ORDINANCE NO. 2005-12-19

STATE OF GEORGIA
COUNTY OF FULTON

City of Sandy Springs Zoning Ordinance

A RESOLUTION to adopt "AN ORDINANCE DIVIDING THE CITY OF SANDY SPRINGS, GEORGIA, INTO ZONES OR DISTRICTS CONSISTENT WITH THOSE ZONES OR DISTRICTS PREVIOUSLY UTILIZED BY FULTON COUNTY, GEORGIA FOR THE SAME GEOGRAPHICAL AREA, REGULATING AND RESTRICTING THE LOCATION OF TRADES AND INDUSTRIES, AND THE LOCATION, ERECTION, ALTERATION AND REPAIR OF BUILDINGS DESIGNED FOR SPECIFIC USES AND THE USE OF LANDS WITHIN EACH OF SAID ZONES OR DISTRICTS AND RELATING THERETO; REGULATING SIGNAGE AND BILLBOARDS; ADOPTING A BASE GEOGRAPHICAL MAP AND THIRTY-FIVE SECTIONAL MAPS AS PREVIOUSLY CREATED BY FULTON COUNTY AND DEFINING THE BOUNDARIES OF SAID ZONES OR DISTRICTS THAT IS INCORPORATED BY THIS REFERENCE IN ITS ENTIRETY; REQUIRING USE AND OCCUPANCY PERMITS IN SAID ZONES OR DISTRICTS; ESTABLISHING A BOARD OF APPEALS AND FIXING THE POWERS AND DUTIES THEREOF; ESTABLISHING A CITY PLANNING COMMISSION AND FIXING THE POWERS AND DUTIES THEREOF; AND PROVIDING FOR THE ADJUSTMENT, ENFORCEMENT, AMENDMENT AND PENALTIES FOR VIOLATION OF THIS ORDINANCE: INCLUDING THE EXISTING SANDY SPRINGS OVERLAY AND PERIMETER COMMUNITY IMPROVEMENT DISTRICTS," adopted this 27th day of the month of December, 2005 and to be known as "THE SANDY SPRINGS ZONING ORDINANCE".

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANDY SPRINGS, GEORGIA:

THE CITY OF SANDY SPRINGS ZONING ORDINANCE

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ADOPTED BY MAYOR AND CITY COUNCIL, DECEMBER 27, 2005

ARTICLE I.

ADOPTION

That the Zoning Ordinance of the City of Sandy Springs, Georgia, is adopted on this 27th day of December, 2005, as amended, is hereby amended to, shall be effective as of the 1st day of the month of January, 2006, and reads as follows:

ADOPTED BY MAYOR AND CITY COUNCIL, DECEMBER 27, 2005

ARTICLE II.

PURPOSE AND TITLE

Section 1. This ordinance is entered as part of a comprehensive plan designed 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 the City of Sandy Springs.

Section 2. This ordinance shall be known, referred to and recited, as the 2005 Zoning Ordinance of the City of Sandy Springs.

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.

3.2. USE AND INTERPRETATION.

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

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 "zoning district," "zone," "use district" and "district" have the same meaning and refer to the zoning districts established by this Ordinance.

F. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for".

G. None of the definitions contained herein shall be construed to permit any act that is in violation of any City, county, state or federal law.

3.3. DEFINITIONS

3.3.1. A

Accessory Display. An exhibit component separate from a building that is used for identification and display of merchandise which is being offered for sale on-premise.

Accessory Site Feature. Any mechanical, electrical and ancillary equipment, cooling tower, mechanical penthouse, heating and air conditioning unit and/or pad, exterior ladder, storage tank, processing equipment, service yard, storage yard, exterior work area, loading dock, maintenance area, dumpster, recycling bin, and any other equipment, structure or storage area located on a roof, ground or building.

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

Adult Bookstore. A commercial establishment or facility in the City that maintains twenty five percent (25%) or more of its floor area for the display, sale, and/or rental of the following items (aisles and walkways used to access these items shall be included in floor area maintained for the display, sale, and/or rental of the items):

A. books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, videocassettes, CDs, DVDs or other video reproductions, or slides or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas, as defined herein; or

B. 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. Live conduct characterized by the display of specified anatomical areas.

Adult Entertainment Establishment. Any establishment or facility in the City where adult entertainment is regularly sponsored, allowed, presented, sold, or offered to the public.

Adult Establishment. Any adult bookstore, adult entertainment establishment, adult motion picture theater, or adult motion picture arcade.

Adult Motion Picture Arcade. A commercial establishment to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are regularly maintained to show images to five (5) or fewer persons per machine at any one (1) time and where the images so displayed are distinguished or characterized by an emphasis upon matter displaying specified sexual activities or specified anatomical areas.

Adult Motion Picture Theater. A commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five (5) persons for any form of consideration.

Amphitheater. A structure having tiers of seats rising gradually outward from a central open space or arena.

Antenna. Any exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of electromagnetic waves. The term “antenna” shall include both the electronic system and any structures it is affixed to for primary support.

Antenna, Alternative 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 (not to include man made trees).

Antenna, Amateur Radio. A radio communication facility that is an accessory structure to a single family dwelling unit operated for non-commercial purposes by a Federal Communication Commission licensed amateur radio operator.

Antenna Array. A single set or group of Antennas and associated mounting hardware, transmission lines or other appurtenances which share a common attachment device such as a mounting frame or mounting support.

Apartment. A building which contains three (3) or more dwelling units either attached to the side, above or below another dwelling unit. Apartment may also refer to a dwelling unit attached to a non-residential building. (See Dwelling, Multifamily)

Appeal. A request for relief from a decision made pursuant to this Ordinance by the Director, other department directors, the Board of Appeals, and/or the City Council.

Appearance. The outward aspect of a structure or landscape design that is visible to the public.

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.

Applicant. A person or entity submitting an application for a Wireless Telecommunications Structure, including the Property Owner, Antenna support Structure Owner, and any proposed tenants for the Structure.

Appropriate. Fitting to the context of a site, neighborhood or community.

Archeologist. Any person who is a member of or meets the criteria for membership in the Society of Professional Archaeologists and can demonstrate experience in the excavation and interpretation of human graves.

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 balcony, canopy, column, door, eave, roof, soffit, window, wing wall or similar three-dimensional exterior element of a building or structure that lends to the overall exterior form, context and appearance of a building or structure.

Attic. An unheated room or space in a building located immediately below the roof.

Automotive Garage. A use primarily for the repair, replacement, modification, adjustment, or servicing of the power plant or drive-train or major components of automobiles or other motor vehicles. The repair of heavy trucks, equipment and automobile body work shall not be included in this use. The outside storage of unlicensed and unregistered vehicles is prohibited as part of this use.

Automotive Specialty Shop. A use which provides one (1) or more specialized repair sales 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.

3.3.2. B

Babysitting. A service in which shelter, care, and supervision are provided for four (4) or fewer children below the age of twelve (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.

Basement/Cellar. A level below a floor of a building with a minimum of one-half (1/2) of the total wall area below grade. A basement is not a story.

Beacon. Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source; also any light with one (1) 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 thirty (30) consecutive days. Breakfast is the only meal served to paying guests and is included in the charge for the room.

Berm. A planted earthen mound.

Bike Path. A path which serves to separate bicycle riders from vehicle and pedestrian traffic. Bike paths can meander through wooded areas, traverse the edge of open space, and may parallel existing roadways or paths.

Board of Appeals or BOA. An advisory board created pursuant to this Ordinance which consists of seven (7) members appointed by the City Council with the powers authorized by this Ordinance.

Boarding House. A residential use other than a hotel or motel in which lodging is 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 premises and solely in draft form.

Buffer/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. A zoning buffer is achieved with natural vegetation and must be replanted subject to the approval of the Director when sparsely vegetated. Clearing of undergrowth from a zoning buffer is prohibited except when approved by the Director.

Buildable Area. That portion of a parcel which is not located in a minimum setback, utility corridor, driveway, slopes to build street, tree save area, landscape strip, specimen tree area, state water buffer, tributary buffer, zoning buffer, wetland, stormwater and sanitary sewer easement, and which contains sufficient square footage to meet the minimum requirements for building area required by the appropriate zoning district.

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 requirements.

Burial Ground. An area dedicated to and used for interment of human remains. The term shall include privately owned burial plots, individually and collectively, once human remains have been buried therein. The fact that the area was used for burial purposes shall be evidence that it was set aside for burial purposes.

Burial Object. Any item reasonably believed to have been intentionally placed with the human remains at the time of burial or interment or any memorial, tombstone, grave marker, or shrine which may have been added subsequent to interment. "Burial object" also means any inscribed or uninscribed marker, coping, curbing, enclosure, fencing, pavement, shelter, wall, stoneware, pottery, or other grave object erected or deposited incident to or subsequent to interment.

Business. A commercial or industrial enterprise, and those who constitute it, 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 business, place or structure equipped primarily for the purpose of cleaning motor vehicles.

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

Cemetery/Mausoleum. Any land or structure in the City dedicated to and used for interment of human or pet remains. It may be a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for storing urns containing human remains, or a combination of one or more thereof.

Certificate of Endorsement/COE. A document issued by the Department 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.

Certificate of Occupancy/CO. A document issued by the Director certifying all building and site requirements are in compliance with the Code and other applicable ordinances and laws, and indicating it to be in a condition suitable for occupancy.

Check Cashing Establishment. An individual, partnership, association, or corporation engaged in cashing checks, money orders, or other drafts for a fee. Such fee may be payable in cash, in the form of exchange of value in excess of regular retail value, in the form of mandatory purchase of goods or services by patrons, or in the form of the purchase of catalog items or coupons or other items indicating the ability to receive goods, services, or catalog items.

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.
City. The City of Sandy Springs, Georgia.

City Arborist. The agent(s) of the City having the primary responsibilities of administration and enforcement of the Tree Conservation Ordinance.

City Council. The City Council of the City.

Clinic. A use in which medical, dental and other health care services are administered to persons on an outpatient basis. No patient shall be lodged in a clinic on an overnight basis.

Classroom, Temporary. A structure installed on the grounds of a school on a temporary basis to provide additional classroom space.

Club. A non-profit social, educational or recreational use normally involving community centers, public swimming pools and/or recreational courts, civic clubhouses, lodge halls, fraternal organizations, country clubs and similar facilities.

Club, Country. A social and recreational facility that is usually private or semi-private. A private country club would only be open to members or guests who are accompanied by members. A semi-private country club would allow some access to non-members. In addition to a golf course, a typical country club might also have a restaurant or social club and tennis and swim facilities.

Club, Neighborhood. Any club operated for recreation and social purposes solely by the residents of a specific neighborhood or community.

Code. The Code of Ordinances of the City.

Cohesiveness. Unity of composition among elements of a structure or among structures, and their landscape development.

Co-Location. A situation in which two (2) or more wireless personal service providers place a wireless telecommunications Antenna or Antennas and feed lines on a common Antenna support Structure or other Structure on which there is an existing Antenna Array.

Colleges/Universities. 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.

Columbarium. A structure or building which is substantially exposed above the ground and which is intended to be used for the inurnment of cremated human remains.

Commercial Amusement/Indoor. A use in which recreational activity including, but not limited to, movie theaters, arcades, billiards, game rooms and sporting activities, are conducted within a building.

Commercial Amusement/Outdoor. A use in which recreational activities including, but not limited to, amusement parks, bungee jumping parks, skateboard parks, ski slopes, skating rinks, batting cages, miniature golf and drive-in theaters, are conducted outside a building.

Community Improvement District (CID). A self-taxing improvement district identified and adopted by the City Council as permitted under Georgia law for a geographic area as specified by the City for the indicated purposes.

Community/Neighborhood Center. A structure, either publicly or privately owned and operated, that provides social and/or recreational activities and programs within the location. The community or neighborhood center may provide space to congregate for meetings, after school programs or other services intended for residents of the community and their families. A community or neighborhood center may provide social services but may not provide sleeping facilities or residential accommodations as a component of the services provided.

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.

Comprehensive Plan. A twenty (20) year plan by the City summarizing and illustrating the adopted goals as a guide for the City regarding the future location and character of anticipated land uses, transportation, and other public facilities in the City, as approved by the Georgia Department of Community Affairs. The term "comprehensive plan" includes component or functional plans for the City including, but not limited to, a plan for use (i.e., land use plan) or a plan for transportation facilities, and includes the classification of streets and thoroughfares as shown on the adopted long range road classification map. The comprehensive plan is prepared pursuant to local planning requirements for preparation of comprehensive plans and for implementation of comprehensive plans, established by the Georgia Department of Community Affairs in accordance with O.C.G.A. §§ 50-8-7.1(b) and 50-8-7.2.

Concealed. A Wireless Telecommunications Structure that is disguised, hidden, part of an existing or proposed Structure or placed within an existing or proposed Structure, to include Antennas, Accessory Structures, and utilities.

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.

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 motor vehicle service, maintenance and repair.

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.

Country Inn. A facility, with the owner or innkeepers residing on the premises, where guest rooms are made available for visitors for fewer than thirty (30) consecutive days. A country inn is distinguished from a bed and breakfast inn 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 is allowed for unloading and loading only. No vehicular parking or vehicular storage is allowed.

Coverage. The geographic area reached by an individual Wireless Telecommunications Structure installation.

Crematorium. A facility for the reduction of human or pet remains to ashes by incineration.

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

Customer Meter. The device used on utility mains to measure the transfer of gas, water or electricity from an operator to a customer.

Cutoff. A luminaire light distribution where the emission does not exceed two and one-half percent (2.5%) of the lamp lumens at an angle of ninety (90) degrees above nadir and does not exceed ten (10) percent at a vertical angle of eighty (80) degrees above nadir.

Cutoff, Full. A luminaire light distribution where zero (0) emission occurs at all angles of ninety (90) degrees or greater above NADIR, and the emission does not exceed ten (10) percent of total lamp lumens at a vertical angle of eighty (80) degrees above NADIR.

3.3.4. D

Day Care Facility. A use in which shelter, care, and supervision for seven (7) or more children or adults on a regular basis away from their residence for less than twenty-four (24) hours a day. A day care facility may provide basic educational instruction. The term shall include, but not be limited to, nursery school, kindergarten, early learning center, play school, pre-school, family day care home and group day care home.

Day-Night Average Sound Level (DNL). The day-night average sound level (DNL) is the twenty-four (24) hour average sound level, in decibels, obtained from the accumulation of all events with the addition of ten (10) decibels to sound levels in the night from 10:00 P.M. to 7:00 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 forty-two (42) inches above finished floor which is constructed on piers or a foundation above-grade for use as an outdoor living area.

Department. Department of Community Development for the City.

Design Review Board or DRB. An advisory board created pursuant to this Ordinance which consists of seven (7) members appointed to consider applications within a specific overlay district.

Designation/Designated. A decision by the City Council wherein a property or district is declared an overlay district.

Development. All activities associated with the conversion of land or the expansion or replacement of an existing use to any new use intended for human operation, occupancy or habitation, other than for agricultural purposes devoted strictly to the cultivation of land. Such activities include land disturbance activity and the construction of improvements including, but not limited to, streets, driveways or parking areas, water or sewer mains, storm water drainage facilities, sidewalks or other structures permanently placed on or in the property. Where appropriate to the context, the term “development” also may be used to denote a specific

subdivision or project which is a single entity or intended to be constructed as an interrelated whole, whether simultaneously or in phases.

Development, Duplex. A development of duplex dwelling units.

Development, Multifamily. A development of multifamily dwelling units on a single lot-of-record.

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 Permit Standards. Requirements established for each administrative and use permit including, but not limited to, setbacks, access, landscape and buffer areas and hours of operation.

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 the Department or his/her designee, except where specifically noted otherwise.

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

District, Historic. A geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, Buildings, Structures, or objects united by past events or aesthetically by plan or physical development. Historic District may also comprise individual elements separated geographically but linked by association or history.

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

Driveway. A vehicular access way in private ownership, other than a private street, which

provides access primarily to only one (1) property, or to no more than three (3) single family dwelling units.

Dry Cleaner. A business use which involves the process of removing dirt, grease, paint and other stains from wearing apparel, textiles, fabrics, rugs, and similar materials by one (1) or more of the following methods:

A. Immersion and agitation in a liquid solvent in open vessels.

B. Immersion and agitation in a liquid solvent in closed machines.

C. Spotting of local applications of liquid solvents and other cleansing preparations to spots of dirt, grease, paints, and stains not removed by immersion and agitation processes.

Dwelling/Dwelling Unit. One (1) or more rooms of a building or portion thereof constructed with cooking, sleeping and sanitary facilities designed for and limited to use as living quarters for one (1) family for periods of more than thirty (30) consecutive days.

Dwelling Unit, Duplex. A building containing two (2) single family dwelling units, totally separated from each other by one (1) dividing partition common to each unit, and contained entirely under one (1) roof and designed for or occupied by two (2) single families. Both dwelling units of a duplex dwelling unit are together considered as one (1) building on a single lot.

Dwelling Unit, Multifamily. A structure containing three (3) or more dwelling units not including townhouses.

Dwelling Unit, Single Family. One (1) 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 (3) 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

Easement. Recorded authorization for a specified purpose by a property owner for the use of any designated part of the real property by another entity.

Environmentally Adverse. Any use or activity which poses a potential or immediate threat to the environment and/or is physically harmful or destructive to living beings as described in Executive Order 12898 of February 11, 1994 regarding federal actions to address environmental justice.

Environmentally Stressed Community. A community exposed to a minimum of two (2)

environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.

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.

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.

3.3.6. F

F.A.A. The Federal Aviation Administration.

F.C.C. The Federal Communications Commission.

Family. Family means one (1) or more persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship, or up to four (4) 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.

Family Day Care Home. A private residence operated by any person who receives therein for pay for supervision and care fewer than twenty-four (24) hours per day, without transfer of legal custody, at least three (3) but not more than six (6) children under eighteen (18) years of age who are not related to such person and whose parents or guardians are not residents in the same private residence.

Farm. A parcel of land which is used for the raising of animals (including fish) on a commercial basis including, but not limited to 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.

Fence/Fencing. Any artificially constructed, vertical structure of any material or combination of materials, that may include a gate that is part of the structure, that is designed to enclose land, divide land, mark a boundary, limit access to or direct passage across land, screen structures or land, protect against a potential hazard, or serve a decorative purpose.

Financial Institution/Establishment. Any institution that collects money and puts it into assets such as stocks, bonds, bank deposits, or loans.

Flag. Any fabric or bunting containing colors, patterns, or symbols used as a symbol or a government or other entity or organization.

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.

Floor Area/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, restrooms 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.

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 areas 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 seven (7) feet of headroom, basements, patios and decks are excluded.

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

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 (2) or more of these.

Fulton County Health Department. The Environmental Health Services Division of the Georgia Department of Human Resources for Fulton County, Georgia.

3.3.7. G

Garden Center. A business in which the primary operation is the sale of seeds and organic and inorganic materials, including but 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.

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

Geographic Area. A demarcated area of land in the City. In the context of the overlay district regulations, “geographic area” refers to the land area subject to overlay district regulations.

Geographic Search Area. An area designated by a wireless provider or operator for a new base station, produced in accordance with generally accepted principles of wireless engineering.

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 county jail.

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

Green Space. The portions of a property remaining or resulting as vegetated areas comprised largely of natural materials, free of manufactured or man-made materials. "Green space" includes buffers, landscape strips, landscape islands, parks, wooded areas, trails, paths and other similar features. Both naturally passive and manicured areas may be considered green space. While trails, pathways, playgrounds and other areas "paved" with porous material may be counted as green space, the ideal medium would be mulch or some other naturally occurring material. Structures and other impervious features with continuous footprints or impervious shadows of thirty (30) square feet or less may be counted towards the green space total for a site.

Group Day Care Home. Any place operated by any person or group wherein are received for pay not less than seven (7) nor more than eighteen (18) children under eighteen (18) years of age for care and supervision for less than twenty-four (24) hours per day.

Group Residence for Children. A dwelling unit or facility in which full time residential care is provided for children under the age of seventeen (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.

Group Residence/Shelter. A state licensed twenty-four (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 Ordinance, group residence/shelter shall not include those facilities which exclusively care for children under the age of seventeen (17).

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, guests or employees that work on the property without payment for rent.

Guy Tower. A Tower supported, in whole or in part, by guy wires and ground anchors.

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 Ordinance.

Height, Building. See Sec. 105-19, *State minimum standards adopted*, in the Code of the City of Sandy Springs, which adopts the State building code (O.C.G.A. § 8-2-20, et seq.).

Height, Fence or Wall. The vertical distance between the finished grade at the base of the fence or wall and the top edge of the fence or wall material at any point.

Height, Structure. The distance measured vertically from the average ground elevation adjacent to the Structure being measured to the highest point when positioned for operation. The Structure Height of a Tower includes the Structure Height of any Antenna positioned for operation attached to the highest point on the Tower.

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

Holiday. The following days of the year: New Year's Day, Memorial Day, Martin Luther King Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

Home Occupation. An accessory use of a dwelling unit for business, operated by members of the resident family only.

Home Schooling. The practice of teaching one's own children at home in accordance with the provisions of O.C.G.A. §§ 20-2-690 and 20-2-690.1.

Hoop Stress. A causation of internal and external pressure loading on a pipe or cylindrically shaped part.

Hospice. A public agency or private organization or unit of either providing to persons terminally ill and to their families, regardless of ability to pay, a centrally administered and autonomous continuum of palliative and supportive care, directed and coordinated by the hospice care team primarily in the patient's home but also on an outpatient and short-term inpatient basis and which is classified as hospice by the Georgia Department of Community Health. In addition, such public agency or private organization or unit of either may also provide palliative care to persons with advanced and progressive diseases and to their families, directed and coordinated by the hospice care team.

Hospice Care. Both regularly scheduled care and care available on a twenty-four (24) hour on-call basis, consisting of medical, nursing, social, spiritual, volunteer, and bereavement services substantially all of which are provided to the patient and to the patient's family regardless of ability to pay under a written care plan established and periodically reviewed by the patient's attending physician, by the medical director of the hospice program, and by the hospice care team.

Hospice Care Team. An interdisciplinary working unit composed of members of the various

helping professions (who may donate their professional services), including but not limited to: a physician licensed or authorized to practice in Georgia, a registered professional nurse, a social worker, a member of the clergy or other counselor, and volunteers who provide hospice care.

Hospital. An institution classified and having a permit as a hospital from the Georgia Department of Community Health pursuant to the O.C.G.A. and the rules and regulations of the Georgia Department of Community Health.

Hotel/Motel. A building in which lodging and/or boarding is provided for fewer than thirty (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 including cooking facilities, which are used for temporary lodging to persons not related to the owner for fewer than thirty (30) days.

3.3.9. I

IESNA. Illuminating Engineering Society of North America. The recognized technical authority on illumination, founded in 1906. The IESNA publishes standard practices which provide guidelines for outdoor lighting.

Illumination/Direct/Indirect. To provide or brighten with light. Direct illumination is illumination which is projected from within an object including, but not limited to, a sign or a building. Indirect illumination is illumination which is projected onto an object including, but not limited to, a sign or a building.

Impervious Surface. Any paved, hardened or structural surface including, but not limited to, buildings, dams, decks, driveways, parking areas, patios, streets, swimming pools, tennis courts, walkways, and other structures.

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 in an improvement setback without the approval of the Director.

Institutional Use. A use which includes schools, colleges, vocational schools, hospitals, places of worship, asylums, museums, and other similar uses or facilities.

International Building Code. A model building code developed by the International Code Council and incorporated by the City into Section 105-19 of the Code, pursuant to which the City adopts the minimum standards of the State of Georgia as set forth in O.C.G.A. § 8-2-20, et seq.

International Property Maintenance Code. A model property maintenance code developed by the International Code Council and incorporated by the City into Section 105-20 of the Code, pursuant to which the City adopts the minimum standards of the State of Georgia as set forth in

O.C.G.A. § 8-2-20, et seq.

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 Fulton County Animal Control Office.

3.3.12. L

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

Land Development Regulations. The latest revision of the ordinance adopted by the City for the development of lands within the City.

Land Disturbance Permit. Any permit issued by the City that authorizes land disturbing activities on a site or portion of a site.

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 of Georgia including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land, but not including agricultural practices as described in the City's Soil Erosion and Sedimentation Control Ordinance.

Land Use Petition. Rezoning petition, use permit request and/or concurrent variance requests.

Landfill, Inert Waste Disposal. A disposal facility accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rocks, bricks, yard trimmings, stumps, limbs and leaves. This definition excludes 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 definitions.

Landfill, Solid Waste Disposal. A disposal facility where any amount of solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludges, or small quantity generator hazardous wastes, is disposed of by means of placing an approved cover thereon. Refer to the rules concerning Solid Waste Management of the Georgia Department of Natural Resources, Environmental Protection Division, as amended, for further definitions.

Landscape. Plant materials, topography and other physical elements combined in relation to one another and to structures including pavement.

Landscape Island. Cutouts in impervious surfaces required by this Ordinance or by conditions of zoning primarily intended to be spaces for landscaping to provide visual relief from large

expanses of impervious surface and contribute to the overall appearance, safety, and desirability of the City.

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

Landscaping Business. A business in which the 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.

Laundry. A business in which the primary operation is the drop off or self-service of the washing and/or ironing of clothing, household linens, or other goods appropriate to be laundered, but excludes dry cleaners.

Lawful Use. Any use of lots or structures 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 the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Light, Flood or Spot. Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

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 other surfaces.

Light Trespass. The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

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 motor vehicles.

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

Lot/Parcel. 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 dimensions of a lot, no part of the right-of-way of a road or crosswalk may be included.

Lot, Corner. A lot abutting upon two (2) or more streets at their intersection.

Lot, Double/Multiple Frontage. A lot other than a corner lot abutting upon two (2) or more streets that may or may not intersect at that lot.

Lot, Minimum. The smallest permissible lot area established by the Zoning Ordinance or conditions of zoning.

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 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 (20) feet long, and wholly within the lot. True triangular lots do not have rear lot lines. Lots with more than one (1) front lot line do not have rear lot lines. The Director 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, for commercial property, a deed in the absence of a platting requirement, which separates a lot from another lot, or a lot from a right-of-way.

Lot-of-Record. A lot which appears on a plat or, for commercial property, a deed and/or plat recorded in the official records of the Clerk of Superior Court of Fulton County.

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.

Lumen. A unit of luminous flux. One (1) foot-candle is one (1) lumen per square foot. For the purposes of this Ordinance, the lumen-output values shall be the initial lumen output ratings of a lamp.

Luminaire. A complete lighting system, including 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 or Repair, Ordinary. The upkeep of any exterior of any structure, parking lot or sign in or on a 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 upkeep and maintenance shall be deemed ordinary maintenance and repair.

Massing. A building's mass, or shape, is defined by its component parts, including the size of its footprint and number of stories. Individual characteristics of mass include building form, roof shape, and orientation. 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.

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:

A. Erection, alteration, restoration, addition or removal of any structure (including signs) or parking lot;

B. Relocation of a sign or building;

C. Commencement of excavation; or

D. Change in the location of advertising visible from the public right-of-way.

Mayor. Mayor means the Mayor of the City.

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

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.

Mobile Home/House Trailer/Manufactured 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 one hundred eighty (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.

Mobile Home Park. Use of property for two (2) or more mobile homes for living purposes, and

spaces or lots set aside and offered for use for mobile homes. A mobile home park does not include a mobile home sales lot.

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

Modification. A request to change 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.

Modification, Administrative. A modification that constitutes a technical change only and does not involve a matter of significant public interest, as determined by the Director.

Modification, Zoning. A modification that involves a matter of significant public interest, as determined by the Director.

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

Multi-Tenant. Two (2) 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 zero (0) degrees vertical angle.

Nonconforming Use. Any building or land lawfully occupied by a use at the time of passage of the Zoning Ordinance or the time of passage of an amendment to this Article, which does not conform after the passage of the Zoning Ordinance or amendment with the regulations of the zoning district in which it is situated.

Nursing Home. As set forth in the Georgia Administrative Code 290-5-8-.01 (as it may be amended), a facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision and which maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the home.

Nursing Home, Skilled. The application of recognized nursing methods, procedures, and actions directed toward implementation of the physician's prescribed therapeutic and diagnostic plan, detection of changes in the human body's regulatory system, preservation of such body defenses, prevention of complications, and promotion of emotional well-being, including but not limited to the following:

A. The administration of oral or injectable medications which cannot be self-administered. Other examples include the administration of oxygen, the use of suction, the insertion or changing of catheters, the application of medicated

dressings, the use of aseptic technique and preparation of the patient for special procedures;

B. Observation in the care of the patient for symptoms and/or physical and mental signs that may develop and which will require attention of the physician and a revision in the patient's treatment regimen.

3.3.15. O

O.C.G.A. Official Code of Georgia Annotated.

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.

Off-Premise. A location outside of the subject lot for a designated use, such as parking.

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.

Open Space. The portions of a property not occupied by buildings, parking, drive aisles, and other similar elements dedicated to a use that does not allow for pedestrian access or congregation. While open space does include those areas incorporated as green space, open space is intended to account for areas that may be impervious and encourage pedestrian activity and congregation, such as plazas, fountains, courtyards and similar features.

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 as a condition of zoning.

Overlay District. A defined geographic area that encompasses one (1) or more underlying zoning districts and that imposes additional requirements above those required by the underlying zoning district. An overlay district can be coterminous with existing zoning districts or contain only parts of one or more such districts.

Overlay District Property. An individual site, structure, object or landscape, including the adjacent area necessary for the proper continuity thereof, contained within an overlay district.

Owner. Any person, agent, firm, or legal entity having a legal or equitable interest in the premises.

3.3.16. P

Park. Any lands or facility owned, operated, controlled or managed by any county, city or federal government or any governmental entity in and upon which recreational activities or places are provided for the recreation and enjoyment of the general public.

Parking. The temporary placement of vehicles in designated areas for use by residents, employees, guests and other authorized persons, but not including the placement of vehicles for storage.

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

Parking Space. An area designated for the parking of one (1) vehicle on an all weather surface.

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

Patio. An outdoor space generally used for dining or recreation that often adjoins a building or structure and is typically paved. Patio may refer to a roofless inner courtyard or a paved area between a building or structure and a garden.

Pawn Shop. An individual, partnership, association, or corporation engaged in whole or in part in the business of lending money on the security of pledged goods, or in the business of purchasing tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from persons or sources other than manufacturers or licensed dealers as a part of or in conjunction with the business activities described in this paragraph.

Personal Care Home/Assisted Living. Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one (1) or more personal services for two (2) or more adults who are not related to the owner or administrator by blood or marriage. This term shall not include host homes, as defined in paragraph (18) of subsection (b) of O.C.G.A. § 37-1-20.

Personal Services. Includes, but is not limited to, individual assistance with or supervision of self-administered medication and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting.

Pervious Surface. A surface that allows inflow of water into the underlying construction or soil.

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.

Planning Commission/City Planning Commission. The Planning Commission for the City as

nominated by the Mayor and confirmed by the City Council.

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 pursuant to Article 19.4.27.

Plat, Final. A finished drawing of a subdivision showing completely and accurately all legal and boundary information and certifications required by this Ordinance. Certification for recording and ratification of the Director's approval by the Mayor and City Council is required.

Plat, Preliminary/Conceptual Plan. A drawing which shows the overall concept (e.g., a conceptual plan) of a proposed development, and which may include lots and streets in a subdivision or the general location of buildings and improvements for a multifamily or non-residential project. As it relates to the platting process, a conceptual plan shall include a drawing in sufficient detail to indicate its workability and feasibility, but is not in final form for recording, pursuant to this Ordinance. The conceptual plan is the first stage in securing a land disturbance permit.

Porch. A roofed open structure projecting from the exterior wall of a building and having at least seventy percent (70%) of the total area of the vertical planes forming its perimeter unobstructed in any manner except by insect-screening between floor and ceiling.

Power Plant (Automotive). An apparatus in a motor vehicle that includes an engine, a transmission connected to the engine, a propeller shaft connected to the transmission, a front mount elastically supporting the engine, and a body provided with the engine, the transmission, the propeller shaft and the front mount.

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.

Property. When used in conjunction with an application for rezoning, an area of land composed of less than one (1) lot, or of accumulations of one or more lots, or parts thereof.

Propagation Study. A computer simulated model of how a radio system should perform. It gives an idea of the Coverage, dead-spots and performance of a proposed radio system for planning purposes, as well as an existing system for diagnostic purposes.

Properties, Historic. A Property which contains Historic Structures or which otherwise has sufficient historic merit as determined by the City Council so as to require preservation.

Proportion. Balanced relationship of parts of a building, signs and other structures, and landscape to each other and to the whole.

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 Zoning Ordinance, conditions of zoning, use permit or variance approval, and/or the Tree Conservation Ordinance.

3.3.17. Q

3.3.18. R

Radiofrequency Engineer. A radiofrequency expert with specialized training and experience in the development and analysis of Telecommunication Structures and networks, or a professional engineer licensed in the State of Georgia and experienced in the telecommunications field; however, in the event that this Ordinance requires an engineering certification regarding structural loading or other certification associated with the safety or integrity of Structures, a certification by a professional engineer licensed in the State of Georgia shall be required.

Recreational Court, Private. An improved area designed and intended for the playing of a game or event such as basketball, volleyball or tennis, and which serves single family dwellings, duplex dwellings and/or multifamily dwellings, or combinations of dwelling types, including such improved areas which are owned and/or controlled by a neighborhood club or similar organization. The term "recreational court" shall include fences surrounding the recreational court and all surface area inside the fences and overhead lighting fixtures accessory to the same. 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, volleyball 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. The term "recreational court" shall include fences surrounding the recreational court and all surface area inside the fences and overhead lighting fixtures accessory to the same.

Recreational Facilities. Equipment and areas prepared for use for recreational and leisure purposes including, but not limited to: playground equipment, including swing sets and climbing structures; recreational courts; recreational fields; community picnic pavilions, including covered facilities with grills and/or fire rings; community buildings for recreational events; and golf courses. Trails and bike paths through open spaces are not typically considered recreational facilities.

Recreational 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 designed or primarily used for recreational, camping or travel use, which either has its own motor power, or which is mounted upon or drawn by another vehicle and used or designed to be used as temporary living or sleeping quarters.

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. 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, Processing. Any facility utilized for the purpose of collecting, sorting and processing materials to be recycled including, but not limited to, plastics, glass, paper and aluminum materials whenever such use is permitted in M-1 and M-2 Zoning Districts. A recycling center is not to be considered a landfill.

Regularly. The consistent and repeated doing of an act on an ongoing basis.

Rehabilitative Nursing Care. The use of nursing skills and techniques to combat deformities and helplessness, to maintain or restore body functions, and to promote independence in self-care. Such techniques will include but not be limited to the following:

A. Positioning patients in or out of bed to maintain good body alignment (unless contraindicated by physician's orders), the use of range of motion exercises to maintain joint mobility;

B. Arranging a progression of self-care activities such as transfer and walking, and attention to bowel and bladder schedules together with retraining when indicated.

Remains, Human. The bodies of deceased human beings in any stage of decomposition, including cremated remains.

Remains, Pet. The bodies of deceased pets in any stage of decomposition, including cremated remains.

Repair Garage, Automobile. A use which may provide a full-range of automotive repairs and services including major overhauls. "Automobile repair garage" may include paint and body shops.

Repair Garage, Truck and Heavy Equipment. A use which may provide a full-range of repairs and services including major overhauls on trucks and heavy equipment. "Truck and heavy equipment repair garage" includes paint and body shops.

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

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

Restaurant. A food service use which involves the preparation and serving of food to seated patrons. A cafeteria shall also be considered to be a restaurant. The restaurant seating area must be at least forty percent (40%) of the gross square footage of the restaurant facility. Seating space located outside of the main structure including, but not limited to, patios and decks, shall not be included in calculating the seating space.

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

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 in which the primary purpose is the sale of merchandise to consumers.

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

Riding Stable. An establishment that houses horses for riding or hire, commonly in connection with the instruction or guidance of an instructor.
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 motor vehicle or a temporary structure. The consumption of food on-site is prohibited.

Roadside Vending. The sale of merchandise including but not limited to clothing, crafts, household items and firewood 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 thirty (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 operations are conducted inside or outside a building or as principal or accessory uses. State approval is required for all sites utilized for reclamation and/or disposal of toxic and/or hazardous waste.

Scale. The relationship of the size of parts to another and to humans, such as the relationship 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.

Scenic View. A wide angle or panoramic field of sight that may include natural and/or manmade Structures and activities. A Scenic View may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or Path. A Scenic View may be to a far away object, such as a mountain, or a nearby object.

School. 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 or private facility which has students regularly attending classes and which teach subjects commonly taught in these schools of this state.

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

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

Senior Housing. A single family or multifamily development intended for, operated for and designed for older persons in accordance with the Fair Housing Amendments Act. Senior housing communities are designed for seniors to live on their own, but with the security and conveniences of community living. Senior housing communities may provide communal dining rooms and planned recreational activities (congregate living or retirement communities), while others provide housing with only minimal amenities or services.

Septic Tank/Drain Field. A subsurface system that recycles human wastewaters and complies with applicable standards of City, state and federal government.

Service. An intangible product that is not classified as goods including, but not limited to, accounting, banking, cleaning, consulting, education, insurance, medical treatment, transportation and personal care. No transfer of possession or ownership takes place when a service is sold.

Service Commercial Use. A business use the primary purpose of which is to provide a service.

Service Line. A distribution line that transports natural gas from a common source of supply to:

A. a customer meter or the connection to a customer's piping, whichever is further downstream, or

B. the connection to a customer's piping if there is no customer meter.

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 (4) or fewer bays excluding no more than one (1) attached or detached bay for washing cars.

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

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

Shopping Center. A group of four (4) or more stores, shops, restaurants, and other businesses within a single architectural plan supplying many basic shopping needs and having a common parking lot.

Sidewalk. A paved area designated for pedestrians which is constructed in accordance with Sandy Springs standards.

Sign. See Article 33, *Signs*, for all definitions regarding signage.

Site Feature. All existing and proposed features located on a particular property including, but not limited to, buildings, structures, overhead and underground utilities, vehicular use areas, service structures, fences, mounds, storm water detention areas and drainage facilities.

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 guidelines.

Siting. The method and form of placement of a Wireless Telecommunications Structure on a specific area of a Property.

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

Soil Erosion and Sedimentation Ordinance. The latest revision of the ordinance adopted by the City that regulates soil erosion and its transportation to the City's lakes, rivers and streams.

Specified Anatomical Areas. Includes the following:

(A) human genitals or pubic region, buttock, or female breast below a point immediately above the top of the areola; or

(B) human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities. Includes any of the following:

A. Sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, masturbation, or excretory functions in the context of sexual relations, and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty;

B. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence;

C. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation;

D. Masochism, erotic or sexually oriented torture, beating or the inflicting of pain;

E. Erotic or lewd touching, fondling or other sexual contact with an animal by a human being; or

F. Human excretion, urination, menstruation, vaginal or anal irrigation.

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.

Stealth Technology Installation. Manmade trees, clock towers, bell steeples, light poles and similar alternative design Structures that, in the opinion of City Council, are compatible with the natural setting and surrounding Structures, and effectively camouflage or conceal the presence of Antennas or Towers.

Storage, Outside. The placement of an item outside a principal structure for a continuous period in excess of twenty-four (24) hours. Outside placement includes, but is not limited to, storage in a structure that is open or not entirely enclosed.

Storage, Self/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.

Storage, Self/Multi. A multi-level structure or group of structures containing separate storage spaces/stalls under a single roof that are leased or rented to individuals for the storage of goods.

Storage, Vehicle. The placement of a vehicle or vehicles outside a principal structure for a

continuous period in excess of twenty-four (24) hours for any purpose including, but not limited to, the sale of new or used vehicles, the leasing of new or used vehicles, or the repair and servicing of vehicles. Such placement includes, but is not limited to, storage in a structure that is open or not entirely enclosed.

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 (1) 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 as part of a subdivision plat.

Arterial, Principal means a roadway that has partial or no access control and is primarily used for fast or heavy traffic. Emphasis of a principal arterial is placed on mobility rather than access to adjacent land.

Arterial, Minor means a 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.

Control, Full Access means that 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.

Control, No Access means that preference is generally given to access to adjacent land rather than mobility.

Control, Partial Access means that 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.

Freeway means a 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.

Road, Collector means 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 of a collector road is to distribute trips to and from the arterial system to their destination points and allow access to the local roads.

Road, Local means a roadway that has no access control and places strong emphasis on access to adjacent land over mobility while service to through traffic is discouraged.

Road, State means a right-of-way used for access owned and maintained by the state

government.

Street, Private means a roadway constructed to City 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 the City ever be petitioned to assume ownership and maintenance of the private streets prior to dedication of the streets, they must be brought to acceptable City standards subject to the approval of the Director of Public Works.

Street, Public means a right-of-way used for access owned and maintained by the federal, state, or local government.

Street, Stub means a right-of-way that dead-ends into an interior property line.

Street Hardware. Objects other than buildings that are part of the streetscape including, but not limited to, street light fixtures, utility poles, traffic lights and their fixtures, benches, litter containers, planting containers and fire hydrants.

Streetscape. The design of a street, including the roadbed, sidewalks, landscape planting, furnishings along the street, street hardware and the character of the adjacent building facade.

Structure. Anything temporarily or permanently erected for the support, shelter, or enclosure of persons, animals, goods, or property of any kind, and/or anything constructed or erected with a fixed location on or in the ground.

Structure, Accessory. A subordinate structure, customarily incidental to a principal structure or use and is located on the same lot. Examples of accessory structures in single family dwelling districts include, but are not limited to, a well house, a fence, a tool shed, a guest house and a detached garage.

Structure, Attached Wireless Telecommunications. An Antenna or Antenna Array that is secured to an existing Building or Structure (except an Antenna support Structure) with any accompanying pole or device which attaches it to the Building or Structure, together with transmission cables, and an equipment cabinet, which may be located either on the roof or inside/outside of the Building or Structure. An Attached Wireless Telecommunications Structure is considered to be an Accessory Use to the existing Principal Use on a site.

Structure, Historic. A Structure which has been formally designated as an Historic Structure as designated by the Georgia Historic Preservation Division of the Department of Natural Resources or the United States Department of the Interior or a City Historic Preservation Commission, if one is established, or which has sufficient historic merit as determined by the City Council so as to require preservation.

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.

Structure, Telecommunications. A telecommunications Tower, Monopole Tower, Antenna or any and all Buildings, Structures, or other supporting equipment used in connection with a telecommunications Tower, Monopole Tower, or Antenna.

Structure, Wireless Telecommunications. A staffed or unstaffed commercial Structure for the transmission and/or reception of radiofrequency signals, or other wireless communications, and usually consisting of an Antenna or groups of Antennas, transmission cables and equipment enclosures, and may include an Antenna support Structure. The following nonexclusive list shall be considered a Wireless Telecommunications Structure: new and existing Antenna support Structures, replacement Antenna support Structures, Co-Locations on existing Antenna support Structures, Attached Wireless Telecommunications Structures and concealed Wireless Telecommunications Structures. Also see "Telecommunications Structure."

Subdivision. Any division or re-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" shall mean the act or process of dividing property. Lots that do not abut or are not directly across a public street from other subdivided lots shall be considered a separate and distinct subdivision with a separate name. Where appropriate to the context, the term "subdivision" also may be used in reference to the aggregate of all lots held in common ownership at the time of division.

Subdivision Regulations. The latest revision of the ordinance adopted by the City that regulates the subdivision of property within the City.

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 recreational facility designed and intended for water contact activities which serves single family dwelling units, duplex dwelling units and/or multifamily dwelling units, or combinations of dwelling unit types, including pools which are owned and/or controlled by a neighborhood club or similar organization.

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

3.3.20. T

Theater. A building, room, or outdoor structure for the presentation of plays, films, or other dramatic performances.

Thoroughfare, Major. Any street which is classified in the Transportation Element of the Comprehensive Plan as 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 (1) or more antennas, including self-supporting lattice towers, guyed towers and monopoles but not alternative antenna support structures. The term "tower" includes, but is not limited to, radio and television transmission towers, microwave towers, common carrier towers and cellular telephone towers, but excludes amateur radio antenna.

Tower, Lattice. A guyed or self-supporting, open frame Structure that has three (3) or four (4) sides used to support telecommunications equipment.

Tower, Monopole. A cylindrical, self-supporting, i.e., not supported by guy wires, communications Tower constructed of a single spire, used to support telecommunications equipment."

Trail. A path or narrow transportation-oriented corridor for the primary purpose of biking, running, walking or other non-motorized use. It may be of impervious surface or may be left in its natural state, or may be composed of wood chips, cinders or other types of natural material.

Transfer Station. A facility used to transfer solid waste from one (1) transportation motor vehicle to another for transportation to a disposal facility or processing operation.

Transmission Line. A pipeline other than a gathering line that:

A. 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

B. transports fuel oil/liquid petroleum product within a storage field.

Tree Conservation Ordinance. The latest revision of the ordinance adopted by the City that regulates the preservation, planting, protection and maintenance of trees within the City.

Truck. A motor vehicle designed, used, or maintained primarily for the transportation of property.

Truck Terminal. A primary use of property for trucks/trailers to be temporarily stored, maintained or based.

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/Main/Primary. The primary or main purpose or function of a lot or structure.

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 zoning district as a whole.

3.3.22. V

Variance, Administrative. A request for:

A. relief from the standards contained in Article 34 of the Development Regulations;

B. reduction of the ten (10) foot improvement setback adjacent to zoning buffers; or

C. ten percent (10%) reduction of parking spaces as required in Section 18.2.4 of this Ordinance.

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

Variance, Concurrent. A variance request that is filed simultaneously with a land use petition.

Variance, Minor. A request for deviation from the minimum yard requirements, not to exceed ten percent (10%) of the dimensional requirements.

Variance, Primary. A request for relief from the standards of the Zoning Ordinance, 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 Ordinance.

Vegetative Screen. An evergreen planting which, within three (3) years of planting, provides a one hundred percent (100%) visual barrier between a lot and adjacent lots and uses with a minimum height of six (6) feet. A vegetative screen is composed of plant materials.

Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

Vehicle, Junk or Salvage. Any automobile, truck or other motor vehicle which is missing one of the following:

A. current registration;

B. license plate with current decal;

C. proof of liability insurance;

D. drive train component for more than thirty (30) days.

Vehicle, Motor/Auto/Car. Every vehicle which is self-propelled other than an electric personal assistive mobility device.

Vehicle, Motor/Auto/Car Broker. A person who, for a commission or with the intent to make a profit or gain of money or other thing of value, negotiates or attempts to negotiate the sale of a motor vehicle on behalf of another. Such term shall not mean any person engaged in the solicitation, negotiation, or advertising of the sale of used motor vehicles or any owner of real property who allows the display of used motor vehicles on such property if the sale of such vehicles is made by a used car dealer or a financial institution.

Veterinary Clinic/Hospital. A business which involves the medical care and boarding of animals, limited to short-term care incidental to the hospital use.

3.3.23. W

Wall. A solid, opaque fence constructed of stone, masonry, or stucco, or combination thereof. This definition is not intended to define a wall which constitutes a part of a building.

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. Any solid waste which has been defined as a hazardous waste in regulations promulgated by the administrator of the United States Environmental Protection Agency, as may be amended from time to time, pursuant to the federal act which are in force and effect on January 1, 2006, codified as 40 C.F.R. Section 261.3 and any designated hazardous waste.

Waste, Solid. Solid waste as defined by regulations promulgated by the administrator of the United States Environmental Protection Agency, as may be amended from time to time, pursuant to the federal act which are in force and effect on February 1, 1996, codified as 40 C.F.R. Sections 261.1, 261.2(a)-(d), and 261.4(a).

Wholesale Use. A business in which the primary purpose is the sale of goods in large bulk or quantity for resale to a retail use rather than directly to consumers.

3.3.24. X

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 zoning 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 (1) front lot line do not have rear yards. The Director shall make the final determination of rear yards when in dispute or undefined by this definition.

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

Yard Ornament. Decorative objects placed in a yard including, but not limited to, bird baths, bird houses, garden gnomes, lawn jockeys, yard globes, animal forms, and spinners.

3.3.26. Z

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

Zoning District/Zone, Use District/Use. 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, the City is divided into zoning districts which are individually described in this Ordinance. Those districts are set forth in Section 4.30 of this Ordinance from lowest to highest intensity.

Zoning Ordinance/This Ordinance. The 2005 Zoning Ordinance of the City, as it may be amended from time to time.

Zoning Petition/Rezoning Petition. An application for the reclassification of a zoning district, a conditional use, or a variance.

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 (1) use district or to uses and structures allowed in all use districts except when specifically excluded by provisions contained elsewhere in this Ordinance.

4.1.1. OTHER LAWS APPLY. Compliance with this Ordinance shall not substitute for compliance with federal and state laws or for other City ordinances and resolutions.

4.1.2. JUDICIAL AND QUASI-JUDICIAL ACTIONS. Zoning-related legal proceedings or appeals to boards designated within this Ordinance shall stay deadlines and expiration dates which are designated in this Ordinance. Appeals from decisions of the City Council and the Board of Appeals shall be brought within thirty (30) days in accordance with the provisions of Article XXII of this Ordinance. Appeals from the application, interpretation and administration of this Ordinance shall be to the Board of Appeals in accordance with the provisions of Article XXII of this Ordinance unless otherwise specifically provided for in this Ordinance.

4.1.3. ADMINISTRATIVE APPROVAL. Action on a request brought under a provision of this Ordinance which requires approval by at least one (1) City official shall be 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 memorandum shall be sent to the Director and to the Director of the Department of Public Works.

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 Ordinance and any condition 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 Ordinance and any condition of zoning.

C. Single Family Dwelling District Limitations. Single family dwelling districts shall be restricted to no more than one (1) main or principal structure per lot.

4.2.2. OPEN.

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 Ordinance; except that if a lot or property is reduced in area to less than the minimum lot size as a result of government action, the lot shall be deemed nonconforming.

4.2.4. DIVISION OF CONDITIONALLY-ZONED LOTS. 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 Ordinance. 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 Ordinance, yards may be used for driveways, signs, at-grade parking, loading areas, fountains, flag poles, yard ornaments not to exceed four (4) feet in height, walls, fences, walkways, lawns, buffers, landscape areas, underground utilities, well houses, storm water management facilities and tree conservation 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 zoning districts.

1. Outside Storage Associated with Residential Uses or Districts Including AG-1 Used for Residential Purposes Only. Outside 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 Conservation Ordinance. Any outside 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 twenty-five (25) feet from any residential property line. Outside storage must be screened, in accordance with Appendix G of the Tree Conservation Ordinance, 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 twenty-five (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 Conservation Ordinance.

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. As provided in Article XXXIII of this Ordinance, portable signs, including signs on or attached to any parked vehicle or trailer, so as to be visible from a public right-of-way, are prohibited in the City.

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 Fulton County Health Department. Lots utilizing both a well and a septic tank shall be not less than one (1) 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 regulations of the Fulton County Health Department or the minimum required for the zoning district in which the lot is located.

4.2.8. MULTIPLE ZONING. Whenever a lot is zoned for more than one (1) single family dwelling district, 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 International Building Code.

4.2.10. MINIMUM LOT WIDTH. The minimum lot width required by applicable zoning district regulations shall be achieved at a distance no greater than the sum of the required minimum front yard/setback and minimum rear yard/setback. In addition, the minimum lot width shall be maintained through the depth of the buildable area

4.3. EXCEPTIONS. This Ordinance shall apply to every lot, parcel, property, use and structure in the City 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 the City 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.

Antennas or towers located on property owned, leased or otherwise controlled by the City shall be exempt from the requirements of this Ordinance, provided a license or lease authorizing such antenna or tower has been approved by the City.

4.3.1. NONCONFORMING LOTS, USES OF LAND AND USES OF STRUCTURES. The purpose of the Zoning Ordinance is to have orderly use of property. Nonconforming uses that existed legally prior to the adoption or change of the Zoning Ordinance create land uses that do not conform to the Zoning Ordinance. It is the purpose of this nonconforming use provision to allow legally existing nonconforming uses to be retained with certain limitations to protect adjacent property owners and the public from the inconsistencies created by nonconforming uses. It is the intent that over time all nonconforming uses will be eliminated. The amortization of nonconforming adult establishment uses shall be governed by Section 26-37 of the Code.

A. Continuance of Nonconforming Uses. A nonconforming use of a building, structure or land that was legal prior to the enactment of the Zoning Ordinance or an amendment to the Zoning Ordinance shall be allowed to continue legally even though such use does not conform with the provisions of the Zoning Ordinance, subject to the following provisions:

1. The nonconforming use shall not be expanded to occupy a greater area of land or building area.

2. The nonconforming use shall continue in the original building structure or land area that was originally occupied by the nonconforming use.

3. The nonconforming use shall not be intensified or escalated, for example, by increasing the number of deliveries, employees or customers coming to the nonconforming use, or noise, dust, fumes or other pollutants emanating from the nonconforming use.

4. The nonconforming use shall not be reinstated after it has been abandoned. It shall be prima facia evidence of abandonment for the owner and/or operator of the nonconforming use to:

a. discontinue the nonconforming use for twelve (12) months; or

b. fail to obtain a new or renew an existing business license as required under the Code for the operation of such nonconforming use; or

c. fail to declare and remit the sales tax required by state law for the nonconforming use.

5. Failure to follow any state, federal or local administrative procedure or regulation that is required for the nonconforming use shall be prima facia evidence of abandonment.

6. The nonconforming use shall not be changed to another nonconforming use.

7. The nonconforming use shall maintain any screening or buffering that existed prior to the use becoming a nonconforming use or that was later voluntarily added.

8. If the use constitutes a nuisance as defined by state law, it is not and shall not become a nonconforming use.

B. Continuance of Nonconforming Structure or Building. A building or structure that is nonconforming or that contains a nonconforming use at the time of enactment of the Zoning Ordinance or at the time of enactment of an amendment to the Zoning Ordinance may be retained, except that:

1. The nonconforming structure or building shall not be enlarged, altered or rebuilt, except for repairs necessary to maintain the structure or building in a safe and sanitary condition; and

2. The nonconforming structure or building shall not be rebuilt, altered or repaired after damage or deterioration exceed seventy-five percent (75%) of its replacement cost at the time of destruction, except in conformity with this Ordinance.

3. This section does not apply to signs. See Article XXXIII.

C. Dangerous Uses. Nothing in this section shall be construed to allow a use that is dangerous to the general public to continue to exist. Nothing in this section shall be construed not to require changes to buildings and structures to comply with any fire code, life safety code or other safety ordinance or regulation.

4.3.2. OPEN.

4.3.3. HEIGHT LIMITS. Zoning district 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; and

I. Fire towers

Public and semi-public buildings (except as exempt in Section 4.3), hospitals and schools may be erected to sixty (60) feet in height, and churches and temples may be erected to seventy-five (75) feet in height. For each foot that said buildings exceed the height regulations of the zoning 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 zoning 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 (1) 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 zoning district regulations.

B. Permitted Encroachments into Yards. The following encroachments shall be allowed to the extent specified below.

1. Non-Residential. Canopies shall be allowed over walkways or driveways to within twelve (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. Covered or uncovered porches, decks or patios attached to the main dwelling may extend no more than ten (10) feet into a minimum front or rear yard. Awnings may project to within five (5) feet of a side lot line. Outdoor play equipment including, but

not limited to, swing sets, play structures and play houses, shall be located in the rear yard and shall be limited to a maximum height of fifteen (15) feet. In no instance shall the equipment be set back less than ten (10) feet from any side or rear property line. Outdoor play equipment shall not be lighted and any electrical connections shall be prohibited. Any outdoor play equipment installed as of April 21, 2009 shall constitute a nonconforming (grandfathered) structure as defined in Section 3.3.14 of this Ordinance.

3. All Zoning Districts. Architectural features such as cornices, eaves, steps, gutters, fire chases, chimneys and fire escapes may project not more than thirty-six (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 Section 4.2.2 of this Ordinance. 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 fifteen (15) feet in width.

4.3.5. ENCROACHMENT ON PUBLIC RIGHTS-OF-WAY. No privately owned structures other than driveways, access walkways, and mail boxes shall be permitted within a public right-of-way. Landscaping shall be allowed with permission of the Georgia Department of Transportation or as specified in the Tree Conservation Ordinance, as applicable. Signs and other structures belonging to the City, the State of Georgia, Fulton County, or a railroad or utility are exempt from this provision.

4.4. OPEN.

4.5. ACCESSORY USES, STRUCTURES, AND SITE FEATURES

4.5.1. CONSTRUCTION OF ACCESSORIES. Accessory structures and site features shall be constructed and/or installed concurrently with or subsequent to a principal structure.

4.5.2. REGULATIONS APPLICABLE TO SELECTED ACCESSORY USES, STRUCTURES, AND SITE FEATURES. The following accessory uses, structures, and site features shall be restricted as stated herein.

A. A greenhouse accessory to a residential use shall be limited in size to one-third (1/3) of the floor area of the principal dwelling.

B. Accessory site features shall comply with all minimum yard and setback requirements and shall be screened from abutting properties through the use of fences, walls, and/or landscaping, approved and installed concurrently with the permitting and installation of accessory site features.

4.5.3. ANTENNAS. This provision shall apply to all antennas and towers except those that exceed the maximum height of the zoning district in which they are located as provided in Article XIX of this Ordinance. 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 zoning 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 an 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 one-hundred percent (100%) opacity with fences or walls, or a vegetative screen which complies with the screening requirements of the Tree Protection Ordinance. Refuse containers located therein shall not be visible from streets or adjoining properties. Vegetative screens must comply with the provisions of Section 4.23 of this Ordinance. Refuse areas shall not be located in required landscape areas, required buffers, required parking areas, or required loading areas.

For properties on which a public safety issue has been identified by the City's Police Department, an alternative refuse area screening plan may be approved by the Director. For such properties, the owner shall be required to submit a formal request for review to the City's Police Department which shall include detail of the observed safety issue. Should an alternative screening plan be approved, said plan shall be effective until such time as the City's Police Department determines that a safety issue no longer exists.

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 (1) horse or other member of the horse (equine) family per fenced acre shall be allowed in association with a single family dwelling unit 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 one hundred (100) feet from the lot line of any residentially zoned or used property.

B. Located within the rear yard.

4.9. OUTDOOR LIGHTING

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 recreational facilities in or adjoining residential districts or uses shall be used only between dusk and 11:00 o'clock P.M.

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. 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.

Hedges may be considered fences if they are planted and constructed in such a manner that they enclose, partially enclose or separate premises. A hedge does not constitute a fence when it used for an ornamental purpose and does not in fact enclose, partially enclose, or separate premises from adjoining premises.

A. Visibility Triangle. Fences, walls hedges, and other vegetative materials used in association therewith must not obstruct the minimum sight distance requirements which are specified in the Development Regulations Ordinance administered by the Director of Public Works and shall not:

1. Prohibit proper lines of sight for public safety and law enforcement, or

2. Impede the flow of water or the normal pattern of natural wildlife, or

3. Impair or block the vision of vehicle drivers so as to constitute a safety hazard.

B. Gates. See Chapter 103, Development Regulations, of the Code of the City of Sandy Springs.

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 Conservation Ordinance.

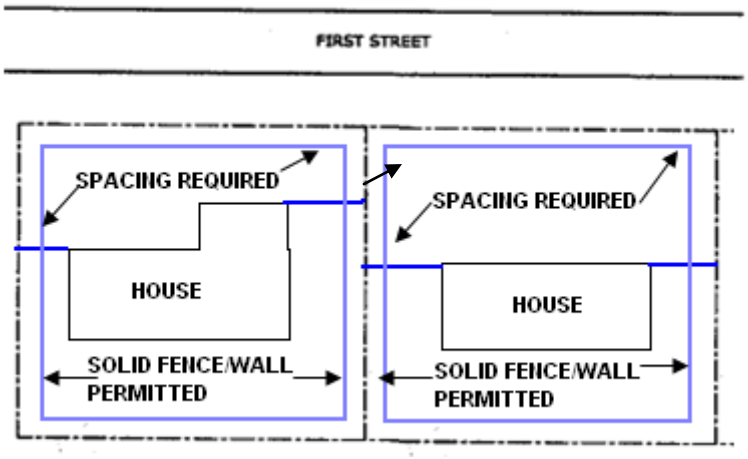
D. Fence and Wall Materials. Where the Zoning Ordinance or zoning conditions require fences and walls to be solid/opaque, the visual density of the fence shall be such that it can not be seen through. The following standards shall apply to fences and walls.

1. Adjoining Right-of-Way. In all zoning districts except AG-1 (non-single family residential uses), M-1, M-1A, and M-2, wire, plastic, and/or recycled fencing materials, including chain link fencing with plastic or wooden inserts, shall not be used parallel to a street right-of-way. For single family residences and townhouses, fences constructed of woven wire or metal fabric when placed along side lot lines shall not extend beyond the front building line of the structure. The architectural treatment applied to poured concrete, common aggregate block or concrete block walls shall be approved by the Director. 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 properties.

For single family residences, fences and walls that exceed four (4) feet in height shall be required to have a spaced picket design in the area between the front plane of the structure and the right-of-way as shown in the Figure 4.11.D below and as approved by the Director.

Figure 4.11.D.



3. Barbed Wire. Barbed wire may be used in the AG-1 district as long as its use is associated with an allowable agricultural pursuit. Barbed wire shall not be approved for any single family dwelling lots including such lots which are located in the AG-1 district. A fence equipped with or having barbed wire, spikes, or similar device, or electric charge shall not contain said devices within six (6) feet of the ground level. No fence shall have barbed wire, spikes, or similar devices, or an electric charge in a yard fronting a street on property zoned for residential, commercial, central business district, or office use. Barbed wire, spikes, or similar devices, or an electric charge on fences shall not exceed more than twenty (20) inches above the height of the fence.

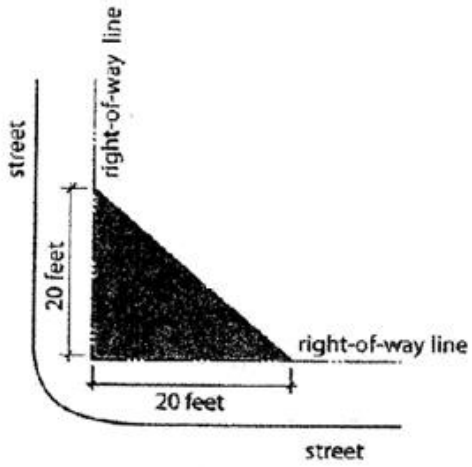
4. Minimum Landscape Requirements. A minimum three (3) foot landscape strip shall be provided between a fence or wall and a public right-of-way.

E. Height. Fences and walls shall not exceed a height of eight (8) feet from grade and shall be ornamental or decorative in nature along public rights-of-way, except that fences or walls in any yard fronting a public/private street shall not exceed four (4) feet in height if designed with solid and/or non-spaced sections. Column and ornament heights are permitted to exceed the maximum fence/wall height up to three (3) feet.

For fences and walls, the height shall be measured from the subject finished grade to the highest point of the fence.

F. Setback. Fences and walls, including any footings, shall be set back a minimum of three (3) feet from a public right-of-way. No wall, fence, or hedge shall be placed or maintained within the triangular area formed by the intersection of street right-of-way lines and a straight line connecting points on said street lines, each of which is twenty (20) feet distant from the point of intersection, as indicated in Figure 4.11.F below.

FIGURE 4.11.F. Fence and Wall Setback.



G. Design Guidelines for Fences and Walls.

1. Color

   a. Only black, white, or earth tones are permitted.

   b. Primary and neon colors are prohibited.

2. Material

   a. Fences or walls shall be constructed of wood, brick, stacked stone, stucco, or wrought iron in all zoning districts. Individual bricks and stones may not exceed one (1) square foot.

   b. Fences may be constructed of woven wire or metal fabric (chain link, hog wire or chicken wire), but such materials shall not extend along a right-of-way.

   c. No wall or fence shall be constructed of exposed concrete block, tires, junk, or other discarded materials.

3. Design

   a. Fences and walls over three (3) feet in height shall be designed with a column or decorative element every eight (8) feet to provide architectural variations and eliminate large expanses of blank area.

   b. Fences over four (4) feet in height parallel to the right-of-way in single family districts, shall have a spaced picket design. The spacing for said pickets shall

be a minimum of two (2) inches. For double/multiple frontage lots, the requirement for a spaced picket design shall only apply along the lot line that is parallel to the front of the residence as shown on any application for a development permit and as approved by the Director.

c. Fences that run parallel to a right-of-way in single family districts, shall be of a design substantially similar to the samples below:

FIGURE 4.11.H.1. Fence Designs along Rights-of-Way.

Non-spaced Designs Permitted up to Four (4) Feet in Height

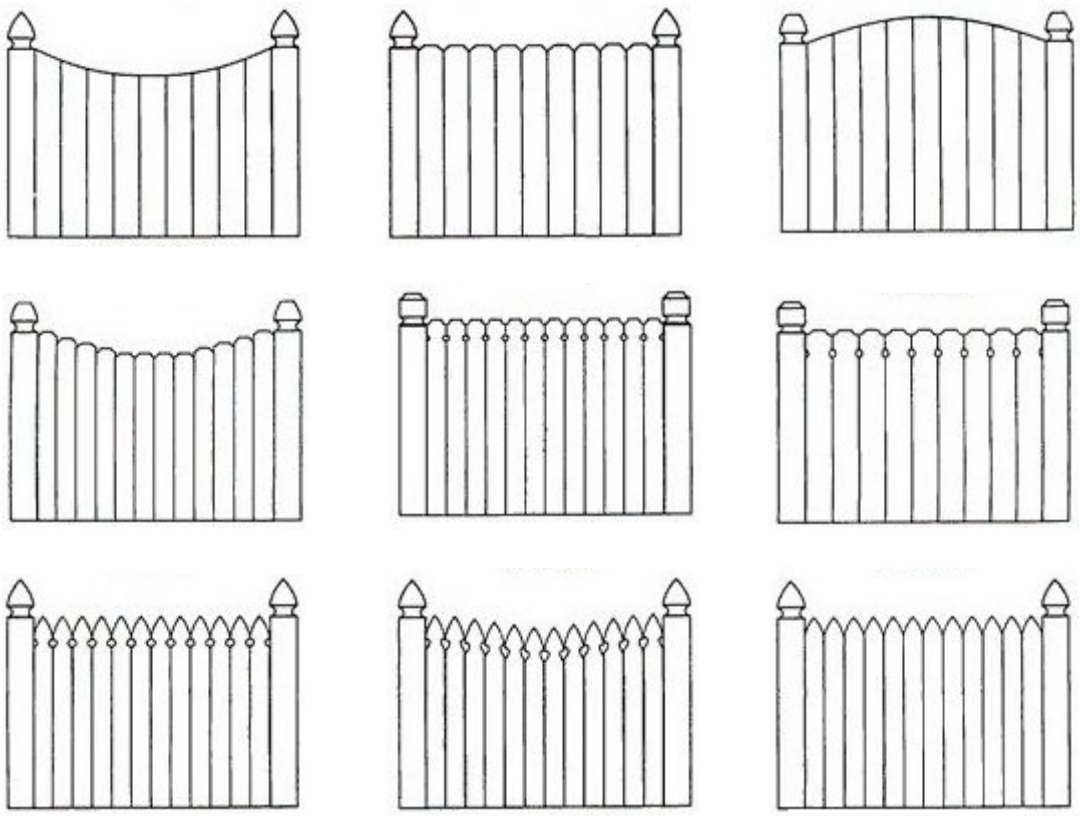
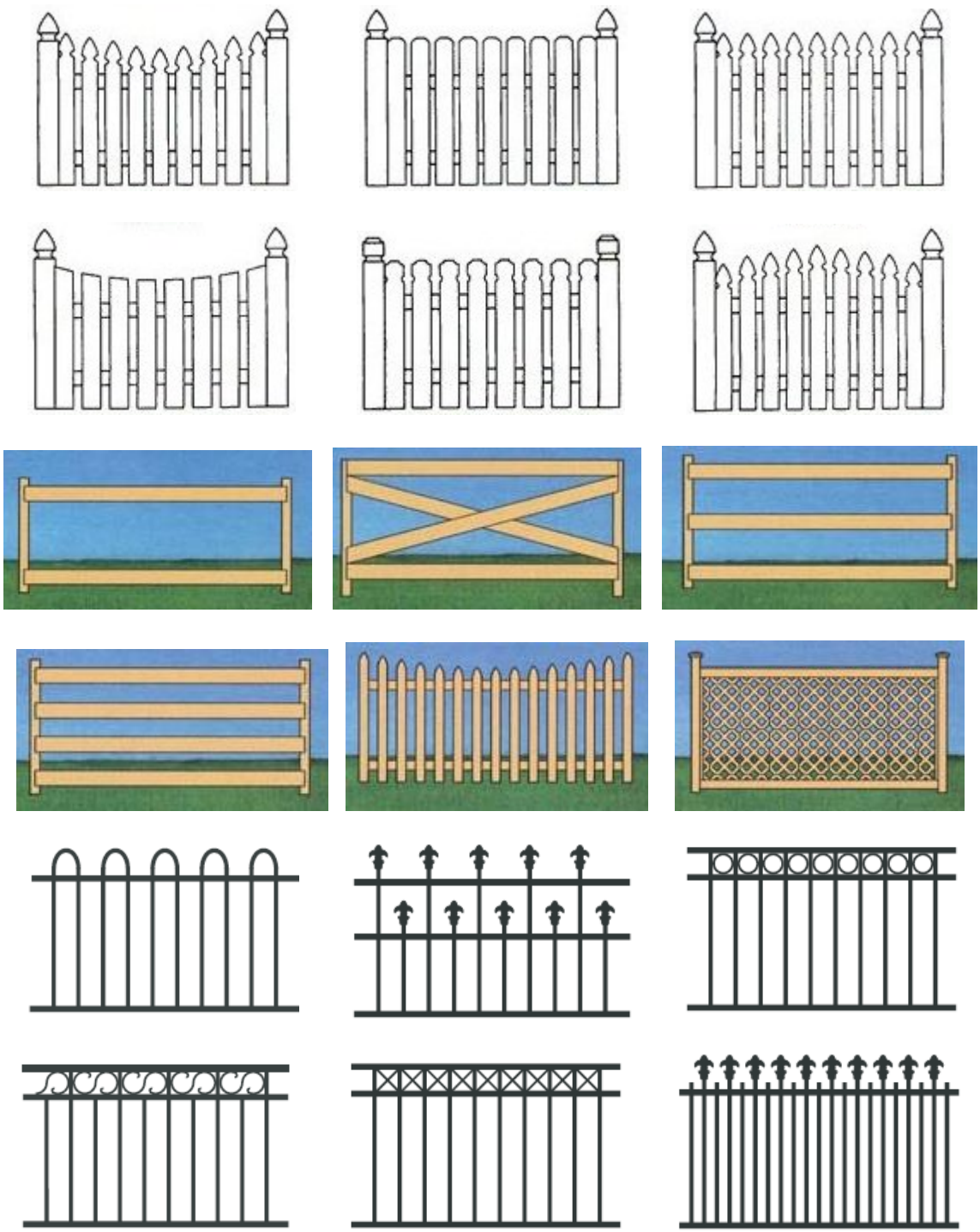


FIGURE 4.11.H.2. Fence Designs along Rights-of-Way.

Spaced Design Required if Over Four (4) Feet



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 twenty-five percent (25%) or seven hundred fifty (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.

D. The following uses are excluded from home occupations: automobile repair or similar operations, restaurants, keeping of animals, funeral homes, retail or wholesale uses, hotel/motel type uses, taxi services, or any other occupation found incompatible with the intent of this Ordinance.

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 (2) individual clients or patrons are allowed on the premises at the same time in conjunction with a home occupation (except for persons in care at a family day care home, where no more than six (6) clients are allowed); however, no home occupation within a multifamily dwelling unit shall involve client visits, as provided in subparagraph Q of this section.

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

I. The transporting of goods for the home occupation 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 dwelling unit.

K. A family day care home is prohibited within a multifamily dwelling unit.

L. A family day care home 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. A family day care home shall be located at least one thousand (1,000) feet in all directions from any other such use operated as a home occupation.

N. Hours of operation of a family day care home operated as a home occupation shall be limited to Monday through Saturday from 6:00 o'clock A.M. to 7:00 o'clock P.M.

O. A family day care home operator 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.

Q. The following are additional limitations on home occupations within multifamily dwelling units:

1. No home occupation within a multifamily dwelling unit shall involve customer or client visits, and no clients or customers shall be served on site.

2. If the property on which the home occupation is located is a rented multifamily dwelling unit, written approval from the owner or management of the property allowing the home occupation on the premises must be obtained, submitted to the City prior to the issuance of a business license/occupation tax certificate, and maintained on the premises.

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 gross floor area for outparcels shall be included in the gross floor area allowed for the larger parcel.

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

C. Each outparcel abutting a public right-of-way shall have a minimum of two hundred (200) feet of frontage on that public right-of-way.

D. Internal entrance drives shall be located at least one hundred (100) feet from any publicly dedicated right-of-way.

4.14. CEMETERY PROTECTION.

A. Cemetery Protection. For any parcel containing, or adjacent to, a parcel containing a cemetery, burial ground, human remains or burial object(s), there shall be no land disturbing activity or timbering for the purposes of re-developing or changing the use of any part of such land unless approved by the Department`. Where required by law, the person or entity seeking a permit shall also comply with the provisions of O.C.G.A. § 36-72-1, et seq.

B. Exemption. A cemetery or burial ground that is owned, operated and used by a church, temple or place of worship shall be exempt from the provisions of this section.

C. Development Standards. 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 described above; provided, however, that any parcel adjacent to a cemetery or burial ground shall only be required to meet standards in subsections 3, 4, and 5 below.

(1) A report prepared by an archeologist determining the boundary of the cemetery or burial ground 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.

(2) 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.

(3) A twenty-five (25) foot natural undisturbed buffer shall be provided around the perimeter of the outmost burials, as determined by an archeologist, if a cemetery or burial ground is located on the parcel of land to be developed. If a cemetery or burial ground is adjacent to the parcel to be developed, a twenty-five (25) foot natural undisturbed buffer shall be provided inside the common property lines upon the parcel where the land disturbance permit or building permit is being sought.

(4) A temporary tree protection fence shall be installed on the outer perimeter of the twenty-five (25) foot natural undisturbed buffer before any land disturbing activity occurs. If the cemetery or burial ground is located on an adjacent parcel, the tree protection fence shall be installed on the outer perimeter of the twenty-five (25) foot natural undisturbed buffer before any land disturbing activity occurs. The temporary tree protection fence shall remain in place until construction is completed.

(5) A permanent six (6) foot high fence or wall with a gate shall be constructed along the perimeter of a cemetery or burial ground on a

parcel for which land disturbing activity is sought. The fence shall be constructed of a durable metal material. At minimum, the 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 or burial ground is located on an adjacent parcel, the fence shall be located either along the outside border of the twenty-five (25) foot natural undisturbed buffer or along the common property line(s) as may be approved by the City arborist, to avoid damage or removal of existing trees. The fence gate shall have a latch and be four (4) feet wide if the cemetery or burial ground is inactive, or ten (10) feet wide if active.

(6) Uninhibited daylight access to the cemetery or burial ground shall be provided via a twenty (20) foot easement to provide ingress and egress to the cemetery or burial ground, subject to the approval of the Director, which shall be recorded with the Clerk's Office of the Superior Court of Fulton County.

(7) A maintenance plan for a cemetery, burial ground, or buffer located on the parcel for which a land disturbance permit or building permit is sought shall be developed and implemented. Said maintenance plan shall be continued in perpetuity by the owner, developer, or homeowners association of the proposed development.

(8) The location of a cemetery or burial ground, as identified by the surveyor, shall be included on the recorded plat.

(9) A small plaque or marker with the name of the cemetery or burial ground, range of burials and any other historical information may be placed on the cemetery or burial ground fence.

Figure 4.14.1 – Option A: Cemetery Adjacent to a Disturbed Parcel

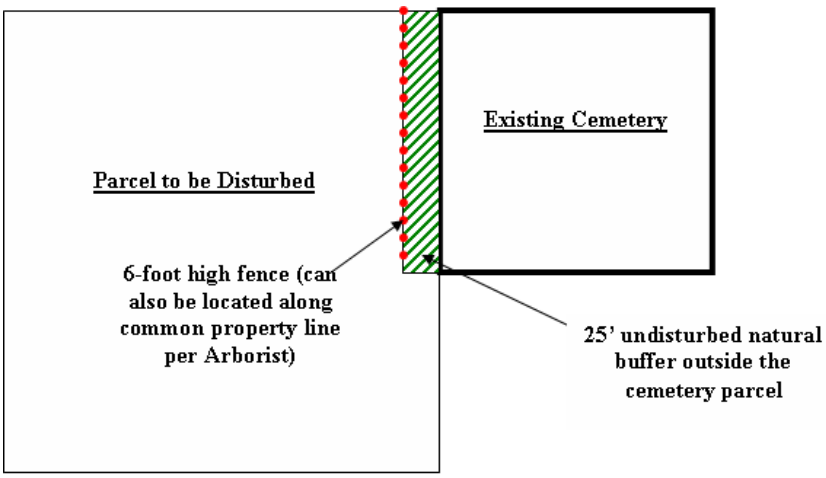


Figure 4.14.2 – Option B – Cemetery Inside the Disturbed Parcel

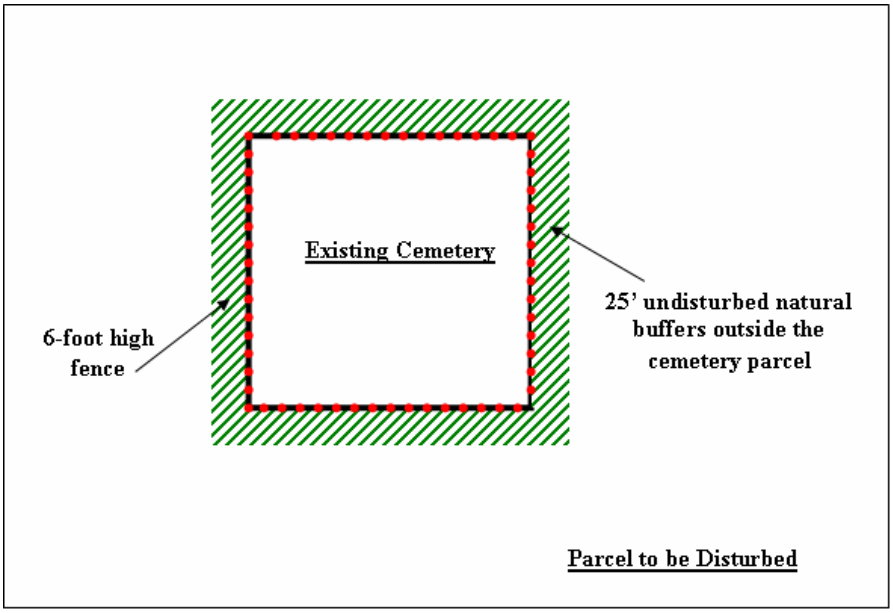
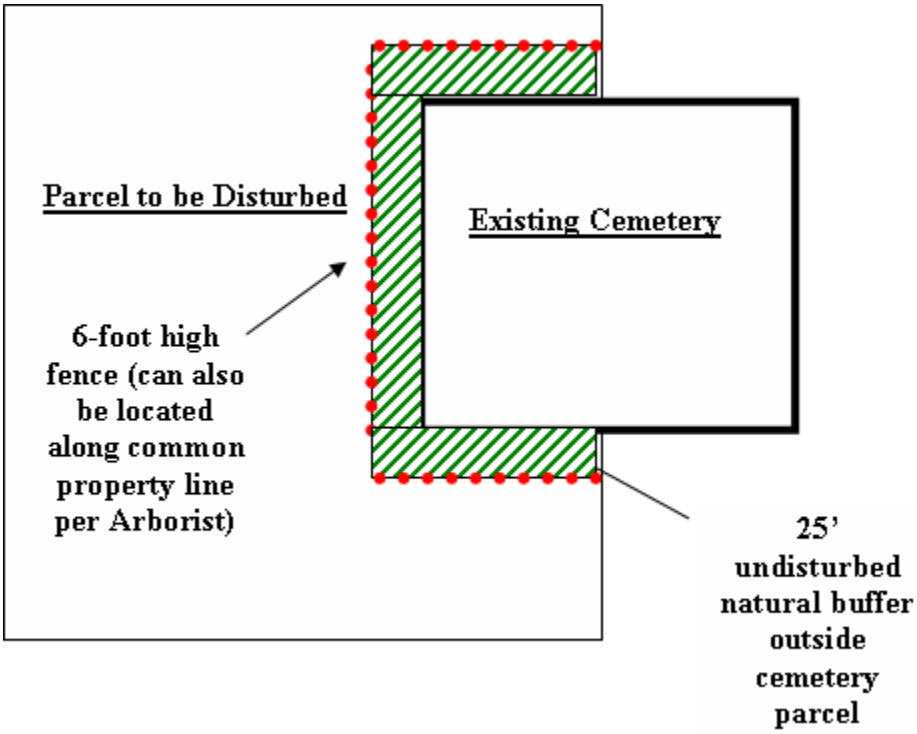


Figure 4.14.3 – Option C – Cemetery Adjacent to a Disturbed Parcel



4.15.–4.22. OPEN.

4.23. TREE CONSERVATION ORDINANCE, ADMINISTRATIVE STANDARDS AND BEST MANAGEMENT PRACTICES. The following standards for tree conservation are as set forth in the Tree Conservation Ordinance, Administrative Standards, and Best Management Practices, adopted by the City Council on February 6, 2007 and effective on that same date.

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 zoning districts shall provide landscape strips adjacent to TR, A, and A-L zoning 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 re-plantings as required by the City Arborist.

E. In compliance with the Tree Conservation Ordinance, an additional setback of ten (10) feet for all improvements shall be interior to all zoning buffers as specified in Table 4.23.1. No reduction of the ten (10) 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 through an administrative variance pursuant to Section 22.4 of the Zoning Ordinance. Said approval shall include a site visit report and recommendation by the City Arborist.

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

Unless otherwise specified, lots developed with single family 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.

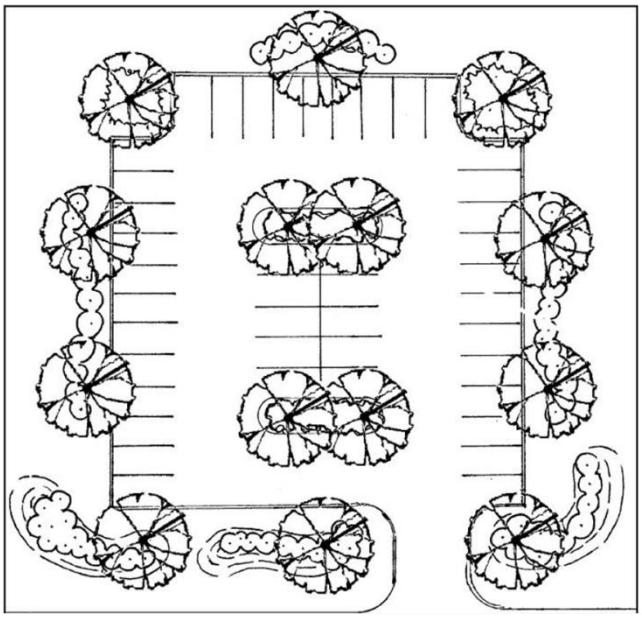
Whenever deemed necessary to protect adjoining or nearby properties or to otherwise promote the public health, safety or welfare, the City Council may specify conditions which require increased landscape strips and/or zoning buffers, setbacks, berms, or other treatments to protect surrounding and nearby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

Table 4.23.1								
LANDSCAPE AREAS (feet)					BUFFERS (feet)			IMPROVEMENT SETBACKS (feet)
DISTRICT*	FRONT	SIDE CORNER	REAR	INTERIOR	SIDE	REAR	ALL ROAD FRONTAGES	
AG-1	40	20	10	10	25	50		10
R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, R-6, NUP, CUP	40	20	10	10	25	50		10
TR	40	30	10	10	25	40		10
A	40	40	10	10	25	50		10
A-L	40	20	10	10	25	50		10
MHP	Landscaping Plan Required for Entire Development				50	50	100	10
MIX	20	10	10	5/10**	25	50		10
O-I	20	10	10	10	25	50		10
C-1	10	10	5/10**	5/10**	25	50		10
C-2	10	10	5/10**	5/10**	35	75		10
M-1A	10	10	0/5**	0/5**	50	100		10
M-1	10	10	0/5**	0/5**	50	100		10
M-2	10	10	0/5**	0/5**	50	100		10

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

4.23.2. PARKING LOT LANDSCAPING. At-grade, non-single family parking lots shall have a landscaped area equal to or greater than 10% of the total paved area. The 10% or greater area to be landscaped shall be located in islands within the paved area and within ten (10) feet of the perimeter of the paved area. Such landscape areas shall

include minimum three (3) inch caliper shade trees as approved by the City Arborist and minimum soil volume as stated in Section A.12, *Landscape Strips, Buffers, and Parking*, of the Administrative Standards. Landscaping in landscape areas shall preserve and maintain adequate sight lines from the minor lane to the major lane. Alternate methods of landscaping parking lots (i.e. vegetative systems that can be used to quantify a reduction in parking lot runoff and improvement of water quality, and/or an overall reduction in the heat island effect of parking lots) may be approved whenever the Director determines that the alternate method equals or exceeds this standard.



4.23.3. OPEN

4.23.4. OPEN

4.24.–4.29. OPEN.

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, the City is divided into zoning districts which are individually described in this Ordinance. The zoning 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. Zoning districts as of the date of adoption of this Ordinance of amendment are:

R-1	Single Family Dwelling District
R-2	Single Family Dwelling District
AG-1	Agricultural District

R-2A	Single Family Dwelling District
R-3	Single Family Dwelling District
R-3A	Single Family Dwelling District
R-4A	Single Family Dwelling District
R-4	Single Family Dwelling District
R-5	Single Family Dwelling District
R-5A	Single Family Dwelling District
R-6	Two Family Dwelling District
NUP	Neighborhood Unit Plan District
CUP	Community Unit Plan District
MHP	Mobile Home Park District
O-I	Office and Institutional District
TR	Townhouse Residential District
A	Medium Density Apartment District
A-L	Apartment Limited Dwelling District
MIX	Mixed Use District
C-1	Community Business District
C-2	Commercial District
M-1	Light Industrial District
M-1A	Industrial Park District
M-2	Heavy Industrial District

4.30.1. BOUNDARIES. The boundaries of the City zoning districts are shown on the City 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 Zoning Ordinance shall be kept on file by the Clerk to the City Council. The Department shall provide all City departments with copies of amendments to the Zoning Ordinance within fifteen (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 City zoning maps and all information contained thereon are part of this Ordinance and shall have the same force and effect as if fully set forth and/or described herein. The zoning maps are on file with the Department.

4.30.4. TERRITORY ADDED. Any unincorporated Fulton County territory which may be annexed to the City or which may be unincorporated from a municipality within Fulton County, including any border property, 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 the recommendations of Department staff and the Planning Commission with consideration given to the suggestion of the Comprehensive Plan Land Use Map

and/or zonings of adjacent properties in the City and Fulton County.

4.30.5. ABANDONMENT. Whenever any street, alley, or other public way is abandoned by the City 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

SECTION 5.1

AG-1 AGRICULTURAL DISTRICT

5.1.1. AG-1 DISTRICT SCOPE AND INTENT. Regulations set forth in this section 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. Within the AG-1 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. A building or land may be used for the following purposes:

1. Single family dwelling unit.

2. Agriculture, general and specialized farming, including: horticulture, plant nursery, greenhouse, dairy farming, livestock raising and poultry raising; provided, however, that a building used for housing animals must be at least one hundred (100) feet from all property lines.

3. Roadside stand for the sale of agricultural products produced on the property.

4. Riding stable other than an accessory use; provided, however, that a building used for housing animals must be at least one hundred (100) feet from all property lines and the lot on which such building is located must not be less than ten (10) acres. Standards for keeping horses, other than for a non-accessory use riding stable, are the same as the standards contained in Section 4.8.1. of this Ordinance pertaining to the keeping of horses in a single family dwelling district.

5. Kennel or veterinary clinic/hospital; provided, however, that a building used for housing animals must be fully enclosed and must be at least one hundred (100) feet from all property lines. Features including, but not limited to, animal pens and runs which are not located in a fully enclosed building must be at least two hundred (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 the principal dwelling unit may be used for a

home occupation.

C. Additional Uses. Additional uses may be allowed by administrative or use permit, pursuant to Article XIX of this Ordinance.

5.1.3. DEVELOPMENT STANDARDS.

A. Height Regulations:

No building shall exceed forty (40) feet in height.

B. Minimum Front Yard:

Sixty (60) feet

C. Minimum Side Yard:

Twenty-five (25) feet adjacent to interior lot line
Forty (40) feet adjacent to street

D. Minimum Rear Yard:

Fifty (50) feet

E. Minimum Lot Area:

One (1) acre with frontage on paved road
Three (3) acres with frontage on unpaved road

F. Minimum Lot Width:

One hundred (100) feet

G. Minimum Lot Frontage:

Thirty-five (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 only but shall not be located within a minimum yard.

5.1.4. OTHER REGULATIONS. The headings below contain provisions applicable to the AG-1 district:

A. Development Regulations, Chapter 103, Code

B. Exceptions, Section 4.3., Zoning Ordinance

C. Floodplain Management, Chapter 109, Article II, Code

D. Off Street Parking and Loading, Article XVIII, Zoning Ordinance

E. Outside Storage, Section 4.2., Zoning Ordinance

F. Tree Conservation Ordinance, Administrative Standards and Best Management Practices, Section 4.23., Zoning Ordinance

G. River Protection, Metropolitan River Protection Act

H. Signs, Article XXXIII, Zoning Ordinance

ARTICLE VI

SECTION 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 a permitted use in this section or as a use allowed by administrative permit or use permit shall be prohibited.

A. Permitted Uses. A building or land may be used for the following purposes:

1. Single family dwelling unit.

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 an agricultural building must be at least two hundred (200) feet from all side and rear property lines, and further provided that no products shall be offered for sale on land so utilized.

B. Accessory Uses. A building or land may be used for uses customarily incidental to any permitted use and the principal dwelling unit may be used for a home occupation.

C. Additional Uses. Additional uses may be allowed by administrative or use permit, pursuant to Article XIX of this Ordinance.

6.1.3. DEVELOPMENT STANDARDS.

A. Height Regulations:

No building shall exceed forty (40) feet in height.

B. Minimum Front Yard:

Sixty (60) feet

C. Minimum Side Yard:

Twenty-five (25) feet adjacent to interior lot line
Forty (40) feet adjacent to street

D. Minimum Rear Yard:

Fifty (50) feet

E. Minimum Lot Area:

Two (2) acres

F. Minimum Lot Width:

Two hundred (200) feet

G. Minimum Lot Frontage:

Thirty-five (35) feet adjoining a street

H. Minimum Heated Floor Area:

One thousand eight hundred (1,800) square feet on ground level for less than two (2) stories

Two thousand (2,000) square feet for two (2) stories or more than two (2) stories with one thousand two hundred (1,200) square feet on the ground floor

I. Minimum Accessory Structure Requirements:

Accessory structures may be located in rear or side yards only but shall not be located within a minimum yard.

6.1.4. OTHER REGULATIONS. The headings below contain provisions applicable to uses allowed in the R-1 district:

A. Development Regulations, Chapter 103, Code

B. Exceptions, Section 4.3., Zoning Ordinance

C. Floodplain Management, Chapter 109, Article II, Code

D. Off Street Parking and Loading, Article XVIII, Zoning Ordinance

E. Outside Storage, Section 4.2., Zoning Ordinance

F. Tree Conservation Ordinance, Administrative Standards and Best Management Practices, Section 4.23., Zoning Ordinance

G. River Protection, Metropolitan River Protection Act

H. Signs, Article XXXIII, Zoning Ordinance

ARTICLE VI

SECTION 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 R-2 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 a permitted use in this section or as a use allowed by administrative permit or use permit shall be prohibited.

A. Permitted Uses. A building or land may be used for the following purposes:

1. Single family dwelling unit.

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 an agricultural building must be at least two hundred (200) feet from all side and rear property lines, and further provided that no products shall be offered for sale on land so utilized.

B. Accessory Uses. A building or land may be used for uses customarily incidental to any permitted use and the principal dwelling unit may be used for a home occupation.

C. Additional Uses. Additional uses may be allowed by administrative or use permit, pursuant to Article XIX of this Ordinance.

6.2.3. DEVELOPMENT STANDARDS.

A. Height Regulations:

No building shall exceed forty (40) feet in height.

B. Minimum Front Yard:

Sixty (60) feet

C. Minimum Side Yard:

Fifteen (15) feet adjacent to interior lot line
Thirty (30) feet adjacent to street

D. Minimum Rear Yard:

Forty (40) feet

E. Minimum Lot Area:

One (1) acre

F. Minimum Lot Width:

One hundred fifty (150) feet

G. Minimum Lot Frontage:

Thirty-five (35) feet adjoining a street

H. Minimum Heated Floor Area:

One thousand six hundred (1,600) square feet on ground level for less than two (2) stories

One thousand eight hundred (1,800) square feet for two (2) stories or more than two (2) stories with one thousand fifty (1,050) square feet on the ground floor

I. Minimum Accessory Structure Requirements:

Accessory structures may be located in rear or side yards only but shall not be located within a minimum yard.

6.2.4. OTHER REGULATIONS. The headings below contain provisions applicable to the R-2 district:

A. Development Regulations, Chapter 103, Code

B. Exceptions, Section 4.3., Zoning Ordinance

C. Floodplain Management, Chapter 109, Article II, Code

D. Off Street Parking and Loading, Article XVIII, Zoning Ordinance

E. Outside Storage, Section 4.2., Zoning Ordinance

F. Tree Conservation Ordinance, Administrative Standards and Best Management Practices, Section 4.23., Zoning Ordinance

G. River Protection, Metropolitan River Protection Act

H. Signs, Article XXXIII, Zoning Ordinance

ARTICLE VI

SECTION 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 R-2A 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. A building or land may be used for the following purposes:

1. Single family dwelling unit

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 an agricultural building must be at least two hundred (200) feet from all side and rear property lines, and further provided that no products shall be offered for sale on land so utilized.

B. Accessory Uses. A building or land may be used for uses customarily incidental to any permitted use and the principal dwelling unit may be used for a home occupation.

C. Additional Uses. Additional uses may be allowed by administrative or use permit, pursuant to Article XIX of this Ordinance.

6.3.3. DEVELOPMENT STANDARDS.

A. Height Regulations:

No building shall exceed forty (40) feet in height.

B. Minimum Front Yard:

Sixty (60) feet

C. Minimum Side Yard:

Fifteen (15) feet adjacent to interior lot line
Thirty (30) feet adjacent to street

D. Minimum Rear Yard:

Forty (40) feet

E. Minimum Lot Area:

Twenty-seven thousand (27,000) square feet

F. Minimum Lot Width:

One hundred twenty (120) feet

G. Minimum Lot Frontage:

Thirty-five (35) feet adjoining a street

H. Minimum Heated Floor Area:

One thousand seven hundred (1,700) square feet on ground level for less than two (2) stories

One thousand eight hundred (1,800) square feet for two (2) stories or more than two (2) stories with one thousand fifty (1,050) square feet on the ground floor

I. Minimum Accessory Structure Requirements:

Accessory structures may be located in rear or side yards only but shall not be located within a minimum yard.

6.3.4. OTHER REGULATIONS. The headings below contain provisions applicable to the R-2A district:

A. Development Regulations, Chapter 103, Code

B. Exceptions, Section 4.3., Zoning Ordinance

C. Floodplain Management, Chapter 109, Article II, Code

D. Off Street Parking and Loading, Article XVIII, Zoning Ordinance

E. Outside Storage, Section 4.2., Zoning Ordinance

F. Tree Conservation Ordinance, Administrative Standards and Best Management Practices, Section 4.23., Zoning Ordinance

G. River Protection, Metropolitan River Protection Act

H. Signs, Article XXXIII, Zoning Ordinance

ARTICLE VI

SECTION 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 R-3 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. A building or land may be used for the following purposes:

1. Single family dwelling unit

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 an agricultural building must be at least two hundred (200) feet from all side and rear property lines, and further provided that no products shall be offered for sale on land so utilized.

B. Accessory Uses. A building or land may be used for uses customarily incidental to any permitted use and the principal dwelling unit may be used for a home occupation.

C. Additional Uses. Additional uses may be allowed by administrative or use permit, pursuant to Article XIX of this Ordinance.

6.4.3. DEVELOPMENT STANDARDS.

A. Height Regulations:

No building shall exceed forty (40) feet in height.

B. Minimum Front Yard:

Fifty (50) feet

C. Minimum Side Yard:

Ten (10) feet adjacent to interior lot line
Twenty (20) feet adjacent to street

D. Minimum Rear Yard:

Thirty-five (35) feet

E. Minimum Lot Area:

Eighteen thousand (18,000) square feet

F. Minimum Lot Width:

One hundred (100) feet

G. Minimum Lot Frontage:

Thirty-five (35) feet adjoining a street

H. Minimum Heated Floor Area:

One thousand two hundred (1,200) square feet on ground level for less than two (2) stories

One thousand three hundred twenty (1,320) square feet for two (2) stories or more than two (2) stories with nine hundred (900) square feet on the ground floor

I. Minimum Accessory Structure Requirements:

Accessory structures may be located in rear or side yards only but shall not be located within a minimum yard.

6.4.4. OTHER REGULATIONS. The headings below contain provisions applicable to the R-3 district:

A. Development Regulations, Chapter 103, Code

B. Exceptions, Section 4.3., Zoning Ordinance

C. Floodplain Management, Chapter 109, Article II, Code

D. Off Street Parking and Loading, Article XVIII, Zoning Ordinance

E. Outside Storage, Section 4.2., Zoning Ordinance

F. Tree Conservation Ordinance, Administrative Standards and Best Management Practices, Section 4.23., Zoning Ordinance

G. River Protection, Metropolitan River Protection Act

H. Signs, Article XXXIII, Zoning Ordinance

ARTICLE VI

SECTION 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 R-3A 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. A building or land may be used for the following purposes:

1. Single family dwelling unit

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 land may be used for uses customarily incidental to any permitted use and the principal dwelling unit may be used for a home occupation.

C. Additional Uses. Additional uses may be allowed by administrative or use permit, pursuant to Article XIX of this Ordinance.

6.5.3. DEVELOPMENT STANDARDS.

A. Height Regulations:

No building shall exceed forty (40) feet in height.

B. Minimum Front Yard:

Fifty (50) feet

C. Minimum Side Yard:

Ten (10) feet adjacent to interior lot line
Twenty (20) feet adjacent to street

D. Minimum Rear Yard:

Thirty-five (35) feet

E. Minimum Lot Area:

Eighteen thousand (18,000) square feet

F. Minimum Lot Width:

One hundred (100) feet

G. Minimum Lot Frontage:

Thirty-five (35) feet adjoining a street

H. Minimum Heated Floor Area:

One thousand six hundred (1,600) square feet on ground level for less than two (2) stories

One thousand eight hundred (1,800) square feet for two (2) stories or more than two (2) stories with one thousand fifty (1,050) square feet on the ground floor

I. Minimum Accessory Structure Requirements:

Accessory structures may be located in rear or side yards only but shall not be located within a minimum yard.

6.5.4. OTHER REGULATIONS. The headings below contain provisions applicable to the R-3A district:

A. Development Regulations, Chapter 103, Code

B. Exceptions, Section 4.3., Zoning Ordinance

C. Floodplain Management, Chapter 109, Article II, Code

D. Off Street Parking and Loading, Article XVIII, Zoning Ordinance

E. Outside Storage, Section 4.2., Zoning Ordinance

F. Tree Conservation Ordinance, Administrative Standards and Best Management Practices, Section 4.23., Zoning Ordinance

G. River Protection, Metropolitan River Protection Act

H. Signs, Article XXXIII, Zoning Ordinance

ARTICLE VI

SECTION 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. A building or land may be used for the following purposes:

1. Single family dwelling unit

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 an agricultural building must be at least two hundred (200) feet from all side and rear property lines, and further provided that no products shall be offered for sale on land so utilized.

3. Two (2) family dwelling units which comply with minimum lot area, yard and floor area requirements of the R-6 district, if forty percent (40%) or more of the dwelling units fronting on the same side of a street between two (2) intersecting streets is occupied by either two (2) family or multifamily dwelling units initiated prior to March 7, 1990.

B. Accessory Uses. A building or land may be used for uses customarily incidental to any permitted use and the principal dwelling unit may be used for a home occupation.

C. Additional Uses. Additional uses may be allowed by administrative or use permit, pursuant to Article XIX of this Ordinance.

6.6.3. DEVELOPMENT STANDARDS.

A. Height Regulations:

No building shall exceed forty (40) feet in height.

B. Minimum Front Yard:

Thirty-five (35) feet

C. Minimum Side Yard:

Seven (7) feet adjacent to interior lot line
Twenty (20) feet adjacent to street

D. Minimum Rear Yard:

Twenty-five (25) feet

E. Minimum Lot Area:

Nine thousand (9,000) square feet

F. Minimum Lot Width:

Seventy (70) feet

G. Minimum Lot Frontage:

Thirty-five (35) feet adjoining a street

H. Minimum Heated Floor Area:

One thousand (1,000) square feet on ground level for less than two (2) stories

One thousand one hundred (1,100) square feet for two (2) stories or more than two (2) stories with eight hundred (800) square feet on the ground floor

I. Minimum Accessory Structure Requirements:

Accessory structures may be located in rear or side yards only but shall not be located within a minimum yard.

6.6.4. OTHER REGULATIONS. The headings below contain provisions applicable to the R-4 district:

A. Development Regulations, Chapter 103, Code

B. Exceptions, Section 4.3., Zoning Ordinance

C. Floodplain Management, Chapter 109, Article II, Code

D. Off Street Parking and Loading, Article XVIII, Zoning Ordinance

E. Outside Storage, Section 4.2., Zoning Ordinance

F. Tree Conservation Ordinance, Administrative Standards and Best Management Practices, Section 4.23., Zoning Ordinance

G. River Protection, Metropolitan River Protection Act

H. Signs, Article XXXIII, Zoning Ordinance

ARTICLE VI

SECTION 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. A building or land may be used for the following purposes:

1. Single family dwelling unit

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 an agricultural building must be at least two hundred (200) feet from all side and rear property lines, and further provided that no products shall be offered for sale on land so utilized.

B. Accessory Uses. A building or land may be used for uses customarily incidental to any permitted use and the principal dwelling unit may be used for a home occupation.

C. Additional Uses. Additional uses may be allowed by administrative or use permit, pursuant to Article XIX of this Ordinance.

6.7.3. DEVELOPMENT STANDARDS.

A. Height Regulations:

No building shall exceed forty (40) feet in height.

B. Minimum Front Yard:

Thirty-five (35) feet

C. Minimum Side Yard:

Seven (7) feet adjacent to interior lot line
Twenty (20) feet adjacent to street

D. Minimum Rear Yard:

Twenty-five (25) feet

E. Minimum Lot Area:

Twelve thousand (12,000) square feet

F. Minimum Lot Width:

Eighty-five (85) feet

G. Minimum Lot Frontage:

Thirty-five (35) feet adjoining a street

H. Minimum Heated Floor Area:

One thousand two hundred (1,200) square feet on ground level for less than two (2) stories

One thousand three hundred twenty (1,320) square feet for two (2) stories or more than two (2) stories with nine hundred (900) square feet on the ground floor

I. Minimum Accessory Structure Requirements:

Accessory structures may be located in rear or side yards only but shall not be located within a minimum yard.

6.7.4. OTHER REGULATIONS. The headings below contain provisions applicable to the R-4A District:

A. Development Regulations, Chapter 103, Code

B. Exceptions, Section 4.3., Zoning Ordinance

C. Floodplain Management, Chapter 109, Article II, Code

D. Off Street Parking and Loading, Article XVIII, Zoning Ordinance

E. Outside Storage, Section 4.2., Zoning Ordinance

F. Tree Conservation Ordinance, Administrative Standards and Best Management Practices, Section 4.23., Zoning Ordinance

G. River Protection, Metropolitan River Protection Act

H. Signs, Article XXXIII, Zoning Ordinance

ARTICLE VI

SECTION 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. A building or land may be used for the following purposes:

1. Single family dwelling unit

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 an agricultural building must be at least two hundred (200) feet from all side and rear property lines, and further provided that no products shall be offered for sale on land so utilized.

3. Two (2) family dwelling which complies with minimum lot area, yard and floor area requirements of the R-6 district, if forty percent (40) or more of the dwelling units fronting on the same side of a street between two (2) intersecting streets is occupied by either two (2) family or multifamily dwelling units initiated prior to March 7, 1990.

B. Accessory Uses. A building or land may be used for uses customarily incidental to any permitted use and the principal dwelling unit may be used for a home occupation.

C. Additional Uses. Additional uses may be allowed by administrative or use permit, pursuant to Article XIX of this Ordinance.

6.8.3. DEVELOPMENT STANDARDS.

A. Height Regulations:

No building shall exceed forty (40) feet in height.

B. Minimum Front Yard:

Twenty (20) feet

C. Minimum Side Yard:

Five (5) feet adjacent to interior lot line
Fifteen (15) feet adjacent to street

D. Minimum Rear Yard:

Twenty (20) feet

E. Minimum Lot Area:

Seven thousand five hundred (7,500) square feet

F. Minimum Lot Width:

Sixty (60) feet

G. Minimum Lot Frontage:

Thirty-five (35) feet adjoining a street

H. Minimum Heated Floor Area Per Unit:

Six hundred fifty (650) square feet

I. Minimum Accessory Structure Requirements:

Accessory structures may be located in rear or side yards only but shall not be located within a minimum yard.

6.8.4. OTHER REGULATIONS. The headings below contain provisions applicable to the R-5 district.

A. Development Regulations, Chapter 103, Code

B. Exceptions, Section 4.3., Zoning Ordinance

C. Floodplain Management, Chapter 109, Article II, Code

D. Off Street Parking and Loading, Article XVIII, Zoning Ordinance

E. Outside Storage, Section 4.2., Zoning Ordinance

F. Tree Conservation Ordinance, Administrative Standards and Best Management Practices, Section 4.23., Zoning Ordinance

G. River Protection, Metropolitan River Protection Act

H. Signs, Article XXXIII, Zoning Ordinance

ARTICLE VI

SECTION 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. A building or land may be used for the following purpose:

Single family dwelling unit

B. Accessory Uses. A building or land may be used for uses customarily incidental to any permitted use and the principal dwelling unit may be used for a home occupation.

C. Additional Uses. Additional uses may be allowed by administrative or use permit, pursuant to Article XIX of this Ordinance.

6.9.3. DEVELOPMENT STANDARDS.

A. Height Regulations:

No building shall exceed forty (40) feet in height.

B. Minimum Lot Area:

Four thousand (4,000) square feet

C. Minimum Lot Width:

None unless specified in zoning conditions

D. Minimum Lot Frontage:

Twenty (20) feet adjoining a street

E. Minimum Heated Floor Area:

Single family – Eight hundred fifty (850) square feet

F. Minimum Perimeter Setback for the Entire R-5A Development:

Forty (40) feet

G. Minimum Interior Setbacks (No Orientation to Buildings):

1. Minimum Front Yard – Twenty (20) feet

2. Minimum Side Yard – To place a building along an interior side lot line at between zero (0) and seven (7) feet shall require an encroachment and maintenance easement allowing a minimum of seven (7) feet of access to such building. A minimum building separation of fourteen (14) feet shall be maintained.

   Twenty (20) feet adjoining local streets

3. Minimum Rear Yard – Twenty (20) feet

H. Minimum Interior Building Separations:

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

I. Minimum Accessory Structure Requirements:

Accessory structures may be located in rear or side yards only but shall not be located within a minimum yard.

6.9.4. OTHER REGULATIONS. The headings below contain some additional, but not necessarily all, provisions applicable to the R-5A District:

A. Development Regulations, Chapter 103, Code

B. Exceptions, Section 4.3., Zoning Ordinance

C. Floodplain Management, Chapter 109, Article II, Code

D. Off Street Parking and Loading, Article XVIII, Zoning Ordinance

E. Outside Storage, Section 4.2., Zoning Ordinance

F. Tree Conservation Ordinance, Administrative Standards and Best Management Practices, Section 4.23., Zoning Ordinance

G. River Protection, Metropolitan River Protection Act

H. Signs, Article XXXIII, Zoning Ordinance

ARTICLE VII

SECTION 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 (2) family dwelling units. 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. A building or land may be used for the following purposes:

1. Single family dwelling unit

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 an agricultural building must be at least two hundred (200) feet from all side and rear property lines, and further provided that no products shall be offered for sale on land so utilized.

3. Two (2) family dwelling units

B. Accessory Uses. A building or land may be used for uses customarily incidental to any permitted use and the principal dwelling unit may be used for a home occupation.

C. Additional Uses. Additional uses may be allowed by administrative or use permit, pursuant to Article XIX of this Ordinance.

7.1.3. DEVELOPMENT STANDARDS.

A. Height Regulations:

No building shall exceed forty (40) feet in height.

B. Minimum Front Yard:

Twenty-five (25) feet

C. Minimum Side Yard:

Seven (7) feet adjacent to interior lot line
Twenty (20) feet adjacent to street

D. Minimum Rear Yard:

Twenty (20) feet

E. Minimum Lot Area:

Nine thousand (9,000) square feet

F. Minimum Lot Width:

Seventy (70) feet

G. Minimum Lot Frontage:

Thirty-five (35) feet adjoining a street

H. Minimum Heated Floor Area:

Single family - One thousand (1,000) square feet on ground level for less than two (2) stories

One thousand one hundred (1,100) square feet for two (2) stories or more than two (2) stories with eight hundred (800) square feet on the ground floor

I. Minimum Accessory Structure Requirements:

Accessory structures may be located in rear or side yards only 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:

A. Development Regulations, Chapter 103, Code

B. Exceptions, Section 4.3., Zoning Ordinance

C. Floodplain Management, Chapter 109, Article II, Code

D. Off Street Parking and Loading, Article XVIII, Zoning Ordinance

E. Outside Storage, Section 4.2., Zoning Ordinance

F. Tree Conservation Ordinance, Administrative Standards and Best Management Practices, Section 4.23., Zoning Ordinance

G. River Protection, Metropolitan River Protection Act

H. Signs, Article XXXIII, Zoning Ordinance

ARTICLE VII

SECTION 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 multi-family dwelling units. 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 non-residential 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. A building or land may be used for the following purposes:

1. Single family dwelling unit
2. Two (2) family dwelling unit
3. Townhouse dwelling unit

B. Accessory Uses. A building or land may be used for uses customarily incidental to any permitted use and the principal dwelling unit may be used for a home occupation.

C. Additional Uses. Additional uses may be allowed by administrative or use permit, pursuant to Article XIX of this Ordinance.

7.2.3. DEVELOPMENT STANDARDS.

A. Height Regulations:

No building shall exceed forty (40) feet in height.

B. Minimum Lot Area or Land Area Per Unit:

Nine (9) units per gross acre

C. Minimum Lot Width:

Twenty (20) feet

D. Minimum TR Development Frontage:

Thirty-five (35) feet

E. Minimum Lot Frontage:

Twenty (20) feet adjoining a street except up to thirty-five (35) feet may be required whenever the Director of Public Works requires the extra width to protect catch basins.

F. Minimum Heated Floor Area Per Unit:

One thousand one hundred (1,100) square feet

G. Minimum Perimeter Setbacks for the Entire TR Development:

4. Minimum Front Yard – Forty (40) feet

5. Minimum Side Yard

Thirty (30) feet adjacent to interior lot line
Forty (40) feet adjacent to street

6. Minimum Rear Yard – Thirty-five (35) feet

H. Minimum Perimeter Setbacks When One (1) Building Per Lot:

1. Minimum Front Yard – Twenty (20) feet from right-of-way

2. Minimum Side Yard

Seven (7) feet adjacent to interior lot line, except that up to a seven (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 fourteen (14) feet is maintained.

Fifteen (15) feet adjacent to street

3. Minimum Rear Yard – Twenty-five (25) feet

I. Minimum Accessory Structure Requirements:

Single family and two (2) family dwelling units – Accessory structures may be located in rear or side yards only but shall not be located within a minimum yard.

Townhouse dwelling units - Accessory structures may be located within the side or rear yards only but not within minimum perimeter setbacks or minimum yards.

J. Maximum Lot Coverage:

The area of the footprint of all buildings and parking shall not exceed fifty (50) percent of the total land area.

K. Minimum Building Separation When More Than One (1) Building Per Lot:

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

L. Other Minimum Standards

1. No more than twenty (20) dwelling units shall form a single building.

2. Setbacks and roof lines shall be varied by at least two (2) feet so that no more than three (3) adjoining dwelling units within a single building shall have the same front setback or roof line.

7.2.4. TR DISTRICT SUBDIVISION. In the TR district, dwelling units proposed to be sold with the lot upon which the dwelling unit is located shall comply with the Subdivision Regulations of the City.

7.2.5. OTHER REGULATIONS. The headings below contain provisions applicable to the TR district:

A. Development Regulations, Chapter 103, Code

B. Exceptions, Section 4.3., Zoning Ordinance

C. Floodplain Management, Chapter 109, Article II, Code

D. Off Street Parking and Loading, Article XVIII, Zoning Ordinance

E. Outside Storage, Section 4.2., Zoning Ordinance

F. Tree Conservation Ordinance, Administrative Standards and Best Management Practices, Section 4.23., Zoning Ordinance

G. River Protection, Metropolitan River Protection Act

H. Signs, Article XXXIII, Zoning Ordinance

ARTICLE VII

SECTION 7.3

A MEDIUM DENSITY APARTMENT DISTRICT

7.3.1. A DISTRICT SCOPE AND INTENT. Regulations set forth in this section are the A 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 development.

B. Encourage the provision of recreation areas and facilities.

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. A building or land may be used for the following purposes:

1. Single family dwelling unit
2. Two (2) family dwelling unit
3. Multifamily dwelling unit
4. Rooming house and boarding house
5. Nursing home and hospice
6. Personal care home/assisted living
7. Medical related lodging
8. Group residence/shelter

B. Accessory Uses. A building or land may be used for uses customarily incidental to any permitted use and the principal dwelling unit may be used for a home occupation.

C. Additional Uses. Additional uses may be allowed by administrative or use permit, pursuant to Article XIX of this Ordinance.

7.3.3. DEVELOPMENT STANDARDS.

A. Height Regulations:

A building shall be no higher than forty-five (45) feet or three (3) stories, whichever is higher, except when a use permit to exceed the maximum height is approved.

B. Minimum Front Yard:

Forty (40) feet from right-of-way

C. Minimum Side Yard:

Twenty-five (25) feet adjacent to interior lot line
Forty (40) feet adjacent to street

D. Minimum Rear Yard:

Twenty-five (25) feet

E. Minimum Land Area or Lot Size Per Unit:

Two thousand (2,000) square feet

F. Minimum Width:

Two hundred (200) feet throughout depth from front to rear lot line

G. Minimum Lot Frontage:

Thirty-five (35) feet adjoining a street

H. Maximum Density:

Fourteen (14) units per gross acre

I. Minimum Heated Floor Area Per Unit:

Single family dwelling unit - One thousand one hundred (1,100) square feet
Two (2) family dwelling units – Eight hundred (800) square feet
Efficiency or studio – Four hundred fifty (450) square feet
All other multifamily – Seven hundred (700) square feet

J. Minimum Accessory Structure Requirements:

Single family and two (2) 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 forty (40) percent of the total land area.

L. Minimum Building Separation:

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

7.3.4. A DISTRICT SUBDIVISION. In the A district, dwelling units proposed to be sold with the lot upon which the dwelling unit is located shall comply with the Subdivision Regulations of the City.

7.3.5. OTHER REGULATIONS. The headings below contain provisions applicable to the A district.

A. Development Regulations, Chapter 103, Code

B. Exceptions, Section 4.3., Zoning Ordinance

C. Floodplain Management, Chapter 109, Article II, Code

D. Off Street Parking and Loading, Article XVIII, Zoning Ordinance

E. Outside Storage, Section 4.2., Zoning Ordinance

F. Tree Conservation Ordinance, Administrative Standards and Best Management Practices, Section 4.23., Zoning Ordinance

G. River Protection, Metropolitan River Protection Act

H. Signs, Article XXXIII, Zoning Ordinance

ARTICLE VII

SECTION 7.4

A-L APARTMENT LIMITED DWELLING DISTRICT

7.4.1. A-L DISTRICT SCOPE AND INTENT. Regulations in this section are the A-L 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:

A. Encourage attractive apartment living opportunities.

B. Encourage the provision of recreation areas and facilities.

C. Be located in areas of intense development near retail shopping, schools and major thoroughfares.

D. 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. A building or land may be used for only the following purposes:

1. Multifamily dwelling unit

2. Any use permitted in the A district

B. Accessory Uses. A building or land may be used for uses customarily incidental to any permitted use and the principal dwelling unit 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.

C. Additional Uses. Additional uses may be allowed by administrative or use permit, pursuant to Article XIX of this Ordinance.

7.4.3. DEVELOPMENT STANDARDS.

A. Height Regulations:

A building shall be no higher than sixty (60) feet or four (4) stories, whichever is higher, except when a use permit to exceed the maximum height is approved.

B. Minimum Front Yard:

Forty (40) feet from right-of-way

C. Minimum Side Yard:

Twenty (20) feet adjacent to interior side lot line
Forty (40) feet adjacent to street

D. Minimum Rear Yard:

Twenty (20) feet

E. Minimum Width:

None

F. Minimum Lot Frontage:

Thirty-five (35) feet adjoining a street

G. Minimum Heated Floor Area:

Three (3) bedroom apartments – Seven hundred (700) square feet
Two (2) bedroom apartments – Six hundred (600) square feet
One (1) bedroom apartments – Five hundred (500) square feet
Efficiency or studio apartments – Four hundred (400) square feet

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 seventy (70) percent of the total land area.

J. Minimum Building Separation:

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

K. Outdoor Recreation:

Outdoor area consisting of not less than ten (10) 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.

A. Development Regulations, Chapter 103, Code

B. Exceptions, Section 4.3., Zoning Ordinance

C. Floodplain Management, Chapter 109, Article II, Code

D. Off Street Parking and Loading, Article XVIII, Zoning Ordinance

E. Outside Storage, Section 4.2., Zoning Ordinance

F. Tree Conservation Ordinance, Administrative Standards and Best Management Practices, Section 4.23., Zoning Ordinance

G. River Protection, Metropolitan River Protection Act

H. Signs, Article XXXIII, Zoning Ordinance

ARTICLE VIII

SECTION 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. A building or land may be used for the following purposes:

1. Single family dwelling unit
2. Two (2) family dwelling units
3. Rooming house and boarding house
4. Art gallery
5. Assembly hall
6. Church, temple or other place of worship
7. Clinics
8. Community center building
9. Nursing home/hospice
10. Dancing school
11. Day care facility
12. Financial establishment/institution
13. Funeral home
14. Group residence/shelter
15. Gymnasium
16. Health club/spa
17. Hospital
18. Hotel/motel
19. Institution of higher learning, business college, music conservatory, and similar institutions
20. Library
21. Museum
22. Office
23. Parking garage/deck

24. Parking lot
25. Personal care home/assisted living
26. Recording studio
27. Research laboratory
28. Stadium

B. Accessory Uses. A building or land may be used for uses customarily incidental to any permitted use and the principal dwelling unit may be used for a home occupation. No more than twenty-five percent (25%) 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 building with no outdoor advertising; provided, however, 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 commercial 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, stenographic 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 one hundred thousand (100,000) square feet. Fast food restaurants shall be limited to no more than ten percent (10%) of the total floor area devoted to retail and service commercial uses, and shall not occupy more than ten percent (10%) of any floor in a building. A drug store is accessory, provided only drugs, prescription medicines, medicinal supplies and pharmaceutical products shall be sold.

C. Additional Uses. Additional uses may be allowed by administrative or use permit, pursuant to Article XIX of this Ordinance.

8.1.3. DEVELOPMENT STANDARDS.

A. Height Regulations:

A building shall be no higher than sixty (60) feet or four (4) stories, whichever is higher, except when a use permit to exceed the maximum height is approved.

B. Minimum Front Yard:

Forty (40) feet

C. Minimum Side Yard:

Twenty (20) feet adjacent to interior lot line
Forty (40) feet adjacent to street

D. Minimum Rear Yard:

Twenty-five (25) feet

E. Minimum Lot Area Per Dwelling:

Single family dwelling unit – Eighteen thousand (18,000) square feet
Two (2) family dwelling units – Eighteen thousand (18,000) square feet

F. Minimum Lot Width:

One hundred (100) feet for residential use only

G. Minimum Lot Frontage:

One hundred (100) feet adjoining a street
Thirty-five (35) feet adjoining a street for residential use

H. Minimum Heated Floor Area:

Single family dwelling unit - One thousand one hundred (1,100) square feet
Two (2) family dwelling units – Eight hundred (800) square feet

I. Minimum Accessory Structure Requirements:

Single family and two (2) 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 seventy percent (70%) of the total land area.

8.1.4. OTHER REGULATIONS. The headings below contain provisions applicable to the O-I district:

A. Development Regulations, Chapter 103, Code

B. Exceptions, Section 4.3., Zoning Ordinance

C. Floodplain Management, Chapter 109, Article II, Code

D. Off Street Parking and Loading, Article XVIII, Zoning Ordinance

E. Outside Storage, Section 4.2., Zoning Ordinance

F. Tree Conservation Ordinance, Administrative Standards and Best Management Practices, Section 4.23., Zoning Ordinance

G. River Protection, Metropolitan River Protection Act

H. Signs, Article XXXIII, Zoning Ordinance

ARTICLE VIII

SECTION 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 that is 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:

1. A residential component of single family dwellings, duplexes, townhouses, multifamily dwellings or any combination thereof along with at least two (2) of the following for a multi-structure development: retail, service commercial, office or institutional uses; or

2. For a single-structure development, retail, service commercial, office, and/or institutional uses on the ground-level of the building and any other use permitted in subsection A below on the upper levels of the building.

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 dwelling unit
2. Two (2) family dwelling units
3. Townhouse dwelling units
4. Multifamily dwelling units
5. Rooming house and boarding house
6. Art gallery
7. Assembly hall
8. Car wash, detail shop and/or service stations located inside a parking garage as long as such uses are not visible from the exterior of the parking garage
9. Church, temple or other place of worship
10. Clinics
11. Community center building

12. Nursing home/hospice
13. Dancing school
14. Day care facility
15. Financial establishment/institution
16. Funeral home
17. Group residence/shelter
18. Gymnasium
19. Health club/spa
20. Hospital
21. Hotel/motel
22. Institution of higher learning, business college, music conservatory, and similar institutions
23. Library
24. Museum
25. Office
26. Parking garage/deck
27. Parking lot
28. Personal care home/assisted living
29. Recording studio
30. Research laboratory
31. Retail and/or commercial service establishment
32. Restaurant and/or fast food restaurant
33. Stadium
28. Theater

B. Accessory Uses. Structures and land may be used for uses customarily incidental to any permitted use and the principal dwelling unit may be used for a home occupation. No more than twenty-five percent (25%) of the total floor area of a building may be devoted to storage.

C. Additional Uses. Additional uses may be allowed by administrative or use permit, pursuant to Article XIX of this Ordinance.

8.2.3. DEVELOPMENT STANDARDS.

A. Height Regulations:

A building shall be no higher than sixty (60) feet except when a use permit to exceed the maximum height is approved.

B. Minimum Front Yard:

As specified in zoning conditions

C. Minimum Side Yard:

As specified in zoning conditions

D. Minimum Rear Yard:

As specified in zoning conditions

E. Minimum Development Frontage:

Thirty-five (35) feet

F. Minimum Internal Setbacks, Separations, Landscaping and Buffering Between Uses:

As specified in zoning conditions

G. Minimum Lot Area:

1. Single family or duplex dwelling unit - As specified in zoning conditions
2. All other uses – Parcels in living-working corridors shall have a minimum parcel size of ten (10) acres.

H. Minimum Lot Frontage for Single Family or Duplex Dwelling Units:

Twenty (20) feet adjoining a street

I. Minimum Lot Width for Single Family or Duplex Dwelling Units:

None, unless specified in zoning conditions

J. Minimum Interior Setbacks for Single Family or Duplex Dwelling Units:

1. Minimum front yard – As specified in zoning conditions
2. Minimum side yard – As specified in zoning conditions
3. Minimum rear yard – As specified in zoning conditions

K. Minimum Building Separations:

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

L. Minimum Heated Floor Area Per Dwelling Unit:

As specified in zoning conditions.

M. Minimum Accessory Structure Requirements:

Single family, duplex and townhouse 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.

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, off-street parking, as required by Article XVIII of this Ordinance, 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:

A. Development Regulations, Chapter 103, Code

B. Exceptions, Section 4.3., Zoning Ordinance

C. Floodplain Management, Chapter 109, Article II, Code

D. Off Street Parking and Loading, Article XVIII, Zoning Ordinance

E. Outside Storage, Section 4.2., Zoning Ordinance

F. Tree Conservation Ordinance, Administrative Standards and Best Management Practices, Section 4.23., Zoning Ordinance

G. River Protection, Metropolitan River Protection Act

H. Signs, Article XXXIII, Zoning Ordinance

ARTICLE IX

SECTION 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 complement a transition into a more intense activity area. Complementary non-commercial 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 a permitted use in this section or as a use allowed by administrative permit or use permit shall be prohibited.

A. Permitted Uses. A building or land may be used for the following purposes:

1. Amusement, indoor
2. Apartment, above or behind commercial and office uses in the same building
3. Art gallery
4. Assembly hall
5. Automotive parking lot
6. Automotive specialty shop
7. Catering, carry-out and delivery business
8. Church, temple or other place of worship
9. Clinic
10. Day care facility
11. Delicatessen
12. Financial establishment/institution
13. Funeral home
14. Garage, automobile repair (except painting, body repair and overhaul of major components)
15. Group residence
16. Gymnasium
17. Hospice
18. Hotel/motel
19. Health club/spa
20. Laundromat
21. Landscaping business, garden center

22. Laundry and dry cleaning shop
23. Lawn service business
24. Library
25. Communication service
26. Millinery or similar trade whenever products are sold retail, exclusively on the site where produced
27. Museum
28. Nursing home
29. Office
30. Parking garage\deck
31. Parking lot
32. Personal care home/assisted living
33. Personal service, including barber, beauty
34. Pet grooming (no overnight stay)
35. Photography studio
36. Plant nursery
37. Printing shop, convenience
38. Recycling center, collecting
39. Repair shop not involving any manufacturing on the site
40. Research laboratory
41. Restaurants
42. Retail store or shop
43. School of business, dance, music or similar schools
44. Service station (except that repair and service offerings shall not include painting, body repair or overhaul of major components, and no portion of the site shall be used for the display of cars for sale)
45. Stadium
46. Theater

B. Accessory Uses. A building or land may be used for uses customarily incidental to any permitted use and the principal dwelling unit may be used for a home occupation. Automobile and/or moving truck rental may be used accessory to a permitted use. Not more than forty-five percent (45%) of the floor area of a building or land may be devoted to storage incidental to a primary use.

C. Additional Uses. Additional uses may be allowed by administrative or use permit, pursuant to Article XIX of this Ordinance.

9.1.3. DEVELOPMENT STANDARDS.

A. Height Regulations:

A building shall be no higher than sixty (60) feet or four (4) stories, whichever is higher, except when a permit to exceed the maximum height is approved.

B. Minimum Front Yard:

Forty (40) feet

C. Minimum Side Yard:

Twenty-five (25) feet for dwelling units adjacent to interior lot line

None for all other buildings

Forty (40) feet for all buildings adjacent to street

D. Minimum Rear Yard:

Twenty-five (25) feet for dwelling units adjacent to interior lot lines

None for all other buildings

E. Minimum Lot Area:

Multifamily dwelling units, including a unit above or behind a commercial use – Two thousand (2,000) square feet

Single family dwelling unit – Eighteen thousand (18,000) square feet

Two (2) family dwelling units – Eighteen thousand (18,000) square feet

All other buildings – No minimum

F. Minimum Heated Floor Area Per Unit:

Single family dwelling unit - One thousand one hundred (1,100) square feet

Two (2) family dwelling unit – Eight hundred (800) square feet

Multifamily dwelling unit – Seven hundred (700) square feet

Efficiency dwelling unit – Four hundred fifty (450) square feet

G. Minimum Lot Frontage:

Thirty-five (35) feet adjoining a street

H. Minimum Accessory Structure Requirements:

Single family and two (2) 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:

A. Development Regulations, Chapter 103, Code

B. Exceptions, Section 4.3., Zoning Ordinance

C. Floodplain Management, Chapter 109, Article II, Code

D. Off Street Parking and Loading, Article XVIII, Zoning Ordinance

E. Outside Storage, Section 4.2., Zoning Ordinance

F. Tree Conservation Ordinance, Administrative Standards and Best Management Practices, Section 4.23., Zoning Ordinance

G. River Protection, Metropolitan River Protection Act

H. Signs, Article XXXIII, Zoning Ordinance

ARTICLE IX

SECTION 9.2

C-2 COMMERCIAL 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 complement a transition into a more intense activity area. Complementary non-commercial 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 a permitted use in this section or as a use allowed by administrative permit or use permit shall be prohibited.

A. Permitted Uses. A building or land may be used for the following purposes:

1. Any use permitted in the C-1 district
2. Automotive garage
3. Automotive repair garage
4. Automobile and light truck sales\leasing
5. Batting cage, outdoor
6. Bowling alley
7. Car Wash
8. Check cashing establishment
9. Drive-in theater
10. Garage, automobile repair
11. Landscaping business
12. Lawn service business
13. Laundry and/or dry cleaning plant distribution center (not including processing, fabrication or manufacturing)
14. Pawn shop
15. Plant nursery
16. Plumbing shop associated with retail sales
17. Radio and television stations
18. Service establishments
19. Skating rink
20. Tinsmithing shop associated with retail sales

B. Accessory Uses. A building or land may be used for uses customarily incidental to any permitted use and the principal dwelling unit may be used for a home occupation.

C. Additional Uses. Additional uses may be allowed by administrative or use permit, pursuant to Article XIX of this Ordinance.

9.2.3. DEVELOPMENT STANDARDS.

A. Height Regulations:

A building shall be no higher than sixty (60) feet or four (4) stories, whichever is higher, except when a permit to exceed the maximum height is approved.

B. Minimum Front Yard:

Forty (40) feet

C. Minimum Side Yard:

Twenty-five (25) feet for dwelling units adjacent to interior lot line

None for all other buildings

Forty (40) feet for all buildings adjacent to street

D. Minimum Rear Yard:

Twenty-five (25) feet for dwelling units adjacent to interior lot lines

None for all other buildings

E. Minimum Lot Area:

Multifamily dwelling units, including a unit above or behind a commercial use – Two thousand five hundred (2,500) square feet

Single family dwelling unit – Eighteen thousand (18,000) square feet

Two (2) family dwelling units – Eighteen thousand (18,000) square feet

All other buildings – No minimum

F. Minimum Heated Floor Area Per Unit:

Single family dwelling unit - One thousand one hundred (1,100) square feet

Two (2) family dwelling unit – Eight hundred (800) square feet

Multifamily dwelling unit – Seven hundred (700) square feet

Efficiency dwelling unit – Four hundred fifty (450) square feet

G. Minimum Lot Frontage:

Thirty-five (35) feet adjoining a street

H. Minimum Accessory Structure Requirements:

Single family and two (2) 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.

A. Development Regulations, Chapter 103, Code

B. Exceptions, Section 4.3., Zoning Ordinance

C. Floodplain Management, Chapter 109, Article II, Code

D. Off Street Parking and Loading, Article XVIII, Zoning Ordinance

E. Outside Storage, Section 4.2., Zoning Ordinance

F. Tree Conservation Ordinance, Administrative Standards and Best Management Practices, Section 4.23., Zoning Ordinance

G. River Protection, Metropolitan River Protection Act

H. Signs, Article XXXIII, Zoning Ordinance

ARTICLE X

SECTION 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 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. Prohibited Uses. A building or land may be used for manufacturing, processing, warehousing, research, office and similar uses except as enumerated below or in Article XIX of this Ordinance.

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, fertilizer, 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, or yeast
6. Mineral extraction
7. Slaughter house
8. Smelting
9. Stockyard
10. Storage of explosives or 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

B. Accessory Uses. A building or land may be used for uses customarily incidental to any permitted use.

D. Additional Uses. Additional uses may be allowed by administrative or use permit, pursuant to Article XIX of this Ordinance.

10.1.3. DEVELOPMENT STANDARDS.

A. Height Regulations:

A building shall be no higher than sixty (60) feet or four (4) stories, whichever is higher, except when a permit to exceed the maximum height is approved.

B. Minimum Front Yard:

Thirty (30) feet

C. Minimum Side Yard:

None

D. Minimum Rear Yard:

None

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:

Thirty-five (35) feet adjoining a street

H. Maximum Lot Coverage:

The area of the footprint of all buildings shall not exceed seventy percent (70%) of the total land area.

10.1.4. EXTERIOR BUILDING WALLS.

No wood siding shall be permitted. Exposed exterior walls visible from a street siding shall be composed of the following maximum and minimum percentages of materials if each classification. The percentages apply to the siding on each exposed exterior wall of each building.

	Maximum	Minimum
Type A – Materials	100%	40%
Type B – Materials	60%	0%
Type C – Materials	25%	0%
Type D – Materials	10%	0%

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 and the Director of Public Works for classification.

2. Buildings having walls over twenty-five (25) feet high may be given special material percentages by the Director 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 the City.

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:

A. Development Regulations, Chapter 103, Code

B. Exceptions, Section 4.3., Zoning Ordinance

C. Floodplain Management, Chapter 109, Article II, Code

D. Off Street Parking and Loading, Article XVIII, Zoning Ordinance

E. Outside Storage, Section 4.2., Zoning Ordinance

F. Tree Conservation Ordinance, Administrative Standards and Best Management Practices, Section 4.23., Zoning Ordinance

G. River Protection, Metropolitan River Protection Act

H. Signs, Article XXXIII, Zoning Ordinance

10.1.7. ENVIRONMENTAL IMPACT REPORT. In accordance with Section 28.4.3.2 of this Ordinance, submit an Environmental Impact Report as required.

ARTICLE X

SECTION 10.2

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 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. Prohibited Uses. A building or land may be used for manufacturing, processing, warehousing, distribution, research, office and similar uses except as enumerated below or in Article XIX.

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, linoleum, oil, oilcloth, mineral dye, paint, paper, paper pulp, patent leather, petroleum products, plaster of paris, pottery, shellac, terra cotta, tile, turpentine, varnish, or yeast
8. Mineral extraction
9. Ore reduction
10. Rolling mill
11. Slaughter house
12. Smelting
13. Stockyard
14. Storage of explosives or animal hides
15. Tanning
16. Tar distillation
17. Truck terminal
18. Landfill, solid waste disposal

B. Accessory Uses. A building or land may be used for uses customarily incidental to any permitted use.

C. Additional Uses. Additional uses may be allowed by administrative or use permit, pursuant to Article XIX of this Ordinance.

10.2.3. DEVELOPMENT STANDARDS.

A. Height Regulations:

Whenever a use or building permitted in the M-1 district adjoins a dwelling district, the building shall be set back at least twelve (12) additional feet for each foot of height in excess of fifty (50) feet.

Otherwise, a building shall be no higher than one hundred (100) feet or eight (8) stories, whichever is higher, except when a permit to exceed the maximum height is approved.

B. Minimum Front Yard:

Forty (40) feet

C. Minimum Side Yard:

None

D. Minimum Rear Yard:

None

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:

Thirty-five (35) feet adjoining a street

10.2.4. OTHER REGULATIONS. The headings below contain provisions applicable to the M-1 district.

A. Development Regulations, Chapter 103, Code

B. Exceptions, Section 4.3., Zoning Ordinance

C. Floodplain Management, Chapter 109, Article II, Code

D. Off Street Parking and Loading, Article XVIII, Zoning Ordinance

E. Outside Storage, Section 4.2., Zoning Ordinance

F. Tree Conservation Ordinance, Administrative Standards and Best Management Practices, Section 4.23., Zoning Ordinance

G. River Protection, Metropolitan River Protection Act

H. Signs, Article XXXIII, Zoning Ordinance

10.2.5. ENVIRONMENTAL IMPACT REPORT. In accordance with Section 28.4.3.2 of this Ordinance, submit an Environmental Impact Report as required.

ARTICLE X

SECTION 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 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. Prohibited Uses. A building or land may be used for manufacturing, processing, warehousing, distribution, research, office and similar uses except as enumerated below or in Article XIX.

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, or plaster of paris
8. Slaughter house
9. Smelting
10. Stockyard

B. Accessory Uses. A building or land may be used for uses customarily incidental to any permitted use.

C. Additional Uses. Additional uses may be allowed by administrative or use permit, pursuant to Article XIX of this Ordinance.

10.3.3. DEVELOPMENT STANDARDS.

A. Height Regulations:

Whenever a use or building permitted in the M-2 district adjoins a dwelling district, the building shall be set back at least twelve (12) additional feet for each foot of height in excess of fifty (50) feet.

Otherwise, a building shall be no higher than one hundred (100) feet or eight (8) stories, whichever is higher, except when a permit to exceed the maximum height is approved.

B. Minimum Front Yard:

Forty (40) feet

C. Minimum Side Yard:

None

D. Minimum Rear Yard:

None

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:

Thirty-five (35) feet adjoining a street

10.3.4. OTHER REGULATIONS. The headings below contain provisions applicable to uses allowed in the M-2 district:

A. Development Regulations, Chapter 103, Code

B. Exceptions, Section 4.3., Zoning Ordinance

C. Floodplain Management, Chapter 109, Article II, Code

D. Off Street Parking and Loading, Article XVIII, Zoning Ordinance

E. Outside Storage, Section 4.2., Zoning Ordinance

F. Tree Conservation Ordinance, Administrative Standards and Best Management Practices, Section 4.23., Zoning Ordinance

G. River Protection, Metropolitan River Protection Act

H. Signs, Article XXXIII, Zoning Ordinance

10.3.5. ENVIRONMENTAL IMPACT REPORT. In accordance with Section 28.4.3.2 of this Ordinance, submit an Environmental Impact Report as required.

ARTICLE XI

SECTION 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. A building or land may be used for the following purposes:

1. Single family dwelling unit
2. Two (2) family dwelling unit
3. Multifamily dwelling unit
4. Day care facility located in a multifamily or community building, or place of worship
5. Golf, country club, pool and recreation court
6. Community facility
7. Place of worship

B. Accessory Uses. A building or land may be used for uses customarily incidental to any permitted use and the principal dwelling unit 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 commercial 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 commercial 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.

C. Additional Uses. Additional uses may be allowed by administrative or use permit, pursuant to Article XIX of this Ordinance.

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. A site plan shall become the development plan if the request to rezone is approved without changes or additions. If the approval by the City Council 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 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 dwelling unit or accessory structure shall exceed forty (40) feet in height. The height of all other structures is as approved per the zoning conditions

B. Minimum Land Area Per Unit:

As specified in zoning conditions

C. Minimum Lot Area Per Unit:

As specified in zoning conditions

D. Minimum CUP Size:
Ten (10) contiguous acres

E. Maximum Density:

Multifamily – Nine (9) units per gross acre
Single family – Five (5) units per gross acre

F. Minimum Lot Width:

None, unless specified in zoning conditions

G. Minimum CUP Development Frontage:

Thirty-five (35) feet

H. Minimum Lot Frontage:

Twenty (20) feet adjoining a street

I. Minimum Heated Floor Area Per Unit:

As specified in zoning conditions

J. Minimum Perimeter Setback – Entire CUP Development:

As specified in zoning conditions

K. Minimum Interior Setbacks – Single Family Lots:

1. Minimum Front Yard – As specified in zoning conditions

2. Minimum Side Yard – As specified in zoning conditions

3. Minimum Rear Yard – As specified in zoning conditions

L. Minimum Accessory Structure Requirements:

Single family and two (2) 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 (1) Dwelling Unit Per Lot:

All building separations shall be as specified by the International Building Code

N. Other Minimum Standards:

1. Setbacks and roof lines shall be varied by at least two (2) feet so that no more than three (3) 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 five hundred fifty (550) square feet per unit shall be provided for recreation in all developments of twenty (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 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.

6. Multifamily units shall not exceed twenty-five percent (25%) 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:

A. Development Regulations, Chapter 103, Code

B. Exceptions, Section 4.3., Zoning Ordinance

C. Floodplain Management, Chapter 109, Article II, Code

D. Off Street Parking and Loading, Article XVIII, Zoning Ordinance

E. Outside Storage, Section 4.2., Zoning Ordinance

F. Tree Conservation Ordinance, Administrative Standards and Best Management Practices, Section 4.23., Zoning Ordinance

G. River Protection, Metropolitan River Protection Act

H. Signs, Article XXXIII, Zoning Ordinance

ARTICLE XI

SECTION 11.2

NUP NEIGHBORHOOD UNIT PLAN DISTRICT

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 (5) or fewer units per acre consistent with the densities ranges suggested on the Comprehensive Plan Land Use Map.

The NUP district is intended to:

A. 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.

B. Encourage the preservation of trees and vegetation.

C. Encourage innovative site planning.

Land proposed for a NUP shall comply with the following standards:

A. Provide a density that is consistent with the Comprehensive 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 unit
2. Recreational facilities associated with single family development

B. Accessory Uses. A building or land may be used for uses customarily incidental to any permitted use and the principal dwelling unit may be used for a home occupation.

C. Additional Uses. Additional uses may be allowed by administrative or use permit, pursuant to Article XIX of this Ordinance.

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. A site plan shall become the development plan if the request to rezone is approved without changes or additions. If the approval by the City Council 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 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 single family residential dwelling unit or accessory structure shall exceed forty (40) feet in height. The height of all other structures is as approved per the zoning conditions

B. Minimum Lot Area Per Unit:

Four thousand (4,000) square feet

C. CUP Size:

Minimum four (4) contiguous acres
Maximum twelve (12) contiguous acres

D. Maximum Density:

Five (5) units per gross acre

E. Minimum Lot Width:

None, unless specified in zoning conditions

F. Minimum Development Frontage:

Thirty-five (35) feet

G. Minimum Lot Frontage:

Twenty (20) feet adjoining a street

H. Minimum Heated Floor Area Per Unit:

One thousand (1000) square feet detached

I. Minimum Perimeter Setback – Entire NUP Development:

When adjacent to single family or AG-1 zoned property, a forty (40) foot setback shall be provided around the periphery of the development, including access drives serving more than one (1) lot, principal and accessory structures and swimming pools. Other yard improvements and access/utility crossings are permitted.

J. Minimum Interior Setbacks – Single Family Lots:

1. Minimum Front Yard – As specified in zoning conditions

2. Minimum Side Yard – As specified in zoning conditions

3. Minimum Rear Yard – As specified in zoning conditions

K. 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 (0) and seven (7) feet with an encroachment and maintenance easement allowing a minimum of seven (7) feet of access to the garage.

L. Minimum Interior Building Separations:

To place a building along an interior side lot line at between zero (0) and seven (7) feet shall require an encroachment and maintenance easement allowing a minimum of seven (7) feet of access to such building. A minimum building separation of fourteen (14) feet shall be maintained.

11.2.5. OTHER REGULATIONS. The headings below contain some additional, but not all, provisions applicable to the NUP district:

A. Development Regulations, Chapter 103, Code

B. Exceptions, Section 4.3., Zoning Ordinance

C. Floodplain Management, Chapter 109, Article II, Code

D. Off Street Parking and Loading, Article XVIII, Zoning Ordinance

E. Outside Storage, Section 4.2., Zoning Ordinance

F. Tree Conservation Ordinance, Administrative Standards and Best Management Practices, Section 4.23., Zoning Ordinance

G. River Protection, Metropolitan River Protection Act

H. Signs, Article XXXIII, Zoning Ordinance

ARTICLE XI

SECTION 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.

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 (2) 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. A building or land may be used for the following purposes:

1. Mobile homes and modular homes

2. Grocery store with a maximum of two thousand five hundred (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 building or land may be used for uses customarily incidental to any permitted use and the principal dwelling unit 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.

C. Additional Uses. Additional uses may be allowed by administrative or use permit, pursuant to Article XIX of this Ordinance.

11.3.3. APPLICATION. In addition to the required submittal routinely required by the Director, applications for rezoning to MHP shall 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.

11.3.4. 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. A site plan shall become the development plan if the request to rezone is approved without changes or additions. If the approval by the City Council 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 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.

11.3.5. DEVELOPMENT STANDARDS.

A. Height Regulations:

A building shall be no higher than thirty-five (35) feet or two and one-half (2½) stories, whichever is higher, except when a permit to exceed the maximum height is approved

B. Minimum Land Area:

Twenty (20) contiguous acres

C. Minimum MHP Width:

Not less than four hundred (400) feet throughout

D. Minimum Site Area Per Unit:

Four thousand (4,000) square feet

E. Minimum Frontage - Entire MHP Development:

Two hundred (200) feet on an arterial or a road within six hundred (600) feet of an arterial

F. Minimum Perimeter Buffers - Entire MHP:

Road frontage – One hundred (100) feet
All other – Fifty (50) feet

G. Maximum Density:

5.5 units per gross acre plus additional density for features below:

	Feature	Additional Density
1.	Day care center	.2 units per acre
2.	Supervised recreation	.2 units per acre
3.	Neighborhood center	.2 units per acre
4.	Unit carports or garages	.2 units per acre

11.3.6. 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:

Forty-four (44) feet

B. Minimum Size:

Four thousand (4,000) square feet

C. Minimum All Weather Patio:

Three hundred (300) square feet

D. Minimum Enclosed Storage:

One hundred twenty-five (125) cubic feet

E. Minimum Interior Street Setback:

Fifteen (15) feet from pavement

F. Minimum Unit Separation:

Twenty (20) feet

11.3.7. MINIMUM IMPROVEMENTS REQUIRED

A. Access, Streets, Drainage and Walks. Each mobile home park shall have a minimum of two (2) primary access streets which shall be paved to a minimum width of thirty (30) feet. Other streets within a mobile home park shall be paved to a minimum width of twenty-four (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 City's 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 fifty (50) gallons.

G. Common Refuse Collection Facilities. Dumpsters or similar devices shall be provided for every thirty (30) units or fraction thereof in excess of fifteen (15). Such central collection facilities shall be screened from view and shall not be located more than four hundred (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 (1) standard-size washing machine and dryer for each twenty-five (25) units or fraction in excess of eleven (11) units. Laundry facilities shall be located not more than eight hundred (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.

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.

M. Recreation Facilities. At a minimum, ten percent (10%) 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.

11.3.8. OTHER MINIMUM STANDARDS

A. Within thirty (30) days of being located in a mobile home park, the undercarriage shall be screened from view.

B. At least four hundred (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.

11.3.9. MHP DISTRICT SUBDIVISION. Individually divided lots are not allowed in the MHP district. All other divisions shall comply with the Subdivision Regulations of the City.

11.3.10. OTHER REGULATIONS. The headings below contain some additional, but not necessarily all, provisions applicable to the MHP District.

A. Development Regulations, Chapter 103, Code

B. Exceptions, Section 4.3., Zoning Ordinance

C. Floodplain Management, Chapter 109, Article II, Code

D. Off Street Parking and Loading, Article XVIII, Zoning Ordinance

E. Outside Storage, Section 4.2., Zoning Ordinance

F. Tree Conservation Ordinance, Administrative Standards and Best Management Practices, Section 4.23., Zoning Ordinance

G. River Protection, Metropolitan River Protection Act

H. Signs, Article XXXIII, Zoning Ordinance

ADOPTED BY MAYOR AND CITY COUNCIL, DECEMBER 27, 2005
WITH SUBSEQUENT AMENDMENTS

ARTICLE XII

SECTION 12A

OVERLAY DISTRICT AUTHORITY

12A.1.1. DECLARATION OF PURPOSE, SCOPE, INTENT AND PUBLIC POLICY. The Sandy Springs City Council finds that as a matter of public policy that the aesthetic, economic and functional qualities of the City 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 Sandy Springs. 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 judgment in the public interest by a public body of proposed new development or redevelopment is desirable. Accordingly, the public policy objectives of this Ordinance 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.2.1. DEFINITIONS.

Words not defined herein shall be construed to have the meaning given in Article III of The Zoning Ordinance of Sandy Springs, or, by Webster's Ninth New Collegiate Dictionary. The words "shall" and "must" are mandatory, and the words "may" and "should" are permissive. As used in this Ordinance, 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. A COE is not required for

the erection, alteration, restoration, addition, removal, or relocation of a sign.

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 (7) members appointed to consider applications within a specific overlay district.

Designation or Designated. A decision by the City Council 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 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 Sandy Springs land disturbance permit or building permit shall obtain a

Certificate of Endorsement (COE) for applicable properties. However, a COE is not required for land disturbance or building permits if the subject development was previously reviewed by the DRB in conjunction with a land use petition and the permit request is consistent with the land use petition as approved by the City. Subject to the determination of the Community Development Director, a COE may be required if the plans associated with the land disturbance or building permit are found to be inconsistent with the approved land use petition. A COE is not required for the issuance of a Sandy Springs sign permit.

12A.3.2. GUIDELINES AND CRITERIA FOR CERTIFICATES OF ENDORSEMENT. Issuance of Certificates of Endorsement (COE) shall be based on the criteria of the Sandy Springs Zoning Ordinance 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 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 Board of Appeals may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this Article.

12A.3.7. APPEALS. Appeals are to the Board of Appeals. Any appeal of a decision of the Board of Appeals is to Fulton County Superior Court in accordance with Article

XX.

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, and 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 Ordinance. Designation of a zoning overlay district and shall be shown as such on the Official Zoning Maps of Sandy Springs, 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 the Department 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 Ordinance shall be construed to exempt property and business owners from complying with other existing County regulations whenever this Article does not apply. This resolution is an amendment to the Zoning Ordinance and all other provisions of the Zoning Ordinance shall remain in effect unless provisions in the overlay district conflict with other provisions of the Zoning Ordinance, 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 Ordinance.

12A.5.2. ENFORCEMENT. This Article shall be governed by Section 26.3 of this Ordinance.

12A.5.3. PENALTY. Violation of this Ordinance shall be punished as provided for by Section 21-1-8 of the Sandy Springs Code [section 1-8 of the City of Sandy Springs Code or Ordinances].

12A.5.4. SEVERABILITY. In the event that any section, subsection, sentence, clause or phrase of this Ordinance 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 Ordinance, or other ordinances, resolutions or regulations, the provisions of this Article shall govern or prevail to the extent of the conflict.

12A.5.6. INTERPRETATION. This Article shall be governed by Section 26.1 of this Ordinance.

ADOPTED BY MAYOR AND CITY COUNCIL, DECEMBER 27, 2005
WITH SUBSEQUENT AMENDMENTS

ARTICLE XII-B

Sandy Springs Overlay District

12B.1. PURPOSE AND INTENT. The purpose and intent of this Article is to establish a uniform procedure for review and approval of projects; to protect, enhance, preserve or reuse places, sites, buildings, structures, objects, streets, signs, street furniture, sidewalks, neighborhoods, and landscape features; provide for aesthetic, economic, and functional value of properties, neighborhoods and structures; and address issues of traffic, traffic operations and congestion, transit, bicycle and pedestrian access and safety, aesthetics of the built environment, business viability, neighborhood preservation and public safety in the Sandy Springs Zoning Overlay District (herein referred to as the SS District).

The scope of this Article includes standards for sidewalks; pedestrian and site lighting; street trees; site development; design, materials, location and orientation of buildings and accessory structures; landscaping; and screening materials. These standards are necessary to implement the goals contained in the Sandy Springs Revitalization Plan, Sandy Springs Framework Plan, and Livable Community Initiative Study as conducted by Fulton County. Such goals include, but are not limited to, implementing an integrated transportation and land use plan; creating a town center; applying design guidelines; improving traffic and the pedestrian environment, aesthetics of the built environment, and business viability; preserving neighborhoods and promoting public safety. The Sandy Springs Overlay District standards apply to all properties. Land and structures shall be used in accordance with standards of the underlying zoning classification. If the provisions of this Article conflict with other articles in this Ordinance or other Sandy Springs ordinances, resolutions or regulations the provisions of this Article shall prevail. When this article is silent regarding a particular standard, the applicable Sandy Springs code shall be followed.

Nothing in this article shall be construed as requiring conformance of existing sites, structures or other improvements within the Sandy Springs Overlay District to this Article upon adoption hereof. See 12.B.2, below, for criteria.

12B.2. REVIEW PROCESS (amended 01/20/09, RZ08-033, Ord. 2009-01-03).

12B.2. A. Applications for improvements to developed sites and/or existing structures shall meet the standards contained in this Article for installation of sidewalks, pedestrian lighting, and street trees, when the proposed interior and/or

exterior renovation of a building and/or site re-development improvements have a declared value equal to or greater than 40% of the property's most recent tax appraisal[1].

1. Estimated costs of, including but not limited to, demolition, construction, installation, and fabrication, including labor and materials, for both interior and exterior improvements, shall be submitted at the time a building and/or land disturbance permit application is filed.

2. The declared value of improvements under multiple permits shall be cumulative and shall include the value of improvements under permits issued for the previous seven (7) years, from the date the most recent application is filed.

12B.2. B. All land disturbance permit applications for new construction shall meet the standards contained in Article 12B.

12B.2. C. All building permit applications for new buildings shall meet the standards contained in Article 12B.

12B.2. D. Applications for sign permits shall conform to Articles 33.

12B.2. E. Where two or more properties, lots or parcels are located within the same block or have frontage on the same side of the street between two intersecting streets, and are under common zoning or ownership and are being developed or re-developed as a single development operation or a series of coordinated development operations, these properties shall be considered as a single property for purposes of this article.

12B.2. F. When a portion of any parcel, lot, property, or development falls within the boundary of the overlay district, the entire development shall meet these standards.

12B.2. G. All new single family subdivisions shall meet the standards of their respective Overlay District along their exterior public street frontage(s) for pedestrian lighting, sidewalks, and landscaping (including street trees) pursuant to Article 34.5.3.

12B.3. SANDY SPRINGS DESIGN REVIEW BOARD. There is hereby created an Advisory Board whose title shall be "Sandy Springs Design Review Board" (hereinafter DRB).

[1] Property appraisal, including both land and improvements, is the amount upon which taxes are determined, and the source will be the Fulton County Tax Commissioner's Office.

12B.3. A. DRB Members, number, appointment and composition

1. The Sandy Springs DRB shall be comprised of seven (7) members.

2. Members of the Sandy Springs DRB shall be appointed by the City Council and shall serve at the pleasure of the City Council. Members shall serve four-year terms.

3. In order to achieve staggered terms, initial appointments shall be: two (2) members for one (1) year; two (2) members for two (2) years; two (2) members for three (3) years; and one (1) member for four (4) years. Members shall not receive a salary for participation, although they may be eligible for reimbursement for expenses as approved by the City Council.

4. The DRB shall be composed as follows: At least four members of the DRB must own or manage real property zoned for commercial, office, institutional or multifamily use within the SS District or own a business within the SS District.

a. The remaining three members must be residents of the Sandy Springs Planning Area[2].

b. Three of the business or real property owners or managers must also be residents of the Sandy Springs Planning Area.

c. At least one member of the seven must be an architect or landscape architect licensed in the State of Georgia or a member of the American Institute of Certified Planners.

12B.3. B. Power to adopt rules, standards and by-laws

1. The DRB may adopt rules, procedures and guidelines for the transaction of its business.

2. The DRB shall provide for the time and place of regular meetings and a method for calling special meetings.

[2] The Sandy Springs Planning Area is defined as the region located within the area bounded by the Chattahoochee River to the north and west, the City of Atlanta to the south and Fulton-DeKalb and Gwinnett County to the east.

3. The DRB shall select such officers from among its members as it deems appropriate. A quorum for purposes of making official recommendations shall consist of a majority of its total membership.

12B.3. C. DRB Review for compliance with adopted development standards

1. The DRB shall review applications for sign permits, land disturbance permits, building permits, fence permits, re-zoning and use permits and concurrent variances and modifications which propose changes to standards contained in this Article. These applications shall be evaluated on the applicable standards contained in this Article.

2. The DRB may recommend that an applicant apply for variances regarding standards contained in this Article to be considered under the procedures set forth in Article 22 of this Zoning Ordinance.

3. DRB recommendations shall be forwarded to the staff of the Department of Community Development.

4. Staff of the Department of Community Development shall forward the DRB's recommendations to the Board of Appeals (for variance applications) and to the City Council (for applications for re-zoning, concurrent variances, and/or modifications to conditions).

5. The Department of Community Development shall issue, issue with modifications, or withhold a permit based on a projects conformance with the standards set out in this article, as represented by the Certificate of Endorsement (Section 12A.3.5, Sandy Springs Zoning Ordinance).

6. The DRB may review applications for sign permits to make advisory comments to the Director of the Department of Community Development regarding whether the proposed signs comport with the standards set forth in Article XXXIII of the City of Sandy Springs Zoning Ordinance. Such review shall not be binding on the Director of the Department of Community Development. Such review shall not delay or otherwise affect the time requirements set forth in Article XXXIII of the City of Sandy Springs Zoning Ordinance.

12B.3. D. Conflict of interest

The DRB shall be governed by all conflict of interest laws and provisions of the Sandy Springs Code of Ethics.

12B.3. E. DRB Meetings

1. DRB Meetings shall comply with the public notification requirements of the Georgia Open Meetings Act.

2. A public record shall be kept by the staff of the Department of Community Development of the DRB's resolutions, proceedings, findings and recommendations, and such record shall be maintained in such a place and manner as to allow public access.

12B.4. STREETSCAPE STANDARDS.

12B.4. A. Street Trees shall be (amended 10/21/08, RZ08-028, Ord. 2008-10-55):

1. Placed adjacent to the sidewalk away from the street.

2. A minimum three inch (3") caliper.

3. Planted at approximately forty feet (40') on center.

4. Selected from the species listed in Attachment.

5. Of a single species on any single property, although other required trees on property need not be of a single species.

6. Shall contribute towards the requirements of the Tree Preservation Ordinance.

12B.4. B. Sidewalks

1. Sidewalk widths may be tapered between streetscape types.

2. Sidewalk paths shall be continued across the entire length of all concrete aprons and shall be textured to match the appearance of sidewalk materials, in color, texture and design.

3. Where rights-of-way are insufficient to accommodate the required sidewalk and planted strip, the streetscape may be located outside the right-of-way, if appropriate easements are granted to Sandy Springs.

12B.4. C. Pedestrian Lighting (amended 10/21/08, RZ08-028, Ord. 2008-10-55):

1. Pedestrian lighting shall be installed when new or upgraded sidewalks are constructed.

2. Pedestrian lighting shall be spaced 90 to 100 feet apart and shall be equal distance from required street trees, in accordance with the Georgia Power Area-wide Pedestrian Lighting Plan.

3. If designed with the fixture extending at an angle from the pole, the light fixture shall overhang the sidewalk.

4. Pole shall be a maximum height of fifteen (15) feet.

5. On intra-parcel sidewalks, fixtures shall be installed to maintain a minimum lighting level on the pathway of six foot-candles and may be of any style appropriate to the architecture of the project.

6. Pedestrian lighting shall be located behind the required sidewalk.

Streetscape Standards for Each District		
Elements	Main Street District	Suburban District[3]
Strip between street and sidewalk - Material and Width	Two-foot wide Brick paver	2 Foot wide Planted Strip (groundcovers, grass)
Sidewalks	Required in all districts	
Width of Sidewalk	Nine feet	Six Feet
Pedestrian Lights - Distance Apart	90 – 100	
Pedestrian Lights –Pole Height	15 feet maximum	

[3] The Fulton County Impact Fee Ordinance permits a 10.5 foot right-of-way dedication. However, Sandy Springs is interested in pursuing a six foot planting strip and a six foot sidewalk in the Suburban District. This standard is 1.5 feet greater than the law currently permits. The County cannot require the 12 foot right-of-way but developers can donate easements for the additional 1.5 feet. Sandy Springs will investigate changing the law along the fast paced Roswell Road north of Abernathy Road to the Chattahoochee River.

Streetscape Standards for Each District		
Elements	Main Street District	Suburban District[3]
Street Trees - Distance Apart	40 feet on center	
Street Trees – caliper	3 inch minimum	
Landscape Strip	Ten Feet Wide	

12B.5. SITE DEVELOPMENT STANDARDS.

12B.5. A. Intra-parcel Walkways

1. A continuous, on-site intra-parcel walkway of at least five feet (5'-0") in width is required to connect the public sidewalk to the main entrance(s) of that property's building(s), and shall comply with the Americans with Disabilities Act (ADA), in all respects.

2. Intra-parcel walkways crossing parking lots shall be distinguished from parking lots by the use of colors, texture (use of different materials), difference in rise above the parking lot or a combination of these means, to minimize auto-pedestrian conflict.

12B.5. B. Landscape Strips and Planting Materials

1. There shall be a ten foot wide landscape strip adjacent to the edge of sidewalk.

2. Ground covers and mulch or similar materials, shall be utilized in parking lot landscape islands. Turf grass is not permitted.

12B.5. C. Accessory Structures and Screening

1. Accessory structures shall not be located in any yard adjacent to a public street.

2. Loading docks, refuse and waste removal areas, service yards, exterior work areas, mechanical equipment or other utilities if visible from a public street shall be screened from public view by one or a combination of the following elements: continuous evergreen plantings, opaque fences or other material related to the primary landscape or architectural elements on the site.

3. When plantings are used as screens, such plantings shall be evergreen. Such plantings shall count toward required minimum landscape areas rather than being in addition thereto.

4. Where walls or fences are used in lieu of planted screens, landscape materials shall be incorporated into the screening scheme whenever feasible.

5. Where a parking lot, parking structure or gas fueling bays front directly on a public street, a continuous screen of evergreen (to be equally effective all year) planting shall be provided. Said screen shall be a minimum height of two feet (2'- 0"), a maximum height of three feet (3'-0"), and minimum width of five (5) feet. Such planting shall contribute to the minimum landscape areas.

12B.5. D. Fences and Walls

The following standards apply to common fences and walls around businesses, multi-family developments, and detached and attached residential subdivisions along public street frontages. The following standards are in addition to the standards set forth in Article 4.11, of these Regulations, Fences and Walls.

1. Allowable materials include: natural and man-made stone, brick, ornamental-decorative or wrought iron or aluminum, architectural concrete, or wood.

2. Fencing made of barbed wire, razor wire, plastic, cloth or chain-link is prohibited, unless otherwise stated in Article 12B.5.E.2.

3. When the building fronts and sides are visible to a public street, any wall or fence over two feet in height from finished grade shall not be opaque and shall have a minimum opening ratio of 50% (fifty percent).

4. When the back of the building is visible to a public street, fences or walls shall be opaque.

5. Applications for fence and wall permits shall be reviewed by the DRB.

12B.5. E. Screening of Cell Towers and Associated Equipment

Cell towers shall be in accordance with Article 19, except cell towers and

associated equipment shall be screened in accordance with the following standards:

1. Cell towers and associated equipment shall not be located in a yard adjacent to a public street.

2. Chain Link Fencing shall be a dark, non-reflective material, such as black clad vinyl and shall be screened by a ten (10) foot wide landscape strip planted to buffer standards.

12B.5. F. Parking

Article 18 shall prevail, except herein as stated:

1. Electrical vehicle charging stations: A building, commercial establishment or other property which provides automobile parking facilities shall provide one (1) electrical vehicle charging station for every one hundred (100) parking spaces. If less than 100 parking spaces, one (1) electrical vehicle charging station shall be provided.

2. Bicycle Parking: A minimum of one bicycle parking space shall be provided for every 20 auto spaces.

12B.5. G. Parking Lot and Site Lighting

Site and parking lot lights shall not be sodium vapor lights (high pressure sodium). All lighting shall be the same type.

12B.5. H. Windows (added 09/18/07, RZ07-028, Ord. 2007-08-56)

Reflective and/or opaque glass is prohibited on ground floors of all buildings.

12B.6. OPEN.

12B.7. PROHIBITED USES (added 09/18/07, RZ07-028, Ord. 2007-08-56)

A. All Districts
The following uses shall be prohibited from all districts, including the Main Street District, of the Sandy Springs Overlay District:

a. All uses permitted under the M-1A, M-1, and M-2 districts.
b. Pawn Shops

c. Check Cashing Establishments
d. Self Storage/Mini
e. Self Storage/Multi

B. Main Street District

The following uses shall be prohibited from the Main Street District of the Sandy Springs Overlay District:

a. Automotive Garage
b. Automotive Repair Garage
c. Automobile & Light Truck Sales/Leasing
d. Automotive Specialty Shops
e. Batting Cage, Outdoor
f. Car Washes, Detail Shops and/or Service Stations, unless located inside a parking garage and not visible from the exterior of the parking garage.
g. Drive-in Theater
h. Funeral Homes
i. Garage, Automobile Repair
j. Landscaping Business, Garden Center
k. Lawn Service Business
l. Laundry and/or Dry Cleaning Plant Distribution Center
m. Plant Nurseries
n. Plumbing Shop
o. Repair Shops
p. Research Laboratories
q. Tinsmithing Shop

C. Suburban District

The following uses shall be prohibited from the Suburban District of the Sandy Springs Overlay District on Roswell Road, north of the intersection of Roswell Road and Dalrymple Road:

a. Automotive Garage
b. Automobile & Light Truck Sales/Leasing
c. Automotive Specialty Shops

12B.8. MAIN STREET DISTRICT STANDARDS.

12B.8. A. Parking

12B.8.A. Parking Spaces			
	Land Uses	Minimum Number	Maximum Number

12B.8.A. Parking Spaces			
	Land Uses	Minimum Number	Maximum Number
A.1.	Retail commercial	1.5 spaces/1,000 gsf	5 spaces/1,000 gsf
A.2.	Office	1.0 space/1,000 gsf	4 spaces/1,000 gsf
A.3.	Restaurant	1.5 spaces/1,000 square feet.	10 spaces/1,000 square feet.
A.4.	Multi-Family Residential	One (1) space per dwelling unit	2.25 spaces per dwelling unit
The minimum standards are available to properties which comply with the streetscape standards and have pedestrian access to the street.			

5. All parking, except residential, shall be shared.

6. Parking spaces are permitted off-site per Article 18.

7. Parking areas are not permitted between the sidewalk and the front of the building.

12B.8. B. Sight Distance

No building, sign, structure or object, tree or other landscape feature shall be installed, built, or allowed to grow which will impede visibility at street corners, driveways and/or intersections, pursuant to AASHTO standards for sight triangles.

12B.8. C. Yards Adjacent to a Public Street (as measured from the back of curb)

1. Buildings up to four floors:

   a. Minimum Yard: 12 feet;

   b. Maximum Yard: twenty-one feet (21’-0)

2. Buildings with five (5) or more floors:

   a. Minimum yard: Twenty (20'-0”) feet.

b. Maximum yard: Forty (40) foot setback above the fourth floor.

3. The required sidewalk area, including the sidewalk width located in the public right-of-way, may be calculated as part of the required landscape strip.

4. Minimum side yards:

Five feet or zero (if there are no windows along the side wall).

12B.8. D. Street Furniture and Amenity Zone

1. Clear Zone: Outside the two foot paver band, there shall be a clear zone of six feet where there shall be no permanent structures, including but not limited to, utility poles, mail boxes, newspaper vending boxes, sign structures, and benches.

2. Furniture Zone: The remaining portion of the sidewalk, outside the clear zone, may be used for the following purposes, including, but not limited to street trees, waste receptacles, bicycle racks, benches and other seating elements which do not obstruct pedestrian access or motorist visibility.

3. Building setbacks in yards adjacent to public streets may be increased to a maximum of thirty-five feet (35 feet) to accommodate outdoor space needed for plazas, dining, art, fountains, bicycle parking, gathering and seating places, gazebos or similar uses. Such improvements shall be documented on the final site plan and a certificate of endorsement issued by the Sandy Springs Design Review Board.

4. Orientation to Street:

a. Newly constructed buildings: At least one public (e.g. open to the public during normal business hours) pedestrian oriented entrance shall be located on the street side of the building. There shall be pedestrian access directly from the sidewalk to the principal building entrance.

5. Drive through windows shall be located in the rear yard.

6. Gasoline fuel dispenser structures shall be located along a side yard

and shall not be located between the building and the street.

12B.8. E. Building Heights

1. Buildings may have a maximum height consistent with the height recommendation for the applicable Node that a parcel is located in as referenced in the Comprehensive Plan and as shown on the Future Land Use Map, except that for buildings proposed to exceed a height of six (6) floors or 90 feet a Use Permit shall be required consistent with Article 19, Administrative Permits and Use Permits, of this Zoning Ordinance.

2. The minimum height of buildings with less than 5,000 square feet is two floors or 25 feet, whichever is less.

12B.8. F. Building Design Guidelines

1. Parcels identified on the Comprehensive Plan Future Land Use Map within the area designated as Node 8, Town Center (being bounded by Cromwell Road to the north, Cliftwood Drive and Carpenter Drive to the south, Boylston Drive to the east, and Sandy Springs Circle to the west) shall have a maximum gross floor area of 30,000 square feet per retail tenant. Variances to this section shall be prohibited, except that renovation of existing tenant spaces shall be permitted through administrative approval by the Director of Community Development so long as the renovation does not increase the gross square footage of the tenant space.

2. New, remodeled and rehabilitated buildings, parking decks, and other structures shall employ street level design elements that relate to a pedestrian scale through the following means:

   a. Building floors shall be delineated from the sidewalk level to the third floor through windows, belt courses, cornice lines or similar architectural details.

   b. Building entrances shall be articulated and create additional visual interest and/or opportunities for human activity and interaction by using one or more of the following methods:

      i. Building materials, architectural details and patterns shall be varied per tenant or every 75 feet, whichever is greater.

      ii. Roof line and building offsets shall be varied by a minimum of two feet for every three tenant spaces or 75 feet of

building face, whichever is greater.

iii. Awnings, canopies, or other type of covered-projected entry4, or

iv. Places for human activity, including, but not limited to plazas, courtyards, porches, decks, outdoor seating, landscaping, gazebos, pavilions or fountains.

v. The maximum length of a building parallel to a public street shall not exceed 200 feet.

c. Windows

i. A minimum of 60% of ground level facades shall be transparent glazing

ii. Reflective and/or opaque glass is not permitted on ground level floors.

iii. For building faces oriented toward a street, windows shall be placed at distances no greater than ten (10) feet apart.

12B.8. G. Color

Primary or fluorescent colors shall not be employed except on sign faces, awnings, canopies or as accent colors (not to exceed 10% of building faces exclusive of window areas).

12B.8. H. Parking Structures and Decks

When adjacent to a public street, above street level parking structures and decks shall create visual interest through the articulation of openings, cornice lines, and belt courses or similar architectural details.

12B.8. I. Building Materials

Architectural Treatment Prohibited

1. Prohibited exterior building materials include exterior building materials which are not textured; non-architectural metal panel systems, as-cast smooth concrete masonry or plain reinforced

[4] If used, such treatment shall extend a minimum of five feet from the face of the building. Colonnades shall have a minimum width of six feet between the inside of the columns to the building.

concrete slabs, aluminum, plywood, press-wood or corrugated steel (exceptions: mechanical penthouses & roof screens).

2. Prohibited exterior building components, if visible from any public street, include: steel gates, burglar bars, chain link fence, steel roll down curtains. If not visible from any public street, such treatments are allowed. Interior security measures shall not be regulated.

Allowed Architectural Material

3. Exterior walls for all new buildings shall consist of a minimum of seventy percent (70%) of one or a combination of the following durable materials: brick; tile; stone with weathered, polished or fluted face; textured traditional cement stucco (real stucco); architectural concrete masonry with fluted, split-face, or broken-face finish; portland cement plaster and lath systems; architectural (either pre-cast or tilt-up) concrete either fluted or with exposed aggregate finish; or fiber cement-board.

   a. No other building material is allowed within the first seven vertical feet from grade level on any building.

   b. Sloped roofs shall be standing seam metal, slate, concrete roof tiles, or composition shingles.

   c. A decorative parapet or cornice shall be constructed along all flat roof lines.

   d. Roof-mounted equipment shall be screened from view by a decorative parapet or cornice (point of view shall be across any public street, from the edge of right-of-way furthest from the building).

   e. Exterior building walls, decorative elements, and parapet or cornice, are exempt from the building material requirements if they meet the following conditions:

      1. If the exterior wall is not visible from any public right-of-way; and

      2. If the exterior wall does not include a public entrance.

12B.8. J. Architectural Features Required

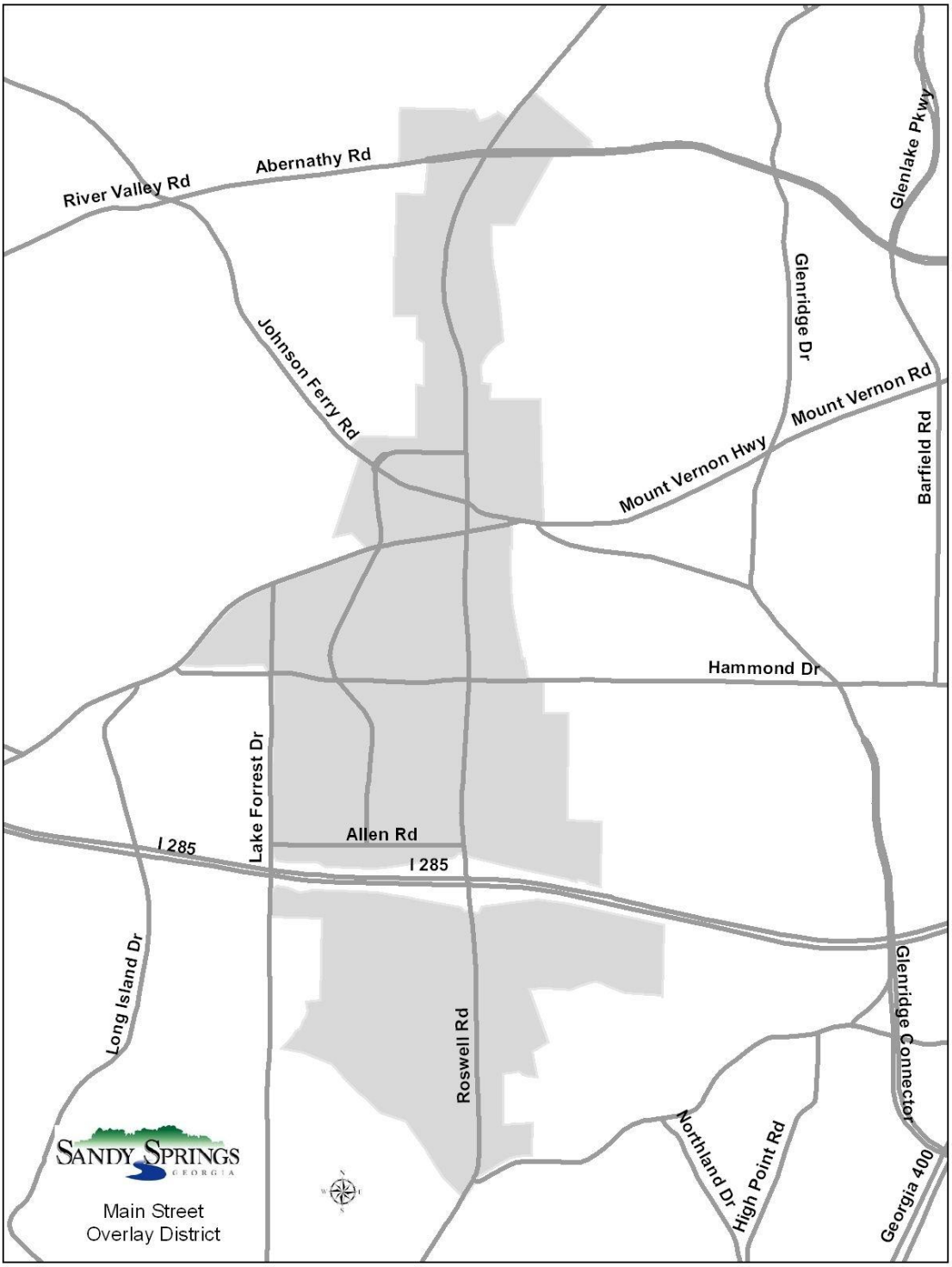
The principal entry area of a building shall be articulated and express greater architectural detail than other portions of the building. Individual tenant space entries shall also be articulated and express greater architectural detail than the building wall.

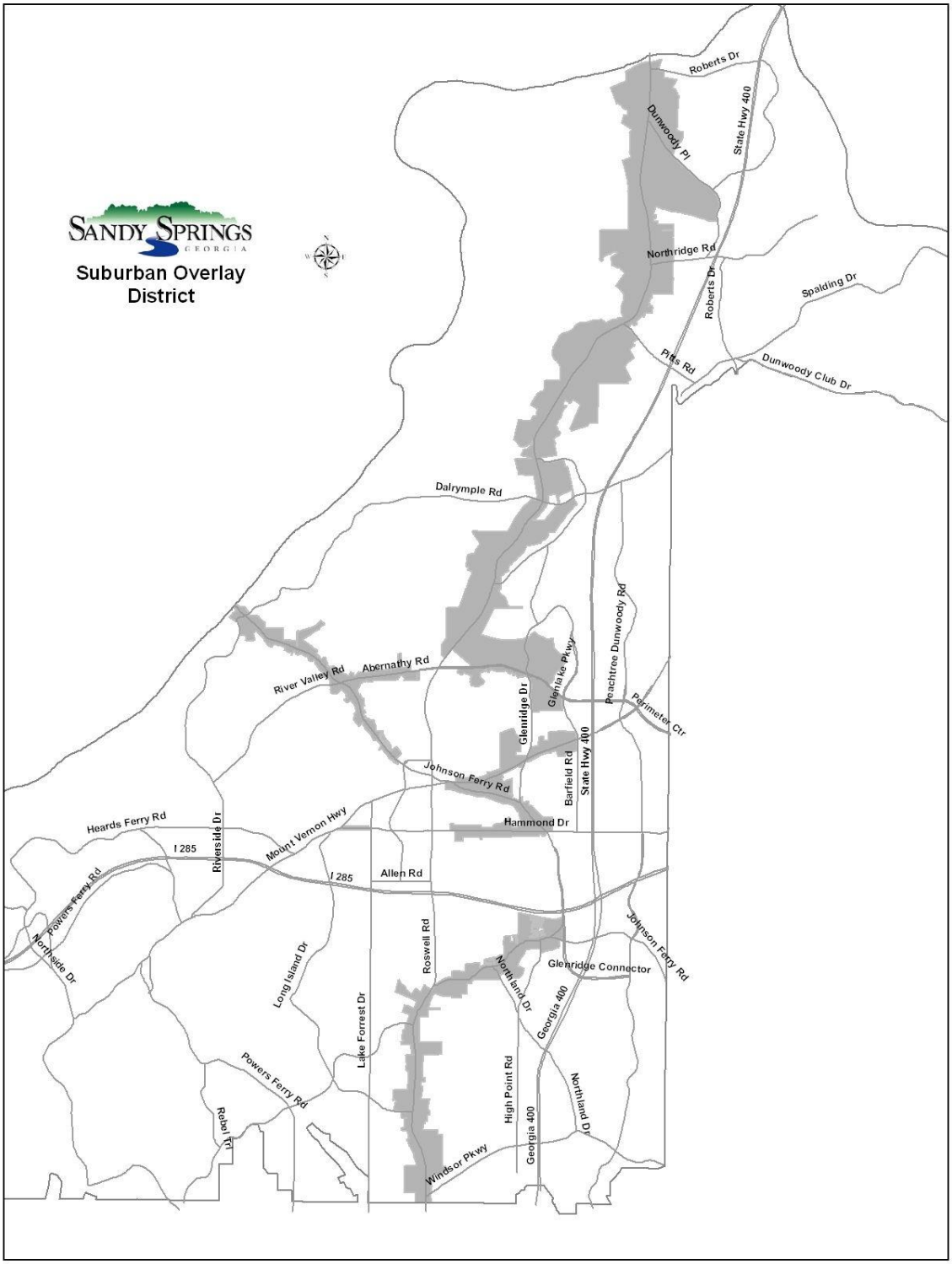
12B.8. K. Encouraged architectural elements

Encouraged architectural elements include: columns, arcades and covered entry-walkway, arches, facade offsets, windows, balconies, undulating walls, clock towers, cupolas and courtyards.

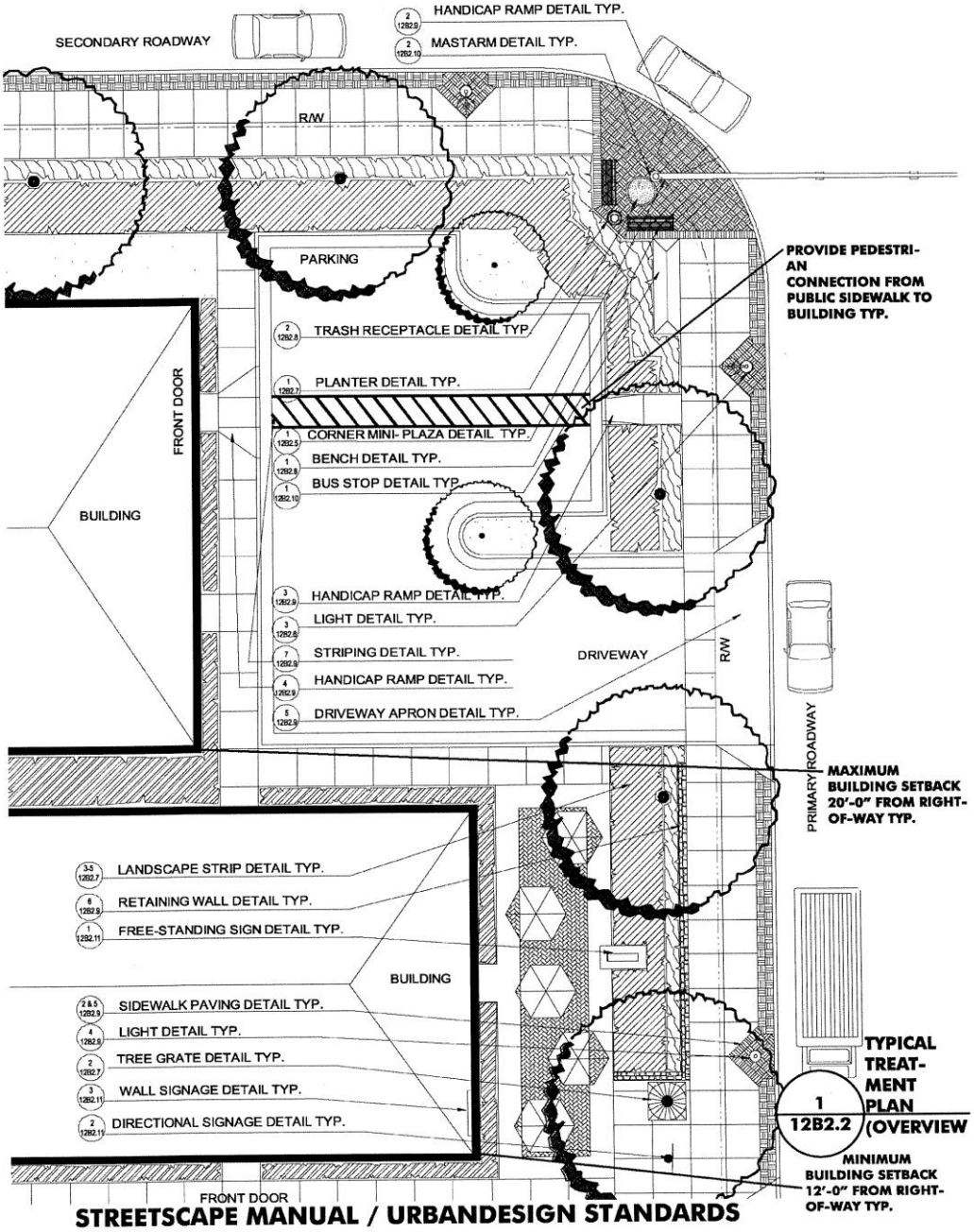
12B.8. L. Building Harmony

Out-parcel buildings or spin sites, which are identified on a site plan approved pursuant to a single zoning case, shall have architectural features consistent with the principal buildings.

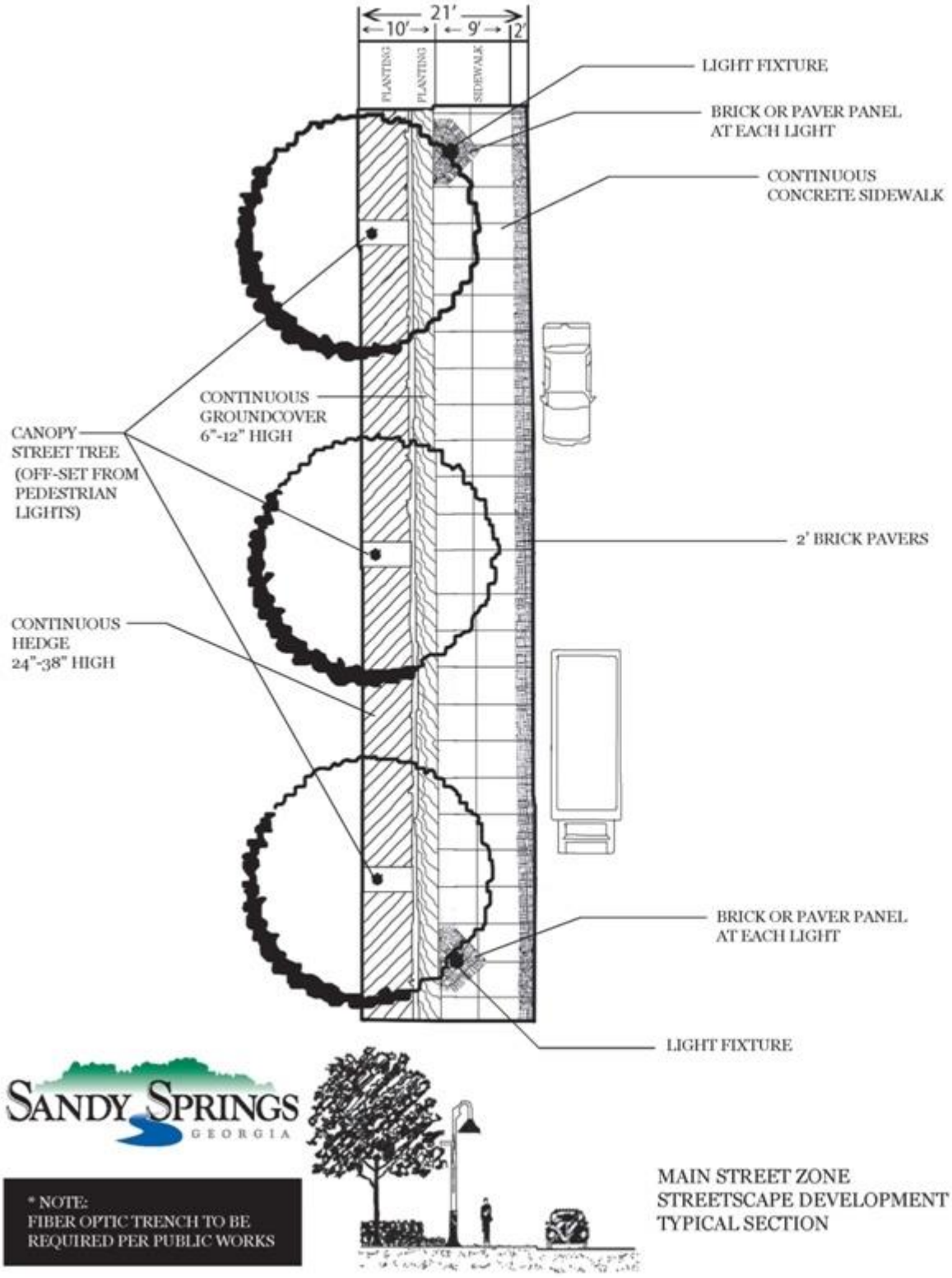

River Valley Rd
Abernathy Rd
Glenlake Pkwy
Glenridge Dr
Johnson Ferry Rd
Mount Vernon Rd
Mount Vernon Hwy
Barfield Rd
Hammond Dr
Lake Forrest Dr
Allen Rd
I 285
I 285
Long Island Dr
Roswell Rd
Glenridge Connector
Northland Dr
High Point Rd
Georgia 400
SANDY SPRINGS
GEORGIA
Main Street
Overlay District

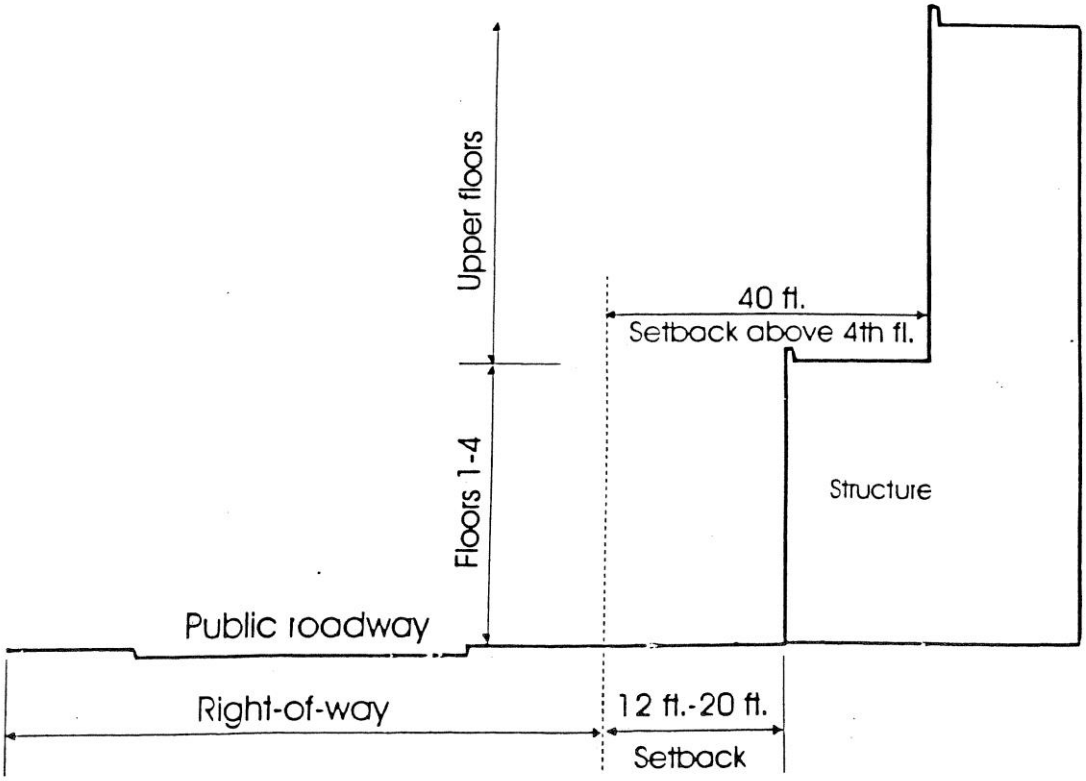

SANDY SPRINGS
GEORGIA
Suburban Overlay
District
Roberts Dr
Dunwoody Pl
State Hwy 400
Northridge Rd
Roberts Dr
Spalding Dr
Pitts Rd
Dunwoody Club Dr
Dalrymple Rd
Peachtree Dunwoody Rd
Glenlake Pkwy
River Valley Rd
Abernathy Rd
Glenridge Dr
Perimeter Ctr
Barfield Rd
State Hwy 400
Johnson Ferry Rd
Heards Ferry Rd
Riverside Dr
Mount Vernon Hwy
Hammond Dr
I 285
I 285
Allen Rd
Powers Ferry Rd
Northside Dr
Johnson Ferry Rd
Roswell Rd
Long Island Dr
Glenridge Connector
Northland Dr
Georgia 400
Lake Forrest Dr
Powers Ferry Rd
High Point Rd
Northland Dr
Rebel Trl
Windsor Pkwy
Georgia 400

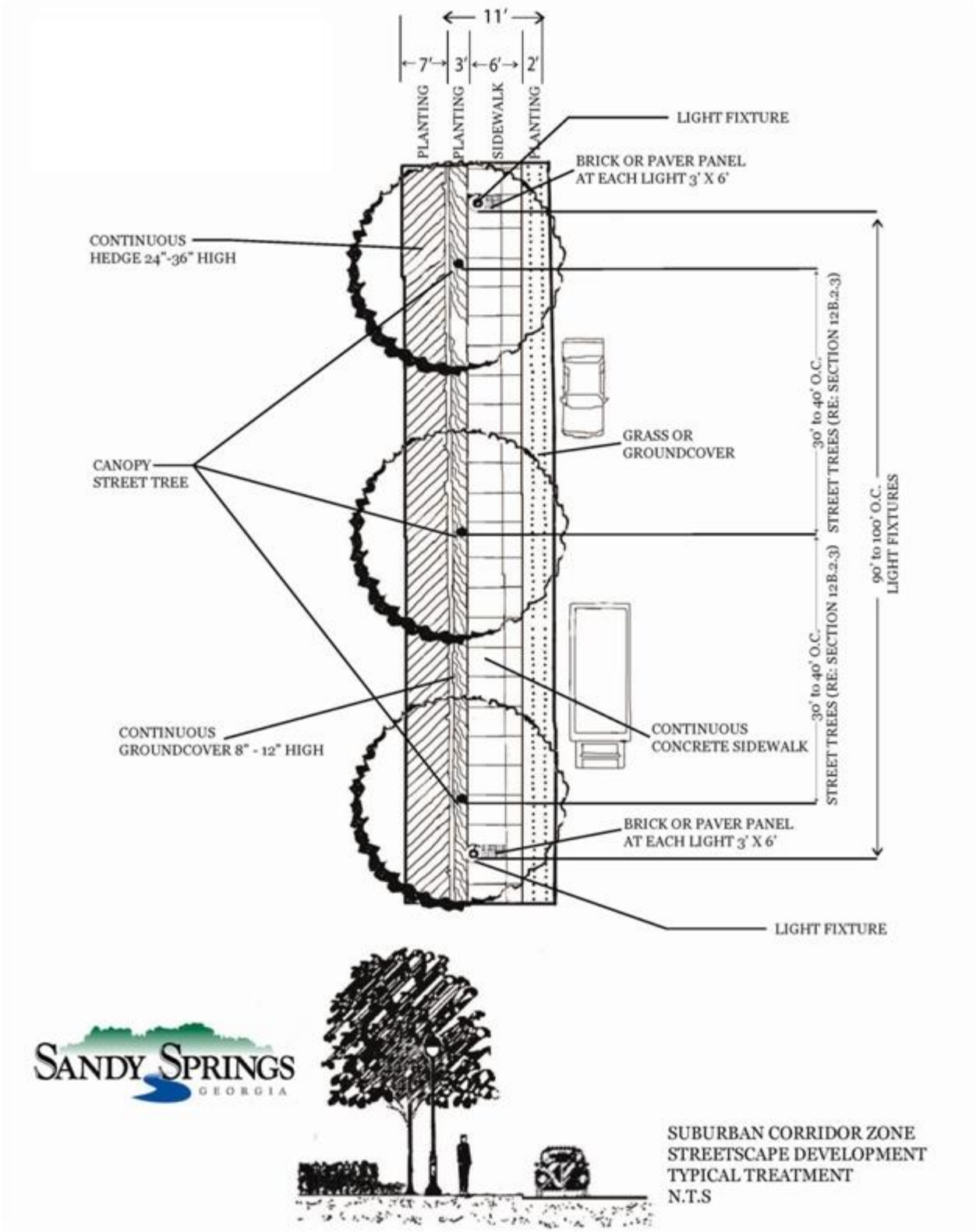
Main Street Zone (Section 12B2.2)



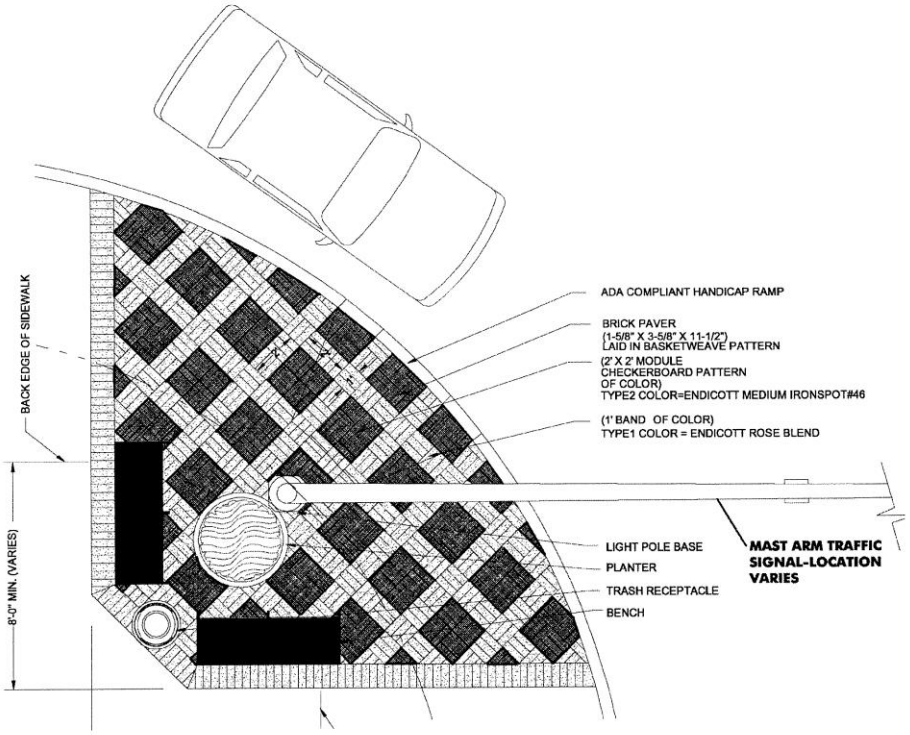
STREETSCAPE MANUAL / URBANDESIGN STANDARDS


21'
10'
9'
2'
PLANTING
PLANTING
SIDEWALK
LIGHT FIXTURE
BRICK OR PAVER PANEL AT EACH LIGHT
CONTINUOUS CONCRETE SIDEWALK
CONTINUOUS GROUNDCOVER 6"-12" HIGH
CANOPY STREET TREE (OFF-SET FROM PEDESTRIAN LIGHTS)
2' BRICK PAVERS
CONTINUOUS HEDGE 24"-38" HIGH
BRICK OR PAVER PANEL AT EACH LIGHT
LIGHT FIXTURE
SANDY SPRINGS
GEORGIA
* NOTE:
FIBER OPTIC TRENCH TO BE REQUIRED PER PUBLIC WORKS
MAIN STREET ZONE
STREETSCAPE DEVELOPMENT
TYPICAL SECTION


Upper floors
40 ft.
Setback above 4th fl.
Floors 1-4
Structure
Public roadway
Right-of-way
12 ft.-20 ft.
Setback


11'
7'
3'
6'
2'
PLANTING
PLANTING
SIDEWALK
PLANTING
LIGHT FIXTURE
BRICK OR PAVER PANEL
AT EACH LIGHT 3' X 6'
CONTINUOUS
HEDGE 24"-36" HIGH
30' to 40' O.C.
STREET TREES (RE: SECTION 12B.2.3)
GRASS OR
GROUNDCOVER
CANOPY
STREET TREE
90' to 100' O.C.
LIGHT FIXTURES
30' to 40' O.C.
STREET TREES (RE: SECTION 12B.2.3)
CONTINUOUS
GROUNDCOVER 8" - 12" HIGH
CONTINUOUS
CONCRETE SIDEWALK
BRICK OR PAVER PANEL
AT EACH LIGHT 3' X 6'
LIGHT FIXTURE
SANDY SPRINGS
GEORGIA
SUBURBAN CORRIDOR ZONE
STREETSCAPE DEVELOPMENT
TYPICAL TREATMENT
N.T.S

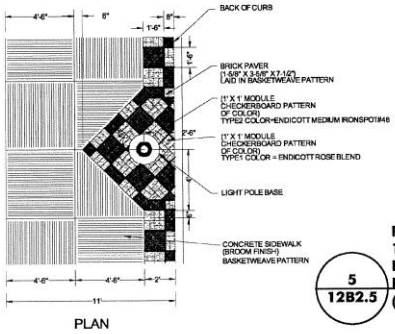
Paving Details (Section 12B2.5)



1 / 12B2.5 **MINI-PLAZA PAVER PLAN** N.T.S.

STREETSCAPE MANUAL / URBAN DESIGN STANDARDS

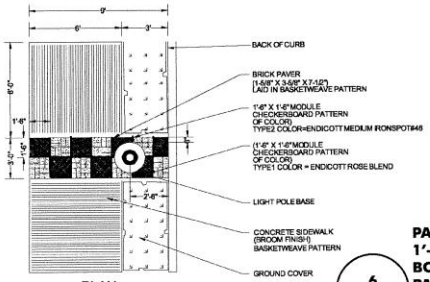
Paving Details (Section 12B2.5)



PLAN

5
12B2.5

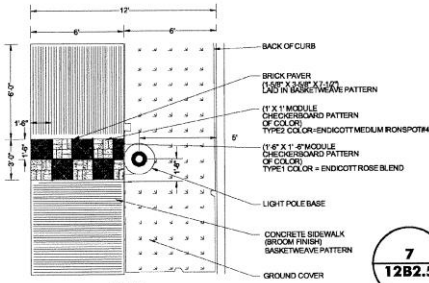
PAVER BAND 1'-6" MODULE CHECKER-BOARD PATTERN (MAIN STREET ZONE)



PLAN

6
12B2.5

PAVER BAND 1'-6" MODULE CHECKER-BOARD PATTERN (COMMERCIAL STRIP ZONE)



PLAN

7
12B2.5

PAVER BAND 1'-6" MODULE CHECKER-BOARD PATTERN (SUBURBAN CORRIDOR

STREETSCAPE MANUAL / URBAN DESIGN STANDARDS

Paving Details (Section 12B2.5)

UNIT PAVERS

A. BRICK PAVERS: PEDESTRIAN / VEHICULAR PAVING BRICK CONSISTING OF SOLID UNCORED, UNFROGGED BRICK OF THE FOLLOWING DIMENSIONS: 1-5/8" x 3-5/8" x 11-5/8", COMPLYING WITH THE REQUIREMENTS OF ASTM C 902 FOR THE FOLLOWING END-USE ENVIRONMENT WEATHER AND TRAFFIC, AND APPLICATION METHOD:

1. WEATHER CLASS SX.
2. TRAFFIC TYPE I
3. APPLICATION PS.

B. COLOR: TYPE 1- ENDICOTT ROSE BLEND MODULAR VELOUR TK PAVER
TYPE 2- ENDICOTT MEDIUM IRONSPOT #46 MODULAR VELOUR TK PAVER

PORTLAND CEMENT MORTAR SETTING AND BED MATERIALS:
A. PORTLAND CEMENT: ASTM C 150, TYPE I OR II
B. HYDRATED LIME: ASTM C 207, TYPE S
C. AGGREGATE: MINUS 0.10

GROUT MATERIALS:

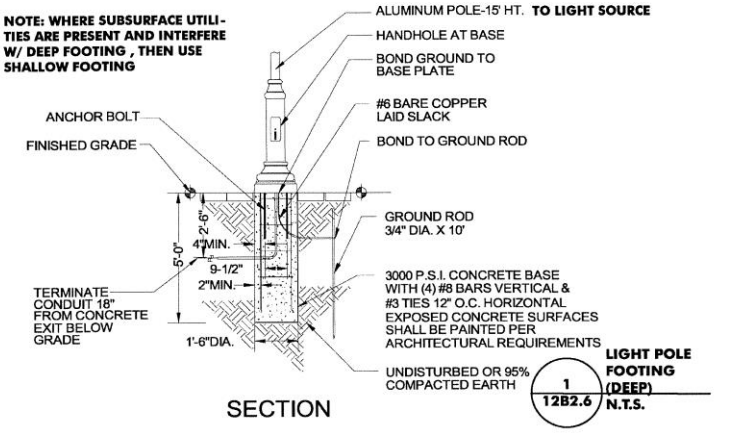
LATEX PORTLAND CEMENT GROUT: ANSI A118.6, COMPOSITION AS FOLLOWS:
1. PREPACKAGED DRY MORTAR MIX COMPOSED OF PORTLAND CEMENT, GRADED AGGREGATE, COLORED PIGMENT SAND ETHYLENE VINYL ACETATE IN THE FORM OF A RE-EMULSIFIABLE POWDER TO WHICH ONLY WATER IS ADDED AT THE JOB SITE.

2. WATER: CLEAN, FREE OF MATERIALS DETRIMENTAL TO STRENGTH OF OR BOND OF GROUT.
3. COLOR: BLUE CIRCLE CRIMSON RED #48B.

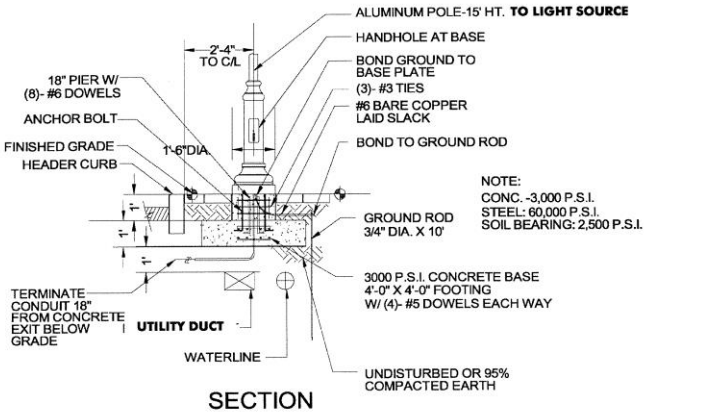
8 / 12B2.5 — GENERAL PAVING SPECIFICATIONS — N.T.S.

STREETSCAPE MANUAL / URBAN DESIGN STANDARDS

Lighting and Electrical Details (Section 12B2.6)



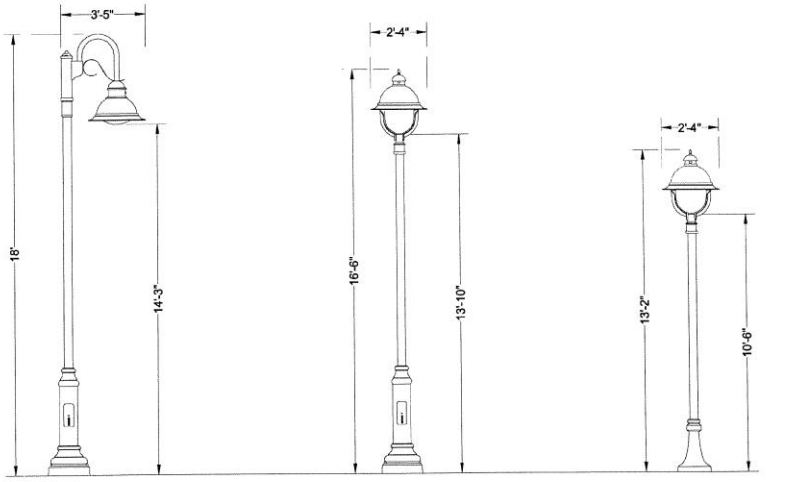
1 / 12B2.6 **LIGHT POLE FOOTING (DEEP)** N.T.S.



2 / 12B2.6 **LIGHT POLE FOOTING (SHALLOW)** N.T.S.

STREETSCAPE MANUAL / URBAN DESIGN STANDARDS

Lighting and Electrical Details (Section 12B2.6)



SIDE VIEW
COMMERCIAL
(MAJOR INTERSECTIONS)

SIDE VIEW
COMMERCIAL
(MID-BLOCK)

SIDE VIEW
NEIGHBORHOOD
(ALL LOCATIONS)

3 / 12B2.6 — **LIGHT POLE (COMMERCIAL - MAJOR INTERSECTIONS) N.T.S.**

4 / 12B2.6 — **LIGHT POLE (COMMERCIAL - MID BLOCK) N.T.S.**

5 / 12B2.6 — **LIGHT POLE (NEIGHBORHOOD ALL LOCATIONS) N.T.S.**

LIGHT STANDARDS:	LUMEC INC. (770)368-9930
MID-BLOCK AND MINOR INTERSECTIONS	175 MH-DMS60-SHA-APR4W-14-LBC1
INTERSECTIONS ON ARTERIAL ROADS	175 MH-DMS50-SG1-120-LM 1A-R61A-SC-15
NEIGHBORHOOD / RESIDENTIAL STREETS	175 MH-DMS60-SHA-APR4W-12-LBC1 (LUMEC GN8-TX)

NOTE: THESE FIXTURES ARE PROVIDED AND INSTALLED THROUGH SANDY SPRINGS REVITALIZATION, INC. UNDER A BLANKET AGREEMENT WITH THE GEORGIA POWER CO. OUTDOOR LIGHTING PROGRAM.

PROVIDE (ONE)1-WEATHERPROOF DUPLEX OUTLET W/ DEDICATED 20 AMP CIRCUIT AT THE BASE OF EACH STREET TREE FOR HOLIDAY TREE LIGHTING AND OTHER PUBLIC USES. PROVIDE SEPERATE DISCONNECT ACCESSIBLE ONLY TO THE ELECTRICAL UTILITY FOR ACTIVATION OF TREE LIGHTING CIRCUITS.

STREETSCAPE MANUAL / URBAN DESIGN STANDARDS

Lighting and Electrical Details (Section 12B2.6)

LIGHT STANDARDS:	LUMEC INC. (770)368-9930
MID-BLOCK AND MINOR INTERSECTIONS	175 MH-DMS60-SHA-APR4W-14-LBC1
INTERSECTIONS ON ARTERIAL ROADS	175 MH-DMS50-SG1-120-LM 1A-R61A-SC-15
NEIGHBORHOOD / RESIDENTIAL STREETS	175 MH-DMS60-SHA-APR4W-12-LBC1 (LUMEC GN8-TX)

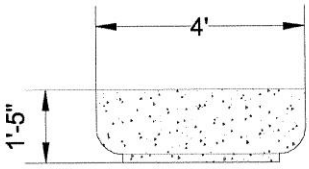
NOTE: THESE FIXTURES ARE PROVIDED AND INSTALLED THROUGH SANDY SPRINGS REVITALIZATION, INC. UNDER A BLANKET AGREEMENT WITH THE GEORGIA POWER CO. OUTDOOR LIGHTING PROGRAM.

PROVIDE (ONE)1-WEATHERPROOF DUPLEX OUTLET W/ DEDICATED 20 AMP CIRCUIT AT THE BASE OF EACH STREET TREE FOR HOLIDAY TREE LIGHTING AND OTHER PUBLIC USES. PROVIDE SEPERATE DISCONNECT ACCESSIBLE ONLY TO THE ELECTRICAL UTILITY FOR ACTIVATION OF TREE LIGHTING CIRCUITS.

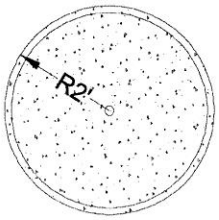
6 / 12B2.6 — GENERAL LIGHTING AND ELECTRICAL SPECIFICATIONS — N.T.S.

STREETSCAPE MANUAL / URBAN DESIGN STANDARDS

Landscape Details (Section 12B2.7)



SIDE VIEW



PLAN VIEW

1 / 12B2.7 **PLANTER** N.T.S.

PLANTER DURA ART STONE INC. (800)821-1120
S-4-D-17-S18-LSB-(3)@1" CENTERED-SAUCERS
ROUND, REINFORCED CAST STONE PLANTERS WITH MATCHING SAUCERS
AND INTEGRAL NON-FADING COLOR

STREETSCAPE MANUAL / URBAN DESIGN STANDARDS

Landscape Details (Section 12B2.7) (amended 04/21/09, TA09-008, Ord. 2009-04-21)

Acceptable Street Trees

Botanical Name	Common Name	Specifications
Betula nigra 'BMNTF'	Dura-Heat® River Birch	Very good heat tolerance.
Pistache chinensis	Chinese Pistache	Versatile tree for tough urban conditions.
Quercus lyrata 'QLFTB'	Highbeam® Overcup Oak	Upswept branches.
Quercus nuttallii 'QNFTA'	Highpoint® Nuttall Oak	Proclivity for harsh environments.
Quercus shumardii 'QSFTC'	Panache® Shumard Oak	
Quercus phellos 'QPSTA'	Hightower® Willow Oak	
Taxodium distichum 'Sofine'	Autumn Gold Baldcypress	Good urban tolerance.
Ulmus americana 'Varieties'	Princeton', 'Jefferson', Valley Forge' American Elm	Disease resistant varieties of American Elm
Ulmus parvifolia 'UPMTF'	Bosque® Lacebark Elm	Very good urban tolerance.
Zelkova serrata 'ZSFKF'	Myrimar® Zelkova	Heat tolerant selection of Zelkova.
Ginko biloba	Ginko (Male)	Urban Tolerant
Platanus × acerifolia	London Planetree	Urban Tolerant

Trees for Under Power Lines

Botanical Name	Common Name	Specifications
Acer buergerianum 'ABMTF'	Aeryn® Trident Maple	Good urban tolerance.
Acer ginnnala	Amur Maple	
Carpinus betulus 'Cornerstone'	Cornerstone European Hornbeam	
Cercis chinensis 'Avondale'	Avondale Chinese Redbud	
Chionanthus virginicus 'CVSTF' P.P.A.F.	Prodigy ® Fringe Tree	Upright form.
Ilex opaca 'East Palatka'	East Palatka Holly	
Lagerstromeia indica	Crape Myrtle	
Ilex cornuta 'Burfordii'	Tree Form Burford Holly	
Ilex vomitoria	Tree Form Yaupon Holly	

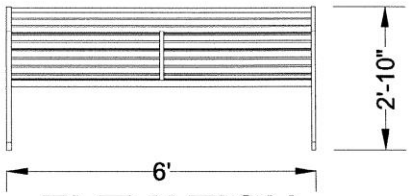
Notes:

1. Other varieties may be approved by the DRB with advice of the City Arborist
2. Trees listed in Table are not disallowed in all landscape applications, only as Street Trees
3. List not applicable for trees under powerlines which have a height greater than 30'

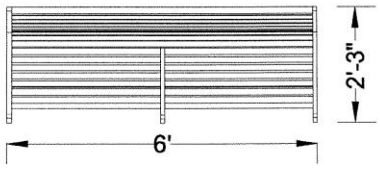
Acceptable Hedge Screen Shrubs

Botanical Name	Common Name	Specifications
Ilex cornuta 'Bufordi Nana'	Dwarf Buford Holly	
Ilex crenata 'Compacta'	Dwarf Japanese Holly	
Ilex crenata 'Helleri'	Heller Japanese Holly	
Nandina domestica 'Compacta'	Dwarf Nandina	
Abelia Hybrida 'Edward Goucher'	Edward Goucher Abelia	
Buxus microphylla	Korean Boxwood	
Juniperus chinensis 'Pfitzeriana Compacta'	Dwarf Pfitzer Juniper	
Prunus laurocerasus 'Schipkaensis'	Schip Laurel	
Rapheolepsis indica	Indian Hawthorn	
Platycladus orientalis 'Aurea Nana'	Breckman's Golden Arbor Vitae	

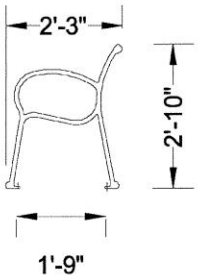
Street Furniture Details - Bench Elevation (Section 12B2.8)



ELEVATION



PLAN VIEW



SIDE VIEW

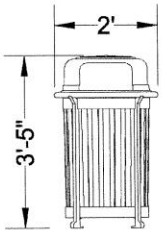
BENCH:

LANDSCAPE FORMS INC. (404)231-0185
SC3005-BS-96 W/ CENTER ARM
HORIZONTAL INSERT, SURFACE MOUNT, RAL 6012 CUSTOM COLOR

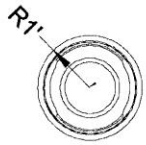
1 / 12B2.8 BENCH N.T.S.

STREETSCAPE MANUAL / URBAN DESIGN STANDARDS

Street Furniture Details (Section 12B2.8)



SIDE VIEW



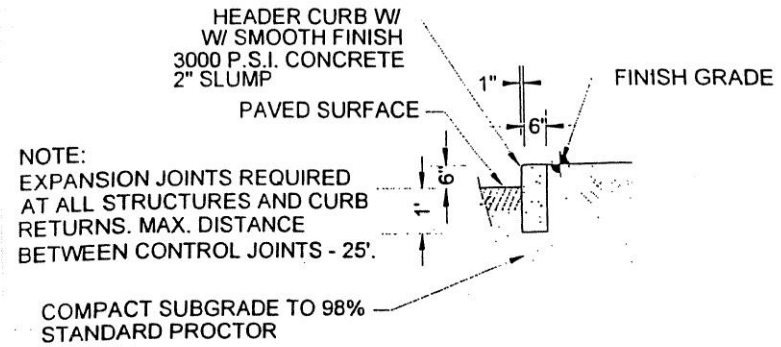
PLAN VIEW

2 / 12B2.8 — **TRASH RECEPTACLE** — **N.T.S.**

	HORIZONTAL INSERT, SURFACE MOUNT, RAL 6012 CUSTOM COLOR
TRASH RECEPTACLE:	LANDSCAPE FORMS INC. (404)231-0185 SC3005-BS-96 W/ CENTER ARM STRAP DETAIL, SURFACE MOUNT, RAL 6012 CUSTOM COLOR

STREETSCAPE MANUAL / URBAN DESIGN STANDARDS

Hardscape Details (Section 12B2.9)



1 / 12B2.9 HEADER CURB
N.T.S.

STREETSCAPE MANUAL / URBAN DESIGN STANDARDS

REVISED VERSION ADOPTED BY MAYOR AND CITY COUNCIL, APRIL 17, 2007
WITH SUBSEQUENT AMENDMENTS

ARTICLE XII-B(1)

Perimeter Community Improvement Design District

12B(1).1. PURPOSE AND INTENT. The City Council of City of Sandy Springs, Georgia hereby declares it to be the purpose and intent of this Article to adopt and continue the uniform procedure previously adopted by Fulton County to provide for the protection, enhancement, preservation, unity of design, and use of places, structures, streets and landscape features in the Perimeter Community Improvement District in accordance with the provisions herein.

This Article is adopted as part of a strategy designed to promote the health, safety, order, prosperity, and general welfare of the citizens of Sandy Springs through the regulation of design, aesthetics, location, bulk, size of buildings and structures, and the density and distribution of population.

This Article 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 Article 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.

12B(1).2. DISTRICT BOUNDARIES AND OFFICIAL DISTRICT MAP. The boundaries of the Perimeter Community Improvement Design District are shown and established on the *Official Perimeter Community Improvement Design District Map of the City of Sandy Springs*. Said map and all explanatory material included thereon accompany and are hereby made a part of this zoning ordinance.

A. Relation to the Sandy Springs Overlay District. The Sandy Springs Overlay District and the Perimeter Community Improvement Design District share a common boundary along the western border of the Perimeter Community Improvement Design District. In instances where the districts merge along this border the design standards of the Perimeter Community Improvement Design District related to streetscape improvements shall take precedence in those areas indicated on the

Official Perimeter Community Improvement Design District Map of the City of Sandy Springs; all other improvements of property lying in both districts shall comply with the requirements of articles 12A and 12B.

12B(1).3. DESIGN STANDARDS AND DESIGN GUIDELINES, GENERALLY. This article contains both design standards and design guidelines to apply to the development of public areas and the creation of systems and amenities that are beneficial to the public, in the Perimeter Community Improvement Design District. The design standards contained in this article are mandatory, and the enforcement of the standards is further discussed in Section 12B(1).4, *Design Standards and Enforcement of Design Standards*; the design guidelines contained in this article are voluntary for owners and developers of property, and in most circumstances it is expected that the Perimeter Community Improvement District will provide or arrange for these improvements. The design guidelines for the district are discussed further in Section 12B(1).6, *District Design Guidelines*, and the document *PERIMETER Focus: Envisioning a New Urban Center*.

Whenever provisions of this Article conflict with any other Article in the City of Sandy Springs Zoning Ordinance or any other Sandy Springs ordinances, regulations, or resolutions, these standards shall prevail.

12B(1).4. STREET CLASSIFICATIONS. Each existing and proposed roads in the Perimeter Community Improvement Design District is designated as one of four street types, as follows: Avenues, Boulevards, Thoroughfares, or Streets. In addition, there are certain intersections that are designated as Interchanges. Street types and Interchanges are designated in Table 12B(1).1.

Table 12B(1).1 Perimeter Community Improvement Design District Street Classifications		
AVENUES		
Street	**From**	**To**
Barfield Road	Abernathy	Hammond
Crestline Parkway	Entire Length	
Central Parkway	Entire Length	
Mount Vernon Hwy	Mount Vernon Blvd	DeKalb County line
Peachtree-Dunwoody Rd	Abernathy Road	Northern Boundary
BOULEVARDS		
Street	**From**	**To**
Glenridge Drive	Hammond Drive	Johnson Ferry
Glenridge Connector	Johnson Ferry Road	Peachtree-Dunwoody
Hammond Drive	DeKalb County line	Glenridge Drive
Perimeter Center West	Mount Vernon Hwy	DeKalb County line
Abernathy Road	Mount Vernon Hwy	Glenridge Drive

Table 12B(1).1 **Perimeter Community Improvement Design District Street Classifications**		
THOROUGHFARES		
Street	**From**	**To**
Johnson Ferry Road	Johnson Ferry Rd	Western Boundary
Mount Vernon Hwy	Glenridge Drive	Mount Vernon Blvd
Peachtree-Dunwoody Rd	Glenridge Conn	Abernathy Road
STREETS		
Street	**From**	**To**
All other roads	NA	NA
INTERCHANGES		
Georgia 400 at Glenridge Connector		
Georgia 400 at Hammond Drive		
Georgia 400 at Abernathy Road		

12B(1).5. DESIGN STANDARDS AND ENFORCEMENT OF DESIGN STANDARDS. The design standards related to the street and sidewalk system, landscaping requirements, lighting requirements, and paving requirements have been established for each street type and interchange, and shall apply to all streets and street improvements contained in the Perimeter Community Improvement Design District, the boundaries of which are established under Section 12B(1).3. All applications for Land Disturbance Permit shall comply with the standards contained in the article, unless a variance had been granted for relief from the standards contained herein; all Rezoning, Modification, and Use Permit applications shall comply with the standards contained in this Article, unless a variance has been approved, in the case of Modifications and Use Permits only, or a concurrent variance is being sought, for relief from the standards contained herein.

A. Street and Sidewalk System. Streets, sidewalks, parking, bicycle lanes, medians, and planting strips shall be installed consistent with the standards contained in Table 12B(1).2, *Street and Sidewalk System Standards*, and Figure 12B(1).1, *Cross-sections of Street and Sidewalk System Standards & Landscaping and Street Tree Standards*, with the following exceptions:

1. Standards for the number of travel lanes, travel lane width, allowance of on street parking, on street parking width, and the allowance of medians may be varied as required by the Director of the Department of Public Works if it is determined that the standards provided herein do not meet future transportation needs and/or inhibit public safety.

B. Pavers.

1. All intersections shall have two-toned concrete sidewalks.
   a. Standard: Scofield Concrete L-M
   b. Color: Sun Baked Clay (Color #5238)
   Autumn Beige (Color #0288) to be used as border

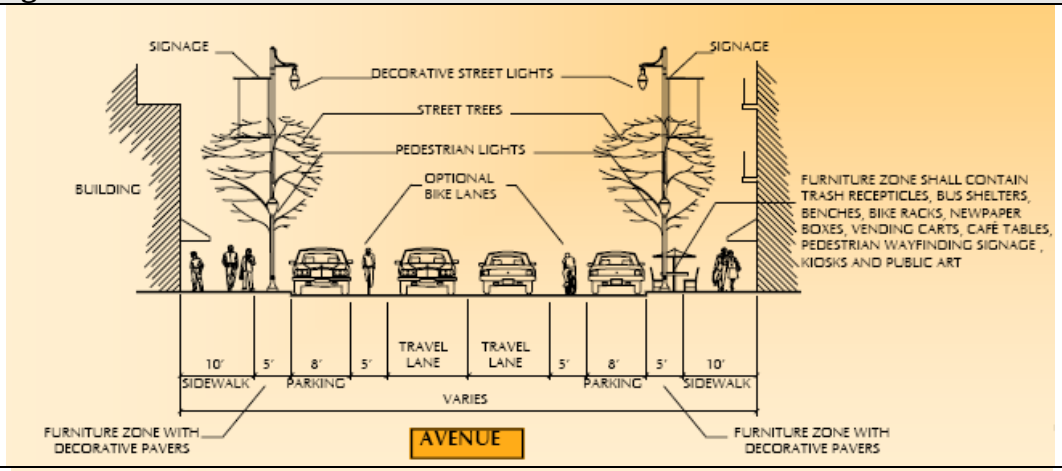
2. Decorative pavers shall be used as accents along concrete sidewalks.
   a. Standard: Holland Parkway Series
   b. Color: Desert Stone or Old Town Blend
   c. Measurement: Four (4) inches by eight (8) inches by three-eights (3/8) of an inch

3. Stamped Concrete should be used at intersections to signify highly used pedestrian crossings to motorists. Stamped patterns may vary for each intersection.

Table 12B(1).2 (amended 11/20/07, RZ07-037, Ord. 2007-11-68)
Street and Sidewalk System Standards

DESIGN ELEMENT	AVENUE	BOULEVARD	THOROUGHFARE	STREET
Number of Travel Lanes	Two (2)	Six (6)	Six (6)	Two (2)
Travel lane width	Twelve (12) feet	Twelve (12) feet	Twelve (12) feet	Twelve (12) feet
On-street parking required	Yes	No	No	Yes, Optional
Minimum on-street parking width	Eight (8) feet	NA	NA	Eight (8) feet
Minimum sidewalk width	Ten (10) feet	Eight (8) feet	Eight (8) feet	Six (6) feet
Bicycle lane required	Yes	Yes	Yes	Yes
Minimum bicycle lane width	Five (5) foot	Incl. in eight (8) foot sidewalk	Five (5) foot	Five (5) foot
Median allowed	No	Yes	No	No
Planting Strip or Furniture Zone with Decorative Pavers	Five (5) foot furniture zone with pavers	Three (3) foot minimum planting strip	Three (3) foot planting strip	Optional planting strip

Figure 12B(1).1
Cross-sections of Street and Sidewalk System Standards & Landscaping and Street Tree Standards



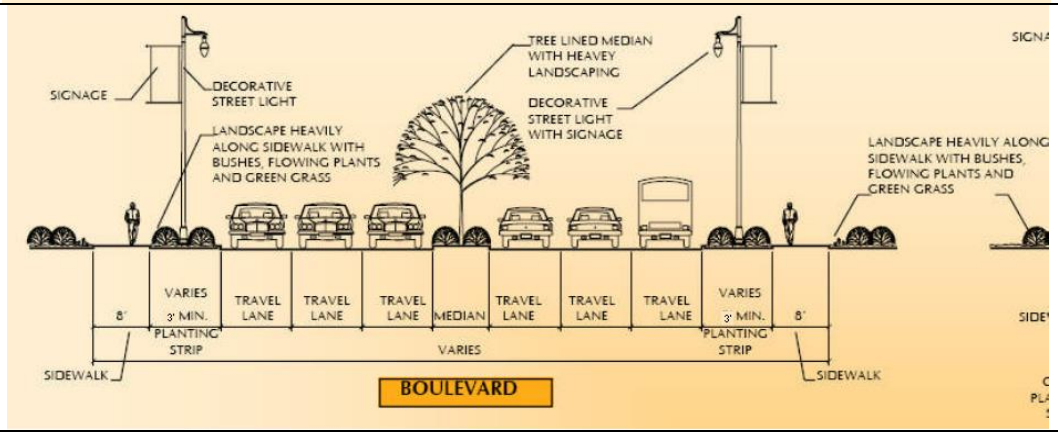
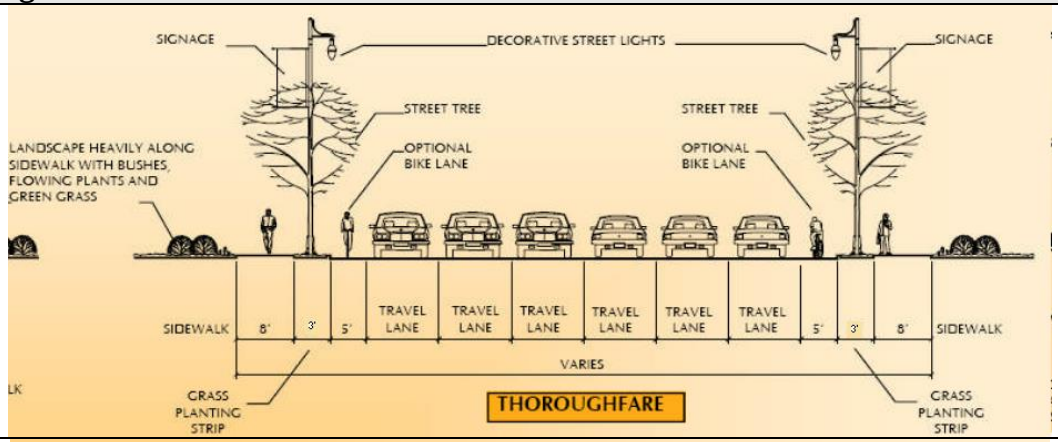
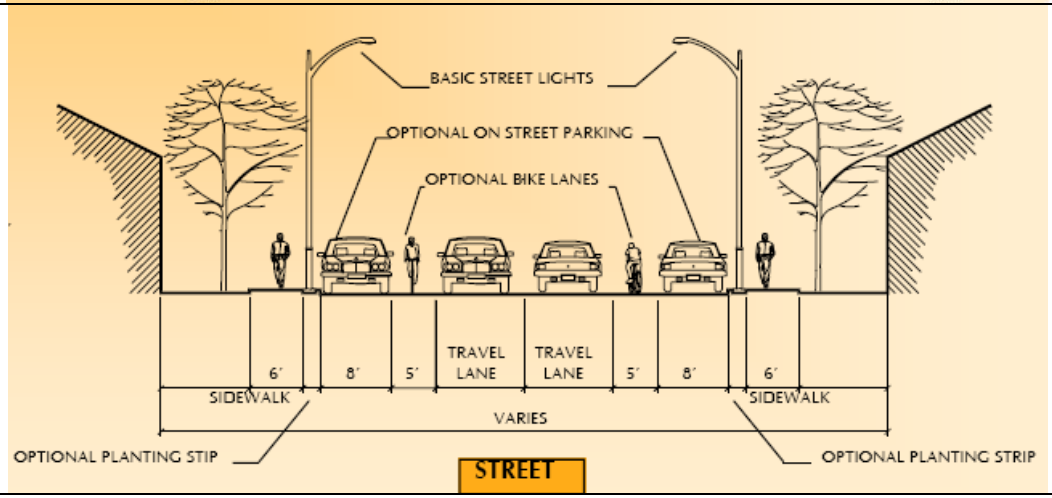


Figure 12B(1).1
Cross-sections of Street and Sidewalk System Standards & Landscaping and Street Tree Standards





C. Landscaping and Street Trees. Trees and other landscaping material shall be installed consistent with the standards contained in Table 12B(1).3, *Landscaping and Street Tree Standards*, and Figure 12B(1).1, *Cross-sections of Street and Sidewalk System Standards & Landscaping and Street Tree Standards*.

Table 12B(1).3 Landscaping and Street Tree Standards			
DESIGN ELEMENT	**AVENUE**	**BOULEVARD**	**THOROUGHFARE**
Species of Street Trees Allowed	Chinese Elm or Zelkova **or** Autumalis Cherry, Okame Cherry, or Redbud under overhead utility lines	Willow Oaks **or** Fringetree under overhead utility lines	Maples **or** Crape Myrtle or Kousa Dogwood under overhead utility lines
Minimum height at time of planting	Twelve (12) feet or ten (10) feet if under overhead utility lines		
Minimum Caliper at time of planting	Four (4) inch or three (3) inches if under overhead utility lines		
Distance Planted Apart	Forty (40) feet		
Planting Location of Street Trees	Furniture Zone	Planting Strip	
Tree Planting Area	Five (5) by five (5) feet (twenty-five (25) square feet)		
Plantings in landscape strips, medians, & other strips	Shrubs and flowering plants which require minimum maintenance and water, including but not limited to Daylily, Otto Luyken, Carissa Holly and Monkey Grass		
Medians (where allowed)	Plant trees fifteen (15) feet on center: Shrubs, groundcover and Crepe Myrtle trees		

D. Decorative Lighting. Pedestrian and street lights shall be installed consistent with the standards contained in Table 12B(1).3, *Decorative Lighting*, and 12B(1).1, *Cross-sections of Street and Sidewalk System Standards & Landscaping and Street Tree Standards*. Street and pedestrian lights shall be spaced forty (40) feet on-center and spaced evenly between trees. If both street lights and pedestrian lights are used, light style shall be alternated between trees.

Figure 12B(1).3
Decorative Lighting

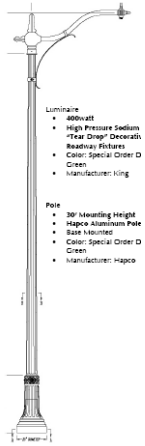
Pedestrian Light	Street Light	Pedestrian Signal Pole	Traffic Signal Pole
			

Figure 12B(1).3 Decorative Lighting		
Luminaire • Manufacturer: Cooper • 150 Watt • High Pressure Sodium – Cooper Generation CAN – Post Top Fixtures • Color: Special Order Dark Green Pole • Manufacturer: General Electric • Twelve (12) foot mounting height • General Electric Aluminum Poles • Haight-Ashbury Fluted Shaft • Anchor Base • Color: Special Order Dark Green	Luminaire • Manufacturer: King • High Pressure Sodium King "Tear Drop" Decorative Roadway Fixtures • Color: Special Order Dark Green Pole • Manufacturer: Hapco • Thirty (30) foot mounting height • Hapco Aluminum Poles • Base Mounted • Color: Special Order Dark Green	Lamp Post Specifications • Manufacturer: Spring City Elect. Mfg. Co. • SBNH16.5W-Steel • Color: Dark Green Illuminated Sign • Manufacturer: Southern Manufacturing • LED Illuminated Street Sign • 19" Height, 48"/72"/96" Width

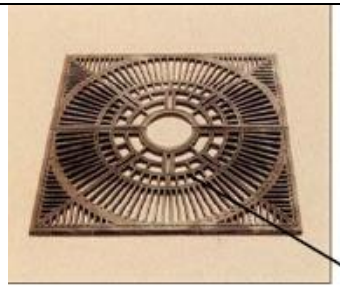
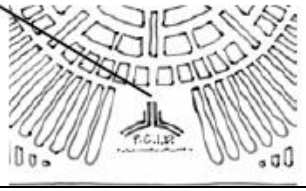
12B(1).6. DISTRICT DESIGN GUIDELINES. In addition to the mandatory standards contained in this article, there are certain voluntary guidelines established for development in the District. These guidelines are established as follows and in the document entitled *PERIMETER Focus: Envisioning a New Urban Center*. Said document and all material therein accompany and are hereby made a part of this zoning ordinance.

A. Street Furniture. Street furniture, to include trash receptacles bus shelters, benches, bike racks, newspaper boxes, vending carts, café tables, pedestrian way finding signage, kiosks, and public art, may be installed, if desired, along Avenues only, and if installed shall be located within the five (5) foot furniture zoned. If installed street furniture shall be consistent with the standards contained in Table 12B(1).4, *Street Furniture Design Standards*.

Figure 12B(1).2 **Street Furniture Design Standards – Avenue Streets Only**		
STREET FURNITURE	**STANDARDS**	**APPROPRIATE LOCATIONS**
Bicycle racks	 ▪ **Landscape Forms** Pi Rack embedded Finish: Grotto Powdercoat ▪ Space 36″ on-center	Transit stops and other destination centers
	 ▪ **Columbia Cascade** Cycloops 2170-7-C embedded Finish: Black Powdercoat	

Figure 12B(1).2 **Street Furniture Design Standards – Avenue Streets Only**		
STREET FURNITURE	**STANDARDS**	**APPROPRIATE LOCATIONS**
Bollards	 ▪ **Urban Accessories** DG5 Finish: Raw Cast Grey Iron	Surface mounted where pedestrian-bike paths intersect other roads
Bus Shelters	 ▪ **Landscape Forms** Kaleidoscope 2-post straight, offset canopy with solid panels ▪ Presidio seating with backs Finish: Grotto Powdercoat	All shuttle and bus stations

Figure 12B(1).2 **Street Furniture Design Standards – Avenue Streets Only**		
STREET FURNITURE	**STANDARDS**	**APPROPRIATE LOCATIONS**
Benches	▪ **Landscape Forms** Presidio Collection PD3001-BS-22 Finish: Grotto Powdercoat *OR* ▪ **DuMor Site Finishes** Bench 137-60 Finish: Black	All
Planters	**Landscape Forms** Rosa Planter 42″, 36″, 30″ or 24″ diameter Polyethylene - Freestanding Color: Millstone	As desired

Figure 12B(1).2 **Street Furniture Design Standards – Avenue Streets Only**		
STREET FURNITURE	**STANDARDS**	**APPROPRIATE LOCATIONS**
Trash Receptacle	 ▪ **Landscape Forms** Presidio Collection PD5001-26-30 Surface Mount Finish: Grotto Powdercoat *OR* ▪ **Fairweather Site Furnishings & Accessories** TR -14 (w/o rain shield) Finish: Black	All
Tree Grate	 ▪ **Urban Accessories** Eco 4′ x 4′ Square Finish: Raw Cast Iron *OR* ▪ **East Jordan Iron Works** Model 8674 ADA  ▪ P.C.I.D. logo should be embedded into grates	All

12B(1).7. APPEALS. Appeals of the regulations and standards contained in this Article are to the Board of Appeals in accordance with Article 22, *Appeals*. Any appeal of a decision of the Board of Appeals is to Fulton County Superior Court in accordance with Article 22, *Appeals*.

12B(1).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.

ARTICLE XVIII

OFF STREET PARKING AND LOADING

18.1. SCOPE AND INTENT. The location, design and quantity of off-street parking and loading facilities for every use located in the City shall comply with the 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 Ordinance.

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 (1/2) or larger shall constitute a whole. A bench seat shall consist of eighteen (18) inches.

USE GROUP	EXAMPLE OF TYPES OF USE	MINIMUM REQUIREMENT
All areas are expressed in spaces per GROSS SQUARE FEET OF BUILDING AREA unless GROUND AREA or some other measure is specified.		
Adult Entertainment Establishments		10 per 1000 sq. ft.
Adult Establishments, Other	adult bookstores adult motion picture arcades adult motion picture theaters	5 per 1000 sq. ft.
Assembly Places with Fixed Seating	stadiums auditoriums theaters amphitheaters	1 per 4 fixed seats
Assembly Places without Fixed Seating	meeting halls libraries	1 per 35 sq. ft. in largest assembly room
Auto Dealerships, Sales & Service	new car sales used car sales service & parts	6.5 per 1000 sq. ft.
Bowling Alleys		5 per alley
Child Care Facilities Kindergarten	day care centers pre-schools	1.7 per 1000 sq. ft. + 1 per 4 employees on the largest shift
Churches and Other Places of Worship with Fixed Seating	cathedrals churches temples	1 per 3.5 fixed seats in the largest assembly area
Churches and Other Places of Worship Without Fixed Seating		1 per 30 sq. ft. in largest assembly area
Clubs and Lodges	community centers country clubs fraternal organizations	5 per 1000 sq. ft.

USE GROUP	EXAMPLE OF TYPES OF USE	MINIMUM REQUIREMENT
All areas are expressed in spaces per GROSS SQUARE FEET OF BUILDING AREA unless GROUND AREA or some other measure is specified.		
Clubs with Golf Course		50 per 9 holes + 1 per 1000 sq. ft.
Commercial, Amusement, Outdoor Facilities	amusement parks batting cages skateboard parks	1 per 4 fixed seats or one per 35 sq. ft. of floor area used for moveable seats + 10 per 1000 sq. ft. of ground area identified for recreation and assembly
Custodial Care Facilities	halfway houses	2.5 per 1000 sq. ft.
Dormitories and Related Facilities	boarding houses dormitories fraternity houses group residences sorority houses	1 per bedroom + 5 per 1000 sq. ft. of common area
Festivals, Outdoor	arts and crafts shows carnivals dogs shows horseshows musical festivals	2 per 1000 sq. ft. of ground area identified for festivals and music festivals related seating
Financial Institutions	banks brokerage houses credit unions	5 per 1000 sq. ft.
Funeral Homes		1 per 3 fixed seats + 1 for each 25 sq. ft. in the largest assembly room
Golf Courses, Public and Private, Without Club Facilities		50 spaces per 9 holes
Health Care and Other Facilities	hospitals convalescent homes nursing homes outpatient clinics prison/correctional facilities	1 per four beds + one per 3 employees
Hotels and Motels, No Restaurants With Restaurants	apartment hotels hotels motels	1 per room 1.25 per room
Industrial and Manufacturing Facilities	assembly plants fabrication plants factories	1 per 1000 sq. ft.
Laboratories, Scientific and Related	experimental labs fabrication plants factories	2.5 per 1000 sq. ft.
Medical Offices and Related Facilities	clinics dental offices doctor's offices veterinary offices	4 per 1000 sq. ft.
Mini-Warehouses		1 per employee + 1 per 5000 sq.

USE GROUP	EXAMPLE OF TYPES OF USE	MINIMUM REQUIREMENT
All areas are expressed in spaces per GROSS SQUARE FEET OF BUILDING AREA unless GROUND AREA or some other measure is specified.		
		ft.
Offices, General	freestanding offices office towers office parks offices associated with other uses recording studios	3 per 1000 sq. ft. to 250,000 sq. ft.; 2.8 per 1000 sq. ft. all exceeding 250,000 sq. ft.
Race Tracks		1 per 4 fixed seats or 1 per 35 sq. ft. of floor area used for moveable seats + 10 per 1000 sq. ft. of other spectator area
Recreational Facilities, Indoor	arcades billiard parlors game rooms health club/spas indoor amusement facilities museums physical fitness centers skating rinks	5 per 1000 sq. ft.
Recreational Facilities, Private Single Family or Mixed Residential, Association or Club Multifamily Residential	 tennis court basketball court swimming pool	 3 per court 4 per court 6 per adult swimming pool + 1 per 15 dwelling units beyond 60 served included in basic parking requirement
Recreational Facilities, Public	basketball court playing fields tennis courts driving range miniature golf swimming pool gymnasium	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 5 per 1000 sq. ft.
Recycling Centers		1.5 per 1000 sq. ft. of building floor area and 2 spaces per outdoor recycling collection container plus loading spaces as specified in Section 18.6.1
Residential, Multifamily Dwelling Units (fewer than 40 units/acre)	1 bedroom or efficiency unit 2 bedroom unit 3 bedroom unit	1.4 per unit 2.0 per unit 2.25 per unit
Residential, Multifamily Dwelling Units, Highrise (40 + units/acre)	1 bedroom or efficiency unit 2 bedroom unit	1.25 per unit 1.75 per unit

USE GROUP	EXAMPLE OF TYPES OF USE	MINIMUM REQUIREMENT
All areas are expressed in spaces per GROSS SQUARE FEET OF BUILDING AREA unless GROUND AREA or some other measure is specified.		
	3 bedroom unit	2.00 per unit
Residential, Single Family Dwelling Units	detached dwelling duplexes mobile homes	2 per dwelling unit
Residential, Retirement Homes	personal care homes retirement homes senior housing	1.25 per dwelling unit
Restaurants, Nightclubs and Taverns (including outdoor seating)	bars bistros cafeterias dance clubs music clubs restaurants	10 per 1000 sq. ft.
Retail Establishments	art galleries boutiques food stores rental services shops stores	5 per 1000 sq. ft.
Roadside Stands		6 + 5 per 1000 sq. ft. ground area
Salvage, Storage and/or Junk Facilities		1 per employee plus 4 per acre
Schools	elementary junior high middle secondary business colleges colleges conservatories trade universities vocational tech institutions	larger of 2 per classroom or one per 35 sq. ft. in largest assembly area larger of 10 per classroom or one per 35 sq. ft. in largest assembly area 5 per 1000 sq. ft.
Service and Repair Establishments	appliance repair shops bicycle repair shops general repair centers shoe repair shops	5 per 1000 sq. ft.
Service Commercial Establishments	barber shops beauty parlors caterers dry cleaners laundromats	5 per 1000 sq. ft.
Service Stations and Automotive Repair Centers	automotive garages car care centers paint and body shops	5 per 1000 sq. ft.

USE GROUP	EXAMPLE OF TYPES OF USE	MINIMUM REQUIREMENT
All areas are expressed in spaces per GROSS SQUARE FEET OF BUILDING AREA unless GROUND AREA or some other measure is specified.		
	car wash facilities service stations tire centers	
Warehousing and Storage Facilities	commercial storage distribution centers	1 per 2000 sq. ft.

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 PARKING, OFF-SITE AND SHARED in Article XIX 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 the City 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.

	WEEKDAYS		WEEKENDS		NIGHTTIME
	6 am-5pm	5pm-1am	6am-5pm	5pm-1am	1am-6am
OFFICE	100%	10%	10%	5%	5%
RETAIL	60%	90%	100%	70%	5%
HOTEL	75%	100%	75%	100%	75%
RESTAURANT	50%	100%	100%	100%	10%
ENTERTAINMENT/ RECREATIONAL	40%	100%	80%	100%	10%

CHURCH	50%	50%	100%	100%	10%

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:

	WEEKDAYS		WEEKENDS		NIGHTTIME
	6 am-5pm	5pm-1am	6am-5pm	5pm-1am	1am-6am
OFFICE	300	30		15	
RETAIL	168	252	280	196	14
HOTEL					
RESTAURANT/ ENTERTAINMENT/ RECREATIONAL	40	100	80	100	10
TOTAL	508	382	390	311	39

Thus, 508 spaces would be needed for this development, a reduction of 172 spaces or twenty-five percent (25%).

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 (3) 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.

Straight-line Distance from MARTA Station Property Line to Applicant Property Line	Reduction
0-500 feet	15%

501-1000 feet	10%
1001-1500 feet	5%

18.2.4. ADMINISTRATIVE REDUCTION OF SPACES CONSTRUCTED. The Director may authorize a reduction in the total number of parking spaces constructed on a site to no less than ninety percent (90%) of the basic requirement when all of the 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 shall be 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 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 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 shall apply to the Director 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 a vehicle shall be prohibited except on a “parking space” 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 fifty percent (50%) of a required rear yard. A maximum of two (2) 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 subsection E below.

The visible storage or parking of more than four (4) 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 (2) 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 (10) 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 (10) feet to any side or rear property line. No off-street parking space shall be located within twenty-five (25) feet of any side or rear property line adjacent to a single family dwelling district or use or within ten (10) 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 (10 feet) to any side or rear property line. No off-street parking space shall be located within twenty-five (25) feet of any side or rear property line adjacent to a single family dwelling district or use or within ten (10) feet of any other property line.

All areas are expressed in spaces per GROSS SQUARE FEET OF BUILDING AREA unless GROUND AREA or some other measure is specified.

Off-street loading areas shall be provided in the rear or interior side yards.

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 twenty-five (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 twenty-five (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 (4) tons empty weight shall not be stored or parked in any agricultural or residential zoning district unless temporarily 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.

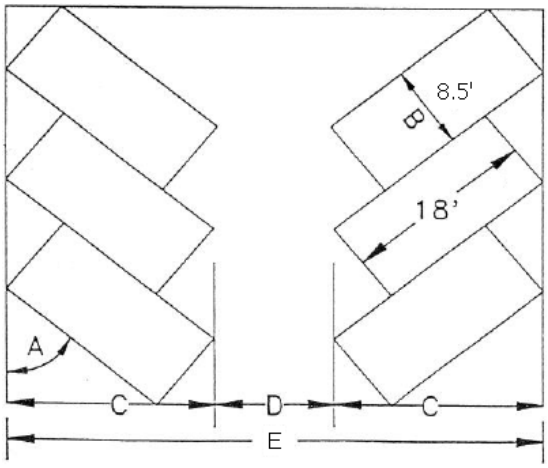
18.3.5. LANDSCAPE AREAS AND BUFFERS. No parking shall be permitted in any required landscape area or buffer.

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 requirements. Vehicles must be totally screened from all property lines by a one hundred percent (100%) 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. Angled or parallel parking requirements shall be as follows:

MINIMUM SPACE REQUIREMENTS				
Parking Angle (A)	Parking Width (B)	Stall Depth (C)	Aisle Width (D)	Overall (E)
0° - 45°	8.5 feet	18 feet	14 feet	50 feet
46° - 60°	8.5 feet	18 feet	18 feet	54 feet
61° - 90°	8.5 feet	18 feet	22 feet	58 feet



Twenty percent (20%) of the total parking spaces may be designated as compact car spaces. A compact space shall measure a minimum of one hundred twenty (120) square feet with a minimum width of eight (8) 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 Ordinance.

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, shall only be stored in residential districts, agricultural districts and non-residential districts, except M-1 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 and boat trailers may be parked or stored in all residential districts under the following conditions:

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:

TYPE OF USE	GROSS FLOOR AREA (SQ. FT.)	LOADING SPACES REQUIRED
Single Retail Establishment Services	0 to 19,999 20,000 to 49,999 50,000 to 250,000 Over 250,000	0 1 2 3
Shopping Centers	0 to 19,999 20,000 to 49,999 50,000 to 100,000 Each additional 100,000	0 1 2 1
Office Buildings, Apartment Buildings over four stories, Hospitals, Health Care Establishments, Hotels and Motels	0 to 999,999 1,000,000 to 2,000,000 More than 2,000,000	0 1 2
Manufacturing, Warehousing, Wholesaling, etc.	Up to 14,999 15,000 to 39,999 40,000 to 65,000 Each additional 80,000	1 2 3 1
Recycling Center		2 loading spaces measuring no less than 12 feet by 35 feet and having 14 feet of vertical clearance

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 twelve (12) feet by thirty-five (35) feet and have fourteen (14) feet of vertical clearance.

B. For any use required to furnish three or more loading spaces, at least one (1) in every three (3) shall measure no less than twelve (12) feet by fifty-five (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 non-industrial zoning district, a fifty (50) foot landscape strip shall be established, behind which the maneuvering and berth space may be located.

B. Non-Industrial Zoning Districts: In the event that spaces and maneuvering areas are to be located in a yard adjacent to any established residential use, a fifty (50) foot landscape strip shall be established behind which the berths and maneuvering spaces may be located.

ARTICLE XIX

ADMINISTRATIVE PERMITS AND USE PERMITS

PART I

GENERAL

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 administrative permits are enumerated in Part II of this Article and the standards which apply to Use Permits are enumerated in Part III of this Article. The standards for each Use must be met in order for an application to be granted.

19.2. APPLICATION AND APPROVAL. Uses allowable with an administrative permit and the minimum standards for such Uses are listed in Part II, Section 19.3 of this Article.

Uses allowable with a Use Permit and the minimum standards for such Uses are listed in Part III, 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 standards contained in this Article shall not apply to Uses allowed by any Zoning District.

19.2.2. APPROVAL OF ADMINISTRATIVE PERMITS. Any Use authorized by administrative permit shall be approved and permitted by the Director whenever the proposed Use complies fully with the requirements of the subject Property's Zoning District and standards as set forth in Part II, 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 Appeals. In certain cases, conditions are imposed by local, state or federal law which must be met.

19.2.3. APPROVAL OF USE PERMITS. Any Use authorized by Use Permit may be considered by City Council as provided in Section 19.2.4. and may be approved by City Council in accordance with standards enumerated in Section 19.4. provided:

A. The subject Use is allowable in the subject Property's Zoning District;

B. All standards and considerations for the Use Permit as specified in Article XIX can be met;

C. A public hearing has been held in relation to the Use Permit before the Planning Commission and the City Council in conformance with the notice standards outlined in Article XXVIII;

D. Recommendations have been received from the Department staff and the Planning Commission; and

E. Conditions imposed with respect to Right-of-Way dedication and roadway, water, sewer and/or other infrastructure improvements are met.

19.2.3.1. Applications. Use Permit requests shall require a separate application when included with a Rezoning Petition. 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 Rezoning Petition. 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.

19.2.3.2. Variances. A Variance to the 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.

19.2.3.3. Accessory Uses. Structures and land may be utilized 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:

A. Whether the proposed Use is consistent with the Comprehensive Plan and/or other plans adopted by the City Council;

B. Whether the proposed Use is compatible with land Uses and Zoning Districts in the vicinity of the Property for which the Use Permit is proposed;

C. Whether the proposed Use may violate local, state and/or federal statutes, ordinances or regulations governing land Development;

D. The effect of the proposed Use on traffic flow, vehicular and pedestrian, along Adjoining Streets;

E. The location and number of off-Street Parking Spaces;

F. The amount and location of Open Space;

G. Protective Screening;

H. Hours and manner of operation;

I. Outdoor lighting; and

J. 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.

19.2.5. ADDITIONAL RESTRICTIONS ON ADMINISTRATIVE PERMITS AND USE PERMITS. Any Use which may be 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 (10) foot Improvement Setback in accordance with Section 4.2.3. The reduction of said Setback shall be subject to the approval of the Department in accordance with Article XXII. Whenever a standard contained in this section is in conflict with another provision of this Ordinance, 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.

PART II

ADMINISTRATIVE PERMITS

19.3. MINIMUM ADMINISTRATIVE PERMIT STANDARDS.

19.3.1. ADULT ESTABLISHMENTS.

INTENT AND FINDINGS

It is the intent of this Section to regulate the place and manner of the operation of Adult Establishments 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 establishments have been associated with disorderly conduct, prostitution, negative impacts on surrounding properties, and other adverse secondary effects. This Section advances the substantial government interest in promoting and protecting public health, safety, and general welfare, and maintaining law and order. The Section is narrowly constructed to protect the First Amendment rights of citizens of Sandy Springs while furthering the substantial governmental interest of combating the secondary effects of adult establishments from areas and uses in the community which are incompatible. Areas and uses which are to be protected from adult establishments include but are not limited to residential, churches, day care centers, libraries, recreational facilities, and schools. The City Council hereby readopts and incorporates by reference the findings and secondary effects evidence concerning adult establishments in the legislative record for Chapter 26, Article II of the Code of the City of Sandy Springs, Georgia and for ordinances adopting and amending those provisions.

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 establishments are significantly related to diminishing market values of neighboring residential areas, that adult establishments should not be located in residential areas, and that adult establishments should be permitted only in locations that are at least 1/10 mile, or approximately 500 feet, from residential areas.

The City Council 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 establishments correlates with a decreasing market value of neighboring residential areas, that adult establishments 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 establishments in an immediate area is associated with a statistically significant decrease in residential property market value, and that such a concentration of adult

establishments 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 Council further finds, based upon a May 19, 1986, land use study conducted in Austin, Texas, that an adult establishment within one block of a residential area decreases the market value of homes, that adult establishments 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 establishments tend to be from outside the immediate neighborhood in which the adult establishment is located.

The City Council 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 establishment will have a negative effect on residential property market values if it is located closer than one block to residential uses.

The City Council further finds that this portion of this zoning ordinance regarding regulation of adult establishments was carefully considered by a work group of Fulton County staff drawn from the areas of law enforcement, land use, land planning, and law; by the planning commission at public meetings open to the citizens of Sandy Springs 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 this portion of the zoning ordinance particularly with respect to its provisions relating to the effects of adult establishments 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 portion of the zoning ordinance is intended to be a carefully tailored regulation to minimize the adverse land use impacts caused by the undesirable secondary effects of adult establishments, and the City Council finds that restricting adult establishments to certain zones and imposing development standards can legitimately regulate adult establishments by establishing zones where adult establishments are most compatible with other uses or the surrounding neighborhood, and by requiring minimum distances to be maintained between adult establishments 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 portion to the zoning ordinance, 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 ordinance, 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 portion of the zoning ordinance, the City Council intends to adopt a content neutral measure to address the secondary effects of adult establishments in continuation of practices that previously applied to the citizens of the now incorporated City of Sandy Springs as when they were formerly citizens residing in unincorporated Fulton County.

The city council hereby re-adopts and incorporates these pre-enactment findings and evidence into the adoption of the following code amendments.

19.3.1. A. Required Districts: C-1, C-2, M-1 and M-2

19.3.1. B. Standards:

1. An adult establishment must be located at least 300 feet from the properties listed below:

   a. The property line of any 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 for residential purposes; and

   b. The property line of any public park, public recreational fields, public recreational courts, public golf course, public playground, public playing field, government building owned and/or occupied by such government, library, civic center, public or private school, commercial day care facility or church.

   c. For the measurements required by this subsection B.1, the distance shall be measured in a straight line from the structure or tenant space of the applicable adult establishment to the closest property line of the zoned property or uses outlined in subparts a or b, above. Where property conditioned for residential purposes is part of a mixed use development, the distance shall be measured to the closest boundary of the area shown on the approved site plan as conditioned for residential purposes. Where a use listed in subpart b is located in a structure or tenant space in a multi-tenant development, the distance shall be measured to the structure or tenant space of that use rather than the property line of the overall development, so as to maximize the number of locations available to adult establishments. The zoning and/or use of land in adjacent jurisdictions shall not disqualify any location within the City of Sandy Springs from being available to an adult establishment.

2. No adult establishment shall be located any closer than 400 feet from any other adult establishment. For the measurement required by this subsection, distance shall be measured in a straight line from the nearest public entrance of the structure or tenant space of the adult establishment to the nearest public entrance of the structure or tenant space of the other adult establishment.

3. No adult entertainment establishment shall be located any closer than 50 feet from any establishment authorized and licensed to sell alcoholic beverages or malt beverages or wine for consumption on the premises. For the measurement required by this subsection, distance shall be measured from the nearest public entrance of the structure or tenant space of the adult entertainment establishment to the nearest entrance to the public of the structure or tenant space of the establishment authorized and licensed to sell alcoholic beverages or malt beverages or wine for consumption on the premises.

4. The location standards in Sections 19.3.1.A and 19.3.1.B are severable from the requirement that adult establishments obtain an Administrative Permit. Should any court of competent jurisdiction declare the Administrative Permit requirement or procedures in this Section 19.3.1 to be invalid, then adult establishments shall be a permitted use in the C-1, C-2, M-1, and M-2 zoning districts subject to the standards in 19.3.1.B.

5. Notwithstanding any provision in this Zoning Ordinance or the Sandy Springs Code of Ordinances to the contrary, a location for which an adult establishment Administrative Permit has issued shall not be rendered nonconforming, nor shall the location be deemed noncompliant with Section 19.3.1.B or Section 26-23 of the Code, by virtue of the subsequent establishment of a land use or zoning district specified in this Section 19.3.1.B.

19.3.1. C. <u>Administrative Permit Required</u>:

New adult establishment uses shall file an application for an Administrative Permit with the Director of the Community Development Department. The application shall be complete when it contains the following:

1. Name of the business or applicant.

2. Business address.

3. Business phone number, fax number, and email address.

4. Certified boundary survey, prepared by a licensed surveyor, of the site and the property lines of surrounding properties within 500 feet of the structure or tenant space of the proposed adult establishment.

19.3.1. D. Permit Processing:

Within fourteen (14) days of receipt of a completed application for an Administrative Permit, the Director shall grant or deny the Administrative Permit and shall mail notice of the granting or denial to the applicant at the business address on the application. The Director shall grant the Administrative Permit unless the adult establishment fails to meet one or more of the standards specified in Section 19.3.1.A or 19.3.1.B, in which case the Director shall specify the standard(s) that the adult establishment fails to meet. In the event the Director fails to act within the fourteen (14) day period the adult establishment shall be deemed approved and permitted. An adult establishment Administrative Permit shall not be denied based on the establishment of a land use or zoning district specified in Section 19.3.1.B that occurs after the filing of that adult establishment's completed application for an Administrative Permit.

19.3.1. E. Denial of Administrative Permit:

The applicant may appeal any denial of an Administrative Permit by filing a notice of appeal with the Mayor and City Council within 10 days of the date of the notice of denial. The Mayor and City Council shall place the appeal down for a hearing at the Council's next regularly scheduled meeting, or at a special hearing within 20 days of the filing of the notice of appeal, whichever is sooner, and shall provide notice to the applicant of the date, time, and place of the hearing at least seven (7) days prior to the hearing. The city shall provide for the hearing to be transcribed. At the hearing, the applicant and the Director may be represented by counsel and shall have opportunity to make argument, present evidence, and cross-examine adverse witnesses. The Director shall bear the burden of proving the grounds for denying the Administrative Permit. The hearing shall take no longer than two (2) days, unless extended at the request of the applicant to meet the requirements of due process and proper administration of justice. Within five (5) days after the hearing, the Mayor and City Council shall issue a decision either denying or granting the Administrative Permit and a statement of reasons for the decision, and shall mail notice of the decision to the applicant at the business address on the application. A denial by the Mayor and City Council may be appealed within 30 days of the date of said denial to the Superior Court by writ of certiorari.

19.3.1. F. Other Regulations:

Adult establishments that satisfy the requirements of Section 19.3.1 shall not be required to satisfy any discretionary standard under this Zoning Ordinance or the City of Sandy Springs Code of Ordinances to open and engage in protected expression.

19.3.2. ANTENNA.

19.3.2.1. ALTERNATIVE ANTENNA SUPPORT STRUCTURE WHICH WILL EXCEED THE ALLOWED ZONING DISTRICT HEIGHT.

A. 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 the City.

B. Allowed Only in These Districts with Administrative Permit: All

C. 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 Tower from a Property Line of any Street Right-of-Way, Residential District and/or AG-1 district used for single Family, unless said Structure is proposed to be located on an existing Building.

3. Above ground equipment shelters shall be surrounded by a minimum ten (10) foot wide Landscape Strip planted to Buffer standards unless the City Arborist determines that existing plant materials are adequate.

4. Roof top Antennas and associated Structures shall not project more than ten (10) feet above roof line.

5. Height shall not exceed one hundred fifty (150) feet from existing Grade.

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 statues and ordinances.

19.3.2.2. AMATEUR RADIO ANTENNA WHICH WILL EXCEED THE ALLOWED ZONING DISTRICT HEIGHT.

A. 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 implement the City's governmental interests in land planning, aesthetics and public safety by requiring the following Administrative Permit Standards.

B. Allowed Only in These Districts with Administrative Permit: All

C. Standards:

1. All Antennas shall be located in the Rear Yard.

2. The maximum Height shall be ninety (90) feet. Any request to exceed the maximum Height shall require a Use Permit, as provided in Section 19.4.6. of this Ordinance.

3. All Antennas shall be set back from all Property Lines one-third (1/3) 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. All Antennas shall be painted in a neutral color identical or closely compatible with surroundings, subject to the approval of the Director.

7. All guy wires must be anchored on site and outside of Right-of-Way.

19.3.2.3. 19.3.2.3. ANTENNA, TOWER AND ASSOCIATED STRUCTURES (RADIO, TELEVISION, MICROWAVE BROADCASTING, ETC.) WHICH WILL EXCEED THE MAXIMUM ZONING DISTRICT HEIGHT IN DISTRICTS M-1A, M-1, AND M-2. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.) (For use in Residential Districts, AG-1, Overlay Districts, O-I, MIX, C-1, and C-2 districts, see Section 19.4.8. of this Ordinance for Use Permit Standards.)

A. 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 the City. The following regulations on design, location, placement, and Height limits of Antennas in Residential Districts implements the City's governmental interest in land planning, aesthetics and public safety by requiring the following Administrative Permit Standards.

B. Allowed Only in These Districts with Administrative Permit: M-1A, M-1, and M-2 (See Section 19.4.8. of this Ordinance for Use Permit Standards in Residential Districts, AG-1, Overlay Districts, O-I, MIX, C-1, and C-2 districts.)

C. Standards:

1. Tower/Accessory Structures must be set back a distance equal to 1 ½ times the Height of the Tower from all Property Lines of any Street Right-of-Way, Residential District and/or AG-1 district used for single Family.

2. Tower and/or associated facilities shall be enclosed by Fencing not less than six (6) feet in Height and shall also be equipped with an Appropriate anti-climbing device.

3. A minimum ten (10) foot wide Landscape Strip planted to Buffer standards shall be required around the facility exterior to any Fence or Wall unless the City Arborist determines that existing plant materials are adequate.

4. Height shall not exceed two hundred (200) feet from existing Grade. Towers that are two hundred (200) feet shall be calculated to include all appurtenances (e.g. light, marking) required by the F.A.A.

5. Towers 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 statues and ordinances.

19.3.3. CLUB.

A. Allowed Only in These Districts with Administrative Permit: 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 fifty (50) feet from all Property Lines of any Street Right-of-Way, Residential District and/or AG-1 district used for single Family.

2. Permitted Curb Cut access shall not be from a local Street.

3. The hours of operation for outdoor facilities within two hundred (200) feet of any Residential District or dwelling shall be limited to the hours of 8:00 a.m. to 11:00 p.m.

4. Outdoor Recreational Facilities shall be set back a minimum of one hundred (100) feet from all Property Lines of any Street Right-of-Way, 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.

19.3.4. OPEN.

19.3.5. GOLF COURSE.

A. Allowed Only in These Districts with Administrative Permit: All

B. Standards:

1. A minimum one hundred (100) foot Setback for all Buildings and Parking areas shall be provided adjacent to any Street Right-of-Way, Residential District and/or AG-1 district used for single Family.

2. Driving range, tees, greens and fairways shall be required to have a one hundred (100) foot Setback from minor, Arterial, and 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 fifty (50) foot wide Buffer and a minimum ten (10) foot Improvement Setback shall be provided adjacent to all Buildings and Parking areas when said facilities are located adjacent to any Street Right-of-Way, Residential District and/or AG-1 district used for single Family.

5. A minimum twenty-five (25) foot Buffer and a minimum ten (10) 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 Street Right-of-Way, Residential District and/or AG-1 district used for single Family, the hours of operation shall be limited to the hours of 8:00 a.m. to 11:00 p.m.

7. The need for any accessory Netting associated with a driving range, tee, green, fairway or other course feature that is proposed to exceed the maximum district Height shall be reviewed by the Director. A report prepared by a qualified engineer or expert documenting that the Netting is required based upon a safety hazard caused by the driving range, tee, green, fairway or other course feature shall be submitted with the application for administrative permit in support of the proposed Height. The Director shall have the authority to approve or deny the administrative permit at his/her discretion.

19.3.6. GUEST HOUSE.

A. Allowed Only in These Districts with Administrative Permit: R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, R-6, NUP, CUP, TR, A, A-L, AG-1, O-1 and MIX when accessory to a single Family dwelling unit.

B. Standards:

1. No more than one (1) 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 six hundred fifty (650) square feet and a maximum of fifteen hundred (1500) square feet.

4. Principal Building Setbacks shall apply.

5. The location shall be limited to the Rear Yard.

19.3.7. KENNEL, RESIDENTIAL. (For enclosed Kennels, see Part II, Section 19.3.20. of this Ordinance for Administrative Permit Standards. For Kennels or outside animal facilities, see Part III, Section 19.4.24. of this Ordinance for Use Permit Standards). (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.)

A. Allowed Only in These Districts with Administrative Permit: Single Family residential and AG-1

B. Standards:

1. Each premises where there are four (4) or more dogs over the age of four (4) months kept, maintained or harbored for a period of fourteen (14) days or longer shall be deemed to constitute a Kennel.

2. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise, or any noise which either annoys, disturbs, injures, or endangers the reasonable comfort, repose, health, peace, or safety of others in the City within fifty (50) feet of the Property Lines adjacent to Single Family Residential Uses.

3. Other permits may be required by the Code to be obtained before operating a residential Kennel.

19.3.8. MOBILE HOME - WHILE RESIDENCE IS BEING BUILT.

A. Allowed Only in These Districts with Administrative Permit: R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, R-6, NUP, CUP, TR, A, A-L, AG-1, O-1 and MIX

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 Zoning District Setbacks.

3. The administrative permit shall expire twelve (12) months after issuance or upon occupancy of the Principal Structure, whichever occurs first. Only one (1) renewal for a one (1) year period may be issued.

4. The Mobile Home must be occupied by the owner of the principal residence under construction.

19.3.9. PARKING, OFF-SITE AND SHARED. (Whenever Parking as required in Article XVIII cannot be accomplished, shared Parking in accordance with Section 18.2.2. of this Ordinance may be approved via an administrative permit provided the standards of this section are met.)

A. Allowed Only in These Districts with Administrative Permit: O-I, C-1, C-2, MIX, M-1, M-1A and M-2

B. Standards:

1. 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.

2. No more than twenty percent (20%) of the total Parking requirement may be provided Off-Site via the administrative permit.

3. The Property must be located no more than three hundred (300) feet from the Principal Use with pedestrian access provided between the sites as may be required by the Department.

19.3.10. RAPID RAIL TRANSPORTATION STATION.

A. Allowed Only in These Districts with Administrative Permit: All

B. Standards: Refer to the agreement currently in effect between the City and the Metropolitan Atlanta Rapid Transportation Authority (MARTA) or such similar document as may be adopted and administered by the City.

19.3.11. RECREATIONAL COURT, PRIVATE.

A. Allowed Only in These Districts with Administrative Permit: 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. Multifamily. Recreational Courts, Accessory Structures, and Fencing shall be located a minimum of one hundred (100) feet from any residential Building on an adjacent Lot, Adjoining residential Property Line or Street Right-of-Way.

3. Neighborhood. Recreational Courts serving a neighborhood must be located within the limits of the underlying zoning and must meet the following standards:

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 one hundred (100) feet from all Adjoining Property Lines.

c. Landscape Strips and Buffer requirements shall be as specified by Article 4.23.1. of this Ordinance.

d. A maximum four (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 shielded and 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. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise, or any noise which either annoys, disturbs, injures, or endangers the reasonable comfort, repose, health, peace, or safety of others in the City within fifty (50) feet of the Property Lines adjacent to Single Family Residential Uses.

4. Accessory Netting. The need for any accessory Netting associated with a driving range, tee, green, fairway or other course feature that is proposed to exceed the maximum district Height shall be reviewed by the Director. A report prepared by a qualified engineer or expert documenting that the Netting is required based upon a safety hazard caused by the driving range, tee, green, fairway or other course feature shall be submitted with the application for administrative permit in support of the proposed Height. The Director shall have the authority to approve or deny the administrative permit at his/her discretion.

19.3.12. RECREATIONAL COURT, PUBLIC.

A. Allowed Only in These Districts with Administrative Permit: O-I, MIX, C-1, C-2, M-1, M-1A, M-2

B. Standards:

1. Recreational Courts, Accessory Structures, Fencing, and Parking shall be located a minimum of one hundred (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.

2. Landscape Strips and Buffer requirements shall be as specified in Section 4.23.1. of this Ordinance.

3. Sources of exterior Illumination shall be shielded and directed away from Adjoining residences and shall not exceed 1.2 foot candles along an Adjoining residential Property Line. Outdoor lighting of Recreational Facilities in or Adjoining Residential Districts or Uses shall be used only between dusk and 11:00 P.M.

4. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise, or any noise which either annoys, disturbs, injures, or endangers the reasonable comfort, repose, health, peace, or safety of others in the City within fifty (50) feet of the Property Lines adjacent to Single Family Residential Uses.

5. The need for any accessory Netting associated with a driving range, tee, green, fairway or other course feature that is proposed to exceed the

maximum district Height shall be reviewed by the Director. A report prepared by a qualified engineer or expert documenting that the Netting is required based upon a safety hazard caused by the driving range, tee, green, fairway or other course feature shall be submitted with the application for administrative permit in support of the proposed Height. The Director shall have the authority to approve or deny the administrative permit at his/her discretion.

19.3.13. RELOCATED RESIDENTIAL STRUCTURE.

A. Allowed Only in These Districts with Administrative Permit: R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, R-6, NUP, CUP, TR, A, A-L, AG-1, O-1 and MIX

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 Relocated Residential Structure shall be affixed to a permanent foundation within six (6) 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 Ordinance and other applicable regulations shall be met within one (1) year from the date of the permit issuance.

5. A house moving permit shall be obtained from the Department in conjunction with the administrative permit.

6. A Building permit for the repair and construction of said Structure shall be obtained within thirty (30) days of the administrative permit issuance.

7. The exterior of the Structure shall be brought into compliance with the International Property Maintenance Code within six (6) months of the issuance of the administrative permit.

8. Prior to occupancy, a certificate of occupancy must be obtained from the Department.

19.3.14. ROADSIDE PRODUCE STAND.

A. Allowed Only in These Districts with Administrative Permit: C-1, C-2, M-1, M-2 and AG-1

B. Standards:

1. An administrative permit shall be valid for a period of one (1) year from the approval date. Permitted location is not transferable.

   Upon expiration of the permit, the Use shall cease unless another administrative permit is approved.

2. A minimum of six (6) spaces for Parking shall be required for the exclusive use of the Roadside Produce Stand and Parking Spaces may not be for any other Use on site.

3. Any activity or Structure shall maintain a minimum ten (10) foot Setback from the Right-of-Way and not be located within a required Landscape Strip or Buffer or Improvement Setback. Said Structure shall also maintain a Minimum Setback of ten (10) feet from any permitted Curb Cut access.

4. Two (2) copies of a drawing showing dimensions shall accompany the application and shall accurately depict the standards of this section.

5. The applicant shall provide a notarized written permission statement from the Property owner or lease holder of the subject site. A twenty-four (24) hour contact number of the Property owner or lease holder shall be provided along with the permit application.

6. The hours of operation shall be limited to the hours of 8:00 a.m. to 8:00 p.m.

19.3.14.1. ROADSIDE VENDING.

A. Allowed Only in These Districts with Administrative Permit: C-1, C-2, M-1 and M-2

B. Standards:

1. An administrative permit shall be obtained at least seven (7) days before beginning the vending operation and shall be granted for a maximum of nine (9) days per permit. The permitted location is not transferable and no more than two (2) permits per year shall be issued for one (1) address. Said permit must be posted on site during the vending operation. Upon expiration of the permit, the Use shall cease unless another administrative permit is approved.

2. The Property on which the roadside vendor is permitted must be located at least fifteen hundred (1500) feet from a permanent Business which offers the same or similar merchandise as that of the vendor. The vendor shall provide names of all established Businesses which sell similar or the same merchandise within fifteen hundred (1500) feet of the proposed vendor site.

3. Vendors shall not locate within fifteen hundred (1500) feet of another roadside vendor.

4. A minimum of six (6) Parking Spaces shall be provided adjacent to the vending area for the exclusive use of the vending operation and shall not occupy minimum required Parking Spaces for any other Use on site.

5. Any Roadside Vending displays or activity shall maintain a minimum twenty (20) foot Setback from the Right-of-Way and not be located within a required Landscape Strip or Buffer. Said displays shall also maintain a Minimum Setback of ten (10) feet from any internal drives.

6. Two (2) copies of a drawing showing dimensions shall accompany the application and shall accurately depict the standards of this section.

7. The applicant shall provide a notarized written permission statement of the Property owner or lease holder of the subject site. A twenty-four (24) hour contact number for the Property owner or lease holder shall be provided along with permit application.

8. Vending shall be limited to the hours of 8:00 a.m. to 8:00 p.m.

9. No vendor equipment, Vehicle, display or sales activity shall block access to a public facility including, but not limited to, a telephone booth, a mail box, a Parking meter, a fire alarm box, a fire hydrant, a traffic control box, a Driveway or other access point.

10. Vending shall not be permitted from any Vehicle. Vending is permitted from tables and carts only.

11. Tents and tarps are prohibited.

12. Signs advertising the vending operation are prohibited.

19.3.15. SWIMMING POOL, PRIVATE.

A. Allowed Only in These Districts with Administrative Permit: 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, Wall or Building not less than five (5) feet high. Fences or Walls shall have 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 (5) 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 Fulton County Health Department.

1. Additional Standards Associated with Detached Dwelling Unit Swimming Pools. Swimming Pools shall be allowed in Side and Rear Yards of Single Family Dwelling Units in any district. Pools, pool equipment, and Decks must be a minimum of ten (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. Additional Standards Associated with Neighborhood Swimming Pools. 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 one hundred (100) feet from all Adjoining Property Lines.

c. Landscape Strips and Buffer requirements shall be as specified by Article 4.23.1. of this Ordinance.

d. A maximum four (4) 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 shielded and 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. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise, or any noise which either annoys, disturbs, injures, or endangers the reasonable comfort, repose, health, peace, or safety of others in the City within fifty (50) feet of the Property Lines adjacent to Single Family residential Uses.

3. Additional Standards Associated with Multifamily Dwelling Units Swimming Pools. Swimming Pools, pool equipment, Decks, Accessory Structures, and Fencing shall be located a minimum of one hundred (100) feet from any Adjoining Property Line or Street.

19.3.16. SWIMMING POOL, PUBLIC.

A. Allowed Only in These Districts with Administrative Permit: 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 one hundred (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 Section 4.23.1. of this Ordinance.

3. Sources of exterior Illumination shall be shielded and directed away from Adjoining residences and shall not exceed 1.2 foot candles along an Adjoining residential Property Line. Outdoor lighting of Recreational Facilities in or Adjoining Residential Districts or Uses shall be allowed only between dusk and 11:00 P.M.

4. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise, or any noise which either annoys, disturbs, injures, or endangers the reasonable comfort, repose, health, peace, or safety of others in the City within fifty (50) feet of the Property Lines adjacent to Single Family Residential Uses.

19.3.17. TEMPORARY CLASSROOM.

A. Allowed Only in These Districts with Administrative Permit: All

B. Standards:

1. The Structure must be constructed for Use as a Temporary Classroom and certified as such by the 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 limited by Zoning Conditions or other Use Permit conditions.

4. An administrative permit for a Temporary Classroom shall expire three (3) years from the date of approval at which time the Structure shall be removed unless a new administrative permit is obtained within thirty (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 (2) 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 Ordinance.

19.3.18. TEMPORARY STRUCTURE.

A. Allowed Only in These Districts with Administrative Permit: All, except emission inspection stations shall be permitted only in non-residential 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 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 fifty (50) foot Setback from existing dwelling(s) on adjacent Lots.

3. Temporary Structures must be removed prior to the issuance of a certificate of occupancy or within five (5) 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 (3) years from the date of approval at which time the Structure shall be removed unless a new administrative permit is obtained within thirty (30) days of the expiration date.

19.3.19. TEMPORARY USE OF EXISTING DWELLING WHILE RESIDENCE IS BEING BUILT.

A. Allowed Only in These Districts with Administrative Permit: 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 ninety (90) days after issuance of a Certificate of Occupancy for the new Principal Structure or one (1) year after issuance of a Building permit, whichever occurs first.

19.3.20. VETERINARY CLINIC/HOSPITAL OR KENNEL (ENCLOSED). (For residential Kennels, see Part II, Section 19.3.7. of this Ordinance for Administrative Permit Standards. For Kennels or outside animal facilities, see Part III, Section 19.4.24. of this Ordinance for Use Permit Standards).

A. Allowed Only in These Districts with Administrative Permit: 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.

PART III

USE PERMITS

19.4. USE PERMITS AND MINIMUM USE PERMIT STANDARDS.

19.4.1 OPEN.

19.4.2 OPEN.

19.4.3. AGRICULTURAL-RELATED ACTIVITIES. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.)

1. Intent: It is the intent of this section 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.

B. Allowed in These Districts with Use Permit Only: AG-1

C. Standards:

1. Minimum Lot size shall be five (5) acres.

2. Permitted Curb Cut access shall not be from a Local Road.

3. Food Services may be provided.

4. A minimum of one hundred (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 one hundred (100) feet from all Property Lines.

6. All Parking and access areas must be of an All-Weather Surface per Article XVIII, Festivals, Outdoor.

7. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise, or any noise which either annoys, disturbs, injures, or endangers the reasonable comfort, repose, health, peace, or safety of others in the City within fifty (50) feet of the Property Lines adjacent to Single Family Residential Uses.

8. The hours of operation shall be limited to the hours of 6:00 a.m. to 10:00 p.m.

9. If located adjacent to a Street Right-of-Way, any Residential District or an AG-1 district used for single Family, the minimum Buffers and Landscape Strips as specified for the O-I district in Section 4.23.1. of this Ordinance shall be required.

10. Sanitary facilities or trash receptacles shall be located a minimum of one hundred (100) feet from a Property Line of any Street Right-of-Way, Residential District and/or AG-1 district used for single Family.

19.4.4. AIRCRAFT LANDING AREA. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.)

A. Allowed in These Districts with Use Permit Only: All

B. Standards:

1. For fixed wing aircraft, a one thousand (1000) 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 two hundred (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 four hundred (400) feet of a Property Line adjacent to any Street Right-of-Way, 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 F.A.A.

4. If located within or adjacent to a Street Right-of-Way, Residential District and/or AG-1 district used for single Family, the hours of operation shall be limited to the hours of 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 F.A.A. airspace analysis with the Director.

6. In accordance with Section 28.4.3.2. of this Ordinance, an Environmental Impact Report shall be submitted as required.

19.4.5. ALL USES WHEN HEIGHT WILL EXCEED ZONING DISTRICT MAXIMUM.

A. Allowed in These Districts with Use Permit Only: 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 be shielded and not be visible from Adjoining residences.

19.4.6. AMATEUR RADIO ANTENNA WHICH WILL EXCEED THE ALLOWED ADMINISTRATIVE PERMIT HEIGHT. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.) (For Amateur Radio Antenna which will exceed the allowed Zoning District height but not the administrative permit height, see Part II, Section 19.3.2.2. of this Ordinance for the Administrative Permit Standards.)

A. 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 Use Permit Standards on design, location, placement, and height limits of Antennas in Residential Districts are required to implement the City's governmental interest in land planning, aesthetics and public safety.

B. Allowed in These Districts with Use Permit Only: All

C. Standards:

1. Antennas shall be located in the Rear Yard.

2. The request to exceed the height of ninety (90) feet shall be accompanied by a written justification of its intent by the licensee. Under no circumstances shall an Antenna exceed two hundred (200) feet in height.

3. All Antennas shall be set back from the Property Line one-third (1/3) 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, subject to the approval of the Director.

7. All guy wires must be anchored on site and outside of Right-of-Way.

19.4.7. AMPHITHEATER. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.)

A. Allowed in These Districts with Use Permit Only: 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 (10) acres.

2. The stage shall be located a minimum of six hundred (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 one hundred (100) foot Buffer and a minimum ten (10) foot Improvement Setback shall be provided adjacent to a Street Right-of-Way, Residential District, Property zoned for Residential Use zoning or Development or an AG-1 district when used for single Family.

5. A minimum fifty (50) foot Buffer and ten (10) foot Improvement Setback shall be provided adjacent to Nonresidential Districts zoning or Development.

6. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise, or any noise which either annoys, disturbs, injures, or endangers the reasonable comfort, repose, health, peace, or safety of others in the City within fifty (50) feet of the Property Lines adjacent to Single Family Residential Uses.

7. Eight (8) foot high Fencing shall be provided adjacent to a Street Right-of-Way, a Property zoned for Residential Use or an AG-1 district used for single Family.

8. The hours of operation shall be limited to the hours of 8:00 a.m. to 11:00 p.m. when adjacent to a Street Right-of-Way, a Property zoned for Residential Use and/or an AG-1 district used for single Family.

19.4.8. ANTENNA TOWER, AND ASSOCIATED STRUCTURE (RADIO, TELEVISION, MICROWAVE BROADCASTING, ETC.) WHICH WILL EXCEED THE ALLOWED ZONING DISTRICT HEIGHT IN RESIDENTIAL AND AG-1. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.) (For Use in districts O-I, MIX, C-1, C-2, M-1A, M-1 and M-2, see Part II, Section 19.3.2.3. of this Ordinance for Administrative Permit Standards.)

A. 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 the City.

The following Use Permit Standards on design, location, placement, and height limits of Antennas in Residential Districts are required to implement the City's governmental interest in land planning, aesthetics and public safety.

B. Allowed in These Districts with Use Permit Only: Residential Districts and AG-1 (For other Nonresidential Districts, see Part II, Section 19.3.2.3. of this Ordinance for Administrative Permit Standards.)

C. Standards:

1. Towers must be set back a distance equal to the height of the Tower from any residentially or AG-1 zoned or used Property. (i.e., a two hundred (200) foot Tower will require a two hundred (200) foot Setback from any Street Right-of-Way, Residential District and/or AG-1 district used as single Family.)

2. Height shall not exceed three hundred (300) feet from existing Grade and shall be calculated to include all appurtenances (e.g. light, marking) required by the F.A.A. for Towers two hundred (200) feet or taller.

3. Tower and associated facilities shall be enclosed by Fencing not less than six (6) feet in height and shall also be equipped with an Appropriate anti-climbing device.

4. A minimum ten (10) foot Landscape Strip planted to Buffer standards shall be required surrounding the facility exterior to the required Fence unless the City 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-quarter (1/4) 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.

19.4.9. BED AND BREAKFAST. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.)

A. Allowed in These Districts with Use Permit Only: AG-1, R-6, and TR

B. Standards:

1. A minimum of two (2) guest rooms and a maximum of five (5) guest rooms are permitted. (For more than five (5) guest rooms, see Section 19.4.14., Country Inn.)

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 Road.

5. The minimum landscape and Buffer areas shall be required as specified for AG-1 in Section 4.23.1. of this Ordinance.

6. Parking requirements shall be the same as Hotel/Motel as specified in Article XVIII.

7. Identification or advertising Signs shall be limited to four (4) square feet in surface area and four (4) feet in height.

19.4.10. CEMETERY AND/OR MAUSOLEUM. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.)

A. Allowed in These Districts with Use Permit Only: 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 fifty (50) feet of a Residential District and/or AG-1 district used for single Family.

3. All Structures, including earth interments, shall be inside meet the Minimum Yard Setbacks or ten (10) feet, whichever is greater.

4. If located adjacent to a Street Right-of-Way, single Family dwelling district and/or AG-1 district used for single Family, the minimum Buffers and Landscape Strips as specified for the O-I District in Section 4.23.1. of this Ordinance shall be required.

5. Copies of applicable local, state, and federal permits shall be provided to the Department prior to the issuance of a Certificate of Occupancy.

19.4.11. CHURCH, TEMPLE OR PLACE OF WORSHIP. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.)

A. Allowed in These Districts with Use Permit Only: R-1, R-2, R-2A, R-3, R-3A, R-4A, R-4, R-5, R-5A, R-6, TR, NUP, A, A-L, and AG-1.

B. Standards:

1. All Buildings and Use areas/Structures other than Parking and pedestrian walkways shall be located at least one hundred (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 separately approved Use Permit or administrative permit for each Use.

4. The minimum Buffers and Landscape Strips as specified for the O-I Zoning District in Section 4.23.1. of this Ordinance shall be required.

19.4.12. COMMERCIAL AMUSEMENT, OUTDOOR. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.) (For driving ranges not associated with a Golf Course, see Section 19.4.17.)

A. Allowed in These Districts with Use Permit Only: 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 one hundred (100) foot Buffer and a minimum ten (10) foot Improvement Setback shall be provided adjacent to a Street Right-of-Way, Residential District and/or AG-1 district used for single Family.

3. A minimum fifty (50) foot Buffer and ten (10) foot Improvement Setback shall be provided adjacent to non-residential zoning districts.

4. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise, or any noise which either annoys, disturbs, injures, or endangers the reasonable comfort, repose, health, peace, or safety of others in the City within fifty (50) feet of the Property Lines adjacent to Single Family Residential Uses.

5. Eight (8) foot high Fencing shall be provided adjacent to any Street Right-of-Way, 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 shall be limited to the hours of 8:00 a.m. to 11:00 p.m. adjacent to a Street Right-of-Way, Residential District and/or AG-1 district when used for single Family.

7. All recreational Structures and activities shall maintain a Minimum Setback of one hundred (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 allowed zoning height is granted (see Section 19.4.5.).

9. The need for any accessory Netting associated with a driving range, tee, green, fairway or other course feature that is proposed to exceed the maximum district height shall be reviewed by the Director. A report prepared by a qualified engineer or expert documenting that the Netting is required based upon a safety hazard caused by the driving range, tee, green, fairway or other course feature shall be submitted with the application for administrative permit in support of the proposed height. The Director shall have the authority to approve or deny the administrative permit at his/her discretion.

19.4.13. COMPOSTING. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.)

A. Allowed in These Districts with Use Permit Only: AG-1

B. Standards:

1. Lot area shall be a minimum of five (5) acres.

2. Permitted Curb Cut access shall be derived from an Arterial or Collector Road.

3. The hours of operation shall be limited to the hours of 7:00 a.m. to 6:00 p.m.

4. All operations shall maintain a Minimum Setback of one hundred (100) feet from all Property Lines.

5. The minimum Buffers as specified for the M-1 district in Section 4.23.1. of this Ordinance shall be required.

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. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise, or any noise which either annoys, disturbs, injures, or endangers the reasonable comfort, repose, health, peace, or safety of others in the City within fifty (50) feet of the Property Lines adjacent to Single Family Residential Uses.

10. In accordance with Section 28.4.3.2. of this Ordinance, an Environmental Impact Report shall be submitted as required.

19.4.14. COUNTRY INN. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.)

A. Allowed in These Districts with Use Permit Only: AG-1

B. Standards:

1. Lot area shall be a minimum of five (5) acres.

2. A minimum of six (6) guest rooms and a maximum of thirty (30) rooms are permitted. (For less than six (6) guest rooms, see Section 19.4.9., Bed and Breakfast.)

3. The Country Inn shall be owner occupied.

4. Permitted Curb Cut access shall be from a Collector Road 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 4.23.1. of this Ordinance shall be required.

8. Identification or advertising Signs shall be limited to one (1) Sign of not more than nine (9) square feet and no more than four (4) feet in Height.

9. Parking requirements shall be the same as Hotel/Motel as specified in Article XVIII.

19.4.15. DAY CARE FACILITY (Allowed in CUP, O-I, MIX, C-1 and C-2 Districts).

A. Allowed in These Districts with Use Permit Only: R-6, TR, A, and A-L. (May be allowed in single Family districts and AG-1 districts in conjunction with an Institutional Use such as a Church, a Temple, a Place of Worship, a School or a Hospital.)

B. Standards:

1. Facility shall be for seven (7) or more persons, excluding staff.

2. The minimum Landscape Strips, Buffers and Improvement Setbacks shall be required as specified for the O-I district in Section 4.23.1. of this Ordinance.

3. Provide a minimum six (6) 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 the hours of 6:00 a.m. to 7:00 p.m., Monday through Friday.

6. No Parking allowed in the Minimum Front Yard Setback.

5. Driveway design shall permit Vehicles to exit the Property in a forward direction.

6. Copies of applicable local, state, and federal permits shall be provided to the Department prior to the issuance of a Certificate of Occupancy.

19.4.16. OPEN.

19.4.17. DRIVING RANGE (Not associated with a Golf Course). (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: AG-1, O-I, MIX, C-1, C-2, and M-1A

B. Standards:

1. Lot area shall be a minimum of ten (10) acres.

2. Permitted Curb Cut access shall be from a Collector Road or Arterial.

3. Loudspeakers/paging systems are prohibited adjacent to a Street Right-of-Way, Residential District and/or AG-1 Zoning District used for single Family.

4. The hours of operation shall be limited to the hours of 8:00 a.m. to 11:00 p.m. when adjacent to a Street Right-of-Way, Residential District and/or AG-1 Zoning District used for single Family.

5. The need for any accessory Netting associated with a driving range, tee, green or other driving range feature that is proposed to exceed the maximum Zoning District Height shall be reviewed by the Director. A report prepared by a qualified engineer or expert documenting that the Netting is required based upon a safety hazard caused by the driving range, tee, green or other driving range feature shall be submitted with the application for administrative permit in support of the proposed Height.

The Director shall have the authority to approve or deny the administrative permit at his/her discretion.

19.4.17.1. OPEN.

19.4.18. OPEN.

19.4.19. OPEN.

19.4.20. GROUP RESIDENCE FOR CHILDREN (five (5) to eight (8) children.) (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: AG-1, R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A

B. Standards:

1. Facility shall be for no more than eight (8) children.

2. Parking shall comply with the requirements of Article XVIII for dormitories and related.

3. Copies of applicable local, state, and federal permits shall be provided to the Department prior to the issuance of a Certificate of Occupancy.

19.4.20.1. GROUP RESIDENCE FOR CHILDREN (nine (9) to fifteen (15) children.) (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: R-6 and TR

B. Standards:

1. Facility shall be for no more than fifteen (15) children.

2. Parking shall comply with the requirements of Article XVIII for dormitories and related.

3. Copies of applicable local, state, and federal permits shall be provided to the Department prior to the issuance of a Certificate of Occupancy.

19.4.21. OPEN.

19.4.22. OPEN.

19.4.23. OPEN.

19.4.24. KENNEL OR OUTSIDE ANIMAL FACILITIES. (For residential Kennels, see Part II, Section 19.3.7. of this Ordinance for Administrative Permit Standards. For enclosed Kennels, see Part II, Section 19.3.20. of this Ordinance for Administrative Permit Standards.) (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: C-2, M-1, and M-2

B. Standards:

1. Minimum one (1) acre Lot size is required.

2. Buildings and runs, sun areas, exercise yards, Patios or facilities other than Parking shall be located at least one hundred (100) feet from all Property Lines and two hundred (200) feet from any single Family Zoning District and/or AG-1 Zoning District used for single Family.

3. Applicant shall comply with all applicable provisions of the City's Animal Control Ordinance.

19.4.25. LANDFILL, INERT WASTE DISPOSAL. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: AG-1, M-1 and M-2

B. Standards:

1. No access shall be allowed from Local Roads.

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 (3) mile radius of the Property Lines of an existing Landfill.

4. The Waste Disposal Boundary of a Landfill shall be located at least five hundred (500) feet from all Property Lines except those adjacent to M-1 and M-2 Zoning Districts.

5. A minimum two hundred (200) foot Buffer and ten (10) foot Improvement Setback shall be required along all Property Lines except public rights-of-way.

6. A minimum fifty (50) foot Buffer and a minimum ten (10) foot Improvement Setback shall be required along all public rights-of-way.

7. A minimum six (6) foot high solid Fence or Wall shall be located on Property Lines or interior to the required Buffers and Improvement Setbacks.

8. The hours of operation shall be limited to the hours of 6:00 a.m. to 6:00 p.m., Monday through Saturday.

9. The owner shall provide the Director with 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 Section 28.4.3.2. of this Ordinance, an Environmental Impact Report shall be submitted as required.

19.4.26. LANDFILL, SOLID WASTE DISPOSAL. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: 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 (3) mile radius of the Property Lines of an existing Landfill.

4. The Waste Disposal Boundary of a Landfill shall be located at least five hundred (500) feet from all Property Lines except those adjacent to M-1 and M-2 Zoning Districts.

5. A minimum two hundred (200) foot Buffer and ten (10) foot Improvement Setback shall be required along all Property Lines except public rights-of-way.

6. A minimum fifty (50) foot Buffer and ten (10) foot Improvement Setback shall be required along all public rights-of-way.

7. A minimum six (6) foot high solid Fence or Wall shall be located on Property Lines or interior to the required Buffers and Improvement Setbacks.

8. The hours of operation shall be limited to the hours of 6:00 a.m. to 6:00 p.m., Monday through Saturday.

9. The owner shall provide the Director 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 Section 28.4.3.2. of this Ordinance, an Environmental Impact Report shall be submitted as required.

19.4.27. LANDSCAPING BUSINESS, PLANT NURSERY, OR GARDEN CENTER WITH INDOOR RETAIL COMPONENT. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: AG-1

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 fifty (50) feet from any Adjoining Residential District or AG-1 Zoning District.

4. The hours of operation shall be limited to the hours of 6:00 a.m. to 8:00 p.m.

5. The minimum Buffers and Landscape Strips as specified for the O-I Zoning District in Section 4.23.1. of this Ordinance shall be required.

6. Structure(s) for retail sales shall be limited to one thousand (1000) total gross square feet.

19.4.28. LODGE, RETREAT AND/OR CAMPGROUND. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: AG-1, M-1A, M-1 and M-2

B. Standards:

1. Minimum Lot size shall be ten (10) acres.

2. Permitted Curb Cut access shall not be derived from a local Street.

3. A minimum one hundred (100) foot wide Buffer and a minimum ten (10) foot Improvement Setback are required adjacent to a Street Right-of-Way, Residential District, or AG-1 Zoning District used for single Family.

4. A minimum fifty (50) foot wide Buffer and a minimum ten (10) foot improvement district are required adjacent to all other Nonresidential Districts.

5. Length of stay for all but permanent staff shall not exceed thirty (30) consecutive days.

6. Sanitary facilities or trash receptacles shall be located a minimum of two hundred (200) feet from any Residential District and/or AG-1 Zoning District when used for Single Family.

7. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise, or any noise which either annoys, disturbs, injures, or endangers the reasonable comfort, repose, health, peace, or safety of others in the City within fifty (50) feet of the Property Lines adjacent to Single Family Residential Uses.

8. Recreational Facilities associated with the Use shall be for staff and guests only.

9. One (1) Parking Space per lodging unit or five (5) per one thousand (1000) square feet of Floor Area shall be provided, whichever is greater.

19.4.28.1. MEDICAL RELATED LODGING (allowed in A and A-L Zoning Districts).

A. Allowed in These Zoning Districts with Use Permit Only: R-6 and TR

B. Standards:

1. Total number of bedrooms or units shall not exceed twenty (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 (1) mile of a Hospital or inpatient medical facility.

4. Facilities locating in a TR Zoning District must have frontage on Streets with classifications higher than local Streets.

5. If located adjacent to a Street Right-of-Way, single Family Zoning District and/or an AG-1 Zoning District used for single Family, the minimum Buffers and Landscape Strips as specified for the O-I Zoning District in Section 4.23.1. of this Ordinance shall be required.

6. Off-Street Parking requirements shall be one (1) per living unit plus one (1) per nonresident employee. Parking is not allowed in the Front Yard Setback.

7. Signs shall not exceed four (4) square feet in area and four (4) feet in Height.

19.4.29. OPEN.

19.4.30. OPEN.

19.4.31. MOBILE HOME - ACCESSORY DWELLING. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: AG-1

B. Standards:

1. A Use Permit for a Mobile Home shall be limited to a three (3) year period from the date of City Council's approval, after which the Mobile Home shall be removed unless an additional Use Permit has been granted.

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.

19.4.32. NURSING HOME/ HOSPICE (Allowed in O-I, MIX, A, A-L, C-1 and C-2 Zoning Districts.)

A. Allowed in These Zoning Districts with Use Permit Only: R-6 and TR

B. Standards:

1. Facilities shall be for five (5) persons or more.

2. Permitted Curb Cut access shall be from an Arterial or a Collector Road.

3. Provide the minimum Landscape Strips and Buffers as required for the O-I Zoning District as specified in Section 4.23.1. of this Ordinance.

4. Provide a fifty (50) foot Building Setback from all Single Family Zoning Districts or AG-1 Zoning 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.

19.4.33. PERSONAL CARE HOME/ASSISTED LIVING (allowed in O-I, A, A-L, MIX, C-1 and C-2).

A. Allowed in These Zoning Districts with Use Permit Only: R-6 and TR

B. Standards:

1. Facilities shall be for five (5) persons or more.

2. Permitted Curb Cut access shall be from an Arterial or a Collector Road. Permitted Curb Cut access may be allowed from a Collector Road if within one thousand (1000) feet of the Property Line of an Institutional Use.

3. A fifty (50) foot Building Setback from single Family Zoning Districts and/or AG-1 Zoning Districts when used for single Family shall be provided.

4. No Parking is allowed in the Minimum Front Yard Setback.

5. The minimum Parking Spaces provided shall be in conformance with health care facilities as provided in Section 18.2.1. of this Ordinance.

6. Landscape Strips and Buffers as required in the O-I Zoning District as specified in Section 4.23.1. of this Ordinance shall be provided.

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 prior to the issuance of a Certificate of Occupancy.

19.4.34. PRISON/CORRECTIONAL FACILITY. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: M-1, M-2

B. Standards:

1. Minimum Lot size shall be one hundred (100) acres.

2. All boundary lines of the Property included within the Use Permit must be located at least five hundred (500) feet from the properties listed below:

a. The Property Line of R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, 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 when minors are the primary patrons.

3. All boundary lines of the Property included within the Use Permit must be located at least ten (10) miles from all Property Lines of any other Prison/Correctional Facility.

4. Together with the application for a Use Permit, a certified boundary survey of the site and the Use of Adjoining properties shall be submitted. If any of the Uses or Zoning Districts referenced in Section 19.4.34.B.2.a. and b. are located within five hundred (500) feet of the boundary lines of the subject Property, and/or a Prison/Correctional Facility is located within ten (10) 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 two hundred (200) foot wide Buffer and a minimum ten (10) 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 one hundred (100) foot wide Buffer and a minimum ten (10) foot Improvement Setback shall be provided adjacent to Property zoned M-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 XVIII, Health Care Facilities.

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 Ordinance. The more restrictive standards shall apply.

11. The facility shall comply with all applicable local, state, and federal regulations, and applicable permits shall be provided to the Department prior to the issuance of a Certificate of Occupancy.

19.4.35. RACE TRACK. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit: AG-1, M-1 and M-2

B. Standards:

1. Minimum Lot size shall be ten (10) acres.

2. The race track and spectator stands for animal tracks shall be located a minimum of five hundred (500) feet from Residential Districts and/or AG-1 Zoning Districts used for single Family, and two thousand (2000) feet from such Zoning Districts for vehicular tracks.

3. Permitted Curb Cut access shall not be from a local Street.

4. A minimum seventy-five (75) foot Buffer and a minimum ten (10) foot Improvement Setback shall be provided adjacent to a Street Right-of-Way, Residential District and/or AG-1 Zoning District used for single Family.

5. A minimum fifty (50) foot Buffer and a minimum ten (10) foot Improvement Setback shall be provided adjacent to all other Property Lines.

6. An eight (8) foot high Fence interior to the required Buffer/Improvement Setback and Landscape Strips shall be provided.

7. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise, or any noise which either annoys, disturbs, injures, or endangers the reasonable comfort, repose, health, peace, or safety of others in the City within fifty (50) feet of the Property Lines adjacent to Single Family Residential Uses.

8. The hours of operation shall be limited to the hours of 8:00 a.m. to 10:00 p.m. when adjacent to a Street Right-of-Way, Residential District and/or AG-1 Zoning District used for single Family.

9. In accordance with Section 28.4.3.2. of this Ordinance, an Environmental Impact Report shall be submitted as required.

19.4.36. RECREATIONAL FIELDS. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: All

B. Standards:

1. Permitted Curb Cut access shall not be from a local Street.

2. A minimum fifty (50) foot Buffer and a minimum ten (10) foot Improvement Setback shall be provided adjacent to a Street Right-of-Way, Residential District and/or AG-1 Zoning District used for single Family.

3. Loudspeakers/paging systems are prohibited adjacent to residentially used Property.

3. The hours of operation shall be limited to daylight hours when said facility is located adjacent to a Street Right-of-Way, Residential District and/or AG-1 Zoning District used for single Family.

5. The need for any accessory Netting associated with a driving range, tee, green, fairway or other course feature that is proposed to exceed the maximum Zoning District Height shall be reviewed by the Director. A report prepared by a qualified engineer or expert documenting that the Netting is required based upon a safety hazard caused by the driving range, tee, green, fairway or other course feature shall be submitted with the application for administrative permit in support of the proposed Height. The Director shall have the authority to approve or deny the administrative permit at his/her discretion.

19.4.37. RECYCLING CENTER, PROCESSING. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: C-2 and M-1A

B. Standards:

1. The hours of operation shall be limited to the hours of 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 (3) mile radius of the Property Lines of an existing recycling facility.

3. A minimum two hundred (200) foot Buffer and ten (10) foot Improvement Setback shall be required along all Property Lines except public rights-of-way.

4. A minimum fifty (50) foot Buffer and ten (10) 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 (6) 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. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise, or any noise which either annoys, disturbs, injures, or endangers the reasonable comfort, repose, health, peace, or safety of others in the City within fifty (50) feet of the Property Lines adjacent to Single Family Residential Uses.

10. The Recycling Center shall comply with regulations administered by the Fulton County Department of Health.

11. In accordance with Section 28.4.3.2. of this Ordinance, an Environmental Impact Report shall be submitted as required.

19.4.38. OPEN.

19.4.39. SALVAGE, STORAGE, AND/OR JUNK FACILITY. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: 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 (3) mile radius of the Property Lines of an existing Salvage, Storage, and/or Junk Facility.

2. A minimum two hundred (200) foot Buffer and ten (10) foot Improvement Setback shall be required along all Property Lines except public rights-of-way.

3. A minimum fifty (50) foot Buffer and ten (10) 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 (6) foot high, solid Fence or Wall, as approved by the 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 Section 28.4.3.2. of this Ordinance, an Environmental Impact Report shall be submitted as required.

19.4.40. SCHOOL, PRIVATE OR SPECIAL. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: All

B. Standards:

1. Minimum Lot area shall be one (1) acre.

2. If located adjacent to a Street Right-of-Way, single Family dwelling Zoning District and/or AG-1 Zoning District used for single Family, the minimum Landscape Strips, Buffers, and Improvement Setbacks as specified for the O-I Zoning District in Section 4.23.1. of this Ordinance shall be required.

3. Buildings and refuse areas shall not be located within one hundred (100) feet of a Residential District and/or AG-1 Zoning District used for single Family.

4. Active outdoor recreation areas shall not be located within one hundred (100) feet of an Adjoining Residential District or Use. Recreational 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 fifty (50) feet of any Residential District and/or AG-1 Zoning 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.

9. Permitted Curb Cut access shall not be from a local Street.

10. The need for any accessory Netting associated with a driving range, tee, green, fairway or other course feature that is proposed to exceed the maximum Zoning District Height shall be reviewed by the Director. A report prepared by a qualified engineer or expert documenting that the Netting is required based upon a safety hazard caused by the driving range, tee, green, fairway or other course feature shall be submitted with the application for administrative permit in support of the proposed Height. The Director shall have the authority to approve or deny the administrative permit at his/her discretion.

19.4.41. SELF-STORAGE/MINI. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: C-1 and C-2

B. Standards:

1. At least seventy-five percent (75%) of the total on-site storage space shall be contained in individual enclosed stalls containing no more than five hundred (500) square feet each and being no more than ten (10) 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, the following: 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. A minimum six (6) foot high, one hundred percent (100%) opaque solid wooden Fence or masonry Wall shall be provided along the entire length (except for approved access crossings) of all Property Lines. Said Fence or 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 fifteen hundred (1500) feet from the boundary of any other Self-Storage Facility (Mini or Multi).

19.4.41.1. SELF-STORAGE/MULTI. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: 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, the following: 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 fifteen hundred (1500) feet from the boundary of any other Self-Storage Facility (Mini or Multi).

19.4.42. SENIOR HOUSING. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: TR, A, A-L, O-I, MIX, C-1 and C-2

B. Standards: In circumstances where conflict exists between Overlay District guidelines and this Ordinance, Overlay District guidelines will generally

supersede the general Ordinance. If the issue is specifically excluded in the Overlay District guidelines, the Ordinance will apply. If the issue is addressed in both documents, the more restrictive will apply.

1. Total acreage for Senior Housing Developments shall be a minimum of five (5) acres.

2. Housing shall be designed, constructed and operated in accordance with the Fair Housing Amendments Act. On an annual basis, the controlling entity shall verify compliance with all provisions of the Fair Housing laws related to occupancy in a manner deemed acceptable pursuant to policies and procedures adopted by the Director. Dwelling units shall have a minimum Heated Floor Area of eight hundred fifty (850) square feet.

3. Each Senior Housing Development may have at least one (1) unit designated as guest quarters for visitors of residents, but the total number of guest units may not exceed one percent (1%) of the total number of units within the Development. Guest units shall have maximum Heated Floor Area of five hundred (500) square feet.

4. Parking Spaces shall be calculated as one and four-tenths (1.4) spaces per dwelling unit. Guest Parking shall be calculated as one and twenty-five hundredths (1.25) space per every three (3) dwelling units.

5. Landscape Strips and Buffers shall be provided as specified for the O-I Zoning District in Section 4.23.1. of this Ordinance.

6. Not less than twenty percent (20%) of the total acreage shall be maintained as common outdoor Open Space for the use and benefit of the residents. Said common outdoor Open Space shall be marked by Appropriate signage and must be accessible via a road or walking Trail to the rest of the Development.

7. The Property shall be deed restricted to Senior Housing except as provided by Fair Housing laws. Each Senior Housing Development shall post on its premises notice of its status as a Senior Housing Development in a manner readily visible to and accessible to the residents. Such notices shall be subject to the approval of the Department.

8. The Property shall comply with all applicable local, state, and federal regulations and copies of any applicable permits shall be provided to the Department prior to the issuance of a Certificate of Occupancy.

9. Projects are encouraged to incorporate easy living and applicable accessibility standards (as administered and copyrighted by a coalition of Georgia citizens including, but not limited to, 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.)

10. Home Occupations shall be permitted in accordance with Section 4.12., Home Occupation, of the Zoning Ordinance.

11. Any proposed change in the Use of a Senior Housing project that does comply with the Fair Housing Amendments Act shall conform to all current zoning and density requirements. Any such conversion shall be considered a Zoning Modification and be required to be brought into conformance with City standards.

12. Projects are encouraged to incorporate features to enhance the quality of the Senior Housing Development including, but not limited to, laundry rooms on each floor, lounges on each floor with automated external defibrillators (AEDs), balconies on each floor for fresh air, Theater-style media centers, Library, dining halls, wall-mounted emergency pull cords in each unit's bathroom, aerobics and fitness centers.

19.4.43. SKYWALKS. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: AG-1, O-I, MIX, C-1, C-2, M-1A, M-1, M-2

B. Standards:

1. A minimum vertical clearance of sixteen (16) feet above all Streets, and a minimum vertical clearance of sixteen (16) feet above the walkway shall be provided.

2. Ample space for the free flow of pedestrians with a twelve (12) foot minimum walkway width shall be provided.

3. Prior to issuance of a Building permit, a bridge agreement shall be filed with the Department as a condition of approval. The Department shall be responsible for the interpretation and application of the conditions set forth above and no Building permit shall be issued by the Department except upon written approval of the Department of Public Works.

19.4.44. STADIUM (OFFSITE) ASSOCIATED WITH A PRIVATE SCHOOL. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: All

B. Standards:

1. Vehicular access is prohibited from a local Street.

2. A minimum two hundred (200) foot Buffer and minimum ten (10) foot Improvement Setback shall be provided along all Property Lines adjacent to a Street Right-of-Way, residential and AG-1 zoned properties.

3. The hours of operation shall be limited to the hours of 8:00 a.m. to 11:00 p.m. adjacent to a Street Right-of-Way, residential and AG-1 zoned properties.

4. A one hundred (100) foot Setback along any public Right-of-Way is required for all Structures and activities.

4. The Height limit of the Zoning District shall apply to all Structures unless a Use Permit to exceed Zoning District maximum Height is approved.

6. The need for any accessory Netting associated with a driving range, tee, green, fairway or other course feature that is proposed to exceed the maximum Zoning District Height shall be reviewed by the Director. A report prepared by a qualified engineer or expert documenting that the Netting is required based upon a safety hazard caused by the driving range, tee, green, fairway or other course feature shall be submitted with the application for administrative permit in support of the proposed Height. The Director shall have the authority to approve or deny the administrative permit at his/her discretion.

19.4.45. TRANSFER STATION, SOLID WASTE. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: 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 (3) mile radius of the Property Lines of an existing Transfer Station.

4. A minimum two hundred (200) foot Buffer and a minimum ten (10) foot Improvement Setback shall be required along all Property Lines except public rights-of-way.

5. A minimum fifty (50) foot Buffer and a minimum ten (10) foot Improvement Setback shall be required along all public rights-of-way.

6. A minimum six (6) foot high solid Fence or Wall shall be located on Property Lines or interior to the required Buffers and Improvement Setbacks.

7. The hours of operation shall be limited to the hours of 6:00 a.m. to 6:00 p.m., Monday through Saturday.

8. The owner shall provide the Director a current copy of all applicable permits from the State of Georgia upon application for a land disturbance permit.

9. In accordance with Section 28.4.3.2. of this Ordinance, an Environmental Impact Report shall be submitted as required.

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 property, and to provide for interpretation of the text of this Zoning Ordinance and the City Zoning Map. Appeals are authorized herein to be considered by various bodies and individuals depending on the type of appeal and its relationship to land use petitions. Variances apply to the development standards and district standards per the Zoning Ordinance. Modifications apply to the approved conditions of zoning or use permits.

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. The City Council shall have the following powers and duties under the provisions of this Zoning Ordinance:

A. To hear and decide land use petitions, and modifications pursuant to Article XXII and Article XXVIII;

B. To hear and decide requests for concurrent variances in conjunction land use petitions, and/or zoning modifications pursuant to Article XXII and Article XXVIII; and

C. To initiate a land use petition or a modification of approved zoning conditions.

22.2.2. BOARD OF APPEALS (BOA). The (BOA) shall have the following powers and duties under the provisions of this Zoning Ordinance:

A. To hear and decide petitions for primary variance requests;

B. To hear and decide appeals from the interpretation of any of the provisions of this Zoning Ordinance by the Director in accordance with Section 22.2.3;

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 City official in the enforcement of this Zoning Ordinance;

D. To hear and decide appeals from a permitting or procedural decision of the Director or Deputy Director regarding minor or administrative variance requests; and

E. To hear and decide appeals from a decision of the City made pursuant to an ordinance subject to the appeals provisions of this Article.

22.2.3. DIRECTOR. The Director shall have the following jurisdiction, power and duties under the provisions of this Zoning Ordinance:

A. To determine the type of appeal petition or land use process the property owner/agent is required to utilize;

B. To consider and decide on minor variances to minimum yard requirements, not to exceed ten percent (10%) 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 (1) foot;

D. To consider and decide on administrative variances;

A. To consider and decide on administrative modifications to conditions of zoning;

F. To interpret the provisions of the Zoning Ordinance related to the following:

1. Inconsistent, vague or obscure language;

2. Provisions which are in conflict or are confusing;

3. Conflicting or redundant procedural requirements.

G. To establish procedural requirements for review of appeal petitions.

22.2.4. LIMITATION ON AUTHORITY. The authority and jurisdiction of hearing bodies and individuals as provided herein shall be limited as outlined in the following. In exercising this jurisdiction, each hearing body 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 Ordinance.

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 results in a significant change in the approved concept. Such a site plan revision shall require rezoning pursuant to Article XXVIII.

F. There shall be no relief or variance from the standards of Article XXII or Article XXVIII.

22.3. VARIANCES. A variance is a request for relief from the provisions of the Zoning Ordinance. The type of variance necessary shall be determined by the Director or designee. There are six (6) types of variance petitions, which are listed below and described in the following sections:

1. Administrative variance;

2. Minor variance/administrative minor variance;

3. Primary variance;

4. Secondary variance;

5. Interpretation; and

6. Concurrent variance.

22.3.1. VARIANCE CONSIDERATIONS. Variances may be considered in all districts. Primary variances and concurrent variances shall only be granted upon showing that:

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 Ordinance; or,

B. The application of the particular provision of the Zoning Ordinance 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 is authorized by this Zoning Ordinance to consider an administrative variance whenever;

1. A property owner maintains that a provision contained in the City's Development Regulations Ordinance, as applied to a specific situation, is not in the best interest of the public health, safety and welfare;

2. There is a request for the alteration of the ten (10) foot improvement setback required along all buffers as required in the conditions of zoning and/or in Section 4.23.1, MINIMUM LANDSCAPE STRIPS AND BUFFERS; and

3. There is a request up to a ten percent (10%) reduction in the number of required parking spaces per Section 18.2.4, ADMINISTRATIVE REDUCTION OF SPACES CONSTRUCTED.

22.5. ADMINISTRATIVE MINOR VARIANCE.

The Director may grant an administrative minor variance up to one (1) foot from any minimum yard requirement.

22.6. MINOR VARIANCE.

The Director may grant minor variances to minimum yard requirements, not to exceed ten percent (10%) of such requirement, as long as no objection has been submitted in writing to the Director. An appeal to a minor variance decision must be filed as a secondary variance request.

22.7. PRIMARY VARIANCE.

A request for a variance from any Zoning Ordinance provision that is not being handled as a minor, administrative minor or concurrent variance shall be heard and decided by the BOA in accordance with Section 22.3.1.

22.8. SECONDARY VARIANCE/INTERPRETATION.

The BOA 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 Ordinance which shall be filed simultaneously with land use petitions 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 land use petitions. 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 land use petition or modification petition.

B. OPEN.

C. If a petition for a variance to the BOA duplicates a concurrent variance request denied by the City Council, such petition shall not be accepted by the Director prior to the expiration of six (6) months from the date of the City Council's denial of the variance request. A variance request to the BOA cannot be considered simultaneously with the same variance request pending before the City Council.

22.9.2. PETITION FOR CONCURRENT VARIANCE. Each petition for a concurrent variance shall be submitted to the Director in accordance with the advertised filing deadlines for the City Council meetings. A regular variance fee shall be charged and the petition shall comply with all advertising and notification requirements specified in Article XXVIII, REZONING AND OTHER AMENDMENT PROCEDURES. One notice sign may serve for both the land use petition, 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 a zoning or use permit when a site development proposal does not comply with approved conditions. There are two (2) different types of modifications which are listed below and described in the following sections:

1. Administrative modification; and

2. Zoning modification.

22.10.1. PETITION 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. Petitions shall be submitted to the Director in accordance with the deadline schedule adopted by the City Council. A modification petition 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. Petitioners shall submit a revised site plan illustrating the requested modification. The type of modification necessary is determined by the Director.

22.11. ADMINISTRATIVE MODIFICATION. An administrative modification petition may be filed if the Director determines that the modification request is not prohibited by Section 22.2.4, LIMITATION ON AUTHORITY, 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 a petitioner wishes to appeal the decision of the Director regarding an administrative modification, or if it is determined by the Director that a request will involve a matter of public interest, the petitioner must file a separate petition requesting a zoning modification on forms available from the Department.

22.12. ZONING MODIFICATION. A zoning modification petition shall be filed if an approved zoning condition cannot be met and it is determined by the Director that the petition 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 variance and modification requests.

22.13.1. PETITIONS. All petitions for variances, interpretations and modifications shall be filed with the Director on forms available from the Department. The type of petition process necessary to accomplish the change requested by the petitioner shall be determined by the Director. 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 the subject property or its agent;

C. Secondary variance petition - A request for a secondary variance may be initiated by the property owner of the subject property or its agent, or the owner of other real property within three hundred (300) feet of the boundaries of the subject property; and

D. Interpretation petition - A request for an interpretation of a decision of the Director may be requested by any individual.

22.13.3. FILING DEADLINES.

A. Petitions 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 Ordinance.

B. Concurrent variance petitions shall be filed in accordance with the filing deadline for a land use petition, or zoning modification request in accordance with Section 28.2.3 of the Zoning Ordinance.

C. The Director has the discretion to extend the filing deadline by two (2) days or more, when deemed necessary by the Director, for all petitions

except administrative minor and minor variance petitions. A letter from the petitioner explaining the delay in filing shall be submitted prior to the close of the filing deadline.

22.13.4. WITHDRAWAL OF PETITION.

A. A petition may be withdrawn by the petitioner 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. A petition which does 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 petition 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 filing a petition, a petitioner shall pay fees as established by the City Council. Fees paid are not refundable except where the Director determines that a petition 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 petitioner.

If consideration of a petition is postponed or delayed due to the petitioner's failure to comply with any of the provisions of this Article, the Director shall assess additional fees as may be determined by the Department to be the additional administrative costs associated with such postponement or delay.

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 the City until final resolution of the appeal. No City Council or BOA action shall be taken on any property which is the subject of any litigation pending in state or federal court wherein the City 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 petition 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 which shall summarize the hardship or justification reported by the petitioner as related to the petition 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 DECISIONS.

22.13.9. PUBLIC NOTIFICATION.

A. For those petitions which require a public hearing (primary variances, secondary variances, concurrent variances, and zoning modifications), notice shall be given as follows:

1. Publication of notice – The Director shall publish notice of the public hearing in a newspaper of general circulation at least fifteen (15) days, but no more than forty-five (45) days prior to the public hearing at which a petition 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). Re-notification is not required when a petition is deferred by the City Council or the BOA.

2. Posting of notice - The petitioner or agent shall post a sign as issued by the Department in a conspicuous location on each public street frontage of the subject site, at least twenty (20) days, but not more than forty-five (45) days, prior to the public hearing at which a petition will be heard.

The sign shall be mounted and posted as specified by the Department. Property that is not posted on the twentieth (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 BOA defers a petition, the petitioner is required to post an updated sign with new hearing dates twenty (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.

It is the petitioner's responsibility to remove or cause to be removed any public notice sign required to be posted pursuant to this Article. If any sign required by this Article to be posted by the petitioner is not removed within forty-eight (48) hours of final action by the appropriate hearing body, it shall constitute a violation of this Article and the Director shall issue a citation. Any violation of this Article shall be an offense and the violator shall be subject to the penalty provisions set forth in Article XXIX.

The failure of a petitioner or agent on two (2) consecutive occasions to post notice as provided in this Section in connection with a petition shall be considered willful disregard of the petitioner's obligation to comply with this Zoning Ordinance. In such event, the petition shall be denied pursuant to Section 22.13.10 herein, and shall be subject to all provisions herein relating to denied petitions.

3. Notice of the public hearing shall be postmarked fifteen (15) days prior to the hearing date and shall be given by regular mail to all property owners within three hundred (300) feet of the boundaries of the property whose names appear on the current tax records of Fulton County as retrieved by the City's Geographic Information System. Re-notification is not required when a petition is deferred by the City Council or the BOA.

The mailing of public notices is not required when a secondary variance is sought by other than the property owner.

B. For petitions for administrative modification, the Director shall determine what notification, if any, is reasonable on a case by case basis.

22.13.10. <u>DECISIONS</u>. The City Council, BOA, and the Director, in considering petitions under this Article, shall do one (1) of the following:

A. Approve or partially approve the petition;
B. Approve and impose conditions related to the petition;
C. Deny the petition;

D. Hold the petition for further study not less than thirty (30) days; or
E. Withdraw the petition.

22.13.11. BOA DECISION ON SECONDARY VARIANCES/INTERPRETATIONS. The BOA 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 an order, requirement, or decision, wholly or partly, by presenting 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 Zoning Ordinance, and definitions contained in the most current edition of the Merriam-Webster Collegiate Dictionary.

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 petitioner by regular mail within seven (7) working days from the date of the decision by the following authority:

A. The Director shall provide written notification of the BOA's decisions;

B. The Director 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 City Clerk shall provide, with respect to zoning modifications and concurrent variances, written notification of the City Council's decisions.

22.13.13. RECONSIDERATION OF DENIED PETITION. If a variance or modification petition is denied by the Director, the City Council or the BOA, a petition for the same variance or modification item shall not be considered until:

A. At least six (6) 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 (6) month period is waived by the hearing body.

If a petition is denied by the Director, the petitioner may appeal the decision to the appropriate hearing body depending on the type of petition.

This provision is not intended to supersede provisions of Section 28.2 as related to decisions regarding land use petitions.

22.13.14. APPEALS.

A. Appeal to BOA. Any person aggrieved by a decision of the City made pursuant to an ordinance subject to the appeals provisions of this Article may submit an appeal in writing to the Department within thirty (30) days of the City's decision. The appropriate appeal form may be obtained from the Department.

The appeal shall be heard by the BOA in accordance with the rules and regulations of the BOA and as set forth in this Code. The hearing shall take place not more than ninety (90) days after the filing of an appeal with the Department.

B. Appeal to Superior Court. The decision of the BOA is a final decision. Any appeal of such a decision shall be pursued by petition for writ of certiorari filed with the Superior Court of Fulton County within thirty (30) days of the date of the decision in accordance with applicable provisions of Georgia law.

22.13.15. EXPIRATION OF VARIANCE. A variance shall expire unless the property owner takes action to vest the variance in accordance with Section 22.13.16. within a period of thirty six (36) months from the date it is granted by the hearing body or the Director, or fails to secure an approved extension in accordance with Section 22.13.18.

The filing of a request for extension authorized by this Article shall operate as a stay of the expiration of a variance until a decision is made by the Department.

22.13.16. VESTING OF VARIANCE. Upon the occurrence of one (1) of the three (3) conditions listed immediately below, a variance shall be considered vested.

A. Prior to the expiration of a Land Disturbance Permit pursuant to applicable provisions of the Development Regulations Ordinance, a vesting determination may be made by the Department that substantial progress, as defined in Section 22.13.17., has been made toward the completion of on-site construction depicted on the site plan approved with the variance.

B. The issuance of a certificate of occupancy and/or certificate of completion and/or structure specified in the approved conditions.

C. The issuance of a business license for the approved use, but only when no

new construction or land disturbance is approved and/or required as a condition of rezoning.

22.13.17. SUBSTANTIAL PROGRESS. To demonstrate substantial progress for purposes of vesting a variance, the Department shall approve a construction schedule for a Land Disturbance Permit which includes at least fifty percent (50%) of the public improvements for a specified phase. Substantial progress shall have been demonstrated when, within one (1) year of the date of issuance of the Land Disturbance Permit, the Department observes a level of accomplishment or expenditures on the project which produces measurable and verifiable evidence that the activities undertaken comply with those objectives and representations of the approved construction schedule.

Refusal to certify that substantial progress has been achieved may be appealed in accordance with this Article.

22.13.18. EXTENSIONS.

A. Extension by Director. In connection with a variance, the Director is authorized to grant, in writing, an extension for a maximum period of twelve (12) months, subject to the qualifying conditions listed in this Section. To request an extension by the Director, the property owner must submit a petition to the Department at least thirty (30) days prior to the expiration of the variance.

No more than one (1) twelve (12) month extension per variance may be granted by the Director for any of the qualifying conditions listed in this Section (except a court action delay).

B. Extension by the BOA. Any additional requests for extension of a variance beyond the twelve (12) month extension granted by the Director may be considered by the BOA, subject to the qualifying conditions listed in this Section.

To request an extension by the BOA, the property owner must submit a petition to the Department at least thirty (30) days prior to the expiration of the twelve (12) month extension period granted by the Director pursuant to this Section.

The Department shall prepare an analysis and recommendation as to whether the documentation in the petition is sufficient based on one (1) of the four (4) qualifying conditions which may validate an extension request by the BOA. The Department shall submit its recommendation to the BOA.

C. Qualifying conditions. In every petition for an extension of a variance, the property owner shall provide an affidavit documenting at least one (1) of the following:

1. A delay resulting from court action involving the variance or a previous extension on the subject property for which an extension is sought. Extensions approved in connection with court action shall remain valid for one (1) year beyond the granting of an order or the expiration of an appeal period before any court with jurisdiction.

2. 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 one (1) year period, but not during the sixty (60) days prior to expiration, the Director or the BOA, as applicable, shall evaluate such case's qualifications for an extension on its individual merits considering any evidence that might indicate a diligent effort to proceed with development.

3. A delay in development resulting from wetlands regulatory procedures requires the petitioner to provide a copy of the petition acknowledgment letter from the Savannah Regulatory Branch of the Corps of Engineers as documented evidence. Said petition should have been filed at least six (6) months before the expiration of the variance.

4. An inability to obtain financing, despite documentation of the property owner's efforts during the three (3) months prior to the petitioner seeking an extension and continuing until one (1) week prior to consideration of the extension request by the Director or the BOA, as applicable. Documentation shall consist of two (2) official denials signed by officers of two (2) different lending institutions who have final jurisdiction over such financing transactions.

22.13.19. NOTICE OF EXPIRATION. At least ninety (90) days prior to the expiration of a variance, the Director shall send by certified mail a notice of expiration to each owner of record as shown in the tax records.

22.14. BOA.

22.14.1. MEMBERSHIP. The BOA shall consist of seven (7) members appointed by the

City Council. The members shall serve terms concurrent with the terms of the Planning Commission. Members shall not hold any other public office or position in the City. Annual elections shall be held by the BOA to elect one of its members as chairperson for a one- (1) year term. The chairperson may serve an unlimited number of one- (1) year terms.

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 upon written charges and after a public hearing.

22.14.4. PAY. Members of the BOA shall serve without compensation for their services on the BOA, but may be paid for any necessary expenses incurred in the performance of duties authorized by the BOA, as may be fixed from time to time by the City Council.

22.14.5. SECRETARY. The Director shall serve as Secretary to the BOA. 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 BOA shall adopt and publish policies, procedures and rules in keeping with the provisions of this Ordinance. Such shall be available in the Department.

22.14.7. MEETINGS. Meetings of the BOA shall be held at least once each month to dispose of matters scheduled. Additional meetings may be called by the chairman. Scheduled meetings of the BOA, including places and dates, and deadlines for the filing of petitions, shall be approved by the City Council and published by the Director.

ADOPTED BY MAYOR AND CITY COUNCIL, DECEMBER 27, 2005

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 Ordinance is required under provisions of the Sandy Springs 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.

ADOPTED BY MAYOR AND CITY COUNCIL, DECEMBER 27, 2005

ARTICLE XXVI

Interpretation, Conflict and Enforcement

26.1. INTERPRETATION

The Director of the Department of Community Development shall interpret the provisions to this Ordinance, and may utilize opinions of the County Attorney and others in arriving at interpretations. Appeals from an interpretation of the Director of the Department of Community Development shall be in accordance with the provisions of Article XXII.

26.2. CONFLICT

This Ordinance shall abrogate any other regulations previously adopted or issued that are in conflict with any of the provisions of this Ordinance relating to the use of buildings or land in conflict with this Ordinance. This Ordinance shall not annul any easements, covenants or other agreements between parties; provided, however, that whenever this Ordinance imposes a greater restriction upon the use of buildings or land than are imposed by such easements, covenants or agreements, the provisions of the Ordinance shall control.

26.3. ENFORCEMENT

It shall be the duty of the Director of the Department of Community Development to enforce the provisions of this Ordinance. In addition, it shall be the duty of all officers and employees of the County, especially members of the Police Department, Sheriff's Department and Marshal's Office, to assist the Director of the Department 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 the Department 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 Ordinance or amendment thereto.

ADOPTED BY MAYOR AND CITY COUNCIL, DECEMBER 27, 2005

ARTICLE XXVII

HEARING PROCEDURES

27.1. ZONING PROCEDURES ACT.

All public hearings and zoning actions shall be conducted in accordance with Title 36, Chapter 66, "THE ZONING PROCEDURES ACT", of the Code of Georgia.

REVISED VERSION ADOPTED BY MAYOR AND CITY COUNCIL, OCTOBER 20, 2009

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 City Planning Commission, the City Council may, by resolution, change the regulations set forth in this Zoning Ordinance (text amendment) or amend the City Zoning Map.

In amending the City Zoning Map, the City Council may approve a rezoning petition and/or use permit request or a more restrictive zoning district based on the ranking of City zoning district intensities. The City Council may consider a variance filed concurrently with a rezoning petition and/or use permit request. For purposes of this Article, a rezoning petition shall be deemed to include, if applicable, a variance filed concurrently with a rezoning petition and a use permit request shall be deemed to include, if applicable, a variance filed concurrently with a use permit request.

In approving any rezoning petition and/or use permit request, 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 petitions, use permit requests and/or concurrent variances are sometimes referred to in this text together as land use petitions and the property owner submitting a land use petition is referred to as the petitioner. An approved use permit request is referred to in this text as a use permit. All land use petitions approved by the City Council are subject to conditions approved by the City Council.

28.2. LAND USE PETITIONS. Land use petitions may be initiated by the property owner or the City Council on forms included in the Department's land use petition application package available from the Department.

No final action shall be taken on a land use petition affecting the same parcel more often than one (1) time every twelve (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 (6) month waiting period from the date of the final City Council action is required when a land use petition was previously

denied.

If a land use petition was previously denied, the petitioner must demonstrate that the proposed land use petition is significantly different from the one previously denied to the satisfaction of the City Council before it can be considered for a re-initiation. 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 final decision of the City Council regarding a land use petition shall be pursued by petition for writ of certiorari filed with the Superior Court of Fulton County within thirty (30) days of the date of the decision of the City Council in accordance with applicable provisions of Georgia law.

28.2.1. FILING DEADLINES. A land use petition, complete in all particulars, shall be submitted in accordance with the advertised filing deadlines. The Director may extend the filing deadline by two (2) days or more, when deemed necessary by the Director, with a letter of explanation from the petitioner justifying the delay of submittal. An incomplete land use 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 petition may be withdrawn. The petitioner shall submit a written request for withdrawal stating the reason for the request. 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 land use petition. A written request for withdrawal stating the reason for the request shall be made to the Director.

28.2.4. LAND USE PETITION REQUIREMENTS. In order to be accepted by the Department, all land use petitions shall include the following with the required number of copies of each as prescribed by the Director:

a. Pre-petition review form;
b. Signed and notarized petition with original signatures;
c. Legal description;
d. Letter of intent;
e. Site plan which meets the requirements specified in Article 28.5.2;

f. Site plan checklist which indicates compliance with site plan requirements specified in Section 28.5.2;
g. Environmental Site Analysis, as described in Section 28.4.3.1;
h. 8 ½" x 11" site plan;
i. Zoning impact analysis for rezoning petitions, as described in Section 28.4.1;
j. Disclosure form;
k. Public Participation Plan, as described in Section 28.4.7;
l. Public Participation Report, as described in Section 28.4.7;
m. Traffic Impact Study, as described in Section 28.4.4, if applicable;
n. Metropolitan River Protection Act pre-preview letter, if applicable;
o. MARTA corridor plan review form, if applicable;
p. Development of regional impact review form, if applicable;
q. Environmental Impact Report, as described in Section 28.4.3.2, if applicable;
r. Other documents as identified in the pre-petition review; and
s. Non-refundable filing fee.
t. For properties located in the Sandy Springs Main Street Overlay District, land use petitions shall also be accompanied by building material samples and schematic plan sets detailing at a minimum:
    1. Building elevations for each side of the building(s) indicating building heights, fenestration, roof or parapet design, exterior materials and colors.
    2. A basic floor plan shall also be provided showing the perimeter walls and fenestration, loading areas, etc.

28.3. PUBLIC HEARING AND NOTICE REQUIREMENTS.

28.3.1. PUBLIC NOTICE REQUIREMENTS. Notice of the City Planning Commission and the City Council hearings shall be given simultaneously at least fifteen (15) days but not more than forty-five (45) days prior to the date of the City Council public hearing and shall be published in a newspaper of general circulation. Re-notification is not required when a land use petition is deferred by the City Council.

a. Sign Posting. The petitioner or his/her agent shall post a sign as issued by the Department 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 City Planning Commission hearing.

The sign shall be mounted and posted as specified by the Department. Property that is not posted as required will be administratively removed from the agenda.

When the City Council defers a land use petition, the petitioner is required

to post an updated sign with new hearing dates twenty (20) days prior to the next scheduled hearing date. When a land use petition is deferred by the City Council for less than twenty (20) days, posting an updated sign is not required.

It is the petitioner's responsibility to remove or cause to be removed any public notice sign required to be posted pursuant to this Article. If any sign required by this Article to be posted by the petitioner is not removed within forty-eight hours of final action on the applicable land use petition, it shall constitute a violation of this Article and the Director shall issue a citation. Any violation of this Article shall be an offense and the violator shall be subject to the penalty provisions set forth in Article XXIX.

The failure of a petitioner or agent on two (2) consecutive occasions to post notice as provided in this Section in connection with a petition shall be considered willful disregard of the petitioner's obligation to comply with this Zoning Ordinance. In such event, the petition shall be denied and shall be subject to all provisions herein relating to denied petitions.

b. Notice by Mail. The Department shall give notice by regular mail to all property owners within three hundred (300) feet of the boundaries of the subject property who appear on the Fulton County tax records as retrieved by the City's Geographic Information System (GIS). The notices shall be mailed a minimum of fifteen (15) days prior to the hearing date. Re-notification by mail is not required when a land use petition is deferred by the City Council.

The published and mailed notices shall contain the time, place, and purpose of the scheduled hearing, the location of the property, and the present and proposed zoning classifications and/or use permit requested. 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.

28.3.2. PUBLIC HEARING REQUIREMENTS. Before adopting any change to the City Zoning Map or text of the Zoning Ordinance, the City Council shall hold a public hearing following the public hearing by the City Planning Commission where a recommendation was made on the land use petition.

Any public hearing required by this Article shall be called and conducted in accordance with the following procedures. For purposes of this Section, the term "hearing body" shall refer to both the Mayor and City Council and the City Planning Commission. Nothing contained in this Section shall be construed as prohibiting a presiding officer or hearing body from conducting a public hearing

in a fair, orderly, and decorous manner.

a. Presiding Officer. The presiding officer shall preside over the respective public hearing. In the case of the Mayor and City Council, the Mayor shall preside, or in the absence of the Mayor, the Mayor Pro Tempore. In the absence of both the Mayor and Mayor Pro Tempore, another member of the City Council shall be designated to preside over the public hearing. In the case of the City Planning Commission, the chairman shall preside, or in the absence of the chairman, the vice chairman, if designated. If neither is present to preside, another member of the City Planning Commission shall be designated to preside.

b. Opening of Public Hearing. The presiding officer shall indicate that a public hearing has been called on one or more land use petitions made pursuant to this Article and shall open the public hearing. Thereupon, the presiding officer shall call the first case and the hearing body shall consider each land use petition on an individual basis in succession as printed on the published agenda or as otherwise approved by the hearing body; provided, however, that the presiding officer may at his/her discretion call and consider more than one (1) land use petition simultaneously when more than one (1) land use petition involves the same piece of property, and when proceedings would be efficiently completed by combining the hearing and discussion on more than one (1) scheduled matter.

c. Report of the Director. Upon opening the public hearing, the presiding officer shall recognize the Director or his/her designee, or other agents or representatives of the City, who shall provide a summary of the land use petition and present any recommendations or results of investigations. In the case of public hearings before the Mayor and City Council, the Director or his/her designee shall also provide a written summary of the recommendations made by the City Planning Commission and, if applicable, the Design Review Board. Any member of the hearing body upon recognition by the presiding officer may ask questions of the Director or his/her designee or other City representative providing the report or recommendations.

A limited supply of copies of findings of the initiating party, Director, and City Planning Commission shall be available at the hearing or meeting and available on request to interested members of the public in accordance with O.C.G.A. § 36-67-3.

d. Petitioner. Following the report of the Director or his/her designee, the presiding officer shall recognize the petitioner or his/her agent,

spokesperson, or each of them, who shall present and explain the land use petition within the permitted time. There shall be a maximum time period of ten (10) minutes per land use petition at the public hearing for the proponents to present data, evidence, and opinions; however, the City shall not be obligated to provide the full ten (10) minutes period to the proponents if they elect not to use that much time. Upon motion by a member of the hearing body and upon approval of the entire hearing body, the time allotted to the petitioner of his/her agent or spokesperson for presentation and explanation of the land use petition may be extended.

Any member of the hearing body upon recognition by the presiding officer may ask questions of the petitioner or agent of the petitioner, or both.

e. Public. At the conclusion of the petitioner's presentation, the presiding officer shall initiate the public comment portion of the public hearing. The presiding officer may ask for identification of those persons who wish to appear as opponents of the land use petition. If it appears that the number of persons opposing the land use petition is in excess of that which may reasonably be heard, the presiding officer may suggest that a spokesperson for the group be chosen to make presentations within the permitted time. There shall be a maximum time period of ten (10) minutes per land use petition at the public hearing for the opponents to present data, evidence, and opinions; however, the City shall not be obligated to provide the full ten (10) minute period to the opponents if they elect not to use that much time. Upon motion by a member of the hearing body and upon approval of the entire hearing body, the time allotted to opponents of the land use petition or their spoke person may be extended.

Prior to speaking, each speaker will identify himself/herself and state his/her current address. Any person refusing to identify himself/herself may be refused the right to address the hearing body. Each speaker shall speak only to the merits of the proposed land use petition under consideration and shall address his/her remarks only to the hearing body. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed land use petition under consideration. The presiding officer may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this procedure.

Any member of the hearing body, upon recognition by the presiding officer, may ask questions of the person giving testimony.

f. Petitioner's Rebuttal. At the conclusion of public testimony, or upon the expiration of time allotted for public testimony, the petitioner or his/her

agent, or both, shall be allowed a short opportunity for rebuttal and final comment, and the time devoted to any rebuttal shall be counted toward the time allotted to the petitioner under paragraph d. above. Any member of the hearing body upon recognition by the presiding officer may ask questions of the petitioner, his/her agent, or both.

g. Close of Hearing. After the above procedures have been completed, the presiding officer will indicate that the public hearing is closed. Upon the closing of the public hearing, the petitioner or his/her agent and any member of the public shall no longer address the hearing body in any way, including hand waving or motions for attention; provided, however, that at any time considered appropriate the presiding officer may reopen the public hearing for a limited time and purpose for members of the hearing body to ask questions of the proponents or opponents of the land use petition.

h. Decision. After the public hearing is closed, the hearing body shall deliberate and subsequently vote on the land use petition. The City Planning Commission shall move to recommend one of the following actions to the Mayor and City Council:

1. Approval
2. Approval with conditions
3. Denial
4. Withdrawal; or
5. Deferral and remand to the City Planning Commission

Should the City Planning Commission fail to pass a motion as set forth in subsections 1. through 5. above during the meeting at which the land use petition is scheduled, such land use petition shall automatically be forwarded to the Mayor and City Council for consideration with the failure to pass a motion being deemed a recommendation for deferral from the City Planning Commission.

A recommendation by the City Planning Commission to the Mayor and City Council for deferral and remand to the City Planning Commission shall not delay the land use petition from being considered at the advertised public hearing before the Mayor and City Council, nor does it prohibit the Mayor and City Council from taking a final action on the subject land use petition.

The Mayor and City Council may move to approve, approve with conditions, deny, withdraw, or defer and remand to the City Planning Commission. A deferral and remand to the City Planning Commission by

the Mayor and City Council requires the posting of an updated sign consistent with this Article.

28.3.3. SECRETARY. The Director or his/her appointee shall serve as secretary to the City Planning Commission. The secretary shall keep minutes of proceedings that shall indicate the vote of each member upon each question and the absence or failure to vote of a member. The secretary shall keep records of evidence, examinations and official actions, all of which shall be filed and shall be 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 City Planning Commission has made a recommendation. Such reports shall be public record.

28.4.1. ZONING IMPACT ANALYSIS BY THE CITY PLANNING COMMISSION AND THE DEPARTMENT FOR REZONING PETITION. For each rezoning petition, the City Planning Commission and the Department shall investigate and make a recommendation with respect to the factors listed below, which is referred to herein as the zoning impact analysis. 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 City Planning Commission shall make a recommendation based on the zoning impact analysis which the Department shall transmit in writing to the City Council.

The zoning impact analysis factors are as follows:

a. Whether the proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property;

b. Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property;

c. Whether the property to be affected by the proposed rezoning has a reasonable economic use as currently zoned;

d. Whether the proposed rezoning 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 proposed rezoning is in conformity with the policies and

intent of the City's Comprehensive 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 proposed rezoning; and

g. Whether the proposed rezoning will permit a land use which can be considered Environmentally Adverse to the natural resources, environment and citizens of the City.

28.4.2. ZONING IMPACT ANALYSIS BY PETITIONER. If a rezoning petition is initiated by the property owner, a written documented analysis of the impact of the proposed rezoning with respect to each of the matters enumerated in 28.4.1 is required at the time of filing the rezoning petition.

28.4.3. ENVIRONMENTAL REPORTS. If a land use petition is initiated by the property owner, an Environmental Site Analysis and/or an Environmental Impact Report shall be filed with the land use petition pursuant to the following:

28.4.3.1. ENVIRONMENTAL SITE ANALYSIS. All land use petitions shall include an Environmental Site Analysis ("ESA") to identify environmental conditions on the site to determine if the proposed rezoning or land use may be considered Environmentally Adverse.

The ESA shall detail the following:

a. How the proposed rezoning or land use conforms to the City's Comprehensive Plan;

b. The presence or absence of the following and whether the proposed rezoning or land use will encroach or adversely affect any of the following:

1. Wetlands;
2. Floodplains;
3. Streams/stream buffers;
4. Slopes exceeding twenty-five percent (25%) over a ten (10) foot rise in elevation;
5. Vegetation;
6. Wildlife species (including fish);
7. Archeological/historical sites.

c. How the proposed rezoning or land use implements the following:

1. Protection of environmentally sensitive areas (floodplains, slopes exceeding twenty-five percent (25%), river corridors);
2. Protection of water quality;
3. Minimization of negative impacts on existing infrastructure;
4. Minimization of negative impacts on archeological/historically significant areas;
5. Minimization of negative impacts on Environmentally Stressed Communities;
6. Creation and preservation of green space and open space;
7. Protection of citizens from the negative impacts of noise and lighting;
8. Protection of parks and recreational green space;
9. Minimization of impacts to wildlife habitats.

28.4.3.2. ENVIRONMENTAL IMPACT REPORT. Any land use petition for M-1, M-1A or M-2 District industrial development as described in Article X of this Ordinance shall include an Environmental Impact Report ("EIR") to determine if the proposed use is Environmentally Adverse.

The EIR shall detail the following:

a. Conformance to the City's Comprehensive Plan, including adopted City policies;
b. Impact on air quality of the surrounding area;
c. Impact on water quality/resources including surface water, ground water, flood plains, and wetlands;
d. Impact on vegetation, fish, and wildlife species and habitats;
e. Impact of thermal and explosive hazards on the surrounding area;
f. Impact of hazardous wastes on the surrounding area;

The EIR shall cite all uses and quantities of any agents listed on the Federal Environmental Protection Agency Lists of Hazardous Wastes.

The EIR shall detail strategies to mitigate or avoid impacts listed above as applicable.

28.4.3.3. REVIEW CRITERIA FOR ESA AND/OR EIR. An ESA and/or EIR shall be reviewed based upon the following:

a. Whether the land use petition is consistent with the policies of the City's Comprehensive Plan;

b. The detail provided for an ESA and an EIR as outlined in Sections 28.4.3.1. and 28.4.3.2. above.

The Department shall review an ESA and an EIR submitted with a land use petition and make recommendations to the City Council with respect to the proposed rezoning or land use. The anticipated impact of the proposed rezoning or land use on an Environmentally Stressed Community will be included in the Department's recommendation.

As determined by the Director or his/her designee, an EIR may also be required with an application for a Land Disturbance Permit, a building permit, a temporary or permanent certificate of occupancy, or any other permit issued by the Department.

28.4.4. TRAFFIC IMPACT STUDY. A Traffic Impact Study ("TIS") is required when a land use petition equals or exceeds the thresholds indicated in Section11.4.16 of the City's Development Regulations Ordinance. The TIS shall be prepared by a certified traffic engineer or transportation planner in accordance with the standards required by the Development Regulations Ordinance and must be submitted at the time of the filing of the land use petition.

28.4.5. DEVELOPMENT OF REGIONAL IMPACT STUDY. A Development of Regional Impact Study ("DRI") is required when a land use petition meets or exceeds the thresholds indicated in the Department's land use petition application package. Form 1: Initial DRI Information must be submitted at the time of filing of the land use petition.

28.4.6. OPEN.

28.4.7. PUBLIC PARTICIPATION PLAN AND PUBLIC PARTICIPATION REPORT.

The Public Participation Plan is to ensure that petitioners pursue early and effective public participation in conjunction with their land use petitions, to ensure that the citizens of the City have an adequate opportunity to learn about land use petitions that may affect them, and to ensure ongoing communication between petitioners, 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 petitioner and Department staff at the time of the pre petition review. Petitioners are required to submit a Public Participation Plan for meeting with interested citizens to advise them of pending land use petitions and to allow citizens the opportunity to discuss concerns and provide input about the proposed development. A petitioner'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. Petitioners are not obligated to make any concessions or changes based upon input from citizens. Refusal by the community to meet with a petitioner does not mean that the petitioner fails to meet the requirements of the Public Participation Plan.

Dialogue should occur between petitioners and communities before the City Planning Commission hearing, the first public hearing. Public Participation Plans are required with all land use petitions and must be filed simultaneously with the land use petition. Public Participation Reports are required to be submitted no less than seven (7) business days before the scheduled City Council hearing. If the Public Participation Report is not submitted as required, the City Council may defer the land use petition.

The minimum requirements for Public Participation Plans and Public Participation Reports are as follows:

a. Public Participation Plan. Every land use petition which requires a public hearing shall include a Public Participation Plan which must be implemented prior to the first public hearing.

Minimum standards:

1. Identify all property owners within one 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 a land use petition as determined by the petitioner and Department staff at the time of the pre petition review.

2. Provide explanation of how interested parties will be informed of land use petitions.

3. Provide methods for providing opportunities for discussion of land use petitions with interested parties before public hearings are held. Petitioners are required to schedule at least one (1) meeting at a convenient location and time and notify all interested parties, as identified in subparagraph a. above, of the purpose, place and time of the meeting.

4. Provide petitioner's schedule for completion of the Public Participation Plan.

b. Public Participation Report. Every petitioner filing a land use petition is required to provide a Public Participation Report on the Department's

form no later than seven (7) business days before the scheduled City Council hearing. The Public Participation 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 petitioner to discuss a land use petition (attach meeting notices, letters, etc.).

3. Provide the number of people who participated in meetings held to discuss a land use petition (attach sign-in sheets).

4. Provide a summary of concerns and issues expressed by interested parties in meetings held to discuss a land use petition.

5. Provide a summary of the petitioner's response to concerns and issues raised in meetings held to discuss a land use petition.

28.5. CONDITION STANDARDS FOR DEVELOPMENT.

28.5.1. DESIGNATION. Each land use petition shall contain development conditions proposed by the petitioner addressing the proposed use and development of the subject property. Such conditions shall be included in a site plan provided with the land use petition.

28.5.2. PLANS. Site plans for land use petitions must be folded, drawn to scale, no larger than 30" x 42", and shall, at a minimum, include the following information:

a. Key and/or legend, site location map with North arrow, and scale;

b. Boundary survey of the subject property which includes dimensions along property lines that match the metes and bounds of the subject property's written legal description and clearly indicates the point of beginning;

c. Acreage of subject property;

d. Location of subject property land lot lines and identification of land lots;

e. Existing and proposed new dedicated and future reserved rights-of-way of all streets, roads, and railroads adjacent to and on the subject property;

f. Proposed streets on the subject site;

g. Current zoning of the subject site and adjoining properties;

h. Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on the subject property;

i. Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on adjacent properties within four hundred (400) feet of the subject site based on the City's aerial photography or an acceptable substitute as approved by the Director;

j. Location of proposed buildings (except single family residential lots) with total square footage;

k. Layout and minimum lot size of proposed single family residential lots;

l. Topography (surveyed or City) on the subject site and adjacent property within two hundred (200) feet as required to assess runoff effects;

m. Location of overhead and underground electrical and pipeline transmission/conveyance lines;

n. Required and/or proposed setbacks;

o. 100 year flood plain horizontal limits and flood zone designations as shown on survey or Federal Emergency Management Agency Flood Insurance Rate Maps;

p. Required landscape strips, undisturbed buffers, and any other natural areas as required or proposed;

q. Required and proposed parking spaces; and loading and unloading facilities;

r. Lakes, streams, and waters on the subject site and associated buffers;

s. Proposed stormwater management facilities;

t. Community wastewater facilities including preliminary areas reserved for septic drain fields and points of access;

u. Availability of water system and sanitary sewer system;

v. Tree lines, woodlands and open fields on the subject site;

w. Entrance site distance profile assuming the driver's eye at a height of 3.5 feet (see City's Development Regulations Ordinance); and

x. Wetlands shown on the GIS maps or survey.

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 MAP. The official City Zoning Map will be amended to reflect land use petition approvals. Land use petitions that are approved and permitted but have not vested pursuant to Section 28.11. may be removed by action of the City Council from the City Zoning Map.

28.7. APPLICABLE REGULATIONS FOR LAND USE PETITION. Zoning regulations and other federal, state, and City development standards that exist at the time of acceptance of a land use petition or an application for a Land Disturbance Permit shall prevail.

28.8. PETITION FEES. Prior to accepting a land use petition or a petition for extension of land use petition approval, the Director shall collect nonrefundable fees as established by the City Council.

If consideration of a land use petition is postponed or delayed due to the petitioner's failure to comply with any of the provisions of this Article, the Director shall assess additional fees as may be determined by the Department to be the additional administrative costs associated with such postponement or delay.

28.9. PROCEDURES FOR MODIFICATION OF ZONING CONDITIONS. See Article XXII.

28.10. EXPIRATION AND EXTENSIONS OF LAND USE PETITION APPROVALS.

a. Rezoning petition. A rezoning petition approved by City Council shall remain in effect until such time as the subject property is rezoned by action of the City Council, or until such time as the rezoning is declared invalid by any court of competent jurisdiction. For purposes of this Section, a rezoning petition shall be deemed to include, if applicable, a variance filed concurrently with a rezoning petition.

b. Use permit. A use permit shall expire unless the property owner takes action to vest the land use requested in the use permit in accordance with Section 28.11 within a period of thirty six (36) months from the date of such approval by the City Council, or fails to secure an approved extension in accordance with Section 28.11.2. For purposes of this Section, a use permit request shall be deemed to include, if applicable, a variance filed concurrently with a use permit request.

The filing of a request for extension authorized by this Article shall operate as a stay of the expiration of the use permit until a decision is made by the Department.

28.11. VESTING OF USE PERMIT. Upon the occurrence of one (1) of the three (3) conditions listed immediately below, a use permit shall be considered vested.

a. Prior to the expiration of a Land Disturbance Permit pursuant to applicable provisions of the Development Regulations Ordinance, a vesting determination may be made by the Department that substantial progress (as defined in Section 28.11.1) has been made toward the completion of on-site construction depicted on the site plan approved with the use permit.

b. The issuance of a certificate of occupancy and/or certificate of completion and/or structure specified in the approved conditions.

c. The issuance of a business license for the approved use, but only when no new construction or land disturbance is approved and/or required as a condition of rezoning.

28.11.1. SUBSTANTIAL PROGRESS. To demonstrate substantial progress for purposes of vesting a use permit, the Department shall approve a construction schedule for a Land Disturbance Permit which includes at least fifty percent (50%) of the public improvements for a specified phase. Substantial progress shall have been demonstrated when, within one (1) year of the date of issuance of the Land Disturbance Permit, the Department observes a level of accomplishment or expenditures on the project which produces measurable and verifiable evidence

that the activities undertaken comply with those objectives and representations of the approved construction schedule.

Refusal to certify that substantial progress has been achieved may be appealed in accordance with Article XXII of this Ordinance.

28.11.2. EXTENSIONS.

a. Extension by Director. In connection with a use permit, the Director is authorized to grant, in writing, an extension for a maximum period of twelve (12) months, subject to the qualifying conditions listed in this Section. To request an extension by the Director, the property owner must submit an application to the Department at least thirty (30) days prior to the expiration of the use permit.

No more than one (1) twelve (12) month extension per use permit may be granted by the Director for any of the qualifying conditions listed in this Section (except a court action delay).

An extension may not be sought for less than the total acreage of the underlying use permit.

b. Extension by the City Council. Any additional requests for extension of a use permit beyond the twelve (12) month extension granted by the Director may be considered by the City Council, subject to the qualifying conditions listed in this Section.

Use permits initiated by the City Council to implement the adopted City Comprehensive Plan are exempt from the provisions of this Section.

To request an extension by the City Council, the property owner must submit an application to the Department at least thirty (30) days prior to the expiration of the twelve (12) month extension period granted by the Director pursuant this Section.

The Department shall prepare an analysis and recommendation as to whether the documentation in the application is sufficient based on one (1) of the four (4) qualifying conditions which may validate an extension request by the City Council.

The Department shall submit its recommendation to the City Council.

An extension may not be sought for less than the total acreage of the underlying approved use permit request.

c. Qualifying conditions. In every application for an extension of a use permit, the property owner(s) shall provide an affidavit documenting at least one (1) of the following:

1. A delay resulting from court action involving the use permit or a previous extension on the subject property for which an extension is sought. Extensions approved in connection with court action shall remain valid for one (1) year beyond the granting of an order or the expiration of an appeal period before any court with jurisdiction.

2. 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 one (1) year period, but not during the sixty (60) days prior to expiration, the Director or the City Council, as applicable, shall evaluate such case's qualifications for an extension on its individual merits considering any evidence that might indicate a diligent effort to proceed with development.

3. A delay in development resulting from wetlands regulatory procedures requires the petitioner 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 six (6) months before the expiration of the use permit approval.

4. An inability to obtain financing, despite documentation of the property owner’s efforts during the three (3) months prior to the petitioner seeking an extension and continuing until one (1) week prior to consideration of the extension request by the Director or the City Council, as applicable. Documentation shall consist of two (2) official denials signed by officers of two (2) different lending institutions who have final jurisdiction over such financing transactions.

28.11.3. NOTICE OF EXPIRATION. At least ninety (90) days prior to the expiration of a use permit, the Director shall send by certified mail a notice of expiration to each owner of record as shown in the tax records.

ADOPTED BY MAYOR AND CITY COUNCIL, DECEMBER 27, 2005

ARTICLE XXIX

Violation and Penalty

29.1 VIOLATION.

Any person, firm, partnership or corporation violating any of the provisions of this Ordinance 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 buildings or premises or parts thereof, where anything in violation of the Ordinance 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 this zoning ordinance, 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 the Department 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 the Department of Community Development in accordance with the laws for such.

The Municipal Court of the City of Sandy Springs shall have jurisdiction to try offenses alleging violations by any person, firm, corporation, partnership, or other entity of this ordinance. Upon conviction, any person, firm, corporation, partnership, or other entity shall be subject to a fine of $1,000.00 or imprisonment in the City Jail for not more than 60 days, or both this fine and imprisonment for each offense. Appeals from decisions of the Municipal Court may be made to the Superior Court of Fulton County as described in prior articles, the City charter or otherwise as permitted under Georgia law.

ADOPTED BY MAYOR AND CITY COUNCIL, DECEMBER 27, 2005

ARTICLE XXX

Validity

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

ADOPTED BY MAYOR AND CITY COUNCIL, DECEMBER 27, 2005

ARTICLE XXXI

CONFLICTING RESOLUTIONS REPEALED

The provision of any Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

ADOPTED BY MAYOR AND CITY COUNCIL, DECEMBER 27, 2005

ARTICLE XXXII

Effective Date

This zoning Ordinance having been adopted in the manner prescribed by the City Council in accordance with the City charter (and Georgia law) on December 27, 2005, becomes effective as of January 1, 2006.

REVISED VERSION ADOPTED BY MAYOR AND CITY COUNCIL, JANUARY 16, 2007
WITH SUBSEQUENT AMENDMENTS

ARTICLE XXXIII

SIGNS

SECTION 1: GENERAL PROVISIONS.

This Article shall hereafter be known and cited as the "City of Sandy Springs Sign Ordinance."

SECTION 2: PURPOSE AND FINDINGS.

A. Purpose

This Article was enacted with 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 non-conforming signs unless in compliance with the terms of this Article and to eliminate, over time, all non-conforming signs;

8. To ensure the fair and consistent enforcement of sign standards; and

9. To make it easier, quicker, and more economically efficient to apply for a sign permit.

B. Findings (amended 04/21/09, TA09-002, Ord. 2009-04-19)

1. The City of Sandy Springs 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. Unsafe, cluttered and aesthetically blighted thoroughfares is a potential problem throughout the City, but an actual, on-going problem for the entirety of Roswell Road. Numerous studies have been done, beginning in the early 1990's, regarding traffic safety considerations and sign visibility problems on the Roswell Road corridor. Sandy Springs Revitalization Inc. sprang directly from these concerns and has provided significant input into Fulton County and Sandy Springs planning processes. The Livable Centers Initiative in which Sandy Springs participated also supports stringent sign controls along the Roswell Road corridor. Because of the extremely congested nature of Roswell Road and the multiplicity of businesses along its commercial lengths, the City finds it imperative that signs along that corridor be within the driver's vision while attending to traffic so as to distract drivers for the minimal length of time from concentration on the roadway. In addition to height limits, the competing interests requiring signage on that corridor necessitate appropriate size limitations that will support visibility of all signs, not just a favored few. And it is imperative that all signs, but particularly those on Roswell Road, contain no distracting features, such as movement, either actual or simulated, changing light patterns, electronic reader boards or other distracting features.

3. Regulation of the size, height, number and spacing of signs throughout the City 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 advertising for the benefit of all the City's citizens.

4. 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 or facilities, 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 Council 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.

5. The City 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. While such signage is referenced based upon the function it serves within the context of this ordinance, the bulk of the provisions of this ordinance are unrelated to the content of the speech provided and allow maximum expressive potential to sign owners.

6. The City finds that advances in technology utilizing LED components results in signs much brighter in appearance for LED signs than for signs not utilizing LED technology. Studies show, particularly during non-daylight hours, that attention given by drivers to such signs is measurably longer than attention given to non-LED signs. These findings have been reported by such diverse agencies as the Virginia Tech Transportation Institute in its March 22, 2007 report on Driving Performance and Digital Billboards and the Wisconsin Department of Transportation in its December 1994 Milwaukee County Stadium Variable Message Sign Study. As a result of these and other studies, the City has determined that use of LED technology on outdoor signage in the City along thoroughfares of various categories is detrimental to the public safety, particularly, but not limited to the Roswell Road Corridor where extreme congestion requires driver distraction be kept to a minimum.

7. The City finds that gas station signage serves the important function of providing information which effects traffic flow in and out of the stations, thereby limiting merging and exiting of the primary traffic flow. Importantly, theses locations are generally located on arterial and collector streets with higher traffic flows. Further, the City finds that it is appropriate for gas stations to use changeable copy as part of the normal permitted signage for each development.

SECTION 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 ordinance of the City of Sandy Springs, shall be given the meanings set forth in such ordinance. 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 (amended 04/21/09, TA09-002, Ord. 2009-04-19)**.** 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. Also, any sign associated with a business that has ceased operations for sixty (60) days or more.

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, 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 freestanding sign with an area of more than seventy-two (72) square feet.

Changeable copy sign. Any sign that incorporates changing lights, lettering, or images to form a sign message or messages, whether such changes are accomplished electronically or manually.

City Council. The City Council of the City of Sandy Springs.

City. The City of Sandy Springs.

Director. The Director of the Department 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.

Entry Wall Sign (added 04/21/09, TA09-002, Ord. 2009-04-19)**.** Any single faced sign attached to or erected and confined within the limits of an exterior wall generally along the perimeter of a development.

Fall zone. An area equal to one hundred thirty-three percent (133%) 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 (deleted 04/21/09, TA09-002, Ord. 2009-04-19)**.**

Gas station (added 04/21/09, TA09-002, Ord. 2009-04-19). A business engaged, as a primary purpose, in the retail dispensing of motor vehicle fuels to the public.

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 Signs (added 04/21/09, TA09-002, Ord. 2009-04-19)**.** Freestanding sign not visible from public rights-of-way that is adjacent to internal entrance drive(s) serving a commercial development or subdivision with more than one identifiable section as shown on a recorded plat for the purpose of directing traffic.

LED sign (added 04/21/09, TA09-002, Ord. 2009-04-19)**.** An electronically controlled sign utilizing light-emitting diodes to form some or all of the sign message.

Lot (deleted 04/21/09, TA09-002, Ord. 2009-04-19)**.**

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.

Monument sign (added 04/21/09, TA09-002, Ord. 2009-04-19). A freestanding sign mounted directly upon the ground and not attached to or a part of or supported by a building and designed in such a manner that the base of the sign face is flush with the supporting solid base which is flush with the ground. The base shall be at least as wide as the sign and shall be constructed of brick, stone, or other architectural masonry material.

Architectural Treatment	
Prohibited	**Permitted**
Base/Face Alignment	
Prohibited	**Permitted**

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 (2) 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 (amended 04/21/09, TA09-002, Ord. 2009-04-19)**.** An out-of-store marketing device is any facility or equipment which is located outside of a primary building on a site zoned for non-residential uses, which is used for the primary purpose of providing a product or service without the owner's or agent'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. Where signs integral to such out-of-store marketing devices are too small to be legible to the traveling public from rights-of-way and are otherwise non-removable without damage to the equipment's surface, they do not require a permit and are not subject to overall sign limitations for the lot on which they appear.

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 Department of Community Development.

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 projected from the wall of a building or structure.

Example #1

Example #2

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.

Sign, Cantilever. A sign, not exceeding six (6) square feet on any side, with a sign hanging or suspended below a rigid horizontal support member which is not more than four (4) inches by four (4) inches, with one (1) end of the horizontal member attached to a vertical support member which is not more than four (4) inches by four (4) inches, and a structure height not exceeding six (6) feet.

Signs during Vacancy (added 04/21/09, TA09-002, Ord. 2009-04-19)**.** Signs permitted for developments with vacant lots, units, and/or tenant spaces.

Sign, Expanded Informational. A Standard Informational Sign in all respects, except it may have an area of not greater than six (6) square feet and a height not greater than five (5) feet.

Sign, Mobile (added 04/21/09, TA09-002, Ord. 2009-04-19)**.** A sign which is attached to, mounted on, pasted on, painted or drawn on any vehicle (whether motorized or drawn), which is placed, parked or maintained at one particular location for the express purpose and intent of promotion.

Sign, Standard Informational. A sign with an area of not greater than four (4) square feet, with a sign face made for short term use, containing no reflecting elements, flags, or projections and which, when erect, stands at a height not greater than three (3) feet and is mounted on a stake or metal frame with a thickness or diameter not greater than one and one-half (1 ½) inches.

Suspended sign. A sign which is suspended from an eave or soffit of a building.

Temporary sign. Any sign that is not permanently mounted.

Tri-Vision sign (added 04/21/09, TA09-002, Ord. 2009-04-19)**.** A sign designed with a series of triangular slats that mechanically rotate in sequence with one another to show three different sign messages in rotation.

Wall sign (amended 04/21/09, TA09-002, Ord. 2009-04-19)**.** 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. No wall sign shall extend more than twelve (12) inches from any wall, building, or structure.

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.

SECTION 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 City of Sandy Springs City Council.

SECTION 5: APPLICABILITY.

The standards of this Article shall apply to all signs erected within the corporate limits of the City.

SECTION 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.

SECTION 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.

SECTION 8: APPLICATION CONTENT.

Applications for sign permits required by this Article shall be filed in duplicate by the person owning the subject lot, or the owner's agent, 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. (amended 04/21/09, TA09-002, Ord. 2009-04-19) The square foot area per sign and the aggregate square foot area of all signs if there is more than one (1) sign.

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 applicants 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.

SECTION 9: APPLICATION REJECTION.

A. Incomplete; False

The Director shall reject any application that is incomplete, that contains false material statements or omissions, or that is for a sign which would violate any standard within this Article within thirty (30) business days of receipt of said application. The Director may reject at anytime prior to the expiration of the thirty (30) day period, if the application is incomplete 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 thirty (30) business days of the City'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 or by mailing such notice by certified mail, return receipt requested, to the address on the permit application on or before the thirtieth (30th) 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 thirty (30) day period shall be deemed a denial 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 will be granted. Any application not meeting the standards of this Article will be denied.

C. Appealable

A rejection pursuant to this Section shall be appealable pursuant to the procedures for Zoning Appeals outlined in the Sandy Springs Zoning Ordinance. However, notwithstanding the foregoing, a final decision will be rendered within sixty (60) days from date an appeal is filed. If a final decision is not rendered within the sixty (60) 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.

SECTION 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 outlined in the City's Zoning Ordinance. However, notwithstanding the foregoing, a final decision will be rendered within sixty (60) days from date an appeal is filed. If a final decision is not rendered within the sixty (60) 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.

SECTION 11: OVERLAY DISTRICT.

So long as an application conforms to the standards and procedures of this Article, the applicant is exempted from any additional standards and procedures set forth in Articles 12A and 12B of the City Zoning Ordinance.

SECTION 12: VARIANCE.

A. Limitations

The Board of Appeals shall be allowed to grant variances to this Article pursuant to subsection D. below, provided that no variance shall be granted as to the height or size of a sign which exceeds the maximum height or size permitted for the subject property.

B. Timing

The Board of Appeals shall hear and decide upon a variance within seventy-five (75) days of the submission of a complete and accurate application on the filing deadline adopted by Mayor and City Council.

C. Procedure

Except as modified by this Article, the procedures for requesting a variance from the standards of this Article shall be the same procedures as that for seeking a variance from the City's ordinances regulating zoning.

D. Standards

The standards which shall be considered for granting a variance from the standards of this Article shall be only the following:

1. The topography of the lot on which the sign is located or to be located renders it impossible to comport with the strict standards of this Article.

2. The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the lot, impairs the visibility of the sign such that it cannot be seen.

SECTION 13: SUSPENSION, REVOCATION.

A. Violation

Violation of any provision of this Article shall be grounds for terminating the permit granted by the City to the Permittee or the person or entity erecting the sign. No permit shall be suspended, revoked or canceled except for due cause, as hereinafter defined, and until after the Permittee is granted a public hearing before the City council.

B. Hearing

The Permittee shall be given ten (10) days written notice of the time, place, and purpose of the hearing, with a statement of the reason for the suspension, revocation, or canceling of such permit and/or license. "Due cause" is the violation of the standards of this Article. The termination of the permit does not in any way preclude the person or persons alleged to have violated the standards of this Article from being tried under Section 19(F) of this Article or preclude the City

from taking any other action authorized by this Code and/or any action authorized by law.

SECTION 14: 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 (6) months after the date of issuance; provided, however, that where an applicant can demonstrate that a commercial entity was timely engaged to construct the permitted sign, but the fabrication has not yet been completed, one (1) ninety (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.

SECTION 15: CITY OCCUPATION 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 a City 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 twenty-five thousand dollars ($25,000.00) for property damage for any one (1) claim, and public liability insurance in an amount not less than one hundred thousand dollars ($100,000.00) for injuries, including accidental death to one (1) person. The certificate of insurance shall state that the insurance carrier shall notify the City thirty (30) days in advance of any termination and/or restriction of the coverage, including nonrenewal, cancellation, and nonpayment of any premium.

SECTION 16: IDENTIFICATION LABELS; INSPECTION; NOTICE.

A. Identification Labels

With each sign permit, the Director shall issue a sticker bearing the same number as the permit with which it 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 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.

SECTION 17: 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 (8) inches in height;

2. Flags;

3. Window signs;

4. Door signs not to exceed one (1) square foot in size and not more than one (1) sign per door;

5. Standard Informational Signs, Expanded Informational Signs, and Cantilever Signs as allowed in agricultural, single family residential, CUP and NUP, and apartment and townhouse residential districts; and

6. Standard Informational Signs in all other districts.

SECTION 18: PROHIBITED SIGNS AND DEVICES.

The following types of signs are prohibited in the City:

A. Balloons, streamers or air or gas filled figures.

B. Signs consisting in whole or in part of a series, line, or row of lights, whether supported by cables or other physical means, within one hundred fifty (150) feet of a street and visible therefrom. Notwithstanding the foregoing, holiday lights and decorations displayed not more than thirty (30) days before a holiday shall be exempted from this Section.

C. Promotional beacons, search lights or laser lights or images.

D. Audible signs.

E. Signs in a public right of way, other than those belonging to a government, public service agency, or railroad.

F. Signs mounted or located on a tree, utility pole, or other similar structure.

G. Roof signs and signs which extend vertically above any portion of a roof or parapet of the applicable wall.

H. Portable signs, including signs attached to any parked vehicle or trailer, so as to

be visible from a public right-of way.

I. Signs which depict obscene material.

J. Signs which advertise an activity which is illegal under federal, state or local laws.

K. 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.

L. Abandoned signs.

M. Animated signs, flashing signs, and changeable copy signs which change more than once per twenty-four (24) hours within one hundred fifty (150) feet of a road right of way.

N. 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.

O. Any sign utilizing LED technology and/or components, except those where the LED technology is the internal light source as defined by this ordinance for an opaque faced area of the sign.

SECTION 19: 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 violation of this Article is hereby declared to be a public nuisance.

E. Notice

The Director shall give the Permittee ten (10) to thirty (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 refuses to correct the deficiencies or remove the sign, the Director will have the sign removed at the expense of the Permittee.

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 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 one thousand dollars ($1,000.00), imprisonment for up to sixty (60) days, or by both such fine and imprisonment.

SECTION 20: NONCONFORMING SIGNS.

A. Maintained (amended 04/15/08, RZ08-004, Ord. 2008-04-16)

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 provided that said replacement does not constitute a material change to the sign. All nonconforming signs shall be maintained in good repair.

B. Repairs; Material Change (amended 04/21/09, TA09-002, Ord. 2009-04-19)

Minor repairs and maintenance of nonconforming signs shall be permitted; provided. however, 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. The replacement of an existing sign face utilizing LED technology is expressly prohibited.

C. Grandfathering

Nonconforming signs may stay in place until one of the following conditions occurs:

1. The advertised business ceases at that location;

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.

SECTION 21: 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; 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 19 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

2. Said sign poses an immediate safety threat to the life or health of any members of the public.

D. Removal after Court Determination (amended 04/21/09, TA09-002, Ord. 2009-04-19).

Other than signs located in a public right-of-way and signs constituting an immediate threat to the life or health of the public, 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 owner fails to remove the sign the sign may be immediately removed and disposed of by the City.

SECTION 22: 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 twenty (20) feet to an intersection as measured from the intersection of the two (2) rights-of-way.

C. Setback (amended 04/20/10, TA10-, Ord. 2010-04-10).

Unless a more restrictive setback is specified in conditions of zoning or otherwise in this Article, all signs shall set back at least ten (10) from the right-of-way or twenty (20) feet from the edge of pavement if a private street and no sign shall project over the right-of-way. However, the Director is authorized by this Zoning Ordinance to consider an administrative variance to the sign setback requirements subject to the limitations of Section 12, Variance, subsection d. Standards, of this ordinance. In the Overlay Main Street District all signs shall set back at least three (3) feet from the right-of way. Temporary banners shall be exempt from the setback requirements, but shall not encroach upon the right-of-way.

SECTION 23: MEASUREMENT OF SIGN AREA.

A. Size Generally

The area of a sign shall be computed as the area within the smallest continuous polygon comprised of not more than eight (8) 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 twenty-four (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 delimits the sign face.

C. Changeable Copy Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19)

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 an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed. 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. The changeable copy portion of an allowed sign shall not exceed 75% of the overall sign area. No LED lighting shall be permitted as part of a changeable copy display. No changeable copy display shall scroll or simulate movement in any manner. Changeable copy displays shall remain constant in lighting, color, and all other changeable variables allowed by technology.

D. Multi-Faced Signs

For multi-faced signs, when the sign face surfaces are back to back, or where the interior angle formed by the faces is forty-five (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.

SECTION 24: 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 zone lot, whichever is greater. 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).

SECTION 25: CONSTRUCTION STANDARDS.

A. Building Codes

All signs permitted under this code shall be constructed and maintained in accordance with the applicable City building 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 (2) 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 therefrom.

C. Illumination

Signs, when illumination is permitted, may be illuminated internally or externally. Each individual tenant shall be allowed one (1) window sign using exposed neon tubing not to exceed four (4) square feet in area and less than 25% of the aggregate window area.

D. Landscaping (amended 04/21/09, TA09-002, Ord. 2009-04-19)

Landscaping and grass shall be maintained in front of, behind, underneath, and around the base of monument signs.

E. Addresses

For all commercial, office, industrial or multifamily residential developments, address numbers shall be posted horizontally on the top of the face(s) of the monument signs at the main entrance of each development. For developments that contain multiple addresses and/or building numbers, the range of addresses and/or building numbers shall also be posted on the top of the monument sign. Said numbers shall be visible from both directions of approach, at least six (6) inches in height, and be of a color that contrasts with the surrounding surface so as to be readily identifiable.

Address Location

Prohibited

Permitted

SECTION 26: 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.

A. Agricultural District

1. Monument Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19).

a. One (1) maximum thirty-two (32) square foot, monument sign per business or institutional lot shall be permitted for each street on which the lot has frontage.
b. One (1) maximum thirty-two (32) square foot, entry wall or monument sign or two (2) single-faced entry wall or monument signs not to exceed sixteen (16) square feet each for each side of a platted single family subdivision entrance. Subdivisions with more than one (1) identifiable section, as shown on an approved preliminary plat, may be allowed internal monument signs of sixteen (16) square feet on one (1) side of the entrance to each section.
c. Monument signs shall have a maximum height of six (6) feet, shall not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.

2. Window Signs. Not more than three (3) window signs per lot shall be allowed and shall not be larger than six (6) square feet or cover more than twenty-five percent (25%) 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 (1) additional sign shall be allowed during construction. The sign shall not be internally illuminated, shall not exceed twelve (12) square feet in area and five (5) 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 (amended 04/21/09, TA09-002, Ord. 2009-04-19). Each lot may display no more than three (3) flags and/or flagpoles. The flagpole shall not exceed thirty-five (35) feet in height. Flag size shall not be more than twenty (20) square feet.

5. Banner**.** Banners shall be allowed for a period not exceeding fourteen (14) days with no more than three (3) such fourteen (14) day periods being permitted per calendar year per lot. Banners shall not be more than twenty-four (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 (5) feet above grade when on the ground.

6. Standard Informational Sign. Each lot may display two (2) Standard Informational Signs without a permit, one (1) of which may be an Expanded Informational Sign or a Cantilever Sign. During a political election, however, between the date of qualification and final determination on each ballot issue or candidate, each lot may display an unlimited number of Standard Informational Signs, only one (1) of which may be an Expanded Informational Sign or a Cantilever Sign.

7. Signs during Vacancy (added 04/21/09, TA09-002, Ord. 2009-04-19). Developments in which there are vacant lots, units, and/or tenant spaces shall be entitled to one such sign per access-providing street frontage of the development. Signs during Vacancy shall not exceed 16 square feet in area, shall have a maximum height of five (5) feet, and shall not be internally illuminated. Signs during Vacancy shall be allowed for a period not exceeding ninety (90) days with no more than two (2) such 90-day periods being permitted per calendar year per lot. Any development with a permit for a Sign during Vacancy shall be prohibited from having Standard Informational Signs, Expanded Informational Signs, Cantilever Signs and/or Banners during the 90-day permit period.

8. Internal Signs (added 04/21/09, TA09-002, Ord. 2009-04-19). Internal signs are permitted adjacent to internal entrance drive(s) serving the development. Subdivisions with more than one identifiable section as shown on a recorded plat may be allowed Internal Signs of 16 square feet on one side of the entrance to each section. The maximum height permitted for Internal Signs shall be five (5) feet. Internal signs shall not be legible from the public right-of-way.

B. Single Family Residential, CUP and NUP Districts

1. Monument Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19).

a. One (1) maximum thirty-two (32) square foot, monument sign per lot occupied with an institutional use shall be permitted for each street on which the lot has frontage.

b. One (1) maximum thirty-two (32) square foot, entry wall or monument sign or two (2) single-faced entry wall or monument signs not to exceed sixteen (16) square feet for each side of a platted single family subdivision entrance shall be permitted for each street on which the lot has frontage. Subdivisions with more than one (1) identifiable section, as shown on an approved preliminary plat, may be allowed internal identification monument signs of sixteen (16) square feet on one (1) side of the entrance to each section.

c. Monument signs shall have a maximum height of six (6) feet, not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.

2. Window Signs (deleted 04/21/09, TA09-002, Ord. 2009-04-19).

3. Signs during Construction. One (1) additional sign shall be allowed during construction. The sign shall not be internally illuminated, shall not exceed twelve (12) square feet in area and five (5) 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 (amended 04/21/09, TA09-002, Ord. 2009-04-19). Each lot may display no more than three (3) flags and/or flagpoles. The flagpole shall not exceed thirty-five (35) feet in height. Flag size shall not be more than twenty (20) square feet.

5. Banner**.** Banners shall be allowed for a period not exceeding fourteen (14) days with no more than three (3) such fourteen (14) day periods being permitted per calendar year per lot. Banners shall not be more than twenty-four (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 (5) feet above grade when on the ground.

6. Standard Informational Signs. Each lot may display two (2) Standard Informational Signs without a permit, one (1) of which may be an Expanded Informational Sign or a Cantilever Sign. During a political election, however, between the date of qualification and final determination on each ballot issue or candidate, each lot may display an unlimited number of Standard Informational Signs, only one (1) of which may be an Expanded Informational Sign or a Cantilever Sign.

7. Signs during Vacancy (added 04/21/09, TA09-002, Ord. 2009-04-19). Developments in which there are vacant lots, units, and/or tenant spaces shall be entitled to one such sign per access-providing street frontage of the development. Signs during Vacancy shall not exceed 16 square feet in area, shall have a maximum height of five (5) feet, and shall not be internally illuminated. Signs during Vacancy shall be allowed for a period not exceeding ninety (90) days with no more than two (2) such 90-day periods being permitted per calendar year per lot. Any development with a permit for a Sign during Vacancy shall be prohibited from having Standard Informational Signs, Expanded Informational Signs, Cantilever Signs and/or Banners during the 90-day permit period.

8. Internal Signs (added 04/21/09, TA09-002, Ord. 2009-04-19). Internal signs are permitted adjacent to internal entrance drive(s) serving the development. Subdivisions with more than one identifiable section as shown on a recorded plat may be allowed Internal Signs of 16 square feet on one side of the entrance to each section. The maximum height permitted for Internal Signs shall be five (5) feet. Internal signs shall not be legible from the public right-of-way.

C. Apartment and Townhouse Residential Districts

1. (amended 04/21/09, TA09-002, Ord. 2009-04-19) One (1) maximum thirty-two (32) square foot entry wall or monument sign or two (2) single-faced entry wall or monument signs not to exceed sixteen (16) square feet for each side of the development's entrance shall be permitted for each street on which the multi-family property or property occupied with an institutional use has up to and including five hundred (500) linear feet of frontage. The sign shall have a maximum height of six (6) feet (see exception), shall not be internally illuminated. Except for gas stations, changeable copy shall not be permitted. Notwithstanding the foregoing, monument signs on arterial streets may be ten (10) feet in height.

2. Window Signs. Not more than three (3) window signs per unit (as defined in the City's Zoning Ordinance) shall be allowed and shall not be larger than six (6) square feet or cover more than twenty-five percent (25%) 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 (1) additional sign shall be allowed during construction. The sign shall not be internally illuminated, shall not exceed twelve (12) square feet in area and five (5) 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 (amended 04/21/09, TA09-002, Ord. 2009-04-19). Each lot may display no more than three (3) flags and/or flagpoles. The flagpole shall not exceed thirty-five (35) feet in height. Flag size shall not be more than twenty (20) square feet.

5. Banner. Banners shall be allowed for a period not exceeding fourteen (14) days with no more than three (3) such fourteen (14) day periods being permitted per calendar year per lot. Banners shall not be more than twenty-four (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 (5) 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 (10%) of the area of the awning or canopy.

7. Standard Informational Signs. Each lot may display two (2) Standard Informational Signs without a permit, one (1) of which may be an Expanded Informational Sign or a Cantilever Sign. During a political election, however, between the date of qualification and final determination on each ballot issue or candidate, each lot may display an unlimited number of Standard Informational Signs, only one (1) of which may be an Expanded Informational Sign or a Cantilever Sign.

8. Signs during Vacancy (added 04/21/09, TA09-002, Ord. 2009-04-19).

Developments in which there are vacant lots, units, and/or tenant spaces shall be entitled to one such sign per access-providing street frontage of the development. Signs during Vacancy shall not exceed 16 square feet in area, shall have a maximum height of five (5) feet, and shall not be internally illuminated. Signs during Vacancy shall be allowed for a period not exceeding ninety (90) days with no more than two (2) such 90-day periods being permitted per calendar year per lot. Any development with a permit for a Sign during Vacancy shall be prohibited from having Standard Informational Signs, Expanded Informational Signs, Cantilever Signs and/or Banners during the 90-day permit period.

9. Internal Signs (added 04/21/09, TA09-002, Ord. 2009-04-19). Internal signs are permitted adjacent to internal entrance drive(s) serving the development. Subdivisions with more than one identifiable section as shown on a recorded plat may be allowed Internal Signs of 16 square feet on one side of the entrance to each section. The maximum height permitted for Internal Signs shall be five (5) feet. Internal signs shall not be legible from the public right-of-way.

D. O-I District

1. Monument Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19).

a. One (1) maximum thirty-two (32) square foot, monument sign shall be permitted for each street on which the lot has up to and including five hundred (500) feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception), shall not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.
b. One (1) maximum sixty-four (64) square foot, monument sign shall be permitted for each street on which the lot has more than five hundred (500) linear square feet and up to one thousand (1,000) linear feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception), shall not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.
c. One (1) maximum seventy-two (72) square foot, monument sign shall be permitted for each street on which the lot has more than one thousand (1,000) linear feet of frontage (excludes spin sites and out-parcels). The sign shall have a maximum height of eight (8) feet (see exception), shall not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.
d. Notwithstanding the foregoing, monument signs on arterial streets may be ten (10) feet in height.

2. 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. Wall sign(s) shall not exceed the smaller of five percent (5%) of the applicable wall area or one hundred eighty (180) square feet, confined to the upper thirty (30) feet of the facade. Wall signs shall not have changeable copy unless approved as a marquee sign.

3. Internal Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19). Internal signs are permitted adjacent to internal entrance drive(s) serving the development. Subdivisions with more than one identifiable section as shown on a recorded plat may be allowed Internal Signs of 16 square feet on one side of the entrance to each section. The maximum height permitted for Internal Signs shall be five (5) feet. Internal signs shall not be legible from the public right-of-way.

4. Window Signs. Window signs are allowed without a permit and shall not occupy in the aggregate more than twenty-five percent (25%) of the window area. Such signs shall not be illuminated.

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 (10%) of the area of the awning or canopy.

6. Flags. Each lot may display no more than three (3) flags and/or flagpoles. Flagpoles shall not exceed sixty (60) feet in height. Flag size shall not be more than fifty (50) square feet.

7. Standard Informational Signs. Each lot may display two (2) Standard Informational Signs without a permit, except that during a political election, between the date of qualification and final determination on each ballot issue or candidate, each lot may display an unlimited number of Standard Informational Signs.

8. Banners. Banners shall be allowed for a period not exceeding fourteen (14) days with no more than three (3) such fourteen (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 thirty-two (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 (5) feet above grade when on the ground.

9. Signs during Construction (added 04/15/08, RZ08-004, Ord. 2008-04-16) (amended 04/21/09, TA09-002, Ord. 2009-04-19). One (1) 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 monument sign allowed on the lot.

10. Signs during Vacancy (added 04/21/09, TA09-002, Ord. 2009-04-19).

Developments in which there are vacant lots, units, and/or tenant spaces shall be entitled to one such sign per access-providing street frontage of the development. Signs during Vacancy shall not exceed 16 square feet in area, shall have a maximum height of five (5) feet, and shall not be internally illuminated. Signs during Vacancy shall be allowed for a period not exceeding ninety (90) days with no more than two (2) such 90-day periods being permitted per calendar year per lot. Any development with a permit for a Sign during Vacancy shall be prohibited from having Standard Informational Signs and/or Banners during the 90-day permit period.

E. Mixed Use District

1. Monument Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19).

a. One (1) maximum thirty-two (32) square foot, monument sign shall be permitted for each street on which the lot has up to and including five hundred (500) feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception), shall not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.

b. One (1) maximum sixty-four (64) square foot, monument sign shall be permitted for each street on which the lot has more than five hundred (500) linear square feet and up to one thousand (1,000) linear feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception), shall not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.

c. One (1) maximum seventy-two (72) square foot, monument sign shall be permitted for each street on which the lot has more than one thousand (1,000) linear feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception), shall not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.

d. One (1) maximum thirty-two (32) square foot, monument sign per spin 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 (8) feet (see exception), shall not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.

e. Monument signs on arterial streets may be ten (10) feet in height.

2. Wall Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19). 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. Wall sign(s) shall not exceed the smaller of five percent (5%) of the applicable wall area or one hundred eighty (180) square feet, confined to the upper

thirty (30) feet of the facade. Wall signs shall not have changeable copy unless approved as a marquee sign.

3. 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 (5%) of the applicable wall area or three hundred (300) square feet, whichever is smaller.

4. Menu Sign (amended 04/21/09, TA09-002, Ord. 2009-04-19). One sign oriented toward the drive-thru lane, not legible from the public right-of-way, such sign not to exceed six (6) feet in height.

5. Banners. Banners shall be allowed for a period not exceeding fourteen (14) days with no more than three (3) such fourteen (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 thirty-two (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 (5) feet above grade when on the ground.

6. Signs during Construction (amended 04/21/09, TA09-002, Ord. 2009-04-19). One (1) 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 area of the maximum monument sign allowed on the lot.

7. Out of Store Marketing Device (amended 04/21/09, TA09-002, Ord. 2009-04-19). Out of store marketing devices are allowed.

8. Flags. Each lot may display no more than three (3) flags and/or flagpoles. Flagpoles shall not exceed thirty-five (35) feet in height. Flag size shall not be more than twenty (20) square feet.

9. Suspended Signs. In a multi-tenant commercial or office building, one (1) suspended sign per entrance used shall be allowed. Suspended signs shall adhere to the following: not exceed three percent (3%) of the applicable wall area or forty (40) square feet, whichever is smaller; be uniform in size, material, color and shape and is placed in an equivalent location to other such signs located on the same building; be suspended from the eave or soffit of the building; and maintain a minimum of at least ten (10) feet above the finished floor elevation of the tenant space. The area of a Suspended Sign shall be deducted from the allowable area of a Wall Sign.

10. Window Signs. Window signs are allowed without a permit and shall not occupy in the aggregate more than twenty-five percent (25%) of the window area.

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 (10%) of the area of the awning or canopy.

12. Standard Informational Signs. Each lot having one (1) business may display two (2) Standard Informational Signs, and each lot having more than one (1) business may display four (4) Standard Informational Signs without a permit, except that during a political election, between the date of qualification and final determination on each ballot issue or candidate, each lot may display an unlimited number of Standard Informational Signs.

13. Signs during Vacancy (added 04/21/09, TA09-002, Ord. 2009-04-19). Developments in which there are vacant lots, units, and/or tenant spaces shall be entitled to one such sign per access-providing street frontage of the development. Signs during Vacancy shall not exceed 16 square feet in area, shall have a maximum height of five (5) feet, and shall not be internally illuminated. Signs during Vacancy shall be allowed for a period not exceeding ninety (90) days with no more than two (2) such 90-day periods being permitted per calendar year per lot. Any development with a permit for a Sign during Vacancy shall be prohibited from having Standard Informational Signs and/or Banners during the 90-day permit period.

14. Internal Signs (added 04/21/09, TA09-002, Ord. 2009-04-19). Internal signs are permitted adjacent to internal entrance drive(s) serving the development. Subdivisions with more than one identifiable section as shown on a recorded plat may be allowed Internal Signs of 16 square feet on one side of the entrance to each section. The maximum height permitted for Internal Signs shall be five (5) feet. Internal signs shall not be legible from the public right-of-way.

15. Projecting Signs. Businesses which have exterior entrances to a building are permitted one (1) Projecting Sign on the exterior wall of the business at least ten (10) feet above the finished floor elevation of the tenant space. Projecting Signs shall not exceed three percent (3%) of the applicable wall area or forty (40) square feet, whichever is smaller. The projection between the applicable wall and the inside edge of the projecting sign shall not exceed twelve (12) inches. The sign area of a Projecting Sign shall be deducted from the allowable sign area for the applicable wall. Projecting Signs shall not have changeable copy unless approved as a Marquee Sign.

F. Commercial and Industrial Park Districts

1. Monument Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19).

a. One (1) maximum thirty-two (32) square foot, monument sign shall be permitted for each street on which the lot has frontage up to and including five hundred (500) feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception). Except for gas stations, changeable copy shall not be permitted.

b. One (1) maximum sixty-four (64) square foot, monument sign

shall be permitted for each street on which the lot has more than five hundred (500) linear square feet and up to one thousand (1,000) linear feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception). Except for gas stations, changeable copy shall not be permitted.

c. One (1) maximum seventy-two (72) square foot, monument sign shall be permitted for each street on which the lot has more than one thousand (1,000) linear feet of frontage (excludes spin sites and out-parcels). The sign shall have a maximum height of eight (8) feet (see exception). Except for gas stations, changeable copy shall not be permitted.

d. One (1) maximum thirty-two (32) square foot, monument sign per spin site or out-parcel which is identified on a site plan approved pursuant to a single zoning case.

e. Monument signs on arterial streets may be ten (10) feet in height.

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 (1) wall sign on the exterior wall of the business. Wall sign(s) shall not exceed five percent (5%) of the applicable wall area or one hundred eighty (180) square feet, whichever is smaller. Wall signs shall not have changeable copy unless approved as a marquee sign.

3. A tenant that has over fifty thousand (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 (5%) of the applicable wall area or three hundred (300) square feet, whichever is smaller.

4. Menu Sign (amended 04/21/09, TA09-002, Ord. 2009-04-19). One sign oriented toward the drive-thru lane, and not legible from the public right-of-way, such sign not to exceed six (6) feet in height.

5. Banner. Banners shall be allowed for a period not exceeding fourteen (14) days with no more than three (3) such fourteen (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 thirty-two (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 (5) feet above grade when on the ground.

6. Signs during Construction (amended 04/21/09, TA09-002, Ord. 2009-04-19). One (1) 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 monument sign allowed on the

lot.

7. Out of Store Marketing Device (amended 04/21/09, TA09-002, Ord. 2009-04-19). Out of store marketing devices are allowed.

8. Flags. Each lot may display no more than three (3) flags and/or flagpoles. Flagpoles shall not exceed sixty (60) feet in height. Flag size shall not be more than fifty (50) square feet.

9. Suspended Signs. In a multi-tenant commercial or office building, one (1) suspended sign per entrance used shall be allowed. Suspended signs shall adhere to the following: not exceed three percent (3%) of the applicable wall area or forty (40) square feet, whichever is smaller; be uniform in size, material, color and shape and is placed in an equivalent location to other such signs located on the same building; be suspended from the eave or soffit of the building; and maintain a minimum of at least ten (10) feet above the finished floor elevation of the tenant space. The area of a Suspended Sign shall be deducted from the allowable area of a Wall Sign.

10. Window Signs. Window signs are allowed without a permit and shall not occupy in the aggregate more than twenty-five percent (25%) of the window area.

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 (10%) 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 (1) business may display two (2) Standard Informational Signs, and each lot having more than one (1) business may display four (4) Standard Informational Signs without a permit, except that during a political election, between the date of qualification and final determination on each ballot issue or candidate, each lot may display an unlimited number of Standard Informational Signs.

13. Signs during Vacancy (added 04/21/09, TA09-002, Ord. 2009-04-19). Developments in which there are vacant lots, units, and/or tenant spaces shall be entitled to one such sign per access-providing street frontage of the development. Signs during Vacancy shall not exceed 16 square feet in area, shall have a maximum height of five (5) feet, and shall not be internally illuminated. Signs during Vacancy shall be allowed for a period not exceeding ninety (90) days with no more than two (2) such 90-day periods being permitted per calendar year per lot. Any development with a permit for a Sign during Vacancy shall be prohibited from having Standard Informational Signs and/or Banners during the 90-day permit period.

14. Internal Signs (added 04/21/09, TA09-002, Ord. 2009-04-19). Internal signs are permitted adjacent to internal entrance drive(s) serving the development. Subdivisions with more than one identifiable section as shown on a recorded plat may be allowed Internal Signs of 16

square feet on one side of the entrance to each section. The maximum height permitted for Internal Signs shall be five (5) feet. Internal signs shall not be legible from the public right-of-way.

15. Projecting Signs. Businesses which have exterior entrances to a building are permitted one (1) Projecting Sign on the exterior wall of the business at least ten (10) feet above the finished floor elevation of the tenant space. Projecting Signs shall not exceed three percent (3%) of the applicable wall area or forty (40) square feet, whichever is smaller. The projection between the applicable wall and the inside edge of the projecting sign shall not exceed twelve (12) inches. The sign area of a Projecting Sign shall be deducted from the allowable sign area for the applicable wall. Projecting Signs shall not have changeable copy unless approved as a Marquee Sign.

G. Industrial Districts

1. Billboards. Within industrial districts (M-1 and M-2), freestanding signs shall not exceed six hundred seventy-two (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 five hundred (500) feet from all residential or AG-1 zoning districts;
c. Minimum one hundred (100) foot setback from right-of-way;
d. Minimum of one thousand five hundred (1500) 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. Maximum of thirty-five (35) feet in height; and
g. In compliance with applicable height standards for the district in which located.

2. Monument Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19).

a. One (1) maximum thirty-two (32) square foot, monument sign shall be permitted for each street on which the lot has up to and including five hundred (500) feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception). Except for gas stations, changeable copy shall not be permitted.
b. One (1) maximum sixty-four (64) square foot, monument sign shall be permitted for each street on which the lot has more than five hundred (500) linear square feet and up to one thousand (1,000) linear feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception). Except for gas stations,

changeable copy shall not be permitted.

c. One (1) maximum seventy-two (72) square foot, monument sign shall be permitted for each street on which the lot has more than one thousand (1,000) linear feet of frontage (excludes spin sites and out-parcels). The sign shall have a maximum height of eight (8) feet (see exception). Except for gas stations, changeable copy shall not be permitted.

d. One (1) maximum thirty-two (32) square foot, monument sign per spin site or out-parcel which is identified on a site plan approved pursuant to a single zoning case.

e. Monument signs on arterial streets may be ten (10) feet in height.

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. Wall sign(s) shall not exceed five percent (5%) of the applicable wall area or one hundred eighty (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 fifty thousand (50,000) square feet of gross floor space within a shopping center shall be allowed wall signs not to exceed five percent (5%) of the applicable wall area or three hundred (300) square feet, whichever is smaller.

4. Menu Sign (amended 04/21/09, TA09-002, Ord. 2009-04-19). One sign oriented toward the drive-thru lane, and not legible from the public right-of-way, such sign not to exceed six (6) feet in height.

5. Banner. Banners shall be allowed for a period not exceeding fourteen (14) days with no more than three (3) such fourteen (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 thirty-two (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 (5) feet above grade when on the ground.

6. Signs during Construction (amended 04/21/09, TA09-002, Ord. 2009-04-19). One (1) 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 monument sign allowed on the lot.

7. Out of Store Marketing Device (amended 04/21/09, TA09-002, Ord. 2009-04-19). Out of store marketing devices are allowed.

8. Flags. Each lot may display no more than three (3) flags and/or flagpoles.

Flagpoles shall not exceed sixty (60) feet in height. Flag size shall not be more than fifty (50) square feet.

9. Suspended signs (amended 04/21/09, TA09-002, Ord. 2009-04-19). In a multi-tenant commercial or office building, in addition to all other permitted signs, one (1) suspended non-illuminated sign per entrance used shall be allowed for each tenant. Suspended signs shall adhere to the following: does not exceed three (3) 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 (7) 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 twenty-five percent (25%) of the window area.

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 (10%) 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 (1) business may display two (2) Standard Informational Signs, and each lot having more than one (1) business may display four (4) Standard Informational Signs without a permit, except that during a political election, between the date of qualification and final determination on each ballot issue or candidate, each lot may display an unlimited number of Standard Informational Signs.

13. Signs during Vacancy (added 04/21/09, TA09-002, Ord. 2009-04-19). Developments in which there are vacant lots, units, and/or tenant spaces shall be entitled to one such sign per access-providing street frontage of the development. Signs during Vacancy shall not exceed 16 square feet in area, shall have a maximum height of five (5) feet, and shall not be internally illuminated. Signs during Vacancy shall be allowed for a period not exceeding ninety (90) days with no more than two (2) such 90-day periods being permitted per calendar year per lot. Any development with a permit for a Sign during Vacancy shall be prohibited from having Standard Informational Signs and/or Banners during the 90-day permit period.

14. Internal Signs (added 04/21/09, TA09-002, Ord. 2009-04-19). Internal signs are permitted adjacent to internal entrance drive(s) serving the development. Subdivisions with more than one identifiable section as shown on a recorded plat may be allowed Internal Signs of 16 square feet on one side of the entrance to each section. The maximum height permitted for Internal Signs shall be five (5) feet. Internal signs shall not be legible from the public right-of-way.

H. Sandy Springs Overlay District (amended 04/21/09, TA09-002, Ord. 2009-04-19)

Notwithstanding any other provisions in this Article, the following standards shall apply

to monument signs and wall signs located in the Sandy Springs Overlay District. In the event the standards set forth in this Section 26.H conflict with any other standards in this Article, the standards set forth in this Section shall take precedence.

1. Monument Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19).

   a. One (1) maximum thirty-two (32) square foot, monument sign shall be permitted for each street on which the lot has up to and including five hundred (500) feet of frontage. The sign shall have a maximum height of six (6) feet. Except for gas stations, changeable copy shall not be permitted.
   b. One (1) maximum sixty-four (64) square foot, monument sign shall be permitted for each street on which the lot has more than five hundred (500) linear square feet and up to one thousand (1,000) linear feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception d.). Except for gas stations, changeable copy shall not be permitted.
   c. One (1) maximum seventy-two (72) square foot, monument sign shall be permitted for each street on which the lot has more than one thousand (1,000) linear feet of frontage (excludes spin sites and out-parcels). The sign shall have a maximum height of eight (8) feet (see exception d.). Except for gas stations, changeable copy shall not be permitted.
   d. Notwithstanding the foregoing, monument signs on Roswell Road, Hammond Drive, or Abernathy Road may be ten (10) feet in height.

2. Wall Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19).

   a. 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. Wall sign(s) shall not exceed the smaller of five percent (5%) of the applicable wall area or one hundred eighty (180) square feet, confined to the upper thirty (30) feet of the facade. Wall signs shall not have changeable copy unless approved as a marquee sign.
   b. Notwithstanding the foregoing, any business which is not represented on a monument sign may have two wall signs which shall meet the following standards:

      i. The street facing wall sign shall not exceed five percent

(5%) of the applicable wall area.

ii. The non-street facing wall sign shall not exceed five percent (5%) of the applicable wall area.

iii. The total of both signs shall not exceed 225 square feet.

vi. Wall signs may be incorporated into a retaining wall or other site hardscape feature.

c. In lieu of any free-standing signs, a shopping center (defined as containing four or more tenants) shall be permitted one additional wall sign. The allowable sign area shall be 5% of the applicable wall area, not to exceed 180 square feet, whichever is less.

d. Suspended signs (amended 04/21/09, TA09-002, Ord. 2009-04-19). In a multi-tenant commercial or office building, one (1) suspended sign per entrance used shall be allowed for each tenant. Suspended signs shall adhere to the following: does not exceed three percent (3%) of the applicable wall area or forty (40) square feet, whichever is smaller; 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 at least ten (10) feet above the finished floor elevation of the tenant space. The area of a Suspended Sign shall be deducted from the allowable area of a Wall Sign.

e. Projecting Signs. Businesses which have exterior entrances to a building are permitted one (1) Projecting Sign on the exterior wall of the business at least ten (10) feet above the finished floor elevation of the tenant space. Projecting Signs shall not exceed three percent (3%) of the applicable wall area or forty (40) square feet, whichever is smaller. The projection between the applicable wall and the inside edge of the projecting sign shall not exceed twelve (12) inches. The sign area of a Projecting Sign shall be deducted from the allowable sign area for the applicable wall. Projecting Signs shall not have changeable copy unless approved as a Marquee Sign.

I. Mobile Home Park District

1. Monument Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19).

a. One (1) maximum thirty-two (32) square foot, entry wall or

monument sign or two (2) single-faced entry wall or monument signs not to exceed sixteen (16) square feet for each side of a mobile home park entrance, identifying the name of the mobile home park, shall be permitted for each street on which the lot has frontage.

b. One (1) maximum thirty-two (32) square foot monument sign per property occupied with an institutional use shall be permitted for each street on which the lot has frontage.

c. Monument signs for non-residential uses located in a mobile home park shall have a maximum height of ten (10) feet, shall not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.

2. Wall Signs. Permitted non-residential uses may have wall signs on street-facing walls. Businesses without a street on which there is frontage, but which have exterior entrances to the building, are entitled to one (1) wall sign on the exterior wall of the business. Wall signs(s) shall not exceed five percent (5%) of the applicable wall area or one hundred eighty (180) square feet, whichever is smaller. Wall signs shall not have changeable copy unless approved as a marquee sign.

3. Window Signs. Not more than three (3) window signs shall be allowed per mobile home and shall not be larger than six (6) square feet or cover more than twenty-five percent (25%) of the area of each window in which a sign is placed, whichever is less.

4. Signs during Construction (amended 04/21/09, TA09-002, Ord. 2009-04-19). One (1) 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 monument sign allowed on the lot.

5. Flag (amended 04/21/09, TA09-002, Ord. 2009-04-19). Each lot may display no more than three (3) flags and/or flagpoles. The flagpole shall not exceed thirty-five (35) feet in height. Flag size shall not more be than twenty (20) square feet.

6. Banner. Banners shall be allowed for a period not exceeding fourteen (14) days with no more than three (3) such fourteen (14) day periods being permitted per calendar year per lot. Banners shall not be more than twenty-four (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 (5) feet above grade when on the ground.

7. Standard Informational Signs. Each lot may display two (2) Standard Informational Signs without a permit, except that during a political election, between the date of qualification and final determination on each ballot issue or candidate, each lot may display an

unlimited number of Standard Informational Signs.

8. Signs during Vacancy (added 04/21/09, TA09-002, Ord. 2009-04-19). Developments in which there are vacant lots, units, and/or tenant spaces shall be entitled to one such sign per access-providing street frontage of the development. Signs during Vacancy shall not exceed 16 square feet in area, shall have a maximum height of five (5) feet, and shall not be internally illuminated. Signs during Vacancy shall be allowed for a period not exceeding ninety (90) days with no more than two (2) such 90-day periods being permitted per calendar year per lot. Any development with a permit for a Sign during Vacancy shall be prohibited from having Standard Informational Signs and/or Banners during the 90-day permit period.

9. Internal Signs (added 04/21/09, TA09-002, Ord. 2009-04-19). Internal signs are permitted adjacent to internal entrance drive(s) serving the development. Subdivisions with more than one identifiable section as shown on a recorded plat may be allowed Internal Signs of 16 square feet on one side of the entrance to each section. The maximum height permitted for Internal Signs shall be five (5) feet. Internal signs shall not be legible from the public right-of-way.

SECTION 27: REINSTALLATION OF EXISTING WALL SIGNS (added 11/20/07, RZ07-035, Ord. 2007-11-67).

Any existing wall sign removed as a part of a renovation project for a shopping center (defined as containing four or more tenants) shall be permitted to be reinstalled, subject to the following standards:

1. The shopping center owner shall obtain the appropriate building and development permits prior to the commencement of the renovation project in accordance with all City standards and regulations.

2. The shopping center owner shall provide to the City photographs detailing the dimensions of the existing wall signs prior to removal.

3. Reinstallation shall only be allowed for wall signs with a valid existing sign permit.

4. Reinstallation shall only be allowed for wall signs with square footages not exceeding seven percent (7%) of the applicable wall area.

5. No alteration of any kind shall be made to the wall signs proposed for reinstallation.

6. (amended 04/21/09, TA09-002, Ord. 2009-04-19) During construction, each tenant shall be allowed to display a banner in lieu of a permanent sign. The banner size shall be no greater than thirty-two (32) square feet. Tenants shall be required to obtain a temporary sign permit for the banner.

7. The banner shall be permitted with the commencement of construction and removed with the issuance of a Certificate of Occupancy or reinstallation of the removed wall sign, whichever occurs first.

8. Any wall sign removed without prior identification from the City as a legal existing wall sign will be subject to all of the sign standards established in this Article.

SECTION 28: REMOVAL OF ABANDONED SIGNS (added 04/21/09, TA09-002, Ord. 2009-04-19).

Any sign associated with a business which has ceased operations for sixty (60) days or more shall be removed by the property owner of record within two (2) weeks of notification from the Department of Community Development. The Department of Community Development shall be required to provide official written notification to the property owner indicating the type and location of sign(s) which require removal.

SECTION 29: 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 Council of the City that each article, section, clause, and provision hereof be severable.

ADOPTED BY MAYOR AND CITY COUNCIL, DECEMBER 27, 2005

APPENDIX A

(INACTIVE)

ARTICLE XIII
A-l
APARTMENT DWELLING DISTRICT REGULATIONS (11/ 2/ 66)

SECTION 1. 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-l District. (See Article XIX)

SECTION 2. Use Regulations: A building or premises shall be used only for the following purposes:

A. Any Use Permitted in the "R-l" Single Family Dwelling District.

B. Two family dwelling.

C. Multiple dwelling.

D. Rooming house and boarding house.

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 (10) feet from the main building nor less than five (5) 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) DELETED - 37, Regular Meeting 2/3/88.

(4) 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 one hundred fifty (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 twenty (20) feet on each end of the enclosed area of such pools, said distance of one hundred fifty (150) feet shall not be required.

SECTION 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 (10) feet to any lot line which abuts a single-family or two-family dwelling district nor nearer than four (4) 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 (l.5) tenant parking spaces for each dwelling unit, plus one (1) visitor parking space for ever four (4) units, rounded to the next highest whole number of spaces.

(b) Single-family and two-family dwellings: Two (2) parking spaces for each dwelling unit.

(c) Fraternities or sororities: One (1) parking space for every three (3) beds contained in the structure.

(d) Rooming house and boarding house: One (1) parking space for every two

(2) guest rooms contained in the structure.

(e) Private club or lodge: One (1) parking space for every five (5) active members.

(f) Hospitals or Institutions: One (1) space for ever four (4) beds, plus one (1) space for each staff or visiting doctor (based on the average number) , plus one (1) space for every two (2) 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 (2) parking spaces.

(h) Schools and public buildings: One (1) parking space for every ten (10) seats in the auditorium or similar places of public assembly.

(i) Government buildings: One (1) parking space for every two hundred (200) square feet of floor area (excluding storage area) plus one (1) space for every two (2) persons employed in an accessory use.

SECTION 4. Height Regulations: No building shall exceed three (3) stories or forty-five (45) feet.

SECTION 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 forty (40) feet.

(b) Multiple Dwellings and Other Uses: There shall be front yard having a depth of not less than forty (40) feet.

2. Side Yard.

(a) Single-family and Two-family Dwellings: There shall be two side yards, one (1) on each side of the building, having a combined width of not less than fifteen (15) feet; provided, however, that no side yard shall be less than seven (7) 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 (2) side yards, one on each side of the building each having a width of not less than twenty-five (25) feet.

(2) Where multiple dwelling districts do not abut single- family and two-family districts, there shall be two (2) side yards, one (1) 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 (10) feet in width.

(3) Where a lot is located at the intersection of two (2) or more streets, the width of the yard along the side street shall be not less than twenty-five (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 twenty-five (25) feet.

(b) Multiple Dwellings and Other Uses: There shall be a rear yard having a depth of not less than twenty-five (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 seventy-five (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 eighty-five (85) feet and an area of not less than twelve thousand (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.

(b) Two-family dwellings: Every Two-family dwelling shall be located upon a Lot having a frontage of not less than eighty-five (85) feet and an area of not less than ten thousand (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.

(c) Multiple dwellings: Multiple dwellings shall be located upon a lot having a frontage of not less than one hundred (100) feet and an area of not less than two thousand two hundred and fifty (2,250) square feet per family.

(d) 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 non-dwelling uses permitted in this Article.

SECTION 6. Residential Floor Area Resolutions:

1. Each efficiency or studio apartment shall have a floor area of not less than four hundred and fifty (450) square feet.

2. Each multiple dwelling other than efficiency or studio apartments shall have a floor area of not less than six hundred (600) square feet per dwelling unit.

3. Each two-family dwelling shall have a minimum floor area of one thousand (1,000) square feet per dwelling unit.

4. Each single-family dwelling shall have a minimum floor area of eleven hundred (1,100) square feet.

SECTION 7. Lot Coverage: Maximum coverage of the Lot by buildings, including accessory buildings, shall be thirty (30) percent of the gross Lot area.

SECTION 8. 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-l" 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 Licidum (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.)

APPENDIX A

(INACTIVE)

ARTICLE XIII-A (Sept. 6, 1961)
(Repealed 5/2/68)
A-O
APARTMENT-OFFICE DISTRICT REGULATIONS

SECTION 1. 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.

SECTION 2. Use Regulations: A building or premises shall be used only for the following purposes:

1. Any Use Permitted in the "A-l" 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 non-profit 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 twenty-five (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 non-profit 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 shoo, 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 twenty (20) square feet in area mounted flat to the wall on the main building free standing 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 twelve (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 twelve (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 twenty-five (25) percent of the floor area devoted to storage purposes incidental to such primary use.

SECTION 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.

(b) No off-street parking space shall be provided within twenty-five (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 three hundred (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, boarding house, and professional office in place of abode;

same as those in "A-l" Apartment Dwelling District.

(b) Multiple dwelling; one and one-half (L.5) spaces for every dwelling unit.

(c) Hospitals or Institutions: one (1) space for every four (4) beds, plus one (1) space for each staff or visiting doctor (based on the average number), plus (1) space for every two (2) employees, including nurses.

(d) Clinics and offices of doctors, dentists, osteopaths and similar offices; five (5) spaces for ever doctor plus one (1) for every two (2) employees.

(e) Auditoriums, assembly halls, churches, gymnasiums, stadiums, libraries, museums, art galleries, private club or lodge, one (1) space for each four (4) fixed seats in the largest assemble room or facility or for each thirty-five (35) square feet of enclosed floor area used for accommodation of movable seats in the largest assembly room, whichever is greater, plus one (1) space for each one hundred (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 (1) space for every two hundred (200) square feet of floor area (excluding storage area) plus one (1) space for every two (2) persons employed in an accessory use.

(g) Schools.

(1) Public or private elementary, and special schools without students in residence; two (2) spaces for every classroom.

(2) Public or private high; four (4) spaces for every classroom.

(3) Public or private colleges, music conservatories, dancing schools, universities, business colleges, one (1) space for ever two hundred (200) square feet of floor area.

(4) School auditorium assembly halls, stadiums, gymnasiums, same as (e) above.

(h) Accessory retail uses; one (1) space for every two (2) employees

(i) One (1) loading space on the lot shall be provided for each fifteen thousand (15,000) square feet of area, or fraction thereof in excess or five

thousand (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 one hundred (lO0) feet of frontage. No curb break shall exceed thirty (30) feet in width. Curb breaks shall be not less than twenty-five (25) feet from the intersection of two or more curb lines, as measured along one of the said curb lines.

SECTION 4. Height Regulations: (7/5/67)

1. Buildings intended for multiple dwelling use shall not exceed three (3) stories or forty-five (45) feet.

2. Buildings intended for non-dwelling use shall not exceed four (4) stories or sixty (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-Fulton County 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.

SECTION 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-l" Apartment dwelling District.

(b) Side Yard: The side yard regulations shall be the same as those in the "A-l" Apartment dwelling district.

(c) Rear Yard: The rear yard regulations shall be the same as those in the "A-l" Apartment Dwelling District.

(d) Lot Area Per Family: The lot area per family shall be the same as those in the "A-l" Apartment Dwelling District.

(e) Lot Coverage: Maximum coverage of the lot by buildings including

accessory buildings) shall be thirty-five (35) percent of the gross lot area.

2. Non-dwelling uses shall conform to the following requirements:

(a) Front Yard: The front yard regulations shall be the same as those in the "A-L" Apartment Dwelling District.

(b) Side Yard: The side yard regulations shall be the same as those in the "A-l" Apartment Dwelling District.

(c) Rear Yard: The rear yard regulations shall be the same as those in the "A-l" Apartment Dwelling District.

(d) Lot Area Per Family: Lot area per family shall be the same as those in the "C-l" Commercial District.

(e) Lot Coverage: Maximum coverage of the lot by buildings (including accessory buildings) shall be forty (40) percent of the gross lot.

SECTION 6. Residential Floor Area Regulations: The residential floor area regulations for multiple dwellings shall be the same as those in the "A-l" Apartment Dwelling District.

APPENDIX A

(INACTIVE)

ARTICLE XII-A
TR
TOWNHOUSE RESIDENTIAL DISTRICT
(Adopted August 6, 1969)
(Z-68-161 FC)

SECTION 1. Intent of the District

A. This district encompasses lands devoted to residential uses having both single and multi-family 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, and

4. Be located near such services as retail shopping and major thoroughfares and collector streets.

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. (AMENDED 6/6/73 - Z-73-75 FC)

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.

SECTION 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 (10) 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) DELETED - 37, 2/3/88.

(3) 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 thirty (30) feet.

(4) Swimming pools: Provided that no swimming pool may be placed nearer than thirty (30) feet to any rear or side lot line, nor nearer than fifty (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 one hundred and fifty (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 twenty (20) feet on each side of such pool(s), the distance of one hundred and fifty (150) feet shall not be required. A fence of minimum height of five (5) feet shall be provided around the perimeter of all swimming pools.

(5) Stacked Flats, (Deleted) with approval of Special Use Permit, pursuant to Article XIX, Additional Use Regulations (Z83-33 FC, April 6, 1983).

SECTION 3. Off-street Parking Regulations Superseded by Article XVIII

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 (10) feet of any perimeter lot line.

(c) Driveways serving more than two (2) parking spaces shall provide an adequate turn-around space.

2. Parking Space Requirements:

(a) Single-family and two-family dwellings: Two (2) off-street parking spaces for each dwelling unit.

(b) Townhouse Dwellings: Two (2) off-street parking spaces for each dwelling unit, plus one (1) visitor parking space for every four (4) units or fraction thereof. Each visitor parking space shall be located in the proximity of the units it serves.

SECTION 4. Building Regulations

1. For Single-family, Two-family and Townhouse Dwellings:

No building or structure shall exceed thirty-five (35) feet in height.

2. For Townhouse Residential Development:

(a) Deleted 6/6/73 - Z-73-75 FC

(b) No more than twenty (20) townhouse dwelling units shall be permitted to form a single building.

(c) No more than three (3) 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

(2) feet.

(d) Sidewalks shall be provided for each Townhouse pedestrian access throughout the entire development.

(e) Driveways serving more than six units shall be paved to a minimum width of thirty (30) feet.

SECTION 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 forty (40) feet.

(b) Side Yard: There shall be two side yards, one on each side of the building of not less than ten (10) 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 twenty (29) 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 twenty-five (25) feet.

(d) Lot Area per Family: Every dwelling shall be located on a lot having a frontage of ninety (90) feet at the building setback line and containing the following areas:

1. Eleven thousand (11,000) square feet for a single family dwelling (90' x 122').

2. Fifty-five hundred (5,500) square feet per family for a two-family dwelling (90' x l22').

2. For Townhouse Residential Developments

(a) Density: A Townhouse Residential Development shall not exceed nine (9) 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 (2) acres, with one hundred (lO0) 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 forty (40) feet.

2. Side Yard: There shall be two side yards of not less than thirty (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 forty (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 side shall not be less than forty (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 forty (40) feet.

4. Rear Yard: There shall be a rear yard along the rear lot line of not less than thirty-five (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.

SECTION 6. Residential Floor Area Regulations

1. Each single-family dwelling shall have a minimum ground floor area of twelve hundred (1200) 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 nine hundred (900) square feet, and a total minimum floor area of thirteen hundred and twenty (1320) square feet.

3. Each two-family dwelling shall have a minimum floor area of nine hundred (900) square feet and a minimum ground floor area of nine hundred (900) square feet if two stories in height.

4. Each townhouse dwelling unit shall have a minimum floor area of not less than eleven hundred (1100) square feet.

(a) Each townhouse unit shall have a minimum width of twenty (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.

SECTION 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 (4) feet in height.

SECTION 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:

Front to Front	Fifty (50) feet
Front to Rear	Sixty (60) feet
Rear to Rear	Fifty (50) feet
Front or Rear to Side	Forty (40) feet
Side to Side	Forty (40) feet

(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 fifty percent.

2. Common Open Space & 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 1 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 and 1/2 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 - 1 acre

E. Minimum Lot Width - 150 feet

F. Minimum Lot Frontage - 35 feet

G. Minimum Heated Floor Area - 1200 s.f. for less than two story.

1320 s.f. for two story or more than two story with 900 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 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

APPENDIX A

(INACTIVE)

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 1 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 and 1/2 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 -
1 acre
10 acres for poultry
5 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

APPENDIX A

(INACTIVE)

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 2 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 and 1/2 stories, whichever is higher.

3.2 AREA REGULATIONS.

A. Minimum Front Yard - 50 feet.

B. Minimum Side Yard - 10 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 - 1000 s.f. on ground level for less than two story.

1100 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