ORDINANCE NO 2018-047

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

(Sponsored by Councilmembers Rowell and Gilyard)

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly
organized and existing under the laws of the State of Georgia;

WHEREAS, the duly elected governing authority of the City is the Mayor and
Council thereof ("City Council");

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

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

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

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

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

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

Section 1: The City Code of Ordinances Title 5, Planning and Zoning is hereby
amended by creating Chapter 1, Zoning, Generally, Chapter 2, Subdivision Regulations
and Chapter 4, Transfer of Development Rights, and amending Chapter 5, Planning
Commission, and Chapter 6, Zoning Board of Appeals, which shall read as follows:
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.
(c) Any person convicted of violating the provisions of this Chapter shall be punished in the manner prescribed by law for misdemeanors, and shall further reimburse the City for any expense, loss, or damage occasioned the City by reason of such violation.

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

Sec. 5-1006. Grant of power.

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

Sec. 5-1007. Plan and resolution.

The City Council may exercise the powers set forth in section 14-1006 of this Chapter and, for the purposes therein mentioned, may divide the City into districts of any number, shape, and size as it may determine; and within these districts it may regulate the erection, construction, reconstruction, alteration, and use of buildings and structures and the use of land. The lawful use of any land, building, or structure that was existing and lawful at the time of the enactment or amendment of zoning regulations may, except as hereinafter provided, be continued although such does not conform with the provisions of such regulations or amendments (hereinafter called nonconforming use). The City Council may provide in the zoning resolution for the continuance, restoration, reconstruction, extension, or substitution of a nonconforming use.
Sec. 5-1008. Method of procedure.

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

Sec. 5-1009. Zoning amendments.

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

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

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

Sec. 5-1011. Conflict with other laws.

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

Sec. 5-1012. Zoning Resolution.

The City Zoning Resolution, containing applicable City zoning regulations, is adopted as Appendix C to the City Code of Ordinances. Said appendix shall be maintained in the office of the City Clerk and Community Development Director, or at a location designated by the Clerk, for inspection by the public.
CHAPTER 2. - SUBDIVISION REGULATIONS

Sec. 5-2001. Intent of Chapter.

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

1. To encourage the development of economically sound and stable communities;
2. To ensure the provision of required streets, utilities, and other facilities and services to new land developments;
3. To ensure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land developments;
4. To ensure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, and other public purposes; and
5. To ensure, in general, the wise development of new areas, in harmony with the Comprehensive Plan of the City of South Fulton.

Sec. 5-2002. Platting authority.

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


(a) The Community Development Director shall prepare and recommend to the City Council for adoption regulations governing the subdivision of land within the City of South Fulton. This Title may provide for the harmonious development of the City; for the coordination of streets within subdivisions with other existing or planned streets or official map streets; for the size of blocks and lots; for the dedication or reservation of land for streets, school sites, and recreation areas and of easements for utilities and other public services and facilities; and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, prosperity, or general welfare.
The subdivision regulations may include requirements as to the extent to which and the manner in which streets shall be graded, surfaced, and improved, and water, sewers, septic tanks, and other utility mains, piping, connections, or other facilities shall be installed as a condition precedent to the approval of the plat. The subdivision regulations may provide that, in lieu of the completion of any work and installations previous to the final approval of a plat, the City Council may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the City of South Fulton the actual construction and installations of such improvements and utilities within a period specified by the Community Development Department and expressed in the bond; and the City Council shall enforce the bonds by all appropriate legal and equitable remedies. The City Council may adopt and amend any land subdivision regulations after a public hearing thereon, at least 15 days' notice of the time and place of which shall have been published in a newspaper of general circulation in the City.

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

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

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

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

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

From and after the time when the City Council shall have attached by virtue of the adoption by the Mayor and City Council of a major street plan and the adoption by the City Council of a set of land subdivision regulations, the City Council shall not accept, lay out, open, improve, grade, pave, or light any street or lay or authorize the laying of any water mains, sewers, connections, or other facilities or utilities in any street within the City of South Fulton unless the street shall have been accepted or opened as, or shall otherwise have received the legal status of, a public street prior to the acceptance by the City Council, or unless the street corresponds in its location and lines with a street shown on an approved subdivision plat; however, the City Council may locate and
construct or may accept any other street if the resolution or other measure for such
approval be first submitted to the Community Development Department for its review
and comment. Such street shall have the status of an approved street as fully as though
it had been originally shown on an approved subdivision plat.

Sec. 5-2007. Erection of buildings.

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

Sec. 5-2008. Additional Applicable Regulations.

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

CHAPTER 3. TRANSFER OF DEVELOPMENT RIGHTS

Sec. 5-3001. Purpose and intent.

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

Sec. 5-3002. Applicability of regulations.

The provisions of this Chapter apply only to that portion of the City of South Fulton
bordered to the west by the Chattahoochee River, to the south by the City of
Chattahoochee Hills, and to the east by Cascade-Palmetto Highway (SR 154),
referenced formally in the Fulton County 2035 Comprehensive Plan as the Cedar Grove
Agricultural Overlay District character area. Compliance with all other applicable City of
South Fulton ordinances, regulations and resolutions is required; however, when in conflict, the provisions of this Chapter shall prevail.

Sec. 5-3003. Transfer of development rights.

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

Sec. 5-3004. Sending areas.

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

Sec. 5-3005. Receiving areas.

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

Sec. 5-3006. Eligibility.

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

1. Any parcel from which all development rights have previously been sold or transferred;
2. Any parcel on which a conservation easement (legally binding agreement between a property owner and a governmental body or charitable organization qualified under O.C.G.A. § 44-10-2(2) that restricts the type and amount of development and use that may take place on a property) or other permanent deed restriction has been previously granted;
3. Any parcel fully developed based on its existing zoning;
4. Any parcel or portion of a parcel that has been designated as open space (land on which no additional development associated with residential, industrial or commercial purposes is allowed, except in compliance with this Chapter and other
zoning and planning regulations adopted herein) in a hamlet or conservation subdivision;

(5) Any publicly owned parcel; and

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

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

An eligible landowner or authorized representative must provide the following:

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

(2) Proof of ownership of the sending property;

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

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

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

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

Sec. 5-3008. Calculation of development rights.

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

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

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

(1) Residential:

Total number of proposed residential units in the receiving area (living working) minus the total gross acreage of the area to be developed (excluding the acreage required for
the 300-foot rural protection development setback) = Total number of acres to be preserved in the sending areas

Example #1:

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

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

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

(2) Commercial:

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

Example #1:

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

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

Sec. 5-3010. Appeal of calculation.

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

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

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

Sec. 5-3012. Appeal of transfer decision.

Any appeal or other legal challenge to the City Council’s final decision regarding a transfer of development rights shall be pursued by Petition for Writ of Certiorari filed with the Superior Court of Fulton County within 30 days of the date of the City Council’s decision in accordance with State Law.
Sec. 5-3013. Recordation of transfer of development rights transactions (sending areas).

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

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

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

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

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

1. A metes and bounds written legal description and plat prepared by a licensed surveyor;
2. Prohibitions against the use and development of the sending area property which are inconsistent with open space as defined in this Chapter;
3. Assurances that prohibitions will run with the land and bind the landowner and every successor in interest to include a statement that the easement shall survive any merger of the easement interest and the fee simple interest of the property;
4. The serial numbers of the TDRs being transferred in the deed of transfer from the sending area property subject to the conservation easement; and
5. A statement that nothing in the easement shall be construed to convey to the public a right of access or use of the property and that the owner of the property, his heirs, successors and assignees will retain exclusive right to such access or use subject to the terms of the easement.
(c) Sufficiency of documents. Prior to the recordation of the deed of transfer and the conservation easement, parties to the transaction must obtain an opinion from a licensed Georgia attorney that the deed and easement have been executed by all necessary parties and is perpetual and binding on the property owner and every successor in interest. A copy of this document shall be provided to the City.

(d) Re-issuance of TDR certificates. In the event of the transfer of fewer than all of a landowner's development rights, the landowner must return the original TDR certificate to the Community Development Department upon the recordation of the conservation easement and deed of transfer. The landowner must provide a copy of the deed of transfer that contains the serial numbers of the development rights transferred. Within 95 days of the receipt of the complete TDR certificate, the Community Development Department shall reissue a certificate to the landowner reflecting the remaining TDRs and the corresponding serial numbers.

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

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

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

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

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

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

Sec. 5-3016. Organization of the bank.

The bank shall be directed and managed by a bank board to consist of five members who shall be residents of the City of South Fulton, nominated by the Community Development Director and approved by the Mayor and City Council. Specifically, one member shall be experienced in the banking or financial industry, one member shall be a private landowner in the Cedar Grove Agricultural Area, one member shall be experienced in the legal industry, one member shall represent a conservation organization, and one member shall be a representative from the real estate development industry. The terms of office for the bank board members shall be four (4) years and staggered.
Three (3) members shall constitute a quorum. A majority vote shall be required for any action before the bank board.

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

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

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

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

c. Purchase, receive, sell or hold TDRs;

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

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

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

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

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

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

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

c. Development pressures on the land;

d. Price of the development rights;

e. Pre-existing perpetual restrictions against development;

f. Proximity to other properties with easement restrictions for the purpose of creating large, contiguous tracts of conserved land;
g. Environmental assessments; and

h. Other factors of public interest determined by the bank board.

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

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

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

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

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

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

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

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

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

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

Within 90 days of notification, the bank board may exercise the right of first refusal by acquiring either the development rights or the property in fee simple at a price which is equal to any bona fide offer which has been tendered to the landowner or the appraised fair market value, if an offer has not been tendered, plus $1.00.
CHAPTER 4. RESERVED.

CHAPTER 5. - PLANNING COMMISSION

Sec. 5-5001. - Duty.

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

Sec. 5-5002. -Membership; terms.

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

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

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

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

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

(d) Qualifications.

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

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

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

(e) Removal.
Section 5-5003. - Planning commission and City Council to adopt rules of procedures.

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

Sec. 5-5004. - Voting.

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

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

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

CHAPTER 6. – ZONING BOARD OF APPEALS
Sec. 5-6001. - Membership; terms.

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

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

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

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

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

(d) Qualifications.

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

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

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

(e) Removal.

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

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

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

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

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

Sec. 5-6003. - Rules of procedure.

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

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

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

Sec. 5-6005. - Secretary.

The Community Development Services Director, or his or her designee within
Community Development Services Department, shall serve as secretary of the zoning
board of appeals. The secretary shall provide support to the zoning board of appeals as
reasonable and necessary to accomplish said board’s duties. The secretary of the
zoning board of appeals shall provide the members of the zoning board of appeals all
information submitted to, or generated by, City staff on each proposed amendment,
which the zoning board of appeals considers, including: a copy of the application and all
supporting materials; all other written communications given to the staff either in support
of or in the opposition to the amendment; any decision of the board; the minutes, if any,
of the board meeting; and any filings made by any party that appears before the board. The secretary shall be responsible for transmitting the records of the zoning board of appeals to the City Clerk.

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

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

Sec. 5-6008. - Testimony.

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

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

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

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

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

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

(c) Appeal stays all legal proceedings. An appeal stays all legal proceedings in furtherance of the action appealed from unless the official from whom the appeal is taken certifies to the board, after notice of appeal has been filed, that by reasons of facts stated in the certificate, a stay would, in that official's opinion, cause imminent peril...
to life and property. In such a case, proceedings shall be stayed only by a restraining order granted by the Superior Court of Fulton County.

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

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

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

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

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

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

Sec. 5-6010. - Compliance with standards upon denial.
In such case that an application to the board is initiated due to an existing violation of this chapter and such application is denied, the violation shall be required to be corrected within ten to 30 days of such denial or as specified by the board if a greater time period is required. The maximum extension of time the board may grant for correction shall not be less than 30 nor more than 90 days.

Sec. 5-6011. - Successive applications.

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

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

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

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

(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.

(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.

(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.

Section 3. All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.
Section 4. 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.

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

Section 6. Instruction to City Clerk. The City Clerk is hereby directed to forward a copy of this ordinance to the City Community Development Department, Planning Commission, City Zoning Consultant and Zoning Board of Appeals.
The foregoing ORDINANCE No. 2018-047, 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”

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<td>William “Bill” Edwards, Mayor</td>
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THIS ORDINANCE adopted this ________ day of _________2018. CITY OF SOUTH
FULTON, GEORGIA.

“SECOND READING”

_____________________________
WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

_____________________________
MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

_____________________________
EMILIA C. WALKER, CITY ATTORNEY
SUBJECT: Ord2018-048 Adopting Zoning Resolution as Appendix C

DATE OF MEETING: 11/27/2018

DEPARTMENT: Attorney

ATTACHMENTS:

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<td>Ord2018-048 Adopting Zoning Resolution as Appendix C</td>
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STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON

ORDINANCE NO 2018-048

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

(Sponsored by Councilmembers Rowell and Gilyard)

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the duly elected governing authority of the City is the Mayor and Council thereof ("City Council");

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

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

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

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

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

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

Section 2. It is hereby declared to be the intention of the Mayor and Council that: (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.
(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 Resolution.

(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 the Ordinance.

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

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

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

Section 6. Instruction to City Clerk. The City Clerk is hereby directed to forward a copy of this ordinance to the City Community Development Department, Planning Commission and Zoning Board of Appeals.
The foregoing **ORDINANCE No. 2018-048**, 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:

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Mark Baker, Mayor Pro Tem
Catherine Foster Rowell
Carmalitha Lizandra Gumbs
Helen Zenobia Willis
Gertrude Naeema Gilyard
Rosie Jackson
khalid kamau
THIS RESOLUTION adopted this ______ day of _______2018. CITY OF SOUTHERN FULTON, GEORGIA.

“SECOND READING”

___________________________________
WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

__________________________________
MARK MASSEY

APPROVED AS TO FORM:

_________________________________
EMILIA C. WALKER, CITY ATTORNEY
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.
ARTICLE III. - DEFINITIONS

3.1 - Scope.

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

3.2 - Use and interpretation.

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

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

3.3 - Definitions.

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

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

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

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

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

Administrative Variance. A request for relief from: 1) the standards contained in Article 34, Development Regulations, 2) a request to reduce the 10 foot improvement setback adjacent to buffers or 3) a request for 10 percent reduction of parking spaces as required in Article 18.2.4.
Adult Bookstore. An establishment or facility licensed to do business in South Fulton having a minimum of 25 percent of its stock in trade, for any form of consideration, any one or more of the following materials:

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

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

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

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

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

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

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

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

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

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

Amateur Radio Antenna. Radio communication facility that is an accessory structure to a single family residential dwelling operated for non-commercial purposes by a Federal Communication Commission licensed amateur radio operator. The term antenna shall include both the electronic system and any structures it is affixed to for primary support.
Antenna. Any exterior apparatus designed for telephone radio, or television communications through the sending and/or receiving of electromagnetic waves.

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

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

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

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

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

Automotive Garage. See Garage, Automotive Repair.

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

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

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

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

Barbed Wire. Barbed wire, also known as barb wire, is a type of fencing wire constructed with sharp edges or points arranged at intervals along the strand(s). Barbed wire may be straight or concertina style (formed in coils). This type of fence material is commonly used for agricultural and security purposes.
Basement. A level below a floor of a building with a minimum of one-half (½) of the total wall area below grade. A basement is not a story. The term basement is synonymous with cellar.

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

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

Berm. A planted earthen mound.

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

Board. South Fulton City Council.

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

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

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

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

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

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

Building. Any structure with a roof, designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.
Building Line. A building line is one which is no closer to a property line than the minimum yard (setback) requirements.

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

3.3.3 C

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

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

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

Cellar. See basement.

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

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

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

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

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

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

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

Cluster-style Mailbox. A style whereby mailboxes, meeting the specifications of the United States Postal Service (USPS) with the inscription plainly legible "U.S. MAIL" and "APPROVED BY THE POSTMASTER GENERAL" are assembled and grouped together on a single area of land so that they are regarded as one unit. Cluster-style mailboxes must be manufactured cluster-style mailboxes approved by both the City and the USPS.
Cluster-style Mailbox Kiosk. Cluster-style mailbox units built into a larger structure exhibiting the architectural style and building materials typical of the neighborhood/development.

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

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

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

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

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

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

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

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

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

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

Courtyard. An open air area, other than a yard, that is bounded by the walls of a building. Courtyards are used primarily for supplying pedestrian access, light, and air to the abutting building(s). Site furniture, lighting and landscaping are appropriate for
courtyards. Vehicular access allowed for unloading and loading only. No vehicular
parking or vehicular storage is allowed.

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

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

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

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

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

3.3.4 D

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

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

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

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

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

*Development, Duplex.* A development of duplexes.

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

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

*Development of Regional Impact (DRI) Study.* A review by the Atlanta Regional
Commission and the Georgia Regional Transportation Authority of large scale projects
that are of sufficient size that they are likely to create impacts beyond the jurisdiction in which each project will be located.

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

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

Development, Townhouse. A development of townhouse dwelling units.

Director. Director of Community Development.

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

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

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

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

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

Driveway. A vehicular access way.

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

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

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

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

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

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

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

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

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

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

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

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

**3.3.6 F**

**Family.** Family means one or more persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship, or up to four unrelated persons, occupying a dwelling unit and living as a single housekeeping unit, as distinguished from persons occupying a rooming, boarding or lodging house, or a hotel. A group residence which falls under the definition of a family, but does not require a Use Permit for a Group Residence (Article 19.4.20, 19.4.20(1), and/or 19.4.20(2)), shall comply with applicable federal, state and local licensing requirements and shall not be located closer than a quarter mile to the nearest property line of another group residence.
**Family Day Care Home.** A Home Occupation in which shelter, care, and supervision are provided for 6 or fewer persons on a regular basis. A Family Day Care Home may provide basic educational instruction.

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

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

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

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

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

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

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

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

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

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

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

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

7. **Flood Elevation Study.** An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.
(8) Flood Boundary and Floodway Map. An official map of South Fulton on which FEMA has delineated the various flood boundaries, the floodway fringe, and the floodways.

(9) Flood Fringe. That area contained by the flood boundaries exclusive of the regulatory floodway.

(10) Flood Insurance Rate Map (FIRM). The official map of South Fulton on which FEMA has delineated the risk premium zones.

(11) Flood Insurance Study (FIS). A compilation of flood related data obtained from the flood studies for the unincorporated areas of South Fulton, Georgia, prepared by FEMA.

(12) Flood Plain. Lands subject to flooding, which have a one percent probability of flooding occurrence in any calendar year; the 100-year flood plain is shown on the Flood Boundary and Floodway Map. Also referred to as area of moderate Flood Hazard.

(13) Flood Prone Area. Areas shown on the Flood Insurance Rate Map as "Zone B" (zone where the contributing drainage area is less than one square mile) and which are determined by the Department of Public Works to be a hazard to adjacent properties or development in the event of the base flood.

(14) Flood Proofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(15) Floodway. See Regulatory Floodway.

(16) Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of flood plain management.

(17) Functionally Dependent Use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

(18) I.R.F. Elevation. See "Base Flood Elevation."

(19) Lowest Floor. The lowest minimum floor including basement and attached garage.

(20) Map. The Flood Boundary and Floodway Map or the Flood Insurance Rate Map.

(21) Mean Sea Level. For purposes of Flood Plain Management, the National Geodetic Vertical Datum (NGVD) of 1929.

(22) Mobile Home. See Mobile Home under "M" headings in main text of Definitions.

(23) Mobile Home Park/Mobile Home Subdivision. A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including at a minimum the installation of utilities, either
final site grading or the pouring of concrete pads and construction of streets) was completed on or after April 5, 1972.

(24) NGVD. National Geodetic Vertical Datum.

(25) New Structure. Any proposed structure which does (did) not have a valid building permit prior to the effective date of this resolution. Note: This resolution was adopted on March 11, 1955. Records suggest that flood plain management provisions were first adopted on April 5, 1972.

(26) Regulatory Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(27) Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, or brook.

(28) Special Flood Hazard Area. Those lands subject to periodic flooding and shown on the "Flood Insurance Rate Map" as a numbered or unnumbered "A" zone.

(29) Start of Construction. The first placement of permanent construction of a structure, excluding a mobile home, on a site, such as the pouring of slabs or footing or any work beyond excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways. Excavation for a basement, footings, piers or foundations, and the erection of temporary forms are not permanent forms of construction. The installation of accessory buildings, such as garages and sheds, apart from the main structure also fail to qualify as permanent construction.

(30) Start of Construction. For any structure, except mobile home, which has no basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its park or mobile home subdivision. For a mobile home, "start" means the date on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of pads, and installation of utilities) is completed.

(31) State Coordinating Agency. The Flood Plain Management Coordinator of the Georgia Department of Natural Resources.

(32) Structure. All walled and roofed buildings, storage tanks and other structural improvements located principally above ground.

(33) Water Surface Elevation. The relationship between the projected heights and the NGVD reached by floods of various magnitudes and frequencies in the flood plains.

*Floor Area, Gross.* The sum of all floors of a structure as measured to the outside surfaces of exterior walls or the center of connected or common walls, including common public areas, such as lobbies, rest rooms and hallways, spaces devoted
exclusively to permanent mechanical systems, permanent storage areas, stairwells, elevator shafts, but excluding internal parking and loading areas, attics, porches, balconies and other areas outside of the exterior walls of the building. Gross floor area is used to determine the building sizes for all but single-family dwellings and to determine required parking when floor area is the designated measure for a use. Commonly referred to as Floor Area. (Amended 7/5/89)

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

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

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

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

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

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

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

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

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

Garage, Automotive Repair. A use primarily for the repair, replacement, modification, adjustment, or servicing of the power plant or drive-train or major components of automobiles and motorized vehicles. The repair of heavy trucks and equipment shall not be included in this use. The use may include paint and body shops. The outside storage of unlicensed and unregistered vehicles is prohibited as part of this use.
Garage, Truck and Heavy Equipment Repair. A use which may provide a full-range of repairs and services including major overhauls on trucks and heavy equipment. Includes paint and body shops. Allowed in M-I and M-2 (Heavy Industrial) Districts.

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

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

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

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

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

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

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

1. Water quality protection for rivers, streams, and lakes;
2. Flood protection;
3. Wetlands protection;
4. Reduction of erosion through protection of steep slopes, areas with erodible soils, and stream banks;
5. Protection of riparian buffers and other areas that serve as natural habitat and corridors for native plant and animal species;
6. Scenic protection;
7. Protection of archaeological and historic resources;
8. Provision of recreation in the form of boating, hiking, camping, fishing, hunting, running, jogging, biking, walking, and similar outdoor activities; and
9. Connection of existing or planned areas contributing to the goals set out in this paragraph.
Group Residence/Shelter. A state licensed 24-hour residential facility functioning as a single housekeeping unit for the sheltered care of persons with special needs which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services and transportation. Bedroom suites shall not include kitchen facilities. For purposes of this Resolution, group residence/shelter shall not include those facilities which exclusively care for children under the age of 17. A group residence shall comply with applicable federal, state and local licensing requirements and shall not be located closer than a quarter mile to the nearest property line of another group residence.

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

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

3.3.8 H

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

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

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

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

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

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

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

Hospital. The provision of in-patient health care for people, including general medical and surgical services, psychiatric care and specialty medical facilities. Out-patient facilities are normally included.
Hotel/Motel. A building in which lodging and/or boarding is provided for fewer than 30 days. The term may include a restaurant in conjunction therewith and may also mean tourist court, motor lodge and inn.

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

3.3.9 I

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

Identification Monument. See Article 33, Signs.

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

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

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

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

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

3.3.10 J


3.3.11 K

Kennel. A use for the shelter of domestic animals where the shelter of these animals involves an exchange of revenue in which a business license is required. If the kennel is a non-business operation, its use may be certified by the South Fulton Animal Control Office.
3.3.12 Lamp. The component of an outdoor luminaire that produces light.

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

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

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

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

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

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

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

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

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

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

Light, Direct. Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of luminaire.
Light, Fully-shielded. Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

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

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

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

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

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

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

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

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

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

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

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

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

Lot-of-Record. A lot, whether lawful or unlawful, which appears on a deed and/or plat recorded in the official records of the Clerk of Superior Court.
Lot, Unlawful. Any lot-of-record which, at the time of recordation in the official records of the Clerk of Superior Court, was not in compliance with zoning and subdivision laws in effect at that time.

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

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

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

3.3.13 M

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

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

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

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

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

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

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

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

Mobile Home Park. Use of property for two or more mobile homes for living purposes, and spaces or lots set aside and offered for use for mobile homes. Does not include mobile home sales lot.
Model Home. A dwelling unit used for conducting business related to the sale of a
development.

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

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

Motel. See Hotel/Motel.

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

3.3.14 N

Nadir. The point directly below the luminaire defined as 0 degrees vertical angle.

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

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

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

3.3.15 O

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

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

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

On-Site/Premise. The location of a structure or use within the confines of a property
delineated by property lines or, if referenced in a zoning or use permit case, within the
confines of the boundaries of the legal description filed with the petition.
Office, Temporary. A mobile, manufactured or other structure which is used as an office for real estate sales, on-site construction management and related functions. Requires an administrative permit under Temporary Structures.

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 other than required landscape strips and buffers, pathways/walkways, fields, and sensitive environmental areas such as wetlands, etc. Detention facilities and platted residential lots shall not be included in open space calculations.

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

3.3.16 P

Parcel. See lot.

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

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

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

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

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

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

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

Plant Nursery. Any land used to raise trees, shrubs, flowers and other plants for sale or transplanting, but not including the retail sale of any related garden supplies such as chemical fertilizer, tools and other similar goods and/or equipment, or the retail sale of plants not grown on the property except with an approved Use Permit for Landscaping Business, Plant Nursery, or Garden Center with Indoor Retail Component.
**Plat, Final.** A finished drawing of a subdivision which provides a complete and accurate depiction of all legal and engineering information required by the Subdivision Regulations. Certification is necessary for recording.

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

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

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

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

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

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

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

**Protected Zone.** All lands that fall outside the buildable area of a parcel, all areas of a parcel required to remain in open space, all areas required as landscape strips and/or
buffers (including zoning buffers, state water buffers and tributary buffers) and all tree
save areas according to the provisions of the South Fulton Zoning Resolution, conditions of zoning, use permit or variance approval, and/or the Tree Preservation Ordinance.

3.3.17 Q

Reserved.

3.3.18 R

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

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

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

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

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

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

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

*Recycling Center, Reprocessing.* A facility, in which recyclables, such as
newspapers, magazines, cardboard, books and other paper products; glass; metal
cans; and other products, are recycled, reprocessed and treated to return such products
to a condition in which they may again be used in new products. The Recycling Center,
Reprocessing use is allowed in the C-2 (Commercial) and M-1A (Industrial Park) districts with a Use Permit. The reprocessing or storage, bailing or otherwise dealing in scrap irons or other metals, used cloth, plumbing fixtures, appliances, brick, wood or other building materials; and the storage or accumulation outside of a storage building of used vehicle tires or tire carcasses is prohibited. A recycling center is not to be considered a landfill.

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

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

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

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

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

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

**Retreat.** See Lodge.

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

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

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

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

**3.3.19 S**

**Salvage/Storage/Junk Facility.** Any use involving the storage or disassembly of wrecked or junked automobiles, trucks or other vehicles; vehicular impound lots; storage, bailing or otherwise dealing in scrap irons or other metals, used paper, used cloth, plumbing fixtures, appliances, brick, wood or other building materials; and the storage or accumulation outside of a storage building of used vehicle tires or tire carcasses which cannot be reclaimed for their original use. Such uses are storage and/or salvage facilities whether or not all or part of such operation is conducted inside
or outside a building or as principal or accessory uses. The Salvage/Storage/Junk Use Permit. State approval is required for all sites utilized for reclamation and/or disposal of toxic and/or hazardous waste.

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

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

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

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

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

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

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

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

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

Senior housing. A single family or multi-family development intended for, operated for and designed to accommodate residents 62 years of age and older. Senior housing communities are designed for seniors to live on their own, but with the security and conveniences of community living. Some provide communal dining rooms and planned recreational activities (congregate living or retirement communities), while others provide housing with only minimal amenities or services.
Service Commercial Use. A business whose primary purpose is to provide a service.

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

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

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

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

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

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

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

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

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

The message area of an identification monument sign shall be delineated by a polygon touching the extremities of all representations thereon as shown on Illustration XXXIII-3. For V-shaped signs, the sign area shall be composed of the total area of both faces if the faces meet at an angle of 90 degrees or more, or the total area of the larger
face if less than 90 degrees. The area of signs with more than two faces shall be one half of the sum of the area of all faces.

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

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

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

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

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

Sign Height. See Height, Sign.

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

Sign, Illumination of. See Illumination.

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

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

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

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

Sign, Temporary. Any sign that is used only temporarily and is not permanently mounted.
Sign, Vehicle. A vehicle with sign(s) permanently painted, attached or magnetically designed to be affixed to a vehicle for the purpose of providing advertisements of products, services or events or directing people to a business or activity. Trailers or non-motorized vehicles are not to be classified as vehicles with signs.

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

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

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

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

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

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

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

Special Event. An event or happening organized by any person or organization which will generate or invite considerable public participation and/or spectators for a particular and limited purpose of time, including, but not limited to, special sales and service promotions, car shows, arts and crafts shows, horse shows, carnivals, festivals, exhibitions, circuses, fairs, show houses and tours of homes for charity. Special events are not limited to those events conducted on the public streets but may occur entirely on private property. Special events may be for profit or nonprofit. Events which will occur in the public right-of-way, such as roadway foot races, fundraising walks, bike-a-thons, parades, etc. are subject to the approval of the South Fulton Police Department. For special events local in nature and marketed only to the local community which anticipate less than 250 attendees at any one time, see administrative permit (Article 19.3.3. Event, Special Indoor/Outdoor). See use permit (Article 19.4.19. Festivals or Events, Outdoor/Indoor) for special events marketed to populations outside the local community where organizer anticipates 250 attendees or more at any one time. The director shall make the final determination of the appropriate category.
Specified Anatomical Areas. Less than completely and opaquely covered human genitals, pubic regions, buttocks, or female breasts below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

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

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

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

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

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

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

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

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

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

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

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

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

Collector Road - Any roadway that has partial or no access control and has more emphasis on access to adjacent land over mobility than arterials. The primary purpose is to distribute trips to and from the arterial system to their destination points and allow access to the local roads.
Local Road - Any roadway that has no access control and places strong emphasis on access to adjacent land over mobility while service to through traffic is discouraged.

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

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

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

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

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

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

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

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

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

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

3.3.20 T

Tenant Panels. An on-premise sign panel(s) that list the name of tenants within a shopping center or development which the primary sign identifies.
Thoroughfare, Major. Any street which is classified in the Transportation Element of the Comprehensive Plan as either a freeway, an arterial or a major collector.

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

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

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

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

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

Truck Stop. Any business, premises, or land in which or upon which a business, service or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities primarily for the use of truck crews.

Trucks/trailers shall have current registration and license plates with decal. (Permitted M-2 Heavy Industrial District).

3.3.21 U

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

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

Use, Principal. The primary or main purpose or function of a lot or structure.

Synonymous with Main and Primary.

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

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

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

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

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

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

3.3.23 W

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

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

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

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

3.3.24 X

Reserved.

3.3.25 Y

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

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

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

Yard, Rear. The rear yard is the minimum required distance between the rear lot line and a structure. True triangular lots do not have rear yards. Lots with more than one front lot line do not have rear yards. The Director of Community Development or his/her designee shall make the final determination of rear yards when in dispute or undefined by this definition.
Yard, Sale. The sale or offering for sale of more than one (1) article of tangible personal property at retail or wholesale pricing on property which is located in any residential zoning district as defined by the Fulton County Zoning Resolution. Common areas of a residential development or community are included. All sales entitled: garage sale; tag sale; porch sale; lawn sale; attic sale; basement sale; rummage sale; flea market sale or any similar casual sale of tangible personal property are included. Yard sales do not require a permit but are limited to no more than two (2) sales per calendar year on the same property.

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

3.3.26 Z

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

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

ARTICLE IV. - GENERAL PROVISIONS

4.1 - Scope and intent.

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

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

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

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

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

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

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

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

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

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

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

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

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

A. Uses and structures permitted in yards. In addition to uses which may be provided for, conditioned or excluded from yards by other sections of this resolution, yards may be used for driveways, signs, at-grade parking, loading areas, fountains, flag poles, yard ornaments not to exceed four feet in height, walls, fences, walkways, lawns, buffers, landscape areas, underground utilities, well houses, storm water management facilities and tree preservation areas. No
part of any yard or use made thereof shall serve the requirements for any other lot or structure.

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

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

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

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

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

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

4.2.7 Lots with well and/or septic tank. Any lot upon which both an individual well and septic tank/drain field are utilized shall be governed by regulations of the South Fulton Health Department. Lots utilizing both a well and a septic tank shall be not less than one acre in size. Any lot proposed to be served by either a well or a septic tank/drain field shall comply with the larger of the minimum lot area required by the health code or the minimum required for the district in which the lot is located.
4.2.8 Multiple zoning. Whenever a lot is zoned for more than one single family dwelling district or zoned a single family district(s) and AG-1, the district which comprises the largest area shall control the development standards for that lot.

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

4.3 - Exceptions.

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

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

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

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

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

1. No nonconforming use shall be enlarged, increased or extended to occupy a greater area of land than that which was occupied at the time use became nonconforming;
2. No nonconforming use shall be moved in whole or in part to any other portion of the lot not occupied by such use at the time the use became nonconforming; and

3. If any nonconforming use of land ceases for a period of more than one year, any subsequent use of such land shall comply with this resolution.

C. Nonconforming use of structures. If a lawful use of structure, or of a structure and lot in combination, exists at the effective date of adoption of this resolution or its subsequent amendment that would not be allowed under provisions of this resolution as adopted or amended, the use may be continued so long as it complies with other regulations, subject to the following conditions:

1. No existing structure devoted to a use not permitted by this resolution shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a permitted use;

2. Any nonconforming use may be extended throughout any part of a building which was arranged or designed for such use at the time the use became nonconforming, but no such use shall be extended to occupy any land outside such building;

3. If no structural alterations are made, any nonconforming use of a structure or structure and land may be changed to another nonconforming use of the same or more restrictive nature;

4. When a nonconforming use of a structure or a structure and land in combination is replaced with a conforming use, such structure or land may not later revert to a nonconforming use;

5. When a nonconforming use of a structure or structure and land in combination is discontinued or abandoned for one year, the structure or structure and land in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located; and

6. A nonconforming use of a structure and/or a nonconforming use of land shall not be extended or enlarged by attachment to a building or land of additional signs which can be seen from off the land or by the addition of other uses of a nature which would be prohibited generally in the district.

D. Nonconforming structures. When a structure exists on the effective date of adoption of this resolution or its amendments that could not be built under the terms of this resolution because of restrictions on building area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may remain as long as it complies with all other zoning regulations, subject to the following conditions:

1. No structure may be enlarged or altered in a way which increases its nonconformity;

2. Destruction, by any means, of more than sixty percent of the gross square footage of a structure shall require that the structure be reconstructed in conformity with the provisions of this resolution;
3. Any structure which is moved, for any reason and for any distance whatever, shall conform to the regulations for the district in which it is located.

4. Telecommunications Facilities.
   a. All telecommunication facilities existing on the effective date of this resolution shall be allowed to continue to be used as they presently exist.
   b. Routine maintenance (including modifications to accommodate the colocation of an additional user or users) shall be permitted on existing telecommunication facilities.
   c. Replacement of antennas on a structure with different antennas shall be considered routine maintenance so long as the replacement antenna(s) does not increase the height of any existing structure.

E. Rezoning Which Results in Nonconforming Structures.

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

1. The approval of the rezoning by the City Council shall automatically adjust minimum/maximum yards to the extent necessary for existing structures to comply.
2. All new construction, expansions or additions shall comply with the minimum yard requirements of the new district.
3. Buffers and landscape areas shall be established by conditions of zoning which shall have precedence over the district standards contained in section 4.23.
4. Destruction or removal of buildings which preexisted rezoning shall reinstate the development standards of the then applicable district provisions of this Zoning Resolution.

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

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

4.3.2 Model homes. Dwelling units may be utilized for sales offices and/or model homes as long as two or more lots and/or dwelling units in the development have not undergone an initial sale or lease by the builder.
4.3.3 Height limits. The zoning districts’ maximum height limitations for structures shall not apply to the following:

A. Church spires and belfries.
B. Water storage tanks.
C. Cooling towers.
D. Chimneys.
E. Mechanical penthouses located on roofs.
F. Smokestacks.
G. Flag poles.
H. Silos and grain elevators.
I. Fire towers.

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

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

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

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

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

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

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

   Outdoor fireplaces and outdoor uncovered kitchens, whether stand-alone or constructed as a part of a patio, retaining wall or other structure, may only be located in the rear yard and may extend no more than 10 feet into the
minimum rear yard. In no case shall an outdoor fireplace be located closer than 10 feet to a property line.

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

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

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

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

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

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

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

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

Mailbox structures along roadways with posted speed limits of 35 miles per hour or less within platted subdivisions of the City shall be exempt from this provision. Landscaping shall be allowed within the public right-of-way with permission of the Georgia Department of Transportation or the Director of Community Development, or as specified in the tree preservation ordinance, as applicable. Signs and other structures belonging to the State of Georgia, South Fulton, or a railroad or utility are exempt from this provision.
4.4. - Large Scale retail/service commercial structures and developments 75,000 square feet or greater.

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

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

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

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

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

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

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

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

4.4.3. Site Design Guidelines and Requirements.

A. General Site Guidelines.
1. To the extent feasible, on site creeks should be integrated into the site as amenities.

2. New construction shall conform to the existing topography as much as possible subject to approval by the Director of Community Development.

3. Buildings shall be discouraged on sites with existing slopes greater than 33%. This condition may be amended as approved by the Director of Community Development.

4. Where retaining walls are required, they must be faced with stone, brick or decorative concrete modular block. Use of landscape timber as exterior treatment in retaining walls is prohibited. Retaining walls above 5 feet shall have evergreen plantings in front or as approved by the Director of Community Development.

5. Detention facilities are encouraged to be designed pursuant to the Alternative Design Standards described in the South Fulton Subdivision Regulations.

6. To the greatest extent practicable, design of a traditional detention facility shall follow the natural landforms around the perimeter of the basin.

B. Open Space.

1. A minimum of ten percent (10%) of the site shall be landscaped open space.

2. Each retail development shall contribute to the establishment or enhancement of the community and public spaces by providing at least two community amenities such as patio/seating area, water feature, clock tower, and pedestrian plazas or benches. Such features shall be constructed of materials that are the same or similar to those used for the principal buildings and landscape.

3. Square footage of community areas can be counted towards the minimum open space requirement.

C. Screening and Fencing.

1. Landscaping and fencing materials should be used to minimize visual and noise impact of parking, loading areas and accessory site features.

2. All loading areas shall be located to the rear or side of the building. Location should be restricted, however, to whichever location does not abut a residentially zoned property, if applicable. Loading areas shall be screened from view of any public street by a 5-foot berm, a continuous row of evergreen hedges 5 foot in height at the time of planting, or architectural treatment.

3. Refuse areas and receptacles shall be placed in the least visible location from public streets and shall be enclosed on 3 sides with opaque walls. The 4th side shall be a self-closing gate with an architectural finish. Opaque walls shall be a minimum of twelve inches higher than the receptacle. Wall
materials shall be noncombustible brick, stone, or split-faced concrete masonry.

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

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

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

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

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

D. Outdoor Storage and Display.

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

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

E. Buffer Standards.

1. Suburban Developments:
   a. All developments shall provide a minimum 25-foot wide landscape strip along all public streets, if buildings within the development do not front the street.
   b. A minimum 100-foot wide natural, undisturbed buffer with a 10-foot improvement setback shall be provided along any interior property line adjacent to a residential zoning and/or use. This buffer shall be
augmented with plantings if it does not achieve the intended visual screening.

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

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

2. Infill/Urban Developments:
   a. Developments are encouraged to place small retail storefronts on the public street.
   b. If buildings do not front a public street, all properties shall provide a minimum 15 foot-wide landscape strip along all public streets. The fifteen (15) foot-wide strip shall be planted with minimum 2" caliper hardwood over-story trees every 30' feet.
   c. A minimum 10-foot wide landscape strip shall be provided along any interior property line adjacent to a nonresidential zoning and/or use. This provision does not apply to individual lots within an overall development.
   d. A minimum 25-foot wide natural, undisturbed buffer with a 10-foot improvement setback shall be provided along any interior property line adjacent to a residential zoning and/or use. This buffer shall be augmented with plantings if it does not achieve the intended visual screening.

F. Landscaping.
   1. Specimen trees should be preserved to the extent possible.
   2. Large overstory street trees in the landscape strips shall be planted in asymmetrical groupings at a minimum density of one tree per 30 feet of street frontage.
   3. Street trees shall be a minimum of 2" caliper.
   4. Street trees shall be selected from the list provided in Appendix E of the South Fulton Tree Preservation Ordinance and Administrative Guidelines or as may be approved by the South Fulton Arborist.
   5. Street trees may be counted towards the required tree density for a site as approved by the South Fulton Arborist.

G. Parking Lot Landscaping Islands.
   1. Parking lot landscaping shall follow the standards within the South Fulton Zoning Resolution.
H. Landscape Installation and Maintenance.

1. Landscaping must be installed, or a landscape installation guaranty must be provided prior to the release of Certificate of Occupancy (CO), unless appropriate provisions are made to guarantee the installation of landscaping after such certificate is issued, such as approval by the Department of a bond for landscaping. The guaranty shall be stamped and signed by a registered landscape architect certifying that landscaping meets the standards of the South Fulton Tree Ordinance. Landscape plantings must be replaced if damaged or dead.

I. Sidewalks and Pedestrian Circulation.

1. Sidewalks or pedestrian paths are required along all public and private road frontages and may meander around existing trees subject to the approval of the South Fulton Arborist.

2. Pedestrian paths may be installed instead of sidewalks as approved by the E&CD Director.

3. Sidewalks shall be a minimum width of five feet.

4. Pedestrian paths shall be a minimum of 5 feet wide. They shall be made out of a hard surface material such as concrete, brick or pavers. Paths may be gravel or gravel dust as approved by the Community Development Director.

5. Sidewalks for all new projects should connect with existing walks, where applicable.

6. Pedestrian access should be provided to all entrances including access from rear parking areas.

7. Inter-parcel connectivity shall be required for multiuse, pedestrian paths and sidewalks.

8. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of color and durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

J. Parking.

1. Parking lots should be distributed around large buildings along not less than two facades (front, rear or sides) in order to shorten the distance to other buildings and public sidewalks.

2. A minimum of 50% of the required surface parking for out-parcels shall be located at the rear of the out-parcel building, interior to the overall development or facing the large retail parking lot.

3. No parking or loading area shall be used for the sale, repair, dismantling or servicing or storing of any vehicle, equipment, materials or supplies.
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.

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.

6. Urban Developments: On-street parking is allowed subject to the approval of the Director.

K. Architectural Standards.

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.

2. The location of a building should take into consideration its surroundings 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.

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.

L. Orientation.

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.

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.

3. Principal buildings should have articulated building entryways with greater architectural details, to include a minimum of two of the following elements:
   a. Decorative columns or posts
   b. Pediments
   c. Arches
   d. Brackets
   e. Transoms over doorways
   f. Sidelights
   g. Porticos
M. Height.

1. There shall be a maximum height limit of two stories with the maximum height 35 feet from average-finished grade to the bottom of the roof eave.

2. Urban/Infill Developments: Three story buildings with a height limit of 50 feet from average-finished grade to the bottom of the roof eave are permitted.

N. Scale.

1. For every one hundred feet of building length on a single face, visible from the public street, there shall be variation in the exterior. This exterior variation shall be accomplished through the following means:

   a. For each one hundred feet of building exterior wall, the building exterior and roof shall be offset.

   b. For each one hundred feet of building exterior wall, there shall be a change in details, or patterns or materials.

O. Building Material:

1. The exterior wall materials of all buildings shall consist of a minimum of 60% (per vertical wall plane) of the following: brick, stone, stucco, EIFS, solid plank, cementitious plank, or horizontal clapboard siding.

2. Accent wall materials on buildings shall consist of glass, architecturally treated concrete masonry, stone, EIFS, or stucco and shall not exceed 40% per vertical wall plane.

3. Prohibited exterior building facade materials are: metal panel systems, precast, smooth concrete masonry or plain, reinforced concrete slabs, aluminum or vinyl siding, plywood, mirrored glass, press-wood or corrugated steel (exceptions: mechanical penthouses & roof screens).

4. To the extent any rear or side of any building is adjacent to a public street or single family residence, architectural treatment shall continue through the rear or side.

P. Colors.

1. Permitted colors for exterior walls, building components, sign structures, accent and decorative elements shall be a specified by the appropriate overlay district.

2. If large scale retail establishment or development is not located in an overlay district, all aspects of a development should use colors common in the area and in nature. Earth-toned, subtle and muted colors provide for a development that incorporates sensitivity to its natural surrounding. High intensity colors shall be avoided.

Q. Roof.

1. Permissible roofs types are flat, gable, pyramidal, and hip. Shed roofs are permitted over porches, additions, and accessory structures.
2. Roof pitches shall be in the range of 4 over 12 to 12 over 12.

3. Roof pitch material shall be made out of the following materials: asphalt shingle, wood shingle, wood shake, standing seam metal, or materials designed to give the appearance of the above mentioned materials.

4. A decorative parapet or cornice shall be constructed along all roof lines with a lower pitch than specified in above.

5. 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.

R. Additional Requirements.

1. 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. Steel roll down curtains may be located in other areas if not visible from the front of a building or from a public street.

2. Neon lights outlining and/or detailing building features are prohibited.

3. Where additional stores will be located in a large retail establishment, each such store that is 5,000 square feet and greater shall have at least one (1) exterior customer entrance, which shall conform to the above requirements.

4.4.4. Adaptive Reuse of Properties And Store Closure. If an establishment remains empty for a period of 12 consecutive months the owner and/or lessee must work with South Fulton Economic Development Department to create a plan for the removal or adaptive reuse of the principal structure.

4.4.5. Vacancy Maintenance Requirements.

1. Owner shall provide security patrols on the site to deter vandalism or other illegal activities on the property.

2. Retail establishments that have been closed should be maintained at the standard of the occupied store, prior to store closure, this includes all parking lot surfaces and landscaping.

3. Building fenestration, including doors and windows cannot be boarded up.

4.5 - Accessory uses and structures.

4.5.1 Construction of accessories. Accessory structures shall be constructed concurrently with or subsequent to a principal structure.

4.5.2 Regulations applicable to selected accessory uses and structures. The following accessory uses and structures shall be restricted as stated herein:

A greenhouse accessory to a residential use shall be limited in size to one-third of the floor area of the principal dwelling.

4.5.3 Antennas. This provision shall apply to all antennas and towers except those that exceed the maximum height of the district in which they are located (19.3.1 and
19.4.3). Antennas and towers are accessory structures when erected on a residential lot in association with a residential use and must meet all accessory structure requirements for the district in which the antenna is located except that principal structure height requirements shall control. Antennas which are located on roofs shall be located only on that portion of the roof most closely associated with yard(s) for which accessory structures are allowed. In addition, an antenna shall be designed such that the entire structure will remain on the property or within a fall easement if it should fall.

4.6 - Refuse areas.

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

4.7 - Open.

4.8 - Animals.

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

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

A. At least 100 feet from the lot line of any residentially zoned or used property.
B. Located within the rear yard.

4.9 - Night sky ordinance.

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

4.9.2. Conformance With Applicable Codes. All outdoor illuminating devices shall be installed in conformance with the provisions of this ordinance, the Building Code and the Electrical Code as applicable and under appropriate permit and inspection. Where there is conflict between the provisions of this ordinance and other regulations, the most restrictive provision shall prevail.
4.9.3. Applicability. For all land uses, developments and buildings that require a permit, all outdoor lighting fixtures shall meet the requirements of this ordinance. All building additions or modifications of twenty-five (25) percent or more in terms of additional dwelling units, gross floor area, or parking spaces, either with a single addition or with cumulative additions subsequent to the effective date of this resolution, shall invoke the requirements of this ordinance for the entire property, including previously installed and any new outdoor lighting. Cumulative modification or replacement of outdoor lighting constituting sixty (60) percent or more of the permitted lumens for the parcel, no matter the actual amount of lighting already on a non-conforming site, shall constitute a major addition for purposes of this section.

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

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

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

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

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

4.9.4. Outdoor Lighting Standards. All nonexempt outdoor lighting fixtures shall meet the following criteria:
A. Shall be full cutoff placed so as to allow no light above the horizontal as measured at the luminaire, except as herein noted in this ordinance (as in the case of period fixtures, cutoff fixtures may be used).

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

<table>
<thead>
<tr>
<th>At Property Lines Including Rights-of-Way</th>
<th>Maximum Foot-candles</th>
</tr>
</thead>
<tbody>
<tr>
<td>At property line abutting a residential or an agricultural use</td>
<td>1.0</td>
</tr>
<tr>
<td>At property line abutting an office or institutional use</td>
<td>1.5</td>
</tr>
<tr>
<td>At property line abutting a commercial or industrial use</td>
<td>1.5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Off-Street Parking Lots</th>
<th>Minimum Foot-candles</th>
<th>Average Foot-candles</th>
<th>Maximum Foot-candles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential areas</td>
<td>0.5</td>
<td>2.0</td>
<td>4.0</td>
</tr>
<tr>
<td>Office-professional areas</td>
<td>1.0</td>
<td>3.0</td>
<td>6.0</td>
</tr>
<tr>
<td>Commercial areas</td>
<td>2.0</td>
<td>6.0</td>
<td>12.0</td>
</tr>
<tr>
<td>Light industrial areas</td>
<td>1.0</td>
<td>4.0</td>
<td>8.0</td>
</tr>
</tbody>
</table>

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

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

E. Multi use development lighting must conform to the standards of its respective use.
F. Illumination levels are measured from any height and orientation of the measuring device at any location along the property line, except the lighting of parking lots shall be measured at grade with the meter sensor held horizontally on the surface.

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

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

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

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

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

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

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

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

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

6. This Section 4.9.5 shall not be construed to overrule any standards established in any Overlay Improvement District or as established in Section 19.4.
B. **Service Station Canopies and Parking Structures.**

1. All luminaries mounted on or recessed into the lower surface of service station canopies and parking structures shall be fully shielded and utilize flat lenses.

2. The total light output of luminaries mounted on the lower surface, or recessed into the lower surface of the canopy, and any lighting within signage or illuminated panels over the pumps, shall not exceed 50 foot-candles.

3. The total light output of illuminated areas of a service station other than as detailed in 2. above shall not exceed 15 foot-candles.

4. Illuminance levels for the interior of parking structures, where interior lighting is visible from outside the structure, shall conform to the IESNA recommendation (RP-20).

5. Lights shall not be mounted on the top or sides of a canopy and the sides of a canopy shall not be illuminated.

C. **Security Lighting.**

1. Security lighting shall be directed toward the targeted area.

2. Sensor activated lighting must be located in such a manner as to prevent direct glare and lighting into properties of others or into a public right-of-way, and the light shall not be triggered by activity off the property.

D. **Pedestrian Path Lighting.**

1. Lighting post shall not exceed 16 feet from the finished grade.

E. **Architectural Accent Lighting.**

1. Fixtures used to accent architectural features, materials, colors, style of buildings, landscaping, or art shall be located, aimed and shielded so that light is directed only on those features. Such fixtures shall be aimed or shielded to minimize light spill into the dark night sky in conformance with the luminaire standards.

2. Lighting fixtures shall not generate glare, or direct light beyond the facade onto a neighboring property, streets or into the night sky.

F. **Temporary Lighting Permits.**

1. Permits for temporary lighting will be granted by the Department if the total output from the luminaries does not exceed 50 foot-candles and the following conditions apply:

   a. The purpose for which the lighting is proposed can be completed within thirty (30) days, except that the permit for a major construction project may extend to completion.

   b. The proposed lighting is designed in such a manner as to minimize light trespass and glare.
Permits issued for temporary recreational lighting shall be extinguished by 10:30 p.m.

2. The application for the Temporary Lighting Permit shall include, but not be limited to, the following information:
   a. Name and address of applicant and property owner;
   b. Location of proposed luminaire(s);
   c. Date and times for the lighting;
   d. Type, wattage and lumen output of lamp(s);
   e. Type and shielding of proposed luminaires;
   f. Intended use of the lighting;
   g. Duration of time for requested exemption;
   h. The nature of the exemption; and
   i. The means to minimize light trespass and glare.

G. Commercial Parking Areas.
   1. All lighting fixtures servicing parking lots, except floodlights, shall be cutoff fixtures, directed downward and not toward buildings or other areas.
   2. The minimum illumination level for a parking lot shall be 0.4 foot-candles at grade level and the ratio of the average illumination to the minimum illumination shall not exceed 4:1.
   3. Floodlights should be aimed or shielded to minimize uplight.
   4. Light poles used in parking lots shall not exceed 35 feet in height.

H. Street lights.
   1. All street light fixtures new, repaired (outside of normal maintenance) or replaced fixtures shall be cutoff.

4.9.6. Variances.
   A. Any person may submit an application to the Zoning Board of Appeals for a variance from the provisions of this ordinance. The application should include, but not be limited to, evidence about the following:
      1. How the proposed design and appearance of the luminaire are superior;
      2. How light trespass and glare will be limited;
      3. How the proposed solution will provide a benefit without negative impact on the health, safety, or welfare of the community.
   B. The application may include the recommended practices of the Illuminating Engineering Society of North America, a professional engineer, or other authority on outdoor lighting.
4.9.7. Submission of Plans and Evidence of Compliance. The applicant for any
permit required by any provision of the laws of South Fulton in connection with
proposed work involving outdoor lighting fixtures shall submit, as part of the application
for permit, evidence that the proposed work will comply with this ordinance. Even should
no other such permit be required, the installation or modification, except for routine
servicing and same-type lamp replacement of any exterior lighting, shall require
submission of the information described below. The submission shall contain but shall
not necessarily be limited to the following, all or part of which may be part or in addition
to the information required elsewhere in the laws of South Fulton upon application for
the required permit:

A. Plans indicating the location on the premises of each illuminating device, both
proposed and any already existing on the site.

B. Description of all illuminating devices, fixtures, lamps, supports, reflectors, both
proposed and existing. The description may include, but is not limited to catalog
cuts and illustrations by manufacturers.

C. Photometric data, such as that furnished by manufacturers or similar, showing
the angle of cut off of light emissions.

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

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

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

4.10 - Architectural treatment of common aggregate block.

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

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

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

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

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

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

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

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

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

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

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

   c. Razor wire is prohibited.

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

   a. All chain link fence shall be green or black vinyl coated;
b. All chain link fences shall be constructed with a top rail to ensure fence stability;

c. Barbed wire/razor wire use adjacent to the public right-of-way shall be installed in a straight strand manner, coiled/concertina style installation shall be prohibited.

5. Use of fabric as fence or screen. The use of fabric as a fence or screen is prohibited except as a windscreen around recreational courts.

6. Minimum landscape requirements. A minimum three-foot landscape strip shall be provided between a fence or wall and a public right-of-way.

E. Height. Fences and walls shall not exceed a height of eight feet from grade in residential districts. Column and ornament heights are permitted to exceed the maximum fence/wall height up to three feet.

F. Setback. Fences and walls shall be set back a minimum of three feet from a public right-of-way.

G. Retaining Walls. Retaining walls that are monolithically placed and structurally tied to a house or building foundation wall do not require a separate wall permit if said walls are shown on the plans for which a building permit was issued. All other retaining walls over 4 feet high require a permit if they were not shown and permitted on a Land Disturbance Permit. Walls 4 feet to 6 feet high can be permitted upon execution of an Owner Certification/Indemnification form for Retaining Walls 4 feet to 6 feet high. All walls over 6 feet high and any walls 4 feet to 6 feet high for which an owner is not prepared to execute the Owner Certification/Indemnification form shall require execution of the an Engineer Certification/Indemnification form for Retaining Walls permit. Please note that the latter form requires both an engineer's certification and an Owner's Certification/Indemnification. A Checklist for Retaining Wall Permit Drawing shall be completed by the applicant to verify the adequacy of the submittal for issuance of the permit. A separate permit form and fee is required for each wall.

4.12 - Home occupation.

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

A. The smaller of 25 percent or 750 square feet of the gross floor area of a dwelling unit may be used for activities devoted to the home occupation.

B. Accessory buildings and structures may not be used for the home occupation.

C. There shall be no signs identifying the home occupation, nor shall there be any storage, display or activity associated with the home occupation visible outside the structure. (Amended 03/03/04)

D. Said uses are excluded: auto repair or similar operations, restaurants, keeping of animals, funeral homes, retail or wholesale shops, motel type
establishments, taxi services, or any other occupation found incompatible with
the intent of this resolution.

E. Resident participants in a home occupation must have the appropriate
occupational licensing, including business licenses.

F. No home occupation shall generate traffic, sound, smell, vibration, light, or dust
that is offensive.

G. No more than two clients or patrons are allowed on the premises at the same
time in conjunction with the home occupation (except for persons in care at a
family day care homes, where no more than six clients are allowed).

H. Vehicles kept on site in association with the home occupation shall be used by
residents only.

I. The transporting of goods by truck is prohibited. Incoming vehicles related to
the home occupation shall be parked off-street within the confines of the
residential driveway or other on-site permitted parking.

J. Home occupations must exclude the use of instruments, machinery or
equipment that emit sounds (i.e. musical instruments, sewing machines, saws,
drills) that are detectable beyond the unit.

K. Family day care homes are prohibited within multifamily dwelling units.

L. Family day care homes shall provide outdoor play areas as required by
Georgia law, but such areas shall be limited to side or rear yards outside the
minimum yard area, and shall not occupy any yard adjoining a street.

M. Family day care home shall be located at least 1,000 feet in all directions from
any other such use operated as a home occupation.

N. Family day care home hours of operation shall be limited to Monday through
Saturday from 6:00 a.m. to 7:00 p.m.

O. Family day care home operators shall have a current, certified copy of the
operator's State of Georgia Family Day Care Home registration which shall be
filed with the business license application and renewals.

P. No home occupation shall be operated so as to create or cause a nuisance.

4.13 - Outparcel development.

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

A. The total floor area for outparcels shall be included in the total floor area
allowed for the larger parcel.

B. Access for outparcels shall be from internal drives with no direct access to
public roads.

C. Each outparcel abutting a public right-of-way shall have a minimum of 200 feet
of frontage on that public right-of-way.
D. Internal entrance drives shall be located at least 100 feet from any publicly dedicated right-of-way.

4.14 - Open.

4.15. - Noise.

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

<table>
<thead>
<tr>
<th>Noise Classification</th>
<th>Day-Night Average Sound Levels (in Decibels)</th>
<th>Requirements and Restrictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Normally Unacceptable</td>
<td>Above 65 dBA but not exceeding 75 dBA</td>
<td>1. Noise Study Report per Article 28.4.6.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Sound Attenuation Plan.</td>
</tr>
<tr>
<td>Unacceptable</td>
<td>Above 75 dBA</td>
<td>1. Noise Study Report per Article 28.4.6.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Residentially zoned/used developments are prohibited.</td>
</tr>
</tbody>
</table>


1. New residential development proposed within 5 miles of the Hartsfield-Jackson International Airport boundary shall be in compliance with the South Fulton Site Acceptability Noise Standards.
2. No residential dwelling shall be occupied if the interior day-night average sound level is 50 dBA or higher.

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

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

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

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

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

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

5. Any existing legal residential lot of record located within the radius requirements of Sections 4.16.1, 4.16.2, 14.16.3 and 14.16.4 that does not change use or zoning classification is exempt from the requirements of this Section.

6. Reference maps titled "2005Z-0108 Environmental Standards for Unincorporated North Fulton" and "2005Z-0108 Environmental Standards for Unincorporated Fulton County" are located online in the Fulton County GIS Map Catalog for locations of active landfills, transfer stations, quarries and surface mining sites.

7. Any owner of property located within a one (1) mile radius of the property lines of an existing active landfill or existing active transfer station or within a 1.5 mile radius of the property line of an existing active quarry, shall, prior to the sale or transfer of said property, notify and disclose in writing the existence of the landfill, transfer station, or quarry to the potential owner or transferee.

4.17. - Endangered species.

1. Areas of confirmed, Georgia Department of Natural Resources listed, endangered plant and animal species throughout South Fulton shall comply with the Federal Endangered Species Act of 1973.

4.18 - Environmentally adverse uses.

4.18.1. Acceptable separation distance.

A. If a property is the subject of a rezoning, use permit or land disturbance permit (limited to only those land disturbance permits tied to a new business location) which involves the development of an Environmentally Adverse Use as listed in
Section 4.18.3 and any portion of such property is located within a ½ mile of an Environmentally Stressed Community, the acceptable separation distance referenced in that Section shall be required.

B. If a property is the subject of a rezoning, use permit or land disturbance permit (limited to only those land disturbance permits tied to a new business location) which involves the development of an Environmentally Adverse Use that is not specifically listed in Section 4.18.3 and any portion of such property is located within a ½ mile of an Environmentally Stressed Community, an acceptable separation distance may be required after completion of an Acceptable Separation Distance Review by the South Fulton Department of Planning and Community Services, in collaboration with the South Fulton Department of Health and Wellness.

4.18.2. Determination of the acceptable separation distance for environmentally adverse uses not listed in 4.18.3. When determining whether an identified Environmentally Adverse Use not listed in 4.18.3 should be subject to an acceptable separation distance or other regulation by South Fulton, the Department of Planning and Community Services, in its discretion, may consult those Environmental Protection Agency documents referenced in the definition of Environmentally Adverse Use as well as the following:

1. The Environmental Protection Agency (Technology Transfer Network, Health Research, Air and Radiation, and National-Scale Air Toxic Assessment);
2. Agency for Toxic Substances and Disease Registry (Minimal Risk Levels List and the Division of Toxicology and Environmental Medicine, Scientific Assessments and Consultations documents); and
3. The U.S. Department of Housing and Urban Development's Acceptable Separation Distance Guidebook, Office of Planning and Development Environmental Planning Division.

Findings of the Acceptable Separation Distance Review shall designate a prescribed acceptable separation distance from Environmentally Stressed Communities based on the data utilized in determining the uses' adverse status and otherwise identified herein.

If a proposed use is subject to the Acceptable Separation Distance Review process, the City's response and the results of the Acceptable Separation Distance Review will be provided to the applicant within ten (10) business days of the City's acceptance of a complete Acceptable Separation Distance Review submission. The Office of Planning and Community Services in collaboration with the South Fulton Department of Health and Wellness shall determine when such submissions are deemed complete.

4.18.3. Minimum acceptable separation distance requirements between environmentally adverse uses and the nearest environmentally stressed community. The uses listed in the following chart are hereby declared to be Environmentally Adverse Uses for purposes of this Article. If a proposed Environmentally Adverse Use is not specifically listed in the following chart, the determination of whether that use should be subject to an acceptable separation distance or other regulation by South Fulton will
be made through an Acceptable Separation Distance Review as referenced in Article 4.18.2.

<table>
<thead>
<tr>
<th>Use</th>
<th>Description of Use/Industry</th>
<th>Anticipated Impacts</th>
<th>Distance as measured from the point source to the nearest property line of an Environmentally Stressed Community</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ammunition production includes explosives and fireworks</td>
<td>Manufacture of ammunition, explosives and fireworks</td>
<td>x</td>
<td>½ mile</td>
</tr>
<tr>
<td>Animal feed manufacturing</td>
<td>Manufacture of animal feed from grain and other food products</td>
<td>x</td>
<td>1,500 feet</td>
</tr>
<tr>
<td>Concrete manufacturing; Concrete batching plant or manufacturing cement products (bricks)</td>
<td>Concrete is mixed, prepared or treated - up to 5,000 tons per year</td>
<td>x</td>
<td>1,500 feet</td>
</tr>
<tr>
<td>Concrete manufacturing; Concrete batching plant or manufacturing cement products (bricks)</td>
<td>Greater than 5,000 tons per year</td>
<td>x</td>
<td>½ quarter</td>
</tr>
<tr>
<td>Category</td>
<td>Description</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>--------------------------------------------</td>
<td>------------------------------------------------------------------------------</td>
<td>----</td>
<td>----</td>
</tr>
<tr>
<td>Cement or lime manufacturing works - use of furnace or kiln</td>
<td>Production of cement clinker or lime or cement clinker, clay, limestone or similar is ground or milled</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Ceramic goods manufacturing</td>
<td>Premises on which ceramic kitchen or table was or other non-refractory ceramic products are made</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Chemical blending or mixing</td>
<td>Chemicals or chemical products are blended, mixed or packaged</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Chemical fertilizers</td>
<td>Manufacture or artificial fertilizers</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Chemical manufacturing</td>
<td>Chemical products are manufactured by a chemical process</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Chemicals - Sodium cyanide manufacturing</td>
<td>Production of sodium cyanide</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Chemicals - Sodium silicate manufacturing</td>
<td>Production of sodium silicate</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Chemicals - Sulphuric acid</td>
<td>Production of sulphuric acid</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Chemicals - Titanium dioxide</td>
<td>Production of titanium dioxide</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Activity</td>
<td>Description</td>
<td>Distance</td>
<td></td>
</tr>
<tr>
<td>----------------------------------</td>
<td>------------------------------------------------------------------------------</td>
<td>-------------------</td>
<td></td>
</tr>
<tr>
<td>Pigment plant</td>
<td>(Cl2)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chemicals storage (minor)</td>
<td>Non-bulk storage of chemicals</td>
<td>1,000 feet</td>
<td></td>
</tr>
<tr>
<td>Chemicals storage (bulk/major)</td>
<td>Bulk storage of acids, alkalis or chemicals</td>
<td>½ mile</td>
<td></td>
</tr>
<tr>
<td>Chlor-alkali works</td>
<td>Manufacture of caustic soda and chlorine</td>
<td>½ mile</td>
<td></td>
</tr>
<tr>
<td>Clay bricks or ceramic/refractory products works</td>
<td>Premises on which fired-clay bricks, tiles, pipes or pottery are manufactured</td>
<td>½ mile</td>
<td></td>
</tr>
<tr>
<td>Composting facility</td>
<td>Outdoor uncovered, regularly turned windrows</td>
<td>½ mile for manures, mixed food/putrescible &amp; vegetative food waste; 1,500 feet for biosolids; 500 feet for green waste</td>
<td></td>
</tr>
<tr>
<td>Composting facility</td>
<td>Outdoor covered, turned windrows</td>
<td>½ mile for manures, mixed food/putrescible &amp; vegetative food waste 800 feet for biosolids; 500 feet for green waste</td>
<td></td>
</tr>
<tr>
<td>Composting facility</td>
<td>Outdoor covered windrows with</td>
<td>1,650 feet for manures, mixed food/putrescible</td>
<td></td>
</tr>
</tbody>
</table>
| Location | Activity | Description | Distance
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Composting facility</td>
<td>Enclosed windrows with odor control</td>
<td>Continuous aeration &amp; vegetative food waste; 800 for biosolids; 500 feet for green waste</td>
<td>800 feet for manures, mixed food/putrescible &amp; vegetative food waste; 500 feet for biosolids</td>
</tr>
<tr>
<td>Composting facility</td>
<td>In-vessel composting with odor control</td>
<td></td>
<td>500 feet for manures, mixed food/putrescible &amp; vegetative food waste; 500 feet for biosolids</td>
</tr>
<tr>
<td>Crematorium</td>
<td></td>
<td>Reduction of human or animal remains to ashes by incineration</td>
<td>1,000 feet</td>
</tr>
<tr>
<td>Crushing of building materials</td>
<td></td>
<td>Crushing or cleaning of waste building or demolition material</td>
<td>½ mile</td>
</tr>
<tr>
<td>Fiberglass reinforced plastic manufacturing</td>
<td>Using Low Styrene Emissions (LSE) resins</td>
<td></td>
<td>500 feet</td>
</tr>
<tr>
<td>Formaldehyde</td>
<td>Formaldehyde production</td>
<td></td>
<td>1,000 feet</td>
</tr>
<tr>
<td>Glass or glass fiber works</td>
<td>Premises on which glass or glass fiber</td>
<td></td>
<td>1,500 feet</td>
</tr>
<tr>
<td>Activity</td>
<td>Description</td>
<td>X x x x</td>
<td>1,200 feet (explosive)</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>---------</td>
<td>------------------------</td>
</tr>
<tr>
<td>Incineration</td>
<td>For biomedical, chemical or organic waste</td>
<td>x x x x</td>
<td>½ mile</td>
</tr>
<tr>
<td>Incineration</td>
<td>For plastic or rubber waste</td>
<td>x x x x</td>
<td>½ mile</td>
</tr>
<tr>
<td>Incineration</td>
<td>For waste wood</td>
<td>x x x x</td>
<td>1,000 feet</td>
</tr>
<tr>
<td>Industrial gases</td>
<td>Production, processing, refining or storage of industrial gases</td>
<td>x x x x</td>
<td>1,200 feet (explosive)</td>
</tr>
<tr>
<td>Industrial gases</td>
<td>Commercial/retail outlets</td>
<td>x x</td>
<td>1,200 feet (explosive)</td>
</tr>
<tr>
<td>Joinery &amp; wood working premises</td>
<td>Production of wooden furniture household items such as doors, kitchen fittings, flooring &amp; mouldings</td>
<td>x x x x</td>
<td>300 feet</td>
</tr>
<tr>
<td>Pressurized Gas retailing with above ground tanks</td>
<td>Pressurized gas storage &amp; handling at retail outlets</td>
<td>x</td>
<td>1,200 feet</td>
</tr>
<tr>
<td>Pressurized Gas retailing with underground tanks</td>
<td>Pressurized gas storage &amp; handling at retail outlets</td>
<td>x</td>
<td>600 feet</td>
</tr>
<tr>
<td>Livestock sale yard</td>
<td>Holding of live animals pending</td>
<td>x x x x</td>
<td>½ mile</td>
</tr>
<tr>
<td>Activity Description</td>
<td>Safety Distance</td>
<td>Notes</td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------------</td>
<td>----------------</td>
<td>----------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>or holding pen or holding pen or holding pen or holding pen or holding pen or holding pen</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Metal coating</td>
<td>x</td>
<td>Metal products are powder-coated or enameled</td>
<td></td>
</tr>
<tr>
<td>Metal coating - industrial spray painting</td>
<td>x</td>
<td>Site of which spray-painting is conducted inside a spray booth</td>
<td></td>
</tr>
<tr>
<td>Metal coating - industrial spray painting</td>
<td>x</td>
<td>Work is conducted in the open (no spray booth)</td>
<td></td>
</tr>
<tr>
<td>Metal fabrication</td>
<td>x</td>
<td>Sheet metal, structural metal and iron and steel products - up to 50,000 tons per year</td>
<td></td>
</tr>
<tr>
<td>Metal finishing</td>
<td>x</td>
<td>Galvanizing</td>
<td></td>
</tr>
<tr>
<td>Metals - Foundries (metal melting or casting)</td>
<td>x</td>
<td>Ferrous metals (alloys)</td>
<td></td>
</tr>
<tr>
<td>Metals - Iron ore smelting</td>
<td>x</td>
<td>Production of iron from iron ore</td>
<td></td>
</tr>
<tr>
<td>Metal smelting, refining, fusing, roasting, recycling scrap metal, or processing works</td>
<td>x</td>
<td>Where metal, metal ores, concentrates or wastes are treated to produce metal (other than iron &amp; aluminum); scrap metal is fragmented or</td>
<td></td>
</tr>
<tr>
<td>Industry</td>
<td>Activity</td>
<td>Distance</td>
<td>ID</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>-----------------------------------------------</td>
<td>----------</td>
<td>----</td>
</tr>
<tr>
<td>Paints and Inks</td>
<td>Blending and mixing</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Manufacturing</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pesticides Manufacturing</td>
<td>Herbicide, insecticide or pesticide manufacture by a chemical process</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pharmaceuticals</td>
<td>Production including veterinary products</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plaster manufacturing</td>
<td>Plaster, plasterboard, gyprock or other products comprised wholly or mostly of gypsum are made</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pulp, paper or paperboard manufacturing</td>
<td>Manufacture of paper pulp, wood pulp, kraft paper, kraft paperboard, cardboard paper or paperboard</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Straw pulp and</td>
<td>Processing cereal straw and mixing</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Melting to recover metal (including lead battery reprocessing) for 500 feet for water based; 1,000 for solvent based.
- 1,500 for water based, ½ mile for solvent based.
- ½ mile.
- 600 feet.
- ½ mile.
<table>
<thead>
<tr>
<th>Activity</th>
<th>Description</th>
<th>Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paper mill</td>
<td>with waste paper to produce container board</td>
<td></td>
</tr>
<tr>
<td>Recycling - chemicals or oil (includes bio- and petro- based oil)</td>
<td>Waste liquid hydrocarbons or chemicals are refined, purified, reformed, separated or processed</td>
<td>½ mile</td>
</tr>
<tr>
<td>Recycling - scrap metal</td>
<td>See &quot;Metal smelting&quot;</td>
<td></td>
</tr>
<tr>
<td>Recycling - Used tire storage and recycling</td>
<td>Premises on which used tires are crumbled, granulated or shredded</td>
<td>½ mile</td>
</tr>
<tr>
<td>Rendering works</td>
<td>Animal matter is processed or extracted for use as fertilizer, stock food or other purposes</td>
<td>½ mile</td>
</tr>
<tr>
<td>Resins, manufacturing</td>
<td>Polyester resins manufacture</td>
<td>½ mile</td>
</tr>
<tr>
<td>Resins manufacturing</td>
<td>Rubber &amp; synthetic resins manufacture</td>
<td>½ mile</td>
</tr>
<tr>
<td>Rubber products manufacturing</td>
<td>Using either organic solvents or carbon black</td>
<td>1,500 feet</td>
</tr>
<tr>
<td>Slaughter House</td>
<td>Killing of animals for human</td>
<td>½ mile</td>
</tr>
<tr>
<td>Operation Type</td>
<td>Description</td>
<td>Distance</td>
</tr>
<tr>
<td>----------------</td>
<td>------------------------------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Tannery</td>
<td>Treatment and drying of animal skins, leather and artificial leather - using sulphide process</td>
<td>½ mile</td>
</tr>
<tr>
<td>Tannery</td>
<td>Treatment and drying of animal skins, leather and artificial leather - small premises, non-sulphide</td>
<td>1,000 feet</td>
</tr>
<tr>
<td>Textile production - artificial &amp; synthetic fiber manufacturing or treatment</td>
<td>Cellulose nitrate, viscose fiber, cellophane, artificial rubber or other man-made textiles manufacture</td>
<td>1,500 feet</td>
</tr>
<tr>
<td>Textile production - carpet making &amp; other forms of manufacturing, milling or production of natural fibers</td>
<td>Manufacture, bleaching, dyeing or finishing of cotton, linen, woolen yarns &amp; other natural textiles</td>
<td>1,000 feet</td>
</tr>
<tr>
<td>Textile operations - chemical or physical processes</td>
<td>Using carbon disulphide (CS2) as a solvent</td>
<td>½ mile</td>
</tr>
<tr>
<td>Textile operations - chemical or physical processes</td>
<td>Using other substances</td>
<td>1,500 feet</td>
</tr>
<tr>
<td>Activity</td>
<td>Description</td>
<td>Distance</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>Timber preserving premises</td>
<td>Timber preservation by chemical means, including chromated copper arsenate (CCA)</td>
<td>1,500 feet</td>
</tr>
<tr>
<td>Used tire storage</td>
<td>Premises on which used tires are stored, no retail operation</td>
<td>½ mile</td>
</tr>
<tr>
<td>Truck Terminal</td>
<td>Buses, trucks and other heavy vehicles depot</td>
<td>600 feet</td>
</tr>
<tr>
<td>Wood-board manufacturing (including MDF plants)</td>
<td>Premises on which particleboard or chipboard is fabricated or manufactured</td>
<td>½ mile</td>
</tr>
</tbody>
</table>

4.19—4.22 - Open.

4.23 - Tree preservation ordinance and administrative guidelines.

Standards for tree preservation are as set forth by the South Fulton Tree Preservation Ordinance and Administrative Guidelines.

4.23.1 Minimum landscape strips and buffers.

A. Landscape strips shall be provided along all lot lines, as specified in Table 4.23.1, except when zoning buffers are required.

B. Zoning buffers shall be provided along all lot lines, as specified in Table 4.23.1. adjacent to properties zoned AG-1, R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, R-6, TR, A, A-L, NUP, CUP and MIX with residential components, and adjacent to all single family residential uses in all zoning districts. (See Illustration 4.23.1.)
C. TR, A and A-L zoned districts shall provide landscape areas adjacent to TR, A, and A-L zoned districts, as specified in Table 4.23.1, unless adjacent properties are developed with single-family residential uses. If adjacent properties are developed with single-family residential uses, zoning buffers are required as specified in Table 4.23.1. (See Illustration 4.23.1)

D. Zoning buffers shall be undisturbed except for approved access and utility crossings and replantings as required by the South Fulton Arborist.

E. An additional setback of ten feet for all improvements shall be interior to all zoning buffers as specified in Table 4.23.1. No reduction of the ten-foot improvement setback is allowed nor shall any grading or land disturbance or tree clearing be allowed within this improvement setback unless permission is obtained from the Director of Community Development through an Administrative Variance pursuant to section 22.4. Said approval shall include a site visit report and recommendation by the South Fulton Arborist.

F. Fences and/or walls shall be located interior to any required buffers and/or improvement setbacks except that when zoning buffers are required between properties zoned for single family residences or developed with single family residences, fences may be constructed along side and rear lot lines.

Unless otherwise specified, lots developed with single-family detached dwelling units are not required to provide landscape areas or zoning buffers.

When minimum landscape areas or zoning buffers for uses in existing structures do not meet the requirements herein, conditions of zoning shall apply.

Whenever deemed necessary to protect adjoining or nearby properties or to otherwise promote the public health, safety or welfare, the City Council may specify conditions which require increased landscape strips and/or buffers, setbacks, berms, or other treatments to protect surrounding and nearby properties.

**TABLE 4.23.1**

<table>
<thead>
<tr>
<th>District</th>
<th>Landscape Areas (feet)</th>
<th>Buffers (feet)</th>
<th>Improvement Setbacks (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Front</td>
<td>Side</td>
<td>Rear</td>
</tr>
<tr>
<td>AG-1*</td>
<td>40</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td>R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, R-6, NUP</td>
<td>40</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>CUP*</td>
<td>TR</td>
<td>A</td>
</tr>
<tr>
<td>---</td>
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<td>---</td>
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<td></td>
<td></td>
<td>40</td>
<td>40</td>
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<tr>
<td></td>
<td></td>
<td>30</td>
<td>40</td>
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<tr>
<td></td>
<td></td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td></td>
<td>25</td>
<td>40</td>
</tr>
<tr>
<td></td>
<td></td>
<td>40</td>
<td>50</td>
</tr>
</tbody>
</table>

*Nonresidential uses only.
**The second number applies when a lot line adjoins a less intense non-residential (except AG-1) district.
Illustration 4.23.1

- 25-foot undisturbed buffer
- 10-foot improvement setback
- 25-foot undisturbed buffer
- 10-foot improvement setback
- 25-foot undisturbed buffer
- 10-foot improvement setback
- 10-foot landscape strip
- 40-foot landscape strip
- 40-foot landscape strip
- 40-foot landscape strip
- 5-foot landscape strip

Legend:
- Apartment or Townhouse Building
- Church
- Office Building
- Single Family Residence
- Shopping Center
- A (Medium Density Apartment)
- A-L (Apartment Limited)
- AG-I (Agricultural)
- C-1 (Community Business)
- C-2 (Commercial)
- MIX (Mixed Use)
- NUP (Neighborhood Unit Plan)
- R-3 (Single Family Residential)
- R-4 (Single Family Residential)
Minimum Landscape Strips and Buffers

4.23.2. Parking lot landscaping. At-grade, non-single-family parking lots shall provide landscape islands with a minimum of 200 square feet of contiguous soil space. These islands shall be located at both ends of a parking bay, and also after every five parking spaces. A parking bay is a module consisting of one row of parking spaces and the aisle from which motor vehicles enter and leave the spaces. Such landscape islands shall include minimum two-inch caliper shade trees from South Fulton’s list of recommended shade trees for parking lots. No parking space shall be more than 40 feet from a tree. Refer to the South Fulton Tree Preservation Ordinance, Appendix J. Landscaping in these islands should preserve and maintain adequate sight lines from the minor lane to the major lane. Alternate methods of landscaping parking lots may be approved whenever the Director of Environment and Community Development or his/her designee determines that the alternate method equals or exceeds this standard.

4.24 - Floodplain management.

4.24.1 Purpose. It is the purpose of this section to minimize public and private losses due to flood conditions in specific areas by provisions designed to promote the public health, safety and general welfare and to:

A. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

D. Control filling, grading, dredging and other development which may increase erosion or flood damage;

E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; and

F. Adopt and comply with the requirements of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234, December 31, 1979) and section 60.2 (h), 60.3 (d) and 65.5 of the National Flood Insurance Program (24 CFR 1909, etc.) thereby assuring that South Fulton and its citizens shall continue to participate in the benefits of the program and not be subject to the prohibitions contained in section 202 (a) of the 1973 act as amended.

4.24.2 Objectives. The objectives of this section are:

A. To protect human life and health;

B. To minimize expenditure of public money for costly flood control projects;

C. To minimize the need for rescue and relief efforts associated with flooding, generally undertaken at the expense of the general public;
D. To minimize prolonged business interruptions;

E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in floodplains;

F. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and

G. To ensure that potential home buyers are notified that property is in a flood area.

4.24.3 Jurisdiction. This section shall apply to all the unincorporated areas of South Fulton which contain special flood hazard or flood prone areas.

4.24.4 Flood areas established.

A. Special flood hazard area shall be designated on the "floodway boundary and floodway maps" (FBFM), the "flood insurance rate maps" (FIRM), and the "flood insurance study" (FIS) prepared and revised by the Federal Emergency Management Agency (FEMA) effective June 22, 1998. As defined by FEMA, special flood hazard areas (SFHA) are classified as numbered or unnumbered zones A, AE, (formerly A1-A30), AO, and AH which are available for review on maps in the Department of Community Development or the Department of Public Works. The accompanying maps and other supporting data and any revision are hereby adopted by reference, declared to be a part of this resolution, and shall have the same force and effect as if fully set forth in this resolution. SFHA shall be identified as follows:

1. Fifty lots or five acres space or more. When FEMA has not produced water surface elevations data and the proposed development is more than 50 lots or five acres, whichever is the lesser, base flood elevation data determined in studies by the U.S. Corps of Engineers or other reputable reports based on competent engineering studies prepared by a current state-registered professional engineer and accepted by the department of public works shall be adopted by reference and declared to be a part of this section.

2. Fewer than 50 lots or five acres. When FEMA has not produced water surface elevation data and the proposed development is not fewer than 50 lots or five acres, whichever is the lesser, then the base flood elevation data may be determined by the best information available.

B. Regulatory floodway area shall be designated on the "flood boundary and floodway map" and the "flood insurance study" as revised by FEMA from time to time. It is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

C. Flood prone area shall be designated on the "flood insurance rate map." Flood prone areas shall be those areas classified as areas of moderate and minimal flood hazards, shown thereon as "Zone X" (formerly Zone B).
4.24.5 Use regulations. (Amended 04/05/06) Notwithstanding the uses permitted by the zoning district applying to the property, the following shall be prohibited in the Special Flood Hazard Area (100 year IRF): buildings and structures; filling; and compensatory flood storage for placement of either fill or for construction of a structure in the floodplain with exception to exempted uses as specified in Section 4.24.5.A. 1-8:

Floodplain designation shall be based on data generated by FEMA, South Fulton flood studies, or data from engineering flood studies prepared by a state-registered professional engineer and accepted by South Fulton (whichever is most representative of the current floodplain). Flood studies shall be approved contingent upon acceptance by FEMA.

Construction (which is consistent with the exemption provisions of this resolution) shall be allowed within floodways only if it is directed towards improving the capacity or flow characteristics of the flood waters or crossing, relocating or altering the floodway channel itself. All such construction must be in conformance with the provisions of the South Fulton Zoning Resolution and the national Flood Insurance Program.

A. Special Flood Hazard-Flood Prone Permitted Uses. The following uses are permitted in Special Flood Hazard and Flood Prone Areas.

1. Agricultural, including forestry and livestock raising, requiring no structure. Agriculture and forestry access roads are permitted provided they are constructed in conformance with the development standards of the regulations.

2. Dams, provided that they are constructed in accordance with the requirement of this section, the Department of Public Works, the U.S.D.A. Soil and Conservation Service and when applicable, meet the specifications of The U.S. Army Corps of Engineers and/or the Georgia Department of Natural Resources.

3. Fences having sufficient open area to permit the free flow of water and/or debris.

4. Identification, regulatory and warning signs.

5. Public and private parks and recreational areas including boat ramps and docks and other functionally dependent uses not including any temporary or permanent buildings, provided; such use is approved by the Department of Community Development, if applicable, the U.S. Army Corps of Engineers.


7. Utility lines, pipelines, sewers, roads and stream crossings (if no other means of access is available), and similar facilities, provided they are constructed in such a manner as to permit the free flow of flood waters.

4.24.6 Permit required. A land disturbance permit or grading permit shall be required prior to the commencement of any improvement, including grading and filling, within the special flood hazard or flood prone areas.
A. Activities on lots within existing development. In developments that require only a building permit on a developed lot, portions of which are subject to flooding, the Director of Community Development shall review the application and issue the permit as part of the building permit. The flood elevation study as required by paragraph 4(a)(1) above may be waived by the Department of Public Works provided:

1. A licensed surveyor submits base flood elevation data based on the best information available.
2. That the base flood elevation data is to be used only to establish the lowest floor elevation of a structure.

B. Activities requiring land disturbance permit. In developments that require a land disturbance permit as provided in the City's Erosion and Sedimentation Ordinance, the Department of Community Development shall review the application and issue the permit as part of the land disturbance permit.

C. Other activities. In all other developments that involve change, modification, or alteration to a flood area, except such activities as plowing, tilling, seeding, planting, or any other agricultural or landscaping pursuit which does not result in change to the cross sectional area of the floodplain nor a significant or hazardous change in the flow characteristics, the developer shall be required to obtain the applicable permit prior to the commencement of any construction within the floodplain.

4.24.7 Permit procedure.

A. Application. Application for a permit shall be made to the Department of Community Development as indicated under permit required above. If the proposed development requires a land disturbance permit or is of such a nature as to require review and approval by the Department of Community Development, or any other appropriate agencies, the applicant shall be so advised. Such review may require additional data and/or plans to be furnished by the applicant to assure compliance with all applicable regulations.

B. Certification. The Director of Community Development shall inform an applicant of the requirements that "as-built" lowest floor elevation certificates be obtained prior to approval of a certificate of occupancy for any structure built in or immediately adjacent to a special flood hazard area. Certificates of elevation:

1. Shall be prepared by a professional engineer or surveyor licensed by the State of Georgia.
2. Shall be maintained in a file in the offices of the Department of Community Development and the Department of Public Works.

4.24.8 Plans and studies required. Wherever it is necessary to determine that the proposed use conforms to the requirements of this section, the Department of Community Development shall require the applicant to furnish complete and sufficient plans, specifications, hydrological and engineering studies or data. Depending on the size or nature of the proposed use, any or all of the following may be required:
A. Grading, replanting and drainage plans;
B. Proposed temporary and permanent drainage and sedimentation control structures and facilities;
C. Complete hydrologic and hydraulic analysis, prepared by a professional engineer registered in the State of Georgia, establishing the 100-year base flood elevations and horizontal flood plain limits.
D. A determination of the channel cross-section area required to carry the affected stream during the base flood;
E. Complete hydrologic studies to evaluate the total effects a development under review may have upon affected drainage facilities and systems;
F. The Department of Community Development may require the applicant to furnish a written agreement to limit use and development in accord with the approved plan and specifications.

4.24.9 General development provisions and standards.

A. Relocation and realignment. Within a special flood hazard or flood prone area any relocation or realignment of river and stream channels shall be prohibited if it would reduce the floodway capacity with respect to the base flood elevation, or significantly alter water flow characteristics so as to create a hazard.

B. Nonconforming uses. Except as restricted or exempted below, existing nonconforming uses within a special flood hazard or flood prone area may be maintained or repaired; modified, altered or repaired to incorporate floodproofing measures; improved to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.

1. Restrictions.

   a. The cost of such improvement shall not equal or exceed 50 percent of the market value of the structure either, (i) before the improvement is started or (ii) if the structure has been damaged, and is being restored, before the damage occurred.

   b. Such nonconforming use shall not be expanded.

2. Exemption. Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

C. Structures elevated above flood hazard or flood prone areas. No new structure shall be approved or constructed so as to extend over a special flood hazard or flood prone area, whether it be a cantilever design or supported by structural elements located within the floodplain.

D. Structures adjacent to flood hazard or flood prone areas. For any proposed new structure adjacent to a special flood hazard or flood prone area the ground surface shall be at least three feet above the base flood elevation. Further, when a filled building site is required, the ground surface at the face of the wall...
shall be at least ten feet distant from the base floodplain. See paragraph 65.5 of
the National Flood Insurance Program as amended.

E. The lowest minimum floor elevation. The lowest floor elevation, as described in
FEMA’s elevation certificate on page 5 and 6, shall be at least three feet above
the base flood elevation and meet the requirements of 4.24.9.G.

F. Removing flood hazard or flood prone areas. Lands may be removed from a
special flood hazard area or flood prone area by raising the elevation of such
land above the base flood elevation, provided the raising of such land is
accomplished in accordance with the requirements of this resolution. Refer to
FEMA National Flood Insurance Program Regulation 44 CFR 65 for procedures
to amend the FIRM, FHBM, or FIS. The developer/property owner shall prepare
all plans and engineering studies and pay any fees necessary to obtain a letter
of map revision for their development.

G. Residential lots. In districts which permit residential use, development is
prohibited in special flood hazard areas. South Fulton may allow such
development provided:

1. Not less than 70 percent of the buildable land area lies above the base
  flood elevation, a minimum of one foot, and/or

2. Not less than 50 percent of the minimum lot area, as established by the
  applicable zoning district, shall be above the base flood elevation.

H. Utilities. The location, design, elevation, and construction of all public utilities
and facilities, such as sewer, gas, electrical, on-site waste disposal systems,
water systems and streets shall be in such a manner as to minimize or
eliminate damage by flooding.

I. Drainage structures. All drainage structures and facilities located within special
flood hazard or flood prone areas shall be constructed in accordance with South
Fulton Standards and Specifications. They shall be maintained by the owner in
a sanitary, fully functional and operable state so that the flood carrying capacity
of the watercourse is preserved.

J. Erosion and sediment control. Provision shall be made for the adequate control
of erosion and sedimentation.

K. Riverine considerations. South Fulton shall notify, in riverine situations,
adjacent communities and the Georgia State Coordinating Office prior to any
alteration or relocation of a watercourse.

L. Watercourse alteration or relocation. South Fulton, prior to approval of a permit
to alter or relocate a portion of any watercourse shall require an agreement
indemnifying South Fulton from all liability arising from the construction
pursuant to said permit and providing for the continued maintenance to assure
the flood carrying capacity within the altered or relocated water course.

4.24.10 Development within flood prone areas.
A. Development limitations. Within flood prone areas, no construction including grading and filling shall be allowed that would:

1. Raise the base flood elevation beyond the boundaries of the ownership of the property being developed. Submittal of this certification and the supporting studies by a professional engineer are required.

2. Reduce the flood storage capacity. Fill placed within the floodplain must be compensated. All cut areas must drain by gravity to the main watercourse. Certification by a professional engineer and an "as-built" topographical map superimposed on the original topography are required.

3. Impede the movement of flood waters. Applies to any obstruction placed within the floodplain, i.e., fill, but in particular, roads, driveways, bridges and culverts. All such encroachments shall be designed and submitted by a professional engineer and shall provide:
   a. That there shall be no reduction in the flood carrying capacity of the watercourse.
   b. A certification together with supportive data.
   c. Sufficient opening provided for the passage of the flood waters so as to prevent or greatly reduce the hazard of debris or trash blocking the flood's flow.

4. Changes the flow characteristics of the flood waters as they pass the boundaries of the developed property. Requires certification by a professional engineer along with all supportive studies.

5. Create hazardous or erosion producing velocities. Requires certification by a professional engineer along with supportive studies.

B. Stormwater management structures. Detention ponds, lakes and similar impoundment structures may be constructed within a flood prone area provided they do not violate the restrictions enumerated under paragraph 10(a) above. Provided further that any such detention pond, lake or similar impoundment structure shall provide adequate discharge control and sufficient storage capacity to assure that the rate of runoff calculated for the proposed development including that drainage increased or diverted by reason of the development shall not exceed that calculated for the property in its natural state in the event of the 100-year storm.

C. Studies and plans required. A hydrologic analysis shall be required to be submitted to the Department of Community Development with each application for a land disturbance permit for property containing a flood prone area. Any or all of the other plans or studies referred to in paragraph 4.24.8 above may be required. Such studies shall take cognizance of existing conditions which affect the flow of water on adjacent properties and also such future conditions as can reasonably be expected to occur in the drainage basin. Such reports shall meet the requirements of the Department of Community Development.
D. Revision criteria. Each application for a land disturbance permit for property containing a flood prone area shall also submit therewith documented results of hydrology and hydraulic analysis prepared by a registered professional engineer demonstrating that any area defined on the FIRM or FBFM as moderate or minimal flood hazard (Zone X) is not actually a SHFA. Such results and analysis shall demonstrate that none of the following criteria is met in any flood prone area(s) on the site:

1. The flood prone area(s) is subject to a one percent (1%) annual chance of flooding with average channel depths greater than one foot or;
2. The flood prone area(s) has a contributing drainage area greater than one square mile or;
3. The flood prone area(s) has hazardous velocities in the channel and/or overbank areas greater than 3.5 feet per second. (The City may accept velocities of up to 5 feet per second depending upon the results of a soil study by the engineer).

In the event that any of the above criteria is met, the applicant shall submit to the Department of Community Development the relevant data for a Letter of Map Revision and the appropriate fees required by FEMA. The South Fulton Department of Public Works shall then submit the relevant data, letter of map revision and accompanying fees to FEMA for a determination of whether a map revision is warranted. In the event of such a map revision reclassifying an area as an SHFA, development within the affected area(s) shall comply with section 4.24.12 of this article.

4.24.11 Development with unstudied special flood hazard areas. Development and revisions criteria in the unstudied special hazard areas shall be the same as in the flood prone areas, subsection 4.24.10.

4.24.12 Development within studied special flood hazard areas.

A. Development limitations. No construction shall be allowed within the studied special flood hazard areas that would:

1. Raise the base flood elevation. Submittal of this certification and the supporting studies by a professional engineer are required.

2. Reduce the flood storage capacity. Fill placed within the floodplain must be compensated. All cut areas must drain by gravity to the main watercourse. Certification by a professional engineer and an "as-built" topography map superimposed on the original topography are required.

3. Impede the movement of flood waters. Applies to any obstruction placed within the floodplain but in particular, roads, bridges, driveways and culverts. All such encroachments shall be designed by a professional engineer and shall provide:

   a. That there shall be no reduction in the flood carrying capacity of the watercourse.
b. A certification together with supportive data.

c. Sufficient opening provided for the passage of the flood waters so as to prevent or greatly reduce the hazard of debris or trash blocking the flow of the flood.

4. **Change the flow characteristics of the flood waters.** Requires certification by a professional engineer along with all supportive studies.

5. **Create hazardous or erosion producing velocities.** Requires certification by a professional engineer along with supportive studies.

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**B. Increase base flood elevation.** The department of public works may from time to time, request a review and determination from the floodplain management administrator to permit an increase in the base flood elevation. Such increased elevation shall not exceed that depth shown in the Flood Insurance Study, Table 2, Base Flood Water Surface Elevation with Floodway Column.

1. This increase may be granted when:

   a. The development is a proposed public road, bridge and/or culvert, public utility poles, towers, pipelines, sewers and similar facilities.

   b. The development is a private lot, bridge/culvert, private utility poles, towers, pipelines, sewers or other similar facilities.

2. A professional engineer must submit a certification along with supportive documentation that the increase does not extend beyond the boundaries of the property upon which the improvement is proposed and shall not cause any appreciable expansion of flooding, siltation, erosion or inundation hazards.

3. A developer shall apply to the Floodplain Management Administrator of South Fulton for review and approval of an application for a letter of map revision to FEMA.

4. The floodplain management administrator may apply for a conditional FIRM revision to FEMA prior to permitting encroachment into a special flood hazard area. Refer to the National Flood Insurance Program Regulations 44 CFR, Part 65.12 for FEMA requirements.

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4.24.13 **Floodway alteration.**

**A. Construction within regulatory floodway.** When construction is proposed within the regulatory floodway such as flood control projects, stream channelization, stream relocation, construction of new dams, reservoirs, artificial canals, private levees or flood protection systems which would result in a change in the base flood elevations as shown on the flood insurance rate maps (FIRM), the following shall be required:

1. Complete plans, data, studies and documentation for the proposed construction shall be submitted to the Department of Public Works.
2. If the Department of Public Works determines that the project is feasible and acceptable, then the department shall submit the project to FEMA in compliance with the provisions of the National Flood Insurance Program, paragraph 65.5 as amended from time to time.

Note: South Fulton may require a fee for review of such proposals.

4.24.14 Mobile homes. All mobile homes located within the 100-year floodplain must adhere to all applicable regulations stated elsewhere in this resolution as well as the following:

A. Anchoring. All mobile homes should be anchored to resist flotation, collapse or lateral movement, by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

1. Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations. Mobile homes which are less than 50 feet long must have one additional tie per side;

2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points. Mobile homes which are less than 50 feet long require four additional ties per side;

3. All components of the anchoring system must be capable of carrying a force of 4,800 pounds; and

4. Any additions to the mobile home must be similarly anchored.

B. General requirements. All mobile homes are required to have:

1. Lots that are elevated on compacted fill in accordance with paragraph 4.24.9(D).

2. Adequate surface drainage and access for a hauler.

4.24.15 Subdivision plats. Hereinafter, proposed preliminary and final subdivision plats for property located contiguous to or within flood prone or special flood hazard areas shall not be approved except in accordance with the following requirements:

A. Each plat shall contain a notation clearly stating the water surface elevation of the base flood in relation to mean sea level as approved and accepted by the Department of Public Works. Any lands below this elevation shall be designated on the plat by a heavy line, depicting the base flood elevation at that point.

B. No lot shall be approved which has less than the minimum lot area as established by the applicable zoning district regulations and 4.24.9.G above the base flood elevation.

C. Preliminary and final subdivision plats that were approved prior to the enactment of this section are exempt from the requirements of 4.24.9.D and 4.24.15.B above, and building permits shall be issued accordingly.

D. No final subdivision plat shall be approved by the City where development has altered the special flood hazard area unless the City has first received a letter of
map amendment, letter of map revision or notice of conditional FIRM revision
from FEMA as stipulated in the National Flood Insurance Program Regulations
44 CFR 65.

4.24.16 Abrogation and greater restrictions. This section is not intended to repeal,
abrogate, or impair any existing easements, covenants, or deed restrictions. Where this
section and another section of this resolution conflict or overlap, however, whichever
imposes the more stringent restrictions shall prevail.

4.24.17 Interpretation. In the interpretation and application of this section, all
provisions shall be:

A. Considered as minimum requirements;
B. Liberally construed in favor of the governing body;
C. Deemed neither to limit nor repeal any other powers granted under state
   statutes.

4.24.18 Warning and disclaimer of liability. The degree of flood protection required
by this section is considered reasonable for regulatory purposes and is based on
scientific and engineering considerations. Larger floods can and will occur on rare
occasions.

Flood heights may be increased by manmade or natural causes. This section shall
not create liability on the part of South Fulton or by any official or employee thereof for
any flood damages that result from reliance on this ordinance or any administrative
decision lawfully made thereunder.

4.24.19 Compliance. No structure or land shall hereafter be located, extended,
converted, or structurally altered without full compliance with the terms of this section
and other applicable regulations.

4.25 - Property number/street address.

Property numbers issued by the South Fulton Department of Community
Development shall be posted so as to be clearly visible from the street for which the
property number was assigned.

4.26. - Inclusionary housing zoning.

4.26.1. Purpose and Intent. This section of the South Fulton Zoning Resolution is
intended to provide that residential projects in South Fulton contain a defined
percentage of housing affordable to very low, low, and moderate income households; to
provide for a program of incentives and local public subsidy to assist in this effort; and to
implement the mixed income and housing policies of the Housing and Implementation
Elements of South Fulton's Comprehensive Plan. Participation in the Inclusionary
Housing Zoning Program shall be voluntary for a twenty-four month period after which it
will sunset until the City Council can assess the effectiveness of the program and
determine the conditions for its future implementation.

The resolution seeks to:

Affordable. Rented at an Affordable Rent or sold at an Affordable Housing Price.

Affordable Housing Price. A sales price, at which Low, Very Low, or Moderate Income Households, as provided in this Section, can qualify for the purchase of for-sale Inclusionary Units, based on designated income standards. For purposes of this calculation, housing expenses shall include mortgage principal and interest, taxes, insurance, and assessments.

Affordable Rent. (1) for a unit whose occupancy is restricted to a Low Income Household that the monthly rent consists of a maximum of one-twelfth of thirty percent (30%) of eighty percent (80%) of the median income applicable to South Fulton; and (2) for a unit whose occupancy is restricted to a Very Low Income Household that the monthly rent consists of a maximum of one-twelfth of thirty percent (30%) of fifty percent (50%) of the median income applicable to South Fulton. In each case, the median income applicable to South Fulton is as determined annually by the United States Department of Housing and Urban Development, adjusted for household size, less a reasonable allowance for utilities and in compliance with the Low Income Housing Tax Credit Program administered by the Georgia Department of Community Affairs.

Affordable Rental Agreement. Legal restrictions by which the rents for rental Inclusionary Units will be controlled to ensure that rents remain Affordable for a period of thirty (30) years or longer.

Bond Financed Projects. Affordable housing developments financed with tax-exempt bonds and therefore eligible for 4% federal credits.

Density Bonus. A minimum density increase of at least twenty percent (20%) over the otherwise maximum residential density as permitted by the South Fulton Zoning Ordinance and the Comprehensive Land Use Plan at the time of application.
Developer. Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities which seeks South Fulton's approvals for all or part of a Development Project. Developer includes Owner.

Development Agreement. An agreement entered into between South Fulton and a Developer.

Development Project. Any real-estate development project that includes Market Rate Units and is required to provide an Inclusionary Housing Component pursuant to the provisions of this Section. Projects at One Location undertaken in phases, stages or otherwise developed in distinct sections shall be considered a single Development Project for purposes of this Section.

Dwelling Unit. A residential unit within a Development Project.

External Subsidy. Any source of funds that is not Local Public Funding, including Federal or state grants, loans, bond funds, tax credits or other tax-based subsidy.

First-time Home buyer. An individual purchaser or spouse who has not owned a home during the past three years, or that the purchaser meets at least one of the following criteria:

A. The purchaser is a displaced homemaker, defined as a person who has not worked full-time for a number of years, worked primarily without remuneration to care for the home and family, is unemployed or underemployed, is experiencing difficulty in obtaining or upgrading employment, and, while a homemaker, owned a home with a previous spouse;

B. The purchaser is single (unmarried or legally separated), has one or more minor children of whom purchaser has custody, and, while previously married, owned a home with a previous spouse; or

C. The purchaser owns or owned as a principal residence during the past three years, a dwelling unit which structure is not permanently affixed to a permanent foundation in accordance with the South Fulton's Zoning Ordinance, or is not and cannot be brought into compliance with South Fulton's Zoning Resolution for less than the cost of replacing the structure.

South Fulton Government. South Fulton, Georgia.

Household. One person living alone or two or more persons sharing residency whose income is considered for housing payments.

Household Income. The combined adjusted gross income for all adult persons residing in a living unit.

Household, Low Income. A household whose annual income does not exceed eighty (80) percent of the area median income, adjusted for family size as published and annually updated by the United States Department of Housing and Urban Development.
Household, Moderate Income. A household whose annual income does not exceed one hundred and twenty (120) percent of the area median income, adjusted for family size as published and annually updated by the United States Department of Housing and Urban Development.

Household, Very Low Income. A household whose income does not exceed fifty (50) percent of the area median income, adjusted for family size as published and annually updated by the United States Department of Housing and Urban Development.

Housing Trust Fund. The fund created by South Fulton and administered by the South Fulton Office of Housing (FCOH).

Inclusionary Housing Agreement or Agreement. The agreement between a Developer and the City setting forth the manner in which the Inclusionary Housing Component will be met in the Development Project.

Inclusionary Housing Plan. A plan required at the time of concept review for a land disturbance permit or building permit that provides the details of proposed inclusionary units.

Inclusionary Housing Component. The provision of the Inclusionary Housing Units in a Development Project.

Inclusionary Housing Unit or Inclusionary Unit. An ownership or rental dwelling unit developed as a part of the Inclusionary Housing Component of a Development Project as provided in this Section.

Inclusionary Housing Development. A development containing a building with more than eight (8) units for multi-family or for all residential developments of 20 units or more in which 10 percent of the total units must be inclusionary units restricted for occupancy by very low, low, or moderate income households except as otherwise provided for herein.

Inclusionary Incentives. The fee waivers or reductions, planning and building standards waivers or reductions, regulatory incentives or concessions, and Federal, State, and Local Public Funding provided by South Fulton to a Development Project to assist in the provision of the Inclusionary Housing Component.

Income, Area Median. The annual median family income of a geographic area of the state, as annually estimated by the United States Department of Housing and Urban Development pursuant to Section 8 of the Housing Act of 1937.

Initial Owner. The first person or persons to purchase a new for-sale Inclusionary Unit for his, her or their primary residence.

Legislative Entitlement. Means and includes general and community plan designations and redesignations, zonings and rezonings, and planned unit development site plans and revised site plans.

Local Public Funding. Loans and grants from the Housing Trust Fund, federal Home Investment Partnership Program ("HOME" funds), and redevelopment area
tax increment housing set-aside funds, and other funds originating from or administered by South Fulton.

**Low Income Housing Tax Credits.** Federal and State financing in which federal housing tax credits are awarded to developers to raise capital for the development of affordable multi-family rental units.

**Market Rate.** Rates not restricted to an Affordable Housing Price or Affordable Rent.

**Multi-family Residential.** Residential units planned, approved, or built on land planned or zoned for other than Single Family Residential in which Housing Tax Credits have been awarded for the purpose of developing affordable multi-family rental units.

**Off-Site Unit.** An Inclusionary Unit that is built separately or at a different location than the main development.

**On-Site Unit.** An Inclusionary Unit that will be built as apart of the main development.

**One Location.** All adjacent land owned or controlled by the same Owner or a Related Owner, the property lines of which are contiguous at any point, or the property lines of which are separated only by a public or private street, road, or other public or private right of way.

**Owner.** Includes the person, persons, partnership, joint venture, association, corporation, or public or private entity having sufficient proprietary interest in real property to commence, maintain, and operate a Development Project.

**Percent.** A one hundredth part. In applying percentages referred to in this Section, any portion of a Percent less than one half (0.5%) shall be disregarded and any portion of a Percent one half (0.5%) or greater shall be rounded up to the next whole number.

**Project, For Sale.** A residential project, or portion thereof, which is intended to be sold to owner-occupants upon completion.

**Project Level Approval.** Includes a concept plan, a Special Permit, or other administrative or adjudicatory approval or determination in connection with a Development Project.

**Related Owner.** A person or entity, including but not limited to, partnerships, limited partnerships, and corporations, which has any of the following relationships with an Owner: (1) they share the majority of members of their governing boards; (2) they share two or more officers; (3) they are owned or controlled by the same majority shareholder(s) or general partner(s); (4) they are in a parent-subsidiary relationship; or (5) the person is a sibling, offspring or parent of an individual Owner. For purposes of this subsection, a controlling interest means fifty percent (50%) or more of the voting power of a corporation, and a parent-subsidiary relationship exists when one corporation owns, directly or indirectly, fifty percent (50%) or more of the voting power of another corporation. For purposes of this section, a person and any general partnership in which the person is a general partner, or a person
and any corporation in which the person owns a controlling interest, shall be treated as one and the same.

Residential Project. The entirety of Market Rate residential development in a Development Project subject to the requirement to provide an Inclusionary Housing Component as specified in this Section.

Single-family Residential. A development planned, approved, or built on land planned or zoned solely for a permitted residential density of one unit per parcel. Where such a planning or zoning single-family designation also allows as a conditional use duplexes or similar uses, the designation is nonetheless considered Single-family Residential for purposes of the Inclusionary Housing Component and the other provisions of this Section.

South Fulton Zoning Resolution. The South Fulton Zoning Resolution as it may be amended from time to time.


A. Number and Affordability of Inclusionary Units. For all residential developments of 20 units or more, the Inclusionary Housing Component shall consist of Inclusionary Units developed for, offered to, and leased or sold to Very Low, Low, and Moderate Income Households as follows: at least 5 percent of the units must be restricted to occupancy of moderate income households and 5 percent of the units must be restricted to occupancy of low and/or very low income households. For the purposes of calculating the number of inclusionary units, any decimal fraction of 0.5 or more shall be rounded up to the nearest whole number.

B. Location of Inclusionary Units. Except as provided in this Section, Inclusionary Units shall be built on the site of the Development Project and must be dispersed throughout a Residential Development.

C. Timing of Development. The Inclusionary Housing Plan and Inclusionary Housing Agreement shall include a phasing plan, which provides for the timely development of the Inclusionary Units as the Residential Project is built out. The phasing plan shall provide for development of the Inclusionary Units concurrently with the Market Rate Units; provided however, that the phasing plan will be adjusted by the Director of Community Development away from strict concurrency where necessary in order to account for the different financing and funding environments, economies of scale, and infrastructure needs applicable to development of the Market Rate and the Inclusionary Units. Multi-family development shall

D. Design. Inclusionary units for single-family shall be comparable in infrastructure (including sewer, water and other utilities), construction quality, and exterior design to the market rate units. Inclusionary units may be smaller in aggregate size and have different interior finishes and features than market rate units so long as the interior features are durable, of good quality and consistent with contemporary standards for new housing. Inclusionary single-family units must be a minimum of 1,600 square feet for moderate-income
households, 1,250 square feet for low-income households, and 1,000 square feet for very low-income households. The number of bedrooms in the inclusionary units should be comparable in number to those in the market rate units. The ratio of bathrooms per bedroom should be equal to the ratio of bathrooms per bedroom in market rate units. Multi-family design standards shall be consistent with the proposed development.

E. Unit Size. The Inclusionary Housing Component shall accommodate diverse family sizes by including a mix of studio, one, two and three-bedroom units as determined by the Director of Community Development.

F. Exterior Appearance. Inclusionary Units shall be visually compatible with the Market Rate Units. External building materials and finishes shall be the same type and quality for Inclusionary Units as for Market Rate Units. Interior materials finishes may vary.

G. Development Standards. Except as provided in the Inclusionary Housing Agreement pursuant to this Section, Inclusionary Units shall comply with all applicable Development Standards.

4.26.4. Incentives, Assistance and Subsidies. The Developer of a Development Project subject to the Inclusionary Housing provisions may request that South Fulton provide Inclusionary Incentives as set forth in this Section. The goal of these Inclusionary Incentives is to apply available incentives to qualifying projects in a manner that, to the extent feasible, offsets the cost of providing the Inclusionary Housing Component. The Director shall respond to that request at the time and in the manner specified in this Section, and shall make a determination as to a package of Inclusionary Incentives for the Inclusionary Units as provided in this Section.

A. Fee Waivers or Deferrals. Upon application, South Fulton shall make available to a Residential Project Developer a program of waiver, reduction or deferral of development fees, Impact Fee Waiver, administrative and financing fees for Inclusionary Units. Such a program may include application, on behalf of a Developer, to other government entities for fee waiver and deferral program for waiver and/or deferral of other impact or development fees.

B. Modification of Development Standards. Upon application, South Fulton may modify for Inclusionary Units, to the extent feasible in light of the uses, design, and infrastructure needs of the Development Project, as determined by the Director, development standards, including but not limited to, road widths, curb and gutter, parking, and housing types.

C. Interior Finish Reductions. Upon application, South Fulton may, to the maximum extent appropriate in light of project design elements as determined by the Director, allow builders to finish out the interior of Inclusionary Units with less expensive finishes and appliances.

D. Streamlining and Priority Processing. The Director shall expedite development Permits for Residential Projects that include an Inclusionary Housing Component. South Fulton shall develop further procedures for streamlining and priority processing which relieve Inclusionary Units of permit processing
requirements to the maximum extent feasible consistent with the public health, safety and welfare.

E. **Density Bonus.** South Fulton shall make available to the Residential Project a Density Bonus as provided in this Section. The number of units allowed may be increased by 20 percent provided, however, that the affordability requirements to qualify for a Density Bonus shall be those stated in this Section.

F. **Local Public Funding.** The Developer may apply to the Office of Housing for Local Public Funding to assist in the financing and development of the Inclusionary Housing Component. Local Public Funding may serve to facilitate state allocation of tax credits, mortgage revenue bond funds, or state or federal assistance to the Project ("External Subsidy"); provided that the provision of such Local Public Funding requires that Developer diligently pursue such External Subsidy and is not intended to substitute for such External Subsidy. A Developer seeking Local Public Funding shall apply to the Office of Housing Director for such funding pursuant to this Section. The Office of Housing Director shall submit the proposed Local Public Funding assistance package to the Director for inclusion in the South Fulton's Inclusionary Incentives for the project.

The Office of Housing Director, as to the feasible elements of Local Public Funding and in making the determination as to inclusion of Local Public Funding in the Inclusionary Incentives, shall consider: (1) the number, percentage, and tenure of the Units for Very Low Income or Low Income Households in the Inclusionary Housing Component; (2) the financial structure and financing needs of the Inclusionary Housing Component; (3) the cost-efficiency of the solution to the Inclusionary Housing Component, (4) the Developer's initiatives in applying for grants and other funds external to Local Public Funding; (5) the availability of funds given the funding priorities of Office of Housing and other funding agencies at the time, and other development of housing for Very Low or Low Income Households under way, proposed or anticipated; and (6) other factors necessary to the evaluation. Office of Housing shall adopt and provide to Developers and other interested parties criteria for evaluation of applicants for Local Public Funding. These criteria may be contained in the Guidelines as outlined by the Office of Housing.

4.26.5. **Construction of the Inclusionary Housing Component to Avoid over Concentration.** The following principles shall apply to the development of the Inclusionary Housing Component:

A. The Inclusionary Housing Plan shall provide for the dispersal of buildings containing Inclusionary Units to the maximum extent feasible taking into account the funding and financing environments applicable to Inclusionary housing development.

B. Multi-family buildings may contain any proportion of inclusionary units, but no Inclusionary Housing Development may be located adjacent to another Inclusionary Housing Development. For purposes of this Section, Inclusionary Housing Development means a development containing a building with more
than eight (8) units for multi-family or for all residential developments of 20 units or more, in which 10 percent of the total units must be inclusionary units restricted for occupancy by very low, low, or moderate income households except as otherwise provided for herein. The Director may allow for variation from these principles, but only the extent necessary, if he or she determines that an alternative configuration of Inclusionary Units is required by funding or financing considerations associated with the development of the Inclusionary Units or by the applicable residential land use designations within and adjacent to the Residential Project.

C. Proposed Inclusionary Single-family Housing Developments that are located within a census track(s) in which 95% of the existing units are below 80% AMI, must submit a Housing Development Plan that includes the following mixed housing price points for sale:

i. 20% not to exceed $150,000

ii. 60% between $150,000 and $216,000

iii. 20% Market

4.26.6. Alternatives to the Standard Inclusionary Housing Component. Subject to the approval of the City Council (BOC), in lieu of constructing affordable housing units on site, a developer may dedicate land or pay in-lieu housing fees. At the time of concept plan review, the developer shall be required to provide a report to the E&CD Director identifying the reasons the construction of the required number of affordable housing units within the development is not feasible. The report shall include sufficient independent data, including appropriate financial information, which supports the developer's claim that it is not feasible to construct the required affordable units and a detailed analysis of why the density bonus cannot mitigate the conditions that prevent the developer from constructing the affordable units. The Director shall review all such requests and prepare a recommendation to the City Council. Such requests shall be considered on a case-by-case basis by the BOC and may be approved at the BOC's sole discretion. The monetary value of an alternative equivalent must be equal to or exceed the cost to produce the required number of affordable housing units on site.

A. Land Dedication and Off-Site Compliance Options. Upon a determination by the Director that the criteria outlined in number 4 below have been met, a Residential Project may provide all or part of its Inclusionary Housing Component by means of the following options:

(1) Dedication of land to South Fulton at no cost. Under this option, a developer may donate to the City a site on which all or a portion of the mandated inclusionary units can be built. The dedicated site must be located in the same planning area (as defined by the Comprehensive Plan) in South Fulton and must be physically suitable for development at the time of conveyance. It must be of sufficient size and properly zoned to accommodate the requisite number of units. It must already have access to water and sewer and public services (police, fire, etc.). The property should not have physical constraints that cause delay or increase construction
costs (e.g., grading) or be unsuitable for residential development (e.g., contain toxins). The developer shall provide an appraisal of the land and its appraised value shall be confirmed by the City's Land Division of the General Services Department.

(2) Development of Inclusionary Units Off-site. Inclusionary units may be constructed outside the Development Project within an Area ("Off-Site") for a Residential Project that is single-family or multi-family.

(3) A combination of options (1) and (2).

(4) Standard for Approval. The Director may approve the proposal only if it provides a more cost-efficient solution to the Inclusionary Housing Component than the standard approach set forth in this Section, or if the location of Off-Site development would be superior to on-site development from the perspective of access to transportation or other applicable residential planning policies in the South Fulton Comprehensive Plan.

(5) Number of Inclusionary Units Credited to the Dedication or Off-Site Location. The number of Inclusionary Units credited to the dedication or Off-Site location will consist of the number of Inclusionary Units which can with reasonable degree of certainty be developed on the land, given (a) the mix of Inclusionary Unit sizes and type of structure in the Inclusionary Housing Plan; (b) densities permitted by applicable planning and zoning designations; and (c) site, infrastructure, environmental and other physical and planning constraints.

(6) Site Suitability. The land proposed for dedication or for Off-Site location must be suitable from the perspective of size, configuration, physical characteristics, physical and environmental constraints, access, location, adjacent use, and other relevant planning criteria. The site must allow development of Inclusionary Units in a manner that complies with this Section including the over-concentration provisions set forth in Section 4.26.4.

(7) Site Identification and Regulatory Status. The Developer must identify the proposed dedicated site or Off-Site location and the number of proposed Units to be credited thereby as part of the Inclusionary Housing Plan required in this Section. At the same time or before the Development Project receives its Inclusionary Incentives, the dedicated or Off-Site land shall have received all the Inclusionary Incentives necessary for development of the Inclusionary Units on such land. Unless the phasing plan requires otherwise, at the same time or before a Residential Project receives its first Project specific Entitlements, the dedicated or Off-Site land shall have received all the necessary Project-Level Approvals necessary for development of the Inclusionary Units on such land, and prior to the issuance of any Certificate of Occupancy for a Residential Project, the dedicated land or Off-Site land shall be fully served with the infrastructure necessary for residential development.
Director Action. The Director may recommend conditional approval or denial of the proposed land dedication or Off-Site development proposal. In reviewing the proposal, the Director will consult with the Director of the Office of Housing. If the land dedication or the Off-Site proposal is accepted or accepted as modified, the relevant elements of the Inclusionary Housing Plan shall be included in the applicable Legislative Approvals for both the Residential Development generating the requirement for the Inclusionary Housing Component and, if applicable, the dedicated site or Off-Site Development Project where all or part of that requirement is proposed to be met. If the dedication or Off-Site proposal is rejected, the Inclusionary Housing Component shall be provided as set forth in this Section within the Development Project.

Implementation. As early as possible in the regulatory process, and in no case later than the negotiation of the Inclusionary Housing Agreement as provided in this Section, the Owner of the Residential Project must: (1) in the case of land dedication, provide an irrevocable offer of dedication for the dedicated site at no cost to South Fulton; and (2) in the case of Off-Site land, demonstrate to the Director and the Office of Housing Director that the Off-Site location is and will remain committed to the timely development of the Inclusionary Units as provided in the Inclusionary Housing Plan. This commitment may be demonstrated through ownership of the Off-site location, or through adequate control of the use of the Off-site location through joint ownership, joint venture or other contractual means. If necessary to ensure that Inclusionary Housing Units are developed contemporaneously with the Market Rate Units, the Director may require the offer of dedication or evidence of Off-Site control as early as the first Legislative Entitlement. With respect to an Off-site location, the Director may also condition development or occupancy of the Residential Project on development or occupancy of the Off-Site Inclusionary Units, and the Inclusionary Housing Agreement must apply to and be recorded against both the Residential Project and the Off-Site land. With respect to dedicated land, South Fulton, upon acceptance of the offer of dedication, shall publish a request for proposal for development of the site(s), which will result in the production of the number of Inclusionary Units credited to the site(s).

B. In-Lieu Housing Fees. For Residential Developments of 20 or more units, including Inclusionary Units, the requirements of this Section may be satisfied by paying an in-lieu fee to the Affordable Housing Trust Fund.

(1) Under this option, the developer may pay an amount equivalent to the cost of constructing the mandated units at the required affordability levels. Fees shall be calculated for the construction of affordable housing units for moderate and low and very low income households and shall be adjusted annually based upon the estimated average construction cost per square foot of floor area for single-family (not including the value of the improved lot) as estimated for the region (south) by the National Association of Home
Builders or the American Apartment Association for multi-family development.

(2) The City Manager shall establish an affordable Housing Trust Fund for the receipt and management of in-lieu housing fees. Monies received into the fund shall be utilized solely for the construction or purchase and maintenance of affordable housing and for the costs of administering programs consistent with the purposes of the section. In all cases, the required number of housing units at the required levels of affordability shall be provided for by this fund.

(3) Fees must be paid within ten calendar days of issuance of a building permit for the Development or the permit will be null and void. For phased Developments, payments may be made for each portion of the Development within ten calendar days of the issuance of a Building Permit for that phase. When payment is delayed, in the event of default, or for any other reason, the amount of the in-lieu fee payable under this Section will be based upon the fee schedule in effect at the time the fee is paid.

(4) No final inspection for occupancy will be completed for any corresponding Market-rate Unit in a Residential Development unless fees required under this Section have been paid in full to the Department of E&CD.

C. Combined Dedication of Land and In-Lieu Housing Fees. Under this option, the developer may dedicate land and pay in-lieu housing fees equivalent to the cost of producing the mandated units at the required affordability levels. The developer shall provide an appraisal of the land and its appraised value shall be confirmed by the Community Development Department.

4.26.7. Exclusions. The requirements of this Article do not apply to:

(a) Housing developments of fewer than 20 lots;

(b) Structures that have been destroyed by fire, flood, earthquake or other act of nature provided that the reconstructed site does not increase the number of residential units;

(c) Developments that already have more units that qualify as affordable to moderate, low and very low income households than this Article requires;

(d) Housing constructed by other government agencies.


A. Rental Inclusionary Units. Units shall remain Affordable for a period of no less than thirty (30) years from the recordation of the Affordable Rental Agreement.

B. For Sale Single Family Unit. Units shall remain Affordable for a period of no less than fifteen (15) years from the recordation of the Affordable Housing Agreement;

4.26.9. Affordability and Resale of For-Sale Units (Sustainability Policy). Each affordable unit created in accordance with this Section shall have limitations governing its resale. The purpose of these limitations is to preserve the long-term affordability of
the unit and to ensure its continued availability for affordable income households. The
resale controls shall be established through a restriction on the property and shall be in
force for a period of fifteen (15) years concurrent with an equity-sharing program
between the City and the homeowner.

A. Initial Sale. To ensure that only eligible households purchase affordable
housing units, the purchaser of an affordable unit shall be required to submit
copies of the last three years’ federal and state income tax returns and certify,
in writing and prior to the transfer of title, to the developer of the housing units
or his/her agent, and within thirty (30) days following transfer of title, to the local
housing trust, community development corporation, housing authority or other
agency as established by the City, that household's annual income level does
not exceed the maximum level as established by the City, and as may be
revised from time to time.

B. Maximum Cost. The maximum housing cost for affordable units created under
this bylaw is as established by the City.

C. Resale to an Income Eligible Person Exception. The Owner of a Residential
project shall sell Inclusionary Housing Units to an income-eligible Initial Owner
at an Affordable Price. Thereafter for a period of fifteen (15) years from the
recording of the note or other document as provided below, the Initial Owner
and any subsequent owner shall notify the Community Development Director in
writing of their intent to sell the Inclusionary Unit. The Homeowner or its
assignee shall have ninety (90) days from receipt of the notification to (1)
identify, qualify, and refer to the seller an income-eligible purchaser or request
an extension. The Initial Owner and any subsequent owner shall sell the unit to
the referred purchaser at the resale price established by the City as provided in
this section. In the event that the Homeowner or its assignee does not complete
the purchase of the unit within the time frames specified above, an extension for
the sale of the Inclusionary Unit must be obtained from the Office of Housing.

D. Recordation of Note—Agreement or Covenant and Recapture Upon Sale. At
the time of the initial sale and any subsequent sale to an income-eligible
purchaser, the Office of Housing shall record an interest-bearing note, secured
by a deed of trust, and/or regulatory agreement or covenant to recapture the
difference between the Inclusionary Unit’s market value, as determined by an
appraiser approved by City, and its Affordable Housing Price at the time of sale
or resale. The City shall also record a deed of trust encumbering any other
monetary Inclusionary Incentives. The deed of trust, regulatory agreement, or
covenant shall require that for a period of no less than 15 years, the unit may be
resold to an income eligible purchaser. The full principal amount and interest
will be due on sale to any non income eligible purchaser; due on change of use
from an owner-occupied residential unit to any other use or if the Inclusionary
Unit is rented; and due on any refinance of the Inclusionary Unit without the
Office of Housing approval. The Office of Housing shall apply all recaptured
funds to subsidize other for sale Inclusionary Housing Units.
E. **Resale Price.** Sales beyond the initial sale to a qualified affordable income purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale. This percentage shall be recorded as part of the restriction on the property noted in this Section. For example, if a unit appraised for $100,000 is sold for $75,000 as a result of this bylaw, it has sold for 75 percent of its appraised value. If, several years later, the appraised value of the unit at the time of proposed resale is $150,000, the unit may be sold for no more than $112,500—75 percent of the appraised value of $150,000.

Right of first refusal to purchase: The purchaser of an affordable housing unit developed as a result of this Resolution shall agree to execute a deed rider prepared by their attorney, consistent with model riders prepared by the Office of Housing, granting, among other things, the City's right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be located.

The Community Development Department shall require, as a condition for permitting under this Section, that the applicant comply with the mandatory set-asides and accompanying restrictions on affordability, including the execution of the deed rider noted in this Section. The Community Development Department shall not issue an occupancy permit for any affordable unit until the deed restriction is recorded.

F. **Equity Sharing Program.** A homeowner is entitled to a share of the equity for each year of ownership pursuant to policies established by the Office of Housing. After the expiration of the 15 year affordability period, the homeowner must pay one half of the excess of the total resale price over the sum of: prior maximum sales price; a percentage of the affordable unit's prior purchase price with the cost of living increase since last sold; the fair market value documented capital improvements; and a reasonable sales and commission. If the amount remaining is less than $20,000, the amount due to the special revenue fund will be adjusted so the seller receives $10,000. If the amount is less than $10,000, the seller will receive the entire amount.

G. **The Office of Housing Guidelines.** The City Manager's Office of Housing shall adopt guidelines for the administration of this program. The guidelines may provide for a graduated increase in the rate of increase of market value over the time of ownership of a for-sale Inclusionary Unit by one Owner or for forgiveness of all or a portion of the note(s) when (1) the resale value of the Inclusionary Unit falls below the market value of the unit at its last sale; or (2) the income-eligible owner occupies the unit for a substantial period of time.

4.26.10. **Occupancy Requirement.**

A. **Rental Units.** Any person who occupies a rental Inclusionary Unit shall occupy that Unit as his or her principal residence.
B. **For-Sale Units.** An Individual who purchases a for-sale Inclusionary Unit shall occupy that unit as his or her principal residence, and shall certify to the Developer of the Unit or the Office of Housing that he or she is income eligible.

4.26.11. **Administration of the Inclusionary Housing Component.** The Inclusionary Housing Program shall be administered by the City. The Director shall be responsible for determining targeted rental and ownership affordability, resident qualifications, and monitoring the program. The City shall conduct a study within eighteen (18) months of the 24-month voluntary period, to determine the success of the Resolution to determine whether the Program should remain voluntary or mandatory.

A. **Proposed Inclusionary Housing Plan.** At the time of and as part of the application for the Inclusionary Zoning, the Developer of a Development Project shall present to the Community Development Department a draft Inclusionary Housing Plan, which shall contain, at a level of detail appropriate to the request, the number, unit mix, location, structure type, affordability, and phasing of Inclusionary Units. If land dedication or an Off-Site location is proposed, the draft Plan shall include information necessary to establish site location, suitability, development constraints, and the number of Inclusionary Units assigned.

B. **Action on Inclusionary Housing Plan.** The Community Development Department shall review the proposed Inclusionary Housing. No Zoning designation shall be granted without an adequate Inclusionary Housing Plan. The elements of the Inclusionary Housing Plan shall be incorporated into the terms and conditions of the applicable Project-specific Approvals.

C. **Inclusionary Housing Agreement.**

1. **Requirement.** No Development Agreement or Project-specific Approval may be issued by South Fulton without an executed Inclusionary Housing Agreement executed by the Owner, the Developer (if not Owner), and the Director of the Office of Housing acting with the advice of the E&CD Director. Recordation of the Agreement shall be a condition of approval of any Development Agreement, Disposition and Development Agreement or Project-level Approval.

2. **Timing.** The Inclusionary Housing Agreement shall be negotiated concurrently with the processing of an application for the earlier of a Development Agreement or the first Project-specific Approval. At the request of the Developer, and if Developer makes the project development and financing details set forth below in subparagraphs 3 and 4 available, the Inclusionary Housing Agreement may be negotiated earlier in connection with the issuance of a Legislative Entitlement.

3. **Contents.** The Agreement shall be consistent with the Inclusionary Housing Plan, and shall indicate: ownership or rental project, the number and size of Moderate, Very Low and Low income Units, the developer of the Inclusionary Units, the phasing and construction scheduling of the Units, commitments for Inclusionary Incentives, including Office of Housing
commitments for Local Public Subsidy, and any other information required by the Office of Housing relative to the Inclusionary Housing Component. In the case of land dedication or Off-Site Inclusionary Housing, the Agreement shall also contain the information required in this Section.

4. Information Required from Developer. The Developer of the Development Project shall present to the Community Development Department: (1) plans, schematics, and details of phasing of the Residential Project as a whole including the Inclusionary Housing Component; (2) financial pro-forma for the Inclusionary Housing Component with sufficient economic information to allow for evaluation of feasibility, financing and equity sources and requirements, and rates of return; (3) the name and address of the entity which will develop the Inclusionary Housing Component if not Developer; (4) in the case of land dedication, an executed irrevocable offer of dedication at no cost; (5) in the case of Off-Site location, the evidence of site control required in this Section, and (6) any other information reasonably required by the City in connection with the Agreement.

5. Local Public Subsidy. The Developer of the Development Project may apply to the Office of Housing for Local Public Subsidy. Such an application shall contain the planning and financial information necessary to evaluate the eligibility and suitability of the project for Local Public Funding and shall include timetables or copies of proposals for External Subsidy. The application will be considered pursuant to the Office of Housing Multi Family Lending Guidelines, Office of Housing Single Family Ownership Housing Financing Guidelines, and any Guidelines developed pursuant to this Section. The Office of Housing shall determine the Inclusionary Incentives it will make available in connection with the Residential Project as provided in this Section. The Inclusionary Housing Agreement shall specify the nature and amount of Local Public Funding. If South Fulton fails to make available the Inclusionary Incentives set forth in an executed and recorded Inclusionary Housing Agreement, the Residential Project shall be relieved of the portion of the Inclusionary Obligation that represents the percentage of local public funding committed in the Agreement but not provided. At South Fulton’s option, the Agreement may provide that if the Local Public Funding component of the Inclusionary Incentives is delayed beyond the time provided for in the Agreement, the construction of Inclusionary Units may be deferred until funding availability, or that during the period of delay, the Owner may offer the Inclusionary Units as rental units at Market Rate until such time as the Local Public Funding indicated in the Agreement becomes available, at which time such rental units, upon being voluntarily vacated by existing market rate tenants, would be offered as Inclusionary Units.

6. Incorporation into Project-level Approvals and Recordation. The Developer’s obligations and the Inclusionary Incentives in the Agreement shall be incorporated into the Project-specific Approvals. The executed Agreement shall be recorded as a covenant running with the land against
the real property of the Residential Project and, in the case of Off-Site Inclusionary Units, against the real property on which such Units are to be located.

D. **Administration of Affordability for Rental Inclusionary Housing.** The Owner of rental Inclusionary Units shall be responsible for certifying the income of tenant to the City at the time of initial rental and annually thereafter. The Owner of rental Inclusionary Units shall apply the same rental terms and conditions (except rent levels, deposits and income requirements) to tenants of Inclusionary Units as are applied to all other tenants, except as otherwise required to comply with government subsidy programs. Discrimination based on subsidies received by the prospective tenant is prohibited. The South Fulton Office of Housing shall keep confidential the personal identifying information of the household members occupying an Inclusionary Unit.

E. **Guidelines.** Fulton County’s Office of Housing Multi-family Development Financing Guidelines and the Office of Housing Single Family Ownership Housing Financing Guidelines shall apply to Inclusionary Housing developed under this Section. The Director may propose to the City Council additional guidelines as necessary for the implementation of this Section consistent with the terms contained herein.

4.26.12. **Administrative Fees.** The South Fulton City Council may by resolution establish reasonable fees and deposits for the administration of this Section.

4.26.13. **Participation.** Participation in the Inclusionary Housing Zoning Program shall be voluntary for a twenty-four month period after which it will sunset until the City Council determines the effectiveness of the program and the conditions for its future implementation.


A. No Inclusionary Incentives shall be issued or valid without an Inclusionary Housing Plan as required by this Section.

B. No Project-specific Approval nor Development Agreement shall be issued for any Development Project unless an Inclusionary Housing Agreement has been approved and executed, and no building permit or certificate of occupancy shall issue until the Inclusionary Housing Agreement has been recorded as required by this Section.

C. If the developer violates this ordinance in any way, including not constructing the required affordable units, the City may deny, suspend, or revoke any and all building or occupancy permits. The City can also withhold any additional building permits until the affordable units are built.

D. If the ordinance is violated by the sale of an affordable unit, the City can enjoin or void any transfer of the affordable unit and require the owner to sell the unit to an eligible income individual.

E. South Fulton may bring such civil and criminal enforcement actions as are provided for in the South Fulton Code.
4.26.15. Severability. The South Fulton City Council hereby declares that every section, paragraph, clause and phrase of this resolution is severable. If, for any reason, any provision of the ordinance is held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

4.26.16. Appeals. Any persons aggrieved by a final decision of the Department of Community Development relating to this article may appeal such final decision to the Zoning Board of Appeals by filing in writing setting forth plainly, fully and distinctly why the final decision is contrary to law per the South Fulton Zoning Resolution. Such appeal shall be filed within 30 days after the final decision of the department is rendered.

4.27—4.29 - Reserved.

4.30 - Zoning text, district classifications and boundaries.

In order to regulate the location of structures, the height and bulk of structures, the use and intensity of use of lots and structures, and to regulate open spaces and aesthetics, unincorporated South Fulton is divided into zoning districts which are individually described in this resolution. Those districts are set forth below from lowest to highest intensity. Within the listing are individual zoning districts which are no longer active but which continue to apply to properties zoned in those classifications. Those inactive zoning districts are contained in Appendix A, Inactive Zoning Districts, at the end of this resolution. Appendix A includes the inactive A-1, A-O, old TR and Suburban A, B and C Districts. Zoning districts as of the date of adoption of this resolution of amendment are:

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4.30.1 Boundaries. The boundaries of the several zoning districts are shown on the South Fulton zoning maps. Street rights-of-way shall serve as district boundaries adjoining property lines, and all such rights-of-way shall not be zoned. Inconsistencies between legal boundary descriptions submitted at the time of rezoning and lot lines identified from more recent surveys shall be interpreted to attach the zoning to the legal lot.

4.30.2 Zoning text. The official text of the South Fulton Zoning Resolution shall be kept on file by the clerk to the City Council. The Department of Community Development shall provide all City departments with copies of amendments within 15 days of approval by the City Council, and shall provide a subscription and update service for the public.

4.30.3 Zoning maps. The South Fulton zoning maps and all information contained thereon are part of this resolution and have the same force and effect as if fully set forth and/or described herein. The zoning maps are on file with the Department of Community Development.

4.30.4 Territory added. All unincorporated territory which may be annexed to South Fulton or which may be unincorporated from a municipality within the City shall be classified in the R-1, Single Family Dwelling District until, as applicable, the territory may be more appropriately zoned by the City Council based upon a Staff recommendation with consideration given to the suggestion of the Comprehensive Plan Land Use Map and/or zonings of adjacent properties in South Fulton.

4.30.5 Abandonment. Whenever any street, alley, or other public way is abandoned by South Fulton or by the State of Georgia, the zoning district adjoining such street, alley or public way shall be extended to the center of such public way.

ARTICLE V. - AGRICULTURAL DISTRICT REGULATIONS

5.1 - AG-1 Agricultural District.

5.1.1 AG-1 District intent and scope. Regulations set forth in this article are the AG-1 District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative or use permit. The AG-1 District is intended to encompass lands devoted to a wide range of uses including individual parcels devoted to residential use, single family subdivisions, agricultural and closely related uses.

5.1.2 Use regulations.
A. **Permitted uses.** A building or property may be used for only the following purposes:

1. Single family dwelling.
2. Agriculture, general and specialized farming, including: horticulture, plant nursery, greenhouse, dairy farming, livestock raising and poultry raising provided, however, that buildings used for housing animals must be at least 100 feet from all property lines.
3. Roadside stand for the sale of agricultural products produced on the property.
4. Riding stable other than accessory, provided buildings housing animals are at least 100 feet from all property lines and the lot is not less than ten acres. Standards for keeping horses other than for a nonaccessory public riding stable are the same as the standards contained in section 4.8.1 pertaining to the keeping of horses in a single family dwelling district.
5. Kennel, veterinary hospital or veterinary clinic, provided buildings housing animals are fully enclosed and at least 100 feet from all property lines; and pens, runs, etc. which are not located in a fully enclosed building are at least 200 feet from all property lines.

B. **Accessory uses.** A building or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.

5.1.3 **Development standards.**

A. **Height regulations:** No building shall exceed 40 feet in height.

B. **Minimum front yard:** 60 feet.

C. **Minimum side yard:**
   - 25 feet adjacent to interior line.
   - 40 feet adjacent to street.

D. **Minimum rear yard:** 50 feet.

E. **Minimum lot area:**
   - One acre with frontage on paved road.
   - Three acres with frontage on unpaved road.

F. **Minimum lot width:** 100 feet.

G. **Minimum lot frontage:** 35 feet adjoining a street.

H. **Minimum heated floor area:** There is no minimum heated floor area in this district.

I. **Minimum accessory structure requirements:** Accessory structures may be located in rear or side yards, but shall not be located within a minimum yard.
J. Conservation subdivision. The development standards of a conservation subdivision shall be in accordance with Section VI of the South Fulton Subdivision Regulations.

5.1.4 Other regulations. The headings below contain provisions applicable to the AG-1 District:

Development regulations. Article XXXIV
Exceptions. Section 4.3
Floodplain management. Section 4.24
Off-street parking and loading. Article XVIII
Outside storage. Section 4.2
Landscape area and buffer regulations. Section 4.23
River protection. Metropolitan River Protection Act

ARTICLE VI. - SINGLE FAMILY DWELLING DISTRICT REGULATIONS

6.1 - R-1 Single Family Dwelling District.

6.1.1 R-1 District scope and intent. Regulations set forth in this section are the R-1 District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative or use permit. The R-1 District encompasses lands devoted to residential areas and closely related uses.

6.1.2 Use regulations. Within the R-1 District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.

A. Permitted uses. Structures and land may be used for only the following purposes:

1. Single family dwelling.

2. Agriculture, general and specialized farming, initiated prior to March 7, 1990, including: horticulture, plant nursery, dairy farming, truck gardening and poultry raising provided, however, that agricultural buildings must be at least 200 feet from all side and rear property lines, and that no products shall be offered for sale on land so utilized.

B. Accessory uses. A building or lot may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.

6.1.3 Development standards.

A. Height regulations: No building shall exceed 40 feet in height.

B. Minimum front yard: 60 feet.
C. **Minimum side yard:**
   — 25 feet adjacent to interior line.
   — 40 feet adjacent to street.

D. **Minimum rear yard:** 50 feet.

E. **Minimum lot area:** two acres.

F. **Minimum lot width:** 200 feet.

G. **Minimum lot frontage:** 35 feet adjoining a street.

H. **Minimum heated floor area:**
   - 1,800 s.f. on ground level for less than two story.
   - 2,000 s.f. for two story or more than two story with 1,200 s.f. on ground floor.

I. **Minimum accessory structure requirements:** Accessory structures may be located in the rear or side yards only, but shall not be located within a minimum yard.

J. **Conservation subdivision.** The development standards of a conservation subdivision shall be in accordance with Section VI of the South Fulton Subdivision Regulations.

6.1.4 **Other regulations.** The headings below contain provisions applicable to uses allowed in the R-1 District:

- Development regulations. Article XXXIV
- Exceptions. Section 4.3
- Floodplain management. Section 4.24
- Off-street parking and loading. Article XVIII
- Outside storage. Section 4.2
- Landscape area and buffer regulations. Section 4.23
- River protection. Metropolitan River Protection Act
- Signs. Article XXXIII

6.2 - **R-2 Single Family Dwelling District.**

6.2.1 **R-2 District scope and intent.** Regulations set forth in this section are the R-2 District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative or use permits. The R-2 District is intended to provide land areas devoted to very low density residential uses. The district also provides for closely related uses.
6.2.2 Use regulations. Within the R-2 District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.

A. **Permitted uses.** Structures and land may be used for only the following purposes:

1. Single family dwelling.

2. Agriculture, general and specialized farming, initiated prior to March 7, 1990, including: horticulture, plant nursery, dairy farming, truck gardening and poultry raising provided, however, that agricultural buildings must be at least 200 feet from all side and rear property lines, and that no products shall be offered for sale on land so utilized.

B. **Accessory uses.** A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.

6.2.3 Development standards.

A. **Height regulations:** No building shall exceed 40 feet in height.

B. **Minimum front yard:** 60 feet.

C. **Minimum side yard:**
   - 15 feet adjacent to interior line.
   - 30 feet adjacent to street.

D. **Minimum rear yard:** 40 feet.

E. **Minimum lot area:** one acre.

F. **Minimum lot width:** 150 feet.

G. **Minimum lot frontage:** 35 feet adjoining a street.

H. **Minimum heated floor area:**
   - 1,600 s.f. on ground level for less than two story.
   - 1,800 s.f. for two story or more than two story with 1,050 s.f. on ground floor.

I. **Minimum accessory structure requirements:** Accessory structures may be located in the rear or side yards only, but shall not be located within a minimum yard.

J. **Conservation subdivision.** The development standards of a conservation subdivision shall be in accordance with Section VI of the South Fulton Subdivision Regulations.

6.2.4 Other regulations. The headings below contain provisions applicable to the R-2 District.

Development regulations. Article XXXIV
6.3 - R-2A Single Family Dwelling District.

6.3.1 R-2A District scope and intent. Regulations set forth in this section are the R-2A District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative permit or use permit. The R-2A District is intended to provide land areas devoted to low density residential uses. The district also provides for closely related uses.

6.3.2 Use regulations. Within the R-2A District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by administrative permit or use permit shall be prohibited.

A. Permitted uses. Structures and land may be used for only the following purposes:

1. Single family dwelling.

2. Agriculture, general and specialized farming, initiated prior to March 7, 1990, including: horticulture, plant nursery, dairy farming, truck gardening and poultry raising provided, however, that agricultural buildings must be at least 200 feet from all side and rear property lines, and that no products shall be offered for sale on land so utilized.

B. Accessory uses. A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.

6.3.3 Development standards.

A. Height regulations: No building shall exceed 40 feet in height.

B. Minimum front yard: 60 feet.

C. Minimum side yard:
   — 15 feet adjacent to interior line.
   — 30 feet adjacent to street.

D. Minimum rear yard: 40 feet.
E. **Minimum lot area**: 27,000 square feet.

F. **Minimum lot width**: 120 feet.

G. **Minimum lot frontage**: 35 feet adjoining a street.

H. **Minimum heated floor area**:
   - 1,700 s.f. on ground level for less than two story.
   - 1,800 s.f. for two story or more than two story with 1,050 s.f. on ground floor.

I. **Minimum accessory structure requirements**: Accessory structures may be located in the rear or side yards only, but shall not be located within a minimum yard.

J. **Conservation subdivision**. The development standards of a conservation subdivision shall be in accordance with Section VI of the South Fulton Subdivision Regulations.

6.3.4 Other regulations. The headings below contain provisions applicable to the R-2A District:

- Development regulations. Article XXXIV
- Exceptions. Section 4.3
- Floodplain management. Section 4.24
- Off-street parking and loading. Article XVIII
- Outside storage. Section 4.2
- Landscape area and buffer regulations. Section 4.23
- River protection. Metropolitan River Protection Act
- Signs. Article XXXIII

6.4 - R-3 Single Family Dwelling District.

6.4.1 **R-3 District scope and intent**. Regulations set forth in this section are the R-3 District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative permit or use permit. The R-3 District is intended to provide land areas devoted to low density residential uses. The district also provides for closely related uses.

6.4.2 **Use regulations**. Within the R-3 District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by administrative permit or use permit shall be prohibited.

   A. **Permitted uses**. Structures and land may be used for only the following purposes:
1. Single family dwelling.

2. Agriculture, general and specialized farming, initiated prior to March 7, 1990, including: horticulture, plant nursery, dairy farming, truck gardening and poultry raising provided, however, that agricultural buildings must be at least 200 feet from all side and rear property lines, and that no products shall be offered for sale on land so utilized.

B. Accessory uses. A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.

6.4.3 Development standards.

A. Height regulations: No building shall exceed 40 feet in height.

B. Minimum front yard: 50 feet.

C. Minimum side yard:
   — ten feet adjacent to interior line.
   — 20 feet adjacent to street.

D. Minimum rear yard: 35 feet.

E. Minimum lot area: 18,000 square feet.

F. Minimum lot width: 100 feet.

G. Minimum lot frontage: 35 feet adjoining a street.

H. Minimum heated floor area:
   1,200 s.f. on ground level for less than two story.
   1,320 s.f. for two story or more than two story with 900 s.f. on ground floor.

I. Minimum accessory structure requirements: Accessory structures may be located in the rear or side yards only, but shall not be located within a minimum yard.

J. Conservation subdivision. The development standards of a conservation subdivision shall be in accordance with the South Fulton Subdivision Regulations.

6.4.4 Other regulations. The headings below contain provisions applicable to the R-3 District:

Development regulations. Article XXXIV
Exceptions. Section 4.3
Floodplain management. Section 4.24
Off-street parking and loading. Article XVIII
6.5 - R-3A Single Family Dwelling District.

6.5.1 R-3A District scope and intent. Regulations set forth in this section are the R-3A District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative permit or use permit. The R-3A District is intended to provide land areas devoted to low density residential uses. The district also provides for closely related uses.

6.5.2 Use regulations. Within the R-3A District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by administrative permit or use permit shall be prohibited.

A. Permitted uses. Structures and land may be used for only the following purposes:

1. Single family dwelling.

2. Agriculture, general and specialized farming, initiated prior to March 7, 1990, including: horticulture, plant nursery, dairy farming, truck gardening and poultry raising provided, however, that agricultural buildings must be at least 200 feet from all side and rear property lines, and that no products shall be offered for sale on land so utilized.

B. Accessory uses. A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.

6.5.3 Development standards.

A. Height regulations: No building shall exceed 40 feet in height.

B. Minimum front yard: 50 feet.

C. Minimum side yard:

— ten feet adjacent to interior line.

— 20 feet adjacent to street.

D. Minimum rear yard: 35 feet.

E. Minimum lot area: 18,000 square feet.

F. Minimum lot width: 100 feet.

G. Minimum lot frontage: 35 feet adjoining a street.
H. Minimum heated floor area:

1,600 s.f. on ground level for less than two story.

1,800 s.f. for two story or more than two story with 1,050 s.f. on ground floor.

I. Minimum accessory structure requirements. Accessory structures may be located in the rear or side yards only, but shall not be located within a minimum yard.

J. Conservation subdivision. The development standards of a conservation subdivision shall be in accordance with Section VI of the South Fulton Subdivision Regulations.

6.5.4 Other regulations. The headings below contain provisions applicable to the R-3A District.

- Development regulations. Article XXXIV
- Exceptions. Section 4.3
- Floodplain management. Section 4.24
- Off-street parking and loading. Article XVIII
- Outside storage. Section 4.2
- Landscape area and buffer regulations. Section 4.23
- River protection. Metropolitan River Protection Act
- Signs. Article XXXIII

6.6 - R-4 Single Family Dwelling District.

6.6.1 R-4 District scope and intent. Regulations set forth in this section are the R-4 District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative permit or use permit. The R-4 District is intended to provide land areas devoted to low density residential uses. The district also provides for closely related uses.

6.6.2 Use regulations. Within the R-4 District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by administrative permit or use permit shall be prohibited.

A. Permitted uses. Structures and land may be used for only the following purposes:

1. Single family dwelling.

2. Agriculture, general and specialized farming, initiated prior to March 7, 1990, including: horticulture, plant nursery, dairy farming, truck gardening and poultry raising provided, however, that agricultural buildings must be at
least 200 feet from all side and rear property lines, and that no products
shall be offered for sale on land so utilized.

3. Two family dwelling which complies with minimum lot area, yard and floor
area requirements of the R-6, Two Family Dwelling District, and where 40
percent or more of the dwellings fronting on the same side of a street
between two intersecting streets is occupied by either two family or
multifamily dwellings initiated prior to March 7, 1990,

B. Accessory uses. A structure or land may be used for uses customarily
incidental to any permitted use and a dwelling may be used for a home
occupation.

6.6.3 Development standards.

A. Height regulations: No building shall exceed 40 feet in height.

B. Minimum front yard: 35 feet.

C. Minimum side yard:
   — seven feet adjacent to interior line.
   — 20 feet adjacent to street.

D. Minimum rear yard: 25 feet.

E. Minimum lot area: 9,000 square feet.

F. Minimum lot width: 70 feet.

G. Minimum lot frontage: 35 feet adjoining a street.

H. Minimum heated floor area:
   1,000 s.f. on ground level for less than two story.
   1,100 s.f. for two story or more than two story with 800 s.f. on ground floor.

I. Minimum accessory structure requirements: Accessory structures may be
located in the rear or side yards only, but shall not be located within a minimum
yard.

J. Conservation subdivision. The development standards of a conservation
subdivision shall be in accordance with Section VI of the South Fulton
Subdivision Regulations.

6.6.4 Other regulations. The headings below contain provisions applicable to the R-4
District:

Development regulations. Article XXXIV

Exceptions. Section 4.3

Floodplain management. Section 4.24

Off-street parking and loading. Article XVIII
6.7 - R-4A Single Family Dwelling District.

6.7.1 R-4A District scope and intent. Regulations set forth in this section are the R-4A District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative permit or use permit. The R-4A District is intended to provide land areas devoted to low density residential uses. The district also provides for closely related uses.

6.7.2 Use regulations. Within the R-4A District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by administrative permit or use permit shall be prohibited.

A. Permitted uses. Structures and land may be used for only the following purposes:

1. Single family dwelling.

2. Agriculture, general and specialized farming, initiated prior to March 7, 1990, including: horticulture, plant nursery, dairy farming, truck gardening and poultry raising provided, however, that agricultural buildings must be at least 200 feet from all side and rear property lines, and that no products shall be offered for sale on land so utilized.

B. Accessory uses. A structure or land may be used for uses customarily incidental to any permitted use and the principal dwelling may be used for a home occupation.

6.7.3 Development standards.

A. Height regulations: No building shall exceed 40 feet in height.

B. Minimum front yard: 35 feet.

C. Minimum side yard:

— seven feet adjacent to interior line.

— 20 feet adjacent to street.

D. Minimum rear yard: 25 feet.

E. Minimum lot area: 12,000 square feet.

F. Minimum lot width: 85 feet.

G. Minimum lot frontage: 35 feet adjoining a street.
H. Minimum heated floor area:

1,200 s.f. on ground level for less than two story.

1,320 s.f. for two story or more than two story with 900 s.f. on ground floor.

I. Minimum accessory structure requirements: Accessory structures may be located in the rear or side yards only, but shall not be located within a minimum yard.

J. Conservation subdivision. The development standards of a conservation subdivision shall be in accordance with Section VI of the South Fulton Subdivision Regulations.

6.7.4 Other regulations. The headings below contain provisions applicable to the R-4A District.

- Development regulations. Article XXXIV
- Exceptions. Section 4.3
- Floodplain management. Section 4.24
- Off-street parking and loading. Article XVIII
- Outside storage. Section 4.2
- Landscape area and buffer regulations. Section 4.23
- River protection. Metropolitan River Protection Act
- Signs. Article XXXIII

6.8 - R-5 Single Family Dwelling District.

6.8.1 R-5 District scope and intent. Regulations set forth in this section are the R-5 District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative permit or use permit. The R-5 District is intended to provide land areas devoted to low density dwelling uses. Land areas zoned R-5 are further intended to provide a transition between medium and moderate density dwelling areas and higher density residential areas or nonresidential areas.

6.8.2 Use regulations. Within the R-5 District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by administrative permit or use permit shall be prohibited.

A. Permitted uses. Structures and land may be used for only the following purposes:

1. Single family dwelling.
2. Agriculture, general and specialized farming, initiated prior to March 7, 1990, including: horticulture, plant nursery, dairy farming, truck gardening
and poultry raising provided, however, that agricultural buildings must be at
least 200 feet from all side and rear property lines, and that no products
shall be offered for sale on land so utilized.

3. Two family dwelling which complies with minimum lot area, yard and floor
area requirements of the R-6 District, and where 40 percent or more of the
dwellings fronting on the same side of a street between two intersecting
streets is occupied by either two family or multifamily dwellings initiated
prior to March 7, 1990.

B. Accessory uses. A structure or land may be used for uses customarily
incidental to any permitted use and a dwelling may be used for a home
occupation.

6.8.3 Development standards.

A. Height regulations: No building shall exceed 40 feet in height.
B. Minimum front yard: 20 feet.
C. Minimum side yard:
   — five feet adjacent to interior lot lines.
   — 15 feet adjacent to street.
D. Minimum rear yard: 20 feet.
E. Minimum lot area: 7,500 square feet.
F. Minimum lot width: 60 feet.
G. Minimum lot frontage: 35 feet adjoining a street.
H. Minimum heated floor area per unit: 650 s.f.
I. Minimum accessory structure requirements: Accessory structures may be
   located in the rear or side yards only, but shall not be located within a minimum
   yard.
J. Conservation subdivision. The development standards of a conservation
   subdivision shall be in accordance with Section VI of the South Fulton
   Subdivision Regulations.

6.8.4 Other regulations. The headings below contain provisions applicable to the R-
5 District:

Development regulations. Article XXXIV
Exceptions. Section 4.3
Floodplain management. Section 4.24
Off-street parking and loading. Article XVIII
Outside storage. Section 4.2
6.9 - R-5A Single Family Dwelling District.

6.9.1 **R-5A District scope and intent.** Regulations set forth in this section are the R-5A District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative permit or use permit. The R-5A District is intended to provide land areas devoted to medium density, single family dwellings. Land areas zoned R-5A are further intended to provide a transition between low and high density dwelling areas or between low density dwelling areas and nonresidential areas.

6.9.2 **Use regulations.** Within the R-5A District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by administrative permit or use permit shall be prohibited.

A. **Permitted uses.** Structures and land may be used for only the following purpose:

   1. Single family dwelling.

B. **Accessory uses.** A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.

6.9.3 **Development standards.**

A. **Height regulations:** No building shall exceed 40 feet in height.

B. **Minimum lot area:** 4,000 square feet.

C. **Minimum lot width:** None unless specified in conditions.

D. **Minimum lot frontage:** 20 feet adjoining a street.

E. **Minimum heated floor area per unit:**

   Single family, 850 s.f.

F. **Minimum perimeter setback for the entire R-5A development:** 40 feet.

G. **Minimum interior setbacks:** No orientation to buildings.

   1. **Minimum front yard:** 20 feet.

   2. **Minimum side yard:** To place a building along an interior side lot line at between zero and seven feet shall require an encroachment and maintenance easement allowing a minimum of seven feet of access to such buildings. A minimum building separation of 14 feet shall be maintained.

   — 20 feet adjoining local streets.
3. **Minimum rear yard**: 20 feet.

H. **Minimum accessory structure requirements**: Accessory structures may be located in rear or side yards, but shall not be located within a minimum rear yard except that detached garages may locate along a rear lot line at between zero and seven feet with an encroachment and maintenance easement allowing a minimum of seven feet of access to the garage.

I. **Minimum interior building separations**: All building separations shall be as specified by the Standard Building Code.

J. **Conservation subdivision**: The development standards of a conservation subdivision shall be in accordance with Section VI of the South Fulton Subdivision Regulations.

6.9.4 **Other regulations**: The headings below contain some additional, but not necessarily all, provisions applicable to the R-5A District:

- Development regulations. Article XXXIV
- Exceptions. Section 4.3
- Floodplain management. Section 4.24
- Off-street parking and loading. Article XVIII
- Outside storage. Section 4.2
- Landscape area and buffer regulations. Section 4.23
- River protection. Metropolitan River Protection Act
- Signs. Article XXXIII

ARTICLE VII. - TWO FAMILY AND MULTIFAMILY DWELLING DISTRICT REGULATIONS

7.1 - R-6 Two Family Dwelling District.

7.1.1 **R-6 District scope and intent**: Regulations set forth in this section are the R-6 District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative permit or use permit. The R-6 District is intended to provide land areas devoted to medium density, single family and two family dwellings. Land areas zoned R-6 are further intended to provide a transition between low and high density dwelling areas or between low density dwelling areas and nonresidential areas.

7.1.2 **Use regulations**: Within the R-6 District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by administrative permit or use permit shall be prohibited.
A. **Permitted uses.** Structures and land may be used for only the following purposes:

1. Single family dwelling.

2. Agriculture, general and specialized farming, initiated prior to March 7, 1990, including: horticulture, plant nursery, dairy farming, truck gardening and poultry raising provided, however, that agricultural buildings must be at least 200 feet from all side and rear property lines, and that no products shall be offered for sale on land so utilized.

3. Two family dwelling.

B. **Accessory uses.** A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.

### 7.1.3 Development standards.

A. **Height regulations:** No building shall exceed 40 feet in height.

B. **Minimum front yard:** 25 feet.

C. **Minimum side yard:**
   - seven feet adjacent to interior lot line.
   - 20 feet adjacent to street.

D. **Minimum rear yard:** 20 feet.

E. **Minimum lot area:** 9,000 square feet.

F. **Minimum lot width:** 70 feet.

G. **Minimum lot frontage:** 35 feet adjoining a street.

H. **Minimum heated floor area per unit:**

   Single family, 1,000 s.f. on ground level for less than two story.

   1,100 s.f. for two-story or more than two-story dwelling with 800 s.f. on ground floor.

I. **Minimum accessory structure requirements:** Accessory structures may be located in rear or side yards, but shall not be located within a minimum yard.

### 7.1.4 Other regulations.** The headings below contain provisions applicable to the R-6 District:

- Development regulations. Article XXXIV
- Exceptions. Section 4.3
- Floodplain management. Section 4.24
- Off-street parking and loading. Article XVIII
7.2 - TR Townhouse Residential District

7.2.1 TR District scope and intent. Regulations set forth in this section are the TR District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative permit or use permit. The TR District is intended to provide land areas devoted to medium density uses consisting of single family and multifamily dwellings. Land areas zoned TR are further intended to provide a transition between low density and higher density residential areas or between low density residential and nonresidential areas. The TR District is intended to:

A. Encourage the provision of usable open space and recreation areas as part of a living environment.
B. Be located primarily in areas near or adjacent to single family areas.
C. Be located so as to provide a transition between single family areas and nonresidential areas.
D. Be located near retail shopping and major thoroughfares.
E. Encourage home ownership.

7.2.2 Use regulations. Within the TR District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by administrative permit or use permit shall be prohibited.

A. Permitted uses. Structures and land may be used for only the following purposes:

1. Single family dwelling.
2. Two family dwelling.
3. Townhouse.
4. Triplex
5. Quadruplex

B. Accessory uses. A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.

7.2.3 Development standards.
A. Height regulations: No building shall exceed 40 feet in height.

B. Minimum lot area or land area per unit: 2,000 s.f.

C. Maximum density: Nine units per gross acre

D. Minimum lot width: 20 feet.

E. Minimum TR development frontage: 35 feet.

F. Minimum lot frontage:
   — 20 feet adjoining a street except up to 35 feet may be required whenever the
director of public works requires the extra width to protect catch basins.

G. Minimum heated floor area per unit: 1,100 s.f.

H. Minimum perimeter setbacks for the entire TR development.
   1. Minimum front yard: 40 feet.
   2. Minimum side yard:
      — 30 feet adjacent to interior line.
      — 40 feet adjacent to street.

   3. Minimum rear yard: 35 feet.

I. Minimum interior setbacks when one building per lot:
   1. Minimum front yard: 20 feet from right-of-way.
   2. Minimum side yard:
      — 7 feet adjacent to interior lot line, except that up to a 7-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.
      - zero if units are attached, for example, townhouses on separate lots of
record
      - 15 feet adjacent to street.


J. Minimum accessory structure requirements: Single family and two family uses,
accessory structures may be located in the rear and side yards only, but shall
not be located within a minimum yard. Townhouse accessory structures may be
located within the side or rear yards only, but not within minimum perimeter
setbacks or minimum yards.

K. Maximum lot coverage: The area of the footprint of all buildings and parking
shall not exceed 50 percent of the total land area.

L. Minimum building separation when more than one building per lot. All building
separations shall be as specified by the Standard Building Code.
M. Other minimum standards:

1. No more than 20 dwelling units shall form a single building.

2. Setbacks and roof lines shall be varied by at least two feet so that no more than three adjoining dwellings within a single building shall have the same front setback or roof line.

7.2.4 TR District subdivision. In the TR Zoning District, dwellings proposed to be sold with the lot upon which the dwelling is located shall comply with the Subdivision Regulations of South Fulton.

7.2.5 Other regulations: The headings below contain provisions applicable to the TR District.

- Development regulations. Article XXXIV
- Exceptions. Section 4.3
- Floodplain management. Section 4.24
- Off-street parking and loading. Article XVIII
- Outside storage. Section 4.2
- Landscape area and buffer regulations. Section 4.23
- River protection. Metropolitan River Protection Act
- Signs. Article XXXIII

7.3 - A Medium Density Apartment District.

7.3.1 A District scope and intent. Regulations in this section are the O-I District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative permit or use permit. The A District is intended to provide land areas for medium density apartment dwellings which will:

A. Encourage attractive apartment developments.
B. Encourage the provision of recreation areas and facilities, and
C. Be located in areas of moderate to intense development near retail shopping, schools and major thoroughfares.
D. Be located so as to provide a transition between moderate density residential areas and high density residential areas or between moderate density residential areas and nonresidential areas.

7.3.2 Use regulations. Within the A District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by administrative permit or use permit shall be prohibited.

A. Permitted uses. Structures and land may be used for the following purposes:
1. Single family dwelling
2. Two family dwelling
3. Triplex
4. Quadruplex
5. Townhouse
6. Multi-family dwelling
7. Rooming House and Boarding House
8. Convalescent Home/Nursing Home/Hospice
9. Personal Care Home
10. Medical Related Lodging
11. Group Residence

B. Accessory uses. A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.

7.3.3 Development standards.

A. Height regulations: Buildings shall be no higher than 45 feet or three stories, whichever is higher, except when a use permit to exceed the maximum height is approved.

B. Minimum front yard: 40 feet from right-of-way.

C. Minimum side yard:
   — 25 feet adjacent to interior lot line.
   — 40 feet adjacent to street.

D. Minimum rear yard: 25 feet.

E. Minimum land area or lot size per unit: 2,000 s.f.

F. Minimum width: 200 feet throughout depth from front to rear lot line.

G. Minimum lot frontage: 35 feet adjoining a street.

H. Maximum density: 14 units per gross acre.

I. Minimum heated floor area per unit:
   Single family—1,100 s.f.
   Two family—800 s.f.
   Efficiency or studio—450 s.f.
   All other multifamily—700 s.f.
J. **Minimum accessory structure requirements**: Single family and two family uses, accessory structures may be located in the rear and side yards only, but shall not be located within a minimum yard. Multifamily uses, accessory structures may be located in the rear yard only, but shall not be located within a minimum yard.

K. **Maximum lot coverage**. The area of the footprint of all buildings and parking shall not exceed 40 percent of the total land area.

L. **Minimum building separation**. All building separations shall be as specified by the Standard Building Code.

7.3.4 **A District subdivision**. In the A Zoning District, dwellings proposed to be sold with the lot upon which the dwelling is located shall comply with the Subdivision Regulations of South Fulton.

7.3.5 **Other regulations**. The headings below contain provisions applicable to the A District:

- Development regulations. Article XXXIV
- Exceptions. Section 4.3
- Floodplain management. Section 4.24
- Off-street parking and loading. Article XVIII
- Outside storage. Section 4.2
- Landscape area and buffer regulations. Section 4.23
- River protection. Metropolitan River Protection Act
- Signs. Article XXXIII
- Noise study report. Article 28.4.7

7.4 - A-L Apartment Limited Dwelling District.

7.4.1 **A-L District scope and intent**. Regulations in this section are the O-I District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative permit or use permit. The A-L District is intended to provide land areas for high to very high density apartment dwellings which will:

- Encourage attractive apartment living opportunities;
- Encourage the provision of recreation areas and facilities;
- Be located in areas of intense development near retail shopping, schools and major thoroughfares; and
- Be located so as to provide a transition between medium density residential areas and nonresidential areas.
7.4.2 Use regulations. Within the A-L District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by administrative permit or use permit shall be prohibited.

A. Permitted uses. Structures and land may be used for the following purposes:

1. Multi-family dwelling.
2. Any use permitted in the A District.
3. Triplex. 4. Quadruplex.
4. Townhouses.

B. Accessory uses. A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation. Accessory retail and service uses such as restaurants, gift shops, flower shops, snack bars, barber shops, and beauty shops shall be located wholly within principal buildings with no outdoor advertising.

7.4.3 Development standards.

A. Height regulations: Buildings shall be no higher than 60 feet or four stories, whichever is higher except when a use permit to exceed the maximum height is approved.

B. Minimum front yard: 40 feet.

C. Minimum side yard:

Adjacent to interior side line: 20 feet.
Adjacent to street side line: 40 feet.

D. Minimum rear yard: 20 feet.

E. Minimum width: None.

F. Minimum A-L lot frontage: 35 feet adjoining a street.

G. Minimum heated floor area:

Three bedroom apartments: 700 s.f.
Two bedroom apartments: 600 s.f.
One bedroom apartments: 500 s.f.
Efficiency or studio apartments: 400 s.f.

H. Minimum accessory structure requirements: Accessory structures shall not be located in the minimum front yard.

I. Maximum lot coverage. The area of the footprint of all buildings and parking shall not exceed 70 percent of the total land area.
J. **Minimum building separation:** All building separations shall be as specified by the Standard Building Code.

K. **Outdoor recreation:** Outdoor area consisting of not less than ten percent of the gross land area shall be provided for recreation.

7.4.4 Other regulations. The headings below contain provisions applicable to the A-L District:

- Development regulations. Article XXXIV
- Signs. Article XXXIII
- Exceptions. Section 4.3
- Floodplain management. Section 4.24
- Off-street parking and loading. Article XVIII
- Outside storage. Section 4.2
- Landscape Area and Buffer Regulations. Section 4.23
- River protection. Metropolitan River Protection Act
- Noise study report, Article 28.4.7

ARTICLE VIII. - MULTIPLE USE DISTRICT REGULATIONS

8.1 - O-I Office Institutional District.

8.1.1 **O-I District scope and intent.** Regulations in this section are the O-I District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative permit or use permit. The O-I District is intended to provide land areas for office and institutional uses where proximity to residential, public, commercial and other land uses, and existing and projected traffic patterns make it desirable to locate office and institutional uses.

8.1.2 **Use regulations.** Within the O-I District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by administrative permit or use permit shall be prohibited.

A. **Permitted uses.** Structures and land may be used for the following purposes:

1. Single family dwellings.
2. Two family dwellings.
3. Rooming house and boardinghouse.
4. Art galleries.
5. Assembly halls.
6. Churches, temples or other places of worship.
7. Clinics.
10. Dancing schools.
11. Day care facilities.
13. Funeral homes.
15. Gymnasiums.
17. Hospitals.
19. Institutions of higher learning, business colleges, music conservatories, and similar institutions.
22. Museums.
23. Offices.
25. Parking lots.
26. Personal care homes.
27. Recording studios.
29. Stadiums.
30. Thrift institutions.

B. Accessory uses. Structures and land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation. No more than 25 percent of the total floor area of a building may be devoted to storage.

1. Accessory retail and service uses shall be located within a building with a majority of the floor area designed for office uses. Accessory uses shall be located wholly within the principal buildings with no outdoor advertising except that a car wash, detail shop or service station may be located inside
a parking garage as long as such uses are not visible from the exterior of
the parking garage.

2. Retail and service uses permitted shall be limited to employee
convenience, business oriented retail, and service establishments such as
computer hardware and software companies, commercial art, drafting,
travel agencies, office equipment and supply stores, reproduction services,
estenographic services, typing services, messenger services, delivery
services, telecommunications sales and teleconferencing centers,
personnel services and training centers, florists, gift shops, tailor shops,
radio and television repair shops, shoe repair shops and barber or beauty
shops. Restaurants are accessory whenever office and institutional floor
area is at least 100,000 square feet. Fast food restaurants shall be limited
to no more than ten percent of the total floor area devoted to retail and
service business uses, and shall not occupy more than ten percent of any
floor in a building. A drug store is accessory, provided only drugs,
prescription medicines, medicinal supplies and pharmaceutical products
shall be sold.

8.1.3 Development standards.

A. Height regulations: Buildings shall be no higher than 60 feet or four stories,
whichever is higher, except when a use permit to exceed the maximum height
is approved.

B. Minimum front yard: 40 feet.

C. Minimum side yard:

— 40 feet adjacent to street.

— 20 feet interior.

D. Minimum rear yard: 25 feet.

E. Minimum lot area per dwelling:

Single family: 18,000 s.f.

Two family: 18,000 s.f.

F. Minimum lot width: 100 feet for residential use only.

G. Minimum O-I lot frontage:

— 100 feet adjoining a street.

— 35 feet adjoining a street for residential uses.

H. Minimum heated floor area:

Single family: 1,100 s.f.

Two family: 800 s.f.
I. Minimum accessory structure requirements: Single family and two family uses, accessory structures may be located in the rear or side yards only, but shall not be located within a minimum yard:

Multifamily use: Accessory structures shall not be located in the minimum front yard.

J. Maximum lot coverage: The area of the footprint of all buildings and parking shall not exceed 70 percent of the total land area.

8.1.4 Other regulations. The headings below contain provisions applicable to the O-I District:

- Development regulations. Article XXXIV
- Exceptions. Section 4.3
- Floodplain management. Section 4.24
- Off-street parking and loading. Article XVIII
- Outside storage. Section 4.2
- Landscape area and buffer regulations. Section 4.23
- River protection. Metropolitan River Protection Act
- Signs. Article XXXIII
- Noise study report, article 28.4.7

8.2 - MIX Mixed Use District.

8.2.1 MIX district scope and intent. Regulations in this Section are the MIX District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permit or Use Permit. The MIX District is intended to encourage flexible, innovative and creative concepts in site planning and efficient use of land and to provide a stable multiple use environment compatible with surrounding uses. The MIX District is particularly encouraged in areas designated by the Comprehensive Plan Land Use Map as suitable for commercial (including retail, service commercial and office) uses and in Living-Working corridors.

8.2.2 Use regulations. The MIX District mandates a residential component of single family dwellings, duplexes, triplexes, quadruplexes, townhouses, multifamily dwellings or any combination thereof along with at least two of the following: commercial, office or institutional uses.

Within the MIX District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by Administrative Permit or Use Permit shall be prohibited.

A. Permitted Uses. Structures and land may be used for the following purposes:
1. Single family dwellings
2. Duplexes
3. Triplexes
4. Quadruplexes
5. Townhouses
6. Multifamily dwellings
7. Rooming houses and Boarding houses
8. Art Galleries
9. Assembly Halls
10. Car Washes, detail shops and/or service stations located inside a parking garage as long as such uses are not visible from the exterior of the parking garage.
11. Convalescent Centers/Nursing Homes/Hospices
12. Churches, Temples or Other Places of Worship
13. Clinics
14. Community Center Buildings
15. Dancing Schools
16. Day Care Centers
17. Financial Establishments
18. Funeral Homes
19. Group Residence
20. Gymnasiums
21. Health Clubs/Spas
22. Hospitals
23. Hotels
24. Institutions of Higher Learning including Business Colleges, Music Conservatories, and Similar Institutions
25. Libraries
26. Museums
27. Offices
28. Parking Garages/Decks
29. Parking Lots
30. Personal Care Homes
31. Recording Studios
32. Research Laboratories
33. Retail and/or Service Establishments
34. Restaurants and/or Fast Food Restaurants
35. Stadiums
36. Theaters

B. Accessory Uses. Structures and land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation. No more than 25 percent of the total floor area of a building may be devoted to storage.

8.2.3 Development standards.

A. Height Regulations. Structures shall be no higher than 60 feet, except with a Use Permit to exceed the maximum height.

B. Minimum Development Front Yard - As specified in conditions

C. Minimum Development Side Yards - As specified in conditions

D. Minimum Development Rear Yard - As specified in conditions

E. Minimum Development Frontage - 35 feet

F. Minimum Internal Setbacks, Separations, Landscaping and Buffering Between Uses - As specified in conditions

G. Minimum Lot Area Per Dwelling Unit for Single Family or Duplex - As specified in conditions

H. Minimum Lot Frontage for Single Family or Duplex - 20 feet adjoining a street.

I. Minimum Lot Width for Single Family or Duplex - None, unless specified in conditions

J. Minimum Interior Setbacks for Single family or Duplex
   1. Minimum Front Yard - As specified in conditions
   2. Minimum Side Yard - As specified in conditions
   3. Minimum Rear Yard - As specified in conditions

K. Minimum Building Separations - All building separations shall be as specified by the Standard Building Code.

L. Minimum Heated Floor Area Per Dwelling Unit - As specified in conditions

M. Minimum Accessory Structure Requirements. Single family, duplex and townhouse accessory structures may be located in the rear or side yards only, but shall not be located within a minimum yard. Multifamily accessory structures shall not be located in the minimum front yard.
N. Minimum Common Outdoor Area. Twenty percent (20%) of the total site area shall be common outdoor area and shall be maintained by the property owner(s).

O. Pedestrian Connectivity. All components are required to be interconnected with pedestrian paths constructed of either colored/textured materials or conventional sidewalk materials and clearly identified.

P. Parking. Subject to the approval of the Director of Environment and Community Development, off-street parking as required by Article 18 may be reduced and shared parking among uses may be permitted.

8.2.4 Other regulations. The headings below contain some additional, but not necessarily all, provisions applicable to the MIX District.

- Development Regulations. Article XXXIV
- Exceptions. Section 4.3
- Floodplain Management. Section 4.24
- Off Street Parking and Loading. Article XVIII
- Outside Storage. Section 4.2
- Landscape Area and Buffer Regulations Section 4.23
- River Protection. Metropolitan River Protection Act
- Signs. Article XXXIII
- Noise Study Report, Article 28.4.7

ARTICLE IX. - COMMERCIAL DISTRICT REGULATIONS

9.1 - C-1 Community Business District.

9.1.1 C-1 District scope and intent. Regulations set forth in this section are the C-1 District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative permits or use permits. The C-1 District is intended to provide locations in which neighborhood and community-oriented retail and service activities conclude a transition, or land areas which compliment a transition into a more intense activity area. Complimentary noncommercial uses are also permitted.

9.1.2 Use regulations. Within the C-1 District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.

A. Permitted uses. Structures and land may be used for only the following purposes:
1. Amusements, indoor.
2. Apartments, above or behind commercial and office uses in the same building.
3. Art galleries.
4. Assembly halls.
5. Automotive parking lots.
6. Automotive specialty shops.
7. Catering, carry-out and delivery.
8. Church, temple or other place of worship.
11. Day care facilities.
12. Delicatessens.
14. Funeral homes.
15. Group residences.
17. Hotels.
19. Laundromats.
21. Laundry and dry cleaning shops.
22. Lawn service businesses.
24. Communication services.
25. Millinery or similar trade whenever products are sold retail, exclusively on the site where produced.
27. Museums.
28. Offices.
29. Parking garages/decks.
30. Parking lots.
31. Personal care homes.
32. Personal services including barber, beauty.
33. Pet grooming (no overnight stay).
34. Photography studios.
35. Plant nurseries.
36. Printing shops, convenience.
37. Repair shops not involving any manufacturing on the site.
38. Research laboratories.
39. Restaurants.
40. Retail stores or shops.
41. School of business, dance, music or similar schools.
42. Service stations except that repair and service offerings shall not include painting, body repair nor overhaul of major components, and no portion of the site shall be used for the display of cars for sale.
43. Stadiums.
44. Theaters.
45. Recycling centers, collecting.

B. Accessory uses. Structures and land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation. Automobile and/or moving truck rental may be used in accessory to a permitted use. Not more than 45 percent of the floor area of a building or land may be devoted to storage incidental to primary uses.

9.1.3 Development standards.
A. Height regulations: No structure shall exceed the higher of four stories or 60 feet in height except as approved pursuant to article XIX.
B. Minimum front yard: 40 feet.
C. Minimum side yard:
   — 25 feet for dwellings adjacent to interior lot lines.
   — None for all other buildings. See 4.23 for buffer and landscape requirements.
   — 40 feet for all buildings adjacent to streets.
D. Minimum rear yard:
   — 25 feet for dwellings adjacent to interior lot lines.
   — None for all other buildings. See section 4.23 for buffer and landscape requirements.
E. Minimum lot area:
Multifamily dwellings including a unit above or behind a commercial use: 2,500 s.f.

— Single family: 18,000 s.f.

— Two family: 18,000 s.f.

— All other buildings: Zero s.f.

F. Minimum heated floor area per unit:

Single family: 1,100 s.f.

Two family: 800 s.f.

Multifamily: 700 s.f.

Efficiency: 450 s.f.

G. Minimum lot frontage: 35 feet adjoining a street.

H. Minimum accessory structure requirements:

Single family and two family uses: Accessory structures may be located in the rear yard only, but shall not be located within a minimum yard.

Other use: Accessory structures shall not be located in the minimum front yard.

9.1.4 Other regulations. The headings below contain provisions applicable to the C-1 District:

Development regulations. Article XXXIV

Exceptions. Section 4.3

Floodplain management. Section 4.24

Off-street parking and loading. Article XVIII

Outside storage. Section 4.2

Landscape area and buffer regulations. Section 4.23

River protection. Metropolitan River Protection Act

Signs. Article XXXIII

Noise study report, Article 28.4.7

9.2 - C-2 Community Business District.

9.2.1 C-2 District scope and intent. Regulations set forth in this section are the C-2 District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative permits or use permits. The C-2 District is
intended to provide locations in which community and regionally-oriented retail and service activities conclude a transition, or locations which compliment a transition into a more intense activity area. Complimentary noncommercial uses are also permitted.

9.2.2 Use regulations. Within the C-2 District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.

A. Permitted uses. Structures and land may be used for only the following purposes:

1. Any use permitted in the C-1 District.
2. Automotive garage.
3. Automobile and light truck sales/leasing.
5. Bowling alley.
6. Car wash.
7. Check cashing establishment.
8. Drive-in theater.
11. Lawn service business.
12. Laundry and/or dry cleaning plant distribution center. Not including processing, fabrication or manufacturing.
13. Pawn shop.
15. Plumbing shop associated with retail sales.
17. Service establishments.
19. Tinsmithing shop associated with retail sales.

B. Accessory uses. Structures and land may be used for uses customarily incidental to any permitted use and dwellings may be used for a home occupation.

9.2.3 Development standards.

A. Height regulations: No structure shall exceed the higher of four stories or 60 feet in height except as approved pursuant to article XIX.

B. Minimum front yard: 40 feet.
C. *Minimum side yard:*
   - 25 feet for dwellings adjacent to interior lot lines.
   - None for all other buildings. See 4.23 for buffer and landscape requirements.
   - 40 feet for all buildings adjacent to streets.

D. *Minimum rear yard:*
   - 25 feet for dwellings adjacent to interior lot lines.
   - None for all other buildings. See 4.23 for buffer and landscape requirements.

E. *Minimum lot area:*
   - Multiple dwellings including a unit above or behind a commercial use: 2,500 s.f.
     - Single family: 18,000 s.f.
     - Two family: 18,000 s.f.
     - All other buildings: Zero s.f.

F. *Minimum heated floor area:*
   - Single family: 1,100 s.f.
   - Two family: 800 s.f.
   - Multifamily: 700 s.f.
   - Efficiency: 450 s.f.

G. *Minimum lot frontage: 35 feet adjoining a street.*

H. *Minimum accessory structure requirements:*
   - Single family and two family uses: Accessory structures may be located in the rear yard only, but shall not be located within a minimum yard.
   - Other use: Accessory structures shall not be located in the minimum front yard.

9.2.4 Other regulations. The headings below contain provisions applicable to the C-2 District:

- Development regulations. Article XXXIV
- Exceptions. Section 4.3
- Floodplain management. Section 4.24
- Off-street parking and loading. Article XVIII
- Outside storage. Section 4.2
ARTICLE X. - INDUSTRIAL DISTRICT REGULATIONS

10.1 - M-1A Industrial Park District.

10.1.1. M-1A District scope and intent. Regulations set forth in this Section are the M-1A District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative permits or use permits. The M-1A District is intended to provide land areas for the development of industrial parks which meet the needs for manufacturing, fabricating, processing, warehousing, distributing, research, office and related uses in an attractive environment.

10.1.2. Use regulations. Within the M-1A District, land and structures shall be used in accordance with standards herein. Any industrial use not specifically designated as prohibited or allowed with approval of a use permit shall be permitted.

A. Prohibited uses. Structures and land shall be used for manufacturing, fabricating, processing, warehousing, distributing, research, office associated with industrial use and similar uses except as enumerated below or in article XIX.

1. Bone distillation
2. Dwelling
3. Fat rendering
4. Incinerator
5. Manufacturing of:
   Acetylene gas
   Acid
   Ammonia
   Asphalt
   Bleaching powder
   Brick
   Cement
   Chlorine gas
   Coal tar
Explosives
Fertilizers
Glue
Gypsum board
Linoleum
Mineral dye
Oil
Oilcloth
Paint
Paper
Paper pulp
Patent leather
Petroleum products
Plaster of paris
Pottery
Shellac
Terra cotta
Tile
Turpentine
Varnish
Yeast

6. Mineral extraction
7. Slaughter house
8. Smelting
9. Stockyard
10. Storage of:
   Explosives
   Animal hides
11. Truck terminal
12. Blast furnace
13. Boiler works
14. Ore reduction
15. Rolling mill
16. Tanning
17. Tar distillation
18. Landfill, inert waste disposal
19. Landfill, solid waste disposal
20. Private correction facility
21. Truck stop

B. **Accessory uses**. Structures and land may be used for uses customarily incidental to any permitted use.

10.1.3. **Development standards**.

A. **Height Regulations**. No structure shall exceed the higher of four stories or sixty (60) feet in height except as approved pursuant to Article XIX.

B. **Minimum front yard**: 30 feet

C. **Minimum side yard**: None. See section 4.23 for buffer and landscape requirements.

D. **Minimum rear yard**: None. See section 4.23 for buffer and landscape requirements.

E. **Minimum accessory structure requirements**: Accessory structures shall not be located in the minimum front yard.

F. **Rail access**: Railroad spurs and service rails shall be permitted only within the side and rear yards.

G. **Minimum lot frontage**: 35 feet adjoining a street

H. **Maximum lot coverage**: The area of the footprint of all buildings shall not exceed 70 percent of the total land area.

10.1.4. **Exterior building walls**. No wood siding shall be permitted. Exposed exterior walls visible from a street shall be composed of the following maximum and minimum percentages of materials in each classification. The percentages apply to the siding on each exposed exterior wall of each building.

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<thead>
<tr>
<th>Type</th>
<th>Maximum</th>
<th>Minimum</th>
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<tbody>
<tr>
<td>A—Materials</td>
<td>100%</td>
<td>40%</td>
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<tr>
<td>B—Materials</td>
<td>60%</td>
<td>0%</td>
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<tr>
<td>C—Materials</td>
<td>25%</td>
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<tr>
<td>D—Materials</td>
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</tbody>
</table>
Type A materials consist of brick; stone with weathered, polished or fluted face; marble aggregate masonry block with fluted, split-face, or broken-face finish; tilt-up, poured-in-place or precast concrete either fluted or with exposed aggregate finish; insulated window wall panels of stainless steel, porcelain treated steel, anodized or other permanently finished aluminum, and stucco or synthetic stucco.

Type B materials consist of metal panels with baked-on enamel or acrylic finish.

Type C materials consist of plain reinforced concrete slabs.

Type D materials consist of corrugated steel and aluminum, wood, and composite board.

1. Materials not listed may be presented to the Director of Community Development and the Director of Public Works for classification.

2. Buildings having walls over 25 feet high may be given special material percentages by the Director of Community Development and the Director of Public Works.

10.1.5. Nuisance provisions. The following provisions are intended to promote compatibility of the M-1A District with surrounding areas.

1. No activity shall be permitted which is offensive or hazardous to the workers in the area, or produces smoke, odor, noises, fumes, vibrations or other objectionable elements or emanations that may be detrimental to the health and safety of the citizens of South Fulton.

2. Accepted smoke and odor abatement practices shall be followed to eliminate objectionable smoke and odor, in so far as possible.

10.1.6. Other regulations . The headings below contain provisions applicable to the M-1A District:

Development regulations. Article XXXIV

Exceptions. Section 4.3

Floodplain management. Section 4.24

Off street parking and loading. Article XVIII

Outside storage. Section 4.2

Landscape area and buffer regulations. Section 4.23

River protection. Metropolitan River Protection Act

Signs. Article XXXIII
10.1.7. Environmental impact report. In accordance with section 28.4.6, submit an Environmental Impact Report as required.

M-1 Light - Industrial district

10.2.1. M-1 District scope and intent. Regulations in this section are the M-1 District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative permits or use permits. The M-1 District is intended to provide locations which meet the needs of processing, manufacturing, fabricating and warehousing, research and office uses, and related uses.

10.2.2. Use regulations. Within the M-1 District, land and structures shall be used in accordance with standards herein. Any industrial use not specifically designated as prohibited or allowed with approval of a use permit shall be permitted. Structures and land shall be used for manufacturing, fabricating, processing, warehousing, distributing, research, office associated with industrial use uses and similar uses except as enumerated below or in article XIX.

A. Prohibited use
   1. Blast furnace
   2. Boiler works
   3. Bone distillation
   4. Dwelling
   5. Fat rendering
   6. Incinerator
   7. Manufacturing of:
      Acetylene gas
      Acid
      Ammonia
      Asphalt
      Bleaching powder
      Brick
      Chlorine gas
      Cement
      Coal tar
      Explosives
      Fertilizer
      Glue
      Gypsum board
8. Mineral extraction
9. Ore reduction
10. Rolling mill
11. Slaughter house
12. Smelting
13. Stockyard
14. Storage of:
   a. Explosives
   b. Animal hides
15. Tanning
16. Tar distillation
17. Truck stop
18. Truck terminal
19. Landfill, solid waste disposal

B. Accessory uses. Structures and land may be used for uses customarily incidental to any permitted use.
10.2.3. Development standards.

A. Height regulations. Whenever uses or structures permitted in the M-1 District adjoin a dwelling district, structures shall be set back at least 12 additional feet for each foot of height in excess of 50 feet.

Otherwise, no structure shall exceed the higher of 8 stories or 100 feet in height.

B. Minimum front yard: 40 feet

C. Minimum side yard: None. See section 4.23 for buffer and landscape requirements.

D. Minimum rear yard: None. See section 4.23 for buffer and landscape requirements.

E. Minimum lot area: None

F. Minimum accessory structure requirements. Accessory structures shall not be located in the minimum front yard.

G. Minimum lot frontage: 35 feet adjoining a street

10.2.4. Other regulations. The headings below contain provisions applicable to the M-1 District.

Development regulations. Article XXXIV

Exceptions. Section 4.3

Floodplain management. Section 4.24

Off street parking and loading. Article XVIII

Outside storage. Section 4.2

Landscape area and buffer regulations. Section 4.23

River protection. Metropolitan River Protection Act

Signs. Article XXXIII

10.2.5. Environmental impact report. In accordance with section 28.4.6, submit an Environmental Impact Report as required.

10.3 M-2 - Heavy Industrial District

10.3.1. M-2 District scope and intent. Regulations in this section are the M-2 District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative permits or use permits. The M-2 District is intended to provide locations for a full range of manufacturing, processing, extraction, terminal and warehousing uses, and closely related uses.
10.3.2. Use regulations. Within the M-2 District, land and structures shall be used in accordance with standards herein. Any industrial use not specifically designated as prohibited or allowed with approval of a Use Permit shall be permitted.

Structures and land shall be used for manufacturing, fabricating, processing, distributing, research, office associated with industrial use, extraction, terminal and warehousing and similar uses except as enumerated below or in Article XIX.

A. Prohibited use. Uses listed below are prohibited unless specifically approved by the City Council in a rezoning resolution.

1. Blast furnace
2. Bone distillation
3. Dwelling
4. Explosives storage
5. Fat rendering
6. Incinerator
7. Manufacturing of:
   Acid
   Cement
   Explosives
   Fertilizer
   Glue
   Gypsum board
   Oil
   Paper
   Paper pulp
   Petroleum products
   Plaster of paris
8. Slaughter house
9. Smelting
10. Stockyard
11. Truck stop

B. Accessory uses. Structures and land may be used for uses customarily incidental to any permitted use.

10.3.3. Development standards.
A. **Height regulations.** Adjoining a Dwelling District, any part thereof shall be set back 12 feet from the required yard lines for each foot of height in excess of 50 feet. Otherwise, no structure shall exceed the higher of 8 stories or 100 feet in height.

B. **Minimum front yard:** 40 feet

C. Minimum side yard: None. See section 4.23 for buffer req. adjoining residential.

D. Minimum rear yard: None. See section 4.23 for buffer req. adjoining residential.

E. Minimum lot area: None

F. **Minimum accessory structure requirements.** Accessory structures shall not be located in the minimum front yard.

G. **Minimum lot frontage:** 35 feet adjoining a street

10.3.4. **Other regulations.** The headings below contain provisions applicable to uses allowed in the M-2 District:

- Development regulations. Article XXXIV
- Exceptions. Section 4.3
- Floodplain management. Section 4.24
- Off street parking and loading. Article XVIII
- Outside storage. Section 4.2
- Landscape area and buffer regulations. Section 4.23
- River protection. Metropolitan River Protection Act
- Signs. Article XXXIII

10.3.5. **Environmental impact report.** In accordance with section 28.4.6, submit an Environmental Impact Report as required.

ARTICLE XI. - PLANNED UNIT DISTRICT REGULATIONS

11.1 - CUP Community Unit Plan District.

11.1.1 **CUP District scope and intent.** Regulations in this section are the CUP District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative permit or use permit. The CUP District identifies land areas for a variety of housing types within a planned community setting.

The CUP District is intended to:

A. Encourage the development of large tracts of land as planned communities.
B. Encourage flexible and creative concepts in site planning.

C. Preserve the natural amenities of the land by encouraging scenic and functional open areas.

D. Provide for an efficient use of land.

E. Provide a stable residential environment compatible with surrounding residential areas.

F. Protect neighboring properties by requiring larger peripheral lots adjacent to larger lot developments.

11.1.2 Use regulations. Within the CUP District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by administrative permit or use permit shall be prohibited.

A. Permitted uses. Structures and land may be used for only the following purposes:

1. Single family dwelling

2. Two family dwelling

3. Triplex

4. Quadruplex

5. Townhouse

6. Multi-family Residential

7. Day Care facility located in a Multi-family or community building, or place of worship

8. Golf, country club, pool and recreation court

9. Community facilities

10. Places of Worship

B. Accessory uses. A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation. Retail and service uses, and clubs accessory to recreation facilities are allowed subject to the following conditions:

1. Accessory retail and service uses shall be located wholly within a building with a majority of the floor area designed for recreation uses. No outdoor advertising is allowed.

2. Retail and service uses shall be limited to convenience retail and service establishments such as pro shops and personal services. Restaurants accessory to a club are allowed.

11.1.3 Development plan. The development plan shall be the zoning control document for features depicted graphically. The site plan requirement applicable to rezoning requests shall be adhered to for CUP rezoning requests. Administrative
guidelines for preparing site plans are available from the Director of Community Development. A site plan shall become the development plan if the request to rezone is approved without changes or additions. If the approval by the board differs, in any way, from what is depicted on the site plan submitted for the purpose of seeking rezoning, a revised plan must be certified by the Department of Community Development before development related permits may be issued. A site plan or development plan shall not substitute for plans which are required as a prerequisite for applying for development related permits. The location of all use areas shall be shown on the development plan, and location on the ground shall be as shown on the development plan.

11.1.4 Development standards.

A. Height regulations: No single family residential dwellings or accessory structures shall exceed 40 feet in height. The height of all other structures are as approved per the conditions of zoning.

B. Minimum land area per unit: As specified in conditions.

C. Minimum lot area per unit: As specified in conditions.

D. Minimum CUP size: Ten contiguous acres.

E. Maximum density:
   — Multifamily: Nine units per gross acre.
   — Single family: Five units per gross acre.

F. Minimum lot width: None, unless specified in conditions.

G. Minimum CUP development frontage: 35 feet.

H. Minimum lot frontage: 20 feet adjoining a street.

I. Minimum heated floor area per unit: As specified in conditions.

J. Minimum perimeter setback — Entire CUP development: As specified in conditions.

K. Minimum interior setbacks, single family lots:
   1. Minimum front yard: As specified in conditions.
   2. Minimum side yard: As specified in conditions.
   3. Minimum rear yard: As specified in conditions.

L. Minimum accessory structure requirements:
   Single family and two family uses: Accessory structures may be located within the side or rear yards, subject to perimeter and minimum yard setbacks.
   Multifamily uses: Accessory structures may be located in the rear yard only, but shall not be located within a minimum yard.

M. Minimum building separation—More than one dwelling per lot. All building separations shall be as specified by the Standard Building Code.
N. Other minimum standards:

1. Setbacks and roof lines shall be varied by at least two feet so that no more than three adjoining dwelling units within a single building shall have the same front setback or roof line.

2. Common outdoor area consisting of not less than 550 square feet per unit shall be provided for recreation in all developments of 20 or more acres.

3. Land area proposed for open space or recreation shall be allocated among the use areas in proportion to the ratio of a neighborhood population to the total CUP population so that acreage devoted to open space is reasonably accessible to all residents.

4. Multifamily uses shall not be located along the perimeter except adjacent to or across a street from an existing multifamily or more intense use.

5. Agreements, covenants, declarations and other contracts which govern the use, maintenance, and protection of a CUP development among its owners areas shall be part of the official zoning file, and changes thereto shall have no force and effect until a copy has been provided to the Director of Community Development.

6. Multifamily units shall not exceed 25 percent of the total number of dwelling units in a CUP.

11.1.5 Other regulations. The headings below contain some additional, but not all, provisions applicable to the CUP District:

Development regulations. Article XXXIV

Exceptions. Section 4.3

Floodplain management. Section 4.24

Off-street parking and loading. Article XVIII

Outside storage. Section 4.2

Landscape area and buffer regulations of the TR, A or A-L District shall apply, as corresponding. Section 4.23

River protection. Metropolitan River Protection Act

Signs. Article XXXIII

11.2 - NUP Neighborhood Unit Plan.

11.2.1 NUP District scope and intent. Regulations set forth in this section are the NUP District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative permit or use permit. The NUP
District is intended to provide land areas devoted to low to medium density single family residential uses of five or fewer units per acre consistent with the densities ranges suggested on the comprehensive plan land use map. The NUP District is intended to 1) encourage the development of medium sized tracts of land as planned neighborhoods or the development of vacant parcels of land with transitional densities in built-up areas, 2) encourage the preservation of trees and vegetation, and to 3) encourage innovative site planning. Land proposed for a NUP shall comply with the following standards:

A. Provide a density that is consistent with the plan densities and surrounding properties.

B. Protect neighboring properties by requiring peripheral setbacks and development standards compatible with adjacent developments as required by the district standards and the conditions of zoning.

11.2.2 Use regulations. Within the NUP District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by administrative permit or use permit shall be prohibited.

A. Permitted uses. Structures and land may be used for only the following purposes:

1. Single family dwelling.

2. Recreation facilities associated with single family development.

B. Accessory uses. A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.

11.2.3 Development plan. The development plan shall be the zoning control document for features depicted graphically. The site plan requirement applicable to rezoning requests shall be adhered to for NUP rezoning requests. Administrative guidelines for preparing site plans are available from the Director of Community Development. A site plan shall become the development plan if the request to rezone is approved without changes or additions. If the approval by the board differs, in any way, from what is depicted on the site plan submitted for the purpose of seeking rezoning, a revised plan must be certified by the Department of Community Development before development related permits may be issued. A site plan or development plan shall not substitute for plans which are required as a prerequisite for applying for development related permits. The location of all use areas shall be shown on the development plan, and location on the ground shall be as shown on the development plan.

11.2.4 Development standards.

A. Height regulations: No building shall exceed 40 feet in height.

B. Minimum lot area per unit: 4,000 s.f.

C. NUP size:

Minimum four contiguous acres.
Maximum 12 contiguous acres

D. Maximum density: Five units per gross acre.
E. Minimum lot width: None unless specified in conditions.
F. Minimum development frontage: 35 feet.
G. Minimum lot frontage: 20 feet adjoining a street.
H. Minimum heated floor area per unit: 1,000 s.f. detached
I. Minimum perimeter setback for the entire NUP development: When adjacent to single family zoning/use or AG-1 zoned property, a 40-foot setback shall be provided around the periphery of the development including access drives serving more than one lot, principal and accessory structures and swimming pools. Other yard improvements and access/utility crossings are permitted.

J. Minimum interior setbacks:
   1. Minimum front yard: As specified in conditions.
   2. Minimum side yard: As specified in conditions.
   3. Minimum rear yard: As specified in conditions.
K. Minimum interior building separations: To place a building along an interior side lot line at between zero and seven feet shall require an encroachment and maintenance easement allowing a minimum of seven feet of access to such buildings. A minimum building separation of 14 feet shall be maintained.
L. Minimum accessory structure requirements: Accessory structures may be located in rear or side yards, but shall not be located within a minimum rear yard except that detached garages may locate along a rear lot line at between zero and seven feet with an encroachment and maintenance easement allowing a minimum of seven feet of access to the garage.

11.2.5 Other regulations. The headings below contain some additional, but not all, provisions applicable to the NUP District:

Development regulations. Article XXXIV
Exceptions. Section 4.3
Floodplain management. Section 4.24
Off-street parking and loading. Article XVIII
Outside storage. Section 4.2
Landscape area and buffer regulations of the TR district shall apply to townhouse development. Section 4.23
River protection. Metropolitan River Protection Act
Signs. Article XXXIII
11.3 - MHP Mobile Home Park District.

11.3.1 Scope and intent. Regulations set forth in this section are the MHP District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative permit or use permit. The MHP District is provides minimum design standards for mobile home parks. The MHP District is intended to:

A. Provide a desirable living environment.
B. Require the provision of usable open space and recreational areas, and
C. Be located in areas which are served by public sanitary sewer or be located in a drainage basin which is identified for sanitary sewer within two years.
D. Have access to an arterial street.
E. Be located on sites which have a high potential for tree retention and utilization of natural terrain.

11.3.2 Use regulations. Within the MHP District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by administrative permit or use permit shall be prohibited.

A. Permitted uses. Structures and land may be used for:
   1. Mobile Homes
   2. Grocery store with a maximum of 2,500 square feet when approved as part of the development plan.
   3. Laundromat and coin operated dry cleaning when approved as part of the development plan.
   4. Day care facility.

B. Accessory uses. A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation. The sale or display of mobile homes shall be accessory as long as each mobile home offered for sale is located on its individual lot and connected to all utilities.

11.3.4 Application. Applications for rezoning to MHP shall, in addition to the required submittal routinely required by the Director of Community Development, be supported by:

A. A copy of the rules and regulations of the proposed mobile home park.
B. A copy of any proposed covenants.
C. A proposed maintenance plan for lawns, shrubbery, trees, recreation areas, and other natural areas.
11.3.5 Development plan. The development plan shall be the zoning control document for features depicted graphically. The site plan requirement applicable to rezoning requests shall be adhered to for MHP rezoning requests. Administrative guidelines for preparing site plans are available from the Director of Community Development. A site plan shall become the development plan if the request to rezone is approved without changes or additions. If the approval by the board differs, in any way, from what is depicted on the site plan submitted for the purpose of seeking rezoning, a revised plan must be certified by the Department of Community Development before development related permits may be issued. A site plan or development plan shall not substitute for plans which are required as a prerequisite for applying for development related permits. The location of all proposed structures (excluding mobile or modular homes) shall be as shown on the development plan, adopted at the time of zoning approval, and actual location on the ground shall be as shown on the development plan.

11.3.6 Development standards.

A. Height regulations: Structures shall be no higher than 35 feet or 2½ stories, whichever is higher.

B. Minimum land area: 20 contiguous acres.

C. Minimum MHP width: Not less than 400 feet throughout.

D. Minimum site area per unit: 4,000 s.f.

E. Minimum frontage for the entire MHP development: 200 feet on an arterial or a road within 600 feet of an arterial.

F. Minimum perimeter buffers for the entire MHP:
   —Road frontage: 100 feet.
   —All other: 50 feet.

G. Maximum density: 5.5 units per gross acre plus additional density for features below:

<table>
<thead>
<tr>
<th>Feature</th>
<th>Additional Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Day care center</td>
<td>.2 units per acre</td>
</tr>
<tr>
<td>2) Supervised recreation</td>
<td>.2 units per acre</td>
</tr>
<tr>
<td>3) Neighborhood center</td>
<td>.2 units per acre</td>
</tr>
<tr>
<td>4) Unit carports or garages</td>
<td>.2 units per acre</td>
</tr>
</tbody>
</table>
11.3.7 Requirements for individual unit locations. Each mobile home shall be located on a separate site which shall be identified by a marker at each corner. It is not required that individual sites be surveyed. Minimum requirements for individual sites are as follows:

A. Minimum width: 44 feet.
B. Minimum size: 4,000 square feet.
C. Minimum all weather patio: 300 square feet.
D. Minimum enclosed storage: 125 cubic feet.
E. Minimum interior street setback: 15 feet from pavement.
F. Minimum unit separation: 20 feet.

11.3.8 Minimum improvements required.

A. Access, streets, drainage and walks. Each mobile home park shall have a minimum of two primary access streets which shall be paved to a minimum width of 30 feet. Other streets within a mobile home park shall be paved to a minimum width of 24 feet.
B. Walkways. All-weather pedestrian walks shall be provided throughout a mobile home park.
C. Construction standards. Streets and drainage structures shall be constructed in accordance with the minimum standards available from the South Fulton Department of Public Works.
D. Underground utilities required. All utilities shall be placed underground. A central television antenna system shall be provided.
E. Lighting. Streets and walkways shall be lighted.
F. Unit refuse collection facilities. Each mobile home site shall be provided with water-tight and rodent proof refuse container(s) having a capacity of at least 50 gallons.
G. Common refuse collection facilities. Dumpsters or similar devices shall be provided for every 30 units or fraction thereof in excess of 15. Such central collection facilities shall be screened from view and shall not be located more than 400 feet from any mobile home served.
H. Water and wastewater. Each unit shall be served by public water and sanitary sewer.
I. Laundry facilities. Central laundry facilities shall be provided at the rate of one standard-size washing machine and dryer for each 25 units or fraction in excess of 11 units. Laundry facilities shall be located not more than 800 feet from the units served.
J. Public telephones. Public telephones shall be provided at convenient locations.
K. **Fire protection.** Fire hydrants shall be located throughout the park in accordance with standards of the fire marshal. Each unit shall be equipped with a fire extinguisher type approved by the Fire Marshal of South Fulton.

L. **Landscaping.** Each mobile home park shall be landscaped with shade trees, shrubs and grass. Landscaping shall be in accordance with a landscaping plan which has been approved by the Department of Community Development.

M. **Recreation facilities.** At a minimum, ten percent of the gross acreage of a mobile home park shall be provided for common open space and recreation for the residents of the mobile home park.

**11.3.9 Other minimum standards.**

A. Within 30 days of being located in a mobile home park, the undercarriage shall be screened from view.

B. At least 400 square feet of common area shall be provided per unit for the storage of boats, travel trailers and other vehicles. This common storage area shall be enclosed by a fence and screened from view from all units and streets.

**11.3.10 MHP District subdivision.** Individually divided lots are not allowed in the MHP District. All other divisions shall comply with the Subdivision Regulations of South Fulton.

**11.3.11 Other regulations.** The headings below contain some additional, but not necessarily all, provisions applicable to the MHP District:

- Development regulations. Article XXXIV
- Exceptions. Section 4.3
- Floodplain management. Section 4.24
- Off-street parking and loading. Article XVIII
- Outside storage. Section 4.2
- River protection. Metropolitan River Protection Act
- Signs. Article XXXIII

**11.4 - SH Senior Housing District.**

**11.4.1. SH District scope and intent.** Regulations in this section are the SH District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permit or Use Permit. The SH District is intended to provide land area devoted to senior housing consisting of single family and multi-family dwellings. The SH District is intended to:

A. Encourage senior housing opportunities throughout unincorporated South Fulton except in industrial areas.

B. Allow seniors the ability remain in their community.
C. Provide standards whereby senior housing is compatible with the surrounding area.

11.4.2. Use regulations. Within the SH District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by Administrative Permit or Use Permit shall be prohibited.

A. Permitted uses. Structures and land may be used for only the following purposes:

1. Single-family dwelling
2. Two-family dwelling
3. Triplex
4. Quadruplex
5. Townhouse
6. Multi-family residential

B. Accessory uses. A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.

11.4.3. Development plan. The development plan shall be the zoning control document for features depicted graphically. The site plan requirement applicable to rezoning requests shall be adhered to for SH District rezoning requests. Administrative guidelines for preparing site plans are referenced in Article 28.5.2. A site plan shall become the development plan if the request to rezone is approved without changes or additions. If the approval by the board differs, in any way, from what is depicted on the site plan submitted for the purpose of seeking rezoning, a revised plan must be certified by the Environment and Community Development Department before development related permits may be issued. A site plan or development plan shall not substitute for plans which are required as a prerequisite for applying for development related permits. The location of all use areas shall be shown on the development plan, and location on the ground shall be as shown on the development plan.

11.4.4. Development standards.

A. Height regulations: No building shall exceed 40 feet in height.

B. Minimum lot area or land area per unit: As specified in conditions.

C. Maximum density:

<table>
<thead>
<tr>
<th>Comprehensive Land Use Plan Map</th>
<th>SH District Maximum Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suggested Density (units per acre)</td>
<td>(units per</td>
</tr>
<tr>
<td>Land Use</td>
<td>Units per Acre</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Agricultural, forestry and mining</td>
<td>3</td>
</tr>
<tr>
<td>Residential - 1 unit/acre or less</td>
<td>3</td>
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<tr>
<td>Residential - 1 to 2 units per acre</td>
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<td>Residential - 2 to 3 units per acre</td>
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<td>Residential - 3 to 5 units per acre</td>
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</tr>
<tr>
<td>Residential - 5 to 8 units per acre</td>
<td>10</td>
</tr>
<tr>
<td>Residential - 8 to 12 units per acre</td>
<td>14</td>
</tr>
<tr>
<td>Residential - 12 to 20 units per acre</td>
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<td>Retail service and commercial</td>
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<tr>
<td>Office</td>
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<tr>
<td>Live work—Neighborhood (residential up to five units per acre)</td>
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<tr>
<td>Live work—Community (residential up to nine units per acre)</td>
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<tr>
<td>Live work—Regional (residential plus nine units per acre)</td>
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<tr>
<td>Community facilities</td>
<td></td>
</tr>
<tr>
<td>Institutional uses</td>
<td>7</td>
</tr>
</tbody>
</table>

**D. Minimum lot width:** 20 feet.

**E. Minimum SH development frontage:** 35 feet.

**F. Minimum lot frontage:** 20 feet adjoining a street except up to 35 feet may be required whenever the Director of Public Works requires the extra width to protect catch basins.
G. **Minimum heated floor area per unit:**

<table>
<thead>
<tr>
<th>Dwelling Unit Type</th>
<th>Minimum Heated Floor Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family detached</td>
<td>1,100 square feet</td>
</tr>
<tr>
<td>Two-family</td>
<td>900 square feet</td>
</tr>
<tr>
<td>Triplex</td>
<td>900 square feet</td>
</tr>
<tr>
<td>Quadruplex</td>
<td>900 square feet</td>
</tr>
<tr>
<td>Townhouse</td>
<td>900 square feet</td>
</tr>
<tr>
<td>Multi-family (efficiency or studio)</td>
<td>600 square feet</td>
</tr>
<tr>
<td>Multi-family (1 or 2 bedrooms)</td>
<td>750 square feet</td>
</tr>
</tbody>
</table>

H. **Minimum perimeter setback for the entire SH development:**

1. Minimum front yard: 40 feet.
2. Minimum side yard:
   - 30 feet adjacent to interior line.
   - 40 feet adjacent to street.
3. Minimum rear yard: 35 feet.

I. **Minimum interior setbacks when one building per lot:**

1. Minimum front yard: 20 feet from right-of-way.
2. Minimum side yard:
   - 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.
   - Zero if units are attached, for example, townhouses on separate lots of record
J. Minimum accessory structure requirements:

Single-family and two-family uses: Accessory structures may be located within the side or rear yards but shall not be located within a minimum yard and are subject to perimeter and minimum yard setbacks.

Multi-family uses: Accessory structures may be located in the rear yard only but shall not be located within a minimum yard.

K. Minimum building separation—More than one dwelling per lot: All building separations shall be as specified by the Standard Building Code.

L. Other minimum standards:

1. Setbacks and roof lines shall be varied by at least two feet so that no more than three adjoining dwelling units within a single building shall have the same front setback or roof line.

2. Common outdoor area consisting of not less than 150 square feet per unit shall be provided for recreation in all developments.

3. Land area proposed for open space or recreation shall be allocated among the use areas in proportion to the ratio of a neighborhood’s population to the total SH population so that acreage devoted to open space is reasonably accessible to all residents.

4. Provide a minimum 600 square foot heated and cooled community center with kitchen and media center facilities. If there is a management office associated with the development, the community center may be located within the confines of that office.

5. Agreements, covenants, declarations and other contracts which govern the use, maintenance, and protection of a SH development among its owners' areas shall be part of the official zoning file, and changes thereto shall have no force and effect until a copy has been provided to the Director of the Environment and Community Development Department. All SH developments shall have a mandatory agreement, covenant or contractual requirement that all sales or transfers of the property to subsequent owners shall be subject to the 100 percent occupancy requirement by residents aged 62 or older.

6. A 50-foot principal perimeter building setback shall be provided for the entire SH development when adjacent to single family residential districts and/or AG-1 districts.

7. Parking spaces shall be calculated as 1.4 spaces per dwelling unit.

8. No parking shall be allowed in the minimum front yard setback.

9. SH developments must be served by public water and sewer.

10. All SH developments shall provide a minimum 25-foot wide natural, undisturbed buffer with a ten-foot improvement setback or a minimum six-foot high earthen berm planted to landscape strip standards, with a
maximum slope of 3 to 1 or combination thereof around the perimeter of the property. Said buffer and improvement setback or berm shall not be part of any residentially platted lot. All areas which are not part of an individual lot and held in common shall be accessible via dedicated roadways, easements, sidewalks, etc. and shall be maintained by a mandatory homeowners association, whose proposed documents of incorporation shall be submitted to the Director of Community Development for review and approval prior to the recording of the first final plat.

11. Facility shall comply with all applicable local, state, and federal regulations and copies of any applicable permits shall be provided to the Department of Community Development prior to the issuance of a certificate of occupancy.

12. Projects are required to incorporate Easy Living and applicable accessibility standards (as administered and copyrighted by a coalition of Georgia citizens including AARP of Georgia, Atlanta Regional Commission, Concrete Change, Georgia Department of Community Affairs, Governor's Council on Developmental Disabilities, Home Builders Association of Georgia, Shepherd Center and the Statewide Independent Living Council of Georgia).

13. Senior housing shall be 100 percent occupied by persons who are 62 years of age or older which shall be verified per Housing and Urban Development (HUD) regulations regarding verification of occupancy.

11.1.5. Other regulations. The headings below contain some additional, but not all, provisions applicable to the Senior Housing District:

Development Regulations. Article XXXIV
Exceptions. Section 4.3
Floodplain Management. Section 4.24
Off Street Parking and Loading. Article XVIII
Outside Storage. Section 4.2
River Protection. Metropolitan River Protection Act
Signs. Article XXXIII

ARTICLE XIIA. - [OVERLAY DISTRICTS]

12A.1 - Overlay district authority.

12A.1.1 Declaration of purpose, scope, intent and public policy. The South Fulton City Council finds that as a matter of public policy that the aesthetic, economic and functional qualities of unincorporated South Fulton are worthy of enhancement and
preservation and are essential to the promotion of the health, prosperity, safety and
general welfare of the existing and future residents of unincorporated South Fulton.
Therefore, the City Council authorizes each planning area to propose overlay districts
and regulations, and, if desired, to request that the board appoint a design review
board. The purpose of said design review board and overlay district regulations shall be:

1. To foster civic pride.
2. To promote attention to accepted design principles in areas of new
development and redevelopment.
3. To raise the level of community understanding and expectation for quality in
   the built environment.
4. To implement the comprehensive plan.
5. To provide for the designation, protection, rehabilitation and redevelopment of
   properties within overlay districts and to participate in federal and state
   programs designed to do the same.
6. To protect and enhance local aesthetic and functional qualities and to stimulate
   business.
7. To enhance the opportunities for federal, state and local tax benefits under
   relevant federal, state and local laws.

The City Council further finds that the timely exercise of judgement in the public
interest by a public body of proposed new development or redevelopment is
desirable. Accordingly, the public policy objectives of this resolution are to guide
certain aspects of development, such as:

1. The spatial relationships of structures and open spaces to each other, and
2. The appearance of buildings and open spaces as they contribute to the
   attractiveness, function, economy and character of an area.

Planning area design standards are intended to be uniformly applied to evaluate the
appropriateness of proposed changes to an overlay district in order to:

1. Protect and enhance the visual qualities and character of the district,
2. Provide guidance to design professionals, property and business owners
   undertaking construction in the district,
3. Recommend appropriate design approaches, and
4. Provide an objective basis for review, assuring consistency and fairness.

12A.2 - Definitions.

12A.2.1 The words "shall" and "must" are mandatory, and the words "may" and
"should" are permissive. As used in this section, the following terms shall be defined as
follows:

Appearance. The outward aspect that is visible to the public.
Appropriate. Fitting to the context of a site, neighborhood or community.

Architectural concept. The basic aesthetic idea of a structure, or group of structures, including the site, signs, buildings and landscape development that produces the architectural character.

Architectural feature. A significant element of a structure or site.

Attractive. Having qualities that arouse satisfaction and pleasure in numerous, but not necessarily all, observers.

Building. A building is a structure created to shelter any form of human activity, including but not limited to, a house, store, barn, church, hotel.

Certificate of endorsement (COE). A document evidencing support of a material change in the appearance of a property located within an overlay district by the person or board designated within an overlay district.

Cohesiveness. Unity of composition among elements of a structure or among structures, and their landscape development.

Compatibility. Harmony in appearance of architectural features in the same vicinity.

Design review board (DRB). A panel which, when appointed by the City Council, consists of seven members appointed to consider applications within a specific overlay district.

Designation or designated. A decision by the City Council of South Fulton, Georgia, wherein a property or district is declared an overlay district.

External design feature. The general arrangement of any portion of structures or landscaping, including the type, and texture of the materials, the type of roof, windows, doors, lights, signs, and fixtures of portions which are open to the public view.

Exterior architectural features. The architectural style, general design and general arrangement of the exterior of a structure and site, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs, facade, landscaping and other architectural fixtures, features, details, or elements relative thereto.

Geographic area. Land area subject to overlay district regulations.

Harmony. A quality that represents an attractive arrangement of parts, as in an arrangement of various architectural elements.

Landscape. Plant materials, topography and other physical elements combined in relation to one another and to structures including pavement.

Logic of design. Widely accepted principles and criteria in the solution of design problems.

Material change in appearance. A change in a structure or a parking lot within an overlay district that exceeds ordinary maintenance or repair (defined below), and requires either a sign permit, building permit or land disturbance permit such as, but not limited to:
1. The erection, alteration, restoration, addition or removal of any structure (including signs) or parking lot;
2. Relocation of a sign or building;
3. Commencement of excavation; or
4. A change in the location of advertising visible from the public right-of-way.

Ordinary maintenance or repair. Exempt from inclusion in "Material Change in Appearance" defined above. Ordinary maintenance or repair of any exterior of any structure, parking lot or sign in or on an overlay district property to correct deterioration, decay or damage, or to sustain the existing form, and that does not involve a material change in outer design, material, or appearance thereof. Painting, reroofing, resurfacing, replacement of a broken sign face and other similar types of ordinary maintenance shall be deemed ordinary maintenance and repair.

Overlay district. A geographically definable area, possessing a significant concentration or linkage of sites, buildings, structures, objects or landscapes, including the adjacent area necessary for the proper treatment thereof, united by plan and/or physical development. An overlay district shall further mean an area designated by the South Fulton City Council as such.

Overlay property. An individual site, structure, object or landscape, including the adjacent area necessary for the proper continuity thereof, contained within an overlay district.

Proportion. Balanced relationship of parts of a building, signs and other structures, and landscape to each other and to the whole.

Scale. Proportional relationships of the size of parts to one another and to humans.

Street hardware. Objects other than buildings that are part of the streetscape. Examples are: street light fixtures, utility poles, traffic lights and their fixtures, benches, litter containers, planting containers, fire hydrants, etc.

Streetscape. The appearance and organization along a street of buildings, paving, plantings, street hardware and miscellaneous structures.

12A.3 - Certificates of endorsement.

12A.3.1 Approval of alterations or new construction. Applicants for a South Fulton land disturbance permit, sign permit or building permit shall obtain a certificate of endorsement (COE) for applicable properties.

12A.3.2 Guidelines and criteria for certificates of endorsement. Issuance of certificates of endorsement (COE) shall be based on the criteria of the Zoning Resolution of South Fulton along with other criteria adopted by the City Council.

12A.3.3 Submission of plans. An application for a COE shall be accompanied by such drawings, photographs, material samples or plans as may be required pursuant to the overlay district provisions.
12A.3.4 Interior alterations. Review of applications for endorsement shall not consider interiors or exterior features which are not visible from a public street.

12A.3.5 Issuance of a certificate of endorsement.

A. A COE may be issued when the proposed material change(s) in the appearance or arrangement of the elements of the project is consistent with the overlay district provisions.

B. A copy of each final COE shall be maintained in the Department of Community Development.

12A.3.6 Exceptions. When, by reason of unusual circumstances, the strict application of any provision of this article would result in the exceptional practical difficulty or undue hardship due to the circumstances unique to the particular property in question, the Board of Zoning Appeals, in passing upon applications, shall consider and issue exceptions to said provisions so as to relieve such difficulty or hardship provided such exceptions shall remain in harmony with the general purpose and intent of said provisions, so that the integrity or character of the property, shall be conserved and substantial justice done. A hardship shall not qualify as an undue hardship if it is of a person's own making.

In granting such exceptions, the Zoning Board of Appeals may impose such reasonable and additional stipulations and conditions as will, in its judgement, best fulfill the purpose of this article.

12A.3.7 Appeals. Appeals are to the Board of Zoning Appeals. Any appeal of a decision of the Zoning Board of Appeals shall be as required by law.

12A.3.8 Deadline for consideration of application for COE. The DRB shall consider a completed application for a COE within 15 days after the filing thereof by the owner or occupant of an overlay district property. If the application has not been acted upon within 15 days, an the application shall be considered to be approved as submitted.

12A.3.9 Relationship of this article to other zoning provisions. The adoption of a resolution designating an overlay district, is an amendment to the existing Zoning Resolution. Designation of a zoning overlay district and shall be shown as such on the official zoning maps of South Fulton, Georgia.

12A.4 - Maintenance of properties building code and zoning provisions.

12A.4.1 Ordinary maintenance or repair. Ordinary maintenance or repair of any exterior feature visible from a public street in or on an overlay district property to correct deterioration, decay or damage, or to sustain the existing form, and that does not involve a material change in design, material, or outer appearance thereof, does not require a building, sign, or land disturbance permit.

12A.4.2 Failure to provide ordinary maintenance or repair. The owner or owners, or the owner's agent, of each designated overlay district property or site, shall keep in good repair all of the exterior portions of such property and site and all interior portions thereof which, if not maintained, may cause or tend to cause the exterior portion of such property or site to deteriorate, decay or become damaged or otherwise to fall into a
state of disrepair. The Director of Community Development shall be responsible for the enforcement of the ordinary maintenance or repair provisions contained within this section.

12A.4.3 Affirmation of existing building codes and zoning. Nothing in this resolution shall be construed to exempt property and business owners from complying with other existing City regulations whenever this article does not apply. This resolution is an amendment to the Zoning Resolution and all other provisions of the Zoning Resolution shall remain in effect unless provisions in the overlay district conflict with other provisions of the Zoning Resolution, in which case, the stricter provisions of the overlay district shall apply.

12A.5 - Interpretation, violations, enforcement and penalty provisions.

12A.5.1 Violations. This article shall be governed by article XXIX, section 29.1 of this resolution.

12A.5.2 Enforcement. This article shall be governed by section 26.3 of this resolution.

12A.5.3 Penalty. Violation of this resolution shall be punished as provided for by the South Fulton Code of Ordinances or other applicable laws.

12A.5.4 Severability. In the event that any section, subsection, sentence, clause or phrase of this resolution shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses or phrases of this article which shall remain in full force and effect, as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.

12A.5.5 Conflicts. If the provisions of this article conflict with this resolution, or other ordinances, resolutions or regulations, the provisions of this article shall govern or prevail to the extent of the conflict.

12A.5.7 Interpretation. This article shall be governed by section 26.1 of this resolution.

ARTICLE XIIC. - CASCADE CORRIDOR (CASCADE) DISTRICT

12C.1 - Purpose and intent.

The City Council of South Fulton, Georgia hereby declares it to be the purpose and intent of this resolution to establish a uniform procedure for providing for the protection, enhancement, preservation, unity of design, and use of places, sites, buildings, structures, streets, neighborhoods, and landscape features in the Cascade Corridor District in accordance with the provisions herein.

This resolution is adopted as part of a strategy designed to promote the health, safety, order, prosperity, and general welfare of the citizens of South Fulton through the
regulation of design, aesthetics, location, bulk, size of buildings and structures, and the
density and distribution of population.

This resolution also seeks to reduce congestion on the streets; to provide safety
from fire, flood and other dangers; provide adequate light and open space; protect the
natural environment and address other public requirements, in order to provide
sustainable development that involves the simultaneous pursuit of economic prosperity,
environmental protection and social quality.

This resolution also seeks, among other things, to promote accepted design
principles in areas of new development and redevelopment, to raise the level of
community understanding and expectation for quality in the built environment, to protect
and enhance local aesthetic and functional qualities, and to stimulate business and
promote economic development.

In consideration of the character of the Cascade Corridor District, these regulations
are to monitor the suitability for certain uses, construction and design, prevent functional
and visual disunity, promote desirable conditions for community and commerce and
protect property against blight and depreciation.

12C.2 - Cascade Corridor Overlay District use regulations.

The Cascade Corridor Overlay District applies to all properties zoned or developed
for nonresidential and residential uses (except single family detached dwelling units)
within 3,500 feet of the center line of Cascade Road in unincorporated South Fulton
between the Atlanta City limits and Danforth Road (see attached map).

Within the Cascade Corridor Overlay District, land and structures shall be used in
accordance with the standards of the underlying district.

Whenever provisions of this Article conflict with any other Article in the Zoning
Resolution of South Fulton or any other South Fulton ordinances, regulations, or
resolutions, these standards shall prevail.

12C.3. - Development Standards.


1. 15-foot wide landscape strip along any public street when Article 4 of the
Zoning Resolution otherwise specifies a smaller landscape strip.

(a) The landscape strip may be as specified by the South Fulton Tree
Preservation Ordinance, or may be a combination of hardscape elements
(plazas, planters, benches, fountains and tables, etc.), ground cover,
shrubs, and the required number of hardwood trees as specified by the
Tree Preservation Ordinance.

(b) Shrubs shall be a minimum height of 3 feet at time of planting.

(c) A minimum of one 3" caliper hardwood shade tree is required for every
thirty (30) linear feet of landscape strip.
2. 10-foot wide landscape strip along any interior property line adjacent to a nonresidential zoning and/or use.

12C.3.B. Screening.

1. Refuse areas and receptacles shall be placed in the least visible location from public streets and shall be enclosed on 3 sides with opaque walls. The 4th side shall be a self-closing gate made from noncombustible materials. Opaque walls shall be a minimum of 12 inches higher than the receptacle. Wall materials shall be noncombustible brick. Refuse receptacles shall not be placed within 50 feet of an existing residential or AG-1 (Agricultural) zoning district.

2. Accessory site features are prohibited in the front yard of any property.

3. Accessory site features located on the ground shall be screened from view from any public right-of-way, any residential use, or any residential or AG-1 zoning category by one of the following: placement behind the building, 100 percent opaque fencing, berm or vegetative screen planted to buffer standards.

4. Accessory site features on a roof shall be screened by a parapet or other architectural feature or as approved by the Director of Environment and Community Development.

5. Chain link fencing may be used along golf courses, play fields, and other recreational areas. All chain link fencing shall be black or hunter green vinyl coated.

6. When required, fencing material around detention/retention facilities shall be black or hunter green vinyl coated chain link fence.

7. Retaining walls shall be faced with or constructed of stone, brick, or decorative concrete modular block only.

12C.3.C. Pedestrian Paths.

1. Sidewalks are required along all public and private road frontages.

2. Internal walkways (paths) are required from the public sidewalk to the main entrance of the principle use of the property and shall meet applicable Americans with Disabilities Act (ADA) standards for slope, width, texture, level differences, and ramps.

3. Pedestrian paths may be constructed of either colored/textured materials or conventional sidewalk materials and shall be clearly identified.

4. Pedestrian paths shall be illustrated on the site plan submitted at the time of application for a Land Disturbance Permit.

5. Paths shall be designed to minimize direct auto-pedestrian interaction.

6. Paths shall be connected to signalized crosswalks where applicable.

7. Paths shall be direct and convenient routes between points of origin (such as a bus stop) and destination (such as a shop, bank, etc).
8. Street furniture shall be located outside the specified width of any pedestrian path.

9. If a business is open after dark, the path shall be well-lit by a minimum of 0.9 foot-candles with an average to minimum uniformity ratio of 4:1. The lighting plan for pedestrian paths shall be included on the site plan submitted at the time of application for a Land Disturbance Permit.


1. Developments shall include architecture elements such as columns, arcades, covered entry-walkways, arches, facade offsets, windows, balconies, offset walls, clock towers, cupolas and/or courtyards.

2. The exterior finish of all buildings shall be at least 51 percent brick (or an equivalent alternative treatment approved by the Director of Environment and Community Development) per vertical wall plane.

3. Accent building materials of nonreflective glass, natural stone, precast concrete, stucco, stucco-like material, glass block, Hardi-plank and tile (or an equivalent alternative treatment approved by the Director of Environment and Community Development) shall not exceed 49 percent per vertical wall plane.

4. The principle entry area of a building shall be articulated and express greater architectural detail than other portions of the building.

5. To the extent any rear or side of any building is visible from any public street or single family residence, architectural treatment shall continue through the rear or side.

6. Exterior finishes for accessory structures shall be consistent with the principle structure.

7. Permitted colors for exterior walls, building components, sign structures, accent and decorative elements shall be as specified by Table 12C or as approved by the Director of Environment and Community Development.

Table 12C
Acceptable Color for Architectural Treatment Elements
Pantone Matching System (PMS)

<table>
<thead>
<tr>
<th>Color-Hue</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yellow</td>
<td>138U, 1385U, 145U</td>
</tr>
<tr>
<td>Color</td>
<td>Code</td>
</tr>
<tr>
<td>--------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Brown</td>
<td>462U-468U</td>
</tr>
<tr>
<td>Red</td>
<td>1945U</td>
</tr>
<tr>
<td>Green</td>
<td>340U-343U, 3415U, 3425U, 3435U</td>
</tr>
<tr>
<td>Black</td>
<td>40U, 401U-405U, 4U, 7U, Cool Grey 4U</td>
</tr>
<tr>
<td>Tan</td>
<td>726U-732U</td>
</tr>
</tbody>
</table>

8. Roof colors shall be black, gray, brown, or green. Reflective and metallic colors are prohibited.

9. Exposed concrete masonry unit (CMU) block, corrugated steel, aluminum siding, vinyl siding, wood siding, prefabricated metal, exposed plywood, and exposed pressboard are prohibited as exterior finishes.

10. Burglar bars, steel gates, metal awnings and steel-roll down curtains are prohibited on the exterior of a structure except at the structure's rear. Burglar bars are prohibited on the rear if visible from a public street. Burglar bars are also prohibited on the rear of an outparcel building if visible from the main structure. Roll-down security devices that allow visibility into the store when they are deployed, such as security shutters, are allowed if installed interior to the structure. Said interior security devices shall give the overall appearance of a uniform horizontal pattern, and shall be placed so that the pattern is at a uniform height across the entire business front, and shall match or compliment the color of the surrounding window frame. Said interior security device shall be rolled up (out of sight) during business operating hours and if business has vacated. Extraneous items shall not be attached to the security device. Preferred security device is QMI, Vision Profile Security Shutters, Style 51.

Prior to the installation of all security devices the owner/leasee shall obtain a Letter of Appropriateness from the Director of Planning and Community Services Department.

a. Owner/Leasee shall provide the following in order to obtain the Letter of Appropriateness:

   A signed and notarized letter with attachments describing:

1. Building address where devices are to be installed.
2. Detailed information including site plan and elevation drawing showing location of security device in relation to building façade, windows, doors, etc.

3. Name of security product (provide manufacturer information).

4. Detailed information on the security product (color, material etc.).

5. Other information as may be requested to assure compliance with the security device standard.

6. Notarized letter from installer certifying that product shall be installed to manufacturer's specifications.

b. Planning and Zoning Staff will review the information for compliance with the security device standard and upon determination of compliance will provide a Letter of Appropriateness.

11. Neon lights outlining and/or detailing building features are prohibited.

12. 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.

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


1. Prior to the issuance of a building permit, the applicant shall submit plans which include details of exterior materials, colors, design and architectural elements of proposed building(s) as specified by this Article.

2. South Fulton staff will review all requests for land disturbance, building (excluding interior renovations), and sign permits for compliance with this Article. Upon determination of compliance, a Certificate of Endorsement (CoE) will be provided in the form of signing the formally submitted plans and drawings.

3. Prior to the issuance of a building permit, the community will be allowed ten working days to review and comment. In no event shall a proposal which otherwise conforms to applicable codes and regulations be delayed issuance of a building permit for more than 10 working days due to this review and comment process.


1. Except as provided for in Article 19, the storage and/or sale of goods is prohibited in parking lots and other areas outside of the interior or permanently sheltered portions of a building.

2. Storage of shopping carts is allowed without a permit.

12C.4 - Signs.
1. Base and framework of monument signs shall be made of the same brick as the principal structure.

2. The architecture color standards of the district apply only to the sign structure not to the sign face.

12C.4.B. Prohibited Sign Types:

1. Window signs along the corridor are prohibited.

12C.4.C. Sign Lighting:

1. Wall signs shall be internally illuminated.

12C.5. - Severability.

In the event that any section, subsection, sentence, clause or phrase of this Article shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses or phrases of this Article, which shall remain in full force and effect, as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.

12C.6. - Appeals.

Any persons aggrieved by a final decision of the Department of Community Development relating to this article may appeal such final decision to the Zoning Board of Appeals by filing in writing setting forth plainly, fully and distinctly why the final decision is contrary to law per the South Fulton Zoning Resolution. Such appeal shall be filed within 30 days after the final decision of the department is rendered.
Cascade Road Overlay District

ARTICLE XIID. - OLD NATIONAL HIGHWAY OVERLAY DISTRICT

12D.1 - Purpose and intent.
The City Council of South Fulton, Georgia hereby declares it to be the purpose and intent of this resolution to establish a uniform procedure for providing for the protection, enhancement, preservation, unity of design, and use of places, sites, buildings, structures, streets, neighborhoods, and landscape features in the Old National Highway District in accordance with the provisions herein.

This resolution is adopted as part of a strategy designed to promote the health, safety, order, prosperity, and general welfare of the citizens of South Fulton through the regulation of design, aesthetics, location, bulk, size of buildings and structures, and the density and distribution of population.

This resolution also seeks to reduce congestion on the streets; to provide safety from fire, flood and other dangers; provide adequate light and open space; protect the natural environment and address other public requirements, in order to provide sustainable development that involves the simultaneous pursuit of economic prosperity, environmental protection and social quality.

This resolution also seeks, among other things, to promote accepted design principles in areas of new development and redevelopment, to raise the level of community understanding and expectation for quality in the built environment, to protect and enhance local aesthetic and functional qualities, and to stimulate business and promote economic development.

In consideration of the character of the Old National Highway District, these regulations are to monitor the suitability for certain uses, construction and design, prevent functional and visual disunity, promote desirable conditions for community and commerce and protect property against blight and depreciation.

The Old National Highway Overlay District applies to all properties zoned or developed for nonresidential and residential uses (except single family detached dwelling units) which have frontage on Old National Highway or have direct access to Old National Highway, or are located on streets that intersect Old National Highway in South Fulton between the City of College Park limits, Union City limits, and Fayette County (see attached map). Within the Old National Highway Overlay District, land and structures shall be used in accordance with the standards of the underlying district.

Whenever provisions of this Article conflict with any other Article in the Zoning Resolution of South Fulton or any other South Fulton ordinances, regulations, or resolutions, these standards shall prevail.

12D.3. - Development standards.


1. 15-foot wide landscape strip along any property line adjacent to a public street when Article 4 of the Zoning Resolution otherwise specifies a smaller landscape strip:

   (a) The landscape strip may be as specified by the South Fulton Tree Preservation Ordinance, or may be a combination of hardscape elements
(plazas, planters, benches, fountains and tables, etc.), ground cover, shrubs, and the required number of hardwood trees as specified by the Tree Preservation Ordinance.

(b) Shrubs shall be a minimum height of 3 feet at time of planting.

(c) A minimum of one 3" caliper hardwood shade tree is required for every thirty (30) linear feet of landscape strip.

2. 10-foot wide landscape strip along any interior property line adjacent to a nonresidential zoning and/or use.

3. All landscaped areas shall be maintained by the property owner(s).

4. Landscape treatments shall not obscure street addresses.

12D.3.B. Screening.

1. Refuse areas shall be enclosed on four (4) sides with opaque fencing, 12 inches higher than the receptacle, and constructed of the same material as the building structure. One side shall be a self-closing gate. Refuse receptacles shall not be placed within 50 feet of an existing residential or AG-1 (Agricultural) zoning district.

2. Accessory site features are prohibited in the front yard of any property.

3. Accessory site features located on the ground shall be screened from view from any public right-of-way, any residential use, or any residential or AG-1 zoning category by one of the following: placement behind the building, 100 percent opaque fencing, berm or vegetative screen planted to buffer standards.

4. Accessory site features on a roof shall be screened by a parapet or other architectural feature or as approved by the Director of Environment and Community Development.

5. When required, fencing material around detention/retention facilities shall be black or hunter green vinyl coated chain link fence.

6. Retaining walls shall be faced with or constructed of stone, brick, or decorative concrete modular block only.

7. Loading docks shall be screened by a continuous hedge of evergreen shrubs. Shrubbery shall be a minimum height of five (5) feet at time of planting. Shrubbery must be cared for under a continuous maintenance program.


1. Sidewalks are required along all public and private road frontages.

2. Internal walkways (paths) are required from the public sidewalk to the main entrance of the principle use of the property and shall meet applicable Americans with Disabilities Act (ADA) standards for slope, width, texture, level differences, and ramps.

3. Pedestrian paths may be constructed of either colored/textured materials or conventional sidewalk materials and shall be clearly identified.
4. Pedestrian paths shall be illustrated on the site plan submitted at the time of application for a Land Disturbance Permit.

5. Paths shall be designed to minimize direct auto-pedestrian interaction.

6. Paths shall be connected to signalized crosswalks where applicable.

7. Paths shall be direct and convenient routes between points of origin (such as a bus stop) and destination (such as a shop, bank, etc).

8. Street furniture shall be located outside the specified width of any pedestrian path.


1. Developments shall include architecture elements such as columns, arcades, covered entry-walkways, arches, facade offsets, windows, balconies, offset walls, clock towers, cupolas and/or courtyards.

2. All buildings shall be brick, precast concrete, natural stone, cementitious stucco, tinted glass or horizontal clapboard siding (or an equivalent alternative treatment approved by the Director of Environment and Community Development). Exterior metal siding is allowed in industrially zoned districts but only on non-street-facing façades.

3. The exterior wall materials of all structures except industrial buildings shall consist of a minimum of 60 percent (per vertical wall plane) of the following: horizontal clapboard siding, brick or stone (or an equivalent alternative treatment approved by the Director of Environment and Community Development).

4. Accent wall materials of glass, architecturally treated concrete masonry, precast stone, or stucco (or an equivalent alternative treatment approved by the Director of Environment and Community Development) shall not exceed 40 percent per vertical wall plane.

5. The principle entry area of a building shall be articulated and express greater architectural detail than other portions of the building.

6. Exterior finishes for accessory structures shall be consistent with the principle structure.

7. Permitted colors for exterior walls, building components, sign structures, accent and decorative elements shall be as specified by Table 12D or as approved by the Director of Environment and Community Development.

Table 12D
Allowable Architectural Treatment, Accent and Trim Colors for the Old National Overlay District
(Reference Pantone Color Formula Guide)
<table>
<thead>
<tr>
<th>Tones</th>
<th>Tones</th>
<th>Tones</th>
<th>Tones</th>
<th>Shades</th>
</tr>
</thead>
<tbody>
<tr>
<td>162 C</td>
<td>270 C</td>
<td>100 C</td>
<td>3288 C</td>
<td>406 C</td>
</tr>
<tr>
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<td>107 C</td>
<td>336 C</td>
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<td>408 C</td>
</tr>
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<tr>
<td>180 C</td>
<td>2706 C</td>
<td>113 C</td>
<td>348 C</td>
<td>409 C</td>
</tr>
<tr>
<td>1805 C</td>
<td>2726 C</td>
<td>117 C</td>
<td>349 C</td>
<td>410 C</td>
</tr>
<tr>
<td>1815 C</td>
<td>2756 C</td>
<td>120 C</td>
<td>357 C</td>
<td>411 C</td>
</tr>
<tr>
<td>434 C</td>
<td>2707 C</td>
<td>121 C</td>
<td>364 C</td>
<td>438 C</td>
</tr>
<tr>
<td>435 C</td>
<td>2717 C</td>
<td>122 C</td>
<td>365 C</td>
<td>439 C</td>
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<tr>
<td>436 C</td>
<td>2727 C</td>
<td>1205 C</td>
<td>366 C</td>
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<tr>
<td>437 C</td>
<td>2708 C</td>
<td>1215 C</td>
<td>372 C</td>
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<tr>
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<td>277 C</td>
<td>127 C</td>
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<td>290 C</td>
<td>1345 C</td>
<td>445 C</td>
<td>726 C</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Warm Gray 1 C</td>
</tr>
</tbody>
</table>
8. Neon lights outlining and/or detailing building features are prohibited.

9. Roof colors shall be black, gray, brown, or green. Reflective and metallic colors are prohibited.

10. Cinder block, corrugated steel, wood siding, exposed plywood and exposed pressboard are prohibited as exterior finishes.

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.

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.

13. Chain link fencing is prohibited except in retention/detention areas. All chain link fencing must be black or green vinyl clad.

14. Vending machines, paper stands, and other similar devices must be located inside a building.

1. Previously disturbed vacant lots shall not be paved unless it is a pre-existing condition.

2. Vacant lots shall not be overgrown (vegetative cover exceeding 6-inches in height) and must be maintained. The lot must remain free of trash and debris.

3. All openings of abandoned structures shall be secured from unauthorized entry.

4. All fabricated boards used to board up all openings of abandoned structures shall be painted on the exterior surface the same color as the building.

5. All garbage, trash, and other debris shall be removed from the interior and exterior of vacant premises.

6. A deadbolt shall be installed on the front exterior door above the existing lock of an abandoned structure.

7. Except as provided for in Article 19, the storage and/or sale of goods is prohibited in parking lots and other areas outside of the interior or permanently sheltered portions of a building.

8. Shopping carts shall be stored inside the structure or in parking lot receptacles.

12D.3.F. Architectural Review Process

1. At the time of application for rezoning and/or use permit, a land disturbance permit or a building permit, the applicant will be directed to the community for a review of Old National Overlay Design Standards. The community will be allowed ten working days to review and comment. An application which otherwise conforms to applicable codes and regulations shall not be delayed issuance of a permit for more than 10 working days due to this review and comment period.

2. Prior to the issuance of a building permit, the applicant shall submit samples of exterior materials, colors, design and architectural details of proposed building(s) and demonstrate compliance with the architectural design standards set forth in this ordinance.

3. South Fulton staff will review land disturbance, exterior building and sign permit applications for compliance with the Old National Highway Overlay District. Upon determination of compliance, a Certificate of Endorsement (COE) will be provided in the form of signing the formally submitted plans and drawings.

12D.4. - Signs.

1. The architectural color standards of the overlay district apply to the sign structure and not the sign face.

2. Sign structures and faces constructed of wood or canvas materials are prohibited.

3. Window signs along the Old National Highway Corridor are prohibited.
12D.5. - Streetscape standards.

1. A single decorative style light fixture and pole shall be used along the entire length of Old National highway and for a distance of 500 feet along the north and south sides of Flat Shoals Road where it intersects with Old National Highway.

   a. Preferred light fixture is Cooper Lighting "Traditionaire" Post Top Fixture (Pictured below). Lighting source shall be the most energy efficient approved light source at the time of installation.

   b. Preferred streetlight pole is the Hapco manufacturing "Grand Series/Granville" decorative pole. This pole is FHWA approved as a 'breakaway' pole (Pictured below).
Pole shall include banner arms as well as GFCI outlets as required.

2. Lighting shall be installed behind the sidewalk at 80- to 100-foot intervals.

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)

4. All handicapped ramps shall be constructed per GDOT and South Fulton standards with a brick paver band installed as illustrated below.
12D.6. - Severability.

In the event that any section, subsection, sentence, clause or phrase of this Article shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses or phrases of this Article, which shall remain in full force and effect, as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.

12D.7. - Appeals.

Any persons aggrieved by a final decision of the Department of Community Development relating to this article may appeal such final decision to the Zoning Board of Appeals by filing in writing setting forth plainly, fully and distinctly why the final decision is contrary to law per the South Fulton Zoning Resolution. Such appeal shall be filed within 30 days after the final decision of the department is rendered.
ARTICLE XIIE. - RESERVED
ARTICLE XIIF. - SANDTOWN OVERLAY DISTRICT

12F.1. - Purpose and intent.

The City Council of South Fulton, Georgia hereby declares it to be the purpose and intent of this Resolution to establish a uniform procedure for providing for the protection, enhancement, preservation, unity of design, and use of places, sites, buildings, structures, streets, neighborhoods, and landscape features in the Sandtown District in accordance with the provisions herein.

This resolution is adopted as part of a strategy designed to promote the health, safety, order, prosperity, and general welfare of the citizens of South Fulton through the regulation of design, aesthetics, location, bulk, size of buildings and structures, and the density and distribution of population.

This resolution also seeks to reduce congestion on the streets; to provide safety from fire, flood and other dangers; provide adequate light and open space; protect the natural environment and address other public requirements, in order to provide sustainable development that involves the simultaneous pursuit of economic prosperity, environmental protection and social quality.

This resolution also seeks, among other things, to promote accepted design principles in areas of new development and redevelopment, to raise the level of community understanding and expectation for quality in the built environment, to protect and enhance local aesthetic and functional qualities, and to stimulate business and promote economic development.

In consideration of the character of the Sandtown District, these regulations are to monitor the suitability for certain uses, construction and design, prevent functional and visual disunity, promote desirable conditions for community and commerce and protect property against blight and depreciation.

12F.2. - Sandtown Overlay District use regulations.

The Sandtown Overlay District applies to all properties zoned or developed for nonresidential and residential uses as illustrated on the map below. Single-family developments are exempted except for compliance with section 12F.4.A. (Buffers and Landscaping). Single-family units not part of a subdivision are exempt from this ordinance. Within the Sandtown Overlay District, land and structures shall be used in accordance with the standards of the underlying district.
Whenever provisions of this Article conflict with any other Article in the Zoning Resolution of South Fulton or any other South Fulton ordinances, regulations, or resolutions, these standards shall prevail.

12F.3. - Architectural review process.

Prior to the issuance of a land disturbance permit (LDP) or a building permit, the applicant shall submit details of exterior materials, colors, landscape strips, buffers, signage, lighting, parking, streets and paths, entrances, design and architectural features of the proposed site and building which demonstrate compliance with the design standards set forth herein.

Prior to the issuance of an LDP or building permit, the community will be allowed ten working days to review the application. An application which otherwise conforms to applicable codes and regulations shall not be delayed issuance of an LDP or building permit for more than 10 working days due to this review and comment process.

South Fulton staff will review all applications for land disturbance permits, building permits and sign permits for compliance with the standards of this Overlay District and upon determination of compliance will provide a Certificate of Endorsement (CoE) in the form of signing the formally submitted plans and drawings.

12F.4 - Development standards.

1. 40-foot wide natural, undisturbed buffer except for approved access and utility crossings, improvements, and replantings where sparsely vegetated subject to the approval of the South Fulton Arborist, with a 10-foot improvement setback or as may be approved by the Director of Community Development, along Camp Creek Parkway.

2. All AG-1 and residential zonings or uses shall provide a minimum 25-foot wide natural undisturbed buffer with a ten-foot improvement setback or provide a minimum six-foot high earthen berm planted to landscape strip standards, with a maximum slope of 3 to 1 or combination thereof along all public streets.

3. All nonresidential (except AG-1) zonings or uses shall provide a minimum 25-foot wide landscape strip along all public streets.

4. Fifteen-foot wide landscape strip along any interior property line adjacent to a nonresidential zoning and/or use.

12F.4.B. Screening.

1. Refuse areas and receptacles shall be placed in the least visible location from public streets and shall be enclosed on 3 sides with opaque walls. The 4th side shall be a self-closing gate made from noncombustible materials. Opaque walls shall be a minimum of 12 inches higher than the receptacle. Wall materials shall be noncombustible brick, stone, or split-faced concrete masonry block. Refuse receptacles shall not be placed within 50 feet of an existing residential or AG-1 (Agricultural) zoning district.

2. Accessory site features are prohibited in the front yard of any property.

3. Accessory site features located on the ground shall be screened from view from any public right-of-way, any residential use, or any residential or AG-1 zoning category by one of the following: placement behind the building, 100 percent opaque fencing, berm or vegetative screen planted to buffer standards.

4. Accessory site features on a roof shall be screened by a parapet or other architectural feature or as approved by the Director of Environment and Community Development.

5. Opaque fences are prohibited adjacent to public streets.

6. Fencing materials along public streets and side yards are restricted to stone, wrought iron, material designed to have the appearance of wrought iron, treated wood, or material designed to have the appearance of natural wood.

7. Chain link fencing may be used along golf courses, play fields, and other recreational areas. All chain link fencing shall be black or hunter green vinyl coated.

8. When required, fencing material around detention/retention facilities shall be black or hunter green vinyl coated chain link fence.

9. Retaining walls shall be faced with or constructed of stone, brick, or decorative concrete modular block only.
10. All parking and loading areas shall be screened from public streets by either a minimum 4-foot high berm and/or a continuous hedge of evergreen shrubs.


1. Sidewalks are required along all public and private road frontages.

2. Except in truck loading and parking areas of industrial and warehouse-distribution uses, internal walkways (paths) are required from the public sidewalk to the main entrance of the principle use of the property and shall meet applicable Americans with Disabilities Act (ADA) standards for slope, width, texture, level differences, and ramps.

3. Pedestrian paths may be constructed of either colored/textured materials or conventional sidewalk materials and shall be clearly identified.

4. Pedestrian paths shall be illustrated on the site plan submitted at the time of application for a Land Disturbance Permit.

5. Paths shall be designed to minimize direct auto-pedestrian interaction.

6. Paths shall be connected to signalized crosswalks where applicable.

7. Paths shall be direct and convenient routes between points of origin (such as a bus stop) and destination (such as a shop, bank, etc).

8. Street furniture shall be located outside the specified width of any pedestrian path.


1. A lighting plan for open parking lots and pedestrian paths shall be submitted for approval prior to the issuance of a Land Disturbance Permit.

2. Any lighting fixture shall be a cutoff luminary whose source is completely concealed with an opaque housing. Fixtures shall be recessed in the opaque housing. Drop dish refractors are prohibited. The wattage shall not exceed 420 watts/480 V per light fixture. This provision includes lights on mounted poles as well as architectural display and decorative lighting visible from a street or highway. Wall pack lighting shall be cut-off down directional a maximum of 250 watts. Canopy lighting shall be cut-off down directional a maximum of 250 watts. Canopy lighting shall be cut-off luminaries with a maximum lamp wattage of 400 watts.

3. Light sources (lamps) shall be incandescent, fluorescent, metal halide, mercury vapor, natural gas, or color corrected high-pressure sodium (CRI of 60 or better). The same type must be used for the same or similar type of lighting on any one site.

4. Mounting fixtures must be modified in such a manner that the cone of the light is not directed at any property line. The minimum mounting height for a pole is 12 feet. The maximum mounting for a pole is 28 feet. Any fixture and pole located within 20 feet of a residential zoning shall be a type four or forward throw distribution.
5. All site lighting shall be designed so that the illumination as measured in foot-candles at any one point meets the following standards: Minimum and maximum levels are measured at any one point. Average level is not to exceed the calculated value and is derived using only the area of the site included to receive illumination. Points of measure shall not include the area of the building or areas which do not lend themselves to pedestrian traffic. Also, if the major portion of the lighting design is to be in the front of a building, the average level should not be affected by adding a light or two in the back of the same building, which would raise the average of the intended area for lighting.

6. Future renovations, upgrades, or additions to existing facilities prior to the effective date of this ordinance shall not exceed existing illumination levels below. The entire site must be brought into conformance with this article should a renovation, upgrade, or addition occur that would require a land disturbance permit.

<table>
<thead>
<tr>
<th>Location or Type of Lighting</th>
<th>Minimum Level</th>
<th>Average Level</th>
<th>Maximum Level</th>
</tr>
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<tbody>
<tr>
<td>Area for display of Outdoor Merchandise</td>
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<td>5.0</td>
<td>15.0</td>
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<tr>
<td>Commercial, Office, and Public/Semi-Public Parking Areas</td>
<td>0.6</td>
<td>2.40</td>
<td>10.0</td>
</tr>
<tr>
<td>Multi-Family Residential Parking Areas</td>
<td>0.2</td>
<td>1.50</td>
<td>10.0</td>
</tr>
<tr>
<td>Walkways and Streets</td>
<td>0.2</td>
<td>2.00</td>
<td>10.0</td>
</tr>
<tr>
<td>Landscape and Decorative</td>
<td>0.0</td>
<td>0.50</td>
<td>5.0</td>
</tr>
</tbody>
</table>

7. Historic period lighting shall be used.

8. Lights shall be architecturally decorative with a historic style (includes shepherds crook, pole top, and bollard). The same type of design must be used along pedestrian pathways and/or common areas.

9. Shoe box, cobra lighting fixtures, and neon lighting are prohibited.

12F.4.E. Building Design Materials and Architectural Treatments.

1. Nonresidential buildings are limited to 35 feet in height. Residential buildings and mixed-use buildings that contain a residential component are limited to three stories.
2. Developments shall include architecture elements such as columns, arcades, covered entry-walkways, arches, facade offsets, windows, balconies, offset walls, clock towers, cupolas and/or courtyards.

3. The exterior of all industrial building facades shall be provided with an architectural treatment such as stucco, stone, brick, wood or an alternative treatment approved by the Director of Environment and Community Development.

4. The exterior wall materials of all nonresidential buildings except industrial buildings shall consist of a minimum of 60 percent (per vertical wall plane) of the following: solid wood siding, cementations siding, stucco, brick, stone or an alternative treatment approved by the Director of Environment and Community Development.

5. The exterior wall materials of all residential buildings shall consist of a minimum of 60 percent (per vertical wall plane) of the following: stucco, cementitious siding, solid wood siding, brick, stone or an alternative treatment approved by the Director of Environment and Community Development.

6. Accent wall materials on residential and nonresidential buildings shall consist of glass, architecturally treated concrete masonry, precast stone, stucco, material designed to have the appearance of stucco if installed a minimum of four feet above grade or combination thereof and shall not exceed 40 percent per vertical wall plane.

7. Any nonresidential building facade shall have a minimum of 255 fenestration or as may be approved by the director.

8. The principle entry area of a building shall be articulated and express greater architectural detail than other portions of the building.

9. To the extent any rear or side of any building is visible from any public street or single family residence, architectural treatment shall continue through the rear or side.

10. Exterior finishes for accessory structures shall be consistent with the principle structure.

11. Permitted colors for exterior walls, building components, sign structures, accent and decorative elements shall be as specified by Table 12F or as approved by the Director of Community Development.

Permitted Colors for Exterior Walls, Building Components, Sign Structure, Accent and Decorative Elements

The following numbers refer to the Pantone Matching System, an international color matching system
<table>
<thead>
<tr>
<th>Structure, Accent and Decorative Elements</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Browns, Beiges and Tans</strong></td>
<td><strong>Greens</strong></td>
</tr>
<tr>
<td>462 to 468</td>
<td>356, 357</td>
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<td>4625, to 4685</td>
<td>17-0133</td>
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<td>469, 474, 475</td>
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<td>4695, 4755</td>
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<td>476 to 482</td>
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<td><strong>Reds</strong></td>
<td><strong>Reds</strong></td>
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<td><strong>Grays</strong></td>
<td><strong>Brown/Black</strong></td>
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<td>429-445</td>
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<td>Warm Gray 1-11</td>
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<td>3295, 342, 343</td>
<td></td>
</tr>
<tr>
<td>3435, 3308, 335</td>
<td></td>
</tr>
</tbody>
</table>
12. Burglar bars, steel gates, and steel-roll down curtains are prohibited on the exterior and interior of the structure except at the structure's rear. Security grilles are allowed if installed interior to the place of business. Grilles shall be of a grid or brick pattern and placed so that the grid or brick pattern is at a uniform height across the entire business front.

13. Neon lights outlining and/or detailing building features are prohibited.

14. 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 four feet above roof.


16. Allowable roof materials for pitched roofs are asphalt shingles, composition shingles, wood shingles, wood shake, slate, terra cotta or as may be approved by the Director of Environment and Community Development.

17. Roof colors shall be black, gray, brown, or green. Reflective and metallic colors are prohibited.

18. Permissible roofs are gable, pyramidal, and hip. Shed roofs are permitted over porches, additions, and accessory structures. Roof pitches shall be 5/12 to 12/12.

19. Vending machines, paper stands, and other similar devices must be located inside a building.

1. Except as provided for in Article 19, the storage and/or sale of goods is prohibited in parking lots and other areas outside of the interior or permanently sheltered portions of a building.

2. Storage of shopping carts is allowed without a permit.

12F.5. - Signs

12F.5.A. Standards:

1. Identification monuments (except for the sign face) shall be constructed of brick, granite, stone, marble or other material used in the principal building(s) on site.

2. Identification monuments (except for the sign face and/or logo or trade name) shall be earth tones not primary colors.

3. Changeable copy and reader board configurations are prohibited unless approved as a marquee sign.

4. Wall signs shall be internally illuminated only.

5. Door signs are allowed up to a maximum of 25% of the door area.

12F.5.B. Prohibited Sign Types:

1. Window signs are prohibited.

12F.6. - Severability.

In the event that any section, subsection, sentence, clause or phrase of this Article shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses or phrases of this Article, which shall remain in full force and effect, as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.

12F.7. - Appeals.

Any persons aggrieved by a final decision of the Department of Community Development relating to this article may appeal such final decision to the Zoning Board of Appeals by filing in writing setting forth plainly, fully and distinctly why the final decision is contrary to law per the South Fulton Zoning Resolution. Such appeal shall be filed within 30 days after the final decision of the department is rendered.

12F.8. - Adoption and effective date.

Now, therefore be it resolved, the South Fulton City Council does hereby ordain, resolve and enact the foregoing Article XIIF to the Zoning Resolution of South Fulton, Georgia.
ARTICLE XIIK. - SOUTH FULTON PARKWAY OVERLAY DISTRICT

12K.1. - Purpose and intent.

The City Council of South Fulton, Georgia hereby declares it to be the purpose and intent of this resolution to establish a uniform procedure for providing for the protection, enhancement, preservation, unity of design, and use of places, sites, buildings, structures, streets, neighborhoods, and landscape features in the South Fulton Parkway District in accordance with the provisions herein.

This resolution is adopted as part of a strategy designed to promote the health, safety, order, prosperity, and general welfare of the citizens of South Fulton through the regulation of design, aesthetics, location, bulk, size of buildings and structures, and the density and distribution of population.

This resolution also seeks to reduce congestion on the streets; to provide safety from fire, flood and other dangers; provide adequate light and open space; protect the natural environment and address other public requirements, in order to provide sustainable development that involves the simultaneous pursuit of economic prosperity, environmental protection and social quality.

This resolution also seeks, among other things, to promote accepted design principles in areas of new development and redevelopment, to raise the level of community understanding and expectation for quality in the built environment, to protect and enhance local aesthetic and functional qualities, and to stimulate business and promote economic development.

In consideration of the character of the South Fulton Parkway District, these regulations are to monitor the suitability for certain uses, construction and design, prevent functional and visual disunity, promote desirable conditions for community and commerce and protect property against blight and depreciation.

12K.2. - South Fulton Parkway Overlay District regulations.

Except as noted in Section 12.K.4.A.1., the South Fulton Parkway Overlay District applies to all properties zoned or developed for nonresidential and residential uses (except single family detached dwelling units), within 2,640 feet of the centerline of the South Fulton Parkway from its easterly origin beginning at Wolf Creek to Cascade-Palmetto Highway (SR 154). If any portion of a parcel and/or development is located in the defined boundary area, the entire parcel and/or development shall comply with the standards herein. Within the South Fulton Parkway Overlay District, land and structures shall be used in accordance with the standards of the underlying district.

Whenever provisions of this Article conflict with any other Article in the Zoning Resolution of South Fulton or any other South Fulton ordinances, regulations, or resolutions, these standards shall prevail.

12K.3. - Architectural review process.

Prior to the issuance of a land disturbance permit (LDP) or a building permit, the applicant shall submit details of exterior materials, colors, landscape strips, buffers,
signage, lighting, parking, streets and paths, entrances, design and architectural features of the proposed site and building which demonstrate compliance with the design standards set forth herein.

Prior to the issuance of an LDP or building permit, the community will be allowed ten working days to review the application. An application which otherwise conforms to applicable codes and regulations shall not be delayed issuance of an LDP or building permit for more than 10 working days due to this review and comment process.

South Fulton staff will review all applications for land disturbance permits, building permits and sign permits for compliance with the standards of this Overlay District and upon determination of compliance will provide a Certificate of Endorsement (CoE) in the form of signing the formally submitted plans and drawings.

12K.4. - Development standards.

12K.4.A. Buffers and landscaping.

1. All developments to include single family detached residential subdivisions shall provide a minimum 100-foot wide natural, undisturbed buffer (except for approved access and utility crossings, improvements, and replantings where sparsely vegetated subject to the approval of the South Fulton Arborist), with an additional ten-foot setback interior to the buffer, along the South Fulton Parkway and along the rights-of-way of public roads which intersect the Parkway for a distance of 300 feet measured from the intersection with the South Fulton Parkway.

2. A minimum 15-foot wide landscape strip along all public and private streets, except as noted in 12K.4.A.1., when Article 4 of the Zoning Resolution otherwise specifies a smaller landscape strip.

3. Subject to the approval of the director, street trees may be placed in public rights-of-way.

4. A minimum ten-foot wide landscape strip along any interior property line adjacent to a nonresidential zoning and/or use.

5. Hardwood shade trees, e.g., maples and oaks, a minimum of 2½" caliper, shall be planted in all landscape strips and minimally spaced as specified by the Tree Preservation Ordinance.

12K.4.B. Screening.

1. Refuse areas and receptacles shall be placed in the least visible location from public streets and shall be enclosed on 3 sides with opaque walls. The 4th side shall be a self-closing gate made from non-combustible materials. Opaque walls shall be a minimum of 12 inches higher than the receptacle. Wall materials shall be non-combustible brick, stone, or split concrete masonry block. Refuse receptacles shall not be placed within 50 feet of an existing residential or AG-1 (Agricultural) zoning district.

2. Accessory site features located on the ground shall be screened from view from any public right-of-way and/or any residence, residential zoning category,
3. Accessory structures on a roof shall be located to the rear of the roof and shall be screened by a parapet or other architectural feature as approved by the director.

4. Loading docks and bay doors fronting the South Fulton Parkway are prohibited.

5. Loading docks shall be screened by a continuous hedge of evergreen shrubs. Shrubbery shall be a minimum height of five feet at time of planting.

6. Vending machines shall be located inside a building or screened from the view of all public streets and residentially or AG-1 (Agricultural) zoned or developed properties.

7. Retaining walls shall be faced with or constructed of stone, brick, or decorative concrete modular block only.

12K.4.C. Pedestrian paths.

1. Sidewalks are required along all public and private road frontages.

2. Pedestrian paths shall be illustrated on the site plan submitted at the time of application for a Land Disturbance Permit.

3. Except in truck loading and parking areas of industrial and warehouse-distribution uses, internal walkways (paths) are required from the public sidewalk to the main entrance of the principle use of the property and to adjacent buildings within the same development.

4. All sidewalks and pedestrian walkways (paths) shall meet applicable Americans with Disabilities Act (ADA) standards.

5. Pedestrian paths may be constructed of either colored/textured materials or conventional sidewalk materials and shall be clearly identified.

6. Paths shall be designed to minimize direct auto-pedestrian interaction by such means as sidewalks, striping, and signs.

7. Paths shall be connected to crosswalks at intersections where applicable.

8. Street furniture shall be located outside the specified width of any pedestrian path.

9. Paths and sidewalks shall be connected to green space and open space and connectivity shall be illustrated on the site plan submitted at the time of application for a Land Disturbance Permit.

10. Pedestrian paths shall be a minimum width of five feet.

11. Multi-use paths for bicycles and pedestrians may be substituted for the required sidewalks as approved by the Director and the Transportation Administrator when the path is part of the South Fulton Bicycle and Pedestrian Plan.
12. Multi-use paths designed for use by bicyclists and pedestrians shall be 12 feet wide.

13. Multi-use paths designed with separate paths for bicyclists and pedestrians shall be 15 feet wide, ten feet for bicycles and five feet for pedestrians.

14. Paths should be direct and convenient routes between points of origin (such as a bus stop) and destination (such as a shop, bank, etc).

15. Paths not visible from a public street shall be illuminated.


1. A photometric plan for open parking lots and paths shall be submitted at the time of application for a Land Disturbance Permit.

2. Any lighting fixture shall be a cutoff luminary whose source is completely concealed with an opaque housing. Fixtures shall be recessed in the opaque housing. Drop dish refractors are prohibited. The wattage shall not exceed 420 watts/480 V per light fixture. This provision includes lights on mounted poles as well as architectural display and decorative lighting visible from a street or highway. Wall pack lighting shall be cut-off down directional a maximum of 250 watts. Canopy lighting shall be cut-off down directional a maximum of 250 watts. Canopy lighting shall be cut-off luminaries with a maximum lamp wattage of 400 watts.

3. Light sources (lamps) shall be incandescent, fluorescent, metal halide, mercury vapor, natural gas, or color corrected high-pressure sodium (CRI of 60 or better). The same type must be used for the same or similar type of lighting on any one site.

4. Mounting fixtures must be modified in such a manner that the cone of the light is not directed at any property line. The minimum mounting height for a pole is 12 feet. The maximum mounting for a pole is 28 feet. Any fixture and pole located within 20 feet of a residential zoning shall be a type four or forward throw distribution.

5. All site lighting shall be designed so that the illumination as measured in footcandles at any one point meets the following standards: Minimum and maximum levels are measured at any one point. Average level is not to exceed the calculated value and is derived using only the area of the site included to receive illumination. Points of measure shall not include the area of the building or areas which do not lend themselves to pedestrian traffic. Also, if the major portion of the lighting design is to be in the front of a building, the average level should not be affected by adding a light or two in the back of the same building, which would raise the average of the intended area for lighting.

6. Future renovations, upgrades, or additions to existing facilities prior to the effective date of this ordinance shall not exceed existing illumination levels below. The entire site must be brought into conformance with this article should a renovation, upgrade, or addition occur that would require a land disturbance permit.
<table>
<thead>
<tr>
<th>Location or Type of Lighting</th>
<th>Minimum Level</th>
<th>Average Level</th>
<th>Maximum Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area for display of Outdoor Merchandise</td>
<td>1.0</td>
<td>5.0</td>
<td>15.0</td>
</tr>
<tr>
<td>Commercial, Office, and Public/Semi-Public Parking Areas</td>
<td>0.6</td>
<td>2.40</td>
<td>10.0</td>
</tr>
<tr>
<td>Multi-Family Residential Parking Areas</td>
<td>0.2</td>
<td>1.50</td>
<td>10.0</td>
</tr>
<tr>
<td>Walkways and Streets</td>
<td>0.2</td>
<td>2.00</td>
<td>10.0</td>
</tr>
<tr>
<td>Landscape and Decorative</td>
<td>0.0</td>
<td>0.50</td>
<td>5.0</td>
</tr>
</tbody>
</table>

7. Blue-white colors of florescent, mercury vapor lamps, metal halide, high-pressure sodium with CRI of less than 60 are prohibited.

8. Ground level, low wattage/voltage up-lights to accent features in landscape strips are permitted.

9. Low intensity, downward shielded lighting along pedestrian paths and in parking lots is required.

10. All site lighting shall be architecturally compatible with the buildings on a site. Lights shall be architecturally decorative with a historical style (includes shepherds crooks, pole top, and bollard).

11. Exterior wall-mounted lights shall be directed downward fully shielded to prevent spillage. The bottom of wall-mounted light fixtures shall be no higher than seven feet above grade.

12. Soffit mounted light fixtures shall be recessed into the soffit or otherwise fully shielded.

13. Ground mounted or other upward directional lighting is allowed to accent architectural features.

14. Unshielded floodlights, wall packs, NEMA head style fixtures, sag/convex lens mounted on shoebox fixtures, cobra, neon and dome lights are prohibited.

12K.4.E. Building materials and architectural treatments.

1. Developments shall include architecture elements such as columns, arcades, covered entry-walkways, arches, facade offsets, windows, balconies, offset walls, clock towers, cupolas and/or courtyards.
2. The exterior wall materials of all nonresidential buildings shall consist of a minimum of 60 percent (per vertical wall plane) of the following: brick, precast concrete, natural or precast stone, or tinted glass (or an equivalent alternative treatment approved by the Director of Environment and Community Development).

3. The exterior wall materials of all residential buildings shall consist of a minimum of 60 percent (per vertical wall plane) of the following: brick, stone, stucco, Hardi-plank siding, solid plank, or cementitious plank (or an equivalent alternative treatment approved by the Director of Environment and Community Development).

4. Accent wall materials on residential and nonresidential buildings shall not exceed 40 percent per vertical wall plane.

5. Prohibited exterior finishes (except on mechanical penthouses and roof screens) are highly reflective, shiny, or mirror-like materials, exposed unfinished foundations, exposed plywood or particle board, unplastered, corrugated steel, exposed standard concrete masonry block, vinyl and aluminum siding.

6. To the extent the rear and/or side of a building is visible from a public street or an adjacent agriculturally or residentially zoned or developed property, architectural treatments shall continue through the rear and sides of the building.

7. The principle entry area of a building shall be articulated and express greater architectural detail than other portions of the building.

8. Outparcel buildings shall have architectural features consistent with the principal buildings.

9. Permitted colors for exterior walls, building components, sign structures, accent and decorative elements shall be as specified by Table 12K or as approved by the director.

---

**Table 12K**

<table>
<thead>
<tr>
<th>Exterior Building Walls, Building Components, Sign Structure, Accent and Decorative Elements</th>
<th>Accent and Decorative Elements Only</th>
</tr>
</thead>
</table>
| 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 |
### Color Temperature Ranges

<table>
<thead>
<tr>
<th>Reds</th>
<th>Grey</th>
<th>Grey-Blue</th>
<th>Green-Grey</th>
</tr>
</thead>
<tbody>
<tr>
<td>478 C, 719 C to 724 C</td>
<td>3295 C</td>
<td>5395 U to 5455 U</td>
<td>5605 U to 5665 U</td>
</tr>
<tr>
<td>725 C to 731 C</td>
<td>342C, 343 C</td>
<td>621 U to 627 U</td>
<td></td>
</tr>
<tr>
<td>476U to 482U</td>
<td>3435 C</td>
<td>642U to 644U</td>
<td></td>
</tr>
<tr>
<td>719U to 725U</td>
<td>356 C, 357 C</td>
<td>647U to 650U</td>
<td></td>
</tr>
<tr>
<td>726U to 732U</td>
<td>5467 C to 5527 C</td>
<td>654U to 656U</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3305U, 3308U, 335U</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>336U, 341U-343 U</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3415 U to 3435 U</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>349 U</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>356 U to 357 U</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>5535U to 5595U</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>553U to 559U</td>
<td></td>
<td></td>
</tr>
<tr>
<td>168 C, 181 C</td>
<td>429 U to 433 U</td>
<td>5467U to 5527U</td>
<td></td>
</tr>
<tr>
<td>483 C, 484 C</td>
<td>443 U to 447 U</td>
<td></td>
<td></td>
</tr>
<tr>
<td>675C, 1685C, 4975 C</td>
<td>Warm Grey 6U-11U</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cool Grey 6U-11U</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>5467U to 5527U</td>
<td></td>
</tr>
<tr>
<td>154 U, 1395 U</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1405 U</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

10. Flat roofs and roof-mounted equipment shall be screened by a parapet or other architectural feature as approved by the director from the view of public and private streets and adjacent agriculturally and residentially zoned and/or developed properties.

11. Sloped roofs shall be standing seam, metal, slate and concrete roof tiles and composition shingles.
12. Building components such as burglar bars, steel gates, metal awnings and steel roll-down curtains are prohibited if visible from a public street.

13. Vending machines, paper stands, and other similar devices must be located inside a building.

12K.4.F. Streetscape features.

1. Benches, trash receptacles, drinking fountains, and other street furniture shall be compatible in material, color, finish and architectural style of the development.

2. Marketing signage in streetscape features is prohibited.


1. All off-street parking for townhouses and multi-family buildings shall be located to the side, rear or enclosed.

2. A minimum of 50 percent of the required surface parking for out-parcels shall be located at the rear of the building.

3. The required number of off-street parking spaces may be reduced as approved by the director.

4. Shared parking shall be permitted as approved by the director.

5. Non-residential developments shall provide parking for bicycles.

6. Loading areas shall be located in the rear or side yards.


1. Except as provided for in Article 19, the storage and/or sale of goods is prohibited in parking lots and other areas outside of the interior or permanently sheltered portions of a building.

2. Storage of shopping carts is allowed without a permit.

12K.5. - Signs.

See Article 33.

12K.6. - Telecommunications, cell towers and water towers.

1. Telecommunications switchboards, power generators, and other telecommunication relay equipment rooms or floors housing such uses are limited to the following areas of a building: (a) subterranean levels, (b) first and second floors which are set back a minimum of 50 feet from the street, or (c) third and fourth floors.

2. Stealth design is required for all cell towers.

3. Height of towers shall not exceed 199 feet.
4. A wireless communications facility shall be disassembled and removed from the site within 90 days of the date its use for wireless telecommunications is discontinued.

5. Water towers shall be painted to blend with the landscape.

6. Except for safety purposes, water tower lighting shall be allowed only during maintenance periods. Each outdoor light that is not required for safety shall be fully shielded. The safety lighting shall use a type of shielding with a ten degree cut-off to provide lighting downward.

12K.7. - Utilities.

All utilities shall be underground or as approved by the director.

12K.8. - Severability.

In the event that any section, subsection, sentence, clause or phrase of this article shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses or phrases of this article, which shall remain in full force and effect, as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.

12K.9. - Appeals.

Any persons aggrieved by a final decision of the Department of Community Development relating to this article may appeal such final decision to the Zoning Board of Appeals by filing in writing setting forth plainly, fully and distinctly why the final decision is contrary to law per the South Fulton Zoning Resolution. Such appeal shall be filed within 30 days after the final decision of the department is rendered.
ARTICLE XI

Design Guidelines for the South Fulton Parkway

The purpose of these design guidelines is to help preserve the buffers along the South Fulton Parkway, the night sky, green space, vistas, the "Parkway" feel, and open space. These guidelines are encouraged but are not standards. Therefore, noncompliance does not necessitate variances.

Site design:

All design strategies shall minimize changes to the existing topography and loss of mature vegetation and water features.

Minimize level grading. New developments should step with landforms and maximize preservation of existing vegetation and trees. Level grading of entire lots is to be avoided.

Transitions at property lines should seem natural for the surrounding terrain. Where the existing terrain is generally level, avoid newly graded slopes greater than 1:3 at property lines.

Cut and fill slopes should be rounded where they meet natural grade to blend with natural slope.

Natural contouring and re-vegetation are encouraged. Retaining walls should be faced with indigenous rock, brick and/or constructed to blend with adjacent surroundings.

Storm water retention for multiple sites should be combined into a lake as opposed to individual drainage ponds.

Permanent conservation easements should be established to protect water sheds, view sheds, and rare habitats.

Buildings, courtyards:

Buildings should be oriented to avoid summer overheating.

Locate courtyards for optimum southern exposure in winter and provide for shading in the summer.

Locate buildings such that solar heat is naturally reduced on hot summer days by landscape strips and trees.

Coordinate corner buildings with adjacent developments. Generally, the primary mass of a building on a corner should not be placed at an angle to the corner. Angled or sculpted building corners and open plazas should not be precluded from corners.

Vertical focal points to visually anchor corners are encouraged.
Street standards:

<table>
<thead>
<tr>
<th>Design Element</th>
<th>Community Boulevard (major thoroughfare)</th>
<th>Community Avenue (collector)</th>
<th>Community Street (minor street)</th>
<th>Community Lane (service drive, access)</th>
<th>Private Alley</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum right-of-way (feet)</td>
<td>60'</td>
<td>60'</td>
<td>54'</td>
<td>18'</td>
<td>16'</td>
</tr>
<tr>
<td>Maximum right-of-way (feet)</td>
<td>74'</td>
<td>74'</td>
<td>59'</td>
<td>22'</td>
<td>20'</td>
</tr>
<tr>
<td>Number of lanes</td>
<td>2-4</td>
<td>2-4</td>
<td>2</td>
<td>2-1</td>
<td>2-1</td>
</tr>
<tr>
<td>Travel lane width</td>
<td>11—12'</td>
<td>11'</td>
<td>10—11'</td>
<td>10'</td>
<td>8—10'</td>
</tr>
<tr>
<td>On-street parking allowed</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Minimum parking lane width</td>
<td>8'</td>
<td>8'</td>
<td>8'</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Minimum sidewalk width</td>
<td>10'</td>
<td>8'</td>
<td>5'</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Bicycle lane allowed</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Minimum bicycle lane width</td>
<td>5'</td>
<td>5'</td>
<td>5'</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Planting area allowed</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Median allowed</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Culs-de-sac are prohibited unless approved by the director.
Parking:

On-street parking (parallel, diagonal, and head-in) is encouraged.

All developments shall provide connectivity to adjacent developments to link buildings and open spaces together to minimize vehicular traffic and other impacts.

Courtyards should include such features as sculptures or fountains as focal points, moveable seating and tables, sunny and shaded areas, several entrances into courtyards, variety of textures and colors for visual interest, landscaping, covered and uncovered outdoor passageways.

Architectural features/enhancements:

Trim to include eaves, corner boards, gable and eave boards, pediments, friezes, lintels, sills, quoins, belt courses, balustrades;

Gables, dormers, pillars, posts, porches, recessed windows and doors, cupolas, bay windows;

Half-rounded or quarter-rounded roof gutters and down spouts integrated with trim;

Glass storefronts, transom windows, building wall offsets, projections, recesses, floor level changes, roof-line offsets;

Architectural treatments of front facades shall continue major features around all visibly exposed sides of a building.

Restaurants with outdoor seating should allow for ease of pedestrian circulation, adequate shade through the use of extended awnings, canopies, or large umbrellas, provide outdoor trash receptacles, and maintain clean and litter-free premises.

View sheds:

All development proposals should arrange buildings to preserve views from adjacent properties and streets.

Locate courtyards, surface parking, and open spaces to align with view sheds from adjacent properties.

Locate drives, parking, and open spaces on high points. Avoid placing buildings except churches or public buildings of high architectural quality on ridge lines.

All new developments will be reviewed with respect to topography and existing landforms, existing vegetation and trees, soil properties and bed rock depth, existing watercourses, floodway and flood plain areas, drainage patterns, climatic factors, view sheds.
All new developments will be reviewed for land use and site organization in relation to building form, character, and scale of existing and proposed development, sensitivity and nature of adjoining land uses, location of adjacent roads, rights-of-way, driveways, off-street vehicular connections, pedestrian ways, access points, and easements, existing structures and other built improvements, prehistoric and historic sites, structures and routes, and any other features that may be impacted or impact the proposed new development.

ARTICLE XIL. - CLIFTONDALE OVERLAY DISTRICT

12L.1. - Purpose and intent.

The City Council of South Fulton, Georgia hereby declares it to be the purpose and intent of this Resolution to establish a uniform procedure for providing for the protection, enhancement, preservation, unity of design, and use of sites, buildings, structures, streets, neighborhoods, and landscape features in the Cliftondale Overlay District (District) in accordance with the provisions herein.

This Resolution is adopted as part of a strategy designed to promote the health, safety, order, prosperity, and general welfare of the citizens of South Fulton through the regulation of design, aesthetics, location, bulk, size of buildings and structures, and the density and distribution of population.

This Resolution seeks to reduce congestion on the streets; to provide safety from fire, flood and other dangers; provide adequate light and open space; protect the natural environment and address other public requirements, in order to provide sustainable development that involves the simultaneous pursuit of economic prosperity, environmental protection and social quality.

This Resolution also seeks to promote accepted design principles in areas of new development and redevelopment, to raise the level of community understanding and expectation for quality in the built environment, to protect and enhance local aesthetic and functional qualities, to stimulate business and promote economic development.

In consideration of the character of the District, these regulations are to monitor the suitability for certain uses, construction and design, prevent functional and visual disunity, promote desirable conditions for community and commerce and protect property against blight and depreciation.

12L.2. - Cliftondale overlay district use regulations.

The District applies to all properties zoned or developed for nonresidential and residential uses (except single family detached dwelling units) and structures within the area illustrated on the following map. If any portion of a parcel and/or development is located in the defined boundary area, the entire parcel and/or development shall comply with the standards herein. The District also recognizes the Cliftondale Crossroads as
designated on the 2015 South Fulton Land Use Map.

2015 South Fulton Land Use Map. 

Cliftondale Overlay District 

Whenever provisions of this Article conflict with any other Article in the Zoning Resolution of South Fulton or any other South Fulton ordinances, regulations, or resolutions, these standards shall prevail.

12L.3. - Architectural review process.

Prior to issuance of a building permit, the applicant shall submit details of exterior materials, colors, design and architectural features of the proposed building which demonstrate compliance with the design standards set forth in this ordinance.
South Fulton staff will review all applications for land disturbance permits, building permits and sign permits for compliance with the standards of this overlay district and upon determination of compliance will provide a Certificate of Endorsement (COE) in the form of signing the formally submitted plans and drawings.

Prior to the issuance of a building permit, the community will be allowed ten working days to review and comment. An application which otherwise conforms to applicable codes and regulations shall not be delayed issuance of a building permit for more than ten working days due to this review and comment process.

12L.4. - Development standards.


1. All AG-1 and residentially zoned developments shall provide a minimum 50-foot wide natural, undisturbed buffer with a ten-foot improvement setback along all public streets.

2. All nonresidentially (except AG-1) zoned developments shall provide a minimum 50-foot wide landscape strip along all public streets.

3. A minimum 50-foot wide natural, undisturbed buffer with a ten-foot improvement setback shall be provided along any interior property line adjacent to a residential zoning and/or use.

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

5. Large, overstory trees shall be planted 40 to 60 feet on center and are allowed along residential and commercial streets.

6. Small, understory trees shall be planted ten to 30 feet on center along residential streets.

7. Street trees shall be a minimum of three inches caliper.

8. Street trees shall be selected from Appendix E of the South Fulton Tree Preservation Ordinance and Administrative Guidelines or as may be approved by the South Fulton Arborist.

12L.4.B. Screening.

1. Refuse areas and receptacles shall be placed in the least visible location from public streets and shall be enclosed on three sides with opaque walls. The 4th side shall be a self-closing gate made from noncombustible materials. Opaque walls shall be a minimum of 12 inches higher than the receptacle. Wall materials shall be noncombustible brick, stone, or split-faced concrete masonry block. Refuse receptacles shall not be placed within 50 feet of an existing residential or AG-1 (Agricultural) zoning district.

2. Accessory site features are prohibited in the front yard of any property.

3. Accessory site features located on the ground shall be screened from view from any public right-of-way, any residential use, or any residential or AG-1
zoning category by one of the following: placement behind the building, 100% opaque fencing, berm or vegetative screen planted to buffer standards.

4. Accessory site features on a roof shall be screened by a parapet or other architectural feature or as approved by the director.

5. Opaque fences are prohibited adjacent to public streets.

6. Fencing materials along public streets and side yards, golf courses, play fields and other recreational areas are restricted to decorative stone, iron, wrought iron, treated wood, white picket, and/or minimum three-rail horse fencing with posts.

7. When required, fencing material around detention/retention facilities shall be constructed in accordance with the South Fulton Subdivision Regulations or as approved by the Director. Vegetation shall be planted in accordance with Article 34 of the South Fulton Zoning Resolution.

8. Retaining walls shall be faced with or constructed of stone, brick, or decorative concrete modular block only.

9. All parking and loading areas shall be screened from public streets by either a minimum four-foot high berm and/or a continuous hedge of evergreen shrubs.


1. Sidewalks are required along all public and private road frontages (except alleys) and shall meet all applicable Americans with Disabilities Act (ADA) standards.

2. Sidewalks and other paths (multi-purpose or pedestrian) shall be illustrated on the site plan submitted at the time of application for a Land Disturbance Permit.

3. Meandering sidewalks are permissible upon approval by the director.

4. Pedestrian paths shall be a minimum width of five feet.

5. Pedestrian paths may be constructed of either colored/textured materials or conventional sidewalk materials and shall be clearly identified.

6. Multi-use paths for bicycles and pedestrians may be substituted for the required sidewalks as approved by the director when the path is part of the South Fulton Bicycle and Pedestrian Plan.

7. Multi-use paths designed for use by bicyclists and pedestrians shall be a minimum of 15 feet wide; five feet for the pedestrian sidewalk and ten feet for the bicyclists.

8. Street furniture shall be located outside the specified width of any path.

9. Paths shall be connected to signalized crosswalks where applicable.

10. Paths shall be designed to minimize direct auto-pedestrian interaction.

11. Paths should be direct and convenient routes between points of origin (such as a bus stop) and destination (such as a shop, bank, etc).
12. Pedestrian access should be provided to all entrances including access from rear parking areas.


1. A lighting plan for open parking lots and pedestrian paths shall be submitted for approval prior to the issuance of a Land Disturbance Permit.

2. Open parking lots and walkways providing access thereto shall be provided with a maintained minimum two foot candles (a measure of illumination) of light measured at grade level.

3. The maximum to minimum foot candle level shall not exceed a twelve to one (12:1) ratio.

4. Shoe box, cobra lighting fixtures and neon lighting are prohibited.

5. Any luminaire with a lamp or lamps rated at a total of MORE than 1,800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of MORE than 900 lumens, shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire.

6. Any luminaire with a lamp or lamps rate at a total of MORE than 1,800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of MORE than 900 lumens, shall be mounted at a height equal to or less than the value 3 + (D/3), where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire may not exceed 25 feet.

7. Any luminaire with a lamp or lamps rated at a total of 1800 lumens or LESS, and all flood or spot luminaires with a lamp or lamps rated at 900 lumens or LESS, may be used without restriction to light distribution or mounting height, except that if any spot of flood luminaire rated 900 lumens or LESS is aimed, directed, or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions.

8. Luminaires used for public-roadway illumination may be installed at a maximum height of 25 feet and may be positioned at that height up to the edge of any bordering property.

9. All temporary emergency lighting needed by the police or fire departments or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this article.

10. All hazard warning luminaires required by Federal regulatory agencies are exempt from the requirements of this article, except that all luminaries used must be red and must be shown to be as close as possible to the Federally required minimum lumen output requirement for the specific task.

11. Luminaires used primarily for sign illumination may be mounted at any height to a maximum of 25 feet, regardless of lumen rating.
12. Top Mounted Fixtures Required: Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of Section 1.10.3(A). Bottom-mounted outdoor advertising-sign lighting shall not be used.

13. Compliance Limit: Existing outdoor advertising structures shall be brought into conformance with this Code within ten years from the date of adoption of this provision.

14. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, searchlights, permanent mounted exterior neon lights and back-lit awnings and roof mounted lights are prohibited.

12L.4.E. Building Design.

1. Buildings shall include architecture elements such as columns, arcades, covered entry-walkways, arches, facade offsets, windows, balconies, offset walls, clock towers, cupolas and/or courtyards.

2. All buildings shall be oriented to face a street or a courtyard.

3. The principle entry area of a building shall be articulated and express greater architectural detail than other portions of the building.

4. All primary entrances shall face the street or courtyard.

5. All primary entrances which face a street shall be at street level.

6. Buildings are limited to 35 feet in height.

7. The exterior wall materials of all nonresidential buildings shall consist of a minimum of 60 percent (per vertical wall plane) of the following: brick, stone, or clapboard (or an equivalent alternative treatment approved by the Director of Environment and Community Development).

8. The exterior wall materials of all residential buildings shall consist of a minimum of 60 percent (per vertical wall plane) of the following: brick, stone, stucco, solid plank, cementitious plank, or horizontal clapboard siding (or an equivalent alternative treatment approved by the Director of Environment and Community Development).

9. Any nonresidential building facade shall have a minimum of 25 percent fenestration or as may be approved by the director. Black glass and/or tinted glass is prohibited.

10. Accent wall materials on residential and nonresidential buildings shall consist of glass, architecturally treated concrete masonry, precast stone, or stucco (or an equivalent alternative treatment approved by the Director of Environment and Community Development) and shall not exceed 40 percent per vertical wall plane.

11. To the extent any rear or side of any building is visible from any public street or single family residence, architectural treatment shall continue through the rear or side.
12. Exterior finishes for accessory structures shall be consistent with the principle structure.

13. Permitted colors for exterior walls, building components, sign structures, accent and decorative elements shall be specified by Table 12L or as approved by the director.

**Table 12L**
Allowable Accent/Trim Colors for the Cliftondale Overlay District
(Reference Pantone Color Formula Guide)

<table>
<thead>
<tr>
<th>Red Tones</th>
<th>Blue Tones</th>
<th>Yellow Tones</th>
<th>Green Tones</th>
<th>Brown Tones</th>
<th>Gray Shades</th>
<th>Black Shades</th>
</tr>
</thead>
<tbody>
<tr>
<td>162 C</td>
<td>270 C</td>
<td>100 C</td>
<td>3288 C</td>
<td>406 C</td>
<td>420 C</td>
<td>432 C</td>
</tr>
<tr>
<td>1625 C</td>
<td>271 C</td>
<td>101 C</td>
<td>3298 C</td>
<td>407 C</td>
<td>421 C</td>
<td>433 C</td>
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<td>1635 C</td>
<td>275 C</td>
<td>107 C</td>
<td>336 C</td>
<td>408 C</td>
<td>422 C</td>
<td>Cool Gray 11 C</td>
</tr>
<tr>
<td>180 C</td>
<td>2706 C</td>
<td>113 C</td>
<td>348 C</td>
<td>409 C</td>
<td>423 C</td>
<td>432 U</td>
</tr>
<tr>
<td>1805 C</td>
<td>2726 C</td>
<td>117 C</td>
<td>349 C</td>
<td>410 C</td>
<td>424 C</td>
<td>433 U</td>
</tr>
<tr>
<td>1815 C</td>
<td>2756 C</td>
<td>120 C</td>
<td>357 C</td>
<td>411 C</td>
<td>425 C</td>
<td>438 U</td>
</tr>
<tr>
<td>434 C</td>
<td>2707 C</td>
<td>121 C</td>
<td>364 C</td>
<td>438 C</td>
<td>427 C</td>
<td>439 U</td>
</tr>
<tr>
<td>435 C</td>
<td>2717 C</td>
<td>122 C</td>
<td>365 C</td>
<td>439 C</td>
<td>428 C</td>
<td>440 U</td>
</tr>
<tr>
<td>436 C</td>
<td>2727 C</td>
<td>1205 C</td>
<td>366 C</td>
<td>Warm Gray 10 C</td>
<td>429 C</td>
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<tr>
<td>437 C</td>
<td>2708 C</td>
<td>1215 C</td>
<td>372 C</td>
<td>Warm Gray 9 C</td>
<td>430 C</td>
<td></td>
</tr>
<tr>
<td>691 C</td>
<td>277 C</td>
<td>127 C</td>
<td>441 C</td>
<td>Warm Gray 6 C</td>
<td>431 C</td>
<td></td>
</tr>
<tr>
<td>697 C</td>
<td>278 C</td>
<td>128 C</td>
<td>442 C</td>
<td>719 C</td>
<td>Cool Gray 1</td>
<td></td>
</tr>
</tbody>
</table>
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.
15. For large commercial/retail buildings, variations in facade, roofline and depth should be provided to lend the appearance of multi-tenant occupancy.

16. All building plans submitted as an application for a building permit should clearly indicate all of the proposed building materials and colors for each facade as described herein. The plans should clearly show the location and calculate the amount/percentages of all building materials per facade.

12L.4.F. Roofs.

1. Allowable roof materials for pitched roofs are asphalt shingles, composition shingles, wood shingles, wood shake, slate, terra cotta or as may be approved by the Director.

2. Roof colors shall be black, gray, brown, or green. Reflective and metallic colors are prohibited.

3. Permissible roofs are gable, pyramidal, and hip. Shed roofs are permitted over porches, additions, and accessory structures. Roof pitches shall be 5/12 to 12/12.

4. Roof mounted flagpoles are prohibited.


1. Off-street parking shall be located to the rear or side of the building.

2. Parallel and angle-in on-street parking is allowed subject to the approval of the Director.

3. For commercial and multi-family uses only, no more than 50 percent of the required parking spaces shall be located in the front and side of a building.

4. Shared parking within a multi-tenant development is required and shall be in accordance with the provisions of Article 18 of the Zoning Resolution.

5. No parking or loading area shall be used for the sale, repair, dismantling or servicing or storing of any vehicle, equipment, materials or supplies.

6. Bicycle parking areas shall be provided for each nonresidential development.

1. Utilities shall be installed underground.

2. Retention/detention shall comply with the requirements of the South Fulton Subdivision Regulations.

3. Stealth design is required for all cell towers.

4. Height of cell towers shall not exceed 199 feet.

5. Wireless communications facilities shall be disassembled and removed from the site within 90 days of the date its use for wireless telecommunications is discontinued.

6. Vending machines, paper stands, and other similar devices must be located inside a building.

12L.5. - Signs.

1. The architectural color standards shall apply to the sign structure and not the sign face.

2. Sign structures and faces constructed of wood or canvas materials are prohibited.

3. Window signs are prohibited.

12L.6. - Appeals.

Any persons aggrieved by a final decision of the Department of Community Development relating to this article may appeal such final decision to the Zoning Board of Appeals by filing in writing setting forth plainly, fully and distinctly why the final decision is contrary to law per the South Fulton Zoning Resolution. Such appeal shall be filed within 30 days after the final decision of the department is rendered.

ARTICLE XIIM. - CEDAR GROVE OVERLAY DISTRICT

12M.1. - Purpose and intent.

The City Council of South Fulton, Georgia hereby declares it to be the purpose and intent of this Resolution to establish a uniform procedure for providing for the protection, enhancement, preservation, unity of design, and use of places, sites, buildings, structures, streets, neighborhoods, and landscape features in the Cedar Grove Overlay District in accordance with the provisions herein.

This Resolution is adopted as part of a strategy designed to promote the health, safety, order, prosperity, and general welfare of the citizens of South Fulton through the regulation of design, aesthetics, location, bulk, size of buildings and structures, and the density and distribution of population.

This Resolution also seeks to reduce congestion on the streets; to provide safety from fire, flood and other dangers; provide adequate light and open space; protect the
natural environment and address other public requirements, in order to provide sustainable development that involves the simultaneous pursuit of economic prosperity, environmental protection and social quality.

This Resolution also seeks, among other things, to promote accepted design principles in areas of new development and redevelopment, to raise the level of community understanding and expectation for quality in the built environment, to protect and enhance local aesthetic and functional qualities, and to stimulate business and promote economic development.

In consideration of the rural character of the Cedar Grove Overlay District, these regulations are to define and monitor the suitability for certain uses, construction and design, prevent functional and visual disunity, promote desirable conditions for community and commerce and protect property against blight and depreciation.

12M.2. - Cedar grove overlay district use regulations.

The Cedar Grove Overlay District applies to all properties zoned or developed for nonresidential and residential uses (except single family detached dwelling units), within the area illustrated on the following map (excluding the South Fulton Parkway Overlay District). The District also recognizes the Cedar Grove Crossroads as designated on the
Cedar Grove Overlay District

Within the Cedar Grove Overlay District, land and structures shall be used in accordance with the standards of the underlying district.

Whenever provisions of this Article conflict with any other Article in the Zoning Resolution of South Fulton or any other South Fulton ordinances, regulations, or resolutions, these standards shall prevail.

12M.3. - Architectural review process.

Prior to issuance of a land disturbance permit (LDP) or a building permit, the applicant shall submit details of exterior materials, colors, landscape strips, buffers, signage, lighting, parking, streets and paths, entrances design and architectural features of the proposed site and building which demonstrate compliance with the design standards set forth herein.
Prior to the issuance of an LDP or building permit, the community will be allowed ten working days to review the application. An application which otherwise conforms to applicable codes and regulations shall not be delayed issuance of an LDP or building permit for more than ten working days due to this review and comment process.

South Fulton staff will review all applications for land disturbance permits, building permits and sign permits for compliance with the standards of this Overlay District and upon determination of compliance will provide a Certificate of Endorsement (COE) in the form of signing the formally submitted plans and drawings.

12M.4. - Development standards.


1. All AG-1 and residentially zoned developments shall provide a minimum 50-foot wide natural, undisturbed buffer with a ten-foot improvement setback along all public streets.

2. All nonresidentially (except AG-1) zoned developments shall provide a minimum 50-foot wide landscape strip along all public streets.

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

4. Large, overstory trees shall be planted 40 to 60 feet on center and shall be located along both sides of all public streets (except residential streets).

5. Small, understory trees shall be planted ten to 30 feet on center and shall be located along both sides of residential streets.

6. Street trees shall be a minimum three inch caliper.

7. Street trees shall be selected from Appendix E of the South Fulton Tree Preservation Ordinance and Administrative Guidelines or as may be approved by the South Fulton Arborist.

12M.4.B. Screening.

1. Refuse areas and receptacles shall be placed in the least visible location from public streets and shall be enclosed on three sides with opaque walls. The 4th side shall be a self-closing gate made from noncombustible materials. Opaque walls shall be a minimum of 12 inches higher than the receptacle. Wall materials shall be noncombustible brick, stone, or split-faced concrete masonry block. Refuse receptacles shall not be placed within 100 feet of an existing residential or AG-1 (Agricultural) zoning district.

2. Screening walls shall be screened with a hedge of evergreen shrubbery, a minimum of two feet in height at planting.

3. Accessory site features are prohibited in the front yard of any property.

4. Accessory site features located on the ground shall be screened from view from any public right-of-way, any residential use, or any residential or AG-1
zoning category by one of the following: placement behind the building, 100% opaque fencing, berm or vegetative screen planted to buffer standards.

5. Accessory site features on a roof shall be screened by a parapet or other architectural feature or as approved by the director.

6. Fencing materials along public streets and side yards are restricted to brick, stone, iron, decorative wrought iron, and treated wood.

7. Chain link fencing may be used only along golf courses, play fields, and other recreational areas. All chain link fencing shall be black or hunter green vinyl coated.

8. When required, fencing material around detention/retention facilities shall be black or hunter green vinyl coated chain link fence.

9. Retaining walls shall be faced with or constructed of stone, brick, or decorative concrete modular block only.

10. All parking and loading areas shall be screened from public streets by either a minimum four-foot high berm and/or a continuous hedge of evergreen shrubs.

12M.4.C. Sidewalks/Pedestrian Paths.

1. Sidewalks are required along all public and private road frontages (except alleys) and shall meet all applicable Americans with Disabilities Act (ADA) standards.

2. Sidewalks and other paths (multi-purpose or pedestrian) shall be illustrated on the site plan submitted at the time of application for a Land Disturbance Permit.

3. Sidewalks shall be a minimum width of five feet.

4. Pedestrian paths may be constructed of either colored/textured materials or conventional sidewalk materials and shall be clearly identified.

5. Multi-use paths for bicycles and pedestrians may be substituted for the required sidewalks as approved by the director and the traffic engineer when the path is part of the South Fulton Bicycle and Pedestrian Plan.

6. Multi-use paths designed for use by bicyclists and pedestrians shall be 12 feet wide.

7. Multi-use paths designed with separate paths for bicyclists and pedestrians shall be 15 feet wide, ten feet for bicycles and five feet for pedestrians.

8. Street furniture shall be located outside the specified width of any path.

9. Sidewalks and paths shall be connected to signalized crosswalks where applicable.

10. Sidewalks and paths shall be designed to minimize direct auto-pedestrian interaction.

11. Sidewalks and paths should be direct and convenient routes between points of origin (such as a bus stop) and destination (such as a shop, bank, etc).
12. Pedestrian access should be provided to all entrances including access from rear parking areas.

13. Inter-parcel connectivity shall be required for multiuse, pedestrian paths and sidewalks.


1. A lighting plan for open parking lots and pedestrian paths shall be submitted for approval prior to the issuance of a Land Disturbance Permit.

2. Street lights shall be installed on all interior streets within community crossroads, as identified in the 2015 South Fulton Comprehensive Amendment for the Cedar Grove Community Policies and Strategies.

3. Open parking lots and walkways providing access thereto shall be lighted at a minimum of two foot candles measured at grade level.

4. The maximum to minimum foot candle level shall not exceed a twelve to one (12:1) ratio.

5. Shoe box, cobra lighting fixtures and neon lighting are prohibited.

6. Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens, shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire.

7. Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens, shall be mounted at a height equal to or less than the value 3 + (D/3), where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire may not exceed 20 feet.

8. Any luminaire with a lamp or lamps rated at a total of 1,800 lumens or less, and all flood or spot luminaires with a lamp or lamps rated at 900 lumens or less, may be used without restriction to light distribution or mounting height, except that if any spot of flood luminaire rated 900 lumens or less is aimed, directed, or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions.

9. Luminaires used for public-roadway illumination may be installed at a maximum height of 25 feet and may be positioned at that height up to the edge of any bordering property.

10. All temporary emergency lighting needed by police, fire or other emergency services, as well as all emergency vehicular luminaires, shall be exempt from the requirements of this article.

11. All hazard warning luminaires required by federal regulatory agencies are exempt from the requirements of this article, except that all luminaries used
must be red and must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task.

12. Luminaires used primarily for sign illumination may be mounted at any height to a maximum of 25 feet, regardless of lumen rating.

13. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of Section 1.10.3(A). Bottom-mounted outdoor advertising-sign lighting is prohibited.

14. Existing outdoor advertising structures shall be brought into conformance with this code within five years from the date of adoption of this provision.

15. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.

16. The operation of searchlights for advertising purposes is prohibited.

17. Permanent mounted exterior neon lights are prohibited.

18. Back-lit awnings and roof mounted lights are prohibited.

12M.4.E. Building Design.

1. Developments shall include architectural elements such as columns, arcades, covered entry-walkways, arches, facade offsets, windows, balconies, offset walls, clock towers, cupolas and/or courtyards.

2. The principle entry area of a building shall be articulated and express greater architectural detail than other portions of the building.

3. Shop front buildings shall utilize a parapet at all street frontages.

4. All buildings shall be oriented to face a street or a courtyard.

5. All primary entrances shall face the street or courtyard.

6. All primary entrances which face a street shall be at street level.

7. Buildings are limited to 35 feet in height.

8. The exterior wall materials of nonresidential buildings shall consist of a minimum of 60 percent (per vertical wall plane) of the following: brick, stone or clapboard (or an equivalent alternative treatment approved by the Director of Environment and Community Development).

9. The exterior wall materials of residential buildings shall consist of a minimum of 60 percent (per vertical wall plane) of the following: brick, stone, cement stucco, split-faced block natural treated wood and/or cement based artificial wood siding, solid plank, cementitious plank, or horizontal clapboard siding (or an equivalent alternative treatment approved by the Director of Environment and Community Development).

10. Any nonresidential building facade shall have a minimum of 25% fenestration or as may be approved by the director. Black glass and/or tinted glass is prohibited.
11. Accent wall materials on residential and nonresidential buildings shall consist of glass, architecturally treated concrete masonry, precast stone, or stucco (or an equivalent alternative treatment approved by the Director of Environment and Community Development) and shall not exceed 40 percent per vertical wall plane.

12. To the extent any rear or side of any building is visible from any public street or single family residence, architectural treatment shall continue through the rear or side.

13. Exterior finishes for accessory structures shall be consistent with the principle structure.

14. Fuel pumps, canopies and associated gasoline station service areas shall 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.

15. For large commercial/retail buildings variations in facade, roofline and depth shall be provided to lend the appearance of multi-tenant occupancy.

16. All building plans submitted as an application for a building permit shall clearly indicate all of the proposed building materials and colors for each facade as described herein. The plans should clearly show the location and calculate the amount/percentage of all building materials per facade.

17. Roof mounted flagpoles are prohibited

12.4.F. Permitted Colors.

1. Permitted colors for exterior walls, building components, sign structures, accent and decorative elements shall be as specified by Table 12M or as approved by the director.

Table 12M
Permitted Colors for Exterior Walls, Building Components, Sign Structure, Accent and Decorative Elements
The following numbers refer to the Pantone Matching System, an International Color Matching System

<table>
<thead>
<tr>
<th>Exterior Building Walls, Building Components, Sign Structure, Accent and Decorative Elements</th>
<th>Accent and Decorative Elements Only</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Browns, Beiges and Tans</strong></td>
<td><strong>Greens</strong></td>
</tr>
<tr>
<td>462 C to 468 C</td>
<td>553 C to 554 C</td>
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<tr>
<td>4625 C to 4685 C</td>
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<td>469 C, 474C, 475 C</td>
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<td>4695 C to 4755 C</td>
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<td>478 C, 719 C to 724 C</td>
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<td>725 C to 731 C</td>
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<td></td>
<td>3415 U to 3435 U</td>
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<td>349 U</td>
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<td>5535U to 5595U</td>
</tr>
<tr>
<td></td>
<td>553U to 559U</td>
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<td><strong>Reds</strong></td>
<td><strong>Grey</strong></td>
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<td>429 U to 433 U</td>
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<td>483 C, 484 C</td>
<td>443 U to 447 U</td>
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<tr>
<td>675C, 1685C, 4975 C</td>
<td>Warm Grey 6U-11U</td>
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<tr>
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<td>Cool Grey 6U-11U</td>
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<tr>
<td></td>
<td>5467U to 5527U</td>
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<td><strong>Red-Browns</strong></td>
<td><strong>Grey-Blue</strong></td>
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<td>662U</td>
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<tr>
<td></td>
<td><strong>Green-Grey</strong></td>
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</table>

City of South Fulton I November 27, 2018

1. Allowable roof materials for pitched roofs are asphalt shingles, composition shingles, natural wood shingles, wood shake, slate, terra cotta, or as may be approved by the director.

2. Roof colors shall be gray, brown, terra-cotta or green. Reflective and metallic colors are allowed only when not visible from a street.

3. Permissible roofs are gable, pyramidal, hip or decorative parapets. No parapet shall be required to be greater than four feet above the roof line. Shed roofs are permitted over porches, additions, and accessory structures.


1. All off-street parking for townhouses and multi-family buildings shall be located to the side, rear or enclosed.

2. A minimum of 50% of the required surface parking for out-parcels shall be located at the rear of the building.

3. On-street parking is allowed subject to the approval of the director.

4. No parking or loading area shall be used for the sale, repair, dismantling or servicing or storing of any vehicle, equipment, materials or supplies.

5. 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.


1. All utilities shall be located underground.

12M.5. - Signs.

1. The architectural color standards of the overlay district apply to the sign structure and not the sign face.

2. Sign structures and faces constructed of wood or canvas materials are prohibited.

3. Window signs are prohibited.
12M.6. - Appeals.

Any persons aggrieved by a final decision of the Department of Community Development relating to this article may appeal such final decision to the Zoning Board of Appeals by filing in writing setting forth plainly, fully and distinctly why the final decision is contrary to law per the South Fulton Zoning Resolution. Such appeal shall be filed within 30 days after the final decision of the department is rendered.

**Design Guidelines for the Cedar Grove Community**

The purpose of these design guidelines is to help preserve the rural nature of the Cedar Grove Community, the night sky, green space, vistas, the “country” feel, and open space. These guidelines are *encouraged* but are not standards. Therefore, noncompliance does not necessitate variances.

**Site design:**

- All design strategies shall minimize changes to the existing topography and loss of mature vegetation and water features.
- Minimize level grading. New developments should step with landforms and maximize preservation of existing vegetation and trees. Level grading of entire lots is to be avoided.
- Transitions at property lines should seem natural for the surrounding terrain. Where the existing terrain is generally level, avoid newly graded slopes greater than 1:3 at property lines.
- Cut and fill slopes should be rounded where they meet natural grade to blend with natural slope.
- Natural contouring and re-vegetation are encouraged. Retaining walls should be faced with indigenous rock, brick and/or constructed to blend with adjacent surroundings.
- Storm water retention for multiple sites should be combined into a lake as opposed to individual drainage ponds.
- Permanent conservation easements should be established to protect water sheds, view sheds, and rare habitats.

**Buildings, Courtyards:**

- Buildings should be oriented to avoid summer overheating.
- Locate courtyards for optimum southern exposure in winter and provide for shading in the summer.
- Locate buildings so that solar heat is naturally reduced on hot summer days by landscape strips and trees.
Coordinate corner buildings with adjacent developments. Generally, the primary mass of a building on a corner should not be placed at an angle to the corner. Angled or sculpted building corners and open plazas should not be precluded from corners. Vertical focal points to visually anchor corners are encouraged.

**Street Standards:**

<table>
<thead>
<tr>
<th>Design Element</th>
<th>Community Boulevard (major thoroughfare)</th>
<th>Community Avenue (collector)</th>
<th>Community Street (minor street)</th>
<th>Community Lane (service drive, access)</th>
<th>Private Alley</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum right-of-way (feet)</td>
<td>60'</td>
<td>60'</td>
<td>54'</td>
<td>18'</td>
<td>16'</td>
</tr>
<tr>
<td>Maximum right-of-way (feet)</td>
<td>74'</td>
<td>74'</td>
<td>59'</td>
<td>22'</td>
<td>20'</td>
</tr>
<tr>
<td>Number of lanes</td>
<td>2—4</td>
<td>2—4</td>
<td>2</td>
<td>2—1</td>
<td>2—1</td>
</tr>
<tr>
<td>Travel lane width</td>
<td>11—12'</td>
<td>11'</td>
<td>10—11'</td>
<td>10'</td>
<td>8—10'</td>
</tr>
<tr>
<td>On-street parking allowed</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Minimum parking lane width</td>
<td>8'</td>
<td>8'</td>
<td>8'</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Minimum sidewalk width</td>
<td>10'</td>
<td>8'</td>
<td>5'</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Bicycle lane allowed</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Minimum bicycle lane width</td>
<td>5'</td>
<td>5'</td>
<td>5'</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Planting area allowed</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Median allowed</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>
Culs-de-sac are prohibited unless approved by the director.

Parking:

On-street parking (parallel, diagonal, and head-in) is encouraged.

All developments shall provide connectivity to adjacent developments to link buildings and open spaces together to minimize vehicular traffic and other impacts.

Courtyards should include such features as sculptures or fountains as focal points, moveable seating and tables, sunny and shaded areas, several entrances into courtyards, variety of textures and colors for visual interest, landscaping, covered and uncovered outdoor passageways.

Architectural features/enhancements:

Trim to include eaves, corner boards, gable and eave boards, pediments, friezes, lintels, sills, quoins, belt courses, balustrades;

Gables, dormers, pillars, posts, porches, recessed windows and doors, cupolas, bay windows;

Half-rounded or quarter-rounded roof gutters and down spouts integrated with trim;

Glass storefronts, transom windows, building wall offsets, projections, recesses, floor level changes, roof-line offsets;

Architectural treatments of front facades shall continue major features around all visibly exposed sides of a building.

Restaurants with outdoor seating should allow for ease of pedestrian circulation, adequate shade through the use of extended awnings, canopies, or large umbrellas, provide outdoor trash receptacles, and maintain clean and litter-free premises.

View Sheds:

All development proposals should arrange buildings to preserve views from adjacent properties and streets.

Locate courtyards, surface parking, and open spaces to align with view sheds from adjacent properties.

Locate drives, parking, and open spaces on high points. Avoid placing buildings except churches or public buildings of high architectural quality on ridge lines.
All new developments will be reviewed with respect to topography and existing landforms, existing vegetation and trees, soil properties and bed rock depth, existing watercourses, floodway and flood plain areas, drainage patterns, climatic factors and view sheds.

All new developments will be reviewed for land use and site organization in relation to building form, character, and scale of existing and proposed development, sensitivity and nature of adjoining land uses, location of adjacent roads, rights-of-way, driveways, offstreet vehicular connections, pedestrian ways, access points, easements, existing structures and other built improvements, prehistoric and historic sites, structures and routes, and any other features that may be impacted or impact the proposed new development.

ARTICLE XIIM(1). - CEDAR GROVE AGRICULTURAL OVERLAY DISTRICT

12M(1).1. - Purpose and intent.

The purpose and intent of the Cedar Grove Agricultural Overlay District is to protect the natural areas and ensure responsibly planned economic and social growth. Within the Cedar Grove Agricultural Overlay District, the Mixed Use District (MIX-CGA) and the Community Unit Plan District (CUP-CGA) allow for developments with a mix of uses for residents to live, work and relax. To further protect the rural land and natural resources of the area, standards have been established to provide for green space and open space throughout the district. Agriculturally zoned properties and rural services will remain prevalent throughout the area. The Cedar Grove Agricultural District will ensure that mixed-use future growth occurs and that many types of housing for all incomes and ages will be provided. The developments will provide connectivity for pedestrians, bicyclists and motorists.

12M(1).2. - Cedar Grove agricultural overlay district regulations.

The Cedar Grove Agricultural Overlay District applies to all properties located in that portion of South Fulton bordered to the west by the Chattahoochee River, to the south by Coweta County, and to the east by Cascade-Palmetto Highway (SR 154) that are not within the municipal limits of the City of Chattahoochee Hill Country except as noted in section 12M(1).7.

12M(1).3. - Architectural review process.

Prior to issuance of a land disturbance permit (LDP) or a building permit, the applicant shall submit details of exterior materials, colors, landscape strips, buffers, signage, lighting, parking, streets and paths, entrances, design and architectural features of the proposed site and building which demonstrate compliance with the design standards set forth herein.

Prior to the issuance of an LDP or building permit, the community will be allowed ten working days to review the application. An application which otherwise conforms to
applicable codes and regulations shall not be delayed issuance of an LDP or building
permit for more than ten working days due to this review and comment process.

South Fulton staff will review all applications for land disturbance permits, building
permits and sign permits for compliance with the standards of this overlay district and
upon determination of compliance will provide a certificate of endorsement (CoE) in the
form of signing the formally submitted plans and drawings.

12M(1).4. - Permitted uses in MIX-CGA and CUP-CGA districts.

Within the MIX-CGA and CUP-CGA districts, land and structures may be used in
accordance with the standards herein. Any use not specifically designated as a
permitted use in this section or allowed by administrative permit or use permit shall be
prohibited.

Accessory Uses. A building or lot may be used for uses customarily incidental to any
permitted use and a dwelling may be used for a home occupation.

<table>
<thead>
<tr>
<th>MIX-CGA</th>
<th>CUP-CGA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Residential</td>
</tr>
<tr>
<td>Boarding houses, rooming houses</td>
<td>Country inn, bed and breakfast</td>
</tr>
<tr>
<td>Country inn, bed and breakfast</td>
<td>Personal care home, assisted living facility</td>
</tr>
<tr>
<td>Hotel, motel</td>
<td>Church, temple, other place of worship</td>
</tr>
<tr>
<td>Personal care home, convalescence facility, nursing home, assisted living facility, hospice</td>
<td>Office</td>
</tr>
<tr>
<td>Group residence/shelter</td>
<td>Financial establishment</td>
</tr>
<tr>
<td>Hospital, clinic, research laboratory</td>
<td>Art gallery, assembly hall, community center, library, museum</td>
</tr>
<tr>
<td>Funeral home</td>
<td>Dancing school, other school of fine arts, institution of higher learning to include business college, music conservatory, and similar</td>
</tr>
<tr>
<td>institutions</td>
<td>Day care facility</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Church, temple, other place of worship</td>
<td>Gymnasium, health club/spa</td>
</tr>
<tr>
<td>Office</td>
<td>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</td>
</tr>
<tr>
<td>Financial establishment</td>
<td>AG-1 uses as listed in article 5.1.2</td>
</tr>
<tr>
<td>Art gallery, assembly hall, community center, library, museum</td>
<td>AG-1 uses as listed in article 5.1.2</td>
</tr>
<tr>
<td>Dancing school, other school of fine arts, institution of higher learning to include business college, music conservatory, and similar institutions</td>
<td></td>
</tr>
<tr>
<td>Recording studio</td>
<td></td>
</tr>
<tr>
<td>Day care facility</td>
<td></td>
</tr>
<tr>
<td>Car Wash</td>
<td></td>
</tr>
<tr>
<td>Gymnasium, health club/spa</td>
<td></td>
</tr>
<tr>
<td>Parking garage, parking deck, parking lot</td>
<td></td>
</tr>
<tr>
<td>Retail</td>
<td></td>
</tr>
<tr>
<td>Service commercial</td>
<td></td>
</tr>
<tr>
<td>AG-1 uses as listed in article 5.1.2</td>
<td></td>
</tr>
</tbody>
</table>
### Standards

<table>
<thead>
<tr>
<th>STANDARDS</th>
<th>A. MIX-CGA (VILLAGE)</th>
<th>B. CUP-CGA (HAMLET)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Master plan</strong></td>
<td>The Master Plan shall include all of the following: open space, nonresidential, residential, and civic and/or institutional uses.</td>
<td>The Master Plan shall include: open space, residential, and nonresidential uses, and may include civic and/or institutional uses.</td>
</tr>
<tr>
<td><strong>2. Minimum percentages based upon total land area of development:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(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.</td>
<td>10 percent</td>
<td>60 percent</td>
</tr>
<tr>
<td>(b) Non-residential development:</td>
<td>20 percent to include office, retail, and service commercial uses</td>
<td>10 percent to include office, retail and/or civic and/or institutional uses</td>
</tr>
<tr>
<td>(c) Residential development:</td>
<td>60 percent</td>
<td>30 percent</td>
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<tr>
<td></td>
<td></td>
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<tr>
<td>---</td>
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</tr>
<tr>
<td>(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)</td>
<td></td>
<td>10 percent</td>
</tr>
<tr>
<td>3. Minimum land area (must be contiguous except where separated by a road)</td>
<td>500 acres plus additional land required for 300-foot rural protection setback</td>
<td>200 acres</td>
</tr>
<tr>
<td>4. Maximum land area (must be contiguous except where separated by a road)</td>
<td>640 acres plus additional land required for 300-foot rural protection setback</td>
<td>Not specified</td>
</tr>
<tr>
<td>5. Maximum gross square footage of any non-residential building footprint</td>
<td>30,000 square feet</td>
<td>25,000 square feet</td>
</tr>
<tr>
<td>6. Maximum overall residential density</td>
<td>14 units per acre with 10 percent of all residential units to be workforce housing</td>
<td>1 unit per acre</td>
</tr>
<tr>
<td>7. Maximum height</td>
<td>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</td>
<td>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</td>
</tr>
<tr>
<td></td>
<td>50 feet for civic and/or institutional buildings</td>
<td>50 feet for civic and/or institutional buildings</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>------------------------------------------------</td>
<td>-------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>75 feet for buildings with steeples, cupolas, and similar structures</td>
<td>75 feet for buildings with steeples, cupolas, and similar structures</td>
</tr>
<tr>
<td></td>
<td>40 feet for single family attached and detached residential structures</td>
<td>40 feet for single family attached and detached residential structures</td>
</tr>
<tr>
<td>8. Maximum impervious surface of developed area</td>
<td>70 percent</td>
<td>60 percent</td>
</tr>
<tr>
<td>9. Maximum lot size</td>
<td>14,400 square feet for single family, duplexes, three-family, four-family, and other attached and detached dwellings</td>
<td>21,600 square feet for single family, duplexes, three-family, four-family, and other attached and detached dwellings</td>
</tr>
</tbody>
</table>


A. **Buildings.**
   1. All buildings shall be oriented to face the street and or courtyard.
   2. Display windows shall be oriented to face the street and or courtyard, and be at street level.
   3. All primary entrances be oriented to face the street and or courtyard, and be at street level.
   4. Any nonresidential building facade shall have a minimum of 25 percent fenestration or as may be approved by the Director of Environment and Community Development.

B. **Residential Uses.**
   1. All residential structures be oriented to face the street and or courtyard.
   2. A street-facing door (excluding garage door) for each unit is required.
   3. No front-loaded, attached garage shall protrude beyond the front facade of a building.
4. Fence height shall not exceed three feet in the front yard and six feet in the rear and side yards.

5. Front yard fences shall be non-opaque. Opaque fences are permitted in side and rear yards. Chain link fences (black or green vinyl-coated only) are permitted in rear yards only.

6. Gated communities are prohibited.

C. Gasoline Service Stations.

1. Fuel pumps, canopies and associated gasoline station service areas shall be located at the rear of the lot and not between the building and the street.

D. Parking.

1. All off-street parking for non-residential buildings, townhouses, and multi-family buildings shall be located to the side or rear.

2. A minimum of 75 percent of the required surface parking shall be oriented to the rear of building.

3. No surface parking area shall be larger than 65,340 square feet unless separated by a street, lane, alley or building.

4. On-street surface parking spaces located adjacent to the front property line shall be counted toward the minimum number of parking spaces required for that lot.

5. The required number of off-street parking spaces may be reduced as approved by the Director of Environment and Community Development.

6. Shared parking shall be permitted as approved by the Director of Environment and Community Development.

7. When surface parking located to the rear is along a (side) street right-of-way, the parking may occur along such frontage for a maximum of 120 linear feet.

8. When surface parking abuts a street right-of-way, a minimum four-foot wide landscape area shall screen the parking. Within the landscape area, a continuous planting of evergreen shrubs is to be installed at a minimum height of two feet and maintained to a maximum height of three feet. Walls of the same height are also permitted with appropriate pedestrian access to the primary entrance.

9. Access lanes and additional curb cuts (other than the primary access drive) shall be located to the side or rear of the property. The maximum width of the access lane and/or driveway is 18 feet.

10. Parking decks must include a minimum of 25 percent occupied space (nonresidential) at ground level and the occupied space must be a minimum depth of 50 feet.

11. Decks shall be constructed to conceal vehicles.
12. Decks shall include architectural detailing and finish compatible with surrounding buildings.

13. Non-residential developments shall provide parking for bicycles.

14. Loading areas shall be located in the rear or side yards.

**E. Street Standards.** Per South Fulton Subdivision Regulation Street Standards.

**F. Block Standards.**

1. The maximum length for a block is 600 linear feet with the total perimeter length not to exceed 1,680 linear feet. The total area of a block shall not exceed 3.30 acres.

2. Any block exceeding 400 feet in length shall include a dedicated alley or lane providing through access.

**G. Bridges.**

1. Bridges shall provide pedestrian and bicycle access.

2. Bridges shall contain architectural elements compatible with the surrounding area.

**H. Sidewalks.**

1. Sidewalks shall be constructed on both sides of all roads except alleys or lanes or as may be approved by the Director of Environment and Community Development.

**I. Landscaping.**

1. Street trees shall be planted on both sides of all roadways except alleys and lanes.

2. Except along greenways, a minimum four-foot wide landscape area shall be provided along all roadways, except alleys and lanes, subject to the approval of the Director of Environment and Community Development.

**12M(1).7. - Area wide development standards.**

The area wide development standards apply to all properties zoned or developed for nonresidential and residential uses including all single family platted subdivisions but excluding all properties zoned for MIX-CGA and CUP-CGA. Stand-alone single family detached dwelling units and minor subdivisions are excluded from these standards with the exception of the South Fulton Parkway buffer and setback requirements (12M(1).7.G.2).

**A. Streetscape Features.**

1. Lighting, signage, benches, recycling bins, trash receptacles, drinking fountains, and other street furniture shall be compatible in material, color, finish and architectural style of the surrounding area.

**B. Lighting.**
1. Cobra, shoebox light fixtures and neon lighting are prohibited.

2. Light fixtures shall be designed and located to minimize spillage onto adjoining properties.

3. Lighting shall use a type of shielding to direct lighting downward.

C. Telecommunications Uses.

1. Telecommunications switchboards, power generators, and other telecommunication relay equipment rooms or floors housing such uses are limited to the following areas of a building:
   (a) Subterranean levels;
   (b) First and second floors which are set back a minimum of 50 feet from the street; or
   (c) Third and fourth floors.

D. Cellular Towers.

1. Alternative antenna support structures are required for all cell towers. Man-made trees are allowable.

2. Height of towers shall not exceed 199 feet.

3. The wireless communications facility shall be disassembled and removed from the site within 90 days of the date its use for wireless telecommunications is discontinued.

E. Water Towers.

1. Towers shall be constructed of natural materials or if metal painted to blend with the landscape.

2. Except for safety purposes, water tower lighting shall be allowed only during maintenance periods. Each outdoor light that is not required for safety shall be fully shielded. The safety lighting shall use a type of shielding to provide lighting downward.

F. Signage.

1. General provisions for all signs.

   a. Internal illumination is not permitted. If illumination is used, the sign shall be externally illuminated. External lighting is limited to either top mounted fixtures where the fixture is mounted on the top of the sign structure and the light directed downward or ground mounted fixtures where the light fixture is screened from view with landscaping.

   b. Freestanding and walls signs including both the sign structure and the sign face shall be made out of wood, material designed to have the appearance of natural wood, or metal. Plastic inserts are not allowed.

   c. Identification pillar sign standards: (examples below)
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.

2. *Non-residential uses.*

   a. All freestanding signs shall be of shingle design. (examples below)

   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.

a. One identification pillar sign or one freestanding sign is allowed per entrance.

b. The maximum size of an identification pillar sign structure is eight feet in height and three feet in width per side.

c. The maximum size of the sign face on identification pillar signs is nine square feet for each side.

d. The sign face shall be directly mounted on or in the identification pillar sign structure or can be mounted to hang perpendicular to the identification pillar sign structure in the manner of a shingle sign.

e. Freestanding signs shall not exceed ten feet in height.

f. The maximum size of the sign face on freestanding signs shall be nine square feet. Sign copy is allowed on both sides of the sign face.

G. Landscaping, Buffers and Setbacks.

1. Acceptable evergreen plant material and deciduous trees for undisturbed buffers within the bounds of the CGA Overlay District are limited to the following: Cherry Laurel, Eastern Red Cedar, Canadian Hemlock, Deodar Cedar, American Holly, Nellie R. Stevens Holly (cross between Chinese & English Hollies), Southern Magnolia, Virginia Pine, Red Maple, River Birch, American Hornbeam, Hickories, Sugar Hackherry, American Beech, Sweet Gum, Poplar, Black Gum, Oaks and Linden/Basswood.

2. Along the entire frontage of the South Fulton Parkway, a 100-foot natural, undisturbed buffer is required along the right-of-way with an additional ten-foot setback interior to the buffer (except for approved access and utility crossings, improvements and replantings where sparsely vegetated subject to the approval of the South Fulton Arborist). Only existing AG-1 (Agricultural) uses and pedestrian and bicycle paths are permitted in the setback. This standard applies to all properties with frontage on the South Fulton Parkway and along the rights-of-way of public roads which intersect the parkway for a distance of 300 feet measured from the intersection with the parkway, including stand-alone single family-detached dwelling units and minor subdivisions. 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(I)7.G.1 of this overlay district.

3. Along the entire frontage of the South Fulton Scenic Byways, a 100-foot natural, undisturbed buffer is required along the right-of-way with an additional ten-foot setback interior to the buffer (except for approved access and utility crossings, improvements and replantings where sparsely vegetated subject to the approval of the South Fulton Arborist). Only existing AG-1 (Agricultural) uses and pedestrian and bicycle paths are permitted in the setback. This standard applies to all properties with frontage on a South Fulton Scenic Byway and along the rights-of-way of public roads which intersect a South Fulton Scenic Byway for a distance of
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(1)7.G.1 of this overlay district.

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.

H. Fences and Walls.

1. Fence Standards.

   a. Opaque fences along any road right-of-way are prohibited.

   b. Chain link fences along any road right-of-way are prohibited except when constructed as part of recreational courts or recreational fields.

   c. Allowable fence materials: wood, wire or materials designed to have the appearance of natural wood.

   d. Allowable fencing types: split rail, 3-4 horizontal rail, crossbuck and horse wire (see examples below) or combination thereof.

   ![Split Rail](image1)
   ![3 Horizontal Rail](image2)
   ![Crossbuck](image3)
   ![Horse Wire](image4)
2. **Wall Standards.**
   a. Walls are limited to two feet in height.
   b. Allowable wall materials: wood, stone or materials designed to have the appearance of natural wood (example below).

I. **Street Standards.**
   1. All newly created lots shall derive access from internal subdivision streets.
   2. All streets should follow existing contour with a minimum of cut and fill and shall be designed for interparcel pedestrian and vehicular access.

J. **Additional Standards.**
   1. Amenity areas and recreational facilities shall be located interior to the subdivision.
   2. All required detention/retention facilities shall be designed to meet the South Fulton alternative design standards that have the intent of making such facilities an attractive amenity or focal point for the subdivision per current South Fulton Subdivision Regulations.
   3. Loading areas, dumpster areas, service yards, mechanical and electrical equipment and other utilities, including roof top equipment, shall be screened with evergreen plant material, opaque fences, or structural screens of materials matching the exterior building facade.

12M(1).8. **Appeals.**

Any persons aggrieved by a final decision of the Department of Community Development relating to this Article may appeal from such final decision to the Zoning Board of Appeals by filing in writing setting forth plainly, fully and distinctly why the final decision is contrary to law. Such appeal shall be filed within 30 days after the final decision of the department is rendered.

ARTICLE XIIIN. **FULTON INDUSTRIAL BUSINESS DISTRICT OVERLAY DISTRICT**

12N.1. **Purpose and intent.**
The City Council of South Fulton Georgia hereby declares it to be the purpose and intent of this Resolution to establish a uniform procedure for providing for the protection, enhancement, preservation, unity of design, and use of places, sites, buildings, structures, streets, and landscape features in the Fulton Industrial Business District in accordance with the provisions herein.

This resolution is adopted as part of a strategy designed to promote the health, safety, order, prosperity, and general welfare of the citizens of South Fulton through the regulation of design, aesthetics, location, bulk, size of buildings and structure.

This resolution also seeks to reduce congestion on the streets; to provide safety from fire, flood and other dangers; provide adequate light and open space; protect the natural environment and address other public requirements, in order to provide sustainable development that involves the simultaneous pursuit of economic prosperity, environmental protection and social quality.

This resolution also seeks, among other things, to promote accepted design principles in areas of new development and redevelopment, to raise the level of community understanding and expectation for quality in the built environment, to protect and enhance local aesthetic and functional qualities, and to stimulate business and promote economic development.

In consideration of the character of the Fulton Industrial Business District, these regulations are to monitor the suitability for certain uses, construction and design, prevent functional and visual disunity, promote desirable conditions for community and commerce and protect property against blight and depreciation.

12N.2. - Fulton industrial business district overlay district regulations.

The Fulton Industrial Business District Overlay District applies to all properties zoned or developed for nonresidential uses and residential uses; except single family detached dwelling units within the Fulton Industrial Business District (see map on next page). Within the Fulton Industrial Business District Overlay District, all land and structures shall be used in accordance with the standards of the underlying district. For any parcel in which there is a question as to applicability of the overlay district standards, a final determination will be made by the Director of Planning and Community Services.

Whenever provisions of this Article conflict with any other Article in the Zoning Resolution of South Fulton or any other South Fulton ordinances, regulations, or resolutions, these standards shall prevail.
Fulton Industrial Business District Overlay District

12N.3. - All properties within the Fulton industrial business district.

A. Development Standards.

1. Refuse Areas and Receptacles:
   a) Refuse areas and receptacles shall be identified on site plans.
b) Refuse areas and receptacles shall be placed in the least visible location from the public right-of-way.

c) Refuse areas and receptacles shall not be placed within 50 feet of existing residential zoning or use.

d) Refuse areas shall be enclosed on three sides with opaque walls. The fourth side shall be a self-closing gate made of non-combustible materials.

e) Opaque walls shall be 12 inches higher than the receptacles.

f) Opaque walls shall be constructed of same materials and colors as that of the primary building. If primary building material is not a masonry material, the opaque walls shall be constructed of non-combustible brick, stone, split concrete masonry block or other similar material as approved by the Director of Planning and Community Services.

g) Where a nonconforming refuse area and receptacle exists on the adoption date of this Article and is visible from a public right-of-way, such refuse area and receptacle shall be brought into conformance with this Article or removed within 24 months of this Article adoption date.

2. Retaining Walls:

   a) Retaining walls, when visible from a public right-of-way, are to be faced with or constructed of stone, brick, decorative concrete modular block or other similar material as approved by the Director of Planning and Community Services.

3. Sidewalks:

   a) Sidewalks shall be connected to signalized crosswalks and bus stops where applicable.

   b) Street furniture shall be located outside the specified width of any sidewalk.

4. Building Materials and Architectural Treatments:

   a) Variations shall be incorporated into all facades visible from the public right-of-way and shall include architecture elements such as columns, arcades, covered entry-walkways, arches, façade offsets, windows, balconies, offset walls, clock towers, cupolas and/or courtyards.

   b) The principle entry area of a building shall be articulated and express greater architectural detail than other portions of the building.

   c) The office portion of industrial buildings shall be located in the front portion of buildings, facing the public right-of-way.

   d) The office portion of industrial buildings shall be designed with a minimum of 40% of their exterior facade as windows.

   e) Accessory structures/buildings, when visible from a public right-of-way, shall have architectural features consistent with the principle buildings.
B. **Sign Standards.**

1. **Sign Materials:**
   a) Sign structures and faces constructed of wood or canvas materials are prohibited on all permanent signs.

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12N.4. - Additional standards for all properties designated as industrial on the 2030 Future Development Map with frontage on Fulton Industrial Boulevard.

A. **Development Standards.**

1. **Buffers and Landscaping:**
   a) A minimum 15-foot wide landscape strip is required along all frontages on Fulton Industrial Boulevard.

2. **Outside Storage and Display:**
   a) All outside storage is to be screened when visible from Fulton Industrial Boulevard.
   b) Screening shall be accomplished by a wall or fence of at least 50% opacity in the same colors of the primary building or by a 10 foot landscape strip planted to buffer standards. Lattice style screening and fences and walls constructed out of wood are prohibited.

3. **Nonresidential Building Materials:**
   a) All exterior walls visible from Fulton Industrial Boulevard shall meet the standards for Exterior Building Walls prescribed for the M1-A Industrial Park District.

4. **Fence Materials:**
   a) Wood fencing is prohibited.

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B. **Sign Standards.**

1. **Sign Materials:**
   a) Free Standing Sign structures shall be constructed of brick, granite, stone, marble or other material used in the primary building and be in the same colors as the primary building. If primary building materials are non-conforming, the free standing signs shall be constructed of materials prescribed for the M1-A Industrial Park District or other material as approved by the Director of Planning and Community Services.

12N.5. - All properties designated as industrial marketplace on the 2030 Future Development Map within the Fulton industrial business district.
1. **Accessory Site Features:** Other (See 12N.3.A.1 for refuse areas and receptacles)
   a) Accessory site features are prohibited in the front yard.
   b) Accessory site features located on the ground shall be screened from view from any street, and any residential zoning or use by one of the following: placement behind the building, 100% opaque fence or wall, berm or vegetative screen planted to buffer standards.
   c) Accessory site features on a roof shall be screened by a parapet or other architectural feature or as approved by the Director of Planning and Community Services.

2. **Building Design and Materials:**
   a) Nonresidential Building Materials:
      i) Industrially zoned buildings: All exterior walls visible from the public right-of-way shall consist of the following: stucco, stone, brick, or other similar alternative building material approved by the Director of Planning and Community Services.
      ii) Commercially zoned and/or commercially used buildings: All exterior walls shall consist of a minimum of 60% (per vertical plane) of the following: stucco, brick, or stone. Accent wall materials shall consist of glass, architecturally treated concrete masonry or precast stone. Alternative treatments and building materials may be approved by the Director of Planning and Community Services.
   b) Burglar Bars, Steel gates and Steel Roll Down Curtains:
      i) Burglar bars, steel gates, and steel roll down curtains are prohibited on the exterior and interior of the structure except at the structures rear. Security grilles are allowed if installed interior to the place of business. Grilles should be of a grid or brick pattern and placed so that the grid is at a uniform height across the business front. Where a nonconforming burglar bar, steel gate or steel roll curtain exists on the adoption date of this Article, such burglar bar, steel gate or steel roll down curtain shall be brought into conformance with this Article or removed within 24 months of this Article adoption date.

3. **Fence Materials:**
   a) Wood privacy fencing is prohibited.

B. **Sign Standards.**

1. **Prohibited Signs:**
   a) Window signs are prohibited.

2. **Sign Materials:**
   a) Free Standing Sign structures shall be constructed of brick, granite, stone, marble or other material used in the primary building and be in the same
colors as the primary building. If primary building materials are non-conforming, the free standing signs shall be constructed of materials prescribed for the M1-A Industrial Park District or other material as approved by the Director of Planning and Community Services.

C. Sidewalks and Pedestrian Paths.

1. Sidewalks:
   a) All sidewalks are to be a minimum 8 feet wide, of which 2 feet shall be a stamped brick pattern adjacent to the back of the curb.
   b) All handicap ramps shall be constructed per GDOT and South Fulton standards.

2. Pedestrian Paths:
   a) Pedestrian paths shall be designed to minimize direct auto-pedestrian interaction by such means as striping, elevated walkways and signs.

E. Miscellaneous Provisions.

1. Outside Storage/Sales:
   a) Except for provided for in Article 19, the storage and/or sale of goods is prohibited in parking lots and other outside areas outside of the interior or permanently sheltered portions of a building. This standard does not apply to fuel pumps and ATMs.

12N.7[6]. - Architectural review process.

Prior to the issuance of a land disturbance permit (LDP) or a building permit, the applicant shall submit details of exterior materials, colors, landscape strips, buffers, signage, lighting, parking, streets and paths, entrances, design and architectural features of the proposed site and building which demonstrate compliance with the design standards set forth herein.

Prior to the issuance of an LDP or building permit, the community will be allowed ten working days to review the application. An application which otherwise conforms to applicable codes and regulations shall not be delayed issuance of an LDP or building permit for more than 10 working days due to this review and comment process.

South Fulton staff will review all applications for land disturbance permits, building permits and sign permits for compliance with the standards of this Overlay District and upon determination of compliance will provide a Certificate of Endorsement (CoE) in the form of signing the formally submitted plans and drawings.

12N.8[7]. - Severability.

In the event that any section, subsection, sentence, clause or phrase of this Article shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses or phrases of this Article, which shall remain in full for and effect, as if the section, subsection, sentence,
clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.

12N.9[8]. - Appeals.

Any persons aggrieved by a final decision of the Department of Planning and Community Services relating to this article may appeal such final decision to the Zoning Board of Appeals by filing in writing setting forth plainly, fully and distinctly, why the final decision is contrary to law per the South Fulton Zoning Resolution. Such appeal shall be filed within 30 days after the final decision of the department is rendered.

ARTICLE XVIII. - OFF-STREET PARKING AND LOADING

18.1 - Scope.

The location, design and quantity of off-street parking and loading facilities for every use located in unincorporated South Fulton shall comply with requirements herein.

18.2 - Parking spaces required.

Every use shall be served by off-street parking spaces as specified below. Parking spaces shall serve only the designated use and shall be located on the same lot as the use unless another location is authorized in accordance with other provisions of this Zoning Resolution.

18.2.1 Basic off-street parking requirements. Parking requirements shall be calculated based on the proportion that each use contributes to the total. All areas are expressed in gross square feet of building area unless ground area or some other measure is specified. Any fraction of one-half or larger shall constitute a whole. A bench seat shall consist of 18 inches.

<table>
<thead>
<tr>
<th>Use Group</th>
<th>Example of Types of Use</th>
<th>Minimum Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>All areas are expressed in spaces per gross square feet of building area unless ground area or some other measure is specified</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult entertainment establishments (Added 4/7/93)</td>
<td></td>
<td>10 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Assembly places with fixed seating</td>
<td>stadiums auditoriums</td>
<td>1 per 4 fixed seats</td>
</tr>
<tr>
<td>Category</td>
<td>Description</td>
<td>Density/Measurement</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Assembly places</td>
<td>meeting halls, libraries</td>
<td>1 per 35 sq. ft. in largest assembly room</td>
</tr>
<tr>
<td>Auto dealerships, sales &amp; service</td>
<td>new car sales, used car sales, service and parts</td>
<td>6.5 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Bowling alley</td>
<td></td>
<td>5 per alley</td>
</tr>
<tr>
<td>Child care kindergarten</td>
<td>day care centers, pre-school</td>
<td>1.7 per 1,000 sq. ft. + 1 per 4 employees on the largest shift</td>
</tr>
<tr>
<td>Churches and other places of worship</td>
<td>churches, cathedrals, temples</td>
<td>1 per 3.5 fixed seats in the largest assembly area</td>
</tr>
<tr>
<td>Without fixed seating</td>
<td></td>
<td>1 per 30 sq. ft. in largest assembly area</td>
</tr>
<tr>
<td>Clubs and lodges</td>
<td>country clubs, fraternal organizations</td>
<td>5 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Club with golf course</td>
<td></td>
<td>50 per 9 holes + 1 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Commercial, amusement, outdoor</td>
<td>amusement parks, skateboard parks, batting cages</td>
<td>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</td>
</tr>
<tr>
<td>Custodial care</td>
<td>halfway houses</td>
<td>2.5 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Dormitories and related</td>
<td>dormitories, fraternity houses</td>
<td>1 per bedroom + 5 per 1,000 sq. ft. of common area</td>
</tr>
<tr>
<td>Category</td>
<td>Type</td>
<td>Density</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>Sorority houses</td>
<td>board houses</td>
<td>2 per 1,000 sq. ft. of ground area identified for festivals and music festivals related seating</td>
</tr>
<tr>
<td>Festivals, outdoor</td>
<td>horse shows, carnivals, dogs shows, arts and crafts shows</td>
<td>2 per 1,000 sq. ft. of ground area identified for festivals and music festivals related seating</td>
</tr>
<tr>
<td>Financial institutions</td>
<td>banks, credit unions, brokerage houses</td>
<td>5 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Funeral homes</td>
<td></td>
<td>1 per 3 fixed seats + 1 for each 25 sq. ft. in the largest assembly room</td>
</tr>
<tr>
<td>Golf course, public and private, without club facilities</td>
<td></td>
<td>50 spaces per 9 holes</td>
</tr>
<tr>
<td>Health care facilities</td>
<td>hospitals, out-patient clinics, convalescent home, nursing home</td>
<td>1 per four beds + 1 per 3 employees</td>
</tr>
<tr>
<td>Hotels and motels, no restaurants</td>
<td>apartment hotels, hotels, motels</td>
<td>1 per room</td>
</tr>
<tr>
<td>With restaurants</td>
<td></td>
<td>1.25 per room</td>
</tr>
<tr>
<td>Industrial and manufacturing</td>
<td>assembly plants, fabrication plants</td>
<td>1 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Use Group</td>
<td>Example of Types of Use</td>
<td>Minimum Requirement</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>------------------------------------------</td>
<td>---------------------------------------</td>
</tr>
<tr>
<td>Medical offices Related facilities (Amended 3/6/91)</td>
<td>dental offices doctor's offices veterinary offices clinics</td>
<td>4 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Mini-warehouses</td>
<td></td>
<td>1 per employee + 1 per 5,000 sq. ft.</td>
</tr>
<tr>
<td>Offices, general</td>
<td>freestanding offices office towers office parks offices associated with other uses</td>
<td>3 per 1,000 sq. ft. to 250,000 sq. ft.; 2.8 per 1,000 sq. ft. all exceeding 250,000 sq. ft.</td>
</tr>
<tr>
<td>Personal service establishments</td>
<td>barber shops beauty parlors laundromats dry cleaners</td>
<td>5 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Race track</td>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>Recreational facilities,</td>
<td>billiard parlors game rooms</td>
<td>5 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Indoor</td>
<td>Arcades, skating rinks, physical fitness centers, museums</td>
<td></td>
</tr>
<tr>
<td>-------------</td>
<td>----------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Recreation, private (Added 7/5/89)</td>
<td>tennis court, basketball court, swimming pool</td>
<td></td>
</tr>
<tr>
<td>Single family or mixed residential use, association or club Multifamily residential</td>
<td>3 per court, 4 per court 6 per adult swimming pool + 1 per 15 dwelling units beyond 60 served included in basic parking requirement</td>
<td></td>
</tr>
<tr>
<td>Recreation, public (Added 7/5/89)</td>
<td>basketball court, playing fields, tennis courts, driving range, miniature golf, swimming pool</td>
<td></td>
</tr>
<tr>
<td></td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>Recycling centers</td>
<td>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)</td>
<td></td>
</tr>
<tr>
<td>Residential, multifamily (fewer than 40 units/acre) (Amended 7/5/89)</td>
<td>1 bedroom or efficiency unit, 2 bedroom unit, 3 bedroom unit</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1.4 per unit, 2.0 per unit, 2.25 per unit</td>
<td></td>
</tr>
<tr>
<td>Residential (Amended 7/5/89) multifamily highrise (40 + units acre)</td>
<td>1 bedroom or efficiency unit, 2 bedroom unit, 3 bedroom unit</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1.25 per unit, 1.75 per unit, 2.00 per unit</td>
<td></td>
</tr>
<tr>
<td>Residential, single family</td>
<td>detached dwelling, duplexes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2 per dwelling unit</td>
<td></td>
</tr>
<tr>
<td>Category</td>
<td>Examples</td>
<td>Density Unit</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>------------------------------------------------</td>
<td>------------------------------</td>
</tr>
<tr>
<td>Mobile Homes</td>
<td>Retirement homes, retirement village</td>
<td>1.25 per dwelling unit</td>
</tr>
<tr>
<td>Residential, retirement home</td>
<td>Cafeterias, bars, dance clubs, restaurants,</td>
<td>10 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Restaurants, nightclubs and taverns (including outdoor seating)</td>
<td>Music clubs, bistros</td>
<td></td>
</tr>
<tr>
<td>(Amended 4/7/93)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail establishments</td>
<td>Boutiques, shops, stores, rental services,</td>
<td>5 per 1,000 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>Art galleries, food stores</td>
<td></td>
</tr>
<tr>
<td>Roadside stand</td>
<td></td>
<td>6 + 5 per 1,000 sq. ft. ground area</td>
</tr>
<tr>
<td>Salvage, storage and/or junk facility</td>
<td></td>
<td>1 per employee plus 4 per acre</td>
</tr>
<tr>
<td>Schools</td>
<td>Junior high, elementary, middle</td>
<td>larger of 2 per classroom or 1 per 35 sq. ft. in largest assembly area</td>
</tr>
<tr>
<td></td>
<td>Secondary</td>
<td>larger of 10 per classroom or 1 per 35 sq. ft. in largest assembly area</td>
</tr>
<tr>
<td>Service and repair</td>
<td>Appliance repair shops</td>
<td>5 per 1,000 sq. ft.</td>
</tr>
<tr>
<td>establishments</td>
<td>bicycle repair shops</td>
<td>shoe repair shops</td>
</tr>
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</tbody>
</table>

18.2.2 Shared parking. The standards for shared parking may be utilized for any of the combinations of uses shown below on any number of properties when approval is reflected in the conditions of zoning for each such property. Similar provisions are provided under off-site and shared parking requirements in the use permits article for those uses which were not zoned concurrently or as part of a multiple use project. The conditions of zoning or use permit, as applicable, establish the limits of parking requirements among uses and properties, and South Fulton shall not require any contractual relationship among property owners.

The standards for determining parking requirements in a multiple use development are:

A. Determine the minimum amount of parking required for each separate use.

B. Multiply each parking requirement by the corresponding percentage for each of the time periods given below.

C. Calculate the column total parking requirement for each time period.

D. The largest column total is the shared parking requirement.

<table>
<thead>
<tr>
<th></th>
<th>Weekdays</th>
<th>Weekends</th>
<th>Nighttime</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>6am—5pm</td>
<td>5pm—1am</td>
<td>6am—5pm</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>5pm—1am</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1am—6am</td>
</tr>
<tr>
<td>Use of Property</td>
<td>Office</td>
<td>Retail</td>
<td>Hotel</td>
</tr>
<tr>
<td>----------------</td>
<td>--------</td>
<td>--------</td>
<td>-------</td>
</tr>
<tr>
<td>100%</td>
<td>10%</td>
<td>10%</td>
<td>5%</td>
</tr>
<tr>
<td>60%</td>
<td>90%</td>
<td>100%</td>
<td>70%</td>
</tr>
<tr>
<td>75%</td>
<td>100%</td>
<td>75%</td>
<td>100%</td>
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<tr>
<td>50%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
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<tr>
<td>40%</td>
<td>100%</td>
<td>80%</td>
<td>100%</td>
</tr>
<tr>
<td>50%</td>
<td>50%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

**Example:**

Properties proposed for individual uses would require the following number of parking spaces:

- Office ..... 300 spaces
- Retail ..... 280 spaces
- Entertainment ..... 100 spaces
- Total ..... 680 spaces

Properties proposed for multiple uses under the provisions for shared parking would require the following number of parking spaces:

<table>
<thead>
<tr>
<th>Use of Property</th>
<th>Weekdays</th>
<th>Weekends</th>
<th>Nighttime</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>6am—5pm</td>
<td>5pm—1am</td>
<td>6am—5pm</td>
</tr>
<tr>
<td>Office</td>
<td>300</td>
<td>30</td>
<td>15</td>
</tr>
<tr>
<td>Retail</td>
<td>168</td>
<td>252</td>
<td>280</td>
</tr>
<tr>
<td>Hotel</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurant/Entertainment/</td>
<td>40</td>
<td>100</td>
<td>80</td>
</tr>
</tbody>
</table>
Thus, 508 spaces would be needed for this development, a reduction of 172 spaces or 25 percent.

18.2.3 Reduction of the basic requirement. A reduction of the basic off-street parking requirement will be allowed for nonresidential and multifamily developments that locate within 1500 feet of a MARTA rail station which is complete or scheduled for completion within three years. A reduction will be allowed on the following scale whenever pedestrian access is provided between the use and the MARTA rail station as approved by the Director of Community Development.

<table>
<thead>
<tr>
<th>Straight-line Distance from MARTA Station Property Line to Applicant Property Line</th>
<th>Reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>0—500 feet</td>
<td>15%</td>
</tr>
<tr>
<td>501—1,000 feet</td>
<td>10%</td>
</tr>
<tr>
<td>1,001—1,500 feet</td>
<td>5%</td>
</tr>
</tbody>
</table>

18.2.4 Administrative reduction of spaces constructed. The Director of Community Development may authorize a reduction in the total number of parking spaces constructed on a site to no less than 90 percent of the basic requirement when all of following conditions are met:

A. The request for reduction in parking shall show that the reduction is justified on the basis of characteristics unique to the specific proposed use of the property in contrast to the characteristics of other uses within the same category.

B. Adequate land area for meeting the basic parking requirement is located on and designed for the site whether at grade or in parking decks. The unconstructed portion of the parking shall be clearly delineated and labeled "Future Parking" on the site plan.

C. Prior to granting the reduction in total parking spaces constructed, the Director of Community Development shall conclude that the reduction is justified, and
shall approve, in whole or in part, or deny the request stating the reasons therefore in the report.

D. If the Director of Community Development finds that the parking reduction is no longer justified, the director shall notify the owner to construct the number of parking spaces necessary to meet the required level.

E. Prior to any change in ownership or use, the owner must apply to the Director of Community Development for an evaluation and confirmation of the reduction.

18.3 - Acceptable locations for off-street parking.

18.3.1 Parking and loading locations. Note: The minimums required in this subsection may be less than the requirements necessary to accommodate a landscape area or buffer requirement of section 4.23. At a minimum, all required parking spaces must be located on an all weather surface as defined in article III.

A. Single family districts. Within single family dwelling districts and the AG-1 District when utilized for a single family dwelling, the parking or storage of vehicles shall be prohibited except on parking spaces as defined in article III. Off-site location of required parking spaces is prohibited. Unenclosed parking spaces may occupy a side yard, and no more than 50 percent of a required rear yard. A maximum of two spaces may be permitted adjoining the entrance to a front entry garage or carport, or adjoining the end of a driveway whenever no garage or carport exists. Garage and carport spaces may count toward the minimum required spaces in single family districts.

Within the AG-1 and single family districts when utilized for other than a single family dwelling, the parking or storage of vehicles shall be located in accordance with the O-I District requirements stated in (E) below.

The visible storage or parking of more than four vehicles at a single family residence shall be unlawful. Parking or storage of a junk or salvage vehicle shall constitute an unlawful use except that no more than two such vehicles shall be permitted if parked or stored in a garage or carport not visible from a street or adjacent residential property.

B. TR, Townhouse Residential District. Individually subdivided parcels shall adhere to single family district standards except that no off-street parking or driveways shall be located within ten feet of any perimeter lot line. Garage carport spaces count toward the minimum required spaces in the TR District.

C. A, Apartment Dwelling District. No off-street parking shall be permitted within the required setback for the front yard and the side corner yard. Driveways shall not be located nearer than ten feet to any side or rear property line. No off-street parking space shall be located within 25 feet of any side or rear property line adjacent to a single family dwelling district or use, nor within ten feet of any other property line. TR District requirements shall apply to single family detached units constructed within the A District.
D. **A-L, Apartment Limited Dwelling District.** No off-street parking shall be permitted within the required setback for the front yard and the side corner yard. Driveways shall not be located nearer than ten feet to any side or rear property line. No off-street parking space shall be located within 25 feet of any side or rear property line adjacent to a single family dwelling district or use, nor within ten feet of any other property line.

E. **O-I, Office/Institutional Districts.** No off-street parking shall be permitted within the required setback for the front yard and the side corner yard. No off-street parking shall be permitted within 25 feet of any property line which adjoins a single family residential district or use.

Off-street loading areas shall be provided in the rear or interior side yards.

F. **C-1 and C-2, Commercial Districts.** The off-street parking location regulations for dwellings, schools, institutions and similar uses are the same as for those uses in the A District.

Uses permitted in commercial districts other than those devoted to dwellings, schools, institutions, and similar uses shall provide no off-street parking within 25 feet of any property line that adjoins a residential district or use.

Off-street loading areas shall be provided in the rear or interior side yards. Minimums required in this subsection may be less than the requirements necessary to accommodate a landscape area or buffer required in section 4.23.

G. **M-1, M-1A and M-2, Industrial Districts.** The off-street parking location regulations for dwellings, schools, institutions and similar uses are the same as for those uses in the A District.

Uses devoted to manufacturing, warehousing, commercial and other uses permitted in industrial districts shall provide no off-street parking within 25 feet of any property line which adjoins a residential use or district.

18.3.2 **Limitation on trucks.** Except for trucks used in farming the property on which they are located, or trucks used in conjunction with a permitted use, trucks and/or trailers exceeding four tons empty weight shall not be stored or parked in any agricultural or residential zoning district unless engaged in moving household goods or making deliveries.

18.3.3 **Shared driveways.** Driveways may be shared in all districts.

18.3.4 **Off-site location of required parking.** An administrative permit for off-site parking may be considered in accordance with the provisions of article XIX.

18.3.5 **Landscape areas and buffers.** No required parking shall be permitted in any required landscape area or buffer. (See 4.23)

18.3.6 **Vehicles at automotive repair and specialty shops.** Vehicles at automotive repair and specialty shops must be serviced and stored within the footprint of the building or at the rear of the structure but outside of any minimum yard. Vehicles must
be totally screened from all property lines by a 100 percent opaque fence or wall
together with landscape strips and buffers as specified by Article 4.23.1.

18.4 - Off-street parking design requirements.

18.4.1 Angled or parallel parking. Aisles serving off-street parking shall be no fewer
than 22 feet in width, except that aisles designed for one-way circulation systems shall
be no fewer than 14 feet in width for zero—45-degree parking, 18 feet in width for 46-to-
60-degree parking and 22 feet in width for 61-to-90-degree parking. A standard parking
space shall measure no fewer than 153 square feet, and shall be no fewer than 8.5 feet
wide. Twenty percent of the total parking spaces may be designated as compact car
spaces. A compact space shall measure a minimum of 120 square feet with a minimum
width of eight feet. Each compact space shall be clearly marked. No part of a vehicle
shall overhang into a landscaped portion of a required landscape area.

18.4.2 Landscape islands. Landscape islands shall be provided throughout parking
lots in accordance with the requirements of section 4.23 of this resolution.

18.4.3 Handicapped parking. Parking spaces designed for handicap persons shall
be provided in accordance with Georgia law.

18.5 - Parking for specialized vehicles.

Specialized vehicles such as earth moving equipment, tractors or other heavy
construction vehicles are only to be stored in residential, Agricultural districts and non-
residential districts except M-I and M-2 industrial districts during construction under an
active building permit and/or land disturbance permit. Other specialized vehicles such
as recreational vehicles, campers, buses (including school buses), trailers, mobile home
coaches, boats, boat trailers, and limousines used for commercial purposes may be
parked or stored in all residential districts under the following conditions: (Also See
18.3.2 for trucks)

A. That such vehicles are not used as living quarters.
B. That the location of the parking or storage area shall be in the buildable area of
the lot and shall not be in front of the principal structure.

18.6 - Off-street loading.

18.6.1 Loading spaces required. Off-street loading spaces shall be provided as
follows:

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Gross Floor Area (Sq. Ft.)</th>
<th>Loading Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single retail</td>
<td>0 to 19,999</td>
<td>None</td>
</tr>
<tr>
<td>Establishment Services</td>
<td>20,000 to 49,999</td>
<td>One</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>------------------</td>
<td>------</td>
</tr>
<tr>
<td></td>
<td>50,000 to 250,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Over 250,000</td>
<td></td>
</tr>
<tr>
<td>Shopping centers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 to 19,999</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20,000 to 49,999</td>
<td></td>
<td></td>
</tr>
<tr>
<td>50,000 to 100,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Each additional 100,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office buildings, Apartment building</td>
<td></td>
<td></td>
</tr>
<tr>
<td>over four stories, Hospitals, health</td>
<td></td>
<td></td>
</tr>
<tr>
<td>care Establishments, hotels and motels</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 to 999,999</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1,000,000 to 2,000,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>More than 2,000,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufacturing, warehousing, wholesaling,</td>
<td>Up to 14,999</td>
<td></td>
</tr>
<tr>
<td>etc.</td>
<td>15,000 to 39,999</td>
<td></td>
</tr>
<tr>
<td>40,000 to 65,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Each additional 80,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recycling centers</td>
<td>2 loading spaces measuring no less than 12 feet by 35 feet and having 14 feet of vertical clearance</td>
<td></td>
</tr>
</tbody>
</table>

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8110  **18.6.2 Design and arrangement of off-street loading areas.** The following standards shall apply to off-street loading areas:
A. A loading space shall measure no less than 12 feet by 35 feet and have 14 feet of vertical clearance.

B. For any use required to furnish three or more loading spaces, at least one in every three shall measure no less than 12 feet by 55 feet.

C. Maneuvering space shall not include required parking spaces or any portion of a public right-of-way.

18.6.3 Off-street loading location limitations. Off-street loading spaces and maneuvering areas shall be located only in those portions of a lot where off-street parking areas are allowed with the following additional limitations:

A. Industrial zoning districts: If the loading and maneuvering areas are across from, or adjacent to, any nonindustrial zoning district, a 50-foot landscaped strip shall be established, behind which the maneuvering and berth space may be located.

B. Nonindustrial zoning districts: In the event that spaces and maneuvering areas are to be located in a yard adjacent to any established residential use, a 50-foot landscaped strip shall be established behind which the berths and maneuvering spaces may be located.

ARTICLE XIX. - ADMINISTRATIVE PERMITS AND USE PERMITS

19.1 - Scope and intent.

This article specifies uses which are not classified as permitted uses in zoning districts, and are therefore only allowed through the approval of an administrative permit or a use permit. The standards which apply to each use are enumerated and must be met in order for an application to be granted.

In the interest of the public health, safety and welfare, the City Council may exercise limited discretion in evaluating the site proposed for a use which requires a use permit. In exercising such discretion pertaining to the subject use, the City Council may consider:

(1) Whether the proposed use is consistent with the land use or economic development plans adopted by the City Council;

(2) Whether the proposed use violates statutes, ordinances or regulations governing land development, such as, but not limited to, the South Fulton Soil Erosion and Sedimentation Control Ordinance and the Metropolitan River Protection Act;

(3) The effect of the proposed activity on traffic flow along adjoining streets;

(4) The location of off-street parking;

(5) The number, size and type of signs proposed for the site;

(6) The amount and location of open space;
(7) Protective screening;
(8) Hours and manner of operation of the proposed use;
(9) Outdoor lighting;
(10) Ingress and egress to the property;
(11) Compatibility with surrounding land use.

In granting such permits, conditions may be attached as are deemed necessary in the particular case for the protection or benefit of neighbors to ameliorate the effects of the proposed development.

19.2 - Application and approval.

Uses allowable with an "administrative permit" and the minimum standards for such uses are listed in section 19.3 of this article.

Uses allowable with a "use permit" and the minimum standards for such uses are listed in section 19.4 of this article.

19.2.1 Application of regulations. Uses enumerated herein may be authorized by administrative permit or use permit, as specified. The regulations contained in this article shall not apply to any permitted use in any zoning district.

19.2.2 Administrative permits. Any use authorized by administrative permit shall be approved and permitted by the Director of the Environment and Community Development Department whenever the proposed use complies fully with the requirements of the subject property's zoning district and standards as set forth in section 19.3. Each requested use for which an administrative permit is required shall be assigned an administrative permit number and charged a fee. Said permit shall be posted on site prior to commencement of use. Variances to administrative permit standards may be requested by petition to the Board of Zoning Appeals. In certain cases, conditions are imposed by the Director of the Public Works Department with respect to roadway, water, sewer and/or other infrastructure improvements, and rights-of-way dedications which must be met.

19.2.3 Use permits. Any use authorized by use permit may be approved by the City Council in accordance with standards enumerated under each use (section 19.2.4) provided:

A. The subject use is allowable in the subject property's zoning district,
B. The standards for the use permit as specified in article 19 can be met, as well as use permit considerations pursuant to section 19.2.4,
C. A public hearing has been held in relation to the use permit before the South Fulton Planning Commission and the South Fulton City Council in conformance with notice standards outlined in article XXVIII,
D. Recommendations have been received from the South Fulton Environment and Community Development Department staff and the South Fulton Planning Commission, and
E. Conditions imposed with respect to right-of-way dedication and roadway, water, sewer and/or other infrastructure improvements are met.

1. **Applications.** Use permit requests shall require a separate application when included with a petition for rezoning. Each requested use for which a use permit is required shall be charged a standard use permit fee and assigned a use permit number which will be listed on the petition for rezoning. A public hearing, notice and evaluation shall be provided in accordance with article XXVIII for each requested use permit. Each request shall be voted on separately, and each use permit request submitted as part of a rezoning petition shall be treated independently in the minutes of the City Council meeting.

2. **Expiration.** All use permits shall expire within three years from the date of approval by the City Council or as otherwise conditioned unless a land disturbance permit, building permit, business license or certificate of occupancy has been issued. Requests for extensions shall be made in accordance with the standards for extensions contained in article XXVIII.

3. **Re-application.** The same or substantially similar petition for a use permit which has been denied by the City Council shall not be resubmitted to the Environment and Community Development Department for a period of six months from the date of the denial.

4. **Variances.** Variances to use permit standards contained in section 19.4 for receiving a use permit may be considered by the City Council concurrently with a use permit petition if submitted with such petition. Such a variance request shall not require a separate variance application, but shall be assigned a variance number, charged a standard variance fee and be listed on the use permit petition as a concurrent variance in accordance with article XXII, Appeals, section 22.9.

F. **Accessory uses.** Structures and land may be used for uses customarily incidental to any approved use.

19.2.4 **Use permit considerations.** In the interest of the public health, safety and welfare, the City Council may exercise limited discretion in evaluating the site proposed for a use which requires a use permit. In exercising such discretion pertaining to the subject use, the City Council shall consider each of the following:

1. Whether the proposed use is consistent with the comprehensive land use plan and/or revitalization plans adopted by the City Council;
2. Compatibility with land uses and zoning districts in the vicinity of the property for which the use permit is proposed;
3. Whether the proposed use may violate local, state and/or federal statutes, ordinances or regulations governing land development;
4. The effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets;
5. The location and number of off-street parking spaces;
The amount and location of open space;

Protective screening;

Hours and manner of operation;

Outdoor lighting; and

Ingress and egress to the property.

In granting such permits, conditions may be attached as are deemed necessary in the particular case for the protection or benefit of neighbors to ameliorate the effects of the proposed development/use.

19.2.4.5 Additional restrictions. Any use authorized by administrative permit or use permit shall comply with all other City regulations, zoning district regulations, conditions of zoning approval and other regulations contained herein. All buffers required shall have a ten-foot improvement setback in accordance with section 4.2.3. The reduction of said setback shall be subject to the approval of the Department of Community Development in accordance with article 22. Whenever a standard contained in this section is in conflict with another provision of this resolution, the more restrictive provision shall prevail.

Unless otherwise specified, standards, conditions and stipulations attached to a use permit by the City Council shall supersede conflicting zoning conditions approved on the same site.

19.3 - Minimum administrative permit standards.

19.3.1. Alternative Antenna Support Structure To Exceed The District Height

Intent. Pursuant to Section 704(a) of the Federal Telecommunications Policy Act of 1996, it is not the intent of this section to prohibit or have the effect of prohibiting the provision of personal wireless services in unincorporated South Fulton. It is the intent of this Section to address the aesthetic effect of telecommunication facilities on our landscapes, our citizens' demands for these services, and the needs of service providers.

A. Required Districts: All

B. Standards:

1. Alternative structures are not allowed as an accessory to a single family use or as a principal use in a single family district.

2. Alternative structures must be set back a distance equal to the height of the structure adjacent to residential and/or AG-1 zoned property unless said structure is proposed to be located on an existing building.

3. Above ground equipment shelters shall be surrounded by a minimum 10-foot wide landscape strip planted to buffer standards unless the South Fulton Arborist determines that existing plant materials are adequate.
4. Roof top antennas and associated structures shall not project more than 10 feet above roof line.

5. Height shall not exceed 130 feet measured from the finished grade of the base structure.

6. The alternative structure shall comply with applicable state and local statutes and ordinances, including, but not limited to, building and safety codes. Alternative structures which have become unsafe or dilapidated shall be repaired or removed pursuant to applicable state and local statutes and ordinances.

7. Facilities shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration (FAA).

8. Communication towers shall be designed and constructed to ensure that the structural failure or collapse of the tower will not create a safety hazard to adjoining properties, according to applicable Federal Standards which may be amended from time to time.

9. Telecommunications facilities shall not be used for advertising purposes and shall not contain any signs for the purpose of advertising.

10. Any telecommunications facility may co-locate on any existing tower, pole or other structure as long as there is no increase in height to the existing facility.

11. A telecommunication facility that ceases operation for a period of 12 consecutive months shall be determined to have terminated and shall be removed within 90 days of termination at the property owner's expense. It shall be the duty of both the property owner and the tower owner to notify the City in writing of any intent to abandon the use of the tower.

12. An application for a telecommunications facility shall be submitted in accordance with the Department's Plan Review submittal requirements.

13. An application for a telecommunication facility shall include a certification from a registered engineer that the structure will meet the applicable design standards for wind loads.

14. Communications facilities shall not be located in 100-year flood plain or delineated wetlands.

19.3.1(1) Amateur radio antenna to exceed the district height. (See Use Permit 19.4.5)

Intent. It is the intent of this article to regulate the placement of amateur towers in a manner that does not impose on public health, safety, or general welfare. The following regulations on design, location, placement, and height limits of antennas in residential districts implements South Fulton's governmental interests in land planning, aesthetics and public safety by requiring the following standards:

A. Required districts: All
B. Standards:

1. Antennas shall be located in the rear yard.

2. The maximum height shall be 90 feet. Any request to exceed the maximum height shall require a use permit (See 19.4.5).

3. All antennas shall be set back from all property lines one-third the height of the antenna or the district setback requirements, whichever is greater. The antenna must be located a distance equal to or greater than the antenna height from the nearest residential dwelling, excluding the owner's primary dwelling or structure.

4. Antennas shall not be lighted.

5. All antennas must be constructed with an anti-climbing device.

6. Antennas shall be painted in a neutral color identical or closely compatible with surroundings.

7. All guy wires must be anchored on site and outside of right-of-way.

19.3.1(2) Antenna, Tower, and Associated Structures (Radio, T.V., Microwave Broadcasting, Etc.), to Exceed the District Height

Intent. Pursuant to Section 704(a) of the Federal Telecommunications Policy Act of 1996, it is not the intent of this section to prohibit or have the effect of prohibiting the provision of personal wireless services in unincorporated South Fulton. It is the intent of this Section to address the aesthetic effect of telecommunication facilities on our landscapes, our citizens' demands for these services, and the needs of service providers.

The following regulations on design, location, placement, and height limits of antennas implement South Fulton's governmental interest in land planning, aesthetics and public safety by requiring the following Administrative Permit Standards:

A. Required Districts: O-I, C-1, C-2, M-1A, M-1, M-2 (See Use Permit, Section 19.4.7, for use in residential and AG-1 districts.)

B. Standards:

1. Tower/accessory structures must be set back a distance equal to the height of the tower adjacent to residential and/or AG-1 zoned property.

2. Tower and/or associated facilities shall be enclosed by fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device.

3. A minimum 10-foot wide landscape strip planted to buffer standards shall be required around the facility exterior to any fence or wall unless the South Fulton Arborist determines that existing plant materials are adequate.

4. Height shall not exceed 200 feet measured from the finished grade of the base structure.

5. The tower shall comply with applicable state and local statutes and ordinances, including, but not limited to, building and safety codes. Towers
which have become unsafe or dilapidated shall be repaired or removed pursuant to applicable state and local statutes and ordinances.

6. Facilities shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration (FAA).

7. Communication towers shall be designed and constructed to ensure that the structural failure or collapse of the tower will not create a safety hazard to adjoining properties, according to applicable Federal Standards which may be amended from time to time.

8. Telecommunications facilities shall not be used for advertising purposes and shall not contain any signs for the purpose of advertising.

9. Any telecommunications facility may co-locate on any existing tower, pole or other structure as long as there is no increase in height to the existing facility.

10. A commercial telecommunication facility that ceases operation for a period of 12 consecutive months shall be determined to have terminated and shall be removed within 90 days of termination at the property owner's expense. It shall be the duty of both the property owner and the tower owner to notify the City in writing of any intent to abandon the use of the tower.

11. Communication facilities not requiring FAA painting/marking shall have either a galvanized finish or [be] painted a dull blue, gray, or black finish.

12. An application for a telecommunications facility shall be submitted in accordance with the Department's Plan Review submittal requirements.

13. An application for a telecommunication facility shall include a certification from a registered engineer that the structure will meet the applicable design standards for wind loads.

14. Communications facilities shall not be located in 100-year flood plain or delineated wetlands.

19.3.2 Club.

A. Required districts: O-I, MIX, C-1, C-2, M-1A, M-1, M-2.

B. Standards:

1. All buildings and accessory uses other than parking shall be located at least 50 feet from all property lines of any residential district and/or AG-1 district used for single-family.

2. Permitted curb cut access shall not be from a local street.

3. Outdoor facilities within 200 feet of any residential district or dwelling shall limit the hours of operation from 8:00 a.m. to 11:00 p.m.

4. Outdoor recreational facilities shall be set back a minimum of 100 feet from all property lines of any residential district and/or AG-1 district used for single-
family, except as otherwise permitted with an administrative permit for
recreational court or swimming pool.

19.3.3. Event, Special Indoor/Outdoor. (Amended 9-4-91, 7-7-93, 6-1-94, 4-5-95, 8-6-03, 4-5-06) As applicable, special events are subject to the requirements of other South Fulton Departments, such as Emergency Medical Services Plans, Emergency Planning and Preparedness Plans, tent permits, pyrotechnics permits, food service permits, etc.

A. Required Districts: O-I, MIX, C-1, C-2, M-1A, M-1, M-2, AG-1 and residential districts in conjunction with an institutional use, such as a place of worship or a school, or for the benefit of charity such as tours of homes, show houses, and the like. Event is local in nature and marketed only to the local community. Organizer anticipates less than 250 attendees at any one time.

B. Standards:

1. No more than two Administrative Permits shall be granted per year and no permit shall be effective for more than 14 consecutive days for a single event on the same property. An application for said permit shall be made no less than 14 days prior to the event. Said permit must be posted on site such that it is visible from the street.

2. The hours of operation shall be 8:00 a.m. to 8:00 p.m., Sunday through Thursday and 8:00 a.m. to 10:00 p.m., Friday through Saturday.

3. Two copies of a drawing, no larger in size than 11" × 17", with dimensions (distances in feet) of the activity's location from the site's property lines and other minimum distance requirements as specified by this Section shall be submitted to the Department of Environment and Community Department for approval. Said drawing shall also depict north arrow, curb cuts and traffic patterns.

4. The applicant shall provide a notarized written permission statement of the property owner or lease holder of the subject site to the Department of Community Development. A 24-hour contact number of the property owner or lease holder shall be provided along with permit application.

5. The entire property shall comply with the zoning district's setback requirements.

6. No temporary sanitary facility or trash receptacle may be located within 100 feet of a property line of any residential use.

7. No tent, table or other temporary structure shall be located within 250 feet of a residential structure.

8. Sales from vehicles are prohibited. (Food trucks exempted)

9. The entire property shall comply with South Fulton's parking requirements.

10. No equipment, vehicle, display or sales activity shall block access to a public facility such as a telephone booth, mail box, parking meter, fire hydrant, fire alarm box, traffic control box, driveway or other access point.
11. A sound level of 65 dBA shall not be exceeded at adjacent property lines of any residential use.

12. Signage shall be in accordance with Article 33, Section 33.4.12.A.10.

19.3.3(1) Food truck. As applicable, Food Trucks are subject to the requirements of other South Fulton Departments, such as Health and Wellness, Tax Assessors, etc.

A. Required Districts: O-I, MIX, C-1, C-2, M-1A, M-1, M-2.

B. Standards:

1. Food Trucks shall not conduct business or operate under this Article in the public right-of-way.

2. The allowable dimensions of a Food Truck (including all attachments, except hinged canopies that open to reveal food serving areas) shall be up to 18.5 feet long, 10.5 feet tall, and 8 feet wide.

3. The Food Truck use permit shall be valid for a period of 1-year after issuance and applicable to the approved site only.

4. The Food Truck use permit shall be limited to no more than 4 days per week (Monday-Sunday) at the approved site.

5. The hours of operation for Food Trucks shall be 6:00 a.m. to 8:00 p.m., Sunday through Thursday and 6:00 a.m. to 10:00 p.m., Friday through Saturday.

6. Food Trucks shall not operate on any private property without the prior consent of the property owner(s). The applicant shall provide a notarized written permission statement of the property owner(s) as they appear on the current tax records of South Fulton as retrieved through Fulton County’s Geographic Information System (GIS). If the current ownership has recently changed and does not match the GIS record the applicant may provide a copy of the new deed as proof of ownership. A 24-hour contact number of the property owner(s) shall be provided along with permit application.

7. All Food Trucks shall be located a minimum of 200 feet from any eating establishment and 100 feet from any retail store that sell food unless both the property owner(s) (as they appear on the current tax records of South Fulton as retrieved by the County's Geographic Information System (GIS) or if the current ownership has recently changed and does not match the GIS record the applicant may provide a copy of the new deed as proof of ownership) and lease holder(s) of said eating establishment/retail store grant written notarized permission for the Food Truck to be located closer than this minimum setback.

8. Food Truck vendors shall not be located within 25 feet of any right-of-way, entryway, curb-cut or driveway.
9. Food Trucks shall provide a minimum of 6 parking spaces adjacent to the vending area for the exclusive use of the Food Truck and shall not occupy the minimum required parking spaces for any other use on site.

10. Food Trucks shall be required to park on all-weather surfaces.

11. After hours parking of the Food Truck shall comply with Article 18.3, acceptable locations for off street parking, of the South Fulton Zoning Resolution.

12. Two copies of a drawing, no larger in size than 11" x 17", with dimensions (distances in feet) of the Food Truck's location from the site's property lines and other minimum distance requirements as specified by this Article shall be submitted to the Department of Planning and Community Services for approval. Said drawing shall also depict north arrow, parking area, table/chair/canopy areas as applicable, curb-cuts and traffic patterns.

13. Food Trucks shall not emit sounds, outcry, speaker, amplifier or announcements while traveling on the public right-of-way or when stationary.

14. Food Trucks shall maintain all South Fulton, State of Georgia, and Federal licenses and shall follow all laws of the State and County Health Departments, or any other applicable laws.

15. The permit under which a Food Truck is operating shall be firmly attached and visible on the Food Truck at all times.

16. Any condition of zoning or provision of the South Fulton Zoning Resolution that prohibits a Food Truck use on a property shall supersede this Article.

17. Food Trucks and any accessory items shall not be left unattended or stored for any period of time on the permitted site when vending is not taking place or during restricted hours of operation.

18. Food Trucks are responsible for the proper disposal of waste and trash associated with the operation. Food Trucks shall remove all generated waste and trash from their approved location at the end of each day or as needed to maintain the public health and safety. No liquid waste or grease is to be disposed of in tree pits, storm drains or onto the sidewalks, streets or other public or private space.

19. Food Trucks must have an adequate supply of fresh water (through the means of an on-truck fresh water tank) to maintain the operation of the food service in a safe and sanitary manner.

9.3.4 Golf course.

A. Required districts: All

B. Standards:
1. A minimum 100-foot setback for all buildings and parking areas shall be provided adjacent to any residential district and/or AG-1 district used for single-family.

2. Driving range, tees, greens and fairways shall be required to have a 100-foot setback from minor, arterial, and major collector roads.

3. Permitted curb cut access shall be from a major thoroughfare unless shown on the approved preliminary plat of a single-family subdivision.

4. When located outside a golf course/subdivision development, a minimum 50-foot wide buffer and a ten-foot improvement setback shall be provided adjacent to all buildings and parking areas when said facilities are located adjacent to any residential district and/or AG-1 district used for single family.

5. A minimum 25-foot buffer and a ten-foot improvement setback shall be provided adjoining any residential district and/or AG-1 district used for single-family located outside the golf course development or any associated development.

6. When located adjacent to any residential district and/or AG-1 district used for single-family, the hours of operation shall be limited to 8:00 a.m. to 11:00 p.m.

19.3.5 Guest house.


B. Standards:

1. No more than one guest house structure per lot may be used for occupancy by relatives, guest(s) or employees that work on the property without payment for rent.

2. A separate kitchen facility shall be allowed.

3. Heated floor area shall be a minimum of 650 square feet and a maximum of 1500 square feet.

4. Principal building setbacks shall apply.

5. The location shall be limited to the rear yard.

19.3.5(1) Open.

19.3.6 Mobile home - while residence is being built.


B. Standards:

1. The building permit for the principal structure must have been issued and remain valid during the period that the mobile home is on the property.
2. The mobile home must be located on the same parcel as the principal structure being constructed and comply with all district setbacks.

3. The administrative permit shall expire 12 months after issuance or upon occupancy of the principal structure, whichever occurs first. Only one renewal for a one year period may be issued.

4. The mobile home must be occupied by the owner of the principal residence under construction.

19.3.6(1) Parking, off-site and shared. Whenever parking as required in article 18 cannot be accomplished, shared parking in accordance with section 18.2.2 may be approved via an administrative permit provided:

A. Required districts: O-I, C-1, C-2, MIX, M-1, M-1A and M-2.

B. If the off-site parking is committed for a specified period of time, the duration of the administrative permit shall be limited to the period of time stipulated therein.

C. No more than 20 percent of the total parking requirement may be provided off-site via this administrative permit.

D. The property must be located no more than 300 feet from the principal use with pedestrian access provided between the sites as may be required by the Environment and Community Development Department.

19.3.7 Rapid rail transportation station.

A. Required districts: All

B. Refer to the MARTA rearrangement cooperative agreement administered by the Department of Public Works.

19.3.8 Recreational court, private.

A. Required districts: All districts except C-1, C-2, M-1, M-1A, M-2

B. Standards:

1. Detached Dwellings. Recreational courts serving single family detached dwellings shall be located in side or rear yards but shall not be located within a minimum yard.

2. Multi-family. Recreational courts, accessory structures, and fencing shall be located a minimum of 100 feet from any residential building, adjoining property line or street.

3. Neighborhood. Recreational courts serving a neighborhood must be located within the limits of the underlying zoning.

   a. Use of the recreational courts shall be limited to residents and guests of the neighborhood in which they are located.

   b. Recreational courts, accessory structures, fencing, and parking shall be located a minimum of 100 feet from all adjoining property lines.
c. Landscape strips and buffer requirements shall be as specified by Article 4.23.1.

d. A maximum 4-square foot sign identifying the future use of the property for a recreational court shall be posted adjoining the lot's frontage until a Certificate of Occupancy is issued for the facility.

e. Sources of exterior illumination shall be directed away from adjoining residences and shall not exceed 1.2 foot candles along an adjoining residential property line. Outdoor lighting of recreation facilities in or adjoining residential districts or uses shall be allowed only between dusk and 11:00 p.m.

f. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines adjacent to single family residential uses.

19.3.9 Recreational courts, public. Recreational courts operated as a club (except those serving residential developments), or courts operated as a business are defined herein as public courts.

A. Required districts: O-I, MIX, C-1, C-2, M-1, M-1A, M-2

B. Standards:

a. Recreational courts, accessory structures, fencing, and parking shall be located a minimum of 100 feet from all property lines which abut single family residential uses. Adjacent to all other zonings and uses, the district setback requirements shall apply.

b. Landscape strips and buffer requirements shall be as specified by Section 4.23.1.

c. Sources of exterior illumination shall be directed away from adjoining residences and shall not exceed 1.2 foot candles along an adjoining residential property line. Outdoor lighting of recreation facilities in or adjoining residential districts or uses shall be used only between dusk and 11:00 p.m.

d. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single family.

19.3.10 Relocated residential structure.


B. Standards:

1. The applicant shall include the following with the application for the administrative permit:

   a. The address from which the structure is being relocated.

   b. A photograph of the structure prior to its relocation.
c. The total heated floor area of both the existing structure and the
renovated structure.

2. The location of the structure and the heated floor area of the structure shall
be in compliance with the minimum standards of the zoning district and/or
conditions of zoning.

3. The residential structure shall be affixed to a permanent foundation within
six months of the date of the house moving permit, and the certificate of
occupancy shall not be issued until such improvements are completed.

4. All standards of this resolution (except 2. above) and other applicable
regulations shall be met within one year from the date of this permit
issuance.

5. A house moving permit shall be obtained from the Environment and
Community Development Department in conjunction with this Administrative
Permit.

6. A building permit for the repair and construction of said structure shall be
obtained within 30 days of this Administrative Permit issuance.

7. The exterior of the structure shall be brought into compliance with the
South Fulton Housing Code within six months of the issuance of this
Administrative Permit.

8. Prior to occupancy, a certificate of occupancy must be obtained from the
Department of Community Development.

19.3.10(1) Revival tent.

A. Required districts: O-I, MIX, C-1, C-2, M-1A, M-1 and M-2.

   In an AG-1 (Agricultural) or a residential district, a revival tent may be placed
   only on property occupied by an existing building used as a place of worship.

B. Standards:

   1. A permit may be granted a maximum of 14 days in a calendar year.

   2. The revival tent or any area used for assembly shall be located at least 200
      feet from a property line of any residential district and/or AG-1 district used
      for single-family.

   3. No temporary, sanitary facility or trash receptacle may be located within
      200 feet of an existing dwelling, and no tent shall be located within 250 feet
      of an existing dwelling.

   4. Provide one parking space per four seats.

   5. A drawing to scale shall accompany the application and shall accurately
      depict the number of seats and the standards of this section.

   6. The hours of operation shall be no earlier than 8:00 a.m. nor later than
      11:00 p.m.
19.3.11. Roadside Produce Stands.

A. Required Districts: C-1, C-2, M-1, M-2 and AG-1

B. Standards:

1. No more than four Administrative Permits shall be granted per year and no single permit shall be effective for more than 30 consecutive days; however, 2 or more permits, not to exceed 4, may be combined for a duration of 60 days, 90 days or a maximum of 120 days. An application for said permit(s) shall be made no less than 14 days prior to the event. Said permit must be posted on site such that it is visible from the street.

2. The hours of operation shall be 8:00 a.m. to 8:00 p.m.

3. Two copies of a drawing, no larger in size than 11" × 17", with dimensions (distances in feet) of the activity’s location from the site's property lines and other minimum distance requirements as specified by this Section shall be submitted to the Department of Environment and Community Development for approval. Said drawing shall also depict north arrow, curb cuts and traffic patterns.

4. The applicant shall provide a notarized written permission statement of the property owner or lease holder of the subject site to the Department of Community Development. A 24-hour contact number of the property owner or lease holder shall be provided along with permit application.

5. The property on which the roadside vendor is permitted must be located at least 1500 feet from a permanent business or another vendor which offers the same or similar merchandise as that of the vendor. Vendor shall provide names of all established businesses which sell similar or the same merchandise within 1500 feet of the proposed vendor site.

6. Any activity or structure shall maintain a minimum 20-foot setback from the right-of-way and not be located within a required landscape strip or buffer. Said activity or structure shall also maintain a minimum setback of 10 feet from any internal drive or permitted curb cut.

7. A minimum of 6 parking spaces shall be provided for the exclusive use of the roadside produce stand and shall not occupy the minimum required parking spaces for any other use on site.

8. No temporary sanitary facility or trash receptacle may be located within 100 feet of a property line of a residential use.

9. No tent, table or other temporary structure shall be located within 100 feet of a residential structure.

10. No equipment, vehicle, display or sales activity shall block access to a public facility such as a telephone booth, mail box, parking meter, fire hydrant, fire alarm box, traffic control box, driveway or other access point.

11. A sound level of 65 dBA shall not be exceeded at adjacent property lines of any residential use.
12. Signage shall be in accordance with Article 33, Section 33.4.12.B.19.

19.3.11(1) Roadside Vending.

A. Required Districts: C-1, C-2, M-1 and M-2

B. Standards:

1. No more than two Administrative Permits shall be granted per year and no permit shall be effective for more than 9 consecutive days. An application for said permit shall be made no less than 14 days prior to the event. Said permit must be posted on site such that it is visible from the street.

2. The hours of operation shall be 8:00 a.m. to 8:00 p.m.

3. Two copies of a drawing, no larger in size than 11" × 17", with dimensions (distances in feet) of the activity's location from the site's property lines and other minimum distance requirements as specified by this Section shall be submitted to the Department of Environment and Community Department for approval. Said drawing shall also depict north arrow, curb cuts and traffic patterns.

4. The applicant shall provide a notarized written permission statement of the property owner or lease holder of the subject site to the Department of Community Development. A 24-hour contact number of the property owner or lease holder shall be provided along with permit application.

5. The property on which the roadside vendor is permitted must be located at least 1500 feet from a permanent business or another vendor which offers the same or similar merchandise as that of the vendor. Vendor shall provide names of all established businesses which sell similar or the same merchandise within 1500 feet of the proposed vendor site.

6. Any vending displays or activity shall maintain a minimum 20-foot setback from the right-of-way and not be located within a required landscape strip or buffer. Said displays or activities shall also maintain a minimum setback of 10 feet from any internal drive or permitted curb cut.

7. A minimum of 6 parking spaces shall be provided adjacent to the vending area for the exclusive use of the roadside vending and shall not occupy the minimum required parking spaces for any other use on site.

8. No temporary sanitary facility or trash receptacle may be located within 100 feet of a property line of a residential use.

9. No table or cart shall be located within 250 feet of a residential structure. Tents and tarps are prohibited. Sales from vehicles are prohibited.

10. No equipment, vehicle, display or sales activity shall block access to a public facility such as a telephone booth, mail box, parking meter, fire hydrant, fire alarm box, traffic control box, driveway or other access point.
11. A sound level of 65 dBA shall not be exceeded at adjacent property lines of any residential use.

12. Signage advertising the vending operation is prohibited.

19.3.11(2) Seasonal Business Use.

A. Required Districts: CUP (with a commercial component), MIX (with a commercial component), C-1, C-2, M-1A, M-1, and M-2. Allowable in AG-1 and residentially zoned districts only when the property is occupied by a church, school, lodge/retreat, farm, plant nursery, etc., existing as a conforming or a lawful non-conforming nonresidential use. The issuance of this permit does not constitute an expansion or extension of a non-conforming use.

B. Standards:

1. An Administrative Permit shall not be issued for the same seasonal business use more than once in any calendar year. Said seasonal business use must correlate to a calendar holiday or event. Said permit shall not exceed a total of 30 consecutive days for each use. Said permit must be posted on site such that it is visible from the street. An application for said permit shall be made no less than 14 days prior to the event. Example: One permit may be issued for the sale of Christmas trees for a maximum of 30 consecutive days. A second permit may be issued for the sale of pumpkins for a maximum of 30 consecutive days.

2. The hours of operation shall be 8:00 a.m. to 8:00 p.m., Sunday through Thursday and 8:00 a.m. to 10:00 p.m., Friday through Saturday.

3. Two copies of a drawing, no larger in size than 11" × 17", with dimensions (distances in feet) of the activity's location from the site's property lines and other minimum distance requirements as specified by this Section shall be submitted to the Department of Environment and Community Department for approval. Said drawing shall also depict north arrow, curb cuts and traffic patterns.

4. The applicant shall provide a notarized written permission statement of the property owner or lease holder of the subject site to the Department of Community Development. A 24-hour contact number of the property owner or lease holder shall be provided along with permit application.

5. The property on which the roadside vendor is permitted must be located at least 1500 feet from a permanent business or another vendor which offers the same or similar merchandise as that of the vendor. Vendor shall provide names of all established businesses which sell similar or the same merchandise within 1500 feet of the proposed vendor site.

6. Any display or sales activity shall maintain a minimum 20-foot setback from the right-of-way and shall not be located within a required landscape strip or buffer. Said displays shall also maintain a minimum setback of 10 feet from any internal drive or permitted curb cut.
7. A minimum of 6 parking spaces shall be provided for the exclusive use of the seasonal business and shall not occupy the minimum required parking spaces for any other use on site.

8. No temporary sanitary facility or trash receptacle may be located within 100 feet of a property line of a residential use.

9. No tent, table or other temporary structure shall be located within 100 feet of a residential structure. Sales from vehicles are prohibited.

10. No equipment, vehicle, display or sales activity shall block access to a public facility such as a telephone booth, mail box, parking meter, fire hydrant, fire alarm box, traffic control box, driveway or other access point.

11. A sound level of 65 dBA shall not be exceeded at adjacent property lines of any residential use.

12. Signage shall be in accordance with Article 33, Section 33.4.12.B.19.

19.3.12 Swimming pool, private.

A. Required districts: All districts except C-1, C-2, M-1, M-1A, M-2

B. Standards: All swimming pools shall be completely surrounded by an enclosure. Such enclosure shall be a fence, wall, or building, to prevent access to the pool by unsupervised children and/or animals. The enclosure shall be an effective fence or wall not less than five feet high with self-closing, positive-latching gates provided on the outer side of the deck area. The enclosure entrance shall be locked when the pool is not open for use and all surrounding objects or structures must have a separation of five feet from the enclosure to provide an unclimbable space. The enclosure shall be in place prior to pool completion. Materials and construction shall comply with the regulations administered by the South Fulton Health Department.

1. Detached Dwellings. Swimming pools shall be allowed in side and rear yards of single family dwellings in any district and may also be allowed at the back of the house on a double frontage single family residential lot as approved by the Department. Pools, pool equipment, and their decks must be a minimum of 10 feet from all property lines, except that when perimeter setbacks are required, for example in NUP and TR zoned districts, pools, pool equipment, and decks cannot be located in perimeter setbacks.

2. Neighborhood. Swimming pools serving a neighborhood must be located within the limits of the underlying zoning.

   a. Use of swimming pools shall be limited to residents and guests of the neighborhood in which they are located.

   b. Pools, pool equipment, and decks must be located at least 100 feet from all adjoining property lines.
c. Landscape strips and buffer requirements shall be as specified by Article 4.23.1.

d. A maximum four-square foot sign identifying the future use of the property for a swimming pool shall be posted adjoining the lot's frontage until a Certificate of Occupancy is issued for the facility.

e. Sources of exterior illumination shall be directed away from adjoining residences and shall not exceed 1.2 foot candles along the an adjoining residential property line. Outdoor lighting of recreation facilities in or adjoining residential districts or uses shall be allowed only between dusk and 11:00 p.m.

f. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines adjacent to single family residential uses.

3. Multi-family. Swimming pools, pool equipment, accessory structures, and fencing shall be located a minimum of 100 feet from any residential building, adjoining property line or street.

19.3.13 Swimming pool, public. Pools operated as a club (except clubs serving residential developments) or pools operated as a business are defined herein as public pools.

A. Required districts: O-I, MIX, C-1, C-2, M-1A, M-1 and M-2.

B. Standards:

1. Pools, pool equipment, decks, and parking shall be located a minimum of 100 feet from all property lines which abut single family residential uses. Adjacent to all other zonings and uses, the district setback requirements shall be provided.

2. Landscape strips and buffer requirements shall be as specified by Article 4.23.1.

3. Sources of exterior illumination shall be directed away from adjoining residences and shall not exceed 1.2 foot candles along the an adjoining residential property line. Outdoor lighting of recreation facilities in or adjoining residential districts or uses shall be allowed only between dusk and 11:00 p.m.

4. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines adjacent to single family residential uses.

19.3.14 Temporary classroom.

A. Required districts: All

B. Standards:
1. The structure must be constructed for use as a temporary classroom and certified as such by the environment and community development department.

2. The principal use must exist prior to the issuance of the permit.

3. The temporary classroom shall not be used to increase the capacity or enrollment as conditioned by zoning, or as limited by other use permit conditions.

4. An administrative permit for a temporary classroom shall expire three years from the date of approval at which time the structure shall be removed unless a new administrative permit is obtained within 30 days of the expiration date.

5. The structure shall not be located within any principal building setbacks or within any required landscape strips or buffers.

6. Two copies of a drawing showing dimensions shall accompany the application and shall accurately depict the proposed location of temporary structures, the traffic patterns and curb cuts and compliance with this section and all other applicable standards of this resolution.

19.3.15 Temporary structures.

A. Required districts: All, except emission inspection stations shall be permitted only in nonresidential districts except AG-1.

B. Standards:

1. Temporary structures (whether tents, site-built, mobile or manufactured structures) utilized for construction offices, ticket booths, security guard shelters, storage structures in association with construction, emission inspection stations, portable toilets and other similar uses may be permitted by the environment and community development department in any district.

2. Temporary structures shall be located outside of any required buffers and landscape areas, and shall maintain the principal building setback of the district except portable toilets must maintain a 200-foot setback from existing dwelling(s).

3. Temporary structures must be removed prior to the issuance of a certificate of occupancy or within five days of completion of the temporary event or activity for which the structure was approved.

4. Temporary structures used in conjunction with other permitted administrative and use permits shall not be required to obtain a separate administrative permit.

5. An administrative permit for a temporary structure shall expire three years from the date of approval at which time the structure shall be removed unless a new administrative permit is obtained within 30 days of the expiration date.
19.3.16 Temporary use of existing dwelling while residence is being built.

A. Required districts: All but M-1, M-1A, & M-2.

B. Standards:

1. The building permit for the new principal structure shall be issued concurrently with this administrative permit.

2. The administrative permit shall expire 90 days after issuance of a certificate of occupancy for the new principal structure or one year after issuance of a building permit, whichever occurs first.

19.3.17 Open.

19.3.18 Utility substations (telephone, electric, or gas, etc.)

A. Required districts: All

B. Standards:

1. Utility substations measuring less than 35 square feet and less than five feet in height from finished grade are exempt from these regulations.

2. All substation structures shall be contained within the boundaries of the subject parcel and meet the minimum development standards of the district unless otherwise required in this article section.

3. Minimum setback of all utility structures from a residential structure shall be:
   a. Electric — 200 feet.
   b. Gas and telephone — the applicable minimum setback for the district in which located.

4. A minimum ten-foot wide landscape strip planted to buffer standards shall be required around the perimeter of all utility sites except along lines where buffers are required.

5. For electric substations provide a minimum 50-foot wide replanted or natural buffer adjacent to the property lines of any residential district and/or AG-1 district used for single-family.

6. Interior to landscape strips or buffers that do not accomplish 100 percent visual screening as defined in the tree preservation ordinance, provide an eight-foot high opaque fence or, masonry wall, a minimum four-foot high landscaped earthen berm, a vegetative screen or some combination thereof, subject to the approval of the environment and community development department.

19.3.19 Veterinary clinic/hospital or kennel. (See 19.4.24 for kennel or outside animal facilities)

A. Required districts: O-I, MIX, C-1, C-2, M-1A, M-1, M-2

B. Standards:

1. All of the activities directly associated with animal treatment shall occur entirely within a completely enclosed soundproof structure.
19.4 - Minimum use permit standards.

19.4.1 Adult book store.

**Intent and findings.** It is the intent of this article to regulate the place of operation of adult book stores as defined in this resolution. The City Council finds, based upon an October, 1980, study by the Minnesota Crime Prevention Center, Inc., Minneapolis, Minnesota, entitled "An Analysis of the Relationship Between Adult Entertainment Establishments, Crime, and Housing Values", that adult book stores are significantly related to diminishing market values of neighboring residential areas, that adult book stores should not be located in residential areas, and that adult book stores should be permitted only in locations that are at least 1/10 mile, or approximately 500 feet, from residential areas.

The board further finds, based upon a June, 1978, study by the Division of Planning of the St. Paul, Minnesota, Department of Planning and Economic Development and the Community Crime Prevention Project of the Minnesota Crime Control Planning Board entitled "Effects on Surrounding Area of Adult Entertainment Businesses in Saint Paul", that the presence of adult book stores correlates with a decreasing market value of neighboring residential areas, that adult book stores tend to locate in areas of poorer residential condition, tend to be followed by a relative worsening of the residential condition, and that more than two adult entertainment businesses in an immediate area is associated with a statistically significant decrease in residential property market value, and that such a concentration of adult entertainment businesses in a given area should be discouraged. The board also finds that such worsening of residential conditions will adversely affect uses found in residential areas or in the proximity of residential areas, such as public recreational facilities, public or private institutional uses, churches, schools, universities, colleges, trade-schools, libraries, and day care centers.

The City further finds, based upon a May 19, 1986, land use study conducted in Austin, Texas, that an adult book store within one block of a residential area decreases the market value of homes, that adult book stores are considered a sign of decline by lenders, making underwriters hesitant to approve the 90—95 percent financing many home buyers require, and that patrons of adult book stores tend to be from outside the immediate neighborhood in which the adult book store is located.

The City further finds, based upon a March 3, 1986, study conducted by the Oklahoma City, Oklahoma, Community Development Department entitled "Adult Entertainment Businesses in Oklahoma City - A Survey of Real Estate Appraisers", that an adult bookstore will have a negative effect on residential property market values if it is located closer than one block to residential uses.

The City further finds that the proposed amendment to the zoning resolution regarding regulation of adult book stores has been carefully considered by a workgroup of City staff drawn from the areas of law enforcement, land use, land planning, and law; by the Planning Commission at public meetings where public comment was available;
and by a committee of citizens with expertise in law, real estate, land use, and other
disciplines, who have reviewed the amendment particularly with respect to its provisions
relating to the effects of adult book stores on market values of residential and other
property, and that the information gathered and results of this informal study support the
need for these development standards.

This section is intended to be a carefully tailored regulation to minimize the adverse
land use impacts caused by the undesirable secondary effects of adult bookstores, and
the City Council finds that restricting adult book stores to industrially zoned areas and
imposing development standards can legitimately regulate adult book stores by
establishing zones where adult book stores are most compatible with other uses or the
surrounding neighborhood, and by requiring minimum distances to be maintained
between adult bookstore uses and other uses so as to afford the most protection to
residential uses.

It is not the intent of the City Council, in enacting this amendment to the zoning
resolution, to deny to any person rights to speech protected by the United States or
Georgia Constitutions, nor is it the intent to impose any additional limitations or
restrictions on the contents of any communicative materials, including sexually oriented
films, videotapes, books, or other materials; further, in the adoption of this amendment
to the zoning resolution, the City Council does not intend to deny or restrict the rights of
any adult to obtain or view any sexually oriented materials protected by the United
States or Georgia Constitutions, nor does it intend to restrict or deny any constitutionally
protected rights that distributors or exhibitors of such sexually oriented materials may
have to sell, distribute, or exhibit such constitutionally protected materials; finally, in the
enactment of this ordinance, the City Council intends to adopt a content neutral
measure to address the secondary effects of adult bookstores.

A. Required Districts: M-1 and M-2 (Industrial)

B. Standards:

1. All boundary lines of the property included within the use permit as filed
must be located at least 1,000 feet from the properties listed below:

   a. The property line of Suburban A, Suburban B, Suburban C, R-1, R-2,
      R-2A, R-3, R-3A, R-4A, R-4, R-5, R-5A, R-6, NUP, CUP, TR, A, A-L,
      AG-1 zoned property or property conditioned or used for residential
      purposes.

   b. The property line of any public recreational facilities, public or private
      institutional uses, including but not limited to churches, schools,
      universities, colleges, trade-schools, libraries, day care centers and
      other training facilities where minors are the primary patrons.

2. The boundary line of the use permit must be located at least 1,500 feet
from the property line of any other adult entertainment establishment or
adult book store.

3. Submit with the application for a use permit, a certified boundary survey by
a licensed surveyor of the site and the property lines of surrounding
properties identifying the use of properties at or within 1,000 feet of the
boundary lines of the subject property and adult entertainment establishments or adult bookstores within 1,500 feet of the boundary line of the subject property.

4. If the adult book store is to be located in an existing structure where a land disturbance permit is not required, an existing building permit review application must be filed and determined by the environment and community development department to be in compliance with the terms of this resolution prior to any occupancy.

5. Permitted curb cut access shall be from a major thoroughfare.

6. No depiction of anatomical areas or sexual activities specified in the definition of "adult entertainment" shall be visible from outside the structure or on signage outside the structure.

7. The minimum landscape areas required for the O-I zoning district as specified in section 4.23 shall be required. Where buffers are required, the underlying zoning district buffer standards shall apply.

C. Permit Issuance: Notwithstanding the provisions of 19.2.3 and 19.2.4, any applicant meeting the above requirements and standards shall be entitled to the issuance of a use permit.

D. Permit Applications: Notwithstanding any other provision herein, any material omission or untrue or misleading information contained in or left out of an application for a use permit shall be grounds for denial of said permit.

E. Permit Processing: The City shall have 120 days (unless the application is suspended by failure of the applicant to provide data, information or records as reasonably requested by the City and required by this code, to complete the investigation) from receipt of a completed application for a use permit to make a decision in which to grant or deny a use permit. The Department of Community Development and Planning Commission shall make recommendations to the City Council regarding the approval or denial of the use permit and the board shall make the final decision after a public hearing regarding the same. In the event the City Council has not granted or denied the application within 120 days (unless the application is suspended by failure of the applicant to provide data, information or records as reasonably requested by the City to complete the investigation), the use permit shall automatically issue.

F. Denial of Use Permit: In the event an application for a use permit is denied by the City Council, the applicant shall be notified in writing of such denial within ten business days by U.S. Mail. A decision by the City Council regarding the denial of said permit is a final action; therefore, any appeal of such decision shall be pursued by application for writ of certiorari filed with the Superior Court of South Fulton within 30 days of the decision. This appeal shall in no way preclude an applicant from seeking any other remedies available at law or equity.

G. Permit Application: Nothing in this section shall allow for the conducting or zoning of any business or entity which would otherwise be illegal.
19.4.2 Adult entertainment establishments.

Intent. It is the intent of this section to regulate the place and manner of the operation of businesses or facilities that offer adult entertainment as defined in this ordinance. It is well established and has been the experience of other communities in Georgia and throughout the United States that adult entertainment, which includes public nudity, has been associated with and may encourage disorderly conduct, prostitution and sexual assault. This section advances the substantial government interest in promoting and protecting public health, safety, and general welfare, maintaining law and order and prohibiting public nudity. The section is narrowly constructed to protect the First Amendment rights of citizens of South Fulton while furthering the substantial governmental interest of combating the secondary effects of public nudity and adult entertainment from areas and uses of the community which are incompatible. Areas and uses which are to be protected from adult entertainment include but are not limited to residential, churches, day care centers, libraries, recreational facilities, and schools.

A. Required Districts: M-1 (Light Industrial) and M-2 (Heavy Industrial)

B. Standards:

1. All boundary lines of the property included within the use permit must be located at least 1,000 feet from the properties listed below:
   b. The property line of any public recreational facilities, public or private institutional uses, including but not limited to churches, schools, universities, colleges, trade-schools, libraries, day care centers and other training facilities where minors are the primary patrons.

2. The boundary line of the use permit must be located at least 1,500 feet from the property line of any other adult entertainment establishment or adult bookstore.

3. Submit with the application for a use permit, a certified boundary survey of the site and the property lines of surrounding properties identifying the use of properties at or within 1,000 feet of the boundary lines of the subject property and adult entertainment establishments and/or adult bookstores within 1,500 feet of the boundary line of the subject property.

4. No final land disturbance permit, building permit, certificate of occupancy, or building permit review certificate may by issued until the approved South Fulton Adult Entertainment Business License is filed with the director of the environment and community development department.

5. If the adult entertainment business is to be located in an existing structure where a land disturbance permit is not required, an existing building permit
review application must be filed and approved in the environment and community development department prior to any occupancy.

6. Building shall be located a minimum of 50 feet from all property lines.

7. Parking spaces at a ratio of ten per 1,000 gross square feet of floor space shall be provided.

8. Permitted curb cut access shall be directly from a major thoroughfare.

9. On-premise signs shall not display lewd or graphic depictions of body parts or acts which are defined in article and subsection 3.3.1.

10. No adult entertainment shall be visible from outside the structure.

11. The minimum landscape areas required for the O-I zoning district as specified in section 4.23 shall be required. Where buffers are required, the underlying zoning district buffer standards shall apply.

C. Permit Issuance: Notwithstanding the provisions of 19.2.3 and 19.2.4, any applicant meeting the above requirements and standards shall be entitled to the issuance of a use permit.

D. Permit Applications: Notwithstanding any other provision herein, any material omission or untrue or misleading information contained in or left out of an application for a use permit shall be grounds for denial of said permit.

E. Permit Processing: The City shall have 120 days (unless the application is suspended by failure of the applicant to provide data, information or records as reasonably requested by the City and required by this code, to complete the investigation) from receipt of a completed application for a use permit to make a decision in which to grant or deny a use permit. The Department of Community Development and Planning Commission shall make recommendations to the City Council regarding the approval or denial of the use permit and the board shall make the final decision after a public hearing regarding the same. In the event the City Council has not granted or denied the application within 120 days (unless the application is suspended by failure of the applicant to provide data, information or records as reasonably requested by the City to complete the investigation), the use permit shall automatically issue.

F. Denial of Use Permit: In the event an application for a use permit is denied by the City Council, the applicant shall be notified in writing of such denial within ten business days by U.S. Mail. A decision by the City Council regarding the denial of said permit is a final action; therefore, any appeal of such decision shall be pursued by application for writ of certiorari filed with the Superior Court of South Fulton within 30 days of the decision. This appeal shall in no way preclude an applicant from seeking any other remedies available at law or equity.

G. Permit Application: Nothing in this section shall allow for the conducting or zoning of any business or entity which would otherwise be illegal.

19.4.3 Agricultural-related activities.
**Intent.** It is the intent of this article to allow certain agricultural-related activities with a use permit in compliance with the development standards below to preserve the nature of agricultural areas. Such uses shall include, but not be limited to, petting zoo, educational tours, dude ranches, picnicking, and pay fishing.

A. **Required District:** AG-1

B. **Standards:**

1. Minimum lot size shall be five acres.
2. Permitted curb cut access shall not be from a local street.
3. Food services may be provided.
4. A minimum of 100-foot setback is required from all property lines for activity areas, including parking.
5. All structures housing animals shall be set back a minimum of 100 feet from all property lines.
6. All parking and access areas must be of an all weather surface per article 18, Festivals, Outdoor.
7. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single family.
8. Hours of operation shall commence no earlier than 6:00 a.m. and cease by 10:00 p.m.
9. If located adjacent to any residential district or an AG-1 district used for single family, the minimum buffers and landscape strips required for the O-I district as specified in section 4.23 shall be required.
10. Sanitary facilities or trash receptacles shall be located a minimum of 100 feet from a property line of any residential district and/or AG-1 district used for single family.

**19.4.4 Aircraft landing area.**

A. **Required Districts:** All

B. **Standards:**

1. For fixed wing aircraft, a 1,000-foot clear zone extending from the end of all runways shall be secured through ownership or easement, but in no case shall the end of a runway be closer than 200 feet from any property line.
2. For both fixed and rotary-wing aircraft, neither the landing area nor any building, structure or navigational aid shall be located within 400 feet of a property line adjacent to any residential district and/or AG-1 district used for single family.
3. Landing areas for fixed wing and rotary wing aircraft shall be designed to comply with the Airport Design Guide of the Federal Aviation Administration.
4. If located within or adjacent to a residential district and/or AG-1 district used for single family, the hours of operation shall be limited to 7:00 a.m. to 11:00 p.m.

5. A use permit for an aircraft landing area shall have no force and effect except for requesting a land disturbance permit prior to filing a satisfactory FAA airspace analysis with the director of the environment and community development department.

6. In accordance with section 28.4.3.2, submit an environmental impact report as required.

19.4.5 Amateur radio antenna to exceed the administrative permit height (See also Administrative Permit 19.3.1(1)).

Intent. It is the intent of this article to regulate the placement of amateur radio towers in a manner that does not impose on public health, safety, general welfare. The following regulations on design, location, placement, and height limits of antennas in residential districts implements South Fulton's governmental interest in land planning, aesthetics and public safety by requiring the following use permit standards:

A. Required Districts: All

B. Standards:

1. Antennas shall be located in the rear yard.

2. The request to exceed the height of 90 feet shall be accompanied by a written justification of its intent by the licensee. Under no circumstances shall an antenna exceed 200 feet in height.

3. All antennas shall be set back from the property line one-third the height of the antenna or the district setback requirements, whichever is greater. However, the antenna must be located a distance equal to or greater than the antenna height from the nearest residential dwelling, excluding the primary dwelling or structure which is located on the same lot as the antenna.

4. Antennas shall not be lighted.

5. All antennas must be constructed with an anti-climbing device.

6. Antennas shall be painted in a neutral color identical or closely compatible with surroundings.

7. All guy wires must be anchored on site and outside of right-of-way.

19.4.6 Amphitheaters.

A. Required Districts: AG-1, O-I, MIX, C-1, C-2, M-1A, M-1, and M-2

B. Standards:

1. Lot area shall be a minimum of ten acres.

2. The stage shall be located a minimum of 600 feet from adjacent properties zoned for residential use and/or AG-1 districts used for single family.
3. Permitted curb cut access shall be only from an arterial street.

4. A minimum 100-foot buffer and ten-foot improvement setback shall be provided adjacent to residential districts, property zoned for residential use zoning or development or AG-1 districts when used for single family.

5. A minimum 50-foot buffer and ten-foot improvement setback shall be provided adjacent to non-residential districts zoning or development.

6. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at the property lines of adjacent residential districts and/or AG-1 districts used for single family.

7. Eight-foot high fencing shall be provided adjacent to properties zoned for residential use or AG-1 districts used for single family.

8. The hours of operation of the facility shall be limited to 8:00 a.m. to 11:00 p.m. when adjacent to properties zoned for residential use and/or AG-1 districts used for single family.

9. Facilities must be served by public sewer when gravity flow sewer is available within 1,000 feet of the property.

10. Provide per the following chart a minimum distance separation between the nearest property line of the proposed amphitheater and the nearest property line of an amphitheater with frontage on the same road(s) as the proposed facility.

<table>
<thead>
<tr>
<th>Road Functional Class*</th>
<th>Distance Between Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Principal Arterial</td>
<td>None</td>
</tr>
<tr>
<td>Urban Minor Arterial</td>
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<tr>
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<td>½ mile</td>
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<tr>
<td>Urban Local Street</td>
<td>½ mile</td>
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</tbody>
</table>

*Source: The Department of Transportation Division of Planning, Data, and Intermodel Development Office of Transportation Data in cooperation with U.S. Department of Transportation Federal Highway Administration as of 08/07/2007.

19.4.7 Antenna tower, and associated structure (radio, TV, microwave broadcasting, etc.), to exceed the district height.

Intent. Pursuant to Section 704(a) of the Federal Telecommunications Policy Act of 1996, it is not the intent of this section to prohibit or have the effect of prohibiting the
provision of personal wireless services in unincorporated South Fulton. It is the intent of
this section to address the aesthetic effect of telecommunication facilities on our
landscapes, our citizens' demands for these services, and the needs of service
providers.

The following regulations on design, location, placement, and height limits of
antennas in residential and AG-1 zoned districts implements South Fulton's
governmental interest in land planning, aesthetics and public safety by requiring the
following use permit standards:

A. *Required Districts:* Residential districts, Mix and AG-1 (See same heading in
section 19.3, for other non-residential districts.)

B. *Standards:*

1. Towers must be set back a distance equal to 1½ times the height of the
tower adjacent to residential and/or AG-1 zoned property.
2. Height shall not exceed 200 feet from existing grade.
3. Tower and associated facilities shall be enclosed by fencing not less than
six feet in height and shall also be equipped with an appropriate anti-
climbing device.
4. A minimum ten-foot landscape strip planted to buffer standards shall be
required surrounding the facility exterior to the required fence unless the
South Fulton Arborist determines that existing plant materials are adequate.
5. Antennas or towers shall not have lights unless required by federal or state
law.
6. Towers shall not be located within one-half mile from any existing
telecommunication tower above the district height, excluding alternative
structures.
7. The tower shall comply with applicable state and local statutes and
ordinances, including, but not limited to, building and safety codes. Towers
which have become unsafe or dilapidated shall be repaired or removed
pursuant to applicable state and local statutes and ordinances.
8. Facilities shall not be artificially lighted except to assure human safety or
as required by the Federal Aviation Administration (FAA).
9. Communication towers shall be designed and constructed to ensure that
the structural failure or collapse of the tower will not create a safety hazard
to adjoining properties, according to applicable federal standards which
may be amended from time to time.
10. Telecommunications facilities shall not be used for advertising purposes
and shall not contain any signs for the purpose of advertising.
11. Any telecommunications facility may co-locate on any existing tower, pole
or other structure as long as there is no increase in height to the existing
facility.
12. A commercial telecommunication facility that ceases operation for a period of 12 consecutive months shall be determined to have terminated and shall be removed within 90 days of termination at the property owner's expense. It shall be the duty of both the property owner and the tower owner to notify the City in writing of any intent to abandon the use of the tower.

13. Communication facilities not requiring FAA painting/marking shall have either a galvanized finish or be painted a dull blue, gray, or black finish or shall be screened through fencing and landscaping.

14. An application for a telecommunications facility shall be submitted in accordance with the department's plan review submittal requirements.

15. An application for a telecommunication facility shall include a certification from a registered engineer that the structure will meet the applicable design standards for wind loads.

16. Communications facilities shall not be located in 100-year flood plain or delineated wetlands.

19.4.8 Bed and breakfast.

A. Required Districts: AG-1 (Agricultural), R-6, and TR (Townhouse Residential)

B. Standards:

1. A minimum of two guest rooms and a maximum of five guest rooms are permitted.

2. No parking in the minimum front yard.

3. The bed and breakfast shall be owner occupied.

4. Permitted curb cut access shall not be from a local street.

5. The minimum landscape and buffer areas shall be required as specified in section 4.23 for AG-1 Agricultural district.

6. Parking requirements shall be the same as hotel/motel as specified in article 18.

7. Identification or advertising signs shall be limited to four square feet in surface area and four feet in height.

19.4.9 Cemetery and/or mausoleum (human or pet).

A. Required Districts: All

B. Standards:

1. Permitted curb cut access shall be only from a major thoroughfare, unless in conjunction with a place of worship.

2. No building shall be located within 50 feet of a residential district and/or AG-1 district used for single family.
3. All structures, including graves, shall be inside meet the minimum yard setbacks or ten feet, whichever is greater.

4. If located adjacent to a single family dwelling district and/or AG-1 district used for single family, the minimum buffers and landscape strips required for the O-I district as specified in section 4.23 shall be required.

19.4.10 Church, temple or place of worship.


B. Standards:

1. All buildings and use areas/structures other than parking and pedestrian walkways shall be located at least 100 feet from any adjoining residential district and/or AG-1 district used for single family.

2. No parking shall be located within the minimum front yard setback.

3. Any associated day care centers, private schools, recreational fields or other uses requiring a use permit or administrative permit shall be allowed only under a separate approved use permit or administrative permit for each use.

4. The minimum buffers and landscape strips required for the O-I zoning district as specified in section 4.23 shall be required.

5. Facilities must be served by public sewer when gravity flow sewer is available within 1,000 feet of the property.

6. Provide a 300-foot distance separation measured by the most direct route of travel on the ground between any church building and any business that is licensed for the sale or consumption of liquor, wine or malt beverages.

19.4.11 Commercial amusement, outdoor including but not limited to amusement parks, bungee jumping parks, skateboard parks, ski slopes, batting cages, miniature golf, drive-in theaters, etc. (See also 19.4.17 DRIVING RANGES)

A. Required Districts: C-2, M1-A, M-1 and M-2

B. Standards:

1. Permitted curb cut access shall be derived only from arterial streets.

2. A minimum 100-foot buffer and ten-foot improvement setback shall be provided adjacent to residential districts and/or AG-1 districts used for single family.

3. A minimum 50-foot buffer and ten-foot improvement setback shall be provided adjacent to non-residential zoning or development districts.

4. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single family.
5. Eight-foot high fencing shall be provided adjacent to any residential district and/or AG-1 district when used for single family and interior to any required landscape strips or buffers.

6. The hours of operation of the facility shall be limited to 8:00 a.m. to 11:00 p.m. adjacent to residential districts and/or AG-1 when used for single family.

7. All recreational structures and activities shall maintain a minimum setback of 100 feet from any public right-of-way.

8. The height limits of the zoning district shall apply to all recreational structures unless a use permit to exceed the height is granted. (See section 19.4.21).

9. Facilities must be served by public sewer when gravity flow sewer is available within 1,000 feet of the property.

10. Provide per the following chart a minimum distance separation between the nearest property line of the proposed outdoor commercial amusement and the nearest property line of an outdoor commercial amusement with frontage on the same road(s) as the proposed facility.

<table>
<thead>
<tr>
<th>Road Functional Class*</th>
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*Source: The Department of Transportation Division of Planning, Data, and Intermodal Development Office of Transportation Data in cooperation with U.S. Department of Transportation Federal Highway Administration as of 08/07/2007.

19.4.12 Composting.

A. Required Districts: AG-1

B. Standards:

1. Lot area shall be a minimum of five acres.

2. Permitted curb cut access shall be derived from an arterial or major collector.
3. The hours of operation shall be between the hours of 7:00 a.m. to 6:00 p.m.

4. All operations shall maintain a minimum setback of 100 feet from all property lines.

5. The minimum buffers required are as specified for the M-1 District. (See section 4.23)

6. On-site traffic shall be limited to an all-weather surfaced area.

7. Stored materials shall be contained in such a manner as to prevent the blowing of any materials onto any surrounding property or roadway.

8. The composting facility shall obtain all necessary permits from the Department of Natural Resources, Environmental Protection Division.

9. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single family.

10. In accordance with section 28.4.3.2., submit an environmental impact report as required.

19.4.13 Convalescent center/nursing home/hospice. (Added as a permitted use in O-I, MIX, A, A-L, C-1 and C-2)

A. Required Districts: R-6 and TR

B. Standards:

1. Facilities shall be for five persons or more.

2. Permitted curb cut access shall be from an arterial or a major collector.

3. Provide the minimum landscape strips and buffers as required for the O-I zoning district as specified in section 4.23.

4. Provide a 50-foot building setback from all single family districts or AG-1 districts used for single family.

5. No parking allowed within the minimum front yard setback.

6. Rooms or suites of rooms may be designed with separate kitchen facilities.

7. Facility shall comply with applicable local, state, and federal regulations.

8. In accordance with Article 28.4.6, submit a Noise Study Report as required.

9. Facilities must be served by public sewer when gravity flow sewer is available within 1,000 feet of the property.

10. Provide per the following chart a minimum distance separation between the nearest property line of the proposed convalescent center, nursing home/hospice and the nearest property line of a convalescent center, nursing home/hospice with frontage on the same road(s) as the proposed facility.
<table>
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19.4.14 Country inn.
A. **Required Districts:** AG-1
B. **Standards:**
   1. Lot area shall be a minimum of 5 acres.
   2. A minimum of six guest rooms and a maximum of 30 rooms are permitted. (See article 19.4.8, Bed and Breakfast, for less than six guest rooms).
   3. The country inn shall be owner occupied.
   4. Permitted curb cut access shall be from a minor collector or higher road classification.
   5. The establishment may provide meal services to guests.
   6. Parking shall not be permitted within the minimum front yard setback.
   7. The minimum landscape strip and buffer requirements for the O-I district as specified in section 4.23 shall be required.
   8. Identification or advertising signs shall be limited to one sign of not more than nine square feet and no more than four feet in height.
   9. Parking requirements shall be the same as hotel/motel as specified in Article 18.

19.4.15 Day care facility. (Allowed as a permitted use in CUP, O-I, MIX, C-1 & C-2 Districts)
A. **Required Districts:** R-6, TR, A, and A-L. May be allowed in single family districts and AG-1 in conjunction with an institutional use such as a church, temple, place of worship, school or a hospital.
B. Standards:

1. Facility shall be for seven or more persons, excluding staff.

2. Provide minimum landscape strips, buffers and improvement setbacks as specified for the O-I district in section 4.23.1.

3. Provide a minimum six-foot high opaque fence interior to any required landscape strips and/or buffers around the periphery of the yard used for the play area.

4. Play areas shall be located within the rear or side yards.

5. The hours of operation shall be limited to Monday through Friday from 6:00 a.m. to 7:00 p.m.

6. No parking allowed in the minimum front yard setback.

7. Driveway design shall permit vehicles to exit the property in a forward direction.

8. In accordance with article 28.4.6, submit a noise study report as required.

9. Facilities must be served by public sewer when gravity flow sewer is available within 1,000 feet of the property.

10. Provide per the following chart a minimum distance separation between the nearest property line of the proposed day care and the nearest property line of a day care with frontage on the same road(s) as the proposed facility.

<table>
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19.4.16 Open.

19.4.17 Driving range. (not associated with a golf course)
A. **Required Districts:** AG-1, O-I, MIX, C-1, C-2, and M-1A

B. **Standards:**

1. Lot area shall be a minimum of ten acres.
2. Permitted curb cut access shall be from a major collector or arterial.
3. Loudspeakers/paging systems are prohibited adjacent to residential districts and/or AG-1 districts used for single family.
4. The hours of operation shall be limited to 8:00 a.m. to 11:00 p.m. adjacent to residential districts and/or AG-1 districts used for single family.

19.4.17(1) Open.

19.4.18 **Equine garment fabrication.**

A. **Required Districts:** AG-1

B. **Standards:**

1. Limited to the fabrication and wholesale distribution of blankets, saddles, halters, and other similar garments.
2. All fabrication and storage associated with the permitted use shall occur entirely within a completely enclosed building.

19.4.19 **Festivals or events, outdoor/indoor including but not limited to horse shows, carnivals, dog shows, arts and crafts shows, music festivals, etc.** Event is marketed to populations outside the local community. Organizer expects 250 attendees or more at any one time (or see administrative permit (Article 19.3.3. Event, Special Indoor/Outdoor) for special events local in nature and less than 250 attendees at any one time).

A. **Required Districts:** AG-1, O-I, MIX, C-1, C-2, M-1A, M-1, and M-2

B. **Standards:**

1. Permitted curb cut access shall be from local streets.
2. Eight-foot high 100 percent opaque fencing shall be provided adjacent to residential districts and/or AG-1 districts used for single family.
3. Hours of operation shall be between 8:00 a.m. and 11:00 p.m. when adjacent to residential districts and/or AG-1 districts used for single family.
4. Activity areas, including parking, shall be at least 100 feet from a residential district and/or AG-1 districts used for single family.
5. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent to land which is used for residential districts and/or AG-1 districts used for single family purposes.
6. The festival or event shall be limited to a three-year period from the date of the City Council approval not to exceed a total of 180 consecutive days in a calendar year.

A. Required Districts: R-6 and TR

B. Standards:

1. Facilities shall be for five persons or more.
2. Permitted curb cut access shall not be allowed from a local street.
3. The minimum landscape strips and buffers required for the O-I district as specified in section 4.23 shall be provided.
4. Parking shall not be permitted within the minimum front yard.
5. Facility shall comply with applicable local, state, and federal regulations and provide Department of Community Development with the applicable permit prior to the issuance of a certificate of occupancy.
6. Facility shall not be located closer than a quarter mile to the nearest property line of another group residence.
7. Facilities must be served by public sewer when gravity flow sewer is available within 1,000 feet of property.

19.4.20(1) Group residence for children (five to eight children).


B. Standards:

1. Facility shall be for no more than eight children.
2. Parking shall comply with the requirements of article 18 for dwellings.
3. Copies of applicable local, state, and federal permits shall be provided to the Department of Community Development prior to the issuance of a certificate of occupancy.
4. Facility shall not be located closer than a quarter mile to the nearest property line of another group residence. (Added 4-5-06)
5. Facilities must be served by public sewer when available within 1,000 feet of a utilized gravity flow.

19.4.20(2) Group residence for children (nine to 15 children).

A. Required Districts: R-6 and TR

B. Standards:

1. Facility shall be for no more than 15 children.
2. Parking shall comply with the requirements of article 18 for dwelling.
3. Copies of applicable local, state, and federal permits shall be provided to the Department of Community Development prior to the issuance of a certificate of occupancy.

4. Facility shall not be located closer than a quarter mile to the nearest property line of another group residence.

5. Facilities must be served by public sewer when gravity flow sewer is available within 1,000 feet of property line.

19.4.21 Height—To exceed district maximum.

A. Required Districts: O-I, A, A-L, MIX, C-1, C-2, M-1, M-1A and M-2

B. Standards:
1. Submit a site plan along with the application which shall depict the open space and spatial arrangement of buildings and facilities.
2. Sources of exterior illumination shall not be visible from adjoining residences.

19.4.22 Open.

19.4.23 Open.

19.4.24 Kennel or outside animal facilities.

A. Required Districts: C-2, M-1, and M-2 (See article 19.3.19 for enclosed kennels)

B. Standards:
1. Minimum one-acre lot size is required.
2. Buildings and runs, sun areas, exercise yards, patios or facilities other than parking shall be located at least 100 feet from all property lines and 200 feet from any single family district and/or AG-1 district used for single family.

19.4.25 Landfill, inert waste disposal.

A. Required Districts: AG-1, M-1 and M-2

B. Standards:
1. No access shall be allowed from local streets.
2. Access streets shall be paved and shall be able to withstand maximum load limits established by the State of Georgia as approved by the director of public works.
3. No portion of a new landfill shall be located within a three mile radius of the property lines of an existing landfill.
4. The waste disposal boundary of a landfill shall be located at least 500 feet from all property lines except adjacent to M-1 (Light Industrial) and M-2 (Heavy Industrial) zoned districts.
5. A minimum 200-foot buffer and ten-foot improvement setback shall be required along all property lines except public rights-of-way.

6. A minimum 50-foot buffer and ten-foot improvement setback shall be required along all public rights-of-way.

7. A minimum six-foot high solid fence or wall shall be located on property lines or interior to the required buffers and improvement setbacks.

8. Limit hours of operation from 6:00 a.m. to 6:00 p.m., Monday through Saturday.

9. The owner shall provide the director of the environment and community development department a current copy of all applicable permits from the Georgia Department of Natural Resources upon application for a land disturbance permit.

10. Vehicles shall be allowed into a landfill site only if waste is covered to prevent blowing of material from the vehicle.

11. In accordance with article 28.4.3.2, submit an environmental impact report as required.

12. No portion of a new or expanded landfill shall be located within a one-mile radius of the property lines of residentially zoned or used property. An expanded landfill shall not include any expanded use within the parcel boundaries of an existing site or location.

13. The landfill shall be operated in accordance with the Rules of Georgia, Department of Natural Resources, Environmental Protection Division, Chapter 391-3-4 Solid Waste Management, Official Code of Georgia Annotated 12-8-20 Georgia Comprehensive Solid Waste Management Plan, and 40 CFR Part 258 (Subtitle D of RCRA).

19.4.26 Landfill, solid waste disposal.

A. Required Districts: M-2

B. Standards:

1. No access shall be allowed from local streets.

2. Access streets shall be paved and shall be able to withstand maximum load limits established by the State of Georgia as approved by the director of public works.

3. No portion of a new landfill shall be located within a three-mile radius of the property lines of an existing landfill.

4. The waste disposal boundary of a landfill shall be located at least 500 feet from all property lines except adjacent to M-1 (Light Industrial) and M-2 (Heavy Industrial) zoned districts.

5. A minimum 200-foot buffer and ten-foot improvement setback shall be required along all property lines except public rights-of-way.
6. A minimum 50-foot buffer and ten-foot improvement setback shall be required along all public rights-of-way.

7. A minimum six-foot high solid fence or wall shall be located on property lines or interior to the required buffers and improvement setbacks.

8. Limit hours of operation from 6:00 a.m. to 6:00 p.m., Monday through Saturday.

9. The owner shall provide the director of the environment and community development department a current copy of all applicable permits from the Georgia Department of Natural Resource upon application for a land disturbance permit.

10. Vehicles shall be allowed into a landfill site only if waste is covered to prevent blowing of material from the vehicle.

11. In accordance with article 28.4.3.2, submit an environmental impact report as required.

12. No portion of a new or expanded landfill shall be located within a one-mile radius of the property lines of a residentially zoned or used property. An expanded landfill shall not include any expanded use within the parcel boundaries of an existing site or location.

13. The landfill shall be sited and operated in accordance with the Rules of Georgia, Department of Natural Resources, Environmental Protection Division, Chapter 391-3-4 Solid Waste Management, Official Code of Georgia Annotated 12-8-20 Georgia Comprehensive Solid Waste Management Plan, and 40 CFR Part 258 (Subtitle D of RCRA).

19.4.27 Landscaping business, plant nursery, or garden center with indoor retail component. (Added 04/03/02)

A. Required Districts: AG-1 (Agricultural)

B. Standards:

1. No access shall be allowed from local streets.

2. No parking is permitted in the minimum front yard.

3. All use areas/structures other than parking and pedestrian walkways shall be located at least 50 feet from any adjoining residential district or AG-1 (Agricultural) district.

4. Limit hours of operation from 6:00 a.m. to 8:00 p.m.

5. The minimum buffers and landscape strips required for the O-I (Office-Institutional) zoning district as specified in section 4.23 shall be required.

6. Structure(s) for retail sales shall be limited to 1,000 total gross square feet.

19.4.28 Lodge, retreat and/or campground facilities to include lodging and food service for social, educational and/or recreational purposes.

A. Required Districts: AG-1, M-1A, M-1 and M-2
B. Standards:

1. Minimum lot size shall be ten acres.

2. Permitted curb cut access shall not be derived from a local street.

3. A minimum 100-foot wide buffer and ten-foot improvement setback are required adjacent to residential districts, AG-1 districts used for single family and adjoining a public street.

4. A minimum 50-foot wide buffer and ten-foot improvement district are required adjacent to all other non-residential districts.

5. Length of the stay for all but permanent staff shall not exceed 30 consecutive days.

6. Sanitary facilities or trash receptacles shall be located a minimum of 200 feet from any residential district and/or AG-1 district when used for single family.

7. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single family.

8. Recreational facilities associated with the use shall be for staff and guests only.

9. One parking space per lodging unit or five per 1,000 square feet of floor area, whichever is greater.

10. Facilities must be served by public sewer when available within 1,000 feet of a utilized gravity flow.

11. Provide per the following chart a minimum distance separation between the nearest property line of the proposed lodge, retreat or campground and the nearest property line of a lodge, retreat or campground with frontage on the same road(s) as the proposed facility.

<table>
<thead>
<tr>
<th>Road Functional Class*</th>
<th>Distance Between Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Principal Arterial</td>
<td>None</td>
</tr>
<tr>
<td>Urban Minor Arterial</td>
<td>1,000 feet</td>
</tr>
<tr>
<td>Urban Collector Street</td>
<td>½ mile</td>
</tr>
<tr>
<td>Urban Local Street</td>
<td>½ mile</td>
</tr>
</tbody>
</table>
19.4.28(1) Medical related lodging. (Added 12/4/91)(Allowed as a permitted use in A and A-L)

A. **Required Districts:** R-6 and TR

B. **Standards:**

1. Total number of bedrooms or units shall not exceed 20, including staff facilities.
2. Rooms or suites of rooms may be designed with separate kitchen facilities.
3. Lodging Facility shall be located within one mile of a hospital or inpatient clinic.
4. Facilities locating in a TR district must have frontage on streets with classifications higher than local streets.
5. If located adjacent to a single family district and/or an AG-1 district used for single family, the minimum buffers and landscape strips required for the O-I district as specified in section 4.23 shall be required.
6. Off-street parking requirements shall be one per living unit plus one per nonresident employee. Parking is not allowed in the front yard setback.
7. Signs shall not exceed four square feet in area and four feet in height.
8. Facilities must be served by public sewer when available within 1,000 feet of a utilized gravity flow.
9. Provide per the following chart a minimum distance separation between the nearest property line of the proposed medical related housing and the nearest property line of medical related housing with frontage on the same road(s) as the proposed facility.

<table>
<thead>
<tr>
<th>Road Functional Class*</th>
<th>Distance Between Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Principal Arterial</td>
<td>None</td>
</tr>
<tr>
<td>Urban Minor Arterial</td>
<td>1,000 feet</td>
</tr>
<tr>
<td>Urban Collector Street</td>
<td>½ mile</td>
</tr>
<tr>
<td>Urban Local Street</td>
<td>½ mile</td>
</tr>
</tbody>
</table>
19.4.31 Mobile home—Accessory dwelling.

A. Required Districts: AG-1

B. Standards:

1. The mobile home shall be limited to a three-year period from the date of the City Council' approval, after which the mobile home shall be removed unless an additional use permit has been granted. (Amended 3/4/92)

2. The mobile home shall be located in the rear yard of an existing residential structure in conformance with the yard standards for the location of accessory buildings.

3. The mobile home shall be for the exclusive use of and occupancy by a member of the family or a near relative of the occupant of the existing structure, including father, mother, sister, brother, daughter-in-law, son-in-law, child, ward or guardian.

19.4.31(1) Nightclub/private club.

A. Required Districts: C-1, C-2 and MIX

B. Standards:

1. Permitted curb cut access shall be derived only from arterial streets.

2. The hours of operation shall be limited to the following hours:

<table>
<thead>
<tr>
<th>Day</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday through Saturday</td>
<td>11:00 a.m. until 2:30 a.m. the next day</td>
</tr>
<tr>
<td>Sunday</td>
<td>12:30 p.m. until midnight</td>
</tr>
</tbody>
</table>

If adjacent to a residentially zoned or used district the hours of operation including the parking lot area shall be:

<table>
<thead>
<tr>
<th>Day</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday through Thursday</td>
<td>11:00 a.m. until 12:30 a.m. the next day</td>
</tr>
</tbody>
</table>
Friday and Saturday | 11:00 a.m. until 1:30 a.m. the next day
---|---
Sunday | 12:30 p.m. until midnight

3. All facilities must close and clear their premises, including all exterior and parking lot areas, of patrons within 30 minutes after the set ending time for alcohol sales.

4. All music and entertainment activities associated with the use shall occur entirely within a completely enclosed soundproof structure.

5. A sound level of 65 dBA shall not be exceeded at the property line of any adjacent residential zoning or use.

6. Outdoor gathering areas for patrons other than parking shall be limited to 15% of the gross floor area of the venue. No outdoor gathering area for patrons use other than parking shall be permitted if the property is adjacent to a residential zoning or use.

7. Alcoholic and non-alcoholic beverages shall not be "for sale" outside the interior (heated and/or cooled) areas of the nightclub/private club.

8. Entertainment, DJ booths, outdoor loudspeakers and dancing are prohibited in all outdoor areas.

9. All parking for the venue shall be provided onsite and meet the minimum standard of 10 parking spaces per 1,000 gross square feet of building area.

10. Shared and/or offsite parking are prohibited.

11. Parking shall be setback a minimum of 50 feet from a property line adjacent to a residential zoning or use.

12. Facilities must be served by public sewer when gravity flow sewer is available within 1,000 feet of the property.

13. Provide a minimum distance separation of 600 feet as measured from each property line of a daycare use.

14. Provide per the following chart a minimum distance separation as measured from each property line of a nightclub/private club.

<table>
<thead>
<tr>
<th>Road Functional Class *</th>
<th>Distance Between Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Principal Arterial</td>
<td>500 ft.</td>
</tr>
</tbody>
</table>
19.4.32 Quarries and/or surface mining sites.

A. Required Districts: AG-1, M-2

B. Standards:

1. No portion of a new or expanded quarry shall be located within a 1.5 mile radius of the property lines of a residentially zoned or used property. An expanded quarry shall not include any expanded use within the parcel boundaries of an existing site or location.

2. No portion of a new or expanded surface mining site shall be located within a 500-foot radius of the property lines of a residentially zoned or used property. An expanded surface mining site shall not include any expanded use within the parcel boundaries of an existing site or location.

3. All activities of a quarry and/or surface mining shall be in compliance with the Georgia Blasting Standards Act of 1978, the 1968 Georgia Surface Mining Act and the U.S. Bureau of Mines RI 8507.

19.4.33 Personal care home/assisted living. (Allowed as a permitted use in O-I, A, A-L, MIX, C-1 and C-2)

A. Required Districts: R-6 and TR

B. Standards:

1. Facilities shall be for five persons or more.

2. Permitted curb cut access shall be from an arterial or a major collector. Permitted curb cut access may be allowed from a minor collector if within 1,000 feet of the property line of an institutional use.

3. Provide a 50-foot building setback from single family districts and/or AG-1 districts when used for single family.

4. No parking allowed in the minimum front yard setback.

5. The minimum parking spaces provided shall be in conformance with health care facilities per article 18.2.1.

6. Provide landscape strips and buffers as required in the O-I district as specified in article 4.23.

7. Rooms or suites of rooms may be designed with separate kitchen facilities.
8. Facility shall comply with all applicable local, state, and federal regulations, and provide applicable permits to the Department of Community Development prior to the issuance of a certificate of occupancy.

9. In accordance with article 28.4.6, submit a noise study report as required.

10. Facilities must be served by public sewer when gravity flow sewer is available within 1,000 feet of the property.

11. Provide per the following chart a minimum distance separation between the nearest property line of the proposed personal care home/assisted living facility and the nearest property line of an existing personal care home/assisted living facility with frontage on the same road(s) as the proposed facility.

<table>
<thead>
<tr>
<th>Road Functional Class*</th>
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</tr>
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<tbody>
<tr>
<td>Urban Principal Arterial</td>
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<tr>
<td>Urban Minor Arterial</td>
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<td>Urban Collector Street</td>
<td>½ mile</td>
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<tr>
<td>Urban Local Street</td>
<td>½ mile</td>
</tr>
</tbody>
</table>

*Source: The Department of Transportation Division of Planning, Data, and Intermodal Development Office of Transportation Data in cooperation with U.S. Department of Transportation Federal Highway Administration as of 08/07/2007.

19.4.34 Private correctional facility/prison.

A. Required Districts: M-1, M-2

B. Standards:

1. Minimum lot size: 100 acres

2. All boundary lines of the property included within the use permit must be located at least 500 feet from the properties listed below:


b. The property line of any public recreational facilities, public or private institutional uses, including but not limited to churches, schools,
universities, colleges, trade-schools, libraries, day care centers and other training facilities when minors are the primary patrons.

3. All boundary lines of the property included within the use permit must be located at least ten miles from all property lines of any other correctional facility.

4. Submit, with the application for a use permit, a certified boundary survey of the site and the use of adjoining properties. If any of the uses or zoning districts referenced in B.2.a. and b. are located within 500 feet of the boundary lines of the subject property, and/or a correctional facility is located within ten miles of the boundary line of the subject property, they must be identified by map as part of the use permit application.

5. A minimum 200-foot wide buffer and ten-foot improvement setback shall be provided adjacent to any property zoned other than M-1 and M-2 and from any property used for residential purposes.

6. A minimum 100-foot wide buffer and ten-foot improvement setback shall be provided adjacent to property zoned M-1 and/or M-2.

7. Permitted curb cut access shall be from a major thoroughfare.

8. Parking spaces shall be in accordance with article 18, Hospitals.

9. Fencing shall be in accordance with American Correction Institute standards and located interior to required buffers and improvement setbacks.

10. Lighting shall be in accordance with American Correction Institute standards and the lighting standards set forth in this zoning resolution. The more restrictive standards shall apply.

11. Facility shall comply with all applicable local, state, and federal regulations and applicable permits shall be provided to the environment and community development department prior to the issuance of a certificate of occupancy.

12. Facilities must be served by public sewer when gravity flow sewer is available within 1,000 feet of the property.

19.4.35 Race track.

A. Required Districts: AG-1, M-1 and M-2

B. Standards:

1. A minimum of ten acres is required.

2. The race track and spectator stands for animal tracks shall be located a minimum of 500 feet from residential districts and/or AG-1 districts used for single family, and 2,000 feet from such districts for vehicular tracks.

3. Permitted curb cut access shall not be from a local street.
4. A minimum 75-foot buffer and ten-foot improvement setback shall be provided adjacent to residential districts and/or AG-1 districts used for single family.

5. A minimum 50-foot buffer and ten-foot improvement setback shall be provided adjacent to all other property lines.

6. Provide an eight-foot high fence interior to the required buffer/improvement setback and landscape strips.

7. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single family.

8. Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m. when adjacent to residential districts and/or AG-1 districts used for single family.

9. In accordance with section 28.4.3.2, submit an environmental impact report as required.

10. Facilities must be served by public sewer when gravity flow sewer is available within 1,000 feet of the property.

19.4.36 Recreational fields including but not limited to soccer, softball, baseball, polo, football, cricket, etc.

A. Required Districts: All

B. Standards:

1. Permitted curb cut access shall not be from a local street.

2. A minimum 50-foot buffer and ten-foot improvement setback shall be provided adjacent to residential districts and/or AG-1 districts used for single family.

3. Loudspeakers/paging systems are prohibited adjacent to residentially used property.

4. The hours of operation shall be limited to daylight hours when said facility is located adjacent to residential districts and/or AG-1 districts used for single family.

19.4.37 Recycling center, reprocessing.

A. Required Districts: C-2 and M-1A

B. Standards:

1. Limit hours of operation from 7:00 a.m. to 8:00 p.m., Monday through Saturday.

2. No portion of a new recycling facility shall be located within a three-mile radius of the property lines of an existing recycling facility.

3. A minimum 200-foot buffer and ten-foot improvement setback shall be required along all property lines except public rights-of-way.
4. A minimum 50-foot buffer and ten-foot improvement setback shall be required along all public rights-of-way.

5. All recyclable materials shall be stored in containers with no stockpiling outside the containers.

6. Collection, storage containers, or receptacles shall not be allowed in minimum yards. Storage shall be screened with a six-foot high, solid wall or fence, including access gates.

7. The processing of recyclable materials must be done within an enclosed building.

8. Driveways shall be designed so vehicles will exit the facility in a forward direction.

9. A maximum continuous sound level of 65 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single family.

10. The recycling center shall comply with regulations administered by the South Fulton Department of Health.

11. In accordance with article 28.4.3.2, submit an environmental impact report as required.

19.4.38 Open.

19.4.39 Salvage, storage, and/or junk facility.

A. Required Districts: M-1 and M-2

B. Standards:

1. No portion of a new salvage, storage, and/or junk facility shall be located within a three-mile radius of the property lines of an existing salvage, storage, and/or junk facility.

2. A minimum 200-foot buffer and ten-foot improvement setback shall be required along all property lines except public rights-of-way.

3. A minimum 50-foot buffer and ten-foot improvement setback shall be required along all public rights-of-way.

4. All facilities shall be screened from view from adjacent properties and roadways with a minimum six-foot high, solid fence or wall, as approved by the environment and community development department, except for approved access crossings and utility easements. Said fence or wall shall be located interior to any required buffer or landscape strip.

5. Vehicles and other materials shall not be stacked so that they are visible from any adjacent properties.
6. In accordance with article 28.4.3.2., submit an environmental impact report as required.

19.4.40 School, private or special.

A. Required Districts: All

B. Standards:

1. Minimum lot area shall be one acre.

2. If located adjacent to a single family dwelling district and/or AG-1 district used for single family, the minimum landscape strips, buffers, and improvement setbacks required for the O-1 district as specified in section 4.23 shall be required.

3. Buildings, and refuse areas shall not be located within 100 feet of a residential district and/or AG-1 district used for single family.

4. Active outdoor recreation areas shall not be located within 100 feet of an adjoining residential district or use. Recreational fields, such as playing fields, that are accessory to the school do not require a separate use permit.

5. Day care facilities in association with the school do not require a separate use permit.

6. Parking areas shall not be located within 50 feet of any residential district and/or AG-1 district used for single family.

7. Student drop-off and vehicular turn-around facilities shall be provided on the site so that vehicles may re-enter the public street in a forward manner.

8. Permitted curb cut access shall not be from a local street.

9. In accordance with article 28.4.6, submit a noise study report as required.

10. Facilities must be served by public sewer when available within 1,000 feet of a utilized gravity flow.

11. Provide per the following chart a minimum distance separation between the nearest property line of the proposed private or special school facility and the nearest property line of an existing private of special school facility with frontage on the same road(s) as the proposed facility.

<table>
<thead>
<tr>
<th>Road Functional Class*</th>
<th>Distance Between Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Principal Arterial</td>
<td>None</td>
</tr>
<tr>
<td>Urban Minor Arterial</td>
<td>1,000 feet</td>
</tr>
<tr>
<td>Urban Collector Street</td>
<td>½ mile</td>
</tr>
</tbody>
</table>
12. Provide a 600-foot distance separation measured by the most direct route of travel on the ground between the property line of a school and any business that is licensed for the sale or consumption of liquor, wine and malt beverages; a 300-foot distance separation from those businesses that are licensed for consumption or wholesale/retail sales of wine and malt beverages only.

19.4.41 Self storage/mini.

A. Required Districts: C-1 and C-2

B. Standards:

1. At least 75 percent of the total on-site storage space shall be contained in individual enclosed stalls containing no more than 500 square feet each and being no more than ten feet high.

2. No activities other than the dead storage or transfer of nonvolatile goods or leasing of storage space are permitted. Prohibited uses include but are not limited to miscellaneous sales; fabrication or repair of vehicles, equipment or other goods; transfer-storage business based on site; residential uses (other than the resident manager's apartment), or any use which creates a nuisance due to noise, odor, dust, light or electrical interference.

3. An on-site manager or resident manager shall be required and shall be responsible for the operation of the facility in conformance with conditions of approval. A resident manager's apartment is included in the use permit.

4. Provide a minimum six-foot high, 100 percent opaque solid wooden fence or masonry wall along the entire length (except for approved access crossings) of all property lines. Said fence/wall shall to be located outside of any public right-of-way and interior to any required landscape strips or buffers.

5. A new or expanded self storage facility shall be located a minimum of 1,500 feet from the boundary of any other self storage facility (mini or multi).

19.4.41(1) Self storage/multi.

A. Required Districts: MIX, C-1, and C-2

B. Standards:

1. No outside storage shall be allowed, including vehicle leasing.
2. All buildings shall have windows or architectural treatments that appear as windows.

3. No activities other than the dead storage or transfer of nonvolatile goods or leasing of storage space are permitted. Prohibited uses include but are not limited to miscellaneous sales; fabrication or repair of vehicles, equipment or other goods; transfer-storage business based on site; residential uses (other than the resident manager's apartment), or any use which creates a nuisance due to noise, odor, dust, light or electrical interference.

4. Permitted curb cut access shall not be from a local street.

5. A new or expanded self storage facility shall be located a minimum of 1,500 feet from the boundary of any other self storage facility (mini or multi).

19.4.41(2) Reserved.

19.4.42 Skywalks.

A. Required Districts: AG-1, O-I, MIX, C-1, C-2, M-1A, M-1, M-2

B. Standards:

1. A minimum vertical clearance of 16 feet above all streets, and a minimum vertical clearance of 16 feet above the walkway shall be provided.

2. Ample space for the free flow of pedestrians with a 12-foot minimum walkway width shall be provided.

3. Prior to issuance of a building permit, a bridge agreement shall be filed with the environment and community development department as a condition of approval. The environment and community development department shall be responsible for the interpretation and application of the conditions set forth above and no building permit shall be issued by the environment and community development department except upon written approval of the department of public works.

19.4.42(1) Stadium (offsite) associated with a private school.

A. Required Districts: All

B. Standards:

1. Vehicular access is prohibited from a local street.

2. A minimum 200-foot buffer and ten-foot improvement setback shall be provided along all property lines adjacent to residential and AG-1 zoned properties.

3. The hours of operation shall be limited to 8:00 a.m. to 11:00 p.m. adjacent to residential and AG-1 zoned properties.

4. A 100-foot setback along any public right-of-way is required for all structures and activities.

5. The height limit of the zoning district shall apply to all structures unless a use permit to exceed district maximum height is approved.
19.4.43 Transfer station, solid waste.

A. Required District: M-2

B. Standards:

1. No access shall be allowed from local streets.

2. Access streets shall be paved and shall be able to withstand maximum load limits established by the State of Georgia as approved by the director of public works.

3. No portion of a new transfer station shall be located within a three-mile radius of the property lines of an existing transfer station.

4. A minimum 200-foot buffer and ten-foot improvement setback shall be required along all property lines except public rights-of-way.

5. A minimum 50-foot buffer and ten-foot improvement setback shall be required along all public rights-of-way.

6. A minimum six-foot high solid fence or wall shall be located on property lines or interior to the required buffers and improvement setbacks.

7. Limit hours of operation from 6:00 a.m. to 6:00 p.m., Monday through Saturday.

8. The owner shall provide the director of the environment and community development department a current copy of all applicable permits from the State of Georgia upon application for a land disturbance permit.

9. In accordance with article 28.4.3.2, submit an environmental impact report as required.

10. No portion of a new or expanded solid waste transfer station shall be located within a one-mile radius of the property lines of a residentially zoned or used property. An expanded solid waste transfer station shall not include any expanded use within the parcel boundaries of an existing site or location.


19.4.44 Open.

ARTICLE XXI. - BUILDING SETBACK LINE

ARTICLE XXII. - APPEALS

22.1 - Purpose.
The purpose of this article is to establish procedures for appealing the strict application of regulations contained herein and conditions of zoning when those regulations impose a hardship on the development of the property, and to provide for interpretation of the text of this resolution and the official zoning map. Appeals are authorized herein to be considered by various bodies and individuals depending on the type of appeal and its relationship to applications for use permits or rezonings. Variances apply to the development standards and district standards per the zoning resolution. Modifications apply to the approved conditions of zoning or use permit.

22.2 - Decision making authority.

The following are the powers and jurisdiction of the various decision makers and administrative bodies.

22.2.1 City Council (BOC) shall have the following powers and duties under the provisions of this zoning resolution:

A. To hear and decide applications for rezonings, use permits, and modifications pursuant to article 22 and article 28;

B. To hear and decide applications for concurrent variances in conjunction with applications for rezonings, use permits, and/or zoning modifications pursuant to article 22 and article 28; and

C. To initiate a modification of approved zoning conditions.

22.2.2 Zoning Board of Appeals (BZA) shall have the following powers and duties under the provisions of this zoning resolution:

A. To hear and decide applications for primary variance requests;

B. To hear and decide appeals from the interpretation of any of the provisions of this resolution by the Director of Community Development in accordance with section 22.2.3.H.;

C. To hear and decide appeals when it is alleged that there is an error in any order, requirement, decision, or determination made by any South Fulton official in the enforcement of this zoning resolution; and

D. To hear and decide appeals from a permitting or procedural decision of the department director or deputy director regarding minor or administrative variance requests.

22.2.3 Director of Community Development (E&CD), shall have the following jurisdiction, power and duties under the provisions of this zoning resolution:

A. To determine the type of appeal application or land use process the property owner/agent is required to apply for;

B. To consider and decide on minor variances to minimum yard requirements, not to exceed ten percent of such requirement, as long as property owners with standing do not object;
C. To consider and decide on administrative minor variances of no more than one foot;

D. To consider and decide on administrative variances;

E. To consider and decide on administrative modifications to conditions of zoning;

F. To interpret the provisions of the zoning resolution related to the following:
   1. Inconsistent, vague or obscure language;
   2. Provisions which are in conflict or are confusing; and
   3. Conflicting or redundant procedural requirements; and.

G. To establish procedural requirements for review of appeal applications.

22.2.4 Limitation on authority. The authority and jurisdiction of boards and individuals as provided herein shall be limited as outlined in the following. In exercising this jurisdiction, each hearing board or individual shall have authority to determine whether it has jurisdiction.

A. There shall be no variances to permitted uses or accessory uses as specified in the zoning district regulations, administrative/use permit or zoning conditions.

B. There shall be no variances to the minimum lot area nor the minimum district size required in each zoning district.

C. There shall be no variances to the minimum lot frontage on a street as required in designated zoning districts of the zoning resolution.

D. There shall be no modification to increase the density or change the use approved under the rezoning case except to allow for the development of a conservation subdivision.

E. There shall be no modification to revise a site plan that, as determined by the Director of Community Development (E&CD) results in a significant change in the approved concept. Such a site plan revision shall require rezoning pursuant to article 28.

F. There shall be no relief or variance from the standards of article 22 or article 28.

22.3 - Variances.

A variance is a request for relief from the provisions of the zoning resolution. There are six types of variance applications. The type of variance necessary shall be determined by the Director of Community Development. The different types of appeals are listed below and described in the following sections:

1. Administrative variance.


3. Primary variance.

5. Interpretation.

6. Concurrent variance.

22.3.1 Variance considerations. Variances may be considered in all districts except CUP. Primary variances and concurrent variances shall only be granted upon showing that: (Amended 12-1-99)

A. Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the zoning resolution; or,

B. The application of the particular provision of the zoning resolution to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or,

C. Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from an adjoining public road.

22.4 - Administrative variance.

The Director of Community Development is authorized by this resolution to consider an administrative variance whenever a property owner maintains that a provision contained in Article 34, Development Regulations, as applied to a specific situation, is not in the best interest of the public health, safety and welfare; whenever there is a request for the alteration of the ten-foot improvement setback required along all buffers as required in the conditions of zoning and/or in 4.23.1 Minimum Landscape Strips and Buffers; whenever there is a request up to a ten percent reduction in the number of required parking spaces per 18.2.4, Administrative Reduction of Spaces Constructed; and where the director of environment and community development is given administrative authority to approve changes as specified in Article 12, Overlay Districts.

22.5 - Administrative minor variance.

The director of the environment and community development may grant an administrative minor variance up to one foot from any minimum yard requirement.

22.6 - Minor variance.

The director of the environment and community development may grant minor variances to minimum yard requirements, not to exceed ten percent of such requirement, as long as property owners with standing do not object.

22.7 - Primary variance.
A request for a variance from any zoning resolution provision that is not being handled as a minor, administrative minor or concurrent variance and shall be heard and decided by the Zoning Board of Appeals in accordance with section 22.3.1.

22.8 - Secondary variance/interpretation.

The Zoning Board of Appeals shall consider appeals of variance decisions and interpretations made by any department director or deputy department director authorized to grant a variance request or interpretation. This type of appeal is considered a secondary variance.

22.9 - Concurrent variances.

The City Council may consider a concurrent variance from any standards of the Zoning Resolution which shall be filed simultaneously with rezoning, use permit or zoning modification requests on the same property based on the conceptual plan submitted with the petition for the same agenda. The Planning Commission shall also hear and make recommendations on concurrent variances filed with rezonings or use permit applications. The City Council shall consider such concurrent variance requests in accordance with the standards set forth in Section 22.3.1. Public notification shall be in accordance with Sections 22.13.9 and 28.3.

22.9.1 Limitations on concurrent variances.

A. The City Council may only consider variance requests as part of, or in conjunction with, a rezoning, use permit or modification application.

B. If an application for a variance to the Zoning Board of Appeals duplicates a concurrent variance request denied by the City Council, such an application shall not be accepted by the Director of Community Development prior to the expiration of six months from the date of the City Council' denial of the variance request. A variance request to the Zoning Board of Appeals cannot be considered simultaneously with the same variance request pending before the City Council.

22.9.2 Application for concurrent variances. Applications for a concurrent variance shall be submitted to the Director of Community Development in accordance with the advertised filing deadlines for the City Council meetings. A regular variance fee shall be charged and the application shall comply with all advertising and notification requirements specified in article 28, Rezoning And Other Amendment Procedures. One notice sign may serve for both the rezoning, use permit, zoning modification, and concurrent variance request as long as the sign is marked to indicate all actions which are pending.

The variance case file number for each concurrent variance requested shall be included on the rezoning petition.

22.10 - Modifications.
A modification is a request for relief from the conditions of zoning or use permit when a site development proposal does not comply with approved conditions. There are two different types of modifications which are listed below and described in the following sections:

1. Administrative modification.
2. Zoning modification

22.10.1 Application for modification. A request to modify a condition of zoning or use permit may be initiated by the property owner, the Planning Commission or the City Council. Applications shall be submitted to the Director of Community Development in accordance with the deadline schedule adopted by the City Council. A modification application shall include a legal description of the property for which the modification is requested and a written explanation of the circumstances upon which the requested change of condition is based including the reason why development or use of the property, as approved, cannot be accomplished without the modification of a condition. Applicants shall submit a revised site plan illustrating the requested modification. The type of modification necessary is determined by the Director of Community Development.

22.11 - Administrative modifications.

An administrative modification application may be filed if the Director of Environment and Community Development determines that the modification request is not prohibited by section 22.2.4, Limitation on Authority, and will constitute only a technical change and does not involve significant public interest, or public interest has been addressed by letters expressing no objections from property owner(s) with standing and/or neighborhood associations.

The director shall send the administrative modification decision to the City Council for confirmation at the next appropriate regular meeting.

22.11.1 Appeal of an administrative modification decision. If an applicant wishes to appeal the decision of the Director of Community Development regarding an administrative modification, or if it is determined by the director that a request will involve a matter of public interest, the applicant must file a separate application requesting a zoning modification on forms available from the Environment and Community Development Department.

22.12 - Zoning modification.

A zoning modification application shall be filed if an approved zoning condition cannot be met and it is determined by the director that the application involves significant public interest and is in compliance with section 22.2.4, Limitation on Authority. The zoning modification request shall be presented to the City Council for consideration in a public hearing.

22.13 - General procedures.

This section contains basic steps common to all variances and modifications.
22.13.1 Applications. All applications for variances, interpretations and modifications shall be filed with the Director of Community Development on forms available in the department. The type of application process necessary to accomplish the change requested by the applicant shall be determined by the director of E&CD. The director shall transmit the petition and all documents constituting the record to the appropriate hearing body or individual.

22.13.2 Standing. Standing refers to a party or parties allowed to initiate a request for variances or modifications which are limited to the following:

A. Modification petition - A request for a modification may be initiated by the property owner or its agent, the Planning Commission or the City Council;

B. Variance petition - A request for a variance may be initiated by the property owner of subject property or its agent;

C. Secondary variance petition - A request for a secondary variance appeal may be initiated by the property owner of the subject property or its agent, or the owner of other real property within 300 feet of the boundaries of the subject property; and

D. Interpretation petition - A request for an interpretation of a decision of the Director of Community Development may be requested by any individual.

22.13.3 Filing deadlines.

A. Applications for variances, interpretations and modifications shall be submitted in accordance with the advertised filing deadlines, depending on the type of petition in accordance with section 28.2.3 of the zoning resolution.

B. Concurrent variance applications shall be filed in accordance with the filing deadline for the parent petition of either a use permit, rezoning, or zoning modification request in accordance with section 28.2.3 of the zoning resolution.

C. The Director of Community Development has the discretion to extend the filing deadline by two days for all applications except administrative minor and minor variance applications. A letter from the applicant explaining the delay in filing shall be submitted prior to the close of the filing deadline.

22.13.4 Withdrawal of application.

A. An application may be withdrawn by the applicant in writing at any time before the public hearing notice advertisement is published and/or the notice of the hearing is posted on the property.

B. Applications which do not require a public hearing may be withdrawn at any time before notification of a decision is mailed.

C. Once the public hearing has been properly advertised, the request for withdrawal of the application must be placed on the public hearing agenda and the appropriate decision-making body shall act on the withdrawal request.

22.13.5 Fees. At the time of application, applicants shall pay fees as established by the City Council. Fees paid are not refundable except where the Director of Community
Development determines that an application was accepted in error, or the fee paid exceeded the amount due, in which case the amount of the overpayment will be refunded to the applicant.

22.13.6 Legal action stayed. The filing of an appeal authorized by this article shall operate as a stay of any enforcement proceedings by South Fulton until final resolution of the appeal. No City Council or Zoning Board of Appeals action shall be taken on any property which is the subject of any litigation pending in state or federal court wherein South Fulton or its agents or officials are parties.

22.13.7. Public hearing. A public hearing shall be conducted by the stated hearing body of each appeal application before taking action thereon except those authorized to be considered administratively. The schedule of public hearings and deadlines for the filing of an appeal shall be established by the City Council.

Public hearings are not required for administrative variances, minor variances, administrative minor variances and administrative modifications; however, notification in accordance with section 22.13.9.B. is required.

22.13.8 Evaluations and reports. The hearing body shall have before it, at the time of hearing, a report from the Director of Community Development which shall summarize the hardship or justification reported by the applicant as related to the application and background information for variances, modifications, and interpretations, and any other information requested by the hearing body. The hearing body shall, hear, analyze, consider, and make a written report of its decision in accordance with section 22.13.12, Notice of Decision.


A. For those applications requiring a public hearing (Primary Variances, Secondary Variances, Concurrent Variances, and Zoning Modifications), the Director of the Environment and Community Development Department shall:

1. Publish notice of the public hearing in a newspaper of general circulation at least 15 days, but no more than 45 days prior to the public hearing at which an application will be heard. The published notice shall contain the time, place and purpose of the hearing and the location of the property if applicable (secondary variances may not always be property specific). Renotification is not required when a petition is deferred by the City Council or the Board of Zoning Appeals.

2. The applicant or agent shall post a sign as issued by the Environment and Community Development Department in a conspicuous location on each public street frontage of the subject site, at least 20 days, but not more than 45 days, prior to the public hearing at which an application will be heard.

The sign shall be mounted and posted as specified by the Environment and Community Development Department. Property that is not posted on the 20th day before the scheduled hearing date will be administratively removed from the agenda. The sign will remain posted on-site until final action by the appropriate hearing body is taken.
When the Zoning Board of Appeals defers a petition, the applicant is required to post an updated sign with new hearing dates 20 days prior to the next scheduled hearing date. When the City Council defers a petition, an updated sign is not required.

The posted sign shall contain the date, time, place and purpose of the hearing.

For zoning modifications, all notices shall contain all of the items listed in the previous sentence, the location of the property, the zoning and/or use permit case number to be modified and the condition number(s) to be modified.

The posting of a sign is not required when a secondary variance is not requested by the property owner or owner's representative.

3. Notice of the public hearing shall be postmarked 15 days prior to the hearing date and shall be given by regular mail to all property owners within 1320 feet of the boundaries of the property who appear on the current tax records of South Fulton as retrieved by the County's Geographic Information System. Renotification is not required when a petition is deferred by the City Council or the Board of Zoning Appeals.

The mailing of public notices is not required when a secondary variance is sought by other than the property owner.

B. For those applications not requiring a public hearing, notification shall be provided as follows:

1. **Administrative Variance:** The owners of property adjacent and contiguous across the right-of-way of the subject site shall be notified in accordance with Section 22.13.9(A)(3).

2. **Minor Variance:** The owners of property adjacent and contiguous across the right-of-way of the subject site shall be notified in accordance with Section 22.13.9(A)(3).

3. **Administrative Modification:** The Director of the Environment and Community Development Department shall determine what notification, if any, is reasonable on a case by case basis.

4. **Administrative Minor Variance:** No written notification.

22.13.10 **Decisions.** The City Council, Board of Zoning Appeals, and the Director of the Environment and Community Department in considering applications under this article shall do one of the following:

A. Approve or partially approve.
B. Approve and impose conditions related to the application being considered.
C. Deny.
D. Hold for further study not less than 30 days.
E. Withdraw.
22.13.11 Zoning Board of Appeals decision on secondary variances/interpretations.
The Zoning Board of Appeals may take the following actions pursuant to a secondary variance and/or an interpretation appeal:

A. Affirm an order, requirement, or decision, wholly or partly.
B. Reverse an order, requirement, or decision, wholly or partly.
C. Clarify. Present an interpretation of the text in the form of a statement of clarification. Such statement shall not contain substitute language, but shall rely upon language and definitions contained in the South Fulton Zoning Resolution, and definitions contained in Merriam-Webster Collegiate Dictionary, tenth edition.

22.13.12 Notice of decisions. Written notice of all decisions shall be placed in the official case file and shall be forwarded to the applicant by regular mail within seven working days from the date of the decision by the following authority:

A. The Director of the Environment and Community Development Department shall provide written notification of the Board of Zoning Appeals' decisions;
B. The Director of the Environment and Community Development Department shall, with respect to minor variances, administrative variances, and administrative modifications provide written notification of such decisions. The approval of a building permit shall constitute notice of approval for an administrative minor variance; and
C. The Clerk to the City Council shall, with respect to zoning modifications and concurrent variances, provide written notification of the City Council' decisions.

22.13.13 Reconsideration of denied application. If a variance or modification application is denied by an authorized department director, City Council or the Board of Zoning Appeals, an application for the same variance or modification item shall not be considered until:

A. At least six months has elapsed from the date of the decision; or
B. New information pertinent to the subject, not previously considered, is submitted by the petitioner and the six-month period is waived by the hearing body.
C. If an application is denied by the Director of the Environment and Community Development Department, the applicant may appeal the decision to the appropriate hearing body depending on the type of petition.

This provision is not intended to supersede provisions of article 28.2 as related to decisions regarding rezonings and/or use permits.

22.13.14 Time limitation on appeals to superior court. The decision of the Zoning Board of Appeals is a final decision; therefore, any appeal of such a decision shall be pursued by application for writ of certiorari filed with the Superior Court of South Fulton within 30 days of the date of the decision. The applicant's petition, application for writ of certiorari, the writ of certiorari and any other initials filings with the Superior Court shall
be served upon the named defendants/respondents in accordance with O.C.G.A. Section 9-11-4.

Upon filing such an appeal, the Clerk of Superior Court shall give immediate notice thereof to the Director of the Environment and Community Development Department, and within 30 days from the date of such notice, the Director of Environment and Community Development shall cause to be filed with the Clerk of Superior Court a certified copy of the proceedings and the decision of the Board of Zoning Appeals.

Appeals of decisions (Secondary Variances/Interpretation) of the Director of the Environment and Community Development Department, or the Director of Public Works shall be brought within 30 days from the date of the decision.

22.13.15 Expiration of variance. If not used, a variance shall be valid only for a period of 36 months from the date it is granted. Extensions may be sought under the provisions for Expiration and Extensions in article 28, Rezoning and Other Amendment Procedures.

22.14 - Board of zoning appeals.

22.14.1 Membership. The South Fulton Zoning Board of Appeals (or as hereinafter may be called the board) shall consist of seven members appointed by the City Council of South Fulton. The term of each member shall coincide with that of the district commissioner who appointed the member to serve on the board of zoning appeals. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall be removable for cause by the City Council of South Fulton upon written charges and after public hearing. The members of the board shall be compensated as fixed by the City Council of South Fulton. None of the members shall hold any other public office or position in South Fulton, except that one member may also be a member of the South Fulton Planning Commission.

22.14.2 Vacancies. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.

22.14.3 Removal of members. Members may be removed for cause by the City Council of South Fulton upon written charges and after a public hearing.

22.14.4 Pay. Fees to be paid to the members of the South Fulton Zoning Board of Appeals for attending official meetings shall be fixed from time to time by the City Council of South Fulton.

22.14.5 Secretary. The Director of Community Development shall serve as secretary to the Board of Zoning Appeals. The secretary shall keep minutes of proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall keep records of evidence, examinations and official actions, all of which shall be filed and shall be a public record.

22.14.6 Policies and procedures. The South Fulton Zoning Board of Appeals shall adopt and publish policies, procedures and rules in keeping with the provisions of this resolution. Such shall be available in the Environment and Community Development Department.
22.14.7 Meetings. Meetings of the Zoning Board of Appeals shall be held at least once each month to dispose of matters scheduled. Additional meetings may be called by the chairman. The Zoning Board of Appeals scheduled meetings, places and dates, and deadlines for the filing of applications shall be approved by the City Council and published by the Director of Community Development Department.

ARTICLE XXIII. - OCCUPANCY CERTIFICATE

23.1 - Certificate of occupancy.

A certificate of occupancy, indicating that a building, lot and use comply with the building code and this Zoning Resolution is required under provisions of the South Fulton Building Code. Said certificate of occupancy shall be posted on-site where it is visible for inspection for a period of 30 days from the date of issuance.

Any owner, authorized agent, or contractor who desires to change the use of a building or structure shall first make application to the building official, obtain the required permits, and obtain a Certificate of Occupancy prior to occupying said structure.

ARTICLE XXIV. - PLANS AND INSPECTIONS

24.1 - Single family dwelling plans.

Applications for building permits for single family dwellings shall be accompanied by two copies of a plot plan. Applications for building permits and land disturbance permits other than single family dwellings shall respond to the plan requirements set forth by the Department of Community Development. Plot plans shall be based on a boundary line survey and drawn to scale. One copy of the plot plan shall be returned to the owner when plans have been approved by the Department of Community Development. Plot plan shall show:

A. The exact location of temporary and permanent pins, monuments and stakes used to mark the boundary.
B. The exact footprint of existing and proposed buildings and their structures, and the footprint of proposed alterations and additions.
C. The existing and proposed use of each building and other structure or part thereof,
D. The required number of parking spaces, and their locations,
E. Other information as may be necessary to determine compliance with this resolution.

24.2 - Inspections.

Prior to pouring footings, the owner shall notify the Department of Community Development to conduct an inspection to determine that space for required setbacks...
are available on the site. This inspection shall, in no way, relieve the owner of total responsibility for complying with all provisions of the resolution.

ARTICLE XXV. - INCLUDED IN SECTION 4.30

ARTICLE XXVI. - INTERPRETATION, CONFLICT AND ENFORCEMENT

26.1 - Interpretation.

The Director of Community Development shall interpret the provisions to this resolution, and may utilize opinions of the City attorney and others in arriving at interpretations. Appeals from an interpretation of the Director of Community Development shall be in accordance with the provisions of article XXII.

26.2 - Conflict.

This resolution shall abrogate any other regulations previously adopted or issued that are in conflict with any of the provisions of this resolution relating to the use of buildings or land in conflict with this resolution. This resolution shall not annul any easements, covenants or other agreements between parties; provided, however, that whenever this resolution imposes a greater restriction upon the use of buildings or land than are imposed by such easements, covenants or agreements, the provisions of the resolution shall control.

26.3 - Enforcement.

It shall be the duty of the Director of Community Development to enforce the provisions of this resolution. In addition, it shall be the duty of all officers and employees of the City, especially members of the police department, sheriff's department and marshal's office, to assist the Director of Community Development by reporting to him any seeming violations, including violations in new construction, reconstruction, and/or land uses including signs. Appeals from the decision of the Director of Community Development shall be made as provided in article XXII, Appeals.

26.4 - Permits in effect.

Nothing herein shall require any change in the plans, construction, size or designated use of any land, building, structure or part thereof for which a building permit or land disturbance permit was issued prior to the effective date of this resolution or amendment thereto.

ARTICLE XXVII. - ENFORCEMENT

ARTICLE XXVIII. - REZONING AND OTHER AMENDMENT PROCEDURES

28.1. - General amendments.

Whenever the public necessity, convenience, general welfare or good zoning practice justify such action, and after consideration by the Planning Commission, the
City Council may, by resolution, change the regulations set forth in this Zoning Resolution (text amendment) or amend the Zoning Maps.

In amending the Zoning Maps, the City Council may approve a use permit and/or zoning district applied for by the applicant or a more restrictive zoning district based on the ranking of South Fulton Zoning District intensities. The City Council may consider a variance filed concurrently with a request for a rezoning and/or use permit.

In approving any zoning district change and/or use permit, the City Council shall impose conditions of approval as deemed necessary and appropriate to mitigate potentially adverse influences or otherwise promote the public health, safety or general welfare.

Rezoning and/or use permit requests are referred to in this text as land use petitions. Changes made to standards contained within the zoning resolution are referred to in this article as text amendments. All land use petitions approved by the City Council are subject to conditions approved by the City Council.

28.1.1. - Text amendment procedures.

(1) Text amendments may be initiated by any of the following:
   a. The South Fulton City Council.
   b. The Department of Community Development.
   c. Recognized community group or organization:
      i. A recognized community group is an umbrella group which has provided a list of member groups and contact information for the umbrella group's officers and/or directors to the planning staff (e.g., community appointed overlay district groups, community associations etc.)
      ii. A recognized organization is an umbrella group of business owners exclusive of individual businesses which have provided a list of member businesses and contact information for the umbrella group's officers and/or directors to the planning staff (e.g., business/merchant associations, community associations etc.)

28.1.2. - Public hearing and notice requirements for text amendments.

(1) Before adopting any change to the text of the zoning resolution, the City Council shall hold a public hearing in accordance with section 28.3. Prior to the City Council public hearing the text amendment shall be presented for public comment at a Planning Commission (PC) meeting.

(2) Notice of the Planning Commission (both for public comment and public hearing) and City Council hearing shall be given simultaneously at least 15 days but no more than 45 days prior to the public hearing and shall be published as required by state law.
No posting of signs or mailing of notification letters is required for text amendments. When the Planning Commission or the City Council defers a text amendment renotification is not required.

28.2. - Land use petitions.

Land use petitions may be initiated by the property owner or the City Council on forms available from the department.

No final action shall be taken on a land use petition affecting the same parcel more often than once every 12 months when the petition is initiated by the property owner.

At any time, the City Council may initiate a land use petition on property which was previously rezoned. However, a six-month waiting period from the date of final Board action is required when a rezoning and/or use permit request was previously denied.

If a petition was previously denied, the owner must demonstrate that the proposed land use petition is significantly different from the previous denial to the satisfaction of the City Council before it can be considered for a reinitiation. A significant difference includes, but is not limited to a change in zoning district, use, density, height, buffers or other methods of screening, or other items which were discussed at a public hearing.

Appeals to Superior Court. Any appeal of, or other legal challenge to, a City Council final decision regarding a use permit petition shall be pursued as allowed by law.

Legal Action Stayed. The filing of a land use petition authorized by this article shall operate as a stay of any enforcement proceedings by South Fulton until final resolution of the petition. No City Council or Zoning Board of Appeals action shall be taken on any property which is the subject of any litigation pending in state or federal court wherein South Fulton or its agents or officials are parties.

28.2.1. Filing deadlines. A complete land use petition shall be submitted in accordance with the advertised filing deadlines. The director may extend the filing deadline by two days with a letter of explanation from the applicant justifying the delay of submittal. An incomplete petition will not be accepted.

28.2.2. Withdrawal prior to advertising. If a land use petition has not been advertised for public hearing, a written request for withdrawal with the reason for the request shall be made to and accepted by the director. No refunds of petition fees will be made.

28.2.3. Withdrawal after advertising. After a land use petition has been advertised for public hearing, it may only be withdrawn by the City Council at the public hearing. A withdrawal shall not be deemed final action and shall not bar submission of a new petition. A written request for withdrawal with the reason for the request shall be made to the director.

28.2.4. Petition requirements. All petitions shall include the following with the required number of copies of each as prescribed by the director:

1. Pre-application review form;
2. Signed and notarized petition with original signatures;
(3) Legal description;
(4) Letter of intent;
(5) Site plan which meets the requirements specified in Article 28.5.2;
(6) Site plan checklist which indicates compliance with site plan requirements specified in Article 28.5.2;
(7) Environmental site analysis;
(8) Impact analysis for rezoning petitions;
(9) Disclosure form;
(10) Public participation plan;
(11) Public participation report (due no later than seven business days before the City Council meeting);
(12) Traffic study, if applicable;
(13) Metropolitan River Protection Act pre-review letter, if applicable;
(14) MARTA Corridor plan review form, if applicable;
(15) Development of regional impact review form, if applicable;
(16) Environmental impact report, if applicable;
(17) Noise study report, if applicable;
(18) Other documents as identified in the pre-application review; and
(19) Non-refundable filing fee.

(20) Copy of deed(s)

28.3. - Public hearing and notice requirements.

Before adopting any land use petition change, the City Council shall hold a public hearing following the public hearing by the Planning Commission where a recommendation was made on the petition.

Notice of the Planning Commission and City Council hearings shall be given simultaneously at least 15 days but not more than 45 days prior to the date of the City Council public hearing and shall be published as required by State law. Renotification is not required when a petition is deferred by the City Council.

The applicant or agent shall post a sign as issued by the City in a conspicuous location on each public street frontage of the subject property not later than 8:30 a.m. on the 20th day prior to the Planning Commission Hearing.

The sign shall be mounted and posted as specified by the City. Property that is not posted on the 20th day before the scheduled first hearing date will be administratively removed from the agenda.
When the Planning Commission or the City Council defers a petition, the applicant is required to post an updated sign with new hearing dates 20 days prior to the next scheduled hearing date. When a petition is deferred by the City Council for less than 20 days, posting an updated sign is not required.

The Department shall give notice by regular mail to all property owners within 1320 feet of the boundaries of the subject property who appear on the tax records of South Fulton as retrieved through Fulton County's Geographic Information System. The notices shall be mailed a minimum of 15 days prior to the hearing date. Renotification by mail is not required when a petition is deferred by the City Council.

The published and mailed notices shall contain the time, place, and purpose of the hearing, the location of the property, and the present and proposed zoning classifications and/or requested use permit. The posted sign shall include all of the items required in the published notice except the location of the property. Notice shall not be considered inadequate if the mail is not delivered.

28.3.1. - Secretary.

The Director or his/her appointee shall serve as Secretary to the Planning Commission. The Secretary shall keep minutes of proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall keep records of evidence, examinations and official actions, all of which shall be filed and shall be a public record.

28.4. - Technical evaluations and reports.

Proposed land use petitions shall be considered by the City Council only after the evaluations and reports required below have been completed and the Planning Commission has made a recommendation. Such reports shall be public record.

28.4.1. Zoning impact analysis by the Planning Commission and the department.

For each rezoning petition, the Planning Commission and the department shall investigate and make a recommendation with respect to the factors listed below. The department shall make a written record of its investigation and recommendation on each rezoning petition, as well as any other factors it may find relevant, and carry out any other duties with which it is charged by the City Council.

The Planning Commission shall make a recommendation which the department shall transmit in writing to the City Council.

The zoning impact analysis factors are as follows:

A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

D. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools;

E. Whether the zoning proposal is in conformity with the policies and intent of the land use plan;

F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal; and

G. Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of South Fulton.

28.4.2. Zoning impact analysis by applicant. If a rezoning is initiated by the property owner, a written documented analysis of the impact of the proposed zoning with respect to each of the matters enumerated in 28.4.1 is required at the time of filing the land use petition.

28.4.3. Environmental reports. If a rezoning and/or use permit is initiated by the property owner, an Environmental Site Analysis and/or an Environmental Impact Report shall be filed with the land use petition per the following:

28.4.3.1. Environmental site analysis (ESA). All rezoning and/or use permit petitions shall include an Environmental Site Analysis to identify environmental conditions on the site to determine if the proposed use may be considered environmentally adverse.

The Environmental Site Analysis shall detail the following:

1. Does Article 4.18, Environmentally Adverse Uses, apply to the proposed use? If yes, does the use comply with the prescribed acceptable separation distance?

2. The presence or absence of the following and does the project encroach or adversely affect any of the following:

   a. Wetlands;
   b. Floodplains;
   c. Streams/stream buffers;
   d. Slopes exceeding 25 percent over a 10 foot rise in elevation;
   e. Vegetation (including endangered species; areas of confirmed Georgia Department of Natural Resources listed endangered species shall comply with the Federal Endangered Species Act);
   f. Wildlife species (including fish and endangered species; areas of confirmed Georgia Department of Natural Resources listed endangered species shall comply with the Federal Endangered Species Act);
3. How the project implements the following:

- Protection of environmentally sensitive areas (floodplains, slopes exceeding 25 percent, river corridors);
- Protection of water quality;
- Minimization of negative impacts on existing infrastructure;
- Minimization of negative impacts on archeological/historically significant areas;
- Minimization of negative impacts on Environmentally Stressed Communities;
- Creation and preservation of green space and open space;
- Protection of citizens from the negative impacts of noise and lighting;
- Protection of parks and recreational green space;
- Minimization of impacts to wildlife habitats.

### 28.4.3.2. Environmental impact report (EIR)

Any petition for an industrial rezoning and/or use permit shall include an Environmental Impact Report to determine if the proposed use is environmentally adverse.

The Environmental Impact Report shall detail the following:

1. Does Article 4.18, Environmentally Adverse Uses, apply to the proposed use? If yes, does the use comply with the prescribed acceptable separation distance?
2. Impacts on noise levels of the surrounding area;
3. Impacts on air quality of the surrounding area;
4. Impacts on water quality/resources including surface water, ground water, flood plains, and wetlands;
5. Impacts on vegetation, fish, and wildlife species and habitats;
6. Impacts of thermal and explosive hazards on the surrounding area;
7. Impacts of hazardous wastes on the surrounding area;
   - The report shall cite all uses and quantities of any agents listed on the Federal Environmental Protection Agency Lists of Hazardous Wastes;

The Environmental Impact Report shall detail strategies to mitigate or avoid impacts listed above as applicable.

### 28.4.3.3. Review criteria for ESA and/or EIR

Environmental Site Analysis and/or Environmental Impact Reports shall be reviewed based upon the following:
1. Whether the petition is consistent with the requirements of Article 4.18, Environmentally Adverse Uses;

2. The detail provided for ESAs and EIRs as outlined in Sections 28.4.3.1 and 28.4.3.2 above.

The Department shall review the ESAs and EIRs submitted with petitions for rezoning and/or use permits and make recommendations to the City Council with respect to the proposed use. The anticipated impact of the proposed use on an Environmentally Stressed Community will be included in the Department's recommendation.

As determined by the Director or his/her designee, Environmental Impact Reports may also be required with applications for land disturbance permits, building permits, temporary or permanent certificates of occupancy, or any other permits issued by the Department of Community Development.

28.4.4. Traffic impact study. A Traffic Impact Study is required when a land use petition equals or exceeds the thresholds indicated in the department's rezoning, use permit & concurrent variance application package. The study shall be prepared by a certified traffic engineer or transportation planner in accordance with professional practices and must be submitted at the time of the filing of the land use petition.

28.4.5. Development of regional impact study (DRI). A Development of Regional Impact Study is required when a land use petition meets or exceeds the thresholds indicated in the department's rezoning, use permit & concurrent variance application package. Form 1: Initial DRI Information must be submitted at the time of the filing of the land use petition.

28.4.6. Noise study report. (Amended 04/05/06) A noise study shall be performed, by a state registered professional engineer or noise professional, if a proposed site is located within 1,000 feet of an expressway, within 3,000 feet of an active rail line, or within 5 miles of the Hartsfield-Jackson International Airport boundary. An expressway is defined as a highway facility usually having two or more lanes for the exclusive use of traffic in each direction and partial control of access (i.e. I-85, I-285 and GA-400).

1. The noise study shall include an analysis of the proposed use with respect to existing ambient noise, that is, business and industry noise, aircraft noise, roadway noise, and construction noise.

2. If the noise study results in a day-night average sound level greater than 65 dBA, the applicant shall provide a sound attenuation plan specifying the type of noise buffering measures/materials to be employed during construction that will reduce the interior residential noise levels to 50 dBA or less.

3. The sound level readings shall be measured at a distance from the site to the noise source. The measurement should be from the source to the nearest points on the site where structures having noise sensitive uses are located. These points shall be labeled as the NAL (noise assessment locations). The measurement location for structures is a point 6.5 feet from the facade. In the event that the location of the structures has not yet been specified at the time of
the noise study, then the distance used in the noise study should be measured as 6.5 feet less than the distance from the structure setback line to the major source(s) of noise. (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.

28.4.7. Public participation plan and report. The Public Participation Plan is to ensure that applicants pursue early and effective public participation in conjunction with their petitions, ensure that the citizens of South Fulton have an adequate opportunity to learn about petitions that may affect them, and to ensure ongoing communication between applicants, adjoining property owners, environmentally stressed communities, community associations and other organizations, elected officials and City staff. A target area for public participation should be determined by the applicant and current planner at the time of the pre-application review. Applicants are required to submit a Public Participation Plan for meeting with interested citizens to advise of pending rezoning/use permit applications and to allow citizens the opportunity to discuss concerns and provide input about project design or development. An applicant's responsibilities are to inform the public, solicit input, and provide a summary of these activities in the form of a written report (Public Participation Report).

The requirement for a Public Participation Plan does not give communities decision making powers or force a consensus on issues. Applicants are not obligated to make any concessions or changes based upon input from citizens. A refusal by the community to meet with applicants does not mean that the applicants fail to meet the requirements of the Public Participation Plan.

Dialogue should occur between applicants and communities before the Planning Commission hearing, the first public hearing. Public Participation Plans are required with all rezoning and/or use permit applications and must be filed simultaneously with the application. Participation Plan Reports are required to be submitted no less than seven business days before the scheduled City Council hearing. If the report is not submitted as required, the City Council may defer an application.

The minimum requirements for public participation plans and public participation reports are as follows:

A. Public participation plan. Every application for a rezoning or use permit which requires a public hearing shall include a public participation plan which must be implemented prior to the first public hearing.

Minimum standards:

1. Identification of all property owners within a quarter mile of the site and area homeowners' associations, environmentally stressed communities, political jurisdictions, and any other public agencies or organizations which may be affected by an application as determined by the applicant and the current planner at the time of the pre-application review.

2. Explanation of how interested parties will be informed of rezoning/use permit applications.
3. Methods for providing opportunities for discussion with interested parties before public hearings are held. Applicants are required to schedule at least one meeting at a convenient location and time and notify all interested parties, as identified in 1. above, of the purpose, place and time of the meeting.

4. Applicant's schedule for completion of the public participation plan.

B. Public participation report. Every rezoning and use permit applicant is required to provide a public participation report on the department's form no later than seven business days before the scheduled City Council hearing. This report shall be made a part of the official file and a summary will be provided to the City Council.

Minimum standards:

1. Provide a list of all parties that were contacted, the methods of notification that were used, and copies of all notification letters.

2. Provide dates and locations of all community and/or other meetings that were attended by the applicant to discuss an application. (attach meeting notices, letters, etc.)

3. Provide the number of people who participated in meetings held to discuss an application. (attach sign-in sheets)

4. A summary of concerns and issues expressed by interested parties.

5. A summary of the applicant's response to concerns and issues.

28.5. - Conditional development.

28.5.1. Designation. Each zoning district shall have a designation thereunder to be known as Conditional for that district.

28.5.2. Plans. Site plans for rezonings and use permits must be folded, drawn to scale, no larger than 30" × 42", and shall, at a minimum, include the following information:

(1) Key and/or legend and site location map with North arrow;

(2) Boundary survey of subject property which includes dimensions along property lines that match the metes and bounds of the property's written legal description and clearly indicates the point of beginning;

(3) Acreage of subject property;

(4) Location of land lot lines and identification of land lots;

(5) Existing, proposed new dedicated and future reserved rights-of-way of all streets, roads, and railroads adjacent to and on the subject property;

(6) Proposed streets on the subject site;

(7) Posted speed limits on all adjoining roads;
(8) Current zoning of the subject site and adjoining properties;

(9) Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on the subject property;

(10) Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on adjacent properties within 400 feet of the subject site based on the City’s aerial photography or an acceptable substitute as approved by the director;

(11) Location of proposed buildings (except single family residential lots) with total square footage;

(12) Layout and minimum lot size of proposed single family residential lots;

(13) Topography (surveyed or City) on subject site and adjacent property within 200 feet as required to assess runoff effects;

(14) Location of overhead and underground electrical and pipeline transmission/conveyance lines;

(15) Required and/or proposed setbacks;

(16) 100 year flood plain horizontal limits and flood zone designations as shown on survey or FEMA FIRM maps;

(17) Required landscape strips, undisturbed buffers, and any other natural areas as required or proposed;

(18) Required and proposed parking spaces; Loading and unloading facilities;

(19) Lakes, streams, and waters on the state and associated buffers;

(20) Proposed stormwater management facilities;

(21) Community wastewater facilities including preliminary areas reserved for septic drain fields and points of access;

(22) Availability of water system and sanitary sewer system;

(23) Tree lines, woodlands and open fields on subject site;

(24) Entrance site distance profile assuming the driver's eye at a height of 3.5 feet (See South Fulton Subdivision Regulations);

(25) Wetlands shown on the City’s GIS maps or survey; and

(26) Airport noise contours on those properties within the FAR Part 150 Airport Noise Contour Map.

A request for relief from any of the above site plan requirements may be submitted in writing to the director for approval prior to the filing deadline. The request should clearly state the reasons for the request. Projects subject to development of regional impact reviews and other large projects that will be phased shall be required to revise the site plan for each phase of the
development to comply with the above standards through a Zoning Modification.

28.6. - Zoning maps.

The official Zoning Map will be amended to reflect the land use petition approvals. Rezoning and use permits that have not vested pursuant to Section 28.11. will be removed from the Zoning Map and the zoning/land use designation shall revert as indicated in Article 28.10.

28.7. - Applicable regulations.

Zoning regulations that applied at the time of acceptance of an application for a Land Disturbance Permit shall prevail.

28.8. - Petition fees.

Prior to accepting a petition for rezoning, use permit, concurrent variance, or extension of zoning and/or use permit, the director shall collect nonrefundable fees as established by the City Council.

28.9. - Procedures for modification of zoning conditions.

See Article XXII.

28.10. - Expiration and extensions of zonings and/or use permits.

Land use petitions approved after March 16, 1986 and filed before January 1, 2006 shall expire unless the property owner take action to vest the zoning and/or use permit in accordance with Article 28.11. within a period of 36 months from the date of approval by the City Council, or fails to secure an approved extension.

A. Each zoning and/or use permit approval is allowed one 24-month extension subject to the qualifying conditions in section 28.11.2.

B. Land use petitions initiated by the City Council to implement the South Fulton Comprehensive Plan Land Use Map are exempt from the provisions of section 28.11.2.

28.11. - Vesting of zoning and/or use permit.

Upon occurrence of one of the four conditions listed immediately below, a zoning and/or use permit shall be vested and such vesting shall be spread upon the minutes of the City Council meeting.

A. Prior to the expiration of a land disturbance permit, a vesting determination may be made by the department that substantial progress (28.11.1) has been made toward the completion of on-site construction depicted on the site plan approved with the rezoning and/or use permit.

B. Prior to the expiration of a building permit, a vesting determination is made by the department that substantial progress (28.11.1) has been made toward the
completion of a building depicted on the site plan approved with the rezoning
and/or use permit.

C. The issuance of a certificate of occupancy and/or permit for a use and/or
structure specified in the approved conditions shall vest the zoning.

D. The issuance of a business license for the approved use shall vest the zoning,
but only when no new construction or land disturbance is approved and/or
required as a condition of zoning.

28.11.1. Substantial progress. To demonstrate substantial progress for purposes of
vesting a conditional zoning and/or use permit, one of the following must be fulfilled:

A. The department may approve a construction schedule which includes at least
50 percent of the public improvements specified for one phase. Substantial
progress shall have been demonstrated when, within one year of the date of the
issuance of the land disturbance permit, the department observes normal
progress toward the approved construction schedule.

B. The department shall approve a construction schedule which includes at least
the pouring of footings for a principal building. Substantial progress shall have
been demonstrated when, within 6 months of the date of the issuance of the
building permit, the department observes routine progress toward the approved
construction schedule.

Refusal to certify that substantial progress has been achieved may be appealed
in accordance with Article 22 of this Resolution.

28.11.2. Extensions. Extensions of zonings and/or use permits for any of the four
qualifying conditions listed in this section shall be considered by the City Council.

To qualify for an extension, the property owner must submit an application to the
department at least 30 days prior to the expiration of a 36-month period beginning with
the date of approval of a zoning and/or use permit.

The department shall prepare an analysis and recommendation as to whether the
documentation in the application is sufficient based on one of the four criteria which may
validate an extension request.

The department shall submit its recommendation to the City Council.

No more than one two-year extension, per zoning and/or use permit case, may be
granted for any of the qualifying conditions listed below (except a court action delay).

An extension may not be sought for less than the total acreage of the underlying
zoning and/or use permit.

In every application for an extension, the owner(s) shall provide an affidavit
documenting at least one of the following:

A. A delay resulting from court action involving the zoning and/or use permit or a
previous extension on the property for which an extension is sought. Extensions
approved in connection with court action shall remain valid for one year beyond
the granting of an order or the expiration of an appeal period before any court with jurisdiction.

B. Non-availability of utilities or facilities resulting from government inaction. In those instances where wastewater facilities are available for a fraction of the desired capacity, or when capacity was available at some time during the three-year period, but not during the 60 days prior to expiration, the City Council shall evaluate such case's qualifications for an extension on their individual merits considering any evidence that might indicate a diligent effort to proceed with development.

C. A delay in development resulting from wetlands regulatory procedures requires the applicant to provide a copy of the application acknowledgment letter from the Savannah Regulatory Branch of the Corps of Engineers as documented evidence. Said application should have been filed at least 12 months before zoning and/or use permit expiration.

D. An inability to obtain financing, despite documentation of the owner's efforts during the first year after zoning and/or use permit approval and continuing until one week prior to consideration of the extension request to the board. Documentation shall consist of two official denials signed by officers of two different lending institutions who have final jurisdiction over such financing transactions.

28.11.3. - Notice of expiration.

At least 90 days prior to the expiration of a zoning and/or use permit, the director shall send by certified mail a notice of expiration to each owner of record as shown in the tax records.

ARTICLE XXIX. - VIOLATION AND PENALTY

29.1 - Violation.

Any person, firm, partnership or corporation violating any of the provisions of this resolution shall be deemed guilty of a misdemeanor. Each day's continuance of a violation shall be considered a separate offense. The owner and/or tenants of any building or premises or parts thereof, where anything in violation of the resolution shall be placed or shall exist, and any architect, builder, contractor, or agent or the owner and/or tenants who may have assisted in the commission of any such violation shall be guilty of a separate offense.

29.2 - Penalty.

Where a determination is made that property is in violation of the zoning resolution, and any other codes and laws enforced by the Department of Community Development, and all reasonable efforts and means to obtain compliance have been exhausted, the Director of Community Development is authorized to effect such compliance at public expense. The cost effectuating compliance shall constitute a lien upon the property and
said lien shall be recorded by the Director of Community Development in accordance with the laws for such.

The South Fulton Municipal Court shall each have jurisdiction to try offenses alleging violations by any person, firm, corporation, partnership, or other entity of this article. Upon conviction, any person, firm, corporation, partnership, or other entity shall be subject to a fine of $1,000.00 or imprisonment in the South Fulton Jail for not more than 60 days, or both this fine and imprisonment for each offense.

ARTICLE XXX. - VALIDITY

Should any section or provision of this resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the resolution as a whole or any part thereof other than the part so declared to be invalid.

ARTICLE XXXI. - ARTICLE XXXII. - RESERVED

ARTICLE XXXIII. - SIGNS

33.1 - General provisions.

This article shall hereafter be known and cited as the "South Fulton Sign Ordinance."

33.2 - Purpose and findings.

A. Purpose. This article is enacted for the following purposes:

1. To protect the rights of individuals and businesses to convey their messages through signs;

2. To encourage the effective use of signs as a means of communication;

3. To promote economic development;

4. To improve traffic and pedestrian safety as it may be affected by distracting signs;

5. To prevent the destruction of the natural beauty and environment of the City;

6. To protect the public health, safety, and general welfare;

7. To restrict the continued existence of abandoned or nonconforming signs unless in compliance with the terms of this article and to eliminate, over time, all nonconforming signs;

8. To ensure the fair and consistent enforcement of sign standards; and

9. To make it easy, quick and economically efficient to apply for a sign permit.

B. Findings.

1. The City finds that signs are a proper use of private property, are a means of personal free expression and a necessary component of a commercial environment. As such, signs are entitled to the protection of the law. In the
absence of regulation, however, the number of such signs tends to proliferate, with property owners' desiring ever increasing numbers and sizes of signs, leading to cluttered and aesthetically blighted thoroughfares. In addition, the competition among competing sign owners for visibility of their signs contributes to safety hazards for both vehicles and pedestrians and undermines the sign owners' original purpose of presenting a clear message of its idea or identification of its premises.

2. The City further finds that the regulation of the size, height, number and spacing of signs is necessary to protect the public safety, to assure compatibility of signs with surrounding land uses, to enhance the business and economy of the City, to protect the public investment in the streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing environment, and to provide for the orderly and reasonable display of signs for the benefit of all the City's citizens.

3. The City further finds that there is a substantial difference between signs erected by public authority and signs erected by private citizens or businesses. Signs erected by public authority are virtually all erected for the purpose of maintaining the public safety either through direct control of traffic or through provision of such type signage as street signs which enable the traveling public to know where they are located and to find where they are going. As such, with the exception of signs identifying government buildings, virtually all government signs are erected purely for public safety purposes. Moreover, their use in the public right-of-way is necessary to ensure their visibility to the motoring public. The City finds that public utility signs are frequently of the same nature as those signs erected by governmental entities in that they provide necessary information to safeguard the public from downed power lines and from street excavations. Even where signs serve a propriety purpose, such as identifying markings on utility polls, those signs are marked primarily for the purpose of benefiting the public generally through identification of locations where there may be temporary losses of power.

4. The City further finds that some signage has a single targeted function and that identification of such signage by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of locating addresses, which is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. Subdivision signs at the entrances to subdivisions favor a similar purpose in enabling both the traveling public and emergency personnel to quickly locate subdivision entrances for the purpose of either visitation or responding to emergency calls. While such signage is often referenced based upon the function it serves within the context of this ordinance, whenever possible, it is the intent of this ordinance to refer to signs unrelated to the content of the speech provided and to allow maximum expressive potential to sign owners.

33.3 - Definitions.
Words and phrases used in this article shall have the meanings set forth in this section. Words and phrases not defined in this section, but defined in the Zoning Resolution of South Fulton, shall be given the meanings set forth in such resolution. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this article.

Abandoned sign. Any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or missing letters or which is otherwise dilapidated, unsightly, or unkempt, and for which no person accepts maintenance responsibility.

Animated sign. Any sign, or part of a sign, that uses any movement or change of lighting or color to depict action or create a special effect or scene.

Audible sign. Any sign which emits a sound which is audible or emits a signal which can be converted into audible sounds, whether by radio or other means.

Awning/canopy sign. Any sign that is a part of, or attached to, an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Banner. A sign other than a flag with or without characters, letters, illustrations or ornamentation applied to cloth, paper, vinyl, plastic or fabric that is intended to be hung either with a frame or without a frame. Neither flags nor canopy signs are considered banners.

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

Billboard. A sign with an area of more than seventy-two (72) square feet but not more than six hundred seventy-two (672) square feet.

Changeable copy sign. Any sign that incorporates changing lettering or images to form a message or messages, whether such changes are accomplished electronically or manually. Changeable copy signs shall not incorporate changing lights or electronic images. Such changeable copy signs cannot flash, and if located within one hundred fifty (150) feet of a road right-of-way, may not change more than once per twenty-four (24) hours.

City. South Fulton, Georgia.

City Council. The South Fulton City Council.

County. Fulton County, Georgia.

Department. The Department of Community Development.

Director. The Director of Community Development or his or her designee for a particular purpose.

Directory sign. A single sign for multiple businesses, offices, professionals, industries, or other entities located within a planned center.
Drive-through/drive-in facility. A location where products and/or services are distributed to, or business is transacted with, a person seated in a motor vehicle.

Fall zone. An area equal to 133 percent of the height of the structure in every direction.

Flag. Any fabric or bunting containing colors, patterns, or symbols used as a symbol of a government or other entity or organization.

Flashing sign. A sign, the illumination of which is not kept constant in intensity at all times when in use and which exhibits marked changes in lighting effects.

Freestanding sign. Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. A permanently affixed sign which is wholly independent of a building for support with a base of a width not less than the width of the sign face.

Illuminated sign, external. A sign illuminated by an external light source. Such source cannot be a device that changes color, flashes or alternates.

Illuminated sign, internal. A sign illuminated by an internal light source. Such source cannot be a device that changes color, flashes, or alternates.

Internal development signs. Signs not visible from a public right of way, including but not limited to signs such as parking lot information, directional, safety signs and signs delineating internal sub-components of the overall development.

Lot. A parcel of land that is of sufficient size to meet minimum zoning requirements for lot area, coverage, and use and that can provide such yards as required by the zoning standards.

Marquee, marquee sign. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Menu sign. A sign that informs on the products or services offered at a drive-through facility. Such sign is not to be legible by the traveling public and shall not exceed six (6) feet in height and 32 square feet in size.

Moving sign. A sign which revolves, rotates, swings, undulates, or otherwise attracts attention through the structural movement of parts.

Multi-tenant. One or more buildings, located on a single premise, containing two or more separate and distinct individual establishments, which occupy separate portions of the building and which are physically separated from each other by walls.

Obscene. Material is obscene if to the average person, applying contemporary community standards, taken as a whole, it predominantly appeals to the prurient interest, that is, a shameful or morbid interest in nudity, sex or excretion; the material taken as a whole lacks serious literary, artistic, political or scientific value; and the material depicts or describes, in a patently offensive way, sexual conduct specifically defined as: (a) acts of sexual intercourse, heterosexual or homosexual, normal or perverted, actual or simulated; (b) acts of masturbation; (c) acts involving excretory functions or lewd exhibition of the genitals; (d) acts of bestiality or the fondling of sex
organs of animals; or (e) sexual acts of flagellation, torture, or other violence indicating a sadomasochistic sexual relationship.

Out-of-store marketing device. An out-of-store marketing device is any facility or equipment which is located outside of a primary building on a site zoned for nonresidential uses, which is used for the primary purpose of providing a product or service without the owner's immediate presence, and which is manufactured to include a color, form, graphic, illumination, symbol, and/or writing thereon to communicate information regarding the product or service provided thereby to the public. Examples of out-of-store marketing devices include: fuel pumps, bank ATM units, vending machines, newspaper racks, drink machines, ice boxes, and phone booths.

Pennant, streamer. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

Permanent sign. Any sign which, when installed, is intended for permanent use. A permanent freestanding sign shall be of a type and construction as not to be easily or readily removed from the lot on which it has been erected.

Permit. A sign permit reviewed, approved, and issued by the City.

Permittee. The person and/or entity owning or leasing the land on which the sign is erected or for which an application has been submitted.

Person. A natural or legal person, including a firm, organization, partnership, trust, and corporation.

Portable sign. A sign which is not permanently affixed to the ground or to a structure, including but not limited to signs on trailers or signs mounted or painted on vehicles which are parked in such a manner as to serve the purpose of a sign.

Principal building. The building in which the principal use of the lot is conducted. Non-residential lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other structures with clearly accessory uses shall not be considered principal buildings.

Projecting sign. Any sign which is suspended or projected from the wall, eave, or soffit of the building.

Public sign. Any sign erected by a governmental entity.

Roof sign. Any sign erected and constructed wholly on and over the roof of a building, or supported by the roof structure.

Sign face. That part of a sign that is or can be used for advertising purposes.

Sign. Any device, fixture, placard, or structure affixed to, supported by, or suspended by a stationary object, building or the ground that uses any color, form, graphic, illumination, symbol, or writing to communicate information of any kind to the public.

Standard informational sign. A sign with an area of not greater than four square feet, with a sign face made for short term use (90 days or less), containing no reflecting
elements, flags, or projections and which, when erect, stands at a height not greater than three feet and is mounted on a stake or metal frame with a thickness or diameter not greater than 1½ inches.

Temporary sign. Any sign that is not permanently mounted.

Wall sign. Any sign attached parallel to a wall, painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and which displays only one sign surface. Wall signs may be allowed to extend up to 15 inches from any wall, building or structure when a raceway is utilized. Raceways shall be painted to match the color of the exterior walls to which they are attached. Wall signs shall not cover architectural features or details, and not extend beyond the horizontal roof line or vertical edges of the building. Except for principle anchors, wall signs shall be uniform in alignment and height in developments in which multiple businesses share a building.

Window sign. Any sign that is placed inside a window or upon the window panes or glass, either inside or outside the building, and is visible from the exterior of the structure.

33.4 - Powers and duties of personnel.

The director is hereby authorized and directed to administer and enforce this article, unless otherwise specifically provided by resolution of the commissioners.

33.5 - Applicability.

The standards of this article shall apply to all signs erected within unincorporated South Fulton.

33.6 - Permit required.

Except where specifically not required by the standards of this article, it shall be unlawful for any person to post, display, materially change, or erect a sign in the City without first having obtained a sign permit. Notwithstanding the foregoing, signs which are not visible from a public right-of-way or from neighboring properties shall not be subject to the standards of this article.

33.7 - Fees required.

No permit shall be issued until the appropriate application has been filed with the director and fees, as set from time to time by resolution of the City Council, have been paid.

33.8 - Application content.

Applications for sign permits required by this article shall be filed along with two additional copies by the person owning the subject lot, or the owner's agent with express permission of the owner, in the office of the director upon forms furnished by that office. The application shall describe and set forth the following:

1. The type and purpose of the sign as defined in this article.
2. The value of the sign.

3. A survey to scale showing the street address of the property upon which the subject sign is to be located, the proposed location of subject sign on subject property, the distance of the proposed sign from the subject property's boundaries, and all existing structures or buildings on the subject property.

4. The square foot area per sign and the aggregate square foot area if there is more than one sign face.

5. The name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located.

6. Written consent of the owner of the property, or his/her agent, granting permission for the placement, maintenance, size, and height of the subject sign to be placed on the property.

7. For wall signs: Two sets of building elevations.

8. The name, address, telephone number, and business license number of the sign contractor. All applications for signs which incorporate electricity must obtain an electrical permit.

9. Sign details, including a proposed color scheme of sign, and scaled elevation of the size and height of the proposed sign from ground level and adjacent street level.

10. The zoning district in which the subject property is located and a statement of compliance with all requirements of the zoning district.

11. Any additional information as required by the director or his designee on an application form which shall remain on file at the department.

33.9 - Application rejection.

A. Incomplete application; false information. The director shall reject any application that is incomplete or inaccurate, that contains false material statements or omissions, or that is for a sign which would violate any standard within this article within 45 business days of receipt of said application. The director may reject at anytime prior to the expiration of the 45-day period, if the application is incomplete, inaccurate or contains false material statements or omissions, by returning the application to the applicant.

B. Processing time; denial. The City shall process all complete and accurate sign permit applications within 60 business days of the department's actual receipt of a complete and accurate application and upon remittance of the appropriate sign permit fee. The director shall give notice to the applicant of his/her decision by hand delivery, electronic communication (email), or by mailing such notice by certified mail, return receipt requested, to the address on the permit application on or before the 60th business day. If the decision of the director is to deny the application, the decision shall state the grounds upon which the denial is based. Failure of the City to act within the 60-day period shall be deemed an approval of the permit. If notice is mailed in conformity with this section, notice shall be deemed to have been given.
upon the date of mailing. Any application meeting the standards of this article shall be granted. Any application not meeting the standards of this article shall be denied.

C. Appealable. A rejection or denial pursuant to this section shall be appealable pursuant to the procedures for zoning appeals as outlined in the South Fulton Zoning Resolution. However, notwithstanding the foregoing, a final decision will be rendered within 90 days from date an appeal is filed. If a final decision is not rendered within the 90-day period, the decision sought to be appealed shall be affirmed.

D. Resubmission. A rejected application later resubmitted in conformity with this article shall be deemed to have been submitted on the date of resubmission, instead of the original submission date. An application which is resubmitted shall meet all the standards for an original application.

33.10 - Permit revocation.

Should it be determined that a sign permit was issued pursuant to an application containing a false material statement or omission, the director shall revoke said permit and the subject sign shall be immediately removed. A revocation pursuant to this section shall be appealable pursuant to the procedures for zoning appeals as outlined in the South Fulton Zoning Resolution. However, notwithstanding the foregoing, a final decision will be rendered within 90 days from date an appeal is filed. If a final decision is not rendered within the ninety-day period, the decision sought to be appealed shall be affirmed. The permit for any sign not meeting the standards of this article will be revoked.

33.11 - Zoning ordinance requirements.

So long as an application conforms to the standards and procedures of this article, the applicant is exempted from any additional standards, excepting any standards relating to color, building materials, and procedures relating to signs in the South Fulton Zoning Resolution.

33.12 - Variance.

A. Limitations. The Zoning Board of Appeals shall be allowed to grant variances where a hardship has been demonstrated pursuant to the South Fulton Zoning Resolution. Said variance or variances may only be granted as to number, set back, building material, height, and size or sign style.

B. Timing. The Zoning Board of Appeals shall hear and decide upon a variance within 90 days of the submission of a complete and accurate application.

33.13 - Expiration date.

A sign permit shall become null and void if the sign for which the permit was issued has not been installed and completed within six months after the date of issuance; provided, however, that where an applicant can demonstrate that an entity was timely engaged to construct the permitted sign, but the fabrication has not yet been completed, one 90-day extension may be granted by the director. No refunds shall be made for a
permit after the permit is issued. If later an individual desires to erect a sign at the same location, a new application for the sign must be processed and another fee paid in accordance with the fee schedule applicable at such time.

33.14 - Occupational tax certificate, public liability insurance required.

It shall be unlawful for any person to engage in the business of erecting or maintaining signs within the City, unless and until such entity shall have obtained an occupation tax certificate and a certificate of insurance from an insurance company authorized to do business in the state evidencing that the entity has in effect public liability and property damage insurance in the sum of $25,000.00 for property damage for any one claim, and public liability insurance in an amount not less than $100,000.00 for injuries, including accidental death to one person. The certificate of insurance shall state that the insurance carrier shall notify the City 30 days in advance of any termination and/or restriction of the coverage, including nonrenewal, cancellation, and nonpayment of any premium.

33.15 - Identification labels; inspection; notice.

A. Identification labels. With each sign permit, the director shall issue a sticker bearing a number sufficient to reference a valid permit for which the permit is issued. It shall be the duty of the permittee or his agent to affix such sticker to the sign in the lower right hand area so it is easily seen. The absence of a proper sticker shall be prima facie evidence that the sign has been, or is being, erected or operated in violation of the standards of this article.

B. Inspection. The director or his/her designee shall inspect all existing signs in the City to determine if such signs conform to the standards of this article. Identification stickers shall be provided for all signs in order to identify existing conforming and nonconforming signs.

33.16 - Signs which require no permit.

The following shall not count toward the total amount of signage allowed and no permit is required so long as all standards in this article are met, including those set forth below:

1. Numerals displayed for the purpose of identifying property location not to exceed eight inches in height;

2. Flags;

3. Window signs;

4. Door signs not to exceed one square foot in size and not more than one sign per door; and

5. Standard informational signs in all districts.

33.17 - Prohibited signs and devices.

The following types of signs are prohibited in the City:
A. **Signs.** Any sign not specifically identified in this article as a permitted sign.

B. **Balloons; streamers.** Balloons, streamers or air or gas filled figures.

C. **String lights.** Signs consisting in whole or in part of a series, line, or row of lights, whether supported by cables or other physical means, within 150 feet of a street right-of-way and visible there from. Notwithstanding the foregoing, holiday lights and decorations displayed not more than 30 days before or after a calendar holiday shall be exempted from this section.

D. **Beacons; search lights; laser.** Promotional beacons, search lights or laser lights or images.

E. **Audible signs.** Audible signs.

F. **Signs in right-of-way.** Signs in a public right-of-way, other than official City signs or those belonging to a government, public service agency, or railroad.

G. **Signs on tree or utility pole.** Signs mounted or located on a tree, utility pole, or other similar structure.

H. **Roof signs.** Roof signs and signs which extend vertically above any portion of a roof or parapet of the applicable wall. Exception: Signs that are painted on, or otherwise attached flat, to a flat roof structure so as to not be visible from ground level and do not extend vertically from the roof structure more than 24 inches, do not add load to the roof structure and allow access to all roof areas shall be permitted. Flat roof signs shall not be illuminated animated or contain mechanical movements. There is no maximum square footage limit to the sign area.

I. **Portable signs.** Portable signs, including signs attached to any parked vehicle or trailer, so as to be visible from a public right-of-way.

J. **Obscene signs.** Signs which depict obscene material.

K. **Illegal activity signs.** Signs which advertise an activity which is illegal under federal, state or local laws.

L. **Signs not maintained.** Signs not in good repair, in violation of codes, or containing or exhibiting broken panels, visible rust, visible rot, damaged support structures, or missing letters.

M. **Abandoned signs.** Abandoned signs.

N. **Animated; flashing.** Animated signs, flashing signs, and changeable copy signs which change more than once per 24 hours within 150 feet of a road right-of-way.

O. **Imitation traffic signs.** Signs which contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go," "slow," "caution," "warning," or similar words in such a manner as to resemble official traffic control signs.

33.18 - Violations; penalties.
A. *Noncompliance*. No person shall erect on any premises owned or controlled by that person any sign which does not comply with the standards of this article.

B. *Dangerous or defective*. No person shall maintain or permit to be maintained on any premises owned or controlled by that person any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the permittee of the sign, the owner of the premises, or as otherwise provided for in this article.

C. *Separate violation*. Each sign installed, created, erected or maintained in violation of this article shall be considered a separate violation when applying the penalty portions herein.

D. *Public nuisance*. Any sign erected or maintained in violation of this article is hereby declared to be a public nuisance.

E. *Notice*. The director shall give the permittee or sign owner 24 hours to 30 days written notice, based on the practical considerations of completing measures to comport with the standards of this article, to correct the deficiencies or to remove the sign(s) which is in violation of this article. If the permittee or sign owner refuses to correct the deficiencies or remove the sign, the director will have the sign removed at the expense of the permittee or sign owner.

F. *Citations*. If any sign or other device covered by this article is, or is proposed to be, erected, constructed, altered, converted or used in violation of any provision of this article, the director or his designee shall issue a citation. Additionally, the City may seek an injunction for a continuing violation or take other appropriate action to prevent such unlawful erection, construction, alteration, conversion or use to correct or abate such violation. Any violation of this article shall be an offense, and the violator shall be subject to a fine of up to $1,000.00 per day, per citation, imprisonment for up to 60 days, or both.

33.19 - Nonconforming signs.

A. *Maintained*. A nonconforming sign shall not be replaced by another nonconforming sign, except that the substitution or interchange of poster panels, painted boards, or dismountable material on nonconforming signs shall be permitted. All nonconforming signs shall be maintained in good repair.

B. *Repairs; material change*. Minor repairs and maintenance of nonconforming signs shall be permitted, provided, however, that no structural repairs or changes in the size or shape of a nonconforming sign shall be permitted except to make the sign comply with the standards of this article. To the extent that any sign allowable hereunder is damaged or destroyed by act of God or by other circumstances beyond control of owner of sign then such sign may be repaired without regard to the restrictions of this paragraph.

C. *Grandfathering*. Nonconforming signs may stay in place until one of the following conditions occurs:

1. The advertised business ceases at that location for a period of more than 30 days;
2. The deterioration of the sign or damage to the sign makes it a hazard or renders it dilapidated, unsightly, or unkempt; or

3. The sign has been damaged to such extent that more than minor repairs or a material change is required to restore the sign. No structural repairs or change in shape or size shall be permitted except to make the sign comply with all standards of this article. To the extent that any sign allowable hereunder is damaged or destroyed by act of God or by other circumstances beyond control of owner of sign then such sign may be repaired without regard to the restrictions of this paragraph.

33.20 - Removal of unlawful or dangerous signs.

A. Removal. The City may order the removal of any sign in violation of this article by written notice to the permit holder and/or property owner if there is no permit holder of record; or if there is no permit holder, then to the owner of the sign; or if the sign owner cannot be found or cannot be determined, then to the sign erector and any party that procured the erection of the sign. If a permit has been issued, such notice shall operate to revoke the permit.

B. Procedure following removal order. If the sign is not removed within the time allowable pursuant to section 33.18(E), the City shall remove or cause to be removed the sign and collect the costs thereof as provided below.

C. Removal without notice. The City shall have removed any sign in violation of this article, without giving notice to any party, if:

1. Said sign is upon the public right-of-way or upon other public property or upon the pavement of a private street or drive; or

2. Said sign poses an immediate safety threat to the life or health of any members of the public.

D. Removal after court determination. Other than signs located in a public right-of-way, a sign shall be removed by the City after a final determination by a court that the sign is unlawful and should be removed. If the permittee or property owner fails to remove the sign, the sign may be immediately removed and disposed of by the City with all costs to be paid by the permittee or property owner. If permittee or property owner fails to pay within 30 days a lien shall be filed on said property for the incurred expenses.

33.21 - Sign location.

A. Obstructions to doors, windows, or fire escapes. No sign shall be erected, relocated, or maintained so as to prevent free ingress or egress from any door, window, or fire escape.

B. Signs not to constitute traffic hazard. No sign or any part thereof, except authorized traffic signs, shall be located in any government right-of-way. No sign may be located any closer than 20 feet to an intersection as measured from the intersection of the two rights-of-way.
C. Setback. Unless a more restrictive setback is specified in conditions of zoning or otherwise in this article, all signs shall set back at least ten feet from the right-of-way or 20 feet from the edge of pavement if a private street and no sign shall project over the right-of-way except that standard information signs shall be allowed to be placed on private property up to the edge of the publicly dedicated right-of-way or ten feet off the edge of pavement on a private road with no dedicated right-of-way for a period beginning 90 days before the date of the election and ending with the final determination on each ballot issue or candidate. Freestanding signs shall be a minimum of 25 feet from an intersection as measured from the intersection of the two rights-of-way and shall be a minimum of 35 feet from any other freestanding signs.

33.22 - Measurement of sign area.

A. Area. The area of a sign shall be computed as the area within the smallest continuous polygon comprised of not more than eight straight lines enclosing the limits of a sign face, together with any sign face cabinet or frame or material, texture, or color forming an integral part of the sign face used to differentiate the sign face from the structure upon which it is placed. If polygons established around wall signs located on the same street oriented wall are within 24 inches or less of one another, then the area of the sign shall be measured within one continuous polygon.

B. Structure. The computation of the area of a sign face shall not include the structure, supports, or uprights on which the sign face is placed or any portions of a sign structure that are not intended to contain any message or idea and are purely structural or decorative in nature, other than those parts contained within the polygon that delineates the sign face.

C. Changeable copy signs. For any signs on which the words, letters, figures, symbols, logos, fixtures, colors, or other design elements routinely change or are intended to be changed from time to time, the sign face area shall include the entire area within which any words, letters, figures, symbols, logos, fixtures, colors, or other design elements may be placed, together with any frame or material, texture or coloring forming the integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed.

D. Multi-faced signs. For multi-faced signs, when the sign face surfaces are parallel and are back to back, or where the interior angle formed by the faces is 45 degrees or less, the area of the sign shall be taken as the areas on the largest side. For all other multi-faced signs, the area of the sign shall be the total area on all sides that can be viewed at one time from any angle.

33.23 - Measurement of sign height.

The height of a sign shall be computed as the distance from the base of the sign structure at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoned lot, whichever is greater (surveyor's certificate required).

Where the normal grade is below the normal grade of a public street, the sign base can be raised to the elevation of the normal grade of the street before the height limitations are applied (surveyor's certificate required). At no time shall any sign's overall height exceed the zoning district's height limitations.

33.24 - Construction standards.

A. Building and safety codes. All signs permitted under this code shall be constructed and maintained in accordance with the applicable City building and safety codes. The City may remove, after due notice, any sign which shows neglect or becomes dilapidated.

B. Faces. The face of sign shall be flat, with protrusions of no more than two inches to allow for the texture of the sign and words, letters, figures, symbols, logos, fixtures, colors, or other design elements. No sign or other advertising structure shall be constructed so as to have nails, tacks, or wires protruding there from. Lettering for address signage shall not exceed eight inches in height or as required by the applicable building code.

C. Illumination. Signs, when illumination is permitted and except as otherwise set forth, may be illuminated internally or externally. Free standing signs with external illumination shall have light directed downward. Externally illuminated signs shall not exceed 55 foot-candles.

D. Landscaping. Landscaping, weeds, and grass shall be kept cut in front of, behind, underneath, and around the base of freestanding signs.

E. Construction. Freestanding sign structure/base materials shall match the principal building material. Any architectural color standards of an applicable overlay district apply only to the sign structure not to the sign face.

33.25 - Restrictions based on location.

If not otherwise stated, any sign not specifically allowed in a zoning district as provided under this Section shall be prohibited in that district, except as otherwise provided for under this Article. The following standards govern signs within specific zoning districts. For any zoning district not identified in the following sub-parts, signs shall comply with the sign regulations contained in section A, Agricultural district (AG-1).

A. Agricultural district (AG-1) (article V, South Fulton Zoning Resolution).

1. Freestanding signs.

a. One maximum 32 square foot, freestanding sign per business or institutional use shall be permitted for each street on which the lot has frontage.
b. One maximum 32 square foot, freestanding sign or two single-faced freestanding signs not to exceed 16 square feet for each side of a platted single family subdivision entrance.

c. Freestanding signs shall have a maximum height of six feet, may be externally illuminated, and shall not have changeable copy.

2. Window signs. Not more than three window signs per lot of record 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.

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.

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.

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. Time periods shall not be consecutive. 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.

6. Standard informational sign. 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.

7. 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.

B. Residential districts (R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, CUP, NUP, SUB A, SUB B and SUB C) (Article VI, Article XI, sections 11.1 and 11.2 and Appendix A, South Fulton Zoning Resolution).

1. Freestanding signs.

a. One maximum 32 square foot, freestanding sign per lot occupied with an institutional use shall be permitted for each street on which the lot has frontage.
b. One maximum 32 square foot, freestanding sign or two single-faced freestanding signs not to exceed 16 square feet for each side of a platted single family subdivision entrance.

c. Freestanding signs shall have a maximum height of six feet, may be externally illuminated, and shall not have changeable copy.

2. **Window signs.** Not more than three window signs per lot of record 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.

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.

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.

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.

6. **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.

7. **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.

C. Apartment and townhouse residential districts (R-6, TR, A, A-L, MHP and A-1) (article VII, article XI, section 11.3 and Appendix A, South Fulton Zoning Resolution) and non-residential uses approved by a use permit (article XIX of the South Fulton Zoning Resolution).

1. **Freestanding signs.** One maximum 32 square foot freestanding sign shall be permitted for each street on which the development has frontage. The sign shall have a maximum height of six feet, may be externally illuminated, and shall not have changeable copy.
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.

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.

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.

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.

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.

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.

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.

D. Office-institutional and apartment-office districts (O-I and A-O) (article VIII, section 8.1 and Appendix A, South Fulton Zoning Resolution).

1. **Freestanding signs.**

   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.
b. One maximum 64 square foot, freestanding for each street on which the lot has 500 or more linear feet of frontage. If the lot has two or more entrances on a street on which it has frontage, the one maximum 64 square foot sign may be substituted by two single-faced freestanding signs not to exceed 32 square feet. The sign shall have a maximum height of ten feet, may be externally illuminated, and shall not have changeable copy. No more than two signs shall be allowed per frontage over 500 feet.

2. *Wall sign.* 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 the smaller of five percent of the applicable wall area or 100 square feet, confined to the upper 30 feet of the facade. Wall signs shall not have changeable copy unless approved as a marquee sign. 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.

3. *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.

4. *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 toward the wall sign total square footage.

5. *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.

6. *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.

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.

8. *Banners.* 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 and shall not extend more than five feet above grade when on the ground.

9. **Projecting signs.** In a multi-tenant 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.

10. **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.

E. Commercial, industrial park, and mixed use districts (C-1, C-2, M-1A, MIX) (article IX, article X, section 10.1, article VIII, section 8.2, South Fulton Zoning Resolution).

1. **Freestanding signs.**
   a. One maximum 32 square foot, freestanding sign shall be permitted for each lot which contains less than three acres.
   b. One maximum 44 square foot, for each lot which contains three or more, but not more than 15 acres.
   c. For lots that contain more than 15 acres, one maximum 64 square foot, freestanding for each street on which the lot has primary frontage and one 32 square foot, freestanding sign for each street on which the lot has secondary frontage. If the primary frontage of the lot is 500 linear feet or more and if the lot has two or more entrances on the street on which it has primary frontage, the one maximum 64 square foot sign may be substituted with two single-faced freestanding signs not to exceed 32 square feet. The sign shall have a maximum height of six feet if 32 square feet or less and eight feet if 64 square feet or less and may be externally illuminated. No more than two signs shall be allowed per development unless there is a secondary frontage.
   d. All signs shall have a maximum height of six feet if 32 square feet or less, a maximum height of eight feet or less if greater than 32 square
feet, may be internally lighted, and shall not have changeable copy, except in association with motor vehicle fuel pricing. Each sign may have not more than four tenant panels if 32 square feet or less, or not more than six tenant panels if greater than 32 square feet.

e. Within the mixed use (MIX) district one maximum 32 square foot, freestanding sign or two single-faced freestanding signs not to exceed 16 square feet for each side of a platted residential component's entrance shall be permitted.

2. 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 100 square feet, whichever is smaller. Wall signs shall not have changeable copy unless approved as a marquee sign or in association with motor vehicle fuel pricing. Each place of business is allowed a maximum of two wall signs. Only one sign per business is allowed per wall. Wall signs shall face public streets and/or pedestrian-parking areas. (Amended 5/7/08)

3. Wall signs, tenant over 50,000 square feet. A tenant that has over 50,000 square feet of gross floor space and has independent leased 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.

4. Menu sign. One menu sign as part of a drive-thru or drive-in facility. One menu sign shall be allowed per drive-through lane.

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.

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.

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.
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.

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.

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.

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.

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.

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.

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.
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.

F. Industrial districts (M-1, M-2) (article X, sections 10.2 and 10.3 of the Zoning Resolution of South Fulton).

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:
   a. Along, and oriented toward, state numbered primary routes or national highways only;
   b. At least 500 feet from all residential or AG-1 zoning districts;
   c. Minimum 100-foot setback from right-of-way;
   d. Minimum of 1,500 feet from any other billboards or freestanding sign, except standard informational signs;
   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;
   f. Be in compliance with applicable height standards for the district in which located.

2. **Freestanding signs.**
   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.
   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.
   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.
   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.
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.

4. **Menu sign.** One menu sign as part of a drive-thru or drive-in facility. One menu allowed per drive-through lane.

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.

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.

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.

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.

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.
10. **Window signs.** Window signs are allowed without a permit and shall not occupy in the aggregate more than 25 percent of the window area. Window signs shall not be counted towards the wall sign total square footage.

11. **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. The area of an awning/canopy sign shall be deducted from the allowable area of a wall sign.

12. **Standard informational signs.** Each lot having one business 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.

13. **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.

14. **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 and safety signs. Internal directional signs shall not exceed ten square feet in area and four feet in height.

33.26 - **Severability.**

Should any article, section, clause, or provision of this article be declared by a court of competent jurisdiction to be invalid, such action shall not affect the validity of the ordinance as a whole or any part hereof other than the part so declared to be invalid, it being the intent of the City that each article, section, clause, and provision hereof be severable.

**ARTICLE XXXIV. - DEVELOPMENT REGULATIONS**

34.1 - **Scope and intent.**

This article includes a variety of development related regulations which are designed to insure that development, and infrastructure additions and improvements are provided in the best interest of the health, safety and welfare of the citizens of South Fulton, and to assure that development regulations and review procedures are standardized and equitably applied.

34.2 - **Compliance.**

Any land disturbance activity or any development activity must comply with the development standards of South Fulton along with any other applicable local or state
regulations. Compliance with the provisions of this article, and actions to bring about compliance with this article shall be in accordance with administrative guidelines of the Environment and Community Development Department.

34.3 - Appeals.

The Director of the Environment and Community Development Department shall administratively consider variance appeals to article XXXIV in accordance with article XXII, Appeals.

34.4 - Permit and sign-off requirements.

These standards acknowledge or establish South Fulton requirements for permits for development of properties within the unincorporated area of South Fulton. All development shall comply with these and other requirements including, but not limited to, the South Fulton Tributary Buffer Ordinance, the South Fulton Tree Preservation Ordinance and Administrative Guidelines, the South Fulton Sediment and Erosion Control Ordinance, and the Georgia Metropolitan Area River Protection Act.

34.4.1 Land disturbance permit prerequisites. Prior to the issuance of a land disturbance permit or the issuance of a certificate of occupancy for each phase of development, the following documents shall be submitted to the Director of the Environment and Community Development Department for approval.

A. Site plan. A site plan which meets or exceeds the requirements contained herein and the Environment and Community Development Department administrative guidelines, and incorporates the following therein:

1. A certified boundary description based on a survey of the entire property.

2. A graphic representation of those conditions of zoning which can be graphically represented. This is not intended to require that conditions of zoning be written-out on a site plan.

3. Zoning case number and other relevant file numbers.

B. Grading plan with phasing.

C. Erosion and sediment control plan. A separate sheet depicting erosion and sediment control measures as required by the State of Georgia.

D. Landscape/tree protection plan. A detailed landscape or tree protection plan for all required buffers, landscape strips, tree protection zones, and screened areas. If project completion does not coincide with an appropriate planting season, or if water prohibitions are in effect, a performance bond may be posted to delay planting until an appropriate time approved by the South Fulton Arborist.

E. Storm water management plan.

1. Evaluate the downstream ditch stability and bank erosion protection potential of existing downstream conveyance system. Provide all necessary
To the Department of Public Works, Storm Water Management Section at construction drawing phase.

2. Contact the Department of Public Works, Storm Water Management Section to arrange an on-site evaluation as to the location of storm water facility, discharge path of detention/retention pond and other downstream constraints.

3. The design discharge at the outlet of drainage system shall not result in velocities that equal/exceed the erosive velocity or the existing receiving channel/draw, unless dissipation and erosion protection measures are placed at the outlet. Said documentation shall be provided to the Department of Public Works, Storm Water Management Section.

4. Provide downstream analysis of the flood discharge timing effect on the existing conveyance systems due to each storm frequency.

5. All natural streams within the limit of the project must be stable and be expected to remain stable under ultimate development or provide appropriate erosion protection for the streams subject to the approval of the Department of Public Works, Storm Water Management Section.

6. Evaluate the downstream effect from storm water management structures and the development, hydrologic-hydraulic engineering studies shall extend downstream to a point where the proposed development represents less than ten percent of the total watershed to this point.

7. The result of the extended downstream point analysis (ten percent point) shall be included in the hydrologic study submitted with the storm water management plan. Said documentation is subject to approval by the Department of Public Works, Storm Water Management Section.

8. Provide detention/retention as maybe required by South Fulton subject to the approval of the Department of Public Works.

9. The development site shall be graded in such a manner that the surface runoff does not affect downstream lots, flow through lots shall be collected and conveyed in appropriate storm drainage system. Documentation shall be provided at construction drawing phase.

10. Water intake and discharge points in a single-family residential development to be a minimum of 15 feet from any existing or proposed residential structure and to be at a minimum of five feet above and/or five feet below any existing or proposed buildable area.

F. Other plans, as applicable.

1. Water and waste water plans.

   a. Water and waste water systems constructed under the jurisdiction of South Fulton government shall abide by the department of public works.

   b. South Fulton Public Works/government does not guarantee the availability of water or waste water capacity.
c. Matters pertaining to septic systems shall be determined by the South Fulton Health Department.

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.

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.

f. All appropriate fees shall be paid by the developer prior to the issuance of any land disturbance permits.

g. The developer is required to extend the water pipe line system across the entire length of road frontage, within the right-of-way.

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.

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.

j. As part of the project, the developer is required to network the waste water pipe line system to all upstream properties.

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.

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.

2. Profiles of roads and sewers.

3. Traffic signs and striping.


5. Proposed permanent stormwater management plan.

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
plan shall include, but is not limited to roadway improvements including costs and other proposals such as providing transit access, transit use incentives, car/van pooling, bicycle path construction, internal sidewalk construction, and lunch trip reduction, which when combined mitigate the traffic impact of the proposed development and shall also include a time table for the construction/implementation of improvements and who will be financially responsible for them.

G. Permits, agreements, studies as applicable.

1. An approved curb cut permit from the Georgia Department of Transportation or the South Fulton Development Services Department.

2. Health department approvals.

3. Right-of-way dedication.
   a) Property owners be required to dedicate at no cost to South Fulton, along the entire frontage, sufficient right-of-way to provide a minimum 10.5 foot shoulder behind any required project improvement subject to the approval of the director of public works.

4. Off-site transportation improvement funds and agreements.

5. Fire department approval.

6. Sanitary sewer pre-treatment approval.

7. Siltation Study.
   a) At the discretion of the Director of the Environment and Community Development Department, submit prior to the issuance of a land disturbance permit and prior to recording of the final plat for each phase of development, base siltation studies of any water bodies located on the development site and on adjacent properties. Said studies shall identify, for removal by the applicant, prior to recording of the final plat for each phase of development, all siltation resulting from the development.

   b) At the discretion of the Director of the Environment and Community Development Department, prior to the recording of the final plat for the final phase of development, submit a performance bond for the removal of any siltation resulting from the development. The performance bond shall remain on file in the Environment and Community Development Department until release of the occupancy certificates for a minimum of 90 percent of all residences permitted pursuant to the development or three years from the date of the first certificate of occupancy, whichever is earlier.

34.4.2 Prerequisite to occupancy permit inspection. The Public Works Department and/or the Inspections and Zoning Enforcement Department shall notify the Environment and Community Development Department in writing of holds on the issuance of a certificate of occupancy on a project.
A. *Single-family residential.* Before a certificate of occupancy may be considered by the Environment and Community Development Department for any dwelling located in a subdivision, the items listed under "B"., below, must have been signed-off on by the Environment and Community Development Department as complete for that phase of the subdivision in which a dwelling is located.

B. *All structures except single-family residential.* Before a certificate of occupancy may be considered for a structure, including the first of several structures within a development, the following must have been signed-off on as complete by the Environment and Community Development Department:

1. Required landscaping.
2. Required buffers.
3. Required tree protection measures.
4. Required walls and fences.

34.4.3.7(g) *Siltation study.* See section 34.4.1(G)(7) 34.5 - Site improvement standards.

These standards shall regulate site improvement, and the provision of amenities related to site improvement.

34.5.1 *Off-street parking.* Property owners shall provide and maintain off-street parking throughout construction. Parking on any lot other than the lot for which a building permit is issued must be approved for a temporary parking lot by the Environment and Community Development Department.

34.5.2 *Interparcel access.* Interparcel access shall be provided to adjacent properties upon determination by the Director of the Environment and Community Development Department that such access is in the best interest of the public health, safety or welfare.

34.5.3 *Sidewalks/curb and gutters.* (Amended 11/03/93, 02/07/01, 03/03/04, 04/05/06) Sidewalk, curb and gutter shall be provided for all development projects as determined by the Department of Community Development. When required, sidewalk, curb and gutter shall be constructed in accordance with the Department of Public Works Standard Plans (also known as Standard Details).

34.5.4 *Detention/retention.* On-site storm water detention facilities shall not be located within any required buffer or landscape strip. Detention facilities shall not be located within parking or loading areas unless approved by the department of public works. A minimum 20-foot wide landscape strip planted to buffer standards shall be provided around the exterior of the detention area outside of the access easement or as may be approved by the South Fulton Arborist.

34.5.5 *Compliance with tree preservation ordinance.* Prior to applying for a land disturbance permit, the owner shall arrange with the City arborist, through the Director...
of the Environment and Community Development Department, for an on-site evaluation
of existing specimen trees and stands of trees, and an evaluation of buffers and tree
protection zones. At a minimum, the tree density requirements prescribed by the South
Fulton Tree Preservation Ordinance Administrative Guidelines shall be provided and
permanently maintained.

34.5.6 Subdivision access. Any subdivision of land for single family that has new
roads providing direct access to the lots within the subdivision shall be limited to newly
constructed internal roads.

34.5.7 Minimum setback for new street. The right-of-way for new streets must be
located a minimum of 50 from any peripheral property line adjoining AG-1 and
residenally zoned property unless interparcel access is required.

34.5.8 Arborist notification. Contact the Director of the Environment and
Community Development Department, prior to the application for a land disturbance
permit, to arrange with the City arborist an on-site evaluation of existing specimen
trees/stands, buffers, and tree protection zones within the property boundaries and
otherwise to ascertain compliance with the Tree Preservation Ordinance.

34.5.9 Dams. All dams within the jurisdiction of South Fulton shall comply with the
provisions of the Safe Dam Act and Rules of Georgia Department of Natural Resources.

34.5.10 Development in or near a transmission line easement.

A. Definitions. Words and phrases used in this article shall have the meanings set
forth in this section. Words and phrases not defined in this section, but defined
in the Zoning Resolution of South Fulton, shall be given the meanings set forth
in such resolution. All other words and phrases shall be given their common,
ordinary meaning, unless the context clearly requires otherwise. Section
headings or captions are for reference purposes only and shall not be used in
the interpretation of this article.

Consultation zone. An area within 500 feet from a transmission line easement.

Development permit. For the purposes of the consultation zone requirements,
any permit for activity that involves construction, grade modification, excavation,
blasting, land clearing, or the deposit of earth, rocks or other materials that
places an additional load upon the soil. Construction that involves work totally
within an existing building footprint, such as residential remodeling projects, is
specifically exempted from these consultation zone requirements.

Environmental justice working group. A City Council established group of key
personnel from South Fulton departments and agencies whose activities relate
to or impact environmental justice matters.

New construction. Construction after June 2, 2014 of a structure intended for
human occupancy, and includes the construction of a new structure, the
construction of an addition to an existing structure and the reconstruction of a
portion of an existing structure. The term excludes an addition to or the
reconstruction or replacement of a structure existing on June 2, 2014 used for:
1. Single-family residential use;
2. Townhouse use;
3. Duplex, triplex or quadruplex use;
4. Multi-family residential use;
5. Mobile home residential use; or

_Person._ Any individual, firm, joint venture, entity, partnership, corporation, association or cooperative.

_Planing area._ The area within 300 feet of a transmission line easement.

_Restricted pipeline area._ The area within 40 feet of a transmission line easement and the area within a transmission line easement.

_Transmission line._ See article III, section 3.3.20.

_Use requiring evacuation assistance._ A land use which includes the following:

1. Congregate living;
2. Convalescent services;
3. Detention facilities;
4. Day care services (commercial);
5. Hospital;
6. Medical offices exceeding 5,000 square feet of gross floor area;
7. Private primary educational facilities;
8. Private secondary educational facilities;
9. Public primary educational facilities;
10. Public secondary educational facilities; and
11. Retirement housing development.

B. **Consultation zone.**

1. **Consultation zone distance.**
   a. A consultation zone is hereby established for any parcels within 500 feet from a transmission line easement.

2. **Consultation zone notification.**
   a. At application for a development permit, zoning or use permit, South Fulton staff shall notify the individual that they are within the consultation zone, explain the relevant application procedures, and provide contact information for the applicable pipeline operator(s). This same procedure shall be followed whenever an individual inquires
b. A complete application for a development permit, zoning or use permit within a designated consultation zone must include written verification from the applicant that:

1. Applicant has contacted the pipeline operator(s) and has provided them with documentation detailing the proposed development type and place of the activity; and

2. The pipeline operator(s) has reviewed the documents;

3. The written verification required by this section can be in any form acceptable to the director of the department planning and community services, including electronic communications, so long as it is clear that the pipeline operator(s) has received and reviewed documentation showing the proposed information concerning any impact the activity will have upon the integrity of the transmission line(s). The verification should include all comments received from the operator or a notice from the operator indicating that the operator has no comments;

4. If the operator does not respond within 30 days after being contacted and provided information by the developer pursuant to b.1. above, then the director of planning and community services may waive the requirement for written verification given under b.3. above.

C. Planning area.

1. Whereas a proposed use within a consultation zone requires notification to and a review by the pipeline operator(s), additional procedures are required in planning areas based upon characteristics of the transmission line(s) and potential for impact to people and property. Planning areas are hereby established within 300 feet of transmission line(s) easement.

2. Application process within a planning area.

   a. At application for a development permit, zoning or use permit, South Fulton staff shall notify the individual that they are within the planning area and explain the relevant requirements.

   b. Development within the planning area shall meet the requirements under section D (Development near a transmission line) below.

   c. The plat must provide a note that all existing transmission lines or transmission line facilities through the residential or commercial development have been shown, or that there are no known transmission lines or transmission line facilities within the limits of the residential or commercial development.
d. The location of all transmission lines and related easements shall be shown on all preliminary plat, zoning, building, and record plat maps when proposed development is within the planning area.

D. Development near a transmission line.

1. A use requiring evacuation assistance is prohibited in a structure intended for human occupancy that is located within the 300-foot planning area. This prohibition does not apply to a structure that is located between 40 and 300 feet of a pipeline if the South Fulton Environmental Justice Working Group determines, after receiving a recommendation from the fire marshal, that:
   a. The structure has a performance-based design that provides an adequate time period for occupant evacuation to a safe place in the event of a transmission line leak or fire associated with the transmission line, after considering:
      2. The site and structure design;
      3. The structure's building materials;
      4. The structure's distance from the transmission line;
      5. The use of radiant energy barriers;
      6. Access to the site and the structure by emergency responders;
      7. Available on-site resources for emergency responders;
      8. The topography and other natural features;
      9. The use of the structure; and
      10. The evacuation capability of the occupants.
   b. The structure incorporates a system for the early detection and notification of a transmission line leak, if the fire chief determines that an appropriate system is commercially available.

2. A person may not build new construction within 125 feet of a transmission line easement unless the fire marshall determines that:
   a. The new construction has a performance-based design that provides a minimum one-hour time period for occupant evacuation to a safe place in the event of a transmission line leak or a fire associated with the transmission line, in accordance with the current adopted edition of the National Fire Protection Association 101 Life Safety Code and International Fire Code; and
   b. The new construction incorporates a system for the early detection and notification of a transmission line leak, if the fire chief determines that an appropriate system is commercially available; or
c. The new construction complies with the standards for construction near a transmission line prescribed by the Fire Criteria Manual.

3. A person may not place a structure or excavate within a restricted pipeline area. This prohibition does not apply to:
   a. The transmission line or an appurtenance;
   b. A facility that produces, consumes, processes, or stores the product transported by the transmission line, including a power generation facility;
   c. A utility line that crosses the restricted pipeline area, including an appurtenance to the line;
   d. A utility service connection;
   e. A road;
   f. A surface parking lot; or
   g. A structure or excavation that the director determines does not disturb the transmission line or impede its operation. The director in his/her determination shall consult Appendix A - Appropriateness of Proposed Land Uses within a Transmission Line Easement and section 4. below, to assist in the final determination.

4. Before a person may place a road, surface parking lot, structure, utility line or otherwise excavate in a restricted pipeline area, the person must:
   a. Deliver to the director a certification by a registered engineer stating that the proposed construction activity and structure are designed to prevent disturbing the transmission line or impeding its operation; and
   b. Provide notarized documentation that the pipeline or transmission line easement owner has been notified of the proposed development activity.

5. If a proposed use is subject to any required determination in sections 1 through 4 above, the City's response and the results of the review will be provided to the applicant within ten business days of the City's acceptance of the complete application package. The office of planning and community services in collaboration with South Fulton Fire and Rescue shall determine when such submissions are deemed complete.

E. Platting transmission lines/pipelines.

1. A developer shall determine whether a transmission line crosses a proposed development.

2. A developer shall depict on the plat a restricted pipeline area, if any.

3. A residential lot that is less than one acre in size may not include a restricted pipeline area.
4. A person may not place a structure or excavate within a restricted pipeline area. This prohibition does not apply to:
   a. The transmission line or an appurtenance;
   b. A facility that produces, consumes, processes, or stores the product transported by the transmission line, including a power generation facility;
   c. A utility line that crosses the restricted pipeline area, including an appurtenance to the line;
   d. A utility service connection;
   e. A road;
   f. Surface parking lot; or
   g. A structure or excavation that the director determines does not disturb the transmission line or impede its operation.

5. Before a person may place a road, surface parking lot, or utility line in a restricted pipeline area, the person must:
   a. Deliver to the director a certification by a registered engineer stating that the proposed construction activity and structure are designed to prevent disturbing the transmission line or impeding its operation; and
   b. Provide notarized documentation that the pipeline or transmission line easement owner has been notified of the proposed development activity.

F. Savings. Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

APPENDIX A - Appropriateness of Proposed Land Uses within a Restricted Pipeline Area

The purpose of this table is to increase awareness and encourage early communication among key stakeholders when considering changes to an existing land use or new land use development within an existing restricted pipeline area.

This table provides a list of common land use activities and is only meant to provide guidance to those tasked with determining whether the proposed land use is acceptable or not. There will be variances in the application of these rules from operator to operator based on site-specific conditions, operator practices, and evolving safety regulations and concerns. Therefore, this table should be referenced only for general informational purposes. Stakeholders should consult with the appropriate pipeline operator for acceptable land uses within a restricted pipeline area.
<table>
<thead>
<tr>
<th>Use/Activity</th>
<th>Acceptable Use?</th>
<th>Additional Restrictions or Comments</th>
<th>Origin/Rationale for Determining Acceptable Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture - (Seasonal Agricultural Crops - excludes orchards and vineyards)</td>
<td>Yes, but consent is required</td>
<td>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.</td>
<td>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.</td>
</tr>
<tr>
<td>Airstrip - Private (perpendicular crossing to transmission line)</td>
<td>Yes, but consent is required</td>
<td>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.</td>
<td>These airstrips are considered to be dirt. This use can lead to a decrease in ground cover.</td>
</tr>
<tr>
<td>Airports - Public</td>
<td>No</td>
<td></td>
<td>These runways are constructed of</td>
</tr>
</tbody>
</table>
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.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Access Allowed</th>
<th>Use</th>
<th>Considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>All-Terrain Vehicle (ATV) Use</td>
<td>No</td>
<td>Occasional use such as farm equipment may be acceptable.</td>
<td>This use can lead to a decrease in ground cover.</td>
</tr>
<tr>
<td>Athletic Stadium (e.g., baseball field, football field, running tracks, etc.)</td>
<td>No</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Automobile Wrecking Yards</td>
<td>No</td>
<td>Access for transmission line maintenance and emergency response activities preclude this use.</td>
<td></td>
</tr>
<tr>
<td>Blasting</td>
<td>No</td>
<td>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.</td>
<td>Blasting activities may cause stresses on nearby transmission lines which may lead to leaks.</td>
</tr>
<tr>
<td>Category</td>
<td>Allowance</td>
<td>Permitted Reason</td>
<td>Restrictions</td>
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<td>--------------------------------</td>
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</tr>
<tr>
<td>Buildings</td>
<td>No</td>
<td>No type of permanent structure permitted. See also &quot;Structures&quot;.</td>
<td>No structures are allowed because they interfere with emergency response, maintenance, inspection, and repair activities.</td>
</tr>
<tr>
<td>Campsites</td>
<td>No</td>
<td>This use may impose additional integrity management requirements for the transmission line operator. In addition, no fires would be allowed for safety reasons.</td>
<td></td>
</tr>
<tr>
<td>Canopies/temporary</td>
<td>No</td>
<td>This use could involve driving large stakes into the ground near the transmission line, exposing it to potential damage and future leaks.</td>
<td></td>
</tr>
<tr>
<td>Canopies/permanent</td>
<td>No</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Carports, permanent</td>
<td>No</td>
<td>No type of permanent structure permitted. See also &quot;Structures&quot;.</td>
<td>Access for transmission line maintenance, inspection, and repair activities preclude this use.</td>
</tr>
<tr>
<td>Catch Basins (Storm sewer inlet)</td>
<td>No</td>
<td>Access for transmission line maintenance, inspection, and repair activities preclude this use.</td>
<td></td>
</tr>
<tr>
<td>Cathodic Protection Devices</td>
<td>Yes, but consent is required</td>
<td>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.</td>
<td>To ensure adequate cathodic protection for all transmission lines, routine testing should be scheduled and performed by qualified personnel to prevent interference issues.</td>
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</tr>
<tr>
<td>Cemetery</td>
<td>No</td>
<td>Access for transmission line maintenance, inspection, and repair activities preclude this use.</td>
<td></td>
</tr>
<tr>
<td>Concrete Slabs (Categorized as for foundation, typically poured for permanent structure, equipment, or storage location).</td>
<td>No</td>
<td>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.)</td>
<td>Access for transmission line maintenance, inspection, and repair activities preclude this use.</td>
</tr>
<tr>
<td>Driveways</td>
<td>Yes, but consent is required</td>
<td>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</td>
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<tr>
<td>Activity</td>
<td>Permitted</td>
<td>Consent Required</td>
<td>Notes</td>
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<tr>
<td>Dumps</td>
<td>No</td>
<td></td>
<td>This use would not allow transmission line operator easy access for transmission line maintenance, inspection, and repair activities.</td>
</tr>
<tr>
<td>Erosion Control</td>
<td>Yes, but consent is required</td>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>Exploration - Geologic and Geophysical</td>
<td>Yes, but consent is required</td>
<td></td>
<td>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</td>
</tr>
<tr>
<td>Fences - Parallel to ROW</td>
<td>Yes, but consent is required</td>
<td>(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.</td>
<td>Fences must not interfere with access for transmission line maintenance, inspection, and repair activities.</td>
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<tr>
<td>Fences - Perpendicular to ROW</td>
<td>Yes, but consent is required</td>
<td>(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 access.</td>
<td>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.</td>
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<td>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.</td>
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<tr>
<td><strong>Flammable Material</strong></td>
<td><strong>No</strong></td>
<td>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. 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.</td>
<td></td>
</tr>
<tr>
<td><strong>Flood Control</strong></td>
<td><strong>Yes, but consent is required</strong></td>
<td>Transmission line operator engineering review can be made to consider buoyancy and ensure transmission line is adequately protected.</td>
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</tr>
<tr>
<td><strong>Flooding</strong></td>
<td><strong>Yes, but consent is required</strong></td>
<td>If there is a possibility of periodic flooding, buoyancy of transmission line must be considered. Intentional flooding is prohibited because it can cause stresses on the transmission line leading to integrity issues; buoyancy must</td>
<td></td>
</tr>
<tr>
<td><strong>Golf Courses</strong></td>
<td>Yes, but consent is required</td>
<td>May be allowed if no permanent structures are placed on ROW.</td>
<td>Cover must be adequate and must allow for maintenance, inspection, and repair activities.</td>
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<tr>
<td><strong>Highways</strong></td>
<td>Yes, but consent is required</td>
<td>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.</td>
<td>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.</td>
</tr>
<tr>
<td><strong>Hiking Trails</strong></td>
<td>Yes, but consent is required</td>
<td>Provided reasonable access to facilities is maintained. See also Landscaping and Cuts</td>
<td>Trails must be placed to allow transmission line maintenance, inspection and repair activities to be</td>
</tr>
<tr>
<td>Activity</td>
<td>Allowance</td>
<td>Reason</td>
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<tr>
<td>Horseback Riding Trails</td>
<td>Yes, but consent is required</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Incinerators</td>
<td>No</td>
<td>For safety reasons, no flame, fire, or flammable material is allowed.</td>
<td></td>
</tr>
<tr>
<td>Junk Yards</td>
<td>No</td>
<td>This use would not allow transmission line operators easy access for transmission line maintenance, inspection, and repair activities.</td>
<td></td>
</tr>
<tr>
<td>Landscaping</td>
<td>Yes, but consent is required</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Leach Fields</td>
<td>No</td>
<td>(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 damage.</td>
<td></td>
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</tbody>
</table>

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<table>
<thead>
<tr>
<th>Activity</th>
<th>Approval</th>
<th>Additional Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loading Ramps</td>
<td>No</td>
<td>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.</td>
</tr>
<tr>
<td>Masonry Work</td>
<td>No</td>
<td>This use does not allow for access for transmission line emergency response and maintenance.</td>
</tr>
<tr>
<td>Mini-Golf Courses (putt-putt courses)</td>
<td>No</td>
<td>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.</td>
</tr>
<tr>
<td>Mobile Home Parks</td>
<td>No</td>
<td>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.</td>
</tr>
<tr>
<td>Activity</td>
<td>Allowance</td>
<td>Requirement</td>
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</tr>
<tr>
<td>Mobile Home - Single Unit</td>
<td>No</td>
<td>No permanent structure may be installed on ROW.</td>
</tr>
<tr>
<td>Model Airplanes</td>
<td>Yes, but consent is required</td>
<td>Model airplanes may be flown over the ROW, but no permanent facilities may be located on the ROW.</td>
</tr>
<tr>
<td>Orchards</td>
<td>No</td>
<td>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.</td>
</tr>
<tr>
<td>Parking</td>
<td>Yes, but consent is required</td>
<td>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</td>
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<tr>
<td>Use</td>
<td>Consent Required</td>
<td>Use Limitations</td>
</tr>
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<tr>
<td>Parks</td>
<td>Yes, but consent is required</td>
<td>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.</td>
</tr>
<tr>
<td>Patios</td>
<td>No</td>
<td>No structures are allowed because they interfere with transmission line emergency response and repair activities and increase risk for transmission line operators.</td>
</tr>
<tr>
<td>Pipelines</td>
<td>Yes, but consent is required</td>
<td>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</td>
</tr>
</tbody>
</table>
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").

| 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. | 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. |

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<th>Activity</th>
<th>Allowed</th>
<th>Requirement</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Porches</td>
<td>No</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Power Lines</td>
<td>Yes, but consent is required</td>
<td>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 &quot;Utilities - Parallel&quot;). 4) Power lines are not located within 200 feet of a blow-down stack. 5) Buried power lines meet transmission line operator standards.</td>
<td>Engineering review and field monitoring can be performed to ensure no corrosion issues develop and lead to failures.</td>
</tr>
<tr>
<td>Private Landowner</td>
<td>Yes, but</td>
<td>Where a private</td>
<td>Additional construction</td>
</tr>
<tr>
<td>Crossing of Transmission Line</td>
<td>consent is required</td>
<td>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 requirements may be imposed to protect the transmission line and allow future maintenance activities to be performed.</td>
<td></td>
</tr>
<tr>
<td>Utilities Parallel</td>
<td>Pumps</td>
<td>No</td>
<td>Failure of equipment could elevate risks; permanent structures do not allow for easy access for transmission line emergency response.</td>
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<tr>
<td>Pump Islands</td>
<td>No</td>
<td>No</td>
<td>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.</td>
</tr>
<tr>
<td>(Categorized as fuel pumps for automobile service stations - general transportation refueling stations)</td>
<td></td>
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</tr>
<tr>
<td>Quarries and Strip Mining</td>
<td>No</td>
<td>No</td>
<td>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).</td>
</tr>
<tr>
<td>This activity limits access for transmission line emergency response.</td>
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</tr>
<tr>
<td>Railroads</td>
<td>Yes, but consent is required</td>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>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</td>
<td></td>
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<tr>
<td>Recreation Areas</td>
<td>Yes, but consent is required</td>
<td>ROW may be used for general recreation that does not require the use of any permanent structures or facilities. 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.</td>
<td>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.</td>
</tr>
<tr>
<td>Retaining Walls</td>
<td>Yes, but consent is provided adequate access to facilities is maintained and Cuts</td>
<td>Transmission line cover must be maintained to protect the transmission line</td>
<td></td>
</tr>
<tr>
<td>Activity</td>
<td>Consent Required</td>
<td>Description</td>
<td>Review or Approval Required</td>
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<tr>
<td>Rifle Ranges</td>
<td>No</td>
<td>Limited use may be allowed to access rifle range area across the ROW but no permanent facilities may be located on the ROW.</td>
<td>Transmission line systems include above ground facilities that may incur damage from rifle range fire.</td>
</tr>
<tr>
<td>Road - Parallel</td>
<td>Yes, but consent is required</td>
<td>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.</td>
<td>Use must allow for transmission line maintenance, inspection, and emergency response activities.</td>
</tr>
<tr>
<td>Road Crossings - Private</td>
<td>Yes, but consent is required</td>
<td>Consent usually will be granted for private roads across the ROW provided: 1) Assurance is given the road will remain a</td>
<td>Review by the transmission line operator's engineering group required for all proposed streets, roads, and driveways to</td>
</tr>
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<td></td>
<td>Requirement</td>
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<tr>
<td>Road Crossings - Public</td>
<td>Yes, but consent is required</td>
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<tr>
<td></td>
<td>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.</td>
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<td></td>
<td>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.</td>
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<tr>
<td>Septic Tanks</td>
<td>No</td>
<td></td>
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<tr>
<td></td>
<td>Access for transmission line repair activities preclude this use.</td>
<td></td>
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<tr>
<td>Service Stations</td>
<td>No</td>
<td>No structures are allowed because they interfere with transmission line emergency response, maintenance, inspection and repair activities.</td>
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<tr>
<td>Signs</td>
<td>No</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Sprinkler Systems</td>
<td>Yes, but consent is required</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Stock Piles - Storage of Earth</td>
<td>Yes, but consent is required</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>Storage</td>
<td>No</td>
<td>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.</td>
<td>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.</td>
</tr>
<tr>
<td>Structures</td>
<td>No</td>
<td>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.</td>
<td>No structures are allowed because they interfere with transmission line emergency response, maintenance, inspection, and repair activities.</td>
</tr>
<tr>
<td>Subdivisions</td>
<td>Yes, but consent is required</td>
<td>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</td>
<td>Transmission line operators can work with planners and developers to minimize risks to transmission lines and communities within green spaces; early communication</td>
</tr>
</tbody>
</table>
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.

<table>
<thead>
<tr>
<th>Swimming Pools (built-in and above ground)</th>
<th>No</th>
<th>Small, plastic &quot;kiddy&quot; type pools would be allowed. These types of portable pools are considered temporary and can be easily moved for transmission line activities if necessary.</th>
<th>No permanent structures are allowed because they interfere with transmission line emergency response, maintenance, inspection, and repair activities.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tanks</td>
<td>No</td>
<td>Above or underground.</td>
<td>Access for transmission line maintenance, inspection, emergency response, and repair activities preclude this use.</td>
</tr>
<tr>
<td>Temporary Material Storage Non-earth Material</td>
<td>Yes, but consent is required</td>
<td>This material storage can't interfere with transmission line maintenance, inspection, emergency response, or repair activities. In addition, storage must not lead to erosion</td>
<td>ould not interfere with transmission line maintenance, inspection, emergency response, or repair activities. In addition, storage must not lead to erosion.</td>
</tr>
<tr>
<td>Area</td>
<td>Yes/No</td>
<td>Issues</td>
<td></td>
</tr>
<tr>
<td>-----------------------------</td>
<td>--------</td>
<td>----------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Tennis Courts</td>
<td>No</td>
<td>Access for transmission line maintenance, inspection, and repair activities preclude this use.</td>
<td></td>
</tr>
<tr>
<td>Trails</td>
<td>Yes, but consent is required</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Trash Burners</td>
<td>No</td>
<td>For safety reasons, no flame, fire or flammable material is allowed.</td>
<td></td>
</tr>
<tr>
<td>Tree Farms</td>
<td>No</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Underground Structure</td>
<td>No</td>
<td>Other than &quot;other&quot; pipelines and related facilities (See Pipelines). Access for transmission line repair activities precludes this use.</td>
<td></td>
</tr>
<tr>
<td>Utilities - Crossing Perpendicular</td>
<td>Yes, but consent is required</td>
<td>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</td>
<td></td>
</tr>
</tbody>
</table>

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City of South Fulton I November 27, 2018
Poles, anchors or supports may not be located on the ROW.

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. 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) The crossing utility operator must pay for any protection or upgrading of the transmission line facilities, and a temporary relocation integrity issues. Activity must allow transmission line maintenance, inspection, emergency response, and repair activities to be conducted.
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. 5) Buried electric cables, splices should be discouraged within the ROW.

| Utilities - Running Parallel | No | 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. Easement agreements may not allow absolute prohibition of such encroachments. | 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 |
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.

| Utilities - Crossing Outside of Operator Easement | Yes, but consent is required | Where a utility crosses the transmission line on a public road, the utility | Adequate separation and interference protection with other utilities and |

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.
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. Engineering review by the transmission line company is required even if no consent is issued.

| Vaults | No | No structures are allowed because they interfere with transmission line emergency response, maintenance, inspection and repair |

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.
<table>
<thead>
<tr>
<th>Activities</th>
<th>Allowance</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wading Pools</td>
<td>No</td>
<td>Small, plastic &quot;kiddy&quot; type pools would be allowed. These types of portable pools are considered temporary and can be easily moved for transmission line activities if necessary.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No permanent structures are allowed because they interfere with transmission line emergency response, maintenance, inspection and repair activities.</td>
</tr>
<tr>
<td>Weighing Stations</td>
<td>No</td>
<td>No structures are allowed because they interfere with transmission line emergency response, maintenance, inspection and repair activities.</td>
</tr>
<tr>
<td>Wells</td>
<td>No</td>
<td>Drilling activity could damage transmission lines and lead to integrity issues.</td>
</tr>
<tr>
<td>Wrecking Yards</td>
<td>No</td>
<td>No structures are allowed because they interfere with transmission line emergency response, maintenance, inspection and repair activities.</td>
</tr>
</tbody>
</table>
34.5.11. **Burying of construction material.** No person shall bury unused, scrap, waste, excess or discarded construction material without the approval of a use permit for an inert waste landfill in accordance with article XIX. Any person who violates this provision shall be deemed guilty of a misdemeanor and subject to the provisions of article XXIX, Violation and Penalty.

34.5.12. **Wastewater pump and lift stations.** A minimum 50-foot buffer and 10-foot improvement setback shall be provided along all property lines adjacent to residentially and/or agriculturally zoned properties used for residential or public recreational purposes.

34.5.13. **South Fulton Greenway Trail Master Plan.** At the time of application for a land disturbance permit or building permit, development projects with frontage adjacent to roads identified on the South Fulton Greenway Trail Master Plan Map shall incorporate a multi-use path subject to the approval of the director of the environment and community development.

34.5.14. **Reserved.**

34.5.15. **Reserved.**

34.5.16. **Cluster mailboxes.**

A. **Applicable districts:**
1. All residential districts or districts with residential components when developed with residential units.

2. Non-residential districts and interior building cluster mailboxes are exempt from the design and location standards of this section.

3. Procedural standards are applicable to all cluster mailbox installations.

B. Procedural standards:

1. Prior to the submission of the preliminary plat, approval of the United States Postal Service (USPS) must be obtained and attached with the plat.

2. Where a final plat is recorded with a performance bond, the surety shall cover the cluster-style mailbox kiosk and the installation shall occur prior to any certificate of occupancy being issued for a residential structure shown on the plat.

3. Cluster-style mailbox kiosks shall be installed prior to the issuance of a certificate of occupancy for any residential structure that will be served by a cluster-style mailbox.

4. The cost of installation, including but not limited to box units, architectural elements, landscaping, concrete pad and concrete/masonry or stone sidewalk access, shall be borne by the developer.

5. Maintenance of the cluster-style mailbox kiosk, landscaping, trash can and surrounding areas shall be borne by the homeowners association (HOA) of the neighborhood/development. Where no HOA exists, maintenance and associated costs shall be the responsibility of the homeowners served by the cluster mailbox kiosk.

6. Cluster-style mailbox kiosks shall be exempt from the setback requirements of the zoning district; however all structures shall require a separate building permit and must meet or exceed all applicable building code.

C. Design standards:

1. All cluster-style mailbox units shall be incorporated into a cluster-style mailbox kiosk unless the cluster-style mailbox units are located interior to a building or as may be approved by the director.

2. Cluster-style mailbox kiosks shall be compatible with other streetscape elements and be architecturally enhanced with building materials and details typical of the architectural style of the neighborhood/development.

   a. Cluster-style mailbox kiosks shall be located away from any location where, by reason of the position, shape or color, it may interfere with, or obstruct the view of or be confused with any authorized traffic control device.
b. Provide a four-foot-wide impervious surface parallel to the kiosk and a roof overhang for a weather free standing location wherever the individual mailboxes are to be accessed.

c. Provide landscaping consistent with the landscape theme of the neighborhood/development.

d. Provide a trash receptacle at each clustered mailbox location.

e. Provide lighting.

3. Cluster-style mailbox kiosks shall have a base of a width not less than the width of the cluster mailbox structure itself.

4. Cluster-style mailbox kiosks shall have a minimum four-foot-wide concrete/masonry or stone access from the street and/or sidewalk.

5. Cluster-style mailbox kiosks shall provide access compliant with the Americans with Disability Act (ADA).

6. Cluster-style mailbox kiosks shall provide a paved area with ingress/egress to allow vehicles to pull off, park and re-enter the roadway safely while retrieving mail.

7. Cluster-style mailbox kiosks shall be located in areas that will best allow for vehicle parking. Parking layout is to be designed in a manor so as to not create pedestrian safety or vehicle safety issues as determined by the South Fulton Engineer.

8. Minimum required parking shall be required as follows:

<table>
<thead>
<tr>
<th>Cluster-style Mailbox Kiosk Off-street Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Activity</strong></td>
</tr>
<tr>
<td>Cluster-style Mailbox</td>
</tr>
<tr>
<td>---------------------</td>
</tr>
<tr>
<td>0—20</td>
</tr>
<tr>
<td>21—60</td>
</tr>
<tr>
<td>61—80</td>
</tr>
<tr>
<td>81—100</td>
</tr>
<tr>
<td>101 or more</td>
</tr>
</tbody>
</table>
9. Access drives and parking areas shall be constructed to South Fulton road standards or as approved by the director of the department.

D. Location standards:

1. The location of the cluster-style mailbox is to be approved by the City and by the USPS.

2. Cluster-style mailbox kiosks shall be prohibited from being located within the public right-of-way.

3. Clustered mailboxes shall be placed so as to not adversely affect the privacy of residents.

4. Cluster-style mailbox kiosks shall not be installed within a cul-de-sac bulb.

5. Cluster-style mailbox kiosks shall be located away from the intersection of any street and in no case closer than 75 feet measured from the street centerline in order to prevent obstruction of free and clear vision.

6. Clustered mailboxes shall be centrally located, offering easy pedestrian access to all residents. Cluster-style mailbox kiosks shall be located no more than one-fourth mile from the property line of those residents served by the cluster-style mailbox kiosk. Distance shall be measured as a radius drawn from the cluster-style mailbox kiosk.

7. No driveway or street access shall be constructed within five feet of a cluster-style mailbox kiosk and vice versa.

E. Address post:

1. Each residential one- or two-family dwelling shall have its address number posted on a mailbox or addressing post located at or near the main entrance or vehicle access point to the property.

2. The address post shall not exceed six inches by six inches in dimension.

3. One-third of the total length of the address post shall be buried in the ground and the address post shall be secured in the ground i.e. surrounded by concrete.

4. Such address numbers shall have a minimum stroke height of three inches and shall be a color that contrasts with the surrounding surface so as to be readily identifiable.

5. Such numbers shall have a minimum one-half inch between numbers.

6. Address numbers shall not be placed within 18 inches of the ground.

7. Address numbers must be clearly visible on both sides of the post, and shall face the direction of traffic.
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.
34.7. **Cemeteries.** In a parcel with a cemetery, burial ground, human remains or burial object(s), there shall be no land disturbing activity or timbering unless approved by the Department of Community Development. The person or entity seeking a permit shall also comply with O.C.G.A. § 36-72-4. If a parcel is adjacent to a cemetery, there shall be no land disturbance in that parcel unless approved by the Department of Community Development.

The following development standards shall be required as a part of the application process for a land disturbance permit or building permit on any parcel with a cemetery or on any parcel adjacent to a cemetery:

A. A report prepared by an archeologist determining the boundary of the cemetery and stating the number of graves believed to be present and their location as can be determined from the use of minimally invasive investigation techniques, including remote sensing methods and the use of metal probes.

B. A survey of the cemetery prepared by or under the direction of a registered surveyor showing the location of the boundaries of the cemetery or burial ground based on an archeologist’s report.

C. A 25-foot natural undisturbed buffer with a 10-foot improvement setback shall be provided around the perimeter of the outermost burials, as determined by an archeologist, if a cemetery is located on the parcel of land to be developed. If a cemetery is adjacent to the parcel to be developed, a 25-foot natural undisturbed buffer with a 10-foot improvement setback shall be provided along common property lines on the parcel where the land disturbance permit or building permit is being sought.

D. A temporary tree protection fence shall be installed on the outer perimeter of the 25-foot undisturbed buffer before any land disturbing activity occurs. If the cemetery is located on an adjacent parcel, the tree protection fence shall be located along common property lines. The temporary tree protection fence shall remain in place until construction is completed.

E. A permanent 6-foot high fence or wall with a gate shall be constructed along the perimeter of a cemetery on a parcel for which land disturbing activity is sought. The fence shall be constructed of a durable metal material. At minimum, fence shall be black vinyl clad chain-link. Uncoated chain-link fence is prohibited. The location of the fence shall be as determined by an archaeologist. If the cemetery is located on an adjacent parcel, the fence shall be located interior to the required buffer and improvement setback or along the common property line(s) as may be approved by the South Fulton Arborist. The gate shall have a latch and be 4 feet wide if the cemetery is inactive or 10 feet wide if active.

F. Uninhibited daylight access to the cemetery shall be provided via a 20-foot graveled easement to the cemetery from the nearest public road. The easement shall be recorded in the South Fulton Courthouse.
G. A maintenance plan for a cemetery located on the parcel for which a land disturbance permit or building permit is sought shall be developed and implemented.

H. The location of a cemetery, as identified by the surveyor, shall be included on the recorded plat.

I. A small plaque/marker with the name of the cemetery, range of burials and any other historical information may be placed on the cemetery fence.

ARTICLE XIII. - A-1 APARTMENT DWELLING DISTRICT REGULATIONS

1. - [Article applicable to A-1 district.]

The regulations set forth in this article, or set forth elsewhere in this resolution when referred to in this article, are the regulations in the A-1 District. (See article XIX)

2. - Use regulations.

A building or premises shall be used only for the following purposes:

A. Any use permitted in the R-1 Single Family Dwelling District.

B. Two family dwelling.

C. Multiple dwelling.

D. Rooming house and boardinghouse.

E. Institutions of a religious, educational, eleemosynary or philanthropic nature, but not penal or mental institutions. (These uses are contingent upon compliance with article XIX — Additional Use Regulations.)

F. Hospital, except a criminal, mental or animal hospital, (These uses are contingent upon compliance with article XIX — Additional Use Regulations.)

G. Private club, fraternities, sororities and lodge, excepting those the chief activity of which is a service customarily carried on as a business. (These uses are contingent upon compliance with article XIX — Additional Use Regulations.)

H. Accessory use or building and uses customarily incidental to any of the above uses, including as follows:

(1) Single family and two family dwellings: Accessory buildings that are not a part of the main structure shall be located in the rear yard not less than ten feet from the main building nor less than five feet from any side or rear yard.

(2) Multiple family dwellings and other uses: All accessory buildings shall be located in the rear yard and not nearer to any lot line than the distance prescribed for side and rear yards.

(3) Swimming pools may be located within the buildable area of any tract or parcel of land used for multiple family dwelling purposes, provided that when located on property adjacent to single family or two family dwelling districts, such pools, including their enclosed areas, shall not be located
within 150 feet thereof. Provided, however, when swimming pools are located so as to be screened from such districts by a multiple family dwelling greater in length by a minimum of 20 feet on each end of the enclosed area of such pools, said distance of 150 feet shall not be required.

3. - Off-street parking regulations. (Superseded by article XVIII)

1. **Location of parking spaces and driveways on the lot:**

   (a) Off-street parking shall be provided in the rear yard or within that portion of the side yard lies between a main building and the side lot line.

   (b) Except at points where they provide ingress and egress to a property, development, or parcel of land, driveways may not be located nearer than ten feet to any lot line which abuts a single family or two family dwelling district nor nearer than four feet to any other lot line.

2. **Parking space requirements:** Parking spaces on the lot with adequate access to a public street and with adequate circulation space shall be constructed of a material which will assure a surface resistant to erosion and maintained permanently follows:

   (a) **Multiple dwellings:** One and one-half tenant parking spaces for each dwelling unit, plus one visitor parking space for ever four units, rounded to the next highest whole number of spaces.

   (b) **Single family and two family dwellings:** Two parking spaces for each dwelling unit.

   (c) **Fraternities or sororities:** One parking space for every three beds contained in the structure.

   (d) **Rooming house and boardinghouse:** One parking space for every two guest rooms contained in the structure.

   (e) **Private club or lodge:** One parking space for every five active members.

   (f) **Hospitals or institutions:** One space for ever four beds, plus one space for each staff or visiting doctor (based on the average number), plus one space for every two employees, including nurses.

   (g) **Professional office or studio of a physician, dentist, artist, musician, lawyer, architect or teacher in his place of abode:** Parking space with adequate ingress and egress from a public way, place or street equal to twice that area within the structure which is devoted to such office or studio, but in no instance less than two parking spaces.

   (h) **Schools and public buildings:** One parking space for every ten seats in the auditorium or similar places of public assembly.

   (i) **Government buildings:** One parking space for every 200 square feet of floor area (excluding storage area) plus one space for every two persons employed in an accessory use.
4. Height regulations. No building shall exceed three stories or 45 feet.

5. Area regulations.

1. Front yard:
   (a) Single family and two family dwellings: There shall be a front yard having a depth of not less than 40 feet.
   (b) Multiple dwellings and other uses: There shall be front yard having a depth of not less than 40 feet.

2. Side yard:
   (a) Single family and two family dwellings: There shall be two side yards, one on each side of the building, having a combined width of not less than 15 feet; provided, however, that no side yard shall be less than seven feet in width.
   (b) Multiple dwelling and other uses:
       (1) Where multiple dwelling districts abut single family and two family districts, there shall be two side yards, one on each side of the building each having a width of not less than 25 feet.
       (2) Where multiple dwelling districts do not abut single family and two family districts, there shall be two side yards, one on each side of the building, having a combined width of not less than 25 feet provided, however, that no side yard shall be less than ten feet in width.
       (3) Where a lot is located at the intersection of two or more streets, the width of the yard along the side street shall be not less than 25 feet.

3. Side yard:
   (a) Single family and two family dwellings: There shall be a rear yard having a depth of not less than 25 feet.
   (b) Multiple dwellings and other uses: There shall be a rear yard having a depth of not less than 25 feet, provided, that when a rear yard abuts a single family district and is used for multiple dwelling purposes, the rear yard shall be not less than 75 feet.

4. Lot area per family: Every dwelling shall be located upon a lot having the following minimum size:
   (a) Single family dwelling: Every lot shall have a frontage of not less than 85 feet and an area of not less than 12,000 square feet, however, in no case shall lot frontages and lot areas be required which are larger than those required by zoning standards established in the nearest single family dwelling district.
Two family dwellings: Every two family dwelling shall be located upon a lot having a frontage of not less than 85 feet and an area of not less than 10,000 square feet, however, in no case shall lot frontages and lot areas be required which are larger than those required by the zoning standards established in the nearest single family dwelling district.

Multiple dwellings: Multiple dwellings shall be located upon a lot having a frontage of not less than 100 feet and an area of not less than 2,250 square feet per family.

Where a lot has less area or width than herein required and was of record at the time of the effective date of this resolution, that lot may be used for a single family dwelling, for a two family dwelling, or for the other nondwelling uses permitted in this article.

Residential floor area resolutions.

1. Each efficiency or studio apartment shall have a floor area of not less than 450 square feet.

2. Each multiple dwelling other than efficiency or studio apartments shall have a floor area of not less than 600 square feet per dwelling unit.

3. Each two family dwelling shall have a minimum floor area of 1,000 square feet per dwelling unit.

4. Each single family dwelling shall have a minimum floor area of 1,100 square feet.

Lot coverage.

Maximum coverage of the lot by buildings, including accessory buildings, shall be 30 percent of the gross lot area.

Buffer screen.

The developer shall provide a buffer screen beginning at the building line and extending along any side or rear property line which abuts a single family or two family district when an A-1 District is used for any purpose other than one or two family dwellings.

Definition:

Buffer screen: Superseded by article III, Definitions. A permanent fence, wall, or evergreen planting screen which will interrupt vision between adjacent properties. A buffer screen shall be at least six feet high except that initially an evergreen planting screen may be less than six feet if plants are provided which will ultimately attain a height of six feet or more. (Note: If grouped in proximity, such plants as Pinus Strobus (White Pine); Prunus Caroliniana (Cherry Laurel); ligustrum Licydum (Ligustrum); Elaeagnus Pungens (Elaeagnus); and Ilex Crenta Burfordi (Burfordi Holly) will grow to form a hardy screen thick enough and high enough to interrupt vision and to effectively reduce the transmission of sound.)
ARTICLE XIII-A. - A-O APARTMENT-OFFICE DISTRICT REGULATIONS

1. - [Article applicable to A-O District.]

The regulations set forth in this article, or set forth elsewhere in this resolution when referred to in this article, are the regulations in the A-O District Regulations (See article XIX).

(a) Intent: These regulations are designed to apply to land so located that it is readily adaptable to commercial development but where proximity to residential, public, or other land uses, and its relationship to existing and projected traffic patterns, make it desirable to limit the extent of commercial and residential operations.

2. - Use regulations.

A building or premises shall be used only for the following purposes:

1. Any use permitted in the A-1 Apartment Dwelling District but not including single family dwelling, two family dwelling, agriculture, horticulture and general farming as provided in article VII, section 2, paragraph 7, and fraternities or sororities containing sleeping accommodations.

2. Apothecary shop as an accessory retail use within a building without exterior advertising display, provided that only drugs, prescription medicines, medicinal supplies and pharmaceutical products shall be sold.

3. Assembly halls, gymnasiums, stadiums, and similar structures operated on a nonprofit basis.

4. Automobile parking garages and lots (commercial) provided that portions of open parking lots abutting dwelling districts are separated therefrom by a planted area 25 feet or more in width measured from the property line.

5. Churches and temples.

6. Clinics, medical, dental, chiropractic, osteopathic and similar operations, but not including a practice of veterinary medicine.

7. Colleges, universities, business colleges, music conservatories, dancing schools and similar institutions, public or private, all without students in residence.

8. Community center buildings, and other similar facilities operated on a nonprofit basis.

9. Financial establishments, such as banks, loan companies, insurance companies.

10. Government buildings: buildings used exclusively by the federal, state, county, or city governments for public purposes but not including repair garages, repair or storage yards for material, vehicles or equipment, warehouses, buildings and other facilities having commercial or industrial
characteristics, and buildings used or intended to be used as correctional or penal institutions.

11. Incidental accessory retail uses such as cafeterias, gift shops, flower shops, snack bars, barber shop, beauty shop, tailor sho, radio-TV shop, and repair shoe shop, conducted for the convenience of the employees, patients, patrons, or visitors on the premises wholly within the principal buildings and without exterior advertising display.

12. Libraries, museums, and art galleries.

13. Office buildings: governmental and private office buildings, including professional offices in which no retail trade activity is carried on with the general public and no stock of goods is maintained for sale to the general public, except as permitted in an accessory use.

14. Signs:

(a) Professional or announcement sign, illuminated indirectly, not more than 20 square feet in area mounted flat to the wall on the main building freestanding but situated no nearer to the street line than one-half the distance between the street line and the building line on the main building on the lot;

(b) A temporary, unilluminated real estate sign not over 12 square feet in area pertaining only to the sale, lease, or rent of the property upon which the sign is located, provided the sign shall be mounted or displayed behind the building set-back line of the lot;

(c) A church or institutional bulletin board or sign, not more than 12 square feet in area, illuminated indirectly, used to display the name and/or activities of the church or institution, situated no nearer to the street line than one-half the distance between the street line and the building line of the main building on the lot;

(d) Lettering, illuminated indirectly, attached to or built into the front wall of the main building or assembly halls, churches, colleges and universities, community centers, government buildings, hospitals, libraries, museums, office buildings and schools, for the purpose of displaying the name and/or address of the facility upon which such lettering is affixed.

15. Accessory building and uses customarily incident to the above listed uses. Any building used primarily for any of the above enumerated uses may have not more than 25 percent of the floor area devoted to storage purposes incidental to such primary use.

3. Off-street parking and loading area regulations (Superseded by article XVIII)

1. Location of parking and loading areas on the lot:

(a) The required off-street parking and loading area shall be provided in the rear yard or within that portion of the side yard which lies between the main building and the side lot line.
No off-street parking space shall be provided within 25 feet of any lot which abuts a dwelling district.

2. **Provision of required parking area on remote lots:** The required parking area may be located on the lot with the principal use or on a lot separated therefrom by not more than 300 feet along a directly accessible walkway.

3. **Joint use of off-street parking areas:** One-half of the off-street parking area required for any permitted use in this district, not including multiple dwellings, may be counted toward the parking requirements or the following uses, provided the uses sharing such parking areas are not normally open, used or operated during the principal operation hours of these uses:
   
   (a) Auditorium.
   
   (b) Assembly halls.
   
   (c) Churches.
   
   (d) Gymnasiums.

4. **Minimum requirements for off-street parking and loading:**
   
   (a) Rooming house, boardinghouse, and professional office in place of abode; same as those in A-1 Apartment Dwelling District.
   
   (b) Multiple dwelling; 1½ spaces for every dwelling unit.
   
   (c) Hospitals or institutions: one space for every four beds, plus one space for each staff or visiting doctor (based on the average number), plus one space for every two employees, including nurses.
   
   (d) Clinics and offices of doctors, dentists, osteopaths and similar offices; five spaces for every doctor plus one for every two employees.
   
   (e) Auditoriums, assembly halls, churches, gymnasiums, stadiums, libraries, museums, art galleries, private club or lodge, one space for each four fixed seats in the largest assemble room or facility or for each 35 square feet of enclosed floor area used for accommodation of movable seats in the largest assembly room, whichever is greater, plus one space for each 100 square feet of ground area used for assembly.
   
   (f) Government buildings, financial establishments, and office buildings other than clinics and offices for doctors, dentists, etc., one space for every 200 square feet of floor area (excluding storage area) plus one space for every two persons employed in an accessory use.
   
   (g) Schools.
      
      (1) Public or private elementary, and special schools without students in residence; two spaces for every classroom.
      
      (2) Public or private high; four spaces for every classroom.
      
      (3) Public or private colleges, music conservatories, dancing schools, universities, business colleges, one space for every
200 square feet of floor area.

(4) School auditorium assembly halls, stadiums, gymnasiums, same as subsection (e) above.

(h) Accessory retail uses; one space for every two employees

(i) One loading space on the lot shall be provided for each 15,000 square feet of area, or fraction thereof in excess or 5,000 square feet, devoted to uses requiring the receipt of distribution of material or merchandise by auto vehicle.

(j) No lot shall have more than two curb breaks per 100 feet of frontage. No curb break shall exceed 30 feet in width. Curb breaks shall be not less than 25 feet from the intersection of two or more curb lines, as measured along one of the said curb lines.

4. - Height regulations.

1. Buildings intended for multiple dwelling use shall not exceed three stories or 45 feet.

2. Buildings intended for nondwelling use shall not exceed four stories or 60 feet in height except as or may be provided in this resolution. This limitation may be exceeded by special permit as provided in article XIX in specific building and site plans are reviewed and approved by the commissioners of roads and revenues subsequent to public hearing and recommendation of the Atlanta-South Fulton Joint Planning Board. Such approval shall follow investigation and finding that the proposed building:

(a) Will provide adequate open space and off-street parking facilities, and

(b) Will not adversely affect the privacy of adjoining uses and that screened buffer areas will provide separation from any adjoining single family residences.

5. - Area regulations.

1. Multiple dwellings shall conform to the following requirements:

(a) **Front yard:** The front yard regulations shall be the same as those in the A-1 Apartment Dwelling District.

(b) **Side yard:** The side yard regulations shall be the same as those in the A-1 Apartment Dwelling District.

(c) **Rear yard:** The rear yard regulations shall be the same as those in the A-1 Apartment Dwelling District.

(d) **Lot area per family:** The lot area per family shall be the same as those in the A-1 Apartment Dwelling District.

(e) **Lot coverage:** Maximum coverage of the lot by buildings including accessory buildings) shall be 35 percent of the gross lot area.
2. Nondwelling uses shall conform to the following requirements:

(a) Front yard: The front yard regulations shall be the same as those in the A-1 Apartment Dwelling District.

(b) Side yard: The side yard regulations shall be the same as those in the A-1 Apartment Dwelling District.

(c) Rear yard: The rear yard regulations shall be the same as those in the A-1 Apartment Dwelling District.

(d) Lot area per family: Lot area per family shall be the same as those in the C-1 Commercial District.

(e) Lot coverage: Maximum coverage of the lot by buildings (including accessory buildings) shall be 40 percent of the gross lot.

6. Residential floor area regulations.

The residential floor area regulations for multiple dwellings shall be the same as those in the A-1 Apartment Dwelling District.

ARTICLE XII-A - TR TOWNHOUSE RESIDENTIAL DISTRICT

1. Intent of the district.

A. This district encompasses lands devoted to residential uses having both single and multifamily characteristics. The intent of this district is to provide standards for low density dwellings which will:

1. Encourage the provisions of usable open and recreation areas and desirable living environment;

2. Be located primarily in areas near or adjacent to single family use areas;

3. Be located so as to provide transition between single family use areas and higher density dwelling areas and/or commercial areas;

4. Be located near such services as retail shopping and major thoroughfares and collector streets; and

5. Encourage home ownership.

B. The regulations set forth in this article, or set forth elsewhere in this resolution when referred to in this article, are the regulations of the TR Townhouse Residential District (see articles XIX, XX and XXI).

C. An application for rezoning to TR Townhouse Residential District shall be supported by a site plan for the proposed development.

D. Approval of plans for drainage, sewerage, driveways, and parking areas by the department of planning and community development shall be required prior to the issuance of building permits.

E. Construction shall conform to the overall site plan and detailed engineering plans as approved by planning and community development.
2. - Use regulations.

A building or premises shall be used only for the following purposes.

1. Single family dwelling.
2. Two family dwelling.
3. Townhouses: As defined in article III, section 1, 56(b).
4. Accessory uses or buildings customarily incidental to any of the above uses as follows:
   
   (a) Single family and two family dwellings: Accessory uses and buildings that are not a part of the main structure shall be located in the rear yard or in the side yard, and shall not be less than ten feet from any side or rear lot line.
   
   (b) Townhouses:
       
       (1) All accessory buildings shall be located not nearer to any perimeter lot line than the distance prescribed for side and rear yards.
       
       (2) Unenclosed recreational facilities, except swimming pools, may be placed within any required side or rear yard, provided that any such use shall not be permitted nearer to any perimeter lot line than 30 feet.
       
       (3) Swimming pools: Provided that no swimming pool may be placed nearer than 30 feet to any rear or side lot line, nor nearer than 50 feet to any public street line. Provided further that when located adjacent to a single family residential district, such pools shall not be located within 150 feet thereof, except in cases when located so as to be screened from single family dwelling district by a townhouse dwelling, or an accessory structure greater in length by a minimum of 20 feet on each side of such pool(s), the distance of 150 feet shall not be required. A fence of minimum height of five feet shall be provided around the perimeter of all swimming pools.
       
       (4) Stacked flats, with approval of special use permit, pursuant to article XIX, Additional Use Regulations.

3. - Off-street parking regulations.

1. Location of parking and driveways:

   (a) No off-street parking shall be permitted in any front yard. On a corner property, no off-street parking shall be permitted within the side yard between the buildings and the adjacent street frontage.
   
   (b) No off-street parking or driveways shall be located within ten feet of any perimeter lot line.
   
   (c) Driveways serving more than two parking spaces shall provide an adequate turn-around space.

2. Parking space requirements:
Single family and two family dwellings: Two off-street parking spaces for each dwelling unit.

Townhouse dwellings: Two off-street parking spaces for each dwelling unit, plus one visitor parking space for every four units or fraction thereof. Each visitor parking space shall be located in the proximity of the units it serves.

4. - Building regulations.

1. For single family, two family and townhouse dwellings: No building or structure shall exceed 35 feet in height.

2. For townhouse residential development:

(a) No more than 20 townhouse dwelling units shall be permitted to form a single building.

(b) No more than three contiguous townhouse dwellings which form a part of a single building shall have the same front setback or roof line. Said setback and roof line shall be varied by a minimum of two feet.

(c) Sidewalks shall be provided for each townhouse pedestrian access throughout the entire development.

(d) Driveways serving more than six units shall be paved to a minimum width of 30 feet.

5. - Area regulations.

1. For single family and two family dwellings:

(a) Front yard: There shall be a front yard having a depth of not less than 40 feet.

(b) Side yard: There shall be two side yards, one on each side of the building of not less than ten feet. Where a lot is located at the intersection of two or more streets, the width of the yard along the side street shall not be less than 20 feet. No accessory building or portion thereof shall be located within the required yard area along any street.

(c) Rear yard: There shall be a rear yard having a depth of 25 feet.

(d) Lot area per family: Every dwelling shall be located on a lot having a frontage of 90 feet at the building setback line and containing the following areas:

1. Eleven thousand square feet for a single family dwelling (90’ × 122’).

2. Fifty-five hundred square feet per family for a two family dwelling (99’ × 112’).

2. For townhouse residential developments:
(a) **Density:** A Townhouse Residential Development shall not exceed nine dwellings units per gross acre (4,480 square feet per family unit).

(b) **Size of development site:** The minimum size of the site to be developed for townhouse residential use shall be two acres, with 100 feet of frontage. (Z-80-38 FC — App. 4-2-80).

(c) **Yard requirements:**

1. **Front yard:** There shall be a front yard of not less than 40 feet.

2. **Side yard:** There shall be two side yards of not less than 30 feet on each side provided, however, where a side yard abuts a single family dwelling district, the side yard shall not be less than 40 feet.

3. **Corner setback:** Where a lot, tract, or parcel of land is located at the intersection of two streets, the width of the yard along the side street shall not be less than 40 feet provided, however, that when such property lies adjacent to a single family dwelling district, the yard requirement along the side street shall be the same as prescribed or established for the front yard of the adjacent single family dwelling district. In no case shall such yard be less than 40 feet.

4. **Rear yard:** There shall be a rear yard along the rear lot line of not less than 35 feet provided, however, when a rear yard abuts a single family dwelling district and is used for townhouse dwellings, the rear yard

(d) **Buffers:** In addition to the above setback requirements, a buffer zone may be required along any perimeter lot line, or portion thereof, in order to provide privacy and separation between adjoining properties. Property with such buffer areas may be included within the lot area for density and lot coverage purposes.

6. - Residential floor area regulations.

1. Each single family dwelling shall have a minimum ground floor area of 1,200 square feet if less than two stories.

2. Each single family dwelling of two stories in height shall have a minimum ground floor area of 900 square feet, and a total minimum floor area of 1,320 square feet.

3. Each two family dwelling shall have a minimum floor area of 900 square feet and a minimum ground floor area of 900 square feet if two stories in height.

4. Each townhouse dwelling unit shall have a minimum floor area of not less than 1,100 square feet.

(a) Each townhouse unit shall have a minimum width of 20 feet.

(b) Private, usable open space, such as balconies, sundecks, patios, etc. shall be provided contiguous to each dwelling unit. The area of such open space provided for each unit shall not be less than ten percent of the floor
area of the unit served. The location and number of square feet shall be clearly indicated on the site plan.

7. - Screening garbage and storage areas. (Superseded by article IV)

All exterior garbage, incinerators, or other outside storage areas shall be screened by a solid enclosure of not less than four feet in height.

8. - Townhouse Residential open space requirements.

1. Open space requirements for Townhouse Residential buildings shall be as follows:

   (a) The minimum distances between buildings, when so arranged shall be as follows:

<table>
<thead>
<tr>
<th>Distance Description</th>
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<tbody>
<tr>
<td>Front to Front</td>
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<tr>
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<tr>
<td>Rear to Rear</td>
<td>50 feet</td>
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<tr>
<td>Front or Rear to Side</td>
<td>40 feet</td>
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<tr>
<td>Side to Side</td>
<td>40 feet</td>
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</tbody>
</table>

   (b) Where unusual and uncommon conditions of topography or configuration of the property exist, the planning board may permit a departure from the above prescribed distances between buildings, provided such departure shall not diminish the required distances by more than 50 percent.

2. Common open space and facilities: Deleted 6/6/73 — Z-73-75 FC

APPENDIX A - (INACTIVE)

SUB A SUBURBAN A SINGLE FAMILY DWELLING DISTRICT

1. - SUB A District intent and scope.

Regulations set forth in this article are the SUB A District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative or use permit. The SUB A District encompasses lands devoted to residential use areas of one or fewer dwellings per acre and closely related uses.

2. - Use regulations.
2.1 Permitted uses. A building or property may be used for only the following purposes:

A. Single family dwelling.

B. Agriculture, general and specialized farming, initiated prior to March 7, 1990, including: horticulture, plant nursery, greenhouse, dairy farming, and truck gardening, provided that buildings used for agricultural purposes shall not be located nearer than 200 feet to any side or rear lot line and provided that produce is not offered for sale on the premises.

2.2 Accessory uses. A building or lot may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.

3. - Development regulations.

3.1 Height regulations. Buildings shall be no higher than 35 feet or 2½ stories, whichever is higher.

3.2 Area regulations.

A. Minimum front yard: 60 feet.

B. Minimum side yard:
   — 15 feet adjacent to interior lines.
   — 30 feet adjacent to streets.

C. Minimum rear yard: 40 feet

D. Minimum lot area: one acre

E. Minimum lot width: 150 feet

F. Minimum lot frontage: 35 feet

G. Minimum heated floor area: 1,200 s.f. for less than two story.
   1,320 s.f. for two story or more than two story with 900 s.f. on ground floor

I. Minimum accessory structure requirements: Accessory structures may be located in rear or side yards, but shall not be located within a minimum yard.

4. - Other regulations.

The headings below contain provisions applicable to uses allowed in the SUB A District.

Development regulations. Article XXXIV

Exceptions. Section 4.3

Floodplain management. Section 4.24

Off-street parking and loading. Article XVIII
SUB B SUBURBAN B SINGLE FAMILY DWELLING DISTRICT

1. - SUB B District scope and intent.

Regulations set forth in this article are the SUB B District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative or use permit. The SUB B District encompasses lands devoted to residential use areas of one or fewer dwellings per acre and closely related uses.

2. - Use regulations.

2.1 Permitted uses. A building or property may be used for only the following purposes:

A. Single family dwelling.

B. Agriculture, general and specialized farming, initiated prior to March 7, 1990, including: horticulture, plant nursery, greenhouse, dairy farming, and truck gardening, provided that buildings used for agricultural purposes shall not be located nearer than 200 feet to any side or rear lot line and provided that produce is not offered for sale on the premises.

2.2 Accessory uses. A building or lot may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.

3. - Development regulations.

3.1 Height regulations. Buildings shall be no higher than 35 feet or 2½ stories, whichever is higher.

3.2 Area regulations.

A. Minimum front yard: 60 feet.

B. Minimum side yard:

— 15 feet adjacent to interior lines.

— 30 feet adjacent to streets.

C. Minimum rear yard: 40 feet.

D. Minimum lot area:

One acre.
Ten acres for poultry.

Five acres for kennel.

E. Minimum lot width: 150 feet.

F. Minimum lot frontage: 35 feet.

G. Minimum heated floor area: 850 s.f. on ground floor.

H. Minimum accessory structure requirements:

Accessory structures may be located in rear or side yards, but shall not be located within a minimum yard.

4. - Other regulations.

The headings below contain provisions applicable to uses allowed in the SUB B District.

Development regulations. Article XXXIV

Exceptions. Section 4.3

Floodplain management. Section 4.24

Off-street parking and loading. Article XVIII

Outside storage. Section 4.2

Landscape area and buffer regulations. Section 4.23

River protection. Metropolitan River Protection Act

Signs. Article XXXIII

SUB C SUBURBAN C SINGLE FAMILY DWELLING DISTRICT

1. - SUB C District scope and intent.

Regulations set forth in this article are the SUB A District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative or use permit. The SUB C District encompasses lands devoted to residential use areas of two or fewer dwellings per acre and closely related uses.

2. - Use regulations.

2.1 Permitted uses. A building or property may be used for only the following purposes:

A. Single family dwelling.
B. Agriculture, general and specialized farming, initiated prior to March 7, 1990, including: horticulture, plant nursery, greenhouse, dairy farming, and truck gardening, provided that buildings used for agricultural purposes shall not be located nearer than 200 feet to any side or rear lot line and provided that produce is not offered for sale on the premises.

2.2 Accessory uses. A building or lot may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.

3. Development regulations.

3.1 Height regulations. Buildings shall be no higher than 35 feet or 2 1/2 stories, whichever is higher.

3.2 Area regulations.
A. Minimum front yard: 50 feet.
B. Minimum side yard:
   Ten feet adjacent to interior lines.
   20 feet adjacent to streets.
C. Minimum rear yard: 35 feet.
D. Minimum lot area: 18,000 s.f.
E. Minimum lot width: 100 feet.
F. Minimum lot frontage: 35 feet.
G. Minimum heated floor area: 1,000 s.f. on ground level for less than two story. 1,100 s.f. for two story or more than two story dwelling with 850 s.f. on ground floor.
H. Minimum accessory structure requirements: Accessory structures may be located in rear or side yards, but shall not be located within a minimum yard.

4. Other regulations.

The headings below contain provisions applicable to uses allowed in the SUB C District:

Development regulations. Article XXXIV
Exceptions. Section 4.3
Floodplain management. Section 4.24
Off-street parking and loading. Article XVIII
Outside storage. Section 4.2
Landscape area and buffer regulations. Section 4.23
River protection. Metropolitan River Protection Act

Signs. Article XXXIII
SUBJECT: Ord2018-049 Adopting Subdivision Regulations as Appendix D

DATE OF MEETING: 11/27/2018

DEPARTMENT: Attorney

ATTACHMENTS:

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<tr>
<th>Description</th>
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<tr>
<td>Ord2018-049 Subdivision Regulations Appendix D</td>
<td>Cover Memo</td>
<td>11/21/2018</td>
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</table>
STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON

ORDINANCE NO 2018-049

A ORDINANCE ADOPTING THE CITY OF SOUTH FULTON SUBDIVISION
REGULATIONS AS APPENDIX D TO THE CITY CODE OF ORDINANCES AND FOR
OTHER LAWFUL PURPOSES

(Sponsored by Councilmembers Gilyard and Rowell)

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly
organized and existing under the laws of the State of Georgia;

WHEREAS, the duly elected governing authority of the City is the Mayor and
Council thereof ("City Council");

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

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

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

Section 1: The City hereby adopts the City of South Fulton Zoning Subdivision
Regulations attached hereto, which shall be Appendix D to the City's Code of Ordinances.

*************************

Section 2. It is hereby declared to be the intention of the Mayor and Council that: (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.

(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 Resolution.
(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 the Ordinance.

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

Section 4. 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 clerk.

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

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

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<thead>
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<th>AYE</th>
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<tr>
<td>William “Bill” Edwards, Mayor</td>
<td>_____________</td>
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<tr>
<td>Mark Baker, Mayor Pro Tem</td>
<td>_____________</td>
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<tr>
<td>Catherine Foster Rowell</td>
<td>_____________</td>
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<td>Carmalitha Lizandra Gumbs</td>
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<td>Helen Zenobia Willis</td>
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<td>Rosie Jackson</td>
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</table>
THIS RESOLUTION adopted this ________ day of ________2018. CITY OF SOUTH
FULTON, GEORGIA.

“SECOND READING”

________________________
WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

________________________
MARK MASSEY

APPROVED AS TO FORM:

________________________
EMILIA C. WALKER, CITY ATTORNEY
SUBDIVISION REGULATIONS

SOUTH FULTON, GEORGIA CODE OF ORDINANCES

APPENDIX D

Adopted [Enter Adoption Date]

ARTICLE I

TITLE AND PURPOSE

1.1 TITLE

The title of these regulations shall be known as “The Subdivision Regulations of South Fulton, Georgia.”

1.2 PURPOSE

These rules and regulations are intended to serve the following purposes, among others:

A. To protect and promote the health, safety, and general welfare of the residents of Fulton County.

B. To encourage economically sound and stable land developments.
C. To assure the adequate provision of roads, access, utilities, and other facilities and services to new land developments in conformance with public improvement standards and regulations of Fulton County, Georgia.

D. To assure the adequate provision of safe and convenient traffic access, connectivity to other developments or facilities, and efficient circulation (both vehicular and pedestrian) in new land developments.

E. To assure the provision of needed open space and building sites in new land developments through dedication or reservation of land for recreational, educational, environmental, green space, bikeways and pedestrian trails, and other public purposes.

F. To assure equitable handling of all requests for the subdivision of land by providing uniform procedures and standards for the subdivider.

ARTICLE II

AUTHORITY AND APPLICATION

The subdivision rules and regulations are adopted under the authority of Article IX, Section II, Paragraph IV and Article IX, Section II, Paragraph I of the 1983 Constitution of the State of Georgia.

21 Any subdivider of land within the City shall submit to the Director of the Department of Community Development Services a minor or final plat. Minor and final plats must be properly filed and conform to all requirements set forth in these regulations.

22 No person, firm, corporation, owner, agent or subdivider shall sell, transfer or agree to sell any subdivided land without the minor or final plat of that subdivision having been confirmed by the City.

23 No subdivider shall proceed with any construction work on the proposed subdivision, including clearing, grading or grubbing, before obtaining the appropriate approvals and permits.

24 No land shall be dedicated, opened, extended or accepted as a public street or for any other public purpose before obtaining final approval from the Director of Community Development Services and confirmation by the City Council. The approval shall be entered in writing on the Final Plat by the Director. Any subdivider of property for public purpose (other than roads) shall be transferred by deed.

25 No building permit shall be issued within the City unless legal access is provided to a public street or a private street approved under the terms of these rules and regulations.
In residential subdivisions, building permit shall not be issued for any approved minor plat or final plat until after the approval of the Director and City Council confirmation.

The divisions of property by court order, including but not limited to judgments of foreclosure or consolidation and disbursement of existing lots by deed or other recorded instruments, shall not be considered a subdivision for purposes of, and shall not obviate the necessity for compliance with, these regulations.

The subdivider shall be allowed one (1) building permit for a model home for each fifteen (15) lots located in the proposed subdivision, provided the subdivider provides an Agreement to Install Improvements Form and a cash surety equal to 125% of the cost for the remaining infrastructure improvements, based on written estimates by the design professional for the project. Notwithstanding the permitted rate for model homes, the maximum number of building permits for model homes to be allowed in any one subdivision shall not exceed 10.

The following shall apply for lots where model homes are allowed:

A. The lots shall be located within 300 feet of an active fire hydrant;

B. Main sewer and water lines for these lots shall be installed by the developer and be subject to review and approval by the City, installation of these lines shall take place prior to issuance of the Certificate of Occupancy; and

C. The lots shall have a minimum of twenty (20) foot wide fire access road extending from a paved public street to within 100 feet of the proposed structure.

ARTICLE III
DEFINITIONS

3.1 PURPOSE

Words not defined herein shall be construed to have the meaning given by Webster’s New Collegiate Dictionary, tenth edition.

3.2 DEFINITIONS

Unless otherwise expressly stated, the following terms shall have the meaning herein indicated.

Alley or Service Drive - A minor, permanent vehicular service access to the back or the side of properties otherwise abutting a street.
**Amenity** - Means the common areas, structures, buildings, improvements, and facilities that are owned or maintained by the homeowners association in a common interest within a subdivision. Amenities include, but are not limited to, recreation facilities, parking areas, driveways, private roads, common landscapes, drainage structures, and other common property.

**Bike Paths** - These paths serve to separate bicycle riders from vehicle and pedestrian traffic. Bike paths can meander through wooded areas, traverse the edge of open areas, and may (in many instances) parallel existing roadways or walks.

**Block** - A parcel of land or lots entirely surrounded by public or private roads, other than alleys.

**City** - The City of South Fulton, Georgia.

**City Council** - City Council of South Fulton, Georgia.

**Buildable Area** - That portion of a lot where buildings and specified structures may be located after all minimum yards, buffers, landscape strips, and other setbacks have been met.

**Building Setback Line** - A graphic representation of the required minimum horizontal distance between a building and the related front, side, or rear property lines which establish the minimum space to be provided between the building and property line(s).

**Comprehensive Plan** - The Comprehensive Plan adopted by the City, as amended from time to time.

**Crosswalk** - A right-of-way dedicated to public use, four 5 feet or more in width, that crosses a street and furnishes a specific area for pedestrian movements at an intersection.

**Cul-de-sac** - A street having only one connection to another street and being permanently terminated by a vehicular turn-around.

**Cul-de-sac, Temporary** - A street having one end open to traffic and being temporarily terminated by a vehicular turn-around. This temporary termination is to provide connectivity to future developments.

**Department** – the City Department of Community Development Services.

**Developer** – any person or legal entity undertaking development.

**Director** - Director of the Department.
**Driveway, access or shared** - A paved area used for ingress or egress of vehicles, and allowing access from a street to a building, allows access from a street to a building, other structure, or facility for no more than two (2) single-family residential lots.

**Easement** - A grant by the property owner for use by the grantee of a portion of land for specified purposes.

**Homeowner’s Association** - A corporation formed for the purpose of exercising the powers of the members of any common interest community or subdivision.

**Land Disturbance Permit** - An official authorization issued by the Department, allowing defoliation or alteration of a site or the commencement of any construction activities, including, but not limited to, clearing, grubbing, dredging, grading, excavating, transporting, and filling of land, but not including agricultural practices as defined in the Official Code of Georgia Annotated 1-3-3 (O.C.G.A.).

**Lot** - The basic lawful unit of land, identifiable by a single deed established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon. In determining the area and dimension of a lot, no part of right-of-way of a road, crosswalk or buffer may be included.

**Lot, Minimum Lot Size** - The smallest permissible lot area established by the zoning resolution or City conditions of zoning.

**Lot, Corner** - A lot abutting two or more streets at their intersection.

**Lot, Double/Multiple Frontage** - A lot other than a corner lot abutting two or more streets that may or may not intersect at that lot.

**Open Space** - Open space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of an approved legal instrument.

**Pavement** – (1) A created surface, such as brick, stone, concrete, or asphalt, placed on the land to facilitate passage, gravel shall not be considered pavement; (2) that part of a street having an improved surface.

**Plan, Conceptual** - A drawing that shows the proposed layout of a subdivision in sufficient detail to indicate its workability and feasibility, but is not in final form for recording, pursuant to these regulations. The conceptual plan is the first stage in securing a Land Disturbance Permit.

**Plat** - A map indicating the subdivision or re-subdivision of land, intended to be filed for recording.

**Plat, Final** - A finished drawing of a subdivision that provides a complete and accurate
depiction of all legal and engineering information required by the Subdivision Regulations. Certification for recording and ratification of the Director’s approval by the City Council is required.

**Plat, Minor** - A finished drawing of a single family residential subdivision of no more than two lots that, at the time of subdivision, does not necessarily, but may involve a land disturbance permit, new roads, the extension of a utility or other municipal facility and depicts all legal and engineering information required by these Subdivision Regulations.

**Public Works Department** - The City Public Works Department.

**Right of Way Dedication and Reservation Plan** - An element of the City Comprehensive Transportation Plan maintained by the Department of Public Works which includes guidelines and/or procedures for the dedication and reservation of rights-of-way along public roadways.

**Standard Details** - Illustrative minimum standards for land development activities authorized under the land development regulations of the City. These standards shall not supersede more restrictive prudent design requirements or good engineering practices as applied to specific situations on a case-by-case basis. All construction shall meet or exceed the City minimum standards established by the Georgia Department of Transportation.

**Street Classifications** - The classification of streets based on functions, from high-traffic arterial roads to low traffic residential streets. The following are definitions intended to distinguish between different street classifications. All Roadways are classified per the Georgia Department of Transportation:

1. **Freeway** - a multi-lane roadway that has full access control and separation of directional traffic. Freeways accommodate large volumes of high speed traffic and provide efficient movement of vehicular traffic for interstate and major through travel.

2. **Arterial** – a functional classification for a street or highway that provides the highest level of service at the greatest speed for the longest uninterrupted distance, with some degree of access control.

3. **Principal Arterial** - a roadway that has partial or no access control, and is primarily used for fast or large volumes of traffic. Emphasis is placed on mobility rather than access to adjacent land.

4. **Minor Arterial** - a roadway that has partial or no access control and is primarily used for inter-connectivity of principal arterials and placing more emphasis on access to adjacent land over mobility.

5. **Collector** - a roadway that has partial or no access control and has more emphasis on access to adjacent land over mobility than arterials. The primary purpose is to
distribute trips to and from the arterial system and allow access to the local roads.

6. **Local** - any roadway that has no access control, and places strong emphasis on access to adjacent land over mobility while service to through traffic is discouraged.

7. **Full Access Control** – a street or highway to which owner or occupants abutting land have complete right of access.

8. **No Access Control** – a street or highway to which owner or occupants abutting land have no right of access.

9. **Partial/Limited Access Control** – a street or highway to which owner or occupants abutting land have little or no right of access.

10. **Frontage Street** - A road that typically runs parallel to a partial access controlled roadway, a full access controlled facility, or a railroad. Frontage roads provide public access to the adjacent parcels, help control access to the major facility, and/or maintain circulation of traffic on each side of the major facility.

**Street, Residential** - The following definitions are intended to distinguish between different categories of streets internal to residential subdivisions:

1. **Major Subdivision Street**: a local road internal to a subdivision which serves 50 or more housing units. These units do not have to be directly served by the major subdivision street. Major subdivision streets are roads that serve as collectors for the subdivision traffic. Any residential street which accesses a collector or arterial road shall be considered a major subdivision street for the first 300 feet regardless of housing unit service.

2. **Minor Subdivision Street**: a local road internal to a subdivision which serves fewer than 50 housing units and does not access a collector or arterial road.

3. **Housing Unit Service**: The number of housing units served by a street or collection of streets shall be the aggregate number of housing units provided, or potentially to be provided, with driveway access directly from the street(s) plus the number of units utilizing or potentially utilizing the street(s) for through traffic movements. Such calculations shall be made beginning and ending at the same street intersection.

**Stub-out road**- A road having one end open to traffic and being temporarily terminated at the other. Stub-outs generally do not have a temporary vehicular turn-around. This temporary termination is to provide connectivity to future developments and may be constructed without curb and gutter provided such stub-out street meets the standards of the Fulton County Fire Department.

**Subdivider** - Any property owner, person, individual, firm, partnership, association, corporation, estate, trust, agent of property owner, or any other group or combination
acting as a unit dividing or proposing to divide land so as to constitute a subdivision as herein defined.

**Subdivision, residential and non-residential** - Any division of a lot, tract or parcel, regardless of its existing or future use, into two (2) or more lots, tracts or parcels. The term “subdivision” may mean the act or process of dividing property, except that, where appropriate to the context, the term “subdivision” may be used in reference to the aggregate of all lots held in common ownership at the time of subdivision.

**Traffic Mitigation Action Plan** - A plan that studies and addresses the number of trips a subdivision will produce when such development results in the reduction of the level of service on any roadway currently functioning at “D” or worse in accordance with the City Transportation Standards. This plan shall include, but is not limited to, roadway improvements and other proposals such as providing transit access, transit use incentives, car/van pooling, bicycle path construction, off-site and internal sidewalk construction, and lunch trip reduction. Such plan shall mitigate the traffic impact in a manner that will show no negative impact on roads with level of service of “D” or worse.

**Trails, Pedestrian or others** - Extended and usually continuous strips of land established independently of other routes of travel and dedicated, through ownership or easement, to recreational travel including hiking, horseback riding, etc.

**Utility Accommodations / Guidelines and Procedures** - A City program maintained by the Department of Public Works which includes installing, maintaining, repairing, operating, or using a pole line, buried cable, pipeline, or miscellaneous utility facility, and performing miscellaneous operations authorized by a utility permit.

**Utility Permit** - An official authorization issued by the Department of Public Works, allowing alteration of land within the right-of-way for the commencement of any construction activities pertaining to utility installation or relocation.

**Zoning Resolution** - The City zoning resolution, as amended from time to time.

### ARTICLE IV

**REQUIREMENTS**

4.1 **SUBDIVIDING OR RECOMBINING PROPERTY**

All proposals to subdivide combine or recombine parcels of land under the provision of these regulations shall be in compliance with the City standard procedures and guidelines for subdividing property.

4.1.1 All final plats, replats and minor plats shall have the consent of the owners of all affected lots shown on said plat. Replats or new plats showing modifications to common
areas shall require the consent of owners of all lots shown in the original final plat.

4.1.2 Proposals for the subdivision, combination or recombination of lawful previously platted lots or parcels, or portions thereof, shall be in compliance with the City zoning resolution, as amended.

4.1.3 If construction activity contemplated results in the disturbance of an area of 3,000 square feet or more, a land disturbance permit must be approved along with any building permit prior to construction.

4.1.4 Where a proposed lot fronts an existing public street, the Subdivider shall improve the street along the lot's frontage to the applicable standards of these regulations and any Standard Details as determined by the Director.

4.1.5 All slope, drainage and utility easements, as well as necessary right-of-way widths (as determined by the Director) on an existing public street, paved or unpaved, shall be provided by the Subdivider at no cost to the City.

4.1.6 Each proposed lot shall comply with the requirements of the Fulton County Department of Health, whose certification of approval shall accompany the submission of the final plat to the Director.

4.1.7 A minor plat proposal, as defined in Article 3 of these regulations, may be exempt from traffic and drainage studies and tree surveys, when an analysis is submitted and concludes that the development would have no negative impact on traffic or drainage.

4.1.8 Each lot created under the provisions of a minor plat shall not subsequently be re-subdivided pursuant to the provisions of a minor plat.

4.1.9 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.

4.1.10 For the division of land, after initial development of the property, the following standards shall also apply:

A. A proposed lot fronting an existing public street shall contain the necessary frontage required by the zoning resolution.

B. The subdivider shall submit documentation of the necessary easements providing for access to a public street for proposed lots that front only on an existing, documented, paved private street or driveway.

C. All slope, drainage and utility easements, and necessary street rights-of-way (as determined by the director) shall be provided by the subdivider at no cost to the City.
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
improvements. Said maintenance bond shall be in effect for a period of 36
months from the date of issuance. At any time within 3 months of the
expiration of said maintenance bond, or any extended maintenance bond,
less than 75% of the total buildable lots as indicated on the Final Plat
have been issue a certificate of occupancy, the Director may require an
extension of said maintenance bond for up to 12 months;

3. An electronic format acceptable to the Public Works Department
containing data about the sanitary sewer and water systems where
available;

4. A signed release of the project by the Development Inspector; and

5. A recorded deed to the City for any dedicated space.

D. Having been certified by the Director as compliant to these and other applicable
regulations, the final plat shall be recorded with the Clerk of the Superior Court of
Fulton County.

E. The final plat shall be considered approved at the time of the certification by the
Director. Upon receipt of the recorded plat by the Department, the final plat shall
be presented for confirmation to the City Council at the next regularly scheduled
meeting. In residential and non-residential subdivisions, building permits shall not
be issued for any approved minor or final plat until the approval of the Director
and the receipt by the Department of the final recorded plat for subsequent
confirmation by the City Council is complete.

F. For a subdivision proposed or represented to have amenities, the plat for the
initial phase of the development shall identify an area encompassing twenty-five
percent of the proposed buildable lots with installed and approved infrastructure
sufficient to fully support the houses or residential units proposed for construction
in said area. Said area shall be clearly delineated on the plat as “not approved for
construction or building permits”. Only after the City has issued the applicable
certificate of occupancy for those areas or amenities requiring such a certificate
and has otherwise approved those areas or amenities not requiring a certificate
of occupancy, shall the final plat for said area be approved. For large multi-
phased projects, the Director shall have the discretion to shift the requirement to
a later phase that upon completion achieves no more than fifty percent of the
planned fully built out project.

G. Should the Director not approve any subdivision plat, the basis for the denial
shall be stated in writing to the applicant. The Subdivider may file an appeal in
accordance with Article 11 of these regulations.
4.2.3 HOMEOWNER’S ASSOCIATIONS

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.
ARTICLE V

GENERAL PRINCIPLES OF THE LAND

5.1  SUITABILITY OF THE LAND

5.1.1  Land subject to flooding, improper drainage, erosion, and deemed unsuitable for development in accordance with the City standards shall not be platted for any use that may continue such conditions or increase danger to health, safety, life, or property unless steps are taken to eliminate the above-mentioned hazards.

5.2  ACCESS

5.2.1  Unless otherwise herein noted, every subdivision shall be served by publicly dedicated streets or private streets in accordance with the following:

A. The proposed streets shall meet the City standards and regulations.

B. No road intended to be private is to be extended to serve property outside that development unless approved by the Department.

C. In residential subdivisions, the private roads shall be maintained by a mandatory homeowners’ association and documents of incorporation shall be submitted to the Director for review and approval prior to the recording of the final plat.

D. The subdivider shall provide all necessary easements for ingress and egress for police, fire, emergency vehicles and all operating utilities.

E. The final plat of any subdivision that contains private streets shall clearly state that such streets are private streets.

5.2.2  When land is subdivided, created parcels shall be arranged and designed so as to allow for the opening of future streets and provide access to those areas not presently served by streets.

5.2.3  No subdivision shall be designed so as to completely eliminate street access to adjoining parcels of land without current street access.

5.2.4  Lots may share access as stipulated herein. Lot frontage and access do not necessarily have to be along or front the same public street, if approved by the Director.

5.2.5  The Director shall have the right to encourage design of the subdivision in a manner that will:

A. Enhance traffic circulation and other community needs;
B. Encourage pedestrian traffic to schools, parks, existing and planned greenspace corridors, and neighborhood shopping centers;
C. Reduce impacts on streams and lakes;
D. Reduce unwanted noise, lights on neighboring lots; and
E. Discourage vehicular speeding on local streets.

5.3 ZONING AND OTHER REGULATIONS

5.3.1 No subdivision shall be created or recorded that does not comply with the standards of the City zoning resolution and/or the approved conditions of zoning for the property.

5.3.2 Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in zoning regulations, building codes, or other official regulations or resolutions, the most restrictive shall apply unless set forth in the conditions of zoning.

5.3.3 All proposed subdivisions shall comply with all City stormwater management requirements.

5.4 MODIFICATION

5.4.1 Modifications of the provisions set forth in these regulations may be approved by the Director when granting of such modification will not adversely affect the general public or nullify the intent of these regulations.

5.4.2 Should the Director deny a request to modify, the applicant may appeal the Director’s decision in accordance with this resolution.

ARTICLE VI

CONSERVATION SUBDIVISION ORDINANCE

6.1 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 on critical natural resources and historically and culturally significant sites and structures; provide an interconnected network of permanent open space; encourage a more efficient form of development that consumes less open land and conforms to existing topography and natural features; reduce erosion and sedimentation by minimizing land disturbance and
removal of vegetation; enhance the community character; permit clustering of houses and structures which will reduce the amount of infrastructure, including paved surfaces and utility lines; encourage street design that controls traffic speeds and creates street inter-connectivity; and promote construction of convenient and accessible walking trails and bike paths both within a subdivision and connected to neighboring communities, businesses and facilities to reduce reliance on automobiles.

6.2 APPLICABILITY OF REGULATIONS

The Conservation Subdivision option is available for single family detached residential developments in the following districts: AG-1, R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5 and R-5A in the City. Compliance with all applicable Fulton County ordinances, regulations, or resolutions is required; however, when in conflict, the provisions of this ordinance shall prevail.

6.3 OPEN SPACE REQUIREMENT

Each conservation subdivision shall provide a minimum of 40% of its total acreage as open space. The open space shall be recorded on the final plat. Interconnectivity of all open space within a Conservation Subdivision shall be required.

6.3.1 OPEN SPACE NETWORKS CONFIGURATION. The minimum standards for open space networks are as follows:

A. The minimum width of any open space area is 30 feet.

B. All paths shall be a minimum of 25 feet from any property line except where interparcel access may be provided.

C. All open space networks shall provide connectivity to any common areas within the development and to any adjacent public places/rights-of-way.

D. Paths located in primary conservation areas shall be constructed of pervious materials.

E. Where path networks cross internal subdivision streets or public streets, access points shall be directly across from each other or as approved by the Director.

F. Crossings and access points shall be clearly identified to pedestrians and motorists and may include traffic control devices, bridges and tunnels as approved by the Director.

6.4 OPEN SPACE AND CONSERVATION AREAS

Open space shall be designated as either primary conservation areas or secondary
conservation areas and shall be configured to create or maintain a network of open space.

6.4.1 PRIMARY CONSERVATION AREAS. Primary conservation areas form the core of the open space to be protected. Active recreation areas are prohibited in primary conservation areas unless approved by the Director. Primary conservation areas, as defined by this ordinance, include the following:

A. Cemeteries;
B. Habitats for endangered or threatened species as defined by the Georgia Department of Natural Resources;
C. Wetlands identified by the National Wetlands Inventory maps prepared by the U.S. Fish and Wildlife Service, the County Soil Survey prepared by the United States Department of Agriculture (USDA) Natural Resources Conservation Service, or a certified wetlands delineation using data from the U.S. Army Corps of Engineers;
D. Alluvial soils identified by the Federal Emergency Management Agency (FEMA) and 100-Year floodplain;
E. Lakes (natural and man made), rivers, streams, existing ponds, stormwater management ponds/facilities designed in accordance with the City Subdivision Regulations, creeks, including but not limited to blue line tributaries and state waters;
F. Riparian zones equal to any required stream buffers and improvement setbacks;
G. Existing slopes greater than 25% on average with a site area greater than 5,000 square feet identified as part of a site analysis conducted by a registered engineer, land surveyor or landscape architect and calculated using topographic maps from the Fulton County GIS system or from a topographic survey prepared by a licensed land surveyor.

6.4.2 VALUE OF PRIMARY CONSERVATION AREAS. Because primary conservation areas are either protected or sensitive environmental areas, only 50% of the acreage of a primary conservation area may be counted as open space.

6.4.3 SECONDARY CONSERVATION AREAS. Secondary conservation areas consist of undeveloped (unconstrained) but buildable land and protected (constrained) lands. Secondary conservation areas, as defined by this ordinance, include the following:

A. Farmlands (fields, pastures, meadows);
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
and Fulton County;

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 Fulton County. Amendments to the easement shall be filed with the Director and shall be recorded in Superior Court.

6.5.2 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 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 Fulton County. Amendments to the covenant shall be filed with the Director and shall be recorded in Superior Court.

6.6 MAINTENANCE OF OPEN SPACE

Open space may be maintained and/or improved through reforestation, pasture management, buffer replantings, stream bank protection and wetlands management or by other means as approved by the Director.

6.7 OWNERSHIP OF OPEN SPACE

All open space shall be permanently protected and held in fee simple interest by a qualified conservation organization as defined in The Georgia Uniform Conservation 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:

<table>
<thead>
<tr>
<th>Current zoning</th>
<th>Additional Lots Allowed Per Development for each acre of protected open space greater than 40%</th>
</tr>
</thead>
<tbody>
<tr>
<td>AG-1</td>
<td>1</td>
</tr>
<tr>
<td>R-1</td>
<td>0.5</td>
</tr>
<tr>
<td>R-2</td>
<td>1</td>
</tr>
</tbody>
</table>
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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.
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
on critical natural resources and historically and culturally significant sites and structures; provide an interconnected network of permanent open space; encourage a more efficient form of development that consumes less open land and conforms to existing topography and natural features; reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation; enhance the community character; permit clustering of houses and structures which will reduce the amount of infrastructure, including paved surfaces and utility lines; encourage street design that controls traffic speeds and creates street inter-connectivity; and promote construction of convenient and accessible walking trails and bike paths both within a subdivision and connected to neighboring communities, businesses and facilities to reduce reliance on automobiles.

7.2 APPLICABILITY OF REGULATIONS

The following subdivision requirements are for residential developments in all zoning districts in that portion of unincorporated Fulton County bordered to the west by the Chattahoochee River, to the south by Coweta County, and to the east by the Cascade Palmetto Highway (SR 154) except for villages, hamlets and minor subdivisions. Compliance with all applicable Fulton County ordinances, regulations, or resolutions is required; however, when in conflict, the most restrictive provisions shall prevail.

7.3 OPEN SPACE REQUIREMENT

Each subdivision shall provide a minimum of 40% of its total acreage as open space. The open space shall be recorded on the final plat. Interconnectivity of all open space within a subdivision shall be required.

7.3.1 OPEN SPACE NETWORKS CONFIGURATION. The minimum standards for open space networks are as follows:

A. The minimum width of any open space area is 25 feet.

B. All paths shall be a minimum of 20 feet from any property line except where interparcel access may be provided.

C. All open space networks shall provide connectivity to any common areas within the development and to any adjacent public places, paths or rights-of-way.

D. Paths located in primary conservation areas should be constructed of pervious materials.

E. Where path networks cross internal subdivision streets or public streets, access points should be directly across from each other.
F. Crossings and access points shall be clearly identified to pedestrians and motorists and may include traffic control devices, bridges and tunnels.

7.4 OPEN SPACE AND CONSERVATION AREAS

Open space shall be designated as either primary conservation areas or secondary conservation areas and shall be configured to create or maintain a network of open space.

7.4.1 PRIMARY CONSERVATION AREAS. Primary conservation areas form the core of the open space to be protected. Active recreation areas are prohibited in primary conservation areas. Primary conservation areas, as defined by this ordinance, include the following:

A. Cemeteries;

B. Habitats for endangered or threatened species as defined by the Georgia Department of Natural Resources;

C. Wetlands identified by the National Wetlands Inventory maps prepared by the U.S. Fish and Wildlife Service, the County Soil Survey prepared by the United States Department of Agriculture (USDA) Natural Resources Conservation Service, or a certified wetlands delineation using data from the U.S. Army Corps of Engineers;

D. Alluvial soils identified by the Federal Emergency Management Agency (FEMA) and 100-Year floodplain;

E. Lakes (natural and man-made), rivers, streams, existing ponds, stormwater management ponds/facilities designed in accordance with the Fulton County Subdivision Regulations, creeks, including but not limited to blue line tributaries and state waters;

F. Riparian zones equal to any required stream buffers and improvement setbacks;

G. Existing slopes greater than 25% on average with a site area greater than 5,000 square feet identified as part of a site analysis conducted by a registered engineer, land surveyor or landscape architect and calculated using topographic maps from the Fulton County GIS system or from a topographic survey prepared by a licensed land surveyor.

7.4.2 VALUE OF PRIMARY CONSERVATION AREAS. Because primary conservation areas are either protected or sensitive environmental areas, only 50% of the acreage of a primary conservation area may be counted as open space.
SECONDARY CONSERVATION AREAS. Secondary conservation areas consist of undeveloped (unconstrained) but buildable land and protected (constrained) lands. Secondary conservation areas, as defined by this ordinance, include the following:

A. Farmlands (fields, pastures, meadows);
B. Woodlands and buffers except riparian buffers;
C. Historic and/or archaeological sites as identified by the City 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. Existing 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.
F. Alternative wastewater treatment facilities as approved by the Department.

VALUE OF SECONDARY CONSERVATION AREAS. With the exception of new active recreation areas and facilities, 100% of secondary conservation areas may be counted as open space. Because new active recreation areas may be cleared and graded and therefore reduce natural resources and wildlife habitats, only 50% of new active recreation areas and facilities may be counted as open space.

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.

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 the City as a third party beneficiary with rights to enforce the 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
Open space may be maintained and/or improved through reforestation, pasture management, buffer replantings, stream bank protection and wetlands management or by other acceptable means.

7.7 OWNERSHIP OF OPEN SPACE

A. All open space shall be permanently protected and held in fee simple interest by a qualified conservation organization as defined in The Georgia Uniform Conservation 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 City. If accepted by the County, the property must be in accordance with the provisions herein.

B. Individual lots of five (5) or more acres may provide open space on individual lots through a conservation easement or permanent restrictive covenant. Primary and secondary conservation area calculations shall not apply.

7.7.1 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 subdivision shall submit a description of the homeowners association, including by-laws, and methods for maintaining the open space.

B. Membership of each lot owner in the 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 and restrictive covenants.

E. Any transfer of conservation easements and restrictive covenants is subject to the approval of the Director.

7.8 DENSITY

The maximum number of lots shall be based upon the density allowed by zoning for the area defined as the total acreage minus primary conservation areas. When sixty (60) percent or more of the total acreage is protected in perpetuity as open space, 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
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 an “non-potable water,” painted purple in accordance with standard pipe identification schedules, and installed on the south or east shoulder of the right or 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).


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, manholes, 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 PLATING 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 RE COURSE**

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.
SUBJECT: Ord2018-050 Establish Environmental Regulations

DATE OF MEETING: 11/27/2018

DEPARTMENT: Attorney

ATTACHMENTS:

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ORDINANCE NO 2018-050

AN ORDINANCE TO ESTABLISH THE CITY OF SOUTH FULTON ENVIRONMENTAL REGULATIONS AND FOR OTHER LAWFUL PURPOSES

(Sponsored by Councilmembers Gilyard and Rowell)

WHEREAS, the City of South Fulton, GA ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the duly elected governing authority of the City is the Mayor and Council thereof ("City Council");

WHEREAS, the City shall benefit from the adoption of environmental protection requirements within the City;

WHEREAS, the City Council seeks to adopt an environmental ordinance to establish soil erosion, sedimentation, and pollution control minimum requirements, standards, and enforcement procedures for land disturbance activities in order to conserve and protect the environment, public health, and the general welfare of the citizens of the City;

WHEREAS, the City Council seeks to adopt an environmental ordinance to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment;

WHEREAS, the City Council seeks to adopt an environmental ordinance to cultivate and encourage a high level of tree preservation, to preserve, maintain and replant trees within the City, and to provide standards for the preservation of trees as part of the land development, building construction and timber harvest processes;

WHEREAS, the City Council seeks to adopt an environmental ordinance to protect the City's surface water and groundwater supplies and resources;

WHEREAS, the City Council seeks to adopt an environmental ordinance to establish regulations and procedures that govern all land uses and related development activities adjacent to streams within the City;

WHEREAS, local governments should acknowledge the importance of wetlands for the public good in the land-use planning process as mandated by the Georgia
Planning Act of 1989 including O.C.G.A §12-2-8 and regulations promulgated thereunder; and

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

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

Section 1: The City Code of Ordinances is hereby amended by creating a new Title 14, Environment, which shall read as follows:

TITLE 14 – ENVIRONMENT

CHAPTER 1. - IN GENERAL

Sec. 14-1001. - Minimum requirements.

In their interpretation and application, these land development regulations must be held to be the minimum requirements for the promotion of the public health, safety and general welfare. The regulations must be liberally construed in favor of the City.

Sec. 14-1002. - Compliance with other laws.

In addition to the requirements of this chapter, all development must comply with all other applicable state and federal laws and regulations.

Sec. 14-1003. - Conflicting provisions.

a) State or federal regulations. If the provisions of these land development regulations are inconsistent with those of the state or federal government, the more restrictive provision governs, to the extent allowed by law. The more restrictive provision is the one that imposes more stringent controls.

b) Other city regulations. If the provisions of these land development regulations are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the City, the more restrictive provision governs unless otherwise expressly stated.

c) Private agreements and covenants.

(1) These land development regulations are not intended to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of these land development regulations impose a greater restriction than imposed by a private agreement or covenant, the provisions of these land development regulations control.

(2) Private restrictive covenants to which the city is not a party are not regulated by or enforced by the City.
CHAPTER 2. - EROSION, SEDIMENTATION AND POLLUTION CONTROL

Sec. 14-2001. - Authority and title of article.

This chapter is adopted by the City Council pursuant to the authority and mandate of the Georgia Erosion and Sedimentation Act of 1975 (O.C.G.A. § 12-7-1 et seq.), as amended. [A memorandum of agreement authorizes the City as a local issuing authority. As a local issuing authority, the City is certified to provide and maintain an erosion control program which includes, but is not limited to, development plan review, permitting and erosion control enforcement.] This chapter will be known as “The City of South Fulton Soil Erosion, Sedimentation and Pollution Control Ordinance of 2018”, and repeals any other ordinances or regulations in conflict herewith.


It is the intent of this chapter to establish soil erosion, sedimentation, and pollution control minimum requirements, standards, and enforcement procedures for land disturbance activities in order to conserve and protect the environment, public health, and the general welfare of the citizens of the City.


The following definitions shall apply in the interpretation and enforcement of this chapter, unless otherwise specifically stated:

Best management practices (BMPs). These include sound conservation minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the “Manual for Erosion and Sediment Control” published by the commission as of January of the year in which the land-disturbing activity was permitted.

Board. The Georgia Board of Natural Resources.

Board of zoning appeals. Board appointed by the City Council which hears appeals of stop work orders.

Buffer. The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Commission. The State of Georgia Soil and Water Conservation Commission. (GSWCC)

CPESC. Certified professional in erosion and sediment control with certification by Certified Profession in Erosion and Sediment Control Inc., a Corporation Registered in North Carolina, which is also referred to as CPESC or CPESC, Inc.
Cut. A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below the original ground surface to the excavated surface, also known as excavation.

Department. The City’s Department of Community Development Services.

Design professional. A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a certified professional in erosion and sediment control (CPESC) with a current certification by Certified Professional in Erosion and Sediment Control, Inc.

Development. The alteration of property for any purpose involving building, subdividing, and/or the preparation of land for any of the above purposes. Development includes, but is not limited to, providing utilities, access, parking, storm water management, sewage disposal systems, and/or construction of a structure.

Development sequence. The sequence of activities to be completed, in order, during the development of a land disturbance project as per approved construction plans.

Director. The director (or his/her designee(s)) of the City’s Department of Community Development Services.

Director, DPW. The director of the City’s Department of Public Works or his/her designee.

Director, EPD. The director of the Environmental Protection Division of the Georgia Department of Natural Resources.

Division. The Environmental Protection Division of the Department of Natural Resources.

District. The City of South Fulton Soil and Water Conservation District.

Drainage structure. A device composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood control purposes.

EPD. The Environmental Protection Division of the Georgia Department of Natural Resources.

Erosion. The process by which land surface is worn away by the action of wind, water, ice, or gravity.

Erosion and Sedimentation Control Manual. A field manual produced by the Georgia Soil and Water Conservation Commission that illustrates vegetative and structural best management practices (BMPs), and their use for land-disturbing activities.
Erosion, sediment, and pollution control plan. A plan required by the Erosion and Sedimentation Act, O.C.G.A. ch. 12-7, that includes, as a minimum protection at least as stringent as the state general permit, best management practices, and requirements in section 14-2005(c).

Fill. A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or elevation.

Final Stabilization. All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100 percent of the soil surface is uniformly covered in permanent vegetation with a density of 70 percent or greater, or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been used. Permanent vegetation shall consist of planted trees, shrubs, perennial vines: a crop of perennial vegetation appropriate for the time of year and region: or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region. Final stabilization applies to each phase of construction.

Finished grade. The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Grading. Altering the shape of ground surfaces. This includes stripping, cutting, filling, stockpiling, and shaping or any combination thereof, and shall include the land in its cut or filled condition.

Ground elevation. The elevation of the ground surface as measured from sea level prior to cutting or filling.

Land disturbing activity. Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in subsection 14-2004(5).

Larger common plan of development or sale. A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purpose of this paragraph, “plan” means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or survey markings, indicating that construction activities may occur on a specific plot.

Local issuing authority. The governing authority of any county or municipality which is certified pursuant to O.C.G.A. § 12-7-8(a).
Metropolitan River Protection Act (MRPA). A state law referenced as O.C.G.A. § 12-5-440 et seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Natural ground surface. Original site topography/ground surface prior to land disturbance activities.

Nephelometric turbidity units (NTU). Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidal dispersions or suspended particles are present.

Notice to comply. Enforcement action based on noncompliance through failure to either properly install or maintain BMPs, where sediments remain within the boundaries of the property. This enforcement action provides the violator five days to achieve compliance.

NOI. A notice of intent form provided by EPD for coverage under the state general permit.

NOT. A notice of termination form provided by EPD to terminate coverage under the state general permit.

Official notice. A posting of a notice to comply or a stop work order on a property that is non-compliant or in violation.

Operator. The party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

100-year flood plain. Land in the flood plain subject to a one percent or greater statistical occurrence probability of flooding in any given year.

Outfall. The location where storm water is discernible, confined and discrete conveyance leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into the receiving water.

Permit. The authorization necessary to conduct a land disturbing activity under the provisions of this chapter.

Person. Any individual, owner, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality, or other political subdivision of this state, any interstate body, or any other legal entity.
**Phase or phased.** Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

**Project.** The entire proposed development project, regardless of the size of the area of land to be disturbed.

**Properly designed.** Designed in accordance with the design requirements and specifications contained in the “Manual for Erosion and Sediment Control in Georgia” (Manual published by the Georgia Soil and Water Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the manual as approved by the commission up until the date of NOI submittal).

**Reinspection fee.** A fee assessed to the developer/owner/operator or responsible party for reinspecting the project if requested by the developer/owner/operator or responsible party prior to the end of the compliance period, provided that upon that reinspection the project remains out of compliance.

**Roadway drainage structure.** A device such as a bridge, catch basin, culvert, or ditch, composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way (public or private) consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

**Sediment.** Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity as a product of erosion.

**Sedimentation.** The process by which eroded material is transported and deposited by the action of water, wind, ice, or gravity.

**Soil and water conservation district approved plan.** An erosion and sedimentation control plan approved in writing by the City’s Soil and Water Conservation District.

**Stabilization.** The process of establishing an enduring soil cover by the installation of temporary or permanent structures or vegetation for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice, or gravity.

**State general permit.** The National Pollution Discharge Elimination System general permit or permits for storm-water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state’s authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and O.C.G.A. § 12-5-30(f).

**State waters.** Any and all rivers, streams, creeks, branches, lakes, ditches, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state.
which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Stop work order. Enforcement action that ceases all work onsite or a portion of the site.

Structural erosion and sedimentation control measures. Practices for the stabilizing of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating, or disposing of runoff to prevent sediment loss. Examples of structural erosion and sediment control measures are: riprap, sediment basins, dikes, level spreaders, waterways, outlets, diversions, grade stabilization structures, sediment traps, and sediment barriers, etc. Such measures as defined in the publication “Manual for Erosion and Sediment Control in Georgia.”

Trout streams. All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3 at www.gaepd.org. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown, or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

Turbidity. A measure of clarity of a water sample.

Underbrush. Any small shrubs, ground cover, or similar plants growing beneath the canopy of mature trees.

Vegetative erosion and sedimentation control measures. Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

1. Permanent seeding, sprigging, or planting, producing long-term vegetative cover;

2. Temporary seeding, producing short-term vegetative cover; or

3. Sodding, covering areas with a turf of perennial sod-forming grass. Such practices can be found in the publication “Manual for Erosion and Sediment Control in Georgia.”

Watercourse. Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed, and banks, and including any area adjacent thereto subject to inundation by reason of overflow or flood water.
**Wetlands.** Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

**Sec. 14-2004. - Exemptions to article.**

This chapter shall apply to any land disturbing activity undertaken by any person on any land except for the following:

1. Surface mining, as the same is defined in O.C.G.A. § 12-4-72, “The Georgia Surface Mining Act of 1968”.

2. Granite quarrying and land clearing for such quarrying;

3. Such minor land disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences and other related activities which result in minor soil erosion;

4. The construction of single-family residences when such construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this section; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. § 12-7-6 and this paragraph. For single-family residence construction covered by provisions of this, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to O.C.G.A. tit. 12, ch. 5, art. 2, the Georgia Water Quality Control Act. In any such buffer, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the director, EPD may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to smaller buffer shall be granted. The minimum requirements of section 14-2005 of this chapter and the buffer zones provided by this section shall be enforced by the issuing authority;

5. Agricultural operations as defined in O.C.G.A. § 1-3-3 to include raising, harvesting, or storing of products of the field or orchard; feeding, breeding, or managing livestock or poultry; producing or storing feed for use in the production of livestock including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chicken, hens and turkeys; producing plants, trees, fowl, or animals; the production of aquaculture, horticultural, dairy, livestock, poultry, eggs, and apiarian products; and farm buildings and farm ponds;...
(6) Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs (14) and (15) of section 14-2005(c), no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;

(7) Any project carried out under the technical supervision of the Natural Resource Conservation Service (NRCS) of the United States Department of Agriculture;

(8) Any project involving less than one acre of disturbed area; provided, however, that this exemption shall not apply to any land disturbing activity within a larger common plan of development or sale with a planned disturbance equal to or greater than one acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, “state waters” excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year round; provided, however, that any person responsible for a project which involves one acre or less, which involves land disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing herein shall prevent the local issuing authority from regulating any such project which is not specifically exempted by paragraphs (1), (2), (3), (4), (5), (6), (7), (9) or (10) of the section;

(9) Construction or maintenance projects, or both, undertaken or financed, in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the department of transportation or state road and tollway authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. § 12-7-7.1; except where the department of transportation, the Georgia Highway Authority, or the state road and tollway authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the local issuing authority, the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;

(10) Any land disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric
membership corporation or municipal electric system or any public utility under the regulatory jurisdiction of the public service commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued and violations shall be subject to the same penalties as violations by permit holders; and

(11) Any public water system reservoir.

Sec. 14-2005. - Minimum requirements.

(a) General provisions. Excessive soil erosion and resulting sedimentation can take place during land disturbing activities if requirements of the article and the NPDES general permit are not met. Therefore, plans for those land disturbing activities which are not exempted by this chapter shall contain provisions for application of soil erosion, sedimentation, and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation, and pollution control plans. Soil erosion, sedimentation, and pollution control measures and practices shall conform to the minimum requirements of subsection (b) and (c) of this section. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land disturbing activity in accordance with requirements of this chapter and the NPDES general permit.

(b) Minimum requirements/BMPs.

(1) Best management practices as set forth in subsections (b) and (c) of this section shall be required for all land disturbing activities. Proper design, installation, and maintenance of BMPs shall constitute a complete defense to any action by the director or to any other allegation of noncompliance with subsection (b)(2) of this section or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to O.C.G.A. § 12-5-30(f) of the “Georgia Water Quality Control Act”. As used in this subsection, the terms “proper design” and “properly designed” mean designed in accordance with the hydraulic design specifications contained in the “Manual for Erosion and Sediment Control in Georgia” specified in O.C.G.A. § 12-7-6(b).

(2) A discharge of stormwater runoff from disturbed areas where BMPs have not been properly designed, installed, and maintained shall constitute a separate violation of any land disturbing permit issued by the City or of any state general permit issued by the division pursuant to O.C.G.A. § 12-5-30(f), the “Georgia Water Quality Control Act” for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters
supporting warm water fisheries or by more than ten nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines issued by the director, EPD. This paragraph shall not apply to any land disturbance associated with the construction of single-family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five acres.

(3) Failure to properly design, install, or maintain BMPs shall constitute a violation of any land disturbance permit issued by a local issuing authority or of any state general permit issued by the division pursuant to O.C.G.A. § 12-5-30(f), The “Georgia Water Quality Control Act” for each day on which such failure occurs. When such non-compliance is identified by the director, official notice will be posted on that property.

(4) The director may require, in accordance with regulations adopted by the board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.

(5) The LIA may set more stringent buffer requirements than stated in subsections (c)(15) and (16) in light of O.C.G.A. § 12-7-6(c).

(c) The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. § 12-7-1 et seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and BMPs, including sound conservation and engineering practices to prevent and/or minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the “Manual for Erosion and Sediment Control in Georgia,” published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land disturbing activity was permitted, as well as the following:

(1) Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion.

(2) Cut-fill operations must be kept to a minimum.

(3) Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential.

(4) Whenever feasible, natural vegetation shall be retained, protected and supplemented.

(5) The disturbed area and the duration of exposure to erosive elements shall be kept to practical minimum;

(6) Disturbed soil shall be stabilized as quick as practicable;
(7) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;

(8) Permanent vegetation and structural erosion control measures shall be installed as soon as practicable;

(9) To the extent necessary, sediment in runoff water must be trapped by the use of debris basins, sediment basins, silt traps, or similar BMPs as outlined in the erosion and sediment control manual until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of this section, and O.C.G.A. § 12-7-1 et seq.

(10) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills.

(11) Cuts and fills may not endanger adjoining property;

   a. All slopes shall be stabilized immediately and shall remain so for a period of no less than one year from the issuance of the project’s final certificate of occupancy and/or the recording of a final plat.

   b. All slopes greater than or equal to 3H:1V must be permanently stabilized with structural or vegetative BMPs.

   c. A plan must be submitted to demonstrate that all slopes associated with fill/cut sections have been adequately designed to be stabilized structurally (such as retaining walls) or vegetatively (erosion mat/blanket, tree bark mulch, etc). Such analysis, reports, or design shall be prepared and approved by a design professional.

(12) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;

(13) Grading equipment must cross flowing streams by means of temporary or permanent bridges or culverts except when such methods are not feasible, provided, in any case, those such crossings are kept to a minimum. Migrated soil materials or soil materials displaced by mechanical means from land disturbing sites to adjacent water courses, such as lakes, ponds, streams, and creeks etc. must be remediated. The remedial work shall be conducted as per a remedial plan approved by the City.

(14) Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in section 14-2005(b)(2).

(15) Except as provided in paragraph (16) of this section, there is established a 25-foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or
wave action, except where the director, EPD determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director, EPD pursuant to O.C.G.A. § 12-2-8, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications are implemented or along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which runoff from precipitation is the primary source of water flow, Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act shall remain in force unless a variance is granted by the director, EPD as provided in this subsection. The following requirements shall apply to any such buffer:

a. No land disturbance activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed, except as otherwise provided by this paragraph.

Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) stream crossings for water lines; or (ii) stream crossings for sewer lines; and

(16) There is established a 50-foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed; provided, however, that small springs and steams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25-foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the board, so long as any such pipe stops short of the downstream landowner’s property and the landowner complies with the buffer
requirement for any adjacent trout streams. The director, EPD may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:

a. No land-disturbance activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed.

Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetation cover remains to protect water quality and aquatic habitat and natural canopy is left in sufficient quality to keep shade on the stream bed; and

b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) stream crossings for water lines; or (ii) stream crossings for sewer lines.

c. Nothing contained in this chapter shall prevent any local issuing authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in subsections 14-2005(b) and (c).

d. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this chapter or terms of the permit.

e. Additional requirements. Where the director finds, through inspection, that property owners have been adversely affected due to violations clearly identified by the director, or that the approved current plans do not adequately address the features of the site, the director can require additional BMPs, drawings, and revisions to comply with the minimum requirements as outlined in section 14-2005.

Sec. 14-2006. - Land disturbance application/permit process.

(a) General. The property owner, developer, and designated planners and engineers shall design and review before submittal of the general development plans. They shall review the zoning resolution, stormwater management ordinance, subdivision ordinance, flood damage prevention resolution, this chapter, and other ordinances
which regulate the development of land within the jurisdictional boundaries of the City. However, the property owner or operator are the only parties who may obtain a permit.

(b) Application requirements.

(1) Prior to any land disturbing activity, the property in question must be part of an approved and recorded legal lot of record (exemption plat or final plat). Additionally, no land disturbing activity, including grading, excavating, filling, and/or foundation work, shall be conducted within the unincorporated area of the City or in any area where the City has jurisdiction, until a land disturbance permit or a building permit (for those projects not requiring a land disturbance permit under this chapter) shall have been issued by the director allowing such activity and providing a copy of notice of intent submitted to EPD if applicable. If a project is to be developed in phases, then a separate land disturbance permit or building permit is required for each phase not to exceed 25 acres increments and the development sequence should be followed on all projects issued a land disturbance permit.

(2) No person shall conduct any land disturbing activity within the jurisdictional boundaries of the City without first obtaining a permit from the City's Department of Community Development Services or its successor to perform such activity.

(3) The application for a permit shall be submitted to the department of environment and community development and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in subsection (c) of this section. Soil erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of subsections 14-2005(b) and (c) will be met. Applications for a permit will not be accepted unless accompanied by nine copies of the applicant's soil erosion, sedimentation and pollution control plans and a physical address of the property owner (Post Office box not acceptable). All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-10.

(4) A minimum fee of $125.00, as set by the City Council of the City, shall be charged for each acre or fraction thereof of the project area.

(5) In addition to the City's permitting fees, fees will also be assessed pursuant to O.C.G.A. § 12-5-23(a)(5), provided that such fees shall not exceed $80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. Half of such fees levied shall be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant to O.C.G.A. § 12-7-17(9) or (10) shall
be submitted in full to the division, regardless of the existence of a local issuing authority in the jurisdiction.

(6) The permit applicant shall be required to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof prior to issuing the permit. The bond amount shall be determined as established by the department. If the applicant does not comply with this chapter or with the conditions of the permit after issuance, the City may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land disturbing activity and bring it into compliance. These corrective actions may include, but are not limited to, de-silting detention ponds, water bodies, stormwater facilities, roadways, installing fence with locking device, re-establishing damaged buffer, etc. If a permit applicant has had two or more outstanding violations of previous permits, this chapter, or the Erosion and Sedimentation Act of 1975 (O.C.G.A. § 12-7-1 et seq.), as amended within three years prior to the date of filing of the application under consideration, the City may deny the permit application.

(7) If applicable, immediately upon receipt of an application and plan for a permit, the City shall refer the application and plan to the district for its review and approval or disapproval concerning the adequacy of the erosion and sedimentation control plan. The district shall approve or disapprove a plan within 35 days of receipt. Failure of the district to act within 35 days shall be considered an approval of the pending plan. The results of the district review shall be forwarded to the City. No permit will be issued unless the plan has been approved by the district, and any variances required by section 14-2005(c)(14) or (15) and bonding, if required as per subsection (b)(5) of this section, have been obtained. Such review will not be required if the City and the district have entered into an agreement which allows the City to conduct such review and approval of the plan without referring the application and plan to the district. The local issuing authority with plan review authority shall approve or disapprove a revised Plan submittal within 35 days of receipt. Failure of the local issuing authority with plan review authority to act within 35 days shall be considered an approval of the revised plan submittal.

(8) If a permit application has had two or more violations of previous permits, this chapter, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing of the application under consideration, the City may deny the permit application.

(9) The local issuing authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, $3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this chapter or with the conditions of the permit after issuance, the local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute.
specifically providing for hearing and judicial review of any determination or order of the
local issuing authority with respect to alleged permit violations.

(c) Plan requirements.

1. Plans must be prepared to meet the minimum requirements as contained
in section 14-2005(b) and (c), or through the use of more stringent, alternate design
criteria which conform to sound conservation and engineering practices. The Manual for
Erosion and Sediment Control in Georgia is hereby incorporated by reference into this
ordinance. The plan for the land disturbing activity shall consider the interrelationship of
the soil types, geological and hydrological characteristics, topography, watershed.
Vegetation, proposed permanent structures including roadways, constructed
waterways, sediment control and stormwater management facilities, local ordinances
and state laws. Maps, drawings and supportive computations shall bear the signature
and seal of the certified design professional. Persons involved in land development
design, review, permitting, construction, monitoring, or inspections or any land
disturbing activity shall meet the education and training certification requirements,
dependent on his or her level of involvement with the process, as developed by the
commission and in consultation with the division and the stakeholder advisory board
created pursuant to O.C.G.A. § 12-7-20.

2. Data required for site plan shall include all the information required from
the appropriate erosion, sedimentation and pollution control plan review checklist
established by the commission as of January 1 of the year in which the land-disturbing
activity was permitted.

(d) Permits and development activity.

1. Permits shall be issued or denied as soon as practicable but in any event
not later than 45 days after receipt by the City of a completed application, provided that
any necessary variances have been obtained, bonding has been provided, and
specifications developed and maintained by the department of public works and
permitted by the department of environment and community development have been
met, and all applicable fees have been paid prior to permit issuance. The permit shall
include conditions under which the activity may be undertaken.

2. No permit shall be issued by the City unless the erosion, sedimentation
and pollution control plan has been approved by the district or the City, and unless the
City has affirmatively determined that the plan is in compliance with this chapter, any
variances required by subsections 14-2005(c)(14) or (15) are obtained, bonding
requirements, if necessary, as per subsection 14-2006(b)(5) are met and all ordinances
and rules and regulations in effect within the jurisdictional boundaries of the City are
met. If the permit is denied, the reason for denial shall be furnished to the applicant.

3. Any land-disturbing activities by a local issuing authority shall be subject to
the same requirements of this chapter, and any other ordinances relating to land
development, as are applies to private persons and the division shall enforce such
requirements upon the local issuing authority.

(4) If the tract is to be developed in phases, then a separate permit shall be
required for each phase to include the development sequence.

(5) The permit may be suspended, revoked, or modified by the City, as to all
or any portion of the land affected by the plan, upon finding that the holder or his
successor in title is not in compliance with the approved erosion and sedimentation
control plan or that the holder or his successor in title is in violation of this chapter. A
holder of a permit shall notify any successor in title to him of the conditions contained in
the permit as to all or any portion of the land affected by the approved plan.

(6) The City may reject a permit application if the applicant has had two or
more violations of previous permits or the Erosion and Sedimentation Act permit
requirements within three (3) years prior to the date of the application, in light of
O.C.G.A. § 12-7-7-(f)1.

(7) Sedimentation basins shall not be allowed in state waters or other
perennially flowing streams.

(8) The permittee shall ensure that engineering and construction on any land
within the City shall be carried out in such a manner as to protect neighboring persons
and property from damage or loss resulting from stormwater runoff, soil erosion, or
deposition upon private property or public streets or water-transported silt or debris.

(9) The director or designee during field inspections may require revisions,
addendum and modifications that address any and all features to ensure compliance
with this chapter and any permit issued hereunder.

(10) It shall constitute non-compliance with this chapter to engage in land
disturbance activity involving clearing, grading, timber harvesting or grubbing without a
permit, which activity may immediately warrant citation(s).

(11) Design and installation of properly functioning detention facilities, including
outflow and overflow control devices, shall be the responsibility of the owner. If any
erosion control devices are damaged or destroyed during grading or construction, all
construction processes shall cease until the 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.

(12) The owner and operator shall be responsible for the maintenance of the
storm drainage facilities during grading, construction, and for a 15-month period
following the final approval of the completed project. Maintenance will be construed to
include preserving the enclosing walls or impounding embankment or the detention
basin and sedimentation ponds, in good condition; ensuring structural soundness,
functional adequacy, and freedom from sediment of all drainage structures; and
rectifying any unforeseen erosion problems.
The developer shall provide stabilization by covering the soil with:
permanent seeding, sprigging or planting, producing long-term vegetative cover,
temporary seeding producing short-term vegetative cover, sodding or covering areas
with a turf of perennial sod forming grass; and security fences for safety purposes at
detention facilities as prescribed by and prior to approval by the City.

Sec. 14-2007. - City construction; compliance with article.
All engineering and construction involving land disturbance performed by or on behalf of
the City and under the direction of the department of public works or any other the City
entity, whether such engineering or construction is being accomplished on existing and
proposed public land or on public easement, shall comply with the requirements of
sections 14-2005 and 14-2010.

Notwithstanding any other provisions of this chapter, the construction of single-family
detached dwellings shall be subject to the following rules:

(1) Building permit. No land disturbing activity or other work (including moving
and demolition) shall commence on a project until the owner or the contractor
undertaking the work shall have applied for, and been issued, a land disturbance permit
or building permit by the director. The owner/contractor shall prominently display on site
the building permit, a signed erosion and sedimentation control agreement and
approved site plan in full public view, until issuance of certification of occupancy.
Demolition projects shall be required to install BMPs where necessary to prevent
erosion. Failure to install BMPs shall constitute non compliance with this chapter.

(2) Notice to comply. The director shall issue a notice to comply for failure to
either install or maintain BMPs, even though sediments remain contained within the
boundaries of the property by the use of debris basins, sediment basins, sediment
barriers, and construction exits in accordance with this chapter. Subsequently, a stop
work order shall be issued if compliance with a notice to comply is not achieved by the
end of the specified compliance period of five days.

(3) Stop work order. The director or representative shall issue an order to
cease all work (“stop work order”) on a project covered by this section if any work on
that project is proceeding without a land disturbance permit or building permit, or, when
silt, mud, or other waterborne debris leave the property boundary, or (if such a permit
has been issued) it is found by the director or representative that all or any portion of the
project remains out of compliance with any requirements of subsections 14-2005(b) or
(c), any other provision of this chapter or any other the City ordinance, regulation or
requirement after the specified compliance period or a site has been in violation at least
two prior occurrences, to include any applicable fines and penalties. All other
requirements of subsection 14-2011(b) of this chapter also apply to projects covered by
this section.
Sec. 14-2009. - Progress report required.

(a) The licensed professional referenced in the administrative guidelines (see subsection 14-2006(c)) or his representative as approved by the director shall ensure, inspect and evaluate the installation of the erosion control measures (BMPs) within one week after the initial installation of BMPs. All deficiencies shall be corrected within two business days after inspection, and a summary of corrective measures taken shall be submitted to the director within three days after inspection. A written biweekly report shall be submitted to the director from the beginning to the completion of grading and construction on projects for which a land disturbance permit has been issued. This report shall be the responsibility of the owner or developer and shall be prepared by a professional licensed to practice such activity within Georgia, as stipulated in the City Soil Erosion and Sediment Control Administrative Guidelines. The report shall record the quality and progress of the work required to show full compliance with the provisions of this chapter, including compliance with or adherence to vegetative practices. In order to ensure full compliance with the approved construction plans, final approval will be withheld until as-built drawings, prepared by a professional licensed to practice such work in Georgia, have been submitted and accepted by the director. The director shall withhold the occupancy permit until full compliance has been achieved.

(b) Additional reporting requirements. Applicants/owners/operators shall provide the Director with a copy of any monitoring results submitted to EPD regarding National Pollutant Discharge Elimination System (NPDES). Reports shall be in a format as prescribed by EPD. A copy of the notice of intent which has been sent to EPD in compliance with the permit requirements must be presented to the site inspector at all pre-construction meetings.

Sec. 14-2010. - Inspection and enforcement of article.

(a) The director or designee will periodically inspect the sites of land disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the approved plan, permit and this chapter and to determine if the measures required in the plan are effective in controlling soil erosion and sedimentation. Also, the City shall regulate both primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance of best management practices where the tertiary permittee is conducting land disturbing activities. If, through inspection, it is deemed that a person engaged in land disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this chapter, an official notice shall be posted on-site, and as a courtesy a written notice to comply shall also be served upon that person, except for working without a permit or working under a stop work order, which warrant immediate citation(s). The notice shall set forth the measures necessary to achieve
compliance and shall state the time within which such measures must be completed. If
the person engaged in the land disturbing activity fails to comply with the corrective
measures specified in the posted official notice within the time specified, he shall be
deemed in violation of this chapter, and the director may take such additional
enforcement actions as he/she deems appropriate.

(b) The local issuing authority must amend its ordinances to the extent appropriate
within 12 months of any amendments to the Erosion and Sedimentation Act of 1975.

(c) The director shall have the power to conduct such investigation as the director
may deem reasonably necessary to carry out duties as prescribed in this chapter, and
for this purpose shall have the power to enter at reasonable times upon any property,
public or private, for the purposes of investigation and inspection of the sites of land
disturbance or building activities.

(d) No person shall refuse entry or access to any authorized representative or agent
of the City, the commission, the district, or division who requests entry for the purposes
of inspection, and who presents appropriate credentials, nor shall any person obstruct,
harass, or interfere with any such representative while in the process of carrying out his
official duties including, but not limited to, the review of reports, studies, calculations,
drawings, revisions, practices, actions and bonds.

(e) A copy of a current approved plan shall be kept on site until project completion or
issuance of certificate of occupancy.

(f) The district or the commission or both shall semi-annually review the actions of
counties and municipalities which have been certified as local issuing authorities
pursuant to O.C.G.A. § 12-7-8(a). The district or the commission or both may provide
technical assistance to any county or municipality for the purpose of improving the
effectiveness of the counties or municipality's erosion and sedimentation control
program. The districts or the commission shall notify the division and request
investigation by the division if any deficient or ineffective legal program is found.

(g) The division may periodically review the actions of counties and municipalities
which have been certified as local issuing authorities pursuant to O.C.G.A. § 12-7-8(a).
Such review may include, but shall not be limited to, review of the administration and
enforcement of a governing authority's ordinance and review of conformance with an
agreement, if any, between the district and the governing authority. If such review
indicates that the governing authority of any county or municipality certified pursuant to
O.C.G.A. § 12-7-8(a) has not administered or enforced its ordinances or has not
conducted the program in accordance with any agreement entered into pursuant to
O.C.G.A. § 12-7-7(e), the division shall notify the governing authority of the City or
municipality in writing. The governing authority of any county or municipality so notified
shall have 90 days within which to take the necessary corrective action to retain
certification as a local issuing authority. If the City or municipality does not take
necessary corrective action within 90 days after notification by the division, the division
may revoke the certification of the City or municipality as a local issuing authority.
(a) Failure to obtain a permit for land disturbing activity. If any person commences any land disturbing activity requiring a land disturbing permit, as prescribed in this chapter, without first obtaining said permit, the person shall be subject to revocation of his business license, work permit, or other authorization to conduct any business and associated work activities within the jurisdictional boundaries of the City. Failure to comply may result in a citation being issued to appear in state magistrate court which may result in monetary fines.

(b) Stop work orders and notice to comply.

(1) On development and residential land disturbance sites for the first and second violations of the provisions of this chapter, the director or the LIA shall post an official notice to comply and as a courtesy issue a written letter. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the director or the LIA shall issue a stop-work order requiring the land-disturbance activity be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the director shall issue an immediate stop-work order in lieu of notice to comply.

(2) For the third and each subsequent violation, the director or the LIA shall issue an immediate stop-work order; and

(3) All stop-work orders shall be in effect until the necessary corrective action has occurred.

(4) It shall be unlawful for any representative of the owner to remove an official notice to comply or stop work posting. If this action is observed by a county representative, the owner will be responsible for any and all possible fines. Upon issuance of a stop work order, the director or representative shall post official notice at such locations on the project site as deemed appropriate. Such posted official notice(s) shall be prominently displayed on the owner’s property until the stop work order is rescinded by the director, at which time said posted notice(s) will be removed by the director or representative.

(5) When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by director or his or her designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the director or his or her designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.
(c) Reinspection fee. The director shall assess a minimum $50.00 reinspection fee to a project if a reinspection is requested prior to the end of a compliance period and the site is found to remain out of compliance upon that inspection. Such fees (to cover administrative, field inspections, and transportation costs) must be satisfied prior to the issuance of a final erosion inspection or a certificate of occupancy.

(d) Bond forfeiture. If, through inspection, it is determined that a person engaged in land disturbing activities has failed to comply with the approved plan and permit, an official notice to comply shall be posted on-site and a letter will be issued as a courtesy. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land disturbing activity fails to comply within the time specified, he shall be deemed in violation of this chapter and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of subsection 14-2006(b)(6). The City may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land disturbing activity and bring it into compliance.

(e) Non-compliance. Non-compliance with this chapter shall be dealt with as follows:

Any person found to be in non-compliance with any provision of this chapter shall be served official notice by the department of environment and community development. The offender shall, within the period of time stated in the notice, take all necessary action to gain compliance and shall permanently cease such non-compliance.

(f) Monetary penalties. Any person who violates any provisions of this chapter, or any permit condition or limitation established pursuant to this chapter or who negligently or intentionally fails or refuses to comply with any final or emergency order of the director issued as provide in this chapter shall be liable for a civil penalty not to exceed $2,500.00 per day. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this chapter shall be authorized to impose penalties for such violations not to exceed $2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

(1) The following minimum penalties shall be imposed:

Conducting land disturbance activities without a land disturbance permit or building permit (first offense)—$250.00 for each violation or each day on which a violation exists.

Conducting land disturbance activities without a land disturbance permit or building permit (second or subsequent offense)—$1,000.00.

Lack of proper installation or maintenance of structural/vegetative best management practices—$250.00 per violation.

Working under a stop work order (first offense)—$500.00.
Working under a stop work order (second or subsequent offense)—$1,500.00.

(2) Upon violation of the provisions of this chapter, the City shall be entitled to take such remedial action as the director deems necessary to ensure compliance, and the violator shall reimburse the City for any cost or expense associated with such compliance efforts and the City shall be entitled to place a lien on the property to secure payment and reimbursement for these expenses.

(3) The department of environment and community development has the primary responsibility for the enforcement of this chapter.

(4) Persons designated by the director are hereby authorized to issue official notices, citations, and/or summons charging violations under this chapter, returnable to the state or magistrate courts of the City, or any other court of competent jurisdiction.

Sec. 14-2012. - Education and certification.

(a) Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.

(b) For each site on which land disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.

(c) Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this chapter.

(d) If a state general permittee, who has operational control of land-disturbing activities for a site has met the certification requirements of O.C.G.A § 12-7-19(b)(1), then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in O.C.G.A. § 12-7-19(b)(4) and shall not be required to meet any requirements specified in said paragraph.

Sec. 14-2013. - Administrative appeal; judicial review.

(a) Administrative remedies. The issuance of a stop work order, as well as the suspension, revocation, modification, or grant with condition of a permit by the City upon...
finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of this chapter shall entitle the person submitting the plan or holding the permit to a hearing before the City Council within 30 days after receipt by the director of written notice of appeal.

(b) Judicial review. Any person aggrieved by a decision or order of the City, after exhausting his administrative remedies, shall have the right to appeal de novo to the Superior Court of the City.

Sec. 14-2014. - Effectivity, validity and liability.

(a) This chapter shall become effective on the ____ day of September, 2018.

(b) Validity. If any section, paragraph, clause, phrase, or provision of this chapter shall be adjudged invalid or held unconstitutional, such decisions shall not affect the validity of remaining portions of this chapter.

(c) Liability.

(1) Neither the approval of a plan under the provisions of this chapter, nor the compliance with provisions of this chapter, shall relieve any person from responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the City, the district or their officers, employees or agents for damage to any person or property.

(2) The fact that a land disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this chapter or the terms of the permit.

(3) No provision of this chapter shall permit any person to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any waters of the state as defined thereby.

CHAPTER 3. - ARTICLE III. - HAZARDOUS WASTES

Sec. 14-3001. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accident shall mean any event involving the spillage, discharge, leakage, release, or exposure in any other fashion of any hazardous materials in or to the physical environment, whether air, water, or land, within the territorial boundaries of the City.
Hazardous materials shall include but not be limited to, all chemicals, materials, or substances that may be so defined as provided for in 49 USCA 1803 including, but not limited to, explosives, radioactive materials, etiologic agents, flammable liquids or solids, poisons, oxidizing or corrosive materials, and compressed gases which, because of quantity, concentration, or physical, chemical or infectious characteristics may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise handled.

Person shall include any individual, company, organization, association, or other entity, that manufactures, uses, transports, stores, or otherwise handles hazardous materials as defined herein, whether or not such entity continually or only incidentally engages in such activity and whether or not such activity is entered into for profit.

Responsible person shall mean any person as defined herein who has caused, whether directly or indirectly, a hazardous material to be manufactured, used, stored, transported, or otherwise introduced within the territorial boundaries of the City.

Violative act shall mean any act, taken by or attributable to, whether directly or indirectly, any person as defined herein that in any way violates or in any manner fails to comply with any of the provisions of the following federal and state laws or regulations concerning hazardous wastes:

(1) Federal statutes:
   b. The Clean Water Act, 33 USCA 431 et seq.
   c. The Clean Air Act, 42 USCA 1857 et seq.
   d. The Hazardous Materials Transportation Act, 46 USCA 170; 49 USCA 1801—1812.
   e. The Solid Waste Disposal Act, 42 USCA 251—3259.
   f. The Resource and Recovery Act, 42 USCA 3251 et seq.
   g. The Toxic Substance Control Act, 15 USCA 2601—2629.

(2) Federal Code of Regulations:
   a. 10 CFR: Energy. 10 CFR D.735-1 et seq.

(3) Georgia Statutes:

b. Interstate Civil Defense and Disaster Compact Act, O.C.G.A. § 38-3-70 et seq.


d. The Erosion and Sedimentation Control Act of 1975, as amended, O.C.G.A. §§ 12-7-11—12-7-16.


i. The Hazardous Waste Management Act of 1979, O.C.G.A. §§ 12-8-60—12-8-76.

(4) Georgia regulations:


b. Department of Natural Resources, Rules and Regulations, Solid Waste Management, chapter 391-3-4.


e. Department of Natural Resources, Rules and Regulations, Governmental Protection, Inspection and Maintenance, chapter 391-3-10.

Sec. 14-3002. - Accidents; reporting procedures; failure; fine.

(a) Any and all accidents involving hazardous materials within the territorial boundaries of the City must be reported immediately by the responsible person, or any agent thereof to the Chief of the City Fire Department, setting out complete information as to the location, time, and nature of the accident. Any responsible person who fails to
report any such accident immediately to the Chief of the City Fire Department shall be subject to a fine not to exceed $1,000.00.

(b) Whether or not such responsible person has reported any such accident as provided herein, such responsible person will be liable only for the costs incurred by any department or agency of the City in handling, controlling, or otherwise neutralizing the hazardous wastes involved in such accident. Failure of any person to make full and complete restitution on demand by the City for all amounts incurred by any agency or department thereof as herein provided shall subject such person to a fine not to exceed $2,000.00.

CHAPTER 4. - STORMWATER MANAGEMENT

Sec. 14-4001. - Short title of article.

The provisions of this chapter shall constitute and be known as the “Stormwater Management Ordinance of the City, Georgia.”

Sec. 14-4002. - Definitions.

For the purposes of this chapter, unless specifically defined below, words or phrases shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most effective application. Words in the singular shall include the plural, and words in the plural shall include the singular. Words used in the present tense shall include the future tense. The word “shall” connotes mandatory and not discretionary; the words “should” or “may” are permissive. Unless otherwise specified, or apparent from the context, definitions herein will be the same as those in other the City codes. For the purpose of this chapter, the following terms, phrases, and words, and their derivatives, shall have the meaning given herein:

Accidental discharge means a discharge of any non-stormwater related substance into the separate storm sewer that occurs by chance and without planning or consideration prior to occurrence.

Agricultural practices means practices involving the establishment, cultivation, or harvesting of products of the field or orchard; the preparation and planting of pasture land and farm ponds; and the construction of farm buildings, or other related activities per section 5.1 of the zoning resolution.

Applicant means a person submitting a post-development stormwater management application and plan for approval.

As-built plan or record drawing means a set of engineering or site drawings that delineate the specific permitted stormwater management facility as actually constructed.

Best management practices (BMPs) means a wide range of management procedures and structures, activities, prohibitions or practices that have been demonstrated to
effectively control the quality and/or quantity of stormwater runoff and which are compatible with the planned land use.

Channel means a natural or artificial watercourse with a definite bed and banks that conveys continuously or periodically flowing water.

City Council means the Mayor and Council of City of South Fulton.

Clean Water Act means the Federal Water Pollution Control Act, as amended (32 USC 1251 et seq.).

Conservation easement means an agreement between a land owner and the City or other government agency or land trust that permanently protects open space or greenspace on the owner's land by limiting the amount and type of development that can take place, but continues to leave the remainder of the fee interest in private ownership.

Cooling water means water used exclusively as cooling medium in an appliance, device, or apparatus.

City means the City of South Fulton, Georgia.

Mayor and City Councilmembers means an elected official of the City Council.

County/separate storm sewer system means a conveyance or system of conveyances (including roads with drainage systems, highways, rights-of-way, county streets, catchbasins, curbs, gutters, ditches, manmade channels, pipes, culverts, storm drains, detention ponds, other stormwater facilities) which are:

1. Owned or maintained by the City;
2. Designed or used for collecting or conveying stormwater;
3. Not a combined sewer; and
4. Not a part of publicly owned treatment works (POTW).

Design report means the report that accompanies the stormwater management plan and includes data used for engineering analysis, results of all analysis, design and analysis calculations (including results obtained from computer programs), and other engineering data that would assist the City in evaluating proposed stormwater management facilities.

Detention means the temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge.
Detention facility, structure and/or pond means a permanent stormwater management structure whose primary purpose is to temporarily store stormwater runoff and release the stored runoff at controlled rates.

Developer means a person who undertakes land development activities.

Development means a land development or land development project.

Director of the department of public works or director means the duly designated department head of the public works department or his/her designee.

Discharge means the release of treated or untreated water, fluid or other substance to the City separate storm sewer system.

Drainage easement means an easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

Erosion and sedimentation control ordinance means the ordinance adopted by the City that controls, reduces, or eliminates soil erosion and its transportation to the City's lakes, rivers, and streams, latest revision.

Erosion and sedimentation control plan means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during land disturbance activities.

Existing land use conditions means the ground surface in its original state before grading, excavating, or filling.

Extended detention means the detention of stormwater runoff for an extended period, typically 24 hours or greater.

Extreme flood protection means measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(5) The overflow of inland waters; or

(6) The unusual and rapid accumulation or runoff of surface waters from any source.

Grading means excavating, filling (including hydraulic fill), or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.

Greenspace or open space means permanently protected areas of the site that are preserved in a natural state.
Hotspot means an area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

Hydrologic soil group (HSG) means a Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from group A soils, with high permeability and little runoff produced, to group D soils, which have low permeability rates and produce significant runoff.

Illicit connection means any connection to the City's separate stormwater conveyance system (pipe, culvert, road, ditch, channel, draw or watercourse) that is not composed entirely of stormwater runoff or a connection that does not conform to an approved stormwater management plan from the City, other than the NPDES permit for discharging from the City separate storm system.

Impervious cover means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt surface.

Industrial stormwater permit means a National Pollutant Discharge Elimination System (NPDES) permit issued to an industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

Infiltration means the process of percolating stormwater runoff into the subsoil.

Inspection and maintenance agreement means a written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

Issuing department means that department in the City that has been designated as the department with the authority over the issuance, inspection, enforcement, and acceptance of permits for the sole purpose of developing or improving land, or building or constructing structures, utilities, public improvements (including stormwater management facilities), or other facilities located within the City.

Jurisdictional wetland means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Land development means any land change, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.
Land development activities means those actions or activities which comprise, facilitate or result in land development.

Land development project means a discrete land development undertaking.

Land disturbance permit means a permit issued by the City which must be obtained prior to the beginning of any land disturbing activity.

Land disturbing activity means any use of the land by any person that results in a change in the natural cover or topography that may cause erosion and contribute to sediment and alter the quality and/or quantity of stormwater runoff.

Maintenance means any action necessary to preserve stormwater management facilities in proper working condition, in order to serve the intended purposes set forth in this chapter or prevent structural failure of such facilities. Maintenance shall not include actions taken solely for the purpose of enhancing the aesthetic aspects associated with stormwater management facilities and BMPs.

National Pollutant Discharge Elimination System (NPDES) permit means a permit issued by the appropriate authority in accordance with the U.S. Environmental Protection Agency (EPA) regulations which require certain jurisdictions to obtain permits to discharge stormwater into waterbodies of the U.S.

New development means a land development activity on a previously undeveloped site.

Non-erodible means a material, e.g., natural rock, riprap, concrete, plastic, etc., that will not experience surface wear due to natural forces of wind, water, ice, gravity, or a combination of those forces except over a long period of time.

Nonpoint source pollution means a form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Non-structural stormwater management practice or non-structural practice means any natural or planted vegetation or other non-structural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.

Off-site facility means a stormwater management facility located outside the boundaries of the site.
On-site facility means a stormwater management facility located within the boundaries of the site.

Overbank flood protection means measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e. flow events that exceed the capacity of the channel and enter the floodplain), and that are intended to protect downstream properties from flooding for the two-year through 25-year frequency storm events.

Owner means the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

Permit means the permit issued by the City to the applicant which is required for undertaking any land development activity.

Permittee means the applicant who has applied for and/or been granted a permit for disturbance of the land by the governing agency.

Person means any and all persons, natural or artificial, and includes any individual, firm, corporation, government agency, business trust, estate trust, partnership, association, two or more persons having a joint or common interest or any other legal entity.

Person responsible for the land disturbing activity means:

1. The person who has or represents having financial or operational control over the land disturbing activity; and/or

2. The landowner or person in possession or control of the land who directly or indirectly allowed the land disturbing activity or has benefited from it or who has failed to comply with any provision of this chapter.

Pollution means the contamination or other alteration of any water’s physical, chemical, or biological properties, including changes in the temperature, taste, color, turbidity, or odor of such waters or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

Post-development refers to the time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.

Private means property or facilities owned by individuals, corporations, and other organizations and not by the City government or other governing entity.
Pre-development refers to the time period, or the conditions that exist, on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.

Procedure means a procedure adopted by the utility, by and through the director, to implement a regulation or regulations adopted under this chapter, or to carry out other responsibilities as may be required by this chapter or other codes, ordinances, or resolutions of the City.

Project means the entire proposed development regardless of the size of the area of land to be disturbed.

Public works department means the department within the City responsible for all stormwater management activities and implementation of the provisions of this chapter.

Redevelopment means a land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

Regional stormwater management facility or regional facility means stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

Responsible personnel means any foreman, superintendent, or similar individual who is the onsite person in charge of land disturbing activities.

Retention structure and/or pond means a permanent structure whose primary purpose is to permanently store a given volume of stormwater runoff. Release of the given volume is by infiltration and/or evaporation.

Right-of-way means a portion of land over which a local or state government has designated a right of use.

Runoff means stormwater runoff.

Site means the parcel of land being developed, or the portion thereof on which the land development project is located.

Stormwater better site design means non-structural site design approaches and techniques that can reduce a site’s impact on the watershed and can provide for non-structural stormwater management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover and using natural features for stormwater management.
Stormwater concept plan means the overall proposal for a storm drainage system, including stormwater management structures and BMPs and supporting documentation, as specified in the Stormwater Management Design and Criteria Manual. The purpose of the stormwater concept plan is to define on a conceptual level the nature of the proposed development or project and to describe all existing conditions and proposed facilities needed to conform the requirements of the City.

Stormwater management means the collection, conveyance, storage, treatment, and disposal of stormwater runoff in a manner to minimize accelerated channel erosion, increased flood damage, and/or degradation of water quality and in a manner to enhance and ensure the public health, safety, and general welfare, which shall include a system of vegetative or structural measures, or both, that control the increased volume and rate of stormwater runoff caused by manmade changes to the land.

Stormwater Management Design and Criteria Manual means the most recent approved manual of design, performance, and review criteria for stormwater management practices, prepared under the direction of the director of the department of public works or his/her agent. Copies of this manual can be obtained from the public works department.

Stormwater management districts means any districts established by the City Council where there are special assessments of property owners for the purpose of management and maintenance of stormwater.

Stormwater management facilities means those structures and facilities that are designed for the collection, conveyance, storage, treatment, and disposal of stormwater runoff into and through the drainage system. In most cases, stormwater management facilities will refer to facilities whose primary purpose is related to the quantity of stormwater, and where the BMPs primary purpose will be related to water quality concerns of stormwater.

Stormwater management master plan means the plans for the unincorporated county that govern storm drainage and related facilities, existing and proposed, for all drainage basins and/or watersheds within the City.

Stormwater management measure means any stormwater management facility or non-structural stormwater practice.

Stormwater management plan means the plan and supporting documentation that serves to define and expand the concepts shown as part of the stormwater concept plan, or is sufficient of itself to ensure conformance to the criteria in the Comprehensive Stormwater Management Design and Criteria Manual and this chapter.

Stormwater management qualitative control means a system of vegetative, structural, or other measures that reduce or eliminate pollutants that might otherwise be carried by stormwater runoff.
Stormwater management system means the entire set of structural and non-structural stormwater management facilities and practices that are used to capture, convey and control the quantity and quality of the stormwater runoff from a site.

Stormwater retrofit means a stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

Stormwater runoff means the direct response of a watershed to precipitation and includes the surface and subsurface runoff that enters a ditch, stream, storm drain, or other concentrated flow during and following the precipitation.

Structural stormwater control means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow of such runoff.

Subdivision means the division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

Variance means the modification of the minimum stormwater management requirements for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this chapter.

Waiver means the relinquishment from stormwater management requirements by the director of the issuing department or his/her agent for a specific land disturbing activity on a case-by-case review basis.

Waste means materials that are discarded, disposed of, or no longer usable.

Water quality means those characteristics of stormwater runoff from a land disturbing activity that relates to the physical, chemical, biological, or radiological integrity of water.

Water quantity means those characteristics of stormwater runoff that relate to the rate and volume of the stormwater runoff to downstream areas resulting from land disturbing activities.

Zoning resolution means the zoning resolution adopted by the City, as it may be amended from time to time.

Sec. 14-4003. - Penalties for violation of article.

(a) Upon determination that a violation of this chapter has occurred, the person responsible for the land disturbing activity shall be given a written notice of the violations and a time in which to correct the deficiencies.
If construction violations of the approved plan are occurring, an immediate stop work order may be issued by the director of the issuing department or his/her designee.

All non-construction related violations of this chapter shall be issued a citation by the City.

The municipal court of the city shall have jurisdiction to try offenses alleging violations of this chapter by any person, firm, corporation, partnership, or other entity. Violations of this chapter shall be deemed to be a misdemeanor. Each day any violation of this chapter shall continue shall be considered a separate offense. Upon conviction, any person, firm, corporation, partnership, or other entity shall be subject to a fine of $1,000 per violation or imprisonment in the City jail for not more than 60 days, or by both this fine and imprisonment for each offense.

The city attorney on behalf of the City may institute injunctive, or other appropriate action or proceedings at law or equity for the enforcement of this chapter or to correct violations of this chapter, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

**Sec. 14-4004. - Authority of article.**

This chapter is established as a new article to and under the authority of this Code.

The authority for this chapter is based on home rule provisions of Ga. Const. art. IX, § II.


**Sec. 14-4005. - Purpose/objectives of article.**

The purpose of this chapter is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. It has been determined that proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources. This chapter seeks to meet that purpose through the following objectives:

(1) Protect, maintain, and enhance the short-term and long-term public health, safety, and general welfare. This objective will be achieved by:
a. Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources.

b. Require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, streambank erosion, nonpoint source pollution and increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats.

c. Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality.

d. Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards.

e. Encourage the use of non-structural stormwater management and stormwater better site design practices, such as the preservation of greenspace and other conservation areas, to the maximum extent practicable. Coordinate site design plans, which include greenspace, with the City's greenspace protection plan.

f. Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and non-structural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety.

g. Establish administrative procedures for the submission, review, approval and disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term follow up.

(2) To satisfy federal (EPA) and state (DNR) regulations that require local programs to control stormwater discharges of pollution.

(3) To keep streets open to emergency vehicle traffic by reducing the flooding of streets.

(4) Require construction of drainage systems which aesthetically and functionally approximate natural systems.

(5) Establish the development and implementation of stormwater management districts.

Sec. 14-4006. - Application and scope of article.

The application of this chapter and the provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or
repeal of any other powers granted by state statute. In addition, if site characteristics indicate that complying with the minimum requirements of this chapter will not provide adequate designs or protection for local property or residents, the City may impose requirements greater than those set forth in this chapter. The director of the department of public works or his/her designee shall be responsible for the coordination and enforcement of the provisions of this chapter.

This chapter shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt pursuant to section 14-4015 below. These standards apply to any new development or redevelopment site that meets one or more of the following criteria:

a. New development that involves the creation of 5,000 square feet or more of impervious cover, or that involves other land development activities of one acre or more;

b. Redevelopment that includes the creation, addition or replacement of 5,000 square feet or more of impervious cover, or that involves other land development activity of one acre or more;

c. Any new development or redevelopment, regardless of size, that is defined by the director to be a hotspot land use; or,

d. Land development activities that are smaller than the minimum applicability criteria set forth in items a. and b. above if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules.

Sec. 14-4007. - Conflict with other laws.

Whenever the provisions of this chapter impose more restrictive standards than are required in or under any other ordinance, the regulations herein contained shall prevail. Whenever the provisions of any other law require more restrictive standards than are required herein, the requirements of such law shall prevail.

Sec. 14-4008. - Severability.

If any term, requirement, or provision of this chapter or the application thereof shall, to any extent, be invalid or unenforceable, the remainder of this chapter or the application of such terms, requirements, and provisions shall not be affected thereby and each term, requirement, or provision of this chapter shall be valid and be enforced to the fullest extent permitted by law.

Sec. 14-4009. - Amendments.

This chapter may be amended in the manner as prescribed by law for its original adoption.
Sec. 14-4010. - Liability of county.

Neither the approval of a plan under the provisions of this chapter nor the compliance with the provisions of this chapter shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor shall it impose any liability upon the City for damage to any person or property.

Sec. 14-4011. - Other ordinances.

This chapter does not negate the following codes, laws, and ordinances or any other applicable ordinance:

1. Erosion and sedimentation control ordinance of the City.
2. Zoning resolution of the City including the floodplain management section.
3. Rules for dam safety under the Environmental Protection Division by the State of Georgia Safe Dam Act of 1978 (O.C.G.A. § 12-5-370 et seq.). All other impounding structures (dams) criteria not covered by the Safe Dam Act (O.C.G.A. § 12-5-440 et seq.) shall be addressed in the City Comprehensive Stormwater Manual.
4. MRPA, Metropolitan River Protection Act (O.C.G.A. § 12-5-440 et seq.).
5. South Fulton Chattahoochee River Corridor (Georgia River and Mountain Protection Act).

Sec. 14-4012. - Effective date.

This chapter shall take effect 60 calendar days after City Council approval.

Sec. 14-4013. - Scope of article; scope of responsibilities.

(a) Imposition of stormwater management measures. No person shall develop any land without having provided for stormwater management measures in compliance with this chapter, unless exempted under the terms of this chapter, particularly section 14-4015.

(b) Geographic scope of measures. The provisions of this chapter shall apply throughout the unincorporated area of the City.

Sec. 14-4014. - Powers of the department of public works.

(a) The department of public works shall have the power to administer and enforce all regulations and procedures adopted to implement this chapter, including the right to maintain an action or procedure in any court of competent jurisdiction to compel compliance with or restrain any violation of this chapter.

(b) The director of the department of public works or his/her designee shall be responsible for the coordination and enforcement of the provisions of this chapter. In
addition, it shall be the duty of all officers and employees of the City, especially members of the police department, sheriff’s department and marshal’s office, to assist the director in the course of his/her duties to enforce this chapter.

(c) The director of the department of public works or his/her designee shall be responsible for the conservation, management, maintenance (where applicable), extension, and improvement of the City separate storm sewer system, including activities necessary to control stormwater runoff and activities necessary to carry out stormwater management programs included in county NPDES stormwater permit.

(d) The director of the department of public works or his/her designee shall develop, or cause to be developed and updated periodically, a stormwater management design manual for the guidance of persons preparing stormwater management plans, and designing or operating stormwater management systems.

(e) The director of the department of public works or his/her designee shall prepare or cause to be prepared and updated a stormwater management master plan.

(f) The director of public works shall interpret the provisions of this chapter and may use the opinions of the City attorney and others in arriving at interpretations. Appeals from an interpretation of the director shall be in accordance with the provisions of section 14-4021.

(g) The director of public works or his/her designee shall:

(1) Administer, coordinate, and oversee acquisition, design, construction, and operation and maintenance of municipal/county stormwater facilities and conveyances;

(2) Establish or oversee establishment of development standards and guidelines;

(3) Determine the manner in which stormwater facilities should be operated;

(4) Inspect private systems which discharge to the municipal/county separate storm sewer system;

(5) Advise the other departments on issues related to stormwater;

(6) Protect facilities and properties controlled by the City and prescribe how they are to be used by others;

(7) Require new, increased, or significantly changed stormwater contributions to comply with the terms of this chapter;

(8) Develop programs or procedures to control the discharge of pollutants into the municipal/county separate storm sewer system;
Adopt and implement the stormwater management program for county government.

**Sec. 14-4015. - Exemptions from article requirements.**

All development, construction or improvements that occur within the boundaries of the City shall be governed by the provisions of this chapter and the City's Comprehensive Storm Drainage Design and Criteria Manual. The following activities are exempt:

1. Individual single-family or duplex residential lots that are not part of a subdivision or phased development project.

2. Additions or modifications to existing single-family or duplex detached residential structures.

3. Developments that do not disturb more than 5,000 square feet of land area.

4. Any maintenance or renovation of an existing structure or system not materially changing or affecting the rate or volume of stormwater runoff, in the sole discretion of the director of the issuing department.

5. Those exemptions spelled out in section 14-2004, provided the activities listed do not contribute pollutants to the City's stormwater conveyance system and the state's waters, or do not increase the turbidity of stormwater runoff from the site due to erosion or land disturbing activity, or the activities listed are governed by other rules and regulations that are more restrictive than this chapter.

6. Repairs to any stormwater management facility or practice deemed necessary by the director.

7. Agricultural or silvicultural land management activities within areas zoned for these activities.

**Sec. 14-4016. - Grandfather clause.**

Any applicant or owner of a parcel of land within the jurisdiction of the City who has constructed the required stormwater management facility or BMP or who is in the process of meeting the stormwater management requirements of the law at the time of the effective date of this chapter, may elect to apply to the director for reconsideration under the provisions of this chapter.

**Sec. 14-4017. - Stormwater Management Design and Criteria Manual.**

(a) Through the passage of this chapter, the City Council adopts the City Comprehensive Storm Drainage Design and Criteria Manual (the manual) and all the rules, regulations, and definitions contained therein. This manual was developed to assist in the design and evaluation of stormwater management facilities and practices.
The director of public works shall be responsible for the promulgation of the manual and its contents. The manual shall be updated periodically to reflect the most current and effective practices, rules, and regulations, and shall be made available to the public.

(b) The following topics will be set forth in the Comprehensive Stormwater Management Design and Criteria Manual:

(1) Stormwater concept and management plan approval process;
(2) Stormwater quantity management facilities;
(3) Minimum runoff quality control requirements;
(4) Maintenance agreement for privately owned stormwater facilities; and
(5) All technical criteria and procedures related to stormwater quality and quantity.

Sec. 14-4018. - Variances.

(a) The director of public works may grant a variance from the requirements of this chapter if there are hardships applicable to the site.

(b) A written request for a variance shall be required and shall state the specific variance sought and the reasons, with supporting data, for their granting.

(c) The director may grant a variance from requirements of this chapter if the proposed development activity:

(1) Does not change or increase the rate, velocity or volume of runoff significantly; or
(2) Does not have a significant, negative impact on wetland, watercourse, or water body; or
(3) Does not contribute to degradation of downstream water quality or quantity; or
(4) If the construction of proposed improvements will create a safety, traffic or drainage hazard; or
(5) Are impractical to construct; or
(6) The grading, or construction of any of the facilities, related to the development activity that are needed to meet the requirements of this chapter and will have an adverse impact to an adjacent or downstream property owner.
Sec. 14-4019. - Off-site drainage facilities.

Guidelines for consideration of off-site facility/conveyance system use are defined in the City Comprehensive Stormwater Management Design and Criteria Manual and section 14-4029 of this chapter.

Sec. 14-4020. - Stormwater management districts.

Upon the recommendation of the director of the department of public works, the City Council shall designate stormwater management districts throughout the unincorporated areas of the City. It shall be the responsibility of the director of the department of public works to determine the boundaries of each stormwater district and shall use the stormwater management master plan as a guide.

Sec. 14-4021. - Appeals.

(a) Any person aggrieved by a decision of the director of the issuing department, including any decision with reference to the granting or denial of a variance from the terms of this chapter, may appeal the same by filing a written notice of appeal with the director within 30 calendar days of the issuance of said decision by the director.

(b) All appeals shall be heard by the director or his/her designee who is hereby granted specific authority to hear and determine such appeals. The hearing shall be held within 30 days after receipt of notice of appeal or a date mutually agreed upon in writing. The final decision of the director shall be based on published guidelines of appeals established by the City and amended from time to time.

(c) Any appeal of said final decision may be made to the superior court as allowed by law.

DIVISION 2. - STORMWATER DRAINAGE MANAGEMENT, PLANNING AND DEVELOPMENT REQUIREMENTS

Sec. 14-4022. - General requirements.

(a) Adequate drainage and control of stormwater are an integral and important part of any development. Proper drainage planning shall be considered an essential element of any stormwater concept plan or stormwater management plan submitted to the City. The design and construction of a site shall also follow the rules and regulations found in the zoning resolution and this chapter.

(b) At the time of the initial submittal to the City with an application for a preliminary plat, every sub-divider or developer shall, at his/her sole expense, be required to submit to the stormwater management section of the department of public works, a stormwater concept plan for review and approval. At the time of the site visit, it shall be determined if drainage studies and reports, design computations, and such other information need to be required to ensure that stormwater originating both from the proposed subdivision or development and lands lying upgradient will be adequately drained and controlled in
order to approve the stormwater concept plan. The stormwater concept plan shall be a preliminary drawing of the proposed location of storage facilities, stormwater discharge path of detention/retention pond(s), other downstream and upstream constraints and other matters with potential stormwater implications. Such plans and supplementary information shall be consistent with the requirements of this chapter, the zoning resolution, and the Comprehensive Stormwater Management Design and Criteria Manual.

(c) Upon approval of the stormwater concept plan and prior to the issuance of any building or land disturbance permits, the subdivider shall, at his/her sole expense, prepare and submit for review and approval by the development services department a stormwater management plan. The stormwater management plan shall detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this chapter, including the performance criteria set forth below. This plan shall be in accordance with the criteria established in this section and be prepared under the direct supervisory control of either a registered professional engineer or a registered landscape architect licensed in the State of Georgia. Subsections (3), (4), (5) and (6) shall be prepared under the direct supervisory control of a registered professional engineer, who shall seal and sign the work. Portions of the overall plan may be prepared and stamped by a registered land surveyor licensed in the State of Georgia as appropriate, such as boundary surveys, contour maps, erosion and sedimentation control plans. The stormwater management plan must ensure that the requirements and criteria in this chapter are being complied with and that opportunities are being taken to minimize adverse post-development stormwater runoff impacts from the development. The plan shall consist of maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The plan shall include all of the information required in the stormwater management site plan checklist found in the stormwater design and criteria manual. This includes:

1. Common address and legal description of site.
2. Vicinity map.
3. Existing conditions hydrologic analysis. The existing condition hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map of existing site conditions with the drainage basin boundaries indicated; acreage, soil types and land cover of areas for each subbasin affected by the project; all perennial and intermittent streams and other surface water features; all existing stormwater conveyances and structural control facilities; direction of flow and exits from the site; analysis of runoff provided by off-site areas upstream of the project site; and methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. For redevelopment sites, predevelopment conditions shall be modeled using the established guidelines for the portion of the site undergoing land development activities.
(4) Post-development hydrologic analysis. The post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map of developed site conditions with the post-development drainage basin boundaries indicated; total area of post-development impervious surfaces and other land cover areas for each subbasin affected by the project; calculations for determining the runoff volumes that need to be addressed for each subbasin for the development project to meet the post-development stormwater management performance criteria in section 14-40030; location and boundaries of proposed natural feature protection and conservation areas; documentation and calculations for any applicable site design credits that are being utilized; methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. If the land development activity on a redevelopment site constitutes more than 50 percent of the site area for the entire site, then the performance criteria in Section 14-40030 must be met for the stormwater runoff from the entire site.

(5) Stormwater management system. The description, scaled drawings and design calculations for the proposed post-development stormwater management system, which shall include: a map and/or drawing or sketch of the stormwater management facilities, including the location of non-structural site design features and the placement of existing and proposed structural stormwater controls, including design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes; a narrative describing how the selected structural stormwater controls will be appropriate and effective; cross-section and profile drawings and design details for each of the structural stormwater controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria; a hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs); documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria in section 14-4029; drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyance elements including stormwater drains, pipes, culverts, catch basins, channels, swales and areas of overland flow; and where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans and/or local greenspace protection plan.

(6) Post-development downstream analysis. A downstream peak flow analysis which includes the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream. The analysis of downstream conditions in the report shall address each and every point or area along the project site's boundaries at which runoff will exit the property. The analysis shall focus on the portion of the drainage channel or watercourse immediately downstream from the project. This area shall extend downstream from the project to a point in the drainage basin where the project area is 10 percent of the total basin area. In calculating runoff volumes and discharge rates, consideration may need to be given to
any planned future upstream land use changes. The analysis shall be in accordance with the stormwater design manual.

(7) Construction-phase erosion and sedimentation control plan. An erosion and sedimentation control plan in accordance with the Georgia Erosion and Sedimentation Control Act (or reference to the local erosion and sedimentation control ordinance) or NPDES permit for construction activities. The plan shall also include information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent stormwater controls.

(8) Landscaping and open space plan. A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to stormwater management facilities and practices. The landscaping plan must also include: the arrangement of planted areas, natural and greenspace areas and other landscaped features on the site plan; information necessary to construct the landscaping elements shown on the plan drawings; descriptions and standards for the methods, materials and vegetation that are to be used in the construction; density of plantings; descriptions of the stabilization and management techniques used to establish vegetation; and a description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.

(9) Operations and maintenance plan. Detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and constructed or preserved. These plans will identify the parts or components of a stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary. The plan shall include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access and safety issues. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

(10) Maintenance access easements. The applicant must ensure access from public right-of-way to stormwater management facilities and practices requiring regular maintenance at the site for the purpose of inspection and repair by securing all the maintenance access easements needed on a permanent basis. Such access shall be sufficient for all necessary equipment for maintenance activities. Upon final inspection and approval, a plat or document indicating that such easements exist shall be recorded and shall remain in effect even with the transfer of title of the property.

(11) Inspection and maintenance agreements. The applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management facility or practice.
Evidence of acquisition of applicable local and non-local permits. The applicant shall certify and provide documentation to the City that all other applicable environmental permits have been acquired for the site prior to approval of the stormwater management plan.

The stormwater management plan shall conform to the stormwater concept plan for said development. Such plans and supplementary information shall be consistent with the requirements of this chapter, the zoning resolution, and the Comprehensive Stormwater Management Design and Criteria Manual.

A developer and his/her professionals should discharge the drainage from their site into a storm conveyance system that is publicly owned and maintained. Every subdivider shall provide, at no cost to the City, an easement up to a maximum width as is necessary to accommodate drainage from a 100-year storm for the purpose of constructing and maintaining the drainage system for the transmission, through the subdivider's property, of all stormwater generated upstream from the subdivision. Notwithstanding this requirement, any natural drainageway which traverses any subdivider's property or adjacent properties, shall not be encroached upon or altered so as to render the same less suitable to accept and transport stormwater that has historically flowed through such drainageway. Should a subdivider fail to obtain an off-site easement for the purpose of drainage conveyance, then the design discharge at the outlet facilities of the subdivision shall be limited to the pre-developed conditions for all storm events, including the discharges and velocities, whichever is more restrictive shall apply.

Site visit. Prior to the submittal of a land disturbance permit, or in connection to the stormwater concept plan, the developer/engineer must contact the department of public works stormwater management section to arrange an onsite evaluation visit. By way of example and not limitation, the visit should include an evaluation of the location of storage facilities, stormwater discharge path of detention/retention ponds, other downstream and upstream constraints and other matters with potential stormwater implications.

It shall be the responsibility of the developer to demonstrate that the development and/or stormwater conveyance facilities will not cause a violation of local, state, and federal laws or regulations to occur at the time of the application for a land disturbance permit. Evidence that the applicant has complied with requirements to obtain other state and federal permits which may be applicable, such as, but not limited to wetlands (4004) permit, NPDES permit, and Metropolitan River Protection Act, must also be supplied to the City as part of the stormwater management plan and study.

It shall be the responsibility of the developer/engineer to accurately depict the conditions of the site, both onsite and off-site, on the plans submitted to the City that are affected by this chapter. Any modifications, changes, or construction that occur to the plans or in the field, as a result of having to conform to the City's Storm Drainage Criteria Manual or other criteria found in this chapter, and the cost to rectify shall be borne entirely by the developer.
Sec. 14-4023. - Specific requirements.

(a) Prior to the issuance of a land disturbance permit by the development services department the following must be in effect:

(1) Documentation that authorizes the right of entry by the City for emergency maintenance of stormwater management facilities.

(2) Documentation that authorizes the right of entry by the City for the purpose of inspecting the stormwater management facilities.

(3) Any off-site easements necessary to effectuate subsections (a)(1) and (a)(2) of this section (easements must be recorded), or to implement the stormwater management plan.

(4) Written authorization from an adjacent property owner allowing any proposed off-site grading, construction, storage, or other improvements to their property.

(5) An approved stormwater concept plan or stormwater management plan, as adjudged appropriate in the discretion of the director of the department of public works or his/her designee.

(b) In accordance with the zoning resolution and this chapter, all applications for building permits, and the accompanying plot plan, shall correspond with the approved grading plan or the approved stormwater management plan on file with the City. The issuing authority may require spot elevations, flow direction arrows, contour lines, or other information that it deems necessary prior to the issuance of the building permit to ensure compliance to the approved grading plan or the approved stormwater management plan.

(c) Prior to the issuance of a certificate of occupancy by the City, all stormwater management facilities required as part of the stormwater management plan shall be completed and approved by the City.

(d) Prior to the issuance of the certificate of occupancy by the appropriate department, the following must be submitted to the City:

(1) Recorded easements for stormwater management facilities.

(2) Receipt by the City of an as-built/record drawing of the stormwater management facilities that is signed and sealed by a registered engineer. Discrepancies between the record drawing and the approved stormwater management plan must be identified to the City, and the City shall give its approval to any discrepancies prior to the issuance of the certificate of occupancy.

(e) Any and all land disturbance permits may be revoked at any time if the construction of the site or the stormwater management facilities are not in strict
accordance with the approved stormwater management plans or other sections of this chapter.

(f) It shall be the responsibility of the person, firm, corporation, or other entity to maintain the drainage patterns and the stormwater management facilities that are in existence at the time of the issuance of the certificate of occupancy. They, their heirs, or assigns are prohibited from performing any improvements or regrading of the site, that in any way block, alter, or redirect the existing drainage patterns or facilities, except for the occasional maintenance to facilities to keep them operating as originally designed. Conviction by a person, firm, corporation, or other entity for violating this section shall be a misdemeanor and shall be subject to the penalties found in section 14-4003.

Sec. 14-4024. - Development in flood hazard area.

Should a subdivider or owner wish to develop within a flood hazard area, then the subdivider or owner shall prepare, at his/her sole expense, an engineering study and supporting information per section 4.24 of the zoning resolution of the City and follow all the other criteria, rules and regulations that are indicated therein. Per section 4.24.9F of the zoning resolution, any revisions or amendments to the FEMA FIRM maps required shall be completed prior to the City's issuance of a certificate of occupancy.

Sec. 14-4025. - Drainage system connection.

Permission is required from the City to connect to or discharge into any drainage system, conveyance system, or watercourse within the City. Permission shall be implied as part of an approved stormwater management plan from the City. Deviations from the approved stormwater management plan, that do not have the permission of the City, shall be deemed an illicit connection and in violation of division 6 of this chapter, and shall prohibit the City from issuing a certificate of occupancy or recording of the final plat, even if the deviations result from mistakes to or omissions from the stormwater management plan or changes that occur in the field.

Sec. 14-4026. - Permit suspension and revocation.

(a) A land disturbance, building or grading permit, or any type of certificate of occupancy may be suspended or revoked by the issuing department if one or more of the following occurs:

(1) Violations of the conditions of the stormwater management plan approval;

(2) Construction not in accordance with the approved plans;

(3) Noncompliance with correction notices or stop work orders; or

(4) The existence of an immediate danger in the judgment of the director of the department of public works or his/her designee.
If one or more of these conditions are found, a written notice of violation from the issuing department shall be served upon the owner or authorized representative and an immediate stop work order may be issued. The notice shall set forth the measures necessary to achieve compliance with the plan. Correction of these violations must be initiated within seven days of the notice, or the owner shall be deemed in violation of this chapter and subject to penalties for the said violation.

Sec. 14-4027. - Professional registration requirements.

(a) All stormwater concept and stormwater management plans and design reports shall be prepared, certified, and stamped/sealed by a qualified registered Georgia professional engineer, using acceptable engineering standards and practices.

(b) The engineer shall undertake to perform services only in areas of his/her competence, and only when qualified by education and/or experience in the specific technical field. In addition, the engineer must certify that the plans have been designed in accordance with the standards and criteria stated or referred to in this chapter.

Sec. 14-4028. - Modifications for off-site facilities.

The stormwater management plan for each land development project shall provide for stormwater management measures located on the site of the project, unless provisions are made to manage stormwater by an off-site or regional facility. The off-site or regional facility must be located on property legally dedicated for the purpose, must be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices and there must be a legally-obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility. In addition, on-site measures shall be implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site facility.

A stormwater management plan must be submitted to the City which shows the adequacy of the off-site or regional facility.

To be eligible for a modification, the applicant must demonstrate to the satisfaction of the City that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:

1. Increased threat of flood damage to public health, life, and property;
2. Deterioration of existing culverts, bridges, dams, and other structures;
3. Accelerated streambank or streambed erosion or siltation;
4. Degradation of in-stream biological functions or habitat; or
5. Water quality impairment in violation of State water quality standards, and/or violation of any state or federal regulations.
Sec. 14-4029. - Post-development stormwater management performance criteria.

The following performance criteria shall be applicable to all stormwater management plans, unless otherwise provided for in this chapter:

(1) Water quality. All stormwater runoff generated from a site shall be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirement if:

a. It is sized to treat the prescribed water quality treatment volume from the site, as defined in the Georgia Stormwater Management Manual;

b. Appropriate structural stormwater controls or non-structural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the Georgia Stormwater Management Manual; and,

c. Runoff from hotspot land uses and activities identified by the director are adequately treated and addressed through the use of appropriate structural stormwater controls, non-structural practices and pollution prevention practices.

(2) Stream channel protection. Protection of stream channels from bank and bed erosion and degradation shall be provided by using all of the following three approaches:

a. Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer;

b. 24-hour extended detention storage of the one-year, 24-hour return frequency storm event;

c. Erosion prevention measures such as energy dissipation and velocity control.

(3) Overbank flooding protection. Downstream overbank flood and property protection shall be provided by controlling (attenuating) the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour return frequency storm event. If control of the one-year, 24-hour storm under subsection (2) is exempted, then peak discharge rate attenuation of the two-year through the 25-year return frequency storm event must be provided.

(4) Extreme flooding protection. Extreme flood and public safety protection shall be provided by controlling and safely conveying the 100-year, 24 hour return frequency storm event such that flooding is not exacerbated.

(5) Structural stormwater controls. All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the Georgia Stormwater Management Manual. All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls
not included in the Georgia Stormwater Management Manual, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from the City before being included in the design of a stormwater management system. In addition, if hydrologic or topographic conditions, or land use activities warrant greater control than that provided by the minimum control requirements, the director may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of stormwater runoff or increased nonpoint source pollution loads created on the site in question.

Applicants shall consult the Georgia Stormwater Management Manual for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

(6) Stormwater credits for non-structural measures. The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required herein. The applicant may, if approved by the director, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements which identify the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the Georgia Stormwater Management Manual.

(7) Drainage system guidelines. Stormwater conveyance facilities, which may include but are not limited to culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters shall be provided when necessary for the protection of public right-of-way and private properties adjoining project sites and/or public right-of-ways. Stormwater conveyance facilities that are designed to carry runoff from more that one parcel, existing or proposed, shall meet the following requirements:

a. Methods to calculate stormwater flows shall be in accordance with the stormwater design manual;

b. All culverts, pipe systems and open channel flow systems shall be sized in accordance with the stormwater management plan using the methods included in the stormwater design manual; and,

c. Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the stormwater design manual.

(8) Dam design guidelines. Any land disturbing activity that involves a site which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.
DIVISION 3. - OWNERSHIP AND COUNTY PARTICIPATION

Sec. 14-4030. - Ownership of stormwater management facilities and BMPs.

(a) All stormwater management facilities and BMP structures shall be privately owned and maintained unless the City accepts the facility for county ownership and/or maintenance, subject to the provisions of division 5 of this chapter. The owner of all private facilities shall grant and shall be deemed to have granted to the City, a perpetual, nonexclusive easement that allows for public inspection and emergency repair.

(b) All stormwater management measures relying on designated vegetated areas or special site features should be privately owned and maintained as defined on the stormwater management plan.

(c) Regional stormwater management facilities may be publicly owned.

Sec. 14-4031. - County participation.

A voluntary development agreement between the applicant and the City may provide for additional storage capacity beyond that required by the applicant for onsite stormwater management in order to correct for future development. The City designee shall be authorized to negotiate, subject to ultimate approval by the City Council, within the following guidelines:

(1) Require that the applicant grant any necessary easement over, through, or under the applicant's property to provide access to or drainage for such facility.

(2) Require that the applicant obtain from the owners of property any easements necessary for the construction and maintenance of the same, and the City may assist by purchase, condemnation, dedication, and subject to cost incurred to be paid by applicant.

Sec. 14-4032. - Agreement between county and municipalities.

(a) Prior to implementation of a stormwater plan, the director may furnish a copy of any stormwater management plan which affects any incorporated city, town, municipality, or other local government, and possessing the power to regulate stormwater management of any stormwater management facility or development.

(b) The City may enter into an intergovernmental agreement with any incorporated city, town, or other municipality concerning any matter related to stormwater management.

DIVISION 4. - FUNDING AND FEES
Sec. 14-4033. - Application review fees.

The fee for review of any stormwater management application shall be based on the fee structure established by the City and shall be made prior to the issuance of any building permit for the development.

DIVISION 5. - MAINTENANCE, CONSTRUCTION AND INSPECTION

Sec. 14-4034. - Maintenance.

(a) Any stormwater management facility or BMP which services a residential, commercial, or industrial development shall be privately owned and privately maintained so that the facilities operate as originally designed. The owner thereof shall grant to the City, a perpetual, nonexclusive easement which allows for public inspection and emergency repair, in accordance with the terms of the maintenance agreement set forth in section 14-40039. The City may periodically inspect all privately owned and maintained stormwater management facilities and BMPs for compliance with this chapter and the City criteria. Failure to maintain such facilities shall be considered a violation and subject the owner to the considerations of this chapter to rectify the situation or be subject to the penalties in section 14-4003.

(b) All regional stormwater management control facilities, identified by the City's storm drainage master plan, shall be publicly maintained.

(c) All other stormwater management control facilities and BMPs shall be privately owned and/or maintained, unless specifically accepted for ownership and maintenance by the City.

(d) Private maintenance requirements shall be a part of the deed to the affected property.

Sec. 14-4035. - Construction and inspection.

(a) Prior to approval of the stormwater management plan, the permittee shall submit a proposed staged inspection and construction control schedule, which the department of development services shall either approve, disapprove, or modify.

(b) No stage of work, related to the construction of stormwater management facilities or BMPs, shall proceed until the next preceding stage of work is inspected and approved.

(c) Any portion of the work that does not comply with this chapter or with the stormwater management plan shall be promptly corrected by the permittee.

(d) The permittee shall notify the director of development services department or his/her designee before commencing any work and upon completion of the work.
After commencing initial stormwater management operations, the permittee shall provide for regular biweekly inspection reports to be certified by a registered professional engineer at construction stages and provided to the department of development services.

The permittee shall provide an as-built/record drawing plan certified by a registered professional to be submitted upon the completion of the stormwater management facilities included in the stormwater management plan. The registered professional shall certify that:

1. The facilities have been constructed as shown on the as-built plan; and
2. The facilities meet the approved stormwater management plan and specifications.

A final inspection shall be conducted by the director of development services or his/her designee upon completion of the work included in the approved stormwater management plan.

The director of community development services or his/her designee shall maintain a file of inspection reports and make available copies of all inspection reports.

The director of community development services or his/her designee will notify the person responsible for the land disturbing activity in writing when violations are observed.

Sec. 14-4036. - Inspection and maintenance agreement (onsite facilities only).

An inspection and maintenance agreement shall be executed for all private onsite stormwater management facilities prior to the issuance of a grading, land disturbance, or building permit. Such agreement shall be binding on all heirs, successors, or assignees.

The agreement shall provide that preventive maintenance inspections of filtration systems, retention, or detention structures may be made by the department of development services, at its option.

The agreement shall provide that the department of development services shall notify the owners of the facility of any violation, deficiency, or failure to comply with this chapter. The agreement shall also provide that, upon a failure to correct violations requiring maintenance work, within 30 days after the notice thereof, the City may provide for all necessary work to place the facility in proper working condition. The owners of the facility shall be assessed the costs of the work performed by the City pursuant to this subsection.
Sec. 14-4037. - Inspection for preventive maintenance (regional facilities only).

Preventive maintenance inspections of infiltration system, retention, or detention structures comprising regional public facilities may be made by the department of public works.

Sec. 14-4038. - Maintenance of preexisting residential stormwater management facilities.

All dedicated and accepted residential stormwater management facilities in existence in the City on the effective date of this chapter shall be maintained by the owners (except those constructed prior to 1990) in such a manner as to maintain and enhance the public health, safety, and general welfare to reduce and minimize damage to property; to reduce and minimize the impact of such facilities on land and stream channel erosion; to assist in the attainment and maintenance of water quality standards; to reduce local flooding; and to maintain, as nearly as possible, the preexisting development runoff characteristics of the area. The owners shall be responsible for providing reasonable ingress and egress for maintenance. The City shall not be responsible for aesthetic maintenance.

Sec. 14-4039. - Maintenance of preexisting commercial/industrial stormwater management facilities.

(a) All commercial/industrial stormwater management facilities in existence in the City on the effective date of this chapter shall be maintained by the owners thereof in such a manner as to maintain and enhance the public health, safety, and general welfare in order to be assure that such facilities are safe and will not result in injury or harm to persons or property; to reduce and minimize damage to public and private property; to reduce and minimize the impact of such facilities on land and stream channel erosion; to assist in the attainment and maintenance of water quality standards; to reduce local flooding; and to maintain, as nearly as possible, the preexisting development runoff characteristics of the area. All such maintenance of such facilities shall be at the sole cost and expense of the owners thereof.

(b) The City shall have the authority to take necessary steps to abate any nuisance as that term is defined by applicable law.

(c) If the charges and costs provided for in subsection (b) of this section remain unpaid by the owner for a period of 30 days after notice thereof to the owner or occupant of the property upon which such conditions existed, the City's duly authorized representative shall cause a lien to be issued against the owner of the property for those charges. The execution shall be a lien on the property and, when recorded in the general execution docket of the City, shall be a lien on all property of the defendant in execution from the date of such recording.

DIVISION 6. - PROHIBITIONS AND ILLICIT CONNECTIONS
Sec. 14-4040. - Prohibitions.

(a) It is unlawful for any person, company, corporation, etc., to throw, drain, run, or otherwise discharge to any component of the City's stormwater system, including streets, highways, rights-of-way; or to cause, permit, or suffer to be thrown, drain, run, or allow to seep or otherwise discharge into such system, any organic or inorganic matter that shall cause or tend to cause pollution to such waters, as provided for in this chapter.

(b) The director of public works may exempt the following from the prohibition provision above:

1. Water line flushing performed by a government agency, diverted stream flows, rising groundwater, and unpolluted groundwater infiltration.
2. Unpolluted pumped groundwater.
3. Discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, and water from street washing.
4. Discharges or flows from firefighting.
5. Other unpolluted water.

(c) In the event of an accidental discharge or an unavoidable loss to the municipal/county separate storm sewer system of any material of substance other than stormwater runoff, the person responsible shall inform the department of public works within five days of the nature, quantity, and time of the occurrence of the discharge. The person responsible shall take immediate steps to minimize the effects of the discharge on the municipal/county system and receiving streams. The person shall also take immediate steps to ensure no recurrence of the discharge.

Sec. 14-4041. - Illicit connections.

(a) It is unlawful for any person, company, corporation, etc., to connect any pipe, open channel, or any other conveyance, structure or system to the City's stormwater conveyance system that discharges anything except stormwater runoff and that are not identified on the stormwater management plan.

(b) Improper connections in violation of this chapter must be disconnected and redirected, if necessary, to the City sanitary system or other acceptable outfall upon approval by the director of public works.
Sec. 14-4042. - Cooperation with the City.

(a) It shall be the responsibility of any person, firm, company, corporation, etc., to cooperate with the City in the search for illicit connections or prohibitive activities as described in this division in order for the City to comply with the conditions of its NPDES permit.

(b) Any person, firm, company, corporation, etc., shall answer the questions of the City and share information on business activities as they relate to this chapter, except those records and activities that are confidential and proprietary. If necessary, the City may obtain access to confidential and proprietary records and activities through a court order, subject to the following conditions:

(1) The City shall have access to records and information for the purpose of examination for compliance with the conditions of this chapter only during normal business hours;

The City shall not have the right to make copies, excerpts, or transcripts of such records and activities without receiving prior written consent; and

(2) The City shall not disclose or make available to third parties any such records or information obtained unless required to do so by a separate court order.

(c) Failure to comply with the conditions of this division shall be considered a violation and subject to the penalties found in section 14-4003.

CHAPTER 5. - QUARRIES

Sec. 14-5001. - Hours of operation.

Quarry work shall not begin before 7:00 a.m. and shall end on or before 5:30 p.m. No work shall be permitted on Sundays. Blasting and the explosion of dynamite and explosives shall be limited between the hours of 11:00 a.m. and 1:00 p.m.

Sec. 14-5002. - License fee.

The annual license fee shall be as provided by chapter 5, title 2 of this Code.

Sec. 14-5003. - Personnel.

Only those people qualified to handle explosives shall be employed in the loading holes, spacing holes, wiring holes, and the exploding operations.

Sec. 14-5004. - Charges.

No single blast or series of blasts shall contain at any one time more than 6,000 pounds of explosives. No dobie shots shall be permitted.
Sec. 14-5005. - Weather conditions.

Blasting operations shall be conducted only when the ceiling is broken or open. No blasts shall be made during a rain or in overcast conditions.

Sec. 14-5006. - Reports.

A written report shall be filed within three days with the director of planning and community development to cover each blast made. Such report shall show the weather conditions, the number of holes exploded, the pounds of explosive used, the direction of the wind, and the supervisor in charge.

Sec. 14-5007. - Notice of blast.

The quarry superintendent shall notify the office of director of planning and community development one day in advance of his intent to set off a blast. The quarry superintendent shall likewise notify the director of planning and community development at least two hours in advance of the actual blasting operation.

Sec. 14-5008. - Sprinkling and wetting down.

A method of sprinkling or wetting down the stone shall be maintained at all the primary crushers, secondary crushers, and at the screens, to provide sufficient flow of water at all times. Water shall be provided to sprinkle and wet down stone dust after being loaded.

Sec. 14-5009. - Storage.

All storage facilities and the location of such for dynamite and other types of explosives shall be in accordance with the state and local regulations.

Sec. 14-5010. - Expansion of facilities.

No additional equipment shall be installed, substituted, or operated without first submitting plans therefor to the director of planning and community development department for his approval or rejection.

Sec. 14-5011. - Removal of spillage on public highway.

Whenever the planning and community development department or police shall notify the quarry operators of the accumulation of rock or dust spillage on any public thoroughfare, resulting from their hauling of stone, the operators shall promptly remove same at the expense of the quarry.
CHAPTER 6. - TREE PRESERVATION

Sec. 14-6001. – Purpose

(a) The purpose of this chapter is to cultivate and encourage a high level of tree preservation, to promote the general provisions within this chapter, and to develop detailed provisions within the administrative guidelines in order to implement the regulations set forth to preserve, maintain and replant trees within the City of South Fulton, Georgia (“City”). The intent of the ordinance and administrative guidelines is to provide standards for the preservation of trees as part of the land development, building construction and timber harvest processes. It is not the intent of this chapter to regulate individual properties where activities do not require a land disturbance, building construction or timber harvest permit.

(b) Benefits to the City’s citizens derived from tree protection and replanting include:

(1) Improved control of soil erosion.

(2) Moderation of stormwater runoff and improved water quality.

(3) Interception of airborne particulate matter and the reduction of some air pollutants.

(4) Enhanced habitat for desirable wildlife.

(5) Reduction of noise and glare.

(6) Climate moderation.

(7) Aesthetics and scenic amenity.

(8) Increased property value.

Sec. 14-6002. – Authority and applicability

(a) Administrative Guidelines. The City Administrative Guidelines for Tree Preservation, containing additional applicable tree preservation regulations, is adopted as Appendix E to the City Code of Ordinances. Said appendix shall be maintained in the office of the City Clerk and Community Development Director, or at a location designated by the clerk, for inspection by the public.

(b) Terms and provisions of the tree preservation ordinance and the administrative standards established herein, shall apply to all activity which requires the issuance of a land disturbance permit on any real property within the City. No land disturbance permit shall be issued by the Department of Community Development Services ("department") or any successor to the department without it being determined that
the proposed development is in conformance with the provisions of these regulations.

(c) The terms and provisions of these regulations shall also apply to the construction of new single-family detached and duplex dwellings, including additions, renovations and/or alterations to existing single-family detached and duplex dwellings.

(d) The terms and provisions of these regulations shall also apply to timber harvesting activities.

Sec. 14-6003. – Definitions

All words in this chapter shall have their customary dictionary definitions except as specially defined herein or in the Zoning Ordinance. The words “shall” and “must” are mandatory, and the words “may” and “should” are permissive.

(1) Agent(s), designated or authorized: An individual or entity authorized to administer and enforce the standards set forth in the Tree Preservation Ordinance and Administrative Guidelines.

(2) Buildable area: The portion of a parcel of land where a building may be located and which shall contain enough square footage to meet the minimum required by the zoning district. That portion which is not located in the minimum setbacks, utility corridors, driveways, slopes to build streets, tree save areas, landscape strips, specimen tree areas, state water buffer, tributary buffers, zoning buffers, wetlands, stormwater and sanitary sewer easements.

(3) Buffer:

(i) State waters buffer: An area along the course of any state waters to be maintained in an undisturbed and natural condition.

(ii) Tributary buffer: A protection area adjoining the tributaries of the Chattahoochee River. Tributary buffer specifications are contained in Part D of each prospective land use section of the Tree Preservation Ordinance and Administrative Guidelines.

(iii) Zoning buffer: A natural undisturbed portion of a lot, except for approved access and utility crossings, which is set aside to achieve a visual barrier between the use on the lot and adjacent lots and/or uses. Buffer is achieved with natural vegetation and must be replanted subject to the approval of the director of the department or his/her designated agent(s) when sparsely vegetated. Cleaning of undergrowth from a buffer is prohibited except when
accomplished under the supervision of the director of the department or his/her designated agent(s).

(4) **Caliper**: The standard for trunk measurements of nursery stocks. Caliper of the trunk shall be taken six inches above the ground for up to and including four-inch caliper size and 12 inches above the ground for larger sizes.

(5) **Cambium**: Tissue within the woody portion of trees and shrubs which gives rise to the woody water and nutrient conducting system and the energy substrate transport system in trees. Cambium growth activity results in a tree’s radial development, i.e., increase in diameter.

(6) **Cambial dieback**: The irreparable radial or vertical interruption of a tree’s cambium, usually caused by mechanical damage, such as "skinning bark" or from excessive heat.

(7) **Clear cutting**: The removal of all trees from a property, whether by cutting or other means, excluding stream buffer requirements.

(8) **Coniferous**: Belonging to the group of cone-bearing evergreen trees or shrubs.

(9) **City Arborist**: The agent(s) of the City assigned to the department having the primary responsibilities of administration and enforcement of the tree preservation ordinance.

(10) **Critical Root Zone**: The area of tree roots within the crown dripline. This zone is generally defined as a circle with a radius extending from a tree’s trunk to a point no less than the furthest crown dripline. Disturbances within this zone will directly affect a tree’s chance for survival.

(11) **Crown dripline**: A vertical line extending down to the ground from the end of a tree’s longest branches.

(12) **Deciduous**: Not persistent; the shedding of leaves annually.

(13) **Diameter-at-breast-height (“DBH”)**: A standard measure of tree size (for trees existing on-site) and is a tree trunk diameter measured in inches at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, refer to the chart in Appendix I.

(14) **Density factor for the site (“DFS”)**: A unit of measure used to prescribe and calculate required tree coverage on a site. Unit measurements are based upon tree size.

(i) Site acreage multiplied by fifteen (15) for Agricultural Districts = DFS.
(ii) Site acreage multiplied by twenty (20) for Single-Family Residential Districts = DFS.

(iii) Site acreage multiplied by thirty (30) for Commercial Districts and all other Non-Single-Family Districts = DFS.

(15) Emergency: means any situation resulting in imminent danger to the public health or safety, or the loss of an essential governmental service.

(16) Erosion, Sedimentation and Pollution Control Ordinance: The ordinance adopted by the City, as amended, that regulates soil erosion and its transportation to the city's lakes, rivers, and streams.

(17) Improvement setback: An area adjacent to a zoning buffer in which no improvements and/or structures shall be constructed. No development activity such as tree removal, stump removal or grinding, land disturbance or grading is permitted without the approval of the director of the department.

(18) Land disturbing Activity: Any activity which may result in soil erosion from water or wind and movement of sediments into state water or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting and filling of land, but not including agricultural practices as described in the Erosion, Sedimentation and Pollution Control Ordinance, as amended.

(19) Land disturbance Permit: A permit issued by the department that authorizes the commencement of alteration or development of a given tract of land or the commencement of any land disturbing activity.

(20) Landscape plan: A plan that identifies areas of tree preservation and methods of tree protection within the protected zone, as well as all areas of replanting. Within replanting areas, the common and botanical names of the proposed species, the number of plants of each species, the size of all plant materials, the proposed location of all plant materials, and any unique features of the plant materials shall be indicated.

(21) Landscape strip: An area required by this chapter, by the South Fulton Zoning Ordinance, or any condition of zoning, use permit or variance approval, which is reserved for the installation and/or maintenance of plant materials.

(22) Minimum setback: The minimum yards as specified in the regulations related to the zoning districts or use permit categories. A minimum required space between a property line and a structure. An area identified by a building line.
(23) **Protected zone:** Includes, but is not limited to the following:

(i) Critical root zone plus an additional three (3) feet;

(ii) All areas of a parcel required to remain in open space;

(iii) All areas required as landscape strips and/or buffers (including zoning buffers, state water buffers, and tributary buffers);

(iv) Tree save areas pursuant to the provisions of the Zoning Ordinance, conditions of zoning, use permit or variance approval, and/or the tree preservation ordinance and administrative guidelines.

(24) **Revegetation:** The replacement of trees and landscape plant materials to satisfy the minimum tree density requirements as determined by the Zoning Ordinance, condition of zoning, use permit or variance approval, and/or the tree preservation ordinance and administrative guidelines.

(25) **Roots:**

(i) *Feeder Roots:* A complex system of small annual roots growing outward and predominantly upward from the system of "transport roots". These roots branch four or more times to form fans or mats of thousands of fine, short, non-woody tips. Many of these small roots and their multiple tips are 0.2 to 1 mm or less in diameter and less than one to two mm long. These roots constitute the major fraction of a tree's root system surface area and are the primary sites of absorption of water and nutrients.

(ii) *Major woody roots:* First order tree roots originating at the "root collar" and growing horizontally in the soil to a distance of between three (3) and fifteen (15) feet from the tree's trunk. These roots branch and decrease in diameter to give rise to "rope roots". The primary functions of major woody roots include anchorage, structural support, the storage of food reserves, and the transport of minerals and nutrients.

(iii) *Rope roots:* An extensive network of woody second order roots arising from major woody roots, occurring within the surface twelve (12) to eighteen (18) inches of local soils, and with an average size ranging from .25 to one inch in diameter. The primary function of rope roots is the transport of water and nutrients and the storage of food reserves.

(iv) *Transport roots:* The system or framework of tree roots comprised of major woody roots and rope roots.
(26) **Root collar:** The point of attachment of major woody roots to the tree trunk, usually at or near the groundline and associated with a marked swelling of the tree trunk.

(27) **Root respiration:** An active process occurring throughout the feeder root system of trees and involving the consumption of oxygen and sugars with the release of energy and carbon-dioxide. Root respiration facilitates the uptake and transport of minerals and nutrients essential for tree survival.

(28) **Setback:** A space between a property line and the line to which a building or specified structure may be constructed.

(29) **Soil compaction:** A change in soil physical properties which includes an increase in soil weight per unit volume and a decrease in soil pore space. Soil compaction is caused by repeated vibrations, frequent traffic and weight. As related to tree roots, compacted soil can cause physical root damage, a decrease in soil oxygen levels with an increase in toxic gasses, and can be impervious to new root development.

(30) **State waters:** Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation.

(31) **Thinning:** Selective cutting or removal of timber. The basal unit of 30 units per acre for commercial districts and all other non-single-family districts; 20 units per acre for single-family residential districts; 15 units per acre for agricultural districts shall be maintained after selective cutting, or removal of timber has occurred.

(32) **Timber harvesting:** The felling of timber products (pulp, wood, etc.). The term “timber harvesting” may include both clear cutting and thinning of timber.

(33) **Tree(s):**

(i) **Tree:** Any self-supporting woody perennial plant which has a trunk diameter of two inches or more measured at a point six inches above the ground level, and which normally obtains a height of at least ten feet at maturity, usually with one main stem or trunk and many branches.

(ii) **Heritage tree:** A tree which is designated upon approval by the director of the department or authorized agent(s) to be of notable historical value or interest because of its age, size, or historical association.
(iii) **Specimen tree:** A tree which has been determined by the City arborist to be of high value because of its type, size, age, or other professional criteria, and has been so designated according to administrative standards established by the department.

(iv) **Stand of Specimen trees:** A contiguous grouping of trees which has been determined to be of value by the director of the department or authorized designee(s).

(A) A relatively mature even aged stand.

(B) A stand with purity of species composition or of rare or unusual nature.

(C) A stand of historical significance.

(D) A stand with exceptional aesthetic quality.

(34) **Tree bank:** A site such as a school or public park, where the owner/developer shall donate and plant the required trees when it is not feasible to plant the required trees within their project site area.

(35) **Tree preservation ordinance:** This chapter, approved and adopted by the City Council to provide standards for the protection, preservation, and replacement of trees regulated and enforced by the City arborist in conjunction with the department or designated agent(s) through development and construction permits and processes.

(36) **Tree save area:** All areas designated for the purpose of meeting tree density requirements, saving specimen trees, and/or preserving natural buffers.

(37) **Tributary:** Any perennial stream, or portion thereof, within the affected area that is portrayed as a solid blue line on the United States Geological Survey 7.5 Quadrangle Maps, 1968 edition, or other perennial streams as identified by Fulton County or the City.

(38) **Wetlands:** Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bog, and similar areas.

(39) **Zoning Regulations:** The Zoning Ordinance of the City, as amended or such regulations subsequently adopted by the City Council inclusive of conditions of zoning, use permit or variance approval established pursuant thereto.
Sec. 14-6004. – Permit procedures

(a) All applications for a land disturbance permit shall provide a landscape plan and other documentation as required and as applicable for all areas of the tract of land within a protected zone. All applications and required supplemental information shall be submitted to the director of the department.

(b) All landscape plans and related documentation shall be reviewed by the City arborist for conformance to the provisions of these regulations and either approved, returned for revisions, or denied within thirty (30) days of receipt. If denied or returned for revisions the reasons for denial or revision shall be annotated on the landscape plan or stated in writing.

(c) Issuance of a valid land disturbance permit shall constitute an approval of the required landscape plan and shall indicate conformance to the provisions of these regulations.

(d) For issuance of any residential building permit, the applicant must sign and agree to abide by the residential erosion and sedimentation control tree protection agreement (see Appendix H to the administrative guidelines). This shall also apply to parcels upon which a land disturbance permit has been previously issued with a tree protection plan approved by the City arborist. The director of the department or her designee is authorized to execute such agreements on behalf of the City.

Sec. 14-6005. – Removal of tree(s)

(a) If the owner/developer proposes to remove any tree(s) in the protected zone, then the owner/developer must document a hardship such as, but not limited to, economic or zoning restrictions and submit it as part of the application for a land disturbance permit. The application shall be subject to the approval of the director of the department or designated agent before any trees are to be removed from the site. Nothing in these regulations shall be construed to allow the removal of vegetation in a natural, undisturbed buffer required by the zoning regulations.

(b) When no trees are present in the protected zone or when disturbance of any portion of the protected zone is approved, it shall be the responsibility of the owner/developer to revegetate said areas (in which improvements are not constructed) with trees or other plant materials subject to zoning regulations or, in lieu thereof, administrative standards established by the department.

(c) Notwithstanding any of the other requirements of these regulations, it shall be unlawful to remove a specimen tree without the express written permission of the City arborist or authorized agent(s). Administrative standards have been established
by the director of the department for the identification, preservation and protection of specimen trees.

Sec. 14-6006. – Violations

Citations for any of the following violations, by authorized City Code Enforcement agent(s), provide grounds for the issuance of an immediate stop work order:

(1) Land disturbance and/or tree removal within state water, tributary, or zoning buffer(s);

(2) Land disturbance and/or tree removal within tree save area(s);

(3) Illegal removal or disturbance of specimen tree, heritage tree or stand of trees;

(4) Improper installation of tree fencing; or

(5) Other violations of any provision(s) of this chapter or the administrative guidelines established pursuant thereto, including appendices.

Sec. 14-6007. – Enforcement

(a) It shall be the duty of the department and designated agent(s) to enforce this chapter and administrative guidelines. The department's designated agent(s) shall have the authority to modify, revoke, suspend or void any land disturbance permit and shall have the authority to suspend all work on a site or any portion thereof.

(b) The department and its designated agent(s) are the issuing authority and shall have the power to withhold all permits, including, but not limited to, final certificates of occupancy, building permits and all permits on the subject site until it is determined by the issuing authority that the site complies with this chapter and the provisions of the formal plan approved by the City.

Sec. 14-6008. – Inspections

(a) The department is the issuing authority and may cause inspection of compliance to be made periodically by its designated agent(s) during the course of the project and shall make a final inspection following the completion of the work. Applicants shall cooperate with the issuing authority in conducting such inspections.

(b) The department shall have the power to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this chapter and administrative guidelines, including but not limited to, the power to enter at
reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any land disturbing or tree removal activities.

(c) The department is authorized to design and implement an inspection program involving private inspectors acceptable to the department.

(d) No person shall refuse entry or access to any authorized representative or agent who requests entry for the purpose of inspection and who presents appropriate identification, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his or her official duties.

Sec. 14-6009. – Notice of violation

(a) If, through inspection, it is determined that a violation of this chapter has occurred, the director or the director’s designee shall issue written notice to the applicant, property owner, authorized agent of either, the person in charge, or any person representing the person in charge of the activity on the subject property.

(b) Where a person, firm, or corporation has engaged in land disturbing or tree removal activities without having first secured a permit, all construction and land disturbance activity shall be immediately discontinued upon receipt of notice of violation and until the necessary measures to achieve compliance are fulfilled.

(c) The notice shall identify the nature and location of the violation(s), specify what remedial action is necessary to bring the violation(s) into compliance, and shall state the time within which such remedial action must be completed. If the remedial action is not completed within the time specified, the person, firm, or corporation in violation of this chapter and administrative guidelines shall be subject to citation.

Sec. 14-6010. – Stop work orders

(a) Where the director or director’s designee determines that work on any project is being done contrary to the provisions of this chapter or administrative guidelines, the director or director’s designee may issue a stop work order to the applicant, property owner, authorized agent of either, the person in charge, or any person representing the person in charge of the activity on the subject property;

(b) Upon the issuance of the stop work order, all work cited therein shall be immediately stopped until such time that the director or director's designee determines that the violation has been remedied. Prior to remediation, a plan shall be submitted and approved by the city arborist.

(c) The stop work order shall:

(1) be in writing;
(2) identify the nature and location of the violation(s);
(3) specify the conditions under which work may be resumed; and
(4) only permit erosion control work to continue while the stop work order is in effect.

(d) Where the director or director’s designee determines that an Emergency exists, no written stop work order shall be required.

Sec. 14-6011. – Modification, revocation, suspension, voidance of permit

A land disturbance permit and/or other permit(s) required by this chapter and administrative guidelines may be modified, revoked, suspended, or voided by the department upon finding that the holder is in violation of the terms of the permit or any portion of this chapter or administrative guidelines.

Sec. 14-6012. – Bonding

(a) The city will evaluate all development projects, excluding timber harvesting, requesting property clear cutting. If upon completion of the site evaluation, the department deems it appropriate to allow property clear cutting activities, a bond shall be required by the city. The bond shall be required as a mechanism to cover any potential costs associated with revegetation of the clear-cut property in the event of property abandonment.

(b) The required bond amount will be 125 percent of the total cost for replanting trees to satisfy the density standards for the project site. A tree replacement cost obtained from a plant nursery will be provided to the city with the clear-cut request and the bond amount will be based on the tree replacement cost. The city reserves the right to request additional replacement cost if deemed appropriate. The city will hold the bond until the project activity, including tree replacement to satisfy the site density requirements, is completed. If upon issuing the land disturbance permit, the property is clear-cut and there are no construction or development activities conducted within six months, the city will attempt to contact the property owner (via certified mail) for a project update. Should the property owner not respond within 30 days of receipt of the status request, the bond will be used to revegetate the project site.

Sec. 14-6013. – Fines and penalties

(a) Any person, firm, corporation, or other entity in violation of any of the provisions of this chapter shall be liable for a fine up to a maximum $1,000.00 dollars per violation per day. Each calendar day a violation exists shall be considered a separate offense. There are no maximum limitations to the accrual of fines.
Each owner of any property wherein a violation exists shall be jointly and severally liable for said violations. Each offense shall be tried in the South Fulton Municipal Court.

Sec. 14-6014. – Appeals

(a) Any person aggrieved or affected by any decision of the city arborist relating to the application of these regulations may file an appeal within thirty (30) days of the decision with the director of the department for relief or reconsideration.

(b) Any person aggrieved or affected by any decision of the director of the department relating to the application of these regulations may file an appeal within thirty (30) days of the decision with the zoning board of appeals through the director.

(c) Appeals shall only be granted for errors of interpretation or where the unique natural features of the site are such that application of these regulations created, or would create, an undue hardship to the property owner.

CHAPTER 7. - CITY OF SOUTH FULTON UNIFIED STREAM BUFFER PROTECTION

Sec. 14-7001. - Title.

This chapter shall be known as the “City of South Fulton Unified Stream Buffer Protection Ordinance.”

Sec. 14-7002. - Intent and purpose.

The intent of this chapter is to establish regulations and procedures that govern all land uses and related development activities adjacent to streams within the City. These regulations shall require undisturbed buffers and impervious surface setbacks adjacent to streams in the City.

The purpose of undisturbed buffers and impervious surface setbacks are:

1. To protect, restore and maintain the chemical, physical and biological integrity of streams and their water resources;
2. To remove pollutants delivered in urban storm water;
3. To protect public water supplies;
4. To maintain base flow of streams;
5. To minimize erosion and control sedimentation;
6. To provide infiltration for storm water runoff;
To minimize impervious surfaces close to streams;
To provide riparian wildlife habitats and promote desirable aquatic habitat.

Further, this chapter authorizes the department of environment and community development to draft and amend, as necessary, administrative guidelines for the enforcement of the City of South Fulton Unified Stream Buffer Protection Ordinance.

**Sec. 14-7003. - Definitions.**

Unless otherwise expressly stated, the following terms shall have the meaning indicated herein.

**Administrative guidelines** means a City document that contains technical specifications for stream buffer width averaging and mitigation measures (i.e. stream bank restoration); and stream buffer variance appeal procedures and required documentation.

**Affected area** means all of the City of South Fulton, Georgia.

**Applicant** means any person who seeks permission to engage in any regulated activity on any property within the affected area that contains any protected areas, as those terms are defined herein.

**City Council** means the Mayor and Council of the City of South Fulton, Georgia.

**Concept plan** means a drawing that shows the proposed layout of a subdivision in sufficient detail to indicate its workability and feasibility, but is not in final form for recording, pursuant to these regulations. The conceptual plan is the first stage in securing a land disturbance permit.

**Director** means the authorized administrator or his/her designee of the City’s Department of Community Development Services.

**Existing structure** means a land use which, prior to the effective date of this chapter, is: (1) completed; (2) under construction; (3) permitted by the City; or (4) the subject of a completed land disturbance permit application which has been submitted for approval to the City and where a concept plan approval was granted (with all required supporting documentation).

**Fees** means permit processing and/or costs that may be established from time to time by the director.

**City of South Fulton action** means any review or approval of plans, site plans, improvements, permits, or any other government-related decision, constitutes an action.
Georgia Erosion and Sedimentation Act (GESA) means the latest edition of the Act that establishes rules and regulations for best management practices for erosion and sedimentation control in the State of Georgia (O.C.G.A. § 12-7-1 et seq.).

Impervious surface means any gravel, paved, hardened, or structural surface, including, but not limited to, buildings, driveways, walkways, parking areas, patios, decks, streets, swimming pools, dams, tennis courts, or other similar materials and structures as identified by the City.

Land disturbing activity means any grading, scraping, excavating, or filling of land; clearing of vegetation; and any construction, rebuilding, or alteration of a structure which involves disturbance of the land in and around the structure.

Land disturbance permit means an official authorization issued by the department, allowing defoliation or alteration of a site or the commencement of any construction activities, including but not limited to, clearing, grubbing, dredging, grading, excavating, transporting, and filling of land, but not including agricultural practices as defined in the O.C.G.A. § 1-3-3.

Large water supply watershed means a watershed containing 100 square miles or more of land within the drainage basin upstream of a governmentally owned public drinking water supply intake.

Metropolitan River Protection Act (MRPA) means the latest edition of the Act that establishes a 2,000-foot River Corridor along both sides of the banks of the Chattahoochee River and its impoundments within the Atlanta Regional Commission's planning area (O.C.G.A. § 12-5-440 et seq.).

Person means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality, or other similar legal entities.

Point of wrested vegetation means point where vegetation has been persistently twisted or bent (wrested) by normal stream flow or wave action.

Private project means any other project not defined as a public project.

Protection area means any and all land and vegetation within the undisturbed buffer and impervious surface setback.

Public project means any local, state or federal government utility that is being built and funded (in full or in part) by a government authority.

Reservoir boundary means the edge of a water supply reservoir defined by its normal pool elevation.

Riparian belonging to or related to the bank of a river stream, lake, pond or impoundment.
Septic tank (onsite sanitary sewer system) means the City Health Department approved watertight structure installed underground to receive sewage from a building affecting separation and organic decomposition of sewage solids and discharging effluent to an absorption filed or other element, of an onsite sewage management system.

Setback the area extending beyond any buffer applicable to the stream in which no impervious surface is allowed.

Small water supply watershed means a watershed that contains less than 100 square miles of land within the drainage basin upstream of a public drinking water supply intake.

State waters means (per GESA) any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Stream means any stream, beginning at 1) the location of a spring, seep, or groundwater outflow that sustains stream flow; or 2) a point in the channel with a drainage area of 25 acres or more; or 3) where evidence indicates the presence of a stream in a drainage area of other than 25 acres, the City’s Department of Community Development Services may require field studies to verify the existence of a stream.

Undisturbed buffer means a naturally vegetated strip of land where no improvements shall take place or have been made and which lies adjacent to a stream, river, or lake and provides such functions as protecting water quality, providing wildlife habitat, and storing flood waters.

Utilities means water or sewer systems, water or sewer pumping stations, electric power/transmission lines, fuel pipelines, telephone lines, roads, driveways, bridges, river and lake access facilities, railroads, and other similarly functions/uses as identified by the City.

USGS Blueline Stream means a perennial stream that is depicted on a United States Geological Survey (USGS) 7.5-minute quadrangle map (scale 1:24,000) with a solid blue line.

Water supply reservoir means a public-owned impoundment of water for the primary purpose of providing water to one or more public drinking water systems. This excludes the multipurpose reservoirs owned by the United States Army Corps of Engineers (COE).

Water supply watershed means the area of land within the drainage basin upstream of a public drinking water supply intake.
Sec. 14-7004. - Protection criteria.

(a) Buffer and setback requirements. Streams in all watersheds within the City shall require a minimum 75-foot undisturbed buffer on each side of the stream, as measured from the point of wrested vegetation. 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.

Stream buffer width averaging shall be allowed:

(1) Within the first 15 feet of the setback and the first 25 feet of the undisturbed buffer without a variance; and

(2) When it is demonstrated that the stream contains variations in sensitivity due to existing physical characteristics; and

(3) When the total area contained within the buffer after averaging is no less than that contained within the standard buffer and setback area as specified in this section prior to averaging. Technical specifications for stream buffer width averaging are outlined in the administrative guidelines for this chapter.

(b) Small water supply watershed protection standards. The following applies to these small water supply watersheds in the City: Big Creek Watershed, Whitewater Creek Watershed, Line Creek Watershed, Cedar Creek Watershed, and Bear Creek Watershed.

(1) All streams located within an upstream seven mile radius of public-owned drinking water supply intakes and reservoirs require a 100-foot undisturbed buffer on each side, as measured from the point of wrested vegetation and an additional 50-foot setback adjacent to the undisturbed buffer in which all impervious cover shall be prohibited. Septic tanks and septic tank drain fields are prohibited within the undisturbed buffer and setback area;

(2) All streams located outside of the seven mile radius arc (as described above) require a 75-foot undisturbed buffer on each side, as measured from the point of wrested vegetation and an additional 25-foot setback adjacent to the undisturbed buffer in which all impervious cover shall be prohibited. Septic tanks and septic tank drain fields are prohibited in the undisturbed buffer and setback area;

(3) The impervious surface area, including all public and private structures, utilities, or facilities, of the entire water supply watershed shall be limited to 25 percent, or existing use, whichever is greater, unless other best management practices, as approved by the Georgia Department of Natural Resources have been implemented;

(4) Within these watersheds, new facilities which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and in amounts determined by the Georgia Department of Natural Resources of 10,000 pounds or more on any one day shall
perform their operations on impervious surfaces and in conformance with any applicable local, state and federal spill prevention requirements and fire code requirements;

(5) New hazardous waste treatment or disposal facilities are prohibited;

(6) New sanitary landfills are allowed only if they have synthetic liners and leachate collection systems;

(7) For small water supply watersheds that contain a reservoir, a buffer shall be maintained 150 feet from the reservoir boundary;

(c) Large water supply watershed protection standards—Chattahoochee River. New facilities located within a seven mile radius upstream of the Chattahoochee River watershed water supply intake, and within the City which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and amounts determined by the Georgia Department of Natural Resources of 10,000 pounds or more on any one day shall perform their operations on impervious surfaces and in conformance with any applicable local, state and federal spill prevention requirements and fire code requirements.

Sec. 14-7005. - Applicability.

This chapter shall apply to all land development activity on property containing a stream protection area as defined in sections 14-7003 and 14-7004 of this chapter. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established under state law and approval or exemption from these requirements do not constitute approval or exemption from buffer requirements established under state law or from other applicable local, state or federal regulations.

(1) Grandfather provisions.

a. Any legal residential lot of record existing prior to the effective date of this chapter that does not change use, zoning classification or size is exempt from the requirements in section 14-7004 but shall be in compliance with requirements of the article existing prior to the adoption of this chapter.

b. Any zoning application, use permit application, concept plan that is a part of a zoning or use permit application; residential, commercial or industrial permit or subdivision application submitted to the City prior to the effective date of this chapter are exempt from the buffer and setback requirements in section 14-7004 as of the effective date of this chapter for the following time periods for the corresponding development sizes listed below:

1. 25 lots or less, legally recorded within 18 months as of the effective date of this chapter;

2. 25 acres or less, legally recorded within 18 months as of the effective date of this chapter;
3. 250 lots or less, legally recorded within 24 months as of the effective date of this chapter;

4. 250 acres or less, legally recorded within 24 months as of the effective date of this chapter;

5. Greater than 250 lots, legally recorded within 36 months as of the effective date of this chapter;

6. Greater than 250 acres, legally recorded within 36 months as of the effective date of this chapter.

(2) Exemptions. The following activities shall be exempt from the requirements set forth in section 14-7004 of this chapter. Exemption of these activities does not constitute an exemption for any other activity proposed on a property:

a. A perpendicular stream crossing by a driveway, transportation route, or utility lines;

b. A transportation route where buffer intrusion is the only option to provide access to a property;

c. Unpaved foot trails and paths;

d. Paved foot trails and paths for public use no greater than ten feet wide;

e. Public water supply intake or public wastewater outfall structures;

f. Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;

g. Utility line easements running parallel with the stream, except that all easements (permanent and construction) and land disturbance shall be required to meet the minimum State buffer protection requirement. This includes such impervious cover as necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures. This exemption shall not be construed as allowing the construction of roads, bike paths or other transportation routes in such easements, regardless of paving material except for access for the uses specifically cited in the above subsection;

h. Land development activities within a dedicated transportation right-of-way existing as of the effective date of this ordinance or approved under the terms of this chapter;

i. Forestry or silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land disturbance in the buffer that would otherwise be
prohibited, then no other land disturbing activity other than normal forest management
practices will be allowed on the entire property for three years after the end of the
activities that intruded on the buffer;

j. Minor land-disturbing activities for the intent of emergency erosion
control and bank stabilization activities (i.e. for the purposes of corrective maintenance;
measures for health, safety and welfare; post storm; or other disaster relief) if the City is
notified in writing about the activity and the disturbance area is less than 5,000 square
feet.

Sec. 14-7006. - Variance procedures.

No variance shall be granted to the undisturbed buffer and/or setback requirements
contained in this chapter unless the director (or, in the event of an appeal, the board of
zoning appeals) determines that a hardship exists and relief, if granted, meets the
general purpose and intent of this chapter. There shall be two levels of variance
appeals: Level one and secondary. Subsections 14-7006(c) and (d) provide the intent of
the level one and secondary variance appeal processes. Subsections 14-7006(a) and
(b) below, establish the criteria to validate the basis for an appeal to the stream buffer
protection standards and specify the submittal requirements for the appeal processes.
Mitigation measures (i.e. stream bank restoration) are outlined in the administrative
guidelines for this chapter.

(a) Variance hardship criteria. Variance requests shall only be considered if a
request meets any of the following hardship criteria including the applicant's statement
and explanation of the hardship under which a variance is submitted to deviate from the
stream buffer protection standards of section 14-7004:

(1) For public and private properties that have unusual shape or topography
of the property at the time of the adoption of this chapter and there is no opportunity for
development under any design configuration in accordance with the land use
designation assigned to the subject property; or

(2) For private development projects that involve the construction or repair of
a structure which, by its nature, must be located within the buffer. Such structures
include dams, docks, boat launches, and stabilization of areas to access water; or

(3) For public and private projects involving paved foot trails greater than ten
feet wide and viewing areas, providing that impacts to the buffer are minimal (at the
discretion of the director); or

(4) For public and private projects with buffer and/or setback intrusion that
demonstrates that the completed project results in maintained and/or improved water
quality downstream; and, yields no increase in storm water runoff.

(b) Variance submittal requirements.
Variances from the undisturbed buffer and setback requirements of this chapter may be sought by a property owner by filing an application following the minimum submittal requirements and procedures as set forth in the administrative guidelines for this chapter. An administrative filling fee shall be assessed at the time of application.

In the event that a concept plan or rezoning application (which includes a stream that is subject to this chapter) is in the review process (where upon the concept plan or rezoning application has not yet been approved by a City action) and, wherein the applicant is seeking relief from the stream buffer protection standards as described in this chapter, the concept plan shall not be approved by the City until either:

a. The applicant shows the required stream buffer protection standards on the subject rezoning application and concept plan without any reduction or deviation, or

b. A variance to the stream buffer protection standards has been granted and the rezoning application and concept plan reflects the intent and design of the relief from the required stream buffer protection standards.

Notwithstanding any other provision of this section, above, no relief to the undisturbed buffer and setback area protection requirements shall be allowed on any USGS Blueline streams on all land within a small supply watershed protection area. In addition, notwithstanding any other provision of this section, the minimum standards, rules, and regulations of the Metropolitan River Protection Act (O.C.G.A. § 12-5-440 et seq.) the Georgia Erosion and Sedimentation Act (O.C.G.A. § 12-7-1, et seq.), and the Georgia Planning Act Part V Environmental Planning Criteria (O.C.G.A. § 12-2-8(b) are applicable and supersede this chapter if and when a conflict exists.

Notwithstanding any of the provisions of this section, land disturbing activities related to or involving forestry shall comply with the latest edition of the “Best Management Practices for Forested Wetlands in Georgia” and “Recommended Best Management Practices for Forestry in Georgia.” Land disturbing activities related to or involving agriculture shall comply with the latest edition of the “Agricultural Best Management Practices for Protecting Water Quality in Georgia.”

(c) Level one variance. A level one variance is a hardship-based appeal subject to the director's decision. This process is governed by the criteria established in subsection 14-7006(a) and allows applicants to petition the City to consider one of the following requests. Considering the merit of the application including all facts and the information provided, the director may approve or disapprove the request with or without conditions for the following:

1. Reduce a maximum of 15 feet of the setback area and reduce a maximum of 25 feet of the undisturbed buffer.

2. Construction of storm water retention or detention facilities within the undisturbed buffer area and stream channel excluding all USGS Blueline streams,
where water quality-related facilities shall not be allowed in the stream. Notwithstanding any other provision of this subsection, no in-stream detention/retention shall be allowed in a FEMA designated A or AE flood zone, unless first approved by FEMA.

(d) Secondary variance. A secondary variance is a hardship based-appeal subject to the zoning board of appeals decision. This process is governed by criteria established in subsection 14-7006(a) and allows applicants to petition the City to consider one of the following below requests. Considering the merit of the application including all facts and the information provided, the zoning board of appeals may approve or disapprove the request with or without conditions for the following:

(1) Reduction of the setback area or undisturbed buffer greater than the distances specified in this chapter;

During the secondary variance procedure residents will be notified of the proposed impact in accordance with the City zoning resolution requirements.

(e) Judicial review.

(1) Appeal of a level one variance decision. The director's determination and decision shall conclude the Level One variance. Any person may appeal a Level One variance decision of the director to the zoning board of appeals. An appeal of the director's decision shall be filed in writing within 30 days after the final decision of the director.

(2) Appeal of secondary variance decision. Any person may appeal the zoning board of appeals' decision to the Fulton County Superior Court. The decision of the zoning board of appeals constitutes a final City of South Fulton action. An appeal of this decision shall be filed in writing within 30 days after the final decision of the zoning board of appeals.

Sec. 14-7007. - Inspections.

The City's Department of Community Development Services is authorized to conduct inspections of the sites of regulated activities to determine that the regulated activities are being conducted in accordance with the requirements of this chapter. No person shall refuse reasonable entry or access to any authorized representative or agent of the City who requests entry for purposes of inspection, nor shall any person obstruct, hamper or interfere with such representative while in the process of conducting official duties.

Sec. 14-7008. - Violations, enforcement and penalties.

(a) Any person found to be in violation of any provision of this chapter shall be served written notice by the director stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Such person shall, within the period of time stated in the notice, take all necessary action to correct the violation and shall permanently cease such violation. The director shall assess a maximum penalty
up to $1,000.00 per day for each violation involving unauthorized undisturbed buffer or impervious surface setback encroachment. Each day during which the violation continues shall be a separate violation.

(b) If any violation of any provision of this chapter continues beyond the correction period stated in the notice provided, an immediate stop-work order shall be issued by the director. Such order shall be given to the owner of the property, his authorized agent, or the person or persons in charge of the activity on the property and shall be posted upon the property. The stop work order shall state the conditions under which work may be resumed.

(c) In addition to any other remedies set forth in this chapter, any person found in violation of any provision of this chapter shall be issued a citation by the City and may be prosecuted and punished as provided by law for the violation of an ordinance. Each day in which a violation continues shall constitute a separate violation.

(d) If the director determines that a threat to public safety or welfare exists as a result of a violation of this chapter and any person has failed to take corrective action within the time period stated in the notice provided, the City may take such remedial action as is necessary to protect the public safety or welfare. Such remedial action may include entering the property where a violation is present, correcting the violation, and placing a lien on the property to secure payment and reimbursement of any and all expenses incurred by the City to correct such violation.

Sec. 14-7009. - Liability.

Neither the approval of a plan or issuance of a permit for any regulated activity under the provisions of this chapter, or compliance with the provisions of this chapter shall relieve any person from responsibility or liability for:

(1) Any damage to any person, property, tributary or other water body; or

(2) Noncompliance with any other local, state or federal ordinances, statutes, rules or regulations.

Sec. 14-7010. - Severability.

It is declared to be the intent of the City Council that, if any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision; such holding shall not affect the validity of the remaining portions hereof.

Sec. 14-7011. - Effective date.

This chapter shall be effective immediately upon adoption by the Mayor and Council of the City of South Fulton, Georgia.
CHAPTER 8. - TREE PLANTING PROGRAM

Sec. 14-8001. - Creation.

There is hereby created a City of South Fulton Tree Planting Program.

Sec. 14-8002. - Definitions.

For purposes of this chapter, the following terms shall have the following meanings:

Capital project means any project or work involving the construction, acquisition, or renovation of any building, structure, road, sidewalk, or other facility owned or to be acquired by the City, where such project is funded through the General Fund—Cash Only Projects portion of the City budget (i.e., "Fund 500" projects).

Construction costs means the total costs of acquiring and constructing a capital project including, but not limited to, legal, architectural, engineering and other professional fees, and site work.

City district means one of the seven geographic areas corresponding to the boundaries of the City Council districts One, Two, Three, Four, Five, Six or Seven.

Public places means buildings, real property, or other facilities located within the boundaries of the City and owned by the City or another governmental entity.

Renovation means any construction, work, or cosmetic change to existing public places costing over $100,000.00 in labor and/or supplies, excluding regular maintenance of facilities such as painting.

Sec. 14-8003. - Contracts.

(a) No contract shall be approved or executed by the City for any capital project unless at least one percent of the construction costs for such capital project is used for the purchase, installation/planting, and/or maintenance of trees in public places, which amounts are referred to as tree funds.

(b) No contract for a capital project shall be presented for approval by the City unless the department of environment and community development certifies that the contract complies with the provisions of this chapter.

Sec. 14-8004. - Use of tree funds.

The tree fund portion of each contract referred to in section 14-8003 shall be placed into one or more trust funds to be established and administered by the City Finance and Administrative Services Department. Tree funds shall be equally allocated to each council district. Such funds shall be used to plant, install, and/or maintain trees and other landscaping (including labor, permitting and/or other associated expenses) on the site of a capital project or at other public places in the council district, including:
(1) All county, publicly owned and maintained properties (public rights-of-way, medians, sidewalks, buildings, real properties, facilities, major collector and arterial roads, etc.);

(2) Conservation areas dedicated to and maintained by the City;

(3) Greenspace areas owned and maintained by the City.

No tree funds shall be expended, and no trees shall be planted, with respect to property owned by a governmental entity other than the City unless and until an intergovernmental agreement between the City and said other governmental entity has been duly approved and executed by the governing bodies of both governments.

Sec. 14-8005. - Administration.

The City department of environment and community development, development services division, shall develop recommendations regarding proposed sites in each council district for planting of trees using tree funds. Such recommendations shall be submitted to the City Council for final approval or rejection.

Sec. 14-8006. - Standards.

Trees planted pursuant to the City Tree Planting Program shall have a minimum three-inch caliper and shall be of a species of hardwoods chosen from an approved list to be prepared by the City arborist. Placement of any trees adjacent to or within road rights-of-way shall be subject to the approval of the City traffic engineer.

Sec. 14-8007. - Voluntary contributions.

Private landowners and communities shall be allowed to make monetary donations to the tree fund.

Sec. 14-8008. - Program evaluation.

The City’s Department of Community Development Services and Finance and Administrative Services Department shall submit an annual evaluation report of the tree planting program, including the location and number of trees planted and amount of funds expended in each council district. Without limiting the authority of the City Council, the Department of Community Development Services will reevaluate the tree planting program at the conclusion of the 2018 budget year.

CHAPTER 9. - GROUNDWATER RECHARGE AREAS PROTECTION

Sec. 14-9001. - Title.

This chapter shall be known as the “City of South Fulton Groundwater Recharge Areas Protection Ordinance.”
Sec. 14-9002. - Intent and purpose.

The purpose and intent of this chapter is to protect the City's surface water and groundwater supplies and resources. The surface water and groundwater protection regulations shall be used in conjunction with the City's plumbing codes, Soil and Erosion Control Ordinance, and stormwater and septic tank regulations to provide protection and conservation of the City's surface water and groundwater supplies and resources.

Sec. 14-9003. - Definitions.

Aquifer means any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well.

Director means the director or his/her designee of the City's Department of Community Development Services.

DRASTIC means the standardized system for evaluating groundwater pollution potential using the hydrogeologic settings described in U.S. Environmental Protection Agency document EPA-600-2-87-035. (Note: the DRASTIC methodology is the most widely used technique for evaluating pollution susceptibility).

Pollution susceptibility means the relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundments, applications of chemicals, injections and other human activities in the recharge area.

Pollution susceptibility map means the relative vulnerability to pollution prepared by the department of natural resources, using the DRASTIC methodology. (Georgia Department of Natural Resources Hydrologic Atlas 20: Groundwater Pollution Groundwater Pollution Susceptibility Map of Georgia).

Recharge area means any portion of the earth's surface where water infiltrates into the ground to replenish an aquifer.

Septic tank means an approved watertight structure installed underground to receive sewage from a building, effecting separation and organic decomposition of sewage solids and discharging effluent to an absorption field or another element of an onsite sewage management system.

Significant recharge areas means those areas mapped by the Georgia Department of Natural Resources in Hydrologic Atlas 18 (1989 edition). Mapping of recharge areas is based on outcrop area, lithology, soil type and thickness, slope, density of lithologic contacts, geologic structure, the presence of karst, and potentiometric surfaces.

Sec. 14-9004. - Establishment of the groundwater recharge area protection district.

A groundwater recharge area district (hereinafter the district) is hereby established which shall correspond to all lands within the jurisdiction of the City that are mapped as
significant recharge areas by the Georgia Department of Natural Resources in Hydrologic Atlas 18, 1989 edition. Said map is hereby adopted and made a part of this chapter.

**Sec. 14-9005. - Determination of pollution susceptibility.**

Each recharge area shall be determined to have a pollution susceptibility of high, medium, or low based on the Georgia Pollution Susceptibility Map, Hydrologic Atlas 20, 1992 edition. Said map is hereby adopted and made a part of this chapter.

**Sec. 14-9006. - Protection criteria.**

The following regulations shall apply to all lands within the district.

(1) No construction shall proceed on any development to be served by a septic tank unless the City’s Department of Health and Wellness first approves the proposed septic tank installations as meeting the requirements of the City Code of Laws for Sewage Disposal, the Georgia Department of Human Resources Manual for On-Site Sewage Management Systems (hereinafter DHR manual), and the requirements of this chapter.

(2) New residences served by an individual septic tank/drain field system shall be on lots having minimum size limitations that are 110 percent of the subdivision minimum lot size calculated based on application of Table MT-1 of the DHR Manual (hereinafter DHR Table MT-1). The minimums set forth in Table MT-1 may be increased further by department of human resources (DHR) based on consideration of other factors (set forth in sections A—F) of the DHR Manual.

(3) New agricultural waste impoundment sites shall be lined. As a minimum, the liner shall be constructed of compacted clay having a thickness of one-foot and a vertical hydraulic conductivity of less than five x ten 7 cm/sec or other criteria established by the natural resources conservation service.

(4) New above ground chemical or petroleum storage tanks having a minimum volume of 660 gallons shall have secondary containment for 110 percent of the volume of such tanks or 110 percent of the volume of the largest tank in a cluster of tanks. Tanks used for agricultural purposes are exempt, provided they comply with all federal requirements.

(5) New facilities which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and in amounts of 10,000 pounds or more on any one day shall perform their operations on impervious surfaces and in conformance with any applicable local, state, and federal spill prevention requirements and fire code requirements.

(6) Permanent storm water infiltration basins shall be prohibited.
Sec. 14-9007. - Exemptions.

Lots of record properly platted and approved prior to the adoption of this chapter are hereby exempted from the requirements of subsections 14-9006(2) and (3) of this chapter.

Sec. 14-9008. - Penalties.

(a) When a building or other structure has been constructed in violation of this chapter, the violator may be required to remove the structure at the discretion of the director and fined $1,000.00 for each violation or each day on which the violation exists.

(b) The director may suspend or revoke a permit if he/she finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work set forth in the permit.

(c) A violation of this chapter that also constitutes a violation of any provision of the Clean Water Act as amended, will result in the department of environment and community development issuing written notification of the violation to the U.S. Army Corps of Engineers, and the landowner.


Sec. 14-10001. - Title.

This chapter shall be known as the “City of South Fulton Wetlands Protection Ordinance.”

Sec. 14-10002. - Intent and purpose.

The wetlands of the City of South Fulton, Georgia are important to the environment and shall be protected. The purpose of this chapter is to recognize and require adherence to Federal regulations and procedures that govern the development of land that contain wetlands within the City of South Fulton, Georgia. The regulations contained in this chapter are created under the requirement of the Clean Water Act (33 U.S.C. §1344), (“CWA”). Any City government action under this chapter does not relieve the landowner from federal or state permitting requirements. In the event of a conflict between or among any provisions of this chapter, the Clean Water Act or any other ordinance, resolution or regulation of the City, the most restrictive requirement shall apply. It is not the intent of this chapter to regulate individual properties where activities will not impact wetlands and do not require a land disturbance permit.

Sec. 14-10003. - Definitions.

All words in these standards have their customary dictionary definitions except as specifically defined herein. The words “shall” and “must” are mandatory, and the words “may” and “should” are permissive.
“Anaerobic” means not having molecular oxygen (O2) present.

“Applicant” means any person who seeks permission to engage in any regulated activity on any land that contains wetland areas, as those terms are defined herein.

“COE” means United States Army Corps of Engineers.

“Director” means the Director or his/her designee of the City’s Department of Community Development Services.

“Generalized Wetlands Map” means the latest edition of the City Government maps for the City, Georgia generated from National Wetlands Inventory mapping.

“Hydrophytic vegetation” means any plant growing in water or in soil that is at least periodically anaerobic as a result of saturation; plants typically found in wet habitats.

“Jurisdictional wetlands determination” means a delineation of jurisdictional wetlands boundaries by the U.S. Army Corps of Engineers, as required by Section 4004 of the Clean Water Act (33 U.S.C. §1344, as amended).

“Jurisdictional wetlands” means a wetlands area that meets the definitional requirements for wetlands as determined by the United States Army Corps of Engineers.

“National Wetlands Inventory (NWI) maps” means a series of maps produced by the U.S. Fish and Wildlife Service showing the location and classification of wetlands in standard topographical areas. A wetlands inventory area does not necessarily represent jurisdictional wetlands and shall not serve as a substitute for a jurisdictional wetland determination or a wetland delineation.

“Regulated activity” means any activity which will, or which may reasonably be expected to result in the discharge of dredged or fill material into waters of the United States excepting those activities exempted in Section 4004 of the Federal Clean Water Act.

“Wetlands” as defined by the United States Army Corps of Engineers and the United States Environmental Protection Agency means an area that is inundated or saturated by surfacewater or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Wetlands generally include swamps, marshes, bogs and similar areas. The ecological parameters for designating wetlands include hydric soils, hydrophytic vegetation, and hydrological conditions that involve a temporary or permanent sources of water to cause soil saturation.

“Wetlands delineation” means the establishment of wetlands boundaries by a representative of the United States Army Corps of Engineers, an authority designated by the COE, or the director, as required by Section 4004 of the Clean Water Act, (33 U.S.C. §1344), as amended. Wetlands shall be delineated on the basis of hydrophytic

Sec. 14-10004. - Establishment of the Wetlands Protection District.

The Wetlands Protection District is hereby established which shall correspond to all lands within the jurisdiction of the City of South Fulton, Georgia that are identified, designated and mapped as wetland areas by the City Government. This map shall be referred to as the generalized wetlands map and is hereby adopted by reference and declared to be a part of this chapter, together with all explanatory matter thereon and attached thereto.

The generalized wetlands map and the established Wetlands Protection District do not necessarily represent the boundaries of jurisdictional wetlands within the City, Georgia and shall not serve as a substitute for a delineation of wetland boundaries approved by the COE, as required by Section 4004 of the Clean Water Act, as amended. Any local government action under this chapter shall not relieve the landowner from federal or state permitting requirements.

The generalized wetlands map is available in the department of environment and community development and incorporated by reference.

Sec. 14-10005. - Benefits.

Important benefits to the City’s citizens that are derived from wetlands protection include:

1. Flood control;
2. Erosion control;
3. Improved water quality due to the retention of sediment, nutrients, and toxic materials;
4. Aesthetics;
5. Recreational and natural resource education opportunities;
6. Open space.

Sec. 14-10006. - Authority and applicability.

Terms and provision of the wetlands protections article, established herein, shall apply to all activities which require the issuance of a land disturbance permit on any real property within the City. No land disturbance permit shall be issued by the department of environment and community development, (or any successor to that department)
without it being determined that the proposed development is in conformance with the provisions of these regulations.

The terms and provisions of these regulations shall also apply to construction of new single-family detached and duplex dwellings, including additions, renovations and/or alterations to existing single-family detached and duplex dwellings where the total land disturbance activity is greater than 5,000 square feet and/or proposes impact to COE delineated wetlands.

Sec. 14-10007. - Land disturbance permit procedures.

Jurisdictional wetlands shall be protected according to the regulation of the State of Georgia, COE, Environmental Protection Agency and all other applicable state and federal regulations. Under current federal law and state policy, alterations or degradation of wetlands should be avoided unless it can be demonstrated that there will be no long-term impacts or net loss of wetlands. Any unavoidable degradation or loss must be mitigated through the restoration, creation, enhancement or preservation of other waters of the United States.

If the applicant can provide to the director a valid COE wetlands delineation that verifies that the proposed activity is not located within jurisdictional wetlands, or if the applicant can provide a valid COE permit or letter that authorizes the proposed activity within jurisdictional wetlands, then the director shall follow current procedures for issuing a land disturbance permit. If such evidence of compliance with COE permitting requirements is not provided, then the procedures are as follows:

(1) The director shall consult the generalized wetlands map to assess whether the proposed activity is located in the Wetlands Protection District or within 100 feet of the Wetlands Protection District.

(2) Prior to the issuance of a land disturbance permit, the director shall require the applicant to submit the City Certification/Indemnification for Federally Designated Wetlands form (see Wetland Protection Procedures: For All Projects Contemplating Alteration or Degradation of Wetland Areas) as verification of whether or not jurisdictional wetlands are located within the parcel proposing a land disturbance activity and if any impacts to the wetlands are being proposed:

a. If the director determines that the proposed activity is of a type that could not result in a disturbance of wetlands or if the proposed activity is not located in the Wetlands Protection District or within 100 feet of the Wetlands Protection District, the director shall follow current procedures for issuing a land disturbance permit.

b. If the director determines that the proposed activity is located in the Wetlands Protection District or within 100 feet of the Wetlands Protection District and that the proposed activity is of a type that could result in a disturbance of wetlands, a COE jurisdictional wetlands determination shall be required prior to issuance of a land disturbance permit.
c. If the COE determines that a permit or letter of permission is required, a land disturbance permit shall be issued only following issuance of a COE permit or letter of permission. If the COE determines that the proposed activity would not require a COE permit or letter of permission, the director shall proceed with current procedures for issuing a land disturbance permit based on documentation of the COE determination. If the COE determines that wetlands mitigation is required, the applicant shall perform mitigation in the City, unless such action conflicts with the direction of COE.

d. If under any of the provision of this section a conflict occurs between the director and the applicant with regards to the proposed activity being a type that could result in a disturbance of wetlands, the applicant shall provide the director with the appropriate COE documentation to resolve the conflict.

Sec. 14-10008. - Penalties.

The applicant shall be subjected to state and federal penalties for non-compliance.

CHAPTER 11. IMPACT FEES

Sec. 14-11001. - Short title of chapter.

This chapter shall be known and may be cited as the "South Fulton Development Impact Fee Ordinance."

Sec. 14-11002. - Authority of chapter.

This chapter has adopted by the City of South Fulton, Georgia, in accordance with the authority provided by Ga. Const. art. IX, § II, ¶ IV, the Constitution of the State of Georgia and as prepared by Fulton County, Georgia, under the Georgia Development Impact Fee Act (O.C.G.A. § 36-71-1 et seq.) as that act may be amended in the future.

Sec. 14-11003. - Interpretation of chapter.

The provisions of this chapter shall not be construed to limit the power of City to adopt such an ordinance pursuant to any other source of local authority or to use any other methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this chapter.

Sec. 14-11004. - Application of chapter.

This chapter shall apply to the City.

Sec. 14-11005. - Declaration of intent and purpose of chapter.

(a) This chapter is intended to implement and be consistent with the Comprehensive Plan: Unincorporated Fulton County, Georgia, adopted March 15, 1978, amended by the Fulton 2010 comprehensive plan update on May 4, 1988, and on May 7, 1990, and
as it may be amended and adopted by South Fulton, in accord with O.C.G.A. tit. 36, ch. 70 (O.C.G.A. § 36-70-1 et seq.) (Growth Strategies) in the future.

(b) The purpose of this chapter is to ensure adequate public facilities are available to serve new growth and development in the City and to regulate the use and development of land so that new growth and development bears a proportionate share of the cost of new public facilities needed to serve new growth and development.

Sec. 14-11006. - Findings.

The City Council of the City of South Fulton, Georgia, finds and declares that:

(1) Land development shall not be allowed unless adequate public facilities are available or are ensured;

(2) New land development in identified service areas shall bear a proportionate share of the cost of new public facilities to serve new growth and development;

(3) The imposition of impact fees is a preferred method of regulating land development in order to ensure that it bears a proportionate share of the cost of new public facilities necessary to accommodate the new growth and development and to promote and protect the public health, safety, and general welfare of the citizens of the City; and

(4) The City shall expand its public facilities in order to maintain current levels of service if new development and growth is to be accommodated without decreasing the level of service.

Sec. 14-11007. - Effect of chapter on other regulations.

This chapter shall not affect, in any manner, the permissible use of property, density of development, design, improvements, or any other requirements or aspect of the development of land or provision of capital improvements subject to zoning and subdivision regulations or other regulations of the City. All such other regulations and requirements shall be operative and shall remain in full force and effect without limitation with respect to all development. Application and imposition of development impact fees is additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development of land or the issuance of building permits.

Sec. 14-11008. - Severability.

If any sentence, section, clause, part, or provision of this chapter be declared by a court of competent jurisdiction to be invalid, the validity of this chapter as a whole or any other part hereof shall not be affected.
Sec. 14-11009. - Rules of construction.

(a) The provisions of this chapter shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety, and general welfare.

(b) For the purposes of administration and enforcement of this chapter, unless otherwise stated in this chapter, the following rules of construction shall apply to the text of this chapter:

1. In the case of any difference of meaning or implication between the text of this chapter and any caption, illustration, summary table or illustrative table, the text shall control.

2. The word "shall" is always mandatory and not discretionary; the word "may" is permissive.

3. Words used in the present tense shall include the future, and words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.

4. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

5. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either…or," the conjunction shall be interpreted as follows:
   a. "And" indicates that all the connected terms, conditions, provisions or events shall apply.
   b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
   c. "Either…or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

6. The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

7. The paragraph headings used in this chapter are included solely for convenience and shall not affect, or be used in connection with, the interpretation of this chapter.

8. The intent of this chapter in granting credits and/or refunds is to make such grants to persons or entities who actually paid or will pay fees whether they are "developer" or "property owner" or some other entity.
Sec. 14-11010. - Definitions.

As used in this chapter, the following terms shall mean:

Affordable means the sales price cannot exceed 2½ times the income of people or households of low or moderate income, or the rental price cannot exceed 30 percent of the gross monthly income of people or households of low or moderate income.

Affordable housing means housing affordable to persons of low or moderate income.

Building permit means the permit required for new construction pursuant to City Code. As used herein, the term shall not include permits required for remodeling, rehabilitation, or other improvements to an existing structure, provided there is no increase in gross square feet or number of dwelling units resulting therefrom.

Capital improvement means an improvement with a useful life of ten years or more, by new construction or other action, which increases the service capacity of a public facility.

Capital improvements element means that portion of the Comprehensive Plan: Unincorporated Fulton County, Georgia, which sets out projected needs for system improvements during a planning horizon established in the Comprehensive Plan: Unincorporated Fulton County, a schedule of capital improvements that will meet the anticipated need for system improvements, and a description of anticipated funding sources for each required improvement. (See the Capital Improvements Element of the Comprehensive Plan.)

City means the City of South Fulton, Georgia.

Commencement of construction or commenced construction means expenditure of any funds, whether they be development impact fee funds or not, for a public facilities project, marshalling of forces to undertake a public facilities project, or advertising of bids to undertake a public facilities project, or any action normally found to proceed subsequent to these actions in a typical flow of project construction activities.

Completion of construction means a project or development has been issued the final certificate of occupancy by the City. The date of completion is the date at which such certificate is issued.

Comprehensive plan means the Comprehensive Plan: Unincorporated Fulton County, Georgia, adopted March 15, 1978, amended by the Fulton 2010 comprehensive plan updated on May 4, 1988, and on May 7, 1990, and as it may be amended in accord with O.C.G.A. tit. 36, ch. 70 (O.C.G.A. § 36-70-1 et seq.) (Growth Strategies) in the future.

County means Fulton County, a legal subdivision of the State of Georgia.

City manager means the City Manager or the City manager's designee.
Developer means any person or legal entity undertaking development.

Development means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any change in the use of land, any of which creates additional demand and need for public facilities.

Development approval means written authorization, such as issuance of a building permit, or other forms of development approval as required by other City codes, which authorizes commencement of construction.

Development impact fee means a payment of money imposed upon development as a condition of development approval to pay for a proportionate share of the cost of system improvements needed to serve new growth and development.

Encumber means to legally obligate by contract or otherwise commit to use by appropriation or other official act of the City.

Excess capacity means capacity of a public facility or system of public facilities which is beyond that necessary to provide service at a specified level of service.

Feepayor means that person or entity who pays a development impact fee or his/her successor in interest with the right or entitlement to any refund of previously paid development impact fees which is required by this chapter and which has been expressly transferred or assigned to the successor in interest. In the absence of an express transfer or assignment or entitlement to any refund or previously paid development impact fees, the right or entitlement shall be deemed "not to run with the land."

Fulton County median income means the median income of all residents of Fulton County, Georgia, incorporated and unincorporated, as documented in the most recent applicable report published by the U.S. Bureau of the Census.

Individual assessment determination means a finding that an individual assessment study does or does not meet the requirements for such a study and, if requirements are met, the fee calculated from an individual assessment study.

Individual assessment study means the engineering and/or economic documentation prepared by a feepayor to allow determination of a development impact fee other than by use of an applicable fee schedule, as required by O.C.G.A. § 36-71-4(g).

Level of service means a measure of the relationship between service capacity and service demand for public facilities in terms of demand to capacity ratios or the comfort and convenience of use or service of public facilities, or both.

Low income means persons or households with income equal to or less than 50 percent of the median income of Fulton County according to the most recent data published from time to time by the U.S. Department of Housing and Urban Development.
Moderate income means persons or households with income equal to or less than 80 percent of the median income of Fulton County according to the most recent data published from time to time by the U.S. Department of Housing and Urban Development.

Present value means the current value of past, present, or future payments, contributions, or dedications of goods, services, materials, construction, or money.

Project means a particular development on an identified parcel of land or as may be identified by a particular zoning petition.

Project improvements means site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project and that are not system improvements. The character of the improvement shall control a determination of whether an improvement is a project improvement or a system improvement and the physical location of the improvement onsite or offsite shall not be considered determinative of whether an improvement is a project improvement or a system improvement. If an improvement or facility provides or will provide more than incidental service or facilities capacity to persons other than users or occupants of a particular project, the improvement or facility is a system improvement and shall not be considered a project improvement. No improvement or facility included in a plan for public facilities approved by the Fulton County City Council shall be considered a project improvement.

Property owner means that person or entity which holds title to property.

Proportionate share means that portion of the cost of system improvements which is reasonably related to the service demands and needs of the project.

Public facilities means:

(1) Water supply production, treatment, and distribution facilities;

(2) Wastewater collection, treatment, and disposal facilities;

(3) Roads, streets, and bridges, including rights-of-way, traffic signals, landscaping, and any local components of state or federal highways;

(4) Stormwater collection, retention, detention, treatment, and disposal facilities, flood control facilities, and bank and shore protection and enhancement improvements;

(5) Parks, open space, and recreation areas and related facilities;

(6) Public safety facilities, including police, fire, emergency medical, and rescue facilities; and
(7) Libraries and related facilities.

Rental housing means a dwelling unit for which periodic payments are paid by a tenant to a landlord for its use or occupation.

Rents affordable to low income families means that the sum of the utility allowance and the rent payable monthly to the owner with respect to a unit is at or below the fair market rent published annually by HUD. In case of cooperative or mutual housing, rent means the occupancy charges under the occupancy agreement between the members and the cooperative.

Sales housing means a dwelling unit that is to be transferred from one person to another called, respectively, the seller (or vendor) and the buyer (or purchaser), by which the former, in consideration of the payment or promise of payment of a certain price in money, transfers to the latter the title and the possession of property.

Service area means geographically defined areas of the City, designated in the Comprehensive Plan: Unincorporated Fulton County, or a component thereof, or designated by intergovernmental agreement, as areas in which a defined set of public facilities provide service to development within the area and/or in which development potential creates the need for the imposition of development impact fees.

System improvement costs means costs incurred to provide additional public facilities capacity needed to serve new growth and development for planning, design, and construction, land acquisition, land improvement, design, and engineering related thereto, including the cost of constructing or reconstructing system improvements or facility expansions including, but not limited to, the construction contract price, surveying and engineering fees, related land acquisition costs (including land purchases, court awards and costs, attorneys' fees, and expert witness fees), and expenses incurred for qualified staff or any qualified engineer, planner, architect, landscape architect, or financial consultant for preparing or updating the capital improvement element, and administrative costs, provided that such administrative costs shall not exceed three percent of the total amount of the costs. Projected interest charges and other finance costs may be included if the impact fees are to be used for the payment of principal and interest on bonds, notes, or other financial obligations issued by or on behalf of Fulton County to finance the capital improvements element but such costs do not include routine and periodic maintenance expenditures, personnel training, and other operating costs.

System improvements means capital improvements that are public facilities designed to provide service to the community at large, in contrast to project improvements.

Unit of development means the standard incremental measure of land development activity for a specific type of land use upon which the rate of demand for public service and facilities is based. As an illustration, the standard unit of measurement for most types of housing development is dwelling unit, whereas the standard unit of development for office development is gross square footage of floor area.
Unused or excess impact fee means any individual impact fee payment paid to the City from which no amount of money has been encumbered or expended according to the requirements of section 14-3014(d) herein within the time specified in section 14-3016(a) herein.

Utility allowance means the amount for the cost of utilities (except telephones) and other housing services that is not included in the rent payable to the owner, but is the responsibility of the family occupying the unit.

Sec. 14-11011. - Imposition of development impact fees.

(a) Any person who after the effective date of this chapter engages in development shall pay a development impact fee in the manner and amount set forth in this chapter.

(b) Payment of a development impact fee shall be deemed to be in compliance with this chapter in regard to the system improvements for which the development impact fee was paid.

(c) Notwithstanding any other provision of this chapter, that portion of a project for which a valid building permit has been issued prior to the effective date of this chapter shall not be subject to development impact fees pursuant to this chapter so long as the building permit remains valid and construction is commenced and is pursued according to the terms of the permit.

(d) Except as otherwise provided herein, no development impact fee shall be collected earlier than the time of issuance of a building permit.

(e) Development impact fees for stormwater collection, retention, detention, treatment, and disposal facilities, flood control facilities, and bank and shore protection and enhancement improvements shall be collected at the time of issuance of a land disturbance permit.

Sec. 14-11012. - Calculation of development impact fees.

(a) Any development impact fee imposed pursuant to this chapter shall not exceed a proportionate share of the cost of system improvements.

(b) Development impact fees shall be calculated on the basis of service areas as provided in the comprehensive plan.

(c) Development impact fees shall be calculated on the basis of levels of service for public facilities adopted in the comprehensive plan that are applicable to existing development as well as the new growth and development.

(d) A developer shall have the right to elect to pay a project's proportionate share of system improvement costs by payment of development impact fees according to the applicable fee schedule as full and complete payment of the development project's proportionate share of system improvement costs.
At their option, applicants for development approval shall be permitted individual assessments of development impact fees under section 14-3013 of this chapter regarding individual assessment determinations.

Upon application to the City manager, a developer may receive a certified schedule of development impact fees or a certified individual assessment (section 14-3013) for a particular project. Such certified fees shall establish the development impact fee for a period no less than one year from date of certification, even if new or revised rate schedules have been adopted. In the event that, after one year, new or revised rate schedules have not been adopted, the certification shall continue until such time as new or revised fee schedules are adopted.

In addition to the cost of "to be built" new expanded system improvements needed to serve new development, the cost basis of a development impact fee shall also include the proportionate cost of existing system improvements in appropriate service areas to the extent that such public facilities have current excess service capacity and new development will be served by such facilities.

When a land development activity for which an application for a building permit has been made includes two or more buildings, structures, or other land uses in any combination, including two or more uses within a building or structure, the total development impact fee shall be the sum of the fees for each and every building, structure, or other use, including each and every use within a building or structure, unless otherwise provided for in this chapter.

In the event that either the City or an applicant contends that the land use for which the building permit is proposed is not within specified land use categories or fits within a different category, then:

1. The City manager shall make a determination as to the appropriate land use designation. Such determination may be appealed to the City’s Zoning Board of Appeals.

2. If any land use designation is not in a category contained in any facility development impact fee ordinance, then an appropriate new category may be added to the various facility impact fee ordinances following submission to the City Council. In addition, either Fulton County or the applicant can propose actual studies or surveys to calculate the most appropriate fee rates for a new land use category.

Development impact fees shall be based on actual system improvement costs or reasonable estimates of such costs.

Sec. 14-11013. - Sec. 58-173. - Individual assessment determinations.

Individual assessments of development impact fees may be established as follows:
In the event that a developer elects an individual assessment, the developer shall submit an individual assessment study. Any such study is to be presented to the City manager. If the City manager finds that the data, information, and assumptions used in such an individual assessment study satisfy the requirements of this chapter, then that study shall be used to calculate the individual assessment for that project.

Each individual assessment study must:

a. Be based on relevant and credible information from an accepted standard source of engineering or planning data; or

b. Be based on actual, relevant, and credible studies or surveys of facility demand conducted in the Atlanta Metropolitan Statistical Area carried out by qualified engineers or planners pursuant to accepted methodology.

c. Any other specifications required in other parts of this chapter.

Any fee calculated in accordance with this section shall have standing for one year following the date of a formal response from the City manager to the applicant. Following such a period, a new application must be made.

A determination by the City manager that any individual assessment study does not satisfy the requirements of this chapter may be appealed by the applicant to the City's Zoning Board of Appeals, subject to the procedures, rules, and regulations set forth in section 14-3022 of this chapter.

Sec. 14-11014. - Deposit and expenditure of fees.

(a) All development impact fee funds shall be maintained in one or more interest-bearing accounts. Restrictions on the investment of such funds shall be the same that apply to investment of all City funds generally.

(b) Accounting records shall be maintained for each category of system improvements and the service area in which fees are collected.

(c) Interest earned on development impact fees shall be considered funds of the account on which it is earned and shall be subject to all restrictions placed on the use of development impact fees under this chapter.

(d) Expenditures of development impact fees shall be made only for the category of system improvements and in the service area for which the development impact fee was imposed as shown by the capital improvement element and as authorized by this chapter.

(e) Development impact fees shall not be used to pay for any purpose that does not involve system improvements that create additional services available to serve new growth and development.
The City manager shall prepare an annual report describing the amount of any development impact fees collected, encumbered, and used during the preceding year by category of public facility and service area.

Sec. 14-11015. - Credits.

(a) Credit shall be given for the present value of any construction of improvements or construction or dedication of land or money required or accepted by The City from a developer or his/her predecessor in title or interest for system improvements of the category for which a development impact fee is being collected. Credits shall not be given for any construction of improvements or contribution or dedication of land or money which occurred more than ten years prior to the effective date of this chapter.

(b) Calculation of development impact fees shall include credits for the present value of revenues reasonably expected, on the basis of historic funding patterns, to be generated by new growth and development insofar as such revenues are expected to be available to pay for system improvements (see Appendix A: Credit for Property Tax Revenue, attached hereto as section 14-3033).

(c) Credits under subsection (a) of this section shall be valued using the following guidelines:

(1) For the present value of the construction of any system improvements required or accepted, in conjunction with the project for which approval is being sought, by the City from the developer or predecessor in title or interest for the category of system improvements in the service area for which the development impact fee is being collected, the City will utilize a standard construction cost as established by the department of public works for the assessment of applicable credits. Should unusual circumstances such as difficult topography or wetlands cause the standard costs to be restrictive, a developer may present documentation to the City demonstrating such circumstances for consideration in the calculation of credits.

(2) For the present value of any contribution or dedication of land required or accepted for system improvements, in conjunction with the project for which approval is being sought, by the City from the developer or predecessor in title or interest for the category of system improvements in the service area for which the development impact fee is being collected, the value of contributed land shall be the same as that attributed to the property by the current validated The City tax appraisal at the time of dedication; present value shall be calculated from time of dedication using the Bloomberg AAA GO Municipal Bond Yield Index (or equivalent).

(3) For the present value of any contribution or dedication of money required or accepted, in conjunction with the project for which approval is being sought, by the City from the developer or predecessor in title or interest for the system improvements in the service area for which the development impact fee is being collected, the value of contributed money shall be the same as that at the time of contribution or dedication;
present value shall be calculated from time of contribution or dedication using the Bloomberg AAA GO Municipal Bond Yield Index (or equivalent).

(4) In the event a developer is issued a building permit for a land use which is determined by the City to result in a reduction in demand for system improvements from an existing land use on the property in the service area for which the development impact fee is being collected, the developer or predecessor in title or interest shall be given a credit for the difference which shall be applied against that parcel of land for which the development impact fee was or will be paid; present value shall be calculated from time of contribution or dedication using the Bloomberg AAA GO Municipal Bond Yield Index (or equivalent).

(d) In the event a building permit is abandoned, for the present value of any previously paid development impact fee for the system improvements in the service area for which the development impact fee is being collected, credit shall be in the amount of the development impact fee paid inflated from the date of payment using the Bloomberg AAA GO Municipal Bond Yield Index (or equivalent) and shall be applied against that parcel of land for which the development impact fee was paid.

(e) In the event that a developer enters into an agreement with the City to construct, fund, or contribute system improvements such that the amount of credit created by such construction, funding, or contribution exceeds the development impact fee calculated for the project, the developer shall be compensated for such excess contribution by the City or, at the county's option, from development impact fees paid by other development located in the service area benefitted by such improvements. The present value of any such construction or contribution shall be established by:

(1) Use of documented prices actually paid by the developer for the system improvements with such prices inflated by use of the Bloomberg AAA GO Municipal Bond Yield Index (or equivalent); or

(2) Use of documented prices which would have been paid by the City for such system improvements with such prices inflated by use of the Bloomberg AAA GO Municipal Bond Yield Index (or equivalent), whichever is less.

(3) The City is under no obligation to make immediate compensation, but will make compensation as funds are available.

(f) Except as provided in subsection (g) of this section, no credit shall be given for construction, contribution, or dedication of any system improvement or funds for system improvements made before the effective date of this chapter, nor shall credit be given for system improvements or funds for system improvements constructed, contributed, or dedicated after the effective date of this chapter if an agreement to do so was entered into before the effective date of this chapter for projects which have already received a building permit.

(g) In the event that a feepayer has, under previously established conditions of zoning, constructed, contributed, or dedicated system improvements or funds when
receiving permits to proceed with only a portion or phase of a project as defined by a
particular zoning case, but the construction, contribution, or dedication is in excess of
that required by the portion or phase permitted, the excess construction, contribution, or
dedication shall be credited against future development impact fees which shall be
required as additional portions or phases of the zoned project seek building permits.

(h) In no event shall credit be given for project improvements.

(i) The developer must present evidence of the cost and age of the improvement
from which present value may be calculated using the Bloomberg AAA GO Municipal
Bond Yield Index (or equivalent) estimates of inflation and depreciation.

(j) Credits required under subsection (b) herein shall be automatically given at the
time of fee imposition. Any other credits shall be given only upon request of the
developer to the City manager. To receive consideration for such other credits a
developer must present evidence or proposals for creditable activities and evidence of
value to the City manager at or before the time of application for building permit.

(k) The City manager shall review all claims for allowance and valuation of credits
and make determinations regarding:

(1) Allowance of any claimed credit.
(2) Value of any allowed credit.

(l) Any credit shall be acknowledged in writing and calculated at the time of
imposition of the development impact fee.

(1) Any credit shall be acknowledged in writing and calculated at the time of
imposition of the development impact fee.

(2) A developer may appeal any such determination under the provisions of
this chapter dealing with appeals.

(m) Approved credits which are in excess of impact fees due for a particular project
may be transferred to another project located within the same service area and shall
apply only to the same public facility category for which the credits were originally
approved. Such transfers of approved credits shall follow those procedures established
by the City manager.

Sec. 14-11016. - Refunds.

(a) Upon the request of an owner of property on which a development impact fee
has been paid, the City shall refund the development impact fee if:

(1) Capacity is available and service is denied; or
(2) If the county, after collecting the fee, has failed to encumber the development impact fee or commence construction within six years after the date the fee was collected.

(b) In determining whether development impact fees have been encumbered, development impact fees shall be considered encumbered on a first-in, first-out (FIFO) basis.

(c) When the right to a refund exists due to a failure to encumber development impact fees, the City shall provide written notice of entitlement to a refund to the feepayer who paid the development impact fee at the address on the application for development approval or to a successor in interest who has given notice to the City of a transfer or assignment of the right to entitlement to a refund and who has provided a mailing address. Such notice shall also be published in the legal organ of the City wherein the sheriff's notices are published within 30 days after the expiration of the six-year period after the date that the development impact fees were collected and shall contain a heading "Notice of Entitlement to Development Impact Fee Refund."

(d) All requests for refunds shall be made in writing to the City manager within one year of the time the refund becomes payable under subsections (a) and (b) or (c) of this section or within one year of publication of the notice of entitlement to a refund under subsection (c) of this section, whichever is later.

(e) A refund shall include a refund of a pro rata share of interest actually earned on the unused or excess impact fee collected.

(f) All refunds shall be made to the feepayer within 60 days after it is determined by the City that a sufficient proof of claim for refund has been made.

(g) The feepayer shall have standing to sue for a refund under the provisions of this chapter if there has been a timely and complete application (including, but not necessarily limited to, proof that a development impact fee has been paid, proof that the applicant for the refund is the feepayer entitled to the refund, and that the conditions specified in subsection (a) of this section have been met) for refund and the refund has been denied or has not been made within one year of submission of the application for refund to the county.

Sec. 14-11017. - Private agreements.

(a) In accord with the provisions of this section and any more specific provisions which may be contained in this chapter, any developer or property owner or group of developers and/or property owners may propose to enter into a private agreement with the City in regard to the construction or installation of system improvements and providing for credits or reimbursement for system improvement costs incurred by a developer including interproject transfers of credits or providing for reimbursement for project costs which are used or shared by more than one development project.

(b) A private agreement may include, but shall not be limited to, provisions which:
(1) Modify the estimates of impact on public facilities according to the methods and provisions concerning the calculation of impact fees, provided that any such agreement allows the City to assess additional development impact fees after completion of construction according to schedules set forth in this chapter.

(2) Permit construction of, dedication of property for, or other in-kind contribution for specific public facilities of the type for which a development impact fee would be imposed in lieu of or with a credit against applicable development impact fees.

(3) Permit a schedule and method of payment of imposed fees in a manner appropriate to particular and unique circumstances of a proposed project in lieu of the requirements for payment under this chapter, provided that security acceptable to the City is posted ensuring payment of the development impact fees. Forms of security which may be acceptable to the City include a cash bond, a surety bond, irrevocable letter of credit, negotiable certificate of deposit or escrow account, or lien or mortgage on lands to be covered by the building permit.

(c) Any private agreement proposed by an applicant pursuant to this section shall be submitted to the City manager for review, negotiation, and submission to the City Council. Any such agreement must be presented to and approved by the City Council prior to the issuance of a building permit. Any such agreement shall provide for execution by mortgagees, lienholders, or contract purchasers in addition to the landowner. The City Council of the City of South Fulton shall approve such an agreement only if it finds that the agreement will apportion the burden of expenditure for new facilities proportionately, consistent with the principles set forth in O.C.G.A. tit. 36, ch. 71 (O.C.G.A. § 36-71-1 et seq.) and this chapter.

Sec. 14-11018. - Exemptions.

(a) Pursuant to the provisions of O.C.G.A. § 36-71-4(1), the public policies expressed in the comprehensive plan, and in accordance with the policies of the City Council, the following development projects are found to promote affordable housing and shall be exempt from the payment of development impact fees as provided herein.

(b) The proportionate share of any systems improvements costs foregone from exempted projects shall be funded from a revenue source other than development impact fees.

(c) Affordable housing shall be exempt from development impact fees as follows:

(1) For "sales housing," all development impact fees which may be incident on a given project in a specific service area or combination of service areas shall be exempted for each unit of affordable housing included in a development according to the following schedule of sales prices:

Sales price equal to or less than 80 percent of the Median Income times 2½: 25 percent of fees exempted, and an additional 2.5 percent exemption for each additional
reduction of sales price equal to one percent The City Median Income times 2½. For example:

Sales price equal to or less than 70 percent The City Median Income times 2½: 50 percent of fees exempted.

Sales price equal to or less than 60 percent The City Median Income times 2½: 75 percent of fees exempted.

Sales price equal to or less than 50 percent The City Median Income times 2½: 100 percent of fees exempted.

(2) For "rental housing," all development impact fees which may be incident on a given project in a specific service area or combination of service areas shall be exempted for each unit of affordable housing included in a development according to the following schedule of rental rates:

Monthly rent equal to or less than 80 percent The City Median Income times 30 percent/12: 25 percent of fees exempted, and an additional 2.5 percent exemption for each additional reduction of monthly rent equal to one percent The City Median Income times 30 percent/12. For example:

Monthly rent equal to or less than 70 percent The City Median Income times 30 percent/12: 50 percent of fees exempted.

Monthly rent equal to or less than 60 percent The City Median Income times 30 percent/12: 75 percent of fees exempted.

Monthly rent equal to or less than 50 percent The City Median Income times 30 percent/12: 100 percent of fees exempted.

(d) Credits given under section 14-3015(a), (b), shall be reduced in proportion to the exemption.

(e) To be eligible for an exemption, a developer must file an application for exemptions with the City manager before the time development impact fees are imposed. The application for exemption must contain documentation acceptable to the City manager showing that the criteria for exemptions will be met.

(1) The City may assess additional development impact fees on exempted rental housing if, two years after completion of construction, the development has not, in fact, met the criteria for exemptions and/or if, five years following completion of construction, the development has not, in fact, maintained adherence to the criteria.

(2) Any developer of rental housing receiving an exemption under this section must report to the City manager the status of the project relative to the criteria for exemption on the second and fifth anniversaries of completion of construction. Failure to report may result in assessment of additional development impact fees.
DIVISION 2. - ADMINISTRATION AND ENFORCEMENT

Sec. 14-11019. - Enforcement generally.

The enforcement of this chapter will be the responsibility of the City manager and such City personnel as the City manager may designate from time to time.

Sec. 14-11020. - Effective date.

(a) This chapter shall take effect on November 30, 1992.

(b) For any development subject to development impact fees under this chapter, the following shall apply:

(1) For any development which has a currently approved zoning that imposes, as conditions of zoning, requirements for dedication, contribution, and/or construction of funds, land, or system improvements with at least a requirement to contribute funds into an offsite transportation improvement fund, the feepayer may elect to:

a. Proceed with the project under the existing conditions of zoning by entering into a private agreement (section 14-3017 and section 14-3030). If the feepayer chooses to proceed under the existing conditions of zoning, none of the provisions of this chapter shall apply, including those provisions related to credits. If a building permit is requested prior to the approval of said private agreement by the City Council, the City manager can waive some or all of the impact fee otherwise due, as appropriate, pursuant to the owner's binding agreement to pay any additional fees that may be necessary after formal approval of the private agreement.

b. Proceed with the project under the provisions of this chapter, in which case:

1. Any development for which a valid application for a building permit has been received by the City prior to the effective date of this chapter, may proceed to issuance of a building permit without payment of fees otherwise imposed by this chapter, provided that:

   ii. All fees for system improvements imposed by conditions of zoning approval or any code or regulation in effect prior to the effective date of this chapter shall be or have been paid in full; and

   iii. Said building permit is or can be issued within 120 calendar days of the effective date of this chapter, exclusive of delays caused by the county's normal review process.

2. For any development for which a land disturbance permit (LDP) has been issued prior to the effective date of this chapter, but not an associated building permit, said building permit shall be issued only under the terms and conditions of this chapter, provided further that:
i. Any fees, contributions, or dedications attributable to system improvements paid at the time of issuance of the LDP shall be credited in full against the development impact fees due under this chapter for issuance of said building permit.

ii. In the case of multibuilding projects, such as a subdivision or a multifamily complex, the credit shall be prorated among the various buildings in proportion to their floor area or number of dwelling units.

iii. In all such cases, the feepayer may elect to receive a refund of prior payments in lieu of credit for prior payments.

(2) For any development for which a valid application for a building permit has been received by the City prior to the effective date of this chapter may proceed to issuance of a building permit without payment of fees otherwise imposed by this chapter, provided that:

a. All fees for system improvements imposed by conditions of zoning approval, if applicable, or any code or regulation in effect prior to the effective date of this chapter shall be or have been paid in full; and

b. Said building permit is or can be issued within 120 calendar days of the effective date of this chapter, exclusive of delays caused by the county's normal review process.

Sec. 14-11021. - Sec. Review.

(a) As part of its annual capital improvement program process, or as part of any other planning process which causes the City to evaluate development potential in any area, the City may review the development potential of any area within the county, whether it be a previously designated service area or not, or the City as a whole. Based on such review of development potential, the City may adjust boundaries of service areas or create new service areas.

(b) As part of its annual capital improvement program process, or as part of any other planning process which causes the City to evaluate development potential in any area, the City may review capital facilities plans in service areas and modify such plans as a result of development occurring in the previous year and/or requests for permission to develop, e.g. applications for rezoning, applications for land disturbance permits, and applications for building permits. Plans may also be modified as a result of:

(1) Capital facilities actually constructed.

(2) Changes in capital facility needs and/or standards.

(3) Revised cost estimates for capital facilities.

(4) Changes in availability of other funds applicable to public facility projects.
(5) Other relevant factors.

(c) As a result of modifications to service area boundaries and/or capital facilities plans, the City may modify development impact fee schedules, as appropriate, and adopt such revised schedules through official action of the City Council.

(d) As part of its annual comprehensive plan review process, or as part of any other planning process which causes the City to evaluate the housing market, the City may revise the provisions specified in section 14-3018.

(e) Failure of the City to undertake such a review shall result in the continued use and application of the existing fee schedule and other data. The failure to review such structure shall not invalidate this chapter.

Sec. 14-11022. - Administrative appeals.

(a) Any person aggrieved by any administrative determination made under this chapter, or by the application of any provision of this chapter, may appeal such determination or provision under this section.

(b) The applicant or feepayor must file a notice of appeal with the central impact fee office within 30 days following the receipt of written determination of the amount of the development impact fee to be paid or entitlement to a refund, credit, or exemption.

(c) All appeals shall be made to the City’s Zoning Board of Appeals through the zoning administrator's office following the City manager's decision on the applicability or amount of the development impact fee, or eligibility for or amount of a refund, credit, or exemption. No additional filing fee shall be charged to the applicant. The cost of processing the appeal shall be covered under the three percent administrative cost inherent in the impact fee schedule as permitted by the Georgia Development Impact Fee Act, O.C.G.A. § 36-71-2(18). Upon filing of an appeal, the City manager shall transmit to the City’s Zoning Board of Appeals all papers constituting the record upon which the action appealed is taken. The zoning administrator shall thereafter establish a reasonable date and time for a hearing on the appeal, give notice thereof to the parties in interest, and the board of zoning appeals shall decide the same within a reasonable time following the hearing. Any party taking an appeal shall have the right to appear at the hearing to present evidence and may be represented by counsel. Under chapter XXIII, section 22.9 of the The City Zoning Resolution, any action by the board of zoning appeals is a final action. Therefore, if any person is aggrieved by a decision of the City’s Zoning Board of Appeals, they may take an appeal to the Superior Court of The City within 30 days after the decision by the City’s Zoning Board of Appeals is rendered.

(d) A developer may pay a development impact fee under protest to obtain a building permit, and by making such payment shall not be estopped from exercising this right of appeal or receiving a refund of any amount deemed to have been illegally collected.

(e) The filing of an appeal shall not stay the collection of a development impact fee as a condition to issuance of development approval or a building permit.
Sec. 14-11023. - Violations and penalty.

(a) A violation of this chapter shall be a misdemeanor punishable according to law. However, in addition to or in lieu of any criminal prosecution, The City shall have the power to sue in law or equity for relief in civil court to enforce this chapter. Recourse to such civil and criminal remedies in law and equity as may be necessary to ensure compliance with the provisions of this chapter, including injunctive relief to enjoin and restrain any person from violating the provisions of this chapter and to recover such damages as may be incurred by the implementation of specific corrective actions.

(b) To knowingly furnish false information to the City on any matter relating to the administration of this chapter shall constitute a violation thereof.

(c) The City manager may withhold the issuance of any building permit or other development permits if the provisions of this chapter have been violated by the owner or his/her assigns, on any property within unincorporated The City until the provisions of this chapter, including the conditions on any permit issued thereunder, have been fully met.

(d) The City manager shall have the right to inspect the lands affected by this chapter and shall have the right to issue cease and desist orders and citations for violations. Refusal of written notice of violation under this chapter shall constitute legal notice of service.

(e) For any violation, the City manager shall have the authority to issue a citation. The citation shall be in the form of a written official notice issued in person or by certified mail to the owner of the property, or to his/her agent, or to the person performing the work. The receipt of a citation shall require that corrective action be taken within 30 working days unless otherwise extended at the discretion of the City manager. If the required corrective action is not taken within the time allowed, the City manager may use any available civil or criminal remedies to secure compliance, including revoking a permit.

DIVISION 3. - TRANSPORTATION

Sec. 14-11024. - Definitions.

For the purposes of this chapter, the following words and terms are defined, in addition to those terms and words included in this chapter:

Access improvements means the transportation improvements necessary to provide safe and adequate ingress and egress and for efficient traffic operations. Access improvements include, but are not limited to, the following:

1. Rights-of-way and easements;
2. Left and right turn lanes;
(3) Acceleration and deceleration lanes;
(4) Traffic control devices, signage, and markings;
(5) Drainage and utility relocation; and
(6) Sidewalks.

Access road means a street or road that runs generally parallel to an arterial or collector road and is the primary access to abutting properties. The access road may separate abutting properties from arterial or collector road rights-of-way and, if so, this type of facility shall be known as a frontage road.

Capacity means the traffic-carrying ability of road segments or intersections.

Capacity intersection means the maximum number of vehicles for a given time which a given intersection can safely and efficiently carry at a specified level of service.

Capacity per lane means the maximum number of vehicles in a one-mile segment of roadway for a given time period which a typical new lane can safely and efficiently carry at a specified level of service.

Development generating traffic means any construction or expansion of a building, structure, or use; any change in use of a building or structure; or any change in the use of land any of which attracts or produces additional vehicular trips.

Direct access improvements are always project improvements, not system improvements. Direct access improvements include, but are not limited to, the following:

(7) Site driveways and roads exclusively serving traffic destined for or produced by the development generating traffic on the site;
(8) Median cuts made necessary by those driveways and/or roads;
(9) Turn lanes, acceleration lanes and/or deceleration lanes leading to or from those driveways and/or roads;
(10) Traffic control measures for those driveways and/or roads;
(11) Access or frontage roads that are not shown as planned publicly built and/or publicly owned roads in the county's comprehensive plan or in any official State of Georgia highway planning document;
(12) Roads or intersection improvements whose primary purpose at the time of construction is to provide direct access to a development project generating traffic; and
(13) Necessary right-of-way dedications for such project improvements.
Diverted traffic or passerby traffic means traffic which is already on the transportation network which is attracted by the new land development and which may be diverted from another route.

Expansion means road and intersection design capacity enhancements which include, but are not limited to, extensions, widenings, intersection improvements, upgrading signalization, and improving pavement conditions.

Impact means the incremental effect of additional vehicles on a roadway segment.

Intersection level of service means the sum of volume capacity ratios, the actual rate of flow on an intersection approach divided by the capacity of that approach and used in conjunction with the delay factor per vehicle. This ratio is expressed as a level of service and is determined by methods of analysis described in the Transportation Research Board's, "Highway Capacity Manual," Special Report 209, 1985.

Level of service or LOS means, in addition to the general definition in section 14-3010, for transportation, a qualitative measure describing the collective factors of speed, travel time, traffic interruption, freedom to maneuver, safety, driving comfort and convenience and operating costs provided by a transportation facility under a particular volume condition. Levels of service vary from A to F. Level of service classifications shall have the same meaning as set forth in the Transportation Research Board's "Highway Capacity Manual," Special Report 209, 1985.

Link level of service for the purposes of the fee calculation shall be determined by the volume to capacity ratios as defined in the county's transportation model.

LOS goal means the performance standard the City proposes to meet.

Public transit means public mass transportation services along with capital improvements, equipment, and operations provided by agencies and/or authorities chartered by the State of Georgia to provide such services in The City.

Road or roadway means arterial or collector streets or roads which have been designated in the transportation element of the comprehensive plan and/or the capital improvements program element of the comprehensive plan, together with all necessary appurtenances including, but not limited to, bridges and traffic control improvements.

Sidewalk shall be considered a project improvement.

Transportation facility means roads, streets, and bridges, including rights-of-way, traffic signals, landscaping, sidewalks, other related appurtenances, and any local components of state and/or federal highways.

Transportation network means the interconnecting system of streets, roads, highways, and other public ways open to vehicular traffic by the public generally and dedicated to the public use. The transportation network includes existing public transportation...
facilities, planned extensions and expansions to existing public transportation facilities, and planned new transportation facilities.

Trip means a one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end). For the purposes of this chapter, the term "trip" shall have the meaning which it has in commonly accepted traffic engineering practice.

Trip generation means the attraction or production of trips attributed to the use or activity associated with a given type or classification of land development.

Trip rate or trip generation rate means the number of vehicle trip ends which can be attributed to a specific type of land development activity per unit of development per day as documented in the most current Institute of Transportation Engineers (I.T.E.) "Trip Generation Manual."

**Sec. 14-11025. - Imposition of impact fee.**

(a) Any person who after the effective date of this chapter engages in development activity generating traffic shall pay a transportation impact fee in the manner and amount set forth in this chapter.

(b) No building permit for any land development activity generating traffic requiring payment of a transportation impact fee pursuant to this chapter shall be issued by the City unless and until the required transportation impact fee has been paid.

**Sec. 14-11026. - Determination of fees.**

The transportation impact fee for any land development activity generating traffic shall be determined by using one of the following methods:

1. The fee rate schedule referenced in section 14-3028 of this chapter;
2. The individual method of calculation set forth in section 14-3013 and section 14-3029 of this chapter; or
3. Any applicant may propose to enter into a private agreement with the City as set forth in section 14-3017 and section 14-3030 of this chapter to establish just and equitable transportation impact fees or their equivalent which are appropriate to the specific circumstances of the land development activity generating traffic.

**Sec. 14-11027. - Impact fee rate schedule.**

(a) In accordance with section 14-3012 of this chapter, the following fee rate schedule is included as table 1, table 2 and table 3 supplements (revised), and made a part hereof to be used to directly calculate fees. The fee rates have been calculated using the following method of calculation and described in greater detail in the "Capital Improvements Element of the Comprehensive Plan," November 4, 1992, using...
recognized accepted trip generation rates. Figure 1 (Sandy Springs) and figure 2 (North The City) are graphic illustrations of the transportation service areas (revised).

(1) Gross transportation impact fee calculation is as follows:

a. Cost Per Trip by TSA (CPT)

Improvement costs for new capacity (construction and right-of-way)/total projected new vehicle trips = Cost Per Trip

b. Trip Generation Factor (TGF)

ITE Trip Generation × New Trips Factor (if applicable) × unit of development = Trip Generation Factor

c. Total Discount (TD)

Tax Discount + ROW + System improvements made = Total Discount (TD)

d. Fee calculation

CPT × TGF = GIF (Gross Impact Fee)

GIF - TD = Net Impact Fee

(2) The gross transportation impact fee calculated using table 2 and table 3 supplements include several potential credits:

a. Credit for future property tax revenue shall be subtracted from all applicable gross impact fee calculations using the methodology outlined in Appendix A, Development Impact Fee: Credit for Property Tax Revenue.

b. Credit for previous contribution or dedication of land for system improvements or the construction of system improvements as described in section 14-3015(c)(1) and (c)(2) of this chapter shall be subtracted from the gross impact fee calculation.

c. Credit for previous contribution or dedication of money as described in section 14-3015(c)(3) of this chapter shall be subtracted from the gross impact fee calculation.

d. Other credits as described in section 14-3015 of this chapter shall be subtracted from the gross impact fee calculation.

(b) If there is an application to permit development of a land use not included in the fee rate schedule, the City manager shall cause a fee to be established based on the trip generation rates for that land use as published in the most recent edition of the Institute of Transportation Engineers (I.T.E.) "Trip Generation Manual," or in the

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City of South Fulton I November 27, 2018

Sec. 14-11028. - Individual transportation assessment determinations.

(a) In the event that an applicant elects, in accord with O.C.G.A. § 36-71-4(g) and in accord with section 14-3013 of this chapter, an applicant may apply for an individual transportation assessment determination. If it is found that the data, information, and assumptions used by the applicant to calculate the individual transportation assessment determination satisfy the requirements of section 14-3013 of this chapter and the requirements of this section, the individual transportation assessment determination shall be deemed the transportation impact fee due and owing for the proposed development.

(b) In addition to meeting the requirement of section 14-3013 of this chapter, the applicant shall show the basis of the individual transportation assessment determination including, but not limited to, the following:

(1) Traffic engineering studies:

a. Documentation of trip generation rates appropriate to the specific development activity proposed.

b. Documentation of potential credits attributable to the specific development activity proposed, i.e., the nature and extent of each credit as well as the appraised value of each such potential credit, which can be expected to replace the portion of the service volume used by the traffic generated by the specific proposed development activity.

(c) All documentation shall be prepared and presented by qualified professionals in their respective fields and shall follow best professional practices and methodologies.

(d) A developer may request a preapplication conference with the City manager.

(e) The City manager shall provide the developer with an individual assessment determination within 15 working days of the formal submittal of a complete application for an individual assessment determination including an individual assessment study.

(f) All other requirements being met, nothing in this chapter shall prevent a developer from receiving a building permit upon payment of fees as calculated in section 14-3012 and section 14-3027(1) and proceeding while awaiting an individual fee assessment determination. When an individual fee assessment is established, any excess payments shall be refunded.

Sec. 14-11029. - Private transportation agreements.

(a) In accord with the general provisions of section 14-3017 of this chapter and the more specific provisions below, any applicant or group of applicants may propose to
enter into a private agreement with the City designed to establish proportional share
system improvements appropriate to the circumstances of the specific development or
developments proposed.

(b) Such an agreement may include, but shall not be limited to, provisions which:

(1) Modify the presumption of trip generation set forth in the most current
Institute of Transportation Engineers (I.T.E.) "Trip Generation Manual" and provide an
impact fee which may differ from that set forth in section 14-3028 of this chapter by
specifying the nature of the proposed development for purposes of computing actual
trips, provided that the agreement shall establish legally enforceable means for ensuring
that the actual number of trips generated will not exceed the agreed upon estimated
trips generated by the development. The agreement must contain language acceptable
to the City manager showing that the assumptions of trip generation will be met.
Further, language must be included in the agreement to allow the City to assess
additional impact fees if, two years after completion of construction, the development
has not, in fact, met the reduced assumptions of trip generation and/or if, five years
following completion of construction, the development has not, in fact, maintained such
reduced trip generation. The agreement must also contain language requiring the
developer to report to the City manager the status of the project relative to assumptions
of reduced trip generation on the second and fifth anniversaries of completion of
construction. Figures to be reported shall include both actual trip generation figures and
trip generation as a factor of the project's occupancy rate. Failure to report may result in
assessment of additional impact fees.

(2) Permit the construction of specific transportation improvements in lieu of
or with a credit against the transportation impact fee assessable.

(3) Permit a schedule and method for the payment of fees in a manner
appropriate to the particular and unique circumstances of the proposed development in
lieu of the requirements for payment of the fees as set forth in section 14-3011 and
section 14-3026(b) of this chapter, provided that security is posted ensuring payment of
the fees, in a form acceptable to the county, which security may be in the form of a cash
bond, surety bond, irrevocable letter of credit, negotiable certificate of deposit or escrow
account, or lien or mortgage on lands to be covered by the building permit.

(4) Permit the substitution of public transit related projects in lieu of or with a
credit against the transportation impact fee assessable. Public transit related projects
may include:

a. Dedication of parking spaces for use by public transit users who
would park their cars in the dedicated area and ride public transit to their final
destinations.

b. Dedication of land for use as a transit terminal and transfer point.
c. Construction of bus shelters or other capital improvements including, but not limited to, pedestrian enhancements, which encourage the use of public transit.

d. Participation by the primary employer or group of employers in an employee transit subsidy program.

e. Participation of the employer or group of employers in ride sharing programs for its employees.

For subsection (b)(4) of this section, the applicant must describe the extent of the program and expected usage by employees. The City may assess an additional impact fee if the program does not result in the anticipated automobile trip reduction within two years.

Sec. 14-11030. - Transportation service areas established.

Transportation service areas, as they are defined and established from time to time in the comprehensive plan are incorporated herein and made a part hereof.

Sec. 14-11031. - Review.

In addition to or as a part of the review described in section 14-3021 of this chapter, a review of the construction and right-of-way acquisition costs and transportation impact fee rates and other applicable items set forth in this chapter shall be undertaken annually by the City Council.

Sec. 14-11032. - Credit for property tax revenue.

(a) O.C.G.A. § 36-71-4(r) requires that development impact fees shall be calculated on a basis which is net of credits for the present value of revenues that will be generated by new growth and development based on historic funding patterns and that are anticipated to be available to pay for system improvements, including taxes, assessments, user fees, and intergovernmental transfers.

(b) The following sets out assumptions, analysis, and a draft calculation of a credit intended to meet the above requirements for a transportation impact fee.

(1) Assumptions. The assumptions are as follows:

a. Four funding sources have been explored for historically significant contributions to capital investment in transportation system improvements:

   1. General fund bonded debt retirement funds. Each year the City floats a $3,000,000.00 G.O. bond, a variable portion of which is devoted to transportation capital items each year. The history of monies paid each year for the past ten years to retire debt incurred for transportation items has been calculated. Additionally, the amount of money spent each year has been compared to the total City
tax base and converted to an equivalent millage rate. For the purpose of calculating the required credit, it is assumed that:

i. This history of payments is the best information available upon which to base future projections.

ii. Payments made to retire debt associated with two large referendum bond issues, 1957 and 1963, have been excluded from the calculation on the notion that passage of a referendum bond issue in the foreseeable future is unlikely.

iii. The use of a calculated equivalent millage rate fairly reflects the relative impact of transportation capital investment relative to the value of property.

iv. The $3,000,000.00 cap on the annual bond issue will not increase and the portion historically devoted to transportation will not change, but the total assessment will grow at the historic trend.

v. That the average life of a bond is 20 years and that is the time over which the credit should be calculated.

2. Operating funds. Various operating funds are spent annually on transportation system items. For the purpose of calculating the required credit, it is assumed that:

i. The majority of the funds so expended are spent on pure day-to-day operations and need not be considered in any tally of capital investment.

ii. The remainder are spent on renewal and extension type items and should not be counted as transportation capital investment, especially for system improvements.

Therefore, it is assumed that no operating funds need be calculated into the credit.

3. Capital improvement fund. From time to time the City transfers monies from various sources (e.g. general fund, state grants, etc.) for expenditure on capital projects. The history of such expenditures for transportation projects over the past ten years has been totaled, with discounts from the total of monies that did not originate from City taxpayers, e.g. state funds, exaction funds, etc. These funds have also been included in the equivalent millage rate calculation discussed in subsection (b)(1)a.1 of this section.

4. Transfer payments from state and federal governments. Regarding state and federal expenditures on transportation system improvements in The City, it is assumed that:
i. Amounts of money from intergovernmental transfers are forecast for each project in the CIP. Therefore, "total cost to the county," the cost upon which a development impact fee is calculated, already contains a discount for all intergovernmental transfers.

ii. Recent history indicates that fewer and fewer intergovernmental transfer dollars will be available in the future. Therefore, the CIP most likely overstates the "built-in" credit for this item.

In summary, for transportation system improvements, the required credit calculated here will be based only on debt retirement associated with the county's $3,000,000.00 annual bond issue with additional funds added based on expenditures from the capital improvement fund; so far as all such expenditures are for transportation projects.

b. Credits to be given for tax payments should reflect tax payments spent on the same projects being funded by impact fees. Not all future tax payments associated with transportation improvements should be credited to each private development paying impact fees; only those taxes paying for transportation improvements in the same TSA should receive credit.

1. It is assumed that tax payments used to fund transportation improvements are distributed in equal proportions to all transportation projects as they may be planned throughout the county.

2. It is assumed that the transportation projects listed in the CIP represent the best estimate available of expenditures, and their distribution, for transportation projects.

3. For analytic purposes, all planned transportation expenditures for the next ten years have been taken from the CIP and the proportion of such expenditures by TSA has been derived. This proportion is applied to the derived millage rate to estimate an equitable future tax credit. These proportions are:

   i. TSA 4101 56.61%
   ii. TSA 5001 16.17%
   iii. TSA 5003 17.64%

   90.42%

(2) Analysis. The analysis is as follows:

a. The combined expenditures for transportation from both the bond sinking fund and the capital improvement fund were plotted from 1981 through 1990.
c. The ten-year history of the value of one mill against the unincorporated The City tax base was plotted as in step one.

d. The value of one mill was projected as in step two.

e. The actual expenditures and projected expenditures were converted to mill equivalents by dividing expenditures by the value of one mill for each year.

f. Results of the analysis are both:

1. A projection of capital expenditures from normal revenue sources for transportation projects, based on a ten-year history.

2. A projection of a millage equivalents applied to transportation capital projects based on a ten-year history.

See attachment B.

g. All transportation projects for the period 1992—2002 were listed by TSA from the CIP along with total projected expenditures per year.

h. Five-year expenditures per TSA were calculated as a percentage of total planned expenditures.

(3) Application. The resultant millage equivalent multiplied by the TSA's proportional expenditure is applied to the average value of development types in the target area in which the finished project will be located to yield the credit. For instance, in TSA 4101, current The City tax records indicate the average single-family home has a current market value of $163,930.00. This figure is used as the basis for tax credits for single-family homes in TSA 4101.

Note 1: The average millage rate over the projected period is 0.2045. A millage rate of 0.21 has been used to be conservative.

Note 2: The millage rate has been applied for a 20-year period to reflect life of bonds, even though some funds in the calculation basis are not used to pay bonds. This is done for the sake of being conservative.

Example 1: A sales house (assumed to be owner-occupied) in TSA 4101:

$163,930.00 (average in TSA 4101) × 40 percent = $65,572.00

$66,675.00 - $2,000.00 homestead exemption = $63,572.00

$63,572.00/1,000 = $63.57

0.21 mills × 55.50 percent = 0.1189 mills
$63.57 \times 0.1189 \text{ mills} = 7.56$

$7.56 \times 20 \text{ years (average bond life)} = 151.20 \text{ credit}$

Example 2: A 100,000 square foot office building TSA 4101. Average value $154.11/\text{square foot land and building}; \text{ value} = 15,411,000.00$.

$15,411,000.00 \times 40 \text{ percent} = 6,164,400.00$

$6,164,400.00/1,000 = 6,164,400.00$

$0.21 \text{ mills} \times 55.50 \text{ percent} = 0.1189 \text{ mills}$

$6,614.40 \times 0.1189 \text{ mills} = 786.45$

$786.45 \times 20 \text{ years (average bond life)} = 15,729.00$

(94-RM-121, app. A, 5-18-94)
## TABLE 1

TRANSPORTATION IMPACT FEE CALCULATION

<table>
<thead>
<tr>
<th></th>
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<td>Service Area 4101</td>
<td>Glenridge Perimeter Connector Extension</td>
<td>534,200</td>
<td>534,200</td>
<td>1,200,438</td>
<td>1,237,930</td>
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<td>0</td>
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<td>West Sandy Springs Loop</td>
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<td>380,027</td>
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<td>195</td>
<td>Peachtree-Dunwoody Widening**</td>
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<td>378,635</td>
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<td>0</td>
<td>0</td>
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<td>311</td>
<td>Glenridge Drive Widening</td>
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<td>0</td>
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<td>681,120</td>
<td>671,616</td>
<td>546,480</td>
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<td>$1,899,216</td>
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Improvement Cost: $7,421,176

Projected New Vehicle Trips: 119,855

Cost Per Trip: $61.92

Fee (cost + 3% administration expense): $63.78

---

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<tr>
<th>Service Area 5001</th>
<th>Abbotts Bridge Road (SR 120) Widening</th>
<th>0</th>
<th>0</th>
<th>0</th>
<th>239,502</th>
<th>798,336</th>
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<td>Medlock Bridge Road Widening**</td>
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<td>217,442</td>
<td>217,442</td>
<td>217,442</td>
<td>567,442</td>
<td>567,442</td>
<td>1,086,123</td>
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Improvement Cost: $3,911,171

Projected New Vehicle Trips: 68,733

Cost Per Trip: $30.00

Fee (cost + 3% administration expense): $30.90

---

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<tr>
<th>Service Area 5003</th>
<th>Haynes Bridge Road</th>
<th>160,000</th>
<th>196,000</th>
<th>486,000</th>
<th>585,000</th>
<th>0</th>
<th>0</th>
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<td>423</td>
<td>Old Alabama Road Widening**</td>
<td>0</td>
<td>366,083</td>
<td>366,083</td>
<td>1,768,231</td>
<td>1,533,417</td>
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<td>4,033,813</td>
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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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* Adjusted cost per trip represents a fee reduction to insure the fee remains competitive.

** Estimated costs for Medlock Bridge Road and Old Alabama Road widenings incorporate a reduction to account for the portion of the project that serves existing deficiencies, or is already widened, respectively.
**TABLE 2: GROSS TRANSPORTATION IMPACT FEE RATE SCHEDULE**

FEES (IN DOLLARS) PER DEVELOPMENT UNIT

TRANSPORTATION SERVICE AREA

<table>
<thead>
<tr>
<th>LAND USE CODE</th>
<th>LAND USE</th>
<th>Avg. Daily Trip (ADT) Per Unit/Sq. Ft.</th>
<th>% New Trips</th>
<th>Adjusted ADT</th>
<th>4101 $63.78</th>
<th>5001 $30.90</th>
<th>5003 $29.39</th>
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<tr>
<td>110</td>
<td>LIGHT INDUSTRIAL</td>
<td>sq. ft.</td>
<td>0.006970</td>
<td>92</td>
<td>0.006412</td>
<td>0.41</td>
<td>0.20</td>
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<tr>
<td>120</td>
<td>HEAVY INDUSTRIAL</td>
<td>sq. ft.</td>
<td>0.001500</td>
<td>100</td>
<td>0.001500</td>
<td>0.10</td>
<td>0.05</td>
</tr>
<tr>
<td>121</td>
<td>HEAVY INDUSTRIAL</td>
<td>acres</td>
<td>6.750000</td>
<td>100</td>
<td>6.750000</td>
<td>430.52</td>
<td>208.58</td>
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<td>130</td>
<td>INDUSTRIAL PARK</td>
<td>sq. ft.</td>
<td>0.006970</td>
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<td>0.006970</td>
<td>0.44</td>
<td>0.22</td>
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<tr>
<td>150</td>
<td>WAREHOUSE</td>
<td>sq. ft.</td>
<td>0.004880</td>
<td>92</td>
<td>0.004490</td>
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|710| GENERAL OFFICE                      | sq. ft.  | SEE SEPARATE TABLE

<p>|720| MEDICAL-DENTAL                       | sq. ft.  | 0.034170      | 77       | 0.0263 | 1.68   | 0.81   | 0.77   |</p>
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NOTE: This table is for illustration of specific size projects. Exact calculations will be made for each application using the formulas below.

ITE 5TH EDITION: TRIPS FOR OFFICE BUILDINGS AND SHOPPING CENTERS

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<th>Formula</th>
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<td>( \exp (l\ln(\text{sq. ft.}) \times 0.625) + 5.985) )</td>
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<td>( \exp (l\ln(\text{sq. ft.}) \times 0.756) + 3.765) )</td>
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## TABLE 3: SUPPLEMENT COMMERCIAL AND OFFICE IMPACT FEE SCHEDULE: TOTALS 5-18-94

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City of South Fulton I November 27, 2018
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<td>147,037</td>
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NOTE: This table is for illustration of specific size projects. Exact calculations will be made for each application using the formulas below.

ITE 5TH EDITION: TRIPS FOR OFFICE BUILDINGS AND SHOPPING CENTERS

<table>
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<tr>
<th>Size (sq. ft.)</th>
<th>820 Shopping Center &lt;570,000 sq. ft.</th>
<th>820 Shopping Center &gt;570,000 sq. ft.</th>
<th>710 Office</th>
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<tr>
<td></td>
<td>( \exp ((\ln(\text{sq. ft.}) 0.625) + 5.985) )</td>
<td>( \exp ((\ln(\text{sq. ft.}) 0.756) + 5.154) )</td>
<td>( \exp ((\ln(\text{sq. ft.}) 0.756) + 3.765) )</td>
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## SUPPLEMENTAL RETAIL GROSS IMPACT FEES

### FEES (IN DOLLARS) PER DEVELOPMENT UNIT

### TRANSPORTATION SERVICE AREA

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<tr>
<th>ITEM CODE</th>
<th>LAND USE</th>
<th>Avg. Daily Trip (ADT) Per Unit/Sq. ft.</th>
<th>% New Trips</th>
<th>Adjusted ADT</th>
<th>4101 $63.78</th>
<th>5001 $30.90</th>
<th>5003 $29.39</th>
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<td>0.004067</td>
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<td>0.020516</td>
<td>1.31</td>
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<td>818</td>
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<td>2.49</td>
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Source: Institute of Transportation Engineers Trip Generation Rate Manual, 5th Edition

### ATTACHMENT B

### CALCULATED AND PROJECTED MILLAGE EQUIVALENTS OF EXPENDITURES FOR TRANSPORTATION

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<tr>
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### TRANSPORTATION EXPENDITURES

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### PROJECTED

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<td>19,200,000</td>
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</tr>
</tbody>
</table>
Section 2. It is hereby declared to be the intention of the City Council that:

(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.

(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.

(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.

Section 5. All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

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.
Section 7. The effective date of this Ordinance shall be the date of adoption unless provided otherwise by the City Charter or state and/or federal law.

Section 8. Instruction to City Clerk. The City Clerk is hereby directed to forward a copy of this ordinance to the City Community Development Department, Planning Commission, City Zoning Consultant, City Arborist and Zoning Board of Appeals.
The foregoing ORDINANCE No. 2018-050, 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:

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<tr>
<th>Name</th>
<th>AYE</th>
<th>NAY</th>
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<tbody>
<tr>
<td>William “Bill” Edwards, Mayor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mark Baker, Mayor Pro Tem</td>
<td></td>
<td></td>
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<tr>
<td>Catherine Foster Rowell</td>
<td></td>
<td></td>
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<tr>
<td>Carmalitha Lizandra Gumbs</td>
<td></td>
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<tr>
<td>Helen Zenobia Willis</td>
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<tr>
<td>Gertrude Naeema Gilyard</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rosie Jackson</td>
<td></td>
<td></td>
</tr>
<tr>
<td>khalid kamau</td>
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</tr>
</tbody>
</table>
THIS ORDINANCE adopted this ________ day of _________2018. CITY OF SOUTH FULTON, GEORGIA.

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

EMILIA C. WALKER, CITY ATTORNEY
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
ORDINANCE NO. 2018-051

A ORDINANCE TO ADOPT ADMINISTRATIVE GUIDELINES FOR TREE PRESERVATION AS APPENDIX E TO THE CITY CODE OF ORDINANCES AND FOR OTHER LAWFUL PURPOSES

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the Mayor and Council ("City Council") is the duly elected governing authority of the City;

WHEREAS, the City Council seeks to adopt administrative guidelines for tree preservation to cultivate and encourage a high level of tree preservation, to preserve, maintain and replant trees within the City, and to provide standards for the preservation of trees as part of the land development, building construction and timber harvest processes;

WHEREAS, this Ordinance will benefit the health and general welfare of the City, its citizens and general public.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA HEREBY ORDAINS as follows:

Section 1. The City hereby adopts the City of South Fulton Administrative Guidelines for Tree Preservation attached hereto, which shall be Appendix E to the City’s Code of Ordinances.

****************************

Section 2. It is hereby declared to be the intention of the Mayor and Council that: (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.

(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 Resolution.

(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 the Ordinance.

Section 3. All Ordinance and Resolutions in conflict herewith are hereby expressly
repealed.

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

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

Section 6. Instruction to City Clerk. The City Clerk is hereby directed to forward a
copy of this ordinance to the City Community Development Department and City
Arborist.
The foregoing Ordinance No. 2018-051 was adopted on _________________. The motion was moved for approval by Councilmember ____________. The motion was seconded by Councilmember ________________________, and being put to a vote, the result was as follows:

"SECOND READING"

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<th>NAY</th>
</tr>
</thead>
<tbody>
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</tr>
</tbody>
</table>

This Ordinance adopted this __________ day of __________ 2018. City of South Fulton, Georgia.

"SECOND READING"

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

EMILIA C. WALKER, CITY ATTORNEY
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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.

<table>
<thead>
<tr>
<th>Tree Type</th>
<th>Tree Diameter Size</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large hardwoods</td>
<td>27&quot; d.b.h.</td>
<td>Oak, Hickory, Yellow Poplar, Sweetgum, etc.</td>
</tr>
<tr>
<td>Large hardwood</td>
<td>24&quot; d.b.h.</td>
<td>Beech</td>
</tr>
<tr>
<td>Large softwoods</td>
<td>24&quot; d.b.h.</td>
<td>Pine, Deodar Cedar</td>
</tr>
<tr>
<td>Small Native Flowering</td>
<td>10&quot; d.b.h.</td>
<td>Dogwood, Redbud, Sourwood</td>
</tr>
</tbody>
</table>
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
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:

<table>
<thead>
<tr>
<th>Quantity</th>
<th>Size</th>
<th>Tree type</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>18’</td>
<td>Oak</td>
</tr>
<tr>
<td>1</td>
<td>20”</td>
<td>Hickory</td>
</tr>
<tr>
<td>1</td>
<td>30”</td>
<td>Oak</td>
</tr>
</tbody>
</table>

When converted to density factor units using Table 1.0, we arrive at the following values:

<table>
<thead>
<tr>
<th>D.B.H.</th>
<th>Units</th>
<th># Trees</th>
<th>EDF total</th>
</tr>
</thead>
<tbody>
<tr>
<td>18”</td>
<td>4.0</td>
<td>X 3</td>
<td>12.0</td>
</tr>
<tr>
<td>20”</td>
<td>4.0</td>
<td>X 1</td>
<td>4.0</td>
</tr>
<tr>
<td>30”</td>
<td>14.7</td>
<td>X 1</td>
<td>14.7</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>RDF =</th>
<th>DFS - EDF</th>
</tr>
</thead>
<tbody>
<tr>
<td>RDF</td>
<td>33.0</td>
</tr>
<tr>
<td>RDF</td>
<td>30.7</td>
</tr>
<tr>
<td>RDF</td>
<td>2.3</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>No.</th>
<th>Size</th>
<th>Species</th>
<th>Density Factor Units</th>
<th>DF x Number =</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>2&quot;</td>
<td>PINE</td>
<td>0.5</td>
<td>3 x 0.5 = 1.5</td>
<td>1.50</td>
</tr>
<tr>
<td>2</td>
<td>3&quot;</td>
<td>RED MAPLE</td>
<td>0.6</td>
<td>2 x 0.6 = 1.2</td>
<td>1.20</td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>D.B.H.</th>
<th>Units</th>
<th>D.B.H.</th>
<th>Units</th>
<th>D.B.H.</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-4</td>
<td>0.4</td>
<td>36</td>
<td>21.3</td>
<td>59</td>
<td>56.9</td>
</tr>
<tr>
<td>5-7</td>
<td>1.2</td>
<td>37</td>
<td>22.5</td>
<td>60</td>
<td>58.9</td>
</tr>
<tr>
<td>8-9</td>
<td>2.0</td>
<td>38</td>
<td>23.7</td>
<td>61</td>
<td>60.8</td>
</tr>
<tr>
<td>10</td>
<td>2.4</td>
<td>39</td>
<td>24.9</td>
<td>62</td>
<td>62.8</td>
</tr>
<tr>
<td>11</td>
<td>2.8</td>
<td>40</td>
<td>26.1</td>
<td>63</td>
<td>64.9</td>
</tr>
<tr>
<td>12</td>
<td>3.2</td>
<td>41</td>
<td>27.6</td>
<td>64</td>
<td>67.0</td>
</tr>
<tr>
<td>13-15</td>
<td>3.6</td>
<td>42</td>
<td>28.8</td>
<td>65</td>
<td>69.1</td>
</tr>
<tr>
<td>16-20</td>
<td>4.0</td>
<td>43</td>
<td>30.3</td>
<td>66</td>
<td>71.2</td>
</tr>
<tr>
<td>21</td>
<td>4.8</td>
<td>44</td>
<td>31.8</td>
<td>67</td>
<td>73.4</td>
</tr>
<tr>
<td>22</td>
<td>5.2</td>
<td>45</td>
<td>33.0</td>
<td>68</td>
<td>75.6</td>
</tr>
<tr>
<td>23</td>
<td>8.7</td>
<td>46</td>
<td>34.5</td>
<td>69</td>
<td>77.9</td>
</tr>
<tr>
<td>24</td>
<td>9.3</td>
<td>47</td>
<td>36.0</td>
<td>70</td>
<td>80.1</td>
</tr>
<tr>
<td>25</td>
<td>10.2</td>
<td>48</td>
<td>37.8</td>
<td>71</td>
<td>82.4</td>
</tr>
<tr>
<td>26</td>
<td>11.1</td>
<td>49</td>
<td>39.3</td>
<td>72</td>
<td>84.8</td>
</tr>
<tr>
<td>27</td>
<td>12.0</td>
<td>50</td>
<td>40.8</td>
<td>73</td>
<td>87.1</td>
</tr>
<tr>
<td>28</td>
<td>12.9</td>
<td>51</td>
<td>42.7</td>
<td>74</td>
<td>89.6</td>
</tr>
<tr>
<td>29</td>
<td>13.8</td>
<td>52</td>
<td>44.2</td>
<td>75</td>
<td>92.0</td>
</tr>
<tr>
<td>30</td>
<td>14.7</td>
<td>53</td>
<td>45.9</td>
<td>76</td>
<td>94.5</td>
</tr>
<tr>
<td>31</td>
<td>15.6</td>
<td>54</td>
<td>47.7</td>
<td>77</td>
<td>97.0</td>
</tr>
<tr>
<td>32</td>
<td>16.8</td>
<td>55</td>
<td>49.4</td>
<td>78</td>
<td>99.5</td>
</tr>
<tr>
<td>33</td>
<td>17.7</td>
<td>56</td>
<td>51.3</td>
<td>79</td>
<td>102.1</td>
</tr>
<tr>
<td>34</td>
<td>18.9</td>
<td>57</td>
<td>53.1</td>
<td>80</td>
<td>104.7</td>
</tr>
<tr>
<td>35</td>
<td>20.1</td>
<td>58</td>
<td>55.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Administrative Guidelines – Commercial and All Other Non-Single Family Residential Districts

City of South Fulton I November 27, 2018
TABLE 2.0 – REPLACEMENT TREES
Conversion from caliper to density factor units for replacement trees.

<table>
<thead>
<tr>
<th>CALIPER</th>
<th>UNITS</th>
<th>CALIPER</th>
<th>UNITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>0.4</td>
<td>8</td>
<td>1.3</td>
</tr>
<tr>
<td>2</td>
<td>0.5</td>
<td>9</td>
<td>1.5</td>
</tr>
<tr>
<td>3</td>
<td>0.6</td>
<td>10</td>
<td>1.7</td>
</tr>
<tr>
<td>4</td>
<td>0.7</td>
<td>11</td>
<td>1.9</td>
</tr>
<tr>
<td>5</td>
<td>0.9</td>
<td>12</td>
<td>2.1</td>
</tr>
<tr>
<td>6</td>
<td>1.0</td>
<td>13</td>
<td>2.3</td>
</tr>
<tr>
<td>7</td>
<td>1.2</td>
<td>14</td>
<td>2.5</td>
</tr>
</tbody>
</table>

Container grown pine trees are given replacement credit as follows:

<table>
<thead>
<tr>
<th>SIZE</th>
<th>UNITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 Gallon</td>
<td>0.4</td>
</tr>
<tr>
<td>3 Gallon*</td>
<td>0.2</td>
</tr>
</tbody>
</table>

*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 ¼ 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**

<table>
<thead>
<tr>
<th>STANDARD SHADE TREES</th>
<th>SLOW GROWING TREES</th>
<th>SMALL UPRIGHT</th>
</tr>
</thead>
<tbody>
<tr>
<td>CALIPER IN INCHES</td>
<td>AVERAGE RANGE</td>
<td>MAXIMUM / MINIMUM</td>
</tr>
<tr>
<td>HEIGHT IN FEET</td>
<td>HEIGHT IN FEET</td>
<td>HEIGHT IN FEET</td>
</tr>
<tr>
<td>-------------------</td>
<td>-----------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>5/16</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>7/16</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>9/16</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>11/16</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>7/8</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>½ To ¾</td>
<td>5 To 6</td>
<td>8</td>
</tr>
<tr>
<td>¾ To 1</td>
<td>6 To 8</td>
<td>10</td>
</tr>
<tr>
<td>1 To ¼</td>
<td>8 To 10</td>
<td>11</td>
</tr>
<tr>
<td>1 1/4 To 1 ½</td>
<td>8 To 10</td>
<td>12</td>
</tr>
<tr>
<td>1 ½ To 1 ¾</td>
<td>10 To 12</td>
<td>14</td>
</tr>
<tr>
<td>1 ¾ To 2</td>
<td>10 To 12</td>
<td>14</td>
</tr>
<tr>
<td>2 To 2 ½</td>
<td>12 To 14</td>
<td>16</td>
</tr>
<tr>
<td>2 ½ To 3</td>
<td>12 To 14</td>
<td>16</td>
</tr>
<tr>
<td>3 To 3 ½</td>
<td>14 To 16</td>
<td>18</td>
</tr>
<tr>
<td>3 ¼ To 4</td>
<td>14 To 16</td>
<td>18</td>
</tr>
<tr>
<td>4 To 5</td>
<td>16 To 18</td>
<td>22</td>
</tr>
<tr>
<td>5 To 6</td>
<td>18 AND UP</td>
<td>26</td>
</tr>
</tbody>
</table>
Table 4.0 - HEIGHT TO SPREAD RATIO FOR CONIFEROUS NURSERY TREES

<table>
<thead>
<tr>
<th>HEIGHT IN INCHES</th>
<th>SPREAD RANGE IN INCHES</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 To 15</td>
<td>8 To 12</td>
</tr>
<tr>
<td>15 To 18</td>
<td>9 To 15</td>
</tr>
<tr>
<td>18 To 24</td>
<td>12 To 18</td>
</tr>
<tr>
<td>24 To 30</td>
<td>15 To 21</td>
</tr>
<tr>
<td>30 To 36</td>
<td>18 To 24</td>
</tr>
<tr>
<td>36 To 48</td>
<td>21 To 30</td>
</tr>
<tr>
<td>48 To 60</td>
<td>30 To 36</td>
</tr>
<tr>
<td>60 To 72</td>
<td>36 To 48</td>
</tr>
</tbody>
</table>

Generally the Height: Spread ratio should be no less than 2:1.

Table 5.0 – CONTAINER SIZE TO RATIO HEIGHT

<table>
<thead>
<tr>
<th>CONTAINER SIZE</th>
<th>DECIDUOUS TREES</th>
<th>CONIFEROUS TREES</th>
</tr>
</thead>
<tbody>
<tr>
<td>IN FEET</td>
<td>IN CHANCES</td>
<td>IN INCHES</td>
</tr>
<tr>
<td>1 GALLON</td>
<td>1 To 1 ½</td>
<td>6 To 9</td>
</tr>
<tr>
<td>5 ½&quot; x 6&quot;</td>
<td>1 ½ To 2</td>
<td>9 To 12</td>
</tr>
<tr>
<td></td>
<td>2 To 3</td>
<td>12 To 15</td>
</tr>
<tr>
<td></td>
<td>3 To 4</td>
<td>15 To 18</td>
</tr>
<tr>
<td></td>
<td></td>
<td>18 To 24</td>
</tr>
<tr>
<td>2 GALLON</td>
<td>2 To 3</td>
<td>12 To 15</td>
</tr>
<tr>
<td>7&quot;x7 ½&quot;</td>
<td>3 To 4</td>
<td>15 To 18</td>
</tr>
<tr>
<td></td>
<td>4 To 5</td>
<td>18 To 24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>24 To 30</td>
</tr>
<tr>
<td>5 GALLON</td>
<td>4 To 5</td>
<td>18 To 24</td>
</tr>
<tr>
<td>9&quot; x 10&quot;</td>
<td>5 To 6</td>
<td>24 To 30</td>
</tr>
<tr>
<td></td>
<td>6 To 8</td>
<td>30 To 36</td>
</tr>
<tr>
<td></td>
<td></td>
<td>36 To 42</td>
</tr>
<tr>
<td></td>
<td></td>
<td>42 To 48</td>
</tr>
</tbody>
</table>
Table 6.0 – MINIMUM ROOT SPREAD AND BALL DIAMETER FOR DECIDUOUS TREES

<table>
<thead>
<tr>
<th>CALIPER</th>
<th>BARE ROOT DIAMETER SPREAD FOR ALL TREES</th>
<th>BALL DIAMETER FOR STANDARD AND SLOW GROWING BALL AND BURLAP TREES</th>
<th>BALL DIAMETERS FOR SMALL UPRIGHT TREES</th>
</tr>
</thead>
<tbody>
<tr>
<td>INCHES</td>
<td>INCHES</td>
<td>HEIGHT IN FEET</td>
<td>DIAMETER INCHES</td>
</tr>
<tr>
<td>½ To ¾</td>
<td>12</td>
<td>12</td>
<td>2To3</td>
</tr>
<tr>
<td>¾ To 1</td>
<td>16</td>
<td>14</td>
<td>3 To 4</td>
</tr>
<tr>
<td>1 To 1 ¼</td>
<td>18</td>
<td>16</td>
<td>4 To 5</td>
</tr>
<tr>
<td>1 ½ To 1 ⅔</td>
<td>20</td>
<td>18</td>
<td>5 To 6</td>
</tr>
<tr>
<td>1 ⅓ To 1 ½</td>
<td>22</td>
<td>20</td>
<td>6 To 7</td>
</tr>
<tr>
<td>1 ⅔ To 2</td>
<td>24</td>
<td>22</td>
<td>7 To 8</td>
</tr>
<tr>
<td>2 To 2 ½</td>
<td>28</td>
<td>24</td>
<td>8 To 9</td>
</tr>
<tr>
<td>2 ½ To 3</td>
<td>32</td>
<td>28</td>
<td>9 To 10</td>
</tr>
<tr>
<td>3 To 3 ½</td>
<td>38</td>
<td>32</td>
<td>10 To 12</td>
</tr>
<tr>
<td>3 ½ To 4</td>
<td>-</td>
<td>38</td>
<td>-</td>
</tr>
<tr>
<td>4 To 4 ½</td>
<td>-</td>
<td>42</td>
<td>-</td>
</tr>
<tr>
<td>4 ½ To 5</td>
<td>-</td>
<td>48</td>
<td>-</td>
</tr>
<tr>
<td>5 To 5 ½</td>
<td>-</td>
<td>54</td>
<td>-</td>
</tr>
</tbody>
</table>

Table 7.0 – RECOMMENDED BALL DIMENSIONS FOR LARGE TREES

<table>
<thead>
<tr>
<th>TREE DIAMETER</th>
<th>BALL DIAMETER</th>
<th>BALL DEPTH</th>
<th>APPROXIMATE WEIGHT OF BALL AND TREE</th>
</tr>
</thead>
<tbody>
<tr>
<td>INCHES</td>
<td>FEET</td>
<td>INCHES</td>
<td>TONS</td>
</tr>
<tr>
<td>5</td>
<td>4</td>
<td>30</td>
<td>1.5</td>
</tr>
<tr>
<td>6</td>
<td>5</td>
<td>32</td>
<td>2.4</td>
</tr>
<tr>
<td>7</td>
<td>6</td>
<td>34</td>
<td>3.7</td>
</tr>
<tr>
<td>8</td>
<td>7</td>
<td>36</td>
<td>5.4</td>
</tr>
<tr>
<td>9</td>
<td>7'/2</td>
<td>36</td>
<td>6.2</td>
</tr>
<tr>
<td>10</td>
<td>8</td>
<td>38</td>
<td>7.4</td>
</tr>
<tr>
<td>11</td>
<td>9</td>
<td>40</td>
<td>9.9</td>
</tr>
<tr>
<td>12</td>
<td>10</td>
<td>40</td>
<td>12.2</td>
</tr>
</tbody>
</table>

Table 8.0 – RECOMMENDED MINIMUM BALL DIAMETERS FOR BALL AND BURLAP CONIFEROUS TREES

<table>
<thead>
<tr>
<th>HEIGHT IN FEET</th>
<th>DIAMETER IN INCHES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1½ To 2</td>
<td>10</td>
</tr>
<tr>
<td>2 To 3</td>
<td>12</td>
</tr>
<tr>
<td>3 To 4</td>
<td>14</td>
</tr>
<tr>
<td>4 To 5</td>
<td>16</td>
</tr>
<tr>
<td>5 To 6</td>
<td>20</td>
</tr>
<tr>
<td>6 To 7</td>
<td>22</td>
</tr>
<tr>
<td>7 To 8</td>
<td>24</td>
</tr>
<tr>
<td>8 To 9</td>
<td>27</td>
</tr>
<tr>
<td>9 To 10</td>
<td>30</td>
</tr>
</tbody>
</table>
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, 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 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:

<table>
<thead>
<tr>
<th>ON CENTER</th>
<th>Equals</th>
<th>COVERAGE PER SHRUB</th>
</tr>
</thead>
<tbody>
<tr>
<td>*3 feet</td>
<td>=</td>
<td>9 square feet</td>
</tr>
<tr>
<td>*4 feet</td>
<td>=</td>
<td>16 square feet</td>
</tr>
<tr>
<td>*5 feet</td>
<td>=</td>
<td>25 square feet</td>
</tr>
</tbody>
</table>

*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:
<table>
<thead>
<tr>
<th>Buffer Width</th>
<th>Minimum Planting rows</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;20'</td>
<td>2</td>
</tr>
<tr>
<td>20' to 30'</td>
<td>3</td>
</tr>
<tr>
<td>31' to 50'</td>
<td>4</td>
</tr>
<tr>
<td>&gt; 50'</td>
<td>4 plus 1 row for each additional 15 feet</td>
</tr>
</tbody>
</table>

- 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 Guidelines.
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.

<table>
<thead>
<tr>
<th>Tree Type</th>
<th>Tree Diameter Size</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large hardwoods</td>
<td>27”d.b.h.</td>
<td>Oak, hickory, yellow poplar, sweetgum, etc.</td>
</tr>
<tr>
<td>Large hardwoods</td>
<td>24”d.b.h.</td>
<td>Beech</td>
</tr>
<tr>
<td>Large softwoods</td>
<td>24”d.b.h.</td>
<td>Pine, deodar cedar</td>
</tr>
<tr>
<td>Small native flowering</td>
<td>10”d.b.h.</td>
<td>Dogwood, redbud, sourwood</td>
</tr>
</tbody>
</table>

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 x 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:

<table>
<thead>
<tr>
<th>quantity</th>
<th>size</th>
<th>tree type</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>12&quot;</td>
<td>pine</td>
</tr>
<tr>
<td>2</td>
<td>14&quot;</td>
<td>pine</td>
</tr>
<tr>
<td>2</td>
<td>18&quot;</td>
<td>oak</td>
</tr>
<tr>
<td>1</td>
<td>20&quot;</td>
<td>hickory</td>
</tr>
<tr>
<td>1</td>
<td>30&quot;</td>
<td>Oak</td>
</tr>
</tbody>
</table>

Step 3
Calculate the required replacement density factor (RDF) by subtracting the EDF (Step 2) from the DFS (Step 1). Example:

When converted to density factor units using Table 1.0, we arrive at the following values:

<table>
<thead>
<tr>
<th>D.B.H.</th>
<th>UNITS</th>
<th>#TREES</th>
</tr>
</thead>
<tbody>
<tr>
<td>12&quot;</td>
<td>3.2</td>
<td>X</td>
</tr>
<tr>
<td>14&quot;</td>
<td>3.6</td>
<td>X</td>
</tr>
<tr>
<td>18&quot;</td>
<td>4.0</td>
<td>X</td>
</tr>
<tr>
<td>20&quot;</td>
<td>4.0</td>
<td>X</td>
</tr>
<tr>
<td>30&quot;</td>
<td>14.7</td>
<td>X</td>
</tr>
</tbody>
</table>

The sum total of units, 40.3, is the EFD, existing density factor.

<table>
<thead>
<tr>
<th>RDF</th>
<th>=</th>
<th>DFS</th>
<th>-</th>
<th>EDF</th>
</tr>
</thead>
<tbody>
<tr>
<td>RDF</td>
<td>= 44</td>
<td>-</td>
<td>40.3</td>
<td></td>
</tr>
<tr>
<td>RDF</td>
<td>= 3.7</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>No.</th>
<th>Size</th>
<th>Species</th>
<th>Density Factor Units</th>
<th>DF x Number =</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>4&quot;</td>
<td>PINE</td>
<td>0.7</td>
<td>3x0.7 =</td>
<td>2.10</td>
</tr>
<tr>
<td>2</td>
<td>2&quot;</td>
<td>RED MAPLE</td>
<td>0.5</td>
<td>2 x 0.5 =</td>
<td>1.00</td>
</tr>
<tr>
<td>1</td>
<td>6&quot;</td>
<td>OAK</td>
<td>1.00</td>
<td>1 x 1.00 =</td>
<td>1.00</td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>D.B.H.</th>
<th>Units</th>
<th>D.B.H.</th>
<th>Units</th>
<th>D.B.H.</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-4</td>
<td>0.4</td>
<td>36</td>
<td>21.3</td>
<td>59</td>
<td>56.9</td>
</tr>
<tr>
<td>5-7</td>
<td>1.2</td>
<td>37</td>
<td>22.5</td>
<td>60</td>
<td>58.9</td>
</tr>
<tr>
<td>8-9</td>
<td>2.0</td>
<td>38</td>
<td>23.7</td>
<td>61</td>
<td>60.8</td>
</tr>
<tr>
<td>10</td>
<td>2.4</td>
<td>39</td>
<td>24.9</td>
<td>62</td>
<td>62.8</td>
</tr>
<tr>
<td>11</td>
<td>2.8</td>
<td>40</td>
<td>26.1</td>
<td>63</td>
<td>64.9</td>
</tr>
<tr>
<td>12</td>
<td>3.2</td>
<td>41</td>
<td>27.6</td>
<td>64</td>
<td>67.0</td>
</tr>
<tr>
<td>13-15</td>
<td>3.6</td>
<td>42</td>
<td>28.8</td>
<td>65</td>
<td>69.1</td>
</tr>
<tr>
<td>16-20</td>
<td>4.0</td>
<td>43</td>
<td>30.3</td>
<td>66</td>
<td>71.2</td>
</tr>
<tr>
<td>21</td>
<td>4.8</td>
<td>44</td>
<td>31.8</td>
<td>67</td>
<td>73.4</td>
</tr>
<tr>
<td>22</td>
<td>5.2</td>
<td>45</td>
<td>33.0</td>
<td>68</td>
<td>75.6</td>
</tr>
</tbody>
</table>
### TABLE 2.0 – REPLACEMENT TREES
Conversion from caliper to density factor units for replacement trees.

<table>
<thead>
<tr>
<th>CALIPER</th>
<th>UNITS</th>
<th>CALIPER</th>
<th>UNITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>0.40</td>
<td>8</td>
<td>1.30</td>
</tr>
<tr>
<td>2</td>
<td>0.50</td>
<td>9</td>
<td>1.50</td>
</tr>
<tr>
<td>3</td>
<td>0.60</td>
<td>10</td>
<td>1.70</td>
</tr>
<tr>
<td>4</td>
<td>0.70</td>
<td>11</td>
<td>1.90</td>
</tr>
<tr>
<td>5</td>
<td>0.90</td>
<td>12</td>
<td>2.10</td>
</tr>
<tr>
<td>6</td>
<td>1.00</td>
<td>13</td>
<td>2.30</td>
</tr>
<tr>
<td>7</td>
<td>1.20</td>
<td>14</td>
<td>2.50</td>
</tr>
</tbody>
</table>

Container grown pine trees are given replacement credit as follows:

<table>
<thead>
<tr>
<th>SIZE</th>
<th>UNITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 Gallon</td>
<td>0.4</td>
</tr>
<tr>
<td>3 Gallon*</td>
<td>0.2</td>
</tr>
</tbody>
</table>

*The use of 3 gallon pines is permitted only with prior 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>
<thead>
<tr>
<th>Table 3.0 - CALIPER TO HEIGHT RATIOS FOR DECIDUOUS TREES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>STANDARD SHADE TREES</strong></td>
</tr>
<tr>
<td>----------------------------</td>
</tr>
<tr>
<td>CALIPER IN INCHES</td>
</tr>
<tr>
<td>----------------------------</td>
</tr>
<tr>
<td>HEIGHT IN FEET</td>
</tr>
<tr>
<td>5/16</td>
</tr>
<tr>
<td>7/16</td>
</tr>
<tr>
<td>9/16</td>
</tr>
<tr>
<td>11/16</td>
</tr>
<tr>
<td>7/8</td>
</tr>
<tr>
<td>½ To ¾</td>
</tr>
<tr>
<td>¾ To 1</td>
</tr>
<tr>
<td>1 To ¾</td>
</tr>
<tr>
<td>1 ¼ To 1 ½</td>
</tr>
<tr>
<td>1 ½ To 1 ¾</td>
</tr>
<tr>
<td>1 ¾ To 2</td>
</tr>
<tr>
<td>2 To 2 ½</td>
</tr>
<tr>
<td>2 ½ To 3</td>
</tr>
</tbody>
</table>
Table 4.0 - HEIGHT TO SPREAD RATIO FOR CONIFEROUS NURSEY TREES

<table>
<thead>
<tr>
<th>HEIGHT IN INCHES</th>
<th>SPREAD RANGE IN INCHES</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 To 15</td>
<td>8 To 12</td>
</tr>
<tr>
<td>15 To 18</td>
<td>9 To 15</td>
</tr>
<tr>
<td>18 To 24</td>
<td>12 To 18</td>
</tr>
<tr>
<td>24 To 30</td>
<td>15 To 21</td>
</tr>
<tr>
<td>30 To 36</td>
<td>18 To 24</td>
</tr>
<tr>
<td>36 To 48</td>
<td>21 To 30</td>
</tr>
<tr>
<td>48 To 60</td>
<td>30 To 36</td>
</tr>
<tr>
<td>60 To 72</td>
<td>36 To 48</td>
</tr>
</tbody>
</table>

Generally the Height: Spread ratio should be no less than 2:1.

Table 5.0 – CONTAINER SIZE TO RATIO HEIGHT

<table>
<thead>
<tr>
<th>CONTAINER SIZE</th>
<th>DECIDUOUS TREES</th>
<th>CONIFEROUS TREES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 GALLON</td>
<td>1 To 1 ½</td>
<td>6 To 9</td>
</tr>
<tr>
<td>5 ½” x 6”</td>
<td>1 ½ To 2</td>
<td>9 To 12</td>
</tr>
<tr>
<td></td>
<td>2 To 3</td>
<td>12 To 15</td>
</tr>
<tr>
<td></td>
<td>3 To 4</td>
<td>15 To 18</td>
</tr>
<tr>
<td></td>
<td></td>
<td>18 To 24</td>
</tr>
<tr>
<td>2 GALLON</td>
<td>2 To 3</td>
<td>12 To 15</td>
</tr>
<tr>
<td>7”x7 ½”</td>
<td>3 To 4</td>
<td>15 To 18</td>
</tr>
<tr>
<td></td>
<td>4 To 5</td>
<td>18 To 24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>24 To 30</td>
</tr>
<tr>
<td>5 GALLON</td>
<td>4 To 5</td>
<td>18 To 24</td>
</tr>
<tr>
<td>9” x 10”</td>
<td>5 To 6</td>
<td>24 To 30</td>
</tr>
<tr>
<td></td>
<td>6 To 8</td>
<td>30 To 36</td>
</tr>
<tr>
<td></td>
<td></td>
<td>36 To 42</td>
</tr>
<tr>
<td></td>
<td></td>
<td>42 To 48</td>
</tr>
</tbody>
</table>
Table 6.0 – MINIMUM ROOT SPREAD AND BALL DIAMETER FOR DECIDUOUS TREES

<table>
<thead>
<tr>
<th>CALIPER</th>
<th>BARE ROOT DIAMETER SPREAD FOR ALL TREES</th>
<th>BALL DIAMETER FOR STANDARD AND SLOW GROWING BALL AND BURLAP TREES</th>
<th>BALL DIAMETERS FOR SMALL UPRIGHT TREES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>INCHES</td>
<td>INCHES</td>
<td>HEIGHT IN FEET</td>
</tr>
<tr>
<td>½ To ¾</td>
<td>12</td>
<td>12</td>
<td>2To3</td>
</tr>
<tr>
<td>¾ To 1</td>
<td>16</td>
<td>14</td>
<td>3 To 4</td>
</tr>
<tr>
<td>1 To 1 ¼</td>
<td>18</td>
<td>16</td>
<td>4 To 5</td>
</tr>
<tr>
<td>1 ½ To 1 ¾</td>
<td>20</td>
<td>18</td>
<td>5 To 6</td>
</tr>
<tr>
<td>1 ¾ To 2 ½</td>
<td>22</td>
<td>20</td>
<td>6 To 7</td>
</tr>
<tr>
<td>2 To 2 ½</td>
<td>24</td>
<td>22</td>
<td>7 To 8</td>
</tr>
<tr>
<td>2 ½ To 3</td>
<td>28</td>
<td>24</td>
<td>8 To 9</td>
</tr>
<tr>
<td>3 To 3 ½</td>
<td>32</td>
<td>28</td>
<td>9 To 10</td>
</tr>
<tr>
<td>3 ½ To 4</td>
<td>-</td>
<td>38</td>
<td>-</td>
</tr>
<tr>
<td>4 To 4 ½</td>
<td>-</td>
<td>42</td>
<td>-</td>
</tr>
<tr>
<td>4 ½ To 5</td>
<td>-</td>
<td>48</td>
<td>-</td>
</tr>
<tr>
<td>5 To 5 ½</td>
<td>-</td>
<td>54</td>
<td>-</td>
</tr>
</tbody>
</table>

Table 7.0 – RECOMMENDED BALL DIMENSIONS FOR LARGE TREES

<table>
<thead>
<tr>
<th>TREE DIAMETER</th>
<th>BALL DIAMETER</th>
<th>BALL DEPTH</th>
<th>APPROXIMATE WEIGHT OF BALL AND TREE</th>
</tr>
</thead>
<tbody>
<tr>
<td>INCHES</td>
<td>FEET</td>
<td>INCHES</td>
<td>TONS</td>
</tr>
<tr>
<td>5</td>
<td>4</td>
<td>30</td>
<td>1.5</td>
</tr>
<tr>
<td>6</td>
<td>5</td>
<td>32</td>
<td>2.4</td>
</tr>
<tr>
<td>7</td>
<td>6</td>
<td>34</td>
<td>3.7</td>
</tr>
<tr>
<td>8</td>
<td>7</td>
<td>36</td>
<td>5.4</td>
</tr>
<tr>
<td>9</td>
<td>7'/2</td>
<td>36</td>
<td>6.2</td>
</tr>
<tr>
<td>10</td>
<td>8</td>
<td>38</td>
<td>7.4</td>
</tr>
<tr>
<td>11</td>
<td>9</td>
<td>40</td>
<td>9.9</td>
</tr>
<tr>
<td>12</td>
<td>10</td>
<td>40</td>
<td>12.2</td>
</tr>
</tbody>
</table>

Table 8.0 – RECOMMENDED MINIMUM BALL DIAMETERS FOR BALL AND BURLAP CONIFEROUS TREES

<table>
<thead>
<tr>
<th>HEIGHT IN FEET</th>
<th>DIAMETER IN INCHES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1'/2 To 2</td>
<td>10</td>
</tr>
<tr>
<td>2 To 3</td>
<td>12</td>
</tr>
<tr>
<td>3 To 4</td>
<td>14</td>
</tr>
<tr>
<td>4 To 5</td>
<td>16</td>
</tr>
<tr>
<td>5 To 6</td>
<td>20</td>
</tr>
<tr>
<td>6 To 7</td>
<td>22</td>
</tr>
<tr>
<td>7 To 8</td>
<td>24</td>
</tr>
<tr>
<td>8 To 9</td>
<td>27</td>
</tr>
<tr>
<td>9 To 10</td>
<td>30</td>
</tr>
</tbody>
</table>
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 pearlite 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 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:

<table>
<thead>
<tr>
<th>ON CENTER</th>
<th>Equals</th>
<th>COVERAGE PER SHRUB</th>
</tr>
</thead>
<tbody>
<tr>
<td>*3 feet</td>
<td></td>
<td>9 square feet</td>
</tr>
<tr>
<td>*4 feet</td>
<td></td>
<td>16 square feet</td>
</tr>
<tr>
<td>*5 feet</td>
<td></td>
<td>25 square feet</td>
</tr>
</tbody>
</table>

   *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.

| 1. These agreements must be recorded in the name of a homeowner’s association (along with documentation attesting to that association’s existence), for subdivisions. |
| 2. 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. |
| 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 and Minimum Planting Rows

<table>
<thead>
<tr>
<th>Buffer Width</th>
<th>Minimum Planting rows</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 20'</td>
<td>2</td>
</tr>
<tr>
<td>20' to 30'</td>
<td>3</td>
</tr>
<tr>
<td>31' to 50'</td>
<td>4</td>
</tr>
<tr>
<td>&gt; 50'</td>
<td>4 plus 1 row for each additional 15 feet</td>
</tr>
</tbody>
</table>

- 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.

<table>
<thead>
<tr>
<th>Tree Type</th>
<th>Tree Diameter Size</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large hardwoods</td>
<td>27”dbh</td>
<td>Oak, hickory, yellow poplar,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>sweetgum, etc.</td>
</tr>
<tr>
<td>Large hardwood</td>
<td>24”dbh</td>
<td>Beech</td>
</tr>
<tr>
<td>Large softwoods</td>
<td>24”dbh</td>
<td>Pine, deodar cedar</td>
</tr>
<tr>
<td>Small native flowering</td>
<td>10”dbh</td>
<td>Dogwood, redbud, sourwood</td>
</tr>
</tbody>
</table>

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, \textbf{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.

\textbf{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, \textbf{prior to any land disturbance}.

2. \textbf{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. These trees include:

<table>
<thead>
<tr>
<th>quantity</th>
<th>size</th>
<th>tree type</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>12&quot;</td>
<td>pine</td>
</tr>
<tr>
<td>3</td>
<td>14&quot;</td>
<td>pine</td>
</tr>
<tr>
<td>3</td>
<td>18&quot;</td>
<td>oak</td>
</tr>
<tr>
<td>1</td>
<td>20&quot;</td>
<td>hickory</td>
</tr>
<tr>
<td>1</td>
<td>30&quot;</td>
<td>Oak</td>
</tr>
</tbody>
</table>

When converted to density factor units using Table 1.0, we arrive at the following values:

<table>
<thead>
<tr>
<th>D.B.H.</th>
<th>UNITS</th>
<th>#TREES</th>
</tr>
</thead>
<tbody>
<tr>
<td>12&quot;</td>
<td>3.2</td>
<td>X 7    = 22.4</td>
</tr>
<tr>
<td>14&quot;</td>
<td>3.6</td>
<td>X 13   = 10.8</td>
</tr>
<tr>
<td>18&quot;</td>
<td>4.0</td>
<td>X 13   = 12</td>
</tr>
<tr>
<td>20&quot;</td>
<td>4.0</td>
<td>X 1    = 4.0</td>
</tr>
<tr>
<td>30&quot;</td>
<td>14.7</td>
<td>X 1    = 14.7</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>RDF</th>
<th>=</th>
<th>DFS</th>
<th>-</th>
<th>EDF</th>
</tr>
</thead>
<tbody>
<tr>
<td>RDF</td>
<td>=</td>
<td>66</td>
<td>-</td>
<td>63.9</td>
</tr>
<tr>
<td>RDF</td>
<td>=</td>
<td>2.10</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>No.</th>
<th>Size</th>
<th>Species</th>
<th>Density Factor Units</th>
<th>DF x Number =</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>2&quot;</td>
<td>RED MAPLE</td>
<td>0.50</td>
<td>5 x 0.50 =</td>
<td>2.50</td>
</tr>
</tbody>
</table>

2.50 is greater than the RDF of 2.10, thus the minimum requirements have been met.
### TABLE 1.0 – EXISTING TREES TO REMAIN
Conversion from D.B.H. to density factor units for trees remaining on the site.

<table>
<thead>
<tr>
<th>D.B.H.</th>
<th>Units</th>
<th>D.B.H.</th>
<th>Units</th>
<th>D.B.H.</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-4</td>
<td>0.4</td>
<td>36</td>
<td>21.3</td>
<td>59</td>
<td>56.9</td>
</tr>
<tr>
<td>5-7</td>
<td>1.2</td>
<td>37</td>
<td>22.5</td>
<td>60</td>
<td>58.9</td>
</tr>
<tr>
<td>8-9</td>
<td>2.0</td>
<td>38</td>
<td>23.7</td>
<td>61</td>
<td>60.8</td>
</tr>
<tr>
<td>10</td>
<td>2.4</td>
<td>39</td>
<td>24.9</td>
<td>62</td>
<td>62.8</td>
</tr>
<tr>
<td>11</td>
<td>2.8</td>
<td>40</td>
<td>26.1</td>
<td>63</td>
<td>64.9</td>
</tr>
<tr>
<td>12</td>
<td>3.2</td>
<td>41</td>
<td>27.6</td>
<td>64</td>
<td>67.0</td>
</tr>
<tr>
<td>13-15</td>
<td>3.6</td>
<td>42</td>
<td>28.8</td>
<td>65</td>
<td>69.1</td>
</tr>
<tr>
<td>16-20</td>
<td>4.0</td>
<td>43</td>
<td>30.3</td>
<td>66</td>
<td>71.2</td>
</tr>
<tr>
<td>21</td>
<td>4.8</td>
<td>44</td>
<td>31.8</td>
<td>67</td>
<td>73.4</td>
</tr>
<tr>
<td>22</td>
<td>5.2</td>
<td>45</td>
<td>33.0</td>
<td>68</td>
<td>75.6</td>
</tr>
<tr>
<td>23</td>
<td>8.7</td>
<td>46</td>
<td>34.5</td>
<td>69</td>
<td>77.9</td>
</tr>
<tr>
<td>24</td>
<td>9.3</td>
<td>47</td>
<td>36.0</td>
<td>70</td>
<td>80.1</td>
</tr>
<tr>
<td>25</td>
<td>10.2</td>
<td>48</td>
<td>37.8</td>
<td>71</td>
<td>82.4</td>
</tr>
<tr>
<td>26</td>
<td>11.1</td>
<td>49</td>
<td>39.3</td>
<td>72</td>
<td>84.8</td>
</tr>
<tr>
<td>27</td>
<td>12.0</td>
<td>50</td>
<td>40.8</td>
<td>73</td>
<td>87.1</td>
</tr>
<tr>
<td>28</td>
<td>12.9</td>
<td>51</td>
<td>42.7</td>
<td>74</td>
<td>89.6</td>
</tr>
<tr>
<td>29</td>
<td>13.8</td>
<td>52</td>
<td>44.2</td>
<td>75</td>
<td>92.0</td>
</tr>
<tr>
<td>30</td>
<td>14.7</td>
<td>53</td>
<td>45.9</td>
<td>76</td>
<td>94.5</td>
</tr>
<tr>
<td>31</td>
<td>15.6</td>
<td>54</td>
<td>47.7</td>
<td>77</td>
<td>97.0</td>
</tr>
<tr>
<td>32</td>
<td>16.8</td>
<td>55</td>
<td>49.4</td>
<td>78</td>
<td>99.5</td>
</tr>
<tr>
<td>33</td>
<td>17.7</td>
<td>56</td>
<td>51.3</td>
<td>79</td>
<td>102.1</td>
</tr>
<tr>
<td>34</td>
<td>18.9</td>
<td>57</td>
<td>53.1</td>
<td>80</td>
<td>104.7</td>
</tr>
<tr>
<td>35</td>
<td>20.1</td>
<td>58</td>
<td>55.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### TABLE 2.0 – REPLACEMENT TREES
Conversion from caliper to density factor units for replacement trees.

<table>
<thead>
<tr>
<th>CALIPER</th>
<th>UNITS</th>
<th>CALIPER</th>
<th>UNITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>0.40</td>
<td>8</td>
<td>1.30</td>
</tr>
<tr>
<td>2</td>
<td>0.50</td>
<td>9</td>
<td>1.50</td>
</tr>
<tr>
<td>3</td>
<td>0.60</td>
<td>10</td>
<td>1.70</td>
</tr>
<tr>
<td>4</td>
<td>0.70</td>
<td>11</td>
<td>1.90</td>
</tr>
<tr>
<td>5</td>
<td>0.90</td>
<td>12</td>
<td>2.10</td>
</tr>
<tr>
<td>6</td>
<td>1.00</td>
<td>13</td>
<td>2.30</td>
</tr>
<tr>
<td>7</td>
<td>1.20</td>
<td>14</td>
<td>2.50</td>
</tr>
</tbody>
</table>

Container grown pine trees are given replacement credit as follows:

<table>
<thead>
<tr>
<th>SIZE</th>
<th>UNITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 Gallon</td>
<td>0.4</td>
</tr>
<tr>
<td>3 Gallon*</td>
<td>0.2</td>
</tr>
</tbody>
</table>

*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 $\frac{1}{2}$ of the branches should arise from points on the lower $\frac{2}{3}$ 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.
### Table 3.0 - Caliper to Height Ratios for Deciduous Trees

<table>
<thead>
<tr>
<th>Caliper in Inches</th>
<th>Average Range</th>
<th>Maximum/Minimum</th>
<th>Average Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height in Feet</td>
<td>Height in Feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5/16</td>
<td>-</td>
<td>-</td>
<td>2 To 3</td>
</tr>
<tr>
<td>7/16</td>
<td>-</td>
<td>-</td>
<td>3 To 4</td>
</tr>
<tr>
<td>9/16</td>
<td>-</td>
<td>-</td>
<td>4 To 5</td>
</tr>
<tr>
<td>11/16</td>
<td>-</td>
<td>-</td>
<td>5 To 6</td>
</tr>
<tr>
<td>7/8</td>
<td>-</td>
<td>-</td>
<td>6 To 8</td>
</tr>
<tr>
<td>½ To ¾</td>
<td>5 To 6</td>
<td>8</td>
<td>3.5</td>
</tr>
<tr>
<td>¾ To 1</td>
<td>6 To 8</td>
<td>10</td>
<td>4</td>
</tr>
<tr>
<td>1 To ¼</td>
<td>8 To 10</td>
<td>11</td>
<td>5.5</td>
</tr>
<tr>
<td>1 ¼ To 1 ½</td>
<td>8 To 10</td>
<td>12</td>
<td>6.5</td>
</tr>
<tr>
<td>1 ½ To 1 ¾</td>
<td>10 To 12</td>
<td>14</td>
<td>6.5</td>
</tr>
<tr>
<td>1 ¾ To 2</td>
<td>10 To 12</td>
<td>14</td>
<td>6.5</td>
</tr>
<tr>
<td>2 To 2 ½</td>
<td>12 To 14</td>
<td>16</td>
<td>8</td>
</tr>
<tr>
<td>2 ½ To 3</td>
<td>12 To 14</td>
<td>16</td>
<td>8</td>
</tr>
<tr>
<td>3 To 3 ½</td>
<td>14 To 16</td>
<td>18</td>
<td>9.5</td>
</tr>
<tr>
<td>3 ½ To 4</td>
<td>14 To 16</td>
<td>18</td>
<td>9.5</td>
</tr>
<tr>
<td>4 To 5</td>
<td>16 To 18</td>
<td>22</td>
<td>10.5</td>
</tr>
<tr>
<td>5 To 6</td>
<td>18 AND UP</td>
<td>26</td>
<td>12</td>
</tr>
</tbody>
</table>

### Table 4.0 - Height to Spread Ratio for Coniferous Nursey Trees

<table>
<thead>
<tr>
<th>Height in Inches</th>
<th>Spread Range in Inches</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 To 15</td>
<td>8 To 12</td>
</tr>
<tr>
<td>15 To 18</td>
<td>9 To 15</td>
</tr>
<tr>
<td>18 To 24</td>
<td>12 To 18</td>
</tr>
<tr>
<td>24 To 30</td>
<td>15 To 21</td>
</tr>
<tr>
<td>30 To 36</td>
<td>18 To 24</td>
</tr>
<tr>
<td>36 To 48</td>
<td>21 To 30</td>
</tr>
<tr>
<td>48 To 60</td>
<td>30 To 36</td>
</tr>
<tr>
<td>60 To 72</td>
<td>36 To 48</td>
</tr>
</tbody>
</table>

Generally the Height: Spread ratio should be no less than 2:1.
### Table 5.0 – CONTAINER SIZE TO RATIO HEIGHT

<table>
<thead>
<tr>
<th>CONTAINER SIZE</th>
<th>DECIDUOUS TREES</th>
<th>CONIFEROUS TREES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>IN FEET</td>
<td>IN INCHES</td>
</tr>
<tr>
<td>1 GALLON</td>
<td>1 To 1 ½</td>
<td>6 To 9</td>
</tr>
<tr>
<td>5 ½” x 6”</td>
<td>1 ½ To 2</td>
<td>9 To 12</td>
</tr>
<tr>
<td></td>
<td>2 To 3</td>
<td>12 To 15</td>
</tr>
<tr>
<td></td>
<td>3 To 4</td>
<td>15 To 18</td>
</tr>
<tr>
<td></td>
<td></td>
<td>18 To 24</td>
</tr>
<tr>
<td>2 GALLON</td>
<td>2 To 3</td>
<td>12 To 15</td>
</tr>
<tr>
<td>7”x7 ½”</td>
<td>3 To 4</td>
<td>15 To 18</td>
</tr>
<tr>
<td></td>
<td>4 To 5</td>
<td>18 To 24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>24 To 30</td>
</tr>
<tr>
<td>5 GALLON</td>
<td>4 To 5</td>
<td>18 To 24</td>
</tr>
<tr>
<td>9” x 10”</td>
<td>5 To 6</td>
<td>24 To 30</td>
</tr>
<tr>
<td></td>
<td>6 To 8</td>
<td>30 To 36</td>
</tr>
<tr>
<td></td>
<td>36 To 42</td>
<td></td>
</tr>
<tr>
<td></td>
<td>42 To 48</td>
<td></td>
</tr>
</tbody>
</table>

### Table 6.0 – MINIMUM ROOT SPREAD AND BALL DIAMETER FOR DECIDUOUS TREES

<table>
<thead>
<tr>
<th>CALIPER</th>
<th>BARE ROOT DIAMETER SPREAD FOR ALL TREES</th>
<th>BALL DIAMETER FOR STANDARD AND SLOW GROWING BALL AND BURLAP TREES</th>
<th>BALL DIAMETERS FOR SMALL UPRIGHT TREES</th>
</tr>
</thead>
<tbody>
<tr>
<td>INCHES</td>
<td>INCHES</td>
<td>INCHES</td>
<td>HEIGHT IN FEET</td>
</tr>
<tr>
<td>½ To ¾</td>
<td>12</td>
<td>12</td>
<td>2 To 3</td>
</tr>
<tr>
<td>¾ To 1</td>
<td>16</td>
<td>14</td>
<td>3 To 4</td>
</tr>
<tr>
<td>1 To 1 ¼</td>
<td>18</td>
<td>16</td>
<td>4 To 5</td>
</tr>
<tr>
<td>1½ To 1 ¼</td>
<td>20</td>
<td>18</td>
<td>5 To 6</td>
</tr>
<tr>
<td>1¾ To 1 ½</td>
<td>22</td>
<td>20</td>
<td>6 To 7</td>
</tr>
<tr>
<td>1¼ To 2 ½</td>
<td>24</td>
<td>22</td>
<td>7 To 8</td>
</tr>
<tr>
<td>2 To 2 ½</td>
<td>28</td>
<td>24</td>
<td>8 To 9</td>
</tr>
<tr>
<td>2½ To 3</td>
<td>32</td>
<td>28</td>
<td>9 To 10</td>
</tr>
<tr>
<td>3 To 3 ½</td>
<td>38</td>
<td>32</td>
<td>10 To 12</td>
</tr>
<tr>
<td>3 ½ To 4</td>
<td>-</td>
<td>38</td>
<td>-</td>
</tr>
<tr>
<td>4 To 4 ½</td>
<td>-</td>
<td>42</td>
<td>-</td>
</tr>
<tr>
<td>4 ½ To 5</td>
<td>-</td>
<td>48</td>
<td>-</td>
</tr>
<tr>
<td>5 To 5 ½</td>
<td>-</td>
<td>54</td>
<td>-</td>
</tr>
</tbody>
</table>
Table 7.0 – RECOMMENDED BALL DIMENSIONS FOR LARGE TREES

<table>
<thead>
<tr>
<th>TREE DIAMETER INCHES</th>
<th>BALL DIAMETER FEET</th>
<th>BALL DEPTH INCHES</th>
<th>APPROXIMATE WEIGHT OF BALL AND TREE TONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>4</td>
<td>30</td>
<td>1.5</td>
</tr>
<tr>
<td>6</td>
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<td>6</td>
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<td>3.7</td>
</tr>
<tr>
<td>8</td>
<td>7</td>
<td>36</td>
<td>5.4</td>
</tr>
<tr>
<td>9</td>
<td>7'/2</td>
<td>36</td>
<td>6.2</td>
</tr>
<tr>
<td>10</td>
<td>8</td>
<td>38</td>
<td>7.4</td>
</tr>
<tr>
<td>11</td>
<td>9</td>
<td>40</td>
<td>9.9</td>
</tr>
<tr>
<td>12</td>
<td>10</td>
<td>40</td>
<td>12.2</td>
</tr>
</tbody>
</table>

Table 8.0 – RECOMMENDED MINIMUM BALL DIAMETERS FOR BALL AND BURLAP CONIFEROUS TREES

<table>
<thead>
<tr>
<th>HEIGHT IN FEET</th>
<th>DIAMETER IN INCHES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1'/2 To 2</td>
<td>10</td>
</tr>
<tr>
<td>2 To 3</td>
<td>12</td>
</tr>
<tr>
<td>3 To 4</td>
<td>14</td>
</tr>
<tr>
<td>4 To 5</td>
<td>16</td>
</tr>
<tr>
<td>5 To 6</td>
<td>20</td>
</tr>
<tr>
<td>6 To 7</td>
<td>22</td>
</tr>
<tr>
<td>7 To 8</td>
<td>24</td>
</tr>
<tr>
<td>8 To 9</td>
<td>27</td>
</tr>
<tr>
<td>9 To 10</td>
<td>30</td>
</tr>
<tr>
<td>10 To 12</td>
<td>34</td>
</tr>
<tr>
<td>12 To 14</td>
<td>38</td>
</tr>
<tr>
<td>14 To 16</td>
<td>42</td>
</tr>
<tr>
<td>18 To 20</td>
<td>50</td>
</tr>
</tbody>
</table>

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 pearlite 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:

<table>
<thead>
<tr>
<th>ON CENTER</th>
<th>Equals</th>
<th>COVERAGE PER SHRUB</th>
</tr>
</thead>
<tbody>
<tr>
<td>*3 feet</td>
<td>=</td>
<td>9 square feet</td>
</tr>
<tr>
<td>*4 feet</td>
<td>=</td>
<td>16 square feet</td>
</tr>
<tr>
<td>*5 feet</td>
<td>=</td>
<td>25 square feet</td>
</tr>
</tbody>
</table>

*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 Transporation 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:

<table>
<thead>
<tr>
<th>Buffer Width</th>
<th>Minimum Planting rows</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;20’</td>
<td>2</td>
</tr>
<tr>
<td>20’ to 30’</td>
<td>3</td>
</tr>
<tr>
<td>31’ to 50’</td>
<td>4</td>
</tr>
<tr>
<td>&gt; 50’</td>
<td>4 plus 1 row for each additional 15 feet</td>
</tr>
</tbody>
</table>

   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.
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 Sylvatica-------------------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 Glyptostroboides------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

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Acer Barbatum</td>
<td>Southern Sugar Maple</td>
<td>23 Juniperus Virginiana</td>
<td>Eastern Red Cedar</td>
</tr>
<tr>
<td>2 Acer Rubrum</td>
<td>Red Maple</td>
<td>24 Liquidambar Styraciflua</td>
<td>Sweet Gum</td>
</tr>
<tr>
<td>3 Acer Saccharum</td>
<td>Sugar Maple</td>
<td>25 Iriodendron Tulipifera</td>
<td>Poplar</td>
</tr>
<tr>
<td>4 Betula Nigra</td>
<td>River Birch</td>
<td>26 Magnolia Grandiflora</td>
<td>Southern Magnolia</td>
</tr>
<tr>
<td>5 Carpinus Caroliniana</td>
<td>American Hornbeam</td>
<td>27 Metasequoia Glyptostroboides</td>
<td>Dawn Redwood</td>
</tr>
<tr>
<td>6 Carya Species</td>
<td>Hickories</td>
<td>28 Nyssa Sylvatica</td>
<td>Black Gum</td>
</tr>
<tr>
<td>7 Carya Illinoinesis</td>
<td>Pecan</td>
<td>29 Ostrya Virginiana</td>
<td>American Hopombean</td>
</tr>
<tr>
<td>8 Castanea Mollissma</td>
<td>Chinese Chesnut</td>
<td>30 Paulownia Tomentosa</td>
<td>Royal Paulownia</td>
</tr>
<tr>
<td>9 Catalpa Speciosa</td>
<td>Hardy Catalpa</td>
<td>31 Pinus Echinata</td>
<td>Shortleaf Pine</td>
</tr>
<tr>
<td>10 Cedrus Atlantica</td>
<td>Atlas Cedar</td>
<td>32 Pinus Taeda</td>
<td>Loblolly Pine</td>
</tr>
<tr>
<td>11 Cedrus Deodara</td>
<td>Deodar Cedar</td>
<td>33 Pistacia Chinensis</td>
<td>Chinese Pistache</td>
</tr>
<tr>
<td>12 Cedrus Libani</td>
<td>Cedar of Lebanon</td>
<td>34 Platanus Occidentalis</td>
<td>Sycamore</td>
</tr>
<tr>
<td>13 Celtis Laevigata</td>
<td>Sugar Hackberry</td>
<td>35 Quercus Species</td>
<td>Oaks, except Live Oaks</td>
</tr>
<tr>
<td>14 Cercidiphyllum Japonicum</td>
<td>Katsura Tree</td>
<td>36 Salix Babylonica</td>
<td>Weeping Willow</td>
</tr>
<tr>
<td>15 Cladrastis Lutea</td>
<td>American Yellowwood</td>
<td>37 Sophora Japonica</td>
<td>Japanese Pagodatree</td>
</tr>
<tr>
<td>16 Crytomeria Japonica</td>
<td>Cryptomeria</td>
<td>38 Taxodium Distichum</td>
<td>Common Baldcypress</td>
</tr>
<tr>
<td>17 Fagus Grandifolia</td>
<td>American Beech</td>
<td>39 Tilia Americana</td>
<td>Linden / Basswood</td>
</tr>
<tr>
<td>18 Fraxinus Americana</td>
<td>White Ash</td>
<td>40 Tsuga Canadensis</td>
<td>Canadian Hemlock</td>
</tr>
<tr>
<td>19 Fraxinus Pennsylvanica</td>
<td>Green Ash</td>
<td>41 Ulmus Americana</td>
<td>American Elm</td>
</tr>
<tr>
<td>20 Ginkgo Biloba</td>
<td>Ginkgo</td>
<td>42 Ulmus Parvifolia</td>
<td>Chinese Elm</td>
</tr>
<tr>
<td>21 Gymnocladus Dioicus</td>
<td>Kentucky Coffee Tree</td>
<td>43 Zelkova Serrata</td>
<td>Zelkova</td>
</tr>
<tr>
<td>22 Juglans Nigra</td>
<td>Black Walnut</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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 Calculation

Example:
The required DFS (density factor for the site), is calculated as follows, 5 acres x 30 units = 150 units required.

<table>
<thead>
<tr>
<th>Size</th>
<th>Units</th>
<th>Number</th>
<th>Total Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>24&quot;</td>
<td>9.3</td>
<td>2</td>
<td>18.6</td>
</tr>
<tr>
<td>18&quot;</td>
<td>4.0</td>
<td>15</td>
<td>60</td>
</tr>
<tr>
<td>10&quot;</td>
<td>2.4</td>
<td>8</td>
<td>19.2</td>
</tr>
</tbody>
</table>

Total EDF 97.8

<table>
<thead>
<tr>
<th>Size</th>
<th>Units</th>
<th>Number</th>
<th>Total Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>3&quot;</td>
<td>.60</td>
<td>15</td>
<td>9</td>
</tr>
<tr>
<td>6&quot;</td>
<td>1.00</td>
<td>45</td>
<td>45</td>
</tr>
</tbody>
</table>

Total RDF 54

EDF+RDF= 151.8 > DFS 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

<table>
<thead>
<tr>
<th>DIAMETER</th>
<th>RADIUS</th>
<th>AREA IN SQUARE INCHES</th>
<th>NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>.5</td>
<td>.79</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>1</td>
<td>3.14</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>1.5</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>2</td>
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<td>3</td>
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<td>7</td>
<td>3.5</td>
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</tr>
<tr>
<td>10</td>
<td>5</td>
<td>79</td>
<td>79 square inches is the area for which a native flowering tree is considered a specimen.</td>
</tr>
<tr>
<td>11</td>
<td>5.5</td>
<td>95</td>
<td></td>
</tr>
<tr>
<td>12</td>
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<td>6.5</td>
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<td>14</td>
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<td>17</td>
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<td>10</td>
<td>314</td>
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<tr>
<td>21</td>
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<td>346</td>
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<tr>
<td>22</td>
<td>11</td>
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<tr>
<td>23</td>
<td>11.5</td>
<td>415</td>
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<tr>
<td>24</td>
<td>12</td>
<td>452</td>
<td>452 square inches is the area for which pines and beech trees are considered specimen size.</td>
</tr>
<tr>
<td>25</td>
<td>12.5</td>
<td>491</td>
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</tr>
<tr>
<td>27</td>
<td>13.5</td>
<td>572</td>
<td>572 square inches is the area for which most hardwood trees are considered specimen size.</td>
</tr>
<tr>
<td>28</td>
<td>14</td>
<td>615</td>
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<td>29</td>
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<td>30</td>
<td>15</td>
<td>707</td>
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<td>31</td>
<td>15.5</td>
<td>754</td>
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<tr>
<td>32</td>
<td>16</td>
<td>804</td>
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<tr>
<td>33</td>
<td>16.5</td>
<td>855</td>
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<td>34</td>
<td>17</td>
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<td>37</td>
<td>18.5</td>
<td>1075</td>
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<td>38</td>
<td>19</td>
<td>1134</td>
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<tr>
<td>39</td>
<td>19.5</td>
<td>1194</td>
<td></td>
</tr>
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<td>1256</td>
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<td>41</td>
<td>20.5</td>
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<td>42</td>
<td>21</td>
<td>1385</td>
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</tr>
<tr>
<td>43</td>
<td>21.5</td>
<td>1451</td>
<td></td>
</tr>
</tbody>
</table>

**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

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City of South Fulton I November 27, 2018
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.

**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.

FAILTURE 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

<table>
<thead>
<tr>
<th>Plant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cherry Laurel</td>
</tr>
<tr>
<td>Ligustrum</td>
</tr>
<tr>
<td>Hedge Bamboo</td>
</tr>
<tr>
<td>Eastern Red Cedar</td>
</tr>
<tr>
<td>Cleyera</td>
</tr>
<tr>
<td>Canadian Hemlock</td>
</tr>
<tr>
<td>Cryptomeria</td>
</tr>
<tr>
<td>Deodar Cedar</td>
</tr>
<tr>
<td>American Holly</td>
</tr>
<tr>
<td>Chinese Holly</td>
</tr>
<tr>
<td>English Holly</td>
</tr>
<tr>
<td>Longstalk Holly</td>
</tr>
<tr>
<td>Lusterleaf Holly</td>
</tr>
<tr>
<td>Perny Holly</td>
</tr>
<tr>
<td>Nellie R. Stevens Holly, (cross between Chinese &amp; English Hollies)</td>
</tr>
<tr>
<td>Tree-form Yaupon Holly</td>
</tr>
<tr>
<td>Hetzi Juniper</td>
</tr>
<tr>
<td>Pfitzer Juniper</td>
</tr>
<tr>
<td>Southern Magnolia</td>
</tr>
<tr>
<td>Wax Myrtle</td>
</tr>
<tr>
<td>Virginia Pine</td>
</tr>
<tr>
<td>Japanese Viburnum</td>
</tr>
<tr>
<td>Japanese Camellia</td>
</tr>
</tbody>
</table>

**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

<table>
<thead>
<tr>
<th>Tree Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acer rubrum</td>
<td>Red Maple</td>
</tr>
<tr>
<td>Acer saccharum &quot;Legacy&quot;</td>
<td>&quot;Legacy&quot; Sugar Maple</td>
</tr>
<tr>
<td>Betula nigra</td>
<td>River Birch</td>
</tr>
<tr>
<td>Celtis laevigata</td>
<td>Sugar Hackberry</td>
</tr>
<tr>
<td>Cercidiphyllum japonicum</td>
<td>Katsuratree</td>
</tr>
<tr>
<td>Fraxinus pennsylvanica</td>
<td>Green Ash</td>
</tr>
<tr>
<td>Gingko biloba</td>
<td>Gingko</td>
</tr>
<tr>
<td>Ostrya virginiana</td>
<td>Hophombean</td>
</tr>
<tr>
<td>Pinus taeda</td>
<td>Loblolly Pine</td>
</tr>
<tr>
<td>Pistacia chinensis</td>
<td>Chinese Pistache</td>
</tr>
<tr>
<td>Platanus occidentalis</td>
<td>Sycamore</td>
</tr>
<tr>
<td>Quercus acutissima</td>
<td>Sawtooth Oak</td>
</tr>
<tr>
<td>Quercus coccinea</td>
<td>Scarlet Oak</td>
</tr>
<tr>
<td>Quercus laurifolia</td>
<td>Laurel Oak</td>
</tr>
<tr>
<td>Quercus lyrata</td>
<td>Overcup Oak</td>
</tr>
<tr>
<td>Quercus palustris</td>
<td>Pin Oak</td>
</tr>
<tr>
<td>Quercus phellos</td>
<td>Willow Oak</td>
</tr>
<tr>
<td>Quercus prinus</td>
<td>Chesnuit Oak</td>
</tr>
<tr>
<td>Quercus rubra</td>
<td>Northern Red Oak</td>
</tr>
<tr>
<td>Quercus shumardii</td>
<td>Shumard Oak</td>
</tr>
<tr>
<td>Quercus stellata</td>
<td>Post Oak</td>
</tr>
<tr>
<td>Quercus velutina</td>
<td>Black Oak</td>
</tr>
<tr>
<td>Taxodium distichum</td>
<td>Bald Cypress</td>
</tr>
<tr>
<td>Ulmus parvifolia</td>
<td>Chinese Elm</td>
</tr>
<tr>
<td>Zelkova serrata</td>
<td>Japanese Zelkova</td>
</tr>
</tbody>
</table>

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 fastigiate trees be acceptable as parking lot shade trees.
"Tree Save" signs may be purchased from the Department of Community Services.
REFERENCES


Fulton County, Georgia, Tree Preservation Ordinance and Administrative Guidelines


