

STATE OF GEORGIA  
COUNTY OF FULTON

**AN ORDINANCE TO AMEND ARTICLE 19, ADMINISTRATIVE PERMITS AND USE PERMITS, OF THE SANDY SPRINGS ZONING ORDINANCE**

**WHEREAS**, the Mayor and City Council adopted a resolution on June 1, 2010 directing staff to review, clarify, and recodify the Zoning Ordinance with the assistance of the City Attorney's office; and

**WHEREAS**, this recodification will address recent developments in the law and issues that have been raised during the implementation, administration, and enforcement of the Zoning Ordinance; and

**WHEREAS**, this recodification will not include any policy changes to the ordinance.

**NOW, THEREFORE**, to accomplish the foregoing, the Mayor and City Council of the City of Sandy Springs, Georgia, pursuant to their authority, do hereby adopt the following Ordinance:

**1.**

Article 19, *Administrative Permits and Use Permits*, of the City of Sandy Springs Zoning Ordinance is hereby amended by the deletion in its entirety and the following inserted therefor:

ARTICLE XIX

ADMINISTRATIVE PERMITS AND USE PERMITS

PART I

GENERAL

- 19.1. SCOPE AND INTENT. This Article specifies Uses which are not classified as permitted Uses in Zoning Districts, and are therefore only allowed through the approval of an administrative permit or a Use Permit. The standards which apply to administrative permits are enumerated in Part II of this Article and the standards which apply to Use Permits are enumerated in Part III of this Article. The standards for each Use must be met in order for an application to be granted.
- 19.2. APPLICATION AND APPROVAL. Uses allowable with an administrative permit and the minimum standards for such Uses are listed in Part II, Section 19.3 of this Article.

Uses allowable with a Use Permit and the minimum standards for such Uses are listed in Part III, Section 19.4 of this Article.

- 19.2.1. APPLICATION OF REGULATIONS. Uses enumerated herein may be authorized by administrative permit or Use permit, as specified. The standards contained in this Article shall not apply to Uses allowed by any Zoning District.
- 19.2.2. APPROVAL OF ADMINISTRATIVE PERMITS. Any Use authorized by administrative permit shall be approved and permitted by the Director whenever the proposed Use complies fully with the requirements of the subject Property's Zoning District and standards as set forth in Part II, Section 19.3. Each requested Use for which an administrative permit is required shall be assigned an administrative permit number and charged a fee. Said permit shall be posted on site prior to commencement of Use. Variances to Administrative Permit Standards may be requested by petition to the Board of Appeals. In certain cases, conditions are imposed by local, state or federal law which must be met.
- 19.2.3. APPROVAL OF USE PERMITS. Any Use authorized by Use Permit may be considered by City Council as provided in Section 19.2.4. and may be approved by City Council in accordance with standards enumerated in Section 19.4. provided:
- A. The subject Use is allowable in the subject Property's Zoning District;
  - B. All standards and considerations for the Use Permit as specified in Article XIX can be met;
  - C. A public hearing has been held in relation to the Use Permit before the Planning Commission and the City Council in conformance with the notice standards outlined in Article XXVIII;
  - D. Recommendations have been received from the Department staff and the Planning Commission; and
  - E. Conditions imposed with respect to Right-of-Way dedication and roadway, water, sewer and/or other infrastructure improvements are met.
- 19.2.3.1. Applications. Use Permit requests shall require a separate application when included with a Rezoning Petition. Each requested Use for which a Use Permit is required shall be charged a standard Use Permit fee and assigned a Use Permit number which will be listed on the Rezoning Petition. A public hearing, notice and evaluation shall be provided in accordance with Article XXVIII for each requested Use Permit. Each request shall be voted on separately, and each Use Permit request submitted as part of a Rezoning Petition shall be treated independently in the minutes of the City Council meeting.
- 19.2.3.2. Variances. A Variance to the Use Permit Standards contained in Section 19.4. for receiving a Use Permit may be considered by the City Council concurrently with a Use Permit petition if submitted with such petition. Such a Variance request shall not



require a separate Variance application, but shall be assigned a Variance number, charged a standard Variance fee and be listed on the Use Permit petition as a Concurrent Variance in accordance with Article XXII, APPEALS, Section 22.9.

19.2.3.3. Accessory Uses. Structures and land may be utilized for Uses customarily incidental to any approved Use.

19.2.4. USE PERMIT CONSIDERATIONS. In the interest of the public health, safety and welfare, the City Council may exercise limited discretion in evaluating the site proposed for a Use which requires a Use Permit. In exercising such discretion pertaining to the subject Use, the City Council shall consider each of the following:

- A. Whether the proposed Use is consistent with the Comprehensive Plan and/or other plans adopted by the City Council;
- B. Whether the proposed Use is compatible with land Uses and Zoning Districts in the vicinity of the Property for which the Use Permit is proposed;
- C. Whether the proposed Use may violate local, state and/or federal statutes, ordinances or regulations governing land Development;
- D. The effect of the proposed Use on traffic flow, vehicular and pedestrian, along Adjoining Streets;
- E. The location and number of off-Street Parking Spaces;
- F. The amount and location of Open Space;
- G. Protective Screening;
- H. Hours and manner of operation;
- I. Outdoor lighting; and
- J. Ingress and egress to the Property.

In granting such permits, conditions may be attached as are deemed necessary in the particular case for the protection or benefit of neighbors to ameliorate the effects of the proposed development/Use.

19.2.5. ADDITIONAL RESTRICTIONS ON ADMINISTRATIVE PERMITS AND USE PERMITS. Any Use which may be authorized by administrative permit or Use Permit shall comply with all other City regulations, Zoning District regulations, Conditions of Zoning approval and other regulations contained herein. All Buffers required shall have a ten (10) foot Improvement Setback in accordance with Section

4.2.3. The reduction of said Setback shall be subject to the approval of the Department in accordance with Article XXII. Whenever a standard contained in this section is in conflict with another provision of this Ordinance, the more restrictive provision shall prevail.

Unless otherwise specified, standards, conditions and stipulations attached to a Use Permit by the City Council shall supersede conflicting Zoning Conditions approved on the same site.

PART IIADMINISTRATIVE PERMITS19.3. MINIMUM ADMINISTRATIVE PERMIT STANDARDS.19.3.1. ADULT ESTABLISHMENTS.INTENT AND FINDINGS

It is the intent of this Section to regulate the place and manner of the operation of Adult Establishments as defined in this ordinance. It is well established and has been the experience of other communities in Georgia and throughout the United States that adult establishments have been associated with disorderly conduct, prostitution, negative impacts on surrounding properties, and other adverse secondary effects. This Section advances the substantial government interest in promoting and protecting public health, safety, and general welfare, and maintaining law and order. The Section is narrowly constructed to protect the First Amendment rights of citizens of Sandy Springs while furthering the substantial governmental interest of combating the secondary effects of adult establishments from areas and uses in the community which are incompatible. Areas and uses which are to be protected from adult establishments include but are not limited to residential, churches, day care centers, libraries, recreational facilities, and schools. The City Council hereby readopts and incorporates by reference the findings and secondary effects evidence concerning adult establishments in the legislative record for Chapter 26, Article II of the Code of the City of Sandy Springs, Georgia and for ordinances adopting and amending those provisions.

The City Council finds, based upon an October, 1980, study by the Minnesota Crime Prevention Center, Inc., Minneapolis, Minnesota, entitled "An Analysis of the Relationship Between Adult Entertainment Establishments, Crime, and Housing Values", that adult establishments are significantly related to diminishing market values of neighboring residential areas, that adult establishments should not be located in residential areas, and that adult establishments should be permitted only in locations that are at least 1/10 mile, or approximately 500 feet, from residential areas.

The City Council further finds, based upon a June, 1978, study by the Division of Planning of the St. Paul, Minnesota, Department of Planning and Economic Development and the Community Crime Prevention Project of the Minnesota Crime Control Planning Board entitled "Effects on Surrounding Area of Adult Entertainment Businesses in Saint Paul", that the presence of adult establishments correlates with a decreasing market value of neighboring residential areas, that adult establishments tend to locate in areas of poorer residential condition, tend to be followed by a relative worsening of the residential condition, and that more than two adult establishments in an immediate area is associated with a statistically significant decrease in residential property market value, and that such a concentration of adult

establishments in a given area should be discouraged. The board also finds that such worsening of residential conditions will adversely affect uses found in residential areas or in the proximity of residential areas, such as public recreational facilities, public or private institutional uses, churches, schools, universities, colleges, trade-schools, libraries, and day care centers.

The City Council further finds, based upon a May 19, 1986, land use study conducted in Austin, Texas, that an adult establishment within one block of a residential area decreases the market value of homes, that adult establishments are considered a sign of decline by lenders, making underwriters hesitant to approve the 90-95 percent financing many home buyers require, and that patrons of adult establishments tend to be from outside the immediate neighborhood in which the adult establishment is located.

The City Council further finds, based upon a March 3, 1986, study conducted by the Oklahoma City, Oklahoma, Community Development Department entitled "Adult Entertainment Businesses in Oklahoma City - A Survey of Real Estate Appraisers", that an adult establishment will have a negative effect on residential property market values if it is located closer than one block to residential uses.

The City Council further finds that this portion of this zoning ordinance regarding regulation of adult establishments was carefully considered by a work group of Fulton County staff drawn from the areas of law enforcement, land use, land planning, and law; by the planning commission at public meetings open to the citizens of Sandy Springs where public comment was available; and by a committee of citizens with expertise in law, real estate, land use, and other disciplines, who have reviewed this portion of the zoning ordinance particularly with respect to its provisions relating to the effects of adult establishments on market values of residential and other property, and that the information gathered and results of this informal study support the need for these development standards.

This portion of the zoning ordinance is intended to be a carefully tailored regulation to minimize the adverse land use impacts caused by the undesirable secondary effects of adult establishments, and the City Council finds that restricting adult establishments to certain zones and imposing development standards can legitimately regulate adult establishments by establishing zones where adult establishments are most compatible with other uses or the surrounding neighborhood, and by requiring minimum distances to be maintained between adult establishments and other uses so as to afford the most protection to residential uses.

It is not the intent of the City Council, in enacting this portion to the zoning ordinance, to deny to any person rights to speech protected by the United States or Georgia Constitutions, nor is it the intent to impose any additional limitations or restrictions on the contents of any communicative materials, including sexually-oriented films, videotapes, books, or other materials; further, in the adoption of this

amendment to the zoning ordinance, the City Council does not intend to deny or restrict the rights of any adult to obtain or view any sexually oriented materials protected by the United States or Georgia Constitutions, nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of such sexually-oriented materials may have to sell, distribute, or exhibit such constitutionally protected materials; finally, in the enactment of this portion of the zoning ordinance, the City Council intends to adopt a content neutral measure to address the secondary effects of adult establishments in continuation of practices that previously applied to the citizens of the now incorporated City of Sandy Springs as when they were formerly citizens residing in unincorporated Fulton County.

The city council hereby re-adopts and incorporates these pre-enactment findings and evidence into the adoption of the following code amendments.

19.3.1. A. Required Districts: C-1, C-2, M-1 and M-2

19.3.1. B. Standards:

1. All boundary lines of the premises to be used for an adult establishment must be located at least 300 feet from the properties listed below:
  - a. The property line of any Suburban A, Suburban B, Suburban C, R-1, R-2, R-2A, R-3, R-3A, R-4A, R-4, R-5, R-5A, R-6, NUP, CUP, TR, A, A-L, AG-1 zoned property or property conditioned for residential purposes.
  - b. The property line of any public park, public recreational fields, public recreational courts, public golf course, public playground, public playing field, government building owned and/or occupied by such government, library, civic center, public or private school, commercial day care facility or church.
2. No premises to be used for an adult establishment shall be located any closer than 400 feet from any other premises used for an adult establishment. For the measurement required by this subsection, distance shall be measured from the nearest public entrance of the structure or tenant space in which the applicant is to be located to the nearest public entrance of the structure or tenant space in which the other premises used for an adult establishment is located.
3. Access to adult establishment premises shall be from a major thoroughfare.
4. Adult establishments shall comply with the objective requirements of the subject property's zoning district (e.g., required setbacks of structures from lot lines) and with any preexisting, objective conditions (e.g., "no fast food

5. restaurants”) that were placed on the subject property when its present zoning classification was approved.
6. No premises containing an adult entertainment establishment shall be located any closer than 50 feet from any premises authorized and licensed to sell alcoholic beverages or malt beverages or wine for consumption on the premises. For the measurement required by this subsection, distance shall be measured from the nearest public entrance of the structure or tenant space in which the applicant is located to the nearest entrance to the public of the structure or tenant space in which the premises authorized and licensed to sell alcoholic beverages or malt beverages or wine for consumption on the premises is located.
7. Adult entertainment establishments shall provide parking spaces at a ratio of 10 per 1000 gross square feet of floor space.

19.3.1. C. Administrative Permit Required:

New adult establishment uses shall file an application for an Administrative Permit with the Director of the Community Development Department. The application shall be complete when it contains the following:

1. Name of the business or applicant.
2. Business address.
3. Business phone number, fax number, and email address.
4. Certified boundary survey, prepared by a licensed surveyor, of the site and the property lines of surrounding properties identifying the use of properties at or within 1,000 feet of the boundary lines of the subject property.
5. A plan, drawn to scale, based on a certified boundary survey, that shows compliance with the objective requirements of the subject property’s zoning district (e.g., required setbacks of structures from lot lines), and that lists any preexisting, objective conditions (e.g., “no fast food restaurants”) that were placed on the subject property when its present zoning classification was approved.

19.3.1. D. Permit Processing:

Within fourteen (14) days of receipt of a completed application for an Administrative Permit, the Director shall grant or deny the Administrative Permit and shall mail notice of the granting or denial to the applicant at the business address on the application. The Director shall grant the Administrative Permit unless the premises

to be used for an adult establishment fails to meet one or more of the standards specified in Section 19.3.20.B, in which case the Director shall specify the standard(s) that the premises fails to meet. In the event the Director fails to act within the fourteen (14) day period the premises shall be deemed approved and permitted.

19.3.1. E. Denial of Administrative Permit:

The applicant may appeal any denial of an Administrative Permit by filing a notice of appeal with the Mayor and City Council within 10 days of the date of the notice of denial. The Mayor and City Council shall place the appeal down for a hearing at the Council's next regularly scheduled meeting, or at a special hearing within 20 days of the filing of the notice of appeal, whichever is sooner, and shall provide notice to the applicant of the date, time, and place of the hearing at least seven (7) days prior to the hearing. At the hearing, the applicant and the Director shall have opportunity to make argument, present evidence, and cross-examine adverse witnesses. Within five (5) days after the hearing, the Mayor and City Council shall issue a decision either denying or granting the Administrative Permit and a statement of reasons for the decision. A denial by the Mayor and City Council may be appealed within 30 days of the date of said denial to the Superior Court by writ of certiorari.

19.3.1. F. Other Regulations:

Nothing in this section shall allow for the conducting or zoning of any business or entity which would otherwise be illegal.

19.3.2. ANTENNA.

19.3.2.1. ALTERNATIVE ANTENNA SUPPORT STRUCTURE WHICH WILL EXCEED THE ALLOWED ZONING DISTRICT HEIGHT.

- A. Intent: Pursuant to Section 704(a) of the Federal Telecommunications Policy Act of 1996, it is not the intent of this section to prohibit or have the effect of prohibiting the provision of personal wireless Services in the City.
- B. Allowed Only in These Districts with Administrative Permit: All
- C. Standards:
  - 1. Alternative Structures are not allowed as an accessory to a single Family use or as a Principal Use in a single Family district.
  - 2. Alternative Structures must be set back a distance equal to the Height of the Tower from a Property Line of any Street Right-of-Way, Residential District and/or AG-1 district used for single Family, unless said Structure is proposed to be located on an existing Building.

3. Above ground equipment shelters shall be surrounded by a minimum ten (10) foot wide Landscape Strip planted to Buffer standards unless the City Arborist determines that existing plant materials are adequate.
4. Roof top Antennas and associated Structures shall not project more than ten (10) feet above roof line.
5. Height shall not exceed one hundred fifty (150) feet from existing Grade.
6. The alternative Structure shall comply with applicable state and local statutes and ordinances including, but not limited to, Building and safety codes. Alternative Structures which have become unsafe or dilapidated shall be repaired or removed pursuant to applicable state and local statutes and ordinances.

19.3.2.2. AMATEUR RADIO ANTENNA WHICH WILL EXCEED THE ALLOWED ZONING DISTRICT HEIGHT.

- A. Intent: It is the intent of this Article to regulate the placement of amateur Towers in a manner that does not impose on public health, safety, or general welfare. The following regulations on design, location, placement, and Height limits of Antennas in Residential Districts implement the City's governmental interests in land planning, aesthetics and public safety by requiring the following Administrative Permit Standards.
- B. Allowed Only in These Districts with Administrative Permit: All
- C. Standards:
  1. All Antennas shall be located in the Rear Yard.
  2. The maximum Height shall be ninety (90) feet. Any request to exceed the maximum Height shall require a Use Permit, as provided in Section 19.4.6. of this Ordinance.
  3. All Antennas shall be set back from all Property Lines one-third (1/3) the Height of the Antenna or the district Setback requirements, whichever is greater. The Antenna must be located a distance equal to or greater than the Antenna Height from the nearest Residential Dwelling, excluding the owner's primary dwelling or Structure.
  4. Antennas shall not be lighted.
  5. All Antennas must be constructed with an anti-climbing device.

6. All Antennas shall be painted in a neutral color identical or closely compatible with surroundings, subject to the approval of the Director.
7. All guy wires must be anchored on site and outside of Right-of-Way.

19.3.2.3. ANTENNA, TOWER, AND ASSOCIATED STRUCTURES (RADIO, TELEVISION, MICROWAVE BROADCASTING, ETC.) WHICH WILL EXCEED THE ALLOWED ZONING DISTRICT HEIGHT IN DISTRICTS O-I, MIX, C-1, C-2, M-1A, M-1 AND M-2. (For Use in residential and AG-1 districts, see Part III, Section 19.4.8. of this Ordinance for Use Permit Standards.)

- A. Intent: Pursuant to Section 704(a) of the Federal Telecommunications Policy Act of 1996, it is not the intent of this section to prohibit or have the effect of prohibiting the provision of personal wireless Services in the City. The following regulations on design, location, placement, and Height limits of Antennas in Residential Districts implements the City's governmental interest in land planning, aesthetics and public safety by requiring the following Administrative Permit Standards.
- B. Allowed Only in These Districts with Administrative Permit: O-I, MIX, C-1, C-2, M-1A, M-1, M-2 (See Part III, Section 19.4.8. of this Ordinance for Use Permit Standards in residential and AG-1 districts).
- C. Standards:
  1. Tower/Accessory Structures must be set back a distance equal to the Height of the Tower from all Property Lines of any Street Right-of-Way, Residential District and/or AG-1 district used for single Family.
  2. Tower and/or associated facilities shall be enclosed by Fencing not less than six (6) feet in Height and shall also be equipped with an Appropriate anti-climbing device.
  3. A minimum ten (10) foot wide Landscape Strip planted to Buffer standards shall be required around the facility exterior to any Fence or Wall unless the City Arborist determines that existing plant materials are adequate.
  4. Height shall not exceed two hundred (200) feet from existing Grade. Towers that are two hundred (200) feet shall be calculated to include all appurtenances (e.g. light, marking) required by the F.A.A.
  6. Towers shall comply with applicable state and local statutes and ordinances, including, but not limited to, Building and safety codes.

7. Towers which have become unsafe or dilapidated shall be repaired or removed pursuant to applicable state and local statues and ordinances.

19.3.3. CLUB.

A. Allowed Only in These Districts with Administrative Permit: O-I, MIX, C-1, C-2, M-1A, M-1, M-2

B. Standards:

1. All Buildings and Accessory Uses other than Parking shall be located at least fifty (50) feet from all Property Lines of any Street Right-of-Way, Residential District and/or AG-1 district used for single Family.
2. Permitted Curb Cut access shall not be from a local Street.
3. The hours of operation for outdoor facilities within two hundred (200) feet of any Residential District or dwelling shall be limited to the hours of 8:00 a.m. to 11:00 p.m.
4. Outdoor Recreational Facilities shall be set back a minimum of one hundred (100) feet from all Property Lines of any Street Right-of-Way, Residential District and/or AG-1 district used for single Family, except as otherwise permitted with an administrative permit for Recreational Court or Swimming Pool.

19.3.4. OPEN.

19.3.5. GOLF COURSE.

A. Allowed Only in These Districts with Administrative Permit: All

B. Standards:

1. A minimum one hundred (100) foot Setback for all Buildings and Parking areas shall be provided adjacent to any Street Right-of-Way, Residential District and/or AG-1 district used for single Family.
2. Driving range, tees, greens and fairways shall be required to have a one hundred (100) foot Setback from minor, Arterial, and Collector Roads.
3. Permitted Curb Cut access shall be from a Major Thoroughfare unless shown on the approved Preliminary Plat of a single Family Subdivision.

4. When located outside a Golf Course/Subdivision Development, a minimum fifty (50) foot wide Buffer and a minimum ten (10) foot Improvement Setback shall be provided adjacent to all Buildings and Parking areas when said facilities are located adjacent to any Street Right-of-Way, Residential District and/or AG-1 district used for single Family.
5. A minimum twenty-five (25) foot Buffer and a minimum ten (10) foot Improvement Setback shall be provided Adjoining any Residential District and/or AG-1 district used for single Family located outside the Golf Course Development or any associated Development.
6. When located adjacent to any Street Right-of-Way, Residential District and/or AG-1 district used for single Family, the hours of operation shall be limited to the hours of 8:00 a.m. to 11:00 p.m.
7. The need for any accessory Netting associated with a driving range, tee, green, fairway or other course feature that is proposed to exceed the maximum district Height shall be reviewed by the Director. A report prepared by a qualified engineer or expert documenting that the Netting is required based upon a safety hazard caused by the driving range, tee, green, fairway or other course feature shall be submitted with the application for administrative permit in support of the proposed Height. The Director shall have the authority to approve or deny the administrative permit at his/her discretion.

19.3.6. GUEST HOUSE.

- A. Allowed Only in These Districts with Administrative Permit: R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, R-6, NUP, CUP, TR, A, A-L, AG-1, O-1 and MIX when accessory to a single Family dwelling unit.
- B. Standards:
  1. No more than one (1) Guest House Structure per Lot may be used for occupancy by relatives, guest(s) or employees that work on the Property without payment for rent.
  2. A separate kitchen facility shall be allowed.
  3. Heated Floor Area shall be a minimum of six hundred fifty (650) square feet and a maximum of fifteen hundred (1500) square feet.
  4. Principal Building Setbacks shall apply.
  5. The location shall be limited to the Rear Yard.

19.3.7. KENNEL, RESIDENTIAL. (For enclosed Kennels, see Part II, Section 19.3.20. of this Ordinance for Administrative Permit Standards. For Kennels or outside animal facilities, see Part III, Section 19.4.24. of this Ordinance for Use Permit Standards). (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.)

A. Allowed Only in These Districts with Administrative Permit: Single Family residential and AG-1

B. Standards:

1. Each premises where there are four (4) or more dogs over the age of four (4) months kept, maintained or harbored for a period of fourteen (14) days or longer shall be deemed to constitute a Kennel.
2. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise, or any noise which either annoys, disturbs, injures, or endangers the reasonable comfort, repose, health, peace, or safety of others in the City within fifty (50) feet of the Property Lines adjacent to Single Family Residential Uses.
3. Other permits may be required by the Code to be obtained before operating a residential Kennel.

19.3.8. MOBILE HOME - WHILE RESIDENCE IS BEING BUILT.

A. Allowed Only in These Districts with Administrative Permit: R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, R-6, NUP, CUP, TR, A, A-L, AG-1, O-1 and MIX

B. Standards:

1. The Building permit for the Principal Structure must have been issued and remain valid during the period that the Mobile Home is on the Property.
2. The Mobile Home must be located on the same Parcel as the Principal Structure being constructed and comply with all Zoning District Setbacks.
3. The administrative permit shall expire twelve (12) months after issuance or upon occupancy of the Principal Structure, whichever occurs first. Only one (1) renewal for a one (1) year period may be issued.
4. The Mobile Home must be occupied by the owner of the principal residence under construction.

19.3.9. PARKING, OFF-SITE AND SHARED. (Whenever Parking as required in Article XVIII cannot be accomplished, shared Parking in accordance with Section 18.2.2. of this Ordinance may be approved via an administrative permit provided the standards of this section are met.)

A. Allowed Only in These Districts with Administrative Permit: O-I, C-1, C-2, MIX, M-1, M-1A and M-2

B. Standards:

1. If the Off-Site Parking is committed for a specified period of time, the duration of the administrative permit shall be limited to the period of time stipulated therein.
2. No more than twenty percent (20%) of the total Parking requirement may be provided Off-Site via the administrative permit.
3. The Property must be located no more than three hundred (300) feet from the Principal Use with pedestrian access provided between the sites as may be required by the Department.

19.3.10. RAPID RAIL TRANSPORTATION STATION.

A. Allowed Only in These Districts with Administrative Permit: All

B. Standards: Refer to the agreement currently in effect between the City and the Metropolitan Atlanta Rapid Transportation Authority (MARTA) or such similar document as may be adopted and administered by the City.

19.3.11. RECREATIONAL COURT, PRIVATE.

A. Allowed Only in These Districts with Administrative Permit: All districts except C-1, C-2, M-1, M-1A, M-2

B. Standards:

1. Detached Dwellings. Recreational Courts serving single Family detached dwellings shall be located in Side or Rear Yards but shall not be located within a Minimum Yard.
2. Multifamily. Recreational Courts, Accessory Structures, and Fencing shall be located a minimum of one hundred (100) feet from any residential Building on an adjacent Lot, Adjoining residential Property Line or Street Right-of-Way.

3. Neighborhood. Recreational Courts serving a neighborhood must be located within the limits of the underlying zoning and must meet the following standards:
  - a. Use of the Recreational Courts shall be limited to residents and guests of the neighborhood in which they are located.
  - b. Recreational Courts, Accessory Structures, Fencing, and Parking shall be located a minimum of one hundred (100) feet from all Adjoining Property Lines.
  - c. Landscape Strips and Buffer requirements shall be as specified by Article 4.23.1. of this Ordinance.
  - d. A maximum four (4) square foot Sign identifying the future Use of the Property for a Recreational Court shall be posted Adjoining the Lot's frontage until a certificate of occupancy is issued for the facility.
  - e. Sources of exterior Illumination shall be shielded and directed away from Adjoining residences and shall not exceed 1.2 foot candles along an Adjoining residential Property Line. Outdoor lighting of recreation facilities in or Adjoining Residential Districts or Uses shall be allowed only between dusk and 11:00 P.M.
  - f. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise, or any noise which either annoys, disturbs, injures, or endangers the reasonable comfort, repose, health, peace, or safety of others in the City within fifty (50) feet of the Property Lines adjacent to Single Family Residential Uses.
4. Accessory Netting. The need for any accessory Netting associated with a driving range, tee, green, fairway or other course feature that is proposed to exceed the maximum district Height shall be reviewed by the Director. A report prepared by a qualified engineer or expert documenting that the Netting is required based upon a safety hazard caused by the driving range, tee, green, fairway or other course feature shall be submitted with the application for administrative permit in support of the proposed Height. The Director shall have the authority to approve or deny the administrative permit at his/her discretion.

19.3.12. RECREATIONAL COURT, PUBLIC.

A. Allowed Only in These Districts with Administrative Permit: O-I, MIX, C-1, C-2, M-1, M-1A, M-2

B. Standards:

1. Recreational Courts, Accessory Structures, Fencing, and Parking shall be located a minimum of one hundred (100) feet from all Property Lines which abut single Family Residential Uses. Adjacent to all other zonings and Uses, the district Setback requirements shall apply.
2. Landscape Strips and Buffer requirements shall be as specified in Section 4.23.1. of this Ordinance.
2. Sources of exterior Illumination shall be shielded and directed away from Adjoining residences and shall not exceed 1.2 foot candles along an Adjoining residential Property Line. Outdoor lighting of Recreational Facilities in or Adjoining Residential Districts or Uses shall be used only between dusk and 11:00 P.M.
3. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise, or any noise which either annoys, disturbs, injures, or endangers the reasonable comfort, repose, health, peace, or safety of others in the City within fifty (50) feet of the Property Lines adjacent to Single Family Residential Uses.
4. The need for any accessory Netting associated with a driving range, tee, green, fairway or other course feature that is proposed to exceed the maximum district Height shall be reviewed by the Director. A report prepared by a qualified engineer or expert documenting that the Netting is required based upon a safety hazard caused by the driving range, tee, green, fairway or other course feature shall be submitted with the application for administrative permit in support of the proposed Height. The Director shall have the authority to approve or deny the administrative permit at his/her discretion.

19.3.13. RELOCATED RESIDENTIAL STRUCTURE.

A. Allowed Only in These Districts with Administrative Permit: R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, R-6, NUP, CUP, TR, A, A-L, AG-1, O-1 and MIX

B. Standards:

1. The applicant shall include the following with the application for the administrative permit:

- a. The address from which the Structure is being relocated.
  - b. A photograph of the Structure prior to its relocation.
  - c. The total Heated Floor Area of both the existing Structure and the renovated Structure.
2. The location of the Structure and the Heated Floor Area of the Structure shall be in compliance with the minimum standards of the Zoning District and/or Conditions of Zoning.
  3. The Relocated Residential Structure shall be affixed to a permanent foundation within six (6) months of the date of the house moving permit, and the Certificate of Occupancy shall not be issued until such improvements are completed.
  4. All standards of this Ordinance and other applicable regulations shall be met within one (1) year from the date of the permit issuance.
  5. A house moving permit shall be obtained from the Department in conjunction with the administrative permit.
  6. A Building permit for the repair and construction of said Structure shall be obtained within thirty (30) days of the administrative permit issuance.
  7. The exterior of the Structure shall be brought into compliance with the International Property Maintenance Code within six (6) months of the issuance of the administrative permit.
  8. Prior to occupancy, a certificate of occupancy must be obtained from the Department.

19.3.14. ROADSIDE PRODUCE STAND.

A. Allowed Only in These Districts with Administrative Permit: C-1, C-2, M-1, M-2 and AG-1

B. Standards:

1. An administrative permit shall be valid for a period of one (1) year from the approval date. Permitted location is not transferable.

Upon expiration of the permit, the Use shall cease unless another administrative permit is approved.

2. A minimum of six (6) spaces for Parking shall be required for the exclusive use of the Roadside Produce Stand and Parking Spaces may not be for any other Use on site.
3. Any activity or Structure shall maintain a minimum ten (10) foot Setback from the Right-of-Way and not be located within a required Landscape Strip or Buffer or Improvement Setback. Said Structure shall also maintain a Minimum Setback of ten (10) feet from any permitted Curb Cut access.
4. Two (2) copies of a drawing showing dimensions shall accompany the application and shall accurately depict the standards of this section.
5. The applicant shall provide a notarized written permission statement from the Property owner or lease holder of the subject site. A twenty-four (24) hour contact number of the Property owner or lease holder shall be provided along with the permit application.
6. The hours of operation shall be limited to the hours of 8:00 a.m. to 8:00 p.m.

19.3.14.1. ROADSIDE VENDING.

- A. Allowed Only in These Districts with Administrative Permit: C-1, C-2, M-1 and M-2
- B. Standards:
  1. An administrative permit shall be obtained at least seven (7) days before beginning the vending operation and shall be granted for a maximum of nine (9) days per permit. The permitted location is not transferable and no more than two (2) permits per year shall be issued for one (1) address. Said permit must be posted on site during the vending operation. Upon expiration of the permit, the Use shall cease unless another administrative permit is approved.
  2. The Property on which the roadside vendor is permitted must be located at least fifteen hundred (1500) feet from a permanent Business which offers the same or similar merchandise as that of the vendor. The vendor shall provide names of all established Businesses which sell similar or the same merchandise within fifteen hundred (1500) feet of the proposed vendor site.

3. Vendors shall not locate within fifteen hundred (1500) feet of another roadside vendor.
4. A minimum of six (6) Parking Spaces shall be provided adjacent to the vending area for the exclusive use of the vending operation and shall not occupy minimum required Parking Spaces for any other Use on site.
5. Any Roadside Vending displays or activity shall maintain a minimum twenty (20) foot Setback from the Right-of-Way and not be located within a required Landscape Strip or Buffer. Said displays shall also maintain a Minimum Setback of ten (10) feet from any internal drives.
6. Two (2) copies of a drawing showing dimensions shall accompany the application and shall accurately depict the standards of this section.
7. The applicant shall provide a notarized written permission statement of the Property owner or lease holder of the subject site. A twenty-four (24) hour contact number for the Property owner or lease holder shall be provided along with permit application.
8. Vending shall be limited to the hours of 8:00 a.m. to 8:00 p.m.
9. No vendor equipment, Vehicle, display or sales activity shall block access to a public facility including, but not limited to, a telephone booth, a mail box, a Parking meter, a fire alarm box, a fire hydrant, a traffic control box, a Driveway or other access point.
10. Vending shall not be permitted from any Vehicle. Vending is permitted from tables and carts only.
11. Tents and tarps are prohibited.
12. Signs advertising the vending operation are prohibited.

19.3.15. SWIMMING POOL, PRIVATE.

- A. Allowed Only in These Districts with Administrative Permit: All districts except C-1, C-2, M-1, M-1A, M-2
- B. Standards: All Swimming Pools shall be completely surrounded by an enclosure. Such enclosure shall be a Fence, Wall, or Building, to prevent access to the pool by unsupervised children and/or animals. The enclosure shall be an effective Fence, Wall or Building not less than five (5) feet high. Fences or Walls shall have self-closing, positive-latching gates provided on the outer side of the Deck area. The enclosure entrance shall be locked when the pool is not

open for use and all surrounding objects or Structures must have a separation of five (5) feet from the enclosure to provide an unclimbable space. The enclosure shall be in place prior to pool completion. Materials and construction shall comply with the regulations administered by the Fulton County Health Department.

1. Additional Standards Associated with Detached Dwelling Unit Swimming Pools. Swimming Pools shall be allowed in Side and Rear Yards of Single Family Dwelling Units in any district. Pools, pool equipment, and Decks must be a minimum of ten (10) feet from all Property Lines, except that when perimeter Setbacks are required, for example in NUP and TR zoned districts, pools, pool equipment, and Decks cannot be located in perimeter Setbacks.
2. Additional Standards Associated with Neighborhood Swimming Pools. Swimming Pools serving a neighborhood must be located within the limits of the underlying zoning.
  - a. Use of Swimming Pools shall be limited to residents and guests of the neighborhood in which they are located.
  - b. Pools, pool equipment, and Decks must be located at least one hundred (100) feet from all Adjoining Property Lines.
  - c. Landscape Strips and Buffer requirements shall be as specified by Article 4.23.1. of this Ordinance.
  - d. A maximum four (4) square foot Sign identifying the future Use of the Property for a Swimming Pool shall be posted Adjoining the Lot's frontage until a certificate of occupancy is issued for the facility.
  - e. Sources of exterior Illumination shall be shielded and directed away from Adjoining residences and shall not exceed 1.2 foot candles along an Adjoining residential Property Line. Outdoor lighting of recreation facilities in or Adjoining Residential Districts or Uses shall be allowed only between dusk and 11:00 P.M.
  - f. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise, or any noise which either annoys, disturbs, injures, or endangers the reasonable comfort, repose, health, peace, or safety of others in the City within fifty (50) feet of the Property Lines adjacent to Single Family residential Uses.

3. Additional Standards Associated with Multifamily Dwelling Units Swimming Pools. Swimming Pools, pool equipment, Decks, Accessory Structures, and Fencing shall be located a minimum of one hundred (100) feet from any Adjoining Property Line or Street.

19.3.16. SWIMMING POOL, PUBLIC.

- A. Allowed Only in These Districts with Administrative Permit: O-I, MIX, C-1, C-2, M-1A, M-1 and M-2

- B. Standards:

1. Pools, pool equipment, Decks, and Parking shall be located a minimum of one hundred (100) feet from all Property Lines which abut single Family Residential Uses. Adjacent to all other zonings and Uses, the district Setback requirements shall be provided.
2. Landscape Strips and Buffer requirements shall be as specified by Section 4.23.1. of this Ordinance.
3. Sources of exterior Illumination shall be shielded and directed away from Adjoining residences and shall not exceed 1.2 foot candles along an Adjoining residential Property Line. Outdoor lighting of Recreational Facilities in or Adjoining Residential Districts or Uses shall be allowed only between dusk and 11:00 P.M.
4. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise, or any noise which either annoys, disturbs, injures, or endangers the reasonable comfort, repose, health, peace, or safety of others in the City within fifty (50) feet of the Property Lines adjacent to Single Family Residential Uses.

19.3.17. TEMPORARY CLASSROOM.

- A. Allowed Only in These Districts with Administrative Permit: All

- B. Standards:

1. The Structure must be constructed for Use as a Temporary Classroom and certified as such by the Department.
2. The Principal Use must exist prior to the issuance of the permit.
3. The Temporary Classroom shall not be used to increase the capacity or enrollment as limited by Zoning Conditions or other Use Permit

conditions.

4. An administrative permit for a Temporary Classroom shall expire three (3) years from the date of approval at which time the Structure shall be removed unless a new administrative permit is obtained within thirty (30) days of the expiration date.
5. The Structure shall not be located within any principal Building Setbacks or within any required Landscape Strips or Buffers.
6. Two (2) copies of a drawing showing dimensions shall accompany the application and shall accurately depict the proposed location of temporary Structures, the traffic patterns and Curb Cuts and compliance with this section and all other applicable standards of this Ordinance.

19.3.18. TEMPORARY STRUCTURE.

- A. Allowed Only in These Districts with Administrative Permit: All, except emission inspection stations shall be permitted only in non-residential districts except AG-1.
- B. Standards:
  1. Temporary Structures (whether tents, site-built, mobile or manufactured Structures) utilized for construction offices, ticket booths, security guard shelters, storage Structures in association with construction, emission inspection stations, portable toilets and other similar Uses may be permitted by the Department in any district.
  2. Temporary structures shall be located outside of any required Buffers and landscape areas, and shall maintain the principal Building Setback of the district, except portable toilets must maintain a fifty (50) foot Setback from existing dwelling(s) on adjacent Lots.
  3. Temporary Structures must be removed prior to the issuance of a certificate of occupancy or within five (5) days of completion of the temporary event or activity for which the Structure was approved.
  4. Temporary Structures used in conjunction with other permitted administrative and Use Permits shall not be required to obtain a separate administrative permit.
  5. An administrative permit for a temporary Structure shall expire three (3) years from the date of approval at which time the Structure shall be removed unless a new administrative permit is obtained within thirty (30) days of the expiration date.

19.3.19. TEMPORARY USE OF EXISTING DWELLING WHILE RESIDENCE IS BEING BUILT.

A. Allowed Only in These Districts with Administrative Permit: All but M-1, M-1A, & M-2

B. Standards:

1. The Building permit for the new Principal Structure shall be issued concurrently with this administrative permit.
2. The administrative permit shall expire ninety (90) days after issuance of a Certificate of Occupancy for the new Principal Structure or one (1) year after issuance of a Building permit, whichever occurs first.

19.3.20. VETERINARY CLINIC/HOSPITAL OR KENNEL (ENCLOSED). (For residential Kennels, see Part II, Section 19.3.7. of this Ordinance for Administrative Permit Standards. For Kennels or outside animal facilities, see Part III, Section 19.4.24. of this Ordinance for Use Permit Standards).

A. Allowed Only in These Districts with Administrative Permit: O-I, MIX, C-1, C-2, M-1A, M-1, M-2

B. Standards:

1. All of the activities directly associated with animal treatment shall occur entirely within a completely enclosed soundproof Structure.

PART III

USE PERMITS

19.4. USE PERMITS AND MINIMUM USE PERMIT STANDARDS.

19.4.1 OPEN.

19.4.2 OPEN.

19.4.3. AGRICULTURAL-RELATED ACTIVITIES. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.)

A. Intent: It is the intent of this section to allow certain agricultural-related activities with a Use Permit in compliance with the Development Standards below to preserve the nature of agricultural areas. Such Uses shall include, but not be limited to, petting zoo, educational tours, dude ranches, picnicking, and pay fishing.

B. Allowed in These Districts with Use Permit Only: AG-1

C. Standards:

1. Minimum Lot size shall be five (5) acres.
2. Permitted Curb Cut access shall not be from a Local Road.
3. Food Services may be provided.
4. A minimum of one hundred (100) foot Setback is required from all Property Lines for activity areas, including Parking.
5. All Structures housing animals shall be set back a minimum of one hundred (100) feet from all Property Lines.
6. All Parking and access areas must be of an All-Weather Surface per Article XVIII, Festivals, Outdoor.
7. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise, or any noise which either annoys, disturbs, injures, or endangers the reasonable comfort, repose, health, peace, or safety of others in the City within fifty (50) feet of the Property Lines adjacent to Single Family Residential Uses.

8. The hours of operation shall be limited to the hours of 6:00 a.m. to 10:00 p.m.
9. If located adjacent to a Street Right-of-Way, any Residential District or an AG-1 district used for single Family, the minimum Buffers and Landscape Strips as specified for the O-I district in Section 4.23.1. of this Ordinance shall be required.
10. Sanitary facilities or trash receptacles shall be located a minimum of one hundred (100) feet from a Property Line of any Street Right-of-Way, Residential District and/or AG-1 district used for single Family.

19.4.4. AIRCRAFT LANDING AREA. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.)

A. Allowed in These Districts with Use Permit Only: All

B. Standards:

1. For fixed wing aircraft, a one thousand (1000) foot clear zone extending from the end of all runways shall be secured through ownership or Easement, but in no case shall the end of a runway be closer than two hundred (200) feet from any Property Line.
2. For both fixed and rotary wing aircraft, neither the landing area nor any Building, Structure or navigational aid shall be located within four hundred (400) feet of a Property Line adjacent to any Street Right-of-Way, Residential District and/or AG-1 district used for single Family.
3. Landing areas for fixed wing and rotary wing aircraft shall be designed to comply with the Airport Design Guide of the F.A.A.
4. If located within or adjacent to a Street Right-of-Way, Residential District and/or AG-1 district used for single Family, the hours of operation shall be limited to the hours of 7:00 a.m. to 11:00 p.m.
5. A Use Permit for an aircraft landing area shall have no force and effect except for requesting a Land Disturbance Permit prior to filing a satisfactory F.A.A. airspace analysis with the Director.
6. In accordance with Section 28.4.3.2. of this Ordinance, an Environmental Impact Report shall be submitted as required.

- 19.4.5. ALL USES WHEN HEIGHT WILL EXCEED ZONING DISTRICT MAXIMUM.
- A. Allowed in These Districts with Use Permit Only: O-I, A, A-L, MIX, C-1, C-2, M-1, M-1A and M-2
  - B. Standards:
    - 1. Submit a Site Plan along with the application which shall depict the Open Space and spatial arrangement of Buildings and facilities.
    - 5. Sources of exterior Illumination shall be shielded and not be visible from Adjoining residences.
- 19.4.6. AMATEUR RADIO ANTENNA WHICH WILL EXCEED THE ALLOWED ADMINISTRATIVE PERMIT HEIGHT. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.) (For Amateur Radio Antenna which will exceed the allowed Zoning District height but not the administrative permit height, see Part II, Section 19.3.2.2. of this Ordinance for the Administrative Permit Standards.)
- A. Intent: It is the intent of this Article to regulate the placement of Amateur Radio Towers in a manner that does not impose on public health, safety, general welfare.  
  
The following Use Permit Standards on design, location, placement, and height limits of Antennas in Residential Districts are required to implement the City's governmental interest in land planning, aesthetics and public safety.
  - B. Allowed in These Districts with Use Permit Only: All
  - C. Standards:
    - 1. Antennas shall be located in the Rear Yard.
    - 2. The request to exceed the height of ninety (90) feet shall be accompanied by a written justification of its intent by the licensee. Under no circumstances shall an Antenna exceed two hundred (200) feet in height.
    - 3. All Antennas shall be set back from the Property Line one-third (1/3) the height of the Antenna or the district Setback requirements, whichever is greater; however, the Antenna must be located a distance equal to or greater than the Antenna height from the nearest Residential Dwelling, excluding the primary dwelling or Structure which is located on the same Lot as the Antenna.

4. Antennas shall not be lighted.
5. All Antennas must be constructed with an anti-climbing device.
6. Antennas shall be painted in a neutral color identical or closely compatible with surroundings, subject to the approval of the Director.
7. All guy wires must be anchored on site and outside of Right-of-Way.

19.4.7. AMPHITHEATER. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.)

A. Allowed in These Districts with Use Permit Only: AG-1, O-I, MIX, C-1, C-2, M-1A, M-1, and M-2

B. Standards:

1. Lot area shall be a minimum of ten (10) acres.
2. The stage shall be located a minimum of six hundred (600) feet from adjacent properties zoned for Residential Use and/ or AG-1 districts used for single Family.
3. Permitted Curb Cut access shall be only from an Arterial Street.
4. A minimum one hundred (100) foot Buffer and a minimum ten (10) foot Improvement Setback shall be provided adjacent to a Street Right-of-Way, Residential District, Property zoned for Residential Use zoning or Development or an AG-1 district when used for single Family.
5. A minimum fifty (50) foot Buffer and ten (10) foot Improvement Setback shall be provided adjacent to Nonresidential Districts zoning or Development.
6. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise, or any noise which either annoys, disturbs, injures, or endangers the reasonable comfort, repose, health, peace, or safety of others in the City within fifty (50) feet of the Property Lines adjacent to Single Family Residential Uses.
7. Eight (8) foot high Fencing shall be provided adjacent to a Street Right-of-Way, a Property zoned for Residential Use or an AG-1 district used for single Family.

8. The hours of operation shall be limited to the hours of 8:00 a.m. to 11:00 p.m. when adjacent to a Street Right-of-Way, a Property zoned for Residential Use and/or an AG-1 district used for single Family.

19.4.8. ANTENNA TOWER, AND ASSOCIATED STRUCTURE (RADIO, TELEVISION, MICROWAVE BROADCASTING, ETC.) WHICH WILL EXCEED THE ALLOWED ZONING DISTRICT HEIGHT IN RESIDENTIAL AND AG-1. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.) (For Use in districts O-I, MIX, C-1, C-2, M-1A, M-1 and M-2, see Part II, Section 19.3.2.3. of this Ordinance for Administrative Permit Standards.)

- A. Intent: Pursuant to Section 704(a) of the Federal Telecommunications Policy Act of 1996, it is not the intent of this section to prohibit or have the effect of prohibiting the provision of personal wireless Services in the City.

The following Use Permit Standards on design, location, placement, and height limits of Antennas in Residential Districts are required to implement the City's governmental interest in land planning, aesthetics and public safety.

- B. Allowed in These Districts with Use Permit Only: Residential Districts and AG-1 (For other Nonresidential Districts, see Part II, Section 19.3.2.3. of this Ordinance for Administrative Permit Standards.)

- C. Standards:

1. Towers must be set back a distance equal to the height of the Tower from any residentially or AG-1 zoned or used Property. (i.e., a two hundred (200) foot Tower will require a two hundred (200) foot Setback from any Street Right-of-Way, Residential District and/or AG-1 district used as single Family.)
2. Height shall not exceed three hundred (300) feet from existing Grade and shall be calculated to include all appurtenances (e.g. light, marking) required by the F.A.A. for Towers two hundred (200) feet or taller.
3. Tower and associated facilities shall be enclosed by Fencing not less than six (6) feet in height and shall also be equipped with an Appropriate anti-climbing device.
4. A minimum ten (10) foot Landscape Strip planted to Buffer standards shall be required surrounding the facility exterior to the required Fence unless the City Arborist determines that existing plant materials are adequate.

5. Antennas or Towers shall not have lights unless required by federal or state law.
6. Towers shall not be located within one-quarter (1/4) mile from any existing telecommunication Tower above the district height, excluding alternative Structures.
7. The Tower shall comply with applicable state and local statutes and ordinances, including, but not limited to, Building and safety codes. Towers which have become unsafe or dilapidated shall be repaired or removed pursuant to applicable state and local statutes and ordinances.

19.4.9. BED AND BREAKFAST. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.)

A. Allowed in These Districts with Use Permit Only: AG-1, R-6, and TR

B. Standards:

1. A minimum of two (2) guest rooms and a maximum of five (5) guest rooms are permitted. (For more than five (5) guest rooms, see Section 19.4.14., Country Inn.)
2. No Parking in the Minimum Front Yard.
3. The Bed and Breakfast shall be owner occupied.
4. Permitted Curb Cut access shall not be from a Local Road.
5. The minimum landscape and Buffer areas shall be required as specified for AG-1 in Section 4.23.1. of this Ordinance.
6. Parking requirements shall be the same as Hotel/Motel as specified in Article XVIII.
7. Identification or advertising Signs shall be limited to four (4) square feet in surface area and four (4) feet in height.

19.4.10. CEMETERY AND/OR MAUSOLEUM. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.)

A. Allowed in These Districts with Use Permit Only: All

B. Standards:

1. Permitted Curb Cut access shall be only from a Major Thoroughfare, unless in conjunction with a Place of Worship.
2. No Building shall be located within fifty (50) feet of a Residential District and/or AG-1 district used for single Family.
3. All Structures, including earth interments, shall be inside meet the Minimum Yard Setbacks or ten (10) feet, whichever is greater.
4. If located adjacent to a Street Right-of-Way, single Family dwelling district and/or AG-1 district used for single Family, the minimum Buffers and Landscape Strips as specified for the O-I District in Section 4.23.1. of this Ordinance shall be required.
5. Copies of applicable local, state, and federal permits shall be provided to the Department prior to the issuance of a Certificate of Occupancy.

19.4.11. CHURCH, TEMPLE OR PLACE OF WORSHIP. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.)

A. Allowed in These Districts with Use Permit Only: R-1, R-2, R-2A, R-3, R-3A, R-4A, R-4, R-5, R-5A, R-6, TR, NUP, A, A-L, and AG-1.

B. Standards:

1. All Buildings and Use areas/Structures other than Parking and pedestrian walkways shall be located at least one hundred (100) feet from any Adjoining Residential District and/or AG-1 district used for single Family.
2. No Parking shall be located within the Minimum Front Yard Setback.
3. Any associated day care centers, Private Schools, Recreational Fields or other Uses requiring a Use Permit or administrative permit shall be allowed only under a separately approved Use Permit or administrative permit for each Use.
4. The minimum Buffers and Landscape Strips as specified for the O-I Zoning District in Section 4.23.1. of this Ordinance shall be required.

19.4.12. COMMERCIAL AMUSEMENT, OUTDOOR. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.) (For driving ranges not associated with a Golf Course, see Section 19.4.17.)

A. Allowed in These Districts with Use Permit Only: C-2, M1-A, M-1 and M-2

B. Standards:

1. Permitted Curb Cut access shall be derived only from Arterial Streets.
2. A minimum one hundred (100) foot Buffer and a minimum ten (10) foot Improvement Setback shall be provided adjacent to a Street Right-of-Way, Residential District and/or AG-1 district used for single Family.
3. A minimum fifty (50) foot Buffer and ten (10) foot Improvement Setback shall be provided adjacent to non-residential zoning districts.
4. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise, or any noise which either annoys, disturbs, injures, or endangers the reasonable comfort, repose, health, peace, or safety of others in the City within fifty (50) feet of the Property Lines adjacent to Single Family Residential Uses.
5. Eight (8) foot high Fencing shall be provided adjacent to any Street Right-of-Way, Residential District and/or AG-1 district when used for single Family and interior to any required Landscape Strips or Buffers.
6. The hours of operation shall be limited to the hours of 8:00 a.m. to 11:00 p.m. adjacent to a Street Right-of-Way, Residential District and/or AG-1 district when used for single Family.
7. All recreational Structures and activities shall maintain a Minimum Setback of one hundred (100) feet from any public Right-of-Way.
5. The height limits of the Zoning District shall apply to all recreational Structures unless a Use Permit to exceed the allowed zoning height is granted (see Section 19.4.5.).
6. The need for any accessory Netting associated with a driving range, tee, green, fairway or other course feature that is proposed to exceed the maximum district height shall be reviewed by the Director. A report prepared by a qualified engineer or expert documenting that the Netting is required based upon a safety hazard caused by the driving range, tee, green, fairway or other course feature shall be submitted with the application for administrative permit in support of the proposed height. The Director shall have the authority to approve or deny the administrative permit at his/her discretion.

19.4.13. COMPOSTING. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.)

A. Allowed in These Districts with Use Permit Only: AG-1

B. Standards:

1. Lot area shall be a minimum of five (5) acres.
2. Permitted Curb Cut access shall be derived from an Arterial or Collector Road.
3. The hours of operation shall be limited to the hours of 7:00 a.m. to 6:00 p.m.
4. All operations shall maintain a Minimum Setback of one hundred (100) feet from all Property Lines.
5. The minimum Buffers as specified for the M-1 district in Section 4.23.1. of this Ordinance shall be required.
6. On-site traffic shall be limited to an All-Weather Surfaced area.
7. Stored materials shall be contained in such a manner as to prevent the blowing of any materials onto any surrounding Property or roadway.
8. The Composting facility shall obtain all necessary permits from the Department of Natural Resources, Environmental Protection Division.
9. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise, or any noise which either annoys, disturbs, injures, or endangers the reasonable comfort, repose, health, peace, or safety of others in the City within fifty (50) feet of the Property Lines adjacent to Single Family Residential Uses.
10. In accordance with Section 28.4.3.2. of this Ordinance, an Environmental Impact Report shall be submitted as required.

19.4.14. COUNTRY INN. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.)

A. Allowed in These Districts with Use Permit Only: AG-1

B. Standards:

1. Lot area shall be a minimum of five (5) acres.

2. A minimum of six (6) guest rooms and a maximum of thirty (30) rooms are permitted. (For less than six (6) guest rooms, see Section 19.4.9., Bed and Breakfast.)
3. The Country Inn shall be owner occupied.
4. Permitted Curb Cut access shall be from a Collector Road or higher road classification.
5. The establishment may provide meal Services to guests.
6. Parking shall not be permitted within the Minimum Front Yard Setback.
7. The minimum Landscape Strip and Buffer requirements for the O-I District as specified in Section 4.23.1. of this Ordinance shall be required.
8. Identification or advertising Signs shall be limited to one (1) Sign of not more than nine (9) square feet and no more than four (4) feet in Height.
9. Parking requirements shall be the same as Hotel/Motel as specified in Article XVIII.

19.4.15. DAY CARE FACILITY (Allowed in CUP, O-I, MIX, C-1 and C-2 Districts).

A. Allowed in These Districts with Use Permit Only: R-6, TR, A, and A-L. (May be allowed in single Family districts and AG-1 districts in conjunction with an Institutional Use such as a Church, a Temple, a Place of Worship, a School or a Hospital.)

B. Standards:

1. Facility shall be for seven (7) or more persons, excluding staff.
2. The minimum Landscape Strips, Buffers and Improvement Setbacks shall be required as specified for the O-I district in Section 4.23.1. of this Ordinance.
3. Provide a minimum six (6) foot high opaque Fence interior to any required Landscape Strips and/or Buffers around the periphery of the Yard used for the play area.
4. Play areas shall be located within the Rear or Side Yards.
5. The hours of operation shall be limited to the hours of 6:00 a.m. to 7:00 p.m., Monday through Friday.

6. No Parking allowed in the Minimum Front Yard Setback.
7. Driveway design shall permit Vehicles to exit the Property in a forward direction.
8. Copies of applicable local, state, and federal permits shall be provided to the Department prior to the issuance of a Certificate of Occupancy.

19.4.16. OPEN.

19.4.17. DRIVING RANGE (Not associated with a Golf Course). (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: AG-1, O-I, MIX, C-1, C-2, and M-1A

B. Standards:

1. Lot area shall be a minimum of ten (10) acres.
2. Permitted Curb Cut access shall be from a Collector Road or Arterial.
3. Loudspeakers/paging systems are prohibited adjacent to a Street Right-of-Way, Residential District and/or AG-1 Zoning District used for single Family.
4. The hours of operation shall be limited to the hours of 8:00 a.m. to 11:00 p.m. when adjacent to a Street Right-of-Way, Residential District and/or AG-1 Zoning District used for single Family.
5. The need for any accessory Netting associated with a driving range, tee, green or other driving range feature that is proposed to exceed the maximum Zoning District Height shall be reviewed by the Director. A report prepared by a qualified engineer or expert documenting that the Netting is required based upon a safety hazard caused by the driving range, tee, green or other driving range feature shall be submitted with the application for administrative permit in support of the proposed Height. The Director shall have the authority to approve or deny the administrative permit at his/her discretion.

19.4.17.1. OPEN.

19.4.18. OPEN.

19.4.19. OPEN.

19.4.20. GROUP RESIDENCE FOR CHILDREN (five (5) to eight (8) children.) (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: AG-1, R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A

B. Standards:

1. Facility shall be for no more than eight (8) children.
2. Parking shall comply with the requirements of Article XVIII for dormitories and related.
3. Copies of applicable local, state, and federal permits shall be provided to the Department prior to the issuance of a Certificate of Occupancy.

19.4.20.1. GROUP RESIDENCE FOR CHILDREN (nine (9) to fifteen (15) children.) (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: R-6 and TR

B. Standards:

1. Facility shall be for no more than fifteen (15) children.
2. Parking shall comply with the requirements of Article XVIII for dormitories and related.
3. Copies of applicable local, state, and federal permits shall be provided to the Department prior to the issuance of a Certificate of Occupancy.

19.4.21. OPEN.

19.4.22. OPEN.

19.4.23. OPEN.

19.4.24. KENNEL OR OUTSIDE ANIMAL FACILITIES. (For residential Kennels, see Part II, Section 19.3.7. of this Ordinance for Administrative Permit Standards. For enclosed Kennels, see Part II, Section 19.3.20. of this Ordinance for Administrative

Permit Standards.) (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: C-2, M-1, and M-2

B. Standards:

1. Minimum one (1) acre Lot size is required.
2. Buildings and runs, sun areas, exercise yards, Patios or facilities other than Parking shall be located at least one hundred (100) feet from all Property Lines and two hundred (200) feet from any single Family Zoning District and/or AG-1 Zoning District used for single Family.
6. Applicant shall comply with all applicable provisions of the City's Animal Control Ordinance.

19.4.25. LANDFILL, INERT WASTE DISPOSAL. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: AG-1, M-1 and M-2

B. Standards:

1. No access shall be allowed from Local Roads.
2. Access Streets shall be paved and shall be able to withstand maximum load limits established by the State of Georgia as approved by the Director of Public Works.
3. No portion of a new Landfill shall be located within a three (3) mile radius of the Property Lines of an existing Landfill.
4. The Waste Disposal Boundary of a Landfill shall be located at least five hundred (500) feet from all Property Lines except those adjacent to M-1 and M-2 Zoning Districts.
5. A minimum two hundred (200) foot Buffer and ten (10) foot Improvement Setback shall be required along all Property Lines except public rights-of-way.
6. A minimum fifty (50) foot Buffer and a minimum ten (10) foot Improvement Setback shall be required along all public rights-of-way.

7. A minimum six (6) foot high solid Fence or Wall shall be located on Property Lines or interior to the required Buffers and Improvement Setbacks.
8. The hours of operation shall be limited to the hours of 6:00 a.m. to 6:00 p.m., Monday through Saturday.
9. The owner shall provide the Director with a current copy of all applicable permits from the Georgia Department of Natural Resources upon application for a land disturbance permit.
10. Vehicles shall be allowed into a Landfill site only if Waste is covered to prevent blowing of material from the Vehicle.
11. In accordance with Section 28.4.3.2. of this Ordinance, an Environmental Impact Report shall be submitted as required.

19.4.26. LANDFILL, SOLID WASTE DISPOSAL. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: M-2

B. Standards:

1. No access shall be allowed from local Streets.
2. Access Streets shall be paved and shall be able to withstand maximum load limits established by the State of Georgia as approved by the Director of Public Works.
3. No portion of a new Landfill shall be located within a three (3) mile radius of the Property Lines of an existing Landfill.
4. The Waste Disposal Boundary of a Landfill shall be located at least five hundred (500) feet from all Property Lines except those adjacent to M-1 and M-2 Zoning Districts.
5. A minimum two hundred (200) foot Buffer and ten (10) foot Improvement Setback shall be required along all Property Lines except public rights-of-way.
6. A minimum fifty (50) foot Buffer and ten (10) foot Improvement Setback shall be required along all public rights-of-way.

7. A minimum six (6) foot high solid Fence or Wall shall be located on Property Lines or interior to the required Buffers and Improvement Setbacks.
8. The hours of operation shall be limited to the hours of 6:00 a.m. to 6:00 p.m., Monday through Saturday.
9. The owner shall provide the Director a current copy of all applicable permits from the Georgia Department of Natural Resource upon application for a land disturbance permit.
10. Vehicles shall be allowed into a Landfill site only if Waste is covered to prevent blowing of material from the Vehicle.
11. In accordance with Section 28.4.3.2. of this Ordinance, an Environmental Impact Report shall be submitted as required.

19.4.27. LANDSCAPING BUSINESS, PLANT NURSERY, OR GARDEN CENTER WITH INDOOR RETAIL COMPONENT. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: AG-1

B. Standards:

1. No access shall be allowed from local Streets.
2. No Parking is permitted in the Minimum Front Yard.
3. All Use areas/Structures other than Parking and pedestrian walkways shall be located at least fifty (50) feet from any Adjoining Residential District or AG-1 Zoning District.
4. The hours of operation shall be limited to the hours of 6:00 a.m. to 8:00 p.m.
5. The minimum Buffers and Landscape Strips as specified for the O-I Zoning District in Section 4.23.1. of this Ordinance shall be required.
6. Structure(s) for retail sales shall be limited to one thousand (1000) total gross square feet.

19.4.28. LODGE, RETREAT AND/OR CAMPGROUND. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

- A. Allowed in These Zoning Districts with Use Permit Only: AG-1, M-1A, M-1 and M-2
- B. Standards:
1. Minimum Lot size shall be ten (10) acres.
  2. Permitted Curb Cut access shall not be derived from a local Street.
  3. A minimum one hundred (100) foot wide Buffer and a minimum ten (10) foot Improvement Setback are required adjacent to a Street Right-of-Way, Residential District, or AG-1 Zoning District used for single Family.
  4. A minimum fifty (50) foot wide Buffer and a minimum ten (10) foot improvement district are required adjacent to all other Nonresidential Districts.
  5. Length of stay for all but permanent staff shall not exceed thirty (30) consecutive days.
  6. Sanitary facilities or trash receptacles shall be located a minimum of two hundred (200) feet from any Residential District and/or AG-1 Zoning District when used for Single Family.
  7. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise, or any noise which either annoys, disturbs, injures, or endangers the reasonable comfort, repose, health, peace, or safety of others in the City within fifty (50) feet of the Property Lines adjacent to Single Family Residential Uses.
  8. Recreational Facilities associated with the Use shall be for staff and guests only.
  9. One (1) Parking Space per lodging unit or five (5) per one thousand (1000) square feet of Floor Area shall be provided, whichever is greater.

19.4.28.1. MEDICAL RELATED LODGING (allowed in A and A-L Zoning Districts).

- A. Allowed in These Zoning Districts with Use Permit Only: R-6 and TR
- B. Standards:
1. Total number of bedrooms or units shall not exceed twenty (20), including staff facilities.

3. Rooms or suites of rooms may be designed with separate kitchen facilities.
3. Lodging facility shall be located within one (1) mile of a Hospital or inpatient medical facility.
4. Facilities locating in a TR Zoning District must have frontage on Streets with classifications higher than local Streets.
5. If located adjacent to a Street Right-of-Way, single Family Zoning District and/or an AG-1 Zoning District used for single Family, the minimum Buffers and Landscape Strips as specified for the O-I Zoning District in Section 4.23.1. of this Ordinance shall be required.
6. Off-Street Parking requirements shall be one (1) per living unit plus one (1) per nonresident employee. Parking is not allowed in the Front Yard Setback.
7. Signs shall not exceed four (4) square feet in area and four (4) feet in Height.

19.4.29. OPEN.

19.4.30. OPEN.

19.4.31. MOBILE HOME - ACCESSORY DWELLING. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: AG-1

B. Standards:

1. A Use Permit for a Mobile Home shall be limited to a three (3) year period from the date of City Council's approval, after which the Mobile Home shall be removed unless an additional Use Permit has been granted.
2. The Mobile Home shall be located in the Rear Yard of an existing residential Structure in conformance with the Yard standards for the location of accessory Buildings.
3. The Mobile Home shall be for the exclusive use of and occupancy by a member of the Family or a near relative of the occupant of the existing Structure, including father, mother, sister, brother, daughter-in-law, son-in-law, child, ward or guardian.

19.4.32. NURSING HOME/ HOSPICE (Allowed in O-I, MIX, A, A-L, C-1 and C-2 Zoning Districts.)

A. Allowed in These Zoning Districts with Use Permit Only: R-6 and TR

B. Standards:

1. Facilities shall be for five (5) persons or more.
2. Permitted Curb Cut access shall be from an Arterial or a Collector Road.
3. Provide the minimum Landscape Strips and Buffers as required for the O-I Zoning District as specified in Section 4.23.1. of this Ordinance.
4. Provide a fifty (50) foot Building Setback from all Single Family Zoning Districts or AG-1 Zoning Districts used for Single Family.
5. No Parking allowed within the Minimum Front Yard Setback.
6. Rooms or suites of rooms may be designed with separate kitchen facilities.
7. Facility shall comply with applicable local, state, and federal regulations.

19.4.33. PERSONAL CARE HOME/ASSISTED LIVING (allowed in O-I, A, A-L, MIX, C-1 and C-2).

A. Allowed in These Zoning Districts with Use Permit Only: R-6 and TR

B. Standards:

1. Facilities shall be for five (5) persons or more.
2. Permitted Curb Cut access shall be from an Arterial or a Collector Road. Permitted Curb Cut access may be allowed from a Collector Road if within one thousand (1000) feet of the Property Line of an Institutional Use.
3. A fifty (50) foot Building Setback from single Family Zoning Districts and/or AG-1 Zoning Districts when used for single Family shall be provided.
4. No Parking is allowed in the Minimum Front Yard Setback.

5. The minimum Parking Spaces provided shall be in conformance with health care facilities as provided in Section 18.2.1. of this Ordinance.
6. Landscape Strips and Buffers as required in the O-I Zoning District as specified in Section 4.23.1. of this Ordinance shall be provided.
7. Rooms or suites of rooms may be designed with separate kitchen facilities.
8. Facility shall comply with all applicable local, state, and federal regulations, and provide applicable permits to the Department prior to the issuance of a Certificate of Occupancy.

19.4.34. PRISON/CORRECTIONAL FACILITY. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: M-1, M-2

B. Standards:

1. Minimum Lot size shall be one hundred (100) acres.
2. All boundary lines of the Property included within the Use Permit must be located at least five hundred (500) feet from the properties listed below:
  - a. The Property Line of R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, R-6, NUP, CUP, TR, A, A-L, AG-1 zoned Property or Property conditioned or used for residential purposes.
  - b. The Property Line of any public Recreational Facilities, public or private Institutional Uses, including but not limited to Churches, Schools, Universities, Colleges, trade Schools, libraries, day care centers and other training facilities when minors are the primary patrons.
3. All boundary lines of the Property included within the Use Permit must be located at least ten (10) miles from all Property Lines of any other Prison/Correctional Facility.
4. Together with the application for a Use Permit, a certified boundary survey of the site and the Use of Adjoining properties shall be submitted. If any of the Uses or Zoning Districts referenced in Section 19.4.34.B.2.a. and b. are located within five hundred (500) feet of the boundary lines of the subject Property, and/or a Prison/Correctional Facility is located within

ten (10) miles of the boundary line of the subject Property, they must be identified by map as part of the Use Permit application .

5. A minimum two hundred (200) foot wide Buffer and a minimum ten (10) foot Improvement Setback shall be provided adjacent to any Property zoned other than M-1 and M-2 and from any Property used for residential purposes.
6. A minimum one hundred (100) foot wide Buffer and a minimum ten (10) foot Improvement Setback shall be provided adjacent to Property zoned M-M-1 and/or M-2.
7. Permitted Curb Cut access shall be from a Major Thoroughfare.
8. Parking Spaces shall be in accordance with Article XVIII, Health Care Facilities.
9. Fencing shall be in accordance with American Correction Institute standards and located interior to required Buffers and Improvement Setbacks.
10. Lighting shall be in accordance with American Correction Institute standards and the lighting standards set forth in this Zoning Ordinance. The more restrictive standards shall apply.
11. The facility shall comply with all applicable local, state, and federal regulations, and applicable permits shall be provided to the Department prior to the issuance of a Certificate of Occupancy.

19.4.35. RACE TRACK. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit: AG-1, M-1 and M-2

B. Standards:

1. Minimum Lot size shall be ten (10) acres.
2. The race track and spectator stands for animal tracks shall be located a minimum of five hundred (500) feet from Residential Districts and/or AG-1 Zoning Districts used for single Family, and two thousand (2000) feet from such Zoning Districts for vehicular tracks.
3. Permitted Curb Cut access shall not be from a local Street.

4. A minimum seventy-five (75) foot Buffer and a minimum ten (10) foot Improvement Setback shall be provided adjacent to a Street Right-of-Way, Residential District and/or AG-1 Zoning District used for single Family.
5. A minimum fifty (50) foot Buffer and a minimum ten (10) foot Improvement Setback shall be provided adjacent to all other Property Lines.
6. An eight (8) foot high Fence interior to the required Buffer/Improvement Setback and Landscape Strips shall be provided.
7. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise, or any noise which either annoys, disturbs, injures, or endangers the reasonable comfort, repose, health, peace, or safety of others in the City within fifty (50) feet of the Property Lines adjacent to Single Family Residential Uses.
8. The hours of operation shall be limited to the hours of 8:00 a.m. to 10:00 p.m. when adjacent to a Street Right-of-Way, Residential District and/or AG-1 Zoning District used for single Family.
9. In accordance with Section 28.4.3.2. of this Ordinance, an Environmental Impact Report shall be submitted as required.

19.4.36. RECREATIONAL FIELDS. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: All

B. Standards:

1. Permitted Curb Cut access shall not be from a local Street.
2. A minimum fifty (50) foot Buffer and a minimum ten (10) foot Improvement Setback shall be provided adjacent to a Street Right-of-Way, Residential District and/or AG-1 Zoning District used for single Family.
3. Loudspeakers/paging systems are prohibited adjacent to residentially used Property.
4. The hours of operation shall be limited to daylight hours when said facility is located adjacent to a Street Right-of-Way, Residential District and/or AG-1 Zoning District used for single Family.
5. The need for any accessory Netting associated with a driving range, tee,

green, fairway or other course feature that is proposed to exceed the maximum Zoning District Height shall be reviewed by the Director. A report prepared by a qualified engineer or expert documenting that the Netting is required based upon a safety hazard caused by the driving range, tee, green, fairway or other course feature shall be submitted with the application for administrative permit in support of the proposed Height. The Director shall have the authority to approve or deny the administrative permit at his/her discretion.

19.4.37. RECYCLING CENTER, PROCESSING. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: C-2 and M-1A

B. Standards:

1. The hours of operation shall be limited to the hours of 7:00 a.m. to 8:00 p.m., Monday through Saturday.
2. No portion of a new recycling facility shall be located within a three (3) mile radius of the Property Lines of an existing recycling facility.
3. A minimum two hundred (200) foot Buffer and ten (10) foot Improvement Setback shall be required along all Property Lines except public rights-of-way.
4. A minimum fifty (50) foot Buffer and ten (10) foot Improvement Setback shall be required along all public rights-of-way.
5. All recyclable materials shall be stored in containers with no stockpiling outside the containers.
6. Collection, storage containers, or receptacles shall not be allowed in Minimum Yards. Storage shall be screened with a six (6) foot high, solid Wall or Fence, including access gates.
7. The processing of recyclable materials must be done within an enclosed Building.
8. Driveways shall be designed so Vehicles will exit the facility in a forward direction.
9. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise, or any noise which

either annoys, disturbs, injures, or endangers the reasonable comfort, repose, health, peace, or safety of others in the City within fifty (50) feet of the Property Lines adjacent to Single Family Residential Uses.

10. The Recycling Center shall comply with regulations administered by the Fulton County Department of Health.
11. In accordance with Section 28.4.3.2. of this Ordinance, an Environmental Impact Report shall be submitted as required.

19.4.38. OPEN.

19.4.39. SALVAGE, STORAGE, AND/OR JUNK FACILITY. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: M-1 and M-2

B. Standards:

1. No portion of a new Salvage, Storage, and/or Junk Facility shall be located within a three (3) mile radius of the Property Lines of an existing Salvage, Storage, and/or Junk Facility.
2. A minimum two hundred (200) foot Buffer and ten (10) foot Improvement Setback shall be required along all Property Lines except public rights-of-way.
3. A minimum fifty (50) foot Buffer and ten (10) foot Improvement Setback shall be required along all public rights-of-way.
4. All facilities shall be screened from view from adjacent properties and roadways with a minimum six (6) foot high, solid Fence or Wall, as approved by the Department, except for approved access crossings and utility Easements. Said Fence or Wall shall be located interior to any required Buffer or Landscape Strip.
5. Vehicles and other materials shall not be stacked so that they are visible from any adjacent properties.
6. In accordance with Section 28.4.3.2. of this Ordinance, an Environmental Impact Report shall be submitted as required.

19.4.40. SCHOOL, PRIVATE OR SPECIAL. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: All

B. Standards:

1. Minimum Lot area shall be one (1) acre.
2. If located adjacent to a Street Right-of-Way, single Family dwelling Zoning District and/or AG-1 Zoning District used for single Family, the minimum Landscape Strips, Buffers, and Improvement Setbacks as specified for the O-I Zoning District in Section 4.23.1. of this Ordinance shall be required.
3. Buildings and refuse areas shall not be located within one hundred (100) feet of a Residential District and/or AG-1 Zoning District used for single Family.
4. Active outdoor recreation areas shall not be located within one hundred (100) feet of an Adjoining Residential District or Use. Recreational Fields that are accessory to the School do not require a separate Use Permit.
5. Day care facilities in association with the School do not require a separate Use Permit.
6. Parking areas shall not be located within fifty (50) feet of any Residential District and/or AG-1 Zoning District used for single Family.
7. Student drop-off and vehicular turn-around facilities shall be provided on the site so that Vehicles may re-enter the Public Street in a forward manner.
9. Permitted Curb Cut access shall not be from a local Street.
10. The need for any accessory Netting associated with a driving range, tee, green, fairway or other course feature that is proposed to exceed the maximum Zoning District Height shall be reviewed by the Director. A report prepared by a qualified engineer or expert documenting that the Netting is required based upon a safety hazard caused by the driving range, tee, green, fairway or other course feature shall be submitted with the application for administrative permit in support of the proposed Height. The Director shall have the authority to approve or deny the administrative permit at his/her discretion.

19.4.41. SELF-STORAGE/MINI. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: C-1 and C-2

B. Standards:

1. At least seventy-five percent (75%) of the total on-site storage space shall be contained in individual enclosed stalls containing no more than five hundred (500) square feet each and being no more than ten (10) feet high.
2. No activities other than the dead storage or transfer of nonvolatile goods or leasing of storage space are permitted. Prohibited Uses include, but are not limited to, the following: miscellaneous sales; fabrication or repair of Vehicles, equipment or other goods; transfer-storage Business based on site; Residential Uses (other than the resident manager's Apartment); or any Use which creates a nuisance due to noise, odor, dust, light or electrical interference.
3. An on-site manager or resident manager shall be required and shall be responsible for the operation of the facility in conformance with conditions of approval. A resident manager's Apartment is included in the Use Permit.
4. A minimum six (6) foot high, one hundred percent (100%) opaque solid wooden Fence or masonry Wall shall be provided along the entire length (except for approved access crossings) of all Property Lines. Said Fence or Wall shall to be located outside of any public Right-of-Way and interior to any required Landscape Strips or Buffers.
5. A new or expanded Self-Storage Facility shall be located a minimum of fifteen hundred (1500) feet from the boundary of any other Self-Storage Facility (Mini or Multi).

19.4.41.1. SELF-STORAGE/MULTI. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: MIX, C-1, and C-2

B. Standards:

1. No Outside Storage shall be allowed, including Vehicle leasing.
2. All Buildings shall have windows or architectural treatments that appear as windows.

3. No activities other than the dead storage or transfer of nonvolatile goods or leasing of storage space are permitted. Prohibited Uses include, but are not limited to, the following: miscellaneous sales; fabrication or repair of Vehicles, equipment or other goods; transfer-storage Business based on site; Residential Uses (other than the resident manager's Apartment); or any Use which creates a nuisance due to noise, odor, dust, light or electrical interference.
4. Permitted Curb Cut access shall not be from a local Street.
5. A new or expanded Self-Storage Facility shall be located a minimum of fifteen hundred (1500) feet from the boundary of any other Self-Storage Facility (Mini or Multi).

19.4.42. SENIOR HOUSING. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: TR, A, A-L, O-I, MIX, C-1 and C-2

B. Standards: In circumstances where conflict exists between Overlay District guidelines and this Ordinance, Overlay District guidelines will generally supersede the general Ordinance. If the issue is specifically excluded in the Overlay District guidelines, the Ordinance will apply. If the issue is addressed in both documents, the more restrictive will apply.

1. Total acreage for Senior Housing Developments shall be a minimum of five (5) acres.
2. Housing shall be designed, constructed and operated in accordance with the Fair Housing Amendments Act. On an annual basis, the controlling entity shall verify compliance with all provisions of the Fair Housing laws related to occupancy in a manner deemed acceptable pursuant to policies and procedures adopted by the Director. Dwelling units shall have a minimum Heated Floor Area of eight hundred fifty (850) square feet.
3. Each Senior Housing Development may have at least one (1) unit designated as guest quarters for visitors of residents, but the total number of guest units may not exceed one percent (1%) of the total number of units within the Development. Guest units shall have maximum Heated Floor Area of five hundred (500) square feet.
4. Parking Spaces shall be calculated as one and four-tenths (1.4) spaces per dwelling unit. Guest Parking shall be calculated as one and twenty-five hundredths (1.25) space per every three (3) dwelling units.

5. Landscape Strips and Buffers shall be provided as specified for the O-I Zoning District in Section 4.23.1. of this Ordinance.
6. Not less than twenty percent (20%) of the total acreage shall be maintained as common outdoor Open Space for the use and benefit of the residents. Said common outdoor Open Space shall be marked by Appropriate signage and must be accessible via a road or walking Trail to the rest of the Development.
7. The Property shall be deed restricted to Senior Housing except as provided by Fair Housing laws. Each Senior Housing Development shall post on its premises notice of its status as a Senior Housing Development in a manner readily visible to and accessible to the residents. Such notices shall be subject to the approval of the Department.
8. The Property shall comply with all applicable local, state, and federal regulations and copies of any applicable permits shall be provided to the Department prior to the issuance of a Certificate of Occupancy.
9. Projects are encouraged to incorporate easy living and applicable accessibility standards (as administered and copyrighted by a coalition of Georgia citizens including, but not limited to, AARP of Georgia, Atlanta Regional Commission, Concrete Change, Georgia Department of Community Affairs, Governor's Council on Developmental Disabilities, Home Builders Association of Georgia, Shepherd Center and the Statewide Independent Living Council of Georgia.)
10. Home Occupations shall be permitted in accordance with Section 4.12., Home Occupation, of the Zoning Ordinance.
11. Any proposed change in the Use of a Senior Housing project that does comply with the Fair Housing Amendments Act shall conform to all current zoning and density requirements. Any such conversion shall be considered a Zoning Modification and be required to be brought into conformance with City standards.
12. Projects are encouraged to incorporate features to enhance the quality of the Senior Housing Development including, but not limited to, laundry rooms on each floor, lounges on each floor with automated external defibrillators (AEDs), balconies on each floor for fresh air, Theater-style media centers, Library, dining halls, wall-mounted emergency pull cords in each unit's bathroom, aerobics and fitness centers.

19.4.43. SKYWALKS. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: AG-1, O-I, MIX, C-1, C-2, M-1A, M-1, M-2

B. Standards:

1. A minimum vertical clearance of sixteen (16) feet above all Streets, and a minimum vertical clearance of sixteen (16) feet above the walkway shall be provided.
2. Ample space for the free flow of pedestrians with a twelve (12) foot minimum walkway width shall be provided.
3. Prior to issuance of a Building permit, a bridge agreement shall be filed with the Department as a condition of approval. The Department shall be responsible for the interpretation and application of the conditions set forth above and no Building permit shall be issued by the Department except upon written approval of the Department of Public Works.

19.4.44. STADIUM (OFFSITE) ASSOCIATED WITH A PRIVATE SCHOOL. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: All

B. Standards:

1. Vehicular access is prohibited from a local Street.
2. A minimum two hundred (200) foot Buffer and minimum ten (10) foot Improvement Setback shall be provided along all Property Lines adjacent to a Street Right-of-Way, residential and AG-1 zoned properties.
3. The hours of operation shall be limited to the hours of 8:00 a.m. to 11:00 p.m. adjacent to a Street Right-of-Way, residential and AG-1 zoned properties.
4. A one hundred (100) foot Setback along any public Right-of-Way is required for all Structures and activities.
5. The Height limit of the Zoning District shall apply to all Structures unless a Use Permit to exceed Zoning District maximum Height is approved.

6. The need for any accessory Netting associated with a driving range, tee, green, fairway or other course feature that is proposed to exceed the maximum Zoning District Height shall be reviewed by the Director. A report prepared by a qualified engineer or expert documenting that the Netting is required based upon a safety hazard caused by the driving range, tee, green, fairway or other course feature shall be submitted with the application for administrative permit in support of the proposed Height. The Director shall have the authority to approve or deny the administrative permit at his/her discretion.

19.4.45. TRANSFER STATION, SOLID WASTE. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. Allowed in These Zoning Districts with Use Permit Only: M-2

B. Standards:

1. No access shall be allowed from local Streets.
2. Access Streets shall be paved and shall be able to withstand maximum load limits established by the State of Georgia as approved by the Director of Public Works.
3. No portion of a new Transfer Station shall be located within a three (3) mile radius of the Property Lines of an existing Transfer Station.
4. A minimum two hundred (200) foot Buffer and a minimum ten (10) foot Improvement Setback shall be required along all Property Lines except public rights-of-way.
5. A minimum fifty (50) foot Buffer and a minimum ten (10) foot Improvement Setback shall be required along all public rights-of-way.
6. A minimum six (6) foot high solid Fence or Wall shall be located on Property Lines or interior to the required Buffers and Improvement Setbacks.
7. The hours of operation shall be limited to the hours of 6:00 a.m. to 6:00 p.m., Monday through Saturday.
8. The owner shall provide the Director a current copy of all applicable permits from the State of Georgia upon application for a land disturbance permit.

9. In accordance with Section 28.4.3.2. of this Ordinance, an Environmental Impact Report shall be submitted as required.

2.

All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

3.

*Severability.* Should any court of competent jurisdiction declare any section of this Ordinance invalid or unconstitutional, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.

4.

*Repeal of Conflicting Provisions.* It is the intention of the Mayor and City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Sandy Springs, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

5.

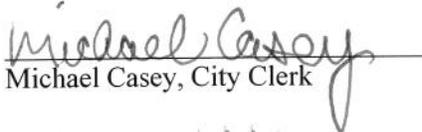
This Ordinance is effective November 16, 2010; and

**ORDAINED** this the 16<sup>th</sup> day of November, 2010.

Approved:

  
Eva Galambos, Mayor

Attest:

  
Michael Casey, City Clerk

(Seal)

