1624 Mailbox structures along roadways with posted speed limits of 35 miles per hour or less
1625 within platted subdivisions of the City shall be exempt from this provision. Landscaping
1626 shall be allowed within the public right-of-way with permission of the Georgia
1627 Department of Transportation or the Director of Community Development, or as
1628 specified in the tree preservation ordinance, as applicable. Signs and other structures
1629 belonging to the State of Georgia, South Fulton, or a railroad or utility are exempt from
1630 this provision.

1631

1632 4.4. - Large Scale retail/service commercial structures and developments 75,000 square
1633 feet or greater.

1634 *4.4.1. Purpose and Intent.* "Large-scale retail" refers to any individual retail
1635 establishment that is 75,000 square feet or greater. This size threshold refers to an
1636 individual establishment and its associated areas used for display and storage.

1637 The purpose of establishing requirements for large-scale retail establishments is to
1638 apply design standards and additional conditions to large developments proposed in
1639 unincorporated South Fulton in order to ensure the development of appropriate,
1640 functional, well-planned, aesthetically pleasing retail/service commercial developments
1641 that stimulate economic and social growth, are integrated with surrounding areas,
1642 positively contribute to the changing community character, with facilities that have
1643 functional reuse potential in the future.

1644 As such, these regulations intend to promote high quality materials and design,
1645 promote pedestrian-friendly environments, encourage infrastructure concurrency,
1646 encourage responsible storm-water management practices, and promote environmental
1647 planning policies.

1648 The regulations are to be used in conjunction with the development criteria of the
1649 South Fulton Zoning Resolution and all other adopted development standards and
1650 criteria, including overlay district standards.

1651 *4.4.2. Number, Size and Location Criteria.* Large scale retail establishments or
1652 developments cannot be accessed solely via collector or local roads, as defined by
1653 South Fulton guidelines and depicted on the Georgia DOT Road Functional
1654 Classification maps. They are solely permitted on sites with at least one frontage on an
1655 arterial road. However, the Director may waive the road classification criteria if the
1656 developer can demonstrate that the proposed road improvements, with identified
1657 funding sources, will accommodate projected traffic volume to be generated by the
1658 proposed development to the degree that the current LOS or better is maintained for the
1659 affected road segment.

1660 No more than four large scale retail establishments, as defined in this ordinance,
1661 are allowed in a single development. Developments may include additional smaller retail
1662 structures as part of the overall development; however the number of retail
1663 establishments 75,000 square feet or larger is limited to four, and such developments
1664 are subject to the regulations outlined in this resolution.

1665 Developments are encouraged to create a cluster effect in order to achieve a village
1666 and/or town center effect. The ordinance promotes an appropriate mix of large and
1667 small scale retail with smaller retail buildings located closer to streets in order to reduce
1668 the visual scale of the development, encourage pedestrian traffic, and promote the use
1669 of architectural details.

1670 The ordinance also recognizes the varied types of developments in South Fulton
1671 and promotes the use of screening and buffers in areas with a more rural aesthetic.

1672 *4.4.3. Site Design Guidelines and Requirements.*

1673 A. *General Site Guidelines.*

- 1674 1. To the extent feasible, on site creeks should be integrated into the site as
1675 amenities.
- 1676 2. New construction shall conform to the existing topography as much as
1677 possible subject to approval by the Director of Community Development.
- 1678 3. Buildings shall be discouraged on sites with existing slopes greater than
1679 33%. This condition may be amended as approved by the Director of
1680 Community Development.
- 1681 4. Where retaining walls are required, they must be faced with stone, brick or
1682 decorative concrete modular block. Use of landscape timber as exterior
1683 treatment in retaining walls is prohibited. Retaining walls above 5 feet shall
1684 have evergreen plantings in front or as approved by the Director of
1685 Community Development.
- 1686 5. Detention facilities are encouraged to be designed pursuant to the
1687 Alternative Design Standards described in the South Fulton Subdivision
1688 Regulations.
- 1689 6. To the greatest extent practicable, design of a traditional detention facility
1690 shall follow the natural landforms around the perimeter of the basin.
- 1691 B. *Open Space.*
- 1692 1. A minimum of ten percent (10%) of the site shall be landscaped open
1693 space.
- 1694 2. Each retail development shall contribute to the establishment or
1695 enhancement of the community and public spaces by providing at least two
1696 community amenities such as patio/seating area, water feature, clock tower,
1697 and pedestrian plazas or benches. Such features shall be constructed of
1698 materials that are the same or similar to those used for the principal
1699 buildings and landscape.
- 1700 3. Square footage of community areas can be counted towards the minimum
1701 open space requirement.
- 1702 C. *Screening and Fencing.*
- 1703 1. Landscaping and fencing materials should be used to minimize visual and
1704 noise impact of parking, loading areas and accessory site features.
- 1705 2. All loading areas shall be located to the rear or side of the building.
1706 Location should be restricted, however, to whichever location does not abut
1707 a residentially zoned property, if applicable. Loading areas shall be
1708 screened from view of any public street by a 5-foot berm, a continuous row
1709 of evergreen hedges 5 foot in height at the time of planting, or architectural
1710 treatment.
- 1711 3. Refuse areas and receptacles shall be placed in the least visible location
1712 from public streets and shall be enclosed on 3 sides with opaque walls. The
1713 4th side shall be a self-closing gate with an architectural finish. Opaque
1714 walls shall be a minimum of twelve inches higher than the receptacle. Wall

1715 materials shall be noncombustible brick, stone, or split-faced concrete
1716 masonry.

1717 4. Accessory site features, as defined in each zoning district of the Zoning
1718 Resolution, shall be placed in the least visible location from public streets,
1719 and shall be screened from view of any right-of-way and/or any property
1720 zoned, used, or developed for residential uses, including the AG-1 zoning
1721 district, by one of the following means: (1) placement behind the building,
1722 (2) 100% opaque fencing which must be constructed of the same type of
1723 exterior material used for the building, or (3) by a berm or vegetative
1724 screening. The screening shall consist of evergreen shrubs, be 3½ to 4 feet
1725 at time of planting, and reach a height of 6 feet within 2 years or planting.

1726 5. Fencing materials along public streets and side yards are restricted to
1727 brick, stone, iron, decorative wrought iron, and treated wood, and or
1728 combinations of the above not resulting in an opaque fence.

1729 6. Fences adjacent to a public street shall not exceed 55 inches from finished
1730 grade.

1731 7. Chain link fencing, except as required along detention/retention ponds, is
1732 prohibited from public view. All chain link fencing shall be black vinyl clad.

1733 8. Suburban Developments: All parking areas shall be screened from view of
1734 any public street by: (1) a 25 foot-wide landscape strip planted to buffer
1735 standards or (2) a berm planted with a continuous hedge or evergreen
1736 shrubs. Plants shall be a minimum height of 3 1 / 2 to 4 feet at time of
1737 planting, and such plants (or in the case of option 2 above, the berm and
1738 the planting combined) shall be capable of reaching a height of six feet
1739 within two years of planting.

1740 D. *Outdoor Storage and Display.*

1741 1. Display or sale of goods outside the permanent portions of a building is
1742 prohibited. Garden centers, and other similar areas, with permanent
1743 walls/fencing on the outside are considered permanent structures.
1744 Exceptions: Seasonal holiday trees, pumpkins, and open air fairs, provided
1745 an administrative permit is obtained, pursuant to Article 19.

1746 2. Vending machines, paper stands and other similar devices must be located
1747 interior to the building structure.

1748 E. *Buffer Standards.*

1749 1. Suburban Developments:

1750 a. All developments shall provide a minimum 25-foot wide landscape strip
1751 along all public streets, if buildings within the development do not front
1752 the street.

1753 b. A minimum 100-foot wide natural, undisturbed buffer with a 10-foot
1754 improvement setback shall be provided along any interior property line
1755 adjacent to a residential zoning and/or use. This buffer shall be

1756 augmented with plantings if it does not achieve the intended visual
1757 screening.

1758 c. To ensure that a visual buffer is achieved (for developments adjacent
1759 to a residential zoning and/or use), the City may require the installation
1760 of a four-foot high earthen berm with plantings per the City Buffer
1761 Standards. The City Arborist will make the determination of a berm
1762 requirement based upon a review of the Landscape Plan and existing
1763 topography and vegetation.

1764 d. A minimum 15-foot wide landscape strip shall be provided along any
1765 interior property line adjacent to a nonresidential zoning and/or use.

1766 2. Infill/Urban Developments:

1767 a. Developments are encouraged to place small retail storefronts on the
1768 public street.

1769 b. If buildings do not front a public street, all properties shall provide a
1770 minimum 15 foot-wide landscape strip along all public streets. The
1771 fifteen (15) foot-wide strip shall be planted with minimum 2" caliper
1772 hardwood over-story trees every 30' feet.

1773 c. A minimum 10-foot wide landscape strip shall be provided along any
1774 interior property line adjacent to a nonresidential zoning and/or use.
1775 This provision does not apply to individual lots within an overall
1776 development.

1777 d. A minimum 25-foot wide natural, undisturbed buffer with a 10-foot
1778 improvement setback shall be provided along any interior property line
1779 adjacent to a residential zoning and/or use. This buffer shall be
1780 augmented with plantings if it does not achieve the intended visual
1781 screening.

1782 F. *Landscaping.*

1783 1. Specimen trees should be preserved to the extent possible.

1784 2. Large overstory street trees in the landscape strips shall be planted in
1785 asymmetrical groupings at a minimum density of one tree per 30 feet of
1786 street frontage.

1787 3. Street trees shall be a minimum of 2" caliper.

1788 4. Street trees shall be selected from the list provided in Appendix E of the
1789 South Fulton Tree Preservation Ordinance and Administrative Guidelines or
1790 as may be approved by the South Fulton Arborist.

1791 5. Street trees may be counted towards the required tree density for a site as
1792 approved by the South Fulton Arborist.

1793 G. *Parking Lot Landscaping Islands.*

1794 1. Parking lot landscaping shall follow the standards within the South Fulton
1795 Zoning Resolution.

- 1796 H. *Landscape Installation and Maintenance.*
- 1797 1. Landscaping must be installed, or a landscape installation guaranty must
1798 be provided prior to the release of Certificate of Occupancy (CO), unless
1799 appropriate provisions are made to guarantee the installation of
1800 landscaping after such certificate is issued, such as approval by the
1801 Department of a bond for landscaping. The guaranty shall be stamped and
1802 signed by a registered landscape architect certifying that landscaping meets
1803 the standards of the South Fulton Tree Ordinance. Landscape plantings
1804 must be replaced if damaged or dead.
- 1805 I. *Sidewalks and Pedestrian Circulation.*
- 1806 1. Sidewalks or pedestrian paths are required along all public and private
1807 road frontages and may meander around existing trees subject to the
1808 approval of the South Fulton Arborist.
- 1809 2. Pedestrian paths may be installed instead of sidewalks as approved by the
1810 E&CD Director.
- 1811 3. Sidewalks shall be a minimum width of five feet.
- 1812 4. Pedestrian paths shall be a minimum of 5 feet wide. They shall be made
1813 out of a hard surface material such as concrete, brick or pavers. Paths may
1814 be gravel or gravel dust as approved by the Community Development
1815 Director.
- 1816 5. Sidewalks for all new projects should connect with existing walks, where
1817 applicable.
- 1818 6. Pedestrian access should be provided to all entrances including access
1819 from rear parking areas.
- 1820 7. Inter-parcel connectivity shall be required for multiuse, pedestrian paths
1821 and sidewalks.
- 1822 8. All internal pedestrian walkways shall be distinguished from driving
1823 surfaces through the use of color and durable, low maintenance surface
1824 materials such as pavers, bricks, or scored concrete to enhance pedestrian
1825 safety and comfort, as well as the attractiveness of the walkways.
- 1826 J. *Parking.*
- 1827 1. Parking lots should be distributed around large buildings along not less
1828 than two facades (front, rear or sides) in order to shorten the distance to
1829 other buildings and public sidewalks.
- 1830 2. A minimum of 50% of the required surface parking for out-parcels shall be
1831 located at the rear of the out-parcel building, interior to the overall
1832 development or facing the large retail parking lot.
- 1833 3. No parking or loading area shall be used for the sale, repair, dismantling or
1834 servicing or storing of any vehicle, equipment, materials or supplies.

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4. All developments must provide space for parking bicycles. This area may be within the parking lot or courtyard. A bike rack, permanently attached to the ground accommodating a bicycle lock or chain
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5. Suburban Developments: Where feasible, no more than fifty (50) percent of the off-street parking area for the lot, tract or area of land devoted to the large retail establishment should be located along the property fronting a public road and between the front facade and the road.
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6. Urban Developments: On-street parking is allowed subject to the approval of the Director.

1844 K. *Architectural Standards.*

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1. The design and lay-out of a development should build upon and complement the design of the surrounding community. The size, orientation, setback and scale of buildings are integral elements of communities. A building's orientation and placement should complement and relate to adjacent buildings, structures and properties.
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2. The location of a building should take into consideration its surrounding and take advantage of opportunities to maintain open views and spaces. Buildings should be in proportion, in scale and characteristic to their natural setting. The building design and material should contribute to the style and surrounding areas. Building design that is based on a standardized formula associated with a business or franchise shall be modified to meet the provisions of this section.
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3. Buildings shall include architecture elements such as columns, arcades, covered entry-walkways, arches, facade offsets, windows, balconies, recesses/projections, clock towers, cupolas and/or courtyards.

1860 L. *Orientation.*

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1. All buildings shall be oriented to a public street. An entrance to a building should be located on the side of the building facing a public street.
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2. Small retail stores as part of an overall development should be oriented to a public street; with the larger retail buildings in the rear.
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3. Principal buildings should have articulated building entryways with greater architectural details, to include a minimum of two of the following elements:
- 1867
- a. Decorative columns or posts
 - 1868 b. Pediments
 - 1869 c. Arches
 - 1870 d. Brackets
 - 1871 e. Transoms over doorways
 - 1872 f. Sidelights
 - 1873 g. Porticos

- 1874 M. *Height.*
- 1875 1. There shall be a maximum height limit of two stories with the maximum
1876 height 35 feet from average-finished grade to the bottom of the roof eave.
- 1877 2. Urban/Infill Developments: Three story buildings with a height limit of 50
1878 feet from average-finished grade to the bottom of the roof eave are
1879 permitted.
- 1880 N. *Scale.*
- 1881 1. For every one hundred feet of building length on a single face, visible from
1882 the public street, there shall be variation in the exterior. This exterior
1883 variation shall be accomplished through the following means:
- 1884 a. For each one hundred feet of building exterior wall, the building
1885 exterior and roof shall be offset.
- 1886 b. For each one hundred feet of building exterior wall, there shall be a
1887 change in details, or patterns or materials.
- 1888 O. *Building Material:*
- 1889 1. The exterior wall materials of all buildings shall consist of a minimum of
1890 60% (per vertical wall plane) of the following: brick, stone, stucco, EIFS,
1891 solid plank, cementitious plank, or horizontal clapboard siding.
- 1892 2. Accent wall materials on buildings shall consist of glass, architecturally
1893 treated concrete masonry, stone, EIFS, or stucco and shall not exceed 40%
1894 per vertical wall plane.
- 1895 3. Prohibited exterior building facade materials are: metal panel systems,
1896 precast, smooth concrete masonry or plain, reinforced concrete slabs,
1897 aluminum or vinyl siding, plywood, mirrored glass, press-wood or
1898 corrugated steel (exceptions: mechanical penthouses & roof screens).
- 1899 4. To the extent any rear or side of any building is adjacent to a public street
1900 or single family residence, architectural treatment shall continue through the
1901 rear or side.
- 1902 P. *Colors.*
- 1903 1. Permitted colors for exterior walls, building components, sign structures,
1904 accent and decorative elements shall be a specified by the appropriate
1905 overlay district.
- 1906 2. If large scale retail establishment or development is not located in an
1907 overlay district, all aspects of a development should use colors common in
1908 the area and in nature. Earth-toned, subtle and muted colors provide for a
1909 development that incorporates sensitivity to its natural surrounding. High
1910 intensity colors shall be avoided.
- 1911 Q. *Roof.*
- 1912 1. Permissible roofs types are flat, gable, pyramidal, and hip. Shed roofs are
1913 permitted over porches, additions, and accessory structures.

- 1914 2. Roof pitches shall be in the range of 4 over 12 to 12 over 12.
- 1915 3. Roof pitch material shall be made out of the following materials: asphalt
- 1916 shingle, wood shingle, wood shake, standing seam metal, or materials
- 1917 designed to give the appearance of the above mentioned materials.
- 1918 4. A decorative parapet or cornice shall be constructed along all roof lines
- 1919 with a lower pitch than specified in above.
- 1920 5. Flat roofs and roof-mounted equipment shall be screened from the view of
- 1921 public and private streets by a parapet. No parapet shall be required to be
- 1922 greater than 4 feet above roof.

1923 R. *Additional Requirements.*

- 1924 1. Burglar bars, steel gates, metal awnings and steel roll-down curtains are
- 1925 prohibited on the exterior and interior of the structure except at the
- 1926 structure's rear. Steel roll down curtains may be located in other areas if not
- 1927 visible from the front of a building or from a public street.
- 1928 2. Neon lights outlining and/or detailing building features are prohibited.
- 1929 3. Where additional stores will be located in a large retail establishment, each
- 1930 such store that is 5,000 square feet and greater shall have at least one (1)
- 1931 exterior customer entrance, which shall conform to the above requirements.

1932 *4.4.4. Adaptive Reuse of Properties And Store Closure.* If an establishment remains

1933 empty for a period of 12 consecutive months the owner and/or lessee must work with

1934 South Fulton Economic Development Department to create a plan for the removal or

1935 adaptive reuse of the principal structure.

1936 *4.4.5. Vacancy Maintenance Requirements.*

- 1937 1. Owner shall provide security patrols on the site to deter vandalism or other
- 1938 illegal activities on the property.
- 1939 2. Retail establishments that have been closed should be maintained at the
- 1940 standard of the occupied store, prior to store closure, this includes all parking lot
- 1941 surfaces and landscaping.
- 1942 3. Building fenestration, including doors and windows cannot be boarded up.

1943 4.5 - Accessory uses and structures.

1945 *4.5.1 Construction of accessories.* Accessory structures shall be constructed

1946 concurrently with or subsequent to a principal structure.

1947 *4.5.2 Regulations applicable to selected accessory uses and structures.* The

1948 following accessory uses and structures shall be restricted as stated herein:

1949 A greenhouse accessory to a residential use shall be limited in size to one-third of

1950 the floor area of the principal dwelling.

1951 *4.5.3 Antennas.* This provision shall apply to all antennas and towers except those

1952 that exceed the maximum height of the district in which they are located (19.3.1 and

1953 19.4.3). Antennas and towers are accessory structures when erected on a residential lot
1954 in association with a residential use and must meet all accessory structure requirements
1955 for the district in which the antenna is located except that principal structure height
1956 requirements shall control. Antennas which are located on roofs shall be located only on
1957 that portion of the roof most closely associated with yard(s) for which accessory
1958 structures are allowed. In addition, an antenna shall be designed such that the entire
1959 structure will remain on the property or within a fall easement if it should fall.

1960 4.6 - Refuse areas.

1961 Refuse areas shall be identified on site plans for lots improved with structures other
1962 than single family dwellings, and such areas shall be screened to 100 percent opacity
1963 with fences or walls, or a vegetative screen which complies with the screening
1964 requirements of the Tree Protection Ordinance. The refuse containers located therein
1965 shall not be visible from streets or adjoining properties. Vegetative screens must comply
1966 with the provisions of section 4.23. Refuse areas shall not be located in required
1967 landscape areas, required buffers, required parking areas, or required loading areas.

1968 4.7 - Open.

1969 4.8 - Animals.

1970 This section shall apply to animals other than animals associated with farming as a
1971 principal or accessory use.

1972 4.8.1 *Horses* (See AG-1 District for standards therein. One horse or other member
1973 of the horse (equine) family per fenced acre shall be allowed in association with a single
1974 family dwelling or in single family dwelling districts. All structures for the shelter of
1975 horses in all districts except the AG-1 District shall be:

1976 A. At least 100 feet from the lot line of any residentially zoned or used property.

1977 B. Located within the rear yard.

1978 4.9 - Night sky ordinance.

1979 4.9.1. *Purpose and Intent.* The purpose and intent of this ordinance is to provide a
1980 regulatory strategy for outdoor lighting that will permit reasonable uses of outdoor
1981 lighting for nighttime safety, utility, security, productivity, enjoyment and commerce;
1982 curtail and reverse the degradation of the nighttime visual environment and the night
1983 sky; preserve the dark night sky for astronomy; minimize glare, obtrusive light and
1984 artificial sky glow by limiting outdoor lighting that is misdirected, excessive or
1985 unnecessary; conserve energy and resources to the greatest extent possible; and help
1986 to protect the natural environment from the damaging effects of night lighting from man-
1987 made sources.

1988 4.9.2. *Conformance With Applicable Codes.* All outdoor illuminating devices shall be
1989 installed in conformance with the provisions of this ordinance, the Building Code and the
1990 Electrical Code as applicable and under appropriate permit and inspection. Where there
1991 is conflict between the provisions of this ordinance and other regulations, the most
1992 restrictive provision shall prevail.

1993 4.9.3. *Applicability.* For all land uses, developments and buildings that require a
1994 permit, all outdoor lighting fixtures shall meet the requirements of this ordinance. All
1995 building additions or modifications of twenty-five (25) percent or more in terms of
1996 additional dwelling units, gross floor area, or parking spaces, either with a single
1997 addition or with cumulative additions subsequent to the effective date of this resolution,
1998 shall invoke the requirements of this ordinance for the entire property, including
1999 previously installed and any new outdoor lighting. Cumulative modification or
2000 replacement of outdoor lighting constituting sixty (60) percent or more of the permitted
2001 lumens for the parcel, no matter the actual amount of lighting already on a non-
2002 conforming site, shall constitute a major addition for purposes of this section.

2003 A. *Minor Additions.* Additions or modifications of less than twenty-five (25) percent
2004 to existing uses, as defined in Section (a) above, and that require a permit, shall
2005 require the submission of a complete inventory and site plan detailing all
2006 existing and any proposed new outdoor lighting. Any new lighting on the site
2007 shall meet the requirements of this ordinance with regard to shielding and lamp
2008 type.

2009 B. *Exempt Lighting.* The following luminaries and lighting systems are exempt
2010 from these requirements:

- 2011 1. Lighting for pools used at night.
- 2012 2. Underwater lighting used for the illumination of swimming pools and
2013 fountains;
- 2014 3. Temporary holiday lighting;
- 2015 4. Lighting required and regulated by the Federal Aviation Administration, or
2016 other federal, state or local agency;
- 2017 5. Emergency lighting used by police, fire, or medical personnel, or at their
2018 direction;
- 2019 6. All outdoor light fixtures producing light directly from the combustion of
2020 fossil fuels, such as kerosene and gasoline;
- 2021 7. Security lighting controlled and activated by a motion sensor device for a
2022 duration of 10 minutes or less.

2023 C. *Prohibited Lighting.* The following lighting systems are prohibited:

- 2024 1. Aerial lasers;
- 2025 2. Searchlight style lights;
- 2026 3. Other very intense lighting, defined as having a light source exceeding
2027 200,000 lumens or intensity in any direction of 2 million candelas or more;
- 2028 4. Mercury vapor lamps;
- 2029 5. Neon lighting.

2030 4.9.4. *Outdoor Lighting Standards.* All nonexempt outdoor lighting fixtures shall
2031 meet the following criteria:

2032 A. Shall be full cutoff placed so as to allow no light above the horizontal as
 2033 measured at the luminaire, except as herein noted in this ordinance (as in the
 2034 case of period fixtures, cutoff fixtures may be used).

2035 B. Shall be located, aimed or shielded so as to minimize glare and stray light
 2036 trespassing across property boundaries and into the public right of way in
 2037 accordance with the following standards:

At Property Lines Including Rights-of-Way	Maximum Foot-candles
At property line abutting a residential or an agricultural use	1.0
At property line abutting an office or institutional use	1.5
At property line abutting a commercial or industrial use	1.5

2038

Off-Street Parking Lots	Minimum Foot-candles	Average Foot-candles	Maximum Foot-candles
Residential areas	0.5	2.0	4.0
Office-professional areas	1.0	3.0	6.0
Commercial areas	2.0	6.0	12.0
Light industrial areas	1.0	4.0	8.0

2039

2040 C. Flood or spot lamps must be positioned no higher than 45 degrees above
 2041 straight down (half-way between the vertical and the horizontal) when the
 2042 source is visible from any off-site residential property or public roadway.

2043 D. All light fixtures that are required to be shielded shall be installed and
 2044 maintained in such a manner that the shielding is effective as described herein
 2045 for fully shielded fixtures.

2046 E. Multi use development lighting must conform to the standards of its respective
 2047 use.

2048 F. Illumination levels are measured from any height and orientation of the
2049 measuring device at any location along the property line, except the lighting of
2050 parking lots shall be measured at grade with the meter sensor held horizontally
2051 on the surface.

2052 4.9.5. *Special Uses.* All lighting not directly associated with the special use areas
2053 designated below shall conform to the lighting standards described in this ordinance.

2054 A. *Outdoor Sports, Recreation Fields, or Performance Areas.* Lighting of outdoor
2055 recreational facilities (public or private), such as, but not limited to, outdoor
2056 athletic fields, courts, tracks, special event or show areas shall meet the
2057 following requirements:

2058 1. Facilities designed for municipal leagues, elementary to high school levels
2059 of play and training fields for recreational or social levels of play, college
2060 play, semi-professional, professional or national levels of play shall utilize
2061 luminaries with minimal upright consistent with the illumination constraints of
2062 the design. Where fully shielded fixtures are not utilized, acceptable
2063 luminaries shall include those which:

2064 a. Are provided with internal and/or external glare control louvers or
2065 lenses, and are installed so as to minimize upright and offsite light
2066 trespass and glare; and

2067 b. Are installed and maintained so as to avoid aiming no more than 2.5
2068 times the mounting height.

2069 2. Illuminance. All lighting installations shall be designed to achieve the
2070 illuminance levels for the activity as recommended by the Illuminating
2071 Engineering Society of North America (IESNA RP-6).

2072 3. Off Site Spill. The installation shall also limit off-site spill (off the parcel
2073 containing the sports facility) to the maximum extent possible consistent
2074 with the illumination constraints of the design. For all recreational or social
2075 levels of play and training fields, as well as, performance areas, illumination
2076 levels shall not exceed 1.5 foot-candles at any location along any non-
2077 residential property line, and 0.5 foot-candles at any location along any
2078 residential property line.

2079 4. Curfew. All events shall be scheduled so as to complete all activity no later
2080 than 10:30 p.m. Illumination of the playing field, court or track shall be
2081 permitted after the curfew only to conclude a scheduled event that was
2082 unable to conclude before the curfew due to unusual circumstances. Field
2083 lighting for these facilities shall be turned off within 30 minutes after the last
2084 event of the night.

2085 5. Setback. All light poles shall be set back the greater of fifty feet or one foot
2086 for every foot in height from any residential property line or right-of-way.

2087 6. This Section 4.9.5 shall not be construed to overrule any standards
2088 established in any Overlay Improvement District or as established in
2089 Section 19.4.

- 2090 B. *Service Station Canopies and Parking Structures.*
- 2091 1. All luminaries mounted on or recessed into the lower surface of service
2092 station canopies and parking structures shall be fully shielded and utilize flat
2093 lenses.
- 2094 2. The total light output of luminaries mounted on the lower surface, or
2095 recessed into the lower surface of the canopy, and any lighting within
2096 signage or illuminated panels over the pumps, shall not exceed 50 foot-
2097 candles.
- 2098 3. The total light output of illuminated areas of a service station other than as
2099 detailed in 2. above shall not exceed 15 foot-candles.
- 2100 4. Illuminance levels for the interior of parking structures, where interior
2101 lighting is visible from outside the structure, shall conform to the IESNA
2102 recommendation (RP-20).
- 2103 5. Lights shall not be mounted on the top or sides of a canopy and the sides
2104 of a canopy shall not be illuminated.
- 2105 C. *Security Lighting.*
- 2106 1. Security lighting shall be directed toward the targeted area.
- 2107 2. Sensor activated lighting must be located in such a manner as to prevent
2108 direct glare and lighting into properties of others or into a public right-of-
2109 way, and the light shall not be triggered by activity off the property.
- 2110 D. *Pedestrian Path Lighting.*
- 2111 1. Lighting post shall not exceed 16 feet from the finished grade.
- 2112 E. *Architectural Accent Lighting.*
- 2113 1. Fixtures used to accent architectural features, materials, colors, style of
2114 buildings, landscaping, or art shall be located, aimed and shielded so that
2115 light is directed only on those features. Such fixtures shall be aimed or
2116 shielded to minimize light spill into the dark night sky in conformance with
2117 the luminaire standards.
- 2118 2. Lighting fixtures shall not generate glare, or direct light beyond the facade
2119 onto a neighboring property, streets or into the night sky.
- 2120 F. *Temporary Lighting Permits.*
- 2121 1. *Permits for temporary lighting will be granted by the Department if the total*
2122 *output from the luminaries does not exceed 50 foot-candles and the*
2123 *following conditions apply:*
- 2124 a. *The purpose for which the lighting is proposed can be completed within*
2125 *thirty (30) days, except that the permit for a major construction project*
2126 *may extend to completion.*
- 2127 b. *The proposed lighting is designed in such a manner as to minimize*
2128 *light trespass and glare.*

- 2129 c. *Permits issued for temporary recreational lighting shall be extinguished*
 2130 *by 10:30 p.m.*
- 2131 2. *The application for the Temporary Lighting Permit shall include, but not be*
 2132 *limited to, the following information:*
- 2133 a. *Name and address of applicant and property owner;*
- 2134 b. *Location of proposed luminaire(s);*
- 2135 c. *Date and times for the lighting;*
- 2136 d. *Type, wattage and lumen output of lamp(s);*
- 2137 e. *Type and shielding of proposed luminaires;*
- 2138 f. *Intended use of the lighting;*
- 2139 g. *Duration of time for requested exemption;*
- 2140 h. *The nature of the exemption; and*
- 2141 i. *The means to minimize light trespass and glare.*
- 2142 G. *Commercial Parking Areas.*
- 2143 1. *All lighting fixtures servicing parking lots, except floodlights, shall be cutoff*
 2144 *fixtures, directed downward and not toward buildings or other areas.*
- 2145 2. *The minimum illumination level for a parking lot shall be 0.4 foot-candles at*
 2146 *grade level and the ratio of the average illumination to the minimum*
 2147 *illumination shall not exceed 4:1.*
- 2148 3. *Floodlights should be aimed or shielded to minimize upright.*
- 2149 4. *Light poles used in parking lots shall not exceed 35 feet in height.*
- 2150 H. *Street lights.*
- 2151 1. *All street light fixtures new, repaired (outside of normal maintenance) or*
 2152 *replaced fixtures shall be cutoff.*
- 2153 4.9.6. *Variances.*
- 2154 A. *Any person may submit an application to the Zoning Board of Appeals for a*
 2155 *variance from the provisions of this ordinance. The application should include,*
 2156 *but not be limited to, evidence about the following:*
- 2157 1. *How the proposed design and appearance of the luminaire are superior;*
- 2158 2. *How light trespass and glare will be limited;*
- 2159 3. *How the proposed solution will provide a benefit without negative impact*
 2160 *on the health, safety, or welfare of the community.*
- 2161 B. *The application may include the recommended practices of the Illuminating*
 2162 *Engineering Society of North America, a professional engineer, or other*
 2163 *authority on outdoor lighting.*

2164 **4.9.7. Submission of Plans and Evidence of Compliance.** The applicant for any
 2165 permit required by any provision of the laws of South Fulton in connection with
 2166 proposed work involving outdoor lighting fixtures shall submit, as part of the application
 2167 for permit, evidence that the proposed work will comply with this ordinance. Even should
 2168 no other such permit be required, the installation or modification, except for routine
 2169 servicing and same-type lamp replacement of any exterior lighting, shall require
 2170 submission of the information described below. The submission shall contain but shall
 2171 not necessarily be limited to the following, all or part of which may be part or in addition
 2172 to the information required elsewhere in the laws of South Fulton upon application for
 2173 the required permit:

- 2174 A. Plans indicating the location on the premises of each illuminating device, both
 2175 proposed and any already existing on the site.
- 2176 B. Description of all illuminating devices, fixtures, lamps, supports, reflectors, both
 2177 proposed and existing. The description may include, but is not limited to catalog
 2178 cuts and illustrations by manufacturers.
- 2179 C. Photometric data, such as that furnished by manufacturers or similar, showing
 2180 the angle of cut off of light emissions.

2181 **Additional Submission.** The above required plans, descriptions and data shall
 2182 be sufficiently complete to enable the Department to readily determine whether
 2183 compliance with the requirements of this ordinance will be secured. If such
 2184 plans, descriptions and data cannot enable this ready determination, the
 2185 applicant shall additionally submit as evidence of compliance to enable such
 2186 determination such certified reports of tests as will do so provided that these
 2187 tests shall have been performed and certified by a recognized testing
 2188 laboratory.

2189 **Subdivision Plats.** All new subdivided properties shall submit information as
 2190 described herein for installed street lights and other common or public area
 2191 outdoor lighting.

2192 **Certification.** For all projects, certification that the lighting as installed, conforms
 2193 to the approved plans shall be provided by an illumination engineer/professional
 2194 before the Certificate of Occupancy is issued. Until this certification is
 2195 submitted, approval for use by the issuance of the Certificate of Occupancy
 2196 shall not be issued.

2197 **4.10 - Architectural treatment of common aggregate block.**

2198 Whenever visible from a public street in all except the AG-1 and industrial districts,
 2199 and whenever adjoining a residential zoning district in all districts, the exterior of all
 2200 common aggregate blocks shall be provided with an architectural treatment such as
 2201 stucco, stone, brick, wood or an alternate treatment approved by the Director of
 2202 Community Development. Split rib and marble aggregate block shall not be deemed to
 2203 be common aggregate block.

2204 **4.11 - Fences and walls.**

2206 Fences and walls which conform to the provisions stated herein shall be permitted
 2207 by the Department of Community Development. Fences erected for agricultural
 2208 purposes in the AG-1 District shall be exempt from permit requirements.

2209 A. *Visibility triangle.* Fences, walls and vegetative materials used in association
 2210 therewith must not obstruct the minimum sight distance requirements which are
 2211 specified in South Fulton Subdivision Regulations administered by the Director
 2212 of Community Development.

2213 B. *Gates.* No part of a gate shall be located within 20 feet of a public right-of-way,
 2214 nor shall any gate or vehicle in any way obstruct a public right-of-way or the
 2215 minimum sight distance specified in the Subdivision Regulations regardless of
 2216 whether open, closed or in an intermediate position.

2217 C. *Maintenance of required landscape areas.* Landscape areas or strips required
 2218 pursuant to this section shall be maintained in accordance with the
 2219 requirements of the Tree Preservation Ordinance [See Code ch. 26, art. VI].

2220 D. *Fence and wall materials.* Where the Zoning Resolution or zoning conditions
 2221 require fences and walls to be solid/opaque, the visual density of the fence shall
 2222 be such that it can not be seen through. The following standards shall apply to
 2223 fences and walls.

2224 1. *Adjoining right-of-way.* In all zoning districts except AG-1, M-1, M-1A, and
 2225 M-2, wire and plastic fencing materials, including chain-link fencing with
 2226 plastic or wooden inserts shall not be used adjoining a street right-of-way.
 2227 The architectural treatment of poured concrete, common aggregate block or
 2228 concrete block walls shall be approved by the Director of Community
 2229 Development. This provision shall not preclude the use of chain link fencing
 2230 as a security fence around storm water facilities.

2231 2. *Fences along all property lines.* Walls and fences constructed along all
 2232 property lines shall be constructed with a finished side toward the
 2233 neighboring property.

2234 3. *Barbed wire—Agricultural.* Barbed wire may be used in the AG-1 District as
 2235 long as its use is associated with a legitimate agricultural pursuit. Barbed
 2236 wire use shall meet the following:

2237 a. Barbed wire shall not be allowed on any single-family dwelling lots
 2238 including such lots which are located in the AG-1 District;

2239 b. Barbed wire use adjacent to the public right-of-way shall be installed in
 2240 a straight strand manner, coiled/concertina style installation shall be
 2241 prohibited; and

2242 c. Razor wire is prohibited.

2243 4. *Barbed wire, razor wire, chain link—Commercial and industrial.* Barbed
 2244 wire/razor wire/chain link may be used in all Commercial and Industrial
 2245 Districts as follows:

2246 a. All chain link fence shall be green or black vinyl coated;

- 2247 b. All chain link fences shall be constructed with a top rail to ensure fence
2248 stability;
- 2249 c. Barbed wire/razor wire use adjacent to the public right-of-way shall be
2250 installed in a straight strand manner, coiled/concertina style installation
2251 shall be prohibited.
- 2252 5. *Use of fabric as fence or screen.* The use of fabric as a fence or screen is
2253 prohibited except as a windscreen around recreational courts.
- 2254 6. *Minimum landscape requirements.* A minimum three-foot landscape strip
2255 shall be provided between a fence or wall and a public right-of-way.
- 2256 E. *Height.* Fences and walls shall not exceed a height of eight feet from grade in
2257 residential districts. Column and ornament heights are permitted to exceed the
2258 maximum fence/wall height up to three feet.
- 2259 F. *Setback.* Fences and walls shall be set back a minimum of three feet from a
2260 public right-of-way.
- 2261 G. *Retaining Walls.* Retaining walls that are monolithically placed and structurally
2262 tied to a house or building foundation wall do not require a separate wall permit
2263 if said walls are shown on the plans for which a building permit was issued. All
2264 other retaining walls over 4 feet high require a permit if they were not shown
2265 and permitted on a Land Disturbance Permit. Walls 4 feet to 6 feet high can be
2266 permitted upon execution of an Owner Certification/Indemnification form for
2267 Retaining Walls 4 feet to 6 feet high. All walls over 6 feet high and any walls 4
2268 feet to 6 feet high for which an owner is not prepared to execute the Owner
2269 Certification/Indemnification form shall require execution of the an Engineer
2270 Certification/Indemnification form for Retaining Walls permit. Please note that
2271 the latter form requires both an engineer's certification and an Owner's
2272 Certification/Indemnification. A Checklist for Retaining Wall Permit Drawing
2273 shall be completed by the applicant to verify the adequacy of the submittal for
2274 issuance of the permit. A separate permit form and fee is required for each wall.

2275 4.12 - Home occupation.

2276 A home occupation is permitted as an accessory use of a dwelling unit in any
2277 zoning district and its operation and employees are limited to members of the resident
2278 family only. The following are limitations on home occupations:

- 2279 A. The smaller of 25 percent or 750 square feet of the gross floor area of a
2280 dwelling unit may be used for activities devoted to the home occupation.
- 2281 B. Accessory buildings and structures may not be used for the home occupation.
- 2282 C. There shall be no signs identifying the home occupation, nor shall there be any
2283 storage, display or activity associated with the home occupation visible outside
2284 the structure. (Amended 03/03/04)
- 2285 D. Said uses are excluded: auto repair or similar operations, restaurants, keeping
2286 of animals, funeral homes, retail or wholesale shops, motel type

- 2287 establishments, taxi services, or any other occupation found incompatible with
2288 the intent of this resolution.
- 2289 E. Resident participants in a home occupation must have the appropriate
2290 occupational licensing, including business licenses.
- 2291 F. No home occupation shall generate traffic, sound, smell, vibration, light, or dust
2292 that is offensive.
- 2293 G. No more than two clients or patrons are allowed on the premises at the same
2294 time in conjunction with the home occupation (except for persons in care at a
2295 family day care homes, where no more than six clients are allowed).
- 2296 H. Vehicles kept on site in association with the home occupation shall be used by
2297 residents only.
- 2298 I. The transporting of goods by truck is prohibited. Incoming vehicles related to
2299 the home occupation shall be parked off-street within the confines of the
2300 residential driveway or other on-site permitted parking.
- 2301 J. Home occupations must exclude the use of instruments, machinery or
2302 equipment that emit sounds (i.e. musical instruments, sewing machines, saws,
2303 drills) that are detectable beyond the unit.
- 2304 K. Family day care homes are prohibited within multifamily dwelling units.
- 2305 L. Family day care homes shall provide outdoor play areas as required by
2306 Georgia law, but such areas shall be limited to side or rear yards outside the
2307 minimum yard area, and shall not occupy any yard adjoining a street.
- 2308 M. Family day care home shall be located at least 1,000 feet in all directions from
2309 any other such use operated as a home occupation.
- 2310 N. Family day care home hours of operation shall be limited to Monday through
2311 Saturday from 6:00 a.m. to 7:00 p.m.
- 2312 O. Family day care home operators shall have a current, certified copy of the
2313 operator's State of Georgia Family Day Care Home registration which shall be
2314 filed with the business license application and renewals.
- 2315 P. No home occupation shall be operated so as to create or cause a nuisance.

2316 4.13 - Outparcel development.

2317 Outparcel development permitted as a condition of zoning approval and identified
2318 on a site plan shall comply with the following standards.

- 2319 A. The total floor area for outparcels shall be included in the total floor area
2320 allowed for the larger parcel.
- 2321 B. Access for outparcels shall be from internal drives with no direct access to
2322 public roads.
- 2323 C. Each outparcel abutting a public right-of-way shall have a minimum of 200 feet
2324 of frontage on that public right-of-way.

2325 D. Internal entrance drives shall be located at least 100 feet from any publicly
 2326 dedicated right-of-way.

2327 4.14 - Open.

2328 4.15. - Noise.

2329 The South Fulton Site Acceptability Noise Standards shall apply to all new proposed
 2330 residential and special uses described herein.

South Fulton Site Acceptability Noise Standards*		
Noise Classification	Day-Night Average Sound Levels (in Decibels)	Requirements and Restrictions
Acceptable	Not exceeding 65 dBA	1. Noise Study Report per Article 28.4.6. No Restrictions.
Normally Unacceptable	Above 65 dBA but not exceeding 75 dBA	1. Noise Study Report per Article 28.4.6.
		2. Sound Attenuation Plan.
Unacceptable	Above 75 dBA	1. Noise Study Report per Article 28.4.6.
		2. Residentially zoned/used developments are prohibited.
*Reference: Title 24, Housing & Urban Development, Part 51 — Environmental Criteria and Standards, Subpart B — Noise Abatement and Control, Section 51.103 Criteria and Standards (c) Exterior standards.		

2331

2332 1. New residential development proposed within 5 miles of the Hartsfield-Jackson
 2333 International Airport boundary shall be in compliance with the South Fulton Site
 2334 Acceptability Noise Standards.

2335 2. No residential dwelling shall be occupied if the interior day-night average sound
2336 level is 50 dBA or higher.

2337 3. Any existing legal residential lot of record that does not change use or zoning
2338 classification is exempt from the requirements of this Section.

2339 4.16. - Landfills, transfer stations, quarries and/or surface mining sites.

2340 1. No portion of a new proposed residentially zoned or used property shall be
2341 located within a one (1) mile radius of the property lines of an existing active
2342 landfill.

2343 2. No portion of a new proposed residentially zoned or used property shall be
2344 located within a one (1) mile radius of the property lines of an existing active
2345 transfer station.

2346 3. No portion of a new proposed residentially zoned or used property shall be
2347 located within a 1.5 mile radius of the property lines of an existing active quarry.

2348 4. No portion of a new proposed residentially zoned or used property shall be
2349 located within a 500 foot radius of the property lines of an existing active
2350 surface mining site. Surface mining is defined as specified in O.C.G.A 12-4-72.

2351 5. Any existing legal residential lot of record located within the radius
2352 requirements of Sections 4.16.1, 4.16.2, 4.16.3 and 4.16.4 that does not
2353 change use or zoning classification is exempt from the requirements of this
2354 Section.

2355 6. Reference maps titled "2005Z-0108 Environmental Standards for
2356 Unincorporated North Fulton" and "2005Z-0108 Environmental Standards for
2357 Unincorporated Fulton County" are located online in the Fulton County GIS Map
2358 Catalog for locations of active landfills, transfer stations, quarries and surface
2359 mining sites.

2360 7. Any owner of property located within a one (1) mile radius of the property lines
2361 of an existing active landfill or existing active transfer station or within a 1.5 mile
2362 radius of the property line of an existing active quarry, shall, prior to the sale or
2363 transfer of said property, notify and disclose in writing the existence of the
2364 landfill, transfer station, or quarry to the potential owner or transferee.

2365 4.17. - Endangered species.

2366 1. Areas of confirmed, Georgia Department of Natural Resources listed, endangered
2367 plant and animal species throughout South Fulton shall comply with the Federal
2368 Endangered Species Act of 1973.

2389 4.18 - Environmentally adverse uses.

2371 4.18.1. *Acceptable separation distance.*

2372 A. If a property is the subject of a rezoning, use permit or land disturbance permit
2373 (limited to only those land disturbance permits tied to a new business location)
2374 which involves the development of an Environmentally Adverse Use as listed in

2375 Section 4.18.3 and any portion of such property is located within a ½ mile of an
2376 Environmentally Stressed Community, the acceptable separation distance
2377 referenced in that Section shall be required.

2378 B. If a property is the subject of a rezoning, use permit or land disturbance permit
2379 (limited to only those land disturbance permits tied to a new business location)
2380 which involves the development of an Environmentally Adverse Use that is not
2381 specifically listed in Section 4.18.3 and any portion of such property is located
2382 within a ½ mile of an Environmentally Stressed Community, an acceptable
2383 separation distance may be required after completion of an Acceptable
2384 Separation Distance Review by the South Fulton Department of Planning and
2385 Community Services, in collaboration with the South Fulton Department of
2386 Health and Wellness.

2387 *4.18.2. Determination of the acceptable separation distance for environmentally*
2388 *adverse uses not listed in 4.18.3.* When determining whether an identified
2389 Environmentally Adverse Use not listed in 4.18.3 should be subject to an acceptable
2390 separation distance or other regulation by South Fulton, the Department of Planning
2391 and Community Services, in its discretion, may consult those Environmental Protection
2392 Agency documents referenced in the definition of Environmentally Adverse Use as well
2393 as the following:

- 2394 (1) The Environmental Protection Agency (Technology Transfer Network, Health
2395 Research, Air and Radiation, and National-Scale Air Toxic Assessment);
- 2396 (2) Agency for Toxic Substances and Disease Registry (Minimal Risk Levels List
2397 and the Division of Toxicology and Environmental Medicine, Scientific
2398 Assessments and Consultations documents); and
- 2399 (3) The U.S. Department of Housing and Urban Development's Acceptable
2400 Separation Distance Guidebook, Office of Planning and Development
2401 Environmental Planning Division.

2402 Findings of the Acceptable Separation Distance Review shall designate a
2403 prescribed acceptable separation distance from Environmentally Stressed Communities
2404 based on the data utilized in determining the uses' adverse status and otherwise
2405 identified herein.

2406 If a proposed use is subject to the Acceptable Separation Distance Review process,
2407 the City's response and the results of the Acceptable Separation Distance Review will
2408 be provided to the applicant within ten (10) business days of the City's acceptance of a
2409 complete Acceptable Separation Distance Review submission. The Office of Planning
2410 and Community Services in collaboration with the South Fulton Department of Health
2411 and Wellness shall determine when such submissions are deemed complete.

2412 *4.18.3. Minimum acceptable separation distance requirements between*
2413 *environmentally adverse uses and the nearest environmentally stressed community.*
2414 The uses listed in the following chart are hereby declared to be Environmentally
2415 Adverse Uses for purposes of this Article. If a proposed Environmentally Adverse Use is
2416 not specifically listed in the following chart, the determination of whether that use should
2417 be subject to an acceptable separation distance or other regulation by South Fulton will

2418 be made through an Acceptable Separation Distance Review as referenced in Article
 2419 4.18.2.

Use	Description of Use/Industry	Anticipated Impacts				Distance as measured from the point source to the nearest property line of an Environmentally Stressed Community
		Gaseous	Noise	Dust	Odor	
Ammunition production includes explosives and fireworks	Manufacture of ammunition, explosives and fireworks		x			½ mile
Animal feed manufacturing	Manufacture of animal feed from grain and other food products		x	x	x	1,500 feet
Concrete manufacturing; Concrete batching plant or manufacturing cement products (bricks)	Concrete is mixed, prepared or treated - up to 5,000 tons per year		x	x		1,500 feet
Concrete manufacturing; Concrete batching plant or manufacturing cement products (bricks)	Greater than 5,000 tons per year		x	x		½ quarter

Cement or lime manufacturing works - use of furnace or kiln	Production of cement clinker or lime or cement clinker, clay, limestone or similar is ground or milled	x	x	x	x	½ mile
Ceramic goods manufacturing	Premises on which ceramic kitchen or table ware or other non-refractory ceramic products are made	x	x	x	x	1,500 feet
Chemical blending or mixing	Chemicals or chemical products are blended, mixed or packaged	x	x	x	x	1,500 feet
Chemical fertilizers	Manufacture of artificial fertilizers	x	x	x	x	½ mile
Chemical manufacturing	Chemical products are manufactured by a chemical process	x	x	x	x	½ mile
Chemicals - Sodium cyanide manufacturing	Production of sodium cyanide	x	x	x		½ mile
Chemicals - Sodium silicate manufacturing	Production of sodium silicate		x	x	x	½ mile
Chemicals - Sulphuric acid	Production of sulphuric acid	x	x	x	x	½ mile
Chemicals - Titanium dioxide	Production of titanium dioxide	x	x	x		½ mile

pigment plant	(Cl2)					
Chemicals storage (minor)	Non-bulk storage of chemicals	x			x	1,000 feet
Chemicals storage (bulk/major)	Bulk storage of acids, alkalis or chemicals	x				½ mile
Chlor-alkali works	Manufacture of caustic soda and chlorine	x	x		x	½ mile
Clay bricks or ceramic/refractory products works	Premises on which fired-clay bricks, tiles, pipes or pottery are manufactured	x	x	x	x	½ mile
Composting facility	Outdoor uncovered, regularly turned windrows		x	x	x	½ mile for manures, mixed food/putrescible & vegetative food waste; 1,500 feet for biosolids; 500 feet for green waste
Composting facility	Outdoor covered, turned windrows		x	x	x	½ mile for manures, mixed food/putrescible & vegetative food waste 800 feet for biosolids; 500 feet for green waste
Composting facility	Outdoor covered windrows with		x	x	x	1,650 feet for manures, mixed food/putrescible

	continuous aeration					& vegetative food waste; 800 for biosolids; 500 feet for green waste
Composting facility	Enclosed windrows with odor control		x	x	x	800 feet for manures, mixed food/putrescible & vegetative food waste; 500 feet for biosolids
Composting facility	In-vessel composting with odor control		x	x	x	500 feet for manures, mixed food/putrescible & vegetative food waste; 500 feet for biosolids
Crematorium	Reduction of human or animal remains to ashes by incineration		x	x		1,000 feet
Crushing of building materials	Crushing or cleaning of waste building or demolition material		x	x		½ mile
Fiberglass reinforced plastic manufacturing	Using Low Styrene Emissions (LSE) resins			x	x	500 feet
Formaldehyde	Formaldehyde production	x	x		x	1,000 feet
Glass or glass fiber works	Premises on which glass or glass fiber	x	x	x		1,500 feet

	is produced					
Incineration	For biomedical, chemical or organic waste	x	x	x	x	½ mile
Incineration	For plastic or rubber waste	x	x	x	x	½ mile
Incineration	For waste wood		x	x	x	1,000 feet
Industrial gases	Production, processing, refining or storage of industrial gases	x	x		x	1,200 feet (explosive) 500 feet (non-explosive)
Industrial gases	Commercial/retail outlets	x	x			1,200 feet (explosive) 500 feet (non-explosive)
Joinery & wood working premises	Production of wooden furniture household items such as doors, kitchen fittings, flooring & mouldings		x	x	x	300 feet
Pressurized Gas retailing with above ground tanks	Pressurized gas storage & handling at retail outlets	x				1,200 feet
Pressurized Gas retailing with underground tanks	Pressurized gas storage & handling at retail outlets	x				600 feet
Livestock sale yard	Holding of live animals pending		x	x	x	½ mile

or holding pen	sale, shipment or slaughter					
Metal coating	Metal products are powder-coated or enameled		x	x	x	500 feet
Metal coating - industrial spray painting	Site of which spray-painting is conducted inside a spray booth		x	x	x	500 feet
Metal coating - industrial spray painting	Work is conducted in the open (no spray booth)		x	x	x	½ mile
Metal fabrication	Sheet metal, structural metal and iron and steel products - up to 50,000 tons per year		x	x		1,500 feet
Metal finishing	Galvanizing	x	x	x	x	1,500 feet
Metals - Foundries (metal melting or casting)	Ferrous metals (alloys)		x	x	x	1,500 feet
Metals - Iron ore smelting	Production of iron from iron ore	x	x	x	x	½ mile
Metal smelting, refining, fusing, roasting, recycling scrap metal, or processing works	Where metal, metal ores, concentrates or wastes are treated to produce metal (other than iron & aluminum); scrap metal is fragmented or	x	x	x	x	650 feet up to 100 tons per year; 1,650 feet between 100 & 1,000 tons per year; ½ mile greater than 1,000 tons per

	melted to recover metal (including lead battery reprocessing)					year
Paints and Inks	Blending and mixing	x	x		x	500 feet for water based; 1,000 for solvent based
Paints and Inks	Manufacturing	x	x		x	1,500 for water based, ½ mile for solvent based
Pesticides Manufacturing	Herbicide, insecticide or pesticide manufacture by a chemical process	x	x	x	x	½ mile
Pharmaceuticals	Production including veterinary products		x		x	½ mile
Plaster manufacturing	Plaster, plasterboard, gyprock or other products comprised wholly or mostly of gypsum are made		x	x		600 feet
Pulp, paper or paperboard manufacturing	Manufacture of paper pulp, wood pulp, kraft paper, kraft paperboard, cardboard paper or paperboard	x	x	x	x	½ mile
Straw pulp and	Processing cereal straw and mixing	x	x		x	½ mile

paper mill	with waste paper to produce container board					
Recycling - chemicals or oil (includes bio- and petro- based oil)	Waste liquid hydrocarbons or chemicals are refined, purified, reformed, separated or processed	x			x	½ mile
Recycling - scrap metal	See "Metal smelting"					
Recycling - Used tire storage and recycling	Premises on which used tires are crumbled, granulated or shredded	x	x	x		½ mile
Rendering works	Animal matter is processed or extracted for use as fertilizer, stock food or other purposes		x		x	½ mile
Resins, manufacturing	Polyester resins manufacture	x	x	x	x	½ mile
Resins manufacturing	Rubber & synthetic resins manufacture	x	x	x	x	½ mile
Rubber products manufacturing	Using either organic solvents or carbon black	x	x	x	x	1,500 feet
Slaughter House	Killing of animals for human		x	x	x	½ mile

	consumption					
Tannery	Treatment and drying of animal skins, leather and artificial leather - using sulphide process	x	x		x	½ mile
Tannery	Treatment and drying of animal skins, leather and artificial leather - small premises, non-sulphide		x		x	1,000 feet
Textile production - artificial & synthetic fiber manufacturing or treatment	Cellulose nitrate, viscose fiber, cellophane, artificial rubber or other man-made textiles manufacture	x	x	x		1,500 feet
Textile production - carpet making & other forms of manufacturing, milling or production of natural fibers	Manufacture, bleaching, dyeing or finishing of cotton, linen, woolen yarns & other natural textiles		x		x	1,000 feet
Textile operations - chemical or physical processes	Using carbon disulphide (CS ₂) as a solvent	x	x		x	½ mile
Textile operations - chemical or physical processes	Using other substances		x		x	1,500 feet

Timber preserving premises	Timber preservation by chemical means, including chromated copper arsenate (CCA)		x	x	x	1,500 feet
Used tire storage	Premises on which used tires are stored, no retail operation			x		½ mile
Truck Terminal	Buses, trucks and other heavy vehicles depot	x	x	x		600 feet
Wood-board manufacturing (including MDF plants)	Premises on which particleboard or chipboard is fabricated or manufactured		x	x	x	½ mile

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2421 _____

2422 4.19—4.22 - Open.

2423 4.23 - Tree preservation ordinance and administrative guidelines.

2424 Standards for tree preservation are as set forth by the South Fulton Tree
 2425 Preservation Ordinance and Administrative Guidelines.

2426 *4.23.1 Minimum landscape strips and buffers.*

2427 A. Landscape strips shall be provided along all lot lines, as specified in Table
 2428 4.23.1, except when zoning buffers are required.

2429 B. Zoning buffers shall be provided along all lot lines, as specified in Table 4.23.1.
 2430 adjacent to properties zoned AG-1, R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5,
 2431 R-5A, R-6, TR, A, A-L, NUP, CUP and MIX with residential components, and
 2432 adjacent to all single family residential uses in all zoning districts. (See
 2433 Illustration 4.23.1.)

2434 C. TR, A and A-L zoned districts shall provide landscape areas adjacent to TR, A,
 2435 and A-L zoned districts, as specified in Table 4.23.1, unless adjacent properties
 2436 are developed with single-family residential uses. If adjacent properties are
 2437 developed with single-family residential uses, zoning buffers are required as
 2438 specified in Table 4.23.1. (See Illustration 4.23.1)

2439 D. Zoning buffers shall be undisturbed except for approved access and utility
 2440 crossings and replantings as required by the South Fulton Arborist.

2441 E. An additional setback of ten feet for all improvements shall be interior to all
 2442 zoning buffers as specified in Table 4.23.1. No reduction of the ten-foot
 2443 improvement setback is allowed nor shall any grading or land disturbance or
 2444 tree clearing be allowed within this improvement setback unless permission is
 2445 obtained from the Director of Community Development through an
 2446 Administrative Variance pursuant to section 22.4. Said approval shall include a
 2447 site visit report and recommendation by the South Fulton Arborist.

2448 F. Fences and/or walls shall be located interior to any required buffers and/or
 2449 improvement setbacks except that when zoning buffers are required between
 2450 properties zoned for single family residences or developed with single family
 2451 residences, fences may be constructed along side and rear lot lines.

2452 Unless otherwise specified, lots developed with single-family detached dwelling
 2453 units are not required to provide landscape areas or zoning buffers.

2454 When minimum landscape areas or zoning buffers for uses in existing structures do
 2455 not meet the requirements herein, conditions of zoning shall apply.

2456 Whenever deemed necessary to protect adjoining or nearby properties or to
 2457 otherwise promote the public health, safety or welfare, the City Council may specify
 2458 conditions which require increased landscape strips and/or buffers, setbacks, berms, or
 2459 other treatments to protect surrounding and nearby properties.

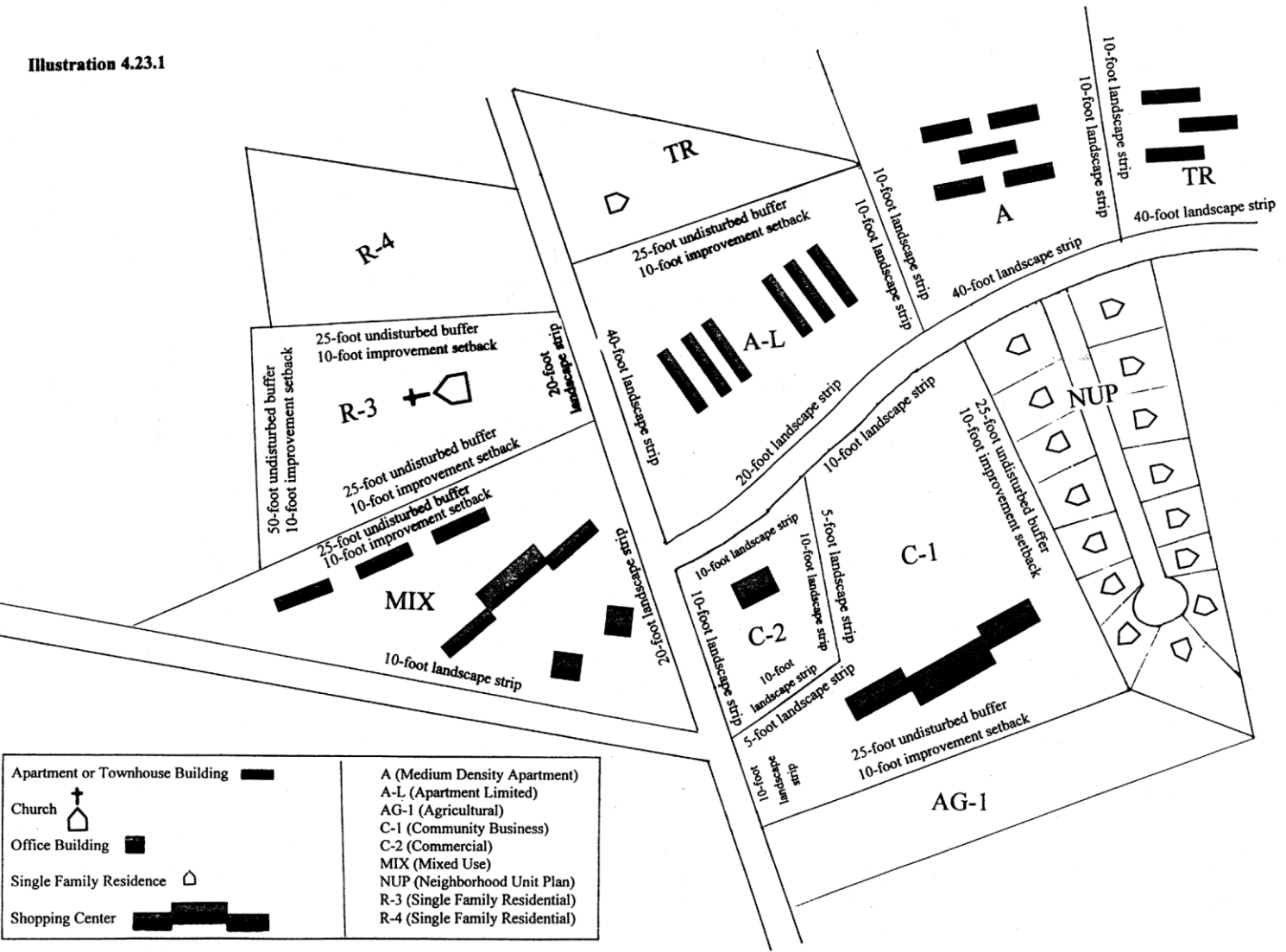
2460 TABLE 4.23.1

District	Landscape Areas (feet)				Buffers (feet)			Improvement Setbacks (feet)
	Front	Side Corner	Rear	Interior	Side	Rear	All Road Frontages	
AG-1*	40	20	10	10	25	50		10
R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R- 5A, R-6, NUP,	40	20	10	10	25	50		10

CUP*								
TR	40	30	10	10	25	40		10
A	40	40	10	10	25	50		10
A-L	40	20	10	10	25	50		10
MHP	Landscaping Plan Required for Entire Development				50	50	100	10
MIX	20	10	10	5/10**	25	50		10
O-I	20	10	10	10	25	50		10
C-1	10	10	5/10**	5/10**	25	50		10
C-2	10	10	5/10**	5/10**	35	75		10
M-1A	10	10	0/5**	0/5**	50	100		10
M-1	10	10	0/5**	0/5**	50	100		10
M-2	10	10	0/5**	0/5**	50	100		10

2461 *Nonresidential uses only.

2462 **The second number applies when a lot line adjoins a less intense non-residential
2463 (except AG-1) district.



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 2466

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Minimum Landscape Strips and Buffers

2469 4.23.2. *Parking lot landscaping.* At-grade, non-single-family parking lots shall
2470 provide landscape islands with a minimum of 200 square feet of contiguous soil space.
2471 These islands shall be located at both ends of a parking bay, and also after every five
2472 parking spaces. A parking bay is a module consisting of one row of parking spaces and
2473 the aisle from which motor vehicles enter and leave the spaces. Such landscape islands
2474 shall include minimum two-inch caliper shade trees from South Fulton's list of
2475 recommended shade trees for parking lots. No parking space shall be more than 40 feet
2476 from a tree. Refer to the South Fulton Tree Preservation Ordinance, Appendix J.
2477 Landscaping in these islands should preserve and maintain adequate sight lines from
2478 the minor lane to the major lane. Alternate methods of landscaping parking lots may be
2479 approved whenever the Director of Environment and Community Development or
2480 his/her designee determines that the alternate method equals or exceeds this standard.

2481 4.24 - Floodplain management.

2482 4.24.1 *Purpose.* It is the purpose of this section to minimize public and private
2483 losses due to flood conditions in specific areas by provisions designed to promote the
2484 public health, safety and general welfare and to:

- 2485 A. Restrict or prohibit uses which are dangerous to health, safety and property
2486 due to water or erosion hazards, or which result in damaging increases in
2487 erosion or in flood heights or velocities;
- 2488 B. Require that uses vulnerable to floods, including facilities which serve such
2489 uses, be protected against flood damage at the time of initial construction;
- 2490 C. Control the alteration of natural floodplains, stream channels, and natural
2491 protective barriers which are involved in the accommodation of flood waters;
- 2492 D. Control filling, grading, dredging and other development which may increase
2493 erosion or flood damage;
- 2494 E. Prevent or regulate the construction of flood barriers which will unnaturally
2495 divert flood waters or which may increase flood hazards to other lands; and
- 2496 F. Adopt and comply with the requirements of the Flood Disaster Protection Act of
2497 1973 (Pub. L. 93-234, December 31, 1979) and section 60.2 (h), 60.3 (d) and
2498 65.5 of the National Flood Insurance Program (24 CFR 1909, etc.) thereby
2499 assuring that South Fulton and its citizens shall continue to participate in the
2500 benefits of the program and not be subject to the prohibitions contained in
2501 section 202 (a) of the 1973 act as amended.

2502 4.24.2 *Objectives.* The objectives of this section are:

- 2503 A. To protect human life and health;
- 2504 B. To minimize expenditure of public money for costly flood control projects;
- 2505 C. To minimize the need for rescue and relief efforts associated with flooding,
2506 generally undertaken at the expense of the general public;

- 2507 D. To minimize prolonged business interruptions;
- 2508 E. To minimize damage to public facilities and utilities such as water and gas
- 2509 mains, electric, telephone and sewer lines, street and bridges located in
- 2510 floodplains;
- 2511 F. To help maintain a stable tax base by providing for the sound use and
- 2512 development of flood prone areas in such a manner as to minimize flood blight
- 2513 areas; and
- 2514 G. To ensure that potential home buyers are notified that property is in a flood
- 2515 area.

2516 *4.24.3 Jurisdiction.* This section shall apply to all the unincorporated areas of South
 2517 Fulton which contain special flood hazard or flood prone areas.

2518 *4.24.4 Flood areas established.*

2519 A. Special flood hazard area shall be designated on the "floodway boundary and
 2520 floodway maps" (FBFM), the "flood insurance rate maps" (FIRM), and the "flood
 2521 insurance study" (FIS) prepared and revised by the Federal Emergency
 2522 Management Agency (FEMA) effective June 22, 1998. As defined by FEMA,
 2523 special flood hazard areas (SFHA) are classified as numbered or unnumbered
 2524 zones A, AE, (formerly A1-A30), AO, and AH which are available for review on
 2525 maps in the Department of Community Development or the Department of
 2526 Public Works. The accompanying maps and other supporting data and any
 2527 revision are hereby adopted by reference, declared to be a part of this
 2528 resolution, and shall have the same force and effect as if fully set forth in this
 2529 resolution. SFHA shall be identified as follows:

- 2530 1. *Fifty lots or five acres space or more.* When FEMA has not produced water
 2531 surface elevations data and the proposed development is more than 50 lots
 2532 or five acres, whichever is the lesser, base flood elevation data determined
 2533 in studies by the U.S. Corps of Engineers or other reputable reports based
 2534 on competent engineering studies prepared by a current state-registered
 2535 professional engineer and accepted by the department of public works shall
 2536 be adopted by reference and declared to be a part of this section.
- 2537 2. *Fewer than 50 lots or five acres.* When FEMA has not produced water
 2538 surface elevation data and the proposed development is not fewer than 50
 2539 lots or five acres, whichever is the lesser, then the base flood elevation data
 2540 may be determined by the best information available.

2541 B. Regulatory floodway area shall be designated on the "flood boundary and
 2542 floodway map" and the "flood insurance study" as revised by FEMA from time to
 2543 time. It is the channel of a river or other watercourse and the adjacent land
 2544 areas that must be reserved in order to discharge the base flood without
 2545 cumulatively increasing the water surface elevation more than one foot.

2546 C. Flood prone area shall be designated on the "flood insurance rate map." Flood
 2547 prone areas shall be those areas classified as areas of moderate and minimal
 2548 flood hazards, shown thereon as "Zone X" (formerly Zone B).

2549 *4.24.5 Use regulations.* (Amended 04/05/06) Notwithstanding the uses permitted by
2550 the zoning district applying to the property, the following shall be prohibited in the
2551 Special Flood Hazard Area (100 year IRF): buildings and structures; filling; and
2552 compensatory flood storage for placement of either fill or for construction of a structure
2553 in the floodplain with exception to exempted uses as specified in Section 4.24.5.A. 1-8:

2554 Floodplain designation shall be based on data generated by FEMA, South Fulton
2555 flood studies, or data from engineering flood studies prepared by a state-registered
2556 professional engineer and accepted by South Fulton (whichever is most representative
2557 of the current floodplain). Flood studies shall be approved contingent upon acceptance
2558 by FEMA.

2559 Construction (which is consistent with the exemption provisions of this resolution)
2560 shall be allowed within floodways only if it is directed towards improving the capacity or
2561 flow characteristics of the flood waters or crossing, relocating or altering the floodway
2562 channel itself. All such construction must be in conformance with the provisions of the
2563 South Fulton Zoning Resolution and the national Flood Insurance Program.

2564 A. Special Flood Hazard-Flood Prone Permitted Uses. The following uses are
2565 permitted in Special Flood Hazard and Flood Prone Areas.

2566 1. Agricultural, including forestry and livestock raising, requiring no structure.
2567 Agriculture and forestry access roads are permitted provided they are
2568 constructed in conformance with the development standards of the
2569 regulations.

2570 2. Dams, provided that they are constructed in accordance with the
2571 requirement of this section, the Department of Public Works, the U.S.D.A.
2572 Soil and Conservation Service and when applicable, meet the specifications
2573 of The U.S. Army Corps of Engineers and/or the Georgia Department of
2574 Natural Resources.

2575 3. Fences having sufficient open area to permit the free flow of water and/or
2576 debris.

2577 4. Identification, regulatory and warning signs.

2578 5. Public and private parks and recreational areas including boat ramps and
2579 docks and other functionally dependent uses not including any temporary or
2580 permanent buildings, provided; such use is approved by the Department of
2581 Community Development, if applicable, the U.S. Army Corps of Engineers.

2582 6. Parking.

2583 7. Utility lines, pipelines, sewers, roads and stream crossings (if no other
2584 means of access is available), and similar facilities, provided they are
2585 constructed in such a manner as to permit the free flow of flood waters.

2586 *4.24.6 Permit required.* A land disturbance permit or grading permit shall be
2587 required prior to the commencement of any improvement, including grading and filling,
2588 within the special flood hazard or flood prone areas.

2589 A. *Activities on lots within existing development.* In developments that require
2590 only a building permit on a developed lot, portions of which are subject to
2591 flooding, the Director of Community Development shall review the application
2592 and issue the permit as part of the building permit. The flood elevation study as
2593 required by paragraph 4(a)(1) above may be waived by the Department of
2594 Public Works provided:

2595 1. A licensed surveyor submits base flood elevation data based on the best
2596 information available.

2597 2. That the base flood elevation data is to be used only to establish the lowest
2598 floor elevation of a structure.

2599 B. *Activities requiring land disturbance permit.* In developments that require a
2600 land disturbance permit as provided in the City's Erosion and Sedimentation
2601 Ordinance, the Department of Community Development shall review the
2602 application and issue the permit as part of the land disturbance permit.

2603 C. *Other activities.* In all other developments that involve change, modification, or
2604 alteration to a flood area, except such activities as plowing, tilling, seeding,
2605 planting, or any other agricultural or landscaping pursuit which does not result in
2606 change to the cross sectional area of the floodplain nor a significant or
2607 hazardous change in the flow characteristics, the developer shall be required to
2608 obtain the applicable permit prior to the commencement of any construction
2609 within the floodplain.

2610 **4.24.7 Permit procedure.**

2611 A. *Application.* Application for a permit shall be made to the Department of
2612 Community Development as indicated under permit required above. If the
2613 proposed development requires a land disturbance permit or is of such a nature
2614 as to require review and approval by the Department of Community
2615 Development, or any other appropriate agencies, the applicant shall be so
2616 advised. Such review may require additional data and/or plans to be furnished
2617 by the applicant to assure compliance with all applicable regulations.

2618 B. *Certification.* The Director of Community Development shall inform an
2619 applicant of the requirements that "as-built" lowest floor elevation certificates be
2620 obtained prior to approval of a certificate of occupancy for any structure built in
2621 or immediately adjacent to a special flood hazard area. Certificates of elevation:

2622 1. Shall be prepared by a professional engineer or surveyor licensed by the
2623 State of Georgia.

2624 2. Shall be maintained in a file in the offices of the Department of Community
2625 Development and the Department of Public Works.

2626 **4.24.8 Plans and studies required.** Wherever it is necessary to determine that the
2627 proposed use conforms to the requirements of this section, the Department of
2628 Community Development shall require the applicant to furnish complete and sufficient
2629 plans, specifications, hydrological and engineering studies or data. Depending on the
2630 size or nature of the proposed use, any or all of the following may be required:

- 2631 A. Grading, replanting and drainage plans;
- 2632 B. Proposed temporary and permanent drainage and sedimentation control
2633 structures and facilities;
- 2634 C. Complete hydrologic and hydraulic analysis, prepared by a professional
2635 engineer registered in the State of Georgia, establishing the 100-year base
2636 flood elevations and horizontal flood plain limits.
- 2637 D. A determination of the channel cross-section area required to carry the
2638 affected stream during the base flood;
- 2639 E. Complete hydrologic studies to evaluate the total effects a development under
2640 review may have upon affected drainage facilities and systems;
- 2641 F. The Department of Community Development may require the applicant to
2642 furnish a written agreement to limit use and development in accord with the
2643 approved plan and specifications.

2644 *4.24.9 General development provisions and standards.*

- 2645 A. *Relocation and realignment.* Within a special flood hazard or flood prone area
2646 any relocation or realignment of river and stream channels shall be prohibited if
2647 it would reduce the floodway capacity with respect to the base flood elevation,
2648 or significantly alter water flow characteristics so as to create a hazard.
- 2649 B. *Nonconforming uses.* Except as restricted or exempted below, existing
2650 nonconforming uses within a special flood hazard or flood prone area may be
2651 maintained or repaired; modified, altered or repaired to incorporate
2652 floodproofing measures; improved to comply with existing state or local health,
2653 sanitary or safety code specifications which are solely necessary to assure safe
2654 living conditions.
 - 2655 1. *Restrictions.*
 - 2656 a. The cost of such improvement shall not equal or exceed 50 percent of
2657 the market value of the structure either, (i) before the improvement is
2658 started or (ii) if the structure has been damaged, and is being restored,
2659 before the damage occurred.
 - 2660 b. Such nonconforming use shall not be expanded.
 - 2661 2. *Exemption.* Any alteration of a structure listed on the National Register of
2662 Historic Places or a state inventory of historic places.
- 2663 C. *Structures elevated above flood hazard or flood prone areas.* No new structure
2664 shall be approved or constructed so as to extend over a special flood hazard or
2665 flood prone area, whether it be a cantilever design or supported by structural
2666 elements located within the floodplain.
- 2667 D. *Structures adjacent to flood hazard or flood prone areas.* For any proposed
2668 new structure adjacent to a special flood hazard or flood prone area the ground
2669 surface shall be at least three feet above the base flood elevation. Further,
2670 when a filled building site is required, the ground surface at the face of the wall

- 2671 shall be at least ten feet distant from the base floodplain. See paragraph 65.5 of
2672 the National Flood Insurance Program as amended.
- 2673 E. *The lowest minimum floor elevation.* The lowest floor elevation, as described in
2674 FEMA's elevation certificate on page 5 and 6, shall be at least three feet above
2675 the base flood elevation and meet the requirements of 4.24.9.G.
- 2676 F. *Removing flood hazard or flood prone areas.* Lands may be removed from a
2677 special flood hazard area or flood prone area by raising the elevation of such
2678 land above the base flood elevation, provided the raising of such land is
2679 accomplished in accordance with the requirements of this resolution. Refer to
2680 FEMA National Flood Insurance Program Regulation 44 CFR 65 for procedures
2681 to amend the FIRM, FHBM, or FIS. The developer/property owner shall prepare
2682 all plans and engineering studies and pay any fees necessary to obtain a letter
2683 of map revision for their development.
- 2684 G. *Residential lots.* In districts which permit residential use, development is
2685 prohibited in special flood hazard areas. South Fulton may allow such
2686 development provided:
- 2687 1. Not less than 70 percent of the buildable land area lies above the base
2688 flood elevation, a minimum of one foot, and/or
- 2689 2. Not less than 50 percent of the minimum lot area, as established by the
2690 applicable zoning district, shall be above the base flood elevation.
- 2691 H. *Utilities.* The location, design, elevation, and construction of all public utilities
2692 and facilities, such as sewer, gas, electrical, on-site waste disposal systems,
2693 water systems and streets shall be in such a manner as to minimize or
2694 eliminate damage by flooding.
- 2695 I. *Drainage structures.* All drainage structures and facilities located within special
2696 flood hazard or flood prone areas shall be constructed in accordance with South
2697 Fulton Standards and Specifications. They shall be maintained by the owner in
2698 a sanitary, fully functional and operable state so that the flood carrying capacity
2699 of the watercourse is preserved.
- 2700 J. *Erosion and sediment control.* Provision shall be made for the adequate control
2701 of erosion and sedimentation.
- 2702 K. *Riverine considerations.* South Fulton shall notify, in riverine situations,
2703 adjacent communities and the Georgia State Coordinating Office prior to any
2704 alteration or relocation of a watercourse.
- 2705 L. *Watercourse alteration or relocation.* South Fulton, prior to approval of a permit
2706 to alter or relocate a portion of any watercourse shall require an agreement
2707 indemnifying South Fulton from all liability arising from the construction
2708 pursuant to said permit and providing for the continued maintenance to assure
2709 the flood carrying capacity within the altered or relocated water course.
- 2710 *4.24.10 Development within flood prone areas.*

- 2711 A. *Development limitations.* Within flood prone areas, no construction including
2712 grading and filling shall be allowed that would:
- 2713 1. *Raise the base flood elevation beyond the boundaries of the ownership of*
2714 *the property being developed.* Submittal of this certification and the
2715 supporting studies by a professional engineer are required.
- 2716 2. *Reduce the flood storage capacity.* Fill placed within the floodplain must be
2717 compensated. All cut areas must drain by gravity to the main watercourse.
2718 Certification by a professional engineer and an "as-built" topographical map
2719 superimposed on the original topography are required.
- 2720 3. *Impede the movement of flood waters.* Applies to any obstruction placed
2721 within the floodplain, i.e., fill, but in particular, roads, driveways, bridges and
2722 culverts. All such encroachments shall be designed and submitted by a
2723 professional engineer and shall provide:
- 2724 a. That there shall be no reduction in the flood carrying capacity of the
2725 watercourse.
- 2726 b. A certification together with supportive data.
- 2727 c. Sufficient opening provided for the passage of the flood waters so as to
2728 prevent or greatly reduce the hazard of debris or trash blocking the
2729 flood's flow.
- 2730 4. *Changes the flow characteristics of the flood waters as they pass the*
2731 *boundaries of the developed property.* Requires certification by a
2732 professional engineer along with all supportive studies.
- 2733 5. *Create hazardous or erosion producing velocities.* Requires certification by
2734 a professional engineer along with supportive studies.
- 2735 B. *Stormwater management structures.* Detention ponds, lakes and similar
2736 impoundment structures may be constructed within a flood prone area provided
2737 they do not violate the restrictions enumerated under paragraph 10(a) above.
2738 Provided further that any such detention pond, lake or similar impoundment
2739 structure shall provide adequate discharge control and sufficient storage
2740 capacity to assure that the rate of runoff calculated for the proposed
2741 development including that drainage increased or diverted by reason of the
2742 development shall not exceed that calculated for the property in its natural state
2743 in the event of the 100-year storm.
- 2744 C. *Studies and plans required.* A hydrologic analysis shall be required to be
2745 submitted to the Department of Community Development with each application
2746 for a land disturbance permit for property containing a flood prone area. Any or
2747 all of the other plans or studies referred to in paragraph 4.24.8 above may be
2748 required. Such studies shall take cognizance of existing conditions which affect
2749 the flow of water on adjacent properties and also such future conditions as can
2750 reasonably be expected to occur in the drainage basin. Such reports shall meet
2751 the requirements of the Department of Community Development.

2752 D. *Revision criteria.* Each application for a land disturbance permit for property
2753 containing a flood prone area shall also submit therewith documented results of
2754 hydrology and hydraulic analysis prepared by a registered professional
2755 engineer demonstrating that any area defined on the FIRM or FBFM as
2756 moderate or minimal flood hazard (Zone X) is not actually a SHFA. Such results
2757 and analysis shall demonstrate that none of the following criteria is met in any
2758 flood prone area(s) on the site:

2759 (1) The flood prone area(s) is subject to a one percent (1%) annual chance of
2760 flooding with average channel depths greater than one foot or;

2761 (2) The flood prone area(s) has a contributing drainage area greater than one
2762 square mile or;

2763 (3) The flood prone area(s) has hazardous velocities in the channel and/or
2764 overbank areas greater than 3.5 feet per second. (The City may accept
2765 velocities of up to 5 feet per second depending upon the results of a soil
2766 study by the engineer).

2767 In the event that any of the above criteria is met, the applicant shall submit to
2768 the Department of Community Development the relevant data for a Letter of
2769 Map Revision and the appropriate fees required by FEMA. The South Fulton
2770 Department of Public Works shall then submit the relevant data, letter of map
2771 revision and accompanying fees to FEMA for a determination of whether a map
2772 revision is warranted. In the event of such a map revision reclassifying an area
2773 as an SHFA, development within the affected area(s) shall comply with section
2774 4.24.12 of this article.

2775 *4.24.11 Development with unstudied special flood hazard areas.* Development and
2776 revisions criteria in the unstudied special hazard areas shall be the same as in the flood
2777 prone areas, subsection 4.24.10.

2778 *4.24.12 Development within studied special flood hazard areas.*

2779 A. *Development limitations.* No construction shall be allowed within the studied
2780 special flood hazard areas that would:

2781 1. *Raise the base flood elevation.* Submittal of this certification and the
2782 supporting studies by a professional engineer are required.

2783 2. *Reduce the flood storage capacity.* Fill placed within the floodplain must be
2784 compensated. All cut areas must drain by gravity to the main watercourse.
2785 Certification by a professional engineer and an "as-built" topography map
2786 superimposed on the original topography are required.

2787 3. *Impede the movement of flood waters.* Applies to any obstruction placed
2788 within the floodplain but in particular, roads, bridges, driveways and
2789 culverts. All such encroachments shall be designed by a professional
2790 engineer and shall provide:

2791 a. That there shall be no reduction in the flood carrying capacity of the
2792 watercourse.

- 2793 b. A certification together with supportive data.
- 2794 c. Sufficient opening provided for the passage of the flood waters so as to
2795 prevent or greatly reduce the hazard of debris or trash blocking the flow
2796 of the flood.
- 2797 4. *Change the flow characteristics of the flood waters.* Requires certification
2798 by a professional engineer along with all supportive studies.
- 2799 5. *Create hazardous or erosion producing velocities.* Requires certification by
2800 a professional engineer along with supportive studies.
- 2801 B. *Increase base flood elevation.* The department of public works may from time
2802 to time, request a review and determination from the floodplain management
2803 administrator to permit an increase in the base flood elevation. Such increased
2804 elevation shall not exceed that depth shown in the Flood Insurance Study,
2805 Table 2, Base Flood Water Surface Elevation with Floodway Column.
- 2806 1. This increase may be granted when:
- 2807 a. The development is a proposed public road, bridge and/or culvert,
2808 public utility poles, towers, pipelines, sewers and similar facilities.
- 2809 b. The development is a private lot, bridge/culvert, private utility poles,
2810 towers, pipelines, sewers or other similar facilities.
- 2811 2. A professional engineer must submit a certification along with supportive
2812 documentation that the increase does not extend beyond the boundaries of
2813 the property upon which the improvement is proposed and shall not cause
2814 any appreciable expansion of flooding, siltation, erosion or inundation
2815 hazards.
- 2816 3. A developer shall apply to the Floodplain Management Administrator of
2817 South Fulton for review and approval of an application for a letter of map
2818 revision to FEMA.
- 2819 4. The floodplain management administrator may apply for a conditional
2820 FIRM revision to FEMA prior to permitting encroachment into a special flood
2821 hazard area. Refer to the National Flood Insurance Program Regulations 44
2822 CFR, Part 65.12 for FEMA requirements.

2823 **4.24.13 Floodway alteration.**

- 2824 A. *Construction within regulatory floodway.* When construction is proposed within
2825 the regulatory floodway such as flood control projects, stream channelization,
2826 stream relocation, construction of new dams, reservoirs, artificial canals, private
2827 levees or flood protection systems which would result in a change in the base
2828 flood elevations as shown on the flood insurance rate maps (FIRM), the
2829 following shall be required:
- 2830 1. Complete plans, data, studies and documentation for the proposed
2831 construction shall be submitted to the Department of Public Works.

2832 2. If the Department of Public Works determines that the project is feasible
2833 and acceptable, then the department shall submit the project to FEMA in
2834 compliance with the provisions of the National Flood Insurance Program,
2835 paragraph 65.5 as amended from time to time.

2836 *Note:* South Fulton may require a fee for review of such proposals.

2837 **4.24.14 Mobile homes.** All mobile homes located within the 100-year floodplain
2838 must adhere to all applicable regulations stated elsewhere in this resolution as well as
2839 the following:

2840 A. *Anchoring.* All mobile homes should be anchored to resist flotation, collapse or
2841 lateral movement, by providing over-the-top and frame ties to ground anchors.
2842 Specific requirements shall be that:

2843 1. Over-the-top ties be provided at each of the four corners of the mobile
2844 home, with two additional ties per side at intermediate locations. Mobile
2845 homes which are less than 50 feet long must have one additional tie per
2846 side;

2847 2. Frame ties be provided at each corner of the home with five additional ties
2848 per side at intermediate points. Mobile homes which are less than 50 feet
2849 long require four additional ties per side;

2850 3. All components of the anchoring system must be capable of carrying a
2851 force of 4,800 pounds; and

2852 4. Any additions to the mobile home must be similarly anchored.

2853 B. *General requirements.* All mobile homes are required to have:

2854 1. Lots that are elevated on compacted fill in accordance with paragraph
2855 4.24.9(D).

2856 2. Adequate surface drainage and access for a hauler.

2857 **4.24.15 Subdivision plats.** Hereinafter, proposed preliminary and final subdivision
2858 plats for property located contiguous to or within flood prone or special flood hazard
2859 areas shall not be approved except in accordance with the following requirements:

2860 A. Each plat shall contain a notation clearly stating the water surface elevation of
2861 the base flood in relation to mean sea level as approved and accepted by the
2862 Department of Public Works. Any lands below this elevation shall be designated
2863 on the plat by a heavy line, depicting the base flood elevation at that point.

2864 B. No lot shall be approved which has less than the minimum lot area as
2865 established by the applicable zoning district regulations and 4.24.9.G above the
2866 base flood elevation.

2867 C. Preliminary and final subdivision plats that were approved prior to the
2868 enactment of this section are exempt from the requirements of 4.24.9.D and
2869 4.24.15.B above, and building permits shall be issued accordingly.

2870 D. No final subdivision plat shall be approved by the City where development has
2871 altered the special flood hazard area unless the City has first received a letter of

2872 map amendment, letter of map revision or notice of conditional FIRM revision
2873 from FEMA as stipulated in the National Flood Insurance Program Regulations
2874 44 CFR 65.

2875 *4.24.16 Abrogation and greater restrictions.* This section is not intended to repeal,
2876 abrogate, or impair any existing easements, covenants, or deed restrictions. Where this
2877 section and another section of this resolution conflict or overlap, however, whichever
2878 imposes the more stringent restrictions shall prevail.

2879 *4.24.17 Interpretation.* In the interpretation and application of this section, all
2880 provisions shall be:

- 2881 A. Considered as minimum requirements;
- 2882 B. Liberally construed in favor of the governing body;
- 2883 C. Deemed neither to limit nor repeal any other powers granted under state
2884 statutes.

2885 *4.24.18 Warning and disclaimer of liability.* The degree of flood protection required
2886 by this section is considered reasonable for regulatory purposes and is based on
2887 scientific and engineering considerations. Larger floods can and will occur on rare
2888 occasions.

2889 Flood heights may be increased by manmade or natural causes. This section shall
2890 not create liability on the part of South Fulton or by any official or employee thereof for
2891 any flood damages that result from reliance on this ordinance or any administrative
2892 decision lawfully made thereunder.

2893 *4.24.19 Compliance.* No structure or land shall hereafter be located, extended,
2894 converted, or structurally altered without full compliance with the terms of this section
2895 and other applicable regulations.

~~2896~~ 4.25 - Property number/street address.

2898 Property numbers issued by the South Fulton Department of Community
2899 Development shall be posted so as to be clearly visible from the street for which the
2900 property number was assigned.

~~2901~~ 4.26. - Inclusionary housing zoning.

2903 *4.26.1. Purpose and Intent.* This section of the South Fulton Zoning Resolution is
2904 intended to provide that residential projects in South Fulton contain a defined
2905 percentage of housing affordable to very low, low, and moderate income households; to
2906 provide for a program of incentives and local public subsidy to assist in this effort; and to
2907 implement the mixed income and housing policies of the Housing and Implementation
2908 Elements of South Fulton's Comprehensive Plan. Participation in the Inclusionary
2909 Housing Zoning Program shall be voluntary for a twenty-four month period after which it
2910 will sunset until the City Council can assess the effectiveness of the program and
2911 determine the conditions for its future implementation.

2912 The resolution seeks to:

- 2913 (a) Provide for a full range of housing choices, conveniently located in a suitable
2914 living environment, for all incomes, ages and family sizes;
- 2915 (b) Provide housing to meet the existing and anticipated future needs of very low,
2916 low and moderate-income households;
- 2917 (c) Assure that affordable housing units are dispersed throughout the City by
2918 providing such units in all residential developments, except as otherwise may
2919 be provided for in this Article;
- 2920 (d) Encourage the construction of affordable housing by allowing increases in
2921 density to offset land and development costs;
- 2922 (e) Ensure that developers incur no loss or penalty and have reasonable
2923 prospects of realizing a profit on affordable housing units by virtue of the density
2924 bonus and other incentive provisions herein.

2925 **4.26.2. Definitions.**

2926 *Affordable.* Rented at an Affordable Rent or sold at an Affordable Housing
2927 Price.

2928 *Affordable Housing Price.* A sales price, at which Low, Very Low, or Moderate
2929 Income Households, as provided in this Section, can qualify for the purchase of for-
2930 sale Inclusionary Units, based on designated income standards. For purposes of
2931 this calculation, housing expenses shall include mortgage principal and interest,
2932 taxes, insurance, and assessments.

2933 *Affordable Rent.* (1) for a unit whose occupancy is restricted to a Low Income
2934 Household that the monthly rent consists of a maximum of one-twelfth of thirty
2935 percent (30%) of eighty percent (80%) of the median income applicable to South
2936 Fulton; and (2) for a unit whose occupancy is restricted to a Very Low Income
2937 Household that the monthly rent consists of a maximum of one-twelfth of thirty
2938 percent (30%) of fifty percent (50%) of the median income applicable to South
2939 Fulton. In each case, the median income applicable to South Fulton is as
2940 determined annually by the United States Department of Housing and Urban
2941 Development, adjusted for household size, less a reasonable allowance for utilities
2942 and in compliance with the Low Income Housing Tax Credit Program administered
2943 by the Georgia Department of Community Affairs.

2944 *Affordable Rental Agreement.* Legal restrictions by which the rents for rental
2945 Inclusionary Units will be controlled to ensure that rents remain Affordable for a
2946 period of thirty (30) years or longer.

2947 *Bond Financed Projects.* Affordable housing developments financed with tax-
2948 exempt bonds and therefore eligible for 4% federal credits.

2949 *Density Bonus.* A minimum density increase of at least twenty percent (20%)
2950 over the otherwise maximum residential density as permitted by the South Fulton
2951 Zoning Ordinance and the Comprehensive Land Use Plan at the time of application.

2952 *Developer.* Any person, firm, partnership, association, joint venture, corporation,
2953 or any entity or combination of entities which seeks South Fulton's approvals for all
2954 or part of a Development Project. Developer includes Owner.

2955 *Development Agreement.* An agreement entered into between South Fulton
2956 and a Developer.

2957 *Development Project.* Any real-estate development project that includes Market
2958 Rate Units and is required to provide an Inclusionary Housing Component pursuant
2959 to the provisions of this Section. Projects at One Location undertaken in phases,
2960 stages or otherwise developed in distinct sections shall be considered a single
2961 Development Project for purposes of this Section.

2962 *Dwelling Unit.* A residential unit within a Development Project.

2963 *External Subsidy.* Any source of funds that is not Local Public Funding,
2964 including Federal or state grants, loans, bond funds, tax credits or other tax-based
2965 subsidy.

2966 *First-time Home buyer.* An individual purchaser or spouse who has not owned a
2967 home during the past three years, or that the purchaser meets at least one of the
2968 following criteria:

2969 A. The purchaser is a displaced homemaker, defined as a person who has
2970 not worked full-time for a number of years, worked primarily without
2971 remuneration to care for the home and family, is unemployed or
2972 underemployed, is experiencing difficulty in obtaining or upgrading
2973 employment, and, while a homemaker, owned a home with a previous
2974 spouse;

2975 B. The purchaser is single (unmarried or legally separated), has one or more
2976 minor children of whom purchaser has custody, and, while previously
2977 married, owned a home with a previous spouse; or

2978 C. The purchaser owns or owned as a principal residence during the past
2979 three years, a dwelling unit which structure is not permanently affixed to a
2980 permanent foundation in accordance with the South Fulton's Zoning
2981 Ordinance, or is not and cannot be brought into compliance with South
2982 Fulton's Zoning Resolution for less than the cost of replacing the structure.

2983 *South Fulton Government.* South Fulton, Georgia.

2984 *Household.* One person living alone or two or more persons sharing residency
2985 whose income is considered for housing payments.

2986 *Household Income.* The combined adjusted gross income for all adult persons
2987 residing in a living unit.

2988 *Household, Low Income.* A household whose annual income does not exceed
2989 eighty (80) percent of the area median income, adjusted for family size as published
2990 and annually updated by the United States Department of Housing and Urban
2991 Development.

2992 *Household, Moderate Income.* A household whose annual income does not
2993 exceed one hundred and twenty (120) percent of the area median income, adjusted
2994 for family size as published and annually updated by the United States Department
2995 of Housing and Urban Development.

2996 *Household, Very Low Income.* A household whose income does not exceed fifty
2997 (50) percent of the area median income, adjusted for family size as published and
2998 annually updated by the United States Department of Housing and Urban
2999 Development.

3000 *Housing Trust Fund.* The fund created by South Fulton and administered by the
3001 South Fulton Office of Housing (FCOH).

3002 *Inclusionary Housing Agreement or Agreement.* The agreement between a
3003 Developer and the City setting forth the manner in which the Inclusionary Housing
3004 Component will be met in the Development Project.

3005 *Inclusionary Housing Plan.* A plan required at the time of concept review for a
3006 land disturbance permit or building permit that provides the details of proposed
3007 inclusionary units.

3008 *Inclusionary Housing Component.* The provision of the Inclusionary Housing
3009 Units in a Development Project.

3010 *Inclusionary Housing Unit or Inclusionary Unit.* An ownership or rental dwelling
3011 unit developed as a part of the Inclusionary Housing Component of a Development
3012 Project as provided in this Section.

3013 *Inclusionary Housing Development.* A development containing a building with
3014 more than eight (8) units for multi-family or for all residential developments of 20
3015 units or more in which 10 percent of the total units must be inclusionary units
3016 restricted for occupancy by very low, low, or moderate income households except
3017 as otherwise provided for herein.

3018 *Inclusionary Incentives.* The fee waivers or reductions, planning and building
3019 standards waivers or reductions, regulatory incentives or concessions, and Federal,
3020 State, and Local Public Funding provided by South Fulton to a Development Project
3021 to assist in the provision of the Inclusionary Housing Component.

3022 *Income, Area Median.* The annual median family income of a geographic area
3023 of the state, as annually estimated by the United States Department of Housing and
3024 Urban Development pursuant to Section 8 of the Housing Act of 1937.

3025 *Initial Owner.* The first person or persons to purchase a new for-sale
3026 Inclusionary Unit for his, her or their primary residence.

3027 *Legislative Entitlement.* Means and includes general and community plan
3028 designations and redesignations, zonings and rezonings, and planned unit
3029 development site plans and revised site plans.

3030 *Local Public Funding.* Loans and grants from the Housing Trust Fund, federal
3031 Home Investment Partnership Program ("HOME" funds), and redevelopment area

3032 tax increment housing set-aside funds, and other funds originating from or
3033 administered by South Fulton.

3034 *Low Income Housing Tax Credits.* Federal and State financing in which federal
3035 housing tax credits are awarded to developers to raise capital for the development
3036 of affordable multi-family rental units.

3037 *Market Rate.* Rates not restricted to an Affordable Housing Price or Affordable
3038 Rent.

3039 *Multi-family Residential.* Residential units planned, approved, or built on land
3040 planned or zoned for other than Single Family Residential in which Housing Tax
3041 Credits have been awarded for the purpose of developing affordable multi-family
3042 rental units.

3043 *Off-Site Unit.* An Inclusionary Unit that is built separately or at a different
3044 location than the main development.

3045 *On-Site Unit.* An Inclusionary Unit that will be built as apart of the main
3046 development.

3047 *One Location.* All adjacent land owned or controlled by the same Owner or a
3048 Related Owner, the property lines of which are contiguous at any point, or the
3049 property lines of which are separated only by a public or private street, road, or
3050 other public or private right of way.

3051 *Owner.* Includes the person, persons, partnership, joint venture, association,
3052 corporation, or public or private entity having sufficient proprietary interest in real
3053 property to commence, maintain, and operate a Development Project.

3054 *Percent.* A one hundredth part. In applying percentages referred to in this
3055 Section, any portion of a Percent less than one half (0.5%) shall be disregarded and
3056 any portion of a Percent one half (0.5%) or greater shall be rounded up to the next
3057 whole number.

3058 *Project, For Sale.* A residential project, or portion thereof, which is intended to
3059 be sold to owner-occupants upon completion.

3060 *Project Level Approval.* Includes a concept plan, a Special Permit, or other
3061 administrative or adjudicatory approval or determination in connection with a
3062 Development Project.

3063 *Related Owner.* A person or entity, including but not limited to, partnerships,
3064 limited partnerships, and corporations, which has any of the following relationships
3065 with an Owner: (1) they share the majority of members of their governing boards;
3066 (2) they share two or more officers; (3) they are owned or controlled by the same
3067 majority shareholder(s) or general partner(s); (4) they are in a parent-subsidary
3068 relationship; or (5) the person is a sibling, offspring or parent of an individual Owner.
3069 For purposes of this subsection, a controlling interest means fifty percent (50%) or
3070 more of the voting power of a corporation, and a parent-subsidary relationship
3071 exists when one corporation owns, directly or indirectly, fifty percent (50%) or more
3072 of the voting power of another corporation. For purposes of this section, a person
3073 and any general partnership in which the person is a general partner, or a person

3074 and any corporation in which the person owns a controlling interest, shall be treated
3075 as one and the same.

3076 *Residential Project.* The entirety of Market Rate residential development in a
3077 Development Project subject to the requirement to provide an Inclusionary Housing
3078 Component as specified in this Section.

3079 *Single-family Residential.* A development planned, approved, or built on land
3080 planned or zoned solely for a permitted residential density of one unit per parcel.
3081 Where such a planning or zoning single-family designation also allows as a
3082 conditional use duplexes or similar uses, the designation is nonetheless considered
3083 Single-family Residential for purposes of the Inclusionary Housing Component and
3084 the other provisions of this Section.

3085 *South Fulton Zoning Resolution.* The South Fulton Zoning Resolution as it may
3086 be amended from time to time.

3087 **4.26.3. Standard Inclusionary Housing Component.**

3088 A. *Number and Affordability of Inclusionary Units.* For all residential developments
3089 of 20 units or more, the Inclusionary Housing Component shall consist of
3090 Inclusionary Units developed for, offered to, and leased or sold to Very Low,
3091 Low, and Moderate Income Households as follows: at least 5 percent of the
3092 units must be restricted to occupancy of moderate income households and 5
3093 percent of the units must be restricted to occupancy of low and/or very low
3094 income households. For the purposes of calculating the number of inclusionary
3095 units, any decimal fraction of 0.5 or more shall be rounded up to the nearest
3096 whole number.

3097 B. *Location of Inclusionary Units.* Except as provided in this Section, Inclusionary
3098 Units shall be built on the site of the Development Project and must be
3099 dispersed throughout a Residential Development.

3100 C. *Timing of Development.* The Inclusionary Housing Plan and Inclusionary
3101 Housing Agreement shall include a phasing plan, which provides for the timely
3102 development of the Inclusionary Units as the Residential Project is built out. The
3103 phasing plan shall provide for development of the Inclusionary Units
3104 concurrently with the Market Rate Units; provided however, that the phasing
3105 plan will be adjusted by the Director of Community Development away from
3106 strict concurrency where necessary in order to account for the different
3107 financing and funding environments, economies of scale, and infrastructure
3108 needs applicable to development of the Market Rate and the Inclusionary Units.
3109 Multi-family development shall

3110 D. *Design.* Inclusionary units for single-family shall be comparable in
3111 infrastructure (including sewer, water and other utilities), construction quality,
3112 and exterior design to the market rate units. Inclusionary units may be smaller
3113 in aggregate size and have different interior finishes and features than market
3114 rate units so long as the interior features are durable, of good quality and
3115 consistent with contemporary standards for new housing. Inclusionary single-
3116 family units must be a minimum of 1,600 square feet for moderate-income

3117 households, 1,250 square feet for low-income households, and 1,000 square
3118 feet for very low-income households. The number of bedrooms in the
3119 inclusionary units should be comparable in number to those in the market rate
3120 units. The ratio of bathrooms per bedroom should be equal to the ratio of
3121 bathrooms per bedroom in market rate units. Multi-family design standards shall
3122 be consistent with the proposed development.

3123 E. *Unit Size.* The Inclusionary Housing Component shall accommodate diverse
3124 family sizes by including a mix of studio, one, two and three-bedroom units as
3125 determined by the Director of Community Development.

3126 F. *Exterior Appearance.* Inclusionary Units shall be visually compatible with the
3127 Market Rate Units. External building materials and finishes shall be the same
3128 type and quality for Inclusionary Units as for Market Rate Units. Interior
3129 materials finishes may vary.

3130 G. *Development Standards.* Except as provided in the Inclusionary Housing
3131 Agreement pursuant to this Section, Inclusionary Units shall comply with all
3132 applicable Development Standards.

3133 *4.26.4. Incentives, Assistance and Subsidies.* The Developer of a Development
3134 Project subject to the Inclusionary Housing provisions may request that South Fulton
3135 provide Inclusionary Incentives as set forth in this Section. The goal of these
3136 Inclusionary Incentives is to apply available incentives to qualifying projects in a manner
3137 that, to the extent feasible, offsets the cost of providing the Inclusionary Housing
3138 Component. The Director shall respond to that request at the time and in the manner
3139 specified in this Section, and shall make a determination as to a package of Inclusionary
3140 Incentives for the Inclusionary Units as provided in this Section.

3141 A. *Fee Waivers or Deferrals.* Upon application, South Fulton shall make available
3142 to a Residential Project Developer a program of waiver, reduction or deferral of
3143 development fees, Impact Fee Waiver, administrative and financing fees for
3144 Inclusionary Units. Such a program may include application, on behalf of a
3145 Developer, to other government entities for fee waiver and deferral program for
3146 waiver and/or deferral of other impact or development fees.

3147 B. *Modification of Development Standards.* Upon application, South Fulton may
3148 modify for Inclusionary Units, to the extent feasible in light of the uses, design,
3149 and infrastructure needs of the Development Project, as determined by the
3150 Director, development standards, including but not limited to, road widths, curb
3151 and gutter, parking, and housing types.

3152 C. *Interior Finish Reductions.* Upon application, South Fulton may, to the
3153 maximum extent appropriate in light of project design elements as determined
3154 by the Director, allow builders to finish out the interior of Inclusionary Units with
3155 less expensive finishes and appliances.

3156 D. *Streamlining and Priority Processing.* The Director shall expedite development
3157 Permits for Residential Projects that include an Inclusionary Housing
3158 Component. South Fulton shall develop further procedures for streamlining and
3159 priority processing which relieve Inclusionary Units of permit processing

3160 requirements to the maximum extent feasible consistent with the public health,
3161 safety and welfare.

3162 E. *Density Bonus*. South Fulton shall make available to the Residential Project a
3163 Density Bonus as provided in this Section. The number of units allowed may be
3164 increased by 20 percent provided, however, that the affordability requirements
3165 to qualify for a Density Bonus shall be those stated in this Section.

3166 F. *Local Public Funding*. The Developer may apply to the Office of Housing for
3167 Local Public Funding to assist in the financing and development of the
3168 Inclusionary Housing Component. Local Public Funding may serve to facilitate
3169 state allocation of tax credits, mortgage revenue bond funds, or state or federal
3170 assistance to the Project ("External Subsidy"); provided that the provision of
3171 such Local Public Funding requires that Developer diligently pursue such
3172 External Subsidy and is not intended to substitute for such External Subsidy. A
3173 Developer seeking Local Public Funding shall apply to the Office of Housing
3174 Director for such funding pursuant to this Section. The Office of Housing
3175 Director shall submit the proposed Local Public Funding assistance package to
3176 the Director for inclusion in the South Fulton's Inclusionary Incentives for the
3177 project.

3178 The Office of Housing Director, as to the feasible elements of Local Public
3179 Funding and in making the determination as to inclusion of Local Public
3180 Funding in the Inclusionary Incentives, shall consider: (1) the number,
3181 percentage, and tenure of the Units for Very Low Income or Low Income
3182 Households in the Inclusionary Housing Component; (2) the financial structure
3183 and financing needs of the Inclusionary Housing Component; (3) the cost-
3184 efficiency of the solution to the Inclusionary Housing Component, (4) the
3185 Developer's initiatives in applying for grants and other funds external to Local
3186 Public Funding; (5) the availability of funds given the funding priorities of Office
3187 of Housing and other funding agencies at the time, and other development of
3188 housing for Very Low or Low Income Households under way, proposed or
3189 anticipated; and (6) other factors necessary to the evaluation. Office of Housing
3190 shall adopt and provide to Developers and other interested parties criteria for
3191 evaluation of applicants for Local Public Funding. These criteria may be
3192 contained in the Guidelines as outlined by the Office of Housing.

3193 *4.26.5. Construction of the Inclusionary Housing Component to Avoid over*
3194 *Concentration*. The following principles shall apply to the development of the
3195 Inclusionary Housing Component:

3196 A. The Inclusionary Housing Plan shall provide for the dispersal of buildings
3197 containing Inclusionary Units to the maximum extent feasible taking into
3198 account the funding and financing environments applicable to Inclusionary
3199 housing development.

3200 B. Multi-family buildings may contain any proportion of inclusionary units, but no
3201 Inclusionary Housing Development may be located adjacent to another
3202 Inclusionary Housing Development. For purposes of this Section, Inclusionary
3203 Housing Development means a development containing a building with more

3204 than eight (8) units for multi-family or for all residential developments of 20 units
3205 or more, in which 10 percent of the total units must be inclusionary units
3206 restricted for occupancy by very low, low, or moderate income households
3207 except as otherwise provided for herein. The Director may allow for variation
3208 from these principles, but only the extent necessary, if he or she determines
3209 that an alternative configuration of Inclusionary Units is required by funding or
3210 financing considerations associated with the development of the Inclusionary
3211 Units or by the applicable residential land use designations within and adjacent
3212 to the Residential Project.

3213 C. Proposed Inclusionary Single-family Housing Developments that are located
3214 within a census track(s) in which 95% of the existing units are below 80% AMI,
3215 must submit a Housing Development Plan that includes the following mixed
3216 housing price points for sale:

- 3217 i. 20% not to exceed \$150,000
- 3218 ii. 60% between \$150,000 and \$216,000
- 3219 iii. 20% Market

3220 *4.26.6. Alternatives to the Standard Inclusionary Housing Component.* Subject to
3221 the approval of the City Council (BOC), in lieu of constructing affordable housing units
3222 on site, a developer may dedicate land or pay in-lieu housing fees. At the time of
3223 concept plan review, the developer shall be required to provide a report to the E&CD
3224 Director identifying the reasons the construction of the required number of affordable
3225 housing units within the development is not feasible. The report shall include sufficient
3226 independent data, including appropriate financial information, which supports the
3227 developer's claim that it is not feasible to construct the required affordable units and a
3228 detailed analysis of why the density bonus cannot mitigate the conditions that prevent
3229 the developer from constructing the affordable units. The Director shall review all such
3230 requests and prepare a recommendation to the City Council. Such requests shall be
3231 considered on a case-by-case basis by the BOC and may be approved at the BOC's
3232 sole discretion. The monetary value of an alternative equivalent must be equal to or
3233 exceed the cost to produce the required number of affordable housing units on site.

3234 A. *Land Dedication and Off-Site Compliance Options.* Upon a determination by
3235 the Director that the criteria outlined in number 4 below have been met, a
3236 Residential Project may provide all or part of its Inclusionary Housing
3237 Component by means of the following options:

- 3238 (1) Dedication of land to South Fulton at no cost. Under this option, a
3239 developer may donate to the City a site on which all or a portion of the
3240 mandated inclusionary units can be built. The dedicated site must be
3241 located in the same planning area (as defined by the Comprehensive Plan)
3242 in South Fulton and must be physically suitable for development at the time
3243 of conveyance. It must be of sufficient size and properly zoned to
3244 accommodate the requisite number of units. It must already have access to
3245 water and sewer and public services (police, fire, etc.). The property should
3246 not have physical constraints that cause delay or increase construction

- 3247 costs (e.g., grading) or be unsuitable for residential development (e.g.,
3248 contain toxins). The developer shall provide an appraisal of the land and its
3249 appraised value shall be confirmed by the City's Land Division of the
3250 General Services Department.
- 3251 (2) Development of Inclusionary Units Off-site. Inclusionary units may be
3252 constructed outside the Development Project within an Area ("Off-Site") for
3253 a Residential Project that is single-family or multi-family.
- 3254 (3) A combination of options (1) and (2).
- 3255 (4) Standard for Approval. The Director may approve the proposal only if it
3256 provides a more cost-efficient solution to the Inclusionary Housing
3257 Component than the standard approach set forth in this Section, or if the
3258 location of Off-Site development would be superior to on-site development
3259 from the perspective of access to transportation or other applicable
3260 residential planning policies in the South Fulton Comprehensive Plan.
- 3261 (5) Number of Inclusionary Units Credited to the Dedication or Off-Site
3262 Location. The number of Inclusionary Units credited to the dedication or Off-
3263 Site location will consist of the number of Inclusionary Units which can with
3264 reasonable degree of certainty be developed on the land, given (a) the mix
3265 of Inclusionary Unit sizes and type of structure in the Inclusionary Housing
3266 Plan; (b) densities permitted by applicable planning and zoning
3267 designations; and (c) site, infrastructure, environmental and other physical
3268 and planning constraints.
- 3269 (6) Site Suitability. The land proposed for dedication or for Off-Site location
3270 must be suitable from the perspective of size, configuration, physical
3271 characteristics, physical and environmental constraints, access, location,
3272 adjacent use, and other relevant planning criteria. The site must allow
3273 development of Inclusionary Units in a manner that complies with this
3274 Section including the over-concentration provisions set forth in Section
3275 4.26.4.
- 3276 (7) Site Identification and Regulatory Status. The Developer must identify the
3277 proposed dedicated site or Off-Site location and the number of proposed
3278 Units to be credited thereby as part of the Inclusionary Housing Plan
3279 required in this Section. At the same time or before the Development
3280 Project receives its Inclusionary Incentives, the dedicated or Off-Site land
3281 shall have received all the Inclusionary Incentives necessary for
3282 development of the Inclusionary Units on such land. Unless the phasing
3283 plan requires otherwise, at the same time or before a Residential Project
3284 receives its first Project specific Entitlements, the dedicated or Off-Site land
3285 shall have received all the necessary Project-Level Approvals necessary for
3286 development of the Inclusionary Units on such land, and prior to the
3287 issuance of any Certificate of Occupancy for a Residential Project, the
3288 dedicated land or Off-Site land shall be fully served with the infrastructure
3289 necessary for residential development.

3290 (8) Director Action. The Director may recommend conditional approval or
3291 denial of the proposed land dedication or Off-Site development proposal. In
3292 reviewing the proposal, the Director will consult with the Director of the
3293 Office of Housing. If the land dedication or the Off-Site proposal is accepted
3294 or accepted as modified, the relevant elements of the Inclusionary Housing
3295 Plan shall be included in the applicable Legislative Approvals for both the
3296 Residential Development generating the requirement for the Inclusionary
3297 Housing Component and, if applicable, the dedicated site or Off-Site
3298 Development Project where all or part of that requirement is proposed to be
3299 met. If the dedication or Off-Site proposal is rejected, the Inclusionary
3300 Housing Component shall be provided as set forth in this Section within the
3301 Development Project.

3302 (9) Implementation. As early as possible in the regulatory process, and in no
3303 case later than the negotiation of the Inclusionary Housing Agreement as
3304 provided in this Section, the Owner of the Residential Project must: (1) in
3305 the case of land dedication, provide an irrevocable offer of dedication for
3306 the dedicated site at no cost to South Fulton; and (2) in the case of Off-Site
3307 land, demonstrate to the Director and the Office of Housing Director that
3308 the Off-Site location is and will remain committed to the timely development
3309 of the Inclusionary Units as provided in the Inclusionary Housing Plan. This
3310 commitment may be demonstrated through ownership of the Off-site
3311 location, or through adequate control of the use of the Off-site location
3312 through joint ownership, joint venture or other contractual means. If
3313 necessary to ensure that Inclusionary Housing Units are developed
3314 contemporaneously with the Market Rate Units, the Director may require
3315 the offer of dedication or evidence of Off-Site control as early as the first
3316 Legislative Entitlement. With respect to an Off-site location, the Director
3317 may also condition development or occupancy of the Residential Project on
3318 development or occupancy of the Off-Site Inclusionary Units, and the
3319 Inclusionary Housing Agreement must apply to and be recorded against
3320 both the Residential Project and the Off-Site land. With respect to dedicated
3321 land, South Fulton, upon acceptance of the offer of dedication, shall publish
3322 a request for proposal for development of the site(s), which will result in the
3323 production of the number of Inclusionary Units credited to the site(s).

3324 B. *In-Lieu Housing Fees.* For Residential Developments of 20 or more units,
3325 including Inclusionary Units, the requirements of this Section may be satisfied
3326 by paying an in-lieu fee to the Affordable Housing Trust Fund.

3327 (1) Under this option, the developer may pay an amount equivalent to the
3328 cost of constructing the mandated units at the required affordability levels.
3329 Fees shall be calculated for the construction of affordable housing units for
3330 moderate and low and very low income households and shall be adjusted
3331 annually based upon the estimated average construction cost per square
3332 foot of floor area for single-family (not including the value of the improved
3333 lot) as estimated for the region (south) by the National Association of Home

3334 Builders or the American Apartment Association for multi-family
3335 development.

3336 (2) The City Manager shall establish an affordable Housing Trust Fund for the
3337 receipt and management of in-lieu housing fees. Monies received into the
3338 fund shall be utilized solely for the construction or purchase and
3339 maintenance of affordable housing and for the costs of administering
3340 programs consistent with the purposes of the section. In all cases, the
3341 required number of housing units at the required levels of affordability shall
3342 be provided for by this fund.

3343 (3) Fees must be paid within ten calendar days of issuance of a building
3344 permit for the Development or the permit will be null and void. For phased
3345 Developments, payments may be made for each portion of the
3346 Development within ten calendar days of the issuance of a Building Permit
3347 for that phase. When payment is delayed, in the event of default, or for any
3348 other reason, the amount of the in-lieu fee payable under this Section will
3349 be based upon the fee schedule in effect at the time the fee is paid.

3350 (4) No final inspection for occupancy will be completed for any corresponding
3351 Market-rate Unit in a Residential Development unless fees required under
3352 this Section have been paid in full to the Department of E&CD.

3353 C. *Combined Dedication of Land and In-Lieu Housing Fees.* Under this option,
3354 the developer may dedicate land and pay in-lieu housing fees equivalent to the
3355 cost of producing the mandated units at the required affordability levels. The
3356 developer shall provide an appraisal of the land and its appraised value shall be
3357 confirmed by the Community Development Department.

3358 4.26.7. *Exclusions.* The requirements of this Article do not apply to:

- 3359 (a) Housing developments of fewer than 20 lots;
- 3360 (b) Structures that have been destroyed by fire, flood, earthquake or other act of
3361 nature provided that the reconstructed site does not increase the number of
3362 residential units;
- 3363 (c) Developments that already have more units that qualify as affordable to
3364 moderate, low and very low income households than this Article requires;
- 3365 (d) Housing constructed by other government agencies.

3366 4.26.8. *Duration of Affordability.*

3367 A. *Rental Inclusionary Units.* Units shall remain Affordable for a period of no less
3368 than thirty (30) years from the recordation of the Affordable Rental Agreement.

3369 B. *For Sale Single Family Unit.* Units shall remain Affordable for a period of no
3370 less than fifteen (15) years from the recordation of the Affordable Housing
3371 Agreement;

3372 4.26.9. *Affordability and Resale of For-Sale Units (Sustainability Policy).* Each
3373 affordable unit created in accordance with this Section shall have limitations governing
3374 its resale. The purpose of these limitations is to preserve the long-term affordability of

3375 the unit and to ensure its continued availability for affordable income households. The
3376 resale controls shall be established through a restriction on the property and shall be in
3377 force for a period of fifteen (15) years concurrent with an equity-sharing program
3378 between the City and the homeowner.

3379 A. *Initial Sale.* To ensure that only eligible households purchase affordable
3380 housing units, the purchaser of an affordable unit shall be required to submit
3381 copies of the last three years' federal and state income tax returns and certify,
3382 in writing and prior to the transfer of title, to the developer of the housing units
3383 or his/her agent, and within thirty (30) days following transfer of title, to the local
3384 housing trust, community development corporation, housing authority or other
3385 agency as established by the City, that household's annual income level does
3386 not exceed the maximum level as established by the City, and as may be
3387 revised from time to time.

3388 B. *Maximum Cost.* The maximum housing cost for affordable units created under
3389 this bylaw is as established by the City.

3390 C. *Resale to an Income Eligible Person Exception.* The Owner of a Residential
3391 project shall sell Inclusionary Housing Units to an income-eligible Initial Owner
3392 at an Affordable Price. Thereafter for a period of fifteen (15) years from the
3393 recordation of the note or other document as provided below, the Initial Owner
3394 and any subsequent owner shall notify the Community Development Director in
3395 writing of their intent to sell the Inclusionary Unit. The Homeowner or its
3396 assignee shall have ninety (90) days from receipt of the notification to (1)
3397 identify, qualify, and refer to the seller an income-eligible purchaser or request
3398 an extension. The Initial Owner and any subsequent owner shall sell the unit to
3399 the referred purchaser at the resale price established by the City as provided in
3400 this section. In the event that the Homeowner or its assignee does not complete
3401 the purchase of the unit within the time frames specified above, an extension for
3402 the sale of the Inclusionary Unit must be obtained from the Office of Housing.

3403 D. *Recordation of Note—Agreement or Covenant and Recapture Upon Sale.* At
3404 the time of the initial sale and any subsequent sale to an income-eligible
3405 purchaser, the Office of Housing shall record an interest-bearing note, secured
3406 by a deed of trust, and/or regulatory agreement or covenant to recapture the
3407 difference between the Inclusionary Unit's market value, as determined by an
3408 appraiser approved by City, and its Affordable Housing Price at the time of sale
3409 or resale. The City shall also record a deed of trust encumbering any other
3410 monetary Inclusionary Incentives. The deed of trust, regulatory agreement, or
3411 covenant shall require that for a period of no less than 15 years, the unit may be
3412 resold to an income eligible purchaser. The full principal amount and interest
3413 will be due on sale to any non income eligible purchaser; due on change of use
3414 from an owner-occupied residential unit to any other use or if the Inclusionary
3415 Unit is rented; and due on any refinance of the Inclusionary Unit without the
3416 Office of Housing approval. The Office of Housing shall apply all recaptured
3417 funds to subsidize other for sale Inclusionary Housing Units.

3418 E. *Resale Price.* Sales beyond the initial sale to a qualified affordable income
3419 purchaser shall include the initial discount rate between the sale price and the
3420 unit's appraised value at the time of resale. This percentage shall be recorded
3421 as part of the restriction on the property noted in this Section. For example, if a
3422 unit appraised for \$100,000 is sold for \$75,000 as a result of this bylaw, it has
3423 sold for 75 percent of its appraised value. If, several years later, the appraised
3424 value of the unit at the time of proposed resale is \$150,000, the unit may be
3425 sold for no more than \$112,500—75 percent of the appraised value of
3426 \$150,000.

3427 Right of first refusal to purchase: The purchaser of an affordable housing unit
3428 developed as a result of this Resolution shall agree to execute a deed rider
3429 prepared by their attorney, consistent with model riders prepared by the Office
3430 of Housing, granting, among other things, the City's right of first refusal to
3431 purchase the property in the event that a subsequent qualified purchaser
3432 cannot be located.

3433 The Community Development Department shall require, as a condition for
3434 permitting under this Section, that the applicant comply with the mandatory set-
3435 asides and accompanying restrictions on affordability, including the execution of
3436 the deed rider noted in this Section. The Community Development Department
3437 shall not issue an occupancy permit for any affordable unit until the deed
3438 restriction is recorded.

3439 F. *Equity Sharing Program.* A homeowner is entitled to a share of the equity for
3440 each year of ownership pursuant to policies established by the Office of
3441 Housing. After the expiration of the 15 year affordability period, the homeowner
3442 must pay one half of the excess of the total resale price over the sum of: prior
3443 maximum sales price; a percentage of the affordable unit's prior purchase price
3444 with the cost of living increase since last sold; the fair market value documented
3445 capital improvements; and a reasonable sales and commission. If the amount
3446 remaining is less than \$20,000, the amount due to the special revenue fund will
3447 be adjusted so the seller receives \$10,000. If the amount is less than \$10,000,
3448 the seller will receive the entire amount.

3449 G. *The Office of Housing Guidelines.* The City Manager's Office of Housing shall
3450 adopt guidelines for the administration of this program. The guidelines may
3451 provide for a graduated increase in the rate of increase of market value over the
3452 time of ownership of a for-sale Inclusionary Unit by one Owner or for
3453 forgiveness of all or a portion of the note(s) when (1) the resale value of the
3454 Inclusionary Unit falls below the market value of the unit at its last sale; or (2)
3455 the income-eligible owner occupies the unit for a substantial period of time.

3456 *4.26.10. Occupancy Requirement.*

3457 A. *Rental Units.* Any person who occupies a rental Inclusionary Unit shall occupy
3458 that Unit as his or her principal residence.

3459 B. *For-Sale Units.* An Individual who purchases a for-sale Inclusionary Unit shall
3460 occupy that unit as his or her principal residence, and shall certify to the
3461 Developer of the Unit or the Office of Housing that he or she is income eligible.

3462 4.26.11. *Administration of the Inclusionary Housing Component.* The Inclusionary
3463 Housing Program shall be administered by the City. The Director shall be responsible
3464 for determining targeted rental and ownership affordability, resident qualifications, and
3465 monitoring the program. The City shall conduct a study within eighteen (18) months of
3466 the 24-month voluntary period, to determine the success of the Resolution to determine
3467 whether the Program should remain voluntary or mandatory.

3468 A. *Proposed Inclusionary Housing Plan.* At the time of and as part of the
3469 application for the Inclusionary Zoning, the Developer of a Development Project
3470 shall present to the Community Development Department a draft Inclusionary
3471 Housing Plan, which shall contain, at a level of detail appropriate to the request,
3472 the number, unit mix, location, structure type, affordability, and phasing of
3473 Inclusionary Units. If land dedication or an Off-Site location is proposed, the
3474 draft Plan shall include information necessary to establish site location,
3475 suitability, development constraints, and the number of Inclusionary Units
3476 assigned.

3477 B. *Action on Inclusionary Housing Plan.* The Community Development
3478 Department shall review the proposed Inclusionary Housing. No Zoning
3479 designation shall be granted without an adequate Inclusionary Housing Plan.
3480 The elements of the Inclusionary Housing Plan shall be incorporated into the
3481 terms and conditions of the applicable Project-specific Approvals.

3482 C. *Inclusionary Housing Agreement.*

3483 1. Requirement. No Development Agreement or Project-specific Approval
3484 may be issued by South Fulton without an executed Inclusionary Housing
3485 Agreement executed by the Owner, the Developer (if not Owner), and the
3486 Director of the Office of Housing acting with the advice of the E&CD
3487 Director. Recordation of the Agreement shall be a condition of approval of
3488 any Development Agreement, Disposition and Development Agreement or
3489 Project-level Approval.

3490 2. Timing. The Inclusionary Housing Agreement shall be negotiated
3491 concurrently with the processing of an application for the earlier of a
3492 Development Agreement or the first Project-specific Approval. At the
3493 request of the Developer, and if Developer makes the project development
3494 and financing details set forth below in subparagraphs 3 and 4 available,
3495 the Inclusionary Housing Agreement may be negotiated earlier in
3496 connection with the issuance of a Legislative Entitlement.

3497 3. Contents. The Agreement shall be consistent with the Inclusionary Housing
3498 Plan, and shall indicate: ownership or rental project, the number and size of
3499 Moderate, Very Low and Low income Units, the developer of the
3500 Inclusionary Units, the phasing and construction scheduling of the Units,
3501 commitments for Inclusionary Incentives, including Office of Housing

3502 commitments for Local Public Subsidy, and any other information required
3503 by the Office of Housing relative to the Inclusionary Housing Component. In
3504 the case of land dedication or Off-Site Inclusionary Housing, the Agreement
3505 shall also contain the information required in this Section.

3506 4. Information Required from Developer. The Developer of the Development
3507 Project shall present to the Community Development Department: (1) plans,
3508 schematics, and details of phasing of the Residential Project as a whole
3509 including the Inclusionary Housing Component; (2) financial pro-forma for
3510 the Inclusionary Housing Component with sufficient economic information to
3511 allow for evaluation of feasibility, financing and equity sources and
3512 requirements, and rates of return; (3) the name and address of the entity
3513 which will develop the Inclusionary Housing Component if not Developer;
3514 (4) in the case of land dedication, an executed irrevocable offer of
3515 dedication at no cost; (5) in the case of Off-Site location, the evidence of
3516 site control required in this Section, and (6) any other information
3517 reasonably required by the City in connection with the Agreement.

3518 5. Local Public Subsidy. The Developer of the Development Project may
3519 apply to the Office of Housing for Local Public Subsidy. Such an application
3520 shall contain the planning and financial information necessary to evaluate
3521 the eligibility and suitability of the project for Local Public Funding and shall
3522 include timetables or copies of proposals for External Subsidy. The
3523 application will be considered pursuant to the Office of Housing Multi Family
3524 Lending Guidelines, Office of Housing Single Family Ownership Housing
3525 Financing Guidelines, and any Guidelines developed pursuant to this
3526 Section. The Office of Housing shall determine the Inclusionary Incentives it
3527 will make available in connection with the Residential Project as provided in
3528 this Section. The Inclusionary Housing Agreement shall specify the nature
3529 and amount of Local Public Funding. If South Fulton fails to make available
3530 the Inclusionary Incentives set forth in an executed and recorded
3531 Inclusionary Housing Agreement, the Residential Project shall be relieved
3532 of the portion of the Inclusionary Obligation that represents the percentage
3533 of local public funding committed in the Agreement but not provided. At
3534 South Fulton's option, the Agreement may provide that if the Local Public
3535 Funding component of the Inclusionary Incentives is delayed beyond the
3536 time provided for in the Agreement, the construction of Inclusionary Units
3537 may be deferred until funding availability, or that during the period of delay,
3538 the Owner may offer the Inclusionary Units as rental units at Market Rate
3539 until such time as the Local Public Funding indicated in the Agreement
3540 becomes available, at which time such rental units, upon being voluntarily
3541 vacated by existing market rate tenants, would be offered as Inclusionary
3542 Units.

3543 6. Incorporation into Project-level Approvals and Recordation. The
3544 Developer's obligations and the Inclusionary Incentives in the Agreement
3545 shall be incorporated into the Project-specific Approvals. The executed
3546 Agreement shall be recorded as a covenant running with the land against

3547 the real property of the Residential Project and, in the case of Off-Site
3548 Inclusionary Units, against the real property on which such Units are to be
3549 located.

3550 D. *Administration of Affordability for Rental Inclusionary Housing.* The Owner of
3551 rental Inclusionary Units shall be responsible for certifying the income of tenant
3552 to the City at the time of initial rental and annually thereafter. The Owner of
3553 rental Inclusionary Units shall apply the same rental terms and conditions
3554 (except rent levels, deposits and income requirements) to tenants of
3555 Inclusionary Units as are applied to all other tenants, except as otherwise
3556 required to comply with government subsidy programs. Discrimination based on
3557 subsidies received by the prospective tenant is prohibited. The South Fulton
3558 Office of Housing shall keep confidential the personal identifying information of
3559 the household members occupying an Inclusionary Unit.

3560 E. *Guidelines.* Fulton County's Office of Housing Multi-family Development
3561 Financing Guidelines and the Office of Housing Single Family Ownership
3562 Housing Financing Guidelines shall apply to Inclusionary Housing developed
3563 under this Section. The Director may propose to the City Council additional
3564 guidelines as necessary for the implementation of this Section consistent with
3565 the terms contained herein.

3566 *4.26.12. Administrative Fees.* The South Fulton City Council may by resolution
3567 establish reasonable fees and deposits for the administration of this Section.

3568 *4.26.13. Participation.* Participation in the Inclusionary Housing Zoning Program
3569 shall be voluntary for a twenty-four month period after which it will sunset until the City
3570 Council determines the effectiveness of the program and the conditions for its future
3571 implementation.

3572 *4.26.14. Enforcement and Penalties.*

3573 A. No Inclusionary Incentives shall be issued or valid without an Inclusionary
3574 Housing Plan as required by this Section.

3575 B. No Project-specific Approval nor Development Agreement shall be issued for
3576 any Development Project unless an Inclusionary Housing Agreement has been
3577 approved and executed, and no building permit or certificate of occupancy shall
3578 issue until the Inclusionary Housing Agreement has been recorded as required
3579 by this Section.

3580 C. If the developer violates this ordinance in any way, including not constructing
3581 the required affordable units, the City may deny, suspend, or revoke any and all
3582 building or occupancy permits. The City can also withhold any additional
3583 building permits until the affordable units are built.

3584 D. If the ordinance is violated by the sale of an affordable unit, the city can enjoin
3585 or void any transfer of the affordable unit and require the owner to sell the unit
3586 to an eligible income individual.

3587 E. South Fulton may bring such civil and criminal enforcement actions as are
3588 provided for in the South Fulton Code.

3589 4.26.15. *Severability.* The South Fulton City Council hereby declares that every
3590 section, paragraph, clause and phrase of this resolution is severable. If, for any reason,
3591 any provision of the ordinance is held to be invalid, such invalidity shall not affect the
3592 validity of the remaining provisions.

3593 4.26.16. *Appeals.* Any persons aggrieved by a final decision of the Department of
3594 Community Development relating to this article may appeal such final decision to the
3595 Zoning Board of Appeals by filing in writing setting forth plainly, fully and distinctly why
3596 the final decision is contrary to law per the South Fulton Zoning Resolution. Such
3597 appeal shall be filed within 30 days after the final decision of the department is
3598 rendered.

~~3599~~ 4.27—4.29 - Reserved.

3601 4.30 - Zoning text, district classifications and boundaries.

3602 In order to regulate the location of structures, the height and bulk of structures, the
3603 use and intensity of use of lots and structures, and to regulate open spaces and
3604 aesthetics, unincorporated South Fulton is divided into zoning districts which are
3605 individually described in this resolution. Those districts are set forth below from lowest
3606 to highest intensity. Within the listing are individual zoning districts which are no longer
3607 active but which continue to apply to properties zoned in those classifications. Those
3608 inactive zoning districts are contained in Appendix A, Inactive Zoning Districts, at the
3609 end of this resolution. Appendix A includes the inactive A-1, A-O, old TR and Suburban
3610 A, B and C Districts. Zoning districts as of the date of adoption of this resolution of
3611 amendment are:

Suburban A	Single Family Dwelling District
Suburban B	Single Family Dwelling District
Suburban C	Single Family Dwelling District
R-1	Single Family Dwelling District
R-2	Single Family Dwelling District
AG-1	Agricultural District
R-2A	Single Family Dwelling District
R-3	Single Family Dwelling District
R-3A	Single Family Dwelling District

R-4A	Single Family Dwelling District
R-4	Single Family Dwelling District
R-5	Single Family Dwelling District
R-5A	Single Family Dwelling District
R-6	Two Family Dwelling District
NUP	Neighborhood Unit Plan District
CUP	Community Unit Plan District
MHP	Mobile Home Park District
O-I	Office and Institutional District
TR (old)	Townhouse Residential District
TR	Townhouse Residential District
A	Medium Density Apartment District
A-1	Apartment Dwelling District
A-L	Apartment Limited Dwelling District
A-O	Apartment Office District
MIX	Mixed Use District
C-1	Community Business District
C-2	Commercial District
M-1	Light Industrial District
M-1A	Industrial Park District

M-2	Heavy Industrial District
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3612

3613 *4.30.1 Boundaries.* The boundaries of the several zoning districts are shown on the
 3614 South Fulton zoning maps. Street rights-of-way shall serve as district boundaries
 3615 adjoining property lines, and all such rights-of-way shall not be zoned. Inconsistencies
 3616 between legal boundary descriptions submitted at the time of rezoning and lot lines
 3617 identified from more recent surveys shall be interpreted to attach the zoning to the legal
 3618 lot.

3619 *4.30.2 Zoning text.* The official text of the South Fulton Zoning Resolution shall be
 3620 kept on file by the clerk to the City Council. The Department of Community
 3621 Development shall provide all City departments with copies of amendments within 15
 3622 days of approval by the City Council, and shall provide a subscription and update
 3623 service for the public.

3624 *4.30.3 Zoning maps.* The South Fulton zoning maps and all information contained
 3625 thereon are part of this resolution and have the same force and effect as if fully set forth
 3626 and/or described herein. The zoning maps are on file with the Department of
 3627 Community Development.

3628 *4.30.4 Territory added.* All unincorporated territory which may be annexed to South
 3629 Fulton or which may be unincorporated from a municipality within the City shall be
 3630 classified in the R-1, Single Family Dwelling District until, as applicable, the territory may
 3631 be more appropriately zoned by the City Council based upon a Staff recommendation
 3632 with consideration given to the suggestion of the Comprehensive Plan Land Use Map
 3633 and/or zonings of adjacent properties in South Fulton.

3634 *4.30.5 Abandonment.* Whenever any street, alley, or other public way is abandoned
 3635 by South Fulton or by the State of Georgia, the zoning district adjoining such street,
 3636 alley or public way shall be extended to the center of such public way.

3637 **ARTICLE V. - AGRICULTURAL DISTRICT REGULATIONS**

3638

3639 **5.1 - AG-1 Agricultural District.**

3641 *5.1.1 AG-1 District intent and scope.* Regulations set forth in this article are the AG-
 3642 1 District regulations. Article XIX should be consulted to determine uses and minimum
 3643 standards for uses allowed by administrative or use permit. The AG-1 District is
 3644 intended to encompass lands devoted to a wide range of uses including individual
 3645 parcels devoted to residential use, single family subdivisions, agricultural and closely
 3646 related uses.

3647 *5.1.2 Use regulations.*

- 3648 A. *Permitted uses.* A building or property may be used for only the following
3649 purposes:
- 3650 1. Single family dwelling.
- 3651 2. Agriculture, general and specialized farming, including: horticulture, plant
3652 nursery, greenhouse, dairy farming, livestock raising and poultry raising
3653 provided, however, that buildings used for housing animals must be at least
3654 100 feet from all property lines.
- 3655 3. Roadside stand for the sale of agricultural products produced on the
3656 property.
- 3657 4. Riding stable other than accessory, provided buildings housing animals are
3658 at least 100 feet from all property lines and the lot is not less than ten acres.
3659 Standards for keeping horses other than for a nonaccessory public riding
3660 stable are the same as the standards contained in section 4.8.1 pertaining
3661 to the keeping of horses in a single family dwelling district.
- 3662 5. Kennel, veterinary hospital or veterinary clinic, provided buildings housing
3663 animals are fully enclosed and at least 100 feet from all property lines; and
3664 pens, runs, etc. which are not located in a fully enclosed building are at
3665 least 200 feet from all property lines.
- 3666 B. *Accessory uses.* A building or land may be used for uses customarily incidental
3667 to any permitted use and a dwelling may be used for a home occupation.
- 3668 *5.1.3 Development standards.*
- 3669 A. *Height regulations:* No building shall exceed 40 feet in height.
- 3670 B. *Minimum front yard:* 60 feet.
- 3671 C. *Minimum side yard:*
- 3672 — 25 feet adjacent to interior line.
- 3673 — 40 feet adjacent to street.
- 3674 D. *Minimum rear yard:* 50 feet.
- 3675 E. *Minimum lot area:*
- 3676 — one acre with frontage on paved road.
- 3677 — three acres with frontage on unpaved road.
- 3678 F. *Minimum lot width:* 100 feet.
- 3679 G. *Minimum lot frontage:* 35 feet adjoining a street.
- 3680 H. *Minimum heated floor area:* There is no minimum heated floor area in this
3681 district.
- 3682 I. *Minimum accessory structure requirements:* Accessory structures may be
3683 located in rear or side yards, but shall not be located within a minimum yard.

3684 J. *Conservation subdivision.* The development standards of a conservation
3685 subdivision shall be in accordance with Section VI of the South Fulton
3686 Subdivision Regulations.

3687 *5.1.4 Other regulations.* The headings below contain provisions applicable to the
3688 AG-1 District:

3689 Development regulations. Article XXXIV

3690 Exceptions. Section 4.3

3691 Floodplain management. Section 4.24

3692 Off-street parking and loading. Article XVIII

3693 Outside storage. Section 4.2

3694 Landscape area and buffer regulations. Section 4.23

3695 River protection. Metropolitan River Protection Act

3696 Signs. Article XXXIII

~~3698~~ ARTICLE VI. - SINGLE FAMILY DWELLING DISTRICT REGULATIONS

3699 6.1 - R-1 Single Family Dwelling District.

3700 *6.1.1 R-1 District scope and intent.* Regulations set forth in this section are the R-1
3701 District regulations. Article XIX should be consulted to determine uses and minimum
3702 standards for uses allowed by administrative or use permit. The R-1 District
3703 encompasses lands devoted to residential areas and closely related uses.

3704 *6.1.2 Use regulations.* Within the R-1 District, land and structures shall be used in
3705 accordance with standards herein. Any use not specifically designated as permitted
3706 shall be prohibited.

3707 A. *Permitted uses.* Structures and land may be used for only the following
3708 purposes:

3709 1. Single family dwelling.

3710 2. Agriculture, general and specialized farming, initiated prior to March 7,
3711 1990, including: horticulture, plant nursery, dairy farming, truck gardening
3712 and poultry raising provided, however, that agricultural buildings must be at
3713 least 200 feet from all side and rear property lines, and that no products
3714 shall be offered for sale on land so utilized.

3715 B. *Accessory uses.* A building or lot may be used for uses customarily incidental
3716 to any permitted use and a dwelling may be used for a home occupation.

3717 *6.1.3 Development standards.*

3718 A. *Height regulations:* No building shall exceed 40 feet in height.

3719 B. *Minimum front yard:* 60 feet.

- 3720 C. *Minimum side yard:*
- 3721 — 25 feet adjacent to interior line.
- 3722 — 40 feet adjacent to street.
- 3723 D. *Minimum rear yard:* 50 feet.
- 3724 E. *Minimum lot area:* two acres.
- 3725 F. *Minimum lot width:* 200 feet.
- 3726 G. *Minimum lot frontage:* 35 feet adjoining a street.
- 3727 H. *Minimum heated floor area:*
- 3728 1,800 s.f. on ground level for less than two story.
- 3729 2,000 s.f. for two story or more than two story with 1,200 s.f. on ground floor.
- 3730 I. *Minimum accessory structure requirements:* Accessory structures may be
- 3731 located in the rear or side yards only, but shall not be located within a minimum
- 3732 yard.
- 3733 J. *Conservation subdivision.* The development standards of a conservation
- 3734 subdivision shall be in accordance with Section VI of the South Fulton
- 3735 Subdivision Regulations.
- 3736 *6.1.4 Other regulations.* The headings below contain provisions applicable to uses
- 3737 allowed in the R-1 District:
- 3738 Development regulations. Article XXXIV
- 3739 Exceptions. Section 4.3
- 3740 Floodplain management. Section 4.24
- 3741 Off-street parking and loading. Article XVIII
- 3742 Outside storage. Section 4.2
- 3743 Landscape area and buffer regulations. Section 4.23
- 3744 River protection. Metropolitan River Protection Act
- 3745 Signs. Article XXXIII
- 3746 6.2 - R-2 Single Family Dwelling District.
- 3747 *6.2.1 R-2 District scope and intent.* Regulations set forth in this section are the R-2
- 3748 District regulations. Article XIX should be consulted to determine uses and minimum
- 3749 standards for uses allowed by administrative or use permits. The R-2 District is intended
- 3750 to provide land areas devoted to very low density residential uses. The district also
- 3751 provides for closely related uses.

3752 6.2.2 *Use regulations.* Within the R-2 District, land and structures shall be used in
3753 accordance with standards herein. Any use not specifically designated as permitted
3754 shall be prohibited.

3755 A. *Permitted uses.* Structures and land may be used for only the following
3756 purposes:

- 3757 1. Single family dwelling.
- 3758 2. Agriculture, general and specialized farming, initiated prior to March 7,
3759 1990, including: horticulture, plant nursery, dairy farming, truck gardening
3760 and poultry raising provided, however, that agricultural buildings must be at
3761 least 200 feet from all side and rear property lines, and that no products
3762 shall be offered for sale on land so utilized.

3763 B. *Accessory uses.* A structure or land may be used for uses customarily
3764 incidental to any permitted use and a dwelling may be used for a home
3765 occupation.

3766 6.2.3 *Development standards.*

3767 A. *Height regulations:* No building shall exceed 40 feet in height.

3768 B. *Minimum front yard:* 60 feet.

3769 C. *Minimum side yard:*

3770 — 15 feet adjacent to interior line.

3771 — 30 feet adjacent to street.

3772 D. *Minimum rear yard:* 40 feet.

3773 E. *Minimum lot area:* one acre.

3774 F. *Minimum lot width:* 150 feet.

3775 G. *Minimum lot frontage:* 35 feet adjoining a street.

3776 H. *Minimum heated floor area:*

3777 1,600 s.f. on ground level for less than two story.

3778 1,800 s.f. for two story or more than two story with 1,050 s.f. on ground floor.

3779 I. *Minimum accessory structure requirements:* Accessory structures may be
3780 located in the rear or side yards only, but shall not be located within a minimum
3781 yard.

3782 J. *Conservation subdivision.* The development standards of a conservation
3783 subdivision shall be in accordance with Section VI of the South Fulton
3784 Subdivision Regulations. (

3785 6.2.4 *Other regulations.* The headings below contain provisions applicable to the R-
3786 2 District.

3787 Development regulations. Article XXXIV

- 3788 Exceptions. Section 4.3
- 3789 Floodplain management. Section 4.24
- 3790 Off-street parking and loading. Article XVIII
- 3791 Outside storage. Section 4.2
- 3792 Landscape area and buffer regulations. Section 4.23
- 3793 River protection. Metropolitan River Protection Act
- 3794 Signs. Article XXXIII

3795 6.3 - R-2A Single Family Dwelling District.

3796 *6.3.1 R-2A District scope and intent.* Regulations set forth in this section are the R-
 3797 2A District regulations. Article XIX should be consulted to determine uses and minimum
 3798 standards for uses allowed by administrative permit or use permit. The R-2A District is
 3799 intended to provide land areas devoted to low density residential uses. The district also
 3800 provides for closely related uses.

3801 *6.3.2 Use regulations.* Within the R-2A District, land and structures shall be used in
 3802 accordance with standards herein. Any use not specifically designated as a permitted
 3803 use in this section or as a use allowed by administrative permit or use permit shall be
 3804 prohibited.

3805 A. *Permitted uses.* Structures and land may be used for only the following
 3806 purposes:

- 3807 1. Single family dwelling.
- 3808 2. Agriculture, general and specialized farming, initiated prior to March 7,
 3809 1990, including: horticulture, plant nursery, dairy farming, truck gardening
 3810 and poultry raising provided, however, that agricultural buildings must be at
 3811 least 200 feet from all side and rear property lines, and that no products
 3812 shall be offered for sale on land so utilized.

3813 B. *Accessory uses.* A structure or land may be used for uses customarily
 3814 incidental to any permitted use and a dwelling may be used for a home
 3815 occupation.

3816 *6.3.3 Development standards.*

3817 A. *Height regulations:* No building shall exceed 40 feet in height.

3818 B. *Minimum front yard:* 60 feet.

3819 C. *Minimum side yard:*

3820 — 15 feet adjacent to interior line.

3821 — 30 feet adjacent to street.

3822 D. *Minimum rear yard:* 40 feet.

- 3823 E. *Minimum lot area:* 27,000 square feet.
- 3824 F. *Minimum lot width:* 120 feet.
- 3825 G. *Minimum lot frontage:* 35 feet adjoining a street.
- 3826 H. *Minimum heated floor area:*
- 3827 1,700 s.f. on ground level for less than two story.
- 3828 1,800 s.f. for two story or more than two story with 1,050 s.f. on ground floor.
- 3829 I. *Minimum accessory structure requirements:* Accessory structures may be
- 3830 located in the rear or side yards only, but shall not be located within a minimum
- 3831 yard.
- 3832 J. *Conservation subdivision.* The development standards of a conservation
- 3833 subdivision shall be in accordance with Section VI of the South Fulton
- 3834 Subdivision Regulations.

3835 **6.3.4 Other regulations.** The headings below contain provisions applicable to the R-
 3836 2A District:

- 3837 Development regulations. Article XXXIV
- 3838 Exceptions. Section 4.3
- 3839 Floodplain management. Section 4.24
- 3840 Off-street parking and loading. Article XVIII
- 3841 Outside storage. Section 4.2
- 3842 Landscape area and buffer regulations. Section 4.23
- 3843 River protection. Metropolitan River Protection Act
- 3844 Signs. Article XXXIII

3845 **6.4 - R-3 Single Family Dwelling District.**

3846 **6.4.1 R-3 District scope and intent.** Regulations set forth in this section are the R-3
 3847 District regulations. Article XIX should be consulted to determine uses and minimum
 3848 standards for uses allowed by administrative permit or use permit. The R-3 District is
 3849 intended to provide land areas devoted to low density residential uses. The district also
 3850 provides for closely related uses.

3851 **6.4.2 Use regulations.** Within the R-3 District, land and structures shall be used in
 3852 accordance with standards herein. Any use not specifically designated as a permitted
 3853 use in this section or as a use allowed by administrative permit or use permit shall be
 3854 prohibited.

- 3855 A. *Permitted uses.* Structures and land may be used for only the following
 3856 purposes:

- 3857 1. Single family dwelling.
- 3858 2. Agriculture, general and specialized farming, initiated prior to March 7,
3859 1990, including: horticulture, plant nursery, dairy farming, truck gardening
3860 and poultry raising provided, however, that agricultural buildings must be at
3861 least 200 feet from all side and rear property lines, and that no products
3862 shall be offered for sale on land so utilized.
- 3863 B. *Accessory uses.* A structure or land may be used for uses customarily
3864 incidental to any permitted use and a dwelling may be used for a home
3865 occupation.
- 3866 **6.4.3 Development standards.**
- 3867 A. *Height regulations:* No building shall exceed 40 feet in height.
- 3868 B. *Minimum front yard:* 50 feet.
- 3869 C. *Minimum side yard:*
3870 — ten feet adjacent to interior line.
3871 — 20 feet adjacent to street.
- 3872 D. *Minimum rear yard:* 35 feet.
- 3873 E. *Minimum lot area:* 18,000 square feet.
- 3874 F. *Minimum lot width:* 100 feet.
- 3875 G. *Minimum lot frontage:* 35 feet adjoining a street.
- 3876 H. *Minimum heated floor area:*
3877 1,200 s.f. on ground level for less than two story.
3878 1,320 s.f. for two story or more than two story with 900 s.f. on ground floor.
- 3879 I. *Minimum accessory structure requirements:* Accessory structures may be
3880 located in the rear or side yards only, but shall not be located within a minimum
3881 yard.
- 3882 J. *Conservation subdivision.* The development standards of a conservation
3883 subdivision shall be in accordance with the South Fulton Subdivision
3884 Regulations.
- 3885 **6.4.4 Other regulations.** The headings below contain provisions applicable to the R-
3886 3 District:
- 3887 Development regulations. Article XXXIV
- 3888 Exceptions. Section 4.3
- 3889 Floodplain management. Section 4.24
- 3890 Off-street parking and loading. Article XVIII

3891 Outside storage. Section 4.2
3892 Landscape area and buffer regulations. Section 4.23
3893 River protection. Metropolitan River Protection Act
3894 Signs. Article XXXIII
3895 6.5 - R-3A Single Family Dwelling District.

3896 *6.5.1 R-3A District scope and intent.* Regulations set forth in this section are the R-
3897 3A District regulations. Article XIX should be consulted to determine uses and minimum
3898 standards for uses allowed by administrative permit or use permit. The R-3A District is
3899 intended to provide land areas devoted to low density residential uses. The district also
3900 provides for closely related uses.

3901 *6.5.2 Use regulations.* Within the R-3A District, land and structures shall be used in
3902 accordance with standards herein. Any use not specifically designated as a permitted
3903 use in this section or as a use allowed by administrative permit or use permit shall be
3904 prohibited.

3905 A. *Permitted uses.* Structures and land may be used for only the following
3906 purposes:

3907 1. Single family dwelling.

3908 2. Agriculture, general and specialized farming, initiated prior to March 7,
3909 1990, including: horticulture, plant nursery, dairy farming, truck gardening
3910 and poultry raising provided, however, that agricultural buildings must be at
3911 least 200 feet from all side and rear property lines, and that no products
3912 shall be offered for sale on land so utilized.

3913 B. *Accessory uses.* A structure or land may be used for uses customarily
3914 incidental to any permitted use and a dwelling may be used for a home
3915 occupation.

3916 *6.5.3 Development standards.*

3917 A. *Height regulations:* No building shall exceed 40 feet in height.

3918 B. *Minimum front yard:* 50 feet.

3919 C. *Minimum side yard:*

3920 — ten feet adjacent to interior line.

3921 — 20 feet adjacent to street.

3922 D. *Minimum rear yard:* 35 feet.

3923 E. *Minimum lot area:* 18,000 square feet.

3924 F. *Minimum lot width:* 100 feet.

3925 G. *Minimum lot frontage:* 35 feet adjoining a street.

- 3926 H. *Minimum heated floor area:*
 3927 1,600 s.f. on ground level for less than two story.
 3928 1,800 s.f. for two story or more than two story with 1,050 s.f. on ground floor.
- 3929 I. *Minimum accessory structure requirements.* Accessory structures may be
 3930 located in the rear or side yards only, but shall not be located within a minimum
 3931 yard.
- 3932 J. *Conservation subdivision.* The development standards of a conservation
 3933 subdivision shall be in accordance with Section VI of the South Fulton
 3934 Subdivision Regulations.

3935 **6.5.4 Other regulations.** The headings below contain provisions applicable to the R-
 3936 3A District.

- 3937 Development regulations. Article XXXIV
 3938 Exceptions. Section 4.3
 3939 Floodplain management. Section 4.24
 3940 Off-street parking and loading. Article XVIII
 3941 Outside storage. Section 4.2
 3942 Landscape area and buffer regulations. Section 4.23
 3943 River protection. Metropolitan River Protection Act
 3944 Signs. Article XXXIII

3945 **6.6 - R-4 Single Family Dwelling District.**

3947 **6.6.1 R-4 District scope and intent.** Regulations set forth in this section are the R-4
 3948 District regulations. Article XIX should be consulted to determine uses and minimum
 3949 standards for uses allowed by administrative permit or use permit. The R-4 District is
 3950 intended to provide land areas devoted to low density residential uses. The district also
 3951 provides for closely related uses.

3952 **6.6.2 Use regulations.** Within the R-4 District, land and structures shall be used in
 3953 accordance with standards herein. Any use not specifically designated as a permitted
 3954 use in this section or as a use allowed by administrative permit or use permit shall be
 3955 prohibited.

- 3956 A. *Permitted uses.* Structures and land may be used for only the following
 3957 purposes:
- 3958 1. Single family dwelling.
 - 3959 2. Agriculture, general and specialized farming, initiated prior to March 7,
 3960 1990, including: horticulture, plant nursery, dairy farming, truck gardening
 3961 and poultry raising provided, however, that agricultural buildings must be at

3962 least 200 feet from all side and rear property lines, and that no products
3963 shall be offered for sale on land so utilized.

3964 3. Two family dwelling which complies with minimum lot area, yard and floor
3965 area requirements of the R-6, Two Family Dwelling District, and where 40
3966 percent or more of the dwellings fronting on the same side of a street
3967 between two intersecting streets is occupied by either two family or
3968 multifamily dwellings initiated prior to March 7, 1990,

3969 B. *Accessory uses.* A structure or land may be used for uses customarily
3970 incidental to any permitted use and a dwelling may be used for a home
3971 occupation.

3972 **6.6.3 Development standards.**

3973 A. *Height regulations:* No building shall exceed 40 feet in height.

3974 B. *Minimum front yard:* 35 feet.

3975 C. *Minimum side yard:*

3976 — seven feet adjacent to interior line.

3977 — 20 feet adjacent to street.

3978 D. *Minimum rear yard:* 25 feet.

3979 E. *Minimum lot area:* 9,000 square feet.

3980 F. *Minimum lot width:* 70 feet.

3981 G. *Minimum lot frontage:* 35 feet adjoining a street.

3982 H. *Minimum heated floor area:*

3983 1,000 s.f. on ground level for less than two story.

3984 1,100 s.f. for two story or more than two story with 800 s.f. on ground floor.

3985 I. *Minimum accessory structure requirements:* Accessory structures may be
3986 located in the rear or side yards only, but shall not be located within a minimum
3987 yard.

3988 J. *Conservation subdivision.* The development standards of a conservation
3989 subdivision shall be in accordance with Section VI of the South Fulton
3990 Subdivision Regulations.

3991 **6.6.4 Other regulations.** The headings below contain provisions applicable to the R-
3992 4 District:

3993 Development regulations. Article XXXIV

3994 Exceptions. Section 4.3

3995 Floodplain management. Section 4.24

3996 Off-street parking and loading. Article XVIII

- 3997 Outside storage. Section 4.2
- 3998 Landscape area and buffer regulations. Section 4.23
- 3999 River protection. Metropolitan River Protection Act
- 4000 Signs. Article XXXIII

~~4000~~ 6.7 - R-4A Single Family Dwelling District.

4003 *6.7.1 R-4A District scope and intent.* Regulations set forth in this section are the R-
4004 4A District regulations. Article XIX should be consulted to determine uses and minimum
4005 standards for uses allowed by administrative permit or use permit. The R-4A District is
4006 intended to provide land areas devoted to low density residential uses. The district also
4007 provides for closely related uses.

4008 *6.7.2 Use regulations.* Within the R-4A District, land and structures shall be used in
4009 accordance with standards herein. Any use not specifically designated as a permitted
4010 use in this section or as a use allowed by administrative permit or use permit shall be
4011 prohibited.

4012 A. *Permitted uses.* Structures and land may be used for only the following
4013 purposes:

- 4014 1. Single family dwelling.
- 4015 2. Agriculture, general and specialized farming, initiated prior to March 7,
4016 1990, including: horticulture, plant nursery, dairy farming, truck gardening
4017 and poultry raising provided, however, that agricultural buildings must be at
4018 least 200 feet from all side and rear property lines, and that no products
4019 shall be offered for sale on land so utilized.

4020 B. *Accessory uses.* A structure or land may be used for uses customarily
4021 incidental to any permitted use and the principal dwelling may be used for a
4022 home occupation.

4023 *6.7.3 Development standards.*

4024 A. *Height regulations:* No building shall exceed 40 feet in height.

4025 B. *Minimum front yard:* 35 feet.

4026 C. *Minimum side yard:*

4027 — seven feet adjacent to interior line.

4028 — 20 feet adjacent to street.

4029 D. *Minimum rear yard:* 25 feet.

4030 E. *Minimum lot area:* 12,000 square feet.

4031 F. *Minimum lot width:* 85 feet.

4032 G. *Minimum lot frontage:* 35 feet adjoining a street.

- 4033 H. *Minimum heated floor area:*
 4034 1,200 s.f. on ground level for less than two story.
 4035 1,320 s.f. for two story or more than two story with 900 s.f. on ground floor.
- 4036 I. *Minimum accessory structure requirements:* Accessory structures may be
 4037 located in the rear or side yards only, but shall not be located within a minimum
 4038 yard.
- 4039 J. *Conservation subdivision.* The development standards of a conservation
 4040 subdivision shall be in accordance with Section VI of the South Fulton
 4041 Subdivision Regulations.

4042 **6.7.4 Other regulations.** The headings below contain provisions applicable to the R-
 4043 4A District.

- 4044 Development regulations. Article XXXIV
 4045 Exceptions. Section 4.3
 4046 Floodplain management. Section 4.24
 4047 Off-street parking and loading. Article XVIII
 4048 Outside storage. Section 4.2
 4049 Landscape area and buffer regulations. Section 4.23
 4050 River protection. Metropolitan River Protection Act
 4051 Signs. Article XXXIII

4052 **6.8 - R-5 Single Family Dwelling District.**

4054 **6.8.1 R-5 District scope and intent.** Regulations set forth in this section are the R-5
 4055 District regulations. Article XIX should be consulted to determine uses and minimum
 4056 standards for uses allowed by administrative permit or use permit. The R-5 District is
 4057 intended to provide land areas devoted to low density dwelling uses. Land areas zoned
 4058 R-5 are further intended to provide a transition between medium and moderate density
 4059 dwelling areas and higher density residential areas or nonresidential areas.

4060 **6.8.2 Use regulations.** Within the R-5 District, land and structures shall be used in
 4061 accordance with standards herein. Any use not specifically designated as a permitted
 4062 use in this section or as a use allowed by administrative permit or use permit shall be
 4063 prohibited.

- 4064 A. *Permitted uses.* Structures and land may be used for only the following
 4065 purposes:
- 4066 1. Single family dwelling.
 - 4067 2. Agriculture, general and specialized farming, initiated prior to March 7,
 4068 1990, including: horticulture, plant nursery, dairy farming, truck gardening

4069 and poultry raising provided, however, that agricultural buildings must be at
4070 least 200 feet from all side and rear property lines, and that no products
4071 shall be offered for sale on land so utilized.

4072 3. Two family dwelling which complies with minimum lot area, yard and floor
4073 area requirements of the R-6 District, and where 40 percent or more of the
4074 dwellings fronting on the same side of a street between two intersecting
4075 streets is occupied by either two family or multifamily dwellings initiated
4076 prior to March 7, 1990.

4077 B. *Accessory uses.* A structure or land may be used for uses customarily
4078 incidental to any permitted use and a dwelling may be used for a home
4079 occupation.

4080 **6.8.3 Development standards.**

4081 A. *Height regulations:* No building shall exceed 40 feet in height.

4082 B. *Minimum front yard:* 20 feet.

4083 C. *Minimum side yard:*

4084 — five feet adjacent to interior lot lines.

4085 — 15 feet adjacent to street.

4086 D. *Minimum rear yard:* 20 feet.

4087 E. *Minimum lot area:* 7,500 square feet.

4088 F. *Minimum lot width:* 60 feet.

4089 G. *Minimum lot frontage:* 35 feet adjoining a street.

4090 H. *Minimum heated floor area per unit:* 650 s.f.

4091 I. *Minimum accessory structure requirements:* Accessory structures may be
4092 located in the rear or side yards only, but shall not be located within a minimum
4093 yard.

4094 J. *Conservation subdivision.* The development standards of a conservation
4095 subdivision shall be in accordance with Section VI of the South Fulton
4096 Subdivision Regulations.

4097 **6.8.4 Other regulations.** The headings below contain provisions applicable to the R-
4098 5 District:

4099 Development regulations. Article XXXIV

4100 Exceptions. Section 4.3

4101 Floodplain management. Section 4.24

4102 Off-street parking and loading. Article XVIII

4103 Outside storage. Section 4.2

4104 Landscape area and buffer regulations. Section 4.23

4105 River protection. Metropolitan River Protection Act

4106 Signs. Article XXXIII

4108 6.9 - R-5A Single Family Dwelling District.

4109 *6.9.1 R-5A District scope and intent.* Regulations set forth in this section are the R-
4110 5A District regulations. Article XIX should be consulted to determine uses and minimum
4111 standards for uses allowed by administrative permit or use permit. The R-5A District is
4112 intended to provide land areas devoted to medium density, single family dwellings. Land
4113 areas zoned R-5A are further intended to provide a transition between low and high
4114 density dwelling areas or between low density dwelling areas and nonresidential areas.

4115 *6.9.2 Use regulations.* Within the R-5A District, land and structures shall be used in
4116 accordance with standards herein. Any use not specifically designated as a permitted
4117 use in this section or as a use allowed by administrative permit or use permit shall be
4118 prohibited.

4119 A. *Permitted uses.* Structures and land may be used for only the following
4120 purpose:

4121 1. Single family dwelling.

4122 B. *Accessory uses.* A structure or land may be used for uses customarily
4123 incidental to any permitted use and a dwelling may be used for a home
4124 occupation.

4125 *6.9.3 Development standards.*

4126 A. *Height regulations:* No building shall exceed 40 feet in height.

4127 B. *Minimum lot area:* 4,000 square feet.

4128 C. *Minimum lot width:* None unless specified in conditions.

4129 D. *Minimum lot frontage:* 20 feet adjoining a street.

4130 E. *Minimum heated floor area per unit:*

4131 Single family, 850 s.f.

4132 F. *Minimum perimeter setback for the entire R-5A development:* 40 feet.

4133 G. *Minimum interior setbacks:* No orientation to buildings.

4134 1. *Minimum front yard:* 20 feet.

4135 2. *Minimum side yard:* To place a building along an interior side lot line at
4136 between zero and seven feet shall require an encroachment and
4137 maintenance easement allowing a minimum of seven feet of access to such
4138 buildings. A minimum building separation of 14 feet shall be maintained.

4139 — 20 feet adjoining local streets.

- 4140 3. *Minimum rear yard: 20 feet.*
- 4141 H. *Minimum accessory structure requirements:* Accessory structures may be
4142 located in rear or side yards, but shall not be located within a minimum rear
4143 yard except that detached garages may locate along a rear lot line at between
4144 zero and seven feet with an encroachment and maintenance easement allowing
4145 a minimum of seven feet of access to the garage.
- 4146 I. *Minimum interior building separations:* All building separations shall be as
4147 specified by the Standard Building Code.
- 4148 J. *Conservation subdivision.* The development standards of a conservation
4149 subdivision shall be in accordance with Section VI of the South Fulton
4150 Subdivision Regulations.

4151 **6.9.4 Other regulations.** The headings below contain some additional, but not
4152 necessarily all, provisions applicable to the R-5A District:

- 4153 Development regulations. Article XXXIV
- 4154 Exceptions. Section 4.3
- 4155 Floodplain management. Section 4.24
- 4156 Off-street parking and loading. Article XVIII
- 4157 Outside storage. Section 4.2
- 4158 Landscape area and buffer regulations. Section 4.23
- 4159 River protection. Metropolitan River Protection Act
- 4160 Signs. Article XXXIII

4161 **ARTICLE VII. - TWO FAMILY AND MULTIFAMILY DWELLING DISTRICT**
4162 **REGULATIONS**^[5]

4163 **7.1 - R-6 Two Family Dwelling District.**

4165 **7.1.1 R-6 District scope and intent.** Regulations set forth in this section are the R-6
4166 District regulations. Article XIX should be consulted to determine uses and minimum
4167 standards for uses allowed by administrative permit or use permit. The R-6 District is
4168 intended to provide land areas devoted to medium density, single family and two family
4169 dwellings. Land areas zoned R-6 are further intended to provide a transition between
4170 low and high density dwelling areas or between low density dwelling areas and
4171 nonresidential areas.

4172 **7.1.2 Use regulations.** Within the R-6 District, land and structures shall be used in
4173 accordance with standards herein. Any use not specifically designated as a permitted
4174 use in this section or as a use allowed by administrative permit or use permit shall be
4175 prohibited.

- 4176 A. *Permitted uses.* Structures and land may be used for only the following
 4177 purposes:
- 4178 1. Single family dwelling.
- 4179 2. Agriculture, general and specialized farming, initiated prior to March 7,
 4180 1990, including: horticulture, plant nursery, dairy farming, truck gardening
 4181 and poultry raising provided, however, that agricultural buildings must be at
 4182 least 200 feet from all side and rear property lines, and that no products
 4183 shall be offered for sale on land so utilized.
- 4184 3. Two family dwelling.
- 4185 B. *Accessory uses.* A structure or land may be used for uses customarily
 4186 incidental to any permitted use and a dwelling may be used for a home
 4187 occupation.
- 4188 *7.1.3 Development standards.*
- 4189 A. *Height regulations:* No building shall exceed 40 feet in height.
- 4190 B. *Minimum front yard:* 25 feet.
- 4191 C. *Minimum side yard:*
 4192 — seven feet adjacent to interior lot line.
 4193 — 20 feet adjacent to street.
- 4194 D. *Minimum rear yard:* 20 feet.
- 4195 E. *Minimum lot area:* 9,000 square feet.
- 4196 F. *Minimum lot width:* 70 feet.
- 4197 G. *Minimum lot frontage:* 35 feet adjoining a street.
- 4198 H. *Minimum heated floor area per unit:*
 4199 Single family, 1,000 s.f. on ground level for less than two story.
 4200 1,100 s.f. for two-story or more than two-story dwelling with 800 s.f. on ground
 4201 floor.
- 4202 I. *Minimum accessory structure requirements:* Accessory structures may be
 4203 located in rear or side yards, but shall not be located within a minimum yard.
- 4204 *7.1.4 Other regulations.* The headings below contain provisions applicable to the R-
 4205 6 District:
- 4206 Development regulations. Article XXXIV
- 4207 Exceptions. Section 4.3
- 4208 Floodplain management. Section 4.24
- 4209 Off-street parking and loading. Article XVIII

- 4210 Outside storage. Section 4.2
- 4211 Landscape area and buffer regulations. Section 4.23
- 4212 River protection. Metropolitan River Protection Act
- 4213 Signs. Article XXXIII

4214

4215 7.2 - TR Townhouse Residential District

4216 *7.2.1 TR District scope and intent.* Regulations set forth in this section are the TR
4217 District regulations. Article XIX should be consulted to determine uses and minimum
4218 standards for uses allowed by administrative permit or use permit. The TR District is
4219 intended to provide land areas devoted to medium density uses consisting of single
4220 family and multifamily dwellings. Land areas zoned TR are further intended to provide a
4221 transition between low density and higher density residential areas or between low
4222 density residential and nonresidential areas. The TR District is intended to:

- 4223 A. Encourage the provision of usable open space and recreation areas as part of
4224 a living environment.
- 4225 B. Be located primarily in areas near or adjacent to single family areas.
- 4226 C. Be located so as to provide a transition between single family areas and
4227 nonresidential areas.
- 4228 D. Be located near retail shopping and major thoroughfares.
- 4229 E. Encourage home ownership.

4230 *7.2.2 Use regulations.* Within the TR District, land and structures shall be used in
4231 accordance with standards herein. Any use not specifically designated as a permitted
4232 use in this section or as a use allowed by administrative permit or use permit shall be
4233 prohibited.

- 4234 A. *Permitted uses.* Structures and land may be used for only the following
4235 purposes:
 - 4236 1. Single family dwelling.
 - 4237 2. Two family dwelling.
 - 4238 3. Townhouse.
 - 4239 4. Triplex
 - 4240 5. Quadruplex
- 4241 B. *Accessory uses.* A structure or land may be used for uses customarily
4242 incidental to any permitted use and a dwelling may be used for a home
4243 occupation.

4244 *7.2.3 Development standards.*

- 4245 A. *Height regulations:* No building shall exceed 40 feet in height.
- 4246 B. *Minimum lot area or land area per unit:* 2,000 s.f.
- 4247 C. *Maximum density:* Nine units per gross acre
- 4248 D. *Minimum lot width:* 20 feet.
- 4249 E. *Minimum TR development frontage:* 35 feet.
- 4250 F. *Minimum lot frontage:*
- 4251 — 20 feet adjoining a street except up to 35 feet may be required whenever the
- 4252 director of public works requires the extra width to protect catch basins.
- 4253 G. *Minimum heated floor area per unit:* 1,100 s.f.
- 4254 H. *Minimum perimeter setbacks for the entire TR development.*
- 4255 1. *Minimum front yard:* 40 feet.
- 4256 2. *Minimum side yard:*
- 4257 — 30 feet adjacent to interior line.
- 4258 — 40 feet adjacent to street.
- 4259 3. *Minimum rear yard:* 35 feet.
- 4260 I. *Minimum interior setbacks when one building per lot:*
- 4261 1. *Minimum front yard:* 20 feet from right-of-way.
- 4262 2. *Minimum side yard:*
- 4263 — 7 feet adjacent to interior lot line, except that up to a 7-foot
- 4264 encroachment and maintenance easement may be provided on adjacent
- 4265 parcels, in combination with or in lieu of a side yard, such that a minimum
- 4266 building separation of 14 feet is maintained.
- 4267 - zero if units are attached, for example, townhouses on separate lots of
- 4268 record
- 4269 - 15 feet adjacent to street.
- 4270 3. *Minimum rear yard:* 25 feet.
- 4271 J. *Minimum accessory structure requirements:* Single family and two family uses,
- 4272 accessory structures may be located in the rear and side yards only, but shall
- 4273 not be located within a minimum yard. Townhouse accessory structures may be
- 4274 located within the side or rear yards only, but not within minimum perimeter
- 4275 setbacks or minimum yards.
- 4276 K. *Maximum lot coverage:* The area of the footprint of all buildings and parking
- 4277 shall not exceed 50 percent of the total land area.
- 4278 L. *Minimum building separation when more than one building per lot.* All building
- 4279 separations shall be as specified by the Standard Building Code.

- 4280 M. *Other minimum standards:*
- 4281 1. No more than 20 dwelling units shall form a single building.
- 4282 2. Setbacks and roof lines shall be varied by at least two feet so that no more
- 4283 than three adjoining dwellings within a single building shall have the same
- 4284 front setback or roof line.
- 4285 *7.2.4 TR District subdivision.* In the TR Zoning District, dwellings proposed to be
- 4286 sold with the lot upon which the dwelling is located shall comply with comply with the
- 4287 Subdivision Regulations of South Fulton.
- 4288 *7.2.5 Other regulations:* The headings below contain provisions applicable to the TR
- 4289 District.
- 4290 Development regulations. Article XXXIV
- 4291 Exceptions. Section 4.3
- 4292 Floodplain management. Section 4.24
- 4293 Off-street parking and loading. Article XVIII
- 4294 Outside storage. Section 4.2
- 4295 Landscape area and buffer regulations. Section 4.23
- 4296 River protection. Metropolitan River Protection Act
- 4297 Signs. Article XXXIII
- 4298 7.3 - A Medium Density Apartment District.
- 4300 *7.3.1 A District scope and intent.* Regulations in this section are the O-I District
- 4301 regulations. Article XIX should be consulted to determine uses and minimum standards
- 4302 for uses allowed by administrative permit or use permit. The A District is intended to
- 4303 provide land areas for medium density apartment dwellings which will:
- 4304 A. Encourage attractive apartment developments.
- 4305 B. Encourage the provision of recreation areas and facilities, and
- 4306 C. Be located in areas of moderate to intense development near retail shopping,
- 4307 schools and major thoroughfares.
- 4308 D. Be located so as to provide a transition between moderate density residential
- 4309 areas and high density residential areas or between moderate density
- 4310 residential areas and nonresidential areas.
- 4311 *7.3.2 Use regulations.* Within the A District, land and structures shall be used in
- 4312 accordance with standards herein. Any use not specifically designated as a permitted
- 4313 use in this section or as a use allowed by administrative permit or use permit shall be
- 4314 prohibited.
- 4315 A. *Permitted uses.* Structures and land may be used for the following purposes:

- 4316 1. Single family dwelling
- 4317 2. Two family dwelling
- 4318 3. Triplex
- 4319 4. Quadruplex
- 4320 5. Townhouse
- 4321 6. Multi-family dwelling
- 4322 7. Rooming House and Boarding House
- 4323 8. Convalescent Home/Nursing Home/Hospice
- 4324 9. Personal Care Home
- 4325 10. Medical Related Lodging
- 4326 11. Group Residence
- 4327 B. *Accessory uses.* A structure or land may be used for uses customarily
- 4328 incidental to any permitted use and a dwelling may be used for a home
- 4329 occupation.
- 4330 **7.3.3 Development standards.**
- 4331 A. *Height regulations:* Buildings shall be no higher than 45 feet or three stories,
- 4332 whichever is higher, except when a use permit to exceed the maximum height
- 4333 is approved.
- 4334 B. *Minimum front yard:* 40 feet from right-of-way.
- 4335 C. *Minimum side yard:*
- 4336 — 25 feet adjacent to interior lot line.
- 4337 — 40 feet adjacent to street.
- 4338 D. *Minimum rear yard:* 25 feet.
- 4339 E. Minimum land area or lot size per unit: 2,000 s.f.
- 4340 F. *Minimum width:* 200 feet throughout depth from front to rear lot line.
- 4341 G. *Minimum lot frontage:* 35 feet adjoining a street.
- 4342 H. *Maximum density:* 14 units per gross acre.
- 4343 I. *Minimum heated floor area per unit:*
- 4344 Single family—1,100 s.f.
- 4345 Two family—800 s.f.
- 4346 Efficiency or studio—450 s.f.
- 4347 All other multifamily—700 s.f.

4348 J. *Minimum accessory structure requirements:* Single family and two family uses,
4349 accessory structures may be located in the rear and side yards only, but shall
4350 not be located within a minimum yard.

4351 Multifamily uses, accessory structures may be located in the rear yard only, but
4352 shall not be located within a minimum yard.

4353 K. *Maximum lot coverage.* The area of the footprint of all buildings and parking
4354 shall not exceed 40 percent of the total land area.

4355 L. *Minimum building separation.* All building separations shall be as specified by
4356 the Standard Building Code.

4357 *7.3.4 A District subdivision.* In the A Zoning District, dwellings proposed to be sold
4358 with the lot upon which the dwelling is located shall comply with the Subdivision
4359 Regulations of South Fulton.

4360 *7.3.5 Other regulations.* The headings below contain provisions applicable to the A
4361 District:

4362 Development regulations. Article XXXIV

4363 Exceptions. Section 4.3

4364 Floodplain management. Section 4.24

4365 Off-street parking and loading. Article XVIII

4366 Outside storage. Section 4.2

4367 Landscape area and buffer regulations. Section 4.23

4368 River protection. Metropolitan River Protection Act

4369 Signs. Article XXXIII

4370 Noise study report. Article 28.4.7

~~4371~~ 7.4 - A-L Apartment Limited Dwelling District.

4373 *7.4.1 A-L District scope and intent.* Regulations in this section are the O-I District
4374 regulations. Article XIX should be consulted to determine uses and minimum standards
4375 for uses allowed by administrative permit or use permit. The A-L District is intended to
4376 provide land areas for high to very high density apartment dwellings which will:

4377 A. Encourage attractive apartment living opportunities;

4378 B. Encourage the provision of recreation areas and facilities;

4379 C. Be located in areas of intense development near retail shopping, schools and
4380 major thoroughfares; and

4381 D. Be located so as to provide a transition between medium density residential
4382 areas and nonresidential areas.

4383 7.4.2 *Use regulations.* Within the A-L District, land and structures shall be used in
4384 accordance with standards herein. Any use not specifically designated as a permitted
4385 use in this section or as a use allowed by administrative permit or use permit shall be
4386 prohibited.

4387 A. *Permitted uses.* Structures and land may be used for the following purposes:

- 4388 1. Multi-family dwelling.
- 4389 2. Any use permitted in the A District.
- 4390 3. Triplex. 4. Quadruplex.
- 4391 5. Townhouses.

4392 B. *Accessory uses.* A structure or land may be used for uses customarily
4393 incidental to any permitted use and a dwelling may be used for a home
4394 occupation. Accessory retail and service uses such as restaurants, gift shops,
4395 flower shops, snack bars, barber shops, and beauty shops shall be located
4396 wholly within principal buildings with no outdoor advertising.

4397 7.4.3 *Development standards.*

4398 A. *Height regulations:* Buildings shall be no higher than 60 feet or four stories,
4399 whichever is higher except when a use permit to exceed the maximum height is
4400 approved.

4401 B. *Minimum front yard:* 40 feet.

4402 C. *Minimum side yard:*

4403 Adjacent to interior side line: 20 feet.

4404 Adjacent to street side line: 40 feet.

4405 D. *Minimum rear yard :* 20 feet.

4406 E. *Minimum width:* None.

4407 F. *Minimum A-L lot frontage:* 35 feet adjoining a street.

4408 G. *Minimum heated floor area:*

4409 Three bedroom apartments: 700 s.f.

4410 Two bedroom apartments: 600 s.f.

4411 One bedroom apartments: 500 s.f.

4412 Efficiency or studio apartments: 400 s.f.

4413 H. *Minimum accessory structure requirements:* Accessory structures shall not be
4414 located in the minimum front yard.

4415 I. *Maximum lot coverage.* The area of the footprint of all buildings and parking
4416 shall not exceed 70 percent of the total land area.

4417 J. *Minimum building separation:* All building separations shall be as specified by
4418 the Standard Building Code.

4419 K. *Outdoor recreation:* Outdoor area consisting of not less than ten percent of the
4420 gross land area shall be provided for recreation.

4421 7.4.4 *Other regulations.* The headings below contain provisions applicable to the A-
4422 L District:

4423 Development regulations. Article XXXIV

4424 Signs. Article XXXIII

4425 Exceptions. Section 4.3

4426 Floodplain management. Section 4.24

4427 Off-street parking and loading. Article XVIII

4428 Outside storage. Section 4.2

4429 Landscape Area and Buffer Regulations. Section 4.23

4430 River protection. Metropolitan River Protection Act

4431 Noise study report, Article 28.4.7

4432

4433 ARTICLE VIII. - MULTIPLE USE DISTRICT REGULATIONS

4435 8.1 - O-I Office Institutional District.

4437 8.1.1 *O-I District scope and intent.* Regulations in this section are the O-I District
4438 regulations. Article XIX should be consulted to determine uses and minimum standards
4439 for uses allowed by administrative permit or use permit. The O-I District is intended to
4440 provide land areas for office and institutional uses where proximity to residential, public,
4441 commercial and other land uses, and existing and projected traffic patterns make it
4442 desirable to locate office and institutional uses.

4443 8.1.2 *Use regulations.* Within the O-I District, land and structures shall be used in
4444 accordance with standards herein. Any use not specifically designated as a permitted
4445 use in this section or as a use allowed by administrative permit or use permit shall be
4446 prohibited.

4447 A. *Permitted uses.* Structures and land may be used for the following purposes:

4448 1. Single family dwellings.

4449 2. Two family dwellings.

4450 3. Rooming house and boardinghouse.

4451 4. Art galleries.

- 4452 5. Assembly halls.
- 4453 6. Churches, temples or other places of worship.
- 4454 7. Clinics.
- 4455 8. Community center buildings.
- 4456 9. Convalescent centers/nursing homes/hospices.
- 4457 10. Dancing schools.
- 4458 11. Day care facilities.
- 4459 12. Financial establishments.
- 4460 13. Funeral homes.
- 4461 14. Group residences.
- 4462 15. Gymnasiums.
- 4463 16. Health clubs/spas.
- 4464 17. Hospitals.
- 4465 18. Hotels.
- 4466 19. Institutions of higher learning, business colleges, music conservatories,
4467 and similar institutions.
- 4468 20. Libraries.
- 4469 21. Motels
- 4470 22. Museums.
- 4471 23. Offices.
- 4472 24. Parking garages/decks.
- 4473 25. Parking lots.
- 4474 26. Personal care homes.
- 4475 27. Recording studios.
- 4476 28. Research laboratories.
- 4477 29. Stadiums.
- 4478 30. Thrift institutions.
- 4479 B. *Accessory uses.* Structures and land may be used for uses customarily
4480 incidental to any permitted use and a dwelling may be used for a home
4481 occupation. No more than 25 percent of the total floor area of a building may be
4482 devoted to storage.
- 4483 1. Accessory retail and service uses shall be located within a building with a
4484 majority of the floor area designed for office uses. Accessory uses shall be
4485 located wholly within the principal buildings with no outdoor advertising
4486 except that a car wash, detail shop or service station may be located inside

4487 a parking garage as long as such uses are not visible from the exterior of
4488 the parking garage.

4489 2. Retail and service uses permitted shall be limited to employee
4490 convenience, business oriented retail, and service establishments such as
4491 computer hardware and software companies, commercial art, drafting,
4492 travel agencies, office equipment and supply stores, reproduction services,
4493 stenographic services, typing services, messenger services, delivery
4494 services, telecommunications sales and teleconferencing centers,
4495 personnel services and training centers, florists, gift shops, tailor shops,
4496 radio and television repair shops, shoe repair shops and barber or beauty
4497 shops. Restaurants are accessory whenever office and institutional floor
4498 area is at least 100,000 square feet. Fast food restaurants shall be limited
4499 to no more than ten percent of the total floor area devoted to retail and
4500 service business uses, and shall not occupy more than ten percent of any
4501 floor in a building. A drug store is accessory, provided only drugs,
4502 prescription medicines, medicinal supplies and pharmaceutical products
4503 shall be sold.

4504 **8.1.3 Development standards.**

4505 A. *Height regulations:* Buildings shall be no higher than 60 feet or four stories,
4506 whichever is higher, except when a use permit to exceed the maximum height
4507 is approved.

4508 B. *Minimum front yard:* 40 feet.

4509 C. *Minimum side yard:*
4510 — 40 feet adjacent to street.

4511 — 20 feet interior.

4512 D. *Minimum rear yard:* 25 feet.

4513 E. *Minimum lot area per dwelling:*
4514 Single family: 18,000 s.f.

4515 Two family: 18,000 s.f.

4516 F. *Minimum lot width:* 100 feet for residential use only.

4517 G. *Minimum O-I lot frontage:*
4518 — 100 feet adjoining a street.

4519 — 35 feet adjoining a street for residential uses.

4520 H. *Minimum heated floor area:*

4521 Single family: 1,100 s.f.

4522 Two family: 800 s.f.

4523 I. *Minimum accessory structure requirements:* Single family and two family uses,
4524 accessory structures may be located in the rear or side yards only, but shall not
4525 be located within a minimum yard:

4526 Multifamily use: Accessory structures shall not be located in the minimum front
4527 yard.

4528 J. *Maximum lot coverage:* The area of the footprint of all buildings and parking
4529 shall not exceed 70 percent of the total land area.

4530 8.1.4 *Other regulations.* The headings below contain provisions applicable to the O-
4531 I District:

4532 Development regulations. Article XXXIV

4533 Exceptions. Section 4.3

4534 Floodplain management. Section 4.24

4535 Off-street parking and loading. Article XVIII

4536 Outside storage. Section 4.2

4537 Landscape area and buffer regulations. Section 4.23

4538 River protection. Metropolitan River Protection Act

4539 Signs. Article XXXIII

4540 Noise study report, article 28.4.7

~~4541~~ 8.2 - MIX Mixed Use District.

4543 8.2.1 *MIX district scope and intent.* Regulations in this Section are the MIX District
4544 regulations. Article XIX should be consulted to determine uses and minimum standards
4545 for uses allowed by Administrative Permit or Use Permit. The MIX District is intended to
4546 encourage flexible, innovative and creative concepts in site planning and efficient use of
4547 land and to provide a stable multiple use environment compatible with surrounding
4548 uses. The MIX District is particularly encouraged in areas designated by the
4549 Comprehensive Plan Land Use Map as suitable for commercial (including retail, service
4550 commercial and office) uses and in Living-Working corridors.

4551 8.2.2 *Use regulations.* The MIX District mandates a residential component of single
4552 family dwellings, duplexes, triplexes, quadruplexes, townhouses, multifamily dwellings
4553 or any combination thereof along with at least two of the following: commercial, office or
4554 institutional uses.

4555 Within the MIX District, land and structures shall be used in accordance with
4556 standards herein. Any use not specifically designated as a permitted use in this section
4557 or as a use allowed by Administrative Permit or Use Permit shall be prohibited.

4558 A. *Permitted Uses.* Structures and land may be used for the following purposes:

- 4559 1. Single family dwellings
- 4560 2. Duplexes
- 4561 3. Triplexes
- 4562 4. Quadruplexes
- 4563 5. Townhouses
- 4564 6. Multifamily dwellings
- 4565 7. Rooming houses and Boarding houses
- 4566 8. Art Galleries
- 4567 9. Assembly Halls
- 4568 10. Car Washes, detail shops and/or service stations located inside a parking
4569 garage as long as such uses are not visible from the exterior of the parking
4570 garage.
- 4571 11. Convalescent Centers/Nursing Homes/Hospices
- 4572 12. Churches, Temples or Other Places of Worship
- 4573 13. Clinics
- 4574 14. Community Center Buildings
- 4575 15. Dancing Schools
- 4576 16. Day Care Centers
- 4577 17. Financial Establishments
- 4578 18. Funeral Homes
- 4579 19. Group Residence
- 4580 20. Gymnasiums
- 4581 21. Health Clubs/Spas
- 4582 22. Hospitals
- 4583 23. Hotels
- 4584 24. Institutions of Higher Learning including Business Colleges, Music
4585 Conservatories, and Similar Institutions
- 4586 25. Libraries
- 4587 26. Museums
- 4588 27. Offices
- 4589 28. Parking Garages/Decks
- 4590 29. Parking Lots
- 4591 30. Personal Care Homes

- 4592 31. Recording Studios
- 4593 32. Research Laboratories
- 4594 33. Retail and/or Service Establishments
- 4595 34. Restaurants and/or Fast Food Restaurants
- 4596 35. Stadiums
- 4597 36. Theaters
- 4598 B. *Accessory Uses.* Structures and land may be used for uses customarily
 4599 incidental to any permitted use and a dwelling may be used for a home
 4600 occupation. No more than 25 percent of the total floor area of a building may be
 4601 devoted to storage.
- 4602 **8.2.3 Development standards.**
- 4603 A. Height Regulations. Structures shall be no higher than 60 feet, except with a
 4604 Use Permit to exceed the maximum height.
- 4605 B. Minimum Development Front Yard - As specified in conditions
- 4606 C. Minimum Development Side Yards - As specified in conditions
- 4607 D. Minimum Development Rear Yard - As specified in conditions
- 4608 E. Minimum Development Frontage - 35 feet
- 4609 F. Minimum Internal Setbacks, Separations, Landscaping and Buffering Between
 4610 Uses - As specified in conditions
- 4611 G. Minimum Lot Area Per Dwelling Unit for Single Family or Duplex - As specified
 4612 in conditions
- 4613 H. Minimum Lot Frontage for Single Family or Duplex - 20 feet adjoining a street.
- 4614 I. Minimum Lot Width for Single Family or Duplex - None, unless specified in
 4615 conditions
- 4616 J. Minimum Interior Setbacks for Single family or Duplex
- 4617 1. Minimum Front Yard - As specified in conditions
- 4618 2. Minimum Side Yard - As specified in conditions
- 4619 3. Minimum Rear Yard - As specified in conditions
- 4620 K. Minimum Building Separations - All building separations shall be as specified
 4621 by the Standard Building Code.
- 4622 L. Minimum Heated Floor Area Per Dwelling Unit - As specified in conditions
- 4623 M. Minimum Accessory Structure Requirements. Single family, duplex and
 4624 townhouse accessory structures may be located in the rear or side yards only,
 4625 but shall not be located within a minimum yard. Multifamily accessory structures
 4626 shall not be located in the minimum front yard.

4627 N. Minimum Common Outdoor Area. Twenty percent (20%) of the total site area
4628 shall be common outdoor area and shall be maintained by the property
4629 owner(s).

4630 O. Pedestrian Connectivity. All components are required to be interconnected
4631 with pedestrian paths constructed of either colored/textured materials or
4632 conventional sidewalk materials and clearly identified.

4633 P. Parking. Subject to the approval of the Director of Environment and
4634 Community Development, off-street parking as required by Article 18 may be
4635 reduced and shared parking among uses may be permitted.

4636 *8.2.4 Other regulations.* The headings below contain some additional, but not
4637 necessarily all, provisions applicable to the MIX District.

4638 Development Regulations. Article XXXIV

4639 Exceptions. Section 4.3

4640 Floodplain Management. Section 4.24

4641 Off Street Parking and Loading. Article XVIII

4642 Outside Storage. Section 4.2

4643 Landscape Area and Buffer Regulations Section 4.23

4644 River Protection. Metropolitan River Protection Act

4645 Signs. Article XXXIII

4646 Noise Study Report, Article 28.4.7

4647

4648 **ARTICLE IX. - COMMERCIAL DISTRICT REGULATIONS**

4650 **9.1 - C-1 Community Business District.**

4652 *9.1.1 C-1 District scope and intent.* Regulations set forth in this section are the C-1
4653 District regulations. Article XIX should be consulted to determine uses and minimum
4654 standards for uses allowed by administrative permits or use permits. The C-1 District is
4655 intended to provide locations in which neighborhood and community-oriented retail and
4656 service activities conclude a transition, or land areas which compliment a transition into
4657 a more intense activity area. Complimentary noncommercial uses are also permitted.

4658 *9.1.2 Use regulations.* Within the C-1 District, land and structures shall be used in
4659 accordance with standards herein. Any use not specifically designated as permitted
4660 shall be prohibited.

4661 A. *Permitted uses.* Structures and land may be used for only the following
4662 purposes:

- 4663 1. Amusements, indoor.
- 4664 2. Apartments, above or behind commercial and office uses in the same
- 4665 building.
- 4666 3. Art galleries.
- 4667 4. Assembly halls.
- 4668 5. Automotive parking lots.
- 4669 6. Automotive specialty shops.
- 4670 7. Catering, carry-out and delivery.
- 4671 8. Church, temple or other place of worship.
- 4672 9. Clinics.
- 4673 10. Convalescent center/nursing/hospice.
- 4674 11. Day care facilities.
- 4675 12. Delicatessens.
- 4676 13. Financial establishments.
- 4677 14. Funeral homes.
- 4678 15. Group residences.
- 4679 16. Gymnasiums.
- 4680 17. Hotels.
- 4681 18. Health club/spa.
- 4682 19. Laundromats.
- 4683 20. Landscaping business, garden center.
- 4684 21. Laundry and dry cleaning shops.
- 4685 22. Lawn service businesses.
- 4686 23. Libraries.
- 4687 24. Communication services.
- 4688 25. Millinery or similar trade whenever products are sold retail, exclusively on
- 4689 the site where produced.
- 4690 26. Motels.
- 4691 27. Museums.
- 4692 28. Offices.
- 4693 29. Parking garages/decks.
- 4694 30. Parking lots.
- 4695 31. Personal care homes.

- 4696 32. Personal services including barber, beauty.
- 4697 33. Pet grooming (no overnight stay).
- 4698 34. Photography studios.
- 4699 35. Plant nurseries.
- 4700 36. Printing shops, convenience.
- 4701 37. Repair shops not involving any manufacturing on the site.
- 4702 38. Research laboratories.
- 4703 39. Restaurants.
- 4704 40. Retail stores or shops.
- 4705 41. School of business, dance, music or similar schools.
- 4706 42. Service stations except that repair and service offerings shall not include
4707 painting, body repair nor overhaul of major components, and no portion of
4708 the site shall be used for the display of cars for sale.
- 4709 43. Stadiums.
- 4710 44. Theaters.
- 4711 45. Recycling centers, collecting.
- 4712 B. *Accessory uses.* Structures and land may be used for uses customarily
4713 incidental to any permitted use and a dwelling may be used for a home
4714 occupation. Automobile and/or moving truck rental may be used in accessory to
4715 a permitted use. Not more than 45 percent of the floor area of a building or land
4716 may be devoted to storage incidental to primary uses.
- 4717 *9.1.3 Development standards.*
- 4718 A. *Height regulations:* No structure shall exceed the higher of four stories or 60
4719 feet in height except as approved pursuant to article XIX.
- 4720 B. *Minimum front yard:* 40 feet.
- 4721 C. *Minimum side yard:*
- 4722 — 25 feet for dwellings adjacent to interior lot lines.
- 4723 — None for all other buildings. See 4.23 for buffer and landscape requirements.
- 4724 — 40 feet for all buildings adjacent to streets.
- 4725 D. *Minimum rear yard:*
- 4726 — 25 feet for dwellings adjacent to interior lot lines.
- 4727 — None for all other buildings. See section 4.23 for buffer and landscape
4728 requirements.
- 4729 E. *Minimum lot area:*

- 4730 — Multifamily dwellings including a unit above or behind a commercial use:
4731 2,500 s.f.
- 4732 — Single family: 18,000 s.f.
- 4733 — Two family: 18,000 s.f.
- 4734 — All other buildings: Zero s.f.
- 4735 F. *Minimum heated floor area per unit:*
- 4736 Single family: 1,100 s.f.
- 4737 Two family: 800 s.f.
- 4738 Multifamily: 700 s.f.
- 4739 Efficiency: 450 s.f.
- 4740 G. *Minimum lot frontage:* 35 feet adjoining a street.
- 4741 H. *Minimum accessory structure requirements:*
- 4742 Single family and two family uses: Accessory structures may be located in the
4743 rear yard only, but shall not be located within a minimum yard.
- 4744 Other use: Accessory structures shall not be located in the minimum front yard.
- 4745 *9.1.4 Other regulations.* The headings below contain provisions applicable to the C-
4746 1 District:
- 4747 Development regulations. Article XXXIV
- 4748 Exceptions. Section 4.3
- 4749 Floodplain management. Section 4.24
- 4750 Off-street parking and loading. Article XVIII
- 4751 Outside storage. Section 4.2
- 4752 Landscape area and buffer regulations. Section 4.23
- 4753 River protection. Metropolitan River Protection Act
- 4754 Signs. Article XXXIII
- 4755 Noise study report, Article 28.4.7
- ~~4756~~ 9.2 - C-2 Community Business District.
- 4758 *9.2.1 C-2 District scope and intent.* Regulations set forth in this section are the C-2
4759 District regulations. Article XIX should be consulted to determine uses and minimum
4760 standards for uses allowed by administrative permits or use permits. The C-2 District is

4761 intended to provide locations in which community and regionally-oriented retail and
4762 service activities conclude a transition, or locations which compliment a transition into a
4763 more intense activity area. Complimentary noncommercial uses are also permitted.

4764 **9.2.2 Use regulations.** Within the C-2 District, land and structures shall be used in
4765 accordance with standards herein. Any use not specifically designated as permitted
4766 shall be prohibited.

4767 A. *Permitted uses.* Structures and land may be used for only the following
4768 purposes:

- 4769 1. Any use permitted in the C-1 District.
- 4770 2. Automotive garage.
- 4771 3. Automobile and light truck sales/leasing.
- 4772 4. Batting cage, outdoor.
- 4773 5. Bowling alley.
- 4774 6. Car wash.
- 4775 7. Check cashing establishment.
- 4776 8. Drive-in theater.
- 4777 9. Garage, automotive repair.
- 4778 10. Landscaping business.
- 4779 11. Lawn service business.
- 4780 12. Laundry and/or dry cleaning plant distribution center. Not including
4781 processing, fabrication or manufacturing.
- 4782 13. Pawn shop.
- 4783 14. Plant nursery.
- 4784 15. Plumbing shop associated with retail sales.
- 4785 16. Radio and television stations.
- 4786 17. Service establishments.
- 4787 18. Skating rink.
- 4788 19. Tinsmithing shop associated with retail sales.

4789 B. *Accessory uses.* Structures and land may be used for uses customarily
4790 incidental to any permitted use and dwellings may be used for a home
4791 occupation.

4792 **9.2.3 Development standards.**

4793 A. *Height regulations:* No structure shall exceed the higher of four stories or 60
4794 feet in height except as approved pursuant to article XIX.

4795 B. *Minimum front yard:* 40 feet.

- 4796 C. *Minimum side yard:*
- 4797 — 25 feet for dwellings adjacent to interior lot lines.
- 4798 — None for all other buildings. See 4.23 for buffer and landscape requirements.
- 4799 — 40 feet for all buildings adjacent to streets.
- 4800 D. *Minimum rear yard:*
- 4801 — 25 feet for dwellings adjacent to interior lot lines.
- 4802 — None for all other buildings. See 4.23 for buffer and landscape requirements.
- 4803 E. *Minimum lot area:*
- 4804 — Multiple dwellings including a unit above or behind a commercial use: 2,500
- 4805 s.f.
- 4806 Single family: 18,000 s.f.
- 4807 Two family: 18,000 s.f.
- 4808 All other buildings: Zero s.f.
- 4809 F. *Minimum heated floor area:*
- 4810 Single family: 1,100 s.f.
- 4811 Two family: 800 s.f.
- 4812 Multifamily: 700 s.f.
- 4813 Efficiency: 450 s.f.
- 4814 G. *Minimum lot frontage:* 35 feet adjoining a street.
- 4815 H. *Minimum accessory structure requirements:*
- 4816 Single family and two family uses: Accessory structures may be located in the
- 4817 rear yard only, but shall not be located within a minimum yard.
- 4818 Other use: Accessory structures shall not be located in the minimum front yard.
- 4819 9.2.4 *Other regulations.* The headings below contain provisions applicable to the C-
- 4820 2 District:
- 4821 Development regulations. Article XXXIV
- 4822 Exceptions. Section 4.3
- 4823 Floodplain management. Section 4.24
- 4824 Off-street parking and loading. Article XVIII
- 4825 Outside storage. Section 4.2

4826 Landscape area and buffer regulations. Section 4.23

4827 River protection. Metropolitan River Protection Act

4828 Signs. Article XXXIII

4829 Noise study report, Article 28.4.7

4830

4831 ARTICLE X. - INDUSTRIAL DISTRICT REGULATIONS

4832 10.1 - M-1A Industrial Park District.

4834 *10.1.1. M-1A District scope and intent* . Regulations set forth in this Section are the
4835 M-1A District regulations. Article XIX should be consulted to determine uses and
4836 minimum standards for uses allowed by administrative permits or use permits. The M-
4837 1A District is intended to provide land areas for the development of industrial parks
4838 which meet the needs for manufacturing, fabricating, processing, warehousing,
4839 distributing, research, office and related uses in an attractive environment.

4840 *10.1.2. Use regulations* . Within the M-1A District, land and structures shall be used
4841 in accordance with standards herein. Any industrial use not specifically designated as
4842 prohibited or allowed with approval of a use permit shall be permitted.

4843 A. *Prohibited uses* . Structures and land shall be used for manufacturing,
4844 fabricating, processing, warehousing, distributing, research, office associated
4845 with industrial use and similar uses except as enumerated below or in article
4846 XIX.

- 4847 1. Bone distillation
- 4848 2. Dwelling
- 4849 3. Fat rendering
- 4850 4. Incinerator
- 4851 5. Manufacturing of:
 - 4852 Acetylene gas
 - 4853 Acid
 - 4854 Ammonia
 - 4855 Asphalt
 - 4856 Bleaching powder
 - 4857 Brick
 - 4858 Cement
 - 4859 Chlorine gas
 - 4860 Coal tar

4861	Explosives
4862	Fertilizers
4863	Glue
4864	Gypsum board
4865	Linoleum
4866	Mineral dye
4867	Oil
4868	Oilcloth
4869	Paint
4870	Paper
4871	Paper pulp
4872	Patent leather
4873	Petroleum products
4874	Plaster of paris
4875	Pottery
4876	Shellac
4877	Terra cotta
4878	Tile
4879	Turpentine
4880	Varnish
4881	Yeast
4882	6. Mineral extraction
4883	7. Slaughter house
4884	8. Smelting
4885	9. Stockyard
4886	10. Storage of:
4887	Explosives
4888	Animal hides
4889	11. Truck terminal
4890	12. Blast furnace
4891	13. Boiler works
4892	14. Ore reduction
4893	15. Rolling mill

- 4894 16. Tanning
- 4895 17. Tar distillation
- 4896 18. Landfill, inert waste disposal
- 4897 19. Landfill, solid waste disposal
- 4898 20. Private correction facility
- 4899 21. Truck stop

4900 B. *Accessory uses* . Structures and land may be used for uses customarily incidental
 4901 to any permitted use.

4902 *10.1.3. Development standards* .

4903 A. *Height Regulations* . No structure shall exceed the higher of four stories or
 4904 sixty (60) feet in height except as approved pursuant to Article XIX.

4905 B. *Minimum front yard*: 30 feet

4906 C. *Minimum side yard*: None. See section 4.23 for buffer and landscape
 4907 requirements.

4908 D. *Minimum rear yard*: None. See section 4.23 for buffer and landscape
 4909 requirements.

4910 E. *Minimum accessory structure requirements*: Accessory structures shall not be
 4911 located in the minimum front yard.

4912 F. *Rail access* : Railroad spurs and service rails shall be permitted only within the
 4913 side and rear yards.

4914 G. *Minimum lot frontage*: 35 feet adjoining a street

4915 H. *Maximum lot coverage*: The area of the footprint of all buildings shall not
 4916 exceed 70 percent of the total land area.

4917 *10.1.4. Exterior building walls* . No wood siding shall be permitted. Exposed exterior
 4918 walls visible from a street shall be composed of the following maximum and minimum
 4919 percentages of materials in each classification. The percentages apply to the siding on
 4920 each exposed exterior wall of each building.

	Maximum	Minimum
Type A—Materials	100%	40%
Type B—Materials	60%	0%
Type C—Materials	25%	0%
Type D—Materials	10%	0%

4921

4922 Type A materials consist of brick; stone with weathered, polished or fluted face; marble
 4923 aggregate masonry block with fluted, split-face, or broken-face finish; tilt-up, poured-in-
 4924 place or precast concrete either fluted or with exposed aggregate finish; insulated
 4925 window wall panels of stainless steel, porcelain treated steel, anodized or other
 4926 permanently finished aluminum, and stucco or synthetic stucco.

4927 Type B materials consist of metal panels with baked-on enamel or acrylic finish.

4928 Type C materials consist of plain reinforced concrete slabs.

4929 Type D materials consist of corrugated steel and aluminum, wood, and composite
 4930 board.

4931 1. Materials not listed may be presented to the Director of Community
 4932 Development and the Director of Public Works for classification.

4933 2. Buildings having walls over 25 feet high may be given special material
 4934 percentages by the Director of Community Development and the Director of
 4935 Public Works.

4936 *10.1.5. Nuisance provisions.* The following provisions are intended to promote
 4937 compatibility of the M-1A District with surrounding areas.

4938 1. No activity shall be permitted which is offensive or hazardous to the workers in
 4939 the area, or produces smoke, odor, noises, fumes, vibrations or other
 4940 objectionable elements or emanations that may be detrimental to the health and
 4941 safety of the citizens of South Fulton.

4942 2. Accepted smoke and odor abatement practices shall be followed to eliminate
 4943 objectionable smoke and odor, in so far as possible.

4944 *10.1.6. Other regulations .* The headings below contain provisions applicable to the
 4945 M-1A District:

4946 Development regulations. Article XXXIV

4947 Exceptions. Section 4.3

4948 Floodplain management. Section 4.24

4949 Off street parking and loading. Article XVIII

4950 Outside storage. Section 4.2

4951 Landscape area and buffer regulations. Section 4.23

4952 River protection. Metropolitan River Protection Act

4953 Signs. Article XXXIII

4954 *10.1.7. Environmental impact report* . In accordance with section 28.4.6, submit an
4955 Environmental Impact Report as required.

4957 M-1 Light - Industrial district
4956

4958 *10.2.1. M-1 District scope and intent* . Regulations in this section are the M-1 District
4959 regulations. Article XIX should be consulted to determine uses and minimum standards
4960 for uses allowed by administrative permits or use permits. The M-1 District is intended
4961 to provide locations which meet the needs of processing, manufacturing, fabricating and
4962 warehousing, research and office uses, and related uses.

4963 *10.2.2. Use regulations* . Within the M-1 District, land and structures shall be used in
4964 accordance with standards herein. Any industrial use not specifically designated as
4965 prohibited or allowed with approval of a use permit shall be permitted.

4966 Structures and land shall be used for manufacturing, fabricating, processing,
4967 warehousing, distributing, research, office associated with industrial use uses and
4968 similar uses except as enumerated below or in article XIX.

4969 A. Prohibited use

- 4970 1. Blast furnace
- 4971 2. Boiler works
- 4972 3. Bone distillation
- 4973 4. Dwelling
- 4974 5. Fat rendering
- 4975 6. Incinerator
- 4976 7. Manufacturing of:
 - 4977 Acetylene gas
 - 4978 Acid
 - 4979 Ammonia
 - 4980 Asphalt
 - 4981 Bleaching powder
 - 4982 Brick
 - 4983 Chlorine gas
 - 4984 Cement
 - 4985 Coal tar
 - 4986 Explosives
 - 4987 Fertilizer
 - 4988 Glue
 - 4989 Gypsum board

4990	Linoleum
4991	Oil
4992	Oilcloth
4993	Mineral dye
4994	Paint
4995	Paper
4996	Paper pulp
4997	Patent leather
4998	Petroleum products
4999	Plaster of paris
5000	Pottery
5001	Shellac
5002	Terra cotta
5003	Tile
5004	Turpentine
5005	Varnish
5006	Yeast
5007	8. Mineral extraction
5008	9. Ore reduction
5009	10. Rolling mill
5010	11. Slaughter house
5011	12. Smelting
5012	13. Stockyard
5013	14. Storage of:
5014	Explosives
5015	Animal hides
5016	15. Tanning
5017	16. Tar distillation
5018	17. Truck stop
5019	18. Truck terminal
5020	19. Landfill, solid waste disposal
5021	B. <i>Accessory uses.</i> Structures and land may be used for uses customarily
5022	incidental to any permitted use.

- 5023 *10.2.3. Development standards .*
- 5024 A. *Height regulations .* Whenever uses or structures permitted in the M-1 District
5025 adjoin a dwelling district, structures shall be set back at least 12 additional feet
5026 for each foot of height in excess of 50 feet.
- 5027 Otherwise, no structure shall exceed the higher of 8 stories or 100 feet in
5028 height.
- 5029 B. *Minimum front yard:* 40 feet
- 5030 C. *Minimum side yard:* None. See section 4.23 for buffer and landscape
5031 requirements.
- 5032 D. *Minimum rear yard:* None. See section 4.23 for buffer and landscape
5033 requirements.
- 5034 E. *Minimum lot area:* None
- 5035 F. Minimum accessory structure requirements. Accessory structures shall not be
5036 located in the minimum front yard.
- 5037 G. *Minimum lot frontage:* 35 feet adjoining a street
- 5038 *10.2.4. Other regulations.* The headings below contain provisions applicable to the
5039 M-1 District.
- 5040 Development regulations. Article XXXIV
- 5041 Exceptions. Section 4.3
- 5042 Floodplain management. Section 4.24
- 5043 Off street parking and loading. Article XVIII
- 5044 Outside storage. Section 4.2
- 5045 Landscape area and buffer regulations. Section 4.23
- 5046 River protection. Metropolitan River Protection Act
- 5047 Signs. Article XXXIII
- 5048 *10.2.5. Environmental impact report .* In accordance with section 28.4.6, submit an
5049 Environmental Impact Report as required.
- 5050 **10.3 M-2 - Heavy Industrial District**
- 5051 *10.3.1. M-2 District scope and intent .* Regulations in this section are the M-2 District
5052 regulations. Article XIX should be consulted to determine uses and minimum standards
5053 for uses allowed by administrative permits or use permits. the M-2 District is intended to
5054 provide locations for a full range of manufacturing, processing, extraction, terminal and
5055 warehousing uses, and closely related uses.

5056 *10.3.2. Use regulations* . Within the M-2 District, land and structures shall be used in
5057 accordance with standards herein. Any industrial use not specifically designated as
5058 prohibited or allowed with approval of a Use Permit shall be permitted.

5059 Structures and land shall be used for manufacturing, fabricating, processing,
5060 distributing, research, office associated with industrial use, extraction, terminal and
5061 warehousing and similar uses except as enumerated below or in Article XIX.

5062 A. *Prohibited use*. Uses listed below are prohibited unless specifically approved
5063 by the City Council in a rezoning resolution.

- 5064 1. Blast furnace
- 5065 2. Bone distillation
- 5066 3. Dwelling
- 5067 4. Explosives storage
- 5068 5. Fat rendering
- 5069 6. Incinerator
- 5070 7. Manufacturing of:

5071 Acid

5072 Cement

5073 Explosives

5074 Fertilizer

5075 Glue

5076 Gypsum board

5077 Oil

5078 Paper

5079 Paper pulp

5080 Petroleum products

5081 Plaster of paris

- 5082 8. Slaughter house

- 5083 9. Smelting

- 5084 10. Stockyard

- 5085 11. Truck stop

5086 B. *Accessory uses*. Structures and land may be used for uses customarily
5087 incidental to any permitted use.

5088 *10.3.3. Development standards*.

- 5089 A. *Height regulations.* Adjoining a Dwelling District, any part thereof shall be set
- 5090 back 12 feet from the required yard lines for each foot of height in excess of 50
- 5091 feet. Otherwise, no structure shall exceed the higher of 8 stories or 100 feet in
- 5092 height.
- 5093 B. *Minimum front yard:* 40 feet
- 5094 C. Minimum side yard: None. See section 4.23 for buffer req. adjoining
- 5095 residential.
- 5096 D. Minimum rear yard: None. See section 4.23 for buffer req. adjoining
- 5097 residential.
- 5098 E. Minimum lot area: None
- 5099 F. *Minimum accessory structure requirements .* Accessory structures shall not be
- 5100 located in the minimum front yard.
- 5101 G. *Minimum lot frontage :* 35 feet adjoining a street

5102 *10.3.4. Other regulations .* The headings below contain provisions applicable to

5103 uses allowed in the M-2 District:

- 5104 Development regulations. Article XXXIV
- 5105 Exceptions. Section 4.3
- 5106 Floodplain management. Section 4.24
- 5107 Off street parking and loading. Article XVIII
- 5108 Outside storage. Section 4.2
- 5109 Landscape area and buffer regulations. Section 4.23
- 5110 River protection. Metropolitan River Protection Act
- 5111 Signs. Article XXXIII

5112 *10.3.5. Environmental impact report .* In accordance with section 28.4.6, submit an

5113 Environmental Impact Report as required.

5114 **ARTICLE XI. - PLANNED UNIT DISTRICT REGULATIONS**

5116 **11.1 - CUP Community Unit Plan District.**

5117 *11.1.1 CUP District scope and intent.* Regulations in this section are the CUP

5118 District regulations. Article XIX should be consulted to determine uses and minimum

5119 standards for uses allowed by administrative permit or use permit. The CUP District

5120 identifies land areas for a variety of housing types within a planned community setting.

5121 The CUP District is intended to:

- 5122 A. Encourage the development of large tracts of land as planned communities.

- 5123 B. Encourage flexible and creative concepts in site planning.
- 5124 C. Preserve the natural amenities of the land by encouraging scenic and
5125 functional open areas.
- 5126 D. Provide for an efficient use of land.
- 5127 E. Provide a stable residential environment compatible with surrounding
5128 residential areas.
- 5129 F. Protect neighboring properties by requiring larger peripheral lots adjacent to
5130 larger lot developments.

5131 *11.1.2 Use regulations.* Within the CUP District, land and structures shall be used in
5132 accordance with standards herein. Any use not specifically designated as a permitted
5133 use in this section or as a use allowed by administrative permit or use permit shall be
5134 prohibited.

- 5135 A. *Permitted uses.* Structures and land may be used for only the following
5136 purposes:
 - 5137 1. Single family dwelling
 - 5138 2. Two family dwelling
 - 5139 3. Triplex
 - 5140 4. Quadruplex
 - 5141 5. Townhouse
 - 5142 6. Multi-family Residential
 - 5143 7. Day Care facility located in a Multi-family or community building, or place of
5144 worship
 - 5145 8. Golf, country club, pool and recreation court
 - 5146 9. Community facilities
 - 5147 10. Places of Worship
- 5148 B. *Accessory uses.* A structure or land may be used for uses customarily
5149 incidental to any permitted use and a dwelling may be used for a home
5150 occupation. Retail and service uses, and clubs accessory to recreation facilities
5151 are allowed subject to the following conditions:
 - 5152 1. Accessory retail and service uses shall be located wholly within a building
5153 with a majority of the floor area designed for recreation uses. No outdoor
5154 advertising is allowed.
 - 5155 2. Retail and service uses shall be limited to convenience retail and service
5156 establishments such as pro shops and personal services. Restaurants
5157 accessory to a club are allowed.

5158 *11.1.3 Development plan.* The development plan shall be the zoning control
5159 document for features depicted graphically. The site plan requirement applicable to
5160 rezoning requests shall be adhered to for CUP rezoning requests. Administrative

5161 guidelines for preparing site plans are available from the Director of Community
5162 Development. A site plan shall become the development plan if the request to rezone is
5163 approved without changes or additions. If the approval by the board differs, in any way,
5164 from what is depicted on the site plan submitted for the purpose of seeking rezoning, a
5165 revised plan must be certified by the Department of Community Development before
5166 development related permits may be issued. A site plan or development plan shall not
5167 substitute for plans which are required as a prerequisite for applying for development
5168 related permits. The location of all use areas shall be shown on the development plan,
5169 and location on the ground shall be as shown on the development plan.

5170 *11.1.4 Development standards.*

5171 A. *Height regulations:* No single family residential dwellings or accessory
5172 structures shall exceed 40 feet in height. The height of all other structures are
5173 as approved per the conditions of zoning.

5174 B. *Minimum land area per unit:* As specified in conditions.

5175 C. *Minimum lot area per unit:* As specified in conditions.

5176 D. *Minimum CUP size:* Ten contiguous acres.

5177 E. *Maximum density:*

5178 — Multifamily: Nine units per gross acre.

5179 — Single family: Five units per gross acre.

5180 F. *Minimum lot width:* None, unless specified in conditions.

5181 G. *Minimum CUP development frontage:* 35 feet.

5182 H. *Minimum lot frontage:* 20 feet adjoining a street.

5183 I. *Minimum heated floor area per unit:* As specified in conditions.

5184 J. *Minimum perimeter setback — Entire CUP development:* As specified in
5185 conditions.

5186 K. *Minimum interior setbacks, single family lots:*

5187 1. *Minimum front yard:* As specified in conditions.

5188 2. *Minimum side yard:* As specified in conditions.

5189 3. *Minimum rear yard:* As specified in conditions.

5190 L. *Minimum accessory structure requirements:*

5191 Single family and two family uses: Accessory structures may be located within
5192 the side or rear yards, subject to perimeter and minimum yard setbacks.

5193 Multifamily uses: Accessory structures may be located in the rear yard only, but
5194 shall not be located within a minimum yard.

5195 M. *Minimum building separation—More than one dwelling per lot.* All building
5196 separations shall be as specified by the Standard Building Code.

- 5197 N. *Other minimum standards:*
- 5198 1. Setbacks and roof lines shall be varied by at least two feet so that no more
5199 than three adjoining dwelling units within a single building shall have the
5200 same front setback or roof line.
- 5201 2. Common outdoor area consisting of not less than 550 square feet per unit
5202 shall be provided for recreation in all developments of 20 or more acres.
- 5203 3. Land area proposed for open space or recreation shall be allocated among
5204 the use areas in proportion to the ratio of a neighborhood population to the
5205 total CUP population so that acreage devoted to open space is reasonably
5206 accessible to all residents.
- 5207 4. Multifamily uses shall not be located along the perimeter except adjacent
5208 to or across a street from an existing multifamily or more intense use.
- 5209 5. Agreements, covenants, declarations and other contracts which govern the
5210 use, maintenance, and protection of a CUP development among its owners
5211 areas shall be part of the official zoning file, and changes thereto shall have
5212 no force and effect until a copy has been provided to the Director of
5213 Community Development.
- 5214 6. Multifamily units shall not exceed 25 percent of the total number of dwelling
5215 units in a CUP.

5216 *11.1.5 Other regulations.* The headings below contain some additional, but not all,
5217 provisions applicable to the CUP District:

- 5218 Development regulations. Article XXXIV
- 5219 Exceptions. Section 4.3
- 5220 Floodplain management. Section 4.24
- 5221 Off-street parking and loading. Article XVIII
- 5222 Outside storage. Section 4.2
- 5223 Landscape area and buffer regulations of the TR, A or
5224 A-L District shall apply, as corresponding. Section 4.23
- 5225 River protection. Metropolitan River Protection Act
- 5226 Signs. Article XXXIII

5227

5228 11.2 - NUP Neighborhood Unit Plan.

5229 *11.2.1 NUP District scope and intent.* Regulations set forth in this section are the
5230 NUP District regulations. Article XIX should be consulted to determine uses and
5231 minimum standards for uses allowed by administrative permit or use permit. The NUP

5232 District is intended to provide land areas devoted to low to medium density single family
5233 residential uses of five or fewer units per acre consistent with the densities ranges
5234 suggested on the comprehensive plan land use map. The NUP District is intended to 1)
5235 encourage the development of medium sized tracts of land as planned neighborhoods
5236 or the development of vacant parcels of land with transitional densities in built-up areas,
5237 2) encourage the preservation of trees and vegetation, and to 3) encourage innovative
5238 site planning. Land proposed for a NUP shall comply with the following standards:

5239 A. Provide a density that is consistent with the plan densities and surrounding
5240 properties.

5241 B. Protect neighboring properties by requiring peripheral setbacks and
5242 development standards compatible with adjacent developments as required by
5243 the district standards and the conditions of zoning.

5244 *11.2.2 Use regulations.* Within the NUP District, land and structures shall be used in
5245 accordance with standards herein. Any use not specifically designated as a permitted
5246 use in this section or as a use allowed by administrative permit or use permit shall be
5247 prohibited.

5248 A. *Permitted uses.* Structures and land may be used for only the following
5249 purposes:

5250 1. Single family dwelling.

5251 2. Recreation facilities associated with single family development.

5252 B. *Accessory uses.* A structure or land may be used for uses customarily
5253 incidental to any permitted use and a dwelling may be used for a home
5254 occupation.

5255 *11.2.3 Development plan.* The development plan shall be the zoning control
5256 document for features depicted graphically. The site plan requirement applicable to
5257 rezoning requests shall be adhered to for NUP rezoning requests. Administrative
5258 guidelines for preparing site plans are available from the Director of Community
5259 Development. A site plan shall become the development plan if the request to rezone is
5260 approved without changes or additions. If the approval by the board differs, in any way,
5261 from what is depicted on the site plan submitted for the purpose of seeking rezoning, a
5262 revised plan must be certified by the Department of Community Development before
5263 development related permits may be issued. A site plan or development plan shall not
5264 substitute for plans which are required as a prerequisite for applying for development
5265 related permits. The location of all use areas shall be shown on the development plan,
5266 and location on the ground shall be as shown on the development plan.

5267 *11.2.4 Development standards.*

5268 A. *Height regulations:* No building shall exceed 40 feet in height.

5269 B. *Minimum lot area per unit:* 4,000 s.f.

5270 C. *NUP size:*

5271 Minimum four contiguous acres.

- 5272 Maximum 12 contiguous acres
- 5273 D. *Maximum density:* Five units per gross acre.
- 5274 E. *Minimum lot width:* None unless specified in conditions.
- 5275 F. *Minimum development frontage:* 35 feet.
- 5276 G. *Minimum lot frontage:* 20 feet adjoining a street.
- 5277 H. *Minimum heated floor area per unit:* 1,000 s.f. detached
- 5278 I. *Minimum perimeter setback for the entire NUP development:* When adjacent to
 5279 single family zoning/use or AG-1 zoned property, a 40-foot setback shall be
 5280 provided around the periphery of the development including access drives
 5281 serving more than one lot, principal and accessory structures and swimming
 5282 pools. Other yard improvements and access/utility crossings are permitted.
- 5283 J. *Minimum interior setbacks:*
- 5284 1. *Minimum front yard:* As specified in conditions.
- 5285 2. *Minimum side yard:* As specified in conditions.
- 5286 3. *Minimum rear yard:* As specified in conditions.
- 5287 K. *Minimum interior building separations:* To place a building along an interior
 5288 side lot line at between zero and seven feet shall require an encroachment and
 5289 maintenance easement allowing a minimum of seven feet of access to such
 5290 buildings. A minimum building separation of 14 feet shall be maintained.
- 5291 L. *Minimum accessory structure requirements:* Accessory structures may be
 5292 located in rear or side yards, but shall not be located within a minimum rear
 5293 yard except that detached garages may locate along a rear lot line at between
 5294 zero and seven feet with an encroachment and maintenance easement allowing
 5295 a minimum of seven feet of access to the garage.

5296 **11.2.5 Other regulations.** The headings below contain some additional, but not all,
 5297 provisions applicable to the NUP District:

- 5298 Development regulations. Article XXXIV
- 5299 Exceptions. Section 4.3
- 5300 Floodplain management. Section 4.24
- 5301 Off-street parking and loading. Article XVIII
- 5302 Outside storage. Section 4.2
- 5303 Landscape area and buffer regulations of the TR district shall apply to townhouse
 5304 development. Section 4.23
- 5305 River protection. Metropolitan River Protection Act
- 5306 Signs. Article XXXIII

5307

5308 11.3 - MHP Mobile Home Park District.

5309 *11.3.1 Scope and intent.* Regulations set forth in this section are the MHP District
5310 regulations. Article XIX should be consulted to determine uses and minimum standards
5311 for uses allowed by administrative permit or use permit. The MHP District is provides
5312 minimum design standards for mobile home parks. The MHP District is intended to:

- 5313 A. Provide a desirable living environment.
- 5314 B. Require the provision of usable open space and recreational areas, and
- 5315 C. Be located in areas which are served by public sanitary sewer or be located in
5316 a drainage basin which is identified for sanitary sewer within two years.
- 5317 D. Have access to an arterial street.
- 5318 E. Be located on sites which have a high potential for tree retention and utilization
5319 of natural terrain.

5320 *11.3.2 Use regulations.* Within the MHP District, land and structures shall be used in
5321 accordance with standards herein. Any use not specifically designated as a permitted
5322 use in this section or as a use allowed by administrative permit or use permit shall be
5323 prohibited.

- 5324 A. *Permitted uses.* Structures and land may be used for:
 - 5325 1. Mobile Homes
 - 5326 2. Grocery store with a maximum of 2,500 square feet when approved as part
5327 of the development plan.
 - 5328 3. Laundromat and coin operated dry cleaning when approved as part of the
5329 development plan.
 - 5330 4. Day care facility.
- 5331 B. *Accessory uses.* A structure or land may be used for uses customarily
5332 incidental to any permitted use and a dwelling may be used for a home
5333 occupation. The sale or display of mobile homes shall be accessory as long as
5334 each mobile home offered for sale is located on its individual lot and connected
5335 to all utilities.

5336 *11.3.4 Application.* Applications for rezoning to MHP shall, in addition to the
5337 required submittal routinely required by the Director of Community Development, be
5338 supported by:

- 5339 A. A copy of the rules and regulations of the proposed mobile home park.
- 5340 B. A copy of any proposed covenants.
- 5341 C. A proposed maintenance plan for lawns, shrubbery, trees, recreation areas,
5342 and other natural areas.

5343 **11.3.5 Development plan.** The development plan shall be the zoning control
 5344 document for features depicted graphically. The site plan requirement applicable to
 5345 rezoning requests shall be adhered to for MHP rezoning requests. Administrative
 5346 guidelines for preparing site plans are available from the Director of Community
 5347 Development. A site plan shall become the development plan if the request to rezone is
 5348 approved without changes or additions. If the approval by the board differs, in any way,
 5349 from what is depicted on the site plan submitted for the purpose of seeking rezoning, a
 5350 revised plan must be certified by the Department of Community Development before
 5351 development related permits may be issued. A site plan or development plan shall not
 5352 substitute for plans which are required as a prerequisite for applying for development
 5353 related permits. The location of all proposed structures (excluding mobile or modular
 5354 homes) shall be as shown on the development plan, adopted at the time of zoning
 5355 approval, and actual location on the ground shall be as shown on the development plan.

5356 **11.3.6 Development standards.**

- 5357 A. **Height regulations:** Structures shall be no higher than 35 feet or 2½ stories,
 5358 whichever is higher.
- 5359 B. **Minimum land area:** 20 contiguous acres.
- 5360 C. **Minimum MHP width:** Not less than 400 feet throughout.
- 5361 D. **Minimum site area per unit:** 4,000 s.f.
- 5362 E. **Minimum frontage for the entire MHP development:** 200 feet on an arterial or a
 5363 road within 600 feet of an arterial.
- 5364 F. **Minimum perimeter buffers for the entire MHP:**
 5365 —Road frontage: 100 feet.
 5366 —All other: 50 feet.
- 5367 G. **Maximum density:** 5.5 units per gross acre plus additional density for features
 5368 below:

	Feature	Additional Density
1)	Day care center	.2 units per acre
2)	Supervised recreation	.2 units per acre
3)	Neighborhood center	.2 units per acre
4)	Unit carports or garages	.2 units per acre

5369

5370 *11.3.7 Requirements for individual unit locations.* Each mobile home shall be
5371 located on a separate site which shall be identified by a marker at each corner. It is not
5372 required that individual sites be surveyed. Minimum requirements for individual sites are
5373 as follows:

- 5374 A. *Minimum width:* 44 feet.
- 5375 B. *Minimum size:* 4,000 square feet.
- 5376 C. *Minimum all weather patio:* 300 square feet.
- 5377 D. *Minimum enclosed storage:* 125 cubic feet.
- 5378 E. *Minimum interior street setback:* 15 feet from pavement.
- 5379 F. *Minimum unit separation:* 20 feet.

5380 *11.3.8 Minimum improvements required.*

- 5381 A. *Access, streets, drainage and walks.* Each mobile home park shall have a
5382 minimum of two primary access streets which shall be paved to a minimum
5383 width of 30 feet. Other streets within a mobile home park shall be paved to a
5384 minimum width of 24 feet.
- 5385 B. *Walkways.* All-weather pedestrian walks shall be provided throughout a mobile
5386 home park.
- 5387 C. *Construction standards.* Streets and drainage structures shall be constructed
5388 in accordance with the minimum standards available from the South Fulton
5389 Department of Public Works.
- 5390 D. *Underground utilities required.* All utilities shall be placed underground. A
5391 central television antenna system shall be provided.
- 5392 E. *Lighting.* Streets and walkways shall be lighted.
- 5393 F. *Unit refuse collection facilities.* Each mobile home site shall be provided with
5394 water-tight and rodent proof refuse container(s) having a capacity of at least 50
5395 gallons.
- 5396 G. *Common refuse collection facilities.* Dumpsters or similar devices shall be
5397 provided for every 30 units or fraction thereof in excess of 15. Such central
5398 collection facilities shall be screened from view and shall not be located more
5399 than 400 feet from any mobile home served.
- 5400 H. *Water and wastewater.* Each unit shall be served by public water and sanitary
5401 sewer.
- 5402 I. *Laundry facilities.* Central laundry facilities shall be provided at the rate of one
5403 standard-size washing machine and dryer for each 25 units or fraction in excess
5404 of 11 units. Laundry facilities shall be located not more than 800 feet from the
5405 units served.
- 5406 J. *Public telephones.* Public telephones shall be provided at convenient locations.

- 5407 K. *Fire protection.* Fire hydrants shall be located throughout the park in
 5408 accordance with standards of the fire marshal. Each unit shall be equipped with
 5409 a fire extinguisher type approved by the Fire Marshal of South Fulton.
- 5410 L. *Landscaping.* Each mobile home park shall be landscaped with shade trees,
 5411 shrubs and grass. Landscaping shall be in accordance with a landscaping plan
 5412 which has been approved by the Department of Community Development.
- 5413 M. *Recreation facilities.* At a minimum, ten percent of the gross acreage of a
 5414 mobile home park shall be provided for common open space and recreation for
 5415 the residents of the mobile home park.

5416 *11.3.9 Other minimum standards.*

- 5417 A. Within 30 days of being located in a mobile home park, the undercarriage shall
 5418 be screened from view.
- 5419 B. At least 400 square feet of common area shall be provided per unit for the
 5420 storage of boats, travel trailers and other vehicles. This common storage area
 5421 shall be enclosed by a fence and screened from view from all units and streets.

5422 *11.3.10 MHP District subdivision.* Individually divided lots are not allowed in the
 5423 MHP District. All other divisions shall comply with the Subdivision Regulations of South
 5424 Fulton.

5425 *11.3.11 Other regulations.* The headings below contain some additional, but not
 5426 necessarily all, provisions applicable to the MHP District:

- 5427 Development regulations. Article XXXIV
- 5428 Exceptions. Section 4.3
- 5429 Floodplain management. Section 4.24
- 5430 Off-street parking and loading. Article XVIII
- 5431 Outside storage. Section 4.2
- 5432 River protection. Metropolitan River Protection Act
- 5433 Signs. Article XXXIII

5434 *11.4 - SH Senior Housing District.*

5435 *11.4.1. SH District scope and intent.* Regulations in this section are the SH District
 5436 regulations. Article XIX should be consulted to determine uses and minimum standards
 5437 for uses allowed by Administrative Permit or Use Permit. The SH District is intended to
 5438 provide land area devoted to senior housing consisting of single family and multi-family
 5439 dwellings. The SH District is intended to:

- 5440 A. Encourage senior housing opportunities throughout unincorporated South
 5441 Fulton except in industrial areas.
- 5442 B. Allow seniors the ability remain in their community.

5443 C. Provide standards whereby senior housing is compatible with the surrounding
5444 area.

5445 *11.4.2. Use regulations.* Within the SH District, land and structures shall be used in
5446 accordance with standards herein. Any use not specifically designated as a permitted
5447 use in this section or as a use allowed by Administrative Permit or Use Permit shall be
5448 prohibited.

5449 A. *Permitted uses.* Structures and land may be used for only the following
5450 purposes:

- 5451 1. Single-family dwelling
- 5452 2. Two-family dwelling
- 5453 3. Triplex
- 5454 4. Quadruplex
- 5455 5. Townhouse
- 5456 6. Multi-family residential

5457 B. *Accessory uses.* A structure or land may be used for uses customarily
5458 incidental to any permitted use and a dwelling may be used for a home
5459 occupation.

5460 *11.4.3. Development plan.* The development plan shall be the zoning control
5461 document for features depicted graphically. The site plan requirement applicable to
5462 rezoning requests shall be adhered to for SH District rezoning requests. Administrative
5463 guidelines for preparing site plans are referenced in Article 28.5.2. A site plan shall
5464 become the development plan if the request to rezone is approved without changes or
5465 additions. If the approval by the board differs, in any way, from what is depicted on the
5466 site plan submitted for the purpose of seeking rezoning, a revised plan must be certified
5467 by the Environment and Community Development Department before development
5468 related permits may be issued. A site plan or development plan shall not substitute for
5469 plans which are required as a prerequisite for applying for development related permits.
5470 The location of all use areas shall be shown on the development plan, and location on
5471 the ground shall be as shown on the development plan.

5472 _____

5473 *11.4.4. Development standards.*

- 5474 A. *Height regulations:* No building shall exceed 40 feet in height.
- 5475 B. *Minimum lot area or land area per unit:* As specified in conditions.
- 5476 C. *Maximum density:*

Comprehensive Land Use Plan Map Suggested Density (units per acre)	SH District Maximum Density (units per
--	---

	acre)
Agricultural, forestry and mining	3
Residential - 1 unit/acre or less	3
Residential - 1 to 2 units per acre	4
Residential - 2 to 3 units per acre	5
Residential - 3 to 5 units per acre	7
Residential - 5 to 8 units per acre	10
Residential - 8 to 12 units per acre	14
Residential - 12 to 20 units per acre	20
Retail service and commercial	7
Office	7
Live work—Neighborhood (residential up to five units per acre)	7
Live work—Community (residential up to nine units per acre)	11
Live work—Regional (residential plus nine units per acre)	11
Community facilities	7
Institutional uses	7

5477

- 5478 D. *Minimum lot width: 20 feet.*
- 5479 E. *Minimum SH development frontage: 35 feet.*
- 5480 F. *Minimum lot frontage: 20 feet adjoining a street except up to 35 feet may be*
5481 *required whenever the Director of Public Works requires the extra width to*
5482 *protect catch basins.*

5483

G. *Minimum heated floor area per unit:*

Dwelling Unit Type	Minimum Heated Floor Area
Single-family detached	1,100 square feet
Two-family	900 square feet
Triplex	900 square feet
Quadraplex	900 square feet
Townhouse	900 square feet
Multi-family (efficiency or studio)	600 square feet
Multi-family (1 or 2 bedrooms)	750 square feet

5484

5485

H. *Minimum perimeter setback for the entire SH development:*

5486

1. Minimum front yard: 40 feet.

5487

2. Minimum side yard:

5488

30 feet adjacent to interior line.

5489

40 feet adjacent to street.

5490

3. Minimum rear yard: 35 feet.

5491

I. *Minimum interior setbacks when one building per lot:*

5492

1. Minimum front yard: 20 feet from right-of-way.

5493

2. Minimum side yard:

5494

Seven feet adjacent to interior lot line, except that up to a seven-foot encroachment and maintenance easement may be provided on adjacent parcels, in combination with or in lieu of a side yard, such that a minimum building separation of 14 feet is maintained.

5495

5496

5497

5498

Zero if units are attached, for example, townhouses on separate lots of record

5499

5500

15 feet adjacent to street.

5501

3. Minimum rear yard: 25 feet.

- 5502 J. *Minimum accessory structure requirements:*
- 5503 Single-family and two-family uses: Accessory structures may be located within
- 5504 the side or rear yards but shall not be located within a minimum yard and are
- 5505 subject to perimeter and minimum yard setbacks.
- 5506 Multi-family uses: Accessory structures may be located in the rear yard only but
- 5507 shall not be located within a minimum yard.
- 5508 K. *Minimum building separation—More than one dwelling per lot:* All building
- 5509 separations shall be as specified by the Standard Building Code.
- 5510 L. Other minimum standards:
- 5511 1. Setbacks and roof lines shall be varied by at least two feet so that no more
- 5512 than three adjoining dwelling units within a single building shall have the
- 5513 same front setback or roof line.
- 5514 2. Common outdoor area consisting of not less than 150 square feet per unit
- 5515 shall be provided for recreation in all developments.
- 5516 3. Land area proposed for open space or recreation shall be allocated among
- 5517 the use areas in proportion to the ratio of a neighborhood's population to
- 5518 the total SH population so that acreage devoted to open space is
- 5519 reasonably accessible to all residents.
- 5520 4. Provide a minimum 600 square foot heated and cooled community center
- 5521 with kitchen and media center facilities. If there is a management office
- 5522 associated with the development, the community center may be located
- 5523 within the confines of that office.
- 5524 5. Agreements, covenants, declarations and other contracts which govern the
- 5525 use, maintenance, and protection of a SH development among its owners'
- 5526 areas shall be part of the official zoning file, and changes thereto shall have
- 5527 no force and effect until a copy has been provided to the Director of the
- 5528 Environment and Community Development Department. All SH
- 5529 developments shall have a mandatory agreement, covenant or contractual
- 5530 requirement that all sales or transfers of the property to subsequent owners
- 5531 shall be subject to the 100 percent occupancy requirement by residents
- 5532 aged 62 or older.
- 5533 6. A 50-foot principal perimeter building setback shall be provided for the
- 5534 entire SH development when adjacent to single family residential districts
- 5535 and/or AG-1 districts.
- 5536 7. Parking spaces shall be calculated as 1.4 spaces per dwelling unit.
- 5537 8. No parking shall be allowed in the minimum front yard setback.
- 5538 9. SH developments must be served by public water and sewer.
- 5539 10. All SH developments shall provide a minimum 25-foot wide natural,
- 5540 undisturbed buffer with a ten-foot improvement setback or a minimum six-
- 5541 foot high earthen berm planted to landscape strip standards, with a

5542 maximum slope of 3 to 1 or combination thereof around the perimeter of the
5543 property. Said buffer and improvement setback or berm shall not be part of
5544 any residentially platted lot. All areas which are not part of an individual lot
5545 and held in common shall be accessible via dedicated roadways,
5546 easements, sidewalks, etc. and shall be maintained by a mandatory
5547 homeowners association, whose proposed documents of incorporation shall
5548 be submitted to the Director of Community Development for review and
5549 approval prior to the recording of the first final plat.

5550 11. Facility shall comply with all applicable local, state, and federal
5551 regulations and copies of any applicable permits shall be provided to the
5552 Department of Community Development prior to the issuance of a
5553 certificate of occupancy.

5554 12. Projects are required to incorporate Easy Living and applicable
5555 accessibility standards (as administered and copyrighted by a coalition of
5556 Georgia citizens including AARP of Georgia, Atlanta Regional Commission,
5557 Concrete Change, Georgia Department of Community Affairs, Governor's
5558 Council on Developmental Disabilities, Home Builders Association of
5559 Georgia, Shepherd Center and the Statewide Independent Living Council of
5560 Georgia).

5561 13. Senior housing shall be 100 percent occupied by persons who are 62
5562 years of age or older which shall be verified per Housing and Urban
5563 Development (HUD) regulations regarding verification of occupancy.

5564 *11.1.5. Other regulations.* The headings below contain some additional, but not all,
5565 provisions applicable to the Senior Housing District:

5566 Development Regulations. Article XXXIV

5567 Exceptions. Section 4.3

5568 Floodplain Management. Section 4.24

5569 Off Street Parking and Loading. Article XVIII

5570 Outside Storage. Section 4.2

5571 River Protection. Metropolitan River Protection Act

5572 Signs. Article XXXIII

5573

~~5575~~ ~~5574~~ ARTICLE XA. - [OVERLAY DISTRICTS]

~~5576~~ 12A.1 - Overlay district authority.

5578 *12A.1.1 Declaration of purpose, scope, intent and public policy.* The South Fulton
5579 City Council finds that as a matter of public policy that the aesthetic, economic and
5580 functional qualities of unincorporated South Fulton are worthy of enhancement and

5581 preservation and are essential to the promotion of the health, prosperity, safety and
5582 general welfare of the existing and future residents of unincorporated South Fulton.
5583 Therefore, the City Council authorizes each planning area to propose overlay districts
5584 and regulations, and, if desired, to request that the board appoint a design review
5585 board. The purpose of said design review board and overlay district regulations shall be:

- 5586 1. To foster civic pride.
- 5587 2. To promote attention to accepted design principles in areas of new
5588 development and redevelopment.
- 5589 3. To raise the level of community understanding and expectation for quality in
5590 the built environment.
- 5591 4. To implement the comprehensive plan.
- 5592 5. To provide for the designation, protection, rehabilitation and redevelopment of
5593 properties within overlay districts and to participate in federal and state
5594 programs designed to do the same.
- 5595 6. To protect and enhance local aesthetic and functional qualities and to stimulate
5596 business.
- 5597 7. To enhance the opportunities for federal, state and local tax benefits under
5598 relevant federal, state and local laws.

5599 The City Council further finds that the timely exercise of judgement in the public
5600 interest by a public body of proposed new development or redevelopment is
5601 desirable. Accordingly, the public policy objectives of this resolution are to guide
5602 certain aspects of development, such as:

- 5603 1. The spatial relationships of structures and open spaces to each other, and
- 5604 2. The appearance of buildings and open spaces as they contribute to the
5605 attractiveness, function, economy and character of an area.

5606 Planning area design standards are intended to be uniformly applied to evaluate the
5607 appropriateness of proposed changes to an overlay district in order to:

- 5608 1. Protect and enhance the visual qualities and character of the district,
- 5609 2. Provide guidance to design professionals, property and business owners
5610 undertaking construction in the district,
- 5611 3. Recommend appropriate design approaches, and
- 5612 4. Provide an objective basis for review, assuring consistency and fairness.

5613 12A.2 - Definitions.

5614 12A.2.1 The words "shall" and "must" are mandatory, and the words "may" and
5615 "should" are permissive. As used in this section, the following terms shall be defined as
5616 follows:

5617 *Appearance.* The outward aspect that is visible to the public.

5618 *Appropriate.* Fitting to the context of a site, neighborhood or community.

5619 *Architectural concept.* The basic aesthetic idea of a structure, or group of structures,
5620 including the site, signs, buildings and landscape development that produces the
5621 architectural character.

5622 *Architectural feature.* A significant element of a structure or site.

5623 *Attractive.* Having qualities that arouse satisfaction and pleasure in numerous, but
5624 not necessarily all, observers.

5625 *Building.* A building is a structure created to shelter any form of human activity,
5626 including but not limited to, a house, store, barn, church, hotel.

5627 *Certificate of endorsement (COE).* A document evidencing support of a material
5628 change in the appearance of a property located within an overlay district by the person
5629 or board designated within an overlay district.

5630 *Cohesiveness.* Unity of composition among elements of a structure or among
5631 structures, and their landscape development.

5632 *Compatibility.* Harmony in appearance of architectural features in the same vicinity.

5633 *Design review board (DRB).* A panel which, when appointed by the City Council,
5634 consists of seven members appointed to consider applications within a specific overlay
5635 district.

5636 *Designation or designated.* A decision by the City Council of South Fulton, Georgia,
5637 wherein a property or district is declared an overlay district.

5638 *External design feature.* The general arrangement of any portion of structures or
5639 landscaping, including the type, and texture of the materials, the type of roof, windows,
5640 doors, lights, signs, and fixtures of portions which are open to the public view.

5641 *Exterior architectural features.* The architectural style, general design and general
5642 arrangement of the exterior of a structure and site, including but not limited to the kind
5643 or texture of the building material and the type and style of all windows, doors, signs,
5644 facade, landscaping and other architectural fixtures, features, details, or elements
5645 relative thereto.

5646 *Geographic area.* Land area subject to overlay district regulations.

5647 *Harmony.* A quality that represents an attractive arrangement of parts, as in an
5648 arrangement of various architectural elements.

5649 *Landscape.* Plant materials, topography and other physical elements combined in
5650 relation to one another and to structures including pavement.

5651 *Logic of design.* Widely accepted principles and criteria in the solution of design
5652 problems.

5653 *Material change in appearance.* A change in a structure or a parking lot within an
5654 overlay district that exceeds ordinary maintenance or repair (defined below), and
5655 requires either a sign permit, building permit or land disturbance permit such as, but not
5656 limited to:

- 5657 1. The erection, alteration, restoration, addition or removal of any structure
5658 (including signs) or parking lot;
- 5659 2. Relocation of a sign or building;
- 5660 3. Commencement of excavation; or
- 5661 4. A change in the location of advertising visible from the public right-of-way.

5662 *Ordinary maintenance or repair.* Exempt from inclusion in "Material Change in
5663 Appearance" defined above. Ordinary maintenance or repair of any exterior of any
5664 structure, parking lot or sign in or on an overlay district property to correct deterioration,
5665 decay or damage, or to sustain the existing form, and that does not involve a material
5666 change in outer design, material, or appearance thereof. Painting, reroofing,
5667 resurfacing, replacement of a broken sign face and other similar types of ordinary
5668 maintenance shall be deemed ordinary maintenance and repair.

5669 *Overlay district.* A geographically definable area, possessing a significant
5670 concentration or linkage of sites, buildings, structures, objects or landscapes, including
5671 the adjacent area necessary for the proper treatment thereof, united by plan and/or
5672 physical development. An overlay district shall further mean an area designated by the
5673 South Fulton City Council as such.

5674 *Overlay property.* An individual site, structure, object or landscape, including the
5675 adjacent area necessary for the proper continuity thereof, contained within an overlay
5676 district.

5677 *Proportion.* Balanced relationship of parts of a building, signs and other structures,
5678 and landscape to each other and to the whole.

5679 *Scale.* Proportional relationships of the size of parts to one another and to humans.

5680 *Street hardware.* Objects other than buildings that are part of the streetscape.
5681 Examples are: street light fixtures, utility poles, traffic lights and their fixtures, benches,
5682 litter containers, planting containers, fire hydrants, etc.

5683 *Streetscape.* The appearance and organization along a street of buildings, paving,
5684 plantings, street hardware and miscellaneous structures.

5685 12A.3 - Certificates of endorsement.

5686 *12A.3.1 Approval of alterations or new construction.* Applicants for a South Fulton
5687 land disturbance permit, sign permit or building permit shall obtain a certificate of
5688 endorsement (COE) for applicable properties.

5689 *12A.3.2 Guidelines and criteria for certificates of endorsement.* Issuance of
5690 certificates of endorsement (COE) shall be based on the criteria of the Zoning
5691 Resolution of South Fulton along with other criteria adopted by the City Council.

5692 *12A.3.3 Submission of plans.* An application for a COE shall be accompanied by
5693 such drawings, photographs, material samples or plans as may be required pursuant to
5694 the overlay district provisions.

5695 *12A.3.4 Interior alterations.* Review of applications for endorsement shall not
5696 consider interiors or exterior features which are not visible from a public street.

5697 *12A.3.5 Issuance of a certificate of endorsement.*

5698 A. A COE may be issued when the proposed material change(s) in the
5699 appearance or arrangement of the elements of the project is consistent with the
5700 overlay district provisions.

5701 B. A copy of each final COE shall be maintained in the Department of Community
5702 Development.

5703 *12A.3.6 Exceptions.* When, by reason of unusual circumstances, the strict
5704 application of any provision of this article would result in the exceptional practical
5705 difficulty or undue hardship due to the circumstances unique to the particular property in
5706 question, the Board of Zoning Appeals, in passing upon applications, shall consider and
5707 issue exceptions to said provisions so as to relieve such difficulty or hardship provided
5708 such exceptions shall remain in harmony with the general purpose and intent of said
5709 provisions, so that the integrity or character of the property, shall be conserved and
5710 substantial justice done. A hardship shall not qualify as an undue hardship if it is of a
5711 person's own making.

5712 In granting such exceptions, the Zoning Board of Appeals may impose such reasonable
5713 and additional stipulations and conditions as will, in its judgement, best fulfill the
5714 purpose of this article.

5715 *12A.3.7 Appeals.* Appeals are to the Board of Zoning Appeals. Any appeal of a
5716 decision of the Zoning Board of Appeals shall be as required by law.

5717 *12A.3.8 Deadline for consideration of application for COE.* The DRB shall consider
5718 a completed application for a COE within 15 days after the filing thereof by the owner or
5719 occupant of an overlay district property. If the application has not been acted upon
5720 within 15 days, an the application shall be considered to be approved as submitted.

5721 *12A.3.9 Relationship of this article to other zoning provisions.* The adoption of a
5722 resolution designating an overlay district, is an amendment to the existing Zoning
5723 Resolution. Designation of a zoning overlay district and shall be shown as such on the
5724 official zoning maps of South Fulton, Georgia.

5725 *12A.4 - Maintenance of properties building code and zoning provisions.*

5727 *12A.4.1 Ordinary maintenance or repair.* Ordinary maintenance or repair of any
5728 exterior feature visible from a public street in or on an overlay district property to correct
5729 deterioration, decay or damage, or to sustain the existing form, and that does not
5730 involve a material change in design, material, or outer appearance thereof, does not
5731 require a building, sign, or land disturbance permit.

5732 *12A.4.2 Failure to provide ordinary maintenance or repair.* The owner or owners, or
5733 the owner's agent, of each designated overlay district property or site, shall keep in
5734 good repair all of the exterior portions of such property and site and all interior portions
5735 thereof which, if not maintained, may cause or tend to cause the exterior portion of such
5736 property or site to deteriorate, decay or become damaged or otherwise to fall into a

5737 state of disrepair. The Director of Community Development shall be responsible for the
5738 enforcement of the ordinary maintenance or repair provisions contained within this
5739 section.

5740 *12A.4.3 Affirmation of existing building codes and zoning.* Nothing in this resolution
5741 shall be construed to exempt property and business owners from complying with other
5742 existing City regulations whenever this article does not apply. This resolution is an
5743 amendment to the Zoning Resolution and all other provisions of the Zoning Resolution
5744 shall remain in effect unless provisions in the overlay district conflict with other
5745 provisions of the Zoning Resolution, in which case, the stricter provisions of the overlay
5746 district shall apply.

~~5748~~ 12A.5 - Interpretation, violations, enforcement and penalty provisions.

5749 *12A.5.1 Violations.* This article shall be governed by article XXIX, section 29.1 of
5750 this resolution.

5751 *12A.5.2 Enforcement.* This article shall be governed by section 26.3 of this
5752 resolution.

5753 *12A.5.3 Penalty.* Violation of this resolution shall be punished as provided for by the
5754 South Fulton Code of Ordinances or other applicable laws.

5755 *12A.5.4 Severability.* In the event that any section, subsection, sentence, clause or
5756 phrase of this resolution shall be declared or adjudged invalid or unconstitutional, such
5757 adjudication shall in no manner affect the other sections, subsections, sentences,
5758 clauses or phrases of this article which shall remain in full force and effect, as if the
5759 section, subsection, sentence, clause, or phrase so declared or adjudged invalid or
5760 unconstitutional were not originally a part thereof.

5761 *12A.5.5 Conflicts.* If the provisions of this article conflict with this resolution, or other
5762 ordinances, resolutions or regulations, the provisions of this article shall govern or
5763 prevail to the extent of the conflict.

5764 *12A.5.7 Interpretation.* This article shall be governed by section 26.1 of this
5765 resolution.

5766

5767 ARTICLE XIIC. - CASCADE CORRIDOR (CASCADE) DISTRICT

~~5768~~ 12C.1 - Purpose and intent.

5770 The City Council of South Fulton, Georgia hereby declares it to be the purpose and
5771 intent of this resolution to establish a uniform procedure for providing for the protection,
5772 enhancement, preservation, unity of design, and use of places, sites, buildings,
5773 structures, streets, neighborhoods, and landscape features in the Cascade Corridor
5774 District in accordance with the provisions herein.

5775 This resolution is adopted as part of a strategy designed to promote the health,
5776 safety, order, prosperity, and general welfare of the citizens of South Fulton through the

5777 regulation of design, aesthetics, location, bulk, size of buildings and structures, and the
5778 density and distribution of population.

5779 This resolution also seeks to reduce congestion on the streets; to provide safety
5780 from fire, flood and other dangers; provide adequate light and open space; protect the
5781 natural environment and address other public requirements, in order to provide
5782 sustainable development that involves the simultaneous pursuit of economic prosperity,
5783 environmental protection and social quality.

5784 This resolution also seeks, among other things, to promote accepted design
5785 principles in areas of new development and redevelopment, to raise the level of
5786 community understanding and expectation for quality in the built environment, to protect
5787 and enhance local aesthetic and functional qualities, and to stimulate business and
5788 promote economic development.

5789 In consideration of the character of the Cascade Corridor District, these regulations
5790 are to monitor the suitability for certain uses, construction and design, prevent functional
5791 and visual disunity, promote desirable conditions for community and commerce and
5792 protect property against blight and depreciation.

5793 12C.2 - Cascade Corridor Overlay District use regulations.

5794 The Cascade Corridor Overlay District applies to all properties zoned or developed
5795 for nonresidential and residential uses (except single family detached dwelling units)
5796 within 3,500 feet of the center line of Cascade Road in unincorporated South Fulton
5797 between the Atlanta City limits and Danforth Road (see attached map).

5798 Within the Cascade Corridor Overlay District, land and structures shall be used in
5799 accordance with the standards of the underlying district.

5800 Whenever provisions of this Article conflict with any other Article in the Zoning
5801 Resolution of South Fulton or any other South Fulton ordinances, regulations, or
5802 resolutions, these standards shall prevail.

5803 12C.3. - Development Standards.

5804 *12C.3.A. Landscaping.*

5805 1. 15-foot wide landscape strip along any public street when Article 4 of the
5806 Zoning Resolution otherwise specifies a smaller landscape strip.

5807 (a) The landscape strip may be as specified by the South Fulton Tree
5808 Preservation Ordinance, or may be a combination of hardscape elements
5809 (plazas, planters, benches, fountains and tables, etc.), ground cover,
5810 shrubs, and the required number of hardwood trees as specified by the
5811 Tree Preservation Ordinance.

5812 (b) Shrubs shall be a minimum height of 3 feet at time of planting.

5813 (c) A minimum of one 3" caliper hardwood shade tree is required for every
5814 thirty (30) linear feet of landscape strip.

5815 2. 10-foot wide landscape strip along any interior property line adjacent to a
5816 nonresidential zoning and/or use.

5817 *12C.3.B. Screening.*

5818 1. Refuse areas and receptacles shall be placed in the least visible location from
5819 public streets and shall be enclosed on 3 sides with opaque walls. The 4th side
5820 shall be a self-closing gate made from noncombustible materials. Opaque walls
5821 shall be a minimum of 12 inches higher than the receptacle. Wall materials shall
5822 be noncombustible brick. Refuse receptacles shall not be placed within 50 feet
5823 of an existing residential or AG-1 (Agricultural) zoning district.

5824 2. Accessory site features are prohibited in the front yard of any property.

5825 3. Accessory site features located on the ground shall be screened from view
5826 from any public right-of-way, any residential use, or any residential or AG-1
5827 zoning category by one of the following: placement behind the building, 100
5828 percent opaque fencing, berm or vegetative screen planted to buffer standards.

5829 4. Accessory site features on a roof shall be screened by a parapet or other
5830 architectural feature or as approved by the Director of Environment and
5831 Community Development.

5832 5. Chain link fencing may be used along golf courses, play fields, and other
5833 recreational areas. All chain link fencing shall be black or hunter green vinyl
5834 coated.

5835 6. When required, fencing material around detention/retention facilities shall be
5836 black or hunter green vinyl coated chain link fence.

5837 7. Retaining walls shall be faced with or constructed of stone, brick, or decorative
5838 concrete modular block only.

5839 *12C.3.C. Pedestrian Paths.*

5840 1. Sidewalks are required along all public and private road frontages.

5841 2. Internal walkways (paths) are required from the public sidewalk to the main
5842 entrance of the principle use of the property and shall meet applicable
5843 Americans with Disabilities Act (ADA) standards for slope, width, texture, level
5844 differences, and ramps.

5845 3. Pedestrian paths may be constructed of either colored/textured materials or
5846 conventional sidewalk materials and shall be clearly identified.

5847 4. Pedestrian paths shall be illustrated on the site plan submitted at the time of
5848 application for a Land Disturbance Permit

5849 5. Paths shall be designed to minimize direct auto-pedestrian interaction.

5850 6. Paths shall be connected to signalized crosswalks where applicable.

5851 7. Paths shall be direct and convenient routes between points of origin (such as a
5852 bus stop) and destination (such as a shop, bank, etc).

- 5853 8. Street furniture shall be located outside the specified width of any pedestrian
5854 path.
- 5855 9. If a business is open after dark, the path shall be well-lit by a minimum of 0.9
5856 foot-candles with an average to minimum uniformity ratio of 4:1. The lighting
5857 plan for pedestrian paths shall be included on the site plan submitted at the time
5858 of application for a Land Disturbance Permit.
- 5859 *12C.3.D. Building Materials and Architectural Treatments.*
- 5860 1. Developments shall include architecture elements such as columns, arcades,
5861 covered entry-walkways, arches, facade offsets, windows, balconies, offset
5862 walls, clock towers, cupolas and/or courtyards.
- 5863 2. The exterior finish of all buildings shall be at least 51 percent brick (or an
5864 equivalent alternative treatment approved by the Director of Environment and
5865 Community Development) per vertical wall plane.
- 5866 3. Accent building materials of nonreflective glass, natural stone, precast
5867 concrete, stucco, stucco-like material, glass block, Hardi-plank and tile (or an
5868 equivalent alternative treatment approved by the Director of Environment and
5869 Community Development) shall not exceed 49 percent per vertical wall plane.
- 5870 4. The principle entry area of a building shall be articulated and express greater
5871 architectural detail than other portions of the building.
- 5872 5. To the extent any rear or side of any building is visible from any public street or
5873 single family residence, architectural treatment shall continue through the rear
5874 or side.
- 5875 6. Exterior finishes for accessory structures shall be consistent with the principle
5876 structure.
- 5877 7. Permitted colors for exterior walls, building components, sign structures, accent
5878 and decorative elements shall be as specified by Table 12C or as approved by
5879 the Director of Environment and Community Development.

5880 Table 12C
5881 Acceptable Color for Architectural
5882 Treatment Elements
5883 Pantone Matching System (PMS)
5884 U denotes dull finish

Color-Hue	Value
Yellow	138U, 1385U, 145U
Orange	1525U, 1535U, 159U, 160U, 1595U, 1605U, 1685U, 174U, 175U

Brown	462U-468U
Red	1945U
Blue	2748U, 280U, 287U, 293U, 294U, 301U, 3015U, 307U, 5425U, 5435U, 5445U, 5455U
Green	340U-343U, 3415U, 3425U, 3435U
Black	40U, 401U-405U, 4U, 7U, Cool Grey 4U
Tan	726U-732U

5885

5886 8. Roof colors shall be black, gray, brown, or green. Reflective and metallic colors
5887 are prohibited.

5888 9. Exposed concrete masonry unit (CMU) block, corrugated steel, aluminum
5889 siding, vinyl siding, wood siding, prefabricated metal, exposed plywood, and
5890 exposed pressboard are prohibited as exterior finishes.

5891 10. Burglar bars, steel gates, metal awnings and steel-roll down curtains are
5892 prohibited on the exterior of a structure except at the structure's rear. Burglar
5893 bars are prohibited on the rear if visible from a public street. Burglar bars are
5894 also prohibited on the rear of an outparcel building if visible from the main
5895 structure. Roll-down security devices that allow visibility into the store when
5896 they are deployed, such as security shutters, are allowed if installed interior to
5897 the structure. Said interior security devices shall give the overall appearance of
5898 a uniform horizontal pattern, and shall be placed so that the pattern is at a
5899 uniform height across the entire business front, and shall match or compliment
5900 the color of the surrounding window frame. Said interior security device shall be
5901 rolled up (out of sight) during business operating hours and if business has
5902 vacated. Extraneous items shall not be attached to the security device.
5903 Preferred security device is QMI, Vision Profile Security Shutters, Style 51.

5904 Prior to the installation of all security devices the owner/leasee shall obtain a
5905 Letter of Appropriateness from the Director of Planning and Community
5906 Services Department.

5907 a. Owner/Leasee shall provide the following in order to obtain the Letter of
5908 Appropriateness:

5909 A signed and notarized letter with attachments describing:

5910 1. Building address where devices are to be installed.

- 5911 2. Detailed information including site plan and elevation drawing showing
5912 location of security device in relation to building façade, windows,
5913 doors, etc.
- 5914 3. Name of security product (provide manufacturer information).
- 5915 4. Detailed information on the security product (color, material etc.).
- 5916 5. Other information as may be requested to assure compliance with the
5917 security device standard.
- 5918 6. Notarized letter from installer certifying that product shall be installed to
5919 manufacturer's specifications.

5920 b. Planning and Zoning Staff will review the information for compliance with
5921 the security device standard and upon determination of compliance will
5922 provide a Letter of Appropriateness.

5923 11. Neon lights outlining and/or detailing building features are prohibited.

5924 12. Flat roofs and roof-mounted equipment shall be screened from the view of
5925 public and private streets by a parapet. No parapet shall be required to be
5926 greater than 4 feet above roof.

5927 13. Vending machines, paper stands, and other similar devices must be located
5928 interior to the building structure.

5929 *12C.3.E. Architectural Review Process.*

5930 1. Prior to the issuance of a building permit, the applicant shall submit plans
5931 which include details of exterior materials, colors, design and architectural
5932 elements of proposed building(s) as specified by this Article.

5933 2. South Fulton staff will review all requests for land disturbance, building
5934 (excluding interior renovations), and sign permits for compliance with this
5935 Article. Upon determination of compliance, a Certificate of Endorsement (CoE)
5936 will be provided in the form of signing the formally submitted plans and
5937 drawings.

5938 3. Prior to the issuance of a building permit, the community will be allowed ten
5939 working days to review and comment. In no event shall a proposal which
5940 otherwise conforms to applicable codes and regulations be delayed issuance of
5941 a building permit for more than 10 working days due to this review and
5942 comment process.

5943 *12C.3.F. Miscellaneous Provisions.*

5944 1. Except as provided for in Article 19, the storage and/or sale of goods is
5945 prohibited in parking lots and other areas outside of the interior or permanently
5946 sheltered portions of a building.

5947 2. Storage of shopping carts is allowed without a permit.

5948 **12C.4 - Signs.**

5949 *12C.4.A. Standards:*

5950 1. Base and framework of monument signs shall be made of the same brick as
5951 the principal structure.

5952 2. The architecture color standards of the district apply only to the sign structure
5953 not to the sign face.

5954 *12C.4.B. Prohibited Sign Types:*

5955 1. Window signs along the corridor are prohibited.

5956 *12C.4.C. Sign Lighting:*

5957 1. Wall signs shall be internally illuminated.

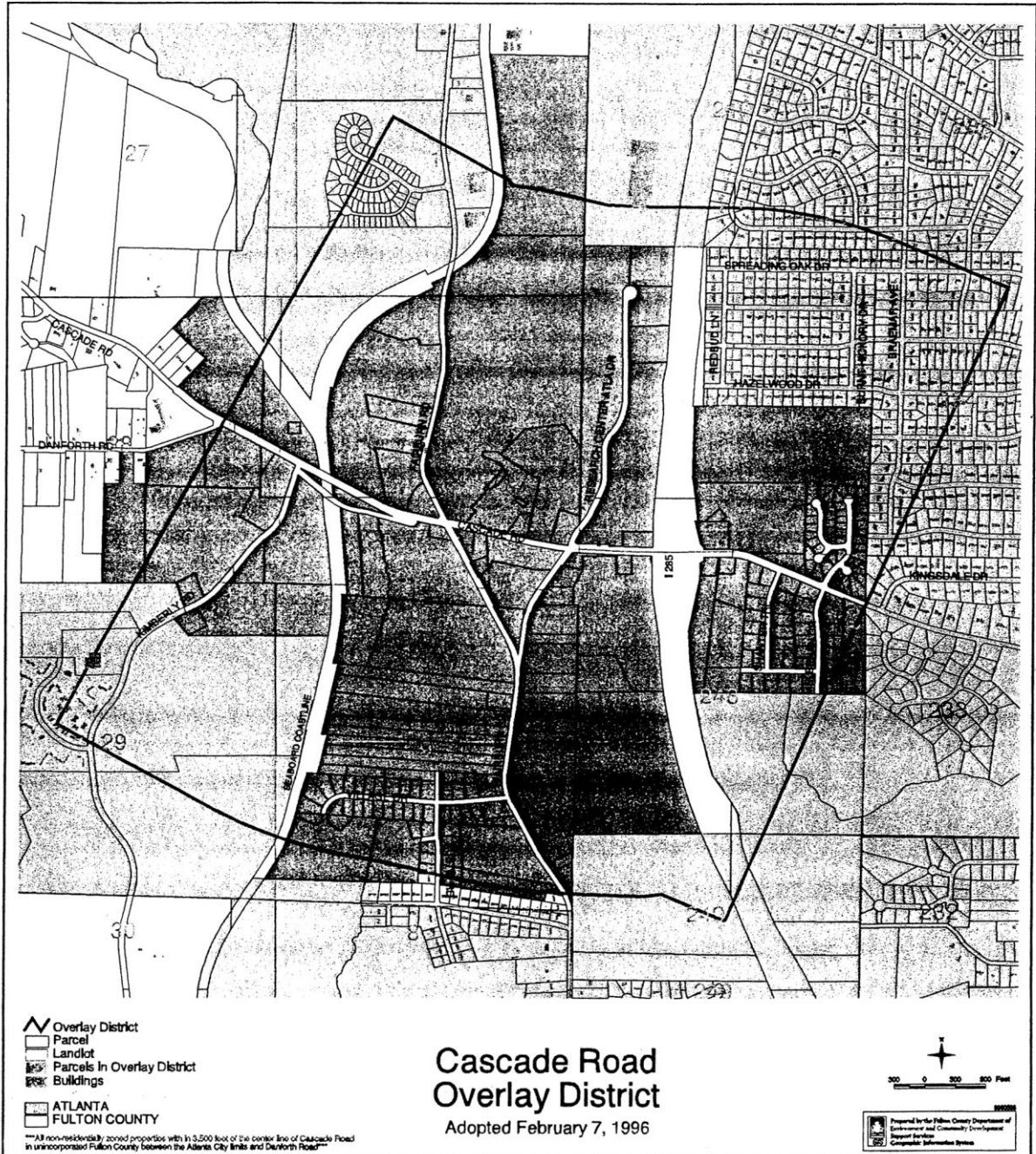
5959 12C.5. - Severability.
5958

5960 In the event that any section, subsection, sentence, clause or phrase of this Article
5961 shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no
5962 manner affect the other sections, subsections, sentences, clauses or phrases of this
5963 Article, which shall remain in full force and effect, as if the section, subsection,
5964 sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not
5965 originally a part thereof.

~~5966~~ 12C.6. - Appeals.

5968 Any persons aggrieved by a final decision of the Department of Community
5969 Development relating to this article may appeal such final decision to the Zoning Board
5970 of Appeals by filing in writing setting forth plainly, fully and distinctly why the final
5971 decision is contrary to law per the South Fulton Zoning Resolution. Such appeal shall be
5972 filed within 30 days after the final decision of the department is rendered.

5973



5974

5975

5976 Cascade Road Overlay District

5977 ARTICLE XIID. - OLD NATIONAL HIGHWAY OVERLAY DISTRICT^[15]

5978

5980 12D.1 - Purpose and intent.

5981 The City Council of South Fulton, Georgia hereby declares it to be the purpose and
5982 intent of this resolution to establish a uniform procedure for providing for the protection,
5983 enhancement, preservation, unity of design, and use of places, sites, buildings,
5984 structures, streets, neighborhoods, and landscape features in the Old National Highway
5985 District in accordance with the provisions herein.

5986 This resolution is adopted as part of a strategy designed to promote the health,
5987 safety, order, prosperity, and general welfare of the citizens of South Fulton through the
5988 regulation of design, aesthetics, location, bulk, size of buildings and structures, and the
5989 density and distribution of population.

5990 This resolution also seeks to reduce congestion on the streets; to provide safety
5991 from fire, flood and other dangers; provide adequate light and open space; protect the
5992 natural environment and address other public requirements, in order to provide
5993 sustainable development that involves the simultaneous pursuit of economic prosperity,
5994 environmental protection and social quality.

5995 This resolution also seeks, among other things, to promote accepted design
5996 principles in areas of new development and redevelopment, to raise the level of
5997 community understanding and expectation for quality in the built environment, to protect
5998 and enhance local aesthetic and functional qualities, and to stimulate business and
5999 promote economic development.

6000 In consideration of the character of the Old National Highway District, these
6001 regulations are to monitor the suitability for certain uses, construction and design,
6002 prevent functional and visual disunity, promote desirable conditions for community and
6003 commerce and protect property against blight and depreciation.

6004 12D.2 - Old National Highway Overlay District regulations.

6005 The Old National Highway Overlay District applies to all properties zoned or
6006 developed for nonresidential and residential uses (except single family detached
6007 dwelling units) which have frontage on Old National Highway or have direct access to
6008 Old National Highway, or are located on streets that intersect Old National Highway in
6009 South Fulton between the City of College Park limits, Union City limits, and Fayette
6010 County (see attached map). Within the Old National Highway Overlay District, land and
6011 structures shall be used in accordance with the standards of the underlying district.

6012 Whenever provisions of this Article conflict with any other Article in the Zoning
6013 Resolution of South Fulton or any other South Fulton ordinances, regulations, or
6014 resolutions, these standards shall prevail.

6015 12D.3. - Development standards.

6016 *12D.3.A. Landscaping.*

6017 1. 15-foot wide landscape strip along any property line adjacent to a public street
6018 when Article 4 of the Zoning Resolution otherwise specifies a smaller landscape
6019 strip:

6020 (a) The landscape strip may be as specified by the South Fulton Tree
6021 Preservation Ordinance, or may be a combination of hardscape elements

6022 (plazas, planters, benches, fountains and tables, etc.), ground cover,
6023 shrubs, and the required number of hardwood trees as specified by the
6024 Tree Preservation Ordinance.

6025 (b) Shrubs shall be a minimum height of 3 feet at time of planting.

6026 (c) A minimum of one 3" caliper hardwood shade tree is required for every
6027 thirty (30) linear feet of landscape strip.

6028 2. 10-foot wide landscape strip along any interior property line adjacent to a
6029 nonresidential zoning and/or use.

6030 3. All landscaped areas shall be maintained by the property owner(s).

6031 4. Landscape treatments shall not obscure street addresses.

6032 *12D.3.B. Screening.*

6033 1. Refuse areas shall be enclosed on four (4) sides with opaque fencing, 12
6034 inches higher than the receptacle, and constructed of the same material as the
6035 building structure. One side shall be a self-closing gate. Refuse receptacles
6036 shall not be placed within 50 feet of an existing residential or AG-1 (Agricultural)
6037 zoning district.

6038 2. Accessory site features are prohibited in the front yard of any property.

6039 3. Accessory site features located on the ground shall be screened from view
6040 from any public right-of-way, any residential use, or any residential or AG-1
6041 zoning category by one of the following: placement behind the building, 100
6042 percent opaque fencing, berm or vegetative screen planted to buffer standards.

6043 4. Accessory site features on a roof shall be screened by a parapet or other
6044 architectural feature or as approved by the Director of Environment and
6045 Community Development.

6046 5. When required, fencing material around detention/retention facilities shall be
6047 black or hunter green vinyl coated chain link fence.

6048 6. Retaining walls shall be faced with or constructed of stone, brick, or decorative
6049 concrete modular block only.

6050 7. Loading docks shall be screened by a continuous hedge of evergreen shrubs.
6051 Shrubbery shall be a minimum height of five (5) feet at time of planting.
6052 Shrubbery must be cared for under a continuous maintenance program.

6053 *12D.3.C. Pedestrian Paths.*

6054 1. Sidewalks are required along all public and private road frontages.

6055 2. Internal walkways (paths) are required from the public sidewalk to the main
6056 entrance of the principle use of the property and shall meet applicable
6057 Americans with Disabilities Act (ADA) standards for slope, width, texture, level
6058 differences, and ramps.

6059 3. Pedestrian paths may be constructed of either colored/textured materials or
6060 conventional sidewalk materials and shall be clearly identified.

- 6061 4. Pedestrian paths shall be illustrated on the site plan submitted at the time of
- 6062 application for a Land Disturbance Permit
- 6063 5. Paths shall be designed to minimize direct auto-pedestrian interaction.
- 6064 6. Paths shall be connected to signalized crosswalks where applicable.
- 6065 7. Paths shall be direct and convenient routes between points of origin (such as a
- 6066 bus stop) and destination (such as a shop, bank, etc).
- 6067 8. Street furniture shall be located outside the specified width of any pedestrian
- 6068 path.

6069 *12D.3.D. Building Materials and Architectural Treatments.*

- 6070 1. Developments shall include architecture elements such as columns, arcades,
- 6071 covered entry-walkways, arches, facade offsets, windows, balconies, offset
- 6072 walls, clock towers, cupolas and/or courtyards.
- 6073 2. All buildings shall be brick, precast concrete, natural stone, cementitious
- 6074 stucco, tinted glass or horizontal clapboard siding (or an equivalent alternative
- 6075 treatment approved by the Director of Environment and Community
- 6076 Development). Exterior metal siding is allowed in industrially zoned districts but
- 6077 only on non-street-facing façades.
- 6078 3. The exterior wall materials of all structures except industrial buildings shall
- 6079 consist of a minimum of 60 percent (per vertical wall plane) of the following:
- 6080 horizontal clapboard siding, brick or stone (or an equivalent alternative
- 6081 treatment approved by the Director of Environment and Community
- 6082 Development).
- 6083 4. Accent wall materials of glass, architecturally treated concrete masonry,
- 6084 precast stone, or stucco (or an equivalent alternative treatment approved by the
- 6085 Director of Environment and Community Development) shall not exceed 40
- 6086 percent per vertical wall plane.
- 6087 5. The principle entry area of a building shall be articulated and express greater
- 6088 architectural detail than other portions of the building.
- 6089 6. Exterior finishes for accessory structures shall be consistent with the principle
- 6090 structure.
- 6091 7. Permitted colors for exterior walls, building components, sign structures, accent
- 6092 and decorative elements shall be as specified by Table 12D or as approved by
- 6093 the Director of Environment and Community Development.

6094 Table 12D
 6095 Allowable Architectural Treatment, Accent and Trim Colors for the Old National Overlay
 6096 District
 6097 (Reference Pantone Color Formula Guide)

Red	Blue	Yellow	Green	Brown Tones	Gray Shades	Black
-----	------	--------	-------	-------------	-------------	-------

Tones	Tones	Tones	Tones			Shades
162 C	270 C	100 C	3288 C	406 C	420 C	432 C
1625 C	271 C	101 C	3298 C	407 C	421 C	433 C
1635 C	275 C	107 C	336 C	408 C	422 C	Cool Gray 11
180 C	2706 C	113 C	348 C	409 C	423 C	432 U
1805 C	2726 C	117 C	349 C	410 C	424 C	433 U
1815 C	2756 C	120 C	357 C	411 C	425 C	438 U
434 C	2707 C	121 C	364 C	438 C	427 C	439 U
435 C	2717 C	122 C	365 C	439 C	428 C	440 U
436 C	2727 C	1205 C	366 C	Warm Gray 10 C	429 C	
437 C	2708 C	1215 C	372 C	Warm Gray 9 C	430 C	
691 C	277 C	127 C	441 C	Warm Gray 6 C	431 C	
697 C	278 C	128 C	442 C	719 C	Cool Gray 1 C	
	2758 C	134 C	443 C	720 C	Cool Gray 2 C	
	283 C	135 C	444 C	722 C	Cool Gray 3 C	
	290 C	1345 C	445 C	726 C	Warm Gray 1 C	

	291 C	1355 C	614 C	728 C	Warm Gray 1 U	
	317 C	1365 C	615 C		Warm Gray 2 U	
	324 C	141 C			Cool Gray 1 U	
	656 C	142 C				
		143 C				
		148 C				
		149 C				
		155 C				
		156 C				

6098

6099

8. Neon lights outlining and/or detailing building features are prohibited.

6100

9. Roof colors shall be black, gray, brown, or green. Reflective and metallic colors are prohibited.

6101

6102

10. Cinder block, corrugated steel, wood siding, exposed plywood and exposed pressboard are prohibited as exterior finishes.

6103

6104

11. Flat roofs and roof-mounted equipment shall be screened from the view of public and private streets by a parapet. No parapet shall be required to be greater than 4 feet above roof.

6105

6106

6107

12. Burglar bars, steel gates, metal awnings and steel-roll down curtains are prohibited on the exterior and interior of the structure except at the structure's rear.

6108

6109

6110

13. Chain link fencing is prohibited except in retention/detention areas. All chain link fencing must be black or green vinyl clad.

6111

6112

14. Vending machines, paper stands, and other similar devices must be located inside a building.

6113

6114

12D.3.E. Miscellaneous Provisions.

- 6115 1. Previously disturbed vacant lots shall not be paved unless it is a pre-existing
6116 condition.
- 6117 2. Vacant lots shall not be overgrown (vegetative cover exceeding 6-inches in
6118 height) and must be maintained. The lot must remain free of trash and debris.
- 6119 3. All openings of abandoned structures shall be secured from unauthorized
6120 entry.
- 6121 4. All fabricated boards used to board up all openings of abandoned structures
6122 shall be painted on the exterior surface the same color as the building.
- 6123 5. All garbage, trash, and other debris shall be removed from the interior and
6124 exterior of vacant premises.
- 6125 6. A deadbolt shall be installed on the front exterior door above the existing lock
6126 of an abandoned structure.
- 6127 7. Except as provided for in Article 19, the storage and/or sale of goods is
6128 prohibited in parking lots and other areas outside of the interior or permanently
6129 sheltered portions of a building.
- 6130 8. Shopping carts shall be stored inside the structure or in parking lot receptacles.

6131 *12D.3.F. Architectural Review Process*

- 6132 1. At the time of application for rezoning and/or use permit, a land disturbance
6133 permit or a building permit, the applicant will be directed to the community for a
6134 review of Old National Overlay Design Standards. The community will be
6135 allowed ten working days to review and comment. An application which
6136 otherwise conforms to applicable codes and regulations shall not be delayed
6137 issuance of a permit for more than 10 working days due to this review and
6138 comment period.
- 6139 2. Prior to the issuance of a building permit, the applicant shall submit samples of
6140 exterior materials, colors, design and architectural details of proposed
6141 building(s) and demonstrate compliance with the architectural design standards
6142 set forth in this ordinance.
- 6143 3. South Fulton staff will review land disturbance, exterior building and sign
6144 permit applications for compliance with the Old National Highway Overlay
6145 District. Upon determination of compliance, a Certificate of Endorsement (COE)
6146 will be provided in the form of signing the formally submitted plans and
6147 drawings.

6148 **12D.4. - Signs.**

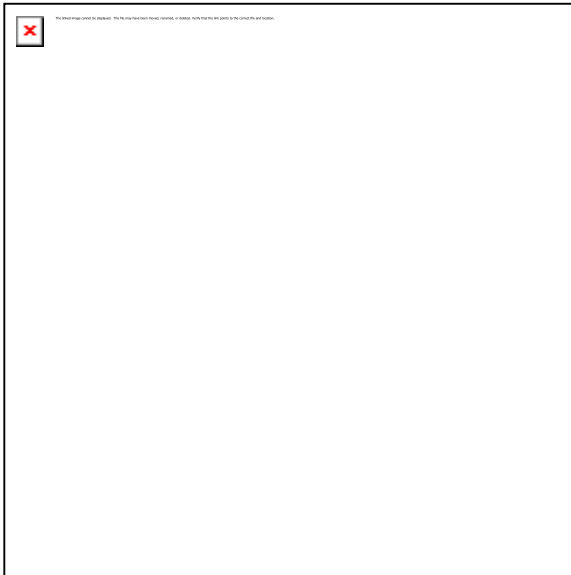
- 6149 1. The architectural color standards of the overlay district apply to the sign
6150 structure and not the sign face.
- 6151 2. Sign structures and faces constructed of wood or canvas materials are
6152 prohibited.
- 6153 3. Window signs along the Old National Highway Corridor are prohibited.

6154

6155 12D.5. - Streetscape standards.

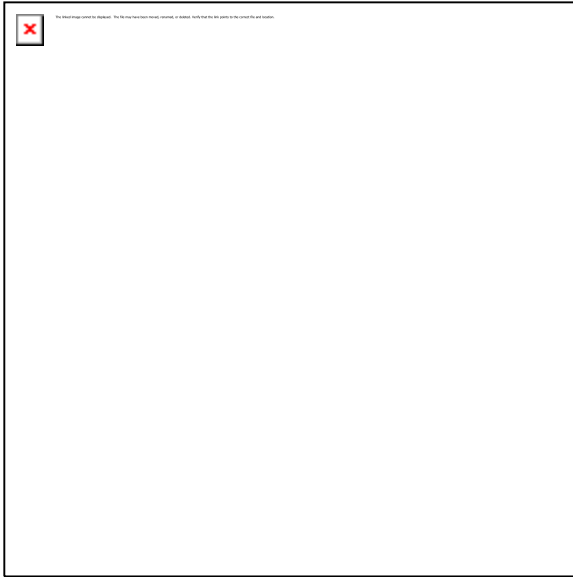
6156 1. A single decorative style light fixture and pole shall be used along the entire
6157 length of Old National highway and for a distance of 500 feet along the north
6158 and south sides of Flat Shoals Road where it intersects with Old National
6159 Highway.

6160 a. Preferred light fixture is Cooper Lighting "Traditionaire" Post Top Fixture
6161 (Pictured below). Lighting source shall be the most energy efficient
6162 approved light source at the time of installation.



6163

6164 b. Preferred streetlight pole is the Hapco manufacturing "Grand
6165 Series/Granville" decorative pole. This pole is FHWA approved as a
6166 'breakaway' pole (Pictured below).



6167

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Pole shall include banner arms as well as GFCI outlets as required.

6169

2. Lighting shall be installed behind the sidewalk at 80- to 100-foot intervals.

6170

6171

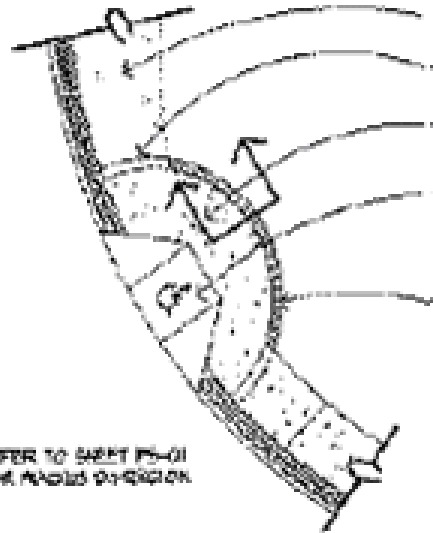
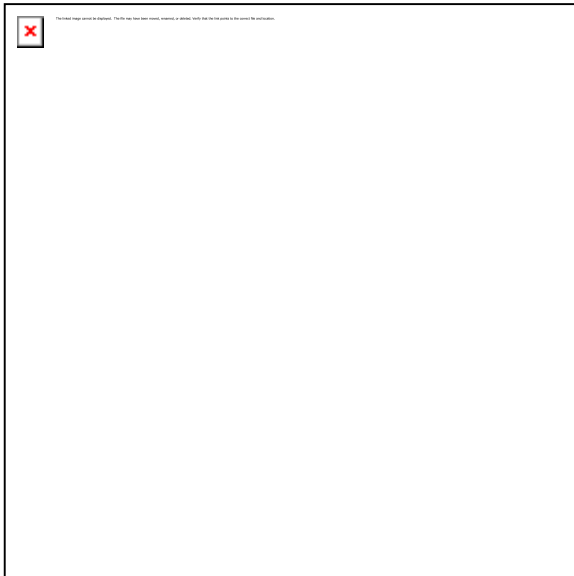
6172

3. All sidewalks along Old National Highway shall be a minimum of eight feet wide. The sidewalk shall include two feet of brick pavers laid in a running bond course pattern adjacent to the back of the curb. (See illustration below)

6173

6174

4. All handicapped ramps shall be constructed per GDOT and South Fulton standards with a brick paver band installed as illustrated below.



6175

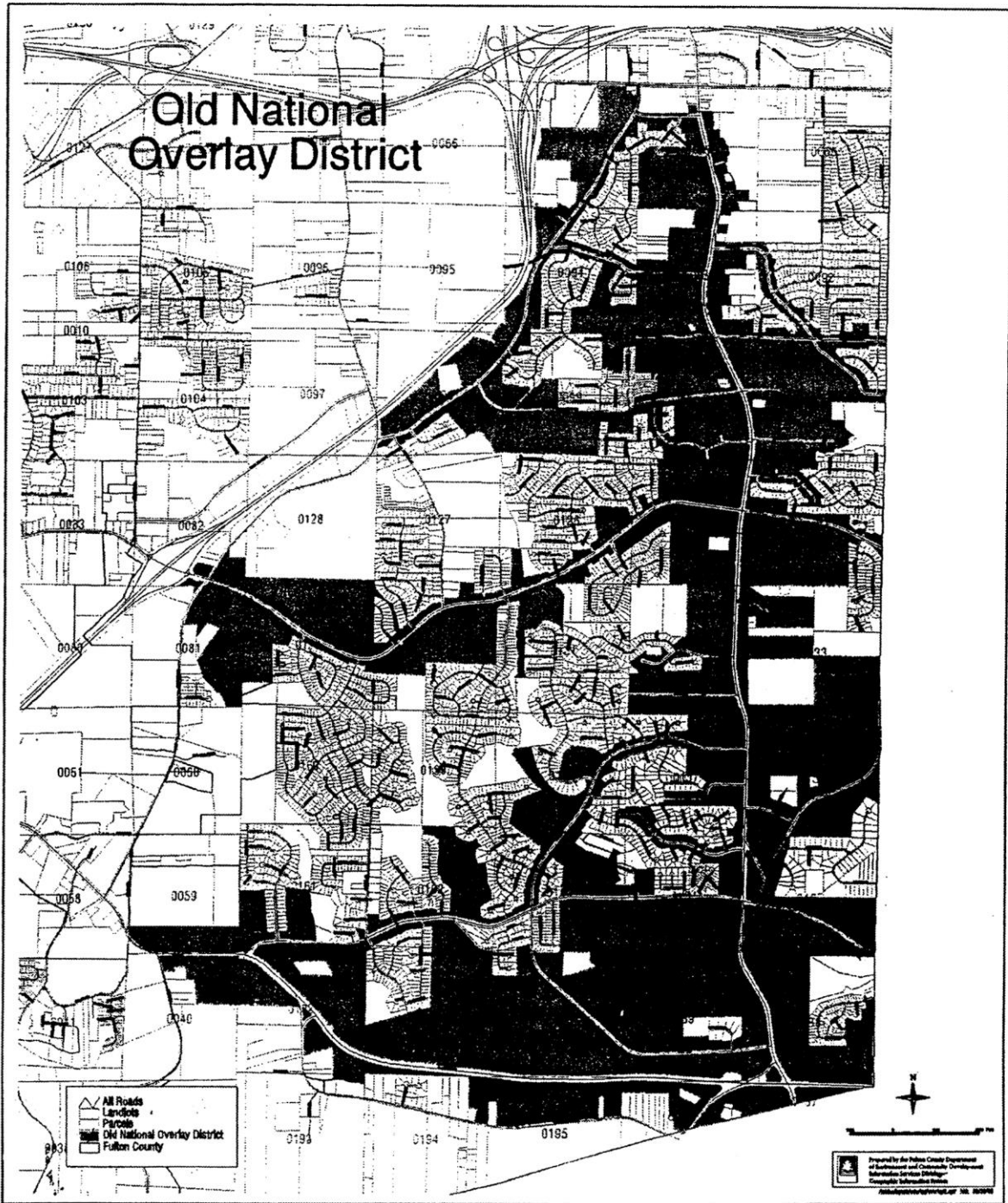
~~6176~~ 12D.6. - Severability.

6178 In the event that any section, subsection, sentence, clause or phrase of this Article
6179 shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no
6180 manner affect the other sections, subsections, sentences, clauses or phrases of this
6181 Article, which shall remain in full force and effect, as if the section, subsection,
6182 sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not
6183 originally a part thereof.

~~6185~~
~~6184~~ 12D.7. - Appeals.

6186 Any persons aggrieved by a final decision of the Department of Community
6187 Development relating to this article may appeal such final decision to the Zoning Board
6188 of Appeals by filing in writing setting forth plainly, fully and distinctly why the final
6189 decision is contrary to law per the South Fulton Zoning Resolution. Such appeal shall be
6190 filed within 30 days after the final decision of the department is rendered.

6191



Old National Overlay District

6197 ARTICLE XIIF. - SANDTOWN OVERLAY DISTRICT

6198 12F.1. - Purpose and intent.

6200 The City Council of South Fulton, Georgia hereby declares it to be the purpose and
6201 intent of this Resolution to establish a uniform procedure for providing for the protection,
6202 enhancement, preservation, unity of design, and use of places, sites, buildings,
6203 structures, streets, neighborhoods, and landscape features in the Sandtown District in
6204 accordance with the provisions herein.

6205 This resolution is adopted as part of a strategy designed to promote the health,
6206 safety, order, prosperity, and general welfare of the citizens of South Fulton through the
6207 regulation of design, aesthetics, location, bulk, size of buildings and structures, and the
6208 density and distribution of population.

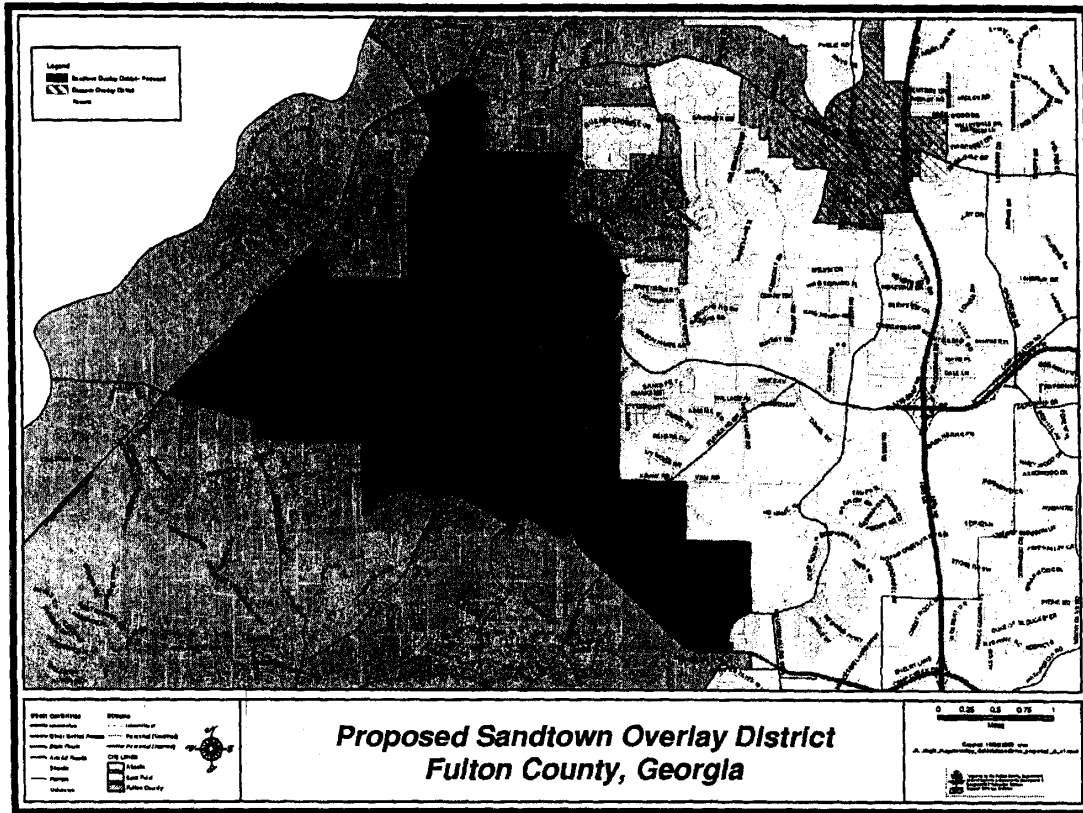
6209 This resolution also seeks to reduce congestion on the streets; to provide safety
6210 from fire, flood and other dangers; provide adequate light and open space; protect the
6211 natural environment and address other public requirements, in order to provide
6212 sustainable development that involves the simultaneous pursuit of economic prosperity,
6213 environmental protection and social quality.

6214 This resolution also seeks, among other things, to promote accepted design
6215 principles in areas of new development and redevelopment, to raise the level of
6216 community understanding and expectation for quality in the built environment, to protect
6217 and enhance local aesthetic and functional qualities, and to stimulate business and
6218 promote economic development.

6219 In consideration of the character of the Sandtown District, these regulations are to
6220 monitor the suitability for certain uses, construction and design, prevent functional and
6221 visual disunity, promote desirable conditions for community and commerce and protect
6222 property against blight and depreciation.

6223 12F.2. - Sandtown Overlay District use regulations.

6224 The Sandtown Overlay District applies to all properties zoned or developed for
6225 nonresidential and residential uses as illustrated on the map below. Single-family
6226 developments are exempted except for compliance with section 12F.4.A. (Buffers and
6227 Landscaping). Single-family units not part of a subdivision are exempt from this
6228 ordinance. Within the Sandtown Overlay District, land and structures shall be used in
6229 accordance with the standards of the underlying district.



6230

6231 Whenever provisions of this Article conflict with any other Article in the Zoning
 6232 Resolution of South Fulton or any other South Fulton ordinances, regulations, or
 6233 resolutions, these standards shall prevail.

6235 12F.3. - Architectural review process.
 6234

6236 Prior to the issuance of a land disturbance permit (LDP) or a building permit, the
 6237 applicant shall submit details of exterior materials, colors, landscape strips, buffers,
 6238 signage, lighting, parking, streets and paths, entrances, design and architectural
 6239 features of the proposed site and building which demonstrate compliance with the
 6240 design standards set forth herein.

6241 Prior to the issuance of an LDP or building permit, the community will be allowed
 6242 ten working days to review the application. An application which otherwise conforms to
 6243 applicable codes and regulations shall not be delayed issuance of an LDP or building
 6244 permit for more than 10 working days due to this review and comment process.

6245 South Fulton staff will review all applications for land disturbance permits, building
 6246 permits and sign permits for compliance with the standards of this Overlay District and
 6247 upon determination of compliance will provide a Certificate of Endorsement (CoE) in the
 6248 form of signing the formally submitted plans and drawings.

6250 12F.4. - Development standards.
 6249

6251 12F.4.A. *Buffers and Landscaping.*

- 6252 1. 40-foot wide natural, undisturbed buffer except for approved access and utility
6253 crossings, improvements, and replantings where sparsely vegetated subject to
6254 the approval of the South Fulton Arborist, with a 10-foot improvement setback
6255 or as may be approved by the Director of Community Development, along
6256 Camp Creek Parkway.
- 6257 2. All AG-1 and residential zonings or uses shall provide a minimum 25-foot wide
6258 natural undisturbed buffer with a ten-foot improvement setback or provide a
6259 minimum six-foot high earthen berm planted to landscape strip standards, with
6260 a maximum slope of 3 to 1 or combination thereof along all public streets.
- 6261 3. All nonresidential (except AG-1) zonings or uses shall provide a minimum 25-
6262 foot wide landscape strip along all public streets.
- 6263 4. Fifteen-foot wide landscape strip along any interior property line adjacent to a
6264 nonresidential zoning and/or use.

6265 *12F.4.B. Screening.*

- 6266 1. Refuse areas and receptacles shall be placed in the least visible location from
6267 public streets and shall be enclosed on 3 sides with opaque walls. The 4th side
6268 shall be a self-closing gate made from noncombustible materials. Opaque walls
6269 shall be a minimum of 12 inches higher than the receptacle. Wall materials shall
6270 be noncombustible brick, stone, or split-faced concrete masonry block. Refuse
6271 receptacles shall not be placed within 50 feet of an existing residential or AG-1
6272 (Agricultural) zoning district.
- 6273 2. Accessory site features are prohibited in the front yard of any property.
- 6274 3. Accessory site features located on the ground shall be screened from view
6275 from any public right-of-way, any residential use, or any residential or AG-1
6276 zoning category by one of the following: placement behind the building, 100
6277 percent opaque fencing, berm or vegetative screen planted to buffer standards.
- 6278 4. Accessory site features on a roof shall be screened by a parapet or other
6279 architectural feature or as approved by the Director of Environment and
6280 Community Development.
- 6281 5. Opaque fences are prohibited adjacent to public streets.
- 6282 6. Fencing materials along public streets and side yards are restricted to stone,
6283 wrought iron, material designed to have the appearance of wrought iron, treated
6284 wood, or material designed to have the appearance of natural wood.
- 6285 7. Chain link fencing may be used along golf courses, play fields, and other
6286 recreational areas. All chain link fencing shall be black or hunter green vinyl
6287 coated.
- 6288 8. When required, fencing material around detention/retention facilities shall be
6289 black or hunter green vinyl coated chain link fence.
- 6290 9. Retaining walls shall be faced with or constructed of stone, brick, or decorative
6291 concrete modular block only.

6292 10. All parking and loading areas shall be screened from public streets by either a
6293 minimum 4-foot high berm and/or a continuous hedge of evergreen shrubs.

6294 *12F.4.C. Pedestrian Paths.*

- 6295 1. Sidewalks are required along all public and private road frontages.
- 6296 2. Except in truck loading and parking areas of industrial and warehouse-
6297 distribution uses, internal walkways (paths) are required from the public
6298 sidewalk to the main entrance of the principle use of the property and shall
6299 meet applicable Americans with Disabilities Act (ADA) standards for slope,
6300 width, texture, level differences, and ramps.
- 6301 3. Pedestrian paths may be constructed of either colored/textured materials or
6302 conventional sidewalk materials and shall be clearly identified.
- 6303 4. Pedestrian paths shall be illustrated on the site plan submitted at the time of
6304 application for a Land Disturbance Permit
- 6305 5. Paths shall be designed to minimize direct auto-pedestrian interaction.
- 6306 6. Paths shall be connected to signalized crosswalks where applicable.
- 6307 7. Paths shall be direct and convenient routes between points of origin (such as a
6308 bus stop) and destination (such as a shop, bank, etc).
- 6309 8. Street furniture shall be located outside the specified width of any pedestrian
6310 path.

6311 *12F.4.D. Lighting.*

- 6312 1. A lighting plan for open parking lots and pedestrian paths shall be submitted for
6313 approval prior to the issuance of a Land Disturbance Permit.
- 6314 2. Any lighting fixture shall be a cutoff luminary whose source is completely
6315 concealed with an opaque housing. Fixtures shall be recessed in the opaque
6316 housing. Drop dish refractors are prohibited. The wattage shall not exceed 420
6317 watts/480 V per light fixture. This provision includes lights on mounted poles as
6318 well as architectural display and decorative lighting visible from a street or
6319 highway. Wall pack lighting shall be cut-off down directional a maximum of 250
6320 watts. Canopy lighting shall be cut-off down directional a maximum of 250
6321 watts. Canopy lighting shall be cut-off luminaries with a maximum lamp wattage
6322 of 400 watts.
- 6323 3. Light sources (lamps) shall be incandescent, fluorescent, metal halide, mercury
6324 vapor, natural gas, or color corrected high-pressure sodium (CRI of 60 or
6325 better). The same type must be used for the same or similar type of lighting on
6326 any one site.
- 6327 4. Mounting fixtures must be modified in such a manner that the cone of the light
6328 is not directed at any property line. The minimum mounting height for a pole
6329 is 12 feet. The maximum mounting for a pole is 28 feet. Any fixture and pole
6330 located within 20 feet of a residential zoning shall be a type four or forward
6331 throw distribution.

6332 5. All site lighting shall be designed so that the illumination as measured in foot-
 6333 candles at any one point meets the following standards: Minimum and
 6334 maximum levels are measured at any one point. Average level is not to exceed
 6335 the calculated value and is derived using only the area of the site included to
 6336 receive illumination. Points of measure shall not include the area of the building
 6337 or areas which do not lend themselves to pedestrian traffic. Also, if the major
 6338 portion of the lighting design is to be in the front of a building, the average level
 6339 should not be affected by adding a light or two in the back of the same building,
 6340 which would raise the average of the intended area for lighting.

6341 6. Future renovations, upgrades, or additions to existing facilities prior to the
 6342 effective date of this ordinance shall not exceed existing illumination levels
 6343 below. The entire site must be brought into conformance with this article should
 6344 a renovation, upgrade, or addition occur that would require a land disturbance
 6345 permit.

Location or Type of Lighting	Minimum Level	Average Level	Maximum Level
Area for display of Outdoor Merchandise	1.0	5.0	15.0
Commercial, Office, and Public/Semi-Public Parking Areas	0.6	2.40	10.0
Multi-Family Residential Parking Areas	0.2	1.50	10.0
Walkways and Streets	0.2	2.00	10.0
Landscape and Decorative	0.0	0.50	5.0

6346

6347 7. Historic period lighting shall be used.

6348 8. Lights shall be architecturally decorative with a historic style (includes
 6349 shepherds crook, pole top, and bollard). The same type of design must be used
 6350 along pedestrian pathways and/or common areas.

6351 9. Shoe box, cobra lighting fixtures, and neon lighting are prohibited.

6352 *12F.4.E. Building Design Materials and Architectural Treatments.*

6353 1. Nonresidential buildings are limited to 35 feet in height. Residential buildings
 6354 and mixed-use buildings that contain a residential component are limited to
 6355 three stories.

- 6356 2. Developments shall include architecture elements such as columns, arcades,
6357 covered entry-walkways, arches, facade offsets, windows, balconies, offset
6358 walls, clock towers, cupolas and/or courtyards.
- 6359 3. The exterior of all industrial building facades shall be provided with an
6360 architectural treatment such as stucco, stone, brick, wood or an alternative
6361 treatment approved by the Director of Environment and Community
6362 Development.
- 6363 4. The exterior wall materials of all nonresidential buildings except industrial
6364 buildings shall consist of a minimum of 60 percent (per vertical wall plane) of
6365 the following: solid wood siding, cementations siding, stucco, brick, stone or an
6366 alternative treatment approved by the Director of Environment and Community
6367 Development.
- 6368 5. The exterior wall materials of all residential buildings shall consist of a
6369 minimum of 60 percent (per vertical wall plane) of the following: stucco,
6370 cementatious siding, solid wood siding, brick, stone or an alternative treatment
6371 approved by the Director of Environment and Community Development.
- 6372 6. Accent wall materials on residential and nonresidential buildings shall consist
6373 of glass, architecturally treated concrete masonry, precast stone, stucco,
6374 material designed to have the appearance of stucco if installed a minimum of
6375 four feet above grade or combination thereof and shall not exceed 40 percent
6376 per vertical wall plane.
- 6377 7. Any nonresidential building facade shall have a minimum of 255 fenestration or
6378 as may be approved by the director.
- 6379 8. The principle entry area of a building shall be articulated and express greater
6380 architectural detail than other portions of the building.
- 6381 9. To the extent any rear or side of any building is visible from any public street or
6382 single family residence, architectural treatment shall continue through the rear
6383 or side.
- 6384 10. Exterior finishes for accessory structures shall be consistent with the principle
6385 structure.
- 6386 11. Permitted colors for exterior walls, building components, sign structures,
6387 accent and decorative elements shall be as specified by Table 12F or as
6388 approved by the Director of Community Development.

6389 Permitted Colors for Exterior Walls, Building Components, Sign Structure,
6390 Accent and Decorative Elements
6391 The following numbers refer to the Pantone Matching System, an international color
6392 matching system

Exterior Building Walls, Building Components, Sign	Accent and Decorative Elements Only
---	--

Structure, Accent and Decorative Elements	
<p>Browns, Beiges and Tans</p> <p>462 to 468</p> <p>4625, to 4685</p> <p>469, 474, 475</p> <p>4695, 4755</p> <p>478</p> <p>719 to 731</p> <p>476 to 482</p> <p>12-0713</p>	<p>Greens</p> <p>356, 357</p> <p>17-0133</p>
<p>Reds</p> <p>168, 181</p> <p>483, 484</p> <p>675, 1685</p> <p>4975, 154</p> <p>1395, 1405</p>	<p>Reds</p> <p>1788, 186</p> <p>18-1666</p>
<p>Whites</p> <p>11-2409, 11-0604</p> <p>11-0704, 11-0104</p> <p>7499, 11-4301</p> <p>12-0704</p>	<p>Orange/Yellow</p> <p>16-1255, 16-1465</p> <p>17-1460, 16-1452</p> <p>13-0859, 13-0746</p> <p>12-0752, 12-0642</p>
<p>Grays</p> <p>429-445</p> <p>Warm Gray 1-11</p> <p>Cool Gray 1-11</p> <p>5467, 5527</p> <p>5395, 5445</p> <p>621-627</p> <p>642-651</p>	<p>Brown/Black</p> <p>18-0932</p> <p>19-1034</p> <p>433</p>
<p>Greens</p> <p>553, 554, 560, 561</p> <p>614-616</p> <p>3302-3305</p> <p>3295, 342, 343</p> <p>3435, 3308, 335</p>	

<p>336, 341, 343, 349 5467, 5527, 18-5815 3415, 3435, 18-0130 356, 357, 18-16018 5535, 5591 553-559, 18-6114 5606-5665 12-6208, 12-5201 12-0607, 11-0601 17-0220</p>	
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6393

- 6394 12. Burglar bars, steel gates, and steel-roll down curtains are prohibited on the
6395 exterior and interior of the structure except at the structure's rear. Security
6396 grilles are allowed if installed interior to the place of business. Grilles shall be of
6397 a grid or brick pattern and placed so that the grid or brick pattern is at a uniform
6398 height across the entire business front.
- 6399 13. Neon lights outlining and/or detailing building features are prohibited.
- 6400 14. Flat roofs and roof-mounted equipment shall be screened from the view of
6401 public and private streets by a parapet. No parapet shall be required to be
6402 greater than four feet above roof.
- 6403 15. Prohibited building materials for exterior walls and accents: metal panel
6404 systems, vinyl siding, site-cast smooth concrete masonry or plain reinforced
6405 concrete slabs, aluminum siding, pressed-wood panels, plywood panels,
6406 mirrored glass, and corrugated steel (exceptions: mechanical penthouse and
6407 roof screens).
- 6408 16. Allowable roof materials for pitched roofs are asphalt shingles, composition
6409 shingles, wood shingles, wood shake, slate, terra cotta or as may be approved
6410 by the Director of Environment and Community Development.
- 6411 17. Roof colors shall be black, gray, brown, or green. Reflective and metallic
6412 colors are prohibited.
- 6413 18. Permissible roofs are gable, pyramidal, and hip. Shed roofs are permitted
6414 over porches, additions, and accessory structures. Roof pitches shall be 5/12 to
6415 12/12.
- 6416 19. Vending machines, paper stands, and other similar devices must be located
6417 inside a building.
- 6418 *12F.4.F. Miscellaneous Provisions.*

6419 1. Except as provided for in Article 19, the storage and/or sale of goods is
6420 prohibited in parking lots and other areas outside of the interior or permanently
6421 sheltered portions of a building.

6422 2. Storage of shopping carts is allowed without a permit.

6423 12F.5. - Signs.

6424 *12F.5.A. Standards:*

6425 1. Identification monuments (except for the sign face) shall be constructed of
6426 brick, granite, stone, marble or other material used in the principal building(s) on
6427 site.

6428 2. Identification monuments (except for the sign face and/or logo or trade name)
6429 shall be earth tones not primary colors.

6430 3. Changeable copy and reader board configurations are prohibited unless
6431 approved as a marquee sign.

6432 4. Wall signs shall be internally illuminated only.

6433 5. Door signs are allowed up to a maximum of 25% of the door area.

6434 *12F.5.B. Prohibited Sign Types:*

6435 1. Window signs are prohibited.

6436

6437 12F.6. - Severability.

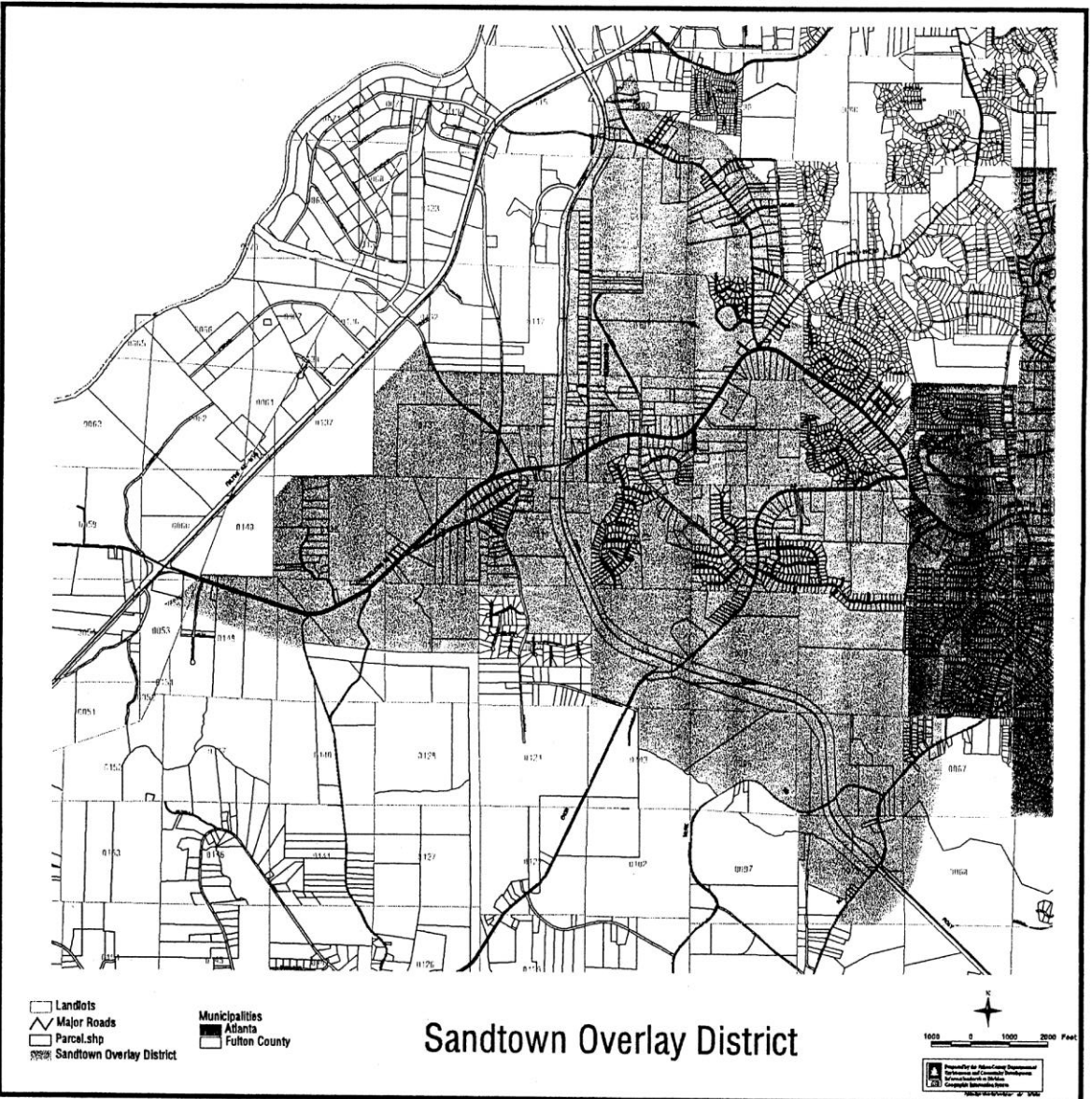
6438 In the event that any section, subsection, sentence, clause or phrase of this Article
6439 shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no
6440 manner affect the other sections, subsections, sentences, clauses or phrases of this
6441 Article, which shall remain in full force and effect, as if the section, subsection,
6442 sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not
6443 originally a part thereof.

6444 12F.7. - Appeals.

6446 Any persons aggrieved by a final decision of the Department of Community
6447 Development relating to this article may appeal such final decision to the Zoning Board
6448 of Appeals by filing in writing setting forth plainly, fully and distinctly why the final
6449 decision is contrary to law per the South Fulton Zoning Resolution. Such appeal shall be
6450 filed within 30 days after the final decision of the department is rendered.

6451 12F.8. - Adoption and effective date.

6452 Now, therefore be it resolved, the South Fulton City Council does hereby ordain,
6453 resolve and enact the foregoing Article XII F to the Zoning Resolution of South Fulton,
6454 Georgia.



6455

6456 Sandtown Overlay District

6457 ARTICLE XIIG. - RESERVED

6459 ARTICLE XIIH. - RESERVED

~~6460~~ ARTICLE XIIH(1). - RESERVED

6463 ARTICLE XIIH(2). - RESERVED

6464 ARTICLE XII-I. - RESERVED.

6466 ARTICLE XIIJ. - RESERVED

6467

6468 ARTICLE XIK. - SOUTH FULTON PARKWAY OVERLAY DISTRICT

6470 12K.1. - Purpose and intent.

6471 The City Council of South Fulton, Georgia hereby declares it to be the purpose and
6472 intent of this resolution to establish a uniform procedure for providing for the protection,
6473 enhancement, preservation, unity of design, and use of places, sites, buildings,
6474 structures, streets, neighborhoods, and landscape features in the South Fulton Parkway
6475 District in accordance with the provisions herein.

6476 This resolution is adopted as part of a strategy designed to promote the health,
6477 safety, order, prosperity, and general welfare of the citizens of South Fulton through the
6478 regulation of design, aesthetics, location, bulk, size of buildings and structures, and the
6479 density and distribution of population.

6480 This resolution also seeks to reduce congestion on the streets; to provide safety
6481 from fire, flood and other dangers; provide adequate light and open space; protect the
6482 natural environment and address other public requirements, in order to provide
6483 sustainable development that involves the simultaneous pursuit of economic prosperity,
6484 environmental protection and social quality.

6485 This resolution also seeks, among other things, to promote accepted design
6486 principles in areas of new development and redevelopment, to raise the level of
6487 community understanding and expectation for quality in the built environment, to protect
6488 and enhance local aesthetic and functional qualities, and to stimulate business and
6489 promote economic development.

6490 In consideration of the character of the South Fulton Parkway District, these
6491 regulations are to monitor the suitability for certain uses, construction and design,
6492 prevent functional and visual disunity, promote desirable conditions for community and
6493 commerce and protect property against blight and depreciation.

6494 12K.2. - South Fulton Parkway Overlay District regulations..

6495 Except as noted in Section 12.K.4.A.1., the South Fulton Parkway Overlay District
6496 applies to all properties zoned or developed for nonresidential and residential uses
6497 (except single family detached dwelling units), within 2,640 feet of the centerline of the
6498 South Fulton Parkway from its easterly origin beginning at Wolf Creek to Cascade-
6499 Palmetto Highway (SR 154). If any portion of a parcel and/or development is located in
6500 the defined boundary area, the entire parcel and/or development shall comply with the
6501 standards herein. Within the South Fulton Parkway Overlay District, land and structures
6502 shall be used in accordance with the standards of the underlying district.

6503 Whenever provisions of this Article conflict with any other Article in the Zoning
6504 Resolution of South Fulton or any other South Fulton ordinances, regulations, or
6505 resolutions, these standards shall prevail.

6506 12K.3. - Architectural review process.

6507 Prior to the issuance of a land disturbance permit (LDP) or a building permit, the
6508 applicant shall submit details of exterior materials, colors, landscape strips, buffers,

6509 signage, lighting, parking, streets and paths, entrances, design and architectural
6510 features of the proposed site and building which demonstrate compliance with the
6511 design standards set forth herein.

6512 Prior to the issuance of an LDP or building permit, the community will be allowed
6513 ten working days to review the application. An application which otherwise conforms to
6514 applicable codes and regulations shall not be delayed issuance of an LDP or building
6515 permit for more than 10 working days due to this review and comment process.

6516 South Fulton staff will review all applications for land disturbance permits, building
6517 permits and sign permits for compliance with the standards of this Overlay District and
6518 upon determination of compliance will provide a Certificate of Endorsement (CoE) in the
6519 form of signing the formally submitted plans and drawings.

6521 12K.4. - Development standards.
6520

6522 *12K.4.A. Buffers and landscaping.*

6523 1. All developments to include single family detached residential subdivisions
6524 shall provide a minimum 100-foot wide natural, undisturbed buffer (except for
6525 approved access and utility crossings, improvements, and replantings where
6526 sparsely vegetated subject to the approval of the South Fulton Arborist), with an
6527 additional ten-foot setback interior to the buffer, along the South Fulton Parkway
6528 and along the rights-of-way of public roads which intersect the Parkway for a
6529 distance of 300 feet measured from the intersection with the South Fulton
6530 Parkway.

6531 2. A minimum 15-foot wide landscape strip along all public and private streets,
6532 except as noted in 12K.4.A.1., when Article 4 of the Zoning Resolution
6533 otherwise specifies a smaller landscape strip.

6534 3. Subject to the approval of the director, street trees may be placed in public
6535 rights-of-way.

6536 4. A minimum ten-foot wide landscape strip along any interior property line
6537 adjacent to a nonresidential zoning and/or use.

6538 5. Hardwood shade trees, e.g., maples and oaks, a minimum of 2½" caliper, shall
6539 be planted in all landscape strips and minimally spaced as specified by the Tree
6540 Preservation Ordinance.

6541 *12K.4.B. Screening.*

6542 1. Refuse areas and receptacles shall be placed in the least visible location from
6543 public streets and shall be enclosed on 3 sides with opaque walls. The 4th side
6544 shall be a self-closing gate made from non-combustible materials. Opaque
6545 walls shall be a minimum of 12 inches higher than the receptacle. Wall
6546 materials shall be non-combustible brick, stone, or split concrete masonry
6547 block. Refuse receptacles shall not be placed within 50 feet of an existing
6548 residential or AG-1 (Agricultural) zoning district.

6549 2. Accessory site features located on the ground shall be screened from view
6550 from any public right-of-way and/or any residence, residential zoning category,

6551 or AG-1 zoning category by one of the following: placement behind the building,
6552 100 percent opaque fencing, berm or vegetative screen planted to buffer
6553 standards.

6554 3. Accessory structures on a roof shall be located to the rear of the roof and shall
6555 be screened by a parapet or other architectural feature as approved by the
6556 director.

6557 4. Loading docks and bay doors fronting the South Fulton Parkway are prohibited.

6558 5. Loading docks shall be screened by a continuous hedge of evergreen shrubs.
6559 Shrubbery shall be a minimum height of five feet at time of planting.

6560 6. Vending machines shall be located inside a building or screened from the view
6561 of all public streets and residentially or AG-1 (Agricultural) zoned or developed
6562 properties.

6563 7. Retaining walls shall be faced with or constructed of stone, brick, or decorative
6564 concrete modular block only.

6565 *12K.4.C. Pedestrian paths.*

6566 1. Sidewalks are required along all public and private road frontages.

6567 2. Pedestrian paths shall be illustrated on the site plan submitted at the time of
6568 application for a Land Disturbance Permit.

6569 3. Except in truck loading and parking areas of industrial and warehouse-
6570 distribution uses, internal walkways (paths) are required from the public
6571 sidewalk to the main entrance of the principle use of the property and to
6572 adjacent buildings within the same development.

6573 4. All sidewalks and pedestrian walkways (paths) shall meet applicable
6574 Americans with Disabilities Act (ADA) standards.

6575 5. Pedestrian paths may be constructed of either colored/textured materials or
6576 conventional sidewalk materials and shall be clearly identified.

6577 6. Paths shall be designed to minimize direct auto-pedestrian interaction by such
6578 means as sidewalks, striping, and signs..

6579 7. Paths shall be connected to crosswalks at intersections where applicable.

6580 8. Street furniture shall be located outside the specified width of any pedestrian
6581 path.

6582 9. Paths and sidewalks shall be connected to green space and open space and
6583 connectivity shall be illustrated on the site plan submitted at the time of
6584 application for a Land Disturbance Permit.

6585 10. Pedestrian paths shall be a minimum width of five feet.

6586 11. Multi-use paths for bicycles and pedestrians may be substituted for the
6587 required sidewalks as approved by the Director and the Transportation
6588 Administrator when the path is part of the South Fulton Bicycle and Pedestrian
6589 Plan.

- 6590 12. Multi-use paths designed for use by bicyclists and pedestrians shall be 12 feet
6591 wide.
- 6592 13. Multi-use paths designed with separate paths for bicyclists and pedestrians
6593 shall be 15 feet wide, ten feet for bicycles and five feet for pedestrians.
- 6594 14. Paths should be direct and convenient routes between points of origin (such
6595 as a bus stop) and destination (such as a shop, bank, etc).
- 6596 15. Paths not visible from a public street shall be illuminated.
- 6597 *12K.4.D. Lighting.*
- 6598 1. A photometric plan for open parking lots and paths shall be submitted at the
6599 time of application for a Land Disturbance Permit.
- 6600 2. Any lighting fixture shall be a cutoff luminary whose source is completely
6601 concealed with an opaque housing. Fixtures shall be recessed in the opaque
6602 housing. Drop dish refractors are prohibited. The wattage shall not exceed 420
6603 watts/480 V per light fixture. This provision includes lights on mounted poles as
6604 well as architectural display and decorative lighting visible from a street or
6605 highway. Wall pack lighting shall be cut-off down directional a maximum of 250
6606 watts. Canopy lighting shall be cut-off down directional a maximum of 250
6607 watts. Canopy lighting shall be cut-off luminaries with a maximum lamp wattage
6608 of 400 watts.
- 6609 3. Light sources (lamps) shall be incandescent, fluorescent, metal halide, mercury
6610 vapor, natural gas, or color corrected high-pressure sodium (CRI of 60 or
6611 better). The same type must be used for the same or similar type of lighting on
6612 any one site.
- 6613 4. Mounting fixtures must be modified in such a manner that the cone of the light
6614 is not directed at any property line. The minimum mounting height for a pole is
6615 12 feet. The maximum mounting for a pole is 28 feet. Any fixture and pole
6616 located within 20 feet of a residential zoning shall be a type four or forward
6617 throw distribution.
- 6618 5. All site lighting shall be designed so that the illumination as measured in foot-
6619 candles at any one point meets the following standards: Minimum and
6620 maximum levels are measured at any one point. Average level is not to exceed
6621 the calculated value and is derived using only the area of the site included to
6622 receive illumination. Points of measure shall not include the area of the building
6623 or areas which do not lend themselves to pedestrian traffic. Also, if the major
6624 portion of the lighting design is to be in the front of a building, the average level
6625 should not be affected by adding a light or two in the back of the same building,
6626 which would raise the average of the intended area for lighting.
- 6627 6. Future renovations, upgrades, or additions to existing facilities prior to the
6628 effective date of this ordinance shall not exceed existing illumination levels
6629 below. The entire site must be brought into conformance with this article should
6630 a renovation, upgrade, or addition occur that would require a land disturbance
6631 permit.

Location or Type of Lighting	Minimum Level	Average Level	Maximum Level
Area for display of Outdoor Merchandise	1.0	5.0	15.0
Commercial, Office, and Public/Semi-Public Parking Areas	0.6	2.40	10.0
Multi-Family Residential Parking Areas	0.2	1.50	10.0
Walkways and Streets	0.2	2.00	10.0
Landscape and Decorative	0.0	0.50	5.0

6632

6633 7. Blue-white colors of florescent, mercury vapor lamps, metal halide, high-
6634 pressure sodium with CRI of less than 60 are prohibited.

6635 8. Ground level, low wattage/voltage up-lights to accent features in landscape
6636 strips are permitted.

6637 9. Low intensity, downward shielded lighting along pedestrian paths and in
6638 parking lots is required.

6639 10. All site lighting shall be architecturally compatible with the buildings on a site.
6640 Lights shall be architecturally decorative with a historical style (includes
6641 shepherds crooks, pole top, and bollard).

6642 11. Exterior wall-mounted lights shall be directed downward fully shielded to
6643 prevent spillage. The bottom of wall-mounted light fixtures shall be no higher
6644 than seven feet above grade.

6645 12. Soffit mounted light fixtures shall be recessed into the soffit or otherwise fully
6646 shielded.

6647 13. Ground mounted or other upward directional lighting is allowed to accent
6648 architectural features.

6649 14. Unshielded floodlights, wall packs, NEMA head style fixtures, sag/convex lens
6650 mounted on shoebox fixtures, cobra, neon and dome lights are prohibited.

6651 *12K.4.E. Building materials and architectural treatments.*

6652 1. Developments shall include architecture elements such as columns, arcades,
6653 covered entry-walkways, arches, facade offsets, windows, balconies, offset
6654 walls, clock towers, cupolas and/or courtyards.

- 6655 2. The exterior wall materials of all nonresidential buildings shall consist of a
6656 minimum of 60 percent (per vertical wall plane) of the following: brick, precast
6657 concrete, natural or precast stone, or tinted glass (or an equivalent alternative
6658 treatment approved by the Director of Environment and Community
6659 Development).
- 6660 3. The exterior wall materials of all residential buildings shall consist of a
6661 minimum of 60 percent (per vertical wall plane) of the following: brick, stone,
6662 stucco, Hardi-plank siding, solid plank, or cementitious plank (or an equivalent
6663 alternative treatment approved by the Director of Environment and Community
6664 Development).
- 6665 4. Accent wall materials on residential and nonresidential buildings shall not
6666 exceed 40 percent per vertical wall plane.
- 6667 5. Prohibited exterior finishes (except on mechanical penthouses and roof
6668 screens) are highly reflective, shiny, or mirror-like materials, exposed unfinished
6669 foundations, exposed plywood or particle board, unplastered, corrugated steel,
6670 exposed standard concrete masonry block, vinyl and aluminum siding.
- 6671 6. To the extent the rear and/or side of a building is visible from a public street or
6672 an adjacent agriculturally or residentially zoned or developed property,
6673 architectural treatments shall continue through the rear and sides of the
6674 building.
- 6675 7. The principle entry area of a building shall be articulated and express greater
6676 architectural detail than other portions of the building.
- 6677 8. Outparcel buildings shall have architectural features consistent with the
6678 principal buildings.
- 6679 9. Permitted colors for exterior walls, building components, sign structures, accent
6680 and decorative elements shall be as specified by Table 12K or as approved by
6681 the director.

6682 Table 12K
6683 Permitted Colors for Exterior Walls, Building Components, Sign Structure,
6684 Accent and Decorative Elements
6685 The following numbers refer to the Pantone Matching System, an international color
6686 matching system

Exterior Building Walls, Building Components, Sign Structure, Accent and Decorative Elements	Accent and Decorative Elements Only
Browns, Beiges and Tans 462 C to 468 C 4625 C to 4685 C 469 C, 474C, 475 C 4695 C to 4755 C	Greens 553 C to 554 C 560 C to 561 C 614 C to 616 C 3302 C to 3305 C

<p>478 C, 719 C to 724 C 725 C to 731 C 476U to 482U 719U to 725U 726U to 732U</p>	<p>3295 C 342C, 343 C 3435 C 356 C, 357 C 5467 C to 5527 C 3305U, 3308U, 335U 336U, 341U-343 U 3415 U to 3435 U 349 U 356 U to 357 U 5535U to 5595U 553U to 559U</p>
<p>Reds 168 C, 181 C 483 C, 484 C 675C, 1685C, 4975 C</p>	<p>Grey 429 U to 433 U 443 U to 447 U Warm Grey 6U-11U Cool Grey 6U-11U 5467U to 5527U</p>
<p>Red-Browns 154 U, 1395 U 1405 U</p>	<p>Grey-Blue 5395U to 5455U 621U to 627U 642U to 644U 647U to 650U 654U to 656U 662U</p>
	<p>Green-Grey 5605U to 5665U</p>

6687

- 6688 10. Flat roofs and roof-mounted equipment shall be screened by a parapet or
6689 other architectural feature as approved by the director from the view of public
6690 and private streets and adjacent agriculturally and residentially zoned and/or
6691 developed properties.
- 6692 11. Sloped roofs shall be standing seam, metal, slate and concrete roof tiles and
6693 composition shingles.

6694 12. Building components such as burglar bars, steel gates, metal awnings and
6695 steel roll-down curtains are prohibited if visible from a public street.

6696 13. Vending machines, paper stands, and other similar devices must be located
6697 inside a building.

6698 *12K.4.F. Streetscape features.*

6699 1. Benches, trash receptacles, drinking fountains, and other street furniture shall
6700 be compatible in material, color, finish and architectural style of the
6701 development.

6702 2. Marketing signage in streetscape features is prohibited.

6703 *12K.4.G. Parking.*

6704 1. All off-street parking for townhouses and multi-family buildings shall be located
6705 to the side, rear or enclosed.

6706 2. A minimum of 50 percent of the required surface parking for out-parcels shall
6707 be located at the rear of the building.

6708 3. The required number of off-street parking spaces may be reduced as approved
6709 by the director.

6710 4. Shared parking shall be permitted as approved by the director.

6711 5. Non-residential developments shall provide parking for bicycles.

6712 6. Loading areas shall be located in the rear or side yards.

6713 *12K.4.H. Miscellaneous provisions.*

6714 1. Except as provided for in Article 19, the storage and/or sale of goods is
6715 prohibited in parking lots and other areas outside of the interior or permanently
6716 sheltered portions of a building.

6717 2. Storage of shopping carts is allowed without a permit.

6719 12K.5. - Signs.
6718

6720 See Article 33.

6721 12K.6. - Telecommunications, cell towers and water towers.

6722 1. Telecommunications switchboards, power generators, and other
6723 telecommunication relay equipment rooms or floors housing such uses are
6724 limited to the following areas of a building: (a) subterranean levels, (b) first and
6725 second floors which are set back a minimum of 50 feet from the street, or (c)
6726 third and fourth floors.

6727 2. Stealth design is required for all cell towers.

6728 3. Height of towers shall not exceed 199 feet.

6729 4. A wireless communications facility shall be disassembled and removed from
6730 the site within 90 days of the date its use for wireless telecommunications is
6731 discontinued.

6732 5. Water towers shall be painted to blend with the landscape.

6733 6. Except for safety purposes, water tower lighting shall be allowed only during
6734 maintenance periods. Each outdoor light that is not required for safety shall be
6735 fully shielded. The safety lighting shall use a type of shielding with a ten degree
6736 cut-off to provide lighting downward.

6737 12K.7. - Utilities.

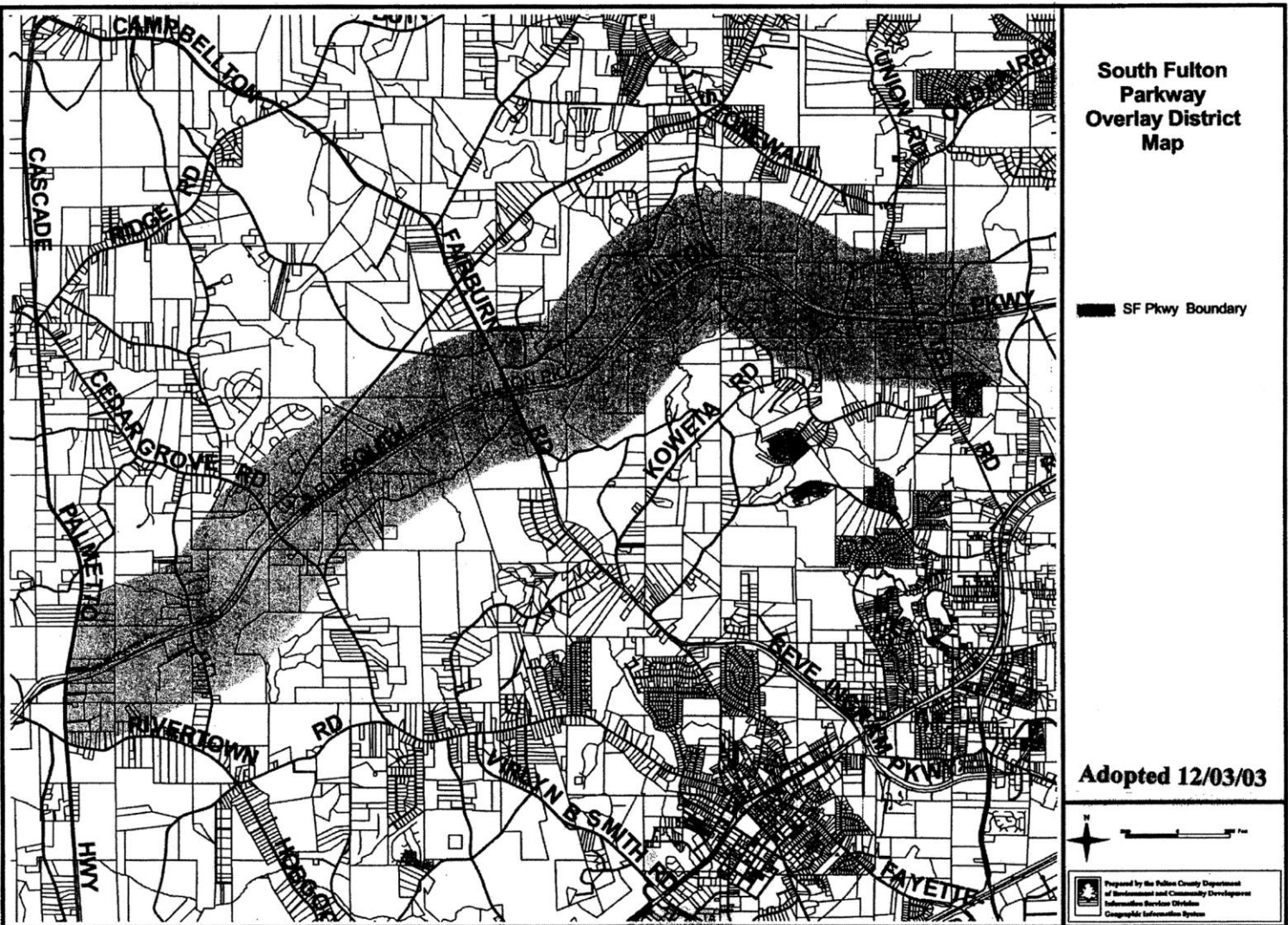
6738 All utilities shall be underground or as approved by the director.

6739 12K.8. - Severability.

6740 In the event that any section, subsection, sentence, clause or phrase of this article
6741 shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no
6742 manner affect the other sections, subsections, sentences, clauses or phrases of this
6743 article, which shall remain in full force and effect, as if the section, subsection, sentence,
6744 clause, or phrase so declared or adjudged invalid or unconstitutional were not originally
6745 a part thereof.

6746 12K.9. - Appeals.

6747 Any persons aggrieved by a final decision of the Department of Community
6748 Development relating to this article may appeal such final decision to the Zoning Board
6749 of Appeals by filing in writing setting forth plainly, fully and distinctly why the final
6750 decision is contrary to law per the South Fulton Zoning Resolution. Such appeal shall be
6751 filed within 30 days after the final decision of the department is rendered.



6752

6753

6754

South Fulton Parkway Overlay District Map

ARTICLE XIIC

Design Guidelines for the South Fulton Parkway

6755
6756
6757 The purpose of these design guidelines is to help preserve the buffers along the South
6758 Fulton Parkway, the night sky, green space, vistas, the "Parkway" feel, and open space.
6759 These guidelines are encouraged but are not standards. Therefore, noncompliance
6760 does not necessitate variances.

6761 Site design:

6762 All design strategies shall minimize changes to the existing topography and loss of
6763 mature vegetation and water features.

6764 Minimize level grading. New developments should step with landforms and
6765 maximize preservation of existing vegetation and trees. Level grading of entire lots
6766 is to be avoided.

6767 Transitions at property lines should seem natural for the surrounding terrain. Where
6768 the existing terrain is generally level, avoid newly graded slopes greater than 1:3 at
6769 property lines.

6770 Cut and fill slopes should be rounded where they meet natural grade to blend with
6771 natural slope.

6772 Natural contouring and re-vegetation are encouraged. Retaining walls should be
6773 faced with indigenous rock, brick and/or constructed to blend with adjacent
6774 surroundings.

6775 Storm water retention for multiple sites should be combined into a lake as opposed
6776 to individual drainage ponds.

6777 Permanent conservation easements should be established to protect water sheds,
6778 view sheds, and rare habitats.

6779 Buildings, courtyards:

6780 Buildings should be oriented to avoid summer overheating.

6781 Locate courtyards for optimum southern exposure in winter and provide for shading
6782 in the summer.

6783 Locate buildings such that solar heat is naturally reduced on hot summer days by
6784 landscape strips and trees.

6785 Coordinate corner buildings with adjacent developments. Generally, the primary
6786 mass of a building on a corner should not be placed at an angle to the corner.
6787 Angled or sculpted building corners and open plazas should not be precluded from
6788 corners.

6789 Vertical focal points to visually anchor corners are encouraged.

6790 Street standards:

Design Element	Community Boulevard (major thoroughfare)	Community Avenue (collector)	Community Street (minor street)	Community Lane (service drive, access)	Private Alley
Minimum right-of-way (feet)	60'	60'	54'	18'	16'
Maximum right-of-way (feet)	74'	74'	59'	22'	20'
Number of lanes	2-4	2-4	2	2-1	2-1
Travel lane width	11—12'	11'	10—11'	10'	8—10'
On-street parking allowed	Yes	Yes	Yes	No	No
Minimum parking lane width	8'	8'	8'	-	-
Minimum sidewalk width	10'	8'	5'	-	-
Bicycle lane allowed	Yes	Yes	Yes	-	-
Minimum bicycle lane width	5'	5'	5'	-	-
Planting area allowed	Yes	Yes	Yes	-	-
Median allowed	Yes	Yes	No	-	-
Culs-de-sac are prohibited unless approved by the director.					

6791

6792

6793 **Parking:**

6794 On-street parking (parallel, diagonal, and head-in) is encouraged.

6795 All developments shall provide connectivity to adjacent developments to link
6796 buildings and open spaces together to minimize vehicular traffic and other impacts.

6797 Courtyards should include such features as sculptures or fountains as focal points,
6798 moveable seating and tables, sunny and shaded areas, several entrances into
6799 courtyards, variety of textures and colors for visual interest, landscaping, covered
6800 and uncovered outdoor passageways.

6801 **Architectural features/enhancements:**

6802 Trim to include eaves, corner boards, gable and eave boards, pediments, friezes,
6803 lintels, sills, quoins, belt courses, balustrades;

6804 Gables, dormers, pillars, posts, porches, recessed windows and doors, cupolas,
6805 bay windows;

6806 Half-rounded or quarter-rounded roof gutters and down spouts integrated with trim;

6807 Glass storefronts, transom windows, building wall offsets, projections, recesses,
6808 floor level changes, roof-line offsets;

6809 Architectural treatments of front facades shall continue major features around all
6810 visibly exposed sides of a building.

6811 Restaurants with outdoor seating should allow for ease of pedestrian circulation,
6812 adequate shade through the use of extended awnings, canopies, or large
6813 umbrellas, provide outdoor trash receptacles, and maintain clean and litter-free
6814 premises.

6815 **View sheds:**

6816 All development proposals should arrange buildings to preserve views from
6817 adjacent properties and streets.

6818 Locate courtyards, surface parking, and open spaces to align with view sheds from
6819 adjacent properties.

6820 Locate drives, parking, and open spaces on high points. Avoid placing buildings
6821 except churches or public buildings of high architectural quality on ridge lines.

6822 All new developments will be reviewed with respect to topography and existing
6823 landforms, existing vegetation and trees, soil properties and bed rock depth,
6824 existing watercourses, floodway and flood plain areas, drainage patterns, climatic
6825 factors, view sheds.

6826 All new developments will be reviewed for land use and site organization in relation
6827 to building form, character, and scale of existing and proposed development,
6828 sensitivity and nature of adjoining land uses, location of adjacent roads, rights-of-
6829 way, driveways, off-street vehicular connections, pedestrian ways, access points,
6830 and easements, existing structures and other built improvements, prehistoric and
6831 historic sites, structures and routes, and any other features that may be impacted or
6832 impact the proposed new development.

6833

6834 ARTICLE XIII. - CLIFTONDALE OVERLAY DISTRICT

6835 12L.1. - Purpose and intent.

6837 The City Council of South Fulton, Georgia hereby declares it to be the purpose and
6838 intent of this Resolution to establish a uniform procedure for providing for the protection,
6839 enhancement, preservation, unity of design, and use of sites, buildings, structures,
6840 streets, neighborhoods, and landscape features in the Cliftondale Overlay District
6841 (District) in accordance with the provisions herein.

6842 This Resolution is adopted as part of a strategy designed to promote the health,
6843 safety, order, prosperity, and general welfare of the citizens of South Fulton through the
6844 regulation of design, aesthetics, location, bulk, size of buildings and structures, and the
6845 density and distribution of population.

6846 This Resolution seeks to reduce congestion on the streets; to provide safety from
6847 fire, flood and other dangers; provide adequate light and open space; protect the natural
6848 environment and address other public requirements, in order to provide sustainable
6849 development that involves the simultaneous pursuit of economic prosperity,
6850 environmental protection and social quality.

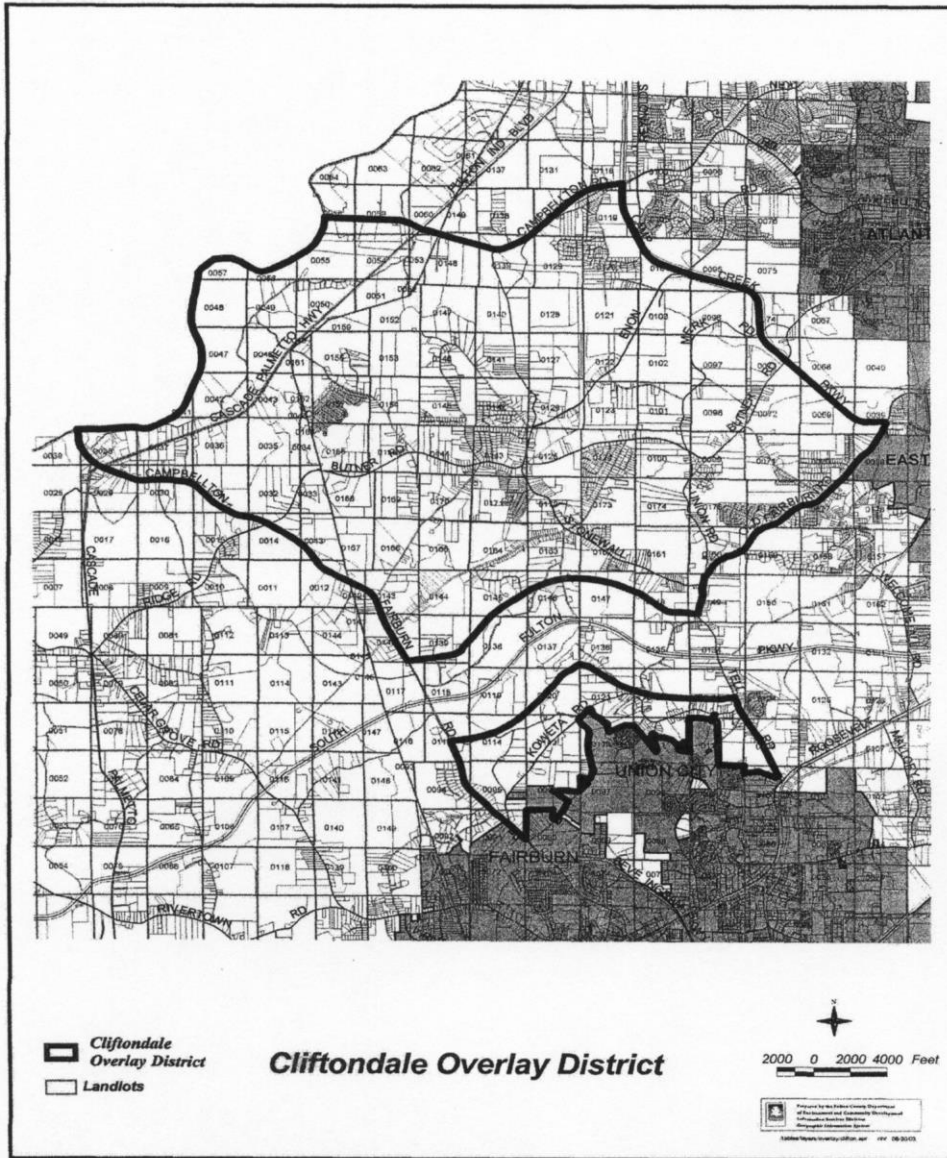
6851 This Resolution also seeks to promote accepted design principles in areas of new
6852 development and redevelopment, to raise the level of community understanding and
6853 expectation for quality in the built environment, to protect and enhance local aesthetic
6854 and functional qualities, to stimulate business and promote economic development.

6855 In consideration of the character of the District, these regulations are to monitor the
6856 suitability for certain uses, construction and design, prevent functional and visual
6857 disunity, promote desirable conditions for community and commerce and protect
6858 property against blight and depreciation.

6859 12L.2. - Cliftondale overlay district use regulations.

6860 The District applies to all properties zoned or developed for nonresidential and
6861 residential uses (except single family detached dwelling units) and structures within the
6862 area illustrated on the following map. If any portion of a parcel and/or development is
6863 located in the defined boundary area, the entire parcel and/or development shall comply
6864 with the standards herein. The District also recognizes the Cliftondale Crossroads as

6865 designated on the 2015 South Fulton Land Use Map.



6866

6867

6868 Clifftdale Overlay District

6869 Whenever provisions of this Article conflict with any other Article in the Zoning
6870 Resolution of South Fulton or any other South Fulton ordinances, regulations, or
6871 resolutions, these standards shall prevail.

6872 12L.3. - Architectural review process.

6873 Prior to issuance of a building permit, the applicant shall submit details of exterior
6874 materials, colors, design and architectural features of the proposed building which
6875 demonstrate compliance with the design standards set forth in this ordinance.

6876 South Fulton staff will review all applications for land disturbance permits, building
6877 permits and sign permits for compliance with the standards of this overlay district and
6878 upon determination of compliance will provide a Certificate of Endorsement (COE) in
6879 the form of signing the formally submitted plans and drawings.

6880 Prior to the issuance of a building permit, the community will be allowed ten working
6881 days to review and comment. An application which otherwise conforms to applicable
6882 codes and regulations shall not be delayed issuance of a building permit for more than
6883 ten working days due to this review and comment process.

6884 12L.4. - Development standards.

6885 *12L.4.A. Landscaping, Buffers and Street Trees.*

6886 1. All AG-1 and residentially zoned developments shall provide a minimum 50-
6887 foot wide natural, undisturbed buffer with a ten-foot improvement setback along
6888 all public streets.

6889 2. All nonresidentially (except AG-1) zoned developments shall provide a
6890 minimum 50-foot wide landscape strip along all public streets.

6891 3. A minimum 50-foot wide natural, undisturbed buffer with a ten-foot
6892 improvement setback shall be provided along any interior property line adjacent
6893 to a residential zoning and/or use.

6894 4. A minimum 15-foot wide landscape strip shall be provided along any interior
6895 property line adjacent to a nonresidential zoning and/or use.

6896 5. Large, overstory trees shall be planted 40 to 60 feet on center and are allowed
6897 along residential and commercial streets.

6898 6. Small, understory trees shall be planted ten to 30 feet on center along
6899 residential streets.

6900 7. Street trees shall be a minimum of three inches caliper.

6901 8. Street trees shall be selected from Appendix E of the South Fulton Tree
6902 Preservation Ordinance and Administrative Guidelines or as may be approved
6903 by the South Fulton Arborist.

6904 *12L.4.B. Screening.*

6905 1. Refuse areas and receptacles shall be placed in the least visible location from
6906 public streets and shall be enclosed on three sides with opaque walls. The 4th
6907 side shall be a self-closing gate made from noncombustible materials. Opaque
6908 walls shall be a minimum of 12 inches higher than the receptacle. Wall
6909 materials shall be noncombustible brick, stone, or split-faced concrete masonry
6910 block. Refuse receptacles shall not be placed within 50 feet of an existing
6911 residential or AG-1 (Agricultural) zoning district.

6912 2. Accessory site features are prohibited in the front yard of any property.

6913 3. Accessory site features located on the ground shall be screened from view
6914 from any public right-of-way, any residential use, or any residential or AG-1

- 6915 zoning category by one of the following: placement behind the building, 100%
6916 opaque fencing, berm or vegetative screen planted to buffer standards.
- 6917 4. Accessory site features on a roof shall be screened by a parapet or other
6918 architectural feature or as approved by the director.
- 6919 5. Opaque fences are prohibited adjacent to public streets.
- 6920 6. Fencing materials along public streets and side yards, golf courses, play fields
6921 and other recreational areas are restricted to decorative stone, iron, wrought
6922 iron, treated wood, white picket, and/or minimum three-rail horse fencing with
6923 posts.
- 6924 7. When required, fencing material around detention/retention facilities shall be
6925 constructed in accordance with the South Fulton Subdivision Regulations or as
6926 approved by the Director. Vegetation shall be planted in accordance with Article
6927 34 of the South Fulton Zoning Resolution.
- 6928 8. Retaining walls shall be faced with or constructed of stone, brick, or decorative
6929 concrete modular block only.
- 6930 9. All parking and loading areas shall be screened from public streets by either a
6931 minimum four-foot high berm and/or a continuous hedge of evergreen shrubs.
- 6932 *12L.4.C. Sidewalks/Pedestrian Paths.*
- 6933 1. Sidewalks are required along all public and private road frontages (except
6934 alleys) and shall meet all applicable Americans with Disabilities Act (ADA)
6935 standards.
- 6936 2. Sidewalks and other paths (multi-purpose or pedestrian) shall be illustrated on
6937 the site plan submitted at the time of application for a Land Disturbance Permit.
- 6938 3. Meandering sidewalks are permissible upon approval by the director.
- 6939 4. Pedestrian paths shall be a minimum width of five feet.
- 6940 5. Pedestrian paths may be constructed of either colored/textured materials or
6941 conventional sidewalk materials and shall be clearly identified.
- 6942 6. Multi-use paths for bicycles and pedestrians may be substituted for the
6943 required sidewalks as approved by the director when the path is part of the
6944 South Fulton Bicycle and Pedestrian Plan.
- 6945 7. Multi-use paths designed for use by bicyclists and pedestrians shall be a
6946 minimum of 15 feet wide; five feet for the pedestrian sidewalk and ten feet for
6947 the bicyclists.
- 6948 8. Street furniture shall be located outside the specified width of any path.
- 6949 9. Paths shall be connected to signalized crosswalks where applicable.
- 6950 10. Paths shall be designed to minimize direct auto-pedestrian interaction.
- 6951 11. Paths should be direct and convenient routes between points of origin (such
6952 as a bus stop) and destination (such as a shop, bank, etc).

6953 12. Pedestrian access should be provided to all entrances including access from
6954 rear parking areas.

6955 *12L.4.D. Lighting.*

6956 1. A lighting plan for open parking lots and pedestrian paths shall be submitted for
6957 approval prior to the issuance of a Land Disturbance Permit.

6958 2. Open parking lots and walkways providing access thereto shall be provided
6959 with a maintained minimum two foot candles (a measure of illumination) of light
6960 measured at grade level.

6961 3. The maximum to minimum foot candle level shall not exceed a twelve to one
6962 (12:1) ratio.

6963 4. Shoe box, cobra lighting fixtures and neon lighting are prohibited.

6964 5. Any luminaire with a lamp or lamps rated at a total of MORE than 1,800
6965 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of
6966 MORE than 900 lumens, shall not emit any direct light above a horizontal plane
6967 through the lowest direct-light-emitting part of the luminaire.

6968 6. Any luminaire with a lamp or lamps rate at a total of MORE than 1,800 lumens,
6969 and all flood or spot luminaires with a lamp or lamps rated at a total of MORE
6970 than 900 lumens, shall be mounted at a height equal to or less than the value 3
6971 $+ (D/3)$, where D is the distance in feet to the nearest property boundary. The
6972 maximum height of the luminaire may not exceed 25 feet.

6973 7. Any luminaire with a lamp or lamps rated at a total of 1800 lumens or LESS,
6974 and all flood or spot luminaires with a lamp or lamps rated at 900 lumens or
6975 LESS, may be used without restriction to light distribution or mounting height,
6976 except that if any spot of flood luminaire rated 900 lumens or LESS is aimed,
6977 directed, or focused such as to cause direct light from the luminaire to be
6978 directed toward residential buildings on adjacent or nearby land, or to create
6979 glare perceptible to persons operating motor vehicles on public ways, the
6980 luminaire shall be redirected or its light output controlled as necessary to
6981 eliminate such conditions.

6982 8. Luminaires used for public-roadway illumination may be installed at a
6983 maximum height of 25 feet and may be positioned at that height up to the edge
6984 of any bordering property.

6985 9. All temporary emergency lighting needed by the police or fire departments or
6986 other emergency services, as well as all vehicular luminaires, shall be exempt
6987 from the requirements of this article.

6988 10. All hazard warning luminaires required by Federal regulatory agencies are
6989 exempt from the requirements of this article, except that all luminaries used
6990 must be red and must be shown to be as close as possible to the Federally
6991 required minimum lumen output requirement for the specific task.

6992 11. Luminaires used primarily for sign illumination may be mounted at any height
6993 to a maximum of 25 feet, regardless of lumen rating.

- 6994 12. Top Mounted Fixtures Required: Lighting fixtures used to illuminate an
6995 outdoor advertising sign shall be mounted on the top of the sign structure. All
6996 such fixtures shall comply with the shielding requirements of Section 1.10.3(A).
6997 Bottom-mounted outdoor advertising-sign lighting shall not be used.
- 6998 13. Compliance Limit: Existing outdoor advertising structures shall be brought into
6999 conformance with this Code within ten years from the date of adoption of this
7000 provision.
- 7001 14. The use of laser source light or any similar high intensity light for outdoor
7002 advertising or entertainment, searchlights, permanent mounted exterior neon
7003 lights and back-lit awnings and roof mounted lights are prohibited.
- 7004 *12L.4.E. Building Design.*
- 7005 1. Buildings shall include architecture elements such as columns, arcades,
7006 covered entry-walkways, arches, facade offsets, windows, balconies, offset
7007 walls, clock towers, cupolas and/or courtyards.
- 7008 2. All buildings shall be oriented to face a street or a courtyard.
- 7009 3. The principle entry area of a building shall be articulated and express greater
7010 architectural detail than other portions of the building.
- 7011 4. All primary entrances shall face the street or courtyard.
- 7012 5. All primary entrances which face a street shall be at street level.
- 7013 6. Buildings are limited to 35 feet in height.
- 7014 7. The exterior wall materials of all nonresidential buildings shall consist of a
7015 minimum of 60 percent (per vertical wall plane) of the following: brick, stone, or
7016 clapboard (or an equivalent alternative treatment approved by the Director of
7017 Environment and Community Development).
- 7018 8. The exterior wall materials of all residential buildings shall consist of a
7019 minimum of 60 percent (per vertical wall plane) of the following: brick, stone,
7020 stucco, solid plank, cementitious plank, or horizontal clapboard siding (or an
7021 equivalent alternative treatment approved by the Director of Environment and
7022 Community Development).
- 7023 9. Any nonresidential building facade shall have a minimum of 25 percent
7024 fenestration or as may be approved by the director. Black glass and/or tinted
7025 glass is prohibited.
- 7026 10. Accent wall materials on residential and nonresidential buildings shall consist
7027 of glass, architecturally treated concrete masonry, precast stone, or stucco (or
7028 an equivalent alternative treatment approved by the Director of Environment
7029 and Community Development) and shall not exceed 40 percent per vertical wall
7030 plane.
- 7031 11. To the extent any rear or side of any building is visible from any public street
7032 or single family residence, architectural treatment shall continue through the
7033 rear or side.

- 7034 12. Exterior finishes for accessory structures shall be consistent with the principle
7035 structure.
- 7036 13. Permitted colors for exterior walls, building components, sign structures,
7037 accent and decorative elements shall be a specified by Table 12L or as
7038 approved by the director.

7039 Table 12L
7040 Allowable Accent/Trim Colors for the Clifftondale Overlay District
7041 (Reference Pantone Color Formula Guide)

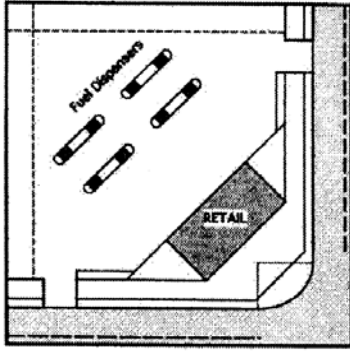
Red Tones	Blue Tones	Yellow Tones	Green Tones	Brown Tones	Gray Shades	Black Shades
162 C	270 C	100 C	3288 C	406 C	420 C	432 C
1625 C	271 C	101 C	3298 C	407 C	421 C	433 C
1635 C	275 C	107 C	336 C	408 C	422 C	Cool Gray 11 C
180 C	2706 C	113 C	348 C	409 C	423 C	432 U
1805 C	2726 C	117 C	349 C	410 C	424 C	433 U
1815 C	2756 C	120 C	357 C	411 C	425 C	438 U
434 C	2707 C	121 C	364 C	438 C	427 C	439 U
435 C	2717 C	122 C	365 C	439 C	428 C	440 U
436 C	2727 C	1205 C	366 C	Warm Gray 10 C	429 C	
437 C	2708 C	1215 C	372 C	Warm Gray 9 C	430 C	
691 C	277 C	127 C	441 C	Warm Gray 6 C	431 C	
697 C	278 C	128 C	442 C	719 C	Cool Gray 1	

					C	
	2758 C	134 C	443 C	720 C	Cool Gray 2 C	
	283 C	135 C	444 C	722 C	Cool Gray 3 C	
	290 C	1345 C	445 C	726 C	Warm Gray 1 C	
	291 C	1355 C	614 C	728 C	Warm Gray 1 U	
	317 C	1365 C	615 C		Warm Gray 2 U	
	324 C	141 C			Cool Gray 1 U	
	656 C	142 C				
		143 C				
		148 C				
		149 C				
		155 C				
		156 C				

7042

7043
7044
7045

14. Fuel pumps, canopies and associated gasoline station service areas should be located at the rear of the structure, not between the building and the street, to allow the building to be the spatial edge of the streetscape.



7046

7047 Spatial edge of streetscape

7048 15. For large commercial/retail buildings, variations in facade, roofline and depth
7049 should be provided to lend the appearance of multi-tenant occupancy.

7050 16. All building plans submitted as an application for a building permit should
7051 clearly indicate all of the proposed building materials and colors for each facade
7052 as described herein. The plans should clearly show the location and calculate
7053 the amount/percentages of all building materials per facade.

7054 *12L.4.F. Roofs.*

7055 1. Allowable roof materials for pitched roofs are asphalt shingles, composition
7056 shingles, wood shingles, wood shake, slate, terra cotta or as may be approved
7057 by the Director.

7058 2. Roof colors shall be black, gray, brown, or green. Reflective and metallic colors
7059 are prohibited.

7060 3. Permissible roofs are gable, pyramidal, and hip. Shed roofs are permitted over
7061 porches, additions, and accessory structures. Roof pitches shall be 5/12 to
7062 12/12.

7063 4. Roof mounted flagpoles are prohibited.

7064 *12L.4.G. Parking.*

7065 1. Off-street parking shall be located to the rear or side of the building.

7066 2. Parallel and angle-in on-street parking is allowed subject to the approval of the
7067 Director.

7068 3. For commercial and multi-family uses only, no more than 50 percent of the
7069 required parking spaces shall be located in the front and side of a building.

7070 4. Shared parking within a multi-tenant development is required and shall be in
7071 accordance with the provisions of Article 18 of the Zoning Resolution.

7072 5. No parking or loading area shall be used for the sale, repair, dismantling or
7073 servicing or storing of any vehicle, equipment, materials or supplies.

7074 6. Bicycle parking areas shall be provided for each nonresidential development.

7075 *12L.4.H. Miscellaneous Provisions.*

- 7076 1. Utilities shall be installed underground.
- 7077 2. Retention/detention shall comply with the requirements of the South Fulton
7078 Subdivision Regulations.
- 7079 3. Stealth design is required for all cell towers.
- 7080 4. Height of cell towers shall not exceed 199 feet.
- 7081 5. Wireless communications facilities shall be disassembled and removed from
7082 the site within 90 days of the date its use for wireless telecommunications is
7083 discontinued.
- 7084 6. Vending machines, paper stands, and other similar devices must be located
7085 inside a building.

7086 12L.5. - Signs.

- 7087 1. The architectural color standards shall apply to the sign structure and not the
7088 sign face.
- 7089 2. Sign structures and faces constructed of wood or canvas materials are
7090 prohibited.
- 7091 3. Window signs are prohibited.

7092 12L.6. - Appeals.

7093 Any persons aggrieved by a final decision of the Department of Community
7094 Development relating to this article may appeal such final decision to the Zoning Board
7095 of Appeals by filing in writing setting forth plainly, fully and distinctly why the final
7096 decision is contrary to law per the South Fulton Zoning Resolution. Such appeal shall be
7097 filed within 30 days after the final decision of the department is rendered.

7098

7099 ARTICLE XIIM. - CEDAR GROVE OVERLAY DISTRICT

~~7100~~ 12M.1. - Purpose and intent.

7102 The City Council of South Fulton, Georgia hereby declares it to be the purpose and
7103 intent of this Resolution to establish a uniform procedure for providing for the protection,
7104 enhancement, preservation, unity of design, and use of places, sites, buildings,
7105 structures, streets, neighborhoods, and landscape features in the Cedar Grove Overlay
7106 District in accordance with the provisions herein.

7107 This Resolution is adopted as part of a strategy designed to promote the health,
7108 safety, order, prosperity, and general welfare of the citizens of South Fulton through the
7109 regulation of design, aesthetics, location, bulk, size of buildings and structures, and the
7110 density and distribution of population.

7111 This Resolution also seeks to reduce congestion on the streets; to provide safety
7112 from fire, flood and other dangers; provide adequate light and open space; protect the

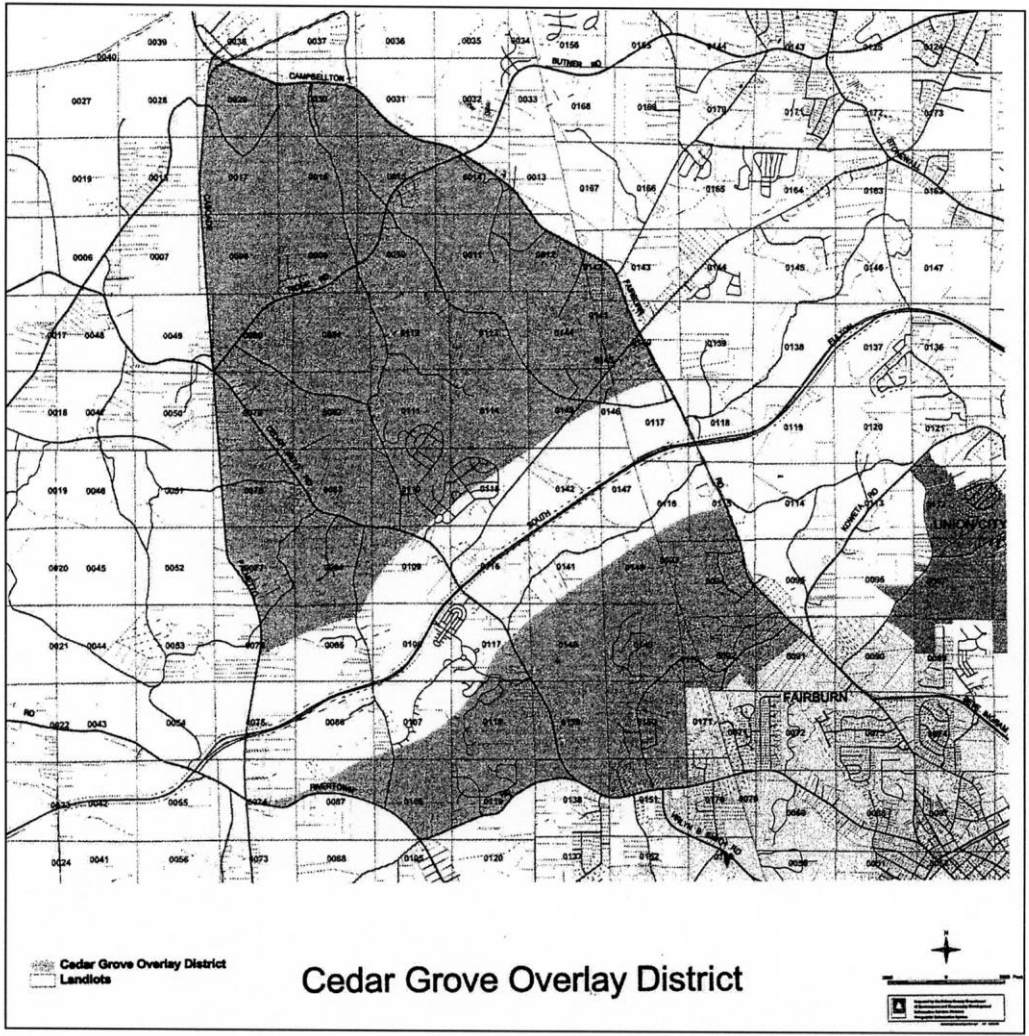
7113 natural environment and address other public requirements, in order to provide
7114 sustainable development that involves the simultaneous pursuit of economic prosperity,
7115 environmental protection and social quality.

7116 This Resolution also seeks, among other things, to promote accepted design
7117 principles in areas of new development and redevelopment, to raise the level of
7118 community understanding and expectation for quality in the built environment, to protect
7119 and enhance local aesthetic and functional qualities, and to stimulate business and
7120 promote economic development.

7121 In consideration of the rural character of the Cedar Grove Overlay District, these
7122 regulations are to define and monitor the suitability for certain uses, construction and
7123 design, prevent functional and visual disunity, promote desirable conditions for
7124 community and commerce and protect property against blight and depreciation.

7125 12M.2. - Cedar grove overlay district use regulations.

7126 The Cedar Grove Overlay District applies to all properties zoned or developed for
7127 nonresidential and residential uses (except single family detached dwelling units), within
7128 the area illustrated on the following map (excluding the South Fulton Parkway Overlay
7129 District). The District also recognizes the Cedar Grove Crossroads as designated on the



7131
 7132
 7133 Cedar Grove Overlay District

7134 Within the Cedar Grove Overlay District, land and structures shall be used in
 7135 accordance with the standards of the underlying district.

7136 Whenever provisions of this Article conflict with any other Article in the Zoning
 7137 Resolution of South Fulton or any other South Fulton ordinances, regulations, or
 7138 resolutions, these standards shall prevail.

7139 12M.3. - Architectural review process.

7140 Prior to issuance of a land disturbance permit (LDP) or a building permit, the
 7141 applicant shall submit details of exterior materials, colors, landscape strips, buffers,
 7142 signage, lighting, parking, streets and paths, entrances design and architectural
 7143 features of the proposed site and building which demonstrate compliance with the
 7144 design standards set forth herein.

7145 Prior to the issuance of an LDP or building permit, the community will be allowed
7146 ten working days to review the application. An application which otherwise conforms to
7147 applicable codes and regulations shall not be delayed issuance of an LDP or building
7148 permit for more than ten working days due to this review and comment process.

7149 South Fulton staff will review all applications for land disturbance permits, building
7150 permits and sign permits for compliance with the standards of this Overlay District and
7151 upon determination of compliance will provide a Certificate of Endorsement (COE) in
7152 the form of signing the formally submitted plans and drawings.

7153 12M.4. - Development standards.

7154 *12M.4.A. Buffers and Landscaping.*

7155 1. All AG-1 and residentially zoned developments shall provide a minimum 50-
7156 foot wide natural, undisturbed buffer with a ten-foot improvement setback along
7157 all public streets.

7158 2. All nonresidentially (except AG-1) zoned developments shall provide a
7159 minimum 50-foot wide landscape strip along all public streets.

7160 3. A minimum 15-foot wide landscape strip shall be provided along any interior
7161 property line adjacent to a nonresidential zoning and/or use.

7162 4. Large, overstory trees shall be planted 40 to 60 feet on center and shall be
7163 located along both sides of all public streets (except residential streets).

7164 5. Small, understory trees shall be planted ten to 30 feet on center and shall be
7165 located along both sides of residential streets.

7166 6. Street trees shall be a minimum three inch caliper.

7167 7. Street trees shall be selected from Appendix E of the South Fulton Tree
7168 Preservation Ordinance and Administrative Guidelines or as may be approved
7169 by the South Fulton Arborist.

7170 *12M.4.B. Screening.*

7171 1. Refuse areas and receptacles shall be placed in the least visible location from
7172 public streets and shall be enclosed on three sides with opaque walls. The 4th
7173 side shall be a self-closing gate made from noncombustible materials. Opaque
7174 walls shall be a minimum of 12 inches higher than the receptacle. Wall
7175 materials shall be noncombustible brick, stone, or split-faced concrete masonry
7176 block. Refuse receptacles shall not be placed within 100 feet of an existing
7177 residential or AG-1 (Agricultural) zoning district.

7178 2. Screening walls shall be screened with a hedge of evergreen shrubbery, a
7179 minimum of two feet in height at planting.

7180 3. Accessory site features are prohibited in the front yard of any property.

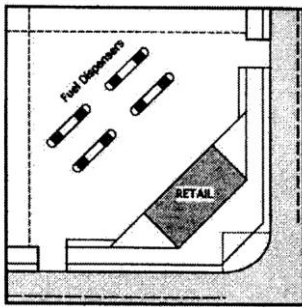
7181 4. Accessory site features located on the ground shall be screened from view
7182 from any public right-of-way, any residential use, or any residential or AG-1

- 7183 zoning category by one of the following: placement behind the building, 100%
7184 opaque fencing, berm or vegetative screen planted to buffer standards.
- 7185 5. Accessory site features on a roof shall be screened by a parapet or other
7186 architectural feature or as approved by the director.
- 7187 6. Fencing materials along public streets and side yards are restricted to brick,
7188 stone, iron, decorative wrought iron, and treated wood.
- 7189 7. Chain link fencing may be used only along golf courses, play fields, and other
7190 recreational areas. All chain link fencing shall be black or hunter green vinyl
7191 coated.
- 7192 8. When required, fencing material around detention/retention facilities shall be
7193 black or hunter green vinyl coated chain link fence.
- 7194 9. Retaining walls shall be faced with or constructed of stone, brick, or decorative
7195 concrete modular block only.
- 7196 10. All parking and loading areas shall be screened from public streets by either a
7197 minimum four-foot high berm and/or a continuous hedge of evergreen shrubs.
- 7198 *12M.4.C. Sidewalks/Pedestrian Paths.*
- 7199 1. Sidewalks are required along all public and private road frontages (except
7200 alleys) and shall meet all applicable Americans with Disabilities Act (ADA)
7201 standards.
- 7202 2. Sidewalks and other paths (multi-purpose or pedestrian) shall be illustrated on
7203 the site plan submitted at the time of application for a Land Disturbance Permit.
- 7204 3. Sidewalks shall be a minimum width of five feet.
- 7205 4. Pedestrian paths may be constructed of either colored/textured materials or
7206 conventional sidewalk materials and shall be clearly identified.
- 7207 5. Multi-use paths for bicycles and pedestrians may be substituted for the
7208 required sidewalks as approved by the director and the traffic engineer when
7209 the path is part of the South Fulton Bicycle and Pedestrian Plan.
- 7210 6. Multi-use paths designed for use by bicyclists and pedestrians shall be 12 feet
7211 wide.
- 7212 7. Multi-use paths designed with separate paths for bicyclists and pedestrians
7213 shall be 15 feet wide, ten feet for bicycles and five feet for pedestrians.
- 7214 8. Street furniture shall be located outside the specified width of any path.
- 7215 9. Sidewalks and paths shall be connected to signalized crosswalks where
7216 applicable.
- 7217 10. Sidewalks and paths shall be designed to minimize direct auto-pedestrian
7218 interaction.
- 7219 11. Sidewalks and paths should be direct and convenient routes between points
7220 of origin (such as a bus stop) and destination (such as a shop, bank, etc).

- 7221 12. Pedestrian access should be provided to all entrances including access from
7222 rear parking areas.
- 7223 13. Inter-parcel connectivity shall be required for multiuse, pedestrian paths and
7224 sidewalks.
- 7225 *12.M.4.D. Lighting.*
- 7226 1. A lighting plan for open parking lots and pedestrian paths shall be submitted for
7227 approval prior to the issuance of a Land Disturbance Permit.
- 7228 2. Street lights shall be installed on all interior streets within community
7229 crossroads, as identified in the 2015 South Fulton Comprehensive Amendment
7230 for the Cedar Grove Community Policies and Strategies.
- 7231 3. Open parking lots and walkways providing access thereto shall be lighted at a
7232 minimum of two foot candles measured at grade level.
- 7233 4. The maximum to minimum foot candle level shall not exceed a twelve to one
7234 (12:1) ratio.
- 7235 5. Shoe box, cobra lighting fixtures and neon lighting are prohibited.
- 7236 6. Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens,
7237 and all flood or spot luminaires with a lamp or lamps rated at a total of more
7238 than 900 lumens, shall not emit any direct light above a horizontal plane
7239 through the lowest direct-light-emitting part of the luminaire.
- 7240 7. Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens,
7241 and all flood or spot luminaires with a lamp or lamps rated at a total of more
7242 than 900 lumens, shall be mounted at a height equal to or less than the value 3
7243 $+ (D/3)$, where D is the distance in feet to the nearest property boundary. The
7244 maximum height of the luminaire may not exceed 20 feet.
- 7245 8. Any luminaire with a lamp or lamps rated at a total of 1,800 lumens or less, and
7246 all flood or spot luminaires with a lamp or lamps rated at 900 lumens or less,
7247 may be used without restriction to light distribution or mounting height, except
7248 that if any spot of flood luminaire rated 900 lumens or less is aimed, directed, or
7249 focused such as to cause direct light from the luminaire to be directed toward
7250 residential buildings on adjacent or nearby land, or to create glare perceptible to
7251 persons operating motor vehicles on public ways, the luminaire shall be
7252 redirected or its light output controlled as necessary to eliminate such
7253 conditions.
- 7254 9. Luminaires used for public-roadway illumination may be installed at a
7255 maximum height of 25 feet and may be positioned at that height up to the edge
7256 of any bordering property.
- 7257 10. All temporary emergency lighting needed by police, fire or other emergency
7258 services, as well as all emergency vehicular luminaires, shall be exempt from
7259 the requirements of this article.
- 7260 11. All hazard warning luminaires required by federal regulatory agencies are
7261 exempt from the requirements of this article, except that all luminaries used

- 7262 must be red and must be shown to be as close as possible to the federally
7263 required minimum lumen output requirement for the specific task.
- 7264 12. Luminaires used primarily for sign illumination may be mounted at any height
7265 to a maximum of 25 feet, regardless of lumen rating.
- 7266 13. Lighting fixtures used to illuminate an outdoor advertising sign shall be
7267 mounted on the top of the sign structure. All such fixtures shall comply with the
7268 shielding requirements of Section 1.10.3(A). Bottom-mounted outdoor
7269 advertising-sign lighting is prohibited.
- 7270 14. Existing outdoor advertising structures shall be brought into conformance with
7271 this code within five years from the date of adoption of this provision.
- 7272 15. The use of laser source light or any similar high intensity light for outdoor
7273 advertising or entertainment is prohibited.
- 7274 16. The operation of searchlights for advertising purposes is prohibited.
- 7275 17. Permanent mounted exterior neon lights are prohibited.
- 7276 18. Back-lit awnings and roof mounted lights are prohibited.
- 7277 *12M.4.E. Building Design.*
- 7278 1. Developments shall include architectural elements such as columns, arcades,
7279 covered entry-walkways, arches, facade offsets, windows, balconies, offset
7280 walls, clock towers, cupolas and/or courtyards.
- 7281 2. The principle entry area of a building shall be articulated and express greater
7282 architectural detail than other portions of the building.
- 7283 3. Shop front buildings shall utilize a parapet at all street frontages.
- 7284 4. All buildings shall be oriented to face a street or a courtyard.
- 7285 5. All primary entrances shall face the street or courtyard.
- 7286 6. All primary entrances which face a street shall be at street level.
- 7287 7. Buildings are limited to 35 feet in height.
- 7288 8. The exterior wall materials of nonresidential buildings shall consist of a
7289 minimum of 60 percent (per vertical wall plane) of the following: brick, stone or
7290 clapboard (or an equivalent alternative treatment approved by the Director of
7291 Environment and Community Development).
- 7292 9. The exterior wall materials of residential buildings shall consist of a minimum of
7293 60 percent (per vertical wall plane) of the following: brick, stone, cement stucco,
7294 split-faced block natural treated wood and/or cement based artificial wood
7295 siding, solid plank, cementitious plank, or horizontal clapboard siding (or an
7296 equivalent alternative treatment approved by the Director of Environment and
7297 Community Development).
- 7298 10. Any nonresidential building facade shall have a minimum of 25% fenestration
7299 or as may be approved by the director. Black glass and/or tinted glass is
7300 prohibited.

- 7301 11. Accent wall materials on residential and nonresidential buildings shall consist
 7302 of glass, architecturally treated concrete masonry, precast stone, or stucco (or
 7303 an equivalent alternative treatment approved by the Director of Environment
 7304 and Community Development) and shall not exceed 40 percent per vertical wall
 7305 plane.
- 7306 12. To the extent any rear or side of any building is visible from any public street
 7307 or single family residence, architectural treatment shall continue through the
 7308 rear or side.
- 7309 13. Exterior finishes for accessory structures shall be consistent with the principle
 7310 structure.
- 7311 14. Fuel pumps, canopies and associated gasoline station service areas shall be
 7312 located at the rear of the structure, not between the building and the street, to
 7313 allow the building to be the spatial edge of the streetscape.



7314

7315

7316 *Spatial edge of streetscape*

- 7317 15. For large commercial/retail buildings variations in facade, roofline and depth
 7318 shall be provided to lend the appearance of multi-tenant occupancy.
- 7319 16. All building plans submitted as an application for a building permit shall clearly
 7320 indicate all of the proposed building materials and colors for each facade as
 7321 described herein. The plans should clearly show the location and calculate the
 7322 amount/percentage of all building materials per facade.
- 7323 17. Roof mounted flagpoles are prohibited

7324 *12M.4.F. Permitted Colors.*

- 7325 1. Permitted colors for exterior walls, building components, sign structures, accent
 7326 and decorative elements shall be as specified by Table 12M or as approved by
 7327 the director.

7328 Table 12M

7329 Permitted Colors for Exterior Walls, Building Components, Sign Structure,
 7330 Accent and Decorative Elements

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7332

The following numbers refer to the Pantone Matching System, an International Color Matching System

Exterior Building Walls, Building Components, Sign Structure, Accent and Decorative Elements	Accent and Decorative Elements Only
<p>Browns, Beiges and Tans 462 C to 468 C 4625 C to 4685 C 469 C, 474C, 475 C 4695 C to 4755 C 478 C, 719 C to 724 C 725 C to 731 C 476U to 482U 719U to 725U 726U to 732U</p>	<p>Greens 553 C to 554 C 560 C to 561 C 614 C to 616 C 3302 C to 3305 C 3295 C 342C, 343 C 3435 C 356 C, 357 C 5467 C to 5527 C 3305U, 3308U, 335U 336U, 341U-343 U 3415 U to 3435 U 349 U 356 U to 357 U 5535U to 5595U 553U to 559U</p>
<p>Reds 168 C, 181 C 483 C, 484 C 675C, 1685C, 4975 C</p>	<p>Grey 429 U to 433 U 443 U to 447 U Warm Grey 6U-11U Cool Grey 6U-11U 5467U to 5527U</p>
<p>Red-Browns 154 U, 1395 U 1405 U</p>	<p>Grey-Blue 5395U to 5455U 621U to 627U 642U to 644U 647U to 650U 654U to 656U 662U</p>
	<p>Green-Grey</p>

	5605U to 5665U
All whites	All whites
	All blacks

7333

7334 *12M.3.G. Roofs.*

- 7335 1. Allowable roof materials for pitched roofs are asphalt shingles, composition
7336 shingles, natural wood shingles, wood shake, slate, terra cotta, or as may be
7337 approved by the director.
- 7338 2. Roof colors shall be gray, brown, terra-cotta or green. Reflective and metallic
7339 colors are allowed only when not visible from a street.
- 7340 3. Permissible roofs are gable, pyramidal, hip or decorative parapets. No parapet
7341 shall be required to be greater than four feet above the roof line. Shed roofs are
7342 permitted over porches, additions, and accessory structures.

7343 *12M.4.H. Parking.*

- 7344 1. All off-street parking for townhouses and multi-family buildings shall be located
7345 to the side, rear or enclosed.
- 7346 2. A minimum of 50% of the required surface parking for out-parcels shall be
7347 located at the rear of the building.
- 7348 3. On-street parking is allowed subject to the approval of the director.
- 7349 4. No parking or loading area shall be used for the sale, repair, dismantling or
7350 servicing or storing of any vehicle, equipment, materials or supplies.
- 7351 5. All developments must provide space for parking bicycles. This area may be
7352 within the parking lot or courtyard. A bike rack, permanently attached to the
7353 ground accommodating a bicycle lock or chain.

7354 *12M.4.I. Miscellaneous Provisions.*

- 7355 1. All utilities shall be located underground.

7356 *12M.5. - Signs.*

- 7357 1. The architectural color standards of the overlay district apply to the sign
7358 structure and not the sign face.
- 7359 2. Sign structures and faces constructed of wood or canvas materials are
7360 prohibited.
- 7361 3. Window signs are prohibited.

7362

7363 12M.6. - Appeals.

7364 Any persons aggrieved by a final decision of the Department of Community
7365 Development relating to this article may appeal such final decision to the Zoning Board
7366 of Appeals by filing in writing setting forth plainly, fully and distinctly why the final
7367 decision is contrary to law per the South Fulton Zoning Resolution. Such appeal shall be
7368 filed within 30 days after the final decision of the department is rendered.

7369 **Design Guidelines for the Cedar Grove Community**

7370 The purpose of these design guidelines is to help preserve the rural nature of the Cedar
7371 Grove Community, the night sky, green space, vistas, the "country" feel, and open
7372 space. These guidelines are *encouraged* but are not standards. Therefore,
7373 noncompliance does not necessitate variances.

7374 *Site design:*

7375 All design strategies shall minimize changes to the existing topography and loss
7376 of mature vegetation and water features.

7377 Minimize level grading. New developments should step with landforms and
7378 maximize preservation of existing vegetation and trees. Level grading of entire
7379 lots is to be avoided.

7380 Transitions at property lines should seem natural for the surrounding terrain.
7381 Where the existing terrain is generally level, avoid newly graded slopes greater
7382 than 1:3 at property lines.

7383 Cut and fill slopes should be rounded where they meet natural grade to blend
7384 with natural slope.

7385 Natural contouring and re-vegetation are encouraged. Retaining walls should
7386 be faced with indigenous rock, brick and/or constructed to blend with adjacent
7387 surroundings.

7388 Storm water retention for multiple sites should be combined into a lake as
7389 opposed to individual drainage ponds.

7390 Permanent conservation easements should be established to protect water
7391 sheds, view sheds, and rare habitats.

7392 *Buildings, Courtyards:*

7393 Buildings should be oriented to avoid summer overheating.

7394 Locate courtyards for optimum southern exposure in winter and provide for
7395 shading in the summer.

7396 Locate buildings so that solar heat is naturally reduced on hot summer days by
7397 landscape strips and trees.

7398 Coordinate corner buildings with adjacent developments. Generally, the primary
 7399 mass of a building on a corner should not be placed at an angle to the corner.
 7400 Angled or sculpted building corners and open plazas should not be precluded
 7401 from corners. Vertical focal points to visually anchor corners are encouraged.

7402 **Street Standards:**

Design Element	Community Boulevard (major thoroughfare)	Community Avenue (collector)	Community Street (minor street)	Community Lane (service drive, access)	Private Alley
Minimum right-of-way (feet)	60'	60'	54'	18'	16'
Maximum right-of-way (feet)	74'	74'	59'	22'	20'
Number of lanes	2—4	2—4	2	2-1	2-1
Travel lane width	11—12'	11'	10—11'	10'	8—10'
On-street parking allowed	Yes	Yes	Yes	No	No
Minimum parking lane width	8'	8'	8'	-	-
Minimum sidewalk width	10'	8'	5'	-	-
Bicycle lane allowed	Yes	Yes	Yes	-	-
Minimum bicycle lane width	5'	5'	5'	-	-
Planting area allowed	Yes	Yes	Yes	-	-
Median allowed	Yes	Yes	No	-	-

7403

7404 Culs-de-sac are prohibited unless approved by the director.

7405 *Parking:*

7406 On-street parking (parallel, diagonal, and head-in) is encouraged.

7407 All developments shall provide connectivity to adjacent developments to link
7408 buildings and open spaces together to minimize vehicular traffic and other
7409 impacts.

7410 Courtyards should include such features as sculptures or fountains as focal
7411 points, moveable seating and tables, sunny and shaded areas, several
7412 entrances into courtyards, variety of textures and colors for visual interest,
7413 landscaping, covered and uncovered outdoor passageways.

7414 *Architectural features/enhancements:*

7415 Trim to include eaves, corner boards, gable and eave boards, pediments,
7416 friezes, lintels, sills, quoins, belt courses, balustrades;

7417 Gables, dormers, pillars, posts, porches, recessed windows and doors, cupolas,
7418 bay windows;

7419 Half-rounded or quarter-rounded roof gutters and down spouts integrated with
7420 trim;

7421 Glass storefronts, transom windows, building wall offsets, projections, recesses,
7422 floor level changes, roof-line offsets;

7423 Architectural treatments of front facades shall continue major features around
7424 all visibly exposed sides of a building.

7425 Restaurants with outdoor seating should allow for ease of pedestrian
7426 circulation, adequate shade through the use of extended awnings, canopies, or
7427 large umbrellas, provide outdoor trash receptacles, and maintain clean and
7428 litter-free premises.

7429 *View Sheds:*

7430 All development proposals should arrange buildings to preserve views from
7431 adjacent properties and streets.

7432 Locate courtyards, surface parking, and open spaces to align with view sheds
7433 from adjacent properties.

7434 Locate drives, parking, and open spaces on high points. Avoid placing buildings
7435 except churches or public buildings of high architectural quality on ridge lines.

7436 All new developments will be reviewed with respect to topography and existing
7437 landforms, existing vegetation and trees, soil properties and bed rock depth,
7438 existing watercourses, floodway and flood plain areas, drainage patterns,
7439 climatic factors and view sheds.

7440 All new developments will be reviewed for land use and site organization in
7441 relation to building form, character, and scale of existing and proposed
7442 development, sensitivity and nature of adjoining land uses, location of adjacent
7443 roads, rights-of-way, driveways, offstreet vehicular connections, pedestrian
7444 ways, access points, easements, existing structures and other built
7445 improvements, prehistoric and historic sites, structures and routes, and any
7446 other features that may be impacted or impact the proposed new development.

7447 ARTICLE XIIM(1). - CEDAR GROVE AGRICULTURAL OVERLAY DISTRICT [\[25\]](#)

7448 12M(1).1. - Purpose and intent.

7450 The purpose and intent of the Cedar Grove Agricultural Overlay District is to protect
7451 the natural areas and ensure responsibly planned economic and social growth. Within
7452 the Cedar Grove Agricultural Overlay District, the Mixed Use District (MIX-CGA) and the
7453 Community Unit Plan District (CUP-CGA) allow for developments with a mix of uses for
7454 residents to live, work and relax. To further protect the rural land and natural resources
7455 of the area, standards have been established to provide for green space and open
7456 space throughout the district. Agriculturally zoned properties and rural services will
7457 remain prevalent throughout the area. The Cedar Grove Agricultural District will ensure
7458 that mixed-use future growth occurs and that many types of housing for all incomes and
7459 ages will be provided. The developments will provide connectivity for pedestrians,
7460 bicyclists and motorists.

7461 12M(1).2. - Cedar Grove agricultural overlay district regulations.

7462 The Cedar Grove Agricultural Overlay District applies to all properties located in that
7463 portion of South Fulton bordered to the west by the Chattahoochee River, to the south
7464 by Coweta County, and to the east by Cascade-Palmetto Highway (SR 154) that are not
7465 within the municipal limits of the City of Chattahoochee Hill Country except as noted in
7466 section 12M(1).7.

7467 12M(1).3. - Architectural review process.

7468 Prior to issuance of a land disturbance permit (LDP) or a building permit, the
7469 applicant shall submit details of exterior materials, colors, landscape strips, buffers,
7470 signage, lighting, parking, streets and paths, entrances, design and architectural
7471 features of the proposed site and building which demonstrate compliance with the
7472 design standards set forth herein.

7473 Prior to the issuance of an LDP or building permit, the community will be allowed
7474 ten working days to review the application. An application which otherwise conforms to

7475 applicable codes and regulations shall not be delayed issuance of an LDP or building
 7476 permit for more than ten working days due to this review and comment process.

7477 South Fulton staff will review all applications for land disturbance permits, building
 7478 permits and sign permits for compliance with the standards of this overlay district and
 7479 upon determination of compliance will provide a certificate of endorsement (CoE) in the
 7480 form of signing the formally submitted plans and drawings.

7481

7482 12M(1).4. - Permitted uses in MIX-CGA and CUP-CGA districts.

7483 Within the MIX-CGA and CUP-CGA districts, land and structures may be used in
 7484 accordance with the standards herein. Any use not specifically designated as a
 7485 permitted use in this section or allowed by administrative permit or use permit shall be
 7486 prohibited.

7487 *Accessory Uses.* A building or lot may be used for uses customarily incidental to any
 7488 permitted use and a dwelling may be used for a home occupation.

7489 _____

MIX-CGA	CUP-CGA
Residential	Residential
Boarding houses, rooming houses	Country inn, bed and breakfast
Country inn, bed and breakfast	Personal care home, assisted living facility
Hotel, motel	Church, temple, other place of worship
Personal care home, convalescence facility, nursing home, assisted living facility, hospice	Office
Group residence/shelter	Financial establishment
Hospital, clinic, research laboratory	Art gallery, assembly hall, community center, library, museum
Funeral home	Dancing school, other school of fine arts, institution of higher learning to include business college, music conservatory, and similar

	institutions
Church, temple, other place of worship	Day care facility
Office	Gymnasium, health club/spa
Financial establishment	Retail, excluding drive-in establishments, gas and service stations, commercial amusements (cinemas are permitted), liquor package stores, motels, hotels, video arcades, pool halls, and discount retail shops
Art gallery, assembly hall, community center, library, museum	AG-1 uses as listed in article 5.1.2
Dancing school, other school of fine arts, institution of higher learning to include business college, music conservatory, and similar institutions	
Recording studio	
Day care facility	
Car Wash	
Gymnasium, health club/spa	
Parking garage, parking deck, parking lot	
Retail	
Service commercial	
AG-1 uses as listed in article 5.1.2	

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7492 12M(1).5. - development standards for MIX-CGA and CUP-CGA districts.

STANDARDS	A. MIX-CGA (VILLAGE)	B. CUP-CGA (HAMLET)
1. Master plan	The Master Plan shall include all of the following: open space, nonresidential, residential, and civic and/or institutional uses.	The Master Plan shall include: open space, residential, and non-residential uses, and may include civic and/or institutional uses.
2. Minimum percentages based upon total land area of development: (a) Open space: A portion of a site which is permanently set aside for public or private use and will not be developed. The space may be used for passive or active recreation or may be reserved to protect or buffer natural areas. Open space may include wooded areas, community gathering places, plazas, parks, greenways, playgrounds, sports fields, and pathways/walkways. Required landscape strips and buffers, 300-foot peripheral setback, sensitive environmental areas such as wetlands, etc., detention facilities and platted residential lots shall not be included in open space calculations.	10 percent	60 percent
(b) Non-residential development:	20 percent to include office, retail, and service commercial uses	10 percent to include office, retail and/or civic and/or institutional uses
(c) Residential development:	60 percent	30 percent

(d) Civic and/or institutional uses to include meeting halls, clubhouses, cultural and recreational facilities, churches or other places of worship, convention centers or institutional (schools, libraries, hospitals, day care centers associated with schools and/or churches) or similarly used buildings (post offices, fire stations, police stations)	10 percent	
3. Minimum land area (must be contiguous except where separated by a road)	500 acres plus additional land required for 300-foot rural protection setback	200 acres
4. Maximum land area (must be contiguous except where separated by a road)	640 acres plus additional land required for 300-foot rural protection setback	Not specified
5. Maximum gross square footage of any non-residential building footprint	30,000 square feet	25,000 square feet
6. Maximum overall residential density	14 units per acre with 10 percent of all residential units to be workforce housing	1 unit per acre
7. Maximum height	45 feet for nonresidential buildings except (1) civic and/or institutional buildings, (2) buildings which include a residential component, and (3) multi-family residential buildings	45 feet for nonresidential buildings except (1) civic and/or institutional buildings, (2) buildings which include a residential component, and (3) multi-family residential buildings

	50 feet for civic and/or institutional buildings	50 feet for civic and/or institutional buildings
	75 feet for buildings with steeples, cupolas, and similar structures	75 feet for buildings with steeples, cupolas, and similar structures
	40 feet for single family attached and detached residential structures	40 feet for single family attached and detached residential structures
8. Maximum impervious surface of developed area	70 percent	60 percent
9. Maximum lot size	14,400 square feet for single family, duplexes, three-family, four-family, and other attached and detached dwellings	21,600 square feet for single family, duplexes, three-family, four-family, and other attached and detached dwellings

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7494 12M(1).6. - Additional development standards for MIX-CGA and CUP-CGA districts.

7495 A. *Buildings.*

7496 1. All buildings shall be oriented to face the street and or courtyard.

7497 2. Display windows shall be oriented to face the street and or courtyard, and be at
7498 street level.

7499 3. All primary entrances be oriented to face the street and or courtyard, and be at
7500 street level.

7501 4. Any nonresidential building facade shall have a minimum of 25 percent
7502 fenestration or as may be approved by the Director of Environment and
7503 Community Development.

7504 B. *Residential Uses.*

7505 1. All residential structures be oriented to face the street and or courtyard.

7506 2. A street-facing door (excluding garage door) for each unit is required.

7507 3. No front-loaded, attached garage shall protrude beyond the front facade of a
7508 building.

- 7509 4. Fence height shall not exceed three feet in the front yard and six feet in the
7510 rear and side yards.
- 7511 5. Front yard fences shall be non-opaque. Opaque fences are permitted in side
7512 and rear yards. Chain link fences (black or green vinyl-coated only) are
7513 permitted in rear yards only.
- 7514 6. Gated communities are prohibited.
- 7515 C. *Gasoline Service Stations.*
- 7516 1. Fuel pumps, canopies and associated gasoline station service areas shall be
7517 located at the rear of the lot. and not between the building and the street.
- 7518 D. *Parking.*
- 7519 1. All off-street parking for non-residential buildings, townhouses, and multi-family
7520 buildings shall be located to the side or rear.
- 7521 2. A minimum of 75 percent of the required surface parking shall be oriented to
7522 the rear of building.
- 7523 3. No surface parking area shall be larger than 65,340 square feet unless
7524 separated by a street, lane, alley or building.
- 7525 4. On-street surface parking spaces located adjacent to the front property line
7526 shall be counted toward the minimum number of parking spaces required for
7527 that lot.
- 7528 5. The required number of off-street parking spaces may be reduced as approved
7529 by the Director of Environment and Community Development.
- 7530 6. Shared parking shall be permitted as approved by the Director of Environment
7531 and Community Development.
- 7532 7. When surface parking located to the rear is along a (side) street right-of-way,
7533 the parking may occur along such frontage for a maximum of 120 linear feet.
- 7534 8. When surface parking abuts a street right-of-way, a minimum four-foot wide
7535 landscape area shall screen the parking. Within the landscape area, a
7536 continuous planting of evergreen shrubs is to be installed at a minimum height
7537 of two feet and maintained to a maximum height of three feet. Walls of the
7538 same height are also permitted with appropriate pedestrian access to the
7539 primary entrance.
- 7540 9. Access lanes and additional curb cuts (other than the primary access drive)
7541 shall be located to the side or rear of the property. The maximum width of the
7542 access lane and/or driveway is 18 feet.
- 7543 10. Parking decks must include a minimum of 25 percent occupied space
7544 (nonresidential) at ground level and the occupied space must be a minimum
7545 depth of 50 feet.
- 7546 11. Decks shall be constructed to conceal vehicles.

- 7547 12. Decks shall include architectural detailing and finish compatible with
7548 surrounding buildings.
- 7549 13. Non-residential developments shall provide parking for bicycles.
- 7550 14. Loading areas shall be located in the rear or side yards.
- 7551 E. *Street Standards.* Per South Fulton Subdivision Regulation Street Standards.
- 7552 F. *Block Standards.*
- 7553 1. The maximum length for a block is 600 linear feet with the total perimeter
7554 length not to exceed 1,680 linear feet. The total area of a block shall not exceed
7555 3.30 acres.
- 7556 2. Any block exceeding 400 feet in length shall include a dedicated alley or lane
7557 providing through access.
- 7558 G. *Bridges.*
- 7559 1. Bridges shall provide pedestrian and bicycle access.
- 7560 2. Bridges shall contain architectural elements compatible with the surrounding
7561 area.
- 7562 H. *Sidewalks.*
- 7563 1. Sidewalks shall be constructed on both sides of all roads except alleys or lanes
7564 or as may be approved by the Director of Environment and Community
7565 Development.
- 7566 I. *Landscaping.*
- 7567 1. Street trees shall be planted on both sides of all roadways except alleys and
7568 lanes.
- 7569 2. Except along greenways, a minimum four-foot wide landscape area shall be
7570 provided along all roadways, except alleys and lanes, subject to the approval of
7571 the Director of Environment and Community Development.
- 7572 12M(1).7. - Area wide development standards.

7573 The area wide development standards apply to all properties zoned or developed
7574 for nonresidential and residential uses including all single family platted subdivisions but
7575 excluding all properties zoned for MIX-CGA and CUP-CGA. Stand-alone single family
7576 detached dwelling units and minor subdivisions are excluded from these standards with
7577 the exception of the South Fulton Parkway buffer and setback requirements
7578 (12M(1).7.G.2).

7579 A. *Streetscape Features.*

- 7580 1. Lighting, signage, benches, recycling bins, trash receptacles, drinking
7581 fountains, and other street furniture shall be compatible in material, color,
7582 finish and architectural style of the surrounding area.

7583 B. *Lighting.*

- 7584 1. Cobra, shoebox light fixtures and neon lighting are prohibited.
- 7585 2. Light fixtures shall be designed and located to minimize spillage onto
7586 adjoining properties.
- 7587 3. Lighting shall use a type of shielding to direct lighting downward.
- 7588 C. *Telecommunications Uses.*
- 7589 1. Telecommunications switchboards, power generators, and other
7590 telecommunication relay equipment rooms or floors housing such uses are
7591 limited to the following areas of a building:
- 7592 (a) Subterranean levels;
- 7593 (b) First and second floors which are set back a minimum of 50 feet from
7594 the street; or
- 7595 (c) Third and fourth floors.
- 7596 D. *Cellular Towers.*
- 7597 1. Alternative antenna support structures are required for all cell towers. Man-
7598 made trees are allowable.
- 7599 2. Height of towers shall not exceed 199 feet.
- 7600 3. The wireless communications facility shall be disassembled and removed
7601 from the site within 90 days of the date its use for wireless
7602 telecommunications is discontinued.
- 7603 E. *Water Towers.*
- 7604 1. Towers shall be constructed of natural materials or if metal painted to
7605 blend with the landscape.
- 7606 2. Except for safety purposes, water tower lighting shall be allowed only
7607 during maintenance periods. Each outdoor light that is not required for
7608 safety shall be fully shielded. The safety lighting shall use a type of
7609 shielding to provide lighting downward.
- 7610 F. *Signage.*
- 7611 1. *General provisions for all signs.*
- 7612 a. Internal illumination is not permitted. If illumination is used, the sign
7613 shall be externally illuminated. External lighting is limited to either top
7614 mounted fixtures where the fixture is mounted on the top of the sign
7615 structure and the light directed downward or ground mounted fixtures
7616 where the light fixture is screened from view with landscaping.
- 7617 b. Freestanding and walls signs including both the sign structure and the
7618 sign face shall be made out of wood, material designed to have the
7619 appearance of natural wood, or metal. Plastic inserts are not allowed.
- 7620 c. Identification pillar sign standards: (examples below)

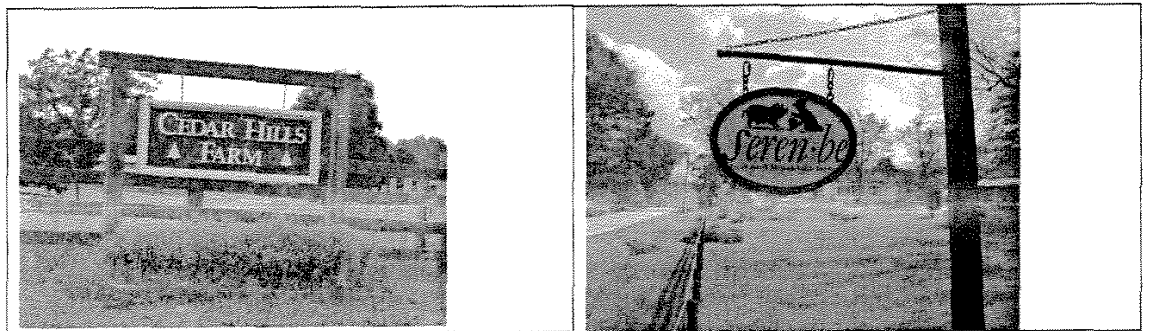
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- i. Identification pillar signs shall be designed to have the appearance of a four-sided column and shall be constructed of natural stone, wood or materials designed to have the appearance of natural wood.
- ii. Identification pillar sign faces shall be constructed of natural stone, metal, wood or materials designed to have the appearance of natural wood. Plastic inserts are not allowed.



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- 2. *Non-residential uses.*
 - a. All freestanding signs shall be of shingle design. (examples below)



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- b. The maximum size of the sign face shall be 9 square feet. Sign copy is allowed on both sides of the sign face.
 - c. Wall signs shall be a maximum of 3% of the applicable wall area.
 - 3. *Residential uses.*

- 7636 a. One identification pillar sign or one freestanding sign is allowed per
7637 entrance.
- 7638 b. The maximum size of an identification pillar sign structure is eight feet
7639 in height and three feet in width per side.
- 7640 c. The maximum size of the sign face on identification pillar signs is nine
7641 square feet for each side.
- 7642 d. The sign face shall be directly mounted on or in the identification pillar
7643 sign structure or can be mounted to hang perpendicular to the
7644 identification pillar sign structure in the manner of a shingle sign.
- 7645 e. Freestanding signs shall not exceed ten feet in height.
- 7646 f. The maximum size of the sign face on freestanding signs shall be nine
7647 square feet. Sign copy is allowed on both sides of the sign face.

7648 G. *Landscaping, Buffers and Setbacks.*

- 7649 1. Acceptable evergreen plant material and deciduous trees for undisturbed
7650 buffers within the bounds of the CGA Overlay District are limited to the
7651 following; Cherry Laurel, Eastern Red Cedar, Canadian Hemlock, Deodar
7652 Cedar, American Holly, Nellie R. Stevens Holly (cross between Chinese &
7653 English Hollies), Southern Magnolia, Virginia Pine, Red Maple, River Birch,
7654 American Hornbeam, Hickories, Sugar Hackberry, American Beech, Sweet
7655 Gum, Poplar, Black Gum, Oaks and Linden/Basswood.
- 7656 2. Along the entire frontage of the South Fulton Parkway, a 100-foot natural,
7657 undisturbed buffer is required along the right-of-way with an additional ten-
7658 foot setback interior to the buffer (except for approved access and utility
7659 crossings, improvements and replantings where sparsely vegetated subject
7660 to the approval of the South Fulton Arborist). Only existing AG-1
7661 (Agricultural) uses and pedestrian and bicycle paths are permitted in the
7662 setback. This standard applies to all properties with frontage on the South
7663 Fulton Parkway and along the rights-of-way of public roads which intersect
7664 the parkway for a distance of 300 feet measured from the intersection with
7665 the parkway, including stand-alone single family-detached dwelling units
7666 and minor subdivisions. When the undisturbed buffer is grassed or pasture,
7667 the applicant shall plant to City buffer standards or as approved by the
7668 Director of Environment and Community Development using materials listed
7669 in section 12M(l)7.G.1 of this overlay district.
- 7670 3. Along the entire frontage of the South Fulton Scenic Byways, a 100-foot
7671 natural, undisturbed buffer is required along the right-of-way with an
7672 additional ten-foot setback interior to the buffer (except for approved access
7673 and utility crossings, improvements and replantings where sparsely
7674 vegetated subject to the approval of the South Fulton Arborist). Only
7675 existing AG-1 (Agricultural) uses and pedestrian and bicycle paths are
7676 permitted in the setback. This standard applies to all properties with
7677 frontage on a South Fulton Scenic Byway and along the rights-of-way of
7678 public roads which intersect a South Fulton Scenic Byway for a distance of

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300 feet measured from the intersection with the South Fulton Scenic Byway. When the undisturbed buffer is grassed or pasture, the applicant shall plant to City buffer standards or as approved by the Director of Environment and Community Development using materials listed in section 12M(l)7.G.1 of this overlay district.

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- 4. All residential uses except stand-alone single family detached dwelling units and minor subdivisions shall provide a minimum 100-foot wide natural undisturbed buffer along all property lines with an additional ten-foot setback interior to the buffer (except for approved access and utility crossings and replantings where sparsely vegetated). When the undisturbed buffer is grassed or pasture, the applicant shall plant to City buffer standards or as approved by the Director of Environment and Community Development using plant materials listed in section 12M(1)7.G.1 of this overlay district.

7693

H. *Fences and Walls.*

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1. *Fence Standards.*

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- a. Opaque fences along any road right-of-way are prohibited.

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- b. Chain link fences along any road right-of-way are prohibited except when constructed as part of recreational courts or recreational fields.

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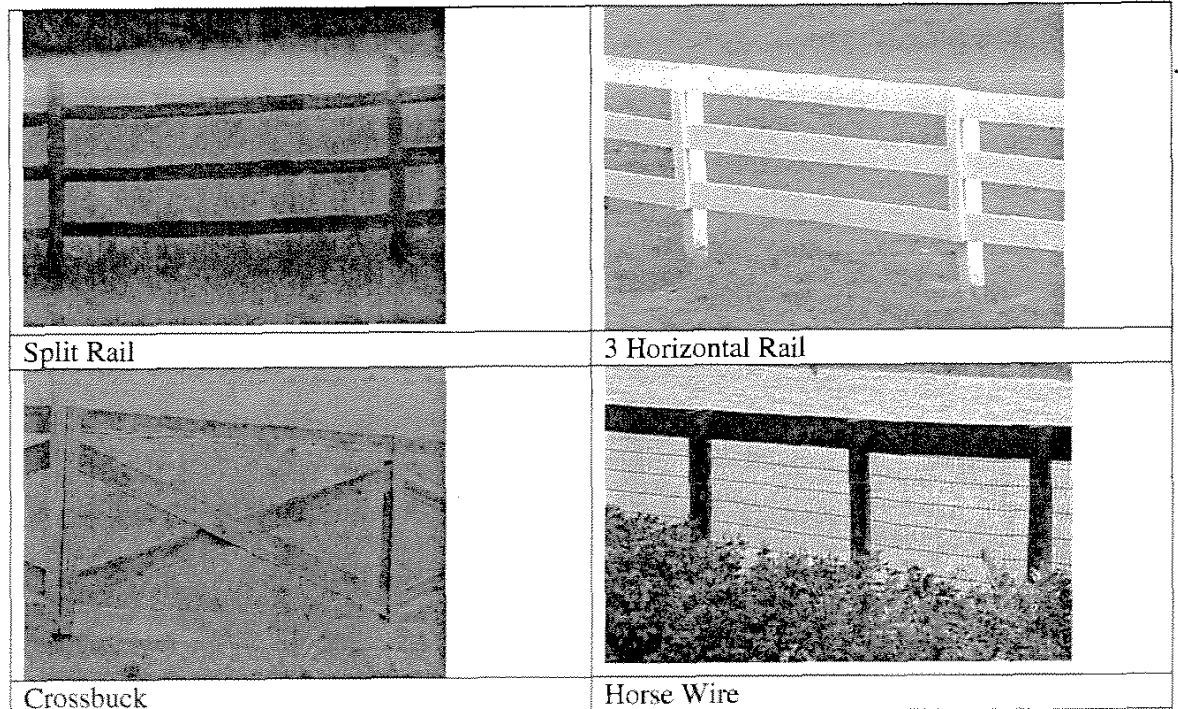
- c. Allowable fence materials: wood, wire or materials designed to have the appearance of natural wood.

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- d. Allowable fencing types: split rail, 3-4 horizontal rail, crossbuck and horse wire (see examples below) or combination thereof.

7701



7702

- 7703 2. *Wall Standards.*
7704 a. Walls are limited to two feet in height.
7705 b. Allowable wall materials: wood, stone or materials designed to have
7706 the appearance of natural wood (example below).



- 7707
7708 I. *Street Standards.*
7709 1. All newly created lots shall derive access from internal subdivision streets.
7710 2. All streets should follow existing contour with a minimum of cut and fill and
7711 shall be designed for interparcel pedestrian and vehicular access.
7712 J. *Additional Standards.*
7713 1. Amenity areas and recreational facilities shall be located interior to the
7714 subdivision.
7715 2. All required detention/retention facilities shall be designed to meet the
7716 South Fulton alternative design standards that have the intent of making
7717 such facilities an attractive amenity or focal point for the subdivision per
7718 current South Fulton Subdivision Regulations.
7719 3. Loading areas, dumpster areas, service yards, mechanical and electrical
7720 equipment and other utilities, including roof top equipment, shall be
7721 screened with evergreen plant material, opaque fences, or structural
7722 screens of materials matching the exterior building facade.

7723 12M(1).8. - Appeals.

7724 Any persons aggrieved by a final decision of the Department of Community
7725 Development relating to this Article may appeal from such final decision to the Zoning
7726 Board of Appeals by filing in writing setting forth plainly, fully and distinctly why the final
7727 decision is contrary to law. Such appeal shall be filed within 30 days after the final
7728 decision of the department is rendered.

7729 ARTICLE XIIN. - FULTON INDUSTRIAL BUSINESS DISTRICT OVERLAY DISTRICT

7730 12N.1. - Purpose and intent.

7731 The City Council of South Fulton Georgia hereby declares it to be the purpose and
7732 intent of this Resolution to establish a uniform procedure for providing for the protection,
7733 enhancement, preservation, unity of design, and use of places, sites, buildings,
7734 structures, streets, and landscape features in the Fulton Industrial Business District in
7735 accordance with the provisions herein.

7736 This resolution is adopted as part of a strategy designed to promote the health,
7737 safety, order, prosperity, and general welfare of the citizens of South Fulton through the
7738 regulation of design, aesthetics, location, bulk, size of buildings and structure.

7739 This resolution also seeks to reduce congestion on the streets; to provide safety
7740 from fire, flood and other dangers; provide adequate light and open space; protect the
7741 natural environment and address other public requirements, in order to provide
7742 sustainable development that involves the simultaneous pursuit of economic prosperity,
7743 environmental protection and social quality.

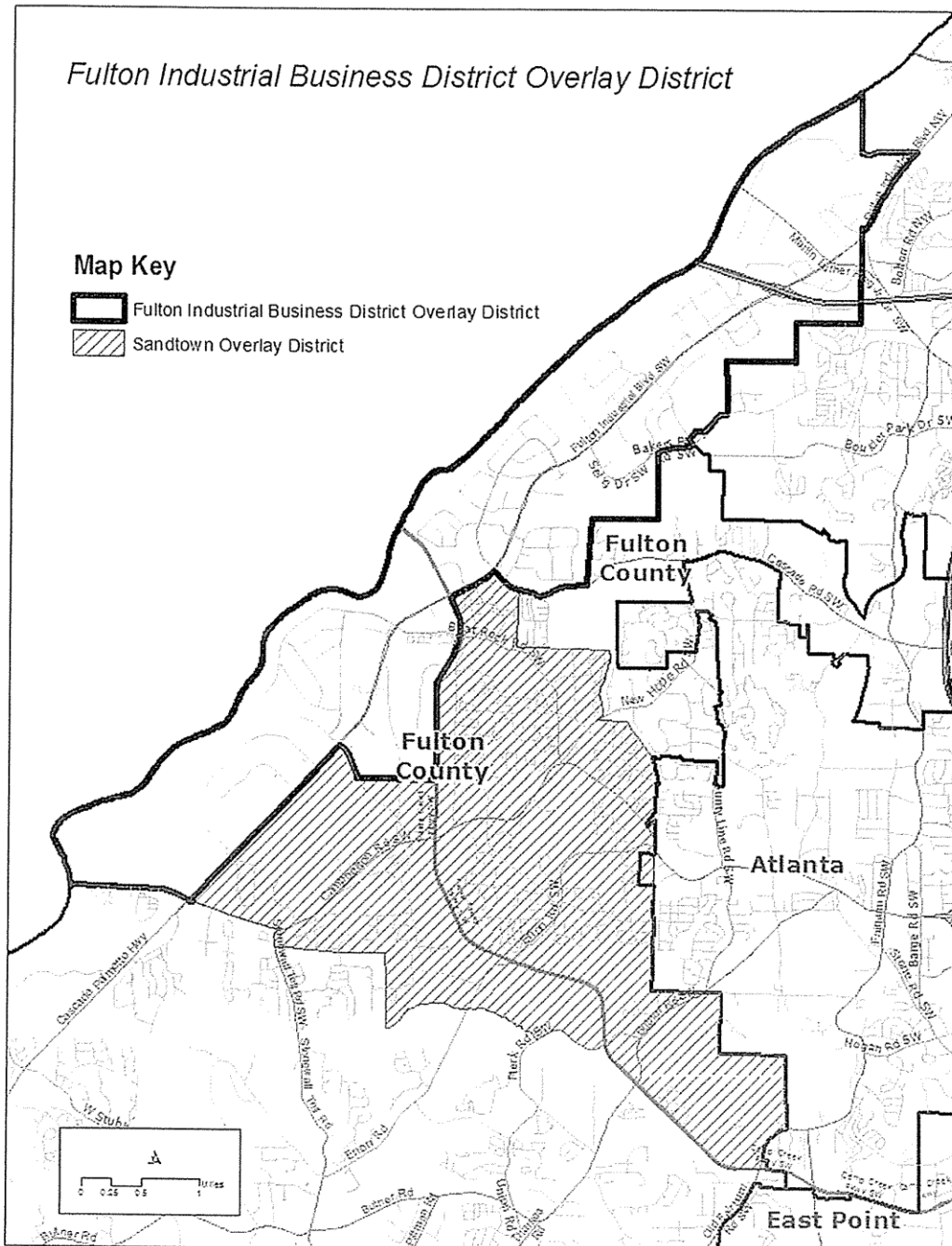
7744 This resolution also seeks, among other things, to promote accepted design
7745 principles in areas of new development and redevelopment, to raise the level of
7746 community understanding and expectation for quality in the built environment, to protect
7747 and enhance local aesthetic and functional qualities, and to stimulate business and
7748 promote economic development.

7749 In consideration of the character of the Fulton Industrial Business District, these
7750 regulations are to monitor the suitability for certain uses, construction and design,
7751 prevent functional and visual disunity, promote desirable conditions for community and
7752 commerce and protect property against blight and depreciation.

7753 12N.2. - Fulton industrial business district overlay district regulations.

7754 The Fulton Industrial Business District Overlay District applies to all properties
7755 zoned or developed for nonresidential uses and residential uses; except single family
7756 detached dwelling units within the Fulton Industrial Business District (see map on next
7757 page). Within the Fulton Industrial Business District Overlay District, all land and
7758 structures shall be used in accordance with the standards of the underlying district. For
7759 any parcel in which there is a question as to applicability of the overlay district
7760 standards, a final determination will be made by the Director of Planning and
7761 Community Services.

7762 Whenever provisions of this Article conflict with any other Article in the Zoning
7763 Resolution of South Fulton or any other South Fulton ordinances, regulations, or
7764 resolutions, these standards shall prevail.



7765

7766 **Fulton Industrial Business District Overlay District**

7767 12N.3. - All properties within the Fulton industrial business district.

7768 A. *Development Standards.*

7769 1. *Refuse Areas and Receptacles:*

7770 a) Refuse areas and receptacles shall be identified on site plans.

- 7771 b) Refuse areas and receptacles shall be placed in the least visible location
7772 from the public right-of-way.
- 7773 c) Refuse areas and receptacles shall not be placed within 50 feet of existing
7774 residential zoning or use.
- 7775 d) Refuse areas shall be enclosed on three sides with opaque walls. The
7776 fourth side shall be a self-closing gate made of non-combustible materials.
- 7777 e) Opaque walls shall be 12 inches higher than the receptacles.
- 7778 f) Opaque walls shall be constructed of same materials and colors as that of
7779 the primary building. If primary building material is not a masonry material,
7780 the opaque walls shall be constructed of non-combustible brick, stone, split
7781 concrete masonry block or other similar material as approved by the
7782 Director of Planning and Community Services.
- 7783 g) Where a nonconforming refuse area and receptacle exists on the adoption
7784 date of this Article and is visible from a public right-of-way, such refuse area
7785 and receptacle shall be brought into conformance with this Article or
7786 removed within 24 months of this Article adoption date.
- 7787 2. *Retaining Walls:*
- 7788 a) Retaining walls, when visible from a public right-of-way, are to be faced
7789 with or constructed of stone, brick, decorative concrete modular block or
7790 other similar material as approved by the Director of Planning and
7791 Community Services
- 7792 3. *Sidewalks:*
- 7793 a) Sidewalks shall be connected to signalized crosswalks and bus stops
7794 where applicable.
- 7795 b) Street furniture shall be located outside the specified width of any
7796 sidewalk.
- 7797 4. *Building Materials and Architectural Treatments:*
- 7798 a) Variations shall be incorporated into all facades visible from the public
7799 right-of-way and shall include architecture elements such as columns,
7800 arcades, covered entry-walkways, arches, façade offsets, windows,
7801 balconies, offset walls, clock towers, cupolas and/or courtyards.
- 7802 b) The principle entry area of a building shall be articulated and express
7803 greater architectural detail than other portions of the building.
- 7804 c) The office portion of industrial buildings shall be located in the front portion
7805 of buildings, facing the public right-of-way.
- 7806 d) The office portion of industrial buildings shall be designed with a minimum
7807 of 40% of their exterior facade as windows.
- 7808 e) Accessory structures/buildings, when visible from a public right-of-way,
7809 shall have architectural features consistent with the principle buildings.

- 7810 B. *Sign Standards.*
7811 1. *Sign Materials:*
7812 a) Sign structures and faces constructed of wood or canvas materials are
7813 prohibited on all permanent signs.

7814

7815 12N.4. - Additional standards for all properties designated as industrial on the 2030
7816 Future Development Map with frontage on Fulton Industrial Boulevard.

7817 A. *Development Standards.*

7818 1. *Buffers and Landscaping:*

7819 a) A minimum 15-foot wide landscape strip is required along all frontages on
7820 Fulton Industrial Boulevard.

7821 2. *Outside Storage and Display:*

7822 a) All outside storage is to be screened when visible from Fulton Industrial
7823 Boulevard.

7824 b) Screening shall be accomplished by a wall or fence of at least 50% opacity
7825 in the same colors of the primary building or by a 10 foot landscape strip
7826 planted to buffer standards. Lattice style screening and fences and walls
7827 constructed out of wood are prohibited.

7828 3. *Nonresidential Building Materials:*

7829 a) All exterior walls visible from Fulton Industrial Boulevard shall meet the
7830 standards for Exterior Building Walls prescribed for the M1-A Industrial Park
7831 District.

7832 4. *Fence Materials:*

7833 a) Wood fencing is prohibited.

7834 B. *Sign Standards.*

7835 1. *Sign Materials:*

7836 a) Free Standing Sign structures shall be constructed of brick, granite, stone,
7837 marble or other material used in the primary building and be in the same
7838 colors as the primary building. If primary building materials are non-
7839 conforming, the free standing signs shall be constructed of materials
7840 prescribed for the M1-A Industrial Park District or other material as
7841 approved by the Director of Planning and Community Services.

7842 12N.5. - All properties designated as industrial marketplace on the 2030 Future
7843 Development Map within the Fulton industrial business district.

7844 A. *Development Standards.*

- 7845 1. *Accessory Site Features: Other* (See 12N.3.A.1 for refuse areas and
7846 receptacles)
- 7847 a) Accessory site features are prohibited in the front yard.
- 7848 b) Accessory site features located on the ground shall be screened from view
7849 from any street, and any residential zoning or use by one of the following:
7850 placement behind the building, 100% opaque fence or wall, berm or
7851 vegetative screen planted to buffer standards.
- 7852 c) Accessory site features on a roof shall be screened by a parapet or other
7853 architectural feature or as approved by the Director of Planning and
7854 Community Services.
- 7855 2. *Building Design and Materials:*
- 7856 a) Nonresidential Building Materials:
- 7857 i) Industrially zoned buildings: All exterior walls visible from the public
7858 right-of-way shall consist of the following: stucco, stone, brick, or other
7859 similar alternative building material approved by the Director of
7860 Planning and Community Services.
- 7861 ii) Commercially zoned and/or commercially used buildings: All exterior
7862 walls shall consist of a minimum of 60% (per vertical plane) of the
7863 following: stucco, brick, or stone. Accent wall materials shall consist of
7864 glass, architecturally treated concrete masonry or precast stone.
7865 Alternative treatments and building materials may be approved by the
7866 Director of Planning and Community Services.
- 7867 b) Burglar Bars, Steel gates and Steel Roll Down Curtains:
- 7868 i) Burglar bars, steel gates, and steel roll down curtains are prohibited on
7869 the exterior and interior of the structure except at the structures rear.
7870 Security grilles are allowed if installed interior to the place of business.
7871 Grilles should be of a grid or brick pattern and placed so that the grid is
7872 at a uniform height across the business front. Where a nonconforming
7873 burglar bar, steel gate or steel roll curtain exists on the adoption date of
7874 this Article, such burglar bar, steel gate or steel roll down curtain shall
7875 be brought into conformance with this Article or removed within 24
7876 months of this Article adoption date.
- 7877 3. *Fence Materials:*
- 7878 a) Wood privacy fencing is prohibited.
- 7879 B. *Sign Standards.*
- 7880 1. *Prohibited Signs:*
- 7881 a) Window signs are prohibited.
- 7882 2. *Sign Materials:*
- 7883 a) Free Standing Sign structures shall be constructed of brick, granite, stone,
7884 marble or other material used in the primary building and be in the same

7885 colors as the primary building. If primary building materials are non-
7886 conforming, the free standing signs shall be constructed of materials
7887 prescribed for the M1-A Industrial Park District or other material as
7888 approved by the Director of Planning and Community Services.

7889 C. *Sidewalks and Pedestrian Paths.*

7890 1. *Sidewalks:*

7891 a) All sidewalks are to be a minimum 8 feet wide, of which 2 feet shall be a
7892 stamped brick pattern adjacent to the back of the curb.

7893 b) All handicap ramps shall be constructed per GDOT and South Fulton
7894 standards.

7895 2. *Pedestrian Paths:*

7896 a) Pedestrian paths shall be designed to minimize direct auto-pedestrian
7897 interaction by such means as striping, elevated walkways and signs.

7898 E. *Miscellaneous Provisions.*

7899 1. *Outside Storage/Sales:*

7900 a) Except for provided for in Article 19, the storage and/or sale of goods is
7901 prohibited in parking lots and other outside areas outside of the interior or
7902 permanently sheltered portions of a building. This standard does not apply
7903 to fuel pumps and ATMs.

7904 12N.7[6]. - Architectural review process.

7905 Prior to the issuance of a land disturbance permit (LDP) or a building permit, the
7906 applicant shall submit details of exterior materials, colors, landscape strips, buffers,
7907 signage, lighting, parking, streets and paths, entrances, design and architectural
7908 features of the proposed site and building which demonstrate compliance with the
7909 design standards set forth herein.

7910 Prior to the issuance of an LDP or building permit, the community will be allowed
7911 ten working days to review the application. An application which otherwise conforms to
7912 applicable codes and regulations shall not be delayed issuance of an LDP or building
7913 permit for more than 10 working days due to this review and comment process.

7914 South Fulton staff will review all applications for land disturbance permits, building
7915 permits and sign permits for compliance with the standards of this Overlay District and
7916 upon determination of compliance will provide a Certificate of Endorsement (CoE) in the
7917 form of signing the formally submitted plans and drawings.

7918 12N.8[7]. - Severability.

7919 In the event that any section, subsection, sentence, clause or phrase of this Article
7920 shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no
7921 manner affect the other sections, subsections, sentences, clauses or phrases of this
7922 Article, which shall remain in full for and effect, as if the section, subsection, sentence,

7923 clause, or phrase so declared or adjudged invalid or unconstitutional were not originally
7924 a part thereof.

7925 12N.9[8]. - Appeals.

7926 Any persons aggrieved by a final decision of the Department of Planning and
7927 Community Services relating to this article may appeal such final decision to the Zoning
7928 Board of Appeals by filing in writing setting forth plainly, fully and distinctly, why the final
7929 decision is contrary to law per the South Fulton Zoning Resolution. Such appeal shall be
7930 filed within 30 days after the final decision of the department is rendered.

7931

7932 ARTICLE XVIII. - OFF-STREET PARKING AND LOADING

7933 18.1 - Scope.

7935 The location, design and quantity of off-street parking and loading facilities for every
7936 use located in unincorporated South Fulton shall comply with requirements herein.

7937 18.2 - Parking spaces required.

7938 Every use shall be served by off-street parking spaces as specified below. Parking
7939 spaces shall serve only the designated use and shall be located on the same lot as the
7940 use unless another location is authorized in accordance with other provisions of this
7941 Zoning Resolution.

7942 18.2.1 *Basic off-street parking requirements.* Parking requirements shall be
7943 calculated based on the proportion that each use contributes to the total. All areas are
7944 expressed in gross square feet of building area unless ground area or some other
7945 measure is specified. Any fraction of one-half or larger shall constitute a whole. A bench
7946 seat shall consist of 18 inches.

Use Group	Example of Types of Use	Minimum Requirement
All areas are expressed in spaces per gross square feet of building area <u>unless</u> ground area or some other measure is specified		
Adult entertainment establishments (Added 4/7/93)		10 per 1,000 sq. ft.
Assembly places with fixed seating	stadiums auditoriums	1 per 4 fixed seats

	theaters amphitheaters	
Assembly places without fixed seating	meeting halls libraries	1 per 35 sq. ft. in largest assembly room
Auto dealerships, sales & service	new car sales used car sales service and parts	6.5 per 1,000 sq. ft.
Bowling alley		5 per alley
Child care kindergarten	day care centers pre-school	1.7 per 1,000 sq. ft. + 1 per 4 employees on the largest shift
Churches and other places of worship (Amended 9/4/91)	churches cathedrals temples	1 per 3.5 fixed seats in the largest assembly area
Without fixed seating		1 per 30 sq. ft. in largest assembly area
Clubs and lodges	country clubs fraternal organizations	5 per 1,000 sq. ft.
Club with golf course		50 per 9 holes + 1 per 1,000 sq. ft.
Commercial, amusement, outdoor	amusement parks skateboard parks batting cages	1 per 4 fixed seats or 1 per 35 sq. ft. of floor area used for moveable seats; plus 10 per 1,000 sq. ft. of ground area identified for recreation and assembly
Custodial care	halfway houses	2.5 per 1,000 sq. ft.
Dormitories and related	dormitories fraternity houses	1 per bedroom + 5 per 1,000 sq. ft. of common area

	sorority houses boarding houses	
Festivals, outdoor	horse shows carnivals dogs shows arts and crafts shows	2 per 1,000 sq. ft. of ground area identified for festivals and music festivals related seating
Financial institutions	banks credit unions brokerage houses	5 per 1,000 sq. ft.
Funeral homes		1 per 3 fixed seats + 1 for each 25 sq. ft. in the largest assembly room
Golf course, public and private, without club facilities		50 spaces per 9 holes
Health care facilities	hospitals out-patient clinics convalescent home nursing home	1 per four beds + 1 per 3 employees
Hotels and motels, no restaurants	apartment hotels hotels motels	1 per room
With restaurants		1.25 per room
Industrial and manufacturing	assembly plants fabrication plants	1 per 1,000 sq. ft.

	factories	
Laboratories, scientific and related	experimental labs fabrication plants factories	2.5 per 1,000 sq. ft.

7947

Use Group	Example of Types of Use	Minimum Requirement
Medical offices Related facilities (Amended 3/6/91)	dental offices doctor's offices veterinary offices clinics	4 per 1,000 sq. ft.
Mini-warehouses		1 per employee + 1 per 5,000 sq. ft.
Offices, general	freestanding offices office towers office parks offices associated with other uses	3 per 1,000 sq. ft. to 250,000 sq. ft.; 2.8 per 1,000 sq. ft. all exceeding 250,000 sq. ft.
Personal service establishments	barber shops beauty parlors laundromats dry cleaners	5 per 1,000 sq. ft.
Race track		1 per 4 fixed seats or 1 per 35 sq. ft. of floor area used for moveable seats, + 10 per 1,000 sq. ft. of other spectator area.
Recreational facilities,	billiard parlors game rooms	5 per 1,000 sq. ft.

indoor	arcades skating rinks physical fitness centers museums	
Recreation, private (Added 7/5/89) single family or mixed residential use, association or club Multifamily residential	tennis court basketball court swimming pool	3 per court 4 per court 6 per adult swimming pool + 1 per 15 dwelling units beyond 60 served included in basic parking requirement
Recreation, public (Added 7/5/89)	basketball court playing fields tennis courts driving range miniature golf swimming pool	4 per court 50 per field 3 per court 2 per tee 20 per 18 holes 20 + 1 per 50 sq. ft. of pool area
Recycling centers		1.5 spaces per 1,000 sq. ft. of building floor area and 2 spaces per outdoor recycling collection container; plus loading spaces as specified in 18.6.1 (Amended 4/3/02)
Residential, multifamily (fewer than 40 units/acre) (Amended 7/5/89)	1 bedroom or efficiency unit 2 bedroom unit 3 bedroom unit	1.4 per unit 2.0 per unit 2.25 per unit
Residential (Amended 7/5/89) multifamily highrise (40 + units acre)	1 bedroom or efficiency unit 2 bedroom unit 3 bedroom unit	1.25 per unit 1.75 per unit 2.00 per unit
Residential, single family	detached dwelling duplexes	2 per dwelling unit

	mobile homes	
Residential, retirement home	retirement homes retirement village	1.25 per dwelling unit
Restaurants, nightclubs and taverns (including outdoor seating) (Amended 4/7/93)	cafeterias bars dance clubs restaurants music clubs bistros	10 per 1,000 sq. ft.
Retail establishments	boutiques shops stores rental services art galleries food stores	5 per 1,000 sq. ft.
Roadside stand		6 + 5 per 1,000 sq. ft. ground area
Salvage, storage and/or junk facility		1 per employee plus 4 per acre
Schools	junior high elementary middle	larger of 2 per classroom or 1 per 35 sq. ft. in largest assembly area
	secondary	larger of 10 per classroom or 1 per 35 sq. ft. in largest assembly area
	colleges business colleges universities trade conservatoriesvo- tech	5 per 1,000 sq. ft.
Service and repair	appliance repair shops	5 per 1,000 sq. ft.

establishments	bicycle repair shops shoe repair shops general repair centers	
Service stations and automotive repair centers	automotive garages paint and body shops tire centers service stations car care centers	5 per 1,000 sq. ft.
Warehousing and storage	commercial storage distribution centers	1 per 2,000 sq. ft.

7948

7949 **18.2.2 Shared parking.** The standards for shared parking may be utilized for any of
7950 the combinations of uses shown below on any number of properties when approval is
7951 reflected in the conditions of zoning for each such property. Similar provisions are
7952 provided under off-site and shared parking requirements in the use permits article for
7953 those uses which were not zoned concurrently or as part of a multiple use project. The
7954 conditions of zoning or use permit, as applicable, establish the limits of parking
7955 requirements among uses and properties, and South Fulton shall not require any
7956 contractual relationship among property owners.

7957 The standards for determining parking requirements in a multiple use development
7958 are:

- 7959 A. Determine the minimum amount of parking required for each separate use.
- 7960 B. Multiply each parking requirement by the corresponding percentage for each of
7961 the time periods given below.
- 7962 C. Calculate the column total parking requirement for each time period.
- 7963 D. The largest column total is the shared parking requirement.

	Weekdays		Weekends		Nighttime
	6am—5pm	5pm—1am	6am—5pm	5pm—1am	1am—6am

Office	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment/ Recreational	40%	100%	80%	100%	10%
Church	50%	50%	100%	100%	10%

7964

7965 *Example:*

7966 Properties proposed for individual uses would require the following number of
7967 parking spaces:

7968 Office 300 spaces

7969 Retail 280 spaces

7970 Entertainment 100 spaces

7971 Total 680 spaces

7972 Properties proposed for multiple uses under the provisions for shared parking would
7973 require the following number of parking spaces:

	Weekdays		Weekends		Nighttime
	6am—5pm	5pm—1am	6am—5pm	5pm—1am	1am—6am
Office	300	30		15	
Retail	168	252	280	196	14
Hotel					
Restaurant/ Entertainment/	40	100	80	100	10

Recreational					
Total	508	382	390	311	39

7974

7975 Thus, 508 spaces would be needed for this development, a reduction of 172 spaces
7976 or 25 percent.

7977

7978 **18.2.3 Reduction of the basic requirement.** A reduction of the basic off-street
7979 parking requirement will be allowed for nonresidential and multifamily developments that
7980 locate within 1500 feet of a MARTA rail station which is complete or scheduled for
7981 completion within three years. A reduction will be allowed on the following scale
7982 whenever pedestrian access is provided between the use and the MARTA rail station as
7983 approved by the Director of Community Development.

Straight-line Distance from MARTA Station Property Line to Applicant Property Line	Reduction
0—500 feet	15%
501—1,000 feet	10%
1,001—1,500 feet	5%

7984

7985 **18.2.4 Administrative reduction of spaces constructed.** The Director of Community
7986 Development may authorize a reduction in the total number of parking spaces
7987 constructed on a site to no less than 90 percent of the basic requirement when all of
7988 following conditions are met:

7989 A. The request for reduction in parking shall show that the reduction is justified on
7990 the basis of characteristics unique to the specific proposed use of the property
7991 in contrast to the characteristics of other uses within the same category.

7992 B. Adequate land area for meeting the basic parking requirement is located on
7993 and designed for the site whether at grade or in parking decks. The
7994 unconstructed portion of the parking shall be clearly delineated and labeled
7995 "Future Parking" on the site plan.

7996 C. Prior to granting the reduction in total parking spaces constructed, the Director
7997 of Community Development shall conclude that the reduction is justified, and

7998 shall approve, in whole or in part, or deny the request stating the reasons
7999 therefore in the report.

8000 D. If the Director of Community Development finds that the parking reduction is
8001 no longer justified, the director shall notify the owner to construct the number of
8002 parking spaces necessary to meet the required level.

8003 E. Prior to any change in ownership or use, the owner must apply to the Director
8004 of Community Development for an evaluation and confirmation of the reduction.

8005 18.3 - Acceptable locations for off-street parking.

8006 18.3.1 *Parking and loading locations.* Note: The minimums required in this
8007 subsection may be less than the requirements necessary to accommodate a landscape
8008 area or buffer requirement of section 4.23. At a minimum, all required parking spaces
8009 must be located on an all weather surface as defined in article III.

8010 A. *Single family districts.* Within single family dwelling districts and the AG-1
8011 District when utilized for a single family dwelling, the parking or storage of
8012 vehicles shall be prohibited except on parking spaces as defined in article III.
8013 Off-site location of required parking spaces is prohibited. Unenclosed parking
8014 spaces may occupy a side yard, and no more than 50 percent of a required rear
8015 yard. A maximum of two spaces may be permitted adjoining the entrance to a
8016 front entry garage or carport, or adjoining the end of a driveway whenever no
8017 garage or carport exists. Garage and carport spaces may count toward the
8018 minimum required spaces in single family districts.

8019 Within the AG-1 and single family districts when utilized for other than a single
8020 family dwelling, the parking or storage of vehicles shall be located in
8021 accordance with the O-I District requirements stated in (E) below.

8022 The visible storage or parking of more than four vehicles at a single family
8023 residence shall be unlawful. Parking or storage of a junk or salvage vehicle
8024 shall constitute an unlawful use except that no more than two such vehicles
8025 shall be permitted if parked or stored in a garage or carport not visible from a
8026 street or adjacent residential property.

8027 B. *TR, Townhouse Residential District.* Individually subdivided parcels shall
8028 adhere to single family district standards except that no off-street parking or
8029 driveways shall be located within ten feet of any perimeter lot line. Garage
8030 carport spaces count toward the minimum required spaces in the TR District.

8031 C. *A, Apartment Dwelling District.* No off-street parking shall be permitted within
8032 the required setback for the front yard and the side corner yard. Driveways shall
8033 not be located nearer than ten feet to any side or rear property line. No off-
8034 street parking space shall be located within 25 feet of any side or rear property
8035 line adjacent to a single family dwelling district or use, nor within ten feet of any
8036 other property line. TR District requirements shall apply to single family
8037 detached units constructed within the A District.

8038 D. *A-L, Apartment Limited Dwelling District.* No off-street parking shall be
8039 permitted within the required setback for the front yard and the side corner yard.
8040 Driveways shall not be located nearer than ten feet to any side or rear property
8041 line. No off-street parking space shall be located within 25 feet of any side or
8042 rear property line adjacent to a single family dwelling district or use, nor within
8043 ten feet of any other property line.

8044 E. *O-I, Office/Institutional Districts.* No off-street parking shall be permitted within
8045 the required setback for the front yard and the side corner yard. No off-street
8046 parking shall be permitted within 25 feet of any property line which adjoins a
8047 single family residential district or use.

8048 Off-street loading areas shall be provided in the rear or interior side yards.

8049 F. *C-1 and C-2, Commercial Districts.* The off-street parking location regulations
8050 for dwellings, schools, institutions and similar uses are the same as for those
8051 uses in the A District.

8052 Uses permitted in commercial districts other than those devoted to dwellings,
8053 schools, institutions, and similar uses shall provide no off-street parking within
8054 25 feet of any property line that adjoins a residential district or use.

8055 Off-street loading areas shall be provided in the rear or interior side yards.
8056 Minimums required in this subsection may be less than the requirements
8057 necessary to accommodate a landscape area or buffer required in section 4.23.

8058 G. *M-1, M-1A and M-2, Industrial Districts.* The off-street parking location
8059 regulations for dwellings, schools, institutions and similar uses are the same as
8060 for those uses in the A District.

8061 Uses devoted to manufacturing, warehousing, commercial and other uses
8062 permitted in industrial districts shall provide no off-street parking within 25 feet
8063 of any property line which adjoins a residential use or district.

8064 *18.3.2 Limitation on trucks.* Except for trucks used in farming the property on which
8065 they are located, or trucks used in conjunction with a permitted use, trucks and/or
8066 trailers exceeding four tons empty weight shall not be stored or parked in any
8067 agricultural or residential zoning district unless engaged in moving household goods or
8068 making deliveries.

8069 *18.3.3 Shared driveways.* Driveways may be shared in all districts.

8070 *18.3.4 Off-site location of required parking.* An administrative permit for off-site
8071 parking may be considered in accordance with the provisions of article XIX.

8072 *18.3.5 Landscape areas and buffers.* No required parking shall be permitted in any
8073 required landscape area or buffer. (See 4.23)

8074 *18.3.6 Vehicles at automotive repair and specialty shops.* Vehicles at automotive
8075 repair and specialty shops must be serviced and stored within the footprint of the
8076 building or at the rear of the structure but outside of any minimum yard. Vehicles must

8077 be totally screened from all property lines by a 100 percent opaque fence or wall
8078 together with landscape strips and buffers as specified by Article 4.23.1.

8079 18.4 - Off-street parking design requirements.

8080 *18.4.1 Angled or parallel parking.* Aisles serving off-street parking shall be no fewer
8081 than 22 feet in width, except that aisles designed for one-way circulation systems shall
8082 be no fewer than 14 feet in width for zero—45-degree parking, 18 feet in width for 46-to-
8083 60-degree parking and 22 feet in width for 61-to-90-degree parking. A standard parking
8084 space shall measure no fewer than 153 square feet, and shall be no fewer than 8.5 feet
8085 wide. Twenty percent of the total parking spaces may be designated as compact car
8086 spaces. A compact space shall measure a minimum of 120 square feet with a minimum
8087 width of eight feet. Each compact space shall be clearly marked. No part of a vehicle
8088 shall overhang into a landscaped portion of a required landscape area.

8089 *18.4.2 Landscape islands.* Landscape islands shall be provided throughout parking
8090 lots in accordance with the requirements of section 4.23 of this resolution.

8091 *18.4.3 Handicapped parking.* Parking spaces designed for handicap persons shall
8092 be provided in accordance [with] Georgia law.

8093 18.5 - Parking for specialized vehicles..

8094 Specialized vehicles such as earth moving equipment, tractors or other heavy
8095 construction vehicles are only to be stored in residential, Agricultural districts and non-
8096 residential districts except M-1 and M-2 industrial districts during construction under an
8097 active building permit and/or land disturbance permit. Other specialized vehicles such
8098 as recreational vehicles, campers, buses (including school buses), trailers, mobile home
8099 coaches, boats, boat trailers, and limousines used for commercial purposes may be
8100 parked or stored in all residential districts under the following conditions: (Also See
8101 18.3.2 for trucks)

- 8102 A. That such vehicles are not used as living quarters.
- 8103 B. That the location of the parking or storage area shall be in the buildable area of
- 8104 the lot and shall not be in front of the principal structure.

8105 _____

8106 18.6 - Off-street loading.

8107 *18.6.1 Loading spaces required.* Off-street loading spaces shall be provided as
8108 follows:

Type of Use	Gross Floor Area (Sq. Ft.)	Loading Spaces Required
Single retail	0 to 19,999	None

establishment services	20,000 to 49,999 50,000 to 250,000 Over 250,000	One Two Three
Shopping centers	0 to 19,999 20,000 to 49,999 50,000 to 100,000 Each additional 100,000	None One Two One
Office buildings, Apartment building over four stories, Hospitals, health care Establishments, hotels and motels	0 to 999,999 1,000,000 to 2,000,000 More than 2,000,000	None One Two
Manufacturing, warehousing, wholesaling, etc.	Up to 14,999 15,000 to 39,999 40,000 to 65,000 Each additional 80,000	One Two Three One
Recycling centers		2 loading spaces measuring no less than 12 feet by 35 feet and having 14 feet of vertical clearance

8109

8110 *18.6.2 Design and arrangement of off-street loading areas.* The following standards
8111 shall apply to off-street loading areas:

- 8112 A. A loading space shall measure no less than 12 feet by 35 feet and have 14
8113 feet of vertical clearance.
- 8114 B. For any use required to furnish three or more loading spaces, at least one in
8115 every three shall measure no less than 12 feet by 55 feet.
- 8116 C. Maneuvering space shall not include required parking spaces or any portion of
8117 a public right-of-way.

8118 *18.6.3 Off-street loading location limitations.* Off-street loading spaces and
8119 maneuvering areas shall be located only in those portions of a lot where off-street
8120 parking areas are allowed with the following additional limitations:

- 8121 A. *Industrial zoning districts:* If the loading and maneuvering areas are across
8122 from, or adjacent to, any nonindustrial zoning district, a 50-foot landscaped strip
8123 shall be established, behind which the maneuvering and berth space may be
8124 located.
- 8125 B. *Nonindustrial zoning districts:* In the event that spaces and maneuvering areas
8126 are to be located in a yard adjacent to any established residential use, a 50-foot
8127 landscaped strip shall be established behind which the berths and maneuvering
8128 spaces may be located.

8129

8131 ARTICLE XIX. - ADMINISTRATIVE PERMITS AND USE PERMITS

8132 19.1 - Scope and intent.

8134 This article specifies uses which are not classified as permitted uses in zoning
8135 districts, and are therefore only allowed through the approval of an administrative permit
8136 or a use permit. The standards which apply to each use are enumerated and must be
8137 met in order for an application to be granted.

8138 In the interest of the public health, safety and welfare, the City Council may exercise
8139 limited discretion in evaluating the site proposed for a use which requires a use permit.
8140 In exercising such discretion pertaining to the subject use, the City Council may
8141 consider:

- 8142 (1) Whether the proposed use is consistent with the land use or economic
8143 development plans adopted by the City Council;
- 8144 (2) Whether the proposed use violates statutes, ordinances or regulations
8145 governing land development, such as, but not limited to, the South Fulton Soil
8146 Erosion and Sedimentation Control Ordinance and the Metropolitan River
8147 Protection Act;
- 8148 (3) The effect of the proposed activity on traffic flow along adjoining streets;
- 8149 (4) The location of off-street parking;
- 8150 (5) The number, size and type of signs proposed for the site;
- 8151 (6) The amount and location of open space;

- 8152 (7) Protective screening;
- 8153 (8) Hours and manner of operation of the proposed use;
- 8154 (9) Outdoor lighting;
- 8155 (10) Ingress and egress to the property;
- 8156 (11) Compatibility with surrounding land use.

8157 In granting such permits, conditions may be attached as are deemed necessary in the
8158 particular case for the protection or benefit of neighbors to ameliorate the effects of the
8159 proposed development.

8160 19.2 - Application and approval.

8161 Uses allowable with an "administrative permit" and the minimum standards for such
8162 uses are listed in section 19.3 of this article.

8163 Uses allowable with a "use permit" and the minimum standards for such uses are
8164 listed in section 19.4 of this article.

8165 *19.2.1 Application of regulations.* Uses enumerated herein may be authorized by
8166 administrative permit or use permit, as specified. The regulations contained in this
8167 article shall not apply to any permitted use in any zoning district.

8168 *19.2.2 Administrative permits.* Any use authorized by administrative permit shall be
8169 approved and permitted by the Director of the Environment and Community
8170 Development Department whenever the proposed use complies fully with the
8171 requirements of the subject property's zoning district and standards as set forth in
8172 section 19.3. Each requested use for which an administrative permit is required shall be
8173 assigned an administrative permit number and charged a fee. Said permit shall be
8174 posted on site prior to commencement of use. Variances to administrative permit
8175 standards may be requested by petition to the Board of Zoning Appeals. In certain
8176 cases, conditions are imposed by the Director of the Public Works Department with
8177 respect to roadway, water, sewer and/or other infrastructure improvements, and rights-
8178 of-way dedications which must be met.

8179 *19.2.3 Use permits.* Any use authorized by use permit may be approved by the City
8180 Council in accordance with standards enumerated under each use (section 19.2.4)
8181 provided:

- 8182 A. The subject use is allowable in the subject property's zoning district,
- 8183 B. The standards for the use permit as specified in article 19 can be met, as well
8184 as use permit considerations pursuant to section 19.2.4,
- 8185 C. A public hearing has been held in relation to the use permit before the South
8186 Fulton Planning Commission and the South Fulton City Council in conformance
8187 with notice standards outlined in article XXVIII,
- 8188 D. Recommendations have been received from the South Fulton Environment
8189 and Community Development Department staff and the South Fulton Planning
8190 Commission, and

8191 E. Conditions imposed with respect to right-of-way dedication and roadway,
8192 water, sewer and/or other infrastructure improvements are met.

8193 1. *Applications.* Use permit requests shall require a separate application
8194 when included with a petition for rezoning. Each requested use for which a
8195 use permit is required shall be charged a standard use permit fee and
8196 assigned a use permit number which will be listed on the petition for
8197 rezoning. A public hearing, notice and evaluation shall be provided in
8198 accordance with article XXVIII for each requested use permit. Each request
8199 shall be voted on separately, and each use permit request submitted as
8200 part of a rezoning petition shall be treated independently in the minutes of
8201 the City Council meeting.

8202 2. *Expiration.* All use permits shall expire within three years from the date of
8203 approval by the City Council or as otherwise conditioned unless a land
8204 disturbance permit, building permit, business license or certificate of
8205 occupancy has been issued. Requests for extensions shall be made in
8206 accordance with the standards for extensions contained in article XXVIII.

8207 3. *Re-application.* The same or substantially similar petition for a use permit
8208 which has been denied by the City Council shall not be resubmitted to the
8209 Environment and Community Development Department for a period of six
8210 months from the date of the denial.

8211 4. *Variances.* Variances to use permit standards contained in section 19.4 for
8212 receiving a use permit may be considered by the City Council concurrently
8213 with a use permit petition if submitted with such petition. Such a variance
8214 request shall not require a separate variance application, but shall be
8215 assigned a variance number, charged a standard variance fee and be listed
8216 on the use permit petition as a concurrent variance in accordance with
8217 article XXII, Appeals, section 22.9.

8218 F. *Accessory uses.* Structures and land may be used for uses customarily
8219 incidental to any approved use.

8220 19.2.4 *Use permit considerations.* In the interest of the public health, safety and
8221 welfare, the City Council may exercise limited discretion in evaluating the site proposed
8222 for a use which requires a use permit. In exercising such discretion pertaining to the
8223 subject use, the City Council shall consider each of the following:

8224 (1) Whether the proposed use is consistent with the comprehensive land use plan
8225 and/or revitalization plans adopted by the City Council;

8226 (2) Compatibility with land uses and zoning districts in the vicinity of the property
8227 for which the use permit is proposed;

8228 (3) Whether the proposed use may violate local, state and/or federal statutes,
8229 ordinances or regulations governing land development;

8230 (4) The effect of the proposed use on traffic flow, vehicular and pedestrian, along
8231 adjoining streets;

8232 (5) The location and number of off-street parking spaces;

- 8233 (6) The amount and location of open space;
- 8234 (7) Protective screening;
- 8235 (8) Hours and manner of operation;
- 8236 (9) Outdoor lighting; and
- 8237 (10) Ingress and egress to the property.

8238 In granting such permits, conditions may be attached as are deemed necessary in the
 8239 particular case for the protection or benefit of neighbors to ameliorate the effects of the
 8240 proposed development/use.

8241 *19.2.4.5 Additional restrictions.* Any use authorized by administrative permit or use
 8242 permit shall comply with all other City regulations, zoning district regulations, conditions
 8243 of zoning approval and other regulations contained herein. All buffers required shall
 8244 have a ten-foot improvement setback in accordance with section 4.2.3. The reduction of
 8245 said setback shall be subject to the approval of the Department of Community
 8246 Development in accordance with article 22. Whenever a standard contained in this
 8247 section is in conflict with another provision of this resolution, the more restrictive
 8248 provision shall prevail.

8249 Unless otherwise specified, standards, conditions and stipulations attached to a use
 8250 permit by the City Council shall supersede conflicting zoning conditions approved on the
 8251 same site.

8252 19.3 - Minimum administrative permit standards.

8253 *19.3.1. Alternative Antenna Support Structure To Exceed The District Height*

8254 *Intent.* Pursuant to Section 704(a) of the Federal Telecommunications Policy Act of
 8255 1996, it is not the intent of this section to prohibit or have the effect of prohibiting the
 8256 provision of personal wireless services in unincorporated South Fulton. It is the intent of
 8257 this Section to address the aesthetic effect of telecommunication facilities on our
 8258 landscapes, our citizens' demands for these services, and the needs of service
 8259 providers.

8260 A. Required Districts: All

8261 B. Standards:

- 8262 1. Alternative structures are not allowed as an accessory to a single family
 8263 use or as a principal use in a single family district.
- 8264 2. Alternative structures must be set back a distance equal to the height of
 8265 the structure adjacent to residential and/or AG-1 zoned property unless said
 8266 structure is proposed to be located on an existing building.
- 8267 3. Above ground equipment shelters shall be surrounded by a minimum 10-
 8268 foot wide landscape strip planted to buffer standards unless the South
 8269 Fulton Arborist determines that existing plant materials are adequate.

- 8270 4. Roof top antennas and associated structures shall not project more than
8271 10 feet above roof line.
- 8272 5. Height shall not exceed 130 feet measured from the finished grade of the
8273 base structure.
- 8274 6. The alternative structure shall comply with applicable state and local
8275 statutes and ordinances, including, but not limited to, building and safety
8276 codes. Alternative structures which have become unsafe or dilapidated
8277 shall be repaired or removed pursuant to applicable state and local statutes
8278 and ordinances.
- 8279 7. Facilities shall not be artificially lighted except to assure human safety or
8280 as required by the Federal Aviation Administration (FAA).
- 8281 8. Communication towers shall be designed and constructed to ensure that
8282 the structural failure or collapse of the tower will not create a safety hazard
8283 to adjoining properties, according to applicable Federal Standards which
8284 may be amended from time to time.
- 8285 9. Telecommunications facilities shall not be used for advertising purposes
8286 and shall not contain any signs for the purpose of advertising.
- 8287 10. Any telecommunications facility may co-locate on any existing tower, pole
8288 or other structure as long as there is no increase in height to the existing
8289 facility.
- 8290 11. A telecommunication facility that ceases operation for a period of 12
8291 consecutive months shall be determined to have terminated and shall be
8292 removed within 90 days of termination at the property owner's expense. It
8293 shall be the duty of both the property owner and the tower owner to notify
8294 the City in writing of any intent to abandon the use of the tower.
- 8295 12. An application for a telecommunications facility shall be submitted in
8296 accordance with the Department's Plan Review submittal requirements.
- 8297 13. An application for a telecommunication facility shall include a certification
8298 from a registered engineer that the structure will meet the applicable design
8299 standards for wind loads.
- 8300 14. Communications facilities shall not be located in 100-year flood plain or
8301 delineated wetlands.

8302 *19.3.1(1) Amateur radio antenna to exceed the district height. (See Use Permit*
8303 *19.4.5)*

8304 *Intent.* It is the intent of this article to regulate the placement of amateur towers in a
8305 manner that does not impose on public health, safety, or general welfare. The following
8306 regulations on design, location, placement, and height limits of antennas in residential
8307 districts implements South Fulton's governmental interests in land planning, aesthetics
8308 and public safety by requiring the following standards:

8309 A. *Required districts:* All

- 8310 B. Standards:
- 8311 1. Antennas shall be located in the rear yard.
- 8312 2. The maximum height shall be 90 feet. Any request to exceed the maximum
8313 height shall require a use permit (See 19.4.5).
- 8314 3. All antennas shall be set back from all property lines one-third the height of the
8315 antenna or the district setback requirements, whichever is greater. The antenna
8316 must be located a distance equal to or greater than the antenna height from the
8317 nearest residential dwelling, excluding the owner's primary dwelling or structure.
- 8318 4. Antennas shall not be lighted.
- 8319 5. All antennas must be constructed with an anti-climbing device.
- 8320 6. Antennas shall be painted in a neutral color identical or closely compatible with
8321 surroundings.
- 8322 7. All guy wires must be anchored on site and outside of right-of-way.

8323 *19.3.1(2) Antenna, Tower, and Associated Structures (Radio, T.V., Microwave*
8324 *Broadcasting, Etc.), to Exceed the District Height*

8325 *Intent.* Pursuant to Section 704(a) of the Federal Telecommunications Policy Act of
8326 1996, it is not the intent of this section to prohibit or have the effect of prohibiting the
8327 provision of personal wireless services in unincorporated South Fulton. It is the intent of
8328 this Section to address the aesthetic effect of telecommunication facilities on our
8329 landscapes, our citizens' demands for these services, and the needs of service
8330 providers.

8331 The following regulations on design, location, placement, and height limits of
8332 antennas implement South Fulton's governmental interest in land planning, aesthetics
8333 and public safety by requiring the following Administrative Permit Standards:

8334 A. Required Districts: O-I, C-1, C-2, M-1A, M-1, M-2 (See Use Permit, Section
8335 19.4.7, for use in residential and AG-1 districts.)

8336 B. Standards:

- 8337 1. Tower/accessory structures must be set back a distance equal to the
8338 height of the tower adjacent to residential and/or AG-1 zoned property.
- 8339 2. Tower and/or associated facilities shall be enclosed by fencing not less
8340 than six feet in height and shall also be equipped with an appropriate anti-
8341 climbing device.
- 8342 3. A minimum 10-foot wide landscape strip planted to buffer standards shall
8343 be required around the facility exterior to any fence or wall unless the South
8344 Fulton Arborist determines that existing plant materials are adequate.
- 8345 4. Height shall not exceed 200 feet measured from the finished grade of the
8346 base structure.
- 8347 5. The tower shall comply with applicable state and local statutes and
8348 ordinances, including, but not limited to, building and safety codes. Towers

- 8349 which have become unsafe or dilapidated shall be repaired or removed
8350 pursuant to applicable state and local statutes and ordinances.
- 8351 6. Facilities shall not be artificially lighted except to assure human safety or
8352 as required by the Federal Aviation Administration (FAA).
- 8353 7. Communication towers shall be designed and constructed to ensure that
8354 the structural failure or collapse of the tower will not create a safety hazard
8355 to adjoining properties, according to applicable Federal Standards which
8356 may be amended from time to time.
- 8357 8. Telecommunications facilities shall not be used for advertising purposes
8358 and shall not contain any signs for the purpose of advertising.
- 8359 9. Any telecommunications facility may co-locate on any existing tower, pole
8360 or other structure as long as there is no increase in height to the existing
8361 facility.
- 8362 10. A commercial telecommunication facility that ceases operation for a
8363 period of 12 consecutive months shall be determined to have terminated
8364 and shall be removed within 90 days of termination at the property owner's
8365 expense. It shall be the duty of both the property owner and the tower
8366 owner to notify the City in writing of any intent to abandon the use of the
8367 tower.
- 8368 11. Communication facilities not requiring FAA painting/marketing shall have
8369 either a galvanized finish or [be] painted a dull blue, gray, or black finish.
- 8370 12. An application for a telecommunications facility shall be submitted in
8371 accordance with the Department's Plan Review submittal requirements.
- 8372 13. An application for a telecommunication facility shall include a certification
8373 from a registered engineer that the structure will meet the applicable design
8374 standards for wind loads.
- 8375 14. Communications facilities shall not be located in 100-year flood plain or
8376 delineated wetlands.

8377 **19.3.2 Club.**

8378 **A. Required districts:** O-I, MIX, C-1, C-2, M-1A, M-1, M-2.

8379 **B. Standards:**

- 8380 1. All buildings and accessory uses other than parking shall be located at least 50
8381 feet from all property lines of any residential district and/or AG-1 district used for
8382 single-family.
- 8383 2. Permitted curb cut access shall not be from a local street.
- 8384 3. Outdoor facilities within 200 feet of any residential district or dwelling shall limit
8385 the hours of operation from 8:00 a.m. to 11:00 p.m.
- 8386 4. Outdoor recreational facilities shall be set back a minimum of 100 feet from all
8387 property lines of any residential district and/or AG-1 district used for single-

8388 family, except as otherwise permitted with an administrative permit for
8389 recreational court or swimming pool.

8390 *19.3.3. Event, Special Indoor/Outdoor.* (Amended 9-4-91, 7-7-93, 6-1-94, 4-5-95, 8-
8391 6-03, 4-5-06) As applicable, special events are subject to the requirements of other
8392 South Fulton Departments, such as Emergency Medical Services Plans, Emergency
8393 Planning and Preparedness Plans, tent permits, pyrotechnics permits, food service
8394 permits, etc.

8395 A. Required Districts: O-I, MIX, C-1, C-2, M-1A, M-1, M-2, AG-1 and residential
8396 districts in conjunction with an institutional use, such as a place of worship or a
8397 school, or for the benefit of charity such as tours of homes, show houses, and
8398 the like. Event is local in nature and marketed only to the local community.
8399 Organizer anticipates less than 250 attendees at any one time.

8400 B. Standards:

8401 1. No more than two Administrative Permits shall be granted per year and no
8402 permit shall be effective for more than 14 consecutive days for a single
8403 event on the same property. An application for said permit shall be made no
8404 less than 14 days prior to the event. Said permit must be posted on site
8405 such that it is visible from the street.

8406 2. The hours of operation shall be 8:00 a.m. to 8:00 p.m., Sunday through
8407 Thursday and 8:00 a.m. to 10:00 p.m., Friday through Saturday.

8408 3. Two copies of a drawing, no larger in size than 11" x 17", with dimensions
8409 (distances in feet) of the activity's location from the site's property lines and
8410 other minimum distance requirements as specified by this Section shall be
8411 submitted to the Department of Environment and Community Department
8412 for approval. Said drawing shall also depict north arrow, curb cuts and
8413 traffic patterns.

8414 4. The applicant shall provide a notarized written permission statement of the
8415 property owner or lease holder of the subject site to the Department of
8416 Community Development. A 24-hour contact number of the property owner
8417 or lease holder shall be provided along with permit application.

8418 5. The entire property shall comply with the zoning district's setback
8419 requirements.

8420 6. No temporary sanitary facility or trash receptacle may be located within
8421 100 feet of a property line of any residential use.

8422 7. No tent, table or other temporary structure shall be located within 250 feet
8423 of a residential structure.

8424 8. Sales from vehicles are prohibited. (Food trucks exempted)

8425 9. The entire property shall comply with South Fulton's parking requirements.

8426 10. No equipment, vehicle, display or sales activity shall block access to a
8427 public facility such as a telephone booth, mail box, parking meter, fire
8428 hydrant, fire alarm box, traffic control box, driveway or other access point.

8429 11. A sound level of 65 dBA shall not be exceeded at adjacent property lines
8430 of any residential use.

8431 12. Signage shall be in accordance with Article 33, Section 33.4.12.A.10.

8432

8433 19.3.3(1) *Food truck*. As applicable, Food Trucks are subject to the requirements of
8434 other South Fulton Departments, such as Health and Wellness, Tax Assessors, etc.

8435 A. *Required Districts*: O-I, MIX, C-1, C-2, M-1A, M-1, M-2.

8436 B. *Standards*:

8437 1. Food Trucks shall not conduct business or operate under this Article in the
8438 public right-of-way.

8439 2. The allowable dimensions of a Food Truck (including all attachments, except
8440 hinged canopies that open to reveal food serving areas) shall be up to 18.5 feet
8441 long, 10.5 feet tall, and 8 feet wide.

8442 3. The Food Truck use permit shall be valid for a period of 1-year after issuance
8443 and applicable to the approved site only.

8444 4. The Food Truck use permit shall be limited to no more than 4 days per week
8445 (Monday-Sunday) at the approved site.

8446 5. The hours of operation for Food Trucks shall be 6:00 a.m. to 8:00 p.m., Sunday
8447 through Thursday and 6:00 a.m. to 10:00 p.m., Friday through Saturday.

8448 6. Food Trucks shall not operate on any private property without the prior consent
8449 of the property owner(s). The applicant shall provide a notarized written
8450 permission statement of the property owner(s) as they appear on the current tax
8451 records of South Fulton as retrieved through Fulton County's Geographic
8452 Information System (GIS). If the current ownership has recently changed and
8453 does not match the GIS record the applicant may provide a copy of the new
8454 deed as proof of ownership. A 24-hour contact number of the property owner(s)
8455 shall be provided along with permit application.

8456 7. All Food Trucks shall be located a minimum of 200 feet from any eating
8457 establishment and 100 feet from any retail store that sell food unless both the
8458 property owner(s) (as they appear on the current tax records of South Fulton as
8459 retrieved by the County's Geographic Information System (GIS) or if the current
8460 ownership has recently changed and does not match the GIS record the
8461 applicant may provide a copy of the new deed as proof of ownership) and lease
8462 holder(s) of said eating establishment/retail store grant written notarized
8463 permission for the Food Truck to be located closer than this minimum setback.

8464 8. Food Truck vendors shall not be located within 25 feet of any right-of-way,
8465 entryway, curb-cut or driveway.

- 8466 9. Food Trucks shall provide a minimum of 6 parking spaces adjacent to the
8467 vending area for the exclusive use of the Food Truck and shall not occupy the
8468 minimum required parking spaces for any other use on site.
- 8469 10. Food Trucks shall be required to park on all-weather surfaces.
- 8470 11. After hours parking of the Food Truck shall comply with Article 18.3,
8471 acceptable locations for off street parking, of the South Fulton Zoning
8472 Resolution.
- 8473 12. Two copies of a drawing, no larger in size than 11" x 17", with dimensions
8474 (distances in feet) of the Food Truck's location from the site's property lines and
8475 other minimum distance requirements as specified by this Article shall be
8476 submitted to the Department of Planning and Community Services for approval.
8477 Said drawing shall also depict north arrow, parking area, table/chair/canopy
8478 areas as applicable, curb-cuts and traffic patterns.
- 8479 13. Food Trucks shall not emit sounds, outcry, speaker, amplifier or
8480 announcements while traveling on the public right-of-way or when stationary.
- 8481 14. Food Trucks shall maintain all South Fulton, State of Georgia, and Federal
8482 licenses and shall follow all laws of the State and County Health Departments,
8483 or any other applicable laws.
- 8484 15. The permit under which a Food Truck is operating shall be firmly attached and
8485 visible on the Food Truck at all times.
- 8486 16. Any condition of zoning or provision of the South Fulton Zoning Resolution
8487 that prohibits a Food Truck use on a property shall supersede this Article.
- 8488 17. Food Trucks and any accessory items shall not be left unattended or stored
8489 for any period of time on the permitted site when vending is not taking place or
8490 during restricted hours of operation.
- 8491 18. Food Trucks are responsible for the proper disposal of waste and trash
8492 associated with the operation. Food Trucks shall remove all generated waste
8493 and trash from their approved location at the end of each day or as needed to
8494 maintain the public health and safety. No liquid waste or grease is to be
8495 disposed of in tree pits, storm drains or onto the sidewalks, streets or other
8496 public or private space.
- 8497 19. Food Trucks must have an adequate supply of fresh water (through the
8498 means of an on-truck fresh water tank) to maintain the operation of the food
8499 service in a safe and sanitary manner.

8500 **9.3.4 Golf course.**

8501 **A. Required districts:** All

8502 **B. Standards:**

- 8503 1. A minimum 100-foot setback for all buildings and parking areas shall be
 8504 provided adjacent to any residential district and/or AG-1 district used for single-
 8505 family.
- 8506 2. Driving range, tees, greens and fairways shall be required to have a 100-foot
 8507 setback from minor, arterial, and major collector roads.
- 8508 3. Permitted curb cut access shall be from a major thoroughfare unless shown on
 8509 the approved preliminary plat of a single-family subdivision.
- 8510 4. When located outside a golf course/subdivision development, a minimum 50-
 8511 foot wide buffer and a ten-foot improvement setback shall be provided adjacent
 8512 to all buildings and parking areas when said facilities are located adjacent to
 8513 any residential district and/or AG-1 district used for single family.
- 8514 5. A minimum 25-foot buffer and a ten-foot improvement setback shall be
 8515 provided adjoining any residential district and/or AG-1 district used for single-
 8516 family located outside the golf course development or any associated
 8517 development.
- 8518 6. When located adjacent to any residential district and/or AG-1 district used for
 8519 single-family, the hours of operation shall be limited to 8:00 a.m. to 11:00 p.m.

8520 *19.3.5 Guest house.*

8521 A. *Required districts:* Suburban A, Suburban B, Suburban C, R-1, R-2, R-2A, R-3, R-
 8522 3A, R-4, R-4A, R-5, R-5A, R-6, NUP, CUP, TR, A, A-L, AG-1, O-1 and MIX when
 8523 accessory to a single-family dwelling.

8524 B. *Standards:*

- 8525 1. No more than one guest house structure per lot may be used for occupancy by
 8526 relatives, guest(s) or employees that work on the property without payment for
 8527 rent.
- 8528 2. A separate kitchen facility shall be allowed.
- 8529 3. Heated floor area shall be a minimum of 650 square feet and a maximum of
 8530 1500 square feet.
- 8531 4. Principal building setbacks shall apply.
- 8532 5. The location shall be limited to the rear yard.

8533 *19.3.5(1) Open.*

8534 *19.3.6 Mobile home - while residence is being built.*

8535 A. *Required districts:* Suburban A, Suburban B, Suburban C, R-1, R-2, R-2A, R-3, R-
 8536 3A, R-4, R-4A, R-5, R-5A, R-6, NUP, CUP, TR, A, A-L, AG-1, O-1 and MIX.

8537 B. *Standards:*

- 8538 1. The building permit for the principal structure must have been issued and
 8539 remain valid during the period that the mobile home is on the property.

- 8540 2. The mobile home must be located on the same parcel as the principal structure
8541 being constructed and comply with all district setbacks.
- 8542 3. The administrative permit shall expire 12 months after issuance or upon
8543 occupancy of the principal structure, whichever occurs first. Only one renewal
8544 for a one year period may be issued.
- 8545 4. The mobile home must be occupied by the owner of the principal residence
8546 under construction.

8547 *19.3.6(1) Parking, off-site and shared.* Whenever parking as required in article 18
8548 cannot be accomplished, shared parking in accordance with section 18.2.2 may be
8549 approved via an administrative permit provided:

- 8550 A. *Required districts:* O-I, C-1, C-2, MIX, M-1, M-1A and M-2.
- 8551 B. If the off-site parking is committed for a specified period of time, the duration of
8552 the administrative permit shall be limited to the period of time stipulated therein.
- 8553 C. No more than 20 percent of the total parking requirement may be provided off-
8554 site via this administrative permit.
- 8555 D. The property must be located no more than 300 feet from the principal use
8556 with pedestrian access provided between the sites as may be required by the
8557 Environment and Community Development Department.

8558 *19.3.7 Rapid rail transportation station.*

- 8559 A. *Required districts:* All
- 8560 B. Refer to the MARTA rearrangement cooperative agreement administered by
8561 the Department of Public Works.

8562 *19.3.8 Recreational court, private.*

- 8563 A. *Required districts:* All districts except C-1, C-2, M-1, M-1A, M-2
- 8564 B. *Standards:*
- 8565 1. Detached Dwellings. Recreational courts serving single family detached
8566 dwellings shall be located in side or rear yards but shall not be located
8567 within a minimum yard.
- 8568 2. Multi-family. Recreational courts, accessory structures, and fencing shall
8569 be located a minimum of 100 feet from any residential building, adjoining
8570 property line or street.
- 8571 3. Neighborhood. Recreational courts serving a neighborhood must be
8572 located within the limits of the underlying zoning.
- 8573 a. Use of the recreational courts shall be limited to residents and guests
8574 of the neighborhood in which they are located.
- 8575 b. Recreational courts, accessory structures, fencing, and parking shall
8576 be located a minimum of 100 feet from all adjoining property lines.

- 8577 c. Landscape strips and buffer requirements shall be as specified by
8578 Article 4.23.1.
- 8579 d. A maximum 4-square foot sign identifying the future use of the property
8580 for a recreational court shall be posted adjoining the lot's frontage until
8581 a Certificate of Occupancy is issued for the facility.
- 8582 e. Sources of exterior illumination shall be directed away from adjoining
8583 residences and shall not exceed 1.2 foot candles along an adjoining
8584 residential property line. Outdoor lighting of recreation facilities in or
8585 adjoining residential districts or uses shall be allowed only between
8586 dusk and 11:00 p.m.
- 8587 f. A maximum continuous sound level of 60 dBA and a maximum peak
8588 sound level of 75 dBA shall not be exceeded at property lines adjacent
8589 to single family residential uses.

8590 **19.3.9 Recreational courts, public.** Recreational courts operated as a club (except
8591 those serving residential developments), or courts operated as a business are defined
8592 herein as public courts.

8593 A. *Required districts:* O-I, MIX, C-1, C-2, M-1, M-1A, M-2

8594 B. *Standards:*

- 8595 a. Recreational courts, accessory structures, fencing, and parking shall be
8596 located a minimum of 100 feet from all property lines which abut single
8597 family residential uses. Adjacent to all other zonings and uses, the district
8598 setback requirements shall apply.
- 8599 b. Landscape strips and buffer requirements shall be as specified by Section
8600 4.23.1.
- 8601 c. Sources of exterior illumination shall be directed away from adjoining
8602 residences and shall not exceed 1.2 foot candles along an adjoining
8603 residential property line. Outdoor lighting of recreation facilities in or
8604 adjoining residential districts or uses shall be used only between dusk and
8605 11:00 p.m.
- 8606 d. A maximum continuous sound level of 60 dBA and a maximum peak sound
8607 level of 75 dBA shall not be exceeded at property lines of adjacent
8608 residential districts and/or AG-1 districts used for single family.

8609 **19.3.10 Relocated residential structure.**

8610 A. *Required districts:* Suburban A, Suburban B, Suburban C, R-1, R-2, R-2A, R-3,
8611 R-3A, R-4, R-4A, R-5, R-5A, R-6, NUP, CUP, TR, A, A-L, AG-1, O-1 and MIX

8612 B. *Standards:*

- 8613 1. The applicant shall include the following with the application for the
8614 administrative permit:
 - 8615 a. The address from which the structure is being relocated.
 - 8616 b. A photograph of the structure prior to its relocation.

- 8617 c. The total heated floor area of both the existing structure and the
8618 renovated structure.
- 8619 2. The location of the structure and the heated floor area of the structure shall
8620 be in compliance with the minimum standards of the zoning district and/or
8621 conditions of zoning.
- 8622 3. The residential structure shall be affixed to a permanent foundation within
8623 six months of the date of the house moving permit, and the certificate of
8624 occupancy shall not be issued until such improvements are completed.
- 8625 4. All standards of this resolution (except 2. above) and other applicable
8626 regulations shall be met within one year from the date of this permit
8627 issuance.
- 8628 5. A house moving permit shall be obtained from the Environment and
8629 Community Development Department in conjunction with this Administrative
8630 Permit.
- 8631 6. A building permit for the repair and construction of said structure shall be
8632 obtained within 30 days of this Administrative Permit issuance.
- 8633 7. The exterior of the structure shall be brought into compliance with the
8634 South Fulton Housing Code within six months of the issuance of this
8635 Administrative Permit.
- 8636 8. Prior to occupancy, a certificate of occupancy must be obtained from the
8637 Department of Community Development.

8638 *19.3.10(1) Revival tent.*

8639 A. *Required districts:* O-I, MIX, C-1, C-2, M-1A, M-1 and M-2.

8640 In an AG-1 (Agricultural) or a residential district, a revival tent may be placed
8641 only on property occupied by an existing building used as a place of worship.

8642 B. *Standards:*

- 8643 1. A permit may be granted a maximum of 14 days in a calendar year.
- 8644 2. The revival tent or any area used for assembly shall be located at least 200
8645 feet from a property line of any residential district and/or AG-1 district used
8646 for single-family.
- 8647 3. No temporary, sanitary facility or trash receptacle may be located within
8648 200 feet of an existing dwelling, and no tent shall be located within 250 feet
8649 of an existing dwelling.
- 8650 4. Provide one parking space per four seats.
- 8651 5. A drawing to scale shall accompany the application and shall accurately
8652 depict the number of seats and the standards of this section.
- 8653 6. The hours of operation shall be no earlier than 8:00 a.m. nor later than
8654 11:00 p.m.

8655 *19.3.11. Roadside Produce Stands.*

8656 A. Required Districts: C-1, C-2, M-1, M-2 and AG-1

8657 B. Standards:

8658 1. No more than four Administrative Permits shall be granted per year and no
8659 single permit shall be effective for more than 30 consecutive days; however,
8660 2 or more permits, not to exceed 4, may be combined for a duration of 60
8661 days, 90 days or a maximum of 120 days. An application for said permit(s)
8662 shall be made no less than 14 days prior to the event. Said permit must be
8663 posted on site such that it is visible from the street.

8664 2. The hours of operation shall be 8:00 a.m. to 8:00 p.m.

8665 3. Two copies of a drawing, no larger in size than 11" × 17", with dimensions
8666 (distances in feet) of the activity's location from the site's property lines and
8667 other minimum distance requirements as specified by this Section shall be
8668 submitted to the Department of Environment and Community Department
8669 for approval. Said drawing shall also depict north arrow, curb cuts and
8670 traffic patterns.

8671 4. The applicant shall provide a notarized written permission statement of the
8672 property owner or lease holder of the subject site to the Department of
8673 Community Development. A 24-hour contact number of the property owner
8674 or lease holder shall be provided along with permit application.

8675 5. The property on which the roadside vendor is permitted must be located at
8676 least 1500 feet from a permanent business or another vendor which offers
8677 the same or similar merchandise as that of the vendor. Vendor shall provide
8678 names of all established businesses which sell similar or the same
8679 merchandise within 1500 feet of the proposed vendor site.

8680 6. Any activity or structure shall maintain a minimum 20-foot setback from the
8681 right-of-way and not be located within a required landscape strip or buffer.
8682 Said activity or structure shall also maintain a minimum setback of 10 feet
8683 from any internal drive or permitted curb cut.

8684 7. A minimum of 6 parking spaces shall be provided for the exclusive use of
8685 the roadside produce stand and shall not occupy the minimum required
8686 parking spaces for any other use on site.

8687 8. No temporary sanitary facility or trash receptacle may be located within
8688 100 feet of a property line of a residential use.

8689 9. No tent, table or other temporary structure shall be located within 100 feet
8690 of a residential structure.

8691 10. No equipment, vehicle, display or sales activity shall block access to a
8692 public facility such as a telephone booth, mail box, parking meter, fire
8693 hydrant, fire alarm box, traffic control box, driveway or other access point.

8694 11. A sound level of 65 dBA shall not be exceeded at adjacent property lines
8695 of any residential use.

8696 12. Signage shall be in accordance with Article 33, Section 33.4.12.B.19.

8697

8698 *19.3.11(1) Roadside Vending.*

8699 A. Required Districts: C-1, C-2, M-1 and M-2

8700 B. Standards:

8701 1. No more than two Administrative Permits shall be granted per year and no
8702 permit shall be effective for more than 9 consecutive days. An application
8703 for said permit shall be made no less than 14 days prior to the event. Said
8704 permit must be posted on site such that it is visible from the street.

8705 2. The hours of operation shall be 8:00 a.m. to 8:00 p.m.

8706 3. Two copies of a drawing, no larger in size than 11" × 17", with dimensions
8707 (distances in feet) of the activity's location from the site's property lines and
8708 other minimum distance requirements as specified by this Section shall be
8709 submitted to the Department of Environment and Community Department
8710 for approval. Said drawing shall also depict north arrow, curb cuts and
8711 traffic patterns.

8712 4. The applicant shall provide a notarized written permission statement of the
8713 property owner or lease holder of the subject site to the Department of
8714 Community Development. A 24-hour contact number of the property owner
8715 or lease holder shall be provided along with permit application.

8716 5. The property on which the roadside vendor is permitted must be located at
8717 least 1500 feet from a permanent business or another vendor which offers
8718 the same or similar merchandise as that of the vendor. Vendor shall provide
8719 names of all established businesses which sell similar or the same
8720 merchandise within 1500 feet of the proposed vendor site.

8721 6. Any vending displays or activity shall maintain a minimum 20-foot setback
8722 from the right-of-way and not be located within a required landscape strip or
8723 buffer. Said displays or activities shall also maintain a minimum setback of
8724 10 feet from any internal drive or permitted curb cut.

8725 7. A minimum of 6 parking spaces shall be provided adjacent to the vending
8726 area for the exclusive use of the roadside vending and shall not occupy the
8727 minimum required parking spaces for any other use on site.

8728 8. No temporary sanitary facility or trash receptacle may be located within
8729 100 feet of a property line of a residential use.

8730 9. No table or cart shall be located within 250 feet of a residential structure.
8731 Tents and tarps are prohibited. Sales from vehicles are prohibited.

8732 10. No equipment, vehicle, display or sales activity shall block access to a
8733 public facility such as a telephone booth, mail box, parking meter, fire
8734 hydrant, fire alarm box, traffic control box, driveway or other access point.

8735 11. A sound level of 65 dBA shall not be exceeded at adjacent property lines
8736 of any residential use.

8737 12. Signage advertising the vending operation is prohibited.

8738 *19.3.11(2) Seasonal Business Use.*

8739 A. Required Districts: CUP (with a commercial component), MIX (with a
8740 commercial component), C-1, C-2, M-1A, M-1, and M-2. Allowable in AG-1 and
8741 residentially zoned districts only when the property is occupied by a church,
8742 school, lodge/retreat, farm, plant nursery, etc., existing as a conforming or a
8743 lawful non-conforming nonresidential use. The issuance of this permit does not
8744 constitute an expansion or extension of a non-conforming use.

8745 B. Standards:

8746 1. An Administrative Permit shall not be issued for the same seasonal
8747 business use more than once in any calendar year. Said seasonal business
8748 use must correlate to a calendar holiday or event. Said permit shall not
8749 exceed a total of 30 consecutive days for each use. Said permit must be
8750 posted on site such that it is visible from the street. An application for said
8751 permit shall be made no less than 14 days prior to the event. Example: One
8752 permit may be issued for the sale of Christmas trees for a maximum of 30
8753 consecutive days. A second permit may be issued for the sale of pumpkins
8754 for a maximum of 30 consecutive days.

8755 2. The hours of operation shall be 8:00 a.m. to 8:00 p.m., Sunday through
8756 Thursday and 8:00 a.m. to 10:00 p.m., Friday through Saturday.

8757 3. Two copies of a drawing, no larger in size than 11" x 17", with dimensions
8758 (distances in feet) of the activity's location from the site's property lines and
8759 other minimum distance requirements as specified by this Section shall be
8760 submitted to the Department of Environment and Community Department
8761 for approval. Said drawing shall also depict north arrow, curb cuts and
8762 traffic patterns.

8763 4. The applicant shall provide a notarized written permission statement of the
8764 property owner or lease holder of the subject site to the Department of
8765 Community Development. A 24-hour contact number of the property owner
8766 or lease holder shall be provided along with permit application.

8767 5. The property on which the roadside vendor is permitted must be located at
8768 least 1500 feet from a permanent business or another vendor which offers
8769 the same or similar merchandise as that of the vendor. Vendor shall provide
8770 names of all established businesses which sell similar or the same
8771 merchandise within 1500 feet of the proposed vendor site.

8772 6. Any display or sales activity shall maintain a minimum 20-foot setback from
8773 the right-of-way and shall not be located within a required landscape strip or
8774 buffer. Said displays shall also maintain a minimum setback of 10 feet from
8775 any internal drive or permitted curb cut.

- 8776 7. A minimum of 6 parking spaces shall be provided for the exclusive use of
8777 the seasonal business and shall not occupy the minimum required parking
8778 spaces for any other use on site.
- 8779 8. No temporary sanitary facility or trash receptacle may be located within
8780 100 feet of a property line of a residential use.
- 8781 9. No tent, table or other temporary structure shall be located within 100 feet
8782 of a residential structure. Sales from vehicles are prohibited.
- 8783 10. No equipment, vehicle, display or sales activity shall block access to a
8784 public facility such as a telephone booth, mail box, parking meter, fire
8785 hydrant, fire alarm box, traffic control box, driveway or other access point.
- 8786 11. A sound level of 65 dBA shall not be exceeded at adjacent property lines
8787 of any residential use.
- 8788 12. Signage shall be in accordance with Article 33, Section 33.4.12.B.19.

8789

8790 *19.3.12 Swimming pool, private.*

- 8791 A. *Required districts:* All districts except C-1, C-2, M-1, M-1A, M-2
- 8792 B. *Standards:* All swimming pools shall be completely surrounded by an
8793 enclosure. Such enclosure shall be a fence, wall, or building, to prevent access
8794 to the pool by unsupervised children and/or animals. The enclosure shall be an
8795 effective fence or wall not less than five feet high with self-closing, positive-
8796 latching gates provided on the outer side of the deck area. The enclosure
8797 entrance shall be locked when the pool is not open for use and all surrounding
8798 objects or structures must have a separation of five feet from the enclosure to
8799 provide an unclimbable space. The enclosure shall be in place prior to pool
8800 completion. Materials and construction shall comply with the regulations
8801 administered by the South Fulton Health Department.
- 8802 1. Detached Dwellings. Swimming pools shall be allowed in side and rear
8803 yards of single family dwellings in any district and may also be allowed at
8804 the back of the house on a double frontage single family residential lot as
8805 approved by the Department. Pools, pool equipment, and their decks must
8806 be a minimum of 10 feet from all property lines, except that when perimeter
8807 setbacks are required, for example in NUP and TR zoned districts, pools,
8808 pool equipment, and decks cannot be located in perimeter setbacks.
- 8809 2. Neighborhood. Swimming pools serving a neighborhood must be located
8810 within the limits of the underlying zoning.
 - 8811 a. Use of swimming pools shall be limited to residents and guests of the
8812 neighborhood in which they are located.
 - 8813 b. Pools, pool equipment, and decks must be located at least 100 feet
8814 from all adjoining property lines.

8815 c. Landscape strips and buffer requirements shall be as specified by
8816 Article 4.23.1.

8817 d. A maximum four-square foot sign identifying the future use of the
8818 property for a swimming pool shall be posted adjoining the lot's frontage
8819 until a Certificate of Occupancy is issued for the facility.

8820 e. Sources of exterior illumination shall be directed away from adjoining
8821 residences and shall not exceed 1.2 foot candles along the an adjoining
8822 residential property line. Outdoor lighting of recreation facilities in or
8823 adjoining residential districts or uses shall be allowed only between
8824 dusk and 11:00 p.m.

8825 f. A maximum continuous sound level of 60 dBA and a maximum peak
8826 sound level of 75 dBA shall not be exceeded at property lines adjacent
8827 to single family residential uses.

8828 3. Multi-family. Swimming pools, pool equipment, accessory structures, and
8829 fencing shall be located a minimum of 100 feet from any residential
8830 building, adjoining property line or street.

8831 *19.3.13 Swimming pool, public.* Pools operated as a club (except clubs serving
8832 residential developments) or pools operated as a business are defined herein as public
8833 pools.

8834 A. *Required districts:* O-I, MIX, C-1, C-2, M-1A, M-1 and M-2.

8835 B. *Standards:*

8836 1. Pools, pool equipment, decks, and parking shall be located a minimum of
8837 100 feet from all property lines which abut single family residential uses.
8838 Adjacent to all other zonings and uses, the district setback requirements
8839 shall be provided.

8840 2. Landscape strips and buffer requirements shall be as specified by Article
8841 4.23.1.

8842 3. Sources of exterior illumination shall be directed away from adjoining
8843 residences and shall not exceed 1.2 foot candles along the an adjoining
8844 residential property line. Outdoor lighting of recreation facilities in or
8845 adjoining residential districts or uses shall be allowed only between dusk
8846 and 11:00 p.m.

8847 4. A maximum continuous sound level of 60 dBA and a maximum peak sound
8848 level of 75 dBA shall not be exceeded at property lines adjacent to single
8849 family residential uses.

8850 *19.3.14 Temporary classroom.*

8851 A. *Required districts:* All

8852 B. *Standards:*

- 8853 1. The structure must be constructed for use as a temporary classroom and
8854 certified as such by the environment and community development
8855 department.
- 8856 2. The principal use must exist prior to the issuance of the permit.
- 8857 3. The temporary classroom shall not be used to increase the capacity or
8858 enrollment as conditioned by zoning, or as limited by other use permit
8859 conditions.
- 8860 4. An administrative permit for a temporary classroom shall expire three years
8861 from the date of approval at which time the structure shall be removed
8862 unless a new administrative permit is obtained within 30 days of the
8863 expiration date.
- 8864 5. The structure shall not be located within any principal building setbacks or
8865 within any required landscape strips or buffers.
- 8866 6. Two copies of a drawing showing dimensions shall accompany the
8867 application and shall accurately depict the proposed location of temporary
8868 structures, the traffic patterns and curb cuts and compliance with this
8869 section and all other applicable standards of this resolution.

8870 *19.3.15 Temporary structures.*

8871 A. *Required districts:* All, except emission inspection stations shall be permitted
8872 only in nonresidential districts except AG-1.

8873 B. *Standards:*

- 8874 1. Temporary structures (whether tents, site-built, mobile or manufactured
8875 structures) utilized for construction offices, ticket booths, security guard
8876 shelters, storage structures in association with construction, emission
8877 inspection stations, portable toilets and other similar uses may be permitted
8878 by the environment and community development department in any district.
- 8879 2. Temporary structures shall be located outside of any required buffers and
8880 landscape areas, and shall maintain the principal building setback of the
8881 district except portable toilets must maintain a 200-foot setback from
8882 existing dwelling(s).
- 8883 3. Temporary structures must be removed prior to the issuance of a
8884 certificate of occupancy or within five days of completion of the temporary
8885 event or activity for which the structure was approved.
- 8886 4. Temporary structures used in conjunction with other permitted
8887 administrative and use permits shall not be required to obtain a separate
8888 administrative permit.
- 8889 5. An administrative permit for a temporary structure shall expire three years
8890 from the date of approval at which time the structure shall be removed
8891 unless a new administrative permit is obtained within 30 days of the
8892 expiration date.

- 8893 *19.3.16 Temporary use of existing dwelling while residence is being built.*
- 8894 A. *Required districts:* All but M-1, M-1A, & M-2.
- 8895 B. *Standards:*
- 8896 1. The building permit for the new principal structure shall be issued concurrently
8897 with this administrative permit.
- 8898 2. The administrative permit shall expire 90 days after issuance of a certificate of
8899 occupancy for the new principal structure or one year after issuance of a
8900 building permit, whichever occurs first.
- 8901 *19.3.17 Open.*
- 8902 *19.3.18 Utility substations (telephone, electric, or gas, etc.)*
- 8903 A. *Required districts:* All
- 8904 B. *Standards:*
- 8905 1. Utility substations measuring less than 35 square feet and less than five feet in
8906 height from finished grade are exempt from these regulations.
- 8907 2. All substation structures shall be contained within the boundaries of the subject
8908 parcel and meet the minimum development standards of the district unless
8909 otherwise required in this article section.
- 8910 3. Minimum setback of all utility structures from a residential structure shall be:
- 8911 a. Electric — 200 feet.
- 8912 b. Gas and telephone — the applicable minimum setback for the district in
8913 which located.
- 8914 4. A minimum ten-foot wide landscape strip planted to buffer standards shall be
8915 required around the perimeter of all utility sites except along lines where buffers
8916 are required.
- 8917 5. For electric substations provide a minimum 50-foot wide replanted or natural
8918 buffer adjacent to the property lines of any residential district and/or AG-1
8919 district used for single-family.
- 8920 6. Interior to landscape strips or buffers that do not accomplish 100 percent visual
8921 screening as defined in the tree preservation ordinance, provide an eight-foot
8922 high opaque fence or, masonry wall, a minimum four-foot high landscaped
8923 earthen berm, a vegetative screen or some combination thereof, subject to the
8924 approval of the environment and community development department.
- 8925 *19.3.19 Veterinary clinic/hospital or kennel. (See 19.4.24 for kennel or outside
8926 animal facilities)*
- 8927 A. *Required districts:* O-I, MIX, C-1, C-2, M-1A, M-1, M-2
- 8928 B. *Standards:*
- 8929 1. All of the activities directly associated with animal treatment shall occur entirely
8930 within a completely enclosed soundproof structure.

8931

8932 19.4 - Minimum use permit standards.

8933 *19.4.1 Adult book store.*

8934 *Intent and findings.* It is the intent of this article to regulate the place of operation of
8935 adult book stores as defined in this resolution. The City Council finds, based upon an
8936 October, 1980, study by the Minnesota Crime Prevention Center, Inc., Minneapolis,
8937 Minnesota, entitled "An Analysis of the Relationship Between Adult Entertainment
8938 Establishments, Crime, and Housing Values", that adult book stores are significantly
8939 related to diminishing market values of neighboring residential areas, that adult book
8940 stores should not be located in residential areas, and that adult book stores should be
8941 permitted only in locations that are at least 1/10 mile, or approximately 500 feet, from
8942 residential areas.

8943 The board further finds, based upon a June, 1978, study by the Division of Planning
8944 of the St. Paul, Minnesota, Department of Planning and Economic Development and the
8945 Community Crime Prevention Project of the Minnesota Crime Control Planning Board
8946 entitled "Effects on Surrounding Area of Adult Entertainment Businesses in Saint Paul",
8947 that the presence of adult book stores correlates with a decreasing market value of
8948 neighboring residential areas, that adult book stores tend to locate in areas of poorer
8949 residential condition, tend to be followed by a relative worsening of the residential
8950 condition, and that more than two adult entertainment businesses in an immediate area
8951 is associated with a statistically significant decrease in residential property market
8952 value, and that such a concentration of adult entertainment businesses in a given area
8953 should be discouraged. The board also finds that such worsening of residential
8954 conditions will adversely affect uses found in residential areas or in the proximity of
8955 residential areas, such as public recreational facilities, public or private institutional
8956 uses, churches, schools, universities, colleges, trade-schools, libraries, and day care
8957 centers.

8958 The City further finds, based upon a May 19, 1986, land use study conducted in
8959 Austin, Texas, that an adult book store within one block of a residential area decreases
8960 the market value of homes, that adult book stores are considered a sign of decline by
8961 lenders, making underwriters hesitant to approve the 90—95 percent financing many
8962 home buyers require, and that patrons of adult book stores tend to be from outside the
8963 immediate neighborhood in which the adult book store is located.

8964 The City further finds, based upon a March 3, 1986, study conducted by the
8965 Oklahoma City, Oklahoma, Community Development Department entitled "Adult
8966 Entertainment Businesses in Oklahoma City - A Survey of Real Estate Appraisers", that
8967 an adult bookstore will have a negative effect on residential property market values if it
8968 is located closer than one block to residential uses.

8969 The City further finds that the proposed amendment to the zoning resolution
8970 regarding regulation of adult book stores has been carefully considered by a workgroup
8971 of City staff drawn from the areas of law enforcement, land use, land planning, and law;
8972 by the Planning Commission at public meetings where public comment was available;

8973 and by a committee of citizens with expertise in law, real estate, land use, and other
8974 disciplines, who have reviewed the amendment particularly with respect to its provisions
8975 relating to the effects of adult book stores on market values of residential and other
8976 property, and that the information gathered and results of this informal study support the
8977 need for these development standards.

8978 This section is intended to be a carefully tailored regulation to minimize the adverse
8979 land use impacts caused by the undesirable secondary effects of adult bookstores, and
8980 the City Council finds that restricting adult book stores to industrially zoned areas and
8981 imposing development standards can legitimately regulate adult book stores by
8982 establishing zones where adult book stores are most compatible with other uses or the
8983 surrounding neighborhood, and by requiring minimum distances to be maintained
8984 between adult bookstore uses and other uses so as to afford the most protection to
8985 residential uses.

8986 It is not the intent of the City Council, in enacting this amendment to the zoning
8987 resolution, to deny to any person rights to speech protected by the United States or
8988 Georgia Constitutions, nor is it the intent to impose any additional limitations or
8989 restrictions on the contents of any communicative materials, including sexually oriented
8990 films, videotapes, books, or other materials; further, in the adoption of this amendment
8991 to the zoning resolution, the City Council does not intend to deny or restrict the rights of
8992 any adult to obtain or view any sexually oriented materials protected by the United
8993 States or Georgia Constitutions, nor does it intend to restrict or deny any constitutionally
8994 protected rights that distributors or exhibitors of such sexually oriented materials may
8995 have to sell, distribute, or exhibit such constitutionally protected materials; finally, in the
8996 enactment of this ordinance, the City Council intends to adopt a content neutral
8997 measure to address the secondary effects of adult bookstores.

8998 A. *Required Districts:* M-1 and M-2 (Industrial)

8999 B. *Standards:*

- 9000 1. All boundary lines of the property included within the use permit as filed
9001 must be located at least 1,000 feet from the properties listed below:
- 9002 a. The property line of Suburban A, Suburban B, Suburban C, R-1, R-2,
9003 R-2A, R-3, R-3A, R-4A, R-4, R-5, R-5A, R-6, NUP, CUP, TR, A, A-L,
9004 AG-1 zoned property or property conditioned or used for residential
9005 purposes.
- 9006 b. The property line of any public recreational facilities, public or private
9007 institutional uses, including but not limited to churches, schools,
9008 universities, colleges, trade-schools, libraries, day care centers and
9009 other training facilities where minors are the primary patrons.
- 9010 2. The boundary line of the use permit must be located at least 1,500 feet
9011 from the property line of any other adult entertainment establishment or
9012 adult book store.
- 9013 3. Submit with the application for a use permit, a certified boundary survey by
9014 a licensed surveyor of the site and the property lines of surrounding
9015 properties identifying the use of properties at or within 1,000 feet of the

9016 boundary lines of the subject property and adult entertainment
9017 establishments or adult bookstores within 1,500 feet of the boundary line of
9018 the subject property.

9019 4. If the adult book store is to be located in an existing structure where a land
9020 disturbance permit is not required, an existing building permit review
9021 application must be filed and determined by the environment and
9022 community development department to be in compliance with the terms of
9023 this resolution prior to any occupancy.

9024 5. Permitted curb cut access shall be from a major thoroughfare.

9025 6. No depiction of anatomical areas or sexual activities specified in the
9026 definition of "adult entertainment" shall be visible from outside the structure
9027 or on signage outside the structure.

9028 7. The minimum landscape areas required for the O-I zoning district as
9029 specified in section 4.23 shall be required. Where buffers are required, the
9030 underlying zoning district buffer standards shall apply.

9031 C. *Permit Issuance* : Notwithstanding the provisions of 19.2.3 and 19.2.4, any
9032 applicant meeting the above requirements and standards shall be entitled to the
9033 issuance of a use permit.

9034 D. *Permit Applications* : Notwithstanding any other provision herein, any material
9035 omission or untrue or misleading information contained in or left out of an
9036 application for a use permit shall be grounds for denial of said permit.

9037 E. *Permit Processing*: The City shall have 120 days (unless the application is
9038 suspended by failure of the applicant to provide data, information or records as
9039 reasonably requested by the City and required by this code, to complete the
9040 investigation) from receipt of a completed application for a use permit to make a
9041 decision in which to grant or deny a use permit. The Department of Community
9042 Development and Planning Commission shall make recommendations to the
9043 City Council regarding the approval or denial of the use permit and the board
9044 shall make the final decision after a public hearing regarding the same. In the
9045 event the City Council has not granted or denied the application within 120 days
9046 (unless the application is suspended by failure of the applicant to provide data,
9047 information or records as reasonably requested by the City to complete the
9048 investigation), the use permit shall automatically issue.

9049 F. *Denial of Use Permit*: In the event an application for a use permit is denied by
9050 the City Council, the applicant shall be notified in writing of such denial within
9051 ten business days by U.S. Mail. A decision by the City Council regarding the
9052 denial of said permit is a final action; therefore, any appeal of such decision
9053 shall be pursued by application for writ of certiorari filed with the Superior Court
9054 of South Fulton within 30 days of the decision. This appeal shall in no way
9055 preclude an applicant from seeking any other remedies available at law or
9056 equity.

9057 G. *Permit Application* : Nothing in this section shall allow for the conducting or
9058 zoning of any business or entity which would otherwise be illegal.

9059 **19.4.2 Adult entertainment establishments.**

9060 *Intent.* It is the intent of this section to regulate the place and manner of the
9061 operation of businesses or facilities that offer adult entertainment as defined in this
9062 ordinance. It is well established and has been the experience of other communities in
9063 Georgia and throughout the United States that adult entertainment, which includes
9064 public nudity, has been associated with and may encourage disorderly conduct,
9065 prostitution and sexual assault. This section advances the substantial government
9066 interest in promoting and protecting public health, safety, and general welfare,
9067 maintaining law and order and prohibiting public nudity. The section is narrowly
9068 constructed to protect the First Amendment rights of citizens of South Fulton while
9069 furthering the substantial governmental interest of combating the secondary effects of
9070 public nudity and adult entertainment from areas and uses of the community which are
9071 incompatible. Areas and uses which are to be protected from adult entertainment
9072 include but are not limited to residential, churches, day care centers, libraries,
9073 recreational facilities, and schools.

9074 **A. Required Districts:** M-1 (Light Industrial) and M-2 (Heavy Industrial)

9075 **B. Standards:**

- 9076 1. All boundary lines of the property included within the use permit must be
9077 located at least 1,000 feet from the properties listed below:
- 9078 a. The property line of Suburban A, Suburban B, Suburban C, R-1, R-2,
9079 R-2A, R-3, R-3A, R-4A, R-4, R-5, R-5A, R-6, NUP, CUP, TR, A, A-L,
9080 AG-1 zoned property or property conditioned or used for residential
9081 purposes.
- 9082 b. The property line of any public recreational facilities, public or private
9083 institutional uses, including but not limited to churches, schools,
9084 universities, colleges, trade-schools, libraries, day care centers and
9085 other training facilities where minors are the primary patrons.
- 9086 2. The boundary line of the use permit must be located at least 1,500 feet
9087 from the property line of any other adult entertainment establishment or
9088 adult bookstore.
- 9089 3. Submit with the application for a use permit, a certified boundary survey of
9090 the site and the property lines of surrounding properties identifying the use
9091 of properties at or within 1,000 feet of the boundary lines of the subject
9092 property and adult entertainment establishments and/or adult bookstores
9093 within 1,500 feet of the boundary line of the subject property.
- 9094 4. No final land disturbance permit, building permit, certificate of occupancy,
9095 or building permit review certificate may be issued until the approved South
9096 Fulton Adult Entertainment Business License is filed with the director of the
9097 environment and community development department.
- 9098 5. If the adult entertainment business is to be located in an existing structure
9099 where a land disturbance permit is not required, an existing building permit

- 9100 review application must be filed and approved in the environment and
9101 community development department prior to any occupancy.
- 9102 6. Building shall be located a minimum of 50 feet from all property lines.
- 9103 7. Parking spaces at a ratio of ten per 1,000 gross square feet of floor space
9104 shall be provided.
- 9105 8. Permitted curb cut access shall be directly from a major thoroughfare.
- 9106 9. On-premise signs shall not display lewd or graphic depictions of body parts
9107 or acts which are defined in article and subsection 3.3.1.
- 9108 10. No adult entertainment shall be visible from outside the structure.
- 9109 11. The minimum landscape areas required for the O-I zoning district as
9110 specified in section 4.23 shall be required. Where buffers are required, the
9111 underlying zoning district buffer standards shall apply.
- 9112 C. *Permit Issuance* : Notwithstanding the provisions of 19.2.3 and 19.2.4, any
9113 applicant meeting the above requirements and standards shall be entitled to the
9114 issuance of a use permit.
- 9115 D. *Permit Applications* : Notwithstanding any other provision herein, any material
9116 omission or untrue or misleading information contained in or left out of an
9117 application for a use permit shall be grounds for denial of said permit.
- 9118 E. *Permit Processing* : The City shall have 120 days (unless the application is
9119 suspended by failure of the applicant to provide data, information or records as
9120 reasonably requested by the City and required by this code, to complete the
9121 investigation) from receipt of a completed application for a use permit to make a
9122 decision in which to grant or deny a use permit. The Department of Community
9123 Development and Planning Commission shall make recommendations to the
9124 City Council regarding the approval or denial of the use permit and the board
9125 shall make the final decision after a public hearing regarding the same. In the
9126 event the City Council has not granted or denied the application within 120 days
9127 (unless the application is suspended by failure of the applicant to provide data,
9128 information or records as reasonably requested by the City to complete the
9129 investigation), the use permit shall automatically issue.
- 9130 F. *Denial of Use Permit* : In the event an application for a use permit is denied by
9131 the City Council, the applicant shall be notified in writing of such denial within
9132 ten business days by U.S. Mail. A decision by the City Council regarding the
9133 denial of said permit is a final action; therefore, any appeal of such decision
9134 shall be pursued by application for writ of certiorari filed with the Superior Court
9135 of South Fulton within 30 days of the decision. This appeal shall in no way
9136 preclude an applicant from seeking any other remedies available at law or
9137 equity.
- 9138 G. *Permit Application* : Nothing in this section shall allow for the conducting or
9139 zoning of any business or entity which would otherwise be illegal.
- 9140 *19.4.3 Agricultural-related activities.*

9141 *Intent.* It is the intent of this article to allow certain agricultural-related activities with
9142 a use permit in compliance with the development standards below to preserve the
9143 nature of agricultural areas. Such uses shall include, but not be limited to, petting zoo,
9144 educational tours, dude ranches, picnicking, and pay fishing.

9145 A. *Required District:* AG-1

9146 B. *Standards:*

- 9147 1. Minimum lot size shall be five acres.
- 9148 2. Permitted curb cut access shall not be from a local street.
- 9149 3. Food services may be provided.
- 9150 4. A minimum of 100-foot setback is required from all property lines for
9151 activity areas, including parking.
- 9152 5. All structures housing animals shall be set back a minimum of 100 feet
9153 from all property lines.
- 9154 6. All parking and access areas must be of an all weather surface per article
9155 18, Festivals, Outdoor.
- 9156 7. A maximum continuous sound level of 60 dBA and a maximum peak sound
9157 level of 75 dBA shall not be exceeded at property lines of adjacent
9158 residential districts and/or AG-1 districts used for single family.
- 9159 8. Hours of operation shall commence no earlier than 6:00 a.m. and cease by
9160 10:00 p.m.
- 9161 9. If located adjacent to any residential district or an AG-1 district used for
9162 single family, the minimum buffers and landscape strips required for the O-I
9163 district as specified in section 4.23 shall be required.
- 9164 10. Sanitary facilities or trash receptacles shall be located a minimum of 100
9165 feet from a property line of any residential district and/or AG-1 district used
9166 for single family.

9167 *19.4.4 Aircraft landing area.*

9168 A. *Required Districts:* All

9169 B. *Standards:*

- 9170 1. For fixed wing aircraft, a 1,000-foot clear zone extending from the end of all
9171 runways shall be secured through ownership or easement, but in no case
9172 shall the end of a runway be closer than 200 feet from any property line.
- 9173 2. For both fixed and rotary-wing aircraft, neither the landing area nor any
9174 building, structure or navigational aid shall be located within 400 feet of a
9175 property line adjacent to any residential district and/or AG-1 district used for
9176 single family.
- 9177 3. Landing areas for fixed wing and rotary wing aircraft shall be designed to
9178 comply with the Airport Design Guide of the Federal Aviation
9179 Administration.

- 9180 4. If located within or adjacent to a residential district and/or AG-1 district
9181 used for single family, the hours of operation shall be limited to 7:00 a.m. to
9182 11:00 p.m.
- 9183 5. A use permit for an aircraft landing area shall have no force and effect
9184 except for requesting a land disturbance permit prior to filing a satisfactory
9185 FAA airspace analysis with the director of the environment and community
9186 development department.
- 9187 6. In accordance with section 28.4.3.2, submit an environmental impact report
9188 as required.

9189 *19.4.5 Amateur radio antenna to exceed the administrative permit height (See also*
9190 *Administrative Permit 19.3.1(1)).*

9191 *Intent.* It is the intent of this article to regulate the placement of amateur radio
9192 towers in a manner that does not impose on public health, safety, general welfare. The
9193 following regulations on design, location, placement, and height limits of antennas in
9194 residential districts implements South Fulton's governmental interest in land planning,
9195 aesthetics and public safety by requiring the following use permit standards:

9196 A. *Required Districts: All*

9197 B. *Standards:*

- 9198 1. Antennas shall be located in the rear yard.
- 9199 2. The request to exceed the height of 90 feet shall be accompanied by a
9200 written justification of its intent by the licensee. Under no circumstances
9201 shall an antenna exceed 200 feet in height.
- 9202 3. All antennas shall be set back from the property line one-third the height of
9203 the antenna or the district setback requirements, whichever is greater.
9204 However, the antenna must be located a distance equal to or greater than
9205 the antenna height from the nearest residential dwelling, excluding the
9206 primary dwelling or structure which is located on the same lot as the
9207 antenna.
- 9208 4. Antennas shall not be lighted.
- 9209 5. All antennas must be constructed with an anti-climbing device.
- 9210 6. Antennas shall be painted in a neutral color identical or closely compatible
9211 with surroundings.
- 9212 7. All guy wires must be anchored on site and outside of right-of-way.

9213 *19.4.6 Amphitheaters.*

9214 A. *Required Districts: AG-1, O-I, MIX, C-1, C-2, M-1A, M-1, and M-2*

9215 B. *Standards:*

- 9216 1. Lot area shall be a minimum of ten acres.
- 9217 2. The stage shall be located a minimum of 600 feet from adjacent properties
9218 zoned for residential use and/or AG-1 districts used for single family.

- 9219 3. Permitted curb cut access shall be only from an arterial street.
- 9220 4. A minimum 100-foot buffer and ten-foot improvement setback shall be
9221 provided adjacent to residential districts, property zoned for residential use
9222 zoning or development or AG-1 districts when used for single family.
- 9223 5. A minimum 50-foot buffer and ten-foot improvement setback shall be
9224 provided adjacent to non-residential districts zoning or development.
- 9225 6. A maximum continuous sound level of 60 dBA and a maximum peak sound
9226 level of 75 dBA shall not be exceeded at the property lines of adjacent
9227 residential districts and/or AG-1 districts used for single family.
- 9228 7. Eight-foot high fencing shall be provided adjacent to properties zoned for
9229 residential use or AG-1 districts used for single family.
- 9230 8. The hours of operation of the facility shall be limited to 8:00 a.m. to 11:00
9231 p.m. when adjacent to properties zoned for residential use and/or AG-1
9232 districts used for single family.
- 9233 9. Facilities must be served by public sewer when gravity flow sewer is
9234 available within 1,000 feet of the property.
- 9235 10. Provide per the following chart a minimum distance separation between
9236 the nearest property line of the proposed amphitheater and the nearest
9237 property line of an amphitheater with frontage on the same road(s) as the
9238 proposed facility.

<i>Road Functional Class*</i>	<i>Distance Between Uses</i>
Urban Principal Arterial	None
Urban Minor Arterial	1,000 feet
Urban Collector Street	½ mile
Urban Local Street	½ mile

9239

9240 *Source: The Department of Transportation Division of Planning, Data, and Intermodel
9241 Development Office of Transportation Data in cooperation with U.S. Department of
9242 Transportation Federal Highway Administration as of 08/07/2007.

9243 *19.4.7 Antenna tower, and associated structure (radio, TV, microwave*
9244 *broadcasting, etc.), to exceed the district height.*

9245 *Intent.* Pursuant to Section 704(a) of the Federal Telecommunications Policy Act of
9246 1996, it is not the intent of this section to prohibit or have the effect of prohibiting the

9247 provision of personal wireless services in unincorporated South Fulton. It is the intent of
9248 this section to address the aesthetic effect of telecommunication facilities on our
9249 landscapes, our citizens' demands for these services, and the needs of service
9250 providers.

9251 The following regulations on design, location, placement, and height limits of
9252 antennas in residential and AG-1 zoned districts implements South Fulton's
9253 governmental interest in land planning, aesthetics and public safety by requiring the
9254 following use permit standards:

9255 A. *Required Districts:* Residential districts, MIX and AG-1 (See same heading in
9256 section 19.3, for other non-residential districts.)

9257 B. *Standards:*

9258 1. Towers must be set back a distance equal to 1½ times the height of the
9259 tower adjacent to residential and/or AG-1 zoned property.

9260 2. Height shall not exceed 200 feet from existing grade.

9261 3. Tower and associated facilities shall be enclosed by fencing not less than
9262 six feet in height and shall also be equipped with an appropriate anti-
9263 climbing device.

9264 4. A minimum ten-foot landscape strip planted to buffer standards shall be
9265 required surrounding the facility exterior to the required fence unless the
9266 South Fulton Arborist determines that existing plant materials are adequate.

9267 5. Antennas or towers shall not have lights unless required by federal or state
9268 law.

9269 6. Towers shall not be located within one-half mile from any existing
9270 telecommunication tower above the district height, excluding alternative
9271 structures.

9272 7. The tower shall comply with applicable state and local statutes and
9273 ordinances, including, but not limited to, building and safety codes. Towers
9274 which have become unsafe or dilapidated shall be repaired or removed
9275 pursuant to applicable state and local statutes and ordinances.

9276 8. Facilities shall not be artificially lighted except to assure human safety or
9277 as required by the Federal Aviation Administration (FAA).

9278 9. Communication towers shall be designed and constructed to ensure that
9279 the structural failure or collapse of the tower will not create a safety hazard
9280 to adjoining properties, according to applicable federal standards which
9281 may be amended from time to time.

9282 10. Telecommunications facilities shall not be used for advertising purposes
9283 and shall not contain any signs for the purpose of advertising.

9284 11. Any telecommunications facility may co-locate on any existing tower, pole
9285 or other structure as long as there is no increase in height to the existing
9286 facility.

- 9287 12. A commercial telecommunication facility that ceases operation for a
9288 period of 12 consecutive months shall be determined to have terminated
9289 and shall be removed within 90 days of termination at the property owner's
9290 expense. It shall be the duty of both the property owner and the tower
9291 owner to notify the City in writing of any intent to abandon the use of the
9292 tower.
- 9293 13. Communication facilities not requiring FAA painting/marketing shall have
9294 either a galvanized finish or [be] painted a dull blue, gray, or black finish or
9295 shall be screened through fencing and landscaping.
- 9296 14. An application for a telecommunications facility shall be submitted in
9297 accordance with the department's plan review submittal requirements.
- 9298 15. An application for a telecommunication facility shall include a certification
9299 from a registered engineer that the structure will meet the applicable design
9300 standards for wind loads.
- 9301 16. Communications facilities shall not be located in 100-year flood plain or
9302 delineated wetlands.

9303 *19.4.8 Bed and breakfast.*

- 9304 A. *Required Districts:* AG-1 (Agricultural), R-6, and TR (Townhouse Residential)
- 9305 B. *Standards:*
- 9306 1. A minimum of two guest rooms and a maximum of five guest rooms are
9307 permitted.
- 9308 2. No parking in the minimum front yard.
- 9309 3. The bed and breakfast shall be owner occupied.
- 9310 4. Permitted curb cut access shall not be from a local street.
- 9311 5. The minimum landscape and buffer areas shall be required as specified in
9312 section 4.23 for AG-1 Agricultural district.
- 9313 6. Parking requirements shall be the same as hotel/motel as specified in
9314 article 18.
- 9315 7. Identification or advertising signs shall be limited to four square feet in
9316 surface area and four feet in height.

9317 *19.4.9 Cemetery and/or mausoleum (human or pet).*

- 9318 A. *Required Districts:* All
- 9319 B. *Standards:*
- 9320 1. Permitted curb cut access shall be only from a major thoroughfare, unless
9321 in conjunction with a place of worship.
- 9322 2. No building shall be located within 50 feet of a residential district and/or
9323 AG-1 district used for single family.

9324 3. All structures, including graves, shall be inside meet the minimum yard
9325 setbacks or ten feet, whichever is greater.

9326 4. If located adjacent to a single family dwelling district and/or AG-1 district
9327 used for single family, the minimum buffers and landscape strips required
9328 for the O-I district as specified in section 4.23 shall be required.

9329 *19.4.10 Church, temple or place of worship.*

9330 A. *Required Districts:* Suburban A, Suburban B, Suburban C, R-1, R-2, R-2A, R-
9331 3, R-3A, R-4A, R-4, R-5, R-5A, R-6, R-6, TR, NUP, A, A-L, and AG-1.

9332 B. *Standards:*

9333 1. All buildings and use areas/structures other than parking and pedestrian
9334 walkways shall be located at least 100 feet from any adjoining residential
9335 district and/or AG-1 district used for single family.

9336 2. No parking shall be located within the minimum front yard setback.

9337 3. Any associated day care centers, private schools, recreational fields or
9338 other uses requiring a use permit or administrative permit shall be allowed
9339 only under a separate approved use permit or administrative permit for
9340 each use.

9341 4. The minimum buffers and landscape strips required for the O-I zoning
9342 district as specified in section 4.23 shall be required.

9343 5. Facilities must be served by public sewer when gravity flow sewer is
9344 available within 1,000 feet of the property.

9345 6. Provide a 300-foot distance separation measured by the most direct route
9346 of travel on the ground between any church building and any business that
9347 is licensed for the sale or consumption of liquor, wine or malt beverages.

9348 *19.4.11 Commercial amusement, outdoor including but not limited to amusement*
9349 *parks, bungee jumping parks, skateboard parks, ski slopes, batting cages, miniature*
9350 *golf, drive-in theaters, etc. (See also 19.4.17 DRIVING RANGES)*

9351 A. *Required Districts:* C-2, M1-A, M-1 and M-2

9352 B. *Standards:*

9353 1. Permitted curb cut access shall be derived only from arterial streets.

9354 2. A minimum 100-foot buffer and ten-foot improvement setback shall be
9355 provided adjacent to residential districts and/or AG-1 districts used for
9356 single family.

9357 3. A minimum 50-foot buffer and ten-foot improvement setback shall be
9358 provided adjacent to non-residential zoning or development districts.

9359 4. A maximum continuous sound level of 60 dBA and a maximum peak sound
9360 level of 75 dBA shall not be exceeded at property lines of adjacent
9361 residential districts and/or AG-1 districts used for single family.

- 9362 5. Eight-foot high fencing shall be provided adjacent to any residential district
 9363 and/or AG-1 district when used for single family and interior to any required
 9364 landscape strips or buffers.
- 9365 6. The hours of operation of the facility shall be limited to 8:00 a.m. to 11:00
 9366 p.m. adjacent to residential districts and/or AG-1 when used for single
 9367 family.
- 9368 7. All recreational structures and activities shall maintain a minimum setback
 9369 of 100 feet from any public right-of-way.
- 9370 8. The height limits of the zoning district shall apply to all recreational
 9371 structures unless a use permit to exceed the height is granted. (See section
 9372 19.4.21).
- 9373 9. Facilities must be served by public sewer when gravity flow sewer is
 9374 available within 1,000 feet of the property.
- 9375 10. Provide per the following chart a minimum distance separation between
 9376 the nearest property line of the proposed outdoor commercial amusement
 9377 and the nearest property line of an outdoor commercial amusement with
 9378 frontage on the same road(s) as the proposed facility.

<i>Road Functional Class*</i>	<i>Distance Between Uses</i>
Urban Principal Arterial	None
Urban Minor Arterial	1,000 feet
Urban Collector Street	½ mile
Urban Local Street	½ mile

- 9379
- 9380 *Source: The Department of Transportation Division of Planning, Data, and Intermodel
 9381 Development Office of Transportation Data in cooperation with U.S. Department of
 9382 Transportation Federal Highway Administration as of 08/07/2007.
- 9383 *19.4.12 Composting.*
- 9384 A. *Required Districts:* AG-1
- 9385 B. *Standards:*
- 9386 1. Lot area shall be a minimum of five acres.
- 9387 2. Permitted curb cut access shall be derived from an arterial or major
 9388 collector.

- 9389 3. The hours of operation shall be between the hours of 7:00 a.m. to 6:00
9390 p.m.
- 9391 4. All operations shall maintain a minimum setback of 100 feet from all
9392 property lines.
- 9393 5. The minimum buffers required are as specified for the M-1 District. (See
9394 section 4.23)
- 9395 6. On-site traffic shall be limited to an all-weather surfaced area.
- 9396 7. Stored materials shall be contained in such a manner as to prevent the
9397 blowing of any materials onto any surrounding property or roadway.
- 9398 8. The composting facility shall obtain all necessary permits from the
9399 Department of Natural Resources, Environmental Protection Division.
- 9400 9. A maximum continuous sound level of 60 dBA and a maximum peak sound
9401 level of 75 dBA shall not be exceeded at property lines of adjacent
9402 residential districts and/or AG-1 districts used for single family.
- 9403 10. In accordance with section 28.4.3.2., submit an environmental impact
9404 report as required.
- 9405 *19.4.13 Convalescent center/nursing home/hospice. (Added as a permitted use in*
9406 *O-I, MIX, A, A-L, C-1 and C-2)*
- 9407 A. *Required Districts:* R-6 and TR
- 9408 B. *Standards:*
- 9409 1. Facilities shall be for five persons or more.
- 9410 2. Permitted curb cut access shall be from an arterial or a major collector.
- 9411 3. Provide the minimum landscape strips and buffers as required for the O-I
9412 zoning district as specified in section 4.23.
- 9413 4. Provide a 50-foot building setback from all single family districts or AG-1
9414 districts used for single family.
- 9415 5. No parking allowed within the minimum front yard setback.
- 9416 6. Rooms or suites of rooms may be designed with separate kitchen facilities.
- 9417 7. Facility shall comply with applicable local, state, and federal regulations.
- 9418 8. In accordance with Article 28.4.6, submit a Noise Study Report as
9419 required.
- 9420 9. Facilities must be served by public sewer when gravity flow sewer is
9421 available within 1,000 feet of the property.
- 9422 10. Provide per the following chart a minimum distance separation between
9423 the nearest property line of the proposed convalescent center, nursing
9424 home/hospice and the nearest property line of a convalescent center,
9425 nursing home/hospice with frontage on the same road(s) as the proposed
9426 facility.

<i>Road Functional Class*</i>	<i>Distance Between Uses</i>
Urban Principal Arterial	None
Urban Minor Arterial	1,000 feet
Urban Collector Street	½ mile
Urban Local Street	½ mile

9427

9428 *Source: The Department of Transportation Division of Planning, Data, and Intermodel
 9429 Development Office of Transportation Data in cooperation with U.S. Department of
 9430 Transportation Federal Highway Administration as of 08/07/2007.

9431 *19.4.14 Country inn.*

9432 A. *Required Districts:* AG-1

9433 B. *Standards:*

- 9434 1. Lot area shall be a minimum of 5 acres.
- 9435 2. A minimum of six guest rooms and a maximum of 30 rooms are permitted.
 9436 (See article 19.4.8, Bed and Breakfast, for less than six guest rooms).
- 9437 3. The country inn shall be owner occupied.
- 9438 4. Permitted curb cut access shall be from a minor collector or higher road
 9439 classification.
- 9440 5. The establishment may provide meal services to guests.
- 9441 6. Parking shall not be permitted within the minimum front yard setback.
- 9442 7. The minimum landscape strip and buffer requirements for the O-I district as
 9443 specified in section 4.23 shall be required.
- 9444 8. Identification or advertising signs shall be limited to one sign of not more
 9445 than nine square feet and no more than four feet in height.
- 9446 9. Parking requirements shall be the same as hotel/motel as specified in
 9447 Article 18.

9448 *19.4.15 Day care facility.* (Allowed as a permitted use in CUP, O-I, MIX, C-1 & C-2
 9449 Districts)

9450 A. *Required Districts:* R-6, TR, A, and A-L. May be allowed in single family
 9451 districts and AG-1 in conjunction with an institutional use such as a church,
 9452 temple, place of worship, school or a hospital.

- 9453 B. *Standards:*
- 9454 1. Facility shall be for seven or more persons, excluding staff.
- 9455 2. Provide minimum landscape strips, buffers and improvement setbacks as
- 9456 specified for the O-I district in section 4.23.1.
- 9457 3. Provide a minimum six-foot high opaque fence interior to any required
- 9458 landscape strips and/or buffers around the periphery of the yard used for
- 9459 the play area.
- 9460 4. Play areas shall be located within the rear or side yards.
- 9461 5. The hours of operation shall be limited to Monday through Friday from 6:00
- 9462 a.m. to 7:00 p.m.
- 9463 6. No parking allowed in the minimum front yard setback.
- 9464 7. Driveway design shall permit vehicles to exit the property in a forward
- 9465 direction.
- 9466 8. In accordance with article 28.4.6, submit a noise study report as required.
- 9467 9. Facilities must be served by public sewer when gravity flow sewer is
- 9468 available within 1,000 feet of the property.
- 9469 10. Provide per the following chart a minimum distance separation between
- 9470 the nearest property line of the proposed day care and the nearest property
- 9471 line of a day care with frontage on the same road(s) as the proposed
- 9472 facility.

<i>Road Functional Class*</i>	<i>Distance Between Uses</i>
Urban Principal Arterial	None
Urban Minor Arterial	1,000 feet
Urban Collector Street	½ mile
Urban Local Street	½ mile

9473

9474 *Source: The Department of Transportation Division of Planning, Data, and Intermodel

9475 Development Office of Transportation Data in cooperation with U.S. Department of

9476 Transportation Federal Highway Administration as of 08/07/2007.

- 9477 *19.4.16 Open.*
- 9478 *19.4.17 Driving range.* (not associated with a golf course)

- 9479 A. *Required Districts:* AG-1, O-I, MIX, C-1, C-2, and M-1A
- 9480 B. *Standards:*
- 9481 1. Lot area shall be a minimum of ten acres.
- 9482 2. Permitted curb cut access shall be from a major collector or arterial.
- 9483 3. Loudspeakers/paging systems are prohibited adjacent to residential
9484 districts and/or AG-1 districts used for single family.
- 9485 4. The hours of operation shall be limited to 8:00 a.m. to 11:00 p.m. adjacent
9486 to residential districts and/or AG-1 districts used for single family.
- 9487 *19.4.17(1) Open.*
- 9488 *19.4.18 Equine garment fabrication.*
- 9489 A. *Required Districts:* AG-1
- 9490 B. *Standards:*
- 9491 1. Limited to the fabrication and wholesale distribution of blankets, saddles,
9492 halters, and other similar garments.
- 9493 2. All fabrication and storage associated with the permitted use shall occur
9494 entirely within a completely enclosed building.
- 9495 *19.4.19 Festivals or events, outdoor/indoor including but not limited to horse shows,*
9496 *carnivals, dog shows, arts and crafts shows, music festivals, etc.* Event is marketed to
9497 populations outside the local community. Organizer expects 250 attendees or more at
9498 any one time (or see administrative permit (Article 19.3.3. Event, Special
9499 Indoor/Outdoor) for special events local in nature and less than 250 attendees at any
9500 one time).
- 9501 A. *Required Districts:* AG-1, O-I, MIX, C-1, C-2, M-1A, M-1, and M-2
- 9502 B. *Standards:*
- 9503 1. Permitted curb cut access shall be from local streets.
- 9504 2. Eight-foot high 100 percent opaque fencing shall be provided adjacent to
9505 residential districts and/or AG-1 districts used for single family.
- 9506 3. Hours of operation shall be between 8:00 a.m. and 11:00 p.m. when
9507 adjacent to residential districts and/or AG-1 districts used for single family.
- 9508 4. Activity areas, including parking, shall be at least 100 feet from a
9509 residential district and/or AG-1 districts used for single family.
- 9510 5. A maximum continuous sound level of 60 dBA and a maximum peak sound
9511 level of 75 dBA shall not be exceeded at property lines of adjacent to land
9512 which is used for residential districts and/or AG-1 districts used for single
9513 family purposes.
- 9514 6. The festival or event shall be limited to a three-year period from the date of
9515 the City Council approval not to exceed a total of 180 consecutive days in a
9516 calendar year.

9517

9518 *19.4.20. Group residence. (Allowed as a permitted use in A, A-L, O-I, MIX, C-1 & C-*
9519 *2 districts)*

9520 A. *Required Districts:* R-6 and TR

9521 B. *Standards:*

- 9522 1. Facilities shall be for five persons or more.
- 9523 2. Permitted curb cut access shall not be allowed from a local street.
- 9524 3. The minimum landscape strips and buffers required for the O-I district as
9525 specified in section 4.23 shall be provided.
- 9526 4. Parking shall not be permitted within the minimum front yard.
- 9527 5. Facility shall comply with applicable local, state, and federal regulations
9528 and provide Department of Community Development with the applicable
9529 permit prior to the issuance of a certificate of occupancy.
- 9530 6. Facility shall not be located closer than a quarter mile to the nearest
9531 property line of another group residence.
- 9532 7. Facilities must be served by public sewer when gravity flow sewer is
9533 available within 1,000 feet of property.

9534 *19.4.20(1) Group residence for children (five to eight children).*

9535 A. *Required Districts:* AG-1, R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A,
9536 SUB-A, SUB-B, SUB-C, NUP, CUP

9537 B. *Standards:*

- 9538 1. Facility shall be for no more than eight children.
- 9539 2. Parking shall comply with the requirements of article 18 for dwellings.
- 9540 3. Copies of applicable local, state, and federal permits shall be provided to
9541 the Department of Community Development prior to the issuance of a
9542 certificate of occupancy.
- 9543 4. Facility shall not be located closer than a quarter mile to the nearest
9544 property line of another group residence. (Added 4-5-06)
- 9545 5. Facilities must be served by public sewer when available within 1,000 feet
9546 of a utilized gravity flow.

9547 *19.4.20(2) Group residence for children (nine to 15 children).*

9548 A. *Required Districts:* R-6 and TR

9549 B. *Standards:*

- 9550 1. Facility shall be for no more than 15 children.
- 9551 2. Parking shall comply with the requirements of article 18 for dwelling.

- 9552 3. Copies of applicable local, state, and federal permits shall be provided to
9553 the Department of Community Development prior to the issuance of a
9554 certificate of occupancy.
- 9555 4. Facility shall not be located closer than a quarter mile to the nearest
9556 property line of another group residence.
- 9557 5. Facilities must be served by public sewer when gravity flow sewer is
9558 available within 1,000 feet of property line.
- 9559 *19.4.21 Height—To exceed district maximum.*
- 9560 A. *Required Districts:* O-I, A, A-L, MIX, C-1, C-2, M-1, M-1A and M-2
- 9561 B. *Standards:*
- 9562 1. Submit a site plan along with the application which shall depict the open
9563 space and spatial arrangement of buildings and facilities.
- 9564 2. Sources of exterior illumination shall not be visible from adjoining
9565 residences.
- 9566 *19.4.22 Open.*
- 9567 *19.4.23 Open.*
- 9568 *19.4.24 Kennel or outside animal facilities.*
- 9569 A. *Required Districts:* C-2, M-1, and M-2 (*See article 19.3.19 for enclosed*
9570 *kennels*)
- 9571 B. *Standards:*
- 9572 1. Minimum one-acre lot size is required.
- 9573 2. Buildings and runs, sun areas, exercise yards, patios or facilities other than
9574 parking shall be located at least 100 feet from all property lines and 200 feet
9575 from any single family district and/or AG-1 district used for single family.
- 9576 *19.4.25 Landfill, inert waste disposal.*
- 9577 A. *Required Districts:* AG-1, M-1 and M-2
- 9578 B. *Standards:*
- 9579 1. No access shall be allowed from local streets.
- 9580 2. Access streets shall be paved and shall be able to withstand maximum
9581 load limits established by the State of Georgia as approved by the director
9582 of public works.
- 9583 3. No portion of a new landfill shall be located within a three mile radius of the
9584 property lines of an existing landfill.
- 9585 4. The waste disposal boundary of a landfill shall be located at least 500 feet
9586 from all property lines except adjacent to M-1 (Light Industrial) and M-2
9587 (Heavy Industrial) zoned districts.

- 9588 5. A minimum 200-foot buffer and ten-foot improvement setback shall be
9589 required along all property lines except public rights-of-way.
- 9590 6. A minimum 50-foot buffer and ten-foot improvement setback shall be
9591 required along all public rights-of-way.
- 9592 7. A minimum six-foot high solid fence or wall shall be located on property
9593 lines or interior to the required buffers and improvement setbacks.
- 9594 8. Limit hours of operation from 6:00 a.m. to 6:00 p.m., Monday through
9595 Saturday.
- 9596 9. The owner shall provide the director of the environment and community
9597 development department a current copy of all applicable permits from the
9598 Georgia Department of Natural Resources upon application for a land
9599 disturbance permit.
- 9600 10. Vehicles shall be allowed into a landfill site only if waste is covered to
9601 prevent blowing of material from the vehicle.
- 9602 11. In accordance with article 28.4.3.2, submit an environmental impact
9603 report as required.
- 9604 12. No portion of a new or expanded landfill shall be located within a one-mile
9605 radius of the property lines of residentially zoned or used property. An
9606 expanded landfill shall not include any expanded use within the parcel
9607 boundaries of an existing site or location.
- 9608 13. The landfill shall be operated in accordance with the Rules of Georgia,
9609 Department of Natural Resources, Environmental Protection Division,
9610 Chapter 391-3-4 Solid Waste Management, Official Code of Georgia
9611 Annotated 12-8-20 Georgia Comprehensive Solid Waste Management
9612 Plan, and 40 CFR Part 258 (Subtitle D of RCRA).
- 9613 *19.4.26 Landfill, solid waste disposal.*
- 9614 A. *Required Districts: M-2*
- 9615 B. *Standards:*
- 9616 1. No access shall be allowed from local streets.
- 9617 2. Access streets shall be paved and shall be able to withstand maximum
9618 load limits established by the State of Georgia as approved by the director
9619 of public works.
- 9620 3. No portion of a new landfill shall be located within a three-mile radius of the
9621 property lines of an existing landfill.
- 9622 4. The waste disposal boundary of a landfill shall be located at least 500 feet
9623 from all property lines except adjacent to M-1 (Light Industrial) and M-2
9624 (Heavy Industrial) zoned districts.
- 9625 5. A minimum 200-foot buffer and ten-foot improvement setback shall be
9626 required along all property lines except public rights-of-way.

- 9627 6. A minimum 50-foot buffer and ten-foot improvement setback shall be
9628 required along all public rights-of-way.
- 9629 7. A minimum six-foot high solid fence or wall shall be located on property
9630 lines or interior to the required buffers and improvement setbacks.
- 9631 8. Limit hours of operation from 6:00 a.m. to 6:00 p.m., Monday through
9632 Saturday.
- 9633 9. The owner shall provide the director of the environment and community
9634 development department a current copy of all applicable permits from the
9635 Georgia Department of Natural Resource upon application for a land
9636 disturbance permit.
- 9637 10. Vehicles shall be allowed into a landfill site only if waste is covered to
9638 prevent blowing of material from the vehicle.
- 9639 11. In accordance with article 28.4.3.2, submit an environmental impact
9640 report as required.
- 9641 12. No portion of a new or expanded landfill shall be located within a one-mile
9642 radius of the property lines of a residentially zoned or used property. An
9643 expanded landfill shall not include any expanded use within the parcel
9644 boundaries of an existing site or location.
- 9645 13. The landfill shall be sited and operated in accordance with the Rules of
9646 Georgia, Department of Natural Resources, Environmental Protection
9647 Division, Chapter 391-3-4 Solid Waste Management, Official Code of
9648 Georgia Annotated 12-8-20 Georgia Comprehensive Solid Waste
9649 Management Plan, and 40 CFR Part 258 (Subtitle D of RCRA).

9650 *19.4.27 Landscaping business, plant nursery, or garden center with indoor retail*
9651 *component. (Added 04/03/02)*

9652 A. *Required Districts:* AG-1 (Agricultural)

9653 B. *Standards:*

- 9654 1. No access shall be allowed from local streets.
- 9655 2. No parking is permitted in the minimum front yard.
- 9656 3. All use areas/structures other than parking and pedestrian walkways shall
9657 be located at least 50 feet from any adjoining residential district or AG-1
9658 (Agricultural) district.
- 9659 4. Limit hours of operation from 6:00 a.m. to 8:00 p.m.
- 9660 5. The minimum buffers and landscape strips required for the O-I (Office-
9661 Institutional) zoning district as specified in section 4.23 shall be required.
- 9662 6. Structure(s) for retail sales shall be limited to 1,000 total gross square feet.

9663 *19.4.28 Lodge, retreat and/or campground facilities to include lodging and food*
9664 *service for social, educational and/or recreational purposes.*

9665 A. *Required Districts:* AG-1, M-1A, M-1 and M-2

- 9666 B. *Standards:*
- 9667 1. Minimum lot size shall be ten acres.
- 9668 2. Permitted curb cut access shall not be derived from a local street.
- 9669 3. A minimum 100-foot wide buffer and ten-foot improvement setback are
9670 required adjacent to residential districts, AG-1 districts used for single family
9671 and adjoining a public street.
- 9672 4. A minimum 50-foot wide buffer and ten-foot improvement district are
9673 required adjacent to all other non-residential districts.
- 9674 5. Length of the stay for all but permanent staff shall not exceed 30
9675 consecutive days.
- 9676 6. Sanitary facilities or trash receptacles shall be located a minimum of 200
9677 feet from any residential district and/or AG-1 district when used for single
9678 family.
- 9679 7. A maximum continuous sound level of 60 dBA and a maximum peak sound
9680 level of 75 dBA shall not be exceeded at property lines of adjacent
9681 residential districts and/or AG-1 districts used for single family.
- 9682 8. Recreational facilities associated with the use shall be for staff and guests
9683 only.
- 9684 9. One parking space per lodging unit or five per 1,000 square feet of floor
9685 area, whichever is greater.
- 9686 10. Facilities must be served by public sewer when available within 1,000 feet
9687 of a utilized gravity flow.
- 9688 11. Provide per the following chart a minimum distance separation between
9689 the nearest property line of the proposed lodge, retreat or campground and
9690 the nearest property line of a lodge, retreat or campground with frontage on
9691 the same road(s) as the proposed facility.

<i>Road Functional Class*</i>	<i>Distance Between Uses</i>
Urban Principal Arterial	None
Urban Minor Arterial	1,000 feet
Urban Collector Street	½ mile
Urban Local Street	½ mile

9692

9693 *Source: The Department of Transportation Division of Planning, Data, and Intermodel
 9694 Development Office of Transportation Data in cooperation with U.S. Department of
 9695 Transportation Federal Highway Administration as of 08/07/2007.

9696 19.4.28(1) *Medical related lodging.* (Added 12/4/91)(Allowed as a permitted use in A
 9697 and A-L)

9698 A. *Required Districts:* R-6 and TR

9699 B. *Standards:*

- 9700 1. Total number of bedrooms or units shall not exceed 20, including staff
 9701 facilities.
- 9702 2. Rooms or suites of rooms may be designed with separate kitchen facilities.
- 9703 3. Lodging Facility shall be located within one mile of a hospital or inpatient
 9704 clinic.
- 9705 4. Facilities locating in a TR district must have frontage on streets with
 9706 classifications higher than local streets.
- 9707 5. If located adjacent to a single family district and/or an AG-1 district used for
 9708 single family, the minimum buffers and landscape strips required for the O-I
 9709 district as specified in section 4.23 shall be required.
- 9710 6. Off-street parking requirements shall be one per living unit plus one per
 9711 nonresident employee. Parking is not allowed in the front yard setback.
- 9712 7. Signs shall not exceed four square feet in area and four feet in height.
- 9713 8. Facilities must be served by public sewer when available within 1,000 feet
 9714 of a utilized gravity flow.
- 9715 9. Provide per the following chart a minimum distance separation between
 9716 the nearest property line of the proposed medical related housing and the
 9717 nearest property line of medical related housing with frontage on the same
 9718 road(s) as the proposed facility.

<i>Road Functional Class*</i>	<i>Distance Between Uses</i>
Urban Principal Arterial	None
Urban Minor Arterial	1,000 feet
Urban Collector Street	½ mile
Urban Local Street	½ mile

9719

9720 *Source: The Department of Transportation Division of Planning, Data, and Intermodel
 9721 Development Office of Transportation Data in cooperation with U.S. Department of
 9722 Transportation Federal Highway Administration as of 08/07/2007.

9723 19.4.29 Open.

9724 19.4.30 Open.

9725 19.4.31 Mobile home—Accessory dwelling.

9726 A. Required Districts: AG-1

9727 B. Standards:

9728 1. The mobile home shall be limited to a three-year period from the date of
 9729 the City Council' approval, after which the mobile home shall be removed
 9730 unless an additional use permit has been granted. (Amended 3/4/92)

9731 2. The mobile home shall be located in the rear yard of an existing residential
 9732 structure in conformance with the yard standards for the location of
 9733 accessory buildings.

9734 3. The mobile home shall be for the exclusive use of and occupancy by a
 9735 member of the family or a near relative of the occupant of the existing
 9736 structure, including father, mother, sister, brother, daughter-in-law, son-in-
 9737 law, child, ward or guardian.

9738 19.4.31(1) Nightclub/private club.

9739 A. Required Districts: C-1, C-2 and MIX

9740 B. Standards:

9741 1. Permitted curb cut access shall be derived only from arterial streets.

9742 2. The hours of operation shall be limited to the following hours:

Monday through Saturday	11:00 a.m. until 2:30 a.m. the next day
Sunday	12:30 p.m. until midnight

9743

9744 If adjacent to a residentially zoned or used district the hours of operation
 9745 including the parking lot area shall be:

Monday through Thursday	11:00 a.m. until 12:30 a.m. the next day
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Friday and Saturday	11:00 a.m. until 1:30 a.m. the next day
Sunday	12:30 p.m. until midnight

9746

- 9747 3. All facilities must close and clear their premises, including all exterior and
9748 parking lot areas, of patrons within 30 minutes after the set ending time for
9749 alcohol sales.
- 9750 4. All music and entertainment activities associated with the use shall occur
9751 entirely within a completely enclosed soundproof structure.
- 9752 5. A sound level of 65 dBA shall not be exceeded at the property line of any
9753 adjacent residential zoning or use.
- 9754 6. Outdoor gathering areas for patrons other than parking shall be limited to 15%
9755 of the gross floor area of the venue. No outdoor gathering area for patrons use
9756 other than parking shall be permitted if the property is adjacent to a residential
9757 zoning or use.
- 9758 7. Alcoholic and non-alcoholic beverages shall not be "for sale" outside the
9759 interior (heated and/or cooled) areas of the nightclub/private club.
- 9760 8. Entertainment, DJ booths, outdoor loudspeakers and dancing are prohibited in
9761 all outdoor areas.
- 9762 9. All parking for the venue shall be provided onsite and meet the minimum
9763 standard of 10 parking spaces per 1,000 gross square feet of building area.
- 9764 10. Shared and/or offsite parking are prohibited.
- 9765 11. Parking shall be setback a minimum of 50 feet from a property line adjacent to
9766 a residential zoning or use.
- 9767 12. Facilities must be served by public sewer when gravity flow sewer is available
9768 within 1,000 feet of the property.
- 9769 13. Provide a minimum distance separation of 600 feet as measured from each
9770 property line of a daycare use.
- 9771 14. Provide per the following chart a minimum distance separation as measured
9772 from each property line of a nightclub/private club.

Road Functional Class *	Distance Between Uses
Urban Principal Arterial	500 ft.

Urban Minor Arterial	1,000 ft.
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9773

9774 * Source: The Department of Transportation Division of Planning, Data, and
 9775 Intermodal Development Office of Transportation Data in cooperation with U.S.
 9776 Department of Transportation Federal Highway Administration as of Aug. 7, 2007.

9777 *19.4.32 Quarries and/or surface mining sites.*

9778 A. *Required Districts:* AG-1, M-2

9779 B. *Standards:*

- 9780 1. No portion of a new or expanded quarry shall be located within a 1.5 mile
 9781 radius of the property lines of a residentially zoned or used property. An
 9782 expanded quarry shall not include any expanded use within the parcel
 9783 boundaries of an existing site or location.
- 9784 2. No portion of a new or expanded surface mining site shall be located within
 9785 a 500-foot radius of the property lines of a residentially zoned or used
 9786 property. An expanded surface mining site shall not include any expanded
 9787 use within the parcel boundaries of an existing site or location.
- 9788 3. All activities of a quarry and/or surface mining shall be in compliance with
 9789 the Georgia Blasting Standards Act of 1978, the 1968 Georgia Surface
 9790 Mining Act and the U.S. Bureau of Mines RI 8507.

9791 *19.4.33 Personal care home/assisted living.* (Allowed as a permitted use in O-I, A,
 9792 A-L, MIX, C-1 and C-2)

9793 A. *Required Districts:* R-6 and TR

9794 B. *Standards:*

- 9795 1. Facilities shall be for five persons or more.
- 9796 2. Permitted curb cut access shall be from an arterial or a major collector.
 9797 Permitted curb cut access may be allowed from a minor collector if within
 9798 1,000 feet of the property line of an institutional use.
- 9799 3. Provide a 50-foot building setback from single family districts and/or AG-1
 9800 districts when used for single family.
- 9801 4. No parking allowed in the minimum front yard setback.
- 9802 5. The minimum parking spaces provided shall be in conformance with health
 9803 care facilities per article 18.2.1.
- 9804 6. Provide landscape strips and buffers as required in the O-I district as
 9805 specified in article 4.23.
- 9806 7. Rooms or suites of rooms may be designed with separate kitchen facilities.

- 9807 8. Facility shall comply with all applicable local, state, and federal regulations,
 9808 and provide applicable permits to the Department of Community
 9809 Development prior to the issuance of a certificate of occupancy.
- 9810 9. In accordance with article 28.4.6, submit a noise study report as required.
- 9811 10. Facilities must be served by public sewer when gravity flow sewer is
 9812 available within 1,000 feet of the property.
- 9813 11. Provide per the following chart a minimum distance separation between
 9814 the nearest property line of the proposed personal care home/assisted
 9815 living facility and the nearest property line of an existing personal care
 9816 home/assisted living facility with frontage on the same road(s) as the
 9817 proposed facility.

<i>Road Functional Class*</i>	<i>Distance Between Uses</i>
Urban Principal Arterial	None
Urban Minor Arterial	1,000 feet
Urban Collector Street	½ mile
Urban Local Street	½ mile

9818

9819 *Source: The Department of Transportation Division of Planning, Data, and Intermodel
 9820 Development Office of Transportation Data in cooperation with U.S. Department of
 9821 Transportation Federal Highway Administration as of 08/07/2007.

9822 *19.4.34 Private correctional facility/prison.*

9823 A. *Required Districts:* M-1, M-2

9824 B. *Standards:*

9825 1. Minimum lot size: 100 acres

9826 2. All boundary lines of the property included within the use permit must be
 9827 located at least 500 feet from the properties listed below:

9828 a. The property line of Suburban A, Suburban B, Suburban C, R-1, R-2,
 9829 R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, R-6, NUP, CUP, TR, A, A-L,
 9830 AG-1 zoned property or property conditioned or used for residential
 9831 purposes.

9832 b. The property line of any public recreational facilities, public or private
 9833 institutional uses, including but not limited to churches, schools,

- 9834 universities, colleges, trade-schools, libraries, day care centers and
9835 other training facilities when minors are the primary patrons.
- 9836 3. All boundary lines of the property included within the use permit must be
9837 located at least ten miles from all property lines of any other correctional
9838 facility.
- 9839 4. Submit, with the application for a use permit, a certified boundary survey of
9840 the site and the use of adjoining properties. If any of the uses or zoning
9841 districts referenced in B.2.a. and b. are located within 500 feet of the
9842 boundary lines of the subject property, and/or a correctional facility is
9843 located within ten miles of the boundary line of the subject property, they
9844 must be identified by map as part of the use permit application.
- 9845 5. A minimum 200-foot wide buffer and ten-foot improvement setback shall be
9846 provided adjacent to any property zoned other than M-1 and M-2 and from
9847 any property used for residential purposes.
- 9848 6. A minimum 100-foot wide buffer and ten-foot improvement setback shall be
9849 provided adjacent to property zoned M-1 and/or M-2.
- 9850 7. Permitted curb cut access shall be from a major thoroughfare.
- 9851 8. Parking spaces shall be in accordance with article 18, Hospitals.
- 9852 9. Fencing shall be in accordance with American Correction Institute
9853 standards and located interior to required buffers and improvement
9854 setbacks.
- 9855 10. Lighting shall be in accordance with American Correction Institute
9856 standards and the lighting standards set forth in this zoning resolution. The
9857 more restrictive standards shall apply.
- 9858 11. Facility shall comply with all applicable local, state, and federal
9859 regulations and applicable permits shall be provided to the environment and
9860 community development department prior to the issuance of a certificate of
9861 occupancy.
- 9862 12. Facilities must be served by public sewer when gravity flow sewer is
9863 available within 1,000 feet of the property.
- 9864 *19.4.35 Race track.*
- 9865 A. *Required Districts:* AG-1, M-1 and M-2
- 9866 B. *Standards:*
- 9867 1. A minimum of ten acres is required.
- 9868 2. The race track and spectator stands for animal tracks shall be located a
9869 minimum of 500 feet from residential districts and/or AG-1 districts used for
9870 single family, and 2,000 feet from such districts for vehicular tracks.
- 9871 3. Permitted curb cut access shall not be from a local street.

- 9872 4. A minimum 75-foot buffer and ten-foot improvement setback shall be
 9873 provided adjacent to residential districts and/or AG-1 districts used for
 9874 single family.
- 9875 5. A minimum 50-foot buffer and ten-foot improvement setback shall be
 9876 provided adjacent to all other property lines.
- 9877 6. Provide an eight-foot high fence interior to the required buffer/improvement
 9878 setback and landscape strips.
- 9879 7. A maximum continuous sound level of 60 dBA and a maximum peak sound
 9880 level of 75 dBA shall not be exceeded at property lines of adjacent
 9881 residential districts and/or AG-1 districts used for single family.
- 9882 8. Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m. when
 9883 adjacent to residential districts and/or AG-1 districts used for single family.
- 9884 9. In accordance with section 28.4.3.2, submit an environmental impact report
 9885 as required.
- 9886 10. Facilities must be served by public sewer when gravity flow sewer is
 9887 available within 1,000 feet of the property.

9888 *19.4.36 Recreational fields including but not limited to soccer, softball, baseball,*
 9889 *polo, football, cricket, etc.*

9890 A. *Required Districts: All*

9891 B. *Standards:*

- 9892 1. Permitted curb cut access shall not be from a local street.
- 9893 2. A minimum 50-foot buffer and ten-foot improvement setback shall be
 9894 provided adjacent to residential districts and/or AG-1 districts used for
 9895 single family.
- 9896 3. Loudspeakers/paging systems are prohibited adjacent to residentially used
 9897 property.
- 9898 4. The hours of operation shall be limited to daylight hours when said facility
 9899 is located adjacent to residential districts and/or AG-1 districts used for
 9900 single family.

9901 *19.4.37 Recycling center, reprocessing.*

9902 A. *Required Districts: C-2 and M-1A*

9903 B. *Standards:*

- 9904 1. Limit hours of operation from 7:00 a.m. to 8:00 p.m., Monday through
 9905 Saturday.
- 9906 2. No portion of a new recycling facility shall be located within a three-mile
 9907 radius of the property lines of an existing recycling facility.
- 9908 3. A minimum 200-foot buffer and ten-foot improvement setback shall be
 9909 required along all property lines except public rights-of-way.

- 9910 4. A minimum 50-foot buffer and ten-foot improvement setback shall be
9911 required along all public rights-of-way.
- 9912 5. All recyclable materials shall be stored in containers with no stockpiling
9913 outside the containers.
- 9914 6. Collection, storage containers, or receptacles shall not be allowed in
9915 minimum yards. Storage shall be screened with a six-foot high, solid wall or
9916 fence, including access gates.
- 9917 7. The processing of recyclable materials must be done within an enclosed
9918 building.
- 9919 8. Driveways shall be designed so vehicles will exit the facility in a forward
9920 direction.
- 9921 9. A maximum continuous sound level of 65 dBA and a maximum peak sound
9922 level of 75 dBA shall not be exceeded at property lines of adjacent
9923 residential districts and/or AG-1 districts used for single family.
- 9924 10. The recycling center shall comply with regulations administered by the
9925 South Fulton Department of Health.
- 9926 11. In accordance with article 28.4.3.2, submit an environmental impact
9927 report as required.

9928

9929 *19.4.38 Open.*

9930 *19.4.39 Salvage, storage, and/or junk facility.*

9931 A. *Required Districts:* M-1 and M-2

9932 B. *Standards:*

- 9933 1. No portion of a new salvage, storage, and/or junk facility shall be located
9934 within a three-mile radius of the property lines of an existing salvage,
9935 storage, and/or junk facility.
- 9936 2. A minimum 200-foot buffer and ten-foot improvement setback shall be
9937 required along all property lines except public rights-of-way.
- 9938 3. A minimum 50-foot buffer and ten-foot improvement setback shall be
9939 required along all public rights-of-way.
- 9940 4. All facilities shall be screened from view from adjacent properties and
9941 roadways with a minimum six-foot high, solid fence or wall, as approved by
9942 the environment and community development department, except for
9943 approved access crossings and utility easements. Said fence or wall shall
9944 be located interior to any required buffer or landscape strip.
- 9945 5. Vehicles and other materials shall not be stacked so that they are visible
9946 from any adjacent properties.

9947 6. In accordance with article 28.4.3.2., submit an environmental impact report
9948 as required.

9949 *19.4.40 School, private or special.*

9950 A. *Required Districts: All*

9951 B. *Standards:*

- 9952 1. Minimum lot area shall be one acre.
- 9953 2. If located adjacent to a single family dwelling district and/or AG-1 district
9954 used for single family, the minimum landscape strips, buffers, and
9955 improvement setbacks required for the O-1 district as specified in section
9956 4.23 shall be required.
- 9957 3. Buildings, and refuse areas shall not be located within 100 feet of a
9958 residential district and/or AG-1 district used for single family.
- 9959 4. Active outdoor recreation areas shall not be located within 100 feet of an
9960 adjoining residential district or use. Recreational fields, such as playing
9961 fields, that are accessory to the school do not require a separate use
9962 permit.
- 9963 5. Day care facilities in association with the school do not require a separate
9964 use permit.
- 9965 6. Parking areas shall not be located within 50 feet of any residential district
9966 and/or AG-1 district used for single family.
- 9967 7. Student drop-off and vehicular turn-around facilities shall be provided on
9968 the site so that vehicles may re-enter the public street in a forward manner.
- 9969 8. Permitted curb cut access shall not be from a local street.
- 9970 9. In accordance with article 28.4.6, submit a noise study report as required.
- 9971 10. Facilities must be served by public sewer when available within 1,000 feet
9972 of a utilized gravity flow.
- 9973 11. Provide per the following chart a minimum distance separation between
9974 the nearest property line of the proposed private or special school facility
9975 and the nearest property line of an existing private of special school facility
9976 with frontage on the same road(s) as the proposed facility.

<i>Road Functional Class*</i>	<i>Distance Between Uses</i>
Urban Principal Arterial	None
Urban Minor Arterial	1,000 feet
Urban Collector Street	½ mile

Urban Local Street	½ mile
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9977

9978 *Source: The Department of Transportation Division of Planning, Data, and Intermodel
 9979 Development Office of Transportation Data in cooperation with U.S. Department of
 9980 Transportation Federal Highway Administration as of 08/07/2007.

9981 12. Provide a 600-foot distance separation measured by the most direct route
 9982 of travel on the ground between the property line of a school and any
 9983 business that is licensed for the sale or consumption of liquor, wine and
 9984 malt beverages; a 300-foot distance separation from those businesses that
 9985 are licensed for consumption or wholesale/retail sales of wine and malt
 9986 beverages only.

9987 *19.4.41 Self storage/mini.*

9988 A. *Required Districts: C-1 and C-2*

9989 B. *Standards:*

9990 1. At least 75 percent of the total on-site storage space shall be contained in
 9991 individual enclosed stalls containing no more than 500 square feet each
 9992 and being no more than ten feet high.

9993 2. No activities other than the dead storage or transfer of nonvolatile goods or
 9994 leasing of storage space are permitted. Prohibited uses include but are not
 9995 limited to miscellaneous sales; fabrication or repair of vehicles, equipment
 9996 or other goods; transfer-storage business based on site; residential uses
 9997 (other than the resident manager's apartment), or any use which creates a
 9998 nuisance due to noise, odor, dust, light or electrical interference.

9999 3. An on-site manager or resident manager shall be required and shall be
 10000 responsible for the operation of the facility in conformance with conditions of
 10001 approval. A resident manager's apartment is included in the use permit.

10002 4. Provide a minimum six-foot high, 100 percent opaque solid wooden fence
 10003 or masonry wall along the entire length (except for approved access
 10004 crossings) of all property lines. Said fence/wall shall to be located outside of
 10005 any public right-of-way and interior to any required landscape strips or
 10006 buffers.

10007 5. A new or expanded self storage facility shall be located a minimum of
 10008 1,500 feet from the boundary of any other self storage facility (mini or multi).

10009 *19.4.41(1) Self storage/multi.*

10010 A. *Required Districts: MIX, C-1, and C-2*

10011 B. *Standards:*

10012 1. No outside storage shall be allowed, including vehicle leasing.

- 10013 2. All buildings shall have windows or architectural treatments that appear as
10014 windows.
- 10015 3. No activities other than the dead storage or transfer of nonvolatile goods or
10016 leasing of storage space are permitted. Prohibited uses include but are not
10017 limited to miscellaneous sales; fabrication or repair of vehicles, equipment
10018 or other goods; transfer-storage business based on site; residential uses
10019 (other than the resident manager's apartment), or any use which creates a
10020 nuisance due to noise, odor, dust, light or electrical interference.
- 10021 4. Permitted curb cut access shall not be from a local street.
- 10022 5. A new or expanded self storage facility shall be located a minimum of
10023 1,500 feet from the boundary of any other self storage facility (mini or multi).
- 10024 *19.4.41(2) Reserved.*
- 10025 *19.4.42 Skywalks.*
- 10026 A. *Required Districts:* AG-1, O-I, MIX, C-1, C-2, M-1A, M-1, M-2
- 10027 B. *Standards:*
- 10028 1. A minimum vertical clearance of 16 feet above all streets, and a minimum
10029 vertical clearance of 16 feet above the walkway shall be provided.
- 10030 2. Ample space for the free flow of pedestrians with a 12-foot minimum
10031 walkway width shall be provided.
- 10032 3. Prior to issuance of a building permit, a bridge agreement shall be filed
10033 with the environment and community development department as a
10034 condition of approval. The environment and community development
10035 department shall be responsible for the interpretation and application of the
10036 conditions set forth above and no building permit shall be issued by the
10037 environment and community development department except upon written
10038 approval of the department of public works.
- 10039 *19.4.42(1) Stadium (offsite) associated with a private school.*
- 10040 A. *Required Districts:* All
- 10041 B. *Standards:*
- 10042 1. Vehicular access is prohibited from a local street.
- 10043 2. A minimum 200-foot buffer and ten-foot improvement setback shall be
10044 provided along all property lines adjacent to residential and AG-1 zoned
10045 properties.
- 10046 3. The hours of operation shall be limited to 8:00 a.m. to 11:00 p.m. adjacent
10047 to residential and AG-1 zoned properties.
- 10048 4. A 100-foot setback along any public right-of-way is required for all
10049 structures and activities.
- 10050 5. The height limit of the zoning district shall apply to all structures unless a
10051 use permit to exceed district maximum height is approved.

- 10052 **19.4.43 Transfer station, solid waste.**
- 10053 **A. Required District: M-2**
- 10054 **B. Standards:**
- 10055 1. No access shall be allowed from local streets.
 - 10056 2. Access streets shall be paved and shall be able to withstand maximum
10057 load limits established by the State of Georgia as approved by the director
10058 of public works.
 - 10059 3. No portion of a new transfer station shall be located within a three-mile
10060 radius of the property lines of an existing transfer station.
 - 10061 4. A minimum 200-foot buffer and ten-foot improvement setback shall be
10062 required along all property lines except public rights-of-way.
 - 10063 5. A minimum 50-foot buffer and ten-foot improvement setback shall be
10064 required along all public rights-of-way.
 - 10065 6. A minimum six-foot high solid fence or wall shall be located on property
10066 lines or interior to the required buffers and improvement setbacks.
 - 10067 7. Limit hours of operation from 6:00 a.m. to 6:00 p.m., Monday through
10068 Saturday.
 - 10069 8. The owner shall provide the director of the environment and community
10070 development department a current copy of all applicable permits from the
10071 State of Georgia upon application for a land disturbance permit.
 - 10072 9. In accordance with article 28.4.3.2, submit an environmental impact report
10073 as required.
 - 10074 10. No portion of a new or expanded solid waste transfer station shall be
10075 located within a one-mile radius of the property lines of a residentially zoned
10076 or used property. An expanded solid waste transfer station shall not include
10077 any expanded use within the parcel boundaries of an existing site or
10078 location.
 - 10079 11. Transfer stations shall be sited and operated in accordance with State
10080 Regulations 3891-3-4.06 Permit by Rule for Collection, Transportation,
10081 Processing, and Disposal, Official Code of Georgia Annotated 12-8-20
10082 Georgia Comprehensive Solid Waste Management Act, South Fulton Solid
10083 Waste Management Plan, and Waste Transfer Stations: A Manual for
10084 Decision-Making (EPA 530-R-02-002, June 2002).

10085 **19.4.44 Open.**

10086 **ARTICLE XXI. - BUILDING SETBACK LINE**

10087 **ARTICLE XXII. - APPEALS**

10088 **22.1 - Purpose.**

10089 The purpose of this article is to establish procedures for appealing the strict
10090 application of regulations contained herein and conditions of zoning when those
10091 regulations impose a hardship on the development of the property, and to provide for
10092 interpretation of the text of this resolution and the official zoning map. Appeals are
10093 authorized herein to be considered by various bodies and individuals depending on the
10094 type of appeal and its relationship to applications for use permits or rezonings.
10095 Variances apply to the development standards and district standards per the zoning
10096 resolution. Modifications apply to the approved conditions of zoning or use permit.

10097 **22.2 - Decision making authority.**

10098 The following are the powers and jurisdiction of the various decision makers and
10099 administrative bodies.

10100 *22.2.1 City Council (BOC)* shall have the following powers and duties under the
10101 provisions of this zoning resolution:

- 10102 A. To hear and decide applications for rezonings, use permits, and modifications
10103 pursuant to article 22 and article 28;
- 10104 B. To hear and decide applications for concurrent variances in conjunction with
10105 applications for rezonings, use permits, and/or zoning modifications pursuant to
10106 article 22 and article 28; and
- 10107 C. To initiate a modification of approved zoning conditions.

10108 *22.2.2 Zoning Board of Appeals (BZA)* shall have the following powers and duties
10109 under the provisions of this zoning resolution:

- 10110 A. To hear and decide applications for primary variance requests;
- 10111 B. To hear and decide appeals from the interpretation of any of the provisions of
10112 this resolution by the Director of Community Development in accordance with
10113 section 22.2.3.H.;
- 10114 C. To hear and decide appeals when it is alleged that there is an error in any
10115 order, requirement, decision, or determination made by any South Fulton official
10116 in the enforcement of this zoning resolution; and
- 10117 D. To hear and decide appeals from a permitting or procedural decision of the
10118 department director or deputy director regarding minor or administrative
10119 variance requests.

10120 *22.2.3 Director of Community Development (E&CD)*, shall have the following
10121 jurisdiction, power and duties under the provisions of this zoning resolution:

- 10122 A. To determine the type of appeal application or land use process the property
10123 owner/agent is required to apply for;
- 10124 B. To consider and decide on minor variances to minimum yard requirements, not
10125 to exceed ten percent of such requirement, as long as property owners with
10126 standing do not object;

- 10127 C. To consider and decide on administrative minor variances of no more than one
10128 foot;
- 10129 D. To consider and decide on administrative variances;
- 10130 E. To consider and decide on administrative modifications to conditions of zoning;
- 10131 F. To interpret the provisions of the zoning resolution related to the following:
- 10132 1. Inconsistent, vague or obscure language;
- 10133 2. Provisions which are in conflict or are confusing; and
- 10134 3. Conflicting or redundant procedural requirements; and.
- 10135 G. To establish procedural requirements for review of appeal applications.

10136 *22.2.4 Limitation on authority.* The authority and jurisdiction of boards and
10137 individuals as provided herein shall be limited as outlined in the following. In exercising
10138 this jurisdiction, each hearing board or individual shall have authority to determine
10139 whether it has jurisdiction.

- 10140 A. There shall be no variances to permitted uses or accessory uses as specified
10141 in the zoning district regulations, administrative/use permit or zoning conditions.
- 10142 B. There shall be no variances to the minimum lot area nor the minimum district
10143 size required in each zoning district.
- 10144 C. There shall be no variances to the minimum lot frontage on a street as
10145 required in designated zoning districts of the zoning resolution.
- 10146 D. There shall be no modification to increase the density or change the use
10147 approved under the rezoning case except to allow for the development of a
10148 conservation subdivision.
- 10149 E. There shall be no modification to revise a site plan that, as determined by the
10150 Director of Community Development (E&CD) results in a significant change in
10151 the approved concept. Such a site plan revision shall require rezoning pursuant
10152 to article 28.
- 10153 F. There shall be no relief or variance from the standards of article 22 or article
10154 28.

10155 **22.3 - Variances.**

10156 A variance is a request for relief from the provisions of the zoning resolution. There
10157 are six types of variance applications. The type of variance necessary shall be
10158 determined by the Director of Community Development. The different types of appeals
10159 are listed below and described in the following sections:

- 10160 1. Administrative variance.
- 10161 2. Minor variance/administrative minor variance.
- 10162 3. Primary variance.
- 10163 4. Secondary variance.

10164 5. Interpretation.

10165 6. Concurrent variance.

10166 22.3.1 *Variance considerations.* Variances may be considered in all districts except
10167 CUP. Primary variances and concurrent variances shall only be granted upon showing
10168 that: (Amended 12-1-99)

10169 A. Relief, if granted, would be in harmony with, or, could be made to be in
10170 harmony with, the general purpose and intent of the zoning resolution; or,

10171 B. The application of the particular provision of the zoning resolution to a
10172 particular piece of property, due to extraordinary and exceptional conditions
10173 pertaining to that property because of its size, shape, or topography, would
10174 create an unnecessary hardship for the owner while causing no detriment to the
10175 public; or,

10176 C. Conditions resulting from existing foliage or structures bring about a hardship
10177 whereby a sign meeting minimum letter size, square footage and height
10178 requirements can not be read from an adjoining public road.

10179 22.4 - Administrative variance.

10180 The Director of Community Development is authorized by this resolution to consider
10181 an administrative variance whenever a property owner maintains that a provision
10182 contained in Article 34, Development Regulations, as applied to a specific situation, is
10183 not in the best interest of the public health, safety and welfare; whenever there is a
10184 request for the alteration of the ten-foot improvement setback required along all buffers
10185 as required in the conditions of zoning and/or in 4.23.1 Minimum Landscape Strips and
10186 Buffers; whenever there is a request up to a ten percent reduction in the number of
10187 required parking spaces per 18.2.4, Administrative Reduction of Spaces Constructed;
10188 and where the director of environment and community development is given
10189 administrative authority to approve changes as specified in Article 12, Overlay Districts.

10190

10191 22.5 - Administrative minor variance.

10192 The director of the environment and community development may grant an
10193 administrative minor variance up to one foot from any minimum yard requirement.

10194 22.6 - Minor variance.

10195 The director of the environment and community development may grant minor
10196 variances to minimum yard requirements, not to exceed ten percent of such
10197 requirement, as long as property owners with standing do not object.

10198 22.7 - Primary variance.

10199 A request for a variance from any zoning resolution provision that is not being
10200 handled as a minor, administrative minor or concurrent variance and shall be heard and
10201 decided by the Zoning Board of Appeals in accordance with section 22.3.1.

10202 22.8 - Secondary variance/interpretation.

10203 The Zoning Board of Appeals shall consider appeals of variance decisions and
10204 interpretations made by any department director or deputy department director
10205 authorized to grant a variance request or interpretation. This type of appeal is
10206 considered a secondary variance.

10207 22.9 - Concurrent variances.

10208 The City Council may consider a concurrent variance from any standards of the
10209 Zoning Resolution which shall be filed simultaneously with rezoning, use permit or
10210 zoning modification requests on the same property based on the conceptual plan
10211 submitted with the petition for the same agenda. The Planning Commission shall also
10212 hear and make recommendations on concurrent variances filed with rezonings or use
10213 permit applications. The City Council shall consider such concurrent variance requests
10214 in accordance with the standards set forth in Section 22.3.1. Public notification shall be
10215 in accordance with Sections 22.13.9 and 28.3.

10216 22.9.1 *Limitations on concurrent variances.*

10217 A. The City Council may only consider variance requests as part of, or in
10218 conjunction with, a rezoning, use permit or modification application.

10219
10220 B. If an application for a variance to the Zoning Board of Appeals duplicates a
10221 concurrent variance request denied by the City Council, such an application
10222 shall not be accepted by the Director of Community Development prior to the
10223 expiration of six months from the date of the City Council' denial of the variance
10224 request. A variance request to the Zoning Board of Appeals cannot be
10225 considered simultaneously with the same variance request pending before the
10226 City Council.

10227 22.9.2 *Application for concurrent variances.* Applications for a concurrent variance
10228 shall be submitted to the Director of Community Development in accordance with the
10229 advertised filing deadlines for the City Council meetings. A regular variance fee shall be
10230 charged and the application shall comply with all advertising and notification
10231 requirements specified in article 28, Rezoning And Other Amendment Procedures. One
10232 notice sign may serve for both the rezoning, use permit, zoning modification, and
10233 concurrent variance request as long as the sign is marked to indicate all actions which
10234 are pending.

10235 The variance case file number for each concurrent variance requested shall be
10236 included on the rezoning petition.

10237 22.10 - Modifications.

10238 A modification is a request for relief from the conditions of zoning or use permit
10239 when a site development proposal does not comply with approved conditions. There are
10240 two different types of modifications which are listed below and described in the following
10241 sections:

10242 1. Administrative modification.

10243 2. Zoning modification

10244 *22.10.1 Application for modification.* A request to modify a condition of zoning or
10245 use permit may be initiated by the property owner, the Planning Commission or the City
10246 Council. Applications shall be submitted to the Director of Community Development in
10247 accordance with the deadline schedule adopted by the City Council. A modification
10248 application shall include a legal description of the property for which the modification is
10249 requested and a written explanation of the circumstances upon which the requested
10250 change of condition is based including the reason why development or use of the
10251 property, as approved, cannot be accomplished without the modification of a condition.
10252 Applicants shall submit a revised site plan illustrating the requested modification. The
10253 type of modification necessary is determined by the Director of Community
10254 Development.

10255 22.11 - Administrative modifications.

10256 An administrative modification application may be filed if the Director of
10257 Environment and Community Development determines that the modification request is
10258 not prohibited by section 22.2.4, Limitation on Authority, and will constitute only a
10259 technical change and does not involve significant public interest, or public interest has
10260 been addressed by letters expressing no objections from property owner(s) with
10261 standing and/or neighborhood associations.

10262 The director shall send the administrative modification decision to the City Council
10263 for confirmation at the next appropriate regular meeting.

10264 *22.11.1 Appeal of an administrative modification decision.* If an applicant wishes to
10265 appeal the decision of the Director of Community Development regarding an
10266 administrative modification, or if it is determined by the director that a request will
10267 involve a matter of public interest, the applicant must file a separate application
10268 requesting a zoning modification on forms available from the Environment and
10269 Community Development Department.

10270 22.12 - Zoning modification.

10271 A zoning modification application shall be filed if an approved zoning condition
10272 cannot be met and it is determined by the director that the application involves
10273 significant public interest and is in compliance with section 22.2.4, Limitation on
10274 Authority. The zoning modification request shall be presented to the City Council for
10275 consideration in a public hearing.

10276 22.13 - General procedures.

10277 This section contains basic steps common to all variances and modifications.

10278 *22.13.1 Applications.* All applications for variances, interpretations and modifications
10279 shall be filed with the Director of Community Development on forms available in the
10280 department. The type of application process necessary to accomplish the change
10281 requested by the applicant shall be the determined by the director of E&CD. The
10282 director shall transmit the petition and all documents constituting the record to the
10283 appropriate hearing body or individual.

10284 *22.13.2 Standing.* Standing refers to a party or parties allowed to initiate a request
10285 for variances or modifications which are limited to the following:

- 10286 A. Modification petition - A request for a modification may be initiated by the
10287 property owner or its agent, the Planning Commission or the City Council;
- 10288 B. Variance petition - A request for a variance may be initiated by the property
10289 owner of subject property or its agent;
- 10290 C. Secondary variance petition - A request for a secondary variance appeal may
10291 be initiated by the property owner of the subject property or its agent, or the
10292 owner of other real property within 300 feet of the boundaries of the subject
10293 property; and
- 10294 D. Interpretation petition - A request for an interpretation of a decision of the
10295 Director of Community Development may be requested by any individual.

10296 *22.13.3 Filing deadlines.*

- 10297 A. Applications for variances, interpretations and modifications shall be submitted
10298 in accordance with the advertised filing deadlines, depending on the type of
10299 petition in accordance with section 28.2.3 of the zoning resolution.
- 10300 B. Concurrent variance applications shall be filed in accordance with the filing
10301 deadline for the parent petition of either a use permit, rezoning, or zoning
10302 modification request in accordance with section 28.2.3 of the zoning resolution.
- 10303 C. The Director of Community Development has the discretion to extend the filing
10304 deadline by two days for all applications except administrative minor and minor
10305 variance applications. A letter from the applicant explaining the delay in filing
10306 shall be submitted prior to the close of the filing deadline.

10307 *22.13.4 Withdrawal of application.*

- 10308 A. An application may be withdrawn by the applicant in writing at any time before
10309 the public hearing notice advertisement is published and/or the notice of the
10310 hearing is posted on the property.
- 10311 B. Applications which do not require a public hearing may be withdrawn at any
10312 time before notification of a decision is mailed.
- 10313 C. Once the public hearing has been properly advertised, the request for
10314 withdrawal of the application must be placed on the public hearing agenda and
10315 the appropriate decision-making body shall act on the withdrawal request.

10316 *22.13.5 Fees.* At the time of application, applicants shall pay fees as established by
10317 the City Council. Fees paid are not refundable except where the Director of Community

10318 Development determines that an application was accepted in error, or the fee paid
10319 exceeded the amount due, in which case the amount of the overpayment will be
10320 refunded to the applicant.

10321 *22.13.6 Legal action stayed.* The filing of an appeal authorized by this article shall
10322 operate as a stay of any enforcement proceedings by South Fulton until final resolution
10323 of the appeal. No City Council or Zoning Board of Appeals action shall be taken on any
10324 property which is the subject of any litigation pending in state or federal court wherein
10325 South Fulton or its agents or officials are parties.

10326 *22.13.7. Public hearing.* A public hearing shall be conducted by the stated hearing
10327 body of each appeal application before taking action thereon except those authorized to
10328 be considered administratively. The schedule of public hearings and deadlines for the
10329 filing of an appeal shall be established by the City Council.

10330 Public hearings are not required for administrative variances, minor variances,
10331 administrative minor variances and administrative modifications; however, notification in
10332 accordance with section 22.13.9.B. is required.

10333 *22.13.8 Evaluations and reports.* The hearing body shall have before it, at the time
10334 of hearing, a report from the Director of Community Development which shall
10335 summarize the hardship or justification reported by the applicant as related to the
10336 application and background information for variances, modifications, and interpretations,
10337 and any other information requested by the hearing body. The hearing body shall, hear,
10338 analyze, consider, and make a written report of its decision in accordance with section
10339 22.13.12, Notice of Decision.

10340 *22.13.9. Public notification.*

10341 A. For those applications requiring a public hearing (Primary Variances, Secondary
10342 Variances, Concurrent Variances, and Zoning Modifications), the Director of the
10343 Environment and Community Development Department shall:

10344 1. Publish notice of the public hearing in a newspaper of general circulation at
10345 least 15 days, but no more than 45 days prior to the public hearing at which an
10346 application will be heard. The published notice shall contain the time, place and
10347 purpose of the hearing and the location of the property if applicable (secondary
10348 variances may not always be property specific). Renotification is not required
10349 when a petition is deferred by the City Council or the Board of Zoning Appeals.

10350 2. The applicant or agent shall post a sign as issued by the Environment and
10351 Community Development Department in a conspicuous location on each public
10352 street frontage of the subject site, at least 20 days, but not more than 45 days,
10353 prior to the public hearing at which an application will be heard.

10354 The sign shall be mounted and posted as specified by the Environment and
10355 Community Development Department. Property that is not posted on the 20th
10356 day before the scheduled hearing date will be administratively removed from
10357 the agenda. The sign will remain posted on-site until final action by the
10358 appropriate hearing body is taken.

10359 When the Zoning Board of Appeals defers a petition, the applicant is required to
10360 post an updated sign with new hearing dates 20 days prior to the next
10361 scheduled hearing date. When the City Council defers a petition, an updated
10362 sign is not required.

10363 The posted sign shall contain the date, time, place and purpose of the hearing.

10364 For zoning modifications, all notices shall contain all of the items listed in the
10365 previous sentence, the location of the property, the zoning and/or use permit
10366 case number to be modified and the condition number(s) to be modified.

10367 The posting of a sign is not required when a secondary variance is not
10368 requested by the property owner or owner's representative.

10369 3. Notice of the public hearing shall be postmarked 15 days prior to the hearing
10370 date and shall be given by regular mail to all property owners within 1320 feet of
10371 the boundaries of the property who appear on the current tax records of South
10372 Fulton as retrieved by the County's Geographic Information System.
10373 Renotification is not required when a petition is deferred by the City Council or
10374 the Board of Zoning Appeals.

10375 The mailing of public notices is not required when a secondary variance is
10376 sought by other than the property owner.

10377 B. For those applications not requiring a public hearing, notification shall be provided
10378 as follows:

10379 1. *Administrative Variance:* The owners of property adjacent and contiguous
10380 across the right-of-way of the subject site shall be notified in accordance with
10381 Section 22.13.9(A)(3).

10382 2. *Minor Variance:* The owners of property adjacent and contiguous across the
10383 right-of-way of the subject site shall be notified in accordance with Section
10384 22.13.9(A)(3).

10385 3. *Administrative Modification:* The Director of the Environment and Community
10386 Development Department shall determine what notification, if any, is reasonable
10387 on a case by case basis.

10388 4. *Administrative Minor Variance:* No written notification.

10389 **22.13.10 Decisions.** The City Council, Board of Zoning Appeals, and the Director of
10390 the Environment and Community Department in considering applications under this
10391 article shall do one of the following:

10392 A. Approve or partially approve.

10393 B. Approve and impose conditions related to the application being considered.

10394 C. Deny.

10395 D. Hold for further study not less than 30 days.

10396 E. Withdraw.

10397 *22.13.11 Zoning Board of Appeals decision on secondary variances/interpretations.*
10398 The Zoning Board of Appeals may take the following actions pursuant to a secondary
10399 variance and/or an interpretation appeal:

- 10400 A. Affirm an order, requirement, or decision, wholly or partly.
- 10401 B. Reverse an order, requirement, or decision, wholly or partly.
- 10402 C. Clarify. Present an interpretation of the text in the form of a statement of
10403 clarification. Such statement shall not contain substitute language, but shall rely
10404 upon language and definitions contained in the South Fulton Zoning Resolution,
10405 and definitions contained in Merriam-Webster Collegiate Dictionary, tenth
10406 edition.

10407 *22.13.12 Notice of decisions.* Written notice of all decisions shall be placed in the
10408 official case file and shall be forwarded to the applicant by regular mail within seven
10409 working days from the date of the decision by the following authority:

- 10410 A. The Director of the Environment and Community Development Department
10411 shall provide written notification of the Board of Zoning Appeals' decisions;
- 10412 B. The Director of the Environment and Community Development Department
10413 shall, with respect to minor variances, administrative variances, and
10414 administrative modifications provide written notification of such decisions. The
10415 approval of a building permit shall constitute notice of approval for an
10416 administrative minor variance; and
- 10417 C. The Clerk to the City Council shall, with respect to zoning modifications and
10418 concurrent variances, provide written notification of the City Council' decisions.

10419 *22.13.13 Reconsideration of denied application.* If a variance or modification
10420 application is denied by an authorized department director, City Council or the Board of
10421 Zoning Appeals, an application for the same variance or modification item shall not be
10422 considered until:

- 10423 A. At least six months has elapsed from the date of the decision; or
- 10424 B. New information pertinent to the subject, not previously considered, is
10425 submitted by the petitioner and the six-month period is waived by the hearing
10426 body.
- 10427 C. If an application is denied by the Director of the Environment and Community
10428 Development Department, the applicant may appeal the decision to the
10429 appropriate hearing body depending on the type of petition.

10430 This provision is not intended to supersede provisions of article 28.2 as related to
10431 decisions regarding rezonings and/or use permits.

10432 *22.13.14 Time limitation on appeals to superior court.* The decision of the Zoning
10433 Board of Appeals is a final decision; therefore, any appeal of such a decision shall be
10434 pursued by application for writ of certiorari filed with the Superior Court of South Fulton
10435 within 30 days of the date of the decision. The applicant's petition, application for writ of
10436 certiorari, the writ of certiorari and any other initial filings with the Superior Court shall

10437 be served upon the named defendants/respondents in accordance with O.C.G.A.
10438 Section 9-11-4.

10439 Upon filing such an appeal, the Clerk of Superior Court shall give immediate notice
10440 thereof to the Director of the Environment and Community Development Department,
10441 and within 30 days from the date of such notice, the Director of Environment and
10442 Community Development shall cause to be filed with the Clerk of Superior Court a
10443 certified copy of the proceedings and the decision of the Board of Zoning Appeals.

10444 Appeals of decisions (Secondary Variances/Interpretation) of the Director of the
10445 Environment and Community Development Department, or the Director of Public Works
10446 shall be brought within 30 days from the date of the decision.

10447 *22.13.15 Expiration of variance.* If not used, a variance shall be valid only for a
10448 period of 36 months from the date it is granted. Extensions may be sought under the
10449 provisions for Expiration and Extensions in article 28, Rezoning and Other Amendment
10450 Procedures.

10451 22.14 - Board of zoning appeals.

10452 *22.14.1 Membership.* The South Fulton Zoning Board of Appeals (or as hereinafter
10453 may be called the board) shall consist of seven members appointed by the City Council
10454 of South Fulton. The term of each member shall coincide with that of the district
10455 commissioner who appointed the member to serve on the board of zoning appeals. Any
10456 vacancy in the membership shall be filled for the unexpired term in the same manner as
10457 the initial appointment. Members shall be removable for cause by the City Council of
10458 South Fulton upon written charges and after public hearing. The members of the board
10459 shall be compensated as fixed by the City Council of South Fulton. None of the
10460 members shall hold any other public office or position in South Fulton, except that one
10461 member may also be a member of the South Fulton Planning Commission.

10462 *22.14.2 Vacancies.* Any vacancy in the membership shall be filled for the unexpired
10463 term in the same manner as the initial appointment.

10464 *22.14.3 Removal of members.* Members may be removed for cause by the City
10465 Council of South Fulton upon written charges and after a public hearing.

10466 *22.14.4 Pay.* Fees to be paid to the members of the South Fulton Zoning Board of
10467 Appeals for attending official meetings shall be fixed from time to time by the City
10468 Council of South Fulton.

10469 *22.14.5 Secretary.* The Director of Community Development shall serve as
10470 secretary to the Board of Zoning Appeals. The secretary shall keep minutes of
10471 proceedings, showing the vote of each member upon each question, or if absent or
10472 failing to vote, indicating such fact; and shall keep records of evidence, examinations
10473 and official actions, all of which shall be filed and shall be a public record.

10474 *22.14.6 Policies and procedures.* The South Fulton Zoning Board of Appeals shall
10475 adopt and publish policies, procedures and rules in keeping with the provisions of this
10476 resolution. Such shall be available in the Environment and Community Development
10477 Department.

10478 *22.14.7 Meetings.* Meetings of the Zoning Board of Appeals shall be held at least
10479 once each month to dispose of matters scheduled. Additional meetings may be called
10480 by the chairman. The Zoning Board of Appeals scheduled meetings, places and dates,
10481 and deadlines for the filing of applications shall be approved by the City Council and
10482 published by the Director of Community Development Department.

10483

10484 ARTICLE XXIII. - OCCUPANCY CERTIFICATE

10485 23.1 - Certificate of occupancy.

10487 A certificate of occupancy, indicating that a building, lot and use comply with the
10488 building code and this Zoning Resolution is required under provisions of the South
10489 Fulton Building Code. Said certificate of occupancy shall be posted on-site where it is
10490 visible for inspection for a period of 30 days from the date of issuance.

10491 Any owner, authorized agent, or contractor who desires to change the use of a
10492 building or structure shall first make application to the building official, obtain the
10493 required permits, and obtain a Certificate of Occupancy prior to occupying said
10494 structure.

10495 ARTICLE XXIV. - PLANS AND INSPECTIONS

10496 24.1 - Single family dwelling plans.

10497 Applications for building permits for single family dwellings shall be accompanied by
10498 two copies of a plot plan. Applications for building permits and land disturbance permits
10499 other than single family dwellings shall respond to the plan requirements set forth by the
10500 Department of Community Development. Plot plans shall be based on a boundary line
10501 survey and drawn to scale. One copy of the plot plan shall be returned to the owner
10502 when plans have been approved by the Department of Community Development. Plot
10503 plan shall show:

10504 A. The exact location of temporary and permanent pins, monuments and stakes
10505 used to mark the boundary.

10506 B. The exact footprint of existing and proposed buildings and their structures, and
10507 the footprint of proposed alterations and additions.

10508 C. The existing and proposed use of each building and other structure or part
10509 thereof,

10510 D. The required number of parking spaces, and their locations,

10511 E. Other information as may be necessary to determine compliance with this
10512 resolution.

10513 24.2 - Inspections.

10514 Prior to pouring footings, the owner shall notify the Department of Community
10515 Development to conduct an inspection to determine that space for required setbacks

10516 are available on the site. This inspection shall, in no way, relieve the owner of total
10517 responsibility for complying with all provisions of the resolution.

10518 ARTICLE XXV. - INCLUDED IN SECTION 4.30

10519 ARTICLE XXVI. - INTERPRETATION, CONFLICT AND ENFORCEMENT

10520 26.1 - Interpretation.

10521 The Director of Community Development shall interpret the provisions to this
10522 resolution, and may utilize opinions of the City attorney and others in arriving at
10523 interpretations. Appeals from an interpretation of the Director of Community
10524 Development shall be in accordance with the provisions of article XXII.

10525 26.2 - Conflict.

10526 This resolution shall abrogate any other regulations previously adopted or issued
10527 that are in conflict with any of the provisions of this resolution relating to the use of
10528 buildings or land in conflict with this resolution. This resolution shall not annul any
10529 easements, covenants or other agreements between parties; provided, however, that
10530 whenever this resolution imposes a greater restriction upon the use of buildings or land
10531 than are imposed by such easements, covenants or agreements, the provisions of the
10532 resolution shall control.

10533 26.3 - Enforcement.

10534 It shall be the duty of the Director of Community Development to enforce the
10535 provisions of this resolution. In addition, it shall be the duty of all officers and employees
10536 of the City, especially members of the police department, sheriff's department and
10537 marshal's office, to assist the Director of Community Development by reporting to him
10538 any seeming violations, including violations in new construction, reconstruction, and/or
10539 land uses including signs. Appeals from the decision of the Director of Community
10540 Development shall be made as provided in article XXII, Appeals.

10541 26.4 - Permits in effect.

10542 Nothing herein shall require any change in the plans, construction, size or
10543 designated use of any land, building, structure or part thereof for which a building permit
10544 or land disturbance permit was issued prior to the effective date of this resolution or
10545 amendment thereto.

10546

10547 ARTICLE XXVII. - ENFORCEMENT

10548 ARTICLE XXVIII. - REZONING AND OTHER AMENDMENT PROCEDURES

10549 28.1. - General amendments.

10551 Whenever the public necessity, convenience, general welfare or good zoning
10552 practice justify such action, and after consideration by the Planning Commission, the

10553 City Council may, by resolution, change the regulations set forth in this Zoning
10554 Resolution (text amendment) or amend the Zoning Maps.

10555 In amending the Zoning Maps, the City Council may approve a use permit and/or
10556 zoning district applied for by the applicant or a more restrictive zoning district based on
10557 the ranking of South Fulton Zoning District intensities. The City Council may consider a
10558 variance filed concurrently with a request for a rezoning and/or use permit.

10559 In approving any zoning district change and/or use permit, the City Council shall
10560 impose conditions of approval as deemed necessary and appropriate to mitigate
10561 potentially adverse influences or otherwise promote the public health, safety or general
10562 welfare.

10563 Rezoning and/or use permit requests are referred to in this text as land use
10564 petitions. Changes made to standards contained within the zoning resolution are
10565 referred to in this article as text amendments. All land use petitions approved by the City
10566 Council are subject to conditions approved by the City Council.

10567 28.1.1. - Text amendment procedures.

10568 (1) Text amendments may be initiated by any of the following:

10569 a. The South Fulton City Council.

10570 b. The Department of Community Development.

10571 c. Recognized community group or organization:

10572 i. A recognized community group is an umbrella group which has provided a
10573 list of member groups and contact information for the umbrella group's
10574 officers and/or directors to the planning staff (e.g., community appointed
10575 overlay district groups, community associations etc.)

10576 ii. A recognized organization is an umbrella group of business owners
10577 exclusive of individual businesses which have provided a list of member
10578 businesses and contact information for the umbrella group's officers and/or
10579 directors to the planning staff (e.g., business/merchant associations,
10580 community associations etc.)

10582 28.1.2. - Public hearing and notice requirements for text amendments.
10581

10583 (1) Before adopting any change to the text of the zoning resolution, the City Council
10584 shall hold a public hearing in accordance with section 28.3. Prior to the City Council
10585 public hearing the text amendment shall be presented for public comment at a
10586 Planning Commission (PC) meeting.

10587 (2) Notice of the Planning Commission (both for public comment and public hearing)
10588 and City Council hearing shall be given simultaneously at least 15 days but no more
10589 than 45 days prior to the public hearing and shall be published as required by state
10590 law.

10591 No posting of signs or mailing of notification letters is required for text amendments.
10592 When the Planning Commission or the City Council defers a text amendment
10593 renotification is not required.

10594 28.2. - Land use petitions.

10595 Land use petitions may be initiated by the property owner or the City Council on
10596 forms available from the department.

10597 No final action shall be taken on a land use petition affecting the same parcel more
10598 often than once every 12 months when the petition is initiated by the property owner.

10599 At any time, the City Council may initiate a land use petition on property which was
10600 previously rezoned. However, a six-month waiting period from the date of final Board
10601 action is required when a rezoning and/or use permit request was previously denied.

10602 If a petition was previously denied, the owner must demonstrate that the proposed
10603 land use petition is significantly different from the previous denial to the satisfaction of
10604 the City Council before it can be considered for a reinitiation. A significant difference
10605 includes, but is not limited to a change in zoning district, use, density, height, buffers or
10606 other methods of screening, or other items which were discussed at a public hearing.

10607 Appeals to Superior Court. Any appeal of, or other legal challenge to, a City Council
10608 final decision regarding a use permit petition shall be pursued as allowed by law.

10609 *Legal Action Stayed.* The filing of a land use petition authorized by this article shall
10610 operate as a stay of any enforcement proceedings by South Fulton until final resolution
10611 of the petition. No City Council or Zoning Board of Appeals action shall be taken on any
10612 property which is the subject of any litigation pending in state or federal court wherein
10613 South Fulton or its agents or officials are parties.

10614 28.2.1. *Filing deadlines.* A complete land use petition shall be submitted in
10615 accordance with the advertised filing deadlines. The director may extend the filing
10616 deadline by two days with a letter of explanation from the applicant justifying the delay
10617 of submittal. An incomplete petition will not be accepted.

10618 28.2.2. *Withdrawal prior to advertising.* If a land use petition has not been
10619 advertised for public hearing, a written request for withdrawal with the reason for the
10620 request shall be made to and accepted by the director. No refunds of petition fees will
10621 be made.

10622 28.2.3. *Withdrawal after advertising.* After a land use petition has been advertised
10623 for public hearing, it may only be withdrawn by the City Council at the public hearing. A
10624 withdrawal shall not be deemed final action and shall not bar submission of a new
10625 petition. A written request for withdrawal with the reason for the request shall be made
10626 to the director.

10627 28.2.4. *Petition requirements.* All petitions shall include the following with the
10628 required number of copies of each as prescribed by the director:

- 10629 (1) Pre-application review form;
10630 (2) Signed and notarized petition with original signatures;

- 10631 (3) Legal description;
- 10632 (4) Letter of intent;
- 10633 (5) Site plan which meets the requirements specified in Article 28.5.2;
- 10634 (6) Site plan checklist which indicates compliance with site plan requirements
- 10635 specified in Article 28.5.2;
- 10636 (7) Environmental site analysis;
- 10637 (8) Impact analysis for rezoning petitions;
- 10638 (9) Disclosure form;
- 10639 (10) Public participation plan;
- 10640 (11) Public participation report (due no later than seven business days before
- 10641 the City Council meeting);
- 10642 (12) Traffic study, if applicable;
- 10643 (13) Metropolitan River Protection Act pre-review letter, if applicable;
- 10644 (14) MARTA Corridor plan review form, if applicable;
- 10645 (15) Development of regional impact review form, if applicable;
- 10646 (16) Environmental impact report, if applicable;
- 10647 (17) Noise study report, if applicable;
- 10648 (18) Other documents as identified in the pre-application review; and
- 10649 (19) Non-refundable filing fee.
- 10650 (20) Copy of deed(s)

10651 28.3. - Public hearing and notice requirements.

10652 Before adopting any land use petition change, the City Council shall hold a public
 10653 hearing following the public hearing by the Planning Commission where a
 10654 recommendation was made on the petition.

10655 Notice of the Planning Commission and City Council hearings shall be given
 10656 simultaneously at least 15 days but not more than 45 days prior to the date of the City
 10657 Council public hearing and shall be published as required by State law. Renotification is
 10658 not required when a petition is deferred by the City Council.

10659 The applicant or agent shall post a sign as issued by the City in a conspicuous
 10660 location on each public street frontage of the subject property not later than 8:30 a.m.
 10661 on the 20th day prior to the Planning Commission Hearing.

10662 The sign shall be mounted and posted as specified by the City. Property that is not
 10663 posted on the 20th day before the scheduled first hearing date will be administratively
 10664 removed from the agenda.

10665 When the Planning Commission or the City Council defers a petition, the applicant
10666 is required to post an updated sign with new hearing dates 20 days prior to the next
10667 scheduled hearing date. When a petition is deferred by the City Council for less than 20
10668 days, posting an updated sign is not required.

10669 The Department shall give notice by regular mail to all property owners within 1320
10670 feet of the boundaries of the subject property who appear on the tax records of South
10671 Fulton as retrieved through Fulton County's Geographic Information System. The
10672 notices shall be mailed a minimum of 15 days prior to the hearing date. Renotification
10673 by mail is not required when a petition is deferred by the City Council.

10674 The published and mailed notices shall contain the time, place, and purpose of the
10675 hearing, the location of the property, and the present and proposed zoning
10676 classifications and/or requested use permit. The posted sign shall include all of the
10677 items required in the published notice except the location of the property. Notice shall
10678 not be considered inadequate if the mail is not delivered.

10679 28.3.1. - Secretary.

10680 The Director or his/her appointee shall serve as Secretary to the Planning
10681 Commission. The Secretary shall keep minutes of proceedings, showing the vote of
10682 each member upon each question, or if absent or failing to vote, indicating such fact;
10683 and shall keep records of evidence, examinations and official actions, all of which shall
10684 be filed and shall be a public record.

10685

10686 28.4. - Technical evaluations and reports.

10687 Proposed land use petitions shall be considered by the City Council only after the
10688 evaluations and reports required below have been completed and the Planning
10689 Commission has made a recommendation. Such reports shall be public record.

10690 *28.4.1. Zoning impact analysis by the Planning Commission and the department.*
10691 For each rezoning petition, the Planning Commission and the department shall
10692 investigate and make a recommendation with respect to the factors listed below. The
10693 department shall make a written record of its investigation and recommendation on
10694 each rezoning petition, as well as any other factors it may find relevant, and carry out
10695 any other duties with which it is charged by the City Council.

10696 The Planning Commission shall make a recommendation which the department
10697 shall transmit in writing to the City Council.

10698 The zoning impact analysis factors are as follows:

10699 A. Whether the zoning proposal will permit a use that is suitable in view of the use
10700 and development of adjacent and nearby property;

10701 B. Whether the zoning proposal will adversely affect the existing use or usability
10702 of adjacent or nearby property;

- 10703 C. Whether the property to be affected by the zoning proposal has a reasonable
10704 economic use as currently zoned;
- 10705 D. Whether the zoning proposal will result in a use which will or could cause an
10706 excessive burdensome use of existing streets, transportation facilities, utilities,
10707 or schools;
- 10708 E. Whether the zoning proposal is in conformity with the policies and intent of the
10709 land use plan;
- 10710 F. Whether there are other existing or changing conditions affecting the use and
10711 development of the property which give supporting grounds for either approval
10712 or disapproval of the zoning proposal; and
- 10713 G. Whether the zoning proposal will permit a use which can be considered
10714 environmentally adverse to the natural resources, environment and citizens of
10715 South Fulton.

10716 *28.4.2. Zoning impact analysis by applicant.* If a rezoning is initiated by the property
10717 owner, a written documented analysis of the impact of the proposed zoning with respect
10718 to each of the matters enumerated in 28.4.1 is required at the time of filing the land use
10719 petition.

10720 *28.4.3. Environmental reports.* If a rezoning and/or use permit is initiated by the
10721 property owner, an Environmental Site Analysis and/or an Environmental Impact Report
10722 shall be filed with the land use petition per the following:

10723 *28.4.3.1. Environmental site analysis (ESA).* All rezoning and/or use permit
10724 petitions shall include an Environmental Site Analysis to identify environmental
10725 conditions on the site to determine if the proposed use may be considered
10726 environmentally adverse.

10727 The Environmental Site Analysis shall detail the following:

- 10728 1. Does Article 4.18, Environmentally Adverse Uses, apply to the proposed
10729 use? If yes, does the use comply with the prescribed acceptable separation
10730 distance?
- 10731 2. The presence or absence of the following and does the project encroach or
10732 adversely affect any of the following:
- 10733 a. Wetlands;
- 10734 b. Floodplains;
- 10735 c. Streams/stream buffers;
- 10736 d. Slopes exceeding 25 percent over a 10 foot rise in elevation;
- 10737 e. Vegetation (including endangered species; areas of confirmed Georgia
10738 Department of Natural Resources listed endangered species shall
10739 comply with the Federal Endangered Species Act);
- 10740 f. Wildlife species (including fish and endangered species; areas of
10741 confirmed Georgia Department of Natural Resources listed endangered
10742 species shall comply with the Federal Endangered Species Act);

- 10743 g. Archeological/historical sites;
- 10744 3. How the project implements the following:
- 10745 a. Protection of environmentally sensitive areas (floodplains, slopes
- 10746 exceeding 25 percent, river corridors);
- 10747 b. Protection of water quality;
- 10748 c. Minimization of negative impacts on existing infrastructure;
- 10749 d. Minimization of negative impacts on archeological/historically
- 10750 significant areas;
- 10751 e. Minimization of negative impacts on Environmentally Stressed
- 10752 Communities;
- 10753 f. Creation and preservation of green space and open space;
- 10754 g. Protection of citizens from the negative impacts of noise and lighting;
- 10755 h. Protection of parks and recreational green space;
- 10756 i. Minimization of impacts to wildlife habitats.

10757 *28.4.3.2. Environmental impact report (EIR).* Any petition for an industrial

10758 rezoning and/or use permit shall include an Environmental Impact Report to

10759 determine if the proposed use is environmentally adverse.

10760 The Environmental Impact Report shall detail the following:

- 10761 1. Does Article 4.18, Environmentally Adverse Uses, apply to the proposed
- 10762 use? If yes, does the use comply with the prescribed acceptable separation
- 10763 distance?
- 10764 2. Impacts on noise levels of the surrounding area;
- 10765 3. Impacts on air quality of the surrounding area;
- 10766 4. Impacts on water quality/resources including surface water, ground water,
- 10767 flood plains, and wetlands;
- 10768 5. Impacts on vegetation, fish, and wildlife species and habitats;
- 10769 6. Impacts of thermal and explosive hazards on the surrounding area;
- 10770 7. Impacts of hazardous wastes on the surrounding area;

10771 The report shall cite all uses and quantities of any agents listed on the

10772 Federal Environmental Protection Agency Lists of Hazardous Wastes;

- 10773 8. Minimization of negative impacts on Environmentally Stressed
- 10774 Communities.

10775 The Environmental Impact Report shall detail strategies to mitigate or avoid impacts

10776 listed above as applicable.

10777 *28.4.3.3. Review criteria for ESA and/or EIR.* Environmental Site Analysis

10778 and/or Environmental Impact Reports shall be reviewed based upon the following:

10779 1. Whether the petition is consistent with the requirements of Article 4.18,
10780 Environmentally Adverse Uses;

10781 2. The detail provided for ESAs and EIRs as outlined in Sections 28.4.3.1 and
10782 28.4.3.2 above.

10783 The Department shall review the ESAs and EIRs submitted with petitions for
10784 rezoning and/or use permits and make recommendations to the City Council
10785 with respect to the proposed use. The anticipated impact of the proposed use
10786 on an Environmentally Stressed Community will be included in the
10787 Department's recommendation.

10788 As determined by the Director or his/her designee, Environmental Impact
10789 Reports may also be required with applications for land disturbance permits,
10790 building permits, temporary or permanent certificates of occupancy, or any
10791 other permits issued by the Department of Community Development.

10792 *28.4.4. Traffic impact study.* A Traffic Impact Study is required when a land use
10793 petition equals or exceeds the thresholds indicated in the department's rezoning, use
10794 permit & concurrent variance application package. The study shall be prepared by a
10795 certified traffic engineer or transportation planner in accordance with professional
10796 practices and must be submitted at the time of the filing of the land use petition.

10797 *28.4.5. Development of regional impact study (DRI).* A Development of Regional
10798 Impact Study is required when a land use petition meets or exceeds the thresholds
10799 indicated in the department's rezoning, use permit & concurrent variance application
10800 package. Form 1: Initial DRI Information must be submitted at the time of the filing of the
10801 land use petition.

10802 *28.4.6. Noise study report.* (Amended 04/05/06) A noise study shall be performed,
10803 by a state registered professional engineer or noise professional, if a proposed site is
10804 located within 1,000 feet of an expressway, within 3,000 feet of an active rail line, or
10805 within 5 miles of the Hartsfield-Jackson International Airport boundary. An expressway
10806 is defined as a highway facility usually having two or more lanes for the exclusive use of
10807 traffic in each direction and partial control of access (i.e. I-85, I-285 and GA-400).

10808 1. The noise study shall include an analysis of the proposed use with respect to
10809 existing ambient noise, that is, business and industry noise, aircraft noise,
10810 roadway noise, and construction noise.

10811 2. If the noise study results in a day-night average sound level greater than 65
10812 dBA, the applicant shall provide a sound attenuation plan specifying the type of
10813 noise buffering measures/materials to be employed during construction that will
10814 reduce the interior residential noise levels to 50 dBA or less.

10815 3. The sound level readings shall be measured at a distance from the site to the
10816 noise source. The measurement should be from the source to the nearest
10817 points on the site where structures having noise sensitive uses are located.
10818 These points shall be labeled as the NAL (noise assessment locations). The
10819 measurement location for structures is a point 6.5 feet from the facade. In the
10820 event that the location of the structures has not yet been specified at the time of

10821 the noise study, then the distance used in the noise study should be measured
10822 as 6.5 feet less than the distance from the structure setback line to the major
10823 source(s) of noise. (Reference: Title 24, Housing & Urban Development, Part
10824 51 — Environmental Criteria and Standards, Subpart B — Noise Abatement
10825 and Control, Section 51.103) Criteria and Standards (c) Exterior standards.

10826 *28.4.7. Public participation plan and report.* The Public Participation Plan is to
10827 ensure that applicants pursue early and effective public participation in conjunction with
10828 their petitions, ensure that the citizens of South Fulton have an adequate opportunity to
10829 learn about petitions that may affect them, and to ensure ongoing communication
10830 between applicants, adjoining property owners, environmentally stressed communities,
10831 community associations and other organizations, elected officials and City staff. A target
10832 area for public participation should be determined by the applicant and current planner
10833 at the time of the pre-application review. Applicants are required to submit a Public
10834 Participation Plan for meeting with interested citizens to advise of pending rezoning/use
10835 permit applications and to allow citizens the opportunity to discuss concerns and
10836 provide input about project design or development. An applicant's responsibilities are to
10837 inform the public, solicit input, and provide a summary of these activities in the form of a
10838 written report (Public Participation Report).

10839 The requirement for a Public Participation Plan does not give communities decision
10840 making powers or force a consensus on issues. Applicants are not obligated to make
10841 any concessions or changes based upon input from citizens. A refusal by the
10842 community to meet with applicants does not mean that the applicants fail to meet the
10843 requirements of the Public Participation Plan.

10844 Dialogue should occur between applicants and communities before the Planning
10845 Commission hearing, the first public hearing. Public Participation Plans are required
10846 with all rezoning and/or use permit applications and must be filed simultaneously with
10847 the application. Participation Plan Reports are required to be submitted no less than
10848 seven business days before the scheduled City Council' hearing. If the report is not
10849 submitted as required, the City Council may defer an application.

10850 The minimum requirements for public participation plans and public participation
10851 reports are as follows:

10852 A. *Public participation plan.* Every application for a rezoning or use permit which
10853 requires a public hearing shall include a public participation plan which must be
10854 implemented prior to the first public hearing.

10855 Minimum standards:

10856 1. Identification of all property owners within a quarter mile of the site and
10857 area homeowners' associations, environmentally stressed communities,
10858 political jurisdictions, and any other public agencies or organizations which
10859 may be affected by an application as determined by the applicant and the
10860 current planner at the time of the pre-application review.

10861 2. Explanation of how interested parties will be informed of rezoning/use
10862 permit applications.

10863 3. Methods for providing opportunities for discussion with interested parties
10864 before public hearings are held. Applicants are required to schedule at least
10865 one meeting at a convenient location and time and notify all interested
10866 parties, as identified in 1. above, of the purpose, place and time of the
10867 meeting.

10868 4. Applicant's schedule for completion of the public participation plan.

10869 B. *Public participation report.* Every rezoning and use permit applicant is required
10870 to provide a public participation report on the department's form no later than
10871 seven business days before the scheduled City Council' hearing. This report
10872 shall be made a part of the official file and a summary will be provided to the
10873 City Council.

10874 Minimum standards:

10875 1. Provide a list of all parties that were contacted, the methods of notification
10876 that were used, and copies of all notification letters.

10877 2. Provide dates and locations of all community and/or other meetings that
10878 were attended by the applicant to discuss an application. (attach meeting
10879 notices, letters, etc.)

10880 3. Provide the number of people who participated in meetings held to discuss
10881 an application. (attach sign-in sheets)

10882 4. A summary of concerns and issues expressed by interested parties.

10883 5. A summary of the applicant's response to concerns and issues.

10885 28.5. - Conditional development.
10884

10886 *28.5.1. Designation.* Each zoning district shall have a designation thereunder to be
10887 known as Conditional for that district.

10888 *28.5.2. Plans.* Site plans for rezonings and use permits must be folded, drawn to
10889 scale, no larger than 30" × 42", and shall, at a minimum, include the following
10890 information:

10891 (1) Key and/or legend and site location map with North arrow;

10892 (2) Boundary survey of subject property which includes dimensions along
10893 property lines that match the metes and bounds of the property's written legal
10894 description and clearly indicates the point of beginning;

10895 (3) Acreage of subject property;

10896 (4) Location of land lot lines and identification of land lots;

10897 (5) Existing, proposed new dedicated and future reserved rights-of-way of all
10898 streets, roads, and railroads adjacent to and on the subject property;

10899 (6) Proposed streets on the subject site;

10900 (7) Posted speed limits on all adjoining roads;

- 10901 (8) Current zoning of the subject site and adjoining properties;
- 10902 (9) Existing buildings with square footages and heights (stories), wells, driveways,
- 10903 fences, cell towers, and any other structures or improvements on the subject
- 10904 property;
- 10905 (10) Existing buildings with square footages and heights (stories), wells,
- 10906 driveways, fences, cell towers, and any other structures or improvements on
- 10907 adjacent properties within 400 feet of the subject site based on the City's aerial
- 10908 photography or an acceptable substitute as approved by the director;
- 10909 (11) Location of proposed buildings (except single family residential lots) with total
- 10910 square footage;
- 10911 (12) Layout and minimum lot size of proposed single family residential lots;
- 10912 (13) Topography (surveyed or City) on subject site and adjacent property within
- 10913 200 feet as required to assess runoff effects;
- 10914 (14) Location of overhead and underground electrical and pipeline
- 10915 transmission/conveyance lines;
- 10916 (15) Required and/or proposed setbacks;
- 10917 (16) 100 year flood plain horizontal limits and flood zone designations as shown
- 10918 on survey or FEMA FIRM maps;
- 10919 (17) Required landscape strips, undisturbed buffers, and any other natural areas
- 10920 as required or proposed;
- 10921 (18) Required and proposed parking spaces; Loading and unloading facilities;
- 10922 (19) Lakes, streams, and waters on the state and associated buffers;
- 10923 (20) Proposed stormwater management facilities;
- 10924 (21) Community wastewater facilities including preliminary areas reserved for
- 10925 septic drain fields and points of access;
- 10926 (22) Availability of water system and sanitary sewer system;
- 10927 (23) Tree lines, woodlands and open fields on subject site;
- 10928 (24) Entrance site distance profile assuming the driver's eye at a height of 3.5 feet
- 10929 (See South Fulton Subdivision Regulations);
- 10930 (25) Wetlands shown on the City's GIS maps or survey; and
- 10931 (26) Airport noise contours on those properties within the FAR Part 150 Airport
- 10932 Noise Contour Map.

10933 A request for relief from any of the above site plan requirements may be
 10934 submitted in writing to the director for approval prior to the filing deadline. The
 10935 request should clearly state the reasons for the request. Projects subject to
 10936 development of regional impact reviews and other large projects that will be
 10937 phased shall be required to revise the site plan for each phase of the

10938 development to comply with the above standards through a Zoning
10939 Modification.

10940 28.6. - Zoning maps.

10941 The official Zoning Map will be amended to reflect the land use petition approvals.
10942 Rezoning and use permits that have not vested pursuant to Section 28.11. will be
10943 removed from the Zoning Map and the zoning/land use designation shall revert as
10944 indicated in Article 28.10.

10945 28.7. - Applicable regulations.

10946 Zoning regulations that applied at the time of acceptance of an application for a
10947 Land Disturbance Permit shall prevail.

10948 28.8. - Petition fees.

10950 Prior to accepting a petition for rezoning, use permit, concurrent variance, or
10951 extension of zoning and/or use permit, the director shall collect nonrefundable fees as
10952 established by the City Council.

10953 28.9. - Procedures for modification of zoning conditions.

10955 See Article XXII.

10956 28.10. - Expiration and extensions of zonings and/or use permits.

10957 Land use petitions approved after March 16, 1986 and filed before January 1, 2006
10958 shall expire unless the property owner take action to vest the zoning and/or use permit
10959 in accordance with Article 28.11. within a period of 36 months from the date of approval
10960 by the City Council, or fails to secure an approved extension.

10961 A. Each zoning and/or use permit approval is allowed one 24-month extension
10962 subject to the qualifying conditions in section 28.11.2.

10963 B. Land use petitions initiated by the City Council to implement the South Fulton
10964 Comprehensive Plan Land Use Map are exempt from the provisions of section
10965 28.11.2.

10967 28.11. - Vesting of zoning and/or use permit.
10966

10968 Upon occurrence of one of the four conditions listed immediately below, a zoning
10969 and/or use permit shall be vested and such vesting shall be spread upon the minutes of
10970 the City Council' meeting.

10971 A. Prior to the expiration of a land disturbance permit, a vesting determination
10972 may be made by the department that substantial progress (28.11.1) has been
10973 made toward the completion of on-site construction depicted on the site plan
10974 approved with the rezoning and/or use permit.

10975 B. Prior to the expiration of a building permit, a vesting determination is made by
10976 the department that substantial progress (28.11.1.) has been made toward the

10977 completion of a building depicted on the site plan approved with the rezoning
10978 and/or use permit.

10979 C. The issuance of a certificate of occupancy and/or permit for a use and/or
10980 structure specified in the approved conditions shall vest the zoning.

10981 D. The issuance of a business license for the approved use shall vest the zoning,
10982 but only when no new construction or land disturbance is approved and/or
10983 required as a condition of zoning.

10984 **28.11.1. Substantial progress.** To demonstrate substantial progress for purposes of
10985 vesting a conditional zoning and/or use permit, one of the following must be fulfilled:

10986 A. The department may approve a construction schedule which includes at least
10987 50 percent of the public improvements specified for one phase. Substantial
10988 progress shall have been demonstrated when, within one year of the date of the
10989 issuance of the land disturbance permit, the department observes normal
10990 progress toward the approved construction schedule.

10991 B. The department shall approve a construction schedule which includes at least
10992 the pouring of footings for a principal building. Substantial progress shall have
10993 been demonstrated when, within 6 months of the date of the issuance of the
10994 building permit, the department observes routine progress toward the approved
10995 construction schedule.

10996 Refusal to certify that substantial progress has been achieved may be appealed
10997 in accordance with Article 22 of this Resolution.

10998 **28.11.2. Extensions.** Extensions of zonings and/or use permits for any of the four
10999 qualifying conditions listed in this section shall be considered by the City Council.

11000 To qualify for an extension, the property owner must submit an application to the
11001 department at least 30 days prior to the expiration of a 36-month period beginning with
11002 the date of approval of a zoning and/or use permit.

11003 The department shall prepare an analysis and recommendation as to whether the
11004 documentation in the application is sufficient based on one of the four criteria which may
11005 validate an extension request.

11006 The department shall submit its recommendation to the City Council.

11007 No more than one two-year extension, per zoning and/or use permit case, may be
11008 granted for any of the qualifying conditions listed below (except a court action delay).

11009 An extension may not be sought for less than the total acreage of the underlying
11010 zoning and/or use permit.

11011 In every application for an extension, the owner(s) shall provide an affidavit
11012 documenting at least one of the following:

11013 A. A delay resulting from court action involving the zoning and/or use permit or a
11014 previous extension on the property for which an extension is sought. Extensions
11015 approved in connection with court action shall remain valid for one year beyond

11016 the granting of an order or the expiration of an appeal period before any court
11017 with jurisdiction.

11018 B. Non-availability of utilities or facilities resulting from government inaction. In
11019 those instances where wastewater facilities are available for a fraction of the
11020 desired capacity, or when capacity was available at some time during the three-
11021 year period, but not during the 60 days prior to expiration, the City Council shall
11022 evaluate such case's qualifications for an extension on their individual merits
11023 considering any evidence that might indicate a diligent effort to proceed with
11024 development.

11025 C. A delay in development resulting from wetlands regulatory procedures requires
11026 the applicant to provide a copy of the application acknowledgment letter from
11027 the Savannah Regulatory Branch of the Corps of Engineers as documented
11028 evidence. Said application should have been filed at least 12 months before
11029 zoning and/or use permit expiration.

11030 D. An inability to obtain financing, despite documentation of the owner's efforts
11031 during the first year after zoning and/or use permit approval and continuing until
11032 one week prior to consideration of the extension request to the board.
11033 Documentation shall consist of two official denials signed by officers of two
11034 different lending institutions who have final jurisdiction over such financing
11035 transactions.

11036 28.11.3. - Notice of expiration.

11037 At least 90 days prior to the expiration of a zoning and/or use permit, the director
11038 shall send by certified mail a notice of expiration to each owner of record as shown in
11039 the tax records.

1110410 ARTICLE XXIX. - VIOLATION AND PENALTY

11042 29.1 - Violation.

11043 Any person, firm, partnership or corporation violating any of the provisions of this
11044 resolution shall be deemed guilty of a misdemeanor. Each day's continuance of a
11045 violation shall be considered a separate offense. The owner and/or tenants of any
11046 building or premises or parts thereof, where anything in violation of the resolution shall
11047 be placed or shall exist, and any architect, builder, contractor, or agent or the owner
11048 and/or tenants who may have assisted in the commission of any such violation shall be
11049 guilty of a separate offense.

11050 29.2 - Penalty.

11051 Where a determination is made that property is in violation of the zoning resolution,
11052 and any other codes and laws enforced by the Department of Community Development,
11053 and all reasonable efforts and means to obtain compliance have been exhausted, the
11054 Director of Community Development is authorized to effect such compliance at public
11055 expense. The cost effectuating compliance shall constitute a lien upon the property and

11056 said lien shall be recorded by the Director of Community Development in accordance
11057 with the laws for such.

11058 The South Fulton Municipal Court shall each have jurisdiction to try offenses
11059 alleging violations by any person, firm, corporation, partnership, or other entity of this
11060 article. Upon conviction, any person, firm, corporation, partnership, or other entity shall
11061 be subject to a fine of \$1,000.00 or imprisonment in the South Fulton Jail for not more
11062 than 60 days, or both this fine and imprisonment for each offense.

11063 ARTICLE XXX. - VALIDITY

11064 Should any section or provision of this resolution be declared by a court of
11065 competent jurisdiction to be invalid, such decision shall not affect the validity of the
11066 resolution as a whole or any part thereof other than the part so declared to be invalid.

11067 ARTICLE XXXI. - ARTICLE XXXII. - RESERVED

11068 ARTICLE XXXIII. - SIGNS

11070 33.1 - General provisions.

11072 This article shall hereafter be known and cited as the "South Fulton Sign
11073 Ordinance."

11074 33.2 - Purpose and findings.

11075 A. *Purpose.* This article is enacted for the following purposes:

- 11076 1. To protect the rights of individuals and businesses to convey their messages
11077 through signs;
- 11078 2. To encourage the effective use of signs as a means of communication;
- 11079 3. To promote economic development;
- 11080 4. To improve traffic and pedestrian safety as it may be affected by distracting
11081 signs;
- 11082 5. To prevent the destruction of the natural beauty and environment of the City;
- 11083 6. To protect the public health, safety, and general welfare;
- 11084 7. To restrict the continued existence of abandoned or nonconforming signs
11085 unless in compliance with the terms of this article and to eliminate, over time, all
11086 nonconforming signs;
- 11087 8. To ensure the fair and consistent enforcement of sign standards; and
- 11088 9. To make it easy, quick and economically efficient to apply for a sign permit.

11089 B. *Findings.*

- 11090 1. The City finds that signs are a proper use of private property, are a means of
11091 personal free expression and a necessary component of a commercial
11092 environment. As such, signs are entitled to the protection of the law. In the

11093 absence of regulation, however, the number of such signs tends to proliferate,
11094 with property owners' desiring ever increasing numbers and sizes of signs,
11095 leading to cluttered and aesthetically blighted thoroughfares. In addition, the
11096 competition among competing sign owners for visibility of their signs contributes
11097 to safety hazards for both vehicles and pedestrians and undermines the sign
11098 owners' original purpose of presenting a clear message of its idea or
11099 identification of its premises.

11100 2. The City further finds that the regulation of the size, height, number and
11101 spacing of signs is necessary to protect the public safety, to assure
11102 compatibility of signs with surrounding land uses, to enhance the business and
11103 economy of the City, to protect the public investment in the streets and
11104 highways, to maintain the tranquil environment of residential areas, to promote
11105 industry and commerce, to eliminate visual clutter and blight, to provide an
11106 aesthetically appealing environment, and to provide for the orderly and
11107 reasonable display of signs for the benefit of all the City's citizens.

11108 3. The City further finds that there is a substantial difference between signs
11109 erected by public authority and signs erected by private citizens or businesses.
11110 Signs erected by public authority are virtually all erected for the purpose of
11111 maintaining the public safety either through direct control of traffic or through
11112 provision of such type signage as street signs which enable the traveling public
11113 to know where they are located and to find where they are going. As such, with
11114 the exception of signs identifying government buildings, virtually all government
11115 signs are erected purely for public safety purposes. Moreover, their use in the
11116 public right-of-way is necessary to ensure their visibility to the motoring public.
11117 The City finds that public utility signs are frequently of the same nature as those
11118 signs erected by governmental entities in that they provide necessary
11119 information to safeguard the public from downed power lines and from street
11120 excavations. Even where signs serve a propriety purpose, such as identifying
11121 markings on utility polls, those signs are marked primarily for the purpose of
11122 benefiting the public generally through identification of locations where there
11123 may be temporary losses of power.

11124 4. The City further finds that some signage has a single targeted function and that
11125 identification of such signage by description is impossible without referring to its
11126 function. For instance, address numerals are used for the sole purpose of
11127 locating addresses, which is of benefit to persons looking for those addresses
11128 and is essential to public safety personnel responding to emergencies.
11129 Subdivision signs at the entrances to subdivisions favor a similar purpose in
11130 enabling both the traveling public and emergency personnel to quickly locate
11131 subdivision entrances for the purpose of either visitation or responding to
11132 emergency calls. While such signage is often referenced based upon the
11133 function it serves within the context of this ordinance, whenever possible, it is
11134 the intent of this ordinance to refer to signs unrelated to the content of the
11135 speech provided and to allow maximum expressive potential to sign owners.

11136 33.3 - Definitions.

11137 Words and phrases used in this article shall have the meanings set forth in this
11138 section. Words and phrases not defined in this section, but defined in the Zoning
11139 Resolution of South Fulton, shall be given the meanings set forth in such resolution. All
11140 other words and phrases shall be given their common, ordinary meaning, unless the
11141 context clearly requires otherwise. Section headings or captions are for reference
11142 purposes only and shall not be used in the interpretation of this article.

11143 *Abandoned sign.* Any sign that contains or exhibits broken panels, visible rust,
11144 visible rot, damaged support structures, or missing letters or which is otherwise
11145 dilapidated, unsightly, or unkempt, and for which no person accepts maintenance
11146 responsibility.

11147 *Animated sign.* Any sign, or part of a sign, that uses any movement or change of
11148 lighting or color to depict action or create a special effect or scene.

11149 *Audible sign.* Any sign which emits a sound which is audible or emits a signal which
11150 can be converted into audible sounds, whether by radio or other means.

11151 *Awning/canopy sign.* Any sign that is a part of, or attached to, an awning, canopy or
11152 other fabric, plastic or structural protective cover over a door, entrance, window, or
11153 outdoor service area. A marquee is not a canopy.

11154 *Banner.* A sign other than a flag with or without characters, letters, illustrations or
11155 ornamentation applied to cloth, paper, vinyl, plastic or fabric that is intended to be hung
11156 either with a frame or without a frame. Neither flags nor canopy signs are considered
11157 banners.

11158 *Beacon.* Any light with one or more beams directed into the atmosphere or directed
11159 at one or more points not on the same lot as the light source; also, any light with one or
11160 more beams that rotate or move.

11161 *Billboard.* A sign with an area of more than seventy-two (72) square feet but not
11162 more than six hundred seventy-two (672) square feet.

11163 *Changeable copy sign.* Any sign that incorporates changing lettering or images to
11164 form a message or messages, whether such changes are accomplished electronically
11165 or manually. Changeable copy signs shall not incorporate changing lights or electronic
11166 images. Such changeable copy signs cannot flash, and if located within one hundred
11167 fifty (150) feet of a road right-of-way, may not change more than once per twenty-four
11168 (24) hours.

11169 *City.* South Fulton, Georgia.

11170 *City Council.* The South Fulton City Council.

11171 *County.* Fulton County, Georgia.

11172 *Department.* The Department of Community Development.

11173 *Director.* The Director of Community Development or his or her designee for a
11174 particular purpose.

11175 *Directory sign.* A single sign for multiple businesses, offices, professionals,
11176 industries, or other entities located within a planned center.

11177 *Drive-through/drive-in facility.* A location where products and/or services are
11178 distributed to, or business is transacted with, a person seated in a motor vehicle.

11179 *Fall zone.* An area equal to 133 percent of the height of the structure in every
11180 direction.

11181 *Flag.* Any fabric or bunting containing colors, patterns, or symbols used as a symbol
11182 of a government or other entity or organization.

11183 *Flashing sign.* A sign, the illumination of which is not kept constant in intensity at all
11184 times when in use and which exhibits marked changes in lighting effects.

11185 *Freestanding sign.* Any sign supported by structures or supports that are placed on,
11186 or anchored in, the ground and that are independent from any building or other
11187 structure. A permanently affixed sign which is wholly independent of a building for
11188 support with a base of a width not less than the width of the sign face.

11189 *Illuminated sign, external.* A sign illuminated by an external light source. Such
11190 source cannot be a device that changes color, flashes or alternates.

11191 *Illuminated sign, internal.* A sign illuminated by an internal light source. Such source
11192 cannot be a device that changes color, flashes, or alternates.

11193 *Internal development signs.* Signs not visible from a public right of way, including
11194 but not limited to signs such as parking lot information, directional, safety signs and
11195 signs delineating internal sub-components of the overall development.

11196 *Lot.* A parcel of land that is of sufficient size to meet minimum zoning requirements
11197 for lot area, coverage, and use and that can provide such yards as required by the
11198 zoning standards.

11199 *Marquee, marquee sign.* Any permanent roof-like structure projecting beyond a
11200 building or extending along and projecting beyond the wall of the building, generally
11201 designed and constructed to provide protection from the weather.

11202 *Menu sign.* A sign that informs on the products or services offered at a drive-
11203 through facility. Such sign is not to be legible by the traveling public and shall not
11204 exceed six (6) feet in height and 32 square feet in size.

11205 *Moving sign.* A sign which revolves, rotates, swings, undulates, or otherwise attracts
11206 attention through the structural movement of parts.

11207 *Multi-tenant.* One or more buildings, located on a single premise, containing two or
11208 more separate and distinct individual establishments, which occupy separate portions of
11209 the building and which are physically separated from each other by walls.

11210 *Obscene.* Material is obscene if to the average person, applying contemporary
11211 community standards, taken as a whole, it predominantly appeals to the prurient
11212 interest, that is, a shameful or morbid interest in nudity, sex or excretion; the material
11213 taken as a whole lacks serious literary, artistic, political or scientific value; and the
11214 material depicts or describes, in a patently offensive way, sexual conduct specifically
11215 defined as: (a) acts of sexual intercourse, heterosexual or homosexual, normal or
11216 perverted, actual or simulated; (b) acts of masturbation; (c) acts involving excretory
11217 functions or lewd exhibition of the genitals; (d) acts of bestiality or the fondling of sex

11218 organs of animals; or (e) sexual acts of flagellation, torture, or other violence indicating
11219 a sadomasochistic sexual relationship.

11220 *Out-of-store marketing device.* An out-of-store marketing device is any facility or
11221 equipment which is located outside of a primary building on a site zoned for
11222 nonresidential uses, which is used for the primary purpose of providing a product or
11223 service without the owner's immediate presence, and which is manufactured to include
11224 a color, form, graphic, illumination, symbol, and/or writing thereon to communicate
11225 information regarding the product or service provided thereby to the public. Examples of
11226 out-of-store marketing devices include: fuel pumps, bank ATM units, vending machines,
11227 newspaper racks, drink machines, ice boxes, and phone booths.

11228 *Pennant, streamer.* Any lightweight plastic, fabric, or other material, whether or not
11229 containing a message of any kind, suspended from a rope, wire, or string, usually in a
11230 series, designed to move in the wind.

11231 *Permanent sign.* Any sign which, when installed, is intended for permanent use. A
11232 permanent freestanding sign shall be of a type and construction as not to be easily or
11233 readily removed from the lot on which it has been erected.

11234 *Permit.* A sign permit reviewed, approved, and issued by the City.

11235 *Permittee.* The person and/or entity owning or leasing the land on which the sign is
11236 erected or for which an application has been submitted.

11237 *Person.* A natural or legal person, including a firm, organization, partnership, trust,
11238 and corporation.

11239 *Portable sign.* A sign which is not permanently affixed to the ground or to a
11240 structure, including but not limited to signs on trailers or signs mounted or painted on
11241 vehicles which are parked in such a manner as to serve the purpose of a sign.

11242 *Principal building.* The building in which the principal use of the lot is conducted.
11243 Non-residential lots with multiple principal uses may have multiple principal buildings,
11244 but storage buildings, garages, and other structures with clearly accessory uses shall
11245 not be considered principal buildings.

11246 *Projecting sign.* Any sign which is suspended or projected from the wall, eave, or
11247 soffit of the building.

11248 *Public sign.* Any sign erected by a governmental entity.

11249 *Roof sign.* Any sign erected and constructed wholly on and over the roof of a
11250 building, or supported by the roof structure.

11251 *Sign face.* That part of a sign that is or can be used for advertising purposes.

11252 *Sign.* Any device, fixture, placard, or structure affixed to, supported by, or
11253 suspended by a stationary object, building or the ground that uses any color, form,
11254 graphic, illumination, symbol, or writing to communicate information of any kind to the
11255 public.

11256 *Standard informational sign.* A sign with an area of not greater than four square
11257 feet, with a sign face made for short term use (90 days or less), containing no reflecting

11258 elements, flags, or projections and which, when erect, stands at a height not greater
11259 than three feet and is mounted on a stake or metal frame with a thickness or diameter
11260 not greater than 1½ inches.

11261 *Temporary sign.* Any sign that is not permanently mounted.

11262 *Wall sign.* Any sign attached parallel to a wall, painted on the wall surface or
11263 erected and confined within the limits of an outside wall of any building or structure,
11264 which is supported by such wall or building and which displays only one sign surface.
11265 Wall signs may be allowed to extend up to 15 inches from any wall, building or structure
11266 when a raceway is utilized. Raceways shall be painted to match the color of the exterior
11267 walls to which they are attached. Wall signs shall not cover architectural features or
11268 details, and not extend beyond the horizontal roof line or vertical edges of the building.
11269 Except for principle anchors, wall signs shall be uniform in alignment and height in
11270 developments in which multiple businesses share a building.

11271 *Window sign.* Any sign that is placed inside a window or upon the window panes or
11272 glass, either inside or outside the building, and is visible from the exterior of the
11273 structure.

~~11275~~
~~11274~~ 33.4 - Powers and duties of personnel.

11276 The director is hereby authorized and directed to administer and enforce this article,
11277 unless otherwise specifically provided by resolution of the commissioners.

~~11279~~
~~11278~~ 33.5 - Applicability.

11280 The standards of this article shall apply to all signs erected within unincorporated
11281 South Fulton.

~~11283~~
~~11282~~ 33.6 - Permit required.

11284 Except where specifically not required by the standards of this article, it shall be
11285 unlawful for any person to post, display, materially change, or erect a sign in the City
11286 without first having obtained a sign permit. Notwithstanding the foregoing, signs which
11287 are not visible from a public right-of-way or from neighboring properties shall not be
11288 subject to the standards of this article.

~~11290~~
~~11289~~ 33.7 - Fees required.

11291 No permit shall be issued until the appropriate application has been filed with the
11292 director and fees, as set from time to time by resolution of the City Council, have been
11293 paid.

~~11295~~
~~11294~~ 33.8 - Application content.

11296 Applications for sign permits required by this article shall be filed along with two
11297 additional copies by the person owning the subject lot, or the owner's agent with
11298 express permission of the owner, in the office of the director upon forms furnished by
11299 that office. The application shall describe and set forth the following:

- 11300 1. The type and purpose of the sign as defined in this article.

- 11301 2. The value of the sign.
- 11302 3. A survey to scale showing the street address of the property upon which the
- 11303 subject sign is to be located, the proposed location of subject sign on subject
- 11304 property, the distance of the proposed sign from the subject property's
- 11305 boundaries, and all existing structures or buildings on the subject property.
- 11306 4. The square foot area per sign and the aggregate square foot area if there is
- 11307 more than one sign face.
- 11308 5. The name(s) and address(es) of the owner(s) of the real property upon which
- 11309 the subject sign is to be located.
- 11310 6. Written consent of the owner of the property, or his/her agent, granting
- 11311 permission for the placement, maintenance, size, and height of the subject sign
- 11312 to be placed on the property.
- 11313 7. For wall signs: Two sets of building elevations.
- 11314 8. The name, address, telephone number, and business license number of the
- 11315 sign contractor. All applications for signs which incorporate electricity must
- 11316 obtain an electrical permit.
- 11317 9. Sign details, including a proposed color scheme of sign, and scaled elevation
- 11318 of the size and height of the proposed sign from ground level and adjacent
- 11319 street level.
- 11320 10. The zoning district in which the subject property is located and a statement of
- 11321 compliance with all requirements of the zoning district.
- 11322 11. Any additional information as required by the director or his designee on an
- 11323 application form which shall remain on file at the department.

11324 33.9 - Application rejection.

- 11326 A. *Incomplete application; false information.* The director shall reject any application
- 11327 that is incomplete or inaccurate, that contains false material statements or
- 11328 omissions, or that is for a sign which would violate any standard within this article
- 11329 within 45 business days of receipt of said application. The director may reject at
- 11330 anytime prior to the expiration of the 45-day period, if the application is incomplete,
- 11331 inaccurate or contains false material statements or omissions, by returning the
- 11332 application to the applicant.
- 11333 B. *Processing time; denial.* The City shall process all complete and accurate sign
- 11334 permit applications within 60 business days of the department's actual receipt of a
- 11335 complete and accurate application and upon remittance of the appropriate sign
- 11336 permit fee. The director shall give notice to the applicant of his/her decision by hand
- 11337 delivery, electronic communication (email), or by mailing such notice by certified
- 11338 mail, return receipt requested, to the address on the permit application on or before
- 11339 the 60th business day. If the decision of the director is to deny the application, the
- 11340 decision shall state the grounds upon which the denial is based. Failure of the City
- 11341 to act within the 60-day period shall be deemed an approval of the permit. If notice
- 11342 is mailed in conformity with this section, notice shall be deemed to have been given

11343 upon the date of mailing. Any application meeting the standards of this article shall
11344 be granted. Any application not meeting the standards of this article shall be denied.

11345 C. *Appealable.* A rejection or denial pursuant to this section shall be appealable
11346 pursuant to the procedures for zoning appeals as outlined in the South Fulton
11347 Zoning Resolution. However, notwithstanding the foregoing, a final decision will be
11348 rendered within 90 days from date an appeal is filed. If a final decision is not
11349 rendered within the 90-day period, the decision sought to be appealed shall be
11350 affirmed.

11351 D. *Resubmission.* A rejected application later resubmitted in conformity with this
11352 article shall be deemed to have been submitted on the date of resubmission,
11353 instead of the original submission date. An application which is resubmitted shall
11354 meet all the standards for an original application.

11356 33.10 - Permit revocation.
11355

11357 Should it be determined that a sign permit was issued pursuant to an application
11358 containing a false material statement or omission, the director shall revoke said permit
11359 and the subject sign shall be immediately removed. A revocation pursuant to this
11360 section shall be appealable pursuant to the procedures for zoning appeals as outlined in
11361 the South Fulton Zoning Resolution. However, notwithstanding the foregoing, a final
11362 decision will be rendered within 90 days from the date an appeal is filed. If a final
11363 decision is not rendered within the ninety-day period, the decision sought to be
11364 appealed shall be affirmed. The permit for any sign not meeting the standards of this
11365 article will be revoked.

11367 33.11 - Zoning ordinance requirements.
11366

11368 So long as an application conforms to the standards and procedures of this article,
11369 the applicant is exempted from any additional standards, excepting any standards
11370 relating to color, building materials, and procedures relating to signs in the South Fulton
11371 Zoning Resolution.

11373 33.12 - Variance.
11372

11374 A. *Limitations.* The Zoning Board of Appeals shall be allowed to grant variances
11375 where a hardship has been demonstrated pursuant to the South Fulton Zoning
11376 Resolution. Said variance or variances may only be granted as to number, set back,
11377 building material, height, and size or sign style.

11378 B. *Timing.* The Zoning Board of Appeals shall hear and decide upon a variance within
11379 90 days of the submission of a complete and accurate application.

11381 33.13 - Expiration date.
11380

11382 A sign permit shall become null and void if the sign for which the permit was issued
11383 has not been installed and completed within six months after the date of issuance;
11384 provided, however, that where an applicant can demonstrate that an entity was timely
11385 engaged to construct the permitted sign, but the fabrication has not yet been completed,
11386 one 90-day extension may be granted by the director. No refunds shall be made for a

11387 permit after the permit is issued. If later an individual desires to erect a sign at the same
11388 location, a new application for the sign must be processed and another fee paid in
11389 accordance with the fee schedule applicable at such time.

11391 33.14 - Occupational tax certificate, public liability insurance required.
11390

11392 It shall be unlawful for any person to engage in the business of erecting or
11393 maintaining signs within the City, unless and until such entity shall have obtained an
11394 occupation tax certificate and a certificate of insurance from an insurance company
11395 authorized to do business in the state evidencing that the entity has in effect public
11396 liability and property damage insurance in the sum of \$25,000.00 for property damage
11397 for any one claim, and public liability insurance in an amount not less than \$100,000.00
11398 for injuries, including accidental death to one person. The certificate of insurance shall
11399 state that the insurance carrier shall notify the City 30 days in advance of any
11400 termination and/or restriction of the coverage, including nonrenewal, cancellation, and
11401 nonpayment of any premium.

11403 33.15 - Identification labels; inspection; notice.
11402

11404 A. *Identification labels.* With each sign permit, the director shall issue a sticker
11405 bearing a number sufficient to reference a valid permit for which the permit is
11406 issued. It shall be the duty of the permittee or his agent to affix such sticker to the
11407 sign in the lower right hand area so it is easily seen. The absence of a proper
11408 sticker shall be prima facie evidence that the sign has been, or is being, erected or
11409 operated in violation of the standards of this article.

11410 B. *Inspection.* The director or his/her designee shall inspect all existing signs in the
11411 City to determine if such signs conform to the standards of this article. Identification
11412 stickers shall be provided for all signs in order to identify existing conforming and
11413 nonconforming signs.

11415 33.16 - Signs which require no permit.
11414

11416 The following shall not count toward the total amount of signage allowed and no
11417 permit is required so long as all standards in this article are met, including those set
11418 forth below:

- 11419 1. Numerals displayed for the purpose of identifying property location not to
11420 exceed eight inches in height;
- 11421 2. Flags;
- 11422 3. Window signs;
- 11423 4. Door signs not to exceed one square foot in size and not more than one sign
11424 per door; and
- 11425 5. Standard informational signs in all districts.

11427 33.17 - Prohibited signs and devices.
11426

11428 The following types of signs are prohibited in the City:

- 11429 A. *Signs*. Any sign not specifically identified in this article as a permitted sign.
- 11430 B. *Balloons; streamers*. Balloons, streamers or air or gas filled figures.
- 11431 C. *String lights*. Signs consisting in whole or in part of a series, line, or row of
- 11432 lights, whether supported by cables or other physical means, within 150 feet of
- 11433 a street right-of-way and visible there from. Notwithstanding the foregoing,
- 11434 holiday lights and decorations displayed not more than 30 days before or after a
- 11435 calendar holiday shall be exempted from this section.
- 11436 D. *Beacons; search lights; laser*. Promotional beacons, search lights or laser
- 11437 lights or images.
- 11438 E. *Audible signs*. Audible signs.
- 11439 F. *Signs in right-of-way*. Signs in a public right-of-way, other than official City
- 11440 signs or those belonging to a government, public service agency, or railroad.
- 11441 G. *Signs on tree or utility pole*. Signs mounted or located on a tree, utility pole, or
- 11442 other similar structure.
- 11443 H. *Roof signs*. Roof signs and signs which extend vertically above any portion of
- 11444 a roof or parapet of the applicable wall. Exception: Signs that are painted on, or
- 11445 otherwise attached flat, to a flat roof structure so as to not be visible from
- 11446 ground level and do not extend vertically from the roof structure more than 24
- 11447 inches, do not add load to the roof structure and allow access to all roof areas
- 11448 shall be permitted. Flat roof signs shall not be illuminated animated or contain
- 11449 mechanical movements. There is no maximum square footage limit to the sign
- 11450 area.
- 11451 I. *Portable signs*. Portable signs, including signs attached to any parked vehicle or
- 11452 trailer, so as to be visible from a public right-of-way.
- 11453 J. *Obscene signs*. Signs which depict obscene material.
- 11454 K. *Illegal activity signs*. Signs which advertise an activity which is illegal under
- 11455 federal, state or local laws.
- 11456 L. *Signs not maintained*. Signs not in good repair, in violation of codes, or
- 11457 containing or exhibiting broken panels, visible rust, visible rot, damaged support
- 11458 structures, or missing letters.
- 11459 M. *Abandoned signs*. Abandoned signs.
- 11460 N. *Animated; flashing*. Animated signs, flashing signs, and changeable copy signs
- 11461 which change more than once per 24 hours within 150 feet of a road right-of-
- 11462 way.
- 11463 O. *Imitation traffic signs*. Signs which contain or are an imitation of an official
- 11464 traffic sign or signal or contain the words "stop," "go," "slow," "caution,"
- 11465 "warning," or similar words in such a manner as to resemble official traffic
- 11466 control signs.

11468 33.18 - Violations; penalties.
 11467

- 11469 A. *Noncompliance.* No person shall erect on any premises owned or controlled by
11470 that person any sign which does not comply with the standards of this article.
- 11471 B. *Dangerous or defective.* No person shall maintain or permit to be maintained on
11472 any premises owned or controlled by that person any sign which is in a dangerous
11473 or defective condition. Any such sign shall be removed or repaired by the permittee
11474 of the sign, the owner of the premises, or as otherwise provided for in this article.
- 11475 C. *Separate violation.* Each sign installed, created, erected or maintained in violation
11476 of this article shall be considered a separate violation when applying the penalty
11477 portions herein.
- 11478 D. *Public nuisance.* Any sign erected or maintained in violation of this article is hereby
11479 declared to be a public nuisance.
- 11480 E. *Notice.* The director shall give the permittee or sign owner 24 hours to 30 days
11481 written notice, based on the practical considerations of completing measures to
11482 comport with the standards of this article, to correct the deficiencies or to remove
11483 the sign(s) which is in violation of this article. If the permittee or sign owner refuses
11484 to correct the deficiencies or remove the sign, the director will have the sign
11485 removed at the expense of the permittee or sign owner.
- 11486 F. *Citations.* If any sign or other device covered by this article is, or is proposed to be,
11487 erected, constructed, altered, converted or used in violation of any provision of this
11488 article, the director or his designee shall issue a citation. Additionally, the City may
11489 seek an injunction for a continuing violation or take other appropriate action to
11490 prevent such unlawful erection, construction, alteration, conversion or use to correct
11491 or abate such violation. Any violation of this article shall be an offense, and the
11492 violator shall be subject to a fine of up to \$1,000.00 per day, per citation,
11493 imprisonment for up to 60 days, or both.
- 11495 33.19 - Nonconforming signs.
11494
- 11496 A. *Maintained.* A nonconforming sign shall not be replaced by another nonconforming
11497 sign, except that the substitution or interchange of poster panels, painted boards, or
11498 dismountable material on nonconforming signs shall be permitted. All
11499 nonconforming signs shall be maintained in good repair.
- 11500 B. *Repairs; material change.* Minor repairs and maintenance of nonconforming signs
11501 shall be permitted, provided, however, that no structural repairs or changes in the
11502 size or shape of a nonconforming sign shall be permitted except to make the sign
11503 comply with the standards of this article. To the extent that any sign allowable
11504 hereunder is damaged or destroyed by act of God or by other circumstances
11505 beyond control of owner of sign then such sign may be repaired without regard to
11506 the restrictions of this paragraph.
- 11507 C. *Grandfathering.* Nonconforming signs may stay in place until one of the following
11508 conditions occurs:
- 11509 1. The advertised business ceases at that location for a period of more than 30
11510 days;

- 11511 2. The deterioration of the sign or damage to the sign makes it a hazard or
11512 renders it dilapidated, unsightly, or unkempt; or
- 11513 3. The sign has been damaged to such extent that more than minor repairs or a
11514 material change is required to restore the sign. No structural repairs or change
11515 in shape or size shall be permitted except to make the sign comply with all
11516 standards of this article. To the extent that any sign allowable hereunder is
11517 damaged or destroyed by act of God or by other circumstances beyond control
11518 of owner of sign then such sign may be repaired without regard to the
11519 restrictions of this paragraph.

11521 33.20 - Removal of unlawful or dangerous signs.
11520

- 11522 A. *Removal.* The City may order the removal of any sign in violation of this article by
11523 written notice to the permit holder and/or property owner if there is no permit holder
11524 of record; or if there is no permit holder, then to the owner of the sign; or if the sign
11525 owner cannot be found or cannot be determined, then to the sign erector and any
11526 party that procured the erection of the sign. If a permit has been issued, such notice
11527 shall operate to revoke the permit.
- 11528 B. *Procedure following removal order.* If the sign is not removed within the time
11529 allowable pursuant to section 33.18(E), the City shall remove or cause to be
11530 removed the sign and collect the costs thereof as provided below.
- 11531 C. *Removal without notice.* The City shall have removed any sign in violation of this
11532 article, without giving notice to any party, if:
- 11533 1. Said sign is upon the public right-of-way or upon other public property or upon
11534 the pavement of a private street or drive; or
- 11535 2. Said sign poses an immediate safety threat to the life or health of any members
11536 of the public.
- 11537 D. *Removal after court determination.* Other than signs located in a public right-of-
11538 way, a sign shall be removed by the City after a final determination by a court that
11539 the sign is unlawful and should be removed. If the permittee or property owner fails
11540 to remove the sign, the sign may be immediately removed and disposed of by the
11541 City with all costs to be paid by the permittee or property owner. If permittee or
11542 property owner fails to pay within 30 days a lien shall be filed on said property for
11543 the incurred expenses.

11545 33.21 - Sign location.
11544

- 11546 A. *Obstructions to doors, windows, or fire escapes.* No sign shall be erected,
11547 relocated, or maintained so as to prevent free ingress or egress from any door,
11548 window, or fire escape.
- 11549 B. *Signs not to constitute traffic hazard.* No sign or any part thereof, except authorized
11550 traffic signs, shall be located in any government right-of-way. No sign may be
11551 located any closer than 20 feet to an intersection as measured from the intersection
11552 of the two rights-of-way.

11553 C. *Setback.* Unless a more restrictive setback is specified in conditions of zoning or
11554 otherwise in this article, all signs shall set back at least ten feet from the right-of-way
11555 or 20 feet from the edge of pavement if a private street and no sign shall project
11556 over the right-of-way except that standard information signs shall be allowed to be
11557 placed on private property up to the edge of the publicly dedicated right-of-way or
11558 ten feet off the edge of pavement on a private road with no dedicated right-of-way
11559 for a period beginning 90 days before the date of the election and ending with the
11560 final determination on each ballot issue or candidate. Freestanding signs shall be a
11561 minimum of 25 feet from an intersection as measured from the intersection of the
11562 two rights-of-way and shall be a minimum of 35 feet from any other freestanding
11563 signs.

11565 33.22 - Measurement of sign area.
11564

11566 A. *Area.* The area of a sign shall be computed as the area within the smallest
11567 continuous polygon comprised of not more than eight straight lines enclosing the
11568 limits of a sign face, together with any sign face cabinet or frame or material,
11569 texture, or color forming an integral part of the sign face used to differentiate the
11570 sign face from the structure upon which it is placed. If polygons established around
11571 wall signs located on the same street oriented wall are within 24 inches or less of
11572 one another, then the area of the sign shall be measured within one continuous
11573 polygon.

11574 B. *Structure.* The computation of the area of a sign face shall not include the
11575 structure, supports, or uprights on which the sign face is placed or any portions of a
11576 sign structure that are not intended to contain any message or idea and are purely
11577 structural or decorative in nature, other than those parts contained within the
11578 polygon that delineates the sign face.

11579 C. *Changeable copy signs.* For any signs on which the words, letters, figures,
11580 symbols, logos, fixtures, colors, or other design elements routinely change or are
11581 intended to be changed from time to time, the sign face area shall include the entire
11582 area within which any words, letters, figures, symbols, logos, fixtures, colors, or
11583 other design elements may be placed, together with any frame or material, texture
11584 or coloring forming the integral part of the sign face or used to differentiate the sign
11585 face from the structure upon which it is placed.

11586 D. *Multi-faced signs.* For multi-faced signs, when the sign face surfaces are parallel
11587 and are back to back, or where the interior angle formed by the faces is 45 degrees
11588 or less, the area of the sign shall be taken as the areas on the largest side. For all
11589 other multi-faced signs, the area of the sign shall be the total area on all sides that
11590 can be viewed at one time from any angle.

11592 33.23 - Measurement of sign height.
11591

11593 The height of a sign shall be computed as the distance from the base of the sign
11594 structure at normal grade to the top of the highest attached component of the sign.
11595 Normal grade shall be construed to be the lower of: (1) existing grade prior to
11596 construction or (2) the newly established grade after construction, exclusive of any
11597 filling, berming, mounding, or excavating solely for the purpose of locating the sign.

11598 In cases in which the normal grade cannot reasonably be determined, sign height
11599 shall be computed on the assumption that the elevation of the normal grade at the base
11600 of the sign is equal to the elevation of the nearest point of the crown of a public street or
11601 the grade of the land at the principal entrance to the principal structure on the zoned lot,
11602 whichever is greater (surveyor's certificate required).

11603 Where the normal grade is below the normal grade of a public street, the sign base
11604 can be raised to the elevation of the normal grade of the street before the height
11605 limitations are applied (surveyor's certificate required). At no time shall any sign's overall
11606 height exceed the zoning district's height limitations.

11608 33.24 - Construction standards.
11607

11609 A. *Building and safety codes.* All signs permitted under this code shall be constructed
11610 and maintained in accordance with the applicable City building and safety codes.
11611 The City may remove, after due notice, any sign which shows neglect or becomes
11612 dilapidated.

11613 B. *Faces.* The face of sign shall be flat, with protrusions of no more than two inches to
11614 allow for the texture of the sign and words, letters, figures, symbols, logos, fixtures,
11615 colors, or other design elements. No sign or other advertising structure shall be
11616 constructed so as to have nails, tacks, or wires protruding there from. Lettering for
11617 address signage shall not exceed eight inches in height or as required by the
11618 applicable building code.

11619 C. *Illumination.* Signs, when illumination is permitted and except as otherwise set
11620 forth, may be illuminated internally or externally. Free standing signs with external
11621 illumination shall have light directed downward. Externally illuminated signs shall not
11622 exceed 55 foot-candles.

11623 D. *Landscaping.* Landscaping, weeds, and grass shall be kept cut in front of, behind,
11624 underneath, and around the base of freestanding signs.

11625 E. *Construction.* Freestanding sign structure/base materials shall match the principal
11626 building material. Any architectural color standards of an applicable overlay district
11627 apply only to the sign structure not to the sign face.

11629 33.25 - Restrictions based on location.
11628

11630 If not otherwise stated, any sign not specifically allowed in a zoning district as
11631 provided under this Section shall be prohibited in that district, except as otherwise
11632 provided for under this Article. The following standards govern signs within specific
11633 zoning districts. For any zoning district not identified in the following sub-parts, signs
11634 shall comply with the sign regulations contained in section A, Agricultural district (AG-1).

11635 A. Agricultural district (AG-1) (article V, South Fulton Zoning Resolution).

11636 1. *Freestanding signs.*

11637 a. One maximum 32 square foot, freestanding sign per business or
11638 institutional use shall be permitted for each street on which the lot has
11639 frontage.

- 11640 b. One maximum 32 square foot, freestanding sign or two single-faced
11641 freestanding signs not to exceed 16 square feet for each side of a
11642 platted single family subdivision entrance.
- 11643 c. Freestanding signs shall have a maximum height of six feet, may be
11644 externally illuminated, and shall not have changeable copy.
- 11645 2. *Window signs.* Not more than three window signs per lot of record shall be
11646 allowed and shall not be larger than four square feet or cover more than 25
11647 percent of the area of each window in which a sign is placed, whichever is
11648 less. Such signs shall not be illuminated.
- 11649 3. *Signs during construction.* One additional sign shall be allowed during
11650 construction. The sign shall not be internally illuminated, shall not exceed
11651 12 square feet in area and five feet in height, and shall be allowed
11652 beginning with the commencement of construction and ending with the
11653 issuance of a certificate of occupancy or installation of a permanent sign,
11654 whichever occurs first.
- 11655 4. *Flag.* Each lot may display no more than one flag and/or flagpole. The
11656 flagpole shall not exceed 20 feet in height. Flag size shall not be more than
11657 20 square feet.
- 11658 5. *Banner.* Banners shall be allowed for a period not exceeding 14 days with
11659 no more than three such 14-day periods being permitted per calendar year
11660 per lot. Time periods shall not be consecutive. Banners shall not be more
11661 than 24 square feet. No banner shall be mounted so as to extend above the
11662 horizontal plane of the roof where the building wall and roof meet or shall
11663 not extend more than five (feet above grade when on the ground).
- 11664 6. *Standard informational sign.* Each lot may display two standard
11665 informational signs without a permit, except that during a political election,
11666 each lot may display no more than six standard informational signs during
11667 the period 90 days before the date of the election and the final
11668 determination on each ballot issue or candidate.
- 11669 7. *Internal development signs.* Internal development signs (signs not visible
11670 from a public right-of-way) are permitted adjacent to internal road(s) serving
11671 the development. Includes but is not limited to signs such as parking lot
11672 information, directional, safety signs, and signs delineating internal sub-
11673 components of the overall development. Internal directional signs shall not
11674 exceed ten square feet in area and four feet in height.
- 11675 B. Residential districts (R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, CUP,
11676 NUP, SUB A, SUB B and SUB C) (Article VI, Article XI, sections 11.1 and 11.2
11677 and Appendix A, South Fulton Zoning Resolution).
- 11678 1. *Freestanding signs.*
- 11679 a. One maximum 32 square foot, freestanding sign per lot occupied with
11680 an institutional use shall be permitted for each street on which the lot
11681 has frontage.

- 11682 b. One maximum 32 square foot, freestanding sign or two single-faced
11683 freestanding signs not to exceed 16 square feet for each side of a
11684 platted single family subdivision entrance.
- 11685 c. Freestanding signs shall have a maximum height of six feet, may be
11686 externally illuminated, and shall not have changeable copy.
- 11687 2. *Window signs.* Not more than three window signs per lot of record shall be
11688 allowed and shall not be larger than four square feet or cover more than 25
11689 percent of the area of each window in which a sign is placed, whichever is
11690 less. Such signs shall not be illuminated.
- 11691 3. *Signs during construction.* One additional sign shall be allowed during
11692 construction. The sign shall not be internally illuminated, shall not exceed
11693 12 square feet in area and five feet in height, and shall be allowed
11694 beginning with the commencement of construction and ending with the
11695 issuance of a certificate of occupancy or installation of a permanent sign,
11696 whichever occurs first.
- 11697 4. *Flag.* Each lot may display no more than one (flag and/or flagpole. The
11698 flagpole shall not exceed 20 feet in height. Flag size shall not be more than
11699 20 square feet.
- 11700 5. *Banner.* Banners shall be allowed for a period not exceeding 14 days with
11701 no more than three such 14-day periods being permitted per calendar year
11702 per lot. Banners shall not be more than 24 square feet. No banner shall be
11703 mounted so as to extend above the horizontal plane of the roof where the
11704 building wall and roof meet or shall not extend more than five feet above
11705 grade when on the ground.
- 11706 6. *Standard informational signs.* Each lot may display two standard
11707 informational signs without a permit, except that during a political election,
11708 each lot may display no more than six standard informational signs during
11709 the period 90 days before the date of the election and the final
11710 determination on each ballot issue or candidate.
- 11711 7. *Internal development signs.* Internal development signs (signs not visible
11712 from a public right-of-way) are permitted adjacent to internal road(s) serving
11713 the development. Includes but is not limited to signs such as parking lot
11714 information, directional, safety signs, and signs delineating internal sub-
11715 components of the overall development. Internal directional signs shall not
11716 exceed ten square feet in area and four feet in height.
- 11717 C. Apartment and townhouse residential districts (R-6, TR, A, A-L, MHP and A-1)
11718 (article VII, article XI, section 11.3 and Appendix A, South Fulton Zoning
11719 Resolution) and non-residential uses approved by a use permit (article XIX of
11720 the South Fulton Zoning Resolution).
- 11721 1. *Freestanding signs.* One maximum 32 square foot freestanding sign shall
11722 be permitted for each street on which the development has frontage. The
11723 sign shall have a maximum height of six feet, may be externally illuminated,
11724 and shall not have changeable copy.

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2. *Window signs.* Not more than three window signs per unit shall be allowed and shall not be larger than four square feet or cover more than 25 percent of the area of each window in which a sign is placed, whichever is less. Such signs shall not be illuminated.
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3. *Signs during construction.* One additional sign shall be allowed during construction. The sign shall not be internally illuminated, shall not exceed 12 square feet in area and five feet in height, and shall be allowed beginning with the commencement of construction and ending with the issuance of a certificate of occupancy or installation of a permanent sign, whichever occurs first.
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4. *Flag.* Each lot may display no more than one flag and/or flagpole. The flagpole shall not exceed 20 feet in height. Flag size shall not be more than 20 square feet.
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5. *Banner.* Banners shall be allowed for a period not exceeding 14 days with no more than three such 14-day periods being permitted per calendar year per lot. Banners shall not be more than 24 square feet. No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet or shall not extend more than five feet above grade when on the ground.
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6. *Awning/canopy signs.* Awning/canopy signs may be displayed. A permit is required. The signs shall be deducted from allocated wall sign area. The area of the sign shall not exceed ten percent of the area of the awning or canopy.
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7. *Standard informational signs.* Each lot may display two standard informational signs without a permit, except that during a political election, each lot may display no more than six standard informational signs during the period 90 days before the date of the election and the final determination on each ballot issue or candidate.
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8. *Internal development signs.* Internal development signs (signs not visible from a public right-of-way) are permitted adjacent to internal road(s) serving the development. Includes but is not limited to signs such as parking lot information, directional, safety signs, and signs delineating internal sub-components of the overall development. Internal directional signs shall not exceed ten square feet in area and four feet in height.
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- D. Office-institutional and apartment-office districts (O-I and A-O) (article VIII, section 8.1 and Appendix A, South Fulton Zoning Resolution).
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1. *Freestanding signs.*
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- a. One maximum 32 square foot, freestanding sign shall be permitted for each street on which the lot has less than 500 feet of frontage. The sign shall have a maximum height of ten feet, may be externally illuminated, and shall not have changeable copy.

- 11766 b. One maximum 64 square foot, freestanding for each street on which
11767 the lot has 500 or more linear feet of frontage. If the lot has two or more
11768 entrances on a street on which it has frontage, the one maximum 64
11769 square foot sign may be substituted by two single-faced freestanding
11770 signs not to exceed 32 square feet. The sign shall have a maximum
11771 height of ten feet, may be externally illuminated, and shall not have
11772 changeable copy. No more than two signs shall be allowed per frontage
11773 over 500 feet.
- 11774 2. *Wall sign.* Wall signs are permitted on street-facing walls (including
11775 windows and doors). Businesses without a street on which there is
11776 frontage, but which have exterior entrances to the building, are entitled to
11777 one wall sign on the exterior wall of the business where the primary
11778 entrance is located. Wall sign(s) shall not exceed the smaller of five percent
11779 of the applicable wall area or 100 square feet, confined to the upper 30 feet
11780 of the facade. Wall signs shall not have changeable copy unless approved
11781 as a marquee sign. Each place of business is allowed a maximum of two
11782 wall signs. Only one sign is allowed per wall. Wall signs shall face public
11783 streets and/or pedestrian-parking areas.
- 11784 3. *Internal freestanding signs.* Internal freestanding signs (signs not visible
11785 from a public right-of-way) are permitted adjacent to internal road(s) serving
11786 the development. The freestanding sign shall not exceed 20 square feet in
11787 area and six feet in height and shall not be legible by the traveling public
11788 from a public right-of-way.
- 11789 4. *Window signs.* Not more than three window signs per unit shall be allowed
11790 and shall not be larger than four square feet or cover more than 25 percent
11791 of the area of each window in which a sign is placed, whichever is less.
11792 Such signs shall not be illuminated, except that one window sign may be
11793 illuminated. Window signs shall not be counted toward the wall sign total
11794 square footage.
- 11795 5. *Awning/canopy signs.* Awning/canopy signs may be displayed. A permit is
11796 required. The signs shall be deducted from allocated wall sign area. The
11797 area of the sign shall not exceed ten percent of the area of the awning or
11798 canopy.
- 11799 6. *Flags.* Each lot may display no more than three flags and/or flagpoles.
11800 Flagpoles shall not exceed 20 feet in height. Flag size shall not be more
11801 than 20 square feet.
- 11802 7. *Standard informational signs.* Each lot may display two standard
11803 informational signs without a permit, except that during a political election,
11804 each lot may display no more than six standard informational signs during
11805 the period 90 days before the date of the election and the final
11806 determination on each ballot issue or candidate.
- 11807 8. *Banners.* Banners shall be allowed for a period not exceeding 14 days with
11808 no more than three such 14-day periods being permitted per calendar year

11809 per lot. In the case of lots which contain multiple businesses, each business
11810 shall be allowed a banner. Banners shall not be more than 32 square feet.
11811 No banner shall be mounted so as to extend above the horizontal plane of
11812 the roof where the building wall and roof meet and shall not extend more
11813 than five feet above grade when on the ground.

11814 9. *Projecting signs.* In a multi-tenant office building, in addition to all other
11815 permitted signs, one projecting non-illuminated sign per entrance used shall
11816 be allowed to identify the location of each tenant's premises. Projecting
11817 signs shall adhere to the following: does not exceed three square feet in
11818 area; is uniform in size, material, color and shape and is placed in an
11819 equivalent location to other such signs located on the same building; is
11820 suspended from the eave or soffit of the building; and maintains a minimum
11821 of seven feet clearance between the bottom of the sign and the walkway
11822 below.

11823 10. *Internal development signs.* Internal development signs (signs not visible
11824 from a public right-of-way) are permitted adjacent to internal road(s) serving
11825 the development. Includes but is not limited to signs such as parking lot
11826 information, directional, safety signs and directional signs associated with
11827 hospitals and other emergency care facilities. Internal directional signs shall
11828 not exceed ten square feet in area and four feet in height except that signs
11829 associated with hospitals and emergency care facilities shall not exceed 20
11830 square feet in area.

11831 E. Commercial, industrial park, and mixed use districts (C-1, C-2, M-1A, MIX)
11832 (article IX, article X, section 10.1, article VIII, section 8.2, South Fulton Zoning
11833 Resolution).

11834 1. *Freestanding signs.*

11835 a. One maximum 32 square foot, freestanding sign shall be permitted for
11836 each lot which contains less than three acres.

11837 b. One maximum 44 square foot, for each lot which contains three or
11838 more, but not more than 15 acres.

11839 c. For lots that contain more than 15 acres, one maximum 64 square foot,
11840 freestanding for each street on which the lot has primary frontage and
11841 one 32 square foot, freestanding sign for each street on which the lot
11842 has secondary frontage. If the primary frontage of the lot is 500 linear
11843 feet or more and if the lot has two or more entrances on the street on
11844 which it has primary frontage, the one maximum 64 square foot sign
11845 may be substituted with two single-faced freestanding signs not to
11846 exceed 32 square feet. The sign shall have a maximum height of six
11847 feet if 32 square feet or less and eight feet if 64 square feet or less and
11848 may be externally illuminated. No more than two signs shall be allowed
11849 per development unless there is a secondary frontage.

11850 d. All signs shall have a maximum height of six feet if 32 square feet or
11851 less, a maximum height of eight feet or less if greater than 32 square

- 11852 feet, may be internally lighted, and shall not have changeable copy,
11853 except in association with motor vehicle fuel pricing. Each sign may
11854 have not more than four tenant panels if 32 square feet or less, or not
11855 more than six tenant panels if greater than 32 square feet.
- 11856 e. Within the mixed use (MIX) district one maximum 32 square foot,
11857 freestanding sign or two single-faced freestanding signs not to exceed
11858 16 square feet for each side of a platted residential component's
11859 entrance shall be permitted.
- 11860 2. *Wall signs.* Wall signs are permitted on street-facing walls (including
11861 windows and doors). Businesses without a street on which there is
11862 frontage, but which have exterior entrances to the building, are entitled to
11863 one wall sign on the exterior wall of the business where the primary
11864 entrance is located. Wall sign(s) shall not exceed five percent of the
11865 applicable wall area or 100 square feet, whichever is smaller. Wall signs
11866 shall not have changeable copy unless approved as a marquee sign or in
11867 association with motor vehicle fuel pricing. Each place of business is
11868 allowed a maximum of two wall signs. Only one sign per business is
11869 allowed per wall. Wall signs shall face public streets and/or pedestrian-
11870 parking areas. (Amended 5/7/08)
- 11871 3. *Wall signs, tenant over 50,000 square feet.* A tenant that has over 50,000
11872 square feet of gross floor space and has independent leased space within a
11873 shopping center shall be allowed wall signs not to exceed five percent of
11874 the applicable wall area or 300 square feet, whichever is smaller.
- 11875 4. *Menu sign.* One menu sign as part of a drive-thru or drive-in facility. One
11876 menu sign shall be allowed per drive-through lane.
- 11877 5. *Banner.* Banners shall be allowed for a period not exceeding 14 days with
11878 no more than three such 14-day periods being permitted per calendar year
11879 per lot. In the case of lots which contain multiple businesses, each business
11880 shall be allowed a banner. Banners shall not be more than 32 square feet.
11881 No banner shall be mounted so as to extend above the horizontal plane of
11882 the roof where the building wall and roof meet, or shall not extend more
11883 than five feet above grade when on the ground.
- 11884 6. *Signs during construction.* One additional sign shall be allowed during
11885 construction. The sign shall not be internally illuminated. The sign shall be
11886 allowed beginning with the commencement of construction and ending with
11887 the issuance of a certificate of occupancy or installation of a permanent
11888 sign, whichever occurs first. The sign shall not exceed the maximum
11889 freestanding sign allowed on the lot.
- 11890 7. *Out-of-store marketing device.* Out-of-store marketing devices shall be
11891 allowed, shall not exceed eight feet in height, and shall not be illuminated
11892 except for illumination intrinsic to the device. No permit shall be required.

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8. *Flags.* Each lot may display no more than three flags and/or flagpoles. Flagpoles shall not exceed 20 feet in height. Flag size shall not be more than 20 square feet.
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9. *Entrance signs.* In a multi-tenant commercial or office building, in addition to all other permitted signs, one projecting non-illuminated sign per entrance used shall be allowed to identify the location of each tenant's premises. Projecting signs shall adhere to the following: does not exceed three square feet in area; is uniform in size, material, color and shape and is placed in an equivalent location to other such signs located on the same building; is suspended from the eave or soffit of the building; and maintains a minimum of seven feet clearance between the bottom of the sign and the walkway below.
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10. *Window signs.* Not more than three window signs per unit shall be allowed and shall not be larger than four square feet or cover more than 25 percent of the area of each window in which a sign is placed, whichever is less. Such signs shall not be illuminated, except that one window sign may be illuminated. Window signs shall not be counted towards the wall sign total square footage.
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11. *Awning/canopy signs.* Awning/canopy signs may be displayed. A permit is required. The area of the sign shall not exceed ten percent of the area of the awning or canopy. The area of an awning/canopy sign shall be deducted from the allowable area of a wall sign. Changeable copy shall be allowed in association with motor vehicle fuel pricing.
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12. *Standard informational signs.* Each lot having one business or residence may display two standard informational signs, and each lot having more than one business may display four standard informational signs without a permit, except that during a political election, each lot may display no more than six standard informational signs during the period 90 days before the date of the election and the final determination on each ballot issue or candidate.
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13. *Projecting signs.* In a multi-tenant commercial or office building, in addition to all other permitted signs, one projecting non-illuminated sign per entrance used shall be allowed to identify the location of each tenant's premises. Projecting signs shall adhere to the following: does not exceed three square feet in area; is uniform in size, material, color, and shape and is placed in an equivalent location to other such signs located on the same building; is suspended from the eave or soffit of the building; and maintains a minimum of seven feet clearance between the bottom of the sign and the walkway below.
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14. *Internal freestanding signs.* Internal freestanding signs (signs not visible from a public right-of-way) are permitted adjacent to internal road(s) serving the development. The freestanding sign shall not exceed 20 square feet in area and six feet in height and shall not be legible by the traveling public from a public right-of-way.

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15. *Internal development signs.* Internal development signs (signs not visible from a public right-of-way) are permitted adjacent to internal road(s) serving the development. Includes but is not limited to signs such as parking lot information, directional, safety signs and directional signs associated with hospitals and other emergency care facilities. Internal directional signs shall not exceed ten square feet in area and four feet in height except that signs associated with hospitals and emergency care facilities shall not exceed 20 square feet in area.
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- F. Industrial districts (M-1, M-2) (article X, sections 10.2 and 10.3 of the Zoning Resolution of South Fulton).
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1. *Billboards.* Within industrial districts (M-1 and M-2), freestanding signs shall not exceed 672 square feet and shall be located according to the following standards:
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- a. Along, and oriented toward, state numbered primary routes or national highways only;
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- b. At least 500 feet from all residential or AG-1 zoning districts;
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- c. Minimum 100-foot setback from right-of-way;
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- d. Minimum of 1,500 feet from any other billboards or freestanding sign, except standard informational signs;
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- e. The lot on which the billboard is located shall have sufficient area to accommodate the fall zone, and excepting the sign, no buildings, structures, or appurtenances shall be contained in the fall zone;
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- f. Be in compliance with applicable height standards for the district in which located.
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2. *Freestanding signs.*
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- a. One maximum 32 square foot, freestanding sign shall be permitted for each street on which the lot has up to and including 500 feet of frontage. The sign shall have a maximum height of 20 feet and shall not have changeable copy.
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- b. One maximum 64 square foot, freestanding sign shall be permitted for each street on which the lot has more than 500 linear feet and up to 1,000 linear feet of frontage. The sign shall have a maximum height of 20 and shall not have changeable copy.
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- c. One maximum 72 square foot, freestanding sign shall be permitted for each street on which the lot has more than 1,000 linear feet of frontage (excludes spin sites and out-parcels). The sign shall have a maximum height of 20 feet and shall not have changeable copy.
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- d. One maximum 32 square foot, freestanding sign per sign site or out-parcel which is identified on a site plan approved pursuant to a single zoning case. The sign shall have a maximum height of eight feet and shall not have changeable copy.

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3. *Wall signs.* Wall signs are permitted on street-facing walls (including windows and doors). Businesses without a street on which there is frontage, but which have exterior entrances to the building, are entitled to one wall sign on the exterior wall of the business where the primary entrance is located. Wall sign(s) shall not exceed five percent of the applicable wall area or 180 square feet, whichever is smaller. Wall signs shall not have changeable copy unless approved as a marquee sign. Notwithstanding the foregoing, an anchor tenant that has over 50,000 square feet of gross floor space within a shopping center shall be allowed wall signs not to exceed five percent of the applicable wall area or 300 square feet, whichever is smaller. Each place of business is allowed a maximum of two wall signs. Only one sign is allowed per wall. Wall signs shall face public streets and/or pedestrian-parking areas.
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4. *Menu sign.* One menu sign as part of a drive-thru or drive-in facility. One menu allowed per drive-through lane.
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5. *Banner.* Banners shall be allowed for a period not exceeding 14 days with no more than three such 14 day periods being permitted per calendar year per lot. In the case of lots which contain multiple businesses, each business shall be allowed a banner. Banners shall not be more than 32 square feet. No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet or shall not extend more than five feet above grade when on the ground.
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6. *Signs during construction.* One additional sign shall be allowed during construction. The sign shall not be internally illuminated. The sign shall be allowed beginning with the commencement of construction and ending with the issuance of a certificate of occupancy or installation of a permanent sign, whichever occurs first. The sign shall not exceed the maximum freestanding sign allowed on the lot.
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7. *Out-of-store marketing device.* Out-of-store marketing devices shall be allowed, shall not exceed eight feet in height, and shall not be illuminated except for illumination intrinsic to the device. No permit shall be required.
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8. *Flags.* Each lot may display no more than three flags and/or flagpoles. Flagpoles shall not exceed 20 feet in height. Flag size shall not be more than 20 square feet.
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9. *Projecting signs.* In a multi-tenant commercial or office building, in addition to all other permitted signs, one projecting non-illuminated sign per entrance used shall be allowed to identify the location of each tenant's premises. Projecting signs shall adhere to the following: does not exceed three square feet in area; is uniform in size, material, color and shape and is placed in an equivalent location to other such signs located on the same building; is suspended from the eave or soffit of the building; and maintains a minimum of seven feet clearance between the bottom of the sign and the walkway below.

- 12021 10. *Window signs.* Window signs are allowed without a permit and shall not
12022 occupy in the aggregate more than 25 percent of the window area. Window
12023 signs shall not be counted towards the wall sign total square footage.
- 12024 11. *Awning/canopy signs.* Awning/canopy signs may be displayed. A permit is
12025 required. The signs shall be deducted from allocated wall sign area. The
12026 area of the sign shall not exceed ten percent of the area of the awning or
12027 canopy. The area of an awning/canopy sign shall be deducted from the
12028 allowable area of a wall sign.
- 12029 12. *Standard informational signs.* Each lot having one business may display
12030 two standard informational signs, and each lot having more than one
12031 business may display four standard informational signs without a permit,
12032 except that during a political election, each lot may display no more than six
12033 standard informational signs during the period 90 days before the date of
12034 the election and the final determination on each ballot issue or candidate.
- 12035 13. *Internal freestanding signs.* Internal freestanding signs (signs not visible
12036 from a public right-of-way) are permitted adjacent to internal road(s) serving
12037 the development. The freestanding sign shall not exceed 20 square feet in
12038 area and six feet in height and shall not be legible by the traveling public
12039 from a public right-of-way.
- 12040 14. *Internal development signs.* Internal development signs (signs not visible
12041 from a public right-of-way) are permitted adjacent to internal road(s) serving
12042 the development. Includes but is not limited to signs such as parking lot
12043 information, directional and safety signs. Internal directional signs shall not
12044 exceed ten square feet in area and four feet in height.

12046 33.26 - Severability.
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12047 Should any article, section, clause, or provision of this article be declared by a court
12048 of competent jurisdiction to be invalid, such action shall not affect the validity of the
12049 ordinance as a whole or any part hereof other than the part so declared to be invalid, it
12050 being the intent of the City that each article, section, clause, and provision hereof be
12051 severable.

12053 ARTICLE XXXIV. - DEVELOPMENT REGULATIONS
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12054 34.1 - Scope and intent.

12055 This article includes a variety of development related regulations which are
12056 designed to insure that development, and infrastructure additions and improvements are
12057 provided in the best interest of the health, safety and welfare of the citizens of South
12058 Fulton, and to assure that development regulations and review procedures are
12059 standardized and equitably applied.

12060 34.2 - Compliance.

12061 Any land disturbance activity or any development activity must comply with the
12062 development standards of South Fulton along with any other applicable local or state

12063 regulations. Compliance with the provisions of this article, and actions to bring about
12064 compliance with this article shall be in accordance with administrative guidelines of the
12065 Environment and Community Development Department.

12066 34.3 - Appeals.

12067 The Director of the Environment and Community Development Department shall
12068 administratively consider variance appeals to article XXXIV in accordance with article
12069 XXII, Appeals.

~~12070~~ 34.4 - Permit and sign-off requirements.

12072 These standards acknowledge or establish South Fulton requirements for permits
12073 for development of properties within the unincorporated area of South Fulton. All
12074 development shall comply with these and other requirements including, but not limited
12075 to, the South Fulton Tributary Buffer Ordinance, the South Fulton Tree Preservation
12076 Ordinance and Administrative Guidelines, the South Fulton Sediment and Erosion
12077 Control Ordinance, and the Georgia Metropolitan Area River Protection Act.

12078 *34.4.1 Land disturbance permit prerequisites.* Prior to the issuance of a land
12079 disturbance permit or the issuance of a certificate of occupancy for each phase of
12080 development, the following documents shall be submitted to the Director of the
12081 Environment and Community Development Department for approval.

12082 A. *Site plan.* A site plan which meets or exceeds the requirements contained
12083 herein and the Environment and Community Development Department
12084 administrative guidelines, and incorporates the following therein:

- 12085 1. A certified boundary description based on a survey of the entire property.
12086 2. A graphic representation of those conditions of zoning which can be
12087 graphically represented. This is not intended to require that conditions of
12088 zoning be written-out on a site plan.
12089 3. Zoning case number and other relevant file numbers.

12090 B. *Grading plan with phasing.*

12091 C. *Erosion and sediment control plan.* A separate sheet depicting erosion and
12092 sediment control measures as required by the State of Georgia.

12093 D. *Landscape/tree protection plan.* A detailed landscape or tree protection plan
12094 for all required buffers, landscape strips, tree protection zones, and screened
12095 areas. If project completion does not coincide with an appropriate planting
12096 season, or if water prohibitions are in effect, a performance bond may be
12097 posted to delay planting until an appropriate time approved by the South Fulton
12098 Arborist.

12099 E. *Storm water management plan.*

- 12100 1. Evaluate the downstream ditch stability and bank erosion protection
12101 potential of existing downstream conveyance system. Provide all necessary

- 12102 documentation to the Department of Public Works, Storm Water
12103 Management Section at construction drawing phase.
- 12104 2. Contact the Department of Public Works, Storm Water Management
12105 Section to arrange an on-site evaluation as to the location of storm water
12106 facility, discharge path of detention/retention pond and other downstream
12107 constraints.
- 12108 3. The design discharge at the outlet of drainage system shall not result in
12109 velocities that equal/exceed the erosive velocity or the existing receiving
12110 channel/draw, unless dissipation and erosion protection measures are
12111 placed at the outlet. Said documentation shall be provided to the
12112 Department of Public Works, Storm Water Management Section.
- 12113 4. Provide downstream analysis of the flood discharge timing effect on the
12114 existing conveyance systems due to each storm frequency.
- 12115 5. All natural streams within the limit of the project must be stable and be
12116 expected to remain stable under ultimate development or provide
12117 appropriate erosion protection for the streams subject to the approval of the
12118 Department of Public Works, Storm Water Management Section.
- 12119 6. Evaluate the downstream effect from storm water management structures
12120 and the development, hydrologic-hydraulic engineering studies shall extend
12121 downstream to a point where the proposed development represents less
12122 than ten percent of the total watershed to this point.
- 12123 7. The result of the extended downstream point analysis (ten percent point)
12124 shall be included in the hydrologic study submitted with the storm water
12125 management plan. Said documentation is subject to approval by the
12126 Department of Public Works, Storm Water Management Section.
- 12127 8. Provide detention/retention as maybe required by South Fulton subject to
12128 the approval of the Department of Public Works.
- 12129 9. The development site shall be graded in such a manner that the surface
12130 runoff does not affect down stream lots, flow through lots shall be collected
12131 and conveyed in appropriate storm drainage system. Documentation shall
12132 be provided at construction drawing phase.
- 12133 10. Water intake and discharge points in a single-family residential
12134 development to be a minimum of 15 feet from any existing or proposed
12135 residential structure and to be at a minimum of five feet above and/or five
12136 feet below any existing or proposed buildable area.
- 12137 F. *Other plans, as applicable.*
- 12138 1. Water and waste water plans.
- 12139 a. Water and waste water systems constructed under the jurisdiction of
12140 South Fulton government shall abide by the department of public works.
- 12141 b. South Fulton Public Works/government does not guarantee the
12142 availability of water or waste water capacity.

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- c. Matters pertaining to septic systems shall be determined by the South Fulton Health Department.
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- d. The project being proposed shall utilize one geographical information system (GIS) monument as the development's benchmark. Furthermore, the developer shall abide by all provisions of the South Fulton "Monument Resolution," as established by the Department of Public Works.
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- e. Matters pertaining to pump stations shall be pre-reviewed by the Department of Public Works, Engineering Support Services Division, with regards to current policy, prior to the submittal of project design drawings.
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- f. All appropriate fees shall be paid by the developer prior to the issuance of any land disturbance permits.
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- g. The developer is required to extend the water pipe line system across the entire length of road frontage, within the right-of-way.
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- h. At the time of design review, the Department of Public Works, Engineering Support Services Division may require the developer to connect (loop) the project to the adjoining property, for flow enhancement of the public water system.
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- i. Rerouting of existing water pipe lines and/or waste water pipe lines shall be pre-approved by the Department of Public Works, Engineering Support Services Division, prior to the submittal of project design drawings.
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- j. As part of the project, the developer is required to network the waste water pipe line system to all upstream properties.
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- k. Easements dedicated to South Fulton government shall abide by all established standards. All easements shall be obtained and approved by the Department of Public Works, Engineering Support Services Division.
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- l. Conflicts, with other review disciplines of South Fulton government shall be submitted to and resolved by the Department of Public Works, Engineering Support Services Division.
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2. Profiles of roads and sewers.
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3. Traffic signs and striping.
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4. Standard construction details.
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5. Proposed permanent stormwater management plan.
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6. A traffic impact mitigation plan which details an owner's or developer's plan to address the number of trips that their development will produce when such development is within one mile of a roadway operating at a level of service D or lower as established by the Department of Public Works. This

12183 plan shall include, but is not limited to roadway improvements including
12184 costs and other proposals such as providing transit access, transit use
12185 incentives, car/van pooling, bicycle path construction, internal sidewalk
12186 construction, and lunch trip reduction, which when combined mitigate the
12187 traffic impact of the proposed development and shall also include a time
12188 table for the construction/implementation of improvements and who will be
12189 financially responsible for them.

12190 G. Permits, agreements, studies as applicable.

12191 1. An approved curb cut permit from the Georgia Department of
12192 Transportation or the South Fulton Development Services Department.

12193 2. Health department approvals.

12194 3. Right-of-way dedication.

12195 a) Property owners be required to dedicate at no cost to South Fulton,
12196 along the entire frontage, sufficient right-of-way to provide a minimum
12197 10.5 foot shoulder behind any required project improvement subject to
12198 the approval of the director of public works.

12199 4. Off-site transportation improvement funds and agreements.

12200 5. Fire department approval.

12201 6. Sanitary sewer pre-treatment approval.

12202 7. Siltation Study.

12203 a. At the discretion of the Director of the Environment and Community
12204 Development Department, submit prior to the issuance of a land
12205 disturbance permit and prior to recording of the final plat for each phase
12206 of development, base siltation studies of any water bodies located on
12207 the development site and on adjacent properties. Said studies shall
12208 identify, for removal by the applicant, prior to recording of the final plat
12209 for each phase of development, all siltation resulting from the
12210 development.

12211 b. At the discretion of the Director of the Environment and Community
12212 Development Department, prior to the recording of the final plat for the
12213 final phase of development, submit a performance bond for the removal
12214 of any siltation resulting from the development. The performance bond
12215 shall remain on file in the Environment and Community Development
12216 Department until release of the occupancy certificates for a minimum of
12217 90 percent of all residences permitted pursuant to the development or
12218 three years from the date of the first certificate of occupancy, whichever
12219 is earlier.

12220 **34.4.2 Prerequisite to occupancy permit inspection.** The Public Works Department
12221 and/or the Inspections and Zoning Enforcement Department shall notify the
12222 Environment and Community Development Department in writing of holds on the
12223 issuance of a certificate of occupancy on a project.

12224 A. *Single-family residential.* Before a certificate of occupancy may be considered
12225 by the Environment and Community Development Department for any dwelling
12226 located in a subdivision, the items listed under "B"., below, must have been
12227 signed-off on by the Environment and Community Development Department as
12228 complete for that phase of the subdivision in which a dwelling is located.

12229 B. *All structures except single-family residential.* Before a certificate of occupancy
12230 may be considered for a structure, including the first of several structures within
12231 a development, the following must have been signed-off on as complete by the
12232 Environment and Community Development Department:

- 12233 1. Required landscaping.
12234 2. Required buffers.
12235 3. Required tree protection measures.
12236 4. Required walls and fences.

12237

12238 34.4.3.7(g) *Siltation study.* See section 34.4.1(G)(7)

12239 34.5 - Site improvement standards.

12240 These standards shall regulate site improvement, and the provision of amenities
12241 related to site improvement.

12242 34.5.1 *Off-street parking.* Property owners shall provide and maintain off-street
12243 parking throughout construction. Parking on any lot other than the lot for which a
12244 building permit is issued must be approved for a temporary parking lot by the
12245 Environment and Community Development Department.

12246 34.5.2 *Interparcel access.* Interparcel access shall be provided to adjacent
12247 properties upon determination by the Director of the Environment and Community
12248 Development Department that such access is in the best interest of the public health,
12249 safety or welfare.

12250 34.5.3 *Sidewalks/curb and gutters.* (Amended 11/03/93, 02/07/01, 03/03/04,
12251 04/05/06) Sidewalk, curb and gutter shall be provided for all development projects as
12252 determined by the Department of Community Development. When required, sidewalk,
12253 curb and gutter shall be constructed in accordance with the Department of Public Works
12254 Standard Plans (also known as Standard Details).

12255 34.5.4 *Detention/retention.* On-site storm water detention facilities shall not be
12256 located within any required buffer or landscape strip. Detention facilities shall not be
12257 located within parking or loading areas unless approved by the department of public
12258 works. A minimum 20-foot wide landscape strip planted to buffer standards shall be
12259 provided around the exterior of the detention area outside of the access easement or as
12260 may be approved by the South Fulton Arborist.

12261 34.5.5 *Compliance with tree preservation ordinance.* Prior to applying for a land
12262 disturbance permit, the owner shall arrange with the City arborist, through the Director

12263 of the Environment and Community Development Department, for an on-site evaluation
12264 of existing specimen trees and stands of trees, and an evaluation of buffers and tree
12265 protection zones. At a minimum, the tree density requirements prescribed by the South
12266 Fulton Tree Preservation Ordinance Administrative Guidelines shall be provided and
12267 permanently maintained.

12268 *34.5.6 Subdivision access.* Any subdivision of land for single family that has new
12269 roads providing direct access to the lots within the subdivision shall be limited to newly
12270 constructed internal roads.

12271 *34.5.7 Minimum setback for new street.* The right-of-way for new streets must be
12272 located a minimum of 50 from any peripheral property line adjoining AG-1 and
12273 residentially zoned property unless interparcel access is required.

12274 *34.5.8 Arborist notification.* Contact the Director of the Environment and
12275 Community Development Department, prior to the application for a land disturbance
12276 permit, to arrange with the City arborist an on-site evaluation of existing specimen
12277 trees/stands, buffers, and tree protection zones within the property boundaries and
12278 otherwise to ascertain compliance with the Tree Preservation Ordinance.

12279 *34.5.9 Dams.* All dams within the jurisdiction of South Fulton shall comply with the
12280 provisions of the Safe Dam Act and Rules of Georgia Department of Natural Resources.

12281 *34.5.10 Development in or near a transmission line easement.*

12282 A. *Definitions.* Words and phrases used in this article shall have the meanings set
12283 forth in this section. Words and phrases not defined in this section, but defined
12284 in the Zoning Resolution of South Fulton, shall be given the meanings set forth
12285 in such resolution. All other words and phrases shall be given their common,
12286 ordinary meaning, unless the context clearly requires otherwise. Section
12287 headings or captions are for reference purposes only and shall not be used in
12288 the interpretation of this article.

12289 *Consultation zone.* An area within 500 feet from a transmission line easement.

12290 *Development permit.* For the purposes of the consultation zone requirements,
12291 any permit for activity that involves construction, grade modification, excavation,
12292 blasting, land clearing, or the deposit of earth, rocks or other materials that
12293 places an additional load upon the soil. Construction that involves work totally
12294 within an existing building footprint, such as residential remodeling projects, is
12295 specifically exempted from these consultation zone requirements.

12296 *Environmental justice working group.* A City Council established group of key
12297 personnel from South Fulton departments and agencies whose activities relate
12298 to or impact environmental justice matters.

12299 *New construction.* Construction after June 2, 2014 of a structure intended for
12300 human occupancy, and includes the construction of a new structure, the
12301 construction of an addition to an existing structure and the reconstruction of a
12302 portion of an existing structure. The term excludes an addition to or the
12303 reconstruction or replacement of a structure existing on June 2, 2014 used for:

- 12304 1. Single-family residential use;
- 12305 2. Townhouse use;
- 12306 3. Duplex, triplex or quadruplex use;
- 12307 4. Multi-family residential use;
- 12308 5. Mobile home residential use; or
- 12309 6. Nonresidential buildings occupied by human beings.
- 12310 *Person.* Any individual, firm, joint venture, entity, partnership, corporation,
- 12311 association or cooperative.
- 12312 *Planning area.* The area within 300 feet of a transmission line easement.
- 12313 *Restricted pipeline area.* The area within 40 feet of a transmission line
- 12314 easement and the area within a transmission line easement.
- 12315 *Transmission line.* See article III, section 3.3.20.
- 12316 *Use requiring evacuation assistance.* A land use which includes the following:
- 12317 1. Congregate living;
- 12318 2. Convalescent services;
- 12319 3. Detention facilities;
- 12320 4. Day care services (commercial);
- 12321 5. Hospital;
- 12322 6. Medical offices exceeding 5,000 square feet of gross floor area;
- 12323 7. Private primary educational facilities;
- 12324 8. Private secondary educational facilities;
- 12325 9. Public primary educational facilities;
- 12326 10. Public secondary educational facilities; and
- 12327 11. Retirement housing development.
- 12328 B. *Consultation zone.*
- 12329 1. *Consultation zone distance.*
- 12330 a. A consultation zone is hereby established for any parcels within 500
- 12331 feet from a transmission line easement.
- 12332 2. *Consultation zone notification.*
- 12333 a. At application for a development permit, zoning or use permit, South
- 12334 Fulton staff shall notify the individual that they are within the
- 12335 consultation zone, explain the relevant application procedures, and
- 12336 provide contact information for the applicable pipeline operator(s). This
- 12337 same procedure shall be followed whenever an individual inquires

12338 about development regulations or zoning restrictions for property within
12339 the consultation zone.

12340 b. A complete application for a development permit, zoning or use permit
12341 within a designated consultation zone must include written verification
12342 from the applicant that:

12343 1. Applicant has contacted the pipeline operator(s) and has provided
12344 them with documentation detailing the proposed development type
12345 and place of the activity; and

12346 2. The pipeline operator(s) has reviewed the documents;

12347 3. The written verification required by this section can be in any form
12348 acceptable to the director of the department planning and
12349 community services, including electronic communications, so long
12350 as it is clear that the pipeline operator(s) has received and reviewed
12351 documentation showing the proposed information concerning any
12352 impact the activity will have upon the integrity of the transmission
12353 line(s). The verification should include all comments received from
12354 the operator or a notice from the operator indicating that the
12355 operator has no comments;

12356 4. If the operator does not respond within 30 days after being
12357 contacted and provided information by the developer pursuant to
12358 b.1. above, then the director of planning and community services
12359 may waive the requirement for written verification given under b.3.
12360 above.

12361 C. *Planning area.*

12362 1. Whereas a proposed use within a consultation zone requires notification to
12363 and a review by the pipeline operator(s), additional procedures are required
12364 in planning areas based upon characteristics of the transmission line(s) and
12365 potential for impact to people and property. Planning areas are hereby
12366 established within 300 feet of transmission line(s) easement.

12367 2. Application process within a planning area.

12368 a. At application for a development permit, zoning or use permit, South
12369 Fulton staff shall notify the individual that they are within the planning
12370 area and explain the relevant requirements.

12371 b. Development within the planning area shall meet the requirements
12372 under section D (Development near a transmission line) below.

12373 c. The plat must provide a note that all existing transmission lines or
12374 transmission line facilities through the residential or commercial
12375 development have been shown, or that there are no known
12376 transmission lines or transmission line facilities within the limits of the
12377 residential or commercial development.

12378 d. The location of all transmission lines and related easements shall be
12379 shown on all preliminary plat, zoning, building, and record plat maps
12380 when proposed development is within the planning area.

12381 D. *Development near a transmission line.*

12382 1. A use requiring evacuation assistance is prohibited in a structure intended
12383 for human occupancy that is located within the 300-foot planning area. This
12384 prohibition does not apply to a structure that is located between 40 and 300
12385 feet of a pipeline if the South Fulton Environmental Justice Working Group
12386 determines, after receiving a recommendation from the fire marshal, that:

12387 a. The structure has a performance-based design that provides an
12388 adequate time period for occupant evacuation to a safe place in the
12389 event of a transmission line leak or fire associated with the transmission
12390 line, after considering:

- 12391 1. The requirements of the current adopted edition of the National
12392 Fire Protection Association 101 Life Safety Code and International
12393 Fire Code;
- 12394 2. The site and structure design;
- 12395 3. The structure's building materials;
- 12396 4. The structure's distance from the transmission line;
- 12397 5. The use of radiant energy barriers;
- 12398 6. Access to the site and the structure by emergency responders;
- 12399 7. Available on-site resources for emergency responders;
- 12400 8. The topography and other natural features;
- 12401 9. The use of the structure; and
- 12402 10. The evacuation capability of the occupants.

12403 b. The structure incorporates a system for the early detection and
12404 notification of a transmission line leak, if the fire chief determines that
12405 an appropriate system is commercially available.

12406 2. A person may not build new construction within 125 feet of a transmission
12407 line easement unless the fire marshall determines that:

12408 a. The new construction has a performance-based design that provides a
12409 minimum one-hour time period for occupant evacuation to a safe place
12410 in the event of a transmission line leak or a fire associated with the
12411 transmission line, in accordance with the current adopted edition of the
12412 National Fire Protection Association 101 Life Safety Code and
12413 International Fire Code; and

12414 b. The new construction incorporates a system for the early detection and
12415 notification of a transmission line leak, if the fire chief determines that
12416 an appropriate system is commercially available; or

- 12417 c. The new construction complies with the standards for construction near
12418 a transmission line prescribed by the Fire Criteria Manual.
- 12419 3. A person may not place a structure or excavate within a restricted pipeline
12420 area. This prohibition does not apply to:
- 12421 a. The transmission line or an appurtenance;
- 12422 b. A facility that produces, consumes, processes, or stores the product
12423 transported by the transmission line, including a power generation
12424 facility;
- 12425 c. A utility line that crosses the restricted pipeline area, including an
12426 appurtenance to the line;
- 12427 d. A utility service connection;
- 12428 e. A road;
- 12429 f. A surface parking lot; or
- 12430 g. A structure or excavation that the director determines does not disturb
12431 the transmission line or impede its operation. The director in his/her
12432 determination shall consult Appendix A - Appropriateness of Proposed
12433 Land Uses within a Transmission Line Easement and section 4. below,
12434 to assist in the final determination.
- 12435 4. Before a person may place a road, surface parking lot, structure, utility line
12436 or otherwise excavate in a restricted pipeline area, the person must:
- 12437 a. Deliver to the director a certification by a registered engineer stating
12438 that the proposed construction activity and structure are designed to
12439 prevent disturbing the transmission line or impeding its operation; and
- 12440 b. Provide notarized documentation that the pipeline or transmission line
12441 easement owner has been notified of the proposed development
12442 activity.
- 12443 5. If a proposed use is subject to any required determination in sections 1
12444 through 4 above, the City's response and the results of the review will be
12445 provided to the applicant within ten business days of the City's acceptance
12446 of the complete application package. The office of planning and community
12447 services in collaboration with South Fulton Fire and Rescue shall determine
12448 when such submissions are deemed complete.
- 12449 E. *Platting transmission lines/pipelines.*
- 12450 1. A developer shall determine whether a transmission line crosses a
12451 proposed development.
- 12452 2. A developer shall depict on the plat a restricted pipeline area, if any.
- 12453 3. A residential lot that is less than one acre in size may not include a
12454 restricted pipeline area.

- 12455 4. A person may not place a structure or excavate within a restricted pipeline
 12456 area. This prohibition does not apply to:
- 12457 a. The transmission line or an appurtenance;
- 12458 b. A facility that produces, consumes, processes, or stores the product
 12459 transported by the transmission line, including a power generation
 12460 facility;
- 12461 c. A utility line that crosses the restricted pipeline area, including an
 12462 appurtenance to the line;
- 12463 d. A utility service connection;
- 12464 e. A road;
- 12465 f. Surface parking lot; or
- 12466 g. A structure or excavation that the director determines does not disturb
 12467 the transmission line or impede its operation.
- 12468 5. Before a person may place a road, surface parking lot, or utility line in a
 12469 restricted pipeline area, the person must:
- 12470 a. Deliver to the director a certification by a registered engineer stating
 12471 that the proposed construction activity and structure are designed to
 12472 prevent disturbing the transmission line or impeding its operation; and
- 12473 b. Provide notarized documentation that the pipeline or transmission line
 12474 easement owner has been notified of the proposed development
 12475 activity.
- 12476 F. *Savings*. Nothing contained herein shall in any manner be deemed or construed
 12477 to alter, modify, supersede, supplant or otherwise nullify any other ordinance of the
 12478 City or the requirements thereof whether or not relating to or in any manner
 12479 connected with the subject matter hereof, unless expressly set forth herein.

12480 **APPENDIX A - Appropriateness of Proposed Land Uses within a Restricted**
 12481 **Pipeline Area**

12482 The purpose of this table is to increase awareness and encourage early
 12483 communication among key stakeholders when considering changes to an existing land
 12484 use or new land use development within an existing restricted pipeline area.

12485 This table provides a list of common land use activities and is only meant to provide
 12486 guidance to those tasked with determining whether the proposed land use is acceptable
 12487 or not. There will be variances in the application of these rules from operator to operator
 12488 based on site-specific conditions, operator practices, and evolving safety regulations
 12489 and concerns. Therefore, this table should be referenced only for general informational
 12490 purposes. Stakeholders should consult with the appropriate pipeline operator for
 12491 acceptable land uses within a restricted pipeline area.

Use/Activity	Acceptable Use?	Additional Restrictions or Comments	Origin/Rationale for Determining Acceptable Activity
Agriculture - (Seasonal Agricultural Crops - excludes orchards and vineyards)	Yes, but consent is required	Activities related to the growing of crops or the raising of animals need no consent, provided the activity does not involve installation of permanent structures or an increase or decrease in the cover over the transmission line. Facilities such as underground and overhead irrigation systems must be reviewed for compatibility.	With prior approval from the transmission line operator, grass and certain types of shrubs or seasonal crops may be permitted within the right-of-way (ROW), provided that the plantings do not interfere with the maintenance, inspection and operation of the transmission line and related facilities.
Airstrip - Private (perpendicular crossing to transmission line)	Yes, but consent is required	Permission to use the easement for an airstrip may be granted, provided it is for the private use of the property owner, and does not involve any increase or decrease in the cover over the transmission line or the installation of any permanent structures, including paving, on the easement.	These airstrips are considered to be dirt. This use can lead to a decrease in ground cover.
Airports - Public	No		These runways are constructed of

			concrete. Therefore, the need for access for transmission line maintenance and emergency response activities preclude this use. In addition, most airports have restricted access for security reasons.
All-Terrain Vehicle (ATV) Use	No	Occasional use such as farm equipment may be acceptable.	This use can lead to a decrease in ground cover.
Athletic Stadium (e.g., baseball field, football field, running tracks, etc.)	No	Even fields with no permanent structures may define the area as a high consequence area (HCA), thus imposing additional integrity management requirements for the gas transmission line operator.	
Automobile Wrecking Yards	No	Access for transmission line maintenance and emergency response activities preclude this use.	
Blasting	No	Not allowed on easements or fee land where any transmission line facilities are installed. Exceptions are for construction of another approved activity, subject to transmission line operator's engineering review for technique, size of holes, spacing, etc.	Blasting activities may cause stresses on nearby transmission lines which may lead to leaks.

Buildings	No	No type of permanent structure permitted. See also "Structures".	No structures are allowed because they interfere with emergency response, maintenance, inspection, and repair activities.
Campsites	No	This use may impose additional integrity management requirements for the transmission line operator. In addition, no fires would be allowed for safety reasons.	
Canopies/temporary (Categorized as party tents, canvas awnings, or portable coverings for group gatherings)	No	This use could involve driving large stakes into the ground near the transmission line, exposing it to potential damage and future leaks.	
Canopies/permanent (Categorized as weather and environmental shelters such as those over gas stations and emergency room/hospital entrances, and drive-through covers for banks, pharmacies, fast-food restaurants, etc.)	No	Structures may interfere with emergency response, maintenance, inspection, and repair activities. Canopies may entrap gases and vapors that could find ignition sources from vehicle or pedestrian activities. Concrete under canopies could cause gas to migrate to building in the event of a failure.	
Carports, permanent	No	No type of permanent structure permitted. See also "Structures".	Access for transmission line maintenance, inspection, and repair activities preclude this use.
Catch Basins (Storm sewer inlet)	No	Access for transmission line maintenance, inspection, and repair activities preclude this use.	

Cathodic Protection Devices	Yes, but consent is required	Cathodic protection facilities may be installed provided they are coordinated with other utilities and all interference problems are eliminated. Their use should be approved by the transmission line operator's cathodic protection department.	To ensure adequate cathodic protection for all transmission lines, routine testing should be scheduled and performed by qualified personnel to prevent interference issues.
Cemetery	No	Access for transmission line maintenance, inspection, and repair activities preclude this use.	
Concrete Slabs (Categorized as for foundation, typically poured for permanent structure, equipment, or storage location).	No	Not recommended except where they may be installed to provide for transmission line protection from third-party damage (submit plans for review) or for easement across ROW (such as for driveways or roads). (See also Roads, Driveways, Road Crossing, and Structures.)	Access for transmission line maintenance, inspection, and repair activities preclude this use.
Driveways	Yes, but consent is required	Transmission line operator engineering review required for all proposed streets, roads and driveways to ensure transmission line cover is adequate to support the load from the road crossing. Additional cover, concrete, or other forms of mechanical protection may be required to ensure the transmission line does not incur	

		damage as a result of this use and traffic loads.	
Dumps	No	This use would not allow transmission line operator easy access for transmission line maintenance, inspection, and repair activities.	
Erosion Control	Yes, but consent is required	Structures or materials to prevent soil erosion due to wind or water may be located on the transmission line ROW provided: 1) They do not interfere with the installation, operation or maintenance of the transmission line. 2) The design has been approved by the transmission line operator's engineering and environmental departments. 3) The facilities have taken into account the effect of the environment of the area.	Placement of structures and material must allow for transmission line maintenance, inspection, and repair activities to be conducted by the operator, as well as allow for emergency response access.
Exploration - Geologic and Geophysical	Yes, but consent is required	Subject to proper indemnification and site cleanup. Must be approved by transmission line operator's operations or engineering department. Also see Blasting, Construction Equipment, and Wells.	3D seismic studies, depth of cover, transmission line operating stress levels, and other factors must be considered. The vibrations used to create the sound waves for these exploration activities are quite intense and may

			compromise the integrity of the transmission line, leading to leaks if not properly evaluated.
Fences - Parallel to ROW	Yes, but consent is required	(General) No masonry or brick fences are allowed. In addition, fences and transmission line should be separated by adequate distance to allow for potential future repairs. Adequate access to and around transmission line facilities must be maintained.	Fences must not interfere with access for transmission line maintenance, inspection, and repair activities.
Fences - Perpendicular to ROW	Yes, but consent is required	(General) No masonry or brick fences are allowed. Adequate access to and around transmission line facilities must be maintained. Transmission line company retains the right to require the installation of a gate in the fence with a corporation lock where necessary to maintain such access. Gates should be wide enough to allow transmission line operator's equipment	Fences must not interfere with access for transmission line maintenance, inspection, and repair activities. Additional requirements may be imposed to protect transmission line from damage during construction.

		<p>to gain access for repairs and emergencies. Fence posts must not be installed directly over transmission line. Fences should be installed to allow for easy removal during emergency response. One-call notification required for fence construction.</p>	
Flammable Material	No	<p>Managed burns for controlling vegetation may be performed by organizations such as BLM or DNR or by farmers, but this activity must be coordinated with transmission line operator to ensure public safety. No combustible material is to be stored on the easement.</p>	<p>For safety reasons no flame or fire associated with an incineration process or with flammable material storage is allowed due to the combustible material transported in the transmission lines.</p>
Flood Control	Yes, but consent is required	<p>Transmission line operator engineering review can be made to consider buoyancy and ensure transmission line is adequately protected.</p>	
Flooding	Yes, but consent is required	<p>If there is a possibility of periodic flooding, buoyancy of transmission line must be considered.</p>	<p>Intentional flooding is prohibited because it can cause stresses on the transmission line leading to integrity issues; buoyancy must</p>

			be considered.
Golf Courses	Yes, but consent is required	May be allowed if no permanent structures are placed on ROW.	Cover must be adequate and must allow for maintenance, inspection, and repair activities.
Highways	Yes, but consent is required	Easements should be granted for highway construction although operator may request reimbursement for the cost of protecting, upgrading or relocating the transmission line so that it complies with all applicable regulations and requirements. Where a highway is widened to take in an area where the transmission line operator has a prior ROW, the transmission line operator may require reimbursement for that portion of the work that falls in the area where the company has prior rights.	Transmission Line cover must be adequate to support the load from the highway to ensure the transmission line does not incur damage. Review by the transmission line operator's engineering group is required for all proposed streets, roads, and driveways to ensure transmission line cover is adequate to support the load from the road crossing. Additional cover, concrete, or other forms of mechanical protection may be required to ensure the transmission line does not incur damage as a result of this use and traffic loads.
Hiking Trails	Yes, but consent is required	Provided reasonable access to facilities is maintained. See also Landscaping and Cuts	Trails must be placed to allow transmission line maintenance, inspection and repair activities to be

		and Fills.	conducted.
Horseback Riding Trails	Yes, but consent is required	Provided adequate access to facilities is maintained. See also Cuts and Fills.	Trails must be placed to allow transmission line maintenance, inspection and repair activities to be conducted.
Incinerators	No	For safety reasons, no flame, fire, or flammable material is allowed.	
Junk Yards	No	This use would not allow transmission line operators easy access for transmission line maintenance, inspection, and repair activities.	
Landscaping	Yes, but consent is required	Provided reasonable access to transmission line facilities is maintained. See Cuts and Fills for earthwork requirements. In addition, shrubs should not interfere with transmission line patrolling or inspection activities. See Tree Farms for tree limitations.	With prior approval from transmission line operator, flower beds, lawns, and gardens may be permitted within the ROW, provided that the plantings do not interfere with the maintenance, inspection and operation of the transmission line and related facilities.
Leach Fields	No	(General) Piping leading to leach field may cross the transmission line (see Pipelines). The entire leach field must be outside of the ROW. Before being granted permit for piping,	Leach field would be subject to damage by passage of heavy equipment. Therefore, repair activities preclude this use. Also, there are integrity concerns that water can cause transmission line

		owner must show proof of permit that installation will meet all State and local water quality requirements.	corrosion and lead to failures.
Loading Ramps	No	See also Concrete Slabs	Stresses on transmission line can lead to integrity issues; also, this use does not allow for transmission line maintenance and inspection activities.
Masonry Work	No	This use does not allow for access for transmission line emergency response and maintenance.	
Mini-Golf Courses (putt-putt courses)	No	May be allowed with prior consent if no permanent structures are placed on ROW and green space for transmission line easement is included.	Use must not interfere with transmission line maintenance and inspection activities. This use may define the area as a HCA, thus imposing additional integrity management requirements for the gas transmission line operator. In addition, no permanent structures are to be placed on the ROW.
Mobile Home Parks	No	Structures are not recommended because they interfere with transmission line emergency response, maintenance, inspection, and repair activities. Also, they increase the risk for transmission line operators.	

Mobile Home - Single Unit	No	No permanent structure may be installed on ROW.	No structures are allowed because they interfere with transmission line emergency response, maintenance, inspection, and repair activities. Also, they increase the risk for transmission line operators.
Model Airplanes	Yes, but consent is required	Model airplanes may be flown over the ROW, but no permanent facilities may be located on the ROW.	Transmission line operator must know of this activity to ensure there is no interference or danger when performing aerial leak patrols.
Orchards	No	Tree root structures may be deep and extend beyond tree canopies. These roots can be severe and damage transmission line coating, leading to corrosion and leaks.	
Parking	Yes, but consent is required	A private property owner may park vehicles used in his work (such as farm equipment) on the transmission line ROW but not over the transmission lines. Use of the easement as a commercial or other publicly used parking lot, whether paved or unpaved, should be discouraged and not	Transmission line companies conduct maintenance activities on a frequent basis. Parking vehicles on the ROW may interfere with some of these maintenance practices.

		be allowed without review. The transmission line company will not accept liability for damages to the parking facility caused by the exercise of its rights under the easement, and reserves the right to prohibit vehicular parking on its easement at any time.	
Parks	Yes, but consent is required	The ROW may be used as part of a park area, but permanent structures may not be located on the ROW. Specific plan review required.	Use must not interfere with transmission line maintenance and inspection activities. This use may define the area as a HCA, thus imposing additional integrity management requirements for the transmission line operator. In addition, no permanent structures are to be placed on the ROW.
Patios	No	No structures are allowed because they interfere with transmission line emergency response and repair activities and increase risk for transmission line operators.	
Pipelines	Yes, but consent is required	Permits generally are granted for other pipelines to cross a transmission line ROW, provided: 1)	Significant design, construction, and maintenance code activities are performed to ensure the safety of

		<p>Crossing is kept as close to a right angle as possible. 2) The crossing pipeline maintains clearance approved by operator above the transmission line below the transmission line. Pipeline crossings above the transmission line should be strongly discouraged. 3) Installation makes provisions for future use of transmission line ROW. 4) Precautions are taken to protect both facilities from interference problems due to cathodic protection. 5) Crossing pipeline meets all Federal, State and local requirements with respect to safety and environment. 6) Parallel encroachments are not allowed (See "Utilities Parallel").</p>	<p>the public and employees near transmission lines. These design, construction, and maintenance activities also ensure the integrity of the transmission lines. Additional construction requirements may be imposed to protect the transmission line and allow future maintenance activities to be performed.</p>
Play Equipment	Yes, but consent is required	No permanent structure may be installed on ROW. Play equipment	Use must not interfere with transmission line maintenance and inspection activities.

		without embedded footings or foundations may be allowed.	This use may define the area as a HCA, thus imposing additional integrity management requirements for the transmission line operator. In addition, no permanent structures are to be placed on the ROW.
Porches	No	No structures are allowed because they interfere with transmission line emergency response, maintenance, inspection and repair activities. Also, they increase the risk for transmission line operators.	
Power Lines	Yes, but consent is required	Power lines may be installed across the ROW provided: 1) Poles or towers are not located on the ROW. 2) Wires have adequate clearance to permit working on the transmission line. 3) Parallel encroachments of above or below ground power lines are not allowed (See "Utilities - Parallel"). 4) Power lines are not located within 200 feet of a blow-down stack. 5) Buried power lines meet transmission line operator standards.	Engineering review and field monitoring can be performed to ensure no corrosion issues develop and lead to failures.
Private Landowner	Yes, but	Where a private	Additional construction

<p>Crossing of Transmission Line</p>	<p>consent is required</p>	<p>landowner crosses the transmission line with a buried structure, a consent letter usually will be required. Permits usually will be granted for crossing provided: 1) Crossing structure is kept as close to a right angle as possible. 2) Crossing structure maintains at least one-foot clearance above the transmission line or two feet below the transmission line. Crossings above the transmission line should be strongly discouraged. 3) Installation makes provisions for future use of the ROW. 4) Precautions are taken to protect both facilities from interference problems due to cathodic protection. 5) Crossing structure meets all Federal, State and local requirements with respect to safety and environment. 6) Parallel encroachments are not allowed. (See</p>	<p>requirements may be imposed to protect the transmission line and allow future maintenance activities to be performed.</p>
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		"Utilities Parallel").	
Pumps	No	Failure of equipment could elevate risks; permanent structures do not allow for easy access for transmission line emergency response.	
Pump Islands (Categorized as fuel pumps for automobile service stations - general transportation refueling stations)	No	No structures are allowed because they interfere with transmission line emergency response, maintenance, inspection, and repair activities. Also, they increase the potential consequences if a failure occurs.	
Quarries and Strip Mining	No	Quarrying activities not on but in proximity to the ROW should be brought to the attention of the transmission line company for assessment of potential impacts to the integrity of the ROW and transmission line facilities (See Blasting).	This activity limits access for transmission line emergency response.
Railroads	Yes, but consent is required	Railroad crossings are permitted, provided the railroad company agrees to pay the cost to upgrade or protect the transmission line. Clearances must be provided as required in Cuts and Fills.	Transmission line cover must be adequate to support the load from the railroad crossing to ensure the transmission line does not incur damage; vibrations need to be properly evaluated for cyclic fatigue to ensure the integrity of the

			<p>transmission line is not compromised, leading to leaks. Review by the transmission line operator's engineering group is required for all proposed railroad crossings to ensure the transmission line cover is adequate to support the load from the crossing. Additional cover, concrete, or other forms of mechanical protection may be required to ensure the transmission line does not incur damage as a result of this use and traffic loads.</p>
Recreation Areas	Yes, but consent is required	ROW may be used for general recreation that does not require the use of any permanent structures or facilities.	<p>Use must not interfere with transmission line maintenance and inspection activities. This use may define the area as a HCA, thus imposing additional integrity management requirements for the transmission line operator. In addition, no permanent structures are to be placed on the ROW.</p>
Retaining Walls	Yes, but consent is	Provided adequate access to facilities is maintained and Cuts	Transmission line cover must be maintained to protect the transmission

	required	and Fills criteria is maintained. All retaining walls on the ROW must be approved by transmission line operator's operations or engineering department.	line, and the use would have to allow for transmission line maintenance and emergency response activities to be completed.
Rifle Ranges	No	Limited use may be allowed to access rifle range area across the ROW but no permanent facilities may be located on the ROW.	Transmission line systems include above ground facilities that may incur damage from rifle range fire.
Road - Parallel	Yes, but consent is required	Plans must be approved by the transmission line company's operations or engineering groups. Road easement is subordinate to the transmission line company's easement. In addition, road and transmission line should be separated by adequate distance to allow for potential future repairs.	Use must allow for transmission line maintenance, inspection, and emergency response activities.
Road Crossings - Private	Yes, but consent is required	Consent usually will be granted for private roads across the ROW provided: 1) Assurance is given the road will remain a	Review by the transmission line operator's engineering group required for all proposed streets, roads, and driveways to

		<p>private road. It must be so marked and signs must be maintained. 2) Road must not be given a hard surface. 3) Cut and Fill requirements must be maintained. 4) Road owner must agree to pay cost of protecting or upgrading the transmission line if the road should be paved or status is changed to a public road.</p>	<p>ensure transmission line cover is adequate to support the load from the road crossing. Additional cover, concrete, or other forms of mechanical protection may be required to ensure the transmission line does not incur damage as a result of this use and traffic loads.</p>
Road Crossings - Public	Yes, but consent is required	<p>Consent generally will be granted for a public road or street across the ROW provided: 1) Developer pays for cost of protecting, upgrading or relocating the transmission line. 2) Transmission line company retains prior rights on roads dedicated to the state, county or city.</p>	<p>Review by the transmission line operator's engineering group required for all proposed streets, roads, and driveways to ensure transmission line cover is adequate to support the load from the road crossing. Additional cover, concrete, or other forms of mechanical protection may be required to ensure the transmission line does not incur damage as a result of this use and traffic loads.</p>
Septic Tanks	No	Access for transmission line repair activities preclude this use.	

Service Stations	No	No structures are allowed because they interfere with transmission line emergency response, maintenance, inspection and repair activities.	
Signs	No	Signs, except pipeline markers, are not permitted on the ROW.	Foundation or embedded footings could damage the transmission line coating, leading to integrity and corrosion issues.
Sprinkler Systems (underground)	Yes, but consent is required	Crossings of transmission line must be kept to a minimum. Sprinkler heads should be set outside of the ROW. Due consideration must be given to cathodic protection interference.	There is concern that water can cause corrosion and lead to failures (transmission line operator's operator engineering department review and field monitoring is necessary to ensure no corrosion issues are identified). There is concern that third-party damage will result and sprinkler systems will interfere with transmission line maintenance and vegetation management activities.
Stock Piles - Storage of Earth	Yes, but consent is required	See Cuts and Fills.	This material storage can't interfere with transmission line maintenance, inspection, repair, or emergency response activities. In addition, stock piles must not

			lead to erosion issues.
Storage	No	The ROW cannot be designated as storage area. However, small amounts of non-combustible materials or equipment may be stored on the ROW by the property owner provided it does not interfere with access to the transmission line.	This material storage can't interfere with transmission line maintenance, inspection, repair, or emergency response activities. In addition, storage must not lead to erosion issues.
Structures	No	Permanent structures (i.e., any facility or structure, the foundation or any other portion of which lies below the ground surface, or is otherwise not readily moveable) are not allowed. Small outbuildings (e.g., sheds, playhouses) on blocks or without foundations may be permitted on a case by case basis.	No structures are allowed because they interfere with transmission line emergency response, maintenance, inspection, and repair activities.
Subdivisions	Yes, but consent is required	The area over the transmission line ROW may be subdivided provided: 1) No permanent structures may be located on the ROW. 2) Streets or roads are	Transmission line operators can work with planners and developers to minimize risks to transmission lines and communities within green spaces; early communication

		laid out to cross the transmission line at a right angle. Parallel encroachments are not acceptable. 3) The requirements for Road Crossings, either private or public, are met. 4) The ROW is not used for a utility corridor. 5) Developer or person subdividing the property submits approved subdivision plans. 6) Necessary consents are issued by the transmission line operator.	between all stakeholders is critical to ensure all factors are considered.
Swimming Pools (built-in and above ground)	No	Small, plastic "kiddy" type pools would be allowed. These types of portable pools are considered temporary and can be easily moved for transmission line activities if necessary.	No permanent structures are allowed because they interfere with transmission line emergency response, maintenance, inspection, and repair activities.
Tanks	No	Above or underground.	Access for transmission line maintenance, inspection, emergency response, and repair activities preclude this use
Temporary Material Storage Non-earth Material	Yes, but consent is required	This material storage can't interfere with transmission line maintenance, inspection, emergency response, or repair activities. In addition, storage must not lead to erosion	

		issues.	
Tennis Courts	No	Access for transmission line maintenance, inspection, and repair activities preclude this use.	
Trails	Yes, but consent is required	Adequate precautions should be taken to prevent erosion. See Cuts and Fills.	Trails must be placed to allow transmission line maintenance, inspection and repair activities to be conducted.
Trash Burners	No	For safety reasons, no flame, fire or flammable material is allowed.	
Tree Farms	No	Must provide access to transmission line facilities. In addition, shrubs should not interfere with transmission line patrolling or inspection activities.	Trees have root structure that may damage transmission line coating or transmission line integrity; tree canopy may interfere with aerial leak patrol activities.
Underground Structure	No	Other than "other" pipelines and related facilities (See Pipelines).	Access for transmission line repair activities precludes this use.
Utilities - Crossing Perpendicular	Yes, but consent is required	Consent to common use generally will be granted for crossings of overhead or underground utilities provided: 1) Overhead lines must provide adequate clearance for working on the transmission line.	Adequate separation and interference protection with other utility activities and the transmission line must be performed. Interference protection that is not effective may lead to transmission line corrosion and

		<p>Poles, anchors or supports may not be located on the ROW.</p> <p>2) All underground lines must be installed with minimum one foot of clearance between the transmission line and the utility if crossing is above the transmission line and two feet of clearance if crossing is below the transmission line and must be at same depth completely across the ROW.</p> <p>Crossings above the transmission line are strongly discouraged. Underground electric lines of less than 600 volts and all buried telephone lines, must be encased in plastic conduit across the entire width of the ROW. Underground electric lines of over 600 volts must be encased in rigid steel pipe across the entire width of the ROW. 3)</p> <p>The crossing utility operator must pay for any protection or upgrading of the transmission line facilities, and a temporary relocation</p>	<p>integrity issues. Activity must allow transmission line maintenance, inspection, emergency response, and repair activities to be conducted.</p>
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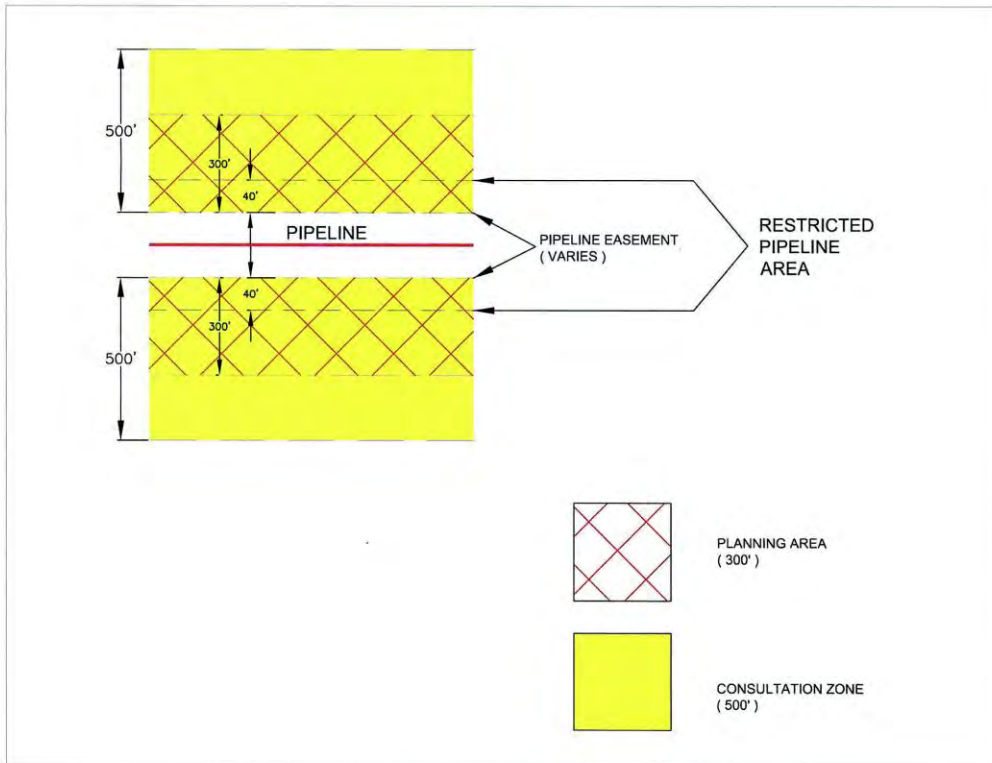
		<p>clause may be used to allow construction or maintenance of the transmission line. 4) Utility crossings must be designed to meet all applicable federal, state and local codes and requirements, and assurance provided that due consideration has been given to the effect of the project on the surrounding area.</p> <p>5) Buried electric cables, splices should be discouraged within the ROW.</p>	
Utilities - Running Parallel	No	<p>Parallel encroachment of any utilities, either overhead or underground may be allowed in some cases for short distances. In general, parallel encroachments are to be strongly discouraged.</p> <p>Easement agreements may not allow absolute prohibition of such encroachments.</p>	Interference protection that is not effective may lead to transmission line corrosion and integrity issues.
Utilities - Crossing in Operator Easement	Yes, but consent is required	The transmission line company generally will grant rights of way for utilities across	Adequate separation and interference protection with other utility activities and the

		<p>company-owned lands provided: 1) Easement will not interfere with present or future use of land by the pipeline company. 2) The pipeline company retains the right to have the crossing utility relocate at its own expense at a future date, if such relocation becomes necessary to permit utilization of the land by the pipeline company. 3) Crossing utilities must be installed and maintained in accordance with all applicable codes and requirements. 4) Adequate consideration must have been given to the effects of the crossing utility on the environment of the area. 5) Buried electric cables, splices should be discouraged within the ROW.</p>	<p>transmission line must be performed. Interference protection that is not effective may lead to transmission line corrosion and integrity issues. Activity must allow transmission line maintenance, inspection, emergency response, and repair activities to be conducted.</p>
<p>Utilities - Crossing Outside of Operator Easement</p>	<p>Yes, but consent is required</p>	<p>Where a utility crosses the transmission line on a public road, the utility</p>	<p>Adequate separation and interference protection with other utilities and</p>

		<p>normally has equal rights with the pipeline facility. However, every effort should be made for the pipeline company and the utility company to work together to provide a minimum of one foot of clearance between the utility and the transmission line if the utility crosses above the transmission line or two feet if the utility crosses below the transmission line, and that the same depth be maintained completely across what would normally be the transmission line ROW. The same criteria for underground electric lines as set forth in "Utilities - Crossing" should also be requested.</p> <p>Engineering review by the transmission line company is required even if no consent is issued.</p>	<p>transmission lines must be performed. Interference protection that is not effective may lead to transmission line corrosion and integrity issues. Activity must allow transmission line maintenance, inspection, emergency response, and repair activities to be conducted.</p>
Vaults	No	<p>No structures are allowed because they interfere with transmission line emergency response, maintenance, inspection and repair</p>	

		activities.	
Wading Pools	No	Small, plastic "kiddy" type pools would be allowed. These types of portable pools are considered temporary and can be easily moved for transmission line activities if necessary.	No permanent structures are allowed because they interfere with transmission line emergency response, maintenance, inspection and repair activities.
Weighing Stations	No	No structures are allowed because they interfere with transmission line emergency response, maintenance, inspection and repair activities.	
Wells	No	Drilling activity could damage transmission lines and lead to integrity issues.	
Wrecking Yards	No	No structures are allowed because they interfere with transmission line emergency response, maintenance, inspection and repair activities.	

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12494 **34.5.11. Burying of construction material.** No person shall bury unused, scrap,
 12495 waste, excess or discarded construction material without the approval of a use permit
 12496 for an inert waste landfill in accordance with article XIX. Any person who violates this
 12497 provision shall be deemed guilty of a misdemeanor and subject to the provisions of
 12498 article XXIX, Violation and Penalty.

12499 **34.5.12. Wastewater pump and lift stations.** A minimum 50-foot buffer and 10-foot
 12500 improvement setback shall be provided along all property lines adjacent to residentially
 12501 and/or agriculturally zoned properties used for residential or public recreational
 12502 purposes.

12503 **34.5.13. South Fulton Greenway Trail Master Plan.** At the time of application for a
 12504 land disturbance permit or building permit, development projects with frontage adjacent
 12505 to roads identified on the South Fulton Greenway Trail Master Plan Map shall
 12506 incorporate a multi-use path subject to the approval of the director of the environment
 12507 and community development.

12508 **34.5.14. Reserved.**

12509 **34.5.15. Reserved.**

12510 **34.5.16. Cluster mailboxes.**

12511 **A. Applicable districts:**

- 12512 1. All residential districts or districts with residential components when
12513 developed with residential units.
- 12514 2. Non-residential districts and interior building cluster mailboxes are exempt
12515 from the design and location standards of this section.
- 12516 3. Procedural standards are applicable to all cluster mailbox installations.
- 12517 B. *Procedural standards:*
- 12518 1. Prior to the submission of the preliminary plat, approval of the United
12519 States Postal Service (USPS) must be obtained and attached with the plat.
- 12520 2. Where a final plat is recorded with a performance bond, the surety shall
12521 cover the cluster-style mailbox kiosk and the installation shall occur prior to
12522 any certificate of occupancy being issued for a residential structure shown
12523 on the plat.
- 12524 3. Cluster-style mailbox kiosks shall be installed prior to the issuance of a
12525 certificate of occupancy for any residential structure that will be served by a
12526 cluster-style mailbox.
- 12527 4. The cost of installation, including but not limited to box units, architectural
12528 elements, landscaping, concrete pad and concrete/masonry or stone
12529 sidewalk access, shall be borne by the developer.
- 12530 5. Maintenance of the cluster-style mailbox kiosk, landscaping, trash can and
12531 surrounding areas shall be borne by the home owners association (HOA) of
12532 the neighborhood/development. Where no HOA exists, maintenance and
12533 associated costs shall be the responsibility of the homeowners served by
12534 the cluster mailbox kiosk.
- 12535 6. Cluster-style mailbox kiosks shall be exempt from the setback
12536 requirements of the zoning district; however all structures shall require a
12537 separate building permit and must meet or exceed all applicable building
12538 code.
- 12539 C. *Design standards:*
- 12540 1. All cluster-style mailbox units shall be incorporated into a cluster-style
12541 mailbox kiosk unless the cluster-style mailbox units are located interior to a
12542 building or as may be approved by the director.
- 12543 2. Cluster-style mailbox kiosks shall be compatible with other streetscape
12544 elements and be architecturally enhanced with building materials and
12545 details typical of the architectural style of the neighborhood/development.
- 12546 a. Cluster-style mailbox kiosks shall be located away from any location
12547 where, by reason of the position, shape or color, it may interfere with, or
12548 obstruct the view of or be confused with any authorized traffic control
12549 device.

- 12550 b. Provide a four-foot-wide impervious surface parallel to the kiosk and a
 12551 roof overhang for a weather free standing location wherever the
 12552 individual mailboxes are to be accessed.
- 12553 c. Provide landscaping consistent with the landscape theme of the
 12554 neighborhood/development.
- 12555 d. Provide a trash receptacle at each clustered mailbox location.
- 12556 e. Provide lighting.
- 12557 3. Cluster-style mailbox kiosks shall have a base of a width not less than the
 12558 width of the cluster mailbox structure itself.
- 12559 4. Cluster-style mailbox kiosks shall have a minimum four-foot-wide
 12560 concrete/masonry or stone access from the street and/or sidewalk.
- 12561 5. Cluster-style mailbox kiosks shall provide access compliant with the
 12562 Americans with Disability Act (ADA).
- 12563 6. Cluster-style mailbox kiosks shall provide a paved area with ingress/egress
 12564 to allow vehicles to pull off, park and re-enter the roadway safely while
 12565 retrieving mail.
- 12566 7. Cluster-style mailbox kiosks shall be located in areas that will best allow for
 12567 vehicle parking. Parking layout is to be designed in a manor so as to not
 12568 create pedestrian safety or vehicle safety issues as determined by the
 12569 South Fulton Engineer.
- 12570 _____
- 12571 8. Minimum required parking shall be required as follows:

Cluster-style Mailbox Kiosk Off-street Parking Requirement		
Activity	Number of Spaces Required	
Cluster-style Mailbox	Number of Mailboxes	Parking Spaces Required
	0—20	0
	21—60	2
	61—80	3
	81—100	4
	101 or more	4 plus 1 per each additional 50 mailboxes or portion thereof above 100

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12574 9. Access drives and parking areas shall be constructed to South Fulton road
12575 standards or as approved by the director of the department.

12576 D. *Location standards:*

12577 1. The location of the cluster-style mailbox is to be approved by the City and
12578 by the USPS.

12579 2. Cluster-style mailbox kiosks shall be prohibited from being located within
12580 the public right-of-way.

12581 3. Clustered mailboxes shall be placed so as to not adversely affect the
12582 privacy of residents.

12583 4. Cluster-style mailbox kiosks shall not be installed within a cul-de-sac bulb.

12584 5. Cluster-style mailbox kiosks shall be located away from the intersection of
12585 any street and in no case closer than 75 feet measured from the street
12586 centerline in order to prevent obstruction of free and clear vision.

12587 6. Clustered mailboxes shall be centrally located, offering easy pedestrian
12588 access to all residents. Cluster-style mailbox kiosks shall be located no
12589 more than one-fourth mile from the property line of those residents served
12590 by the cluster-style mailbox kiosk. Distance shall be measure as a radius
12591 drawn from the cluster-style mailbox kiosk.

12592 7. No driveway or street access shall be constructed within five feet of a
12593 cluster-style mailbox kiosk and vice versa.

12594 E. *Address post:*

12595 1. Each residential one- or two-family dwelling shall have its address number
12596 posted on a mailbox or addressing post located at or near the main
12597 entrance or vehicle access point to the property.

12598 2. The address post shall not exceed six inches by six inches in dimension.

12599 3. One-third of the total length of the address post shall be buried in the
12600 ground and the address post shall be secured in the ground i.e. surrounded
12601 by concrete.

12602 4. Such address numbers shall have a minimum stroke height of three inches
12603 and shall be a color that contrasts with the surrounding surface so as to be
12604 readily identifiable.

12605 5. Such numbers shall have a minimum one-half inch between numbers.

12606 6. Address numbers shall not be placed within 18 inches of the ground.

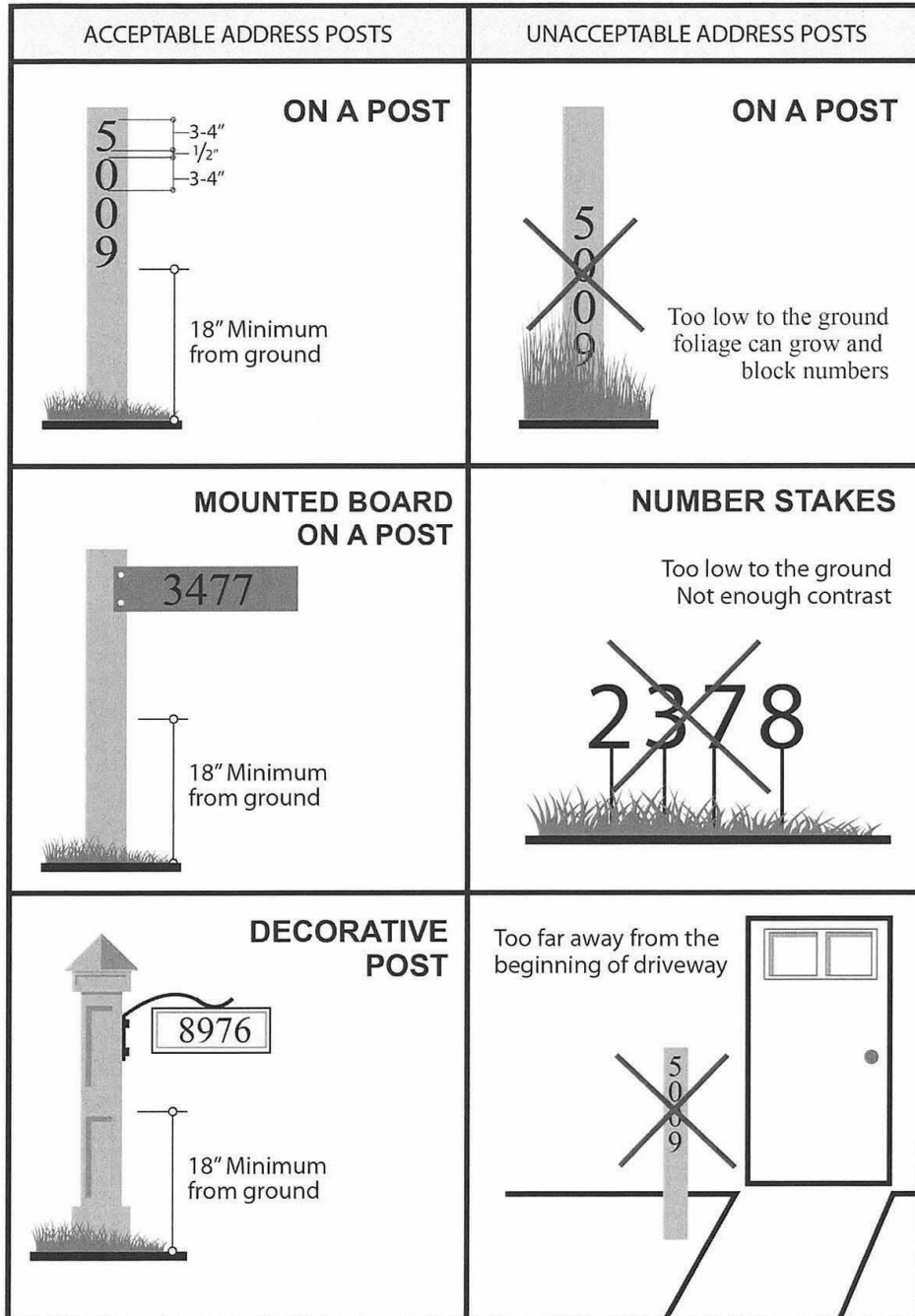
12607 7. Address numbers must be clearly visible on both sides of the post, and
12608 shall face the direction of traffic.

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8. The post shall not be obstructed from view by any means.
9. The property owner shall have the responsibility of ensuring compliance with the requirements of this section, regardless of whether the premises are leased or owner-occupied.

The following diagram has been provided as reference for acceptable and unacceptable installation, of the address posts and address numbers.

EXAMPLES OF ADDRESSING POSTS



12615

12616 **34.6. Timber harvesting.**

12617 **34.7. Cemeteries.** In a parcel with a cemetery, burial ground, human remains or
12618 burial object(s), there shall be no land disturbing activity or timbering unless approved
12619 by the Department of Community Development. The person or entity seeking a permit
12620 shall also comply with O.C.G.A. § 36-72-4. If a parcel is adjacent to a cemetery, there
12621 shall be no land disturbance in that parcel unless approved by the Department of
12622 Community Development.

12623 The following development standards shall be required as a part of the application
12624 process for a land disturbance permit or building permit on any parcel with a cemetery
12625 or on any parcel adjacent to a cemetery:

- 12626 A. A report prepared by an archeologist determining the boundary of the
12627 cemetery and stating the number of graves believed to be present and their
12628 location as can be determined from the use of minimally invasive investigation
12629 techniques, including remote sensing methods and the use of metal probes.
- 12630 B. A survey of the cemetery prepared by or under the direction of a registered
12631 surveyor showing the location of the boundaries of the cemetery or burial
12632 ground based on an archeologist's report.
- 12633 C. A 25-foot natural undisturbed buffer with a 10-foot improvement setback shall
12634 be provided around the perimeter of the outermost burials, as determined by an
12635 archeologist, if a cemetery is located on the parcel of land to be developed. If a
12636 cemetery is adjacent to the parcel to be developed, a 25-foot natural
12637 undisturbed buffer with a 10-foot improvement setback shall be provided along
12638 common property lines on the parcel where the land disturbance permit or
12639 building permit is being sought.
- 12640 D. A temporary tree protection fence shall be installed on the outer perimeter of
12641 the 25-foot undisturbed buffer before any land disturbing activity occurs. If the
12642 cemetery is located on an adjacent parcel, the tree protection fence shall be
12643 located along common property lines. The temporary tree protection fence shall
12644 remain in place until construction is completed.
- 12645 E. A permanent 6-foot high fence or wall with a gate shall be constructed along
12646 the perimeter of a cemetery on a parcel for which land disturbing activity is
12647 sought. The fence shall be constructed of a durable metal material. At minimum
12648 fence shall be black vinyl clad chain-link. Uncoated chain-link fence is
12649 prohibited. The location of the fence shall be as determined by an
12650 archaeologist. If the cemetery is located on an adjacent parcel, the fence shall
12651 be located interior to the required buffer and improvement setback or along the
12652 common property line(s) as may be approved by the South Fulton Arborist. The
12653 gate shall have a latch and be 4 feet wide if the cemetery is inactive or 10 feet
12654 wide if active.
- 12655 F. Uninhibited daylight access to the cemetery shall be provided via a 20-foot
12656 graveled easement to the cemetery from the nearest public road. The easement
12657 shall be recorded in the South Fulton Courthouse.

- 12658 G. A maintenance plan for a cemetery located on the parcel for which a land
12659 disturbance permit or building permit is sought shall be developed and
12660 implemented.
- 12661 H. The location of a cemetery, as identified by the surveyor, shall be included on
12662 the recorded plat.
- 12663 I. A small plaque/marker with the name of the cemetery, range of burials and any
12664 other historical information may be placed on the cemetery fence.

12665 ARTICLE XIII. - A-1 APARTMENT DWELLING DISTRICT REGULATIONS

12666 1. - [Article applicable to A-1 district.]

12667 The regulations set forth in this article, or set forth elsewhere in this resolution when
12668 referred to in this article, are the regulations in the A-1 District. (See article XIX)

12669 2. - Use regulations.

12670 A building or premises shall be used only for the following purposes:

- 12671 A. Any use permitted in the R-1 Single Family Dwelling District.
- 12672 B. Two family dwelling.
- 12673 C. Multiple dwelling.
- 12674 D. Rooming house and boardinghouse.
- 12675 E. Institutions of a religious, educational, eleemosynary or philanthropic nature,
12676 but not penal or mental institutions. (These uses are contingent upon
12677 compliance with article XIX — Additional Use Regulations.)
- 12678 F. Hospital, except a criminal, mental or animal hospital, (These uses are
12679 contingent upon compliance with article XIX — Additional Use Regulations.)
- 12680 G. Private club, fraternities, sororities and lodge, excepting those the chief activity
12681 of which is a service customarily carried on as a business. (These uses are
12682 contingent upon compliance with article XIX — Additional Use Regulations.)
- 12683 H. Accessory use or building and uses customarily incidental to any of the above
12684 uses, including as follows:
 - 12685 (1) Single family and two family dwellings: Accessory buildings that are not a
12686 part of the main structure shall be located in the rear yard not less than ten
12687 feet from the main building nor less than five feet from any side or rear yard.
 - 12688 (2) Multiple family dwellings and other uses: All accessory buildings shall be
12689 located in the rear yard and not nearer to any lot line than the distance
12690 prescribed for side and rear yards.
 - 12691 (3) Swimming pools may be located within the buildable area of any tract or
12692 parcel of land used for multiple family dwelling purposes, provided that
12693 when located on property adjacent to single family or two family dwelling
12694 districts, such pools, including their enclosed areas, shall not be located

12695 within 150 feet thereof. Provided, however, when swimming pools are
12696 located so as to be screened from such districts by a multiple family
12697 dwelling greater in length by a minimum of 20 feet on each end of the
12698 enclosed area of such pools, said distance of 150 feet shall not be required.

12699 3. - Off-street parking regulations.(Superseded by article XVIII)

12700 1. *Location of parking spaces and driveways on the lot:*

12701 (a) Off-street parking shall be provided in the rear yard or within that portion
12702 of the side yard lies between a main building and the side lot line.

12703 (b) Except at points where they provide ingress and egress to a property,
12704 development, or parcel of land, driveways may not be located nearer than
12705 ten feet to any lot line which abuts a single family or two family dwelling
12706 district nor nearer than four feet to any other lot line.

12707 2. *Parking space requirements:* Parking spaces on the lot with adequate access
12708 to a public street and with adequate circulation space shall be constructed of a
12709 material which will assure a surface resistant to erosion and maintained
12710 permanently follows:

12711 (a) *Multiple dwellings:* One and one-half tenant parking spaces for each
12712 dwelling unit, plus one visitor parking space for ever four units, rounded to
12713 the next highest whole number of spaces.

12714 (b) *Single family and two family dwellings:* Two parking spaces for each
12715 dwelling unit.

12716 (c) *Fraternities or sororities:* One parking space for every three beds
12717 contained in the structure.

12718 (d) *Rooming house and boardinghouse:* One parking space for every two
12719 guest rooms contained in the structure.

12720 (e) *Private club or lodge:* One parking space for every five active members.

12721 (f) *Hospitals or institutions:* One space for ever four beds, plus one space for
12722 each staff or visiting doctor (based on the average number), plus one space
12723 for every two employees, including nurses.

12724 (g) *Professional office or studio of a physician, dentist, artist, musician,*
12725 *lawyer, architect or teacher in his place of abode:* Parking space with
12726 adequate ingress and egress from a public way, place or street equal to
12727 twice that area within the structure which is devoted to such office or studio,
12728 but in no instance less than two parking spaces.

12729 (h) *Schools and public buildings:* One parking space for every ten seats in the
12730 auditorium or similar places of public assembly.

12731 (i) *Government buildings:* One parking space for every 200 square feet of
12732 floor area (excluding storage area) plus one space for every two persons
12733 employed in an accessory use.

- 12734 4. - Height regulations.
- 12735 No building shall exceed three stories or 45 feet.
- 12736 5. - Area regulations.
- 12737 1. *Front yard:*
- 12738 (a) *Single family and two family dwellings:* There shall be a front yard having
12739 a depth of not less than 40 feet.
- 12740 (b) *Multiple dwellings and other uses:* There shall be front yard having a
12741 depth of not less than 40 feet.
- 12742 2. *Side yard:*
- 12743 (a) *Single family and two family dwellings:* There shall be two side yards, one
12744 on each side of the building, having a combined width of not less than 15
12745 feet; provided, however, that no side yard shall be less than seven feet in
12746 width.
- 12747 (b) *Multiple dwelling and other uses:*
- 12748 (1) Where multiple dwelling districts abut single family and two family
12749 districts, there shall be two side yards, one on each side of the building
12750 each having a width of not less than 25 feet.
- 12751 (2) Where multiple dwelling districts do not abut single family and two
12752 family districts, there shall be two side yards, one on each side of the
12753 building, having a combined width of not less than 25 feet provided,
12754 however, that no side yard shall be less than ten feet in width.
- 12755 (3) Where a lot is located at the intersection of two or more streets, the
12756 width of the yard along the side street shall be not less than 25 feet.
- 12757 3. *Side yard:*
- 12758 (a) *Single family and two family dwellings:* There shall be a rear yard having a
12759 depth of not less than 25 feet.
- 12760 (b) *Multiple dwellings and other uses:* There shall be a rear yard having a
12761 depth of not less than 25 feet, provided, that when a rear yard abuts a
12762 single family district and is used for multiple dwelling purposes, the rear
12763 yard shall be not less than 75 feet.
- 12764 4. *Lot area per family:* Every dwelling shall be located upon a lot having the
12765 following minimum size:
- 12766 (a) *Single family dwelling:* Every lot shall have a frontage of not less than 85
12767 feet and an area of not less than 12,000 square feet, however, in no case
12768 shall lot frontages and lot areas be required which are larger than those
12769 required by zoning standards established in the nearest single family
12770 dwelling district.

- 12771 (b) *Two family dwellings:* Every two family dwelling shall be located upon a
 12772 Lot having a frontage of not less than 85 feet and an area of not less than
 12773 10,000 square feet, however, in no case shall lot frontages and lot areas be
 12774 required which are larger than those required by the zoning standards
 12775 established in the nearest single family dwelling district.
- 12776 (c) *Multiple dwellings:* Multiple dwellings shall be located upon a lot having a
 12777 frontage of not less than 100 feet and an area of not less than 2,250 square
 12778 feet per family.
- 12779 (d) Where a lot has less area or width than herein required and was of record
 12780 at the time of the effective date of this resolution, that lot may be used for a
 12781 single family dwelling, for a two family dwelling, or for the other nondwelling
 12782 uses permitted in this article.

12783 6. - Residential floor area resolutions.

- 12784 1. Each efficiency or studio apartment shall have a floor area of not less than 450
 12785 square feet.
- 12786 2. Each multiple dwelling other than efficiency or studio apartments shall have a
 12787 floor area of not less than 600 square feet per dwelling unit.
- 12788 3. Each two family dwelling shall have a minimum floor area of 1,000 square feet
 12789 per dwelling unit.
- 12790 4. Each single family dwelling shall have a minimum floor area of 1,100 square
 12791 feet.

12792 7. - Lot coverage.

12793 Maximum coverage of the lot by buildings, including accessory buildings, shall be
 12794 30 percent of the gross lot area.

12795 8. - Buffer screen.

12796 The developer shall provide a buffer screen beginning at the building line and
 12797 extending along any side or rear property line which abuts a single family or two family
 12798 district when an A-1 District is used for any purpose other than one or two family
 12799 dwellings.

12800 Definition:

12801 *Buffer screen:* Superseded by article III, Definitions. A permanent fence, wall, or
 12802 evergreen planting screen which will interrupt vision between adjacent properties. A
 12803 buffer screen shall be at least six feet high except that initially an evergreen planting
 12804 screen may be less than six feet if plants are provided which will ultimately attain a
 12805 height of six feet or more. (Note: If grouped in proximity, such plants as Pinus
 12806 Strobus (White Pine); Prunus Caroliniana (Cherry Laurel); ligustrum Lcidum
 12807 (Ligustrum); Elaeagnus Pungens (Elaeagnus); and Ilex Crenta Burfordi (Burfordi
 12808 Holly) will grow to form a hardy screen thick enough and high enough to interrupt
 12809 vision and to effectively reduce the transmission of sound.)

12810 ARTICLE XIII-A. - A-O APARTMENT-OFFICE DISTRICT REGULATIONS

12811 1. - [Article applicable to A-O District.]

12812 The regulations set forth in this article, or set forth elsewhere in this resolution when
12813 referred to in this article, are the regulations in the A-O District Regulations (See article
12814 XIX).

12815 (a) *Intent:* These regulations are designed to apply to land so located that it is
12816 readily adaptable to commercial development but where proximity to residential,
12817 public, or other land uses, and its relationship to existing and projected traffic
12818 patterns, make it desirable to limit the extent of commercial and residential
12819 operations.

12820 2. - Use regulations.

12821 A building or premises shall be used only for the following purposes:

- 12822 1. Any use permitted in the A-1 Apartment Dwelling District but not including
12823 single family dwelling, two family dwelling, agriculture, horticulture and general
12824 farming as provided in article VII, section 2, paragraph 7, and fraternities or
12825 sororities containing sleeping accommodations.
- 12826 2. Apothecary shop as an accessory retail use within a building without exterior
12827 advertising display, provided that only drugs, prescription medicines, medicinal
12828 supplies and pharmaceutical products shall be sold.
- 12829 3. Assembly halls, gymnasiums, stadiums, and similar structures operated on a
12830 nonprofit basis.
- 12831 4. Automobile parking garages and lots (commercial) provided that portions of
12832 open parking lots abutting dwelling districts are separated therefrom by a
12833 planted area 25 feet or more in width measured from the property line.
- 12834 5. Churches and temples.
- 12835 6. Clinics, medical, dental, chiropractic, osteopathic and similar operations, but
12836 not including a practice of veterinary medicine.
- 12837 7. Colleges, universities, business colleges, music conservatories, dancing
12838 schools and similar institutions, public or private, all without students in
12839 residence.
- 12840 8. Community center buildings, and other similar facilities operated on a nonprofit
12841 basis.
- 12842 9. Financial establishments, such as banks, loan companies, insurance
12843 companies.
- 12844 10. Government buildings: buildings used exclusively by the federal, state,
12845 county, or city governments for public purposes but not including repair
12846 garages, repair or storage yards for material, vehicles or equipment,
12847 warehouses, buildings and other facilities having commercial or industrial

- 12848 characteristics, and buildings used or intended to be used as correctional or
 12849 penal institutions.
- 12850 11. Incidental accessory retail uses such as cafeterias, gift shops, flower shops,
 12851 snack bars, barber shop, beauty shop, tailor shoo, radio-TV shop, and repair
 12852 shoe shop, conducted for the convenience of the employees, patients, patrons,
 12853 or visitors on the premises wholly within the principal buildings and without
 12854 exterior advertising display.
- 12855 12. Libraries, museums, and art galleries.
- 12856 13. Office buildings: governmental and private office buildings, including
 12857 professional offices in which no retail trade activity is carried on with the general
 12858 public and no stock of goods is maintained for sale to the general public, except
 12859 as permitted in an accessory use.
- 12860 14. Signs:
- 12861 (a) Professional or announcement sign, illuminated indirectly, not more than
 12862 20 square feet in area mounted flat to the wall on the main building
 12863 freestanding but situated no nearer to the street line than one-half the
 12864 distance between the street line and the building line on the main building
 12865 on the lot;
- 12866 (b) A temporary, unilluminated real estate sign not over 12 square feet in area
 12867 pertaining only to the sale, lease, or rent of the property upon which the
 12868 sign is located, provided the sign shall be mounted or displayed behind the
 12869 building set-back line of the lot;
- 12870 (c) A church or institutional bulletin board or sign, not more than 12 square
 12871 feet in area, illuminated indirectly, used to display the name and/or activities
 12872 of the church or institution, situated no nearer to the street line than one-half
 12873 the distance between the street line and the building line of the main
 12874 building on the lot;
- 12875 (d) Lettering, illuminated indirectly, attached to or built into the front wall of the
 12876 main building or assembly halls, churches, colleges and universities,
 12877 community centers, government buildings, hospitals, libraries, museums,
 12878 office buildings and schools, for the purpose of displaying the name and/or
 12879 address of the facility upon which such lettering is affixed.
- 12880 15. Accessory building and uses customarily incident to the above listed uses.
 12881 Any building used primarily for any of the above enumerated uses may have not
 12882 more than 25 percent of the floor area devoted to storage purposes incidental to
 12883 such primary use.
- 12884 3. - Off-street parking and loading area regulations.(Superseded by article XVIII)
- 12885 1. *Location of parking and loading areas on the lot:*
- 12886 (a) The required off-street parking and loading area shall be provided in the
 12887 rear yard or within that portion of the side yard which lies between the main
 12888 building and the side lot line.

- 12889 (b) No off-street parking space shall be provided within 25 feet of any lot
12890 which abuts a dwelling district.
- 12891 2. *Provision of required parking area on remote lots:* The required parking area
12892 may be located on the lot with the principal use or on a lot separated therefrom
12893 by not more than 300 feet along a directly accessible walkway.
- 12894 3. *Joint use of off-street parking areas:* One-half of the off-street parking area
12895 required for any permitted use in this district, not including multiple dwellings,
12896 may be counted toward the parking requirements or the following uses,
12897 provided the uses sharing such parking areas are not normally open, used or
12898 operated during the principal operation hours of these uses:
- 12899 (a) Auditorium.
- 12900 (b) Assembly halls.
- 12901 (c) Churches.
- 12902 (d) Gymnasiums.
- 12903 4. *Minimum requirements for off-street parking and loading:*
- 12904 (a) Rooming house, boardinghouse, and professional office in place of
12905 abode; same as those in A-1 Apartment Dwelling District.
- 12906 (b) Multiple dwelling; 1½ spaces for every dwelling unit.
- 12907 (c) Hospitals or institutions: one space for every four beds, plus one space for
12908 each staff or visiting doctor (based on the average number), plus one space
12909 for every two employees, including nurses.
- 12910 (d) Clinics and offices of doctors, dentists, osteopaths and similar offices; five
12911 spaces for ever doctor plus one for every two employees.
- 12912 (e) Auditoriums, assembly halls, churches, gymnasiums, stadiums, libraries,
12913 museums, art galleries, private club or lodge, one space for each four fixed
12914 seats in the largest assemble room or facility or for each 35 square feet of
12915 enclosed floor area used for accommodation of movable seats in the largest
12916 assembly room, whichever is greater, plus one space for each 100 square
12917 feet of ground area used for assembly.
- 12918 (f) Government buildings, financial establishments, and office buildings other
12919 than clinics and offices for doctors, dentists, etc., one space for every 200
12920 square feet of floor area (excluding storage area) plus one space for every
12921 two persons employed in an accessory use.
- 12922 (g) Schools.
- 12923 (1) Public or private elementary, and special schools without students in
12924 residence; two spaces for every classroom.
- 12925 (2) Public or private high; four spaces for every classroom.
- 12926 (3) Public or private colleges, music conservatories, dancing schools,
12927 universities, business colleges, one space for every

- 12928 200 square feet of floor area.
- 12929 (4) School auditorium assembly halls, stadiums, gymnasiums, same as
12930 subsection (e) above.
- 12931 (h) Accessory retail uses; one space for every two employees
- 12932 (i) One loading space on the lot shall be provided for each 15,000 square feet
12933 of area, or fraction thereof in excess of 5,000 square feet, devoted to uses
12934 requiring the receipt of distribution of material or merchandise by auto
12935 vehicle.
- 12936 (j) No lot shall have more than two curb breaks per 100 feet of frontage. No
12937 curb break shall exceed 30 feet in width. Curb breaks shall be not less than
12938 25 feet from the intersection of two or more curb lines, as measured along
12939 one of the said curb lines.

12940 4. - Height regulations.

- 12941 1. Buildings intended for multiple dwelling use shall not exceed three stories or 45
12942 feet.
- 12943 2. Buildings intended for nondwelling use shall not exceed four stories or 60 feet
12944 in height except as or may be provided in this resolution. This limitation may be
12945 exceeded by special permit as provided in article XIX in specific building and
12946 site plans are reviewed and approved by the commissioners of roads and
12947 revenues subsequent to public hearing and recommendation of the Atlanta-
12948 South Fulton Joint Planning Board. Such approval shall follow investigation and
12949 finding that the proposed building:
- 12950 (a) Will provide adequate open space and off-street parking facilities, and
- 12951 (b) Will not adversely affect the privacy of adjoining uses and that screened
12952 buffer areas will provide separation from any adjoining single family
12953 residences.

12954 5. - Area regulations.

- 12955 1. Multiple dwellings shall conform to the following requirements:
- 12956 (a) *Front yard*: The front yard regulations shall be the same as those in the A-
12957 1 Apartment Dwelling District.
- 12958 (b) *Side yard*: The side yard regulations shall be the same as those in the A-1
12959 Apartment Dwelling District.
- 12960 (c) *Rear yard*: The rear yard regulations shall be the same as those in the A-1
12961 Apartment Dwelling District.
- 12962 (d) *Lot area per family*: The lot area per family shall be the same as those in
12963 the A-1 Apartment Dwelling District.
- 12964 (e) *Lot coverage*: Maximum coverage of the lot by buildings including
12965 accessory buildings) shall be 35 percent of the gross lot area.

- 12966 2. Nondwelling uses shall conform to the following requirements:
- 12967 (a) *Front yard*: The front yard regulations shall be the same as those in the A-
- 12968 1 Apartment Dwelling District.
- 12969 (b) *Side yard*: The side yard regulations shall be the same as those in the A-1
- 12970 Apartment Dwelling District.
- 12971 (c) *Rear yard*: The rear yard regulations shall be the same as those in the A-1
- 12972 Apartment Dwelling District.
- 12973 (d) *Lot area per family*: Lot area per family shall be the same as those in the
- 12974 C-1 Commercial District.
- 12975 (e) *Lot coverage*: Maximum coverage of the lot by buildings (including
- 12976 accessory buildings) shall be 40 percent of the gross lot.

12977 6. - Residential floor area regulations.

12978 The residential floor area regulations for multiple dwellings shall be the same as

12979 those in the A-1 Apartment Dwelling District.

12980 ARTICLE XII-A - TR TOWNHOUSE RESIDENTIAL DISTRICT

12981 1. - Intent of the district.

12982 A. This district encompasses lands devoted to residential uses having both single and

12983 multifamily characteristics. The intent of this district is to provide standards for low

12984 density dwellings which will:

- 12985 1. Encourage the provisions of usable open and recreation areas and desirable
- 12986 living environment;
- 12987 2. Be located primarily in areas near or adjacent to single family use areas;
- 12988 3. Be located so as to provide transition between single family use areas and
- 12989 higher density dwelling areas and/or commercial areas;
- 12990 4. Be located near such services as retail shopping and major thoroughfares and
- 12991 collector streets; and
- 12992 5. Encourage home ownership.

12993 B. The regulations set forth in this article, or set forth elsewhere in this resolution

12994 when referred to in this article, are the regulations of the TR Townhouse Residential

12995 District (see articles XIX, XX and XXI).

12996 C. An application for rezoning to TR Townhouse Residential District shall be

12997 supported by a site plan for the proposed development.

12998 D. Approval of plans for drainage, sewerage, driveways, and parking areas by the

12999 department of planning and community development shall be required prior to the

13000 issuance of building permits.

13001 E. Construction shall conform to the overall site plan and detailed engineering plans

13002 as approved by planning and community development.

- 13003 2. - Use regulations.
- 13004 A building or premises shall be used only for the following purposes.
- 13005 1. Single family dwelling.
- 13006 2. Two family dwelling.
- 13007 3. Townhouses: As defined in article III, section 1, 56(b).
- 13008 4. Accessory uses or buildings customarily incidental to any of the above uses as
- 13009 follows:
- 13010 (a) *Single family and two family dwellings:* Accessory uses and buildings that
- 13011 are not a part of the main structure shall be located in the rear yard or in the
- 13012 side yard, and shall not be less than ten feet from any side or rear lot line.
- 13013 (b) *Townhouses:*
- 13014 (1) All accessory buildings shall be located not nearer to any perimeter lot
- 13015 line than the distance prescribed for side and rear yards.
- 13016 (2) Unenclosed recreational facilities, except swimming pools, may be
- 13017 placed within any required side or rear yard, provided that any such use
- 13018 shall not be permitted nearer to any perimeter lot line than 30 feet.
- 13019 (3) Swimming pools: Provided that no swimming pool may be placed
- 13020 nearer than 30 feet to any rear or side lot line, nor nearer than 50 feet to
- 13021 any public street line. Provided further that when located adjacent to a
- 13022 single family residential district, such pools shall not be located within
- 13023 150 feet thereof, except in cases when located so as to be screened
- 13024 from single family dwelling district by a townhouse dwelling, or an
- 13025 accessory structure greater in length by a minimum of 20 feet on each
- 13026 side of such pool(s), the distance of 150 feet shall not be required. A
- 13027 fence of minimum height of five feet shall be provided around the
- 13028 perimeter of all swimming pools.
- 13029 (4) Stacked flats, with approval of special use permit, pursuant to article
- 13030 XIX, Additional Use Regulations.

13031 3. - Off-street parking regulations.

- 13032 1. *Location of parking and driveways:*
- 13033 (a) No off-street parking shall be permitted in any front yard. On a corner
- 13034 property, no off-street parking shall be permitted within the side yard
- 13035 between the buildings and the adjacent street frontage.
- 13036 (b) No off-street parking or driveways shall be located within ten feet of any
- 13037 perimeter lot line.
- 13038 (c) Driveways serving more than two parking spaces shall provide an
- 13039 adequate turn-around space.
- 13040 2. *Parking space requirements:*

- 13041 (a) *Single family and two family dwellings:* Two off-street parking spaces for
13042 each dwelling unit.
- 13043 (b) *Townhouse dwellings:* Two off-street parking spaces for each dwelling
13044 unit, plus one visitor parking space for every four units or fraction thereof.
13045 Each visitor parking space shall be located in the proximity of the units it
13046 serves.
- 13047 4. - Building regulations.
- 13048 1. *For single family, two family and townhouse dwellings:* No building or structure
13049 shall exceed 35 feet in height.
- 13050 2. *For townhouse residential development:*
- 13051
- 13052 (a) No more than 20 townhouse dwelling units shall be permitted to form a
13053 single building.
- 13054 (b) No more than three contiguous townhouse dwellings which form a part of
13055 a single building shall have the same front setback or roof line. Said
13056 setback and roof line shall be varied by a minimum of two feet.
- 13057 (c) Sidewalks shall be provided for each townhouse pedestrian access
13058 throughout the entire development.
- 13059 (d) Driveways serving more than six units shall be paved to a minimum width
13060 of 30 feet.
- 13061 5. - Area regulations.
- 13062
- 13063 1. *For single family and two family dwellings:*
- 13064 (a) *Front yard:* There shall be a front yard having a depth of not less than 40
13065 feet.
- 13066 (b) *Side yard:* There shall be two side yards, one on each side of the building
13067 of not less than ten feet. where a lot is located at the intersection of two or
13068 more streets, the width of the yard along the side street shall not be less
13069 than 20 feet. No accessory building or portion thereof shall be located within
13070 the required yard area along any street.
- 13071 (c) *Rear yard:* There shall be a rear yard having a depth of 25 feet.
- 13072 (d) *Lot area per family:* Every dwelling shall be located on a lot having a
13073 frontage of 90 feet at the building setback line and containing the following
13074 areas:
- 13075 1. Eleven thousand square feet for a single family dwelling (90' × 122').
- 13076 2. Fifty-five hundred square feet per family for a two family dwelling (99' ×
13077 112').
- 13078 2. *For townhouse residential developments:*

- 13079 (a) *Density*: A Townhouse Residential Development shall not exceed nine
13080 dwellings units per gross acre (4,480 square feet per family unit).
- 13081 (b) *Size of development site*: The minimum size of the site to be developed
13082 for townhouse residential use shall be two acres, with 100 feet of frontage.
13083 (Z-80-38 FC — App. 4-2-80).
- 13084 (c) *Yard requirements*:
- 13085 1. *Front yard*: There shall be a front yard of not less than 40 feet.
- 13086 2. *Side yard*: There shall be two side yards of not less than 30 feet on
13087 each side provided, however, where a side yard abuts a single family
13088 dwelling district, the side yard shall not be less than 40 feet.
- 13089 3. *Corner setback*: Where a lot, tract, or parcel of land is located at the
13090 intersection of two streets, the width of the yard along the side street
13091 side shall not be less than 40 feet provided, however, that when such
13092 property lies adjacent to a single family dwelling district, the yard
13093 requirement along the side street shall be the same as prescribed or
13094 established for the front yard of the adjacent single family dwelling
13095 district. In no case shall such yard be less than 40 feet.
- 13096 4. *Rear yard*: There shall be a rear yard along the rear lot line of not less
13097 than 35 feet provided, however, when a rear yard abuts a single family
13098 dwelling district and is used for townhouse dwellings, the rear yard
- 13099 (d) *Buffers*: In addition to the above setback requirements, a buffer zone may
13100 be required along any perimeter lot line, or portion thereof, in order to
13101 provide privacy and separation between adjoining properties. Property with
13102 such buffer areas may be included within the lot area for density and lot
13103 coverage purposes.

13104 6. - Residential floor area regulations.

- 13105 1. Each single family dwelling shall have a minimum ground floor area of 1,200
13106 square feet if less than two stories.
- 13107 2. Each single family dwelling of two stories in height shall have a minimum
13108 ground floor area of 900 square feet, and a total minimum floor area of 1,320
13109 square feet.
- 13110 3. Each two family dwelling shall have a minimum floor area of 900 square feet
13111 and a minimum ground floor area of 900 square feet if two stories in height.
- 13112 4. Each townhouse dwelling unit shall have a minimum floor area of not less than
13113 1,100 square feet.
- 13114 (a) Each townhouse unit shall have a minimum width of 20 feet.
- 13115 (b) Private, usable open space, such as balconies, sundecks, patios, etc.
13116 shall be provided contiguous to each dwelling unit. The area of such open
13117 space provided for each unit shall not be less than ten percent of the floor

13118 area of the unit served. The location and number of square feet shall be
13119 clearly indicated on the site plan.

13120 7. - Screening garbage and storage areas.(Superseded by article IV)

13121 All exterior garbage, incinerators, or other outside storage areas shall be screened
13122 by a solid enclosure of not less than four feet in height.

13123 8. - Townhouse Residential open space requirements.

13124 1. *Open space requirements for Townhouse Residential buildings shall be as*
13125 *follows:*

13126 (a) The minimum distances between buildings, when so arranged shall be as
13127 follows:

Front to Front	50 feet
Front to Rear	60 feet
Rear to Rear	50 feet
Front or Rear to Side	40 feet
Side to Side	40 feet

13128

13129 (b) Where unusual and uncommon conditions of topography or configuration
13130 of the property exist, the planning board may permit a departure from the
13131 above prescribed distances between buildings, provided such departure
13132 shall not diminish the required distances by more than 50 percent.

13133 2. *Common open space and facilities:* Deleted 6/6/73 — Z-73-75 FC

13134 APPENDIX A - (INACTIVE)

13135 SUB A SUBURBAN A SINGLE FAMILY DWELLING DISTRICT

13136 1. - SUB A District intent and scope.

13137 Regulations set forth in this article are the SUB A District regulations. Article XIX
13138 should be consulted to determine uses and minimum standards for uses allowed by
13139 administrative or use permit. The SUB A District encompasses lands devoted to
13140 residential use areas of one or fewer dwellings per acre and closely related uses.

13141 2. - Use regulations.

13142 *2.1 Permitted uses.* A building or property may be used for only the following
13143 purposes:

- 13144 A. Single family dwelling.
- 13145 B. Agriculture, general and specialized farming, initiated prior to March 7, 1990,
13146 including: horticulture, plant nursery, greenhouse, dairy farming, and truck
13147 gardening, provided that buildings used for agricultural purposes shall not be
13148 located nearer than 200 feet to any side or rear lot line and provided that
13149 produce is not offered for sale on the premises.

13150 *2.2 Accessory uses.* A building or lot may be used for uses customarily incidental to
13151 any permitted use and a dwelling may be used for a home occupation.

13152 3. - Development regulations.

13153 *3.1 Height regulations.* Buildings shall be no higher than 35 feet or 2½ stories,
13154 whichever is higher.

13155 *3.2 Area regulations.*

- 13156 A. *Minimum front yard:* 60 feet.
- 13157 B. *Minimum side yard:*
13158 — 15 feet adjacent to interior lines.
13159 — 30 feet adjacent to streets.
- 13160 C. *Minimum rear yard:* 40 feet
- 13161 D. *Minimum lot area:* one acre
- 13162 E. *Minimum lot width:* 150 feet
- 13163 F. *Minimum lot frontage:* 35 feet
- 13164 G. *Minimum heated floor area:* 1,200 s.f. for less than two story.
13165 1,320 s.f. for two story or more than two story with 900 s.f. on ground floor
- 13166 I. *Minimum accessory structure requirements:* Accessory structures may be
13167 located in rear or side yards, but shall not be located within a minimum yard.

13168 4. - Other regulations.

13169 The headings below contain provisions applicable to uses allowed in the SUB A
13170 District.

- 13171 Development regulations. Article XXXIV
- 13172 Exceptions. Section 4.3
- 13173 Floodplain management. Section 4.24
- 13174 Off-street parking and loading. Article XVIII

- 13175 Outside storage. Section 4.2
- 13176 Landscape area and buffer regulations. Section 4.23
- 13177 River protection. Metropolitan River Protection Act
- 13178 Signs. Article XXXIII
- 13179

13180 SUB B SUBURBAN B SINGLE FAMILY DWELLING DISTRICT

13181 1. - SUB B District scope and intent.

13182 Regulations set forth in this article are the SUB B District regulations. Article XIX
 13183 should be consulted to determine uses and minimum standards for uses allowed by
 13184 administrative or use permit. The SUB B District encompasses lands devoted to
 13185 residential use areas of one or fewer dwellings per acre and closely related uses.

13186 2. - Use regulations.

13187 *2.1 Permitted uses.* A building or property may be used for only the following
 13188 purposes:

- 13189 A. Single family dwelling.
- 13190 B. Agriculture, general and specialized farming, initiated prior to March 7, 1990,
 13191 including: horticulture, plant nursery, greenhouse, dairy farming, and truck
 13192 gardening, provided that buildings used for agricultural purposes shall not be
 13193 located nearer than 200 feet to any side or rear lot line and provided that
 13194 produce is not offered for sale on the premises.

13195 *2.2 Accessory uses.* A building or lot may be used for uses customarily incidental to
 13196 any permitted use and a dwelling may be used for a home occupation.

13197 3. - Development regulations.

13198 *3.1 Height regulations.* Buildings shall be no higher than 35 feet or 2½ stories,
 13199 whichever is higher.

13200 *3.2 Area regulations.*

- 13201 A. *Minimum front yard:* 60 feet.
- 13202 B. *Minimum side yard:*
 13203 — 15 feet adjacent to interior lines.
 13204 — 30 feet adjacent to streets.
- 13205 C. *Minimum rear yard:* 40 feet.
- 13206 D. *Minimum lot area:*
 13207 One acre.

- 13208 Ten acres for poultry.
- 13209 Five acres for kennel.
- 13210 E. *Minimum lot width:* 150 feet.
- 13211 F. *Minimum lot frontage:* 35 feet.
- 13212 G. *Minimum heated floor area:* 850 s.f. on ground floor.
- 13213 H. *Minimum accessory structure requirements:*
- 13214 Accessory structures may be located in rear or side yards, but shall not be
- 13215 located within a minimum yard.
- 13216 4. - Other regulations.
- 13217 The headings below contain provisions applicable to uses allowed in the SUB B
- 13218 District.
- 13219 Development regulations. Article XXXIV
- 13220 Exceptions. Section 4.3
- 13221 Floodplain management. Section 4.24
- 13222 Off-street parking and loading. Article XVIII
- 13223 Outside storage. Section 4.2
- 13224 Landscape area and buffer regulations. Section 4.23
- 13225 River protection. Metropolitan River Protection Act
- 13226 Signs. Article XXXIII
- 13227
- 13228 SUB C SUBURBAN C SINGLE FAMILY DWELLING DISTRICT
- 13229 1. - SUB C District scope and intent.
- 13230 Regulations set forth in this article are the SUB A District regulations. Article XIX
- 13231 should be consulted to determine uses and minimum standards for uses allowed by
- 13232 administrative or use permit. The SUB C District encompasses lands devoted to
- 13233 residential use areas of two or fewer dwellings per acre and closely related uses.
- 13234 2. - Use regulations.
- 13235 *2.1 Permitted uses.* A building or property may be used for only the following
- 13236 purposes:
- 13237 A. Single family dwelling.

13238 B. Agriculture, general and specialized farming, initiated prior to March 7, 1990,
13239 including: horticulture, plant nursery, greenhouse, dairy farming, and truck
13240 gardening, provided that buildings used for agricultural purposes shall not be
13241 located nearer than 200 feet to any side or rear lot line and provided that
13242 produce is not offered for sale on the premises.

13243 2.2 *Accessory uses.* A building or lot may be used for uses customarily incidental to
13244 any permitted use and a dwelling may be used for a home occupation.

13245 3. - Development regulations.

13246 3.1 *Height regulations.* Buildings shall be no higher than 35 feet or 2½ stories,
13247 whichever is higher.

13248 3.2 *Area regulations.*

13249 A. *Minimum front yard:* 50 feet.

13250 B. *Minimum side yard:*

13251 Ten feet adjacent to interior lines.

13252 20 feet adjacent to streets.

13253 C. *Minimum rear yard:* 35 feet.

13254 D. *Minimum lot area:* 18,000 s.f.

13255 E. *Minimum lot width:* 100 feet.

13256 F. *Minimum lot frontage:* 35 feet.

13257 G. *Minimum heated floor area:* 1,000 s.f. on ground level for less than two story.

13258 1,100 s.f. for two story or more than two story dwelling with 850 s.f. on ground
13259 floor.

13260 H. *Minimum accessory structure requirements:* Accessory structures may be
13261 located in rear or side yards, but shall not be located within a minimum yard.

13262 4. - Other regulations.

13263 The headings below contain provisions applicable to uses allowed in the SUB C
13264 District:

13265 Development regulations. Article XXXIV

13266 Exceptions. Section 4.3

13267 Floodplain management. Section 4.24

13268 Off-street parking and loading. Article XVIII

13269 Outside storage. Section 4.2

13270 Landscape area and buffer regulations. Section 4.23

- 13271 River protection. Metropolitan River Protection Act
- 13272 Signs. Article XXXIII



CITY OF SOUTH FULTON



COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING

SUBJECT: Ord2018-049 Adopting Subdivision Regulations as Appendix D

DATE OF MEETING: 11/27/2018

DEPARTMENT: Attorney

ATTACHMENTS:

Description	Type	Upload Date
Ord2018-049 Subdivision Regulations Appendix D	Cover Memo	11/21/2018

1
2
3 **STATE OF GEORGIA**
4 **COUNTY OF FULTON**
5 **CITY OF SOUTH FULTON**
6

7 **ORDINANCE NO 2018-049**

8
9 **A ORDINANCE ADOPTING THE CITY OF SOUTH FULTON SUBDIVISION**
10 **REGULATIONS AS APPENDIX D TO THE CITY CODE OF ORDINANCES AND FOR**
11 **OTHER LAWFUL PURPOSES**

12 **(Sponsored by Councilmembers Gilyard and Rowell)**
13

14 **WHEREAS**, the City of South Fulton (“City”) is a municipal corporation duly
15 organized and existing under the laws of the State of Georgia;

16
17 **WHEREAS**, the duly elected governing authority of the City is the Mayor and
18 Council thereof (“City Council”);

19
20 **WHEREAS**, the City has been vested with the power and authority to regulate the
21 practice, conduct or use of property for the purposes of maintaining health, morals, safety,
22 security, peace and the general welfare of the City; and

23 **WHEREAS**, the City Council finds this Ordinance to be in the best interests of the
24 health, safety, and general welfare of the City.

25
26 **NOW, THEREFORE, THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY**
27 **ORDAINS** as follows:

28
29 **Section 1:** The City hereby adopts the City of South Fulton Zoning Subdivision
30 Regulations attached hereto, which shall be Appendix D to the City’s Code of Ordinances.
31

32 *****
33

34 **Section 2.** It is hereby declared to be the intention of the Mayor and Council that: (a) All
35 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon
36 their enactment, believed by the City Council to be fully valid, enforceable and
37 constitutional.

38 (b) To the greatest extent allowed by law, each and every section, paragraph, sentence,
39 clause or phrase of this Ordinance is severable from every other section, paragraph,
40 sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or
41 phrase of this Ordinance is mutually dependent upon any other section, paragraph,
42 sentence, clause or phrase of this Resolution.

43 (c) In the event that any phrase, clause, sentence, paragraph or section of this
44 Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or
45 otherwise unenforceable by the valid judgment or decree of any court of competent
46 jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality
47 or unenforceability shall, to the greatest extent allowed by law, not render invalid,
48 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
49 sentences, paragraphs or sections of the Ordinance.

50 **Section 3.** All Ordinances and Resolutions in conflict herewith are hereby expressly
51 repealed.

52 **Section 4.** The city attorney and city clerk are authorized to make non-substantive
53 editing and renumbering revisions to this ordinance for proofing, codification, and
54 supplementation purposes. The final version of all ordinances shall be filed with the clerk.

55 **Section 5.** The effective date of this Ordinance shall be the date of adoption unless
56 provided otherwise by the City Charter or state and/or federal law.

57
58 **Section 6. Instruction to City Clerk.** The City Clerk is hereby directed to forward a
59 copy of this ordinance to the City Community Development Department, Planning
60 Commission, City Zoning Consultant and Zoning Board of Appeals.
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The foregoing **ORDINANCE No. 2018-049**, adopted on _____ was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

“SECOND READING”

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Mark Baker, Mayor Pro Tem	_____	_____
Catherine Foster Rowell	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____

110 THIS RESOLUTION adopted this _____ day of _____ 2018. CITY OF SOUTH
111 FULTON, GEORGIA.
112

113
114
115 **“SECOND READING”**
116
117

118
119
120
121
122 _____
123 WILLIAM “BILL” EDWARDS, MAYOR
124
125

126
127
128 ATTEST:
129

130
131 _____
132 MARK MASSEY
133
134

135
136
137
138
139 APPROVED AS TO FORM:
140

141
142 _____
143 EMILIA C. WALKER, CITY ATTORNEY
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1 SUBDIVISION REGULATIONS
2
3 SOUTH FULTON, GEORGIA CODE OF ORDINANCES
4
5 APPENDIX D
6
7 Adopted [Enter Adoption Date]
8
9
10
11
12

13 **ARTICLE I**
14 **TITLE AND PURPOSE**
15

16 **1.1 TITLE**
17

18 The title of these regulations shall be known as “The Subdivision Regulations of South
19 Fulton, Georgia.”
20

21 **1.2 PURPOSE**
22

23 These rules and regulations are intended to serve the following purposes, among others:
24

- 25 A. To protect and promote the health, safety, and general welfare of the residents of
26 Fulton County.
27
28 B. To encourage economically sound and stable land developments.
29

- 30 C. To assure the adequate provision of roads, access, utilities, and other facilities
31 and services to new land developments in conformance with public improvement
32 standards and regulations of Fulton County, Georgia.
33
34 D. To assure the adequate provision of safe and convenient traffic access,
35 connectivity to other developments or facilities, and efficient circulation (both
36 vehicular and pedestrian) in new land developments.
37
38 E. To assure the provision of needed open space and building sites in new land
39 developments through dedication or reservation of land for recreational,
40 educational, environmental, green space, bikeways and pedestrian trails, and
41 other public purposes.
42
43 F. To assure equitable handling of all requests for the subdivision of land by
44 providing uniform procedures and standards for the subdivider.
45

46 **ARTICLE II**

47 **AUTHORITY AND APPLICATION**

48
49 The subdivision rules and regulations are adopted under the authority of Article IX,
50 Section II, Paragraph IV and Article IX, Section II, Paragraph I of the 1983 Constitution
51 of the State of Georgia.
52

- 53 **21** Any subdivider of land within the City shall submit to the Director of the Department of
54 Community Development Services a minor or final plat. Minor and final plats must be
55 properly filed and conform to all requirements set forth in these regulations.
56
57 **22** No person, firm, corporation, owner, agent or subdivider shall sell, transfer or agree to
58 sell any subdivided land without the minor or final plat of that subdivision having been
59 confirmed by the City.
60
61 **23** No subdivider shall proceed with any construction work on the proposed subdivision,
62 including clearing, grading or grubbing, before obtaining the appropriate approvals and
63 permits.
64
65 **24** No land shall be dedicated, opened, extended or accepted as a public street or for any
66 other public purpose before obtaining final approval from the Director of Community
67 Development Services and confirmation by the City Council. . The approval shall be
68 entered in writing on the Final Plat by the Director. Any subdivider of property for public
69 purpose (other than roads) shall be transferred by deed.
70
71 **25** No building permit shall be issued within the City unless legal access is provided to a
72 public street or a private street approved under the terms of these rules and regulations.

73

74 **26** In residential subdivisions, building permit shall not be issued for any approved minor
75 plat or final plat until after the approval of the Director and City Council confirmation.

76
77 **27** The divisions of property by court order, including but not limited to judgments of
78 foreclosure or consolidation and disbursement of existing lots by deed or other recorded
79 instruments, shall not be considered a subdivision for purposes of, and shall not obviate
80 the necessity for compliance with, these regulations.

81
82 **28** The subdivider shall be allowed one (1) building permit for a model home for each
83 fifteen (15) lots located in the proposed subdivision, provided the subdivider provides an
84 Agreement to Install Improvements Form and a cash surety equal to 125% of the cost
85 for the remaining infrastructure improvements, based on written estimates by the design
86 professional for the project. Notwithstanding the permitted rate for model homes, the
87 maximum number of building permits for model homes to be allowed in any one
88 subdivision shall not exceed 10.

89
90 **29** The following shall apply for lots where model homes are allowed:
91
92 A. The lots shall be located within 300 feet of an active fire hydrant;
93
94 B. Main sewer and water lines for these lots shall be installed by the developer and
95 be subject to review and approval by the City, installation of these lines shall take
96 place prior to issuance of the Certificate of Occupancy; and
97
98 C. The lots shall have a minimum of twenty (20) foot wide fire access road
99 extending from a paved public street to within 100 feet of the proposed structure.

100

101

ARTICLE III

102

DEFINITIONS

103

3.1 PURPOSE

104

105 Words not defined herein shall be construed to have the meaning given by Webster's
106 New Collegiate Dictionary, tenth edition.

107

108

3.2 DEFINITIONS

109

110 Unless otherwise expressly stated, the following terms shall have the meaning herein
111 indicated.

112

113 **Alley or Service Drive** - A minor, permanent vehicular service access to the back or
114 the side of properties otherwise abutting a street.

114

115
116 **Amenity** - Means the common areas, structures, buildings, improvements, and facilities
117 that are owned or maintained by the homeowners association in a common interest
118 within a subdivision. Amenities include, but are not limited to, recreation facilities,
119 parking areas, driveways, private roads, common landscapes, drainage structures, and
120 other common property.
121

122 **Bike Paths** - These paths serve to separate bicycle riders from vehicle and pedestrian
123 traffic. Bike paths can meander through wooded areas, traverse the edge of open
124 areas, and may (in many instances) parallel existing roadways or walks.
125

126 **Block** - A parcel of land or lots entirely surrounded by public or private roads, other than
127 alleys.
128

129 **City** - The City of South Fulton, Georgia.
130

131 **City Council** - City Council of South Fulton, Georgia.
132

133 **Buildable Area** - That portion of a lot where buildings and specified structures may be
134 located after all minimum yards, buffers, landscape strips, and other setbacks have
135 been met.
136

137 **Building Setback Line** - A graphic representation of the required minimum horizontal
138 distance between a building and the related front, side, or rear property lines which
139 establish the minimum space to be provided between the building and property line(s).
140

141 **Comprehensive Plan** - The Comprehensive Plan adopted by the City, as amended
142 from time to time.
143

144 **Crosswalk** - A right-of-way dedicated to public use, four 5 feet or more in width, that
145 crosses a street and furnishes a specific area for pedestrian movements at an
146 intersection.
147

148 **Cul-de-sac** - A street having only one connection to another street and being
149 permanently terminated by a vehicular turn-around.
150

151 **Cul-de-sac, Temporary** - A street having one end open to traffic and being
152 temporarily terminated by a vehicular turn-around. This temporary termination is to
153 provide connectivity to future developments.
154

155 **Department** – the City Department of Community Development Services.
156

157 **Developer** – any person or legal entity undertaking development.
158

159 **Director** - Director of the Department.

160
161 **Driveway, access or shared** - A paved area used for ingress or egress of vehicles, and
162 allowing access from a street to a building, allows access from a street to a building,
163 other structure, or facility for no more than two (2) single-family residential lots.
164

165 **Easement** - A grant by the property owner for use by the grantee of a portion of land for
166 specified purposes.
167

168 **Homeowner's Association** - A corporation formed for the purpose of exercising the
169 powers of the members of any common interest community or subdivision.
170

171 **Land Disturbance Permit** - An official authorization issued by the Department, allowing
172 defoliation or alteration of a site or the commencement of any construction activities,
173 including, but not limited to, clearing, grubbing, dredging, grading, excavating,
174 transporting, and filling of land, but not including agricultural practices as defined in the
175 Official Code of Georgia Annotated 1-3-3 (O.C.G.A.).
176

177 **Lot** - The basic lawful unit of land, identifiable by a single deed established by plat,
178 subdivision, or as otherwise permitted by law, to be separately owned, used, developed,
179 or built upon. In determining the area and dimension of a lot, no part of right-of-way of a
180 road, crosswalk or buffer may be included.
181

182 **Lot, Minimum Lot Size** - The smallest permissible lot area established by the zoning
183 resolution or City conditions of zoning.

184 **Lot, Corner** - A lot abutting two or more streets at their intersection.
185

186 **Lot, Double/Multiple Frontage** - A lot other than a corner lot abutting two or more
187 streets that may or may not intersect at that lot.
188

189 **Open Space** - Open space is the portion of the conservation subdivision that has been
190 set aside for permanent protection. Activities within the open space are restricted in
191 perpetuity through the use of an approved legal instrument.
192

193 **Pavement** – (1) A created surface, such as brick, stone, concrete, or asphalt, placed on
194 the land to facilitate passage, gravel shall not be considered pavement; (2) that part of a
195 street having an improved surface.
196

197 **Plan, Conceptual** - A drawing that shows the proposed layout of a subdivision in
198 sufficient detail to indicate its workability and feasibility, but is not in final form for
199 recording, pursuant to these regulations. The conceptual plan is the first stage in
200 securing a Land Disturbance Permit.
201

202 **Plat** - A map indicating the subdivision or re-subdivision of land, intended to be filed for
203 recording.
204

205 **Plat, Final** - A finished drawing of a subdivision that provides a complete and accurate

206 depiction of all legal and engineering information required by the Subdivision
207 Regulations. Certification for recording and ratification of the Director's approval by the
208 City Council is required.

209
210 **Plat, Minor** - A finished drawing of a single family residential subdivision of no more
211 than two lots that, at the time of subdivision, does not necessarily, but may involve a
212 land disturbance permit, new roads, the extension of a utility or other municipal facility
213 and depicts all legal and engineering information required by these Subdivision
214 Regulations.

215
216 **Public Works Department** - The City Public Works Department.

217
218 **Right of Way Dedication and Reservation Plan** - An element of the City
219 Comprehensive Transportation Plan maintained by the Department of Public Works
220 which includes guidelines and/or procedures for the dedication and reservation of rights-
221 of-way along public roadways.

222
223 **Standard Details** - Illustrative minimum standards for land development activities
224 authorized under the land development regulations of the City. These standards shall
225 not supersede more restrictive prudent design requirements or good engineering
226 practices as applied to specific situations on a case-by-case basis. All construction shall
227 meet or exceed the City minimum standards established by the Georgia Department of
228 Transportation.

229
230 **Street Classifications** - The classification of streets based on functions, from high-traffic
231 arterial roads to low traffic residential streets. The following are definitions intended to
232 distinguish between different street classifications. All Roadways are classified per the
233 Georgia Department of Transportation:

- 234
- 235 1. **Freeway** - a multi-lane roadway that has full access control and separation of
236 directional traffic. Freeways accommodate large volumes of high speed traffic and
237 provide efficient movement of vehicular traffic for interstate and major through travel.
238
 - 239 2. **Arterial** – a functional classification for a street or highway that provides the highest
240 level of service at the greatest speed for the longest uninterrupted distance, with
241 some degree of access control.
242
 - 243 3. **Principal Arterial** - a roadway that has partial or no access control, and is primarily
244 used for fast or large volumes of traffic. Emphasis is placed on mobility rather than
245 access to adjacent land.
246
 - 247 4. **Minor Arterial** - a roadway that has partial or no access control and is primarily
248 used for inter-connectivity of principal arterials and placing more emphasis on
249 access to adjacent land over mobility.
250
 - 251 5. **Collector** - a roadway that has partial or no access control and has more emphasis
252 on access to adjacent land over mobility than arterials. The primary purpose is to

253 distribute trips to and from the arterial system and allow access to the local roads.
254

- 255 6. **Local** - any roadway that has no access control, and places strong emphasis on
256 access to adjacent land over mobility while service to through traffic is discouraged.
257
- 258 7. **Full Access Control** – a street or highway to which owner or occupants abutting
259 land have complete right of access.
260
- 261 8. **No Access Control** – a street or highway to which owner or occupants abutting
262 land have no right of access.
263
- 264 9. **Partial/Limited Access Control** – a street or highway to which owner or
265 occupants abutting land have little or no right of access.
266
- 267 10. **Frontage Street** - A road that typically runs parallel to a partial access controlled
268 roadway, a full access controlled facility, or a railroad. Frontage roads provide public
269 access to the adjacent parcels, help control access to the major facility, and/or
270 maintain circulation of traffic on each side of the major facility.
271

272 **Street, Residential** - The following definitions are intended to distinguish between
273 different categories of streets internal to residential subdivisions:
274

- 275 1. **Major Subdivision Street:** a local road internal to a subdivision which serves 50 or
276 more housing units. These units do not have to be directly served by the major
277 subdivision street. Major subdivision streets are roads that serve as collectors for the
278 subdivision traffic. Any residential street which accesses a collector or arterial road
279 shall be considered a major subdivision street for the first 300 feet regardless of
280 housing unit service.
281
- 282 2. **Minor Subdivision Street:** a local road internal to a subdivision which serves fewer
283 than 50 housing units and does not access a collector or arterial road.
284
- 285 3. **Housing Unit Service:** The number of housing units served by a street or collection
286 of streets shall be the aggregate number of housing units provided, or potentially to
287 be provided, with driveway access directly from the street(s) plus the number of units
288 utilizing or potentially utilizing the street(s) for through traffic movements. Such
289 calculations shall be made beginning and ending at the same street intersection.
290

291 **Stub-out road-** A road having one end open to traffic and being temporarily terminated
292 at the other. Stub-outs generally do not have a temporary vehicular turn-around. This
293 temporary termination is to provide connectivity to future developments and may be
294 constructed without curb and gutter provided such stub-out street meets the standards
295 of the Fulton County Fire Department.
296

297 **Subdivider** - Any property owner, person, individual, firm, partnership, association,
298 corporation, estate, trust, agent of property owner, or any other group or combination

299 acting as a unit dividing or proposing to divide land so as to constitute a subdivision as
300 herein defined

301
302 **Subdivision, residential and non-residential** - Any division of a lot, tract or parcel,
303 regardless of its existing or future use, into two (2) or more lots, tracts or parcels. The
304 term “subdivision” may mean the act or process of dividing property, except that, where
305 appropriate to the context, the term “subdivision” may be used in reference to the
306 aggregate of all lots held in common ownership at the time of subdivision.

307
308 **Traffic Mitigation Action Plan** - A plan that studies and addresses the number of trips
309 a subdivision will produce when such development results in the reduction of the level
310 of service on any roadway currently functioning at “D” or worse in accordance with the
311 City Transportation Standards. This plan shall include, but is not limited to, roadway
312 improvements and other proposals such as providing transit access, transit use
313 incentives, car/van pooling, bicycle path construction, off-site and internal sidewalk
314 construction, and lunch trip reduction. Such plan shall mitigate the traffic impact in a
315 manner that will show no negative impact on roads with level of service of “D” or worse.

316
317 **Trails, Pedestrian or others** - Extended and usually continuous strips of land
318 established independently of other routes of travel and dedicated, through ownership or
319 easement, to recreational travel including hiking, horseback riding, etc.

320
321 **Utility Accommodations / Guidelines and Procedures** - A City program maintained
322 by the Department of Public Works which includes installing, maintaining, repairing,
323 operating, or using a pole line, buried cable, pipeline, or miscellaneous utility facility,
324 and performing miscellaneous operations authorized by a utility permit.

325
326 **Utility Permit** - An official authorization issued by the Department of Public Works,
327 allowing alteration of land within the right-of-way for the commencement of any
328 construction activities pertaining to utility installation or relocation.

329
330 **Zoning Resolution** - The City zoning resolution, as amended from time to time.
331

332 **ARTICLE IV**

333 **REQUIREMENTS**

334
335 **4.1 SUBDIVIDING OR RECOMBINING PROPERTY**
336

337 All proposals to subdivide combine or recombine parcels of land under the provision of
338 these regulations shall be in compliance with the City standard procedures and
339 guidelines for subdividing property.

340
341 4.1.1 All final plats, replats and minor plats shall have the consent of the owners of all
342 affected lots shown on said plat. Replats or new plats showing modifications to common

343 areas shall require the consent of owners of all lots shown in the original final plat.
344

345 4.12 Proposals for the subdivision, combination or recombination of lawful previously platted
346 lots or parcels, or portions thereof, shall be in compliance with the City zoning
347 resolution, as amended.
348

349 4.13 If construction activity contemplated results in the disturbance of an area of 3,000
350 square feet or more, a land disturbance permit must be approved along with any
351 building permit prior to construction.
352

353 4.14 Where a proposed lot fronts an existing public street, the Subdivider shall improve the
354 street along the lot's frontage to the applicable standards of these regulations and any
355 Standard Details as determined by the Director.
356

357 4.15 All slope, drainage and utility easements, as well as necessary right-of-way widths (as
358 determined by the Director) on an existing public street, paved or unpaved, shall be
359 provided by the Subdivider at no cost to the City.
360

361 4.16 Each proposed lot shall comply with the requirements of the Fulton County Department
362 of Health, whose certification of approval shall accompany the submission of the final
363 plat to the Director.
364

365 4.17 A minor plat proposal, as defined in Article 3 of these regulations, may be exempt from
366 traffic and drainage studies and tree surveys, when an analysis is submitted and
367 concludes that the development would have no negative impact on traffic or drainage.
368

369 4.18 Each lot created under the provisions of a minor plat shall not subsequently be re-
370 subdivided pursuant to the provisions of a minor plat.
371

372 4.19 Standalone commercial and industrial parcels which do not have a legally recorded plat
373 pursuant to these regulations and are subject to either: a zoning action; the land
374 disturbance permit process; or a proposed change in the building footprint, shall be
375 required to plat the parcel according to these regulations prior to the certificate of
376 completion of a land disturbance permit or the issuance of a building permit.
377

378 4.1.10 For the division of land, after initial development of the property, the following standards
379 shall also apply:
380

381 A. A proposed lot fronting an existing public street shall contain the necessary frontage
382 required by the zoning resolution.
383

384 B. The subdivider shall submit documentation of the necessary easements providing for
385 access to a public street for proposed lots that front only on an existing, documented,
386 paved private street or driveway.
387

388 C. All slope, drainage and utility easements, and necessary street rights-of-way (as
389 determined by the director) shall be provided by the subdivider at no cost to the City.

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4.1.11 Standalone commercial and industrial parcels which do not have a legally recorded plat pursuant to these regulations and are subject to either: a zoning action; the Land Disturbance Permit process; or a proposed change in the building footprint, shall be required to plat the parcel according to these regulations prior to the Certificate of Completion of a Land Disturbance Permit or the issuance of a Building Permit.

4.2 PROCESS

4.2.1 LAND DISTURBANCE PERMIT

- A. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued, except that the Director is authorized to grant a maximum of two extensions of time not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

- B. Prior to the issuance of a Land Disturbance Permit, an Indemnity Agreement Form must be filed by the subdivider subsequent to the subdivision of the property protecting the City against the event that a developer should cease business activities. Said agreement shall cover infrastructure damage, repair and/or maintenance claims and liability arising out of drainage problems. The Director, or his/her designee, is hereby authorized to execute such agreements on the behalf of the City.

4.2.2 FINAL PLAT

- A. Whenever the provisions of these rules and regulations have been complied, the subdivider may submit to the Director an application for Final Plat pursuant to these regulations. All required infrastructure shall be completed and approved, or performance bonds for a portion of such improvements shall be filed in accordance with this resolution.

- B. The Final Plat shall be submitted and drawn to the specifications of the Georgia Plat Act and standards of the City.

- C. Prior to approval or recording of a final plat, the following must be provided by the subdivider, or the designee thereof:
 - 1. A City approved cash assurance in an amount equal to 125% of the cost of infrastructure improvements not yet in compliance. Said cash bond shall be maintained until the improvements have been approved by the City;
 - 2. A City approved maintenance bond to ensure the viability of infrastructure

435 improvements. Said maintenance bond shall be in effect for a period of 36
436 months from the date of issuance. At any time within 3 months of the
437 expiration of said maintenance bond, or any extended maintenance bond,
438 less than 75% of the total buildable lots as indicated on the Final Plat
439 have been issue a certificate of occupancy, the Director may require an
440 extension of said maintenance bond for up to 12 months;
441

442 3. An electronic format acceptable to the Public Works Department
443 containing data about the sanitary sewer and water systems where
444 available;

445
446 4. A signed release of the project by the Development Inspector; and
447

448 5. A recorded deed to the City for any dedicated space.
449

450 D. Having been certified by the Director as compliant to these and other applicable
451 regulations, the final plat shall be recorded with the Clerk of the Superior Court of
452 Fulton County.
453

454 E. The final plat shall be considered approved at the time of the certification by the
455 Director. Upon receipt of the recorded plat by the Department, the final plat shall
456 be presented for confirmation to the City Council at the next regularly scheduled
457 meeting. In residential and non-residential subdivisions, building permits shall not
458 be issued for any approved minor or final plat until the approval of the Director
459 and the receipt by the Department of the final recorded plat for subsequent
460 confirmation by the City Council is complete.
461

462 F. For a subdivision proposed or represented to have amenities, the plat for the
463 initial phase of the development shall identify an area encompassing twenty-five
464 percent of the proposed buildable lots with installed and approved infrastructure
465 sufficient to fully support the houses or residential units proposed for construction
466 in said area. Said area shall be clearly delineated on the plat as “not approved for
467 construction or building permits”. Only after the City has issued the applicable
468 certificate of occupancy for those areas or amenities requiring such a certificate
469 and has otherwise approved those areas or amenities not requiring a certificate
470 of occupancy, shall the final plat for said area be approved. For large multi-
471 phased projects, the Director shall have the discretion to shift the requirement to
472 a later phase that upon completion achieves no more than fifty percent of the
473 planned fully built out project.
474

475 G. Should the Director not approve any subdivision plat, the basis for the denial
476 shall be stated in writing to the applicant. The Subdivider may file an appeal in
477 accordance with Article 11 of these regulations.
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482 4.2.3 HOMEOWNER'S ASSOCIATIONS

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- A. Any subdivision beginning development as of the effective date of this resolution will adhere to this section. Where a subdivision includes an amenities package consisting of subdivision common areas, buildings, and/or structures for which the homeowner's association will assume maintenance and responsibility and/or where a homeowner's association shall be established to govern all community maintenance of property outside of all dwelling units including recreation facilities, parking, driveways, private roads, landscape materials, drainage structures, and other common property within a subdivision the following requirements, in addition to any other requirements established by this regulation or the City zoning Ordinance, shall be met.

- B. A prerequisite to transfer of the homeowner's association responsibilities to the resident membership shall require that not more than 60 days prior to the date of transfer of management control for the homeowner's association from the developer to the resident members of the subdivision, the homeowner's association shall request, and the City shall perform, an inspection of the infrastructure, common areas and amenities to be maintained by the homeowner's association. The inspection shall identify those areas that do not meet the City Standards. Prior to requesting the inspection, the homeowner's association shall have completed their own inspection(s) of the infrastructure, common areas and amenities and a Subdivision Common Area Checklist and Certification, on a form provided by the Department, that shall require the execution of the Common Area Checklist and Certification by the developer and design professionals certifying the sufficiency of these facilities. A copy of the Checklist and Certification shall be submitted to the City with the request for inspection. The City shall provide a report of inspection to the homeowner's association within three (3) weeks of receiving the request. The developer shall correct and bear the cost of any substandard conditions identified by the City prior to the transfer of management responsibilities from the homeowner's association to the resident membership. The certification shall be recorded with the Clerk of Superior Court prior to transfer of management responsibilities of the homeowner's association to the resident membership.

- C. For any subdivision that began development prior to November 27, 2018, developers are encouraged to meet with homeowners prior to transition to homeowner control to ensure that all infrastructure, common areas and amenities are final and in excellent condition prior to transfer.

529 **ARTICLE V**

530 **GENERAL PRINCIPLES OF THE LAND**

531 **5.1 SUITABILITY OF THE LAND**

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534
535 5.1.1 Land subject to flooding, improper drainage, erosion, and deemed unsuitable for
536 development in accordance with the City standards shall not be platted for any use that
537 may continue such conditions or increase danger to health, safety, life, or property
538 unless steps are taken to eliminate the above-mentioned hazards.
539

540 **5.2 ACCESS**

541
542 5.2.1 Unless otherwise herein noted, every subdivision shall be served by publicly dedicated
543 streets or private streets in accordance with the following:
544

- 545 A. The proposed streets shall meet the City standards and regulations.
- 546
- 547 B. No road intended to be private is to be extended to serve property outside that
548 development unless approved by the Department.
549
- 550 C. In residential subdivisions, the private roads shall be maintained by a mandatory
551 homeowners' association and documents of incorporation shall be submitted to
552 the Director for review and approval prior to the recording of the final plat.
553
- 554 D. The subdivider shall provide all necessary easements for ingress and egress for
555 police, fire, emergency vehicles and all operating utilities.
556
- 557 E. The final plat of any subdivision that contains private streets shall clearly state
558 that such streets are private streets.
559

560 5.2.2 When land is subdivided, created parcels shall be arranged and designed so as to allow
561 for the opening of future streets and provide access to those areas not presently served
562 by streets.
563

564 5.2.3 No subdivision shall be designed so as to completely eliminate street access to
565 adjoining parcels of land without current street access.
566

567 5.2.4 Lots may share access as stipulated herein. Lot frontage and access do not necessarily
568 have to be along or front the same public street, if approved by the Director.
569

570 5.2.5 The Director shall have the right to encourage design of the subdivision in a manner that
571 will:
572

- 573 A. Enhance traffic circulation and other community needs;
574

- 575 B. Encourage pedestrian traffic to schools, parks, existing and planned greenspace
576 corridors, and neighborhood shopping centers;
577 C. Reduce impacts on streams and lakes;
578
579 D. Reduce unwanted noise, lights on neighboring lots; and
580
581 E. Discourage vehicular speeding on local streets.
582
583

584 **5.3 ZONING AND OTHER REGULATIONS**
585

- 586 5.3.1 No subdivision shall be created or recorded that does not comply with the standards of
587 the City zoning resolution and/or the approved conditions of zoning for the property.
588
589 5.3.2 Whenever there is a discrepancy between minimum standards or dimensions noted
590 herein and those contained in zoning regulations, building codes, or other official
591 regulations or resolutions, the most restrictive shall apply unless set forth in the
592 conditions of zoning.
593
594 5.3.3 All proposed subdivisions shall comply with all City stormwater management
595 requirements.
596

597 **5.4 MODIFICATION**
598

- 599 5.4.1 Modifications of the provisions set forth in these regulations may be approved by the
600 Director when granting of such modification will not adversely affect the general public
601 or nullify the intent of these regulations.
602
603 5.4.2 Should the Director deny a request to modify, the applicant may appeal the Director's
604 decision in accordance with this resolution.
605

606 **ARTICLE VI**
607

608 **CONSERVATION SUBDIVISION ORDINANCE**
609

610 **6.1 PURPOSE AND INTENT**
611

612 It is the purpose and intent of this ordinance to insure preservation of open space within
613 residential developments; provide flexibility to allow for creativity in developments;
614 minimize the environmental and visual impacts of new development on critical natural
615 resources and historically and culturally significant sites and structures; provide an
616 interconnected network of permanent open space; encourage a more efficient form of
617 development that consumes less open land and conforms to existing topography and
618 natural features; reduce erosion and sedimentation by minimizing land disturbance and

619 removal of vegetation; enhance the community character; permit clustering of houses
620 and structures which will reduce the amount of infrastructure, including paved surfaces
621 and utility lines; encourage street design that controls traffic speeds and creates street
622 inter-connectivity; and promote construction of convenient and accessible walking trails
623 and bike paths both within a subdivision and connected to neighboring communities,
624 businesses and facilities to reduce reliance on automobiles.

625
626 **6.2 APPLICABILITY OF REGULATIONS**
627

628 The Conservation Subdivision option is available for single family detached residential
629 developments in the following districts: AG-1, R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5
630 and R-5A in the City Compliance with all applicable Fulton County ordinances,
631 regulations, or resolutions is required; however, when in conflict, the provisions of this
632 ordinance shall prevail.
633

634 **6.3 OPEN SPACE REQUIREMENT**
635

636 Each conservation subdivision shall provide a minimum of 40% of its total acreage as
637 open space. The open space shall be recorded on the final plat. Interconnectivity of all
638 open space within a Conservation Subdivision shall be required.
639

640 **6.3.1 OPEN SPACE NETWORKS CONFIGURATION.** The minimum standards for open
641 space networks are as follows:
642

- 643 A. The minimum width of any open space area is 30 feet.
- 644
- 645 B. All paths shall be a minimum of 25 feet from any property line except where
646 interparcel access may be provided.
647
- 648 C. All open space networks shall provide connectivity to any common areas within
649 the development and to any adjacent public places/rights-of-way.
650
- 651 D. Paths located in primary conservation areas shall be constructed of pervious
652 materials.
653
- 654 E. Where path networks cross internal subdivision streets or public streets, access
655 points shall be directly across from each other or as approved by the Director.
656
- 657 F. Crossings and access points shall be clearly identified to pedestrians and
658 motorists and may include traffic control devices, bridges and tunnels as
659 approved by the Director.
660

661 **6.4 OPEN SPACE AND CONSERVATION AREAS**
662

663 Open space shall be designated as either primary conservation areas or secondary

664 conservation areas and shall be configured to create or maintain a network of open
665 space.

667 6.4.1 PRIMARY CONSERVATION AREAS. Primary conservation areas form the core of the
668 open space to be protected. Active recreation areas are prohibited in primary
669 conservation areas unless approved by the Director. Primary conservation areas, as
670 defined by this ordinance, include the following:

- 671 A. Cemeteries;
- 672 B. Habitats for endangered or threatened species as defined by the Georgia
673 Department of Natural Resources;
- 674 C. Wetlands identified by the National Wetlands Inventory maps prepared by the
675 U.S. Fish and Wildlife Service, the County Soil Survey prepared by the United
676 States Department of Agriculture (USDA) Natural Resources Conservation
677 Service, or a certified wetlands delineation using data from the U. S. Army Corps
678 of Engineers;
- 679 D. Alluvial soils identified by the Federal Emergency Management Agency (FEMA)
680 and 100-Year floodplain;
- 681 E. Lakes (natural and man made), rivers, streams, existing ponds, stormwater
682 management ponds/facilities designed in accordance with the City Subdivision
683 Regulations, creeks, including but not limited to blue line tributaries and state
684 waters;
- 685 F. Riparian zones equal to any required stream buffers and improvement setbacks;
- 686 G. Existing slopes greater than 25% on average with a site area greater than 5,000
687 square feet identified as part of a site analysis conducted by a registered
688 engineer, land surveyor or landscape architect and calculated using topographic
689 maps from the Fulton County GIS system or from a topographic survey prepared
690 by a licensed land surveyor.

691 6.4.2 VALUE OF PRIMARY CONSERVATION AREAS. Because primary conservation areas
692 are either protected or sensitive environmental areas, only 50% of the acreage of a
693 primary conservation area may be counted as open space.

700 6.4.3 SECONDARY CONSERVATION AREAS. Secondary conservation areas consist of
701 undeveloped (unconstrained) but buildable land and protected (constrained) lands.
702 Secondary conservation areas, as defined by this ordinance, include the following:

- 703 A. Farmlands (fields, pastures, meadows);
- 704 B. Woodlands and buffers except riparian buffers;

- C. Historic and/or archaeological sites as identified by the Fulton County Historic Resources Survey;
- D. Passive recreation areas, public and private, to include pedestrian, bicycle and equestrian trails, picnic areas, community commons or greens, and similar areas;
- E. Active recreation areas and facilities, public and private, to include parks as identified by the Parks and Recreation Master Plan, playing fields, and playgrounds. Recreation areas with impervious surfaces (e.g., tennis courts, basketball courts and pools) and golf courses shall be excluded.

6.4.4 VALUE OF SECONDARY CONSERVATION AREAS. With the exception of active recreation areas and facilities, 100% of secondary conservation areas may be counted as open space. Because active recreation areas are cleared and graded and therefore reduce natural resources and wildlife habitats, only 50% of active recreation areas and facilities may be counted as open space.

6.5 OPEN SPACE PROTECTION

The required open space areas shall be protected in perpetuity from further development or unauthorized use by a conservation easement or permanent restrictive covenant (per O.C.G.A. Section 44-5-60(c)). The City reserves the right to enforce all restrictive covenants and conservation easements.

6.5.1 REQUIREMENTS FOR CONSERVATION EASEMENTS. The conservation easement(s) shall:

- A. Clearly delineate primary and secondary conservation areas;
- B. Describe the features of the subject property that should be permanently protected in accordance with The Georgia Uniform Conservation Easement Act, O.C.G.A. 44-10-1 et seq.;
- C. List the parties, that is, the owner(s) of the property, the holder of the easement and Fulton County as a third party beneficiary with rights to enforce the easement if Fulton County is not the holder;
- D. Specify how the easement may be transferred as in the case of a homeowners association dissolving;
- E. Clearly identify the boundaries of the property by survey and a metes and bounds legal description;
- F. Clearly list restrictions;
- G. Provide for inspections of the property by the owner, the holder of the easement

756 and Fulton County;

757
758 H. Provide for maintenance of the property;

759
760 I. Be shown on the final plat and duly recorded with the Clerk of Superior Court
761 prior to the issuance of a Land Disturbance Permit; and

762
763 J. Provide for amendments only with the express written permission of the property
764 owner(s), the holder of the easement and Fulton County. Amendments to the
765 easement shall be filed with the Director and shall be recorded in Superior Court.
766

767 **6.5.2 REQUIREMENTS FOR PERMANENT RESTRICTIVE COVENANTS.** The permanent
768 restrictive covenant(s) shall:

769
770 A. Clearly delineate primary and secondary conservation areas;

771
772 B. Describe the features of the subject property that should be permanently
773 protected;

774
775 C. Clearly identify the boundaries of the property by survey and a metes and
776 bounds legal description;

777
778 D. Clearly list restrictions;

779
780 E. Provide for inspections of the property by Fulton County;

781
782 F. Provide for maintenance of the property;

783
784 G. Be shown on the final plat and duly recorded with the Clerk of Superior Court
785 prior to the issuance of a Land Disturbance Permit; and

786
787 H. Provide for amendments only with the express written permission of the property
788 owner(s) and Fulton County. Amendments to the covenant shall be filed with the
789 Director and shall be recorded in Superior Court.
790

791 **6.6 MAINTENANCE OF OPEN SPACE**

792
793 Open space may be maintained and/or improved through reforestation, pasture
794 management, buffer replantings, stream bank protection and wetlands management or
795 by other means as approved by the Director.
796

797 **6.7 OWNERSHIP OF OPEN SPACE**

798
799 All open space shall be permanently protected and held in fee simple interest by a
800 qualified conservation organization as defined in The Georgia Uniform Conservation
801 Easement Act,

O.C.G.A. 44-10-1 et seq., or a homeowners association established in accordance with the Georgia Property Owners Association Act, O.C.G.A. 44-3-220 et seq., or a land trust, or the City. If accepted by the City, the property must be in accordance with the provisions herein.

6.7.1 OWNERSHIP OF OPEN SPACE BY A HOMEOWNERS ASSOCIATION. Open space that is owned by a homeowners association is subject to the following:

- A. Prior to the approval of the final plat, the developer of a conservation subdivision shall submit to the Director a description of the homeowners association, including covenants, by-laws, and methods for maintaining the open space.
- B. Membership of each lot owner in the conservation subdivision shall be mandatory.
- C. The homeowners association shall be responsible for maintenance, insurance, and taxes on the open space.
- D. The homeowners association shall not be dissolved before providing the appropriate documentation to transfer conservation easements.
- E. Any transfer of conservation easements is subject to the approval of the Director.

6.8 **CONSERVATION SUBDIVISION DENSITY**

The maximum number of lots shall be based upon 80% of the net buildable area's density allowed by zoning, with net buildable area defined as the total acreage minus primary conservation areas. Density bonuses are allowed in accordance with this resolution.

6.9 **CONSERVATION SUBDIVISION DENSITY BONUSES**

The number of lots in a Conservation Subdivision may exceed the number of lots as specified in section 6.9 with one or more of the following bonus options:

- A. A density increase is permitted when more than 40% of the total acreage of the project is designated as permanent, protected open space. For each additional whole acre, greater than 40 percent, additional lots or units may be developed as follows:

Current zoning	Additional Lots Allowed Per Development for each acre of protected open space greater than 40%
AG-1	1
R-1	0.5
R-2	1

R-2A	1
R-3	2
R-3A	2
R-4	4
R-4A	3
R-5	5
R-5A	10

B. In lieu of providing additional open space over 40% in the development, the applicant may purchase, in fee simple, additional land in the City within one (1) mile of the development comprised of primary and/or secondary conservation areas. The density increase within the development shall be based on the same criteria as in Sec.

6.9.A. As with conservation areas within a development, protected open space, purchased in fee simple outside a development, shall also be protected in perpetuity from further development or unauthorized use by a conservation easement held by the City or other conservation organization, land trust, or homeowners association.

C. Dedication of land for a public use, excluding roads and utility easements, shall entitle an owner to an additional unit per acre of dedicated land. Prior to the issuance of a Land Disturbance Permit, dedications of land for public use shall be approved by the City or the Fulton County Board of Education if for school purposes, based upon recommendations of existing and future recreation and park plans, comprehensive plans, school board plans and the County's Capital Improvements Program.

D. At no time shall the number of lots exceed 95% of the net buildable area's density allowed by zoning.

6.10 LOT REQUIREMENTS

The minimum lot size in any project shall be 4,000 square feet. The total number of lots may not exceed the number of lots that could otherwise be developed under the existing zoning except with the allowable density bonuses described herein.

6.11 MINIMUM LOT FRONTAGE

The minimum lot frontage on a right-of-way shall be 20 feet.

6.12 SETBACKS AND BUILDING SEPARATION REQUIREMENTS

Setbacks and building separations are subject to the provisions of the Standard Building Code.

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6.13 BUFFER REQUIREMENTS

A minimum 50-foot wide natural buffer, undisturbed except for approved access and utility crossings and replantings where sparsely vegetated, plus a 10-foot improvement setback, shall be provided along all property lines adjacent to AG-1 zoned properties, residentially zoned or used properties, and existing roads, or as may be approved by the Director.

6.14 STREET STANDARDS

Conservation subdivision streets shall be designed based on the following standards:

- A. Streets should follow existing contours with a minimum of cut and fill and shall be designed for interparcel access.
- B. The maximum length for an interior block is 600 linear feet with the total perimeter length not to exceed 1,680 linear feet. The total area of an interior block shall not exceed 3.30 acres.
- C. All newly created lots should derive access from internal subdivision streets.

6.15 ZONING MODIFICATION REQUIREMENTS

Proposed conservation subdivisions for properties where zoning is conditional shall require an approved modification to the site plan and other conditions pertinent to use, number of lots and density, as applicable, prior to the approval of a final plat.

6.16 TAX ASSESSMENT OF OPEN SPACE

Once a legal instrument for permanent protection has been placed upon the open space, the City shall reassess the value of the open space.

ARTICLE VII

CEDAR GROVE AGRICULTURAL SUBDIVISION ORDINANCE

7.1 PURPOSE AND INTENT

It is the purpose and intent of this ordinance to insure preservation of open space within residential developments; provide flexibility to allow for creativity in developments; minimize the environmental and visual impacts of new development

924 on critical natural resources and historically and culturally significant sites and
925 structures; provide an interconnected network of permanent open space; encourage
926 a more efficient form of development that consumes less open land and conforms to
927 existing topography and natural features; reduce erosion and sedimentation by
928 minimizing land disturbance and removal of vegetation; enhance the community
929 character; permit clustering of houses and structures which will reduce the amount of
930 infrastructure, including paved surfaces and utility lines; encourage street design that
931 controls traffic speeds and creates street inter-connectivity; and promote construction
932 of convenient and accessible walking trails and bike paths both within a subdivision
933 and connected to neighboring communities, businesses and facilities to reduce
934 reliance on automobiles.

935 936 **7.2 APPLICABILITY OF REGULATIONS** 937

938 The following subdivision requirements are for residential developments in all zoning
939 districts in that portion of unincorporated Fulton County bordered to the west by the
940 Chattahoochee River, to the south by Coweta County, and to the east by the
941 Cascade Palmetto Highway (SR
942 154) except for villages, hamlets and minor subdivisions. Compliance with all
943 applicable Fulton County ordinances, regulations, or resolutions is required; however,
944 when in conflict, the most restrictive provisions shall prevail.
945

946 **7.3 OPEN SPACE REQUIREMENT** 947

948 Each subdivision shall provide a minimum of 40% of its total acreage as open space.
949 The open space shall be recorded on the final plat. Interconnectivity of all open space
950 within a subdivision shall be required.
951

952 **7.3.1 OPEN SPACE NETWORKS CONFIGURATION.** The minimum standards for open 953 space networks are as follows:

- 954
955 A. The minimum width of any open space area is 25 feet.
956
- 957 B. All paths shall be a minimum of 20 feet from any property line except where
958 interparcel access may be provided.
959
- 960 C. All open space networks shall provide connectivity to any common areas
961 within the development and to any adjacent public places, paths or rights-
962 of-way.
963
- 964 D. Paths located in primary conservation areas should be constructed of
965 pervious materials.
966
- 967 E. Where path networks cross internal subdivision streets or public streets,
968 access points should be directly across from each other.
969

- 970 F. Crossings and access points shall be clearly identified to pedestrians and
971 motorists and may include traffic control devices, bridges and tunnels.
972

973 **7.4 OPEN SPACE AND CONSERVATION AREAS**
974

975 Open space shall be designated as either primary conservation areas or secondary
976 conservation areas and shall be configured to create or maintain a network of open
977 space.
978

979 7.4.1 PRIMARY CONSERVATION AREAS. Primary conservation areas form the core of
980 the open space to be protected. Active recreation areas are prohibited in primary
981 conservation areas. Primary conservation areas, as defined by this ordinance,
982 include the following:
983

- 984 A. Cemeteries;
985
986 B. Habitats for endangered or threatened species as defined by the Georgia
987 Department of Natural Resources;
988
989 C. Wetlands identified by the National Wetlands Inventory maps prepared by
990 the U.S. Fish and Wildlife Service, the County Soil Survey prepared by the
991 United States Department of Agriculture (USDA) Natural Resources
992 Conservation Service, or a certified wetlands delineation using data from
993 the U.S. Army Corps of Engineers;
994
995 D. Alluvial soils identified by the Federal Emergency Management Agency
996 (FEMA) and 100-Year floodplain;
997
998 E. Lakes (natural and man-made), rivers, streams, existing ponds, stormwater
999 management ponds/facilities designed in accordance with the Fulton
1000 County Subdivision Regulations, creeks, including but not limited to blue
1001 line tributaries and state waters;
1002
1003 F. Riparian zones equal to any required stream buffers and improvement
1004 setbacks;
1005
1006 G. Existing slopes greater than 25% on average with a site area greater than
1007 5,000 square feet identified as part of a site analysis conducted by a
1008 registered engineer, land surveyor or landscape architect and calculated
1009 using topographic maps from the Fulton County GIS system or from a
1010 topographic survey prepared by a licensed land surveyor.
1011

1012 7.4.2 VALUE OF PRIMARY CONSERVATION AREAS. Because primary conservation
1013 areas are either protected or sensitive environmental areas, only 50% of the acreage
1014 of a primary conservation area may be counted as open space.
1015

- 1016 7.4.3 SECONDARY CONSERVATION AREAS. Secondary conservation areas consist of
1017 undeveloped (unconstrained) but buildable land and protected (constrained) lands.
1018 Secondary conservation areas, as defined by this ordinance, include the following:
1019
1020 A. Farmlands (fields, pastures, meadows);
1021
1022 B. Woodlands and buffers except riparian buffers;
1023
1024 C. Historic and/or archaeological sites as identified by the City Historic
1025 Resources Survey;
1026
1027 D. Passive recreation areas, public and private, to include pedestrian, bicycle
1028 and equestrian trails, picnic areas, community commons or greens, and
1029 similar areas;
1030
1031 E. Existing active recreation areas and facilities, public and private, to include
1032 parks as identified by the Parks and Recreation Master Plan, playing fields,
1033 and playgrounds. Recreation areas with impervious surfaces (e.g., tennis
1034 courts, basketball courts and pools) and golf courses shall be excluded.
1035
1036 F. Alternative wastewater treatment facilities as approved by the Department.
1037

1038 7.4.4 VALUE OF SECONDARY CONSERVATION AREAS. With the exception of new
1039 active recreation areas and facilities, 100% of secondary conservation areas may be
1040 counted as open space. Because new active recreation areas may be cleared and
1041 graded and therefore reduce natural resources and wildlife habitats, only 50% of new
1042 active recreation areas and facilities may be counted as open space.
1043

1044 **7.5 OPEN SPACE PROTECTION**
1045

1046 The required open space areas shall be protected in perpetuity from further
1047 development or unauthorized use by a conservation easement or permanent
1048 restrictive covenant (per O.C.G.A. Section 44-5-60(c)). The City reserves the right to
1049 enforce all restrictive covenants and conservation easements.
1050

1051 7.5.1 REQUIREMENTS FOR CONSERVATION EASEMENTS. The conservation
1052 easement(s) shall:
1053

- 1054 A. Clearly delineate primary and secondary conservation areas;
1055
1056 B. Describe the features of the subject property that should be permanently
1057 protected in accordance with The Georgia Uniform Conservation Easement
1058 Act, O.C.G.A. 44-10-1 et seq.;;
1059
1060 C. List the parties, that is, the owner(s) of the property, the holder of the
1061 easement and the City as a third party beneficiary with rights to enforce the
1062 easement if the City is not the holder;

- D. Specify how the easement may be transferred as in the case of the dissolution of a homeowners association;
- E. Clearly identify the boundaries of the property by survey and a metes and bounds legal description;
- F. Clearly list restrictions;
- G. Provide for inspections of the property by the owner, the holder of the easement and the City;
- H. Provide for maintenance of the property;
- I. Be shown on the final plat and duly recorded with the Clerk of Superior Court, prior to the issuance of a land disturbance permit; and
- J. Provide for amendments only with the express written permission of the property owner(s), the holder of the easement and the City. Amendments to the easement shall be filed and shall be recorded in Superior Court.

7.5.2 REQUIREMENTS FOR PERMANENT RESTRICTIVE COVENANTS. The permanent restrictive covenant(s) shall:

- A. Clearly delineate primary and secondary conservation areas;
- B. Describe the features of the subject property that should be permanently protected;
- C. Clearly identify the boundaries of the property by survey and a metes and bounds legal description;
- D. Clearly list restrictions;
- E. Provide for inspections of the property by Fulton County;
- F. Provide for maintenance of the property;
- G. Be shown on the final plat and duly recorded with the Clerk of Superior Court, and prior to the issuance of a land disturbance permit; and
- H. Provide for amendments only with the express written permission of the property owner(s) and the City. Amendments to the covenant shall be filed with the Director and shall be recorded in Superior Court.

7.6 **MAINTENANCE OF OPEN SPACE**

1109
1110 Open space may be maintained and/or improved through reforestation, pasture
1111 management, buffer replantings, stream bank protection and wetlands management
1112 or by other acceptable means.
1113

1114 **7.7 OWNERSHIP OF OPEN SPACE**
1115

- 1116 A. All open space shall be permanently protected and held in fee simple
1117 interest by a qualified conservation organization as defined in The Georgia
1118 Uniform Conservation Easement Act, O.C.G.A. 44-10-1 et seq., or a
1119 homeowners association established in accordance with the Georgia
1120 Property Owners Association Act, O.C.G.A. 44-3-220 et seq., or a land
1121 trust, or City. If accepted by the County, the property must be in accordance
1122 with the provisions herein.
1123
1124 B. Individual lots of five (5) or more acres may provide open space on
1125 individual lots through a conservation easement or permanent restrictive
1126 covenant. Primary and secondary conservation area calculations shall not
1127 apply.
1128

1129 **7.7.1 OWNERSHIP OF OPEN SPACE BY A HOMEOWNERS ASSOCIATION.** Open
1130 space that is owned by a homeowners association is subject to the following:
1131

- 1132 A. Prior to the approval of the final plat, the developer of a subdivision shall
1133 submit a description of the homeowners association, including by-laws, and
1134 methods for maintaining the open space.
1135
1136 B. Membership of each lot owner in the subdivision shall be mandatory.
1137
1138 C. The homeowners association shall be responsible for maintenance,
1139 insurance, and taxes on the open space.
1140
1141 D. The homeowners association shall not be dissolved before providing the
1142 appropriate documentation to transfer conservation easements and
1143 restrictive covenants.
1144
1145 E. Any transfer of conservation easements and restrictive covenants is subject
1146 to the approval of the Director.
1147

1148 **7.8 DENSITY**
1149

1150 The maximum number of lots shall be based upon the density allowed by zoning for
1151 the area defined as the total acreage minus primary conservation areas. When sixty
1152 (60) percent or more of the total acreage is protected in perpetuity as open space,
1153 density may be calculated based upon the total acreage of the property.

7.9 LOT REQUIREMENTS

The minimum lot size in any single family detached residential subdivision shall be 4,000 square feet.

7.10 MINIMUM LOT FRONTAGE

The minimum lot frontage on a right-of-way shall be 20 feet.

7.11 SETBACKS AND BUILDING SEPARATION REQUIREMENTS

Setbacks and building separations are subject to the provisions of the Standard Building Code.

7.12 STREET STANDARDS

Subdivision streets shall be designed based on the following standards:

- A. Streets should follow existing contours with a minimum of cut and fill and shall be designed for interparcel access.
- B. All newly created lots should derive access from internal subdivision streets.
- C. All subdivisions shall provide street interconnectivity with adjacent properties where possible.

7.13 ZONING MODIFICATION REQUIREMENTS

Proposed subdivisions for properties where zoning is conditional shall require an approved modification to the site plan and other conditions pertinent to use, lot size, number of lots and density, as applicable, prior to the approval of a final plat.

7.14 TAX ASSESSMENT OF OPEN SPACE

Once a legal instrument for permanent protection has been placed upon the open space, the Fulton County Tax Assessor shall reassess the value of the open space.

ARTICLE VIII

DESIGN STANDARDS

8.1 All applicable design standards as set forth in this article and the Standard Details shall be observed in all plats as approved by the Director.

8.2 STREETS

All streets, public or private, shall be constructed to the construction standards of the Department of Public Works.

- 8.2.1 The arrangement, character, extent, width, grade, and location of all streets shall consider their relation to existing and planned streets, topographical conditions, and appropriate relation to the proposed uses of the land to be served by such streets.
- 8.2.2 Streets serving residential subdivisions shall be arranged and designed such that their use for through traffic will be discouraged.
- 8.2.3 Where a subdivision contains a dead-end street or stub-street other than a cul-de-sac, the subdivider shall provide a temporary cul-de-sac within the right-of-way. Where a temporary cul- de-sac is required, the subdivider shall be responsible for maintaining and for the construction of the final street connection or turn-around as required.
- 8.2.4 Where a subdivision abuts or contains an existing or proposed street classified as a collector street or higher, the Director may require frontage streets. Double frontage lots may be required to have screening and no access easements along lot lines fronting on arterials or collector streets. Deep lots with rear service drives, or other treatment as may be necessary for adequate protection of residential properties, may be required to afford separation of through and local traffic.
- 8.2.5 Where a subdivision borders on or contains a railroad right-of-way, or a full or partial access control facility right-of-way, the Director may require a street approximately parallel to and on each side of the right-of-way.
- 8.2.6 Street right-of-way widths for major streets shall be dedicated as specified in the County Comprehensive Transportation Plan and the Right-of-Way Dedication and Reservation Plan. Other street right-of-way widths shall be not less than allowed herein.
- 8.2.7 Where a subdivision abuts an existing street, the subdivider shall dedicate additional right-of- way on the existing streets to meet the requirements as set forth in the Right-of-Way Dedication and Reservation Plan.
- 8.2.8 New road grades should be as follows:
 - A. Collector: Eight (8%) percent maximum
 - B. Major Subdivision Street: Twelve (12%) percent maximum
 - C. Minor Subdivision Street: Fourteen (14%) percent maximum; Grades exceeding twelve (12%) shall not exceed a length of two hundred fifty (250) feet.
- 8.2.9 Interparcel access shall be provided to adjacent properties upon determination by the Director that such access is in the best interest of the public health, safety, or welfare. In residential subdivisions, where private streets are proposed, the Director may require a public street for interparcel connection purposes; the Director may also require a shared

access.

8.2.10 ALIGNMENT

A. Minimum Vertical:

All local roads with 25 m.p.h. designs shall be connected by vertical crest curves of a minimum length not less than (12) times the algebraic difference between the rates of grade, expressed in feet per hundred. All local roads with a 25 m.p.h. design speed shall be connected by vertical sag curves of minimum length not less than twenty six (26) times the algebraic difference between the rates of grade, expressed in feet per hundred. In any case, the sight distance shall meet the minimum requirements of this Article.

1. In proposed approaches of new streets to intersections with existing streets, there shall be a suitable leveling of the street at a grade not exceeding three (3) percent and for a distance of not less than fifty (50) feet as measured from the back of the curb of the intersecting street.
2. In approaches to intersections internal to residential subdivisions, there shall be a suitable leveling of the street at a grade not exceeding five (5) percent and for a distance of not less than fifty (50) feet as measured from the center point of the intersection.

B. Minimum Horizontal - Radii of Centerline Curvature:

1. Major Subdivision Street designed for 35 MPH: 200 Feet
2. Other Major Subdivision Streets: 100 Feet
3. Minor Subdivision Streets: 100 Feet

C. Tangents - Between reverse curves, there shall be not less than the following minimum tangents:

1. Major Subdivision Streets designed for 35 MPH: 100 Feet
2. Other Major Subdivision Streets: 50 Feet
3. Minor Subdivision Streets (where there is no super-elevation): 50 Feet

D. Intersection Visibility Requirements

Roadways and their intersections shall be designed such that proper sight distance is maintained. Minimum sight distance shall be determined by the operating speed of the road as determined by the Department of Public Works. Intersection sight distance shall be no less than the following:

280 feet for 25 mph
335 feet for 30 mph
390 feet for 35 mph
445 feet for 40 mph
500 feet for 45 mph
610 feet for 55 mph

1. Minimum horizontal visibility shall be measured on centerline.
 2. When a proposed curb cut intersects an existing roadway, the minimum visibility shall be provided as follows:
 - a. When measuring in the horizontal plane, intersection sight distance is determined with the following assumptions. The driver's eye location is to be assumed at the center line of the exiting lane of the proposed curb cut behind the stop bar. The object location is to be assumed at the centerline of the closest oncoming lane for each direction.
 - b. When measuring in the vertical plane, intersection sight distance is determined with an assumed height of driver's eye and an assumed height of object of 3.5 feet.
 - c. When measuring in either plane, the line of sight must remain in the proposed dedicated right-of-way, unless sufficient easements, maintenance agreements, indemnifications agreements are provided, or additional right-of-way is dedicated.
- E. Stopping Sight Distance Visibility Requirements Roadways and their intersections shall be designed such that proper stopping sight distance is maintained. Minimum sight distance shall be determined by the design speed of the proposed road as determined by the Department of Public Works.
1. Stopping sight distance along a roadway shall be no less than the following:

155 feet for 25 mph
200 feet for 30 mph
250 feet for 35 mph
 2. Minimum vertical visibility for stopping sight distance along the roadway shall be determined by measuring between two points of which the height of the driver's eye shall be assumed at 3.5 feet to an assumed object which is 2.0 feet in height. The line of sight must remain within the proposed dedicated right-of-way, unless sufficient easements, maintenance agreements, and indemnification agreements are provided, or additional right-of-way is dedicated.

3. Minimum horizontal visibility for stopping sight distance shall be measured on centerline.

8.2.11 Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle less than eighty (80) degrees. Detailed designs of intersections shall be required to include all striping and pedestrian crosswalks.

Pedestrian crossing signs and signals may be required

8.2.12 The Curb line radius at street intersections shall parallel the right-of-way radius.

8.2.13 Right-of-way Radius: The right-of-way radius at street intersections shall be at least twenty (20) feet, and where the angle of intersection is less than ninety (90) degrees, the Department of Public Works may require a greater radius.

8.2.14 The centerline offsets on streets internal to a residential subdivision shall not be less than 200 feet. The centerline offsets for all other streets and curb cuts providing access to developments shall not be less than 300 feet, except greater centerline offsets may be required by the Director.

8.2.15 Cul-de-sac streets shall be designed so that the maximum desirable length shall be six hundred (600) feet.

8.3 **BLOCKS**

8.3.1 The lengths, widths, and shapes of blocks shall be determined with due regard to:

- A. Provisions of adequate building sites suitable to the special needs of the type of use contemplated;
- B. zoning requirements as to lot sizes and dimensions unless a planned unit development is contemplated;
- C. Needs for convenient access, circulation, control and safety of street traffic; and
- D. Limitations and opportunities of topography.

8.3.2 Residential blocks shall be wide enough to provide two tiers of lots, except where fronting on streets classified as a collector street or higher or prevented by topographical conditions or size of the property. The Director may require and/or approve a single tier of lots of minimum depth.

8.4 **LOTS**

8.4.1 The size, shape, arrangement, orientation of every lot shall be subject to approval of the Director for the type of development and use contemplated. Proposed internal lot

lines(not on the street side) shall not be curved.

- 8.4.2 Every lot shall conform to the dimension, area, and size requirements of the zoning resolution and/or conditions of zoning.
- A. On any development, prior to obtaining a building permit, the person requesting the permit or the landowner must file a current survey of the property sealed by a registered land surveyor/engineer providing such information as shall be required by the Department.
 - B. Prior to pouring footings/slab, it shall be the responsibility of the builder or developer to accurately and clearly flag all pin corner boundaries and building setback lines prior to any footings inspection.
 - C. Should the builder or developer place any footing/slab within five (5) feet of an applicable building setback line or setback as conditioned by a Condition of zoning , the builder or developer shall provide a footing (foundation) survey sealed by a registered land surveyor showing the footing location and the outer perimeter of the proposed structure. Prior to the footings/slab inspection and pouring of the footings/slab, it shall be the responsibility of the registered land surveyor to accurately and clearly flag the footing/slab location and the outer perimeter of the proposed structure.
 - D. The failure to provide such a footing/slab survey shall be a primary consideration by the zoning board of appeals in whether or not to grant any future variance request.
- 8.4.3 Lots not served by a public sewer or community sanitary sewage system and/or public water shall meet the dimension and area requirements of the City.
- 8.4.4 Double frontage lots shall be prohibited, except as approved by the Director provided that such lots are essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography, orientation, and property size. A planted screen may be required along lot lines abutting a traffic artery or other use that would have potential negative impact.
- 8.4.5 The creation of remnant lots that are below minimum standards shall be prohibited unless such lots are designated as common area on the final plat and maintained by the Homeowners' Association or some other entity approved by the City.
- 8.4.6 Each lot shall have direct access to an abutting, existing public street or to a street contained within the proposed subdivision. A connection through an approved private drive may be permitted by the Director.
- 8.4.7 The subdividing of land adjacent to or surrounding an existing or proposed lake where lots abutting the lake shall be drawn to the centerlines of the lake or identified as a common area, maintained by the homeowner's association.

8.4.8 Any lot located on a gravel road shall contain a minimum of three acres and meet all required development standards of the applicable zoning district.

8.4.9 No portion of any residentially zoned lot shall be allowed to be part of a buffer or landscape strip required by conditions of zoning; the City zoning resolution or tree preservation ordinance.

8.5 **SUBDIVISION STREETS**

8.5.1 The minimum requirements for major subdivision streets shall be as follows:

- A. Right of Way: 50 Feet
- B. Pavement Width: 24 feet back of curb to back of curb
- C. Cul-de-sac:

R.O.W.: 50-foot radius to back of curb
- D. Sidewalks: In accordance with city regulations.
- E. Street Trees: If required by the Director, installed on both sides at a spacing approved by the City Arborist.

8.5.2 The minimum requirements for minor subdivision streets shall be as follows:

- A. Right of Way: 44 Feet
- B. Pavement Width: 22 feet back of curb to back of curb
- C. Cul-de-sac:

R.O.W.: 42-foot radius to back of curb
- D. Sidewalks: In accordance with City regulations.
- E. Street Trees: If required by the Tree Ordinance, shall be installed on both sides at a spacing approved by the City Arborist. For streets other than mentioned in Sections 8.5.1 and 8.5.2, the City Arborist shall determine the required cross section.

8.5.3 All residential subdivision streets shall be designed for a maximum of 25 mph. The Director may require that subdivision streets that will not provide direct residential access be designed for up to 35 mph.

Where streets are longer than 600 feet, traffic calming devices may be required.

Said traffic calming efforts may include green space, islands, residential roundabouts, and/or other traffic calming devices as approved by the Director.

8.6 GATED COMMUNITIES

8.6.1 Gates installed in subdivisions with more than one lot shall comply with the following:

- A. Plan approval and a permit shall be obtained prior to installing of gates. The permit fee shall be calculated in accordance with applicable building permit fees. Gates shall not prohibit public access to dedicated areas as defined within the regulations.
- B. No gate shall be installed within the City's right-of-way.
- C. The gate shall not create a dead end street without first installing a cul-de-sac conforming to the City standards on a dead end street exceeding 250 feet in length.
- D. Gates shall provide for stacking distance, turnaround and emergency vehicle access as required by the City.
- E. Gate permits may be denied based on traffic conditions, interconnectivity needs, and when not in compliance with adopted guidelines.

8.7 TRAFFIC CONTROL SIGNS FOR NEW SUBDIVISIONS

8.7.1 The following signs shall be installed in all new subdivisions as applicable:

- A. STOP Signs (R1-1):

The STOP sign shall be installed on the right side of the approach to which it applies. Stop lines, when used to supplement a STOP sign, should be located at the point where the road user should stop. Where there is a marked crosswalk at the intersection, the STOP sign should be installed in advance of the crosswalk line nearest to the approaching traffic.

STOP signs should be installed in a manner that minimizes the numbers of vehicles having to stop. In most cases, the street carrying the lowest volume of traffic should be stopped. A STOP sign should not be installed on the major street unless justified by a traffic engineering study as recommended by the MUTCD. If two streets with relatively equal volumes and/or characteristics intersect, typically the direction that conflicts the most with established pedestrian crossing activity or school walking routes or the direction that has the longest distance of uninterrupted flow approaching the intersection should be stopped.

No all-way stops may be installed in a new subdivision without the permission of

the Director of the Department of Public Works.

B. Yield Signs (R1-2):

These should be installed when there are right turns at an intersection that are channelized apart from the through and/or left turn movements with a striped or raised island. In addition, yield signs should be installed on each approach of a roundabout.

C. Right Lane Must Turn Right Signs (R3-7R):

One of these signs should be installed 25 feet from the back of the deceleration lane of the development, if applicable.

D. Speed Limit Signs (R2-1):

These should indicate a 25 mph speed limit for streets internal to residential subdivisions, unless it is a local collector road for the development, and then it should be no higher than 35 mph. Only one speed limit sign shall be installed at each project entrance.

E. Street Names Signs (D3):

Corner mounted street name signs must be installed at every intersection and must conform to City regulations and standards designated by the Department of Public Works. Overhead street name signs shall be installed where a subdivision street intersects at any traffic signal instead of corner mounted signs.

F. Roundabout Signs:

Roundabouts must be signed and marked per the City standards. This includes yield signs for every approach, as well as an advance roundabout sign as established by the Department of Public Works. The pavement marking shall include yield lines and channelization islands for each approach.

G. Other Signs:

Additional signs may be required as appropriate by the Department of Public Works.

H. A Sign and marking plan shall be submitted for approval prior to the installation of any signs.

I. Retro reflective sheeting use on all roadway signs must meet current City Standards.

J. Signpost and Anchors must meet current City Standards.

- K. Street Name Signs shall be single faced and installed in accordance with City Standards. No caps and crosses are allowed.
- L. Custom Signpost and Sign Frames are allowed; however a Custom Sign Permit must be obtained from the Department of Public Works prior to installation.

ARTICLE IX

REQUIRED IMPROVEMENTS

9.1 PUBLIC UTILITIES

Every subdivider shall be required to install or have installed the appropriate public utility and improvements referred to in this ARTICLE as found in the following documents:

- A. DEPARTMENT OF PUBLIC WORKS - STANDARD PLANS
- B. City COMPREHENSIVE STORM DRAINAGE DESIGN AND CRITERIA REGULATIONS
- C. SEWER REGULATIONS OF FULTON COUNTY
- D. CITY TREE PRESERVATION ORDINANCE
- E. UTILITY ACCOMMODATION- GUIDELINES AND PROCEDURES

9.2 STREETS

9.2.1 STREET GRADING

- A. All street rights-of-way shall be cleared and graded to standards of the Public Works Department.
- B. Finished grades shall be at levels approved in accordance with the Standard Plans.
- C. When property adjacent to the street is not owned by the subdivider, he/she shall obtain the necessary easements of sloping banks before submitting for a Land Disturbance Permit (LDP).

9.2.2 STREET PAVING/STRIPING

- A. All street paving widths shall be in conformance with standards set forth in Article 8.

- B. Street pavement shall be installed according to standards adopted by the City.
- C. Striping shall be installed according to standards adopted by the City.
- D. On all roads adjacent to a development, the adjacent lane of the road must be widened to provide twelve (12) foot lanes. The road must be repaved throughout the subdivision frontage and along the roadway improvements, whichever is greater. The road must either be resurfaced from edge to edge, or it must be milled and repaved to the centerline.
- E. No more than one (1) inch vertical drop may be allowed at the pavement/gutter joint and a maximum of six (6) inches of exposed curb must be retained.
- F. No striping should be provided on subdivision streets designed for 25 m.p.h., except for stop bars and 50 feet of double yellow centerlines, to be located at each entrance to the subdivision.

9.2.3 CURBS AND GUTTERS

- A. Curbs and gutters shall be installed on all streets except noted herein. Installations shall be in accordance with standards adopted by the City Council of the City.
- B. Curbs and gutters shall be of a straight or standard construction on one or both sides where sidewalks are required or as approved by the Director.

9.2.4 SIDEWALKS

- A. Purpose: The objective is to provide facilities that ensure safe pedestrian movement in the City.
- B. Intent: Sidewalks are intended to provide a safe pedestrian connection between the subdivision/development and nearby destinations. Pedestrians consist of children walking to and from school and neighborhood activities, as well as adults walking to and from neighborhood shopping and transit stops. In addition to the need for sidewalks for circulation and safety, sidewalks can be important elements in the recreational system of this community. They can also serve as walking and hiking trails. Single Family, Two Family and Townhouse Residential Zoned Development (R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, R-6, CUP, NUP, TR zoning districts and inactive zoning districts SUB A, SUB B, and SUB C)
 - 1. Single family residential subdivisions shall be required to place a sidewalk along both sides of all internal publicly dedicated streets.
 - 2. Single family residential subdivisions shall be required to place a sidewalk along the development's frontage on external publicly dedicated streets.

C. AG-1 (Agricultural) Zoned Residential Development

1. Single family residential subdivisions shall be required to place a sidewalk along one side of all internal publicly dedicated streets.
2. Single family residential subdivisions shall be required to place a sidewalk along the development's frontage on external publicly dedicated streets.
3. Non-residential development shall provide sidewalks along the development's frontage on external publicly dedicated streets.

D. Multi-Family Zoned Development (A and A-L zoning districts and inactive zoning districts A-1 and A-O)

Provide sidewalks along all external publicly dedicated streets for which the overall development has frontage.

E. Non-Residential Zoned Development (O-I, C-1 and C-2 zoning districts)

Provide sidewalks along all external publicly dedicated streets for which the overall development has frontage.

F. MIX (Mixed Use) Zoned Development

1. For entirely residential components of the mixed use development, provide sidewalks in a location and width consistent with the proposed residential use as required by Section B.
2. Where residential is located above non-residential uses or where the proposed development is entirely non-residential, sidewalks shall be required along both sides of all publicly dedicated roads where the mixed use or non-residential components are developed.

G. Industrial Zoned Developments (M-1A, M-1 and M-2 zoning districts)

1. For developments with publicly dedicated internal streets, a sidewalk shall be provided along one side of the street.
2. For developments with frontage on an external publicly dedicated street(s), a sidewalk shall be required along the entire frontage.

H. General Specifications:

1. Sidewalks shall be provided by the subdivider at no cost to the City.
2. Sidewalks for residential development shall have a minimum width of five (5) feet wide as indicated by a note on the minor or final plat.

3. Sidewalks along publicly dedicated streets shall be located within the public right-of-way and shall be set off the street curb by a minimum 3-foot wide landscape strip.
4. For non-residential developments, sidewalks shall be a minimum of six (6) feet wide.
5. Where sidewalks are required, they must be installed prior to the issuance of a Certificate of Occupancy.
6. Prior to the recording of the final plat, 125% of the cost of the internal sidewalks for any residential subdivision must be performance bonded. This bond will be released when all sidewalks required pursuant to the development have been constructed and approved. All required sidewalks must be provided for any residential subdivision within two years of the recording of the final plat, otherwise, the bond is forfeited and the City will use the funds to complete the sidewalk construction.

9.2.5 STREET TREES

- A. Street trees and other shrubbery that may be retained or planted shall not obstruct sight distances and shall be subject to the approval of the City Arborist.
- B. Street trees that may be required by the Director along the street(s) shall be of species approved as street trees in the City Tree Preservation Ordinance.

9.2.6 SIGN INSTALLATION POLICY FOR NEW DEVELOPMENTS

Each applicant of a Land Disturbance Permit will be responsible for the installation of the street and traffic control signs in the new subdivisions.

The signs must be installed per the most recent edition of the Manual on Uniform Traffic Control Devices (MUTCD) with relation to the installation height, size, distance from curb, etc. In general, signs should be installed at least seven feet from the shoulder to the bottom of the sign, and at least two feet from the face of curb to the closest edge of the sign, or as required by the MUTCD or otherwise designated by the Department of Public Works. The sign size, materials, and mounting equipment should conform to standards adopted by the Department of Public Works.

The identification of the number and location of signs shall be performed by the Department as part of the Land Disturbance Permit process. The minimum sign installation shall conform to the standards set forth in Article VIII – Design Standards.

The sign inspection shall be done by the Department. The signs should be performance bonded at the same time as the pavement, at a cost of \$100 per sign or as established by the Director. The bond or a portion thereof will be forfeited if the City at the time of

final inspection has to replace a defective or non-conforming sign.

9.3 WATER SUPPLY

- 10 Where a public water supply is within 300 feet, the subdivider shall install or have installed a system of water mains and connect to such supply. The installation of mains and connections to each lot shall be installed prior to the paving of the street, if possible.
- 10.2.1 Where a public water supply is not available, each lot in a subdivision shall be furnished with a water supply system approved by the City.
- 10.2.2 A separate water service connection shall be provided for each residential unit. Meters shall be located as specified by the utility company.
- 10.2.3 Fire hydrants shall be located and set in accordance with applicable specifications. In addition, the fire hydrant shall be serviced by the following:
- A. Not less than an 8-inch diameter main if the system is looped.
 - B. Not less than an 8-inch diameter main if the system is not looped or the fire hydrant is installed on a dead end main exceeding 300 feet in length.
 - C. In no case shall dead end main(s) exceed 600 feet in length for main sizes less than 10 inches.
- 10.2.4 When required by the Public Works Department, a reuse water irrigation distribution system to each lot shall be installed. This system shall consist of an 8-inch diameter ductile iron pipe identified as "non-potable water," painted purple in accordance with standard pipe identification schedules, and installed on the south or east shoulder of the right of way limit. All pipes and appurtenances must be in accordance with the City Water Reuse Standards. Each property owner requesting an irrigation meter shall connect to the reuse water main, if activated.
- 10.2.5 If a subdivision is re-platted and the originally platted lots configuration is changed after the water service lines have been installed, the water system shall be modified to properly serve each lot in accordance with applicable water specifications.

10.3 SANITARY SEWER MANAGEMENT

- 10.3.1 When public sanitary sewers are within 300 feet of the subdivision, the subdivider shall provide sanitary sewer services to each lot within the bounds of the subdivision. All street sewers serving lots in the subdivision shall be installed by the subdivider. A formula may be developed by the Department of Public Works to provide for a sharing of the costs of sewer facilities needed to serve the subdivision and other subdivisions in the same drainage basin.
- 10.3.2 When, in the written opinion of the Health and Wellness Department and the

Department of Public Works, public sanitary sewer is not accessible, an alternate method of sewage disposal for each lot or a community sewerage disposal system may be used when in compliance with the standards of the Health and Wellness Department and Fulton County Sewer Regulations.

- 10.3.3 When the operation of a temporary sanitary sewer system requires land to be set aside for a disposal plant, the property owner shall give the City title to the property for as long as the plant is in operation. The title may carry a reversionary clause returning the property to the owner when the site is no longer necessary for the operation of the plant.
- 10.3.4 In a drainage basin which at time of plat application is scheduled for a public sewerage system, all subdivisions shall be provided with a temporary community sewerage disposal system as approved by the Department of Public Works and the Health and Wellness Department. The system shall include permanent sewerage outfall lines plus a temporary treatment plant to be installed by the subdivider.

Whenever the installation of a sanitary sewer is required, as provided by these rules and regulations, no new street shall be paved without the sewer being first installed in accordance with the requirements of the sewer specifications of the City Department of Public Works and the Fulton County Sewer Regulations.

If a subdivision is re-platted and the originally platted lots configuration is changed after the sewer service lines have been installed, the sewer system shall be modified to properly serve each lot in accordance with Fulton County sewer specifications.

10.4 STORMWATER PROVISIONS

10.4.1 STORMWATER MANAGEMENT

- A. Engineering and construction on any land within the City shall be carried out in a manner as to maintain water quality and rate of run-off to protect neighboring persons and property from damage or loss resulting from excessive stormwater runoff, pollution, soil erosion, or deposition upon private property or public streets of water-transported silt and debris.
1. Proper drainage plans shall be submitted for review by the Department. These plans shall be prepared by a Professional Engineer or Landscape Architect, currently registered to practice in the State of Georgia, with stamp affixed.
 2. The plans shall be accompanied by profiles of natural and proposed drainage ways, including storm pipes, cross-sections, drainage swales and downstream analysis.

10.4.2 DESIGN FOR STORMWATER MANAGEMENT

- A. Grading and design plans for the Land Disturbance Permit must include Erosion, Sedimentation, and Pollution Control Plans and Hydrology Study as required by the Georgia Soil and Water Conservation Commission Checklist, effective January 1st of the year submitted. The design criteria must follow:
 - 1. The current Authorization to Discharge under the National Pollutant Discharge Elimination System (NPDES) Permit GAR 100001, 100002 or 100003.
 - 2. The current Authorization to Discharge under the National Pollutant Discharge Elimination System (NPDES) Permit No. GAS 00117, Municipal Separate Storm Sewer System (MS4).
 - 3. The current Manual of Erosion and Sediment Control in Georgia (Green Book).
 - 4. The current Georgia Stormwater Management Manual (Blue Book).
 - 5. The current Fulton County Stormwater Management Design Manual.
- B. In order to ensure full compliance with the approved construction plans, final plat approval will be withheld until as-built drawings, prepared by a professional engineer or landscape architect currently registered in Georgia, have been submitted and approved by the Department in accordance with Section 4.2.3. No occupancy permit shall be issued until released by the Department.
- C. The owner shall be responsible for the maintenance of the storm drainage facilities during grading, construction, and for a 36-month period following final plat approval. Maintenance will be construed to include preserving the enclosing walls or impounding embankment of the detention basin and permanent sedimentation ponds and security fences, in good conditions; ensuring structural soundness, functional adequacy, and freedom from sediment of all drainage structures; and rectifying any unforeseen erosion problems.

10.4.3 DETENTION/RETENTION DESIGN

- A. General Provisions
 - 1. Installation of properly functioning detention facilities, including outflow control devices, shall be the responsibility of the owner. If any control devices are damaged or destroyed during grading or construction, all processes shall cease until such devices are restored to their functioning capability. The owner, through application for grading or construction permits, accepts the responsibility of maintenance of the control devices.
 - 2. When serving more than three lots, detention ponds, retention ponds, and water quality features (including all required access easements, landscape strips, and fences) shall be located on a separate parcel where no home can be constructed. This parcel shall be owned and maintained by the

homeowners' association or the owners of the lots being served by this pond. The parcel shall have a minimum of 20' wide continuous access to a public or private road in a manner that allows access and maintenance of this parcel. In addition, this parcel will not be required to meet the normal lot standard.

3. Layout Design Standards: The ponds layout shall provide for the following minimums:
 - a. 20-foot graded access easement from the right-of-way to the pond;
 - b. A 20-foot landscape strip for screening purposes or as may be approved by the Director;
 - c. A 10-foot access easement for maintenance or as may be approved by the Director; and
 - d. A fence with a 6-foot high security fence with gate and lock.

- M. Alternative Design Standards: Applicants are encouraged to carry out innovative detention/retention layout that is intended to make such facilities an attractive amenity or focal point to the subdivision.

The Director may approve the following alternative design standards in lieu of those in sections 9.5.3.A. and 9.5.3.B.

1. Such alternative design should provide for attractive layout and means for detaining/ retaining/moving water.
2. The design should follow the natural land forms around the perimeter of the basin. The basin should be shaped to emulate a naturally formed depression.
3. Redistributing soils from basin construction to create natural landforms around the perimeter of the basin is encouraged. These forms should be located strategically to filter views or redirect and soften the views from residential areas.
4. Side slopes of basins must not exceed one-foot vertical for every four-foot horizontal. Where possible, side slopes should be varied to imitate natural conditions. Associated natural landforms should have side slopes no greater than one-foot vertical for every three-foot horizontal to accommodate lawn maintenance equipment. Varied slopes will be encouraged.
5. The applicant should consider the use of plant materials that naturally grow in the area. Trees and shrubs should be grouped in informal patterns

to emulate the natural environment. The intent is to soften the views of these basins.

8.7.2 STORM DRAIN SYSTEM STENCILING/IDENTIFICATION

All residential subdivision and commercial entity storm drainage structures or facilities (catch basins, storm sewer inlets, culverts, impoundment facilities, man holes, and other facilities that convey stormwater run-offs) shall be properly identified. Each drainage structure shall be identified with the use of durable and reusable Mylar stencils (stencils will not be provided by the County) that measure 20" x 30" with 2" lettering and an environmentally formulated, water base, but soluble striping paint (Color: blue). The message on the stencil shall read:

"DUMP NO WASTE"
(Picture of a trout)
"DRAINS TO STREAM"

8.7.3 SANITARY AND STORM SEWER EASEMENT

- A. All permanent easements shall be twenty (20) feet in width. When access for maintenance purposes is required, the maximum longitudinal slope along the easement shall be 30% at grade in steepest direction.
- B. No fill shall be placed on a sanitary or storm sewer easement without approval by the Director of Public Works. All sanitary manholes must extend to the ground surface. All easements terminating on a parcel shall extend to the property line.
- C. No retaining wall, building, pole, sign or other vertical structure shall be constructed in sanitary and storm sewer easements, including vehicular access easements around structures, without approval from the Director. No fence shall be placed across sanitary or storm sewer easements without gates to which the Department of Public Works has full access. No planting shall take place in a sanitary or storm sewer easement that will impede vehicular access along the easement or endanger the pipeline. No surface water shall be impounded on a sanitary sewer easement. No other pipeline or utility shall be placed in a sanitary or storm sewer easement without approval by the Director of Public Works.
- D. Each lot or parcel of land in a subdivision shall have a separate sewer connection terminating at the easement limit or right-of-way limit with a vertical clean-out pipe. No connection of the public sewer system shall be made except at a sewer connection approved by the Director of Public Works.
- E. No surface water, ground water, storm drain, gutter, downspout, or other conveyance of surface water or ground water shall be discharged into the sanitary sewer.

8.8 PLANS AND CONSTRUCTION

- 8.8.1 No sanitary sewer shall be accepted by the City without a as-built drawing showing the horizontal and vertical alignment of the sewer system, the locations of all manholes, sewer connections, piping materials, required easement limits and junctions, and property lines. This should be provided in the form of plans, profiles, and plats; when possible, an electronic copy of the required data (compatible with the City Geographical Information System) should be submitted.
- 8.8.2 No storm sewer shall be accepted by the City without an as-built drawing showing the horizontal and vertical alignment of the sewer system; the locations of all manholes, junctions, detention ponds, retention ponds, and sewer system outfalls discharging into ditches or creeks; sewer connections, piping materials, required easement limits; and property lines. This information shall be provided in the form of plans, profiles, details, sections and plats and when possible in an electronic form compatible with the City Geographical Information System and the applicable Department of Public Works data base.
- 8.8.3 In the case of single family residential subdivisions, by written application, the owner may request that the City assume partial maintenance responsibility of drainage facilities, effective after the expiration of the initial maintenance 15 months. Within sixty (60) days after receipt of such application, the Director shall respond in writing to the owner/applicant. Such response shall set forth additional terms and conditions for acceptance. However, maintenance by Fulton County shall be limited to ensuring the functional adequacy of such drainage structures. Maintenance responsibility shall remain partially with the homeowners' association unless and until, and only to the extent that, the homeowners' association is expressly relieved of such responsibility pursuant to and in accordance with a written instrument signed by the Director. Appropriate easements shall be executed and recorded pursuant to this paragraph. For all other types of development, responsibility for maintenance of storm sewer system and detention ponds, including but not limited to, periodic silt removal to maintain functional integrity, will remain the responsibility of the Owner. Maintenance responsibility shall constitute an obligation running with the land and shall be binding upon the owner's executors, administrators, heirs, successors, and successors-in-title.

The owner/developer shall provide stabilization, including vegetation, and installation of security fences for safety purposes at detention facilities, as prescribed, prior to approval of the Final Plat by the Director.

- 8.8.4 Any single-family detached home which involves less than 10,000 square feet of cleared area or all impervious surface areas combined and is in excess of 2,000 feet from the Chattahoochee River, shall be exempted from the provisions of a hydrology study. In no such case, however, shall grading involve over 25 percent of the total land area. Sites within 2,000 feet of the Chattahoochee River shall be developed in accordance with the Atlanta Regional Commission's vulnerability analysis, as determined by the Director.
- 8.8.5 All engineering and construction, regardless of whether such engineering or

construction is being accomplished on public land or on public easements, shall meet the minimum requirements of these regulations.

8.9 MONUMENTS AND IRON PIPES

Permanent monuments shall be accurately set and established to tie with the City GIS monuments or as required by the Director.

The monuments shall consist of two 2-inch iron pipes, sixteen (16) inches in length, or T bars, twenty-four (24) inches in length, or other approved materials. The monuments shall be set so that the top of pipe shall be six (6) inches above the ground level, unless otherwise approved by the Department of Public Works.

The accurate location, material, and size of all existing monuments shall be shown on the final plat, as well as the future location of monuments to be placed after street improvements have been completed.

Iron pipes at least one-half (1/2) inch by sixteen (16) inches shall be used and shall be set two (2) inches above the finished grade.

8.10 UNDERGROUND UTILITIES

8.10.1 All existing and proposed utilities, including all electrical, telephone, television and other communication lines, both main and service connections, serving or having capacity of 69 KV or less, abutting or located within a requested land disturbance area shall be installed underground in a manner approved by the applicable utility provider and in compliance with the City right-of-way and erosion control regulations, if applicable.

8.10.2 Lots that abut existing easements or public rights-of-way where overhead electrical or telephone distribution supply lines and service connection have previously been installed may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities' overhead lines shall be installed underground. Should a road widening or an extension of service, or other such conditions occur as a result of the subdivision and necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground.

8.10.3 Contractors or developers of subdivisions shall:

- A. Submit drawings of the Subdivision layout showing locations of underground electrical cable, transformers, water and other related fixtures, in accordance with the Standard Plans. These drawings must be approved by the City before installation of the underground utility and before a building permit can be issued.
- B. Pay all cost for poles, fixtures, or any related items of materials necessary for the installation to the utility and water company.
- C. Submit proof of payment for complete installation.

- D. Have an agreement with the appropriate power company for complete maintenance of all installations and provide proof of payment.

8.10.4 STREET LIGHTS AND PEDESTRIAN LIGHTING

- A. Street lights and pedestrian lights shall be provided by the developers of all new subdivisions.

At the time of and as a requirement of submission of a Final Plat, the developer shall:

1. Submit a drawing(s) of the subdivision's layout showing locations of street lights and required pedestrian lights. This drawing must be approved by the Director prior to obtaining any building permit within the subdivision. The layout shall be shown on the Land Disturbance Permit. Fixtures and standards/poles installed or used shall be approved by the City and by the utility company which shall be responsible for the maintenance of the facilities.

Street light fixtures shall be mounted thirty (30) feet above the ground and shall have appropriate arm length to place the light over the street. No arm shall be less than five (5) feet long. Post top luminaries may be permitted when approved by the City providing same are in compliance with the requirements of the City zoning resolution. Fixtures shall be located no more than three hundred (300) feet apart and at least one light shall be located at each street intersection within the subdivision. When a subdivision is located in a zoning overlay district, light standards shall comply with requirements of the overlay district. Pedestrian lights shall be installed as required by the overlay district or the specific zoning case.

2. Pay all costs for standards/poles, fixtures and any other related items or material necessary for installation.
 3. Submit proof of payment for complete installation to the Director.
 4. Submit a copy of an executed agreement with the utility company for complete maintenance of all installations.
- B. When street lighting is requested by existing residents, these residents shall:
 1. Submit a petition to the City Department of Public Works from the residents affected showing a 90% support for the request. The affected residents shall be all residents whose properties are located, in whole or in part, within one hundred and fifty 150 feet of a proposed street light.
 2. The request to the City for street lights shall include a sketch indicating the

individual location of lights within the subdivision, along with the residential location of each signatory to the petition.

3. If standards/poles within the subdivision for the placement of these lights do not exist, or do not meet utility company requirements, it shall be the petitioner's responsibility to have these standards/poles placed prior to installation of the street lights, at their cost. Installation of poles within the City's right-of-way shall be subject to the approval of the Public Works Director. The street light fixtures are to be installed at the expense of the petitioners.
- C. When each of the applicable items in Section C above has been completed, the City shall:
1. Assume maintenance responsibility and make the monthly payments to the utility company for electrical energy for each street light when at least fifty percent (50%) of the dwelling units in the subdivision have been occupied.
 2. Pay only the current monthly negotiated amount for electrical energy for each street light.

ARTICLE X

FEES

10.1 PLATTING FEES

Every application for a Minor plat, Final Plat, or other plat submitted pursuant to these regulations shall be submitted to the Director along with such fees as may be established by the City. Failure to pay such fees as required shall cause the plat to be returned to the applicant without acceptance for review or consideration by the City.

10.2 UTILITY FEES

Following the approval of a Land Disturbance Permit and prior to authorization to begin construction, the developer shall pay the required Inspection, water and sewer connections, Curb Cut, and Street Sign Fees as may be established by the City..

10.3 BOND FEES

Prior to approval of a Final Plat and as a prerequisite for acceptance of any such Final Plat, the developer shall provide such performance bonds, maintenance bonds, and/or cash assurances as required by these regulations and established by the City.

ARTICLE XI

ADMINISTRATION AND ENFORCEMENT

11.1 These Subdivision Regulations shall be administered and enforced by the Director.

11.2 **PLAT DENIAL AND APPEAL**

Should the Director deny any such plat (minor or final), a written explanation shall be provided stating the basis for the denial. Within 30 days of the date of said written explanation, the owner of record and/or subdivider may file with the Department a letter appealing the decision, which, together with a report from the Director, shall be forwarded to the City zoning board of appeals for consideration.

11.2.1 Should an applicant disagree with the review comments of the Director concluding factual or interpretive errors have been made, the following appeal procedure is intended to resolve the issues.

- A. Submit to the Director within 30 days of the comments at issue, a letter clearly defining the nature of the disagreement, the specific reference to the Article of these regulations at issue, and the applicant's opinion.
- B. The Director shall review the request with technical staff selected by the Director.
- C. The requested staff shall provide comments and/or a written recommendation to the Director within ten (10) working days.
- D. Should the Director, after review of the applicant's statement and the comments/recommendation of staff, conclude that these regulations would not be violated, the Director shall modify his/her comments accordingly.
- E. Should the Director conclude that these regulations would be violated, the Director shall provide the applicant with a written letter of denial and advise the applicant of the appeal process to the zoning board of appeals.
- F. The zoning board of appeals shall, after receiving a report from the Director, decide the issue. The decision shall constitute the final administrative appeal.

11.3 **APPEALS TO ALL OTHER STANDARDS**

Should the Director not approve a request to vary any Article of these regulations within 30 days, the applicant may appeal in writing, stating the Article to be varied and the reason the variance should be granted.

11.3.1 The applicant shall file a variance application to these regulations with the zoning board

of appeals, which shall have the authority, after hearing from the applicant and the Director, grant, modify and/or deny the variance. The zoning board of appeals shall base its decision on hardships as described in the City zoning resolution.

ARTICLE XII

VIOLATION AND PENALTY

12.1 PENALTIES

Any person, firm or corporation violating any provision of this resolution, shall be deemed liable for civil penalties and/or imprisonment as allowed by law. Each day's continuance of a violation shall be considered a separate offense.

12.2 ALTERNATIVE LEGAL RECOURSE

In any case in which any land is, or is proposed to be, used in violation of these regulations or any amendment thereto, the City may, in addition to other remedies provided by law, institute injunction, abatement or any appropriate action or proceedings to prevent, enjoin or abate such unlawful use.

ARTICLE XIII

CONFLICT

- 13.1** Where conflicts exist within this resolution, the most restrictive interpretation shall prevail.



CITY OF SOUTH FULTON



COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING

SUBJECT: Ord2018-050 Establish Environmental Regulations

DATE OF MEETING: 11/27/2018

DEPARTMENT: Attorney

ATTACHMENTS:

Description	Type	Upload Date
Ord2018-050 Environmental Regulations	Cover Memo	11/21/2018

1 STATE OF GEORGIA
2 COUNTY OF FULTON
3 CITY OF SOUTH FULTON
4

5 **ORDINANCE NO 2018-050**
6

7 **AN ORDINANCE TO ESTABLISH THE CITY OF SOUTH FULTON ENVIRONMENTAL**
8 **REGULATIONS AND FOR OTHER LAWFUL PURPOSES**

9 **(Sponsored by Councilmembers Gilyard and Rowell)**
10

11 **WHEREAS**, the City of South Fulton, GA (“City”) is a municipal corporation duly
12 organized and existing under the laws of the State of Georgia;
13

14 **WHEREAS**, the duly elected governing authority of the City is the Mayor and
15 Council thereof (“City Council”);
16

17 **WHEREAS**, the City shall benefit from the adoption of environmental protection
18 requirements within the City;

19 **WHEREAS**, the City Council seeks to adopt an environmental ordinance to
20 establish soil erosion, sedimentation, and pollution control minimum requirements,
21 standards, and enforcement procedures for land disturbance activities in order to
22 conserve and protect the environment, public health, and the general welfare of the
23 citizens of the City;

24 **WHEREAS**, the City Council seeks to adopt an environmental ordinance to
25 protect, maintain and enhance the public health, safety, environment and general
26 welfare by establishing minimum requirements and procedures to control the adverse
27 effects of increased post-development stormwater runoff and nonpoint source pollution
28 associated with new development and redevelopment;

29 **WHEREAS**, the City Council seeks to adopt an environmental ordinance to
30 cultivate and encourage a high level of tree preservation, to preserve, maintain and
31 replant trees within the City, and to provide standards for the preservation of trees as
32 part of the land development, building construction and timber harvest processes;

33 **WHEREAS**, the City Council seeks to adopt an environmental ordinance to
34 protect the City's surface water and groundwater supplies and resources;

35 **WHEREAS**, the City Council seeks to adopt an environmental ordinance to
36 establish regulations and procedures that govern all land uses and related development
37 activities adjacent to streams within the City;

38 **WHEREAS**, local governments should acknowledge the importance of wetlands
39 for the public good in the land-use planning process as mandated by the Georgia

40 Planning Act of 1989 including O.C.G.A §12-2-8 and regulations promulgated
41 thereunder; and

42 **WHEREAS**, the City Council finds this ordinance to be in the best interests of the
43 health, safety, and general welfare of the City.

44
45 **NOW, THEREFORE, THE COUNCIL OF THE CITY OF SOUTH FULTON**
46 **HEREBY ORDAINS** as follows:

47
48 **Section 1:** The City Code of Ordinances is hereby amended by creating a new
49 Title 14, Environment, which shall read as follows:

50
51 **TITLE 14 – ENVIRONMENT**

52
53 **CHAPTER 1. - IN GENERAL**

54 **Sec. 14-1001. - Minimum requirements.**

55 In their interpretation and application, these land development regulations must be
56 held to be the minimum requirements for the promotion of the public health, safety and
57 general welfare. The regulations must be liberally construed in favor of the City.

58 **Sec. 14-1002. - Compliance with other laws.**

59 In addition to the requirements of this chapter, all development must comply with all
60 other applicable state and federal laws and regulations.

61 **Sec. 14-1003. - Conflicting provisions.**

62 a) *State or federal regulations.* If the provisions of these land development regulations
63 are inconsistent with those of the state or federal government, the more restrictive
64 provision governs, to the extent allowed by law. The more restrictive provision is the
65 one that imposes more stringent controls.

66 b) *Other city regulations.* If the provisions of these land development regulations are
67 inconsistent with one another, or if they conflict with provisions found in other
68 adopted ordinances or regulations of the City, the more restrictive provision governs
69 unless otherwise expressly stated.

70 c) *Private agreements and covenants.*

71 (1) These land development regulations are not intended to interfere with, abrogate
72 or annul any easement, covenant, deed restriction or other agreement between
73 private parties. If the provisions of these land development regulations impose a
74 greater restriction than imposed by a private agreement or covenant, the
75 provisions of these land development regulations control.

76 (2) Private restrictive covenants to which the city is not a party are not regulated by
77 or enforced by the City.

78

79

80 CHAPTER 2. - **EROSION, SEDIMENTATION AND POLLUTION CONTROL**

81 Sec. 14-2001. - **Authority and title of article.**

82 This chapter is adopted by the City Council pursuant to the authority and mandate of the
83 Georgia Erosion and Sedimentation Act of 1975 (O.C.G.A. § 12-7-1 et seq.), as
84 amended. [A memorandum of agreement authorizes the City as a local issuing
85 authority. As a local issuing authority, the City is certified to provide and maintain an
86 erosion control program which includes, but is not limited to, development plan review,
87 permitting and erosion control enforcement.] This chapter will be known as “The City of
88 South Fulton Soil Erosion, Sedimentation and Pollution Control Ordinance of 2018”, and
89 repeals any other ordinances or regulations in conflict herewith.

90 Sec. 14-2002. - **Intent.**

91 It is the intent of this chapter to establish soil erosion, sedimentation, and pollution
92 control minimum requirements, standards, and enforcement procedures for land
93 disturbance activities in order to conserve and protect the environment, public health,
94 and the general welfare of the citizens of the City.

95 Sec. 14-2003. - **Definitions.**

96 The following definitions shall apply in the interpretation and enforcement of this
97 chapter, unless otherwise specifically stated:

98 *Best management practices (BMPs)*. These include sound conservation minimize
99 erosion and resultant sedimentation, which are consistent with, and no less stringent
100 than, those practices contained in the “Manual for Erosion and Sediment Control”
101 published by the commission as of January of the year in which the land-disturbing
102 activity was permitted.

103 *Board*. The Georgia Board of Natural Resources.

104 *Board of zoning appeals*. Board appointed by the City Council which hears appeals of
105 stop work orders.

106 *Buffer*. The area of land immediately adjacent to the banks of state waters in its natural
107 state of vegetation, which facilitates the protection of water quality and aquatic habitat.

108 *Commission*. The State of Georgia Soil and Water Conservation Commission.
109 (GSWCC)

110 *CPESC*. Certified professional in erosion and sediment control with certification by
111 Certified Profession in Erosion and Sediment Control Inc., a Corporation Registered in
112 North Carolina, which is also referred to as CPESC or CPESC, Inc.

113 *Cut.* A portion of land surface or area from which earth has been removed or will be
114 removed by excavation; the depth below the original ground surface to the excavated
115 surface, also known as excavation.

116 *Department.* The City's Department of Community Development Services.

117 *Design professional.* A professional licensed by the State of Georgia in the field of:
118 engineering, architecture, landscape architecture, forestry, geology, or land surveying;
119 or a person that is a certified professional in erosion and sediment control (CPESC) with
120 a current certification by Certified Professional in Erosion and Sediment Control, Inc.

121 *Development.* The alteration of property for any purpose involving building, subdividing,
122 and/or the preparation of land for any of the above purposes. Development includes, but
123 is not limited to, providing utilities, access, parking, storm water management, sewage
124 disposal systems, and/or construction of a structure.

125 *Development sequence.* The sequence of activities to be completed, in order, during the
126 development of a land disturbance project as per approved construction plans.

127 *Director.* The director (or his/her designee(s)) of the City's Department of Community
128 Development Services.

129 *Director, DPW.* The director of the City's Department of Public Works or his/her
130 designee.

131 *Director, EPD.* The director of the Environmental Protection Division of the Georgia
132 Department of Natural Resources.

133 *Division.* The Environmental Protection Division of the Department of Natural
134 Resources.

135 *District.* The City of South Fulton Soil and Water Conservation District.

136 *Drainage structure.* A device composed of a virtually non-erodible material such as
137 concrete, steel, plastic, or other such material that conveys water from one place to
138 another by intercepting the flow and carrying it to a release point for stormwater
139 management, drainage control, or flood control purposes.

140 *EPD.* The Environmental Protection Division of the Georgia Department of Natural
141 Resources.

142 *Erosion.* The process by which land surface is worn away by the action of wind, water,
143 ice, or gravity.

144 *Erosion and Sedimentation Control Manual.* A field manual produced by the Georgia
145 Soil and Water Conservation Commission that illustrates vegetative and structural best
146 management practices (BMPs), and their use for land-disturbing activities.

147 *Erosion, sediment, and pollution control plan.* A plan required by the Erosion and
148 Sedimentation Act, O.C.G.A. ch. 12-7, that includes, as a minimum protection at least
149 as stringent as the state general permit, best management practices, and requirements
150 in section 14-2005(c).

151 *Fill.* A portion of land surface to which soil or other solid material has been added; the
152 depth above the original ground surface or elevation.

153 *Final Stabilization.* All soil disturbing activities at the site have been completed, and that
154 for unpaved areas and areas not covered by permanent structures and areas located
155 outside the waste disposal limits of a landfill cell that has been certified by EPD for
156 waste disposal, 100 percent of the soil surface is uniformly covered in permanent
157 vegetation with a density of 70 percent or greater, or equivalent permanent stabilization
158 measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have
159 been used. Permanent vegetation shall consist of planted trees, shrubs, perennial
160 vines: a crop of perennial vegetation appropriate for the time of year and region: or a
161 crop of annual vegetation and a seeding of target crop perennials appropriate for the
162 region. Final stabilization applies to each phase of construction.

163 *Finished grade.* The final elevation and contour of the ground after cutting or filling and
164 conforming to the proposed design.

165 *Grading.* Altering the shape of ground surfaces. This includes stripping, cutting, filling,
166 stockpiling, and shaping or any combination thereof, and shall include the land in its cut
167 or filled condition.

168 *Ground elevation.* The elevation of the ground surface as measured from sea level prior
169 to cutting or filling.

170 *Land disturbing activity.* Any activity which may result in soil erosion from water or wind
171 and the movement of sediments into state waters or onto lands within the state,
172 including, but not limited to, clearing, dredging, grading, excavating, transporting, and
173 filling of land but not including agricultural practices as described in subsection 14-
174 2004(5).

175 *Larger common plan of development or sale.* A contiguous area where multiple
176 separate and distinct construction activities are occurring under one plan of
177 development or sale. For the purpose of this paragraph, “plan” means an
178 announcement; piece of documentation such as a sign, public notice or hearing, sales
179 pitch, advertisement, drawing, permit application, zoning request, or computer design;
180 or physical demarcation such as boundary signs, lot stakes, or survey markings,
181 indicating that construction activities may occur on a specific plot.

182 *Local issuing authority.* The governing authority of any county or municipality which is
183 certified pursuant to O.C.G.A. § 12-7-8(a).

184 *Metropolitan River Protection Act (MRPA)*. A state law referenced as O.C.G.A. § 12-5-
185 440 et seq., which addresses environmental and developmental matters in certain
186 metropolitan river corridors and their drainage basins.

187 *Natural ground surface*. Original site topography/ground surface prior to land
188 disturbance activities.

189 *Nephelometric turbidity units (NTU)*. Numerical units of measure based upon
190 photometric analytical techniques for measuring the light scattered by finely divided
191 particles of a substance in suspension. This technique is used to estimate the extent of
192 turbidity in water in which colloidally dispersed or suspended particles are present.

193 *Notice to comply*. Enforcement action based on noncompliance through failure to either
194 properly install or maintain BMPs, where sediments remain within the boundaries of the
195 property. This enforcement action provides the violator five days to achieve compliance.

196 *NOI*. A notice of intent form provided by EPD for coverage under the state general
197 permit.

198 *NOT*. A notice of termination form provided by EPD to terminate coverage under the
199 state general permit.

200 *Official notice*. A posting of a notice to comply or a stop work order on a property that is
201 non-compliant or in violation.

202 *Operator*. The party or parties that have: (A) operational control of construction project
203 plans and specifications, including the ability to make modifications to those plans and
204 specifications; or (B) day-to-day operational control of those activities that there are
205 necessary to ensure compliance with an erosion, sedimentation and pollution control
206 plan for the site or other permit conditions, such as a person authorized to direct
207 workers at a site to carry out activities required by the erosion, sedimentation and
208 pollution control plan or to comply with other permit conditions.

209 *100-year flood plain*. Land in the flood plain subject to a one percent or greater
210 statistical occurrence probability of flooding in any given year.

211 *Outfall*. The location where storm water is discernible, confined and discrete
212 conveyance leaves a facility or site or, if there is a receiving water on site, becomes a
213 point source discharging into the receiving water.

214 *Permit*. The authorization necessary to conduct a land disturbing activity under the
215 provisions of this chapter.

216 *Person*. Any individual, owner, partnership, firm, association, joint venture, public or
217 private corporation, trust, estate, commission, board, public or private institution, utility,
218 cooperative, state agency, municipality, or other political subdivision of this state, any
219 interstate body, or any other legal entity.

220 *Phase or phased.* Sub-parts or segments of construction projects where the sub-part or
221 segment is constructed and stabilized prior to completing construction activities on the
222 entire construction site.

223 *Project.* The entire proposed development project, regardless of the size of the area of
224 land to be disturbed.

225 *Properly designed.* Designed in accordance with the design requirements and
226 specifications contained in the “Manual for Erosion and Sediment Control in Georgia”
227 (Manual published by the Georgia Soil and Water Commission as of January 1 of the
228 year in which the land-disturbing activity was permitted and amendments to the manual
229 as approved by the commission up until the date of NOI submittal).

230 *Reinspection fee.* A fee assessed to the developer/owner/operator or responsible party
231 for reinspecting the project if requested by the developer/owner/operator or responsible
232 party prior to the end of the compliance period, provided that upon that reinspection the
233 project remains out of compliance.

234 *Roadway drainage structure.* A device such as a bridge, catch basin, culvert, or ditch,
235 composed of a virtually non-erodible material such as concrete, steel, plastic, or other
236 such material that conveys water under a roadway by intercepting the flow on one side
237 of a traveled way (public or private) consisting of one or more defined lanes, with or
238 without shoulder areas, and carrying water to a release point on the other side.

239 *Sediment.* Solid material, both organic and inorganic, that is in suspension, is being
240 transported, or has been moved from its site of origin by air, water, ice, or gravity as a
241 product of erosion.

242 *Sedimentation.* The process by which eroded material is transported and deposited by
243 the action of water, wind, ice, or gravity.

244 *Soil and water conservation district approved plan.* An erosion and sedimentation
245 control plan approved in writing by the City’s Soil and Water Conservation District.

246 *Stabilization.* The process of establishing an enduring soil cover by the installation of
247 temporary or permanent structures or vegetation for the purpose of reducing to a
248 minimum the erosion process and the resultant transport of sediment by wind, water,
249 ice, or gravity.

250 *State general permit.* The National Pollution Discharge Elimination System general
251 permit or permits for storm-water runoff from construction activities as is now in effect or
252 as may be amended or reissued in the future pursuant to the state's authority to
253 implement the same through federal delegation under the Federal Water Pollution
254 Control Act, as amended, 33 U.S.C. Section 1251, et seq., and O.C.G.A. § 12-5-30(f).

255 *State waters.* Any and all rivers, streams, creeks, branches, lakes, ditches, reservoirs,
256 ponds, drainage systems, springs, wells, and other bodies of surface or subsurface
257 water, natural or artificial, lying within or forming a part of the boundaries of the state

258 which are not entirely confined and retained completely upon the property of a single
259 individual, partnership, or corporation.

260 *Stop work order.* Enforcement action that ceases all work onsite or a portion of the site.

261 *Structural erosion and sedimentation control measures.* Practices for the stabilizing of
262 erodible or sediment-producing areas by utilizing the mechanical properties of matter for
263 the purpose of either changing the surface of the land or storing, regulating, or
264 disposing of runoff to prevent sediment loss. Examples of structural erosion and
265 sediment control measures are: riprap, sediment basins, dikes, level spreaders,
266 waterways, outlets, diversions, grade stabilization structures, sediment traps, and
267 sediment barriers, etc. Such measures as defined in the publication “Manual for Erosion
268 and Sediment Control in Georgia.”

269 *Trout streams.* All streams or portions of streams within the watershed as designated by
270 the Wildlife Resources Division of the Georgia Department of Natural Resources under
271 the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20, in the rules
272 and regulations for Water Quality Control, Chapter 391-3 at www.gaepd.org. Streams
273 designated as primary trout waters are defined as water supporting a self-sustaining
274 population of rainbow, brown, or brook trout. Streams designated as secondary trout
275 waters are those in which there is no evidence of natural trout reproduction, but are
276 capable of supporting trout throughout the year. First order trout waters are streams into
277 which no other streams flow except springs.

278 *Turbidity.* A measure of clarity of a water sample.

279 *Underbrush.* Any small shrubs, ground cover, or similar plants growing beneath the
280 canopy of mature trees.

281 *Vegetative erosion and sedimentation control measures.* Measures for the stabilization
282 of erodible or sediment-producing areas by covering the soil with:

283 (1) Permanent seeding, sprigging, or planting, producing long-term vegetative
284 cover;

285 (2) Temporary seeding, producing short-term vegetative cover; or

286 (3) Sodding, covering areas with a turf of perennial sod-forming grass. Such
287 practices can be found in the publication “Manual for Erosion and Sediment Control in
288 Georgia”.

289 *Watercourse.* Any natural or artificial watercourse, stream, river, creek, channel, ditch,
290 canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows
291 either continuously or intermittently and which has a definite channel, bed, and banks,
292 and including any area adjacent thereto subject to inundation by reason of overflow or
293 flood water.

294 *Wetlands.* Those areas that are inundated or saturated by surface water or groundwater
295 at a frequency and duration sufficient to support, and that under normal circumstances
296 do support, a prevalence of vegetation typically adapted for life in saturated soil
297 conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

298 Sec. 14-2004. - **Exemptions to article.**

299 This chapter shall apply to any land disturbing activity undertaken by any person on any
300 land except for the following:

301 (1) Surface mining, as the same is defined in O.C.G.A. § 12-4-72, “The
302 Georgia Surface Mining Act of 1968”.

303 (2) Granite quarrying and land clearing for such quarrying;

304 (3) Such minor land disturbing activities as home gardens and individual
305 home landscaping, repairs, maintenance work, fences and other related activities which
306 result in minor soil erosion;

307 (4) The construction of single-family residences when such construction
308 disturbs less than one acre and is not a part of a larger common plan of development or
309 sale with a planned disturbance of equal to or greater than one acre and not otherwise
310 exempted under this section; provided, however, that construction of any such
311 residence shall conform to the minimum requirements as set forth in O.C.G.A. § 12-7-6
312 and this paragraph. For single-family residence construction covered by provisions of
313 this, there shall be a buffer zone between the residence and any state waters classified
314 as trout streams pursuant to O.C.G.A. tit. 12, ch. 5, art. 2, the Georgia Water Quality
315 Control Act. In any such buffer, no land-disturbing activity shall be constructed between
316 the residence and the point where vegetation has been wrested by normal stream flow
317 or wave action from the banks of the trout waters. For primary trout waters, the buffer
318 zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be
319 granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet,
320 but the director, EPD may grant variances to no less than 25 feet. Regardless of
321 whether a trout stream is primary or secondary, for first order trout waters, which are
322 streams into which no other streams flow except for springs, the buffer shall be at least
323 25 horizontal feet, and no variance to smaller buffer shall be granted. The minimum
324 requirements of section 14-2005 of this chapter and the buffer zones provided by this
325 section shall be enforced by the issuing authority;

326 (5) Agricultural operations as defined in O.C.G.A. § 1-3-3 to include raising,
327 harvesting, or storing of products of the field or orchard; feeding, breeding, or managing
328 livestock or poultry; producing or storing feed for use in the production of livestock
329 including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits or for
330 use in the production of poultry, including but not limited to chicken, hens and turkeys;
331 producing plants, trees, fowl, or animals; the production of aquaculture, horticultural,
332 dairy, livestock, poultry, eggs, and apiarian products; and farm buildings and farm
333 ponds;.....

334 (6) Forestry land management practices, including harvesting; provided,
335 however, that when such exempt forestry practices cause or result in land-disturbing or
336 other activities otherwise prohibited in a buffer, as established in paragraphs (14) and
337 (15) of section 14-2005(c), no other land-disturbing activities, except for normal forest
338 management practices, shall be allowed on the entire property upon which the forestry
339 practices were conducted for a period of three years after completion of such forestry
340 practices;

341 (7) Any project carried out under the technical supervision of the Natural
342 Resource Conservation Service (NRCS) of the United States Department of Agriculture;

343 (8) Any project involving less than one acre of disturbed area; provided,
344 however, that this exemption shall not apply to any land disturbing activity within a
345 larger common plan of development or sale with a planned disturbance equal to or
346 greater than one acre or within 200 feet of the bank of any state waters, and for
347 purposes of this paragraph, "state waters" excludes channels and drainage ways which
348 have water in them only during and immediately after rainfall events and intermittent
349 streams which do not have water in them year round; provided, however, that any
350 person responsible for a project which involves one acre or less, which involves land
351 disturbing activity, and which is within 200 feet of any such excluded channel or
352 drainage way, must prevent sediment from moving beyond the boundaries of the
353 property on which such project is located and provided, further, that nothing herein shall
354 prevent the local issuing authority from regulating any such project which is not
355 specifically exempted by paragraphs (1), (2), (3), (4), (5), (6), (7), (9) or (10) of the
356 section;

357 (9) Construction or maintenance projects, or both, undertaken or financed, in
358 whole or in part, or both, by the Department of Transportation, the Georgia Highway
359 Authority, or the State Road and Tollway Authority; or any road construction or
360 maintenance project, or both, undertaken by any county or municipality; provided,
361 however, that construction or maintenance projects of the department of transportation
362 or state road and tollway authority which disturb one or more contiguous acres of land
363 shall be subject to provisions of O.C.G.A. § 12-7-7.1; except where the department of
364 transportation, the Georgia Highway Authority, or the state road and tollway authority is
365 a secondary permittee for a project located within a larger common plan of development
366 or sale under the state general permit, in which case a copy of a notice of intent under
367 the state general permit shall be submitted to the local issuing authority, the local
368 issuing authority shall enforce compliance with the minimum requirements set forth in
369 O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the
370 same penalties as violations by permit holders;

371 (10) Any land disturbing activities conducted by any electric membership
372 corporation or municipal electrical system or any public utility under the regulatory
373 jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction
374 of the Federal Energy Regulatory Commission, any cable television system as defined
375 in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in
376 the generation, transmission, or distribution of power; except where an electric

377 membership corporation or municipal electric system or any public utility under the
378 regulatory jurisdiction of the public service commission, any utility under the regulatory
379 jurisdiction of the Federal Energy Regulatory Commission, any cable television system
380 as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States
381 engaged in the generation, transmission, or distribution of power is a secondary
382 permittee for a project located within a larger common plan of development or sale
383 under the state general permit, in which case the local issuing authority shall enforce
384 compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit
385 had been issued and violations shall be subject to the same penalties as violations by
386 permit holders; and

387 (11) Any public water system reservoir.

388 Sec. 14-2005. - **Minimum requirements.**

389 (a) General provisions. Excessive soil erosion and resulting sedimentation can take
390 place during land disturbing activities if requirements of the article and the NPDES
391 general permit are not met. Therefore, plans for those land disturbing activities which
392 are not exempted by this chapter shall contain provisions for application of soil erosion,
393 sedimentation, and pollution control measures and practices. The provisions shall be
394 incorporated into the erosion, sedimentation, and pollution control plans. Soil erosion,
395 sedimentation, and pollution control measures and practices shall conform to the
396 minimum requirements of subsection (b) and (c) of this section. The application of
397 measures and practices shall apply to all features of the site, including street and utility
398 installations, drainage facilities and other temporary and permanent improvements.
399 Measures shall be installed to prevent or control erosion, sedimentation and pollution
400 during all stages of any land disturbing activity in accordance with requirements of this
401 chapter and the NPDES general permit.

402 (b) Minimum requirements/BMPs.

403 (1) Best management practices as set forth in subsections (b) and (c) of this
404 section shall be required for all land disturbing activities. Proper design, installation, and
405 maintenance of BMPs shall constitute a complete defense to any action by the director
406 or to any other allegation of noncompliance with subsection (b)(2) of this section or any
407 substantially similar terms contained in a permit for the discharge of stormwater issued
408 pursuant to O.C.G.A. § 12-5-30(f) of the “Georgia Water Quality Control Act”. As used in
409 this subsection, the terms “proper design” and “properly designed” mean designed in
410 accordance with the hydraulic design specifications contained in the “Manual for
411 Erosion and Sediment Control in Georgia” specified in O.C.G.A. § 12-7-6(b).

412 (2) A discharge of stormwater runoff from disturbed areas where BMPs have
413 not been properly designed, installed, and maintained shall constitute a separate
414 violation of any land disturbing permit issued by the City or of any state general permit
415 issued by the division pursuant to O.C.G.A. § 12-5-30(f), the “Georgia Water Quality
416 Control Act” for each day on which such discharge results in the turbidity of receiving
417 waters being increased by more than 25 nephelometric turbidity units for waters

418 supporting warm water fisheries or by more than ten nephelometric turbidity units for
419 waters classified as trout waters. The turbidity of the receiving waters shall be measured
420 in accordance with guidelines issued by the director, EPD. This paragraph shall not
421 apply to any land disturbance associated with the construction of single-family homes
422 which are not part of a larger common plan of development or sale unless the planned
423 disturbance for such construction is equal to or greater than five acres.

424 (3) Failure to properly design, install, or maintain BMPs shall constitute a
425 violation of any land disturbance permit issued by a local issuing authority or of any
426 state general permit issued by the division pursuant to O.C.G.A. § 12-5-30(f), The
427 “Georgia Water Quality Control Act” for each day on which such failure occurs. When
428 such non-compliance is identified by the director, official notice will be posted on that
429 property.

430 (4) The director may require, in accordance with regulations adopted by the
431 board, reasonable and prudent monitoring of the turbidity level of receiving waters into
432 which discharges from land disturbing activities occur.

433 (5) The LIA may set more stringent buffer requirements than stated in
434 subsections (c)(15) and (16) in light of O.C.G.A. § 12-7-6(c).

435 (c) The rules and regulations, ordinances, or resolutions adopted pursuant to
436 O.C.G.A. § 12-7-1 et seq. for the purpose of governing land-disturbing activities shall
437 require, as a minimum, protections at least as stringent as the state general permit; and
438 BMPs, including sound conservation and engineering practices to prevent and/or
439 minimize erosion and resultant sedimentation, which are consistent with, and no less
440 stringent than, those practices contained in the “Manual for Erosion and Sediment
441 Control in Georgia,” published by the Georgia Soil and Water Conservation Commission
442 as of January 1 of the year in which the land disturbing activity was permitted, as well as
443 the following:

444 (1) Stripping of vegetation, regrading and other development activities shall
445 be conducted in a manner so as to minimize erosion.

446 (2) Cut-fill operations must be kept to a minimum.

447 (3) Development plans must conform to topography and soil type so as to
448 create the lowest practicable erosion potential.

449 (4) Whenever feasible, natural vegetation shall be retained, protected and
450 supplemented.

451 (5) The disturbed area and the duration of exposure to erosive elements shall
452 be kept to practical minimum;

453 (6) Disturbed soil shall be stabilized as quick as practicable;

454 (7) Temporary vegetation or mulching shall be employed to protect exposed
455 critical areas during development;

456 (8) Permanent vegetation and structural erosion control measures shall be
457 installed as soon as practicable;

458 (9) To the extent necessary, sediment in runoff water must be trapped by the
459 use of debris basins, sediment basins, silt traps, or similar BMPs as outlined in the
460 erosion and sediment control manual until the disturbed area is stabilized. As used in
461 this paragraph, a disturbed area is stabilized when it is brought to a condition of
462 continuous compliance with the requirements of this section, and O.C.G.A. § 12-7-1 et
463 seq.

464 (10) Adequate provisions must be provided to minimize damage from surface
465 water to the cut face of excavations or the sloping of fills.

466 (11) Cuts and fills may not endanger adjoining property;

467 a. All slopes shall be stabilized immediately and shall remain so for a
468 period of no less than one year from the issuance of the project's final certificate of
469 occupancy and/or the recording of a final plat.

470 b. All slopes greater than or equal to 3H:1V must be permanently
471 stabilized with structural or vegetative BMPs.

472 c. A plan must be submitted to demonstrate that all slopes associated
473 with fill/cut sections have been adequately designed to be stabilized structurally (such
474 as retaining walls) or vegetatively (erosion mat/blanket, tree bark mulch, etc). Such
475 analysis, reports, or design shall be prepared and approved by a design professional.

476 (12) Fills may not encroach upon natural watercourses or constructed channels
477 in a manner so as to adversely affect other property owners;

478 (13) Grading equipment must cross flowing streams by means of temporary or
479 permanent bridges or culverts except when such methods are not feasible, provided, in
480 any case, those such crossings are kept to a minimum. Migrated soil materials or soil
481 materials displaced by mechanical means from land disturbing sites to adjacent water
482 courses, such as lakes, ponds, streams, and creeks etc. must be remediated. The
483 remedial work shall be conducted as per a remedial plan approved by the City.

484 (14) Land-disturbing activity plans for erosion, sedimentation and pollution
485 control shall include provisions for treatment or control of any source of sediments and
486 adequate sedimentation control facilities to retain sediments on-site or preclude
487 sedimentation of adjacent waters beyond the levels specified in section 14-2005(b)(2).

488 (15) Except as provided in paragraph (16) of this section, there is
489 established a 25-foot buffer along the banks of all state waters, as measured
490 horizontally from the point where vegetation has been wrested by normal stream flow or

491 wave action, except where the director, EPD determines to allow a variance that is at
492 least as protective of natural resources and the environment, where otherwise allowed
493 by the director, EPD pursuant to O.C.G.A. § 12-2-8, or where a drainage structure or a
494 roadway drainage structure must be constructed, provided that adequate erosion
495 control measures are incorporated in the project plans and specifications are
496 implemented or along any ephemeral stream. As used in this provision, the term
497 'ephemeral stream' means a stream: that under normal circumstances has water flowing
498 only during and for a short duration after precipitation events; that has the channel
499 located above the ground-water table year round; for which runoff from precipitation is
500 the primary source of water flow, Unless exempted as along an ephemeral stream, the
501 buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title
502 12, the "Georgia Water Quality Control Act shall remain in force unless a variance is
503 granted by the director, EPD as provided in this subsection. The following requirements
504 shall apply to any such buffer:

505 a. No land disturbance activities shall be conducted within a buffer
506 and a buffer shall remain in its natural, undisturbed state of vegetation until all land-
507 disturbing activities on the construction site are completed, except as otherwise
508 provided by this paragraph.

509 Once the final stabilization of the site is achieved, a buffer may be thinned
510 or trimmed of vegetation as long as a protective vegetative cover remains to protect
511 water quality and aquatic habitat and a natural canopy is left in sufficient quantity to
512 keep shade on the stream bed; provided, however, that any person constructing a
513 single-family residence, when such residence is constructed by or under contract with
514 the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any
515 time as long as protective vegetative cover remains to protect water quality and aquatic
516 habitat and a natural canopy is left in sufficient quantity to keep shade on the stream
517 bed; and

518 b. The buffer shall not apply to the following land-disturbing activities,
519 provided that they occur at an angle, as measured from the point of crossing, within 25
520 degrees of perpendicular to the stream; cause a width of disturbance of not more than
521 50 feet within the buffer; and adequate erosion control measures are incorporated into
522 the project plans and specifications and are implemented: (i) stream crossings for water
523 lines; or (ii) stream crossings for sewer lines; and

524 (16) There is established a 50-foot buffer as measured horizontally from the
525 point where vegetation has been wrested by normal stream flow or wave action, along
526 the banks of any state waters classified as "trout streams" pursuant to Article 2 of
527 Chapter 5 of Title 12, the "Georgia Water Quality Control Act", except where a roadway
528 drainage structure must be constructed; provided, however, that small springs and
529 streams classified as trout streams which discharge an average annual flow of 25
530 gallons per minute or less shall have a 25-foot buffer or they may be piped, at the
531 discretion of the landowner, pursuant to the terms of a rule providing for a general
532 variance promulgated by the board, so long as any such pipe stops short of the
533 downstream landowner's property and the landowner complies with the buffer

534 requirement for any adjacent trout streams. The director, EPD may grant a variance
535 from such buffer to allow land-disturbing activity, provided that adequate erosion control
536 measures are incorporated in the project plans and specifications and are implemented.
537 The following requirements shall apply to such buffer:

538 a. No land-disturbance activities shall be conducted within a buffer
539 and a buffer shall remain in its natural, undisturbed state of vegetation until all land-
540 disturbing activities on the construction site are completed.

541 Once the final stabilization of the site is achieved, a buffer may be thinned
542 or trimmed of vegetation as long as a protective vegetative cover remains to protect
543 water quality and aquatic habitat and a natural canopy is left in sufficient quantity to
544 keep shade on the stream bed; provided, however, that any person constructing a
545 single-family residence, when such residence is constructed by or under contract with
546 the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any
547 time as long as protective vegetation cover remains to protect water quality and aquatic
548 habitat and natural canopy is left in sufficient quality to keep shade on the stream bed;
549 and

550 b. The buffer shall not apply to the following land-disturbing activities,
551 provided that they occur at an angle, as measured from the point of crossing, within 25
552 degrees of perpendicular to the stream; cause a width of disturbance of not more than
553 50 feet within the buffer; and adequate erosion control measures are incorporated into
554 the project plans and specifications and are implemented: (i) stream crossings for water
555 lines; or (ii) stream crossings for sewer lines.

556 c. Nothing contained in this chapter shall prevent any local issuing
557 authority from adopting rules and regulations, ordinances, or resolutions which contain
558 stream buffer requirements that exceed the minimum requirements in subsections 14-
559 2005(b) and (c).

560 d. The fact that land-disturbing activity for which a permit has been
561 issued results in injury to the property of another shall neither constitute proof of nor
562 create a presumption of a violation of the standards provided for in this chapter or terms
563 of the permit.

564 e. Additional requirements. Where the director finds, through
565 inspection, that property owners have been adversely affected due to violations clearly
566 identified by the director, or that the approved current plans do not adequately address
567 the features of the site, the director can require additional BMPs, drawings, and
568 revisions to comply with the minimum requirements as outlined in section 14-2005.

569 Sec. 14-2006. - **Land disturbance application/permit process.**

570 (a) General. The property owner, developer, and designated planners and engineers
571 shall design and review before submittal of the general development plans. They shall
572 review the zoning resolution, stormwater management ordinance, subdivision
573 ordinance, flood damage prevention resolution, this chapter, and other ordinances

574 which regulate the development of land within the jurisdictional boundaries of the City.
575 However, the property owner or operator are the only parties who may obtain a permit.

576 (b) Application requirements.

577 (1) Prior to any land disturbing activity, the property in question must be part
578 of an approved and recorded legal lot of record (exemption plat or final plat).
579 Additionally, no land disturbing activity, including grading, excavating, filling, and/or
580 foundation work, shall be conducted within the unincorporated area of the City or in any
581 area where the City has jurisdiction, until a land disturbance permit or a building permit
582 (for those projects not requiring a land disturbance permit under this chapter) shall have
583 been issued by the director allowing such activity and providing a copy of notice of
584 intent submitted to EPD if applicable. If a project is to be developed in phases, then a
585 separate land disturbance permit or building permit is required for each phase not to
586 exceed 25 acres increments and the development sequence should be followed on all
587 projects issued a land disturbance permit.

588 (2) No person shall conduct any land disturbing activity within the
589 jurisdictional boundaries of the City without first obtaining a permit from the City's
590 Department of Community Development Services or its successor to perform such
591 activity.

592 (3) The application for a permit shall be submitted to the department of
593 environment and community development and must include the applicant's erosion,
594 sedimentation and pollution control plan with supporting data, as necessary. Said plans
595 shall include, as a minimum, the data specified in subsection (c) of this section. Soil
596 erosion, sedimentation and pollution control plans, together with supporting data, must
597 demonstrate affirmatively that the land disturbing activity proposed will be carried out in
598 such a manner that the provisions of subsections 14-2005(b) and (c) will be met.
599 Applications for a permit will not be accepted unless accompanied by nine copies of the
600 applicant's soil erosion, sedimentation and pollution control plans and a physical
601 address of the property owner (Post Office box not acceptable). All applications shall
602 contain a certification stating that the plan preparer or the designee thereof visited the
603 site prior to creation of the plan in accordance with EPD Rule 391-3-7-10.

604 (4) A minimum fee of \$125.00, as set by the City Council of the City, shall be
605 charged for each acre or fraction thereof of the project area.

606 (5) In addition to the City's permitting fees, fees will also be assessed
607 pursuant to O.C.G.A. § 12-5-23(a)(5), provided that such fees shall not exceed \$80.00
608 per acre of land-disturbing activity, and these fees shall be calculated and paid by the
609 primary permittee as defined in the state general permit for each acre of land-disturbing
610 activity included in the planned development or each phase of development. All
611 applicable fees shall be paid prior to issuance of the land disturbance permit. Half of
612 such fees levied shall be submitted to the division; except that any and all fees due from
613 an entity which is required to give notice pursuant to O.C.G.A. § 12-7-17(9) or (10) shall

614 be submitted in full to the division, regardless of the existence of a local issuing
615 authority in the jurisdiction.

616 (6) The permit applicant shall be required to post a bond in the form of
617 government security, cash, irrevocable letter of credit, or any combination thereof prior
618 to issuing the permit. The bond amount shall be determined as established by the
619 department. If the applicant does not comply with this chapter or with the conditions of
620 the permit after issuance, the City may call the bond or any part thereof to be forfeited
621 and may use the proceeds to hire a contractor to stabilize the site of the land disturbing
622 activity and bring it into compliance. These corrective actions may include, but are not
623 limited to, de-silting detention ponds, water bodies, stormwater facilities, roadways,
624 installing fence with locking device, re-establishing damaged buffer, etc. If a permit
625 applicant has had two or more outstanding violations of previous permits, this chapter,
626 or the Erosion and Sedimentation Act of 1975 (O.C.G.A. § 12-7-1 et seq.), as amended
627 within three years prior to the date of filing of the application under consideration, the
628 City may deny the permit application.

629 (7) If applicable, immediately upon receipt of an application and plan for a
630 permit, the City shall refer the application and plan to the district for its review and
631 approval or disapproval concerning the adequacy of the erosion and sedimentation
632 control plan. The district shall approve or disapprove a plan within 35 days of receipt.
633 Failure of the district to act within 35 days shall be considered an approval of the
634 pending plan. The results of the district review shall be forwarded to the City. No permit
635 will be issued unless the plan has been approved by the district, and any variances
636 required by section 14-2005(c)(14) or (15) and bonding, if required as per subsection
637 (b)(5) of this section, have been obtained. Such review will not be required if the City
638 and the district have entered into an agreement which allows the City to conduct such
639 review and approval of the plan without referring the application and plan to the district.
640 The local issuing authority with plan review authority shall approve or disapprove a
641 revised Plan submittal within 35 days of receipt. Failure of the local issuing authority
642 with plan review authority to act within 35 days shall be considered an approval of the
643 revised plan submittal.

644 (8) If a permit application has had two or more violations of previous permits,
645 this chapter, or the Erosion and Sedimentation Act, as amended, within three years
646 prior to the date of filing of the application under consideration, the City may deny the
647 permit application.

648 (9) The local issuing authority may require the permit applicant to post a bond
649 in the form of government security, cash, irrevocable letter of credit, or any combination
650 thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed
651 land-disturbing activity, prior to issuing the permit. If the applicant does not comply with
652 this chapter or with the conditions of the permit after issuance, the local issuing authority
653 may call the bond or any part thereof to be forfeited and may use the proceeds to hire a
654 contractor to stabilize the site of the land-disturbing activity and bring it into compliance.
655 These provisions shall not apply unless there is in effect an ordinance or statute

656 specifically providing for hearing and judicial review of any determination or order of the
657 local issuing authority with respect to alleged permit violations.

658 (c) Plan requirements.

659 (1) Plans must be prepared to meet the minimum requirements as contained
660 in section 14-2005(b) and (c), or through the use of more stringent, alternate design
661 criteria which conform to sound conservation and engineering practices. The Manual for
662 Erosion and Sediment Control in Georgia is hereby incorporated by reference into this
663 ordinance. The plan for the land disturbing activity shall consider the interrelationship of
664 the soil types, geological and hydrological characteristics, topography, watershed.
665 Vegetation, proposed permanent structures including roadways, constructed
666 waterways, sediment control and stormwater management facilities, local ordinances
667 and state laws. Maps, drawings and supportive computations shall bear the signature
668 and seal of the certified design professional. Persons involved in land development
669 design, review, permitting, construction, monitoring, or inspections or any land
670 disturbing activity shall meet the education and training certification requirements ,
671 dependent on his or her level of involvement with the process, as developed by the
672 commission and in consultation with the division and the stakeholder advisory board
673 created pursuant to O.C.G.A. § 12-7-20.

674 (2) Data required for site plan shall include all the information required from
675 the appropriate erosion, sedimentation and pollution control plan review checklist
676 established by the commission as of January 1 of the year in which the land-disturbing
677 activity was permitted.

678 (d) Permits and development activity.

679 (1) Permits shall be issued or denied as soon as practicable but in any event
680 not later than 45 days after receipt by the City of a completed application, provided that
681 any necessary variances have been obtained, bonding has been provided, and
682 specifications developed and maintained by the department of public works and
683 permitted by the department of environment and community development have been
684 met, and all applicable fees have been paid prior to permit issuance. The permit shall
685 include conditions under which the activity may be undertaken.

686 (2) No permit shall be issued by the City unless the erosion, sedimentation
687 and pollution control plan has been approved by the district or the City, and unless the
688 City has affirmatively determined that the plan is in compliance with this chapter, any
689 variances required by subsections 14-2005(c)(14) or (15) are obtained, bonding
690 requirements, if necessary, as per subsection 14-2006(b)(5) are met and all ordinances
691 and rules and regulations in effect within the jurisdictional boundaries of the City are
692 met. If the permit is denied, the reason for denial shall be furnished to the applicant.

693 (3) Any land-disturbing activities by a local issuing authority shall be subject to
694 the same requirements of this chapter, and any other ordinances relating to land

695 development, as are applies to private persons and the division shall enforce such
696 requirements upon the local issuing authority.

697 (4) If the tract is to be developed in phases, then a separate permit shall be
698 required for each phase to include the development sequence.

699 (5) The permit may be suspended, revoked, or modified by the City, as to all
700 or any portion of the land affected by the plan, upon finding that the holder or his
701 successor in title is not in compliance with the approved erosion and sedimentation
702 control plan or that the holder or his successor in title is in violation of this chapter. A
703 holder of a permit shall notify any successor in title to him of the conditions contained in
704 the permit as to all or any portion of the land affected by the approved plan.

705 (6) The City may reject a permit application if the applicant has had two or
706 more violations of previous permits or the Erosion and Sedimentation Act permit
707 requirements within three (3) years prior to the date of the application, in light of
708 O.C.G.A. § 12-7-7-(f)1.

709 (7) Sedimentation basins shall not be allowed in state waters or other
710 perennially flowing streams.

711 (8) The permittee shall ensure that engineering and construction on any land
712 within the City shall be carried out in such a manner as to protect neighboring persons
713 and property from damage or loss resulting from stormwater runoff, soil erosion, or
714 deposition upon private property or public streets or water-transported silt or debris.

715 (9) The director or designee during field inspections may require revisions,
716 addendum and modifications that address any and all features to ensure compliance
717 with this chapter and any permit issued hereunder.

718 (10) It shall constitute non-compliance with this chapter to engage in land
719 disturbance activity involving clearing, grading, timber harvesting or grubbing without a
720 permit, which activity may immediately warrant citation(s).

721 (11) Design and installation of properly functioning detention facilities, including
722 outflow and overflow control devices, shall be the responsibility of the owner. If any
723 erosion control devices are damaged or destroyed during grading or construction, all
724 construction processes shall cease until the devices are restored to their functioning
725 capability. The owner, through application for grading or construction permits, accepts
726 the responsibility of maintenance of the control devices.

727 (12) The owner and operator shall be responsible for the maintenance of the
728 storm drainage facilities during grading, construction, and for a 15-month period
729 following the final approval of the completed project. Maintenance will be construed to
730 include preserving the enclosing walls or impounding embankment or the detention
731 basin and sedimentation ponds, in good condition; ensuring structural soundness,
732 functional adequacy, and freedom from sediment of all drainage structures; and
733 rectifying any unforeseen erosion problems.

734 (13) The developer shall provide stabilization by covering the soil with:
735 permanent seeding, sprigging or planting, producing long-term vegetative cover,
736 temporary seeding producing short-term vegetative cover, sodding or covering areas
737 with a turf of perennial sod forming grass; and security fences for safety purposes at
738 detention facilities as prescribed by and prior to approval by the City.

739 Sec. 14-2007. - **City construction; compliance with article.**

740 All engineering and construction involving land disturbance performed by or on behalf of
741 the City and under the direction of the department of public works or any other the City
742 entity, whether such engineering or construction is being accomplished on existing and
743 proposed public land or on public easement, shall comply with the requirements of
744 sections 14-2005 and 14-2010.

745 Sec. 14-2008. - **Residential construction.**

746 Notwithstanding any other provisions of this chapter, the construction of single-family
747 detached dwellings shall be subject to the following rules:

748 (1) Building permit. No land disturbing activity or other work (including moving
749 and demolition) shall commence on a project until the owner or the contractor
750 undertaking the work shall have applied for, and been issued, a land disturbance permit
751 or building permit by the director. The owner/contractor shall prominently display on site
752 the building permit, a signed erosion and sedimentation control agreement and
753 approved site plan in full public view, until issuance of certification of occupancy.
754 Demolition projects shall be required to install BMPs where necessary to prevent
755 erosion. Failure to install BMPs shall constitute non compliance with this chapter.

756 (2) Notice to comply. The director shall issue a notice to comply for failure to
757 either install or maintain BMPs, even though sediments remain contained within the
758 boundaries of the property by the use of debris basins, sediment basins, sediment
759 barriers, and construction exits in accordance with this chapter. Subsequently, a stop
760 work order shall be issued if compliance with a notice to comply is not achieved by the
761 end of the specified compliance period of five days.

762 (3) Stop work order. The director or representative shall issue an order to
763 cease all work (“stop work order”) on a project covered by this section if any work on
764 that project is proceeding without a land disturbance permit or building permit, or, when
765 silt, mud, or other waterborne debris leave the property boundary, or (if such a permit
766 has been issued) it is found by the director or representative that all or any portion of the
767 project remains out of compliance with any requirements of subsections 14-2005(b) or
768 (c), any other provision of this chapter or any other the City ordinance, regulation or
769 requirement after the specified compliance period or a site has been in violation at least
770 two prior occurrences, to include any applicable fines and penalties. All other
771 requirements of subsection 14-2011(b) of this chapter also apply to projects covered by
772 this section.

773 Sec. 14-2009. - **Progress report required.**

774 (a) The licensed professional referenced in the administrative guidelines (see
775 subsection 14-2006(c)) or his representative as approved by the director shall ensure,
776 inspect and evaluate the installation of the erosion control measures (BMPs) within one
777 week after the initial installation of BMPs. All deficiencies shall be corrected within two
778 business days after inspection, and a summary of corrective measures taken shall be
779 submitted to the director within three days after inspection. A written biweekly report
780 shall be submitted to the director from the beginning to the completion of grading and
781 construction on projects for which a land disturbance permit has been issued. This
782 report shall be the responsibility of the owner or developer and shall be prepared by a
783 professional licensed to practice such activity within Georgia, as stipulated in the City
784 Soil Erosion and Sediment Control Administrative Guidelines. The report shall record
785 the quality and progress of the work required to show full compliance with the provisions
786 of this chapter, including compliance with or adherence to vegetative practices. In order
787 to ensure full compliance with the approved construction plans, final approval will be
788 withheld until as-built drawings, prepared by a professional licensed to practice such
789 work in Georgia, have been submitted and accepted by the director. The director shall
790 withhold the occupancy permit until full compliance has been achieved.

791 (b) Additional reporting requirements. Applicants/owners/operators shall provide the
792 Director with a copy of any monitoring results submitted to EPD regarding National
793 Pollutant Discharge Elimination System (NPDES). Reports shall be in a format as
794 prescribed by EPD. A copy of the notice of intent which has been sent to EPD in
795 compliance with the permit requirements must be presented to the site inspector at all
796 pre-construction meetings.

797 Sec. 14-2010. - **Inspection and enforcement of article.**

798 (a) The director or designee will periodically inspect the sites of land disturbing
799 activities for which permits have been issued to determine if the activities are being
800 conducted in accordance with the approved plan, permit and this chapter and to
801 determine if the measures required in the plan are effective in controlling soil erosion
802 and sedimentation. Also, the City shall regulate both primary, secondary and tertiary
803 permittees as such terms are defined in the state general permit. Primary permittees
804 shall be responsible for installation and maintenance of best management practices
805 where the primary permittee is conducting land-disturbing activities. Secondary
806 permittees shall be responsible for installation and maintenance of best management
807 practices where the secondary permittee is conducting land-disturbing activities.
808 Tertiary permittees shall be responsible for installation and maintenance of best
809 management practices where the tertiary permittee is conducting land disturbing
810 activities. If, through inspection, it is deemed that a person engaged in land disturbing
811 activities as defined herein has failed to comply with the approved plan, with permit
812 conditions, or with the provisions of this chapter, an official notice shall be posted on-
813 site, and as a courtesy a written notice to comply shall also be served upon that person,
814 except for working without a permit or working under a stop work order, which warrant
815 immediate citation(s). The notice shall set forth the measures necessary to achieve

816 compliance and shall state the time within which such measures must be completed. If
817 the person engaged in the land disturbing activity fails to comply with the corrective
818 measures specified in the posted official notice within the time specified, he shall be
819 deemed in violation of this chapter, and the director may take such additional
820 enforcement actions as he/she deems appropriate.

821 (b) The local issuing authority must amend its ordinances to the extent appropriate
822 within 12 months of any amendments to the Erosion and Sedimentation Act of 1975.

823 (c) The director shall have the power to conduct such investigation as the director
824 may deem reasonably necessary to carry out duties as prescribed in this chapter, and
825 for this purpose shall have the power to enter at reasonable times upon any property,
826 public or private, for the purposes of investigation and inspection of the sites of land
827 disturbance or building activities.

828 (d) No person shall refuse entry or access to any authorized representative or agent
829 of the City, the commission, the district, or division who requests entry for the purposes
830 of inspection, and who presents appropriate credentials, nor shall any person obstruct,
831 hamper, or interfere with any such representative while in the process of carrying out his
832 official duties including, but not limited to, the review of reports, studies, calculations,
833 drawings, revisions, practices, actions and bonds.

834 (e) A copy of a current approved plan shall be kept on site until project completion or
835 issuance of certificate of occupancy.

836 (f) The district or the commission or both shall semi-annually review the actions of
837 counties and municipalities which have been certified as local issuing authorities
838 pursuant to O.C.G.A. § 12-7-8(a). The district or the commission or both may provide
839 technical assistance to any county or municipality for the purpose of improving the
840 effectiveness of the counties or municipality's erosion and sedimentation control
841 program. The districts or the commission shall notify the division and request
842 investigation by the division if any deficient or ineffective legal program is found.

843 (g) The division may periodically review the actions of counties and municipalities
844 which have been certified as local issuing authorities pursuant to O.C.G.A. § 12-7-8(a).
845 Such review may include, but shall not be limited to, review of the administration and
846 enforcement of a governing authority's ordinance and review of conformance with an
847 agreement, if any, between the district and the governing authority. If such review
848 indicates that the governing authority of any county or municipality certified pursuant to
849 O.C.G.A. § 12-7-8(a) has not administered or enforced its ordinances or has not
850 conducted the program in accordance with any agreement entered into pursuant to
851 O.C.G.A. § 12-7-7(e), the division shall notify the governing authority of the City or
852 municipality in writing. The governing authority of any county or municipality so notified
853 shall have 90 days within which to take the necessary corrective action to retain
854 certification as a local issuing authority. If the City or municipality does not take
855 necessary corrective action within 90 days after notification by the division, the division
856 may revoke the certification of the City or municipality as a local issuing authority.

857 Sec. 14-2011. - **Penalties and incentives.**

858 (a) Failure to obtain a permit for land disturbing activity. If any person commences
859 any land disturbing activity requiring a land disturbing permit, as prescribed in this
860 chapter, without first obtaining said permit, the person shall be subject to revocation of
861 his business license, work permit, or other authorization to conduct any business and
862 associated work activities within the jurisdictional boundaries of the City. Failure to
863 comply may result in a citation being issued to appear in state magistrate court which
864 may result in monetary fines.

865 (b) Stop work orders and notice to comply.

866 (1) On development and residential land disturbance sites for the first and
867 second violations of the provisions of this chapter, the director or the LIA shall post an
868 official notice to comply and as a courtesy issue a written letter. The violator shall have
869 five days to correct the violation. If the violation is not corrected within five days, the
870 director or the LIA shall issue a stop-work order requiring the land-disturbance activity
871 be stopped until necessary corrective action or mitigation has occurred; provided,
872 however, that, if the violation presents an imminent threat to public health or waters of
873 the state or if the land-disturbing activities are conducted without obtaining the
874 necessary permit, the director shall issue an immediate stop-work order in lieu of notice
875 to comply.

876 (2) For the third and each subsequent violation, the director or the LIA shall
877 issue an immediate stop-work order; and

878 (3) All stop-work orders shall be in effect until the necessary corrective action
879 has occurred.

880 (4) It shall be unlawful for any representative of the owner to remove an
881 official notice to comply or stop work posting. If this action is observed by a county
882 representative, the owner will be responsible for any and all possible fines. Upon
883 issuance of a stop work order, the director or representative shall post official notice at
884 such locations on the project site as deemed appropriate. Such posted official notice(s)
885 shall be prominently displayed on the owner's property until the stop work order is
886 rescinded by the director, at which time said posted notice(s) will be removed by the
887 director or representative.

888 (5) When a violation in the form of taking action without a permit, failure to
889 maintain a stream buffer, or significant amounts of sediment, as determined by director
890 or his or her designee, have been or are being discharged into state waters and where
891 best management practices have not been properly designed, installed, and
892 maintained, a stop work order shall be issued by the director or his or her designee. All
893 such stop work orders shall be effective immediately upon issuance and shall be in
894 effect until the necessary corrective action or mitigation has occurred. Such stop work
895 orders shall apply to all land-disturbing activity on the site with the exception of the
896 installation and maintenance of temporary or permanent erosion and sediment controls.

897 (c) Reinspection fee. The director shall assess a minimum \$50.00 reinspection fee
898 to a project if a reinspection is requested prior to the end of a compliance period and the
899 site is found to remain out of compliance upon that inspection. Such fees (to cover
900 administrative, field inspections, and transportation costs) must be satisfied prior to the
901 issuance of a final erosion inspection or a certificate of occupancy.

902 (d) Bond forfeiture. If, through inspection, it is determined that a person engaged in
903 land disturbing activities has failed to comply with the approved plan and permit, an
904 official notice to comply shall be posted on-site and a letter will be issued as a courtesy.
905 The notice shall set forth the measures necessary to achieve compliance with the plan
906 and shall state the time within which such measures must be completed. If the person
907 engaged in the land disturbing activity fails to comply within the time specified, he shall
908 be deemed in violation of this chapter and, in addition to other penalties, shall be
909 deemed to have forfeited his performance bond, if required to post one under the
910 provisions of subsection 14-2006(b)(6). The City may call the bond or any part thereof
911 to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the
912 land disturbing activity and bring it into compliance.

913 (e) Non-compliance. Non-compliance with this chapter shall be dealt with as follows:

914 Any person found to be in non-compliance with any provision of this chapter shall be
915 served official notice by the department of environment and community development.
916 The offender shall, within the period of time stated in the notice, take all necessary
917 action to gain compliance and shall permanently cease such non-compliance.

918 (f) Monetary penalties. Any person who violates any provisions of this chapter, or
919 any permit condition or limitation established pursuant to this chapter or who negligently
920 or intentionally fails or refuses to comply with any final or emergency order of the
921 director issued as provide in this chapter shall be liable for a civil penalty not to exceed
922 \$2,500.00 per day. Notwithstanding any limitation of law as to penalties which can be
923 assessed for violations of county ordinances, any magistrate court or any other court of
924 competent jurisdiction trying cases brought as violations of this chapter shall be
925 authorized to impose penalties for such violations not to exceed \$2,500.00 for each
926 violation. Each day during which violation or failure or refusal to comply continues shall
927 be a separate violation.

928 (1) The following minimum penalties shall be imposed:

929 Conducting land disturbance activities without a land disturbance permit or building
930 permit (first offense)—\$250.00 for each violation or each day on which a violation exists.

931 Conducting land disturbance activities without a land disturbance permit or building
932 permit (second or subsequent offense)—\$1,000.00.

933 Lack of proper installation or maintenance of structural/vegetative best management
934 practices—\$250.00 per violation.

935 Working under a stop work order (first offense)—\$500.00.

936 Working under a stop work order (second or subsequent offense)—\$1,500.00.

937 (2) Upon violation of the provisions of this chapter, the City shall be entitled to
938 take such remedial action as the director deems necessary to ensure compliance, and
939 the violator shall reimburse the City for any cost or expense associated with such
940 compliance efforts and the City shall be entitled to place a lien on the property to secure
941 payment and reimbursement for these expenses.

942 (3) The department of environment and community development has the
943 primary responsibility for the enforcement of this chapter.

944 (4) Persons designated by the director are hereby authorized to issue official
945 notices, citations, and/or summons charging violations under this chapter, returnable to
946 the state or magistrate courts of the City, or any other court of competent jurisdiction.

947 Sec. 14-2012. - **Education and certification.**

948 (a) Persons involved in land development design, review, permitting, construction,
949 monitoring, or inspection or any land-disturbing activity shall meet the education and
950 training certification requirements, dependent on their level of involvement with the
951 process, as developed by the commission in consultation with the division and the
952 stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.

953 (b) For each site on which land disturbing activity occurs, each entity or person
954 acting as either a primary, secondary, or tertiary permittee, as defined in the state
955 general permit, shall have as a minimum one person who is in responsible charge of
956 erosion and sedimentation control activities on behalf of said entity or person and meets
957 the applicable education or training certification requirements developed by the
958 commission present on site whenever land-disturbing activities are conducted on that
959 site. A project site shall herein be defined as any land-disturbance site or multiple sites
960 within a larger common plan of development or sale permitted by an owner or operator
961 for compliance with the state general permit.

962 (c) Persons or entities involved in projects not requiring a state general permit but
963 otherwise requiring certified personnel on site may contract with certified persons to
964 meet the requirements of this chapter.

965 (d) If a state general permittee, who has operational control of land-disturbing
966 activities for a site has met the certification requirements of O.C.G.A § 12-7-19(b)(1),
967 then any person or entity involved in land-disturbing activity at that site and operating in
968 a subcontractor capacity for such permittee shall meet those educational requirements
969 specified in O.C.G.A. § 12-7-19(b)(4) and shall not be required to meet any
970 requirements specified in said paragraph.

971 Sec. 14-2013. - **Administrative appeal; judicial review.**

972 (a) Administrative remedies. The issuance of a stop work order, as well as the
973 suspension, revocation, modification, or grant with condition of a permit by the City upon

974 finding that the holder is not in compliance with the approved erosion, sediment and
975 pollution control plan; or that the holder is in violation of permit conditions; or that the
976 holder is in violation of this chapter shall entitle the person submitting the plan or holding
977 the permit to a hearing before the City Council within 30 days after receipt by the
978 director of written notice of appeal.

979 (b) Judicial review. Any person aggrieved by a decision or order of the City, after
980 exhausting his administrative remedies, shall have the right to appeal de novo to the
981 Superior Court of the City.

982 Sec. 14-2014. - **Effectivity, validity and liability.**

983 (a) This chapter shall become effective on the ____ day of September, 2018.

984 (b) Validity. If any section, paragraph, clause, phrase, or provision of this chapter
985 shall be adjudged invalid or held unconstitutional, such decisions shall not affect the
986 validity of remaining portions of this chapter.

987 (c) Liability.

988 (1) Neither the approval of a plan under the provisions of this chapter, nor the
989 compliance with provisions of this chapter, shall relieve any person from responsibility
990 for damage to any person or property otherwise imposed by law nor impose any liability
991 upon the City, the district or their officers, employees or agents for damage to any
992 person or property.

993 (2) The fact that a land disturbing activity for which a permit has been issued
994 results in injury to the property of another shall neither constitute proof of nor create a
995 presumption of a violation of the standards provided for in this chapter or the terms of
996 the permit.

997 (3) No provision of this chapter shall permit any person to violate the Georgia
998 Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the
999 rules and regulations promulgated and approved thereunder or pollute any waters of the
1000 state as defined thereby.

1001 CHAPTER 3. - **ARTICLE III. - HAZARDOUS WASTES**

1002 Sec. 14-3001. - **Definitions.**

1003 The following words, terms and phrases, when used in this chapter, shall have the
1004 meanings ascribed to them in this section, except where the context clearly indicates a
1005 different meaning:

1006 Accident shall mean any event involving the spillage, discharge, leakage, release, or
1007 exposure in any other fashion of any hazardous materials in or to the physical
1008 environment, whether air, water, or land, within the territorial boundaries of the City.

1009 Hazardous materials shall include but not be limited to, all chemicals, materials, or
1010 substances that may be so defined as provided for in 49 USCA 1803 including, but not
1011 limited to, explosives, radioactive materials, etiologic agents, flammable liquids or
1012 solids, poisons, oxidizing or corrosive materials, and compressed gases which, because
1013 of quantity, concentration, or physical, chemical or infectious characteristics may pose a
1014 substantial present or potential hazard to human health or the environment when
1015 improperly treated, stored, transported, disposed of, or otherwise handled.

1016 Person shall include any individual, company, organization, association, or other entity,
1017 that manufactures, uses, transports, stores, or otherwise handles hazardous materials
1018 as defined herein, whether or not such entity continually or only incidentally engages in
1019 such activity and whether or not such activity is entered into for profit.

1020 Responsible person shall mean any person as defined herein who has caused, whether
1021 directly or indirectly, a hazardous material to be manufactured, used, stored,
1022 transported, or otherwise introduced within the territorial boundaries of the City.

1023 Violative act shall mean any act, taken by or attributable to, whether directly or
1024 indirectly, any person as defined herein that in any way violates or in any manner fails to
1025 comply with any of the provisions of the following federal and state laws or regulations
1026 concerning hazardous wastes:

1027 (1) Federal statutes:

1028 a. The Atomic Energy Act, 42 USCA 2011 et seq. (1971).

1029 b. The Clean Water Act, 33 USCA 431 et seq.

1030 c. The Clean Air Act, 42 USCA 1857 et seq.

1031 d. The Hazardous Materials Transportation Act, 46 USCA 170; 49
1032 USCA 1801—1812.

1033 e. The Solid Waste Disposal Act, 42 USCA 251—3259.

1034 f. The Resource and Recovery Act, 42 USCA 3251 et seq.

1035 g. The Toxic Substance Control Act, 15 USCA 2601—2629.

1036 (2) Federal Code of Regulations:

1037 a. 10 CFR: Energy. 10 CFR D.735-1 et seq.

1038 b. 40 CFR: Protection of Environment. 10 CFR 15.1—15.41; 10 CFR
1039 25.1—25.4; 10 CFR 50.1—50.12; 10 CFR 51.1—51.328.

1040 c. 49 CFR: Transportation. 49 CFR 171.7171.500-18.

1041 (3) Georgia Statutes:

- 1042 a. The Georgia Civil Defense Act of 1951, as amended, O.C.G.A. §
1043 34-3-1 et seq.
- 1044 b. Interstate Civil Defense and Disaster Compact Act, O.C.G.A. § 38-
1045 3-70 et seq.
- 1046 c. The Water Quality Control Act, O.C.G.A. §§ 12-5-21—12-5-41.
- 1047 d. The Erosion and Sedimentation Control Act of 1975, as amended,
1048 O.C.G.A. §§ 12-7-11—12-7-16.
- 1049 e. The Radiation Control Act of 1964, as amended, O.C.G.A. §§ 31-
1050 13-1—31-13-12.
- 1051 f. The Georgia Safe Drinking Water Act of 1977, as amended,
1052 O.C.G.A. §§ 12-5-171—12-5-173.
- 1053 g. The Georgia Air Quality Act of 1978, as amended, O.C.G.A. § 12-5-
1054 170 et seq.
- 1055 h. The Transportation of Hazardous Materials Act of 1979, as
1056 amended, O.C.G.A. §§ 36-6-220—36-6-224.
- 1057 i. The Hazardous Waste Management Act of 1979, O.C.G.A. §§ 12-
1058 8-60—12-8-76.
- 1059 (4) Georgia regulations:
- 1060 a. The State of Georgia Natural Disaster Operations Plan, Executive
1061 Order of the Governor, February 8, 1978.
- 1062 b. Department of Natural Resources, Rules and Regulations, Solid
1063 Waste Management, chapter 391-3-4.
- 1064 c. Department of Natural Resources, Rules and Regulations,
1065 Radioactive Waste Material Disposal, chapter 391-3-9.
- 1066 d. Department of Transportation, Rules and Regulations,
1067 Transportation of Hazardous Materials, chapter 672-10.
- 1068 e. Department of Natural Resources, Rules and Regulations,
1069 Governmental Protection, Inspection and Maintenance, chapter 391-3-10.
- 1070 Sec. 14-3002. - **Accidents; reporting procedures; failure; fine.**
- 1071 (a) Any and all accidents involving hazardous materials within the territorial
1072 boundaries of the City must be reported immediately by the responsible person, or any
1073 agent thereof to the Chief of the City Fire Department, setting out complete information
1074 as to the location, time, and nature of the accident. Any responsible person who fails to

1075 report any such accident immediately to the Chief of the City Fire Department shall be
1076 subject to a fine not to exceed \$1,000.00.

1077 (b) Whether or not such responsible person has reported any such accident as
1078 provided herein, such responsible person will be liable only for the costs incurred by any
1079 department or agency of the City in handling, controlling, or otherwise neutralizing the
1080 hazardous wastes involved in such accident. Failure of any person to make full and
1081 complete restitution on demand by the City for all amounts incurred by any agency or
1082 department thereof as herein provided shall subject such person to a fine not to exceed
1083 \$2,000.00.

1084 CHAPTER 4. - **STORMWATER MANAGEMENT**

1085 Sec. 14-4001. - **Short title of article.**

1086 The provisions of this chapter shall constitute and be known as the “Stormwater
1087 Management Ordinance of the City, Georgia.”

1088 Sec. 14-4002. - **Definitions.**

1089 For the purposes of this chapter, unless specifically defined below, words or phrases
1090 shall be interpreted so as to give them the meaning they have in common usage and to
1091 give this chapter its most effective application. Words in the singular shall include the
1092 plural, and words in the plural shall include the singular. Words used in the present
1093 tense shall include the future tense. The word “shall” connotes mandatory and not
1094 discretionary; the words “should” or “may” are permissive. Unless otherwise specified,
1095 or apparent from the context, definitions herein will be the same as those in other the
1096 City codes. For the purpose of this chapter, the following terms, phrases, and words,
1097 and their derivatives, shall have the meaning given herein:

1098 Accidental discharge means a discharge of any non-stormwater related substance into
1099 the separate storm sewer that occurs by chance and without planning or consideration
1100 prior to occurrence.

1101 Agricultural practices means practices involving the establishment, cultivation, or
1102 harvesting of products of the field or orchard; the preparation and planting of pasture
1103 land and farm ponds; and the construction of farm buildings, or other related activities
1104 per section 5.1 of the zoning resolution.

1105 Applicant means a person submitting a post-development stormwater management
1106 application and plan for approval.

1107 As-built plan or record drawing means a set of engineering or site drawings that
1108 delineate the specific permitted stormwater management facility as actually constructed.

1109 Best management practices (BMPs) means a wide range of management procedures
1110 and structures, activities, prohibitions or practices that have been demonstrated to

- 1111 effectively control the quality and/or quantity of stormwater runoff and which are
1112 compatible with the planned land use.
- 1113 Channel means a natural or artificial watercourse with a definite bed and banks that
1114 conveys continuously or periodically flowing water.
- 1115 City Council means the Mayor and Council of City of South Fulton.
- 1116 Clean Water Act means the Federal Water Pollution Control Act, as amended (32 USC
1117 1251 et seq.).
- 1118 Conservation easement means an agreement between a land owner and the City or
1119 other government agency or land trust that permanently protects open space or
1120 greenspace on the owner's land by limiting the amount and type of development that
1121 can take place, but continues to leave the remainder of the fee interest in private
1122 ownership.
- 1123 Cooling water means water used exclusively as cooling medium in an appliance,
1124 device, or apparatus.
- 1125 City means the City of South Fulton, Georgia.
- 1126 Mayor and City Councilmembers means an elected official of the City Council.
- 1127 County/separate storm sewer system means a conveyance or system of conveyances
1128 (including roads with drainage systems, highways, rights-of-way, county streets,
1129 catchbasins, curbs, gutters, ditches, manmade channels, pipes, culverts, storm drains,
1130 detention ponds, other stormwater facilities) which are:
- 1131 (1) Owned or maintained by the City;
- 1132 (2) Designed or used for collecting or conveying stormwater;
- 1133 (3) Not a combined sewer; and
- 1134 (4) Not a part of publicly owned treatment works (POTW).
- 1135 Design report means the report that accompanies the stormwater management plan
1136 and includes data used for engineering analysis, results of all analysis, design and
1137 analysis calculations (including results obtained from computer programs), and other
1138 engineering data that would assist the City in evaluating proposed stormwater
1139 management facilities.
- 1140 Detention means the temporary storage of stormwater runoff in a stormwater
1141 management facility for the purpose of controlling the peak discharge.

1142 Detention facility, structure and/or pond means a permanent stormwater management
1143 structure whose primary purpose is to temporarily store stormwater runoff and release
1144 the stored runoff at controlled rates.

1145 Developer means a person who undertakes land development activities.

1146 Development means a land development or land development project.

1147 Director of the department of public works or director means the duly designated
1148 department head of the public works department or his/her designee.

1149 Discharge means the release of treated or untreated water, fluid or other substance to
1150 the City separate storm sewer system.

1151 Drainage easement means an easement appurtenant or attached to a tract or parcel of
1152 land allowing the owner of adjacent tracts or other persons to discharge stormwater
1153 runoff onto the tract or parcel of land subject to the drainage easement.

1154 Erosion and sedimentation control ordinance means the ordinance adopted by the City
1155 that controls, reduces, or eliminates soil erosion and its transportation to the City's
1156 lakes, rivers, and streams, latest revision.

1157 Erosion and sedimentation control plan means a plan that is designed to minimize the
1158 accelerated erosion and sediment runoff at a site during land disturbance activities.

1159 Existing land use conditions means the ground surface in its original state before
1160 grading, excavating, or filling.

1161 Extended detention means the detention of stormwater runoff for an extended period,
1162 typically 24 hours or greater.

1163 Extreme flood protection means measures taken to prevent adverse impacts from large
1164 low-frequency storm events with a return frequency of 100 years or more.

1165 Flood or flooding means a general and temporary condition of partial or complete
1166 inundation of normally dry land areas from:

1167 (5) The overflow of inland waters; or

1168 (6) The unusual and rapid accumulation or runoff of surface waters from any
1169 source.

1170 Grading means excavating, filling (including hydraulic fill), or stockpiling of earth
1171 material, or any combination thereof, including the land in its excavated or filled
1172 condition.

1173 Greenspace or open space means permanently protected areas of the site that are
1174 preserved in a natural state.

1175 Hotspot means an area where the use of the land has the potential to generate highly
1176 contaminated runoff, with concentrations of pollutants in excess of those typically found
1177 in stormwater.

1178 Hydrologic soil group (HSG) means a Natural Resource Conservation Service
1179 classification system in which soils are categorized into four runoff potential groups. The
1180 groups range from group A soils, with high permeability and little runoff produced, to
1181 group D soils, which have low permeability rates and produce significant runoff.

1182 Illicit connection means any connection to the City's separate stormwater conveyance
1183 system (pipe, culvert, road, ditch, channel, draw or watercourse) that is not composed
1184 entirely of stormwater runoff or a connection that does not conform to an approved
1185 stormwater management plan from the City, other than the NPDES permit for
1186 discharging from the City separate storm system.

1187 Impervious cover means a surface composed of any material that significantly impedes
1188 or prevents the natural infiltration of water into soil. Impervious surfaces include, but are
1189 not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt
1190 surface.

1191 Industrial stormwater permit means a National Pollutant Discharge Elimination System
1192 (NPDES) permit issued to an industry or group of industries which regulates the
1193 pollutant levels associated with industrial stormwater discharges or specifies on-site
1194 pollution control strategies.

1195 Infiltration means the process of percolating stormwater runoff into the subsoil.

1196 Inspection and maintenance agreement means a written agreement providing for the
1197 long-term inspection and maintenance of stormwater management facilities and
1198 practices on a site or with respect to a land development project, which when properly
1199 recorded in the deed records constitutes a restriction on the title to a site or other land
1200 involved in a land development project.

1201 Issuing department means that department in the City that has been designated as the
1202 department with the authority over the issuance, inspection, enforcement, and
1203 acceptance of permits for the sole purpose of developing or improving land, or building
1204 or constructing structures, utilities, public improvements (including stormwater
1205 management facilities), or other facilities located within the City.

1206 Jurisdictional wetland means an area that is inundated or saturated by surface water or
1207 groundwater at a frequency and duration sufficient to support a prevalence of vegetation
1208 typically adapted for life in saturated soil conditions, commonly known as hydrophytic
1209 vegetation.

1210 Land development means any land change, including, but not limited to, clearing,
1211 digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating,
1212 transporting and filling of land, construction, paving, and any other installation of
1213 impervious cover.

- 1214 Land development activities means those actions or activities which comprise, facilitate
1215 or result in land development.
- 1216 Land development project means a discrete land development undertaking.
- 1217 Land disturbance permit means a permit issued by the City which must be obtained
1218 prior to the beginning of any land disturbing activity.
- 1219 Land disturbing activity means any use of the land by any person that results in a
1220 change in the natural cover or topography that may cause erosion and contribute to
1221 sediment and alter the quality and/or quantity of stormwater runoff.
- 1222 Maintenance means any action necessary to preserve stormwater management
1223 facilities in proper working condition, in order to serve the intended purposes set forth in
1224 this chapter or prevent structural failure of such facilities. Maintenance shall not include
1225 actions taken solely for the purpose of enhancing the aesthetic aspects associated with
1226 stormwater management facilities and BMPs.
- 1227 National Pollutant Discharge Elimination System (NPDES) permit means a permit
1228 issued by the appropriate authority in accordance with the U.S. Environmental
1229 Protection Agency (EPA) regulations which require certain jurisdictions to obtain permits
1230 to discharge stormwater into waterbodies of the U.S.
- 1231 New development means a land development activity on a previously undeveloped site.
- 1232 Non-erodible means a material, e.g., natural rock, riprap, concrete, plastic, etc., that will
1233 not experience surface wear due to natural forces of wind, water, ice, gravity, or a
1234 combination of those forces except over a long period of time.
- 1235 Nonpoint source pollution means a form of water pollution that does not originate from a
1236 discrete point such as a sewage treatment plant or industrial discharge, but involves the
1237 transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil,
1238 grease, bacteria, organic materials and other contaminants from land to surface water
1239 and groundwater via mechanisms such as precipitation, stormwater runoff, and
1240 leaching. Nonpoint source pollution is a by-product of land use practices such as
1241 agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff
1242 sources.
- 1243 Non-structural stormwater management practice or non-structural practice means any
1244 natural or planted vegetation or other non-structural component of the stormwater
1245 management plan that provides for or enhances stormwater quantity and/or quality
1246 control or other stormwater management benefits, and includes, but is not limited to,
1247 riparian buffers, open and greenspace areas, overland flow filtration areas, natural
1248 depressions, and vegetated channels.
- 1249 Off-site facility means a stormwater management facility located outside the boundaries
1250 of the site.

1251 On-site facility means a stormwater management facility located within the boundaries
1252 of the site.

1253 Overbank flood protection means measures taken to prevent an increase in the
1254 frequency and magnitude of out-of-bank flooding (i.e. flow events that exceed the
1255 capacity of the channel and enter the floodplain), and that are intended to protect
1256 downstream properties from flooding for the two-year through 25-year frequency storm
1257 events.

1258 Owner means the legal or beneficial owner of a site, including but not limited to, a
1259 mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person,
1260 firm or corporation in control of the site.

1261 Permit means the permit issued by the City to the applicant which is required for
1262 undertaking any land development activity.

1263 Permittee means the applicant who has applied for and/or been granted a permit for
1264 disturbance of the land by the governing agency.

1265 Person means any and all persons, natural or artificial, and includes any individual, firm,
1266 corporation, government agency, business trust, estate trust, partnership, association,
1267 two or more persons having a joint or common interest or any other legal entity.

1268 Person responsible for the land disturbing activity means:

1269 (1) The person who has or represents having financial or operational control
1270 over the land disturbing activity; and/or

1271 (2) The landowner or person in possession or control of the land who directly
1272 or indirectly allowed the land disturbing activity or has benefited from it or who has failed
1273 to comply with any provision of this chapter.

1274 Pollution means the contamination or other alteration of any water's physical, chemical,
1275 or biological properties, including changes in the temperature, taste, color, turbidity, or
1276 odor of such waters or the discharge of any liquid, gaseous, solid, radioactive, or other
1277 substance into any such waters as will or is likely to create a nuisance or render such
1278 waters harmful, detrimental, or injurious to the public health, safety, or welfare or to
1279 domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial
1280 uses, or to livestock, wild animals, birds, fish, or other aquatic life.

1281 Post-development refers to the time period, or the conditions that may reasonably be
1282 expected or anticipated to exist, after completion of the land development activity on a
1283 site as the context may require.

1284 Private means property or facilities owned by individuals, corporations, and other
1285 organizations and not by the City government or other governing entity.

- 1286 Pre-development refers to the time period, or the conditions that exist, on a site prior to
 1287 the commencement of a land development project and at the time that plans for the land
 1288 development of a site are approved by the plan approving authority. Where phased
 1289 development or plan approval occurs (preliminary grading, roads and utilities, etc.), the
 1290 existing conditions at the time prior to the first item being approved or permitted shall
 1291 establish pre-development conditions.
- 1292 Procedure means a procedure adopted by the utility, by and through the director, to
 1293 implement a regulation or regulations adopted under this chapter, or to carry out other
 1294 responsibilities as may be required by this chapter or other codes, ordinances, or
 1295 resolutions of the City.
- 1296 Project means the entire proposed development regardless of the size of the area of
 1297 land to be disturbed.
- 1298 Public works department means the department within the City responsible for all
 1299 stormwater management activities and implementation of the provisions of this chapter.
- 1300 Redevelopment means a land development project on a previously developed site, but
 1301 excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing
 1302 of paved areas, and exterior changes or improvements which do not materially increase
 1303 or concentrate stormwater runoff, or cause additional nonpoint source pollution.
- 1304 Regional stormwater management facility or regional facility means stormwater
 1305 management facilities designed to control stormwater runoff from multiple properties,
 1306 where the owners or developers of the individual properties may assist in the financing
 1307 of the facility, and the requirement for on-site controls is either eliminated or reduced.
- 1308 Responsible personnel means any foreman, superintendent, or similar individual who is
 1309 the onsite person in charge of land disturbing activities.
- 1310 Retention structure and/or pond means a permanent structure whose primary purpose
 1311 is to permanently store a given volume of stormwater runoff. Release of the given
 1312 volume is by infiltration and/or evaporation.
- 1313 Right-of-way means a portion of land over which a local or state government has
 1314 designated a right of use.
- 1315 Runoff means stormwater runoff.
- 1316 Site means the parcel of land being developed, or the portion thereof on which the land
 1317 development project is located.
- 1318 Stormwater better site design means non-structural site design approaches and
 1319 techniques that can reduce a site's impact on the watershed and can provide for non-
 1320 structural stormwater management. Stormwater better site design includes conserving
 1321 and protecting natural areas and greenspace, reducing impervious cover and using
 1322 natural features for stormwater management.

1323 Stormwater concept plan means the overall proposal for a storm drainage system,
1324 including stormwater management structures and BMPs and supporting documentation,
1325 as specified in the Stormwater Management Design and Criteria Manual. The purpose
1326 of the stormwater concept plan is to define on a conceptual level the nature of the
1327 proposed development or project and to describe all existing conditions and proposed
1328 facilities needed to conform the requirements of the City.

1329 Stormwater management means the collection, conveyance, storage, treatment, and
1330 disposal of stormwater runoff in a manner to minimize accelerated channel erosion,
1331 increased flood damage, and/or degradation of water quality and in a manner to
1332 enhance and ensure the public health, safety, and general welfare, which shall include a
1333 system of vegetative or structural measures, or both, that control the increased volume
1334 and rate of stormwater runoff caused by manmade changes to the land.

1335 Stormwater Management Design and Criteria Manual means the most recent approved
1336 manual of design, performance, and review criteria for stormwater management
1337 practices, prepared under the direction of the director of the department of public works
1338 or his/her agent. Copies of this manual can be obtained from the public works
1339 department.

1340 Stormwater management districts means any districts established by the City Council
1341 where there are special assessments of property owners for the purpose of
1342 management and maintenance of stormwater.

1343 Stormwater management facilities means those structures and facilities that are
1344 designed for the collection, conveyance, storage, treatment, and disposal of stormwater
1345 runoff into and through the drainage system. In most cases, stormwater management
1346 facilities will refer to facilities whose primary purpose is related to the quantity of
1347 stormwater, and where the BMPs primary purpose will be related to water quality
1348 concerns of stormwater.

1349 Stormwater management master plan means the plans for the unincorporated county
1350 that govern storm drainage and related facilities, existing and proposed, for all drainage
1351 basins and/or watersheds within the City.

1352 Stormwater management measure means any stormwater management facility or non-
1353 structural stormwater practice.

1354 Stormwater management plan means the plan and supporting documentation that
1355 serves to define and expand the concepts shown as part of the stormwater concept
1356 plan, or is sufficient of itself to ensure conformance to the criteria in the Comprehensive
1357 Stormwater Management Design and Criteria Manual and this chapter.

1358 Stormwater management qualitative control means a system of vegetative, structural, or
1359 other measures that reduce or eliminate pollutants that might otherwise be carried by
1360 stormwater runoff.

- 1361 Stormwater management system means the entire set of structural and non-structural
1362 stormwater management facilities and practices that are used to capture, convey and
1363 control the quantity and quality of the stormwater runoff from a site.
- 1364 Stormwater retrofit means a stormwater management practice designed for a currently
1365 developed site that previously had either no stormwater management practice in place
1366 or a practice inadequate to meet the stormwater management requirements of the site.
- 1367 Stormwater runoff means the direct response of a watershed to precipitation and
1368 includes the surface and subsurface runoff that enters a ditch, stream, storm drain, or
1369 other concentrated flow during and following the precipitation.
- 1370 Structural stormwater control means a structural stormwater management facility or
1371 device that controls stormwater runoff and changes the characteristics of that runoff
1372 including, but not limited to, the quantity and quality, the period of release or the velocity
1373 of flow of such runoff.
- 1374 Subdivision means the division of a tract or parcel of land resulting in one or more new
1375 lots or building sites for the purpose, whether immediately or in the future, of sale, other
1376 transfer of ownership or land development, and includes divisions of land resulting from
1377 or made in connection with the layout or development of a new street or roadway or a
1378 change in an existing street or roadway.
- 1379 Variance means the modification of the minimum stormwater management
1380 requirements for specific circumstances where strict adherence of the requirements
1381 would result in unnecessary hardship and not fulfill the intent of this chapter.
- 1382 Waiver means the relinquishment from stormwater management requirements by the
1383 director of the issuing department or his/her agent for a specific land disturbing activity
1384 on a case-by-case review basis.
- 1385 Waste means materials that are discarded, disposed of, or no longer usable.
- 1386 Water quality means those characteristics of stormwater runoff from a land disturbing
1387 activity that relates to the physical, chemical, biological, or radiological integrity of water.
- 1388 Water quantity means those characteristics of stormwater runoff that relate to the rate
1389 and volume of the stormwater runoff to downstream areas resulting from land disturbing
1390 activities.
- 1391 Zoning resolution means the zoning resolution adopted by the City, as it may be
1392 amended from time to time.
- 1393 Sec. 14-4003. - **Penalties for violation of article.**
- 1394 (a) Upon determination that a violation of this chapter has occurred, the person
1395 responsible for the land disturbing activity shall be given a written notice of the violations
1396 and a time in which to correct the deficiencies.

1397 (b) If construction violations of the approved plan are occurring, an immediate stop
1398 work order may be issued by the director of the issuing department or his/her designee.

1399 (c) All non-construction related violations of this chapter shall be issued a citation by
1400 the City.

1401 (d) The municipal court of the city shall have jurisdiction to try offenses alleging
1402 violations of this chapter by any person, firm, corporation, partnership, or other entity.
1403 Violations of this chapter shall be deemed to be a misdemeanor. Each day any violation
1404 of this chapter shall continue shall be considered a separate offense. Upon conviction,
1405 any person, firm, corporation, partnership, or other entity shall be subject to a fine of
1406 \$1,000 per violation or imprisonment in the City jail for not more than 60 days, or by
1407 both this fine and imprisonment for each offense.

1408 (e) The city attorney on behalf of the City may institute injunctive, or other
1409 appropriate action or proceedings at law or equity for the enforcement of this chapter or
1410 to correct violations of this chapter, and any court of competent jurisdiction shall have
1411 the right to issue restraining orders, temporary or permanent injunctions, mandamus, or
1412 other appropriate forms of remedy or relief.

1413 Sec. 14-4004. - **Authority of article.**

1414 (a) This chapter is established as a new article to and under the authority of this
1415 Code.

1416 (b) The authority for this chapter is based on home rule provisions of Ga. Const. art.
1417 IX, § II.

1418 (c) In compliance with the provisions of the Clean Water Act, 33 USC 1251 et seq.,
1419 as amended, by the Water Quality Act of 1987, PL 100-4.

1420 Sec. 14-4005. - **Purpose/objectives of article.**

1421 The purpose of this chapter is to protect, maintain and enhance the public health,
1422 safety, environment and general welfare by establishing minimum requirements and
1423 procedures to control the adverse effects of increased post-development stormwater
1424 runoff and nonpoint source pollution associated with new development and
1425 redevelopment. It has been determined that proper management of post-development
1426 stormwater runoff will minimize damage to public and private property and
1427 infrastructure, safeguard the public health, safety, environment and general welfare of
1428 the public, and protect water and aquatic resources. This chapter seeks to meet that
1429 purpose through the following objectives:

1430 (1) Protect, maintain, and enhance the short-term and long-term public health,
1431 safety, and general welfare. This objective will be achieved by:

1432 a. Establish decision-making processes surrounding land
1433 development activities that protect the integrity of the watershed and preserve the
1434 health of water resources.

1435 b. Require that new development and redevelopment maintain the
1436 pre-development hydrologic response in their post-development state as nearly as
1437 practicable in order to reduce flooding, streambank erosion, nonpoint source pollution
1438 and increases in stream temperature, and maintain the integrity of stream channels and
1439 aquatic habitats.

1440 c. Establish minimum post-development stormwater management
1441 standards and design criteria for the regulation and control of stormwater runoff quantity
1442 and quality.

1443 d. Establish design and application criteria for the construction and
1444 use of structural stormwater control facilities that can be used to meet the minimum
1445 post-development stormwater management standards.

1446 e. Encourage the use of non-structural stormwater management and
1447 stormwater better site design practices, such as the preservation of greenspace and
1448 other conservation areas, to the maximum extent practicable. Coordinate site design
1449 plans, which include greenspace, with the City's greenspace protection plan.

1450 f. Establish provisions for the long-term responsibility for and
1451 maintenance of structural stormwater control facilities and non-structural stormwater
1452 management practices to ensure that they continue to function as designed, are
1453 maintained, and pose no threat to public safety.

1454 g. Establish administrative procedures for the submission, review,
1455 approval and disapproval of stormwater management plans, and for the inspection of
1456 approved active projects, and long-term follow up.

1457 (2) To satisfy federal (EPA) and state (DNR) regulations that require local
1458 programs to control stormwater discharges of pollution.

1459 (3) To keep streets open to emergency vehicle traffic by reducing the flooding
1460 of streets.

1461 (4) Require construction of drainage systems which aesthetically and
1462 functionally approximate natural systems.

1463 (5) Establish the development and implementation of stormwater
1464 management districts.

1465 Sec. 14-4006. - **Application and scope of article.**

1466 The application of this chapter and the provisions expressed herein shall be the
1467 minimum stormwater management requirements and shall not be deemed a limitation or

1468 repeal of any other powers granted by state statute. In addition, if site characteristics
1469 indicate that complying with the minimum requirements of this chapter will not provide
1470 adequate designs or protection for local property or residents, the City may impose
1471 requirements greater than those set forth in this chapter. The director of the department
1472 of public works or his/her designee shall be responsible for the coordination and
1473 enforcement of the provisions of this chapter.

1474 This chapter shall be applicable to all land development, including, but not limited to,
1475 site plan applications, subdivision applications, and grading applications, unless exempt
1476 pursuant to section 14-4015 below. These standards apply to any new development or
1477 redevelopment site that meets one or more of the following criteria:

1478 a. New development that involves the creation of 5,000 square feet or
1479 more of impervious cover, or that involves other land development activities of one acre
1480 or more;

1481 b. Redevelopment that includes the creation, addition or replacement
1482 of 5,000 square feet or more of impervious cover, or that involves other land
1483 development activity of one acre or more;

1484 c. Any new development or redevelopment, regardless of size, that is
1485 defined by the director to be a hotspot land use; or,

1486 d. Land development activities that are smaller than the minimum
1487 applicability criteria set forth in items a. and b. above if such activities are part of a
1488 larger common plan of development, even though multiple, separate and distinct land
1489 development activities may take place at different times on different schedules.

1490 Sec. 14-4007. - **Conflict with other laws.**

1491 Whenever the provisions of this chapter impose more restrictive standards than are
1492 required in or under any other ordinance, the regulations herein contained shall prevail.
1493 Whenever the provisions of any other law require more restrictive standards than are
1494 required herein, the requirements of such law shall prevail.

1495 Sec. 14-4008. - **Severability.**

1496 If any term, requirement, or provision of this chapter or the application thereof shall, to
1497 any extent, be invalid or unenforceable, the remainder of this chapter or the application
1498 of such terms, requirements, and provisions shall not be affected thereby and each
1499 term, requirement, or provision of this chapter shall be valid and be enforced to the
1500 fullest extent permitted by law.

1501 Sec. 14-4009. - **Amendments.**

1502 This chapter may be amended in the manner as prescribed by law for its original
1503 adoption.

1504 Sec. 14-4010. - **Liability of county.**

1505 Neither the approval of a plan under the provisions of this chapter nor the compliance
1506 with the provisions of this chapter shall relieve any person from the responsibility for
1507 damage to any person or property otherwise imposed by law nor shall it impose any
1508 liability upon the City for damage to any person or property.

1509 Sec. 14-4011. - **Other ordinances.**

1510 This chapter does not negate the following codes, laws, and ordinances or any other
1511 applicable ordinance:

1512 (1) Erosion and sedimentation control ordinance of the City.

1513 (2) Zoning resolution of the City including the floodplain management section.

1514 (3) Rules for dam safety under the Environmental Protection Division by the
1515 State of Georgia Safe Dam Act of 1978 (O.C.G.A. § 12-5-370 et seq.). All other
1516 impounding structures (dams) criteria not covered by the Safe Dam Act (O.C.G.A. § 12-
1517 5-440 et seq.) shall be addressed in the City Comprehensive Stormwater Manual.

1518 (4) MRPA, Metropolitan River Protection Act (O.C.G.A. § 12-5-440 et seq.).

1519 (5) South Fulton Chattahoochee River Corridor (Georgia River and Mountain
1520 Protection Act).

1521 Sec. 14-4012. - **Effective date.**

1522 This chapter shall take effect 60 calendar days after City Council approval.

1523 Sec. 14-4013. - **Scope of article; scope of responsibilities.**

1524 (a) Imposition of stormwater management measures. No person shall develop any
1525 land without having provided for stormwater management measures in compliance with
1526 this chapter, unless exempted under the terms of this chapter, particularly section 14-
1527 4015.

1528 (b) Geographic scope of measures. The provisions of this chapter shall apply
1529 throughout the unincorporated area of the City.

1530 Sec. 14-4014. - **Powers of the department of public works.**

1531 (a) The department of public works shall have the power to administer and enforce
1532 all regulations and procedures adopted to implement this chapter, including the right to
1533 maintain an action or procedure in any court of competent jurisdiction to compel
1534 compliance with or restrain any violation of this chapter.

1535 (b) The director of the department of public works or his/her designee shall be
1536 responsible for the coordination and enforcement of the provisions of this chapter. In

1537 addition, it shall be the duty of all officers and employees of the City, especially
1538 members of the police department, sheriff's department and marshal's office, to assist
1539 the director in the course of his/her duties to enforce this chapter.

1540 (c) The director of the department of public works or his/her designee shall be
1541 responsible for the conservation, management, maintenance (where applicable),
1542 extension, and improvement of the City separate storm sewer system, including
1543 activities necessary to control stormwater runoff and activities necessary to carry out
1544 stormwater management programs included in county NPDES stormwater permit.

1545 (d) The director of the department of public works or his/her designee shall develop,
1546 or cause to be developed and updated periodically, a stormwater management design
1547 manual for the guidance of persons preparing stormwater management plans, and
1548 designing or operating stormwater management systems.

1549 (e) The director of the department of public works or his/her designee shall prepare
1550 or cause to be prepared and updated a stormwater management master plan.

1551 (f) The director of public works shall interpret the provisions of this chapter and may
1552 use the opinions of the City attorney and others in arriving at interpretations. Appeals
1553 from an interpretation of the director shall be in accordance with the provisions of
1554 section 14-4021.

1555 (g) The director of public works or his/her designee shall:

1556 (1) Administer, coordinate, and oversee acquisition, design, construction, and
1557 operation and maintenance of municipal/county stormwater facilities and conveyances;

1558 (2) Establish or oversee establishment of development standards and
1559 guidelines;

1560 (3) Determine the manner in which stormwater facilities should be operated;

1561 (4) Inspect private systems which discharge to the municipal/county separate
1562 storm sewer system;

1563 (5) Advise the other departments on issues related to stormwater;

1564 (6) Protect facilities and properties controlled by the City and prescribe how
1565 they are to be used by others;

1566 (7) Require new, increased, or significantly changed stormwater contributions
1567 to comply with the terms of this chapter;

1568 (8) Develop programs or procedures to control the discharge of pollutants into
1569 the municipal/county separate storm sewer system;

1570 (9) Adopt and implement the stormwater management program for county
1571 government.

1572 Sec. 14-4015. - **Exemptions from article requirements.**

1573 All development, construction or improvements that occur within the boundaries of the
1574 City shall be governed by the provisions of this chapter and the City's Comprehensive
1575 Storm Drainage Design and Criteria Manual. The following activities are exempt:

1576 (1) Individual single-family or duplex residential lots that are not part of a
1577 subdivision or phased development project.

1578 (2) Additions or modifications to existing single-family or duplex detached
1579 residential structures.

1580 (3) Developments that do not disturb more than 5,000 square feet of land
1581 area.

1582 (4) Any maintenance or renovation of an existing structure or system not
1583 materially changing or affecting the rate or volume of stormwater runoff, in the sole
1584 discretion of the director of the issuing department.

1585 (5) Those exemptions spelled out in section 14-2004, provided the activities
1586 listed do not contribute pollutants to the City's stormwater conveyance system and the
1587 state's waters, or do not increase the turbidity of stormwater runoff from the site due to
1588 erosion or land disturbing activity, or the activities listed are governed by other rules and
1589 regulations that are more restrictive than this chapter.

1590 (6) Repairs to any stormwater management facility or practice deemed
1591 necessary by the director.

1592 (7) Agricultural or silvicultural land management activities within areas zoned
1593 for these actives.

1594 Sec. 14-4016. - **Grandfather clause.**

1595 Any applicant or owner of a parcel of land within the jurisdiction of the City who has
1596 constructed the required stormwater management facility or BMP or who is in the
1597 process of meeting the stormwater management requirements of the law at the time of
1598 the effective date of this chapter, may elect to apply to the director for reconsideration
1599 under the provisions of this chapter.

1600 Sec. 14-4017. - **Stormwater Management Design and Criteria Manual.**

1601 (a) Through the passage of this chapter, the City Council adopts the City
1602 Comprehensive Storm Drainage Design and Criteria Manual (the manual) and all the
1603 rules, regulations, and definitions contained therein. This manual was developed to
1604 assist in the design and evaluation of stormwater management facilities and practices.

1605 The director of public works shall be responsible for the promulgation of the manual and
1606 its contents. The manual shall be updated periodically to reflect the most current and
1607 effective practices, rules, and regulations, and shall be made available to the public.

1608 (b) The following topics will be set forth in the Comprehensive Stormwater
1609 Management Design and Criteria Manual:

1610 (1) Stormwater concept and management plan approval process;

1611 (2) Stormwater quantity management facilities;

1612 (3) Minimum runoff quality control requirements;

1613 (4) Maintenance agreement for privately owned stormwater facilities; and

1614 (5) All technical criteria and procedures related to stormwater quality and
1615 quantity.

1616 Sec. 14-4018. - **Variations.**

1617 (a) The director of public works may grant a variance from the requirements of this
1618 chapter if there are hardships applicable to the site.

1619 (b) A written request for a variance shall be required and shall state the specific
1620 variance sought and the reasons, with supporting data, for their granting.

1621 (c) The director may grant a variance from requirements of this chapter if the
1622 proposed development activity:

1623 (1) Does not change or increase the rate, velocity or volume of runoff
1624 significantly; or

1625 (2) Does not have a significant, negative impact on wetland, watercourse, or
1626 water body; or

1627 (3) Does not contribute to degradation of downstream water quality or
1628 quantity; or

1629 (4) If the construction of proposed improvements will create a safety, traffic or
1630 drainage hazard; or

1631 (5) Are impractical to construct; or

1632 (6) The grading, or construction of any of the facilities, related to the
1633 development activity that are needed to meet the requirements of this chapter and will
1634 have an adverse impact to an adjacent or downstream property owner.

1635 Sec. 14-4019. - **Off-site drainage facilities.**

1636 Guidelines for consideration of off-site facility/conveyance system use are defined in the
1637 City Comprehensive Stormwater Management Design and Criteria Manual and section
1638 14-4029 of this chapter.

1639 Sec. 14-4020. - **Stormwater management districts.**

1640 Upon the recommendation of the director of the department of public works, the City
1641 Council shall designate stormwater management districts throughout the unincorporated
1642 areas of the City. It shall be the responsibility of the director of the department of public
1643 works to determine the boundaries of each stormwater district and shall use the
1644 stormwater management master plan as a guide.

1645 Sec. 14-4021. - **Appeals.**

1646 (a) Any person aggrieved by a decision of the director of the issuing department,
1647 including any decision with reference to the granting or denial of a variance from the
1648 terms of this chapter, may appeal the same by filing a written notice of appeal with the
1649 director within 30 calendar days of the issuance of said decision by the director.

1650 (b) All appeals shall be heard by the director or his/her designee who is hereby
1651 granted specific authority to hear and determine such appeals. The hearing shall be
1652 held within 30 days after receipt of notice of appeal or a date mutually agreed upon in
1653 writing. The final decision of the director shall be based on published guidelines of
1654 appeals established by the City and amended from time to time.

1655 (c) Any appeal of said final decision may be made to the superior court as allowed
1656 by law.

1657 **DIVISION 2. - STORMWATER DRAINAGE MANAGEMENT, PLANNING AND**
1658 **DEVELOPMENT REQUIREMENTS**

1659 Sec. 14-4022. - **General requirements.**

1660 (a) Adequate drainage and control of stormwater are an integral and important part
1661 of any development. Proper drainage planning shall be considered an essential element
1662 of any stormwater concept plan or stormwater management plan submitted to the City.
1663 The design and construction of a site shall also follow the rules and regulations found in
1664 the zoning resolution and this chapter.

1665 (b) At the time of the initial submittal to the City with an application for a preliminary
1666 plat, every sub-divider or developer shall, at his/her sole expense, be required to submit
1667 to the stormwater management section of the department of public works, a stormwater
1668 concept plan for review and approval. At the time of the site visit, it shall be determined
1669 if drainage studies and reports, design computations, and such other information need
1670 to be required to ensure that stormwater originating both from the proposed subdivision
1671 or development and lands lying upgradient will be adequately drained and controlled in

1672 order to approve the stormwater concept plan. The stormwater concept plan shall be a
1673 preliminary drawing of the proposed location of storage facilities, stormwater discharge
1674 path of detention/retention pond(s), other downstream and upstream constraints and
1675 other matters with potential stormwater implications. Such plans and supplementary
1676 information shall be consistent with the requirements of this chapter, the zoning
1677 resolution, and the Comprehensive Stormwater Management Design and Criteria
1678 Manual.

1679 (c) Upon approval of the stormwater concept plan and prior to the issuance of any
1680 building or land disturbance permits, the subdivider shall, at his/her sole expense,
1681 prepare and submit for review and approval by the development services department a
1682 stormwater management plan. The stormwater management plan shall detail how post-
1683 development stormwater runoff will be controlled or managed and how the proposed
1684 project will meet the requirements of this chapter, including the performance criteria set
1685 forth below. This plan shall be in accordance with the criteria established in this section
1686 and be prepared under the direct supervisory control of either a registered professional
1687 engineer or a registered landscape architect licensed in the State of Georgia.
1688 Subsections (3), (4), (5) and (6) shall be prepared under the direct supervisory control of
1689 a registered professional engineer, who shall seal and sign the work. Portions of the
1690 overall plan may be prepared and stamped by a registered land surveyor licensed in the
1691 State of Georgia as appropriate, such as boundary surveys, contour maps, erosion and
1692 sedimentation control plans. The stormwater management plan must ensure that the
1693 requirements and criteria in this chapter are being complied with and that opportunities
1694 are being taken to minimize adverse post-development stormwater runoff impacts from
1695 the development. The plan shall consist of maps, narrative, and supporting design
1696 calculations (hydrologic and hydraulic) for the proposed stormwater management
1697 system. The plan shall include all of the information required in the stormwater
1698 management site plan checklist found in the stormwater design and criteria manual.
1699 This includes:

1700 (1) Common address and legal description of site.

1701 (2) Vicinity map.

1702 (3) Existing conditions hydrologic analysis. The existing condition hydrologic
1703 analysis for stormwater runoff rates, volumes, and velocities, which shall include: a
1704 topographic map of existing site conditions with the drainage basin boundaries
1705 indicated; acreage, soil types and land cover of areas for each subbasin affected by the
1706 project; all perennial and intermittent streams and other surface water features; all
1707 existing stormwater conveyances and structural control facilities; direction of flow and
1708 exits from the site; analysis of runoff provided by off-site areas upstream of the project
1709 site; and methodologies, assumptions, site parameters and supporting design
1710 calculations used in analyzing the existing conditions site hydrology. For redevelopment
1711 sites, predevelopment conditions shall be modeled using the established guidelines for
1712 the portion of the site undergoing land development activities.

1713 (4) Post-development hydrologic analysis. The post-development hydrologic
1714 analysis for stormwater runoff rates, volumes, and velocities, which shall include: a
1715 topographic map of developed site conditions with the post-development drainage basin
1716 boundaries indicated; total area of post-development impervious surfaces and other
1717 land cover areas for each subbasin affected by the project; calculations for determining
1718 the runoff volumes that need to be addressed for each subbasin for the development
1719 project to meet the post-development stormwater management performance criteria in
1720 section 14-40030; location and boundaries of proposed natural feature protection and
1721 conservation areas; documentation and calculations for any applicable site design
1722 credits that are being utilized; methodologies, assumptions, site parameters and
1723 supporting design calculations used in analyzing the existing conditions site hydrology.
1724 If the land development activity on a redevelopment site constitutes more than 50
1725 percent of the site area for the entire site, then the performance criteria in Section 14-
1726 40030 must be met for the stormwater runoff from the entire site.

1727 (5) Stormwater management system. The description, scaled drawings and
1728 design calculations for the proposed post-development stormwater management
1729 system, which shall include: a map and/or drawing or sketch of the stormwater
1730 management facilities, including the location of non-structural site design features and
1731 the placement of existing and proposed structural stormwater controls, including design
1732 water surface elevations, storage volumes available from zero to maximum head,
1733 location of inlet and outlets, location of bypass and discharge systems, and all
1734 orifice/restrictor sizes; a narrative describing how the selected structural stormwater
1735 controls will be appropriate and effective; cross-section and profile drawings and design
1736 details for each of the structural stormwater controls in the system, including supporting
1737 calculations to show that the facility is designed according to the applicable design
1738 criteria; a hydrologic and hydraulic analysis of the stormwater management system for
1739 all applicable design storms (including stage-storage or outlet rating curves, and inflow
1740 and outflow hydrographs); documentation and supporting calculations to show that the
1741 stormwater management system adequately meets the post-development stormwater
1742 management performance criteria in section 14-4029; drawings, design calculations,
1743 elevations and hydraulic grade lines for all existing and proposed stormwater
1744 conveyance elements including stormwater drains, pipes, culverts, catch basins,
1745 channels, swales and areas of overland flow; and where applicable, a narrative
1746 describing how the stormwater management system corresponds with any watershed
1747 protection plans and/or local greenspace protection plan.

1748 (6) Post-development downstream analysis. A downstream peak flow
1749 analysis which includes the assumptions, results and supporting calculations to show
1750 safe passage of post-development design flows downstream. The analysis of
1751 downstream conditions in the report shall address each and every point or area along
1752 the project site's boundaries at which runoff will exit the property. The analysis shall
1753 focus on the portion of the drainage channel or watercourse immediately downstream
1754 from the project. This area shall extend downstream from the project to a point in the
1755 drainage basin where the project area is 10 percent of the total basin area. In
1756 calculating runoff volumes and discharge rates, consideration may need to be given to

1757 any planned future upstream land use changes. The analysis shall be in accordance
1758 with the stormwater design manual.

1759 (7) Construction-phase erosion and sedimentation control plan. An erosion
1760 and sedimentation control plan in accordance with the Georgia Erosion and
1761 Sedimentation Control Act (or reference to the local erosion and sedimentation control
1762 ordinance) or NPDES permit for construction activities. The plan shall also include
1763 information on the sequence/phasing of construction and temporary stabilization
1764 measures and temporary structures that will be converted into permanent stormwater
1765 controls.

1766 (8) Landscaping and open space plan. A detailed landscaping and vegetation
1767 plan describing the woody and herbaceous vegetation that will be used within and
1768 adjacent to stormwater management facilities and practices. The landscaping plan must
1769 also include: the arrangement of planted areas, natural and greenspace areas and other
1770 landscaped features on the site plan; information necessary to construct the
1771 landscaping elements shown on the plan drawings; descriptions and standards for the
1772 methods, materials and vegetation that are to be used in the construction; density of
1773 plantings; descriptions of the stabilization and management techniques used to
1774 establish vegetation; and a description of who will be responsible for ongoing
1775 maintenance of vegetation for the stormwater management facility and what practices
1776 will be employed to ensure that adequate vegetative cover is preserved.

1777 (9) Operations and maintenance plan. Detailed description of ongoing
1778 operations and maintenance procedures for stormwater management facilities and
1779 practices to ensure their continued function as designed and constructed or preserved.
1780 These plans will identify the parts or components of a stormwater management facility
1781 or practice that need to be regularly or periodically inspected and maintained, and the
1782 equipment and skills or training necessary. The plan shall include an inspection and
1783 maintenance schedule, maintenance tasks, responsible parties for maintenance,
1784 funding, access and safety issues. Provisions for the periodic review and evaluation of
1785 the effectiveness of the maintenance program and the need for revisions or additional
1786 maintenance procedures shall be included in the plan.

1787 (10) Maintenance access easements. The applicant must ensure access from
1788 public right-of-way to stormwater management facilities and practices requiring regular
1789 maintenance at the site for the purpose of inspection and repair by securing all the
1790 maintenance access easements needed on a permanent basis. Such access shall be
1791 sufficient for all necessary equipment for maintenance activities. Upon final inspection
1792 and approval, a plat or document indicating that such easements exist shall be recorded
1793 and shall remain in effect even with the transfer of title of the property.

1794 (11) Inspection and maintenance agreements. The applicant must execute an
1795 easement and an inspection and maintenance agreement binding on all subsequent
1796 owners of land served by an on-site stormwater management facility or practice.

1797 (12) Evidence of acquisition of applicable local and non-local permits. The
1798 applicant shall certify and provide documentation to the City that all other applicable
1799 environmental permits have been acquired for the site prior to approval of the
1800 stormwater management plan.

1801 (d) The stormwater management plan shall conform to the stormwater concept plan
1802 for said development. Such plans and supplementary information shall be consistent
1803 with the requirements of this chapter, the zoning resolution, and the Comprehensive
1804 Stormwater Management Design and Criteria Manual.

1805 (e) A developer and his/her professionals should discharge the drainage from their
1806 site into a storm conveyance system that is publicly owned and maintained. Every
1807 subdivider shall provide, at no cost to the City, an easement up to a maximum width as
1808 is necessary to accommodate drainage from a 100-year storm for the purpose of
1809 constructing and maintaining the drainage system for the transmission, through the sub-
1810 divider's property, of all stormwater generated upstream from the subdivision.
1811 Notwithstanding this requirement, any natural drainageway which traverses any sub-
1812 divider's property or adjacent properties, shall not be encroached upon or altered so as
1813 to render the same less suitable to accept and transport stormwater that has historically
1814 flowed through such drainageway. Should a subdivider fail to obtain an off-site
1815 easement for the purpose of drainage conveyance, then the design discharge at the
1816 outlet facilities of the subdivision shall be limited to the pre-developed conditions for all
1817 storm events, including the discharges and velocities, whichever is more restrictive shall
1818 apply.

1819 (f) Site visit. Prior to the submittal of a land disturbance permit, or in connection to
1820 the stormwater concept plan, the developer/engineer must contact the department of
1821 public works stormwater management section to arrange an onsite evaluation visit. By
1822 way of example and not limitation, the visit should include an evaluation of the location
1823 of storage facilities, stormwater discharge path of detention/retention ponds, other
1824 downstream and upstream constraints and other matters with potential stormwater
1825 implications.

1826 (g) It shall be the responsibility of the developer to demonstrate that the
1827 development and/or stormwater conveyance facilities will not cause a violation of local,
1828 state, and federal laws or regulations to occur at the time of the application for a land
1829 disturbance permit. Evidence that the applicant has complied with requirements to
1830 obtain other state and federal permits which may be applicable, such as, but not limited
1831 to wetlands (4004) permit, NPDES permit, and Metropolitan River Protection Act, must
1832 also be supplied to the City as part of the stormwater management plan and study.

1833 (h) It shall be the responsibility of the developer/engineer to accurately depict the
1834 conditions of the site, both onsite and off-site, on the plans submitted to the City that are
1835 affected by this chapter. Any modifications, changes, or construction that occur to the
1836 plans or in the field, as a result of having to conform to the City's Storm Drainage
1837 Criteria Manual or other criteria found in this chapter, and the cost to rectify shall be
1838 borne entirely by the developer.

- 1839 Sec. 14-4023. - **Specific requirements.**
- 1840 (a) Prior to the issuance of a land disturbance permit by the development services
1841 department the following must be in effect:
- 1842 (1) Documentation that authorizes the right of entry by the City for emergency
1843 maintenance of stormwater management facilities.
- 1844 (2) Documentation that authorizes the right of entry by the City for the
1845 purpose of inspecting the stormwater management facilities.
- 1846 (3) Any off-site easements necessary to effectuate subsections (a)(1) and
1847 (a)(2) of this section (easements must be recorded), or to implement the stormwater
1848 management plan.
- 1849 (4) Written authorization from an adjacent property owner allowing any
1850 proposed off-site grading, construction, storage, or other improvements to their
1851 property.
- 1852 (5) An approved stormwater concept plan or stormwater management plan,
1853 as adjudged appropriate in the discretion of the director of the department of public
1854 works or his/her designee.
- 1855 (b) In accordance with the zoning resolution and this chapter, all applications for
1856 building permits, and the accompanying plot plan, shall correspond with the approved
1857 grading plan or the approved stormwater management plan on file with the City. The
1858 issuing authority may require spot elevations, flow direction arrows, contour lines, or
1859 other information that it deems necessary prior to the issuance of the building permit to
1860 ensure compliance to the approved grading plan or the approved stormwater
1861 management plan.
- 1862 (c) Prior to the issuance of a certificate of occupancy by the City, all stormwater
1863 management facilities required as part of the stormwater management plan shall be
1864 completed and approved by the City.
- 1865 (d) Prior to the issuance of the certificate of occupancy by the appropriate
1866 department, the following must be submitted to the City:
- 1867 (1) Recorded easements for stormwater management facilities.
- 1868 (2) Receipt by the City of an as-built/record drawing of the stormwater
1869 management facilities that is signed and sealed by a registered engineer. Discrepancies
1870 between the record drawing and the approved stormwater management plan must be
1871 identified to the City, and the City shall give its approval to any discrepancies prior to the
1872 issuance of the certificate of occupancy.
- 1873 (e) Any and all land disturbance permits may be revoked at any time if the
1874 construction of the site or the stormwater management facilities are not in strict

1875 accordance with the approved stormwater management plans or other sections of this
1876 chapter.

1877 (f) It shall be the responsibility of the person, firm, corporation, or other entity to
1878 maintain the drainage patterns and the stormwater management facilities that are in
1879 existence at the time of the issuance of the certificate of occupancy. They, their heirs, or
1880 assigns are prohibited from performing any improvements or regrading of the site, that
1881 in any way block, alter, or redirect the existing drainage patterns or facilities, except for
1882 the occasional maintenance to facilities to keep them operating as originally designed.
1883 Conviction by a person, firm, corporation, or other entity for violating this section shall
1884 be a misdemeanor and shall be subject to the penalties found in section 14-4003.

1885 Sec. 14-4024. - **Development in flood hazard area.**

1886 Should a subdivider or owner wish to develop within a flood hazard area, then the
1887 subdivider or owner shall prepare, at his/her sole expense, an engineering study and
1888 supporting information per section 4.24 of the zoning resolution of the City and follow all
1889 the other criteria, rules and regulations that are indicated therein. Per section 4.24.9F of
1890 the zoning resolution, any revisions or amendments to the FEMA FIRM maps required
1891 shall be completed prior to the City's issuance of a certificate of occupancy.

1892 Sec. 14-4025. - **Drainage system connection.**

1893 Permission is required from the City to connect to or discharge into any drainage
1894 system, conveyance system, or watercourse within the City. Permission shall be implied
1895 as part of an approved stormwater management plan from the City. Deviations from the
1896 approved stormwater management plan, that do not have the permission of the City,
1897 shall be deemed an illicit connection and in violation of division 6 of this chapter, and
1898 shall prohibit the City from issuing a certificate of occupancy or recording of the final
1899 plat, even if the deviations result from mistakes to or omissions from the stormwater
1900 management plan or changes that occur in the field.

1901 Sec. 14-4026. - **Permit suspension and revocation.**

1902 (a) A land disturbance, building or grading permit, or any type of certificate of
1903 occupancy may be suspended or revoked by the issuing department if one or more of
1904 the following occurs:

1905 (1) Violations of the conditions of the stormwater management plan approval;

1906 (2) Construction not in accordance with the approved plans;

1907 (3) Noncompliance with correction notices or stop work orders; or

1908 (4) The existence of an immediate danger in the judgment of the director of
1909 the department of public works or his/her designee.

1910 (b) If one or more of these conditions are found, a written notice of violation from the
1911 issuing department shall be served upon the owner or authorized representative and an
1912 immediate stop work order may be issued. The notice shall set forth the measures
1913 necessary to achieve compliance with the plan. Correction of these violations must be
1914 initiated within seven days of the notice, or the owner shall be deemed in violation of
1915 this chapter and subject to penalties for the said violation.

1916 Sec. 14-4027. - **Professional registration requirements.**

1917 (a) All stormwater concept and stormwater management plans and design reports
1918 shall be prepared, certified, and stamped/sealed by a qualified registered Georgia
1919 professional engineer, using acceptable engineering standards and practices.

1920 (b) The engineer shall undertake to perform services only in areas of his/her
1921 competence, and only when qualified by education and/or experience in the specific
1922 technical field. In addition, the engineer must certify that the plans have been designed
1923 in accordance with the standards and criteria stated or referred to in this chapter.

1924 Sec. 14-4028. - **Modifications for off-site facilities.**

1925 The stormwater management plan for each land development project shall provide for
1926 stormwater management measures located on the site of the project, unless provisions
1927 are made to manage stormwater by an off-site or regional facility. The off-site or
1928 regional facility must be located on property legally dedicated for the purpose, must be
1929 designed and adequately sized to provide a level of stormwater quantity and quality
1930 control that is equal to or greater than that which would be afforded by on-site practices
1931 and there must be a legally-obligated entity responsible for long-term operation and
1932 maintenance of the off-site or regional stormwater facility. In addition, on-site measures
1933 shall be implemented, where necessary, to protect upstream and downstream
1934 properties and drainage channels from the site to the off-site facility.

1935 A stormwater management plan must be submitted to the City which shows the
1936 adequacy of the off-site or regional facility.

1937 To be eligible for a modification, the applicant must demonstrate to the satisfaction of
1938 the City that the use of an off-site or regional facility will not result in the following
1939 impacts to upstream or downstream areas:

- 1940 (1) Increased threat of flood damage to public health, life, and property;
- 1941 (2) Deterioration of existing culverts, bridges, dams, and other structures;
- 1942 (3) Accelerated streambank or streambed erosion or siltation;
- 1943 (4) Degradation of in-stream biological functions or habitat; or
- 1944 (5) Water quality impairment in violation of State water quality standards,
1945 and/or violation of any state or federal regulations.

1946 Sec. 14-4029. - **Post-development stormwater management performance criteria.**

1947 The following performance criteria shall be applicable to all stormwater management
1948 plans, unless otherwise provided for in this chapter:

1949 (1) Water quality. All stormwater runoff generated from a site shall be
1950 adequately treated before discharge. It will be presumed that a stormwater
1951 management system complies with this requirement if:

1952 a. It is sized to treat the prescribed water quality treatment volume
1953 from the site, as defined in the Georgia Stormwater Management Manual;

1954 b. Appropriate structural stormwater controls or non-structural
1955 practices are selected, designed, constructed or preserved, and maintained according
1956 to the specific criteria in the Georgia Stormwater Management Manual; and,

1957 c. Runoff from hotspot land uses and activities identified by the
1958 director are adequately treated and addressed through the use of appropriate structural
1959 stormwater controls, non-structural practices and pollution prevention practices.

1960 (2) Stream channel protection. Protection of stream channels from bank and
1961 bed erosion and degradation shall be provided by using all of the following three
1962 approaches:

1963 a. Preservation, restoration and/or reforestation (with native
1964 vegetation) of the applicable stream buffer;

1965 b. 24-hour extended detention storage of the one-year, 24-hour return
1966 frequency storm event;

1967 c. Erosion prevention measures such as energy dissipation and
1968 velocity control.

1969 (3) Overbank flooding protection. Downstream overbank flood and property
1970 protection shall be provided by controlling (attenuating) the post-development peak
1971 discharge rate to the pre-development rate for the 25-year, 24-hour return frequency
1972 storm event. If control of the one-year, 24-hour storm under subsection (2) is exempted,
1973 then peak discharge rate attenuation of the two-year through the 25-year return
1974 frequency storm event must be provided.

1975 (4) Extreme flooding protection. Extreme flood and public safety protection
1976 shall be provided by controlling and safely conveying the 100-year, 24 hour return
1977 frequency storm event such that flooding is not exacerbated.

1978 (5) Structural stormwater controls. All structural stormwater management
1979 facilities shall be selected and designed using the appropriate criteria from the Georgia
1980 Stormwater Management Manual. All structural stormwater controls must be designed
1981 appropriately to meet their intended function. For other structural stormwater controls

1982 not included in the Georgia Stormwater Management Manual, or for which pollutant
1983 removal rates have not been provided, the effectiveness and pollutant removal of the
1984 structural control must be documented through prior studies, literature reviews, or other
1985 means and receive approval from the City before being included in the design of a
1986 stormwater management system. In addition, if hydrologic or topographic conditions, or
1987 land use activities warrant greater control than that provided by the minimum control
1988 requirements, the director may impose additional requirements deemed necessary to
1989 protect upstream and downstream properties and aquatic resources from damage due
1990 to increased volume, frequency, and rate of stormwater runoff or increased nonpoint
1991 source pollution loads created on the site in question.

1992 Applicants shall consult the Georgia Stormwater Management Manual for
1993 guidance on the factors that determine site design feasibility when selecting and
1994 locating a structural stormwater control.

1995 (6) Stormwater credits for non-structural measures. The use of one or more
1996 site design measures by the applicant may allow for a reduction in the water quality
1997 treatment volume required herein. The applicant may, if approved by the director, take
1998 credit for the use of stormwater better site design practices and reduce the water quality
1999 volume requirement. For each potential credit, there is a minimum set of criteria and
2000 requirements which identify the conditions or circumstances under which the credit may
2001 be applied. The site design practices that qualify for this credit and the criteria and
2002 procedures for applying and calculating the credits are included in the Georgia
2003 Stormwater Management Manual.

2004 (7) Drainage system guidelines. Stormwater conveyance facilities, which may
2005 include but are not limited to culverts, stormwater drainage pipes, catch basins, drop
2006 inlets, junction boxes, headwalls, gutter, swales, channels, ditches, and energy
2007 dissipaters shall be provided when necessary for the protection of public right-of-way
2008 and private properties adjoining project sites and/or public right-of-ways. Stormwater
2009 conveyance facilities that are designed to carry runoff from more than one parcel,
2010 existing or proposed, shall meet the following requirements:

2011 a. Methods to calculate stormwater flows shall be in accordance with
2012 the stormwater design manual;

2013 b. All culverts, pipe systems and open channel flow systems shall be
2014 sized in accordance with the stormwater management plan using the methods included
2015 in the stormwater design manual; and,

2016 c. Design and construction of stormwater conveyance facilities shall
2017 be in accordance with the criteria and specifications found in the stormwater design
2018 manual.

2019 (8) Dam design guidelines. Any land disturbing activity that involves a site
2020 which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam
2021 Safety as applicable.

2022 DIVISION 3. - OWNERSHIP AND COUNTY PARTICIPATION

2023 Sec. 14-4030. - **Ownership of stormwater management facilities and BMPs.**

2024 (a) All stormwater management facilities and BMP structures shall be privately
2025 owned and maintained unless the City accepts the facility for county ownership and/or
2026 maintenance, subject to the provisions of division 5 of this chapter. The owner of all
2027 private facilities shall grant and shall be deemed to have granted to the City, a
2028 perpetual, nonexclusive easement that allows for public inspection and emergency
2029 repair.

2030 (b) All stormwater management measures relying on designated vegetated areas or
2031 special site features should be privately owned and maintained as defined on the
2032 stormwater management plan.

2033 (c) Regional stormwater management facilities may be publicly owned.

2034 Sec. 14-4031. - **County participation.**

2035 A voluntary development agreement between the applicant and the City may provide for
2036 additional storage capacity beyond that required by the applicant for onsite stormwater
2037 management in order to correct for future development. The City designee shall be
2038 authorized to negotiate, subject to ultimate approval by the City Council, within the
2039 following guidelines:

2040 (1) Require that the applicant grant any necessary easement over, through, or
2041 under the applicant's property to provide access to or drainage for such facility.

2042 (2) Require that the applicant obtain from the owners of property any
2043 easements necessary for the construction and maintenance of the same, and the City
2044 may assist by purchase, condemnation, dedication, and subject to cost incurred to be
2045 paid by applicant.

2046 Sec. 14-4032. - **Agreement between county and municipalities.**

2047 (a) Prior to implementation of a stormwater plan, the director may furnish a copy of
2048 any stormwater management plan which affects any incorporated city, town,
2049 municipality, or other local government, and possessing the power to regulate
2050 stormwater management of any stormwater management facility or development.

2051 (b) The City may enter into an intergovernmental agreement with any incorporated
2052 city, town, or other municipality concerning any matter related to stormwater
2053 management.

2054 DIVISION 4. - FUNDING AND FEES

2055 Sec. 14-4033. - **Application review fees.**

2056 The fee for review of any stormwater management application shall be based on the fee
2057 structure established by the City and shall be made prior to the issuance of any building
2058 permit for the development.

2059 DIVISION 5. - MAINTENANCE, CONSTRUCTION AND INSPECTION

2060 Sec. 14-4034. - **Maintenance.**

2061 (a) Any stormwater management facility or BMP which services a residential,
2062 commercial, or industrial development shall be privately owned and privately maintained
2063 so that the facilities operate as originally designed. The owner thereof shall grant to the
2064 City, a perpetual, nonexclusive easement which allows for public inspection and
2065 emergency repair, in accordance with the terms of the maintenance agreement set forth
2066 in section 14-40039. The City may periodically inspect all privately owned and
2067 maintained stormwater management facilities and BMPs for compliance with this
2068 chapter and the City criteria. Failure to maintain such facilities shall be considered a
2069 violation and subject the owner to the considerations of this chapter to rectify the
2070 situation or be subject to the penalties in section 14-4003.

2071 (b) All regional stormwater management control facilities, identified by the City's
2072 storm drainage master plan, shall be publicly maintained.

2073 (c) All other stormwater management control facilities and BMPs shall be privately
2074 owned and/or maintained, unless specifically accepted for ownership and maintenance
2075 by the City.

2076 (d) Private maintenance requirements shall be a part of the deed to the affected
2077 property.

2078 Sec. 14-4035. - **Construction and inspection.**

2079 (a) Prior to approval of the stormwater management plan, the permittee shall submit
2080 a proposed staged inspection and construction control schedule, which the department
2081 of development services shall either approve, disapprove, or modify.

2082 (b) No stage of work, related to the construction of stormwater management facilities
2083 or BMPs, shall proceed until the next preceding stage of work is inspected and
2084 approved.

2085 (c) Any portion of the work that does not comply with this chapter or with the
2086 stormwater management plan shall be promptly corrected by the permittee.

2087 (d) The permittee shall notify the director of development services department or
2088 his/her designee before commencing any work and upon completion of the work.

2089 (e) After commencing initial stormwater management operations, the permittee shall
2090 provide for regular biweekly inspection reports to be certified by a registered
2091 professional engineer at construction stages and provided to the department of
2092 development services.

2093 (f) The permittee shall provide an as-built/record drawing plan certified by a
2094 registered professional to be submitted upon the completion of the stormwater
2095 management facilities included in the stormwater management plan. The registered
2096 professional shall certify that:

2097 (1) The facilities have been constructed as shown on the as-built plan; and

2098 (2) The facilities meet the approved stormwater management plan and
2099 specifications.

2100 (g) A final inspection shall be conducted by the director of development services or
2101 his/her designee upon completion of the work included in the approved stormwater
2102 management plan.

2103 (h) The director of community development services or his/her designee shall
2104 maintain a file of inspection reports and make available copies of all inspection reports.

2105 (i) The director of community development services or his/her designee will notify
2106 the person responsible for the land disturbing activity in writing when violations are
2107 observed.

2108 Sec. 14-4036. - **Inspection and maintenance agreement (onsite facilities only).**

2109 (a) An inspection and maintenance agreement shall be executed for all private
2110 onsite stormwater management facilities prior to the issuance of a grading, land
2111 disturbance, or building permit. Such agreement shall be binding on all heirs,
2112 successors, or assignees.

2113 (b) The agreement shall provide that preventive maintenance inspections of filtration
2114 systems, retention, or detention structures may be made by the department of
2115 development services, at its option.

2116 (c) The agreement shall provide that the department of development services shall
2117 notify the owners of the facility of any violation, deficiency, or failure to comply with this
2118 chapter. The agreement shall also provide that, upon a failure to correct violations
2119 requiring maintenance work, within 30 days after the notice thereof, the City may
2120 provide for all necessary work to place the facility in proper working condition. The
2121 owners of the facility shall be assessed the costs of the work performed by the City
2122 pursuant to this subsection.

2123 Sec. 14-4037. - **Inspection for preventive maintenance (regional facilities only).**

2124 Preventive maintenance inspections of infiltration system, retention, or detention
2125 structures comprising regional public facilities may be made by the department of public
2126 works.

2127 Sec. 14-4038. - **Maintenance of preexisting residential stormwater management**
2128 **facilities.**

2129 All dedicated and accepted residential stormwater management facilities in existence in
2130 the City on the effective date of this chapter shall be maintained by the owners (except
2131 those constructed prior to 1990) in such a manner as to maintain and enhance the
2132 public health, safety, and general welfare to reduce and minimize damage to property;
2133 to reduce and minimize the impact of such facilities on land and stream channel
2134 erosion; to assist in the attainment and maintenance of water quality standards; to
2135 reduce local flooding; and to maintain, as nearly as possible, the preexisting
2136 development runoff characteristics of the area. The owners shall be responsible for
2137 providing reasonable ingress and egress for maintenance. The City shall not be
2138 responsible for aesthetic maintenance.

2139 Sec. 14-4039. - **Maintenance of preexisting commercial/industrial stormwater**
2140 **management facilities.**

2141 (a) All commercial/industrial stormwater management facilities in existence in the
2142 City on the effective date of this chapter shall be maintained by the owners thereof in
2143 such a manner as to maintain and enhance the public health, safety, and general
2144 welfare in order to be assured that such facilities are safe and will not result in injury or
2145 harm to persons or property; to reduce and minimize damage to public and private
2146 property; to reduce and minimize the impact of such facilities on land and stream
2147 channel erosion; to assist in the attainment and maintenance of water quality standards;
2148 to reduce local flooding; and to maintain, as nearly as possible, the preexisting
2149 development runoff characteristics of the area. All such maintenance of such facilities
2150 shall be at the sole cost and expense of the owners thereof.

2151 (b) The City shall have the authority to take necessary steps to abate any nuisance
2152 as that term is defined by applicable law.

2153 (c) If the charges and costs provided for in subsection (b) of this section remain
2154 unpaid by the owner for a period of 30 days after notice thereof to the owner or
2155 occupant of the property upon which such conditions existed, the City's duly authorized
2156 representative shall cause a lien to be issued against the owner of the property for
2157 those charges. The execution shall be a lien on the property and, when recorded in the
2158 general execution docket of the City, shall be a lien on all property of the defendant in
2159 execution from the date of such recording.

2160 DIVISION 6. - PROHIBITIONS AND ILLICIT CONNECTIONS

2161 Sec. 14-4040. - **Prohibitions.**

2162 (a) It is unlawful for any person, company, corporation, etc., to throw, drain, run, or
2163 otherwise discharge to any component of the City's stormwater system, including
2164 streets, highways, rights-of-way; or to cause, permit, or suffer to be thrown, drain, run,
2165 or allow to seep or otherwise discharge into such system, any organic or inorganic
2166 matter that shall cause or tend to cause pollution to such waters, as provided for in this
2167 chapter.

2168 (b) The director of public works may exempt the following from the prohibition
2169 provision above:

2170 (1) Water line flushing performed by a government agency, diverted stream
2171 flows, rising groundwaters, and unpolluted groundwater infiltration.

2172 (2) Unpolluted pumped groundwater.

2173 (3) Discharges from potable water sources, foundation drains, air conditioning
2174 condensation, irrigation water, springs, water from crawl space pumps, footing drains,
2175 lawn watering, individual residential car washing, flows from riparian habitats and
2176 wetlands, and water from street washing.

2177 (4) Discharges or flows from firefighting.

2178 (5) Other unpolluted water.

2179 (c) In the event of an accidental discharge or an unavoidable loss to the
2180 municipal/county separate storm sewer system of any material of substance other than
2181 stormwater runoff, the person responsible shall inform the department of public works
2182 within five days of the nature, quantity, and time of the occurrence of the discharge. The
2183 person responsible shall take immediate steps to minimize the effects of the discharge
2184 on the municipal/county system and receiving streams. The person shall also take
2185 immediate steps to ensure no recurrence of the discharge.

2186 Sec. 14-4041. - **Illicit connections.**

2187 (a) It is unlawful for any person, company, corporation, etc., to connect any pipe,
2188 open channel, or any other conveyance, structure or system to the City's stormwater
2189 conveyance system that discharges anything except stormwater runoff and that are not
2190 identified on the stormwater management plan.

2191 (b) Improper connections in violation of this chapter must be disconnected and
2192 redirected, if necessary, to the City sanitary system or other acceptable outfall upon
2193 approval by the director of public works.

2194 Sec. 14-4042. - **Cooperation with the City.**

2195 (a) It shall be the responsibility of any person, firm, company, corporation, etc., to
 2196 cooperate with the City in the search for illicit connections or prohibitive activities as
 2197 described in this division in order for the City to comply with the conditions of its NPDES
 2198 permit.

2199 (b) Any person, firm, company, corporation, etc., shall answer the questions of the
 2200 City and share information on business activities as they relate to this chapter, except
 2201 those records and activities that are confidential and proprietary. If necessary, the City
 2202 may obtain access to confidential and proprietary records and activities through a court
 2203 order, subject to the following conditions:

2204 (1) The City shall have access to records and information for the purpose of
 2205 examination for compliance with the conditions of this chapter only during normal
 2206 business hours;

2207 The City shall not have the right to make copies, excerpts, or transcripts of such
 2208 records and activities without receiving prior written consent; and

2209 (2) The City shall not disclose or make available to third parties any such
 2210 records or information obtained unless required to do so by a separate court order.

2211 (c) Failure to comply with the conditions of this division shall be considered a
 2212 violation and subject to the penalties found in section 14-4003.

2213 CHAPTER 5. - **QUARRIES**

2214 Sec. 14-5001. - **Hours of operation.**

2215 Quarry work shall not begin before 7:00 a.m. and shall end on or before 5:30 p.m. No
 2216 work shall be permitted on Sundays. Blasting and the explosion of dynamite and
 2217 explosives shall be limited between the hours of 11:00 a.m. and 1:00 p.m.

2218 Sec. 14-5002. - **License fee.**

2219 The annual license fee shall be as provided by chapter 5, title 2 of this Code.

2220 Sec. 14-5003. - **Personnel.**

2221 Only those people qualified to handle explosives shall be employed in the loading holes,
 2222 spacing holes, wiring holes, and the exploding operations.

2223 Sec. 14-5004. - **Charges.**

2224 No single blast or series of blasts shall contain at any one time more than 6,000 pounds
 2225 of explosives. No dobie shots shall be permitted.

- 2226 Sec. 14-5005. - **Weather conditions.**
- 2227 Blasting operations shall be conducted only when the ceiling is broken or open. No
2228 blasts shall be made during a rain or in overcast conditions.
- 2229 Sec. 14-5006. - **Reports.**
- 2230 A written report shall be filed within three days with the director of planning and
2231 community development to cover each blast made. Such report shall show the weather
2232 conditions, the number of holes exploded, the pounds of explosive used, the direction of
2233 the wind, and the supervisor in charge.
- 2234 Sec. 14-5007. - **Notice of blast.**
- 2235 The quarry superintendent shall notify the office of director of planning and community
2236 development one day in advance of his intent to set off a blast. The quarry
2237 superintendent shall likewise notify the director of planning and community development
2238 at least two hours in advance of the actual blasting operation.
- 2239 Sec. 14-5008. - **Sprinkling and wetting down.**
- 2240 A method of sprinkling or wetting down the stone shall be maintained at all the primary
2241 crushers, secondary crushers, and at the screens, to provide sufficient flow of water at
2242 all times. Water shall be provided to sprinkle and wet down stone dust after being
2243 loaded.
- 2244 Sec. 14-5009. - **Storage.**
- 2245 All storage facilities and the location of such for dynamite and other types of explosives
2246 shall be in accordance with the state and local regulations.
- 2247 Sec. 14-5010. - **Expansion of facilities.**
- 2248 No additional equipment shall be installed, substituted, or operated without first
2249 submitting plans therefor to the director of planning and community development
2250 department for his approval or rejection.
- 2251 Sec. 14-5011. - **Removal of spillage on public highway.**
- 2252 Whenever the planning and community development department or police shall notify
2253 the quarry operators of the accumulation of rock or dust spillage on any public
2254 thoroughfare, resulting from their hauling of stone, the operators shall promptly remove
2255 same at the expense of the quarry.

2256 CHAPTER 6. - **TREE PRESERVATION**

2257 **Sec. 14-6001. – Purpose**

2258 (a) The purpose of this chapter is to cultivate and encourage a high level of tree
2259 preservation, to promote the general provisions within this chapter, and to develop
2260 detailed provisions within the administrative guidelines in order to implement the
2261 regulations set forth to preserve, maintain and replant trees within the City of South
2262 Fulton, Georgia (“City”). The intent of the ordinance and administrative guidelines is
2263 to provide standards for the preservation of trees as part of the land development,
2264 building construction and timber harvest processes. It is not the intent of this chapter
2265 to regulate individual properties where activities do not require a land disturbance,
2266 building construction or timber harvest permit.

2267 (b) Benefits to the City’s citizens derived from tree protection and replanting include:

2268 (1) Improved control of soil erosion.

2269 (2) Moderation of stormwater runoff and improved water quality.

2270 (3) Interception of airborne particulate matter and the reduction of some air
2271 pollutants.

2272 (4) Enhanced habitat for desirable wildlife.

2273 (5) Reduction of noise and glare.

2274 (6) Climate moderation.

2275 (7) Aesthetics and scenic amenity.

2276 (8) Increased property value.

2277 **Sec. 14-6002. – Authority and applicability**

2278 (a) Administrative Guidelines. The City Administrative Guidelines for Tree Preservation,
2279 containing additional applicable tree preservation regulations, is adopted as
2280 Appendix E to the City Code of Ordinances. Said appendix shall be maintained in
2281 the office of the City Clerk and Community Development Director, or at a location
2282 designated by the clerk, for inspection by the public.

2283 (b) Terms and provisions of the tree preservation ordinance and the administrative
2284 standards established herein, shall apply to all activity which requires the issuance
2285 of a land disturbance permit on any real property within the City. No land disturbance
2286 permit shall be issued by the Department of Community Development Services
2287 (“department”) or any successor to the department without it being determined that

2288 the proposed development is in conformance with the provisions of these
2289 regulations.

2290 (c) The terms and provisions of these regulations shall also apply to the construction of
2291 new single-family detached and duplex dwellings, including additions, renovations
2292 and/or alterations to existing single-family detached and duplex dwellings.

2293 (d) The terms and provisions of these regulations shall also apply to timber harvesting
2294 activities.

2295 **Sec. 14-6003. – Definitions**

2296 All words in this chapter shall have their customary dictionary definitions except
2297 as specially defined herein or in the Zoning Ordinance. The words “shall” and “must” are
2298 mandatory, and the words “may” and “should” are permissive.

2299 (1) *Agent(s), designated or authorized:* An individual or entity authorized to
2300 administer and enforce the standards set forth in the Tree Preservation
2301 Ordinance and Administrative Guidelines.

2302 (2) *Buildable area:* The portion of a parcel of land where a building may be
2303 located and which shall contain enough square footage to meet the minimum
2304 required by the zoning district. That portion which is not located in the minimum
2305 setbacks, utility corridors, driveways, slopes to build streets, tree save areas,
2306 landscape strips, specimen tree areas, state water buffer, tributary buffers,
2307 zoning buffers, wetlands, stormwater and sanitary sewer easements.

2308 (3) *Buffer:*

2309 (i) *State waters buffer:* An area along the course of any state waters to be
2310 maintained in an undisturbed and natural condition.

2311 (ii) *Tributary buffer:* A protection area adjoining the tributaries of the
2312 Chattahoochee River. Tributary buffer specifications are contained in Part D
2313 of each prospective land use section of the Tree Preservation Ordinance
2314 and Administrative Guidelines.

2315 (iii) *Zoning buffer:* A natural undisturbed portion of a lot, except for approved
2316 access and utility crossings, which is set aside to achieve a visual barrier
2317 between the use on the lot and adjacent lots and/or uses. Buffer is achieved
2318 with natural vegetation and must be replanted subject to the approval of the
2319 director of the department or his/her designated agent(s) when sparsely
2320 vegetated. Cleaning of undergrowth from a buffer is prohibited except when

2321 accomplished under the supervision of the director of the department or
2322 his/her designated agent(s).

2323 (4) *Caliper*: The standard for trunk measurements of nursery stocks. Caliper of the
2324 trunk shall be taken six inches above the ground for up to and including four-
2325 inch caliper size and 12 inches above the ground for larger sizes.

2326 (5) *Cambium*: Tissue within the woody portion of trees and shrubs which gives rise
2327 to the woody water and nutrient conducting system and the energy substrate
2328 transport system in trees. Cambium growth activity results in a tree's radial
2329 development, i.e., increase in diameter.

2330 (6) *Cambial dieback*: The irreparable radial or vertical interruption of a tree's
2331 cambium, usually caused by mechanical damage, such as "skinning bark" or
2332 from excessive heat.

2333 (7) *Clear cutting*: The removal of all trees from a property, whether by cutting or
2334 other means, excluding stream buffer requirements.

2335 (8) *Coniferous*: Belonging to the group of cone-bearing evergreen trees or shrubs.

2336 (9) *City Arborist*: The agent(s) of the City assigned to the department having the
2337 primary responsibilities of administration and enforcement of the tree
2338 preservation ordinance.

2339 (10) *Critical Root Zone*: The area of tree roots within the crown dripline. This zone is
2340 generally defined as a circle with a radius extending from a tree's trunk to a
2341 point no less than the furthest crown dripline. Disturbances within this zone will
2342 directly affect a tree's chance for survival.

2343 (11) *Crown dripline*: A vertical line extending down to the ground from the end of a
2344 tree's longest branches.

2345 (12) *Deciduous*: Not persistent; the shedding of leaves annually.

2346 (13) *Diameter-at-breast-height ("DBH")*: A standard measure of tree size (for trees
2347 existing on-site) and is a tree trunk diameter measured in inches at a height of
2348 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet,
2349 refer to the chart in Appendix I.

2350 (14) *Density factor for the site ("DFS")*: A unit of measure used to prescribe and
2351 calculate required tree coverage on a site. Unit measurements are based upon
2352 tree size.

2353 (i) Site acreage multiplied by fifteen (15) for Agricultural Districts = DFS.

- 2354 (ii) Site acreage multiplied by twenty (20) for Single-Family Residential Districts =
2355 DFS.
- 2356 (iii) Site acreage multiplied by thirty (30) for Commercial Districts and all other
2357 Non-Single-Family Districts = DFS.
- 2358 (15) *Emergency*: means any situation resulting in imminent danger to the public
2359 health or safety, or the loss of an essential governmental service.
- 2360 (16) *Erosion, Sedimentation and Pollution Control Ordinance*: The ordinance
2361 adopted by the City, as amended, that regulates soil erosion and its
2362 transportation to the city's lakes, rivers, and streams.
- 2363 (17) *Improvement setback*: An area adjacent to a zoning buffer in which no
2364 improvements and/or structures shall be constructed. No development activity
2365 such as tree removal, stump removal or grinding, land disturbance or grading is
2366 permitted without the approval of the director of the department.
- 2367 (18) *Land disturbing Activity*: Any activity which may result in soil erosion from water
2368 or wind and movement of sediments into state water or onto lands within the
2369 state, including, but not limited to, clearing, dredging, grading, excavating,
2370 transporting and filling of land, but not including agricultural practices as
2371 described in the *Erosion, Sedimentation and Pollution Control Ordinance* , as
2372 amended.
- 2373 (19) *Land disturbance Permit*: A permit issued by the department that authorizes
2374 the commencement of alteration or development of a given tract of land or the
2375 commencement of any land disturbing activity.
- 2376 (20) *Landscape plan*: A plan that identifies areas of tree preservation and methods
2377 of tree protection within the protected zone, as well as all areas of replanting.
2378 Within replanting areas, the common and botanical names of the proposed
2379 species, the number of plants of each species, the size of all plant materials,
2380 the proposed location of all plant materials, and any unique features of the
2381 plant materials shall be indicated.
- 2382 (21) *Landscape strip*: An area required by this chapter, by the South Fulton Zoning
2383 Ordinance, or any condition of zoning, use permit or variance approval, which
2384 is reserved for the installation and/or maintenance of plant materials.
- 2385 (22) *Minimum setback*: The minimum yards as specified in the regulations related to
2386 the zoning districts or use permit categories. A minimum required space
2387 between a property line and a structure. An area identified by a building line.

- 2388 (23) *Protected zone*: Includes, but is not limited to the following:
- 2389 (i) Critical root zone plus an additional three (3) feet;
- 2390 (ii) All areas of a parcel required to remain in open space;
- 2391 (iii) All areas required as landscape strips and/or buffers (including zoning
- 2392 buffers, state water buffers, and tributary buffers);
- 2393 (iv) Tree save areas pursuant to the provisions of the Zoning Ordinance,
- 2394 conditions of zoning, use permit or variance approval, and/or the tree
- 2395 preservation ordinance and administrative guidelines.
- 2396 (24) *Revegetation*: The replacement of trees and landscape plant materials to
- 2397 satisfy the minimum tree density requirements as determined by the Zoning
- 2398 Ordinance, condition of zoning, use permit or variance approval, and/or the
- 2399 tree preservation ordinance and administrative guidelines.
- 2400 (25) *Roots*:
- 2401 (i) *Feeder Roots*: A complex system of small annual roots growing outward and
- 2402 predominantly upward from the system of "transport roots". These roots
- 2403 branch four or more times to form fans or mats of thousands of fine, short,
- 2404 non-woody tips. Many of these small roots and their multiple tips are 0.2 to 1
- 2405 mm or less in diameter and less than one to two mm long. These roots
- 2406 constitute the major fraction of a tree's root system surface area and are the
- 2407 primary sites of absorption of water and nutrients.
- 2408 (ii) *Major woody roots*: First order tree roots originating at the "root collar" and
- 2409 growing horizontally in the soil to a distance of between three (3) and fifteen
- 2410 (15) feet from the tree's trunk. These roots branch and decrease in diameter
- 2411 to give rise to "rope roots". The primary functions of major woody roots
- 2412 include anchorage, structural support, the storage of food reserves, and the
- 2413 transport of minerals and nutrients.
- 2414 (iii) *Rope roots*: An extensive network of woody second order roots arising from
- 2415 major woody roots, occurring within the surface twelve (12) to eighteen (18)
- 2416 inches of local soils, and with an average size ranging from .25 to one inch in
- 2417 diameter. The primary function of rope roots is the transport of water and
- 2418 nutrients and the storage of food reserves.
- 2419 (iv) *Transport roots*: The system or framework of tree roots comprised of major
- 2420 woody roots and rope roots.

- 2421 (26) *Root collar*: The point of attachment of major woody roots to the tree trunk,
 2422 usually at or near the groundline and associated with a marked swelling of the
 2423 tree trunk.
- 2424 (27) *Root respiration*: An active process occurring throughout the feeder root
 2425 system of trees and involving the consumption of oxygen and sugars with the
 2426 release of energy and carbon-dioxide. Root respiration facilitates the uptake
 2427 and transport of minerals and nutrients essential for tree survival.
- 2428 (28) *Setback*: A space between a property line and the line to which a building or
 2429 specified structure may be constructed.
- 2430 (29) *Soil compaction*: A change in soil physical properties which includes an
 2431 increase in soil weight per unit volume and a decrease in soil pore space. Soil
 2432 compaction is caused by repeated vibrations, frequent traffic and weight. As
 2433 related to tree roots, compacted soil can cause physical root damage, a
 2434 decrease in soil oxygen levels with an increase in toxic gasses, and can be
 2435 impervious to new root development.
- 2436 (30) *State waters*: Any and all rivers, streams, creeks, branches, lakes, reservoirs,
 2437 ponds, drainage systems, springs, wells, and other bodies of surface or
 2438 subsurface water, natural or artificial, lying within or forming a part of the
 2439 boundaries of the state which are not entirely confined and retained completely
 2440 upon the property of a single individual, partnership or corporation.
- 2441 (31) *Thinning*: Selective cutting or removal of timber. The basal unit of 30 units per
 2442 acre for commercial districts and all other non-single-family districts; 20 units
 2443 per acre for single-family residential districts; 15 units per acre for agricultural
 2444 districts shall be maintained after selective cutting, or removal of timber has
 2445 occurred.
- 2446 (32) *Timber harvesting*: The felling of timber products (pulp, wood, etc.). The term
 2447 “timber harvesting” may include both clear cutting and thinning of timber.
- 2448 (33) *Tree(s)*:
- 2449 (i) *Tree*: Any self-supporting woody perennial plant which has a trunk diameter
 2450 of two inches or more measured at a point six inches above the ground level,
 2451 and which normally obtains a height of at least ten feet at maturity, usually
 2452 with one main stem or trunk and many branches.
- 2453 (ii) *Heritage tree*: A tree which is designated upon approval by the director of the
 2454 department or authorized agent(s) to be of notable historical value or interest
 2455 because of its age, size, or historical association.

- 2456 (iii) *Specimen tree*: A tree which has been determined by the City arborist to be
2457 of high value because of its type, size, age, or other professional criteria, and
2458 has been so designated according to administrative standards established by
2459 the department.
- 2460 (iv) *Stand of Specimen trees*: A contiguous grouping of trees which has been
2461 determined to be of value by the director of the department or authorized
2462 designee(s).
- 2463 (A) A relatively mature even aged stand.
- 2464 (B) A stand with purity of species composition or of rare or unusual nature.
- 2465 (C) A stand of historical significance.
- 2466 (D) A stand with exceptional aesthetic quality.
- 2467 (34) *Tree bank*: A site such as a school or public park, where the owner/developer
2468 shall donate and plant the required trees when it is not feasible to plant the
2469 required trees within their project site area.
- 2470 (35) *Tree preservation ordinance*: This chapter, approved and adopted by the City
2471 Council to provide standards for the protection, preservation, and replacement
2472 of trees regulated and enforced by the City arborist in conjunction with the
2473 department or designated agent(s) through development and construction
2474 permits and processes.
- 2475 (36) *Tree save area*: All areas designated for the purpose of meeting tree density
2476 requirements, saving specimen trees, and/or preserving natural buffers.
- 2477 (37) *Tributary*: Any perennial stream, or portion thereof, within the affected area that
2478 is portrayed as a solid blue line on the United States Geological Survey 7.5
2479 Quadrangle Maps, 1968 edition, or other perennial streams as identified by
2480 Fulton County or the City.
- 2481 (38) *Wetlands*: Those areas that are inundated or saturated by surface or
2482 groundwater at a frequency and duration sufficient to support, and that under
2483 normal circumstances do support, a prevalence of vegetation typically adapted
2484 for life in saturated soil conditions. Wetlands generally include swamps,
2485 marshes, bog, and similar areas.
- 2486 (39) *Zoning Regulations*: The Zoning Ordinance of the City, as amended or such
2487 regulations subsequently adopted by the City Council inclusive of conditions of
2488 zoning, use permit or variance approval established pursuant thereto.

2489 **Sec. 14-6004. – Permit procedures**

2490 (a) All applications for a land disturbance permit shall provide a landscape plan and
2491 other documentation as required and as applicable for all areas of the tract of land
2492 within a protected zone. All applications and required supplemental information shall
2493 be submitted to the director of the department.

2494 (b) All landscape plans and related documentation shall be reviewed by the City arborist
2495 for conformance to the provisions of these regulations and either approved, returned
2496 for revisions, or denied within thirty (30) days of receipt. If denied or returned for
2497 revisions the reasons for denial or revision shall be annotated on the landscape plan
2498 or stated in writing.

2499 (c) Issuance of a valid land disturbance permit shall constitute an approval of the
2500 required landscape plan and shall indicate conformance to the provisions of these
2501 regulations.

2502 (d) For issuance of any residential building permit, the applicant must sign and agree to
2503 abide by the residential erosion and sedimentation control tree protection agreement
2504 (see Appendix H to the administrative guidelines). This shall also apply to parcels
2505 upon which a land disturbance permit has been previously issued with a tree
2506 protection plan approved by the City arborist. The director of the department or her
2507 designee is authorized to execute such agreements on behalf of the City.

2508 **Sec. 14-6005. – Removal of tree(s)**

2509 (a) If the owner/developer proposes to remove any tree(s) in the protected zone, then
2510 the owner/developer must document a hardship such as, but not limited to,
2511 economic or zoning restrictions and submit it as part of the application for a land
2512 disturbance permit. The application shall be subject to the approval of the director of
2513 the department or designated agent before any trees are to be removed from the
2514 site. Nothing in these regulations shall be construed to allow the removal of
2515 vegetation in a natural, undisturbed buffer required by the zoning regulations.

2516 (b) When no trees are present in the protected zone or when disturbance of any portion
2517 of the protected zone is approved, it shall be the responsibility of the
2518 owner/developer to revegetate said areas (in which improvements are not
2519 constructed) with trees or other plant materials subject to zoning regulations or, in
2520 lieu thereof, administrative standards established by the department.

2521 (c) Notwithstanding any of the other requirements of these regulations, it shall be
2522 unlawful to remove a specimen tree without the express written permission of the
2523 City arborist or authorized agent(s). Administrative standards have been established

2524 by the director of the department for the identification, preservation and protection of
2525 specimen trees.

2526 **Sec. 14-6006. – Violations**

2527 Citations for any of the following violations, by authorized City Code Enforcement
2528 agent(s), provide grounds for the issuance of an immediate stop work order:

2529 (1) Land disturbance and/or tree removal within state water, tributary, or
2530 zoning buffer(s);

2531 (2) Land disturbance and/or tree removal within tree save area(s);

2532 (3) Illegal removal or disturbance of specimen tree, heritage tree or stand of
2533 trees;

2534 (4) Improper installation of tree fencing; or

2535 (5) Other violations of any provision(s) of this chapter or the administrative
2536 guidelines established pursuant thereto, including appendices.

2537 **Sec. 14-6007. – Enforcement**

2538 (a) It shall be the duty of the department and designated agent(s) to enforce this chapter
2539 and administrative guidelines. The department's designated agent(s) shall have the
2540 authority to modify, revoke, suspend or void any land disturbance permit and shall
2541 have the authority to suspend all work on a site or any portion thereof.

2542 (b) The department and its designated agent(s) are the issuing authority and shall have
2543 the power to withhold all permits, including, but not limited to, final certificates of
2544 occupancy, building permits and all permits on the subject site until it is determined
2545 by the issuing authority that the site complies with this chapter and the provisions of
2546 the formal plan approved by the City.

2547 **Sec. 14-6008. – Inspections**

2548 (a) The department is the issuing authority and may cause inspection of compliance to
2549 be made periodically by its designated agent(s) during the course of the project and
2550 shall make a final inspection following the completion of the work. Applicants shall
2551 cooperate with the issuing authority in conducting such inspections.

2552 (b) The department shall have the power to conduct such investigations as it may
2553 reasonably deem necessary to carry out its duties as prescribed in this chapter and
2554 administrative guidelines, including but not limited to, the power to enter at

2555 reasonable times upon any property, public or private, for the purpose of
2556 investigating and inspecting the sites of any land disturbing or tree removal activities.

2557 (c) The department is authorized to design and implement an inspection program
2558 involving private inspectors acceptable to the department.

2559 (d) No person shall refuse entry or access to any authorized representative or agent
2560 who requests entry for the purpose of inspection and who presents appropriate
2561 identification, nor shall any person obstruct, hamper or interfere with any such
2562 representative while in the process of carrying out his or her official duties.

2563 **Sec. 14-6009. – Notice of violation**

2564 (a) If, through inspection, it is determined that a violation of this chapter has occurred,
2565 the director or the director’s designee shall issue written notice to the applicant,
2566 property owner, authorized agent of either, the person in charge, or any person
2567 representing the person in charge of the activity on the subject property.

2568 (b) Where a person, firm, or corporation has engaged in land disturbing or tree removal
2569 activities without having first secured a permit, all construction and land disturbance
2570 activity shall be immediately discontinued upon receipt of notice of violation and until
2571 the necessary measures to achieve compliance are fulfilled.

2572 (c) The notice shall identify the nature and location of the violation(s), specify what
2573 remedial action is necessary to bring the violation(s) into compliance, and shall state
2574 the time within which such remedial action must be completed. If the remedial action
2575 is not completed within the time specified, the person, firm, or corporation in violation
2576 of this chapter and administrative guidelines shall be subject to citation.

2577 **Sec. 14-6010. – Stop work orders**

2578 (a) Where the director or director’s designee determines that work on any project is
2579 being done contrary to the provisions of this chapter or administrative guidelines, the
2580 director or director’s designee may issue a stop work order to the applicant, property
2581 owner, authorized agent of either, the person in charge, or any person representing
2582 the person in charge of the activity on the subject property;

2583
2584 (b) Upon the issuance of the stop work order, all work cited therein shall be immediately
2585 stopped until such time that the director or director’s designee determines that the
2586 violation has been remedied. Prior to remediation, a plan shall be submitted and
2587 approved by the city arborist.

2588
2589 (c) The stop work order shall:
2590 (1) be in writing;

- 2591 (2) identify the nature and location of the violation(s);
2592 (3) specify the conditions under which work may be resumed; and
2593 (4) only permit erosion control work to continue while the stop work order is in effect.
2594
2595 (d) Where the director or director's designee determines that an Emergency exists, no
2596 written stop work order shall be required.

2597 **Sec. 14-6011. – Modification, revocation, suspension, voidance of permit**

2598 A land disturbance permit and/or other permit(s) required by this chapter and
2599 administrative guidelines may be modified, revoked, suspended, or voided by the
2600 department upon finding that the holder is in violation of the terms of the permit or any
2601 portion of this chapter or administrative guidelines.

2602 **Sec. 14-6012. – Bonding**

2603 (a) The city will evaluate all development projects, excluding timber harvesting,
2604 requesting property clear cutting. If upon completion of the site evaluation, the
2605 department deems it appropriate to allow property clear cutting activities, a bond
2606 shall be required by the city. The bond shall be required as a mechanism to cover
2607 any potential costs associated with revegetation of the clear-cut property in the event
2608 of property abandonment.

2609
2610 (b) The required bond amount will be 125 percent of the total cost for replanting trees to
2611 satisfy the density standards for the project site. A tree replacement cost obtained
2612 from a plant nursery will be provided to the city with the clear-cut request and the
2613 bond amount will be based on the tree replacement cost. The city reserves the right
2614 to request additional replacement cost if deemed appropriate. The city will hold the
2615 bond until the project activity, including tree replacement to satisfy the site density
2616 requirements, is completed. If upon issuing the land disturbance permit, the property
2617 is clear-cut and there are no construction or development activities conducted within
2618 six months, the city will attempt to contact the property owner (via certified mail) for a
2619 project update. Should the property owner not respond within 30 days of receipt of
2620 the status request, the bond will be used to revegetate the project site.

2621 **Sec. 14-6013. – Fines and penalties**

2622 (a) Any person, firm, corporation, or other entity in violation of any of the provisions of
2623 this chapter shall be liable for a fine up to a maximum \$1,000.00 dollars per violation
2624 per day. Each calendar day a violation exists shall be considered a separate
2625 offense. There are no maximum limitations to the accrual of fines.
2626

2627 (b) Each owner of any property wherein a violation exists shall be jointly and severally
2628 liable for said violations. Each offense shall be tried in the South Fulton Municipal
2629 Court.

2630 **Sec. 14-6014. – Appeals**

2631 (a) Any person aggrieved or affected by any decision of the city arborist relating to the
2632 application of these regulations may file an appeal within thirty (30) days of the
2633 decision with the director of the department for relief or reconsideration.

2634
2635 (b) Any person aggrieved or affected by any decision of the director of the department
2636 relating to the application of these regulations may file an appeal within thirty (30)
2637 days of the decision with the zoning board of appeals through the director.

2638
2639 (c) Appeals shall only be granted for errors of interpretation or where the unique natural
2640 features of the site are such that application of these regulations created, or would
2641 create, an undue hardship to the property owner.

2642 CHAPTER 7. - **CITY OF SOUTH FULTON UNIFIED STREAM BUFFER**
2643 **PROTECTION**

2644 Sec. 14-7001. - **Title.**

2645 This chapter shall be known as the “City of South Fulton Unified Stream Buffer
2646 Protection Ordinance.”

2647 Sec. 14-7002. - **Intent and purpose.**

2648 The intent of this chapter is to establish regulations and procedures that govern all land
2649 uses and related development activities adjacent to streams within the City. These
2650 regulations shall require undisturbed buffers and impervious surface setbacks adjacent
2651 to streams in the City.

2652 The purpose of undisturbed buffers and impervious surface setbacks are:

2653 (1) To protect, restore and maintain the chemical, physical and biological
2654 integrity of streams and their water resources;

2655 (2) To remove pollutants delivered in urban storm water;

2656 (3) To protect public water supplies;

2657 (4) To maintain base flow of streams;

2658 (5) To minimize erosion and control sedimentation;

2659 (6) To provide infiltration for storm water runoff;

- 2660 (7) To minimize impervious surfaces close to streams;
- 2661 (8) To provide riparian wildlife habitats and promote desirable aquatic habitat.
- 2662 Further, this chapter authorizes the department of environment and community
2663 development to draft and amend, as necessary, administrative guidelines for the
2664 enforcement of the City of South Fulton Unified Stream Buffer Protection Ordinance.
- 2665 Sec. 14-7003. - **Definitions.**
- 2666 Unless otherwise expressly stated, the following terms shall have the meaning indicated
2667 herein.
- 2668 *Administrative guidelines* means a City document that contains technical specifications
2669 for stream buffer width averaging and mitigation measures (i.e. stream bank
2670 restoration); and stream buffer variance appeal procedures and required
2671 documentation.
- 2672 *Affected area* means all of the City of South Fulton, Georgia.
- 2673 *Applicant* means any person who seeks permission to engage in any regulated activity
2674 on any property within the affected area that contains any protected areas, as those
2675 terms are defined herein.
- 2676 *City Council* means the Mayor and Council of the City of South Fulton, Georgia.
- 2677 *Concept plan* means a drawing that shows the proposed layout of a subdivision in
2678 sufficient detail to indicate its workability and feasibility, but is not in final form for
2679 recording, pursuant to these regulations. The conceptual plan is the first stage in
2680 securing a land disturbance permit.
- 2681 *Director* means the authorized administrator or his/her designee of the City's
2682 Department of Community Development Services.
- 2683 *Existing structure* means a land use which, prior to the effective date of this chapter, is:
2684 (1) completed; (2) under construction; (3) permitted by the City; or (4) the subject of a
2685 completed land disturbance permit application which has been submitted for approval to
2686 the City and where a concept plan approval was granted (with all required supporting
2687 documentation).
- 2688 *Fees* means permit processing and/or costs that may be established from time to time
2689 by the director.
- 2690 *City of South Fulton action* means any review or approval of plans, site plans,
2691 improvements, permits, or any other government-related decision, constitutes an action.

2692 *Georgia Erosion and Sedimentation Act (GESA)* means the latest edition of the Act that
2693 establishes rules and regulations for best management practices for erosion and
2694 sedimentation control in the State of Georgia (O.C.G.A. § 12-7-1 et seq.).

2695 *Impervious surface* means any gravel, paved, hardened, or structural surface, including,
2696 but not limited to, buildings, driveways, walkways, parking areas, patios, decks, streets,
2697 swimming pools, dams, tennis courts, or other similar materials and structures as
2698 identified by the City.

2699 *Land disturbing activity* means any grading, scraping, excavating, or filling of land;
2700 clearing of vegetation; and any construction, rebuilding, or alteration of a structure which
2701 involves disturbance of the land in and around the structure.

2702 *Land disturbance permit* means an official authorization issued by the department,
2703 allowing defoliation or alteration of a site or the commencement of any construction
2704 activities, including but not limited to, clearing, grubbing, dredging, grading, excavating,
2705 transporting, and filling of land, but not including agricultural practices as defined in the
2706 O.C.G.A. § 1-3-3.

2707 *Large water supply watershed* means a watershed containing 100 square miles or more
2708 of land within the drainage basin upstream of a governmentally owned public drinking
2709 water supply intake.

2710 *Metropolitan River Protection Act (MRPA)* means the latest edition of the Act that
2711 establishes a 2,000-foot River Corridor along both sides of the banks of the
2712 Chattahoochee River and its impoundments within the Atlanta Regional Commission's
2713 planning area (O.C.G.A. § 12-5-440 et seq.).

2714 *Person* means any individual, partnership, firm, association, joint venture, public or
2715 private corporation, trust, estate, commission, board, public or private institution, utility,
2716 cooperative, state agency, municipality, or other similar legal entities.

2717 *Point of wrested vegetation* means point where vegetation has been persistently twisted
2718 or bent (wrested) by normal stream flow or wave action.

2719 *Private project* means any other project not defined as a public project.

2720 *Protection area* means any and all land and vegetation within the undisturbed buffer and
2721 impervious surface setback.

2722 *Public project* means any local, state or federal government utility that is being built and
2723 funded (in full or in part) by a government authority.

2724 *Reservoir boundary* means the edge of a water supply reservoir defined by its normal
2725 pool elevation.

2726 *Riparian* belonging to or related to the bank of a river stream, lake, pond or
2727 impoundment.

2728 *Septic tank (onsite sanitary sewer system)* means the City Health Department approved
2729 watertight structure installed underground to receive sewage from a building affecting
2730 separation and organic decomposition of sewage solids and discharging effluent to an
2731 absorption filed or other element, of an onsite sewage management system.

2732 Setback the area extending beyond any buffer applicable to the stream in which no
2733 impervious surface is allowed.

2734 *Small water supply watershed* means a watershed that contains less than 100 square
2735 miles of land within the drainage basin upstream of a public drinking water supply
2736 intake.

2737 *State waters means (per GESA)* any and all rivers, streams, creeks, branches, lakes,
2738 reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or
2739 subsurface water, natural or artificial, lying within or forming a part of the boundaries of
2740 the state which are not entirely confined and retained completely upon the property of a
2741 single individual, partnership, or corporation.

2742 *Stream* means any stream, beginning at 1) the location of a spring, seep, or
2743 groundwater outflow that sustains stream flow; or 2) a point in the channel with a
2744 drainage area of 25 acres or more; or 3) where evidence indicates the presence of a
2745 stream in a drainage area of other than 25 acres, the City's Department of Community
2746 Development Services may require field studies to verify the existence of a stream.

2747 *Undisturbed buffer* means a naturally vegetated strip of land where no improvements
2748 shall take place or have been made and which lies adjacent to a stream, river, or lake
2749 and provides such functions as protecting water quality, providing wildlife habitat, and
2750 storing flood waters.

2751 *Utilities* means water or sewer systems, water or sewer pumping stations, electric
2752 power/transmission lines, fuel pipelines, telephone lines, roads, driveways, bridges,
2753 river and lake access facilities, railroads, and other similarly functions/uses as identified
2754 by the City.

2755 *USGS Blueline Stream* means a perennial stream that is depicted on a United States
2756 Geological Survey (USGS) 7.5-minute quadrangle map (scale 1:24,000) with a solid
2757 blue line.

2758 *Water supply reservoir* means a public-owned impoundment of water for the primary
2759 purpose of providing water to one or more public drinking water systems. This excludes
2760 the multipurpose reservoirs owned by the United States Army Corps of Engineers
2761 (COE).

2762 *Water supply watershed* means the area of land within the drainage basin upstream of a
2763 public drinking water supply intake.

2764 Sec. 14-7004. - **Protection criteria.**

2765 (a) **Buffer and setback requirements.** Streams in all watersheds within the City shall
2766 require a minimum 75-foot undisturbed buffer on each side of the stream, as measured
2767 from the point of wrested vegetation. An additional 25-foot setback shall be maintained
2768 adjacent to the undisturbed buffer in which all impervious surfaces shall be prohibited.
2769 Storm water retention or detention facilities are prohibited within the stream channel.

2770 Stream buffer width averaging shall be allowed:

2771 (1) Within the first 15 feet of the setback and the first 25 feet of the
2772 undisturbed buffer without a variance; and

2773 (2) When it is demonstrated that the stream contains variations in sensitivity
2774 due to existing physical characteristics; and

2775 (3) When the total area contained within the buffer after averaging is no less
2776 than that contained within the standard buffer and setback area as specified in this
2777 section prior to averaging. Technical specifications for stream buffer width averaging are
2778 outlined in the administrative guidelines for this chapter.

2779 (b) **Small water supply watershed protection standards.** The following applies to
2780 these small water supply watersheds in the City: Big Creek Watershed, Whitewater
2781 Creek Watershed, Line Creek Watershed, Cedar Creek Watershed, and Bear Creek
2782 Watershed.

2783 (1) All streams located within an upstream seven mile radius of public-owned
2784 drinking water supply intakes and reservoirs require a 100-foot undisturbed buffer on
2785 each side, as measured from the point of wrested vegetation and an additional 50-foot
2786 setback adjacent to the undisturbed buffer in which all impervious cover shall be
2787 prohibited. Septic tanks and septic tank drain fields are prohibited within the undisturbed
2788 buffer and setback area;

2789 (2) All streams located outside of the seven mile radius arc (as described
2790 above) require a 75-foot undisturbed buffer on each side, as measured from the point of
2791 wrested vegetation and an additional 25-foot setback adjacent to the undisturbed buffer
2792 in which all impervious cover shall be prohibited. Septic tanks and septic tank drain
2793 fields are prohibited in the undisturbed buffer and setback area;

2794 (3) The impervious surface area, including all public and private structures,
2795 utilities, or facilities, of the entire water supply watershed shall be limited to 25 percent,
2796 or existing use, whichever is greater, unless other best management practices, as
2797 approved by the Georgia Department of Natural Resources have been implemented;

2798 (4) Within these watersheds, new facilities which handle hazardous materials
2799 of the types listed in Section 312 of the Resource Conservation and Recovery Act of
2800 1976 (excluding underground storage tanks) and in amounts determined by the Georgia
2801 Department of Natural Resources of 10,000 pounds or more on any one day shall

2802 perform their operations on impervious surfaces and in conformance with any applicable
2803 local, state and federal spill prevention requirements and fire code requirements;

2804 (5) New hazardous waste treatment or disposal facilities are prohibited;

2805 (6) New sanitary landfills are allowed only if they have synthetic liners and
2806 leachate collection systems;

2807 (7) For small water supply watersheds that contain a reservoir, a buffer shall
2808 be maintained 150 feet from the reservoir boundary;

2809 (c) Large water supply watershed protection standards—Chattahoochee River. New
2810 facilities located within a seven mile radius upstream of the Chattahoochee River
2811 watershed water supply intake, and within the City which handle hazardous materials of
2812 the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976
2813 (excluding underground storage tanks) and amounts determined by the Georgia
2814 Department of Natural Resources of 10,000 pounds or more on any one day shall
2815 perform their operations on impervious surfaces and in conformance with any applicable
2816 local, state and federal spill prevention requirements and fire code requirements.

2817 Sec. 14-7005. - **Applicability.**

2818 This chapter shall apply to all land development activity on property containing a stream
2819 protection area as defined in sections 14-7003 and 14-7004 of this chapter. These
2820 requirements are in addition to, and do not replace or supersede, any other applicable
2821 buffer requirements established under state law and approval or exemption from these
2822 requirements do not constitute approval or exemption from buffer requirements
2823 established under state law or from other applicable local, state or federal regulations.

2824 (1) Grandfather provisions.

2825 a. Any legal residential lot of record existing prior to the effective date
2826 of this chapter that does not change use, zoning classification or size is exempt from the
2827 requirements in section 14-7004 but shall be in compliance with requirements of the
2828 article existing prior to the adoption of this chapter.

2829 b. Any zoning application, use permit application, concept plan that is
2830 a part of a zoning or use permit application; residential, commercial or industrial permit
2831 or subdivision application submitted to the City prior to the effective date of this chapter
2832 are exempt from the buffer and setback requirements in section 14-7004 as of the
2833 effective date of this chapter for the following time periods for the corresponding
2834 development sizes listed below:

2835 1. 25 lots or less, legally recorded within 18 months as of the
2836 effective date of this chapter;

2837 2. 25 acres or less, legally recorded within 18 months as of the
2838 effective date of this chapter;

2839 3. 250 lots or less, legally recorded within 24 months as of the
2840 effective date of this chapter;

2841 4. 250 acres or less, legally recorded within 24 months as of
2842 the effective date of this chapter;

2843 5. Greater than 250 lots, legally recorded within 36 months as
2844 of the effective date of this chapter;

2845 6. Greater than 250 acres, legally recorded within 36 months
2846 as of the effective date of this chapter.

2847 (2) Exemptions. The following activities shall be exempt from the
2848 requirements set forth in section 14-7004 of this chapter. Exemption of these activities
2849 does not constitute an exemption for any other activity proposed on a property:

2850 a. A perpendicular stream crossing by a driveway, transportation
2851 route, or utility lines;

2852 b. A transportation route where buffer intrusion is the only option to
2853 provide access to a property;

2854 c. Unpaved foot trails and paths;

2855 d. Paved foot trails and paths for public use no greater than ten feet
2856 wide;

2857 e. Public water supply intake or public wastewater outfall structures;

2858 f. Public access facilities that must be on the water including boat
2859 ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;

2860 g. Utility line easements running parallel with the stream, except that
2861 all easements (permanent and construction) and land disturbance shall be required to
2862 meet the minimum State buffer protection requirement. This includes such impervious
2863 cover as necessary for the operation and maintenance of the utility, including but not
2864 limited to manholes, vents and valve structures. This exemption shall not be construed
2865 as allowing the construction of roads, bike paths or other transportation routes in such
2866 easements, regardless of paving material except for access for the uses specifically
2867 cited in the above subsection;

2868 h. Land development activities within a dedicated transportation right-
2869 of way existing as of the effective date of this ordinance or approved under the terms of
2870 this chapter;

2871 i. Forestry or silviculture activities on land that is zoned for forestry,
2872 silvicultural or agricultural uses and are not incidental to other land development activity.
2873 If such activity results in land disturbance in the buffer that would otherwise be

2874 prohibited, then no other land disturbing activity other than normal forest management
2875 practices will be allowed on the entire property for three years after the end of the
2876 activities that intruded on the buffer;

2877 j. Minor land-disturbing activities for the intent of emergency erosion
2878 control and bank stabilization activities (i.e. for the purposes of corrective maintenance;
2879 measures for health, safety and welfare; post storm; or other disaster relief) if the City is
2880 notified in writing about the activity and the disturbance area is less than 5,000 square
2881 feet.

2882 Sec. 14-7006. - **Variance procedures.**

2883 No variance shall be granted to the undisturbed buffer and/or setback requirements
2884 contained in this chapter unless the director (or, in the event of an appeal, the board of
2885 zoning appeals) determines that a hardship exists and relief, if granted, meets the
2886 general purpose and intent of this chapter. There shall be two levels of variance
2887 appeals: Level one and secondary. Subsections 14-7006(c) and (d) provide the intent of
2888 the level one and secondary variance appeal processes. Subsections 14-7006(a) and
2889 (b) below, establish the criteria to validate the basis for an appeal to the stream buffer
2890 protection standards and specify the submittal requirements for the appeal processes.
2891 Mitigation measures (i.e. stream bank restoration) are outlined in the administrative
2892 guidelines for this chapter.

2893 (a) Variance hardship criteria. Variance requests shall only be considered if a
2894 request meets any of the following hardship criteria including the applicant's statement
2895 and explanation of the hardship under which a variance is submitted to deviate from the
2896 stream buffer protection standards of section 14-7004:

2897 (1) For public and private properties that have unusual shape or topography
2898 of the property at the time of the adoption of this chapter and there is no opportunity for
2899 development under any design configuration in accordance with the land use
2900 designation assigned to the subject property; or

2901 (2) For private development projects that involve the construction or repair of
2902 a structure which, by its nature, must be located within the buffer. Such structures
2903 include dams, docks, boat launches, and stabilization of areas to access water; or

2904 (3) For public and private projects involving paved foot trails greater than ten
2905 feet wide and viewing areas, providing that impacts to the buffer are minimal (at the
2906 discretion of the director); or

2907 (4) For public and private projects with buffer and/or setback intrusion that
2908 demonstrates that the completed project results in maintained and/or improved water
2909 quality downstream; and, yields no increase in storm water runoff.

2910 (b) Variance submittal requirements.

2911 (1) Variances from the undisturbed buffer and setback requirements of this
2912 chapter may be sought by a property owner by filing an application following the
2913 minimum submittal requirements and procedures as set forth in the administrative
2914 guidelines for this chapter. An administrative filling fee shall be assessed at the time of
2915 application.

2916 (2) In the event that a concept plan or rezoning application (which includes a
2917 stream that is subject to this chapter) is in the review process (where upon the concept
2918 plan or rezoning application has not yet been approved by a City action) and, wherein
2919 the applicant is seeking relief from the stream buffer protection standards as described
2920 in this chapter, the concept plan shall not be approved by the City until either:

2921 a. The applicant shows the required stream buffer protection
2922 standards on the subject rezoning application and concept plan without any reduction or
2923 deviation, or

2924 b. A variance to the stream buffer protection standards has been
2925 granted and the rezoning application and concept plan reflects the intent and design of
2926 the relief from the required stream buffer protection standards.

2927 (3) Notwithstanding any other provision of this section, above, no relief to the
2928 undisturbed buffer and setback area protection requirements shall be allowed on any
2929 USGS Blueline streams on all land within a small supply watershed protection area. In
2930 addition, notwithstanding any other provision of this section, the minimum standards,
2931 rules, and regulations of the Metropolitan River Protection Act (O.C.G.A. § 12-5-440 et
2932 seq.) the Georgia Erosion and Sedimentation Act (O.C.G.A. § 12-7-1, et seq.), and the
2933 Georgia Planning Act Part V Environmental Planning Criteria (O.C.G.A. § 12-2-8(b) are
2934 applicable and supersede this chapter if and when a conflict exists.

2935 (4) Notwithstanding any of the provisions of this section, land disturbing
2936 activities related to or involving forestry shall comply with the latest edition of the “Best
2937 Management Practices for Forested Wetlands in Georgia” and “Recommended Best
2938 Management Practices for Forestry in Georgia.” Land disturbing activities related to or
2939 involving agriculture shall comply with the latest edition of the “Agricultural Best
2940 Management Practices for Protecting Water Quality in Georgia.”

2941 (c) Level one variance. A level one variance is a hardship-based appeal subject to
2942 the director's decision. This process is governed by the criteria established in
2943 subsection 14-7006(a) and allows applicants to petition the City to consider one of the
2944 following requests. Considering the merit of the application including all facts and the
2945 information provided, the director may approve or disapprove the request with or without
2946 conditions for the following:

2947 (1) Reduce a maximum of 15 feet of the setback area and reduce a maximum
2948 of 25 feet of the undisturbed buffer.

2949 (2) Construction of storm water retention or detention facilities within the
2950 undisturbed buffer area and stream channel excluding all USGS Blueline streams,

2951 where water quality-related facilities shall not be allowed in the stream. Notwithstanding
2952 any other provision of this subsection, no in-stream detention/retention shall be allowed
2953 in a FEMA designated A or AE flood zone, unless first approved by FEMA.

2954 (d) Secondary variance. A secondary variance is a hardship based-appeal subject to
2955 the zoning board of appeals decision. This process is governed by criteria established in
2956 subsection 14-7006(a) and allows applicants to petition the City to consider one of the
2957 following below requests. Considering the merit of the application including all facts and
2958 the information provided, the zoning board of appeals may approve or disapprove the
2959 request with or without conditions for the following:

2960 (1) Reduction of the setback area or undisturbed buffer greater than the
2961 distances specified in this chapter;

2962 During the secondary variance procedure residents will be notified of the
2963 proposed impact in accordance with the City zoning resolution requirements.

2964 (e) Judicial review.

2965 (1) Appeal of a level one variance decision. The director's determination and
2966 decision shall conclude the Level One variance. Any person may appeal a Level One
2967 variance decision of the director to the zoning board of appeals. An appeal of the
2968 director's decision shall be filed in writing within 30 days after the final decision of the
2969 director.

2970 (2) Appeal of secondary variance decision. Any person may appeal the
2971 zoning board of appeals' decision to the Fulton County Superior Court. The decision of
2972 the zoning board of appeals constitutes a final City of South Fulton action. An appeal of
2973 this decision shall be filed in writing within 30 days after the final decision of the zoning
2974 board of appeals.

2975 Sec. 14-7007. - **Inspections.**

2976 The City's Department of Community Development Services is authorized to conduct
2977 inspections of the sites of regulated activities to determine that the regulated activities
2978 are being conducted in accordance with the requirements of this chapter. No person
2979 shall refuse reasonable entry or access to any authorized representative or agent of the
2980 City who requests entry for purposes of inspection, nor shall any person obstruct,
2981 hamper or interfere with such representative while in the process of conducting official
2982 duties.

2983 Sec. 14-7008. - **Violations, enforcement and penalties.**

2984 (a) Any person found to be in violation of any provision of this chapter shall be
2985 served written notice by the director stating the nature of the violation and providing a
2986 reasonable time limit for the satisfactory correction thereof. Such person shall, within the
2987 period of time stated in the notice, take all necessary action to correct the violation and
2988 shall permanently cease such violation. The director shall assess a maximum penalty

2989 up to \$1,000.00 per day for each violation involving unauthorized undisturbed buffer or
2990 impervious surface setback encroachment. Each day during which the violation
2991 continues shall be a separate violation.

2992 (b) If any violation of any provision of this chapter continues beyond the correction
2993 period stated in the notice provided, an immediate stop-work order shall be issued by
2994 the director. Such order shall be given to the owner of the property, his authorized
2995 agent, or the person or persons in charge of the activity on the property and shall be
2996 posted upon the property. The stop work order shall state the conditions under which
2997 work may be resumed.

2998 (c) In addition to any other remedies set forth in this chapter, any person found in
2999 violation of any provision of this chapter shall be issued a citation by the City and may
3000 be prosecuted and punished as provided by law for the violation of an ordinance. Each
3001 day in which a violation continues shall constitute a separate violation.

3002 (d) If the director determines that a threat to public safety or welfare exists as a
3003 result of a violation of this chapter and any person has failed to take corrective action
3004 within the time period stated in the notice provided, the City may take such remedial
3005 action as is necessary to protect the public safety or welfare. Such remedial action may
3006 include entering the property where a violation is present, correcting the violation, and
3007 placing a lien on the property to secure payment and reimbursement of any and all
3008 expenses incurred by the City to correct such violation.

3009 Sec. 14-7009. - **Liability.**

3010 Neither the approval of a plan or issuance of a permit for any regulated activity under
3011 the provisions of this chapter, or compliance with the provisions of this chapter shall
3012 relieve any person from responsibility or liability for:

3013 (1) Any damage to any person, property, tributary or other water body; or

3014 (2) Noncompliance with any other local, state or federal ordinances, statutes,
3015 rules or regulations.

3016 Sec. 14-7010. - **Severability.**

3017 It is declared to be the intent of the City Council that, if any section, subsection,
3018 sentence, clause, phrase, or portion of this chapter is for any reason held invalid or
3019 unconstitutional by any court of competent jurisdiction, such portion shall be deemed a
3020 separate, distinct, and independent provision; such holding shall not affect the validity of
3021 the remaining portions hereof.

3022 Sec. 14-7011. - **Effective date.**

3023 This chapter shall be effective immediately upon adoption by the Mayor and Council of
3024 the City of South Fulton, Georgia.

3025 CHAPTER 8. - **TREE PLANTING PROGRAM**

3026 Sec. 14-8001. - **Creation.**

3027 There is hereby created a City of South Fulton Tree Planting Program.

3028 Sec. 14-8002. - **Definitions.**

3029 For purposes of this chapter, the following terms shall have the following meanings:

3030 *Capital project* means any project or work involving the construction, acquisition, or
3031 renovation of any building, structure, road, sidewalk, or other facility owned or to be
3032 acquired by the City, where such project is funded through the General Fund—Cash
3033 Only Projects portion of the City budget (i.e., “Fund 500” projects).

3034 *Construction costs* means the total costs of acquiring and constructing a capital project
3035 including, but not limited to, legal, architectural, engineering and other professional fees,
3036 and site work.

3037 *City district* means one of the seven geographic areas corresponding to the boundaries
3038 of the City Council districts One, Two, Three, Four, Five, Six or Seven.

3039 *Public places* means buildings, real property, or other facilities located within the
3040 boundaries of the City and owned by the City or another governmental entity.

3041 *Renovation* means any construction, work, or cosmetic change to existing public places
3042 costing over \$100,000.00 in labor and/or supplies, excluding regular maintenance of
3043 facilities such as painting.

3044 Sec. 14-8003. - **Contracts.**

3045 (a) No contract shall be approved or executed by the City for any capital project
3046 unless at least one percent of the construction costs for such capital project is used for
3047 the purchase, installation/planting, and/or maintenance of trees in public places, which
3048 amounts are referred to as tree funds.

3049 (b) No contract for a capital project shall be presented for approval by the City
3050 unless the department of environment and community development certifies that the
3051 contract complies with the provisions of this chapter.

3052 Sec. 14-8004. - **Use of tree funds.**

3053 The tree fund portion of each contract referred to in section 14-8003 shall be placed into
3054 one or more trust funds to be established and administered by the City Finance and
3055 Administrative Services Department. Tree funds shall be equally allocated to each
3056 council district. Such funds shall be used to plant, install, and/or maintain trees and
3057 other landscaping (including labor, permitting and/or other associated expenses) on the
3058 site of a capital project or at other public places in the council district, including:

3059 (1) All county, publicly owned and maintained properties (public rights-of-way,
3060 medians, sidewalks, buildings, real properties, facilities, major collector and arterial
3061 roads, etc.);

3062 (2) Conservation areas dedicated to and maintained by the City;

3063 (3) Greenspace areas owned and maintained by the City.

3064 No tree funds shall be expended, and no trees shall be planted, with respect to property
3065 owned by a governmental entity other than the City unless and until an
3066 intergovernmental agreement between the City and said other governmental entity has
3067 been duly approved and executed by the governing bodies of both governments.

3068 Sec. 14-8005. - **Administration.**

3069 The City department of environment and community development, development
3070 services division, shall develop recommendations regarding proposed sites in each
3071 council district for planting of trees using tree funds. Such recommendations shall be
3072 submitted to the City Council for final approval or rejection.

3073 Sec. 14-8006. - **Standards.**

3074 Trees planted pursuant to the City Tree Planting Program shall have a minimum three-
3075 inch caliper and shall be of a species of hardwoods chosen from an approved list to be
3076 prepared by the City arborist. Placement of any trees adjacent to or within road rights-
3077 of-way shall be subject to the approval of the City traffic engineer.

3078 Sec. 14-8007. - **Voluntary contributions.**

3079 Private landowners and communities shall be allowed to make monetary donations to
3080 the tree fund.

3081 Sec. 14-8008. - **Program evaluation.**

3082 The City's Department of Community Development Services and Finance and
3083 Administrative Services Department shall submit an annual evaluation report of the tree
3084 planting program, including the location and number of trees planted and amount of
3085 funds expended in each council district. Without limiting the authority of the City Council,
3086 the Department of Community Development Services will reevaluate the tree planting
3087 program at the conclusion of the 2018 budget year.

3088 CHAPTER 9. - **GROUNDWATER RECHARGE AREAS PROTECTION**

3089 Sec. 14-9001. - **Title.**

3090 This chapter shall be known as the "City of South Fulton Groundwater Recharge Areas
3091 Protection Ordinance."

3092 Sec. 14-9002. - **Intent and purpose.**

3093 The purpose and intent of this chapter is to protect the City's surface water and
3094 groundwater supplies and resources. The surface water and groundwater protection
3095 regulations shall be used in conjunction with the City's plumbing codes, Soil and Erosion
3096 Control Ordinance, and stormwater and septic tank regulations to provide protection
3097 and conservation of the City's surface water and groundwater supplies and resources.

3098 Sec. 14-9003. - **Definitions.**

3099 *Aquifer* means any stratum or zone of rock beneath the surface of the earth capable of
3100 containing or producing water from a well.

3101 *Director* means the director or his/her designee of the City's Department of Community
3102 Development Services.

3103 *DRASTIC* means the standardized system for evaluating groundwater pollution potential
3104 using the hydrogeologic settings described in U.S. Environmental Protection Agency
3105 document EPA-600-2-87-035. (Note: the DRASTIC methodology is the most widely
3106 used technique for evaluating pollution susceptibility).

3107 *Pollution susceptibility* means the relative vulnerability of an aquifer to being polluted
3108 from spills, discharges, leaks, impoundments, applications of chemicals, injections and
3109 other human activities in the recharge area.

3110 *Pollution susceptibility map* means the relative vulnerability to pollution prepared by the
3111 department of natural resources, using the DRASTIC methodology. (Georgia
3112 Department of Natural Resources Hydrologic Atlas 20: Groundwater Pollution
3113 Groundwater Pollution Susceptibility Map of Georgia).

3114 *Recharge area* means any portion of the earth's surface where water infiltrates into the
3115 ground to replenish an aquifer.

3116 *Septic tank* means an approved watertight structure installed underground to receive
3117 sewage from a building, effecting separation and organic decomposition of sewage
3118 solids and discharging effluent to an absorption field or another element of an onsite
3119 sewage management system.

3120 *Significant recharge areas* means those areas mapped by the Georgia Department of
3121 Natural Resources in Hydrologic Atlas 18 (1989 edition). Mapping of recharge areas is
3122 based on outcrop area, lithology, soil type and thickness, slope, density of lithologic
3123 contacts, geologic structure, the presence of karst, and potentiometric surfaces.

3124 Sec. 14-9004. - **Establishment of the groundwater recharge area protection**
3125 **district.**

3126 A groundwater recharge area district (hereinafter the district) is hereby established
3127 which shall correspond to all lands within the jurisdiction of the City that are mapped as

3128 significant recharge areas by the Georgia Department of Natural Resources in
3129 Hydrologic Atlas 18, 1989 edition. Said map is hereby adopted and made a part of this
3130 chapter.

3131 Sec. 14-9005. - **Determination of pollution susceptibility.**

3132 Each recharge area shall be determined to have a pollution susceptibility of high,
3133 medium, or low based on the Georgia Pollution Susceptibility Map, Hydrologic Atlas 20,
3134 1992 edition. Said map is hereby adopted and made a part of this chapter.

3135 Sec. 14-9006. - **Protection criteria.**

3136 The following regulations shall apply to all lands within the district.

3137 (1) No construction shall proceed on any development to be served by a
3138 septic tank unless the City's Department of Health and Wellness first approves the
3139 proposed septic tank installations as meeting the requirements of the City Code of Laws
3140 for Sewage Disposal, the Georgia Department of Human Resources Manual for On-Site
3141 Sewage Management Systems (hereinafter DHR manual), and the requirements of this
3142 chapter.

3143 (2) New residences served by an individual septic tank/drain field system
3144 shall be on lots having minimum size limitations that are 110 percent of the subdivision
3145 minimum lot size calculated based on application of Table MT-1 of the DHR Manual
3146 (hereinafter DHR Table MT-1). The minimums set forth in Table MT-1 may be increased
3147 further by department of human resources (DHR) based on consideration of other
3148 factors (set forth in sections A—F) of the DHR Manual.

3149 (3) New agricultural waste impoundment sites shall be lined. As a minimum,
3150 the liner shall be constructed of compacted clay having a thickness of one-foot and a
3151 vertical hydraulic conductivity of less than five x ten 7 cm/sec or other criteria
3152 established by the natural resources conservation service.

3153 (4) New above ground chemical or petroleum storage tanks having a
3154 minimum volume of 660 gallons shall have secondary containment for 110 percent of
3155 the volume of such tanks or 110 percent of the volume of the largest tank in a cluster of
3156 tanks. Tanks used for agricultural purposes are exempt, provided they comply with all
3157 federal requirements.

3158 (5) New facilities which handle hazardous materials of the types listed in
3159 Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding
3160 underground storage tanks) and in amounts of 10,000 pounds or more on any one day
3161 shall perform their operations on impervious surfaces and in conformance with any
3162 applicable local, state, and federal spill prevention requirements and fire code
3163 requirements.

3164 (6) Permanent storm water infiltration basins shall be prohibited.

3165 Sec. 14-9007. - **Exemptions.**

3166 Lots of record properly platted and approved prior to the adoption of this chapter are
3167 hereby exempted from the requirements of subsections 14-9006(2) and (3) of this
3168 chapter.

3169 Sec. 14-9008. - **Penalties.**

3170 (a) When a building or other structure has been constructed in violation of this
3171 chapter, the violator may be required to remove the structure at the discretion of the
3172 director and fined \$1,000.00 for each violation or each day on which the violation exists.

3173 (b) The director may suspend or revoke a permit if he/she finds that the applicant
3174 has not complied with the conditions or limitations set forth in the permit or has
3175 exceeded the scope of the work set forth in the permit.

3176 (c) A violation of this chapter that also constitutes a violation of any provision of the
3177 Clean Water Act as amended, will result in the department of environment and
3178 community development issuing written notification of the violation to the U.S. Army
3179 Corps of Engineers, and the landowner.

3180 CHAPTER 10. - **WETLANDS PROTECTION[11]**

3181 Sec. 14-10001. - **Title.**

3182 This chapter shall be known as the “City of South Fulton Wetlands Protection
3183 Ordinance.”

3184 Sec. 14-10002. - **Intent and purpose.**

3185 The wetlands of the City of South Fulton, Georgia are important to the environment and
3186 shall be protected. The purpose of this chapter is to recognize and require adherence to
3187 Federal regulations and procedures that govern the development of land that contain
3188 wetlands within the City of South Fulton, Georgia. The regulations contained in this
3189 chapter are created under the requirement of the Clean Water Act (33 U.S.C. §1344),
3190 (“CWA”). Any City government action under this chapter does not relieve the landowner
3191 from federal or state permitting requirements. In the event of a conflict between or
3192 among any provisions of this chapter, the Clean Water Act or any other ordinance,
3193 resolution or regulation of the City, the most restrictive requirement shall apply. It is not
3194 the intent of this chapter to regulate individual properties where activities will not impact
3195 wetlands and do not require a land disturbance permit.

3196 Sec. 14-10003. - **Definitions.**

3197 All words in these standards have their customary dictionary definitions except as
3198 specifically defined herein. The words “shall” and “must” are mandatory, and the words
3199 “may” and “should” are permissive.

- 3200 “Anaerobic” means not having molecular oxygen (O₂) present.
- 3201 “Applicant” means any person who seeks permission to engage in any regulated activity
3202 on any land that contains wetland areas, as those terms are defined herein.
- 3203 “COE” means United States Army Corps of Engineers.
- 3204 “Director” means the Director or his/her designee of the City’s Department of
3205 Community Development Services.
- 3206 “Generalized Wetlands Map” means the latest edition of the City Government maps for
3207 the City, Georgia generated from National Wetlands Inventory mapping.
- 3208 “Hydrophytic vegetation” means any plant growing in water or in soil that is at least
3209 periodically anaerobic as a result of saturation; plants typically found in wet habitats.
- 3210 “Jurisdictional wetlands determination” means a delineation of jurisdictional wetlands
3211 boundaries by the U.S. Army Corps of Engineers, as required by Section 4004 of the
3212 Clean Water Act (33 U.S.C. §1344, as amended).
- 3213 “Jurisdictional wetlands” means a wetlands area that meets the definitional
3214 requirements for wetlands as determined by the United States Army Corps of
3215 Engineers.
- 3216 “National Wetlands Inventory (NWI) maps” means a series of maps produced by the
3217 U.S. Fish and Wildlife Service showing the location and classification of wetlands in
3218 standard topographical areas. A wetlands inventory area does not necessarily represent
3219 jurisdictional wetlands and shall not serve as a substitute for a jurisdictional wetland
3220 determination or a wetland delineation.
- 3221 “Regulated activity” means any activity which will, or which may reasonably be expected
3222 to result in the discharge of dredged or fill material into waters of the United States
3223 excepting those activities exempted in Section 4004 of the Federal Clean Water Act.
- 3224 “Wetlands” as defined by the United States Army Corps of Engineers and the United
3225 States Environmental Protection Agency means an area that is inundated or saturated
3226 by surfacewater or groundwater at a frequency and duration sufficient to support, and
3227 under normal circumstances does support, a prevalence of vegetation typically adapted
3228 for life in saturated soil conditions, commonly known as hydrophytic vegetation.
3229 Wetlands generally include swamps, marshes, bogs and similar areas. The ecological
3230 parameters for designating wetlands include hydric soils, hydrophytic vegetation, and
3231 hydrological conditions that involve a temporary or permanent sources of water to cause
3232 soil saturation.
- 3233 “Wetlands delineation” means the establishment of wetlands boundaries by a
3234 representative of the United States Army Corps of Engineers, an authority designated
3235 by the COE, or the director, as required by Section 4004 of the Clean Water Act, (33
3236 U.S.C. §1344), as amended. Wetlands shall be delineated on the basis of hydrophytic

3237 vegetation, hydric soils, and wetlands hydrology, in accordance with the techniques
3238 outlined in the COE, Wetlands Delineation Manual (Technical Report Y-87-1, January
3239 1987).

3240 Sec. 14-10004. - **Establishment of the Wetlands Protection District.**

3241 The Wetlands Protection District is hereby established which shall correspond to all
3242 lands within the jurisdiction of the City of South Fulton, Georgia that are identified,
3243 designated and mapped as wetland areas by the City Government. This map shall be
3244 referred to as the generalized wetlands map and is hereby adopted by reference and
3245 declared to be a part of this chapter, together with all explanatory matter thereon and
3246 attached thereto.

3247 The generalized wetlands map and the established Wetlands Protection District do not
3248 necessarily represent the boundaries of jurisdictional wetlands within the City, Georgia
3249 and shall not serve as a substitute for a delineation of wetland boundaries approved by
3250 the COE, as required by Section 4004 of the Clean Water Act, as amended. Any local
3251 government action under this chapter shall not relieve the landowner from federal or
3252 state permitting requirements.

3253 The generalized wetlands map is available in the department of environment and
3254 community development and incorporated by reference.

3255 Sec. 14-10005. - **Benefits.**

3256 Important benefits to the City's citizens that are derived from wetlands protection
3257 include:

- 3258 (1) Flood control;
- 3259 (2) Erosion control;
- 3260 (3) Improved water quality due to the retention of sediment, nutrients, and
3261 toxic materials;
- 3262 (4) Aesthetics;
- 3263 (5) Recreational and natural resource education opportunities;
- 3264 (6) Open space.

3265 Sec. 14-10006. - **Authority and applicability.**

3266 Terms and provision of the wetlands protections article, established herein, shall apply
3267 to all activities which require the issuance of a land disturbance permit on any real
3268 property within the City. No land disturbance permit shall be issued by the department
3269 of environment and community development, (or any successor to that department)

3270 without it being determined that the proposed development is in conformance with the
3271 provisions of these regulations.

3272 The terms and provisions of these regulations shall also apply to construction of new
3273 single-family detached and duplex dwellings, including additions, renovations and/or
3274 alterations to existing single-family detached and duplex dwellings where the total land
3275 disturbance activity is greater than 5,000 square feet and/or proposes impact to COE
3276 delineated wetlands.

3277 Sec. 14-10007. - **Land disturbance permit procedures.**

3278 Jurisdictional wetlands shall be protected according to the regulation of the State of
3279 Georgia, COE, Environmental Protection Agency and all other applicable state and
3280 federal regulations. Under current federal law and state policy, alterations or
3281 degradation of wetlands should be avoided unless it can be demonstrated that there will
3282 be no long-term impacts or net loss of wetlands. Any unavoidable degradation or loss
3283 must be mitigated through the restoration, creation, enhancement or preservation of
3284 other waters of the United States.

3285 If the applicant can provide to the director a valid COE wetlands delineation that verifies
3286 that the proposed activity is not located within jurisdictional wetlands, or if the applicant
3287 can provide a valid COE permit or letter that authorizes the proposed activity within
3288 jurisdictional wetlands, then the director shall follow current procedures for issuing a
3289 land disturbance permit. If such evidence of compliance with COE permitting
3290 requirements is not provided, then the procedures are as follows:

3291 (1) The director shall consult the generalized wetlands map to assess
3292 whether the proposed activity is located in the Wetlands Protection District or within 100
3293 feet of the Wetlands Protection District.

3294 (2) Prior to the issuance of a land disturbance permit, the director shall
3295 require the applicant to submit the City Certification/Indemnification for Federally
3296 Designated Wetlands form (see Wetland Protection Procedures: For All Projects
3297 Contemplating Alteration or Degradation of Wetland Areas) as verification of whether or
3298 not jurisdictional wetlands are located within the parcel proposing a land disturbance
3299 activity and if any impacts to the wetlands are being proposed:

3300 a. If the director determines that the proposed activity is of a type that
3301 could not result in a disturbance of wetlands or if the proposed activity is not located in
3302 the Wetlands Protection District or within 100 feet of the Wetlands Protection District,
3303 the director shall follow current procedures for issuing a land disturbance permit.

3304 b. If the director determines that the proposed activity is located in the
3305 Wetlands Protection District or within 100 feet of the Wetlands Protection District and
3306 that the proposed activity is of a type that could result in a disturbance of wetlands, a
3307 COE jurisdictional wetlands determination shall be required prior to issuance of a land
3308 disturbance permit.

3309 c. If the COE determines that a permit or letter of permission is
3310 required, a land disturbance permit shall be issued only following issuance of a COE
3311 permit or letter of permission. If the COE determines that the proposed activity would
3312 not require a COE permit or letter of permission, the director shall proceed with current
3313 procedures for issuing a land disturbance permit based on documentation of the COE
3314 determination. If the COE determines that wetlands mitigation is required, the applicant
3315 shall perform mitigation in the City, unless such action conflicts with the direction of
3316 COE.

3317 d. If under any of the provision of this section a conflict occurs
3318 between the director and the applicant with regards to the proposed activity being a type
3319 that could result in a disturbance of wetlands, the applicant shall provide the director
3320 with the appropriate COE documentation to resolve the conflict.

3321 Sec. 14-10008. - **Penalties.**

3322 The applicant shall be subjected to state and federal penalties for non-compliance.

3323 **CHAPTER 11. IMPACT FEES**

3324 Sec. 14-11001. - **Short title of chapter.**

3325 This chapter shall be known and may be cited as the "South Fulton Development
3326 Impact Fee Ordinance."

3327 Sec. 14-11002. - **Authority of chapter.**

3328 This chapter has adopted by the City of South Fulton, Georgia, in accordance with the
3329 authority provided by Ga. Const. art. IX, § II, ¶ IV, the Constitution of the State of
3330 Georgia and as prepared by Fulton County, Georgia, under the Georgia Development
3331 Impact Fee Act (O.C.G.A. § 36-71-1 et seq.) as that act may be amended in the future.

3332 Sec. 14-11003. - **Interpretation of chapter.**

3333 The provisions of this chapter shall not be construed to limit the power of City to adopt
3334 such an ordinance pursuant to any other source of local authority or to use any other
3335 methods or powers otherwise available for accomplishing the purposes set forth herein,
3336 either in substitution of or in conjunction with this chapter.

3337 Sec. 14-11004. - **Application of chapter.**

3338 This chapter shall apply to the City.

3339 Sec. 14-11005. - **Declaration of intent and purpose of chapter.**

3340 (a) This chapter is intended to implement and be consistent with the Comprehensive
3341 Plan: Unincorporated Fulton County, Georgia, adopted March 15, 1978, amended by
3342 the Fulton 2010 comprehensive plan update on May 4, 1988, and on May 7, 1990, and

3343 as it may be amended and adopted by South Fulton, in accord with O.C.G.A. tit. 36, ch.
3344 70 (O.C.G.A. § 36-70-1 et seq.) (Growth Strategies) in the future.

3345 (b) The purpose of this chapter is to ensure adequate public facilities are available to
3346 serve new growth and development in the City and to regulate the use and
3347 development of land so that new growth and development bears a proportionate share
3348 of the cost of new public facilities needed to serve new growth and development.

3349 Sec. 14-11006. - **Findings.**

3350 The City Council of the City of South Fulton, Georgia, finds and declares that:

3351 (1) Land development shall not be allowed unless adequate public facilities
3352 are available or are ensured;

3353 (2) New land development in identified service areas shall bear a
3354 proportionate share of the cost of new public facilities to serve new growth and
3355 development;

3356 (3) The imposition of impact fees is a preferred method of regulating land
3357 development in order to ensure that it bears a proportionate share of the cost of new
3358 public facilities necessary to accommodate the new growth and development and to
3359 promote and protect the public health, safety, and general welfare of the citizens of the
3360 City; and

3361 (4) The City shall expand its public facilities in order to maintain current levels
3362 of service if new development and growth is to be accommodated without decreasing
3363 the level of service.

3364 Sec. 14-11007. - **Effect of chapter on other regulations.**

3365 This chapter shall not affect, in any manner, the permissible use of property, density of
3366 development, design, improvements, or any other requirements or aspect of the
3367 development of land or provision of capital improvements subject to zoning and
3368 subdivision regulations or other regulations of the City. All such other regulations and
3369 requirements shall be operative and shall remain in full force and effect without
3370 limitation with respect to all development. Application and imposition of development
3371 impact fees is additional and supplemental to, and not in substitution of, any other
3372 requirements imposed by the City on the development of land or the issuance of
3373 building permits.

3374 Sec. 14-11008. - **Severability.**

3375 If any sentence, section, clause, part, or provision of this chapter be declared by a court
3376 of competent jurisdiction to be invalid, the validity of this chapter as a whole or any other
3377 part hereof shall not be affected.

3378 Sec. 14-11009. - **Rules of construction.**

3379 (a) The provisions of this chapter shall be liberally construed so as to effectively
3380 carry out its purpose in the interest of the public health, safety, and general welfare.

3381 (b) For the purposes of administration and enforcement of this chapter, unless
3382 otherwise stated in this chapter, the following rules of construction shall apply to the text
3383 of this chapter:

3384 (1) In the case of any difference of meaning or implication between the text of
3385 this chapter and any caption, illustration, summary table or illustrative table, the text
3386 shall control.

3387 (2) The word "shall" is always mandatory and not discretionary; the word
3388 "may" is permissive.

3389 (3) Words used in the present tense shall include the future, and words used
3390 in the singular number shall include the plural and the plural the singular, unless the
3391 context clearly indicates the contrary.

3392 (4) The word "person" includes an individual, a corporation, a partnership, an
3393 incorporated association, or any other similar entity.

3394 (5) Unless the context clearly indicates the contrary, where a regulation
3395 involves two or more items, conditions, provisions, or events connected by the
3396 conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:

3397 a. "And" indicates that all the connected terms, conditions, provisions
3398 or events shall apply.

3399 b. "Or" indicates that the connected items, conditions, provisions or
3400 events may apply singly or in any combination.

3401 c. "Either...or" indicates that the connected items, conditions,
3402 provisions or events shall apply singly but not in combination.

3403 (6) The word "includes" shall not limit a term to the specific example but is
3404 intended to extend its meaning to all other instances or circumstances of like kind or
3405 character.

3406 (7) The paragraph headings used in this chapter are included solely for
3407 convenience and shall not affect, or be used in connection with, the interpretation of this
3408 chapter.

3409 (8) The intent of this chapter in granting credits and/or refunds is to make
3410 such grants to persons or entities who actually paid or will pay fees whether they are
3411 "developer" or "property owner" or some other entity.

- 3412 Sec. 14-11010. - **Definitions.**
- 3413 As used in this chapter, the following terms shall mean:
- 3414 Affordable means the sales price cannot exceed 2½ times the income of people or
3415 households of low or moderate income, or the rental price cannot exceed 30 percent of
3416 the gross monthly income of people or households of low or moderate income.
- 3417 Affordable housing means housing affordable to persons of low or moderate income.
- 3418 Building permit means the permit required for new construction pursuant to City Code.
3419 As used herein, the term shall not include permits required for remodeling,
3420 rehabilitation, or other improvements to an existing structure, provided there is no
3421 increase in gross square feet or number of dwelling units resulting therefrom.
- 3422 Capital improvement means an improvement with a useful life of ten years or more, by
3423 new construction or other action, which increases the service capacity of a public
3424 facility.
- 3425 Capital improvements element means that portion of the Comprehensive Plan:
3426 Unincorporated Fulton County, Georgia, which sets out projected needs for system
3427 improvements during a planning horizon established in the Comprehensive Plan:
3428 Unincorporated Fulton County, a schedule of capital improvements that will meet the
3429 anticipated need for system improvements, and a description of anticipated funding
3430 sources for each required improvement. (See the Capital Improvements Element of the
3431 Comprehensive Plan.)
- 3432 City means the City of South Fulton, Georgia.
- 3433 Commencement of construction or commenced construction means expenditure of any
3434 funds, whether they be development impact fee funds or not, for a public facilities
3435 project, marshalling of forces to undertake a public facilities project, or advertising of
3436 bids to undertake a public facilities project, or any action normally found to proceed
3437 subsequent to these actions in a typical flow of project construction activities.
- 3438 Completion of construction means a project or development has been issued the final
3439 certificate of occupancy by the City. The date of completion is the date at which such
3440 certificate is issued.
- 3441 Comprehensive plan means the Comprehensive Plan: Unincorporated Fulton County,
3442 Georgia, adopted March 15, 1978, amended by the Fulton 2010 comprehensive plan
3443 updated on May 4, 1988, and on May 7, 1990, and as it may be amended in accord with
3444 O.C.G.A. tit. 36, ch. 70 (O.C.G.A. § 36-70-1 et seq.) (Growth Strategies) in the future.
- 3445 County means Fulton County, a legal subdivision of the State of Georgia.
- 3446 City manager means the City Manager or the City manager's designee.

- 3447 Developer means any person or legal entity undertaking development.
- 3448 Development means any construction or expansion of a building, structure, or use, any
3449 change in use of a building or structure, or any change in the use of land, any of which
3450 creates additional demand and need for public facilities.
- 3451 Development approval means written authorization, such as issuance of a building
3452 permit, or other forms of development approval as required by other City codes, which
3453 authorizes commencement of construction.
- 3454 Development impact fee means a payment of money imposed upon development as a
3455 condition of development approval to pay for a proportionate share of the cost of system
3456 improvements needed to serve new growth and development.
- 3457 Encumber means to legally obligate by contract or otherwise commit to use by
3458 appropriation or other official act of the City.
- 3459 Excess capacity means capacity of a public facility or system of public facilities which is
3460 beyond that necessary to provide service at a specified level of service.
- 3461 Feepayor means that person or entity who pays a development impact fee or his/her
3462 successor in interest with the right or entitlement to any refund of previously paid
3463 development impact fees which is required by this chapter and which has been
3464 expressly transferred or assigned to the successor in interest. In the absence of an
3465 express transfer or assignment or entitlement to any refund or previously paid
3466 development impact fees, the right or entitlement shall be deemed "not to run with the
3467 land."
- 3468 Fulton County median income means the median income of all residents of Fulton
3469 County, Georgia, incorporated and unincorporated, as documented in the most recent
3470 applicable report published by the U.S. Bureau of the Census.
- 3471 Individual assessment determination means a finding that an individual assessment
3472 study does or does not meet the requirements for such a study and, if requirements are
3473 met, the fee calculated from an individual assessment study.
- 3474 Individual assessment study means the engineering and/or economic documentation
3475 prepared by a feepayor to allow determination of a development impact fee other than
3476 by use of an applicable fee schedule, as required by O.C.G.A. § 36-71-4(g).
- 3477 Level of service means a measure of the relationship between service capacity and
3478 service demand for public facilities in terms of demand to capacity ratios or the comfort
3479 and convenience of use or service of public facilities, or both.
- 3480 Low income means persons or households with income equal to or less than 50 percent
3481 of the median income of Fulton County according to the most recent data published
3482 from time to time by the U.S. Department of Housing and Urban Development.

3483 Moderate income means persons or households with income equal to or less than 80
3484 percent of the median income of Fulton County according to the most recent data
3485 published from time to time by the U.S. Department of Housing and Urban
3486 Development.

3487 Present value means the current value of past, present, or future payments,
3488 contributions, or dedications of goods, services, materials, construction, or money.

3489 Project means a particular development on an identified parcel of land or as may be
3490 identified by a particular zoning petition.

3491 Project improvements means site improvements and facilities that are planned and
3492 designed to provide service for a particular development project and that are necessary
3493 for the use and convenience of the occupants or users of the project and that are not
3494 system improvements. The character of the improvement shall control a determination
3495 of whether an improvement is a project improvement or a system improvement and the
3496 physical location of the improvement onsite or offsite shall not be considered
3497 determinative of whether an improvement is a project improvement or a system
3498 improvement. If an improvement or facility provides or will provide more than incidental
3499 service or facilities capacity to persons other than users or occupants of a particular
3500 project, the improvement or facility is a system improvement and shall not be
3501 considered a project improvement. No improvement or facility included in a plan for
3502 public facilities approved by the Fulton County City Council shall be considered a
3503 project improvement.

3504 Property owner means that person or entity which holds title to property.

3505 Proportionate share means that portion of the cost of system improvements which is
3506 reasonably related to the service demands and needs of the project.

3507 Public facilities means:

3508 (1) Water supply production, treatment, and distribution facilities;

3509 (2) Wastewater collection, treatment, and disposal facilities;

3510 (3) Roads, streets, and bridges, including rights-of-way, traffic signals,
3511 landscaping, and any local components of state or federal highways;

3512 (4) Stormwater collection, retention, detention, treatment, and disposal
3513 facilities, flood control facilities, and bank and shore protection and enhancement
3514 improvements;

3515 (5) Parks, open space, and recreation areas and related facilities;

3516 (6) Public safety facilities, including police, fire, emergency medical, and
3517 rescue facilities; and

- 3518 (7) Libraries and related facilities.
- 3519 Rental housing means a dwelling unit for which periodic payments are paid by a tenant
3520 to a landlord for its use or occupation.
- 3521 Rents affordable to low income families means that the sum of the utility allowance and
3522 the rent payable monthly to the owner with respect to a unit is at or below the fair
3523 market rent published annually by HUD. In case of cooperative or mutual housing, rent
3524 means the occupancy charges under the occupancy agreement between the members
3525 and the cooperative.
- 3526 Sales housing means a dwelling unit that is to be transferred from one person to
3527 another called, respectively, the seller (or vendor) and the buyer (or purchaser), by
3528 which the former, in consideration of the payment or promise of payment of a certain
3529 price in money, transfers to the latter the title and the possession of property.
- 3530 Service area means geographically defined areas of the City, designated in the
3531 Comprehensive Plan: Unincorporated Fulton County, or a component thereof, or
3532 designated by intergovernmental agreement, as areas in which a defined set of public
3533 facilities provide service to development within the area and/or in which development
3534 potential creates the need for the imposition of development impact fees.
- 3535 System improvement costs means costs incurred to provide additional public facilities
3536 capacity needed to serve new growth and development for planning, design, and
3537 construction, land acquisition, land improvement, design, and engineering related
3538 thereto, including the cost of constructing or reconstructing system improvements or
3539 facility expansions including, but not limited to, the construction contract price, surveying
3540 and engineering fees, related land acquisition costs (including land purchases, court
3541 awards and costs, attorneys' fees, and expert witness fees), and expenses incurred for
3542 qualified staff or any qualified engineer, planner, architect, landscape architect, or
3543 financial consultant for preparing or updating the capital improvement element, and
3544 administrative costs, provided that such administrative costs shall not exceed three
3545 percent of the total amount of the costs. Projected interest charges and other finance
3546 costs may be included if the impact fees are to be used for the payment of principal and
3547 interest on bonds, notes, or other financial obligations issued by or on behalf of Fulton
3548 County to finance the capital improvements element but such costs do not include
3549 routine and periodic maintenance expenditures, personnel training, and other operating
3550 costs.
- 3551 System improvements means capital improvements that are public facilities designed to
3552 provide service to the community at large, in contrast to project improvements.
- 3553 Unit of development means the standard incremental measure of land development
3554 activity for a specific type of land use upon which the rate of demand for public service
3555 and facilities is based. As an illustration, the standard unit of measurement for most
3556 types of housing development is dwelling unit, whereas the standard unit of
3557 development for office development is gross square footage of floor area.

3558 Unused or excess impact fee means any individual impact fee payment paid to the City
3559 from which no amount of money has been encumbered or expended according to the
3560 requirements of section 14-3014(d) herein within the time specified in section 14-
3561 3016(a) herein.

3562 Utility allowance means the amount for the cost of utilities (except telephones) and other
3563 housing services that is not included in the rent payable to the owner, but is the
3564 responsibility of the family occupying the unit.

3565 Sec. 14-11011. - **Imposition of development impact fees.**

3566 (a) Any person who after the effective date of this chapter engages in development
3567 shall pay a development impact fee in the manner and amount set forth in this chapter.

3568 (b) Payment of a development impact fee shall be deemed to be in compliance with
3569 this chapter in regard to the system improvements for which the development impact
3570 fee was paid.

3571 (c) Notwithstanding any other provision of this chapter, that portion of a project for
3572 which a valid building permit has been issued prior to the effective date of this chapter
3573 shall not be subject to development impact fees pursuant to this chapter so long as the
3574 building permit remains valid and construction is commenced and is pursued according
3575 to the terms of the permit.

3576 (d) Except as otherwise provided herein, no development impact fee shall be
3577 collected earlier than the time of issuance of a building permit.

3578 (e) Development impact fees for stormwater collection, retention, detention,
3579 treatment, and disposal facilities, flood control facilities, and bank and shore protection
3580 and enhancement improvements shall be collected at the time of issuance of a land
3581 disturbance permit.

3582 Sec. 14-11012. - **Calculation of development impact fees.**

3583 (a) Any development impact fee imposed pursuant to this chapter shall not exceed a
3584 proportionate share of the cost of system improvements.

3585 (b) Development impact fees shall be calculated on the basis of service areas as
3586 provided in the comprehensive plan.

3587 (c) Development impact fees shall be calculated on the basis of levels of service for
3588 public facilities adopted in the comprehensive plan that are applicable to existing
3589 development as well as the new growth and development.

3590 (d) A developer shall have the right to elect to pay a project's proportionate share of
3591 system improvement costs by payment of development impact fees according to the
3592 applicable fee schedule as full and complete payment of the development project's
3593 proportionate share of system improvement costs.

3594 (e) At their option, applicants for development approval shall be permitted individual
3595 assessments of development impact fees under section 14-3013 of this chapter
3596 regarding individual assessment determinations.

3597 (f) Upon application to the City manager, a developer may receive a certified
3598 schedule of development impact fees or a certified individual assessment (section 14-
3599 3013) for a particular project. Such certified fees shall establish the development impact
3600 fee for a period no less than one year from date of certification, even if new or revised
3601 rate schedules have been adopted. In the event that, after one year, new or revised rate
3602 schedules have not been adopted, the certification shall continue until such time as new
3603 or revised fee schedules are adopted.

3604 (g) In addition to the cost of "to be built" new expanded system improvements
3605 needed to serve new development, the cost basis of a development impact fee shall
3606 also include the proportionate cost of existing system improvements in appropriate
3607 service areas to the extent that such public facilities have current excess service
3608 capacity and new development will be served by such facilities.

3609 (h) When a land development activity for which an application for a building permit
3610 has been made includes two or more buildings, structures, or other land uses in any
3611 combination, including two or more uses within a building or structure, the total
3612 development impact fee shall be the sum of the fees for each and every building,
3613 structure, or other use, including each and every use within a building or structure,
3614 unless otherwise provided for in this chapter.

3615 (i) In the event that either the City or an applicant contends that the land use for
3616 which the building permit is proposed is not within specified land use categories or fits
3617 within a different category, then:

3618 (1) The City manager shall make a determination as to the appropriate land
3619 use designation. Such determination may be appealed to the City's Zoning Board of
3620 Appeals.

3621 (2) If any land use designation is not in a category contained in any facility
3622 development impact fee ordinance, then an appropriate new category may be added to
3623 the various facility impact fee ordinances following submission to the City Council. In
3624 addition, either Fulton County or the applicant can propose actual studies or surveys to
3625 calculate the most appropriate fee rates for a new land use category.

3626 (j) Development impact fees shall be based on actual system improvement costs or
3627 reasonable estimates of such costs.

3628 Sec. 14-11013. - **Sec. 58-173. - Individual assessment determinations.**

3629 (a) Individual assessments of development impact fees may be established as
3630 follows:

3631 (1) In the event that a developer elects an individual assessment, the
3632 developer shall submit an individual assessment study. Any such study is to be
3633 presented to the City manager. If the City manager finds that the data, information, and
3634 assumptions used in such an individual assessment study satisfy the requirements of
3635 this chapter, then that study shall be used to calculate the individual assessment for that
3636 project.

3637 (2) Each individual assessment study must:

3638 a. Be based on relevant and credible information from an accepted
3639 standard source of engineering or planning data; or

3640 b. Be based on actual, relevant, and credible studies or surveys of
3641 facility demand conducted in the Atlanta Metropolitan Statistical Area carried out by
3642 qualified engineers or planners pursuant to accepted methodology.

3643 c. Any other specifications required in other parts of this chapter.

3644 (b) Any fee calculated in accordance with this section shall have standing for one
3645 year following the date of a formal response from the City manager to the applicant.
3646 Following such a period, a new application must be made.

3647 (c) A determination by the City manager that any individual assessment study does
3648 not satisfy the requirements of this chapter may be appealed by the applicant to the
3649 City's Zoning Board of Appeals, subject to the procedures, rules, and regulations set
3650 forth in section 14-3022 of this chapter.

3651 Sec. 14-11014. - **Deposit and expenditure of fees.**

3652 (a) All development impact fee funds shall be maintained in one or more interest-
3653 bearing accounts. Restrictions on the investment of such funds shall be the same that
3654 apply to investment of all City funds generally.

3655 (b) Accounting records shall be maintained for each category of system
3656 improvements and the service area in which fees are collected.

3657 (c) Interest earned on development impact fees shall be considered funds of the
3658 account on which it is earned and shall be subject to all restrictions placed on the use of
3659 development impact fees under this chapter.

3660 (d) Expenditures of development impact fees shall be made only for the category of
3661 system improvements and in the service area for which the development impact fee
3662 was imposed as shown by the capital improvement element and as authorized by this
3663 chapter.

3664 (e) Development impact fees shall not be used to pay for any purpose that does not
3665 involve system improvements that create additional services available to serve new
3666 growth and development.

3667 (f) The City manager shall prepare an annual report describing the amount of any
3668 development impact fees collected, encumbered, and used during the preceding year
3669 by category of public facility and service area.

3670 Sec. 14-11015. - **Credits.**

3671 (a) Credit shall be given for the present value of any construction of improvements or
3672 construction or dedication of land or money required or accepted by The City from a
3673 developer or his/her predecessor in title or interest for system improvements of the
3674 category for which a development impact fee is being collected. Credits shall not be
3675 given for any construction of improvements or contribution or dedication of land or
3676 money which occurred more than ten years prior to the effective date of this chapter.

3677 (b) Calculation of development impact fees shall include credits for the present value
3678 of revenues reasonably expected, on the basis of historic funding patterns, to be
3679 generated by new growth and development insofar as such revenues are expected to
3680 be available to pay for system improvements (see Appendix A: Credit for Property Tax
3681 Revenue, attached hereto as section 14-3033).

3682 (c) Credits under subsection (a) of this section shall be valued using the following
3683 guidelines:

3684 (1) For the present value of the construction of any system improvements
3685 required or accepted, in conjunction with the project for which approval is being sought,
3686 by the City from the developer or predecessor in title or interest for the category of
3687 system improvements in the service area for which the development impact fee is being
3688 collected, the City will utilize a standard construction cost as established by the
3689 department of public works for the assessment of applicable credits. Should unusual
3690 circumstances such as difficult topography or wetlands cause the standard costs to be
3691 restrictive, a developer may present documentation to the City demonstrating such
3692 circumstances for consideration in the calculation of credits.

3693 (2) For the present value of any contribution or dedication of land required or
3694 accepted for system improvements, in conjunction with the project for which approval is
3695 being sought, by the City from the developer or predecessor in title or interest for the
3696 category of system improvements in the service area for which the development impact
3697 fee is being collected, the value of contributed land shall be the same as that attributed
3698 to the property by the current validated The City tax appraisal at the time of dedication;
3699 present value shall be calculated from time of dedication using the Bloomberg AAA GO
3700 Municipal Bond Yield Index (or equivalent).

3701 (3) For the present value of any contribution or dedication of money required
3702 or accepted, in conjunction with the project for which approval is being sought, by the
3703 City from the developer or predecessor in title or interest for the system improvements
3704 in the service area for which the development impact fee is being collected, the value of
3705 contributed money shall be the same as that at the time of contribution or dedication;

3706 present value shall be calculated from time of contribution or dedication using the
3707 Bloomberg AAA GO Municipal Bond Yield Index (or equivalent).

3708 (4) In the event a developer is issued a building permit for a land use which is
3709 determined by the City to result in a reduction in demand for system improvements from
3710 an existing land use on the property in the service area for which the development
3711 impact fee is being collected, the developer or predecessor in title or interest shall be
3712 given a credit for the difference which shall be applied against that parcel of land for
3713 which the development impact fee was or will be paid; present value shall be calculated
3714 from time of contribution or dedication using the Bloomberg AAA GO Municipal Bond
3715 Yield Index (or equivalent).

3716 (d) In the event a building permit is abandoned, for the present value of any
3717 previously paid development impact fee for the system improvements in the service
3718 area for which the development impact fee is being collected, credit shall be in the
3719 amount of the development impact fee paid inflated from the date of payment using the
3720 Bloomberg AAA GO Municipal Bond Yield Index (or equivalent) and shall be applied
3721 against that parcel of land for which the development impact fee was paid.

3722 (e) In the event that a developer enters into an agreement with the City to construct,
3723 fund, or contribute system improvements such that the amount of credit created by such
3724 construction, funding, or contribution exceeds the development impact fee calculated for
3725 the project, the developer shall be compensated for such excess contribution by the City
3726 or, at the county's option, from development impact fees paid by other development
3727 located in the service area benefitted by such improvements. The present value of any
3728 such construction or contribution shall be established by:

3729 (1) Use of documented prices actually paid by the developer for the system
3730 improvements with such prices inflated by use of the Bloomberg AAA GO Municipal
3731 Bond Yield Index (or equivalent); or

3732 (2) Use of documented prices which would have been paid by the City for
3733 such system improvements with such prices inflated by use of the Bloomberg AAA GO
3734 Municipal Bond Yield Index (or equivalent), whichever is less.

3735 (3) The City is under no obligation to make immediate compensation, but will
3736 make compensation as funds are available.

3737 (f) Except as provided in subsection (g) of this section, no credit shall be given for
3738 construction, contribution, or dedication of any system improvement or funds for system
3739 improvements made before the effective date of this chapter, nor shall credit be given
3740 for system improvements or funds for system improvements constructed, contributed, or
3741 dedicated after the effective date of this chapter if an agreement to do so was entered
3742 into before the effective date of this chapter for projects which have already received a
3743 building permit.

3744 (g) In the event that a feepayor has, under previously established conditions of
3745 zoning, constructed, contributed, or dedicated system improvements or funds when

3746 receiving permits to proceed with only a portion or phase of a project as defined by a
3747 particular zoning case, but the construction, contribution, or dedication is in excess of
3748 that required by the portion or phase permitted, the excess construction, contribution, or
3749 dedication shall be credited against future development impact fees which shall be
3750 required as additional portions or phases of the zoned project seek building permits.

3751 (h) In no event shall credit be given for project improvements.

3752 (i) The developer must present evidence of the cost and age of the improvement
3753 from which present value may be calculated using the Bloomberg AAA GO Municipal
3754 Bond Yield Index (or equivalent) estimates of inflation and depreciation.

3755 (j) Credits required under subsection (b) herein shall be automatically given at the
3756 time of fee imposition. Any other credits shall be given only upon request of the
3757 developer to the City manager. To receive consideration for such other credits a
3758 developer must present evidence or proposals for creditable activities and evidence of
3759 value to the City manager at or before the time of application for building permit.

3760 (k) The City manager shall review all claims for allowance and valuation of credits
3761 and make determinations regarding:

3762 (1) Allowance of any claimed credit.

3763 (2) Value of any allowed credit.

3764 (l) Any credit shall be acknowledged in writing and calculated at the time of
3765 imposition of the development impact fee.

3766 (1) Any credit shall be acknowledged in writing and calculated at the time of
3767 imposition of the development impact fee.

3768 (2) A developer may appeal any such determination under the provisions of
3769 this chapter dealing with appeals.

3770 (m) Approved credits which are in excess of impact fees due for a particular project
3771 may be transferred to another project located within the same service area and shall
3772 apply only to the same public facility category for which the credits were originally
3773 approved. Such transfers of approved credits shall follow those procedures established
3774 by the City manager.

3775 Sec. 14-11016. - **Refunds.**

3776 (a) Upon the request of an owner of property on which a development impact fee
3777 has been paid, the City shall refund the development impact fee if:

3778 (1) Capacity is available and service is denied; or

3779 (2) If the county, after collecting the fee, has failed to encumber the
3780 development impact fee or commence construction within six years after the date the
3781 fee was collected.

3782 (b) In determining whether development impact fees have been encumbered,
3783 development impact fees shall be considered encumbered on a first-in, first-out (FIFO)
3784 basis.

3785 (c) When the right to a refund exists due to a failure to encumber development
3786 impact fees, the City shall provide written notice of entitlement to a refund to the
3787 feepayor who paid the development impact fee at the address on the application for
3788 development approval or to a successor in interest who has given notice to the City of a
3789 transfer or assignment of the right to entitlement to a refund and who has provided a
3790 mailing address. Such notice shall also be published in the legal organ of the City
3791 wherein the sheriff's notices are published within 30 days after the expiration of the six-
3792 year period after the date that the development impact fees were collected and shall
3793 contain a heading "Notice of Entitlement to Development Impact Fee Refund."

3794 (d) All requests for refunds shall be made in writing to the City manager within one
3795 year of the time the refund becomes payable under subsections (a) and (b) or (c) of this
3796 section or within one year of publication of the notice of entitlement to a refund under
3797 subsection (c) of this section, whichever is later.

3798 (e) A refund shall include a refund of a pro rata share of interest actually earned on
3799 the unused or excess impact fee collected.

3800 (f) All refunds shall be made to the feepayor within 60 days after it is determined by
3801 the City that a sufficient proof of claim for refund has been made.

3802 (g) The feepayor shall have standing to sue for a refund under the provisions of this
3803 chapter if there has been a timely and complete application (including, but not
3804 necessarily limited to, proof that a development impact fee has been paid, proof that the
3805 applicant for the refund is the feepayor entitled to the refund, and that the conditions
3806 specified in subsection (a) of this section have been met) for refund and the refund has
3807 been denied or has not been made within one year of submission of the application for
3808 refund to the county.

3809 Sec. 14-11017. - **Private agreements.**

3810 (a) In accord with the provisions of this section and any more specific provisions
3811 which may be contained in this chapter, any developer or property owner or group of
3812 developers and/or property owners may propose to enter into a private agreement with
3813 the City in regard to the construction or installation of system improvements and
3814 providing for credits or reimbursement for system improvement costs incurred by a
3815 developer including interproject transfers of credits or providing for reimbursement for
3816 project costs which are used or shared by more than one development project.

3817 (b) A private agreement may include, but shall not be limited to, provisions which:

3818 (1) Modify the estimates of impact on public facilities according to the
3819 methods and provisions concerning the calculation of impact fees, provided that any
3820 such agreement allows the City to assess additional development impact fees after
3821 completion of construction according to schedules set forth in this chapter.

3822 (2) Permit construction of, dedication of property for, or other in-kind
3823 contribution for specific public facilities of the type for which a development impact fee
3824 would be imposed in lieu of or with a credit against applicable development impact fees.

3825 (3) Permit a schedule and method of payment of imposed fees in a manner
3826 appropriate to particular and unique circumstances of a proposed project in lieu of the
3827 requirements for payment under this chapter, provided that security acceptable to the
3828 City is posted ensuring payment of the development impact fees. Forms of security
3829 which may be acceptable to the City include a cash bond, a surety bond, irrevocable
3830 letter of credit, negotiable certificate of deposit or escrow account, or lien or mortgage
3831 on lands to be covered by the building permit.

3832 (c) Any private agreement proposed by an applicant pursuant to this section shall be
3833 submitted to the City manager for review, negotiation, and submission to the City
3834 Council. Any such agreement must be presented to and approved by the City Council
3835 prior to the issuance of a building permit. Any such agreement shall provide for
3836 execution by mortgagees, lienholders, or contract purchasers in addition to the
3837 landowner. The City Council of the City of South Fulton shall approve such an
3838 agreement only if it finds that the agreement will apportion the burden of expenditure for
3839 new facilities proportionately, consistent with the principles set forth in O.C.G.A. tit. 36,
3840 ch. 71 (O.C.G.A. § 36-71-1 et seq.) and this chapter.

3841 Sec. 14-11018. - **Exemptions.**

3842 (a) Pursuant to the provisions of O.C.G.A. § 36-71-4(1), the public policies
3843 expressed in the comprehensive plan, and in accordance with the policies of the The
3844 City City Council, the following development projects are found to promote affordable
3845 housing and shall be exempt from the payment of development impact fees as provided
3846 herein.

3847 (b) The proportionate share of any systems improvements costs foregone from
3848 exempted projects shall be funded from a revenue source other than development
3849 impact fees.

3850 (c) Affordable housing shall be exempt from development impact fees as follows:

3851 (1) For "sales housing," all development impact fees which may be incident
3852 on a given project in a specific service area or combination of service areas shall be
3853 exempted for each unit of affordable housing included in a development according to
3854 the following schedule of sales prices:

3855 Sales price equal to or less than 80 percent The City Median Income times 2½: 25
3856 percent of fees exempted, and an additional 2.5 percent exemption for each additional

3857 reduction of sales price equal to one percent The City Median Income times 2½. For
3858 example:

3859 Sales price equal to or less than 70 percent The City Median Income times 2½: 50
3860 percent of fees exempted.

3861 Sales price equal to or less than 60 percent The City Median Income times 2½: 75
3862 percent of fees exempted.

3863 Sales price equal to or less than 50 percent The City Median Income times 2½: 100
3864 percent of fees exempted.

3865 (2) For "rental housing," all development impact fees which may be incident
3866 on a given project in a specific service area or combination of service areas shall be
3867 exempted for each unit of affordable housing included in a development according to
3868 the following schedule of rental rates:

3869 Monthly rent equal to or less than 80 percent The City Median Income times 30
3870 percent/12: 25 percent of fees exempted, and an additional 2.5 percent exemption for
3871 each additional reduction of monthly rent equal to one percent The City Median Income
3872 times 30 percent/12. For example:

3873 Monthly rent equal to or less than 70 percent The City Median Income times 30
3874 percent/12: 50 percent of fees exempted.

3875 Monthly rent equal to or less than 60 percent The City Median Income times 30
3876 percent/12: 75 percent of fees exempted.

3877 Monthly rent equal to or less than 50 percent The City Median Income times 30
3878 percent/12: 100 percent of fees exempted.

3879 (d) Credits given under section 14-3015(a), (b), shall be reduced in proportion to the
3880 exemption.

3881 (e) To be eligible for an exemption, a developer must file an application for
3882 exemptions with the City manager before the time development impact fees are
3883 imposed. The application for exemption must contain documentation acceptable to the
3884 City manager showing that the criteria for exemptions will be met.

3885 (1) The City may assess additional development impact fees on exempted
3886 rental housing if, two years after completion of construction, the development has not, in
3887 fact, met the criteria for exemptions and/or if, five years following completion of
3888 construction, the development has not, in fact, maintained adherence to the criteria.

3889 (2) Any developer of rental housing receiving an exemption under this section
3890 must report to the City manager the status of the project relative to the criteria for
3891 exemption on the second and fifth anniversaries of completion of construction. Failure to
3892 report may result in assessment of additional development impact fees.

3893 DIVISION 2. - ADMINISTRATION AND ENFORCEMENT

3894 Sec. 14-11019. - **Enforcement generally.**

3895 The enforcement of this chapter will be the responsibility of the City manager and such
3896 City personnel as the City manager may designate from time to time.

3897 Sec. 14-11020. - **Effective date.**

3898 (a) This chapter shall take effect on November 30, 1992.

3899 (b) For any development subject to development impact fees under this chapter, the
3900 following shall apply:

3901 (1) For any development which has a currently approved zoning that imposes,
3902 as conditions of zoning, requirements for dedication, contribution, and/or construction of
3903 funds, land, or system improvements with at least a requirement to contribute funds into
3904 an offsite transportation improvement fund, the feepayor may elect to:

3905 a. Proceed with the project under the existing conditions of zoning by
3906 entering into a private agreement (section 14-3017 and section 14-3030). If the
3907 feepayor chooses to proceed under the existing conditions of zoning, none of the
3908 provisions of this chapter shall apply, including those provisions related to credits. If a
3909 building permit is requested prior to the approval of said private agreement by the City
3910 Council, the City manager can waive some or all of the impact fee otherwise due, as
3911 appropriate, pursuant to the owner's binding agreement to pay any additional fees that
3912 may be necessary after formal approval of the private agreement.

3913 b. Proceed with the project under the provisions of this chapter, in
3914 which case:

3915 1. Any development for which a valid application for a building
3916 permit has been received by the City prior to the effective date of this chapter, may
3917 proceed to issuance of a building permit without payment of fees otherwise imposed by
3918 this chapter, provided that:

3919 *ii. All fees for system improvements imposed by*
3920 *conditions of zoning approval or any code or regulation in effect prior to the effective*
3921 *date of this chapter shall be or have been paid in full; and*

3922 *iii. Said building permit is or can be issued within 120*
3923 *calendar days of the effective date of this chapter, exclusive of delays caused by the*
3924 *county's normal review process.*

3925 2. For any development for which a land disturbance permit
3926 (LDP) has been issued prior to the effective date of this chapter, but not an associated
3927 building permit, said building permit shall be issued only under the terms and conditions
3928 of this chapter, provided further that:

3929 *i. Any fees, contributions, or dedications attributable to*
3930 *system improvements paid at the time of issuance of the LDP shall be credited in full*
3931 *against the development impact fees due under this chapter for issuance of said*
3932 *building permit.*

3933 *ii. In the case of multibuilding projects, such as a*
3934 *subdivision or a multifamily complex, the credit shall be prorated among the various*
3935 *buildings in proportion to their floor area or number of dwelling units.*

3936 *iii. In all such cases, the feepayor may elect to receive a*
3937 *refund of prior payments in lieu of credit for prior payments.*

3938 (2) For any development for which a valid application for a building permit has
3939 been received by the City prior to the effective date of this chapter may proceed to
3940 issuance of a building permit without payment of fees otherwise imposed by this
3941 chapter, provided that:

3942 a. All fees for system improvements imposed by conditions of zoning
3943 approval, if applicable, or any code or regulation in effect prior to the effective date of
3944 this chapter shall be or have been paid in full; and

3945 b. Said building permit is or can be issued within 120 calendar days of
3946 the effective date of this chapter, exclusive of delays caused by the county's normal
3947 review process.

3948 Sec. 14-11021. - **Sec. Review.**

3949 (a) As part of its annual capital improvement program process, or as part of any
3950 other planning process which causes the City to evaluate development potential in any
3951 area, the City may review the development potential of any area within the county,
3952 whether it be a previously designated service area or not, or the City as a whole. Based
3953 on such review of development potential, the City may adjust boundaries of service
3954 areas or create new service areas.

3955 (b) As part of its annual capital improvement program process, or as part of any
3956 other planning process which causes the City to evaluate development potential in any
3957 area, the City may review capital facilities plans in service areas and modify such plans
3958 as a result of development occurring in the previous year and/or requests for permission
3959 to develop, e.g. applications for rezoning, applications for land disturbance permits, and
3960 applications for building permits. Plans may also be modified as a result of:

3961 (1) Capital facilities actually constructed.

3962 (2) Changes in capital facility needs and/or standards.

3963 (3) Revised cost estimates for capital facilities.

3964 (4) Changes in availability of other funds applicable to public facility projects.

- 3965 (5) Other relevant factors.
- 3966 (c) As a result of modifications to service area boundaries and/or capital facilities
 3967 plans, the City may modify development impact fee schedules, as appropriate, and
 3968 adopt such revised schedules through official action of the City Council.
- 3969 (d) As part of its annual comprehensive plan review process, or as part of any other
 3970 planning process which causes the City to evaluate the housing market, the City may
 3971 revise the provisions specified in section 14-3018.
- 3972 (e) Failure of the City to undertake such a review shall result in the continued use
 3973 and application of the existing fee schedule and other data. The failure to review such
 3974 structure shall not invalidate this chapter.
- 3975 Sec. 14-11022. - **Administrative appeals.**
- 3976 (a) Any person aggrieved by any administrative determination made under this
 3977 chapter, or by the application of any provision of this chapter, may appeal such
 3978 determination or provision under this section.
- 3979 (b) The applicant or feepayor must file a notice of appeal with the central impact fee
 3980 office within 30 days following the receipt of written determination of the amount of the
 3981 development impact fee to be paid or entitlement to a refund, credit, or exemption.
- 3982 (c) All appeals shall be made to the City's Zoning Board of Appeals through the
 3983 zoning administrator's office following the City manager's decision on the applicability or
 3984 amount of the development impact fee, or eligibility for or amount of a refund, credit, or
 3985 exemption. No additional filing fee shall be charged to the applicant. The cost of
 3986 processing the appeal shall be covered under the three percent administrative cost
 3987 inherent in the impact fee schedule as permitted by the Georgia Development Impact
 3988 Fee Act, O.C.G.A. § 36-71-2(18). Upon filing of an appeal, the City manager shall
 3989 transmit to the City's Zoning Board of Appeals all papers constituting the record upon
 3990 which the action appealed is taken. The zoning administrator shall thereafter establish a
 3991 reasonable date and time for a hearing on the appeal, give notice thereof to the parties
 3992 in interest, and the board of zoning appeals shall decide the same within a reasonable
 3993 time following the hearing. Any party taking an appeal shall have the right to appear at
 3994 the hearing to present evidence and may be represented by counsel. Under chapter
 3995 XXIII, section 22.9 of the The City Zoning Resolution, any action by the board of zoning
 3996 appeals is a final action. Therefore, if any person is aggrieved by a decision of the City's
 3997 Zoning Board of Appeals, they may take an appeal to the Superior Court of The City
 3998 within 30 days after the decision by the City's Zoning Board of Appeals is rendered.
- 3999 (d) A developer may pay a development impact fee under protest to obtain a building
 4000 permit, and by making such payment shall not be estopped from exercising this right of
 4001 appeal or receiving a refund of any amount deemed to have been illegally collected.
- 4002 (e) The filing of an appeal shall not stay the collection of a development impact fee
 4003 as a condition to issuance of development approval or a building permit.

4004 Sec. 14-11023. - **Violations and penalty.**

4005 (a) A violation of this chapter shall be a misdemeanor punishable according to law.
4006 However, in addition to or in lieu of any criminal prosecution, The City shall have the
4007 power to sue in law or equity for relief in civil court to enforce this chapter. Recourse to
4008 such civil and criminal remedies in law and equity as may be necessary to ensure
4009 compliance with the provisions of this chapter, including injunctive relief to enjoin and
4010 restrain any person from violating the provisions of this chapter and to recover such
4011 damages as may be incurred by the implementation of specific corrective actions.

4012 (b) To knowingly furnish false information to the City on any matter relating to the
4013 administration of this chapter shall constitute a violation thereof.

4014 (c) The City manager may withhold the issuance of any building permit or other
4015 development permits if the provisions of this chapter have been violated by the owner or
4016 his/her assigns, on any property within unincorporated The City until the provisions of
4017 this chapter, including the conditions on any permit issued thereunder, have been fully
4018 met.

4019 (d) The City manager shall have the right to inspect the lands affected by this
4020 chapter and shall have the right to issue cease and desist orders and citations for
4021 violations. Refusal of written notice of violation under this chapter shall constitute legal
4022 notice of service.

4023 (e) For any violation, the City manager shall have the authority to issue a citation.
4024 The citation shall be in the form of a written official notice issued in person or by certified
4025 mail to the owner of the property, or to his/her agent, or to the person performing the
4026 work. The receipt of a citation shall require that corrective action be taken within 30
4027 working days unless otherwise extended at the discretion of the City manager. If the
4028 required corrective action is not taken within the time allowed, the City manager may
4029 use any available civil or criminal remedies to secure compliance, including revoking a
4030 permit.

4031 **DIVISION 3. - TRANSPORTATION**

4032 Sec. 14-11024. - **Definitions.**

4033 For the purposes of this chapter, the following words and terms are defined, in addition
4034 to those terms and words included in this chapter:

4035 Access improvements means the transportation improvements necessary to provide
4036 safe and adequate ingress and egress and for efficient traffic operations. Access
4037 improvements include, but are not limited to, the following:

4038 (1) Rights-of-way and easements;

4039 (2) Left and right turn lanes;

- 4040 (3) Acceleration and deceleration lanes;
- 4041 (4) Traffic control devices, signage, and markings;
- 4042 (5) Drainage and utility relocation; and
- 4043 (6) Sidewalks.
- 4044 Access road means a street or road that runs generally parallel to an arterial or collector
 4045 road and is the primary access to abutting properties. The access road may separate
 4046 abutting properties from arterial or collector road rights-of-way and, if so, this type of
 4047 facility shall be known as a frontage road.
- 4048 Capacity means the traffic-carrying ability of road segments or intersections.
- 4049 Capacity intersection means the maximum number of vehicles for a given time which a
 4050 given intersection can safely and efficiently carry at a specified level of service.
- 4051 Capacity per lane means the maximum number of vehicles in a one-mile segment of
 4052 roadway for a given time period which a typical new lane can safely and efficiently carry
 4053 at a specified level of service.
- 4054 Development generating traffic means any construction or expansion of a building,
 4055 structure, or use; any change in use of a building or structure; or any change in the use
 4056 of land any of which attracts or produces additional vehicular trips.
- 4057 Direct access improvements are always project improvements, not system
 4058 improvements. Direct access improvements include, but are not limited to, the following:
- 4059 (7) Site driveways and roads exclusively serving traffic destined for or
 4060 produced by the development generating traffic on the site;
- 4061 (8) Median cuts made necessary by those driveways and/or roads;
- 4062 (9) Turn lanes, acceleration lanes and/or deceleration lanes leading to or from
 4063 those driveways and/or roads;
- 4064 (10) Traffic control measures for those driveways and/or roads;
- 4065 (11) Access or frontage roads that are not shown as planned publicly built
 4066 and/or publicly owned roads in the county's comprehensive plan or in any official State
 4067 of Georgia highway planning document;
- 4068 (12) Roads or intersection improvements whose primary purpose at the time of
 4069 construction is to provide direct access to a development project generating traffic; and
- 4070 (13) Necessary right-of-way dedications for such project improvements.

- 4071 Diverted traffic or passerby traffic means traffic which is already on the transportation
4072 network which is attracted by the new land development and which may be diverted
4073 from another route.
- 4074 Expansion means road and intersection design capacity enhancements which include,
4075 but are not limited to, extensions, widenings, intersection improvements, upgrading
4076 signalization, and improving pavement conditions.
- 4077 Impact means the incremental effect of additional vehicles on a roadway segment.
- 4078 Intersection level of service means the sum of volume capacity ratios, the actual rate of
4079 flow on an intersection approach divided by the capacity of that approach and used in
4080 conjunction with the delay factor per vehicle. This ratio is expressed as a level of service
4081 and is determined by methods of analysis described in the Transportation Research
4082 Board's, "Highway Capacity Manual," Special Report 209, 1985.
- 4083 Level of service or LOS means, in addition to the general definition in section 14-3010,
4084 for transportation, a qualitative measure describing the collective factors of speed, travel
4085 time, traffic interruption, freedom to maneuver, safety, driving comfort and convenience
4086 and operating costs provided by a transportation facility under a particular volume
4087 condition. Levels of service vary from A to F. Level of service classifications shall have
4088 the same meaning as set forth in the Transportation Research Board's "Highway
4089 Capacity Manual," Special Report 209, 1985.
- 4090 Link level of service for the purposes of the fee calculation shall be determined by the
4091 volume to capacity ratios as defined in the county's transportation model.
- 4092 LOS goal means the performance standard the City proposes to meet.
- 4093 Public transit means public mass transportation services along with capital
4094 improvements, equipment, and operations provided by agencies and/or authorities
4095 chartered by the State of Georgia to provide such services in The City .
- 4096 Road or roadway means arterial or collector streets or roads which have been
4097 designated in the transportation element of the comprehensive plan and/or the capital
4098 improvements program element of the comprehensive plan, together with all necessary
4099 appurtenances including, but not limited to, bridges and traffic control improvements.
- 4100 Sidewalk shall be considered a project improvement.
- 4101 Transportation facility means roads, streets, and bridges, including rights-of-way, traffic
4102 signals, landscaping, sidewalks, other related appurtenances, and any local
4103 components of state and/or federal highways.
- 4104 Transportation network means the interconnecting system of streets, roads, highways,
4105 and other public ways open to vehicular traffic by the public generally and dedicated to
4106 the public use. The transportation network includes existing public transportation

4107 facilities, planned extensions and expansions to existing public transportation facilities,
4108 and planned new transportation facilities.

4109 Trip means a one-way movement of vehicular travel from an origin (one trip end) to a
4110 destination (the other trip end). For the purposes of this chapter, the term "trip" shall
4111 have the meaning which it has in commonly accepted traffic engineering practice.

4112 Trip generation means the attraction or production of trips attributed to the use or
4113 activity associated with a given type or classification of land development.

4114 Trip rate or trip generation rate means the number of vehicle trip ends which can be
4115 attributed to a specific type of land development activity per unit of development per day
4116 as documented in the most current Institute of Transportation Engineers (I.T.E.) "Trip
4117 Generation Manual."

4118 Sec. 14-11O25. - **Imposition of impact fee.**

4119 (a) Any person who after the effective date of this chapter engages in development
4120 activity generating traffic shall pay a transportation impact fee in the manner and
4121 amount set forth in this chapter.

4122 (b) No building permit for any land development activity generating traffic requiring
4123 payment of a transportation impact fee pursuant to this chapter shall be issued by the
4124 City unless and until the required transportation impact fee has been paid.

4125 Sec. 14-11O26. - **Determination of fees.**

4126 The transportation impact fee for any land development activity generating traffic shall
4127 be determined by using one of the following methods:

4128 (1) The fee rate schedule referenced in section 14-3028 of this chapter;

4129 (2) The individual method of calculation set forth in section 14-3013 and
4130 section 14-3029 of this chapter; or

4131 (3) Any applicant may propose to enter into a private agreement with the City
4132 as set forth in section 14-3017 and section 14-3030 of this chapter to establish just and
4133 equitable transportation impact fees or their equivalent which are appropriate to the
4134 specific circumstances of the land development activity generating traffic.

4135 Sec. 14-11O27. - **Impact fee rate schedule.**

4136 (a) In accordance with section 14-3012 of this chapter, the following fee rate
4137 schedule is included as table 1, table 2 and table 3 supplements (revised), and made a
4138 part hereof to be used to directly calculate fees. The fee rates have been calculated
4139 using the following method of calculation and described in greater detail in the "Capital
4140 Improvements Element of the Comprehensive Plan," November 4, 1992, using

4141 recognized accepted trip generation rates. Figure 1 (Sandy Springs) and figure 2 (North
4142 The City) are graphic illustrations of the transportation service areas (revised).

4143 (1) Gross transportation impact fee calculation is as follows:

4144 a. Cost Per Trip by TSA (CPT)

4145 Improvement costs for new capacity (construction and right-of-way)/total projected new
4146 vehicle trips = Cost Per Trip

4147 b. Trip Generation Factor (TGF)

4148 ITE Trip Generation × New Trips Factor (if applicable) × unit of development = Trip
4149 Generation Factor

4150 c. Total Discount (TD)

4151 Tax Discount + ROW + System improvements made = Total Discount (TD)

4152 d. Fee calculation

4153 $CPT \times TGF = GIF$ (Gross Impact Fee)

4154 $GIF - TD = Net\ Impact\ Fee$

4155 (2) The gross transportation impact fee calculated using table 2 and table 3
4156 supplements include several potential credits:

4157 a. Credit for future property tax revenue shall be subtracted from all
4158 applicable gross impact fee calculations using the methodology outlined in Appendix A,
4159 Development Impact Fee: Credit for Property Tax Revenue.

4160 b. Credit for previous contribution or dedication of land for system
4161 improvements or the construction of system improvements as described in section 14-
4162 3015(c)(1) and (c)(2) of this chapter shall be subtracted from the gross impact fee
4163 calculation.

4164 c. Credit for previous contribution or dedication of money as described
4165 in section 14-3015(c)(3) of this chapter shall be subtracted from the gross impact fee
4166 calculation.

4167 d. Other credits as described in section 14-3015 of this chapter shall
4168 be subtracted from the gross impact fee calculation.

4169 (b) If there is an application to permit development of a land use not included in the
4170 fee rate schedule, the City manager shall cause a fee to be established based on the
4171 trip generation rates for that land use as published in the most recent edition of the
4172 Institute of Transportation Engineers (I.T.E.) "Trip Generation Manual," or in the

4173 methods described in the "Capital Improvements Element of the Comprehensive Plan,"
4174 November 4, 1992.

4175 Sec. 14-11028. - **Individual transportation assessment determinations.**

4176 (a) In the event that an applicant elects, in accord with O.C.G.A. § 36-71-4(g) and in
4177 accord with section 14-3013 of this chapter, an applicant may apply for an individual
4178 transportation assessment determination. If it is found that the data, information, and
4179 assumptions used by the applicant to calculate the individual transportation assessment
4180 determination satisfy the requirements of section 14-3013 of this chapter and the
4181 requirements of this section, the individual transportation assessment determination
4182 shall be deemed the transportation impact fee due and owing for the proposed
4183 development.

4184 (b) In addition to meeting the requirement of section 14-3013 of this chapter, the
4185 applicant shall show the basis of the individual transportation assessment determination
4186 including, but not limited to, the following:

4187 (1) Traffic engineering studies:

4188 a. Documentation of trip generation rates appropriate to the specific
4189 development activity proposed.

4190 b. Documentation of potential credits attributable to the specific
4191 development activity proposed, i.e., the nature and extent of each credit as well as the
4192 appraised value of each such potential credit, which can be expected to replace the
4193 portion of the service volume used by the traffic generated by the specific proposed
4194 development activity.

4195 (c) All documentation shall be prepared and presented by qualified professionals in
4196 their respective fields and shall follow best professional practices and methodologies.

4197 (d) A developer may request a preapplication conference with the City manager.

4198 (e) The City manager shall provide the developer with an individual assessment
4199 determination within 15 working days of the formal submittal of a complete application
4200 for an individual assessment determination including an individual assessment study.

4201 (f) All other requirements being met, nothing in this chapter shall prevent a
4202 developer from receiving a building permit upon payment of fees as calculated in
4203 section 14-3012 and section 14-3027(1) and proceeding while awaiting an individual fee
4204 assessment determination. When an individual fee assessment is established, any
4205 excess payments shall be refunded.

4206 Sec. 14-11029. - **Private transportation agreements.**

4207 (a) In accord with the general provisions of section 14-3017 of this chapter and the
4208 more specific provisions below, any applicant or group of applicants may propose to

4209 enter into a private agreement with the City designed to establish proportional share
4210 system improvements appropriate to the circumstances of the specific development or
4211 developments proposed.

4212 (b) Such an agreement may include, but shall not be limited to, provisions which:

4213 (1) Modify the presumption of trip generation set forth in the most current
4214 Institute of Transportation Engineers (I.T.E.) "Trip Generation Manual" and provide an
4215 impact fee which may differ from that set forth in section 14-3028 of this chapter by
4216 specifying the nature of the proposed development for purposes of computing actual
4217 trips, provided that the agreement shall establish legally enforceable means for ensuring
4218 that the actual number of trips generated will not exceed the agreed upon estimated
4219 trips generated by the development. The agreement must contain language acceptable
4220 to the City manager showing that the assumptions of trip generation will be met.
4221 Further, language must be included in the agreement to allow the City to assess
4222 additional impact fees if, two years after completion of construction, the development
4223 has not, in fact, met the reduced assumptions of trip generation and/or if, five years
4224 following completion of construction, the development has not, in fact, maintained such
4225 reduced trip generation. The agreement must also contain language requiring the
4226 developer to report to the City manager the status of the project relative to assumptions
4227 of reduced trip generation on the second and fifth anniversaries of completion of
4228 construction. Figures to be reported shall include both actual trip generation figures and
4229 trip generation as a factor of the project's occupancy rate. Failure to report may result in
4230 assessment of additional impact fees.

4231 (2) Permit the construction of specific transportation improvements in lieu of
4232 or with a credit against the transportation impact fee assessable.

4233 (3) Permit a schedule and method for the payment of fees in a manner
4234 appropriate to the particular and unique circumstances of the proposed development in
4235 lieu of the requirements for payment of the fees as set forth in section 14-3011 and
4236 section 14-3026(b) of this chapter, provided that security is posted ensuring payment of
4237 the fees, in a form acceptable to the county, which security may be in the form of a cash
4238 bond, surety bond, irrevocable letter of credit, negotiable certificate of deposit or escrow
4239 account, or lien or mortgage on lands to be covered by the building permit.

4240 (4) Permit the substitution of public transit related projects in lieu of or with a
4241 credit against the transportation impact fee assessable. Public transit related projects
4242 may include:

4243 a. Dedication of parking spaces for use by public transit users who
4244 would park their cars in the dedicated area and ride public transit to their final
4245 destinations.

4246 b. Dedication of land for use as a transit terminal and transfer point.

4247 c. Construction of bus shelters or other capital improvements
4248 including, but not limited to, pedestrian enhancements, which encourage the use of
4249 public transit.

4250 d. Participation by the primary employer or group of employers in an
4251 employee transit subsidy program.

4252 e. Participation of the employer or group of employers in ride sharing
4253 programs for its employees.

4254 For subsection (b)(4) of this section, the applicant must describe the extent of the
4255 program and expected usage by employees. The City may assess an additional impact
4256 fee if the program does not result in the anticipated automobile trip reduction within two
4257 years.

4258 Sec. 14-11030. - **Transportation service areas established.**

4259 Transportation service areas, as they are defined and established from time to time in
4260 the comprehensive plan are incorporated herein and made a part hereof.

4261 Sec. 14-11031. - **Review.**

4262 In addition to or as a part of the review described in section 14-3021 of this chapter, a
4263 review of the construction and right-of-way acquisition costs and transportation impact
4264 fee rates and other applicable items set forth in this chapter shall be undertaken
4265 annually by the City Council.

4266 Sec. 14-11032. - **Credit for property tax revenue.**

4267 (a) O.C.G.A. § 36-71-4(r) requires that development impact fees shall be calculated
4268 on a basis which is net of credits for the present value of revenues that will be
4269 generated by new growth and development based on historic funding patterns and that
4270 are anticipated to be available to pay for system improvements, including taxes,
4271 assessments, user fees, and intergovernmental transfers.

4272 (b) The following sets out assumptions, analysis, and a draft calculation of a credit
4273 intended to meet the above requirements for a transportation impact fee.

4274 (1) Assumptions. The assumptions are as follows:

4275 a. Four funding sources have been explored for historically significant
4276 contributions to capital investment in transportation system improvements:

4277 1. General fund bonded debt retirement funds. Each year the
4278 City floats a \$3,000,000.00 G.O. bond, a variable portion of which is devoted to
4279 transportation capital items each year. The history of monies paid each year for the past
4280 ten years to retire debt incurred for transportation items has been calculated.
4281 Additionally, the amount of money spent each year has been compared to the total City

4282 tax base and converted to an equivalent millage rate. For the purpose of calculating the
4283 required credit, it is assumed that:

4284 *i. This history of payments is the best information*
4285 *available upon which to base future projections.*

4286 *ii. Payments made to retire debt associated with two*
4287 *large referendum bond issues, 1957 and 1963, have been excluded from the calculation*
4288 *on the notion that passage of a referendum bond issue in the foreseeable future is*
4289 *unlikely.*

4290 *iii. The use of a calculated equivalent millage rate fairly*
4291 *reflects the relative impact of transportation capital investment relative to the value of*
4292 *property.*

4293 *iv. The \$3,000,000.00 cap on the annual bond issue will*
4294 *not increase and the portion historically devoted to transportation will not change, but*
4295 *the total assessment will grow at the historic trend.*

4296 *v. That the average life of a bond is 20 years and that is*
4297 *the time over which the credit should be calculated.*

4298 2. Operating funds. Various operating funds are spent annually
4299 on transportation system items. For the purpose of calculating the required credit, it is
4300 assumed that:

4301 *i. The majority of the funds so expended are spent on*
4302 *pure day-to-day operations and need not be considered in any tally of capital*
4303 *investment.*

4304 *ii. The remainder are spent on renewal and extension*
4305 *type items and should not be counted as transportation capital investment, especially*
4306 *for system improvements.*

4307 Therefore, it is assumed that no operating funds need be calculated into the credit.

4308 3. Capital improvement fund. From time to time the City
4309 transfers monies from various sources (e.g. general fund, state grants, etc.) for
4310 expenditure on capital projects. The history of such expenditures for transportation
4311 projects over the past ten years has been totaled, with discounts from the total of
4312 monies that did not originate from City taxpayers, e.g. state funds, exaction funds, etc.
4313 These funds have also been included in the equivalent millage rate calculation
4314 discussed in subsection (b)(1)a.1 of this section.

4315 4. Transfer payments from state and federal governments.
4316 Regarding state and federal expenditures on transportation system improvements in
4317 The City , it is assumed that:

4318 *i. Amounts of money from intergovernmental transfers*
4319 *are forecast for each project in the CIP. Therefore, "total cost to the county," the cost*
4320 *upon which a development impact fee is calculated, already contains a discount for all*
4321 *intergovernmental transfers.*

4322 *ii. Recent history indicates that fewer and fewer*
4323 *intergovernmental transfer dollars will be available in the future. Therefore, the CIP most*
4324 *likely overstates the "built-in" credit for this item.*

4325 In summary, for transportation system improvements, the required credit calculated
4326 here will be based only on debt retirement associated with the county's \$3,000,000.00
4327 annual bond issue with additional funds added based on expenditures from the capital
4328 improvement fund; so far as all such expenditures are for transportation projects.

4329 b. Credits to be given for tax payments should reflect tax payments
4330 spent on the same projects being funded by impact fees. Not all future tax payments
4331 associated with transportation improvements should be credited to each private
4332 development paying impact fees; only those taxes paying for transportation
4333 improvements in the same TSA should receive credit.

4334 1. It is assumed that tax payments used to fund transportation
4335 improvements are distributed in equal proportions to all transportation projects as they
4336 may be planned throughout the county.

4337 2. It is assumed that the transportation projects listed in the CIP
4338 represent the best estimate available of expenditures, and their distribution, for
4339 transportation projects.

4340 3. For analytic purposes, all planned transportation
4341 expenditures for the next ten years have been taken from the CIP and the proportion of
4342 such expenditures by TSA has been derived. This proportion is applied to the derived
4343 millage rate to estimate an equitable future tax credit. These proportions are:

4344 *i. TSA 4101 56.61%*

4345 *ii. TSA 5001 16.17%*

4346 *iii. TSA 5003 17.64%*

4347 *90.42%*

4348 (2) Analysis. The analysis is as follows:

4349 a. The combined expenditures for transportation from both the bond
4350 sinking fund and the capital improvement fund were plotted from 1981 through 1990.

4351 b. Expenditures were projected 20 years using least squares
4352 projection method (see attachment A).

4353 c. The ten-year history of the value of one mill against the
4354 unincorporated The City tax base was plotted as in step one.

4355 d. The value of one mill was projected as in step two.

4356 e. The actual expenditures and projected expenditures were
4357 converted to mill equivalents by dividing expenditures by the value of one mill for each
4358 year.

4359 f. Results of the analysis are both:

4360 1. A projection of capital expenditures from normal revenue
4361 sources for transportation projects, based on a ten-year history.

4362 2. A projection of a millage equivalents applied to
4363 transportation capital projects based on a ten-year history.

4364 See attachment B.

4365 g. All transportation projects for the period 1992—2002 were listed by
4366 TSA from the CIP along with total projected expenditures per year.

4367 h. Five-year expenditures per TSA were calculated as a percentage of
4368 total planned expenditures.

4369 (3) Application. The resultant millage equivalent multiplied by the TSA's
4370 proportional expenditure is applied to the average value of development types in the
4371 target area in which the finished project will be located to yield the credit. For instance,
4372 in TSA 4101, current The City tax records indicate the average single-family home has
4373 a current market value of \$163,930.00. This figure is used as the basis for tax credits for
4374 single-family homes in TSA 4101.

4375 Note 1: The average millage rate over the projected period is 0.2045. A millage rate of
4376 0.21 has been used to be conservative.

4377 Note 2: The millage rate has been applied for a 20-year period to reflect life of bonds,
4378 even though some funds in the calculation basis are not used to pay bonds. This is
4379 done for the sake of being conservative.

4380 Example 1: A sales house (assumed to be owner-occupied) in TSA 4101:

4381 \$163,930.00 (average in TSA 4101) × 40 percent = \$65,572.00

4382 \$65,675.00 - \$2,000.00 homestead exemption = \$63,572.00

4383 \$63,572.00/1,000 = \$63.57

4384 0.21 mills × 55.50 percent = 0.1189 mills

4385 $\$63.57 \times 0.1189 \text{ mills} = \7.56

4386 $\$7.56 \times 20 \text{ years (average bond life)} = \151.20 credit

4387 Example 2: A 100,000 square foot office building TSA 4101. Average value
4388 $\$154.11/\text{square foot land and building; value} = \$15,411,000.00.$

4389 $\$15,411,000.00 \times 40 \text{ percent} = \$6,164,400.00$

4390 $\$6,164,400.00/1,000 = \$6,164,400.00$

4391 $0.21 \text{ mills} \times 55.50 \text{ percent} = 0.1189 \text{ mills}$

4392 $\$6,614.40 \times 0.1189 \text{ mills} = \786.45

4393 $\$786.45 \times 20 \text{ years (average bond life)} = \$15,729.00$

4394 (94-RM-121, app. A, 5-18-94)

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TABLE 1

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TRANSPORTATION IMPACT FEE CALCULATION

CIP Number	Project	1994	1995	1996	1997	1998	1999	2000—2011	Total Cost
Service Area 4101									
391	Glenridge Perimeter Connector Extension	534,200	534,200	1,200,458	1,237,930	0	0	0	\$3,506,788
193	West Sandy Springs Loop	215,403	380,027	0	0	0	0	0	595,430
195	Peachtree-Dunwoody Widening	0	378,635	1,041,107	0	0	0	0	1,419,742
311	Glenridge Drive Widening	0	0	0	681,120	671,616	546,480	0	1,899,216
Improvement Cost									\$7,421,176
Projected New Vehicle Trips									119,855
Cost Per Trip									\$61.92
Fee (cost + 3% administration expense)									\$63.78
Service Area 5001									
289	Abbotts Bridge Road (SR 120) Widening	0	0	0	0	239,502	798,336	0	\$1,037,838
295	Medlock Bridge Road Widening**	0	217,442	217,442	217,442	567,442	567,442	1,086,123	2,873,333
Improvement Cost									\$3,911,171
Projected New Vehicle Trips									68,733
Cost Per Trip									\$30.00
Fee (cost + 3% administration expense)									\$30.90
Service Area 5003									
423	Haynes Bridge Road	160,000	196,000	486,000	585,000	0	0	0	\$1,427,000
159/167	Old Alabama Road Widening**	0	366,083	366,082	1,768,231	1,533,417	0	0	4,033,813
Improvement Cost									\$5,460,813
Projected New Vehicle Trips									191,347
Cost Per Trip									\$28.54
Fee (cost + 3% administration expense)									\$29.39

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4399 * Adjusted cost per trip represents a fee reduction to insure the fee remains competitive.

4400 ** Estimated costs for Medlock Bridge Road and Old Alabama Road widenings

4401 incorporate a reduction to account for the portion of the project that serves existing

4402 deficiencies, or is already widened, respectively.

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TABLE 2: GROSS TRANSPORTATION IMPACT FEE RATE SCHEDULE

**FEES (IN DOLLARS) PER
DEVELOPMENT UNIT
TRANSPORTATION SERVICE AREA**

LAND USE CODE	LAND USE		Avg. Daily Trip (ADT) Per Unit/Sq. Ft.	% New Trips	Adjusted ADT	4101 \$63.78	5001 \$30.90	5003 \$29.39
110	LIGHT INDUSTRIAL	sq. ft.	0.006970	92	0.006412	0.41	0.20	0.19
120	HEAVY INDUSTRIAL	sq. ft.	0.001500	100	0.001500	0.10	0.05	0.04
121	HEAVY INDUSTRIAL	acres	6.750000	100	6.750000	430.52	208.58	198.38
130	INDUSTRIAL PARK	sq. ft.	0.006970	100	0.006970	0.44	0.22	0.20
150	WAREHOUSE	sq. ft.	0.004880	92	0.004490	0.29	0.14	0.13
151	MINI-WAREHOUSE	sq. ft.	0.002610	92	0.002401	0.15	0.07	0.07
210	SINGLE-FAMILY DETACHED RESIDENTIAL	units	9.550000	100	9.550000	609.10	295.10	280.67
211	SINGLE-FAMILY DETACHED RESIDENTIAL (SUTTON)	units	9.550000	100	9.550000	609.10	295.10	280.67
220	MULTI-FAMILY RESIDENTIAL	units	6.470000	100	6.470000	412.66	199.92	190.15
221	MULTI-FAMILY RESIDENTIAL (SUTTON)	units	6.470000	100	6.470000	412.66	199.92	190.15
230	CONDO/TOWNHOUSE RESIDENTIAL	units	5.860000	100	5.860000	373.75	181.07	172.23

240	MOBILE HOME PARK	units	4.810000	100	4.810000	306.78	148.63	141.37
250	RETIREMENT COMMUNITY	units	3.300000*	100	3.300000	210.47	101.97	96.99
252	CONGREGATE CARE FACILITY	units	2.150000	100	2.150000	137.13	66.43	63.19
270	RESIDENTIAL PUD	units	7.440000	100	7.440000	474.52	229.90	218.66
310	HOTELS AND MOTELS	rooms	8.700000	92	8.004000	510.50	247.32	235.24
312	BUSINESS HOTELS	rooms	7.270000	100	7.270000	463.68	224.64	213.67
400	GENERAL RECREATION	acres	3.635000	100	3.635000	231.84	112.32	106.83
430	GOLF COURSE	acres	8.330000	90	7.497000	478.16	231.66	220.34
444	MOVIE THEATER	sq. ft.	0.098929*	85	0.084090	5.36	2.60	2.47
520	ELEMENTARY/MIDDLE SCHOOL	sq. ft.	0.010720	80	0.008576	0.55	0.26	0.25
530	HIGH SCHOOL	sq. ft.	0.010900	90	0.009810	0.63	0.30	0.29
560	CHURCH/SYNAGOGUE	sq. ft.	0.009320	90	0.008388	0.53	0.26	0.25
565	DAY CARE CENTER	sq. ft.	0.079260	74	0.058652	3.74	1.81	1.72
610	HOSPITAL	sq. ft.	0.016780	77	0.012921	0.82	0.40	0.38
620	NURSING HOME	beds	2.600000	75	1.950000	124.37	60.26	57.31
630	CLINIC	sq. ft.	0.023790	100	0.023790	1.52	0.74	0.70
710	GENERAL OFFICE	sq. ft.	SEE SEPARATE TABLE					
720	MEDICAL-DENTAL	sq. ft.	0.034170	77	0.0263109	1.68	0.81	0.77

	OFFICE							
760	RESEARCH CENTER	sq. ft.	0.007700	100	0.007700	0.49	0.24	0.23
770	BUSINESS PARK	sq. ft.	0.014370	100	0.014370	0.92	0.44	0.42
812	BLDG MATERIALS/LUMBER STORE	sq. ft.	0.030560	81	0.024754	1.58	0.76	0.73
817	NURSERY (GARDEN CENTER)	sq. ft.	0.036080	81	0.029225	1.86	0.90	0.86
820	SHOPPING CENTER	sq. ft.	SEE SEPARATE TABLE					
831	QUALITY SIT DOWN RESTAURANT	sq. ft.	0.096510	82	0.079138	5.05	2.45	2.33
833	FAST FOOD REST. W/O DRIVE-THRU	sq. ft.	0.786220	41	0.322350	20.56	9.96	9.47
834	FAST FOOD REST. W/DRIVE-THRU	sq. ft.	0.632120	41	0.259169	16.53	9.01	7.62
841	NEW CAR SALES	sq. ft.	0.047910	79	0.037849	2.41	1.17	1.11
844	SERVICE STATION	station	748.000000*	25	187.000000	11,926.86	5,778.30	5,495.93
847	CAR WASH—SELF SERVICE	stall	108.000000	67	72.360000	4,615.12	2,235.92	2,126.66
850	SUPERMARKET	sq. ft.	0.125500*	81	0.101655	6.48	3.14	2.99
851	CONVENIENCE STORE—24 HRS.	sq. ft.	0.737990	25	0.184498	11.77	5.70	5.42
852	CONVENIENCE STORE—NOT 24 HRS.	sq. ft.	0.619048*	25	0.154762	9.87	4.78	4.55

860	WHOLESALE MARKET	sq. ft.	0.006730	100	0.006730	0.43	0.21	0.20
911	WALK-IN BANK	sq. ft.	0.140610	53	0.074523	4.75	2.30	2.19
912	DRIVE-THRU BANK	sq. ft.	0.265210	53	0.140561	8.96	4.34	4.13

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**TABLE 3: SUPPLEMENT COMMERCIAL AND OFFICE IMPACT FEE SCHEDULE:
PER SQUARE FOOT
5/18/94**

SQUARE FEET	COMMERCIAL AVERAGE DAILY TRIPS	% NEW TRIPS	OFFICE AVERAGE DAILY TRIPS	% NEW TRIPS	TSA 4101 \$63.78/TRIP		TSA 5001 \$30.90/TRIP		TSA 5003 \$29.39/TRIP	
					COMMERCIAL	OFFICE	COMMERCIAL	OFFICE	COMMERCIAL	OFFICE
2,500	705	49	86	92	8.81	2.02	4.27	0.98	4.06	0.93
5,000	1,087	49	146	92	6.79	1.71	3.29	0.83	3.13	0.79
7,500	1,400	49	198	92	5.83	1.55	2.83	0.75	2.69	0.71
10,000	1,676	49	246	92	5.24	1.44	2.54	0.70	2.41	0.67
30,000	3,330	49	565	92	3.47	1.11	1.68	0.54	1.60	0.51
50,000	4,583	49	831	92	2.86	0.98	1.39	0.47	1.32	0.45
75,000	5,904	49	1,129	92	2.46	0.88	1.19	0.43	1.13	0.41
100,000	7,067	63	1,403	92	2.84	0.82	1.38	0.40	1.31	0.38
125,000	8,125	63	1,661	92	2.61	0.78	1.27	0.38	1.20	0.36

150,000	9,106	63	1,907	92	2.44	0.75	1.18	0.36	1.12	0.41
175,000	10,027	63	2,142	92	2.30	0.72	1.12	0.35	1.06	0.33
200,000	10,899	75	2,370	92	2.61	0.70	1.26	0.34	1.20	0.32
225,000	11,732	75	2,590	92	2.49	0.68	1.21	0.33	1.15	0.31
250,000	12,530	75	2,805	92	2.40	0.66	1.16	0.32	1.10	0.30
275,000	13,300	75	3,015	92	2.31	0.64	1.12	0.31	1.07	0.30
300,000	14,043	79	3,220	92	2.36	0.63	1.14	0.31	1.09	0.29
350,000	15,463	79	3,618	92	2.23	0.61	1.08	0.29	1.03	0.28
400,000	16,809	80	4,002	92	2.14	0.59	1.04	0.28	0.99	0.27
500,000	19,325	81	4,737	92	2.00	0.56	0.97	0.27	0.92	0.26
600,000	21,809	81	5,438	92	1.88	0.53	0.91	0.26	0.87	0.25
700,000	24,505	81	6,110	92	1.81	0.51	0.88	0.25	0.83	0.24
800,000	27,108	81	6,759	92	1.75	0.50	0.85	0.24	0.81	0.23
	29,632	81	7,388	92	1.70	0.48	0.82	0.23	0.78	0.22

900,000										
1,000,000	32,089	81	8,001	92	1.66	0.47	0.80	0.23	0.76	0.22

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4414 NOTE: This table is for illustration of specific size projects.
 4415 Exact calculations will be made for each application using the formulas below.
 4416 ITE 5TH EDITION: TRIPS FOR OFFICE BUILDINGS AND SHOPPING CENTERS

820 Shopping Center	<570,000 sq. ft.	$\bullet \exp ((\bullet \ln(\text{sq. ft.}) 0.625) + 5.985)$
820 Shopping Center	>570,000 sq. ft.	$\bullet \exp ((\bullet \ln(\text{sq. ft.}) 0.756) + 5.154)$
710 Office		$\bullet \exp ((\bullet \ln(\text{sq. ft.}) 0.756) + 3.765)$

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**TABLE 3: SUPPLEMENT COMMERCIAL AND OFFICE IMPACT FEE SCHEDULE:
TOTALS
5-18-94**

SQUAR E FEET	COMMERC IAL AVERAGE DAILY TRIPS	% NE W TRIP S	OFFICE AVERA GE DAILY TRIPS	% NE W TRIP S	TSA 4101 \$63.78/TRIP		TSA 5001 \$30.90/TRIP		TSA 5003 \$29.39/TRIP	
					COMMERC IAL	OFFIC E	COMMERC IAL	OFFIC E	COMMERC IAL	OFFIC E
2,500	705	49	86	92	22,033	5,046	10,674	2,445	10,153	2,325
5,000	1,087	49	146	92	33,971	8,567	16,458	4,150	15,654	3,948
7,500	1,400	49	198	92	43,753	11,618	21,197	5,629	20,162	5,354
10,000	1,676	49	246	92	52,379	14,435	25,376	6,993	24,136	6,652
30,000	3,330	49	565	92	104,070	33,153	50,420	16,062	47,956	15,277
50,000	4,583	49	831	92	143,229	48,761	69,391	23,624	66,000	22,469
75,000	5,904	49	1,129	92	184,513	66,247	89,392	32,095	85,024	30,527
100,000	7,067	63	1,403	92	283,962	82,32	137,573	39,88	130,850	37,93

						5		4		5
125,000	8,125	63	1,661	92	326,474	97,463	158,169	47,219	150,440	44,911
150,000	9,106	63	1,907	92	365,892	111,898	177,267	54,212	168,604	51,563
175,000	10,027	63	2,142	92	402,899	125,687	195,196	60,893	185,657	57,917
200,000	10,899	75	2,370	92	521,354	139,066	252,584	67,374	240,241	64,082
225,000	11,732	75	2,590	92	561,200	151,975	271,889	73,629	258,603	70,030
250,000	12,530	75	2,805	92	599,373	164,591	290,383	79,741	276,193	75,844
275,000	13,300	75	3,015	92	636,206	176,913	308,228	85,710	293,165	81,522
300,000	14,043	79	3,220	92	707,573	188,942	342,804	91,538	326,052	87,065
350,000	15,463	79	3,618	92	779,122	212,296	377,467	102,853	359,021	97,826
400,000	16,809	80	4,002	92	857,662	234,828	415,518	113,769	395,213	108,209

500,000	19,325	81	4,737	92	998,364	277,956	483,685	134,663	460,049	128,083
600,000	21,809	81	5,438	92	1,126,692	319,089	545,857	154,591	519,183	147,037
700,000	24,505	81	6,110	92	1,265,972	358,520	613,336	173,695	583,364	165,207
800,000	27,108	81	6,759	92	1,400,448	396,602	678,486	192,145	645,330	182,755
900,000	29,632	81	7,388	92	1,530,842	433,510	741,659	210,026	705,416	199,763
1,000,000	32,089	81	8,001	92	1,657,776	469,479	803,156	227,452	763,908	216,337

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4423 NOTE: This table is for illustration of specific size projects.
 4424 Exact calculations will be made for each application using the formulas below.
 4425 ITE 5TH EDITION: TRIPS FOR OFFICE BUILDINGS AND SHOPPING CENTERS

820 Shopping Center	<570,000 sq. ft.	$\bullet \exp ((\bullet \ln(\text{sq. ft.}) 0.625) + 5.985)$
820 Shopping Center	>570,000 sq. ft.	$\bullet \exp ((\bullet \ln(\text{sq. ft.}) 0.756) + 5.154)$
710 Office		$\bullet \exp ((\bullet \ln(\text{sq. ft.}) 0.756) + 3.765)$

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SUPPLEMENTAL RETAIL GROSS IMPACT FEES

FEES (IN DOLLARS) PER
DEVELOPMENT UNIT
TRANSPORTATION SERVICE AREA

ITEM CODE	LAND USE		Avg. Daily Trip (ADT) Per Unit/Sq. t.	% New Trips	Adjusted ADT	4101 \$63.78	5001 \$30.90	5003 \$29.39
814	SPECIALTY RETAIL CENTER	sq. ft.	0.004067	100	0.004067	0.26	0.13	0.12
815	DISCOUNT STORE	sq. ft.	0.007013	61	0.004278	0.27	0.13	0.13
816	HARDWARE/PAINT STORE	sq. ft.	0.051290	40	0.020516	1.31	0.63	0.60
818	NURSERY (WHOLESALE)	sq. ft.	0.039000	100	0.039000	2.49	1.21	1.15
832	HIGH-TURNOVER (SIT DOWN) RESTAURANT	sq. ft.	0.205360	82	0.168395	10.74	5.20	4.95
861	DISCOUNT CLUB	sq. ft.	0.078020	100	0.078020	4.98	2.41	2.29
890	FURNITURE STORE	sq. ft.	0.004340	81	0.003515	0.22	0.11	0.10

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Source: Institute of Transportation Engineers Trip Generation Rate Manual, 5th Edition

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ATTACHMENT B

CALCULATED AND PROJECTED MILLAGE EQUIVALENTS OF
EXPENDITURES FOR TRANSPORTATION

CALCULATED	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990
NET ASSESSMENT	5,846,149,516	6,098,385,801	6,301,732,185	7,485,427,045	8,891,853,697	9,758,466,153	11,511,793,284	13,202,429,027	13,895,522,901	15,483,727,388
VALUE OF ONE MILL	5,846,150	6,098,386	6,301,732	7,485,427	8,691,854	9,758,466	11,511,793	12,605,414	13,802,928	15,114,206
LEASE SQUARES PROJECTION	4,900,000	6,000,000	7,100,000	8,200,000	9,300,000	10,400,000	11,500,000	12,600,000	13,700,000	14,800,000
TRANSPORTATION EXPENDITURES										
DEBT	370,000	814,000	1,005,000	1,080,000	1,232,000	1,393,000	2,451,000	2,845,000	2,927,000	1,637,000
CAPITAL FUND	27,000	2,000	13,000	142,000	0	407,000	0	202,000	96,000	0
TOTAL	397,000	816,000	1,018,000	1,222,000	1,232,000	1,800,000	2,451,000	3,047,000	3,023,000	1,637,000
LEAST SQUARES PROJECTION	550,000	900,000	1,050,000	1,300,000	1,550,000	1,800,000	2,050,000	2,300,000	2,550,000	2,800,000
CALCULATED MILLS	0.07	0.13	0.16	0.16	0.14	0.18	0.21	0.24	0.22	0.11
MILLS FROM PROJECTIONS	0.11	0.13	0.15	0.16	0.17	0.17	0.18	0.18	0.19	0.19
PROJECTED	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
VALUE OF ONE MILL										
LEAST SQUARES PROJECTION	15,900,000	17,000,000	18,100,000	19,200,000	20,300,000	21,400,000	22,500,000	23,600,000	24,700,000	25,800,000
TRANSPORTATION EXPENDITURES										
LEAST SQUARES PROJECTION	3,050,000	3,300,000	3,550,000	3,800,000	4,050,000	4,300,000	4,550,000	4,800,000	5,050,000	5,300,000

PROJECTED MILLS FOR TRANSPORTATION	0.19	0.19	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.21
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
VALUE OF ONE MILL										
LEAST SQUARES PROJECTION	26,900,000	28,000,000	29,100,000	30,200,000	31,300,000	32,400,000	33,500,000	34,600,000	35,700,000	36,800,000
TRANSPORTATION EXPENDITURES										
LEAST SQUARES PROJECTION	5,550,000	5,800,000	6,050,000	6,300,000	6,550,000	6,800,000	7,050,000	7,300,000	7,550,000	7,800,000
PROJECTED MILLS FOR TRANSPORTATION	0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21	0.21

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Section 2. It is hereby declared to be the intention of the City Council that:

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(a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

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(b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

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(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

4460

4461

Section 5. All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

4462

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Section 6. The city attorney and city clerk are authorized to make non-substantive editing and renumbering revisions to this ordinance for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the city clerk.

4466

4467 **Section 7.** The effective date of this Ordinance shall be the date of adoption unless
4468 provided otherwise by the City Charter or state and/or federal law.

4469
4470 **Section 8. Instruction to City Clerk.** The City Clerk is hereby directed to forward a
4471 copy of this ordinance to the City Community Development Department, Planning
4472 Commission, City Zoning Consultant, City Arborist and Zoning Board of Appeals.
4473

4474 The foregoing **ORDINANCE No. 2018-050**, adopted on _____ was
4475 offered by Councilmember _____, who moved its approval. The motion was
4476 seconded by Councilmember _____, and being put to a vote, the result
4477 was as follows:

4478
4479

4480

AYE

NAY

4481 William "Bill" Edwards, Mayor

4482 Mark Baker, Mayor Pro Tem

4483 Catherine Foster Rowell

4484 Carmalitha Lizandra Gumbs

4485 Helen Zenobia Willis

4486 Gertrude Naeema Gilyard

4487 Rosie Jackson

4488 khalid kamau

4489

4490

4491

4492 THIS ORDINANCE adopted this _____ day of _____ 2018. CITY OF SOUTH
4493 FULTON, GEORGIA.

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4500

WILLIAM "BILL" EDWARDS, MAYOR

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4505

4506 ATTEST:

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4508
4509

MARK MASSEY, CITY CLERK

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4515

4516 APPROVED AS TO FORM:

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EMILIA C. WALKER, CITY ATTORNEY

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4523



CITY OF SOUTH FULTON



COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING

SUBJECT: Ord2018-051 Tree Preservation Guidelines as Appendix E

DATE OF MEETING: 11/27/2018

DEPARTMENT: Attorney

ATTACHMENTS:

Description	Type	Upload Date
Ord2018-051 Tree Preservation Guidelines	Cover Memo	11/21/2018

1 STATE OF GEORGIA
2 COUNTY OF FULTON
3 CITY OF SOUTH FULTON
4
5

6 ORDINANCE NO. 2018-051
7

8 A ORDINANCE TO ADOPT ADMINISTRATIVE GUIDELINES FOR TREE
9 PRESERVATION AS APPENDIX E TO THE CITY CODE OF ORDINANCES AND
10 FOR OTHER LAWFUL PURPOSES

11 WHEREAS, the City of South Fulton ("City") is a municipal corporation duly
12 organized and existing under the laws of the State of Georgia;
13

14 WHEREAS, the Mayor and Council ("City Council") is the duly elected governing
15 authority of the City;
16

17 WHEREAS, the City Council seeks to adopt administrative guidelines for tree
18 preservation to cultivate and encourage a high level of tree preservation, to preserve,
19 maintain and replant trees within the City, and to provide standards for the preservation
20 of trees as part of the land development, building construction and timber harvest
21 processes;

22 WHEREAS, this Ordinance will benefit the health and general welfare of the City,
23 its citizens and general public.

24 NOW, THEREFORE, THE COUNCIL OF THE CITY OF SOUTH FULTON,
25 GEORGIA HEREBY ORDAINS as follows:

26 Section 1. The City hereby adopts the City of South Fulton Administrative
27 Guidelines for Tree Preservation attached hereto, which shall be Appendix E to the
28 City's Code of Ordinances.

29 *****
30

31 Section 2. It is hereby declared to be the intention of the Mayor and Council that: (a)
32 All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or
33 were, upon their enactment, believed by the City Council to be fully valid, enforceable
34 and constitutional.

35 (b) To the greatest extent allowed by law, each and every section, paragraph,
36 sentence, clause or phrase of this Ordinance is severable from every other section,
37 paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph,
38 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
39 section, paragraph, sentence, clause or phrase of this Resolution.

40 (c) In the event that any phrase, clause, sentence, paragraph or section of this
41 Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or

42 otherwise unenforceable by the valid judgment or decree of any court of competent
43 jurisdiction, it is the express intent of the City Council that such invalidity,
44 unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not
45 render invalid, unconstitutional or otherwise unenforceable any of the remaining
46 phrases, clauses, sentences, paragraphs or sections of the Ordinance.

47 **Section 3.** All Ordinance and Resolutions in conflict herewith are hereby expressly
48 repealed.

49 **Section 4.** The city attorney, city clerk and contracted city codifier are authorized to
50 make non-substantive formatting and renumbering edits to this ordinance for proofing,
51 codification, and supplementation purposes. The final version of all ordinances shall be
52 filed with the clerk.

53 **Section 5.** The effective date of this Ordinance shall be the date of adoption unless
54 provided otherwise by the City Charter or state and/or federal law.

55
56 **Section 6. *Instruction to City Clerk.*** The City Clerk is hereby directed to forward a
57 copy of this ordinance to the City Community Development Department and City
58 Arborist.
59

60 The foregoing **Ordinance No. 2018-051** was adopted on _____
61 was moved for approval by Councilmember _____. The motion
62 was seconded by Councilmember _____,
63 and being put to a vote, the result was as follows:

64

65 **"SECOND READING"**

66

AYE

NAY

67 William "Bill" Edwards, Mayor

68 Mark Baker, Mayor Pro Tem

69 Catherine Foster Rowell

70 Carmalitha Lizandra Gumbs

71 Helen Zenobia Willis

72 Gertrude Naeema Gilyard

73 Rosie Jackson

74 khalid kamau

75

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77 THIS ORDINANCE adopted this _____ day of _____ 2018. **CITY OF**
78 **SOUTH FULTON, GEORGIA.**

79

80 **"SECOND READING"**

81

82

83 _____
WILLIAM "BILL" EDWARDS, MAYOR

84

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86 ATTEST:

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MARK MASSEY, CITY CLERK

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94 APPROVED AS TO FORM:

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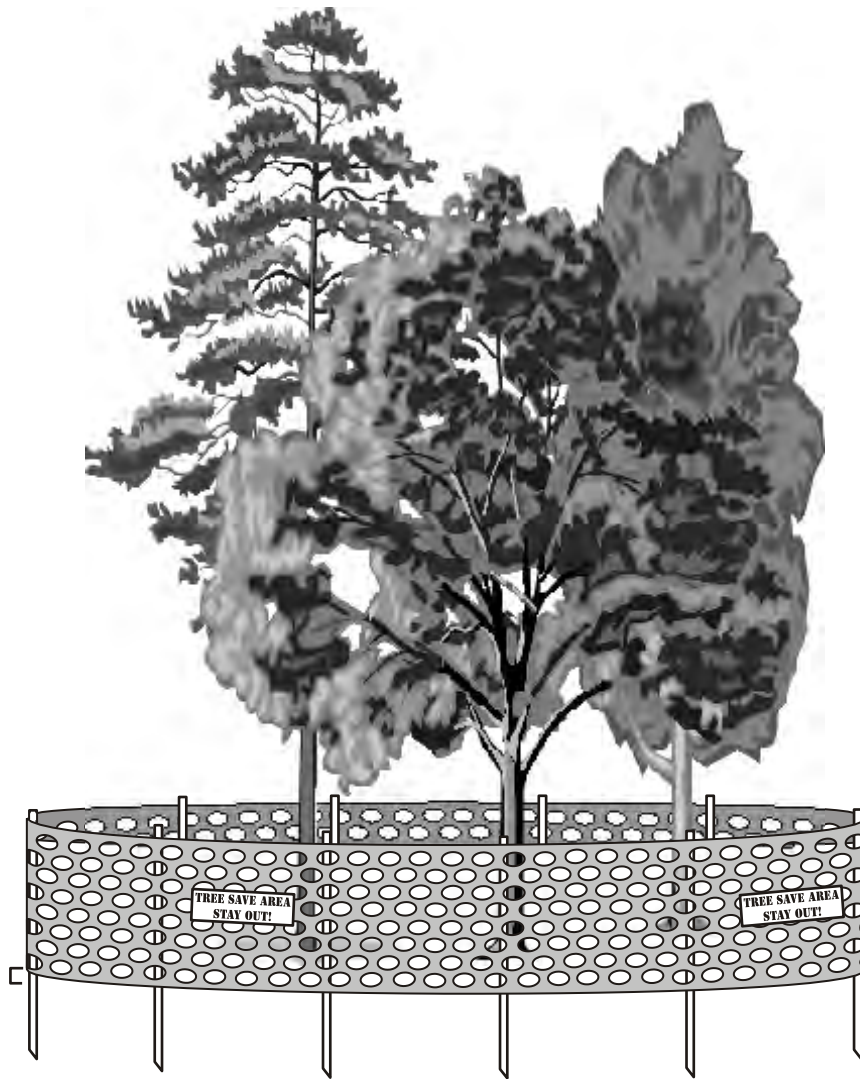
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99 _____
EMILIA C. WALKER, CITY ATTORNEY

CITY OF SOUTH FULTON ADMINISTRATIVE GUIDELINES FOR TREE PRESERVATION



ADOPTED ON: _____
EFFECTIVE DATE: _____

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SECTION I. ADMINISTRATIVE GUIDELINES FOR AG-1, AGRICULTURE DISTRICT

This set of guidelines shall apply to land uses within the City's Agriculture District. The Agriculture District is intended to encompass lands devoted to a wide range of uses including single family subdivisions, agricultural and closely related land uses.

A. PROCEDURES

Land Disturbance Permits

a. **Step 1.** Application Forms

Filing application forms and obtaining Ordinance and Administrative Guidelines information.

b. **Step 2.** Tree Protection Plan

A tree protection plan, (TPP) shall be submitted with other permit drawings as part of the land disturbance permit process. This plan may either be a separate drawing or part of the landscape plan and shall include the following information:

1. Tree Protection Details, detail drawings of tree protection measures and landscape strips (whichever is applicable or both).
 - Protective tree fencing.
 - Erosion control fencing.
 - Tree protection signs.
 - Transplanting specifications.
 - Tree wells.
 - Staking specifications.
 - Other applicable drawings.
 - Landscape installation plans, planting details, plant list
2. Spatial Limits
 - Definition of spatial limits.
 - Limits of land disturbance, clearing, grading and trenching.
 - Tree protection zones.
 - Specimen trees or stands of trees.
 - Areas of revegetation and tree density calculations.
 - State waters buffers and/or tributary buffers.
3. Implementation Schedule
 - Procedures and schedules for the implementation, installation and maintenance of tree protection measures.

- c. **Step 3. Review Process**
 These plans shall be reviewed by the City Arborist or his designated agent(s) for conformance with:
 - Applicable Overlay District Regulations
 - The City of South Fulton Zoning Ordinance
 - Applicable Zoning, Use Permit and/or Variance Conditions
 - Tree Preservation Ordinance & Administrative Standards
 - Any and all Ordinance and Administrative Guidelines dealing with natural resources
 - Plans will be either approved, denied or returned for revisions.
 - Reasons for denial shall be stated in writing on the tree protection plan.
- d. **Step 4. Tree Protection Measures**
 All tree protection measures shall be installed by the contractor and then inspected by the City Arborist or designated agent(s) prior to any land disturbance.
- e. **Step 5. Land Disturbance Permit**
 Issuance of the land disturbance permit is contingent upon approval of the Tree Protection Plan.
- f. **Step 6. Follow-up**
 The City Arborist will conduct follow-up site inspections for enforcement of the Tree Preservation Ordinance and its Administrative Guidelines.

2. Rezoning and Special Use Permits

- a. **Step 1. Application Forms**
 Filing application forms and obtaining Ordinance and Administrative Guidelines information.
- b. **Step 2. Case Review**
 The City Arborist may conduct a preliminary review of all rezoning cases and special use permit applications.
- c. **Step 3. Field Review**
 A field review of cases may occur under the following conditions:
 1. For community unit plans and major development cases.
 2. For cases within the Chattahoochee River Corridor.
 3. For cases within overlay districts.
 4. Other cases as determined necessary by the preliminary review.
- d. **Step 4. Conditions**
 Conditions to rezoning may be required as found necessary by the preliminary review. These conditions may either be general or specific in nature and will reflect the standards or provisions of the Tree Preservation Ordinance and Administrative Guidelines and the Zoning Ordinance.

- e. **Step 5. Verification**
Compliance with these conditions will be verified by review of a revised site plan prior to the issuance of a land disturbance permit.

3. Timber Harvesting Requirements

Agriculture (AG-1) Land Uses

Pursuant to O.C.G.A. § 12-6-24, individuals and companies interested in harvesting timber in the City of South Fulton are required to submit a completed Notice of Timber Harvesting Activity to the City Arborist on a form approved by the Director of the Department of Community Services ("Department"). Blank forms are available from the Georgia Forestry Commission or may be obtained from the Department. Prior written notice shall be required of any person or company harvesting timber for each separate tract to be harvested. Once the Arborist has reviewed the notice and ensured that all the requested information is included, the notice is stamped "Received" along with the current day's date. The stamped notice is then returned to the individual overseeing the timbering operation. Timbering can only begin once the stamped notice is posted on-site in a conspicuous location and enclosed in a weather-proof sheath or other similar device.

4. Residential Erosion & Sedimentation Control and Tree Protection Agreement Form

Step 1. Application Form: Obtain a Residential Erosion & Sedimentation Control and Tree Protection Agreement Form; fill out and submit along with application for a building permit.

Step 2. Requirements: Must protect enough trees somewhere on the lot to meet the City minimum of 15 tree units per acre.

See Appendix I. to review a copy of the Residential Erosion & Sedimentation Control & Tree Protection Agreement Form.

B. TREE PROTECTION

1. Standards For Specimen And Heritage Trees And Stands of Trees

Specimen and Heritage Tree: Any tree in fair or better condition which equals or exceeds the following diameter sizes.

Tree Type	Tree Diameter Size	Examples
Large hardwoods	27" d.b.h.	Oak, Hickory, Yellow Poplar, Sweetgum, etc.
Large hardwood	24" d.b.h.	Beech
Large softwoods	24" d.b.h.	Pine, Deodar Cedar
Small Native Flowering	10" d.b.h.	Dogwood, Redbud, Sourwood

A tree in fair or better condition must meet the following minimum standards:

- a. A life expectancy of greater than 10 years.
- b. A relatively sound and solid trunk with no extensive decay or hollow, and less than 20 percent radial trunk dieback.
- c. No more than one major and several minor dead limbs (hardwoods only).
- d. No major insect or pathological problem.
- e. A lesser sized tree can be considered a specimen if it is a rare or unusual species, of exceptional quality, or of historical significance.
- f. A lesser size tree can be considered a specimen if it is specifically used by a builder, developer, or design professional as a focal point in a project or landscape.

Specimen Tree Stands:

A contiguous grouping of trees which have been determined to be of value by the Director of the Department or Authorized designee(s). Determination is based upon any one or more of the following criteria:

- a. A relatively mature even-aged stand.
- b. A stand with purity of species composition or of a rare or unusual nature.
- c. A stand of historical significance.
- d. A stand with exceptional aesthetic quality.

2. Methods of Tree Protection

a. Planning consideration

Root space is the most critical factor in tree protection throughout the development process. The root system of trees easily goes beyond the dripline of the tree canopy. Disturbance within the root zone can directly affect a tree's chances for survival. To protect the root zone the following standards shall apply:

1. The use of tree save areas is encouraged. This will facilitate overall site organization as related to tree protection.
2. The root protection zone of specimen trees, heritage trees, undisturbed buffers, stands of trees or otherwise designated tree save areas shall include no less than the area of a circle with a radius that extends one foot out for every inch of trunk diameter, or the area of a circle with a radius extending from a tree's trunk to a point no less than the end of a tree's longest branch, **whichever is greater**. In some instances, the City Arborist or authorized agent(s) may require an additional area of no disturbance up to 10 feet outside the root protection zone. (See Appendix A. Typical Root Protection Zone)
3. Layout of the project site utility and grading plans must accommodate the required tree protective zones. Utilities must be placed along corridors between protective zones.
4. Construction site activities such as parking, material storage, bury pits, concrete washout, burnhole placement, etc., shall not be allowed within tree

protection zones.

5. No disturbance shall occur within the protection zone of specimen and heritage trees or stands of trees.

b. Protective Barriers

1. Protective tree fencing shall be installed a minimum of 3 feet beyond the outer edge of the root protection zone for all specimen trees, heritage trees, stands of trees, or otherwise designated tree protection zones, **prior to any land disturbance**.
2. Acceptable Tree Fencing Procedures
 - A minimum of 4 feet high, constructed in a post and rail configuration. A 2 inch x 4 inch post and a double 1 inch x 4 inch rail is recommended.
 - Four foot orange polyethylene laminar safety fencing.
 - Any deviation from the two acceptable tree fencing methods listed above must be authorized by the City Arborist or designated agent(s).
 - All tree protection fences must be accompanied by “Stay Out” and “Tree Save” signage. Contact the Department for information regarding the purchase of tree protection signs.
3. A stop work order or notice of violation will be issued if project is found to be out of compliance with the Tree Protection/Landscape Plan.
4. All specimen trees, heritage trees, stands of trees or otherwise designated tree protection zones must be protected from silt.
 - Silt fencing reinforced with wire mesh fencing must be placed along the outer uphill edge of tree protection zones at the land disturbance interface.
 - Silt fencing should be backed by 12 gauge, 2 inch x 4 inch wire mesh fencing in areas of steep slope. (Steep slopes are defined as greater than 3H:1 V).
 - All erosion control measures must comply with City Erosion Control Standards.
5. All tree fencing and erosion control barriers must be installed prior to and maintained throughout the land disturbance process and building construction and may not be removed until the certificate of occupancy is approved and issued by the Director of the Department or a designated agent(s).

C. REVEGETATION

1. Tree Replacement

- a. The replacement of trees to satisfy the conditions of zoning, requirements of the City of South Fulton Zoning Ordinance or the Tree Preservation Ordinance and Administrative

Guidelines, may occur under the following situations:

- To establish the minimum tree density requirements for the site, where grading occurs outside the buildable area of the lot.
- If the lot's buildable area leaves no protected zone.
- If no trees are present within an existing protected zone.
- Where specimen trees or stands of trees and trees within otherwise designated tree protection zones have been irreparably damaged or removed through land disturbance or construction activities.

NOTE: Unless enough existing trees are saved on site to satisfy density requirements, proposed replacement trees will have to be bonded off prior to issuance of the Land Disturbance Permit.

- b. The quantity of replacement trees into a site must be sufficient so as to produce a total site tree density factor of no less than 15 units per acre. If it has been determined by the City Arborist or designated agent(s) during the initial site visit that the property in question is completely barren of trees and has been for a long time (i.e., pasture land), then the units for replacement trees will be doubled. (For example, a 4 inch replacement tree is currently equivalent to 0.7 units; at a site determined to be barren of trees, the replacement units will be equivalent to 1.4 instead of 0.7 units.) The site will still be required to meet the 15 unit per acre site tree density requirement. (Note: the terms unit and tree are NOT interchangeable). Procedures for determining the site density requirements and the subsequent tree replacement requirements are provided in Table 1.0 and Table 2.0 in the next section. No more than 30% of the replacement trees can be pines. At least 70% of replacement trees must be hardwoods of at least 4 different species.
- c. The spacing of replacement trees must be compatible with spatial limitations and with responsible consideration towards potential species size.
- d. Where the City Arborist or designated agent(s) has determined that site spatial constraints result in the inability to provide for all the required trees, as many trees as possible must be planted on site. The remaining balance of required trees must be planted on public properties using the **Tree Bank** alternative or the installed cost of the remaining balance of required trees must be contributed to the **Tree Replacement Fund** in the form of a certified check. A **Conservation Easement** on a greenspace can also be deeded to the City as compensation for specimen trees removed or to meet site tree density. (Contact senior arborist for details on conservation easement.)

Specimen Tree Recompense

- a. Any and all healthy specimen trees that the City Arborist allows a developer/builder/homeowner to remove must be compensated for with other trees. Specimen hardwood trees have to be compensated for with either 2" or 4" caliper hardwood trees. Specimen evergreen trees have to be compensated for with either 2" or 4" caliper Southern Magnolias, Deodar Cedars, Canadian Hemlocks, or Cryptomerias. Specimen native flowering trees have to be compensated for with either 2" or 4" caliper hardwood trees. Four (4) different species (minimum) of recompense

trees must be used if the number of recompense trees required is forty (40) or greater. For purposes of recompense trees **only**, the unit value of a 2" caliper *recompense* tree will be **.35** units, not its usual **.5** unit value. Any and all specimen trees that are slated for removal must have their recompense trees bonded off prior to issuance of the land disturbance permit.

If a specimen tree or trees are removed or have their root protection zones disturbed without permission, the unit value of the specimen tree is doubled and that becomes the unit value that must be compensated for. For example: A 30" DBH tree is normally worth 14.7 units. If it is removed or its root protection zone disturbed without permission its unit value will double to 29.4 units. Thus 29.4 units of 2" or 4" caliper trees will have to be replaced at the project site. Recompense trees **cannot** be used to satisfy any other landscape requirement such as parking lot shade trees, landscape strip, undisturbed buffer or detention pond buffer trees. They can, however, count toward the required tree density for the site. 2" caliper recompense trees that are counted for density will be worth .35 units per tree.

TREE BANK

Arrangements will be made through the City Arborist. If the tree bank is an alternative for your development, then the following criteria must be observed:

- The tree bank site location must be in the same planning area of the city (defined in the Comprehensive Plan) as the project site.
- Four different species needed if total quantity of trees to be banked is 40 or greater.
- Each tree bank tree must be 2 inch caliper size at a minimum; 2 inch or 4 inch caliper required for recompense trees.
- All tree bank trees must be grade "A" quality trees with straight trunks and dense foliage and free from injury, pests, disease or nutritional disorders.
- All tree bank trees are to be guaranteed for 1 full year after planting by the developer. Any trees that die within this time period must be replaced by the developer.
- The following notes must be shown on the approved tree protection plan:

WHEN THE OWNER/DEVELOPER/CONTRACTOR CALLS THE ARBORIST'S OFFICE FOR A FINAL INSPECTION, THE OWNER/DEVELOPER/CONTRACTOR SHALL INFORM THE ARBORIST THAT THE SITE VISIT INCLUDES A SITE VISIT TO A PUBLIC PROPERTY TO INSPECT TREES THAT HAVE BEEN TREE BANKED.

ANY CHANGES IN TREE VARIETY MUST BE APPROVED IN WRITING BY THE CITY ARBORIST'S OFFICE. PLANTING MUST BE COMPLETED BY THE OWNER/DEVELOPER AND THE PLANTING MUST BE INSPECTED AND APPROVED BY THE CITY ARBORIST OR SENIOR ARBORIST PRIOR TO THE ARBORIST'S OR SENIOR ARBORIST'S SIGN-OFF ON THE CERTIFICATE OF OCCUPANCY OR FINAL PLAT RECORDING FOR THE PROJECT.

TREE REPLACEMENT FUND

Arrangements will be made through the City Arborist. If the tree banking alternative is not desirable, then the tree replacement fund is another alternative to help your development meet its tree density or recompense tree requirements. If the Tree Replacement Fund is an alternative for your development, then the following criteria must be observed:

- Tree replacement cost shall be a price determined by the City Arborist based on the average current market cost for grade “A” quality, healthy trees.
- The required replacement fee will be 100 percent (%) of the total cost to plant the balance of trees that were unable to be planted to satisfy the site density requirement or recompense tree requirements.
- Species selected for replacement must be grade “A” quality, healthy trees and must be ecologically compatible with the specifically intended growing site. Standards for transplanting and selecting quality replacement stock are provided in Transplanting Standards Section. A site specific tree list will be provided by the City Arborist upon request.

Notice: The primary use of the Tree Fund monies is the purchase and installation of Grade A quality trees on City of South Fulton Government public facilities and rights-of-ways. For any donation to the Tree Fund, up to 30 percent of the funds donated may be used by the City to purchase woody shrubs, sod, flowers and bulbs, and natural mulch.

2. Procedures for Calculating the Required Tree Replacement Density Factors (The Tree Density Factor Requirement for property located within Agricultural Districts is 15 units per acre.)

Step 1

Calculate the density factor for the site (DFS) by multiplying the number of site acres by 15.

EXAMPLE: A 2.2 acre site has a DFS of 2.2 x 15= 33.

Step 2

Calculate the existing density factor (EDF) of trees which will remain on the site to be protected during construction. EDF is determined by converting the D.B.H. of individual existing trees to density factor units, using Table 1.0. These units are then totaled to determine the EDF for the site.

EXAMPLE: A total of 5 trees will remain on the 2.2 acre site in Step 1. These trees include:

When converted to density factor units using Table 1.0, we arrive at the following values:

Quantity	Size	Tree type
3	18'	Oak
1	20"	Hickory
1	30"	Oak

D.B.H.	Units	# Trees		
18"	4.0	X	3	= 12.0
20"	4.0	X	1	= 4.0
30"	14.7	X	1	= 14.7
The sum total of units, 30.7, is the EDF, existing				EDF total 30.7

Step 3

Calculate the required replacement density factor (RDF) by subtracting the existing density factor , (EDF) in (Step 2) from the density factor for the site (DFS) in (Step 1). Example:

RDF	=	DFS	-	EDF
RDF	=	33.0	-	30.7
RDF	=	2.3		

Step 4

The RDF can be converted back to caliper inches using Table 2.0. Any number or combination of transplantable size trees can be used so long as their total density factor units will equal or exceed the RDF.

Example: On the 2.2 acre site the following number and size of trees will be planted:

No.	Size	Species	Density Factor Units	DF x Number =	Total
3	2"	PINE	0.5	3x0.5=	1.50
2	3"	RED MAPLE	0.6	2 x 0.6 =	1.20
				replacement density factor < or = to	2.70

2.70 is the sum of the transplantable trees for the site. Because the sum of the transplantable trees for the site is greater than the RDF, which is 2.30, the project's site density has been satisfied.

Conversion Tables

TABLE 1.0 – EXISTING TREES TO REMAIN

Conversion from D.B.H. to density factor units for trees remaining on the site.

D.B.H.	Units	D.B.H.	Units	D.B.H.	Units
1-4	0.4	36	21.3	59	56.9
5-7	1.2	37	22.5	60	58.9
8-9	2.0	38	23.7	61	60.8
10	2.4	39	24.9	62	62.8
11	2.8	40	26.1	63	64.9
12	3.2	41	27.6	64	67.0
13-15	3.6	42	28.8	65	69.1
16-20	4.0	43	30.3	66	71.2
21	4.8	44	31.8	67	73.4
22	5.2	45	33.0	68	75.6
23	8.7	46	34.5	69	77.9
24	9.3	47	36.0	70	80.1
25	10.2	48	37.8	71	82.4
26	11.1	49	39.3	72	84.8
27	12.0	50	40.8	73	87.1
28	12.9	51	42.7	74	89.6
29	13.8	52	44.2	75	92.0
30	14.7	53	45.9	76	94.5
31	15.6	54	47.7	77	97.0
32	16.8	55	49.4	78	99.5
33	17.7	56	51.3	79	102.1
34	18.9	57	53.1	80	104.7
35	20.1	58	55.0		

TABLE 2.0 – REPLACEMENT TREES

Conversion from caliper to density factor units for replacement trees.

CALIPER	UNITS	CALIPER	UNITS
1	0.4	8	1.3
2	0.5	9	1.5
3	0.6	10	1.7
4	0.7	11	1.9
5	0.9	12	2.1
6	1.0	13	2.3
7	1.2	14	2.5

Container grown pine trees are given replacement credit as follows:

SIZE	UNITS
7 Gallon	0.4
3 Gallon*	0.2

***The use of 3 gallon pines is permitted only with prior approval**

Tree relocation: Replacement units may be granted to trees relocated on site. Tree relocation is subject to the Senior Arborist's or designated agent(s) approval.

3. Standards for Selecting Quality Replacement Stock

- a. Trees selected for planting must meet the minimum requirements as provided in Tables 3.0 through 8.0 provided at the end of this section.
- b. Trees selected for planting must be free from injury, pests, disease, or nutritional disorders.
- c. Trees selected for planting must be of good vigor. The determination of vigor is a subjective evaluation and dependent upon species variability. The following criteria are generally used for the determination of vigor:
 - 1. Foliage should have a green or dark green color. Vigorous trees will have large leaves and dense foliage when compared to trees with poor vigor.
 - 2. Shoot growth for most vigorous trees will be at least 1 foot per year. At least ½ of the branches should arise from points on the lower 2/3 of a trunk.
 - 3. Bark texture can denote vigor. Smooth or shiny bark on the trunk and branches of a young tree usually signifies good vigor, conversely, rough and dull bark could indicate poor vigor.

4. Trunk taper: the trunks of vigorous trees will generally have an increase in diameter with a decrease in height. Trees with reverse tapers or no taper should be avoided.
 5. Root color: young roots of most trees will be light in color.
- d. Trees selected for planting must be free of root defects. Two types of root defects generally occur:
1. Kinked roots, in which taproots, major branch roots, or both are bent more than 90 degrees with less than 20 percent of the root system originating above the kink. A tree with such roots will probably bend at the soil line when released from a supporting stake.
 2. Circling or girdling roots which circle 80 percent or more of the root system by 360 degrees or more. A tree with such roots would ultimately have less than 20 percent of its system available for support.

4. Planting Minimum Requirement Tables

Table 3.0 - CALIPER TO HEIGHT RATIOS FOR DECIDUOUS TREES

STANDARD SHADE TREES		SLOW GROWING TREES		SMALL UPRIGHT
CALIPER IN INCHES	AVERAGE RANGE	MAXIMUM / MINIMUM		AVERAGE RANGE
	HEIGHT IN FEET	HEIGHT IN FEET		HEIGHT IN FEET
5/16	-	-		2 To 3
7/16	-	-		3 To 4
9/16	-	-		4 To 5
11/16	-	-		5 To 6
7/8	-	-		6 To 8
½ To ¾	5 To 6	8	3.5	-
¾ To 1	6 To 8	10	4	-
1 To ¼	8 To 10	11	5.5	-
1 ¼ To 1 ½	8 To 10	12	6.5	-
1 ½ To 1 ¾	10 To 12	14	6.5	-
1 ¾ To 2	10 To 12	14	6.5	-
2 To 2 ½	12 To 14	16	8	-
2 ½ To 3	12 To 14	16	8	-
3 To 3 ½	14 To 16	18	9.5	-
3 ½ To 4	14 To 16	18	9.5	-
4 To 5	16 To 18	22	10.5	-
5 To 6	18 AND UP	26	12	-

Table 4.0 - HEIGHT TO SPREAD RATIO FOR CONIFEROUS NURSEY TREES

HEIGHT IN INCHES	SPREAD RANGE IN INCHES
12 To 15	8 To 12
15 To 18	9 To 15
18 To 24	12 To 18
24 To 30	15 To 21
30 To 36	18 To 24
36 To 48	21 To 30
48 To 60	30 To 36
60 To 72	36 To 48

Generally the Height: Spread ratio should be no less than 2:1.

Table 5.0 – CONTAINER SIZE TO RATIO HEIGHT

CONTAINER SIZE	DECIDUOUS TREES	CONIFEROUS TREES
	HEIGHT SIZES	
	IN FEET	IN INCHES
1 GALLON 5 ½" x 6"	1 To 1 ½	6 To 9
	1 ½ To 2	9 To 12
	2 To 3	12 To 15
	3 To 4	15 To 18
		18 To 24
2 GALLON 7"x7 ½"	2 To 3	12 To 15
	3 To 4	15 To 18
	4 To 5	18 To 24
		24 To 30
5 GALLON 9" x 10"	4 To 5	18 To 24
	5 To 6	24 To 30
	6 To 8	30 To 36
	-	36 To 42
	-	42 To 48

Table 6.0 – MINIMUM ROOT SPREAD AND BALL DIAMETER FOR DECIDUOUS TREES

CALIPER	BARE ROOT DIAMETER SPREAD FOR ALL TREES	BALL DIAMETER FOR STANDARD AND SLOW GROWING BALL AND BURLAP TREES		BALL DIAMETERS FOR SMALL UPRIGHT TREES
		INCHES	HEIGHT IN FEET	
1/2 To 3/4	12	12	2 To 3	10
3/4 To 1	16	14	3 To 4	12
1 To 1 1/4	18	16	4 To 5	14
1 1/2 To 1 3/4	20	18	5 To 6	16
1 3/4 To 1 1/2	22	20	6 To 7	18
1 3/4 To 2	24	22	7 To 8	20
2 To 2 1/2	28	24	8 To 9	22
2 1/2 To 3	32	28	9 To 10	24
3 To 3 1/2	38	32	10 To 12	26
3 1/2 To 4	-	38	-	-
4 To 4 1/2	-	42	-	-
4 1/2 To 5	-	48	-	-
5 To 5 1/2	-	54	-	-

Table 7.0 – RECOMMENDED BALL DIMENSIONS FOR LARGE TREES

TREE DIAMETER	BALL DIAMETER	BALL DEPTH	APPROXIMATE WEIGHT OF BALL AND TREE
INCHES	FEET	INCHES	TONS
5	4	30	1.5
6	5	32	2.4
7	6	34	3.7
8	7	36	5.4
9	7 1/2	36	6.2
10	8	38	7.4
11	9	40	9.9
12	10	40	12.2

Table 8.0 – RECOMMENDED MINIMUM BALL DIAMETERS FOR BALL AND BURLAP CONIFEROUS TREES

HEIGHT IN FEET	DIAMETER IN INCHES
1 1/2 To 2	10
2 To 3	12
3 To 4	14
4 To 5	16
5 To 6	20
6 To 7	22
7 To 8	24
8 To 9	27
9 To 10	30

10 To 12	34
12 To 14	38
14 To 16	42
18 To 20	50

5. Transplanting Standards

- a. The transplanting of new trees can result in major injury to their root system. If proper transplanting techniques are employed, conditions will be more favorable for tree recovery, and the rate of attrition for newly planted trees will be reduced.
- b. Transplanting procedures shall follow standards established by the International Society of Arboriculture in the "Trees and Shrub Transplanting Manual". The following is a summary of several of the more important considerations provided in the manual.
 - Pre-Planting Considerations
 - Only healthy trees with a well developed root system and a well formed top, characteristic of the species, should be planted. Standards for selecting quality stock are provided in Section C. Revegetation.
 - Trees selected for planting must be compatible with the specific site conditions. A site specific tree list will be provided by the City Arborist upon request.
 - The ability of a species to regenerate a new root system and to become reestablished should be considered. Deciduous and evergreen trees should be planted between November and February. Trees planted outside of this time period will NOT be accepted by the City unless a bond is submitted to guarantee their replanting if they die.
- c. Planting procedures
 - Planting holes should be no less than 1 foot wider than the root ball or bare roots of the tree being planted. A planting hole 3 times the width of the root ball is recommended.
 - Trees should not be planted deeper than they were in their former location or container.
 - Spade compacted bottom and sides of the planting hole should be roughed or scarified to allow the penetration of developing roots.

- Good water drainage from the bottom of the planting hole is essential for root regeneration.
- Once the transplanted tree is set, the hole should be backfilled with soil of good texture and structure. Traditionally, backfill material is comprised of a mix of native soil, organic matter such as peat, and inorganic material such as perlite or vermiculite in a 1:1:1 ratio. A back fill with native soil alone is adequate if the soil is of good quality.
- The addition of fertilizer to backfill soil can cause root injury, and is therefore not recommended. If fertilizer must be added, a low rate should be used. Approximately 1.5 pounds of nitrogen per cubic yard of back fill is recommended for bare root plants, and 2.5 pounds of nitrogen per cubic yard of back fill for balled and burlaped trees.
- The back fill should be gently tamped (but not compacted), and soaked for settling.
- The soil should be slightly mounded to allow for settling; a ridge or dike around the perimeter of the hole can facilitate watering.

d. Post-planting procedures

- Pruning. The amount of pruning necessary for newly planted trees depends upon the trees' response to planting. A decrease in leaf surface area from pruning can result in a reduction of the production of food, thus ultimately inhibiting root development. Pruning for vigor or to train young trees should therefore be delayed until after the first growing season.
- Pruning is recommended during the first growing season if the tree is showing "transplant shock" or drought symptoms (wilting), or for the removal of weak, broken, or diseased branches. For correct pruning of trees, always follow the ANSI A300 standard practice for pruning.
- The use of commercially available anti-transpirants is recommended for deciduous trees transplanted while in foliage, if the trees begin to wilt. Anti-transpirants are chemical foliage sprays that reduce water loss through the leaf surface.
- Staking should be used on newly planted trees only where determined necessary. The extent of staking will depend upon tree strength, form and condition at planting, expected wind conditions, the amount of vehicle or foot traffic, and the level of follow-up maintenance. Staking can cause tree damage. Periodic follow-up inspections are required to prevent serious tree-

staking problems. Staking should be removed as soon as the tree is capable of providing its own anchorage and support. Recommended types and uses of staking are as follows:

1. Protective staking is used to provide a barrier from foot traffic, mowers, vehicles, etc., for trees able to stand without support.
2. Anchor staking is used to hold a root ball in place during the period of reestablishment for trees with otherwise adequate support.
3. Support staking is used for trees with weak trunks or oversized crowns and unable to stand without support or in wind.
4. Guying is recommended where necessary for large transplanted trees (4" D.B.H. or greater) to provide both anchorage and support.
5. Mulching newly planted trees will reduce competition from weeds and moderate soil moisture and temperature extremes.
6. Fertilizer application should begin after the tree's first full growing season.
7. Water availability for the newly planted tree should be monitored and adjusted according to the species water requirements and the site conditions.

D. LANDSCAPE STRIP AND BUFFER STANDARDS

1. Landscape Strips

- a. The width of landscape strips must, as a minimum, conform with the requirements of the conditions of zoning or the requirements of the Zoning Ordinance, whichever is greater. The width is measured from the newly dedicated right-of-way, or from the property lines of contiguous parcels, as applicable.
- b. No permanent structures are permitted within landscape strips. This includes, retaining walls, curbing, dumpsters, detention facilities, etc. Monument signs, drainage structures, and sidewalks may be allowed with pre-approval.
- c. Curb stops must be used to prevent vehicle overhang into required landscape strips and parking lot landscape islands. One curb stop per parking stall is required.
- d. Signs within required landscape strips are subject to the approval of the Department or designated agent(s). These signs may only be located in areas of turf or groundcover and must not conflict with the growth potential of trees and shrubs. Signs are not permitted within required undisturbed buffers.

- e. The deposition of storm water runoff into drainage swales through landscape strips is generally not permitted. Exceptions will be considered only if this standard will create an undue hardship to the property owner. Under no circumstances may the width of a drainage easement through a landscape strip exceed the width of the strip.
- f. Parking lot landscape islands must, at a minimum, conform to the requirements of the Zoning Ordinance. These islands must be planted with at least one 2 inch caliper (minimum) shade tree. Stormwater runoff into parking lot landscape islands may be permitted upon approval by the City Arborist.
- g. When fencing is required as a condition of rezoning, the finished surface of the fence must face externally to the project. The exact location for fence placement within the landscape strip will be determined on a case by case basis by the City Arborist or designated agent(s).
- h. All species within required landscape strips must be ecologically compatible with the intended growing site. If ornamental trees are used to satisfy landscape strip requirements, they will not count for satisfying tree density requirements. All plant materials are subject to Department or designated agent(s) approval.
- i. Trees within required landscape strips shall be provided as follows:
 - 1. Landscape strips 25 feet wide or less; a minimum of one tree for every 30 linear feet of landscape strip.
 - 2. Landscape strips 25 feet wide or more; a minimum of one tree for every 20 linear feet of landscape strip.
 - 3. Clumping is permitted.
- j. All required landscape strips must be designed with at least 60% coverage in trees and shrubs, with no more than 40% coverage in grass or ground cover. Landscape strip coverage will be calculated as follows:
 - 1. Calculate the total spatial area of the landscape strip.
 - 2. Count the number of trees within the landscape strip and multiply by 100 square feet for trees less than 6" caliper and 200 square feet for trees 6" or greater (This will allow some credit for the spatial coverage of the tree canopy).
 - 3. Calculate the coverage provided by the shrubs planted on center:

ON CENTER	Equals	COVERAGE PER SHRUB
*3 feet	=	9 square feet
*4 feet	=	16 square feet
*5 feet	=	25 square feet

*At maturity, shrubs must attain this width. Shrub species and spacing is subject to Arborist's approval.

- 4. Grass or ground cover may not exceed 40 % coverage within the strip.

2. Planting Within Rights-of-Way

Approval from the Department, the Department of Facilities and Transportation Services (FTS) and the Georgia Department of Transportation (D.O.T), where applicable, is required, as planting is generally not permitted in the rights-of-way. Where approval is received, the following conditions must be met:

- a. Indemnification and maintenance agreements must be recorded with the Fulton County Superior Court Clerk prior to permitting irrigation or planting within the City or Fulton County rights-of-way.
 - These agreements must be recorded in the name of a homeowner's association (along with documentation attesting to that association's existence), for subdivisions.
 - These agreements must be recorded in the property owner's name for all other types of projects.
- b. Trees planted within rights-of-way cannot be counted toward the tree density requirement for a site.
 - Prior to planting trees in rights-of-way, a shoulder cross-section must be provided indicating the placement of the trees in relation to the curb, and underground utilities. Placement and species are subject to the approval of the City Arborist and the Director of Facilities and Transportation Services (FTS).
- c. Drawings for irrigation system within rights-of-way must indicate the location of lines, heads, spray radius, shut off valves, timers and a 24 hour emergency contact phone number.

3. Buffers

- a. Required undisturbed buffers must remain undisturbed and actively protected in perpetuity under the auspices of the Tree Protection Ordinance and Administrative Guidelines.
- b. Buffers must be replanted where sparsely vegetated or where disturbed for approved access and utility crossings. The buffers should be replanted to meet the following standards:
 - Must provide a visual barrier. To accomplish this screening, the plant materials must be a minimum 5 feet in height at time of planting, moderately growing evergreen and have branching all the way to the ground. Slower growing trees may be used if larger materials are planted. All buffer plant materials are subject to the City Arborist or designated agent(s) approval. Please see Appendix J for the list of acceptable evergreen plant material for undisturbed buffers.
 - The number of planting rows for tree replacement in buffers is determined by the buffer width:

Buffer Width	Minimum Planting rows
<20'	2
20' to 30'	3
31' to 50'	4
> 50'	4 plus 1 row for each additional 15 feet

- Drainage within or through buffers is subject to the approval of the Department or designated agent(s).
- Encroachment into buffers for the construction of retaining walls, footings, or wall supports, is not permitted unless otherwise specified in the conditions of rezoning. Encroachments into buffers shall require zoning modifications or variances as applicable.
- All buffers require a 10 foot improvement setback interior and adjacent to the buffer. No grading is allowed in this improvement setback unless permission is obtained from the Director of the Department. (Contact Arborist office for details.)

South Fulton Stream Protection Ordinance

The South Fulton Stream Protection Ordinance requires streams in all watersheds within city limits to provide a minimum 75-foot undisturbed buffer on each side of the stream as measured from the top of bank. An additional 25-foot setback shall be maintained adjacent to the undisturbed buffer in which all impervious surfaces shall be prohibited. Storm water retention or detention facilities are prohibited within the stream channel.

SECTION II. ADMINISTRATIVE GUIDELINES FOR SINGLE FAMILY RESIDENTIAL DISTRICTS

This set of guidelines shall apply to land uses within the City's Single Family Residential District. The Single Family Residential District is intended to encompass lands devoted to residential uses and closely related land uses. (Please see the Zoning Ordinance if you need more detail regarding land uses within this Land Use District).

A. PROCEDURES

1. Land Disturbance Permits

a. Step 1. Application Forms

Filing application forms and obtaining Ordinance and Administrative Guidelines information.

b. Step 2. Tree Protection Plan

A tree protection plan, (TPP) shall be submitted with other permit drawings as part of the land disturbance permit process. This plan may either be a separate drawing or part of the landscape plan and shall include the following information:

1. Tree Protection Details, detail drawings of tree protection measures and landscape strips (whichever is applicable or both).

- Protective tree fencing.
- Erosion control fencing.
- Tree protection signs.
- Transplanting specifications.
- Tree wells.
- Staking specifications.
- Other applicable drawings.
- Landscape installation plans, planting details, plant list

2. Spatial Limits

- Definition of spatial limits.
- Limits of land disturbance, clearing, grading and trenching.
- Tree protection zones.
- Specimen trees or stands of trees.
- Areas of revegetation and tree density calculations.
- State waters buffers and/or tributary buffers.

3. Implementation Schedule

- Procedures and schedules for the implementation, installation and maintenance of tree protection measures.

- c. **Step 3. Review Process**
 These plans shall be reviewed by the City Arborist or designated agent(s) for conformance with:
 - Overlay District Regulations
 - The City of South Fulton Zoning Ordinance
 - Applicable Zoning, Use Permit and/or Variance Conditions
 - Tree Preservation Ordinance & Administrative Standards
 - Any and all Ordinances and Administrative Guidelines dealing with natural resources
 1. Plans will be either approved or returned for revisions.
 2. Reasons for denial shall be stated in writing on the tree protection plan.
- d. **Step 4. Tree Protection Measures**
 All tree protection measures shall be installed by the contractor and then inspected by the City Arborist or designated agent(s) prior to land disturbance.
- e. **Step 5. Land Disturbance Permit**
 Issuance of the land disturbance permit is contingent upon approval of the Tree Protection Plan.
- f. **Step 6. Follow-up**
 The City Arborist will conduct follow-up site inspections for enforcement of the Tree Preservation Ordinance and its Administrative Guidelines.

2. Rezoning and Special Use Permits

- a. **Step 1. Application Forms**
 Filing application forms and obtaining Ordinance and Administrative Guideline information.
- b. **Step 2. Case Review**
 The City Arborist may conduct a preliminary review of all rezoning cases and special use permit applications.
- c. **Step 3. Field Review**
 A field review of cases may occur under the following conditions:
 1. For community unit plans and major development cases.
 2. For cases within the Chattahoochee River Corridor.
 3. Other cases as determined necessary by the preliminary review.
 4. For cases within overlay districts.
- d. **Step 4. Conditions**
 Conditions to rezoning may be required as found necessary by the preliminary review. These conditions may either be general or specific in nature and will reflect the standards or provisions of the Tree Preservation Ordinance and Administrative

Guideline and/or the Zoning Ordinance.

e. **Step 5. Verification**

Compliance with these conditions will be verified by review of a revised site plan prior to the issuance of a land disturbance permit.

3. Timber Harvesting Requirements

For Non Agriculture Land Uses

Pursuant to O.C.G.A. § 12-6-24, individuals and companies interested in harvesting timber in the City of South Fulton are required to submit a completed Notice of Timber Harvesting Activity to the City Arborist on a form approved by the Director of the Department. Blank forms are available from the Georgia Forestry Commission or may be obtained from the Department. Prior written notice shall be required of any person or company harvesting timber for each separate tract to be harvested.

Once the Arborist has reviewed the notice and ensured that all the requested information is included, the notice is stamped "Received" along with the current day's date. The stamped notice is then returned to the individual overseeing the timbering operation. Timbering can only begin once the stamped notice is posted on-site in a conspicuous location and enclosed in a weather-proof sheath or other similar device.

4. Residential Erosion & Sedimentation Control and Tree Protection Agreement Form

Step 1. Application Form: Obtain a Residential Erosion & Sedimentation Control and Tree Protection Agreement Form, fill out and submit along with application for a building permit.

Step 2. Requirements: Must protect enough trees somewhere on the lot to meet the City minimum of 20 tree units per acre. See Appendix I to review a copy of the Residential Erosion & Sedimentation Control & Tree Protection Agreement Form.

B. TREE PROTECTION

1. Standards For Specimen And Heritage Trees And Stands of Trees

Specimen and Heritage Tree: Any tree in fair or better condition which equals or exceeds the following diameter sizes.

Tree Type	Tree Diameter Size	Examples
Large hardwoods	27"d.b.h.	Oak, hickory, yellow poplar, sweetgum, etc.
Large hardwoods	24"d.b.h.	Beech
Large softwoods	24"d.b.h.	Pine, deodar cedar
Small native flowering	10"d.b.h.	Dogwood, redbud, sourwood

A tree in fair or better condition must meet the following minimum standards:

- a. A life expectancy of greater than 10 years.
- b. A relatively sound and solid trunk with no extensive decay or hollow, and less than 20 percent radial trunk dieback.
- c. No more than one major and several minor dead limbs (hardwoods only).
- d. No major insect or pathological problem.
- e. A lesser sized tree can be considered a specimen if it is a rare or unusual species, of exceptional quality, or of historical significance.
- f. A lesser size tree can be considered a specimen if it is specifically used by a builder, developer, or design professional as a focal point in a project or landscape.

Specimen Tree Stands: A contiguous grouping of trees which has been determined to be of value by the Director of the Department or Authorized designee(s). Determination is based upon any one or more of the following criteria:

- a. A mature even-aged stand.
- b. A stand with purity of species composition or of a rare or unusual nature.
- c. A stand of historical significance.
- d. A stand with exceptional aesthetic quality.

2. Methods of Tree Protection

- a. Planning consideration
 Root space is the most critical factor in tree protection throughout the development process. The root system of trees easily goes beyond the dripline of the tree canopy. Disturbance within the root zone can directly affect a tree's chances for survival. To protect the root zone the following standards shall apply:
 1. The use of tree save areas is encouraged, this will facilitate overall site organization as related to tree protection.
 2. The root protection zone of specimen trees, heritage trees, undisturbed buffers, stands of trees or otherwise designated tree save areas shall include no less than the area of a circle with a radius that extends one foot out for every inch of trunk diameter, or the area of a circle with a radius extending from a tree's trunk to a point no less than the end of a tree's longest branch, **whichever is greater**. In some instances, the City Arborist or authorized agent(s) may require an additional area of no disturbance up to 10 feet outside the root protection zone. (See Appendix A. Typical Root Protection Zone)
 3. Layout of the project site utility and grading plans must accommodate the required tree protection zones. Utilities must be placed along corridors between protection zones.
 4. Construction site activities such as parking, material storage, bury pits, concrete washout, burnhole placement, etc., shall not be allowed within tree protection zones.

5. No disturbance shall occur within the protection zone of specimen and heritage trees or stands of trees.
- b. Protective Barriers
1. Protective tree fencing shall be installed a minimum of 3 feet beyond the outer edge of the root protection zone for all specimen trees, heritage trees, stands of trees, or otherwise designated tree protection zones, **prior to any land disturbance.**
 2. Acceptable Tree Fencing Procedures
 - A minimum of 4 feet high, constructed in a post and rail configuration. A 2 inch x 4 inch post and a double 1 inch x 4 inch rail is recommended.
 - Four foot orange polyethylene laminar safety fencing.
 - Any deviation from the two acceptable tree fencing methods listed above must be authorized by the City Arborist or designated agent(s).
 - All tree protection fences must be accompanied by “Stay Out” and “Tree Save” signage. Contact the Department for information regarding the purchase of tree protection signs.
 3. A stop work order or notice of violation will be issued if project is found to be out of compliance with the Tree Protection/ Landscape Plan.
 4. All specimen trees, heritage trees, stands of trees or otherwise designated tree protection zones must be protected from silt.
 - Silt fencing reinforced with wire mesh fencing must be placed along the outer uphill edge of tree protection zones at the land disturbance interface.
 - Silt fencing should be backed by 12 gauge, 2 inch x 4 inch wire mesh fencing in areas of steep slope. (Steep slopes are defined as greater than 3H:1 V).
 - All erosion control measures must comply with City Erosion Control Standards.
 5. All tree fencing and erosion control barriers must be installed prior to and maintained throughout the land disturbance process and building construction and may not be removed until the certificate of occupancy is approved and issued by the Director of the Department or a designated agent(s).

C. REVEGETATION

1. Tree Replacement

- a. The replacement of trees to satisfy the conditions of zoning, requirements of the Zoning Ordinance or the Tree Preservation Ordinance and Administrative Guidelines, may occur under the following situations:
- To establish the minimum tree density requirements for the site, where grading occurs outside the buildable area of the lot.
 - If the lot's buildable area leaves no protected zone.
 - If no trees are present within an existing protected zone.
 - Where specimen trees or stands of trees and trees within otherwise designated tree protective zones have been irreparably damaged or removed through land disturbance or construction activities.
- NOTE: Unless enough existing trees are saved on site to satisfy density requirements, proposed replacement trees will have to be bonded off prior to issuance of the Land Disturbance Permit.
- b. The quantity of replacement trees into a site must be sufficient so as to produce a total site-tree density factor of no less than 20 units per acre. If it has been determined by the City Arborist or designated agent(s) during the initial site visit that the property in question is completely barren of trees and has been for a long time (ie, pasture land), then the units for replacement trees will be doubled. (For example, a 4 inch replacement tree is currently equivalent to 0.7 units, at a site where it is determined to be barren of trees, the replacement units will be equivalent to 1.4 instead of 0.7 units.) The site will still be required to meet the 20 unit per acre site tree density requirement.
- (Note: the terms unit and tree are NOT interchangeable). Procedures for determining the site density requirements and the subsequent tree replacement requirements are provided in Table 1.0 and Table 2.0 in the next section. No more than 30% of replacement trees can be pines. At least 70% of replacement trees must be hardwoods of at least 4 different species.
- c. The spacing of replacement trees must be compatible with spatial limitations and with responsible consideration towards potential species size.
- d. Where the City Arborist or designated agent(s) has determined that site spatial constraints result in the inability to provide for all the required trees, as many trees as possible must be planted on site. The remaining balance of required trees must be planted on public properties using the **Tree Bank** alternative or the installed cost of the remaining balance of required trees must be contributed to the **Tree Replacement Fund** in the form of a certified check. A **Conservation Easement** on a greenspace can also be deeded to the City as compensation for specimen trees removed or to meet site tree density. (Contact senior Arborist for details on conservation easement.)

2. Specimen Tree Recompense

- a. Any and all healthy specimen trees that the City Arborist allows a developer/builder/homeowner to remove must be compensated for. Specimen hardwood trees have to be compensated for with either 2" or 4" caliper hardwood trees. Specimen evergreen trees have to be compensated for with either 2" or 4" caliper Southern Magnolias, Deodar Cedars, Canadian Hemlocks, or Cryptomerias. Specimen native flowering trees have to be compensated for with either 2" or 4" caliper hardwood trees. Four (4) different species (minimum) of recompense trees must be used if the number of recompense trees required is forty (40) or greater. For purposes of recompense trees **only**, the unit value of a 2" caliper *recompense* tree will be **.35** units, not its usual **.5** unit value. Any and all specimen trees that are slated for removal must have their recompense trees bonded off prior to issuance of the land disturbance permit.

If a specimen tree or trees are removed or have their root protection zones disturbed without permission, the unit value of the specimen tree is doubled and that becomes the unit value that must be compensated for. For example: A 30" DBH tree is normally worth 14.7 units. If it is removed or its root protection zone disturbed without permission its unit value will double to 29.4 units. Thus 29.4 units of 2" or 4" caliper trees will have to be replaced at the project site. Recompense trees **cannot** be used to satisfy any other landscape requirement such as parking lot shade trees, landscape strip, undisturbed buffer or detention pond buffer trees. They can, however, count toward the required tree density for the site. 2" caliper recompense trees that are counted for density will be worth .35 units per tree.

TREE BANK

Arrangements will be made through the City Arborist. If the tree bank is an alternative for your development, then the following criteria must be observed:

- The tree bank site location must be in the same planning area of the city (defined in the Comprehensive Plan) as the project site.
- Four different species needed if total quantity of trees to be banked is 40 or greater.
- Each tree bank tree must be 2 inch caliper size at a minimum; 2 inch or 4 inch caliper required for recompense trees.
- All tree bank trees must be grade "A" quality trees with straight trunks and dense foliage and free from injury, pests, disease or nutritional disorders.
- All tree bank trees are to be guaranteed for 1 full year after planting by the developer. Any trees that die within this time period must be replaced by the developer.
- The following notes must be shown on the approved tree protection plan:

WHEN THE OWNER/DEVELOPER/CONTRACTOR CALLS THE ARBORIST'S OFFICE FOR A FINAL INSPECTION, THE OWNER/DEVELOPER/CONTRACTOR SHALL INFORM THE ARBORIST THAT THE SITE VISIT INCLUDES A SITE VISIT TO A PUBLIC PROPERTY TO INSPECT TREES THAT HAVE BEEN TREE BANKED.

ANY CHANGES IN TREE VARIETY MUST BE APPROVED IN WRITING BY THE ARBORIST'S OFFICE

PLANTING MUST BE COMPLETED BY THE OWNER/DEVELOPER AND THE PLANTING MUST BE INSPECTED AND APPROVED BY THE CITY ARBORIST OR SENIOR ARBORIST PRIOR TO THE ARBORIST'S OR SENIOR ARBORIST'S SIGN-OFF ON THE CERTIFICATE OF OCCUPANCY OR FINAL PLAT RECORDING FOR THE PROJECT.

TREE REPLACEMENT FUND

Arrangements will be made through the City Arborist. If the tree banking alternative is not desirable, then the tree replacement fund is another alternative to help your development meet its tree density or recompense tree requirements. If the Tree Replacement Fund is an alternative for your development, then the following criteria must be observed:

- Tree replacement cost shall be a price determined by the City Arborist based on the average current market cost for grade "A" quality, healthy trees.
- The required replacement fee will be 100 percent (%) of the total cost to plant the balance of trees that were unable to be planted to satisfy the site density requirement or recompense tree requirements.
- Species selected for replacement must be grade "A" quality, healthy trees and must be ecologically compatible with the specifically intended growing site. Standards for transplanting and selecting quality replacement stock are provided in Transplanting Standards Section. A site specific tree list will be provided by the City Arborist upon request.

Notice: The primary use of the Tree Fund monies is the purchase and installation of Grade A quality trees on City of South Fulton Government public facilities and rights-of-ways.

For any donation to the Tree Fund, up to 30 percent of the funds donated may be used by the City to purchase woody shrubs, sod, flowers and bulbs, and natural mulch.

2. Procedure for Calculating the Required Tree Replacement Density Factor The Tree Density Factor Requirement for property located within Single Family Residential Districts is 20 units per acre.

Step 1

Calculate the density factor for the site (DFS) by multiplying the number of site acres by 20.

EXAMPLE: A 2.2 acre site has a DFS of $2.2 \times 20 = 44$.

Step 2

Calculate the existing density factor (EDF) of trees which will remain on site to be protected during construction. EDF is determined by converting the D.B.H. of individual existing trees to density factor units, using Table 1.0. These units are then totaled to determine the EDF for the site.

EXAMPLE: A total of 8 trees will remain on the 2.2 acre site in Step 1. These trees include:

quantity	size	tree type
2	12"	pine
2	14"	pine
2	18 ¹¹	oak
1	20"	hickory
1	30"	Oak

When converted to density factor units using Table 1.0, we arrive at the following values:

D.B.H.	UNITS		#TREES		
12"	3.2	X	2	=	6.4
14"	3.6	X	2	=	7.2
18"	4.0	X	2	=	8.0
20"	4.0	X	1	=	4.0
30"	14.7	X	1	=	14.7
				EDF total	40.3

The sum total of units, 40.3, is the EDF, existing density factor.

Step 3

Calculate the required replacement density factor (RDF) by subtracting the EDF (Step 2) from the DFS (Step 1). **Example:**

RDF	=	DFS	-	EDF
RDF	=	44	-	40.3
RDF	=	3.7		

Step 4

The RDF can be converted back to caliper inches using Table 2.0. Any number or combination of transplantable size trees can be used so long as their total density factor units will equal or exceed the RDF. **Example:** On the 2.2 acre site the following number and size of trees will be planted:

No.	Size	Species	Density Factor Units	DF x Number =	Total
3	4"	PINE	0.7	3x0.7=	2.10
2	2"	RED MAPLE	0.5	2 x 0.5 =	1.00
1	6"	OAK	1.00	1 x 1.00 =	1.00
				Replacement density factor < or = to	4.10

4.10 is the sum of the transplantable trees for the site. Because the sum of the transplantable trees for the site is greater than the (RDF), which is 3.70, the project's site density has been satisfied.

Conversion Tables

TABLE 1.0 – EXISTING TREES TO REMAIN

Conversion from D.B.H. to density factor units for trees remaining on the site.

D.B.H.	Units	D.B.H.	Units	D.B.H.	Units
1-4	0.4	36	21.3	59	56.9
5-7	1.2	37	22.5	60	58.9
8-9	2.0	38	23.7	61	60.8
10	2.4	39	24.9	62	62.8
11	2.8	40	26.1	63	64.9
12	3.2	41	27.6	64	67.0
13-15	3.6	42	28.8	65	69.1
16-20	4.0	43	30.3	66	71.2
21	4.8	44	31.8	67	73.4
22	5.2	45	33.0	68	75.6

23	8.7	46	34.5	69	77.9
24	9.3	47	36.0	70	80.1
25	10.2	48	37.8	71	82.4
26	11.1	49	39.3	72	84.8
27	12.0	50	40.8	73	87.1
28	12.9	51	42.7	74	89.6
29	13.8	52	44.2	75	92.0
30	14.7	53	45.9	76	94.5
31	15.6	54	47.7	77	97.0
32	16.8	55	49.4	78	99.5
33	17.7	56	51.3	79	102.1
34	18.9	57	53.1	80	104.7
35	20.1	58	55.0		

TABLE 2.0 – REPLACEMENT TREES

Conversion from caliper to density factor units for replacement trees.

CALIPER	UNITS	CALIPER	UNITS
1	0.40	8	1.30
2	0.50	9	1.50
3	0.60	10	1.70
4	0.70	11	1.90
5	0.90	12	2.10
6	1.00	13	2.30
7	1.20	14	2.50

Container grown pine trees are given replacement credit as follows:

SIZE	UNITS
7 Gallon	0.4
3 Gallon*	0.2

***The use of 3 gallon pines is permitted only with prior approval**

Tree relocation: Replacement units may be granted to trees relocated on site. Tree relocation is subject to the Senior Arborist's or designated agent(s) approval.

3. Standards for Selecting Quality Replacement Stock

- a. Trees selected for planting must meet the minimum requirements as provided in Tables 3.0 through 8.0 provided at the end of this section.
- b. Trees selected for planting must be free from injury, pests, disease, or nutritional disorders.
- c. Trees selected for planting must be of good vigor. The determination of vigor is a subjective evaluation and dependent upon species variability. The following criteria are generally used for the determination of vigor:
 - 1. Foliage should have a green or dark green color. Vigorous trees will have large leaves and dense foliage when compared to trees with poor vigor.

2. Shoot growth for most vigorous trees will be at least 1 foot per year. At least 1/2 of the branches should arise from points on the lower 2/3 of a trunk.
 3. Bark texture can denote vigor. Smooth or shiny bark on the trunk and branches of a young tree usually signifies good vigor, conversely, rough and dull bark could indicate poor vigor.
 4. Trunk taper: the trunks of vigorous trees will generally have an increase in diameter with a decrease in height. Trees with reverse tapers or no taper should be avoided.
 5. Root color: young roots of most trees will be light in color.
- d. Trees selected for planting must be free of root defects. Two types of root defects generally occur:
1. Kinked roots, in which taproots, major branch roots, or both are bent more than 90 degrees with less than 20 percent of the root system originating above the kink. A tree with such roots will probably bend at the soil line when released from a supporting stake.
 2. Circling or girdling roots which circle 80 percent or more of the root system by 360 degrees or more. A tree with such roots would ultimately have less than 20 percent of its system available for support.

4. Planting Minimum Requirement Tables

Table 3.0 - CALIPER TO HEIGHT RATIOS FOR DECIDUOUS TREES

STANDARD SHADE TREES		SLOW GROWING TREES		SMALL UPRIGHT
CALIPER IN INCHES	AVERAGE RANGE	MAXIMUM / MINIMUM		AVERAGE RANGE
	HEIGHT IN FEET	HEIGHT IN FEET		HEIGHT IN FEET
5/16	-	-		2 To 3
7/16	-	-		3 To 4
9/16	-	-		4 To 5
11/16	-	-		5 To 6
7/8	-	-		6 To 8
1/2 To 3/4	5 To 6	8	3.5	-
3/4 To 1	6 To 8	10	4	-
1 To 1/4	8 To 10	11	5.5	-
1 1/4 To 1 1/2	8 To 10	12	6.5	-
1 1/2 To 1 3/4	10 To 12	14	6.5	-
1 3/4 To 2	10 To 12	14	6.5	-
2 To 2 1/2	12 To 14	16	8	-
2 1/2 To 3	12 To 14	16	8	-

3 To 3 ½	14 To 16	18	9.5	-
3 ½ To 4	14 To 16	18	9.5	-
4 To 5	16 To 18	22	10.5	-
5 To 6	18 AND UP	26	12	-

Table 4.0 - HEIGHT TO SPREAD RATIO FOR CONIFEROUS NURSEY TREES

HEIGHT IN INCHES	SPREAD RANGE IN INCHES
12 To 15	8 To 12
15 To 18	9 To 15
18 To 24	12 To 18
24 To 30	15 To 21
30 To 36	18 To 24
36 To 48	21 To 30
48 To 60	30 To 36
60 To 72	36 To 48

Generally the Height: Spread ratio should be no less than 2:1.

Table 5.0 – CONTAINER SIZE TO RATIO HEIGHT

CONTAINER SIZE	DECIDUOUS TREES	CONIFEROUS TREES
	HEIGHT SIZES	
	IN FEET	IN INCHES
1 GALLON	1 To 1 ½	6 To 9
5 ½" x 6"	1 ½ To 2	9 To 12
	2 To 3	12 To 15
	3 To 4	15 To 18
		18 To 24
2 GALLON	2 To 3	12 To 15
7" x 7 ½"	3 To 4	15 To 18
	4 To 5	18 To 24
		24 To 30
5 GALLON	4 To 5	18 To 24
9" x 10"	5 To 6	24 To 30
	6 To 8	30 To 36
		36 To 42
		42 To 48
		-

Table 6.0 – MINIMUM ROOT SPREAD AND BALL DIAMETER FOR DECIDUOUS TREES

CALIPER	BARE ROOT DIAMETER SPREAD FOR ALL TREES	BALL DIAMETER FOR STANDARD AND SLOW GROWING BALL AND BURLAP TREES		BALL DIAMETERS FOR SMALL UPRIGHT TREES
	INCHES	INCHES	HEIGHT IN FEET	DIAMETER INCHES
½ To ¾	12	12	2 To 3	10
¾ To 1	16	14	3 To 4	12
1 To 1 ¼	18	16	4 To 5	14
1 ½ To 1 ¾	20	18	5 To 6	16
1 ¾ To 2	22	20	6 To 7	18
2 To 2 ½	24	22	7 To 8	20
2 ½ To 3	28	24	8 To 9	22
3 To 3 ½	32	28	9 To 10	24
3 ½ To 4	38	32	10 To 12	26
4 To 4 ½	-	38	-	-
4 ½ To 5	-	42	-	-
5 To 5 ½	-	48	-	-
5 ½ To 6	-	54	-	-

Table 7.0 – RECOMMENDED BALL DIMENSIONS FOR LARGE TREES

TREE DIAMETER	BALL DIAMETER	BALL DEPTH	APPROXIMATE WEIGHT OF BALL AND TREE
INCHES	FEET	INCHES	TONS
5	4	30	1.5
6	5	32	2.4
7	6	34	3.7
8	7	36	5.4
9	7½	36	6.2
10	8	38	7.4
11	9	40	9.9
12	10	40	12.2

Table 8.0 – RECOMMENDED MINIMUM BALL DIAMETERS FOR BALL AND BURLAP CONIFEROUS TREES

HEIGHT IN FEET	DIAMETER IN INCHES
1½ To 2	10
2 To 3	12
3 To 4	14
4 To 5	16
5 To 6	20
6 To 7	22
7 To 8	24
8 To 9	27
9 To 10	30

10 To 12	34
12 To 14	38
14 To 16	42
18 To 20	50

5. Transplanting Standards

- a. The transplanting of new trees can result in major injury to their root system. If proper transplanting techniques are employed, conditions will be more favorable for tree recovery, and the rate of attrition for newly planted trees will be reduced.
- b. Transplanting procedures shall follow standards established by the International Society of Arboriculture in the "Trees and Shrub Transplanting Manual". The following is a summary of several of the more important considerations provided in the manual.
 - Pre-Planting Considerations
 - Only healthy trees with a well developed root system and a well formed top, characteristic of the species, should be planted. Standards for selecting quality stock are provided in Section C. Revegetation.
 - Trees selected for planting must be compatible with the specific site conditions. A site specific tree list will be provided by the City Arborist upon request.
 - The ability of a species to regenerate a new root system and to become reestablished should be considered. Deciduous and evergreen trees should be planted between the end of November and February. Trees planted outside of this time period will NOT be accepted by the City unless a bond is submitted to guarantee their replanting if they die.
- c. Planting procedures
 - Planting holes should be no less than 1 foot wider than the root ball or bare roots of the tree being planted. A planting hole 3 times the width of the root ball is recommended.
 - Trees should not be planted deeper than they were in their former location or container.
 - Spade compacted bottom and sides of the planting hole should be roughed or scarified to allow the penetration of developing roots.

- Good water drainage from the bottom of the planting hole is essential for root regeneration.
- Once the transplanted tree is set, the hole should be backfilled with soil of good texture and structure. Traditionally, backfill material is comprised of a mix of native soil, organic matter such as peat, and inorganic material such as perlite or vermiculite in a 1:1:1 ratio. A back fill with native soil alone is adequate if the soil is of good quality.
- The addition of fertilizer to backfill soil can cause root injury, and is therefore not recommended. If fertilizer must be added, a low rate should be used. Approximately 1.5 pounds of nitrogen per cubic yard of back fill is recommended for bare root plants, and 2.5 pounds of nitrogen per cubic yard of back fill for balled and burlaped trees.
- The back fill should be gently tamped (but not compacted), and soaked for settling.
- The soil should be slightly mounded to allow for settling; a ridge or dike around the perimeter of the hole can facilitate watering.

d. Post-planting procedures

- Pruning. The amount of pruning necessary for newly planted trees depends upon the trees' response to planting. A decrease in leaf surface area from pruning can result in a reduction of the production of food, thus ultimately inhibiting root development. Pruning for vigor or to train young trees should therefore be delayed until after the first growing season.
- Pruning is recommended during the first growing season if the tree is showing "transplant shock" or drought symptoms (wilting), or for the removal of weak, broken, or diseased branches. For correct pruning of trees, always follow the ANSI A300 standard practice for pruning.
- The use of commercially available anti-transpirants is recommended for deciduous trees transplanted while in foliage, if the trees begin to wilt. Anti-transpirants are chemical foliage sprays that reduce water loss through the leaf surface.
- Staking should be used on newly planted trees only where determined necessary. The extent of staking will depend upon tree strength, form and condition at planting, expected wind conditions, the amount of vehicle or foot traffic, and the level of follow-up maintenance. Staking can cause tree

damage. Periodic follow-up inspections are required to prevent serious tree-staking problems. Staking should be removed as soon as the tree is capable of providing its own anchorage and support. Recommended types and uses of staking are as follows:

1. Protective staking is used to provide a barrier from foot traffic, mowers, vehicles, etc., for trees able to stand without support.
2. Anchor staking is used to hold a root ball in place during the period of reestablishment for trees with otherwise adequate support.
3. Support staking is used for trees with weak trunks or oversized crowns and unable to stand without support or in wind.
4. Guying is recommended where necessary for large transplanted trees (4" D.B.H. or greater) to provide both anchorage and support.
5. Mulching newly planted trees will reduce competition from weeds and moderate soil moisture and temperature extremes.
6. Fertilizer application should begin after the tree's first full growing season.
7. Water availability for the newly planted tree should be monitored and adjusted according to the species water requirements and the site conditions.

D. LANDSCAPE STRIP AND BUFFER STANDARDS

1. Landscape Strips

- a. The width of landscape strips must, as a minimum, conform with the requirements of the conditions of zoning or the requirements of the Zoning Ordinance, whichever is greater. The width is measured from the newly dedicated right-of-way, or from the property lines of contiguous parcels, as applicable.
- b. No permanent structures are permitted within landscape strips. This includes retaining walls, curbing, dumpsters, detention facilities, etc. Monument signs, drainage structures, and sidewalks may be allowed with pre-approval.
- c. Curb stops must be used to prevent vehicle overhang into required landscape strips and parking lot landscape islands. One curb stop per parking stall is required.
- d. Signs within required landscape strips are subject to the approval of the Department or designated agent(s). These signs may only be located in areas of turf or groundcover and must not conflict with the growth potential of trees and shrubs. Signs are not permitted within required undisturbed buffers.

- e. The deposition of storm water runoff into drainage swales through landscape strips is generally not permitted. Exceptions will be considered only if this standard will create an undue hardship to the property owner. Under no circumstances may the width of a drainage easement through a landscape strip exceed the width of the strip.
- f. Parking lot landscape islands must, at a minimum, conform to the requirements of the Zoning Ordinance. These islands must be planted with at least one 2 inch caliper (minimum) shade tree. Stormwater runoff into parking lot landscape islands may be permitted upon approval by the City Arborist.
- g. When fencing is required as a condition of rezoning, the finished surface of the fence must face externally to the project. The exact location for fence placement within the landscape strip will be determined on a case by case basis by the City Arborist or designated agent(s).
- h. All species within required landscape strips must be ecologically compatible with the intended growing site. If ornamental trees are used to satisfy landscape strip requirements, they will not count for satisfying tree density requirements. All plant materials are subject to the director of the Department or designated agent(s) approval.
- i. Trees within required landscape strips shall be provided as follows:
 - 1. Landscape strips 25 feet wide or less; a minimum of one tree for every 30 linear feet of landscape strip.
 - 2. Landscape strips 25 feet wide or more; a minimum of one tree for every 20 linear feet of landscape strip.
 - 3. Clumping is permitted.
- j. All required landscape strips must be designed with at least 60% coverage in trees and shrubs, with no more than 40% coverage in grass or ground cover. Landscape strip coverage will be calculated as follows:
 - 1. Calculate the total spatial area of the landscape strip.
 - 2. Count the number of trees within the landscape strip and multiply by 100 square feet for trees less than 6" caliper and 200 square feet for trees 6" or greater (This will allow some credit for the spatial coverage of the tree canopy).
 - 3. Calculate the coverage provided by the shrubs planted on center:

ON CENTER	Equals	COVERAGE PER SHRUB
*3 feet	=	9 square feet
*4 feet	=	16 square feet
*5 feet	=	25 square feet

*At maturity, shrubs must attain this width. Shrub species and spacing is subject to Arborist's approval.

- 4. Grass or ground cover may not exceed 40 % coverage within the strip.

2. **Planting Within Rights-of-Way**

Approval from the Department, Department of Facilities and Transportation Services and the Georgia Department of Transportation (D.O.T), where applicable, is required, as planting is generally not permitted in the rights-of-way. Where approval is received, the following conditions must be met:

- a. Indemnification and maintenance agreements must be recorded with the Fulton County Superior Court Clerk prior to permitting irrigation or planting within the City or Fulton County rights-of-way.
 - These agreements must be recorded in the name of a homeowner's association (along with documentation attesting to that association's existence), for subdivisions.
 - These agreements must be recorded in the property owner's name for all other types of projects.
- b. Trees planted within rights-of-way cannot be counted toward the tree density requirement for a site.
 - Prior to planting trees in rights-of-way, a shoulder cross-section must be provided indicating the placement of the trees in relation to the curb, and underground utilities. Placement and species are subject to the approval of the City Arborist and the Director of Public Works.
- c. Drawings for irrigation system within rights-of-way must indicate the location of lines, heads, spray radius, shut off valves, timers and a 24 hour emergency contact phone number.

3. **Buffers**

- a. Required undisturbed buffers must remain undisturbed and actively protected in perpetuity under the auspices of the Tree Protection Ordinance and Administrative Guidelines.
- b. Buffers must be replanted where sparsely vegetated or where disturbed for approved access and utility crossings. The buffers should be replanted to meet the following standards:
 - Must provide a visual barrier. To accomplish this screening, the plant materials must be a minimum 5 feet in height at time of planting, moderately growing evergreen and have branching all the way to the ground. Slower growing trees may be used if larger materials are planted. All buffer plant materials are subject to the City Arborist or designated agent(s) approval. Please see Appendix J for the list of acceptable evergreen plant material for undisturbed buffers.
 - The number of planting rows for tree replacement in buffers is determined by the buffer width:

Buffer Width	Minimum Planting rows
< 20'	2
20' to 30'	3
31' to 50'	4
> 50'	4 plus 1 row for each additional 15 feet

- Drainage within or through buffers is subject to the approval of the Department or designated agent(s).
- Encroachment into buffers for the construction of retaining walls, footings, or wall supports, is not permitted unless otherwise specified in the conditions of rezoning. Encroachments into buffers shall require zoning modifications or variances as applicable.
- All buffers require a 10 foot improvement setback interior and adjacent to the buffer. No grading is allowed in this improvement setback unless permission is obtained from the Director of the Department (Contact Arborist office for details.)

South Fulton Stream Protection Ordinance

The South Fulton Stream Protection Ordinance requires streams in all watersheds within city limits to provide a minimum 75-foot undisturbed buffer on each side of the stream as measured from the top of bank. An additional 25-foot setback shall be maintained adjacent to the undisturbed buffer in which all impervious surfaces shall be prohibited. Storm water retention or detention facilities are prohibited within the stream channel.

SECTION III. ADMINISTRATIVE GUIDELINES FOR COMMERCIAL AND ALL OTHER NON-SINGLE FAMILY RESIDENTIAL DISTRICTS

This set of guidelines shall apply to land uses within the City's Commercial Districts, Multiple Use Districts, Industrial Park Districts, Two Family and Multiple Family Districts, and all other districts other than Agricultural and Single-Family Districts.

A. PROCEDURES

1. Land Disturbance Permits

- a. **Step 1. Application Forms**
Filing application forms and obtaining Ordinance and Administrative Guideline information.
- b. **Step 2. Tree Protection Plan**
A tree protection plan, (TPP) shall be submitted with other permit drawings as part of the land disturbance permit process. This plan may either be a separate drawing or part of the landscape plan and shall include the following information:

1. Tree Protection Details, detail drawings of tree protection measures and landscape strips (whichever is applicable or both).
 - Protective tree fencing.
 - Erosion control fencing.
 - Tree protection signs.
 - Transplanting specifications.
 - Tree wells.
 - Staking specifications.
 - Other applicable drawings.
 - Landscape installation plans, planting details, plant list.
 2. Spatial Limits
 - Definition of spatial limits.
 - Limits of land disturbance, clearing, grading and trenching.
 - Tree protection zones.
 - Specimen trees or stands of trees.
 - Areas of revegetation and tree density calculations.
 - State waters buffers and/or tributary buffers.
 3. Implementation Schedule
 - Procedures and schedules for the implementation, installation and maintenance of tree protection measures.
- c. **Step 3. Review Process**
 These plans shall be reviewed by the City Arborist or his designated agent(s) for conformance with:
- Overlay District Regulations
 - The City of South Fulton Zoning Ordinance
 - Applicable Zoning, Use Permit and/or Variance Conditions
 - Tree Preservation Ordinance & Administrative Standards
 - Any and all Ordinances and Administrative Guidelines dealing with natural resources
1. Plans will be either approved or returned for revisions.
 2. Reasons for denial shall be stated in writing on the tree protection plan.
- d. **Step 4. Tree Protection Measures**
 All tree protection measures shall be installed by the contractor and then inspected by the City Arborist or designated agent(s) prior to land disturbance.
- e. **Step 5. Land Disturbance Permit**
 Issuance of the land disturbance permit is contingent upon approval of the Tree Protection Plan.

- f. **Step 6. Follow-up**
The City Arborist will conduct follow-up site inspections for enforcement of the Tree Preservation Ordinance and its Administrative Guidelines.

2. **Rezoning and Special Use Permits**

- a. **Step 1. Application Forms**
Filing application forms and obtaining Ordinance and Administrative Guideline information.
- b. **Step 2. Case Review**
The City Arborist may conduct a preliminary review of all rezoning cases and special use permit applications.
- c. **Step 3. Field Review**
A field review of cases may occur under the following conditions:
 - 1. For community units plans and major development cases.
 - 2. For cases within the Chattahoochee River Corridor.
 - 3. Other cases as determined necessary by the preliminary review.
 - 4. For cases within overlay districts.
- d. **Step 4. Conditions**
Conditions to rezoning may be required as found necessary by the preliminary review. These conditions may either be general or specific in nature and will reflect the standards or provisions of the Tree Preservation Ordinance and Administrative Guidelines and the Zoning Ordinance.
- e. **Step 5. Verification**
Compliance with these conditions will be verified by review of a revised site plan prior to the issuance of a land disturbance permit.

3. **Timber Harvesting Permit Requirements For Non Agriculture Land Uses**

Pursuant to O.C.G.A. § 12-6-24, individuals and companies interested in harvesting timber in the City of South Fulton are required to submit a completed Notice of Timber Harvesting Activity to the City Arborist on a form approved by the Director of the Department. Blank forms are available from the Georgia Forestry Commission or may be obtained from the Department. Prior written notice shall be required of any person or company harvesting timber for each separate tract to be harvested.

Once the Arborist has reviewed the notice and ensured that all the requested information is included, the notice is stamped “Received” along with the current day’s date. The stamped notice is then returned to the individual overseeing the timbering operation. Timbering can only begin once the stamped notice is posted on-site in a conspicuous location and enclosed in a weather-proof sheath or other similar device.

B. TREE PROTECTION

1. Standards For Specimen And Heritage Trees And Stands of Trees

Specimen and Heritage Tree: Any tree in fair or better condition which equals or exceeds the following diameter sizes.

Tree Type	Tree Diameter Size	Examples
Large hardwoods	27"dbh	Oak, hickory, yellow poplar, sweetgum, etc.
Large hardwood	24"dbh	Beech
Large softwoods	24"dbh	Pine, deodar cedar
Small native flowering	10"dbh	Dogwood, redbud, sourwood

A tree in fair or better condition must meet the following minimum standards:

- a. A life expectancy of greater than 10 years.
- b. A relatively sound and solid trunk with no extensive decay or hollow, and less than 20 percent radial trunk dieback.
- c. No more than one major and several minor dead limbs (hardwoods only).
- d. No major insect or pathological problem.
- e. A lesser sized tree can be considered a specimen if it is a rare or unusual species, of exceptional quality, or of historical significance.
- f. A lesser size tree can be considered a specimen if it is specifically used by a builder, developer, or design professional as a focal point in a project or landscape.

Specimen Tree Stands: A contiguous grouping of trees which has been determined to be of value by the Director of the Department or Authorized designee(s). Determination is based upon any one or more of the following criteria:

- a. A relatively mature even-aged stand.
- b. A stand with purity of species composition or of a rare or unusual nature.
- c. A stand of historical significance.
- d. A stand with exceptional aesthetic quality.

2. Methods of Tree Protection

a. Planning consideration
 Root space is the most critical factor in tree protection throughout the development process. The root system of trees easily goes beyond the dripline of the tree canopy. Disturbance within this root zone can directly affect a tree's chances for survival. To protect the root zone the following standards shall apply:

- 1. The use of tree save areas is encouraged. This will facilitate overall site organization as related to tree protection.
- 2. The root protection zone of specimen trees, heritage trees, undisturbed buffers, stands of trees or otherwise designated tree save areas shall include no less than the area of a circle with a radius that extends one foot out for every inch of

trunk diameter, or the area of a circle with a radius extending from a tree's trunk to a point no less than the end of a tree's longest branch, **whichever is greater**. In some instances, the City Arborist or authorized agent(s) may require an additional area of no disturbance up to 10 feet outside the root protection zone. (See Appendix A. Typical Root Protection Zone)

3. Layout of the project site utility and grading plans must accommodate the required tree protection zones. Utilities must be placed along corridors between protection zones.
4. Construction site activities such as parking, material storage, bury pits, concrete washout, burnhole placement, etc., shall not be allowed within tree protection zones.
5. No disturbance shall occur within the protection zone of specimen and heritage trees or stands of trees.

b. Protective Barriers

1. Protective tree fencing shall be installed a minimum of 3 feet beyond the outer edge of the root protection zone for all specimen trees, heritage trees, stands of trees, or otherwise designated tree protection zones, **prior to any land disturbance**.
2. Acceptable Tree Fencing Procedures
 - A minimum of 4 feet high, constructed in a post and rail configuration. A 2 inch x 4 inch post and a double 1 inch x 4 inch rail is recommended.
 - Four foot orange polyethylene laminar safety fencing.
 - Any deviation from the two acceptable tree fencing methods listed above must be authorized by the City Arborist or designated agent(s).
 - All tree protection fences must be accompanied by "Stay Out" and "Tree Save" signage. Contact the Department of Community Services for information regarding the purchase of tree protection signs.
3. A stop work order or notice of violation will be issued if project is found to be out of compliance with the Tree Protection Plan.
4. All specimen trees, heritage trees, stands of trees or otherwise designated tree protection zones must be protected from silt.
 - Silt fencing reinforced with wire mesh fencing must be placed along the outer uphill edge of tree protection zones at the land disturbance interface.
 - Silt fencing should be backed by 12 gauge, 2 inch x 4 inch wire mesh fencing in areas of steep slope. (Steep slopes are defined as greater than 3H:1 V).

- All erosion control measures must comply with City Erosion Control Standards.
- 5. All tree fencing and erosion control barriers must be installed prior to and maintained throughout the land disturbance process and building construction and may not be removed until the certificate of occupancy is approved and issued by the Director of the Department or a designated agent(s).

C. REVEGETATION

1. Tree Replacement

- a. The replacement of trees to satisfy the conditions of zoning, requirements of the Zoning Ordinance or the Tree Preservation Ordinance and Administrative Guidelines, may occur under the following situations:
 - To establish the minimum tree density requirements for the site, where grading occurs outside the buildable area of the lot.
 - If the lot's buildable area leaves no protected zone.
 - If no trees are present within an existing protected zone.
 - Where specimen trees or stands of trees and trees within otherwise designated tree protective zones have been irreparably damaged or removed through land disturbance or construction activities.

NOTE: Unless enough existing trees are saved on site to satisfy density requirements, proposed replacement trees will have to be bonded off prior to issuance the land disturbance permit
- b. The quantity of replacement trees into a site must be sufficient so as to produce a total site-tree density factor of no less than 30 units per acre. If it has been determined by the City Arborist or designated agent(s) during the initial site visit that the property in question is completely barren of trees and has been for a long time (i.e., pasture land), then the units for replacement trees will be doubled.

(For example, a 4 inch replacement tree is currently equivalent to 0.7 units, at a site where it is determined to be barren of trees, the replacement units will be equivalent to 1.4 instead of 0.7 units.) The site will still be required to meet the 30 unit per acre site tree density requirement.

(Note: the terms unit and tree are NOT interchangeable). Procedures for determining the site density requirements and the subsequent tree replacement requirements are provided in Table 1.0 and Table 2.0 in the next section. No more than 30% of replacement trees can be pines. At least 70% of replacement trees must be hardwoods of at least 4 different species.
- c. The spacing of replacement trees must be compatible with spatial limitations and with responsible consideration towards potential species size.
- d. Where the City Arborist or designated agent(s) has determined that site spatial constraints result in the inability to provide for all the required trees, as many trees as possible must be planted on site. The remaining balance of required trees must be planted on public properties using the **Tree Bank** alternative or the installed cost of the remaining balance of required trees must be contributed to the **Tree Replacement Fund** in the form of a certified check. A **Conservation Easement** on a greenspace can also be

deeded to the City as compensation for specimen trees removed or to meet site tree density. (Contact senior arborist for details on conservation easement.)

2. Specimen Tree Recompense

- a. Any and all healthy specimen trees that the City Arborist allows a developer/builder/homeowner to remove must be compensated for. Specimen hardwood trees have to be compensated for with either 2" or 4" caliper hardwood trees. Specimen evergreen trees have to be compensated for with either 2" or 4" caliper Southern Magnolias, Deodar Cedars, Canadian Hemlocks, or Cryptomerias. Specimen native flowering trees have to be compensated for with either 2" or 4" caliper hardwood trees. Four (4) different species (minimum) of recompense trees must be used if the number of recompense trees required is forty (40) or greater. For purposes of recompense trees **only**, the unit value of a 2" caliper *recompense* tree will be **.35** units, not its usual **.5** unit value. Any and all specimen trees that are slated for removal must have their recompense trees bonded off prior to issuance of the land disturbance permit.

If a specimen tree or trees are removed or have their root protection zones disturbed without permission, the unit value of the specimen tree is doubled and that becomes the unit value that must be compensated for. For example: A 30" DBH tree is normally worth 14.7 units. If it is removed or its root protection zone disturbed without permission its unit value will double to 29.4 units. Thus 29.4 units of 2" or 4" caliper trees will have to be replaced at the project site. Recompense trees **cannot** be used to satisfy any other landscape requirement such as parking lot shade trees, landscape strip, undisturbed buffer or detention pond buffer trees. They can, however, count toward the required tree density for the site. 2" caliper recompense trees that are counted for density will be worth .35 units per tree.

TREE BANK

Arrangements will be made through the City Arborist. If the tree bank is an alternative for your development, then the following criteria must be observed:

- The tree bank site location must be in the same planning area of the City (defined in the Comprehensive Plan) as the project site.
- Four different species needed if total quantity of trees to be banked is 40 or greater.
- Each tree bank tree must be 2 inch caliper size at a minimum; 2 inch or 4 inch caliper required for recompense trees.
- All tree bank trees must be grade "A" quality trees with straight trunks and dense foliage and free from injury, pests, disease or nutritional disorders.
- All tree bank trees are to be guaranteed for 1 full year after planting by the developer. Any trees that die within this time period must be replaced by the developer.

- The following notes must be shown on the approved tree protection plan:

WHEN THE OWNER/DEVELOPER/CONTRACTOR CALLS THE ARBORIST'S OFFICE FOR A FINAL INSPECTION, THE OWNER/DEVELOPER/ CONTRACTOR SHALL INFORM THE ARBORIST THAT THE SITE VISIT INCLUDES A SITE VISIT TO A PUBLIC PROPERTY TO INSPECT TREES THAT HAVE BEEN TREE BANKED.

ANY CHANGES IN TREE VARIETY MUST BE APPROVED IN WRITING BY THE ARBORIST'S OFFICE.

PLANTING MUST BE COMPLETED BY THE OWNER/DEVELOPER AND THE PLANTING MUST BE INSPECTED AND APPROVED BY THE CITY ARBORIST OR SENIOR ARBORIST PRIOR TO THE ARBORIST'S OR SENIOR ARBORIST'S SIGN-OFF ON THE CERTIFICATE OF OCCUPANCY OR FINAL PLAT RECORDING FOR THE PROJECT.

TREE REPLACEMENT FUND

Arrangements will be made through the City Arborist. If the tree banking alternative is not desirable, then the tree replacement fund is another alternative to help your development meet its tree density or recompense tree requirements. If the Tree Replacement Fund is an alternative for your development, then the following criteria must be observed:

- Tree replacement cost shall be a price determined by the City Arborist based on the average current market cost for grade "A" quality, healthy trees.
- The required replacement fee will be 100 percent (%) of the total cost to plant the balance of trees that were unable to be planted to satisfy the site density requirement or recompense tree requirements.

Species selected for replacement must be grade "A" quality, healthy trees and must be ecologically compatible with the specifically intended growing site. Standards for transplanting and selecting quality replacement stock are provided in Transplanting Standards Section. A site specific tree list will be provided by the City Arborist upon request.

Notice: The primary use of the Tree Fund monies is the purchase and installation of Grade A quality trees on the City of South Fulton Government public facilities and rights-of-ways. For any donation to the Tree Fund, up to 30 percent of the funds donated may be used by the City to purchase woody shrubs, sod, flowers and bulbs, and natural mulch.

2. Procedures for Calculating the Required Tree Replacement Density Factors
The Tree Density Factor Requirement for property located within Commercial Business Districts is 30 units per acre.

Step 1

Calculate the density factor for the site (DFS) by multiplying the number of site acres by 30.

EXAMPLE: A 2.2 acre site has a DFS of 2.2 x 30= 66.

Step 2

Calculate the existing density factor (EDF) of trees which will remain on site to be protected during construction. EDF is determined by converting the D.B.H. of individual existing trees to density factor units, using Table 1.0. These units are then totaled to determine the EDF for the site.

EXAMPLE: A total of 15 trees will remain on the 2.2 acre site in Step 1. When converted to density factor units using Table 1.0, we arrive at the following values:
These trees include:

quantity	size	tree type
7	12"	pine
3	14"	pine
3	18"	oak
1	20"	hickory
1	30"	Oak

D.B.H.	UNITS		#TREES		
12"	3.2	X	7	=	22.4
14"	3.6	X	13	=	10.8
18"	4.0	X	13	=	12
20"	4.0	X	1	=	4.0
30"	14.7	X	1	=	14.7
				EDF total	63.9

The sum total of units, 63.9, is the EDF, existing density factor.

Step 3

Calculate the required replacement density factor (RDF) by subtracting the EDF (Step 2) from the DFS (Step 1). Example:

RDF	=	DFS	-	EDF
RDF	=	66	-	63.9
RDF	=	2.10		

Step 4

The RDF can be converted back to caliper inches using Table 2.0. Any number or combination of transplantable size trees can be used so long as their total density factor units will equal or exceed the RDF.

Example: On the 2.2 acre site the following number and size of trees will be planted:

No.	Size	Species	Density Factor Units	DF x Number =	Total
5	2"	RED MAPLE	0.50	5 x 0.50 =	2.50
				Replacement density factor < or = to	2.50

2.50 is greater than the RDF of 2.10, thus the minimum requirements have been met.

Conversion Tables

TABLE 1.0 – EXISTING TREES TO REMAIN

Conversion from D.B.H. to density factor units for trees remaining on the site.

D.B.H.	Units	D.B.H.	Units	D.B.H.	Units
1-4	0.4	36	21.3	59	56.9
5-7	1.2	37	22.5	60	58.9
8-9	2.0	38	23.7	61	60.8
10	2.4	39	24.9	62	62.8
11	2.8	40	26.1	63	64.9
12	3.2	41	27.6	64	67.0
13-15	3.6	42	28.8	65	69.1
16-20	4.0	43	30.3	66	71.2
21	4.8	44	31.8	67	73.4
22	5.2	45	33.0	68	75.6
23	8.7	46	34.5	69	77.9
24	9.3	47	36.0	70	80.1
25	10.2	48	37.8	71	82.4
26	11.1	49	39.3	72	84.8
27	12.0	50	40.8	73	87.1
28	12.9	51	42.7	74	89.6
29	13.8	52	44.2	75	92.0
30	14.7	53	45.9	76	94.5
31	15.6	54	47.7	77	97.0
32	16.8	55	49.4	78	99.5
33	17.7	56	51.3	79	102.1
34	18.9	57	53.1	80	104.7
35	20.1	58	55.0		

TABLE 2.0 – REPLACEMENT TREES

Conversion from caliper to density factor units for replacement trees.

CALIPER	UNITS	CALIPER	UNITS
1	0.40	8	1.30
2	0.50	9	1.50
3	0.60	10	1.70
4	0.70	11	1.90
5	0.90	12	2.10
6	1.00	13	2.30
7	1.20	14	2.50

Container grown pine trees are given replacement credit as follows:

SIZE	UNITS
7 Gallon	0.4
3 Gallon*	0.2

****The use of 3 gallon pines is permitted only with prior approval***

Tree relocation: Replacement units may be granted to trees relocated on site. Tree relocation is subject to the Senior Arborist's or designated agent(s) approval.

3. Standards for Selecting Quality Replacement Stock

- a. Trees selected for planting must meet the minimum requirements as provided in, Tables 3.0 through 8.0 provided at the end of this section.
- b. Trees selected for planting must be free from injury, pests, disease, or nutritional disorders.
- c. Trees selected for planting must be of good vigor. The determination of vigor is a subjective evaluation and dependent upon species variability. The following criteria are generally used for the determination of vigor:
 1. Foliage should have a green or dark green color. Vigorous trees will have large leaves and dense foliage when compared to trees with poor vigor.
 2. Shoot growth for most vigorous trees will be at least 1 foot per year. At least ½ of the branches should arise from points on the lower 2/3 of a trunk.
 3. Bark texture can denote vigor. Smooth or shiny bark on the trunk and branches of a young tree usually signifies good vigor, conversely, rough and dull bark could indicate poor vigor.
 4. Trunk taper: the trunks of vigorous trees will generally have an increase in diameter with a decrease in height. Trees with reverse tapers or no taper should be avoided.
 5. Root color: young roots of most trees will be light in color.
- d. Trees selected for planting must be free of root defects. Two types of root defects generally occur:
 1. Kinked roots, in which taproots, major branch roots, or both are bent more than 90 degrees with less than 20 percent of the root system originating above the kink. A tree with such roots will probably bend at the soil line when released from a supporting stake.
 2. Circling or girdling roots which circle 80 percent or more of the root system by 360 degrees or more. A tree with such roots would ultimately have less than 20 percent of its system available for support.

4. Planting Minimum Requirement Tables

Table 3.0 - CALIPER TO HEIGHT RATIOS FOR DECIDUOUS TREES

STANDARD SHADE TREES		SLOW GROWING TREES		SMALL UPRIGHT
CALIPER IN INCHES	AVERAGE RANGE	MAXIMUM / MINIMUM		AVERAGE RANGE
	HEIGHT IN FEET	HEIGHT IN FEET		HEIGHT IN FEET
5/16	-	-		2 To 3
7/16	-	-		3 To 4
9/16	-	-		4 To 5
11/16	-	-		5 To 6
7/8	-	-		6 To 8
1/2 To 3/4	5 To 6	8	3.5	-
3/4 To 1	6 To 8	10	4	-
1 To 1/4	8 To 10	11	5.5	-
1 1/4 To 1 1/2	8 To 10	12	6.5	-
1 1/2 To 1 3/4	10 To 12	14	6.5	-
1 3/4 To 2	10 To 12	14	6.5	-
2 To 2 1/2	12 To 14	16	8	-
2 1/2 To 3	12 To 14	16	8	-
3 To 3 1/2	14 To 16	18	9.5	-
3 1/2 To 4	14 To 16	18	9.5	-
4 To 5	16 To 18	22	10.5	-
5 To 6	18 AND UP	26	12	-

Table 4.0 - HEIGHT TO SPREAD RATIO FOR CONIFEROUS NURSEY TREES

HEIGHT IN INCHES	SPREAD RANGE IN INCHES
12 To 15	8 To 12
15 To 18	9 To 15
18 To 24	12 To 18
24 To 30	15 To 21
30 To 36	18 To 24
36 To 48	21 To 30
48 To 60	30 To 36
60 To 72	36 To 48

Generally the Height: Spread ratio should be no less than 2:1.

Table 5.0 – CONTAINER SIZE TO RATIO HEIGHT

CONTAINER SIZE	DECIDUOUS TREES	CONIFEROUS TREES
	HEIGHT SIZES	
	IN FEET	IN INCHES
1 GALLON	1 To 1 ½	6 To 9
5 ½" x 6"	1 ½ To 2	9 To 12
	2 To 3	12 To 15
	3 To 4	15 To 18
		18 To 24
2 GALLON	2 To 3	12 To 15
7"x7 ½"	3 To 4	15 To 18
	4 To 5	18 To 24
		24 To 30
5 GALLON	4 To 5	18 To 24
9" x 10"	5 To 6	24 To 30
	6 To 8	30 To 36
	-	36 To 42
	-	42 To 48

Table 6.0 – MINIMUM ROOT SPREAD AND BALL DIAMETER FOR DECIDUOUS TREES

CALIPER	BARE ROOT DIAMETER SPREAD FOR ALL TREES	BALL DIAMETER FOR STANDARD AND SLOW GROWING BALL AND BURLAP TREES		BALL DIAMETERS FOR SMALL UPRIGHT TREES
		INCHES	HEIGHT IN FEET	
INCHES	INCHES	INCHES	HEIGHT IN FEET	DIAMETER INCHES
½ To ¾	12	12	2 To 3	10
¾ To 1	16	14	3 To 4	12
1 To 1 ¼	18	16	4 To 5	14
1 ½ To 1 ¾	20	18	5 To 6	16
1 ¾ To 2	22	20	6 To 7	18
2 To 2 ½	24	22	7 To 8	20
2 ½ To 3	28	24	8 To 9	22
3 To 3 ½	32	28	9 To 10	24
3 ½ To 4	38	32	10 To 12	26
4 To 4 ½	-	38	-	-
4 ½ To 5	-	42	-	-
5 To 5 ½	-	48	-	-
	-	54	-	-

Table 7.0 – RECOMMENDED BALL DIMENSIONS FOR LARGE TREES

TREE DIAMETER	BALL DIAMETER	BALL DEPTH	APPROXIMATE WEIGHT OF BALL AND TREE
INCHES	FEET	INCHES	TONS
5	4	30	1.5
6	5	32	2.4
7	6	34	3.7
8	7	36	5.4
9	7½	36	6.2
10	8	38	7.4
11	9	40	9.9
12	10	40	12.2

Table 8.0 – RECOMMENDED MINIMUM BALL DIAMETERS FOR BALL AND BURLAP CONIFEROUS TREES

HEIGHT IN FEET	DIAMETER IN INCHES
1½ To 2	10
2 To 3	12
3 To 4	14
4 To 5	16
5 To 6	20
6 To 7	22
7 To 8	24
8 To 9	27
9 To 10	30
10 To 12	34
12 To 14	38
14 To 16	42
18 To 20	50

5. Transplanting Standards

- a. The transplanting of new trees can result in major injury to their root system. If proper transplanting techniques are employed, conditions will be more favorable for tree recovery, and the rate of attrition for newly planted trees will be reduced.
- b. Transplanting procedures shall follow standards established by the International Society of Arboriculture in the “Trees and Shrub Transplanting Manual”. The following is a summary of several of the more important considerations provided in the manual.
 - Pre-Planting Considerations

- Only healthy trees with a well developed root system and a well formed top, characteristic of the species, should be planted. Standards for selecting quality stock are provided in Section C. Revegetation.
- Trees selected for planting must be compatible with the specific site conditions. A site specific tree list will be provided by the City Arborist upon request.
- The ability of a species to regenerate a new root system and to become reestablished should be considered. Deciduous and evergreen trees should be planted between the end of November and February. Trees planted outside of this time period will NOT be accepted by the City unless a bond is submitted to guarantee their replanting if they die.

c. Planting procedures

- Planting holes should be no less than 1 foot wider than the root ball or bare roots of the tree being planted. A planting hole 3 times the width of the root ball is recommended.
- Trees should not be planted deeper than they were in their former location or container.
- Spade compacted bottom and sides of the planting hole should be roughed or scarified to allow the penetration of developing roots.
- Good water drainage from the bottom of the planting hole is essential for root regeneration.
- Once the transplanted tree is set, the hole should be backfilled with soil of good texture and structure. Traditionally, backfill material is comprised of a mix of native soil, organic matter such as peat, and inorganic material such as perlite or vermiculite in a 1:1:1 ratio. A back fill with native soil alone is adequate if the soil is of good quality.
- The addition of fertilizer to backfill soil can cause root injury, and is therefore not recommended. If fertilizer must be added, a low rate should be used. Approximately 1.5 pounds of nitrogen per cubic yard of back fill is recommended for bare root plants, and 2.5 pounds of nitrogen per cubic yard of back fill for balled and burlaped trees.
- The back fill should be gently tamped (but not compacted), and soaked for settling.

- The soil should be slightly mounded to allow for settling; a ridge or dike around the perimeter of the hole can facilitate watering.

d. Post-planting procedures

- Pruning. The amount of pruning necessary for newly planted trees depends upon the trees' response to planting. A decrease in leaf surface area from pruning can result in a reduction of the production of food, thus ultimately inhibiting root development. Pruning for vigor or to train young trees should therefore be delayed until after the first growing season.
- Pruning is recommended during the first growing season if the tree is showing "transplant shock" or drought symptoms (wilting), or for the removal of weak, broken, or diseased branches. For correct pruning of trees, always follow the ANSI A300 standard practice for pruning.
- The use of commercially available anti-transpirants is recommended for deciduous trees transplanted while in foliage, if the trees begin to wilt. Anti-transpirants are chemical foliage sprays that reduce water loss through the leaf surface.
- Staking should be used on newly planted trees only where determined necessary. The extent of staking will depend upon tree strength, form and condition at planting, expected wind conditions, the amount of vehicle or foot traffic, and the level of follow-up maintenance. Staking can cause tree damage. Periodic follow-up inspections are required to prevent serious tree-staking problems. Staking should be removed as soon as the tree is capable of providing its own anchorage and support. Recommended types and uses of staking are as follows:
 1. Protective staking is used to provide a barrier from foot traffic, mowers, vehicles, etc., for trees able to stand without support.
 2. Anchor staking is used to hold a root ball in place during the period of reestablishment for trees with otherwise adequate support.
 3. Support staking is used for trees with weak trunks or oversized crowns and unable to stand without support or in wind.
 4. Guying is recommended where necessary for large transplanted trees (4" D.B.H. or greater) to provide both anchorage and support.
 5. Mulching newly planted trees will reduce competition from weeds and moderate soil moisture and temperature extremes.

6. Fertilizer application should begin after the tree's first full growing season.
7. Water availability for the newly planted tree should be monitored and adjusted according to the species water requirements and the site conditions.

D. LANDSCAPE STRIP AND BUFFER STANDARDS

1. Landscape Strips

- a. The width of landscape strips must, as a minimum, conform with the requirements of the conditions of zoning or the requirements of the Zoning Ordinance, which ever is greater. The width is measured from the newly dedicated right-of-way, or from the property lines of contiguous parcels, as applicable.
- b. No permanent structures are permitted within landscape strips. This includes, retaining walls, curbing, dumpsters, detention facilities, etc. Monument signs, drainage structures, and sidewalks may be allowed with pre-approval.
- c. Curb stops must be used to prevent vehicle overhang into required landscape strips and parking lot landscape islands. One curb stop per parking stall is required.
- d. Signs within required landscape strips are subject to the approval of the Department of Community Development Services or designated agent(s). These signs may only be located in areas of turf or groundcover and must not conflict with the growth potential of trees and shrubs. Signs are not permitted within required undisturbed buffers.
- e. The deposition of storm water runoff into drainage swales through landscape strips is generally not permitted. Exceptions will be considered only if this standard will create an undue hardship to the property owner. Under no circumstances may the width of a drainage easement through a landscape strip exceed the width of the strip.
- f. Parking lot landscape islands must, at a minimum, conform to the requirements of the Zoning Ordinance. These islands must be planted with at least one 2 inch caliper (minimum) shade tree. Stormwater runoff into parking lot landscape islands may be permitted upon approval by the City Arborist.
- g. When fencing is required as a condition of rezoning, the finished surface of the fence must face externally to the project. The exact location for fence placement within the landscape strip will be determined on a case by case basis by the City Arborist or designated agent(s).
- h. All species within required landscape strips must be ecologically compatible with the intended growing site. If ornamental trees are used to satisfy landscape strip requirements, they will not count for satisfying tree density requirements. All plant materials are subject to the Department or designated agent(s) approval.

- i. Trees within required landscape strips shall be provided as follows:
 - 1. Landscape strips 25 feet wide or less; a minimum of one tree for every 30 linear feet of landscape strip.
 - 2. Landscape strips 25 feet wide or more; a minimum of one tree for every 20 linear feet of landscape strip.
 - 3. Clumping is permitted.

- j. All required landscape strips must be designed with at least 60% coverage in trees and shrubs, with no more than 40% coverage in grass or ground cover. Landscape strip coverage will be calculated as follows:
 - 1. Calculate the total spatial area of the landscape strip.
 - 2. Count the number of trees within the landscape strip and multiply by 100 square feet for trees less than 6" caliper and 200 square feet for trees 6" and greater (This will allow some credit for the spatial coverage of the tree canopy).
 - 3. Calculate the coverage provided by the shrubs planted on center:

ON CENTER	Equals	COVERAGE PER SHRUB
*3 feet	=	9 square feet
*4 feet	=	16 square feet
*5 feet	=	25 square feet

*At maturity, shrubs must attain this width. Shrub species and spacing is subject to Arborist's approval.

- 4. Grass or ground cover may not exceed 40 % coverage within the strip.

2. Planting Within Rights-of-Way

Approval from the Department, Department of Facilities and Transportation Services and the Department of Transportation (D.O.T), where applicable, is required, as planting is generally not permitted in the rights-of-way. Where approval is received, the following conditions must be met:

- a. Indemnification and maintenance agreements must be recorded with the Fulton County Superior Court Clerk prior to permitting irrigation or planting within the City or Fulton County rights-of-way.
 - These agreements must be recorded in the name of a homeowner's association (along with documentation attesting to that association's existence), for subdivisions.
 - These agreements must be recorded in the property owner's name for all other types of projects.

- b. Trees planted within rights-of-way cannot be counted toward the tree density requirement for a site.

- Prior to planting trees in rights-of-way, a shoulder cross-section must be provided indicating the placement of the trees in relation to the curb, and underground utilities. Placement and species are subject to the approval of the City Arborist and the Director of Facilities and Transportation Services.
- c. Drawings for irrigation system within rights-of-way must indicate the location of lines, heads, spray radius, shut off valves, timers and a 24 hour emergency contact phone number.

3. Buffers

- a. Required undisturbed buffers must remain undisturbed and actively protected in perpetuity under the auspices of the Tree Protection Ordinance and Administrative Guidelines.
- b. Buffers must be replanted where sparsely vegetated or where disturbed for approved access and utility crossings. The buffers should be replanted to meet the following standards:
 - Must provide a visual barrier. To accomplish this screening, the plant materials must be a minimum 5 feet in height at time of planting, moderately growing evergreen and have branching all the way to the ground. Slower growing trees may be used if larger materials are planted. All buffer plant materials are subject to the City Arborist or designated agent(s) approval. Please see Appendix J for the list of acceptable evergreen plant material for undisturbed buffers.
 - The number of planting rows for tree replacement in buffers is determined by the buffer width:

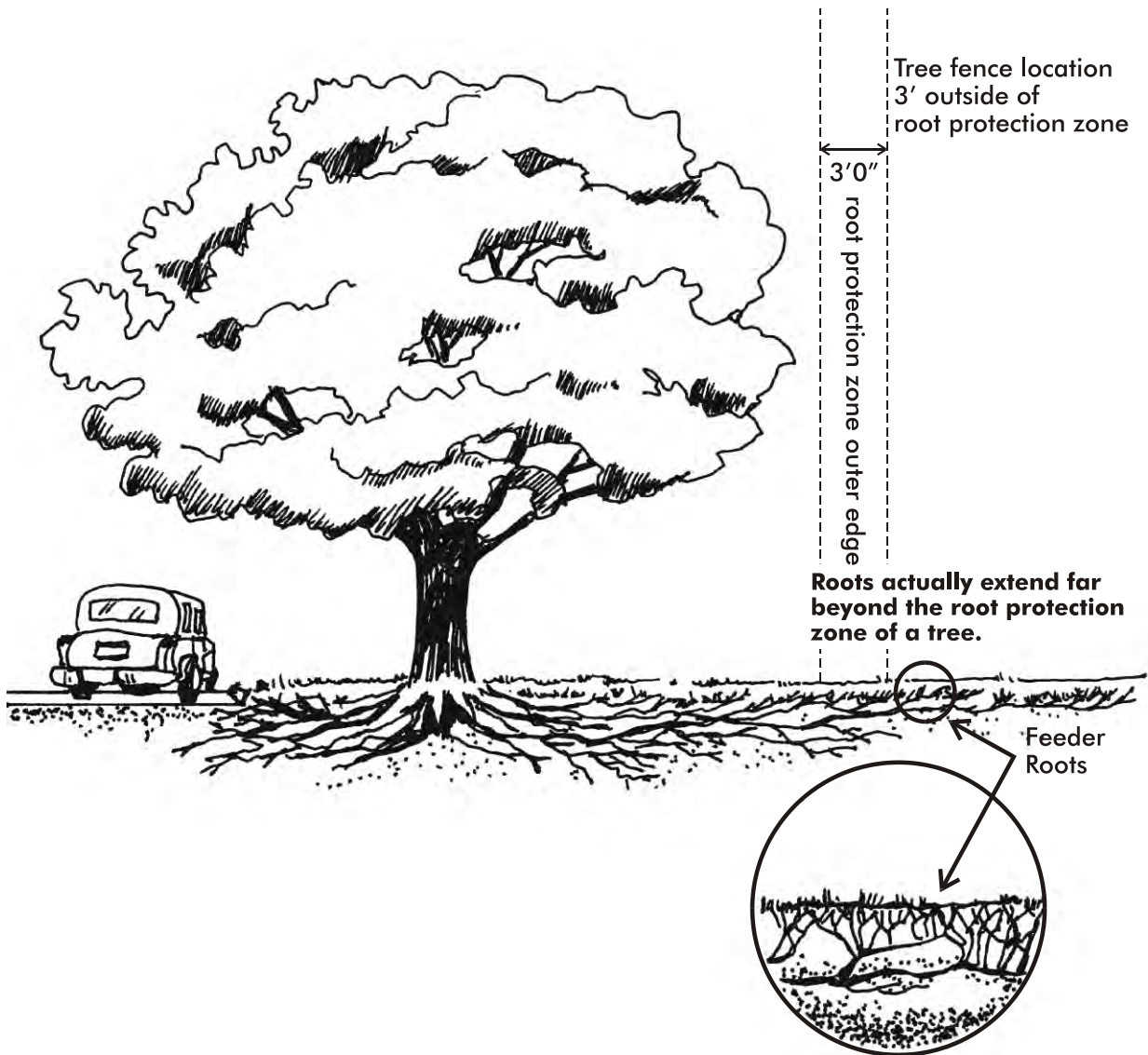
Buffer Width	Minimum Planting rows
<20'	2
20' to 30'	3
31' to 50'	4
> 50'	4 plus 1 row for each additional 15 feet

- Drainage within or through buffers is subject to the approval of the Department or designated agent(s).
- Encroachment into buffers for the construction of retaining walls, footings, or wall supports, is not permitted unless otherwise specified in the conditions of rezoning. Encroachments into buffers shall require zoning modifications or variances as applicable.
- All buffers require a 10 foot improvement setback interior and adjacent to the buffer. No grading is allowed in this improvement setback unless permission is obtained from the Director of the Department. (Contact Arborist's office for details.)

South Fulton Stream Protection Ordinance

The South Fulton Stream Protection Ordinance requires streams in all watersheds within city limits to provide a minimum 75-foot undisturbed buffer on each side of the stream as measured from the top of bank. An additional 25-foot setback shall be maintained adjacent to the undisturbed buffer in which all impervious surfaces shall be prohibited. Storm water retention or detention facilities are prohibited within the stream channel.

APPENDIX A. Typical Root Protection Zone

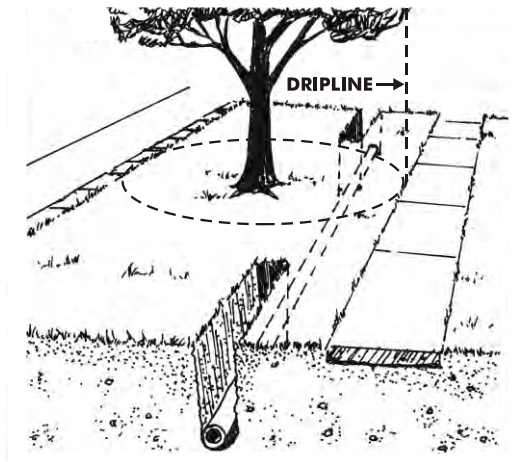
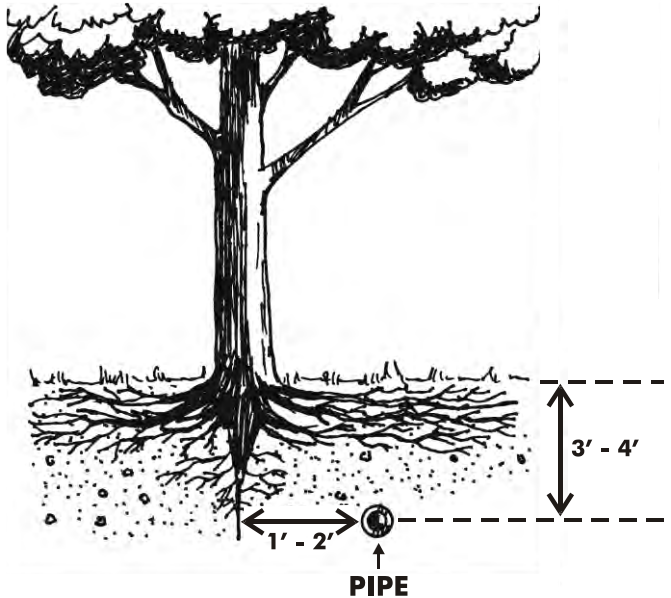


This is a cross section of a typical root zone for a deciduous tree. 85% of roots are within the top 18" of the soil. Roots spread amazingly far from the trunk. They typically spread up to 2 times the height of the tree and sometimes farther! However, the essential mass of roots is usually found within the **ROOT PROTECTION ZONE**.

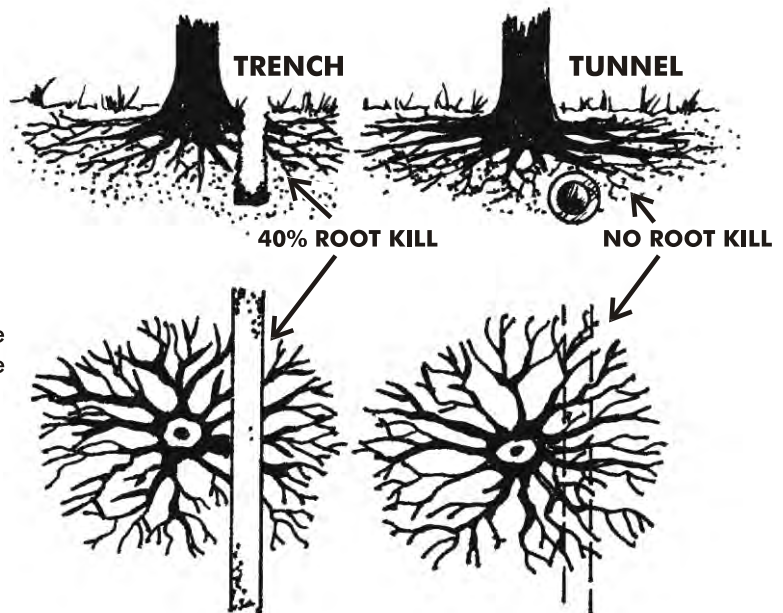
The root protection zone is a zone defined as (1) a circle with a radius that extends one foot out for every inch of trunk diameter, or (2) a circle with a radius extending from a tree's trunk to a point no less than the end of a tree's longest branch, **whichever is greater**.

APPENDIX B. Tunneling (How to Save Existing Trees When Tunneling)

Use tunneling for underground utilities such as cable, electric, and natural gas instead of cutting an open trench. This method will help preserve existing trees or smaller tree save areas.

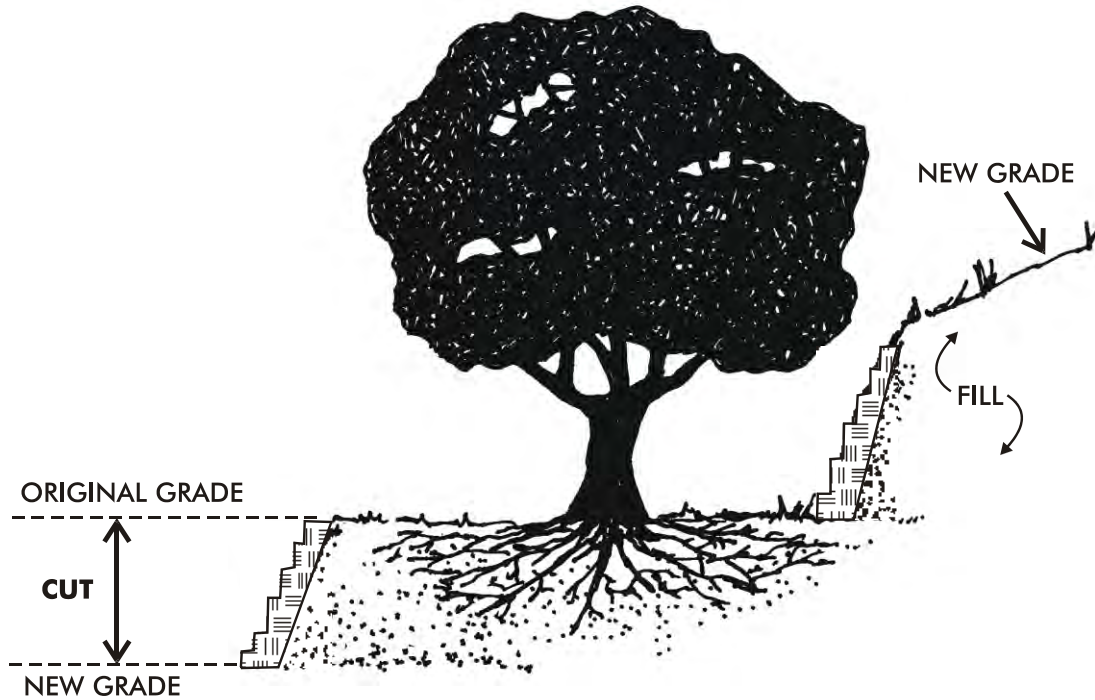


Why Tunneling Saves Trees
 Trenching near a tree can kill as much as 40 to 50 percent of the tree's roots. This will almost certainly lead to stress, poor health, lack of firmness against wind, or outright death. A tunnel in the same place will do virtually no damage to the tree.

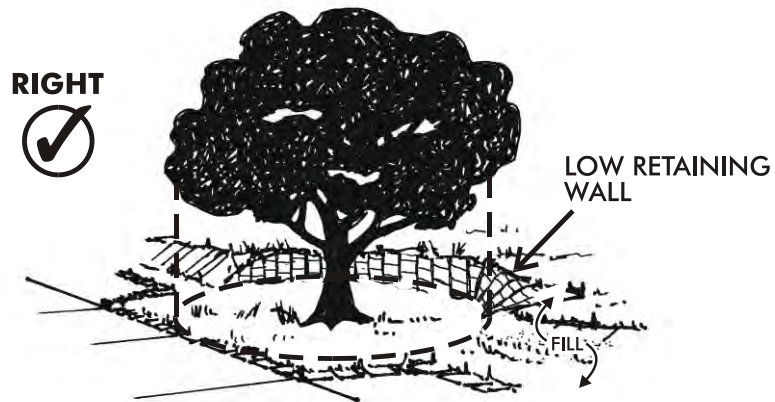


APPENDIX C. Grade Changes

How to preserve existing trees with the use of retaining walls when grade changes are necessary



Grade Change Examples - Methods of preventing root suffocation from fill dirt when changing grade



APPENDIX D. Checklist For Landscape Drawings & Tree Protection Plans

Landscape Drawings (generally used for commercial zoned projects) shall have a separate sheet submitted with the landscape plan, to include:

- All required undisturbed buffers, landscape strips, parking islands, and state water (streams, lakes, river, etc ...) and tributary buffers with the required dimensions.
- Planting schedules with proposed plant material names (common and botanical), quantity, size, and any special planting notes.
- Planting and staking details.
- Location of proposed irrigation systems, if applicable.
- Drawings for irrigation systems within the rights-of-ways must show the locations of lines, heads, spray radius, timers, and an emergency 24 hour contact number.
- All required landscape strips must be planted at a density so as to provide at least 60% spatial coverage of trees and shrubs.
- Parking islands must be planted with shade trees. (Minimum 2 inch caliper) Permanent structures cannot be permitted in landscape strips, landscape islands, or buffers; including, but not limited to, headwalls, drop inlets, catch basins, rip-rap, light fixtures, phone booths, etc.
- Curb stops must be used to prevent vehicle overhang into required landscape strips and parking islands. One curb stop per parking stall is required.
- The following notes shall be indicated on all landscape plans in large letters:
 - 1) ALL LANDSCAPING SHALL BE IN PLACE PRIOR TO THE CONNECTION OF PERMANENT POWER OR RECORDING OF A FINAL PLAT.
 - 2) CONTACT THE DEPARTMENT OF COMMUNITY SERVICES FOR A SITE INSPECTION UPON COMPLETION OF LANDSCAPE INSTALLATION.
 - 3) IF THE LANDSCAPE DESIGN OR PLANT MATERIAL ARE CHANGED IN ANY WAY FROM THE CITY PERMITTED PLAN, YOU SHALL SUBMIT TWO SETS OF REVISED PLANS TO THE ARBORIST'S OFFICE FOR APPROVAL PRIOR TO ANY LANDSCAPE INSTALLATION.

Tree Protection Plans (generally used for residential zoned projects)

1. Provisions for tree protection on the site shall be, at a minimum, in conformance with the requirements of the Tree Preservation Ordinance and the Administrative Guidelines.
2. A tree protection plan shall be submitted either as part of the landscape plan or as a separate drawing to include the following:
 - All tree protection zones and areas of revegetation.
 - Ground-run survey location of all specimen trees and State Waters, including spring heads.
 - Indicate those specimen trees to be removed. Removal of specimen trees or disturbance of root protection zone is subject to the approval of the Department or designated agent(s).
 - Limits of clearing and land disturbance such as grading, trenching, etc. where these disturbances may affect tree protection zones.
 - Proposed location of underground utilities.
 - Methods of tree protection shall be indicated for all tree protection zones, including tree fencing, erosion control, retaining walls, tunneling for utilities, transplanting, staking, signage, etc.
 - This plan should indicate staging areas for parking, material storage, concrete washout, and debris burn and burial holes where these areas might affect tree protection.
 - The required site tree density factor must be satisfied. Compliance shall be demonstrated on the Tree Protection Plan. Existing trees or stands of trees used in the density calculation must be indicated on the drawing.
 - Flowering ornamental replacement trees may not be used in density calculation.
 - Replacement trees used in density calculations must be ecologically compatible with the intended growing site.
 - An irrigation plan may be required and it must include a watering schedule for existing and replacement trees on the site.
 - The following notes shall be indicated on both tree protection plans and grading plans in large letters:

- 1) CONTACT THE DEPARTMENT OF COMMUNITY SERVICES TO ARRANGE A PRE-CONSTRUCTION CONFERENCE WITH THE CITY ARBORIST OR DESIGNATED AGENT(S) PRIOR TO ANY LAND DISTURBANCE.
- 2) ALL AND EROSION CONTROL MEASURES MUST BE INSTALLED PRIOR TO GRADING. ALL REQUIRED TREE PROTECTION FENCING (ALONG WITH TREE SAVE SIGNAGE) MUST BE INSTALLED PER THE APPROVED TREE PROTECTION PLAN PRIOR TO THE PRE-CONSTRUCTION MEETING.
- 3) UNDISTURBED BUFFERS SHALL BE REPLANTED TO BUFFER STANDARDS WHERE SPARSELY VEGETATED OR WHERE DISTURBED AT APPROVED UTILITY CROSSINGS. REPLANTINGS ARE SUBJECT TO CITY ARBORIST OR DESIGNATED AGENT(S) APPROVAL.

Addendum to Appendix E., trees that have higher unit values

- Trees worth 1.0 unit each for density and/or recompense (4" caliper size)
 - Ceridiphyllum Japonicum-----Katsura Tree
 - Fagus Grandifolia-----American Beech
 - Magnolia Grandiflora-----Southern Magnolia
 - Nyssa Sylvania-----Black Gum
 - Pistacia Chinensis-----Chinese Pistache
 - Quercus Nuttallii-----Nuttall Oak
 - Ulmus Americana-----American Elm

(2" caliper sizes of these trees will count as .8 units for density and .5 for recompense)
- Trees worth .9 units each for density and/or recompense (4" caliper size)
 - Cladrastis Lutea-----American Yellowwood
 - Cryptomeria Japonica-----Cryptomeria
 - Ginkgo Biloba-----Ginkgo
 - Juniperus Virginiana-----Eastern Red Cedar
 - Metasequoia Glytostroboides-----Dawn Redwood
 - Quercus Acutissima-----Sawtooth Oak
 - Quercus Lyrata-----Overcup Oak

(2" caliper sizes of these trees will count as .7 units for density and .45 for recompense)

APPENDIX E. Tree Species Selection List

Trees generally acceptable for credit in Density Calculations

	BOTANICAL NAME	COMMON NAME		BOTANICAL NAME	COMMON NAME
1	Acer Barbatum	Southern Sugar Maple	23	Juniperus Virginiana	Eastern Red Cedar
2	Acer Rubrum	Red Maple	24	Liquidambar Styraciflua	Sweet Gum
3	Acer Saccharum	Sugar Maple	25	liriodendron Tulipifera	Poplar
4	Betula Nigra	River Birch	26	Magnolia Grandiflora	Southern Magnolia
5	Carpinus Caroliniana	American Hornbeam	27	Metasequoia Glytostroboides	Dawn Redwood
6	Carya Species	Hickories	28	Nyssa Sylvatica	Black Gum
7	Carya Illinoinesis	Pecan	29	Ostrya Virginiana	American Hophombean
8	Castanea Mollissima	Chinese Chesnut	30	Paulownia Tomentosa	Royal Paulownia
9	Catalpa Speciosa	Hardy Catalpa	31	Pinus Echinata	Shortleaf Pine
10	Cedrus Atlantica	Atlas Cedar	32	Pinus Taeda	Loblolly Pine
11	Cedrus Deodara	Deodar Cedar	33	Pistacia Chinensis	Chinese Pistache
12	Cedrus Libani	Cedar of Lebanon	34	Platanus Occidentalis	Sycamore
13	Celtis Laevigata	Sugar Hackberry	35	Quercus Species	Oaks, except Live Oaks
14	Cercidiphyllum Japonicum	Katsura Tree	36	Salix Babylonica	Weeping Willow
15	Cladrastis Lutea	American Yellowwood	37	Sophora Japonica	Japanese Pagodatree
16	Cryptomeria Japonica	Cryptomeria	38	Taxodium Distichum	Common Baldcypress
17	Fagus Grandifolia	American Beech	39	Tilia Americana	Linden / Basswood
18	Fraxinus Americana	White Ash	40	Tsuga Canadensis	Canadian Hemlock
19	Fraxinus Pennsylvanica	Green Ash	41	Ulmus Americana	American Elm
20	Ginkgo Biloba	Ginkgo	42	Ulmus Parvifolia	Chinese Elm
21	Gymnocladus Dioicus	Kentucky Coffee Tree	43	Zelkova Serrata	Zelkova
22	Juglans Nigra	Black Walnut			

Other trees may be approved on a case by case basis. The general criteria for replacement trees to be used in Tree Density Calculations are large growing (35' – 40' tall or taller at maturity) and long-lived. All planting plans are subject to the City Arborist or the Department of Community Development Services designated agent(s) approval.

APPENDIX F. Sample Tree Density Calculaiton

Example:

The required DFS (density factor for the site), is calculated as follows, 5 acres x 30 units = 150 units required.

EDF (Existing Density Factor)

Size	Units	Number	Total Units
24"	9.3	2	18.6
18"	4.0	15	60
10"	2.4	8	19.2
Total EDF			97.8

RDF (Replacement Density Factor)

Size	Units	Number	Total Units
3"	.60	15	9
6"	1.00	45	45
Total RDF			54

EDF+RDF=	Site TotalTree Density	>	or	=	DFS	
97.8+54=	151.8	>			150	Density Satisfied

THE SUM OF THE EDF AND RDF MUST BE GREATER THAN OR EQUAL TO THE DFS.

APPENDIX G: MULTI-TRUNKED TREE CALCULATIONS TO DETERMINE SPECIMEN TREE STATUS

<u>DIAMETER</u>	<u>RADIUS</u>	<u>AREA IN SQUARE INCHES</u>	<u>NOTES</u>
1	.5	.79	
2	1	3.14	
3	1.5	7	
4	2	13	
5	2.5	20	
6	3	28	
7	3.5	38	
8	4	50	
9	4.5	64	
10	5	79	79 square inches is the area for which a native flowering tree is considered a specimen.
11	5.5	95	
12	6	113	
13	6.5	133	
14	7	154	
15	7.5	177	
16	8	201	
17	8.5	227	
18	9	254	
19	9.5	283	
20	10	314	
21	10.5	346	
22	11	380	
23	11.5	415	
24	12	452	452 square inches is the area for which pines and beech trees are considered specimen size. 572 square inches is the area for which most hardwood trees are considered specimen size.
25	12.5	491	
26	13	531	
27	13.5	572	
28	14	615	
29	14.5	660	
30	15	707	
31	15.5	754	
32	16	804	
33	16.5	855	
34	17	907	
35	17.5	962	
36	18	1017	
37	18.5	1075	
38	19	1134	
39	19.5	1194	
40	20	1256	
41	20.5	1320	
42	21	1385	
43	21.5	1451	

PROCEDURE:

1. Measure trunks at 4.5 feet above grade to determine the diameter (DBH) in inches of each trunk.
2. Use charts to determine area in square inches.
3. Add square inches of each trunk and come up with a total.
4. Determine if total area is equal to or greater than the minimum specimen size for the type of tree identified.

APPENDIX H. Tree and Site Related Disturbances

Tree protection zones, specimen trees or stands of trees designated to be saved must be protected from the following damages which may occur during all phases of land disturbance and construction processes. Methods of tree protection and disturbance prevention are provided in Section III, Part B.

- Direct physical root damage.
 - Indirect root damage.
 - Trunk and crown disturbances.
- A. Direct physical root damage most frequently occurs during site clearing and grading operations, where transport or feeder roots are cut, torn or removed.
1. Transport and feeder roots tend to tangle and fuse among the roots of adjacent trees. The removal of trees with heavy machinery along the outer periphery of a tree save area can result in considerable damage within the tree save area.
 2. The most substantial form of root damage for all root types occurs in the form of cut roots. Roots are cut in grade reduction or from trenching for underground utilities, sanitary sewer, or storm sewer lines.
 3. A more subtle form of root damage is the loss of feeder roots. Feeder roots normally occur within the organic layer and the surface four inches of top soil, subsequently, these roots can be easily damaged by the track action from a single bulldozer pass. The stripping of top soil within a tree's root protection zone can totally eliminate it's feeder root system.
- B. Indirect root damage through site modification can result from positive grade changes, temporary storage of fill material, sedimentation of erosion materials, soil compaction, and soil chemical changes.
- Positive grade changes from fill and sedimentation causes a decrease in soil oxygen levels. An increase in soil carbon dioxide and other toxic gases can also occur, leading to large areas of anaerobic soil conditions and causing a decrease in the root respiration process which is essential for the uptake and transport of minerals and nutrients.
 - Anaerobic soil conditions are also produced by soil compaction, the increase in soil bulk density with a decrease in soil pore space. Compacted soil is also impervious to root penetration, and thus inhibits root development. Soil compaction is generally caused by the weight and vibrations of heavy machinery, vehicle parking, and the storage of fill and/or construction material within the root protection zone of trees.
 - Changes in soil chemistry will adversely affect tree survival. The most frequent occurrence is the change (decrease) in soil acidity by concrete washout. Most trees native to the South Fulton area prefer slightly acid soils; concrete residues are highly

basic. The leakage or spillage of toxic material such as fuels or paints can be fatal for trees.

- C. Trunk and crown disturbance are generally mechanical in nature and are either caused directly by clearing and grading machinery, or indirectly by debris being cleared and falling into trees marked for protection.
- Common forms of damage include stripped bark and cambium, split trunks, and broken limbs.
 - Damage also occurs from the posting of signs such as building permits or survey markers on trees.
 - Indirect damage can be caused by the placement of burn holes or debris fires too close to trees. The possible range of damage include scorched trunks with some cambial dieback, the loss of foliage due to evaporative heat stress (leaf desiccation), and completely burned trunk and crowns.

APPENDIX I. Residential Erosion & Sedimentation Control and Tree Protection Agreement

Building Permit No. _____

THIS PERMIT AUTHORIZES _____
TO BEGIN RESIDENTIAL GRADING/LAND DISTURBANCE ON LOT _____
IN _____ SUBDIVISION OR AT THE FOLLOWING
ADDRESS _____ .

THE AUTHORIZED PERSON ACKNOWLEDGES THAT HE/SHE IS RESPONSIBLE FOR TAKING ADEQUATE STEPS TO:

EROSION CONTROL

1. Control soil erosion on said property.
2. Control the movement of sediment off the site by means of properly constructed and maintained silt straps, (silt fence, haybales, etc.) in those areas where water exits the property.
3. Keep mud off the streets fronting this property by construction and maintenance of a driveway pad and removal of mud from the street when necessary.
4. Otherwise comply with all applicable erosion and sedimentation requirements, including those of the Soil Erosion and Sedimentation Control Ordinance.

These provisions and others are outlined in the Soil Erosion and Sedimentation Ordinance. (Please initial the appropriate statement below.)

____ I, THE UNDERSIGNED AUTHORIZED PERSON, have obtained a copy of this Ordinance at this time and understand the provision of the Law. f

____ I, THE UNDERSIGNED AUTHORIZED PERSON, decline a copy of the Ordinance at this time. However, I do hereby attest that I do understand the provisions of the Law.

TREE PROTECTION

1. Protect areas of existing trees/tree save areas on this lot, so that a minimum of 20 tree units per acre is left after construction is completed. If a specimen or heritage tree* exists on the lot and is in the way of proposed construction please contact the City Arborist to schedule an on-site meeting to try and find alternate areas for the disturbance.
2. Tree fence with tree save signage is required on a lot when clearing and grading for home construction commences. All tree fences shall remain and be maintained until the home construction is 100% completed.
3. Otherwise comply with all applicable Tree Preservation requirements, including those of the Tree Preservation Ordinance and Administrative Guidelines.

*Specimen or Heritage Trees – Any tree in fair or better condition which equals or exceeds the following diameter sizes:

4. Large hardwoods like Oaks, Maples, Yellow Poplars, and Hickories. 27 inch diameter at 4½ feet above the ground.
5. Large hardwoods, Beeches, 24 inch diameter at 4½ feet above the ground.
6. Large softwoods like Pines and Cedars. 24 inch diameter at 4½ feet above the ground.
7. Small flowering trees like Dogwoods, Redbuds, and Sourwoods, 10 inch diameter at 4½ feet above the ground.

FAILURE TO COMPLY WITH THESE REQUIREMENTS WILL RESULT IN THE ISSUANCE OF A STOP WORK ORDER OR OTHER CITATIONS.

EFFECTIVE THIS _____ DAY OF _____, 20____.
APPLICANT _____ CITY OFFICIAL _____

DISPLAY THIS PERMIT AT THE MAIN POINT OF ACCESS AND VISIBLE FROM THE STREET.

APPENDIX J. Acceptable Evergreen Plant Material for Undisturbed Buffers

Cherry Laurel
Ligustrum
Hedge Bamboo
Eastern Red Cedar
Cleyera
Canadian Hemlock
Cryptomeria
Deodar Cedar
American Holly
Chinese Holly
English Holly
Longstalk Holly
Lusterleaf Holly
Perny Holly
Nellie R. Stevens Holly, (cross between Chinese & English Hollies)
Tree-form Yaupon Holly
Hetzi Juniper
Pfizer Juniper
Southern Magnolia
Wax Myrtle
Virginia Pine
Japanese Viburnum
Japanese Camellia

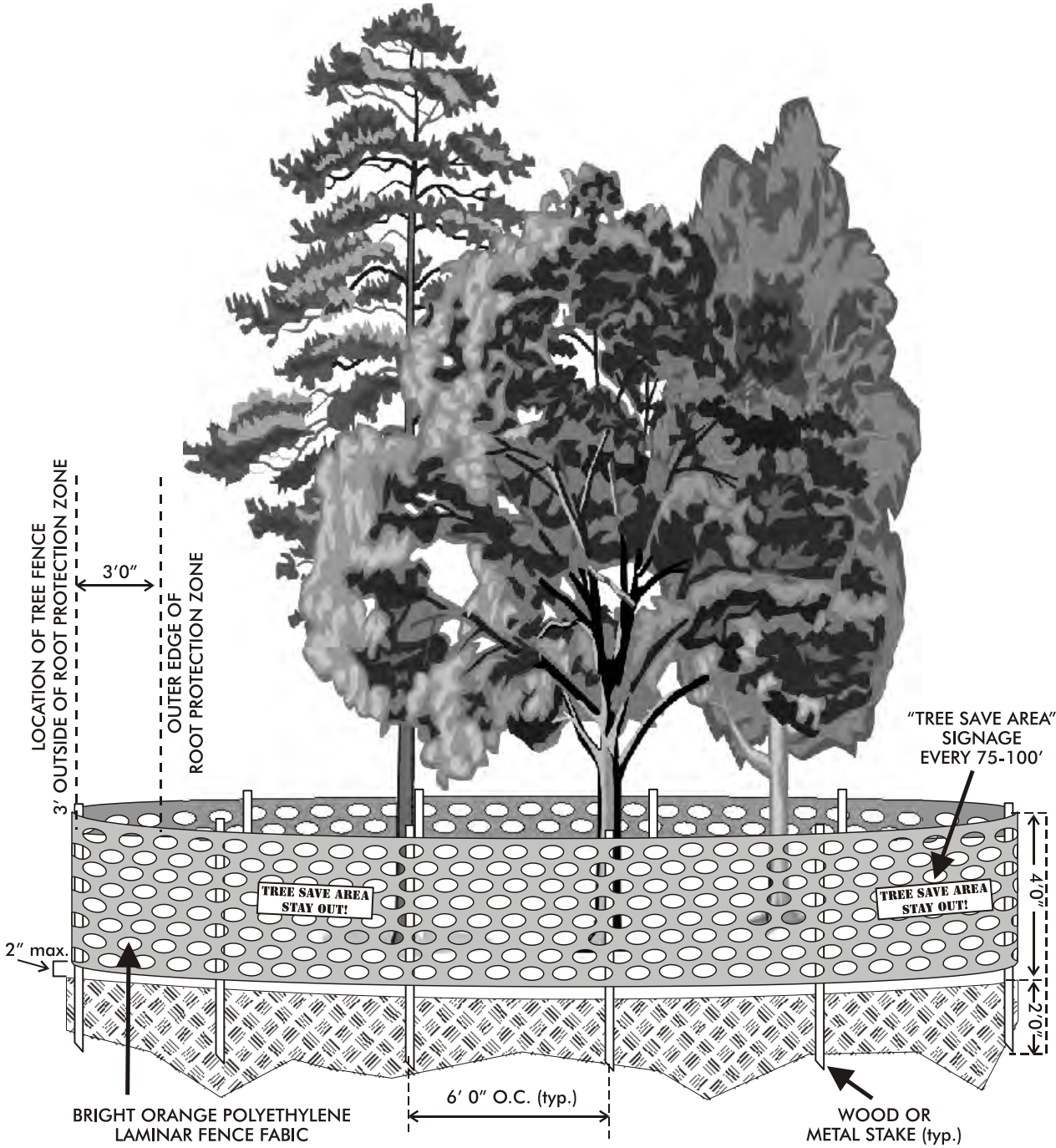
Note: All buffer material must be a minimum of 5 feet tall once it is installed and have branching all the way to the ground.

APPENDIX K. Recommended Shade Trees for Parking Lots

<i>Acer rubrum</i>	Red Maple
<i>Acer saccharum</i> "Legacy"	"Legacy" Sugar Maple
<i>Betula nigra</i>	River Birch
<i>Celtis laevigata</i>	Sugar Hackberry
<i>Cercidiphyllum japonicum</i>	Katsuratree
<i>Fraxinus pennsylvanica</i>	Green Ash
<i>Gingko biloba</i>	Gingko
<i>Ostrya virginiana</i>	Hophombean
<i>Pinus taeda</i>	Loblolly Pine
<i>Pistacia chinensis</i>	Chinese Pistache
<i>Platanus occidentalis</i>	Sycamore
<i>Quercus acutissima</i>	Sawtooth Oak
<i>Quercus coccinea</i>	Scarlet Oak
<i>Quercus laurifolia</i>	Laurel Oak
<i>Quercus lyrata</i>	Overcup Oak
<i>Quercus palustris</i>	Pin Oak
<i>Quercus phellos</i>	Willow Oak
<i>Quercus prinus</i>	Chesnut Oak
<i>Quercus rubra</i>	Northern Red Oak
<i>Quercus shumardii</i>	Shumard Oak
<i>Quercus stellata</i>	Post Oak
<i>Quercus velutina</i>	Black Oak
<i>Taxodium distichum</i>	Bald Cypress
<i>Ulmus parvifolia</i>	Chinese Elm
<i>Zelkova serrata</i>	Japanese Zelkova

This is a recommended list only. Other species may be acceptable as long as they produce dense, full canopies at maturity and can develop sufficient root systems in confined spaces. Under no circumstances will upright, columnar or fastigate trees be acceptable as parking lot shade trees.

APPENDIX L. Protective Tree Fencing



"Tree Save" signs may be purchased from the Department of Community Services.

APPENDIX M. Sample Tree Protection Plan

LANDSCAPE AND TREE PROTECTION

ALL LANDSCAPING FOR EACH PHASE SHALL BE COMPLETED PRIOR TO THE RECORDING OF THE FINAL PLAN FOR THAT PHASE. ON ACHIEVING OF THE SURVEY OF A CERTIFICATE OF OCCUPANCY OF CONNECTION OF NEIGHBORHOOD FENCE FOR THAT PHASE.

CONTACT THE FULTON COUNTY DEPARTMENT OF ENVIRONMENT & COMMUNITY DEVELOPMENT SERVICES AT (404) 720-7200 OR (404) 720-7202 FOR A SITE INSPECTION PRIOR TO COMPLETION OF LANDSCAPE INSTALLATION.

Provisions for tree protection at the site shall be in accordance with the requirements of the Fulton County Tree Preservation Ordinance, and the Fulton County Department of Environment Services Administrative Guidelines pertaining to tree protection.

CONTACT THE FULTON COUNTY DEPARTMENT OF ENVIRONMENT & COMMUNITY DEVELOPMENT SERVICES AT (404) 720-7200 OR (404) 720-7202 FOR A PRECONSTRUCTION CONFERENCE WITH THE COUNTY AGROBIST PRIOR TO ANY LAND DISTURBANCE.

ALL TREE PROTECTION MEASURES SHALL BE INSTALLED PRIOR TO GRADING. UNSTABILIZED BUFFERS SHALL BE REPLANTED TO BUFFER STABILIZED WADGE SPARSELY VEGETATED OR WADGE DISTURBED AT APPROVED UTILITY CROSSINGS. REPLANTINGS ARE SUBJECT TO COUNTY AGROBIST APPROVAL.

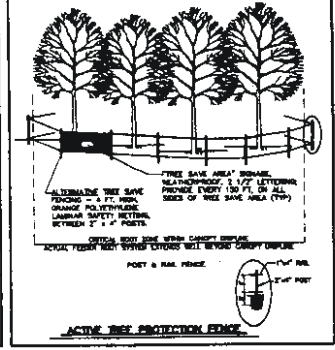
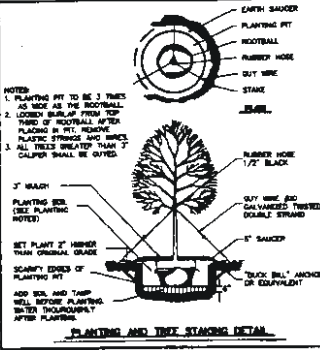
NOTIFY INSPECTOR 24 HOURS PRIOR TO CONSTRUCTION

SPECIMEN TREES REMOVED UNIT X	
TREE	INITS
---	0
TOTAL:	0

FULTON COUNTY TREE DENSITY REQUIREMENT

UPS = ADULT SIZE DENSITY FACTOR = 20 1000 AC. ± 15
 DEF = EXISTING DENSITY FACTOR
 = 1X UNITS PROTECTED (PROP. TREE SAVE AREAS)

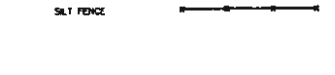
DBH (IN)	QTY	DBH (IN)	LINE VALUE	UNITS
1-4	133	0.1	13.3	
5-7	129	0.2	25.8	
8-9	71	0.3	21.3	
10	56	0.4	22.4	
11	7	0.5	3.5	
12	29	0.6	17.4	
13	46	0.7	32.2	
14	29	0.8	23.2	
15	11	0.9	9.9	
16	18	1.0	18.0	
17	1	1.1	1.1	
18	11	1.2	13.2	
19	1	1.3	1.3	
20	8	1.4	11.2	
21	2	1.5	3.0	
22	6	1.6	9.6	
23	1	1.7	1.7	
24	8	1.8	14.4	
25	1	1.9	1.9	
26	2	2.0	4.0	
27	1	2.1	2.1	
28	1	2.2	2.2	
29	1	2.3	2.3	
30	1	2.4	2.4	
31	1	2.5	2.5	



TREE SAVE FENCE INSTALLATION DETAIL

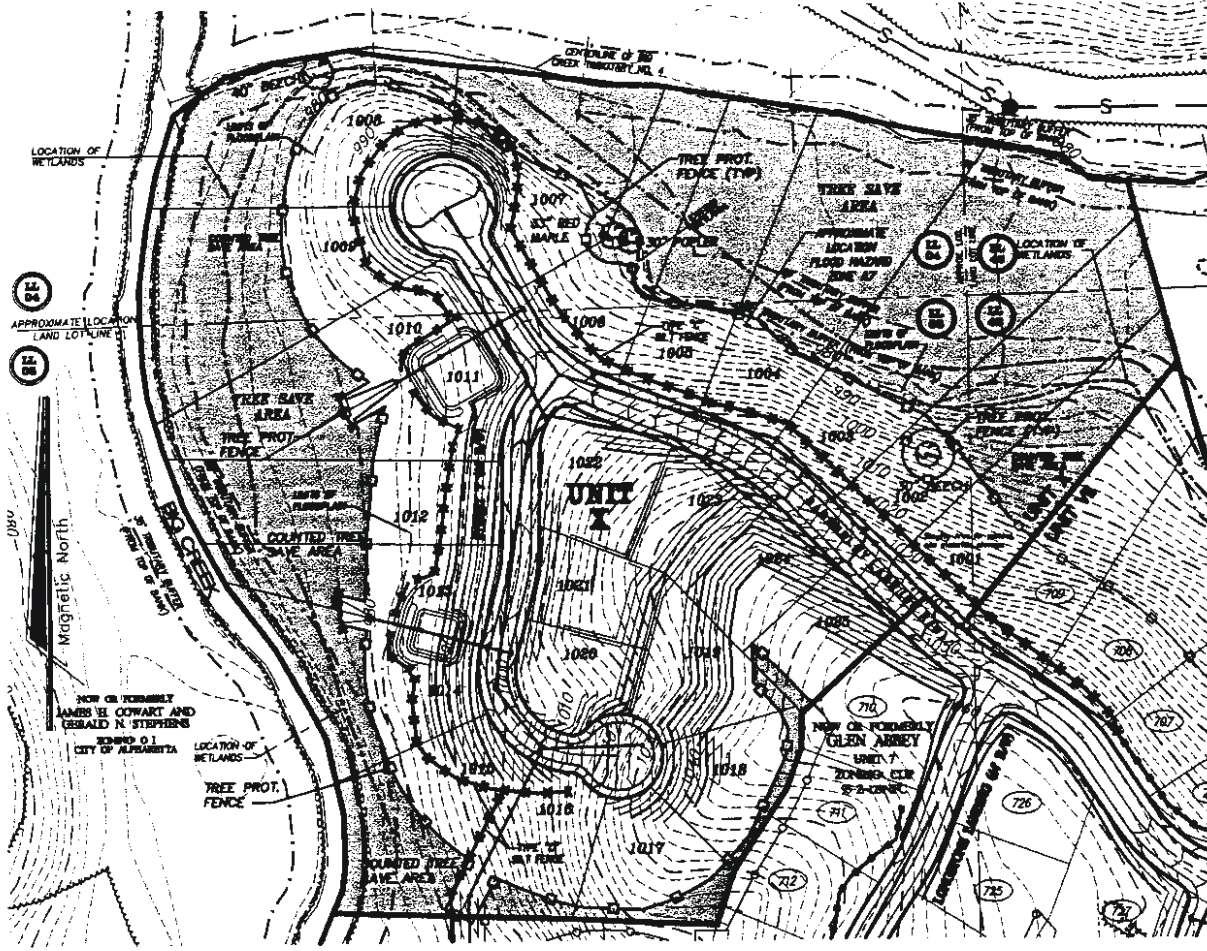


TREE PROTECTION LEGEND



DEF = EXISTING LINES PROTECTED

TREE PROTECTION FENCE TO BE INSTALLED AT DROP LINE OF TREES TO BE SAVED.



DRAWN/DEVELOPED
Jim Cowart
 RESIDENTIAL, LLC

TREE PROTECTION PLAN FOR
GLEN ABBEY - UNIT X
 (T.X.A. BROWNE, BROWNE ACRES, PCD A)
 LAND LOTS 64, 65, 66, 67 AND 68
 1st District - 1st Section - Fulton County, Georgia

PREPARED BY:
TRAVIS FRUITT & ASSOCIATES, INC.
 Civil/Structural, Environmental, Surveying
 & Landscape Architects
 5555 Chestnut Parkway - Suite 200
 Marietta, Georgia 30067

FILE NO. 1002-VIS-100-911-2
 ON RECORDS NO. 100222X
 IN BOOK 154112C10
 FILE 101-4-1102
 SHEET NO. 1 OF 1

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