STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO AMEND THE SANDY SPRINGS DEVELOPMENT CODE FOR THE CITY OF SANDY SPRINGS, GEORGIA; TO AMEND AND PROVIDE PROVISIONS GOVERNING THE EXERCISE OF THE POWER OF ZONING BY THE CITY; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES

WHEREAS, the Constitution of the State of Georgia provides in Article IX, Section II, Paragraph IV thereof, that the governing authority of a city may adopt plans and exercise the power of zoning; and

WHEREAS, pursuant to O.C.G.A. § 36-70-3, the governing bodies of municipalities and counties are authorized to develop, establish, and implement land use regulations that are consistent with the comprehensive plan of the municipality or county; and

WHEREAS, the Georgia General Assembly has enacted the Georgia Planning Act of 1989 (Georgia Laws 1989, pp. 1317-1391, Act 634), which among other things provides for local governments to adopt plans and regulations to implement plans for the protection and preservation of natural resources, the environment and vital areas; and

WHEREAS, the Georgia Department of Community Affairs has promulgated Minimum Standards and Procedures for Local Comprehensive Planning (Chapter 110-3-2 of Rules of the Georgia Department of Community Affairs) to implement the Georgia Planning Act of 1989, said standards and procedures were initially ratified by the Georgia General Assembly, and said rules which have been amended from time to time require local governments to describe regulatory measures and land development regulations needed to implement local government comprehensive plans; and

WHEREAS, City Council adopted its initial Comprehensive Plan in accordance with the requirements of the Georgia Planning Act of 1989 and Rules of the Georgia Department of Community Affairs; and

WHEREAS, to implement the initial Comprehensive Plan, City Council adopted the City of Sandy Springs Zoning Ordinance ("Zoning Ordinance") on December 27, 2005; and

WHEREAS, the City grew substantially following the adoption of the initial Comprehensive Plan, Zoning Ordinance and Land Development Regulations and a new Comprehensive Plan was prepared ("New Comprehensive Plan"), as required by Georgia law; and

WHEREAS, to accomplish its purposes, City Council engaged consultants to work with City staff to initiate review and revision of its zoning, subdivision, and related development regulations; and

WHEREAS, on August 15, 2017, the City of Sandy Springs adopted a new development code which incorporated a revised Zoning Ordinance and selected Land Development Regulations ("Sandy Springs Development Code"); and

WHEREAS, after implementation, City staff has continued to review and evaluate the Sandy Springs Development Code to identify possible areas for improvement; and

WHEREAS, City Council now desires to make the following amendments to the Sandy Springs Development Code as identified by City staff; and

WHEREAS, the health, safety, and welfare of the citizens of the City of Sandy Springs will be positively impacted by the proposed amendments to the Sandy Springs Development Code; and

WHEREAS, the General Assembly of the State of Georgia enacted the Zoning Procedures Law, O.C.G.A. Title 36, Chapter 66, so as to provide procedures for the exercise of zoning powers by cities and counties, including the enactment of zoning ordinances; and

WHEREAS, appropriate public notice and hearing in connection with the proposed amendments to the Sandy Springs Development Code have been accomplished in accordance with the requirements of the Zoning Procedures Act.

NOW, THEREFORE, the Council for the City of Sandy Springs hereby ordains, as follows:

Section 1

The City of Sandy Springs hereby restates and re-adopts the Zoning Procedures Law, O.C.G.A. Title 36, Chapter 66, as may be amended from time to time, as if fully set forth herein.

Section 2

The Official Zoning Map for the City of Sandy Springs existing on the effective date of this Ordinance is hereby amended as attached hereto as Exhibit "A" and incorporated herein by this reference, adopted as amended, and as may be further amended by subsequent actions of this Council pursuant to the Zoning Procedures Act, showing the appropriate use of properties within the City of Sandy Springs, Georgia.

Section 3

The Sandy Springs Development Code existing on the effective date of this Ordinance is hereby amended as more particularly described in Exhibit "B", a copy of which is attached hereto and made a part hereof, adopted as amended, and as may be further amended by subsequent actions of this Council pursuant to the Zoning Procedures Act, defining the regulations of use of the properties of the City.

Section 4

All ordinances and resolutions or portions thereof in conflict with this Ordinance are repealed to the extent of the conflict.

Section 5

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, sentence, paragraph, or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such an illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance and shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or constitutional.

Section 6

The Sandy Springs Development Code shall be effective thirty (30) days from the date of adoption of this Ordinance ("Effective Date").

Section 7

On the Effective Date, all existing moratoria shall be removed and shall be of no further force and effect.

Section 8

All applications for zoning and/or use permits filed prior to the adoption of this Ordinance will be considered abandoned if the applicant has not scheduled its first community meeting within sixty (60) days following adoption of this Ordinance.

APPROVED AND ADOPTED this the 17th day of April, 2018.

Approved:

Russell K. Paul, Mayor

Attest:

Michael D. Casey, City Clerk

(Seal)

EXHIBIT "B"

AMENDMENTS TO THE SANDY SPRINGS DEVELOPMENT CODE

Article 1. Introductory Provisions

All existing text to be replaced by proposed text, unless stated otherwise in the formatting instructions
As adopted by Mayor and City Council, April 17, 2018

Item	Code Section	Current Text (August 2017)	New Text (April 2018)
1-1	1.1.5.A.2 Intent	Promoting the preservation and enhancement of tree canopy in residential areas.	Promoting the preservation and enhancement of the City's tree canopy.
1-2	1.1.9.B Prior Approval Conditions	Relief from any prior rezoning condition must be granted through the Planning Commission and City Council under the procedures for Legislative Review (see Div. 11.3 [hyperlink]).	Relief from any prior rezoning condition must be granted through the Planning Commission and City Council under the procedures for Legislative Review (see Div. 11.3 *[hyperlink]*) as a Zoning Map Amendment.
1-3	1.1.9.C Prior Approval Conditions		*Formatting: Insert new subsection C* All conditions attached to previously approved Use Permits remain in effect. Relief from any prior use permit condition must be granted through the Planning Commission and City Council under the procedures for Legislative Review (see Div. 11.3 *[hyperlink]*) as a Conditional Use Permit.
1-4	1.1.10.A. Amortization for Vehicle-Related Uses	It is the intent of this Section to bring into conformity the parking lot landscaping and perimeter screening, foundation planting, mechanical and other equipment screening, and site lighting of vehicle-related uses in the Roswell Road corridor. It is the intent of the City Council to protect the investment-backed expectations of property owners, and to accomplish conformity while allowing property owners a reasonable return on their investment.	It is the intent of this Section to bring into conformity the parking lot landscaping and perimeter screening, foundation planting, mechanical and other equipment screening, and site lighting of vehicle-related uses. It is the intent of the City Council to protect the investment-backed expectations of property owners, and to accomplish conformity while allowing property owners a reasonable return on their investment.
1-5	1.2.1. Districts Established	In order to carry out the purpose and intent of this Development Code, the City is divided into the following zoning districts, as established on the Official Zoning Map in Div. 1.3 [hyperlink]. These districts are intended to implement the specific Character Areas established in the Comprehensive Plan, as set out in the table below.	In order to carry out the purpose and intent of this Development Code, the City is divided into the following zoning districts, as established on the Official Zoning Map in Div. 1.3 *[hyperlink]*. These districts are intended to implement the specific Character Areas established in the Comprehensive Plan, as set out in the table below. The creation of new districts must be approved through the Planning Commission and City Council under the procedures for Legislative Review (see Div. 11.3 *[hyperlink]*) as a Text Amendment.
1-6	1.2.1 Table Districts Established	Planned Character	Character Area

1-7	1.2.1. Table Districts Established		*Formatting: Add all individual districts into table and add a column for District Categories. See Appendix*
1-8	1.2.2.B.1 Frontages Established	Not Designated	Standard

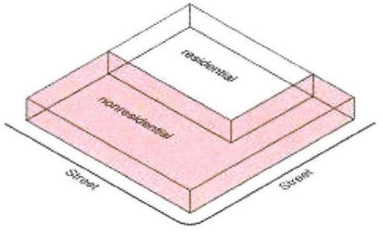
Article 2-5. Zoning Districts

All existing text to be replaced by proposed text, unless stated otherwise in the formatting instructions
As adopted by Mayor and City Council, April 17, 2018

Item	Code Section	Current Text (August 2017)	New Text (April 2018)
2-1	Sec. 2.1.2.C. Residential detached Districts	15,000 square foot minimum lot size.	15,000 square foot minimum lot size. No rezoning from another zoning district to RD-15 is allowed.
2-2	Div. 2.2. Residential Estate	Div. 2.2. Residential Estate (RE-1, -2)	Div. 2.2. Residential Estate (RE-2, -1)
2-3	Sec.2.2.1. Lot Parameters	C. Lot Coverage 15% max 20% max	C. Lot Coverage Residential use 25% max 25% max All other principal uses By use permit *Formatting: Add lines for D in text (but not on graphic]* D. Canopy coverage Residential use 35% min 35% min All other uses 40% min 40% min
2-4	Sec. 2.2.2. Placement and Height	Parking Location E Primary street yard Allowed F Side street yard Allowed G Side yard Allowed H Rear yard Allowed	*Formatting: Delete "Parking Location" header and lines E through H. Insert updated graphic "RE-Placement and Height-V04"*
2-5	Sec. 2.2.2. Placement and Height	Building Height I. Principal dwelling 3 stories/40' max Guest house or accessory structure 2 stories/25' max	Building Height E. Single-unit detached dwelling 3 stories/40' max All other principal uses By use permit
2-6	Sec. 2.3.1. Lot Parameters	C. Lot Coverage 25% max 30% max 35% max	C. Lot Coverage Residential use 30% max 35% max 38% max All other principal uses By use permit *Formatting: Add lines for D in text (but not on graphic]* D. Canopy coverage Residential use 35% min 35% min 35% min All other uses 40% min 40% min 40% min
2-7	Sec. 2.3.2. Placement and Height	Parking Location E Primary street yard Allowed F Side street yard Allowed	*Formatting: Delete "Parking Location" header and lines E through H. Insert updated graphic "RD-27-Placement and Height-V02"*

	Placement and Height- Parking Location	G Side yard Allowed H Rear yard Allowed	
2-8	Sec. 2.3.2. Placement and Height	Building Height I. Principal dwelling 3 stories/40' max Guest house or accessory structure 2 stories/25' max	Building Height E. Single-unit detached dwelling 3 stories/40' max All other principal uses By use permit
2-9	Sec. 2.4.1. Lot Parameters	C. Lot Coverage 35% max 40% max 45% max	C. Lot Coverage Residential use 38% max 42% max 47% max All other principal uses By use permit *Formatting: Add lines for D in text (but not on graphic]* D. Canopy coverage Residential use 35% min 35% min 35% min All other uses 40% min 40% min 40% min
2-10	Sec.2.4.2.Placement and Height	Parking Location E Primary street yard Allowed F Side street yard Allowed G Side yard Allowed H Rear yard Allowed	*Formatting: Delete "Parking Location" header and lines E through H. Insert updated graphic "RD-9-Placement and Height-V03"*
2-11	Sec. 2.4.2. Placement and Height	Building Height I. Principal dwelling 3 stories/40' max Guest house or accessory structure 2 stories/25' max	Building Height E. Single-unit detached dwelling 3 stories/40' max All other principal uses By use permit
3-1	Sec. 3.1.4 Residential Mixed Use	The Residential Mixed Use districts are intended for residential living in multi-unit attached residences with access to neighborhood-serving commercial uses on up to 25% of the ground floor. The districts also allow for civic, open space and park uses, as well as townhouse and urban lot single-family residences. Where these districts abut Protected Neighborhood districts, a transition area is required. The districts include:	The Residential Mixed Use districts are intended for residential living in multi-unit attached residences with access to neighborhood-serving commercial uses on up to 25% of the ground floor. The districts also allow for civic, open space and park uses, as well as townhouses. Where these districts abut Protected Neighborhood districts, a transition area is required. The districts include:
3-2	Sec. 3.2.1. Lot Parameters	Lot coverage n/a	*Formatting: Insert updated graphic "RU-Lot parameters-V03"* D. Lot coverage 80% max 80% max *Formatting: Add lines for E in text (but not on graphic]* E. Canopy coverage Residential use 35% min All other uses 40% min
3-3	Sec. 3.3.1.	Lot coverage n/a	C. Lot coverage 80% max

	Lot Parameters		*Formatting: Add lines for D in text (but not on graphic]* D. Canopy coverage Residential use 35% min All other uses 40% min
3-4	Sec. 3.4.1. Lot Parameters		*Formatting: Add lines for E in text (but not on graphic]* E. Canopy coverage Residential use 35% min All other uses 40% min
3-5	Sec. 3.5.1. Lot Parameters		*Formatting: Add lines for E in text (but not on graphic]* E. Canopy coverage Residential use 35% min All other uses 40% min
3-6	Sec. 3.5.5. District Standards		*Formatting: Add Sec. 3.5.5. District Standards below Sec. 3.5.4 Activation table* 3.5.5. District Standards 1. Each commercial tenant space must not exceed 4,000 square feet in gross floor area. 2. The total commercial tenant space in each building must not exceed 25% of the ground floor. 3. Hours of operation limited to 6AM-11PM, including all deliveries. 4. Drive-thru or drive-in facilities are not permitted.
4-1	Sec. 4.1.2 Office Mixed Use	The Office Mixed Use districts are intended for office, hotel and related commercial uses, as well as multi-unit residences. The districts also allow for civic, open space and park uses. Where these districts abut Protected Neighborhood districts, a transition area is required. The districts include:	The Office Mixed Use districts are intended for office, hotel and related commercial uses, as well as single unit attached residences. The districts also allow for civic, open space and park uses. Where these districts abut Protected Neighborhood districts, a transition area is required. The districts include:
4-2	Sec.4.2.1. Lot Parameters	Add E	*Formatting: Add lines for E in text (but not on graphic]* E. Canopy coverage Residential use 35% min All other uses 40% min
4-3	Sec, 4.3.1. Lot Parameters	Add E	*Formatting: Add lines for E in text (but not on graphic]* E. Canopy coverage Residential use 35% min

			All other uses 40% min
4-4	Sec. 4.3.5.District Standards		*Formatting: Add Sec. 4.3.5. District Standards below Sec. 4.3.4 Activation table* Sec. 4.3.5 District Standards 1. Only place of worship, office and day care uses may be established in a stand-alone building. 2. All other commercial uses in the OX- District must be established in the ground floor of a multistory office building.
4-5	Sec. 4.4.1. Lot Parameters		*Formatting: Add lines for E in text (but not on graphic]* E. Canopy coverage Residential use 35% min All other uses 40% min
4-6	Sec. 4.4.5. District Standards		*Formatting: Add Sec. 4.4.5. District Standards below Sec. 4.4.4. Activation table* Sec. 4.4.5. District Standards 1. In all CX Districts located between Abernathy Road and US 285, each commercial tenant space must not exceed 30,000 square feet in gross floor area.
4-7	Sec. 4.5.1. Lot Parameters		*Formatting: Add line for E in text (but not on graphic]* E. Canopy coverage 40% min
4-8	Sec. 4.5.5. District Standards		*Formatting: Add Sec. 4.5.5. District Standards below Sec. 4.5.4. Activation table. Insert graphic from Sec. 7.3.3.* Sec. 4.5.5. District Standards 1. Ground floor residential must not be visible from a street and must be located behind space constructed for nonresidential occupancy. There are no restrictions on upper floors.  2. In all SX Districts located between Abernathy Road and US 285, each commercial tenant space must not exceed 30,000 square feet in gross floor area.
4-9	Sec. 4.6.1.		*Formatting: Add lines for E in text (but not on graphic]*

	Lot Parameters		E. Canopy coverage Residential use 35% min All other uses 40% min
4-10	Sec. 4.7.1. Lot Parameters		*Formatting: Add lines for E in text (but not on graphic]* E. Canopy coverage Residential use 35% min All other uses 40% min
4-11	Sec. 4.7.3 Height and Mass		*Formatting: Add line for G in text. Insert updated graphic "CS-Mass-V02"* G. Upper floors setback (4th, 5th and 6th) 20' min
4-12	Sec. 4.7.5. District Standards		*Formatting: Add Sec. 4.7.5. District Standards below Sec. 4.5.4. Activation table. Insert updated graphic "CS-Activation-V02"* 4.7.5. District Standards Each commercial tenant space must not exceed 30,000 square feet in gross floor area.
4-13	Sec. 4.8.1. Lot Parameters		*Formatting: Add lines for E in text (but not on graphic]* E. Canopy coverage Residential use 35% min All other uses 40% min
4-14	Sec. 4.9.1. Lot Parameters		*Formatting: Add lines for E in text (but not on graphic]* E. Canopy coverage Residential use 35% min All other uses 40% min
4-15	Sec.4.10.1.H	H. Planting area	H. Landscape strip
5-1	Sec. 5.2.1. Lot Parameters		*Formatting: Add lines for E in text (but not on graphic]* E. Canopy coverage Residential use 35% min All other uses 40% min
5-2	Div. 5.3.	Perimeter Mixed Use (PX-)	*Formatting: Rename header* Perimeter Mixed Use, Low/Mid-Rise (PX-)
5-3	Sec. 5.3.1. Lot Parameters		*Formatting: Add lines for E in text (but not on graphic]* E. Canopy coverage Residential use 35% min All other uses 40% min

5-4	Sec. 5.3.3.A. Maximum Height	PX-12 12 stories/170' max	*Formatting: Delete line*
5-5	Sec. 5.3.3.B Minimum Height	PX-12 6 stories min	*Formatting: Delete line*
5-6	Div. 5.4.	Perimeter Mixed Use (PX-)	*Formatting: Rename header* Perimeter Mixed Use/ High-Rise (PX-)
5-7	Sec. 5.4.1 Lot Parameters		*Formatting: Add lines for E in text (but not on graphic]* E. Canopy coverage Residential use 35% min All other uses 40% min
5-8	Sec. 5.5.1. Lot Parameters		*Formatting: Add lines for E in text (but not on graphic]* E. Canopy coverage Residential use 35% min All other uses 40% min
5-9	Sec.5.6.2	Not Designated*	*Formatting: Rename header* Standard (-ST)
5-10	Sec. 5.6.2	*Applies to parcels not designated with a frontage. Only building facades located within 30 feet of a public street are subject to the frontage requirements.	* Only building facades located within 30 feet of a street are subject to the Standard Frontage requirements.
5-11	Sec. 5.6.5.		*Formatting: Insert updated graphic "T-HIST-SHOPFRONT"*
5-12	Sec. 5.6.5	*Lots or portions of lots subject to the Shopfront Frontage must contain retail or personal service uses in any building constructed that faces the public street.	*Lots or portions of lots subject to the Shopfront Frontage must contain retail or personal service uses in any building constructed that faces the street. Shopfront Frontage applies only to the first 125 feet from the street intersection, where the two property lines intersect.

Article 6. Rules for All Districts

All existing text to be replaced by proposed text, unless stated otherwise in the formatting instructions
As adopted by Mayor and City Council, April 17, 2018

Item	Code Section	Current Text (August 2017)	New Text (April 2018)
6-1	6.1.1.B.3.b Rear Lot Line	On irregularly-shaped lots, the rear lot line is determined based on a line perpendicular to the front lot line extending to the point where a rear lot line would be 10 feet in width and parallel to the front lot line. This rear lot line is intended for the purpose of establishing the rear setback and lot depth only.	*Formatting: Update graphic below B. Lot Lines* On irregularly-shaped lots, the rear lot line is determined as the line connecting two points each measured 10 feet along the side lot lines starting from the intersection of the two side lot lines. This rear lot line is intended for the purpose of establishing the rear setback and lot depth only. When a rear lot line cannot be determined in this manner, the rear lot line will be determined by the Director.
6-1.1	6.1.1.F.2 Lot Frontage	Every lot must have frontage upon a public street, private street designed and built to public standards, or required courtyard for a cottage court, except that rear-loaded townhouses may count alley right-of-way as lot frontage.	Every lot must have frontage upon a public street, private street designed and built to public standards, or required courtyard for a cottage court.
6-2	6.1.1.H Lot Coverage	1. Lot coverage includes: a. The horizontal area of the building footprint measured within the outside of the exterior walls of the ground floor of all principal buildings and any roofed accessory buildings on the lot; and b.Any impervious parking areas, driveways, walkways, steps, terraces, uncovered patios and decks, swimming pools, and any similar features. The Director may establish rules for determining the extent to which partially pervious materials are exempt from lot coverage.	*Formatting: Renumber accordingly* 1. Lot coverage includes: a. The horizontal area of the building footprint measured within the outside of the exterior walls of the ground floor of all principal buildings and any roofed accessory building on the lot; and b. Any impervious parking areas, driveways, walkways, steps, terraces, uncovered patios and decks, swimming pools, and any similar features. The Director may establish rules for determining the extent to which partially pervious materials are exempt from the lot coverage. 2. In RU- and RT- zoning districts, lot coverage can be assessed at the individual lot level, with each lot meeting lot coverage independently, or at the project level, in which case the pervious areas required to meet the lot coverage for the whole development must be under common ownership and indicated on the recorded plat. 3. 100% area credit will be given for pervious pavers and 50% area credit for pervious concrete. Other materials will be evaluated upon request.

			4. For legal nonconforming lots that are smaller than the minimum lot area required by their respective zoning districts, lot coverage is calculated by accounting for the maximum lot coverage allowed in both the district and the nearest district with a smaller minimum lot area. The total area of the lot is divided in two parts, one as the minimum lot area of the nearest zoning district, and the other as the remainder of the total area. The respective maximum lot coverage is then applied to the two parts. As an example, the lot coverage of a lot in RE-1 that is 34,000 sq.ft. in size is calculated as the sum of 27,000 sq.ft. at 30% and 7,000 sq.ft. at 25%, for a the maximum lot coverage of 9,850 sq.ft. 5. In RE- and RD- districts, the base maximum lot coverage may be supplemented by 5% if mitigation measures are implemented. The mitigation consists of providing stormwater infiltration for the additional impervious area beyond the base maximum lot coverage at a rate of 2.4 inches in 24 hours.
6-2.1	6.1.1.I.2.h		*Formatting: Insert subsection g.* g. When a path is located in a natural setting (such as a stream buffer) or other greenspace that cannot be used as amenity space in its entirety, the path may count towards the outdoor amenity space area calculation by using a width of 25 feet, multiplied by the length of the path.
6-3	6.1.2.A.2.f. Measurement of Building Setbacks	Where a buffer is required along a lot line for development or redevelopment occurring after the effective date of this Development Code, setbacks will be measured from the interior of the required buffer.	*Formatting: Delete text and mark subsection "open"*
6-4	6.1.2.B Setback Encroachments	All buildings and structures must be located at or behind the required setbacks except as listed below. No building or structure can extend into a required easement or public right-of-way.	All buildings and structures must be located at or behind the required setbacks except as listed below. No building or structure can extend into a required buffer, easement (including private street easement) or public right-of-way.
6-5	6.1.2.B.1 Setback Encroachments – Building Features	a. Awnings/canopies, balconies, front porches, raised entries and stoops may extend into a required primary street setback (see Div. 6.2). b. Building eaves, roof overhangs, gutters, downspouts, light shelves, bay windows and oriels less than 10 feet wide, cornices, belt courses, sills, buttresses or other similar	a. All Setbacks 1. Building eaves, roof overhangs, gutters, downspouts, light shelves, bay windows and oriels less than 10 feet wide, cornices, belt courses, sills, buttresses or other similar architectural features may encroach up to 3 feet into a

		architectural features may encroach up to 3 feet into a required setback, provided that such extension is at least 3 feet from the vertical plane of any lot line. c. Chimneys or flues may encroach up to 4 feet, provided that such extension is at least 3 feet from the vertical plane of any lot line. d. Unenclosed patios, decks, balconies, stoops, porches, terraces or fire escapes may encroach into a common side or rear setback, provided that such extension is at least 5 feet from the vertical plane of any lot line. e. Handicap ramps may encroach to the extent necessary to perform their proper function. f. Sheds on RE- and RD- properties (see Sec. 7.8.22 *[hyperlink]*).	required setback, if such extension is at least 3 feet from the vertical plan of any lot line. *Formatting: Maintain existing graphic* 2. Chimneys may encroach up to 4 feet into a required setback, if such extension is at least 5 feet from the vertical plan of any lot line. 3. Handicap ramps may encroach to the extent necessary to perform their proper function. 4. Balconies may encroach no more than 10 feet into a required setback, if such extension is at least 5 feet from the vertical plan of any lot line. Balconies are not required to be setback from lot lines in instances where a 0 foot setback is employed. 5. Awnings/canopies may extend into a required setback if such extension is at least 3 feet from the vertical plan of any lot line. b. Primary and Secondary Street Setbacks Porches, raised entries, and stoops may encroach no more than 10 feet into a required setback, including steps, if such extension is at least 5 feet from the vertical plan of any lot line. c. Common Side and Rear Setbacks Unenclosed patios, decks, terraces or fire escapes may encroach into a common side or rear setback, provided that such extension is at least 5 feet from the vertical plan of any common side lot line and 10 feet from any rear lot line.
6-6	6.1.2.B.2. Setback Encroachments – Low Impact Stormwater Features	a. Low impact stormwater management features may encroach up to 3 feet into a primary street setback, including, but not limited to: i. Rain barrels or cisterns, 6 feet or less in height; ii. Planter boxes; iii. Bio-retention areas; and iv. Similar features, as determined by the Director. b. Low impact stormwater management features listed above may encroach into a common side or rear setback, provided such extension is at least 3 feet from the vertical plane of any lot line.	a. Rain gardens, bioretention areas and similar features as determined by the Director may encroach into a required setback, provided such extension is at least 3 feet from the vertical plane of any lot line. b. Rain barrels or cisterns, 6 feet or less in height may encroach up to 3 feet into a required setback, if such extension is at least 3 feet from the vertical plane of any lot line. These features require screening as ground-mounted equipment per 8.2.9.B.4 *[hyperlink]*.

6-7	6.1.2.B.3. Setback Encroachments	a. In Protected Neighborhoods, mechanical equipment such as HVAC and generators may not encroach into any required setback. b. On properties that abut a Protected Neighborhood (including but not limited to Urban Neighborhood and Corridor & Node properties), mechanical equipment such as HVAC and generators may not encroach into any required setback. c. For residential buildings in Urban Neighborhoods only, mechanical equipment such as HVAC units may encroach up to 5 feet into a required rear or common side setback, provided that such extension is at least 5 feet from any lot line. Generators may encroach up to 5 feet into a rear setback only, and must not be located within 5 feet of a rear or side lot line. d. Pool equipment encroachments are described in Sec. 7.8.20. e. Minor structures accessory to utilities (such as hydrants, manholes, and transformers and other cabinet structures) may encroach into any required setback other than the 25-foot City setback for additional impervious surface area associated with a stream buffer, provided they are located at least 3 feet from the lot line.	a. In Protected Neighborhood districts, mechanical equipment such as HVAC units and generators cannot encroach into any required setback. b. In Urban Neighborhood districts, mechanical equipment may encroach up to 5 feet into a required rear setback, if such extensions is at least 5 feet from the lot line. No encroachment is allowed in side building setbacks. c. In any zoning district, mechanical equipment cannot encroach into a setback where the property line abuts a property zoned RE- or RD- and used for residential purposes. d. In any zoning district other than described above, mechanical equipment may encroach into a required setback, if such extension is at least 5 feet from the lot line. e. In all instances, mechanical equipment must be screened (see Sec. 8.2.9 *[hyperlink]*) and may not be located between the primary building and a primary or secondary street.
6-8	6.1.2.B.4. Other Setback Encroachments	a. Fences and walls under Sec. 8.2.10. b. Buffers under Sec. 8.2.6. c. Retaining walls under Sec. 9.4.3.	a. Buffers under Sec. 8.2.6. *[hyperlink]* b. Fences and walls under Sec. 8.2.10. *[hyperlink]* c. Retaining walls under Sec 9.4.3. *[hyperlink]* d. Accessory Structures under Sec. 7.8.22. *[hyperlink]* e. Minor structures accessory to utilities (such as hydrants, manholes, and transformers and other cabinet structures) may encroach into any building setback, if they are located at least 3 feet from the lot line. These features require screening as utility service areas per 8.2.9.C *[hyperlink]*. f. Underground structures may encroach into a required setback, if they are located at least 3 feet from the vertical plane of any lot line.
6-9	6.1.2.C. Build-to zone	1. The build-to zone is the area on the lot or site where a percentage of the building facade must be located, measured as a minimum and maximum setback range from the edge of the right-of-way.	1. The build-to zone is an area of a lot or site where building facades, in whole or in part, must be located to satisfy the required build-to percentage. The build-to zone is the area between a minimum and maximum primary street setback, measured from the edge of the right-of-way or private street easement.

		2. Where the build-to zone lies within a stream buffer or easement that does not allow construction, the Director may waive the build-to requirement, in whole or in part. 3. The required percentage specifies the amount of the building facade that must be located in the build-to zone, measured based on the width of the building or buildings divided by the width of the lot. [graphic] 4. The width of a parking entrance into or through a building does not count towards the build-to requirement. However, in no case will access to a site that has no alternative access options be denied due to application of the build-to requirement. In all cases where access is necessary, a driveway of the minimum acceptable width for fire safety purposes is allowed, even where it reduces the building width below the required build-to percentage. 5. On a corner lot, a building must be placed within or abutting the area where the build-to zones of 2 intersecting streets overlap. The building must extend within the build-to zone for a minimum of 30 feet in both directions. [graphic] 6. The build-to zone applies up to the height designated as the minimum height of a building. Upper stories beyond this point may be set further back or reduced in width. 7. A forecourt meeting the requirements of Sec. 6.2.4 is considered part of the building for the purpose of meeting the build-to requirement. A chamfered corner on the ground floor of no more than 20 feet in width that extends outside of the build-to zone is considered part of the building for the purpose of meeting the build-to requirement. [graphic]	2. Where the build-to zone lies within a stream buffer or easement that does not allow construction, or buffers or setbacks as required by zoning conditions, transitional buffers or otherwise, the Director may waive the build-to requirement, in whole or in part. 3. The required percentage specifies the amount of the building façade that must be located in the build-to zone. This percentage is calculated as the width of the building façade within the build-to zone divided by the total street frontage of the lot. *Formatting: Insert updated graphic "Build-To_Range"* 4. The width of a parking entrance into or through a building does not count towards the build-to requirement. However, in no case will access to an irregularly-shaped parcel that has no alternative access options be denied due to application of the build-to requirement. In all cases where access is necessary, a driveway of the minimum acceptable width for fire safety purposes is allowed, even where it reduces the building width below the required build-to percentage. 5. On a corner lot, a building must be placed within or abutting the area where the build-to zones of 2 intersecting streets overlap. The building must extend within the build-to zone for a minimum of 30 feet in both directions. *Formatting: Maintain existing graphic* 6. The build-to zone applies up to the height designated as the minimum height of a building. Upper stories beyond this point may be set further back or reduced in width. 7. A forecourt meeting the requirements of Sec. 6.2.4 *[hyperlink]* is considered part of the building for the purpose of meeting the build-to requirement. A chamfered corner on the ground floor of no more than 20 feet in width that extends outside of the build-to zone is considered part of the building for the purpose of meeting the build-to requirement.

			Formatting: Maintain existing graphic
6-10	6.1.2.F. Parking Location	1. All parking spaces must be located consistent with the parking location requirements. 2. Where parking is allowed in a yard, it may be placed in any location between the principal or accessory building and the lot line (except not in a required landscape buffer). 3. Where parking is not allowed in a yard, it may not be placed any where between the building and the street, regardless of the location of any required setback.	1. All parking spaces must be located consistent with the parking location requirements. 2. Where parking is allowed in a yard, it may be placed between the principal or accessory building and the lot line (but not in a required buffer), in accordance with the parking setback if applicable. *Formatting: Delete subsection 3*
6-11	6.1.2.G.4. Parking setbacks	Parking setbacks are measured from the right-of-way.	Parking setbacks are measured from the right-of-way, private street easement or property line.
6-11.1	6.1.2.H.2 Parking Structures	The ground story of a structure parking garage facing any public street (no including an alley) in the SX- District or where the –SH Frontage applies must have active uses (such as, but not limited to, residential, commercial, office or civic space, where permitted) within the parking setback. No active uses are required for portions of the parking structure located interior to the minimum parking setback.	The ground story of a structure parking garage facing any street (no including an alley) in the SX- District or where the –SH Frontage applies must have active uses (such as, but not limited to, residential, commercial, office or civic space, where permitted) within the parking setback. No active uses are required for portions of the parking structure located interior to the minimum parking setback.
6-12	6.1.3.A.4. Building Height	Average grade is determined by calculating the average of the highest and lowest elevation along original grade measured along the front of the building parallel to the primary street setback. Original grade is considered the grade existing prior to any site work or land disturbing activity, unless work under a prior Land Disturbance Permit has been completed.	*Formatting: All existing graphics to remain* For all buildings with a build-to-zone requirement and all single-unit detached, the average grade is determined by calculating the average of the highest and lowest elevation of the finished grade measured along the front of the building parallel to the primary street setback. For all other buildings, the average grade is determined by calculating the average of the highest and lowest elevation of the finished grade measured around the entire perimeter of the building. This applies to building in districts that do not have build-to-zones, when a required frontage overrides the build-to-zone requirement, and for buildings where no part of the building is within the build-to-zone.
6-13	6.1.3.C. Height Encroachment	Any height encroachment not specifically listed below is expressly prohibited, except where the Director determines that the encroachment is similar to a permitted encroachment listed below. 1. The maximum height limits of the district do not apply to a spire, belfry, cupola, dome, or other similar feature that does	Any height encroachment not specifically listed below is expressly prohibited, except where the Director determines that the encroachment is similar to a permitted encroachment listed below. 1. The maximum height limits of the district do not apply to a spire, belfry, cupola, dome, or other similar feature that does

		not contain conditioned space and is not intended for human occupancy, or public utility facilities which by design or function must exceed the established height limits. 2. The following accessory structures may exceed the established height of the district, provided they do not exceed the maximum height by more than 6 feet: a. Chimney, flue or vent stack; b. Rooftop deck, patio; c. Flagpole; d. Landscaping; e. Skylights; f. Parapet wall; and g. Solar panels, wind turbines and rainwater collection systems. 3.The following accessory structures may exceed the established height, provided they do not exceed the maximum height by more than 12 feet, do not occupy more than 25% of the roof area, are screened consistent with Sec. 8.2.8 and are set back at least 12 feet from the edge of the roof: a. Elevator or stairway access to the roof; and b. Mechanical equipment.	not contain a habitable space, or public utility facilities which by design or function must exceed the established height limits. 2. The following accessory structures may exceed the established height of the district, provided they do not exceed the maximum height by more than 6 feet: a. Chimney, flue or vent stack; b. Rooftop deck, patio; c. Flagpole; d. Landscaping; e. Skylights; f. Parapet wall; and g. Solar panels, wind turbines and rainwater collection systems. 3. The following accessory structures may exceed the established height, provided they do not exceed the maximum height by more than 18 feet, do not occupy more than 25% of the roof area, are screened (see Sec. 8.2.9 *[hyperlink]*) and are set back at least 12 feet from the edge of the roof: a. Elevator or stairway access to the roof; and b. Mechanical equipment.
6-14	6.1.3.D.1 Ground Floor Elevation	Ground floor elevation is measured from the top of the adjacent curb, or from the crown of the road where no curb exists, to the top of the finished ground floor.	Ground floor elevation is measured from the top of the adjacent curb, or from the crown of the road where no curb exists, to the top of the finished ground floor at the building main entrance.
6-15	6.1.3.F.1 Building Mass	Street-facing building length is the maximum length of a building or structure.	Street-facing building length is the maximum length of a building or structure facing a public or private street, and located within the build-to zone.
6-16	6.1.4.A.2 Activation - Transparency	Transparency applies to primary and side street facing building facades only.	Transparency applies to primary and side street facing building facades only, and may be reduced or waived by the Director when particular conditions (such as required buffers or other visual obstructions) significantly reduce the visibility of the building from the public realm.
6-17	6.2.1. Building Elements	The following standards are intended to ensure that certain building elements when added to a building frontage are of sufficient size to be both usable and functional and be	A. The following standards are intended to ensure that certain building elements when added to a building façade are of sufficient size to be both usable and functional and be

		architecturally compatible with the frontage to which they are attached. These standards do not apply to RE- and RD-zones.	architecturally compatible with the frontage to which they are attached. These standards do not apply to residential single-unit detached.
6-18	6.2.2. Awning/Canopy	A wall-mounted, cantilevered structure providing shade and cover from the weather for a sidewalk. A. An awning/canopy must be a minimum of 9 feet clear height above the sidewalk and must have a minimum depth of 6 feet. B. An awning/canopy may extend into a primary or side street setback. C. Subject to the issuance of an Encroachment and Indemnification Agreement, an awning/canopy may encroach over the right-of-way but must be inside the curb line or edge of pavement.	A wall-mounted, cantilevered structure providing shade and cover from the weather for a sidewalk. A. An awning/canopy must be a minimum of 9 feet clear height above the sidewalk and must have a minimum depth of 6 feet. B. An awning/canopy may extend into a primary or side street setback (see Sec. 6.1.2.B. *[hyperlink]*). *Formatting: Delete subsection C*
6-19	6.2.3. Balcony	[graphic] A platform projecting from the wall of an upper-story of a building with a railing along its outer edge, often with access from a door or window. A. A balcony must be at least 4 feet deep. B. A balcony must have a clear height above the sidewalk of at least 9 feet. C. A balcony may be covered and screened, but must not be fully enclosed. D. A balcony may extend into a primary or side street setback. E. Subject to the issuance of an Encroachment and Indemnification Agreement, an awning/canopy may encroach over the right-of-way but must be inside the curb line or edge of pavement.	*Formatting: Maintain existing graphic* A platform projecting from the wall of an upper-story of a building with a railing along its outer edge, often with access from a door or window. A. A balcony must be at least 4 feet deep. B. A balcony must have a clear height above the sidewalk of at least 9 feet. C. A balcony may be covered and screened, but must not be fully enclosed. D. A balcony may extend into a primary or side street setback (see Sec. 6.1.2.B. *[hyperlink]*). *Formatting: Delete subsection E*
6-20	6.2.5 Gallery	[graphic] A covered passage extending along the outside wall of a building supported by arches or columns that is open on three sides. A. A gallery must have a clear depth from the support columns to the building's facade of at least 8 feet, containing an 8-foot wide sidewalk, and a clear height above the sidewalk of at least 9 feet.	*Formatting: Maintain existing graphic* A covered passage extending along the outside wall of a building supported by arches or columns that is open on three sides. A. A gallery must have a clear depth from the support columns to the building's facade of at least 8 feet, containing an 8-foot wide sidewalk, and a clear height above the sidewalk of at least 9 feet.

		B. A gallery must extend at least 75% of the facade length of the building. C. A gallery may extend into a primary or side street setback. D. Subject to the issuance of an Encroachment and Indemnification Agreement, an awning/canopy may encroach over the right-of-way but must be inside the curb line or edge of pavement. E. No foundation planting is required along the gallery.	B. A gallery must extend at least 75% of the facade length of the building. C. A gallery may extend into a primary or side street setback (see Sec. 6.1.2.B. *[hyperlink]*). D. No foundation planting is required along the gallery. *Formatting: Delete subsection D and renumber subsection E*
6-21	6.2.6 Porch	[graphic] A raised structure attached to a building, forming a covered entrance to a doorway. A. A porch must be at least 6 feet deep (not including the steps). B. A porch must be roofed and may be screened, but must not be fully enclosed. C. A porch may extend up to 10 feet, including the steps, into a primary or side street setback, provided that such extension is at least 3 feet from the vertical plane of any lot line. D. The porch and steps may not encroach into the right-of-way.	*Formatting: Insert updated graphic* A raised structure attached to a building, forming a covered entrance to a doorway. A. A porch must be at least 6 feet deep (not including the steps). B. A porch must be roofed and may be screened, but must not be fully enclosed. C. A porch may extend up to 10 feet, including the steps, into a primary or side street setback (see Sec. 6.1.2.B. *[hyperlink]*). *Formatting: Delete subsection D*
6-22	6.2.7. Stoop	[graphic] A small raised platform that serves as an entrance to a building. A. A stoop must be no more than 6 feet deep (not including the steps) and 6 feet wide. B. A stoop may be covered but must not be fully enclosed. C. A stoop may extend up to 6 feet, including the steps, into a primary or side street setback, provided that such extension is at least 3 feet from the vertical plane of any lot line. D. The stoop and steps may not encroach into the right-of-way.	*Formatting: Insert updated graphic* A small raised platform that serves as an entrance to a building. A. A stoop must be no more than 6 feet deep (not including the steps) and 6 feet wide. B. A stoop may be covered but must not be fully enclosed. C. A stoop may extend up to 10 feet, including the steps, into a primary or side street setback (see Sec. 6.1.2.B. *[hyperlink]*). *Formatting: Delete subsection D*
6-23	6.3.1.A Lot Parameters	Site Area 40,000 SF min	Site Area 4,000 SF min
6-23.1	6.3.1.E Lot Parameters		*Formatting: Insert lines below Lot Width, above Courtyard header. No update to graphic.*

			Min number of lots 3 Max number of lots 12
6-24	6.3.2 Building Placement	Building Setbacks	Building Setbacks and Unit Size
6-25	6.4.1. Protected Neighborhood Transitions	A transition area must consider adjacent land uses, existing and permitted by zoning. The following neighborhood transition standards apply when a site immediately abuts a Protected Neighborhood. For the purposes of this section, immediately abutting means sharing a property line or separated by an alley or private street. These transitions also apply when the site immediately abuts a PK zoning boundary.	The Protected Neighborhood transition standards apply on lots in an Urban Neighborhood district, Corridor & Nodes district, or Perimeter Center district that immediately abut an RE- or RD- district. For the purposes of this section, immediately abutting means sharing a property line or separated by an alley. The Director has the discretion to waive required transitions to non-residential uses located in RE- or RD- districts.
6-26	6.4.2. Protected Neighborhood Transitions	Lot Depth Up to 200 Feet	Lot Width or Depth Up to 200 Feet
6-27	6.4.2 Column 1 - Buffer	Intended to buffer and screen with evergreen landscaping and wall or fence. No buildings, structures or parking are allowed.	Intended to buffer and screen with evergreen landscaping and wall. No buildings, structures or parking are allowed.
6-28	6.4.3 Protected Neighborhood Transitions		*Formatting: Add 6.4.3 header above graphic* Sec. 6.4.3.Lot Width or Depth of 200 Feet and Over 200 Feet
6-29	6.4.3 Column 1 - Buffer	Intended to buffer and screen with evergreen landscaping and wall or fence. No buildings, structures or parking are allowed.	Intended to buffer and screen with evergreen landscaping and wall. No buildings, structures or parking are allowed.
6-30	6.5.1. Residential Parking	Any residential garage constructed in the RD-, RU- or RT-Districts after the effective date of this Code must meet the following standards. In addition to the standards provided below, attached and detached garages must meet all applicable requirements for either principal buildings or accessory structures as specified in this Code.	Any residential garage constructed in the RD-, RU-, or RT-zoning districts and all single-unit attached development after the effective date of this code must meet the following standards. In addition to the standards provided below, attached and detached garages must meet all applicable requirements for either principal buildings or accessory structures as specified in this Code.
6-31	Sec. 6.5.2.A. Front and Side Yard Paving	1. No more than the specified percentage of any front and side yard may be paved or covered with impervious materials other than paving. See the district dimensional tables for the allowed percentage. 2. Only one driveway is allowed for every 65 feet of residential frontage. Only a single driveway is allowed on streets with a functional classification of Collector or Arterial.	*Formatting: Delete subsection 1 text* 1. Only one driveway is allowed for every 65 feet of residential frontage on a same lot. Only a single driveway is allowed on streets with a functional classification of Collector or Arterial. *Formatting: Delete graphic*

6-32	Sec. 6.5.2.B. Garage	1. No garage may encroach into a required setback, except where an alley provides access, in which case the garage may encroach into the rear setback. 2. Garage doors must be positioned at least 5 feet behind the wall plane of the house, extending no more than 40% of any streetfacing width of the house. 3. No garage door is allowed less than 20 feet from the lot line, or where a sidewalk is required, from the back of sidewalk.	1. No garage may encroach into a required setback, except where an alley provides access, in which case the garage may encroach into the rear setback. 2. Garage doors must be positioned at least 5 feet behind the front wall plane of the house, extending no more than 40% of any street-facing width of the house. This requirement does not apply to side-entry garages. Architectural finish and windows must be provided for any side-entry garage wall facing a primary or side street. *Formatting: Insert new graphic showing side-entry garage* 3. Garage doors facing a street or alley must be either: a. Less than 6 feet from the back of sidewalk or back of curb if there is no sidewalk; or b. More than 20 feet from the back of sidewalk or back of curb if there is no sidewalk. *Formatting: Insert updated graphic*
6-33	Sec. 6.5.2.C. ~~Driveway~~ Parking Location	Driveway 1. No driveway access may exceed 12 feet in width for a distance of 10 feet from the edge of pavement, or where a sidewalk is required, for a distance of 5 feet from back of sidewalk. [Graphic] 2. No parking pad, turnaround area or driveway apron may exceed 1,000 square feet in area (not including any portion of a driveway less than 12 feet in width). [Graphic]	*Formatting: Change header for subsection C* Parking Location 1. No parking pad is allowed in the required front setback. A turnaround extension of no more than 200 square feet is allowed. *Formatting: Delete both graphics* 2. The visible storage or parking of more than 4 vehicles at a single-family residence is unlawful. 3. Parking or storage of a junk or salvage vehicle constitutes an unlawful use, except that no more than 2 junk or salvage vehicles are permitted if parked or stored in a garage or carport not visible from a street or adjacent residential property.
6-34	Sec. 6.6.2.B.2. Architectural Treatments - Prohibited	a. Prohibited exterior building materials include: i. exterior building materials which are not textured; ii. non-architectural metal panel systems; iii. As-cast smooth concrete or plain concrete slabs; iv. Plain concrete masonry units (CMU); v. Aluminum;	a. Prohibited exterior building materials include: i. exterior building materials which are not textured; ii. non-architectural metal panel systems; iii. As-cast smooth concrete or plain

		vi. Plywood or press-wood; vii. Vinyl siding; or viii. Corrugated steel (exceptions: mechanical penthouses and rooftop screening). b. Prohibited exterior building components, include: steel gates, burglar bars, chain link fence, and steel roll-down curtains. Interior security measures are not regulated.	concrete slabs; iv. Plain concrete masonry units (CMU); v. Plywood or press-wood; or vi. Vinyl siding. b. Prohibited exterior building components, include: steel gates, burglar bars and steel roll-down curtains. Interior security measures are not regulated.
6-35	Sec. 6.6.2.C.2. Articulation in Building Facade	For buildings 100 feet in more in length, at least 2 portions of the street-facing building facade must have a variation in setback of at least 2 feet. The combination of the required variations in setback must total no less than 15% of the length of the building.	For buildings 100 feet or more in length, at least 2 portions of the street-facing building facade must have a variation in setback of at least 2 feet. The combination of the required variations in setback must total no less than 15% of the length of the building.
6-36	6.6.2.D Ground Floor Retail Tenant Size	In the City Springs and Perimeter Center Districts, no ground floor retail tenant may be more than 30,000 square feet. No variances to this standard are allowed; however, the Director may approve renovation of existing tenant spaces so long as the renovation does not increase the gross square footage of an existing tenant space.	In the City Springs and Perimeter Districts, no ground floor retail tenant may occupy more than 30,000 contiguous rentable square feet. No variances to this standard are allowed; however, the Director may approve renovation of existing tenant spaces so long as the renovation does not increase the gross square footage of an existing tenant space.
6-37	Sec. 6.6.4. PCID Design Standards	In addition to the remaining requirements of this Division, all development located within the Perimeter Community Improvement District, regardless of the Sandy Springs zoning district applied, must conform to the Public Space Standards issued by the District, except where they are less stringent than the City's own requirements.	*Formatting: Move this section to Sec. 10.4.2.*
6-38	6.7.1.C. Height Bonus – RM- Districts – Public Benefit Elements	Public benefits that the City Council may require in trade for bonus height include the following: 1. Use of single-unit detached or attached residential as a transition to adjacent neighborhoods beyond any transition required by this Development Code. 2. Provision of affordable housing in an amount beyond that required by this Development Code. 3. Provision of affordable housing restricted to an income level below that required by this Development Code.	Public benefits that the City Council may require in trade for bonus height include the following: 1. Use of single-unit detached or attached residential as a transition to adjacent neighborhoods beyond any transition required by this Development Code. 2. The applicant must provide 10% or more of the total multi-unit gross floor area to households with incomes below 80% of the area median income, for a period of 30 years. Alternatively, the applicant may provide 5% or more of the total multi-unit gross floor area to households with incomes below 50% of the area median income, for a period of 30 years.

		4. Outdoor amenity space available to the general public (not solely available to residents or tenants). 5. Public outdoor amenity space in an amount greater than required by this Development Code. 6. Preservation of trees beyond that required by this Development Code.	3. Provision of 50% of affordable units sized to accommodate families (2 or 3 bedrooms). 4. Outdoor amenity space available to the general public (not solely available to residents or tenants). 5. Public outdoor amenity space in an amount greater than required by this Development Code. 6. Preservation of trees beyond that required by this Development Code
6-39	6.7.1.F.1. Height Bonus – RM- Districts – Additional Requirements	Single unit housing may be included in a transition area, subject to the requirements in Div. 6.4.	Single unit detached or attached housing may be included in a transition area, subject to the requirements in Div. 6.4.
6-40	6.7.2.D.1.a Height Bonus Perimeter Center – Public Benefit Element	Direct connection from private property to MARTA facility (including underground connections below rights-of-way) Affordable housing beyond the requirement in Div. 6.8. Units equal to 20% of the gross bonus residential floor area must be restricted to be affordable to households with incomes at not more than 80% of the area median income. Affordable housing beyond the requirement in Div. 6.8. Units equal to 10% of the gross bonus residential floor area must be restricted to be affordable to households with incomes at not more than 60% of the area median income. All of required outdoor amenity space located at grade with direct access to the street. Must be available to the general public between the hours of 6 AM and 10 PM. Must be owned and maintained privately. 200% of required outdoor amenity space located at grade with direct access to the street. Must be available to the general public between the hours of 6 AM and 10 PM. Must be owned and maintained privately. Publicly-accessible, neighborhood-serving retail (not including restaurants), personal	*Formatting: update chart with text on respective lines:* Direct connection from private property to MARTA facility (including underground connections below rights-of-way) Units equal to 20% of the gross bonus residential floor area must be restricted to be affordable to households with incomes at not more than 80% of the area median income. Units equal to 10% of the gross bonus residential floor area must be restricted to be affordable to households with incomes at not more than 50% of the area median income. All of required outdoor amenity space located at grade with direct access to the street. Must be available to the general public between the hours of 6 AM and 10 PM. Must be owned and maintained privately. 200% of required outdoor amenity space located at grade with direct access to the street. Must be available to the general public between the hours of 6 AM and 10 PM. Must be owned and maintained privately. Publicly-accessible, neighborhood-serving retail (not including restaurants), personal services or day care constitute at least 80% of ground floor area.

		services or day care constitute at least 80% of ground floor area.	
6-41	6.7.2.D.2.b-c Height Bonus – Perimeter Center – Public Benefits Element – Discretionary Public Benefits	b. In projects with a residential component, provision of affordable housing in an amount beyond that required in Div. 6.8. c. In projects with a residential component, provision of affordable housing restricted to an income level below that required in Div. 6.8.	b. Provision for either 10% or more of the total multi-unit floor area affordable to households with incomes below 80% of the area median income. Alternatively, the applicant may provide 5% or more of the total multi-unit gross floor area affordable to households with incomes below 50% of the area median income. *Formatting: Delete text in subparagraph c. and mark "open"*

Article 7. Use Provisions

All existing text to be replaced by proposed text, unless stated otherwise in the formatting instructions
As adopted by Mayor and City Council, April 17, 2018

Item	Code Section	Current Text (August 2017)	New Text (April 2018)
7-1	*7-3 through 7-8*	*Structure for uses is A. Defined and B. Use Standards*	*Structure for uses is A. Defined and Basic Use Standards and B. Additional Use Standards (or 1. Defined and Basic Use Standards, and 2. Additional Use Standards)* *Basic Use Standards apply to all Districts. Additional Use Standards only apply to limited and conditional uses. Any requirements for use standards under the present code will be under Additional Use Standards unless specifically noted.*
7-2	7.1.5.A. Use Table Key Permitted Use (P)	Indicates a use permitted in the respective district. The use is also subject to all other applicable requirements of this Code.	Indicates a use permitted in the respective district, subject to basic use standards (if any) referenced in the right-hand column of the use table. The use is also subject to all other applicable requirements of this Code.
7-3	7.1.5.B. Use Table Key Limited Use (L)	Indicates a use is permitted in the respective zone, subject to a use standard found in the right-hand column of the use table. The use is also subject to all other applicable requirements of this Code.	Indicates a use is permitted in the respective zoning district, subject to basic (if any) and additional use standards found in the right-hand column of the use table. The use is also subject to all other applicable requirements of this Code.
	7.2. Allowed Use Table		***Changes listed below are shown in table in Appendix – see website***
7-4	7.2 – Guest house		*Move to Accessory Uses header; change all Ls to Ps, add Ps for RU and RT*
7-5	7.2 – Short-term rental		*Formatting: Move to Accessory Uses header*
7-6	7.2 – Single unit attached		Change SX- from L to P; maintain Ls for PX- and PM-
7-7	7.2 – Multi-unit		Change SX- from L to P
7-8	7.2 – Live/work		Change all Ls to Ps

7-9	7.2 – Group Living		Change SX- from L to P
7-10	7.2 – Personal care home, up to 3 residents		Maintain Ls for RE- and RD-; change from Ps to Ls in all other districts
7-11	7.2 – Social services		Change name to "Rehabilitation or Treatment Facility"
7-12	7.2 – ~~Parks and Open Space~~ Recreation and Open Space		Change name to "Recreation and Open Space"
7-13	7.2 – ~~Club or lodge, nonprofit~~ Place of assembly		Change name to "Place of assembly", add P for ON-District
7-14	7.2 – Clubhouse, neighborhood center		*Formatting: Delete entire line*
7-15	7.2 – Golf course		Change all Ls to Ps; maintain Cs
7-16	7.2 – Lodge/retreat/campground		*Formatting: Delete entire line*
7-17	7.2 – ~~Recreational court, private~~ Subdivision amenity		Change name to "Subdivision amenity"; change all Ls to Ps
7-18	7.2 – Recreational court, public		*Formatting: Delete entire line*
7-19	7.2 – Recreational facility (up to 1 acre)		*Formatting: Delete entire line*
7-20	7.2 – Recreational Facility ~~(more than 1 acre)~~		Change name to "Recreational Facility". Mark P in OX-, CX-, IX, CC-; mark C in CS-, TX-, PX-, PM-; mark "--" in all other districts
7-21	7.2 – Swimming pool, public		*Formatting: Delete entire line*
7-22	7.2 – Alternative support antenna structure and roof mounted antenna		Change name to "Alternative support antenna structure and Roof-Mounted Antenna"; mark "--" in RE-, RD-, and PK-; change all Ls to Ps;
7-23	7.2 – Amateur radio antenna (up to 90 feet)		Change all Ls to Ps
7-24	7.2 – Animal care, indoor		Change OX- from L to P
7-25	7.2 – Day care		Change RX- from L to P
7-26	7.2 – Indoor recreation		*Formatting: Delete entire line*
7-27	7.2 – Office		Change RX-from L to P
7-28	7.2 – Outdoor recreation		*Formatting: Delete entire line*
7-29	7.2 – Bed and Breakfast		Change all Ls to Ps

~~7-30~~			
7-31	7.2 – Hotel		Change OX- from L to P
7-31.1	7.2 – Executive Suites Hotel		Mark P in Px- and PM-, mark "--" in all other districts
7-32	7.2 – Personal Service		Change all Ls to Ps
7-33	7.2 – Restaurant		Change all Ls to Ps
7-34	7.2 – Retail, except as listed below:		Change all Ls to Ps
~~7-35~~	~~7.2 – Boutique retail~~		~~*Formatting: Insert row between "Retail, except as listed below" and "Fireworks retail facility"*~~ ~~Mark P in ON-, mark "--" in all other districts~~
7-36	7.2 – Fireworks retail facility		Change Ls to Ps
7-37	7.2 – Fuel pumps, gas station		Change Ls to P/Cs
7-38	7.2 – Minor vehicle sales and retail		Change IX- and CC- from Ls to Ps
7-39	7.2 – Self-service storage, mini-warehouse		Change IX- and CC- from Ls to Ps
7-40	7.2 – Recycling processing center		Change all Ls to Ps
7-41	7.2 – Composting		Change IX- from L to P
7-42	7.2 – Urban farm		Change CX- and CC- from Ls to Ps
7-43	7.2 – Car wash		Change IX- and CC- from Ls to Ps
7-43.1	7.2 – Drive-thru facility		Change OX- to "--" and SX- from "--" to C
7-44	7.2 – Family day care home		Change all Ls to Ps
7-45	7.2 – Farmers market		Change all Ls to Ps
7-46	7.2 – Garden		*Formatting: Replace by "Guest house", see below*
7-47	7.2 – Guest house		*Formatting: Move "Guest house" from Household living and replace "Garden"* Change RE- and RD- from Ls to Ps, and keep all other districts --"
7-48	7.2 – Greenhouse, non-commercial		Change all Ls to Ps

7-49	7.2 – Home occupation		Change all Ls to Ps
7-50	7.2 – Horse stable, non-commercial		Change RE- from Ls to Ps
7-51	7.2 – Kennel, residential		Change RE- and RD- from Ls to Ps
7-52	7.2 – Livestock raising		Change all Ls to Ps
7-53	7.2 – Outdoor dining		Change all Ls to Ps
7-54	7.2 – Outdoor kitchen		*Formatting: Delete line*
7-55	7.2 – Outdoor storage, minor		Change IX- and CC- Ls to Ps
7-56	7.2 – Outdoor storage, major		Change IX- Ls to Ps
7-57	7.2 – Parking on-site		*Formatting: Delete line*
7-58	7.2 – Poultry raising		Change all Ls to Ps
7-58.1	7.2 – Residential accessory structure		*Formatting: Insert new line for Residential accessory structure below "Poultry"* Mark P in all districts
7-59	7.2 – Short-Term Rental		*Formatting: Move "Short-term rental" line from Household Living to below "Residential accessory structure"* Change all Ls to Ps
7-60	7.2 – Solar panels, wind turbines, rainwater collection systems		Change all Ls to Ps
7-61	7.2 – Swimming pool, ~~private~~ multifamily		*Change name: Swimming pool, multifamily*
7-62	7.2 – Unmanned retail structures		Change all Ls to Ps
~~7-63~~			
7-64	7.3.1.B.2 Single Unit Detached	Use Standards	Additional Use Standards
7-65	7.3.1.B.2.a Single Unit Detached	In the RM- District, new construction of single unit detached is allowed only to implement bonus height (see Sec. 6.8.1).	In the RM- District, new construction of single unit detached is allowed only to implement bonus height (see Sec. 6.7.1 *[hyperlink]*).
7-66	7.3.1.B.2.b Single Unit Detached	b. In the Corridors & Nodes Districts and Perimeter Center Districts, single unit detached is only allowed where	*Delete*

		constructed prior to the effective date of this Development Code.	
7-67	7.3.1.C Guest House	1. Defined A dwelling unit accessory to the principal dwelling on a single unit detached lot. 2. Use Standards a. No more than one guest house per lot. b. A separate kitchen facility is allowed. c. Floor area must be less than 50% of the principal dwelling unit first floor area, but in no case more than 1,200 square feet of heated floor area. d. Principal building setbacks apply. e. Height may be no greater than 2 stories and 24 feet. f. The location is limited to the rear yard and must meet all district setbacks. g. A guest house may be located over a garage, provided its location and size meet the requirements of the use standards above.	*Formatting: Move to 7.8.6*
7-68	7.3.1.D Short-Term Rental	1. Defined The rental of all or part of a dwelling unit to the same guest resident for a period of less than 30 days. 2. Use Standards a. The dwelling unit must be owner-occupied (as demonstrated by proof of Fulton County Homestead Exemption on property taxes). b. The owner must reside on the premises during the short-term rental. c. All parking must be accommodated on the lot. d. No more than 4 unrelated persons 18 years of age or older may occupy the short-term rental dwelling unit. e. The dwelling unit must be secure a business license from the City, and be registered as a short-term rental unit. Two or more violations of the requirements of this Section will result in the revocation of the business license and deny use of the premises as a short-term rental for a period of 3 years from the date of the second violation. f. The City business license number must be included in any advertisement of the short-term rental unit.	*Formatting: Move to 7.8.16*

7-69	7.3.1.E.1 Single Unit Attached	Three or more dwelling units in a row in which each unit is located on an individual lot and 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.	Two or more dwelling units in a row in which each unit is located on an individual lot and 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.
7-70	7.3.1.E.2 Single Unit Attached	Use Standards	Additional Use Standards
7-71	7.3.1.F.1 Multi-Unit	A lot containing 3 or more attached or detached dwelling units. a. Apartments. b. Senior living (see also Institutional Residential).	A lot containing two or more attached or detached dwelling units. a. Apartments. b. Condominiums. c. Senior living (see also Institutional Residential).
7-72	7.3.1.G Live/Work	1. Defined A building or spaces within a building used jointly for commercial and residential purposes. The commercial use must be selected from the uses allowed in the applicable zoning district. 2. Use Standards a. Live/work is only permitted in units with street level access. b. The work area of the live/work unit must not exceed 2,000 square feet or 50% of the total gross floor area, whichever is greater. c. Hours of operation must begin no earlier than 6 AM and end no later than 10 PM, including all deliveries. d. A minimum of one employee or owner of the business must occupy the live/work unit as their primary place of residence. e. The live/work unit may employ no more than two persons not living on the premises at any one time. f. No business storage or warehousing of material, supplies or equipment is permitted outside of the live/work unit. g. The nonresidential use of the unit is limited to office, personal service, retail and artisanal uses as defined in this Article, except that the following uses are prohibited:	1. Defined and Basic Use Standards Defined: A building or spaces within a building used jointly for commercial and residential purposes. a. Live/work is only permitted in units with street level access. b. The work area of the live/work unit must not exceed 2,000 square feet or 50% of the total gross floor area, whichever is greater. c. Hours of operation must begin no earlier than 6 AM and end no later than 10 PM, including all deliveries. d. A minimum of one employee or owner of the business must occupy the live/work unit as their primary place of residence. e. The live/work unit may employ no more than two persons not living on the premises at any one time. f. No business storage or warehousing of material, supplies or equipment is permitted outside of the live/work unit. g. The nonresidential use of the unit is limited to office, personal service, retail and artisanal uses as defined in this Article and must be permitted uses, limited uses, or conditional uses, except that the following uses are prohibited. Any additional use standards or use permit requirements do apply for limited or conditional uses.

		i. Alternative financial services establishment (such as check cashing, bail bonds, or title loan establishments). ii. Gas station. iii. Liquor store. iv. Open air markets. h. No equipment or process may be used in connection with the live/work unit that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises. i. No more than 5 customers are permitted on the premises at any one time. j. In the SX- District, see Sec. 7.3.3.	i. Alternative financial services establishment (such as check cashing, bail bonds, or title loan establishments). ii. Gas station. iii. Liquor store. iv. Open air markets. h. No equipment or process may be used in connection with the live/work unit that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises. i. No more than 5 customers are permitted on the premises at any one time.
7-73	7.3.2.B Boarding/Rooming House	1. Defined A facility that contains individual rooms without cooking facilities that are rented to the general public. The facility may or may not contain shared living areas and cooking facilities. 2. Use Standards a. No boarding house may be located within 1,320 feet of another boarding house (as measured in a straight line from property line to property line). b. Every rooming house must provide resident management. The resident manager's name and room number must be placed on the primary entrance of the dwelling. c. In the SX- District, see Sec. 7.3.3.	1. Defined and Basic Use Standards Defined: A facility that contains individual rooms without cooking facilities that are rented to the general public. The facility may or may not contain shared living areas and cooking facilities. a. No boarding/rooming house may be located within 1,320 feet of another boarding house (as measured in a straight line from property line to property line). b. Every boarding/rooming house must provide resident management. The resident manager's name and room number must be placed on the primary entrance of the dwelling.
7-74	7.3.2.C.2 Hospice	2. Use Standards In the SX- District, see Sec. 7.3.3.	*Delete*
7-75	7.3.2.D Institutional Residential	2. Use Standards In the SX- District, see Sec. 7.3.3.	*Delete*
7-76	7.3.2.E. Personal Care Home	1. Defined 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 or more personal services for 3 or more	1. Defined and Basic Use Standards Defined: 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 or more personal services for 3 or more

		adults who are not related to the owner or administrator by blood or marriage. 2. Use Standards a. If located in a Protected Neighborhood, the design and or maintenance of the structure used for the personal care home must be residential in appearance and in keeping with neighboring homes. b. The personal care home must be operated in a manner compatible with the neighborhood and must not be detrimental to adjacent properties as a result of traffic, noise, light, refuse, parking or other activities. c. In residential districts, the resident manager or caretaker is counted as part of any limit on persons. d. The operator of the personal care home must comply with all applicable local, state and fed laws and regulations. Copies of all applicable licenses and permits, including but not limited to, a business license, and other required State licenses must be provided at the time of application. e. The personal care home must comply with all applicable building, housing and fire codes. f. To prevent the institutional atmosphere created by concentrating or clustering of personal care homes, thereby defeating the goal of integrating individuals into the community, each personal care home must be located a minimum of ¼-mile from any other personal care home when located in a Protected Neighborhood. g. In the SX- District, see Sec. 7.3.3.	adults who are not related to the owner or administrator by blood or marriage. a. The personal care home must be operated in a manner compatible with the neighborhood and must not be detrimental to adjacent properties as a result of traffic, noise, light, refuse, parking or other activities. b. In residential districts, the resident manager or caretaker is counted as part of any limit on persons. c. The operator of the personal care home must comply with all applicable local, state and fed laws and regulations. Copies of all applicable licenses and permits, including but not limited to, a business license, and other required State licenses must be provided at the time of application. d. The personal care home must comply with all applicable building, housing and fire codes. e. To prevent the institutional atmosphere created by concentrating or clustering of personal care homes, thereby defeating the goal of integrating individuals into the community, each personal care home must be located a minimum of ¼-mile from any other personal care home when located in a Protected Neighborhood. 2. Additional Use Standards If located in a Protected Neighborhood zoning district, the design and or maintenance of the structure used for the personal care home must be residential in appearance and in keeping with neighboring homes.
7-77	7.3.3 Residential Uses in SX- Districts	B. Use Standards In the SX- District, see Sec. 7.3.3.	*Formatting: Delete text and mark subsection "open"*
7-78	7.3.4.	Social Services A. Defined A facility that provides treatment for persons who present a direct threat to the persons or property of others. Includes persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders. Includes facilities that provide transient housing related to post-incarceration and social service programs.	*Formatting: Replace header* Rehabilitation or Treatment Facility A. Defined A facility licensed by the State of Georgia that provides treatment for persons who present a direct threat to the persons or property of others. Includes persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders. Includes facilities that provide transient housing related to post-

			incarceration and social service programs. Includes Rehabilitation Centers and Community Living Arrangements.
7-79	7.4.1.A Civic	1. College/university. 2. Place of worship. 3. Club or lodge, nonprofit. 4. Government facility; 5. Library/museum. 6. Prison/correctional facility. 7. School, private (K-12). 8. School, public (K-12). 9. Stadium.	1. College/university. 2. Club or lodge, nonprofit. 3. Government facility; 4. Library/museum. 5. Place of worship. 6. Prison/correctional facility. 7. School, private (K-12). 8. School, public (K-12).
7-80	7.4.1.C. Place of Assembly	C. Club or Lodge, Nonprofit 1. Defined A facility used for associations or organizations of an educational, fraternal or social character, not operated or maintained for profit. Representative organizations include Kiwanis and Rotary Clubs.	C. Place of Assembly 1. Defined and Basic Use Standards Defined: Facility where a group of persons congregates for civic, cultural, fraternal, political, or social purposes, including events centers, auditoriums, and movie theaters. Activities take place primarily indoor. a. Outdoor areas may be provided as accessory to the primary use.
7-81	7.4.1.D.1 Government Facility	1. Defined Any building, structure, or use owned or operated by the federal government, State of Georgia, Fulton County, or other county, the City of Sandy Springs or other municipality, or any authority, agency, board, or commission of the above governments, that is necessary to serve a public purpose, including, but not limited to, government administrative buildings, post offices, police, fire and EMS stations, public health facilities, public works facilities and community centers.	1. Defined and Basic Use Standards Defined: Any building, structure, or use owned or operated by the federal government, State of Georgia, Fulton County, or other county, the City of Sandy Springs or other municipality, or any authority, agency, board, or commission of the above governments, that is employed to serve a public purpose, including, but not limited to, government administrative buildings, post offices, police, fire and EMS stations, public health facilities, public works facilities and community centers.
7-82	7.4.1.F Place of Worship	1. Defined A building or structure that by design and construction is primarily intended for conducting organized religious services. Associated accessory uses include, but are not limited to, schools, gymnasiums, meeting halls, indoor and	1. Defined and Basic Use Standards Defined: A building or structure that by design and construction is primarily intended for conducting organized religious services. Associated accessory uses include, but are not limited to, schools, gymnasiums, meeting halls,

		outdoor recreational facilities, clergy house, rectory, day care, counseling, and kitchens. 2. Use Standards a. All buildings and use areas/structures other than parking and pedestrian walkways must be located at least 100 feet from any Protected Neighborhood. b. Parking areas must not be located within 50 feet of any Protected Neighborhood. c. Any associated day care centers, private schools, recreational fields or other uses requiring a conditional use permit are allowed only under a separately approved conditional use permit for each use.	indoor and outdoor recreational facilities, clergy house, rectory, day care, counseling, and kitchens. a. No buildings and use areas/structures other than parking and pedestrian walkways may be located within 100 feet of any Protected Neighborhood district used for residential purposes. b. No parking areas may be located within 50 feet of any Protected Neighborhood district used for residential purposes. c. Any associated day care centers, private schools, recreational fields or other uses requiring a conditional use permit as a stand-alone use in that zoning district are allowed only under a separately approved conditional use permit for each use. d. The maximum lot coverage and maximum building height beyond those of the underlying zoning district are determined through the Conditional Use Permit process.
7-83	7.4.1.G Prison/Correctional Facility	1. Defined A public or state-licensed privately-owned building, 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. 2. Use Standards a. Minimum lot size is 100 acres. b. All boundary lines of the property included within the conditional use permit must be at least 500 feet from the properties listed below: i. Any residential use. ii. The property line of any public recreational facilities. iii. Public or private institutional uses. c. All boundary lines of the property included within the conditional use permit must be located at least 10 miles from any other prison/correctional facility. d. Together with the application for a conditional use permit, a certified boundary survey of the site and the use of adjoining properties should be submitted. If any of the uses or zoning districts mentioned above are within 500 feet	1. Defined and Basic Use Standards Defined: A public or state-licensed privately-owned building, 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. a. Minimum lot size is 100 acres. b. All boundary lines of the property included within the conditional use permit must be at least 500 feet from the properties listed below: i. Any residential use. ii. The property line of any public recreational facilities. iii. Public or private institutional uses. c. All boundary lines of the property included within the conditional use permit must be located at least 10 miles from any other prison/correctional facility. d. Together with the application for a conditional use permit, a certified boundary survey of the site and the use of adjoining properties should be submitted. If any of the uses or zoning districts mentioned above are within 500 feet or another prison/correctional facility is located within

		or another prison/correctional facility is located within 10 miles, they must be identified by map as part of the use permit application.	10 miles, they must be identified by map as part of the use permit application.
7-84	7.4.1.H School, Private (K-12)	1. Defined An educational use having a curriculum at least equal to a public school, but not operated by the Fulton County Board of Education. 2. Use Standards a. Minimum lot area is 1 acre. b. Buildings and refuse areas must not be located within 100 feet of a Protected Neighborhood. c. Active outdoor recreation areas must not be located within 100 feet of a Protected Neighborhood. d. Day care facilities in association with the school do not require a separate conditional use permit. e. Parking areas must not be located within 50 feet of any Protected Neighborhood. f. Student drop-off and vehicular turn-around facilities must be provided on-site so that vehicles may re-enter the public street in a forward manner. g. Permitted curb cut access must not be from a local street. h. Off-site stadium: i. Vehicular access is prohibited from a local street. ii. A minimum 200-foot buffer and minimum 10-foot improvement setback must be provided along all property lines adjacent to a street right-of-way or residential district. iii. The hours of operation are limited to 6:00 AM and 11:00 PM adjacent to a street right-of-way or residential district. iv. A 100-foot setback along any public right-of-way is required for all structures and activities.	1. Defined and Basic Use Standards Defined: An educational use having a curriculum at least equal to a public school, but not operated by the Fulton County Board of Education. a. Day care facilities (see Sec. 7.5.5 *{[hyperlink]*) in association with the school do not require a separate conditional use permit. b. No buildings and refuse area may be located within 100 feet of a Protected Neighborhood district used for residential purposes. c. No active outdoor recreation area may be located within 100 feet of a Protected Neighborhood district used for residential purposes. d. No parking areas may be located within 50 feet of any Protected Neighborhood district used for residential e. Student drop-off and vehicular turn-around facilities must be provided on-site so that vehicles may re-enter the street in a forward manner. f. Off-site stadium: i. Vehicular access is prohibited from a local street. ii. A minimum 200-foot buffer and minimum 10-foot improvement setback must be provided along all common lot lines adjacent to a Protected Neighborhood or Urban Neighborhood district. iii. The hours of operation are limited to 6:00 AM and 11:00 PM adjacent to a street right-of-way or residential district. 2. Additional Use Standards a. Minimum lot area is 1 acre. b. Permitted curb cut access must not be from a local street. c. The maximum lot coverage and maximum building height beyond those of the underlying zoning district are determined through the Conditional Use Permit process.

7-85	7.4.2.A ~~Parks and Open Space~~ Recreation and Open Space	7.4.2. Parks and Open Space 1. Defined Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, and having few structures. Parks and open space includes the following: 1. Cemetery/mausoleum. 2. Community/neighborhood center. 3. Conservation area. 4. Golf course. 5. Lodge/retreat/campground. 6. Recreational court, private. 7. Recreational court, public. 8. Recreational facility. 10. Swimming pool, public.	7.4.2. Recreation and Open Space 1. Defined Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, and having few structures. Parks and open space includes the following: 1. Cemetery/mausoleum. 2. Conservation area. 3. Golf course. 5. Subdivision amenity. 6. Recreational facility. 7. Swimming pool, public.
7-86	7.4.2.B Cemetery/Mausoleum	1. Defined 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 or pet remains, or a combination of one or more of the above. 2. Use Standards a. Permitted curb cut access must only be from a major thoroughfare or nonresidential local street, unless in conjunction with a place of worship. b. No building may be located within 50 feet of a Protected neighborhood. c. All structures, including earth interments, must meet the minimum setbacks or 10 feet, whichever is greater. d. Copies of applicable local, state, and federal permits must be provided to the Department prior to the issuance of a Certificate of Occupancy.	1. Defined and Basic Use Standards Defined: 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 or pet remains, or a combination of one or more of the above. a. Permitted curb cut access must only be from a major thoroughfare or nonresidential local street, unless in conjunction with a place of worship. b. No building may be located within 50 feet of a Protected Neighborhood district used for residential purposes. c. All structures, including earth interments, must meet the minimum setbacks or 10 feet, whichever is greater. d. Copies of applicable local, state, and federal permits must be provided to the Department prior to the issuance of a Certificate of Occupancy.
7-87	7.4.2.C Clubhouse, Neighborhood Center	1. Defined A private facility for use solely by the residents and guests of a particular residential development, including indoor facilities such as community meeting rooms and outdoor facilities such as swimming pools, tennis courts, and	*Formatting: Delete text and mark "Open"*

		playgrounds. These facilities are usually proposed, planned, and provided in association with a development and are usually located within the boundaries of the development.	
7-88	7.4.2.E Golf Course	1. Defined A use of land for playing the game of golf. The term does not include miniature golf, but may include a clubhouse and a driving range as an accessory use. 2. Use Standards a. A minimum 100 foot setback for all buildings and parking areas must be provided adjacent to any street right-of-way or Protected Neighborhood. b. Driving range, tees, greens and fairways must be required to have a 100 foot setback from minor, arterial and collector roads. c. Permitted curb cut access must be from a major thoroughfare or nonresidential local street, unless shown on the approved preliminary plat of a single-unit detached subdivision. d. When located outside of a Golf Course/Subdivision Development, a minimum 50 foot wide buffer and a minimum 10 foot improvement setback must be provided for all buildings and parking areas when located adjacent to any street right-of-way or Protected Neighborhood. e. A minimum 25 foot buffer and a minimum 10 foot improvement setback must be provided adjoining any residential district or Protected Neighborhood outside the golf course development or any associated development. f. When located adjacent to any street right-of-way or Protected Neighborhood, hours of operation are limited to the hours of 8:00AM and 11:00 PM. g. 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 must 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 must be submitted with the application in support of the proposed height.	1. Defined and Basic Use Standards Defined: A use of land for playing the game of golf. The term does not include miniature golf, but may include a clubhouse and a driving range as an accessory use. a. Permitted curb cut access must be from a major thoroughfare or nonresidential local street, unless shown on the approved preliminary plat of a single-unit detached subdivision. b. When located outside of a single-unit detached subdivision, where a golf course is located adjacent a Protected Neighborhood district used for residential purposes, Protected Neighborhood Transition standards apply (see Div. 6.4 *[hyperlink]).* c. When located adjacent to any street right-of-way or Protected Neighborhood district, hours of operation are limited to the hours of 8:00AM and 11:00 PM. d. 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 must 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 must be submitted with the application in support of the proposed height.

7-89	7.4.2.F	F. Lodge/Retreat/Campground 1. Defined A facility which provides space, food or lodging facilities for social, educational or recreational purposes. 2. Use Standards a. Minimum lot size is 10 acres. b. Permitted curb cut access must not be derived from a local street. c. A minimum 100-foot wide buffer and a minimum 10-foot improvement setback are required adjacent to a street right-of-way or Protected Neighborhood. d. A minimum 50-foot wide- buffer and a minimum 10-foot wide improvement setback are required adjacent to any district not in a Protected Neighborhood. e. Length of stay for all but permanent staff must not exceed 30 consecutive days. f. Sanitary facilities or trash receptacles must be located a minimum of 200 feet from any Protected Neighborhood.	*Formatting: Delete text and mark "open"*
7-90	7.4.2.G ~~Recreational Court, Private~~ Subdivision Amenity	G. Recreational Court, Private 1. Defined An improved area designed and intended for the playing of a game or event such as basketball, volleyball or tennis, and which serves dwelling units, including improved areas which are owned and/or controlled by a neighborhood club or similar organization. The term "recreational court" includes fences surrounding the recreational court and all surface area inside the fences and overhead lighting fixtures accessory to the same. A basketball goal or similar installation adjoining a driveway of typical residential driveway dimensions does not constitute a recreational court. 2. Use Standards a. Recreational Courts serving single unit detached must be located in side or rear yards, but must not be located in a required setback. b. Recreational Courts serving single unit attached, multi-unit, any accessory structures and fencing must be located a minimum of 100 feet from any residential building on an	G. Subdivision Amenity 1. Defined and Basic Use Standards Defined: Improved areas designed and intended for the playing of a game such as basketball, volleyball or tennis, and indoor or outdoor facilities such as community meeting rooms, picnic areas, swimming pools or playgrounds. These facilities serve dwelling units and are owned and/or controlled by a neighborhood club, homeowner's association, or similar organization. The term "subdivision amenitiy" includes fences surrounding the recreational amenity and all surface area inside the fences and overhead lighting fixtures (See Sec. 8.5.4 *[hyperlink]*) accessory to the same. a. Use of the subdivision amenity is limited to residents and guests of the neighborhood in which they are located. b. Where subdivision amenity is located adjacent to a Protected Neighborhood district that is not part of the same subdivision or neighborhood, Protected Neighborhood Transition standards apply (see Div 6.4 *[hyperlink]*).

		adjacent lot, adjoining residential property line or street right-of-way. c. Recreational Courts serving a neighborhood must be located within the limits of the underlying zoning and must meet the following standards: i. Use of the Recreational Courts is limited to residents and guests of the neighborhood in which they are located. ii. Recreational Courts, accessory structures, fencing and parking must be located a minimum of 100 feet from all adjoining property lines. d. 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 must 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 must be submitted with the application in support of the proposed height.	c. 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 must 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 must be submitted with the application in support of the proposed height. d. All swimming pools must be completely surrounded by an enclosure that meets the requirements of the International Swimming Pool and Spa Code as well as the requirements in Sec. 8.2.10 *[hyperlink]*. The enclosure must be in place prior to pool completion. Materials and construction must comply with the regulations administered by the Fulton County Health Department.
7-91	7.4.2.H	H. Recreational Court, Public 1. Defined 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 a club is a neighborhood club or similar organization. The term "recreational court" includes fences surrounding the recreational court and all surface area inside the fences and overhead lighting fixtures accessory to the same. 2. Use Standards a. Recreational Courts, accessory structures, fencing, and parking must be located a minimum of 100 feet from all property Lines that abut single-family residential uses. Adjacent to all other zonings and uses, the district setback requirements apply. b. Landscape and buffer requirements must be as specified by Div. 8.2. c. Sources of exterior Illumination must be shielded and directed away from adjoining residences and must not exceed 1.2 foot candles along an adjoining residential property line. Outdoor lighting of recreation facilities in or	*Formatting: Delete text and mark "open"*

		adjoining residential districts or uses is allowed only between dusk and 11:00PM. d. It is unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise, or any noise which annoys, disturbs, injures, or endangers the reasonable comfort, repose, health, peace, or safety of others in the City within 50 feet of the property lines adjacent to Protected Neighborhoods. e. 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 must 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 must be submitted with the application in support of the proposed height.	
7-92	7.4.2.I Recreational Facility	1. Defined 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 or fire rings, and community buildings for recreational events. Trails and bike paths through open spaces are not typically considered recreational facilities.	1. Defined and Basic Use Standards Equipment and areas prepared for use for indoor and outdoor recreational and leisure purposes including, but not limited to: playground equipment, including swing sets and climbing structures; recreational courts; swimming pools; recreational fields; community picnic pavilions, including covered facilities with grills or fire rings, and community buildings for recreational events. Trails and bike paths through open spaces are not typically considered recreational facilities. Recreational facility does not include public park facilities or subdivision amenities. a. All swimming pools must be completely surrounded by an enclosure that meets the requirements of the International Swimming Pool and Spa Code as well as the requirements in Sec. 8.2.10 *[hyperlink]*. The enclosure must be in place prior to pool completion. Materials and construction must comply with the regulations administered by the Fulton County Health Department. b. 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 must 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 must be submitted with the application in support of the proposed height.
7-93	7.4.2.J Swimming Pool, Public	1. Defined 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, homeowner's association or similar organization (see Swimming Pool, Private in Sec. 7.8.20). 2. Use Standards Pools, pool equipment, decks and parking must be located a minimum of 100 feet from all property lines which abut single family residential uses. Adjacent to all other zonings and uses, the district setback requirements must be provided.	*Formatting: Delete text and mark "open"*
7-94	7.4.4.B Alternative Support Antenna Structure and Roof-Mounted Antenna	B. Alternative Support Antenna Structure 1. Defined Clock towers, campaniles, free standing steeples, light structures and other alternative support structures that camouflage or conceal antennas as an architectural feature (not including man-made trees). 2. Use Standards a. Alternative structures are not allowed in any Protected Neighborhood. b. Alternative structures must be set back a distance equal to the height of the tower from a property line unless the structure is proposed to be located on an existing building. c. Above-ground equipment shelters must be surrounded by a minimum 10-foot wide buffer. d. Rooftop antennas and associated structures must not project more than 10 feet above roof line. e. Height must not exceed 150 feet from existing grade. f. The alternative structure must comply with applicable state and local regulations, including, but not limited to, building and safety codes.	B. Alternative Support Antenna Structure and Roof-Mounted Antenna 1. Defined and Basic Use Standards Defined: Roof-mounted antennas, clock towers, campaniles, free standing steeples, light structures and other alternative support structures that camouflage or conceal antennas as an architectural feature (man-made trees are prohibited). a. New antenna structures must be set back a distance equal to the height of the tower from a property line unless the structure is proposed to be located on an existing building. b. Above-ground equipment shelters must be surrounded by a minimum 10-foot wide buffer. c. Rooftop antennas and associated structures must not project more than 10 feet above roof line. d. Height must not exceed 150 feet from existing grade unless co-located with or replacing an existing antenna that is legally non-conforming.

7-95	7.4.4.C Amateur Radio Antenna	1. Defined A radio communication facility that is an accessory structure to a single-family dwelling unit and is operated for non-commercial purposes by a Federal Communication Commission licensed amateur radio operator. 2. Use Standards a. All antennas must be located in the rear yard. b. The maximum height allowed is 90 feet. Any request to exceed the maximum height requires a conditional use permit, as provided in Div. 11.3. c. All antennas must be set back from all property lines 1/3 of 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. d. The antenna must not be lit. e. All antennas must be constructed with an anti-climbing device. f. All antennas must be painted in a neutral color identical to or closely compatible with surroundings, subject to the approval of the Director. g. All guy wires must be anchored on-site and outside of any right-of-way.	1. Defined and Basic Use Standards Defined: A radio communication facility that is an accessory structure to a single-family dwelling unit and is operated for non-commercial purposes by a Federal Communication Commission licensed amateur radio operator. a. All antennas must be located in the rear yard. b. The maximum height allowed is 90 feet. Any request to exceed the maximum height requires a conditional use permit, as provided in Div. 11.3. c. All antennas must be set back from all property lines 1/3 of 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 existing residential dwellings, excluding the owner's primary dwelling or structure. d. The antenna must not be lit. e. All antennas must be constructed with an anti-climbing device. f. All antennas must be painted in a neutral color identical to or closely compatible with surroundings, subject to the approval of the Director. g. All guy wires must be anchored on-site and outside of any right-of-way.
7-96	7.4.4.D Tower Antenna	1. Defined Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers and monopoles but not alternative antenna support structures. The term includes, but is not limited to, radio and television transmission towers, microwave towers, common carrier towers and cellular telephone towers, but excludes amateur radio antennae. 2. Use Standards a. Tower and accessory structures must be set back a distance equal to 1.5 times the height of the tower from a property line or any street right-of-way or residential district.	1. Defined and Basic Use Standards Defined: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers and monopoles but not alternative antenna support structures. The term includes, but is not limited to, radio and television transmission towers, microwave towers, common carrier towers and cellular telephone towers, but excludes amateur radio antenna. a. New tower and accessory structures must be set back a distance equal to 1.5 times the height of the tower from a property line or any street right-of-way or residential district. b. Tower and associated facilities must be enclosed by fencing not less than 6 feet in height and towers must be

		b. Tower and associated facilities must be enclosed by fencing not less than 6 feet in height and towers must be equipped with an anti-climbing device. c. A minimum 10-foot wide landscape strip planted to buffer standards must be provided. d. Height must not exceed 200 feet from existing grade. Height must be calculated to include all appurtenances (e.g. light, marking) required by the F.A.A. e. Towers must comply with applicable state and local regulations, including, but not limited to, building and safety codes. Towers that become unsafe or dilapidated must be repaired or removed. f. No new Tower Antenna may be located within 2,640 feet of any existing Tower Antenna.	equipped with an anti-climbing device, and screened (see Sec. 8.2.9.B *[hyperlink]*). c. Height must not exceed 200 feet from existing grade. Height must be calculated to include all appurtenances (e.g. light, marking) required by the F.A.A. d. No new Tower Antenna may be located within 2,640 feet of any existing Tower Antenna.
7-97	7.5.1.C.1.a Adult Establishment	a. The property line of any property in a Protected Neighborhood district, Urban Neighborhood district, or of any property conditioned for residential purposes; and	a. The property line of any property in a Protected Neighborhood district, Urban Neighborhood district. or of any property used for residential purposes; and
7-98	7.5.1.C.1.b Adult Establishment	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.	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 place of worship.
7-99	7.5.1.C.4 Adult Establishment	4. In the OX- District, see Sec. 7.5.3. 5. Notwithstanding any provision in this Development Code or the Sandy Springs Code of Ordinances to the contrary, an adult establishment in a location that satisfies the standards of this Section shall not be rendered nonconforming, nor shall the location be deemed non-compliant with this Section or Section 26-23 of the City Code, by virtue of the subsequent establishment of a land use or zoning district specified in this Section.	*Formatting: Delete 4., renumber* 4. Notwithstanding any provision in this Development Code or the Sandy Springs Code of Ordinances to the contrary, an adult establishment in a location that satisfies the standards of this Section shall not be rendered nonconforming, nor shall the location be deemed non-compliant with this Section or Section 26-23 of the City Code, by virtue of the subsequent establishment of a land use or zoning district specified in this Section.
7-100	7.5.2 Animal Care	A. Defined A facility providing care and boarding of domesticated animals for compensation including animal hospital, doggy day care, kennel, pet boarding, pet grooming, pet training	A. Defined and Basic Use Standards A facility providing care and boarding of domesticated animals for compensation including animal hospital, doggy day care, kennel, pet boarding, pet grooming, pet training

		facility, veterinary office, and horse stables. Animal care includes the following: 1. Animal Care, Indoor A completely enclosed soundproof indoor facility designed or arranged for the care of animals without any outdoor activity. No outdoor activity associated with care of animals is allowed, including outdoor walking of dogs, for indoor animal care in a multi-tenant building. In a freestanding, single-tenant building, a fenced area not to exceed 25% of the building floor area may be created for walking dogs on a leash (provided that no dogs are allowed off-leash). 2. Animal Care, Outdoor A facility designed or arranged for the care of animals that includes outdoor activity. 3. Use Standards a. All outdoor exercise areas and runs must be fenced for the safe confinement of animals; b. A buffer (see Sec. 8.2.6) must be established along any outside areas used to exercise, walk, or keep animals that abut a ground floor residential use; c. No animal may be outdoors between 11PM and 6AM; and d. No part of any building, structure or run in which animals are housed may be closer than 150 feet from any property line, except: i. Property owned or occupied by an owner or operator of the facility; or ii. A completely enclosed soundproof indoor facility, which is allowed to meet only the required District setbacks.	facility, veterinary office, and horse stables. Animal care includes the following: 1. Animal Care, Indoor A completely enclosed soundproof indoor facility designed or arranged for the care of animals without any outdoor activity. No outdoor activity associated with care of animals is allowed, including outdoor walking of dogs, for indoor animal care in a multi-tenant building. a. In a freestanding, single-tenant building, a fenced area not to exceed 25% of the building floor area may be created for walking dogs on a leash (provided that no dogs are allowed off-leash). 2. Animal Care, Outdoor A facility designed or arranged for the care of animals that includes outdoor activity. B. Additional Use Standards a. All outdoor exercise areas and runs must be fenced for the safe confinement of animals; b. Adjacent to all common lot lines, a District Boundary Buffer applies (see Sec. 8.2.7 *[hyperlink]*). c. No animal may be outdoors between 11PM and 6AM; and d. No part of any building, structure or run in which animals are housed may be closer than 150 feet from any property line, except: i. Property owned or occupied by an owner or operator of the facility; or ii. A completely enclosed soundproof indoor facility, which is allowed to meet only the required District setbacks.
7-101	7.5.3 ~~Commercial Uses in OX- Districts~~	A. Defined All commercial uses listed in Div. 7.2 that are allowed as a limited use. B. Use Standards 1. In the OX- District, only place of worship, office and day care uses may be established in a stand-alone building. All other commercial uses in the OX- District must be established in the ground floor of a multi-story office building. 2. Drive-thru or drive-in facilities are not permitted.	*Formatting: Delete text and mark "open"*

7-102	7.5.4 ~~Commercial Uses in RX- Districts~~	A. Defined All uses listed in this Div. 7.3 that are allowed as a limited use are subject to the following use standards. B. Use Standards 1. Each commercial tenant space must not exceed 4,000 square feet in gross floor area. 2. The total commercial tenant space in each building must not exceed 25% of the ground floor. 3. Hours of operation must begin no earlier than 6AM and end no later than 11PM, including all deliveries. 4. Drive-thru or drive-in facilities are not permitted.	*Formatting: Delete text and mark "open"*
7-103	7.5.5 Day Care	A. Defined A use in which shelter, care and supervision for 7 or more children or adults on a regular basis away from their residence for less than 24 hours a day. A day care facility may provide basic educational instruction. Day care includes the following: 1. Adult day care. 2. Early learning center. 3. Group day care home. 4. Nursery school. 5. Play school. 6. Preschool. B. Use Standards 1. All day care must meet the applicable standards of the Georgia Department of Early Care and Learning, or the Georgia Department of Community Health, as applicable. 2. In the RX- District, see Sec. 7.5.4.	A. Defined and Basic Use Standards A use in which shelter, care and supervision for 7 or more children or adults on a regular basis away from their residence for less than 24 hours a day. A day care facility may provide basic educational instruction. Day care includes the following: 1. Adult day care. 2. Child care learning center. 3. Preschool. a. All day care must meet the applicable standards of the Georgia Department of Early Care and Learning, or the Georgia Department of Community Health, as applicable.
7-104	7.5.6 ~~Indoor Recreation~~	A. Defined A commercial facility providing daily or regularly scheduled recreation-oriented activities in an indoor setting. Indoor recreation includes the following: 1. Amusement center, game/video arcade. 2. Assembly hall, auditorium, meeting hall. 3. Billiard, pool hall. 4. Bowling alley. 5. Climbing gym. 6. Club, athletic or recreational.	*Formatting: Delete text and mark "open"*

		7. Convention center, arena. 8. Escape room (in which players solve puzzles using clues and strategy). 9. Event facility. 10. Extreme sports facility such as BMX, skateboarding or roller blading. 11. Ice or roller skating rink. 12. Inflatable playground/jump house. 13. Miniature golf facility. 14. Motor track. 15. Movie theater or other indoor theater. 16. Shooting range. 17. Special event facility. B. Use Standards Where Indoor Recreation is permitted as a Limited use, an event facility with both indoor and outdoor components is allowed, provided it is: 1. Located on riverfront property; and 2. Located with access from an arterial street.	
7-105	7.5.8.A Office	A. Defined A facility used for activities conducted in an office setting and generally focusing on business, professional or financial services. See also Sec. 7.5.7, Medical. Office includes the following: 1. Business services including, but not limited to, advertising, business management consulting, computer or data processing, graphic design, commercial art or employment agency. 2. Counseling in an office setting. 3. Financial services including, but not limited to, lender, investment or brokerage house, bank, call center, bail bonds, insurance adjuster, real estate or insurance agent, mortgage agent or collection agency. 4. Professional services including, but not limited to, lawyer, accountant, auditor, bookkeeper, engineer, architect, sales office, travel agency, interior decorator or security system services. 5. Radio, TV station, recording studio. 6. Trade, vocational, technical, business school.	A. Defined A facility used for activities conducted in an office setting and generally focusing on business, professional or financial services. Office includes the following: 1. Business services including, but not limited to, advertising, business management consulting, computer or data processing, graphic design, commercial art or employment agency. 2. Counseling in an office setting. 3. Financial services including, but not limited to, lender, investment or brokerage house, bank, call center, bail bonds, insurance adjuster, real estate or insurance agent, mortgage agent or collection agency. 4. Professional services including, but not limited to, lawyer, accountant, auditor, bookkeeper, engineer, architect, sales office, travel agency, interior decorator or security system services. 5. Radio, TV station, recording studio. 6. Trade, vocational, technical, business school.

		B. Use Standards In the RX- District, see Sec. 7.5.4.	
7-106	7.5.9. Outdoor Recreation	7.5.9. Outdoor Recreation A. Defined A commercial facility providing daily or regularly scheduled recreation-oriented activities. Activities take place predominately outdoors or within outdoor structures. Outdoor recreation includes the following: 1. Camp or campground. 2. Drive-in theater. 3. Extreme sports facility, such as BMX, skateboarding or roller blading. 4. Open-air theater. 5. Outdoor amusements such as batting cage, amusement park, miniature golf facility or water park. 6. Outdoor sports field/court. 7. Riding stable. 8. Racetrack. 9. Rowing club, boat rental. 10.Stadium, arena.	*Formatting: Delete text and mark "open"*
7-107	7.5.10 Overnight Lodging	A. Defined Accommodations arranged for short term stays. Overnight lodging includes the following: 1. Bed and Breakfast (up to 5 rooms). 2. Boutique hotel (6 to 30 rooms). 3. Hotel (more than 30 rooms). B. Bed and Breakfast 1. Defined A facility where overnight accommodations not exceeding 5 rooms are provided for compensation, with or without a morning meal, and which may include an afternoon or evening meal for guests, and where the owners of the facility live on the premises. Bed and breakfast does not include retail uses, public bar, conference center or special event facilities.	A. Defined Accommodations arranged for short-term stays. Overnight lodging includes the following: 1. Bed and Breakfast (up to 5 rooms). 2. Boutique hotel (up to 30 rooms). 3. Hotel (more than 30 rooms). 4. Executive Suites Hotel B. Bed and Breakfast 1. Defined and Basic Use Standards: Defined: A facility where overnight accommodations not exceeding 5 rooms are provided for compensation, with or without a morning meal, and which may include an afternoon or evening meal for guests, and where the owners of the facility live on the premises. Bed and breakfast does not include retail uses, public bar, conference center or special event facilities.

		2. Use Standards a. A minimum of 2 guest rooms and a maximum of 5 guest rooms are permitted. b. No parking in the minimum front yard. c. The Bed and Breakfast is owner-occupied. d. In the RX- District, see Sec. 7.5.4. C. Boutique Hotel 1. Defined A facility not exceeding 30 rooms where overnight accommodations for 15 days or less are provided for compensation and where entry to individual guest rooms is via a central lobby. A boutique hotel may include as accessory uses the following: full dining, public bar, retail use, and special event facilities. 2. Use Standards In the RX- District, see Sec. 7.5.4. D. Hotel 1. Defined A facility with more than 30 rooms where overnight accommodations for 15 days or less are provided for compensation. A hotel/motel may include as accessory uses the following: full dining, public bar, retail uses, special events and conference center facilities.	a. A minimum of 2 guest rooms and a maximum of 5 guest rooms are permitted. b. No parking in the minimum front yard. c. The Bed and Breakfast is owner-occupied. C. Boutique Hotel 1. Defined and Basic Use Standards Defined: A facility not exceeding 30 rooms where overnight accommodations for 15 consecutive days or less are provided for compensation. a. All guest rooms must be accessed through a central lobby and interior corridors only. b. A boutique hotel may include as accessory uses the following: full dining, retail use, and special event facilities. D. Hotel 1. Defined and Basic Use Standards Defined: A facility with more than 30 rooms where overnight accommodations for 15 consecutive days or less are provided for compensation. a. A hotel may include as accessory uses the following: full dining, retail uses, special events and conference center facilities. b. All guest rooms must be accessed through a central lobby and interior corridors only. E. Executive Suites Hotel 1. Defined and Basic Use Standards Defined: A facility with more than 30 rooms where overnight accommodations are provided for compensation. a. A maximum of 70% of the guest rooms may be equipped with cooking facilities; b. A fire suppression system is required in all guest rooms with cooking facilities; c. Food preparation areas must be physically separate and distinct from sleeping areas; d. All guest rooms must be accessed through a central lobby and interior corridors only; e. An attendant must be stationed at the front desk for 24h; f. A limited-service restaurant offering at least two meals daily must be provided;

			g. At least 3 amenities of the following must be provided: i. Swimming pool; ii. Fitness center; iii. Valet service iv. Conference space of minimum 3,000 sq.ft. v. Dog park of minimum 200 sq.ft. vi. Other amenities may be approved by the Director
7-108	7.5.13.B Personal Services	B. Use Standards In the RX- District, see Sec. 7.5.4.	*Formatting: Delete text*
7-109	7.5.14 Restaurant	B. Use Standards In the RX- District, see Sec. 7.5.4.	*Formatting: Delete text*
7-110	7.5.15 Retail	7.5.15. Retail A. Defined A facility involved in the sale, lease or rental of new or used products. Retail includes the following: Antiques, appliances, art supplies, batteries, bikes, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronics, fabric, flowers, furniture, garden supplies, gifts or novelties, groceries, hardware, home improvement, household products, jewelry, medical supplies, music, musical instruments, office supplies, package shipping, pets, pet supplies, pharmaceuticals, phones, photo finishing, picture frames, plants, pottery, printed materials, produce, seafood, shoes, souvenirs, sporting goods, stationery, tobacco, toys, vehicle parts and accessories, videos, video games and related products. Art gallery. Fuel pumps, gas station. Pawnshop. Payday/title loans or check cashing.	7.5.15. Retail A. Defined A facility involved in the sale, lease or rental of new or used products. Retail includes the following: Antiques, appliances, art supplies, batteries, bikes, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronics, fabric, flowers, furniture, garden supplies, gifts or novelties, groceries, hardware, home improvement, household products, jewelry, medical supplies, music, musical instruments, office supplies, package shipping, pets, pet supplies, pharmaceuticals, phones, photo finishing, picture frames, plants, pottery, printed materials, produce, seafood, shoes, souvenirs, sporting goods, stationery, tobacco, toys, vehicle parts and accessories, videos, video games and related products. Fuel pumps, gas station. Pawnshop. Payday/title loans or check cashing.
~~7-111~~	~~7.5.15.B~~ ~~Art Gallery~~ ~~Boutique Retail~~	~~Art Gallery~~ ~~1. Defined~~ ~~A facility where works of art for sale are exhibited on a regular basis.~~	~~*Formatting: Rename header and replace text*~~ ~~Boutique Retail~~ ~~1. Defined and Basic Use Standards~~ ~~Retail limited to specialty food stores (such as bakery, butcher, and fruit store), gift stores and florists.~~

		~~2. Use Standards~~ ~~In the RX- District, see Sec. 7.5.4.~~	~~a. Maximum gross floor area is 2,500 sf.~~ ~~b. Maximum outdoor sales area is 500 sf and must be located adjacent to the building but cannot block any window, door or sidewalk.~~
7-112	7.5.15.C Fireworks Retail Facility	1. Defined A fireworks retail facility includes: a. Fireworks - Consumer Fireworks Retail Sales Facility. A permanent or temporary building or structure or Consumer Fireworks Retail Sales Stand that is used primarily for the retail display and sale of consumer fireworks to the public. Does not include a tent, canopy or membrane structure. Primarily means that 80% or greater of the Consumer Fireworks Retail Sales Facility is used for the retail display and sale of consumer fireworks to the public. b. Fireworks - Store. A building classified as a mercantile occupancy that contains a variety of merchandise and that is not used primarily for the retail sales of consumer fireworks. Includes such buildings with at least 4,000 square feet of retail display space and wherefrom: i. No more than 25% of such retail display space is used for consumer fireworks and items or products as provided under O.C.G.A. § 25-10-1(b)(2)1; and ii. Other items or products which are not consumer fireworks or items or products as provided for under O.C.G.A. § 25-10-1(b)(2) are sold; and iii. Provided, further, that such term means a person, firm, corporation, association, or partnership with more than one mercantile location, where all such mercantile locations are collectively known to the public by the same name or share central management. 2. Use Standards A fireworks retail facility must be located at least 200 feet from any Protected Neighborhood.	1. Defined and Basic Use Standards A fireworks retail facility includes: a. Defined: i. Fireworks - Consumer Fireworks Retail Sales Facility. A permanent or temporary building or structure or Consumer Fireworks Retail Sales Stand that is used primarily for the retail display and sale of consumer fireworks to the public. Does not include a tent, canopy or membrane structure. Primarily means that 80% or greater of the Consumer Fireworks Retail Sales Facility is used for the retail display and sale of consumer fireworks to the public. ii.. Fireworks - Store. A building classified as a mercantile occupancy that contains a variety of merchandise and that is not used primarily for the retail sales of consumer fireworks. Includes such buildings with at least 4,000 square feet of retail display space and wherefrom: 1. No more than 25% of such retail display space is used for consumer fireworks and items or products as provided under O.C.G.A. § 25-10-1(b)(2)1; and 2. Other items or products which are not consumer fireworks or items or products as provided for under O.C.G.A. § 25-10-1(b)(2) are sold; and 3. Provided, further, that such term means a person, firm, corporation, association, or partnership with more than one mercantile location, where all such mercantile locations are collectively known to the public by the same name or share central management. b. Basic Use Standard: A fireworks retail facility must be located at least 200 feet from any Protected Neighborhood district.
7-113	7.5.15.D Fuel Pumps, Gas Station	1. Defined A retail facility that sells fuel for motor vehicles, with or without personnel. The facility may or may not include a convenience or other retail store.	A. Defined and Basic Use Standards Defined: A retail facility that sells fuel for motor vehicles, with or without personnel. The facility may or may not include a convenience or other retail store.

		2. Use Standards a. No site in the CX-, CC- or IX- Districts may be developed with fuel pumps or gas station after the effective date of this Development Code, except in conformance with the use standards below. b. Fuel pumps or gas stations may be upgraded, replaced or redeveloped, including an increase in building size, on the existing site with approval of the Director. c. Fuel pumps or gas stations may be expanded to an adjacent site with conditional use permit approval by the City Council. d. Fuel pumps or gas stations may be relocated to an alternative site within the CX-, CC- or IX- districts with conditional use permit approval by the City Council. Any new fuel pumps or gas station must be located at least ½-mile from any existing fuel pump or gas station. The ½-mile measurement must be taken without regard to the City limits of Sandy Springs and is measured to the property line, regardless of where the fuel pumps are located on the site. Conditional use permit approval is predicated on the elimination of an existing site with fuel pumps or gas station and the mitigation of the former site such that it is ready for any other permitted use in the district.	a. Fuel pumps or gas stations may be upgraded, replaced or redeveloped, including an increase in building size, on the existing site with approval of the Director. b. Fuel pumps or gas stations may be expanded to an adjacent site with conditional use permit approval by the City Council. c. Fuel pumps or gas stations may be relocated to an alternative site within the CX-, CC- or IX- districts with conditional use permit approval by the City Council. Any new fuel pumps or gas station must be located at least ½-mile from any existing fuel pump or gas station. The ½-mile measurement must be taken without regard to the City limits of Sandy Springs and is measured to the property line, regardless of where the fuel pumps are located on the site. Conditional use permit approval is predicated on the elimination of an existing site with fuel pumps or gas station and the mitigation of the former site such that it is ready for any other permitted use in the district.
7-114	7.5.16 Vehicle Sales and Rental	A. Defined A facility that sells, rents or leases passenger vehicles, trucks, and other consumer vehicles such as motorcycles, boats and recreational vehicles. This definition does not include rental options that do not include a building (accessing a vehicle remotely that is parked in a parking space). Vehicle sales and rental includes the following: 1. Minor Vehicle Sales and Rental Sales, rental or leasing of passenger vehicles, light trucks, vans and motorcycles. 2. Major Sales and Rental Sales, rental or leasing of commercial vehicles, heavy equipment and manufactured homes. Includes recreational vehicles, boats, 18-wheelers, commercial box trucks, high-lifts, construction, heavy earthmoving equipment and manufactured homes.	A. Defined and Basic Use Standards Defined: A facility that sells, rents or leases passenger vehicles, trucks, and other consumer vehicles such as motorcycles, boats and recreational vehicles. This definition does not include rental options operated without on-site customer and support services (such as car-sharing). Vehicle sales and rental includes the following: 1. Minor Vehicle Sales and Rental Sales, rental or leasing of passenger vehicles, light trucks, vans and motorcycles. 2. Major Sales and Rental Sales, rental or leasing of commercial vehicles, heavy equipment and manufactured homes. Includes recreational vehicles, boats, 18-wheelers, commercial box trucks, high-lifts, construction, heavy earthmoving equipment and manufactured homes.

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<td>B. Use Standards
1. In All Districts
a. Access points must be provided at no greater than the following:
<table>
<tr><td>Street</td><td>Spacing (min)</td></tr>
<tr><td>Roswell Road</td><td>200 linear feet</td></tr>
<tr><td>All other streets</td><td>100 linear feet</td></tr>
</table>
c. No trailer or mobile building is permitted on the property (other than a temporary construction office).
d. Service buildings must be located in the side or rear yard.
e. Roll-up, garage or bay doors and similar wide openings must not face a primary street.
f. Vehicles may not be displayed on elevated platforms. All external display areas must be located at ground level.
g. Vehicles must be parked in orderly fashion similar to a regular parking lot.
h. Outdoor display of tires is prohibited.
i. Outdoor washing and detailing of vehicles is prohibited. All vehicle service must be conducted inside a building.
j. All sites established after the effective date of this Development Code must conduct loading and unloading of vehicles on-site, and must not be designed to require maneuvering or parking on public streets.
2. In the CX-, CS-, TX-, PX- and PM- Districts
Minor vehicle sales and rental is permitted only when wholly enclosed within a parking structure.
3. Locations on Roswell Road
Only manufacturer-authorized new vehicle franchise dealerships (offering customary service of new and pre-owned automobiles as an accessory service only) are allowed. The minimum total acreage of the dealership must be 3 acres. The property may include multiple distinct and separate lots, provided they are located within 1,500 linear feet of each other measured in a straight line.</td>
<td>a. Access points must be provided at no less than the following:
i. Roswell Road: minimum spacing 200 linear feet
ii. All other streets: 100 linear feet
b. No trailer or mobile building is permitted on the property (other than a temporary construction office).
c. No part of any service buildings may be located between a primary structure and the primary street.
d. Roll-up, garage or bay doors and similar wide openings must not face a primary street.
e. Vehicles may not be displayed on elevated platforms. All exterior display areas must be located at ground level.
f. Vehicles must be parked in orderly fashion similar to a regular parking lot.
g. Outdoor display of tires is prohibited.
h. Outdoor washing and detailing of vehicles is prohibited. All vehicle service must be conducted inside a building.
i. All sites established after the effective date of this Development Code must conduct loading and unloading of vehicles on-site, and must not be designed to require maneuvering or parking on streets.
j. Locations with frontage on Roswell Road: Only manufacturer-authorized new vehicle franchise dealerships (offering customary service of new and pre-owned automobiles as an accessory service only) are allowed. The minimum total acreage of the dealership must be 3 acres. The property may include multiple distinct and separate lots, provided they are located within 1,500 linear feet of each other measured in a straight line.

B. Additional Use Standards
Minor vehicle rental (but not sales) is permitted as an accessory use only, when wholly enclosed within a parking structure.</td>
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7-115	7.5.17 Restrictions on Large-Scale Retail	In all CS Districts and in any CX District located between Abernathy Road and US 285, no retail business tenant larger than 30,000 square is allowed.	*Formatting: Delete section*
7-116	7.6.3 Light Industrial/Manufacturing	A. Defined A facility conducting light manufacturing operations within a fully-enclosed building. Light industrial manufacturing includes the following: 1. Brewery, winery, distillery. 2. Clothing, textile or apparel manufacturing. 3. Assembly or manufacturing of scientific measuring instruments; semiconductor and related devices, including, but not limited to, clocks, integrated circuits, jewelry, medical, musical instruments, photographic or optical instruments or timing instruments. 4. Micro-producers. 5. Motion picture studio. 6. Pharmaceutical or medical supply manufacturing. 7. Recreational equipment manufacturing. 8. Toy manufacturing. 9. Sheet metal, welding, machine shop, tool repair. 10. Furniture upholstery installation or reupholstery. 11. Woodworking, cabinet makers or furniture manufacturing. B. Use Standards 1. Breweries, Distilleries and Wineries a. A brewery, distillery or winery is defined as an industrial facility where malt beverages, distilled spirits or wine are produced on the premises and then sold or distributed for off-premises consumption in compliance with State law and Department of Revenue licensing requirements. b. Applicants are required to obtain an alcoholic beverage manufacturing license from the City and comply with State law and Department of Revenue Rules and Regulations relating to the manufacture, sale and distribution of malt beverages, distilled spirits and wine. c. A brewery, distillery or winery is authorized to provide guided tours of their facility, during which "free tasting" of malt beverages, distilled spirits or wine may be conducted by the manufacturer. The tours and tastings must be held in	A. Defined and Basic Use Standards Defined: A facility conducting light manufacturing operations within a fully-enclosed building. Light industrial manufacturing includes the following: 1. Brewery, winery, cidery, distillery. 2. Clothing, textile or apparel manufacturing. 3. Assembly or manufacturing of scientific measuring instruments; semiconductor and related devices, including, but not limited to, clocks, integrated circuits, jewelry, medical, musical instruments, photographic or optical instruments or timing instruments. 4. Micro-producers. 5. Motion picture studio. 6. Pharmaceutical or medical supply manufacturing. 7. Recreational equipment manufacturing. 8. Toy manufacturing. 9. Sheet metal, welding, machine shop, tool repair. 10. Furniture upholstery installation or reupholstery. 11. Woodworking, cabinet makers or furniture manufacturing. 1. Basic Use Standards: Breweries, Distilleries, Cideries and Wineries a. A brewery, distillery, cidery or winery is defined as an industrial facility where malt beverages, distilled spirits, alcoholic cider or wine are produced on the premises and then sold or distributed for off-premises consumption in compliance with State law and Department of Revenue licensing requirements. b. Applicants are required to obtain an alcoholic beverage manufacturing license from the City and comply with State law and Department of Revenue Rules and Regulations relating to the manufacture, sale and distribution of malt beverages, distilled spirits and wine. c. No pouring or tasting of any alcoholic beverages is permitted between the hours of 12:00 AM and 8:00 AM any day of the week. In addition, no pouring or tasting is permitted on Sunday before 12:30 PM and after 11:30 PM,

		accordance with and as provided by State law and Department of Revenue Rules and Regulations. d. No tasting of any alcoholic beverages is permitted between the hours of 12:00 AM and 8:00 AM any day of the week. In addition, no pouring or tasting is permitted on Sunday before 12:30 PM and after 11:30 PM, or on any other days or times prohibited by State law. Promotional or educational tours of a facility are only permitted during the allowed times for pouring and tasting. e. All tasting processes and procedures must adhere to and be in strict compliance with state law and Department of Revenue Rules and Regulations. f. Applicants must comply with Chapter 6, Alcoholic Beverages of the Sandy Springs Code of Ordinances. g. Parking will be determined by recommendation of the Director and subsequent City Council approval on a case-by-case basis based on conceptual plans provided by the applicant. h. For brewpubs, see Restaurant. 2. Micro-Producers (Malt Beverages, Distilled Spirits and Wine) a. A micro-producer is defined as a micro-brewery, micro-winery or micro-distillery. b. Production facilities are limited to 20,000 square feet. All activities associated with micro-producing facilities must be wholly contained within the 20,000 square foot production facility. c. Micro-producers must not be located within 500 feet of another similar facility. d. Applicants are required to obtain an alcoholic beverage manufacturing license from the City and comply with State law and Department of Revenue Rules and Regulations relating to the manufacture, sale and distribution of malt beverages, distilled spirits and wine. e. A micro-producer is authorized to provide guided tours of their facility, during which "free tasting" of malt beverages, distilled spirits or wine may be conducted by the manufacturer. Any tours and tastings must be held in accordance with and as provided by State law and Department of Revenue Rules and Regulations.	or on any other days or times prohibited by State law. Promotional or educational tours of a facility are only permitted during the allowed times for pouring and tasting. d. All tasting processes and procedures must adhere to and be in strict compliance with state law and Department of Revenue Rules and Regulations. e. Applicants must comply with Chapter 6, Alcoholic Beverages of the Sandy Springs Code of Ordinances. f. Parking will be determined by the Director on a case-by-case basis based on conceptual plans and details of the proposed operations provided by the applicant. g. For brewpubs, see Restaurant. 2. Basic Use Standards: Micro-Producers (Malt Beverages, Distilled Spirits and Wine) a. A micro-producer is defined as a micro-brewery, micro-winery or micro-distillery. b. Production facilities are limited to 20,000 square feet. All activities associated with micro-producing facilities must be wholly contained within the 20,000 square foot production facility. c. Micro-producers must not be located within 500 feet of another similar facility. d. Applicants are required to obtain an alcoholic beverage manufacturing license from the City and comply with State law and Department of Revenue Rules and Regulations relating to the manufacture, sale and distribution of malt beverages, distilled spirits and wine. e. No tasting or pouring of any alcoholic beverages is permitted between the hours of 12:00 AM and 8:00 AM any day of the week. In addition, no pouring or tasting is permitted on Sunday before 12:30 PM and after 11:30 PM, or on any other days or times prohibited by State law. Promotional or educational tours of a facility are only permitted during the allowed times for pouring and tasting. f. All tasting processes and procedures must adhere to and be in strict compliance with state law and Department of Revenue Rules and Regulations. g. The sale, by a retail licensee, of malt beverages manufactured at a microbrewery is permitted from the premises, provided that the annual quantity sold does not exceed 3,000 barrels.

		f. No tasting of any alcoholic beverages is permitted between the hours of 12:00 AM and 8:00 AM any day of the week. In addition, no pouring or tasting is permitted on Sunday before 12:30 PM and after 11:30 PM, or on any other days or times prohibited by State law. Promotional or educational tours of a facility are only permitted during the allowed times for pouring and tasting. g. All tasting processes and procedures must adhere to and be in strict compliance with state law and Department of Revenue Rules and Regulations. h. The sale, by a retail licensee, of malt beverages manufactured at a microbrewery is permitted from the premises, provided that the annual quantity sold does not exceed 3,000 barrels. i. The sale, by a retail licensee, of distilled spirits manufactured at a micro-distillery is permitted from the premises. j. Applicants must comply with Chapter 6, Alcoholic Beverages of the Sandy Springs Code of Ordinances. k. Parking will be determined by recommendation of the Director and subsequent City Council approval on a case-by-case basis based on conceptual plans provided by the applicant.	h. The sale, by a retail licensee, of distilled spirits manufactured at a micro-distillery is permitted from the premises. i. Applicants must comply with Chapter 6, Alcoholic Beverages of the Sandy Springs Code of Ordinances. j. Parking will be determined by the Director on a case-by-case basis based on conceptual plans and details of the proposed operations provided by the applicant.
7-117	7.6.4.A.1 Research and Development	A. Defined A facility focused primarily on the research and development of new products. Research and development includes the following: 1. Laboratories, offices and other facilities used for research and development by or for any individual, organization or concern, whether public or private. 2. Prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product. 3. Pilot plants used to test manufacturing processes planned for use in production elsewhere.	A. Defined and Basic Use Standards Defined: A facility focused primarily on the research and development of new products. Research and development includes the following: Laboratories, offices and other facilities used for research and development by or for any individual, organization or concern, whether public or private. 1. Prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product. 2. Pilot plants used to test manufacturing processes planned for use in production elsewhere.
7-118	7.6.6 Vehicle Service and Repair	A. Defined Repair and service to passenger vehicles, trucks, and other consumer motor vehicles such as motorcycles, boats and	A. Defined and Basic Use Standards Defined: Repair and service to passenger vehicles, trucks, and other consumer motor vehicles such as motorcycles,

		recreational vehicles. Vehicle service and repair includes the following: 1. Minor Vehicle Service and Repair A facility where minor vehicle repair and service is conducted. Includes audio and alarm installation, custom accessories, quick lubrication facilities, minor scratch and dent repair, emissions testing, bed-liner installation, glass repair or replacement, and auto detailing and car wash. 2. Major Vehicle Service and Repair A facility where general vehicle repair is conducted, including engine, transmission, brake, muffler and tire shops, along with body and paint shops. B. Use Standards 1. In All Districts a. No trailer or mobile building is permitted on the property (other than a temporary construction office). a. Roll-up, garage or bay doors and similar wide openings must not face a primary street. b. Outdoor display of tires is prohibited. c. Outdoor washing and detailing of vehicles is prohibited. All vehicle service must be conducted inside a building. d. All sites established after the effective date of this Development Code must not be designed to require maneuvering or parking on public streets. 2. In the CX-, CS-, TX-, PX- and PM- Districts Minor vehicle service and repair is permitted only when wholly enclosed within a parking structure.	boats and recreational vehicles. Vehicle service and repair includes the following: 1. Minor Vehicle Service and Repair: A facility where minor vehicle repair and service is conducted. Includes audio and alarm installation, custom accessories, quick lubrication facilities, minor scratch and dent repair, emissions testing, bed-liner installation, glass repair or replacement, and auto detailing and car wash. a. Vehicles awaiting repair may be stored up to 14 days within a screened storage area. 2. Major Vehicle Service and Repair: A facility where general vehicle repair is conducted, including engine, transmission, brake, muffler and tire shops, along with body and paint shops. a. No trailer or mobile building is permitted on the property (other than a temporary construction office). b. Roll-up, garage or bay doors and similar wide openings must not face a primary street. c. Outdoor display of tires is prohibited. d. Outdoor washing and detailing of vehicles is prohibited. All vehicle service must be conducted inside a building. e. All sites established after the effective date of this Development Code must not be designed to require maneuvering or parking on streets. f. Vehicles awaiting repair may be stored up to 14 days within a screened storage area. B. Additional Use Standard Minor vehicle service and repair is permitted only when wholly enclosed within a parking structure, and as an accessory use to the parking structure.
7-119	7.6.7 Warehouse and Distribution	A. Defined A facility involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers. Warehouse, storage and distribution includes the following: 1. Building materials storage yard.	A. Defined and Basic Use Standards Defined: A facility involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers. Warehouse, storage and distribution includes the following: 1. Building materials storage yard. 2. Contractor storage yard.

		2. Contractor storage yard. 3. Distribution center. 4. Enclosed storage (includes bulk storage, cold storage plants, frozen food lockers, ice, household moving and general freight storage). 5. Fleet storage. 6. Furniture transfer and storage. 7. Newspaper distribution. 8. Self-service storage, mini-warehouse. 9. Trailer storage, drop off lot. 10. Towing/impounding of vehicles. 11. Tractor trailers and rail cars. B. Fireworks Distributor 1. Defined Any person, firm, corporation, association, or partnership which sells consumer fireworks and is properly licensed by the State as such. C. Self-Service Storage, Mini-Warehouse 1. Defined Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property. May include accessory sales of boxes, tape and other packing-related materials. Does not include truck rental. 2. Use Standards a. No site in any district other than the CX- District (by conditional use permit), the CC- District and the IX- District may be developed as a self-storage facility after the effective date of this Development, except in conformance with these use standards. b. An existing self-storage or mini-warehouse may be upgraded on its existing site with approval of the Director, provided it meets the use standards below. c. No outside storage is allowed, including vehicle or trailer leasing. d. All buildings must be at least two stories tall and have windows or architectural treatments that appear as windows. e. No activities other than the dead storage or transfer of nonvolatile goods or leasing of storage space are permitted.	3. Distribution center. 4. Enclosed storage (includes bulk storage, cold storage plants, frozen food lockers, ice, household moving and general freight storage). 5. Fleet storage. 6. Furniture transfer and storage. 7. Newspaper distribution. 8. Self-service storage, mini-warehouse. 9. Trailer storage, drop off lot. 10. Towing/impounding of vehicles. 11. Tractor trailers and rail cars. B. Fireworks Distributor Defined: Any person, firm, corporation, association, or partnership which sells consumer fireworks and is properly licensed by the State as such. C. Self-Service Storage, Mini-Warehouse Defined: Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property. May include accessory sales of boxes, tape and other packing-related materials. Does not include truck rental. a. An existing self-storage or mini-warehouse may be upgraded on its existing site with approval of the Director, provided it meets the use standards below. b. No outside storage is allowed, including vehicle or trailer leasing. c. All buildings must be at least two stories tall and have windows or architectural treatments that appear as windows. d. No activities other than the dead storage or transfer of nonvolatile goods or leasing of storage space are permitted. e. Prohibited accessory uses include, but are not limited to, the following: i. Miscellaneous sales; ii. Fabrication or repair of vehicles, equipment or other goods; iii. Transfer-storage business based on-site; iv. Residential uses (other than the resident manager's apartment); or

		f. Prohibited accessory uses include, but are not limited to, the following: i. Miscellaneous sales; ii. Fabrication or repair of vehicles, equipment or other goods; iii. Transfer-storage business based on-site; iv. Residential uses (other than the resident manager's apartment); or v. Any use which creates a nuisance due to noise, odor, dust, light or electrical interference. g. Permitted curb cut access must not be from a local street.	v. Any use which creates a nuisance due to noise, odor, dust, light or electrical interference.
7-120	7.6.8.B Recycling Process Center	1. Defined 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. 2. Use Standards a. A minimum 200-foot buffer and 10-foot improvement setback is required along all property lines, except public rights-of-way. A minimum 50-foot buffer and 10 foot improvement setback is required along all public rights-of-way. b. All recyclable materials must be stored in containers with no stockpiling outside the containers. c. Collection, storage containers, or receptacles are not allowed in required yards. Storage should be screened with a 6-foot high, solid wall or fence, including access gates. d. The processing of recyclable materials must be conducted within an enclosed building. e. Driveways should be designed so vehicles exit the facility in a forward direction. f. It is unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise, or any noise which annoys, disturbs, injures, or endangers the reasonable comfort, repose, health, peace, or safety of others in the City within 50 feet of the property lines adjacent to single unit detached or attached residential uses. g. The recycling center must comply with regulations administered by the Fulton County Department of Health.	1. Defined and Basic Use Standards Defined: 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. a. A minimum 200-foot buffer and 10-foot improvement setback is required along all common lot lines, except rights-of-way. A minimum 50-foot buffer and 10 foot improvement setback is required along all rights-of-way. b. All recyclable materials must be stored in containers with no stockpiling outside the containers. c. Collection, storage containers, or receptacles are not allowed in required yards. Storage must be screened (see Sec. 8.2.9 *[hyperlink]*). d. The processing of recyclable materials must be conducted within an enclosed building. e. Driveways must be designed so vehicles exit the facility in a forward direction. f. The recycling center must comply with regulations administered by the Fulton County Department of Health.

7-121	7.7.1.B Community Garden	1. Defined Areas of land managed and maintained by a group of individuals to grow and harvest crops and non-food ornamental crops, for personal or group use, consumption, or donation. They may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by the group. On-site sales, as regulated below, are permitted in nonresidential districts. 2. Use Standards a. A community garden is to be primarily used for growing and harvesting food crops and ornamental crops, for consumption or donation or for sale off-site. b. On-site sales are not permitted in any Protected Neighborhood or Urban Neighborhood District. On-site sales may be permitted in the Corridor and Node Districts with the approval of a conditional use permit, following the procedures set forth in Div. 11.3. Sales are restricted to horticultural and agricultural products produced on the premises. c. Detached accessory structures such as storage or utility buildings, gazebos, trellises, or accessory greenhouse structures are permitted, subject to compliance with the requirements of the zoning district. d. If lighting is installed, only motion-detecting fixtures are permitted. All-night lighting is prohibited. e. Community gardens must be managed and maintained in compliance with all applicable standards of this Development Code and the City Code, including, but not limited to, those pertaining to: nuisance abatement, stormwater, site accessibility, signs, soil erosion and sedimentation control and any required tree conservation and landscaping. f. The raising of animals is subject to the following conditions: i. The community garden must be in active use for the growing and harvesting of crops. ii. Hoofed animals are prohibited.	1. Defined and Basic Use Standards Defined: Areas of land managed and maintained by a group of individuals to grow and harvest crops and non-food ornamental crops, for personal or group use, consumption, or donation. They may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by the group. On-site sales, as regulated below, are permitted in nonresidential districts. 2. Additional Use Standards a. A community garden is to be primarily used for growing and harvesting food crops and ornamental crops, for consumption or donation or for sale off-site. b. On-site sales are not permitted in any Protected Neighborhood or Urban Neighborhood District outside of special events, permitted separately. On-site sales may be permitted in the Corridor and Node Districts with the approval of a conditional use permit, following the procedures set forth in Div. 11.3 *[hyperlink]*. Sales are restricted to horticultural and agricultural products produced on the premises. c. Detached accessory structures such as storage or utility buildings, gazebos, trellises, or accessory greenhouse structures are permitted, subject to compliance with the requirements of the zoning district and the requirements for accessory structures in Div. 7.8 *[hyperlink]*. d. If lighting is installed, only motion-detecting fixtures are permitted. All-night lighting is prohibited. e. Community gardens must be managed and maintained in compliance with all applicable standards of this Development Code and the City Code, including, but not limited to, those pertaining to: nuisance abatement, stormwater, site accessibility, signs, soil erosion and sedimentation control and any required tree conservation and landscaping. f. The raising of animals is subject to the following conditions:

		iii. Chickens are permitted. See Sandy Springs City Code Chapter 10, Article I, Section 10-16. Iv. A maximum of 2 bee hives are permitted. v. Any coop, hutch, or other structure for housing animals must be located at least 25 feet from any property line. vi. No structures are allowed in the required front setback area.	i. The community garden must be in active use for the growing and harvesting of crops. ii. Hoofed animals are prohibited. iii. Chickens are permitted. See Sandy Springs City Code Chapter 10, Article I, Section 10-16. iv. A maximum of 2 bee hives are permitted. v. Any coop, hutch, or other structure for housing animals must be located at least 25 feet from any property line. vi. No structures are allowed in the required front setback area. Build-to requirements do not apply.
7-122	7.7.1.C Commercial Composting	1. Defined A commercial processing operation for the treatment of vegetative matter into a humus-like material that can be recycled as a soil fertilizer amendment such as trees, leaves and plant material, for sale to off-site users. Organic animal waste, food, municipal sludge, solid waste, and other non-farm or vegetative type wastes are not included. 2. Use Standards a. Lot area must be a minimum of five 5 acres. b. Permitted curb cut access must be taken from an arterial or collector road. c. The hours of operation are limited to the hours of 7:00AM through 6:00PM. d. All operations must maintain a minimum setback of 100 feet from all property lines. e. On-site traffic must be limited to an all-weather surfaced area. f. Stored materials must be contained in such a manner as to prevent the blowing of any materials onto any surrounding property or roadway. g. The composting facility is required to obtain all necessary permits from the Department of Natural Resources, Environmental Protection Division. h. It is unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise, or any noise which annoys, disturbs, injures, or endangers the reasonable comfort, repose, health, peace, or safety of others in the City within 50 feet from the property lines adjacent to single family residential uses.	1. Defined and Basic Use Standards Defined: A commercial processing operation for the treatment of vegetative matter, such as trees, leaves and plant material, into a humus-like material that can be recycled as a soil fertilizer amendment, for sale to off-site users. Organic animal waste, food, municipal sludge, solid waste, and other non-farm or vegetative type wastes are not included. a. Lot area must be a minimum of five 5 acres. b. Permitted curb cut access must be from an arterial or collector road. c. The hours of operation are limited to the hours of 7:00AM through 6:00PM. d. All operations must maintain a minimum setback of 100 feet from all property lines. e. On-site traffic must be limited to an all-weather surfaced area. f. Stored materials must be contained in such a manner as to prevent the blowing of any materials onto any surrounding property, roadway, or into surface waterways. g. The composting facility is required to obtain all necessary permits from the Department of Natural Resources, Environmental Protection Division.

7-123	7.7.1.F Urban Farm	1. Defined Raising and harvesting of trees (excluding forestry), vines, seeds, plants and crops, as well as keeping, grazing or feeding of animals (including fish) for animal products, animal propagation, or value increase when located in an urbanized (developed) area. An urban farm may be owned by an individual, group or organization and may include intensive agriculture, typical large-scale farm equipment, and animal husbandry. 2. Use Standards a. Detached accessory structures such as storage or utility buildings, gazebos, trellises, or greenhouses are permitted, subject to compliance with the requirements of the zoning district. b. On-site sales may be permitted upon approval of a conditional use permit under Div. 11.3. c. Where security fencing is installed, the fencing must be of an open design. d. Where lighting is installed, only motion-detecting fixtures are permitted. All-night lighting is prohibited. e. Livestock raising may be allowed as an accessory use subject to the use table and the district in which that use is located. f. Poultry raising may be allowed subject to Sandy Springs City Code Chapter 10, Article I, Section 10-16.	1. Defined and Basic Use Standards Defined: Raising and harvesting of trees (excluding forestry), vines, seeds, plants and crops, as well as keeping, grazing or feeding of animals (including fish) for animal products, animal propagation, or value increase when located in an urbanized (developed) area. An urban farm may be owned by an individual, group or organization and may include intensive agriculture, typical large-scale farm equipment, and animal husbandry. a. Detached accessory structures such as storage or utility buildings, gazebos, trellises, or greenhouses are permitted, subject to compliance with the requirements of the zoning district and Div. 7.8 *[hyperlink]*. b. On-site sales may be permitted upon approval of a conditional use permit under Div. 11.3 *[hyperlink]*. c. Where lighting is installed, only motion-detecting fixtures are permitted. All-night lighting is prohibited. d. Livestock raising may be allowed as an accessory use subject to the use table and the district in which that use is located. e. Poultry raising may be allowed subject to Sandy Springs City Code Chapter 10, Article I, Section 10-16.
7-124	7.8.1 Amphitheater	A. Defined A structure having tiers of seats rising gradually outward from a central open space or arena. B. Use Standards 1. Lot area must be a minimum of 10 acres. 2. The stage must be located a minimum of 600 feet from adjacent properties zoned for residential use. 3. Permitted curb cut access must be from an arterial street. 4. A minimum 100-foot buffer and a minimum 10-foot improvement setback must be provided adjacent to a street right-of-way, residential district,or property zoned for residential use. 5. A minimum 50-foot buffer and 10-foot improvement setback must be provided adjacent to nonresidential districts or development.	A. Defined A structure having tiers of seats rising gradually outward from a central open space or arena. B. Additional Use Standards 1. Lot area must be a minimum of 10 acres. 2. The stage must be located a minimum of 600 feet from adjacent properties zoned for residential use. 3. Permitted curb cut access must be from an arterial street. 4. A minimum 100-foot buffer and minimum 10-foot improvement setback must be provided along all common lot lines adjacent to a Protected Neighborhood or Urban Neighborhood district. 5. A minimum 50-foot buffer and 10-foot improvement setback must be provided adjacent to all common lot lines

		6. It is 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 50 feet of the property lines adjacent to single-family residential uses. 7. Eight-foot high fencing must be provided adjacent to a street right-of-way or a property zoned for residential use. 8. The hours of operation are limited to the hours of 8:00 AM to 11:00 PM when adjacent to a street right-of-way or a property zoned for residential use.	adjacent to all zoning districts other than Protected Neighborhood or Urban Neighborhood districts. 6. Buffer design must follow the standards of Neighborhood Transitions (see Sec. 8.26.A *[hyperlink]*). 7. The hours of operation are limited to the hours of 8:00 AM to 11:00 PM when adjacent to a property zoned for residential use.
7-125	7.8.2 Car Wash	A. Defined An accessory facility with mechanical equipment used for cleaning, washing, polishing, or waxing of motor vehicles, typically associated with a convenience store with fuel pumps. B. Use Standards 1. Only one single-bay automatic (not self-service) car wash that is completely enclosed except for openings necessary to allow entry and exit of vehicles is allowed. 2. No car wash is permitted within 50 feet of a ground floor residential use (measured from the residential lot line to the closest point of the car wash facility). 3. A buffer (see Sec. 8.2.6) must be established along all lot lines abutting a ground floor residential use. 4. When abutting a ground floor residential use, the car wash facility must not operate before 7 AM or after 11 PM.	A. Defined and Basic Use Standards Defined: An accessory facility with mechanical equipment used for cleaning, washing, polishing, or waxing of motor vehicles, typically associated with a convenience store with fuel pumps, gas station. 1. Only one single-bay automatic (not self-service) car wash that is completely enclosed except for openings necessary to allow entry and exit of vehicles is allowed. 2. Neighborhood Transitions standards (see Div. 6.4 *[hyperlink]*) apply to all common lot lines adjacent to Protected Neighborhood and Urban Neighborhood districts. 4. When abutting a ground floor residential use, the car wash facility must not operate before 7 AM or after 11 PM.
7-126	7.8.3 Drive-Thru Facility	A. Defined A facility at which the customer is served while sitting in a vehicle, typically associated with drive-thru restaurants, banks and pharmacies. B. Use Standards 1. No drive-thru window, lane or order box is allowed within 50 feet of a ground floor residential use (measured from the residential lot line to the closest point of the drive-thru lane); 2. All drive-thru areas, including, but not limited to, menu boards, stacking lanes, trash receptacles, ordering box, drive	A. Defined Defined: A facility at which the customer is served while sitting in a vehicle, typically associated with drive-thru restaurants, banks and pharmacies. B. Additional Use Standards 1. No drive-thru window, lane or order box is allowed within 50 feet of a Protected Neighborhood or Urban Neighborhood district (measured from the residential lot line to the closest point of the drive-thru lane);

		up windows, and other objects associated with the drive-thru, must be located to the side or rear of the principal building. Drive-thru windows and lanes may not be placed between a public street (not including an alley) and the associated building; and 3. Stacking requirements are in Sec. 8.1.8.	2. All drive-thru areas, including, but not limited to, menu boards, stacking lanes, trash receptacles, ordering box, drive up windows, and other objects associated with the drive-thru, must be located to the side or rear of the principal building. Drive-thru windows and lanes may not be placed between a street (not including an alley) and the associated building; and 3. Stacking requirements are in Sec. 8.1.8 *[hyperlink]*.
7-127	7.8.4 Family Day Care Home	A. Defined A private residence in which a business is operated by any person for pay that provides for supervision and care for 3 to 6 children under 18 years of age who are not residents in the same private residence. B. Use Standards 1. The family day care home must operate fewer than 24 hours per day. 2. The family day care home must be registered with the State of Georgia and licensed by the City of Sandy Springs.	A. Defined and Basic Use Standards Defined: A private residence in which a business is operated by any person for pay that provides for supervision and care for up to 6 children under 18 years of age who are not residents in the same private residence. 1. The family day care home must operate fewer than 24 hours per day. 2. The family day care home must be registered with the State of Georgia as a Family Child Care Learning Home and licensed by the City of Sandy Springs.
7-128	7.8.5 Farmers Market	A. Defined The outside temporary display and sale of agricultural products sold directly by farmers. A farmers market typically consists of booths, tables or stands where farmers sell fruits, vegetables, meats, and sometimes prepared foods and beverages. B. Use Standards 1. A farmers market on private property requires a special event permit. 2. A set of operating rules addressing the governance structure for the market, hours of operation, maintenance, security, and the appointment of a market manager must be prepared. 3. All temporary structures such as umbrellas, tables, and displays must be removed when not in use or be stored within a screened storage area. 4. The on-site presence of a market manager during hours of operation is required. 5. All waste must be removed from the site each day.	A. Defined and Basic Use Standards Defined: The outside temporary display and sale of agricultural products sold directly by farmers. A farmers market typically consists of booths, tables or stands where farmers sell fruits, vegetables, meats, and sometimes prepared foods and beverages. 1. A farmers market on private property requires a special event permit. 2. A set of operating rules addressing the governance structure for the market, hours of operation, maintenance, security, and the appointment of a market manager must be prepared. 3. All temporary structures such as umbrellas, tables, and displays must be removed when not in use or be stored within a screened storage area. 4. The on-site presence of a market manager during hours of operation is required. 5. All waste must be removed from the site each day. 6. Hours of Operation:

		6. Hours of Operation: a. The farmers market may operate between the hours of 7:00AM and 9:00PM. b. In no event may a market operate more than 2 days per week and for no more than 6 hours per day. c. Set-up of market operations may begin no earlier than 6:00AM and take-down must end no later than 10:00PM. 7. Inventory: If a booth sells farm products or value-added farm products that are not produced by the vendor, the booth must explicitly disclose the producer's name and location in writing with lettering that is at least 2 inches tall and visible to the consumer.	a. The farmers market may operate between the hours of 7:00AM and 9:00PM. b. A market cannot operate more than 2 days per week and more than 6 hours per day. c. Set-up of market operations may begin no earlier than 6:00AM and take-down must end no later than 10:00PM. 7. Inventory: If a booth sells farm products or value-added farm products that are not produced by the vendor, the booth must explicitly disclose the producer's name and location in writing with lettering that is at least 2 inches tall and visible to the consumer.
7-129	7.8.6 ~~Garden~~ Guest House	Garden A. Defined A plot of ground where herbs, fruits, flowers or vegetables are cultivated for personal or group use, consumption, or donation. Includes a rooftop garden or green roof.	*Formatting: Delete and replace by Guest House* Guest House A. Defined and Basic Use Standards Defined: A dwelling unit accessory to the principal dwelling on a single unit detached lot. 1. No more than one guest house per lot allowed. 2. A separate kitchen facility is allowed. 3. Heated floor area must be less than 50% of the principal dwelling unit first-floor heated floor area, or must be less than 1,200 square feet, whichever is less. 4. Principal building setbacks apply. 5. Height may be no greater than 2 stories and 24 feet. 6. The location is limited to the rear yard and must meet all district setbacks. 7. A guest house may be located over a garage, provided its location and size meet the requirements of the use standards above.
7-130	7.8.8 Home Occupation	A. Defined An occupation that provides a service or product that is conducted wholly within a residential dwelling. B. Use Standards 1. General Provisions a. No more than 2 home occupations may be established in a dwelling. b. A home occupation must be clearly incidental and secondary to the use of the dwelling for residence purposes.	A. Defined and Basic Use Standards Defined: An occupation that provides a service or product that is conducted wholly within a residential dwelling. 1. General Provisions a. No more than 2 home occupations may be established in a dwelling. b. A home occupation must be clearly incidental and secondary to the use of the dwelling for residence purposes.

		2. Physical Limitations The gross floor area of a dwelling unit devoted to all home occupations must not exceed 750 square feet, or 25% of the gross floor area of the dwelling, whichever is less. 3. Alterations to the Dwelling a. The exterior appearance and character of the dwelling must remain that of a dwelling. b. No internal or external alterations inconsistent with the residential use and character of the buildings are permitted. 4. Vehicles and Parking a. Vehicles kept on site in association with the home occupation must be used by residents only. b. Only vehicles used primarily as passenger vehicles are permitted in connection with the conduct of a home occupation. One limousine or other livery car may be kept on-site, provided it is driven by an occupant of the dwelling. c. The transport of goods by commercial truck is prohibited. 5. Equipment, Off-Site Impacts and Nuisances a. No home occupation may generate traffic, sound, smell, vibration, light, or dust that is offensive or that creates a nuisance. b. No equipment that interferes with radio or television reception is allowed. c. Home occupations must exclude the use of machinery or equipment that emits sound (for example, saws, drills, or musical instruments) detectable beyond the property. d. Chemical, electrical, or mechanical equipment that is not normally a part of domestic or household equipment which is used primarily for commercial purposes is not permitted. 6. Visitation a. Total client visits are limited to 5 per week in conjunction with the home occupation. The following exceptions are made for the purposes of meeting overriding public goals of education and the care of children: i. Educational tutoring or instruction in music, dance, fitness, arts and crafts, and similar subjects, limited to 2 students in the home at one time; and ii. A family day care home. 7. Employees and Licenses Only occupants of the dwelling and one additional employee, consultant, or agent or subcontractor are	2. Physical Limitations The gross floor area of a dwelling unit devoted to all home occupations must not exceed 750 square feet, or 25% of the gross floor area of the dwelling, whichever is less. 3. Alterations to the Dwelling: The exterior appearance and character of the dwelling must remain that of a dwelling. 4. Vehicles and Parking a. Vehicles kept on site in association with the home occupation must be used by residents only. b. Only vehicles used primarily as passenger vehicles are permitted in connection with the conduct of a home occupation. One limousine or other livery car may be kept on-site, provided it is driven by an occupant of the dwelling. c. The transport of goods by commercial truck is prohibited. 5. Equipment, Off-Site Impacts and Nuisances a. No home occupation may generate traffic, sound, smell, vibration, light, or dust that is offensive or that creates a nuisance. b. No equipment that interferes with radio or television reception is allowed. c. Home occupations must exclude the use of machinery or equipment that emits sound (for example, saws, drills, or musical instruments) detectable beyond the property. d. Chemical, electrical, or mechanical equipment that is not normally a part of domestic or household equipment which is used primarily for commercial purposes is not permitted. 6. Visitation a. Total client visits are limited to 5 per week in conjunction with the home occupation. The following exceptions are made for the purposes of meeting overriding public goals of education and the care of children: i. Educational tutoring or instruction in music, dance, fitness, arts and crafts, and similar subjects, limited to 2 students in the home at one time; and ii. A family day care home (see Sec. 7.8.4 *[hyperlink]*).

		allowed to work on the premises in connection with a home occupation. Any occupational licenses, including business registrations, required by State, County, or City regulations must be obtained. Proof of State registration, if required for the home occupation, must be submitted to the City prior to the issuance of a business registration. 8. Display, Stock-in-Trade, Sales and Storage a. Display, stock-in-trade and any commodity sold or stored on the premises in connection with a home occupation is prohibited. b. No activity associated with the home occupation may be visible outside the dwelling. 9. Cottage Food Operator a. Cottage food operators are required to have a Cottage Food License issued by the Georgia Department of Agriculture annually and comply with Chapter 40-7-19, Cottage Food Regulations, of the Rules of Georgia Department of Agriculture Food Safety Division. b. Allows production of non-potentially hazardous foods in their home kitchens for sale to the end consumer. These foods include: Loaf bread, rolls and biscuits; cakes; pastries and cookies; candies and confections; fruit pies; jams, jellies and preserves; dried, fruits; dry herbs, seasonings and mixtures; cereals, trail mix and granola; coated or uncoated nuts; vinegar and flavored vinegar; and popcorn, popcorn balls and cotton candy. 10. Uses Specifically Prohibited The following uses are specifically prohibited as home occupations. This list is not all-inclusive. The Director may prohibit additional uses that do not meet the intent of these home occupation regulations. a. Animal care (not a hobby kennel) b. Commercial or catering kitchen (except a cottage food operator) c. Funeral home d. Hotel or motel e. Limousine or other car livery service with more than 1 car on site f. Machine shop g. Personal services h. Restaurant	7. Employees and Licenses Only occupants of the dwelling and one additional employee, consultant, or agent or subcontractor are allowed to work on the premises in connection with a home occupation. Any occupational licenses, including business registrations, required by State, County, or City regulations must be obtained. 8. Display, Stock-in-Trade, Sales and Storage a. Display, stock-in-trade and any commodity sold or stored on the premises in connection with a home occupation is prohibited. b. No activity associated with the home occupation may be visible outside the dwelling. 9. Cottage Food Operator a. Cottage food operators are required to have a Cottage Food License issued by the Georgia Department of Agriculture annually and comply with Chapter 40-7-19, Cottage Food Regulations, of the Rules of Georgia Department of Agriculture Food Safety Division. b. Allows production of non-potentially hazardous foods in their home kitchens for sale to the end consumer. These foods include: Loaf bread, rolls and biscuits; cakes; pastries and cookies; candies and confections; fruit pies; jams, jellies and preserves; dried, fruits; dry herbs, seasonings and mixtures; cereals, trail mix and granola; coated or uncoated nuts; vinegar and flavored vinegar; and popcorn, popcorn balls and cotton candy. 10. Uses Specifically Prohibited The following uses are specifically prohibited as home occupations. This list is not all-inclusive. The Director may prohibit additional uses that do not meet the intent of these home occupation regulations. a. Animal care (not a hobby kennel) b. Commercial or catering kitchen (except a cottage food operator) c. Funeral home d. Hotel or motel

		i. Retail services j. Special event facility k. Vehicle sales or rental l. Vehicle service and repair m. Wholesale facility	e. Limousine or other car livery service with more than 1 car on site f. Machine shop g. Personal services h. Restaurant i. Retail services j. Special event facility k. Vehicle sales or rental l. Vehicle service and repair m. Wholesale facility
7-131	7.8.9 Horse Stable, Non-Commercial	A. Defined A structure for sheltering horses for the use and enjoyment of residents of the property. B. Use Standards 1. The horse stable may only be used for non-commercial, personal purposes. 2. The minimum lot size for the keeping of horses is 2 acres. No more than three horses may be kept on the two acres. 3. An additional 0.5 acre is required for each additional horse beyond 3 horses. 4. Any accessory building or structure related to the keeping of horses must be located a minimum of 150 feet from any property zoned or used for residential purposes, unless it was constructed prior to the effective date of this Development Code and originally designed for use as a horse stable.	A. Defined and Basic Use Standards Defined: A structure for sheltering horses for the use and enjoyment of residents of the property. 1. The horse stable may only be used for non-commercial, personal purposes. 2. The minimum lot size for the keeping of horses is 2 acres. No more than three horses may be kept on the two acres. 3. An additional 0.5 acre is required for each additional horse beyond 3 horses. 4. Any accessory building or structure related to the keeping of horses must be located a minimum of 150 feet from any common lot line of a Protected Neighborhood or Urban Neighborhood district.
7-132	7.8.10 Kennel, Residential	A. Defined 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. B. Use Standards 1. Each premise where there are 4 or more dogs over the age of 4 months kept, maintained or harbored for a period of 14 days or longer will be deemed to constitute a kennel. 2. It is unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise, or any noise which annoys, disturbs, injures, or	A. Defined and Basic Use Standards Defined: Each premise where there are 4 or more dogs over the age of 4 months kept, maintained or harbored for a period of 14 days or longer will be deemed to constitute a kennel. 1. A business license is required when revenue is generated from the sale of animals. 2. If the kennel is a non-business operation, its use may be certified by the Fulton County Animal Control Office.

		endangers the reasonable comfort, repose, health, peace, or safety of others in the City within 50 feet from the property lines adjacent to single family residential uses. 3. Other permits may be required by the City Code to be obtained before operating a residential Kennel.	
7-133	7.8.11 Livestock Raising	A. Defined Livestock includes any animals of the equine, swine, or bovine class including goats, sheep, mules, cattle, hogs, pigs and other grazing animals, and all ratites, including, but not limited to, ostriches, emus and rheas. B. Use Standards 1. The minimum lot size for raising livestock is 2 acres. 2. Any accessory building or structure related to livestock raising must be located a minimum of 150 feet from any residential structure on an abutting lot.	A. Defined and Basic Use Standards Defined: Livestock includes any animals of the equine, swine, or bovine class including goats, sheep, mules, cattle, hogs, pigs and other grazing animals, and all ratites, including, but not limited to, ostriches, emus and rheas. 1. The minimum lot size for raising livestock is 2 acres. 2. Any accessory building or structure related to livestock raising must be located a minimum of 150 feet from any common lot line of a Protected Neighborhood or Urban Neighborhood district
7-134	7.8.12 Outdoor Dining	A. Defined A seating area specifically designed for the consumption of food or drink, typically associated with a restaurant, and which is either: (1) located entirely outside the walls of building, or (2) enclosed on two or fewer sides by walls, with or without a solid roof cover, or (3) enclosed on three sides by walls without a solid roof cover. B. Use Standards 1. The outdoor dining must not encroach in the right-of-way without first obtaining a Temporary Use Permit. 2. The outdoor dining area must not interfere with the circulation of pedestrian or vehicular traffic. 3. The hours of operation for the outdoor dining area may be no greater than that of the principal use.	A. Defined and Basic Use Standards Defined: A seating area specifically designed for the consumption of food or drink, typically associated with a restaurant, and which is either: (1) located entirely outside the walls of building, or (2) enclosed on two or fewer sides by walls, with or without a solid roof cover, or (3) enclosed on three sides by walls without a solid roof cover. 1. The outdoor dining area must not interfere with the circulation of pedestrian or vehicular traffic. 2. The hours of operation for the outdoor dining area may be no greater than that of the principal use.
7-135	7.8.13 Outdoor Kitchen	A. Defined An outdoor food preparation area, typically consisting of a permanently mounted outdoor grill and associated counter, and sometimes a refrigerator.	*Formatting: Delete text and mark "open"*
7-136	7.8.14 Outdoor Storage, Minor	A. Defined Minor outdoor storage includes, but is not limited to: 1. The outdoor storage of merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers;	A. Defined and Basic Use Standards Defined: Minor outdoor storage includes, but is not limited to: 1. The outdoor storage of merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers;

		2. Outdoor sale areas for sheds, building supplies, garden supplies, plants, lawn mowers, barbecues and other similar items; and 3. The overnight outdoor storage of vehicles awaiting repair (but not new vehicles for sale); B. Use Standards 1. Minor outdoor storage may not be more than 12 feet in height and must be screened from the right-of-way, public parking areas, and abutting properties using a buffer (see Sec. 8.2.7); and 2. Vehicles awaiting repair may be stored up to 14 days within a screened storage area.	2. The overnight outdoor storage of vehicles awaiting repair (but not vehicles for sale); 3. Minor outdoor storage may not be more than 12 feet in height and must be screened from the right-of-way, public parking areas, and abutting properties using a buffer (see Sec. 8.2.7 *[hyperlink]*); and 4. Vehicles awaiting repair may be stored up to 14 days within a screened storage area.
7-137	7.8.15 Outdoor Storage, Major	A. Defined Major outdoor storage includes, but is not limited to: 1. The outdoor storage of contractors' equipment; 2. The outdoor storage of fleet vehicles; and 3. The outdoor storage of soil, mulch, stone, lumber, pipe, steel, salvage or recycled materials, and other similar merchandise, material or equipment. B. Use Standards 1. Major storage must be screened from view from the right-of-way, public parking areas, and abutting properties using a buffer (see Sec. 8.2.7).	A. Defined and Basic Use Standards Defined: Major outdoor storage includes, but is not limited to: 1. The outdoor storage of contractors' equipment; 2. The outdoor storage of fleet vehicles; and 3. The outdoor storage of soil, mulch, stone, lumber, pipe, steel, salvage or recycled materials, and other similar merchandise, material or equipment. 1. Major storage must be screened from view from the right-of-way, public parking areas, and abutting properties using a buffer designed to District Boundary Buffer standards (see Sec. 8.2.7 *[hyperlink]*).
7-138	7.8.16 ~~Parking, On-Site~~ Short-Term Rental	Parking, On Site A. Defined 1. Parking provided on-site to serve a principal use of the site. B. Use Standards 1. A buffer (see Sec. 8.2.7) must be established along all lot lines abutting a ground floor residential use. 2. All surface parking areas abutting a public street (not including an alley) must be screened (see Sec. 8.2.6). 3. All parking areas in a parking structure must meet the requirements of Sec. 8.1.7.	*Formatting: Delete text and replace by Short-Term Rental* Short-Term Rental 1. Defined and Basic Use Standards The rental of all or part of a dwelling unit to the same guest resident for a period of less than 30 days. a. The dwelling unit, if it is a single-family house, townhouse or condominium, must be owner-occupied (as demonstrated by proof of Fulton County Homestead Exemption on property taxes). b. All parking must be accommodated on the lot. c. No more than 4 unrelated persons 18 years of age or older may occupy the short-term rental dwelling unit.

7-139	7.8.17 Poultry Raising	A. Defined Poultry raising includes the keeping of any domesticated bird, including, but not limited to, chickens, ducks, guineas, quail and pigeons. B. Use Standards See Sandy Springs City Code Chapter 10, Article I, Section 10-16.	A. Defined and Basic Use Standards Defined: Poultry raising includes the keeping of any domesticated bird, including, but not limited to, chickens, ducks, guinea fowl, quail and pigeons. a. See Sandy Springs City Code Chapter 10, Article I, Section 10-16.
7-140	7.8.18 Skywalk	A. Defined An enclosed overhead walkway between buildings, often across a street or connecting to structured parking. B. Use Standards 1. A minimum vertical clearance of 16 feet above all streets, and a minimum vertical clearance of 16 feet above the walkway must be provided. 2. Ample space for the free flow of pedestrians with a 12-foot minimum walkway width must be provided. 3. Prior to issuance of a building permit, an Encroachment and Indemnification agreement must be filed with the Department as a condition of approval.	A. Defined and Basic Use Standards Defined: An enclosed overhead walkway between buildings, often across a street or connecting to structured parking. 1. A minimum vertical clearance of 16 feet above all streets, and a minimum vertical clearance of 16 feet above the walkway must be provided. 2. Ample space for the free flow of pedestrians with a 12-foot minimum walkway width must be provided. 3. Prior to issuance of a building permit, an Encroachment and Indemnification Agreement must be filed with the Department as a condition of approval.
7-141	7.8.20 Swimming Pool, Multi-unit	A. Defined A recreational facility designed and intended for water contact activities which serves single unit detached, single unit attached and multi-unit residential, including pools which are owned or controlled by a neighborhood club, homeowner's association or similar organization. B. Use Standards 1. All Swimming Pools All swimming pools must be completely surrounded by an enclosure. The enclosure must be an unclimbable fence, wall or building not less than 5 feet high. Fences or walls must have self-closing, positive-latching gates provided on the outer side of the deck area. The enclosure entrance must be locked when the pool is not open for use, and all surrounding objects or structures must have a separation of 5 feet from the enclosure to provide an unclimbable space. The enclosure must be in place prior to pool completion. Materials and construction must comply with the regulations administered by the Fulton County Health Department. Pools, pool equipment, and decks must be a minimum of 10 feet from all property lines.	A. Defined and Basic Use Standards Defined: A recreational facility designed and intended for water contact activities which serves multi-unit residential properties. 1. All swimming pools must be completely surrounded by an enclosure that meets the requirements of the International Swimming Pool and Spa Code as well as the requirements in Sec. 8.2.10 *[hyperlink]*. The enclosure must be in place prior to pool completion. Materials and construction must comply with the regulations administered by the Fulton County Health Department.

		2. Detached Dwelling Units Swimming pools are allowed in side and rear yards. For multiple frontage lots, swimming pools may be located in the side or rear yard. Pools, pool equipment, and decks must be a minimum of 10 feet from all property lines. 3. Neighborhood Swimming Pools Swimming pools serving a neighborhood must be located within the limits of the underlying zoning. a. Use of swimming pools are limited to residents and guests of the neighborhood in which they are located. b. Pools, pool equipment and decks must be located at least 100 feet from all adjoining property lines. 4. Multi-Unit Dwelling Units Unless wholly located within the building footprint, swimming pools, pool equipment, decks, accessory structures and fencing must be located a minimum of 100 feet from any adjoining property line or street.	
7-142	7.8.21 Unmanned Retail Structure	A. Defined A retail structure that stores or dispenses items for sale, rent or customer pick-up. Includes the outdoor placement of soft drink or similar vending machines, propane gas storage racks, ice storage bins, automated teller machines (ATM) and other similar machines. May be freestanding, inside a building, or attached to a principal structure. B. Use Standards 1. General a. Up to 3 unmanned retail structures are allowed per lot. b. An unmanned retail structure may not exceed a footprint of 150 square feet and 14 feet in height. c. The unmanned retail structure is not allowed in any required setback area. 2. Freestanding a. The unmanned retail structure may not encroach on any required site elements such as landscaping, buffers, required parking or pedestrian access. b. Wall signs may be applied to the unmanned retail structure, provided that they follow the sign requirements in Div. 8.3 and do not cause the lot to exceed its allocation of sign area.	A. Defined and Basic Use Standards Defined: A retail structure that stores or dispenses items for sale, rent or customer pick-up. Includes the outdoor placement of soft drink or similar vending machines, propane gas storage racks, ice storage bins, automated teller machines (ATM), donation bins, and other similar machines. May be freestanding or attached to a principal structure. 1. General a. Up to 3 unmanned retail structures are allowed per lot. b. An unmanned retail structure may not exceed a footprint of 150 square feet and 14 feet in height. c. The unmanned retail structure is not allowed in any required setback area. d. The unmanned retail structure may not encroach on any required site elements such as landscaping, buffers, required parking or pedestrian access. 2. Freestanding Wall signs may be applied to the unmanned retail structure, provided that they follow the sign requirements in Div. 8.3 *[hyperlink]* and do not cause the lot to exceed its allocation of sign area.

		3. Attached a. The unmanned retail structure may not block any windows or cover any related trim. b. The unmanned retail structure may not encroach on any required site elements such as landscaping, buffers, required parking or pedestrian access. c. Wall signs may be applied to the unmanned retail structure, provided that they follow the sign requirements in Div. 8.3 and do not cause the lot to exceed its allocation of sign area.	3. Attached a. The unmanned retail structure may not block any windows. b. Wall signs may be applied to the unmanned retail structure, provided that they follow the sign requirements in Div. 8.3 *[hyperink]* and do not cause the lot to exceed its allocation of sign area. 4. Donation Bin a. A donation bin may not exceed a footprint of 25 square feet. Larger donation bins have to follow the requirements in Sec. 7.9.3 (Temporary Use).
7-143	7.8.22. Accessory Structures	A. Generally 1. Setback and height requirements for all accessory structures are established in the district Articles. 2. No accessory structure may be located closer than 10 feet to any other building or structure on the same lot. 3. No accessory structure is permitted between the building and a primary street. B. Accessory Structure Standards 1. Accessory structures are not allowed in landscape buffer areas or rights-of-way. 2. Where there is a question regarding how an accessory structure should be handled according to the following table, the Director has the authority to determine the most applicable standards. 3. No dumpster, compactor, nonresidential storage building, or unmanned retail structure may be located in a required buffer or landscape strip. When adjacent to a Protected Neighborhood, these structures may not encroach into any setback.	A. Residential accessory structures, minor 1. Defined and Basic Use Standards Improvements typically associated with single-family residential uses that are not predominately intended for the shelter of humans or goods. Typically, minor residential accessory structures are smaller in size than major residential accessory structures, and are unenclosed on three or more sides. Examples include: - Pergola, trellis, gazebo - Outdoor fire place, fire pit - Play structure - Sport court - Outdoor kitchen - Tree house (unconditioned) - Carport, detached - Swimming pool a. No minor residential accessory structures may be located between the main building and a primary street. b. Minor residential accessory structures may be located between the main building and an interior side, side street, or rear lot line. Minor residential accessory structures must be a minimum of 10 feet or the required setback, from any property line, whichever is most restrictive. c. A minor residential accessory structure may not exceed 24 feet in height. If located within the required building setbacks, a minor residential accessory structure may not exceed 15 feet in height. d. All swimming pools must be completely surrounded by an enclosure that meets the requirements of the

			International Swimming Pool and Spa Code as well as the requirements in Sec. 8.2.10 *[hyperlink]*. The enclosure must be in place prior to pool completion. Materials and construction must comply with the regulations administered by the Fulton County Health Department. B. Residential accessory structures, major 1.Defined and Basic Use Standards: Improvements typically associated with single-family residential uses that are predominately intended for the shelter of humans or goods. Typically, major residential accessory structures are enclosed on two or more sides. Examples include - Cabana, pool house - Garage, detached - Shed a. No major residential accessory structures may be located between the main building and a primary street. b. Major residential accessory structures may be located between the main building and an interior side, side street, or rear lot line. c. Major residential accessory structures shall comply with applicable building setbacks if their footprint exceeds 500 square feet. Major residential accessory structures with a footprint of less than 500 square feet must be a minimum of 10 feet or the required setback, from any property line, whichever is less restrictive. d. A major residential accessory structure may not exceed 24 feet in height. If located within the required building setbacks, a major residential accessory structure may not exceed 15 feet in height. e. Guest houses are regulated under Sec. 7.8.6 *[hyperlink]*.
7-144	7.9.3. Donation Bin or Trailer	A. Defined A donation bin is any enclosed receptacle, container or trailer that is designed or intended for the donation and temporary storage of clothing, shoes, books or other salvageable personal property items to be used by the operator for distribution, resale or recycling. B. Use Standards	A. Defined A donation bin is any enclosed receptacle, container or trailer that is designed or intended for the donation and temporary storage of clothing, shoes, books or other salvageable personal property items to be used by the operator for distribution, resale or recycling. B. Use Standards

		1. Consent of the owner of the property is required in writing prior to placement of the donation bin or trailer. 2. The bin or trailer may not encroach on any required site elements such as landscaping, required parking or pedestrian access. 3. Maintenance of the bin or trailer, including ensuring overflowing materials are not stacked outside the bin or trailer, is the joint obligation of the property owner and the owner of the bin.	1. Consent of the owner of the property is required prior to placement of the donation bin or trailer. 2. The bin or trailer may not encroach on any required site elements such as landscaping, required parking or pedestrian access. 3. Maintenance of the bin or trailer, including ensuring overflowing materials are not stacked outside the bin or trailer, is the joint obligation of the property owner and the owner of the bin. 4. Bins and trailers can remain on a same lot no longer than 30 consecutive days and no more than twice per year. Bins shorter than 72 inches in height and with a footprint smaller than 25 square feet can remain on a same lot no longer than 5 years without approval from the Director. 5. Allowed in non-residential zoning districts and in residential districts with non-residential uses only.
7-145	7.9.9.	Temporary Structure A. Defined Temporary Structures (whether tents, site-built, mobile or manufactured structures) used 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. B. Use Standards 1. Temporary structures must be located outside of any required buffers and landscape areas, and must maintain the principal building setback of the district, except portable toilets must maintain a 50-foot setback from existing dwellings on adjacent Lots. 2. Temporary structures must be removed prior to the issuance of a certificate of occupancy or within 5 days of completion of the temporary event or activity for which the structure was approved. 3. Temporary structures used in conjunction with other use permits are not required to obtain a separate permit. 4. A permit for a temporary structure expires 3 years from the date of approval, at which time the structure must be removed unless a new permit is obtained within 30 days of the expiration date.	Other Temporary Structures A. Defined Temporary Structures (whether tents, site-built, mobile or manufactured structures) used for ticket booths, security guard shelters, storage structures in association with active construction, portable toilets and other similar uses may be permitted by the Department in any district. B. Use Standards 1. Temporary structures must be located outside of any required buffers and landscape areas, and must maintain the principal building setbacks of the district. Portable toilets must be located within the buildable area and cannot be located closer than 50 feet from existing dwellings on adjacent lots. 2. Temporary structures must be removed prior to the issuance of a certificate of occupancy or within 5 days of completion of the temporary event or activity for which the structure was approved. 3. The temporary structure may remain in place for a duration determined by the Director, based on the information provided by the applicant, up to a maximum of 3 years. Conditions may be imposed by the Director as necessary to ensure land use compatibility and to minimize negative impacts on nearby uses. These include, but are not

		5. The Director may renew a temporary structure permit for an additional 3 years, provided that an application is received at least 30 days prior to the expiration date and there are no unsatisfied complaints pending regarding the structure.	limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirement for screening or enclosure, and guarantees for site restoration and cleanup following temporary uses. 4. The Director may allow an approved temporary structure to remain in a same location after the original expiration date, provided that the applicant submits a request at least 30 days prior to the expiration date. The Director's decision will be based on progress made in the construction of a permanent structure, complaints received regarding the structure and other pertinent information.
7-146	7.9.10 Other Temporary Uses		*Formatting: New subsection* Other Temporary Uses A. Defined Temporary uses are uses established for a short period of time, including seasonal sale of pumpkins and Christmas trees. Mobile food units (food trucks) are regulated under Ch. 26, Licenses, Permits and Miscellaneous Regulations of the City Code. B. Use Standards 1. Temporary uses must obtain a business license from the City before operating. 2. Allowed in non-residential zoning districts and in residential districts with non-residential uses only. 3. A temporary use conducted in a parking lot or structure cannot occupy more than 10 percent of the required parking spaces (see Div. 8.1 *[hyperlink]*), cannot impede interior circulation, and cannot impede access from the street. 4. Applicants must provide written approval from the property owner to conduct the temporary use. 5. The duration of the use will be determined by the Director, based on the information provided by the applicant, up to a maximum of 30 consecutive days. 6. A same location cannot accommodate temporary uses more than twice per year (either a same use twice, or two different uses once each). Only one temporary use at a time is allowed.

			7. Within 5 days of the expiration date, all materials, products and debris related to the operation of the temporary use must be removed from the site. 8. Only properties with an active primary use can accommodate a temporary use. 9. Other conditions may be imposed by the Director as necessary to ensure land use compatibility and to minimize negative impacts on nearby uses. These include, but are not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirement for screening or enclosure, and guarantees for site restoration and cleanup following temporary uses.
7-147	7.9.11 Mobile Services		*Formatting: New subsection* Mobile Services A. Defined Service provided out of a motor vehicle or attached trailer that has the ability to move from one location to another, such as mobile veterinary clinic. B. Use Standards 1. The motor vehicle or trailer must be parked on private property and cannot occupy more than 10 percent of the parking spaces (see Div. 8.1 *[hyperlink]*), cannot impede interior circulation, and cannot impede access from the street. 2. The motor vehicle or trailer cannot remain on a same lot for more than 7 total days over a period of 3 months. 3. A same lot cannot accommodate more than 2 mobile service vehicle or trailer at once. 4. Allowed in non-residential zoning districts and in residential districts with non-residential uses only.

Article 8. Site Development

All existing text to be replaced by proposed text, unless stated otherwise in the formatting instructions
As adopted by Mayor and City Council, April 17, 2018

Item	Code Section	Current Text (August 2017)	New Text (April 2018)
8-1	8.1.1.A New Construction	Any new building or site improvement (modification of any existing parking area, for example) must comply with the vehicle and bike parking requirements of this Development Code.	Any new building or site improvement must comply with the vehicle and bike parking requirements of this Development Code.
8-2	8.1.1.C.1 Additions	1. When an existing building, use or site is increased in gross floor area or improved site area by up to 25% cumulatively over the past 3 years, vehicle and bike parking is required for the additional floor or site area only. 2. When an existing building, use or site is increased in gross floor area or improved site area by more than 25% cumulatively over the past 3 years, both the existing building, use or site and the additional floor or site area must conform to the vehicle and bike parking requirements.	1. When an existing building, use or site is increased in gross floor area or improved site area by up to 25% cumulatively over the past 3 years, additional vehicle and bike parking is required for the additional floor or site area only. 2. When an existing building, use or site is increased in gross floor area or improved site area by 25% or more cumulatively over the past 3 years, both the existing and the additional floor or site area must conform to the vehicle and bike parking requirements.
8-3	8.1.1.D.1 Change in Use	1. A change in use based on the parking table in this Division must comply with the vehicle and bike parking requirements unless the use has the same or a lesser parking demand than the previous use. 2. Additional vehicle and bike parking is only required for the difference between the parking spaces required for the existing use and the parking spaces required for the new use.	1. When an existing building or site changes in use, it must comply with the vehicle and bike parking for the new use unless the parking requirement is the same or lesser than the previous use. 2. Additional vehicle and bike parking is only required for the difference between the parking spaces required for the former use and the parking spaces required for the new use, regardless if the existing parking provides less spaces than required by code for the former use.
8-4	8.1.2 Parking Required	Before any building permit is issued that includes required parking, the parking lot layout and area must be found by the Director to be in compliance with this Development Code. No occupancy or use of a building may occur until parking facilities meet the requirements of this Development Code.	Before a permit is issued for a project that includes required parking, the parking lot layout and area must be found by the Director to be in compliance with this Development Code. No certificate of occupancy may be issued until parking facilities meet the requirements of this Development Code.
8-5	8.1.2.A.1 Calculation of Required Parking Spaces	Vehicle and bike parking spaces must be provided in the table in this Section. Where a use is not specifically listed or only a broad use category is shown, the Director is responsible for categorizing the use.	Vehicle and bike parking spaces must be provided in accordance with the ratios in the tables in this Section. Where a use is not specifically listed or only a broad use category is shown, the Director is responsible for categorizing the use.
8-6	8.1.2.B.2 Required Parking Spaces	Where guest parking is shown in the following table, it is required only for development containing 10 or more residential units. Guest parking is not required on each lot, but	Where guest parking is shown in the following table, it is required only for development containing 5 or more residential units. Guest parking is not required on each lot, but must be

		must be provided within the subdivision or development site in a manner reasonably accessible to all units.	provided within the subdivision or development site in a manner reasonably accessible to all units.
8-7	8.1.2.B Required Parking Spaces (table)	Social Services	*Formatting: Change header* Rehabilitation or Treatment Facility
8-8	8.1.2.B Required Parking Spaces (table)	Club or lodge, nonprofit 1 per 4 seats or 1 per 40 SF without fixed seating	*Formatting: Change header and vehicle parking ratio* Place of Assembly 1 per 500 SF
8-9	8.1.2.B Required Parking Spaces (table)	Clubhouse, neighborhood center	*Formatting: Delete line*
8-10	8.1.2.B Required Parking Spaces (table)	Lodge/retreat/campground Recreational court, private Recreational court, public Recreational facility (up to 1 acre)	*Formatting: Delete lines*
8-11	8.1.2.B Required Parking Spaces (table)		*Formatting: Insert header and parking ratios* Subdivision amenity *[header]* 1 per 500 SF of usable space + 2 per court *[vehicle parking min.]* 1 per 5,000 SF of usable space + 1 per 2 courts *[short-term bike parking min.]* None *[long-term bike parking min]*
8-12	8.1.2.B Required Parking Spaces (table)	Recreational facility (more than 1 acre)	*Formatting: Amend header only* Recreational facility
8-12	8.1.2.B Required Parking Spaces (table)	Swimming pool, private Swimming pool, public	*Formatting: Delete lines*
8-13	8.1.2.B Required Parking Spaces (table)	Indoor Recreation	*Formatting: Delete line*
8-14	8.1.2.B Required Parking Spaces (table)	Outdoor recreation	*Formatting: Delete line*
8-15	8.1.4.D.2 Private Car Sharing Program	The parking requirements for all dwelling units or office floor area may be reduced by 5 spaces for each car-share vehicle provided. If required, visitor spaces may not be substituted.	The parking requirements for all dwelling units or office floor area may be reduced by 5 spaces for each car-share vehicle provided, as long as at least 3 regular spaces remain available. If required, visitor spaces may not be substituted.

8-15.1	8.1.5.A.1 Vehicle Parking Options	Where on-street parking spaces exist in the public right-of-way, 1 on-street parking space may be substituted for every required on-site parking space, provided the on-street space immediately abuts the subject property.	Where on-street parking spaces exist, 1 on-street parking space may be substituted for every required on-site parking space, provided the on-street space immediately abuts the subject property.
8-15.2	8.1.5.E.3 Remote Parking	The distance referred to above is measured by the most direct route of travel on the ground and are measured in the following manner: a. From the front door of the principal structure on the applicant's property; b. In a straight line to the nearest public sidewalk, street, road or highway; c. Along a public sidewalk, walkway, street, road, or highway by the nearest route; and d. To the edge of the off-site parking area to be used by the applicant to meet parking requirements.	The distance referred to above is measured by the most direct route of travel on the ground and are measured in the following manner: a. From the front door of the principal structure on the applicant's property; b. In a straight line to the nearest sidewalk, street, road or highway; c. Along a public sidewalk, walkway, street, road, or highway by the nearest route; and d. To the edge of the off-site parking area to be used by the applicant to meet parking requirements.
8-15.3	8.1.7.B.3 Short-Term Bicycle Parking	Bike facilities may be placed within the public right-of-way, provided the encroachment is approved by the City.	Bike facilities may be placed within the right-of-way, provided the encroachment is approved by the City.
8-16	8.1.8.A Parking Lot Layout and Design	All on-site parking must be arranged so that no vehicle is forced to back out on a public street or forced to use a public street, not including an alley, to gain access from one parking aisle to another parking aisle. The City's uninterrupted ingress/egress regulations apply to parking lot design.	All on-site parking must be arranged so that no vehicle is forced to back out on a public street or forced to use a street, not including an alley, to gain access from one parking aisle to another parking aisle. The City's uninterrupted ingress/egress regulations apply to parking lot design (see Technical Manual Sec. 3: Roadway Design and Pavement).
8-17	8.1.8.B.1.b Parking Space and Aisle Specifications	Parking spaces and drive aisles using dimensions other than those specified may be approved if prepared and sealed by a registered engineer in the State of Georgia with expertise in parking facility design, subject to approval by the Director.	Parking spaces and drive aisles using dimensions other than those specified may be approved if prepared and sealed by a design professional licensed in the State of Georgia with expertise in parking facility design, subject to approval by the Director.
8-18 8-19 8-20	8.1.8.K Parking Structures	1. All stories of structured parking must be screened so that cars are not visible from ground level view from adjacent property, adjacent public rights-of way (not including alleys), or other public property. 2. Exterior elevations for parking floors must appear horizontal, even where ramps occur within the building. 3. Green walls, vertical gardens, architectural grilles, louvers, or opaque material that continues to allow natural ventilation is required to screen any vehicles from view from adjacent public streets or sidewalks. Where at least 10 feet of planting area exists between the right-of-way and the parking structure, the Director may approve a landscape	1. All stories of structured parking must be screened so that cars are not visible from ground level view from adjacent property, adjacent streets (not including alleys), or other public property. 2. Exterior elevations for parking floors must appear horizontal, even where ramps occur within the building. 3. Green walls, vertical gardens, architectural grilles, louvers, or opaque material that continues to allow natural ventilation is required to screen any vehicles from view from adjacent public streets or sidewalks. Where at least 10 feet of planting area exists between the street and the parking structure, the Director may approve a landscape area using

		area using berms, trees and shrubs in a way that constitutes an equivalent or better screen 4. Elevator and stair shafts should be topped with gabled roofs or other architectural accents. 5. A digital sign demonstrating the remaining spaces available must be placed at the entrance to any parking garage providing spaces available to the general public. 6. For parking garages containing over 200 spaces, internal signs above each parking space must indicate availability of that space.	berms, trees and shrubs in a way that constitutes an equivalent or better screen. 4. Elevator and stair shafts must be topped with an architectural accents using materials, colors, design or other features similar to that of the building it serves. . 5. A digital sign demonstrating the remaining spaces available in real-time must be placed at the entrance to any parking garage providing spaces available to the general public. 6. For parking garages containing over 200 spaces, internal signs above each parking space must indicate availability of that space.
8-20.1	8.1.9.D.1 Stacking - Screening	Where drive-thru windows and lanes are allowed to be placed between a public street (not including an alley) or ground floor residential use and the associated building, the entire length of the drive-thru lane, including but not limited to menu boards, stacking lanes, trash receptacles, ordering box, drive up windows, and other objects associated with the drive-thru must be screened.	Where drive-thru windows and lanes are allowed to be placed between a street (not including an alley) or ground floor residential use and the associated building, the entire length of the drive-thru lane, including but not limited to menu boards, stacking lanes, trash receptacles, ordering box, drive up windows, and other objects associated with the drive-thru must be screened.
8-21	8.1.10.C. Vehicle Loading	If a loading area is provided or required, it must meet the following. 1. With the exception of areas specifically designated by the City, loading and unloading activities are not permitted in a public street, not including an alley. 2. Loading and unloading activities may not encroach on or interfere with the use of sidewalks, drive aisles, stacking areas and parking areas by vehicles, bikes or pedestrians. 3. Loading areas must be located to the rear of buildings. Loading areas may not be placed between a public street (not including an alley) and the associated building. 4. No loading area is permitted within 50 feet of a ground floor residential use (measured from the residential lot line to the closest point of the loading area).	If a loading area is provided or required, it must meet the following. 1. With the exception of areas specifically designated by the City, loading and unloading activities are not permitted in a street, not including an alley. 2. Loading and unloading activities may not encroach on or interfere with the use of sidewalks, drive aisles, stacking areas and parking areas by vehicles, bikes or pedestrians. 3. Loading areas must be located to the rear of buildings. Loading areas may not be placed between a street (not including an alley) and the associated building. 4. No loading area is permitted within 50 feet of a ground floor residential use (measured from the residential lot line to the closest point of the loading area). Loading areas for multi-unit residential buildings may be closer than 50 feet of a ground floor residential use when visually screened from nearby windows.
8-2.1.	8.1.11.E Use of Parking and Loading Areas	Upon application, the Director may approve temporary structures and uses such as tent sales within required parking spaces that are not used on a continuous basis, provided that such uses are movable from the site upon order by the Director. Such activities are allowed to occur on the same site no more than 3 times a year and each time for a period not to exceed 10 days (see also Sec. 9.8.6 *[hyperlink]*).	Upon application, the Director may approve temporary structures and uses such as tent sales within required parking spaces that are not used on a continuous basis, provided that such uses are movable from the site upon order by the Director. Such activities are allowed to occur on the same site no more than 3 times a year and each time for a period not to exceed 10 days (see also Div. 7.9 *[hyperlink]*).

8-22	8.1.12 Single-Family Residential Parking	A. The visible storage or parking of more than 4 vehicles at a single-family residence is unlawful. B. Parking or storage of a junk or salvage vehicle constitutes an unlawful use, except that no more than 2 junk or salvage vehicles are permitted if parked or stored in a garage or carport not visible from a street or adjacent residential property.	*Formatting: Move to Sec. 6.5.2.C. Parking Location*
8-23	8.2.1.A.2 Applicability	An existing building or site may be repaired, maintained or modernized without providing additional landscaping or screening, provided there is no increase in gross floor area or improved site area.	An existing building or site may be repaired or maintained without providing additional landscaping or screening, provided there is no increase in gross floor area or improved site area.
8-24	8.2.1.A.3.b Applicability	When an existing building is increased in gross floor area or improved site area by more than 25% cumulatively over the past 3 years, both the existing building and the additional floor or site area must conform to the landscaping and screening requirements of this Division.	When an existing building is increased in gross floor area or improved site area by 25% or more cumulatively over the past 3 years, both the existing building and the additional floor or site area must conform to the landscaping and screening requirements of this Division.
8-25	8.2.1.A.5 Applicability	The filing of a final plat triggers the application of all of these requirements.	*Formatting: Delete subsection*
8-26	8.2.1.B Landscape Plan Required	Before any building permit is issued, the building, use or site must be found by the Director to be in compliance with all requirements of this Division. No occupancy or use of a building is allowed until the use or site meet the requirements of this Division.	Before a permit is issued for a project that includes required landscaping and screening, the site must be found by the Director to be in compliance with this Development Code. No certificate of occupancy may be issued until the landscaping and screening meet the requirements of this Development Code.
8-27	8.2.2.B Perimeter Screening	All surface parking areas as well as drive aisles and other related vehicular use areas must be screened from view from the adjacent public right-of-way using one of the options below. A required landscape strip must be located at the outer perimeter of the parking area and must be provided along the entire parking area, excluding breaks for pedestrians, bicycles and driveways. Required shrubs must be a minimum of 2.5 feet in height at time of planting and 70% of the required shrubs must be evergreen.	All surface parking areas as well as drive aisles and other related vehicular use areas must be screened from view from the adjacent street using one of the options below. A required landscape strip must be located at the outer perimeter of the parking area and must be provided along the entire parking area, excluding breaks for pedestrians, bicycles and driveways. For screening options that include shrubs, those must be 30 inches tall at the time of planting and 70% of them must be evergreen.
8-28	8.2.2.B.1 Landscape Strip with Shrubs	A minimum 10-foot wide landscape strip planted with a minimum of 10 shrubs per 35 linear feet of street frontage, excluding driveway openings. Shrubs must be provided to screen paved areas and parking lots from the right-of-way. Shrubs must be 2 feet tall at time of planting. They must be planted 2 rows deep, and provide a screen within 3 years of planting.	A minimum 10-foot wide landscape strip planted with shrubs. Shrubs must be provided to fully screen paved areas and parking lots from the right-of-way within 3 years of planting.

8-28.1	8.2.2.B.4 Landscape Strip with Grade Change	A 6-foot landscaped strip with a minimum 3-foot grade drop from the public street to the parking area, planted with 5 shrubs for every 35 linear feet of street frontage, excluding driveway openings.	A 6-foot landscaped strip with a minimum 3-foot grade drop from the street to the parking area, planted with 5 shrubs for every 35 linear feet of street frontage, excluding driveway openings.
8-29	8.2.2.C.4, 5 and 6 Interior Islands	4. All required shade trees must be chosen from the approved tree list in the Sandy Springs Technical Manual. 5. All required shade trees must have a minimum caliper of 3 inches and be at least 10 feet tall at time of planting. 6. Interior islands must be installed below the level of the parking lot surface to allow for runoff capture.	*Formatting: Delete subsections 4, 5 and 6*
8-30	8.2.2.D.3 Median Islands		*Formatting: Create subsection 3* At least three shrubs must be planted in the median island for every 80 feet in length.
8-31	8.2.2.E Island Plantings		*Formatting: Create subsection E.* E. Island Plantings 1. All required shade trees species must be chosen from the approved list in the Sandy Springs Technical Manual. 2. All required shade trees must have a minimum caliper of 3 inches and be at least 10 feet tall at time of planting. 3. Islands must be installed below the level of the parking lot surface and designed to allow for runoff capture.
8-32	8.2.4.H		*Formatting: Create subsection H.* The Director may approve the location of landscaping equivalent to the foundation planting farther away from the building if hardscape is preferred adjacent to the façade, for an outdoor seating area, as an example.
8-33	8.2.5.A General Buffer Requirements	Buffers must be located along the outer perimeter of the lot. The buffer must be located completely on private property (no right-of-way may be included in the width).	Buffers must be located along the outer perimeter of the lot, inside the property line. The buffer must be located completely on private property (right-of-way may not be included in the width).
8-34	8.2.5.C General Buffer Requirements	Where a buffer is required after the effective date of this Development Code, the setback from the common lot line is calculated from the interior of the buffer.	*Delete subsection C, mark "open"*
8-35	8.2.5.D General Buffer Requirements	A fence is allowed within any buffer that does not require a wall.	A fence is allowed within any buffer that does not require a wall, provided the width of the buffer is increased by 2 feet.
8-35.1	8.2.5.F General Buffer Requirements	Clearing of undergrowth from a buffer is prohibited, except when approved by the Director. Existing vegetation may be incorporated into a buffer. The Director must approve any associated reduction in plant materials and any additional plant materials required to augment the existing vegetation.	Clearing of undergrowth from a buffer is prohibited, except when approved by the Director for removal of invasive species or correction of a nonconforming situation. Existing vegetation may be incorporated into a buffer. The Director will evaluate compliance of the existing vegetation with the planting

			requirement and may require supplemental planting if the existing vegetation does not provide sufficient screening.
8-36	8.2.6 Neighborhood Transition Buffers	Neighborhood transitions require a buffer when a zoning district abuts a Protected Neighborhood (as further described in Div. 6.4 [hyperlink]). The required buffer must include the following components:	Neighborhood transitions require a buffer when a zoning district abuts a Protected Neighborhood district (as further described in Div. 6.4 *[hyperlink]*). The Director may wave the application of the transition buffer when the protected property is developed with a place of worship, school or similar civic use. The required buffer must include the following components:
8-37	8.2.6.A	Lots up to 200' Deep	Lot Width or Depth up to 200'
8-38	8.2.6.B	Lots Over 200'Deep	Lot Width or Depth 200' and More
8-39	8.2.8.A. Replacement Bond	1. Prior to issuance of a Certificate of Occupancy, a performance bond or cash escrow must be paid guaranteeing all landscaping and screening materials and work for a period of 3 years after issuance of the Certificate of Occupancy. 2. The bond must be in the amount of 125% of the estimated cost of replacing all of the landscaping required by this Division. 3. At the end of 3 years, the City must make an inspection and notify the owner and the bond company of any corrections to be made.	*Formatting: Delete subsection and mark "open"*
8-40	8.2.8.F.4		*Formatting: Add subsection F* Trees adjacent to accessible routes must maintain a vertical clearance of at least 80 inches
8-41	8.2.9.A. Screening - Service Areas	1. Trash collection, trash compaction, recycling collection and other similar service areas must be located to the side or rear of buildings and must be screened from view from adjacent property or public street right-of-way (not including an alley). 2. Service areas that are fully integrated into a building must be screened with a roll down door or other opaque screen. 3. Service areas that are not integrated into a building must be screened from three sides by a wall at least 6 feet in height and on the fourth side by a solid gate at least 6 feet in height. The gate and wall must be maintained in good working order and must remain closed except when trash pick-ups occur. The wall and gate must be compatible with the principal building in terms of texture, quality, material and color.	1. Trash collection, trash compaction, recycling collection and other similar service areas must be located to the side or rear of buildings and must be screened from view from adjacent property or street (not including an alley). 2. Service areas that are fully integrated into a building must be screened with a roll down door or other opaque screen. 3. Service areas that are not integrated into a building must be screened from three sides by a wall at least 6 feet in height and on the fourth side by solid gate at least 6 feet in height. The gate and wall must be maintained in good working order and must remain closed except when trash pick-up occur. The wall and gate must meet the design standards of Sec. 8.2.10.C.

8-42	8.2.9.B.1 Screening - Mechanical Equipment	Free-standing or roof-mounted sustainable energy systems are exempt from these screening requirements.	Free-standing or roof-mounted sustainable energy systems such as solar panels are exempt from these screening requirements.
8-42.1	8.2.9.B.2.a Screening – Mechanical Equipment	Roof-mounted equipment must be screened from ground level view from adjacent property or adjacent public street right-of-way (not including an alley).	Roof-mounted equipment must be screened from ground level view from adjacent property or adjacent street (not including an alley).
8-42.2	8.2.9.B.3 Screening – Wall-Mounted Equipment	a. Wall-mounted equipment must not be located on any surface that directly faces a public right-of-way (not including an alley). b. Wall-mounted equipment located on any surface that is visible from a public right-of-way (not including an alley) must be fully screened by landscaping or an opaque screen compatible with the principal building in terms of texture, quality, material and color.	a. Wall-mounted equipment must not be located on any surface that directly faces a street (not including an alley). b. Wall-mounted equipment located on any surface that is visible from a street (not including an alley) must be fully screened by landscaping or an opaque screen compatible with the principal building in terms of texture, quality, material and color.
8-42.3	8.2.9.C Screening – Utility Service Areas	1. Utility service areas located outside of the public right-of-way that exceed 42 inches in height and 42 inches in any other dimension must be screened from the public right-of-way. 2. Screening must consist of landscaping or a wall or fence compatible with the principal building in terms of texture, quality, material and color. 3. Utility service areas must be located an adequate distance from the public right-of-way to allow for any required screening to be installed without encroaching into the public right-of-way. 4. Screening is not required for utility service areas located more than 50 feet from the public right-of-way.	1. Utility service areas located outside of the right-of-way that exceed 42 inches in height and 42 inches in any other dimension must be screened from the street. 2. Screening must consist of landscaping or a wall or fence compatible with the principal building in terms of texture, quality, material and color. 3. Utility service areas must be located an adequate distance from the street to allow for any required screening to be installed without encroaching into the public right-of-way. 4. Screening is not required for utility service areas located more than 50 feet from a street.
8-43	8.2.10.A.1 Fences and Walls	Residential front yard fences and walls may contain a solid or opaque fence or wall no more than 4 feet in height. The fence or wall may exceed 4 feet in height where designed with a spaced picket design approved by the Director. The gap between pickets must be a minimum of 2 inches, and generally, the picket to opening ratio is at least 2:1 for vertical pickets and 1:1 for horizontal elements.	Residential fences and walls located between the primary street and the front wall plane of the house may contain a solid or opaque fence or wall no more than 4 feet in height. A fence may exceed 4 feet in height where designed with a spaced picket design approved by the Director. The gap between pickets must be a minimum of 2 inches. The picket to opening ratio must be at least 2:1 for vertical pickets and 1:1 for horizontal elements.
8-44	8.2.10.B.1 Fences and Walls - Placement	Fences and walls, including footings, must be set back a minimum of 3 feet from a street right-of-way.	Fence and wall footings must be entirely contained within the property and cannot encroach onto a property line.
8-45	8.2.10.C.2.	a. In All Districts	a. General Provisions

	Fences and Walls – Materials	i. Fences or walls must be constructed of wood, brick, stacked stone, stucco, or ornamental metal in all zoning districts. ii. Vinyl is prohibited, except that existing vinyl fences may be replaced in kind. iii. Barbed wire, razor wire and concertina wire are prohibited. b. Parallel to Street Right-of-Way i. Where the fence or wall is at least 6 feet in height, a minimum 3-foot landscape strip must be provided between the fence or wall and any public right-of-way. Fences or walls must be constructed of wood, brick, stacked stone, stucco, or ornamental metal. ii. All street-facing fences must have masonry (brick or stone) piers separating fence panels with a maximum length of 8 feet. Piers must be at least 12 inches wide. A finished side must face the street. iii. Walls and fences constructed parallel to street right-of-way must be constructed with a finished side toward the street. C. Common Lot Lines Walls and fences constructed on common lot lines must be constructed with a finished side toward any neighboring properties.	i. Fences or walls must be constructed of wood, brick, stacked stone, stucco, ornamental metal or other durable material approved by the Director in all zoning districts. Chain-linked fencing is allowed only in side and rear yards (provided they are not parallel to a street), and must be vinyl-coated. ii. Vinyl is prohibited, except that existing vinyl fences may be replaced in kind. iii. Barbed wire, razor wire and concertina wire are prohibited. iv. Walls and fences must be constructed with the finished side facing towards the street and adjoining properties, away from the improvement it is meant to screen. b. Parallel to a street The following regulations apply to all fences parallel to a street and located between the right-of-way and building setback line. i. Where the fence or wall is at least 6 feet in height, a minimum 3-foot landscape strip must be provided between the fence or wall and any street. ii. All street-facing fences must have masonry (brick stone, or stucco finish) piers separating fence panels with a maximum length of approximately 24 feet. Piers are required at any point where the fence changes direction. Piers must be at least 12 inches wide. iii. All street-facing walls must provide architectural variations such as columns to eliminate large expanses of blank areas, approximately every 24 feet.
~~8-46~~			
8-47	8.2.10.G		*Formatting: Add subsection G* G. Gates 1. Gates, whether electronically or manually operable, are allowed on individual properties. Gates must open inwardly (doors opening towards the property) and must be located a minimum of 30 feet from the edge of pavement. 2. Public and private streets cannot be gated. 3. Gates must follow all design standards of this article, they may however be up to 3 feet taller in height than the fence or wall it is attached to.
8-48	8.2.10.H Pool Enclosures		*Formatting: Add subsection H* H. Pool Enclosures Pool enclosures must meet the standards of this Division and comply with the International Swimming Pool and Spa Code.

8-49	8.3.3 Prohibited Signs		*Formatting: Add subsection R* R. Rope lighting (typically installed around windows and doors openings or along eaves)
8-49.1	8.3.4.B Signs Not Visible	Any sign internal to a development and not visible from a public right-of-way or neighboring property.	Any sign internal to a development and not visible from a street or neighboring property.
8-50	8.3.4.D Construction Fence Wraps	D. Banners 1. Banners are allowed on new buildings that are 3 stories in height or greater and are not located in a Protected Neighborhood. 2. A banner is allowed one time for a period not to exceed 6 months. 3. The banner must be affixed to the building. 4. The banner may not exceed 120 square feet in total area. 5. The banner must be mounted so as not to extend above a horizontal plane where the building wall and roof meet.	D. Construction Fence Wraps 1. Wraps are allowed on fences securing new construction sites for the duration of the construction activity. 2. The wrap must be removed prior to issuance of a Certificate of Occupancy 3. The fence wrap must be maintained in good condition and be properly attached to the fence. 4. Messages, logos, renderings or similar information shall not exceed 30 percent of the total fence wrap area.
8-50.1	8.3.4.E.5 Flags	A flagpole attached to building may encroach over the public sidewalk but not over any public street, parking area, driveway or alley. All flags must be a minimum of 18 inches inside the curb line or edge of pavement, whichever is greater.	A flagpole attached to building may encroach over the sidewalk but not over any street, parking area, driveway or alley. All flags must be a minimum of 18 inches inside the curb line or edge of pavement, whichever is greater.
8-51	8.3.4.H.2.a Temporary Signs	Maximum temporary sign area of 32 square feet per lot for all temporary signs combined. There is no restriction on the number of temporary signs, provided that the sign area, when combined, does not exceed the total allocated sign area.	Maximum temporary sign area of 16 square feet per lot for all temporary signs combined. There is no restriction on the number of temporary signs, provided that the sign area, when combined, does not exceed the total allocated sign area.
8-51.1	8.3.5 Signs in the Right-of-Way	A. Wall signs, awning signs, canopy signs, projecting signs, crown signs, shingle signs and sidewalk signs may encroach over the public sidewalk, but not over any public street. All signs must be a minimum of 18 inches inside the curb line or edge of pavement, whichever is greater. Vertical height clearances must be maintained per the MUTCD, ADA and the Sandy Springs Technical Manual. B. All signs must be placed on private property, and require the property owner's consent. No signs are allowed to be placed in the public right-of-way, except those placed by the City, County, State or federal government.	A. Wall signs, awning signs, canopy signs, projecting signs, crown signs, shingle signs and sidewalk signs may encroach over the sidewalk, but not over any street. All signs must be a minimum of 18 inches inside the curb line or edge of pavement, whichever is greater. Vertical height clearances must be maintained per the MUTCD, ADA and the Sandy Springs Technical Manual. B. All signs must be placed on private property, and require the property owner's consent. No signs are allowed to be placed in the right-of-way, except those placed by the City, County, State or federal government.
8-52	8.3.8. Signs Requiring a Permit (table)		*Formatting: Add line to table* Temporary Sign *[allow in all districts]*

8-53	8.3.9 D. Monument Signs	One monument sign is allowed per 500 feet of street frontage of the subject lot. Where more than one monument sign is allowed, signs long the same street frontage of the subject lot must be spaced a minimum of 500 feet apart.	1. One monument sign is allowed per 500 feet of street frontage of the subject lot. Where more than one monument sign is allowed, signs along the same street frontage of the subject lot must be spaced a minimum of 500 feet apart. 2. Monument signs may not be placed at the same driveway entrance where an entrance sign is located, and must be a minimum of 250 feet from an entrance sign.
8-54	8.3.9.F Entrance Signs	An entrance sign must not exceed 32 square feet in area and up to 2 entrance signs are allowed per entrance.	1. An entrance sign must not exceed 32 square feet in area and up to 2 entrance signs are allowed per entrance. 2. Entrance signs may not be placed at the same driveway entrance where a monument sign is located, and must be a minimum of 250 feet from a monument sign.
8-55	8.3.13.1 Monument Sign (table) General Provisions	Monument signs located within 100 feet of a public right-of-way must display the street address of the property. Where multiple addresses exist, the highest and lowest street address numbers must be identified. This provision applies only to monument signs located on the street where the property address is assigned. Numbers must be a minimum of 8 inches in height and be visible from both directions of travel.	Monument signs located within 100 feet of a street must display the street address of the property. Where multiple addresses exist, the highest and lowest street address numbers must be identified. This provision applies only to monument signs located on the street where the property address is assigned. Numbers must be located on the top half of the sign at a minimum of 8 inches in height and be visible from both directions of travel.
8-56	8.3.13 Monument Sign (table) Dimensions	Height, including base (max) Roswell Road 6' All other streets 10'	Height, including bas (max) 8'
8-57	8.3.18 Temporary Sign		*Formatting: Insert new Sec. 8.3.18 and renumber subsequent sections accordingly* Sec. 8.3.18. Temporary Sign A. Description A sign that is not permanently mounted and intended to be displayed for a finite period of time. B. Banners on New Buildings 1. Banners are allowed on new buildings that are 3 stories in height or greater and are not located in a Protected Neighborhood district. 2. A banner is allowed one time for a period not to exceed 6 months. 3. The banner must be affixed to the building.

			4. The banner may not exceed 120 square feet in total area. 5. The banner must be mounted so as not to extend above the line where the building wall and roof meet. C. All other banners or temporary signs 1. The signs shall be restricted to a maximum area of 32 square feet per parcel. 2. When at grade level, the maximum sign height is five feet, and when placed on a building, a maximum height of 24 feet and cannot extend above the roofline. 3. Signs cannot encroach into the right-of-way or the easement of a private road. 4. Signs may be displayed on a same lot for a maximum of three, two-week (14 day) periods per calendar year.
8-57.1	8.3.21.D.1 External Illumination	Lighting directed toward a sign must be shielded so that it illuminates only the face of the sign and does not shine directly onto public right-of-way or adjacent properties.	Lighting directed toward a sign must be shielded so that it illuminates only the face of the sign and does not shine directly onto the right-of-way or adjacent properties.
8-58	8.4.2.C Additions	When an existing building, use or site is increased in gross floor area or improved site area by more than 25% cumulatively, both the existing building, use or site and the additional floor or site area must conform to the lighting requirements of this Division.	When an existing building, use or site is increased in gross floor area or improved site area by more than 25% cumulatively over the past 3 years, both the existing building, use or site and the additional floor or site area must conform to the lighting requirements of this Division.
8-59	8.4.4.A.1 Design and Installation	The maximum light level of any light fixture cannot exceed 0.5 footcandles measured at the property line of any Protected Neighborhood and 2.0 footcandles measured at the right-of-way line of a street.	The maximum light level of any light fixture cannot exceed 0.5 footcandle measured at the property line of any Urban or Protected Neighborhood zoning district and 2.0 footcandles measured at the right-of-way line of a street.

Article 9. Environmental Protection

All existing text to be replaced by proposed text, unless stated otherwise in the formatting instructions
As adopted by Mayor and City Council, April 17, 2018

Item	**Code Section**	**Current Text** (August 2017)	**New Text** (April 2018)
9-1	Div. 9.2. Stream Buffer Protection	Stream Buffer Protection	State Waters Buffer Protection
9-2	9.2.1.A. Findings and Purposes – Findings	The Community Development Department of the City finds that buffers adjacent to streams provide numerous benefits, including: 1. Protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resources. 2. Removing pollutants delivered in urban stormwater. 3. Reducing erosion and controlling sedimentation. 4. Protecting and stabilizing stream banks. 5. Providing for infiltration of stormwater runoff. 6. Maintaining base flow of streams. 7. Contributing organic matter that is a source of food and energy for the aquatic ecosystem. 8. Providing tree canopy to shade streams and promote desirable aquatic habitat. 9. Providing riparian wildlife habitat. 10. Furnishing scenic value and recreational opportunity. 11. Providing opportunities for the protection and restoration of greenspace.	The Community Development Department of the City finds that buffers adjacent to state waters provide numerous benefits, including: 1. Protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resources. 2. Removing pollutants delivered by urban stormwater runoff. 3. Reducing erosion and controlling sedimentation. 4. Protecting and stabilizing stream banks. 5. Providing for infiltration of stormwater runoff. 6. Maintaining base flow of streams. 7. Contributing organic matter that is a source of food and energy for the aquatic ecosystem. 8. Providing tree canopy to shade streams and promote desirable aquatic habitat. 9. Providing riparian wildlife habitat. 10. Furnishing scenic value and recreational opportunity. 11. Providing opportunities for the protection and restoration of greenspace.
9-3	9.2.1.B. Findings and Purposes – Purposes	The purpose of this Division is to protect the public health, safety, environment and general welfare; to minimize public and private losses due to erosion, siltation and water pollution; and to maintain stream water quality by provisions designed to: 1. Create buffer zones along the streams of the City for the protection of water resources; and 2. Minimize land development within such buffers by establishing buffer zone requirements and by requiring authorization for any such activities.	The purpose of this Division is to protect the public health, safety, environment and general welfare; to minimize public and private losses due to erosion, siltation and water pollution; and to maintain stream water quality by provisions designed to: 1. Create buffer and setback zones along state waters within the City for the protection of water resources; and 2. Minimize land development within such buffers and setbacks by establishing buffer and setback requirements and by requiring authorization for any such activities.
9-4	9.2.2.A. Applicability – Generally	This Division applies to all land development activity on property containing a stream protection area (stream buffer) as defined in Article 12. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established under state law and approval or	This Division applies to all land development activity on property containing a state waters buffer as defined in Article 12 *[hyperlink]* and an additional impervious surface setback. In this Division, "setback" refers to the additional 25' impervious surface setback described in Sec. 9.2.4.A.2. These requirements

		exemption from these requirements do not constitute approval or exemption from buffer requirements established under state law or from other applicable local, state or federal regulations.	are in addition to, and do not replace or supersede, any other applicable buffer and setback requirements established under state law, and approval of or exemption from these requirements does not constitute approval of or exemption from buffer and setback requirements established under state law or from other applicable local, state or federal regulations.
9-5	9.2.2.B. Applicability – Grandfathered Provisions	B. Grandfathered Provisions This Division does not apply to the following activities: 1. Work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before December 12, 2005. 2. Existing development and ongoing land disturbance activities including but not limited to existing agriculture, silviculture, landscaping, gardening and lawn maintenance, except that new development or land disturbance activities on such properties will be subject to all applicable buffer requirements. 3. A variance to the requirements of the Sandy Springs portion of any stream buffer (see Sec. 9.2.5) is not required for: a. Repair or replacement in kind of any legally approved principal structure located in the buffer that existed prior to December 12, 2005, provided that the footprint of the pre-2005 structure is not exceeded and engineering analysis indicates that no rise in flood elevation will occur. All required permits are still necessary prior to construction. b. Removal of a principal or accessory structure or otherwise reducing the amount of impervious surface in the stream buffer, provided the stream buffer is restored using native vegetation. All required permits are still necessary prior to demolition.	B. Legal Nonconforming Structures This Division does not apply to the following existing structures: 1. Work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before December 12, 2005. 2. Existing development and ongoing land disturbance activities including but not limited to existing agriculture, silviculture, landscaping, gardening and lawn maintenance, except that new development or land disturbance activities on such properties will be subject to all applicable buffer and setback requirements. 3. A variance from the requirements of the Sandy Springs portion of any state waters buffer or additional impervious surface setback (see Sec. 9.2.4) is not required for: a. Repair or replacement in kind of any legally approved principal structure located in the buffer or setback that existed prior to December 12, 2005, provided that the footprint of the pre-2005 structure is not exceeded and engineering analysis indicates that no rise in flood elevation will occur. All required permits are still necessary prior to construction. b. Removal of a principal or accessory structure or otherwise reducing the amount of impervious surface in the state waters buffer or the setback, provided the state waters buffer is restored using native vegetation in accordance with revegetation standards *in* "Buffer Zone," starting on page 6-15 of the GSWCC's *Manual for Erosion and Sediment Control in Georgia: 2016 Edition*. All required permits are still necessary prior to demolition.
9-6	9.2.2.C.6. Applicability – Exemptions	Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land disturbance in the buffer that would otherwise be prohibited, then no other land disturbing activity other than normal forest management practices will be allowed on the	Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land disturbance in the buffer or setback that would otherwise be prohibited, then no other land disturbing activity other than normal forest management practices will be allowed on the

		entire property for 3 years after the end of the activities that intruded on the buffer.	entire property for 3 years after the end of the activities that intruded on the buffer or setback.
9-7	9.2.2.D. Applicability – Minor Land Disturbing Activities	The following land-disturbing activities are examples of projects not specifically listed in O.C.G.A. § 12-7-17(3) that would be considered minor land-disturbing activities and, therefore, exempt from the Georgia Erosion and Sedimentation Act and the applicable buffer requirements for state waters:	The following land-disturbing activities are examples of projects not specifically listed in O.C.G.A. § 12-7-17(3) that would be considered minor land-disturbing activities and are, therefore, exempt from the Georgia Erosion and Sedimentation Act and the applicable buffer requirements for state waters:
9-8	9.2.2.D.5. Applicability – Minor Land Disturbing Activities	Placement of rock riprap with the buffer not to exceed 100 square feet on any one property, provided that:	Placement of rock riprap within the buffer not to exceed 100 square feet on any one property, provided that:
9-9	9.2.2.E. Applicability – Activities Not Considered Minor	The following land-disturbing activities are examples of projects that are not considered minor land-disturbing activities and, therefore, not exempt from the Georgia Erosion and Sedimentation Control and Sedimentation Act and the applicable buffer requirements for state waters: 1. Any land-disturbing activity utilizing wheeled or tracked machinery and equipment resulting in soil erosion within the buffer; a. Paving with poured or prefab concrete or asphalt; b. Any project or combination of projects occurring within the same calendar year on the same property resulting in more than 100 square feet of any elevated structures or pervious ground level walkways within or extending into the buffer; c. Construction of a barbeque pit on a concrete or asphalt slab or pad within the buffer; d. Construction of a ground-level patio within the buffer; Construction of a swimming pool within the buffer; e. Construction of a decorative or structural retaining wall within the buffer; f. Construction of a new seawall with land-disturbing activities occurring within the buffer; and g. Backfilling any new seawall construction within the buffer.	The following land-disturbing activities are examples of projects that are not considered minor land-disturbing activities and are, therefore, not exempt from the Georgia Erosion and Sedimentation Act and the applicable buffer requirements for state waters: 1. Any land-disturbing activity utilizing wheeled or tracked machinery and equipment resulting in soil erosion within the buffer; a. Paving with poured or prefab concrete or asphalt; b. Any project or combination of projects occurring within the same calendar year on the same property resulting in more than 100 square feet of any elevated structures or pervious ground level walkways within or extending into the buffer; c. Construction of a barbeque pit on a concrete or asphalt slab or pad within the buffer; d. Construction of a ground-level patio within the buffer; e. Construction of a swimming pool within the buffer; f. Construction of a decorative or structural retaining wall within the buffer; g. Construction of a new seawall with land-disturbing activities occurring within the buffer; and h. Backfilling any new seawall construction within the buffer.
9-10	9.2.2.F. Applicability – Prohibited Activity	Any land development activity within a buffer established under this Division or any impervious cover within a setback established under this Division is prohibited unless a variance is granted pursuant to Sec. 11.6.2.	Any land development activity within a buffer established under this Division or any impervious cover within a setback established under this Division is prohibited unless a variance is granted pursuant to Sec. 9.2.4.B and Sec. 11.6.2.
9-11	9.2.4.A. Land Development Requirements – Buffer and Setback Requirements	All land development activity subject to this Division must meet the following requirements: 1. An undisturbed natural vegetative buffer is maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the point of wrested vegetation.	All land development activity subject to this Division must meet the following requirements: 1. An undisturbed natural vegetative buffer is maintained for 50 feet, measured horizontally, on all banks of the state waters as measured from the point of wrested vegetation.

		2. An additional setback is maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover is prohibited. Grading, filling and earthmoving is minimized within the setback. Staff will consider the concept of minimized according to the following criteria: a. Design constraints exist due to the size, shape or topography of the land that render the proposed grading, filling or earthmoving in the setback as the minimum possible to perform the necessary construction activity; and b. The post-development slope is no greater than 4:1 at any point within the setback, OR post-construction conditions (infiltration and velocity) are comparable to an improvement over the preconstruction conditions. 3. No septic tanks or septic tank drain fields are permitted within the buffer or the setback. Septic tanks and septic tank drain fields must be coordinated with the Fulton County Health Department and comply with their regulations.	2. An additional setback is maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover is prohibited. Grading, filling and earthmoving must be minimized within the setback. Staff will consider the concept of minimized according to the following criteria: a. Design constraints exist due to the size, shape or topography of the land that render the proposed grading, filling or earthmoving in the setback as the minimum possible to perform the necessary construction activity; and b. The post-development slope is no greater than 4:1 at any point within the setback, OR post-construction conditions (infiltration and velocity) are comparable to an improvement over the preconstruction conditions. 3. No septic tanks or septic tank drain fields are permitted within the buffer or the setback. Septic tanks and septic tank drain fields must be coordinated with the Fulton County Health Department and comply with its regulations.
9-12	9.2.4.B. Land Development Regulations – Variance Procedures	Variances from paragraph A. above may be granted in accordance with the following provisions: 1. Where a parcel was platted prior to December 12, 2005, and its shape, topography or other existing physical condition prevents land development consistent with this Division, and the City finds and determines that the requirements of this Division prohibit the otherwise lawful use of the property by the owner, the Board of Appeals may grant a variance from paragraph A. above, provided such variance requires mitigation measures to offset the effects of any proposed land development on the parcel. 2. The Board of Appeals will follow the procedure set forth in Sec. 11.6.2. 3. Variances will be considered only in the following cases: a. When a property's shape, topography or other physical conditions existing on December 12, 2005 prevents land development unless a buffer variance is granted. b. Unusual circumstances when strict adherence to the minimal buffer requirements in this Division would create an extreme hardship. 4. Variances will not be considered when actions of any property owner of a given property after December 12, 2005 have created conditions of a hardship on that property. 5. At a minimum, a variance request must include the following information:	Variances from paragraph A. above may be granted in accordance with the following provisions: 1. Where a parcel was platted prior to December 12, 2005, and its shape, topography or other existing physical condition prevents land development consistent with this Division, and the City finds and determines that the requirements of this Division prohibit the otherwise lawful use of the property by the owner, the Board of Appeals may grant a variance from paragraph A. above, provided such variance requires mitigation measures to offset the effects of any proposed land development on the parcel. 2. The Board of Appeals will follow the procedure set forth in Sec. 11.6.2 *[hyperlink]*. 3. Variances will be considered only in the following cases: a. When a property's shape, topography or other physical conditions existing on December 12, 2005 prevents land development unless a buffer or setback variance is granted. b. Unusual circumstances when strict adherence to the minimal buffer and setback requirements in this Division would create an extreme hardship. 4. Variances will not be considered when actions of any property owner of a given property after December 12, 2005 have created conditions of a hardship on that property. 5. At a minimum, a variance request must include the following information:

		a. A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey; b. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property; c. A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected is accurately and clearly indicated; d. Documentation of unusual hardship should the buffer be maintained; e. At least one alternative plan that does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible; f. A calculation of the total area and length of the proposed intrusion; g. A stormwater management site plan, if applicable; and h. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed. 6. The following factors will be considered in determining whether to issue a variance: a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property; b. The locations of all streams on the property, including along property boundaries; c. The location and extent of the proposed buffer or setback intrusion; d. Whether alternative designs are possible which require less intrusion or no intrusion; e. The long-term and construction water quality impacts of the proposed variance; and f. Whether issuance of the variance is at least as protective of natural resources and the environment.	a. A site map that includes locations of all state waters, wetlands, floodplain boundaries and other natural features, as determined by field survey; b. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property; c. A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer and setback to be affected is accurately and clearly indicated; d. Documentation of unusual hardship should the buffer and setback be maintained; e. At least one alternative plan that does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible; f. A calculation of the total area and length of the proposed intrusion; g. A stormwater management site plan, if applicable; and h. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed. 6. The following factors will be considered in determining whether to issue a variance: a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property; b. The locations of all state waters, wetlands, floodplain boundaries and other natural features on the property, including along property boundaries, as determined by field survey; c. The location and extent of the proposed buffer or setback intrusion; d. Whether alternative designs are possible which require less intrusion or no intrusion; e. The long-term and water quality impacts of the proposed variance; and f. Whether issuance of the variance is at least as protective of natural resources and the environment.
9-13	9.2.5.A. Compatibility with Other Buffers	This Division is not intended to interfere with, abrogate or annul any other chapter, rule or regulation, statute or other provision of law. The requirements of this Division should be considered minimum requirements, and where any provision of this Division imposes restrictions different from those imposed by any other chapter, rule, regulation or other provision of law,	This Division is not intended to interfere with, abrogate or annul any other chapter, rule or regulation, statute or other provision of law. The requirements of this Division should be considered minimum requirements, and where any provision of this Division imposes restrictions different from those imposed by any other chapter, rule, regulation or other provision of law,

		whichever provisions are more restrictive or impose higher protective standards for human health or the environment is considered to take precedence.	whichever provisions are more restrictive or impose higher protective standards for human health or the environment are considered to take precedence.
9-14	9.2.5.B.4. Compatibility with Other Buffers	Other such state and federal regulations as may be adopted from time to time. While the requirements of this Division are intended to apply to all streams in the City, special conditions may exist that require greater protection. Nothing in this Division should be construed as preventing the establishment of wider and/or more restrictive buffers and setbacks as required under any other existing or future legislation. In addition, nothing in this Division should be construed as preventing the establishment of wider buffers for purposes of protecting greenspace, preserving habitat or other goals that may not be specifically mandated by legislation.	Other such state and federal regulations as may be adopted from time to time. While the requirements of this Division are intended to apply to all state waters in the City, special conditions may exist that require greater protection. Nothing in this Division should be construed as preventing the establishment of wider and/or more restrictive buffers and setbacks as required under any other existing or future legislation. In addition, nothing in this Division should be construed as preventing the establishment of wider buffers or setbacks for purposes of protecting greenspace, preserving habitat or other goals that may not be specifically mandated by legislation.
9-15	9.2.6. Additional Information Requirements	Any permit applications for property requiring buffers and setbacks under this Division must include the following: A. A site plan showing: 1. The location of all streams on the property; 2. Limits of required stream buffers and setbacks on the property; 3. Buffer zone topography with contour lines at no greater than five-foot contour intervals; 4. A tree survey 5. Detailed plans of all proposed land development in the buffer and of all proposed impervious cover within the setback. B. A description of all proposed land development within the buffer and setback. C. Any other documentation that the City may reasonably deem necessary for review of the application and to ensure that the buffer zone ordinance is addressed in the approval process. D. All buffer and setback areas must be recorded on the final plat of the property following plan approval.	Any permit applications for property requiring buffers and setbacks under this Division must include the following: A. A site plan showing: 1. The location of all state waters on the property; 2. Limits of required state waters buffers and required setbacks on the property; 3. Buffer zone topography with contour lines at no greater than five-foot contour intervals; 4. A tree survey 5. Detailed plans of all proposed land development in the buffer and setback and of all proposed impervious cover within the setback. B. A description of all proposed land development within the buffer and setback. C. Any other documentation that the City may reasonably deem necessary for review of the application and to ensure that this Division is addressed in the approval process. D. All buffer and setback areas must be recorded on the final plat of the property following plan approval.
9-16	9.3.1.B. Purpose	This Section is designed to provide reasonable minimum standards regarding the preservation, planting, protection and maintenance of trees within the City. The provisions and regulations contained here, along with the Administrative Standards and Best Management Practices for Sandy Springs' Urban Forest, will guide practices to accomplish this Section's purpose.	This Section is designed to provide reasonable minimum standards regarding the preservation, planting, protection and maintenance of trees within the City. The provisions and regulations contained here, along with the Technical Manual, will guide practices to accomplish this Section's purpose.

9-17	9.3.2.B. Standards – Canopy Calculation	The City Arborist maintains a list of trees assigned to the following categories. 1. Large canopy trees are calculated as 1,000 square feet. 2. Medium canopy trees are calculated as 500 square feet. 3. Small canopy trees are calculated as 250 square feet.	A Recommended Species List may be found in the Technical Manual, with trees assigned to the following categories. 1. Large Canopy Trees are calculated as 1,000 square feet credit. 2. Medium Canopy Trees are calculated as 500 square feet credit. 3. Small Canopy Trees are calculated as 250 square feet credit.
9-18	9.3.3.A. Tree Removal – Tree Removal Permit Required	1. Except as set forth in Sec. 9.3.3.B, a Tree Removal Permit is required when any of the following trees are either removed or has 25% or more of the critical root zone disturbed by any intentional activities of the property owner or the owner's agent or employees: a. Any Protected Tree, Setback Tree, Boundary Tree or Landmark Tree; b. Any tree located within 2,000 feet of the banks of the Chattahoochee River; and c. Any tree in a required stream buffer. 2. All permit requirements in this Article are deemed cumulative, with the most restrictive being operative regarding any particular application.	1. Except as set forth in Sec. 9.3.3.B, a Tree Removal Permit is required when any of the following trees are removed or 25% or more of the critical root zone is disturbed by any intentional activities of the property owner or the owner's agent or employees: a. Any Protected Tree, Setback Tree, Boundary Tree or Landmark Tree; b. Any tree located within 2,000 feet of the banks of the Chattahoochee River; and c. Any tree in a required stream buffer. 2. All permit requirements in this Article are deemed cumulative, with the most restrictive being operative regarding any particular application. 3. For Tree Removal Permits not associated with building or land disturbing activities, the applicant shall submit to the City Arborist documentation (e.g., photographs, drawings, or similar documentation deemed acceptable by the City Arborist) showing the location of all existing trees on the property. Such documentation shall show the location, species, and approximate diameter at breast height (DBH) of all existing trees, noting with specificity the Landmark Trees, Protected Trees and Buffer Trees that are proposed to be removed pursuant to this section.
9-19	9.3.3.C.2. Tree Removal – Site/Tree Conservation Plan	Whenever an application for building permit or land disturbance permit requires a Site/Tree Conservation Plan, the process is as follows: a. Concurrently with the building permit or land disturbance permit application, the applicant must submit a Site/Tree Conservation Plan prepared by a qualified professional for review by the City Arborist. b. The Site/Tree Conservation Plan must document the following: i. Tree species, DBH, critical root zone, and location of all existing trees and existing tree canopy on the property;	Whenever an application for a building permit or land disturbance permit requires a Site/Tree Conservation Plan, the process is as follows: a. Concurrently with the building permit or land disturbance permit application, the applicant must submit a Site/Tree Conservation Plan prepared by a qualified professional for review by the City Arborist. b. The Site/Tree Conservation Plan must document the following: i. Tree species, DBH, critical root zone, and location of all existing trees and existing tree canopy on the property;

		ii. The location, species, and caliper size of all proposed mitigation planting trees; and iii. The location of all proposed building construction and land development activities, including grading, drainage, proposed utility locations and all proposed tree protection measures; iv. All trees proposed for removal; v. Calculation of the tree canopy on the property prior to and following the implementation of the tree removal/replacement activity set forth in the Site/Tree Conservation Plan. c. If the proposed construction causes the canopy to fall below the minimum canopy requirement, the applicant is required to: i. Pay into the Tree Bank for the deficient canopy as set forth in Sec. 9.3.8.D; and ii. Install trees of a similar species to bring the site into compliance with the minimum canopy requirement. d. The Site/Tree Conservation Plan must document standard details for tree protection and tree planting in compliance with the administrative standards and best management practices. e. The Site/Tree Conservation Plan must document compliance with the parking and landscape requirements of this Development Code in compliance with the administrative standards and best management practices. f. The Site/Tree Conservation Plan must document all boundary trees and their critical root zones.	ii. The location, species, and caliper size of all proposed mitigation planting trees; iii. The location of all proposed building construction and land development activities, including grading, drainage, proposed utility locations and all proposed tree protection measures; iv. All trees proposed for removal; and v. Calculation of the tree canopy on the property prior to and following the implementation of the tree removal/replacement activity set forth in the Site/Tree Conservation Plan. c. If the proposed tree removal causes the canopy to fall below the minimum canopy requirement, the applicant is required to: i. Pay into the Tree Bank for the deficient canopy as set forth in Sec. 9.3.8.D; and ii. Install trees of a similar species to bring the site into compliance with the minimum canopy requirement. d. The Site/Tree Conservation Plan must document standard details for tree protection and tree planting in compliance with the Technical Manual. e. The Site/Tree Conservation Plan must document compliance with the parking and landscape requirements of this Development Code in compliance with the Technical Manual. f. The Site/Tree Conservation Plan must document all Boundary Trees, their critical root zones, and the calculated percentages of impact to the critical root zones.
9-20	9.3.3.F. Tree Removal – Field Verification	1. The qualified professional submitting the Site/Tree Conservation Plan must field verify the accuracy of the Site/Tree Conservation Plan prior to submittal. 2. The qualified professional must certify successful compliance with the terms of the approved Site/Tree Conservation Plan to the City prior to issuance of a certificate of occupancy for the permitted property. 3. The City Arborist must validate submitted Site/Tree Conservation Plans for field accuracy and compliance as deemed appropriate by the Director. 4. In addition to all other provisions of this Section and where allowed by law, submission of an inaccurate Site/Tree Conservation Plan or inaccurate certification of compliance with a Site/Tree Conservation Plan will cause the submitting qualified professional to be removed from the approved list (if any) maintained by the City Arborist for a period of not less than 90 days.	1. The qualified professional submitting the Site/Tree Conservation Plan must field verify the accuracy of the Site/Tree Conservation Plan prior to submittal. 2. A certificate of occupancy may be issued after final site inspection by City Staff to verify compliance. 3. The City Arborist must validate submitted Site/Tree Conservation Plans for field accuracy and compliance as deemed appropriate by the Director.

9-21	9.3.4. Boundary Tree	A. Where a Tree Removal Permit is required for a Boundary Tree, the City Arborist must determine whether the proposed land disturbance or construction activity will deprive the Boundary Tree of continued viability. 1. If there is not sufficient evidence to show that the proposed activity will deprive the Boundary Tree of continued viability, the Tree Removal Permit may be issued allowing the proposed activity. 2. If there is sufficient evidence to show that the proposed activity will deprive the Boundary Tree of continued viability, the Tree Removal Permit must not be issued in a manner allow the proposed activity relating to the Boundary Tree. B. If the City Arborist determines that it is uncertain whether the proposed land disturbance or construction activity will deprive the boundary tree of continued viability, prior to the issuance of a Tree Removal Permit allowing the proposed activity relating to the Boundary Tree: 1. The applicant must provide funds into an account established by the City in an amount determined by the City Arborist to be sufficient to offset the removal and replacement costs of the Boundary Tree. Notice must be provided to the property owner whose property contains the Boundary Tree and must include notice of the deposited funds and a copy of this Section. 2. In establishing the escrow amount required pursuant to subsection, the proposed replacement tree upon which payment is computed must be a comparable species and size potential to the Boundary Tree, is ecologically compatible with the intended growing site, and at maturity will fully mitigate the loss of the entire canopy area of the Boundary Tree. 3. For the purposes of this section, credit will be granted to applicants for the entire tree canopy of a Boundary Tree protected as calculated pursuant to the administrative standards.	A. Boundary Tree means a tree 10 inches DBH or larger located on a property adjacent to a permitting property whose critical root zone or canopy extends into that permitting property. B. Where a Tree Removal Permit is required for a Boundary Tree, the City Arborist must determine whether the proposed land disturbance or construction activity will deprive the Boundary Tree of continued viability. 1. If there is not sufficient evidence to show that the proposed activity will deprive the Boundary Tree of continued viability, the Tree Removal Permit may be issued allowing the proposed activity. 2. If there is sufficient evidence to show that the proposed activity will deprive the Boundary Tree of continued viability, the Tree Removal Permit must not be issued in a manner allowing the proposed activity relating to the Boundary Tree. C. If the City Arborist determines that it is uncertain whether the proposed land disturbance or construction activity will deprive the Boundary Tree of continued viability, prior to the issuance of a Tree Removal Permit allowing the proposed activity relating to the Boundary Tree: 1. The applicant must provide two or more estimates from professionals that are determined to be sufficient to offset the removal and replacement costs of the Boundary Tree, and an average will be used to determine the amount of funds the applicant must provide into an account established by the City. Notice must be provided to the property owner whose property contains the Boundary Tree and must include notice of the deposited funds and a copy of this Section. 2. In establishing the escrow amount required pursuant to Sec. 9.3.8.F, the proposed replacement tree upon which payment is computed must be comparable to the Boundary Tree in species and size potential, be ecologically compatible with the intended growing site, and at maturity fully mitigate the loss of the entire canopy area of the Boundary Tree. 3. For the purposes of this section, credit will be granted to applicants for the entire tree canopy of a Boundary Tree protected, as calculated pursuant to the Technical Manual.
9-22	9.3.5.C. Setback Tree	For removal or destruction of trees approved pursuant to paragraph A. above, on property not meeting the canopy requirements, or which removal will cause the tree canopy to fall below the canopy requirements, the trees must be replaced by the planting of new trees within the minimum required	For removal or destruction of trees approved pursuant to paragraph A. above, on property not meeting the canopy requirements, or on property on which removal of the Setback Tree will cause the tree canopy to fall below the canopy requirements, the Setback Tree must be replaced by the planting of new trees comparable to the Setback Tree in species

		setback of the property of a comparable species and canopy potential.	and canopy potential within the minimum required setback of the property.
9-23	9.3.6.A.2. Landmark Tree	Pine tree 30 inches DBH or larger, provided that said pine tree is not located within 30 feet of any structure; or	Pine tree 30 inches DBH or larger; or
9-24	9.3.6.B. Landmark Tree	The destruction or removal of Landmark Trees pursuant to this subsection is permitted only if the Landmark Tree is located: 1. Within the building footprint of the proposed construction as permitted by the City; or 2. Outside of the permitted building footprint, and the City Arborist determines that the permitted land disturbance or construction activity will require the removal of the landmark tree based upon: a. The size and configuration of the property; b. A tree assessment by an International Society of Arboriculture certified arborist indicating that the tree is dead, dying or hazardous; c. The total tree canopy on the property; d. The configuration of buildings, structures and utilities on or adjacent to the property; e. Cost effectiveness of potential alternatives to tree removal; f. Whether the tree contributes to meeting any of the requirements set forth in this Article or other requirements set forth by the City; g. Generally recognized good forestry practices; or h. Other factors creating undue hardship for the applicant. 3. Tree health is poor, or the tree is dead.	The destruction or removal of Landmark Trees pursuant to this subsection is permitted only in the following instances: 1. If the Landmark Tree is located within the building footprint of the proposed construction, as permitted by the City; or 2. If the Landmark Tree is located outside of the permitted building footprint, and the City Arborist determines that the permitted land disturbance or construction activity will require the removal of the Landmark Tree based upon: a. The size and configuration of the property; b. A tree assessment by an International Society of Arboriculture certified arborist indicating that the tree is dead, dying or hazardous; c. The total tree canopy on the property; d. The configuration of buildings, structures and utilities on or adjacent to the property; e. Cost effectiveness of potential alternatives to tree removal; f. Whether the tree contributes to meeting any of the requirements set forth in this Article or other requirements set forth by the City; g. Generally recognized good forestry practices; or h. Other factors creating undue hardship for the applicant; or 3. If the Landmark Tree's health is poor or the Landmark Tree is dead.
9-25	9.3.6.C. Landmark Tree	All Landmark Trees removed pursuant to 9.3.3.A. must be replaced by the planting of new trees on the property of a comparable species and with a canopy potential of 150% of the canopy of the Landmark Tree to foster the enhancement of the tree canopy. Canopy mitigation is computed using the actual measured canopy of the Landmark Tree.	All Landmark Trees removed pursuant to Sec. 9.3.3.A. must be replaced by the planting of new trees on the property of a comparable species and with a canopy potential of 150% of the canopy of the Landmark Tree to foster the enhancement of the tree canopy. Canopy mitigation is computed using the actual measured canopy of the Landmark Tree.
9-26	9.3.7. Protected Tree	A. Protected Tree means a tree 18 inches DBH or larger, other than a Landmark Tree or Setback Tree, in fair or better condition. B. The destruction or removal of a Protected Tree on any property must comply with the Site/Tree Conservation Plan provisions of Sec. 9.3.3.C. C. The removal or destruction of Protected Trees on property not meeting the canopy requirements, or that will cause the	A. Protected Tree means a tree 18 inches DBH or larger, other than a Landmark Tree or Setback Tree, in fair or better condition. B. The destruction or removal of a Protected Tree on any property must comply with the Site/Tree Conservation Plan provisions of Sec. 9.3.3.C. C. The removal or destruction of Protected Trees on property not meeting the canopy requirements, or that will cause the

		tree canopy to fall below the canopy requirements, is permitted only if the Protected Trees are: 1. Located within the building footprint of the proposed construction as permitted by the City; or 2. Outside of the permitted building footprint, and the City Arborist determines that the permitted land disturbance or construction activity will require the removal of the Protected Tree based on the provisions of Sec. 9.3.3.C. 3. The City Arborist may decide to approve the removal of a Protected Tree by weighing the following factors in order to determine the extent of the impact of the removal of the Protected Tree upon adjacent properties and only allow such removal if it is determined that such impact is minimal: 4. The size and configuration of the property; 5. The physical condition of the tree; 6. Cost effectiveness of potential alternatives to tree removal; 7. Whether the tree contributes to meeting any of the requirements set forth in this Article or other requirements set forth by the City; 8. Generally recognized good forestry practices; or 9. Other factors creating undue hardship for the applicant. D. For removal or destruction of trees approved pursuant to paragraph C. above, on property not meeting the canopy requirements, or which removal will cause the tree canopy to fall below the canopy requirements, the trees must be replaced by the planting of new trees within the minimum required setback of the property of a comparable species and canopy potential. E. If the City Arborist determines that replacement is not practical based upon: 1. The size and configuration of the property; 2. Unavoidable site modifications resulting from grading, utility work, and construction activities will result in destruction or irreparable damage to the tree and site plan modifications to prevent destruction or irreparable damage to the tree are impossible or unduly burdensome on the applicant; 3. The tree canopy of common areas appurtenant to the property; or 4. Other factors creating undue hardship for the applicant including but not limited to: pedestrian or vehicle traffic on and adjacent to the property; the configuration of buildings, structures and utilities on or adjacent to the property; cost effectiveness of potential replacement; whether the tree	tree canopy to fall below the canopy requirements, is permitted only if the Protected Trees are: 1. Located within the building footprint of the proposed construction, as permitted by the City; or 2. Outside of the permitted building footprint, and the City Arborist determines that the permitted land disturbance or construction activity will require the removal of the Protected Tree based on the provisions of Sec. 9.3.5.B. D. The City Arborist may decide to approve the removal of a Protected Tree by weighing the following factors in order to determine the extent of the impact of the removal of the Protected Tree upon adjacent properties and only allow such removal if it is determined that such impact is minimal: 1. The size and configuration of the property; 2. The physical condition of the tree; 3. Cost effectiveness of potential alternatives to tree removal; 4. Whether the tree contributes to meeting any of the requirements set forth in this Article or other requirements set forth by the City; 5. Generally recognized good forestry practices; or 6. Other factors creating undue hardship for the applicant. E. For removal or destruction of trees approved pursuant to paragraphs C. and D. above, on property not meeting the canopy requirements, or on property on which removal of the Protected Tree will cause the tree canopy to fall below the canopy requirements, the Protected Tree must be replaced by the planting of new trees comparable to the Protected Tree in species and canopy potential. F. If the City Arborist determines that replacement is not practical based upon: 1. The size and configuration of the property; 2. Unavoidable site modifications resulting from grading, utility work, and construction activities that will result in destruction or irreparable damage to the tree, or wherein site plan modifications to prevent destruction or irreparable damage to the tree are impossible or unduly burdensome on the applicant; 3. The tree canopy of common areas appurtenant to the property; or 4. Other factors creating undue hardship for the applicant including but not limited to: pedestrian or vehicle traffic on and adjacent to the property; the configuration of buildings, structures and utilities on or adjacent to the property; cost effectiveness of potential replacement; whether the tree

		contributes to meeting any of the requirements set forth in this division or other requirements set forth by the City; or generally recognized good forestry practices; 5. Then payment may be made into the Sandy Springs Tree Bank in lieu of replacement planting. The compensation for the lost tree canopy below the canopy requirements is calculated on a square foot lost/replaced basis as set forth in the canopy and cost assignment table contained in Sec. 9.3.8.D. 6. The compensation for the lost tree canopy below the canopy requirements is calculated on a square foot lost/replaced basis as set forth in the canopy and cost assignment table contained in Sec. 9.3.8.D. 7. All trees removed pursuant to this Section must be replaced by the planting of new trees on the property of a comparable species and canopy potential. 8. If the City Arborist determines that replacement is not practical based upon: a. The size and configuration of the property; b. Unavoidable site modifications resulting from grading, utility work, and construction activities will result in destruction or irreparable damage to the tree and site plan modifications to prevent destruction or irreparable damage to the tree are impossible or unduly burdensome on the applicant; c. The tree canopy of common areas appurtenant to the property; or d. Other factors creating undue hardship for the applicant including but not limited to: pedestrian or vehicle traffic on and adjacent to the property; the configuration of buildings, structures and utilities on or adjacent to the property; cost effectiveness of potential replacement; whether the tree contributes to meeting any of the requirements set forth in this division or other requirements set forth by the City; or generally recognized good forestry practices.	contributes to meeting any of the requirements set forth in this Division or other requirements set forth by the City; or generally recognized good forestry practices; 5. Then payment may be made into the Sandy Springs Tree Bank in lieu of replacement planting. The compensation for the lost tree canopy below the canopy requirements is calculated on a square foot lost/replaced basis as set forth in the canopy and cost assignment table contained in Sec. 9.3.8.D. 6. The compensation for the lost tree canopy below the canopy requirements is calculated on a square foot lost/replaced basis as set forth in the canopy and cost assignment table contained in Sec. 9.3.8.D. 7. All trees removed pursuant to this Section must be replaced by the planting of new trees on the property of a comparable species and canopy potential.
9-27	9.3.8.A. Administration – Administrative Standards	Administrative Standards Administrative standards means the administrative standards and best management practices, prepared in conjunction with this Article and which, as they exist and may be amended from time to time, are incorporated here, and a copy of which is maintained in the office of the City Clerk. If any term of the administrative standards and best management practices is deemed to conflict with the terms of this Article, the terms of this Article control.	Technical Manual The Technical Manual was prepared in conjunction with this Article and, as it exists and may be amended from time to time, it is incorporated here, and a copy of it is maintained in the office of the City Clerk. If any term of the Technical Manual is deemed to conflict with the terms of this Article, the terms of this Article control.

9-28	9.3.8.B.2. Administration – Appeals	Appeals are only be granted for errors of interpretation, application, or where the unique natural features of the site are such that it is impractical or impossible to apply the terms, conditions or standards of this Article, resulting in an undue hardship to the property owner.	Appeals may only be granted for errors of interpretation, application, or where the unique natural features of the site are such that it is impractical or impossible to apply the terms, conditions or standards of this Article, resulting in an undue hardship to the property owner.
9-29	9.3.8.D. Administration – Cost Assignment	1. For the purposes of calculation of required payment into the Sandy Springs Tree Bank, an assessed value of $5,000.00 per 1,000 square feet of canopy will be used when canopy replacement cannot be achieved by replanting on the site. a. Large canopy trees are calculated as 1,000 square feet. b. Medium canopy trees are calculated as 500 square feet. c. Small canopy trees are calculated as 250 square feet. 2. When proposed construction causes the canopy to fall below the minimum canopy requirement, an assessed value of $1,200.00 per 1,000 square feet of canopy is used to determine the payment for the deficient canopy.	1. For the purposes of calculation of required payment into the Sandy Springs Tree Bank, an assessed value of $5,000.00 per 1,000 square feet of canopy will be used when canopy replacement cannot be achieved by replanting on the site. a. Large Canopy Trees are calculated as 1,000 square feet credit. b. Medium Canopy Trees are calculated as 500 square feet credit. c. Small Canopy Trees are calculated as 250 square feet credit. 2. When proposed construction causes the canopy to fall below the minimum canopy requirement, an assessed value of $1,200.00 per 1,000 square feet of canopy is used to determine the payment for the deficient canopy. 3. For any unauthorized tree removal, an assessed value of $7,500.00 per 1,000 square feet of canopy removed will be used to determine payment into the Sandy Springs Tree Bank.
9-30	9.3.8.E. Administration – Potentially Damaged Trees-Escrow Fund	Potentially Damaged Trees-Escrow Fund 1. Where the City Arborist determines that due to approved construction or land disturbance activity an applicant may remove a tree pursuant to the terms of this Article, and the applicant is required to pay for the lost tree canopy of the removed tree, the applicant may, at its election, propose alternative construction methods to attempt to preserve the continued viability of the tree. Should the City Arborist determine that the proposed alternative construction methods will reasonably result in the survival of the tree, that portion of the funds required to pay for the lost tree canopy of the tree pursuant to this Article must be paid into an escrow fund maintained by the City. 2. After 3 years from the date of the payment of the escrow funds, the applicant has the right to petition the City Arborist for the return of all escrow funds held for the protection of the tree. Within 30 days of the petition, the City Arborist will make a determination as to whether the tree has failed to survive or is in a state of irreversible decline due to the permitted activity. Should the City Arborist determine that the tree has survived	Potentially Damaged Trees – Escrow Fund 1. Where the City Arborist determines that due to approved construction or land disturbance activity an applicant may remove a tree pursuant to the terms of this Article, and the applicant is required to pay for the lost tree canopy of the removed tree, the applicant may, at its election, propose alternative construction or site design methods to attempt to preserve the continued viability of the tree. Should the City Arborist determine that the proposed alternative construction or site design methods will reasonably result in the survival of the tree, that portion of the funds required to pay for the lost tree canopy of the tree pursuant to this Article must be paid into an escrow fund maintained by the City. 2. After 3 years from the date of the payment of the escrow funds, the applicant has the right to petition the City Arborist for the return of all escrow funds held for the protection of the tree. Within 30 days of the petition, the City Arborist will make a determination as to whether the tree has failed to survive or is in a state of irreversible decline due to the permitted activity. Should the City Arborist determine that the tree has survived

		and is not in a state of irreversible decline, the funds must be paid to the applicant. Should the City Arborist determine that the tree has failed to survive or is in a state of irreversible decline, the escrow must be transferred into the Sandy Springs Tree Bank. 3. If funds are required to be paid into escrow pursuant to paragraph B. above, at any time prior to a determination authorizing the return of the escrow funds to the applicant pursuant to paragraph D. below, the property owner whose property contains the Boundary Tree (petitioner) may petition the City Arborist for the payment of the escrow funds to be used for the removal and replacement of the Boundary Tree on the grounds that the permitted activity has caused the Boundary Tree to fail to survive or be in a state of irreversible decline. 4. Upon receipt of such petition, notice of the petition is provided to the applicant hereunder at the address provided at the time of the tree removal permit application, or at any alternative address subsequently designated by the applicant to the City Arborist in writing, via first class and certified mail, within 30 days of mailing of the notice. The City Arborist will make a determination as to whether the Boundary Tree has failed to survive or is in a state of irreversible decline due to the permitted activity. Notice of the decision is provided to the petitioner and the applicant by certified and first class mail as set forth in this paragraph. Either party may appeal the City Arborist's determination pursuant to this Article. Should the City Arborist determine that the boundary tree failed to survive or is in a state of irreversible decline due to the permitted activity, and no appeal has been timely filed, or the applicant has fully exhausted his or her appellate rights, the escrow funds will be paid to the petitioner to offset any costs incurred in removal and replacement of the boundary tree. The petitioner's rights pursuant to this section may not be exercised more than once in any 18-month period. 5. Any funds not collected by either an affected property owner or the applicant within a period of 4 years of the establishment of the escrow fund are deposited in the Sandy Springs Tree Bank. 6. No party is entitled to receive interest on any escrow funds required pursuant to the provisions of this Article.	and is not in a state of irreversible decline, the funds must be paid to the applicant. Should the City Arborist determine that the tree has failed to survive or is in a state of irreversible decline, the escrow must be transferred into the Sandy Springs Tree Bank. 3. If funds are required to be paid into escrow pursuant to paragraph 1. above, at any time prior to a determination authorizing the return of the escrow funds to the applicant pursuant to paragraph 4. below, the property owner (petitioner) whose property contains the tree may petition the City Arborist for the payment of the escrow funds to be used for the removal and replacement of the tree on the grounds that the permitted activity has caused the tree to fail to survive or be in a state of irreversible decline. 4. Upon receipt of such petition, notice of the petition is provided to the applicant hereunder at the address provided at the time of the tree removal permit application, or at any alternative address subsequently designated by the applicant to the City Arborist in writing, via first class and certified mail, within 30 days of mailing of the notice. The City Arborist will make a determination as to whether the tree has failed to survive or is in a state of irreversible decline due to the permitted activity. Notice of the decision is provided to the petitioner and the applicant by certified and first class mail as set forth in this paragraph. Either party may appeal the City Arborist's determination pursuant to this Article. Should the City Arborist determine that the tree failed to survive or is in a state of irreversible decline due to the permitted activity, and no appeal has been timely filed, or the applicant has fully exhausted his or her appellate rights, the escrow funds will be paid to the petitioner to offset any costs incurred in removal and replacement of the tree. The petitioner's rights pursuant to this section may not be exercised more than once in any 18-month period. 5. Any funds not collected by either an affected property owner or the applicant within a period of 4 years of the establishment of the escrow fund are deposited in the Sandy Springs Tree Bank. 6. No party is entitled to receive interest on any escrow funds required pursuant to the provisions of this Article.
9-31	9.3.8.G.3. Administration – Fines and Penalties	Removal of a tree protected under the terms of this Article without compliance with the terms of this Article will result in	Unauthorized removal of a tree protected under the terms of this Article without compliance with the terms of this Article

		an assessment for the replacement of the lost tree canopy in the amount of 3 times the value of the lost tree canopy, calculated in accordance with the canopy and cost methodology contained in Sec. 9.3.8.D.	will result in an assessment for payment into the Sandy Springs Tree Bank at a calculated rate of $7,500.00 per 1,000 square feet of canopy removed.
9-32	Div. 9.4. Steep Slopes	Steep Slopes	Natural Grade Protection
9-33	9.4.1. Purpose	A. The purpose of this Division is to protect topographical features that have a slope in excess of the standards below in order to prevent one or more of the following negative impacts: 1. Erosion affecting the structural integrity of steep slopes. 2. Stormwater and erosion-related impacts on adjacent properties. 3. Stormwater and erosion-related impacts to environmentally sensitive areas such as streams and wetlands. 4. Increased stormwater velocity due to loss of vegetation. 5. Decreased groundwater recharge due to changes in site hydrology. 6. Loss of natural or topographic features that contribute substantially to the natural beauty and visual quality of the community. B. These standards are intended to guide the creation of new lots, and are not intended to prohibit development on existing lots. C. The standards of this Division do not apply to steep slopes in the CS- or Perimeter Center Districts.	A. The purpose of this Division is to protect topographic features and natural grades in order to prevent one or more of the following negative impacts: 1. Erosion affecting the structural integrity of steep slopes and natural grades. 2. Stormwater and erosion-related impacts on adjacent properties. 3. Stormwater and erosion-related impacts to environmentally sensitive areas. 4. Increased stormwater velocity due to loss of vegetation. 5. Decreased groundwater recharge due to changes in site hydrology. 6. Loss of natural or topographic features that contribute substantially to the natural beauty and visual quality of the community. B. The standards of this Division do not apply to steep slopes in the CS- or Perimeter Center Districts.
9-34	9.4.2.B. Standards – Applicability	All new construction, including additions, must comply with the requirements of this Division, except that any lawful existing dwelling unit or guest house in a Protected Neighborhood may be expanded, provided the expansion meets the requirements of this Development Code.	All construction, including renovations and additions, must comply with the requirements of this Division.
9-35	9.4.2.C. Designation on Plans	Steep slopes must be designated on any Land Disturbance Permit or Building Permit application where the area of slopes greater than 15% exceeds 1,000 square feet in area.	Moderate and steep slopes of 1,000 square feet and greater in area must be designated on any Land Disturbance Permit or Building Permit application.
9-36	9.4.2.D. Standards – Steep Slopes Over 15% up to 25%	Steep Slopes Over 15% up to 25%	Moderate Slopes of 15% and Up to 35%
9-37	9.4.2.E. Standards – Steep Slopes Over 25%	Steep Slopes Over 25% These areas are generally unsuitable for development. Land disturbance must not exceed ¼ of the area containing slopes	Steep Slopes of 35% or Greater These areas are generally unsuitable for development. Land disturbance must not exceed ¼ of the area containing slopes of

		greater than 25%, except that where an existing lot of record does not have a reasonable building site with less than 25% slope, the Director will approve the site, subject to any necessary mitigation measures.	35% or greater in areas of 1,000 square feet or more, except that where an existing lot of record does not have a reasonable building site with less than 35% slope or natural grade, the Director may approve the site, subject to any necessary mitigation measures.
9-38	9.4.2.F. Standards – Construction Techniques	Construction activities on slopes greater than 15% must comply with the following: 1. All plans must show provisions for reducing and minimizing stormwater runoff during construction of steep slopes and cut and fill slopes. 2. All swales and all slopes must be provided temporary or permanent stabilization with ground cover sufficient to restrain erosion as soon as practicable, but in any event within 7 calendar days of any phase of grading. 3. All other disturbed areas must be provided temporary or permanent stabilization with ground cover sufficient to restrain erosion as soon as practicable, but in any event within 14 calendar days of termination or completion of any phase of grading. 4. Prior to issuance of a certificate of occupancy, vegetation must be reestablished. 5. Where irrigation is not provided, the exposed soil must be planted with species that survive without irrigation. 6. Vegetative ground cover or any alternative cover (rock, masonry, or similar materials) must be maintained in perpetuity.	Construction activities on slopes of 15% or greater must comply with the following: 1. All plans must show provisions for reducing and minimizing stormwater runoff during construction on steep slopes and cut and fill slopes. 2. All swales and all slopes must be provided temporary or permanent stabilization with ground cover sufficient to restrain erosion as soon as practicable, but in any event, within 7 calendar days of any phase of grading. 3. All other disturbed areas must be provided temporary or permanent stabilization with ground cover sufficient to restrain erosion as soon as practicable, but in any event, within 14 calendar days of termination or completion of any phase of grading. 4. Prior to issuance of a certificate of occupancy, vegetation must be reestablished. 5. Where irrigation is not provided, the exposed soil must be planted with species that survive without irrigation. 6. Vegetative ground cover or any alternative cover (rock, masonry, or similar materials) must be maintained in perpetuity.
9-39	9.4.2.G. Standards – Grading	Cut and Fill In order to protect existing trees and vegetation on sites, the following limits on cut and fill are required. 1. No cut or fill is allowed within a required side or rear yard setback on lots in a Protected Neighborhood or on lots in an Urban Neighborhood immediately adjoining a Protected Neighborhood. 2. All cut and fill slopes must not exceed 3 feet (horizontal) to 1 foot (vertical). The Director, upon certification by a qualified soils engineer or geologist that the slope will remain stable under foreseeable conditions, may permit a steeper slope. The certification must delineate any specific stabilization measures deemed necessary by the soils engineer or geologist.	Grading In order to protect trees and vegetation on sites, and to protect the character of the neighborhood, the following limits on grading are required. 1. Mitigation measures Any grading in side and rear building setbacks in RE-, RD- and RU- districts, must be mitigated following the measures listed below. a. For each tree of 10 inches DBH or greater removed or damaged by grading in the side setback, one tree must be planted; b. If no tree of 10 inches DBH or greater is removed or damaged, at least one large canopy shade tree must be

			planted for every 1,000 square feet of area disturbed in the side setback; c. Replacement tree species must be of comparable canopy size at maturity as those of the trees removed or damaged; d. Replacement trees must be at least 2 inches caliper at time of planting; e. Planting must take place in the graded area. If this is not possible, the replacement trees may be located elsewhere on the property. If this is not possible, recompense provisions (see Sec. 9.3.8 *[hyperlink]*) of the Tree Ordinance apply; f. This mitigation is required in addition to any other provisions of the Tree Ordinance, including those that apply to Setback Trees (see Sec. 9.3.5 *[hyperlink]*). 2. In the side building setbacks a. In all RE- districts, grading may encroach up to 10 feet into the required side building setbacks. b. In all RD- and RU- districts, grading may encroach into the required side building setbacks. 3. In the rear building setbacks a. In all RE- districts, no grading is allowed within 20 feet of the rear lot line. b. In the RD-27, RD-18, and RD-15 districts, no grading is allowed within 15 feet of the rear lot line. c. In the RD-12, RD-9, RD-7.5, and RU- districts, no grading is allowed within 10 feet of the rear lot line. 4. In all districts, resulting graded slopes must not exceed 3 feet (horizontal) to 1 foot (vertical). Steeper slopes may be approved by the Director upon certification of stability by a soils engineer or geologist.
9-40	9.4.2.H. Standards – Variance from Standards	In granting a variance from the standards of this Section, the Board of Appeals may determine that some features or areas may not be disturbed. These include, but are not limited to: 1. Large stands of trees; 2. Rock outcroppings; and 3. Slopes over 25%.	In granting a variance from the standards of this Section, the Board of Appeals may determine that some features or areas may not be disturbed. These include, but are not limited to: 1. Large stands of trees; 2. Areas containing state waters, floodplain, or wetlands or in the Nancy Creek Declared Sensitive Area; 3. Rock outcroppings; and 4. Slopes of 35% or greater.
9-41	9.4.3.A. Retaining Walls – Design	1. Applicants are encouraged to use foundations as retaining walls to retain slopes. There is no limit on the height of	1. Applicants are encouraged to use building foundations as retaining walls to retain slopes. There is no limit on the height

		foundation walls serving as retaining walls, provided the resulting building does not exceed the district height standards. 2. Where retaining walls are necessary, they are limited as follows: a. Maximum exposed wall height of 6 feet per wall in RE-, RD- and RU- Districts, and 8 feet in height in all other districts. b. Retaining walls must be separated horizontally by at least 4 feet from other retaining walls. This horizontal separation area must be graded to capture stormwater and not sloped such that stormwater will run off. c. Each tier between retaining walls must be vegetated and maintained with a mix of native, evergreen and deciduous shrubs, to be approved by the City Arborist, as follows: i. One shrub every 4 linear feet; and ii. The Director may waive this landscaping standard for retaining walls that slope back and contain natural planting.	of building foundation walls serving as retaining walls, provided the resulting building does not exceed the district height standards. 2. Where retaining walls are necessary, they are limited as follows: a. Retaining walls must be separated horizontally by at least 4 feet from other retaining walls. This horizontal separation area must be graded to capture stormwater and not sloped such that stormwater will run off. b. Each tier between retaining walls must be vegetated and maintained with a mix of native, evergreen and deciduous shrubs, to be approved by the City Arborist, as follows: i. One shrub every 4 linear feet; and ii. The Director may waive this landscaping standard for retaining walls that slope back and contain natural planting.
9-42	9.4.3.B. Retaining Walls – Measurement	1. Total retaining wall height is considered to be the vertical distance from the finished grade at the lowest point of the wall to the finished grade at the top of the wall, including any combination of a fence atop the retaining wall or placed within 3 feet of the retaining wall. 2. Any portion of a retaining wall extending above the finished grade is considered a fence or wall, subject to the requirements of Sec. 8.2.9.	1. Total retaining wall height is considered to be the vertical distance between finished grade level at the front of the wall and the grade level at the back of the wall at the same section. 2. Any portion of a retaining wall extending above the finished grade is considered to be a fence or wall, subject to the requirements of Sec. 8.2.10 *[hyperlink]*.
9-43	9.4.3.C. Retaining Walls – Maintenance and Replacement	Maintenance and Replacement Existing legally permitted and constructed retaining walls may be repaired or replaced, provided the repair or replacement does not result in an increase in the height of the wall.	Existing legally permitted and constructed retaining walls may be maintained and repaired, provided the maintenance and repair do not result in an increase in the height of the wall.
9-44	9.4.3.D. Retaining Walls – In RE-, RD- and RU- Districts	In RE-, RD- and RU- Districts The following standards apply in the single-unit detached districts. 1. Retaining walls must be no closer to all property lines than the required building setback. 2. Newly constructed retaining walls are subject to the following requirements: a. Up to 6 feet as a single wall or tiered walls in height. b. Over 6 feet in height requires tiered retaining walls (each not to exceed 6 feet in height).	In RE-, RD- and RU- Districts In order to protect trees and vegetation on sites and to protect the character of the neighborhood, the following standards apply to all lots in RE-, RD- and RU- Districts. 1. In the side building setbacks: a. In all RE- districts, retaining walls may encroach up to 10 feet into required side building setbacks. b. In all RD- districts, retaining walls may encroach up to half the depth of the required side building setbacks. c. In all RU- districts, no encroachment for retaining walls is allowed into the required side building setbacks.

			2. In the rear building setbacks: a. In all RE- Districts, no retaining walls are allowed within 20 feet of the rear lot line. b. In the RD-27, RD-18, and RD-15 districts, no retaining walls are allowed within 15 feet of the rear lot line. c. In the RD-12, RD-9, RD-7.5, and RU- districts, no retaining walls are allowed within 10 feet of the rear lot line. 3. Newly constructed retaining walls are subject to the following requirements: a. Up to 6 feet in height as a single wall or tiered walls. b. Over 6 feet in height requires tiered retaining walls (each not to exceed 6 feet in height). c. Wing walls (retaining walls that allow daylighting of a basement) are permitted to be up to 12 feet in height if they are inward facing and finished with durable materials (stucco, brick, or stone). If they are to encroach into the building setbacks, the wing walls have to be a maximum of 6 feet in height and meet the retaining wall setback requirements above.
9-45	9.4.3.E. Retaining Walls – In All Other Districts	In All Other Districts The following standards apply all districts that are not single-unit detached districts. 1. On lots adjacent to any Protected Neighborhood lot, retaining walls must be located no closer to all property lines than the required building setback. 2. On lots not adjacent to a Protected Neighborhood, retaining walls must be located no closer than ½ the required setback distance. 3. Newly constructed retaining walls are subject to the following requirements: a. Up to 8 feet as a single wall or tiered walls in height. b. Over 8 feet in height requires tiered retaining walls, which require a building permit.	In All Other Districts The following standards apply to all districts other than those addressed in Sec. 9.4.3.D. 1. Newly constructed retaining walls are subject to the following requirements: a. Up to 8 feet in height as a single wall or tiered walls. b. Over 8 feet in height requires tiered retaining walls (each not to exceed 8 feet in height), which require a building permit.
9-46	9.4.3.G.4. Retaining Walls – Permits and Indemnification	Where a retaining wall of any height supports a surcharge, a retaining wall permit may be required, by the Director. Surcharge is any vertical load imposed on the retained soil that may impose a lateral force in addition to the lateral earth pressure of the retained soil. Examples of surcharges include:	Where a retaining wall of any height supports a surcharge, a retaining wall permit may be required by the Director. Surcharge is any vertical load imposed on the retained soil that may impose a lateral force in addition to the lateral earth pressure of the retained soil. Examples of surcharges include:

9-46.1	9.4.3.G.6	Where a retaining wall might impact (either visually or structurally) an existing structure, adjacent property, the public right-of-way, a buffer, a utility, or other similar significant interest, the Director may require plans, details, cross-sections, and professional engineer calculations beyond those cited in this Section.	Where a retaining wall might impact (either visually or structurally) an existing structure, adjacent property, a street, a buffer, a utility, or other similar significant interest, the Director may require plans, details, cross-sections, and professional engineer calculations beyond those cited in this Section.
9-47	9.5.1.B.6. In General – Applicability	Any flood or flood-related study conducted by the United States Corps of Engineers, the United States Geological Survey, or any other local, state, or federal agency applicable to the City; and	Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey, or any other local, state, or federal agency applicable to the City; and
9-49	9.5.1.G.4. In General – Penalties – Civil Penalties	In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the Department shall deem appropriate (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient) after the Department has taken one or more of the actions described in subsections (2)a.—c. of this section, it may impose a penalty not to exceed $1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.	In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the Department shall deem appropriate (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient) after the Department has taken one or more of the actions described in Sec. 9.5.1.G, the Department may impose a penalty not to exceed $1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
9-50	9.5.2.A.2.c. Administration and Enforcement – Designation of Administrator – Duties and Responsibilities	Require the applicant to obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, when base flood elevation data or floodway data have not been provided, in order to meet the provisions of sections 109-154 and 109-155;	Require the applicant to obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, when base flood elevation data or floodway data have not been provided, in order to meet the provisions of Sec. 9.8.4 *[hyperlnik]* and Sec. 9.8.5 *[hyperlink]*;
9-51	9.5.3.A.1. Definition of Floodplain Boundaries	Studied "A" zones, as identified in the FIS, is used to establish base flood elevations whenever available.	"A" zones, as identified in the FIS, are used to establish base flood elevations.
9-52	9.5.3.C.2. Development Standards – General Standards	Any development within any area of special flood hazard or area of future-conditions flood hazard allowed under subsection (a) of this section shall also meet the following conditions:	Any development within any area of special flood hazard or area of future-conditions flood hazard allowed under Sec. 9.5.3.C.1 shall also meet the following conditions:
9-53	9.5.3.C.2.d. Development Standards – General Standards	Verification of no-rise conditions (0.01 foot or less), flood storage volumes, and flow characteristics are provided via a step-backwater analysis meeting the requirements of section 109-90(2);	Verification of no-rise conditions (0.01 foot or less), flood storage volumes, and flow characteristics are provided via a step-backwater analysis meeting the requirements of Sec. 9.5.3.D;
9-54	9.5.4.A.1. Flood Damage Reduction – General Standards	New construction and substantial improvements of structures (residential or nonresidential), including manufactured homes, shall not be allowed within the limits of the future-conditions	New construction and substantial improvements of structures (residential or nonresidential), including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain, unless all requirements of Sec. 9.5.3 have been met.

		floodplain, unless all requirements of sections 109-89, 109-90, and 109-91 have been met.	
9-55	9.5.4.B.1.b. Residential Buildings – Substantial Improvements	Substantial improvement of any principal residential structure shall have the lowest floor, including basement, elevated no lower than three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is highest. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of section 109-113(5).	Substantial improvements of any principal residential structure shall have the lowest floor, including basement, elevated no lower than three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is highest. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Sec. 9.5.4.A.
9-56	9.5.4.B.2. Nonresidential Buildings	a. New Construction New construction of principal nonresidential structures shall not be allowed within the limits of the future-conditions floodplain unless all requirements of sections 109-89, 109-90, and 109-91. If all of the requirements of sections 109-89, 109-90, and 109-91 have been met, all new construction shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of section 109-113(5)a. New construction that has met all of the requirements of sections 109-89, 109-90, and 109-91 may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Director using the FEMA floodproofing certificate along with the design and operation/maintenance plan. b. Substantial Improvements	a. New Construction New construction of principal nonresidential structures shall not be allowed within the limits of the future-conditions floodplain unless all of the requirements of Sec. 9.5.3 are met. If all of the requirements of Sec. 9.5.3 have been met, all new construction shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Sec. 9.5.4.A. New construction that has met all of the requirements of Sec. 9.5.3 may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Director using the FEMA floodproofing certificate along with the design and operation/maintenance plan.

		Substantial improvement of any principal nonresidential structure located in A1-30, AE, or AH zones may be authorized by the Director to be elevated or floodproofed. Substantial improvements shall have the lowest floor, including basement elevated no lower than one foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of section 109-113(5) a. Substantial improvements may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is highest, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Director using the FEMA floodproofing certificate along with the design and operation/maintenance plan. c. Accessory Structures and Facilities Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, recreational facilities and other similar non-habitable structures and facilities) which meet the requirements of sections 109-89, 109-90, and 109-91 and are permitted to be located within the limits of the future-conditions floodplain shall be constructed of flood-resistant materials and designed to provide adequate flood openings in accordance with section 109-113(5)a. and be anchored to prevent flotation, collapse, and lateral movement of the structure. d. Recreational Vehicles All recreational vehicles placed on sites must either: i. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its	b. Substantial Improvements Substantial improvements of any principal nonresidential structure located in A1-30, AE, or AH zones may be authorized by the Director to be elevated or floodproofed. Substantial improvements shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Sec. 9.5.4.A. Substantial improvements may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is highest, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Director using the FEMA floodproofing certificate along with the design and operation/maintenance plan. c. Accessory Structures and Facilities Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, recreational facilities and other similar non-habitable structures and facilities) which meet the requirements of Sec. 9.5.3 and are permitted to be located within the limits of the future-conditions floodplain shall be constructed of flood-resistant materials and designed to provide adequate flood openings in accordance with Sec. 9.5.4.A and be anchored to prevent flotation, collapse, and lateral movement of the structure. d. Recreational Vehicles All recreational vehicles placed on sites must either:

		wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or ii. Meet all the requirements for residential buildings—substantial improvements set forth in subsection (a)(2) of this section, including the anchoring and elevation requirements. e. Manufactured Homes i. New manufactured homes shall not be allowed to be placed within the limits of the future-conditions floodplain unless all requirements of sections 109-89, 109-90, and 109-91 have been met, all new construction and substantial improvement shall have the lowest floor, including basement, elevated no lower than three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of section 109-113(5)a. ii. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision is elevated so that either: (a) The lowest floor of the manufactured home is elevated no lower than three feet above the level of the base flood elevation, or one foot above the future-conditions flood elevation, whichever is higher; or (b) The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade. iii. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with standards of section 109-113(7).	i. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or ii. Meet all the requirements for residential buildings—substantial improvements set forth in Sec. 9.5.4.B.1.b, including the anchoring and elevation requirements. e. Manufactured Homes i. New manufactured homes shall not be allowed to be placed within the limits of the future-conditions floodplain unless all of the requirements of Sec. 9.5.3 have been met, all new construction and substantial improvements shall have the lowest floor, including basement, elevated no lower than three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Sec. 9.5.4.A. ii. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision are elevated so that either: (a) The lowest floor of the manufactured home is elevated no lower than three feet above the level of the base flood elevation, or one foot above the future-conditions flood elevation, whichever is higher; or (b) The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade. iii. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with the standards of Sec.9.5.4.A.7.
9-57	9.5.4.C. Building Standards for Structures and Buildings Adjacent to the Future-Conditions Floodplain	1. Residential Buildings For new construction and substantial improvement of any principal residential building or manufactured home, the elevation of the lowest floor, including basement and access to the building, is at least three feet above the level of the highest base flood (100-year) elevation adjacent to the building or at least one foot above the future-conditions flood elevation,	1. Residential Buildings For new construction of and substantial improvement to any principal residential building or manufactured home, the elevation of the lowest floor, including basement and access to the building, is at least three feet above the level of the highest base flood (100-year) elevation adjacent to the building or at least one foot above the future-conditions flood elevation,

		whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of section 109-113(5)a. 2. Nonresidential Buildings For new construction or substantial improvement of any principal nonresidential building, the elevation of the lowest floor, including basement and access to the building, is at least three feet above the level of the highest base flood elevation adjacent to the building or at least one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of section 109-113(5)a. Nonresidential buildings may be floodproofed in lieu of elevation.	whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Sec. 9.5.4. 2. Nonresidential Buildings For new construction of and substantial improvement to any principal nonresidential building, the elevation of the lowest floor, including basement and access to the building, is at least three feet above the level of the highest base flood elevation adjacent to the building or at least one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Sec. 9.5.4. Nonresidential buildings may be floodproofed in lieu of elevation.
9-58	9.5.4.D. Building Standards for Residential Single-Lot Development on Streams without Established Base Flood Elevations and/or Floodway (A zones)	For a residential single-lot development not part of a subdivision that has areas of special flood hazard, where streams exist but no base flood data have been provided (A zones), the Director shall review and reasonably utilize any available scientific or historic flood elevation, data, base flood elevation floodway data or future-conditions flood elevation data available from a federal, state, or other source in order to administer the provisions and standards of this Division. If data are not available from any of these sources, the following provisions shall apply: 1. No encroachments, including structures or fill material, shall be located within an area equal to twice the width of the stream or fifty feet from the top of the bank of the stream, whichever is greater. 2. In special flood hazard areas without base flood or future-conditions flood elevation data, new construction and substantial improvements shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet above the highest adjacent grade at the building site. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces shall be provided for flood prone enclosures in accordance with section 109-113(5)a.	For a residential single-lot development not part of a subdivision that has areas of special flood hazard, where streams exist but no base flood data have been provided (A zones), the Director shall review and reasonably utilize any available scientific or historic flood elevation, data, base flood elevation floodway data or future-conditions flood elevation data available from a federal, state, or other source in order to administer the provisions and standards of this Division. If data are not available from any of these sources, the following provisions shall apply: 1. No encroachments, including structures or fill material, shall be located within an area equal to twice the width of the stream or fifty feet from the top of the bank of the stream, whichever is greater. 2. In special flood hazard areas without base flood or future-conditions flood elevation data, new construction and substantial improvements shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet above the highest adjacent grade at the building site. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces shall be provided for flood-prone enclosures in accordance with Sec. 9.5.4.A.5.a.
9-59	9.5.4.E.1.	All new construction and substantial improvements of residential and nonresidential structures shall have the lowest	All new construction and substantial improvements of residential and nonresidential structures shall have the lowest

	Building Standards for Areas of Shallow Flooding (AO zones)	floor, including basement, elevated to no lower than one foot above the flood depth number specified on the flood insurance rate map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, is elevated at least three feet above the highest adjacent grade. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces shall be provided in accordance with standards of section 109-113(5)a.;	floor, including basement, elevated to no lower than one foot above the flood depth number specified on the flood insurance rate map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, is elevated at least three feet above the highest adjacent grade. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces shall be provided in accordance with the standards of Sec. 9.5.4.A.5.a;
9-60	9.5.4.F.3. Standards for Subdivisions of Land	All subdivision plans will provide the elevations of proposed structures in accordance with section 109-54(a)(2).	All subdivision plans will provide the elevations of proposed structures in accordance with Sec. 9.5.2.C.
9-61	9.6.1.F. Purpose	Establish provisions for the long-term responsibility for operation, inspection, maintenance and repair of private structural stormwater control facilities and private commitments for nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety or the environment; and	Establish provisions for the long-term responsibility of operation, inspection, maintenance and repair of private structural stormwater control facilities and private commitments for nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety or the environment;
9-61.1	9.6.1.H Purpose	Protect public health and safety by reducing the risk pf localized flooding and reducing the amount of runoff entering public-rights-of-way.	Protect public health and safety by reducing the risk pf localized flooding and reducing the amount of runoff entering streets.
9-62	9.6.2. \Violations, Enforcement, Penalties	Any action or inaction which violates the provisions of this Division or the requirements of an approved stormwater management plan or permit, may be subject to the enforcement actions outlined in this section. Any such action or inaction that is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described in subsection (2) of this section shall not prevent such equitable relief.	Any action or inaction which violates the provisions of this Division or the requirements of an approved stormwater management plan or permit may be subject to the enforcement actions outlined in this section. Any such action or inaction that is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described in Sec. 9.6.2.B shall not prevent such equitable relief.
9-62.1	9.6.3.A.2.h Standards	Addition of sidewalks in or along public rights-of-way.	Addition of sidewalks along streets.
9-62.2	9.6.3. Minimum Requirements	Except for repairs to existing stormwater facilities or stormwater facilities in the public right-of-way, all developments and redevelopment activity, including single-family residential and those which are otherwise exempt from this Division, the following minimum requirements shall apply:	Except for repairs to existing stormwater facilities or stormwater facilities in the right-of-way, all developments and redevelopment activity, including single-family residential and those which are otherwise exempt from this Division, the following minimum requirements shall apply:
9-63	9.6.5.C. Permit Application Requirements	Unless otherwise exempted by this Division, a permit application is accompanied by the following items in order to be considered:	Unless otherwise exempted by this Division, a permit application is accompanied by the following items in order to be considered:

		1. Stormwater concept plan and consultation meeting certification in accordance with section 109-190; 2. Stormwater management plan in accordance with section 109-191; 3. Inspection and maintenance agreement in accordance with section 109-191(c)(11), if applicable; 4. Performance bond, if applicable; and 5. Permit application and plan review fees in accordance with section 109-193.	1. Stormwater concept plan and consultation meeting certification in accordance with Sec. 9.6.7; 2. Stormwater management plan in accordance with Sec. 9.6.8; 3. Inspection and maintenance agreement in accordance with Sec. 9.6.8, if applicable; 4. Performance bond, if applicable; and 5. Permit application and plan review fees in accordance with Sec. 9.6.10.
9-64	9.6.6.B. Application Procedure	Permit applications shall include the items set forth in section 109-188(c). Two copies of the stormwater management plan and the inspection maintenance agreement, if applicable, is included.	Permit applications shall include the items set forth in Sec. 9.6.5. Two copies of the stormwater management plan and the inspection maintenance agreement, if applicable, are included.
9-65	9.6.6.D. Application Procedure	If either the permit application, stormwater management plan or inspection and maintenance agreement are disapproved, the Department shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same, in which event this subsection and subsection (3) of this section shall apply to such resubmittal.	If the permit application, stormwater management plan or inspection and maintenance agreement is disapproved, the Department shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same, in which event this section and Sec. 9.6.6.C shall apply to such resubmittal.
9-66	9.6.6.F.5. Application Procedure	Upon completion of the project, the applicant or other responsible person shall submit the engineer's report and certificate and as-built plans required by section 109-196.	Upon completion of the project, the applicant or other responsible person shall submit the engineer's report and certificate and as-built plans required by Sec. 9.6.13.
9-67	9.6.7.B.3. Stormwater Concept Plan – Stormwater Management System Concept Plan	A written or graphic concept plan of the proposed post-development stormwater management system including: preliminary selection and location of proposed structural stormwater controls; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of proposed stream channel modifications, such as bridge or culvert crossings. Local watershed plans, the City greenspace projection plan (if applicable), and any relevant resource protection plans will be consulted in the discussion of the concept plan.	A written or graphic concept plan of the proposed post-development stormwater management system including: preliminary selection and location of proposed structural stormwater controls; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of proposed stream channel modifications, such as bridge or culvert crossings. Local watershed plans, the City greenspace protection plan (if applicable), and any relevant resource protection plans will be consulted in the discussion of the concept plan.
9-68	9.6.8.A. Stormwater Management Plan	The stormwater management plan shall detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this Division, including the performance criteria set forth in section 109-195.	The stormwater management plan shall detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this Division, including the performance criteria set forth in Sec. 9.6.12.

9-69	9.6.8.C.3. Stormwater Management Plan	Existing conditions and proposed site plans. Existing conditions and proposed site layout plans which illustrate at a minimum; existing and proposed topography, perennial and intermittent streams; mapping of predominate soils from soil surveys, boundaries of existing predominant vegetation and proposed limits of clearing and grading, and location of existing and proposed roads, building parking area and other impervious surfaces.	Existing conditions and proposed site plans. Existing conditions and proposed site layout plans which illustrate at a minimum: existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys; boundaries of existing predominant vegetation and proposed limits of clearing and grading; and location of existing and proposed roads, building parking area and other impervious surfaces.
9-70	9.6.8.C.7. Stormwater Management Plan	Postdevelopment hydrologic analysis. The post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall be calculated in accordance with the Georgia Stormwater Management Manual and include: a topographic map of developed site conditions with the post-development drainage basin boundaries indicated; total area of postdevelopment impervious surfaces and other land cover areas for each subbasin affected by the project; calculations for determining the runoff volumes that need to be addressed for each subbasin for the development project to meet the post-development stormwater management performance criteria in section 109-195; location and boundaries of proposed natural feature protection and conservation areas; documentation and calculations for any applicable site design credits that are being utilized; methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. If the land development activity on a redevelopment site constitutes more than 50 percent of the site area for the entire site, then the performance criteria in section 109-195 must be met for the stormwater runoff from the entire site. For a subdivision of land or planned development, post-development runoff volumes, rates, and velocities shall be calculated based on the built-out conditions of the entire parcel to be subdivided, regardless of future ownership of individual lots. Estimates of impervious surfaces shall be made based on maximum allowable lot coverage in accordance with the City's zoning ordinance when meeting the performance criteria. The developer of said subdivided parcel may provide runoff reduction and water quality measures for individual lots which must be reflected accordingly on the final plat.	Postdevelopment hydrologic analysis. The post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities shall be calculated in accordance with the Georgia Stormwater Management Manual and include: a topographic map of developed site conditions with the post-development drainage basin boundaries indicated; total area of postdevelopment impervious surfaces and other land cover areas for each subbasin affected by the project; calculations for determining the runoff volumes that need to be addressed for each subbasin for the development project to meet the post-development stormwater management performance criteria in Sec. 9.6.12; location and boundaries of proposed natural feature protection and conservation areas; documentation and calculations for any applicable site design credits that are being utilized; methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. If the land development activity on a redevelopment site constitutes more than 50 percent of the site area for the entire site, then the performance criteria in Sec. 9.6.12 must be met for the stormwater runoff from the entire site. For a subdivision of land or planned development, post-development runoff volumes, rates, and velocities shall be calculated based on the built-out conditions of the entire parcel to be subdivided, regardless of future ownership of individual lots. Estimates of impervious surfaces shall be made based on maximum allowable lot coverage in accordance with the City's Development Code when meeting the performance criteria. The developer of said subdivided parcel may provide runoff reduction and water quality measures for individual lots, which must be reflected accordingly on the final plat.
9-70.1	9.6.8.C.13 Maintenance access easements.	The applicant must ensure access from public right-of-way to stormwater management facilities and practices requiring regular maintenance at the site for the purpose of inspection and repair by securing all the maintenance access easements	The applicant must ensure access from right-of-way to stormwater management facilities and practices requiring regular maintenance at the site for the purpose of inspection and repair by securing all the maintenance access easements

		needed on a permanent basis. Such access is sufficient for all necessary equipment for maintenance activities. Upon final inspection and approval, a plat or document indicating that such easements exist is recorded and shall remain in effect even with the transfer of title of the property.	needed on a permanent basis. Such access is sufficient for all necessary equipment for maintenance activities. Upon final inspection and approval, a plat or document indicating that such easements exist is recorded and shall remain in effect even with the transfer of title of the property.
9-71	9.6.8.C.14. Stormwater Management Plan	Inspection and maintenance agreements. Unless an on-site stormwater management facility or practice is dedicated to and accepted by the Department as provided in section 109-192, the applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management facility or practice in accordance section 109-192.	Inspection and maintenance agreements. Unless an on-site stormwater management facility or practice is dedicated to and accepted by the Department as provided in Sec. 9.6.9, the applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management facility or practice in accordance with Sec. 9.6.9.
9-72	9.6.9.E. Inspection, Maintenance Agreements	In addition to enforcing the terms of the inspection and maintenance agreement, the Department may also enforce all of the provisions for ongoing inspection and maintenance in section 109-197.	In addition to enforcing the terms of the inspection and maintenance agreement, the Department may also enforce all of the provisions for ongoing inspection and maintenance in Sec. 9.6.14.
9-73	9.6.12.A.6. Performance Criteria – Stormwater Credits for Nonstructural Measures	The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under subsection (a) of this section. The applicant may, if approved by the Department, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements that identify the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the Georgia Stormwater Management Manual.	The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under Sec. 9.6.12.A.1. The applicant may, if approved by the Department, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements that identifies the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the Georgia Stormwater Management Manual.
9-73.1	9.6.12.A.7 Drainage System Guidelines	Stormwater conveyance facilities, which may include but are not limited to culverts, stormwater drainage pipes, catchbasins, drop inlets, junction boxes, headwalls, gutters, swales, channels, ditches, and energy dissipaters, are provided when necessary for the protection of public right-of-way and private properties adjoining project sites and/or public rights-of-way. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the following requirements:	Stormwater conveyance facilities, which may include but are not limited to culverts, stormwater drainage pipes, catchbasins, drop inlets, junction boxes, headwalls, gutters, swales, channels, ditches, and energy dissipaters, are provided when necessary for the protection of right-of-way and private properties adjoining project sites and/or rights-of-way. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the following requirements:
9-74	9.6.14.A.4. Ongoing Inspection, Maintenance – Long-Term	A stormwater management facility or practice is inspected on a periodic basis by the responsible person in accordance with the approved inspection and maintenance agreement or in the	A stormwater management facility or practice is inspected on a periodic basis by the responsible person in accordance with the approved inspection and maintenance agreement or in the

	Maintenance Inspection of Stormwater Facilities and Practices	absence of an inspection and maintenance agreement, in accordance with the requirements of this Division. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the Department shall notify the person responsible for carrying out the maintenance plan by registered or certified mail to the person specified in the inspection and maintenance agreement. The notice shall specify the measures needed to comply with the agreement and the plan and shall specify the time within which such measures are completed. Failure of the City to provide such notice shall not relieve the owner or responsible party from performing proper maintenance and inspection of the stormwater maintenance facility. If the responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the Department, may correct the violation as provided in section 109-197(4) hereof.	absence of an inspection and maintenance agreement, in accordance with the requirements of this Division. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the Department shall notify the person responsible for carrying out the maintenance plan who is specified in the inspection and maintenance agreement by registered or certified mail. The notice shall specify the measures needed to comply with the agreement and the plan and shall specify the time within which such measures are completed. Failure of the City to provide such notice shall not relieve the owner or responsible party from performing proper maintenance and inspection of the stormwater maintenance facility. If the responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the Department may correct the violation as provided in Sec. 9.6.14 hereof.
9-75	9.7.2.A. Exemptions	Surface mining, as the same is defined in O.C.G.A. § 12-4-72, "The Georgia Surface Mining Act of 1968."	Surface mining, as the same is defined in O.C.G.A. § 12-4-72, "The Georgia Surface Mining Act of 1968";
9-76	9.7.2.B. Exemptions	Granite Quarrying and land for such quarrying.	Granite Quarrying and land for such quarrying;
9-77	9.7.2.C. Exemptions	Such minor land-disturbance activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities. If such activities cause excessive erosion an official notice shall be provided to implement a best management practice (BMP) to stop continued erosion.	Such minor land-disturbance activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities. If such activities cause excessive erosion an official notice shall be provided to implement a best management practice (BMP) to stop continued erosion;
9-78	9.7.2.D. Exemptions	The construction of single-family residences, when such construction disturbs less than one acre and is not a part of a larger common plan or development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this paragraph; provided, however: 1. Construction of any such residence (singlefamily) shall conform to the minimum requirements as set forth in section 109-252© of this Division. 2. For single family-residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 1 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the	The construction of single-family residences, when such construction disturbs less than one acre and is not a part of a larger common plan or development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this paragraph; provided, however: 1. Construction of any such residence (single-family) shall conform to the minimum requirements as set forth in Sec. 9.7.3.C of this Division. 2. For single-family residential construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 1 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the

		point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. 3. The minimum requirements of section 109-252© of this Division and the buffer zones provided by this section shall be enforced by the City;	point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. 3. The minimum requirements of Sec. 9.7.3.C of this Division and the buffer zones provided by this section shall be enforced by the City;
9-79	9.7.2.F. Exemptions	Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in sections 109-252(c)(15) and (16) of this Division, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;	Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in Sec. 9.7.3.C of this Division, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;
9-80	9.7.2.I. Exemptions	Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of transportation, the Georgia Highway Authority, or the state road and tollway authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Department of transportation or the state road and tollway authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. § 12-7-7.1; except where the Department of transportation, the Georgia Highway Authority, or the state road and tollway authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the local issuing authority, the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. §12-7-6, as if a permit had	Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Georgia Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Georgia Department of Transportation or the State Road and Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. § 12-7-7.1; except where the Georgia Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the local issuing authority, the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. §12-7-6,

		been issued, and violations shall be subject to the same penalties as violations by permit holders;	as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;
9-81	9.7.2.J. Exemptions	Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the public service commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the public service commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6, as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and	Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Georgia Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Georgia Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6, as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and
9-82	9.7.3.A. Minimum Requirements – General Provisions	Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance [from which this Division derived] and the NPDES general permit are not met. Therefore, plans for those land-disturbing activities that are not exempted by this Division shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of sections 109-252(b) and (c) of this Division. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this Division and the NPDES general permit.	Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance [from which this Division derived] and the NPDES general permit are not met. Therefore, plans for those land-disturbing activities that are not exempted by this Division shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of Sec. 9.7.3.B and Sec. 9.7.3.C of this Division. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this Division and the NPDES general permit.

9-83	9.7.3.B.1. Minimum Requirements – Minimum Requirements/BMPs	Best management practices as set forth in sections 109-252(b) and (c) of this Division shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act". As used in this subsection, the terms "proper design"and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6(b).	Best management practices as set forth in this section of this Division shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with Sec. 9.7.3.B.2 or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act." As used in this section, the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6(b).
9-84	9.7.3.B.5. Minimum Requirements/BMPs	The LIA may set more stringent buffer requirements than stated in [subsections] (c) (15) and (16), in light of O.C.G.A. § 12-7-6(c).	The local issuing authority (LIA) may set more stringent buffer requirements than stated in Sec. 9.7.3.C.15 and Sec. 9.7.3.C.16, in light of O.C.G.A. § 12-7-6(c).
9-85	9.7.3.C. Minimum Requirements	The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. § 12-7-1 et seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the "Manual for Erosion and Sediment Control in Georgia" published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:	The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. § 12-7-1 et seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the "Manual for Erosion and Sediment Control in Georgia" published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:
9-86	9.7.3.C.14. Minimum Requirements	Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on site or preclude sedimentation of adjacent waters beyond the levels specified in section 109-252(b)(2) of this Division;	Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on site or preclude sedimentation of adjacent waters beyond the levels specified in Sec. 9.7.3.B.2 of this Division;
9-87	9.7.3.C.15. Minimum Requirements	Except as provided in paragraph (16) of this section, there is established a 25-foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director, EPD determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director, EPD pursuant to O.C.G.A. § 12-2-8, where a drainage structure or a roadway	Except as provided in paragraph (16) of this section, there is established a 25-foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director, EPD determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director, EPD pursuant to O.C.G.A. § 12-2-8, where a drainage structure or a roadway

		drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or along any ephemeral stream. As used in this provision, the term "ephemeral stream" means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the groundwater table year round; for which groundwater is not a source of water; and for which runoff from precipitation is the primary source of water flow, unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to Part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director, EPD as provided in this paragraph. The following requirements shall apply to any such buffer: a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the streambed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the streambed; and b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) stream crossings for water lines; or (ii) stream crossings for sewer lines; and	drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented; or along any ephemeral stream. As used in this provision, the term "ephemeral stream" means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the groundwater table year round; for which groundwater is not a source of water; and for which runoff from precipitation is the primary source of water flow, unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to Part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director, EPD as provided in this paragraph. The following requirements shall apply to any such buffer: a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the streambed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the streambed; and b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) stream crossings for water lines; or (ii) stream crossings for sewer lines;
9-89	9.7.3.C.17. Minimum Requirements	Nothing contained in O.C.G.A. § 12-7-1 et seq. shall prevent any local issuing authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer	Nothing contained in O.C.G.A. § 12-7-1 et seq. shall prevent any local issuing authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer

		requirements that exceed the minimum requirements in subsections 109-252(b) and (c) of this Division.	requirements that exceed the minimum requirements in Sec. 9.7.3.B and Sec. 9.7.3.C of this Division.
9-90	9.7.4.B.2. Application/Permit Process – Application Requirements	The application for a permit shall be submitted to the Department and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in section 109-253(c) of this Division. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land-disturbing activity proposed will be carried out in such a manner that the provisions of sections 109-252(b) and (c) of this Division will be met. Applications for a permit will not be accepted unless accompanied by three copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-10.	The application for a permit shall be submitted to the Department and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Sec. 9.7.4.C of this Division. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land-disturbing activity proposed will be carried out in such a manner that the provisions of Sec. 9.7.3.B and Sec. 9.7.3.C of this Division will be met. Applications for a permit will not be accepted unless accompanied by three copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-10.
9-91	9.7.4.B.4. Application/Permit Process – Application Requirements	Receipt of an application and plan for a permit, the City shall review and approve or disapprove concerning the adequacy of the erosion, sedimentation and pollution control plan. The City shall approve or disapprove a plan within 35 days of receipt. Failure of the City to act within 35 days shall be considered an approval of the pending plan. No permit will be issued unless the plan has been approved by the City, and any variances required by sections 109-252(c)(15) and (16) has been obtained, all fees have been paid, and bonding, if required as per section 109-253(b)(6) have been obtained.	Upon receipt of an application and plan for a permit, the City shall review and approve or disapprove concerning the adequacy of the erosion, sedimentation and pollution control plan. The City shall approve or disapprove a plan within 35 days of receipt. Failure of the City to act within 35 days shall be considered an approval of the pending plan. No permit will be issued unless the plan has been approved by the City, and any variances required by Sec. 9.7.3.C have been obtained, all fees have been paid, and bonding, if required as per Sec. 9.7.4.B, has been obtained.
9-92	9.7.4.C.1. Application/Permit Process – Plan Requirements	Plans must be prepared to meet the minimum requirements as contained in sections 109-252(b) and (c) of this Division, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The "Manual for Erosion and Sediment Control in Georgia" is hereby incorporated by reference into this Division. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures, including roadways, constructed waterways, sediment control and stormwater management facilities, local ordinances and state laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land	Plans must be prepared to meet the minimum requirements as contained in Sec. 9.7.3.B and Sec. 9.7.3.C of this Division, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The "Manual for Erosion and Sediment Control in Georgia" is hereby incorporated by reference into this Division. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures, including roadways, constructed waterways, sediment control and stormwater management facilities, local ordinances and state laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land

		development design, review, permitting, construction, monitoring, or inspections or any land-disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the commission and in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.	development design, review, permitting, construction, monitoring, or inspections or any land-disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the commission and in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.
9-93	9.7.4.C.3. Application/Permit Process – Plan Requirements	Stand alone residential development permit and procedures	Stand-alone residential development permit and procedures.
9-94	9.7.4.C.5. Application/Permit Process – Plan Requirements	The building permit shall include a site erosion control plan, sealed by a Georgia registered Engineer, Landscape Architect, Certified Person in Erosion and Sediment Control (CPESC) or Land Surveyor, to accompany the building plans. No permit shall be issued by the local issuing authority unless the erosion, sedimentation and pollution control plan has been approved by the local issuing authority pursuant to section 109-252(c). All proposed BMPs on the site erosion control plan shall be designed per requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia."	The building permit shall include a site erosion control plan, sealed by a Georgia registered Engineer, Landscape Architect, Certified Person in Erosion and Sediment Control (CPESC) or Land Surveyor, to accompany the building plans. No permit shall be issued by the local issuing authority unless the erosion, sedimentation and pollution control plan has been approved by the local issuing authority pursuant to Sec. 9.7.3.C. All proposed BMPs on the site erosion control plan shall be designed per requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia."
9-95	9.7.4.C.8. Application/Permit Process – Plan Requirements	a. Permits shall be issued or denied as soon as practicable, but in any event not later than 45 days after receipt by the local issuing authority of a completed application, providing variances and bonding are obtained, where necessary, and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken. b. No permit shall be issued by the local issuing authority unless the erosion, sedimentation and pollution control plan has been approved by the district and the local issuing authority has affirmatively determined that the plan is in compliance with this Division, any variances required by sections 109-252(c) (15) and (16) are obtained, bonding requirements, if necessary, as per section 109-253(b)(6) are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the local issuing authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant. c. Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this Division, and any other ordinances relating to land development, as are applied	a. Permits shall be issued or denied as soon as practicable, but in any event not later than 45 days after receipt by the local issuing authority of a completed application, providing variances and bonding are obtained, where necessary, and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken. b. No permit shall be issued by the local issuing authority unless the erosion, sedimentation and pollution control plan has been approved by the district and the local issuing authority has affirmatively determined that the plan is in compliance with this Division, any variances required by Sec. 9.7.3.C.15 and Sec. 9.7.3.C.16 are obtained, bonding requirements, if necessary, as per Sec. 9.7.4.B.6 are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the local issuing authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant. c. Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this Division and any other ordinances relating to land development, as are applied

		to private persons and the division shall enforce such requirements upon the local issuing authority. d. If the tract is to be developed in phases, then a separate permit shall be required for each phase. e. The permit may be suspended, revoked, or modified by the local issuing authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this Division. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit. f. The LIA may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. § 12-7-7(f)(1).	to private persons, and this Division shall enforce such requirements upon the local issuing authority. d. If the tract is to be developed in phases, then a separate permit shall be required for each phase. e. The permit may be suspended, revoked, or modified by the local issuing authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this Division. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit. f. The local issuing authority may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. § 12-7-7(f)(1).
9-96.1	9.7.6.B.3 Stop-Work Orders	When a violation in the form of taking action without a permit, failure to maintain a stream buffer, failure to follow the approved plan, failure to maintain required BMPs or significant amounts of sediment, as determined by the local issuing authority or by the Director, EPD or his or her designee, have been or are being discharged into state waters, offsite or public streets and where best management practices have not been properly designed, installed, and maintained, a stop-work order shall be issued and citation may be issued, by the local issuing authority or by the Director, EPD or his or her designee. All such stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop-work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.	When a violation in the form of taking action without a permit, failure to maintain a stream buffer, failure to follow the approved plan, failure to maintain required BMPs or significant amounts of sediment, as determined by the local issuing authority or by the Director, EPD or his or her designee, have been or are being discharged into state waters, offsite or streets and where best management practices have not been properly designed, installed, and maintained, a stop-work order shall be issued and citation may be issued, by the local issuing authority or by the Director, EPD or his or her designee. All such stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop-work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.
9-96	9.7.6.C. Penalties and Incentives – Bond Forfeiture	If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the	If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the

		time specified, he shall be deemed in violation of this Division and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of section 109-253(b)(6). The local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.	time specified, he shall be deemed in violation of this Division and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Sec. 9.7.4.B. The local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.
9-97	9.7.6.D. Penalties and Incentives – Monetary Penalties	Any person who violates any provisions of this Division, or any permit condition or limitation established pursuant to this Division, or who negligently or intentionally fails or refuses to comply with any final or order of the Director may be cited for the violation of this Division. Any person who violates any provisions of this Division, or any permit condition or limitation established pursuant to this Division, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director, EPD issued as provided in this Division, shall be liable for a civil penalty not to exceed $2,500.00 per day, except that the penalty for violations associated with stand alone residential development shall be pursuant to section 1-10 of the City Code. For the purpose of enforcing the provisions of this Division, notwithstanding any provisions in any City Charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed $2,500.00 for each violation, except that the penalty for violations associated for stand alone residential development shall be pursuant to section 1-10 of the City Code for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this Division under county ordinances approved under this Division shall be authorized to impose penalties for such violations not to exceed $2,500.00 for each violation, except that the penalty for violations associated with stand alone residential development shall be pursuant to section 1-10 of the City Code for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.	Any person who violates any provisions of this Division, or any permit condition or limitation established pursuant to this Division, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director may be cited for the violation of this Division. Any person who violates any provisions of this Division, or any permit condition or limitation established pursuant to this Division, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this Division shall be liable for a civil penalty not to exceed $2,500.00 per day, except that the penalty for violations associated with stand alone residential development shall be pursuant to Sec. 1-10 of the City Code. For the purpose of enforcing the provisions of this Division, notwithstanding any provisions in any City Charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed $2,500.00 for each violation, except that the penalty for violations associated with stand alone residential development shall be pursuant to Sec. 1-10 of the City Code for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this Division under county ordinances approved under this Division shall be authorized to impose penalties for such violations not to exceed $2,500.00 for each violation, except that the penalty for violations associated with stand alone residential development shall be pursuant to Sec. 1-10 of the City Code for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.
9-98	9.7.9.A. Effectivity	This Division shall become effective on the twentieth day of April, 2010.	This Division became effective on the twentieth day of April, 2010.
9-99	9.8.2.F. Violations, Enforcement, Penalties – Civil Penalties	In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such	In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such

		greater period as the Department shall deem appropriate, after the Department has taken one or more of the actions described in subsection (e) of this section, the Department may impose a penalty not to exceed $1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.	greater period as the Department shall deem appropriate, after the Department has taken one or more of the actions described in Sec. 9.8.2.E, the Department may impose a penalty not to exceed $1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
9-100	9.8.3.C.3. Prohibitions – Prohibition of Illegal Connections	Improper connections in violation of this Division must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the public works Department.	Improper connections in violation of this Division must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the Public Works Department.
9-101	Div. 9.9. Utilities	Sec. 9.9.1. In General A. Location of Utilities All authorized public underground utilities shall be located within the right-of-way of a public street or within an easement designated for such use. Within public street right-of-way, placement of the various authorized utilities (power, gas, cable TV, water and sewer) shall conform to the specific locations designated for such use by the city, as illustrated in the standard drawings. B. Private Utilities Within the Right-of-Way No other underground utilities, such as private lawn sprinkler systems, yard lighting, etc., shall be installed within a public right-of-way or easement except by authorization of the public works Department. Such authorization, if issued, shall require the applicant to assume all repair costs of the applicant's facilities should they be damaged during the course of installation, maintenance or repair of any of the public utilities authorized to occupy said right-of-way or easement. C. Underground Installation of New Utilities Within all new subdivisions utility systems, including water, sewerage, gas, telephone, cable television and electric, along with component parts, structures, appendages and materials, shall be installed underground in a manner approved by the applicable utility provider an in accordance with all city ordinances. Aboveground utility systems will not be permitted, except where certain appurtenances and accessories must be installed above ground for servicing. Additionally, all existing overhead utilities located along any exterior property lines of the project shall be placed underground. D. Service From Existing Overhead Utilities Lots that abut existing easements or public rights-of-way where overhead utility supply lines and service connections have	*Formatting: Remove Division*

		previously been installed may be supplied with service from those overhead lines, but the service connections from the overhead lines shall be installed underground. Should a road widening or an extension of service, or other such condition occur as a result of the subdivision and necessitate the replacement or relocation of such utilities, such replacements or relocation shall be underground. E. Compliance with Other Regulations Any utility work required in conjunction with an authorized land disturbance permit that must be completed within the right-of-way, a city easement or on other city property shall comply with the requirements of any city ordinance or policy regarding the installation of utilities on said property. Any installations performed within the state owned right-of-way or property shall comply with any applicable rules, regulation and guidelines developed for that use by the state. Should a road widening, improvements including sidewalk and other streetscape requirements, or an extension of service, or other such condition occur as a result of a subdivision or new commercial development (any non single family detached) exceeding 20,000 square feet in floor area and necessitate the replacement or relocation of such utilities, such replacements or relocation shall be underground. F. Utilities Located Outside of the Right-of-Way When, in the course of development, it becomes necessary to construct utilities outside of the right-of-way said development shall conform to this and other applicable ordinances and regulations. Any permanent or temporary easements required for the construction shall be obtained in accordance with this chapter. The easement area shall be returned to a condition that is equal to or better then the condition that existed prior to construction. G. Utilities Crossing Building Setbacks, Zoning Buffers and Stream Buffers All utility lines/connections are permitted only to cross building setbacks zoning buffers and stream buffers within 25 degrees of perpendicular. This is to include, but is not limited to water lines, sewer lines and electric lines not under the jurisdiction of the Public Service Commission or the Federal Energy Regulatory Commission. Sec. 9.9.2. Underground Utilities	

		A. All water and sanitary sewer utilities and storm drain facilities within the roadway shall be installed and the ditches backfilled and thoroughly compacted before any pavement or base is installed. B. Once the base has been placed, proof-rolled and approved for paving all further installation of utilities under the roadway shall be bored or other wise comply with the Sandy Springs Technical Manual. C. All utility manholes and valve boxes shall be brought flush to the finished grade within the roadway section.	

Article 10. Streets & Improvements

All existing text to be replaced by proposed text, unless stated otherwise in the formatting instructions
As adopted by Mayor and City Council, April 17, 2018

Item	Code Section	Current Text (August 2017)	New Text (April 2018)
10-1	10.2.1.D Lots	The creation of remnant lots below the minimum standards for the applicable zoning district is prohibited unless such lots are designated as common area or stormwater management area on the final plat and maintained by the homeowners' association or some other entity approved by the Director.	*Formatting: Delete subsection D and mark "open"*
10-2	10.2.2 Exempt Lots	Lots that do not comply with the requirements of the applicable zoning district are prohibited, except as follows: A. Signage, Landscape Features The creation of an unbuildable lot in a proposed subdivision for the exclusive purpose of subdivision identification signage or subdivision entrance landscape features is authorized only under the following circumstances (no waiver, exception or variance is allowed): 1. The lot must be located at an entrance to the subdivision as an "island" in the right-of-way of a local or minor collector street; 2. A mandatory homeowner's association is required for the subdivision for ownership and maintenance of the lot as common area; 3. The lot must meet the requirements of the applicable zoning district or as may be approved by variance; 4. Right-of-way of a minimum width of 11 feet from back of curb must be provided adjacent to the perimeter of the lot; and 5. Landscape planting within the right-of-way must comply with the Sandy Springs Technical Manual. B. Stormwater Management Facilities The creation of an un-buildable lot for the exclusive purpose of providing and maintaining a stormwater management facility is authorized. C. Private Streets The creation of an un-buildable lot for the exclusive purpose of providing and maintaining a private street is authorized.	Lots that do not comply with the requirements of the applicable zoning district are prohibited, except as follows: A. Signage, Landscape Features The creation of an unbuildable lot in a proposed subdivision for the exclusive purpose of subdivision identification signage or subdivision entrance landscape features is authorized only under the following circumstances (no waiver, exception or variance is allowed): 1. The lot must be located at an entrance to the subdivision as an "island" in the right-of-way of a local or minor collector street; 2. A mandatory homeowner's association is required for the subdivision for ownership and maintenance of the lot as common area; 3. Landscape planting within the right-of-way must comply with the Sandy Springs Technical Manual. B. Stormwater Management Facilities The creation of an un-buildable lot for the exclusive purpose of providing and maintaining a stormwater management facility is authorized. C. Private Streets The creation of an un-buildable lot for the exclusive purpose of providing and maintaining a private street is authorized. D. Conservation Areas The creation of an un-buildable lot for the exclusive purpose of conserving land from development is authorized and must be recorded as such. E. Common Areas

			The creation of an un-buildable lot, in common ownership, for the exclusive purpose of providing neighborhood amenities such as swimming pools or outdoor amenity space.
10-3	10.2.5.A.1 Transfer of Land Ownership	Legal access to the land is provided to a public or private street approved under the terms of this Development Code; and at least one of the following conditions are met:	Legal access to the land is provided to a public or private street approved under the terms of this Development Code; and at least one of the following conditions is met:
10-4	10.2.7 Standard Drawings	Standard Drawings The Department maintains a set of standard drawings on file illustrating details of construction and design of streets, stormwater drainage facilities, site improvements and other elements related to the development of land in accordance with this Development Code and under the jurisdiction of the Department for consultation and distribution. These drawings are contained in the Sandy Springs Technical Manual.	Standard Details and Specifications The Department maintains a set of standard details and specifications on file illustrating details of construction and design of streets, stormwater drainage facilities, site improvements and other elements related to the development of land in accordance with this Development Code and under the jurisdiction of the Department for consultation and distribution. These details and specifications are contained in the Sandy Springs Technical Manual.
10-5	10.3.1.A Maximum Block Face	The block standards below are required for all subdivision and land development permits approved after the effective date of this Development Code. No block face is allowed to exceed the thresholds of the following table, except as otherwise specified in this Section. [table] RD-27, RD-18, RD-15, RD-12 | 1,360' max	The block standards below are required for all subdivision and major land development permits for sites exceeding the stated block face length. No block face, when measured for the specific development, is allowed to exceed the thresholds of the following table, except as otherwise specified in this Section. Connections to existing roads are strongly encouraged. *Formatting: Change value in table for RD-27, 18, 15, 12 only* RD-27, RD-18, RD-15, RD-12 | 1,320 max
10-6	10.3.1 Block Face Measurement (graphic)		*Formatting: Insert updated graphics "Block Face_SandySprings" and "BlockFace2_SandySprings"*
10-7	10.3.1.B Block Measurement	1. A block face is bounded by a public or private right-of-way (not including an alley). 2. All public or private rights-of-way proposed as part of a development must be improved with a street. 3. Block face is measured along the edge of the property adjoining the public or private right-of-way. 4. The Director may modify the block face requirements when steep slopes in excess of 25%, freeways, railways, waterways, tree protection areas, stream buffers, cemeteries, open space or easements would make the provision of a complete block infeasible. When block length is modified by the Director, bicycle	1. A block face is bounded by a public or private street (not including an alley). 2. All public right-of-way or private easement proposed as part of a development must be improved with a street. 3. Block face is measured along the edge of the property adjoining the public right-of-way or private easement. 4. The Director may modify the block face requirements when steep slopes in excess of 35%, freeways, railways, waterways, tree protection areas, stream buffers, cemeteries, open space or easements would make the provision of a complete block infeasible. When block length is modified by the Director, bicycle

		and pedestrian connections must be provided in place of the required street.	and pedestrian connections must be provided in place of the required street.
10-8	10.3.2.D Cross-Access Easement	In the RM- District, any Corridors & Nodes district or Perimeter Center district, the property owner must grant a cross-access easement as described in this Section to each adjoining property. The purpose of the easement is to facilitate movement of customers and their vehicles from establishment to establishment (lot to lot) without generating additional turning movements on a public street. When required by this Section, cross-access easements must be recorded in the office of the Clerk of Superior Court, Fulton County, and reference to deed book and copy of the recorded easement provided to the Director. 1. Access Easement Provisions a. The cross-access easement must permit vehicle access from the adjoining property to driveways and parking areas intended for customer or tenant use. b. On-site parking spaces may be restricted to use by the owner's customers and tenants only. c. Upon the availability of access to driveways and parking areas of the adjoining lot, the pavement or other surfacing of the owner's driveways and parking areas must be extended to the point of access on the property line.	In the RM- District, any Corridors & Nodes district or Perimeter Center district, the property owner must grant a cross-access easement as described in this Section to each adjoining property that is in the RM-District, any Corridors & Nodes district or Perimeter Center district, unless a street is provided as required in Sec. 10.3.1. The purpose of the easement is to facilitate movement of customers and their vehicles from establishment to establishment (lot to lot) without generating additional turning movements on a public street. When required by this Section, cross-access easements must be recorded in the office of the Clerk of Superior Court, Fulton County, and reference to deed book and copy of the recorded easement provided to the Director. 1. Access Easement Provisions a. The cross-access easement must permit vehicle access from the adjoining property to driveways and parking areas intended for customer or tenant use. b. On-site parking spaces may be restricted to use by the owner's customers and tenants only. c. Upon the availability of access to driveways and parking areas of the adjoining lot, the pavement or other surfacing of the owner's driveways and parking areas must be extended to the point of access on the property line. d. Where cross-access arrangements exist that predate the provisions of this Ordinance, this access may not be blocked by any party,
10-9	10.4.2 Street Types	A. Applicability 1. When a Preliminary Plat, Final Plat, or Major Land Disturbance Permit proposes the construction of a new street, the requirements of this Division apply. 2. When constructing a public or private street or reconstructing an existing street, sidewalks, bike lanes, curb and gutter and street trees must be installed and constructed in accordance with this Division and the Sandy Springs Technical Manual. 3. Existing streets may continue serving existing development in their current configuration; however,	*Formatting: Add subsection 8.* Streetscape improvements on all street frontages are required with major LDPs: a. On sites smaller than 2 acres; b. On sites at least 2 acres in size and with disturbance of at least 25% of the total site area; c. On sites at least 2 acres in size and less than 25% of the area disturbed, a determination will be made by the Director on which, if any, streetscape improvements will be required. The 25% threshold is calculated as cumulative disturbance over the past 3 years.

		they must not be extended or substantially rebuilt except in conformance with this Division. 4. A Major Land Disturbance Permit triggers both required street and streetscape improvements. These required improvements may be waived where the Director determines that a City project for these improvements is underway. This waiver does not include a waiver of the obligation to provide the required street right-of-way. B. Mobility Maps The City has created a series of maps included in the Sandy Springs Technical Manual that implement the Comprehensive Plan and Transportation Plan. The maps describe the required attributes for all streets throughout the City, including total right-of-way, lane width, sidewalk and sidewalk width, trails, bicycle facilities and pedestrian lighting. See also Appendix A, Street Framework and On-Street Parking Map. C. Street Right-of-Way Width 1. Street right-of-way width must be dedicated as specified in the Sandy Springs Technical Manual. 2. Applicants must dedicate sufficient right-of-way to the City for streets and sidewalks. Generalized street right-of-way widths are illustrated in this Division. For Further details, see the Sandy Springs Technical Manual. 3. The Director may require turn lanes, and additional right-of-way beyond that shown in the applicable typical street cross-section to accommodate these lanes. 4. City Projects do not need to dedicate right-of-way, and may be granted relief from this Division when deemed appropriate for the good of the community and general public, with the approval of the Director. D. Streets The streets included here describe a range of dimensions appropriate for each street type. A summary map is included in Appendix A. For additional details (including required dimensions and designations), see the Sandy Springs Technical Manual. 1. Type A: Two-Lane, No Parking 2. Type B: Two-Lane, Parking 3. Type C: Two-Lane, Median, No Parking 4. Type D: Two-Lane, Median, Parking	For information on the requirements, see Div. 10.4.2 *[hyperlink]*. A. Applicability 1. When a Preliminary Plat, Final Plat, or Major Land Disturbance Permit proposes the construction of a new street, the requirements of this Division apply. 2. When constructing a public or private street or reconstructing an existing street, sidewalks, bike lanes, curb and gutter, street trees, landscape areas, and other applicable improvements must be installed and constructed in accordance with this Division and the Sandy Springs Technical Manual. 3. Existing streets may continue serving existing development in their current configuration; however, they must not be extended or substantially rebuilt except in conformance with this Division. 4. A Major Land Disturbance Permit triggers both required street and streetscape improvements. These required improvements may be waived where the Director determines that a City project for these improvements is underway. This waiver does not include a waiver of the obligation to provide the required street right-of-way. B. Mobility Maps The City has created a series of maps included in the Sandy Springs Technical Manual that implement the Comprehensive Plan and Transportation Plan. The maps describe the required attributes for all streets throughout the City, including total right-of-way, lane width, sidewalk and sidewalk width, trails, bicycle facilities and pedestrian lighting. See also Appendix: City-wide Street Framework Map. C. Street Right-of-Way Width 1. Street right-of-way or private easement width must be dedicated as specified in the Sandy Springs Technical Manual. 2. Applicants must dedicate sufficient right-of-way to the City for streets and sidewalks. Generalized street right-of-way widths are illustrated in this Division. For further details, see the Sandy Springs Technical Manual.

		5. Type E: Four-Lane, Median, No Parking 6. Type F: Two-Lane, Residential 7. Roswell Road 8. Powers Ferry Road 9. Mount Vernon Highway E. Accessways 1. Alley, Residential 2. Alley, Mixed Use 3. Pedestrian Passage 4. Multi-Use Trail 5. Commuter Trail F. City Center Network The City Center has a specific set of typical street standards, which are included in the Sandy Springs Technical Manual. G. Street and Pedestrian Lights Street and pedestrian lighting requirements are set out in the Sandy Springs Technical Manual.	3. The Director may require turn lanes, and additional right-of-way beyond that shown in the applicable typical street cross-section to accommodate these lanes. 4. City Projects do not need to dedicate right-of-way, and may be granted relief from this Division when deemed appropriate for the good of the community and general public, with the approval of the Director. D. Streets The streets included here describe a range of dimensions appropriate for each street type. A summary map is included in the Appendix. For additional details (including required dimensions and designations), see the Sandy Springs Technical Manual. City-initiated projects may differ from these typical sections. 1. Type A: Two-Lane, No Parking 2. Type B: Two-Lane, Parking 3. Type C: Two-Lane, Median, No Parking 4. Type D: Two-Lane, Median, Parking 5. Type E: Four-Lane, Median, No Parking 6. Type F: Two-Lane, Residential 7. Roswell Road 8. Powers Ferry Road 9. Mount Vernon Highway E. Accessways Accessways are not considered streets. They cannot be used to meet the lot width requirements as required by Articles 2, 3, 4 and 5. 1. Alley, Residential 2. Alley, Mixed Use 3. Pedestrian Passage 4. Multi-Use Trail 5. Commuter Trail F. City Center Network The City Center has a specific set of typical street standards, which are included in the Sandy Springs Technical Manual. G. Perimeter Center Improvement Districts (PCIDs) Network In addition to the remaining requirements of this Division, all development located within the Perimeter Community Improvement District, regardless of the Sandy Springs zoning district applied, must conform to the Public Space Standards issued by the District, except where they are less stringent than the City's own requirements.

			H. Street, Pedestrian Lights and Landscaping Street, pedestrian lighting and landscaping requirements are set out in the Sandy Springs Technical Manual.
10-10	10.4.3 Two-Lane, No Parking		*Formatting: Insert updated graphic "3-2lane-noParking_V10"*
10-11	10.4.3.A & B Two-Lane, No Parking	A. Right-of-way, total: 62' to 86' B. Right-of-way to centerline: 31' to 43'	A. Right-of-way, total: 62' to 88' B. Right-of-way to centerline: 31' to 44'
10-12	10.4.4.A&B Two-Lane, Parking	A. Right-of-way, total: 80' to 96' B. Right-of-way to centerline: 40' to 48'	A. Right-of-way, total: 80' to 96' B. Right-of-way to centerline: 40' to 48'
10-13	10.4.5.A&B Two-Lane, Median, No Parking	A. Right-of-way, total: 76' to 96' B. Right-of-way to centerline: 38' to 48'	A. Right-of-way, total: 76' to 98' B. Right-of-way to centerline: 38' to 49'
10-14	10.4.5.H Two-Lane, Median, No Parking	H. Travel lane: 11' to 12'	H. Travel lane: 11' to 14'
10-15	10.4.5.I Two-Lane, Median, No Parking	I. Turn lane/median: 14'	I. Turn lane/median: 14' min.
10-16	10.4.6 Two-Lane, Median, Parking		*Formatting: Insert updated graphic "06-2Lane-Median-noParking_V07"*
10-17	10.4.6.A&B Two-Lane, Median, Parking	A. Right-of-way, total: 94' to 110' B. Right-of-way to centerline: 47' to 55'	A. Right-of-way, total: 94' to 114' B. Right-of-way to centerline: 47' to 57'
10-18	10.4.6.J Two-Lane, Median, Parking	J. Turn lane/median: 14'	J. Turn lane/median: 14' min.
10-19	10.4.7 Four-Lane, Median, No Parking		*Formatting: Insert updated graphic "07_4Land-Median-noParking_V07"*
10-20	10.4.7.A&B Four-Lane, Median, No Parking	A. Right-of-way, total: 106' to 130' B. Right-of-way to centerline: 53' to 65;	A. Right-of-way, total: 105' to 134' B. Right-of-way to centerline: 52.5' to 67'
10-21	10.4.7.J Four-Lane, Median, No Parking	J. Turn lane/median: 14'	J. Turn lane/median: 14' min.
10-22	10.4.8 Two-Lane, Residential		*Formatting: Insert updated graphic "08_2Lane-residential_V07"*
10-23	10.4.8.A&B Two-Lane, Residential	A. Right-of-way, total: 50' to 64' B. Right-of-way to centerline: 25' to 32'	A. Right-of-way, total: 50' to 80' B. Right-of-way to centerline: 25' to 40'
10-24	10.4.9 Roswell Road		*Formatting: Insert updated graphic "000_Roswell_V09"*

10-25	10.4.10.A&B Powers Ferry Road	A. Right-of-way, total: 76' to 96' B. Right-of-way to centerline: 38' to 48'	A. Right-of-way, total: 76' to 98' B. Right-of-way to centerline: 38' to 49'
10-26	10.4.11 Mount Vernon Highway	A. Right-of-way, total: 76' to 96' B. Right-of-way to centerline: 38' to 48'	A. Right-of-way, total: 98' to 122' B. Right-of-way to centerline: 49' to 61'
10-27	10.4.11 Mount Vernon Highway		*Formatting: Insert updated graphic "000_MtVernon_V09"*
10-29	10.4.12 Residential		*Formatting: Insert updated graphic "09_ResAlley_V07"*
10-32	10.4.17.A.1	1. Private streets may be approved by the Director. Private streets must be platted as a separate lot. Such lots do not need to meet the zoning district minimum lot area requirement.	1. Private streets and accessways may be approved by the Director. Private streets must be platted as a separate lot. Such lots do not need to meet the zoning district dimensional requirements.
10-33	10.4.17.A.2	2. Private streets must be designed and constructed to the roadway construction and right-of-way standards of the City, both aboveground and belowground, as contained in this Division and the Sandy Springs Technical Manual.	2. Private streets and accessways must be designed and constructed to the roadway construction and right-of-way standards of the City, both aboveground and belowground, as contained in this Division and the Sandy Springs Technical Manual. The Director will determine the applicable street type per Sec. 10.4.2.D.
10-34	10.4.18.A	A. Total Lots With Single Entrance	A. Total Dwelling Units with Single Entrance

Article 11. Administration

All existing text to be replaced by proposed text, unless stated otherwise in the formatting instructions
As adopted by Mayor and City Council, April 17, 2018

Item	**Code Section**	**Current Text** (August 2017)	**New Text** (April 2018)
	11.1.1 Review Authority (table)		*Changes listed below are shown in table in Appendix – see website*
11-1	11.1.1 Review Authority (table)		*Formatting:* *Column: Board of Appeals* *Row: Final Plat with dedication* Replace "A-PH" with "--"
11-2	11.1.1 Review Authority (table)		*Formatting:* *Column: City Council* *Row: Final Plat with dedication* Replace "--" with "D-PH"
11-3	11.1.1 Review Authority (table)		*Formatting:* *Column: Board of Appeals* *Row: Administrative Variance* Replace "A-PH" with "--"
11-4	11.1.1 Review Authority (table)		*Formatting:* Row: Add "Beneficial Use Determination" under "Relief", at bottom of table Column: Director: insert "R" Column: Planning Commission: insert "R-PH" Column: City Council: insert "D-PH" Column: Web: insert "Y" Column: Mailed: insert "Y" Column: Published: insert "Y" Column: Posted: insert "Y" All other cells: mark "--"

11-5	11.1.2 – Review Authority – The Director	The Director has those powers and duties expressly identified in this Article and the Sandy Springs Technical Manual, including, but not limited to, the following. It is the intent of this Development Code that the requirements of Article 10 are interpreted by the Director. All other ordinances or regulations referenced in this Development Code such as the fire prevention and life safety codes, building and other technical codes, regulations and ordinances, are administered by the Directors of the Departments responsible for such ordinances, as established by the City Council.	The Director has those powers and duties expressly identified in this Development Code and the Sandy Springs Technical Manual, including, but not limited to, the following. All other ordinances or regulations referenced in this Development Code such as the fire prevention and life safety codes, building and other technical codes, regulations and ordinances, are administered by the Directors of the Departments responsible for such ordinances, as established by the City Council. The requirements of this Development Code are interpreted by the Director.
11-6	11.1.2.a. - Review Authority – The Director – Review and Recommendation	To review and provide recommendations on applications for: 1. Legislative review; 2. Final plats with dedication; and 3. Variances.	To review and provide recommendations on applications for: 1. Legislative review; 2. Final plats with dedication; 3. Variances; and 4. Appeals of administrative decisions.
11-7	11.1.2.b. - Review Authority – The Director – Decision	To review and decide on applications for: 1. All plats without dedication; 2. Land disturbance permits; and 3. Administrative variances.	To review and decide on applications for: 1. All plats without dedication; 2. All permits handled by the Department of Community Development; and 3. Administrative variances.
11-8	11.2.3.E.3 – Common Review Provisions – Application Requirements – Revised Application Materials	An application amended beyond this deadline will be put on administrative hold until the following regularly scheduled public hearing or public meeting, and the applicant will be responsible for re-advertising.	An application amended beyond this deadline will be put on administrative hold until the following regularly scheduled public hearing or public meeting, and the applicant will be responsible for reimbursing the City for re-advertising fees.
11-9	11.2.3.E.4 - Common Review Provisions – Application Requirements – Revised Application Materials	No revised application materials may be submitted at any board or commission meeting or hearing.	No revised, additional or supplementary application materials may be submitted at any board or commission meeting or hearing.
11-10	11.2.3.F - Common Review Provisions – Application	An applicant may choose to withdraw their application during the development review process, according to the following procedures.	An applicant may choose to withdraw their application, according to the following procedures.

	Requirements – Withdrawal of an Application		
11-11	11.2.3.F.2 - Common Review Provisions – Application Requirements – Withdrawal of an Application	Where an application has been advertised, the Planning Commission, Board of Appeals or City Council may remove an application from their agenda and consider it withdrawn upon applicant request at any time prior to opening the public hearing or public meeting following a simple majority vote of the review body. The Planning Commission, Board of Appeals and City Council reserve the right to conduct the public hearing and render a decision despite a request for withdrawal from the applicant.	Where an application has been advertised, it can be withdrawn prior to the public hearing. The item will remain on the agenda and noted as "Withdrawn."
11-12	11.2.3.F.3 - Common Review Provisions – Application Requirements – Withdrawal of an Application	A withdrawal is not a final action and does not bar submission of a new application.	A withdrawal is not a final action, however, withdrawal of an application bars resubmission of a similar application for 6 months.
11-13	11.2.5.D.5 - Common Review Provisions – community Meetings – Conduct of Community Meeting -	It is the duty of the applicant to ensure a copy of the proposed site plan is available at the meeting.	*Formatting: Delete text and mark subsection "open"*
11-14	11.2.6.C.5. - Common Review Provisions – Public Notice Requirements – Posted Notice	Posted notice for permit review is only required in the form of a plan box posted on the project lot at the time of application. The plan box must include a conceptual site plan as well as any approved building plans (where applicable).	Posted notice for permit review, when applicable, is only required in the form of a plan box posted on the project lot at the time of application. The plan box must include a conceptual site plan as well as any approved building plans (where applicable). Permits for interior construction are exempt from this requirement.
11-15	11.3.2.A - Legislative Review – Applicability – Text Amendments	A request to amend the text of this Development Code or the Comprehensive Plan. This process begins with the Director's review and does not require a Community Meeting.	A request to amend the text of this Development Code or the Comprehensive Plan. This process may only be initiated by staff or an elected official, receives the Director's review, and does not require Community Meetings.

11-16	11.3.2.D - Legislative Review – Applicability – Conditional Use Permits	A request to change or expand an existing use identified as a conditional use in Article 3 through Article 7 or expressly requiring a conditional use permit elsewhere in this Development Code. Conditional use may not be used to allow additional height beyond the allocated district or bonus height.	A request to change or expand an existing use identified as a conditional use in Article 3 through Article 7 or expressly requiring a conditional use permit elsewhere in this Development Code. Conditional use may not be used to allow additional height beyond the allocated district or beyond the maximum bonus height.
11-17	11.3.5.C.1 - Legislative Review – Application Review – Director Review	If, after the internal and external review, the Director finds that the application does not meet the approval criteria in Sec. 11.3.6, the Director will notify the applicant in writing of the specific provisions that have not been met and offer the applicant the opportunity to make changes to the application. If revised application materials are required, see Sec. 11.2.3.E.	*Formatting: Delete text and mark subsection "open"*
11-18	11.3.5.E.1 - Legislative Review – Application Review – Character Area Map Analysis	At the time of the request, the applicant must provide a written analysis of the impact of the proposed Character Area Map change with respect to each of the approval criteria in Sec. 11.3.6 is required at the time of application.	At the time of the request, the applicant must provide a written analysis of the impact of the proposed Character Area Map change with respect to each of the approval criteria in Sec. 11.3.6.
11-19	11.3.5.F.1 - Legislative Review – Application Review – Zoning Impact Analysis	. At the time of the request, the applicant must provide a written analysis of the impact of the proposed Official Zoning Map change with respect to each of the approval criteria in Sec. 11.3.6 is required at the time of application.	. At the time of the request, the applicant must provide a written analysis of the impact of the proposed Official Zoning Map change with respect to each of the approval criteria in Sec. 11.3.6.
11-20	11.3.5.G.2 - Legislative Review – Application Review – Conditional Use Analysis	At the time of the request, the applicant must provide a written analysis of the impact of the proposed conditional use with respect to each of the approval criteria in Sec. 11.3.6 is required at the time of application.	At the time of the request, the applicant must provide a written analysis of the impact of the proposed conditional use with respect to each of the approval criteria in Sec. 11.3.6.
11-21	11.3.5.J. - Legislative Review – Application Review – Concurrent Variances	Concurrent variances by the City Council are not allowed. A separate application for variance must be submitted and approved following action by the City Council.	Concurrent variances to Zoning Map or Character Area Map amendment requests are not allowed. A separate variance application must be submitted to the Board of Appeals following action by the City Council.

11-22	11.3.6.D.1 - Legislative Review – Approval Criteria – For a Conditional Use	The use is allowed as a conditional use in the respective zoning district (see Div. 11.3).	The use is allowed as a conditional use in the respective zoning district (see Div. 7 *[hyperlink}*).
11-23	11.3.6.D.2 - Legislative Review – Approval Criteria – For a Conditional Use	The use complies with the applicable specific use standard listed in Div. 11.3, if any, without the granting of any variance.	The use complies with the applicable specific use standard listed in Article 7-without the granting of any variance.
11-24	11.3.8.A. - Legislative Review – Action Following Approval	If you are going to subdivide your property, see Div. 11.4.	For information on subdividing property, see Div. 11.4.
11-25	11.3.8.B. - Legislative Review – Action Following Approval	If you are not going to subdivide your property, then you will need a Land Disturbance Permit (see Sec. 11.5.1) or Building Permit.	*Formatting: Delete text and mark subsection "open"*
11-26	11.3.9. - Legislative Review – Modification of Conditions	Any modification of a condition of approval following City Council approval requires full review under this Section as though it were a rezoning.	Any modification of a condition of approval following City Council approval requires full review under this Section as a rezoning or conditional use permit, as applicable.
11-27	11.4.1.B – Subdivision Review – Applicability	B. Combination of 2 or more lots;	B. Combination of 2 or more lots, when the lots are under different ownership;
11-28	11.4.5.A – Subdivision Review – Submittal Process	Before submitting an application, the applicant must schedule a pre-application meeting with the Director to discuss the procedures, standards and regulations required for approval. To schedule a pre-application meeting, call or visit the Department.	Before submitting an application, the applicant may schedule a pre-application meeting with the Department to discuss the procedures, standards and regulations required for approval.
11-29	11.4.14.A.1 – Subdivision Review – Final Plat Approval – Approval by the Director	Before applying for Final Plat approval, the requirements of Div. 11.8. must be met.	Before applying for Final Plat approval, the requirements of Div. 11.4.8. must be met.

~~11-30~~	11.5.1.B. Permit Review – Land Disturbance Permits - Applicability		
11-31	11.5.1.B.3. Permit Review – Land Disturbance Permits - Applicability	A major Land Disturbance Permit is required for: a. Any land disturbance of 5,000 square feet or more; b. Any land disturbance triggering the need for erosion control BMP's; c. The addition of 1,000 square feet or more of impervious surface; and d. Any land disturbance within 200 feet of State waters.	A major Land Disturbance Permit is required for projects that: a. Propose more than half an acre of disturbance; or b. Add more than 5,000 square feet of impervious surface; or c. More than 1 acre of grubbing; or d. The maximum height/depth of excavation or fill over 10 feet; or e. The maximum quantity of 50 cy total movement on the site. Projects meeting these criteria will likely qualify as major land disturbance projects, but the City will consider all factors of the project to make the final determination.
11-32	11.5.1.B.4. Permit Review – Land Disturbance Permits - Applicability	A minor Land Disturbance Permit is required for: a. Any changes in existing circulation or access; b. Any land disturbance of more than 2,500 square feet, but less than 5,000 square feet; and c. Construction of a single-family residential swimming pool, addition, deck or freestanding retaining wall over 8 feet in height. d. Any other land disturbance that they will require minimal engineering as further described in the Sandy Springs Technical Manual, as determined by the Director.	A minor Land Disturbance Permit is required for projects that: a. Do not include any work in the right-of-way; or b. Have less than half an acre of disturbance, c. And/or are adding less than 5,000 square feet of impervious surface d. And/or have less than 1 acre of grubbing e. And/or maximum height/depth of excavation or fill over 10 feet f. And/or maximum quantity of 50 cy total movement on the site g. And/or less than a 15% slope Projects meeting these criteria will likely qualify as minor land disturbance projects, but the City will consider all factors of the project to make the final determination.

11-33	11.5.1.B.5. Permit Review – Land Disturbance Permits - Applicability	A land disturbance permit is not required for any proposed ground disturbance that does not exceed 5,000 square feet, does not result in the need for erosion control BMP's, and does not result in changes to topography or storm water drainage patterns.	A land disturbance permit is not required for any proposed ground disturbance that does not exceed 2,500 square feet, does not result in the need for erosion control BMPs, and does not result in changes to topography or stormwater drainage patterns.
11-34	11.5.1.B.7 – Permit Review – Land Disturbance Permits - Applicability	The calculation of land disturbing activity applies to the entire project, not just that portion on or off of a specific lot.	The calculation of the area of disturbance applies to the cumulative disturbed area of a project regardless of property boundaries.
11-35	11.5.1.D.1.a – Permit Review – Land Disturbance Permits – Submittal Process – Schedule a Pre-application Meeting	1. Schedule a Pre-application meeting a. Before submitting an application for a Land Disturbance Permit, the applicant must schedule a pre-application meeting with the Director to discuss the procedures, standards and regulations required for approval. This initial meeting will establish what type of Land Disturbance Permit is required for your project.	1. Schedule a Developer meeting a. Before submitting an application for a Major Land Disturbance Permit, the applicant must schedule a Developer Meeting with the Director to discuss the procedures, standards and regulations required for approval. If it cannot be clearly determined whether the LDP will be a Major or Minor LDP under the criteria in 11.5.1.B, this initial meeting will establish what type of Land Disturbance Permit is required for the project.
11-36	11.5.1.D.1.b – Permit Review – Land Disturbance Permits – Submittal Process – Schedule a Pre-application Meeting	To schedule a pre-application meeting, call or visit the Department.	To schedule a Developer Meeting, call email, or visiting the Department.
11-37	11.5.1.D.2.a. Permit Review – Land Disturbance Permits – Submittal Process – Submit Application	Following the pre-application meeting, the applicant may start the application process. To begin, submit a complete application form, along with the required review fees, to the Department. language implies that you submit an app & fees, no mention of plans	Following the Developer Meeting, the applicant may start the application process by completing an application form and providing plan sets along with the required review fees, to the Department.
11-38	11.5.1.E.3 - Permit Review – Land Disturbance Permits – Application Review – Developer Meeting	The public is allowed to observe the Developer Meeting conducted to ensure coordination of staff review	The public is allowed to observe the Developer Meeting to enhance the transparency and public awareness of the permitting process.

11-39	11.5.1.E.5.b - Permit Review – Land Disturbance Permits – Application Review – Director Review	If, after the internal and external review, the Director finds that the application meets all applicable requirements of this Development Code, the Director will approve the application. A decision will be made within 14 calendar days of receiving a complete application. This time period may be extended if both the applicant and the Director agree on an extension.	If, after the internal and external review, the Director finds that the application meets all applicable requirements of this Development Code, the Director will accept the application as complete.
11-40	11.5.1.F - Permit Review – Land Disturbance Permits – Approval Criteria	Approval or denial of a Land disturbance permit is based solely on whether or not the submittal meets or fails to meet the applicable requirements of this Development Code.	The approval of or requirement of revisions to a land disturbance permit application are based solely on whether or not the submittal meets or fails to meet the applicable requirements of this Development Code.
11-41	11.5.1.I - Permit Review – Land Disturbance Permits – Application Expiration	An application submitted for a land disturbance permit expires after 60 days from the issuance of the latest letter of permit revisions. At this time, the City will issue a written notice of expiration of permit application to the applicant and require that comments be addressed or permit be obtained within 30 days of issuance of the notice.	An application submitted for a land disturbance permit expires after 6 months from the issuance of the latest letter of permit revisions. At this time, the City will issue a written notice of expiration of permit application to the applicant and require that comments be addressed or permit be resubmitted within 30 days of issuance of the notice.
11-42	11.5.1.K.2.a. - Permit Review – Land Disturbance Permits – Permit Extension	Any additional requests for extension of land disturbance permits beyond the one 180-day extension granted by the Director may be submitted to the Department for consideration by the City Council, subject to the qualifying conditions set forth in this section.	*Formatting: Delete subsection and mark "open"*
11-43	11.5.2.E.1 - Permit Review – Building Permit – Single Family ~~and Two-Family Residences~~	A building permit for a single- or two-family residence may be issued after the recording of a final plat or after the lot on which the building is to be located has otherwise become a buildable lot of record.	A building permit for a single-family residence may only be issued after the recording of a final plat or after the lot on which the building is to be located has otherwise become a buildable lot of record.
11-44	11.5.2.E.1 - Permit Review – Building Permit – Single Family ~~and Two-Family Residences~~	The approval of a residential site plan may be required prior to issuance of the building permit, as noted and conditioned on the final plat or as may be required for compliance with the Chattahoochee River Corridor. For such lots, a certificate of occupancy will not be issued until conformance to the site plan has been field verified by the Department. A certified foundation survey	*Formatting: Delete text and mark subsection "open"*

		prepared by a registered land surveyor may be required where, in the opinion of the Director, the foundation may encroach in any setback or buffer.	
11-45	11.5.2.F 1 - Permit Review – Building Permit – Swimming Pools	Issuance of a building permit for a swimming pool as an accessory use to a single or two-family residence, whether to be issued at the same time or subsequent to the permitting or construction of the house or duplex, first requires approval of a swimming pool site plan. The plan must show the proposed location of the swimming pool and enclosing fence relative to the residence, the property boundaries, setback lines, septic tank and septic tank drain field (if any), and any easements on the site, and all requirements of this Development Code and the swimming pool code. A certificate of occupancy or a certificate of completion will not be issued until conformance to the swimming pool site plan and all applicable building codes has been field verified by the Department. Additionally, all permitted swimming pools must conform to the swimming pool discharge policy.	*Formatting: Delete text and mark subsection "open"*
11-46	11.5.2.H.3 - Permit Review – Building Permit – Multifamily and Nonresidential Structures	Fulton County approval may be required prior to the issuance of a building permit for construction activities involving, food service, commercial swimming pools, dumpster pads, hotels or motels, grease traps, and similar uses requiring Fulton County health Department review.	Fulton County approval may be required prior to the issuance of a building permit for construction activities involving, food service, commercial swimming pools, dumpster pads, hotels or motels, grease traps, and similar uses requiring review by a department of Fulton County.
11-47	11.5.4.D.3 Sign Permit	The Director will reject any application that is incomplete, that contains false material statements or omissions, or that is for a sign which would violate any standard in Div. 8.3 within 30 business days of receipt of said application. The Director may reject at any time prior to the expiration of the 30- day period, if the application is incomplete or contains false material statements or omissions, by returning the application to the applicant.	The Director must, within 30 days of receipt of an application, reject any application that is incomplete, that contains false material statements or omissions, or that is for a sign which would violate any standard in Div. 8 *[hyperlink]*. The Director may reject at any time prior to the expiration of the 30-day period, if the application is incomplete or contains false material statements or omissions.
11-48	11.5.4.D.4 – Permit Review – Other Permits – Sign Permit	The City will process all complete and accurate sign permit applications within 30 business days of the City's actual receipt of a complete and accurate application	The City will process all complete and accurate sign permit applications within 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 will give notice to the applicant of the 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 30th business day. If the decision of the Director is to deny the application, the decision must state the grounds upon which the denial is based. Failure of the City to act within the 30- day period is deemed a denial of the permit. If notice is mailed in conformity with this Section, notice is deemed to have been given upon the date of mailing. Any application meeting the standards of this Div. 8.3 will be granted. Any application not meeting the standards of Div. 8.3 will be denied.	and upon remittance of the appropriate sign permit fee. The Director will give notice to the applicant of the decision by email or mail on or before the 30th business day. If the decision of the Director is to deny the application, the decision must state the grounds upon which the denial is based. Failure of the City to act within the 30- day period is deemed a denial of the permit. If notice is mailed in conformity with this Section, notice is deemed to have been given upon the date of mailing. Any application meeting the standards of this Div. 8.3 will be granted. Any application not meeting the standards of Div. 8.3 will be denied.
11-49	11.5.4.E.1. – Permit Review – Other Permits – Fence or Wall Permit	a. Where retaining walls are to be installed, permits must be obtained. b. Fence permits are required when installing a new fence, new gate or replacing an existing fence on residential and commercial properties. c. A fence permit for a dumpster enclosure requires the submittal of a site plan. d. A fence associated with a swimming pool will be approved as part of the building permit for the swimming pool. e. A fence permit is not required for temporary security purposes during construction	a. A wall that retains earth requires a retaining wall permit (see Sec. 9.4.3 *[hyperlink]*). A wall that does not retain earth is considered a fence for permitting purposes. b. Fence permits are required when installing a new fence or wall that does not retain earth, non-vehicular gate, or when a replacement of an existing fence results in a change in placement, height, materials or design. c. Electronic vehicular gates require a building permit. d. A swimming pool enclosure fence will be approved as part of the pool permit. e. A fence permit is not required for temporary security purposes during construction.
11-49.5	11.5.4.G Other Permits – Swimming Pool Permit		*Formatting: New subsection G* G. Swimming Pool Permit Issuance of a permit for a swimming pool as an accessory use to a single-family residence, whether to be issued at the same time or subsequent to the permitting or construction of the house, requires approval of a swimming pool site plan. The plan must show the proposed location of the swimming pool, associated

			deck, pool equipment, pool enclosing fence and gate details, the property boundaries, setback lines, topography lines, septic tank and septic tank drain field (if any), and any easements on the site, and all requirements of this Development Code and the swimming pool code found in the International Swimming Pool & Spa Code. A certificate of occupancy or a certificate of completion will not be issued until conformance to the swimming pool site plan and all applicable building codes has been field verified by the Department. Additionally, all permitted swimming pools must conform to the swimming pool discharge policy. 11.
11-50	11.5.5. Temporary Use Permit	A. The Director may approve a Temporary Use Permit for a period appropriate to the specific use. No more than 5 temporary use permits may be issued for the same lot in any calendar year. B. Only 1 temporary use permit may be active on a lot at any time. Each event or activity must be separated by a period of not less than 21 consecutive days. C. The Director may require a bond or other suitable guarantee sufficient to: 1. Ensure that signs, trash, temporary structures and debris will be removed from the site and the immediate vicinity of the site; 2. Ensure the activity will not continue for longer than the temporary period; and 3. Ensure compliance with applicable City ordinances.	A. The Director may approve a Temporary Use Permit in accordance with the standards of 7.9.10 *[hyperlink]*.
11-51	11.6.1. D. – Relief – Administrative Variance – Submittal Process	To begin, submit a complete application form, along with the required review fees, to the Department.	The process begins with the submittal of a complete application form, along with the required review fees, to the Department. There are no public notice requirements for an Administrative Variance.
11-52	11.6.1.B.4 – Relief – Administrative Variance – Limitations	Fence materials;	Fence and building materials;

11-53	11.6.1.B.5 – Relief – Administrative Variance – Limitations	Adult establishment use standards;	Standards for-Conditional Use Permits;
11-54	11.6.1.D – Relief – Administrative Variance – Submittal Process	To begin, submit a complete application form, along with the required review fees, to the Department.	The process begins with the submittal of fees, plans and supporting documents in the application checklist to the Department.
11-56	11.6.2.B.1 – Relief – Variances - Limitations	Minimum lot area, minimum lot frontage on a street or minimum lot width at the time of subdivision (this does not include a nonconforming lot of record platted prior to the effective date of this Development Code —see Sec. 11.8.3 *[hyperlink]*);	Minimum lot area, minimum lot frontage on a street or minimum lot width at the time of subdivision (this does not include a nonconforming lot of record platted prior to the effective date of this Development Code — see Sec. 11.7.4. *[hyperlink]*);
11-57	11.6.2.B.4 – Relief – Variances - Limitations	Fence materials;	Fence, wall and building materials;
11-58	11.6.2.B.5 – Relief – Variances - Limitations	Adult establishment use standards;	Standards for-Conditional Use Permits;
11-59	11.6.2.G.1.b – Relief – Variances – Approval Criteria	There are extraordinary and exceptional conditions due to the size, shape, or topography, which are specific to the subject property and not generally found in similar properties;	There are extraordinary and exceptional conditions due to the size, shape, or topography, which are specific to the subject property and not generally found in similar properties that prohibits the proposed scope of work from being able to comply with the Development Code.
11-60	11.6.2.H – Relief – Variances – Denied Application	Decisions of the Board of Appeals are final. Those not satisfied with a decision of the Board of Appeals may pursue an appeal by filing a writ of certiorari with the Fulton County Superior Court within 30 calendar days of the decision.	Decisions of the Board of Appeals are final. Those not satisfied with a decision of the Board of Appeals may pursue an appeal by filing a writ of certiorari with the Fulton County Superior Court within 30 calendar days of the decision. Denial of an application bars resubmittal of the application for 1 year.
11-61	11.6.3.A – Relief – Administrative Appeals - Authority	The Board of Appeals has the authority to review administrative decisions made by the Director that are appealed.	The Board of Appeals has the authority to hear and decide on appeals regarding administrative decisions made by the Director.
11-63	11.6.3.F – Relief – Administrative Appeals – Board of Appeals Public Hearing	The Board of Appeals will conduct a public hearing and make findings and render a decision within 30 calendar days after the public hearing on the administrative appeal.	The Board of Appeals will conduct a public hearing, make findings, and render a decision at the public hearing. Alternatively, only once, the Board of Appeals may choose to defer the appeal to a future date.

11-64	11.7.1.A – Nonconformities – Nonconforming Use -	Any building or land lawfully occupied by a use at the time of passage of this Development Code, or any amendment to this Development Code, that does not conform with the use regulations of the zoning district in which it is situated.	Any use of a building or land lawfully occupied at the time of passage of this Development Code, or any amendment to this Development Code, that does not conform with the use regulations of the zoning district in which it is situated.
11-65	11.7.1.B.6 - Nonconformities – Nonconforming Use – Continuance	If the use constitutes a nuisance as defined by state law, it is not and will not become a nonconforming use.	If the use constitutes a nuisance as defined by state law, the City may revoke the certificate of occupancy or business license if the nuisance cannot be extinguished.
11-67	11.7.3.B Nonconformities – Nonconforming Site Element	When the facade of an existing principal structure is modified, only the following requirements of Article 8 must be met:	The following requirements apply when the scope of work (façade modification) involves a structural change of the building which requires a building permit. Minor upgrade, repair or maintenance such as painting, shingling of a roof replacing windows or doors do not trigger this requirement.
11-68	11.7.3.D – Nonconformities – Nonconforming Site Element	When an existing principal structure is increased in floor area by 50% or more cumulatively over 5 years from the effective date of this Development Code, the entire lot, including any building, any required stormwater facility, and any parking area must be brought into conformance.	When an existing principal structure is increased in floor area by 50% or more cumulatively over 5 years from the effective date of this Development Code, the entire lot, including any building, any required stormwater facility, and any parking area must be brought into conformance with Article 8 *[hyperlink]*.
11-69	11.7.3.F – Nonconformities – Nonconforming Site Element	When an existing parking lot is reconstructed for any reason, the entire parking lot must be brought into complete conformance with the parking and landscaping provisions.	When 25% or more of an existing parking lot is reconstructed (excavated or milled and repaved) for any reason, the entire parking lot must be brought into complete conformance with the parking and landscaping provisions.
11-70	11.8.2.A-C – Violations and Enforcement – Violation	A. Any person, firm, partnership or corporation violating any of the provisions of this Development Code will be deemed guilty of a misdemeanor. B. Each day's continuance of a violation will be considered a separate offense. C. The owner and tenants of any buildings or premises, or parts of buildings or premises, where anything in violation of this Development Code is placed or exists, and any architect, design professional, builder,	A. Any person, firm, partnership or corporation prosecuted for violating any of the provisions of this Development Code may be deemed guilty of a misdemeanor. B. Each day's continuance of a violation may be considered a separate offense. C. The prosecution of any owner and tenants of any buildings or premises, or parts of buildings or premises, where anything in violation of this Development Code is placed or exists, and any

		contractor or agent, or the owner or tenants who may have assisted in the commission of any such violation are each guilty of a separate offense.	architect, design professional, builder, contractor or agent, or the owner or tenants who may have assisted in the commission of any such violation may each be deemed guilty of a separate offense.

Article 12. Definitions

All existing text to be replaced by proposed text, unless stated otherwise in the formatting instructions
As adopted by Mayor and City Council, April 17, 2018

Item	Code Section	Current Text (August 2017)	New Text (April 2018)
12-1	Div 12.2. Defined Terms – B	Buffer. A natural undisturbed portion of a lot, except for approved access and utility crossings, that is set aside to achieve a visual barrier between the use on the lot and adjacent lots or uses --see also Stream buffer.	Buffer. A natural undisturbed portion of a lot, except for approved access and utility crossings, that is set aside to achieve a visual barrier between the use on the lot and adjacent lots or uses. See also State waters buffer.
12-2	Div. 12.2. Defined Terms – F		*Formatting: Insert new term and definition* Dwelling/Dwelling Unit. One (1) or more rooms of a building constructed with cooking, sleeping and sanitary facilities designed for and limited to use as living quarters for one (1) housekeeping unit for periods of more than thirty (30) consecutive days.
12-3	Div. 12.2. Defined Terms – F	Fflood, future-conditions. The flood having a one percent chance of being equaled or exceeded in any given year based on future-conditions hydrology. Also known as the 100-year future-conditions flood.	Flood, future-conditions. The flood having a one percent chance of being equaled or exceeded in any given year based on future-conditions hydrology. Also known as the 100-year future-conditions flood.
12-3	Div. 12.2. Defined Terms – F	Flood insurance study or FIS. The official report FEMA providing an examination, evaluation and determination of flood hazards and corresponding flood profiles and water surface elevations of the base flood.	Flood insurance study or FIS. The official report by FEMA providing an examination, evaluation and determination of flood hazards and corresponding flood profiles and water surface elevations of the base flood.
12-4	Div. 12.2. Defined Terms – F	Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.	Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
12-5	Div. 12.2 Defined Terms – F		*Formatting: Insert new term and definition* Front wall plane The building facade facing the primary street right-of-way. If the facade is articulated, the front wall plane is the wall of a conditioned space closest to the right-of-way.
12-6	Div. 12.2 Defined Terms – H		*Formatting: Insert new term and definition* Habitable space. An area within a building, typically a residential occupancy, used for living, sleeping, eating or cooking purposes. Those areas not considered to meet this definition include bathrooms, closets,

			hallways, laundry rooms, storage rooms and utility spaces. It is not necessary that a room or area be finished in order to be considered habitable space, such as an unfinished basement.
12-7	Div. 12.2. Defined Terms – N	National Pollutant Discharge Elimination System (NPDES). Stormwater discharge permit means a permit issued by the state EPD under authority delegated pursuant to 33 USC 1342(b) that authorizes the discharge of pollutants to waters of the United states, whether the permit is applicable on an individual, group, or general area-wide basis.	National Pollutant Discharge Elimination System (NPDES). Stormwater discharge permit means a permit issued by the state EPD under authority delegated pursuant to 33 USC 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.
12-8	Div. 12.2. Defined Terms – S	Site/tree conservation plan (STCP). A plan as required in Div. 9.2 for a Boundary Tree, Setback Tree, Landmark Tree or Protected Tree.	Site/tree conservation plan (STCP). A plan as required in Div. 9.3 for a Boundary Tree, Setback Tree, Landmark Tree or Protected Tree.
12-9	Div. 12.2. Defined Terms – S		*Formatting: Insert new term and definition* State waters. State waters include any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural and artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation, except as may be defined in O.C.G.A. 12-7-17(8) (O.C.G.A. 12-7-3(16)).
12-10	Div. 12.2. Defined Terms – S	Stream buffer. The area of land immediately adjacent to the banks/points of wrested vegetation of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.	State waters buffer. Buffer means the area of land immediately adjacent to the banks/points of wrested vegetation of state waters in its natural state of vegetation, which facilitates, when properly vegetated, the protection of water quality and aquatic habitat (O.C.G.A. 12-7-3(2)). Also includes stream buffer(s).
12-11	Div. 12.2. Defined Terms – Q	Qualified professional. For the purpose of Div. 9.2, any individual possessing a degree in forestry, urban forestry, landscape architecture, or horticulture, trained in the implementation of Div. 9.2 and tree protection in building construction. The City Arborist certifies and maintains a list of qualified professionals.	Qualified professional. For the purpose of Div. 9.3, any individual possessing a degree in forestry, urban forestry, landscape architecture, or horticulture, trained in the implementation of Div. 9.3 and tree protection in building construction.
12-12	Div. 12.2. Defined Terms – T	Tree, landmark. Landmark tree means: 1. Hardwood tree 27 inches DBH or larger; 2. Pine tree 30 inches DBH or larger, provided that the pine tree is not located within 30 feet of any structure; or 3. Dogwood or redbud tree ten inches DBH or larger being in fair or better condition.	Tree, landmark. Landmark tree means: 1. Hardwood tree 27 inches DBH or larger; 2. Pine tree 30 inches DBH or larger; or 3. Dogwood or redbud tree ten inches DBH or larger being in fair or better condition.

12-13	Div. 12.2. Defined Terms – V	Violation. The failure of a structure or other development to be fully compliant with the requirements of this Development Code.	Violation. A violation is any failure to comply with the Development Code.
12-14	Div. 12.2 Defined Terms – Y	Yard. The land area located between the lot line and any principal or accessory structure.	Yard. The land area located between the property line and the principal structure.

Development Code Update

Appendix

Updated 03/20/2018

Sec. 1.2.1 Districts Established (Table)

Zoning District Categories		
	Established Zoning Districts	**Character Areas Implemented**
Protected Neighborhood Districts		
	Residential Estate: RE-2, RE-1	Protected Neighborhood
	Residential Detached: RD-27, RD-18, RD-15, RD-12, RD-9, RD-7.5	Protected Neighborhood
	Parks: PX	Conservation Area/Park
	Conservation: CON	Conservation Area/Park
Urban Neighborhood Districts		
	Residential Urban: RU-4, RU-3	Urban Neighborhood
	Residential Townhouse: RT-3	Urban Neighborhood, Powers Ferry
	Residential Multi-Unit: RM-3, RM-3/8	Urban Neighborhood, Powers Ferry
	Residential Mixed Use: RX-3, RX-4, RX-5	Urban Neighborhood, Powers Ferry
Corridor & Node Districts		
	Office Neighborhood: ON-3	Neighborhood Village
	Office Mixed Use: OX-3, OX-4, OX-5, OX-6, OX-8	Commercial/Mixed Use, Powers Ferry, Powers Ferry Village
	Commercial Mixed Use: CX-3	Commercial/Mixed Use, Powers Ferry, Powers Ferry Village
	Shopfront Mixed Use: SX-3, SX-4, SX-6	Commercial/Mixed Use, Powers Ferry Village
	Transit Mixed Use: TX-4, TX-6	MARTA Transit-Oriented Development
	City Springs: CS-3, CS-4, CS-5, CS-6	City Springs
	Industrial Mixed Use: IX-3	Commercial/Mixed Use
	Commercial Corridor: CC-3	Commercial/Mixed Use, Powers Ferry Village
Perimeter Center Districts		
	Perimeter Residential: PR-3, PR-5	Perimeter Center
	Perimeter Mixed Use: PX-3, PX-5, PX-8, PX-10/12, PX-20/35	Perimeter Center
	Perimeter Medical: PM-5, PM-8, PM-12/15, PM-20/35	Perimeter Center

UPDATED 03/20/2018

Div. 7.2. Allowed Use Table

Allowed Use Table	Protected Neighborhood				Urban Neighborhood				Corridors & Nodes								Perimeter Center			
[redacted]	RE	RD	PK	CON	RU	RT	RM	RX	ON-	OX-	CX-	SX-	TX-	CS-	IX-	CC-	PR-	PX-	PM-	Definition/ Standards
Residential Uses																				
Household Living																				Sec. 7.3.1
Single unit detached	P	P	--	--	P	P	L	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 7.3.1.B
~~Guest house *moved - access.use*~~	~~P~~	~~P~~	~~--~~	~~--~~	~~P~~	~~P~~	~~--~~	~~--~~	~~--~~	~~--~~	~~--~~	~~--~~	~~--~~	~~--~~	~~--~~	~~--~~	~~--~~	~~--~~	~~--~~	~~Sec. 7.3.1.C~~
~~Short-term rental *moved - access. use*~~	~~P~~	~~P~~	~~--~~	~~--~~	~~P~~	~~P~~	~~P~~	~~P~~	~~--~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~Sec. 7.3.1.D~~
Single unit attached	--	--	--	--	--	P	P	P	P	P	P	P	P	P	P	P	P	L	L	Sec. 7.3.1.E ~~Sec. 7.3.3~~
Multi-unit	--	--	--	--	--	--	P	P	--	--	P	P	P	P	P	P	P	P	P	Sec. 7.3.1.F ~~Sec. 7.3.3~~
Live/work	--	--	--	--	--	--	P	P	--	--	P	P	P	P	P	--	P	P	P	Sec. 7.3.1.G ~~Sec. 7.3.3~~
Group Living, except as listed below:	--	--	--	--	--	--	P	P	--	P	P	P	P	P	P	P	P	P	P	Sec. 7.3.2 ~~Sec. 7.3.3~~
Personal care home, up to 3 residents	L	L	--	--	P	P	P	P	--	P	P	P	P	P	P	P	P	P	P	Sec. 7.3.2.E
Personal care home, 4 or more residents	C	C	--	--	C	C	C	C	--	C	C	C	C	C	C	C	C	C	C	Sec. 7.3.2.E
Social Services	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	--	Sec. 7.3.4
Public and Civic Uses																				
Civic																				Sec. 7.4.1
College/university	--	--	--	--	--	--	--	--	--	P	P	--	P	P	P	P	--	P	P	Sec. 7.4.1.~~B~~
Club or lodge, nonprofit	--	--	--	--	--	--	--	--	--	P	P	--	P	P	P	P	--	P	P	Sec. 7.4.1.~~C~~
Government facility	C	C	P	--	C	C	C	C	--	P	P	P	P	P	P	P	C	P	P	Sec. 7.4.1.~~D~~
Library/museum	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	--	P	P	Sec. 7.4.1.~~E~~
Place of worship	C	C	--	--	C	C	C	C	P	P	P	--	P	P	P	P	C	P	P	Sec. 7.4.1.~~F~~
Prison/correctional facility	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	--	Sec. 7.4.1.~~G~~
School, private (K-12)	C	C	--	--	C	C	C	C	-	L	L	--	P	P	L	L	C	P	P	Sec. 7.4.1.~~H~~
School, public (K-12)	P	P	--	--	P	P	P	P	-	P	P	--	P	P	P	P	P	P	P	Sec. 7.4.1.~~I~~
~~Parks~~ *Recreation* and Open Space																				Sec. 7.4.2
Cemetery/mausoleum	C	C	--	--	C	C	C	C	--	C	C	--	C	C	C	C	C	C	C	Sec. 7.4.2.~~B~~
~~Clubhouse, neighborhood center~~	~~P~~	~~P~~	~~--~~	~~--~~	~~P~~	~~P~~	~~P~~	~~P~~	~~--~~	~~P~~	~~P~~	~~--~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~Sec. 7.4.2.C~~
Conservation area (up to 1 acre)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 7.4.2.~~D~~
Conservation area (more than 1 acre)	--	--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 7.4.2.~~D~~
Golf course	C	C	--	--	P	P	P	P	--	--	--	--	--	--	--	--	--	--	--	Sec. 7.4.2.~~E~~
~~Lodge/retreat/campground~~	~~L~~																			~~Sec. 7.4.2.F~~

KEY: P Permitted L Limited Use C Conditional Use Permit -- Not Permitted

Allowed Use Table

[redacted]	Protected Neighborhood				Urban Neighborhood				Corridors & Nodes								Perimeter Center			
	RE	RD	PK	CON	RU	RT	RM	RX	ON-	OX-	CX-	SX-	TX-	CS-	IX-	CC-	PR-	PX-	PM-	Definition/ Standards
Public and Civic Uses (cont.)																				
~~Recreational court, private~~ *Sub. Amenity*	P	P	--	--	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 7.4.2.~~G~~
~~Recreational court, public~~	--	--	--	--	--	--	--	--	--	L	L	L	L	L	L	L	L	L	L	~~Sec. 7.4.2.H~~
~~Recreational facility (up to 1 acre)~~	P	P	P	--	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	~~Sec. 7.4.2.I~~
Recreational facility ~~(more than 1 acre)~~	C	C	P	--	--	--	--	--	--	P	P	--	C	--	P	P	--	C	C	Sec. 7.4.2.~~I~~
~~Swimming pool, public~~	--	--	L	--	--	--	--	--	--	L	L	L	L	L	L	L	L	L	L	~~Sec. 7.4.2.J~~
Utilities																				Sec. 7.4.3
Minor utilities	P	P	P	--	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 7.4.3.~~A.1~~
Major utilities	--	--	--	--	--	--	--	--	--	--	C	--	--	--	C	C	--	--	--	Sec. 7.4.3.~~A.2~~
Wireless Communications																				Sec. 7.4.4
Alternative support antenna structure *and roof-mounted antenna*	--	--	--	--	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 7.4.4.~~B~~
Amateur radio antenna (up to 90 feet)	P	P	P	--	P	P	P	P	--	P	P	P	P	P	P	P	P	P	P	Sec. 7.4.4.~~C~~
Amateur radio antenna (more than 90 feet)	C	C	C	--	C	C	C	C	--	C	C	C	C	C	C	C	C	C	C	Sec. 7.4.4.~~C~~
Tower antenna	--	C	C	--	C	C	C	C	--	C	C	C	C	C	P	C	C	C	C	Sec. 7.4.4.~~D~~
Commercial Uses																				
Adult Establishment	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	--	--	--	P	Sec. 7.5.1 ~~Sec. 7.5.3~~
Animal Care																				Sec. 7.5.2
Animal care, indoor	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	--	P	--	Sec. 7.5.2.~~A~~
Animal care, outdoor	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	--	Sec. 7.5.2.~~A~~
Day Care	--	--	--	--	--	C	C	P	--	P	P	P	P	P	P	P	C	P	P	Sec. 7.5.2
~~Indoor Recreation~~	L	--	--	--	--	--	--	--	P	L	P	P	P	P	P	P	--	P	P	~~Sec. 7.5.6, Sec. 7.5.3~~
Medical, except as listed below:	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	--	P	P	Sec. 7.5.7
Hospital	--	--	--	--	--	--	--	--	--	C	C	--	--	--	C	C	--	--	P	Sec. 7.5.7.~~B~~
Office	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	--	P	P	Sec. 7.5.8, ~~Sec. 7.5.4~~
Outdoor Recreation	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	Sec. 7.5.9
Overnight Lodging																				Sec. 7.5.10
Bed and Breakfast (up to 5 rooms)	--	--	--	--	--	P	P	P	P	P	P	--	P	P	P	P	--	--	--	Sec. 7.5.10.~~B~~ ~~Sec. 7.5.3~~ ~~Sec. 7.5.4~~

KEY: P Permitted L Limited Use C Conditional Use Permit -- Not Permitted

Allowed Use Table

[redacted]	Protected Neighborhood				Urban Neighborhood				Corridors & Nodes								Perimeter Center			
	RE	RD	PK	CON	RU	RT	RM	RX	ON-	OX-	CX-	SX-	TX-	CS-	IX-	CC-	PR-	PX-	PM-	Definition/ Standards
Boutique hotel (6 to 30 rooms)	--	--	--	--	--	--	--	P	--	P	P	P	P	P	P	P	--	P	P	Sec. 7.5.10~~.C~~ ~~Sec. 7.5.3~~ ~~Sec. 7.5.4~~
Commercial Uses (continued)																				
Hotel (more than 30 rooms)	--	--	--	--	--	--	--	--	--	P	--	P	P	P	--	P	--	P	P	Sec. 7.5.10~~.D~~ ~~Sec. 7.5.3~~
Parking, Commercial	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	--	P	P	Sec. 7.5.11
Passenger Terminal	--	--	--	--	--	--	--	--	-	P	P	P	P	P	P	P	--	P	P	Sec. 7.5.12
Personal Service	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	--	P	P	Sec. 7.5.13 ~~Sec. 7.5.3~~ ~~Sec. 7.5.4~~
Restaurant	--	--	--	--	--	--	--	P	--	P	P	P	P	P	P	P	--	P	P	Sec. 7.5.14 ~~Sec. 7.5.3~~ ~~Sec. 7.5.4~~
Retail, except as listed below:	--	--	--	--	--	--	--	P	--	P	P	P	P	P	P	P	--	P	P	Sec. 7.5.15 ~~Sec. 7.5.3~~ ~~Sec. 7.5.4~~
Boutique Retail	--	--	--	--	--	--	--	--	P	--	--	--	--	--	--	--	--	--	--	
Fireworks retail facility	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	Sec. 7.5.15~~.C~~
Fuel pumps, gas station	--	--	--	--	--	--	--	--	--	--	P,C	--	--	--	P,C	P,C	--	--	--	Sec. 7.5.15~~.D~~
Vehicle Sales and Rental																				Sec. 7.5.16
Minor vehicle sales and rental	--	--	--	--	--	--	--	--	--	--	--	--	L	L	P	P	--	L	L	Sec. 7.5.16~~.B~~
Major vehicle sales and rental	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	Sec. 7.5.16~~.B~~
Industrial Uses																				
Artisanal	--	--	--	--	--	--	--	--	P	--	P	P	P	P	P	P	--	P	P	Sec. 7.6.1
Heavy Industrial	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 7.6.2
Light Industrial/Manufacturing	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	Sec. 7.6.3
Micro-producer	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	--	P	P	Sec. 7.6.3 ~~Sec. 7.6.3.B.2~~
Research and Development	--	--	--	--	--	--	--	--	P	P	P	--	P	P	P	P	--	P	P	Sec. 7.6.4
Resource Extraction	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 7.6.5
Vehicle Service and Repair																				Sec. 7.6.6
Minor vehicle service and repair	--	--	--	--	--	--	--	--	--	--	L	--	L	L	P	P	--	L	L	Sec. 7.6.6~~.B~~
Major vehicle service and repair	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	Sec. 7.6.6~~.B~~
Warehouse and Distribution, except as listed below:	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	Sec. 7.6.7
Fireworks distributor	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 7.6.7~~.B~~
Self-service storage, mini-warehouse	--	--	--	--	--	--	--	--	--	--	C	--	--	--	P	P	--	--	--	Sec. 7.6.7~~.C~~
Waste-Related Service, except as listed below:	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 7.6.8

KEY: P Permitted L Limited Use C Conditional Use Permit -- Not Permitted

Allowed Use Table

[redacted]	Protected Neighborhood				Urban Neighborhood				Corridors & Nodes								Perimeter Center			
	RE	RD	PK	CON	RU	RT	RM	RX	ON-	OX-	CX-	SX-	TX-	CS-	IX-	CC-	PR-	PX-	PM-	Definition/ Standards
Recycling processing center	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	Sec. 7.6.8.~~B~~
Open Uses																				
Agriculture																				Sec. 7.7.1
Community garden	L	L	L	--	L	L	L	L	L	L	L	--	L	L	--	P	L	L	L	Sec. 7.7.1.~~B~~
Composting	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	Sec. 7.7.1.~~C~~
Plant nursery	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	Sec. 7.7.1.~~D~~
Timber harvesting	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 7.7.1.~~E~~
Urban farm	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	P	--	--	--	Sec. 7.7.1.~~F~~
Accessory Uses																				
Amphitheater	--	--	--	--	--	--	--	--	--	C	C	C	C	C	C	C	--	C	C	Sec. 7.8.1
Car wash	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	Sec. 7.8.2
Drive-thru facility	--	--	--	--	--	--	--	--	--	C	C	--	--	--	--	P	--	--	--	Sec. 7.8.3
Family day care home	P	P	--	--	P	P	--	--	--	--	--	--	P	P	--	--	--	P	P	Sec. 7.8.4
Farmers market	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	P	P	Sec. 7.8.5
~~Garden~~	~~P~~	~~P~~	~~--~~	~~--~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~Sec. 7.8.6~~
Greenhouse, non-commercial	P	P	--	--	P	P	P	P	--	P	P	P	--	--	P	P	P	--	--	Sec. 7.8.7
Guest house	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 7.8.6
Home occupation	P	P	--	--	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 7.8.8
Horse stable, non-commercial	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 7.8.9
Kennel, residential	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 7.8.10
Livestock raising	P	P	--	--	P	P	P	P	--	P	P	P	--	--	P	P	--	--	--	Sec. 7.8.11
Outdoor dining	--	--	--	--	--	--	--	P	--	P	P	P	P	P	P	P	--	P	P	Sec. 7.8.12
~~Outdoor kitchen~~	~~L~~	~~L~~	~~L~~	~~--~~	~~L~~	~~L~~	~~L~~	~~L~~	~~L~~	~~L~~	~~L~~	~~L~~	~~--~~	~~--~~	~~L~~	~~L~~	~~L~~	~~--~~	~~--~~	~~Sec. 7.8.13~~
Outdoor storage, minor	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	Sec. 7.8.14
Outdoor storage, major	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	Sec. 7.8.15
~~Parking, on-site~~	~~L~~	~~L~~	~~L~~	~~--~~	~~L~~	~~L~~	~~L~~	~~L~~	~~L~~	~~L~~	~~L~~	~~L~~	~~L~~	~~L~~	~~L~~	~~L~~	~~L~~	~~L~~	~~L~~	~~Sec. 7.8.16~~
Poultry raising	P	P	P		P	P	P	P	P	P	P	P	--	--	P	P	P	--	--	Sec. 7.8.17
Short-Term Rental	P	P	--	--	P	P	P	P	--	P	P	P	P	P	P	P	P	P	P	Sec. 7.8.16
Skywalk	--	--	--	--	--	--	--	--	C	C	C	--	--	C	C	--	--	C	C	Sec. 7.8.18
Solar panels, wind turbines, rainwater collection systems	P	P	P	--	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 7.8.19
Swimming pool, ~~private~~ *multi-unit*	--	--	--	--	--	--	L	L	--	--	P	P	P	P	P	P	P	P	P	Sec. 7.8.20
Unmanned retail structures	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	--	P	P	Sec. 7.8.21

KEY: P Permitted L Limited Use C Conditional Use Permit -- Not Permitted

ARTICLE 11. ADMINISTRATION

Div. 11.1. Review Authority

Sec. 11.1.1. Summary of Review Authority

The following table summarizes the review, approval and appeal authority of the various review bodies and officials that implement and administer the Development Code.

APPROVAL PROCESS	Cross-reference	APPROVAL AUTHORITY				PUBLIC NOTICE				
		Director	Board of Appeals	Planning Commission	City Council	Community Meetings	Web	Posted	Mailed	Published
Legislative Review	Div. 11.3.									
Text Amendment		R	--	R-PH	D-PH	--	Y	--	--	Y
Character Area Map Amendment		R	--	R-PH	D-PH	Y	Y	Y	Y	Y
Zoning Map Amendment (Rezoning)		R	--	R-PH	D-PH	Y	Y	Y	Y	Y
Conditional Use Permit		R	--	R-PH	D-PH	Y	Y	Y	Y	Y
Subdivision Review	Div. 11.4									
Preliminary Plat		D	A-PH	--	--	--	--	--	--	--
Final Plat without dedication		D	A-PH	--	--	--	--	--	--	--
Final Plat with dedication		R	--	--	D-PH	--	--	--	--	--
Permit Review	Div. 11.5									
Land Disturbance Permit		D	A-PH	--	--	--	--	Y*	--	--
Building Permit		D	A-PH	--	--	--	--	Y*	--	--
Tree Removal Permit		D	A-PH	--	--	--	--	Y*	--	--
Temporary Use Permit		D	A-PH	--	--	--	--	--	--	--
Relief	Div. 11.6									
Administrative Variance		D	--	--	--	--	--	--	--	--
Variance		R	D-PH	--	--	--	Y	Y	Y	Y
Appeal of an Administrative Decision		R	D-PH	--	--	--	Y	--	--	Y
Beneficial Use Determination		R	--	R-PH	D-PH	--	Y	Y	Y	Y

Y = Required Y* = Plan box posted on site at time of application -- = Not Required

UPDATED 03/15/2018