



To: John McDonough, City Manager

From: Blake J. Dettwiler, AICP, Director of Community Development **BD**

Date: October 26, 2010 for Submission onto the November 2, 2009 City Council Work Session

Subject: Proposed TA10-008, An Ordinance to Amend Article 19, Administrative Permits and Use Permits, of the Sandy Springs Zoning Ordinance

Please find enclosed a proposed text amendment to Article 19, Administrative Permits and Use Permits, with corresponding mark-up.

Background:

Staff has had issues regarding the City's Zoning Ordinance. Therefore, it has been determined that the Zoning Ordinance should be reviewed in its entirety to ameliorate these issues and provide clarification of the current text.

Discussion:

Staff has determined to revise Article 19, Administrative Permits and Use Permits of the City's Zoning Ordinance as part of the comprehensive overhaul of the ordinance.

Planning Commission Recommendation:

The Planning Commission heard the amendment at the October 21, 2010 meeting and recommended approval as presented by staff (6-0, Thatcher, Pond, Maziar, Rubenstein, Rupnow, and Tart for; Duncan not voting).

Alternatives:

The City Council could choose to not recommend the changes prepared by staff.

cc: Wendell K. Willard, City Attorney

ARTICLE XIX

~~Administrative Permits and Use Permits~~ **ADMINISTRATIVE PERMITS AND USE PERMITS**

PART I

GENERAL

19.1. ~~—~~ **SCOPE AND INTENT.**

~~—~~ This ~~article~~ **Article** specifies ~~use~~ **Use** which are not classified as ~~permitted~~ **permitted use** ~~Uses~~ in ~~zoning district~~ **Zoning Districts**, and are therefore only allowed through the approval of an ~~Administrative~~ **administrative Permit** ~~permit~~ or a ~~Use Permit~~ **Use Permit**. The standards which apply to ~~each use~~ **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** ~~and~~ must be met in order for an application to be granted.

19.2. ~~—~~ **APPLICATION AND APPROVAL.**

Uses allowable with an ~~ADMINISTRATIVE PERMIT~~ **administrative permit** and the minimum standards for such ~~use~~ **Uses** are listed in ~~Part II~~, Section 19.3 of this Article.

Uses allowable with a ~~USE PERMIT~~ **Use Permit** and the minimum standards for such ~~use~~ **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~~ **administrative Permit permit** or ~~Use~~ **Use Permit permit**, as specified. The ~~regulations~~ **standards** contained in this Article shall not apply to ~~any Permitted Use~~ **Uses in any** ~~allowed by any zoning~~ **Zoning District** ~~district~~.

19.2.2. **APPROVAL OF ADMINISTRATIVE PERMITS.**

~~—~~ Any ~~use~~ **Use** authorized by ~~Administrative~~ **administrative Permit** ~~permit~~ shall be approved and permitted by the Director ~~of the Department of Community Development~~ whenever the proposed ~~use~~ **Use** complies fully with the requirements of the subject ~~property~~ **Property**'s ~~zoning district~~ **Zoning District** and standards as set

forth in **Part II**, Section 19.3. —Each requested ~~use~~**Use** for which an ~~Administrative permit~~**Administrative Permit** is required shall be assigned an ~~Administrative Permit~~**Administrative Permit** number and charged a fee. Said permit shall be posted on site prior to commencement of ~~use~~**Use**. Variances to ~~Administrative Permit~~**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~~**the Director of the Public Works Department with respect to roadway, water, sewer and/or other infrastructure improvements, and rights-of-way dedications** which must be met.

19.2.3. **APPROVAL OF USE PERMITS.**

—Any ~~use~~**Use** authorized by ~~Use-Use Permit~~**Permit** may be ~~considered by City Council as provided in Section 19.2.4. and may be~~ approved by ~~the~~City Council in accordance with standards enumerated ~~under each use (in Section 19.2.4.)~~ provided:

—A. The subject ~~use~~**Use** is allowable in the subject ~~property~~**Property**'s ~~zoning district~~**Zoning District**;

—B. ~~The~~**All** standards ~~and considerations~~ for the ~~Use-Use Permit~~**Permit** as specified in Article ~~19-XIX~~ can be met, ~~as well as Use-Permit Considerations pursuant to Section 19.2.4.;~~

—C. A public hearing has been held in relation to the ~~Use-Use Permit~~**Permit** before the Planning Commission and the City Council in conformance with the notice standards outlined in Article XXVIII;

—D. Recommendations have been received from the Department ~~of Community Development~~ staff and the ~~Sandy Springs~~ Planning Commission; and

—E. Conditions imposed with respect to ~~right-of-way~~**Right-of-Way** dedication and roadway, water, sewer and/or other infrastructure improvements are met.

19.2.3.1. **Applications.** Use ~~Permit~~**Permit** requests shall require a separate application when included with a ~~petition for rezoning~~**Rezoning Petition**. Each requested ~~use~~**Use** for which a ~~Use-Use Permit~~**Permit** is required shall be charged a standard ~~Use-Use Permit~~**Permit** fee and assigned a ~~Use-Use Permit~~**Permit** number which will be listed on the ~~petition for rezoning~~**Rezoning Petition**. A public hearing, notice and evaluation shall be provided in accordance with Article XXVIII for each requested ~~Use-Use Permit~~**Permit**. Each request shall be voted on separately, and each ~~Use-Use Permit~~**Permit** request submitted as part of a ~~Rezoning P~~petition shall be treated independently in the minutes of the City Council meeting.

~~19.2.3.2. Expiration. All Use Permits shall expire within three (3) years from the date of approval by the City Council or as otherwise conditioned unless a Land Disturbance Permit, Building Permit, Business License or Certificate of Occupancy has been issued. Requests for extensions shall be made in accordance with the standards for extensions contained in Article XXVIII.~~

~~19.2.3.3. Re-application. The same or substantially similar petition for a Use Permit which has been denied by the City Council shall not be resubmitted to the Department of Community Development for a period of 6 months from the date of the denial.~~

19.2.3.42. Variations. A ~~Variance~~**Variations** to the ~~Use-Use Permit-Permit S~~**standards** contained in Section 19.4. ~~for receiving a Use-Use Permit-Permit~~ may be considered by the City Council ~~concurrently with a Use-Use Permit-Permit~~ petition if submitted with such petition. Such a ~~variance~~**Variance** request shall not require a separate ~~variance~~**Variance** application, but shall be assigned a ~~variance~~**Variance** number, charged a standard ~~variance~~**Variance** fee and be listed on the ~~Use-Use Permit-Permit~~ petition as a ~~Concurrent Variance~~**Concurrent Variance** in accordance with Article XXII, APPEALS, Section 22.9.

19.2.3.53. Accessory Uses. Structures and land may be ~~used~~**utilized** for ~~use~~**Uses** customarily incidental to any approved ~~use~~**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~~**Use** which requires a ~~Use~~**Permit-Use Permit**. In exercising such discretion pertaining to the subject ~~use~~**Use**, the City Council shall consider each of the following:

(1)~~A~~**A**. Whether the proposed ~~use~~**Use** is consistent with the Comprehensive ~~Land Use~~ Plan and/or ~~Economic Development Revitalization~~**other** plans adopted by the City Council;

(2)~~B~~**B**. **Whether the proposed Use is compatible** ~~Compatibility~~ with land ~~use~~**Uses** and ~~zoning district~~**Zoning Districts** in the vicinity of the ~~property~~**Property** for which the ~~Use-Use Permit-Permit~~ is proposed;

(3)~~C~~**C**. Whether the proposed ~~use~~**Use** may violate local, state and/or federal statutes, ordinances or regulations governing land ~~development~~**Development**;

(4)~~D~~**D**. The effect of the proposed ~~use~~**Use** on traffic flow, vehicular and pedestrian, along ~~adjoining~~**Adjoining** ~~street~~**Streets**;

(5)~~E~~**E**. The location and number of off-~~street~~**Street** ~~parking space~~**Parking Spaces**;

~~(6)~~ **F.** The amount and location of ~~open space~~ **Open Space**;

~~(7)~~ **G.** Protective ~~s~~ **Screening**;

~~(8)~~ **H.** Hours and manner of operation;

~~(9)~~ **I.** Outdoor lighting; and

~~(10)~~ **J.** Ingress and egress to the ~~property~~ **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~~ **Use**.

19.2.5. **ADDITIONAL RESTRICTIONS ON ADMINISTRATIVE PERMITS AND USE PERMITS.** Any ~~use~~ **Use** which may be authorized by ~~Administrative administrative Permit-permit~~ or ~~Use-Use Permit-Permit~~ shall comply with all other ~~County-City~~ regulations, ~~zoning-district~~ **Zoning District** regulations, ~~conditions-of zoning~~ **Conditions of Zoning** approval and other regulations contained herein. All ~~buffer~~ **Buffers** required shall have a **ten (10)-** foot ~~improvement setback~~ **Improvement Setback** in accordance with Section 4.2.3. The reduction of said ~~setback~~ **Setback** shall be subject to the approval of the Department of ~~Community Development~~ in accordance with Article ~~22~~ **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 Use Permit-Permit~~ by the City Council shall supersede conflicting ~~zoning condition~~ **Zoning Condition**s approved on the same site.

PART II
ADMINISTRATIVE PERMITS

~~ARTICLE XIX~~

~~Section 19.3~~

~~Administrative Permits~~

19.3. ~~MINIMUM ADMINISTRATIVE PERMIT STANDARDS.~~

| 19.3.1(+) ADULT ESTABLISHMENTS.

INTENT AND FINDINGS

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

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

The City Council further finds, based upon a June, 1978, study by the Division of Planning of the St. Paul, Minnesota, Department of Planning and Economic Development and the Community Crime Prevention Project of the Minnesota Crime Control Planning Board entitled "Effects on Surrounding Area of Adult Entertainment Businesses in Saint Paul", that the presence of adult establishments correlates with a decreasing market value of neighboring residential areas, that adult establishments tend to locate in areas of poorer residential condition, tend to be followed by a relative worsening of the residential condition, and that more than two adult establishments in an immediate area is associated with a statistically significant decrease in residential property market value, and that such a concentration of adult establishments in a given area should be discouraged. The board also finds that such worsening of residential conditions will adversely affect uses found in residential areas or in the proximity of residential areas, such as public recreational facilities, public or private institutional uses, churches, schools, universities, colleges, trade-schools, libraries, and day care centers.

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

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

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

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

It is not the intent of the City Council, in enacting this portion to the zoning ordinance, to deny to any person rights to speech protected by the United States or Georgia Constitutions, nor is it the intent to impose any additional limitations or restrictions on the contents of any communicative materials, including sexually-oriented films, videotapes, books, or other materials; further, in the adoption of this amendment to the zoning ordinance, the City Council does not intend to deny or restrict the rights of any adult to obtain or view any sexually oriented materials protected by the United States or Georgia Constitutions, nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of such sexually-oriented materials may have to sell, distribute, or exhibit such

constitutionally protected materials; finally, in the enactment of this portion of the zoning ordinance, the City Council intends to adopt a content neutral measure to address the secondary effects of adult establishments in continuation of practices that previously applied to the citizens of the now incorporated City of Sandy Springs as when they were formerly citizens residing in unincorporated Fulton County.

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

| 19.3.201. A. Required Districts: C-1, C-2, M-1 and M-2

| 19.3.201. 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 restaurants") that were placed on the subject property when its present zoning classification was approved.
5. 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.

6. Adult entertainment establishments shall provide parking spaces at a ratio of 10 per 1000 gross square feet of floor space.

| 19.3.201. 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.

| 19.3.201. 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.

19.3.201. 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.

19.3.201. 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 ~~TO WHICH EXCEED~~ WILL EXCEED THE ALLOWED ZONING DISTRICT HEIGHT.

~~A.~~ Intent: ~~INTENT~~

~~B.~~

~~C.~~A. 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 ~~service~~Services in ~~Sandy Springs~~the City.

~~AB.~~ Required-Allowed Only in These Districts with Administrative Permit~~Districts:~~ All

~~BC.~~ Standards:

1. Alternative ~~structure~~Structures are not allowed as an accessory to a single ~~family~~Family use or as a ~~principal-use~~Principal Use in a single ~~family~~Family district.
2. Alternative ~~structure~~Structures must be set back a distance equal to the ~~height~~Height of the ~~tower~~Tower from a ~~property line~~Property Line of any ~~Street Right-of-Way, residential-district~~Residential District and/or

AG-1 district used for single ~~family~~**Family**, unless said ~~structure~~**Structure** is proposed to be located on an existing ~~building~~**Building**.

3. Above ground equipment shelters shall be surrounded by a minimum **ten (10)**- foot wide ~~landscape strip~~**Landscape Strip** planted to ~~buffer~~**Buffer** standards unless the ~~Sandy Springs~~**City** Arborist determines that existing plant materials are adequate.
4. Roof top ~~antenna~~**Antennas** and associated ~~structure~~**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~~**Grade**.
6. The alternative ~~structure~~**Structure** shall comply with applicable state and local statutes and ordinances, including, but not limited to, ~~building~~**Building** and safety codes. ~~Alternative structure~~**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~~**(1)**. AMATEUR RADIO ANTENNA ~~TO WHICH WILL EXCEED THE ALLOWED ZONING DISTRICT HEIGHT~~ (See Use Permit 19.4.5).

~~A. INTENT~~**Intent:**

~~B.~~

~~C.A.~~ It is the intent of this Article to regulate the placement of amateur ~~tower~~**Towers** in a manner that does not impose on public health, safety, or general welfare. The following regulations on design, location, placement, and ~~height~~**Height** limits of ~~antenna~~**Antennas** in ~~residential district~~**Residential Districts** implements ~~Sandy Springs's~~**the City's** governmental interests in land planning, aesthetics and public safety by requiring the following **Administrative Permit standards**~~Standards.~~

~~AB. Required~~**Allowed Only in These Districts with Administrative Permit**~~Districts:~~ All

~~BC.~~ Standards:

1. ~~All Antennas~~**Antennas** shall be located in the ~~Rear~~**Y**ard.
2. The maximum ~~height~~**Height** shall be **ninety (90)** feet. Any request to exceed the maximum ~~height~~**Height** shall require a ~~Use~~**Use Permit** ~~as provided in (See Section 19.4.65. of this Ordinance.)~~

3. All ~~antenna~~**Antennas** shall be set back from all ~~property line~~**Property Lines** ~~1/3~~**one-third (1/3)** the ~~height~~**Height** of the ~~antenna~~**Antenna** or the district ~~setback~~**Setback** requirements, whichever is greater. The ~~antenna~~**Antenna** must be located a distance equal to or greater than the ~~antenna~~**Antenna** ~~height~~**Height** from the nearest ~~residential dwelling~~**Residential Dwelling**, excluding the owner's primary dwelling or ~~structure~~**Structure**.
4. Antennas shall not be lighted.
5. All ~~antenna~~**Antennas** must be constructed with an anti-climbing device.
6. **All ~~Antenna~~**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~~**Right-of-Way**.

~~19.3.12(2)~~**3.** ANTENNA, TOWER, AND ASSOCIATED STRUCTURES (RADIO, ~~T.V.~~**TELEVISION**, MICROWAVE BROADCASTING, ETC.); ~~TO 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.)** ~~(amended 06/16/09, TA09-013, Ord. 2009-06-34)~~

~~A. **INTENT**~~**Intent:**

~~B. —~~

~~C. —~~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 ~~service~~**Services** in ~~Sandy Springs~~**the City**.

~~D. —~~

~~E.~~**A.** The following regulations on design, location, placement, and ~~height~~**Height** limits of ~~antenna~~**Antennas** in ~~residential district~~**Residential Districts** implements ~~Sandy Springs's~~**the City's** governmental interest in land planning, aesthetics and public safety by requiring the following ~~Administrative Permit~~**Administrative Permit** ~~Standards~~**Standards.**

~~AB. **Required**~~**Allowed Only in These Districts with Administrative Permit**~~Districts:~~ O-I, MIX, C-1, C-2, M-1A, M-1, M-2; ~~(See~~**See Part III, Use Permit, Section 19.4.78. of this Ordinance** ~~for use~~**Use Permit Standards** in residential and AG-1 districts~~).~~

BC. Standards:

1. Tower/~~accessory structure~~**Accessory Structures** must be set back a distance equal to the ~~height~~**Height** of the ~~tower~~**Tower** from all ~~property line~~**Property Lines** of any **Street Right-of-Way, residential district**~~Residential District~~ and/or AG-1 district used for single ~~family~~**Family**.
2. Tower and/or associated facilities shall be enclosed by ~~fencing~~**Fencing** not less than six (6) feet in ~~height~~**Height** and shall also be equipped with an ~~appropriate~~**Appropriate** anti-climbing device.
3. A minimum **ten (10)** foot wide ~~landscape strip~~**Landscape Strip** planted to ~~buffer~~**Buffer** standards shall be required around the facility exterior to any ~~fence~~**Fence** or ~~wall~~**Wall** unless the ~~Sandy Springs City~~**City** Arborist determines that existing plant materials are adequate.
4. Height shall not exceed **two hundred (200)** feet from existing ~~grade~~**Grade**. Towers that are **two hundred (200)** feet shall be calculated to include all appurtenances (e.g. light, marking) required by ~~the Federal Aviation Administration (FAA)~~**F.A.A.**
5. ~~The tower~~**Towers** shall comply with applicable state and local statutes and ordinances, including, but not limited to, ~~building~~**Building** and safety codes. Towers which have become unsafe or dilapidated shall be repaired or removed pursuant to applicable state and local statutes and ordinances.

19.3.23. CLUB.

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

B. Standards:

1. All ~~building~~**Buildings** and ~~accessory use~~**Accessory Uses** other than ~~parking~~**Parking** shall be located at least **fifty (50)** feet from all ~~property line~~**Property Lines** of any **Street Right-of-Way, residential district**~~Residential District~~ and/or AG-1 district used for single ~~family~~**Family**.
2. Permitted ~~curb cut~~**Curb Cut** access shall not be from a local ~~street~~**Street**.
3. **The hours of operation for** ~~Outdoor~~ facilities within **two hundred (200)** feet of any ~~residential district~~**Residential District** or dwelling shall **be limited to the hours of** ~~limit the hours of operation from~~ 8:00 a.m. to

11:00 p.m.

4. Outdoor ~~recreational facilities~~**Recreational Facilities** shall be set back a minimum of **one hundred (100)** feet from all ~~property line~~**Property Lines** of any **Street Right-of-Way**, ~~residential district~~**Residential District** and/or AG-1 district used for single ~~family~~**Family**, except as otherwise permitted with an ~~Administrative~~**administrative Permit** for ~~Recreational~~**Recreational Court** or ~~Swimming Pool~~**Swimming Pool**.

19.3.34. ~~—OPEN.~~

~~(Festivals or Events, Occasional, Outdoor/Indoor deleted 10/16/07, RZ07-033, Ord. 2007-10-61)~~

19.3.45. GOLF COURSE.

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

B. Standards:

1. A minimum ~~100~~**one hundred (100)** foot ~~setback~~**Setback** for all ~~building~~**Buildings** and ~~parking~~**Parking** areas shall be provided adjacent to any **Street Right-of-Way**, ~~residential district~~**Residential District** and/or AG-1 district used for single ~~family~~**Family**.
2. Driving range, tees, greens and fairways shall be required to have a ~~100~~**one hundred (100)** foot ~~setback~~**Setback** from minor, ~~arterial~~**Arterial**, and ~~major e~~**Collector roads**~~Roads~~.
3. Permitted ~~curb cut~~**Curb Cut** access shall be from a ~~major thoroughfare~~**Major Thoroughfare** unless shown on the approved ~~preliminary plat~~**Preliminary Plat** of a single ~~family~~**Family** ~~subdivision~~**Subdivision**.
4. When located outside a ~~golf course~~**Golf Course**/~~subdivision~~**Subdivision** ~~development~~**Development**, a minimum ~~50~~**fifty (50)** foot wide ~~buffer~~**Buffer** and a **minimum 10** ~~ten~~**(10)** foot ~~improvement setback~~**Improvement Setback** shall be provided adjacent to all ~~building~~**Buildings** and ~~parking~~**Parking** areas when said facilities are located adjacent to any **Street Right-of-Way**, ~~residential district~~**Residential District** and/or AG-1 district used for single ~~family~~**Family**.
5. A minimum ~~25~~**twenty-five (25)** foot ~~buffer~~**Buffer** and a **minimum 10** ~~ten~~**(10)** foot ~~improvement setback~~**Improvement Setback** shall be

provided ~~Adjoining~~ any ~~residential-district~~ **Residential District** and/or AG-1 district used for single ~~family~~ **Family** located outside the ~~golf course~~ **Golf Course development** or any associated ~~development~~ **Development**.

6. When located adjacent to any **Street Right-of-Way**, ~~residential district~~ **Residential District** and/or AG-1 ~~district~~ used for single ~~family~~ **Family**, the hours of operation shall be ~~limited to~~ **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.**

19.3.56. GUEST HOUSE.

A. ~~Required~~ **Allowed Only in These Districts with Administrative Permit** ~~Districts: Suburban A, Suburban B, Suburban C,~~ R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, R-6, NUP, CUP, TR, A, A-L, AG-1, O-1 and MIX ~~=~~ when ~~Accessory~~ **accessory** to a ~~Single single Family Family Dwelling dwelling unit.~~

B. Standards:

1. No more than one **(1) guest house** ~~structure~~ **Structure** per ~~lot~~ **Lot** may be used for occupancy by relatives, guest(s) or employees that work on the ~~property~~ **Property** without payment for rent.
2. A separate kitchen facility shall be allowed.
3. Heated ~~floor area~~ **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~~ **Building** ~~setback~~ **Setbacks** shall apply.
5. The location shall be limited to the **Rear Y**ard.

19.3.57(+). ~~19.3.20.~~ **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.OPEN

~~(Kennels deleted, See 19.3.19 Veterinary Clinic Or Hospital and 19.4.24 Outside Animal Facilities or Kennel)~~

19.3.68. **MOBILE HOME - WHILE RESIDENCE IS BEING BUILT.**

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

B. **Standards:**

1. The ~~building~~ **Building** permit for the ~~principal structure~~ **Principal Structure** must have been issued and remain valid during the period that the ~~mobile home~~ **Mobile Home** is on the ~~property~~ **Property**.
2. The ~~mobile home~~ **Mobile Home** must be located on the same ~~parcel~~ **Parcel** as the ~~principal structure~~ **Principal Structure** being constructed and comply with all ~~district~~ **Zoning District** ~~setback~~ **Setbacks**.

3. The ~~Administrative~~**administrative Permit** shall expire **twelve (12)** months after issuance or upon occupancy of the ~~principal structure~~**Principal Structure**, whichever occurs first. Only one **(1)** renewal for a one **(1)** year period may be issued.
4. The ~~mobile home~~**Mobile Home** must be occupied by the owner of the principal residence under construction.

19.3.~~69~~**(1)**. PARKING, OFF-SITE AND SHARED. (Whenever ~~parking~~**Parking** as required in Article ~~18~~**XVIII** cannot be accomplished, ~~SHARED PARKING~~**shared Parking** in accordance with Section 18.2.2. **of this Ordinance** may be approved via an ~~Administrative~~**administrative Permit** provided: **the standards of this section are met.**)

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

B. Standards:

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

19.3.~~7~~**10**. RAPID RAIL TRANSPORTATION STATION.

A. ~~Required~~**Allowed Only in These Districts with Administrative**
PermitDistricts: All

B. Standards: Refer to the ~~Fulton County/MARTA rearrangement cooperative agreement~~ **currently in effect between the City and the Metropolitan Atlanta Rapid Transportation Authority (MARTA) administered by the Department of Public Works** or such similar document as may be adopted **and administered** by the City.

19.3.811. RECREATIONAL COURT, PRIVATE.

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

B. Standards:

1. ~~Detached Dwellings. Recreational court~~ **Recreational Courts** serving single ~~family~~ **Family** detached dwellings shall be located in ~~S~~side or ~~R~~rear ~~Y~~yards but shall not be located within a ~~M~~minimum ~~Y~~yard.

2. ~~Multi-family~~ **Multifamily**. ~~Recreational court~~ **Recreational Courts**, ~~accessory structure~~ **Accessory Structures**, and ~~fencing~~ **Fencing** shall be located a minimum of **one hundred (100)** feet from any residential ~~building~~ **Building on an adjacent Lot**, ~~adjoining~~ **Adjoining residential property line** **Property Line** or ~~street~~ **Street Right-of-Way**.

~~3. Neighborhood. Recreational court~~ **Recreational Courts** serving a neighborhood ~~must~~ **must be located within** the limits of the underlying zoning **and must meet the following standards:**

a. Use of the ~~recreational court~~ **Recreational Courts** shall be limited to residents and guests of the neighborhood in which they are located.

b. ~~Recreational court~~ **Recreational Courts**, ~~accessory structure~~ **Accessory Structures**, ~~fencing~~ **Fencing**, and ~~parking~~ **Parking** shall be located a minimum of **one hundred (100)** feet from all ~~adjoining~~ **Adjoining property line** **Property Lines**.

c. ~~Landscape strip~~ **Landscape Strips** and ~~buffer~~ **Buffer** requirements shall be as specified by Article 4.23.1. **of this Ordinance.**

d. A maximum ~~4~~ **four (4)** square foot ~~sign~~ **Sign** identifying the future ~~use~~ **Use** of the ~~property~~ **Property** for a ~~recreational court~~ **Recreational Court** shall be posted ~~adjoining~~ **Adjoining** the ~~lot~~ **Lot's** frontage until a ~~Certificate~~ **certificate** of ~~Occupaney~~ **occupancy** is issued for the facility.

e. Sources of exterior ~~illumination~~ **Illumination** shall be **shielded and** directed away from ~~adjoining~~ **Adjoining** residences and shall not exceed 1.2 foot candles along an ~~adjoining~~ **Adjoining** residential ~~property line~~ **Property Line**. Outdoor lighting of recreation facilities in or ~~adjoining~~ **Adjoining residential**

~~district~~**Residential Districts** or ~~use~~**Uses** shall be allowed only between dusk and 11:00 P.M.

- f. ~~A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines adjacent to single family residential uses.~~ **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.

19.3.912. ~~RECREATIONAL COURTS, PUBLIC.—Recreational courts operated as a club (except those serving residential developments), or courts operated as a business are defined herein as public courts.~~

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

B. **Standards:**

1. ~~Recreational court~~**Recreational Courts**, ~~accessory structure~~**Accessory Structures**, ~~fencing~~**Fencing**, and ~~parking~~**Parking** shall be located a minimum of **one hundred (100)** feet from all ~~property line~~**Property Lines** which abut single ~~family residential use~~**Family Residential Uses**. Adjacent to all other zonings and ~~use~~**Uses**, the district ~~setback~~**Setback** requirements shall apply.
2. ~~Landscape strip~~**Landscape Strips** and ~~buffer~~**Buffer** requirements shall be as specified ~~by~~**in** Section 4.23.1. **of this Ordinance.**

2. ~~3.~~ Sources of exterior ~~illumination~~ **Illumination** shall be **shielded and** directed away from ~~adjoining~~ **Adjoining** residences and shall not exceed 1.2 foot candles along an ~~adjoin~~ **Adjoining** residential ~~property line~~ **Property Line**. Outdoor lighting of ~~recreation facilities~~ **Recreational Facilities** in or ~~adjoin~~ **Adjoining** ~~residential district~~ **Residential Districts** or ~~use~~ **Uses** shall be used only between dusk and 11:00 P.M.

~~2.~~
~~3.~~

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. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single family.~~

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.**

19.3.1013. RELOCATED RESIDENTIAL STRUCTURE.

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

B. Standards:

1. The applicant shall include the following with the application for the ~~Administrative~~ **administrative Permit** ~~permit~~:
 - a. The address from which the ~~structure~~ **Structure** is being relocated.
 - b. A photograph of the ~~structure~~ **Structure** prior to its relocation.

- c. The total ~~heated~~**Heated floor area****Floor Area** of both the existing ~~structure~~**Structure** and the renovated ~~structure~~**Structure**.
2. The location of the ~~structure~~**Structure** and the ~~heated~~**Heated floor area****Floor Area** of the ~~structure~~**Structure** shall be in compliance with the minimum standards of the ~~zoning district~~**Zoning District** and/or ~~conditions of zoning~~**Conditions of Zoning**.
3. The ~~Relocated residential~~**Residential** ~~structure~~**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~~**Certificate of Occupancy** shall not be issued until such improvements are completed.
4. All standards of this Ordinance (~~except 2. above~~) and other applicable regulations shall be met within one **(1)** year from the date of ~~this the~~ permit issuance.
5. A ~~House house Moving moving Permit~~**permit** shall be obtained from the Department ~~of Community Development~~ in conjunction with ~~this the~~ ~~Administrative administrative Permit~~**permit**.
6. A ~~building~~**Building** permit for the repair and construction of said ~~structure~~**Structure** shall be obtained within **thirty (30)** days of ~~this the~~ ~~Administrative administrative Permit~~**permit** issuance.
7. The exterior of the ~~structure~~**Structure** shall be brought into compliance with the ~~Fulton County Housing~~**International Property Maintenance** Code within **six (6)** months of the issuance of ~~this the~~ ~~Administrative administrative Permit~~**permit**.
8. Prior to occupancy, a ~~Certificate certificate~~ of ~~Occupancy occupancy~~ must be obtained from the Department ~~of Community Development~~.

~~19.3.10(1) REVIVAL TENT~~

~~A. Required Districts: O-1, MIX, C-1, C-2, M-1A, M-1 and M-2~~

~~In an AG-1 (Agricultural) or a residential district, a revival tent may be placed only on property occupied by an existing building used as a place of worship.~~

~~B. Standards:~~

- ~~1. A permit may be granted a maximum of fourteen (14) days in a calendar year.~~

- ~~2. The revival tent or any area used for assembly shall be located at least 200 feet from a property line of any residential district and/or AG-1 district used for single family.~~
- ~~3. No temporary, sanitary facility or trash receptacle may be located within 200 feet of an existing dwelling, and no tent shall be located within 250 feet of an existing dwelling.~~
- ~~4. Provide one parking space per four seats.~~
- ~~5. A drawing to scale shall accompany the application and shall accurately depict the number of seats and the standards of this Section.~~
- ~~6. The hours of operation shall be no earlier than 8:00 a.m. nor later than 11:00 p.m.~~

19.3.14. ROADSIDE PRODUCE STANDS.

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

B. Standards:

1. An ~~Administrative~~ administrative Permit ~~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~~ Use shall cease unless another ~~Administrative~~ administrative Permit ~~permit~~ is approved.

2. A minimum of ~~six~~ (6) spaces for ~~parking~~ Parking shall be required for the exclusive use of the ~~roadside~~ Roadside Produce stand ~~Stand~~ and ~~parking space~~ Parking Spaces may not be for any other ~~use~~ Use on site.
3. Any activity or ~~structure~~ Structure shall maintain a minimum ~~10~~ ten (10) foot ~~setback~~ Setback from the ~~right-of-way~~ Right-of-Way and not be located within a required ~~landscape strip~~ Landscape Strip or ~~buffer~~ Buffer or ~~improvement setback~~ Improvement Setback. Said ~~structure~~ Structure shall also maintain a ~~minimum setback~~ Minimum Setback of ~~ten~~ (10) feet from any permitted ~~curb cut~~ 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~~ section.

5. The applicant shall provide a notarized written permission statement from the ~~property~~**Property** owner or lease holder of the subject site. A ~~24-~~**twenty-four (24)** hour contact number of the ~~property~~**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~~**(4)**. ROADSIDE VENDING.

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

B. ~~Standards~~:

1. An ~~Administrative~~**administrative Permit**~~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. ~~Said 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~~**Use** shall cease unless another ~~Administrative~~**administrative Permit**~~permit~~ is approved.
2. The ~~property~~**Property** on which the roadside vendor is permitted must be located at least **fifteen hundred (1500)** feet from a permanent ~~business~~**Business** which offers the same or similar merchandise as that of the vendors. ~~Vendor~~**The vendor** shall provide names ~~on~~**of** all established ~~business~~**Businesses** which sell similar or the same merchandise within **fifteen hundred (1500)**~~1500~~ feet of the proposed vendor site.
3. Vendors shall not locate within **fifteen hundred (1500)**~~1500~~ feet of another roadside vendor.
4. A minimum of **six (6)** ~~parking space~~**Parking Spaces** shall be provided adjacent to the vending area for the exclusive use of the ~~roadside stand~~**vending operation** and shall not occupy minimum required ~~parking space~~**Parking Spaces** for any other ~~use~~**Use** on site.
5. Any ~~vending~~**Roadside Vending** displays or activity shall maintain a minimum **twenty (20)** foot ~~setback~~**Setback** from the ~~right-of-way~~**Right-of-Way** and not be located within a required ~~landscape strip~~**Landscape**

~~Strip or buffer~~**Buffer**. Said displays shall also maintain a ~~minimum setback~~**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~~**section**.
7. The applicant shall provide a notarized written permission statement of the ~~property~~**Property** owner or lease holder of the subject site. A **twenty-four (24)**- hour contact number ~~of~~**for** the ~~property~~**Property** owner or lease holder shall be provided along with permit application.
8. Vending shall be ~~permitted from~~**limited to the hours of** ~~-8:00 a.m. to 8:00 p.m.~~
9. No vendor equipment, ~~vehicle~~**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**~~Parking~~ meter, **a** fire alarm box, **a** fire hydrant, **a** traffic control box, **a driveway**~~Driveways~~ ~~and or~~ other access points.
10. Vending shall not be permitted from any ~~vehicle~~**Vehicle**. Vending is permitted from tables and carts only.
11. Tents and tarps are prohibited.
12. Signs advertising the vending operation are prohibited.

~~19.3.11(2) SEASONAL BUSINESS USE OR TEMPORARY BUSINESS USE~~

~~A. Required Districts: CUP (commercial component), MIX (commercial component), C-1, C-2, M-1A, M-1, M-2. Allowable in AG-1 and residentially zoned districts only when occupied by either a church, school, lodge/retreat or a farm or plant nursery existing as a conforming or a lawful non-conforming nonresidential use. The issuance of this permit does not constitute an expansion or extension of a non-conforming use.~~

- ~~1. Seasonal use related to calendar holidays such as the sale of Christmas trees, Halloween pumpkins, etc., or~~
- ~~2. Temporary use accessory to an existing business that is located in a permanent structure.~~

~~B. Standards:~~

- ~~1. No temporary, sanitary facility or trash receptacle may be located within 200 feet of any residential use.~~
- ~~2. No tent shall be located within 250 feet of any residential use.~~
- ~~3. Temporary uses must be set back at least 20 feet from all property lines.~~
- ~~4. The entire property shall comply with Sandy Springs standards for setbacks and number of parking spaces. If located on the site of an existing business, a seasonal or temporary use shall not be required to provide additional parking and the temporary utilization of required parking shall not be deemed a violation of this Ordinance.~~
- ~~5. If a seasonal or temporary use is not located on the site of an existing business, a minimum of 6 parking spaces shall be provided for the seasonal or temporary use.~~
- ~~6. Two copies of a drawing showing dimensions shall accompany the application and shall accurately depict the location of the temporary or seasonal use, the traffic patterns and curb cuts and compliance with the standards of this Section.~~
- ~~7. A seasonal use shall not be granted more than one permit in any calendar year and shall not exceed a total of 30 days.~~
- ~~8. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at adjacent property lines of any residential use.~~
- ~~9. The permissible hours of operation shall be 7:30 a.m. to 11:00 p.m. in non-residential districts except AG-1. The permissible hours of operation shall be 8:00 a.m. to 10:00 p.m. in AG-1 and residential districts.~~
- ~~10. Vendors shall not locate within 1,500 feet of another seasonal or temporary business.~~
- ~~11. Any display or sales activity shall maintain a minimum 20-foot setback from the right-of-way and shall not be located within a required landscape strip or buffer. Said displays shall also maintain a minimum setback of 10 feet from any internal drive.~~
- ~~12. The applicant shall provide a notarized written permission statement of the property owner or lease holder of the subject site. A 24-hour contact~~

~~number of the property owner or lease holder shall be provided along with the permit application.~~

~~13. No equipment, vehicle, display or sales activity shall block access to a public facility such as a telephone booth, mail box, parking meter, fire hydrant, fire alarm box, traffic control box, driveway or other access point.~~

~~14. Sales shall not be permitted from any vehicle.~~

19.3.1215. SWIMMING POOL, PRIVATE.

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

B. Standards: ~~—~~ All ~~swimming pool~~ **Swimming Pools** shall be completely surrounded by an enclosure. Such enclosure shall be a ~~fence~~ **Fence**, ~~wall~~ **Wall**, or ~~building~~ **Building**, to prevent access to the pool by unsupervised children and/or animals. The enclosure shall be an effective ~~fence~~ **Fence**, ~~or wall~~ **Wall** or **Building** not less than **five (5)** feet high. **Fences or Walls shall have** ~~with~~ self-closing, positive-latching gates provided on the outer side of the ~~deck~~ **Deck** area. The enclosure entrance shall be locked when the pool is not open for use and all surrounding objects or ~~structure~~ **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 Dwellings Unit Swimming Pools. ~~Swimming pool~~ **Swimming Pools** shall be allowed in ~~Side and Rear Yards of Single family dwellings~~ **Family Dwelling Units** in any district. ~~—Pools, pool equipment, and their deck~~ **Decks** must be a minimum of **ten (10)** feet from all ~~property line~~ **Property Lines**, except that when perimeter ~~setback~~ **Setbacks** are required, for example in NUP and TR zoned districts, ~~—pools, pool equipment, and deck~~ **Decks** cannot be located in perimeter ~~setback~~ **Setbacks**.

2. Additional Standards Associated with Neighborhood Swimming Pools. ~~Swimming pool~~ **Swimming Pools** serving a neighborhood must be located within the limits of the underlying zoning.

~~—~~ a. Use of ~~swimming pool~~ **Swimming Pools** shall be limited to residents and guests of the neighborhood in which they are located.

~~=~~ b. Pools, pool equipment, and ~~deck~~ **Decks** must be located at least **one hundred (100)** feet from all ~~adjoin~~ **Adjoining** ~~property~~

~~line~~**Property Lines.**

~~—~~c. ~~Landscape strip~~**Landscape Strips** and ~~buffer~~**Buffer** requirements shall be as specified by Article 4.23.1. **of this Ordinance.**

~~—~~d. A maximum ~~4~~**four (4)** square foot ~~sign~~**Sign** identifying the future ~~use~~**Use** of the ~~property~~**Property** for a ~~swimming pool~~**Swimming Pool** shall be posted ~~adjoin~~**Adjoining** the ~~lot~~**Lot**'s frontage until a ~~Certificate~~**certificate** of ~~Occupancy~~**occupancy** is issued for the facility.

~~—~~e. Sources of exterior ~~illumination~~**Illumination** shall be **shielded and** directed away from ~~adjoin~~**Adjoining** residences and shall not exceed 1.2 foot candles along ~~an~~ ~~adjoin~~**Adjoining** residential ~~property line~~**Property Line**. ~~—~~Outdoor lighting of recreation facilities in or ~~adjoin~~**Adjoining** ~~residential district~~**Residential Districts** or ~~use~~**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.**~~A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines adjacent to single family residential uses.~~

~~—~~3. **Additional Standards Associated with Multi-family Multifamily Dwelling Units Swimming Pools** ~~(amended 06/16/09, TA09-012, Ord. 2009-06-33).~~ ~~Swimming pool~~**Swimming Pools**, pool equipment, **Decks**, ~~accessory structure~~**Accessory Structures**, and ~~fencing~~**Fencing** shall be located a minimum of **one hundred (100)** feet from any ~~adjoin~~**Adjoining** ~~property line~~**Property Line** or ~~street~~**Street**.

19.3.13**16. SWIMMING POOL, PUBLIC.** ~~Pools operated as a club (except clubs serving residential developments) or pools operated as a business are defined herein as public pools.~~

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

B. Standards:

1. Pools, pool equipment, ~~deck~~**Decks**, and ~~parking~~**Parking** shall be located a minimum of **one hundred (100)** feet from all ~~property line~~**Property Lines** which abut single ~~family~~**Family residential use**~~Residential Uses~~. Adjacent to all other zonings and ~~use~~**Uses**, the district ~~setback~~**Setback** requirements shall be provided.
2. ~~Landscape strip~~**Landscape Strips** and ~~buffer~~**Buffer** requirements shall be as specified by ~~Article~~**Section** 4.23.1. **of this Ordinance.**
3. Sources of exterior ~~illumination~~**Illumination** shall be **shielded and** directed away from ~~adjoin~~**Adjoining** residences and shall not exceed 1.2 foot candles along an ~~adjoin~~**Adjoining** residential ~~property line~~**Property Line**. —Outdoor lighting of ~~recreation facilities~~**Recreational Facilities** in or ~~adjoin~~**Adjoining** ~~residential district~~**Residential Districts** or ~~use~~**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.**~~A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines adjacent to single family residential uses.~~

19.3.~~14~~**17**. TEMPORARY CLASSROOM.

- A. ~~Required~~**Allowed Only in These Districts with Administrative Permit**~~Districts~~: All
- B. Standards:
 1. The ~~structure~~**Structure** must be constructed for ~~use~~**Use** as a ~~temporary~~**Temporary** ~~classroom~~**Classroom** and certified as such by the Department ~~of Community Development~~.
 2. The ~~principal use~~**Principal Use** must exist prior to the issuance of the permit.
 3. The ~~temporary~~**Temporary** ~~classroom~~**Classroom** shall not be used to increase the capacity or enrollment as ~~conditioned by zoning, or as limited by~~ **Zoning Conditions** or other ~~Use~~**Use Permit**~~Permit~~ conditions.
 4. An ~~Administrative~~**administrative** ~~Permit~~**permit** for a ~~T~~**Temporary**

~~classroom~~**Classroom** shall expire three (3) years from the date of approval at which time the ~~structure~~**Structure** shall be removed unless a new ~~Administrative~~**administrative Permit**~~permit~~ is obtained within **thirty (30)** days of the expiration date.

5. The ~~structure~~**Structure** shall not be located within any principal ~~building~~**Building setback**~~Setbacks~~ or within any required ~~landscape strip~~**Landscape Strips** or ~~buffer~~**Buffers**.
6. ~~Two~~**Two (2)** copies of a drawing showing dimensions shall accompany the application and shall accurately depict the proposed location of temporary ~~structure~~**Structures**, the traffic patterns and ~~curb cut~~**Curb Cuts** and compliance with this section and all other applicable standards of this Ordinance.

19.3.1518. TEMPORARY STRUCTURES.

A. ~~R~~Allowed Only in These Districts with Administrative Permit~~required Districts~~: All, except ~~Emission~~**emission Inspection**~~inspection Stations~~ **stations** shall be permitted only in ~~Non~~**non**-residential ~~Districts~~**districts** except AG-1.

B. Standards:

1. Temporary ~~structure~~**Structures** (whether tents, site-built, mobile or manufactured ~~structure~~**Structures**) utilized for construction offices, ticket booths, security guard shelters, storage ~~structure~~**Structures** in association with ~~construction~~, ~~emission inspection stations~~, portable toilets and other similar ~~use~~**Uses** may be permitted by the Department ~~of Community Development~~ in any district.
2. Temporary structures shall be located outside of any required ~~buffer~~**Buffers** and landscape areas, and shall maintain the principal ~~building~~**Building setback**~~Setback~~ of the district, except portable toilets must maintain a ~~200~~**fifty (50)** foot ~~setback~~**Setback** from existing dwelling(s) **on adjacent Lots**.
3. Temporary ~~structure~~**Structures** must be removed prior to the issuance of a ~~Certificate~~**certificate** of ~~Occupancy~~**occupancy** or within **five (5)** days of completion of the temporary event or activity for which the ~~structure~~**Structure** was approved.
4. Temporary ~~structure~~**Structures** used in conjunction with other permitted ~~Administrative~~**administrative** and ~~Use~~**Use Permits**~~Permits~~ shall not be required to obtain a separate ~~Administrative~~**administrative**

~~Permit~~**permit.**

5. An ~~Administrative~~**administrative** ~~Permit~~**permit** for a temporary ~~structure~~**Structure** shall expire three (3) years from the date of approval at which time the ~~structure~~**Structure** shall be removed unless a new ~~Administrative~~**administrative** ~~Permit~~**permit** is obtained within ~~thirty~~**(30)** days of the expiration date.

~~19.3.16~~**19.** TEMPORARY USE OF EXISTING DWELLING WHILE RESIDENCE IS BEING BUILT.

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

B. Standards:

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

~~19.3.17.~~ OPEN

~~19.3.18.~~ UTILITY SUBSTATIONS (TELEPHONE, ELECTRIC, OR GAS, ETC.)

A. ~~Required Districts: All.~~

B. Standards:

- ~~1. Utility substations measuring less than 35 square feet and less than 5 feet in height from finished grade are exempt from these regulations.~~
- ~~2. All substation structures shall be contained within the boundaries of the subject parcel and meet the minimum development standards of the district unless otherwise required in this article section.~~
- ~~3. Minimum setback of all utility structures from a residential structure shall be:~~
 - ~~a. Electric -- 200 feet.~~
 - ~~b. Gas and Telephone -- the applicable minimum setback for the~~

~~district in which located.~~

~~4. A minimum 10-foot wide landscape strip planted to buffer standards shall be required around the perimeter of all utility sites except along lines where buffers are required.~~

~~5. For electric substations provide a minimum 50-foot wide replanted or natural buffer adjacent to the property lines of any residential district and/or AG-1 district used for single family.~~

~~6. Interior to landscape strips or buffers that do not accomplish 100% visual screening as defined in the Tree Preservation Ordinance, provide an 8-foot high opaque fence or, masonry wall, a minimum 4-foot high landscaped earthen berm, a vegetative screen or some combination thereof, subject to the approval of the Department of Community Development.~~

19.3.1920. VETERINARY CLINIC/HOSPITAL OR KENNEL (ENCLOSED). (For residential Kennels, see Part II, Section 19.3.7. of this Ordinance for Administrative Permit Standards. For ~~—~~(See 19.4.24 for Kennel Kennels or Outside-outside Animal-animal Facilities facilities, see Part III, Section 19.4.24. of this Ordinance for Use Permit Standards); Deleted as a permitted use in C-2; Permitted in AG-1.

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

B. Standards:

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

~~19.3.20. ADULT ESTABLISHMENTS (added 07/05/06, RZ06-026, Ord. 2006-07-43; amended 08/19/08, RZ08-023, Ord. 2008-08-40, amended 04/21/09, TA09-014, Ord. 2009-04-22).~~

~~A. INTENT AND FINDINGS~~

~~B. —~~

~~C. 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:~~

~~19.3.20. A. Required Districts: C-1, C-2, M-1 and M-2~~

~~19.3.20. B. Standards:~~

~~4. 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:~~

~~7. 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.~~

- ~~8. Access to adult establishment premises shall be from a major thoroughfare.~~
- ~~9. 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 restaurants") that were placed on the subject property when its present zoning classification was approved.~~
- ~~10. 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.~~
- ~~11. Adult entertainment establishments shall provide parking spaces at a ratio of 10 per 1000 gross square feet of floor space.~~

~~19.3.20. 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:~~

- ~~6. Name of the business or applicant.~~
- ~~7. Business address.~~
- ~~8. Business phone number, fax number, and email address.~~
- ~~9. 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.~~
- ~~10. 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.

~~19.3.20. 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.~~

~~19.3.20 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.~~

~~19.3.20. F. — Other Regulations:~~

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

PART III

USE PERMITS

~~19.3.21. ADULT ENTERTAINMENT ESTABLISHMENTS (deleted 04/21/09, TA09-014, Ord. 2009-04-22):~~

~~ARTICLE XIX~~

~~Section 19.4~~

~~Use Permits~~

19.4. **USE PERMITS AND MINIMUM USE PERMIT STANDARDS.**

19.4.1 ~~OPEN (Adult Bookstore deleted 07/05/06, RZ06-026, Ord. 2006-07-43).~~

19.4.2 ~~OPEN (Adult Entertainment Establishment deleted 07/05/06, RZ06-026, Ord. 2006-07-43).~~

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~~**Intent:**

~~B.~~

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

~~A.B. Required~~**Allowed in These Districts with Use Permit Only** ~~District:~~ AG-1

~~B.C.~~ **Standards:**

1. Minimum ~~lot~~**Lot** size shall be **five (5)** acres.
2. Permitted ~~curb-cut~~**Curb Cut** access shall not be from a ~~local street~~**Local Road**.
3. Food ~~service~~**Services** may be provided.
4. A minimum of ~~100~~**one hundred (100)** foot ~~setback~~**Setback** is required from all ~~property line~~**Property Lines** for activity areas, including ~~parking~~**Parking**.
5. All ~~structure~~**Structures** housing animals shall be set back a minimum of ~~100~~**one hundred (100)** feet from all ~~property line~~**Property Lines**.
6. All ~~parking~~**Parking** and access areas must be of an ~~all-weather surface~~**All-Weather Surface** per Article ~~18~~**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. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single family.~~ **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. ~~Hours~~ **The hours** of operation shall ~~commence no earlier than~~ **be limited to the hours of 6:00 a.m. and cease by to 10:00 p.m.**
9. If located adjacent to a **Street Right-of-Way**, any ~~residential district~~ **Residential District** or an AG-1 district used for single ~~family~~ **Family**, the minimum ~~buffer~~ **Buffers** and ~~landscape strip~~ **Landscape Strips** ~~required as specified~~ **required as specified** for the O-I ~~District~~ **district** ~~as specified 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~~ **Property Line** of any **Street Right-of-Way**, ~~residential district~~ **Residential District** and/or AG-1 district used for single ~~family~~ **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.)~~ **(See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.)**

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

B. Standards:

1. For fixed wing aircraft, a ~~1,000~~ **one thousand (1000)** foot clear zone extending from the end of all runways shall be secured through ownership or ~~easement~~ **Easement**, but in no case shall the end of a runway be closer than **two hundred (200)** feet from any ~~property line~~ **Property Line**.
2. For both fixed and rotary- wing aircraft, neither the landing ~~area nor any~~ **area nor any Building, Structure** ~~building, structure~~ or navigational aid shall be located within **four hundred (400)** feet of a ~~property line~~ **Property Line** adjacent to any **Street Right-of-Way**, ~~residential district~~ **Residential District** ~~and/or AG-1 district used for single family~~ **Family**.
3. Landing areas for fixed wing and rotary wing aircraft shall be designed to

comply with the Airport Design Guide of the ~~Federal Aviation Administration~~

F.A.A.

4. If located within or adjacent to a **Street Right-of-Way, residential district Residential District** and/or AG-1 district used for single ~~family~~**Family**, the hours of operation shall be ~~limited to~~**limited to the hours of 7:00 a.m. to 11:00 p.m.**
5. A ~~Use Permit~~**Permit** for an ~~Aircraft aircraft Landing-landing Area area~~ shall have no force and effect except for requesting a ~~land disturbance permit~~**Land Disturbance Permit** prior to filing a satisfactory F.A.A. airspace analysis with the Director ~~of the Department of Community Development~~.
6. In accordance with Section 28.4.3.2. **of this Ordinance**, ~~submit an Environmental Impact Report~~**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 ~~TO 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, also Administrative Permit~~**Section 19.3.4(1).2. of this Ordinance for the Administrative Permit Standards.**)

A. ~~INTENT~~**Intent: It is the**

B. ~~—~~

~~C.A.~~ ~~It is the~~ intent of this Article to regulate the placement of ~~amateur radio~~ **Amateur Radio tower Towers** in a manner that does not impose on public health, safety, general welfare.

The following ~~regulations~~ **Use Permit Standards** on design, location, placement, and height limits of ~~antenna~~ **Antennas** in ~~residential district~~ **Residential Districts** are required to implements ~~Sandy Springs's~~ **the City's** governmental interest in land planning, aesthetics and public safety. ~~by requiring the following Use Permit Standards:~~

~~A.B.~~ ~~Required~~ **Allowed in These Districts with Use Permit Only** ~~Districts~~: All

~~B.C.~~ Standards:

1. ~~Antenna~~ **Antennas** shall be located in the ~~R~~ **rear** ~~Y~~ **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~~ **Antenna** exceed **two hundred (200)** feet in height.
3. All ~~antenna~~ **Antennas** shall be set back from the ~~property line~~ **Property Line** one-third **(1/3)** the height of the ~~antenna~~ **Antenna** or the district ~~setback~~ **Setback** requirements, whichever is greater. ~~;~~ ~~h~~ However, the ~~antenna~~ **Antenna** must be located a distance equal to or greater than the ~~antenna~~ **Antenna** height from the nearest ~~residential dwelling~~ **Residential Dwelling**, excluding the primary dwelling or ~~structure~~ **Structure** which is located on the same ~~lot~~ **Lot** as the ~~antenna~~ **Antenna**.
4. ~~Antenna~~ **Antennas** shall not be lighted.
5. All ~~antenna~~ **Antennas** must be constructed with an anti-climbing device.
6. ~~Antenna~~ **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~~ **Right-of-Way**.

19.4.67. ~~AMPHITHEATERS~~. **(See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.)**

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

B. Standards:

1. Lot area shall be a minimum of **ten (10)** acres.
2. The stage shall be located a minimum of **six hundred (600)** feet from adjacent properties zoned for ~~residential-use~~**Residential Use** and/ or AG-1 districts used for single ~~family~~**Family**.
3. Permitted ~~curb-cut~~**Curb Cut** access shall be only from an ~~arterial~~**Arterial street****Street**.
4. A minimum **one hundred (100)**- foot ~~buffer~~**Buffer** and a minimum ~~10-~~**ten (10)** foot ~~improvement-setback~~**Improvement Setback** shall be provided adjacent to a **Street Right-of-Way**, ~~residential district~~**Residential Districts**, ~~property~~**Property** zoned for ~~residential use~~**Residential Use** zoning or ~~development~~**Development** or **an** AG-1 districts when used for single ~~family~~**Family**.
5. A minimum ~~50-~~**fifty (50)** foot ~~buffer~~**Buffer** and ~~10-~~**ten (10)** foot ~~improvement-setback~~**Improvement Setback** shall be provided adjacent to a ~~Non-residential districts~~**Districts** zoning or ~~development~~**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.**~~A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at the property lines of adjacent residential districts and/or AG-1 districts used for single family.~~
7. Eight (8) foot high ~~fencing~~**Fencing** shall be provided adjacent to a **Street Right-of- Way**, a ~~properties~~**Property** zoned for ~~residential use~~**Residential Use** or **an** AG-1 districts used for single ~~family~~**Family**.
8. The hours of operation ~~of the facility~~ shall be ~~limited to~~**limited to the hours of** 8:00 a.m. to 11:00 p.m. when adjacent to a **Street Right-of-Way**, a ~~properties~~**Property** zoned for ~~residential-use~~**Residential Use** and/or **an** AG-1 districts used for single ~~family~~**Family**.

19.4.~~7~~**8**. ANTENNA TOWER, AND ASSOCIATED STRUCTURE (RADIO, ~~T.V.~~TELEVISION, MICROWAVE BROADCASTING, ETC.), ~~TO WHICH~~ WILL EXCEED THE **ALLOWED ZONING DISTRICT HEIGHT IN**

RESIDENTIAL AND AG-1 (~~amended 06/16/09, TA09-013, Ord. 2009-06-34~~).
(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~~ **Intent:** Pursuant to Section 704(a) of the Federal Telecommunications Policy Act of 1996,

~~B.~~

~~C.A. Pursuant to Section 704(a) of the Federal Telecommunications Policy Act of 1996, it is~~ **it is** not the intent of this section to prohibit or have the effect of prohibiting the provision of personal wireless ~~service~~ **Services** in ~~Sandy Springs~~ **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.

~~The following regulations on design, location, placement, and height limits of antennas in residential districts implements Sandy Springs's governmental interest in land planning, aesthetics and public safety by requiring the following Use Permit Standards:~~

~~AB. Required~~ **Allowed in These Districts with Use Permit Only** ~~Districts:~~ **Residential Districts and AG-1 (For other Nonresidential Districts, see Part II, Section 19.3.2.3. of this Ordinance for Administrative Permit Standards.)** ~~See same heading in Section 19.3., for other non-residential districts)~~

~~BC.~~ **Standards:**

1. Towers must be set back a distance equal to the height of the ~~tower~~ **Tower** from any residentially or AG-1 zoned or used ~~property~~ **Property**. (i.e., a ~~200-~~ **two hundred (200)** foot ~~tower~~ **Tower** will require a ~~200-~~ **two hundred (200)**- foot ~~setback~~ **Setback** from any **Street Right-of-Way, residential district Residential District** and/or AG-1 district used as single ~~family~~ **Family**.)
2. Height shall not exceed **three hundred (300)** ~~300-~~ feet from existing ~~grade~~ **Grade** and shall be calculated to include all appurtenances (e.g. light, marking) required by ~~Federal Aviation Administration (FAA)~~ **the F.A.A.** for ~~tower~~ **Towers** ~~200-~~ **two hundred (200)** feet or taller.

3. Tower and associated facilities shall be enclosed by ~~fencing~~**Fencing** not less than six (6) feet in height and shall also be equipped with an ~~appropriate~~**Appropriate** anti-climbing device.
4. A minimum **ten (10)** foot ~~landscape strip~~**Landscape Strip** planted to ~~buffer~~**Buffer** standards shall be required surrounding the facility exterior to the required ~~fence~~**Fence** unless the ~~Sandy Springs City~~ **City** ~~Arborist~~ determines that existing plant materials are adequate.
5. Antennas or ~~tower~~**Towers** shall not have lights unless required by federal or state law.
6. Towers shall not be located within one-quarter (1/4) ~~of a~~ mile from any existing telecommunication ~~tower~~**Tower** above the district height, excluding alternative ~~structure~~**Structures**.
7. The ~~tower~~**Tower** shall comply with applicable state and local statutes and ordinances, including, but not limited to, ~~building~~**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.

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

- A. ~~Required~~**Allowed in These Districts with Use Permit Only** ~~Districts~~: AG-1 (~~Agricultural~~), R-6, and TR (~~Townhouse Residential~~)
- 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~~**Parking** in the ~~Minimum~~ **Front** ~~Yard~~.
 3. The ~~bed & breakfast~~**Bed and Breakfast** shall be owner occupied.
 4. Permitted ~~curb cut~~**Curb Cut** access shall not be from a ~~local~~**Local** ~~street~~**Road**.
 5. The minimum landscape and ~~buffer~~**Buffer** areas shall be required as specified **for AG-1** in Section 4.23.1. **of this Ordinance** ~~for AG-1~~ ~~Agricultural District~~.

6. Parking requirements shall be the same as ~~hotel/motel~~**Hotel/Motel** as specified in Article ~~18~~**XVIII**.
7. Identification or advertising ~~sign~~**Signs** shall be limited to **four (4)** -square feet in surface area and **four (4)** feet in height.

19.4.~~9~~**10**. CEMETERY AND/OR MAUSOLEUM~~(Human or Pet)~~. **(See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.)**

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

B. Standards:

1. Permitted ~~curb cut~~**Curb Cut** access shall be only from a ~~major thoroughfare~~**Major Thoroughfare**, unless in conjunction with a ~~place of worship~~**Place of Worship**.
2. No ~~building~~**Building** shall be located within **fifty (50)** feet of a ~~residential district~~**Residential District** —and/or AG-1 district used for single ~~family~~**Family**.
3. All ~~structure~~**Structures**, —including ~~graves~~**earth interments**, shall be inside meet the ~~M~~**minimum Y**ard ~~setback~~**Setbacks** or **ten (10)** feet, whichever is greater.
4. ~~4.~~—If located adjacent to a **Street Right-of-Way**, single ~~family~~**Family** dwelling district and/or AG-1 district used for single ~~family~~**Family**, the minimum ~~buffer~~**Buffer**s and ~~landscape strip~~**Landscape Strips** ~~required as specified~~ for the O-I District ~~as specified~~ 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.~~10~~**11**. CHURCH, TEMPLE OR ~~PLACE OF WORSHIP~~**PLACE OF WORSHIP**. **(See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.)**

A. ~~Required~~**Allowed in These Districts with Use Permit Only**~~Districts~~:
~~Suburban A, Suburban B, Suburban C,~~ R-1, R-2, R-2A,
~~R-3, R-3A, -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 ~~building~~**Buildings** and ~~use~~**Use** areas/~~structure~~**Structures** other than ~~parking~~**Parking** and pedestrian walkways shall be located at least **one hundred (100)** feet from any ~~adjoin~~**Adjoining** ~~residential district~~**Residential District** and/or AG-1 district used for single ~~family~~**Family**.
2. No ~~parking~~**Parking** shall be located within the ~~Minimum~~**Minimum** ~~Front~~**Front** ~~Yard~~**Yard** ~~setback~~**Setback**.
3. Any associated day care centers, ~~private~~**Private** ~~school~~**Schools**, ~~recreational fields~~**Recreational Fields** or other ~~use~~**Uses** requiring a ~~Use~~**Use** ~~Permit~~**Permit** or ~~Administrative~~**administrative** ~~Permit~~**permit** shall be allowed only under a separately approved ~~Use~~**Use** ~~Permit~~**Permit** or ~~Administrative~~**administrative** ~~Permit~~**permit** for each ~~use~~**Use**.
4. The minimum ~~buffer~~**Buffers** and ~~landscape strip~~**Landscape Strips** ~~as required~~**specified** for the O-I ~~zoning district~~**Zoning District** ~~as specified~~ in Section 4.23.1. of this **Ordinance** shall be required.

19.4.12. ~~COMMERCIAL AMUSEMENT, OUTDOOR~~ ~~including but not limited to amusement parks, bungee jumping parks, skateboard parks, ski slopes, batting cages, miniature golf, drive-in theaters, etc..~~ ~~(See 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 also Section 19.4.17. DRIVING RANGES)~~

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

B. Standards:

1. Permitted ~~curb cut~~**Curb Cut** access shall be derived only from ~~arterial street~~**Arterial Streets**.
2. A minimum ~~100~~**one hundred (100)** foot ~~buffer~~**Buffer** and a minimum ~~10~~**ten (10)** foot ~~improvement setback~~**Improvement Setback** shall be provided adjacent to a **Street Right-of-Way**, ~~residential district~~**Residential Districts** and/or AG-1 districts used for single ~~family~~**Family**.

3. A minimum ~~50-fifty (50)~~ foot ~~buffer~~**Buffer** and ~~10-ten (10)~~ foot ~~improvement setback~~**Improvement Setback** shall be provided adjacent to non-residential zoning ~~or development~~ districts.

~~4.~~ **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. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single family.**

5. Eight (8) foot high ~~fencing~~**Fencing** shall be provided adjacent to any **Street Right-of-Way, residential district Residential District** and/or AG-1 district when used for single ~~family~~**Family** and interior to any required ~~landscape strip~~**Landscape Strips** or ~~buffer~~**Buffers**.

6. The hours of operation ~~of the facility~~ shall be ~~limited to~~**limited to the hours of 8:00 a.m. to 11:00 p.m.** adjacent to **a Street Right-of-Way, residential district Residential Districts** and/or AG-1 **district** when used for single ~~family~~**Family**.

7. All recreational ~~structure~~**Structures** and activities shall maintain a ~~minimum setback~~**Minimum Setback** of **one hundred (100)** feet from any public ~~right-of-way~~**Right-of-Way**.

- ~~8.~~ **5. The height limits of the zoning district Zoning District shall apply to all recreational structure Structures unless a Use Use Permit Permit to Exceed exceed the allowed zoning Height height is granted (See see Section 19.4.2+5).**

~~5.6.~~ **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.**

19.4.12**13. COMPOSTING.** **=(See applicable provisions of this Ordinance for Zoning**

Districts, if any, which allow this Use within the district.)

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

B. Standards:

1. Lot area shall be a minimum of five **(5)** acres.
2. Permitted ~~curb-cut~~**Curb Cut** access shall be derived from an ~~arterial~~**Arterial** or ~~major collector~~**Collector Road**.
3. The hours of operation shall be ~~between the hours of~~**limited to the hours of 7:00 a.m. to 6:00 p.m.**
4. All operations shall maintain a ~~minimum setback~~**Minimum Setback of one hundred (100) feet** from all ~~property line~~**Property Lines**.
5. The minimum ~~buffer~~**Buffers as required are as specified for the M-1 district for in Section 4.23.1. of this Ordinance shall be required**~~the M-1 District. (See Section 4.23)~~
6. On-site traffic shall be limited to an ~~all-weather surface~~**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~~**Property** or roadway.
8. The ~~compost~~**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.**~~A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single family.~~
10. In accordance with Section 28.4.3.2. **of this Ordinance, submit**~~an Environmental Impact Report~~**Environmental Impact Report shall be submitted** as required.

~~19.4.13. CONVALESCENT CENTER/ NURSING HOME/ HOSPICE~~

~~(A permitted use in O-I, MIX, A, A-L, C-1 and C-2)~~

~~A. Required Districts: R-6 and TR~~

~~B. Standards:~~

- ~~1. Facilities shall be for 5 persons or more.~~
- ~~2. Permitted curb cut access shall be from an arterial or a major collector.~~
- ~~3. Provide the minimum landscape strips and buffers as required for the O-I zoning district as specified in Section 4.23.~~
- ~~4. Provide a 50-foot building setback from all single family districts or AG-1 districts used for single family.~~
- ~~5. No parking allowed within the minimum front yard setback.~~
- ~~6. Rooms or suites of rooms may be designed with separate kitchen facilities.~~
- ~~7. Facility shall comply with applicable local, state, and federal regulations.~~

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** ~~Required Districts:~~ 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)** ~~30~~ rooms are permitted. (See ~~Article 19.4.8, Bed and Breakfast, for~~ **For** less than **six (6)** guest rooms, see **Section 19.4.9., Bed and Breakfast.**)
3. The ~~Country Inn~~ **Country Inn** shall be owner occupied.
4. Permitted ~~curb cut~~ **Curb Cut** access shall be from a ~~minor collector~~ **Collector Road** or higher road classification.
5. The establishment may provide meal ~~service~~ **Services** to guests.

6. Parking shall not be permitted within the ~~M~~minimum ~~F~~front ~~Y~~yard ~~setback~~**Setback**.
7. The minimum ~~landscape—strip~~**Landscape Strip** and ~~buffer~~**Buffer** requirements for the O-I District as specified in Section 4.23.1. of this **Ordinance** shall be required.
8. Identification or advertising ~~sign~~**Signs** shall be limited to one (1) ~~sign~~**Sign** of not more than **nine (9)** square feet and no more than **four (4)** feet in ~~height~~**Height**.
9. Parking requirements shall be the same as ~~hotel/motel~~**Hotel/Motel** as specified in Article ~~18~~**XVIII**.

19.4.15.

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

~~(Allowed as a permitted use in CUP, O-I, MIX, C-1 & C-2 Districts)~~

- A. **Allowed in These Districts with Use Permit Only**~~Required Districts:~~ R-6, TR, A, and A-L. (May be allowed in single ~~family~~**Family** districts and AG-1 **districts** in conjunction with an ~~institutional—use~~**Institutional Use** such as a ~~church~~**Church**, a ~~temple~~**Temple**, a ~~place of worship~~**Place of Worship**, a ~~school~~**School** or a ~~hospital~~**Hospital**.)
- B. **Standards:**
 1. Facility shall be for **seven (7)**~~7~~ or more persons, excluding staff.
 2. ~~Provide~~**The** minimum ~~landscape—strip~~**Landscape Strips**, ~~buffer~~**Buffers** and ~~improvement—setback~~**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)**~~6~~ foot high opaque ~~fence~~**Fence** interior to any required ~~landscape—strip~~**Landscape Strips** and/or ~~buffer~~**Buffers** around the periphery of the ~~Y~~yard used for the play area.
 4. Play areas shall be located within the ~~R~~rear or ~~S~~side ~~Y~~yards.
 5. The hours of operation shall be ~~limited to~~**limited to the hours of Monday through Friday from** 6:00 a.m. to 7:00 p.m., **Monday through Friday**.
 6. No ~~parking~~**Parking** allowed in the ~~M~~minimum ~~F~~front ~~Y~~yard

~~setback~~ **Setback.**

7. ~~7.~~ Driveway design shall permit ~~vehicle~~ **Vehicles** to exit the ~~property~~ **Property** in a forward direction.

~~6.8.~~ **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~~ **19.4.16. OPEN.**

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

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

B. Standards:

1. Lot area shall be a minimum of ~~ten (10)~~ **10** acres.
2. Permitted ~~curb-cut~~ **Curb Cut** access shall be from a ~~major collector~~ **Collector Road** or ~~arterial~~ **Arterial**.
3. Loudspeakers/paging systems are prohibited adjacent to **a Street Right-of-Way, Residential Districts** and/or AG-1 ~~district~~ **Zoning Districts** used for single ~~family~~ **Family**.
4. The hours of operation shall be ~~limited to~~ **limited to the hours of** 8:00 a.m. to 11:00 p.m. **when** adjacent to **a Street Right-of-Way, Residential Districts** and/or AG-1 ~~district~~ **Zoning Districts** used for single ~~family~~ **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. ~~FESTIVALS OR EVENTS, OUTDOOR/INDOOR including but not limited to horse shows, carnivals, dog shows, arts and crafts shows, music festivals, etc. . See FESTIVALS OR EVENTS, OCCASIONAL if not covered herein.~~

~~A. Required Districts: AG-1, O-I, MIX, C-1, C-2, M-1A, M-1, and M-2~~

~~B. Standards:~~

- ~~1. Permitted curb cut access shall be from local streets.~~
- ~~2. Eight (8) foot high 100% opaque fencing shall be provided adjacent to residential districts and/or AG-1 districts used for single family.~~
- ~~3. Hours of operation shall be between 8:00 a.m. and 11:00 p.m. when adjacent to residential districts and/or AG-1 districts used for single family.~~
- ~~4. Activity areas, including parking, shall be at least 100 feet from a residential district and/or AG-1 districts used for single family.~~
- ~~5. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent to land which is used for residential districts and/or AG-1 districts used for single family purposes.~~
- ~~6. The festival or event shall be limited to a three-year period from the date of the City Council approval not to exceed a total of 180 consecutive days in a calendar year. **OPEN.**~~

~~19.4.20. GROUP RESIDENCE~~

~~————— (Allowed as a permitted use in A, A-L, O-I, MIX, C-1 & C-2 Districts)~~

~~A. Required Districts: R-6 and TR~~

~~B. Standards:~~

- ~~1. Facilities shall be for 5 persons or more.~~
- ~~2. Permitted curb cut access shall not be allowed from a local street.~~
- ~~3. The minimum landscape strips and buffers required for the O-I district as specified in Section 4.23 shall be provided.~~

~~4. Parking shall not be permitted within the minimum front yard.~~

~~5. Facility shall comply with applicable local, state, and federal regulations and provide Department of Community Development with the applicable permit prior to the issuance of a certificate of occupancy.~~

19.4.20(1). GROUP RESIDENCE FOR CHILDREN (five (5) ~~5~~ to eight (8) ~~8~~ ~~CHILDREN~~ children.) (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

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

~~B. Standards:~~

~~1. Facility shall be for no more than eight (8) ~~8~~ children.~~

2. Parking shall comply with the requirements of ~~Article 18~~ Article XVIII for ~~dwellings~~ dormitories and related.

3. Copies of applicable local, state, and federal permits shall be provided to the Department ~~of Community Development~~ prior to the issuance of a ~~certificate of occupancy~~ Certificate of Occupancy.

19.4.20(2).1. GROUP RESIDENCE FOR CHILDREN (~~9 to 15~~ nine (9) to fifteen (15) ~~CHILDREN~~ children.) (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

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

~~B. Standards:~~

~~1. Facility shall be for no more than fifteen (15) ~~15~~ children.~~

2. Parking shall comply with the requirements of Article ~~18~~ XVIII for ~~dwellings~~ dormitories and related.

3. Copies of applicable local, state, and federal permits shall be provided to the Department ~~of Community Development~~ prior to the issuance of a ~~certificate of occupancy~~ Certificate of Occupancy.

19.4.21. ~~OPEN HEIGHT TO EXCEED DISTRICT MAXIMUM~~

~~A. Required Districts: O-I, A, A-L, MIX, C-1, C-2, M-1, M-1A and M-2~~

~~B. Standards:~~

- ~~1. Submit a site plan along with the application which shall depict the open space and spatial arrangement of buildings and facilities.~~
- ~~2. Sources of exterior illumination shall not be visible from adjoining residences.~~

19.4.22. OPEN.

19.4.23. OPEN.

19.4.24. KENNEL OR OUTSIDE ANIMAL FACILITIES. (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. ~~Required~~ Allowed in These Zoning Districts with Use Permit Only ~~Districts:~~
C-2, M-1, and M-2

~~(See Article 19.3.19 for enclosed kennels)~~

B. Standards:

1. Minimum one (1) acre Lot size is required.

~~1. Buildings and runs, sun areas, exercise yards, Patios or facilities other than Parking shall be located~~

~~2. 1. Minimum one-acre lot size is required.~~

~~3.~~

2. Buildings and runs, sun areas, exercise yards, patios or facilities other than parking shall be located at least ~~100~~ **one hundred (100) feet from all ~~property line~~ **Property Lines** and ~~200~~ **two hundred (200)** feet from any single ~~family~~ **Family** ~~district~~ **Zoning District** -and/or AG-1 ~~district~~ **Zoning District** used for single ~~family~~ **Family**.**

~~5.6.~~ **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. ~~Required~~Allowed in These Zoning Districts with Use Permit Only~~Districts:~~
AG-1, M-1 and M-2

B. Standards:

- ~~_____~~1. No access shall be allowed from ~~local~~Local Roads~~streets.~~
- ~~_____~~2. Access ~~street~~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~~Landfill shall be located within a three **(3)** mile radius of the ~~property line~~Property Lines of an existing ~~landfill~~Landfill.
- ~~_____~~4. The ~~Waste Disposal~~Boundary of a ~~landfill~~Landfill shall be located at least ~~500~~five hundred (500) feet from all ~~property line~~Property Lines except ~~those~~ adjacent to M-1 (~~Light Industrial~~) and M-2 (~~Heavy Industrial~~) ~~zoned district~~Zoning Districts.
- ~~_____~~5. A minimum ~~200~~two hundred (200) foot ~~buffer~~Buffer and ~~10~~ten (10) foot ~~improvement setback~~Improvement Setback shall be required along all ~~property line~~Property Lines except public rights-of-way.
- ~~_____~~6. A minimum ~~50~~fifty (50) foot ~~buffer~~Buffer and a ~~minimum 10~~ten (10) foot ~~improvement setback~~Improvement Setback shall be required along all public rights-of-way.
- ~~_____~~7. A minimum ~~6~~six (6) foot high solid ~~fence~~Fence or ~~wall~~Wall shall be located on ~~property line~~Property Lines or interior to the required ~~buffer~~Buffers and ~~improvement setback~~Improvement Setbacks.
- ~~_____~~8. ~~Limit hours of~~The hours of operation shall be ~~limited to the hours of from~~limited to the hours of ~~from~~ 6:00 a.m. to 6:00 p.m., Monday through Saturday.
- ~~_____~~9. The owner shall provide the Director ~~of the Department of~~

~~Community Development~~ **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~~ **Landfill** site only if ~~Waste~~ is covered to prevent blowing of material from the ~~vehicle~~ **Vehicle**.

~~11.~~ In accordance with ~~Article~~ **Section** 28.4.3.2. **of this Ordinance**, ~~submit an Environmental Impact Report~~ **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. ~~Required~~ **Allowed in These Zoning Districts with Use Permit Only** ~~Districts:~~
M-2

B. Standards:

~~1.~~ No access shall be allowed from local ~~street~~ **Streets**.

~~2.~~ Access ~~street~~ **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~~ **Landfill** shall be located within a three **(3)** mile radius of the ~~property line~~ **Property Lines** of an existing ~~landfill~~ **Landfill**.

~~4.~~ The ~~Waste Disposal~~ **B**oundary of a ~~landfill~~ **Landfill** shall be located at least ~~500~~ **five hundred (500)** feet from all ~~property line~~ **Property Lines** except **those** adjacent to M-1 (~~Light Industrial~~) and M-2 (~~Heavy Industrial~~) ~~zoned district~~ **Zoning Districts**.

~~5.~~ A minimum ~~200~~ **two hundred (200)** foot ~~buffer~~ **Buffer** and ~~10~~ **ten (10)** foot ~~improvement setback~~ **Improvement Setback** shall be required along all ~~property line~~ **Property Lines** except public rights-of-way.

~~6.~~ A minimum ~~50~~ **fifty (50)** foot ~~buffer~~ **Buffer** and ~~10~~ **ten (10)** foot ~~improvement setback~~ **Improvement Setback** shall be required along all public rights-of-way.

- 7. A minimum ~~6-six~~ (6) foot high solid ~~fence~~**Fence** or ~~wall~~**Wall** shall be located on ~~property line~~**Property Lines** or interior to the required ~~buffer~~**Buffers** and ~~improvement setback~~**Improvement Setbacks**.
- 8. ~~Limit~~**The** hours of operation **shall be limited to the hours of** ~~from~~ 6:00 a.m. to 6:00 p.m., Monday through Saturday.
- 9. The owner shall provide the Director ~~of the Department of Community Development~~ a current copy of all applicable permits from the Georgia Department of Natural Resource upon application for a ~~Land~~**land Disturbance**~~disturbance~~ **Permit**~~permit~~.
- 10. Vehicles shall be allowed into a ~~landfill~~**Landfill** site only if ~~waste~~**Waste** is covered to prevent blowing of material from the ~~vehicle~~**Vehicle**.
- 11. In accordance with ~~Article~~**Section** 28.4.3.2. **of this Ordinance,** ~~submit an Environmental Impact Report~~ **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. ~~Required~~**Allowed in These Zoning Districts with Use Permit Only**~~Districts:~~
 AG-1 ~~(Agricultural)~~

B. Standards:

- 1. No access shall be allowed from local ~~street~~**Streets**.
- 2. No ~~parking~~**Parking** is permitted in the ~~M~~**minimum** ~~F~~**front** **Y**ard.
- 3. All ~~use~~**Use** areas/~~structure~~**Structures** other than ~~parking~~**Parking** and pedestrian walkways shall be located at least ~~50~~**fifty (50)** feet from any ~~adjoin~~**Adjoining** ~~residential district~~**Residential District** or AG-1 ~~(Agricultural) district~~**Zoning District**.
- 4. ~~Limit~~**The** hours of operation **shall be limited to the hours of** ~~from~~ 6:00 a.m. to 8:00 p.m.
- 5. The minimum ~~buffer~~**Buffers** and ~~landscape strip~~**Landscape**

~~Strips required as specified for the O-I (Office-Institutional) zoning district~~**Zoning District as specified in Section 4.23.1. of this Ordinance** shall be required.

~~6.~~ Structure(s) for retail sales shall be limited to ~~1,000~~**one thousand (1000)** total gross square feet.

19.4.28. ~~LODGE, RETREAT AND/OR CAMPGROUND facilities to include lodging and food service for social, educational and/or recreational purposes. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)~~

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

B. Standards:

1. Minimum ~~lot~~**Lot** size shall be ~~ten (10)~~**ten (10)** acres.
2. Permitted ~~curb cut~~**Curb Cut** access shall not be derived from a local ~~street~~**Street**.
3. A minimum ~~one hundred (100)~~**one hundred (100)** foot wide ~~buffer~~**Buffer** and a ~~minimum ten (10)~~**minimum ten (10)** foot ~~improvement setback~~**Improvement Setback** are required adjacent to **a Street Right-of-Way, residential district Residential Districts, or AG-1 district Zoning Districts** used for single ~~family~~**Family**. ~~and adjoining a public street.~~
4. A minimum ~~50~~**forty (40)** foot wide ~~buffer~~**Buffer** and ~~10~~**a minimum ten (10)** foot improvement district are required adjacent to all other ~~non-residential districts~~**Non-residential Districts**.
5. Length of ~~the~~ stay for all but permanent staff shall not exceed ~~30~~**thirty (30)** consecutive days.
6. Sanitary facilities or trash receptacles shall be located a minimum of ~~two hundred (200)~~**two hundred (200)** feet from any ~~residential district~~**Residential District** and/or AG-1 ~~district~~**Zoning District** when used for ~~single family~~**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. ~~A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single family.~~

8. ~~Recreational facilities~~ **Recreational Facilities** associated with the ~~use~~ **Use** shall be for staff and guests only.
9. One ~~(1) parking space~~ **Parking Space** per lodging unit or five (5) per **one thousand (1000)** ~~1000~~ square feet of ~~floor area~~ **Floor Area** shall be **provided**, whichever is greater.

19.4.28.1. ~~(+)~~ MEDICAL RELATED LODGING

~~(A) (allowed as a permitted use in A and A-L Zoning Districts).~~

- A. ~~Required~~ **Allowed in These Zoning Districts with Use Permit Only Districts:**
R-6 and TR
- B. Standards:
 1. Total number of bedrooms or ~~=~~units shall not exceed **twenty (20)** ~~20~~, including staff facilities.
 3. ~~2. =~~ Rooms or suites of rooms may be designed with separate kitchen facilities.
 3. Lodging ~~Facility~~ **facility** shall be located within one **(1)** mile of a ~~hospital~~ **Hospital** or inpatient ~~clinic~~ **medical facility**.
 4. Facilities locating in a TR ~~District~~ **Zoning District** must have frontage on ~~street~~ **Streets** with classifications higher than local ~~street~~ **Streets**.
 5. If ~~=~~located adjacent to a **Street Right-of-Way**, single ~~family~~ **Family** ~~district~~ **Zoning District** and/or ~~=~~an AG-1 ~~district~~ **Zoning District** used for single ~~family~~ **Family**, the minimum ~~buffer~~ **Buffers** and ~~landscape strip~~ **Landscape Strips** ~~required as specified~~ for the O-I ~~District~~ **Zoning District** ~~as specified~~ in Section 4.23.1. of this Ordinance shall be required.
 6. Off-~~street~~ **Street** ~~parking~~ **Parking** requirements shall be one **(1)** per living unit plus one **(1)** ~~=~~per nonresident employee. ~~Parking~~ **Parking** is not allowed in the ~~=~~Front **Yard** ~~setback~~ **Setback**.

7. Signs shall not exceed **four (4)** square feet in area and **four (4)** feet in ~~height~~**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. ~~Required~~Allowed in These Zoning Districts with Use Permit Only-~~Districts:~~
AG-1

B. Standards:

1. ~~The~~A Use Permit for a mobile home**Mobile Home** shall be limited to a ~~three~~**three (3)** year period from the date of ~~the~~City Council's approval, after which the ~~mobile home~~**Mobile Home** shall be removed unless an additional ~~Use~~**Use Permit** has been granted.
2. The ~~mobile home~~**Mobile Home** shall be located in the ~~R~~**rear** ~~Y~~**Y**ard of an existing residential ~~structure~~**Structure** in conformance with the ~~Y~~**Y**ard standards for the location of accessory ~~building~~**Buildings**.
3. The ~~mobile home~~**Mobile Home** shall be for the exclusive use of and occupancy by a member of the ~~family~~**Family** or a near relative of the occupant of the existing ~~structure~~**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.

OPEN:

19.4.33. PERSONAL CARE HOME/ASSISTED LIVING (

~~(A~~ allowed as a permitted use in O-I, A, A-L, MIX, C-1 and C-2).

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

B. Standards:

1. Facilities shall be for ~~five (5)~~ **5** persons or more.
2. Permitted ~~curb-cut~~ **Curb Cut** access shall be from an ~~arterial~~ **Arterial** or a ~~major collector~~ **Collector Road**. Permitted ~~curb-cut~~ **Curb Cut** access may be allowed from a ~~minor collector~~ **Collector Road** if within **one thousand (1000)** ~~1,000~~ feet of the ~~property line~~ **Property Line** of an ~~institutional use~~ **Institutional Use**.
3. ~~Provide a~~ **A 50-fifty (50)** foot ~~building~~ **Building setback** **Setback** from single ~~family~~ **Family** ~~district~~ **Zoning Districts** and/or AG-1 ~~district~~ **Zoning Districts** when used for single ~~family~~ **Family shall be provided**.
4. No ~~parking~~ **Parking** is allowed in the ~~M~~ **Minimum** ~~F~~ **Front** ~~Y~~ **Yard** ~~setback~~ **Setback**.
5. The minimum ~~parking space~~ **Parking Spaces** provided shall be in conformance with health care facilities ~~per as provided in Article~~ **Section 18.2.1. of this Ordinance**.

6. ~~Provide landscape strip~~**Landscape Strips** and ~~buffer~~**Buffers** as required in the O-I ~~district~~**Zoning District** as specified in ~~Article~~**Section 4.23.1. of this Ordinance shall be provided.**
7. Rooms or suites of rooms may be designed with separate kitchen facilities.
- ~~12.7.8.~~**8.** Facility shall comply with all applicable local, state, and federal regulations, and provide applicable permits to the Department of ~~Community Development~~ prior to the issuance of a ~~certificate of occupancy~~**Certificate of Occupancy.**

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

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

B. Standards:

1. Minimum ~~lot~~**Lot** size ~~shall be one hundred (100)~~**100** acres.
2. All boundary ~~lines~~ of the ~~property~~**Property** included within the ~~Use~~**Use Permit**~~Permit~~ must be located at least ~~five hundred (500)~~**500** feet from the properties listed below:
 - a. The ~~property line~~**Property Line** of ~~Suburban A, Suburban B, Suburban C,~~R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, R-6, NUP, CUP, TR, A, A-L, AG-1 zoned ~~property~~**Property** or ~~property~~**Property** conditioned or used for residential purposes.
 - b. The ~~property line~~**Property Line** of any public ~~recreational facilities~~**Recreational Facilities**, public or private ~~institutional use~~**Institutional Uses**, including but not limited to ~~church~~**Churches**, ~~school~~**Schools**, ~~universit~~**Universities**, ~~college~~**Colleges**, trade ~~schools~~**Schools**, libraries, day care centers and other training facilities when minors are the primary patrons.
3. All boundary lines of the ~~property~~**Property** included within the ~~Use~~**Use Permit**~~Permit~~ must be located at least ~~ten (10)~~**10** miles from all ~~property line~~**Property Lines** of any other ~~Prison/correctional facility~~**Correctional Facility**.

4. ~~Submit, with the~~**Together with the** application for a ~~Use~~**Use Permit**, a certified boundary survey of the site and the ~~use~~**Use of adjoining** properties **shall be submitted**. If any of the ~~use~~**Uses** or ~~zoning district~~**Zoning Districts** referenced in **Section 19.4.34.B.2.a.** and b. are located within **five hundred (500)** ~~500~~ feet of the boundary lines of the subject ~~property~~**Property**, and/or a ~~ePrison/orrectional facility~~**Correctional Facility** is located within **ten (10)** ~~10~~ miles of the boundary line of the subject ~~property~~**Property**, they must be identified by map as part of the ~~Use~~**Use Permit** application .
5. A minimum ~~200~~**two hundred (200)** foot wide ~~buffer~~**Buffer** and a **minimum ten (10)** ~~10~~ foot ~~improvement setback~~**Improvement Setback** shall be provided adjacent to any ~~property~~**Property** zoned other than M-1 and M-2 and from any ~~property~~**Property** used for residential purposes.
6. A minimum ~~100~~**one hundred (100)** foot wide ~~buffer~~**Buffer** and a **minimum ten (10)** ~~10~~ foot ~~improvement setback~~**Improvement Setback** shall be provided adjacent to ~~property~~**Property** zoned ~~M-M-1~~**and/or M-2**.
7. Permitted ~~curb-cut~~**Curb Cut** access shall be from a ~~major thoroughfare~~**Major Thoroughfare**.
8. ~~Parking space~~**Parking Spaces** shall be in accordance with Article ~~18, XVIII, Hospitals~~**Health Care Facilities**.
9. Fencing shall be in accordance with American Correction Institute standards and located interior to required ~~buffer~~**Buffers** and ~~improvement setback~~**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. ~~Facility~~**The facility** shall comply with all applicable local, state, and federal ~~regulations~~, and applicable permits shall be provided to the Department ~~of Community Development~~ prior to the issuance of a ~~certificate of occupancy~~**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. ~~Required~~**Allowed in These Zoning Districts with Use Permit-Districts:** AG-1, M-1 and M-2

B. Standards:

1. ~~A minimum of~~**Lot size shall be ten (10)**~~10 acres is required.~~
2. The race track and spectator stands for animal tracks shall be located a minimum of **five hundred (500)**~~500~~ feet from ~~residential district~~**Residential Districts** and/or AG-1 ~~district~~**Zoning Districts** used for single ~~family~~**Family**, and **2,000**~~two thousand (2000)~~ feet from such ~~district~~**Zoning Districts** for vehicular tracks.
3. Permitted ~~curb-cut~~**Curb Cut** access shall not be from a local ~~street~~**Street**.
4. A minimum ~~75-seventy-five (75)~~ foot ~~buffer~~**Buffer** and ~~10-a minimum ten (10)~~ foot ~~improvement-setback~~**Improvement Setback** shall be provided adjacent to a **Street Right-of-Way**, ~~residential district~~**Residential Districts** and/or AG-1 ~~district~~**Zoning Districts** used for single ~~family~~**Family**.
5. A minimum ~~50-fifty (50)~~ foot ~~buffer~~**Buffer** and ~~10-a minimum ten (10)~~ foot ~~improvement-setback~~**Improvement Setback** shall be provided adjacent to ~~all other property line~~**Property Lines**.
6. ~~Provide a~~**An eight-eight (8)** foot high ~~fence~~**Fence** interior to the required ~~buffer~~**Buffer**/~~improvement-setback~~**Improvement Setback** and ~~landscape strip~~**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.**~~A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single family.~~
8. ~~Hours~~**The hours** of operation shall be ~~limited to~~**limited to the hours of** 8:00 a.m. to 10:00 p.m. when adjacent to a **Street Right-of-Way**, ~~residential district~~**Residential Districts** and/or AG-1 ~~district~~**Zoning Districts** used for single ~~family~~**Family**.
9. ~~9.~~**In accordance with Section 28.4.3.2. of this**

Ordinance, an Environmental Impact Report shall be submitted as required.

~~In accordance with Section 28.4.3.2., submit an Environmental Impact Report as required.~~

19.4.36. ~~RECREATIONAL FIELDS including but not limited to soccer, softball, baseball, polo, football, cricket.~~ **RECREATIONAL FIELDS** (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

~~, etc.~~

A. ~~Required~~ **Allowed in These Zoning Districts with Use Permit Only** ~~Districts:~~

All

B. Standards:

1. Permitted ~~curb-cut~~ **Curb Cut** access shall not be from a local ~~street~~ **Street**.
2. A minimum ~~50-fifty (50)~~ foot ~~buffer~~ **Buffer** and ~~10-a minimum ten (10)~~ foot ~~improvement setback~~ **Improvement Setback** shall be provided adjacent to **a Street Right-of-Way, Residential Districts** and/or AG-1 ~~district~~ **Zoning Districts** used for single ~~family~~ **Family**.
3. Loudspeakers/paging systems are prohibited adjacent to residentially used ~~property~~ **Property**.
4. ~~4.——~~ The hours of operation shall be limited to daylight hours when said facility is located adjacent to **a Street Right-of-Way, Residential Districts** and/or AG-1 ~~district~~ **Zoning Districts** used for single ~~family~~ **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. ~~Required~~**Allowed in These Zoning Districts with Use Permit Only**~~Districts:~~
C-2 and M-1A

B. Standards:

- ~~1. Limit~~**The hours of operation shall be from 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 line~~**Property Lines** of an existing recycling facility.
- ~~3. A minimum two hundred (200) 200 foot buffer~~**Buffer** and ~~10-ten (10) foot improvement setback~~**Improvement Setback** shall be required along all ~~property line~~**Property Lines** except public rights-of-way.
- ~~4. A minimum 50-fifty (50) foot buffer~~**Buffer** and ~~10-ten (10) foot improvement setback~~**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 ~~M~~**Minimum** ~~Y~~**Yards**. Storage shall be screened with a ~~six-six (6) foot high, solid wall~~**Wall** or ~~fence~~**Fence**, including access gates.
7. The processing of recyclable materials must be done within an enclosed ~~building~~**Building**.
8. Driveways shall be designed so ~~vehicle~~**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.**~~A maximum continuous sound level of 65 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single family.~~

10. The ~~recycling center~~**Recycling Center** shall comply with regulations administered by the Fulton County Department of Health.

11. In accordance with ~~Article~~**Section 28.4.3.2. of this Ordinance**, ~~submit~~ 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. ~~Required~~**Allowed in These Zoning Districts with Use Permit Only**~~Districts:~~
M-1 and M-2

B. Standards:

~~1.~~ 1. No portion of a new ~~salvage~~**Salvage**, ~~storage~~**Storage**, and/or ~~junk~~**Junk facility**~~Facility~~ shall be located within a three **(3)** mile radius of the ~~property line~~**Property Lines** of an existing ~~salvage~~**Salvage**, ~~storage~~**Storage**, and/or ~~junk~~**Junk facility**~~Facility~~.

~~2.~~ 2. A minimum ~~200~~**two hundred (200)** foot ~~buffer~~**Buffer** and ~~10~~**ten (10)** foot ~~improvement setback~~**Improvement Setback** shall be required along all ~~property line~~**Property Lines** except public rights-of-way.

~~3.~~ 3. A minimum ~~50~~**fifty (50)** foot ~~buffer~~**Buffer** and ~~10~~**ten (10)** foot ~~improvement setback~~**Improvement Setback** shall be required along all public rights-of-way.

~~4.~~ 4. All facilities shall be screened from view from adjacent properties and roadways with a minimum ~~6~~**six (6)** foot high, solid ~~fence~~**Fence** or ~~wall~~**Wall**, as approved by the Department ~~of Community Development~~, except for approved access crossings and utility ~~easement~~**Easements**. Said ~~fence~~**Fence** or ~~wall~~**Wall** shall be located interior to any required ~~buffer~~**Buffer** or ~~landscape strip~~**Landscape Strip**.

~~5.~~ 5. Vehicles and other materials shall not be stacked so that they are visible from any adjacent properties.

~~6.~~ 6. In accordance with ~~Article~~**Section 28.4.3.2. of this Ordinance**, ~~submit~~ 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. ~~Required~~Allowed in These Zoning Districts with Use Permit Only~~Districts:~~
All

B. Standards:

1. Minimum ~~lot~~Lot area shall be **one (1)** acre.
2. If located adjacent to a **Street Right-of-Way**, single ~~family~~Family dwelling ~~district~~Zoning District and/or AG-1 ~~district~~Zoning District used for single ~~family~~Family, the minimum ~~landscape strip~~Landscape Strips, ~~buffer~~Buffers, and ~~improvement setback~~Improvement Setbacks as ~~required~~specified for the O-I ~~district~~Zoning District as ~~specified~~in Section 4.23.1. of this Ordinance shall be required.
3. ~~Building~~Buildings, and refuse areas shall not be located within **one hundred (100)** feet of a ~~residential district~~Residential District and/or AG-1 ~~district~~Zoning District used for single ~~family~~Family.
4. Active outdoor recreation areas shall not be located within **one hundred (100)** feet of an ~~adjoin~~Adjoining ~~residential district~~Residential District or ~~use~~Use. ~~Recreational fields~~Recreational Fields, such as ~~playing fields~~, that are accessory to the ~~school~~School do not require a separate ~~Use~~Use PermitPermit.
5. Day care facilities in association with the ~~school~~School do not require a separate ~~Use~~Use PermitPermit.
6. Parking areas shall not be located within **fifty (50)** feet of any ~~residential~~Residential ~~district~~District and/or AG-1 ~~district~~Zoning District used for single ~~family~~Family.
7. Student drop-off and vehicular turn-around facilities shall be provided on the site so that ~~vehicle~~Vehicles may re-enter the ~~public~~Public ~~street~~Street in a forward manner.
8. ~~8.~~ Permitted ~~curb cut~~Curb Cut access shall not be from a local ~~street~~Street.
9. ~~13.9.~~ **The need for any accessory Netting associated with a driving range, tee, green, fairway or other course feature that is proposed to exceed the maximum 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~~**SELF-STORAGE/MINI.** (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

A. ~~Required~~**Allowed in These Zoning Districts with Use Permit Only**~~Districts:~~
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 ~~10~~**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 ~~use~~**Uses** include, but are not limited to, **the following:** miscellaneous sales; fabrication or repair of ~~vehicle~~**Vehicles**, equipment or other goods; transfer-storage ~~business~~**Business** based on site; ~~residential-use~~**Residential Uses** (other than the resident manager's ~~apartment~~**Apartment**); or any ~~use~~**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~~**Apartment** is included in the ~~Use~~**Use Permit****Permit**.
4. ~~Provide a~~**A** minimum ~~six-six~~ **(6)** foot high, ~~100%~~**one hundred percent (100%)** opaque solid wooden ~~fence~~**Fence** or masonry ~~wall~~**Wall shall be provided** along the entire length (except for approved access crossings) of all ~~property line~~**Property Lines**. Said ~~fence~~**Fence/ or wall****Wall** shall to be located outside of any public ~~right-of-way~~**Right-of-Way** and interior to any required ~~landscape strip~~**Landscape Strips** or ~~buffer~~**Buffers**.
5. A new or expanded ~~self-Self-storage~~**Storage facility****Facility** shall be located a minimum of ~~1,500~~**fifteen hundred (1500)** feet from the boundary of any other ~~self-Self-storage~~**Storage facility****Facility** (~~mini~~ **Mini** or ~~multi~~**Multi**).

19.4.41(1).1. ~~SELF-SELF-STORAGE/MULTI~~**MULTI**. (See applicable provisions of **this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.**)

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

B. Standards:

1. No ~~outside~~**Outside Storage** shall be allowed, including ~~vehicle~~**Vehicle** leasing.
2. All ~~building~~**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 ~~use~~**Uses** include, but are not limited to, **the following**: miscellaneous sales; fabrication or repair of ~~vehicle~~**Vehicles**, equipment or other goods; transfer-storage ~~business~~**Business** based on site; ~~residential use~~**Residential Uses** (other than the resident manager's ~~apartment~~**Apartment**); ~~or~~ any ~~use~~**Use** which creates a nuisance due to noise, odor, dust, light or electrical interference.
4. Permitted ~~curb-cut~~**Curb Cut** access shall not be from a local ~~street~~**Street**.
5. A new or expanded ~~self-Self-storage~~**Storage facility****Facility** shall be

located a minimum of ~~1,500~~**fifteen hundred (1500)** feet from the boundary of any other ~~self-Storage~~**Storage facility** ~~Facility~~ (~~mini~~**Mini** or ~~multi~~**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. ~~Required~~Allowed in These Zoning Districts with Use Permit Only~~Districts~~:
AG-1, O-I, MIX, C-1, C-2, M-1A, M-1, M-2
- B. Standards:

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

19.4.~~42(1)~~**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. ~~_____~~ A. ~~Required~~**Allowed in These Zoning Districts with Use Permit Only**~~Districts~~: All

B. ~~_____~~ B. ~~Standards~~:

1. Vehicular access is prohibited from a local ~~street~~**Street**.
2. A minimum ~~200~~**two hundred (200)** foot ~~buffer~~**Buffer** and ~~10~~**minimum ten (10)** foot ~~improvement setback~~**Improvement Setback** shall be provided along all ~~property line~~**Property Lines** adjacent to a **Street Right-of-Way**, residential and AG-1 zoned properties.
3. The hours of operation shall be ~~limited to~~**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 ~~100~~**one hundred (100)** foot ~~setback~~**Setback** along any public ~~right-of-way~~**Right-of-Way** is required for all ~~structure~~**Structures** and activities.
5. ~~5. _____~~ The ~~height~~**Height** limit of the ~~zoning district~~**Zoning District** shall apply to all ~~structure~~**Structures** unless a ~~Use~~**Use Permit**~~Permit~~ to ~~Exceed~~**exceed District**~~Zoning District~~ ~~Maximum~~**maximum Height** ~~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.

19.4.4345. ~~TRANSFER STATION, SOLID WASTE.~~ (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the Zoning District.)

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

~~B. Standards:~~

~~1. No access shall be allowed from local street~~ Streets.

~~2. Access street~~ Streets shall be paved and shall be able to withstand _____ maximum 1 load limits established by the State of Georgia as _____ approved by the Director of Public Works.

~~3. No portion of a new transfer station~~ Transfer Station shall be located within a _____ three (3) mile radius of the property line Property Lines ~~of an existing transfer station~~ Transfer Station.

~~4. A minimum 200 two hundred (200) foot buffer~~ Buffer and 10 a minimum ten (10) foot improvement setback Improvement Setback ~~_____ shall be required along all property line~~ Property Lines ~~except public rights-of-way.~~

5.

~~5. A minimum 50 fifty (50) foot buffer~~ Buffer and 10 a minimum ten (10) foot improvement setback Improvement Setback ~~_____ shall be required along all public rights-of-way.~~

~~6. A minimum 6 six (6) foot high solid fence~~ Fence ~~or wall~~ Wall shall be located on _____

~~_____property line~~**Property Lines** or interior to the required ~~buffer~~**Buffers** and _____
~~_____improvement setback~~**Improvement Setbacks**.

7. ~~Limit hours~~**The hours** of operation ~~from~~**shall be limited to the hours of** 6:00 a.m. to 6:00 p.m., ~~Monday~~**Monday through Saturday**.

8. The owner shall provide the Director ~~of the Department of Community Development~~ a current copy of all applicable permits from the State of Georgia upon application for a ~~Land~~**land Disturbance**disturbance Permit**~~permit~~.**

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

~~19.4.44. SENIOR HOUSING (added 06/17/08, RZ08-007, Ord. 2008-06-28)~~

~~Required Districts: TR, A, A-L, O-I, MIX, C-1 and C-2~~

~~Standards: In circumstances where conflict exists between overlay guidelines and this ordinance: (1) Overlay guidelines will generally supersede general ordinance; (2) If the issue is specifically excluded in the Overlay, the ordinance will apply; (3) If the issue is addressed in both documents, the more restrictive will apply.~~

~~Total acreage for senior housing developments shall be a minimum of five (5) acres.~~

~~Housing shall be designed, constructed and operated in accord with the Fair Housing Amendments Act. On an annual basis, the controlling entity shall verify compliance with all provisions of the Fair Housing Act related to occupancy in a manner deemed acceptable pursuant to policies and procedures adopted by the Director of Community Development. Dwelling units shall have a minimum heated floor area of 850 square feet.~~

~~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 1% of the total number of units within the development. Guest units shall have maximum heated floor area of 500 square feet.~~

~~Parking spaces shall be calculated as one and four tenths (1.4) spaces per dwelling unit. Guest parking shall be calculated as one (1) space per every three (3) dwelling units.~~

~~Landscape strips and buffers shall be provided as specified in the O-I district in Article 4.23.~~

~~Not less than 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.~~

~~The property shall be deed restricted to senior housing except as provided for 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 of Community Development.~~

~~The property shall comply with all applicable local, state, and federal regulations and copies of any applicable permits shall be provided to the Department of Community Development prior to the issuance of a certificate of occupancy.~~

~~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).~~

~~Home occupations shall be permitted in accordance with Section 4.12, Home Occupation, of the Zoning Ordinance.~~

~~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.~~

~~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.~~