

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE TO ADOPT ARTICLE 2 OF CHAPTER 14, ZONING ORDINANCE, OF THE
CODE OF ORDINANCES OF THE CITY OF SANDY SPRINGS, GA**

BE IT ORDAINED by the City Council of the City of Sandy Springs, GA while in regular session on December 27, 2005 at 7:00 p.m. as follows:

SECTION 1. That Article 2 of Chapter 14, as it relates to Zoning Ordinance is hereby adopted and approved; and is attached hereto as if fully set forth herein; and,

SECTION 2. That the First Reading was held on December 20, 2005; and,

SECTION 3. This Ordinance is effective December 27, 2005; and,

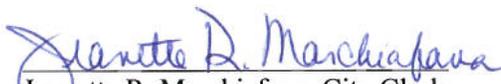
SECTION 4. That this Ordinance shall become effective upon its adoption.

ORDAINED this the 27th day of December, 2005.

Approved:


Eva Galambos, Mayor

Attest:


Jeanette R. Marchiafava, City Clerk

(Seal)



**STATE OF GEORGIA
COUNTY OF FULTON**

City of Sandy Springs Zoning Ordinance

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

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

THE CITY OF SANDY SPRINGS ZONING ORDINANCE

TABLE OF CONTENTS

Article I. Adoption

Article II. Purpose and Title

Article III. Definitions

- 3.1 Scope.
- 3.2 Use and interpretation.
- 3.3 Definitions.

Article IV. General Provisions

- 4.1 Scope and intent.
- 4.2 Lot, structure and use regulations.
- 4.3 Exceptions.
- 4.4 Open.
- 4.5 Accessory uses and structures.
- 4.6 Refuse areas.
- 4.7 Open.
- 4.8 Animals.
- 4.9 Outdoor lighting.
- 4.10 Architectural treatment of common aggregate block.
- 4.11 Fences and walls.
- 4.12 Home occupation.
- 4.13 Outparcel development.
- 4.14—4.22 Open.
- 4.23 Tree preservation ordinance and administrative guidelines.
- 4.24 Floodplain management.
- 4.25 Property number/street address.
- 4.26—4.29 Open.
- 4.30 Zoning text, district classifications and boundaries.

Article V. Agricultural District Regulations

- 5.1 AG-1 Agricultural District.

Article VI. Single Family Dwelling District Regulations

- 6.1 R-1 Single Family Dwelling District.

- 6.2 R-2 Single Family Dwelling District.
- 6.3 R-2A Single Family Dwelling District.
- 6.4 R-3 Single Family Dwelling District.
- 6.5 R-3A Single Family Dwelling District.
- 6.6 R-4 Single Family Dwelling District.
- 6.7 R-4A Single Family Dwelling District.
- 6.8 R-5 Single Family Dwelling District.
- 6.9 R-5A Single Family Dwelling District.

Article VII. Two Family and Multifamily Dwelling District Regulations

- 7.1 R-6 Two Family Dwelling District.
- 7.2 TR Townhouse Residential District
- 7.3 A Medium Density Apartment District.
- 7.4 A-L Apartment Limited Dwelling District.

Article VIII. Multiple Use District Regulations

- 8.1 O-I Office Institutional District.
- 8.2 MIX Mixed Use District.

Article IX. Commercial District Regulations

- 9.1 C-1 Community Business District.
- 9.2 C-2 Community Business District.

Article X. Industrial District Regulations

- 10.1 M1-A Industrial Park District.
- 10.2 M-1 Light Industrial District.
- 10.3 M-2 Heavy Industrial District.

Article XI. Planned Unit District Regulations

- 11.1 CUP Community Unit Plan District.
- 11.2 NUP Neighborhood Unit Plan.
- 11.3 MHP Mobile Home Park District.

Article XIIA. Overlay Districts

- 12A.1 Overlay district authority.
- 12A.2 Definitions.
- 12A.3 Certificates of endorsement.
- 12A.4 Maintenance of properties building code and zoning provisions.
- 12A.5 Interpretation, violations, enforcement and penalty provisions.

Article XIIB. Sandy Springs Zoning Overlay District

- 12B.1 Purpose and intent.
- 12B.2. Review process.
- 12B.3 Sandy Springs Design Review Board.

- 12B.4. Streetscape standards.
- 12B.5. Site development standards.
- 12B.6. Sign standards.
- 12B.7. Miscellaneous provision.
- 12B.8. Main Street District standards.

Article XIIB(1). Perimeter Community Improvement District

- 12B(1).1. Purpose and intent.
- 12B(1).2. Perimeter community improvement district regulations.
- 12B(1).3. Development standards.
- 12B(1).4. Severability.
- 12B(1).5. Appeals.
- 12B(1).6. Adoption and effective date.

[Articles XIII—XVII Reserved]

Article XVIII. Off-Street Parking and Loading

- 18.1. Scope.
- 18.2. Parking spaces required.
- 18.3. Acceptable locations for off-street parking.
- 18.4. Off-street parking design requirements.
- 18.5. Parking for specialized vehicles.
- 18.6. Off-street loading.

Article XIX. Administrative Permits and Use Permits

- 19.1. Scope and intent.
- 19.2. Application and approval.
- 19.3. Minimum administrative permit standards.
- 19.4. Minimum use permit standards.

[Articles XX-XXI. Reserved]

Article XXII. Appeals

- 22.1. Purpose.
- 22.2. Decision making authority.
- 22.3. Variances.
- 22.4. Administrative variance.
- 22.5. Administrative minor variance.
- 22.6. Minor variance.
- 22.7. Primary variance.
- 22.8. Secondary variance/interpretation.
- 22.9. Concurrent variances.
- 22.10. Modifications.
- 22.11. Administrative modifications.

- 22.12 Zoning modification.
- 22.13 General procedures.
- 22.14 Board of zoning appeals.

Article XXIII. Occupancy Certificate

- 23.1 Certificate of occupancy.

Article XXIV. Plans and Inspections

- 24.1 Single family dwelling plans.
- 24.2 Inspections.

[Article XXV. Reserved]

Article XXVI. Interpretation, Conflict and Enforcement

- 26.1 Interpretation.
- 26.2 Conflict.
- 26.3 Enforcement.
- 26.4 Permits in effect.

Article XXVII. Hearing Procedures

- 27.1 Zoning Procedures Act

Article XXVIII. Rezoning and Other Amendment Procedures

- 28.1 General amendments.
- 28.2 Land use petitions, appeals to Superior Court.
- 28.3 Public hearing and notice requirements.
- 28.4 Technical evaluations and reports.
- 28.5 Conditional development.
- 28.6 Zoning maps.
- 28.7 Applicable regulations.
- 28.8 Petition fees.
- 28.9 Procedures for modification of zoning conditions.
- 28.10 Expiration and extension of zonings and/or use permits.
- 28.11 Vesting of zoning and/or use permit.

Article XXIX. Violation and Penalty

- 29.1 Violation.
- 29.2 Penalty.

Article XXX. Validity

Article XXXI. Conflicting Resolutions Repealed

Article XXXII. Effective Date

Article XXXIII. Signs

- 33.1 Intent.
- 33.2 Permit required.
- 33.3 Issuance of permits.
- 33.4 Variance appeals.
- 33.5 Prohibited signs.
- 33.6 General sign regulations.
- 33.7 Sign regulations by zoning district.

Article XXXIV. Development Regulations

- 34.1 Scope and intent.
- 34.2 Compliance.
- 34.3 Appeals.
- 34.4 Permit and sign-off requirements.
- 34.5 Site improvement standards.
- 34.6 Timber harvesting.

Appendix A (Inactive Districts)

- Article XIII. A-1 Apartment District Regulations
- Article XIII-A. Apartment-Office District Regulations
- Article XII-A. TR Townhouse Residential District
- Sub A Suburban A Single Family Dwelling District
- Sub B Suburban B Single Family Dwelling District
- Sub C Suburban C Single Family Dwelling District

ARTICLE I.

ADOPTION

That the Zoning Ordinance of the City of Sandy Springs, Georgia, is adopted on this ____ day of December, 2005, as amended, is hereby amended to, shall be effective as of the ____ day of the month of _____, 200__, and reads as follows:

ARTICLE II.

PURPOSE AND TITLE

Section 1. This ordinance is entered as part of a comprehensive plan designed for the purposes, among others, of lessening congestion on the roads and streets; securing safety from fire, flood, and other dangers; providing adequate light and air; promoting the health and general welfare; encouraging such distribution of population and such classification of land uses and utilization as will facilitate economic and adequate provisions for transportation, communications, roads, airports, water supply, drainage, sanitation, education, recreation and other public requirements. These regulations are made with reasonable consideration, among others, to the character of the districts and their peculiar suitability for particular uses, and with a general view of promoting desirable living conditions, protecting property against blight and depreciation, and encouraging the most appropriate use of land throughout the City of Sandy Springs.

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

ARTICLE III

DEFINITIONS

3.1. SCOPE

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

3.2. USE AND INTERPRETATION

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

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

3.3. DEFINITIONS

3.3.1. A

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

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

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

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

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

Adult Bookstore. An establishment or facility licensed to do business in the City of Sandy Springs having a minimum of 25% of its stock in trade, for any form of consideration, any one or more of the following materials:

- (i) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, cds, dvds or other video reproductions, or slides or other visual representations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”, as defined herein; or
- (ii) instruments, devices, novelties, toys or other paraphernalia that are designed for use in connection with “specified sexual activities” as defined herein or otherwise emulate, simulate, or represent “specified anatomical areas” as defined herein.

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

- (1) of touching, caressing, or fondling of the breasts, buttocks, and anus, vulva, or genitals,
- (2) of displaying of any portion of the areola of the female breast, or any portion of his or her pubic hair, cleft of the buttocks, anus, vulva or genitals,
- (3) of displaying of pubic hair, anus, vulva, or genitals,
- (4) or acts which simulate sexual intercourse (homosexual or heterosexual), masturbation, sodomy, bestiality, oral copulation, flagellation.

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

Adult Entertainment Establishment. Any establishment or facility licensed to do business in Sandy Springs where adult entertainment is regularly sponsored, allowed, encouraged, condoned, presented, sold, or offered to the public. This definition shall not include traditional or mainstream theater which means a theater, movie theater, concert hall, museum, educational institution or similar establishment or facility which regularly features live or other performances or showings which are not distinguished or characterized by an emphasis on the depiction,

display, or description or the featuring of “specified anatomical areas” or “specified sexual activities” in that the depiction, display, description or featuring is incidental to the primary purpose of any performance. Performances and showings are regularly featured when they comprise 90% of all performances or showings.

Alternative Antenna Support Structure. Clock towers, campaniles, free standing steeples, light structures and other alternative designed support structures that camouflage or conceal antennas as an architectural or natural feature (not to include man made trees).

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

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

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

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

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

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

Automotive Garage. A use primarily for the repair, replacement, modification, adjustment, or servicing of the power plant or drive-train or major components of automobiles and motorized vehicles. The repair of heavy trucks, equipment and automobile body work shall not be included in this use. The outside storage of unlicensed and unregistered vehicle is prohibited as part of this use. (See Auto Specialty Shop and Service Station)

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

condenser, including engine block oil changes, are permitted. (See Repair 3.3.18 and Service Station 3.3.19)

3.3.2.

B

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

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

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

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

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

Berm. A planted earthen mound.

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

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

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

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

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

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

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

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

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

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

3.3.3. C

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

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

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

Cellar. See basement.

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

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

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

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

City. The City of Sandy Springs

City Council. The City Council of the City of Sandy Springs.

City Planning Commission. The Planning Commission for the City of Sandy Springs as nominated by the Mayor and confirmed by the City Council.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.3.4.

D

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

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

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

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

Department. Department of Community Development.

Development, Duplex. A development of duplexes.

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

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

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

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

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

Development, Townhouse. A development of townhouse dwelling units.

Director. Director of the Department of Community Development.

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

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

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

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

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

Driveway. A vehicular access way.

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

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

Dwelling, Multifamily. A structure containing three or more dwelling units not including townhouses.

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

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

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

3.3.5.

E

Environmentally Adverse. Any use or activity which poses a potential or immediate threat to the environment and/or is physically harmful or destructive to living beings as described in the Executive Order 12898 regarding Environmental Justice.

Environmentally Stressed Community. A community exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.

3.3.6.

F

Family. Family means one or more persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship, or up to 4 unrelated persons, occupying a dwelling unit and living as a single housekeeping unit, as distinguished from persons occupying a rooming, boarding or lodging house, or a hotel.

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

Farm. A parcel of land which is used for the raising of animals (including fish) on a commercial basis, such as but not intended to be limited to ranching, dairy farming, piggeries, poultry farming and fish farming; a facility for the business of boarding or renting horses to the public; or a site used for the raising or harvesting of agricultural crops such as wheat, field forage and other plant crops intended for food or fiber.

Fast Food Restaurant. See Restaurant, Fast Food.

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

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

- 1) As-built drawings. Plans which show the actual locations, elevations, and dimensions of the improvements as certified by a professional engineer or a licensed surveyor in the State of Georgia.
- 2) Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year - the 100-year flood.

- 3) Base Flood Elevation (B.F.E.). The highest water surface elevation anticipated at any given point during the base flood.
- 4) Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, such as mining, dredging, filling, grading, paving, excavation or drilling operations.
- 5) Federal Emergency Management Agency (FEMA). The Federal Agency which administers the National Flood Insurance Program. This agency prepares, revises and distributes the maps and studies adopted under Article IV, Section 24.
- 6) Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation of runoff of surface waters from any source.
- 7) Flood Elevation Study. An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.
- 8) Flood Boundary and Floodway Map. An official map of Fulton County on which FEMA has delineated the various flood boundaries, the floodway fringe, and the floodways, or as that may be amended from time to time by Fulton County, the City or FEMA representing the best currently available data.
- 9) Flood Fringe. That area contained by the flood boundaries exclusive of the regulatory floodway.
- 10) Flood Insurance Rate Map (FIRM). The official map of Fulton County, used by the City until formally updated by the City, on which FEMA has delineated the risk premium zones, as it may be formally amended from time to time.
- 11) Flood Insurance Study (FIS). A compilation of flood related data obtained from the flood studies for the unincorporated areas of Fulton County, Georgia, used by the City until formally updated by the city as prepared by FEMA.
- 12) Flood Plain. Lands subject to flooding, which have a one percent probability of flooding occurrence in any calendar year; the 100-year flood plain is shown on the Flood Boundary and Floodway Map. Also referred to as area of moderate Flood Hazard.
- 13) Flood Prone Area. Areas shown on the Flood Insurance Rate Map as "Zone B" (zone where the contributing drainage area is less than one square mile) and which are determined by the Department of Public Works to be a hazard to adjacent properties or development in the event of the base flood.

- 14) Flood Proofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- 15) Floodway. See Regulatory Floodway.
- 16) Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of flood plain management.
- 17) Functionally Dependent Use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.
- 18) I.R.F. Elevation. See "Base Flood Elevation".
- 19) Lowest Floor. The lowest minimum floor including basement and attached garage.
- 20) Map. The Flood Boundary and Floodway Map or the Flood Insurance Rate Map.
- 21) Mean Sea Level. For purposes of Flood Plain Management, the National Geodetic Vertical Datum (NGVD) of 1929.
- 22) Mobile Home. See Mobile Home under "M" headings in main text of Definitions.
- 23) Mobile Home Park/Mobile Home Subdivision. A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including at a minimum the installation of utilities, either final site grading or the pouring of concrete pads and construction of streets) was completed on or after April 5, 1972.
- 24) NGVD. National Geodetic Vertical Datum.
- 25) New Structure. Any proposed structure which does (did) not have a valid building permit issued by Fulton County prior to the effective date of this ordinance.
- 26) Regulatory Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

- 27) Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, or brook.
- 28) Special Flood Hazard Area. Those lands subject to periodic flooding and shown on the "Flood Insurance Rate Map" as a numbered or unnumbered "A" zone.
- 29) Start of Construction. The first placement of permanent construction of a structure, excluding a mobile home, on a site, such as the pouring of slabs or footing or any work beyond excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways. Excavation for a basement, footings, piers or foundations, and the erection of temporary forms are not permanent forms of construction. The installation of accessory buildings, such as garages and sheds, apart from the main structure also fail to qualify as permanent construction.
- 30) Start of Construction. For any structure, except mobile home, which has no basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its park or mobile home subdivision. For a mobile home, "start" means the date on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of pads, and installation of utilities) is completed.
- 31) State Coordinating Agency. The Flood Plain Management Coordinator of the Georgia Department of Natural Resources.
- 32) Structure. All walled and roofed buildings, storage tanks and other structural improvements located principally above ground.
- 33) Water Surface Elevation. The relationship between the projected heights and the NGVD reached by floods of various magnitudes and frequencies in the flood plains.

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

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

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

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

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

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

3.3.7.

G

Garden Center. A business whose primary operation is the sale of seeds and organic and inorganic materials, which include but are not limited to trees, shrubs, flowers, and other plants for sale or transplanting, mulch, pine straw, and other organic products for landscaping purposes, and other limited retail accessory products for gardening and/or landscaping with an approved Use Permit for Landscaping Business, Plant Nursery, or Garden Center with Indoor Retail Component (Article 19.4.27).

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

Glare. Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see and in extreme cases causing momentary blindness.

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

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

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

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

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

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

Group Residence/Shelter. A state licensed 24-hour residential facility functioning as a single housekeeping unit for the sheltered care of persons with special needs which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services and transportation. Bedroom suites shall not include kitchen facilities. For purposes of this Ordinance, group residence/shelter shall not include those facilities which exclusively care for children under the age of 17.

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

3.3.8.

H

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

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

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

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

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

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

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

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

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

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

3.3.9. I

Identification Monument. See Article 33, Signs.

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

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

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

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

3.3.10. J

Junk Facility. See Salvage/Storage/Junk Facility.

3.3.11. K

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

3.3.12. L

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

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

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

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

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

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

Landscaping Business. A business whose primary operation is the sale and/or storage of organic and inorganic materials, plants, mulch, pine straw, and other limited related accessory products for the landscape industry and the storage and use of associated landscape vehicles with an approved Use Permit for Landscaping Business, Plant Nursery, or Garden Center with Indoor Retail Component (Article 19.4.27).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.3.13.

M

Maintenance, Normal. The upkeep of a sign for the purpose of maintaining safety and appearance which may include painting, bulb replacement, panel replacement, letter

replacement, repair of electrical components, and structural reinforcements to its original condition.

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

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

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

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

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

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

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

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

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

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

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

Motel. See Hotel/Motel.

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

3.3.14.

N

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

Nonconforming (Grandfathered) Lot, Use or Structure. A use, lot or structure that was nonconforming at the time of the adoption of the Fulton County Zoning Ordinance on March 11, 1955, or subsequent amendments thereto, or created by deed between March 11, 1955 and September 21, 1967 (adoption of the Subdivision Regulations) and does not now meet the minimum requirements of the district in which it is located. Also, a use, lot or structure which has been made nonconforming by some county or state action. Any change or addition to a use, lot or structure must comply with current provisions of this Zoning Ordinance.

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

3.3.15.

O

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

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

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

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

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

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

Parcel. See lot.

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

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

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

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

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

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

Plant Nursery. Any land used to raise trees, shrubs, flowers and other plants for sale or transplanting, but not including the retail sale of any related garden supplies such as chemical fertilizer, tools and other similar goods and/or equipment, or the retail sale of plants not grown on the property except with an approved Use Permit for Landscaping Business, Plant Nursery, or Garden Center with Indoor Retail Component (Article 19.4.27).

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

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

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

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

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

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

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

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

3.3.17. Q

3.3.18. R

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

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

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

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

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

Recycling Center, collecting. Any facility utilized for the purpose of collecting materials to be recycled including, but not limited to, plastics, glass, paper and aluminum materials. Such use may be principal or accessory to a non-residential use on non-residentially zoned property, except AG-1 zoned properties unless, the primary use is a permitted non-residential use.

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

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

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

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

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

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

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

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

Retreat. See Lodge.

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

Roadside Produce Stand. A use offering either farm-grown, prepared food products such as fruits, vegetables, canned foods, or prepared packaged meats for sale from a vehicle or a temporary structure. The consumption of food on-site is prohibited. The use is permitted in C-1, C-2, M-1, M-2 and AG-1 Districts.

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

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

3.3.19.

S

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

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

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

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

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

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

Seasonal Business Use. A primary use involving the sale of items related to calendar holidays which may be conducted outside of the building, but within the confines of a parcel zoned CUP or MIX (commercial components), C-1, C-2, M-1A, M-1, or M-2. A Seasonal Business Use is permitted in AG-1 and residential districts if occupied by either a church, school, or lodge/retreat existing as a conforming use. See the appropriate Administrative Permit.

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

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

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

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

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

Service Station. A use which provides for the sale of motor vehicle fuels and automotive accessories, and which may provide minor repair and maintenance services. A service station shall be limited to 4 or fewer bays excluding no more than one attached or detached bay for washing cars.

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

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

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

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

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

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

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

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

Sign, Candidate or Political. Signs identifying or urging voter support for a particular election issue, political party, or candidate for public office

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

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

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

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

Sign Height. See Height, Sign.

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

Sign, Illumination of. See Illumination.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Structure. Anything built or constructed which occupies a location on, or is attached, to the ground.

Structure, Accessory. A subordinate structure, customarily incidental to a principal structure or use and is located on the same lot. Examples of accessory structures in single-family dwelling districts include a well house, fence, tool shed, guest house and a detached garage.

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

Subdivision. The division of land into two or more lots. A development consisting of subdivided lots that shall comply with the Subdivision Ordinance as adopted by the City.

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

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

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

3.3.20.

T

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

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

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

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

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

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

Truck Terminal. A primary use of property where trucks/trailers are either temporarily stored, maintained or based. Trucks/trailers shall have current registration and license plates with decal. (Permitted M-2 Heavy Industrial District)

3.3.21.

U

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

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

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

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

3.3.22.

V

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

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

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

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

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

3.3.23.

W

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

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

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

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

3.3.24.

X

3.3.25.

Y

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

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

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

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

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

3.3.26.

Z

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

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

Zoning Ordinance. The 2005 Zoning Ordinance of the City of Sandy Springs and as it may be amended from time to time by that body.

ARTICLE IV

GENERAL PROVISIONS

- 4.1. SCOPE AND INTENT. This article includes a variety of regulations that apply to uses and structures allowed in more than one use district or to uses and structures allowed in all use districts except when specifically excluded by provisions contained elsewhere in this Ordinance.
- 4.1.1. OTHER LAWS APPLY. Compliance with this Ordinance shall not substitute for compliance with federal and state laws nor for other City of Sandy Springs ordinances and resolutions.
- 4.1.2. JUDICIAL AND QUASI-JUDICIAL ACTIONS. Zoning-related legal proceedings or appeals to boards designated within this Ordinance shall stay deadlines and expiration dates which are designated in this Ordinance. Appeals from decisions of the City Council and the Board of Zoning Appeals shall be brought within 30 days. Appeals from the application, interpretation and administration of this Ordinance shall be to the Board of Zoning Appeals unless otherwise specifically provided for in the various sections of this Ordinance.
- 4.1.3. ADMINISTRATIVE APPROVAL. The action on a request brought under a provision of the Zoning Ordinance which requires approval by at least one City of Sandy Springs official, accompanied or followed by an interoffice memorandum which shall be addressed to, and included in, the appropriate zoning file or alternate file if there is no zoning file. A courtesy copy of the authorization memo shall be sent to the Directors of the Department of Public Works and the Department of Community Development.
- 4.2. LOT, STRUCTURE AND USE REGULATIONS
- 4.2.1. USE, PERMITTED USE, CHANGE OF USE. Properties shall be used and structures or parts thereof shall be erected, constructed, reconstructed, modified,

moved, enlarged, or altered in conformity with the regulations contained in this Ordinance and any conditions of zoning.

- A. Permitted Uses. If either a specific use or a class of use is not listed as a permitted use in compliance with the zoning district standards and any zoning conditions, such specific use or class of use shall be prohibited in that district.
- B. Change of Use. Any change of use, including a change of a single use within a multiple use structure, shall comply with the requirements of this Ordinance and any condition of zoning.
- C. Single Family District Limitations. Single family dwelling districts shall be restricted to no more than one main or principal structure per lot.

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

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

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

4.2.4. DIVISION OF CONDITIONALLY-ZONED PARCELS. All lots of a proposed subdivision must be in keeping with unit and density allocations, and other conditions of zoning as well as the Subdivision Regulations and this Ordinance. If each proposed parcel does not conform to such conditions, the proposed division shall require a rezoning to accomplish the desired modification of conditions.

4.2.5. USES AND STRUCTURES PERMITTED IN YARDS, AND OUTSIDE STORAGE.

- A. Uses and Structures Permitted in Yards. In addition to uses which may be provided for, conditioned or excluded from yards by other sections of this Ordinance, yards may be used for driveways, signs, at-grade parking, loading areas, fountains, flag poles, yard ornaments not to exceed four feet in height, walls, fences, walkways, lawns, buffers, landscape areas, underground utilities, well houses, storm water management facilities and tree preservation areas. No part of any yard or use made thereof shall serve the requirements for any other lot or structure.
- B. Limitations on the Location of Outside Storage and Accessory Displays. Outside storage and accessory displays are permitted as indicated below for the various use districts.
1. Outside Storage Associated with Residential Uses or Districts Including AG-1 Used for Residential Purposes Only. Such storage is permitted in side and rear yards only, and must be screened from adjoining residential uses and from streets with an opaque fence or a vegetative screen which complies with Appendix G of the Tree Preservation Ordinance [See Code Ch. 26, Art. VI]. Any storage not normally associated with residential use shall be prohibited.
 2. Outside Storage Associated with Industrial Uses or Districts. Outside storage is permitted in rear and side yards only in the M1-A District and in all yards in the M-2 District. Outside storage shall be located at least 25 feet from any residential property line. Such storage must be screened, in accordance with Appendix G of the Tree Preservation Ordinance [See Code Ch. 26, Art. VI], from neighboring residential uses in all industrial districts and from streets in the M-1A and M-1 Districts.
 3. Outside Storage Associated with Institutional, Office and/or Commercial Uses or Districts. Outside storage is permitted only within rear yards, and shall be located at least 25 feet from any residential property line. Such storage must be screened from neighboring residential uses and streets with an opaque fence or a vegetative screen which complies with Appendix G of the Tree Preservation Ordinance [See Code Ch. 26, Art. VI].
 4. Outside Accessory Display Associated with Commercial and/or Industrial Uses or Districts. Accessory displays for merchandise which is being offered for sale on-premise shall be permitted in the commercial and industrial districts only. Such displays may be located in any yard as long as it is not located in a minimum yard. Vehicle and similar displays may be located in minimum front yards, but may not

encroach upon minimum landscape areas.

- 4.2.6. MAINTENANCE OF VEGETATION. Pervious surfaces including yards shall be permanently maintained and shall be landscaped with grass, trees, shrubs, hedges and/or other landscaping materials approved by the City Arborist.
- 4.2.7. LOTS WITH WELL AND/OR SEPTIC TANK. Any lot upon which both an individual well and septic tank/drain field are utilized shall be governed by regulations of the Fulton County Health Department. Lots utilizing both a well and a septic tank shall be not less than one acre in size. Any lot proposed to be served by either a well or a septic tank/drain field shall comply with the larger of the minimum lot area required by the Health Code or the minimum required for the district in which the lot is located.
- 4.2.8. MULTIPLE ZONING. Whenever a lot is zoned for more than one single family dwelling district, the district which comprises the largest area shall control the development standards for that lot.
- 4.2.9. BUILDING SEPARATIONS. All building separations shall be as specified by the Standard Building Code.
- 4.3. EXCEPTIONS. This ordinance shall apply to every lot, parcel, property, use and structure in City of Sandy Springs except as excluded in this section. Furthermore, the provisions herein shall not apply to properties and structures owned, operated and/or leased for use by Fulton County or the City for public purposes. The use of said property for a nonconforming use does not establish a precedent for other nonpublic (governmental) uses. Should the public use cease to exist, the provisions herein shall apply.

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

- 4.3.1. NONCONFORMING LOTS, USES AND STRUCTURES. Within the zoning districts established by this Ordinance there may exist lots, structures, and uses of both land and structures which were lawful before this Ordinance was adopted or subsequently amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance as adopted or subsequently amended. Nonconforming lots, uses and structures may continue in their nonconforming status with the following limitations and/or requirements.
- A. Nonconforming Lot. A single, lawful lot-of-record which does not meet the requirements of this Ordinance for area or dimensions, or both, may be used

for the buildings and accessory buildings necessary to carry out permitted uses subject to the following provisions:

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

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

1. No nonconforming use shall be enlarged, increased or extended to occupy a greater area of land than that which was occupied at the time use became nonconforming;
2. No nonconforming use shall be moved in whole or in part to any other portion of the lot not occupied by such use at the time the use became nonconforming; and
3. If any nonconforming use of land ceases for a period of more than one year, any subsequent use of such land shall comply with this Ordinance.

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

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

2. Any nonconforming use may be extended throughout any part of a building which was arranged or designed for such use at the time the use became nonconforming, but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any nonconforming use of a structure or structure and land may be changed to another nonconforming use of the same or more restrictive nature;
4. When a nonconforming use of a structure or a structure and land in combination is replaced with a conforming use, such structure or land may not later revert to a nonconforming use;
5. When a nonconforming use of a structure or structure and land in combination is discontinued or abandoned for one year, the structure or structure and land in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located; and
6. A nonconforming use of a structure and/or a nonconforming use of land shall not be extended or enlarged by attachment to a building or land of additional signs which can be seen from off the land or by the addition of other uses of a nature which would be prohibited generally in the district.

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

1. No structure may be enlarged or altered in a way which increases its nonconformity;
2. Destruction, by any means, of more than sixty percent of the gross square footage of a structure shall require that the structure be reconstructed in conformity with the provisions of this Ordinance;
3. Any structure which is moved, for any reason and for any distance whatever, shall conform to the regulations for the district in which it is located.

E. Rezoning Which Results in Nonconforming Structures.

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

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

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

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

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

- 4.3.3. HEIGHT LIMITS. The zoning districts' maximum height limitations for structures shall not apply to the following:

- A. Church spires and belfries
- B. Water storage tanks
- C. Cooling towers
- D. Chimneys
- E. Mechanical penthouses located on roofs
- F. Smokestacks
- G. Flag poles

- H. Silos and grain elevators
- I. Fire towers

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

4.3.4. MINIMUM BUILDING LINES. The minimum yards (setbacks) in each district shall establish minimum building lines for all structures except those named in Section 4.2.5 entitled USES AND STRUCTURES PERMITTED IN YARDS, AND OUTSIDE STORAGE.

- A. Multiple Frontage Lots. Lots adjoining more than one public street shall provide a minimum front yard along each right-of-way except corner lots. The setbacks for the street-adjointing side yards of corner lots shall be as specified in the district regulations.
- B. Permitted Encroachments into Yards. The following encroachments shall be allowed to the extent specified below.
 - 1. Non-residential. Canopies shall be allowed over walkways or driveways to within 12 feet of the street right-of-way or the right-of-way based on the street's functional classification, whichever is farther from the street's centerline. Fuel pumps and pump islands, when permitted, shall be set back as stated in this paragraph for canopies.
 - 2. Single-family Residential and Townhouses used for single family on individual lots of record. Covered or uncovered porches, decks or patios attached to the main dwelling may extend no more than 10 feet into a minimum front or rear yard. Awnings may project to within 5 feet of a side lot line.
 - 3. All Zoning Districts. Architectural features such as cornices, eaves, steps, gutters, fire chases, chimneys and fire escapes may project not more than 36 inches into any minimum yard.
 - 4. Adjoining Railroads. For those uses which utilize a rail siding for loading and unloading, there shall be no minimum rear yard requirement adjoining the siding.
- C. Flag Lots. Minimum yards shall not be identified within the stem portion of a flag lot unless such portion, independent of the flag portion, can meet the

requirements of 4.2.2. Measurements for a front yard setback shall begin at the point of intersection of the stem and the flag portion of a flag lot running along the property line the most perpendicular to the stem. A flag lot stem shall not be less than 15 feet in width.

4.3.5. ENCROACHMENT ON PUBLIC RIGHTS-OF-WAY. No privately owned structures other than driveways, access walkways, and mail boxes shall be permitted within a public right-of-way. Landscaping shall be allowed with permission of the Georgia Department of Transportation or as specified in the Tree Preservation Ordinance [See Code Ch. 26, Art. VI] as applicable. Signs and other structures belonging to the State of Georgia, Fulton County, Sandy Springs, or a railroad or utility are exempt from this provision.

4.4. OPEN.

4.5. ACCESSORY USES AND STRUCTURES

4.5.1. CONSTRUCTION OF ACCESSORIES. Accessory structures shall be constructed concurrently with or subsequent to a principal structure.

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

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

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

4.6. REFUSE AREAS. Refuse areas shall be identified on site plans for lots improved with structures other than single-family dwellings, and such areas shall be screened to one-hundred percent opacity with fences or walls, or a vegetative screen which complies with the screening requirements of the Tree Protection Ordinance [See Code Ch. 26, Art. VI]. The refuse containers located therein shall not be visible from streets or adjoining properties. Vegetative screens must comply with the

provisions of Section 4.23. Refuse areas shall not be located in required landscape areas, required buffers, required parking areas, or required loading areas.

4.7. OPEN

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

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

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

4.9. OUTDOOR LIGHTING

Sources of exterior illumination shall be directed away from adjoining residences and shall not exceed 1.2 foot-candles along an adjoining residential property line. Outdoor lighting of recreation facilities in or adjoining residential districts or uses shall be used only between dusk and 11:00 P.M.

4.10. ARCHITECTURAL TREATMENT OF COMMON AGGREGATE BLOCK

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

4.11. FENCES AND WALLS

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

- A. Visibility Triangle. Fences, walls and vegetative materials used in association therewith must not obstruct the minimum sight distance requirements which are specified in City of Sandy Springs Subdivision Regulations administered by the Director of the Department of Community Development.

- B. Gates. No part of a gate shall be located within 20 feet of a public right-of-way, nor shall any gate or vehicle in any way obstruct a public right-of-way or the minimum sight distance specified in the Subdivision Regulations regardless of whether open, closed or in an intermediate position.
- C. Maintenance of Required Landscape Areas. Landscape areas or strips required pursuant to this section shall be maintained in accordance with the requirements of the Tree Preservation Ordinance [See Code Ch. 26, Art. VI].
- D. Fence and Wall Materials. Where the Zoning Ordinance or zoning conditions require fences and walls to be solid/opaque, the visual density of the fence shall be such that it can not be seen through. The following standards shall apply to fences and walls.
1. Adjoining Right-of-Way. In all zoning districts except AG-1, M-1, M-1A, and M-2, wire and plastic fencing materials, including chain-link fencing with plastic or wooden inserts shall not be used adjoining a street right-of-way. The architectural treatment of poured concrete, common aggregate block or concrete block walls shall be approved by the Director of the Department of Community Development. This provision shall not preclude the use of chain link fencing as a security fence around storm water facilities.
 2. Fences Along All Property Lines. Walls and fences constructed along all property lines shall be constructed with a finished side toward the neighboring property.
 3. Barbed Wire. Barbed wire may be used in the AG-1 District as long as its use is associated with a legitimate agricultural pursuit. Barbed wire shall not be approved for any single-family dwelling lots including such lots which are located in the AG-1 District. Barbed wire may be used for security strands in all but single-family dwelling districts at a height of at least 6 feet above grade.
 4. Minimum Landscape Requirements. A minimum three-foot landscape strip shall be provided between a fence or wall and a public right-of-way.
- E. Height. Fences and walls shall not exceed a height of eight feet from grade in residential districts. Column and ornament heights are permitted to exceed the maximum fence/wall height up to 3 feet.

- F. Setback. Fences and walls shall be set back a minimum of 3 feet from a public right-of-way.

4.12. HOME OCCUPATION.

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

- A. The smaller of 25% or 750 square feet of the gross floor area of a dwelling unit may be used for activities devoted to the home occupation.
- B. Accessory buildings and structures may not be used for the home occupation.
- C. There shall be no signs identifying the home occupation, nor shall there be any storage, display or activity associated with the home occupation visible outside the structure.
- D. Said uses are excluded: auto repair or similar operations, restaurants, keeping of animals, funeral homes, retail or wholesale shops, motel type establishments, taxi services, or any other occupation found incompatible with the intent of this Ordinance.
- E. Resident participants in a home occupation must have the appropriate occupational licensing, including business licenses.
- F. No Home Occupation shall generate traffic, sound, smell, vibration, light, or dust that is offensive.
- G. No more than two clients or patrons are allowed on the premises at the same time in conjunction with the home occupation (except for persons in care at a Family Day Care Homes, where no more than six clients are allowed).
- H. Vehicles kept on site in association with the home occupation shall be used by residents only.
- I. The transporting of goods by truck is prohibited. Incoming vehicles related to the home occupation shall be parked off-street within the confines of the residential driveway or other on-site permitted parking.
- J. Home occupations must exclude the use of instruments, machinery or equipment that emit sounds (i.e. musical instruments, sewing machines, saws, drills) that are detectable beyond the unit.

- K. Family Day Care Homes are prohibited within multi-family dwelling units.
- L. Family Day Care Homes shall provide outdoor play areas as required by Georgia law, but such areas shall be limited to side or rear yards outside the minimum yard area, and shall not occupy any yard adjoining a street.
- M. Family Day Care Home shall be located at least 1,000 feet in all directions from any other such use operated as a Home Occupation.
- N. Family Day Care Home hours of operation shall be limited to Monday through Saturday from six A.M. to seven P.M.
- O. Family Day Care Home operators shall have a current, certified copy of the operator's State of Georgia Family Day Care Home registration which shall be filed with the business license application and renewals.
- P. No home occupation shall be operated so as to create or cause a nuisance.

4.13. OUTPARCEL DEVELOPMENT.

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

- A. The total floor area for outparcels shall be included in the total floor area allowed for the larger parcel.
- B. Access for outparcels shall be from internal drives with no direct access to public roads.
- C. Each outparcel abutting a public right-of-way shall have a minimum of 200 feet of frontage on that public right-of-way.
- D. Internal entrance drives shall be located at least 100 feet from any publicly dedicated right-of-way.

4.14. – 4.22. OPEN.

4.23. TREE PRESERVATION ORDINANCE AND ADMINISTRATIVE GUIDELINES.

The following standards for tree preservation are as set forth by the City of Sandy Springs Tree Preservation Ordinance and Administrative Guidelines, adopted by the City Council on December __, 2005 and effective on that same date.

4.23.1. MINIMUM LANDSCAPE STRIPS AND BUFFERS.

- A. Landscape strips shall be provided along all lot lines, as specified in Table 4.23.1, except when zoning buffers are required.
- B. Zoning buffers shall be provided along all lot lines, as specified in Table 4.23.1, adjacent to properties zoned AG-1, R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, R-6, TR, A, A-L, NUP, CUP, and MIX with residential components, and adjacent to all single family residential uses in all zoning districts. (See Illustration 4.23.1)
- C. TR, A and A-L zoned districts shall provide landscape areas adjacent to TR, A, and A-L zoned districts, as specified in Table 4.23.1, unless adjacent properties are developed with single family residential uses. If adjacent properties are developed with single family residential uses, zoning buffers are required as specified in Table 4.23.1. (See Illustration 4.23.1)
- D. Zoning buffers shall be undisturbed except for approved access and utility crossings and replantings as required by the Sandy Springs Arborist.
- E. An additional setback of ten feet for all improvements shall be interior to all zoning buffers as specified in Table 4.23.1. No reduction of the ten foot improvement setback is allowed nor shall any grading or land disturbance or tree clearing be allowed within this improvement setback unless permission is obtained from the Director of the Department of Community Development through an Administrative Variance pursuant to Section 22.4. Said approval shall include a site visit report and recommendation by the City Arborist.
- F. Fences and/or walls shall be located interior to any required buffers and/or improvement setbacks except that when zoning buffers are required between properties zoned for single family residences or developed with single family residences, fences may be constructed along side and rear lot lines.

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

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

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

Table 4.23.1

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

*Nonresidential uses only.

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

4.23.2. **PARKING LOT LANDSCAPING.** At-grade, non-single-family parking lots shall provide minimum 10-foot wide landscape islands at the end of each parking bay, and a 10-foot wide landscape island every 6th parking space. Such landscape islands shall include minimum 2" caliper shade trees from the City's list of recommended shade trees for parking lots. Refer to the City of Sandy Springs Tree Preservation Ordinance, Appendix J. Landscaping in these islands should preserve and maintain adequate sight lines from the minor lane to the major lane. Alternate methods of landscaping parking lots may be approved whenever the Director of Community Development or his/her

designee determines that the alternate method equals or exceeds this standard.

4.23.3. OPEN

4.23.4. OPEN

4.24. FLOOD PLAIN MANAGEMENT

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

- A. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- D. Control filling, grading, dredging and other development which may increase erosion or flood damage, and;
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
- F. Adopt and comply with the requirements of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234, December 31, 1979) and Section 60.2 (h), 60.3 (d) and 65.5 of the National Flood Insurance Program (24 C F R 1909, etc.) thereby assuring that unincorporated Fulton County and its citizens shall continue to participate in the benefits of the program and not be subject to the Prohibitions contained in Section 202 (a) of the 1973 act as amended.

4.24.2. OBJECTIVES. The objectives of this Section are:

- A. to protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding, generally undertaken at the expense of the general public;

- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in flood plains;
- F. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;
- G. To insure that potential home buyers are notified that property is in a flood area.

4.24.3. JURISDICTION. This Section shall apply to all of Sandy Springs which contain special flood hazard or flood prone areas.

4.24.4. FLOOD AREAS ESTABLISHED.

- A. Special Flood Hazard Area shall be designated on the "Floodway Boundary and Floodway Maps" (FBFM), the "Flood Insurance Rate Maps" (FIRM), and the "Flood Insurance Study" (FIS) prepared and revised by the Federal Emergency Management Agency (FEMA) effective June 22, 1998 . As defined by FEMA, Special Flood Hazard Areas (SFHA) are classified as numbered or unnumbered zones A, AE, (formerly A1-A30), AO, and AH which are available for review on maps in the Department of Community Development. The accompanying maps and other supporting data and all subsequent amendments and/or revisions are hereby adopted by reference, declared to be a part of this ordinance, and shall have the same force and effect as if fully set forth in this ordinance. SFHA shall be identified as follows:
 1. Fifty Lots or Five Acres Space or More. When FEMA has not produced water surface elevations data and the proposed development is more than 50 lots or 5 acres, whichever is the lesser, base flood elevation data determined in studies by the U.S. Corps of Engineers or other reputable reports based on competent engineering studies prepared by a current state-registered professional engineer and accepted by the Department of Public Works shall be adopted by reference and declared to be a part of this section.
 2. Fewer than Fifty Lots or Five Acres. When FEMA has not produced water surface elevation data and the proposed development is not fewer than 50 lots or 5 acres, whichever is the lesser, then the base flood elevation data may be determined by the best information available.

Regulatory Floodway Area shall be designated on the "Flood Boundary and Floodway Map" and the "Flood Insurance Study" as revised by FEMA from time to time. It is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

- C. Flood Prone Area shall be designated on the "Flood Insurance Rate Map". Flood Prone Areas shall be those areas classified as areas of moderate and minimal flood hazards, shown thereon as "Zone X" (formerly Zone B).

4.24.5. USE REGULATIONS. Notwithstanding the uses permitted by the zoning district applying to the property, no building or structure or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or altered except in conformity with the requirements of this Ordinance when such lands fall within the Special Flood Hazard, Floodway or Flood Prone Areas as herein defined.

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

1. Agriculture, including forestry and livestock raising, requiring no structure. Agriculture and forestry access roads are permitted provided they are constructed in conformance with the development standards of these regulations.
2. Dams, provided that they are constructed in accordance with the requirements of this section, the Department of Public Works, the U.S.D.A. Soil and Conservation Service and when applicable, meet the specifications of The U.S. Army Corps of Engineers and/or the Georgia Department of Natural Resources.
3. Fences having sufficient open area to permit the free flow of water and/or debris.
4. Grading and other construction necessary to raise a building site above the flood plain provided that said construction is accomplished in conformance with the development standards of these regulations and all other applicable rules of the Sandy Springs, State or Federal Governments.
5. Identification, regulatory and warning signs.
6. Public, private and commercial parks and recreational areas including boat ramps and docks and other functionally dependent uses not

including any temporary or permanent buildings, provided; such use is approved by the Department of Public Works and/or, if applicable, the U.S. Army Corps of Engineers.

7. Parking.
8. Public utility poles, towers, pipelines, sewers, streets, and similar facilities, provided they are constructed in such a manner as to permit the free flow of flood waters.
9. Roads, bridges and culverts.
10. Other uses may be permitted by Use Permit.

B. Floodway Area Permitted Uses. No construction is allowed within floodways except that which is directed towards improving the capacity or flow characteristics of the flood waters or crossing, relocating or altering the floodway channel itself. All such construction must be in conformance with the provisions of this Ordinance and the National Flood Insurance Program.

4.24.6. PERMIT REQUIRED. A land disturbance permit or grading permit shall be required prior to the commencement of any improvement, including grading and filling, within the Special Flood Hazard or Flood Prone Areas.

A. Activities on Lots Within Existing Development. In developments that require only a building permit on a developed lot, portions of which are subject to flooding, the Director of Community Development shall review the application and issue the Permit as part of the Building Permit. The Flood Elevation Study as required by paragraph 4 (a)(1) above may be waived by the Department of Public Works provided:

1. A licensed surveyor submits base flood elevation data based on the best information available.
2. That the base flood elevation data is to be used only to establish the lowest floor elevation of a structure.

B. Activities Requiring Land Disturbance Permit. In developments that require a Land Disturbance Permit as provided in the "Erosion and Sedimentation Ordinance of 1978", the Department of Community Development shall review the application and issue the Permit as part of the Land Disturbance Permit.

C. Other Activities. In all other developments that involve change, modification, or alteration to a flood area, except such activities as plowing, tilling, seeding,

planting, or any other agricultural or landscaping pursuit which does not result in change to the cross sectional area of the flood plain nor a significant or hazardous change in the flow characteristics, the developer shall be required to obtain the applicable permit prior to the commencement of any construction within the flood plain.

4.24.7. PERMIT PROCEDURE.

- A. Application. Application for a Permit shall be made to the Department of Community Development as indicated under permit required above. If the proposed development requires a land disturbance permit or is of such a nature as to require review and approval by the Department of Community Development, or any other appropriate agencies, the applicant shall be so advised. Such review may require additional data and/or plans to be furnished by the applicant to assure compliance with all applicable regulations.
- B. Certification. The Director of Community Development shall inform an applicant of the requirements that "as-built" lowest floor elevation certificates be obtained prior to approval of a certificate of occupancy for any structure built in or immediately adjacent to a Special Flood Hazard Area. Certificates of elevation:
 - 1. Shall be prepared by a Professional Engineer or Surveyor licensed by the State of Georgia.
 - 2. Shall be maintained in a file in the Department of Community Development and the Department of Public Works.

4.24.8. PLANS AND STUDIES REQUIRED. Wherever it is necessary to determine that the proposed use conforms to the requirements of this Section, the Department of Community Development shall require the applicant to furnish complete and sufficient plans, specifications, hydrological and engineering studies or data. Depending on the size or nature of the proposed use, any or all of the following may be required:

- A. Grading, replanting and drainage plans;
- B. Proposed temporary and permanent drainage and sedimentation control structures and facilities;
- C. Complete hydrologic and hydraulic analysis, prepared by a professional engineer registered in the State of Georgia, establishing the 100 year base flood elevations and horizontal flood plain limits.

- D. A determination of the channel cross-section area required to carry the affected stream during the base flood;
- E. Complete hydrologic studies to evaluate the total effects a development under review may have upon affected drainage facilities and systems;
- F. The Department of Community Development may require the applicant to furnish a written agreement to limit use and development in accord with the approved plan and specifications.

4.24.9. GENERAL DEVELOPMENT PROVISIONS AND STANDARDS.

- A. Relocation and Realignment. Within a Special Flood Hazard or Flood Prone Area any relocation or realignment of river and stream channels shall be prohibited if it would reduce the floodway capacity with respect to the base flood elevation, or significantly alter water flow characteristics so as to create a hazard.
- B. Nonconforming Uses. Except as restricted or exempted below, existing nonconforming uses within a Special Flood Hazard or Flood Prone Area may be maintained or repaired; modified, altered or repaired to incorporate flood proofing measures; improved to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.
 - 1. Restrictions.
 - a. The cost of such improvement shall not equal or exceed 50 percent of the market value of the structure either, (i.) before the improvement is started or (ii.) if the structure has been damaged, and is being restored, before the damage occurred.
 - b. Such non-conforming use shall not be expanded.
 - 2. Exemption.

Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- C. Structures Elevated Above Flood Hazard or Flood Prone Areas. No new structure shall be approved or constructed so as to extend over a Special Flood Hazard or Flood Prone Area, whether it be a cantilever design or supported by structural elements located within the flood plain.

- D. Structures Adjacent to Flood Hazard or Flood Prone Areas. For any proposed new structure adjacent to a Special Flood Hazard or Flood Prone Area the ground surface shall be at least three (3) feet above the base flood elevation. Further, when a filled building site is required, the ground surface at the face of the wall shall be at least ten (10) feet distant from the base flood plain. See paragraph 65.5 of the National Flood Insurance Program as amended.
- E. The Lowest Minimum Floor Elevation. The lowest floor elevation, as described in FEMA's elevation certificate on page 5 and 6, shall be at least three (3) feet above the base flood elevation and meet the requirements of 4.24.9 G.
- F. Removing Flood Hazard or Flood Prone Areas. Lands may be removed from a Special Flood Hazard Area or Flood Prone Area by raising the elevation of such land above the base flood elevation, provided the raising of such land is accomplished in accordance with the requirements of this Ordinance. Refer to FEMA National Flood Insurance Program Regulation 44 CFR, Part 65 for procedures to amend the FIRM, FHBM, or FIS. The developer/property owner shall prepare all plans and engineering studies and pay any fees necessary to obtain a Letter of Map Revision for their development.
- G. Residential Lots. In districts which permit residential use, development is prohibited in Special Flood Hazard Areas. Sandy Springs may allow such development provided:
1. Not less than 70% of the buildable land area lies above the base flood elevation, a minimum of one (1) foot, and/or
 2. Not less than 50% of the minimum lot area, as established by the applicable zoning district, shall be above the base flood elevation.
- H. Utilities. The location, design, elevation, and construction of all public utilities and facilities, such as sewer, gas, electrical, on-site waste disposal systems, water systems and streets shall be in such a manner as to minimize or eliminate damage by flooding.
- I. Drainage Structures. All drainage structures and facilities located within Special Flood Hazard or Flood Prone Areas shall be constructed in accordance with Sandy Springs Standards and Specifications. They shall be maintained by the owner in a sanitary, fully functional and operable state so that the flood carrying capacity of the watercourse is preserved.
- J. Erosion and Sediment Control. Provision shall be made for the adequate control of erosion and sedimentation.

- K. Riverine Considerations. Sandy Springs shall notify, in riverine situations, adjacent communities and the Georgia State Coordinating Office prior to any alteration or relocation of a watercourse.

- L. Watercourse Alteration or Relocation. Sandy Springs, prior to approval of a permit to alter or relocate a portion of any watercourse shall require an agreement indemnifying Sandy Springs from all liability arising from the construction pursuant to said permit and providing for the continued maintenance to assure the flood carrying capacity within the altered or relocated water course.

4.24.10. DEVELOPMENT WITHIN FLOOD PRONE AREAS.

- A. Development Limitations. Within Flood Prone Areas, no construction including grading and filling shall be allowed that would:
 - 1. Raise the base flood elevation beyond the boundaries of the ownership of the property being developed - Submittal of this certification and the supporting studies by a professional engineer are required.

 - 2. Reduce the flood storage capacity - Fill placed within the flood plain must be compensated. All cut areas must drain by gravity to the main watercourse. Certification by a professional engineer and an "as-built" topographical map superimposed on the original topography are required.

 - 3. Impede the movement of flood waters - Applies to any obstruction placed within the flood plain, i.e., fill, but in particular, roads, driveways, bridges and culverts. All such encroachments shall be designed and submitted by a professional engineer and shall provide:
 - a) That there shall be no reduction in the flood carrying capacity of the watercourse.

 - b) A certification together with supportive data.

 - c) Sufficient opening provided for the passage of the flood waters so as to prevent or greatly reduce the hazard of debris or trash blocking the flood's flow.

 - 4. Changes the flow characteristics of the flood waters as they pass the boundaries of the developed property - Requires certification by a professional engineer along with all supportive studies.

 - 5. Create hazardous or erosion producing velocities Requires certification

by a professional engineer along with supportive studies.

- B. Stormwater Management Structures. Detention ponds, lakes and similar impoundment structures may be constructed within a Flood Prone Area provided they do not violate the restrictions enumerated under paragraph 10 (a) above. Provided further that any such detention pond, lake or similar impoundment structure shall provide adequate discharge control and sufficient storage capacity to assure that the rate of runoff calculated for the proposed development including that drainage increased or diverted by reason of the development shall not exceed that calculated for the property in its natural state in the event of the 100 year storm.
- C. Studies and Plans Required. A hydrologic analysis shall be required to be submitted to the Department of Community Development with each application for a Land Disturbance Permit for property containing a Flood Prone Area. Any or all of the other plans or studies referred to in paragraph 4.24.8 above may be required. Such studies shall take cognizance of existing conditions which affect the flow of water on adjacent properties and also such future conditions as can reasonably be expected to occur in the drainage basin. Such reports shall meet the requirements of the Department of Community Development.
- D. Revision Criteria. Each application for a Land Disturbance Permit for property containing a Flood Prone Area shall also submit therewith documented results of hydrology and hydraulic analysis prepared by a registered professional engineer demonstrating that any area defined on the FIRM or FBFM as moderate or minimal flood hazard (Zone X) is not actually a SHFA. Such results and analysis shall demonstrate that none of the following criteria is met in any Flood Prone Area(s) on the site:
- (1) The Flood Prone Area(s) is subject to a one percent (1%) annual chance of flooding with average channel depths greater than one foot or;
 - (2) The Flood Prone Area(s) has a contributing drainage area greater than one square mile or;
 - (3) The Flood Prone Area(s) has hazardous velocities in the channel and/or overbank areas greater than 3.5 feet per second. (The City may accept velocities of up to 5 feet per second depending upon the results of a soil study by the engineer).

In the event that any of the above criteria is met, the applicant shall submit to the Department of Community Development the relevant data for a Letter of Map Revision and the appropriate fees required by FEMA. The City of Sandy Springs Department of Public Works shall

then submit the relevant data, Letter of Map Revision and accompanying fees to FEMA for a determination of whether a map revision is warranted. In the event of such a map revision reclassifying an area as an SHFA, development within the affected area(s) shall comply with Section 4.24.12 of this Article.

4.24.11. DEVELOPMENT WITH UNSTUDIED SPECIAL FLOOD HAZARD AREAS.

Development and Revisions Criteria in the unstudied Special Hazard Areas shall be the same as in the Flood Prone Areas, Subsection 4.24.10.

4.24.12. DEVELOPMENT WITHIN STUDIED SPECIAL FLOOD HAZARD AREAS.

- A. Development Limitations. No construction shall be allowed within the studied Special Flood Hazard Areas that would:
1. Raise the base flood elevation - Submittal of this certification and the supporting studies by a professional engineer are required.
 2. Reduce the flood storage capacity - Fill placed within the flood plain must be compensated. All cut areas must drain by gravity to the main watercourse. Certification by a professional engineer and an "as-built" topography map superimposed on the original topography are required.
 3. Impede the movement of flood waters - Applies to any obstruction placed within the flood plain but in particular, roads, bridges, driveways and culverts. All such encroachments shall be designed by a professional engineer and shall provide:
 - a) That there shall be no reduction in the flood carrying capacity of the watercourse.
 - b) A certification together with supportive data.
 - c) Sufficient opening provided for the passage of the flood waters so as to prevent or greatly reduce the hazard of debris or trash blocking the flow of the flood.
 4. Change the flow characteristics of the flood waters. Requires certification by a professional engineer along with all supportive studies.
 5. Create hazardous or erosion producing velocities. Requires

certification by a professional engineer along with supportive studies.

- B. Increase Base Flood Elevation. The Department of Public Works may from time to time, request a review and determination from the Floodplain Management Administrator to permit an increase in the base flood elevation. Such increased elevation shall not exceed that depth shown in the Flood Insurance Study, Table 2, Base Flood Water Surface Elevation with Floodway Column.
1. This increase may be granted when:
 - a. The development is a proposed public road, bridge and/or culvert, public utility poles, towers, pipelines, sewers and similar facilities.
 - b. The development is a private lot, bridge/culvert, private utility poles, towers, pipelines, sewers or other similar facilities.
 2. A professional engineer must submit a certification along with supportive documentation that the increase does not extend beyond the boundaries of the property upon which the improvement is proposed and shall not cause any appreciable expansion of flooding, siltation, erosion or inundation hazards.
 3. A developer shall apply to the Flood Plain Management Administrator of the City of Sandy Springs for review and approval of an application for a Letter of Map Revision to FEMA.
 4. The Floodplain Management Administrator may apply for a conditional FIRM revision to FEMA prior to permitting encroachment into a Special Flood Hazard Area. Refer to the National Flood Insurance Program Regulations 44 CFR, Part 65.12 for FEMA requirements.

4.24.13. FLOODWAY ALTERATION.

- A. Construction Within Regulatory Floodway. When construction is proposed within the regulatory floodway such as flood control projects, stream channelization, stream relocation, construction of new dams, reservoirs, artificial canals, private levees or flood protection systems which would result in a change in the base flood elevations as shown on the Flood Insurance Rate Maps (FIRM), the following shall be required:

1. Complete plans, data, studies and documentation for the proposed construction shall be submitted to the Department of Public Works.
2. If the Department of Public Works determines that the project is feasible and acceptable, then the Department shall submit the project to FEMA in compliance with the provisions of the National Flood Insurance Program, paragraph 65.5 as amended from time to time.

NOTE: Sandy Springs may require a fee for review of such proposals.

4.24.14. MOBILE HOMES. All mobile homes located within the 100-year flood plain must adhere to all applicable regulations stated elsewhere in this Ordinance as well as the following:

- A. Anchoring. All mobile homes should be anchored to resist flotation, collapse or lateral movement, by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 1. Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations. Mobile homes which are less than 50 feet long must have one additional tie per side;
 2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points. Mobile homes which are less than 50 feet long require four (4) additional ties per side;
 3. All components of the anchoring system must be capable of carrying a force of 4800 pounds; and
 4. Any additions to the mobile home must be similarly anchored.
- B. General Requirements. All mobile homes are required to have:
 1. Lots that are elevated on compacted fill in accordance with Paragraph 4.24.9(D).
 2. Adequate surface drainage and access for a hauler.

4.24.15. SUBDIVISION PLATS. Hereinafter, proposed preliminary and final subdivision

plats for property located contiguous to or within Flood Prone or Special Flood Hazard Areas shall not be approved except in accordance with the following requirements:

- A. Each plat shall contain a notation clearly stating the water surface elevation of the Base Flood in relation to mean sea level as approved and accepted by the Department of Public Works. Any lands below this elevation shall be designated on the plat by a heavy line, depicting the Base Flood elevation at that point.
- B. No lot shall be approved which has less than the minimum lot area as established by the applicable zoning district regulations and 4.24.9(G) above the base flood elevation.
- C. Preliminary and final subdivision plats that were approved prior to the enactment of this section are exempt from the requirements of 4.24.9, D. and 4.24.15, B., above, and building permits shall be issued accordingly.
- D. No final subdivision plat shall be approved by the County where development has altered the Special Flood Hazard Area unless the County has first received a Letter of Map Amendment, Letter of Map Revision or notice of Conditional FIRM Revision from FEMA as stipulated in the National Flood Insurance Program Regulations 44 CFR, Part 65.

4.24.16. ABROGATION AND GREATER RESTRICTIONS. This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this section and another section of this Ordinance conflict or overlap, however, whichever imposes the more stringent restrictions shall prevail.

4.24.17. INTERPRETATION. In the interpretation and application of this Section, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body;
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

4.24.18. WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger

floods can and will occur on rare occasions.

Flood heights may be increased by man-made or natural causes. This Section shall not create liability on the part of the City of Sandy Springs or by any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

4.24.19. COMPLIANCE. No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this Section and other applicable regulations.

4.24.20. APPEAL. (Deleted 3/4/92, See Article 22)

4.25. PROPERTY NUMBER/STREET ADDRESS

Property numbers issued by the City of Sandy Springs Department of Community Development shall be posted so as to be clearly visible from the street for which the property number was assigned.

4.26. – 4.29. OPEN.

4.30. ZONING TEXT, DISTRICT CLASSIFICATIONS AND BOUNDARIES.

In order to regulate the location of structures, the height and bulk of structures, the use and intensity of use of lots and structures, and to regulate open spaces and aesthetics, the City of Sandy Springs is divided into zoning districts which are individually described in this Ordinance. Those districts are set forth below from lowest to highest intensity. Within the listing are individual zoning districts which are no longer active but which continue to apply to properties zoned in those classifications. Those inactive zoning districts are contained in Appendix A, Inactive Zoning Districts, at the end of this Ordinance. Appendix A includes the inactive A-1, A-O, old TR and Suburban A, B and C Districts of Fulton County. Zoning districts as of the date of adoption of this Ordinance of amendment are:

Suburban A	Single Family Dwelling District
Suburban B	Single Family Dwelling District
Suburban C	Single Family Dwelling District
R-1	Single Family Dwelling District
R-2	Single Family Dwelling District
AG-1	Agricultural District
R-2A	Single Family Dwelling District
R-3	Single Family Dwelling District
R-3A	Single Family Dwelling District
R-4A	Single Family Dwelling District

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

- 4.30.1. BOUNDARIES. The boundaries of the several zoning districts are shown on the City of Sandy Springs zoning maps. Street rights-of-way shall serve as district boundaries adjoining property lines, and all such right-of-ways shall not be zoned. Inconsistencies between legal boundary descriptions submitted at the time of rezoning and lot lines identified from more recent surveys shall be interpreted to attach the zoning to the legal lot.
- 4.30.2. ZONING TEXT. The official text of the City of Sandy Springs Zoning Ordinance shall be kept on file by the Clerk to the City Council. The Department of Community Development shall provide all City departments with copies of amendments within 15 days of approval by the City Council, and shall provide a subscription and update service for the public.
- 4.30.3. ZONING MAPS. The City of Sandy Springs zoning maps and all information contained thereon are part of this Ordinance and have the same force and effect as if fully set forth and/or described herein. The zoning maps are on file with the Department of Community Development.
- 4.30.4. TERRITORY ADDED. Any unincorporated Fulton County territory which may be annexed to the City of Sandy Springs or which may be unincorporated from a municipality within Fulton County shall be classified in the R-1, Single Family Dwelling District until, as applicable, the territory may be more appropriately zoned by the City Council based upon the recommendations of

Department staff and the Planning Commission with consideration given to the suggestion of the Comprehensive Plan Land Use Map and/or zonings of adjacent properties in the City and Fulton County.

- 4.30.5. ABANDONMENT. Whenever any street, alley, or other public way is abandoned by Sandy Springs or by the State of Georgia, the zoning district adjoining such street, alley or public way shall be extended to the center of such public way.

ARTICLE V

SECTION 5.1

AG-1 AGRICULTURAL DISTRICT

5.1.1. AG-1 DISTRICT SCOPE AND INTENT. Regulations set forth in this Article are the AG-1 District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative or Use Permit. The AG-1 District is intended to encompass lands devoted to a wide range of uses including individual parcels devoted to residential use, single-family subdivisions, agricultural and closely related uses.

5.1.2. USE REGULATIONS.

- A. Permitted Uses. A building or property may be used for only the following purposes:
1. Single family dwelling
 2. Agriculture, general and specialized farming, including: horticulture, plant nursery, greenhouse, dairy farming, livestock raising and poultry raising provided, however, that buildings used for housing animals must be at least 100 feet from all property lines.
 3. Roadside stand for the sale of agricultural products produced on the property.
 4. Riding Stable other than accessory, provided buildings housing animals are at least 100 feet from all property lines and the lot is not less than ten 10 acres. Standards for keeping horses other than for a nonaccessory Public Riding Stable are the same as the standards contained in Section 4.8.1 pertaining to the keeping of horses in a single family dwelling district.
 5. Kennel, Veterinary Hospital or Veterinary Clinic, provided buildings housing animals are fully enclosed and at least 100 feet from all property lines; and pens, runs, etc. which are not located in a fully enclosed building are at least 200 feet from all property lines.
- B. Accessory Uses. A building or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home

occupation.

5.1.3. DEVELOPMENT STANDARDS.

- A. Height Regulations. No building shall exceed forty (40) feet in height.
- B. Minimum Front Yard - 60 feet
- C. Minimum Side Yard
 - 25 feet adjacent to interior line
 - 40 feet adjacent to street
- D. Minimum Rear Yard - 50 feet
- E. Minimum Lot Area
 - 1 acre with frontage on paved road
 - 3 acres with frontage on unpaved road
- F. Minimum Lot Width - 100 feet
- G. Minimum Lot Frontage - 35 feet adjoining a street
- H. Minimum Heated Floor Area - There is no minimum heated floor area in this district.
- I. Minimum Accessory Structure Requirements. Accessory structures may be located in rear or side yards but shall not be located within a minimum yard.

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

Development Regulations. Article XXXIV
Exceptions. Section 4.3
Floodplain Management. Section 4.24
Off Street Parking and Loading. Article XVIII
Outside Storage. Section 4.2
Landscape Area and Buffer Regulations. Section 4.23
River Protection. Metropolitan River Protection Act
Signs. Article XXXIII

ARTICLE VI

SECTION 6.1

R-1 SINGLE FAMILY DWELLING DISTRICT

- 6.1.1. R-1 DISTRICT SCOPE AND INTENT. Regulations set forth in this Section are the R-1 District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative or Use Permit. The R-1 District encompasses lands devoted to residential areas and closely related uses.
- 6.1.2. USE REGULATIONS. Within the R-1 District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.
- A. Permitted Uses. Structures and land may be used for only the following purposes:
1. Single family dwelling
 2. Agriculture, general and specialized farming, initiated prior to March 7, 1990, including: horticulture, plant nursery, dairy farming, truck gardening and poultry raising provided, however, that agricultural buildings must be at least 200 feet from all side and rear property lines, and that no products shall be offered for sale on land so utilized.
- B. Accessory Uses. A building or lot may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.
- 6.1.3. DEVELOPMENT STANDARDS.
- A. Height Regulations. No building shall exceed forty (40) feet in height.
- B. Minimum Front Yard - 60 feet
- C. Minimum Side Yard
- 25 feet adjacent to interior line
 - 40 feet adjacent to street
- D. Minimum Rear Yard - 50 feet
- E. Minimum Lot Area - 2 acres

F. Minimum Lot Width - 200 feet

G. Minimum Lot Frontage - 35 feet adjoining a street

H. Minimum Heated Floor Area -

1,800 square feet on ground level for less than two story

2,000 square feet for two story or more than two story with 1,200 square feet on ground floor

I. Minimum Accessory Structure Requirements

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

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

Development Regulations. Article XXXIV

Exceptions. Section 4.3

Floodplain Management. Section 4.24

Off Street Parking and Loading. Article XVIII

Outside Storage. Section 4.2

Landscape Area and Buffer Regulations. Section 4.23

River Protection. Metropolitan River Protection Act

Signs. Article XXXIII

ARTICLE VI

SECTION 6.2

R-2 SINGLE FAMILY DWELLING DISTRICT

- 6.2.1. R-2 DISTRICT SCOPE AND INTENT. Regulations set forth in this Section are the R-2 District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative or Use Permits. The R-2 District is intended to provide land areas devoted to very low density residential uses. The District also provides for closely related uses.
- 6.2.2. USE REGULATIONS. Within the R-2 District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.
- A. Permitted Uses. Structures and land may be used for only the following purposes:
1. Single family dwelling
 2. Agriculture, general and specialized farming, initiated prior to March 7, 1990, including: horticulture, plant nursery, dairy farming, truck gardening and poultry raising provided, however, that agricultural buildings must be at least 200 feet from all side and rear property lines, and that no products shall be offered for sale on land so utilized.
- B. Accessory Uses. A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.
- 6.2.3. DEVELOPMENT STANDARDS.
- A. Height Regulations. No building shall exceed forty (40) feet in height.
- B. Minimum Front Yard - 60 feet
- C. Minimum Side Yard
- 15 feet adjacent to interior line
 - 30 feet adjacent to street
- D. Minimum Rear Yard - 40 feet

- E. Minimum Lot Area - 1 acre
- F. Minimum Lot Width - 150 feet
- G. Minimum Lot Frontage - 35 feet adjoining a street
- H. Minimum Heated Floor Area
 - 1,600 square feet on ground level for less than two story
 - 1,800 square feet for two story or more than two story with 1,050 square feet on ground floor
- I. Minimum Accessory Structure Requirements
 - Accessory structures may be located in the rear or side yards only but shall not be located within a minimum yard.

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

Development Regulations. Article XXXIV
Exceptions. Section 4.3
Floodplain Management. Section 4.24
Off Street Parking and Loading. Article XVIII
Outside Storage. Section 4.2
Landscape Area and Buffer Regulations. Section 4.23
River Protection. Metropolitan River Protection Act
Signs. Article XXXIII

ARTICLE VI

SECTION 6.3

R-2A SINGLE FAMILY DWELLING DISTRICT

- 6.3.1. R-2A DISTRICT SCOPE AND INTENT. Regulations set forth in this Section are the R-2A District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permit or Use Permit. The R-2A District is intended to provide land areas devoted to low density residential uses. The District also provides for closely related uses.
- 6.3.2. USE REGULATIONS. Within the R-2A District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by Administrative Permit or Use Permit shall be prohibited.
- A. Permitted Uses. Structures and land may be used for only the following purposes:
1. Single family dwelling
 2. Agriculture, general and specialized farming, initiated prior to March 7, 1990, including: horticulture, plant nursery, dairy farming, truck gardening and poultry raising provided, however, that agricultural buildings must be at least 200 feet from all side and rear property lines, and that no products shall be offered for sale on land so utilized.
- B. Accessory Uses. A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.
- 6.3.3. DEVELOPMENT STANDARDS.
- A. Height Regulations. No building shall exceed forty (40) feet in height.
- B. Minimum Front Yard - 60 feet
- C. Minimum Side Yard
- 15 feet adjacent to interior line
 - 30 feet adjacent to street

- D. Minimum Rear Yard - 40 feet
- E. Minimum Lot Area - 27,000 square feet
- F. Minimum Lot Width - 120 feet
- G. Minimum Lot Frontage - 35 feet adjoining a street
- H. Minimum Heated Floor Area

1,700 square feet on ground level for less than two story

1,800 square feet for two story or more than two story with 1,050 square feet on ground floor

- I. Minimum Accessory Structure Requirements

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

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

- Development Regulations. Article XXXIV
- Exceptions. Section 4.3
- Floodplain Management. Section 4.24
- Off Street Parking and Loading. Article XVIII
- Outside Storage. Section 4.2
- Landscape Area and Buffer Regulations. Section 4.23
- River Protection. Metropolitan River Protection Act
- Signs. Article XXXIII

ARTICLE VI

SECTION 6.4

R-3 SINGLE FAMILY DWELLING DISTRICT

- 6.4.1. R-3 DISTRICT SCOPE AND INTENT. Regulations set forth in this Section are the R-3 District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permit or Use Permit. The R-3 District is intended to provide land areas devoted to low density residential uses. The District also provides for closely related uses.
- 6.4.2. USE REGULATIONS. Within the R-3 District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by Administrative Permit or Use Permit shall be prohibited.
- A. Permitted Uses. Structures and land may be used for only the following purposes:
1. Single family dwelling
 2. Agriculture, general and specialized farming, initiated prior to March 7, 1990, including: horticulture, plant nursery, dairy farming, truck gardening and poultry raising provided, however, that agricultural buildings must be at least 200 feet from all side and rear property lines, and that no products shall be offered for sale on land so utilized.
- B. Accessory Uses. A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.
- 6.4.3. DEVELOPMENT STANDARDS.
- A. Height Regulations. No building shall exceed forty (40) feet in height.
- B. Minimum Front Yard - 50 feet
- C. Minimum Side Yard
- 10 feet adjacent to interior line
 - 20 feet adjacent to street
- D. Minimum Rear Yard - 35 feet

E. Minimum Lot Area - 18,000 square feet

F. Minimum Lot Width - 100 feet

G. Minimum Lot Frontage - 35 feet adjoining a street

H. Minimum Heated Floor Area

1,200 square feet on ground level for less than two story

1,320 square feet for two story or more than two story with 900 square feet on ground floor

I. Minimum Accessory Structure Requirements

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

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

Development Regulations. Article XXXIV

Exceptions. Section 4.3

Floodplain Management. Section 4.24

Off Street Parking and Loading. Article XVIII

Outside Storage. Section 4.2

Landscape Area and Buffer Regulations. Section 4.23

River Protection. Metropolitan River Protection Act

Signs. Article XXXIII

ARTICLE VI

SECTION 6.5

R-3A SINGLE FAMILY DWELLING DISTRICT

6.5.1. R-3A DISTRICT SCOPE AND INTENT. Regulations set forth in this Section are the R-3A District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permit or Use Permit. The R-3A District is intended to provide land areas devoted to low density residential uses. The District also provides for closely related uses.

6.5.2. USE REGULATIONS. Within the R-3A District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by Administrative Permit or Use Permit shall be prohibited.

A. Permitted Uses. Structures and land may be used for only the following purposes:

1. Single family dwelling
2. Agriculture, general and specialized farming, initiated prior to March 7, 1990, including: horticulture, plant nursery, dairy farming, truck gardening and poultry raising provided, however, that agricultural buildings must be at least 200 feet from all side and rear property lines, and that no products shall be offered for sale on land so utilized.

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

6.5.3. DEVELOPMENT STANDARDS.

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

B. Minimum Front Yard - 50 feet

C. Minimum Side Yard

- 10 feet adjacent to interior line
- 20 feet adjacent to street

D. Minimum Rear Yard - 35 feet

- E. Minimum Lot Area - 18,000 square feet
- F. Minimum Lot Width - 100 feet
- G. Minimum Lot Frontage - 35 feet adjoining a street
- H. Minimum Heated Floor Area

1,600 square feet on ground level for less than two story

1,800 square feet for two story or more than two story with 1,050 square feet on ground floor

- I. Minimum Accessory Structure Requirements

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

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

Development Regulations. Article XXXIV

Exceptions. Section 4.3

Floodplain Management. Section 4.24

Off Street Parking and Loading. Article XVIII

Outside Storage. Section 4.2

Landscape Area and Buffer Regulations. Section 4.23

River Protection. Metropolitan River Protection Act

Signs. Article XXXIII

ARTICLE VI

SECTION 6.6

R-4 SINGLE FAMILY DWELLING DISTRICT

- 6.6.1. R-4 DISTRICT SCOPE AND INTENT. Regulations set forth in this Section are the R-4 District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permit or Use Permit. The R-4 District is intended to provide land areas devoted to low density residential uses. The District also provides for closely related uses
- 6.6.2. USE REGULATIONS. Within the R-4 District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by Administrative Permit or Use Permit shall be prohibited.
- A. Permitted Uses. Structures and land may be used for only the following purposes:
1. Single family dwelling
 2. Agriculture, general and specialized farming, initiated prior to March 7, 1990, including: horticulture, plant nursery, dairy farming, truck gardening and poultry raising provided, however, that agricultural buildings must be at least 200 feet from all side and rear property lines, and that no products shall be offered for sale on land so utilized.
 3. Two family dwelling which complies with minimum lot area, yard and floor area requirements of the R-6, Two Family Dwelling District, and where 40 percent or more of the dwellings fronting on the same side of a street between two intersecting streets is occupied by either two family or multi-family dwellings initiated prior to March 7, 1990,
- B. Accessory Uses. A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.
- 6.6.3. DEVELOPMENT STANDARDS.
- A. Height Regulations. No building shall exceed forty (40) feet in height.

- B. Minimum Front Yard - 35 feet
- C. Minimum Side Yard
 - 7 feet adjacent to interior line
 - 20 feet adjacent to street
- D. Minimum Rear Yard - 25 feet
- E. Minimum Lot Area - 9,000 square feet
- F. Minimum Lot Width - 70 feet
- G. Minimum Lot Frontage - 35 feet adjoining a street
- H. Minimum Heated Floor Area
 - 1,000 square feet on ground level for less than two story
 - 1,100 square feet for two story or more than two story with 800 square feet on ground floor
- I. Minimum Accessory Structure Requirements
 - Accessory structures may be located in the rear or side yards only but shall not be located within a minimum yard.

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

Development Regulations. Article XXXIV
 Exceptions. Section 4.3
 Floodplain Management. Section 4.24
 Off Street Parking and Loading. Article XVIII
 Outside Storage. Section 4.2
 Landscape Area and Buffer Regulations. Section 4.23
 River Protection. Metropolitan River Protection Act
 Signs. Article XXXIII

ARTICLE VI

SECTION 6.7

R-4A SINGLE FAMILY DWELLING DISTRICT

- 6.7.1. R-4A DISTRICT SCOPE AND INTENT. Regulations set forth in this Section are the R-4A District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permit or Use Permit. The R-4A District is intended to provide land areas devoted to low density residential uses. The District also provides for closely related uses.
- 6.7.2. USE REGULATIONS. Within the R-4A District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by Administrative Permit or Use Permit shall be prohibited.
- A. Permitted Uses. Structures and land may be used for only the following purposes:
1. Single family dwelling
 2. Agriculture, general and specialized farming, initiated prior to March 7, 1990, including: horticulture, plant nursery, dairy farming, truck gardening and poultry raising provided, however, that agricultural buildings must be at least 200 feet from all side and rear property lines, and that no products shall be offered for sale on land so utilized.
- B. Accessory Uses. A structure or land may be used for uses customarily incidental to any permitted use and the principal dwelling may be used for a home occupation.
- 6.7.3. DEVELOPMENT STANDARDS.
- A. Height Regulations. No building shall exceed forty (40) feet in height.
- B. Minimum Front Yard - 35 feet
- C. Minimum Side Yard
- 7 feet adjacent to interior line
 - 20 feet adjacent to street

- D. Minimum Rear Yard - 25 feet
- E. Minimum Lot Area - 12,000 square feet
- F. Minimum Lot Width - 85 feet
- G. Minimum Lot Frontage - 35 feet adjoining a street
- H. Minimum Heated Floor Area

1,200 square feet on ground level for less than two story

1,320 square feet for two story or more than two story with 900 square feet on ground floor

- I. Minimum Accessory Structure Requirements

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

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

- Development Regulations. Article XXXIV
- Exceptions. Section 4.3
- Floodplain Management. Section 4.24
- Off Street Parking and Loading. Article XVIII
- Outside Storage. Section 4.2
- Landscape Area and Buffer Regulations. Section 4.23
- River Protection. Metropolitan River Protection Act
- Signs. Article XXXIII

ARTICLE VI

SECTION 6.8

R-5 SINGLE FAMILY DWELLING DISTRICT

6.8.1. R-5 DISTRICT SCOPE AND INTENT. Regulations set forth in this Section are the R-5 District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permit or Use Permit. The R-5 District is intended to provide land areas devoted to low density dwelling uses. Land areas zoned R-5 are further intended to provide a transition between medium and moderate density dwelling areas and higher density residential areas or nonresidential areas.

6.8.2. USE REGULATIONS. Within the R-5 District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by Administrative Permit or Use Permit shall be prohibited.

A. Permitted Uses. Structures and land may be used for only the following purposes:

1. Single family dwelling
2. Agriculture, general and specialized farming, initiated prior to March 7, 1990, including: horticulture, plant nursery, dairy farming, truck gardening and poultry raising provided, however, that agricultural buildings must be at least 200 feet from all side and rear property lines, and that no products shall be offered for sale on land so utilized.
3. Two family dwelling which complies with minimum lot area, yard and floor area requirements of the R-6 District, and where 40 percent or more of the dwellings fronting on the same side of a street between two intersecting streets is occupied by either two family or multi-family dwellings initiated prior to March 7, 1990.

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

6.8.3. DEVELOPMENT STANDARDS.

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

- B. Minimum Front Yard - 20 feet
- C. Minimum Side Yard
 - 5 feet adjacent to interior lot lines
 - 15 feet adjacent to street
- D. Minimum Rear Yard - 20 feet
- E. Minimum Lot Area - 7,500 square feet
- F. Minimum Lot Width - 60 feet
- G. Minimum Lot Frontage - 35 feet adjoining a street
- H. Minimum Heated Floor Area Per Unit - 650 square feet
- I. Minimum Accessory Structure Requirements

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

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

Development Regulations. Article XXXIV
Exceptions. Section 4.3
Floodplain Management. Section 4.24
Off Street Parking and Loading. Article XVIII
Outside Storage. Section 4.2
Landscape Area and Buffer Regulations. Section 4.23
River Protection. Metropolitan River Protection Act
Signs. Article XXXIII

ARTICLE VI

SECTION 6.9

R-5A SINGLE FAMILY DWELLING DISTRICT

- 6.9.1. R-5A DISTRICT SCOPE AND INTENT. Regulations set forth in this Section are the R-5A District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permit or Use Permit. The R-5A District is intended to provide land areas devoted to medium density, single family dwellings. Land areas zoned R-5A are further intended to provide a transition between low and high density dwelling areas or between low density dwelling areas and nonresidential areas.
- 6.9.2. USE REGULATIONS. Within the R-5A District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by Administrative Permit or Use Permit shall be prohibited.
- A. Permitted Uses. Structures and land may be used for only the following purpose:
1. Single family dwelling
- B. Accessory Uses. A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.
- 6.9.3. DEVELOPMENT STANDARDS.
- A. Height Regulations. No building shall exceed forty (40) feet in height.
- B. Minimum Lot Area - 4,000 square feet
- C. Minimum Lot Width - None unless specified in conditions
- D. Minimum Lot Frontage - 20 feet adjoining a street
- E. Minimum Heated Floor Area Per Unit
- Single family - 850 square feet
- F. Minimum Perimeter Setback for the Entire R-5A Development

- 40 feet

G. Minimum Interior Setbacks -- No Orientation to Buildings

1. Minimum Front Yard - 20 feet

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

- 20 feet adjoining local streets

3. Minimum Rear Yard - 20 feet

H. Minimum Interior Building Separations. All building separations shall be as specified by the Standard Building Code.

I. Minimum Accessory Structure Requirements.

Accessory structures may be located in rear or side yards but shall not be located within a minimum rear yard except that detached garages may locate along a rear lot line at between zero and 7 feet with an encroachment and maintenance easement allowing a minimum of 7 feet of access to the garage.

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

Development Regulations. Article XXXIV

Exceptions. Section 4.3

Floodplain Management. Section 4.24

Off Street Parking and Loading. Article XVIII

Outside Storage. Section 4.2

Landscape Area and Buffer Regulations. Section 4.23

River Protection. Metropolitan River Protection Act

Signs. Article XXXIII

ARTICLE VII

SECTION 7.1

R-6 TWO FAMILY DWELLING DISTRICT

- 7.1.1. R-6 DISTRICT SCOPE AND INTENT. Regulations set forth in this Section are the R-6 District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permit or Use Permit. The R-6 District is intended to provide land areas devoted to medium density, single-family and two family dwellings. Land areas zoned R-6 are further intended to provide a transition between low and high density dwelling areas or between low density dwelling areas and nonresidential areas.
- 7.1.2. USE REGULATIONS. Within the R-6 District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by Administrative Permit or Use Permit shall be prohibited.
- A. Permitted Uses. Structures and land may be used for only the following purposes:
1. Single family dwelling
 2. Agriculture, general and specialized farming, initiated prior to March 7, 1990, including: horticulture, plant nursery, dairy farming, truck gardening and poultry raising provided, however, that agricultural buildings must be at least 200 feet from all side and rear property lines, and that no products shall be offered for sale on land so utilized.
 3. Two family dwelling
- B. Accessory Uses. A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.
- 7.1.3. DEVELOPMENT STANDARDS.
- A. Height Regulations. No building shall exceed forty (40) feet in height.
- B. Minimum Front Yard - 25 feet

C. Minimum Side Yard

- 7 feet adjacent to interior lot line
- 20 feet adjacent to street

D. Minimum Rear Yard - 20 feet

E. Minimum Lot Area - 9,000 square feet

F. Minimum Lot Width - 70 feet

G. Minimum Lot Frontage - 35 feet adjoining a street

H. Minimum Heated Floor Area Per Unit

Single family – 1, 000 square feet on ground level
for less than two story

1,100 square feet for two-story or more than two-story dwelling with 800
square feet on ground floor.

I. Minimum Accessory Structure Requirements

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

7.1.4. OTHER REGULATIONS. The headings below contain provisions applicable to
the R-6 District:

Development Regulations. Article XXXIV

Exceptions. Section 4.3

Floodplain Management. Section 4.24

Off Street Parking and Loading. Article XVIII

Outside Storage. Section 4.2

Landscape Area and Buffer Regulations. Section 4.23

River Protection. Metropolitan River Protection Act

Signs. Article XXXIII

ARTICLE VII

SECTION 7.2

TR TOWNHOUSE RESIDENTIAL DISTRICT

7.2.1. TR DISTRICT SCOPE AND INTENT. Regulations set forth in this Section are the TR District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permit or Use Permit. The TR District is intended to provide land areas devoted to medium density uses consisting of single-family and multi-family dwellings. Land areas zoned TR are further intended to provide a transition between low density and higher density residential areas or between low density residential and non-residential areas. The TR District is intended to:

- A. Encourage the provision of usable open space and recreation areas as part of a living environment.
- B. Be located primarily in areas near or adjacent to single family areas.
- C. Be located so as to provide a transition between single family areas and nonresidential areas.
- D. Be located near retail shopping and major thoroughfares.
- E. Encourage home ownership.

7.2.2. USE REGULATIONS. Within the TR District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by Administrative Permit or Use Permit shall be prohibited.

- A. Permitted Uses. Structures and land may be used for only the following purposes:
 - 1. Single-family dwelling
 - 2. Two family dwelling
 - 3. Townhouse
- B. Accessory Uses. A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.

7.2.3. DEVELOPMENT STANDARDS.

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

B. Minimum Lot Area or Land Area Per Unit - 2,000 square feet

C. Maximum Density - 9 units per gross acre

D. Minimum Lot Width - 20 feet

E. Minimum TR Development Frontage - 35 feet

F. Minimum Lot Frontage

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

G. Minimum Heated Floor Area Per Unit - 1,100 square feet

H. Minimum Perimeter Setbacks for the Entire TR Development.

1. Minimum Front Yard - 40 feet

2. Minimum Side Yard

- 30 feet adjacent to interior line.

- 40 feet adjacent to street

3. Minimum Rear Yard - 35 feet

I. Minimum Interior Setbacks When One Building Per Lot

1. Minimum Front Yard - 20 feet from right-of-way

2. Minimum Side Yard

- 7 feet adjacent to interior lot line, except that up to a 7-foot encroachment and maintenance easement may be provided on adjacent parcels, in combination with or in lieu of a side yard, such that a minimum building separation of 14 feet is maintained.

- 15 feet adjacent to street.

3. Minimum Rear Yard - 25 feet

J. Minimum Accessory Structure Requirements

Single Family and Two Family Uses - Accessory structures may be located in the rear and side yards only but shall not be located within a minimum yard.

Townhouse accessory structures may be located within the side or rear yards only but not within minimum perimeter setbacks or minimum yards.

K. Maximum Lot Coverage

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

L. Minimum Building Separation When More Than One Building Per Lot

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

M. Other Minimum Standards

1. No more than twenty dwelling units shall form a single building.
2. Setbacks and roof lines shall be varied by at least 2 feet so that no more than 3 adjoining dwellings within a single building shall have the same front setback or roof line.

7.2.4. TR DISTRICT SUBDIVISION. In the TR Zoning District, dwellings proposed to be sold with the lot upon which the dwelling is located shall comply with the Subdivision Regulations of Sandy Springs.

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

Development Regulations. Article XXXIV
Exceptions. Section 4.3
Floodplain Management. Section 4.24
Off Street Parking and Loading. Article XVIII
Outside Storage. Section 4.2
Landscape Area and Buffer Regulations. Section 4.23
River Protection. Metropolitan River Protection Act
Signs. Article XXXIII

ARTICLE VII

SECTION 7.3

A MEDIUM DENSITY APARTMENT DISTRICT

7.3.1. A DISTRICT SCOPE AND INTENT. Regulations set forth in this Section are the A District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permit or Use Permit. The A District is intended to provide land areas for medium density apartment dwellings which will:

- A. Encourage attractive apartment development,
- B. Encourage the provision of recreation areas and facilities, and
- C. Be located in areas of moderate to intense development near retail shopping, schools and major thoroughfares.
- D. Be located so as to provide a transition between moderate density residential areas and high density residential areas or between moderate density residential areas and nonresidential areas.

7.3.2. USE REGULATIONS. Within the A District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by Administrative Permit or Use Permit shall be prohibited.

- A. Permitted Uses. Structures and land may be used for only the following purposes:
 - 1. Single family dwelling
 - 2. Two family dwelling
 - 3. Multi-family dwelling
 - 4. Rooming House and Boarding House
 - 5. Convalescent Home/Nursing Home/Hospice
 - 6. Personal Care Home
 - 7. Medical Related Lodging
 - 8. Group Residence
- B. Accessory Uses. A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.

7.3.3. DEVELOPMENT STANDARDS.

- A. Height Regulations. Buildings shall be no higher than 45 feet or 3 stories, whichever is higher, except when a use permit to exceed the maximum height is approved.
- B. Minimum Front Yard - 40 feet from right-of-way
- C. Minimum Side Yard
 - 25 feet adjacent to interior lot line
 - 40 feet adjacent to street
- D. Minimum Rear Yard - 25 feet
- E. Minimum Land Area or Lot Size Per Unit - 2,000 square feet
- F. Minimum Width - 200 feet throughout depth from front to rear lot line
- G. Minimum Lot Frontage - 35 feet adjoining a street
- H. Maximum Density - 14 units per gross acre
- I. Minimum Heated Floor Area Per Unit
 - Single family – 1,100 square feet
 - Two family - 800 square feet
 - Efficiency or Studio - 450 square feet
 - All other Multi-family - 700 square feet
- J. Minimum Accessory Structure Requirements
 - Single Family and Two Family Uses - Accessory structures may be located in the rear and side yards only but shall not be located within a minimum yard.
 - Multi-family Uses - Accessory structures may be located in the rear yard only but shall not be located within a minimum yard.
- K. Maximum Lot Coverage
 - The area of the footprint of all buildings and parking shall not exceed 40 percent of the total land area.

L. Minimum Building Separation

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

7.3.4. "A" DISTRICT SUBDIVISION. In the A Zoning District, dwellings proposed to be sold with the lot upon which the dwelling is located shall comply with the Subdivision Regulations of Sandy Springs.

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

Development Regulations. Article XXXIV

Exceptions. Section 4.3

Floodplain Management. Section 4.24

Off Street Parking and Loading. Article XVIII

Outside Storage. Section 4.2

Landscape Area and Buffer Regulations. Section 4.23

River Protection. Metropolitan River Protection Act

Signs. Article XXXIII

Noise Study Report, Article 28.4.7.

ARTICLE VII

SECTION 7.4

A-L APARTMENT LIMITED DWELLING DISTRICT

- 7.4.1. A-L DISTRICT SCOPE AND INTENT. Regulations in this Section are the A-L District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permit or Use Permit. The A-L District is intended to provide land areas for high to very high density apartment dwellings which will:
- A. Encourage attractive apartment living opportunities,
 - B. Encourage the provision of recreation areas and facilities, and
 - C. Be located in areas of intense development near retail shopping, schools and major thoroughfares.
 - D. Be located so as to provide a transition between medium density residential areas and nonresidential areas.
- 7.4.2. USE REGULATIONS. Within the A-L District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by Administrative Permit or Use Permit shall be prohibited.
- A. Permitted Uses. Structures and land may be used for only the following purposes:
 - 1. Multi-family dwelling.
Any use permitted in the A district.
 - B. Accessory Uses. A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation. Accessory retail and service uses such as restaurants, gift shops, flower shops, snack bars, barber shops, and beauty shops shall be located wholly within principal buildings with no outdoor advertising.
- 7.4.3. DEVELOPMENT STANDARDS.
- A. Height Regulations. Buildings shall be no higher than 60 feet or 4 stories, whichever is higher except when a Use Permit to exceed the maximum height is approved.

- B. Minimum Front Yard - 40 feet
- C. Minimum Side Yard
 Adjacent to interior side line - 20 feet
 Adjacent to street side line - 40 feet
- D. Minimum Rear Yard - 20 feet
- E. Minimum Width - None
- F. Minimum A-L Lot Frontage - 35 feet adjoining a street.
- G. Minimum Heated Floor Area

Three bedroom apartments	700 square feet
Two bedroom apartments	600 square feet
One bedroom apartments	500 square feet
Efficiency or studio apartments	400 square feet

- H. Minimum Accessory Structure Requirements
 Accessory structures shall not be located in the minimum front yard.

- I. Maximum Lot Coverage
 The area of the footprint of all buildings and parking shall not exceed 70 percent of the total land area.

- J. Minimum Building Separation
 All building separations shall be as specified by the Standard Building Code.

- K. Outdoor Recreation
 Outdoor area consisting of not less than 10 percent of the gross land area shall be provided for recreation.

7.4.4. OTHER REGULATIONS. The headings below contain provisions applicable to the A-L District.
 Development Regulations. Article XXXIV
 Signs. Article XXXIII Exceptions. Section 4.3

Floodplain Management. Section 4.24
Off Street Parking and Loading. Article XVIII
Outside Storage. Section 4.2
Landscape Area and Buffer Regulations. Section 4.23
River Protection. Metropolitan River Protection Act
Noise Study Report, Article 28.4.7 .

ARTICLE VIII

SECTION 8.1

O-I OFFICE INSTITUTIONAL DISTRICT

- 8.1.1. O-I DISTRICT SCOPE AND INTENT. Regulations in this Section are the O-I District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permit or Use Permit. The O-I District is intended to provide land areas for office and institutional uses where proximity to residential, public, commercial and other land uses, and existing and projected traffic patterns make it desirable to locate office and institutional uses.
- 8.1.2. USE REGULATIONS. Within the O-I District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by Administrative Permit or Use Permit shall be prohibited.
- A. Permitted Uses. Structures and land may be used for the following purposes:
1. Single family dwellings
 2. Two family dwellings
 3. Rooming house and Boarding house
 4. Art Galleries
 5. Assembly Halls
 6. Churches, Temples or Other Places of Worship
 7. Clinics
 8. Community Center Buildings
 9. Convalescent Centers/Nursing Homes/Hospices
 10. Dancing Schools
 11. Day Care Facilities
 12. Financial Establishments
 13. Funeral Homes
 14. Group Residences
 15. Gymnasiums
 16. Health Clubs/Spas
 17. Hospitals
 18. Hotels
 19. Institutions of Higher Learning, Business Colleges, Music Conservatories, and Similar Institutions
 20. Libraries

21. Motels
22. Museums
23. Offices
24. Parking Garages /Decks
25. Parking Lots
26. Personal Care Homes
27. Recording Studios
28. Research Laboratories
29. Stadiums
28. Thrift Institutions

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

1. Accessory retail and service uses shall be located within a building with a majority of the floor area designed for office uses. Accessory uses shall be located wholly within the principal buildings with no outdoor advertising except that a car wash, detail shop or service station may be located inside a parking garage as long as such uses are not visible from the exterior of the parking garage.
2. Retail and service uses permitted shall be limited to employee convenience, business oriented retail, and service establishments such as computer hardware and software companies, commercial art, drafting, travel agencies, office equipment and supply stores, reproduction services, stenographic services, typing services, messenger services, delivery services, telecommunications sales and teleconferencing centers, personnel services and training centers, florists, gift shops, tailor shops, radio and television repair shops, shoe repair shops and barber or beauty shops. Restaurants are accessory whenever office and institutional floor area is at least 100,000 square feet. Fast food restaurants shall be limited to no more than 10 percent of the total floor area devoted to retail and service business uses, and shall not occupy more than 10 percent of any floor in a building. A drug store is accessory, provided only drugs, prescription medicines, medicinal supplies and pharmaceutical products shall be sold.

8.1.3. DEVELOPMENT STANDARDS.

A. Height Regulations. Buildings shall be no higher than 60 feet or 4 stories,

whichever is higher, except when a Use Permit to exceed the maximum height is approved.

B. Minimum Front Yard - 40 feet

C. Minimum Side Yard

- 40 feet adjacent to street
- 20 feet interior.

D. Minimum Rear Yard - 25 feet

E. Minimum Lot Area Per Dwelling

Single Family	18,000 square feet
Two Family	18,000 square feet

F. Minimum Lot Width

- 100 feet for residential use only

G. Minimum O-I Lot Frontage

- 100 feet adjoining a street
- 35 feet adjoining a street for residential uses

H. Minimum Heated Floor Area

Single Family	1,100 square feet
Two Family	800 square feet

I. Minimum Accessory Structure Requirements

Single Family and Two Family Uses - Accessory structures may be located in the rear or side yards only but shall not be located within a minimum yard.

Multi-family Use - Accessory structures shall not be located in the minimum front yard.

J. Maximum Lot Coverage

The area of the footprint of all buildings and parking shall not exceed 70 percent of the total land area.

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

Development Regulations. Article XXXIV

Exceptions. Section 4.3

Floodplain Management. Section 4.24

Off Street Parking and Loading. Article XVIII

Outside Storage. Section 4.2

Landscape Area and Buffer Regulations. Section 4.23

River Protection. Metropolitan River Protection Act

Signs. Article XXXIII

Noise Study Report, Article 28.4.7.

ARTICLE VIII

SECTION 8.2

MIX MIXED USE DISTRICT

- 8.2.1. MIX DISTRICT SCOPE AND INTENT. Regulations in this Section are the MIX District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permit or Use Permit. The MIX District is intended to encourage flexible, innovative and creative concepts in site planning and efficient use of land and to provide a stable multiple use environment compatible with surrounding uses. The MIX District is particularly encouraged in areas designated by the Comprehensive Plan Land Use Map as suitable for commercial (including retail, service commercial and office) uses and in Living-Working corridors.
- 8.2.2. USE REGULATIONS. The MIX District mandates a residential component of single family dwellings, duplexes, townhouses, multifamily dwellings or any combination thereof along with at least two of the following: retail, service commercial, office or institutional uses.

Within the MIX District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by Administrative Permit or Use Permit shall be prohibited.

A. Permitted Uses. Structures and land may be used for the following purposes:

1. Single family dwellings
2. Duplexes
3. Townhouses
4. Multifamily dwellings
5. Rooming houses and Boarding houses
6. Art Galleries
7. Assembly Halls
8. Car Washes, detail shops and/or service stations located inside a parking garage as long as such uses are not visible from the exterior of the parking garage.
9. Convalescent Centers/Nursing Homes/Hospices
10. Churches, Temples or Other Places of Worship
11. Clinics
12. Community Center Buildings

13. Dancing Schools
14. Day Care Centers
15. Financial Establishments
16. Funeral Homes
17. Group Residence
18. Gymnasiums
19. Health Clubs/Spas
20. Hospitals
21. Hotels
22. Institutions of Higher Learning including Business Colleges,
Music Conservatories, and Similar Institutions
23. Libraries
24. Museums
25. Offices
26. Parking Garages/Decks
27. Parking Lots
28. Personal Care Homes
29. Recording Studios
30. Research Laboratories
31. Retail and/or Service Establishments
32. Restaurants and/or Fast Food Restaurants
33. Stadiums
34. Theaters

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

8.2.3. DEVELOPMENT STANDARDS.

- A. Height Regulations. Structures shall be no higher than 60 feet, except with a Use Permit to exceed the maximum height.
- B. Minimum Development Front Yard – As specified in conditions
- C. Minimum Development Side Yards – As specified in conditions
- D. Minimum Development Rear Yard - As specified in conditions
- E. Minimum Development Frontage - 35 feet
- F. Minimum Internal Setbacks, Separations , Landscaping and Buffering Between Uses - As specified in conditions

- G. Minimum Lot Area Per Dwelling Unit for Single Family or Duplex - As specified in conditions
- H. Minimum Lot Frontage for Single Family or Duplex - 20 feet adjoining a street
- I. Minimum Lot Width for Single Family or Duplex - None, unless specified in conditions
- J. Minimum Interior Setbacks for Single family or Duplex
 - 1. Minimum Front Yard - As specified in conditions
 - 2. Minimum Side Yard - As specified in conditions
 - 3. Minimum Rear Yard - As specified in conditions
- K. Minimum Building Separations – All building separations shall be as specified by the Standard Building Code.
- L. Minimum Heated Floor Area Per Dwelling Unit - As specified in conditions
- M. Minimum Accessory Structure Requirements

Single family, duplex and townhouse accessory structures may be located in the rear or side yards only but shall not be located within a minimum yard.

Multifamily accessory structures shall not be located in the minimum front yard.
- N. Minimum Common Outdoor Area - Twenty percent (20%) of the total site area shall be common outdoor area and shall be maintained by the property owner(s).
- O. Pedestrian Connectivity. All components are required to be interconnected with pedestrian paths constructed of either colored/textured materials or conventional sidewalk materials and clearly identified.
- P. Parking. Subject to the approval of the Director of Community Development, off-street parking as required by Article 18 may be reduced and shared parking among uses may be permitted.

8.2.4. OTHER REGULATIONS. The headings below contain some additional, but not necessarily all, provisions applicable to the MIX District:

Development Regulations. Article XXXIV

Exceptions. Section 4.3

Floodplain Management. Section 4.24

Off Street Parking and Loading. Article XVIII

Outside Storage. Section 4.2

Landscape Area and Buffer Regulations Section 4.23

River Protection. Metropolitan River Protection Act

Signs. Article XXXIII

Noise Study Report, Article 28.4.7

ARTICLE IX

SECTION 9.1

C-1 COMMUNITY BUSINESS DISTRICT

- 9.1.1. C-1 DISTRICT SCOPE AND INTENT. Regulations set forth in this Section are the C-1 District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permits or Use Permits. The C-1 District is intended to provide locations in which neighborhood and community-oriented retail and service activities conclude a transition, or land areas which complement a transition into a more intense activity area. Complementary non-commercial uses are also permitted.
- 9.1.2. USE REGULATIONS. Within the C-1 District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.
- A. Permitted Uses. Structures and land may be used for only the following purposes:
1. Amusements, Indoor
 2. Apartments, Above or Behind Commercial and Office uses in the Same Building
 3. Art Galleries
 4. Assembly Halls
 5. Automotive Parking Lots
 6. Automotive Specialty Shops
 7. Catering, Carry-out and Delivery
 8. Church, Temple or Other Place of Worship
 9. Clinics
 10. Convalescent Center/Nursing/Hospice
 11. Day Care Facilities
 12. Delicatessens
 13. Financial Establishments
 14. Funeral Homes
 15. Garage, Automobile Repair except painting, body repair and overhaul of major components
 16. Group Residences
 17. Gymnasiums
 18. Hotels
 19. Health Club/Spa
 20. Laundromats

21. Landscaping Business, Garden Center
22. Laundry and Dry Cleaning Shops
23. Lawn Service Businesses
24. Libraries
25. Communication Services
26. Millinery or Similar Trade whenever products are sold retail, exclusively on the site where produced.
27. Motels
28. Museums
29. Offices
30. Parking Garages\Decks
31. Parking Lots
32. Personal Care Homes
33. Personal Services including barber, beauty
34. Pet Grooming (No overnight stay)
35. Photography Studios
36. Plant Nurseries
37. Printing Shops, Convenience
38. Repair Shops not involving any manufacturing on the site
39. Research Laboratories
40. Restaurants
41. Retail Stores or Shops
42. School of Business, Dance, Music or similar schools
43. Service Stations except that repair and service offerings shall not include painting, body repair nor overhaul of major components, and no portion of the site shall be used for the display of cars for sale
44. Stadiums
45. Theaters
46. Recycling Centers, Collecting

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

9.1.3. DEVELOPMENT STANDARDS.

- A. Height Regulations. No structure shall exceed the higher of 4 stories or sixty 60 feet in height except as approved pursuant to Article XIX.
- B. Minimum Front Yard - 40 feet

C. Minimum Side Yard

- 25 feet for dwellings adjacent to interior lot lines
- None for all other buildings. See 4.23 for buffer and landscape requirements
- 40 feet for all buildings adjacent to streets

D. Minimum Rear Yard

- 25 feet for dwellings adjacent to interior lot lines
- None for all other buildings. See Section 4.23 for buffer and landscape requirements

E. Minimum Lot Area

- Multi-family Dwellings including a unit above or behind a commercial use - 2,500 square feet
- Single family - 18,000 square feet.
- Two family - 18,000 square feet
- All other buildings – no minimum

F. Minimum Heated Floor Area Per Unit

Single Family - 1,100 square feet

Two family - 800 square feet

Multi family - 700 square feet

Efficiency - 450 square feet

G. Minimum Lot Frontage - 35 feet adjoining a street

H. Minimum Accessory Structure Requirements

Single Family and Two Family Uses - Accessory structures may be located in the rear yard only but shall not be located within a minimum

yard.

Other Use - Accessory structures shall not be located in the minimum front yard.

9.1.4. OTHER REGULATIONS. The headings below contain provisions applicable to the C-1 District:

Development Regulations. Article XXXIV

Exceptions. Section 4.3

Floodplain Management. Section 4.24

Off Street Parking and Loading. Article XVIII

Outside Storage. Section 4.2

Landscape Area and Buffer Regulations. Section 4.23

River Protection. Metropolitan River Protection Act

Signs. Article XXXIII

Noise Study Report, Article 28.4.7

ARTICLE IX

SECTION 9.2

C-2 COMMUNITY BUSINESS DISTRICT

9.2.1. C-2 DISTRICT SCOPE AND INTENT. Regulations set forth in this Section are the C-2 District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permits or Use Permits. The C-2 District is intended to provide locations in which community and regionally-oriented retail and service activities conclude a transition, or locations which complement a transition into a more intense activity area. Complementary non-commercial uses are also permitted.

9.2.2. USE REGULATIONS. Within the C-2 District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.

A. Permitted Uses. Structures and land may be used for only the following purposes:

1. Any Use Permitted in the C-1 District
2. Automotive Garage
3. Automotive Repair Garage
4. Automobile & Light Truck Sales\Leasing
5. Batting Cage, Outdoor
6. Bowling Alley
7. Car Wash
8. Check Cashing Establishment
9. Drive-in Theater
10. Garage, Automobile Repair
11. Landscaping Business
12. Lawn Service Business
13. Laundry and/or Dry Cleaning Plant Distribution Center. Not including processing, fabrication or manufacturing
14. Pawn Shop
15. Plant Nursery
16. Plumbing Shop associated with retail sales
17. Radio and Television Stations
18. Service Establishments
19. Skating Rink
20. Tinsmithing Shop associated with retail sales

B. Accessory Uses. Structures and land may be used for uses customarily

incidental to any permitted use and dwellings may be used for a home occupation.

9.2.3. DEVELOPMENT STANDARDS.

A. Height Regulations. No structure shall exceed the higher of 4 stories or sixty 60 feet in height except as approved pursuant to Article XIX.

B. Minimum Front Yard - 40 feet

C. Minimum Side Yard

- 25 feet for dwellings adjacent to interior lot lines

- None for all other buildings. See 4.23 for buffer and landscape requirements

- 40 feet for all buildings adjacent to streets

D. Minimum Rear Yard

- 25 feet for dwellings adjacent to interior lot lines

- None for all other buildings. See 4.23 for buffer and landscape requirements

E. Minimum Lot Area

- Multiple Dwellings including a unit above or behind a commercial use - 2,500 square feet

Single family - 18,000 square feet

Two family - 18,000 square feet

All other buildings – no minimum

F. Minimum Heated Floor Area

Single Family - 1,100 square feet

Two family - 800 square feet

Multi family - 700 square feet

Efficiency - 450 square feet

G. Minimum Lot Frontage - 35 feet adjoining a street

H. Minimum Accessory Structure Requirements

Single Family and Two Family Uses - Accessory structures may be located in the rear yard only but shall not be located within a minimum yard.

Other Use - Accessory structures shall not be located in the minimum front yard.

9.2.4. OTHER REGULATIONS. The headings below contain provisions applicable to the C-2 District.

Development Regulations. Article XXXIV

Exceptions. Section 4.3

Floodplain Management. Section 4.24

Off Street Parking and Loading. Article XVIII

Outside Storage. Section 4.2

Landscape Area and Buffer Regulations. Section 4.23

River Protection. Metropolitan River Protection Act

Signs. Article XXXIII

Noise Study Report, Article 28.4.7

ARTICLE X

SECTION 10.1

M-1A INDUSTRIAL PARK DISTRICT

- 10.1.1. M-1A DISTRICT SCOPE AND INTENT. Regulations set forth in this Section are the M-1A District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permits or Use Permits. The M-1A District is intended to provide land areas for the development of industrial parks which meet the needs for manufacturing, fabricating, processing, warehousing, distributing, research, office and related uses in an attractive environment.
- 10.1.2. USE REGULATIONS. Within the M-1A District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as prohibited or allowed with approval of a Use Permit shall be permitted.
- A. Prohibited Uses. Structures and land may be used for manufacturing, processing, warehousing, research, office and similar uses except as enumerated below or in Article XIX.
1. Bone Distillation
 2. Dwelling
 3. Fat Rendering
 4. Incinerator
 5. Manufacturing of: acetylene gas, acid, ammonia, asphalt, bleaching powder, brick, cement, chlorine gas, coal tar, explosives, fertilizers, glue, gypsum board, linoleum, mineral dye, oil, oilcloth, paint, paper, paper pulp, patent leather, petroleum products, plaster of paris, pottery, shellac, terra cotta, tile, turpentine, varnish, yeast
 6. Mineral Extraction
 7. Slaughter House
 8. Smelting
 9. Stockyard
 10. Storage of: explosives, animal hides
 11. Truck Terminal
 12. Blast Furnace
 13. Boiler Works
 14. Ore Reduction
 15. Rolling Mill
 16. Tanning
 17. Tar Distillation
 18. Landfill, Inert Waste Disposal

- 19. Landfill, Solid Waste Disposal
- 20. Private Correction Facility

B. Accessory Uses. Structures and land may be used for uses customarily incidental to any permitted use.

10.1.3. DEVELOPMENT STANDARDS.

- A. Height Regulations. No structure shall exceed the higher of 4 stories or sixty (60) feet in height except as approved pursuant to Article XIX.
- B. Minimum Front Yard - 30 feet
- C. Minimum Side Yard - None. See Section 4.23 for buffer and landscape requirements.
- D. Minimum Rear Yard - None. See Section 4.23 for buffer and landscape requirements.
- E. Minimum Accessory Structure Requirements

Accessory structures shall not be located in the minimum front yard.
- F. Rail Access

Railroad spurs and service rails shall be permitted only within the side and rear yards.
- G. Minimum Lot Frontage - 35 feet adjoining a street
- H. Maximum Lot Coverage - The area of the footprint of all buildings shall not exceed 70 percent of the total land area.

10.1.4. EXTERIOR BUILDING WALLS.

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

	<u>Maximum</u>	<u>Minimum</u>
Type A - Materials	100%	40%
Type B - Materials	60%	0%
Type C - Materials	25%	0%

Type D - Materials 10% 0%

Type A materials consist of brick; stone with weathered, polished or fluted face; marble aggregate masonry block with fluted, split-face, or broken-face finish; tilt-up, poured-in-place or precast concrete either fluted or with exposed aggregate finish; insulated window wall panels of stainless steel, porcelain treated steel, anodized or other permanently finished aluminum, and stucco or synthetic stucco.

Type B materials consist of metal panels with baked-on enamel or acrylic finish.

Type C materials consist of plain reinforced concrete slabs.

Type D materials consist of corrugated steel and aluminum, wood, and composite board.

1. Materials not listed may be presented to the Director of the Department of Community Development and the Director of Public Works for classification.
2. Buildings having walls over 25 feet high may be given special material percentages by the Director of the Department of Community Development and the Director of Public Works.

10.1.5. NUISANCE PROVISIONS. The following provisions are intended to promote compatibility of the M-1A District with surrounding areas.

1. No activity shall be permitted which is offensive or hazardous to the workers in the area, or produces smoke, odor, noises, fumes, vibrations or other objectionable elements or emanations that may be detrimental to the health and safety of the citizens of Sandy Springs.
2. Accepted smoke and odor abatement practices shall be followed to eliminate objectionable smoke and odor, in so far as possible.

10.1.6. OTHER REGULATIONS. The headings below contain provisions applicable to the M-1A District:

Development Regulations. Article XXXIV
Exceptions. Section 4.3
Floodplain Management. Section 4.24
Off Street Parking and Loading. Article XVIII
Outside Storage. Section 4.2
Landscape Area and Buffer Regulations. Section 4.23
River Protection. Metropolitan River Protection Act
Signs. Article XXXIII

10.1.7. ENVIRONMENTAL IMPACT REPORT. In accordance with Section 28.4.6, submit an Environmental Impact Report as required.

ARTICLE X

SECTION 10.2

M-1 LIGHT INDUSTRIAL DISTRICT

- 10.2.1. M-1 DISTRICT SCOPE AND INTENT. Regulations in this Section are the M-1 District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permits or Use Permits. The M-1 District is intended to provide locations which meet the needs of processing, manufacturing, fabricating and warehousing, research and office uses, and related uses.
- 10.2.2. USE REGULATIONS. Within the M-1 District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as prohibited or allowed with approval of a Use Permit shall be permitted.

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

A. Prohibited Use

1. Blast Furnace
2. Boiler Works
3. Bone Distillation
4. Dwelling
5. Fat Rendering
6. Incinerator
7. Manufacturing of: acetylene gas, acid, ammonia, asphalt, bleaching powder, brick, chlorine gas, cement, coal tar, explosives, fertilizer, glue, gypsum board, linoleum, oil, oilcloth, mineral dye, paint, paper, paper pulp, patent leather, petroleum products, plaster of paris, pottery, shellac, terra cotta, tile, turpentine, varnish, yeast
8. Mineral Extraction
9. Ore Reduction
10. Rolling mill
11. Slaughter House
12. Smelting
13. Stockyard
14. Storage of: explosives, animal hides
15. Tanning
16. Tar Distillation
17. Truck Terminal

18. Landfill, Solid Waste Disposal

- B. Accessory Uses. Structures and land may be used for uses customarily incidental to any permitted use.

10.2.3. DEVELOPMENT STANDARDS.

A. Height Regulations

Whenever uses or structures permitted in the M-1 District adjoin a Dwelling District, structures shall be set back at least 12 additional feet for each foot of height in excess of 50 feet.

Otherwise, no structure shall exceed the higher of 8 stories or 100 feet in height.

B. Minimum Front Yard - 40 feet

C. Minimum Side Yard - None. See Section 4.23 for buffer and landscape requirements.

D. Minimum Rear Yard - None. See Section 4.23 for buffer and landscape requirements.

E. Minimum Lot Area - None

F. Minimum Accessory Structure Requirements

Accessory structures shall not be located within the minimum front yard.

G. Minimum Lot Frontage - 35 feet adjoining a street

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

Development Regulations. Article XXXIV

Exceptions. Section 4.3

Floodplain Management. Section 4.24

Off Street Parking and Loading. Article XVIII

Outside Storage. Section 4.2

Landscape Area and Buffer Regulations. Section 4.23

River Protection. Metropolitan River Protection Act

Signs. Article XXXIII

10.2.5. ENVIRONMENTAL IMPACT REPORT. In accordance with Section 28.4.6, submit an Environmental Impact Report as required.

ARTICLE X

SECTION 10.3

M-2 HEAVY INDUSTRIAL DISTRICT

10.3.1. M-2 DISTRICT SCOPE AND INTENT. Regulations in this Section are the M-2 District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permits or Use Permits. The M-2 District is intended to provide locations for a full range of manufacturing, processing, extraction, terminal and warehousing uses, and closely related uses.

10.3.2. USE REGULATIONS. Within the M-2 District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as prohibited or allowed with approval of a Use Permit shall be permitted.

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

A. Prohibited Use . Uses listed below are prohibited unless specifically approved by the City Council in a rezoning resolution.

1. Blast Furnace
2. Bone Distillation
3. Dwelling
4. Explosives Storage
5. Fat Rendering
6. Incinerator
7. Manufacturing of: acid, cement, explosives, fertilizer, glue, gypsum board, oil, paper, paper pulp, petroleum products, plaster of paris
8. Slaughter House
9. Smelting
10. Stockyard

B. Accessory Uses. Structures and land may be used for uses customarily incidental to any permitted use.

10.3.3. DEVELOPMENT STANDARDS.

A. Height Regulations

Adjoining a Dwelling District -- Any part thereof shall be set back 12 feet from the required yard lines for each foot of height in excess of 50 feet.

Otherwise, no structure shall exceed the higher of 8 stories or 100 feet in height.

- B. Minimum Front Yard - 40 feet
- C. Minimum Side Yard - None. See Section 4.23 for buffer req. adjoining residential.
- D. Minimum Rear Yard - None. See Section 4.23 for buffer req. adjoining residential.
- E. Minimum Lot Area - None
- F. Minimum Accessory Structure Requirements

Accessory structures shall not be located within the minimum front yard.

- G. Minimum Lot Frontage - 35 feet adjoining a street

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

Development Regulations. Article XXXIV
Exceptions. Section 4.3
Floodplain Management. Section 4.24
Off Street Parking and Loading. Article XVIII
Outside Storage. Section 4.2
Landscape Area and Buffer Regulations. Section 4.23
River Protection. Metropolitan River Protection Act
Signs. Article XXXIII

10.3.5. ENVIRONMENTAL IMPACT REPORT. In accordance with Section 28.4.6, submit an Environmental Impact Report as required.

ARTICLE XI

SECTION 11.1

CUP COMMUNITY UNIT PLAN DISTRICT

- 11.1.1. CUP DISTRICT SCOPE AND INTENT. Regulations in this Section are the CUP District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permit or Use Permit. The CUP District identifies land areas for a variety of housing types within a planned community setting.

The CUP District is intended to:

- A. Encourage the development of large tracts of land as planned communities.
- B. Encourage flexible and creative concepts in site planning.
- C. Preserve the natural amenities of the land by encouraging scenic and functional open areas.
- D. Provide for an efficient use of land.
- E. Provide a stable residential environment compatible with surrounding residential areas.
- F. Protect neighboring properties by requiring larger peripheral lots adjacent to larger lot developments.

- 11.1.2. USE REGULATIONS. Within the CUP District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by Administrative Permit or Use Permit shall be prohibited.

- A. Permitted Uses. Structures and land may be used for only the following purposes:
 - 1. Single family dwelling
 - 2. Two family dwelling
 - 3. Multi-family Residential
 - 4. Day Care facility located in a Multi-family or community building, or place of worship
 - 5. Golf, country club, pool and recreation court
 - 6. Community facilities
 - 7. Places of Worship
- B. Accessory Uses. A structure or land may be used for uses customarily

incidental to any permitted use and a dwelling may be used for a home occupation. Retail and service uses, and clubs accessory to recreation facilities are allowed subject to the following conditions:

1. Accessory retail and service uses shall be located wholly within a building with a majority of the floor area designed for recreation uses. No outdoor advertising is allowed.
2. Retail and service uses shall be limited to convenience retail and service establishments such as pro shops and personal services. Restaurants accessory to a club are allowed.

11.1.3. DEVELOPMENT PLAN. The development plan shall be the zoning control document for features depicted graphically. The site plan requirement applicable to rezoning requests shall be adhered to for CUP rezoning requests. Administrative guidelines for preparing site plans are available from the Director of the Department of Community Development. A site plan shall become the development plan if the request to rezone is approved without changes or additions. If the approval by the Board differs, in any way, from what is depicted on the site plan submitted for the purpose of seeking rezoning, a revised plan must be certified by the Department of Community Development before development related permits may be issued. A site plan or development plan shall not substitute for plans which are required as a prerequisite for applying for development related permits. The location of all use areas shall be shown on the development plan, and location on the ground shall be as shown on the development plan.

11.1.4. DEVELOPMENT STANDARDS.

- A. Height Regulations - No single family residential dwellings or accessory structures shall exceed forty (40) feet in height. The height of all other structures are as approved per the conditions of zoning.
- B. Minimum Land Area Per Unit - As specified in conditions
- C. Minimum Lot Area Per Unit - As specified in conditions
- D. Minimum CUP Size - 10 contiguous acres
- E. Maximum Density
 - Multifamily 9.0 units per gross acre.
 - Single family 5.0 units per gross acre.
- F. Minimum Lot Width - None, unless specified in conditions

- G. Minimum CUP Development Frontage - 35 feet
- H. Minimum Lot Frontage - 20 feet adjoining a street
- I. Minimum Heated Floor Area Per Unit - As specified in conditions
- J. Minimum Perimeter Setback -- Entire CUP Development - As specified in conditions
- K. Minimum Interior Setbacks -- Single family Lots
 - 1. Minimum Front Yard - As specified in conditions
 - 2. Minimum Side Yard - As specified in conditions
 - 3. Minimum Rear Yard - As specified in conditions

L. Minimum Accessory Structure Requirements

Single Family and Two Family Uses - Accessory structures may be located within the side or rear yards subject to perimeter and minimum yard setbacks.

Multi-family Uses - Accessory structures may be located in the rear yard only but shall not be located within a minimum yard.

M. Minimum Building Separation -- More Than One Dwelling Per Lot

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

N. Other Minimum Standards

- 1. Setbacks and roof lines shall be varied by at least 2 feet so that no more than 3 adjoining dwelling units within a single building shall have the same front setback or roof line.
- 2. Common outdoor area consisting of not less than 550 square feet per unit shall be provided for recreation in all developments of 20 or more acres.
- 3. Land area proposed for open space or recreation shall be allocated among the use areas in proportion to the ratio of a neighborhood population to the total CUP population so that acreage devoted to

open space is reasonably accessible to all residents.

4. Multi-family uses shall not be located along the perimeter except adjacent to or across a street from an existing multifamily or more intense use.
5. Agreements, covenants, declarations and other contracts which govern the use, maintenance, and protection of a CUP development among its owners areas shall be part of the official zoning file, and changes thereto shall have no force and effect until a copy has been provided to the Director of the Department of Community Development.
6. Multi-family units shall not exceed 25 percent of the total number of dwelling units in a CUP.

11.1.5. OTHER REGULATIONS. The headings below contain some additional, but not all, provisions applicable to the CUP District:

Development Regulations. Article XXXIV

Exceptions. Section 4.3

Floodplain Management. Section 4.24

Off Street Parking and Loading. Article XVIII

Outside Storage. Section 4.2

Landscape Area and Buffer Regulations of the TR, A or A-L District shall apply, as corresponding. Section 4.23

River Protection. Metropolitan River Protection Act

Signs. Article XXXIII

ARTICLE XI

SECTION 11.2

NUP NEIGHBORHOOD UNIT PLAN DISTRICT

- 11.2.1. NUP DISTRICT SCOPE AND INTENT. Regulations set forth in this Section are the NUP District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permit or Use Permit. The NUP District is intended to provide land areas devoted to low to medium density single-family residential uses of 5 or fewer units per acre consistent with the densities ranges suggested on the Comprehensive Plan Land Use Map. The NUP District is intended to 1) encourage the development of medium sized tracts of land as planned neighborhoods or the development of vacant parcels of land with transitional densities in built-up areas, 2) encourage the preservation of trees and vegetation, and to 3) encourage innovative site planning. Land proposed for a NUP shall comply with the following standards:
- A. Provide a density that is consistent with the plan densities and surrounding properties.
 - B. Protect neighboring properties by requiring peripheral setbacks and development standards compatible with adjacent developments as required by the district standards and the conditions of zoning.
- 11.2.2. USE REGULATIONS. Within the NUP District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by Administrative Permit or Use Permit shall be prohibited.
- A. Permitted Uses. Structures and land may be used for only the following purposes:
 - 1. Single-family dwelling
 - 2. Recreation facilities associated with single family development
 - B. Accessory Uses. A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.
- 11.2.3. DEVELOPMENT PLAN. The development plan shall be the zoning control document for features depicted graphically. The site plan requirement applicable to rezoning requests shall be adhered to for NUP rezoning requests.

Administrative guidelines for preparing site plans are available from the Director of the Department of Community Development. A site plan shall become the development plan if the request to rezone is approved without changes or additions. If the approval by the Board differs, in any way, from what is depicted on the site plan submitted for the purpose of seeking rezoning, a revised plan must be certified by the Department of Community Development before development related permits may be issued. A site plan or development plan shall not substitute for plans which are required as a prerequisite for applying for development related permits. The location of all use areas shall be shown on the development plan, and location on the ground shall be as shown on the development plan.

11.2.4. DEVELOPMENT STANDARDS.

- A. Height Regulations. No building shall exceed forty (40) feet in height.
- B. Minimum Lot Area Per Unit - 4,000 square feet
- C. NUP Size - Minimum 4 contiguous acres
Maximum 12 contiguous acres
- D. Maximum Density - 5 units per gross acre
- E. Minimum Lot Width - None unless specified in conditions
- F. Minimum Development Frontage - 35 feet
- G. Minimum Lot Frontage - 20 feet adjoining a street
- H. Minimum Heated Floor Area Per Unit - 1000 square feet detached
- I. Minimum Perimeter Setback for the Entire NUP Development When adjacent to single family zoning/use or AG-1 zoned property, a 40-foot setback shall be provided around the periphery of the development including access drives serving more than one lot, principal and accessory structures and swimming pools. Other yard improvements and access/utility crossings are permitted.
- J. Minimum Interior Setbacks.
 - 1. Minimum Front Yard - As specified in conditions
 - 2. Minimum Side Yard - As specified in conditions

3. Minimum Rear Yard - As specified in conditions

K. Minimum Interior Building Separations. To place a building along an interior side lot line at between zero and 7 feet shall require an encroachment and maintenance easement allowing a minimum of 7 feet of access to such buildings. A minimum building separation of 14 feet shall be maintained.

L. Minimum Accessory Structure Requirements
Accessory structures may be located in rear or side yards, but shall not be located within a minimum rear yard except that detached garages may locate along a rear lot line at between zero and 7 feet with an encroachment and maintenance easement allowing a minimum of 7 feet of access to the garage.

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

Development Regulations. Article XXXIV

Exceptions. Section 4.3

Floodplain Management. Section 4.24

Off Street Parking and Loading. Article XVIII

Outside Storage. Section 4.2

Landscape Area and Buffer Regulations of the TR district shall apply to

Townhouse development. Section 4.23

River Protection. Metropolitan River Protection Act

Signs. Article XXXIII

ARTICLE XI

SECTION 11.3

MHP MOBILE HOME PARK DISTRICT

11.3.1. SCOPE AND INTENT. Regulations set forth in this Section are the MHP District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permit or Use Permit. The MHP District is provides minimum design standards for Mobile Home Parks. The MHP District is intended to:

A. Provide a desirable living environment.

- B. Require the provision of usable open space and recreational areas, and
- C. Be located in areas which are served by public sanitary sewer or be located in a drainage basin which is identified for sanitary sewer within 2 years.
- D. Have access to an arterial street.
- E. Be located on sites which have a high potential for tree retention and utilization of natural terrain.

11.3.2. USE REGULATIONS. Within the MHP District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by Administrative Permit or Use Permit shall be prohibited.

- A. Permitted Uses. Structures and land may be used for:
 1. Mobile Homes and Modular Homes
 2. Grocery Store with a maximum of 2,500 square feet when approved as part of the development plan
 3. Laundromat and coin operated dry cleaning when approved as part of the development plan
 4. Day Care Facility
- B. Accessory Uses. A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation. The sale or display of mobile homes shall be accessory as long as each mobile home offered for sale is located on its individual lot and connected to all utilities.

11.3.3. APPLICATION. Applications for rezoning to MHP shall, in addition to the required submittal routinely required by the Director of the Department of Community Development, be supported by:

- A. A copy of the rules and regulations of the proposed mobile home park.
- B. A copy of any proposed covenants.
- C. A proposed maintenance plan for lawns, shrubbery, trees, recreation areas, and other natural areas.

11.3.4. DEVELOPMENT PLAN. The development plan shall be the zoning control document for features depicted graphically. The site plan requirement applicable

to rezoning requests shall be adhered to for MHP rezoning requests. Administrative guidelines for preparing site plans are available from the Director of the Department of Community Development. A site plan shall become the development plan if the request to rezone is approved without changes or additions. If the approval by the Board differs, in any way, from what is depicted on the site plan submitted for the purpose of seeking rezoning, a revised plan must be certified by the Department of Community Development before development related permits may be issued. A site plan or development plan shall not substitute for plans which are required as a prerequisite for applying for development related permits. The location of all proposed structures (excluding mobile or modular homes) shall be as shown on the development plan, adopted at the time of zoning approval, and actual location on the ground shall be as shown on the development plan.

11.3.5. DEVELOPMENT STANDARDS.

- A. Height Regulations. Structures shall be no higher than 35 feet or 2 and 1/2 stories, whichever is higher.
- B. Minimum Land Area - 20 contiguous acres
- C. Minimum MHP Width - Not less than 400 feet throughout
- D. Minimum Site Area Per Unit - 4,000 square feet
- E. Minimum Frontage for the Entire MHP Development - 200 feet on an arterial or a road within 600 feet of an arterial
- F. Minimum Perimeter Buffers for the Entire MHP
 - Road Frontage - 100 feet
 - all other - 50 feet
- G. Maximum Density - 5.5 units per gross acre plus additional density for features below:

<u>FEATURE</u>	<u>ADDITIONAL DENSITY</u>
1) Day care center	.2 units per acre
2) Supervised recreation	.2 units per acre
3) Neighborhood center	.2 units per acre
4) Unit carports or garages	.2 units per acre

11.3.6. REQUIREMENTS FOR INDIVIDUAL UNIT LOCATIONS. Each mobile home shall be located on a separate site which shall be identified by a marker at each corner. It is not required that individual sites be surveyed. Minimum requirements for individual sites are as follows:

- A. Minimum Width - 44 feet
- B. Minimum Size - 4,000 square feet
- C. Minimum All Weather Patio - 300 square feet
- D. Minimum Enclosed Storage - 125 cubic feet
- E. Minimum Interior Street Setback - 15 feet from pavement
- F. Minimum Unit Separation - 20 feet

11.3.7. MINIMUM IMPROVEMENTS REQUIRED

- A. Access, Streets, Drainage and Walks. Each mobile home park shall have a minimum of 2 primary access streets which shall be paved to a minimum width of 30 feet. Other streets within a mobile home park shall be paved to a minimum width of 24 feet.
- B. Walkways. All-weather pedestrian walks shall be provided throughout a mobile home park.
- C. Construction Standards. Streets and drainage structures shall be constructed in accordance with the minimum standards available from the Sandy Springs Department of Public Works.
- D. Underground Utilities Required. All utilities shall be placed underground. A central television antenna system shall be provided.
- E. Lighting. Streets and walkways shall be lighted.
- F. Unit Refuse Collection Facilities. Each mobile home site shall be provided with water-tight and rodent proof refuse container(s) having a capacity of at least 50 gallons.
- G. Common Refuse Collection Facilities. Dumpsters or similar devices shall be provided for every 30 units or fraction thereof in excess of 15. Such central collection facilities shall be screened from view and shall not be located more than 400 feet from any mobile home served.

- H. Water and Wastewater. Each unit shall be served by public water and sanitary sewer.
- I. Laundry Facilities. Central laundry facilities shall be provided at the rate of 1 standard-size washing machine and dryer for each 25 units or fraction in excess of 11 units. Laundry facilities shall be located not more than 800 feet from the units served.
- J. Public Telephones. Public telephones shall be provided at convenient locations.
- K. Fire Protection. Fire hydrants shall be located throughout the park in accordance with standards of the Fire Marshal. Each unit shall be equipped with a fire extinguisher type approved by the Fire Marshal.
- L. Landscaping. Each mobile home park shall be landscaped with shade trees, shrubs and grass. Landscaping shall be in accordance with a landscaping plan which has been approved by the Department of Community Development.
- M. Recreation Facilities. At a minimum, 10 percent of the gross acreage of a mobile home park shall be provided for common open space and recreation for the residents of the mobile home park.

11.3.8. OTHER MINIMUM STANDARDS

- A. Within 30 days of being located in a mobile home park, the undercarriage shall be screened from view.
- B. At least 400 square feet of common area shall be provided per unit for the storage of boats, travel trailers and other vehicles. This common storage area shall be enclosed by a fence and screened from view from all units and streets.

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

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

Development Regulations. Article XXXIV
 Exceptions. Section 4.3

Floodplain Management. Section 4.24
Off Street Parking and Loading. Article XVIII
Outside Storage. Section 4.2
River Protection. Metropolitan River Protection Act
Signs. Article XXXIII

ARTICLE XII

SECTION 12A

OVERLAY DISTRICT AUTHORITY

12A.1.1. DECLARATION OF PURPOSE, SCOPE, INTENT AND PUBLIC POLICY.
The Sandy Springs City Council finds that as a matter of public policy that the aesthetic, economic and functional qualities of the City are worthy of enhancement and preservation and are essential to the promotion of the health, prosperity, safety and general welfare of the existing and future residents of Sandy Springs. Therefore, the City Council authorizes each planning area to propose overlay districts and regulations, and, if desired, to request that the Board appoint a design review board. The purpose of said design review board and overlay district regulations shall be:

1. To foster civic pride.
2. To promote attention to accepted design principles in areas of new development and redevelopment.
3. To raise the level of community understanding and expectation for quality in the built environment.
4. To implement the Comprehensive Plan.
5. To provide for the designation, protection, rehabilitation and redevelopment of properties within overlay districts and to participate in federal and state programs designed to do the same.
6. To protect and enhance local aesthetic and functional qualities and to stimulate business.
7. To enhance the opportunities for federal, state and local tax benefits under relevant federal, state and local laws.

The City Council further finds that the timely exercise of judgment in the public interest by a public body of proposed new development or redevelopment is desirable. Accordingly, the public policy objectives of this Ordinance are to guide certain aspects of development, such as:

1. The spatial relationships of structures and open spaces to each other, and
2. The appearance of buildings and open spaces as they contribute to the

attractiveness, function, economy and character of an area.

Planning area design standards are intended to be uniformly applied to evaluate the appropriateness of proposed changes to an overlay district in order to:

1. Protect and enhance the visual qualities and character of the district,
2. Provide guidance to design professionals, property and business owners undertaking construction in the district,
3. Recommend appropriate design approaches, and
4. Provide an objective basis for review, assuring consistency and fairness.

12A.2.1. DEFINITIONS.

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

Appearance: The outward aspect that is visible to the public.

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

Architectural Concept: The basic aesthetic idea of a structure, or group of structures, including the site, signs, buildings and landscape development that produces the architectural character.

Architectural Feature: A significant element of a structure or site.

Attractive. Having qualities that arouse satisfaction and pleasure in numerous, but not necessarily all, observers.

Building. A building is a structure created to shelter any form of human activity, including but not limited to, a house, store, barn, church, hotel.

Certificate of Endorsement (COE). A document evidencing support of a material change in the appearance of a property located within an overlay district by the person or board designated within an overlay district.

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

Compatibility. Harmony in appearance of architectural features in the same vicinity.

Design Review Board (DRB). A panel which, when appointed by the City Council, consists of seven (7) members appointed to consider applications within a specific overlay district.

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

External Design Feature. The general arrangement of any portion of structures or landscaping, including the type, and texture of the materials, the type of roof, windows, doors, lights, signs, and fixtures of portions which are open to the public view.

Exterior Architectural Features. The architectural style, general design and general arrangement of the exterior of a structure and site, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs, facade, landscaping and other architectural fixtures, features, details, or elements relative thereto.

Geographic Area. Land area subject to overlay district regulations.

Harmony. A quality that represents an attractive arrangement of parts, as in an arrangement of various architectural elements.

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

Logic of Design. Widely accepted principles and criteria in the solution of design problems.

Material Change in Appearance. A change in a structure or a parking lot within an overlay district that exceeds ordinary maintenance or repair (defined below), and requires either a sign permit, building permit or land disturbance permit such as, but not limited to:

1. The erection, alteration, restoration, addition or removal of any structure (including signs) or parking lot;
2. Relocation of a sign or building;
3. Commencement of excavation; or

4. A change in the location of advertising visible from the public right-of-way.

Ordinary Maintenance or Repair. EXEMPT from inclusion in "Material Change in Appearance" defined above. Ordinary maintenance or repair of any exterior of any structure, parking lot or sign in or on an overlay district property to correct deterioration, decay or damage, or to sustain the existing form, and that does not involve a material change in outer design, material, or appearance thereof. Painting, reroofing, resurfacing, replacement of a broken sign face and other similar types of ordinary maintenance shall be deemed ordinary maintenance and repair.

Overlay District. A geographically definable area, possessing a significant concentration or linkage of sites, buildings, structures, objects or landscapes, including the adjacent area necessary for the proper treatment thereof, united by plan and/or physical development. An overlay district shall further mean an area designated by the City Council as such.

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

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

Scale. Proportional relationships of the size of parts to one another and to humans.

Street Hardware. Objects other than buildings that are part of the streetscape. Examples are: street light fixtures, utility poles, traffic lights and their fixtures, benches, litter containers, planting containers, fire hydrants, etc.

Streetscape. The appearance and organization along a street of buildings, paving, plantings, street hardware and miscellaneous structures.

12A.3. CERTIFICATES OF ENDORSEMENT.

12A.3.1. APPROVAL OF ALTERATIONS OR NEW CONSTRUCTION. Applicants for a Sandy Springs land disturbance permit, sign permit or building permit shall obtain a Certificate of Endorsement (COE) for applicable properties.

12A.3.2. GUIDELINES AND CRITERIA FOR CERTIFICATES OF ENDORSEMENT. Issuance of Certificates of Endorsement (COE) shall be based on the criteria of the Sandy Springs Zoning Ordinance along with other criteria adopted by the City

Council.

- 12A.3.3. SUBMISSION OF PLANS. An application for a COE shall be accompanied by such drawings, photographs, material samples or plans as may be required pursuant to the overlay district provisions.
- 12A.3.4. INTERIOR ALTERATIONS. Review of applications for endorsement shall not consider interiors or exterior features which are not visible from a public street.
- 12A.3.5. ISSUANCE OF A CERTIFICATE OF ENDORSEMENT.
- A. A COE may be issued when the proposed material change(s) in the appearance or arrangement of the elements of the project is consistent with the overlay district provisions.
 - B. A copy of each final COE shall be maintained in the Department of Community Development.
- 12A.3.6. EXCEPTIONS. When, by reason of unusual circumstances, the strict application of any provision of this Article would result in the exceptional practical difficulty or undue hardship due to the circumstances unique to the particular property in question, the Board of Zoning Appeals, in passing upon applications, shall consider and issue exceptions to said provisions so as to relieve such difficulty or hardship provided such exceptions shall remain in harmony with the general purpose and intent of said provisions, so that the integrity or character of the property, shall be conserved and substantial justice done. A hardship shall not qualify as an undue hardship if it is of a person's own making.
- In granting such exceptions, the Board of Zoning Appeals may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this Article.
- 12A.3.7. APPEALS. Appeals are to the Board of Zoning Appeals. Any appeal of a decision of the Board of Zoning Appeals is to Fulton County Superior Court in accordance with Article XX.
- 12A.3.8. DEADLINE FOR CONSIDERATION OF APPLICATION FOR COE. The DRB shall consider a completed application for a COE within 15 days after the filing thereof by the owner or occupant of an overlay district property. If the application has not been acted upon within 15 days, an the application shall be considered to be approved as submitted.
- 12A.3.9. RELATIONSHIP OF THIS ARTICLE TO OTHER ZONING PROVISIONS. The adoption of a resolution designating an overlay district, is an amendment to the existing Zoning Ordinance. Designation of a zoning overlay district and shall

be shown as such on the Official Zoning Maps of Sandy Springs, Georgia.

12A.4. MAINTENANCE OF PROPERTIES, BUILDING CODE AND ZONING PROVISIONS

12A.4.1. ORDINARY MAINTENANCE OR REPAIR. Ordinary maintenance or repair of any exterior feature visible from a public street in or on an overlay district property to correct deterioration, decay or damage, or to sustain the existing form, and that does not involve a material change in design, material, or outer appearance thereof, does not require a building, sign, or land disturbance permit.

12A.4.2. FAILURE TO PROVIDE ORDINARY MAINTENANCE OR REPAIR. The owner or owners, or the owner's agent, of each designated overlay district property or site, shall keep in good repair all of the exterior portions of such property and site and all interior portions thereof which, if not maintained, may cause or tend to cause the exterior portion of such property or site to deteriorate, decay or become damaged or otherwise to fall into a state of disrepair. The Director of the Department of Community Development shall be responsible for the enforcement of the ordinary maintenance or repair provisions contained within this section.

12A.4.3. AFFIRMATION OF EXISTING BUILDING CODES AND ZONING. Nothing in this Ordinance shall be construed to exempt property and business owners from complying with other existing County regulations whenever this Article does not apply. This resolution is an amendment to the Zoning Ordinance and all other provisions of the Zoning Ordinance shall remain in effect unless provisions in the overlay district conflict with other provisions of the Zoning Ordinance, in which case, the stricter provisions of the overlay district shall apply.

12A.5. INTERPRETATION, VIOLATIONS, ENFORCEMENT AND PENALTY PROVISIONS

12A.5.1. VIOLATIONS. This Article shall be governed by Article XXIX, Section 29.1 of this Ordinance.

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

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

12A.5.4. SEVERABILITY. In the event that any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses or phrases of this Article which shall remain in full force and effect, as if the

section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.

12A.5.5. CONFLICTS. If the provisions of this Article conflict with this Ordinance, or other ordinances, resolutions or regulations, the provisions of this Article shall govern or prevail to the extent of the conflict.

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

ARTICLE XII-B

Sandy Springs Overlay District

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

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

If the provisions of this Article conflict with other articles in this Ordinance or other Sandy Springs ordinances, resolutions or regulations the provisions of this Article shall prevail. When this article is silent regarding a particular standard, the applicable Sandy Springs code shall be followed.

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

- 12B.2. REVIEW PROCESS.

- 12B.2. A. Applications for improvements to developed sites and/or existing structures shall meet the standards contained in this Article for installation of sidewalks, pedestrian lighting, and street trees, when the proposed interior and/or exterior renovation of a building and/or site re-development improvements have a declared value equal to or greater than

40% of the property's most recent tax assessment¹.

1. Estimated costs of, including but not limited to, demolition, construction, installation, and fabrication, including labor and materials, for both interior and exterior improvements, shall be submitted at the time a building and/or land disturbance permit application is filed.
2. The declared value of improvements under multiple permits shall be cumulative and shall include the value of improvements under permits issued for the previous seven (7) years, from the date the most recent application is filed.

- 12B.2. B. All land disturbance permit applications for new construction shall meet the standards contained in Article 12B.
- 12B.2. C. All building permit applications for new buildings shall meet the standards contained in Article 12B.
- 12B.2. D. Applications for sign permits shall conform to Articles 12B and 33.
- 12B.2. E. Where two or more properties, lots or parcels are located within the same block or have frontage on the same side of the street between two intersecting streets, and are under common zoning or ownership and are being developed or re-developed as a single development operation or a series of coordinated development operations, these properties shall be considered as a single property for purposes of this article.
- 12B.2. F. When a portion of any parcel, lot, property, or development falls within the boundary of the overlay district, the entire development shall meet these standards.
- 12B.2. G. All new single family subdivisions shall meet the standards of their respective Overlay District along their exterior public street frontage(s) for pedestrian lighting, sidewalks, and landscaping (including street trees) pursuant to Article 34.5.3.
- 12B.3. SANDY SPRINGS DESIGN REVIEW BOARD. There is hereby created an Advisory Board whose title shall be "Sandy Springs Design Review Board" (hereinafter DRB).

1

Property assessment, including both land and improvements, is the amount upon which taxes are determined, and the source will be the Fulton County Tax Commissioner's Office.

12B.3. A. DRB Members, number, appointment and composition

1. The Sandy Springs DRB shall be comprised of seven (7) members.
2. Members of the Sandy Springs DRB shall be appointed by the City Council and shall serve at the pleasure of the City Council. Members shall serve four-year terms.
3. In order to achieve staggered terms, initial appointments shall be: two (2) members for one (1) year; two (2) members for two (2) years; two (2) members for three (3) years; and one (1) member for four (4) years. Members shall not receive a salary for participation, although they may be eligible for reimbursement for expenses as approved by the City Council.
4. The DRB shall be composed as follows: At least four members of the DRB must own or manage real property zoned for commercial, office, institutional or multifamily use within the SS District or own a business within the SS District.
 - a. The remaining three members must be residents of the Sandy Springs Planning Area².
 - b. Three of the business or real property owners or managers must also be residents of the Sandy Springs Planning Area.
 - c. At least one member of the seven must be an architect or landscape architect licensed in the State of Georgia or a member of the American Institute of Certified Planners.

12B.3. B. Power to adopt rules, standards and by-laws

1. The DRB may adopt rules, procedures and guidelines for the transaction of its business.
2. The DRB shall provide for the time and place of regular meetings and a method for calling special meetings.
3. The DRB shall select such officers from among its members as it deems appropriate. A quorum for purposes of making official

²The Sandy Springs Planning Area is defined as the region located within the area bounded by the Chattahoochee River to the north and west, the City of Atlanta to the south and Fulton-DeKalb and Gwinnett County to the east.

recommendations shall consist of a majority of its total membership.

12B.3. C. DRB Review for compliance with adopted development standards

1. The DRB shall review applications for sign permits, land disturbance permits, building permits, fence permits, re-zoning and use permits and concurrent variances and modifications which propose changes to standards contained in this Article. These applications shall be evaluated on the applicable standards contained in this Article.
2. The DRB may recommend that an applicant apply for variances regarding standards contained in this Article to be considered under the procedures set forth in Article 22 of this Zoning Ordinance.
3. DRB recommendations shall be forwarded to the staff of the Department of Community Development.
4. Staff of the Department of Community Development shall forward the DRB's recommendations to the Board of Zoning Appeals (for variance applications) and to the City Council (for applications for re-zoning, concurrent variances, and/or modifications to conditions).
5. The Department of Community Development shall issue, issue with modifications, or withhold a permit based on a projects conformance with the standards set out in this article, as represented by the Certificate of Endorsement (Section 12A.3.5, Sandy Springs Zoning Ordinance).

12B.3. D. Conflict of interest

The DRB shall be governed by all conflict of interest laws and provisions of the Sandy Springs Code of Ethics.

12B.3. E. DRB Meetings

1. DRB Meetings shall comply with the public notification requirements of the Georgia Open Meetings Act.
2. A public record shall be kept by the staff of the Department of Community Development of the DRB's resolutions, proceedings, findings and recommendations, and such record shall be

maintained in such a place and manner as to allow public access.

12B.4. STREETSCAPE STANDARDS.

12B.4. A. Street Trees shall be:

1. Centered two (2) feet from the sidewalk between the sidewalk and back of curb on public roads, except State Roads. Street trees may be placed adjacent to the sidewalk away from the street, if in conflict with utilities.
2. Centered two (2) feet from the sidewalk along State Roadways (including, but not limited, to Roswell Road).
3. A minimum three inch (3") caliper.
4. Planted at approximately forty feet (40') on center.
5. Selected from the species listed in Attachment.
6. Of a single species on any single property, although other required trees on property need not be of a single species.
7. Shall contribute towards the requirements of the Tree Preservation Ordinance.

12B.4. B. Sidewalks

1. Sidewalk widths may be tapered between streetscape types.
2. Sidewalk paths shall be continued across the entire length of all concrete aprons and shall be textured to match the appearance of sidewalk materials, in color, texture and design.
3. Where rights-of-way are insufficient to accommodate the required sidewalk and planted strip, the streetscape may be located outside the right-of-way, if appropriate easements are granted to Sandy Springs.

12B.4. C. Pedestrian Lighting

1. Pedestrian lighting shall be installed when new or upgraded sidewalks are constructed.

2. Pedestrian lighting shall be spaced 90 to 100 feet apart and shall be equal distance from required street trees, in accordance with the Georgia Power Area-wide Pedestrian Lighting Plan.
3. If designed with the fixture extending at an angle from the pole, the light fixture shall overhang the sidewalk.
4. Fixtures shall be a maximum height of 16 feet.
5. On intra-parcel sidewalks, fixtures shall be installed to maintain a minimum lighting level on the pathway of six foot-candles and may be of any style appropriate to the architecture of the project.

12B.5. SITE DEVELOPMENT STANDARDS.

12B.5. A. Intra-parcel Walkways

1. A continuous, on-site intra-parcel walkway of at least five feet (5'-0") in width is required to connect the public sidewalk to the main entrance(s) of that property's building(s), and shall comply with the Americans with Disabilities Act (ADA), in all respects.
2. Intra-parcel walkways crossing parking lots shall be distinguished from parking lots by the use of colors, texture (use of different materials), difference in rise above the parking lot or a combination of these means, to minimize auto-pedestrian conflict.

Streetscape Standards for Each District			
Elements	Village & Main Street Districts	Urban District	Suburban District ³
Strip between street and sidewalk - Material and Width	Two-foot wide Brick paver	Three foot wide Planted Strip (groundcovers, grass)	4.5 to 6 Foot wide Planted Strip (groundcovers, grass)
Sidewalks	Required in all districts		

³ The Fulton County Impact Fee Ordinance permits a 10.5 foot right-of-way dedication. However, Sandy Springs is interested in pursuing a six foot planting strip and a six foot sidewalk in the Suburban District. This standard is 1.5 feet greater than the law currently permits. The County cannot require the 12 foot right-of-way but developers can donate easements for the additional 1.5 feet. Sandy Springs will investigate changing the law along the fast paced Roswell Road north of Abernathy Road to the Chattahoochee River.

Streetscape Standards for Each District			
Elements	Village & Main Street Districts	Urban District	Suburban District ³
Width of Sidewalk	Nine feet	Six Feet	Six Feet
Pedestrian Lights - Distance Apart	90 – 100		
Pedestrian Lights – Height	16 feet maximum		
Street Trees - Distance Apart	40 feet on center		
Street Trees – caliper	3 inch minimum		
Landscape Strip	Ten Feet Wide		

12B.5. B. Landscape Strips and Planting Materials

1. There shall be a ten foot wide landscape strip adjacent to the edge of sidewalk outside the right-of-way.
2. Ground covers and mulch or similar materials, shall be utilized in parking lot landscape islands. Turf grass is not permitted.

12B.5. C. Accessory Structures and Screening

1. Accessory structures shall not be located in any yard adjacent to a public street.
2. Loading docks, refuse and waste removal areas, service yards, exterior work areas, mechanical equipment or other utilities if visible from a public street shall be screened from public view by one or a combination of the following elements: continuous evergreen plantings, opaque fences or other material related to the primary landscape or architectural elements on the site.
3. When plantings are used as screens, such plantings shall be evergreen. Such plantings shall count toward required minimum landscape areas rather than being in addition thereto.
4. Where walls or fences are used in lieu of planted screens,

landscape materials shall be incorporated into the screening scheme whenever feasible.

5. Where a parking lot, parking structure or gas fueling bays front directly on a public street, a continuous screen of evergreen (to be equally effective all year) planting shall be provided. Said screen shall be a minimum height of two feet (2'- 0"), a maximum height of three feet (3'-0"), and minimum width of five (5) feet. Such planting shall contribute to the minimum landscape areas.

12B.5. D. Fences and Walls

The following standards apply to common fences and walls around businesses, multi-family developments, and detached and attached residential subdivisions along public street frontages. The following standards are in addition to the standards set forth in Article 4.11, of these Regulations, Fences and Walls.

1. Allowable materials include: natural and man-made stone, brick, ornamental-decorative or wrought iron or aluminum, architectural concrete, or wood.
2. Fencing made of barbed wire, razor wire, plastic, cloth or chain-link is prohibited, unless otherwise stated in Article 12B.5.E.2.
3. When the building fronts and sides are visible to a public street, any wall or fence over two feet in height from finished grade shall not be opaque and shall have a minimum opening ratio of 50% (fifty percent).
4. When the back of the building is visible to a public street, fences or walls shall be opaque.
5. Applications for fence and wall permits shall be reviewed by the DRB.

12B.5. E. Screening of Cell Towers and Associated Equipment

Cell towers shall be in accordance with Article 19, except cell towers and associated equipment shall be screened in accordance with the following standards:

1. Cell towers and associated equipment shall not be located in a yard adjacent to a public street.

2. Chain Link Fencing shall be a dark, non-reflective material, such as black clad vinyl and shall be screened by a ten (10) foot wide landscape strip planted to buffer standards.

12B.5. F. Parking

Article 18 shall prevail, except herein as stated:

1. Electrical vehicle charging stations: A building, commercial establishment or other property which provides automobile parking facilities shall provide one (1) electrical vehicle charging station for every one hundred (100) parking spaces. If less than 100 parking spaces, one (1) electrical vehicle charging station shall be provided.
2. Bicycle Parking: A minimum of one bicycle parking space shall be provided for every 20 auto spaces.

12B.5. G. Parking Lot and Site Lighting

Site and parking lot lights shall not be sodium vapor lights (high pressure sodium). All lighting shall be the same type.

12B.6. SIGN STANDARDS.

Article 33 shall apply to properties within the Sandy Springs Zoning Overlay District unless herein stated. Where standards differ from Article 33, provisions of Article 12B shall take precedence.

12B.6. A. Free Standing Signs

Allowable Free-Standing Signs			
Properties	Maximum Sign Height	Maximum Face Size	Sign Type Allowed
Properties less than 40,000 square feet.	No free-standing signs allowed		
Properties over 40,000 square feet with street frontages up to 500 linear feet	Six feet	32 square feet	Sign support minimum of one-third width of sign face
Properties over 40,000 square feet with street frontages 500 to 1,000 linear feet	Eight feet See exception	64 square feet	Sign support minimum of one-third width of sign face
Properties over 40,000 square feet with	Eight feet	72 square feet	Sign support minimum

Allowable Free-Standing Signs			
Properties	Maximum Sign Height	Maximum Face Size	Sign Type Allowed
street frontages over 1,000 linear feet	See exception		of one-third width of sign face
Exception: Free-standing signs on Roswell Road, Hammond Drive, or Abernathy Road may be ten (10) feet in height.			

1. Properties with lots smaller than 40,000 square feet are not permitted free-standing signs.
2. All properties 40,000 square feet or larger with street frontages up to and including 500 linear feet are permitted one free-standing sign per street frontage.
 - a. Height: Maximum six (6) feet from finished grade.
 - b. Maximum sign square footage is 32 square feet.
 - c. Signs with supporting members equal to or greater than one-third the width of the sign face are allowed.
3. Properties with street frontages of 501-1,000 linear feet are permitted one free-standing sign per street frontage.
 - a. Maximum sign square footage is 64 square feet.
 - b. Free-standing signs shall not exceed eight (8) feet in height, with the exception of free-standing signs located on Roswell Road, Hammond Drive, or Abernathy Road where free-standing signs may be a maximum height of ten (10) feet in height from grade.
 - c. Signs with supporting members equal to or greater than one-third the width of the sign face are allowed.
4. Properties with street frontages over 1,000 linear feet are permitted one free-standing sign per street frontage.
 - a. Maximum sign square footage is 72 square feet.
 - b. Free-standing signs shall not exceed eight (8) feet in height, with the exception of free-standing signs located on

Roswell Road, Hammond Drive, or Abernathy Road where free-standing signs may be a maximum height of ten (10) feet in height from grade.

- c. Signs with supporting members equal to or greater than one-third the width of the sign face are allowed.
5. Prohibited Sign Types: Signs with supporting members less than one-third of the width of the sign face (known as “pylon, pole or lollipop” signs) are prohibited.

12B.6. B. Wall Signs

Wall signs are allowed based on the applicable zoning district in accordance with Article 33.5, Sandy Springs Zoning Ordinance.

- 1. Every business is entitled to have one street-facing wall sign per street frontage.
- 2. Any business which is not represented on a free-standing sign may have two wall signs which shall meet the following standards:
 - a. The street facing wall sign shall not exceed five percent (5%) of the applicable wall area.
 - b. The non-street facing wall sign shall not exceed five percent (5%) of the applicable wall area.
 - c. The total of both signs shall not exceed 225 square feet.
 - d. Wall signs may be incorporated into a retaining wall or other site hardscape feature, as recommended by the DRB, and approved by the Director.
- 3. In lieu of any free-standing signs, a shopping center (defined as containing four or more tenants) shall be allowed additional wall sign area to place the name of their center on the building. The allowable sign area shall be 5% of the applicable wall area, not to exceed 180 square feet, whichever is less.
- 4. Awnings and Canopies: All graphics within the entire illuminated area of the awning or canopy shall be calculated toward the allowable wall sign area.

12B.7. MISCELLANEOUS PROVISION.

Windows

Reflective and/or opaque glass is prohibited on ground floors of all buildings.

12B.8. MAIN STREET DISTRICT STANDARDS.

12B.8. A. Parking

12B.8.A. Parking Spaces			
	Land Uses	Minimum Number	Maximum Number
A.1.	Retail commercial	1.5 spaces/1,000 gsf	4.5 spaces/1,000 gsf
A.2.	Office	1.0 space/1,000 gsf	3.0 spaces/1,000 gsf
A.3.	Restaurant	1.5 spaces/1,000 square feet.	6 spaces/1,000 square feet.
A.4.	Multi-Family Residential	One (1) space per dwelling unit	2.0 spaces per dwelling unit
The minimum standards are available to properties which comply with the streetscape standards and have pedestrian access to the street.			

5. All parking, except residential, shall be shared.
6. Parking spaces are permitted off-site per Article 18.
7. Parking areas are not permitted between the sidewalk and the front of the building.

12B.8. B. Sight Distance

No building, sign, structure or object, tree or other landscape feature shall be installed, built, or allowed to grow which will impede visibility at street corners, driveways and/or intersections, pursuant to AASHTO standards

for sight triangles.

12B.8. C. Yards Adjacent to a Public Street (as measured from the back of curb)

1. Buildings up to four floors:
 - a. Minimum Yard: 12 feet;
 - b. Maximum Yard: twenty-one feet (21'-0)
2. Buildings with five (5) or more floors:
 - a. Minimum yard: Twenty (20'-0") feet.
 - b. Maximum yard: Forty (40) foot setback above the fourth floor.
3. The required sidewalk area, including the sidewalk width located in the public right-of-way, may be calculated as part of the required landscape strip.
4. Minimum side yards

Five feet or zero (if there are no windows along the side wall).

12B.8. D. Street Furniture and Amenity Zone

1. Clear Zone: Outside the two foot paver band, there shall be a clear zone of six feet where there shall be no permanent structures, including but not limited to, utility poles, mail boxes, newspaper vending boxes, sign structures, and benches.
2. Furniture Zone: The remaining portion of the sidewalk, outside the clear zone, may be used for the following purposes, including, but not limited to street trees, waste receptacles, bicycle racks, benches and other seating elements which do not obstruct pedestrian access or motorist visibility.
3. Building setbacks in yards adjacent to public streets may be increased to a maximum of thirty-five feet (35 feet) to accommodate outdoor space needed for plazas, dining, art, fountains, bicycle parking, gathering and seating places, gazebos or similar uses. Such improvements shall be documented on the final site plan and a certificate of endorsement issued by the Sandy

Springs Design Review Board.

4. Orientation to Street:
 - a. Newly constructed buildings: At least one public (e.g. open to the public during normal business hours) pedestrian oriented entrance shall be located on the street side of the building. There shall be pedestrian access directly from the sidewalk to the principal building entrance.
5. Drive through windows shall be located in the rear yard.
6. Gasoline fuel dispenser structures shall be located along a side yard and shall not be located between the building and the street.

12B.8. E. Building Heights

1. Buildings may have a maximum height of six (6) floors or 90 feet.
2. The minimum height of buildings with less than 5,000 square feet is two floors or 25 feet, whichever is less.

12B.8. F. Building Design Guidelines

New, remodeled and rehabilitated buildings, parking decks, and other structures shall employ street level design elements that relate to a pedestrian scale through the following means:

1. Building floors shall be delineated from the sidewalk level to the third floor through windows, belt courses, cornice lines or similar architectural details.
2. Building entrances shall be articulated and create additional visual interest and/or opportunities for human activity and interaction by using one or more of the following methods:
 - a. Building materials, architectural details and patterns shall be varied per tenant or every 75 feet, whichever is greater.
 - b. Roof line and building offsets shall be varied by a minimum of two feet for every three tenant spaces or 75 feet of building face, whichever is greater.
 - c. Awnings, canopies, or other type of covered-projected

entry⁴, or

- d. Places for human activity, including, but not limited to plazas, courtyards, porches, decks, outdoor seating, landscaping, gazebos, pavilions or fountains.
- e. The maximum length of a building parallel to a public street shall not exceed 200 feet.

3. Windows

- a. A minimum of 60% of ground level facades shall be transparent glazing
- b. Reflective and/or opaque glass is not permitted on ground level floors.
- c. For building faces oriented toward a street, windows shall be placed at distances no greater than ten (10) feet apart.

12B.8. G. Color

Primary or fluorescent colors shall not be employed except on sign faces, awnings, canopies or as accent colors (not to exceed 10% of building faces exclusive of window areas).

12B.8. H. Parking Structures and Decks

When adjacent to a public street, above street level parking structures and decks shall create visual interest through the articulation of openings, cornice lines, and belt courses or similar architectural details.

12B.8. I. Building Materials

Architectural Treatment Prohibited

- 1. Prohibited exterior building materials include exterior building materials which are not textured; non-architectural metal panel systems, as-cast smooth concrete masonry or plain reinforced concrete slabs, aluminum, plywood, press-wood or corrugated steel

⁴ If used, such treatment shall extend a minimum of five feet from the face of the building. Colonnades shall have a minimum width of six feet between the inside of the columns to the building.

(exceptions: mechanical penthouses & roof screens).

2. Prohibited exterior building components, if visible from any public street, include: steel gates, burglar bars, chain link fence, steel roll down curtains. If not visible from any public street, such treatments are allowed. Interior security measures shall not be regulated.

Allowed Architectural Material

3. Exterior walls for all new buildings shall consist of a minimum of seventy percent (70%) of one or a combination of the following durable materials: brick; tile; stone with weathered, polished or fluted face; textured traditional cement stucco (real stucco); architectural concrete masonry with fluted, split-face, or broken-face finish; portland cement plaster and lath systems; architectural (either pre-cast or tilt-up) concrete either fluted or with exposed aggregate finish; or fiber cement-board.
 - a. No other building material is allowed within the first seven vertical feet from grade level on any building.
 - b. Sloped roofs shall be standing seam metal, slate, concrete roof tiles, or composition shingles.
 - c. A decorative parapet or cornice shall be constructed along all flat roof lines.
 - d. Roof-mounted equipment shall be screened from view by a decorative parapet or cornice (point of view shall be across any public street, from the edge of right-of-way furthest from the building).
 - e. Exterior building walls, decorative elements, and parapet or cornice, are exempt from the building material requirements if they meet the following conditions:
 1. If the exterior wall is not visible from any public right-of-way; and
 2. If the exterior wall does not include a public entrance.

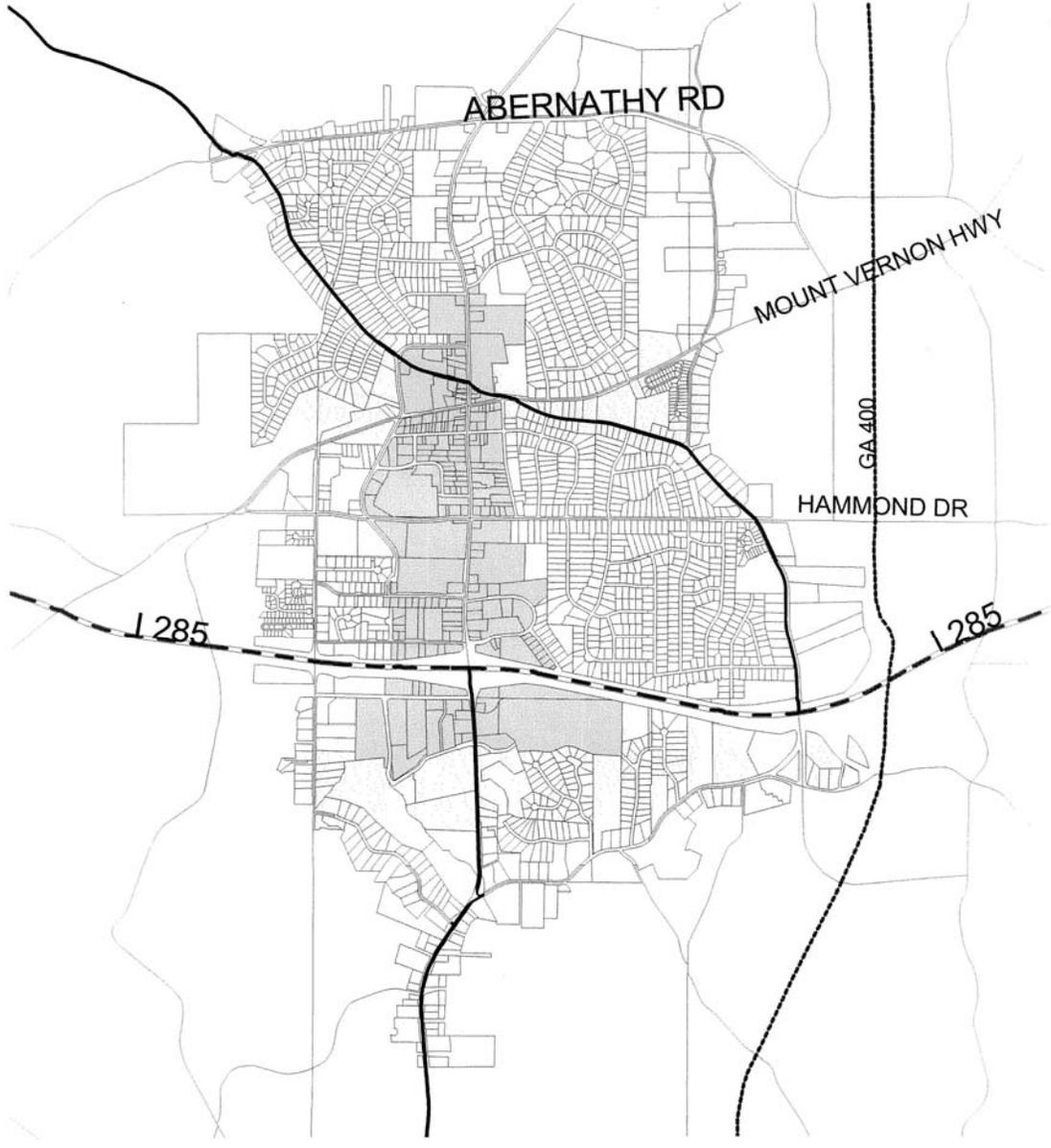
The principal entry area of a building shall be articulated and express greater architectural detail than other portions of the building. Individual tenant space entries shall also be articulated and express greater architectural detail than the building wall.

12B.8. K. Encouraged architectural elements

Encouraged architectural elements include: columns, arcades and covered entry-walkway, arches, facade offsets, windows, balconies, undulating walls, clock towers, cupolas and courtyards.

12B.8. L. Building Harmony

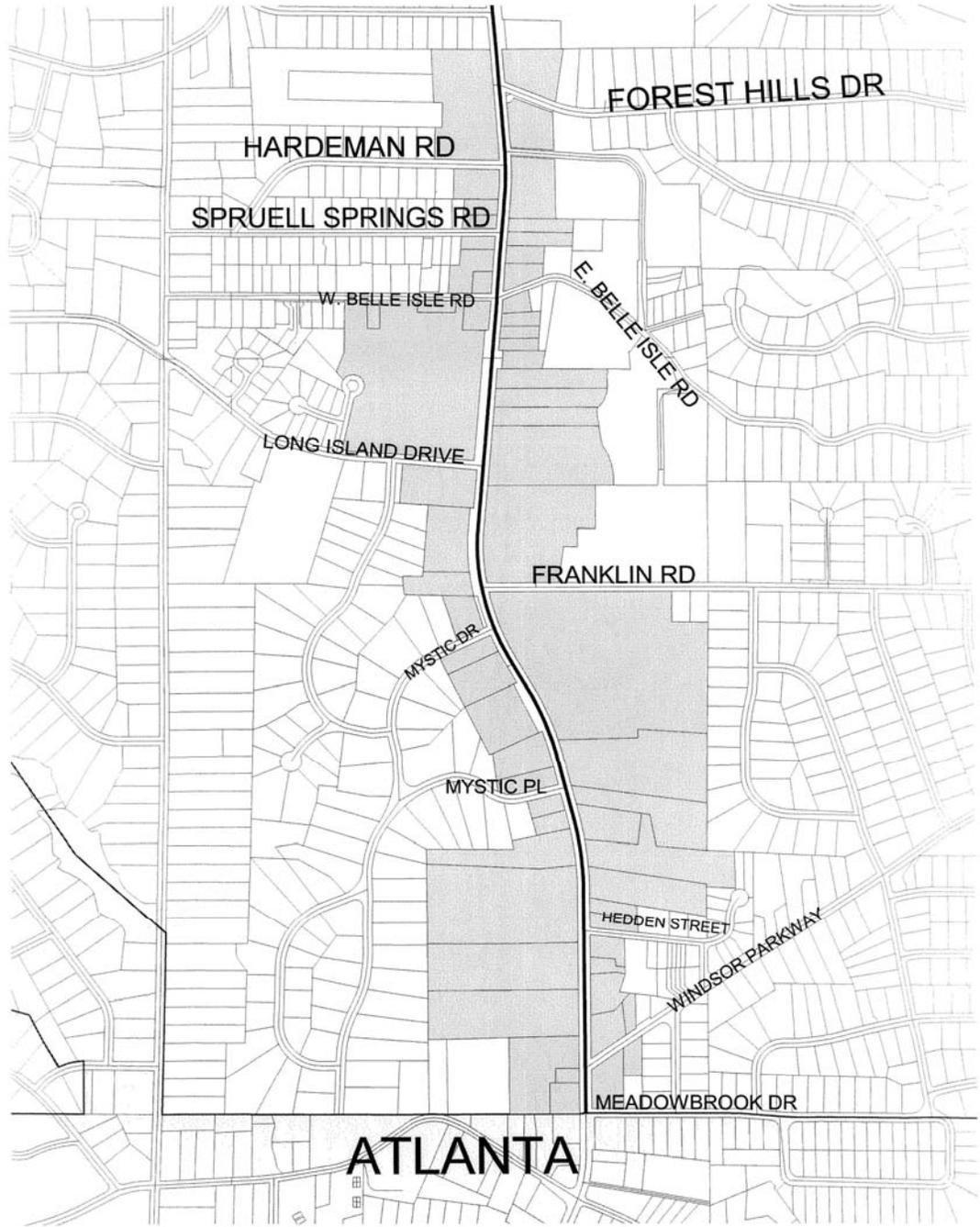
Out-parcel buildings or spin sites, which are identified on a site plan approved pursuant to a single zoning case, shall have architectural features consistent with the principal buildings.



Sandy Springs Overlay District

 Main Street  Urban

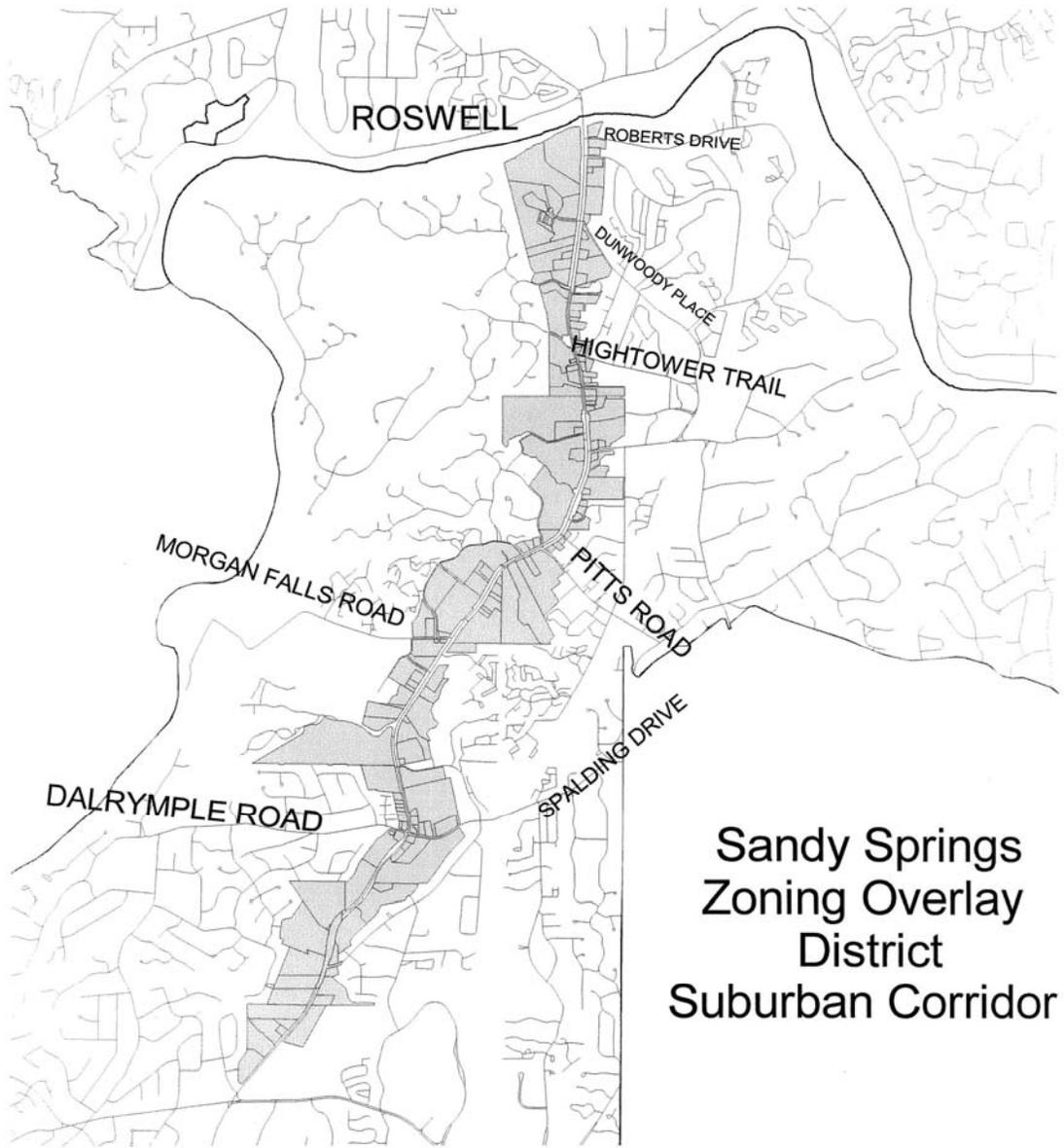




**Sandy Springs Zoning Overlay District
Village District Boundaries**

0.04 0 0.04 0.08 Miles

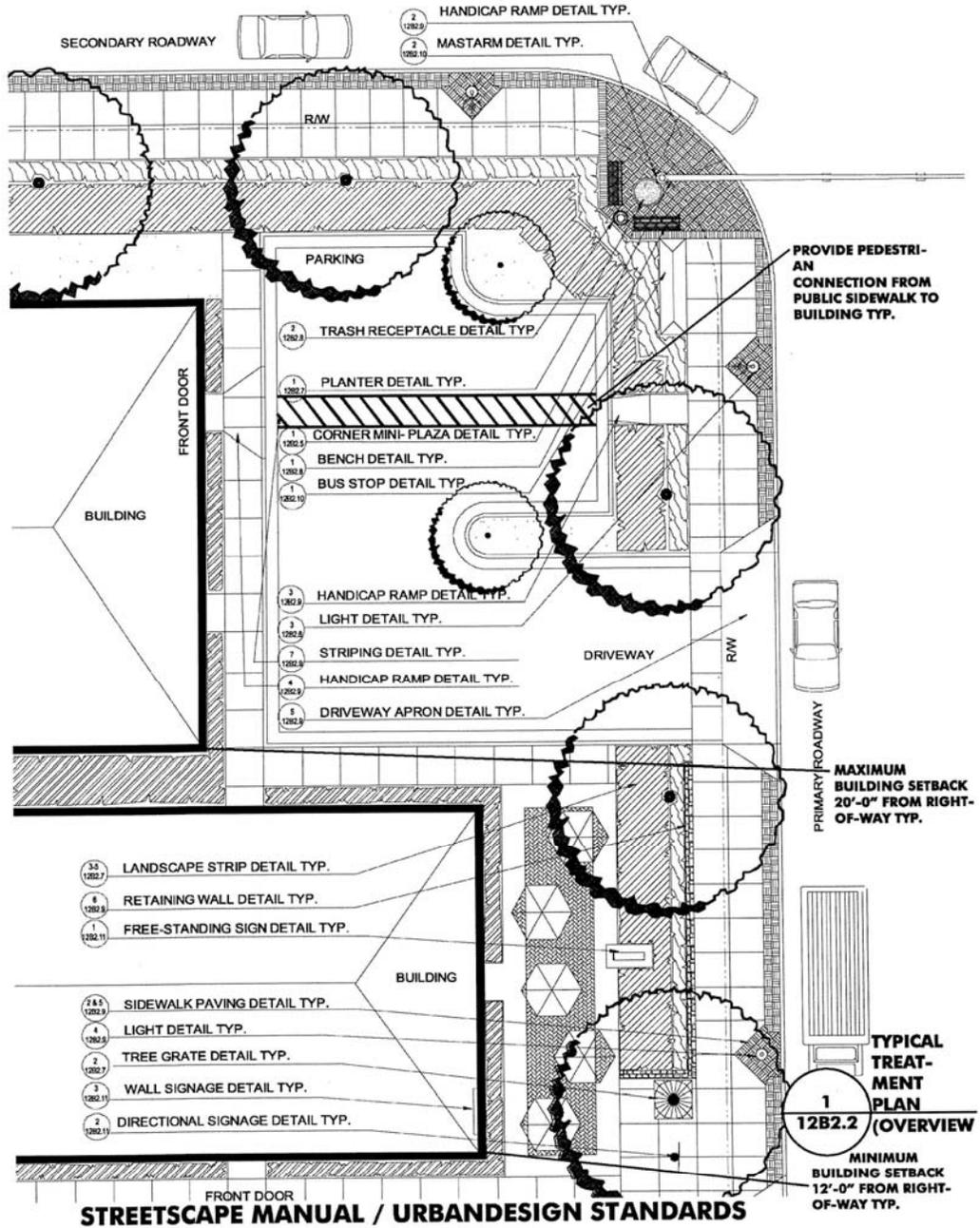




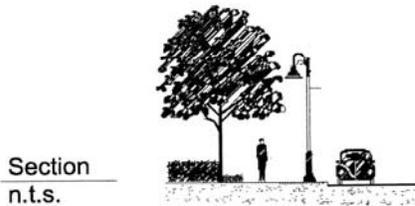
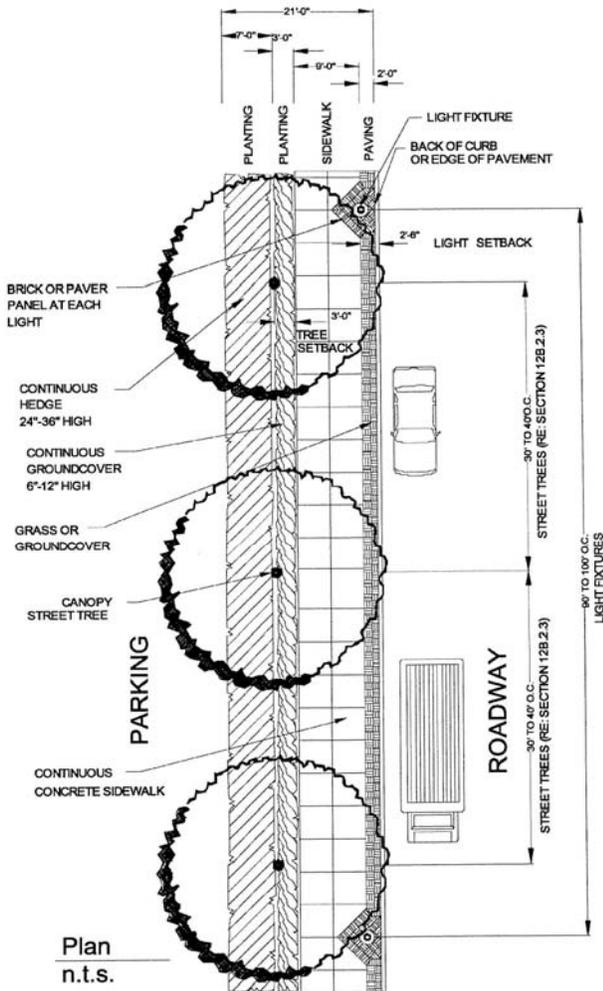
**Sandy Springs
Zoning Overlay
District
Suburban Corridor**



Main Street Zone (Section 12B2.2)



Main Street Zone (Section 12B2.2)

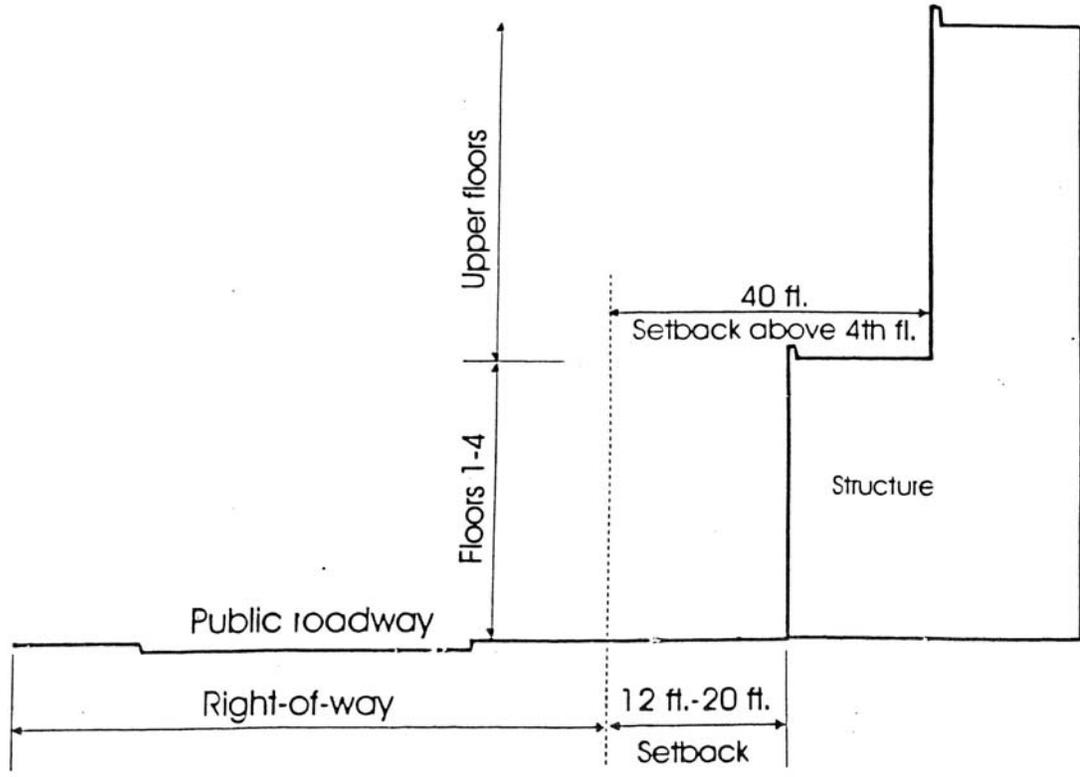


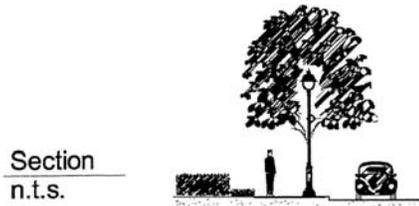
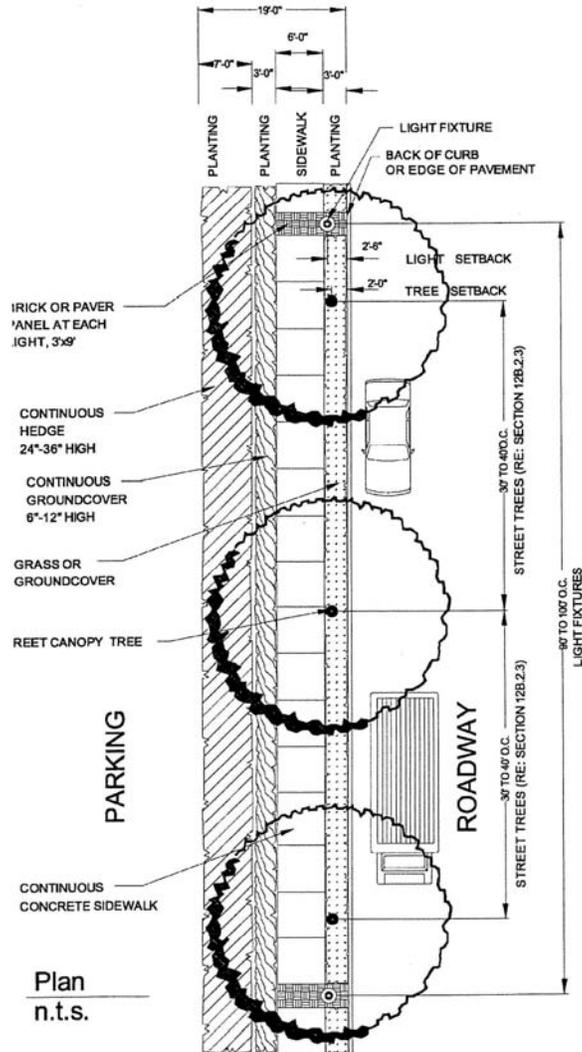
**MAIN STREET ZONE
STREETScape DEVELOPMENT
TYPICAL TREATMENT
N.T.S.**

**2
12B2.2**

LIGHTING FIXTURES ARE PROVIDED BY
THROUGH THE GEORGIA POWER OUTDOOR LIGHTING PROG

STREETScape MANUAL / URBAN DESIGN STANDARDS



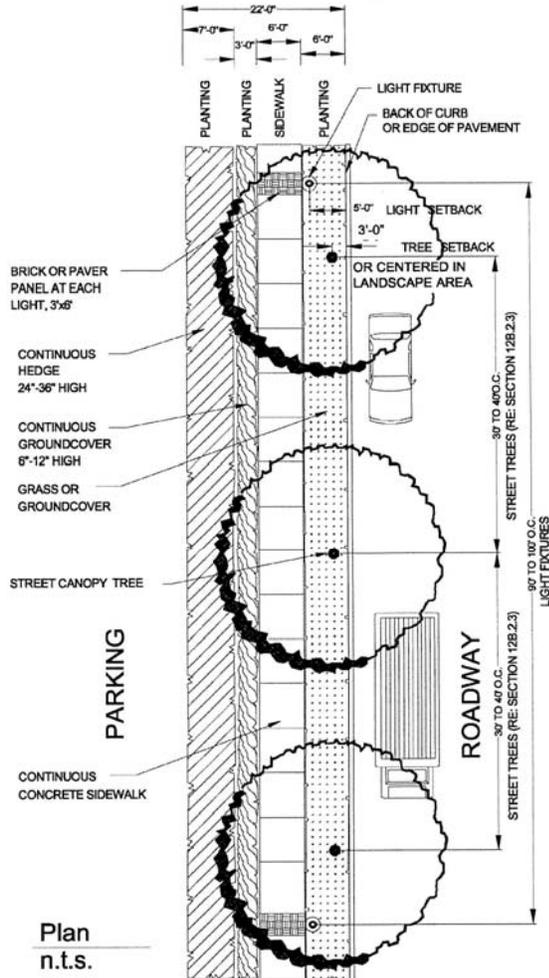


URBAN DISTRICT
STREETScape DEVELOPMENT
TYPICAL TREATMENT
1
12B2.3 N.T.S.

LIGHTING FIXTURES ARE PROVIDED BY
THROUGH THE GEORGIA POWER OUTDOOR LIGHTING PROGRAM.

STREETScape MANUAL / URBAN DESIGN STANDARDS

Suburban Corridor Zone (Section 12B2.4)



Plan
n.t.s.

Section
n.t.s.



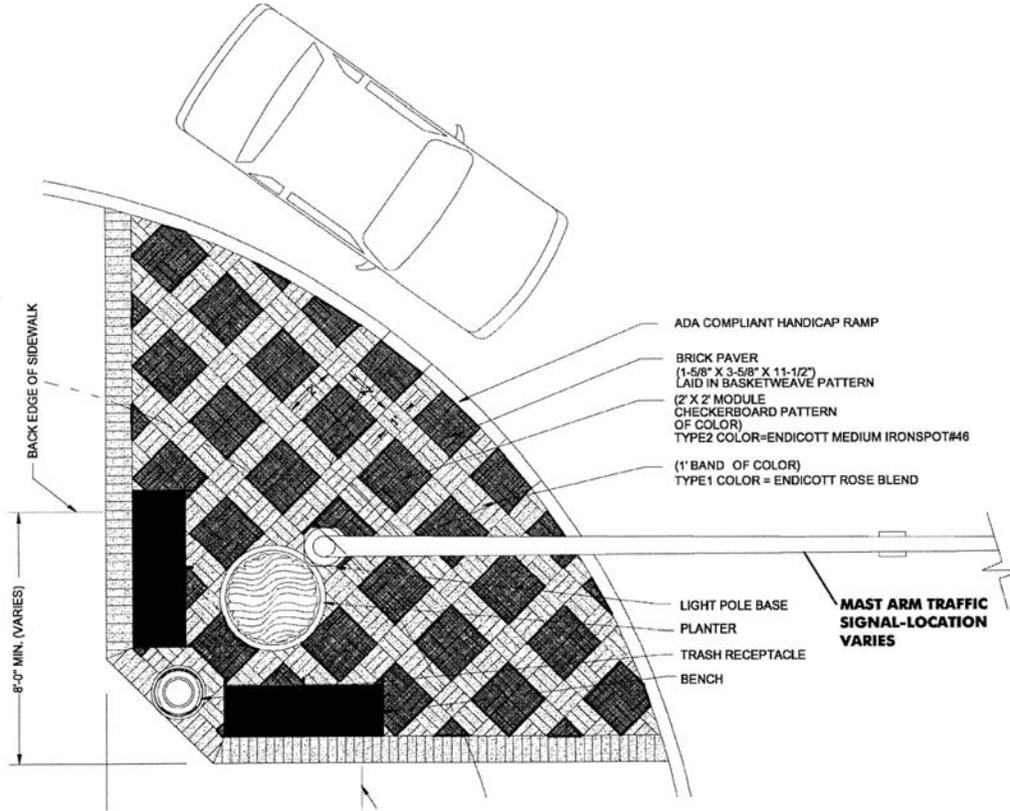
LIGHTING FIXTURES ARE PROVIDED BY THROUGH THE GEORGIA POWER OUTDOOR LIGHTING PROGRAM.



**SUBURBAN CORRIDOR ZONE
STREETSCAPE DEVELOPMENT
TYPICAL TREATMENT
N.T.S.**

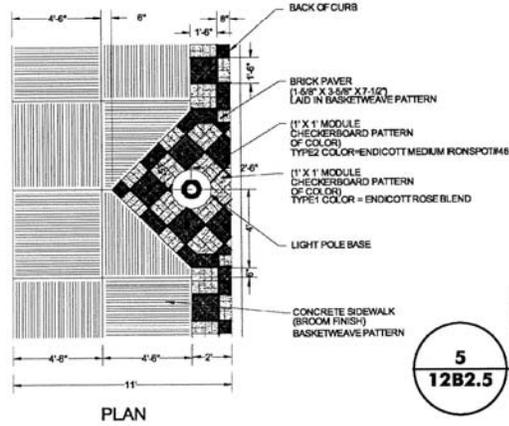
STREETSCAPE MANUAL / URBAN DESIGN STANDARDS

Paving Details (Section 12B2.5)



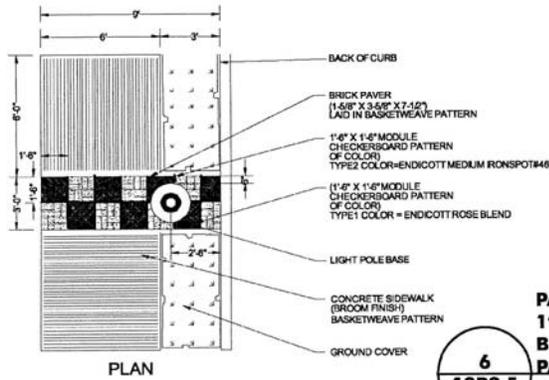
1
12B2.5 **MINI-PLAZA
PAVER PLAN**
N.T.S.

Paving Details (Section 12B2.5)



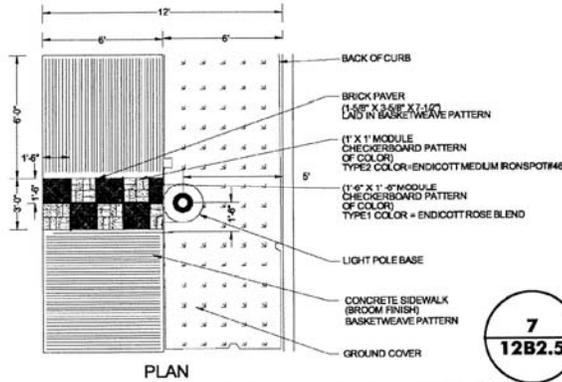
**PAVER BAND
1'-6" MODULE CHECKER-
BOARD
PATTERN
(MAIN STREET ZONE)**

5
12B2.5



**PAVER BAND
1'-6" MODULE CHECKER-
BOARD
PATTERN
(COMMERCIAL STRIP ZONE)**

6
12B2.5



**PAVER BAND
1'-6" MODULE CHECKER-
BOARD
PATTERN
(SUBURBAN CORRIDOR)**

7
12B2.5

STREETSCAPE MANUAL / URBAN DESIGN STANDARDS

Paving Details (Section 12B2.5)

UNIT PAVERS

A. BRICK PAVERS: PEDESTRIAN / VEHICULAR PAVING BRICK CONSISTING OF SOLID UNCORED, UNFROGGED BRICK OF THE FOLLOWING DIMENSIONS: 1-5/8" x 3-5/8" x 11-5/8", COMPLYING WITH THE REQUIREMENTS OF ASTM C 902 FOR THE FOLLOWING END-USE ENVIRONMENT WEATHER AND TRAFFIC, AND APPLICATION METHOD:

1. WEATHER CLASS SX.
2. TRAFFIC TYPE I
3. APPLICATION PS.

B. COLOR: TYPE 1- ENDICOTT ROSE BLEND MODULAR VELOUR TK PAVER
TYPE 2- ENDICOTT MEDIUM IRONSPOT #46 MODULAR VELOUR TK PAVER

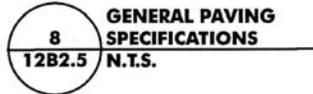
PORTLAND CEMENT MORTAR SETTING AND BED MATERIALS:

- A. PORTLAND CEMENT: ASTM C 150, TYPE I OR II
- B. HYDRATED LIME: ASTM C 207, TYPE S
- C. AGGREGATE: MINUS 0.10

GROUT MATERIALS:

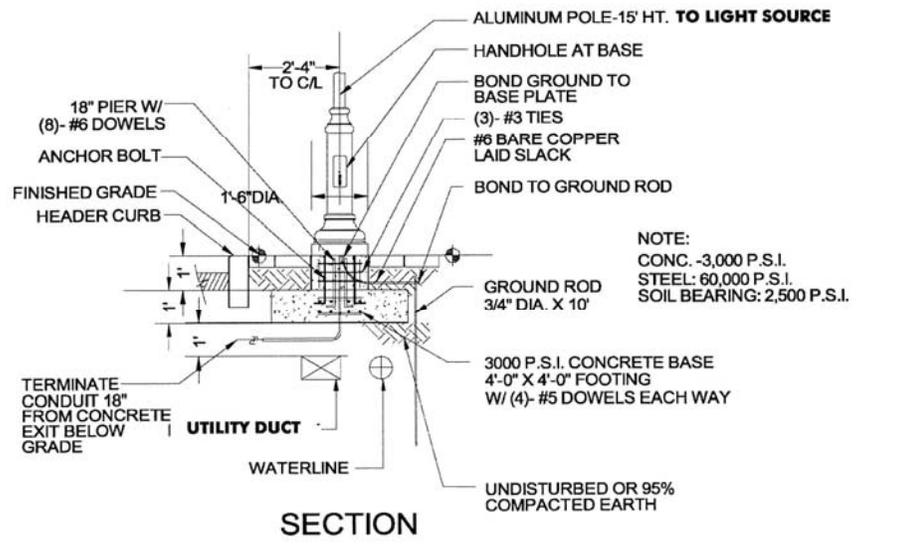
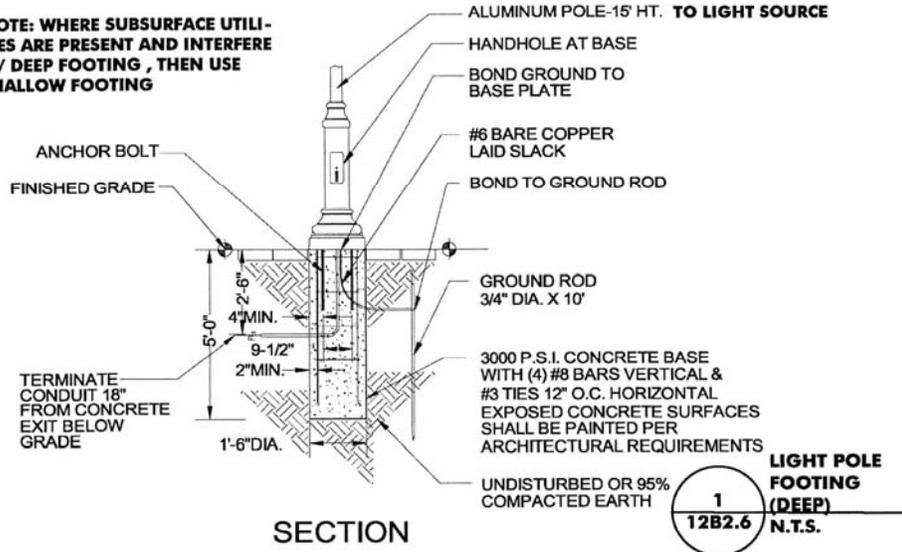
LATEX PORTLAND CEMENT GROUT: ANSI A118.6. COMPOSITION AS FOLLOWS:

1. PREPACKAGED DRY MORTAR MIX COMPOSED OF PORTLAND CEMENT, GRADED AGGREGATE, COLORED PIGMENT SAND ETHYLENE VINYL ACETATE IN THE FORM OF A RE-EMULSIFIABLE POWDER TO WHICH ONLY WATER IS ADDED AT THE JOB SITE.
2. WATER: CLEAN, FREE OF MATERIALS DETRIMENTAL TO STRENGTH OF OR BOND OF GROUT.
3. COLOR: BLUE CIRCLE CRIMSON RED #48B.

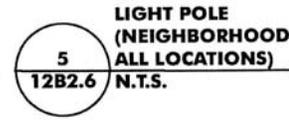
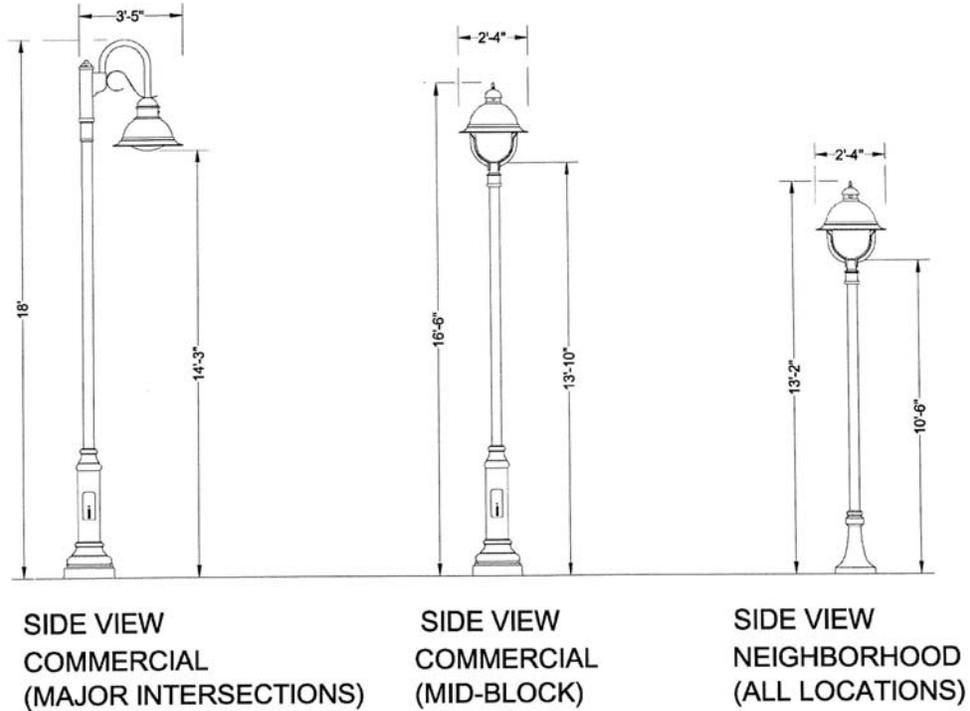


Lighting and Electrical Details (Section 12B2.6)

NOTE: WHERE SUBSURFACE UTILITIES ARE PRESENT AND INTERFERE W/ DEEP FOOTING, THEN USE SHALLOW FOOTING



Lighting and Electrical Details (Section 12B2.6)



LIGHT STANDARDS:
MID-BLOCK AND MINOR INTERSECTIONS
INTERSECTIONS ON ARTERIAL ROADS
NEIGHBORHOOD / RESIDENTIAL STREETS

LUMEC INC. (770)368-9930
175 MH-DMS60-SHA-APR4W-14-LBC1
175 MH-DMS50-SG1-120-LM 1A-R61A-SC-15
175 MH-DMS60-SHA-APR4W-12-LBC1 (LUMEC GN8-TX)

NOTE: THESE FIXTURES ARE PROVIDED AND INSTALLED THROUGH SANDY SPRINGS REVITALIZATION, INC. UNDER A BLANKET AGREEMENT WITH THE GEORGIA POWER CO. OUTDOOR LIGHTING PROGRAM.

PROVIDE (ONE)1-WEATHERPROOF DUPLEX OUTLET W/ DEDICATED 20 AMP CIRCUIT AT THE BASE OF EACH STREET TREE FOR HOLIDAY TREE LIGHTING AND OTHER PUBLIC USES. PROVIDE SEPERATE DISCONNECT ACCESSIBLE ONLY TO THE ELECTRICAL UTILITY FOR ACTIVATION OF TREE LIGHTING CIRCUITS.

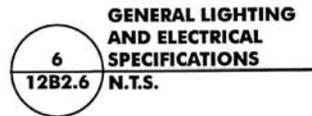
STREETSCAPE MANUAL / URBAN DESIGN STANDARDS

Lighting and Electrical Details (Section 12B2.6)

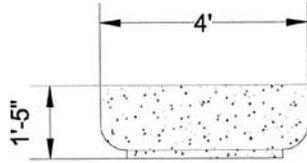
LIGHT STANDARDS:	LUMEC INC. (770)368-9930
MID-BLOCK AND MINOR INTERSECTIONS	175 MH-DMS60-SHA-APR4W-14-LBC1
INTERSECTIONS ON ARTERIAL ROADS	175 MH-DMS50-SG1-120-LM 1A-R61A-SC-15
NEIGHBORHOOD / RESIDENTIAL STREETS	175 MH-DMS60-SHA-APR4W-12-LBC1 (LUMEC GN8-TX)

NOTE: THESE FIXTURES ARE PROVIDED AND INSTALLED THROUGH SANDY SPRINGS REVITALIZATION, INC. UNDER A BLANKET AGREEMENT WITH THE GEORGIA POWER CO. OUTDOOR LIGHTING PROGRAM.

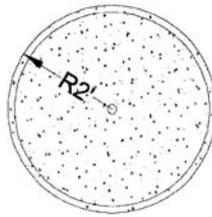
PROVIDE (ONE) 1-WEATHERPROOF DUPLEX OUTLET W/ DEDICATED 20 AMP CIRCUIT AT THE BASE OF EACH STREET TREE FOR HOLIDAY TREE LIGHTING AND OTHER PUBLIC USES. PROVIDE SEPERATE DISCONNECT ACCESSIBLE ONLY TO THE ELECTRICAL UTILITY FOR ACTIVATION OF TREE LIGHTING CIRCUITS.



Landscape Details (Section 12B2.7)



SIDE VIEW



PLAN VIEW



PLANTER DURA ART STONE INC. (800)821-1120
S-4-D-17-S18-LSB-(3)@1" CENTERED-SAUCERS
ROUND, REINFORCED CAST STONE PLANTERS WITH MATCHING SAUCERS
AND INTEGRAL NON-FADING COLOR

Landscape Details (Section 12B2.7)

ACCEPTABLE STREET TREES:

BOTANICAL NAME	COMMON NAME	SPECIFICATIONS
ULMUS PARVIFOLIA'EMERII II'	'ALLEE' CHINESE ELM	DISEASE RESISTANT VARIETY
ACER RUBRUM	RED MAPLE	GOOD FALL COLOR
ACER BARBATUM	SOUTHERN SUGAR MAPLE	DULL RED FALL COLOR
QUERCUS RUBRA	RED OAK	
QUERCUS ALBA	WHITE OAK	DIFFICULT TO TRANSPLANT
QUERCUS PHELLOS	WILLOW OAK	YELLOW FALL COLOR
ZELKOVA SERRATA'GREEN VASE'	GREEN VASE ZELKOVA	

TREES NOT ACCEPTABLE AS STREET TREES:

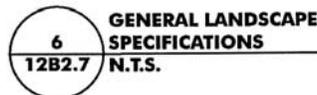
BOTANICAL NAME	COMMON NAME	SPECIFICATIONS
ACER NEGUNDO	BOX ELDER	WEAK WOOD, SHALLOW ROOTS
ACER SACHARUM	SILVER MAPLE	MESSY, EXCESSIVE INSECTS
ALBIZIA JULIBRISSIN	MIMOSA	MESSY, WEAK WOOD
CATALPA	CATALPA	INSECTS, DISEASE, SURFACE ROOTS
CELTIS OCCIDENTALIS	HACKBERRY	WEAK, SHORT-LIVED, BLOCKS VISIBILITY
PYRUS CALLERYANA 'BRADFORDI'	BRADFORD PEAR	SIDEWALK PROBLEMS
FRAXINUS VELUTINA GLABRA	MODESTO ASH	SMELLY, MESSY FRUIT
GINKGO BILOBA	GINKGO (FEMALE)	MESSY FRUIT
GYMNOCLADUS DIOICA	KENTUCKY COFFEE TREE	SIDEWALK PROBLEMS, MESSY FRUIT
LIQUIDAMBAR STYRACIFLUA	SWEETGUM	THORNS, INVASIVE, SIDEWALK PROBLEMS
MACLURA POMIFERA	OSAGE ORANGE	SIDEWALK PROBLEMS, MESSY TWIGS AND FRUIT
MORUS SPECIES	MULBERRY	WEAK, SHORT-LIVED, COTTON PROBLEMS
POPULUS DELTOIDES	COTTONWOOD	WEAK WOOD, INSECTS, DISEASES
POPULUS NIGRA 'ITALIA'	LOMBARDY POPLAR	WEAK WOOD, INSECTS, DISEASES
POPULUS TREMULOIDES	QUAKING ASPEN	WEAK WOOD, INSECTS, DISEASES
QUERCUS PALUSTRIS	PIN OAK	CHLOROSIS IN ALKALINE SOILS
RHUS SPECIES	SUMAC	WEAK WOOD
ROBINIA	BLACK LOCUST	WEAK WOOD, INSECTS, DISEASES
SALIX SPECIES	WILLOW	INVASIVE, SIDEWALK PROBLEMS, WEAK WOOD
ULMUS AMERICANA	AMERICAN ELM	INSECTS AND DISEASES
ULMUS PUMILA	SIBERIAN ELM	WEAK WOOD, INSECTS, DISEASES, STORMS
CORNUS VARIETIES	DOGWOOD	BLOCKS VISIBILITY
PRUNUS SPECIES	PLUM, CHERRY	BLOCKS VISIBILITY
ACER PALMATUM	JAPANESE MAPLE	BLOCKS VISIBILITY
MAGNOLIA SOULANGIANA	SAUCER MAGNOLIA	BLOCKS VISIBILITY
MALUS SPECIES	CRABAPPLE	BLOCKS VISIBILITY

NOTES:

1. OTHER VARIETIES MAY BE APPROVED BY THE DRB WITH ADVICE OF THE COUNTY ARBORIST.
2. TREES LISTED IN TABLE 12B.2 ARE NOT DISALLOWED IN ALL LANDSCAPE APPLICATIONS, ONLY AS STREET TREES.

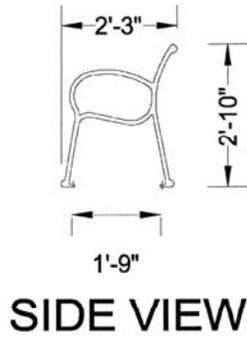
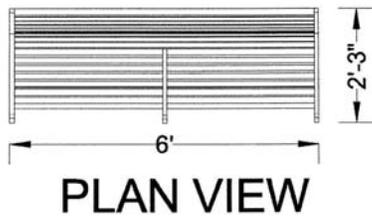
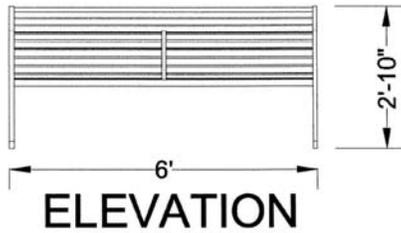
ACCEPTABLE HEDGE SCREEN SHRUBS

BOTANICAL NAME	COMMON NAME	SPECIFICATIONS
ILEX CORNUTA 'BURFORDI NANA'	DWARF BURFORD HOLLY	
ILEX CORNUTA 'ROTUNDA'	DWARF CHINESE HOLLY	
ILEX CRENATA 'COMPACTA'	DWARF JAPANESE HOLLY	
ILEX CRENATA 'HELLERI'	HELLER JAPANESE HOLLY	
PLATYCLADUS ORIENTALIS 'AUREA NANA'	BRECKMAN'S GOLDEN ARBOR VITAE	
NANDINA DOMESTICA 'COMPACTA'	DWARF NANDINA	
PITTOSPORUM TOBIRA 'WHEELERI'	WHEELER'S DWARF PITTOSPORUM	
RHODODENDRON SPECIES	KURUME AZALEA	



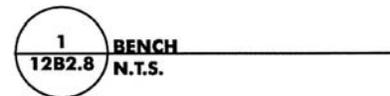
STREETSCAPE MANUAL / URBAN DESIGN STANDARDS

Street Furniture Details - Bench Elevation (Section 12B2.8)



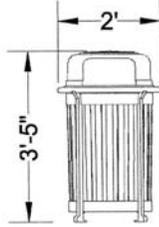
BENCH:

LANDSCAPE FORMS INC. (404)231-0185
SC3005-BS-96 W/ CENTER ARM
HORIZONTAL INSERT, SURFACE MOUNT, RAL 6012 CUSTOM COLOR

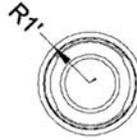


STREETScape MANUAL / URBAN DESIGN STANDARDS

Street Furniture Details (Section 12B2.8)



SIDE VIEW



PLAN VIEW

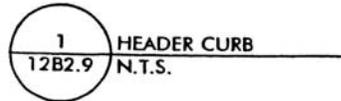
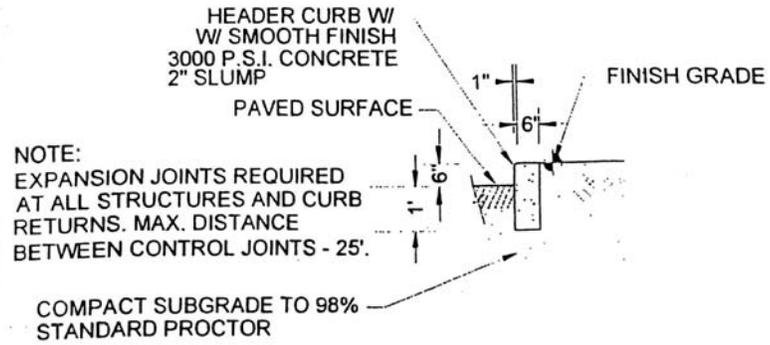


TRASH RECEPTACLE:

HORIZONTAL INSERT, SURFACE MOUNT, RAL 6012 CUSTOM COLOR

LANDSCAPE FORMS INC. (404)231-0185
SC3005-BS-96 W/ CENTER ARM
STRAP DETAIL, SURFACE MOUNT, RAL 6012 CUSTOM COLOR

Hardscape Details (Section 12B2.9)



ARTICLE XII-B(1)

Perimeter Community Improvement District

- 12B(1).1. **PURPOSE AND INTENT.** The City Council of City of Sandy Springs, Georgia hereby declares it to be the purpose and intent of this Zoning Ordinance to adopt and continue the uniform procedure previously adopted by Fulton County for providing for the protection, enhancement, preservation, unity of design, and use of places, structures, streets and landscape features in the Perimeter Community Improvement District in accordance with the provisions herein.

This Ordinance is adopted as part of a strategy designed to promote the health, safety, order, prosperity, and general welfare of the citizens of Sandy Springs through the regulation of design, aesthetics, location, bulk, size of buildings and structures, and the density and distribution of population.

This Ordinance also seeks to reduce congestion on the streets; to provide safety from fire, flood and other dangers; provide adequate light and open space; protect the natural environment and address other public requirements, in order to provide sustainable development that involves the simultaneous pursuit of economic prosperity, environmental protection and social quality.

This Ordinance also seeks, among other things, to promote accepted design principles in areas of new development and redevelopment, to raise the level of community understanding and expectation for quality in the built environment, to protect and enhance local aesthetic and functional qualities, and to stimulate business and promote economic development.

- 12B(1).2. **PERIMETER COMMUNITY IMPROVEMENT DISTRICT REGULATIONS.** The Perimeter Community Improvement District applies to all streets and street improvements contained in the Sandy Springs Perimeter Community Improvement District boundaries (see Figure I). Whenever provisions of this Article conflict with any other Article in the City of Sandy Springs Zoning Ordinance or any other Sandy Springs ordinances, regulations, or resolutions, these standards shall prevail.

**Fulton
County**
*Boundary
Map*



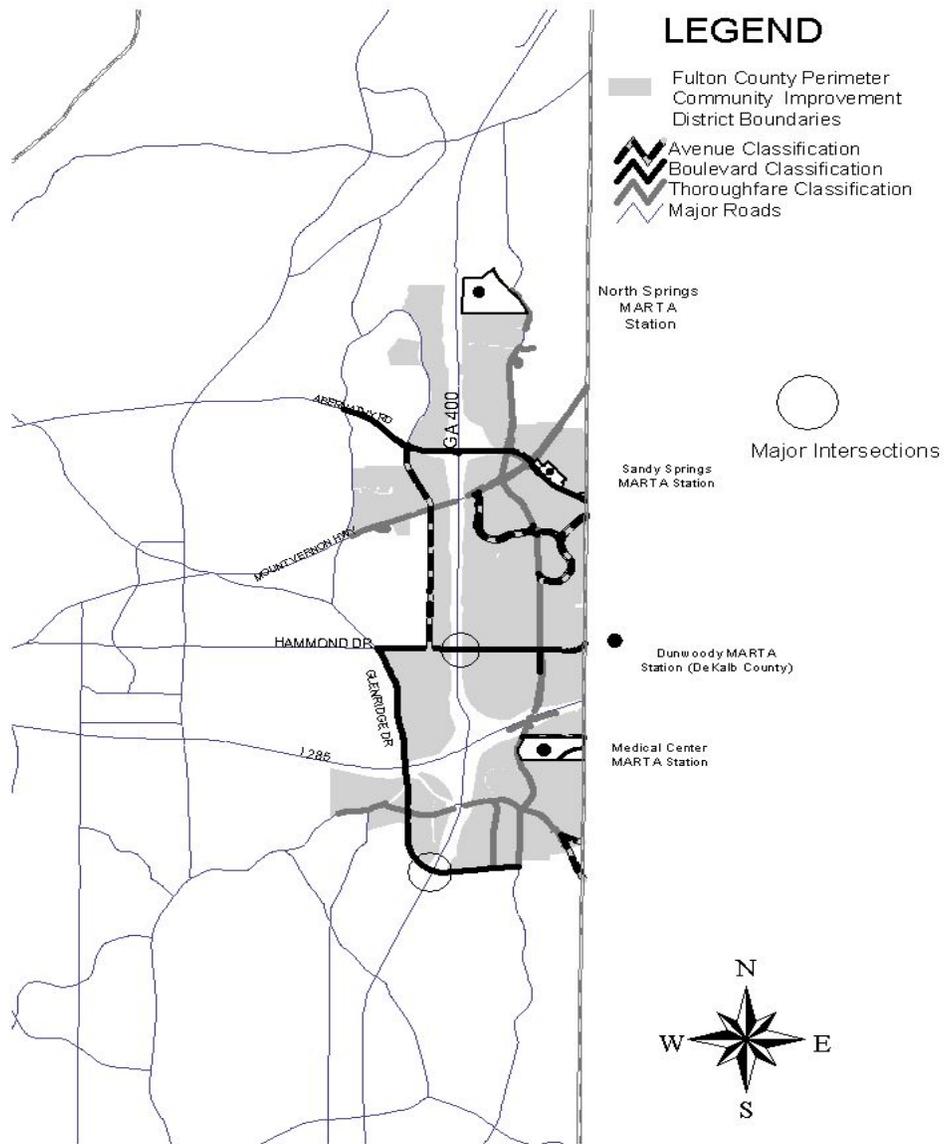


Figure2. Road Classifications and Major Intersections
Sandy Springs Portion of the Perimeter Community Improvement District

12B(1).3. DEVELOPMENT STANDARDS.

12B(1).3. A. Street Classifications

Table 1. Street Classifications		
1. Avenues		
Street	From	To
Barfield Road	Abernathy	Hammond
Crestline Parkway	Entire Length	
Central Parkway	Entire Length	
Mount Vernon Hwy	Mount Vernon Blvd	DeKalb County line
2. Boulevards		
Street	From	To
Glenridge Drive	Hammond Drive	Johnson Ferry
Glenridge Connector	Johnson Ferry Road	Peachtree-Dunwoody
Hammond Drive	DeKalb County line	Glenridge Drive
Perimeter Center West	Mount Vernon Hwy	DeKalb County line
Abernathy Road	Mount Vernon Hwy	Glenridge Drive
3. Thoroughfares		
Street	From	To
Johnson Ferry Road	Johnson Ferry Rd	Western Boundary
Mount Vernon Hwy	Glenridge Drive	Mount Vernon Blvd
Peachtree-Dunwoody Rd	Glenridge Conn	Northern Boundary
4. Interchanges		
Georgia 400 at Glenridge Connector		
Georgia 400 at Hammond Drive		
Georgia 400 at Abernathy Road		

12B(1).3. B. Design Standards

Table 2. Design Standards				
Design Element	1. Avenue	2. Boulevard	3. Thoroughfare	4. Street
a. Number of Travel Lanes	Two	Six	Six	Two
b. Travel lane width	12 feet	12 feet	12 feet	12 feet
c. On-street parking allowed	Yes	No	No	Yes, Optional

Design Element	1. Avenue	2. Boulevard	3. Thoroughfare	4. Street
d. Minimum on-street parking width	Eight feet	NA	NA	Eight Feet, Both sides
e. Minimum sidewalk width	Ten feet	Eight feet	Eight feet	Six feet
f. Bicycle lane	Five foot wide*	Incl. in 8 foot sidewalk	Five foot wide	Five foot wide
g. Minimum bicycle lane width	Five feet	NA	Five feet	Five feet
h. Median allowed	No	Yes	No	No
i. Planting Strip	NA	Five feet	Five feet	Optional

*Five foot wide bicycle path is located between on-street parking and travel lanes.

12B(1).3. C. Landscaping and Street Trees

Design Element	A. Avenue	B. Boulevard	C. Thoroughfare
1. Species of Street Trees Allowed	Youpon Holly, Burford Holly, Lungstrom	Willow Oaks	Maples
1.2. Minimum height at time of planting	12 feet	12 feet	12 feet
1.3. Minimum Caliper at time of planting	4 inch	4 inch	4 inch
1.4 Distance Planted Apart	40 ft	40 ft	40 ft
1.5. Tree Planting Area	Five by Five Feet (25 square feet)		
2.1. Plantings in landscape strips, medians, & other strips	Bushes and flowering plants which require low water use, including but not limited to Day lilies, Otto Luyken, Carissa Holly and Monkey Grass		
2.2. Medians (where allowed)	Plant trees 15' on center Bushes and Crepe Myrtle trees		

12B(1).3. D. Street Furniture

1. Allowed along public roads classified as Avenues

2. Width – Five (5) feet
3. Furniture allowed: Trash receptacles, bus shelters, benches, bike racks, newspaper boxes, vending carts, café tables, pedestrian way finding signage, kiosks, and public art.

12B(1).3. D. Street Furniture Design Standards

Table 4. Street Furniture Design Standards		
Street Furniture	Standards	Appropriate Locations
Bicycle racks	Landscape Forms Pi Rack embedded. Finish Grotto Powdercoat	All
	Columbia Cascade: Cycloops, 2170-7-C embedded. Finish: Black Powdercoat	
Bollards	DG5 Urban Accessories Finish: Raw Cast Grey Iron	Surface mounted where pedestrian-bike paths intersect other roads
Bus Shelter Canopy	Landscape Forms Kaleidoscope 2-post straight offset canopy with solid panels	All shuttle and bus stations
Bus Shelter Seating	Landscape Forms Presidio seating with backs. Finish: Grotto Powdercoat	All shuttle and bus stations
Benches	Landscape forms Presidio Collection PD3001-BS-22, Finish: Grotto Powdercoat	All
Planters	Landscape Forms Rosa Planter 42", 36", 30" or 24" diameter. Polyethylene Free-standing Color: Millstone.	As desired
Trash Receptacle	Presidio Collection PD5001-26-30. Surface mount Finish: Grotto Powdercoat	All
Tree Grate	Urban Accessories. Eco 4' x 4' square. Finish: Raw Cast Iron PCID Logo	All

12B(1).3. E. Decorative Lighting

Table 5. Decorative Lighting		
1. Pedestrian Lights		
Elements	Standards	Color
a. Luminaire	Franklin Square. Mfg: Spring City Elec. Mfg. Co	Dark Green
b. Pole	North Hampton Aluminum. 4” round. 10’ aluminum pole. Mfg: Spring City Elec. Mfg. Co	Dark Green
c. Decorative Base	Mfg: Spring City Elec. Mfg. Co. PCID logo.	Dark Green
2. Street Lights		
a. Mounting Arm	Coral Way Single. Mfg: Spring City Elec. Mfg. Co	Dark Green
b. Luminaire	LCLS-DGR Prismatic Glass. Mfg: Sun Valley Lighting	Dark Green
c. Pole	North Hampton 20” Steel. Mfg: Spring City Elec. Mfg. Co	Dark Green
d. Attachment	Two (2) 37” width banner arms. Mount 8’-3” apart on sidewalk side of pole	Dark Green
Traffic Pole	Mfg: Valmont (with PCID logo)	
e. Decorative Base	Mfg: Spring City Elec. Mfg. Co (with PCID logo)	Dark Green
f. Street Sign	Height: 19”. Width: 48”/72”/96” Manufacturer: Southern Manufacturing	LED Illuminated

12B(1).3. F. Pavers

1. All intersections shall have two-toned concrete sidewalks.
 - a. Standard: Scofield Concrete L-M
 - b. Color
 - b.1. Sun Baked Clay (Color # 5238)
 - b.2. Autumn Beige (.Color # 0288) to be used as border
2. Decorative pavers shall be used as accents along concrete sidewalks.
 - a. Holland Parkway Series
 - b. Color: Desert Stone or Old Town Blend
 - c. Measurement: 4” x 8” x 3/8”
3. Stamped Concrete should be used at intersections to signify highly used pedestrian crossings to motorists. Stamped patterns may vary for each intersection.

12B(1).3. G. Pedestrian/Bicycle Path and Shuttle Connector Path Standards

1. Path Width: Twelve feet (12’).
2. Pedestrian Lights
3. Landscaping: Ten feet (10’) wide on both sides of path.

12B(1).4. SEVERABILITY. In the event that any section, subsection, sentence, clause or phrase of this Article shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses or phrases of this Article, which shall remain in full force and effect, as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.

12B(1).5. APPEALS. Any persons aggrieved by a final decision of the Department of Community Development relating to this article may appeal such final decision to the Board of Zoning Appeals by filing in writing setting forth plainly, fully and distinctly why the final decision is contrary to law per the City of Sandy Springs Zoning Ordinance. Such appeal shall be filed within 30 days after the final decision of the Department is rendered.

12B(1).6. ADOPTION AND EFFECTIVE DATE. NOW, THEREFORE BE IT RESOLVED, the City Council does hereby ordain, resolve and enact the foregoing Article XII-B(1) to the City of Sandy Springs Zoning Ordinance.

ARTICLE XVIII

OFF STREET PARKING AND LOADING

18.1 SCOPE.

The location, design and quantity of off-street parking and loading facilities for every use located in Sandy Springs shall comply with requirements herein.

18.2 PARKING SPACES REQUIRED.

Every use shall be served by off-street parking spaces as specified below. Parking spaces shall serve only the designated use and shall be located on the same lot as the use unless another location is authorized in accordance with other provisions of this Zoning Ordinance.

18.2.1 BASIC OFF-STREET PARKING REQUIREMENTS. Parking requirements shall be calculated based on the proportion that each use contributes to the total. All areas are expressed in gross square feet of building area unless ground area or some other measure is specified. Any fraction of one-half or larger shall constitute a whole. A bench seat shall consist of 18 inches.

USE GROUP	EXAMPLE OF TYPES OF USE	MINIMUM REQUIREMENT
All areas are expressed in spaces per GROSS SQUARE FEET OF BUILDING AREA <u>unless</u> GROUND AREA or some other measure is specified.		
Adult Entertainment Establishments		10 per 1000 sq. ft.
Assembly Places with Fixed Seating	stadiums auditoriums theaters amphitheaters	one per 4 fixed seats
Assembly Places without Fixed Seating	meeting halls libraries	one per 35 sq. ft. in largest assembly room
Auto Dealerships, Sales & Service	new car sales used car sales service & parts	6.5 per 1000 sq. ft.
Bowling Alley		5 per alley

USE GROUP	EXAMPLE OF TYPES OF USE	MINIMUM REQUIREMENT
All areas are expressed in spaces per GROSS SQUARE FEET OF BUILDING AREA <u>unless</u> GROUND AREA or some other measure is specified.		
Child Care Kindergarten	day care centers pre-school	1.7 per 1000 sq. ft. + one per 4 employees on the largest shift
Churches and Other places of Worship Without Fixed Seating	churches cathedrals temples	one per 3.5 fixed seats in the largest assembly area one per 30 sq. ft. in largest assembly are
<u>Clubs and Lodges</u>	country clubs fraternal organizations	5 per 1000 sq. ft.
Club with Golf Course		50 per 9 holes + one per 1000 sq. ft.
Commercial, Amusement, Outdoor	amusement parks skateboard parks batting cages	1 per 4 fixed seats or one per 35 sq. ft. of floor area used for moveable seats; plus 10 per 1000 sq. ft. of ground area identified for recreation and assembly
Custodial Care	halfway houses	2.5 per 1000 sq. ft.
Dormitories and Related	dormitories fraternity houses sorority houses boarding houses	one per bedroom + 5 per 1000 sq. ft. of common area
Festivals, Outdoor	horseshows carnivals dogs shows arts and crafts shows	2 per 1000 sq. ft. of ground area identified for festivals and music festivals related seating
Financial Institutions	banks credit unions brokerage houses	5 per 1000 sq. ft.
Funeral Homes		one per 3 fixed seats + one for each 25 sq. ft. in the largest assembly room
Golf Course, Public and Private, Without Club Facilities		50 spaces per 9 holes

USE GROUP	EXAMPLE OF TYPES OF USE	MINIMUM REQUIREMENT
All areas are expressed in spaces per GROSS SQUARE FEET OF BUILDING AREA <u>unless</u> GROUND AREA or some other measure is specified.		
Health Care Facilities	hospitals out-patient clinics convalescent home nursing home	one per four beds + one per 3 employees
Hotels & Motels, No Restaurants With Restaurants	apartment hotels hotels motels	one per room 1.25 per room
Industrial and Manufacturing	assembly plants fabrication plants factories	one per 1000 sq. ft.
Laboratories, Scientific & Related	experimental labs fabrication plants factories	2.5 per 1000 sq. ft.
Medical Offices Related Facilities	dental offices doctor's offices veterinary offices clinics	4 per 1000 sq. ft.
Mini-warehouses		1 per employee + 1 per 5000 sq. ft.
Offices, General	freestanding offices office towers office parks offices assoc. with other uses	3 per 1000 sq. ft. to 250,000 sq. ft.; 2.8 per 1000 sq. ft. all exceeding 250,000 sq. ft.
Personal Service Establishments	barber shops beauty parlors Laundromats dry cleaners	5 per 1000 sq. ft.
Race Track		one per 4 fixed seats or one per 35 sq. ft. of floor area used for moveable seats, + 10 per 1000 sq. ft. of other spectator area.
Recreational Facilities, Indoor	billiard parlors	5 per 1000 sq. ft.

USE GROUP	EXAMPLE OF TYPES OF USE	MINIMUM REQUIREMENT
All areas are expressed in spaces per GROSS SQUARE FEET OF BUILDING AREA <u>unless</u> GROUND AREA or some other measure is specified.		
	game rooms arcades skating rinks physical fitness centers museums	
Recreation, Private Single-family or Mixed Residential Use, Association or Club Multi-family Residential	tennis court basketball court swimming pool	3 per court 4 per court 6 per adult swimming pool + 1 per 15 dwelling units beyond 60 served included in basic parking requirement
Recreation, Public	basketball court playing fields tennis courts driving range miniature golf swimming pool	4 per court 50 per field 3 per court 2 per tee 20 per 18 holes 20 + 1 per 50 sq. ft. of pool area
Recycling Center		1.5 spaces per 1,000 square feet of building floor area and 2 spaces per outdoor recycling collection container plus loading spaces as specified in Section 18.6.1
Residential, Multi-family (fewer than 40 units/acre)	one bedroom or efficiency unit 2 bedroom unit 3 bedroom unit	1.4 per unit 2.0 per unit 2.25 per unit
Residential Multi-family Highrise (40 + units acre)	one bedroom or efficiency unit 2 bedroom unit 3 bedroom unit	1.25 per unit 1.75 per unit 2.00 per unit
Residential, Single Family	detached dwelling duplexes mobile Homes	2 per dwelling unit
Residential, Retirement Home	retirement homes	1.25 per dwelling unit

USE GROUP	EXAMPLE OF TYPES OF USE	MINIMUM REQUIREMENT
All areas are expressed in spaces per GROSS SQUARE FEET OF BUILDING AREA <u>unless</u> GROUND AREA or some other measure is specified.		
	retirement village	
Restaurants, Nightclubs and Taverns (including outdoor seating)	cafeterias bars dance clubs restaurants music clubs bistros	10 per 1000 sq. ft.
Retail Establishments	boutiques shops stores rental services art galleries food stores	5 per 1000 sq. ft.
Roadside Stand		6 + 5 per 1000 sq. ft. ground area
Salvage, Storage and/or Junk Facility		1 per employee plus 4 per acre
Schools	junior high elementary middle secondary colleges business colleges universities trade conservatories vo-tech	larger of 2 per classroom <u>or</u> one per 35 sq. ft. in largest assembly area larger of 10 per classroom <u>or</u> one per 35 sq. ft. in largest assembly area 5 per 1000 sq. ft.
Service and Repair Establishments	appliance repair shops bicycle repair shops shoe repair shops general repair centers	5 per 1000 sq. ft.
Service Stations and Automotive Repair Centers	automotive garages paint and body shops tire centers	5 per 1000 sq. ft.

USE GROUP	EXAMPLE OF TYPES OF USE	MINIMUM REQUIREMENT
All areas are expressed in spaces per GROSS SQUARE FEET OF BUILDING AREA <u>unless</u> GROUND AREA or some other measure is specified.		
	service stations car care centers	
Warehousing and Storage	commercial storage distribution centers	one per 2000 sq. ft.

18.2.2 SHARED PARKING.

The standards for shared parking may be utilized for any of the combinations of uses shown below on any number of properties when approval is reflected in the conditions of zoning for each such property. Similar provisions are provided under OFF-SITE AND SHARED PARKING REQUIREMENTS in the Use Permits article for those uses which were not zoned concurrently or as part of a multiple use project. The conditions of zoning or Use Permit, as applicable, establish the limits of parking requirements among uses and properties, and Sandy Springs shall not require any contractual relationship among property owners.

The standards for determining parking requirements in a multiple use development are:

- A. Determine the minimum amount of parking required for each separate use.
- B. Multiply each parking requirement by the corresponding percentage for each of the time periods given below.
- C. Calculate the column total parking requirement for each time period.
- D. The largest column total is the shared parking requirement.

	WEEKDAYS		WEEKENDS		NIGHTTIME
	6 am-5pm	5pm-1am	6am-5pm	5pm-1am	1am-6am
OFFICE	100%	10%	10%	5%	5%
RETAIL	60%	90%	100%	70%	5%

HOTEL	75%	100%	75%	100%	75%
RESTAURANT	50%	100%	100%	100%	10%
ENTERTAINMENT/ RECREATIONAL	40%	100%	80%	100%	10%
CHURCH	50%	50%	100%	100%	10%

EXAMPLE

Properties proposed for individual uses would require the following number of parking spaces:

Office-----300 spaces
 Retail-----280 spaces
 Entertainment----100 spaces
 Total-----680 spaces

Properties proposed for multiple uses under the provisions for shared parking would require the following number of parking spaces:

	WEEKDAYS		WEEKENDS		NIGHTTIME
	6 am-5pm	5pm-1am	6am-5pm	5pm-1am	1am-6am
OFFICE	300	30		15	
RETAIL	168	252	280	196	14
HOTEL					
RESTAURANT/ ENTERTAINMENT/ RECREATIONAL	40	100	80	100	10
TOTAL	508	382	390	311	39

Thus, 508 spaces would be needed for this development, a reduction of 172 spaces or 25 percent.

18.2.3 REDUCTION OF THE BASIC REQUIREMENT. (Changed 7/5/89) A reduction of the basic off-street parking requirement will be allowed for nonresidential and multifamily developments that locate within 1500 feet of a MARTA rail station which is complete or scheduled for completion within three years. A reduction will be allowed on the following scale whenever pedestrian access is provided between

the use and the MARTA rail station as approved by the Director of the Department of Community Development.

<u>Straight-line Distance from MARTA Station Property Line to Applicant Property Line</u>	<u>Reduction</u>
0-500 feet	15%
501-1000 feet	10%
1001-1500 feet	5%

18.2.4 ADMINISTRATIVE REDUCTION OF SPACES CONSTRUCTED. The Director of the Department of Community Development may authorize a reduction in the total number of parking spaces constructed on a site to no less than 90 percent of the basic requirement when all of following conditions are met:

- A. The request for reduction in parking shall show that the reduction is justified on the basis of characteristics unique to the specific proposed use of the property in contrast to the characteristics of other uses within the same category.
- B. Adequate land area for meeting the basic parking requirement is located on and designed for the site whether at grade or in parking decks. The unconstructed portion of the parking shall be clearly delineated and labeled "Future Parking" on the Site Plan.
- C. Prior to granting the reduction in total parking spaces constructed, the Director of the Department of Community Development shall conclude that the reduction is justified, and shall approve, in whole or in part, or deny the request stating the reasons therefore in the report.
- D. If the Director of the Department of Community Development finds that the parking reduction is no longer justified, the Director shall notify the owner to construct the number of parking spaces necessary to meet the required level.
- E. Prior to any change in ownership or use, the owner must apply to the Director of the Department of Community Development for an evaluation and confirmation of the reduction.

18.3 ACCEPTABLE LOCATIONS FOR OFF-STREET PARKING

18.3.1 PARKING AND LOADING LOCATIONS. Note: The minimums required in this subsection may be less than the requirements necessary to accommodate a landscape area or buffer requirement of Section 4.23. At a minimum, all required parking spaces must be located on an all weather surface as defined in Article III.

- A. Single Family Districts. Within single-family dwelling districts and the AG-1 district when utilized for a single family dwelling, the parking or storage of vehicles shall be prohibited except on PARKING SPACES as defined in Article III. Off-site location of required parking spaces is prohibited. Unenclosed parking spaces may occupy a side yard, and no more than 50 percent of a required rear yard. A maximum of two spaces may be permitted adjoining the entrance to a front entry garage or carport, or adjoining the end of a driveway whenever no garage or carport exists. Garage and carport spaces may count toward the minimum required spaces in single family districts.

Within the AG-1 and single family districts when utilized for other than a single family dwelling, the parking or storage of vehicles shall be located in accordance with the O-I DISTRICT requirements stated in E below.

The visible storage or parking of more than four vehicles at a single-family residence shall be unlawful. Parking or storage of a junk or salvage vehicle shall constitute an unlawful use except that no more than two such vehicles shall be permitted if parked or stored in a garage or carport not visible from a street or adjacent residential property.

- B. TR, Townhouse Residential District. Individually subdivided parcels shall adhere to single-family district standards except that no off-street parking or driveways shall be located within 10 feet of any perimeter lot line. Garage carport spaces count toward the minimum required spaces in the TR District.
- C. A, Apartment Dwelling District. No off-street parking shall be permitted within the required setback for the front yard and the side corner yard. Driveways shall not be located nearer than 10 feet to any side or rear property line. No off-street parking space shall be located within 25 feet of any side or rear property line adjacent to a single family dwelling district or use, nor within 10 feet of any other property line. TR District requirements shall apply to single-family detached units constructed within the A District.
- D. A-L, Apartment Limited Dwelling District. No off-street parking shall be permitted within the required setback for the front yard and the side corner yard. Driveways shall not be located nearer than 10 feet to any side or rear property line. No off-street parking space shall be located within 25 feet of any side or rear property line adjacent to a single family dwelling district or use, nor within 10 feet of any other property line.
- E. O-I, Office/Institutional Districts. No off-street parking shall be permitted within the required setback for the front yard and the side corner yard. No off-street parking shall be permitted within 25 feet of any property line which adjoins a single family residential district or use.

Off-street loading areas shall be provided in the rear or interior side yards.

- F. C-1 and C-2, Commercial Districts. The off-street parking location regulations for dwellings, schools, institutions and similar uses are the same as for those uses in the A District.

Uses permitted in commercial districts other than those devoted to dwellings, schools, institutions, and similar uses shall provide no off-street parking within 25 feet of any property line that adjoins a residential district or use.

Off-street loading areas shall be provided in the rear or interior side yards. Minimums required in this subsection may be less than the requirements necessary to accommodate a landscape area or buffer required in Section 4-23.

- G. M-1, M-1A and M-2, Industrial Districts. The off-street parking location regulations for dwellings, schools, institutions and similar uses are the same as for those uses in the A District.

Uses devoted to manufacturing, warehousing, commercial and other uses permitted in industrial districts shall provide no off-street parking within 25 feet of any property line which adjoins a residential use or district.

- 18.3.2 LIMITATION ON TRUCKS. (Changed 7/5/89) Except for trucks used in farming the property on which they are located, or trucks used in conjunction with a permitted use, trucks and/or trailers exceeding four tons empty weight shall not be stored or parked in any Agricultural or Residential zoning district unless engaged in moving household goods or making deliveries.
- 18.3.3 SHARED DRIVEWAYS. Driveways may be shared in all districts.
- 18.3.4 OFF-SITE LOCATION OF REQUIRED PARKING. An Administrative Permit for off-site parking may be considered in accordance with the provisions of Article XIX.
- 18.3.5 LANDSCAPE AREAS AND BUFFERS. No required parking shall be permitted in any required landscape area or buffer. (See 4.23)
- 18.3.6 VEHICLES AT AUTOMOTIVE REPAIR AND SPECIALTY SHOPS. Vehicles at automotive repair and specialty shops must be serviced and stored within the footprint of the building or at the rear of the structure but outside of any minimum yard. Vehicles must be totally screened from all property lines by a 100% opaque fence or wall together with landscape strips and buffers as specified by Article 4.23.1.

18.4 OFF-STREET PARKING DESIGN REQUIREMENTS

18.4.1 ANGLED OR PARALLEL PARKING. Aisles serving off-street parking shall be no fewer than 22 feet in width, except that aisles designed for one-way circulation systems shall be no fewer than 14 feet in width for 0-45 degree parking, 18 feet in width for 46 to 60 degree parking and 22 feet in width for 61 to 90 degree parking. A standard parking space shall measure no fewer than 153 square feet, and shall be no fewer than 8.5 feet wide. Twenty percent (20%) of the total parking spaces may be designated as compact car spaces. A compact space shall measure a minimum of 120 square feet with a minimum width of 8 feet. Each compact space shall be clearly marked. No part of a vehicle shall overhang into a LANDSCAPED PORTION OF A REQUIRED landscape area.

18.4.2 LANDSCAPE ISLANDS. Landscape islands shall be provided throughout parking lots in accordance with the requirements of Section 4.23 of this Ordinance.

18.4.3 HANDICAPPED PARKING. Parking spaces designed for handicap persons shall be provided in accordance Georgia law.

18.5 PARKING FOR SPECIALIZED VEHICLES

Specialized vehicles such as earth moving equipment, tractors or other heavy construction vehicles are only to be stored in residential, Agricultural districts and non-residential districts except M-1 and M-2 industrial districts during construction under an active building permit and/or land disturbance permit. Other specialized vehicles such as recreational vehicles, campers, buses (including school buses), trailers, mobile home coaches, boats and boat trailers may be parked or stored in all residential districts under the following conditions: (Also See 18.3.2 for trucks)

- A. That such vehicles are not used as living quarters.
- B. That the location of the parking or storage area shall be in the buildable area of the lot and shall not be in front of the principal structure.

18.6 OFF-STREET LOADING

18.6.1 LOADING SPACES REQUIRED. Off-street loading spaces shall be provided as follows:

TYPE OF USE	GROSS FLOOR AREA (SQ. FT.)	LOADING SPACES REQUIRED
Single Retail	0 to 19,999	None

Establishment Services	20,000 to 49,999 50,000 to 250,000 Over 250,000	One Two Three
Shopping Centers	0 to 19,999 20,000 to 49,999 50,000 to 100,000 Each additional 100,000	None One Two One
Office Buildings, Apartment Building over four stories, Hospitals, Health Care Establishments, Hotels and Motels	0 to 999,999 1,000,000 to 2,000,000 More than 2,000,000	None One Two
Manufacturing, Warehousing, Wholesaling, etc.	Up to 14,999 15,000 to 39,999 40,000 to 65,000 Each additional 80,000	One Two Three One
Recycling Center		2 loading spaces measuring no less than 12 feet by 35 feet and having 14 feet of vertical clearance

18.6.2 DESIGN AND ARRANGEMENT OF OFF-STREET LOADING AREAS. The following standards shall apply to off-street loading areas:

- A. A loading space shall measure no less than 12 feet by 35 feet and have 14 feet of vertical clearance.
- B. For any use required to furnish three or more loading spaces, at least one in every three shall measure no less than 12 feet by 55 feet.
- C. Maneuvering space shall not include required parking spaces or any portion of a public right-of-way.

18.6.3 OFF-STREET LOADING LOCATION LIMITATIONS. Off-street loading spaces and maneuvering areas shall be located only in those portions of a lot where off-street parking areas are allowed with the following additional limitations:

- A. Industrial Zoning Districts: If the loading and maneuvering areas are across from, or adjacent to, any non-industrial zoning district, a fifty foot landscaped strip shall be established, behind which the maneuvering and berth space may be located.
- B. Non-Industrial Zoning Districts: In the event that spaces and maneuvering areas are to be located in a yard adjacent to any established residential use, a fifty foot landscaped strip shall be established behind which the berths and maneuvering spaces may be located.

ARTICLE XIX

Administrative Permits and Use Permits

19.1. SCOPE AND INTENT

This article specifies uses which are not classified as permitted uses in zoning districts, and are therefore only allowed through the approval of an Administrative Permit or a Use Permit. The standards which apply to each use are enumerated and must be met in order for an application to be granted.

19.2. APPLICATION AND APPROVAL

Uses allowable with an ADMINISTRATIVE PERMIT and the minimum standards for such uses are listed in Section 19.3 of this Article.

Uses allowable with a USE PERMIT and the minimum standards for such uses are listed in Section 19.4 of this Article.

19.2.1. APPLICATION OF REGULATIONS.

Uses enumerated herein may be authorized by Administrative Permit or Use Permit, as specified. The regulations contained in this Article shall not apply to any Permitted Use in any zoning district.

19.2.2. ADMINISTRATIVE PERMITS.

Any use authorized by Administrative Permit shall be approved and permitted by the Director of the Department of Community Development whenever the proposed use complies fully with the requirements of the subject property's zoning district and standards as set forth in Section 19.3. Each requested use for which an Administrative Permit is required shall be assigned an Administrative Permit number and charged a fee. Said permit shall be posted on site prior to commencement of use. Variances to administrative permit standards may be requested by petition to the Board of Zoning Appeals. In certain cases, conditions are imposed by the Director of the Public Works Department with respect to roadway, water, sewer and/or other infrastructure improvements, and rights-of-way dedications which must be met.

19.2.3. USE PERMITS.

Any use authorized by Use Permit may be approved by the City Council in accordance with standards enumerated under each use (Section 19.2.4) provided:

- A. The subject use is allowable in the subject property's zoning district;
- B. The standards for the Use Permit as specified in Article 19 can be met, as well as Use Permit Considerations pursuant to Section 19.2.4.
- C. A public hearing has been held in relation to the Use Permit before the Planning Commission and the City Council in conformance with the notice standards outlined in Article XXVIII;
- D. Recommendations have been received from the Department of Community Development staff and the Sandy Springs Planning Commission; and
- E. Conditions imposed with respect to right-of-way dedication and roadway, water, sewer and/or other infrastructure improvements are met.

19.2.3.1. Applications. Use Permit requests shall require a separate application when included with a petition for rezoning. Each requested use for which a Use Permit is required shall be charged a standard Use Permit fee and assigned a Use Permit number which will be listed on the petition for rezoning. A public hearing, notice and evaluation shall be provided in accordance with Article XXVIII for each requested Use Permit. Each request shall be voted on separately, and each Use Permit request submitted as part of a rezoning petition shall be treated independently in the minutes of the City Council meeting.

19.2.3.2. Expiration. All Use Permits shall expire within three (3) years from the date of approval by the City Council or as otherwise conditioned unless a Land Disturbance Permit, Building Permit, Business License or Certificate of Occupancy has been issued. Requests for extensions shall be made in accordance with the standards for extensions contained in Article XXVIII.

19.2.3.3. Re-application. The same or substantially similar petition for a Use Permit which has been denied by the City Council shall not be resubmitted to the Department of Community Development for a period of 6 months from the date of the denial.

19.2.3.4. Variances. Variances to Use Permit standards contained in Section 19.4 for receiving a Use Permit may be considered by the City Council concurrently with a Use Permit petition if submitted with such petition. Such a variance request shall not require a separate variance application, but shall be assigned a variance number, charged a standard variance fee and be listed on the Use Permit petition as a Concurrent Variance in accordance with Article XXII, APPEALS, Section 22.9.

19.2.3.5. Accessory Uses. Structures and land may be used for uses customarily incidental to any approved use.

19.2.4. USE PERMIT CONSIDERATIONS.

In the interest of the public health, safety and welfare, the City Council may exercise limited discretion in evaluating the site proposed for a use which requires a Use Permit. In exercising such discretion pertaining to the subject use, the City Council shall consider each of the following:

- (1) Whether the proposed use is consistent with the Comprehensive Land Use Plan and/or Economic Development Revitalization plans adopted by the City Council;
- (2) Compatibility with land uses and zoning districts in the vicinity of the property for which the Use Permit is proposed;
- (3) Whether the proposed use may violate local, state and/or federal statutes, ordinances or regulations governing land development;
- (4) The effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets;
- (5) The location and number of off-street parking spaces;
- (6) The amount and location of open space;
- (7) Protective screening;
- (8) Hours and manner of operation;
- (9) Outdoor lighting; and
- (10) Ingress and egress to the property.

In granting such permits, conditions may be attached as are deemed necessary in the particular case for the protection or benefit of neighbors to ameliorate the effects of the proposed development/use.

19.2.5. ADDITIONAL RESTRICTIONS. Any use may be authorized by Administrative Permit or Use Permit shall comply with all other County regulations, zoning district regulations, conditions of zoning approval and other regulations contained herein. All buffers required shall have a 10-foot improvement setback in accordance with Section 4.2.3. The reduction of said setback shall be subject to the approval of the Department of Community Development in accordance with Article 22. Whenever a standard contained in this section is in conflict with

another provision of this Ordinance, the more restrictive provision shall prevail.

Unless otherwise specified, standards, conditions and stipulations attached to a Use Permit by the City Council shall supersede conflicting zoning conditions approved on the same site.

ARTICLE XIX

Section 19.3

Administrative Permits

19.3. MINIMUM ADMINISTRATIVE PERMIT STANDARDS

19.3.1(1) ALTERNATIVE ANTENNA SUPPORT STRUCTURE TO EXCEED THE DISTRICT HEIGHT

INTENT

Pursuant to Section 704(a) of the Federal Telecommunications Policy Act of 1996, it is not the intent of this section to prohibit or have the effect of prohibiting the provision of personal wireless services in Sandy Springs.

A. Required Districts: All

B. Standards:

1. Alternative structures are not allowed as an accessory to a single family use or as a principal use in a single family district.
2. Alternative structures must be set back a distance equal to the height of the tower from a property line of any residential district and/or AG-1 district used for single family, unless said structure is proposed to be located on an existing building.
3. Above ground equipment shelters shall be surrounded by a minimum 10-foot wide landscape strip planted to buffer standards unless the Sandy Springs Arborist determines that existing plant materials are adequate.
4. Roof top antennas and associated structures shall not project more than 10 feet above roof line.
5. Height shall not exceed 150 feet from existing grade.
6. The alternative structure shall comply with applicable state and local statutes and ordinances, including, but not limited to, building and safety codes. Alternative structures which have become unsafe or dilapidated shall be repaired or removed pursuant to applicable state and local statutes and ordinances.

19.3.1(1) AMATEUR RADIO ANTENNA TO EXCEED THE DISTRICT HEIGHT (See Use Permit 19.4.5)

INTENT

It is the intent of this Article to regulate the placement of amateur towers in a manner that does not impose on public health, safety, or general welfare. The following regulations on design, location, placement, and height limits of antennas in residential districts implements Sandy Springs's governmental interests in land planning, aesthetics and public safety by requiring the following standards:

A. Required Districts: All

B. Standards:

1. Antennas shall be located in the rear yard.
2. The maximum height shall be 90 feet. Any request to exceed the maximum height shall require a Use Permit (See 19.4.5)
3. All antennas shall be set back from all property lines $\frac{1}{3}$ the height of the antenna or the district setback requirements, whichever is greater. The antenna must be located a distance equal to or greater than the antenna height from the nearest residential dwelling, excluding the owner's primary dwelling or structure.
4. Antennas shall not be lighted.
5. All antennas must be constructed with an anti-climbing device.
6. Antennas shall be painted in a neutral color identical or closely compatible with surroundings.
7. All guy wires must be anchored on site and outside of right-of-way.

19.3.1(2) ANTENNA, TOWER, AND ASSOCIATED STRUCTURES (RADIO, T.V., MICROWAVE BROADCASTING, ETC.), TO EXCEED THE DISTRICT HEIGHT

INTENT

Pursuant to Section 704(a) of the Federal Telecommunications Policy Act of 1996, it is not the intent of this section to prohibit or have the effect of prohibiting the provision of personal wireless services in Sandy Springs.

The following regulations on design, location, placement, and height limits of antennas in residential districts implements Sandy Springs's governmental interest in land planning, aesthetics and public safety by requiring the following Administrative Permit Standards:

- A. Required Districts: O-I, MIX, C-1, C-2, M-1A, M-1, M-2, [See Use Permit, Section 19.4.7 for use in residential and AG-1 districts]

- B. Standards:
 - 1. Tower/accessory structures must be set back a distance equal to the height of the tower from all property lines of any residential district and/or AG-1 district used for single family.
 - 2. Tower and/or associated facilities shall be enclosed by fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device.
 - 3. A minimum 10 foot wide landscape strip planted to buffer standards shall be required around the facility exterior to any fence or wall unless the Sandy Springs Arborist determines that existing plant materials are adequate.
 - 4. Height shall not exceed 200 feet from existing grade.
 - 5. The tower shall comply with applicable state and local statutes and ordinances, including, but not limited to, building and safety codes. Towers which have become unsafe or dilapidated shall be repaired or removed pursuant to applicable state and local statutes and ordinances.

19.3.2. CLUB

- A. Required Districts: O-I, MIX, C-1, C-2, M-1A, M-1, M-2

- B. Standards:
 - 1. All buildings and accessory uses other than parking shall be located at least 50 feet from all property lines of any residential district and/or AG-1 district used for single family.
 - 2. Permitted curb cut access shall not be from a local street.
 - 3. Outdoor facilities within 200 feet of any residential district or

dwelling shall limit the hours of operation from 8:00 a.m. to 11:00 p.m.

4. Outdoor recreational facilities shall be set back a minimum of 100 feet from all property lines of any residential district and/or AG-1 district used for single family, except as otherwise permitted with an Administrative Permit for Recreational Court or Swimming Pool.

19.3.3. FESTIVALS OR EVENTS, OCCASIONAL, OUTDOOR/INDOOR including but not limited to horse shows, carnivals, dog shows, arts and crafts shows, and music festivals.

- A. Required Districts: O-I, MIX, C-1, C-2, M-1A, M-1, M-2, AG-1 and residential districts in conjunction with an institutional use, such as a place of worship or a school
- B. Standards:
 1. No more than two Administrative Permits shall be granted per year and no permit shall be effective for more than 30 consecutive days for a single event on the same property. An application for said permit shall be made no less than 14 days prior to the event.
 2. Said permit must be posted on site during the vending operation. Upon expiration of the permit, the use shall cease unless another Administrative Permit is approved.
 3. No temporary sanitary facility or trash receptacle may be located within 100 feet of a property line of any residential use
 4. No tent, table or other temporary structure shall be located within 250 feet of a property line of any residential use.
 5. The entire property shall comply with Sandy Springs standards for setbacks and number of parking spaces. If a festival or event is located on an institutional site, additional parking shall not be required.
 6. Two copies of a drawing with dimensions shall accompany the application and shall accurately depict the proposed location of temporary activities, the traffic patterns and curb cuts and compliance with the standards of this Section.

7. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at adjacent property lines of any residential use.

8. The hours of operation shall be 8:00 a.m. to 10:00 p.m.

19.3.4. GOLF COURSE

A. Required Districts: All

B. Standards:

1. A minimum 100-foot setback for all buildings and parking areas shall be provided adjacent to any residential district and/or AG-1 district used for single family.

2. Driving range, tees, greens and fairways shall be required to have a 100-foot setback from minor, arterial, and major collector roads.

3. Permitted curb cut access shall be from a major thoroughfare unless shown on the approved preliminary plat of a single family subdivision.

4. When located outside a golf course/subdivision development, a minimum 50-foot wide buffer and a 10-foot improvement setback shall be provided adjacent to all buildings and parking areas when said facilities are located adjacent to any residential district and/or AG-1 district used for single family.

5. A minimum 25-foot buffer and a 10-foot improvement setback shall be provided adjoining any residential district and/or AG-1 district used for single family located outside the golf course development or any associated development.

6. When located adjacent to any residential district and/or AG-1 district used for single family, the hours of operation shall be limited to 8:00 a.m. to 11:00 p.m..

19.3.5. GUEST HOUSE

A. Required Districts: Suburban A, Suburban B, Suburban C, R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, R-6, NUP, CUP, TR, A, A-L, AG-1, O-1 and MIX when Accessory to a Single Family Dwelling

B. Standards:

1. No more than one guest house structure per lot may be used for occupancy by relatives, guest(s) or employees that work on the property without payment for rent.
2. A separate kitchen facility shall be allowed.
3. Heated floor area shall be a minimum of 650 square feet and a maximum of 1500 square feet.
4. Principal building setbacks shall apply.
5. The location shall be limited to the rear yard.

19.3.5(1) OPEN

(Kennels deleted, See 19.3.19 Veterinary Clinic Or Hospital and 19.4.24 Outside Animal Facilities or Kennel)

19.3.6. MOBILE HOME - WHILE RESIDENCE IS BEING BUILT

A. Required Districts: Suburban A, Suburban B, Suburban C, R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, R-6, NUP, CUP, TR, A, A-L, AG-1, O-1 and MIX

B. Standards:

1. The building permit for the principal structure must have been issued and remain valid during the period that the mobile home is on the property.
2. The mobile home must be located on the same parcel as the principal structure being constructed and comply with all district setbacks.
3. The Administrative Permit shall expire 12 months after issuance or upon occupancy of the principal structure, whichever occurs first. Only one renewal for a one year period may be issued.
4. The mobile home must be occupied by the owner of the principal residence under construction.

19.3.6(1) PARKING, OFF-SITE AND SHARED. Whenever parking as required in Article

18 cannot be accomplished, SHARED PARKING in accordance with Section 18.2.2 may be approved via an Administrative Permit provided:

- A. Required Districts: O-I, C-1, C-2, MIX, M-1, M-1A and M-2
- B. Standards:
 - 1. If the off-site parking is committed for a specified period of time, the duration of the Administrative Permit shall be limited to the period of time stipulated therein.
 - 2. No more than 20 percent of the total parking requirement may be provided off-site via this Administrative Permit.
 - 3. The property must be located no more than 300 feet from the principal use with pedestrian access provided between the sites as may be required by the Department of Community Development.

19.3.7. RAPID RAIL TRANSPORTATION STATION

- A. Required Districts: All
- B. Refer to the Fulton County/MARTA rearrangement cooperative agreement administered by the Department of Public Works or such similar document as may be adopted by the City.

19.3.8. RECREATIONAL COURT, PRIVATE

- A. Required Districts: All districts except C-1, C-2, M-1, M-1A, M-2
- B. Standards:
 - 1. Detached Dwellings. Recreational courts serving single family detached dwellings shall be located in side or rear yards but shall not be located within a minimum yard.
 - 2. Multi-family. Recreational courts, accessory structures, and fencing shall be located a minimum of 100 feet from any residential building, adjoining property line or street.
 - 3. Neighborhood. Recreational courts serving a neighborhood must be located within the limits of the underlying zoning.
 - a. Use of the recreational courts shall be limited to residents

and guests of the neighborhood in which they are located.

- b. Recreational courts, accessory structures, fencing, and parking shall be located a minimum of 100 feet from all adjoining property lines.
- c. Landscape strips and buffer requirements shall be as specified by Article 4.23.1.
- d. A maximum 4-square foot sign identifying the future use of the property for a recreational court shall be posted adjoining the lot's frontage until a Certificate of Occupancy is issued for the facility.
- e. Sources of exterior illumination shall be directed away from adjoining residences and shall not exceed 1.2 foot candles along an adjoining residential property line. Outdoor lighting of recreation facilities in or adjoining residential districts or uses shall be allowed only between dusk and 11:00 P.M.
- f. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines adjacent to single family residential uses.

19.3.9. RECREATIONAL COURTS, PUBLIC. Recreational courts operated as a club (except those serving residential developments), or courts operated as a business are defined herein as public courts.

A. Required Districts: O-I, MIX, C-1, C-2, M-1, M-1A, M-2

B. Standards:

- 1. Recreational courts, accessory structures, fencing, and parking shall be located a minimum of 100 feet from all property lines which abut single family residential uses. Adjacent to all other zonings and uses, the district setback requirements shall apply.
- 2. Landscape strips and buffer requirements shall be as specified by Section 4.23.1.
- 3. Sources of exterior illumination shall be directed away from adjoining residences and shall not exceed 1.2 foot candles along an

adjoining residential property line. Outdoor lighting of recreation facilities in or adjoining residential districts or uses shall be used only between dusk and 11:00 P.M.

4. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single family.

19.3.10. RELOCATED RESIDENTIAL STRUCTURE

- A. Required Districts: Suburban A, Suburban B, Suburban C, R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, R-6, NUP, CUP, TR, A, A-L, AG-1, O-1 and MIX
- B. Standards:
 1. The applicant shall include the following with the application for the Administrative Permit:
 - a. The address from which the structure is being relocated.
 - b. A photograph of the structure prior to its relocation.
 - c. The total heated floor area of both the existing structure and the renovated structure.
 2. The location of the structure and the heated floor area of the structure shall be in compliance with the minimum standards of the zoning district and/or conditions of zoning.
 3. The residential structure shall be affixed to a permanent foundation within 6 months of the date of the house moving permit, and the certificate of occupancy shall not be issued until such improvements are completed.
 4. All standards of this Ordinance (except 2. above) and other applicable regulations shall be met within one year from the date of this permit issuance.
 5. A House Moving Permit shall be obtained from the Department of Community Development in conjunction with this Administrative Permit.

6. A building permit for the repair and construction of said structure shall be obtained within 30 days of this Administrative Permit issuance.
7. The exterior of the structure shall be brought into compliance with the Fulton County Housing Code within six months of the issuance of this Administrative Permit.
8. Prior to occupancy, a Certificate of Occupancy must be obtained from the Department of Community Development

19.3.10(1) REVIVAL TENT

- A. Required Districts: O-I, MIX, C-1, C-2, M-1A, M-1 and M-2

In an AG-1 (Agricultural) or a residential district, a revival tent may be placed only on property occupied by an existing building used as a place of worship.

- B. Standards:

1. A permit may be granted a maximum of fourteen (14) days in a calendar year.
2. The revival tent or any area used for assembly shall be located at least 200 feet from a property line of any residential district and/or AG-1 district used for single family.
3. No temporary, sanitary facility or trash receptacle may be located within 200 feet of an existing dwelling, and no tent shall be located within 250 feet of an existing dwelling.
4. Provide one parking space per four seats.
5. A drawing to scale shall accompany the application and shall accurately depict the number of seats and the standards of this Section.
6. The hours of operation shall be no earlier than 8:00 a.m. nor later than 11:00 p.m.

19.3.11. ROADSIDE PRODUCE STANDS

- A. Required Districts: C-1, C-2, M-1, M-2 and AG-1

B. Standards:

1. An Administrative Permit shall be valid for a period of one year from the approval date. Permitted location is not transferable.

Upon expiration of the permit, the use shall cease unless another Administrative Permit is approved.

2. A minimum of 6 spaces for parking shall be required for the exclusive use of the roadside stand and parking spaces may not be for any other use on site.
3. Any activity or structure shall maintain a minimum 10-foot setback from the right-of-way and not be located within a required landscape strip or buffer or improvement setback. Said structure shall also maintain a minimum setback of 10 feet from any permitted curb cut access.
4. Two copies of a drawing showing dimensions shall accompany the application and shall accurately depict the standards of this Section.
5. The applicant shall provide a notarized written permission statement from the property owner or lease holder of the subject site. A 24-hour contact number of the property owner or lease holder shall be provided along with the permit application.
6. The hours of operation shall be 8:00 a.m. to 8:00 p.m.

19.3.11(1) ROADSIDE VENDING

- A. Required Districts: C-1, C-2, M-1 and M-2

B. Standards:

1. An Administrative Permit shall be obtained at least 7 days before beginning the vending operation and shall be granted for a maximum of nine (9) days per permit. Said Permit location is not transferable and no more than two permits per year shall be issued for one address. Said permit must be posted on site during the vending operation. Upon expiration of the permit, the use shall cease unless another Administrative Permit is approved.

2. The property on which the roadside vendor is permitted must be located at least 1500 feet from a permanent business which offers the same or similar merchandise as that of the vendors. Vendor shall provide names on all established businesses which sell similar or the same merchandise within 1500 feet of the proposed vendor site.
3. Vendors shall not locate within 1500 feet of another roadside vendor.
4. A minimum of 6 parking spaces shall be provided adjacent to the vending area for the exclusive use of the roadside stand and shall not occupy minimum required parking spaces for any other use on site.
5. Any vending displays or activity shall maintain a minimum 20 foot setback from the right-of-way and not be located within a required landscape strip or buffer. Said displays shall also maintain a minimum setback of 10 feet from any internal drives.
6. Two copies of a drawing showing dimensions shall accompany the application and shall accurately depict the standards of this Section.
7. The applicant shall provide a notarized written permission statement of the property owner or lease holder of the subject site. A 24-hour contact number of the property owner or lease holder shall be provided along with permit application.
8. Vending shall be permitted from 8:00 a.m. to 8:00 p.m.
9. No vendor equipment, vehicle, display or sales activity shall block access to a public facility, including, but not limited to, a telephone booth, mail box, parking meter, fire alarm box, fire hydrant, traffic control box, driveways and other access points.
10. Vending shall not be permitted from any vehicle. Vending is permitted from tables and carts only.
11. Tents and tarps are prohibited.
12. Signs advertising the vending operation are prohibited.

A. Required Districts: CUP (commercial component), MIX (commercial component), C-1, C-2, M-1A, M-1, M-2. Allowable in AG-1 and residentially zoned districts only when occupied by either a church, school, lodge/retreat or a farm or plant nursery existing as a conforming or a lawful non-conforming nonresidential use. The issuance of this permit does not constitute an expansion or extension of a non-conforming use.

1. Seasonal use related to calendar holidays such as the sale of Christmas trees, Halloween pumpkins, etc., or
2. Temporary use accessory to an existing business that is located in a permanent structure.

B. Standards.

1. No temporary, sanitary facility or trash receptacle may be located within 200 feet of any residential use.
2. No tent shall be located within 250 feet of any residential use.
3. Temporary uses must be set back at least 20 feet from all property lines.
4. The entire property shall comply with Sandy Springs standards for setbacks and number of parking spaces. If located on the site of an existing business, a seasonal or temporary use shall not be required to provide additional parking and the temporary utilization of required parking shall not be deemed a violation of this Ordinance.
5. If a seasonal or temporary use is not located on the site of an existing business, a minimum of 6 parking spaces shall be provided for the seasonal or temporary use.
6. Two copies of a drawing showing dimensions shall accompany the application and shall accurately depict the location of the temporary or seasonal use, the traffic patterns and curb cuts and compliance with the standards of this Section.
7. A seasonal use shall not be granted more than one permit in any calendar year and shall not exceed a total of 30 days.
8. A maximum continuous sound level of 60 dBA and a maximum

peak sound level of 75 dBA shall not be exceeded at adjacent property lines of any residential use.

9. The permissible hours of operation shall be 7:30 a.m. to 11:00 p.m. in non-residential districts except AG-1. The permissible hours of operation shall be 8:00 a.m. to 10:00 p.m. in AG-1 and residential districts.
10. Vendors shall not locate within 1,500 feet of another seasonal or temporary business.
11. Any display or sales activity shall maintain a minimum 20-foot setback from the right-of-way and shall not be located within a required landscape strip or buffer. Said displays shall also maintain a minimum setback of 10 feet from any internal drive.
12. The applicant shall provide a notarized written permission statement of the property owner or lease holder of the subject site. A 24-hour contact number of the property owner or lease holder shall be provided along with the permit application.
13. No equipment, vehicle, display or sales activity shall block access to a public facility such as a telephone booth, mail box, parking meter, fire hydrant, fire alarm box, traffic control box, driveway or other access point.
14. Sales shall not be permitted from any vehicle.

19.3.12. SWIMMING POOL, PRIVATE

- A. Required Districts: All districts except C-1, C-2, M-1, M-1A, M-2
- B. Standards: All swimming pools shall be completely surrounded by an enclosure. Such enclosure shall be a fence, wall, or building, to prevent access to the pool by unsupervised children and/or animals. The enclosure shall be an effective fence or wall not less than 5 feet high with self-closing, positive-latching gates provided on the outer side of the deck area. The enclosure entrance shall be locked when the pool is not open for use and all surrounding objects or structures must have a separation of five feet from the enclosure to provide an unclimbable space. The enclosure shall be in place prior to pool completion. Materials and construction shall comply with the regulations administered by the Fulton County Health Department.
 1. Detached Dwellings. Swimming pools shall be allowed in side

and rear yards of single family dwellings in any district. Pools, pool equipment, and their decks must be a minimum of 10 feet from all property lines, except that when perimeter setbacks are required, for example in NUP and TR zoned districts, pools, pool equipment, and decks cannot be located in perimeter setbacks.

2. Neighborhood. Swimming pools serving a neighborhood must be located within the limits of the underlying zoning.
 - a. Use of swimming pools shall be limited to residents and guests of the neighborhood in which they are located.
 - b. Pools, pool equipment, and decks must be located at least 100 feet from all adjoining property lines.
 - c. Landscape strips and buffer requirements shall be as specified by Article 4.23.1.
 - d. A maximum 4-square foot sign identifying the future use of the property for a swimming pool shall be posted adjoining the lot's frontage until a Certificate of Occupancy is issued for the facility.
 - e. Sources of exterior illumination shall be directed away from adjoining residences and shall not exceed 1.2 foot candles along an adjoining residential property line. Outdoor lighting of recreation facilities in or adjoining residential districts or uses shall be allowed only between dusk and 11:00 P.M.
 - f. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines adjacent to single family residential uses.
3. Multi-family. Swimming pools, pool equipment, accessory structures, and fencing shall be located a minimum of 100 feet from any residential building, adjoining property line or street.

19.3.13. SWIMMING POOL, PUBLIC. Pools operated as a club (except clubs serving residential developments) or pools operated as a business are defined herein as public pools.

A. Required Districts: O-I, MIX, C-1, C-2, M-1A, M-1 and M-2

B. Standards:

1. Pools, pool equipment, decks, and parking shall be located a minimum of 100 feet from all property lines which abut single family residential uses. Adjacent to all other zonings and uses, the district setback requirements shall be provided.
2. Landscape strips and buffer requirements shall be as specified by Article 4.23.1.
3. Sources of exterior illumination shall be directed away from adjoining residences and shall not exceed 1.2 foot candles along an adjoining residential property line. Outdoor lighting of recreation facilities in or adjoining residential districts or uses shall be allowed only between dusk and 11:00 P.M.
4. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines adjacent to single family residential uses.

19.3.14. TEMPORARY CLASSROOM.

A. Required Districts: All

B. Standards:

1. The structure must be constructed for use as a temporary classroom and certified as such by the Department of Community Development.
2. The principal use must exist prior to the issuance of the permit.
3. The temporary classroom shall not be used to increase the capacity or enrollment as conditioned by zoning, or as limited by other Use Permit conditions.
4. An Administrative Permit for a temporary classroom shall expire three (3) years from the date of approval at which time the

structure shall be removed unless a new Administrative Permit is obtained within 30 days of the expiration date.

5. The structure shall not be located within any principal building setbacks or within any required landscape strips or buffers.
6. Two copies of a drawing showing dimensions shall accompany the application and shall accurately depict the proposed location of temporary structures, the traffic patterns and curb cuts and compliance with this section and all other applicable standards of this Ordinance.

19.3.15. TEMPORARY STRUCTURES

- A. Required Districts: All, except Emission Inspection Stations shall be permitted only in Non-residential Districts except AG-1.
- B. Standards:
 1. Temporary structures (whether tents, site-built, mobile or manufactured structures) utilized for construction offices, ticket booths, security guard shelters, storage structures in association with construction, emission inspection stations, portable toilets and other similar uses may be permitted by the Department of Community Development in any district.
 2. Temporary structures shall be located outside of any required buffers and landscape areas, and shall maintain the principal building setback of the district except portable toilets must maintain a 200-foot setback from existing dwelling(s).
 3. Temporary structures must be removed prior to the issuance of a Certificate of Occupancy or within 5 days of completion of the temporary event or activity for which the structure was approved.
 4. Temporary structures used in conjunction with other permitted Administrative and Use Permits shall not be required to obtain a separate Administrative Permit.
 5. An Administrative Permit for a temporary structure shall expire three (3) years from the date of approval at which time the structure shall be removed unless a new Administrative Permit is obtained within 30 days of the expiration date.

19.3.16. TEMPORARY USE OF EXISTING DWELLING WHILE RESIDENCE IS BEING BUILT .

- A. Required Districts: All but M-1, M-1A, & M-2
- B. Standards:
 - 1. The building permit for the new principal structure shall be issued concurrently with this Administrative Permit.
 - 2. The Administrative Permit shall expire 90 days after issuance of a certificate of occupancy for the new principal structure or one year after issuance of a building permit, whichever occurs first.

19.3.17. OPEN

19.3.18. UTILITY SUBSTATIONS (TELEPHONE, ELECTRIC, OR GAS, ETC.)

- A. Required Districts: All.
- B. Standards:
 - 1. Utility substations measuring less than 35 square feet and less than 5 feet in height from finished grade are exempt from these regulations.
 - 2. All substation structures shall be contained within the boundaries of the subject parcel and meet the minimum development standards of the district unless otherwise required in this article section.
 - 3. Minimum setback of all utility structures from a residential structure shall be:
 - a. Electric -- 200 feet.
 - b. Gas and Telephone -- the applicable minimum setback for the district in which located.
 - 4. A minimum 10-foot wide landscape strip planted to buffer standards shall be required around the perimeter of all utility sites except along lines where buffers are required.
 - 5. For electric substations provide a minimum 50-foot wide

replanted or natural buffer adjacent to the property lines of any residential district and/or AG-1 district used for single family.

6. Interior to landscape strips or buffers that do not accomplish 100% visual screening as defined in the Tree Preservation Ordinance, provide an 8-foot high opaque fence or, masonry wall, a minimum 4-foot high landscaped earthen berm, a vegetative screen or some combination thereof, subject to the approval of the Department of Community Development.

19.3.19. VETERINARY CLINIC/HOSPITAL OR KENNEL *(See 19.4.24 for Kennel or Outside Animal Facilities); Deleted as a permitted use in C-2, Permitted in AG-1*

A. Required Districts: O-I, MIX, C-1, C-2, M-1A, M-1, M-2

B. Standards:

1. All of the activities directly associated with animal treatment shall occur entirely within a completely enclosed soundproof structure.

ARTICLE XIX

Section 19.4

Use Permits

19.4. MINIMUM USE PERMIT STANDARDS.

19.4.1. ADULT BOOK STORE .

INTENT AND FINDINGS

It is the intent of this article to regulate the place of operation of adult book stores as defined in this Zoning ordinance. The City Council finds, based upon an October, 1980, study by the Minnesota Crime Prevention Center, Inc., Minneapolis, Minnesota, entitled "An Analysis of the Relationship Between Adult Entertainment Establishments, Crime, and Housing Values", that adult book stores are significantly related to diminishing market values of neighboring residential areas, that adult book stores should not be located in residential areas, and that adult book stores should be permitted only in locations that are at least 1/10 mile, or approximately 500 feet, from residential areas.

The City Council further finds, based upon a June, 1978, study by the Division of Planning of the St. Paul, Minnesota, Department of Planning and Economic Development and the Community Crime Prevention Project of the Minnesota Crime Control Planning Board entitled "Effects on Surrounding Area of Adult Entertainment Businesses in Saint Paul", that the presence of adult book stores correlates with a decreasing market value of neighboring residential areas, that adult book stores tend to locate in areas of poorer residential condition, tend to be followed by a relative worsening of the residential condition, and that more than two adult entertainment businesses in an immediate area is associated with a statistically significant decrease in residential property market value, and that such a concentration of adult entertainment businesses in a given area should be discouraged. The board also finds that such worsening of residential conditions will adversely affect uses found in residential areas or in the proximity of residential areas, such as public recreational facilities, public or private institutional uses, churches, schools, universities, colleges, trade-schools, libraries, and day care centers.

The City Council further finds, based upon a May 19, 1986, land use study conducted in Austin, Texas, that an adult book store within one block of a residential area decreases the market value of homes, that adult book stores are considered a sign of decline by lenders, making underwriters hesitant to approve the 90-95 percent financing many home buyers require, and that patrons of adult

book stores tend to be from outside the immediate neighborhood in which the adult book store is located.

The City Council further finds, based upon a March 3, 1986, study conducted by the Oklahoma City, Oklahoma, Community Development Department entitled "Adult Entertainment Businesses in Oklahoma City - A Survey of Real Estate Appraisers", that an adult bookstore will have a negative effect on residential property market values if it is located closer than one block to residential uses.

The City Council further finds that this portion of this zoning ordinance regarding regulation of adult book stores was carefully considered by a work group of Fulton County staff drawn from the areas of law enforcement, land use, land planning, and law; by the planning commission at public meetings open to the citizens of Sandy Springs where public comment was available; and by a committee of citizens with expertise in law, real estate, land use, and other disciplines, who have reviewed this portion of the zoning ordinance particularly with respect to its provisions relating to the effects of adult book stores on market values of residential and other property, and that the information gathered and results of this informal study support the need for these development standards.

This portion of the zoning ordinance is intended to be a carefully tailored regulation to minimize the adverse land use impacts caused by the undesirable secondary effects of adult bookstores, and the City Council finds that restricting adult book stores to industrially zoned areas and imposing development standards can legitimately regulate adult book stores by establishing zones where adult book stores are most compatible with other uses or the surrounding neighborhood, and by requiring minimum distances to be maintained between adult bookstore uses and other uses so as to afford the most protection to residential uses.

It is not the intent of the City Council, in enacting this portion to the zoning ordinance, to deny to any person rights to speech protected by the United States or Georgia Constitutions, nor is it the intent to impose any additional limitations or restrictions on the contents of any communicative materials, including sexually-oriented films, videotapes, books, or other materials; further, in the adoption of this amendment to the zoning ordinance, the City Council does not intend to deny or restrict the rights of any adult to obtain or view any sexually oriented materials protected by the United States or Georgia Constitutions, nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of such sexually-oriented materials may have to sell, distribute, or exhibit such constitutionally protected materials; finally, in the enactment of this portion of the zoning ordinance, the City Council intends to adopt a content neutral measure to address the secondary effects of adult bookstores in continuation of practices that previously applied to the citizens of the now incorporated City of Sandy Springs as when they were formerly citizens residing in unincorporated Fulton County.

A. Required Districts: M-1 and C-2

B. Standards:

1. All boundary lines of the property included within the use permit as filed must be located at least 500 feet from the properties listed below:
 - a. The property line of Suburban A, Suburban B, Suburban C, R-1, R-2, R-2A, R-3, R-3A, R-4A, R-4, R-5, R-5A, R-6, NUP, CUP, TR, A, A-L, AG-1 zoned property or property conditioned or used for residential purposes.
 - b. The property line of any public recreational facilities, public or private institutional uses, including but not limited to churches, schools, universities, colleges, trade-schools, libraries, day care centers and other training facilities where minors are the primary patrons.
2. The boundary line of the use permit must be located at least 500 feet from the property line of any other adult entertainment establishment or adult book store.
3. The boundary line of the Use Permit for an explicit media outlet or adult movie house as defined in the Adult Entertainment chapter of the City of Sandy Spring Code of Ordinances must be located at least one thousand (1,000) feet from the property line of any school building (applies only to public and private school buildings), school grounds, college campus, public place of worship, or area zoned primarily for residential purposes. This one thousand (1,000) foot distance requirement for explicit media outlets and adult movie houses shall not apply to any said location which hold lawful permits or business license since July 1, 1997.
4. Submit with the application for a Use Permit, a certified boundary survey by a licensed surveyor of the site and the property lines of surrounding properties identifying the use of properties at or within 500 feet of the boundary lines of the subject property and adult entertainment establishments or adult bookstores within 500 feet of the boundary line of the subject property.
5. If the adult book store is to be located in an existing structure where a land disturbance permit is not required, an existing building permit review application must be filed and determined by the Department of Community Development to be in compliance with the terms of this

zoning ordinance prior to any occupancy. An action on any permits sought hereunder shall be acted upon by the Department of Community Development no later than one hundred-twenty (120) days from the submission of a completed application.

6. Permitted curb cut access shall be from a major thoroughfare.
7. No depiction of anatomical areas or sexual activities specified in the definition of “adult entertainment” shall be visible from outside the structure or on signage outside the structure.
8. The minimum landscape areas required for the O-I zoning district as specified in Section 4.23 shall be required. Where buffers are required, the underlying zoning district buffer standards shall apply.

19.4.1. C. Permit Issuance:

Notwithstanding the provisions of 19.2.3 and 19.2.4, any applicant meeting the above requirements and standards shall be entitled to the issuance of a use permit.

19.4.1. D. Permit Applications:

Notwithstanding any other provision herein, any material omission or untrue or misleading information contained in or left out of an application for a use permit shall be grounds for denial of said permit.

19.4.1. E. Permit Processing:

The City shall have 120 days (unless the application is suspended by failure of the applicant to provide data, information or records as reasonably requested by the City and required by this code, to complete the investigation) from receipt of a completed application for a use permit to make a decision in which to grant or deny a use permit. The Department of Community Development and City Planning Commission shall make recommendations to the City Council regarding the approval or denial of the use permit and the Council shall make the final decision after a public hearing regarding the same. In the event the City Council has not granted or denied the application within 120 days (unless the application is suspended by failure of the applicant to provide data, information or records as reasonably requested by the County to complete the investigation), the use permit shall automatically issue.

19.4.1. F. Denial of Use Permit:

In the event an application for a use permit is denied by the City Council, the applicant shall be notified in writing of such denial within 10 business days by U.S. Mail. A decision by the City Council regarding the denial of said permit is a final action; therefore, any appeal of such decision shall be pursued by application for Writ of Certiorari filed with the Superior Court of Fulton County within 30 days of the decision. This appeal shall in no way preclude an applicant from seeking any other remedies available at law or equity.

19.4.1. G. Permit Application:

Nothing in this section shall allow for the conducting or zoning of any business or entity which would otherwise be illegal.

19.4.2. ADULT ENTERTAINMENT ESTABLISHMENTS.

INTENT

It is the intent of this Section to regulate the place and manner of the operation of businesses or facilities that offer Adult Entertainment as defined in this ordinance. It is well established and has been the experience of other communities in Georgia and throughout the United States that adult entertainment, which includes public nudity, has been associated with and may encourage disorderly conduct, prostitution and sexual assault. This Section advances the substantial government interest in promoting and protecting public health, safety, and general welfare, maintaining law and order and prohibiting public nudity. The Section is narrowly constructed to protect the First Amendment rights of citizens of Sandy Springs while furthering the substantial governmental interest of combating the secondary effects of public nudity and adult entertainment from areas and uses of the community which are incompatible. Areas and uses which are to be protected from adult entertainment include but are not limited to residential, churches, day care centers, libraries, recreational facilities, and schools.

A. Required Districts: M-1 and C-2

B. Standards:

1. All boundary lines of the property included within the use permit must be located at least 500 feet from the properties listed below:
 - a. The property line of Suburban A, Suburban B, Suburban C, R-1, R-2, R-2A, R-3, R-3A, R-4A, R-4, R-5, R-5A, R-6, NUP, CUP, TR, A, A-L, AG-1 zoned property or property conditioned or used for residential purposes.

- b. The property line of any public recreational facilities, public or private institutional uses, including but not limited to churches, schools, universities, colleges, trade-schools, libraries, day care centers and other training facilities where minors are the primary patrons.
2. The boundary line of the Use Permit must be located at least 500 feet from the property line of any other adult entertainment establishment or adult bookstore.
3. The boundary line of the Use Permit for an explicit media outlet or adult movie house as defined in the Adult Entertainment chapter of the City of Sandy Spring Code of Ordinances must be located at least one thousand (1,000) feet from the property line of any school building (applies only to public and private school buildings), school grounds, college campus, public place of worship, or area zoned primarily for residential purposes. This one thousand (1,000) foot distance requirement for explicit media outlets and adult movie houses shall not apply to any said location which hold lawful permits or business license since July 1, 1997.
4. Submit with the application for a Use Permit, a certified boundary survey of the site and the property lines of surrounding properties identifying the use of properties at or within 500 feet of the boundary lines of the subject property and adult entertainment establishments and/or adult bookstores within 500 feet of the boundary line of the subject property.
5. No final land disturbance permit, building permit, certificate of occupancy, or building permit review certificate may be issued until the approved City of Sandy Springs Adult Entertainment Business License is filed with the Director of the Department of Community Development.
6. If the adult entertainment business is to be located in an existing structure where a Land Disturbance Permit is not required, an existing building permit review application must be filed and approved in the Department of Community Development prior to any occupancy.
7. Building shall be located a minimum of 50 feet from all property lines.
8. Parking spaces at a ratio of 10 per 1000 gross square feet of floor space shall be provided.
9. Permitted curb cut access shall be directly from a major thoroughfare.

10. On-premise signs shall not display lewd or graphic depictions of body parts or acts which are defined in Article and Subsection 3.3.1.
11. No adult entertainment shall be visible from outside the structure.
12. The minimum landscape areas required for the O-I zoning district as specified in Section 4.23 shall be required. Where buffers are required, the underlying zoning district buffer standards shall apply.

19.4.2. C. Permit Issuance:

Notwithstanding the provisions of 19.2.3 and 19.2.4, any applicant meeting the above requirements and standards shall be entitled to the issuance of a use permit.

19.4.2. D. Permit Applications:

Notwithstanding any other provision herein, any material omission or untrue or misleading information contained in or left out of an application for a use permit shall be grounds for denial of said permit.

19.4.2. E. Permit Processing:

The City shall have 120 days (unless the application is suspended by failure of the applicant to provide data, information or records as reasonably requested by the City and required by this code, to complete the investigation) from receipt of a completed application for a use permit to make a decision in which to grant or deny a use permit. The Department of Community Development and City Planning Commission shall make recommendations to the City Council regarding the approval or denial of the use permit and the Board shall make the final decision after a public hearing regarding the same. In the event the City Council has not granted or denied the application within 120 days (unless the application is suspended by failure of the applicant to provide data, information or records as reasonably requested by the County to complete the investigation), the use permit shall automatically issue.

19.4.2. F. Denial of Use Permit:

In the event an application for a use permit is denied by the City Council, the applicant shall be notified in writing of such denial within 10 business days by U.S. Mail. A decision by the City Council regarding the denial of said permit is a final action; therefore, any appeal of such decision shall be pursued by application for Writ of Certiorari filed with the Superior Court of Fulton County within 30 days of the decision. This appeal shall in no way preclude an applicant from seeking any other remedies available at law or equity.

19.4.2. G. Permit Application:

Nothing in this section shall allow for the conducting or zoning of any business or entity which would otherwise be illegal.

19.4.3. AGRICULTURAL-RELATED ACTIVITIES.

INTENT

It is the intent of this Article to allow certain agricultural-related activities with a Use Permit in compliance with the development standards below to preserve the nature of agricultural areas. Such uses shall include, but not be limited to, petting zoo, educational tours, dude ranches, picnicking, and pay fishing.

A. Required District: AG-1

B. Standards:

1. Minimum lot size shall be 5 acres.
2. Permitted curb cut access shall not be from a local street.
3. Food services may be provided.
4. A minimum of 100-foot setback is required from all property lines for activity areas, including parking.
5. All structures housing animals shall be set back a minimum of 100-feet from all property lines.
6. All parking and access areas must be of an all weather surface per Article 18, Festivals, Outdoor.
7. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single family.
8. Hours of operation shall commence no earlier than 6:00 a.m. and cease by 10:00 p.m.
9. If located adjacent to any residential district or an AG-1 district used for single family, the minimum buffers and landscape strips required for the O-I District as specified in Section 4.23 shall be required.

10. Sanitary facilities or trash receptacles shall be located a minimum of 100 feet from a property line of any residential district and/or AG-1 district used for single family.

19.4.4. AIRCRAFT LANDING AREA

A. Required Districts: All

B. Standards:

1. For fixed wing aircraft, a 1,000 foot clear zone extending from the end of all runways shall be secured through ownership or easement, but in no case shall the end of a runway be closer than 200 feet from any property line.
2. For both fixed and rotary-wing aircraft, neither the landing area nor any building, structure or navigational aid shall be located within 400 feet of a property line adjacent to any residential district and/or AG-1 district used for single family.
3. Landing areas for fixed wing and rotary wing aircraft shall be designed to comply with the Airport Design Guide of the Federal Aviation Administration.
4. If located within or adjacent to a residential district and/or AG-1 district used for single family, the hours of operation shall be limited to 7:00 a.m. to 11:00 p.m..
5. A Use Permit for an Aircraft Landing Area shall have no force and effect except for requesting a land disturbance permit prior to filing a satisfactory F.A.A. airspace analysis with the Director of the Department of Community Development.
6. In accordance with Section 28.4.3.2., submit an Environmental Impact Report as required.

19.4.5. AMATEUR RADIO ANTENNA TO EXCEED THE ADMINISTRATIVE PERMIT HEIGHT. See also Administrative Permit 19.3.1(1).

INTENT

It is the intent of this Article to regulate the placement of amateur radio towers in a manner that does not impose on public health, safety, general welfare.

The following regulations on design, location, placement, and height limits of antennas in residential districts implements Sandy Springs's governmental interest in land planning, aesthetics and public safety by requiring the following Use Permit Standards:

A. Required Districts: All

B. Standards:

1. Antennas shall be located in the rear yard.
2. The request to exceed the height of 90 feet shall be accompanied by a written justification of its intent by the licensee. Under no circumstances shall an antenna exceed 200 feet in height.
3. All antennas shall be set back from the property line one-third the height of the antenna or the district setback requirements, whichever is greater. However, the antenna must be located a distance equal to or greater than the antenna height from the nearest residential dwelling, excluding the primary dwelling or structure which is located on the same lot as the antenna.
4. Antennas shall not be lighted.
5. All antennas must be constructed with an anti-climbing device.
6. Antennas shall be painted in a neutral color identical or closely compatible with surroundings.
7. All guy wires must be anchored on site and outside of right-of-way.

19.4.6. AMPHITHEATERS

A. Required Districts: AG-1, O-I, MIX, C-1, C-2, M-1A, M-1, and M-2

B. Standards:

1. Lot area shall be a minimum of 10 acres.
2. The stage shall be located a minimum of 600 feet from adjacent properties zoned for residential use and/ or AG-1 districts used for single family.

3. Permitted curb cut access shall be only from an arterial street.
4. A minimum 100-foot buffer and 10-foot improvement setback shall be provided adjacent to residential districts, property zoned for residential use zoning or development or AG-1 districts when used for single family.
5. A minimum 50-foot buffer and 10-foot improvement setback shall be provided adjacent to non-residential districts zoning or development.
6. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at the property lines of adjacent residential districts and/or AG-1 districts used for single family.
7. Eight (8) foot high fencing shall be provided adjacent to properties zoned for residential use or AG-1 districts used for single family.
8. The hours of operation of the facility shall be limited to 8:00 a.m. to 11:00 p.m. when adjacent to properties zoned for residential use and/or AG-1 districts used for single family.

19.4.7. ANTENNA TOWER, AND ASSOCIATED STRUCTURE (RADIO, T.V., MICROWAVE BROADCASTING, ETC.), TO EXCEED THE DISTRICT HEIGHT.

INTENT

Pursuant to Section 704(a) of the Federal Telecommunications Policy Act of 1996, it is not the intent of this section to prohibit or have the effect of prohibiting the provision of personal wireless services in Sandy Springs.

The following regulations on design, location, placement, and height limits of antennas in residential districts implements Sandy Springs's governmental interest in land planning, aesthetics and public safety by requiring the following Use Permit Standards:

A. Required Districts: Residential districts and AG-1 (See same heading in Section 19.3., for other non-residential districts)

B. Standards:

1. Towers must be set back a distance equal to the height of the tower from any residentially or AG-1 zoned or used property. (i.e., a 200-foot tower

will require a 200-foot setback from any residential district and/or AG-1 district used as single family.

2. Height shall not exceed 300 feet from existing grade.
3. Tower and associated facilities shall be enclosed by fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device.
4. A minimum 10 foot landscape strip planted to buffer standards shall be required surrounding the facility exterior to the required fence unless the Sandy Springs Arborist determines that existing plant materials are adequate.
5. Antennas or towers shall not have lights unless required by federal or state law.
6. Towers shall not be located within one-quarter of a mile from any existing telecommunication tower above the district height, excluding alternative structures.
7. The tower shall comply with applicable state and local statutes and ordinances, including, but not limited to, building and safety codes. Towers which have become unsafe or dilapidated shall be repaired or removed pursuant to applicable state and local statutes and ordinances.

19.4.8. BED AND BREAKFAST

A. Required Districts: AG-1 (Agricultural), R-6, and TR (Townhouse Residential)

B. Standards:

1. A minimum of 2 guest rooms and a maximum of 5 guest rooms are permitted.
2. No parking in the minimum front yard.
3. The bed & breakfast shall be owner occupied.
4. Permitted curb cut access shall not be from a local street.
5. The minimum landscape and buffer areas shall be required as specified in Section 4.23 for AG-1 Agricultural District.

6. Parking requirements shall be the same as hotel/motel as specified in Article 18.
7. Identification or advertising signs shall be limited to 4 square feet in surface area and 4 feet in height.

19.4.9. CEMETERY AND/OR MAUSOLEUM (Human or Pet)

A. Required Districts: All

B. Standards:

1. Permitted curb cut access shall be only from a major thoroughfare, unless in conjunction with a place of worship.
2. No building shall be located within 50 feet of a residential district and/or AG-1 district used for single family.
3. All structures, including graves, shall be inside meet the minimum yard setbacks or 10 feet, whichever is greater.
4. If located adjacent to a single family dwelling district and/or AG-1 district used for single family, the minimum buffers and landscape strips required for the O-I District as specified in Section 4.23 shall be required.

19.4.10. CHURCH, TEMPLE OR PLACE OF WORSHIP

A. Required Districts: Suburban A, Suburban B, Suburban C, R-1, R-2, R-2A, R-3, R-3A, R-4A, R-4, R-5, R-5A, R-6, TR, NUP, A, A-L, and AG-1.

B. Standards:

1. All buildings and use areas/structures other than parking and pedestrian walkways shall be located at least 100 feet from any adjoining residential district and/or AG-1 district used for single family.
2. No parking shall be located within the minimum front yard setback.
3. Any associated day care centers, private schools, recreational fields or other uses requiring a Use Permit or Administrative Permit shall be allowed only under a separate approved Use Permit or Administrative Permit for each use.

4. The minimum buffers and landscape strips required for the O-I zoning district as specified in Section 4.23 shall be required.

19.4.11. COMMERCIAL AMUSEMENT, OUTDOOR including but not limited to amusement parks, bungee jumping parks, skateboard parks, ski slopes, batting cages, miniature golf, drive-in theaters, etc. (See also 19.4.17 DRIVING RANGES) (Name Change, 03/07/90)

A. Required Districts: C-2, M1-A, M-1 and M-2

B. Standards:

1. Permitted curb cut access shall be derived only from arterial streets.
2. A minimum 100-foot buffer and 10-foot improvement setback shall be provided adjacent to residential districts and/or AG-1 districts used for single family.
3. A minimum 50-foot buffer and 10-foot improvement setback shall be provided adjacent to non-residential zoning or development districts.
4. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single family.
5. Eight (8) foot high fencing shall be provided adjacent to any residential district and/or AG-1 district when used for single family and interior to any required landscape strips or buffers.
6. The hours of operation of the facility shall be limited to 8:00 a.m. to 11:00 p.m. adjacent to residential districts and/or AG-1 when used for single family.
7. All recreational structures and activities shall maintain a minimum setback of 100 feet from any public right-of-way.
8. The height limits of the zoning district shall apply to all recreational structures unless a Use Permit to Exceed the Height is granted (See 19.4.21).

19.4.12. COMPOSTING

A. Required Districts: AG-1

B. Standards:

1. Lot area shall be a minimum of five acres.
2. Permitted curb cut access shall be derived from an arterial or major collector.
3. The hours of operation shall be between the hours of 7:00 a.m. to 6:00 p.m..
4. All operations shall maintain a minimum setback of 100 feet from all property lines.
5. The minimum buffers required are as specified for the M-1 District. (See Section 4.23)
6. On-site traffic shall be limited to an all-weather surfaced area.
7. Stored materials shall be contained in such a manner as to prevent the blowing of any materials onto any surrounding property or roadway.
8. The composting facility shall obtain all necessary permits from the Department of Natural Resources, Environmental Protection Division.
9. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single family.
10. In accordance with Section 28.4.3.2., submit an Environmental Impact Report as required.

19.4.13. CONVALESCENT CENTER/ NURSING HOME/ HOSPICE

(A permitted use in O-I, MIX, A, A-L, C-1 and C-2)

A. Required Districts: R-6 and TR

B. Standards:

Facilities shall be for 5 persons or more.

2. Permitted curb cut access shall be from an arterial or a major collector.
3. Provide the minimum landscape strips and buffers as required for the O-I

zoning district as specified in Section 4.23.

4. Provide a 50-foot building setback from all single family districts or AG-1 districts used for single family.
5. No parking allowed within the minimum front yard setback.
6. Rooms or suites of rooms may be designed with separate kitchen facilities.
7. Facility shall comply with applicable local, state, and federal regulations.
8. In accordance with Article 28.4.6., submit a Noise Study Report as required.

19.4.14. COUNTRY INN

A. Required Districts: AG-1

B. Standards:

1. Lot area shall be a minimum of 5 acres.
2. A minimum of 6 guest rooms and a maximum of 30 rooms are permitted. (See Article 19.4.8, Bed and Breakfast, for less than 6 guest rooms).
3. The Country Inn shall be owner occupied.
4. Permitted curb cut access shall be from a minor collector or higher road classification.
5. The establishment may provide meal services to guests.
6. Parking shall not be permitted within the minimum front yard setback.
7. The minimum landscape strip and buffer requirements for the O-I District as specified in Section 4.23 shall be required.
8. Identification or advertising signs shall be limited to one (1) sign of not more than 9 square feet and no more than 4 feet in height.
9. Parking requirements shall be the same as hotel/motel as specified in Article 18.

19.4.15. DAY CARE FACILITY

(Allowed as a permitted use in CUP, O-I, MIX, C-1 & C-2 Districts)

A. Required Districts: R-6, TR, A, and A-L. May be allowed in single family districts and AG-1 in conjunction with an institutional use such as a church, temple, place of worship, school or a hospital.

B. Standards:

1. Facility shall be for 7 or more persons, excluding staff.
2. Provide minimum landscape strips, buffers and improvement setbacks as specified for the O-I district in Section 4.23.1.
3. Provide a minimum 6 foot high opaque fence interior to any required landscape strips and/or buffers around the periphery of the yard used for the play area.
4. Play areas shall be located within the rear or side yards.
5. The hours of operation shall be limited to Monday through Friday from 6:00 a.m. to 7:00 p.m.
6. No parking allowed in the minimum front yard setback.
7. Driveway design shall permit vehicles to exit the property in a forward direction.
8. In accordance with Article 28.4.6., submit a Noise Study Report as required.

19.4.16. OPEN

19.4.17. DRIVING RANGE (not associated with a golf course)

A. Required Districts: AG-1, O-I, MIX, C-1, C-2, and M-1A

B. Standards:

1. Lot area shall be a minimum of 10 acres.
2. Permitted curb cut access shall be from a major collector or arterial.
3. Loudspeakers/paging systems are prohibited adjacent to residential

districts and/or AG-1 districts used for single family.

4. The hours of operation shall be limited to 8:00 a.m. to 11:00 p.m. adjacent to residential districts and/or AG-1 districts used for single family.

19.4.17(1) OPEN

19.4.18. EQUINE GARMENT FABRICATION

A. Required Districts: AG-1

B. Standards:

1. Limited to the fabrication and wholesale distribution of blankets, saddles, halters, and other similar garments.
2. All fabrication and storage associated with the permitted use shall occur entirely within a completely enclosed building.

19.4.19. FESTIVALS OR EVENTS, OUTDOOR/INDOOR including but not limited to horse shows, carnivals, dog shows, arts and crafts shows, music festivals, etc. . See FESTIVALS OR EVENTS, OCCASIONAL if not covered herein.

A. Required Districts: AG-1, O-I, MIX, C-1, C-2, M-1A, M-1, and M-2

B. Standards:

1. Permitted curb cut access shall be from local streets.
2. Eight (8) foot high 100% opaque fencing shall be provided adjacent to residential districts and/or AG-1 districts used for single family.
3. Hours of operation shall be between 8:00 a.m. and 11:00 p.m. when adjacent to residential districts and/or AG-1 districts used for single family.
4. Activity areas, including parking, shall be at least 100 feet from a residential district and/or AG-1 districts used for single family.
5. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent to land which is used for residential districts and/or AG-1 districts used for single family purposes.

6. The festival or event shall be limited to a three-year period from the date of the City Council approval not to exceed a total of 180 consecutive days in a calendar year.

19.4.20. GROUP RESIDENCE

(Allowed as a permitted use in A, A-L, O-I, MIX, C-1 & C-2 Districts)

A. Required Districts: R-6 and TR

B. Standards:

1. Facilities shall be for 5 persons or more.
2. Permitted curb cut access shall not be allowed from a local street.
3. The minimum landscape strips and buffers required for the O-I district as specified in Section 4.23 shall be provided.
4. Parking shall not be permitted within the minimum front yard.
5. Facility shall comply with applicable local, state, and federal regulations and provide Department of Community Development with the applicable permit prior to the issuance of a certificate of occupancy.

19.4.20(1) GROUP RESIDENCE FOR CHILDREN (5 to 8 CHILDREN)

A. Required Districts: AG-1, R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A

B. Standards:

1. Facility shall be for no more than 8 children.
2. Parking shall comply with the requirements of Article 18 for dwellings.
3. Copies of applicable local, state, and federal permits shall be provided to the Department of Community Development prior to the issuance of a certificate of occupancy.

19.4.20(2) GROUP RESIDENCE FOR CHILDREN (9 to 15 CHILDREN)

A. Required Districts: R-6 and TR

B. Standards:

1. Facility shall be for no more than 15 children.
2. Parking shall comply with the requirements of Article 18 for dwellings.
3. Copies of applicable local, state, and federal permits shall be provided to the Department of Community Development prior to the issuance of a certificate of occupancy.

19.4.21. HEIGHT -- TO EXCEED DISTRICT MAXIMUM

A. Required Districts: O-I, A, A-L, MIX, C-1, C-2, M-1, M-1A and M-2

B. Standards:

1. Submit a site plan along with the application which shall depict the open space and spatial arrangement of buildings and facilities.
2. Sources of exterior illumination shall not be visible from adjoining residences.

19.4.22. OPEN

19.4.23. OPEN

19.4.24. KENNEL OR OUTSIDE ANIMAL FACILITIES

A. Required Districts: C-2, M-1, and M-2

(See Article 19.3.19 for enclosed kennels)

B. Standards:

1. Minimum one-acre lot size is required.

2. Buildings and runs, sun areas, exercise yards, patios or facilities other than parking shall be located at least 100 feet from all property lines and 200 feet from any single family district and/or AG-1 district used for single family.

19.4.25. LANDFILL, INERT WASTE DISPOSAL

A. Required Districts: AG-1, M-1 and M-2

B. Standards:

1. No access shall be allowed from local streets.
2. Access streets shall be paved and shall be able to withstand maximum load limits established by the State of Georgia as approved by the Director of Public Works.
3. No portion of a new landfill shall be located within a three mile radius of the property lines of an existing landfill.
4. The waste disposal boundary of a landfill shall be located at least 500 feet from all property lines except adjacent to M-1 (Light Industrial) and M-2 (Heavy Industrial) zoned districts.
5. A minimum 200-foot buffer and 10-foot improvement setback shall be required along all property lines except public rights-of-way.
6. A minimum 50-foot buffer and 10-foot improvement setback shall be required along all public rights-of-way.
7. A minimum 6-foot high solid fence or wall shall be located on property lines or interior to the required buffers and improvement setbacks.
8. Limit hours of operation from 6:00 a.m. to 6 p.m., Monday through Saturday.
9. The owner shall provide the Director of the Department of Community Development a current copy of all applicable permits from the Georgia Department of Natural Resources upon application for a Land Disturbance Permit.
10. Vehicles shall be allowed into a landfill site only if waste is covered to prevent blowing of material from the vehicle.

11. In accordance with Article 28.4.3.2., submit an Environmental Impact Report as required.

19.4.26. LANDFILL, SOLID WASTE DISPOSAL

A. Required Districts: M-2

B. Standards:

1. No access shall be allowed from local streets.
2. Access streets shall be paved and shall be able to withstand maximum load limits established by the State of Georgia as approved by the Director of Public Works.
3. No portion of a new landfill shall be located within a three mile radius of the property lines of an existing landfill.
4. The waste disposal boundary of a landfill shall be located at least 500 feet from all property lines except adjacent to M-1 (Light Industrial) and M-2 (Heavy Industrial) zoned districts.
5. A minimum 200-foot buffer and 10-foot improvement setback shall be required along all property lines except public rights-of-way.
6. A minimum 50-foot buffer and 10-foot improvement setback shall be required along all public rights-of-way.
7. A minimum 6-foot high solid fence or wall shall be located on property lines or interior to the required buffers and improvement setbacks.
8. Limit hours of operation from 6:00 a.m. to 6 p.m., Monday through Saturday.
9. The owner shall provide the Director of the Department of Community Development a current copy of all applicable permits from the Georgia Department of Natural Resource upon application for a Land Disturbance Permit.
10. Vehicles shall be allowed into a landfill site only if waste is covered to prevent blowing of material from the vehicle.
11. In accordance with Article 28.4.3.2., submit an Environmental Impact Report as required.

19.4.27. LANDSCAPING BUSINESS, PLANT NURSERY, OR GARDEN CENTER WITH INDOOR RETAIL COMPONENT

A. Required Districts: AG-1 (Agricultural)

B. Standards:

1. No access shall be allowed from local streets.
2. No parking is permitted in the minimum front yard.
3. All use areas/structures other than parking and pedestrian walkways shall be located at least 50 feet from any adjoining residential district or AG-1 (Agricultural) district.
4. Limit hours of operation from 6:00 a.m. to 8 p.m.
5. The minimum buffers and landscape strips required for the O-I (Office-Institutional) zoning district as specified in Section 4.23. shall be required.
6. Structure(s) for retail sales shall be limited to 1,000 total gross square feet.

19.4.28. LODGE, RETREAT AND/OR CAMPGROUND facilities to include lodging and food service for social, educational and/or recreational purposes.

A. Required Districts: AG-1, M-1A, M-1 and M-2

B. Standards:

1. Minimum lot size shall be 10 acres.
2. Permitted curb cut access shall not be derived from a local street.
3. A minimum 100-foot wide buffer and 10 foot improvement setback are required adjacent to residential districts, AG-1 districts used for single family and adjoining a public street.
4. A minimum 50-foot wide buffer and 10 foot improvement district are required adjacent to all other non-residential districts.
5. Length of the stay for all but permanent staff shall not exceed 30

consecutive days.

6. Sanitary facilities or trash receptacles shall be located a minimum of 200 feet from any residential district and/or AG-1 district when used for single family.
7. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single family.
8. Recreational facilities associated with the use shall be for staff and guests only.
9. One parking space per lodging unit or five (5) per 1000 square feet of floor area, whichever is greater.

19.4.28(1) MEDICAL RELATED LODGING

(Allowed as a permitted use in A and A-L)

A. Required Districts: R-6 and TR

B. Standards:

1. Total number of bedrooms or units shall not exceed 20, including staff facilities.
2. Rooms or suites of rooms may be designed with separate kitchen facilities.
3. Lodging Facility shall be located within one mile of a hospital or inpatient clinic.
4. Facilities locating in a TR District must have frontage on streets with classifications higher than local streets.
5. If located adjacent to a single family district and/or an AG-1 district used for single family, the minimum buffers and landscape strips required for the O-I District as specified in Section 4.23 shall be required.
6. Off-street parking requirements shall be one per living unit plus one per nonresident employee. Parking is not allowed in the front yard setback.
7. Signs shall not exceed 4 square feet in area and 4 feet in height.

19.4.29. OPEN

19.4.30. OPEN

19.4.31. MOBILE HOME - ACCESSORY DWELLING

A. Required Districts: AG-1

B. Standards:

- 1. The mobile home shall be limited to a three-year period from the date of the City Council' approval, after which the mobile home shall be removed unless an additional Use Permit has been granted.
- 2. The mobile home shall be located in the rear yard of an existing residential structure in conformance with the yard standards for the location of accessory buildings.
- 3. The mobile home shall be for the exclusive use of and occupancy by a member of the family or a near relative of the occupant of the existing structure, including father, mother, sister, brother, daughter-in-law, son-in-law, child, ward or guardian.

19.4.32. OPEN.

19.4.33. PERSONAL CARE HOME/ASSISTED LIVING

(Allowed as a permitted use in O-I, A, A-L, MIX, C-1 and C-2)

A. Required Districts: R-6 and TR

B. Standards:

- 1. Facilities shall be for 5 persons or more.
- 2. Permitted curb cut access shall be from an arterial or a major collector. Permitted curb cut access may be allowed from a minor collector if within 1,000 feet of the property line of an institutional use.
- 3. Provide a 50-foot building setback from single family districts and/or AG-1 districts when used for single family.
- 4. No parking allowed in the minimum front yard setback.

5. The minimum parking spaces provided shall be in conformance with health care facilities per Article 18.2.1.
6. Provide landscape strips and buffers as required in the O-I district as specified in Article 4.23.
7. Rooms or suites of rooms may be designed with separate kitchen facilities.
8. Facility shall comply with all applicable local, state, and federal regulations, and provide applicable permits to the Department of Community Development prior to the issuance of a certificate of occupancy.
9. In accordance with Article 28.4.6., submit a Noise Study Report as required.

19.4.34. PRIVATE CORRECTIONAL FACILITY/PRISON

A. Required Districts: M-1, M-2

B. Standards:

1. Minimum lot size: 100 acres
2. All boundary lines of the property included within the Use Permit must be located at least 500 feet from the properties listed below:
 - a. The property line of Suburban A, Suburban B, Suburban C, R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, R-6, NUP, CUP, TR, A, A-L, AG-1 zoned property or property conditioned or used for residential purposes.
 - b. The property line of any public recreational facilities, public or private institutional uses, including but not limited to churches, schools, universities, colleges, trade-schools, libraries, day care centers and other training facilities when minors are the primary patrons.
3. All boundary lines of the property included within the Use Permit must be located at least 10 miles from all property lines of any other correctional facility.

4. Submit, with the application for a Use Permit, a certified boundary survey of the site and the use of adjoining properties. If any of the uses or zoning districts referenced in B.2.a. and b. are located within 500 feet of the boundary lines of the subject property, and/or a correctional facility is located within 10 miles of the boundary line of the subject property, they must be identified by map as part of the Use Permit application .
5. A minimum 200-foot wide buffer and 10-foot improvement setback shall be provided adjacent to any property zoned other than M-1 and M-2 and from any property used for residential purposes.
6. A minimum 100-foot wide buffer and 10-foot improvement setback shall be provided adjacent to property zoned M-1 and/or M-2.
7. Permitted curb cut access shall be from a major thoroughfare.
8. Parking spaces shall be in accordance with Article 18, Hospitals.
9. Fencing shall be in accordance with American Correction Institute standards and located interior to required buffers and improvement setbacks.
10. Lighting shall be in accordance with American Correction Institute standards and the lighting standards set forth in this Zoning Ordinance. The more restrictive standards shall apply.

Facility shall comply with all applicable local, state, and federal regulations, and applicable permits shall be provided to the Department of Community Development prior to the issuance of a certificate of occupancy.

19.4.35. RACE TRACK

A. Required Districts: AG-1, M-1 and M-2

B. Standards:

1. A minimum of 10 acres is required.
2. The race track and spectator stands for animal tracks shall be located a minimum of 500 feet from residential districts and/or AG-1 districts used for single family, and 2,000 feet from such districts for vehicular tracks.

3. Permitted curb cut access shall not be from a local street.
4. A minimum 75-foot buffer and 10-foot improvement setback shall be provided adjacent to residential districts and/or AG-1 districts used for single family.
5. A minimum 50-foot buffer and 10-foot improvement setback shall be provided adjacent to all other property lines.
6. Provide an eight-foot high fence interior to the required buffer/improvement setback and landscape strips.
7. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single family.
8. Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m. when adjacent to residential districts and/or AG-1 districts used for single family.
9. In accordance with Section 28.4.3.2., submit an Environmental Impact Report as required.

19.4.36. RECREATIONAL FIELDS including but not limited to soccer, softball, baseball, polo, football, cricket, etc.

A. Required Districts: All

B. Standards:

1. Permitted curb cut access shall not be from a local street.
2. A minimum 50-foot buffer and 10-foot improvement setback shall be provided adjacent to residential districts and/or AG-1 districts used for single family.
3. Loudspeakers/paging systems are prohibited adjacent to residentially used property.
4. The hours of operation shall be limited to daylight hours when said facility is located adjacent to residential districts and/or AG-1 districts used for single family.

19.4.37. RECYCLING CENTER, PROCESSING

A. Required Districts: C-2 and M-1A

B. Standards:

1. Limit hours of operation from 7:00 a.m. to 8 p.m., Monday through Saturday.
2. No portion of a new recycling facility shall be located within a three mile radius of the property lines of an existing recycling facility.
3. A minimum 200 foot buffer and 10-foot improvement setback shall be required along all property lines except public rights-of-way.
4. A minimum 50-foot buffer and 10-foot improvement setback shall be required along all public rights-of-way.
5. All recyclable materials shall be stored in containers with no stockpiling outside the containers.
6. Collection, storage containers, or receptacles shall not be allowed in minimum yards. Storage shall be screened with a six-foot high, solid wall or fence, including access gates.
7. The processing of recyclable materials must be done within an enclosed building.
8. Driveways shall be designed so vehicles will exit the facility in a forward direction.
9. A maximum continuous sound level of 65 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single family.
10. The recycling center shall comply with regulations administered by the Fulton County Department of Health.
11. In accordance with Article 28.4.3.2., submit an Environmental Impact Report as required.

19.4.38. OPEN

19.4.39. SALVAGE, STORAGE, AND/OR JUNK FACILITY

A. Required Districts: M-1 and M-2

B. Standards:

1. No portion of a new salvage, storage, and/or junk facility shall be located within a three mile radius of the property lines of an existing salvage, storage, and/or junk facility.
2. A minimum 200-foot buffer and 10-foot improvement setback shall be required along all property lines except public rights-of-way.
3. A minimum 50-foot buffer and 10-foot improvement setback shall be required along all public rights-of-way.
4. All facilities shall be screened from view from adjacent properties and roadways with a minimum 6-foot high, solid fence or wall, as approved by the Department of Community Development, except for approved access crossings and utility easements. Said fence or wall shall be located interior to any required buffer or landscape strip.
5. Vehicles and other materials shall not be stacked so that they are visible from any adjacent properties.
6. In accordance with Article 28.4.3.2., submit an Environmental Impact Report as required.

19.4.40. SCHOOL, PRIVATE OR SPECIAL

A. Required Districts: All

B. Standards:

1. Minimum lot area shall be 1 acre.
2. If located adjacent to a single family dwelling district and/or AG-1 district used for single family, the minimum landscape strips, buffers, and improvement setbacks required for the O-I district as specified in Section 4.23 shall be required.
3. Buildings, and refuse areas shall not be located within 100 feet of a residential district and/or AG-1 district used for single family.
4. Active outdoor recreation areas shall not be located within 100 feet of an adjoining residential district or use. Recreational fields, such as playing

fields, that are accessory to the school do not require a separate Use Permit.

5. Day care facilities in association with the school do not require a separate Use Permit.
6. Parking areas shall not be located within 50 feet of any residential district and/or AG-1 district used for single family.
7. Student drop-off and vehicular turn-around facilities shall be provided on the site so that vehicles may re-enter the public street in a forward manner.
8. Permitted curb cut access shall not be from a local street.
9. In accordance with Article 28.4.6., submit a Noise Study Report as required.

19.4.41. SELF STORAGE/MINI

A. Required Districts: C-1 and C-2

B. Standards:

1. At least 75% of the total on-site storage space shall be contained in individual enclosed stalls containing no more than 500 square feet each and being no more than 10 feet high.
2. No activities other than the dead storage or transfer of nonvolatile goods, or leasing of storage space are permitted. Prohibited uses include but are not limited to miscellaneous sales; fabrication or repair of vehicles, equipment or other goods; transfer-storage business based on site; residential uses (other than the resident manager's apartment), or any use which creates a nuisance due to noise, odor, dust, light or electrical interference.
3. An on-site manager or resident manager shall be required and shall be responsible for the operation of the facility in conformance with conditions of approval. A resident manager's apartment is included in the Use Permit.
4. Provide a minimum six-foot high, 100% opaque solid wooden fence or masonry wall along the entire length (except for approved access crossings) of all property lines. Said fence/wall shall to be located

outside of any public right-of-way and interior to any required landscape strips or buffers.

5. A new or expanded self storage facility shall be located a minimum of 1,500 feet from the boundary of any other self storage facility (mini or multi).

19.4.41(1) SELF STORAGE/MULTI

A. Required Districts: MIX, C-1, and C-2

B. Standards:

1. No outside storage shall be allowed, including vehicle leasing.
2. All buildings shall have windows or architectural treatments that appear as windows.
3. No activities other than the dead storage or transfer of nonvolatile goods, or leasing of storage space are permitted. Prohibited uses include but are not limited to miscellaneous sales; fabrication or repair of vehicles, equipment or other goods; transfer-storage business based on site; residential uses (other than the resident manager's apartment), or any use which creates a nuisance due to noise, odor, dust, light or electrical interference.
4. Permitted curb cut access shall not be from a local street.
5. A new or expanded self storage facility shall be located a minimum of 1,500 feet from the boundary of any other self storage facility (mini or multi).

19.4.42. SKYWALKS

A. Required Districts: AG-1, O-I, MIX, C-1, C-2, M-1A, M-1, M-2

B. Standards:

1. A minimum vertical clearance of 16 feet above all streets, and a minimum vertical clearance of 16 feet above the walkway shall be provided.
2. Ample space for the free flow of pedestrians with a 12-foot minimum walkway width shall be provided.

3. Prior to issuance of a building permit, a Bridge Agreement shall be filed with the Department of Community Development as a condition of approval. The Department of Community Development shall be responsible for the interpretation and application of the conditions set forth above and no building permit shall be issued by the Department of Community Development except upon written approval of the Department of Public Works.

19.4.42(1) STADIUM (OFFSITE) ASSOCIATED WITH A PRIVATE SCHOOL.

A. Required Districts: All

B. Standards:

1. Vehicular access is prohibited from a local street.
2. A minimum 200-foot buffer and 10-foot improvement setback shall be provided along all property lines adjacent to residential and AG-1 zoned properties.
3. The hours of operation shall be limited to 8:00 a.m. to 11:00 p.m. adjacent to residential and AG-1 zoned properties.
4. A 100-foot setback along any public right-of-way is required for all structures and activities.
5. The height limit of the zoning district shall apply to all structures unless a Use Permit to Exceed District Maximum Height is approved.

19.4.43. TRANSFER STATION, SOLID WASTE

A. Required District: M-2

B. Standards:

1. No access shall be allowed from local streets.
2. Access streets shall be paved and shall be able to withstand maximum load limits established by the State of Georgia as approved by the Director of Public Works.
3. No portion of a new transfer station shall be located within a three mile radius of the property lines of an existing transfer

station.

4. A minimum 200-foot buffer and 10-foot improvement setback shall be required along all property lines except public rights-of-way.
5. A minimum 50-foot buffer and 10-foot improvement setback shall be required along all public rights-of-way.
6. A minimum 6-foot high solid fence or wall shall be located on property lines or interior to the required buffers and improvement setbacks.
7. Limit hours of operation from 6:00 a.m. to 6 p.m., Monday through Saturday.
8. The owner shall provide the Director of the Department of Community Development a current copy of all applicable permits from the State of Georgia upon application for a Land Disturbance Permit.
9. In accordance with Article 28.4.3.2., submit an Environmental Impact Report as required.

19.4.44. OPEN

ARTICLE XXII

APPEALS

22.1. PURPOSE.

The purpose of this article is to establish procedures for appealing the strict application of regulations contained herein and conditions of zoning when those regulations impose a hardship on the development of the property, and to provide for interpretation of the text of this Ordinance and the Official Zoning Map. Appeals are authorized herein to be considered by various bodies and individuals depending on the type of appeal and its relationship to applications for Use Permits or Rezoning. Variances apply to the development standards and district standards per the Zoning Ordinance. Modifications apply to the approved conditions of zoning or use permit.

22.2. DECISION MAKING AUTHORITY.

The following are the powers and jurisdiction of the various decision makers and administrative bodies.

22.2.1. CITY COUNCIL. The City Council shall have the following powers and duties under the provisions of this Zoning Ordinance:

- A. To hear and decide applications for rezonings, use permits, and modifications pursuant to Article 22 and Article 28;
- B. To hear and decide applications for concurrent variances in conjunction with applications for rezonings, use permits, and/or zoning modifications pursuant to Article 22 and Article 28; and
- C. To initiate a modification of approved zoning conditions.

22.2.2. BOARD OF ZONING APPEALS (BZA). The Board of Zoning Appeals (BZA) shall have the following powers and duties under the provisions of this Zoning Ordinance:

- A. To hear and decide applications for primary variance requests;
- B. To hear and decide appeals from the interpretation of any of the provisions of this Ordinance by the Director of the Department of Community Development in accordance with Section 22.2.3. H.;
- C. To hear and decide appeals when it is alleged that there is an error in any

order, requirement, decision, or determination made by any Sandy Springs official in the enforcement of this Zoning Ordinance and;

- D. To hear and decide appeals from a permitting or procedural decision of the Director or Deputy Director of the Department of Community Development regarding minor or administrative variance requests.

22.2.3. DIRECTOR OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

The Director of the Department of Community Development shall have the following jurisdiction, power and duties under the provisions of this Zoning Ordinance:

- A. To determine the type of appeal application or land use process the property owner/agent is required to apply for;
- B. To consider and decide on minor variances to minimum yard requirements, not to exceed ten percent of such requirement, as long as property owners with standing do not object;
- C. To consider and decide on administrative minor variances of no more than 1 foot;
- D. To consider and decide on administrative variances;
- E. To consider and decide on administrative modifications to conditions of zoning;
- F. To interpret the provisions of the Zoning Ordinance related to the following:
 - 1. Inconsistent, vague or obscure language;
 - 2. Provisions which are in conflict or are confusing; and
 - 3. Conflicting or redundant procedural requirements; and.
- G. To establish procedural requirements for review of appeal applications.

22.2.4. LIMITATION ON AUTHORITY. The authority and jurisdiction of Boards and individuals as provided herein shall be limited as outlined in the following. In exercising this jurisdiction, each hearing Board or individual shall have authority to determine whether it has jurisdiction.

- A. There shall be no variances to permitted uses or accessory uses as

specified in the zoning district regulations, administrative/use permit or zoning conditions.

- B. There shall be no variances to the minimum lot area nor the minimum district size required in each zoning district.
- C. There shall be no variances to the minimum lot frontage on a street as required in designated zoning districts of the Zoning Ordinance.
- D. There shall be no modification to increase the density or change the use approved under the rezoning case except to allow for the development of a conservation subdivision.
- E. There shall be no modification to revise a site plan that, as determined by the Director of the Department of Community Development results in a significant change in the approved concept. Such a site plan revision shall require rezoning pursuant to Article 28.
- F. There shall be no relief or variance from the standards of Article 22 or Article 28.

22.3. VARIANCES. A variance is a request for relief from the provisions of the Zoning Ordinance. There are 6 types of variance applications. The type of variance necessary shall be determined by the Director of the Department of Community Development. The different types of appeals are listed below and described in the following sections:

- 1. Administrative Variance
- 2. Minor Variance/Administrative Minor Variance
- 3. Primary Variance
- 4. Secondary Variance
- 5. Interpretation
- 6. Concurrent Variance

22.3.1. VARIANCE CONSIDERATIONS. Variances may be considered in all districts. Primary variances and concurrent variances shall only be granted upon showing that:

- A. Relief, if granted, would be in harmony with, or, could be made to be in

harmony with, the general purpose and intent of the Zoning Ordinance; or,

- B. The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or,
- C. Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from an adjoining public road.

22.4. ADMINISTRATIVE VARIANCE.

The Director of the Department of Community Development is authorized by this Ordinance to consider an Administrative Variance whenever a property owner maintains that a provision contained in Article 34, DEVELOPMENT REGULATIONS, as applied to a specific situation, is not in the best interest of the public health, safety and welfare; whenever there is a request for the alteration of the 10 foot improvement setback required along all buffers as required in the conditions of zoning and/or in Article 4.23.1 MINIMUM LANDSCAPE STRIPS AND BUFFERS; and whenever there is a request up to a 10% reduction in the number of required parking spaces per Article 18.2.4, ADMINISTRATIVE REDUCTION OF SPACES CONSTRUCTED.

22.5. ADMINISTRATIVE MINOR VARIANCE.

The Director of the Department of Community Development may grant an Administrative Minor Variance up to 1 foot from any minimum yard requirement.

22.6. MINOR VARIANCE.

The Director of the Department of Community Development may grant minor variances to minimum yard requirements, not to exceed ten percent of such requirement, as long as no objection has been submitted in writing to the Director of Department of Community Development. An appeal to a minor variance decision must be filed as a Secondary Variance request.

22.7. PRIMARY VARIANCE.

A request for a variance from any Zoning Ordinance provision that is not being handled as a minor, administrative minor or concurrent variance and shall be heard and decided by the Board of Zoning Appeals in accordance with Section 22.3.1.

22.8. SECONDARY VARIANCE/INTERPRETATION.

The Board of Zoning Appeals shall consider appeals of variance decisions and interpretations made by any Department Director or Deputy Department Director authorized to grant a variance request or interpretation. This type of appeal is considered a secondary variance.

22.9. CONCURRENT VARIANCES.

The City Council may consider a concurrent variance from any standards of the Zoning Ordinance which shall be filed simultaneously with rezoning, use permit or zoning modification requests on the same property based on the conceptual plan submitted with the petition for the same agenda. The Planning Commission shall also hear and make recommendations on concurrent variances filed with rezonings or use permit applications. The City Council shall consider such concurrent variance requests in accordance with the standards set forth in Section 22.3.1. Public notification shall be in accordance with Sections 22.13.9 and 28.3

22.9.1. LIMITATIONS ON CONCURRENT VARIANCES.

- A. The City Council may only consider variance requests as part of, or in conjunction with, a rezoning, use permit or modification application.
- B. Deleted 11/03/04.
- C. If an application for a variance to the Board of Zoning Appeals duplicates a concurrent variance request denied by the City Council, such an application shall not be accepted by the Director of the Department of Community Development prior to the expiration of 6 months from the date of the City Council' denial of the variance request. A variance request to the Board of Zoning Appeals cannot be considered simultaneously with the same variance request pending before the City Council.

22.9.2. APPLICATION FOR CONCURRENT VARIANCES. Applications for a concurrent variance shall be submitted to the Director of the Department of Community Development in accordance with the advertised filing deadlines for the City Council meetings. A regular variance fee shall be charged and the application shall comply with all advertising and notification requirements specified in Article 28, REZONING AND OTHER AMENDMENT PROCEDURES . One notice sign may serve for both the rezoning, use permit, zoning modification, and concurrent variance request as long as the sign is marked to indicate all actions which are pending.

The variance case file number for each concurrent variance requested shall be included on the rezoning petition.

22.10. MODIFICATIONS. A modification is a request for relief from the conditions of zoning or use permit when a site development proposal does not comply with approved conditions. There are two different types of modifications which are listed below and described in the following sections:

1. Administrative Modification
2. Zoning Modification

22.10.1. APPLICATION FOR MODIFICATION. A request to modify a condition of zoning or Use Permit may be initiated by the property owner, the Planning Commission or the City Council. Applications shall be submitted to the Director of the Department of Community Development in accordance with the deadline schedule adopted by the City Council. A modification application shall include a legal description of the property for which the modification is requested and a written explanation of the circumstances upon which the requested change of condition is based including the reason why development or use of the property, as approved, cannot be accomplished without the modification of a condition. Applicants shall submit a

revised site plan illustrating the requested modification. The type of modification necessary is determined by the Director of the Department of Community Development.

22.11. ADMINISTRATIVE MODIFICATION. An Administrative Modification application may be filed if the Director of the Department of Community Development determines that the modification request is not prohibited by Section 22.2.4 LIMITATION ON AUTHORITY and, will constitute only a technical change and does not involve significant public interest, or public interest has been addressed by letters expressing no objections from property owner(s) with standing and/or neighborhood associations. The Director shall send the administrative modification decision to the City Council for confirmation at the next appropriate regular meeting.

22.11.1. APPEAL OF AN ADMINISTRATIVE MODIFICATION DECISION. If an applicant wishes to appeal the decision of the Director of the Department of Community Development regarding an Administrative Modification, or if it is determined by the Director that a request will involve a matter of public interest, the applicant must file a separate application requesting a Zoning Modification on forms available from the Department of Community Development.

22.12. ZONING MODIFICATION. A Zoning Modification application shall be filed if an approved zoning condition cannot be met and it is determined by the Director that the application involves significant public interest and is in compliance with Section 22.2.4 LIMITATION ON AUTHORITY. The Zoning Modification request shall be presented to the City Council for consideration in a public hearing.

22.13. GENERAL PROCEDURES.

This section contains basic steps common to all variances and modifications.

22.13.1. APPLICATIONS. All applications for variances, interpretations and modifications shall be filed with the Director of the Department of Community Development on forms available in the Department. The type of application process necessary to accomplish the change requested by the applicant shall be determined by the Director of the Department of Community Development. The Director shall transmit the petition and all documents constituting the record to the appropriate hearing body or individual.

22.13.2. STANDING. Standing refers to a party or parties allowed to initiate a request for variances or modifications which are limited to the following:

- A. Modification Petition - A request for a modification may be initiated by the property owner or its agent, the Planning Commission or the City Council;
- B. Variance Petition - A request for a variance may be initiated by the property owner of subject property or its agent;
- C. Secondary Variance Petition - A request for a secondary variance appeal may be initiated by the property owner of the subject property or its agent, or the owner of other real property within 300 feet of the boundaries of the subject property; and
- D. Interpretation Petition - A request for an interpretation of a decision of the Director of the Department of Community Development may be requested by any individual.

22.13.3. FILING DEADLINES.

- A. Applications for variances, interpretations and modifications shall be submitted in accordance with the advertised filing deadlines, depending on the type of petition in accordance with Section 28.2.3 of the Zoning

Ordinance.

- B. Concurrent Variance applications shall be filed in accordance with the filing deadline for the parent petition of either a use permit, rezoning, or zoning modification request in accordance with Section 28.2.3 of the Zoning Ordinance.
- C. The Director of the Department of Community Development has the discretion to extend the filing deadline by two days for all applications except Administrative Minor and Minor Variance Applications. A letter from the applicant explaining the delay in filing shall be submitted prior to the close of the filing deadline.

22.13.4. WITHDRAWAL OF APPLICATION.

- A. An application may be withdrawn by the applicant in writing at any time before the public hearing notice advertisement is published and /or the notice of the hearing is posted on the property.
- B. Applications which do not require a public hearing may be withdrawn at any time before notification of a decision is mailed.
- C. Once the public hearing has been properly advertised, the request for withdrawal of the application must be placed on the public hearing agenda and the appropriate decision-making body shall act on the withdrawal request.

22.13.5. FEES. At the time of application, applicants shall pay fees as established by the City Council. Fees paid are not refundable except where the Director of the Department of Community Development determines that an application was accepted in error, or the fee paid exceeded the amount due, in which case the amount of the overpayment will be refunded to the applicant.

22.13.6. LEGAL ACTION STAYED. The filing of an appeal authorized by this Article shall operate as a stay of any enforcement proceedings by Sandy Springs until final resolution of the appeal. No City Council or Board of Zoning Appeals action shall be taken on any property which is the subject of any litigation pending in state or federal court wherein Sandy Springs or its agents or officials are parties.

22.13.7. PUBLIC HEARING. A public hearing shall be conducted by the stated hearing body of each appeal application before taking action thereon except those authorized to be considered administratively. The schedule of public hearings

and deadlines for the filing of an appeal shall be established by the City Council.

Public hearings are not required for administrative variances, minor variances, administrative minor variances and administrative modifications; however, notification in accordance with Section 22.13.9 B is required.

22.13.8. EVALUATIONS AND REPORTS. The hearing body shall have before it, at the time of hearing, a report from the Director of the Department of Community Development which shall summarize the hardship or justification reported by the applicant as related to the application and background information for variances, modifications, and interpretations, and any other information requested by the hearing body. The hearing body shall, hear, analyze, consider, and make a written report of its decision in accordance with Section 22.13.12 NOTICE OF DECISIONS.

22.13.9. PUBLIC NOTIFICATION.

A. For those applications requiring a public hearing (Primary Variances, Secondary Variances, Concurrent Variances, and Zoning Modifications), the Director of the Department of Community Development shall:

1. Publish notice of the public hearing in a newspaper of general circulation at least 15 days, but no more than 45 days prior to the public hearing at which an application will be heard. The published notice shall contain the time, place and purpose of the hearing and the location of the property if applicable (secondary variances may not always be property specific). Renotification is not required when a petition is deferred by the City Council or the Board of Zoning Appeals
2. The applicant or agent shall post a sign as issued by the Department of Community Development in a conspicuous location on each public street frontage of the subject site, at least 20 days, but not more than 45 days, prior to the public hearing at which an application will be heard.

The sign shall be mounted and posted as specified by the Department of Community Development. Property that is not posted on the 20th day before the scheduled hearing date will be administratively removed from the agenda. The sign will remain posted on-site until final action by the appropriate hearing body is taken.

When the Board of Zoning Appeals defers a petition, the applicant

is required to post an updated sign with new hearing dates 20 days prior to the next scheduled hearing date. When the City Council defers a petition, an updated sign is not required.

The posted sign shall contain the date, time, place and purpose of the hearing.

For zoning modifications, all notices shall contain all of the items listed in the previous sentence, the location of the property, the zoning and/or use permit case number to be modified and the condition number(s) to be modified.

The posting of a sign is not required when a secondary variance is not requested by the property owner or owner's representative.

3. Notice of the public hearing shall be postmarked 15 days prior to the hearing date and shall be given by regular mail to all property owners within 300 feet of the boundaries of the property who appear on the current tax records of Fulton County as retrieved by the County's Geographic Information System. Renotification is not required when a petition is deferred by the City Council or the Board of Zoning Appeals.

The mailing of public notices is not required when a secondary variance is sought by other than the property owner.

- B. For those applications not requiring a public hearing, notification shall be provided as follows:

1. Administrative Variance: The owners of property adjacent and contiguous across the right-of-way of the subject site shall be notified in accordance with Section 22.13.9(A)(3).
2. Minor Variance: The owners of property adjacent and contiguous across the right-of-way of the subject site shall be notified in accordance with Section 22.13.9(A)(3).
3. Administrative Modification: The Director of the Department of Community Development shall determine what notification, if any, is reasonable on a case by case basis.
4. Administrative Minor Variance: No written notification.

22.13.10. DECISIONS. The City Council, Board of Zoning Appeals, and the Director of

the Department of Community Department in considering applications under this Article shall do one of the following:

- A. Approve or partially approve
- B. Approve and impose conditions related to the application being considered
- C. Deny
- D. Hold for further study not less than 30 days
- E. Withdraw

22.13.11. BOARD OF ZONING APPEALS DECISION ON SECONDARY VARIANCES/INTERPRETATIONS. The Board of Zoning Appeals may take the following actions pursuant to a secondary variance and/or an interpretation appeal:

- A. Affirm an order, requirement, or decision, wholly or partly.
- B. Reverse an order, requirement, or decision, wholly or partly.
- C. Clarify. Present an interpretation of the text in the form of a statement of clarification. Such statement shall not contain substitute language, but shall rely upon language and definitions contained in the Sandy Springs Zoning Ordinance, and definitions contained in Merriam-Webster Collegiate Dictionary, tenth edition.

22.13.12. NOTICE OF DECISIONS. Written notice of all decisions shall be placed in the official case file and shall be forwarded to the applicant by regular mail within 7 working days from the date of the decision by the following authority:

- A. The Director of the Department of Community Development shall provide written notification of the Board of Zoning Appeals' decisions;
- B. The Director of the Department of Community Development shall, with respect to minor variances, administrative variances, and administrative modifications provide written notification of such decisions. The approval of a building permit shall constitute notice of approval for an administrative minor variance; and
- C. The Clerk to the City Council shall, with respect to zoning modifications and concurrent variances, provide written notification of the City Council' decisions.

22.13.13. RECONSIDERATION OF DENIED APPLICATION. If a variance or modification application is denied by an authorized Department Director, City

Council or the Board of Zoning Appeals, an application for the same variance or modification item shall not be considered until:

- A. At least six months has elapsed from the date of the decision; or
- B. New information pertinent to the subject, not previously considered, is submitted by the petitioner and the 6-month period is waived by the hearing body.

If an application is denied by the Director of the Department of Community Development, the applicant may appeal the decision to the appropriate hearing body depending on the type of petition.

This provision is not intended to supersede provisions of Article 28.2 as related to decisions regarding rezonings and/or use permits.

- 22.13.14. TIME LIMITATION ON APPEALS TO SUPERIOR COURT. The decision of the Board of Zoning Appeals is a final decision; therefore, any appeal of such a decision shall be pursued by application for writ of certiorari filed with the Superior Court of Fulton County within 30 days of the date of the decision. The applicant's petition, application for writ of certiorari, the writ of certiorari and any other initial filings with the Superior Court shall be served upon the named defendants/respondents in accordance with O.C.G.A. Section 9-11-4.

Upon filing such an appeal, the Clerk of Superior Court shall give immediate notice thereof to the Director of the Department of Community Development and within 30 days from the date of such notice, the Director of the Department of Community Development shall cause to be filed with the Clerk of Superior Court a certified copy of the proceedings and the decision of the Board of Zoning Appeals.

Appeals of decisions (Secondary Variances/Interpretation) of the Director of the Department of Community Development, or the Director of Public Works shall be brought within 30 days from the date of the decision.

- 22.13.15. EXPIRATION OF VARIANCE. If not used, a variance shall be valid only for a period of 36 months from the date it is granted, either by the hearing body or the Director. Extensions may be sought under the provisions for Expiration and Extensions in article 28, Rezoning and Other Amendment Procedures.

- 22.14. BOARD OF ZONING APPEALS.

- 22.14.1. MEMBERSHIP. The Sandy Springs Board of Zoning Appeals shall consist of seven members appointed by the City Council of Sandy Springs. The members

shall serve terms concurrent with the terms of the Sandy Springs Planning Commission. Members shall not hold any other public office or position in Sandy Springs. Annual elections shall be held by the Board of Zoning Appeals to elect one of its members chairperson for a one-year term. The chairperson may serve an unlimited number of one-year terms.

22.14.2. VACANCIES. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.

22.14.3. REMOVAL OF MEMBERS. Members may be removed for cause by the City Council upon written charges and after a public hearing.

22.14.4. PAY. Fees to be paid to the members of the Sandy Springs Board of Zoning Appeals for attending official meetings shall be fixed from time to time by the City Council of Sandy Springs.

22.14.5. SECRETARY. The Director of the Department of Community Development shall serve as Secretary to the Board of Zoning Appeals. The Secretary shall keep minutes of proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall keep records of evidence, examinations and official actions, all of which shall be filed and shall be a public record.

22.14.6. POLICIES AND PROCEDURES. The Sandy Springs Board of Zoning Appeals shall adopt and publish policies, procedures and rules in keeping with the provisions of this Ordinance. Such shall be available in the Department of Community Development.

22.14.7. MEETINGS. Meetings of the Board of Zoning Appeals shall be held at least once each month to dispose of matters scheduled. Additional meetings may be called by the chairman. The Board of Zoning Appeals scheduled meetings, places and dates, and deadlines for the filing of applications shall be approved by the City Council and published by the Director of the Department of Community Development.

ARTICLE XXIII

OCCUPANCY CERTIFICATE

23.1 CERTIFICATE OF OCCUPANCY.

A Certificate of Occupancy, indicating that a building, lot and use comply with the Building code and this Zoning Ordinance is required under provisions of the Sandy Springs Building Code. Said Certificate of Occupancy shall be posted on site where it is visible for inspection for a period of 30 days from the date of issuance.

Any owner, authorized agent, or contractor who desires to change the use of a building or structure shall first make application to the building official, obtain the required permits, and obtain a Certificate of Occupancy prior to occupying said structure.

ARTICLE XXIV

Plans and Inspections

24.1. SINGLE FAMILY DWELLING PLANS

Applications for building permits for single family dwellings shall be accompanied by two copies of a plot plan. Applications for building permits and land disturbance permits other than single family dwellings shall respond to the plan requirements set forth by the Department of Community Development. Plot plans shall be based on a boundary line survey and drawn to scale. One copy of the plot plan shall be returned to the owner when plans have been approved by the Department of Community Development. Plot plan shall show:

- A. The exact location of temporary and permanent pins, monuments and stakes used to mark the boundary.
- B. The exact footprint of existing and proposed buildings and their structures, and the footprint of proposed alterations and additions.
- C. The existing and proposed use of each building and other structure or part thereof,
- D. The required number of parking spaces, and their locations,
- E. Other information as may be necessary to determine compliance with this Ordinance.

24.2. INSPECTIONS

Prior to pouring footings, the owner shall notify the Department of Community Development to conduct an inspection to determine that space for required setbacks are available on the site. This inspection shall, in no way, relieve the owner of total responsibility for complying with all provisions of the Ordinance.

ARTICLE XXVI

Interpretation, Conflict and Enforcement

26.1. INTERPRETATION

The Director of the Department of Community Development shall interpret the provisions to this Ordinance, and may utilize opinions of the County Attorney and others in arriving at interpretations. Appeals from an interpretation of the Director of the Department of Community Development shall be in accordance with the provisions of Article XXII.

26.2. CONFLICT

This Ordinance shall abrogate any other regulations previously adopted or issued that are in conflict with any of the provisions of this Ordinance relating to the use of buildings or land in conflict with this Ordinance. This Ordinance shall not annul any easements, covenants or other agreements between parties; provided, however, that whenever this Ordinance imposes a greater restriction upon the use of buildings or land than are imposed by such easements, covenants or agreements, the provisions of the Ordinance shall control.

26.3. ENFORCEMENT

It shall be the duty of the Director of the Department of Community Development to enforce the provisions of this Ordinance. In addition, it shall be the duty of all officers and employees of the County, especially members of the Police Department, Sheriff's Department and Marshal's Office, to assist the Director of the Department of Community Development by reporting to him any seeming violations -- including violations in new construction, reconstruction, and/or land uses including signs. Appeals from the decision of the Director of the Department of Community Development shall be made as provided in Article XXII, Appeals.

26.4. PERMITS IN EFFECT

Nothing herein shall require any change in the plans, construction, size or designated use of any land, building, structure or part thereof for which a building permit or land disturbance permit was issued prior to the effective date of this Ordinance or amendment thereto.

ARTICLE XXVII

HEARING PROCEDURES

27.1. ZONING PROCEDURES ACT.

All public hearings and zoning actions shall be conducted in accordance with Title 36, Chapter 66, “THE ZONING PROCEDURES ACT”, of the Code of Georgia.

ARTICLE XXVIII

REZONING AND OTHER AMENDMENT PROCEDURES

- 28.1. GENERAL AMENDMENTS. Whenever the public necessity, convenience, general welfare or good zoning practice justify such action, and after consideration by the City Planning Commission, the City Council may, by resolution, change the regulations set forth in this Zoning Ordinance (text amendment) or amend the Zoning Maps.

In amending the Zoning Maps, the City Council may approve a use permit and/or zoning district applied for by the applicant or a more restrictive zoning district based on the ranking of Sandy Springs zoning district intensities. The City Council may consider a variance filed concurrently with a request for a rezoning and/or use permit.

In approving any zoning district change and/or use permit, the City Council shall impose conditions of approval as deemed necessary and appropriate to mitigate potentially adverse influences or otherwise promote the public health, safety or general welfare.

Rezoning and/or use permit requests are referred to in this text as land use petitions. All land use petitions approved by the City Council are subject to conditions approved by the City Council.

- 28.2. LAND USE PETITIONS. Land use petitions may be initiated by the property owner or the City Council on forms available from the Department.

No final action shall be taken on a land use petition affecting the same parcel more often than once every 12 months when the petition is initiated by the property owner.

At any time, the City Council may initiate a land use petition on property which was previously rezoned. However, a six-month waiting period from the date of final Board action is required when a rezoning and/or use permit request was previously denied.

If a petition was previously denied, the owner must demonstrate that the proposed land use petition is significantly different from the previous denial to the satisfaction of the City Council before it can be considered for a reinitiation. A significant difference includes, but is not limited to a change in zoning district, use, density, height, buffers or other methods of screening, or other items which were discussed at a public hearing.

Appeals to Superior Court.

Any appeal of, or other legal challenge to, a City Council' final decision regarding a use permit petition shall be pursued by petition for writ of certiorari filed with the Superior Court of Fulton County within 30 days of the date of the City Council' decision. The applicant's petition and all other initial filings with the Superior Court shall be served upon the named defendants/respondents in accordance with O.C.G.A. § 9-11-4.

Upon filing such appeal, the Clerk of Superior Court shall give immediate notice thereof to the Director, and within 30 days from the date of such notice, the Director shall cause to be filed with the Clerk of Superior Court a certified copy of the proceedings before the Board and the decision of the Board.

- 28.2.1. FILING DEADLINES. A land use petition, complete in all particulars, shall be submitted in accordance with the advertised filing deadlines. The director may extend the filing deadline by up to two days with a letter of explanation from the applicant justifying the delay of submittal. An incomplete petition will not be accepted.
- 28.2.2. WITHDRAWAL PRIOR TO ADVERTISING. If a land use petition has not been advertised for public hearing, a written request for withdrawal with the reason for the request shall be made to and accepted by the Director. No refunds of petition fees will be made.
- 28.2.3. WITHDRAWAL AFTER ADVERTISING. After a land use petition has been advertised for public hearing, it may only be withdrawn by the City Council at the public hearing. A withdrawal shall not be deemed final action and shall not bar submission of a new petition. A written request for withdrawal with the reason for the request shall be made to the Director.
- 28.2.4. PETITION REQUIREMENTS. In order to be accepted by the Department of Community Development, all petitions shall include the following with the required number of copies of each as prescribed by the Director:
- (1) Pre-application Review Form
 - (2) Signed and notarized petition with original signatures;
 - (3) Legal Description;
 - (4) Letter of Intent;
 - (5) Site plan which meets the requirements specified in Article 28.5.2;
 - (6) Site plan checklist which indicates compliance with site plan requirements specified in Article 28.5.2;
 - (7) Environmental Site Analysis;
 - (8) 8 ½" x 11" transparency of site plan;

- (9) Impact Analysis for rezoning petitions;
- (10) Disclosure Form;
- (11) Public Participation Plan;
- (12) Public Participation Report (due no later than 7 business days before the City Council meeting)
- (13) Traffic Study, if applicable;
- (14) Metropolitan River Protection Act Pre-Review Letter, if applicable;
- (15) MARTA Corridor Plan Review Form, if applicable;
- (16) Development of Regional Impact Review Form, if applicable;
- (17) Environmental Impact Report, if applicable;
- (18) Noise Study Report, if applicable;
- (19) Other documents as identified in the pre-application review; and
- (20) Non-refundable filing fee

28.3. PUBLIC HEARING AND NOTICE REQUIREMENTS.

Before adopting any change to the Zoning Maps or text of the Zoning Ordinance, the City Council shall hold a public hearing following the public hearing by the City Planning Commission where a recommendation was made on the petition.

Notice of the City Planning Commission and City Council hearings shall be given simultaneously at least 15 days but not more than 45 days prior to the date of the City Council' public hearing and shall be published in a newspaper of general circulation. Renotification is not required when a petition is deferred by the City Council.

The applicant or agent shall post a sign as issued by the Department of Community Development in a conspicuous location on each public street frontage of the subject property not later than 8:30 a.m. on the 20th day prior to the Planning Commission hearing.

The sign shall be mounted and posted as specified by the Department of Community Development. Property that is not posted on the 20th day before the scheduled first hearing date will be administratively removed from the agenda.

When the Planning Commission or the City Council defers a petition, the applicant is required to post an updated sign with new hearing dates 20 days prior to the next scheduled hearing date. When a petition is deferred by the City Council for less than 20 days, posting an updated sign is not required.

The Department shall give notice by regular mail to all property owners within 300 feet of the boundaries of the subject property who appear on the tax records of Sandy Springs as retrieved by the County's Geographic Information System. The notices shall be mailed a minimum of 15 days prior to the hearing date.

Renotification by mail is not required when a petition is deferred by the City Council.

The published and mailed notices shall contain the time, place, and purpose of the hearing, the location of the property, and the present and proposed zoning classifications and/or requested use permit. The posted sign shall include all of the items required in the published notice except the location of the property. Notice shall not be considered inadequate if the mail is not delivered.

28.3.1. SECRETARY. The Director or his/her appointee shall serve as Secretary to the Planning Commission. The Secretary shall keep minutes of proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall keep records of evidence, examinations and official actions, all of which shall be filed and shall be a public record.

28.4. TECHNICAL EVALUATIONS AND REPORTS. Proposed land use petitions shall be considered by the City Council only after the evaluations and reports required below have been completed and the Planning Commission has made a recommendation. Such reports shall be public record.

28.4.1. ZONING IMPACT ANALYSIS BY THE PLANNING COMMISSION AND THE DEPARTMENT. For each rezoning petition, the Planning Commission and the Department shall investigate and make a recommendation with respect to the factors listed below. The Department shall make a written record of its investigation and recommendation on each rezoning petition, as well as any other factors it may find relevant, and carry out any other duties with which it is charged by the City Council.

The Planning Commission shall make a recommendation which the Department shall transmit in writing to the City Council.

The zoning impact analysis factors are as follows:

- A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
- B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
- D. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities,

utilities, or schools;

- E. Whether the zoning proposal is in conformity with the policies and intent of the land use plan;
- F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal; and
- G. Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of Sandy Springs.

28.4.2. ZONING IMPACT ANALYSIS BY APPLICANT. If a rezoning is initiated by the property owner, a written documented analysis of the impact of the proposed zoning with respect to each of the matters enumerated in 28.4.1 is required at the time of filing the land use petition.

28.4.3. ENVIRONMENTAL REPORTS. If a rezoning and/or use permit is initiated by the property owner, an Environmental Site Analysis and/or an Environmental Impact Report shall be filed with the land use petition per the following:

28.4.3.1. ENVIRONMENTAL SITE ANALYSIS (ESA). All rezoning and/or use permit petitions shall include an Environmental Site Analysis to identify environmental conditions on the site to determine if the proposed use may be considered environmentally adverse.

The Environmental Site Analysis shall detail the following:

- 1. How the project conforms to the Comprehensive Land Use Plan;
- 2. The presence or absence of the following and does the project encroach or adversely affect any of the following:
 - a. Wetlands;
 - b. Floodplains;
 - c. Streams/stream buffers;
 - d. Slopes exceeding 25 percent over a 10 ft. rise in elevation;
 - e. Vegetation;
 - f. Wildlife species (including fish);
 - g. Archeological/historical sites;
- 3. How the project implements the following:

- a. Protection of environmentally sensitive areas (floodplains, slopes exceeding 25 percent, river corridors);
- b. Protection of water quality;
- c. Minimization of negative impacts on existing infrastructure;
- d. Minimization of negative impacts on archeological/historically significant areas;
- e. Minimization of negative impacts on environmentally stressed communities;
- f. Creation and preservation of green space and open space;
- g. Protection of citizens from the negative impacts of noise and lighting;
- h. Protection of parks and recreational green space;
- i. Minimization of impacts to wildlife habitats;

28.4.3.2. ENVIRONMENTAL IMPACT REPORT (EIR). Any petition for an industrial rezoning and/or use permit shall include an Environmental Impact Report to determine if the proposed use is environmentally adverse.

The Environmental Impact Report shall detail the following:

- 1. Conformance to the Comprehensive Plan including each of the policies regarding environmental justice;
 - 2. Impacts on noise levels of the surrounding area;
 - 3. Impacts on air quality of the surrounding area;
 - 4. Impacts on water quality/resources including surface water, ground water, flood plains, and wetlands;
 - 5. Impacts on vegetation, fish, and wildlife species and habitats;
 - 6. Impacts of thermal and explosive hazards on the surrounding area;
 - 7. Impacts of hazardous wastes on the surrounding area;
- The report shall cite all uses and quantities of any agents listed on the Federal Environmental Protection Agency Lists of Hazardous Wastes.

The Environmental Impact Report shall detail strategies to mitigate or avoid impacts listed above as applicable.

28.4.3.3. REVIEW CRITERIA FOR ESA AND/OR EIR. Environmental Site Analysis

and/or Environmental Impact Reports shall be reviewed based upon the following:

1. Whether the petition is consistent with the policies of the Comprehensive Land Use Plan;
2. The detail provided for ESAs and EIRs as outlined in Sections 28.4.3.1. and 28.4.3.2. above.

The Department shall review the ESAs and EIRs submitted with petitions for rezoning and/or use permits and make recommendations to the City Council with respect to the proposed use. The anticipated impact of the proposed use on an environmentally stressed community will be included in the Department's recommendation.

As determined by the Director or his/her designee, Environmental Impact Reports may also be required with applications for land disturbance permits, building permits, temporary or permanent certificates of occupancy, or any other permits issued by the Department of Community Development.

- 28.4.4. TRAFFIC IMPACT STUDY. A Traffic Impact Study is required when a land use petition equals or exceeds the thresholds indicated in the Department's Rezoning, Use Permit & Concurrent Variance Application Package. The study shall be prepared by a certified traffic engineer or transportation planner in accordance with professional practices and must be submitted at the time of the filing of the land use petition.
- 28.4.5. DEVELOPMENT OF REGIONAL IMPACT STUDY (DRI). A Development of Regional Impact Study is required when a land use petition meets or exceeds the thresholds indicated in the Department's Rezoning, Use Permit & Concurrent Variance Application Package. Form 1: Initial DRI Information must be submitted at the time of the filing of the land use petition.
- 28.4.6. NOISE STUDY REPORT. When a site is located in an area which exceeds a DNL (day-night average sound level) of 65 dBA, is within 500 feet of a principal arterial road or expressway, is within 750 feet of an active railroad line, or within the Hartsfield-Jackson Airport Noise Contours (exceeding 65 dBA), a Noise Study Report shall be submitted to the Department. The Noise Study Report shall include:
1. An analysis of the proposed use with respect to existing ambient noise, that is, business and industry noise, aircraft noise, roadway noise, and construction noise.

2. Sound attenuation measures of site and/or site design for exterior noise levels that exceed a maximum DNL of 65 dBA or a maximum peak hourly sound level of 70 dBA to reduce such noise to a maximum DNL of 50 dBA when measured in habitable areas of the building(s).
3. Preconstruction noise readings. The noise level readings shall be measured at a distance from the site to the noise source. The measurement should be from the source to the nearest points on the site where buildings having noise sensitive uses are located. These points shall be labeled as the NAL (noise assessment locations). The relevant measurement location for buildings is a point 6.5 feet from the facade. In the event that the location of the buildings have not yet been specified at the time of the noise assessment report, then the distance used in the noise assessment should be measured as 6.5 feet less than the distance from the building setback line to the major sources of noise.
4. Measures to maintain the noise level standards and reduce future noise encroachment.

As determined by the Director or his/her designee, Noise Study Reports may also be required with applications for land disturbance permits, building permits, temporary or permanent certificates of occupancy, or any other permits issued by the Department.

28.4.7. PUBLIC PARTICIPATION PLAN AND REPORT.

The Public Participation Plan is to ensure that applicants pursue early and effective public participation in conjunction with their petitions, ensure that the citizens of Sandy Springs have an adequate opportunity to learn about petitions that may affect them, and to ensure ongoing communication between applicants, adjoining property owners, environmentally stressed communities, community associations and other organizations, elected officials and County staff. A target area for public participation should be determined by the applicant and current planner at the time of the pre-application review. Applicants are required to submit a Public Participation Plan for meeting with interested citizens to advise of pending rezoning/use permit applications and to allow citizens the opportunity to discuss concerns and provide input about project design or development. An applicant's responsibilities are to inform the public, solicit input, and provide a summary of these activities in the form of a written report (Public Participation Report).

The requirement for a Public Participation Plan does not give communities decision making powers or force a consensus on issues. Applicants are not obligated to make any concessions or changes based upon input from citizens. A

refusal by the community to meet with applicants does not mean that the applicants fail to meet the requirements of the Public Participation Plan.

Dialogue should occur between applicants and communities before the Planning Commission hearing, the first public hearing. Public Participation Plans are required with all rezoning and/or use permit applications and must be filed simultaneously with the application. Participation Plan Reports are required to be submitted no less than seven (7) business days before the scheduled City Council' hearing. If the report is not submitted as required, the City Council may defer an application.

The minimum requirements for Public Participation Plans and Public Participation Reports are as follows:

- A. Public Participation Plan. Every application for a rezoning or use permit which requires a public hearing shall include a Public Participation Plan which must be implemented prior to the first public hearing.

Minimum Standards:

1. Identification of all property owners within a quarter mile of the site and area homeowners' associations, environmentally stressed communities, political jurisdictions, and any other public agencies or organizations which may be affected by an application as determined by the applicant and the current planner at the time of the pre-application review.
2. Explanation of how interested parties will be informed of rezoning/use permit applications.
3. Methods for providing opportunities for discussion with interested parties before public hearings are held. Applicants are required to schedule at least one meeting at a convenient location and time and notify all interested parties, as identified in 1. above, of the purpose, place and time of the meeting.
4. Applicant's schedule for completion of the Public Participation Plan.

- B. Public Participation Report. Every rezoning and use permit applicant is required to provide a Public Participation Report on the Department's form no later than seven (7) business days before the scheduled City Council' hearing. This report shall be made a part of the official file and a summary will be provided to the City Council.

Minimum Standards:

1. Provide a list of all parties that were contacted, the methods of notification that were used, and copies of all notification letters.
2. Provide dates and locations of all community and/or other meetings that were attended by the applicant to discuss an application. (attach meeting notices, letters, etc.)
3. Provide the number of people who participated in meetings held to discuss an application. (attach sign-in sheets)
4. A summary of concerns and issues expressed by interested parties.
5. A summary of the applicant's response to concerns and issues.

28.5. CONDITIONAL DEVELOPMENT.

28.5.1. DESIGNATION. Each zoning district shall have a designation thereunder to be known as Conditional for that district.

28.5.2. PLANS. Site plans for rezonings and use permits must be folded, drawn to scale, no larger than 30" x 42", and shall, at a minimum, include the following information:

- (1) Key and/or legend and site location map with North arrow;
- (2) Boundary survey of subject property which includes dimensions along property lines that match the metes and bounds of the property's written legal description and clearly indicates the point of beginning;
- (3) Acreage of subject property;
- (4) Location of land lot lines and identification of land lots;
- (5) Existing, proposed new dedicated and future reserved rights-of-way of all streets, roads, and railroads adjacent to and on the subject property;
- (6) Proposed streets on the subject site;
- (7) Posted speed limits on all adjoining roads;

- (8) Current zoning of the subject site and adjoining properties;
- (9) Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on the subject property;
- (10) Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on adjacent properties within 400 feet of the subject site based on the County's aerial photography or an acceptable substitute as approved by the Director;
- (11) Location of proposed buildings (except single family residential lots) with total square footage;
- (12) Layout and minimum lot size of proposed single family residential lots;
- (13) Topography (surveyed or County) on subject site and adjacent property within 200 feet as required to assess runoff effects;
- (14) Location of overhead and underground electrical and pipeline transmission/conveyance lines;
- (15) Required and/or proposed setbacks;
- (16) 100 year flood plain horizontal limits and flood zone designations as shown on survey or FEMA FIRM maps;
- (17) Required landscape strips, undisturbed buffers, and any other natural areas as required or proposed;
- (18) Required and proposed parking spaces; Loading and unloading facilities;
- (19) Lakes, streams, and waters on the state and associated buffers;
- (20) Proposed stormwater management facilities;
- (21) Community wastewater facilities including preliminary areas reserved for septic drain fields and points of access;
- (22) Availability of water system and sanitary sewer system;
- (23) Tree lines, woodlands and open fields on subject site;

- (24) Entrance site distance profile assuming the driver's eye at a height of 3.5 feet (See Sandy Springs Subdivision Regulations);
- (25) Wetlands shown on the County's GIS maps or survey; and
- (26) Airport noise contours on those properties within the FAR Part 150 Airport Noise Contour Map.

A request for relief from any of the above site plan requirements may be submitted in writing to the Director for approval prior to the filing deadline. The request should clearly state the reasons for the request. Projects subject to Development of Regional Impact reviews and other large projects that will be phased shall be required to revise the site plan for each phase of the development to comply with the above standards through a Zoning Modification.

- 28.6. ZONING MAPS. The official Zoning Map will be amended to reflect the land use petition approvals. Rezoning and use permits that have not vested pursuant to Section 28.11. will be removed from the Zoning Map and the zoning/land use designation shall revert as indicated in Article 28.10.
- 28.7. APPLICABLE REGULATIONS. Zoning regulations that applied at the time of acceptance of an application for a Land Disturbance Permit shall prevail.
- 28.8. PETITION FEES. Prior to accepting a petition for rezoning, use permit, concurrent variance, or extension of zoning and/or use permit, the Director shall collect nonrefundable fees as established by the City Council.
- 28.9. PROCEDURES FOR MODIFICATION OF ZONING CONDITIONS. See Article XXII.
- 28.10. EXPIRATION AND EXTENSIONS OF ZONINGS AND/OR USE PERMITS. Land use petitions shall expire unless the property owner takes action to vest the zoning and/or use permit in accordance with Article 28.11. within a period of 36 months from the date of any approval granted after March 16, 1986 by the Fulton County Board of Commissioners, by the City Council, or fails to secure an approved extension.
 - A. Each zoning and/or use permit approval may be allowed one (1) 24-month extension subject to the qualifying conditions in Section 28.11.2.
 - B. Land use petitions initiated by the City Council to implement the adopted City Comprehensive Plan Land Use Map are exempt from the provisions of Section 28.11.2.

28.11. VESTING OF ZONING AND/OR USE PERMIT. Upon occurrence of one of the four conditions listed immediately below, a zoning and/or use permit shall be vested and such vesting shall be spread upon the minutes of the City Council' meeting.

- A. Prior to the expiration of a Land Disturbance Permit, a vesting determination may be made by the Department that substantial progress (28.11.1) has been made toward the completion of on-site construction depicted on the site plan approved with the rezoning and/or use permit.
- B. Prior to the expiration of a building permit, a vesting determination is made by the Department that substantial progress (28.11.1.) has been made toward the completion of a building depicted on the site plan approved with the rezoning and/or use permit.
- C. The issuance of a certificate of occupancy and/or permit for a use and/or structure specified in the approved conditions shall vest the zoning.
- D. The issuance of a business license for the approved use shall vest the zoning, but only when no new construction or land disturbance is approved and/or required as a condition of zoning.

28.11.1. SUBSTANTIAL PROGRESS. To demonstrate substantial progress for purposes of vesting a conditional zoning and/or use permit, one of the following must be fulfilled:

- A. The Department may approve a construction schedule which includes at least 50 percent of the public improvements specified for one phase. Substantial progress shall have been demonstrated when, within one year of the date of the issuance of the land disturbance permit, the Department observes normal progress toward the approved construction schedule.
- B. The Department shall approve a construction schedule which includes at least the pouring of footings for a principal building. Substantial progress shall have been demonstrated when, within 6 months of the date of the issuance of the building permit, the Department observes routine progress toward the approved construction schedule.

Refusal to certify that substantial progress has been achieved may be appealed in accordance with Article 22 of this Ordinance.

28.11.2. EXTENSIONS. Extensions of zonings and/or use permits for any of the four qualifying conditions listed in this section shall be considered by the City Council.

To qualify for an extension, the property owner must submit an application to the Department at least 30 days prior to the expiration of a 36-month period beginning with the date of approval of a zoning and/or use permit.

The Department shall prepare an analysis and recommendation as to whether the documentation in the application is sufficient based on one of the four criteria which may validate an extension request.

The Department shall submit its recommendation to the City Council.

No more than one two-year extension, per zoning and/or use permit case, may be granted for any of the qualifying conditions listed below (except a court action delay).

An extension may not be sought for less than the total acreage of the underlying zoning and/or use permit.

In every application for an extension, the owner(s) shall provide an affidavit documenting at least one of the following:

- A. A delay resulting from court action involving the zoning and/or use permit or a previous extension on the property for which an extension is sought. Extensions approved in connection with court action shall remain valid for one year beyond the granting of an order or the expiration of an appeal period before any court with jurisdiction.
- B. Non-availability of utilities or facilities resulting from government inaction. In those instances where wastewater facilities are available for a fraction of the desired capacity, or when capacity was available at some time during the 3 year period, but not during the 60 days prior to expiration, the City Council shall evaluate such case's qualifications for an extension on their individual merits considering any evidence that might indicate a diligent effort to proceed with development.
- C. A delay in development resulting from wetlands regulatory procedures requires the applicant to provide a copy of the application acknowledgment letter from the Savannah Regulatory Branch of the Corps of Engineers as documented evidence. Said application should have been filed at least 12 months before zoning and/or use permit expiration.

- D. An inability to obtain financing, despite documentation of the owner's efforts during the first year after zoning and/or use permit approval and continuing until one week prior to consideration of the extension request to the Board. Documentation shall consist of two official denials signed by officers of two different lending institutions who have final jurisdiction over such financing transactions.

28.11.3. NOTICE OF EXPIRATION. At least 90 days prior to the expiration of a zoning and/or use permit, the Director shall send by certified mail a notice of expiration to each owner of record as shown in the tax records.

ARTICLE XXIX

Violation and Penalty

29.1 VIOLATION.

Any person, firm, partnership or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor. Each day's continuance of a violation shall be considered a separate offense. The owner and or tenants of any buildings or premises or parts thereof, where anything in violation of the Ordinance shall be placed or shall exist, and any architect, builder, contractor, or agent or the owner and or tenants who may have assisted in the commission of any such violation shall be guilty of a separate offense.

29.2 PENALTY.

Where a determination is made that property is in violation of this zoning ordinance, and any other codes and laws enforced by the Department of Community Development, and all reasonable efforts and means to obtain compliance have been exhausted, the Director of the Department of Community Development is authorized to effect such compliance at public expense. The cost effectuating compliance shall constitute a lien upon the property and said lien shall be recorded by the Director of the Department of Community Development in accordance with the laws for such.

The Municipal Court of the City of Sandy Springs shall have jurisdiction to try offenses alleging violations by any person, firm, corporation, partnership, or other entity of this ordinance. Upon conviction, any person, firm, corporation, partnership, or other entity shall be subject to a fine of \$1,000.00 or imprisonment in the City Jail for not more than 60 days, or both this fine and imprisonment for each offense. Appeals from decisions of the Municipal Court may be made to the Superior Court of Fulton County as described in prior articles, the City charter or otherwise as permitted under Georgia law.

ARTICLE XXX

Validity

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

ARTICLE XXXI

CONFLICTING RESOLUTIONS REPEALED

The provision of any Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

ARTICLE XXXII

Effective Date

This zoning Ordinance having been adopted in the manner prescribed by the City Council in accordance with the City charter (and Georgia law) on December ____, 2005, becomes effective as of this date.

ARTICLE XXXIII

Signs

33.1 INTENT

It is the intent of this Article to eliminate excessive and confusing sign displays which do not relate to the premises on which they are located; to eliminate hazards to pedestrians and motorists brought about by distracting sign displays; to prevent the destruction of the natural beauty and environment of the County; and to protect the public health, safety and general welfare. This Article shall have the effect of restricting the continued existence of any abandoned or non-conforming signs unless in compliance with the terms of this Article. It is the intent of this Article that over time all non-conforming signs shall eventually be eliminated. This Article is intended to encourage the effective use of signs as a means of communication; to improve traffic and pedestrian safety; to minimize the possible adverse effects of signs on public and private property and on the sense of sight; and to enable fair and consistent enforcement of these regulations. This Article recognizes the competing interests in signage and the regulations herein are intended to balance these interests to preserve and improve Sandy Springs's quality of life; and to protect the free speech provisions of the U.S. Constitution.

33.2 PERMIT REQUIRED

A sign permit shall be required and a fee shall be paid according to the current fee schedule for all signs requiring a permit as provided herein. No permit shall be required for a change of copy on changeable copy signs. Any change in the permanent message shall require a new permit. An electrical permit is also required for all signs using electrical wiring. Prior to the issuance of a sign permit for a sign by the Department of Community Development, the applicant for such a permit must present a photograph of the proposed sign location, and other signs located on the property, a scaled site plan of the site, sign detail and total wall area dimensions for wall signs. The permit sticker must be displayed on every sign.

A permit that is issued in violation of this Article is void. A permit does not create a vested right to maintain any sign which violates any terms of this Article or any other law. A sign permit shall expire 6 months after the issuance of the permit if installation of the sign has not begun.

No sign shall be permitted for any property until the appropriate zoning and/or use permit is approved by the City Council.

33.3 ISSUANCE OF PERMITS

The Zoning Administrator shall reject any application that is incomplete or that contains false material statements or omissions within ten (10) days of receipt of said application. A rejected application later resubmitted in conformity with this Article shall be deemed to have been submitted on the date of resubmission, instead of the original submission date.

The City shall process all complete and accurate sign permit applications within forty-five (45) business days of the City's actual receipt of a complete and accurate application and upon remittance of the appropriate sign permit fee. The Zoning Administrator shall give notice to the applicant of his/her decision by hand delivery or by mailing such notice, by Certified Mail, Return Receipt Requested, to the address on the permit application on or before the forty-fifth (45th) business day. Failure of the City to act within the forty-five (45) day period shall be deemed as approval of the permit. If notice is mailed in conformity with this Section, notice shall be deemed to have been given upon the date of mailing.

Should it be determined that a sign permit was issued pursuant to an application containing a false material statement or omission, the Zoning Administrator shall revoke said permit and the subject sign shall be immediately removed. A revocation pursuant to this Section shall be appealable pursuant to Section 33.4 of this Article.

33.4 VARIANCE APPEALS

Appeals from the standards herein shall be considered by the Board of Zoning Appeals in compliance with Article 22, APPEALS, Section 22.4. A non-conforming sign that is destroyed or damaged by any means to the extent defined in Section 33.4.3 (B and (C) does not constitute a sufficient reason to grant a variance for reconstruction. In the absence of the factors listed in Section 22.4.1, economic or financial hardship alone shall not be sufficient to support a variance.

33.5 PROHIBITED SIGNS

Any sign not specifically identified in this article as a permitted sign shall be prohibited except where otherwise permitted. Examples of signs which are prohibited are as follows:

- a. Banners, Flags (other than as permitted in Section 33.4.12 B), balloons, streamers, air or gas filled figures.

- b. Twirling, sandwich-type, sidewalk or curb-type signs, and portable displays.
- c. No series, lines or rows of lights shall be installed, whether supported by cables or other physical means, within a distance of 150 feet of a street.
- d. No promotional beacons, search lights or laser lights/images.
- e. Except for electronic changeable copy signs, no flashing, blinking, rotating, fluctuating, or otherwise animated signs shall be permitted within 150 feet of a street.
- f. No sign shall, emit audible sound or emit visible smoke, vapor, particles or odor except for sounds that are caused by normal operation of an electronic changeable copy sign.
- g. No signs other than those belonging to local or state governments, public service agencies, railroads and the like shall be located in a public right-of-way.
- h. No sign shall be located on a tree or utility pole.
- i. No sign shall be located on any part of any roof, nor shall any sign extend vertically above any portion of a roof or parapet of the applicable wall.
- j. No sign copy shall be permitted on trash receptacles, vending machines or similar structures, except for copy that indicates product sold or dispensed from within the structure.
- k. No sign or advertising device(s) shall be attached to any vehicle or trailer parked so as to be visible from a public right-of way, including vehicles with for sale signs except in a permitted auto sales business and excluding vehicle(s) used for daily transportation, deliveries or parked while business is being conducted on-site.(See Vehicle Sign 33.4.9.B(21)).
- l. No sign shall depict nudity, sexual conduct, obscene or pornographic material as defined in the United States and/or Georgia Codes.
- m. No sign shall advertise an activity which is illegal under federal, state or local laws.
- n. Off Premise signs, except as otherwise permitted in this Article.
- o. Billboards are prohibited except in the M-1 and M-2 Districts.

- p. Signs not in good repair, in violation of codes, broken panels, chipped paint, damaged support structures, missing letters or abandoned signs which advertise an activity, business, product or service no longer conducted or available.
- q. Window signs, except as permitted in Article 33.4.12.B(14).
- r. Any sign not specifically provided for in this Ordinance is unlawful.

33.6 GENERAL SIGN REGULATIONS.

This section applies to signs allowed in all use districts except when specifically excluded by conditions of zoning.

33.6.1 NONCOMMERCIAL MESSAGES. Any sign, display, or device allowed herein may contain, in lieu of any other message or copy, any lawful non-commercial message that does not direct attention to a business operated for profit or to a commodity or service for sale, as long as such sign, display or message complies with the size, height and area requirements herein.

33.6.2 VISIBILITY TRIANGLE. No sign nor part of any sign shall obscure the minimum sight distance specified in AASHTO standards administered by the County Traffic Engineer.

33.6.3 NONCONFORMING SIGNS. Any sign that comes into non-compliance as a result of a change in these regulations is a nonconforming structure and shall be entitled to all rights herein. The following standards apply to nonconforming signs:

- A. No nonconforming sign shall be enlarged, extended, structurally reconstructed, moved, replaced or altered in any manner including the sign face except for normal maintenance as referenced in C below.
- B. Destruction of the sign, by any means, to more than sixty percent of its replacement cost at the time of destruction, shall require that the sign be brought into compliance with the provisions of this Article and Ordinance if reconstructed.
- C. Normal maintenance of nonconforming signs is allowable.. Any repair or maintenance to more than sixty percent of the replacement cost, shall require that the sign be reconstructed in conformity with the provisions of this Article and Ordinance.

- D. No sign or advertising device shall be permitted on-site where a non-conforming sign referring to the same business on the same lot exists until the nonconforming sign has been removed or made to conform to the provisions of this Article and Ordinance. This provision shall exclude permits for temporary signage (i.e. banners, streamers, balloons, real estate, and other signage for temporary uses).
 - E. Comply with any other applicable provisions of 4.3.1
- NONCONFORMING LOTS, USES AND STRUCTURES.

33.6.4 ABANDONED SIGNS. Any sign that is located on property which becomes vacant or unoccupied, or pertains to a business which does not currently conduct a business with a valid business license, or pertains to a product no longer being sold on the premises or pertains to a time, event or purpose which has passed or no longer applies for a period of 90 days shall be deemed to have been abandoned. Abandonment does not apply to billboard signs. Abandoned Signs shall adhere to the following standards:

- A. Any abandoned sign including canopy or awning signs shall be prohibited in all zoning districts and shall be removed by the owner of the sign or owner of the property.
- B. The frame and support structure of a freestanding abandoned sign may remain for a period of one year from abandonment, if no other ground signs exist on the property, and it conforms to safety standards and all other applicable terms contained in this Article and Ordinance. Within 30 days of the sign being deemed abandoned by the Department of Community Development, the owner, agent or person having the beneficial use of the sign or property upon which the sign is located shall have the face of the abandoned sign structure replaced with a weatherproof blank face of similar materials of other panels on the structure or materials subject to approval by the Department of Community Development. Should the sign remain abandoned after the one year period, the complete sign structure shall be removed by the owner of the property or sign structure.
- C. Any abandoned sign that is inconsistent with any terms of this Article and Ordinance shall immediately be altered to comply with the provisions of this Ordinance or be removed by the owner of such structure or property within 90 days of the abandonment.

Abandoned tenant panel signs shall be removed or replaced in accordance with this Article.

33.6.5 ENFORCEMENT. Violations of this article and ordinance shall be enforced by the Department of Community Development. It shall also be the duty of all officers and employees of the City and especially all members of the Police Department to assist the Department of Community Development by reporting any seeming violation in new construction, reconstruction, alteration or relocation of any signs governed under this article and ordinance. Appeal from the decision of the Department may be made to the BZA as provided in article XXII.

Nothing herein contained shall require any change in the plans, construction, size or designated use of a sign structure, or part thereof, for which a valid building permit has been granted by, or for which a sign permit was applied to and granted by Fulton County before August 4, 1999, provided that the construction of such sign or sign structure shall have been started within 90 days of August 4, 1999. If any of the above requirements shall not have been fulfilled within the time stated above or if building operations are discontinued for a period of 90 days, any further construction shall be in conformity with the provisions of this article and ordinance.

A violation of this Article shall be subject to penalty per Article 29, VIOLATION & PENALTY.

33.6.6. ELECTRONIC CHANGEABLE MESSAGE SIGNS. Electronic Changeable Copy signs including time and temperature signs shall be limited to 12 read-outs per minute.

33.6.7 IDENTIFICATION SIGNS IN MEDIANS. Identification signs for a development, project or subdivision may be located in a street median of project entrances with an easement and approval from either the Sandy Springs Department of Public Works or the Georgia DOT as appropriate.

33.6.8 SIGN SPECIFICATIONS.

Location. All signs shall be located on-site, outside of any public right-of-way except where otherwise specifically permitted off-site by provisions in this Article. Any sign placed on public right-of-way except where otherwise permitted by this Article shall be deemed to be illegal and shall be immediately removed by the responsible party or be subject to removal by the appropriate enforcement body. Sandy Springs shall have the right to recover from the owner or person placing such sign the full cost of its removal and disposal.

Setback. Unless a more restrictive setback is specified in conditions of zoning, all signs shall set back at least 10 feet from the right-of-way or 20 feet from the edge of pavement if a private street and no sign shall project over the right-of-way.

Height. Free standing signs shall comply with height limits in this Article except that such signs located within 300 feet of an interstate highway right-of-way may comply with the maximum building height of the zoning district. Maximums established for sign heights shall, in all cases, refer to the overall structure of the sign (including monument signs) and not just the height of the sign face. (See "Height, Sign" in Definitions, Article 3.3.8.) Whenever a sign is approved for incorporation into a wall (or mounted upon a wall), the least restrictive of the wall or sign height shall be the permissible height. Column heights (whether structural or non-structural) shall be allowed to exceed the maximum wall height by three feet.

Area. Sign area is calculated by squaring the area on one side of all sign faces. Signs are entitled to double faces and signs may have more than one single or double faced signs as long as the total area of the single sides do not exceed the maximum sign area allowed. Three and four sided signs are not allowed. Regardless of the geometric configuration of the sign, the sign face shall be calculated by adding the total squared areas of the polygons covering the sign face, including any open space within the polygons. (See "Sign Area" in Definitions, Article 3.3.19 and Illustrations XXXIII)

Size. The maximum size of a freestanding sign structure shall not exceed 3.5 times the sign face area. Any open air space shall be included in calculating the total maximum allowable sign structure size.

Graphics. Lettering and numerals on signs located next to limited access, arterial and major collector streets shall be at least 4 inches in height and, next to all other streets, lettering and numerals shall be at least 3 inches in height.

Safety. No sign shall obstruct or impair the vision of any vehicle operator at the intersection of any public rights-of-way, at any entrance onto or exit from a public road, or any other location where said obstruction could create a traffic hazard. No sign shall be constructed or located where by reason of its position, shape, wording or color, may be confused with an authorized traffic or emergency vehicle device. All signs shall be built in compliance with all applicable building and electrical codes.

33.6.9 PROPERTY NUMBERS. All properties shall be identified by a property number of a minimum size as subsequently identified in this paragraph. All signs including temporary signs and I.D. Monuments on properties which have been assigned a property number (street number) shall display the numbers and/or letters with characters that are at least 4 inches tall for signs located along limited access, arterial and major collector streets, and 3 inches tall along minor collector and local streets. The area of the property number shall not be subtracted from

the total message area allowed on a sign.

- 33.6.10 SIGN LIGHTING. Sign lighting shall not be directed skyward and the source of light shall be effectively shielded from adjacent residential properties and streets. Light intensity shall not exceed 1.1 foot-candles measured at all residential property lines.

Sign illumination may be direct or indirect. Direct illumination is projected from within a sign, building etc. Indirect illumination is illumination which is projected onto a sign, building, etc.

- 33.6.11 SIGNS PERMITTED GENERALLY. The following regulations apply to signs that are allowed in more than one use district or to signs allowed in all use districts.

A. Signs Which DO Require a Permit. The following signs may be located in zoning districts where specified unless otherwise restricted by conditions of zoning or other regulations:

1. IDENTIFICATION MONUMENTS. Within all zoning districts, identification monuments are allowed as a substitute for other free standing primary signs (except subdivision monument) provided all of the following standards are met:
 - a. No changeable copy (electronic/manual) or reader board configuration shall be approved, except an identification monument sign for a church/ place of worship or school shall be allowed a manual changeable copy, and no pole signs shall be approved. Messages shall be limited to names, address, logos, and trade marks or other identification symbols, or noncommercial messages.
 - b. The height of an identification monument shall not exceed six (6) feet when adjacent to local streets and minor collectors, ten (10) feet when adjacent to major collector or arterial streets. Should a sign exceed the maximum height as specified above, the sign shall not be considered or treated as identification monuments unless otherwise provided for below or in this Article or Ordinance.

Identification monuments within C-1 and C-2 Commercial Districts shall be allowed a 20 foot height on a lot having 500 feet or more of frontage adjacent to a major collector or arterial street from which access is derived.

- c. The materials used to construct the monument's exterior (except for the sign face) shall be composed primarily of brick, granite, stone, marble, terrazzo, stucco, wood and/or other materials specifically approved by the Department of Community Development.
 - d. Lighting shall be indirect and shall comply with other restrictions on lighting herein.
 - e. The total identification monument sign area per face shall not be greater than 1.2 times the district maximum of the primary sign substituted for. The sign face shall be calculated excluding structural support and embellishments (See 33.4.9 Sign Specifications, Size and Illustrations XXXIII-3).
 - f. Identification monument signs constructed as part of an entry wall shall comply with the height and setback requirements of an entry wall (See 4.11 FENCES AND WALLS).
2. DIRECTORY. A directory, listing occupants within buildings and/or listing buildings, or displaying maps, within a development or complex may be located in all districts as long as lettering does not exceed 6 inches in height, the sign is not more than 8 feet above ground level, and it does not exceed 30 square feet in area per face and no more than four single faces. Directories shall not be located closer to any street right-of-way than 75 feet.
 3. MARQUEE SIGNS. Marquee wall signs may be substituted for wall signs for uses such as theaters and hotels where their use is customary. Such signs shall not extend above the roof line of the building nor extend more than 2 feet from the face of the building upon which secured. Allowable sign dimensions shall be the same as for wall signs in the applicable district.
 4. COMING SOON SIGNS. Businesses, Institutions and other new developments may exhibit a freestanding ground sign announcing a future opening (Coming Soon) beginning no more than 4 months prior to opening. Banner or balloon type signs are permitted for no more than 30 days prior to the business opening. Such signs shall be removed no later than 14 days following the opening or commencement of business and shall not exceed the sign area

maximum for the district.

5. GRAND OPENING SIGNS. Businesses, institutions and residential developments may exhibit banners, flags, balloons, streamers, or air or gas filled figures within 3 months of starting the operation of a new business (ownership), location, or change in primary product or service offered. Such signs may be exhibited for no more than one 30 day period and no banner shall be located simultaneously with any other banner for the same business. Banner signs shall not exceed the sign area maximum for the district.
6. PROMOTIONAL SIGNS. Businesses, institutions and residential developments may exhibit banners, flags, balloons, or streamers during a promotional period such as anniversaries, special sales, or special promotions for one event not to exceed 30 consecutive days in a calendar year. Banner signs shall not exceed the sign area maximum for the district.
7. EVENT SIGNS. It is the intent of the Board of Commissioners to foster events that encourage citizens to become involved in their communities. Therefore, Public Uses such as places of religious worship, schools, community centers, or other institutional uses may exhibit banners, flags, balloons, or streamers for a promotional event not to exceed 14 consecutive days in a calendar year. A maximum of three permits may be allowed in a calendar year. Banner signs shall not exceed the sign area maximum for the district.
8. GOING OUT OF BUSINESS/MOVING SALE. Businesses, institutions and residential developments may exhibit banners, flags, balloons, or streamers for a period not to exceed 30 consecutive days for the same business at the same location. Banner signs shall not exceed the sign area maximum for the district.

9. APARTMENT DIRECTIONAL signs, provided they are removed within 14 days following the achievement of 90 percent occupancy for a multi-family development. There shall be no more than three such signs per multi-family development which may be located only with the permission of the property owner and outside of the right-of-way as required by Section 33.3. Such signs shall be no farther than two miles from the property to which they refer and shall not exceed the sizes given below:
- a. 16 square feet in areas adjacent to arterials and major collectors.
 - b. 4 square feet in area adjacent to all other streets.
 - c. signs referring to the same apartment development shall be separated by a minimum distance of 1000 feet measured along the street frontage and shall not obstruct the required sight distance required in AASHTO standards administered by the County Traffic Engineer.

A permit application for an apartment directional sign shall be accompanied by an affidavit from the apartment owner affirming that the occupancy rate of the advertised apartment development is less than 90 percent. A permit shall be valid for 6 months, and one additional permit for 6-months may be issued with the submission of a new application, payment of a sign permit fee and the submission of a new affidavit affirming that the occupancy rate continues below 90 percent. A maximum of three signs shall be permitted for each apartment complex and the permits shall be for concurrent time periods to expire simultaneously. Color-coded dated stickers alternated by time period shall be used by the Department of Community Development to assist in enforcement. Upon expiration of the second 6-month period, a waiting period of 6 months must expire before the permitting process cycle may be reinitiated.

10. TEMPORARY SIGNS. Signs for temporary uses permitted under an Administrative Permit and/or Use Permit shall comply with sign requirements per the Use Standards or shall not exceed 16 square feet and shall be affixed to a structure. A permit shall be valid for the period of time for which the temporary use is permitted.

11. WEEKEND DIRECTIONAL signs, for real estate sale or lease shall require a permit per sign and said signs shall comply with the following requirements listed below.
 - a) Signs and lettering shall be unilluminated and made of durable weatherproof materials at a maximum of 4 square feet in area and a maximum height of 3 feet.
 - b) Signs shall be located on property with the written permission of the property owner and shall be located outside of the public right-of-way with a minimum setback of 10.5 feet from back of curb or, if there is no curb, setback from the edge of pavement. Said signs shall not obstruct sight distance necessary for public safety as determined by the Sandy Springs Traffic Engineer.
 - c) Signs referring to the same subdivision shall be permitted on the same street frontage separated by a minimum distance of 500 feet measured along the street frontage. All signs shall be located within two miles from the subdivision entrance.
 - d) No more than one sign shall be located within 10 feet of any other weekend sign.
 - e) Signs shall not be affixed to any utility posts, cables, poles or other signs, structures or trees, and shall be posted firmly in the ground.
 - f) Signs shall not be placed before 12:00 noon Fridays, and must be removed by no later than 8:00 a.m. the following Monday.
 - g) Signs shall have the permit number, company name and phone number identifying the party responsible for the removal of the signs (including supporting devices) and the name of a officer of the subdivision development being advertised.

12. REAL ESTATE DIRECTIONAL signs, provided they are removed within 14 days following issuance of a certificate of occupancy for the final unit of each phase of a single family subdivision. There shall be no more than three such signs per subdivision which may be located only with the permission of the

property owner and out of the right-of-way as required by Section 33.3. Such signs shall be no farther than two miles from the property to which they refer and shall not exceed the sizes given below:

- a) 16 square feet in area adjacent to major thoroughfares.
- b) 4 square feet in area adjacent to all other streets.
- c) signs referring to the same subdivision shall be separated by a minimum distance of 1000 feet measured along the street frontage and shall not obstruct required sight distance necessary for public safety.
- d) 32 square feet in area adjacent to major thoroughfares for kiosk type signs advertising at least four or more subdivisions

13. Unilluminated HISTORICAL SIGNS. Signs used for the purpose of identifying sites of historic preservation may be placed on the property either as a free standing or wall sign and shall not exceed 16 square feet, one per street frontage and located outside of the right-of-way.

B. Signs Which DO NOT Require a Permit. The following signs may be located without a permit in any zoning district unless otherwise restricted by conditions of zoning or other regulations:

1. FLAGS, such as the flag of the United States, State of Georgia, or other government, corporate, agency, civic, charitable, religious, patriotic, fraternal or similar flag not to exceed more than four per site. Such flag shall be flown from a flag pole and the size of the flag shall not exceed ½ the size of a primary sign for the applicable district. Flags shall not be used for the purpose of advertising or selling any goods or services unless a permit is issued under Section 33.4.12(A).
2. TRAFFIC, SAFETY and/or EMERGENCY SIGNS related to public safety. Includes signs such as parking lot information and directional signs, height limit signs in parking garages, safety signs associated with gasoline pumping, and directional signs associated with hospitals and other emergency care facilities.

Directional and traffic signs associated with hospitals and other emergency care facilities in this category shall be limited to one per street frontage and shall not exceed 20 square feet for emergency directional signs and 4 square feet for traffic related signs.

On site directional signs indicating directions or information on deliveries, visitor parking, drive-in window (menu boards are not considered signs, but an accessory structure), etc., and including no additional information other than a logo, shall be allowed. Such directional signs shall not exceed 3 feet in height and 4 square feet. No more than one exit and one entrance sign shall be allowed per curb cut.

3. SEASONAL or Holiday decorations associated with calendar holidays. These may include but are not limited to Christmas, Hannukah, New Year, Easter, Halloween, Thanksgiving, and Fourth of July representations. No commercial message or copy shall be permitted in conjunction with a seasonal display. Each seasonal display may continue for a 15 day period in any one year except Halloween through New Years, where a 61 day period is allowed.
4. NONCOMMERCIAL display signs used in connection with any noncommercial drive or event, including civic, philanthropic, health, educational, safety, welfare and similar drive or events, provided all such signs are placed not more than 60 days prior to the event and the sign shall exhibit the date of the conclusion of the drive or event. Said sign shall not exceed 16 square feet in area and shall be removed within 15 days following the advertised event's conclusion.
5. Unilluminated REAL ESTATE SALES AND LEASE SIGNS in all but single-family dwelling districts provided they are removed within 30 days of sale or of being 80 percent leased. Such signs shall be unilluminated and limited to one on-premise sign per street frontage, and shall not exceed 16 square feet in area.
6. Unilluminated REAL ESTATE SALES AND LEASE SIGNS in AG-1 and single-family dwelling districts provided they are removed at the owner's expense within 30 days of lease or sale. Such signs shall be limited to one on-premise sign per street frontage and shall not exceed 16 square feet in area along arterials and major collectors, or 4 square feet adjacent to all other streets. Subdivisions in which fewer than 80 percent of the lots have been sold shall be entitled to one such 16 square foot sign per access-providing street.

7. GARAGE SALE or similar signs, provided such signs are located out of the right-of-way as required by Section 33.3, and on private property with the owner's consent. Such signs shall be located no farther than one mile away from the property to which the signs refer, do not exceed one square foot in area and are removed within 2 3 days following the sale. Garage sale signs are exempt from the minimum lettering-numbering provisions.
8. DANGEROUS ANIMAL Uniform Symbols and Signs. Dangerous animal and similar warning symbols and signs may be located wherever necessary to provide sufficient warning to the public.
9. Nonresidential CONSTRUCTION SIGN. Unilluminated signs in all but single-family dwelling districts provided they are placed no earlier than the start of construction and removed whenever a certificate of occupancy is issued. Such signs shall be limited to one sign per job site not to exceed 16 square feet per contractor and 6 square feet per subcontractor.
10. Residential CONSTRUCTION SIGN. Unilluminated signs in single-family dwelling districts provided they are placed no earlier than the start of construction and removed within 30 days of issuance of a Certificate of Occupancy. Such signs shall be limited to one sign per dwelling not to exceed 6 square feet per contractor or subcontractor.
11. BUS SHELTER AND BENCH SIGN. Illuminated bus shelter signs or signs on bus shelters/benches shall be permitted in nonresidential districts except AG-1 at designated public transportation bus stops. Such signs shall not exceed 24 square feet of area. When bus shelters and/or benches are proposed to be located in rights-of-way, approvals must be documented from the Sandy Springs Department of Community Development.
12. NOTICE SIGN. Any notice or warning required by federal, state or local law, regulation or ordinance. Signs for no trespassing on private property allowed, but not to exceed 2 square feet.
13. Any sign INSIDE a building which is not attached to a window or door.
14. WINDOW SIGNS temporarily affixed as defined in Article 3, Definitions of this Ordinance not occupying in the aggregate more than 10 percent of the window area.
15. VENDING and similar signs not visible from a street.
16. NAMEPLATES. Unilluminated wall mounted nameplates not to exceed

one square foot.

17. CANOPY AND AWNING SIGN. Awnings and canopies may contain the name and logo of a use. Such signs shall be deducted from allocated wall sign area.
18. SUSPENDED (HANGING) SIGNS. Signs suspended from a porch or similar shelter may contain the name and logo of a use. Such signs shall be oriented for pedestrian use and have no more than 3 square feet.
19. SEASONAL AGRICULTURAL SIGNS. Temporary directional signs for agricultural products grown and/or sold in the AG-1 District or at institutions provided such signs are posted no earlier than the commencement of selling activity and are removed within 7 days of the end of the selling season. Such signs shall not exceed 16 square feet in area, and shall be located only on private property with the owner's permission in compliance with Section 33.3 which requires that all signs be located out of the right-of-way.
20. HIRING SIGN. An advertisement sign for employment. Said sign shall be located behind the minimum yard setback and shall not exceed four square feet in size and three feet in height. Only one sign per business is allowed for the location for which the employment is advertised.
21. VEHICLE SIGN. Sign(s) on a vehicle that is used for daily transportation of person(s), product and or service relating to the business referred to on the sign. Such signage may be the magnetic type or the sign must be permanently affixed to the vehicle and placed so that it does not present a safety hazard during operation. Said vehicle must be operable, have inflated tires, have a valid license plate and tag and not be considered as a junk vehicle. Said vehicles shall be parked in a legal designated parking space belonging to the business to which the sign makes reference unless it is being operated to conduct business off-site. No trailer or non-motorized vehicle will be allowed under this provision.
22. CANDIDATE OR POLITICAL SIGN. Signs identifying or urging voter support for a particular election issue, political party, or candidate for public office. Said signs shall not exceed 16 square feet in area, six feet in height and shall be located a minimum of one foot from any public right-of-way, with permission of the property owner.

33.7 SIGN REGULATIONS BY ZONING DISTRICT

The following section consists of regulations governing signs within specific

zoning districts. Signs permitted in Community Unit Plan (CUP) Districts shall meet the sign requirements of the zoning district of which the land use of the particular development Pod is comparable to. In every case only one of either a free-standing primary sign or identification monument shall be permitted where free-standing signage is specified.

A. AGRICULTURAL DISTRICT

1. One maximum 32 square foot free standing primary sign per business or institutional lot shall be permitted for each street on which the lot has frontage.
2. One maximum 32 square foot identification monument sign or two single-faced identification monument signs not to exceed 16 square feet each for each side of a platted single family subdivision entrance. Such sign shall identify only the name of the subdivision. Subdivisions with more than one identifiable section as shown on an approved preliminary plat may be allowed internal identification monuments of 16 square feet on one side of the entrance to each section.

Identification monument signs shall comply with the area and height requirements of Section 33.4.9 as well as, all other requirements of the Section.

3. Free standing signs shall:
 - a. Have a maximum height of 6 feet,
 - b. Not be directly illuminated, and shall
 - c. Not have changeable copy.

B. SINGLE FAMILY RESIDENTIAL, CUP AND NUP DISTRICTS

1. One maximum 32 square foot free standing primary sign per property occupied with an institutional use shall be permitted for each street on which the lot has frontage.
2. One maximum 32 square foot identification monument sign in lieu of a freestanding sign or two single-faced monument signs not to exceed 16 square feet each for each side of a platted single family subdivision entrance, identifying the name of the subdivision only. Subdivisions with more than one identifiable section as shown on an approved preliminary plat may be allowed internal identification monuments of 16 square feet on one side of the

entrance to each section.

Identification monument signs shall comply with the area and height requirements of Section 33.4.9, as well as all other requirements of the Section.

3. Free standing signs shall:
 - a. Have a maximum height of 6 feet,
 - b. Not be directly illuminated, and shall
 - c. Not have changeable copy.

C. APARTMENT AND TOWNHOUSE RESIDENTIAL DISTRICTS

1. One maximum 32 square foot free standing primary sign per multi-family property or property occupied with an institutional use shall be permitted for each street on which the lot has frontage.
2. One maximum 32 square foot identification monument sign in lieu of a freestanding sign or two single-faced monument signs not to exceed 16 square feet each for each side of the development's entrance identifying the name of the apartments/townhouses only.

Identification monument signs shall comply with the area and height requirements of Section 33.4.9, as well as all other requirements of the Section.

3. Free standing signs shall:
 - a. Have a maximum height of 10 feet,
 - b. Not be directly illuminated, and shall
 - c. Not have changeable copy.

D. O-I DISTRICT

1. One, maximum 32 square foot, free standing primary sign for each street on which the O-I or mixed use lot has up to and including 500 feet of frontage, with lots having more than 500 feet of frontage allowed 64 square feet if located on an arterial street.
2. Free standing signs shall:
 - a. Have a maximum height of 10 feet,
 - b. Not be directly illuminated.

3. Wall signs are permitted for the purpose of displaying the name of the institution/business occupying the building on street-facing walls (including windows and doors). Businesses without street frontage that have exterior entrances to the building are entitled to one wall sign on the exterior wall of the business. Said wall sign(s) shall not exceed the smaller of 5 percent of the applicable wall area or 180 square feet, confined to the upper 30 feet of the facade. Wall signs shall not have changeable copy unless approved as a marquee sign.
4. Internal project identification monuments are permitted adjacent to internal entrance drive(s) serving the development. The monument shall not exceed 20 square feet in area and six feet in height and shall be located in compliance with Section 33.4.2.

E. MIXED USE DISTRICT

1. One, maximum 32 square foot, free standing primary sign for each street on which the non-residential use has up to and including 300 feet of frontage, with lots having 301 to 1,000 feet of frontage allowed 64 square feet, and lots in excess of 1,000 feet of street frontage allowed 72 square feet if located on an arterial street. (excludes spin sites and out-parcels)
2. One, maximum 32 square foot, free standing sign per spin site or out-parcel which is identified on a site plan approved pursuant to a single zoning case.
3. Free standing signs shall:
 - a. Have a maximum height of 10 feet,
 - b. Not be directly illuminated.
4. Wall signs are permitted for the purpose of displaying the name of the institution/business occupying the building on street-facing walls (including windows and doors). Businesses without street frontage that have exterior entrances to the building are entitled to one wall sign on the exterior wall of the business. Said wall sign(s) shall not to exceed the smaller of 5 percent of the applicable wall area or 180 square feet, confined to the upper 30 feet of the facade. Wall signs shall not have changeable copy unless approved as a marquee sign.

An anchor tenant that has over 50,000 square feet of net leasable floor space and has independent leased space within a shopping center shall be allowed wall signs not to exceed 5 percent of the applicable wall area or 300 square feet whichever is smaller.

5. One maximum 32 square foot monument sign or two single-faced monument signs not to exceed 16 square feet each for each side of a multi-family development entrance or a single family subdivision entrance, identifying the name of the development only.

F. COMMERCIAL AND INDUSTRIAL PARK DISTRICTS

1. Billboards are prohibited in the C-1, C-2 and M-1A Districts.
2. One, maximum 64 square foot, free standing primary sign for each street on which the commercial or industrial park zoned lot has up to and including 1,000 feet of frontage, with lots in excess of 1,000 feet of street frontage allowed 72 square feet if located on an arterial street. (excludes spin sites and out-parcels)
3. One, maximum 32 square foot, free standing sign per spin site or out-parcel which is identified on a site plan approved pursuant to a single zoning case.
4. Free standing signs shall have a maximum height of 20 feet.
5. Wall signs are permitted on street-facing walls (including windows and doors). Businesses without street frontage that have exterior entrances to the building are entitled to one wall sign on the exterior wall of the business. Said wall sign(s) shall not exceed 5 percent of the applicable wall area or 180 square feet, whichever is smaller. Wall signs shall not have changeable copy unless approved as a marquee sign.

An anchor tenant that has over 50,000 square feet of net leasable floor space and has independent leased space within a shopping center shall be allowed wall signs not to exceed 5 percent of the applicable wall area or 300 square feet whichever is smaller.

G. INDUSTRIAL DISTRICTS

1. Within industrial districts (M-1 and M-2), billboards shall not exceed 672 square feet and shall be located according to the following standards:

- a. Along, and oriented toward, State numbered primary routes or national highways only,
 - b. At least 500 feet from all residential or AG-1 zoning districts,
 - c. Minimum 100 foot setback from right-of-way,
 - d. Minimum of 1500 feet from other billboards, and
 - e. In compliance with applicable height regulations for the district in which located.
2. One, maximum 64 square foot, free standing primary sign for each street on which the industrial zoned lot has up to and including 1,000 feet of frontage, with lots in excess of 1,000 feet of street frontage allowed 72 square feet if located on an arterial street. (excludes spin sites and out-parcels)
 3. One, maximum 32 square foot, free standing sign per spin site or out-parcel which is identified on a site plan approved pursuant to a single zoning case.
 4. Free standing signs shall have a maximum height of 20 feet.
 5. Wall signs are permitted on street-facing walls (including windows and doors). Businesses without street frontage that have exterior entrances to the building are entitled to one wall sign on the exterior wall of the business. Said wall sign(s) shall not exceed 5 percent of the applicable wall area or 180 square feet, whichever is smaller. Wall signs shall not have changeable copy unless approved as a marquee sign.

An anchor tenant that has over 50,000 square feet of net leasable floor space within a shopping center shall be allowed wall signs not to exceed 5 percent of the applicable wall area or 300 square feet whichever is smaller.

H. MOBILE HOME PARK DISTRICT

1. One maximum 32 square foot identification monument sign or two single-faced monument signs not to exceed 16 square feet each shall be permitted at each entrance to the mobile home park.

2. One maximum 32 square foot identification monument sign per property occupied with an institutional use shall be permitted for each street on which the lot has frontage.
3. Free standing signs for non-residential uses located in a mobile home park shall:
 - a. Have a maximum height of 10 feet,
 - b. Not be directly illuminated, and shall
 - c. Not have changeable copy.
4. Permitted non-residential uses may have wall signs on street-facing walls. Businesses without street frontage that have exterior entrances to the building are entitled to one wall sign on the exterior wall of the business. Said wall signs(s) shall not to exceed 5 percent of the applicable wall area or 180 square feet, whichever is smaller. Wall signs shall not have changeable copy unless approved as a marquee sign.

ARTICLE XXXIV

Development Regulations

34.1. SCOPE AND INTENT.

This Article includes a variety of development related regulations which are designed to insure that development, and infrastructure additions and improvements are provided in the best interest of the health, safety and welfare of

the citizens of Sandy Springs, and to assure that development regulations and review procedures are standardized and equitably applied.

34.2. COMPLIANCE.

Any land disturbance activity or any development activity must comply with the development standards of Sandy Springs along with any other applicable local or state regulations. Compliance with the provisions of this Article, and actions to bring about compliance with this Article shall be in accordance with administrative guidelines of the Department of Community Development.

34.3. APPEALS.

The Director of the Department of Community Development shall administratively consider variance appeals to Article XXXIV in accordance with Article XXII, APPEALS.

34.4. PERMIT AND SIGN-OFF REQUIREMENTS.

These standards acknowledge or establish Sandy Springs requirements for permits for development of properties within Sandy Springs. All development shall comply with these and other requirements including, but not limited to, the Sandy Springs Tributary Buffer Ordinance, the Sandy Springs Tree Preservation Ordinance and Administrative Guidelines, the Sandy Springs Sediment and Erosion Control Ordinance, and the Georgia Metropolitan Area River Protection Act.

34.4.1. LAND DISTURBANCE PERMIT PREREQUISITES. Prior to the issuance of a Land Disturbance Permit or the issuance of a certificate of occupancy for each phase of development, the following documents shall be submitted to the Director of the Department of Community Development for approval.

- A. Site Plan. A site plan which meets or exceeds the requirements contained herein and the Department of Community Development administrative guidelines, and incorporates the following therein:
 - 1. A certified boundary description based on a survey of the entire property.
 - 2. A graphic representation of those conditions of zoning which can be graphically represented. This is not intended to require that conditions of zoning be written-out on a site plan.
 - 3. Zoning case number and other relevant file numbers.

- B. Grading Plan with Phasing.
- C. Erosion and Sediment Control Plan. A separate sheet depicting erosion and sediment control measures as required by the State of Georgia.
- D. Landscape/Tree Protection Plan. A detailed landscape or tree protection plan for all required buffers, landscape strips, tree protection zones, and screened areas. If project completion does not coincide with an appropriate planting season, or if water prohibitions are in effect, a performance bond may be posted to delay planting until an appropriate time approved by the Sandy Springs Arborist.
- E. Storm Water Management Plan
 - 1. Evaluate the downstream ditch stability and bank erosion protection potential of existing downstream conveyance system. Provide all necessary documentation to the Department of Public Works, Storm Water Management Section at construction drawing phase.
 - 2. Contact the Department of Public Works, Storm Water Management Section to arrange an on-site evaluation as to the location of storm water facility, discharge path of detention/retention pond and other downstream constraints.
 - 3. The design discharge at the outlet of drainage system shall not result in velocities that equal/exceed the erosive velocity or the existing receiving channel/draw, unless dissipation and erosion protection measures are placed at the outlet. Said documentation shall be provided to the Department of Public Works, Storm Water Management Section.
 - 4. Provide downstream analysis of the flood discharge timing effect on the existing conveyance systems due to each storm frequency.
 - 5. All natural streams within the limit of the project must be stable and be expected to remain stable under ultimate development or provide appropriate erosion protection for the streams subject to the approval of the Department of Public Works, Storm Water Management Section.
 - 6. Evaluate the downstream effect from storm water management structures and the development, hydrologic-hydraulic engineering

studies shall extend downstream to a point where the proposed development represents less than ten (10) percent of the total watershed to this point.

7. The result of the extended downstream point analysis (10 percent point) shall be included in the hydrologic study submitted with the storm water management plan. Said documentation is subject to approval by the Department of Public Works, Storm Water Management Section.
8. Provide Detention/Retention as maybe required by Sandy Springs subject to the approval of the Department of Public Works.
9. The development site shall be graded in such a manner that the surface runoff does not affect down stream lots, flow through lots shall be collected and conveyed in appropriate storm drainage system. Documentation shall be provided at construction drawing phase.

F. Other Plans, as Applicable.

1. Water and waste water plans
 - a) Water and waste water systems constructed under the jurisdiction of Fulton County government shall abide by the requirements of the City Department of Public Works.
 - b) Neither Fulton County nor the City of Sandy Springs Public Works Departments /government guarantee the availability of water or waste water capacity.
 - c) Matters pertaining to septic systems shall be determined by the Fulton County Health Department.
 - d) The project being proposed shall utilize one Geographical Information System (GIS) monument as the development's benchmark. Furthermore, the developer shall abide by all provisions of the Sandy Springs "Monument Ordinance", as established by the Department of Public Works.
 - e) Matters pertaining to pump stations shall be pre-reviewed by the Department of Public Works with regards to current policy, prior to the submittal of project design drawings.

- f) All appropriate fees shall be paid by the developer prior to the issuance of any Land Disturbance Permits.
- g) The developer is required to extend the water pipe line system across the entire length of road frontage, within the right-of-way.
- h) At the time of design review, the Department of Public Works may require the developer to connect (loop) the project to the adjoining property, for flow enhancement of the public water system.
- i) Rerouting of existing water pipe lines and/or waste water pipe lines shall be pre-approved by the Department of Public Works prior to the submittal of project design drawings.
- j) As part of the project, the developer is required to network the waste water pipe line system to all upstream properties.
- k) Easements dedicated to Fulton County and/or the City Government shall abide by all established standards. All easements shall be obtained and approved by the Department of Public Works.
- l) Conflicts, with other review disciplines of Sandy Springs Government shall be submitted to and resolved by the Department of Public Works, Engineering Support Services Division.

- 2. Profiles of roads and sewers.
- 3. Traffic signs and striping.
- 4. Standard Construction Details.
- 5. Proposed Permanent Stormwater Management Plan.
- 6. A traffic impact mitigation plan which details an owner's or developer's plan to address the number of trips that their development will produce when such development is within one mile of a roadway operating at a level of service D or lower as established by the Department of Public Works. This plan shall include, but is not limited to roadway improvements including

costs and other proposals such as providing transit access, transit use incentives, car/van pooling, bicycle path construction, internal sidewalk construction, and lunch trip reduction, which when combined mitigate the traffic impact of the proposed development and shall also include a time table for the construction/implementation of improvements and who will be financially responsible for them.

G. Permits, Agreements, Studies as Applicable.

1. An approved curb cut permit from the Georgia Department of Transportation or the City Public Works Department.
2. Health Department approvals.
3. Right-of-way dedication.
 - a) Property Owners be required to dedicate at no cost to the City, along the entire frontage, sufficient right-of-way to provide a minimum 10.5 foot shoulder behind any required project improvement subject to the approval of the Director of Public Works.
4. Off-site transportation improvement funds and agreements.
5. Fire Department approval.
6. Sanitary sewer pre-treatment approval.
7. Siltation Study.
 - a. At the discretion of the Director of the Department of Community Development, submit prior to the issuance of a Land Disturbance Permit and prior to recording of the final plat for each phase of development, base siltation studies of any water bodies located on the development site and on adjacent properties. Said studies shall identify, for removal by the applicant, prior to recording of the final plat for each phase of development, all siltation resulting from the development.
 - b. At the discretion of the Director of the Department of Community Development, prior to the recording of the final plat for the final phase of development, submit a

performance bond for the removal of any siltation resulting from the development. The performance bond shall remain on file in the Department of Community Development until release of the occupancy certificates for a minimum of 90% of all residences permitted pursuant to the development or 3 years from the date of the first certificate of occupancy, whichever is earlier.

34.4.2. PREREQUISITE TO OCCUPANCY PERMIT INSPECTION

The Public Works Department shall notify the Department of Community Development in writing of holds on the issuance of a certificate of occupancy on a project.

- A. Single-family Residential. Before a certificate of occupancy may be considered by the Department of Community Development for any dwelling located in a subdivision, the items listed under "B"., below, must have been signed-off on by the Department of Inspections and Zoning Enforcement as complete for that phase of the subdivision in which a dwelling is located.
- B. All Structures Except Single-family Residential. Before a certificate of occupancy may be considered for a structure, including the first of several structures within a development, the following must have been signed-off on as complete by the Department of Community Development:
 - 1. Required Landscaping
 - 2. Required Buffers
 - 3. Required Tree Protection Measures
 - 4. Required Walls and Fences
- C. Exceptions. The Department of Community Development shall insure that security has been accepted in accordance with County regulations for all required but incomplete improvements. A certificate of occupancy shall not be withheld whenever deficiencies have been secured.

34.5. SITE IMPROVEMENT STANDARDS

These standards shall regulate site improvement, and the provision of amenities related to site improvement.

- 34.5.1. OFF-STREET PARKING. Property owners shall provide and maintain off-street parking throughout construction. Parking on any lot other than the lot for which a building permit is issued must be approved for a temporary parking lot by the

Department of Community Development.

- 34.5.2. INTERPARCEL ACCESS. Interparcel access shall be provided to adjacent properties upon determination by the Director of the Department of Community Development that such access is in the best interest of the public health, safety or welfare.
- 34.5.3. SIDEWALKS/CURB AND GUTTERS. Sidewalks and curb and gutters shall be provided in accordance with Sandy Springs standards.
- 34.5.4. DETENTION/RETENTION. On-site storm water detention facilities shall not be located within any required buffer or landscape strip. Detention facilities shall not be located within parking or loading areas unless approved by the Department of Public Works. A 20-foot wide landscape strip planted to buffer standards shall be provided around the exterior of the detention area outside of the access easement or as may be approved by the Sandy Springs Arborist.
- 34.5.5. COMPLIANCE WITH TREE PRESERVATION ORDINANCE. Prior to applying for a Land Disturbance Permit, the owner shall arrange with the County Arborist, through the Director of the Department of Community Development, for an on-site evaluation of existing specimen trees and stands of trees, and an evaluation of buffers and tree protection zones. At a minimum, the tree density requirements prescribed by the Sandy Springs Tree Preservation Ordinance Administrative Guidelines shall be provided and permanently maintained.
- 34.5.6. SUBDIVISION ACCESS. Any subdivision of land for single family that has new roads providing direct access to the lots within the subdivision shall be limited to newly constructed internal roads.
- 34.5.7. MINIMUM SETBACK FOR NEW STREET. The right-of-way for new streets must be located a minimum of 50 feet from any peripheral property line adjoining AG-1 and residentially zoned property unless interparcel access is required.
- 34.5.8. ARBORIST NOTIFICATION. Contact the Director of the Department of Community Development, prior to the application for a Land Disturbance Permit, to arrange with the County Arborist an on-site evaluation of existing specimen trees/stands, buffers, and tree protection zones within the property boundaries and otherwise to ascertain compliance with the Tree Preservation Ordinance.
- 34.5.9. DAMS. All dams within the jurisdiction of Sandy Springs shall comply with the provisions of the Safe Dam Act and Rules of Georgia Department of Natural Resources.
- 34.5.10. BUILDING SETBACK FROM PIPELINE EASEMENT.

A. Setback Requirements.

No buildings used for human occupancy shall be permitted within forty (40) feet of any easement containing a gathering or transmission line as defined in this Ordinance.

B. Land Use Restrictions.

No building or structure or part thereof, which is used for the manufacturing, processing, generation or storage of any material in the following listing shall be constructed within one hundred twenty-five (125) feet of any gathering, or transmission line easement.

1. corrosive materials
2. highly toxic materials
3. oxidizing materials
4. pyrophoric materials
5. water reactive materials
6. highly combustible materials
7. flammable materials
8. explosive materials
9. materials that pose a hazard to human health
10. loose or combustible materials

C. Exceptions and Exemptions.

This Ordinance shall not apply to:

1. Any land disturbance or construction necessary to provide access to a property, when no other reasonable access is permitted, or any building, land disturbance or construction necessary to provide utility service to a parcel of land;
2. Any land disturbance or construction on a gathering or transmission line by or on behalf of the owner or operator of the gathering or transmission line;
3. Any driveway, street, parking lot, tennis court, volleyball court, play area, recreational area, deck, patio, or any other impervious surfaces.

D. Variance Criteria.

The reconstruction of any structure existing at the time of this Section's adoption that does not comply with the terms of this Section (34.5.10) may be considered for an Administrative Variance in accordance with Article 22 and special consideration be given for reconstruction on same foot print when safety permits.

Any other deviation to the requirements of this Section shall be considered as a Primary Variance or Concurrent Variance in accordance with Article 22 Appeals, and shall comply with Section 22.4.1 Variance Considerations and Findings.

E. Land Disturbance Permit Requirements

In addition to any other requirements contained herein, all land disturbance permit applications shall provide the following:

1. A survey by a professional engineer or land surveyor licensed in the State of Georgia indicating the location of all gathering or transmission line easements and rights-of way indicating:
 - a. gathering or transmission line plan location and depth;
 - b. gathering or transmission line size;
 - c. the location of all off-site gathering or transmission line easements and rights-of-way within forty (40) feet of the boundaries of the subject property.

34.5.11. BURYING OF CONSTRUCTION MATERIAL. No person shall bury unused, scrap, waste, excess or discarded construction material without the approval of a Use Permit for an inert waste landfill in accordance with Article XIX. Any person who violates this provision shall be deemed guilty of a misdemeanor and subject to the provisions of Article XXIX, Violation and Penalty.

34.5.12. WASTEWATER PUMP AND LIFT STATIONS. A minimum 50-foot buffer and 10-foot improvement setback shall be provided along all property lines adjacent to residentially and/or agriculturally zoned properties used for residential or public recreational purposes.

34.6. TIMBER HARVESTING.

APPENDIX A

(INACTIVE)

ARTICLE XIII

A-1

APARTMENT DWELLING DISTRICT REGULATIONS (11/ 2/ 66)

SECTION 1. The regulations set forth in this Article, or set forth elsewhere in this Resolution when referred to in this Article, are the regulations in the A-1 District. (See Article XIX)

SECTION 2. Use Regulations: A building or premises shall be used only for the following purposes:

- A. Any Use Permitted in the "R-1" Single Family Dwelling District.
- B. Two family dwelling.
- C. Multiple dwelling.
- D. Rooming house and boarding house.
- E. Institutions of a religious, educational, eleemosynary or philanthropic nature, but not penal or mental institutions. (These uses are contingent upon compliance with ARTICLE XIX - ADDITIONAL USE REGULATIONS.)
- F. Hospital, except a criminal, mental or animal hospital, (These uses are contingent upon compliance with ARTICLE XIX - ADDITIONAL USE REGULATIONS.)
- G. Private club, fraternities, sororities and lodge, excepting those the chief activity of which is a service customarily carried on as a business. (These uses are contingent upon compliance with ARTICLE XIX - ADDITIONAL USE REGULATIONS.)
- H. Accessory use or building and uses customarily incidental to any of the above uses, including as follows:
 - (1) Single family and two family dwellings: Accessory buildings that are not a part of the main structure shall be located in the rear yard not less than ten (10) feet from the main building nor less than five (5) feet from any side or rear yard.
 - (2) Multiple Family Dwellings and Other Uses: All accessory buildings shall be located in the rear yard and not nearer to any lot line than the distance

prescribed for side and rear yards.

- (3) DELETED - 37, Regular Meeting 2/3/88.
- (4) Swimming pools may be located within the buildable area of any tract or parcel of land used for multiple family dwelling purposes, provided that when located on property adjacent to single family or two family dwelling districts, such pools, including their enclosed areas, shall not be located within one hundred fifty (150) feet thereof. Provided, however, when swimming pools are located so as to be screened from such districts by a multiple family dwelling greater in length by a minimum of twenty (20) feet on each end of the enclosed area of such pools, said distance of one hundred fifty (150) feet shall not be required.

SECTION 3. OFF STREET PARKING REGULATIONS: Superseded by Article XVIII

1. Location of Parking Spaces and Driveways on the Lot:
 - (a) Off street parking shall be provided in the rear yard or within that portion of the side yard lies between a main building and the side lot line.
 - (b) Except at points where they provide ingress and egress to a property, development, or parcel of land, driveways may not be located nearer than ten (10) feet to any lot line which abuts a single-family or two-family dwelling district nor nearer than four (4) feet to any other lot line.
2. Parking Space Requirements: Parking spaces on the lot with adequate access to a public street and with adequate circulation space shall be constructed of a material which will assure a surface resistant to erosion and maintained permanently follows:
 - (a) Multiple dwellings: One and one-half (1.5) tenant parking spaces for each dwelling unit, plus one (1) visitor parking space for ever four (4) units, rounded to the next highest whole number of spaces.
 - (b) Single-family and two-family dwellings: Two (2) parking spaces for each dwelling unit.
 - (c) Fraternities or sororities: One (1) parking space for every three (3) beds contained in the structure.
 - (d) Rooming house and boarding house: One (1) parking space for every two (2) guest rooms contained in the structure.

- (e) Private club or lodge: One (1) parking space for every five (5) active members.
- (f) Hospitals or Institutions: One (1) space for every four (4) beds, plus one (1) space for each staff or visiting doctor (based on the average number), plus one (1) space for every two (2) employees, including nurses.
- (g) Professional office or studio of a physician, dentist, artist, musician, lawyer, architect or teacher in his place of abode; parking space with adequate ingress and egress from a public way, place or street equal to twice that area within the structure which is devoted to such office or studio, but in no instance less than two (2) parking spaces.
- (h) Schools and public buildings: One (1) parking space for every ten (10) seats in the auditorium or similar places of public assembly.
- (i) Government buildings: One (1) parking space for every two hundred (200) square feet of floor area (excluding storage area) plus one (1) space for every two (2) persons employed in an accessory use.

SECTION 4. Height Regulations: No building shall exceed three (3) stories or forty-five (45) feet.

SECTION 5. Area Regulations:

1. Front Yard:

- (a) Single-Family and Two-Family Dwellings: There shall be a front yard having a depth of not less than forty (40) feet.
- (b) Multiple Dwellings and Other Uses: There shall be front yard having a depth of not less than forty (40) feet.

2. Side Yard.

- (a) Single-Family and Two-Family Dwellings: There shall be two side yards, one (1) on each side of the building, having a combined width of not less than fifteen (15) feet; provided, however, that no side yard shall be less than seven (7) feet in width.
- (b) Multiple Dwelling and Other Uses:
 - (1) Where multiple dwelling districts abut single-family and two-family districts, there shall be two (2) side yards, one on each side of the building

each having a width of not less than twenty-five (25) feet.

- (2) Where multiple dwelling districts do not abut single-family and two-family districts, there shall be two (2) side yards, one (1) on each side of the building, having a combined width of not less than 25 feet provided, however, that no side yard shall be less than ten (10) feet in width.
- (3) Where a lot is located at the intersection of two (2) or more streets, the width of the yard along the side street shall be not less than twenty-five (25) feet.

3. Side Yard:

- (a) Single-Family and Two-Family Dwellings: There shall be a rear yard having a depth of not less than twenty-five (25) feet.
- (b) Multiple Dwellings and Other Uses: There shall be a rear yard having a depth of not less than twenty-five (25) feet, provided, that when a rear yard abuts a single-family district and is used for multiple dwelling purposes, the rear yard shall be not less than seventy-five (75) feet.

4. Lot Area Per Family: Every dwelling shall be located upon a lot having the following minimum size:

- (a) Single-family dwelling: Every lot shall have a frontage of not less than eighty-five (85) feet and an area of not less than twelve thousand (12,000) square feet, however, in no case shall lot frontages and lot areas be required which are larger than those required by zoning standards established in the nearest single-family dwelling district.
- (b) Two-family dwellings: Every Two-family dwelling shall be located upon a Lot having a frontage of not less than eighty-five (85) feet and an area of not less than ten thousand (10,000) square feet, however, in no case shall lot frontages and lot areas be required which are larger than those required by the zoning standards established in the nearest single-family dwelling district.
- (c) Multiple dwellings: Multiple dwellings shall be located upon a lot having a frontage of not less than one hundred (100) feet and an area of not less than two thousand two hundred and fifty (2,250) square feet per family.
- (d) Where a Lot has less area or width than herein required and was of record at the time of the effective date of this Resolution, that lot may be used for a single-family dwelling, for a two-family dwelling, or for the other non-dwelling uses permitted in this Article.

SECTION 6. Residential Floor Area Resolutions:

1. Each efficiency or studio apartment shall have a floor area of not less than four hundred and fifty (450) square feet.
2. Each multiple dwelling other than efficiency or studio apartments shall have a floor area of not less than six hundred (600) square feet per dwelling unit.
3. Each two-family dwelling shall have a minimum floor area of one thousand (1,000) square feet per dwelling unit.
4. Each single-family dwelling shall have a minimum floor area of eleven hundred (1,100) square feet.

SECTION 7. Lot Coverage: Maximum coverage of the Lot by buildings, including accessory buildings, shall be thirty (30) percent of the gross Lot area.

SECTION 8. Buffer screen: The developer shall provide a buffer screen beginning at the building line and extending along any side or rear property line which abuts a single-family or two-family district when an "A-1" district is used for any purpose other than one or two-family dwellings.

Definition

Buffer Screen: Superseded by Article III, Definitions. A permanent fence, wall, or evergreen planting screen which will interrupt vision between adjacent properties. A buffer screen shall be at least six feet high except that initially an evergreen planting screen may be less than six feet if plants are provided which will ultimately attain a height of six feet or more. (Note: If grouped in proximity, such plants as Pinus Strobus (White Pine) ; Prunus Caroliniana (Cherry Laurel); ligustrum Ligidum (Ligustrum); Elaeagnus Pungens (Elaeagnus); and Ilex Crenata Burfordi (Burfordi Holly) will grow to form a hardy screen thick enough and high enough to interrupt vision and to effectively reduce the transmission of sound.)

APPENDIX A

(INACTIVE)

ARTICLE XIII-A (Sept. 6, 1961)

(Repealed 5/2/68)

A-O

APARTMENT-OFFICE DISTRICT REGULATIONS

SECTION 1. The regulations set forth in this Article, or set forth elsewhere in this Resolution when referred to in this Article, are the regulations in the A-O District Regulations. (See Article XIX)

- (a) Intent: These regulations are designed to apply to land so located that it is readily adaptable to commercial development but where proximity to residential, public, or other land uses, and its relationship to existing and projected traffic patterns, make it desirable to limit the extent of commercial and residential operations.

SECTION 2. Use Regulations: A building or premises shall be used only for the following purposes:

1. Any Use Permitted in the "A-1" Apartment Dwelling District but not including single family dwelling, two family dwelling, agriculture, horticulture and general farming as provided in Article VII, Section 2, paragraph 7, and fraternities or sororities containing sleeping accommodations.
2. Apothecary shop as an accessory retail use within a building without exterior advertising display, provided that only drugs, prescription medicines, medicinal supplies and pharmaceutical products shall be sold.
3. Assembly halls, gymnasiums, stadiums, and similar structures operated on a non-profit basis.
4. Automobile parking garages and lots (commercial) provided that portions of open parking lots abutting dwelling districts are separated therefrom by a planted area twenty-five (25) feet or more in width measured from the property line.
5. Churches and temples.
6. Clinics, medical, dental, chiropractic, osteopathic and similar operations, but not including a practice of veterinary medicine.
7. Colleges, universities, business colleges, music conservatories, dancing schools and similar institutions, public or private, all without students in residence.

8. Community center buildings, and other similar facilities operated on a non-profit basis.

9. Financial establishments, such as banks, loan companies, insurance companies.

10. Government buildings: buildings used exclusively by the federal, state, county, or city governments for public purposes but not including repair garages, repair or storage yards for material, vehicles or equipment, warehouses, buildings and other facilities having commercial or industrial characteristics, and buildings used or intended to be used as correctional or penal institutions.

11. Incidental accessory retail uses such as cafeterias, gift shops, flower shops, snack bars, barber shop, beauty shop, tailor shop, radio-TV shop, and repair shoe shop, conducted for the convenience of the employees, patients, patrons, or visitors on the premises wholly within the principal buildings and without exterior advertising display.

12. Libraries, museums, and art galleries.

13. Office buildings: governmental and private office buildings, including professional offices in which no retail trade activity is carried on with the general public and no stock of goods is maintained for sale to the general public, except as permitted in an accessory use.

14. Signs:

- (a) Professional or announcement sign, illuminated indirectly, not more than twenty (20) square feet in area mounted flat to the wall on the main building free standing but situated no nearer to the street line than one-half the distance between the street line and the building line on the main building on the lot;
- (b) A temporary , unilluminated real estate sign not over twelve (12) square feet in area pertaining only to the sale, lease, or rent of the property upon which the sign is located, provided the sign shall be mounted or displayed behind the building set-back line of the lot;
- (c) A church or institutional bulletin board or sign, not more than twelve (12) square feet in area, illuminated indirectly, used to display the name and/or activities of the church or institution, situated no nearer to the street line than one half the distance between the street line and the building line of the main building on the lot;
- (d) Lettering, illuminated indirectly, attached to or built into the front wall of

the main building or assembly halls, churches, colleges and universities, community centers, government buildings, hospitals, libraries, museums, office buildings and schools, for the purpose of displaying the name and/or address of the facility upon which such lettering is affixed.

15. Accessory building and uses customarily incident to the above listed uses. Any building used primarily for any of the above enumerated uses may have not more than twenty-five (25) percent of the floor area devoted to storage purposes incidental to such primary use.

SECTION 3. Off-street Parking and Loading area Regulations
Superseded by Article XVIII

1. Location of parking and loading Areas on the lot:

- (a) The required off-street parking and loading area shall be provided in the rear yard or within that portion of the side yard which lies between the main building and the side lot line.
- (b) No off-Street parking space shall be provided within twenty-five (25) feet of any lot which abuts a dwelling district.

2. Provision of Required Parking Area on Remote Lots:

The required parking area may be located on the lot with the principal use or on a lot separated therefrom by not more than three hundred (300) feet along a directly accessible walkway.

3. Joint Use of Off-Street Parking Areas: One-half of the off-street parking area required for any permitted use in this district, not including multiple dwellings, may be counted toward the parking requirements or the following uses, provided the uses sharing such parking areas are not normally open, used or operated during the principal operation hours of these uses:

- (a) Auditorium
- (b) Assembly Halls
- (c) Churches
- (d) Gymnasiums

4. Minimum Requirements for Off-Street Parking and Loading:

- (a) Rooming house, boarding house, and professional office in place of abode; same as those in "A-1" Apartment Dwelling District.
- (b) Multiple dwelling; one and one-half (L.5) spaces for every dwelling unit.
- (c) Hospitals or Institutions: one (1) space for every four (4) beds, plus one (1) space for each staff or visiting doctor (based on the average number), plus (1) space for every two (2) employees, including nurses.
- (d) Clinics and offices of doctors, dentists, osteopaths and similar offices; five (5) spaces for every doctor plus one (1) for every two (2) employees.
- (e) Auditoriums, assembly halls, churches, gymnasiums, stadiums, libraries, museums, art galleries, private club or lodge, one (1) space for each four (4) fixed seats in the largest assemble room or facility or for each thirty--five (35) square feet of enclosed floor area used for accommodation of movable seats in the largest assembly room, whichever is greater, plus one (1) space for each one hundred (100) square feet of ground area used for assembly.
- (f) Government buildings, financial establishments, and office buildings other than clinics and offices for doctors, dentists, etc., one (1) space for every two hundred (200) square feet of floor area (excluding storage area) plus one (1) space for every two (2) persons employed in an accessory use.
- (g) Schools.
 - (1) Public or private elementary, and special schools without students in residence; two (2) spaces for every classroom.
 - (2) Public or private high; four (4) spaces for every classroom.
 - (3) Public or private colleges, music conservatories, dancing schools, universities, business colleges, one (1) space for every two hundred (200) square feet of floor area.
 - (4) School auditorium assembly halls, stadiums, gymnasiums, same as (e) above.
- (h) Accessory retail uses; one (1) space for every two (2) employees
- (i) One (1) loading space on the lot shall be provided for each fifteen thousand (15,000) square feet of area, or fraction thereof in excess of five thousand (5,000) square feet, devoted to uses requiring the receipt of

distribution of material or merchandise by auto vehicle.

- (j) No lot shall have more than two curb breaks per one hundred (100) feet of frontage. No curb break shall exceed thirty (30) feet in width. Curb breaks shall be not less than twenty-five (25) feet from the intersection of two or more curb lines, as measured along one of the said curb lines.

SECTION 4. Height Regulations: (7/5/67)

- 1. Buildings intended for multiple dwelling use shall not exceed three (3) stories or forty-five (45) feet.
- 2. Buildings intended for non-dwelling use shall not exceed four (4) stories or sixty (60) feet in height except as or may be provided in this resolution. This limitation may be exceeded by special permit as provided in Article XIX in specific building and site plans are reviewed and approved by the Commissioners of Roads and Revenues subsequent to public hearing and recommendation of the Atlanta-Fulton County Joint Planning Board. Such approval shall follow investigation and finding that the proposed building:
 - (a) Will provide adequate open space and off-street parking facilities, and
 - (b) Will not adversely affect the privacy of adjoining uses and that screened buffer areas will provide separation from any adjoining single-family residences.

SECTION 5. Area Regulations:

- 1. Multiple dwellings shall conform to the following requirements:
 - (a) Front Yard: The front yard regulations shall be the same as those in the "A-1" Apartment dwelling District.
 - (b) Side Yard: The side yard regulations shall be the same as those in the "A-1" Apartment dwelling district.
 - (c) Rear Yard: The rear yard regulations shall be the same as those in the "A-1" Apartment Dwelling District.
 - (d) Lot Area Per Family: The lot area per family shall be the same as those in the "A-1" Apartment Dwelling District.
 - (e) Lot Coverage: Maximum coverage of the lot by buildings including accessory buildings) shall be thirty-five (35) percent of the gross lot area.

2. Non-dwelling uses shall conform to the following requirements:
- (a) Front Yard: The front yard regulations shall be the same as those in the "A-L" Apartment Dwelling District.
 - (b) Side Yard: The side yard regulations shall be the same as those in the "A-1" Apartment Dwelling District.
 - (c) Rear Yard: The rear yard regulations shall be the same as those in the "A-1" Apartment Dwelling District.
 - (d) Lot Area Per Family: Lot area per family shall be the same as those in the "C-1" Commercial District.
 - (e) Lot Coverage: Maximum coverage of the lot by buildings (including accessory buildings) shall be forty (40) percent of the gross lot.

SECTION 6. Residential Floor Area Regulations: The residential floor area regulations for multiple dwellings shall be the same as those in the "A-1" Apartment Dwelling District.

APPENDIX A

(INACTIVE)

ARTICLE XII-A

TR

TOWNHOUSE RESIDENTIAL DISTRICT

(Adopted August 6, 1969)

(Z-68-161 FC)

SECTION 1. Intent of the District

- A. This district encompasses lands devoted to residential uses having both single and multi-family characteristics. The intent of this district is to provide standards for low density dwellings which will:
1. Encourage the provisions of usable open and recreation areas and desirable living environment.
 2. Be located primarily in areas near or adjacent to single family use areas.
 3. Be located so as to provide transition between single- family use areas and higher density dwelling areas and/or commercial areas, and
 4. Be located near such services as retail shopping and major thoroughfares and collector streets.
 5. Encourage home ownership.
- B. The regulations set forth in this Article, or set forth elsewhere in this Resolution when referred to in this Article, are the regulations of the "TR" Townhouse Residential District (see Articles XIX, XX, AND XXI).
- C. An application for rezoning to "TR" Townhouse residential District shall be supported by a site plan for the proposed development. (AMENDED 6/6/73 - Z-73-75 FC)
- D. Approval of plans for drainage, sewerage, driveways, and parking areas by the Department of Planning and Community Development shall be required prior to the issuance of building permits.
- E. Construction shall conform to the overall site plan and detailed engineering plans as approved by Planning and Community Development.

SECTION 2. Use Regulations

A building or premises shall be used only for the following purposes.

1. Single-family dwelling.
2. Two-family dwelling.
3. Townhouses: As defined in Article III, Section 1, 56(b).
4. Accessory uses or buildings customarily incidental to any of the above uses as follows:

(a) Single-family and two-family dwellings:

Accessory uses and buildings that are not a part of the main structure shall be located in the rear yard or in the side yard, and shall not be less than ten (10) feet from any side or rear lot line.

(b) Townhouses:

- (1) All accessory buildings shall be located not nearer to any perimeter lot line than the distance prescribed for side and rear yards.
- (2) DELETED - 37, 2/3/88.
- (3) Unenclosed recreational facilities, except swimming pools, may be placed within any required side or rear yard, provided that any such use shall not be permitted nearer to any perimeter lot line than thirty (30) feet.
- (4) Swimming pools: Provided that no swimming pool may be placed nearer than thirty (30) feet to any rear or side lot line, nor nearer than fifty (50) feet to any public street line. Provided further that when located adjacent to a single-family residential district, such pools shall not be located within one hundred and fifty (150) feet thereof, except in cases when located so as to be screened from single-family dwelling district by a townhouse dwelling, or an accessory structure greater in length by a minimum of twenty (20) feet on each side of such pool(s), the distance of one hundred and fifty (150) feet shall not be required. A fence of minimum height of five (5) feet shall be provided around the perimeter of all swimming pools.

- (5) Stacked Flats, (Deleted) with approval of Special Use Permit, pursuant to Article XIX, Additional Use Regulations (Z83-33 FC, April 6, 1983).

SECTION 3. Off-Street Parking Regulations Superseded by Article XVIII

1. Location of Parking and Driveways:

- (a) No off-street parking shall be permitted in any front yard. On a corner property, no off street parking shall be permitted within the side yard between the buildings and the adjacent street frontage.
- (b) No off-street parking or driveways shall be located within ten (10) feet of any perimeter lot line.
- (c) Driveways serving more than two (2) parking spaces shall provide an adequate turn-around space.

2. Parking Space Requirements:

- (a) Single-family and two-family dwellings: Two (2) off-street parking spaces for each dwelling unit.
- (b) Townhouse Dwellings: Two (2) off-street parking spaces for each dwelling unit, plus one (1) visitor parking space for every four (4) units or fraction thereof. Each visitor parking space shall be located in the proximity of the units it serves.

SECTION 4. Building Regulations

1. For Single-Family, Two-Family and Townhouse Dwellings:

No building or structure shall exceed thirty-five (35) feet in height.

2. For Townhouse Residential Development:

- (a) Deleted 6/6/73 - Z-73-75 FC
- (b) No more than twenty (20) townhouse dwelling units shall be permitted to form a single building.
- (c) No more than three (3) contiguous townhouse dwellings which form a part of a single building shall have the same front setback or roof line. Said setback and roof line shall be varied by a minimum of two (2) feet.

- (d) Sidewalks shall be provided for each Townhouse pedestrian access throughout the entire development.
- (e) Driveways serving more than six units shall be paved to a minimum width of thirty (30) feet.

SECTION 5. Area Regulations

1. For Single-Family and Two-Family dwellings:

- (a) Front Yard: There shall be a front yard having a depth of not less than forty (40) feet.
- (b) Side Yard: There shall be two side yards, one on each side of the building of not less than ten (10) feet. where a lot is located at the intersection of two or more streets, the width of the yard along the side street shall not be less than twenty (29) feet. No accessory building or portion thereof shall be located within the required yard area along any street.
- (c) Rear Yard: There shall be a rear yard having a depth of twenty-five (25) feet.
- (d) Lot Area per Family: Every dwelling shall be located on a lot having a frontage of ninety (90) feet at the building setback line and containing the following areas:
 - 1. Eleven thousand (11,000) square feet for a single family dwelling (90' x 122').
 - 2. Fifty-five hundred (5,500) square feet per family for a two-family dwelling (90' x 122').

2. For Townhouse Residential Developments

- (a) Density: A Townhouse Residential Development shall not exceed nine (9) dwellings units per gross acre (4,480 square feet per family unit).
- (b) Size of Development Site: The minimum size of the site to be developed for townhouse residential use shall be two (2) acres, with one hundred (100) feet of frontage. (Z-80-38 FC - App. 4-2-80).
- (c) Yard Requirements:

1. Front Yard: There shall be a front yard of not less than forty (40) feet.
2. Side Yard: There shall be two side yards of not less than thirty (30) feet on each side provided, however, where a side yard abuts a single-family dwelling district, the side yard shall not be less than forty (40) feet.
3. Corner Setback: Where a lot, tract, or parcel of land is located at the intersection of two streets, the width of the yard along the side street side shall not be less than forty (40) feet provided, however, that when such property lies adjacent to a single-family dwelling district, the yard requirement along the side street shall be the same as prescribed or established for the front yard of the adjacent single-family dwelling district. In no case shall such yard be less than forty (40) feet.
4. Rear Yard: There shall be a rear yard along the rear lot line of not less than thirty-five (35) feet provided, however, when a rear yard abuts a single-family dwelling district and is used for townhouse dwellings, the rear yard

- (d) Buffers: In addition to the above setback requirements, a buffer zone may be required along any perimeter lot line, or portion thereof, in order to provide privacy and separation between adjoining properties. Property with such buffer areas may be included within the lot area for density and lot coverage purposes.

SECTION 6. Residential Floor Area Regulations

1. Each single-family dwelling shall have a minimum ground floor area of twelve hundred (1200) square feet if less than two stories.
2. Each single-family dwelling of two stories in height shall have a minimum ground floor area of nine hundred (900) square feet, and a total minimum floor area of thirteen hundred and twenty (1320) square feet.
3. Each two-family dwelling shall have a minimum floor area of nine hundred (900) square feet and a minimum ground floor area of nine hundred (900) square feet if two stories in height.
4. Each townhouse dwelling unit shall have a minimum floor area of not less than eleven hundred (1100) square feet.

- (a) Each townhouse unit shall have a minimum width of twenty (20) feet.
- (b) Private, usable open space, such as balconies, sundecks, patios, etc. shall be provided contiguous to each dwelling unit. The area of such open space provided for each unit shall not be less than ten percent of the floor area of the unit served. The location and number of square feet shall be clearly indicated on the site plan.

SECTION 7. Screening Garbage and Storage Areas Superseded by Article IV

All exterior garbage, incinerators, or other outside storage areas shall be screened by a solid enclosure of not less than four (4) feet in height.

SECTION 8. Townhouse Residential Open Space Requirements

1. Open space requirements for Townhouse Residential buildings shall be as follows:

- (a) The minimum distances between buildings, when so arranged shall be as follows:

Front to Front	Fifty (50) feet
Front to Rear	Sixty (60) feet
Rear to Rear	Fifty (50) feet
Front or Rear to Side	Forty (40) feet
Side to Side	Forty (40) feet

- (b) Where unusual and uncommon conditions of topography or configuration of the property exist, the Planning Board may permit a departure from the above prescribed distances between buildings, provided such departure shall not diminish the required distances by more than fifty percent.

2. Common Open Space & Facilities:

Deleted 6/6/73 - Z-73-75 FC

APPENDIX A

(INACTIVE)

SUB A

SUBURBAN A SINGLE FAMILY DWELLING DISTRICT

1. SUB A DISTRICT INTENT AND SCOPE.

Regulations set forth in this Article are the SUB A District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative or Use Permit. The SUB A District encompasses lands devoted to residential use areas of 1 or fewer dwellings per acre and closely related uses.

2. USE REGULATIONS

2.1 PERMITTED USES. A building or property may be used for only the following purposes:

A. Single Family Dwelling.

B. Agriculture, general and specialized farming, initiated prior to March 7, 1990, including: horticulture, plant nursery, greenhouse, dairy farming, and truck gardening, provided that buildings used for agricultural purposes shall not be located nearer than 200 feet to any side or rear lot line and provided that produce is not offered for sale on the premises.

2.2 ACCESSORY USES. A building or lot may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.

3. DEVELOPMENT REGULATIONS

3.1 HEIGHT REGULATIONS. Buildings shall be no higher than 35 feet or 2 and 1/2 stories, whichever is higher.

3.2 AREA REGULATIONS

A. Minimum Front Yard - 60 feet.

B. Minimum Side Yard

- 15 feet adjacent to interior lines.

- 30 feet adjacent to streets.

C. Minimum Rear Yard - 40 feet

D. Minimum Lot Area - 1 acre

E. Minimum Lot Width - 150 feet

F. Minimum Lot Frontage - 35 feet

G. Minimum Heated Floor Area - 1200 s.f. for less than two story.

1320 s.f. for two story or more than two story with 900 s.f. on ground floor

H. Minimum Accessory Structure Requirements

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

4. OTHER REGULATIONS

The headings below contain provisions applicable to uses allowed in the SUB A District.

Development Regulations. Article XXXIV

Exceptions. Section 4.3

Floodplain Management. Section 4.24

Off Street Parking and Loading. Article XVIII

Outside Storage. Section 4.2

Landscape Area and Buffer Regulations. Section 4.23

River Protection. Metropolitan River Protection Act

Signs. Article XXXIII

APPENDIX A

(INACTIVE)

SUB B

SUBURBAN B SINGLE FAMILY DWELLING DISTRICT

1. SUB B DISTRICT SCOPE AND INTENT

Regulations set forth in this Article are the SUB B District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative or Use Permit. The SUB B District encompasses lands devoted to residential use areas of 1 or fewer dwellings per acre and closely related uses.

2. USE REGULATIONS

2.1 PERMITTED USES. A building or property may be used for only the following purposes:

A. Single Family Dwelling.

B. Agriculture, general and specialized farming, initiated prior to March 7, 1990, including: horticulture, plant nursery, greenhouse, dairy farming, and truck gardening, provided that buildings used for agricultural purposes shall not be located nearer than 200 feet to any side or rear lot line and provided that produce is not offered for sale on the premises.

2.2 ACCESSORY USES. A building or lot may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.

3. DEVELOPMENT REGULATIONS

3.1 HEIGHT REGULATIONS. Buildings shall be no higher than 35 feet or 2 and 1/2 stories, whichever is higher.

3.2 AREA REGULATIONS.

A. Minimum Front Yard - 60 feet.

B. Minimum Side Yard

-15 feet adjacent to interior lines.

-30 feet adjacent to streets.

C. Minimum Rear Yard - 40 feet.

D. Minimum Lot Area -

1 acre

10 acres for poultry

5 acres for kennel

E. Minimum Lot Width - 150 feet

F. Minimum Lot Frontage - 35 feet

G. Minimum Heated Floor Area - 850 s.f. on ground floor

H. Minimum Accessory Structure Requirements

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

4. OTHER REGULATIONS

The headings below contain provisions applicable to uses allowed in the SUB B District.

Development Regulations. Article XXXIV

Exceptions. Section 4.3

Floodplain Management. Section 4.24

Off Street Parking and Loading. Article XVIII

Outside Storage. Section 4.2

Landscape Area and Buffer Regulations. Section 4.23

River Protection. Metropolitan River Protection Act

Signs. Article XXXIII

APPENDIX A

(INACTIVE)

SUB C

SUBURBAN C SINGLE FAMILY DWELLING DISTRICT

1. SUB C DISTRICT SCOPE AND INTENT

Regulations set forth in this Article are the SUB A District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by administrative or Use Permit. The SUB C District encompasses lands devoted to residential use areas of 2 or fewer dwellings per acre and closely related uses.

2. USE REGULATIONS

2.1 PERMITTED USES. A building or property may be used for only the following purposes:

- A. Single Family Dwelling.
- B. Agriculture, general and specialized farming, initiated prior to March 7, 1990, including: horticulture, plant nursery, greenhouse, dairy farming, and truck gardening, provided that buildings used for agricultural purposes shall not be located nearer than 200 feet to any side or rear lot line and provided that produce is not offered for sale on the premises.

2.2 ACCESSORY USES. A building or lot may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.

3. DEVELOPMENT REGULATIONS

3.1 HEIGHT REGULATIONS. Buildings shall be no higher than 35 feet or 2 and 1/2 stories, whichever is higher.

3.2 AREA REGULATIONS.

- A. Minimum Front Yard - 50 feet.
- B. Minimum Side Yard - 10 feet adjacent to interior lines.
20 feet adjacent to streets.

- C. Minimum Rear Yard - 35 feet.
- D. Minimum Lot Area - 18,000 s.f.
- E. Minimum Lot Width - 100 feet
- F. Minimum Lot Frontage - 35 feet
- G. Minimum Heated Floor Area - 1000 s.f. on ground level for less than two story.

1100 s.f. for two story or more than two story dwelling with 850 s.f. on ground floor
- H. Minimum Accessory Structure Requirements

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

4. OTHER REGULATIONS

The headings below contain provisions applicable to uses allowed in the SUB C District.

Development Regulations. Article XXXIV
Exceptions. Section 4.3
Floodplain Management. Section 4.24
Off Street Parking and Loading. Article XVIII
Outside Storage. Section 4.2
Landscape Area and Buffer Regulations. Section 4.23
River Protection. Metropolitan River Protection Act
Signs. Article XXXIII