City of Milton, Georgia

Unified Development Code

Draft V7

For Adoption

Redline

January 29, 2024

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1.1. Purpose and Title

A. Title

This document is "The Unified Development Code for the City of Milton, Georgia," and is referred to or cited throughout the document as "this UDC."

B. Purposes

This UDC is entered as part of a cComprehensive pPlan designed for the purposes, among others, of:

1. Lessening congestion on the roads and streets.
2. Securing safety from fire, flood, and other dangers.
3. Providing adequate light and air as it relates to height, density, and massing.
4. Promoting the health and general welfare.
5. Encouraging such distribution of population and such classification of land uses and utilization as will facilitate economic and adequate provisions for transportation, communications, roads, airports, water supply, drainage, sanitation, education, recreation, and other public requirements.

C. Considerations

The regulations in this UDC are made with reasonable consideration, among others:

1. To the character of the districts and their suitability for specific uses.
2. With a general view of promoting:
   a. Desirable living conditions.
   b. Protection of property against blight and depreciation.
   c. Encouragement of the most appropriate use of land throughout the City of Milton.

1.2. Legal Status Provisions

A. Territorial Application

This UDC applies to all land, uses, buildings, and structures within the corporate boundaries of the City of Milton, Georgia.

B. General Application

In their interpretation and application, the provisions of this UDC are the minimum requirements for the promotion and protection of the public health, safety, and welfare.

C. Required Conformance

All buildings, structures, land, or open space, in whole or in part, must be used or occupied in conformance with this UDC. No buildings or structures, in whole or in part, may be erected, constructed, reconstructed, moved, or structurally altered unless in conformance with this UDC.

D. Permits in Effect

Nothing in this UDC will require any change in the plans, construction, size, or designated use of any land, building, structure, or part thereof for which a building permit or land disturbance permit was issued before the effective date of this UDC or any amendments to it, and remains in effect.

E. Control Over Less Restrictive Private Agreements

This UDC does not nullify any private agreement or covenant. However, when

this UDC is more restrictive than a private agreement or covenant, this UDC controls. The City will not enforce any private agreement or covenant.

F. Control Over Less Restrictive Laws and Regulations

If any condition or requirement imposed by this UDC is more restrictive than a condition or requirement imposed by any other law, rule or regulation of any kind, the more restrictive condition or requirement governs.

G. Conflict

If any condition or requirement imposed by this UDC contains an actual, implied or apparent conflict, the more restrictive condition or requirement controls, except when specifically otherwise stated.

H. References to Other Laws

When this UDC refers to any other part of the Milton City Code or to any other law, the reference applies to any subsequent amendment of that law.

I. References to Manuals and Codes

When this UDC refers to State manuals or codes, the reference applies to the latest edition that has been adopted by the State of Georgia.

J. Compliance with Other Laws

Compliance with this UDC does not substitute for compliance with federal and state laws nor for other City ordinances and resolutions.

K. Text and Graphics

Illustrations, photographs, and graphics are included in this UDC to illustrate the intent and requirement of the text. If there is a conflict between the text of this UDC and any illustrations, photographs, or graphics, the text governs.

1.2.2. Zoning Compliance Law

A. This Chapter consists of a unified development ordinance, crafted as a series of articles.

B. Zoning Ordinance

Article 1 through Article 9 and Article 12, as well as those definitions set forth in Article 13 that constitute, by reference, text of these articles, are all intended to constitute a zoning ordinance within the meaning of O.C.G.A. § 36-66-1, et seq. Changes to the text of these articles, as well as Official Zoning Map amendments and other zoning actions addressed in those Articles, require compliance with the public notice and hearing procedures provided in Article 12 Administration, and in said state statute.

C. Other Ordinances

The remaining articles are not intended to constitute a zoning ordinance and may be amended using the City's general procedures for ordinance amendments.

D. Severability

If any article, section, sub-section, paragraph, sub-paragraph, sentence, clause, or other provision of this UDC is declared by a court of competent jurisdiction to be invalid, such action does not affect the validity of the UDC as a whole. The effect of the action is confined to the article, section, sub-section, paragraph, sub-paragraph, sentence, clause, or other provision immediately involved in the controversy in which the action was rendered.

E. Effective Date

The effective date of this UDC shall be ~~[INSERT EFFECTIVE DATE DESIRED BY CITY]~~February 21, 2024.

1.2.3. Scope and Intent

This UDC includes a variety of regulations that apply to uses and structures allowed in more than one use district or to uses and structures allowed in all use districts except when specifically excluded by provisions contained elsewhere in this UDC.

1.2.4. Judicial and Quasi-Judicial Actions

Zoning-related legal proceedings or appeals to boards designated within this UDC will stay deadlines and expiration dates designated in this UDC, unless specifically otherwise indicated. Appeal standards are specified in Article 12.

1.2.5. Official UDC Text

The official text of this UDC must be kept on file by the City Clerk. The City Clerk must provide all City departments with copies of amendments as required by the City Charter, Article III of the City Code, and must provide a subscription and update service for the public.

1.2.6. Prior Approvals

A. The adoption of an Official Zoning Map as part of the initial adoption of this UDC does not repeal the conditions of use, operation, or site development accompanying zoning approvals, administrative permits, warrants, use permit, variances, or other permits issued under previous ordinances or resolutions. All such prior approvals will continue to apply except as provided for in paragraph B below.

B. Modification or repeal of past conditions of approval identified in paragraph A above must only be accomplished as authorized and provided by this UDC.

C. All zoning approvals, administrative permits, warrants, use permit, variances, or other permits heretofore legally granted by City staff, the Design Review Board, the Board of Zoning Appeals, the Planning Commission, or the City Council will remain in full force and effect.

1.3. Zoning Districts

1.3.1. Districts Established

The City of Milton is divided into the following zoning districts to carry out the intent and purpose of this UDC:

Agricultural Districts	
AG-1	Agricultural
Residential Districts	
R-1	Single-family dwelling
R-2	Single-family dwelling
R-2A	Single-family dwelling
R-3	Single-family dwelling
R-3A	Single-family dwelling
R-4A	Single-family dwelling
R-4	Single-family dwelling
R-5	Single-family dwelling
R-5A	Single-family dwelling
R-6	Two-family dwelling
TR	Townhouse residential
A	Medium density apartments
A-L	Apartment limited dwellings
CUP	Community unit plan
NUP	Neighborhood unit plan
Business Districts	
O-I	Office and institutional
MIX	Mixed-use
C-1	Community business
Special Purpose Districts	
-	State Route 9 Overlay
-	Rural Milton Overlay
-	Birmingham Crossroads Overlay
H	Historic Districts
Form-Based Codes	
-	Crabapple Form-Based Code
-	Deerfield Form-Based Code

1.3.2. Conditional Development

A. Each zoning district also includes a designation known as "conditional" for that district, which applies when the City Council imposes conditions on a property.

B. The City Council may impose conditions on a property in accordance with Article 12.

1.4. Official Zoning Map

1.4.1. Established

A. The boundaries of zoning districts are shown and established on the Official Zoning Map.

B. The Official Zoning Map and all information contained on it are part of this UDC and have the same force and effect as if fully set forth and described herein. The Official Zoning Map is properly attested and is on file with the City Clerk of the City of Milton, Georgia.

C. The Official Zoning Map may be kept electronically in a geographic information system. Any copy of the Official Zoning Map published on the internet or otherwise portrayed electronically does not constitute the original Official Zoning Map.

1.4.2. Boundaries

Where uncertainty exists with respect to the boundaries of any zoning district on the Official Zoning Map, the boundaries are interpreted using the following methods:

A. Where a district boundary line is shown as approximately following a street, or an extension of a street, the district boundary will be the edge of the right-of-way of said street. The right-of-way will not be zoned.

B. Where more than one district applies to a property, and the district boundary line is shown as running approximately parallel at a distance from a street, the distance from the right-of-way will be determined using the map scale.

C. Where a district boundary line is shown approximately following a lot line, the district boundary will be the lot line.

D. When a street, alley, or other public way is abandoned by the City or State, the zoning district adjoining such street, alley, or public way will automatically extend to the center of such public way.

1.4.3. Multiple Zoning

When a lot is zoned for more than one single-family dwelling district or zoned a single-family district and an agricultural district, the district which comprises the largest area will control the development standards for that lot.

1.4.4. Annexation

All unincorporated territory that may be annexed to the City or which may be unincorporated from a municipality within Fulton County will be classified in the R-1, single-family dwelling district until, as applicable, the territory may be more appropriately zoned by the City Council based upon a staff recommendation with consideration given to the suggestion of the Comprehensive Plan land use map or zonings of adjacent properties in the City.

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2.1. Lots and Structures

2.1.1. Lots

A. General

1. Structures must only be erected and uses must only be established upon a single lot that meets or exceeds the requirements of this UDC or conditions of zoning, whichever is more restrictive.

2. Regardless of the minimum requirements of the zoning district, a plat must not be approved until the buildable area (including the buildable areas within the 50% of a minimum lot size which must be outside a floodplain) of every single-family lot is determined to be sufficient to accommodate a square configured from the minimum heated floor area required by the zoning district. In the absence of a minimum heated floor area, the square must be at least 35 feet by 35 feet. See Figure 2.1.1.A.

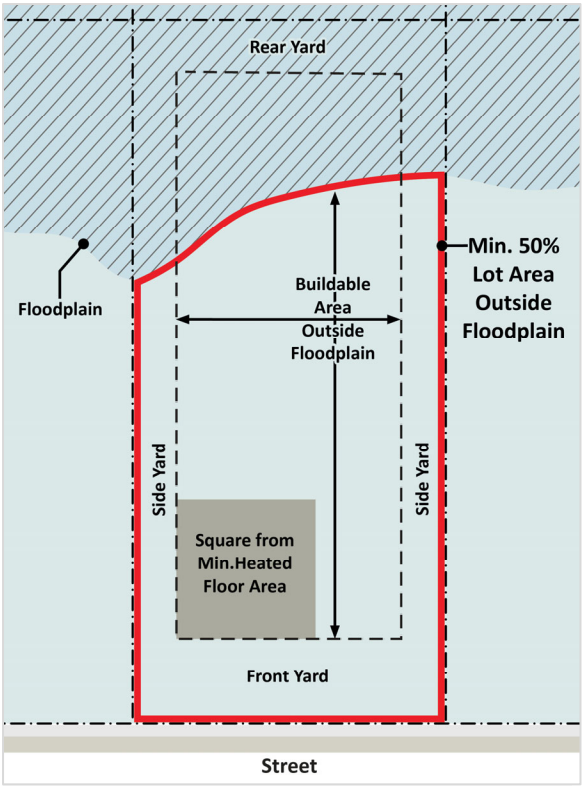


Figure 2.1.1.A

B. Lot Size Exceptions

Lots used for open space and/or stormwater detention/retention facilities are exempt from zoning district lot size requirements only if:

1. The open space and/or stormwater detention/retention facility are incidental, related, appropriate, and clearly subordinate to the main use in a development.

2. No construction or building that does not relate to the open space and/or stormwater detention/retention facility occurs on the lot.

3. A 10-foot access easement is ~~required~~ provided in accordance with established standards.

4. Stormwater detention/retention facilities comply with Sec. 11.4. (Stormwater Management).

C. Reduction of Lot Area

When a lot or property is reduced in size, all resulting divisions and all structures must meet the minimum requirements of the applicable provisions of this UDC; except that if a lot or property is reduced in area to less than the district minimum lot size because of government action, the lot will be deemed nonconforming.

D. Division of Conditionally Zoned Lots

All lots of a proposed subdivision must meet the unit and density allocations of this UDC, conditions of zoning, and all other provisions of this UDC. If each proposed

parcel does not conform to such conditions, the proposed division will require a rezoning to accomplish the desired modification of conditions.

E. Lots with Well or Septic Tank

Any lot upon which both an individual well and septic tank/drain field are utilized is governed by regulations of the Fulton County Health Department. Lots with both a well and a septic tank must be at least one acre in size. Any lot proposed to be served by either a well or a septic tank/drain field must comply with the larger of the minimum lot area required by the health code or the minimum required for the zoning district in which the lot is located.

F. Single-Family District Limitations

Single-family dwelling districts are restricted to no more than one main or principal structure per lot.

2.1.2. Yards

A. Uses and Structures Permitted in Yards

In addition to uses which may be provided for, conditioned or excluded from yards by other sections of this UDC, yards may be used for driveways, signs, at-grade parking, loading areas, fountains, flag poles, yard ornaments not to exceed 4 feet in height, walls, fences, walkways, lawns, buffers, landscape areas, underground utilities, well houses, stormwater management facilities, and tree preservation areas. No part of any yard or use made thereof may serve the requirements for any other lot or structure.

B. Outdoor Storage and Display

Outdoor storage and display is allowed in yards as specified in Sec. 8.8.17 (Outdoor Storage and Display).

2.1.3. Landscaping

A. ~~Pervious Surfaces~~Exposed Soil

~~Pervious surfaces~~Exposed soil must be landscaped with grass, trees, shrubs, hedges, and other landscaping materials.

B. Maintenance Required

The property owner or HOA (if an HOA maintains or has interest in the area) must maintain landscaping that is directly or indirectly required by this UDC in good health and condition in the following locations:

1. On the property.
2. In adjacent rights-of-way.
3. In common areas.

C. Landscape Replacement

Any dead, unhealthy, damaged, or missing landscaping in the locations identified in Sec. 2.1.3.B~~2.1.3.B~~ must be replaced with landscaping that conforms to this UDC within 90 days (or within 180 days where weather concerns would jeopardize the health of plant materials).

D. Right-of-Way Agreements

This Sec. 2.1.3~~2.1.3~~ applies to any landscaping that was required by previous versions of City Code to be maintained through a right-of-way landscaping agreement.

2.2. Exceptions

2.2.1. Public Purposes

A. This UDC does not apply to properties and structures owned, operated and/or leased for use by the City for public purposes.

B. The use of said property for a nonconforming use does not establish a precedent for other nonpublic (governmental) uses.

C. If the public use ceases to exist, the provisions of this UDC will apply.

2.2.2. Nonconformities

A. General

1. Within the zoning districts established by this UDC, there may exist lots, structures, and uses of both land and structures which were lawful before this UDC was adopted or subsequently amended, but which would be prohibited, regulated, or restricted under the terms of this UDC as adopted or subsequently amended.
2. Nonconforming lots, uses, and structures may continue in their nonconforming status with the limitations and requirements established in this sub-section.
3. Any change of use, including a change of a single use within a multiple-use structure, must comply with the requirements of this UDC and any condition of zoning.

B. Nonconforming Lot

A single, lawful lot-of-record that does not meet the area and/or dimension requirements of this UDC may be used for the buildings and accessory buildings necessary to carry out permitted uses only if:

1. Parking space requirements as provided for in Article 9 are met.
2. Such lot does not adjoin another vacant lot or portion of a lot in the same ownership.

~~3.~~ If two or more adjoining lots or portions of lots in single ownership do not meet lot width, lot frontage, and lot area requirements, then the property involved will be treated as one lot, and no portion of said lot may be used or sold in a manner which diminishes compliance with this UDC. ~~This sub-section~~Such treatment does not apply to nonconforming lots when 50% or more of adjoining lots on the same street are the same size or smaller.

C. Nonconforming Uses of Land

When a use of land is nonconforming pursuant to this UDC, such use may continue as long as it remains otherwise lawful and meets the following requirements:

1. No nonconforming use may be enlarged, increased, or extended to occupy a greater area of land than that which was occupied at the time use became nonconforming.
2. No nonconforming use may be moved in whole or in part to any other portion of the lot not occupied by such use at the time the use became nonconforming.

~~3.~~ If any nonconforming use of land ceases for a period of more than one year, any subsequent use of such land must comply with this UDC.

D. Nonconforming Use of Structures

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

1. No existing structure devoted to a use not permitted by this UDC may be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a permitted use.
2. Any nonconforming use may be extended throughout any part of a building which was arranged or designed for such use at the time the use became nonconforming, but no such use may be extended to occupy any land outside such building.
3. When a nonconforming use of a structure or a structure and land in combination is replaced with a conforming use, such structure or land must not later revert to a nonconforming use.
4. When a nonconforming use of a structure or structure and land in combination is discontinued or abandoned for one year, the structure or structure and land in combination may only be used in conformance with the regulations of the district in which it is located.
5. A nonconforming use of a structure or a nonconforming use of land must not be extended or enlarged by attachment to a building or land of additional signs which can be seen from off the land or by the addition of other uses of a nature which would be prohibited generally in the district.

E. Nonconforming Structures

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

1. No structure may be enlarged or altered in a way which increases its nonconformity.
2. Destruction, by any means, of more than 60% of the gross square footage of a structure requires that the structure be reconstructed in conformity with the provisions of this UDC.
3. Any structure which is moved, for any reason and for any distance whatever, must conform to the regulations for the district in which it is located.

F. Rezoning Which Results in Nonconforming Structures

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

1. The approval of the rezoning by the City Council automatically adjusts minimum/maximum yards to the extent necessary for existing structures to comply.
2. All new construction, expansions, or additions must comply with the minimum yard requirements of the new district.

3. Destruction or removal of buildings which preexisted rezoning will reinstate the development standards of the then applicable district provisions of this UDC.

G. Exemptions Due to Governmental Action

1. When a lot is made nonconforming because of land acquisition by the City, County, or State, building permits will be granted for new construction when the proposed structure complies with all but lot area requirements, and setback requirements will be reduced without the requirement for a variance to the extent of the width of the acquired property.

2. When a structure is made nonconforming because of City, County, or State action, other than an amendment to this UDC, the use of the structure may continue and the structure may be replaced as though no nonconformity exists if, after such action, the structure is destroyed.

2.2.3. Model Homes

In addition to the model home regulations of Sec. 12.6.2.G, d~~D~~welling units may only be utilized for sales offices or model homes when two or more lots and dwelling units in the development have not undergone an initial sale or lease by the builder.

2.2.4. Height Limit Exceptions

The zoning districts' maximum height limitations for structures do not apply to the following unless specifically indicated in district or overlay regulations:

A. Chimneys.

B. Church spires and belfries.

C. Cooling towers.

D. Fire towers.

E. Flag poles.

F. Mechanical penthouses located on roofs.

G. Silos and grain elevators.

H. Smokestacks.

I. Water storage tanks.

2.2.5. Minimum Building Lines

The minimum yards (setbacks) in each district establish minimum building lines for all structures except those named in Sec. 2.1.2.A~~2.1.2.A~~ (Uses and structures permitted in yards).

A. Multiple Frontage Lots

Lots adjoining more than one public street must provide a minimum front yard along each right-of-way except corner lots. The setbacks for the street adjoining side yards of corner lots are as specified in district regulations.

B. Yard Encroachments

The following encroachments are allowed to the extent specified:

1. **Nonresidential Uses.** Canopies are allowed over walkways or driveways to within 12 feet of the street right-of-way or the right-of-way based on the street's functional classification, whichever is farther from the street's centerline. Fuel pumps and pump islands, when permitted, must be set back as required for canopies.

2. **Residential.** The following applies to single-family residential and townhouses:

a. Porches, decks, or patios attached to the main dwelling may extend no more than 10 feet into a minimum front or rear yard.

b. Outdoor fireplaces and outdoor uncovered kitchens, whether standalone or constructed as a part of a patio, retaining wall, or other structure, may only be in the rear yard and may extend no more than 10 feet into the minimum rear yard. In no case may an outdoor fireplace be located closer than 10 feet to a property line.

c. Awnings may project to within 5 feet of a side lot line.

3. **All Zoning Districts.** Architectural features such as cornices, eaves, steps, gutters, fire chases, chimneys which are a part of an exterior wall of the primary structure, and fire escapes must not encroach or project over more than 36 inches into any minimum yard.

C. Flag Lots. Flat lots must meet the following standards:

1. Flag lots must be at least 1.5 acres in size, except that newly created flag lots must be at least one acre in size when an existing structure is to remain.

2. The "stem" of the flag lot must constitute no more than 10% of the total lot size.

3. The "stem" of the flag lot must be at least 15 feet wide.

4. There are no minimum yard requirements for the "stem" unless such portion, independent of the "flag" portion, meets the requirements of Sec. 2.1.1.A~~2.1.1.A~~ (Lots). See Figure 2.2.5.C.

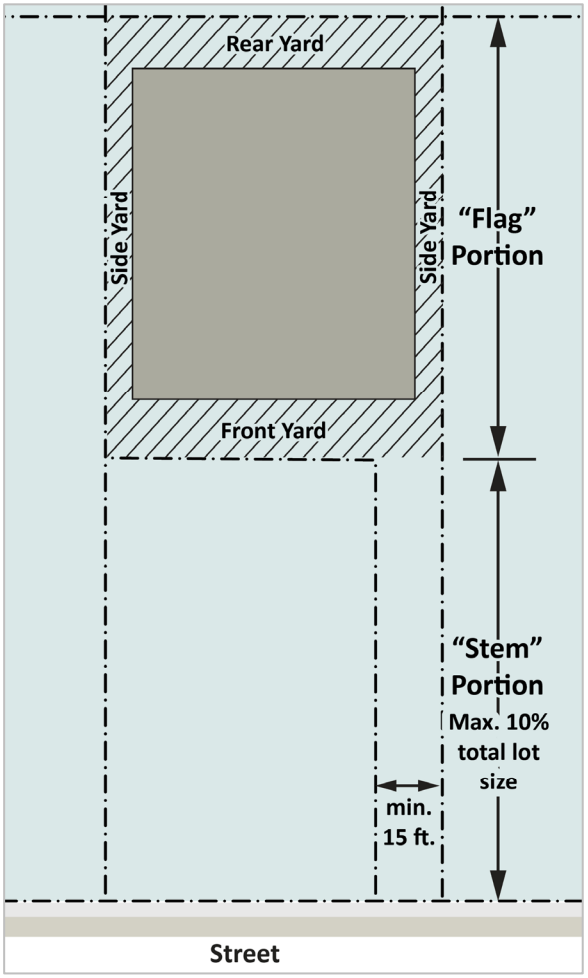


Figure 2.2.5.C

5. Flag lot front yard setbacks are measured from the "flag" property line that intersect~~ion~~s and is the most perpendicular to the "stem."

6. Flag lots are prohibited in a major subdivision.

2.2.6. Right-of-Way Encroachments

No privately owned structures other than driveways, access walkways, and mailboxes are allowed in a public right-of-way. Landscaping is allowed with permission of GDOT or as required in this UDC, as applicable. Signs and other structures belonging to the State, County, City, or a utility are exempt from this provision.

2.3. Additional Provisions

2.3.1. Aggregate Block Standards

A. Whenever visible from a public street in all districts, except agricultural districts, and whenever adjoining a residential zoning district in all districts, the exterior of all common aggregate blocks must be faced in stucco, stone, brick, wood, or an alternate treatment of similar quality approved by the Director.

B. Split rib and marble aggregate block are not considered to be common aggregate block.

2.3.2. General Fence and Wall Standards

A. Applicability

1. Fences and walls which conform to the provisions of this sub-section will be permitted by the Director. Fences erected for agricultural purposes in agricultural districts are exempt from permit requirements.
2. Additional fence and wall standards apply in the following zoning districts and overlays:
   a. Sec. 3.1. AG-1 district.
   b. Sec. 4.1. R-1 district.
   c. Sec. 4.2. R-2 district.
   d. Sec. 4.2. R-2A district.
   e. Sec. 4.12. CUP district.
   f. Sec. 6.2 State Route 9 Overlay.
   g. Sec. 6.3 Rural Milton Overlay.
   h. Sec. 6.4 Birmingham Crossroads Overlay.
   i. Article 7A Crabapple Form-Based Code.
   j. Article 7B Deerfield Form-Based Code.
3. Retaining walls must conform to Sec. 9.3.7.

B. Visibility Triangle

Fences, walls and vegetative materials used in association therewith must not obstruct the minimum sight distance standards of Sec. 10.5.4.H.

C. Gates

No part of a gate may be located within 20 feet or intercom system within 15 feet of a public right-of-way, nor may any gate or vehicle in any way obstruct a public right-of-way or the minimum sight distance specified in the subdivision regulations regardless of whether open, closed, or in an intermediate position.

D. Fence and Wall Materials

Where this UDC or zoning conditions require fences and walls to be solid/opaque, the visual density of the fence must be such that it cannot be seen through.

The following standards apply to fences and walls:

1. Adjoining right-of-way. In all zoning districts, wire fencing materials, including chain-link fencing with plastic or wooden inserts, must not be used adjoining a street right-of-way. This provision does not preclude the use of chain-link fencing as a security fence around recreational courts.

   The architectural treatment of poured concrete, common aggregate block, or concrete block walls must be approved by the Director.

2. Fences along all property lines. Walls and fences constructed along all property lines must be constructed with a finished side toward the neighboring property.

3. Barbed wire. Barbed wire may be used in agricultural districts as long as its use is associated with a legitimate agricultural pursuit. Barbed wire must not be approved for any single-family dwelling lots, including such lots which are in agricultural districts. Barbed wire is not allowed in any other zoning districts.

E. Height and Style

Fences and walls must not exceed 5 feet ~~high~~ in height from finished grade along exterior streets and 8 feet ~~high~~ in height from finished grade along the interior streets in residential districts or agricultural districts used for single-family dwellings. Column and ornament heights may exceed the maximum fence/wall height up to 3 feet.

1. *Exterior streets.* Fencing along exterior streets of non-subdivision lots and exterior streets of platted subdivision must comply with the following:

   a. ~~Allowed F~~fencing must be an equestrian fence (see Sec. 2.3.3).

   b. Opaque fences are prohibited, except as specified in Sec. 2.3.2.E.1.d.i below.

   c. Chain-link fences are prohibited.

   d. If the side, side corner, or rear yard is adjacent to an exterior street, in the 60-foot rural viewshed, then fencinge ~~type~~ must be an equestrian fence (see Sec. 2.3.3).

      ~~d.~~i. Outside the rural viewshed any type of fence, including opaque, may be installed as long as the opaque fence is not visible from the street at any time of year. The fence must not exceed 8 feet in height from finished grade.

2. *Interior streets.* Fencing for lots along interior streets, including front, side corner, side, and rear of platted subdivision lots, must comply with the following:

   a. ~~Allowed f~~Fencing must be an equestrian fence (see Sec. 2.3.3)~~material and type along the front is limited to an equestrian fence~~; and

   b. Along lot sides and rears, any fencing material and type ~~can be of any type.~~ is allowed.

   c. Fences must not exceed 8 feet high from finished grade. F~~but f~~encing in the front of a lot must not exceed 5 feet high from finished grade.

   d. If a front, side corner, side, or rear lot line borders an exterior street, Sec. 2.3.2.E.1~~2.3.2.E.1~~ applies.

~~3. Fencing along the side or rear of nonsubdivision lots must meet the following:~~

~~a. Allowed fencing material and type is not limited to an equestrian fence outside the 60-foot rural viewshed.~~

~~b. Fences must not exceed 8 feet high.~~

~~c. If a front, side, or rear lot line borders an exterior street, Sec. 2.3.2.E.1 applies.~~

F. Setback

Fences and walls must be set back at least 3 feet from a public right-of-way.

G. Buffers

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

2.3.3. Equestrian Fence Standards

A. Applicability

Equestrian fences must conform to the additional standards of this sub-section in zoning districts that require them.

B. Design Standards

1. Equestrian fences must be made from treated and/or painted wooden boards nailed or screwed to posts, split rails with rounded ends that slide into holes in posts, composite board and minimum 4 inches by 4 inches for posts.
2. Equestrian fences must not exceed 5 feet in height from average grade.
3. Equestrian fences ~~may~~ must include either a three- or four-board configuration with a parallel or cross design.
4. Equestrian fence colors must be black, dark brown, or white.
5. Columns constructed of brick, stone, or masonry are allowed but must not exceed 66 inches in height from average grade.
6. Equestrian fences may be enhanced with galvanized welded wire on either side of the fence as shown in Figures 2.3.3.A and 2.3.3.B. Galvanized welded wire or the painted galvanized welded wire must match the color of the painted fence. Both sides of equestrian fences are considered a finished side.



Figure 2.3.3.A



Figure 2.3.2.B

2.3.4. Outparcel Development

Outparcel development permitted as a condition of zoning approval and identified on a site plan must meet the following standards:

A. The total floor area for outparcels must be included in the total floor area allowed for the larger parcel.

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

C. Each outparcel abutting a public right-of-way must have a minimum of 200 feet of frontage on that public right-of-way.

D. Internal entrance drives must be at least 100 feet from any public right-of-way.

2.3.5. Refuse Collection Areas

The following refuse collection standards apply to all lots except those used for single-family dwellings.

A. Refuse collection areas and receptacles must be placed in the least visible location from public streets and must be enclosed on three sides with opaque walls. The fourth side must be a self-closing gate made from noncombustible materials. Opaque walls must be at least 12 inches higher than the receptacle. Wall materials must be noncombustible brick or stone.

B. Refuse collection receptacles must not be placed within 50 feet of an existing residential or agricultural district property line.

C. Refuse collection areas must be identified on site plans.

D. Refuse collection containers must not be visible from streets or adjoining properties.

E. Refuse collection areas must not be in required landscape areas, required buffers, required parking areas, or required loading areas.

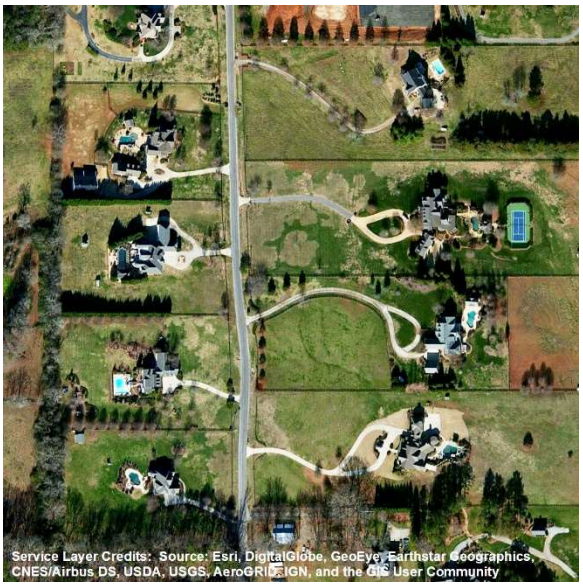
Article 3. Agricultural Districts

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3.1. AG-1 Agricultural

3.1.1. Scope and Intent



This section contains the AG-1 district regulations. The AG-1 district is intended to encompass lands devoted to a wide range of uses, including:

A. Individual parcels devoted to residential use.

B. Single-family subdivisions.

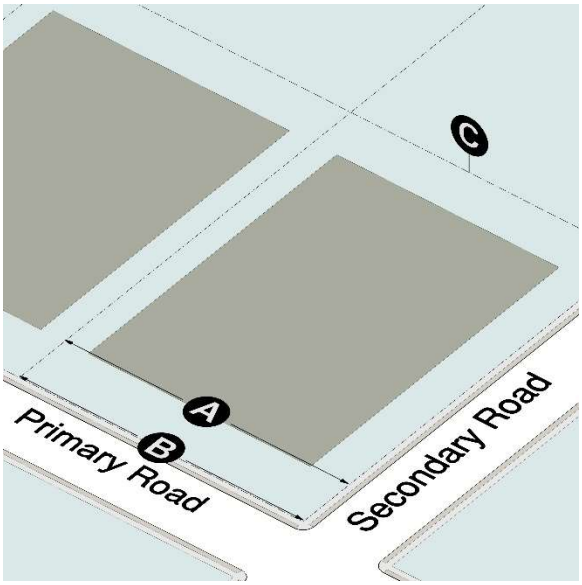
C. Agricultural.

D. Closely related uses.

3.1.2. Uses

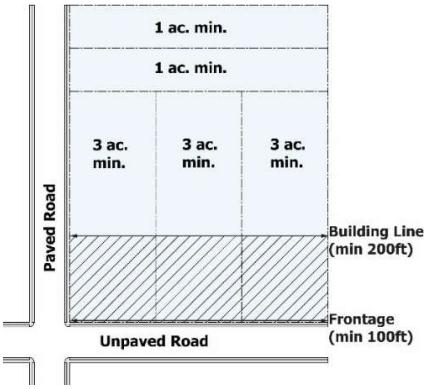
See Article 8.

3.1.3. Dimensional Standards



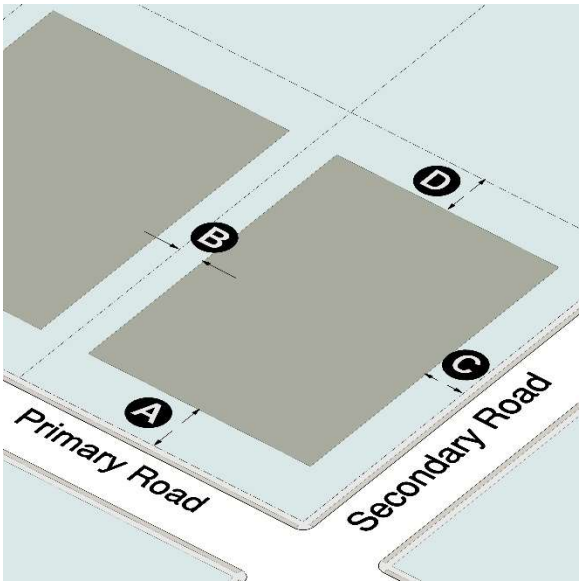
Lots on Paved Roads	
Ⓐ Width	
General:	150 ft. min.
Fronting cul-de-sac:	100 ft. min.
Ⓑ Frontage:	35 ft. min.
Ⓒ Area:	1 ac. min.
Lots on Unpaved Roads	
Ⓐ Width:	200 ft. min.
Ⓑ Frontage: [1]	100 ft. min.
Ⓒ Area:	3 ac. min.

Table note:
[1] Must be maintained to the front building line.



Graphic of three-acre lots

3.1.4. Building Placement

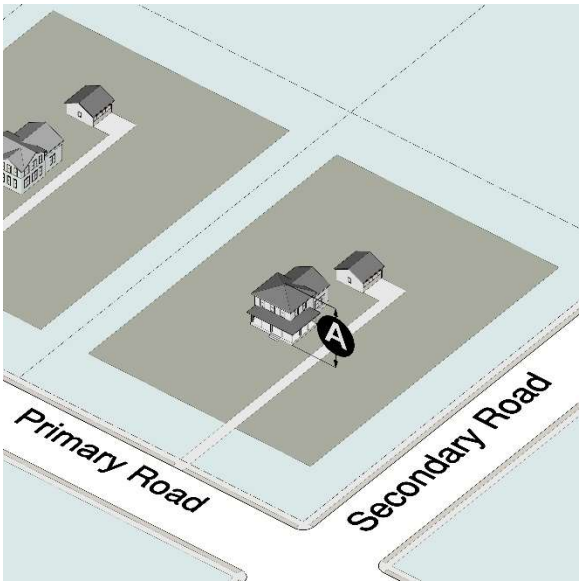


Principal Building Setbacks	
Ⓐ Front Yard:	60 ft. min.
Ⓑ Side Yard (interior):	25 ft. min.
Ⓒ Side Yard (street):	40 ft. min.
Ⓓ Rear Yard:	50 ft. min.

Accessory Structure Setbacks

Accessory structures may be located in rear or side yards but must not be located in a minimum required yard. Additional standards may apply to specific accessory uses in Sec. 8.8 (Accessory Uses).

3.1.5. Bulk and Mass



Building Height	
Ⓐ Single-Family Dwellings:	Per Sec. 6.3.3.B (Rural Milton Overlay)
Ⓑ Other Buildings:	40 ft. max. [1]

Heated Floor Area

There is no minimum heated floor area in this district.

Table note:

[1] See Sec. 6.3 (Rural Milton Overlay) and Sec. 6.2.8.N (State Route 9 Overlay) for additional height limits.

3.1.6. Entrances

Entrances from a public right-of-way for subdivisions with more than three lots must be rural, simple, and rustic in ~~design. These entrances are subject to the approval of the City Architect and must comply with the following:~~ design, as determined by the City Architect, and must comply with the following:

A. Signage

Signage must be one of the following designs:

1. Shingle style.
2. Sign mounted in or on pillar, provided the pillar must not exceed 8 feet high.

B. Walls

1. Knee walls may be utilized where required by existing topography and must not exceed 20 linear feet on either side of the subdivision's road entrance.
2. Knee walls must be constructed of natural materials such as boulders, stacked stone, or wood formed brick or materials designed to give the appearance of such natural materials, as shown in Figures 3.1.6.A and 3.1.6.B. Stucco is prohibited.



Figure 3.1.6.A

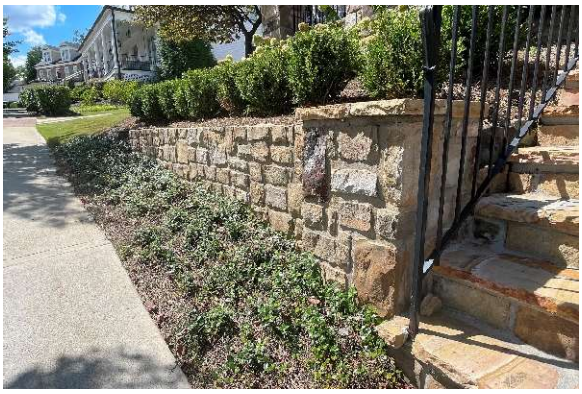


Figure 3.1.6.B

C. Other Structures

Gate or guard structures must be set back at least 60 feet from exterior street rights-of-way.

D. Water Features

Water features are not allowed.

3.1.7. Rural Viewshed

A. Applicability

This sub-section only applies to subdivisions with more than three lots. The requirements of this sub-section, except for Sec. 3.1.7.B.4~~3.1.7.B.4~~, do not apply to a single lot of record or to subdivisions with three or fewer lots where no individual lot abuts an exterior street.

B. Rural Viewshed Standards

1. Applicable subdivisions must p~~P~~rovide a 40-foot primary rural viewshed setback from all proposed Milton Trail or sidewalk easements or proposed rights-of-way, whichever is more restrictive, along the exterior streets for buildings, accessory structures, and swimming pools for lots adjacent to exterior streets.~~:~~
   a. No disturbance within the 40-foot primary rural viewshed setback is

allowed until a design review process is completed and the design of the rural viewshed is approved by the design committee.

b. Driveways accessing exterior streets are prohibited within the 40-foot primary rural viewshed setback, except where they cross the rural viewshed in a perpendicular manner.

c. Individual septic systems may be installed in the primary rural viewshed setback with an approved primary variance if the primary and secondary septic fields fail and the property may be condemned by the Fulton County Health Department without such variance. The property owner must provide proof of such potential condemnation prior to the application for a primary variance.

2. Applicable subdivisions must also pProvide a 20-foot secondary rural viewshed setback from the primary rural viewshed setback for buildings, accessory structures, and swimming pools for lots adjacent to exterior streets.

a. Individual septic systems may be installed in the secondary rural viewshed setback with an approved primary variance.

b. Driveways accessing exterior streets are prohibited within the 20-foot secondary rural viewshed setback, except where they cross the rural viewshed in a perpendicular manner.

c. No disturbance within the 20-foot secondary rural viewshed setback is allowed until a design review process is completed and the design of the rural viewshed is approved by the design committee.

3. The intent of the rural viewshed is to preserve the bucolic views from the roads throughout the Rural Milton Overlay. The views may contain natural vegetation as well as equestrian related structures and uses. It is the intent to utilize the existing vegetation when possible as well as provide additional native plantings to enhance the existing viewshed when needed.

a. When performing a design review of the primary rural viewshed and secondary rural viewshed setbacks, the design committee must address the following:

i. Evaluation of current state of the site including vegetation, both the primary and secondary rural viewshed setbacks.

ii. Determination of whether existing vegetation should be removed or vegetation should be planted to enhance the rural viewshed.

iii. Consideration of whether screening of the structures is necessary.

iv. Consideration of the existence of open uses defined in Sec. 8.7 (Open Uses) in the area.

4. For structures located on lots subject to a rural viewshed, an architectural review process is required. Such process will include a review of building elevations and landscape plans by the

City Architect. These structures must be designed with 360-degree architecture and must meet the intent of Sec. 6.3.10 (Characteristics of Rural Milton Overlay).

5. After the City issues the necessary permits to disturb the property, but before the required pre-construction meeting, the developer must install a 4 feet high orange tree save fence at least at the combined primary rural viewshed and secondary rural viewshed setback measured from the proposed Milton Trail or sidewalk easement or the proposed right-of-way. The fence must be installed so as to protect heritage trees, protected trees, and specimen trees as defined in Sec. 11.1 Tree Canopy Conservation or any other significant vegetation as determined by the City Arborist. The appropriate location of such fencing must be approved by the City Arborist. In addition, a sign must be posted on the fence every 25 feet indicating "rural viewshed." The tree save fence must be removed when the issuance of a certificate of occupancy for each lot abutting the viewshed is issued.

6. Notwithstanding anything to the contrary in this sub-section, agricultural operations (see Sec. 8.7.1.B) may occur in the primary rural viewshed and secondary rural viewshed setbacks.

7. Before transfer of any legal interest in an AG-1 zoned parcel that is subject to a rural viewshed, every legal or beneficial owner of such a parcel must ensure that there is recorded in the chain of title for the parcel an affidavit stating the following:

   "At the time of the execution of this Affidavit, the property with respect to which this Affidavit is filed is subject to certain restrictions contained in the Unified Development Code for the City of Milton, Georgia. Such restrictions may include restrictions on development and disturbance of property located in the rural viewshed, which includes portions of property adjacent to streets not located within a platted subdivision."

   In addition, a copy of the affidavit must be provided to any transferee of a legal interest in the parcel no later than the final closing of the transfer.

C. Architectural Review of Structures

The following requirements are for structures located on a single lot of record or a subdivision with fewer than four lots that abut an exterior street.

1. An architectural review process is required and must include a review of building elevations and landscape plans by the City Architect.

2. These structures must be designed with street elevation architecture and must meet the intent of Sec. 6.3.10 (Characteristics of Rural Milton Overlay).

D. Violations and Penalties

For any disturbance of the rural viewshed before the appropriate approvals are issued, the property will be barred from being developed for three years following issuance of the notice of violation and must restore the land to its original landscape or if applicable with appropriate tree recompense as determined by the City Arborist.

3.1.8. Fencing

A. Height and Style

Fences must meet the standards of Sec. 2.3.2.E.

~~A. Exterior Street Fencing~~

~~Fencing along exterior streets must comply with the following:~~

~~1. Fencing must be an equestrian fence that meets the standards of Sec. 2.3.3 (Equestrian Fence Standards).~~

~~2. Opaque fences are prohibited, except as provided for under sub-paragraph 4 below.~~

~~3. Chain-link fences are prohibited.~~

~~4. If the side, side corner or rear yard borders an exterior street an equestrian fence is required within the 60-foot rural viewshed. Outside the rural viewshed any type of fence including opaque may be installed as long as the opaque fence is not visible from the street at any time of the year.~~

~~B. Interior Street Fencing~~

~~Fencing for the lots along interior subdivision streets, including the front, side corner, side, and rear of platted subdivision lots, must comply with the following:~~

~~1. Allowed fencing material and type along the front is limited to an equestrian fence.~~

~~2. Along sides and rear of a lot fencing material can be of any type.~~

~~3. Fences must not exceed 8 feet high but not including fencing in the front which must not exceed 5 feet high from finished grade.~~

~~4. If a front, side, side corner, or rear lot line borders an exterior street, Sec. 3.1.8.A.4 applies.~~

~~C. Other Fencing~~

~~Fencing along the side or rear of nonsubdivision lots must comply with the following:~~

~~1. Allowed fencing material and type is not limited to an equestrian fence outside the 60-foot rural viewshed.~~

~~2. Fences must not exceed 8 feet high.~~

~~3. If a front, side, or rear lot line borders an exterior street, Sec. 3.1.8.A.4 applies.~~

~~D.~~B. Barbed Wire

Barbed wire is prohibited on any lots, except when part of an agriculture use defined in Sec. 8.7.1 (Agriculture).

~~E.~~C. Setbacks

Fences and walls must be set back at least 3 feet from a public right-of-way.

3.1.9. Overlay Compliance

Additional or alternative standards may apply within overlay districts.

A. State Route 9 Overlay

See Sec. 6.2.

B. Rural Milton Overlay

See Sec. 6.3.

3.2. [Reserved]

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4.1. R-1 Single-Family Dwelling

4.1.1. Scope and Intent

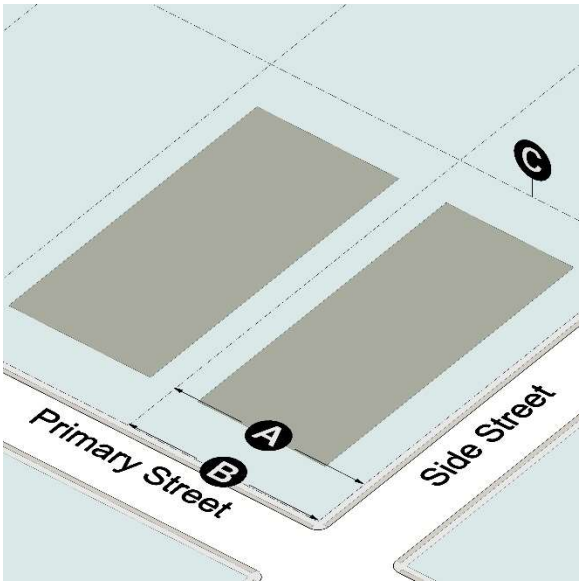


This section contains the R-1 district regulations. The R-1 district encompasses lands devoted to residential areas and closely related uses.

4.1.2. Uses

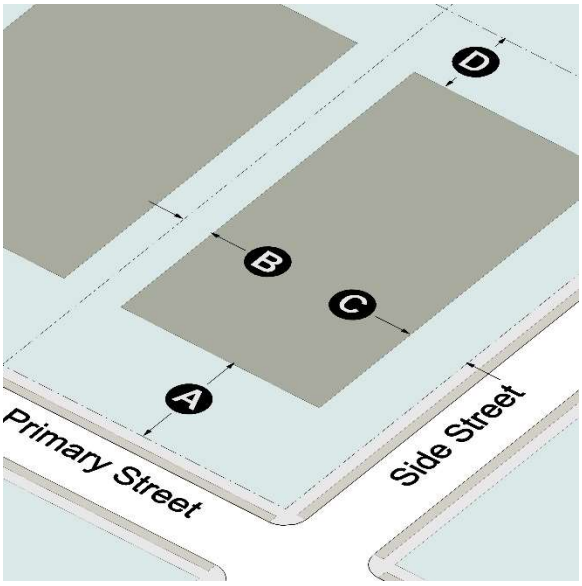
See Article 8.

4.1.3. Dimensional Standards



Lots	
Ⓐ Width:	200 ft. min.
Ⓑ Frontage:	35 ft. min.
Ⓒ Area:	2 ac. min.

4.1.4. Building Placement

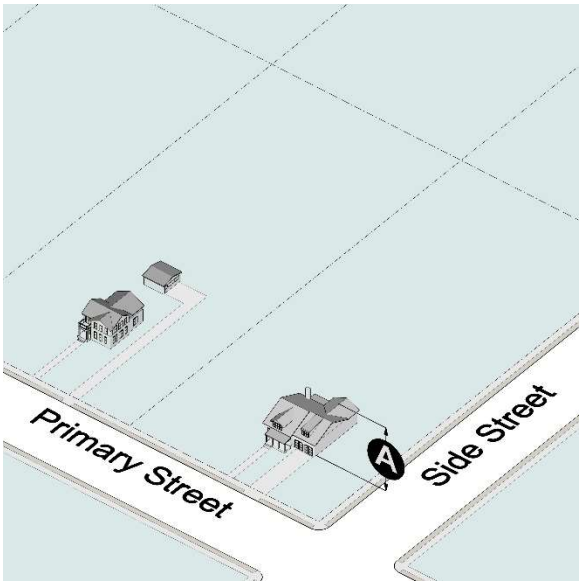


Principal Building Setbacks	
Ⓐ Front Yard:	60 ft. min.
Ⓑ Side Yard (interior):	25 ft. min.
Ⓒ Side Yard (street):	40 ft. min.
Ⓓ Rear Yard:	50 ft. min.

Accessory Structure Setbacks

Accessory structures may be located in rear or side yards but must not be located within a minimum yard. Additional standards may apply to specific accessory uses in Sec. 8.8.

4.1.5. Bulk and Mass



Building Height	
Ⓐ Single-Family Dwellings:	Per Sec. 6.3.3.B (Rural Milton Overlay)
Ⓐ Other Buildings:	40 ft max. [1]

Heated Floor Area	
Fewer Than Two-Story Dwelling:	1,800 sf. min. on first story
Two-Story Dwelling:	2,000 sf. min.
More Than Two-Story Dwelling:	1,200 sf. min. on first story

Table note:

[1] See Sec. 6.3 (Rural Milton Overlay) and Sec. 6.2.8.N (State Route 9 Overlay) for additional height limits.

4.1.6. Entrances

Entrances from a public right-of-way for subdivisions with more than three lots must be rural, simple, and rustic in design, as determined by~~. These entrances are subject to the approval of~~ the City Architect, and must comply with the following:

A. Signage

Signage must be one of the following designs:

1. Shingle style.
2. Sign mounted in or on pillar, provided the pillar must not exceed 8 feet high

B. Walls

1. Knee walls may be utilized where required by existing topography and must not exceed 20 linear feet on either side of the subdivision's road entrance.
2. Knee walls must be constructed of natural materials such as boulders, stacked stone, or wood formed brick or materials designed to give the appearance of such natural materials, as shown in Figures 4.1.6.A and 4.1.6.B. Stucco is prohibited.



Figure 4.1.6.A

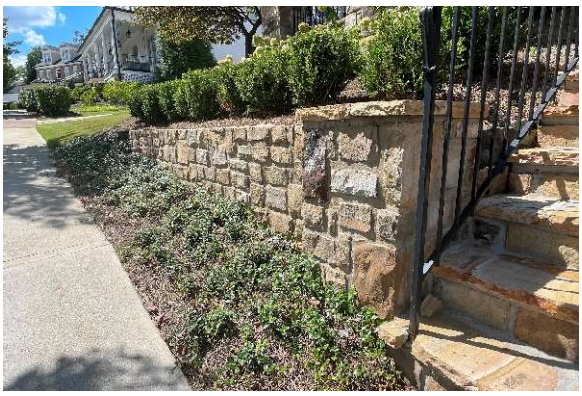


Figure 4.1.6.B

C. Other Structures

Gate or guard structures must be set back at least 60 feet from exterior street rights-of-way.

D. Water Features

Water features are not allowed.

4.1.7. Rural Viewshed

A. Applicability

This sub-section only applies to subdivisions with more than three lots. The requirements of this sub-section, except for Sec. 4.1.7.B.4~~4.1.7.B.4~~, do not apply to a single lot of record or to subdivisions with three or fewer lots where no individual lot abuts an exterior street.

B. Rural Viewshed Standards

1. Applicable subdivisions must p~~P~~rovide a 40-foot primary rural viewshed setback from all proposed Milton Trail or sidewalk easements or proposed rights-of-way, whichever is more restrictive, along the exterior streets for buildings, accessory structures, and swimming pools for lots adjacent to exterior streets:
   a. No disturbance within the 40-foot primary rural viewshed setback is

allowed until a design review process is completed and the design of the rural viewshed is approved by the design committee.

b. Driveways accessing exterior streets are prohibited within the 40-foot primary rural viewshed setback, except where they cross the rural viewshed in a perpendicular manner.

c. Individual septic systems may be installed in the primary rural viewshed setback with an approved primary variance if the primary and secondary septic fields fail and the property may be condemned by the Fulton County Health Department without such variance. The property owner must provide proof of such potential condemnation prior to the application for a primary variance.

2. Applicable subdivisions must also ~~p~~provide a 20-foot secondary rural viewshed setback from the primary rural viewshed setback for buildings, accessory structures, and swimming pools for lots adjacent to exterior streets.

a. Individual septic systems may be installed in the secondary rural viewshed setback with an approved primary variance.

b. Driveways accessing exterior streets are prohibited within the 20-foot secondary rural viewshed setback, except where they cross the rural viewshed in a perpendicular manner.

c. No disturbance within the 20-foot secondary rural viewshed setback is allowed until a design review process is completed and the design of the rural viewshed is approved by the design committee.

3. The intent of the rural viewshed is to preserve the bucolic views from the roads throughout the Rural Milton Overlay. The views may contain natural vegetation as well as equestrian related structures and uses. It is the intent to utilize the existing vegetation when possible as well as provide additional native plantings to enhance the existing viewshed when needed.

a. When performing a design review of the primary rural viewshed and secondary rural viewshed setbacks, the design committee must address the following:

i. Evaluation of current state of site including vegetation, both the primary and secondary rural viewshed setbacks.

ii. Determination of whether existing vegetation should be removed or vegetation should be planted to enhance the rural viewshed.

iii. Consideration of whether screening of the structures is necessary.

iv. Consideration of the existence of open uses defined in Sec. 8.7 (Open Uses) in the area.

4. For structures located on lots subject to a rural viewshed, an architectural review process is required. Such process will include a review of building elevations and landscape plans by the City Architect. These structures must be

designed with 360-degree architecture and must meet the intent of Sec. 6.3.10 (Characteristics of Rural Milton Overlay).

5. After the City issues the necessary permits to disturb the property, but before the required pre-construction meeting, the developer must install a 4 feet high orange tree save fence at least at the combined primary rural viewshed and secondary rural viewshed setback measured from the proposed Milton Trail or sidewalk easement or the proposed right-of-way. The fence must be installed so as to protect heritage trees, protected trees, and specimen trees as defined in Sec. 11.1 Tree Canopy Conservation or any other significant vegetation as determined by the City Arborist. The appropriate location of such fencing must be approved by the City Arborist. In addition, a sign must be posted on the fence every 25 feet indicating "rural viewshed." The tree save fence must be removed when the issuance of a certificate of occupancy for each lot abutting the viewshed is issued.

6. Notwithstanding anything to the contrary in this sub-section, agricultural operations (see Sec. 8.7.1.B) may occur in the primary rural viewshed and secondary rural viewshed setbacks.

7. Before transfer of any legal interest in an R-1 zoned parcel that is subject to a rural viewshed, every legal or beneficial owner of such a parcel must ensure that there is recorded in the chain of title for the parcel an affidavit stating the following:

   "At the time of the execution of this Affidavit, the property with respect to which this Affidavit is filed is subject to certain restrictions contained in the Unified Development Code for the City of Milton, Georgia. Such restrictions may include restrictions on development and disturbance of property located in the rural viewshed, which includes portions of property adjacent to streets not located within a platted subdivision."

   In addition, a copy of the affidavit must be provided to any transferee of a legal interest in the parcel no later than the final closing of the transfer.

C. Architectural Review of Structures

The following requirements are for structures located on a single lot of record or a subdivision with fewer than four lots that abut an exterior street.

1. An architectural review process is required and must include a review of building elevations and landscape plans by the City Architect.

2. These structures must be designed with street elevation architecture and must meet the intent of Sec. 6.3.10 (Characteristics of Rural Milton Overlay).

D. Violations and Penalties

For any disturbance of the rural viewshed before the appropriate approvals are issued, the property will be barred from being developed for three years following issuance of the notice of violation and must restore the land to its original landscape or if applicable with appropriate tree recompense as determined by the City Arborist.

4.1.8. Fencing

A. Height and Style

Fences must meet the standards of Sec. 2.3.2.E.

~~**A. Exterior Street Fencing**~~

~~Fencing along exterior streets must comply with the following:~~

~~1. Fencing must be an equestrian fence that meets the standards of Sec. 2.3.3 (Equestrian Fence Standards).~~

~~2. Opaque fences are prohibited, except as provided for under sub-paragraph 4 below.~~

~~3. Chain-link fences are prohibited.~~

~~4. If the side, side corner, or rear yard borders an exterior street, an equestrian fence is required within the 60-foot rural viewshed. Outside the rural viewshed any type of fence including opaque may be installed as long as the opaque fence is not visible from the street at any time of the year.~~

~~**B. Interior Street Fencing**~~

~~Fencing for the lots along interior subdivision streets, including the front, side corner, side, and rear of platted subdivision lots, must comply with the following:~~

~~1. Allowed fencing material and type along the front is limited to an equestrian fence.~~

~~2. Along sides and rear of a lot fencing material can be of any type.~~

~~3. Fences must not exceed 8 feet high but not including fencing in the front which must not exceed 5 feet high from finished grade.~~

~~4. If a front, side, side corner, or rear lot line borders an exterior street, Sec. 4.1.8.A.4 applies.~~

~~**C. Other Fencing**~~

~~Fencing along the side or rear of nonsubdivision lots must comply with the following:~~

~~1. Allowed Fencing material and type is not limited to an equestrian fence outside the 60-foot rural viewshed.~~

~~2. Fences must not exceed 8 feet high.~~

~~3. If a front, side, or rear lot line borders an exterior street, Sec. 4.1.8.A.4 applies.~~

~~D.~~B. Barbed Wire

Barbed wire is prohibited on any lots, except when part of an agriculture use defined in Sec. 8.7.1 (Agriculture).

~~E.~~C. Setbacks

Fences and walls must be set back at least 3 feet from a public right-of-way.

4.1.9. Overlay Compliance

Additional or alternative standards may apply within overlay districts.

A. State Route 9 Overlay

See Sec. 6.2.

B. Rural Milton Overlay

See Sec. 6.3.

4.2. R-2 Single-Family Dwelling

4.2.1. Scope and Intent

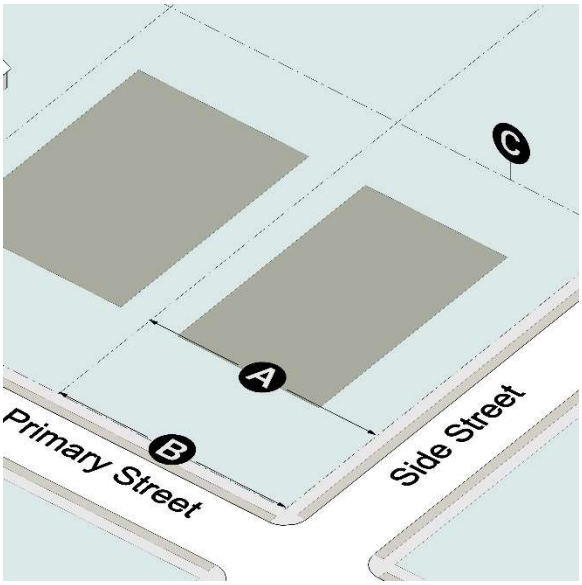


This section contains the R-2 district regulations. The R-2 district is intended to provide land areas devoted to residential uses. The district also provides for closely related uses.

4.2.2. Uses

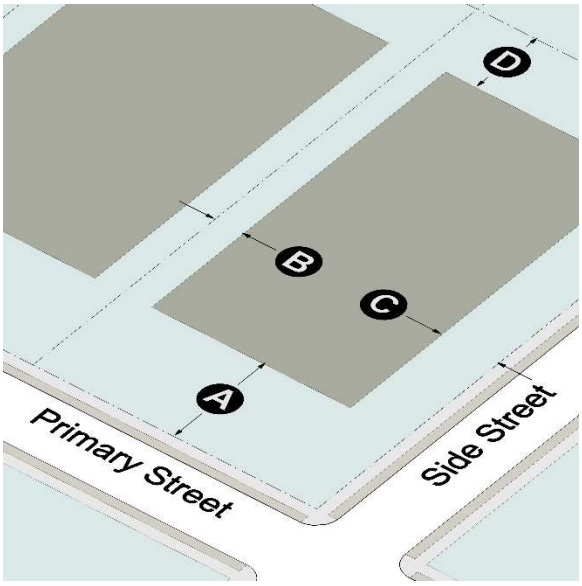
See Article 8.

4.2.3. Dimensional Standards



Lots	
Ⓐ Width:	150 ft. min.
Ⓑ Frontage:	35 ft. min.
Ⓒ Area:	1 ac. min.

4.2.4. Building Placement

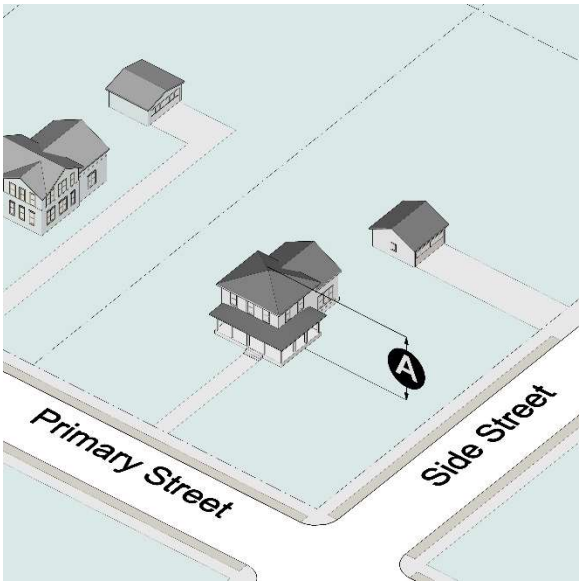


Principal Building Setbacks	
Ⓐ Front Yard:	60 ft. min.
Ⓑ Side Yard (interior):	15 ft. min.
Ⓒ Side Yard (street):	30 ft. min.
Ⓓ Rear Yard:	40 ft. min.

Accessory Structure Setbacks

Accessory structures may be located in rear or side yards but shall not be located within a minimum yard. Additional standards may apply to specific accessory uses in Sec. 8.8.

4.2.5. Bulk and Mass



Building Height	
Ⓐ All Buildings:	40 ft. max. [1]

Heated Floor Area	
Fewer Than Two-Story Dwelling:	1,600 sf. min. on first story
Two-Story Dwelling:	1,800 sf. min.
More Than Two-Story Dwelling:	1,800 sf. min. with 1,050 sf. min. on first story

Table note:
[1] See Sec. 6.3 (Rural Milton Overlay) and Sec. 6.2.8.N (State Route 9 Overlay) for additional height limits.

4.2.6. Entrances

Entrances from a public right-of-way for subdivisions with more than three lots must be rural, simple, and rustic in design, as determined by~~. These entrances are subject to the approval of~~ the City Architect, and must comply with the following:

A. Signage

Signage must be one of the following designs:

1. Shingle style.
2. Sign mounted in or on pillar, provided the pillar must not exceed 8 feet high.

B. Walls

1. Knee walls may be utilized where required by existing topography and must not exceed 20 linear feet on either side of the subdivision's road entrance.
2. Knee walls must be constructed of natural materials such as boulders, stacked stone, or wood formed brick or materials designed to give the appearance of such natural materials, as shown in Figures 4.2.6.A and 4.2.6.B. Stucco is prohibited.



Figure 4.2.6.A

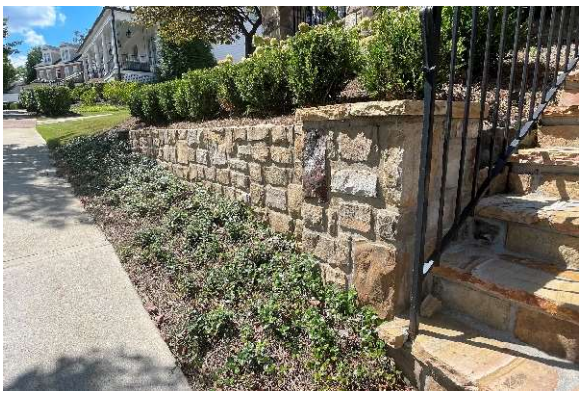


Figure 4.2.6.B

C. Other Structures

Gate or guard structures must be set back at least 60 feet from exterior street rights-of-way.

D. Water Features

Water features are not allowed.

4.2.7. Rural Viewshed

A. Applicability

This sub-section only applies to subdivisions with more than three lots. The requirements of this sub-section, except for Sec. 4.2.7.B.4~~4.2.7.B.4~~, do not apply to a single lot of record or to subdivisions with three or fewer lots where no individual lot abuts an exterior street.

B. Rural Viewshed Standards

1. Applicable subdivisions must provide a 40-foot primary rural viewshed setback from all proposed Milton Trail or sidewalk easements or proposed rights-of-way, whichever is more restrictive, along the exterior streets for buildings, accessory structures, and swimming pools for lots adjacent to exterior streets:
   a. No disturbance within the 40-foot primary rural viewshed setback is

allowed until a design review process is completed and the design of the rural viewshed is approved by the design committee.

b. Driveways accessing exterior streets are prohibited within the 40-foot primary rural viewshed setback, except where they cross the rural viewshed in a perpendicular manner.

c. Individual septic systems may be installed in the primary rural viewshed setback with an approved primary variance if the primary and secondary septic fields fail and the property may be condemned by the Fulton County Health Department without such variance. The property owner must provide proof of such potential condemnation prior to the application for a primary variance.

2. Applicable subdivisions must also provide a 20-foot secondary rural viewshed setback from the primary rural viewshed setback for buildings, accessory structures, and swimming pools for lots adjacent to exterior streets.

a. Individual septic systems may be installed in the secondary rural viewshed setback with an approved primary variance.

b. Driveways accessing exterior streets are prohibited within the 20-foot secondary rural viewshed setback, except where they cross the rural viewshed in a perpendicular manner.

c. No disturbance within the 20-foot secondary rural viewshed setback is allowed until a design review process is completed and the design of the rural viewshed is approved by the design committee.

3. The intent of the rural viewshed is to preserve the bucolic views from the roads throughout the Rural Milton Overlay. The views may contain natural vegetation as well as equestrian related structures and uses. It is the intent to utilize the existing vegetation when possible as well as provide additional native plantings to enhance the existing viewshed when needed.

a. When performing a design review of the primary rural viewshed and secondary rural viewshed setbacks, the design committee must address the following:

i. Evaluation of current state of site including vegetation, both the primary and secondary rural viewshed setbacks.

ii. Determination of whether existing vegetation should be removed or vegetation should be planted to enhance the rural viewshed.

iii. Consideration of whether screening of the structures is necessary.

iv. Consideration of the existence of open uses defined in Sec. 8.7 (Open Uses) in the area.

4. For structures located on lots subject to a rural viewshed, an architectural review process is required. Such process will include a review of building elevations and landscape plans by the City Architect. These structures must be

designed with 360-degree architecture and must meet the intent of Sec. 6.3.10 (Characteristics of Rural Milton Overlay).

5. After the City issues the necessary permits to disturb the property, but before the required pre-construction meeting, the developer must install a 4 feet high orange tree save fence at least at the combined primary rural viewshed and secondary rural viewshed setback measured from the proposed Milton Trail or sidewalk easement or the proposed right-of-way. The fence must be installed so as to protect heritage trees, protected trees, and specimen trees as defined in Sec. 11.1 Tree Canopy Conservation or any other significant vegetation as determined by the City Arborist. The appropriate location of such fencing must be approved by the City Arborist. In addition, a sign must be posted on the fence every 25 feet indicating "rural viewshed." The tree save fence must be removed when the issuance of a certificate of occupancy for each lot abutting the viewshed is issued.

6. Notwithstanding anything to the contrary in this sub-section, agricultural operations (see Sec. 8.7.1.B) may occur in the primary rural viewshed and secondary rural viewshed setbacks.

7. Before transfer of any legal interest in an R-2 zoned parcel that is subject to a rural viewshed, every legal or beneficial owner of such a parcel must ensure that there is recorded in the chain of title for the parcel an affidavit stating the following:

   "At the time of the execution of this Affidavit, the property with respect to which this Affidavit is filed is subject to certain restrictions contained in the Unified Development Code for the City of Milton, Georgia. Such restrictions may include restrictions on development and disturbance of property located in the rural viewshed, which includes portions of property adjacent to streets not located within a platted subdivision."

   In addition, a copy of the affidavit must be provided to any transferee of a legal interest in the parcel no later than the final closing of the transfer.

C. Architectural Review of Structures

The following requirements are for structures located on ~~single~~a single lot of record or a subdivision with fewer than four lots that abut an exterior street.

1. An architectural review process is required and must include a review of building elevations and landscape plans by the City Architect.

2. These structures must be designed with street elevation architecture and must meet the intent of Sec. 6.3.10 (Characteristics of Rural Milton Overlay).

D. Violations and Penalties

For any disturbance of the rural viewshed before the appropriate approvals are issued, the property will be barred from being developed for three years following issuance of the notice of violation and must restore the land to its original landscape or if applicable with appropriate tree recompense as determined by the City Arborist.

4.2.8. Fencing

A. Height and Style

Fences must meet the standards of Sec. 2.3.2.E.

~~**A. Exterior Street Fencing**~~

~~Fencing along exterior streets must comply with the following:~~

~~1. Fencing must be an equestrian fence that meets the standards of Sec. 2.3.3 (Equestrian Fence Standards).~~

~~2. Opaque fences are prohibited, except as provided for under sub-paragraph 4 below.~~

~~3. Chain-link fences are prohibited.~~

~~4. If the side, side corner, or rear yard borders an exterior street, an equestrian fence is required within the 60-foot rural viewshed. Outside the rural viewshed any type of fence including opaque may be installed as long as the opaque fence is not visible from the street at any time of the year.~~

~~**B. Interior Street Fencing**~~

~~Fencing for the lots along interior subdivision streets, including the front, side corner, side, and rear of platted subdivision lots, must comply with the following:~~

~~1. Allowed fencing material and type along the front is limited to an equestrian fence.~~

~~2. Along sides and rear of a lot fencing material can be of any type.~~

~~3. Fences must not exceed 8 feet high but not including fencing in the front which must not exceed 5 feet high from finished grade.~~

~~4. If a front, side, side corner, or rear lot line borders an exterior street, Sec. 4.2.8.A.4 applies.~~

~~**C. Other Fencing**~~

~~Fencing along the side or rear of nonsubdivision lots must comply with the following:~~

~~1. Allowed Fencing material and type is not limited to an equestrian fence outside the 60-foot rural viewshed.~~

~~2. Fences must not exceed 8 feet high.~~

~~3. If a front, side, or rear lot line borders an exterior street, Sec. 4.2.8.A.4 applies.~~

~~D.~~B. Barbed Wire

Barbed wire is prohibited on any lots, except when part of an agriculture use defined in Sec. 8.7.1 (Agriculture).

~~E.~~C. Setbacks

Fences and walls must be set back at least 3 feet from a public right-of-way.

4.2.9. Overlay Compliance

Additional or alternative standards may apply within overlay districts.

A. State Route 9 Overlay

See Sec. 6.2.

B. Rural Milton Overlay

See Sec. 6.3.

4.3. R-2A Single-Family Dwelling

4.3.1. Scope and Intent

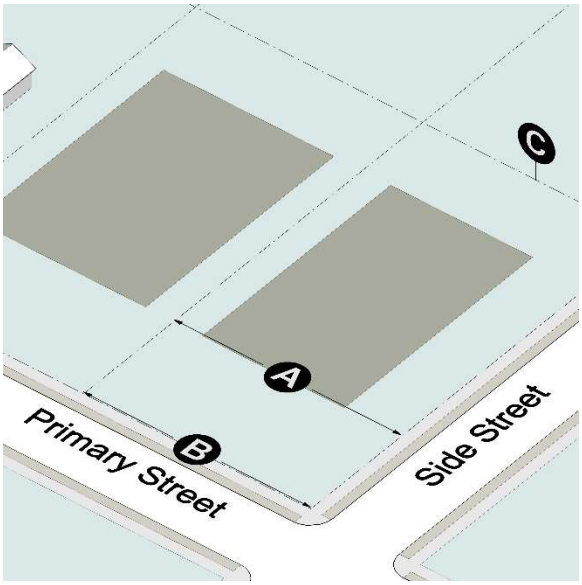


This section contains the R-2A district regulations. The R-2A district is intended to provide land areas devoted to residential uses. The district also provides for closely related uses.

4.3.2. Uses

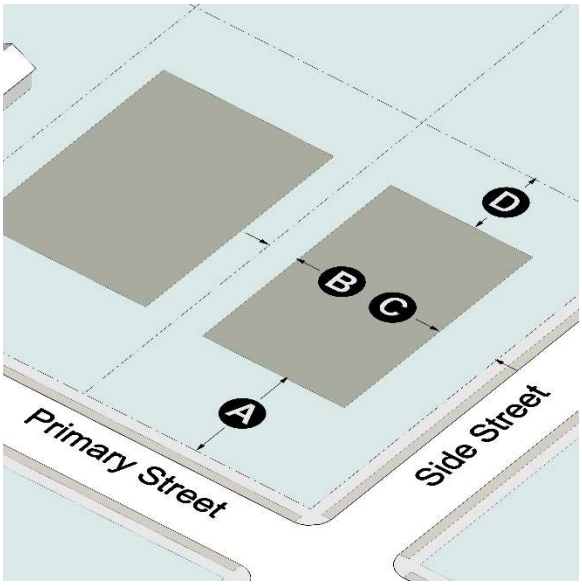
See Article 8.

4.3.3. Dimensional Standards



Lots	
Ⓐ Width:	120 ft. min.
Ⓑ Frontage:	35 ft. min.
Ⓒ Area:	27,000 sf. min.

4.3.4. Building Placement

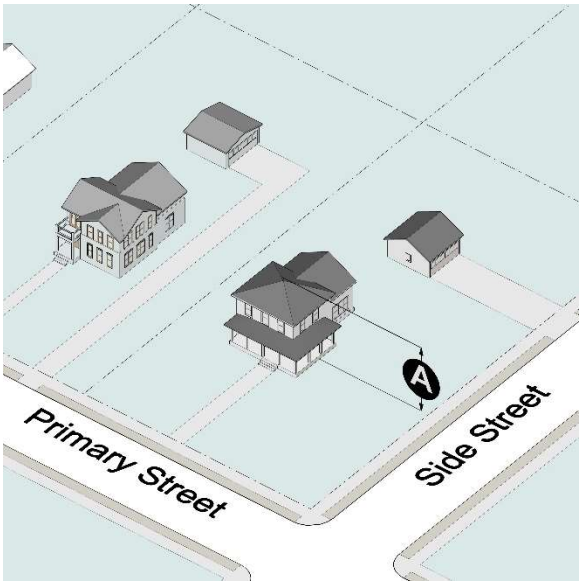


Principal Building Setbacks	
Ⓐ Front Yard:	60 ft. min.
Ⓑ Side Yard (interior):	15 ft. min.
Ⓒ Side Yard (street):	30 ft. min.
Ⓓ Rear Yard:	40 ft. min.

Accessory Structure Setbacks

Accessory structures may be located in rear or side yards but must not be located within a minimum yard. Additional standards may apply to specific accessory uses in Sec. 8.8.

4.3.5. Bulk and Mass



Building Height	
Ⓐ Single-family Dwellings:	Per Sec. 6.3.3.B (Rural Milton Overlay)
Ⓐ Other Buildings:	40 ft. max. [1]

Heated Floor Area	
Fewer Than Two-Story Dwelling:	1,700 sf. min. on first story
Two-Story Dwelling:	1,800 sf. min.
More Than Two-Story Dwelling:	1,800 sf. min. with 1,050 sf. min. on first story

Table note:
[1] See Sec. 6.3 (Rural Milton Overlay) and Sec. 6.2.8.N (State Route 9 Overlay) for additional height limits.

4.3.6. Entrances

Entrances from a public right-of-way for subdivisions with more than three lots must be rural, simple, and rustic in design, as determined by~~. These entrances are subject to the approval of~~ the City Architect, and must comply with the following:

A. Signage

Signage must be one of the following designs:

1. Shingle style.
2. Sign mounted in or on pillar, provided the pillar must not exceed 8 feet high.

B. Walls

1. Knee walls may be utilized where required by existing topography and must not exceed 20 linear feet on either side of the subdivision's road entrance.
2. Knee walls must be constructed of natural materials such as boulders, stacked stone, or wood formed brick or materials designed to give the appearance of such natural materials, as shown in Figures 4.3.6.A and 4.3.6.B. Stucco is prohibited.



Figure 4.3.6.A

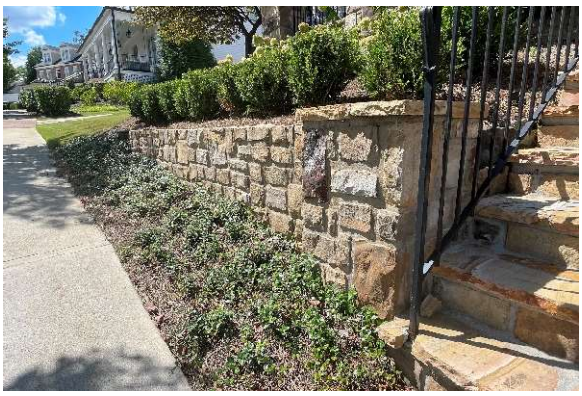


Figure 4.3.6.B

C. Other Structures

Gate or guard structures must be set back at least 60 feet from exterior street rights-of-way.

D. Water Features

Water features are not allowed.

4.3.7. Rural Viewshed

A. Applicability

This sub-section only applies to subdivisions with more than three lots. The requirements of this sub-section, except for Sec. 4.3.7.B.4~~4.3.7.B.4~~, do not apply to a single lot of record or to subdivisions with three or fewer lots where no individual lot abuts an exterior street.

B. Rural Viewshed Standards

1. Applicable subdivisions must provide a 40-foot primary rural viewshed setback from all proposed Milton Trail or sidewalk easements or proposed rights-of-way, whichever is more restrictive, along the exterior streets for buildings, accessory structures, and swimming pools for lots adjacent to exterior streets:
   a. No disturbance within the 40-foot primary rural viewshed setback is

allowed until a design review process is completed and the design of the rural viewshed is approved by the design committee.

b. Driveways accessing exterior streets are prohibited within the 40-foot primary rural viewshed setback, except where they cross the rural viewshed in a perpendicular manner.

c. Individual septic systems may be installed in the primary rural viewshed setback with an approved primary variance if the primary and secondary septic fields fail and the property may be condemned by the Fulton County Health Department without such variance. The property owner must provide proof of such potential condemnation prior to the application for a primary variance.

2. Applicable subdivisions must also provide a 20-foot secondary rural viewshed setback from the primary rural viewshed setback for buildings, accessory structures, and swimming pools for lots adjacent to exterior streets.

a. Individual septic systems may be installed in the secondary rural viewshed setback with an approved primary variance.

b. Driveways accessing exterior streets are prohibited within the 20-foot secondary rural viewshed setback, except where they cross the rural viewshed in a perpendicular manner.

c. No disturbance within the 20-foot secondary rural viewshed setback is allowed until a design review process is completed and the design of the rural viewshed is approved by the design committee.

3. The intent of the rural viewshed is to preserve the bucolic views from the roads throughout the Rural Milton Overlay. The views may contain natural vegetation as well as equestrian related structures and uses. It is the intent to utilize the existing vegetation when possible as well as provide additional native plantings to enhance the existing viewshed when needed.

a. When performing a design review of the primary rural viewshed and secondary rural viewshed setbacks, the design committee must address the following:

i. Evaluation of current state of site including vegetation, both the primary and secondary rural viewshed setbacks.

ii. Determination of whether existing vegetation should be removed or vegetation should be planted to enhance the rural viewshed.

iii. Consideration of whether screening of the structures is necessary.

iv. Consideration of the existence of open uses defined in Sec. 8.7 (Open Uses) in the area.

4. For structures located on lots subject to a rural viewshed, an architectural review process is required. Such process will include a review of building elevations and landscape plans by the City Architect. These structures must be

designed with 360-degree architecture and must meet the intent of Sec. 6.3.10 (Characteristics of Rural Milton Overlay).

5. After the City issues the necessary permits to disturb the property, but before the required pre-construction meeting, the developer must install a 4 feet high orange tree save fence at least at the combined primary rural viewshed and secondary rural viewshed setback measured from the proposed Milton Trail or sidewalk easement or the proposed right-of-way. The fence must be installed so as to protect heritage trees, protected trees, and specimen trees as defined in Sec. 11.1 Tree Canopy Conservation or any other significant vegetation as determined by the City Arborist. The appropriate location of such fencing must be approved by the City Arborist. In addition, a sign must be posted on the fence every 25 feet indicating "rural viewshed." The tree save fence must be removed when the issuance of a certificate of occupancy for each lot abutting the viewshed is issued.

6. Notwithstanding anything to the contrary in this sub-section, agricultural operations (see Sec. 8.7.1.B) may occur in the primary rural viewshed and secondary rural viewshed setbacks.

7. Before transfer of any legal interest in an R-2A zoned parcel that is subject to a rural viewshed, every legal or beneficial owner of such a parcel must ensure that there is recorded in the chain of title for the parcel an affidavit stating the following:

   "At the time of the execution of this Affidavit, the property with respect to which this Affidavit is filed is subject to certain restrictions contained in the Unified Development Code for the City of Milton, Georgia. Such restrictions may include restrictions on development and disturbance of property located in the rural viewshed, which includes portions of property adjacent to streets not located within a platted subdivision."

   In addition, a copy of the affidavit must be provided to any transferee of a legal interest in the parcel no later than the final closing of the transfer.

C. Architectural Review of Structures

The following requirements are for structures located on ~~single~~a single lot of record or a subdivision with fewer than four lots that abut an exterior street.

1. An architectural review process is required and must include a review of building elevations and landscape plans by the City Architect.

2. These structures must be designed with street elevation architecture and must meet the intent of Sec. 6.3.10 (Characteristics of Rural Milton Overlay).

D. Violations and Penalties

For any disturbance of the rural viewshed before the appropriate approvals are issued, the property will be barred from being developed for three years following issuance of the notice of violation and must restore the land to its original landscape or if applicable with appropriate tree recompense as determined by the City Arborist.

4.3.8. Fencing

A. Height and Style

Fences must meet the standards of Sec. 2.3.2.E.

~~**A. Exterior Street Fencing**~~

~~Fencing along exterior streets must comply with the following:~~

~~1. Fencing must be an equestrian fence that meets the standards of Sec. 2.3.3 (Equestrian Fence Standards).~~

~~2. Opaque fences are prohibited, except as provided for under sub-paragraph 4 below.~~

~~3. Chain-link fences are prohibited.~~

~~4. If the side, side corner, or rear yard borders an exterior street, an equestrian fence is required within the 60-foot rural viewshed. Outside the rural viewshed any type of fence including opaque may be installed as long as the opaque fence is not visible from the street at any time of the year.~~

~~**B. Interior Street Fencing**~~

~~Fencing for the lots along interior subdivision streets, including the front, side corner, side, and rear of platted subdivision lots, must comply with the following:~~

~~1. Allowed fencing material and type along the front is limited to an equestrian fence.~~

~~2. Along sides and rear of a lot fencing material can be of any type.~~

~~3. Fences must not exceed 8 feet high but not including fencing in the front which must not exceed 5 feet high from finished grade.~~

~~4. If a front, side, side corner, or rear lot line borders an exterior street, Sec. 4.3.8.A.4 applies.~~

~~**C. Other Fencing**~~

~~Fencing along the side or rear of nonsubdivision lots must comply with the following:~~

~~1. Fencing material and type is not limited to an equestrian fence outside the 60-foot rural viewshed.~~

~~2. Fences must not exceed 8 feet high.~~

~~3. If a front, side, or rear lot line borders an exterior street, Sec. 4.3.8.A.4 applies.~~

~~D.~~B. Barbed Wire

Barbed wire is prohibited on any lots, except when part of an agriculture use defined in Sec. 8.7.1 (Agriculture).

~~E.~~C. Setbacks

Fences and walls must be set back at least 3 feet from a public right-of-way.

4.3.9. Overlay Compliance

Additional or alternative standards may apply within overlay districts.

A. State Route 9 Overlay

See Sec. 6.2.

B. Rural Milton Overlay

See Sec. 6.3.

4.4. R-3 Single-Family Dwelling

4.4.1. Scope and Intent

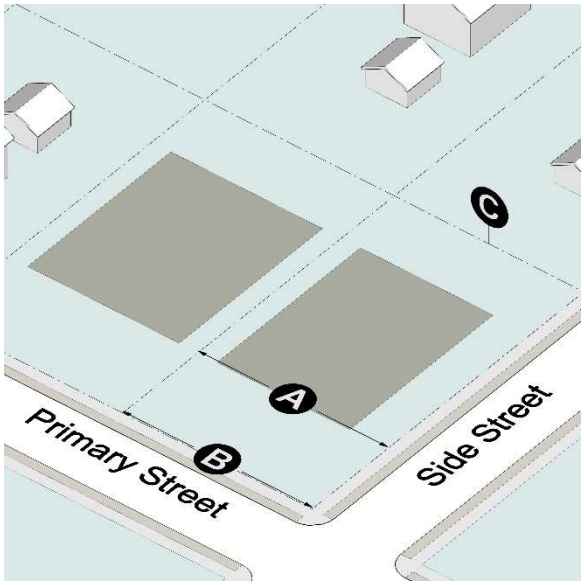


This section contains the R-3 district regulations. The R-3 district is intended to provide land areas devoted to residential uses. The district also provides for closely related uses.

4.4.2. Uses

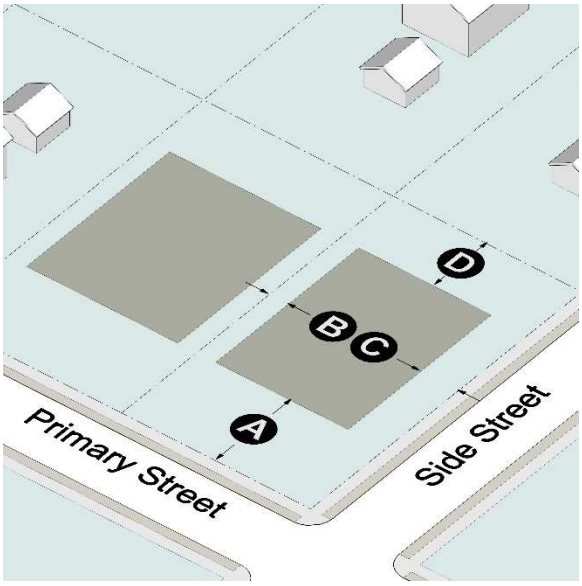
See Article 8.

4.4.3. Dimensional Standards



Lots	
Ⓐ Width:	100 ft. min.
Ⓑ Frontage:	35 ft. min.
Ⓒ Area:	18,000 sf. min.

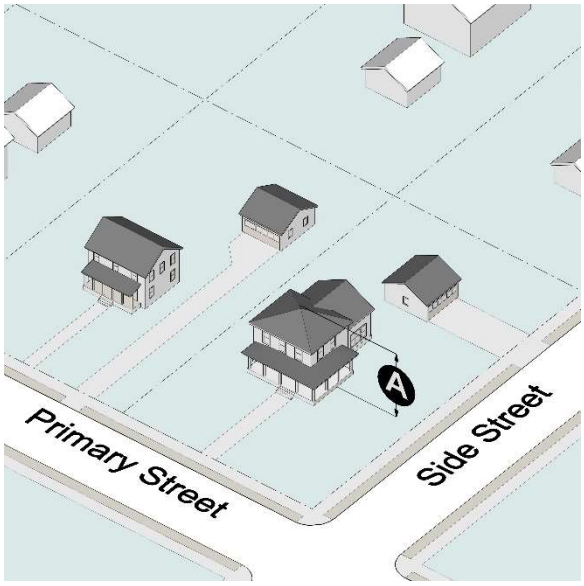
4.4.4. Building Placement



Principal Building Setbacks	
Ⓐ Front Yard:	50 ft. min.
Ⓑ Side Yard (interior):	10 ft. min.
Ⓒ Side Yard (street)	20 ft. min.
Ⓓ Rear Yard:	35 ft. min.

Accessory Structure Setbacks
Accessory structures may be located in rear or side yards but must not be located within a minimum yard. Additional standards may apply to specific accessory uses in Sec. 8.8.

4.4.5. Bulk and Mass



Building Height	
Ⓐ All Buildings:	40 ft. max. [1]

Heated Floor Area	
Fewer Than Two-Story Dwelling:	1,200 sf. min. on ground level
Two-Story Dwelling:	1,320 sf. min.
More Than Two-Story Dwelling:	1,320 sf. min. with 900 sf. min. on first story

Table note:
[1] See Sec. 6.3 (Rural Milton Overlay) and Sec. 6.2.8.N (State Route 9 Overlay) for additional height limits.

4.4.6. Overlay Compliance

Additional or alternative standards may apply within overlay districts.

A. State Route 9 Overlay

See Sec. 6.2.

B. Rural Milton Overlay

See Sec. 6.3.

4.5. R-3A Single-Family Dwelling

4.5.1. Scope and Intent

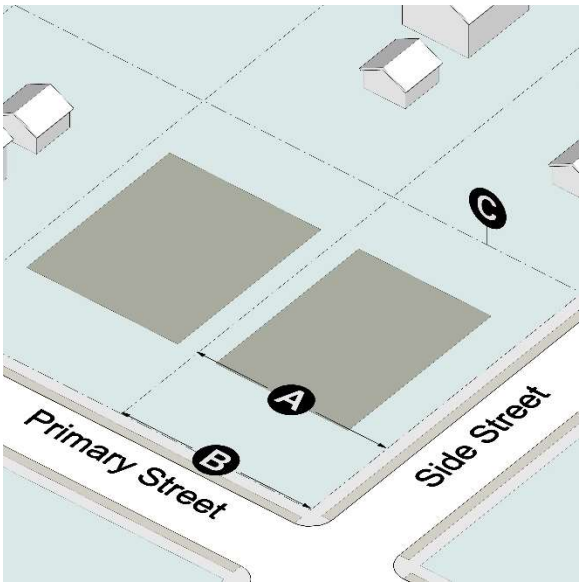


This section contains the R-3A district regulations. The R-3A district is intended to provide land areas devoted to residential uses. The district also provides for closely related uses.

4.5.2. Uses

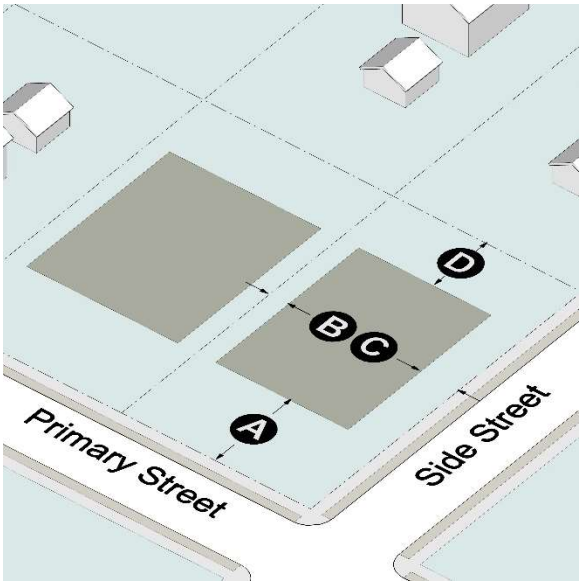
See Article 8.

4.5.3. Dimensional Standards



Lots	
Ⓐ Width:	100 ft. min.
Ⓑ Frontage:	35 ft. min.
Ⓒ Area:	18,000 sf. min.

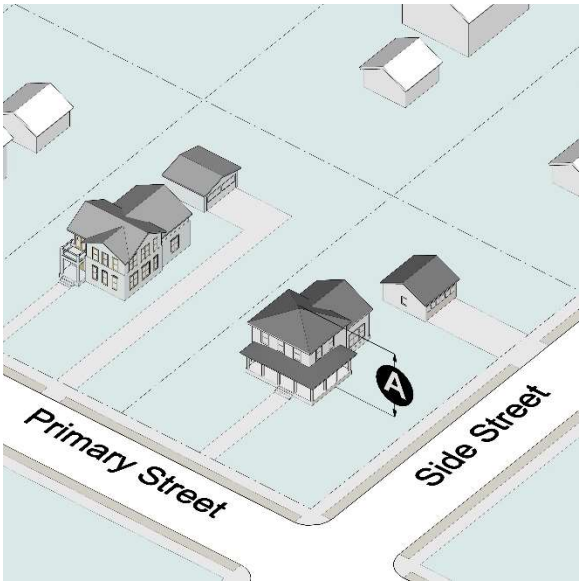
4.5.4. Building Placement



Principal Building Setbacks	
Ⓐ Front Yard:	50 ft. min.
Ⓑ Side Yard (interior):	10 ft. min.
Ⓒ Side Yard (street)	20 ft. min.
Ⓓ Rear Yard:	35 ft. min.

Accessory Structure Setbacks
Accessory structures may be located in rear or side yards but must not be located within a minimum yard. Additional standards may apply to specific accessory uses in Sec. 8.8.

4.5.5. Bulk and Mass



Building Height	
Ⓐ All Buildings:	40 ft. max. [1]

Heated Floor Area	
Fewer Than Two-story Dwelling:	1,600 sf. min. on first story
Two-story Dwelling:	1,800 sf. min.
More Than Two-story Dwelling:	1,800 sf. min. with 1,050 sf. min. on first story

Table note:
[1] See Sec. 6.3 (Rural Milton Overlay) and Sec. 6.2.8.N (State Route 9 Overlay) for additional height limits.

4.5.6. Overlay Compliance

Additional or alternative standards may apply within overlay districts.

A. State Route 9 Overlay

See Sec. 6.2.

B. Rural Milton Overlay

See Sec. 6.3

4.6. R-4 Single-Family Dwelling

4.6.1. Scope and Intent

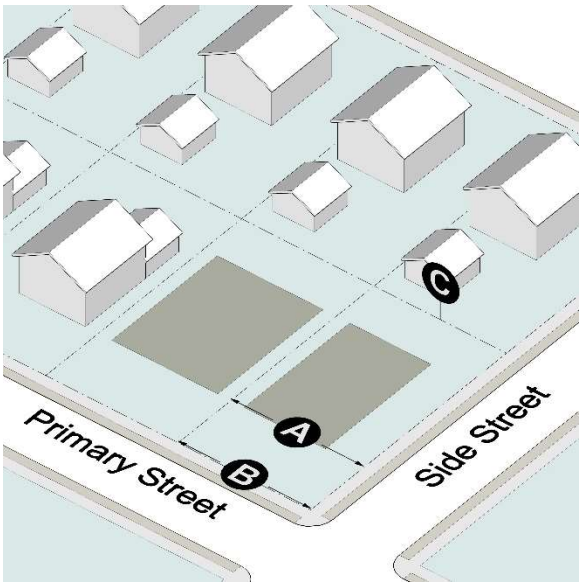


This section contains the R-4 district regulations. The R-4 district is intended to provide land areas devoted to residential uses. The district also provides for closely related uses.

4.6.2. Uses

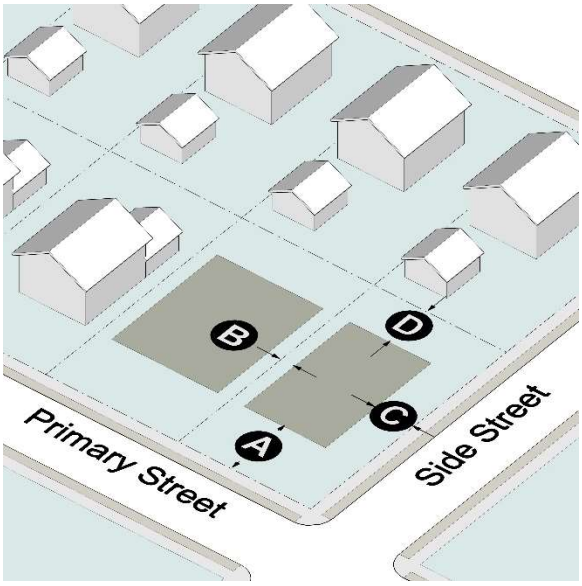
See Article 8.

4.6.3. Dimensional Standards



Lots	
Ⓐ Width	70 ft. min.
Ⓑ Frontage	35 ft. min.
Ⓒ Area	9,000 sf. min.

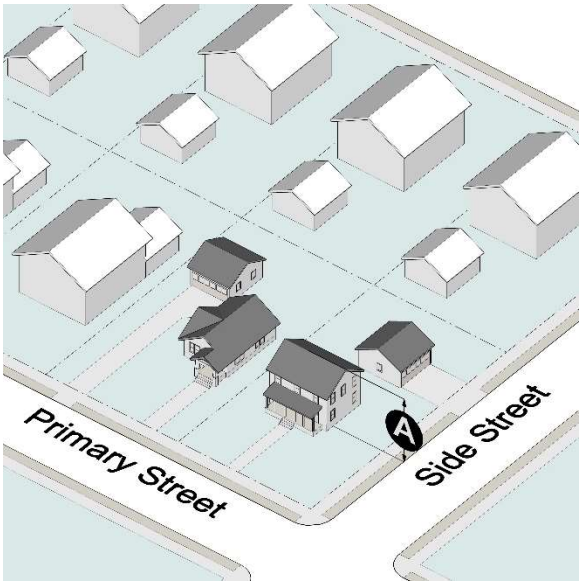
4.6.4. Building Placement



Principal Building Setbacks	
Ⓐ Front Yard:	35 ft. min.
Ⓑ Side Yard (interior):	7 ft. min.
Ⓒ Side Yard (street):	20 ft. min.
Ⓓ Rear Yard:	25 ft. min.

Accessory Structure Setbacks
Accessory structures may be located in rear or side yards but must not be located within a minimum yard. Additional standards may apply to specific accessory uses in Sec. 8.8.

4.6.5. Bulk and Mass



Building Height	
Ⓐ All Buildings:	40 ft. max. [1]

Heated Floor Area	
Fewer Than Two-Story Dwelling:	1,000 sf. min. on first story
Two-Story Dwelling:	1,100 sf. min.
More Than Two-Story Dwelling:	1,100 sf. min. with 800 sf. min. on first story

Table note:
[1] See Sec. 6.3 (Rural Milton Overlay) and Sec. 6.2.8.N (State Route 9 Overlay) for additional height limits.

4.6.6. Overlay Compliance

Additional or alternative standards may apply within overlay districts.

A. State Route 9 Overlay

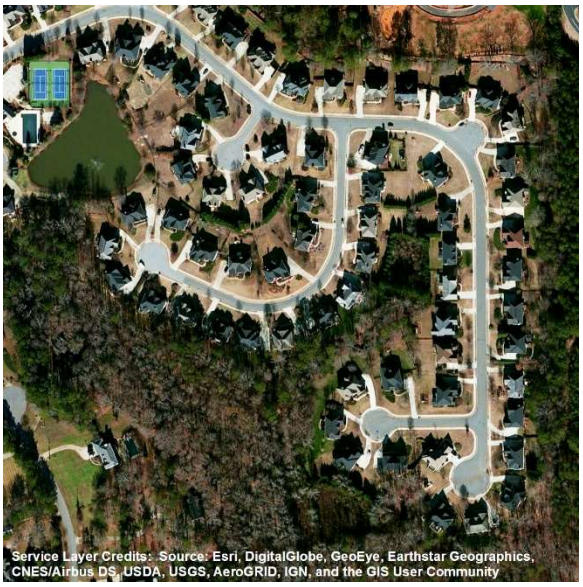
See Sec. 6.2.

B. Rural Milton Overlay

See Sec. 6.3

4.7. R-4A Single-Family Dwelling

4.7.1. Scope and Intent

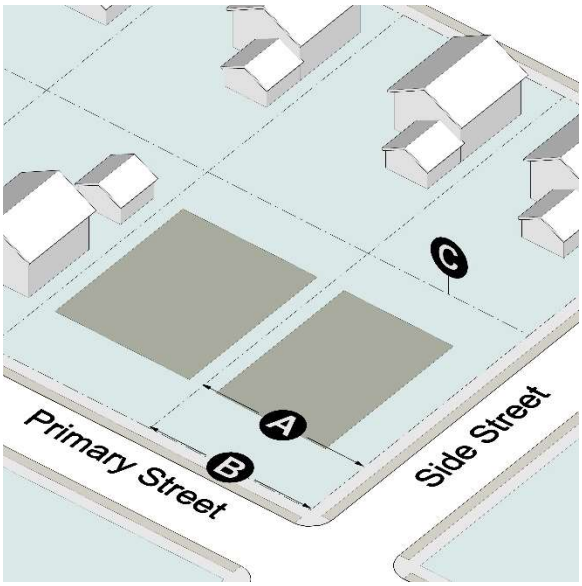


This section contains the R-4A district regulations. The R-4A district is intended to provide land areas devoted to residential uses. The district also provides for closely related uses.

4.7.2. Uses

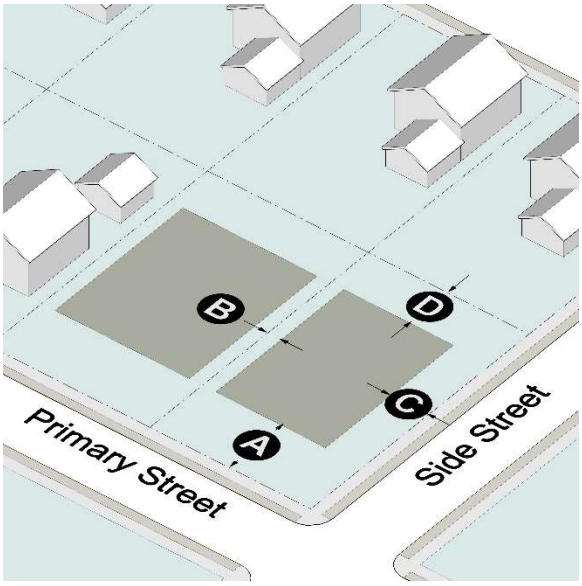
See Article 8.

4.7.3. Dimensional Standards



Lots	
Ⓐ Width:	85 ft. min.
Ⓑ Frontage:	35 ft. min.
Ⓒ Area:	12,000 sf. min.

4.7.4. Building Placement

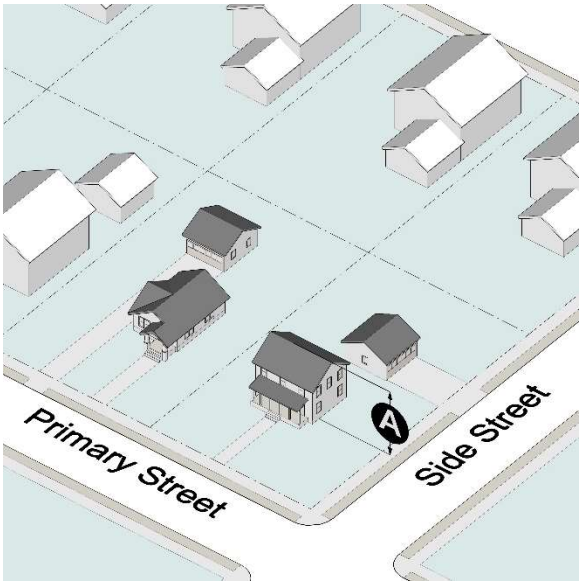


Principal Building Setbacks	
Ⓐ Front Yard:	35 ft. min.
Ⓑ Side Yard (interior):	7 ft. min.
Ⓒ Side Yard (street):	20 ft. min.
Ⓓ Rear Yard:	25 ft. min.

Accessory Structure Setbacks

Accessory structures may be located in rear or side yards but must not be located within a minimum yard. Additional standards may apply to specific accessory uses in Sec. 8.8.

4.7.5. Bulk and Mass



Building Height	
Ⓐ All Buildings:	40 ft. max. [1]

Heated Floor Area	
Fewer Than Two-Story Dwelling:	1,200 sf. min. on first story
Two-Story Dwelling:	1,320 sf. min.
More Than Two-Story Dwelling:	1,320 sf. min. with 900 sf. min. on first story

Table note:
[1] See Sec. 6.3 (Rural Milton Overlay) and Sec. 6.2.8.N (State Route 9 Overlay) for additional height limits.

4.7.6. Overlay Compliance

Additional or alternative standards may apply within overlay districts.

A. State Route 9 Overlay

See Sec. 6.2.

B. Rural Milton Overlay

See Sec. 6.3.

4.8. R-5 Single-Family Dwelling

4.8.1. Scope and Intent

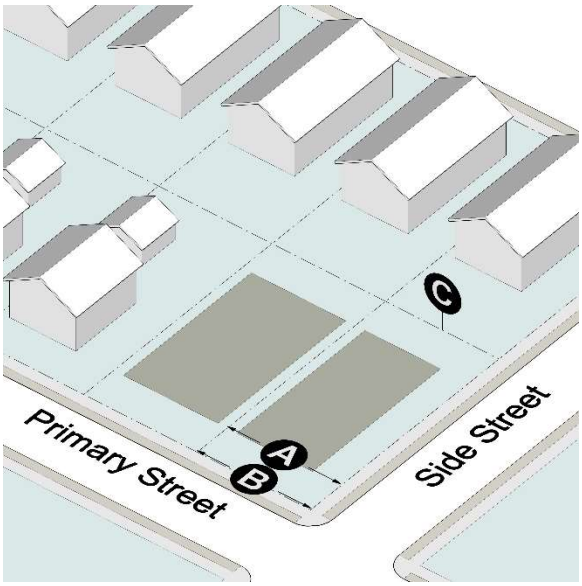


This section contains the R-5 district regulations. The R-5 district is intended to provide land areas devoted to dwelling uses. Areas zoned R-5 are further intended to only occur adjacent to higher density residential, commercial, or mixed-use zoning districts and in accordance with the Comprehensive Plan.

4.8.2. Uses

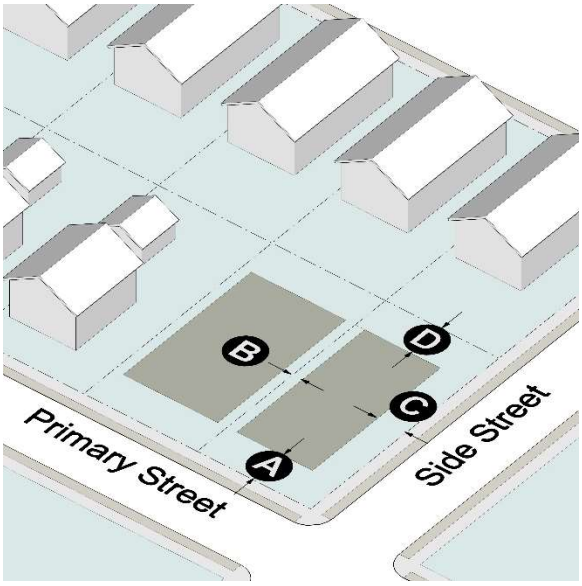
See Article 8.

4.8.3. Dimensional Standards



Lots	
Ⓐ Width:	60 ft. min.
Ⓑ Frontage:	35 ft. min.
Ⓒ Area:	7,500 sf. min.

4.8.4. Building Placement

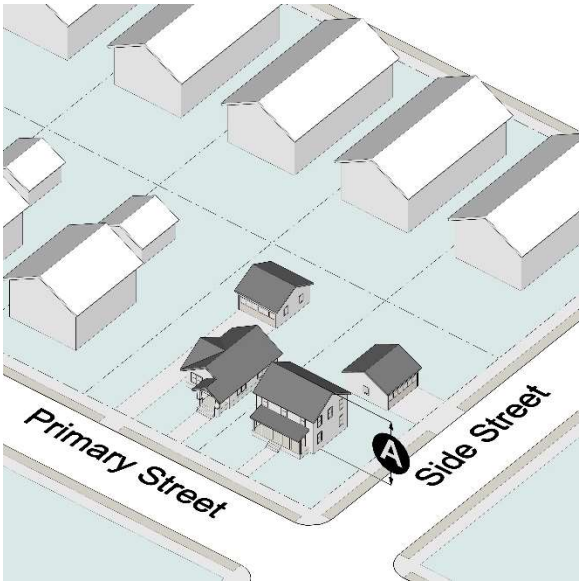


Principal Building Setbacks	
Ⓐ Front Yard:	20 ft. min.
Ⓑ Side Yard (interior):	5 ft. min.
Ⓒ Side Yard (street):	15 ft. min.
Ⓓ Rear Yard:	20 ft. min.

Accessory Structure Setbacks

Accessory structures may be located in the rear or side yards only but must not be located within a minimum yard. Additional standards may apply to specific accessory uses in Sec. 8.8.

4.8.5. Bulk and Mass



Building Height	
Ⓐ All Buildings:	See Sec. 6.2.8.N (State Route 9 Overlay)

Heated Floor Area	
All Dwellings:	650 sf. min.

4.8.6. Overlay Compliance

Additional or alternative standards may apply within overlay districts.

A. State Route 9 Overlay

See Sec. 6.2.

B. Rural Milton Overlay

See Sec. 6.3.

4.9. R-5A Single-Family Dwelling

4.9.1. Scope and Intent

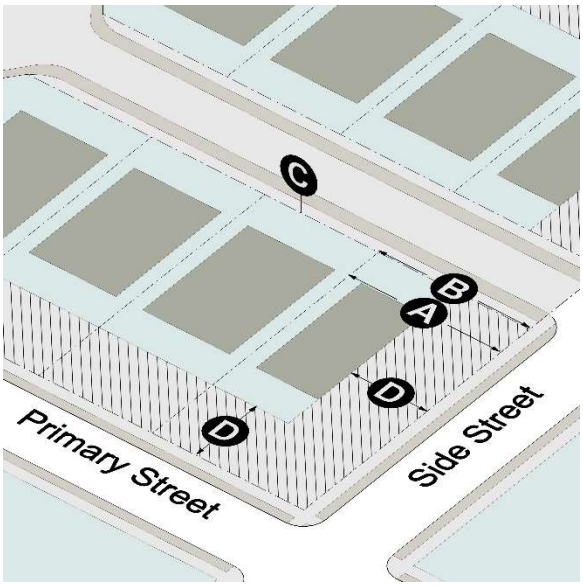


This section contains the R-5A district regulations. The R-5A district is intended to provide land areas devoted to medium density, single-family dwellings. Areas zoned R-5A are further intended to only occur adjacent to higher density residential, commercial, or mixed-use zoning districts and in accordance with the Comprehensive Plan.

4.9.2. Uses

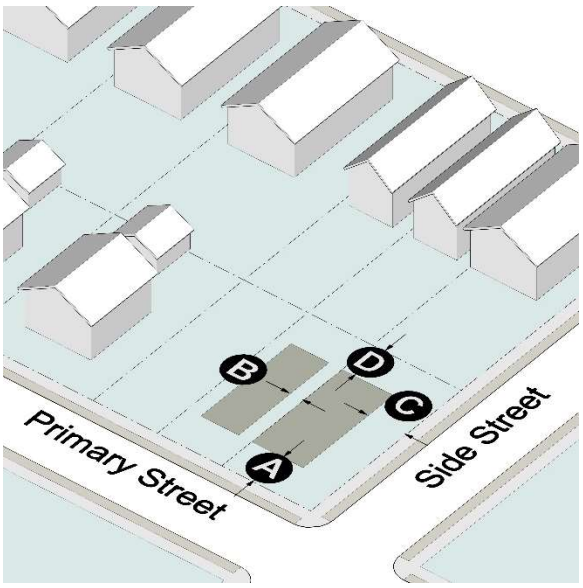
See Article 8.

4.9.3. Dimensional Standards



Lots	
Ⓐ Width:	No min.
Ⓑ Frontage:	20 ft. min
Ⓒ Area:	4,000 sf. min.
Site	
Ⓓ Perimeter Setback (all yards):	40 ft. min.

4.9.4. Building Placement



Principal Building Setbacks	
Ⓐ Front Yard:	20 ft. min.
Ⓑ Side Yard (interior):	0 ft. min. [1] [2]
Ⓑ Side Yard (street):	20 ft. min.
Ⓓ Rear Yard:	20 ft. min.

Accessory Structure Setbacks

Accessory structures may be located in rear or side yards but must not be located within a minimum rear yard, except that detached garages may be located within a minimum rear yard with an encroachment and maintenance easement [2]. ~~allowing at least 7 feet of access to the garage.~~ Additional standards may apply to specific accessory uses in Sec. 8.8.

Interior Building Separation

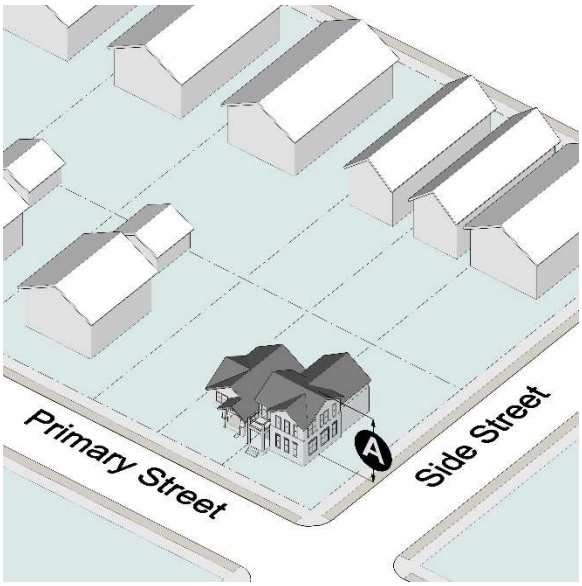
At least 14 feet of building separation is required, unless more separation is specified by the City's building code ~~All building separations shall be as specified by the City's building code.~~

Table note:

[1] To place a building along an interior side lot line at between zero and 7 feet requires an encroachment and maintenance easement.

[2] Easements must be at least 7 feet wide and must be provided on the immediately adjacent parcel. ~~proving at least 7 feet of access to such buildings. A minimum building separation of 14 feet must be maintained.~~

4.9.5. Bulk and Mass



Building Height	
Ⓐ All Buildings:	40 ft. max. [1].

Heated Floor Area	
All Dwellings:	850 sf. min.

Table note:

[1] See Sec. 6.3 (Rural Milton Overlay) and Sec. 6.2.8.N (State Route 9 Overlay) for additional height limits.

4.9.6. Overlay Compliance

Additional or alternative standards may apply within overlay districts.

A. State Route 9 Overlay

See Sec. 6.2.

B. Rural Milton Overlay

See Sec. 6.3.

4.10. R-6 Two-Family Dwelling

4.10.1. Scope and Intent

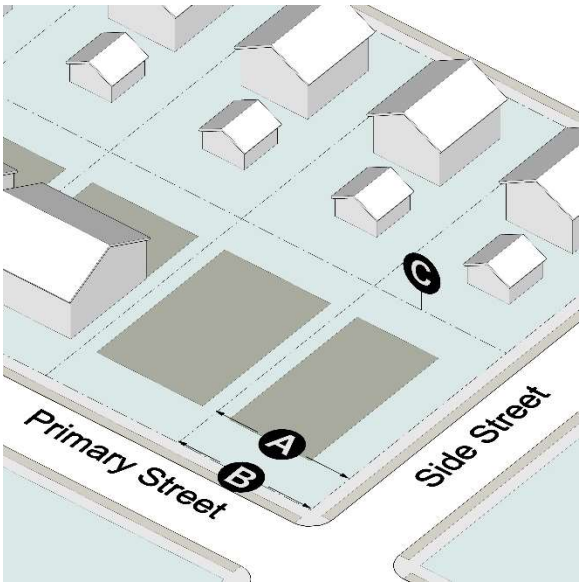


This section contains the R-6 district regulations. The R-6 district is intended to provide land areas devoted to medium density, single-family and two-family dwellings. Areas zoned R-6 are further intended to only occur adjacent to higher density residential, commercial, or mixed-use zoning districts and in accordance with the Comprehensive Plan.

4.10.2. Uses

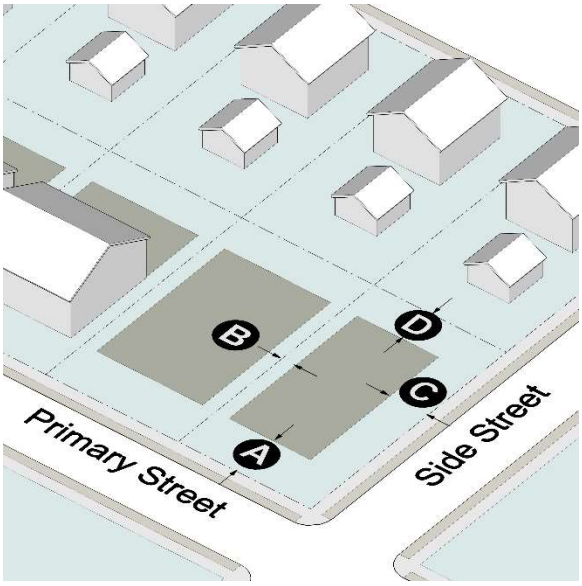
See Article 8.

4.10.3. Dimensional Standards



Lots	
Ⓐ Width:	70 ft. min.
Ⓑ Frontage:	35 ft. min.
Ⓒ Area:	9,000 sf. min.

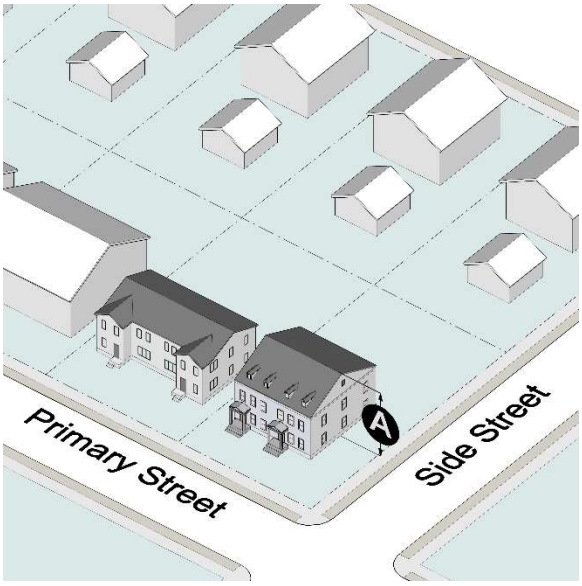
4.10.4. Building Placement



Principal Building Setbacks	
Ⓐ Front Yard:	25 ft. min.
Ⓑ Side Yard (interior):	7 ft. min.
Ⓒ Side Yard (street):	20 ft. min.
Ⓓ Rear Yard:	20 ft. min.

Accessory Structure Setbacks
Accessory structures may be located in rear or side yards but must not be located within a minimum yard. Additional standards may apply to specific accessory uses in Sec. 8.8.

4.10.5. Bulk and Mass



Building Height	
Ⓐ All Buildings:	40 ft. max. [1]
Heated Floor Area	
Fewer Than Two-Story Dwelling:	1,000 sf. min. on ground level
Two-Story Dwelling:	1,100 sf. min.
More Than Two-Story Dwelling:	1,100 sf. min. with 800 sf. min. on first story

Table note:
[1] See Sec. 6.3 (Rural Milton Overlay) and Sec. 6.2.8.N (State Route 9 Overlay) for additional height limits.

4.10.6. Overlay Compliance

Additional or alternative standards may apply within overlay districts.

A. State Route 9 Overlay

See Sec. 6.2.

B. Rural Milton Overlay

See Sec. 6.3.

4.11. TR Townhouse Residential

4.11.1. Scope and Intent



This section contains the TR district regulations. The TR district is intended to provide land devoted to high density uses consisting of townhouse, triplex, and quadruplex dwellings. Land zoned TR is further intended to provide a transition between medium density and higher density residential areas or between high density residential and nonresidential use. The district is intended to:

A. Encourage the provision of usable open space and recreation areas as part of a living environment.

B. Be located primarily in areas near or adjacent to single-family areas.

C. Be located so as to provide a transition between single-family areas and nonresidential areas.

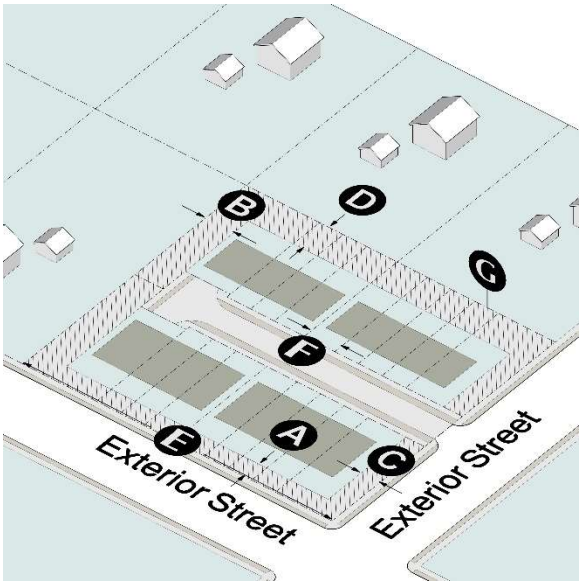
D. Be located near retail shopping and major thoroughfares.

E. Encourage homeownership.

4.11.2. Uses

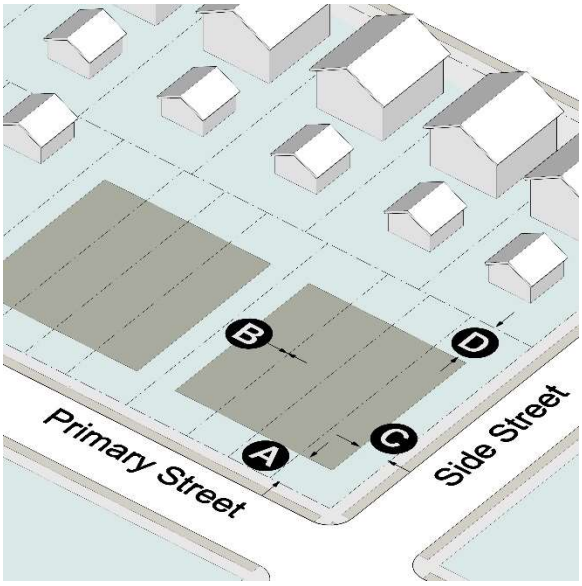
See Article 8.

4.11.3. Dimensional Standards



Site	
Density:	9 units per gross acre max.
Ⓐ Perimeter Front Yard Setback:	20 ft. min.
Ⓑ Perimeter Side Yard Setback (interior):	30 ft. min
Ⓒ Perimeter Side Yard Setback (street):	20 ft. min.
Ⓓ Perimeter Rear Yard Setback:	35 ft. min.
Ⓔ Frontage:	150 ft. min.
Ⓕ Land Area Per Unit:	2,000 sf. min.
Lots	
Ⓖ Width:	25 ft. min.
Ⓗ Area:	2,000 sf. min.

4.11.4. Building Placement



Principal Building Setbacks	
Ⓐ Front Yard:	20 ft. min.
Ⓑ Side Yard (interior):	7 ft. min. [1] [~~]~~2]
Ⓒ Side Yard (street)	15 ft. min.
Ⓓ Rear Yard:	25 ft. min.

Accessory Structure Setbacks

Accessory structures may be located within the side or rear yards only but not within minimum perimeter setbacks or minimum yards. Additional standards may apply to specific accessory uses in Sec. 8.8.

Minimum Building Separation When More than One Building Per Lot

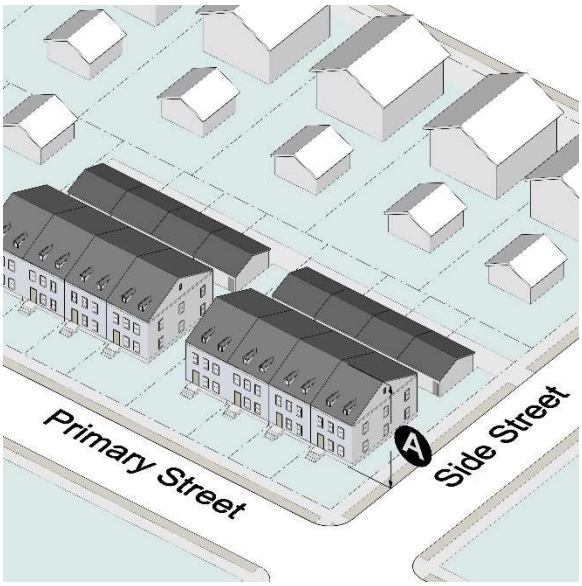
At least 14 feet of building separation is required, unless more separation is specified by the City's building code ~~All building separations must be as specified by the City's building code.~~

Table notes:

[1] Seven feet adjacent to interior lot line, except that up to a 7-foot encroachment and maintenance easement may be provided on the immediately adjacent parcel~~s~~, in combination with or in lieu of a side yard~~., such that a minimum building separation of 14 feet is maintained.~~

[2] Zero if units are attached, for example, townhouses on separate lots of record.

4.11.5. Bulk and Mass



Building Height	
Ⓐ All Buildings:	3 stories with the maximum height of 28 ft. from average finished grade to the bottom of the roof eave [1]

Heated Floor Area	
All Dwellings:	1,800 sf. min.

Table note:

[1] See Sec. 6.3 (Rural Milton Overlay) and Sec. 6.2.8.N (State Route 9 Overlay) for additional height limits.

4.11.6. Development Standards

A. Required Open Space or Recreational Facilities

1. Developments with more than 50 units must provide at least 1,000 square feet of open space or recreational facilities per unit.
2. Developments with 50 or fewer units must provide at least 750 square feet

open space or recreational facilities per unit.

B. Other Minimum Standards

1. No more than eight dwelling units may form a single building.
2. Setbacks and roof lines must be varied by at least 2 feet so that no more than three adjoining dwellings within a single building have the same front setback or roof line.
3. A minimum of 80% of any common wall must be contiguous with each adjoining unit.
4. Units adjacent to an exterior street the must meet the following standards:
   a. Units must provide rear loaded vehicular access.
   b. The front unit facade must face the exterior street of the development.
5. Each unit must provide two off-street parking spaces within the principal structure.

4.11.7. TR District Subdivision

In the TR zoning district, dwellings proposed to be sold with the lot upon which the dwelling is located must comply with the subdivision regulations of this UDC.

4.11.8. Overlay Compliance

Additional or alternative standards may apply within overlay districts.

A. State Route 9 Overlay

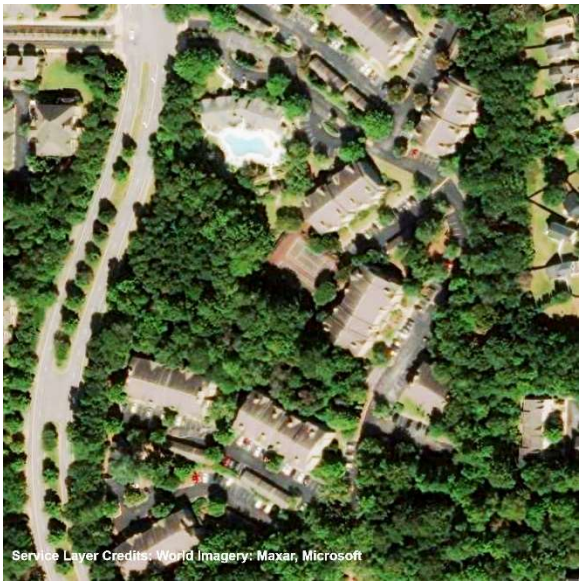
See Sec. 6.2.

B. Rural Milton Overlay

See Sec. 6.3.

4.12. A Medium Density Apartment

4.12.1. Scope and Intent



This section contains the A district regulations. The A district is intended to provide land areas for medium density apartment dwellings which will:

A. Encourage attractive apartment development.

B. Encourage the provision of recreation areas and facilities.

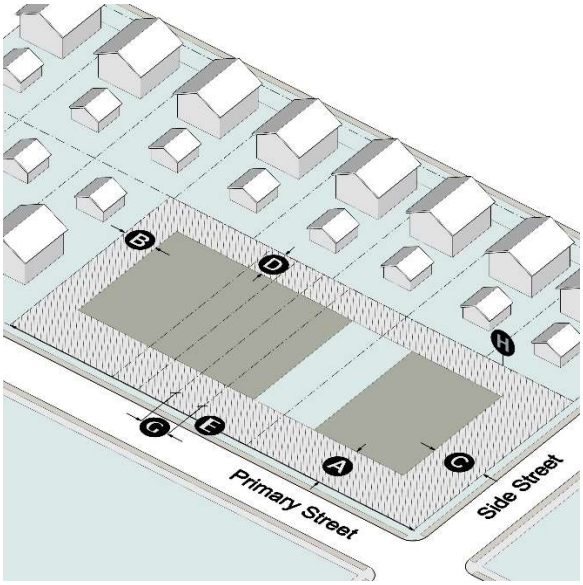
C. Be located in areas of moderate to intense development near retail shopping, schools, and major thoroughfares.

D. Be located so as to provide a transition between moderate density residential areas and high density residential areas or between moderate density residential areas and nonresidential areas.

4.12.2. Uses

See Article 8.

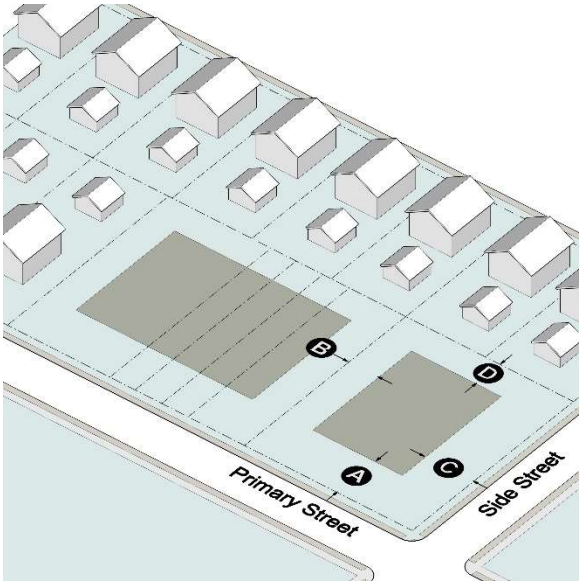
4.12.3. Dimensional Standards



Site	
Density:	14 units per gross acre max.
Site Lot Coverage: [1]	40% max.
Ⓐ Perimeter Front Yard Setback:	40 ft. min.
Ⓑ Perimeter Side Yard (interior):	25 ft. min
Ⓒ Perimeter Side Yard (street):	40 ft. min.
Ⓓ Perimeter Rear Yard	25 ft. min.
Ⓔ Width (from front to rear lot line):	200 ft. min.
Ⓕ Area Per Unit:	2,000 sf. min.
Lots	
Ⓖ Frontage:	35 ft. min.
Ⓗ Area:	2,000 sf. min.

Table note:
[1] Site lot coverage is the sum of all building footprints and parking on the site, divided into the total site land area.

4.12.4. Building Placement



Principal Building Setbacks	
Ⓐ Front Yard:	40 ft. min.
Ⓑ Side Yard (interior):	25 ft. min. [1]
Ⓒ Side Yard (street):	40 ft. min.
Ⓓ Rear Yard:	25 ft. min.
Accessory Structure Setbacks	
Single-Family, Duplex Uses:	Accessory structures may be located in the rear and side yards only but must not be located within a minimum yard. Additional standards may apply to specific accessory uses in Sec. 8.8.
Multifamily Uses:	Accessory structures may be located in the rear yard only but must not be located in the minimum yard. Additional standards may apply to specific accessory uses in Sec. 8.8.
Interior Building Separation	
All building separations shall be as specified by the City's building code.	

Table note:

[1] Zero if units are attached, for example, townhouses on separate lots of record.

4.12.5. Bulk and Mass



Building Height	
Ⓐ All Buildings:	40 ft. max. [1,2]
Heated Floor Area	
Single-Family Dwelling:	1,100 sf. min.
Two-Family Dwelling:	800 sf. min.
Efficiency Or Studio:	450 sf. min.
All Other Multifamily Dwellings	700 sf. min.

Table notes:

[1] Greater building heights may be approved through the use permit procedures of Sec. 12.5.2.

[2] See Sec. 6.3 (Rural Milton Overlay) and Sec. 6.2.8.N (State Route 9 Overlay) for additional height limits.

4.12.6. Overlay Compliance

Additional or alternative standards may apply within overlay districts.

A. State Route 9 Overlay

See Sec. 6.2.

B. Rural Milton Overlay

See Sec. 6.3.

4.13. A-L Apartments

4.13.1. Scope and Intent



The section contains the A-L district regulations. The A-L district is intended to provide land areas for high to very high density apartment dwellings which will:

A. Encourage attractive apartment living opportunities.

B. Encourage the provision of recreation areas and facilities.

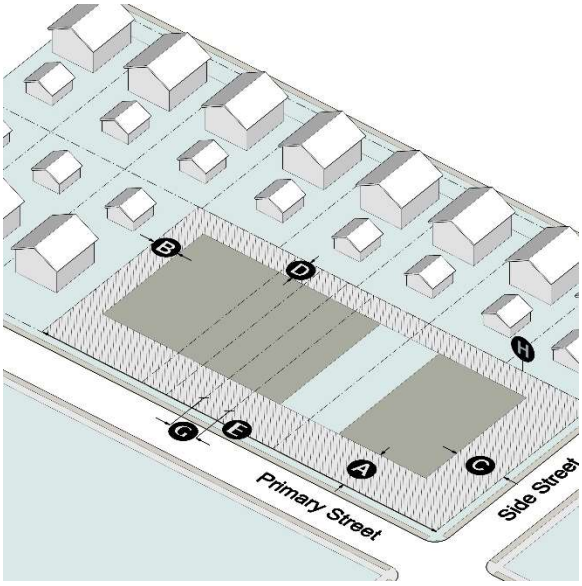
C. Be located in areas of intense development near retail shopping, schools and major thoroughfares.

D. Be located so as to provide a transition between medium density residential areas and nonresidential areas.

4.13.2. Uses

See Article 8, including Sec. 8.8.2.

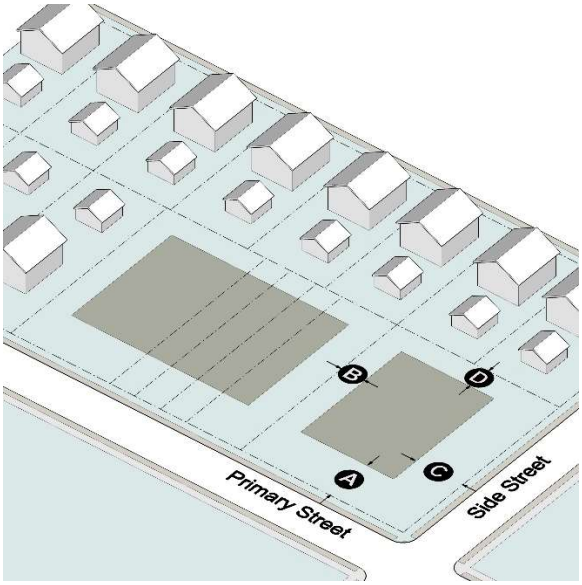
4.13.3. Dimensional Standards



Site	
Site Lot Coverage: [1]	70% max.
Outdoor Recreation: [2]	10% min.
Ⓐ Perimeter Front Yard Setback:	40 ft. min.
Ⓑ Perimeter Side Yard (interior):	20 ft. min
Ⓒ Perimeter Side Yard (street):	40 ft. min.
Ⓓ Perimeter Rear Yard	20 ft. min.
Ⓔ Width (from front to rear lot line):	None.
Lots	
Ⓖ Frontage:	35 ft. min.

Table note:
[1] Site lot coverage is the sum of all building footprints and parking on the site, divided into the total site land area.
[2] Using gross land area.

4.13.4. Building Placement



Principal Building Setbacks	
Ⓐ Front Yard:	40 ft. min.
Ⓑ Side Yard (interior):	20 ft. min. [1]
Ⓒ Side Yard (street):	40 ft. min.
Ⓓ Rear Yard:	20 ft. min.

Accessory Structure Setbacks

Accessory structures must not be located in the minimum front yard. Additional standards may apply to specific accessory uses in Sec. 8.8.

Interior Building Separation

All building separations shall be as specified by the City's building code.

Table note:

[1] Zero if units are attached, for example, townhouses on separate lots of record.

4.13.5. Bulk and Mass



Building Height	
Ⓐ All Buildings:	60 ft. max. [1,2]

Heated Floor Area	
Three Bedrooms:	700 sf. min.
Two Bedrooms:	600 sf. min.
One Bedroom:	500 sf. min.
Efficiency or Studio:	400 sf. min.

Table notes:

[1] Greater building heights may be approved through the use permit procedures of Sec. 12.5.2.

[2] See Sec. 6.3 (Rural Milton Overlay) and Sec. 6.2.8.N (State Route 9 Overlay) for additional height limits.

4.13.6. Overlay Compliance

Additional or alternative standards may apply within overlay districts.

A. State Route 9 Overlay

See Sec. 6.2.

B. Rural Milton Overlay

See Sec. 6.3.

4.14. CUP Community Unit Plan

4.14.1. Scope and Intent

A. This section contains the CUP District regulations for those properties that were zoned to the CUP district before December 20, 2021. After December 20, 2021, no additional property may be rezoned to the CUP district. The CUP district identifies land areas for a variety of housing types within a planned community setting.

B. The CUP district is intended to:

1. Encourage the development of land as planned communities.
2. Encourage flexible and creative concepts in site planning.
3. Preserve the natural amenities of the land by encouraging scenic and functional open areas.
4. Provide for an efficient use of land.
5. Provide a stable residential environment compatible with surrounding residential areas.
6. Protect neighboring properties by requiring larger peripheral lots adjacent to larger lot developments.

4.14.2. Uses

See Article 8, including Sec. 8.8.1.

4.14.3. Development Plan

A. The development plan is the zoning control document for features depicted graphically. The site plan requirement applicable to rezoning requests must be adhered to for CUP rezoning requests.

B. Administrative guidelines for preparing site plans are available from the Director.

C. A site plan will become the development plan if the request to rezone is approved without changes or additions.

D. If the approval by the City Council differs in any way from what is depicted on the site plan submitted for the purpose of seeking rezoning, a revised plan must be certified by the Director before development related permits may be issued.

E. A site plan or development plan must not substitute for plans which are required as a prerequisite for applying for development-related permits.

F. The location of all use areas must be shown on the development plan, and the location on the ground must be as shown on the development plan.

G. Properties that are not served by sanitary sewer must provide a site plan to determine the maximum number of lots on the subject site as follows:

H. The number of lots in a CUP development must not exceed the number of lots that can be reasonably created within an AG-1 zoned development at the same location. The following items must be submitted to determine the lot yield for the subject property:

1. The location of all bodies of water and the appropriate buffers.
2. A level 3 soil analysis.
3. A tree survey indicating specimen and heritage trees.

4. The configuration of lots and associated minimum building setbacks.
5. Approximate locations of house footprints on each lot.

4.14.4. Development Standards

A. Height Regulations

The height of non-single family residential structures is as specified in conditions.

B. Minimum Land Area Per Unit

The minimum land area per unit is as specified in conditions.

C. Minimum Lot Area Per Unit

The minimum lot area per unit is as specified in conditions.

D. Development Size Standards

The minimum CUP size is 4 contiguous acres.

E. Density

Maximum density is as follows:

1. Single-family dwelling: 5.0 units per gross acre.

F. Minimum Lot Width

There is no minimum lot width, unless specified in conditions.

G. Minimum Frontage for the Entire CUP Development

The minimum CUP development frontage is 150 feet.

H. Minimum Lot Frontage

The minimum lot frontage is 20 feet adjoining a street.

I. Minimum Heated Floor Area

The minimum heated floor area per unit is as specified in conditions.

J. Minimum Perimeter Setbacks

The minimum perimeter setback for the entire development is as specified in conditions.

K. Minimum Interior Setbacks

1. The minimum front yard is as specified in conditions.
2. The minimum side yard is as specified in conditions.
3. The minimum rear yard is as specified in conditions.

L. Accessory Structure Requirements

Accessory structures may be located within the side or rear yards subject to perimeter and minimum yard setbacks.

M. Minimum Building Separation (more than one dwelling per lot)

All building separations must be as specified by the City's building code.

N. Other Minimum Standards

Agreements, covenants, declarations, and other contracts which govern the use, maintenance, and protection of a CUP development among its owners' areas must be part of the official zoning file, and changes thereto have no force and effect until a copy has been provided to the Director.

4.14.5. Entrances

Entrances from a public right-of-way for subdivisions with more than three lots must be rural, simple, and rustic in design, as determined by. ~~These entrances are subject to~~

~~the approval of~~ the City Architect, and must comply with the following:

A. Signage

Signage must be one of the following designs:

1. Shingle style.
2. Sign mounted in or on pillar, provided the pillar must not exceed 8 feet high.

B. Walls

1. Knee walls may be utilized where required by existing topography and must not exceed 20 linear feet on either side of the subdivision's road entrance.
2. Knee walls must be constructed of natural materials such as boulders, stacked stone, or wood formed brick or materials designed to give the appearance of such natural materials, as shown in Figures 4.14.5.A and 4.14.5.B. Stucco is prohibited.



Figure 4.14.5.A

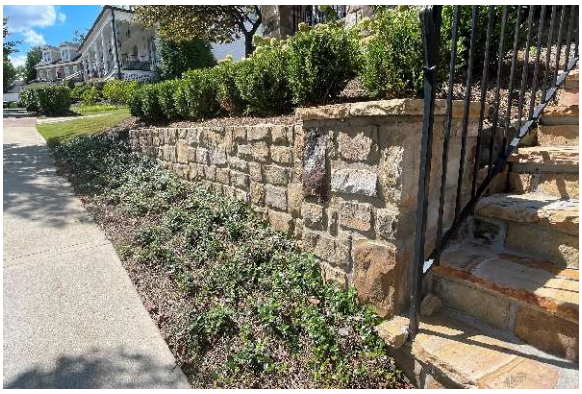


Figure 4.14.5.B

C. Other Structures

Gate or guard structures must be set back at least 60 feet from exterior street rights-of-way.

D. Water Features

Water features are not allowed.

4.14.6. Rural Viewshed

A. Applicability

This sub-section only applies to subdivisions with more than three lots. The requirements of this sub-section, except for Sec. 4.14.6.B.4~~4.14.6.B.4~~, do not apply to a single lot of record or to subdivisions with three or fewer lots where no individual lot abuts an exterior street.

B. Rural Viewshed Standards

1. Applicable subdivisions must provide a 40-foot primary rural viewshed setback from all proposed Milton Trail or sidewalk easements or proposed rights-of-way, whichever is more restrictive, along the exterior streets for buildings, accessory structures, and swimming pools for lots adjacent to exterior streets:
   a. No disturbance within the 40-foot primary rural viewshed setback is

allowed until a design review process is completed and the design of the rural viewshed is approved by the design committee.

b. Driveways accessing exterior streets are prohibited within the 40-foot primary rural viewshed setback, except where they cross the rural viewshed in a perpendicular manner.

c. Individual septic systems may be installed in the primary rural viewshed setback with an approved primary variance if the primary and secondary septic fields fail and the property may be condemned by the Fulton County Health Department without such variance. The property owner must provide proof of such potential condemnation prior to the application for a primary variance.

2. Applicable subdivisions must also provide a 20-foot secondary rural viewshed setback from the primary rural viewshed setback for buildings, accessory structures, and swimming pools for lots adjacent to exterior streets.

a. Individual septic systems may be installed in the secondary rural viewshed setback with an approved primary variance.

b. Driveways accessing exterior streets are prohibited within the 20-foot secondary rural viewshed setback, except where they cross the rural viewshed in a perpendicular manner.

c. No disturbance within the 20-foot secondary rural viewshed setback is allowed until a design review process is completed and the design of the rural viewshed is approved by the design committee.

3. The intent of the rural viewshed is to preserve the bucolic views from the roads throughout the Rural Milton Overlay. The views may contain natural vegetation as well as equestrian related structures and uses. It is the intent to utilize the existing vegetation when possible as well as provide additional native plantings to enhance the existing viewshed when needed.

a. When performing a design review of the primary rural viewshed and secondary rural viewshed setbacks, the design committee must address the following:

i. Evaluation of current state of site including vegetation, both the primary and secondary rural viewshed setbacks.

ii. Determination of whether existing vegetation should be removed or vegetation should be planted to enhance the rural viewshed.

iii. Consideration of whether screening of the structures is necessary.

iv. Consideration of the existence of open uses defined in Sec. 8.7 (Open Uses) in the area.

4. For structures located on lots subject to a rural viewshed, an architectural review process is required. Such process will include a review of building elevations and landscape plans by the City Architect. These structures must be

designed with 360-degree architecture and must meet the intent of Sec. 6.3.10 (Characteristics of Rural Milton Overlay).

5. After the City issues the necessary permits to disturb the property, but before the required pre-construction meeting, the developer must install a 4 feet high orange tree save fence at least at the combined primary rural viewshed and secondary rural viewshed setback measured from the proposed Milton Trail or sidewalk easement or the proposed right-of-way. The fence must be installed so as to protect heritage trees, protected trees, and specimen trees as defined in Sec. 11.1 Tree Canopy Conservation or any other significant vegetation as determined by the City Arborist. The appropriate location of such fencing must be approved by the City Arborist. In addition, a sign must be posted on the fence every 25 feet indicating "rural viewshed." The tree save fence must be removed when the issuance of a certificate of occupancy for each lot abutting the viewshed is issued.

6. Notwithstanding anything to the contrary in this sub-section, agricultural operations (see Sec. 8.7.1.B) may occur in the primary rural viewshed and secondary rural viewshed setbacks.

7. Before transfer of any legal interest in a CUP zoned parcel that is subject to a rural viewshed, every legal or beneficial owner of such a parcel must ensure that there is recorded in the chain of title for the parcel an affidavit stating the following:

"At the time of the execution of this Affidavit, the property with respect to which this Affidavit is filed is subject to certain restrictions contained in the Unified Development Code for the City of Milton, Georgia. Such restrictions may include restrictions on development and disturbance of property located in the rural viewshed, which includes portions of property adjacent to streets not located within a platted subdivision."

In addition, a copy of the affidavit must be provided to any transferee of a legal interest in the parcel no later than the final closing of the transfer.

C. Architectural Review of Structures

The following requirements are for structures located on ~~single~~a single lot of record or a subdivision with fewer than four lots that abut an exterior street.

1. An architectural review process is required and must include a review of building elevations and landscape plans by the City Architect.

2. These structures must be designed with street elevation architecture and must meet the intent of Sec. 6.3.10 (Characteristics of Rural Milton Overlay).

D. Violations and Penalties

For any disturbance of the rural viewshed before the appropriate approvals are issued, the property will be barred from being developed for three years following issuance of the notice of violation and must restore the land to its original landscape or if applicable with appropriate tree recompense as determined by the City Arborist.

4.14.7. Fencing

A. Height and Style

Fences must meet the standards of Sec. 2.3.2.E.

~~**A. Exterior Street Fencing**~~

~~Fencing along exterior streets must comply with the following:~~

~~1. Fencing must be an equestrian fence that meets the standards of Sec. 2.3.3 (Equestrian Fence Standards).~~

~~2. Opaque fences are prohibited, except as provided for under sub-paragraph 4 below.~~

~~3. Chain-link fences are prohibited.~~

~~4. If the side, side corner, or rear yard borders an exterior street, an equestrian fence is required within the 60-foot rural viewshed. Outside the rural viewshed any type of fence including opaque may be installed as long as the opaque fence is not visible from the street at any time of the year.~~

~~**B. Interior Street Fencing**~~

~~Fencing for the lots along interior subdivision streets, including the front, side corner, side, and rear of platted subdivision lots, must comply with the following:~~

~~1. Allowed fencing material and type along the front is limited to an equestrian fence.~~

~~2. Along sides and rear of a lot fencing material can be of any type.~~

~~3. Fences must not exceed 8 feet high but not including fencing in the front which must not exceed 5 feet high from finished grade.~~

~~4. If a front, side, side corner, or rear lot line borders an exterior street Sec. 4.14.7.A.4 applies.~~

~~**C. Other Fencing**~~

~~Fencing along the side or rear of nonsubdivision lots must comply with the following:~~

~~1. Fencing material and type is not limited to an equestrian fence outside the 60-foot rural viewshed.~~

~~2. Fences must not exceed 8 feet high.~~

~~3. If a front, side, or rear lot line borders an exterior street, Sec. 4.14.7.A.4 Entrances.~~

~~D.~~B. Barbed Wire

Barbed wire is prohibited on any lots, except when part of an agriculture use defined in Sec. 8.7.1 (Agriculture).

~~E.~~C. Setbacks

Fences and walls must be set back at least 3 feet from a public right-of-way.

4.15. NUP Neighborhood Unit Plan

4.15.1. Scope and Intent

A. This section contains the NUP district regulations for those properties that were zoned to the NUP district before December 17, 2013. After October 20, 2014, no additional property may be rezoned to the NUP district. The NUP district is intended to provide land areas devoted to low to medium density single-family residential uses of five or fewer units per acre consistent with the density ranges suggested on the Comprehensive Plan land use map. The NUP district is intended to encourage all of the following:

1. The development of medium sized tracts of land as planned neighborhoods or the development of vacant parcels of land with transitional densities in built-up areas.
2. The preservation of trees and vegetation.
3. Innovative site planning.

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

1. Provide a density that is consistent with the plan densities and surrounding properties.
2. Protect neighboring properties by requiring peripheral setbacks and development standards compatible with adjacent developments as required by the district standards and the conditions of zoning.

4.15.2. Uses

See Article 8.

4.15.3. Development Plan

A. The development plan is the zoning control document for features depicted graphically. The site plan requirement applicable to rezoning requests must be adhered to for NUP rezoning requests.

B. Administrative guidelines for preparing site plans are available from the Director.

C. A site plan will become the development plan if the request to rezone is approved without changes or additions.

D. If the approval by the City Council differs in any way from what is depicted on the site plan submitted for the purpose of seeking rezoning, a revised plan must be certified by the Director before development related permits may be issued.

E. A site plan or development must not substitute for plans which are required as a prerequisite for applying for development related permits.

F. The location of all use areas must be shown on the development plan, and location on the ground must be as shown on the development plan.

4.15.4. Development Standards

A. Development Size Standards

NUP size must be as follows:

1. Minimum 4 contiguous acres.
2. Maximum 12 contiguous acres.

B. Density

Maximum density is 5.0 units per gross acre.

C. Minimum Lot Width

There is none unless specified in conditions.

D. Minimum Development Frontage

Minimum development frontage is 35 feet.

E. Minimum Heated Floor Area

Minimum heated floor area per unit is 1,000 square feet detached.

F. Minimum Perimeter Setback for the Entire NUP Development

When adjacent to single-family zoning/use or agricultural district, a 40-foot setback must be provided around the periphery of the development including access drives serving more than one lot, principal and accessory structures and swimming pools. Other yard improvements and access/utility crossings are permitted.

G. Minimum Interior Setbacks

1. Minimum front yard is as specified in conditions.
2. Minimum side yard is as specified in conditions.
3. Minimum rear yard is as specified in conditions.

H. Minimum Interior Building Separations

To place a building along an interior side lot line at between zero and 7 feet requires an encroachment and maintenance easement allowing a minimum of 7 feet of access to such buildings. The easement must be provided on the immediately adjacent parcel. ~~.~~ At least ~~minimum building separation of~~ 14 feet of building separation is required~~must be maintained~~, unless more separation is specified by the City's building code. ~~.~~

I. Accessory Structure Requirements

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

Article 5. Business Districts

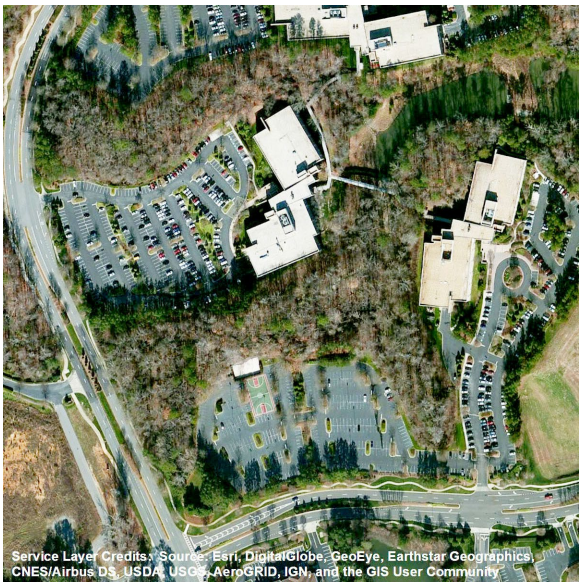
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5.1. O-I Office and Institutional

5.1.1. Scope and Intent

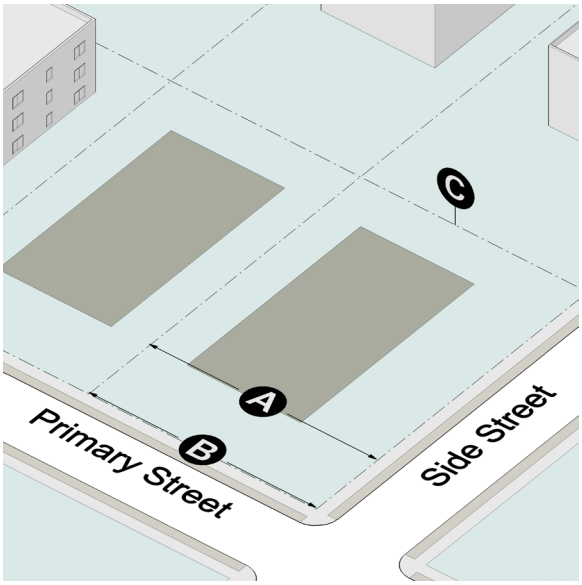


This section contains the O-I district regulations. The O-I district is intended to provide land areas for office and institutional uses where proximity to residential, public, commercial and other land uses, and existing and projected traffic patterns make it desirable to locate office and institutional uses.

5.1.2. Uses

See Article 8, including Sec. 8.8.3.

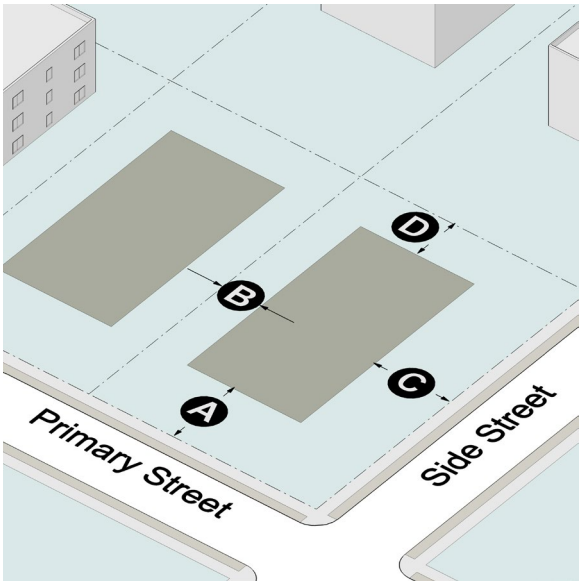
5.1.3. Dimensional Standards



Lots		
Ⓐ	Width	
	Residential Uses:	100 ft. min.
	Other Uses:	No min.
Ⓑ	Frontage	
	Residential Uses:	35 ft. min.
	Other Uses:	100 ft. min.
Ⓒ	Area	
	Single-Family Dwelling, Duplex:	18,000 sf min per dwelling
	Other Uses:	No min.
Ⓓ	Lot Coverage: [1]	70% max.

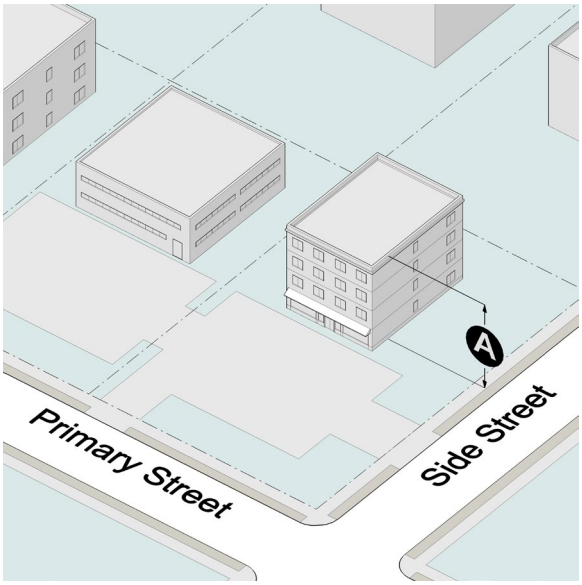
Table note:
[1] Lot coverage is as defined in Article 13.

5.1.4. Building Placement



Principal Building Setbacks	
Ⓐ Front Yard:	40 ft. min.
Ⓑ Side Yard (interior):	20 ft. min.
Ⓒ Side Yard (street):	40 ft. min.
Ⓓ Rear Yard:	25 ft. min.
Accessory Structure Setbacks	
Multifamily:	Accessory structures must not be located in the minimum front yard. Additional standards may apply to specific accessory uses in Sec. 8.8
Single-Family Dwelling, Duplex, and Other Uses:	Accessory structures may be located in rear or side yards but must not be located within a minimum yard. Additional standards may apply to specific accessory uses in Sec. 8.8.

5.1.5. Bulk and Mass



Building Height	
Ⓐ All buildings:	4 stories max. / 60 ft. max. [1, 2]
Heated Floor Area	
Single-family dwelling:	1,100 sf. min.
Duplex dwelling:	800 sf. min.
Other:	No min.

Table notes:

[1] See Sec. 6.3 (Rural Milton Overlay) and Sec. 6.2.8.N (State Route 9 Overlay) for additional height limits.

[2] Greater building heights may be approved through the use permit procedures of Sec. 12.5.2.

5.1.6. Overlay Compliance

Additional or alternative standards may apply within overlay districts.

A. State Route 9 Overlay

See Sec. 6.2.

B. Rural Milton Overlay

See Sec. 6.3.

C. Birmingham Crossroads Overlay

See Sec. 6.4.

5.2. MIX Mixed-Use

5.2.1. Scope and Intent



This section contains the MIX district regulations. The MIX district is intended to encourage flexible, innovative, and creative concepts in site planning and efficient use of land and to provide a stable multiple-use environment compatible with surrounding uses. The MIX district is particularly encouraged in areas designated by the Comprehensive Plan land use map as suitable for commercial (including retail, service commercial and office) uses and in living-working corridors.

5.2.2. Uses

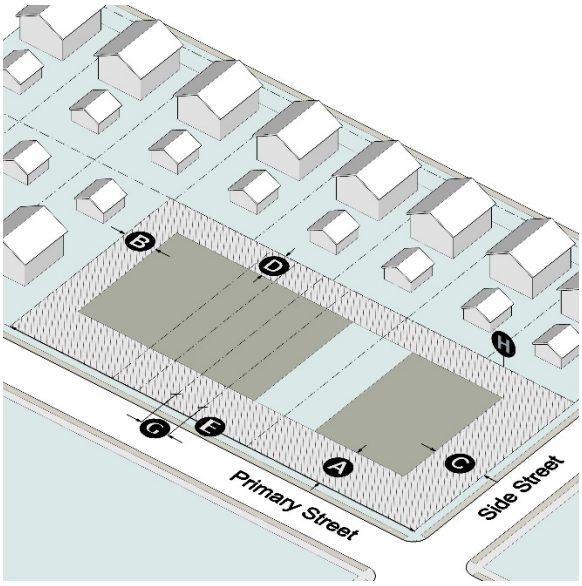
A. Mixed-Use Requirement

Every mixed-use project must include a residential component of single-family dwellings, duplexes, triplexes, quadplexes, townhouses, multifamily dwellings, or any combination thereof plus at least two of the following: commercial (excluding offices), offices, or civic uses.

B. Permitted Uses

See Article 8, including Sec. 8.8.5.

5.2.3. Dimensional Standards



Site		
Outdoor Recreation: [1]		20% min.
Ⓐ	Perimeter Front Yard Setback:	Per zoning conditions
Ⓑ	Perimeter Side Yard (interior):	Per zoning conditions
Ⓒ	Perimeter Side Yard (street):	Per zoning conditions
Ⓓ	Perimeter Rear Yard	Per zoning conditions.
Ⓔ	Width:	35 ft. min.
Lots		
Ⓖ	Frontage (single-family dwelling, duplex only):	20 ft. min.
Ⓗ	Area:	Per zoning conditions

Table note:
[1] Using gross land area and must be maintained by the property owner.

5.2.4. Building Placement



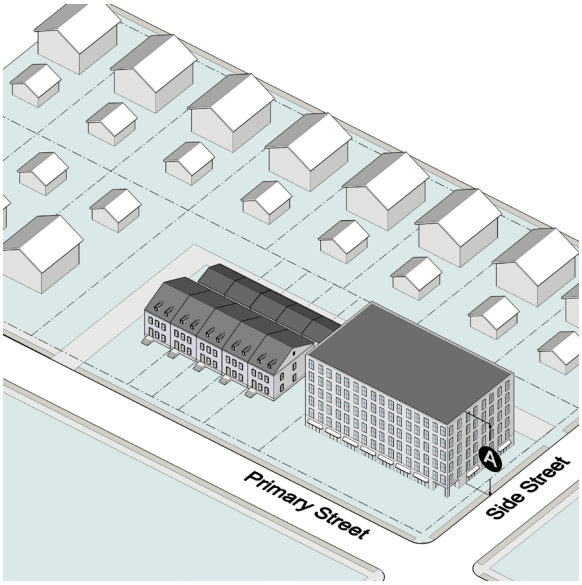
Principal Building Setbacks		
Ⓐ	Front Yard:	Per zoning conditions
Ⓑ	Side Yard (interior)	Per zoning conditions
Ⓒ	Side Yard (street)	Per zoning conditions
Ⓓ	Rear Yard:	Per zoning conditions

Accessory Structure Setbacks	
Single-Family Dwelling, Duplex, Townhouses:	Accessory structures may be located in rear yard or side yards only but must not be located within a minimum yard. Additional standards may apply to specific accessory uses in Sec. 8.8.
Multifamily:	Accessory structures must not be located in the minimum front yard.

Internal Buffering and Landscaping
Per zoning conditions.

Interior Building Separation
All building separations must be as specified by the City's building code.

5.2.5. Bulk and Mass



Building Height	
Ⓐ All Buildings:	60 ft. max. [1, 2]

Heated Floor Area	
All uses:	Per zoning conditions

Table notes:
[1] See Sec. 6.3 (Rural Milton Overlay) and Sec. 6.2.8.N (State Route 9 Overlay) for additional height limits.
[2] Greater building heights may be approved through the use permit procedures of Sec. 12.5.2.

5.2.6. Pedestrian Connectivity

All components must be interconnected with pedestrian paths constructed of either colored/textured materials or conventional sidewalk materials and clearly identified.

5.2.7. Overlay Compliance

Additional or alternative standards may apply within overlay districts.

A. State Route 9 Overlay
See Sec. 6.2.

B. Rural Milton Overlay
See Sec. 6.3.

C. Birmingham Crossroads Overlay
See Sec. 6.4.

5.3. C-1 Community Business

5.3.1. Scope and Intent

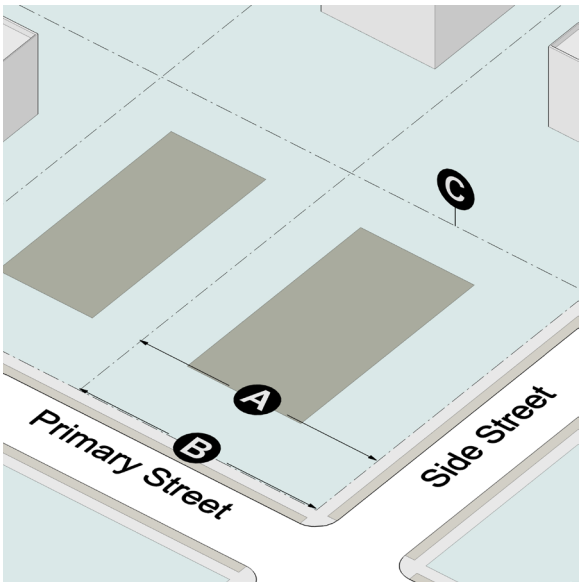


This section contains the C-1 district regulations. The C-1 district is intended to provide locations in which neighborhood and community-oriented retail and service activities conclude a transition, or land areas which complement a transition into a more intense activity area. Complementary noncommercial uses are also permitted.

5.3.2. Uses

See Article 8, including Sec. 8.8.4.

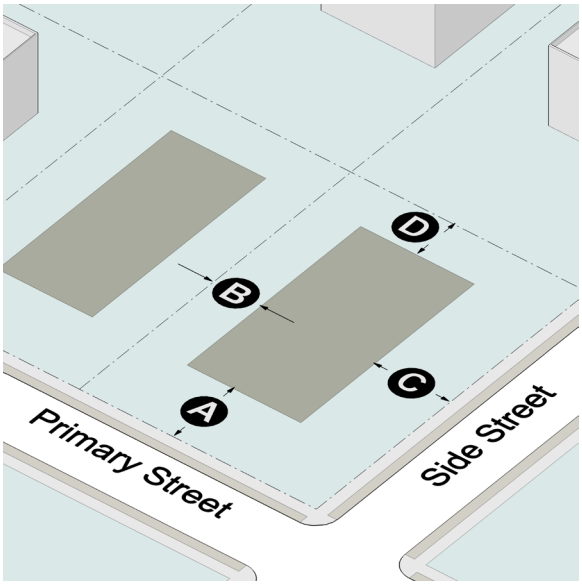
5.3.3. Dimensional Standards



Lots		
Ⓐ	Width	No min.
Ⓑ	Frontage	35 ft. min.
Ⓒ	Area	
	Single-Family Dwelling, Duplex:	18,000 sf min. per dwelling
	Multifamily Dwelling: [1]	2,500 sf min.
	Other Uses:	No min.

Table note:
[1] Includes units above or behind a commercial use.

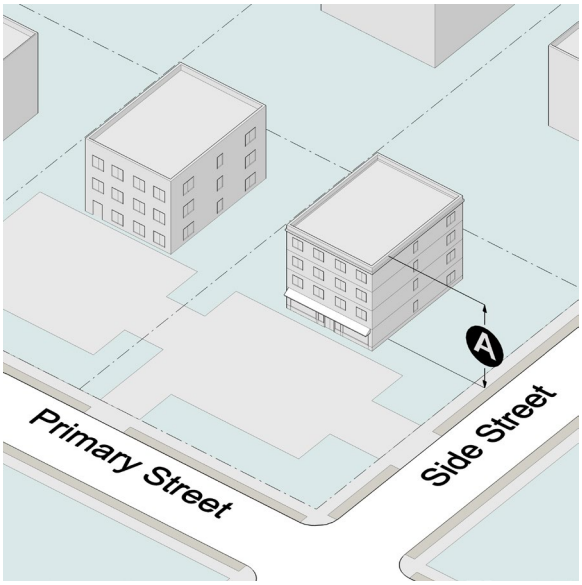
5.3.4. Building Placement



Principal Building Setbacks		
Ⓐ	Front Yard:	40 ft. min.
Ⓑ	Side Yard (interior)	
	Residential Uses:	25 ft. min.
	Other Uses:	No min.
Ⓒ	Side Yard (street)	40 ft. min.
Ⓓ	Rear Yard:	
	Residential Uses:	25 ft. min.
	Other Uses:	No min.

Accessory Structure Setbacks	
Single-Family and Duplex Uses:	Accessory structures may be located in the rear yard only but must not be located within a minimum yard. Additional standards may apply to specific accessory uses in Sec. 8.8.
Other Uses:	Accessory structures must not be located in the minimum front yard. Additional standards may apply to specific accessory uses in Sec. 8.8.

5.3.5. Bulk and Mass



Building Height	
Ⓐ All Buildings	4 stories max / 60 ft. max. [1, 2]

Heated Floor Area	
Single-Family Dwelling:	1,100 sf min.
Duplex Dwelling:	800 sf min.
Multifamily Dwelling:	700 sf. min.
Efficiency Apartment:	450 sf. min.

Table notes:

[1] See Sec. 6.3 (Rural Milton Overlay) and Sec. 6.2.8.N (State Route 9 Overlay) for additional height limits.

[2] Greater building heights may be approved through the use permit procedures of Sec. 12.5.2.

5.3.6. Landscape Strips and Buffers

A. A landscape strip at least 5 feet wide is required along all interior lot lines adjoining another C-1 zoned property.

B. The required landscape strip must be planted in accordance with Sec. 11.1.3 (Tree Canopy with Development Activity).

5.3.7. Overlay Compliance

Additional or alternative standards may apply within overlay districts.

A. State Route 9 Overlay

See Sec. 6.2.

B. Rural Milton Overlay

See Sec. 6.3.

C. Birmingham Crossroads Overlay

See Sec. 6.4.

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6.1. Rules Applicable to All Overlays

6.1.1. Purpose and Intent

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

A. The spatial relationships of structures and open spaces to each other.

B. The appearance of buildings and open spaces as they contribute to the attractiveness, function, economy, and character of an area. Planning area design standards are intended to be uniformly applied to evaluate the appropriateness of proposed changes to an overlay district to:

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

6.1.2. Relationship to Underlying Zoning

A. Overlay standards are supplemental to the underlying zoning standards otherwise established by this UDC.

B. Development in overlay districts must conform to underlying zoning district standards in which they are located, as well as all the regulations of the applicable overlay district.

C. If overlay standards conflict with other regulations in this UDC, or other ordinances or regulations, the overlay governs or prevails to the extent of the conflict.

6.1.3. Approvals by the City Architect

When an overlay authorizes the City Architect approval, such approval must be given based on consideration of the proposal and its compliance with the purpose and intent of the overlay district.

~~6.1.3.~~6.1.4. Maintenance and Building Code

A. Ordinary Maintenance or Repair

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

B. Failure to Maintain or Repair

Property owners in overlay districts must keep all exterior portions of properties in good repair. Property owners must also keep all interior portions of properties in good repair when not doing so may cause or tend to cause the exterior portion of the property to deteriorate, decay, or become damaged, or otherwise to fall into a state of disrepair.

6.2. State Route 9 Overlay

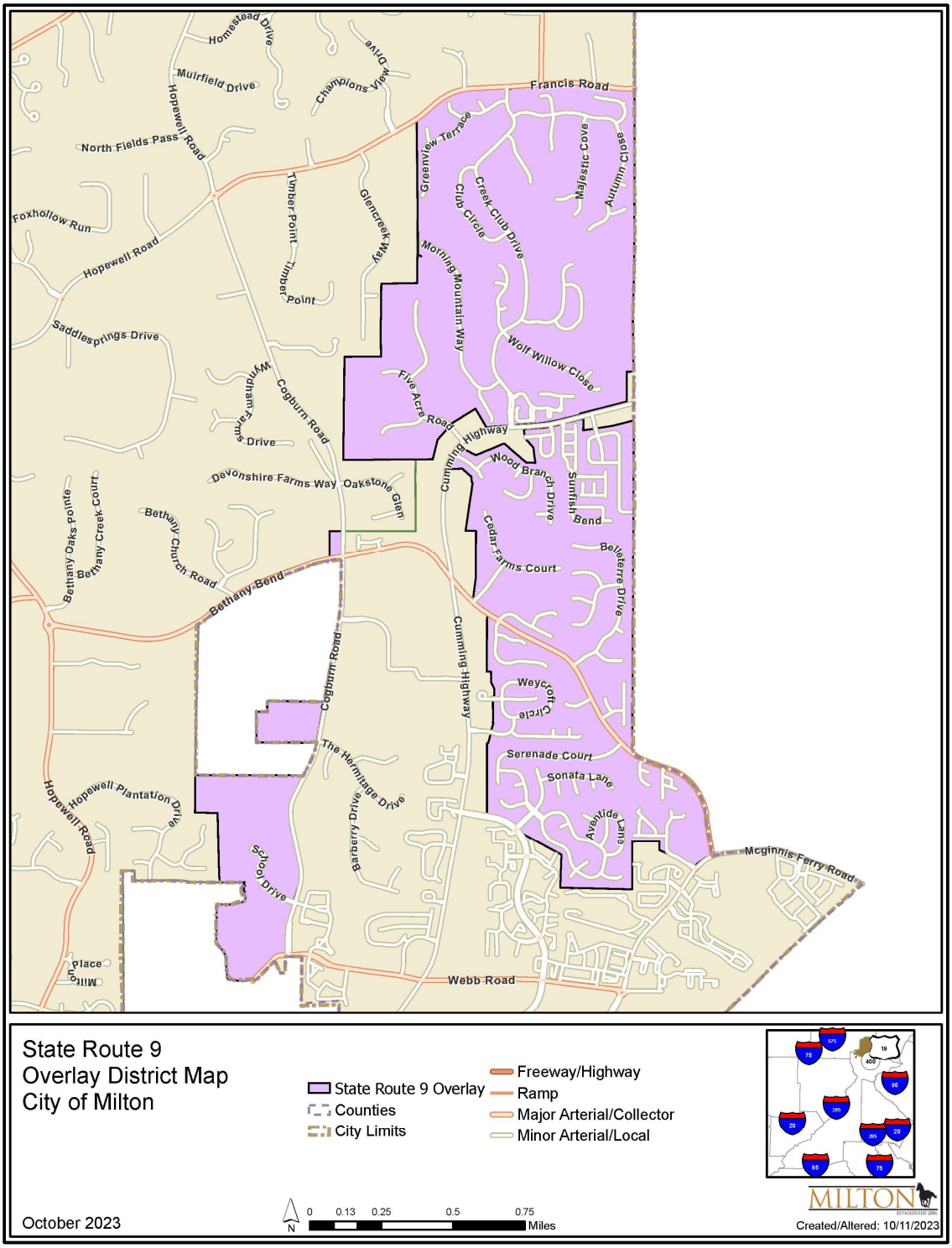
6.2.1. General

A. Purpose and Intent

1. The City Council declares that the purpose and intent of this section is to establish a uniform procedure to provide for the protection, enhancement, preservation, unity of design, and use of places, sites, buildings, structures, streets, neighborhoods, and landscape features in the State Route 9 Overlay District in accordance with these provisions.
2. This section is adopted to promote the health, safety, order, prosperity, and general welfare of the city's citizens through the regulation of design, aesthetics, location, bulk, size of buildings and structures, and the density and distribution of population.
3. This section also seeks to:
    a. Reduce congestion on the streets.
    b. Provide safety from fire, flood, and other dangers.
    c. Provide adequate light and open space.
    d. Protect the natural environment and address other public requirements in order to provide sustainable development that involves the simultaneous pursuit of economic prosperity, environmental protection, and social quality.
4. This section also seeks, among other things, to promote accepted design principles for new development and redevelopment, to raise the level of community understanding and expectation for quality in the built environment, to protect and enhance local aesthetic and functional qualities, and to stimulate business and promote economic development.
5. In consideration of the character of the State Route 9 Overlay District, the regulations are to monitor the suitability for certain uses, construction, and design, prevent functional and visual disunity, promote desirable conditions for community and commerce and protect property against blight and depreciation.

B. Regulations and Applicability

This overlay applies to all properties (except single-family uses, unless specifically included in Sec. 6.2.8.A.2~~6.2.8.A.2~~) in the area shown below on the State Route 9 Zoning Overlay District map.



6.2.2. Outdoor Amenities

A. Developments with over 25,000 gross square feet of commercial uses must provide outdoor amenity areas. The amount of outdoor amenity areas required must be at least 10% of the commercial uses' gross land area. In addition, at least 50% of required outdoor amenity areas must be contiguous.

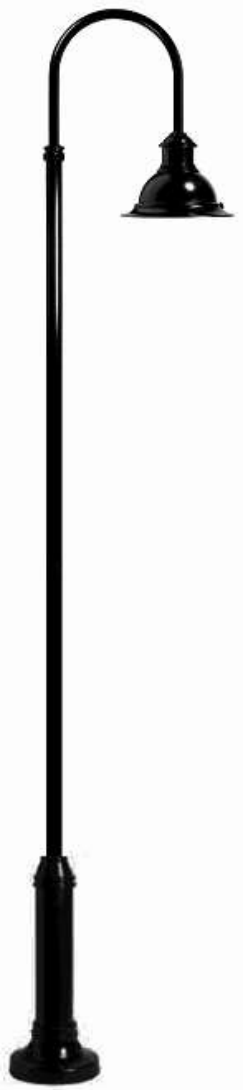
Examples of outdoor amenity areas include, but are not limited to, pocket parks, plazas, fountains, public art, and walking and recreational trails. Outdoor amenity areas do not include parking lot islands or landscape strips. The outdoor amenity areas must be maintained by the owner in clean, safe, and working order.

B. Outdoor amenity areas must be accessible to the public and, where appropriate to adjacent properties, connectivity is required. Any street furniture, benches, trash receptacles, or pedestrian streetlights installed in an outdoor amenity area must be of a type indicated below.

1. **Benches.** Victor Stanley Classic Series CR-138 in black with no center arm rest.
2. **Trash receptacles**. Victor Stanley D-35 in black.
3. **Pedestrian streetlight.** Philips Lumec Domus Series.



Victor Stanley Classic series CR-138 bench and Victor Stanley D-35 trash receptacle



Philips Lumec Domus Series pedestrian light

6.2.3. Landscaping

A. A minimum 20-foot-wide landscape strip is required along State Route 9, Morris Road, Windward Parkway, Deerfield Parkway, Webb Road, Cogburn Road, and Bethany Bend.

B. A minimum 10-foot-wide landscape strip is required along any interior property line adjacent to a nonresidential district or use.

C. Landscape strips must conform to Sec. 11.1.3.E.4 (Landscape Strips).

6.2.4. Undisturbed Buffers

A. For sites on 4 acres or less, a 50-foot-wide undisturbed buffer or alternative screening design, with an additional 10-foot improvement setback, must be located adjacent to all agricultural districts and all property zoned, used, or developed for residential uses.

B. For sites on more than 4 acres, a 75-foot-wide undisturbed buffer or alternative screening design, with a 10-foot improvement setback, must be located adjacent to all agricultural districts and all property zoned, used, or developed for residential uses.

C. To make buffers seem natural, an equal mix of four species must be used, except when alternative screening is used.

D. When alternative screening design is used, the buffer must provide as much or more year-round visual screening as the otherwise required buffer would. The alternative screening must also be planted as required by the City Arborist.

6.2.5. Screening and Fencing

A. If otherwise visible from a public right-of-way or adjacent residential use, rear or side parking and loading areas must be screened from view by one of the following:

1. Placement behind the building.
2. 100% opaque fencing.
3. Vegetative screen planted to buffer standards.

B. Where a parking lot, parking structure, or gas fueling bay fronts directly on a public street, a continuous screen of evergreen plantings is required. Said screen must be at least 3 feet high at planting and at least 4 feet high and 3 to 8 feet wide at maturity.

C. Retaining Walls

1. Retaining walls must conform to Sec. 9.3.7 (Retaining Walls).
2. If any retaining wall is 3 or more feet high, a continuous evergreen planting must be approved by the City Arborist must be located in front of the retaining wall.

D. Accessory site features

1. Accessory site features located on the ground must be screened from view from any public right-of-way or any residential use by one or a combination of the following: placement behind the building, 100% opaque fencing, or a vegetative screen planted to buffer standards. Where walls or fences are used in lieu of planted screens, landscape materials must be incorporated into the screening scheme.

2. Accessory site features are prohibited in front yards or any other yard adjacent to a street.

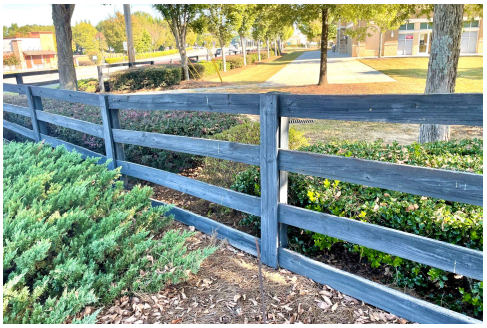
3. Accessory site features on a roof must be screened from the view of public and private streets by a parapet or other architectural feature or as approved by the Director.

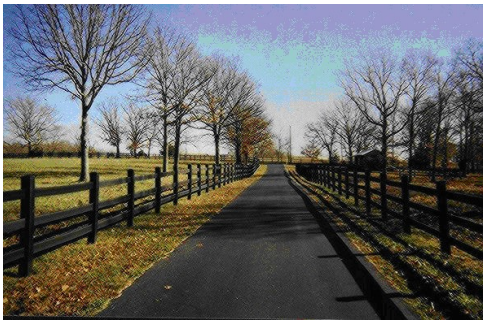
E. Roofs

Flat roofs must be screened from the view of public and private streets by a parapet.

F. Fencing

1. Along public streets, fencing materials must be primarily dark stained wood and may include accents of natural or man-made stone, brick, aluminum, ornamental or decorative wrought irons or architectural concrete. Pictured below are examples that are in keeping with the equestrian and rural character of Milton. Unpainted and unstained pressure treated wood is prohibited.







2. Fences and posts adjacent to a public street must not exceed 60 inches high measured from finished grade. On commercial sites, required fences must also include a minimum 3 feet wide landscaped strip on the exterior of the fencing. This landscaped strip may be included within any required landscape strip per Sec. 6.2.3.A~~6.2.3.A.~~

3. Chain-link fencing may be used along golf courses, play fields, and other recreational areas. Chain-link fencing must be black or hunter green vinyl coated. Exception: chain-link fencing is ~~not allowed~~prohibited if fencing can be seen during any month of the year from State Route 9, Morris Road, Windward Parkway, Deerfield Parkway, Webb Road, Cogburn Road, ~~and~~ or Bethany Bend.

4. When required, fencing around detention/retention facilities must meet the requirements of Sec. 6.2.5.F.1 above~~6.2.5.F.1 above~~ or as approved by the Director.

5. Chain-link fences not coated in vinyl are prohibited.

6. Opaque fences are only permitted in side and rear yards not adjoining any roadways.

6.2.6. Pedestrian Paths

A. Sidewalks are required along all public and private road frontages and must be at least 6 feet wide.

B. Sidewalks, multiuse paths, and other pedestrian paths must be shown on the site plan submitted at the time of application for a land disturbance permit.

C. Sidewalks may meander as topography permits, subject to the approval of the Director.

D. Multiuse paths for bicycles and pedestrians may be substituted for the required sidewalks as approved by the Community Development Director and the Public Works Director when the path is part of the City bicycle and pedestrian plan.

E. Multiuse paths designed for use by bicycles and pedestrians must be 12 feet wide.

F. Multiuse paths designed with separate paths for bicycles and pedestrians must be 15 feet wide (10 feet for bicycles and 5 feet for pedestrians).

G. Sidewalk connector paths must be constructed across the entire length of all concrete aprons and must be textured to match the appearance of sidewalk materials, in color, texture, and design.

H. Internal walkways are required from the public sidewalk to the main entrance of the principal use of the property.

I. If provided, street furniture must be outside the specified internal walkway width.

J. Internal walkway designs must minimize direct auto-pedestrian interaction.

K. Intra-parcel walkways through parking lots must be distinguished from parking lots using color, texture (use of different materials), elevation above the parking lot, or a combination of these methods, to minimize auto-pedestrian conflict.

L. Sidewalks must connect to applicable signalized crosswalks and bus stops.

M. Paths must be direct and convenient routes between points of origin (e.g., bus stop) and destination (e.g., shop, bank, etc.).

N. The lighting plan for pedestrian paths must be shown on the site plan submitted at the time of application for a land disturbance permit. Pedestrian lighting must also be shown on the landscaping plan so that future mature growth vegetation does not conflict with proposed lighting.

O. Pedestrian connectivity between residential and adjacent nonresidential uses is required.

6.2.7. Lighting

A. A lighting plan for parking lots and pedestrian paths must be submitted for approval before issuing a land disturbance permit.

B. Lighting fixtures must conform to the following:

1. Lighting fixtures must be a cutoff luminary whose source is completely concealed with an opaque housing.
2. Fixtures must be recessed in the opaque housing.
3. Drop dish refractors are prohibited.
4. The wattage must not exceed 420 watts/480 V per light fixture. This provision includes lights on mounted poles, as well as architectural display

and decorative lighting visible from a street or highway.

5. Wall pack lighting must be cut-off down directional a maximum of 250 watts.

6. Canopy lighting must be cut-off down directional a maximum of 250 watts.

7. Canopy lighting must be cut-off luminaries with a maximum lamp wattage of 400 watts.

~~B.~~8. Watt specifications above include equivalent lumen specifications.

C. Light sources (lamps) must be incandescent, fluorescent, metal halide, mercury vapor, natural gas, LED, or color corrected high pressure sodium (CRI of 60 or better). The same type must be used for the same or similar type of lighting on any one site.

D. Mounting fixtures must be modified so the light cone is not directed at a property line. The minimum pole mounting height is 12 feet and the maximum is 28 feet. Any fixture and pole within 20 feet of a residential district must be a Type Four and forward throw distribution. Type Four enclosures are intended for outdoor use primarily to protect against windblown dust and rain, splashing water, and hose directed water; they are undamaged by ice forming on the enclosure.

E. Site lighting must be designed so that the illumination (measured in foot-candles at any one point) meets the following:

1. Minimum and maximum levels are measured at any one point.

2. The average level is not to exceed the calculated value and is derived using only the area of the site included to receive illumination.

3. Points of measure must not include the area of the building or areas that do not lend themselves to pedestrian traffic.

F. If the major portion of the lighting design is in front of a building, the average level ~~should~~must not be affected by adding a light or two in the back of the same building, which would raise the average of the intended area for lighting.

G. ~~Future~~ Rrenovations, upgrades, or additions to ~~existing~~ facilities existing before the effective date of this UDC must not exceed existing illumination levels shown in Table 6.2.7.G. The entire site must be brought into conformance with this requirement when a renovation, upgrade, or addition occurs that requires a land disturbance permit.

Table 6.2.7.G: Illumination Standards

Location or Type of Lighting	Minimum Level Foot-candles	Average Level Foot-candles	Maximum Level Foot-candles
Area for display of outdoor merchandise	1.0	5.0	10.0
Commercial, office, and public parking areas	0.6	2.40	10.0
Multifamily parking areas	0.2	1.50	10.0
Walkways and streets	0.2	2.00	10.0

Landscape and decorative	0.0	0.50	5.0

H. Prohibited Lighting

Shoe box and cobra head lighting fixtures (as typically used in parking area lighting) and exposed neon lighting (as typically used on building facades and architectural features) are prohibited.

Shoe Box Cobra Exposed Neon



I. Prohibited Lighting Exception

As an exception to the prohibition in paragraph H above, each commercial establishment may have a single exposed neon or LED sign which may only be illuminated during periods when the establishment is open for public business. Such sign must have a maximum sign face of 2 square feet and must be positioned on the interior as a window sign no more than 5 feet from the main entrance of the establishment. The sign is expressly prohibited from blinking, flashing, or fluctuating, and must not be animated in any way.

J. Pedestrians Lights and Poles

Roadway, parking lot, and pedestrian lights and poles must be the Philips Lumec Domus series in black or similar. Within these areas, lights must include decorative skirts or aprons.



K. Mast Arm Poles

Mast arm poles for signalized intersections shall be determined by the Public Works Director based on City of Milton standards for placement in a public right-of-way.

6.2.8. Building Materials and Design

A. Applicability

1. The following applies to all properties, except single-family dwellings in the overlay, unless specified.
2. The following also applies to single-family dwellings located in mixed use zoning districts adjacent State Route 9, Morris Road, and Bethany Bend.

B. Developments must include architectural elements, such as:

1. Arcades.
2. Arches.
3. Balconies.
4. Clock towers.
5. Columns.
6. Courtyards.
7. Covered entry walkways.
8. Cupolas.
9. Facade offsets.
10. Offset walls.
11. Windows.

C. The principal entry area of a building must be articulated and express greater architectural detail than other portions of the building.

D. Architectural treatment must continue on all sides.

E. Nonresidential and multifamily building facades must have at least 25% fenestration or as may be approved by the Director.

F. Opaque fences are only permitted in side and rear yards not adjoining any roadways.

G. Building plans for townhouse and duplex developments must show differentiated exterior wall materials on the vertical wall faces within each block of units and architectural features such as porches, balconies, bay windows, and stoops that are consistent with one overall architectural theme.

H. Townhouse and duplex rooflines ~~should~~must exhibit differentiated architectural features such as gables, pyramidal, and hip. Rooflines ~~should~~must be varied. Mansard roofs are not permitted.

I. Alleys are only allowed when located between two rows of townhouses or duplex developments. If constructed, alleys must form a continuous network with other streets and/or alleys at the rear of each building lot.

J. Exterior buildings must demonstrate a variety of appearances which are all compatible with one selected architectural theme.

K. Buildings must not end abruptly at a corner. Corner buildings shall demonstrate focal points which anchor the corner. Corner buildings ~~should~~must have functional extensions around any corner.

L. The maximum building height, except along Morris Road, is two stories with a maximum height of 30 feet from average finished grade to bottom of the roof eave.

M. Building entrances and front exteriors must be articulated and designed to create additional visual interest by varying architectural details, building materials, and by varying the roof line and building offsets.

N. Exterior wall materials of nonresidential buildings, townhouses, duplexes, and multifamily buildings must be at least 75% brick or natural stone (measured as percent of wall area, per vertical wall plane).

O. Accent building materials for nonresidential buildings, townhouses, duplexes, and multifamily buildings must not exceed 25% of any combination of:

1. Architectural concrete (either precast or tilt-up with fluted or exposed aggregate finish).
2. Architectural concrete masonry with fluted, split-face or broken-face finish.
3. Brick.
4. Fiber cement siding.
5. Natural stone with weathered, polished, or fluted face.
6. Non-reflective glass.
7. Portland cement plaster and lath systems.
8. Textured traditional cement stucco.
9. Tile.

P. Vinyl or aluminum siding, exposed standard concrete masonry unit (CMU) block, corrugated steel, prefabricated metal, exposed plywood, and exposed pressboard are prohibited as wall finishes.

Q. No more than three different materials, textures, colors, or combinations thereof may be used on a single building, unless a greater number is approved by the Director after consultation with the City Architect.

R. Materials may be combined only horizontally, with the visually heavier below the lighter.

S. Accessory structures must be consistent with the principal building in material, texture, and color.

T. Street-facing first story windows and door glass must be clear or tinted. Tinted glass must have a transmittance factor of 50% or more and must have a visible light reflectance factor of 10 or less.

U. Exterior finishes for accessory structures must be consistent with the principal structure.

V. Permitted colors for exterior walls, building components, accents, and decorative elements are as specified by the following table.

Permitted Colors for Exterior Walls, Building Components, Accent and Decorative Elements	
The following numbers refer to the Pantone Matching System, an international color matching system	
White	**Black**
Browns, beiges, and tans 462C—468C 4625C—4685C 469C, 474C, 475C 4695C—4755C 478C 719C—724C 725C—731C 476U—482U 719U—725U 726U—732U	**Greens** 553C—554C 560C—561C 614C—616C 3302C—3305C 3295C, 342C 343C, 3435C 356C, 357C 5467C—5527C 3305U 3308U, 335U 336U 341U—343U
Grays 400C-432C	**Reds** 483C, 484C 7411C- 7414C 7515C-7519C 7522C-7526C

W. Permitted sloped roof materials are asphalt shingles, composition shingles, wood shingle, tin, standing seam metal, and wood shake. Sloped roofs are encouraged wherever feasible.

X. Roofs must be black, gray, dark gray, brown, red, or green. Reflective and metallic colors are prohibited unless described in the table contained in paragraph V ~~X~~ above.

Y. Burglar bars, steel gates, metal awnings, and steel roll-down curtains are prohibited if visible from a public street.

Z. Exposed neon lighting or LED equivalent outlining and detailing building features is prohibited.

6.2.9. Parking and Vehicular Circulation

A. Onsite parking must be located to the side and rear of buildings when possible. No more than 30% of the overall parking may be in front of a building.

B. All parking spaces built in excess of the minimum number required by Sec. 9.1.2 must be constructed of pervious material and/or must provide one row of pervious parking along the periphery of the development ~~as approved by the Public Works Department~~.

C. Newly developed streets must incorporate on-street parking.

D. On-street surface parking spaces located adjacent to the front property line count toward the minimum number of parking spaces required for that lot.

E. Access lanes and additional curb cuts, other than the primary access drive, must be located to the side or rear of the property. The maximum width of the access lane and driveway is 18 feet.

F. Parking decks must be constructed to conceal vehicles from exterior view.

G. Parking decks must include architectural detailing and finishes compatible with surrounding buildings.

H. At least one bicycle parking rack designed to accommodate a minimum of four bicycles each is required for each

nonresidential development. Additionally, one rack is required for each 15,000 square feet of development in a multi-tenant center, and one rack per 50,000 square feet is required for any single tenant 50,000 square feet in size or greater.

I. Loading areas must be located in the rear or side yards.

J. Inter-parcel access and shared driveways are required to minimize curb cuts and improve street traffic flow.

K. Where multi-use trails are available to a commercial site, credit may be allowed to reduce the required number of parking spaces. Credit for providing spaces for alternative vehicles (golf carts, and other approved trail transportation) will be given at a rate of 1.5 required spaces for each alternative vehicle space with a maximum reduction of 10% of the required spaces.

6.2.10. Miscellaneous Provisions

A. Telecommunications switchboards, power generators, and other telecommunications relay equipment rooms or stories housing such uses are limited to the following areas of a building:

1. Subterranean stories.
2. First and second stories which are set back a minimum of 50 feet from the street
3. Stories above the second

B. Stealth design is required for all wireless telecommunication towers.

C. Neither parking lots nor areas immediately adjacent to a building may be used for storage or sale of goods.

D. The display or sale of goods outside the interior permanent and sheltered portions of a building is prohibited. Exceptions may be obtained for a seasonal business use (see Sec. 8.9.7) approved pursuant to Sec. 12.5.1 (Administrative Permits).

E. Vending machines, newsstands, and other similar devices must be in the interior of the building structure.

6.3. Rural Milton Overlay

6.3.1. General

A. Purpose and Intent

1. The Rural Milton Overlay District, including Birmingham Crossroads, applies to all properties within the area shown in Sec. 6.3.10.F~~6.3.10.F~~. The City Council finds that historic rural areas and their scenic surroundings are important cultural, recreation, and economic assets critical to the public's long-term interest and hereby declares it to be the purpose of this section to recognize and to establish a procedure to protect and plan for the city's "crossroads communities" (the rural development pattern where commercial buildings are built at the intersections of two major roads and residences are built at the edges). The intent of this section and Sec. 6.4 is:

    a. To develop guidelines to preserve and perpetuate a rural crossroads community which includes Birmingham Crossroads, agricultural related uses, residential development, and existing commercial zoning districts within the overlay district based on the description and analysis of their setting.

    b. To preserve the integrity of the area, which developed during the late 19th century and early 20th century, through architectural design interpretation and application.

    c. To preserve and protect the rural, agrarian and equestrian character of crossroads communities and their surrounding areas.

    d. To preserve and to ensure the harmony and compatibility of the character of the area including its physical appearance, natural setting, and informal landscaping especially along the rural viewsheds, including the implementation of the Milton Trail Plan.

    e. To acknowledge and respect the environment's natural resources and visual qualities.

    f. To preserve open space.

    g. To preserve, encourage, and promote, through the built environment, the sense of place, the sense of ownership, the sense of identity, the sense of evolution, and the sense of community present in the area.

    h. To that ensure existing design characteristics of crossroads communities and surrounding areas are the standard against which plans for new construction are judged for harmony, compatibility, and appropriateness.

    i. To encourage and ensure that contemporary development designs and materials are still compatible with the existing character of the area through their proportion, scale, design, style,

placement, position, and architectural qualities.

j. To develop a community setting that has individuality and is unique and does not imitate building types or styles unrelated to the crossroads community.

k. To provide for the construction of buildings and spaces that are human in scale, welcoming, and approachable.

l. To encourage containment of existing commercial areas, to provide for transition between commercial areas and residential areas, and discourage encroachment of the commercial areas into the residential areas; and

m. To promote sustainable development.

2. This section and Sec. 6.4 are adopted as part of a strategy designed for the purpose, among others, of preserving and protecting these areas and enhancing their important aesthetic appearance through regulatory measures, while advancing community development goals, promoting economic development and substantially protecting and promoting health, safety, order, prosperity, and general welfare of the city's citizens.

B. Rural Milton Overlay Use Standards

Table 6.3.1.B: Rural Milton Overlay Use Table identifies uses and their assigned categories. It is the intent that some types of uses must comply with certain development standards of the Rural Milton Overlay District. Accessory uses not listed below are also allowed when they are accessory to a listed permitted use. Uses are defined in Article 8.

Table 6.3.1.B: Rural Milton Overlay Use Table

Key: (P) = Permitted use allowed by-right.
(U) = Use permit required.

Commercial Type Uses	Agricultural Type Uses	Institutional Type Uses	Non-Single-Family Uses	Single-Family Uses
Amphitheater (U)	Agricultural related activities (U)	Cemetery and mausoleum (U)	Alternative senior housing (U)	Single-family (P)
Animal care (indoor) (P)	Barns or riding areas (P)	Church, temple, or other place of worship (including accessory daycare) (U)	Convalescent center/nursing home/ hospice (U)	Senior housing (single-family only) (U)
Animal care (outdoor) (P)	Barns or riding areas that otherwise require a Use Permit (P)	Private library (P)	Duplex (U)	Temporary mobile home (U)
Artist studio (U)	Composting (U)	Private museum (U)	Group residence for 5—8 children (U)	

Key: (P) = Permitted use allowed by-right.
(U) = Use permit required.

Commercial Type Uses	Agricultural Type Uses	Institutional Type Uses	Non-Single-Family Uses	Single-Family Uses
Bed and breakfast (U)	Greenhouses (P)	Schools, private/special (P) (including accessory daycare) (U)	Group residence for 9—15 children (U)	
Country inn (U)	Roadside produce stand (P)	Retreat, campground (U)	Multifamily dwellings (U)	
Driving range (P)	Rural or Agricultural event facility (U)		Personal Care Home, Assisted Living (U)	
Equine garment fabrication (U)	Farm winery, Georgia Farm Winery (U)		Senior housing (when not single-family) (U)	
Keeping of exotic or wild animals (U)			Townhouses (U)	
Festivals or events, outdoor/indoor (U)				
Greenhouses—Hydroponic, larger than 5,000 square feet (P)				
Landscape business (U)				
Race track (U)				
Recreational fields (U)				
Self storage (U)				
Skywalk (U)				
Stadium (private school) (U)				
Uses in C-1 or O-I zoning districts (P)				

6.3.2. Development Standards Established

The following Sec. 6.3.2 through Sec. 6.3.6 establish standards for elements of the overall site and of the buildings which affect the character of the district such as: landscaping, fencing, lighting, building size, orientation, scale, setback, parking, building design, building material, building components, signs, and color.

6.3.3. Single-Family Standards

A. Landscaping

1. Clear-cutting is prohibited. However, land clearing, timber harvesting, tree farming, and agricultural clearing may

be allowed within the context of a development clearing permit.

2. No removal of protected trees established in Sec. 11.1.1.F is allowed on the site before the issuance of a land disturbance permit, building permit, development clearing permit, or tree removal permit.

B. Stormwater Management Facilities

See Sec. 2.3.6 (Stormwater Management Facilities).

C. Height

1. The maximum building height is two stories with a maximum height of 28 feet from average finished grade to the bottom of the roof eave.

2. Notwithstanding the height limit in sub-paragraph 1 above, the maximum height may be increased in an amount based on the calculations shown as examples in Table 6.3.3.B; however, in no event may the height be increased more than 8 feet.

Table 6.3.3.B.

Building Type	Drop in Grade	Credit	Max. Building Wall Height (Grade to Soffit)
Slab House	0 ft.	0 ft.	28 ft.
Basement House: 50% Exposed	10 ft.	5 ft.	28 ft. + 5 ft. = 33 ft.
Basement House: 25% Exposed	10 ft.	7.5 ft.	28 ft. + 7.5 ft. = 35.5 ft.
Basement House: 50% Exposed	15 ft.	7.5 ft.	28 ft. + 7.5 ft. = 35.5 ft.

D. Lot Coverage

1. Lot coverage for each individual lot zoned any agricultural district, R-1, R-2, or CUP must not exceed:

   a. 25% for lots that front on private streets.

   b. 20% for lots that front on public streets.

2. Lots that are both (a) located within the Birmingham Crossroads Overlay District and (b) not zoned an agricultural district are exempt from the lot coverage requirements of Sec. 6.3.3.D.1~~6.3.3.D.1~~.

E. Prohibited Building Components.

Metal gates, burglar bars, chain-link fences, and metal roll down curtains are prohibited.

F. Retaining Walls

1. Retaining walls must conform to Sec. 9.3.7 Retaining Walls.

2. Retaining walls above 3 feet high must have a continuous planting of evergreens or alternative planting as approved by the City Arborist. When alternative planting is used, the planting must provide as much or more year-round visual screening of the retaining wall as the otherwise required evergreens would.

~~2.~~

6.3.4. Commercial, Non-Single-Family Standards

A. Landscaping

On property containing commercial or non-single-family type uses, landscaping ~~should~~

must be compatible in form, style and design with the natural setting and informal landscaping present in the area and on the site before development. Landscaping ~~should~~ must also be used as a buffer to screen a development from adjacent residential and agricultural uses. In addition, such property must comply with the following:

1. Streetscape and landscape strips.
    a. A landscape strip at least 10 feet wide is required along public streets. Landscape strips must conform to Sec. 11.1.3.E.4 (Landscape Strips), and additional overstory trees are encouraged. See Sec. 6.3.4.B.2~~6.3.4.B.2~~ for additional landscape and screening requirements. The landscape strip may be developed either:
        i. With hardscape elements such as plazas, planters, benches, fountains, and tables in addition to the required hardwood trees; or
        ii. With landscape elements consisting of 60% coverage in trees and shrubs and 40% coverage in grass and ground cover pursuant to this UDC, especially Sec. 11.1 Tree Canopy Conservation; or
        iii. With a combination of both landscape and hardscape elements.
    b. Cluster planting is encouraged. However, at a minimum, trees must be planted in the center of the landscape strip at a maximum distance of every 20 feet on average. Street trees must be planted at one per 30 feet. They may be planted in clusters per the City Arborist.
    c. Specimen trees, as described in Sec. 11.1.1.G, located within the minimum front yard must be preserved.
    d. A strip must be planted with grass or sod between the back of curb or swale and the sidewalk or the Milton Trail, per the applicable UDC provision.
2. Parking lot landscaping. See Sec. 9.15.D (Parking Lot Landscaping).
3. Landscape buffers.
    a. For sites on 4 acres or less, a 50-foot-wide undisturbed buffer or alternative screening design, with an additional 10-foot improvement setback, must be located adjacent to all agricultural districts and all property zoned, used, or developed for residential uses.
    b. For sites on more than 4 acres, a 75-foot-wide undisturbed buffer or alternative screening design, with an additional 10-foot improvement setback, must be located adjacent to all agricultural districts and all property zoned, used, or developed for residential uses.
    c. To make buffers seem natural, an equal mix of four species must be used, except when alternative screening is used.
    d. When alternative screening design is used, the buffer must provide as

much or more year-round visual screening as the otherwise required buffer would. The alternative screening must also be planted as required by the City Arborist.

4. Property owners are encouraged to develop a greenspace for recreation and public enjoyment.

5. Clear-cutting is prohibited. However, land clearing, timber harvesting, tree farming and agricultural clearing may be allowed within the context of a development clearing permit.

6. No removal of protected trees as established in Sec. 11.1.1.F is allowed on the site before the issuance of a land disturbance permit, building permit, development clearing permit, or tree removal permit.

B. Screening ~~and Fencing~~

Landscaping and fencing materials on property containing commercial or non-single-family uses ~~should~~ must be used to minimize visual and noise impact of parking, loading areas, detention ponds, stormwater management facilities, and accessory site features as set forth herein.

1. All loading spaces must be screened from view of any public street by either:

   a. A landscape strip at least 15 feet wide and planted with a continuous hedge of evergreen shrubs; or

   b. Incorporated into the principal building.

   Shrubs must be moderately growing, be at least 3.5 to 4 feet high at time of planting and must reach 6 feet high within two years of planting.

2. Parking lots must be screened from view of any public street by a landscape strip at least 15 feet wide and planted to buffer standards.

   Plants must be at least 3.5 to 4 feet high at time of planting and must reach 6 feet high within two years of planting. See Sec. 6.3.4.A.1~~6.3.4.A.1~~ for more landscape and screening requirements.

3. In addition to the requirements of Sec. Sec. 2.3.5. (Refuse Collection Areas), refuse area enclosures (dumpsters) must be constructed of the same exterior wall material used for the building. The door enclosing the refuse area must be constructed out of an opaque non-combustible material and appearance must be consistent with the prevailing architecture.

4. Accessory uses and site features, as defined in Article 8, must be placed in the least visible location from public streets, and must be screened from view of any right-of-way or any property zoned, used, or developed for residential uses, including agricultural districts, by one of the following means:

   a. Placement behind the principal building; or

   b. Erection of a 100% opaque fencing, around the entire accessory structure which must be constructed of the same type of exterior material used for the building; or

   c. By vegetative screening consisting of evergreen shrubs at least 3.5 to 4 feet high at time of planting, and which reach 6 feet high within two years of planting.

5. Drive-throughs are prohibited.

C. Stormwater Management Facilities

See Sec. 2.3.6 (Stormwater Management Facilities).

D. Fencing and Height

1. Fences must be constructed as required by Sec. 3.1.8 (Fencing).
2. Retaining wall must conform to Sec. 9.3.7 (Retaining Walls).
3. Opaque fences are prohibited in yards adjacent to a public street except as set forth in Sec. 6.3.4.B.4.a~~6.3.4.B.4.a~~ and Sec. 6.3.4.B.4.b~~6.3.4.B.4.b~~ of this sub-section.

E. Pedestrian Safety

Construction of sidewalks and pedestrian amenities on property containing commercial or non-single-family uses ~~should~~must encourage and promote walking to a development and within a development. The placement of sidewalks, pedestrian amenities, and the Milton Trail (see Sec. 10.7) ~~should~~must contribute to the sense of place of the community. Sidewalks must be constructed along public road frontages and a landscape strip at least 5 feet wide must be planted between the roadway or curb and the sidewalk or the Milton Trail, whichever applies. The sidewalk must be set back from the back of curb the maximum distance allowable within the right-of-way.

1. Mandatory requirements; pedestrian path design standards.
   a. Proposed developments must have a pedestrian network.
   b. Paths must comply with any applicable ADA standards for slope, width, texture, level differences, and ramps.
   c. Paths must be at least 5 feet wide.
   d. Paths must be clearly identified through painting, signage, and texture change.
   e. In order to facilitate travel, paths must not be obstructed by any object or structure.
   f. Paths must be designed to minimize direct auto-pedestrian interaction.
   g. Paths must connect to signalized crosswalks, where applicable.
   h. Paths must be a direct and convenient route between points of origin (i.e., bus stop) and destination (i.e., shop, bank, etc.). Meandering sidewalks are discouraged. However, sidewalks and paths may meander to protect and maintain mature trees and other permitted landscape features.
   i. Internal walkways (paths) must connect the public sidewalk along the street to the main entrance of the principal use of the property.
   j. Pedestrian paths must be naturally colored and/or textured walkways or sidewalks.
2. Encouraged elements; pedestrian paths and public spaces.
   a. To increase safety, grade separation is encouraged between pedestrian paths and motor vehicle access areas.

b. Paths are encouraged to be built along interesting and inviting features. Street furniture is encouraged adjacent to any path. Street furniture includes, but is not limited to, benches, pedestrian scale lighting, trash receptacles, dog rubbish receptacles, and ganged mailboxes.

c. Community public spaces that promote gathering and have a park like design with streetscape and hardscape elements are encouraged.

d. Paths may perpendicularly cross landscape strips.

e. Granite curbing is preferred over other types of curbing.

F. Site Lighting for Parking Lots, Pedestrian Paths and Public Entrances

Lighting on property with commercial or non-single-family uses ~~should~~ must be compatible with the rural and historic setting of Milton. Lighting ~~should~~ must be minimal while at the same time ample enough for safety and night viewing and be in compliance with the night sky illumination requirements of Sec. 9.4.

1. Parking lot lighting must meet the following minimum standards:

   a. Light poles must not exceed 20 feet high from finished grade.

   b. Bases of light poles must be compatible with the design of the primary building.

   c. Parking lot light fixtures must have the light cut off below 90 degrees and the beam shall be cut off at 75 degrees.

   d. Light pole arm styles must be either Shepherd's Crook or Acorn.

2. Pedestrian lighting must meet the following minimum standards:

   a. Light poles must not exceed 15 feet high from finished grade.

   b. Light pole styles must be either Shepard's Crook or Acorn.

3. Light poles must include a taper, either in their transition downward from post to decorative shaft (base), or upward to ballast housing, or both.

4. Shoe box and cobra styles are prohibited for light poles.

5. Building-mounted lighting fixtures must have a 45-degree light cutoff.

6. All exterior lighting in publicly accessible locations must be architecturally decorative with a historic style.

7. Neon lighting is prohibited.

8. Light housings and posts must be a dark color/material and nonreflective.

9. Exterior lighting must not exceed 2 foot-candles.

G. Building Size, Orientation, Setback, Height, Scale and Parking

The design and layout of a commercial or non-single-family development ~~should~~ must build upon and complement the design of crossroads communities as opposed to creating a new one. The size, orientation, setback, and scale of buildings are integral elements of crossroads communities. A building's orientation and

placement ~~should~~ must complement and relate to adjacent buildings, structures, and properties. The placement of buildings ~~should~~ must create an informal grouping and relationship between them as opposed to being orderly and uniform. The location of a building ~~should~~ must take into consideration its rural surrounding and take advantage of this by maintaining open views and spaces. Buildings ~~should~~ must be in proportion, in scale and characteristic to their rural and natural setting. The building design and material ~~should~~ must contribute to the style and feeling of its rural surrounding. The visual impact of parking ~~should~~ must be minimized by placing it to the rear and by screening. Accessory structures such as outparcel buildings, accessory structures, fences, and walls must have architectural features and exterior materials consistent with the principal building and are not required to meet the requirements except for height listed in Sec. 6.3.4.G.4~~6.3.4.G.4~~ below. Such developments must comply with the following.

1. Building size.
    a. On a development of 4 acres or less, the maximum building size is 20,000 square feet. If two or more buildings are built, the total size of all buildings must not exceed 25,000 square feet, no single one of which may exceed 15,000 square feet.
    b. On developments over 4 acres, the maximum building size is 25,000 square feet.
    c. A group of two or more buildings that share at least one contiguous wall will be considered as one building.
2. Orientation.
    a. Buildings must be oriented to a public street. An entrance to a building ~~should~~ must be located on the side of the building facing a public street.
    b. Accessory structures must be in the location that is least visible from a public street and must conform to underlying zoning district standards.
    c. Driveways must be perpendicular to the street.
3. Setbacks.
    a. For all property and lots located adjacent to public rights-of-way and 400 feet or less from an intersection, buildings except for accessory structures must be set back no more than 20 feet from the edge of the required landscape strip or easements. This 20-foot front yard area may be developed with a combination of landscape and hardscape elements, such as plazas, fountains, benches, and tables. Additional shade tree plantings are encouraged within public gathering places and alongside pedestrian paths. Building setbacks must vary to create the informal crossroads community setting.
    b. For all property and lots located adjacent to public rights-of-way and more than 400 feet from an intersection, buildings except for

accessory structures must be set back no more than 30 feet from the edge of the required landscape strip or easements. This 30-foot front yard area may be developed with a combination of landscaping and hardscape elements, such as plazas, fountains, benches, and tables. Additional shade tree plantings are encouraged within public gathering places and alongside pedestrian paths.

c. Buildings within a development must have at least 20 feet of separation between buildings. This area must be developed as greenspace or with a combination of hardscape and landscaping.

d. If a building in a development cannot front a public street and meet the requirements of this section because other buildings are located there and no more space is available along the public street, then the building may front on an internal street in the development. The standards in this section regulating a building's position and relation to the street apply to a building fronting an internal street. The internal streets will also have to meet the standards specified for the public right-of-way, including landscape and streetscape requirements.

4. Height. The maximum building height is two stories with a maximum height of 30 feet from average finished grade to the bottom of the roof eave.

5. Scale. For every 80 feet of building length on a single face, there must be variation in the exterior or as approved by the City Architect accomplished through the following means:

a. For each 80 feet of building exterior wall, the building exterior and roof must be offset by at least 10 feet. Overhangs and roof lines must follow the building's location.

b. For each 80 feet of building exterior wall, there must be a change in details, or a change in patterns, or a change in ~~or~~ materials.

6. Parking.

a. Parking must be shared among users within a common development. Parking shall be reduced according to the shared parking standards of Sec. 9.1.3.A. Additional reduction in the number of parking spaces is encouraged.

b. All parking spaces built in excess of the minimum number required by Sec. 9.1.2 must be constructed of pervious material.

c. No on-site parking may be located in front of a building or between a building and the public right-of-way (see Sec. 6.3.4.B.2~~6.3.4.B.2~~ for landscaping standards if parking is visible from the right-of-way). Parking must be adjacent to internal streets, not a public right-of-way.

d. If an internal street is developed for use by the general public, one row of parallel or diagonal parking is

allowed between the street and the curb.

H. Building and Other Structure Design

Construction of buildings in styles and types not found in Milton ~~must be avoided~~is prohibited. Modern style using traditional elements and the reinterpretation of a style, rather than the mimicking of a style, is encouraged. Exaggerated or excessively large or small architectural elements ~~should be avoided~~are prohibited. Elements ~~should~~ must be in proportion with the overall building. In addition, buildings ~~should~~ must reflect a specific style and not mix elements of different styles. The design and architectural elements of the buildings ~~should~~ must be compatible with those of the area.

The overlay district seeks to replicate the crossroads community pattern by having nonresidential construction, built within 400 feet from the edge of the right-of-way of an intersection, include elements of the historic commercial buildings, and nonresidential buildings, constructed over 400 feet from the edge of the right-of-way of an intersection, include elements of the historic residential buildings.

Accessory structures such as outparcel buildings, fences, and walls must have architectural features and exterior materials consistent with the principal building and are not required to meet the requirements listed in paragraph G~~F~~ above.

With the foregoing purposes in mind, buildings, and structures on property with a commercial or non-single-family use must comply with the following:

1. Building design.
   a. All buildings constructed within 400 feet from the edge of the right-of-way of an intersection of two public roads must be designed in accordance with the predominant commercial building types.
   b. All buildings constructed over 400 feet from the edge of the right-of-way of an intersection of two public roads must be designed in accordance with the predominant residential building types.
2. Building material.
   a. At least 80% of exterior walls must consist of one or a combination of horizontal clapboard siding, brick, and stone, or as approved by the City Architect. Vertical clapboard is permitted on buildings built to look like barns. The brick shall be hand molded or tumbled to create the appearance of old brick.
   b. No more than 20% of any exterior wall may consist of glass, or architecturally treated precast stone. All must have a natural appearance or a historic appearance or as approved by the City Architect.
   c. Exterior building walls must not consist of metal panel systems, as cast smooth concrete masonry or plain, reinforced concrete slabs, aluminum or vinyl siding, plywood, mirrored glass, press-wood or corrugated steel. Exceptions are mechanical penthouses and roof screens.
3. Roof.

a. Roofs must be gable, pyramidal, or hip style. Shed roofs are permitted over porches, additions, and accessory structures. Roof pitches must be between 8 over 12 and 12 over 12, inclusive, or as approved by the City Architect.

b. Roof material must be made from asphalt shingle, wood shingle, wood shake, or standing seam metal.

c. Buildings with gross square footage of 15,000 square feet or more may have a lower pitched roof if they meet all the following standards:

i. A decorative parapet or cornice is constructed along all roof lines with a lower pitch than specified in this sub-paragraph 3.

ii. Roof top equipment is screened from public view from all adjacent public streets.

d. Mansard roofs are not permitted.

4. Windows.

a. Buildings must have a ratio of openings (e.g., windows and doors) to solids from 30% to 50%, inclusive of the building exterior or as approved by the City Architect.

b. For wall sections greater than 10 feet wide:

i. No one window may exceed 32 square feet. No grouping of windows may exceed 100 square feet or as approved by the City Architect.

ii. Windows on the side of the building with the principal or main entrance must have a maximum distance between windows not to exceed one window width or as approved by the City Architect.

iii. Windows on the building's side and rear must have a maximum distance between windows not to exceed two window widths.

iv. Windowsills must be placed at least 2 feet above finished grade.

c. A minimum of 80% of windows on each exterior wall must have a vertical orientation. The ratio of height to width of vertical windows may be no less than 1.8 (height) to 1 (width) or as approved by the City Architect.

d. Window types must include one or a combination of double-hung sash windows (with 2/1, 3/1, 2/2, 4/4, 6/6, or 9/9 lites), casement windows, and fixed windows or as approved by the City Architect. The upper sash of all windows must have divided lites. Clip-ins are prohibited.

e. On corner lots, all exterior building walls facing a public street must continue the same window arrangements as the side with the principal entrance.

f. If windows are paired or grouped in larger numbers, windows must have divided lites of 2/1 or more.

5. Doors.
    a. Doors used as entryways by the public are limited to the following types:
        i. Wood or simulated solid wood door with raised panels.
        ii. Wood or simulated wood door with raised panels on the bottom half and glass on the top half.
        iii. Glass door with divided lites.
    b. Flush panel doors are prohibited as exterior doors.
6. Architectural features. Architectural details are ~~encouraged~~ required to create variety, visual interest, and texture on new buildings.
    a. Main entrances must include at least two of the following elements:
        i. Arches.
        ii. Brackets.
        iii. Decorative columns or posts.
        iv. Pediments.
        v. Porticos.
        vi. Recesses/projections.
        vii. Sidelites.
        viii. Transoms over doorways.
    b. If used, shutters must be operable and fit the size of the window.
    c. If roof dormers are present and they have windows, then the windows must be glazed.
7. Prohibited building components. Metal gates, burglar bars, chain-link fence, and metal roll down curtains are prohibited.

I. Building Colors

All aspects of a commercial or non-single-family development ~~should~~ must use colors common in the area and in nature. Earth-toned, subtle, and muted colors provide for a development that incorporates sensitivity to its natural surroundings.

1. Paint colors must be chosen from the range of traditional colors present in the area. Inappropriate high intensity colors ~~must be avoided~~are prohibited.
2. Acceptable colors are listed in Sec. 6.3.9~~6.3.9~~.

6.3.5. Institutional Use Development Standards

A. Landscaping

On property containing institutional uses landscaping ~~should~~ must be compatible in form, style, and design with the natural setting and informal landscaping present in the area and on the site before development. Landscaping ~~should~~ must also be used as a buffer to screen a development from adjacent residential and agricultural uses. In addition, such properties must comply with the following:

1. Streetscape and landscape strips.
    a. A landscape strip at least 10 feet wide is required along all public streets. Landscape strips must conform to Sec. 11.1.3.E.4 (Landscape Strips)~~, and additional overstory trees are encouraged~~. See Sec. 6.3.5.B.2~~6.3.5.B.2~~ for additional landscape and

screening requirements. The landscape strip may be developed either:

i. With hardscape elements such as plazas, planters, benches, fountains, and tables in addition to the required hardwood trees; or

ii. With landscape elements consisting of 60% coverage in trees and shrubs and 40% coverage in grass and ground cover pursuant to this UDC, especially Sec. 11.1 Tree Canopy Conservation; or

iii. With a combination of both landscape and hardscape elements.

b. ~~Cluster planting is encouraged. However, at a minimum~~ Ttrees must be planted in the center of the landscape strip at a maximum distance of every 20 feet on average. Street trees must be planted at one per 30 feet. Trees in either location ~~They~~ may be planted in clusters ~~per the City Arborist~~when the City Arborist determines that clustering will result in an improved survival rates of trees, improved animal habitat, or other improved environmental impacts. ~~.~~

c. Specimen trees, as described in Sec. 11.1.1.G, located within the minimum front yard must be preserved.

d. A strip must be planted with grass or sod between the back of curb or swale and the sidewalk or the Milton Trail per the applicable UDC provision.

2. Landscape buffers.

a. For sites on 4 acres or less, a 50-foot-wide undisturbed buffer or alternative screening design, with an additional 10-foot improvement setback, must be located adjacent to all agricultural districts and all property zoned, used, or developed for residential uses.

b. For sites on more than 4 acres, a 75-foot-wide undisturbed buffer or alternative screening design, with an additional 10-foot improvement setback, must be located adjacent to all agricultural districts and all property zoned, used, or developed for residential uses.

c. To make buffers seem natural, an equal mix of four species must be used, except when alternative screening is used.

d. When alternative screening design is used, the buffer must provide as much or more year-round visual screening as the otherwise required buffer would. The alternative screening must also be planted as required by the City Arborist

3. Property owners are encouraged to develop a greenspace for recreation and public enjoyment.

4. No removal of protected trees as established in Sec. 11.1.F is allowed on the site before the issuance of a land disturbance permit, building permit, development clearing permit, or tree removal permit.

5. Clear cutting is prohibited. However, land clearing, timber harvesting, tree farming, and agricultural clearing may be allowed within the context of a development clearing permit.

B. Screening and Fencing.

Landscaping and fencing materials on property with institutional uses thereon, ~~should~~ must be used to minimize visual and noise impact of parking, loading areas, detention ponds, stormwater management facilities, and accessory site features as set forth herein:

1. All loading spaces must be screened from view of any public street by either:
   a. A landscape strip at least 15 feet wide and planted with a continuous hedge of evergreen shrubs; or
   b. Incorporated into the principal building.

   Shrubs must be moderately growing, be at least 3.5 to 4 feet high at time of planting and must reach 6 feet high within two years of planting.
2. Parking lots must be screened from view of any public street by a landscape strip at least 15 feet wide and planted to buffer standards.

   Plants must be at least 3.5 to 4 feet high at time of planting and must reach 6 feet high within two years of planting. See Sec. 6.3.5.A.1~~6.3.5.A.1~~ for more landscape and screening requirements.
3. In addition to the requirements of Sec. Sec. 2.3.5. (Refuse Collection Areas), refuse area enclosures (dumpsters) must be constructed of the same exterior wall material used for the building. The door enclosing the refuse area must be constructed out of an opaque non-combustible material and appearance must be consistent with the prevailing architecture.
4. Accessory site features, as defined in each zoning district of this UDC, must be placed in the least visible location from public streets, and must be screened from view of any right-of-way or any property zoned, used, or developed for residential uses, including agricultural districts, by one of the following means:
   a. Placement behind the principal building; or
   b. Erection of a 100% opaque fencing around the entire accessory structure, which must be constructed of the same type of exterior material used for the building; or
   c. Vegetative screening consisting of evergreen shrubs at least 3.5 to 4 feet high at time of planting, and which reach 6 feet high within two years or planting.
5. Drive-throughs are prohibited.

C. Fencing and Height

1. Fences must be constructed as required by Sec. 3.1.8 (Fencing).
2. Retaining wall must conform to Sec. 9.3.7 (Retaining Walls).
3. Opaque fences are prohibited in yards adjacent to a public street except as set forth in Sec. 6.3.5.B.4.a~~6.3.5.B.4.a~~ and Sec. 6.3.5.B.4.b~~6.3.5.B.4.b~~ of this sub-section.

D. Pedestrian Safety.

Construction of sidewalks and pedestrian amenities on property with an institutional use thereon ~~should~~must encourage and promote walking to a development and within a development. The placement of sidewalks, pedestrian amenities, and the Milton Trail ~~should~~must contribute to the sense of place of the community. Sidewalks must be constructed along public road frontages and a landscape strip at least 5 feet wide must be planted between the roadway or curb and the sidewalk or the Milton Trail, whichever applies. The sidewalk must be set back from the back of curb the maximum distance allowable within the right-of-way.

1. Mandatory requirements; pedestrian path design standards.
    a. Proposed developments must have a pedestrian network.
    b. Paths must comply with any applicable ADA standards for slope, width, texture, level differences, and ramps.
    c. Paths must be at least 5 feet wide.
    d. Paths must be clearly identified through painting, signage, and texture change.
    e. In order to facilitate travel, paths must not be obstructed by any object or structure.
    f. Paths must be designed to minimize direct auto-pedestrian interaction.
    g. Paths must connect to signalized crosswalks, where applicable.
    h. Paths must be a direct and convenient route between points of origin (i.e., bus stop) and destination (i.e., shop, bank, etc.). Meandering sidewalks are discouraged. However, sidewalks and paths may meander to protect and maintain mature trees and other permitted landscape features.
    i. Internal walkways (paths) must connect the public sidewalk along the street to the main entrance of the principal use of the property.
    j. Pedestrian paths must be colored and/or textured walkways or sidewalks.
2. Encouraged elements; pedestrian paths and public spaces.
    a. To increase safety, grade separation is encouraged between pedestrian paths and motor vehicle access areas.
    b. Paths are encouraged along interesting and inviting features. Street furniture is encouraged adjacent to any path. Street furniture includes, but is not limited to, benches, pedestrian scale lighting, trash receptacles, dog rubbish receptacles, and ganged mailboxes.
    c. Community public spaces that promote gathering and have a park like-design with streetscape and hardscape elements are encouraged.
    d. Paths may perpendicularly cross landscape strips.

e. Granite curbing is preferred over other types of curbing.

E. Site Lighting for Parking Lots, Pedestrian Paths and Public Entrances

Lighting on property with institutional uses ~~should~~ must be compatible with the rural and historic setting of Milton. Lighting ~~should~~ must be minimal while at the same time ample enough for safety and night viewing and be in compliance with the night sky illumination of Sec. 9.4.

1. Parking lot lighting must meet the following minimum standards:
   a. Light poles must not exceed 20 feet high from finished grade.
   b. Bases of light poles must be compatible with the design of the primary building.
   c. Parking lot light fixtures must have the light cut off below 90 degrees and the beam must be cut off at 75 degrees.
   d. Light pole arm styles must be either Shepherd's Crook or Acorn.
2. Pedestrian lighting must meet the following minimum standards:
   a. Light poles must not exceed 15 feet high from finished grade.
   b. Light pole arm styles must be either Shepard's Crook or Acorn.
3. Light poles must include a taper, either in their transition downward from post to decorative shaft (base), or upward to ballast housing, or both.
4. Shoe box and cobra styles are prohibited for light poles.
5. Building-mounted lighting fixtures must have a 45-degree light cutoff.
6. All exterior lighting in publicly accessible locations must be architecturally decorative with a historic style.
7. Neon lighting is prohibited.
8. Light housings and posts must be a dark color/material and nonreflective.
9. Exterior lighting must not exceed 2 foot-candles.

F. Building Size, Orientation, Height, Scale and Parking

The design and layout of an institutional type development ~~should~~must build upon and complement the design of crossroads communities as opposed to creating a new one. The size, orientation, setback, and scale of buildings are integral elements of crossroads communities. A building's orientation and placement ~~should~~must complement and relate to adjacent buildings, structures, and properties. The placement of buildings ~~should~~must create an informal grouping and relationship between them as opposed to being orderly and uniform. The location of a building ~~should~~must take into consideration its rural surrounding and take advantage of this by maintaining open views and spaces. Buildings ~~should~~must be in proportion, in scale and characteristic to their rural and natural setting. The building design and material ~~should~~must contribute to the style and feeling of its rural surrounding. The visual impact of parking ~~should~~must be minimized by placing it to the rear and by screening. Accessory structures such as outparcel buildings, fences, and walls must have architectural features and exterior

materials consistent with the principal building and are not required to meet the requirements except for height in Sec. 6.3.5.F.3 below~~6.3.5.F.3 below~~. Such developments must comply with the following:

1. Building size.
    a. On a development of 4 acres or less, the maximum building size is 20,000 square feet. If two or more buildings are built, the total size of all buildings must not exceed 25,000 square feet, no single one of which may exceed 15,000 square feet.
    b. On developments over 4 acres, the maximum building size is 25,000 square feet.
    c. A group of two or more buildings that share at least one contiguous wall will be considered as one building.
2. Orientation.
    a. Buildings must be oriented to a public street. An entrance to a building ~~should~~must be located on the side of the building facing a public street.
    b. Accessory structures must be in the location that is least visible from a public street and must conform to underlying zoning district standards.
    c. Driveways must be perpendicular to the street.
3. Height. The maximum building height is two stories with a maximum height of 30 feet from average finished grade to the bottom of the roof eave, except where allowed pursuant to Sec. 2.2.4.
4. Scale. For every 80 feet of building length on a single face, there must be variation in the exterior or as approved by the City Architect accomplished through the following means:
    a. For each 80 feet of building exterior wall, the building exterior and roof must be offset by at least 10 feet. Overhangs and roof lines must follow the building's location.
    b. For each 80 feet of building exterior wall, there must be a change in details, or a change in patterns, or a change in materials.
    ~~b. For each 80 feet of building exterior wall, there must be a change in details, or patterns or materials.~~
5. Parking.
    a. Parking must be shared among users within a common development. Parking shall be reduced according to the shared parking standards of Sec. 9.1.3.A. Additional reduction in the number of parking spaces is encouraged.
    b. All parking spaces built in excess of the minimum number required by Sec. 9.1.2 must be constructed of pervious material.
    c. No on-site parking may be located in front of a building or between a building and the public right-of-way (see Sec. 6.3.5.B.2~~6.3.5.B.2~~ regarding landscaping if parking is in view from the right-of-way). Parking must be located adjacent

to internal streets, not a public right-of-way.

d. If an internal street is developed for use by the general public, one row of parallel or diagonal parking is allowed between the street and the curb.

G. Building and Other Structure Design

Construction of buildings in styles and types not found in Milton ~~must be avoided~~is prohibited. Modern style using traditional elements and the reinterpretation of a style, rather than the mimicking of a style, is encouraged. Exaggerated or excessively large or small architectural elements ~~should be avoided~~are prohibited. Elements ~~should~~must be in proportion with the overall building. In addition, buildings ~~should~~must reflect a specific style and not mix elements of different styles. The design and architectural elements of the buildings ~~should~~must be compatible with those of the area.

The overlay district seeks to replicate the crossroads community pattern by having future nonresidential construction, built within 400 feet from the edge of the right-of-way of an intersection, include elements of the historic commercial buildings, and nonresidential buildings, constructed over 400 feet from the edge of the right-of-way of an intersection, include elements of the historic residential buildings. Accessory structures such as outparcel buildings, fences and walls must have architectural features and exterior materials consistent with the principal building and are not required to meet the requirements listed in Sec. 6.3.4.G.4~~6.3.4.G.4~~.

With the foregoing purposes in mind, buildings and structures on property with institutional uses must comply with the following:

1. Building design.

   a. All buildings constructed within 400 feet from the edge of the right-of-way of an intersection of two public roads shall be designed in accordance with the predominant commercial building types.

   b. All buildings constructed over 400 feet from the edge of the right-of-way of an intersection of two public roads must be designed in accordance with the predominant residential building types.

2. Building material.

   a. At least 80% of exterior walls must consist of one or a combination of horizontal clapboard siding, brick, and stone, or as approved by the City Architect. Vertical clapboard is permitted on buildings built to look like barns. The brick shall be hand molded or tumbled to create the appearance of old brick.

   b. No more than 20% of any exterior wall may consist of glass, or architecturally treated precast stone. All must have a natural appearance or a historic appearance.

   c. Exterior building walls must not consist of metal panel systems, as cast smooth concrete masonry or plain, reinforced concrete slabs, aluminum or vinyl siding, plywood, mirrored glass, press-wood or

corrugated steel. Notwithstanding the forgoing sentence, mechanical penthouses and roof screens are allowed.

3. Roof.
    a. Roofs must be gable, pyramidal, or hip style. Shed roofs are permitted over porches, additions, and accessory structures. Roof pitches must be between 8 over 12 and 12 over 12 inclusive or as approved by the City Architect.
    b. Roof material must be made from asphalt shingle, wood shingle, wood shake, or standing seam metal.
    c. Buildings with gross square footage of 15,000 square feet or more may have a lower pitched roof if they meet all the following standards:
        i. A decorative parapet or cornice is constructed along all roof lines with a lower pitch than specified in this sub-paragraph 3.
        ii. Roof top equipment is screened from public view from all adjacent public streets.
    d. Mansard roofs are not permitted.
4. Windows.
    a. Buildings must have a ratio of openings (e.g., windows and doors) to solids from 30% to 50% inclusive of the building exterior or as approved by the City Architect.
    b. Accessory structures or structures used secondary to the primary use of the development are not required to meet the window requirements above.
    c. For wall sections greater than 10 feet wide:
        i. No one window may exceed 32 square feet. No grouping of windows may exceed 100 square feet or as approved by the City Architect.
        ii. Windows on the side of the building with the principal or main entrance must have a maximum distance between windows not to exceed one window width or as approved by the City Architect.
        iii. Windows on the building's side and rear must have a minimum distance between windows not to exceed two window widths.
        iv. Windowsills must be placed at least 2 feet above finished grade.
    d. A minimum of 80% of windows on each exterior wall must have a vertical orientation. The ratio of height to width of vertical windows may be no less than 1.8 (height) to 1 (width) or as approved by the City Architect.
    e. Window types must include one or a combination of double-hung sash windows (with 2/1, 3/1, 2/2, 4/4, 6/6, or 9/9 lites), casement windows, and fixed windows or as approved by the City Architect. The upper sash of all windows must have divided lites. Clip-ins are prohibited.

f. On corner lots, all exterior building walls facing a public street must continue the same window arrangements as the side with the principal entrance.

g. If windows are paired or grouped in larger numbers, windows must have divided lites of 2/1 or more.

5. Doors.

a. Doors used as entryways by the public are limited to the following types:

i. Wood or simulated solid wood door with raised panels.

ii. Wood or simulated wood door with raised panels on the bottom half and glass on the top half.

iii. Glass door with divided lites.

b. Flush panel doors are prohibited as exterior doors.

6. Architectural features. Architectural details are encouraged to create variety, visual interest, and texture on new buildings.

a. Main entrances must include at least two of the following elements:

i. Arches.

ii. Brackets.

iii. Decorative columns or posts.

iv. Pediments.

v. Porticos.

vi. Recesses/projections.

vii. Sidelites.

viii. Transoms over doorways.

b. If used, shutters must be operable and fit the size of the window.

c. If roof dormers are present and they have windows, then the windows must be glazed.

7. Accessory structures. Outparcel buildings, accessory structures, fences, and walls must have architectural features and exterior materials consistent with the principal building.

8. Prohibited building components. Metal gates, burglar bars, chain-link fence, and metal roll down curtains are prohibited.

H. Building Colors

All aspects of an institutional development ~~should~~must use colors common in the area and in nature. Earth-toned, subtle and muted colors provide for a development that incorporates sensitivity to its natural surroundings.

1. Paint colors must be chosen from the range of traditional colors present in the area. Inappropriate high intensity colors ~~must be avoided~~are prohibited.

2. Acceptable colors are listed in Sec. 6.3.9~~6.3.9~~.

6.3.6. Agricultural Use Standards

A. Height

Height must comply with the underlying zoning district's height requirement.

B. Parking

All parking spaces built, which exceed the minimum number required by Sec. 9.1.2, must be constructed of pervious material.

C. Fencing and Height

1. Fences must be constructed as required by Sec. 3.1.8 (Fencing).
2. Retaining wall must conform to Sec. 9.3.7 (Retaining Walls).

6.3.7. Building Colors

All aspects of a development ~~should~~must use colors common in the area and in nature. Earth-toned, subtle and muted colors provide for a development that incorporates sensitivity to its natural surroundings.

A. Paint colors must be chosen from the range of traditional colors present in the area. Inappropriate high intensity colors ~~must be avoided~~are prohibited.

B. Acceptable colors are listed in Sec. 6.3.9~~6.3.9~~.

6.3.8. Graffiti

Graffiti defacing the facade of any building, sign, path, accessory structure, wall, fence, or other site element is prohibited.

6.3.9. Acceptable Building Material Colors

A. Scope.

1. Colors apply to building materials, architectural and decorative elements, and sign structure.
2. The numbers in Table 6.3.9-1 through Table 6.3.9-4 refer to Pantone Matching System (PMS), an international color matching system. The PMS Color Guide can be matched using a variety of methods, including:
    a. Modern digital scanning/color interpretation
    b. Cross referencing paint manufacturers formulas
    c. Visual comparison matching
3. Colors have been chosen not only by what is found architecturally in the Milton area historically but also what is seen in nature and in the surrounding environment. These interpretations seek to avoid "primary" color values in favor of "muted" and "subtle" colors.
4. Any brand of paint can be used. The reference to certain paint brands is simply to illustrate the appropriate colors.

B. Whites.

Acceptable "whites" are described as subtle shades or tints of white, including "neutral," "antique," "taupe," or "sandstone."

C. Quartertones.

Quarter tones are one-quarter the strength of a full color. It provides a softer transition between colors.

D. Mid-tones.

Mid-tones are colors half-way between light and dark.

E. Shadowtones.

Dark colors are fully pigmented and offer rich colors for darker accenting without relying on basic browns, blacks, and grays.

F. Color Chart

Manufacturer: Pantone Matching System (PMS), Porter Brand (P), Duron (D)

Name: Color tile

No: Reference Number

Range: White (w), Quarter-tone (q), Mid tone (m), Shadow tone (s)

Table 6.3.9-1 Acceptable Colors for Signage

Building Type	Colors
Commercial	Brick: Subtle, muted reds and natural earth tones. No whites/light greys, tans or pinks. No painted bricks.
	Wood: Painted or stained.
	Stone: Natural, earth tones. Field stones or naturally distressed/aged. Not cut or machine shaped.
Signs	Backgrounds: Warm greys, light browns/greens. Natural earth tones, quarter to mid tones. White and black excluded.
	Lettering and Graphics: Corporate identity colors permitted

Table 6.3.9-2 Acceptable Colors for Architectural Elements

PMS	Porter	Benjamin Moore	Range
-	Neutra White 6751-1	-	W
-	Taupe White 6745-1	-	W
-	Antique Frost 6895-1	-	W
-	Antique White 6890-1	-	W
-	Soft Antique White 6914-1	-	W
-	Magnolia Tint 6709-1	-	W
-	Sandalwood White 6715-1	-	W

Table 6.3.9-2 Acceptable Colors for Architectural Elements

PMS	Porter	Benjamin Moore	Range
-	Sandstone Tint 6727-1	-	W
4525	Autumn Bud 6904-2	-	Q
434	Platinum Grey	-	Q
406	Taupe Pearl 6668-1	-	Q
4545	Newport Tint 6891-1	-	Q
5455	Frosted Birch 7136-1	-	Q
Warm Grey 2	Beach Stone 6741-1	-	Q
Warm Grey 1	Umber Cloud 7197-1	-	Q
5803	Birch White 6939-1	-	Q
4685	Calfskin 6692-1	-	Q
1815	-	Garrison Red HC-66	M
160	-	Mayflower Red HC-49	M
4715	-	Somerville Red HC-62	M
410	Soft Brown 6754-1	-	M
452	Umber Shadow 7198-1	-	M
403	Cobblestone 7180-1	-	M
411	Clam Brown 6755-3	-	M
450	Brown Acorn 6749-2	-	M
404	Brown Web 7181-2	-	M
4645	Dover Beige 6694-3	-	M
5773	Sagebrush 6941-1	-	M
-	Grey Bark 6676-1	-	M
4505	Antique Bronze 6893-1	-	M

Table 6.3.9-2 Acceptable Colors for Architectural Elements

PMS	Porter	Benjamin Moore	Range
5477	Deep Birch 7139-2	-	M
-	Triton Taupe 6671-2	-	M
229	-	New London Burgundy HC-61	S
5463	-	Narragansett Green HC-157	S
548	-	Van Deusen Blue HC-156	S
4975	Brown Taupe 6672-2	-	S
455	Creole Green 6942-2	-	S

Table 6.3.9-2 Acceptable Colors for Architectural Elements

PMS	Porter	Benjamin Moore	Range
289	Abbey Blue 6605-2	-	S
490	Brown Log 6738-2	-	S
553	Grey Moss 7074-2	-	S
316	Deep Delft 6462-1	-	S
415	Brown Earth 7164-1	-	S
5467	Black Stone 7140-1	-	S
539	Midnight 6606-3	-	S

Table 6.3.9-3 Acceptable Colors for Architectural Elements, Pantone Matching System Numbers

Color	Whites	Quarter-tone	Midtone	Shadow-tone
Green	None	623 U	625 U	627 U
	5807 U	5787 U	5757 U	5747 U
	5785 U	5855 U	5835 U	5815 U
	5803 U	5793 U	5773 U	5743 U
Olive	454 C	452 C	451 C	450-448 C
	4545 C	4535 C	4525-4515 C	4505, 4495, 4485 C
Brown	4545 U	4535 U	4515 U	4485 U
	468 U	466 U	464 U	462 U
	482 U	NA	478 U	476 U
Red	NA	NA	NA	1807C, 484C, 491C
	NA	NA	NA	DURON ROASTED PEPPER 8C116 N
Grey	420	421 – 422 C	423 C	424 -425 C
	WARM GREY 1-2C	WARM GREY 3C-4	WARM GREY 5-7C	WARM GREY 8-11C
	NA	400	401 - 403	404 - 405
	NA	406	4-7 – 409	410 – 411
	NA	413	415 – 416	417 – 418

Table 6.3.9-4 Examples of Acceptable Duron Historic Paint Colors For Building Materials

Color	Whites	Quarter-tones	Mid-tones	Shadow-tones
Brown	Almond White 8080W	Millet 8212W	Tobacco Road 8214M	Mission Brown AC140N
Tan	Almond White 8080W	Madonna Lily 8191W	Saltbrush 8183M	Thatch Roof 8695D
Beige	Almond White	Silvered Pecan	Gobi Beige	Wild Grasses

	8080W	7741W	8203M	8175D

6.3.10. Characteristics of Rural Milton Overlay

A. The Rural Milton Overlay is based on the overall setting and characteristics of the rural crossroads communities in the city. In order to determine their qualities, a visual survey was conducted of Crabapple and Birmingham, as well as commercial buildings in Hopewell and Arnold Mill, the main crossroads communities in the city. Commercial development in the city has been historically located in the crossroads communities that developed at the intersection of two or more roads. In these communities, commercial uses are close to the intersection, with institutional uses, such as churches and schools, next to them and residential uses extending along the roads. Large tracts of agricultural land, with rural vistas and views, border the residential areas. Crossroads communities maintain their historic integrity, as well as their informal character, rural atmosphere, and charm.

Generally, the commercial buildings at the crossroads are oriented to the street, are close to the street and have varying setbacks (from zero to 20 feet). Buildings are grouped informally and asymmetrically to each other to form a village atmosphere. Parking is located to the side or to the rear. Landscapes and the space between the buildings are informal, asymmetrical, rural, and picturesque. They avoid modern styles that emphasize ordered plantings, over planting, and often geometric placement. Informality of place provides for human scale, comfort, and a welcoming atmosphere. The setting, building design, and architectural details are elements that maintain the value of the communities and contribute to the sense of place in the city. More than being a place for commerce, they provide the sense of identity, ownership, community, and evolution.

Many of the commercial buildings were built from the late 1800's to the late 1930's in various types and style and have a rural and agrarian character. The buildings are generally small, one story with a square or rectangular footprint. Buildings are in scale and in proportion to each other.

The principal building materials are brick and clapboard siding, however, stone is also used. The roofs are gable or hip and are made of standing seam metal or asphalt shingles. Many of these also have a small, recessed porch. Several window types are present including double-hung sash, casement, fixed and fixed with an arch. In the double-hung sash windows, the sashes are divided into six lites over six, 4/4 and 2/2. The windows are in proportion to the building and most have a vertical orientation. The doors are usually wood paneled doors with glass in the upper half. The entryways and main façades are more articulated than the rest of the buildings. This is achieved by recessing the entrance or flanking the door with sidelites and transom lites. The buildings have limited stylistic elements. Some of the features that are present include: round and square columns, frieze board, exposed rafter ends, and triangle gable braces.

B. Crossroads communities blend with their surroundings and thus avoid abrupt

beginnings and endings. Commercial buildings transition into smaller residential buildings. Uses also transition down from commercial to office and then to residential. Many residential buildings that extend along the roads are now being used for retail and office. These residential areas also share similar characteristics: they are one-story, oriented to the street, often a walkway leads from the street to the front door or from the driveway to the front door, and the driveway is perpendicular to the street. Parking is to the side or the rear. The buildings are set back 10 to 40 feet from the sidewalk. In addition, wood fences, retaining walls, and hedges often define the boundaries of the property.

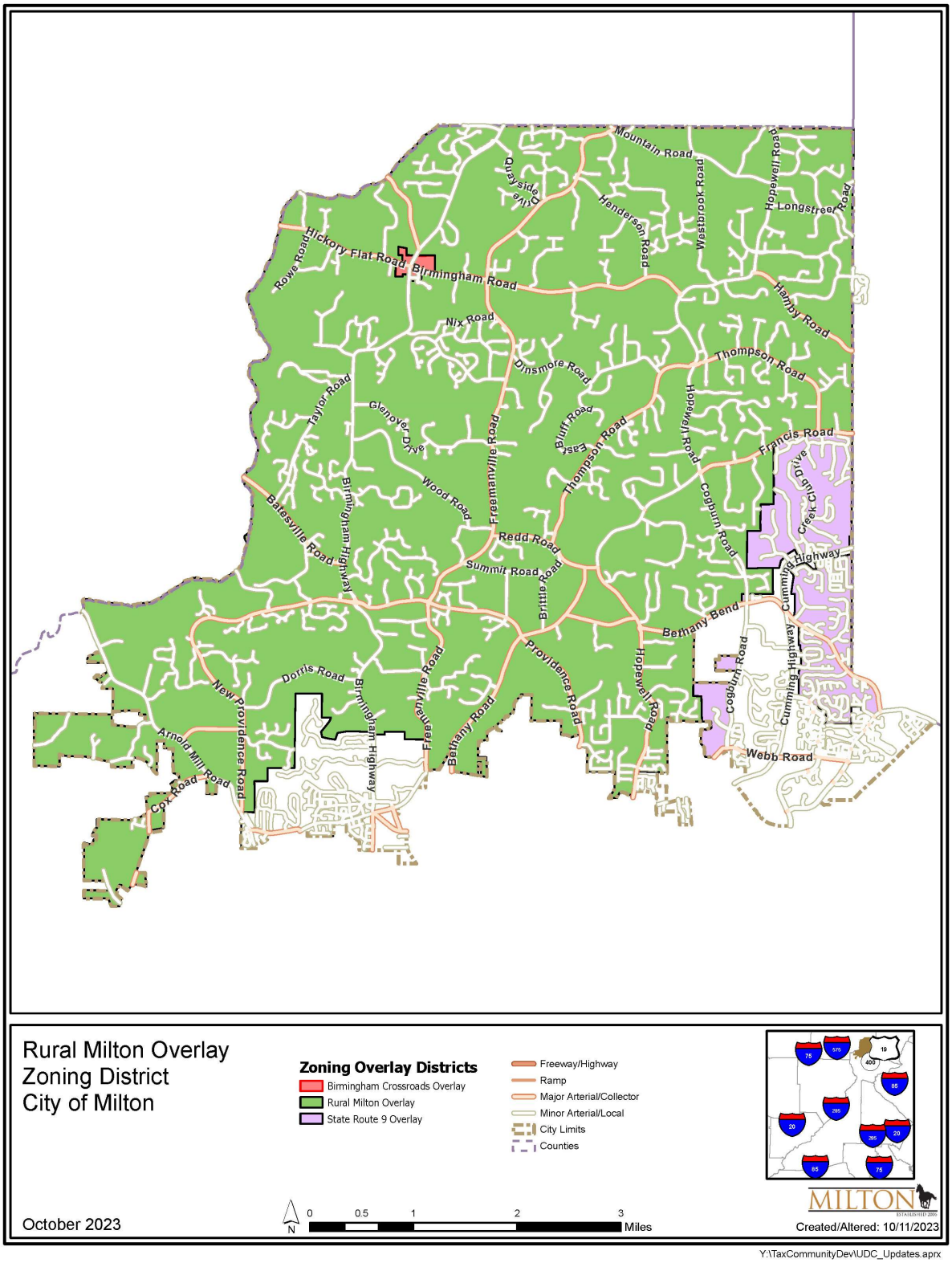
C. The houses themselves also have similar characteristics. The principal building material is wood clapboard siding, and some are made out of stone. The common roof forms are gable, cross gable, and hip and are made of standing seam metal or asphalt shingles. The houses are raised on a foundation. Most of these also have a front or wrap around porch. Most of the windows are double-hung sash with the sashes divided into six lites over six (6/6), 3/1, 9/9, 1/1, and 2/2. Some have sidelites and transom lites around the front door and fixed arched windows.

D. Several house types are present, including: hall parlor, double pen, central hallway, gable ell cottage, new south cottage, Georgian cottage, bungalow, and side gable cottage. House type refers to the height of the house, as well as the general layout of the interior rooms.

E. Many of these houses do not have a high style but rather have a vernacular interpretation of a style. Style refers to the external ornamentation and the overall form of the house. In many cases, style elements are associated with a certain house type. For instance, craftsman elements are present in bungalow type houses. The architectural features present in these houses, by style, are listed below and are discussed in this sub-section.

1. Greek Revival. Frieze board, round columns, Doric columns, flute columns, gable returns, corner pilasters, dentil molding, pedimented gable.
2. Queen Anne and Folk Victorian. Decorative cut shingles, verge board, turned posts, ionic columns, porch with turned balusters, frieze board.
3. Craftsman. Wood or brick battered columns on brick or stone piers, exposed rafter ends, overhanging eaves, gable braces, frieze board, gable returns.

F. Overlay Boundaries



6.4. Birmingham Crossroads Overlay

6.4.1. General

A. Title

This section shall be known as the "Birmingham Crossroads Overlay." The Birmingham Crossroads Overlay is contained within the Rural Milton Overlay.

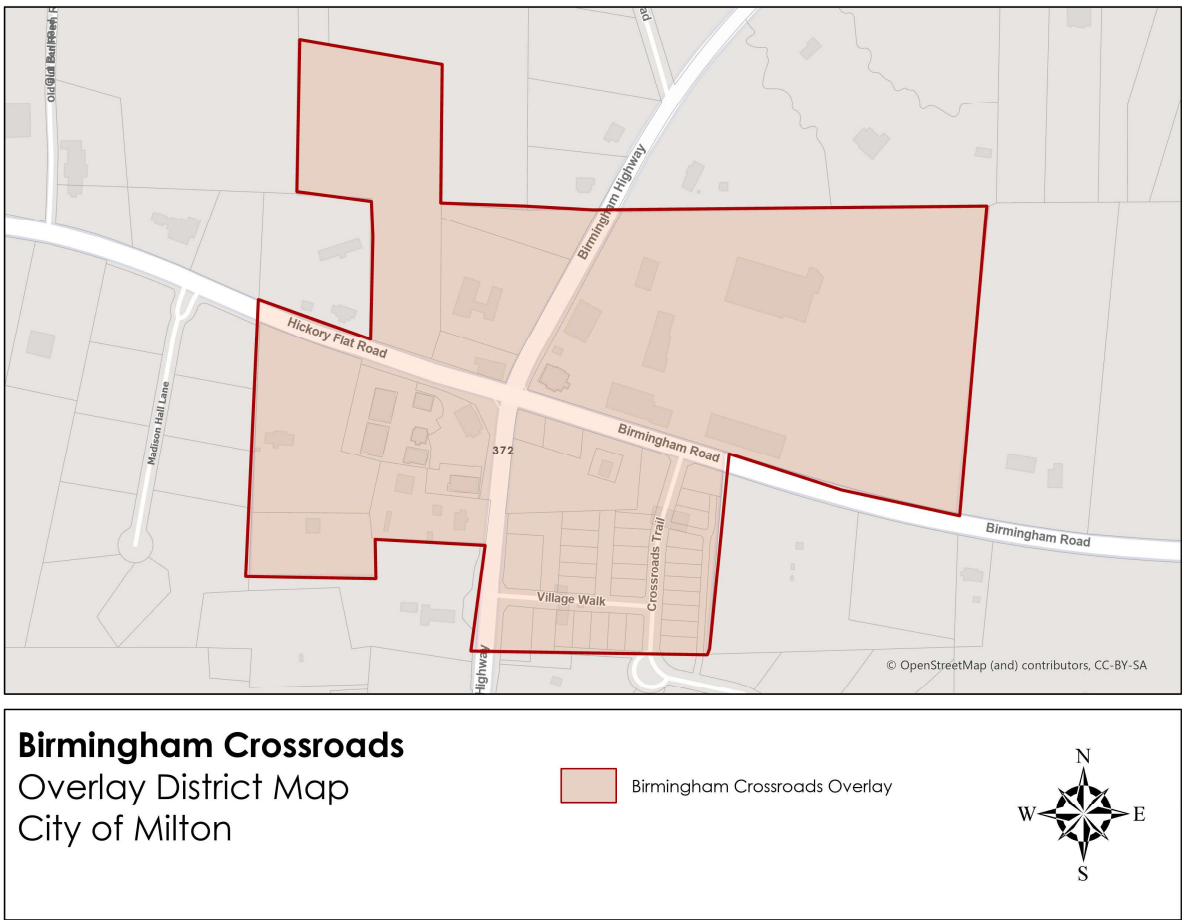
B. Purpose and Intent

The City Council hereby declares the purpose and intent of this section to be as follows:

1. To implement the Birmingham Crossroads Plan, the Birmingham Design Guidelines, and the Comprehensive Plan.
2. To implement village type pattern development at the Birmingham Crossroads by having buildings with a pedestrian scale, variation in building size, architectural detailing, variation in building massing, and street orientation.
3. To protect at least 10% of the Birmingham Crossroads as open space. To have a village green incorporated in the development of the Northeast and Southeast quadrants of the Crossroads that gives the continuous appearance on both sides of Birmingham Road.
4. To promote a pedestrian oriented development by dividing the land in the Birmingham Crossroads into small walkable blocks with the construction of an internal road system.
5. To balance the needs of pedestrians and automobiles by incorporating on-street parking, crosswalks, pedestrian crossings, landscape strips, alternative paths, and sidewalks along existing and internal roads.
6. To contain development at the Birmingham Crossroads, within the physical boundaries of 27.1 acres, by placing septic systems at the perimeter of nonresidential development and then by having a buffer at the exterior of the septic systems.
7. To encourage the preservation of historic resources and to encourage incorporation of historic resources identified in the 1996 North Fulton Historic Resources Survey into new developments.
8. To encourage the preservation of the rural area by preserving the night sky.

C. Birmingham Crossroads Regulations

1. The Birmingham Crossroads is a geographic section of the Rural Milton Overlay District. This section applies to all parcels included in the Birmingham Crossroads Plan of March 3, 2004, excluding single-family residential uses.
2. ~~The~~ Birmingham Crossroads is located at the intersection of Birmingham Highway, Birmingham Road, and Hickory Flat Road. The boundary of Birmingham Crossroads (i.e., this section) shall include all parcels within the outlined area on the following map entitled "Birmingham Crossroads Overlay." Birmingham Crossroads is 27.1 acres and contains the historic mixed-use center of Birmingham and land surrounding it.



3. If standards are not specified in this section, then standards of the Rural Milton Overlay District apply. If standards are not specified in the Rural Milton Overlay District, then this section applies. If standards are specified in both this section and the Rural Milton Overlay District, then the more restrictive standard applies.

6.4.2. Development Standards

A. Streets

1. Notwithstanding the provisions of Article 10 and the requirements of the Public Works Director, existing and new streets within the Birmingham Crossroads must conform to the design and location in this sub-section. When these standards conflict with GDOT's, the State's standards may prevail.

2. The Birmingham Plan calls for the existing roads: Birmingham Highway, Birmingham Road, and Hickory Flat Road to promote village and pedestrian oriented development by balancing the needs of pedestrians and automobiles.

   a. Existing roads. The existing roads, Birmingham Highway, Birmingham Road, Hickory Flat Road, must meet the following standards:

      i. Minimum landscape strip: 6 feet.

      ii. Minimum sidewalk width: 6 feet

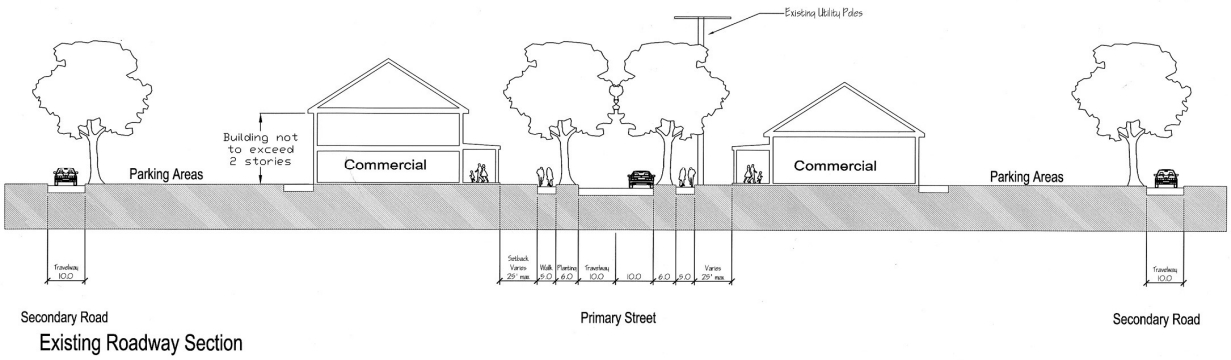


Figure 6.4.2.A.1. Illustrative Existing Road Cross Section

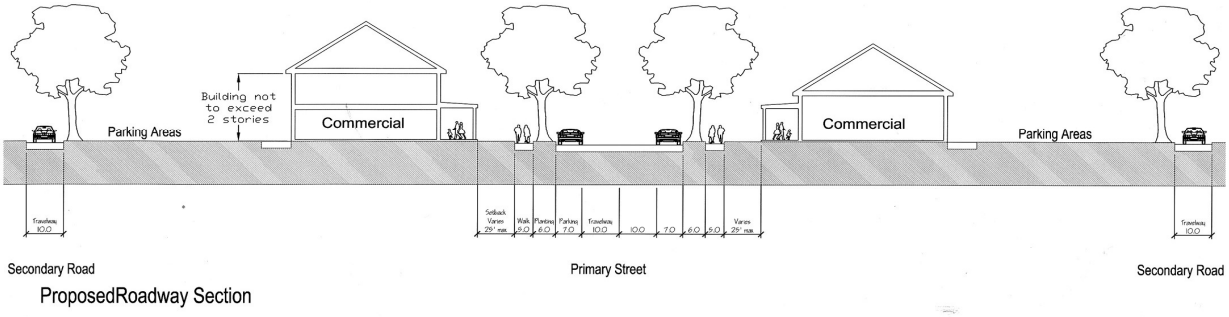


Figure 6.4.2.A.2. Illustrative Internal Road Cross Section

iii. Building setback: 10 feet maximum in the village ~~center~~ core and 20 feet maximum in the rural section.

iv. On-street parallel parking: 8 feet wide on County roads and bulbout at the intersections when possible on County roads.

See Figure 6.4.2.A.1 for an illustrative road cross section. Standards in the text apply.

b. Internal road system. Each quadrant must have an internal road that will link two existing roads. Curb cuts from existing roads shall be minimal. Instead access to each quadrant must be from an internal road. Internal roads must meet the following standards:

i. Travel lanes: 10 feet.

ii. Minimum landscape strip: 6 feet.

iii. Minimum sidewalk width: 5 feet.

iv. Building setback: 0 to 10 feet maximum in the village ~~center~~ core and 20 feet maximum in the rural section.

v. On street parallel parking: 7 feet wide.

See Figure 6.4.2.A.2~~.~~ for an illustrative road cross section Standards in the text apply.

B. Landscaping

1. Specimen trees ~~should~~must be preserved to the extent possible. The landscaping must reflect the rural context. It ~~should~~must be simple, informal, naturalistic in design and use native and naturalized vegetation.
2. Shade trees in the landscape strips must be planted in asymmetrical groupings and spaced per the Tree Conservation Manual. GDOT may have limitations on the planting of street trees along Birmingham Highway.
3. Street trees may be counted towards the required tree density for a site ~~as approved by the City Arborist~~.
4. Street trees must be trimmed up 7 feet to not impede pedestrians.
5. Streetlights and pedestrian lights may be placed in the landscape strip.
6. Landscape islands in parking lots must meet the standards in Sec. 9.1.5.D (Parking Lot Landscaping).
7. Street trees must conform to Sec. 11.1.3.E.2 (Road Frontages).

C. Sidewalks and Pedestrian Paths

1. Sidewalks or pedestrian paths are required along all public and private roads and may meander around existing trees subject to the approval of the City Arborist.

2. Pedestrian paths may be installed instead of sidewalks, as approved by the ~~Director~~Community Development Director and the Public Works Director, when all of the following occur:

   a. There is insufficient room to provide the required sidewalk due to the presence of existing buildings, existing trees, existing utilities, or other physical constraints not created by the applicant;

   b. The pedestrian path provides as much or more pedestrian safety; and

   ~~2.~~c. The pedestrian path complies with the purpose and intent of this overlay district.

3. Sidewalk widths must be as specified in Sec. 6.4.2.A~~6.4.2.A~~ (Streets), pedestrian paths must be at least 5 feet wide and ~~.~~ ~~They~~ must be made from a hard surface material such as concrete, brick or pavers. Paths may be gravel or gravel dust as approved by the Director.
4. Sidewalks for all new projects ~~should~~must connect with existing walks, where applicable.
5. Paths from the sidewalk to the buildings, between buildings, and to parking lots ~~should~~must be established with minimal interruption by vehicular circulation, parking lots, and service areas.
6. Pedestrian paths must be designed to minimize automobile and pedestrian interaction.
7. To the extent feasible, paths must be designed to connect to existing or future paths and to developments adjacent to the crossroads.

8. Sidewalks and pedestrian paths must be shown on the site plan submitted at the time of the application for a land disturbance permit.

D. Street Furniture

1. The Birmingham Crossroads must have consistent streetscape furniture including, but not limited to:
   a. Benches.
   b. Newspaper dispensers.
   c. Trash baskets.
2. If provided, street furniture must be located outside of the minimum sidewalk width of 5 feet.
3. The design of the streetscape furniture must be timber form construction as suggested in the design guidelines.
4. Hardscape elements such as wider sidewalk plazas, street furniture such as benches, fountains, tables, and chairs, and trash receptacles may be located in the required front yard and side yard setbacks.

E. Streetscape Lighting

1. A single style and color of light fixtures and poles ~~should~~must be used throughout the Crossroads development and ~~. It~~ must be compatible with the streetscape furniture.
2. The design of the streetscape lighting ~~should~~must have a galvanized metal hood, with black pole, arm, and brace as suggested in the design guidelines.
3. All lighting ~~should~~must be fitted with cut-fixtures to prevent light spillover.
4. Pedestrian lighting must not exceed 15 feet high and ~~should~~must be installed at 40 to 60 feet intervals along sidewalks with a maximum 2 foot-candle power.
5. The lighting plan for sidewalks must be shown on the site plan submitted at the time of application for a land disturbance permit.
6. All exterior lighting fixtures (luminaires) must be either full cutoff or cutoff type.
7. Light trespass (spill light) at a residential or nature preserve property line shall not exceed 0.1 foot-candle vertical at 3 feet above grade. Light trespass at other property lines must not exceed 0.5 foot-candle vertical at 3 feet above grade.
8. Light levels in all areas must not exceed the recommended limits or values established by the IESNA Handbook, latest edition.
9. Externally illuminated signs must be illuminated from the top-shining downwards, not exceeding 15 foot-candles.
10. Uplighting of flags, steeples, monuments, and buildings must use narrow beam, shielded luminaries not exceeding 7 foot-candles.
11. For drive-under canopies and pump islands, the average horizontal luminance on the pavement shall not exceed 7 foot-candles under the canopy. The luminaire must be recessed into the canopy ceiling so that the bottom of the luminaire does not extend below the ceiling.

12. Full cutoff luminaries may only be used for all service and security lighting.
13. Sodium vapor luminaires (yellow light), promotional beacons, searchlights, laser source lights, strobe lights or any similar light, out-of-season lighting (i.e., Christmas lights), series, lines or rows of lights, flashing, changeable message or reader boards and lighting used for causing sky glow to attract attention are prohibited.
14. Lighting allowed under State and federal law; outdoor luminaries existing and legally installed before the original effective date of this amendment; emergency lighting by police, fire, ambulance and rescue; and light sources for holiday decorations (but not outdoor seasonal sales) are exempt from the provisions of this UDC.

F. Screening

1. To the extent possible, items listed below must be screened by placement to the rear of a building.
2. Dumpsters must be screened from view from adjacent roads, sidewalks, and paths. Dumpster must also be enclosed on three sides with a masonry wall. The wall ~~should~~must be faced with brick or natural stone and compatible with the adjacent architectural design, materials, and colors. The enclosure must be one foot higher than what is contained in the interior. To the extent possible, a common location for dumpsters ~~should~~must be used.
3. Loading and other service areas must be to the rear of buildings where least visible. Evergreen trees ~~should~~must be used to screen views of service areas.
4. Parking lots, bumpers, wheels, and paving must be screened with vegetation planted between 30 and 36 inches high. Evergreen shrubs ~~should~~must be used for low-level screening of parking lots, sidewalks. Berms without landscaping are not an appropriate screening technique.
5. Rooftop and building-mounted mechanical and electrical equipment must be screened from view by a parapet wall or roof screen. If on the ground, equipment must be screened with landscaping.

G. Fencing

1. Allowed fencing types and materials are split rail, stacked stone wall, or brick columns with horizontal boards, picket (not off-the-shelf variety), vegetative hedges, 3-4 horizontal board horizontal rail, horse wire (no climb, 2 inches by 4 inches), and no climb wire (see examples and photos contained in 3 below). Posts may be no more than 6 inches taller than the fence. See Figures 6.4.2.G.1 through 6.4.2.G.3.
2. Horse wire (no climb 2 inches by 4 inches) chain-link around retention areas must be clad in black vinyl.
3. Prohibited fencing materials are:
   a. Aluminum picket.
   b. Chain-link.
   c. Metal.
   d. Polyvinyl Chloride (PVC).
   e. Vinyl.

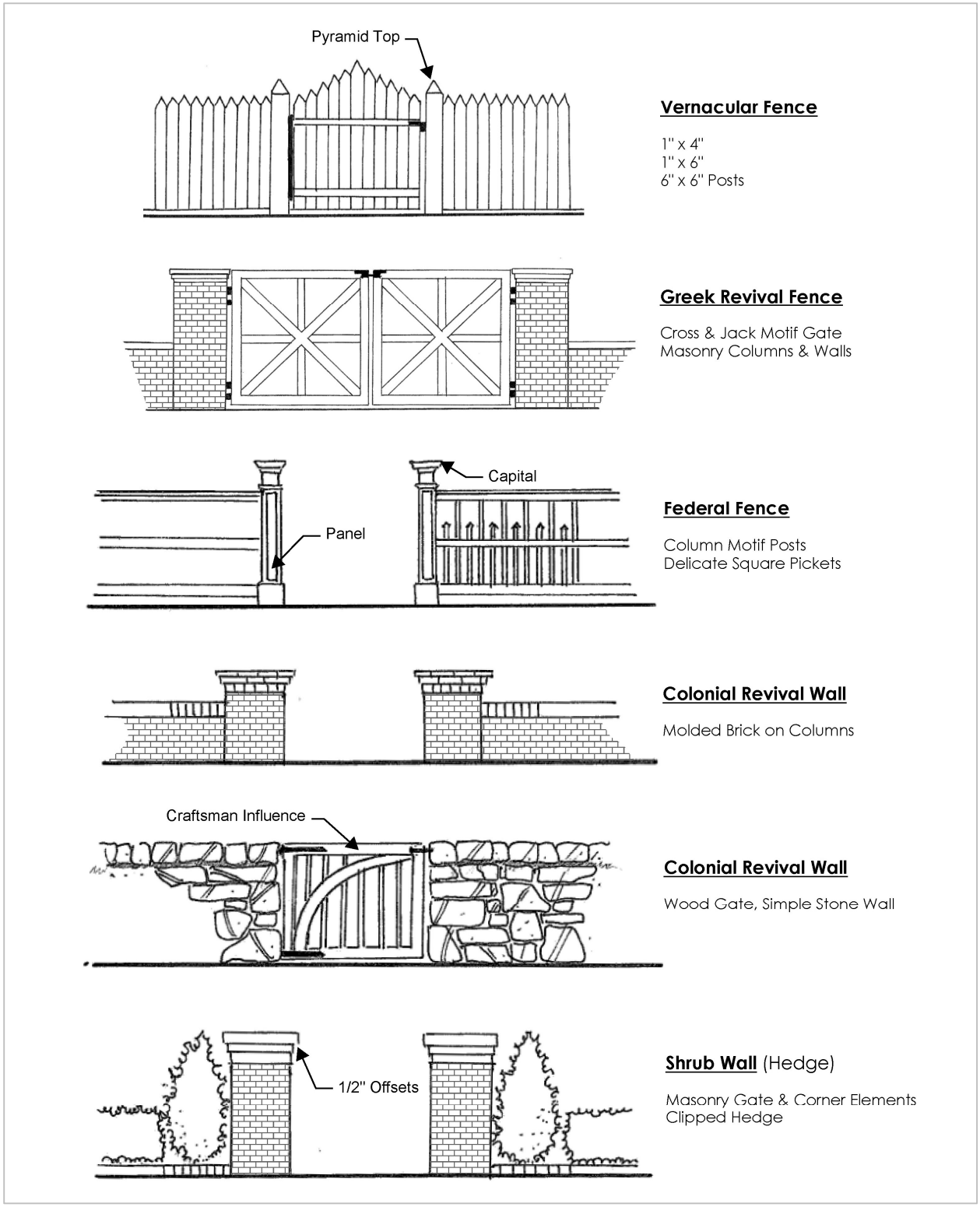


Figure 6.4.2.G.1. Allowed Fencing



Figure 6.4.2.G.2. Allowed Fencing



Figure 6.4.2.G.3. Allowed Fencing

H. Parking Lots

1. Parking lots must be behind and/or to the side of a building.
2. The amount of parking otherwise required by Sec. 9.1.2 is reduced by 10%.
3. Parking lots must be divided into small, contained areas through the use of perimeter landscaping and canopy trees. Parking lot landscaping must meet the standards of Sec. 11.1.3.E.3 (Parking Lots).
4. Parking lots must be surfaced with crushed gravel on appropriate base, asphalt, concrete, or exposed aggregate. ~~Pervious materials such as gravel and grasscrete pavers (not bituminous paving) could be used and particularly in areas that have more parking spaces than the minimum amount required by this UDC.~~
5. All parking spaces built in excess of the minimum number required by Sec. 9.1.2 must be constructed of pervious material.

~~4.~~

~~5.~~6. Marked on-street parking counts toward the minimum number of required parking spaces.

I. Open space

1. A minimum of 10% of open space must be set aside in each development. To the extent possible, the open space ~~should~~must be clustered as a single open space.
2. Within land designated as retail services in the current Land Use Map in the Northeast and Southeast quadrants, land shall be set aside as a "village green." The size of the village green in each quadrant must be as set forth in the following table:

Village Green Size Per Quadrant	
Quadrant	**Square Feet**
NE	13,000 sf.
SE	13,000 sf.

3. The village green must be a simple lawn area canopy of trees serviced by sidewalks. There ~~could~~ may be hardscape features such as plazas, benches, lighting, and other furniture to serve pedestrians. The ~~park~~ village

green ~~should~~must be designed to be an attractive day and evening setting for either individual usage or special community events.

4. Shopping cart storages~~s~~ must be screened.
5. Hours of operations are limited to from 6:30 a.m. to 11:00 p.m.
6. Freestanding fast food restaurants are prohibited.
7. Except for one lane for a drugstore and two lanes for a financial institution, drive-throughs are prohibited. Drive-throughs must be screened from view from the public right-of-way.

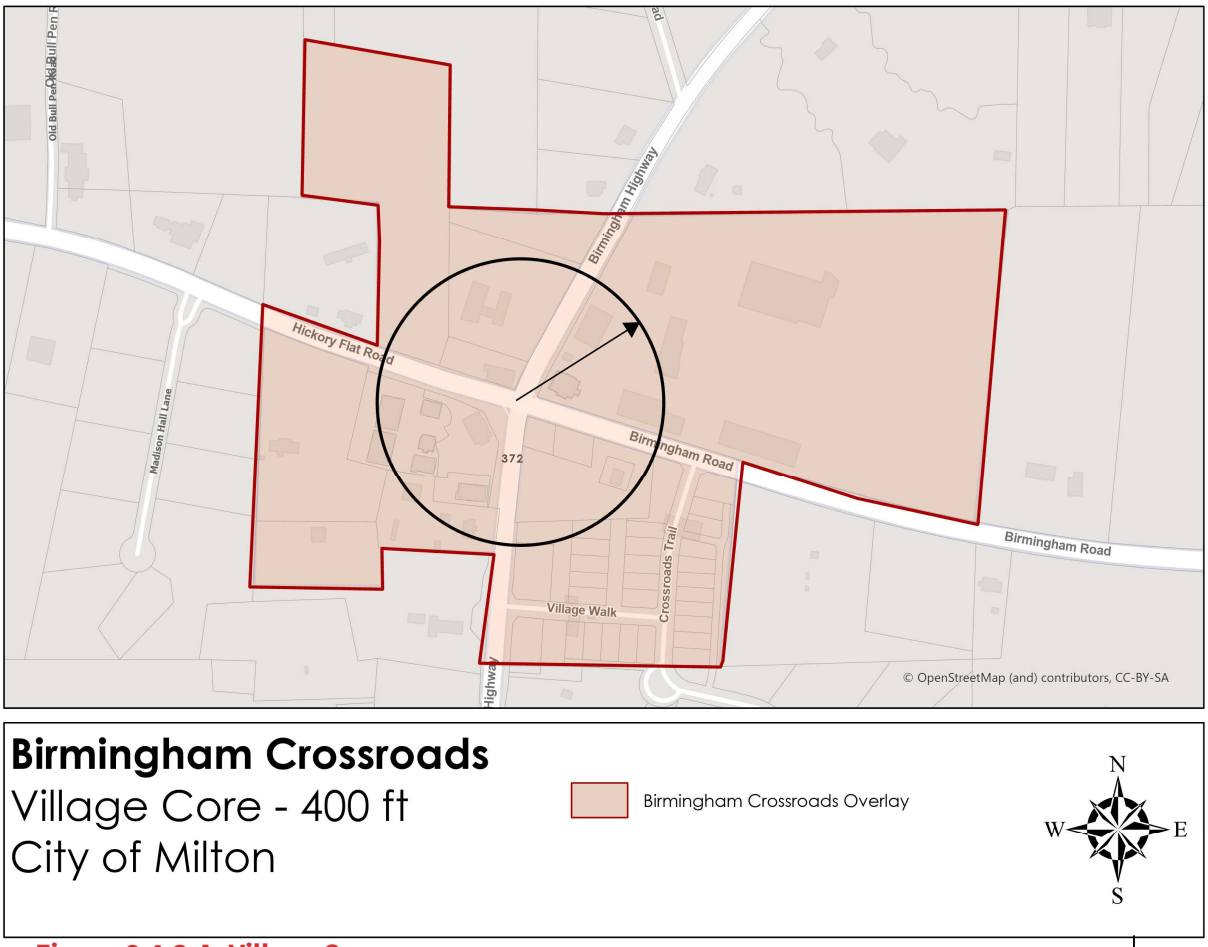


Figure 6.4.3.A. Village Core

J. Miscellaneous Provisions

1. Except as provided for in Sec. 8.9 for specific temporary uses, the storage and sale of goods is prohibited in parking lots and other areas outside of the interior or permanently sheltered portions of a building.
2. Liquid propane tanks and ice machines are allowed outside provided they are screened from view.
3. Storage of shopping carts is allowed on the side of buildings without a permit.

6.4.3. Building Setback and Design

A. Applicability

1. Nonresidential standards apply to existing and new structures~~.~~ used for nonresidential purposes~~,~~ in the ~~area defined as the~~ Birmingham Crossroads.
2. Building designs ~~should~~must ~~be designed to~~ conform to traditional historic building placement and massing. Building designs ~~may~~ must either ~~be executed~~ use~~ing~~ historic styles or ~~may be new~~modern ~~and innovative~~ interpretations of local architectural traditions. In either case, d~~D~~etails must be simple and concise, erring on the side of austerity. ~~Avoid N~~nostalgia and excess ornamentation are prohibited~~and strive for direct and bold expression~~.
3. Building designs are categorized as "~~village center~~village core" or "rural section" depending on their location within the Birmingham Crossroads. ~~Village center~~Village core buildings are those~~o be~~ located along the existing roads and within 400 feet of the intersection of Birmingham Highway, Birmingham Road, and Hickory Flat Road. Rural section buildings are ~~to be~~ those located beyond 400 feet of this intersection. The location of both is indicated in ~~on the map below~~Figure 6.4.3.A. ~~Village center~~Village core buildings must be placed at the property frontage. The most prominent design aspect is the street facade. Rural buildings are placed away from the core line forming a more casual transition to the "countryside."

B. Building Setbacks

1. ~~Village center~~Village core buildings must be set back no more than 10 feet from existing roads and/or internal roads and drives.
2. Rural section buildings must be set back no more than 20 feet from the property line.
3. Village ~~core~~ center buildings must be at least 75 feet from the overall development boundaries.

C. Building Design

1. Buildings at the ~~village center~~village core must have village/main street characteristics, (as shown in the Figures 6.4.3.C.1 and 6.3.2.C.2). Buildings in the rural section of the crossroads ~~should~~must have an informal rural design (as shown in the Figures 6.4.3.C.3. and 6.4.3.C.4).

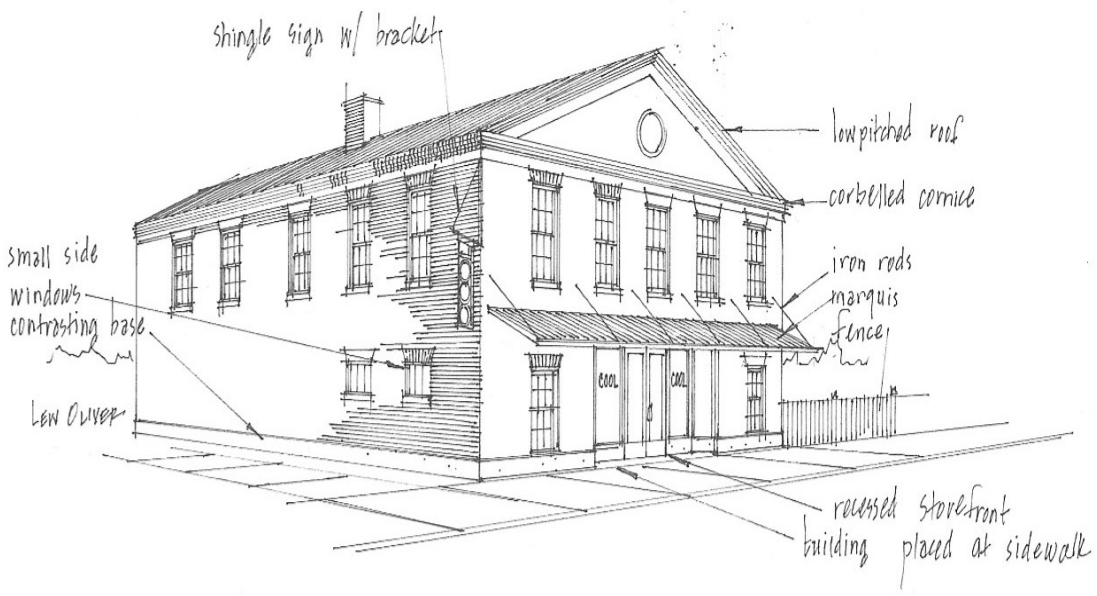


Figure 6.4.3.C.1. Village/Main Street Characteristics

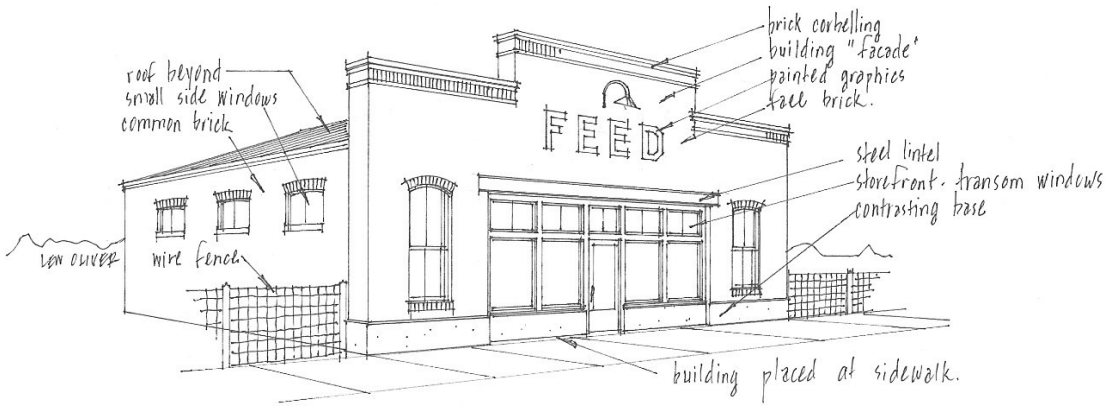


Figure 6.4.3.C.2. Village/Main Street Characteristics

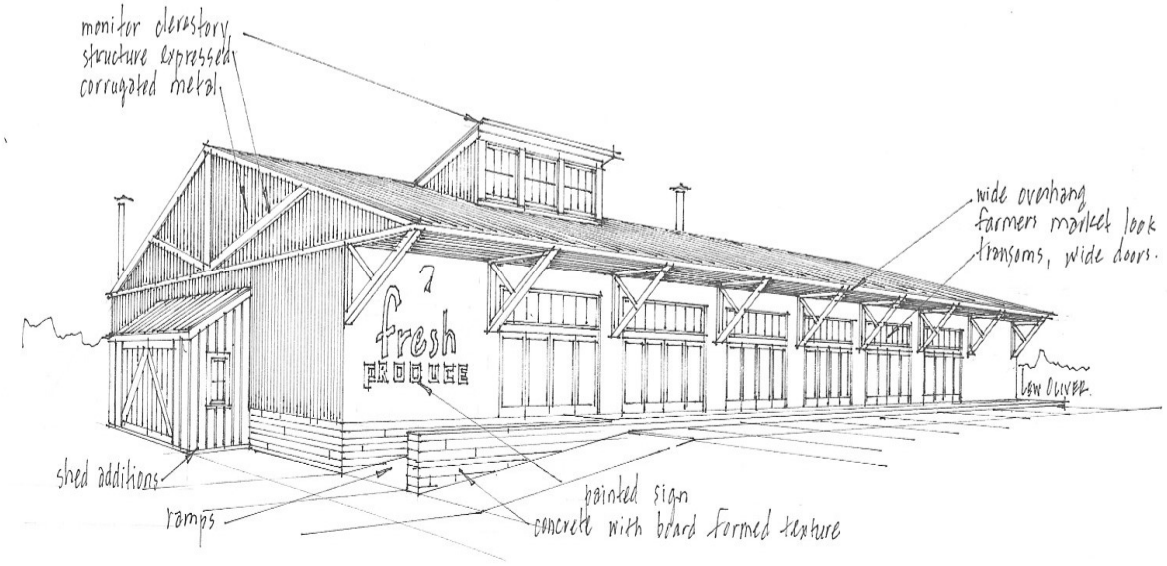


Figure 6.4.3.C.3. Informal Rural Design

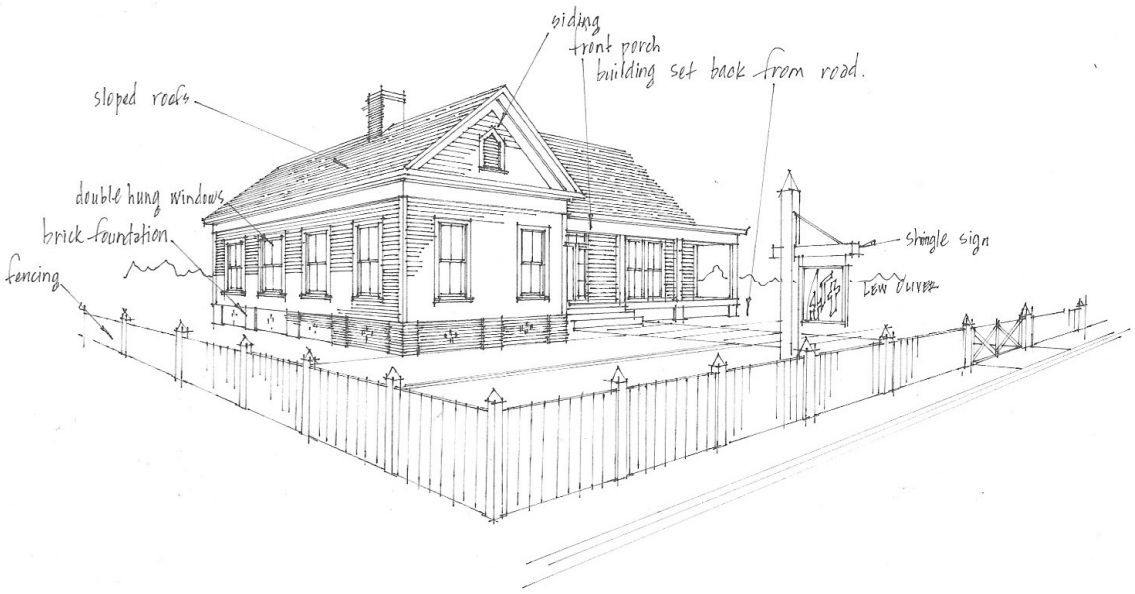


Figure 6.4.3.C.4. Informal Rural Design

2. Buildings must have a variety in their size, massing, height (including two-story buildings) and detailing. Visual interest shall be achieved through the use of at least one of the following architectural elements: balcony, porch, marquee, or facade off-sets.
3. Buildings shall be oriented to the sidewalk and street.
4. Primary building entrances shall face the sidewalk and street. Secondary entrances may be located on side and rear elevations.
5. Building facades facing a right-of-way shall have buildings wall offsets, including projections and recesses, every 40 feet to provide architectural and visual interest and variety.
6. Trim, fenestration, materials, and composition must be present on all sides. The facades of buildings in the village ~~core~~ center may be more pronounced by incorporating architectural elements on other elevations.
7. The building materials applied to the front facade must continue in the same proportion on all exterior elevations.
8. Allowed exterior wall materials are horizontal lap siding, board and batten, wood shingle, wood mould brick, and stone. Metal shingle, corrugated or 5-V metal are allowed for agricultural style buildings in the rural section. ~~Avoid~~ N~~n~~ovelty shapes on shingles are prohibited. Clapboard must be wood or cementitious. Board and batten must be wood or cementitious. Prohibited exterior materials are synthetic stone, concrete stone veneer, stucco and exterior insulation finish material, vinyl and metal siding. Prohibited trim materials are Howe casings, manufactured dentils, standard brick mould.

9. Village core ~~Allowed ff~~oundation ~~materials~~ must be faced in ~~are~~ stacked stone, cut stone, or ~~-~~and brick. Rural foundations must be faced in ~~materials can be poured concrete finished with~~ smooth stucco, brick, or stacked stone. ~~Foundations may be formed out of poured concrete or concrete masonry units.~~

10. Porches ~~shall~~ must have stone, brick, or masonry piers. Concrete masonry units ~~shall~~ must be finished in smooth stucco on masonry or concrete formed of horizontal wooden boards.

11. Windows.

    a. Windows that open to the interior are required on elevations facing a sidewalk or street. Windows in the front facade must be predominantly vertical in orientation.

    b. Windows are required on side elevations. Village core buildings can have minimal windows on the sides and rear of the building.

    c. For village core buildings, windows or glass storefronts are required on elevations facing a street. Storefront windows (large windows located on the facade with the main entrance) must comprise a maximum of 50% of the facade width.

    d. Individual plate glass panels for storefront windows must not exceed 32 square feet. Panels may be grouped together with heavy mulls separating the panels. Glass storefronts must be at least 9 feet high.

    e. Storefronts on the street frontage may be built with entryways recessed from the sidewalk, but not exceeding 50% of the facade width.

    f. Facades with a storefront must have a contrasting masonry base ~~one through 6 inches to 2 feet~~18 to 24 inches in height.

    g. Windows not located on the facade must be true divided lite, simulated divided lite, or single divided lite. ~~They~~ Such windows may be wood, clad wood, or polymer and must be paint grade. Industrial metal sash is allowed, except on residential double hung windows.

    h. Tinted and reflective glass, GBGs (grill between glass), reflective glazing, and pop-~~-~~in grilles are prohibited.

12. Shutters ~~may~~ must be solid core polymers, or durable hardwoods. Vinyl, nail-on, false wood graining, and prefinished shutters are prohibited.

13. Village core doors may be wood or a combination of wood and glass.

14. Rural section doors must be wood.

~~15.~~ Garage doors must be utilitarian in character and may be wood or metal.

~~16.~~15. Plastic laminated, standard six panels stamped metal, and leaded/beveled glass lights are prohibited. Standard garage paneled doors are prohibited. ~~Avoid~~ Ffaux strap hinges, and embellishments are prohibited.

~~17.~~16. Chimney stacks must be faced in masonry material. Sheet goods,

including hardboard stucco and siding, are prohibited on chimneys. Metal stacks are acceptable.

~~18.~~17. Porches are ~~encouraged~~ required throughout Birmingham Crossroads. Village core buildings are ~~encouraged~~ must ~~to~~ have a one- or two-story porch on the street frontages or a marquee on the first story. Rural buildings are ~~encouraged~~ must ~~to~~ have front porches that span at least 75% of the facade.

~~19.~~18. Porch columns must be wood, resin material, cast iron, brick, stone, or masonry. Allowed column types are Greek Doric, fluted or plain. Full two-story and sheet metal columns are prohibited.

~~20.~~19. Railing systems must be painted wood or metal. Railings must be simple, round, plain, or tapered.

~~21.~~20. Synthetic and prefabricated railing systems, classical balusters and spindle-work, and synthetic composition decking material are prohibited.

~~22.~~21. ~~There is no pitch requirement for a roof.~~ Village core buildings must have low pitched roofs or must have flat roofs surrounded by parapet walls that screen mechanical units. Rural buildings must be pitched.

~~23.~~22. Allowable roofing materials are:

a. 5-V paint grip galvanized metal or slate.

b. Corrugated metal.

c. Standing seam metal.

d. Wood shakes.

e. Wood shingles.

Flat roofs may be membranes if not visible from the right-of-way. Prefinished metal roofs are prohibited.

~~24.~~23. Vents and stacks must be painted and hidden from view to the greatest extent possible.

D. Colors

1. All buildings must meet these color standards.

~~2. Earth tone and off-white colors are encouraged.~~

~~3.~~2. All exterior building materials, architectural and decorative elements, and sign structure colors must be selected Table 6.4.3.D. Brick ~~should~~must be wood mould in the brown to Georgia red clay range. Mortar colors range from river sand to native clay. Nonhistoric brick textures and colors such as pink brick, salt and pepper effects are prohibited.

~~4.~~3. The numbers in Table 6.4.3.D refer to the Pantone Matching System, an international color matching system. All shades of white and off white are allowed.

Table 6.4.3.D.

Permitted Colors	
Base Colors—Primary Building Material Pantone Colors	**Accent Colors—Allowed for Decorative Elements, Roof, Accents, and Sign Structure Pantone Colors**

Permitted Colors			
120C	466C&U	1807C	4975
1205C	4645U	2C-7C	553
160C	468C&U	289C	5363
1815C	4685C	316C	539
2915	4715C	401-405C	548
400C	482U	407-412C	5467
406C	483C	412C	5743U
404C	490C	415-419C	5747U
410C	5455C	423C	5757U
413C	5477C	424-425C	5773U
420C		448-450C	5815U

6.4.4. Existing Historic Structures

A. Applicability

This sub-section includes all structures identified in the 1996 Historic Resources Survey.

B. Requirements

1. Alterations and additions must be consistent and reinforce the historic architectural character of the entire structure and must comply with the standards herein.
2. New additions and exterior alterations must not destroy historic materials that characterize the property. The new work may be differentiated from the old. To protect historic integrity, any new work must be compatible with the massing, size, scale, and architectural features of the property.
3. The removal of distinctive materials or alteration of features that characterize a structure ~~must be avoided~~is prohibited.
4. ~~—~~Where the severity of deterioration requires replacement of a distinctive feature, the new feature must match the old in design.

6.5. Historic Preservation

6.5.1. General

A. Purpose

In support and furtherance of its findings and determination that the historical, cultural, and aesthetic heritage of the City of Milton, Georgia, is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity, and general welfare of the people;

In order to maintain historic structures and to protect and enhance local historical and aesthetic attractions to residents and tourists and thereby promote and stimulate business;

In order to enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law; and

In order to provide for designation, protection, preservation, and rehabilitation of historic properties and to participate in federal or state programs to do the same;

The City Council hereby declares it to be the purpose and intent of this Sec. 6.5~~6.5 and related bodies~~ and procedures in Article 12 to establish a uniform procedure for use in providing for the identification, protection, enhancement, perpetuation, and use of places, properties, sites, buildings, structures, objects, and landscape features having special historical, cultural, archeological, or aesthetic interest or value, in accordance with the provisions of the Sec. 6.5~~6.5 and related bodies~~ and procedures in Article 12 .

B. Historic Preservation Commission

See. Sec. 12.2.7.

C. Establishment of Historic Properties

See. Sec. 12.7.1

D. Maintenance of Historic Properties

See Sec. 12.7.2.

E. Penalties

See Sec. 12.7.3.

F. Certificates of Appropriateness

See. Sec. 12.7.4.

6.5.2. Historic District Regulations

A. Scope and Intent

The regulations set forth in this Sec. 6.5.2~~6.5.2~~ are the H district regulations. The H district is intended to allow for a historic structure to be used, protected, renovated, and preserved, based on its historic value to the community. The H district~~It~~ may allow a specific, previous use to continue in a structure where that use would be considered nonconforming as defined in this UDC. This designation will help preserve the rich traditions of history and culture evident in Milton's original settlement.

B. Use Regulations

Within the H district, land and structures must be used in accordance with its standards.

1. When approving H district classification for a property, the City Council may designate as a condition of zoning any limitations on the use of the subject

property or structures located thereon. If no such condition is included, the use of the subject property will be limited to the most intense use allowed on any property adjacent to the subject property.

2. H district classification is only available for property on which a proposed historic use would be deemed non-conforming under the existing zoning classification. Existence of the historic use of the subject property may be established by, among other things, historic pictures of the subject property, deeds, bills of sale, and personal affidavits. If personal affidavits are submitted as part of the H district zoning application, such affidavits must be supplemental to other evidence of historic use and must not be the sole evidence of same.
3. The proposed historic use must be limited to those historic structures identified on the subject property and must not be expanded.
4. Any structure for which a non-conforming historic use is proposed must first be designated as historic by the City of Milton Historic Preservation Commission. The historic designation process must be completed before the City accepting a rezoning application for the subject property, unless the Director determines that it is in the best interest of the City to process the designation and zoning applications together because of the risk of probable demolition.
5. The proposed historic use shall be compatible with the surrounding land uses.
6. The proposed historic use shall not result in the removal of historical characteristics of the structure or site, including mature landscaping.

C. Development Standards

In order to allow for the unique nature of the properties receiving the H district classification, there are no district-specific development standards. However, all other requirements of the subject property's overlay district and this UDC shall be maintained. In addition, the City Council shall consider the subject property's overlay district and this UDC as it pertains to the proposed historic use, and may adopt reasonable conditions of zoning with respect to the following, without the need for a variance:

1. Maximum structure height.
2. Minimum lot area.
3. Maximum density.
4. Minimum lot width.
5. Minimum development frontage.
6. Minimum lot frontage.
7. Minimum heated floor area.
8. Minimum front yard setback.
9. Minimum side corner setback.
10. Minimum side yard setback.
11. Minimum rear setback.
12. Accessory structure requirements.
13. Buffer requirements.
14. Parking requirements.

15. Parking lot tree requirements.
16. Lighting requirements.
17. Fencing requirements.
18. Signage limitations.

Notwithstanding any provisions to the contrary found in this UDC, the zoning conditions adopted by the City Council will have precedence over any conflicting requirement, regulation or standard found in either the overlay district regulations or this UDC.

Article 7A. Crabapple Form-Based Code

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7A.1. General

7A.1.1. Intent

The intent and purpose of this Article 7A is to enable and support the implementation of the following policies:

A. That Crabapple is an important center for high-quality, mixed-use development in the City of Milton as established in the Crabapple Visioning Study and the Comprehensive Plan.

B. That within Crabapple, ordinary activities of daily life should occur within walking or bicycling distance of most dwellings.

C. That interconnected networks of thoroughfares should be designed to disperse traffic and reduce the length of automobile trips.

D. That a range of housing options should be provided to accommodate different needs in the community.

E. That development should be concentrated in areas served by existing infrastructure and discouraged in areas lacking it.

F. That development patterns should enable children to walk or bicycle to school.

G. That a range of open spaces including parks, squares, playgrounds, and preserved rural areas should be distributed throughout Crabapple.

H. That buildings and landscaping should contribute to the physical definition of thoroughfares as civic places.

I. That development should adequately accommodate automobiles while respecting the pedestrian and the spatial form of public areas.

J. That community design should reinforce safe environments, but not at the expense of accessibility.

K. That architecture and landscape design should grow from the local climate, topography, history, and building practices.

L. That civic buildings and public gathering places should be provided as locations that reinforce community identity and support self-governance.

M. That civic buildings should be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the area.

N. That the preservation and renewal of historic buildings should be facilitated.

O. That the harmonious and orderly growth of Crabapple should be secured through form-based codes rather than traditional zoning.

7A.1.2. Code Applicability

A. ~~Capitalized t~~Terms used throughout ~~this~~ this Article 7A are defined in ~~Article~~ Sec. 13.1 or Sec. 7A.6 architectural styles. ~~Article~~ Sec. 13.1 contains regulatory language that is integral to this Article 7A. ~~Those terms not defined in Article 13 and Sec. 7A.6 will have their commonly accepted meanings.~~

B. The metrics of Sec. 7A.5 standards and tables are an integral part of this Article 7A. However, the diagrams and illustrations that accompany them should be considered advisory, except those in Table 12 Definitions Illustrated (see Sec. 7A.5.16), which are legally binding.

C. Where in conflict, numerical metrics takes precedence over graphic metrics.

D. When a provision of this Article 7A conflicts with another provision of this UDC, the provision of this Article 7A applies unless otherwise indicated.

7A.1.3. Transect Zones and Special Districts

A. The regulations in this Article 7A apply to all property located within the boundaries shown in the Crabapple Regulating Plan ("this district"), which is hereby re-adopted concurrently with this UDC, which must be kept on file with the Director, and which is hereby incorporated by reference. The Crabapple Regulating Plan must also be shown on the Official Zoning Map.

B. To reflect a variety of development patterns, this Article 7A includes Transect Zones, Civic Zones, and Special Districts, the locations for which are shown on the Crabapple Regulating Plan or an approved Infill Regulating Plan.

C. The standards for Transect Zones and Civic Zones are in Sec. 7A.3, and 7A.4, Sec. 7A.5.

D. The standards for T4 also apply to zones T4-Restricted and T4-Open except as specifically indicated.

E. Areas that, by their intrinsic character, cannot conform to the requirements of any Transect Zone are designated as Special Districts.

F. The standards for Special Districts must be approved by the City Council as part of a regulating plan or infill regulating plan. Said standards must include one or both of the following:

1. Standards specifically prepared for the particular Special District.
2. Standards of any other zoning districts, provided that the applicable standards of Sec. 7A.3 public standards will still apply. The other zoning district that applies to each special district must be shown on the regulating plan or infill regulating plan.

7A.1.4. ~~Process~~ Design Review

A. Design Review Board

Design Review Board review is required as established Sec. 12.12.3.D.

B. Code Compliance Certificate

Before ~~applying to~~ appearing before the Design Review Board, applicants must submit the following to the Director:

1. A site plan, drawn to scale, containing the following minimum information, if applicable:
   a. Site boundary.
   b. Site data, including acreage, building units, residential floor area and units, non-residential floor area, required and proposed parking and loading facilities, and lot coverage.
   c. Proposed thoroughfares.
   d. Proposed sidewalks.
   e. Proposed landscape and hardscaped areas.
   f. Existing features to remain, including buildings with square footages and heights (stories), parking and driveways, fences, retaining walls, towers, and any other structures.

g. Proposed new features, including buildings with square footages and heights (stories), parking and driveways, fences, retaining walls, towers, and any other structures.

h. Proposed size of new lots.

i. Required setbacks.

j. Natural features, including streams, waters of the state, lakes, wetlands, flood zones, and associated buffers.

k. Required landscape strips, undisturbed buffers, and other natural areas as required or proposed.

l. Proposed stormwater management facilities.

2. Elevations of all buildings.

3. Other material deemed necessary by the Director to review for conformance with the requirements of this Article 7A.

Upon receiving the information required in sub-paragraphs 1 through 3 above, the Director has 45 days to approve or deny the plans for conformance with the requirements of this Article 7A.

7A.1.5. Warrants and Variances

A. There are two types of deviation from the requirements of this Article 7A: warrants and variances. Whether a deviation requires a warrant or variance is determined by the Director, except where specifically prescribed in this Article 7A.

B. A warrant is a ruling that would permit a practice that is not consistent with a specific provision of this Article 7A but is justified by its intent. A warrant will be processed as an administrative variance under Sec. 12.4.2.A.4.

C. Warrants relating to a physical element or metric of this Article 7A must be based upon credible submitted evidence demonstrating that:

1. Approval, if granted, would not offend the spirit or intent of this Article 7A identified in Sec. 7A.1.1.

2. There are such extraordinary and exceptional situations or conditions pertaining to the particular piece of property that the literal or strict application of this Article 7A would create an unnecessary hardship due to size, shape or topography or other extraordinary and exceptional situations or conditions not caused by the applicant.

3. Relief, if granted, would not cause a substantial detriment to the public good and surrounding properties.

4. That the public safety, health, and welfare are secured, and that substantial justice is done.

D. Warrants relating to a use will be processed as an administrative permit in accordance with Sec. 12.5.1 and must be based upon the considerations for use permits established in Sec. 12.5.2.

E. A variance is any ruling on a deviation other than a warrant. A variance will be processed as a primary variance by the Board of Zoning Appeals in accordance with Sec. 12.4.2.

F. If a warrant or variance is requested in conjunction with an application for an Infill Regulating Plan, the City Council will process the requested warrants and variances as a concurrent variance.

G. No warrants or variances may be issued for the following standards and requirements:

1. The density requirements.
2. The permission to build accessory buildings.
3. The Function and use requirements of Sec. 8.2.2. (Use Table for Crabapple Form-Based Code) and Code Summary Table 10 (see Sec. 7A.5.12), except where a warrant is indicated therein.

7A.1.6. Density Calculations

A. Density is expressed in building units per acre as specified for each Transect Zone by Table 10, section a (see Sec. 7A.5.12).

B. The maximum density of a site is calculated by multiplying the Transect Zone's density identified in Table 10 section a (see Sec. 7A.5.12) by the gross site area. Where a site includes multiple Transect Zones, each must be calculated independently. The area of new thoroughfares and civic spaces on the site must be allocated to the closest Transect Zone(s) on the site. Where a thoroughfare or civic space adjoins multiple Transect Zones, their area must be proportionally allocated to the adjoining zones.

C. Where a site is subdivided into lots, a lot's density may exceed the density of the Transect Zone within which it lies, provided that the maximum density of the Transect Zone for the site as whole as established in paragraph B above is not exceeded.

D. Building units, or fractions thereof, must be exchanged for functions at the following rates as established in Table 8B (see Sec. 7A.5.10):

1. Residential: 1 dwelling unit for each building unit.
2. Lodging: 4 guest rooms for each building unit.
3. Office: 2,250 square feet of floor area for each building unit.
4. Retail: 2,250 square feet of floor rea for each building unit.
5. Other: 2,250 square feet of floor area for each building unit.

Interior or covered off-street parking does not require the use of building units.

E. Where the exchange of building units for functions results in a fraction, the fraction must be rounded down to the nearest whole number of dwelling units, guest rooms, or square feet as established in paragraph D above.

F. Accessory dwelling units do not count toward Density calculations.

G. Civic buildings do not count towards density calculations.

H. Senior housing in accordance with Sec. 8.1.4.J and approved by use permit does not count toward the density calculations of this Article 7A.

I. Contributing historic structures do not count towards Density calculations.

J. The number of building units allowed on a site may be increased by two building units for every one parking space that meets all of the following:

1. The parking must be located within a parking structure that has:
   a. Two or more above-ground levels, including the first level; and/or

b. One or more levels that is below finished grade on all sides.

2. The parking must be:

a. Available for use by the general public for a fee or no charge.

b. Not used to satisfy the minimum parking requirements of this UDC.

c. Not restricted to use of a particular on-site or off-site use.

K. The base density of a site may be increased by the Transfer of Development Rights (TDR) up to the amount specified for each zone by Table 10 section a (see Sec. 7A.5.12) subject to Sec. 7A.1.7.

L. The total number of building units allowed on the site after use of the increases allowed in paragraphs J and K above must not exceed the base density specified as being allowed "By TDR" for each zone in Table 10 (see Sec. 7A.5.12).

7A.1.7. Transfer of Development Rights

A. Purpose

The TDR mechanism is intended to encourage the voluntary redirection of future growth from areas where Milton wants reduced development into areas designated for development. Landowners can voluntarily choose to have their properties considered as either open space TDR sending sites or park/greenway TDR sending sites. Open space TDR sending sites remain under private ownership subject to a conservation easement permanently limiting future development. Park/greenway TDR sending sites are transferred from private ownership to the City or otherwise secured for public access in a manner acceptable to the City. In return for voluntarily participating in the TDR program, private property owners receive TDRs which can be transferred for use at designated TDR receiving sites.

B. TDR Sending Site Criteria

1. Open space TDR sending sites must be parcels at least 5 acres in size, must be zoned T2 within this district or AG-1 outside of this district and must contain natural or agricultural features whose retention would implement the City's goals for maintaining significant environmental areas, rural character, and open space. Parcels will not qualify if the restrictions that would be imposed by a conservation easement have already been established by a preexisting easement or similar instrument.

2. Park/greenway TDR sending sites must be at least one acre in size, unoccupied by any residences or other improvements that would render the site unusable for public access and must be designated as suitable for park, greenway, civic space, trail, or other public recreational uses in a plan or code adopted by the City. Parcels in public ownership before the effective date of this Article 7A will not qualify as TDR sending sites. However, parcels that the City buys for parks and greenways after the effective date of this Article 7A meet the criteria for park/greenway TDR sending sites.

C. TDR Sending Site Approval Process

1. Open space TDR sending sites: Property owners may offer their land as open space TDR sending sites using application forms provided by the Director. If the Director finds that the

proposed property meets the criteria, they must approve the application and oversee the execution and recordation of a permanent conservation easement, approved by the Director, that limits future development of the sending site to a density of no more than one dwelling per parcel or one dwelling per full 25 acres, whichever density is greater. The easement must specify that all other uses, building requirements, and activities are controlled by the standards of the T2 zone for parcels within this district and the standards of the AG-1 district for parcels outside of this district.

2. Park/greenway TDR sending sites: Property owners may offer their land as park/greenway TDR sending sites using application forms provided by the Director. If the property owner proposes to transfer title to the City, the change of ownership must pertain to the entire parcel. If the Director finds that the proposed property meets the criteria for a park/greenway TDR sending site, they will approve the application and submit the transfer of title to the City or an agency/organization authorized by the City Council for approval. A permanent public access easement approved by the Director may be used instead of title transfer if the proposed easement would implement all preservation and public recreational goals for the site in question, subject to the approval of the City Council. This easement may apply to all or a portion of a single parcel if the portion subject to the easement is at least one acre in size. If a Park/Greenway TDR Sending Site is secured by easement rather than City ownership, the easement must permanently prohibit all development, must preclude any improvements that would impede site use for public purposes, and must specify that all other uses and activities are controlled by the standards of the T2 zone for parcels within this district or the provisions of the AG-1 zoning district for parcels outside the this district.

D. TDR Allocation

1. Open space TDR sending sites: Upon recordation of an approved conservation easement, the Director must deduct the area of land precluded from development by preexisting easements and issue TDRs to the owners of open space TDR sending sites using the following formula:

   a. One TDR per one full acre of unconstrained land.

   b. Plus one TDR per 4 full acres of constrained land.

   c. Plus one TDR per each full 5 acres of land subtotaled under sentences a and b above in excess of 5 acres.

2. Park/greenway TDR sending sites: Upon title transfer or recordation of an approved public access easement, the Director must deduct the area of land precluded from development by preexisting easements and issue Transferable Development Rights to the owners of park/greenway TDR sending sites using the following two-step process.

   Step One:

   Calculate the total number of TDRs produced by sentences a through c below:

a. One TDR per one full acre of Unconstrained Land.

b. Plus one TDR per 4 full acres of Constrained Land.

c. Plus one TDR per each 5 full acres of land subtotaled under sentences a and c above in excess of 5 acres.

Step Two:

Multiply the total from Step One by a factor of 1.25.

3. Civic Space TDR sending sites: Upon title transfer or recordation of an approved public access easement, the Director must deduct the area of land precluded from development by preexisting easements and issue Transferable Development Rights to the owners of parks/greenways TDR sending sites designated as suitable for civic spaces in an adopted plan or code using the following two-step process.

Step One: Calculate the total number of TDRs produced by sentences a through c below:

a. One TDR per one full acre of Unconstrained Land.

b. Plus one TDR per 4 full acres of Constrained Land.

c. Plus one TDR per each 5 full acres of land subtotaled under sentences a and b above in excess of 5 acres.

Step Two:

Multiply the total from Step One by a factor of 1.5.

E. TDR Transfers

The Director must establish and administer a process for documenting and monitoring the issuance, transfer, and permanent extinguishment of TDRs when they are used to increase density in a TDR Receiving Site development. TDR Sending Site property owners who are issued TDRs may retain them, transfer them directly to TDR Receiving Site developers or transfer them to intermediaries who may also retain them or transfer them to TDR Receiving Site developers. The City may, but is not obligated to buy, hold, and resell TDRs. The City may also sever TDRs from land that it buys after the effective date of this ordinance for parks and greenways and sell these TDRs for use in TDR receiving site developments. The price paid for TDRs is determined by negotiation between TDR buyers and sellers.

F. TDR Receiving Sites

TDRs may be transferred to the TDR receiving sites designated by this Article 7A and any additional TDR receiving sites that may subsequently be designated by the City. TDR receiving site owners may build at or below the base densities established by code without any use of TDRs. However, owners who choose to do so may exceed the base densities and achieve the established maximum densities at the transfer ratio set forth in paragraph G below.

G. TDR Transfer Ratio

Pursuant to this Article 7A, developers of projects on TDR receiving sites may use the TDR to exceed base densities and achieve the maximum code-allowed density at the transfer ratio of two building units per full TDR. Building units must be exchanged for functions as set forth in Sec. 7A.1.6.D.

H. Unified Sending/Receiving Site

A TDR sending site and a TDR receiving site may occur on a single parcel if the

respective portions of the parcel meet all criteria. TDRs from the sending site portion of the parcel must be allocated using the formula provided in Sec. 7A.1.7.D, except TDRs must not be granted open space and greenway dedications that are required as a condition of site development. TDRs from the TDR sending site portion of the parcel may be transferred to the TDR receiving site portion of the parcel, transferred to a separate TDR receiving site or to any combination of on-site and off-site TDR receiving sites.

I. Compliance Requirements

1. When the use of TDR results in divisions of land, TDR compliance must occur before final subdivision map approval.
2. When the use of TDR results in additional density without a division of land, TDR compliance must occur before building permit issuance.
3. In no event may any component of this TDR program have application to any TDR sending site or TDR receiving site not in the City.

7A.2. Regulating Plans

7A.2.1. Applicability

A. The locations of the following are as shown on the Crabapple Regulating Plan:

1. Transect Zones.
2. Existing civic building sites and civic spaces, and sites suitable for new civic spaces.
3. Thoroughfare network, existing and planned.
4. Special Districts.
5. Mandatory private frontages.
6. Mandatory public frontages along existing Thoroughfares.

B. The Crabapple Regulating Plan is an exclusive and mandatory regulation ~~and~~ that supersedes and replaces the previous zoning classifications. Property owners within the plan area must submit building scale plans under Sec. 7A.4 in accordance with the standards of this Article 7A when necessary to demonstrate conformance.

C. The owner of a single parcel or multiple abutting parcels in this district may apply for a warrant to adjust the locations of thoroughfares from those shown in the Crabapple Regulating Plan by up to a total of 300 horizontal feet, provided that the interconnected network shown in the Crabapple Regulating Plan is maintained.

D. The owner of a single parcel or multiple abutting parcels in this district may initiate the preparation of an infill regulating plan in accordance with Sec. 7A.2.2.

7A.2.2. Infill Regulating Plan Requirements

A. Approval of infill regulating plans must follow the procedures for rezoning as set forth in Sec. 12.3 (Amendments).

B. Infill regulating plans include one or more maps showing the following, in compliance with the standards described in Sec.7A.2:

1. Transect Zones.
2. Density by Transect Zone.
3. Civic building sites and civic spaces.
4. Thoroughfare network.
5. Special requirements, if any.
6. Designation of a mandatory setback for buildings from any lot line, if any.
7. Mandatory private frontages, if any.
8. Required landscape buffers adjacent to Special Districts, if any.

C. The following elements must not deviate from those established in the Crabapple Regulating Plan:

1. Mandatory public frontages along existing thoroughfares.
2. Greenways, although their exact locations may vary provided the connections to adjacent sites shown in the Crabapple Regulating Plan are maintained.

D. Each infill regulating plan for a site greater than 4 acres in area must dedicate at least 5% of its total area to civic space.

~~D.~~E. Civic space must be designed as ~~generally~~ described in Table 4 (see Sec. 7A.5.5) and as allowed in the Transect Zones in accordance with Table 10 section d (see Sec. 7A.5.12). Greenways must not be

counted towards this requirement, except where they pass through a civic space meeting the requirements of Table 4 (see Sec. 7A.5.5).

~~E.~~F. The thoroughfare network for the infill regulating plan must be designed to define blocks as follows:

1. When both blocks and the thoroughfares that circumscribe them are completely within the infill regulating plan, blocks must not exceed the perimeter size prescribed in Table 10 section b (see Sec. 7A.5.12).
2. In all other situations not identified in sub-paragraph 1 above, block perimeter must not exceed an amount equal to one-half the perimeter size prescribed in Table 10 section b (see Sec. 7A.5.12).
3. The perimeter for all blocks is measured as the sum of lot frontage lines of the Block.

~~F.~~G. All thoroughfares must terminate at other thoroughfares, forming an interconnected network. Internal thoroughfares must connect wherever possible to those on adjacent sites. Where adjacent sites are nonconforming with regard to the thoroughfare network requirements of this Article 7A, stub-out streets must be provided to provide future connectivity when the adjacent sites are developed or redeveloped. Cul-de-sac and other dead-end streets are allowed only by warrant to accommodate specific site conditions. Stub-out streets 150 feet in length or less must terminate at a curb designed to be removed when the adjacent site is developed, and the street is extended.

7A.2.3. Landscape Buffers

A. ~~Adjacent to a Special District the following applies:~~ Adjacent to a Special District, a T2 Zone, or a single-family residential use not located within this district, the following apply:

~~**A.**~~

1. For sites ~~on four~~ 4 acres or less in area, a 50-foot-wide undisturbed buffer or alternative screening design, with a 10-foot improvement setback, must be located adjacent to a Special District, T2 zone, or single-family residential use not located within this district.

~~1. must be located adjacent to a Special District.~~

2. For sites ~~on more~~greater than ~~four~~ 4 acres in area, a 75-foot- wide undisturbed buffer or alternative screening design, with a 10-foot improvement setback, must be located adjacent to a Special District, T2 zone, or single-family residential use not located within this district.

~~2. must be located adjacent to a Special District.~~

3. To make buffers seem natural, an equal mix of four species must be used, except when alternative screening is used.
4. When alternative screening design is used, the buffer must provide as much or more year-round visual screening as the otherwise required buffer would. The alternative screening must also be planted as required by the City Arborist.

B. Modifications to the minimum undisbursed buffer requirements of Sec. 7A.2.3.A.1 and

Sec. ~~P~~7A.2.3.A.2 above ~~aragraph A above~~ may only be granted by variance.

7A.3. Public Standards

7A.3.1. Applicability

A. All sites, including those in Special Districts, must incorporate thoroughfares and civic spaces as established in the Crabapple Regulating Plan or an approved infill regulating plan.

B. Where no approved infill regulating plan exists:

1. Thoroughfares not shown in the Crabapple Regulating Plan may be permitted, provided that all thoroughfares must terminate at other thoroughfares, forming an interconnected network. Internal thoroughfares must connect wherever possible to those on adjacent sites. Where adjacent sites are non-conforming with regard to the thoroughfare network requirements of this Article 7A, stub-out streets with a maximum length of 150 feet must be provided to provide future connectivity when the adjacent sites are developed or redeveloped. Cul-de-sac and other dead-end streets are allowed only by warrant to accommodate specific site conditions. Stub-out streets 150 feet in length or less must terminate at a curb designed to be removed when the adjacent site is developed, and the street is extended.
2. Civic spaces not shown in the Crabapple Regulating Plan are permitted.
3. Sites of more than 4 acres must be designed to define blocks as follow:
   a. When both blocks and the thoroughfares that circumscribe them are completely within the site, blocks must not exceed the perimeter size prescribed in Table 10 section b (see Sec. 7A.5.12). Blocks with a perimeter size exceeding 1,000 feet must provide at least one 8-foot-wide cross block passage.
   b. In all other situations not identified in Sec. 7A.3.1.B.3.a above~~sentence a above~~, block perimeter must not exceed an amount equal to one-half the perimeter size prescribed in Table 10, section b (see Sec. 7A.5.12).
   c. The perimeter for all blocks is as the sum of lot frontage lines of the block.

7A.3.2. General Requirements

A. Thoroughfares are intended for use by vehicular, bicycle, equestrian, and pedestrian traffic and to provide access to lots and civic spaces. Thoroughfares generally consist of vehicular lanes and public frontages. Bicycle facilities and equestrian trails, where provided along a thoroughfare, are also considered part of said thoroughfare.

B. Thoroughfares and civic spaces must be designed according to their Transect Zones. The public frontages of thoroughfares that pass from one Transect Zone to another must be adjusted so that the newer thoroughfare tapers to meet those of the existing thoroughfare.

C. Lots must enfront as follows:

1. Lots occupied by one house or one cottage must enfront a vehicular thoroughfare or a civic space, subject to

the additional restrictions in sub-paragraph 4 below.

2. All other lots not specified in sub-paragraph 1 immediately above must only enfront a thoroughfare.

3. In all locations, when a lot enfronts a civic space, the fire prevention and protection requirements of Chapter 22 of the Code of the City of Milton must ~~apply~~be met.

4. No more than three houses, or three cottages, or any combination of houses and cottages totaling three may enfront a single pocket park or playground in the District at Mayfield.

D. Standards for new thoroughfares are as follow:

1. In zones T2, T3, T4, T5, new thoroughfares must conform to Table 3 (see Sec. 7A.5.4).

2. In Special Districts, new thoroughfares must conform to Table 3 (see Sec. 7A.5.4) or the usual requirements of the City of Milton for areas not regulated by a form-based code.

3. In all T-Zones and Special Districts, the design of new thoroughfares is subject to approval of the Public Works Director, who may require alternative standards if the public health, safety, and welfare demand.

E. Rear alleys and rear lanes must be provided where required by Table 10, section c (see Sec. 7A.5.12).

F. Rear alleys must be paved for their width.

G. Rear lanes may be paved to driveway standards. Rear lanes must consist of gravel or landscaped edges, and may have no raised curb.

~~**H.**~~ Except for access to or from single family residential lots, gates or barriers controlling vehicular or pedestrian ingress/egress to or from public or private rights-of-way, driveways, or common parking lots are prohibited. A warrant may be requested ~~under the following circumstances:~~

~~1.~~**H.** ~~F~~for residential subdivisions that do not contain inter-parcel access or future inter-parcel access to adjacent existing or future development.

7A.3.3. Thoroughfares – Vehicular Lanes

A. New thoroughfares must include vehicular lanes in a variety of widths for parked and moving vehicles, and may include bicycle lanes. The standards for vehicular lanes are shown in Table 3 (see Sec. 7A.5.4), subject to approval of the Public Works Director, who may require alternative standards if the public health, safety, and welfare demand.

B. Where on-street parking is permitted in Table 3 (see Sec. 7A.5.4), the pavement width may be reduced at intersections by the addition of sidewalk bulbouts within the parking lane, but the overall right-of-way and public frontage must remain unchanged.

7A.3.4. Thoroughfares – Bicycle, Equestrian Facilities

A. A bicycle and equestrian network consisting of greenways (which may include multi-use trails and equestrian ~~T~~trails) and bicycle lanes must be provided as specified in the Crabapple Regulating Plan and the Milton Trail Plan. The bicycle network must connect to existing or proposed city and regional networks

wherever possible. When the Crabapple Regulating Plan and the Milton Trail Plan both identify a facility in the same location, the Public Works Director will determine which is required.

B. Greenway requirements may be satisfied by providing a minimum 30-foot-wide open space corridor in the approximate location shown on the Crabapple Regulating Plan and granting the City an access easements for future multi-use trails and equestrian trails.

7A.3.5. Thoroughfares – Public Frontages

A. General to zones T2, T3, T4, T5

1. The public frontage contributes to the character of the Transect Zone and includes sidewalk, curb, planter, and trees. If a greenway is located in what would otherwise be part of the public frontage then it is also considered part of the public frontage.
2. Public frontages must be designed as shown in Table 2A (see Sec. 7A.5.2) and Table 2B (see Sec. 7A.5.3) and allocated within transect zones as specified in Table 10 section c (see Sec. 7A.5.12).
3. Retrofit of existing thoroughfares
    a. Retrofit of existing thoroughfares must be accomplished in the public frontage by widening sidewalks, adding trees, adding public lighting, and adding greenways. Retrofit may also include the addition of a slip road.
    b. Where retrofit occurs and there is insufficient right-of-way, the right-of-way must be expanded or a public access easement provided to the City, as mutually agreed upon by the applicant and the City. Where an easement is provided, the frontage line will not be congruent with the right-of-way.
    c. A warrant to this retrofit requirement may be granted where the public frontage includes existing sidewalks of sufficient width and condition to provide pedestrian safety.
4. Public lighting must be provided as established in Sec. 7A.4.12.B.
5. Street trees must be provided in the public frontage, subject to the following:
    a. Along State Route 372, street trees must be placed and sized in accordance with the standards established by ~~the~~ GDOT.
    b. Along other thoroughfares, street trees must be placed and sized in accordance with the standards established by the American Association of State Highway and Transportation Officials.
    c. Street trees must conform to Sec. 11.1.3.E.2 (Road Frontages).
6. The maintenance of lights and trees is the responsibility of the adjacent property owner or as otherwise provided.
7. Sidewalks must continue across the entire length of all concrete aprons and must match the appearance of adjacent sidewalk material in color, texture, and design.

B. Specific to Zones T2, T3

The public frontage must include trees of various species, naturalistically clustered.

C. Specific to Zones T3, T4, T5

The introduced landscape must consist of durable species tolerant of soil compaction.

D. Specific to Zone T4

Street trees must be planted in a regularly spaced allee pattern of single or alternated species with shade canopies of a height that, at maturity, clears at least one story.

E. Specific to Zone T5

~~F.~~ Street trees must be planted in a regularly spaced allee pattern of single species with shade canopies of a height that, at maturity, clears at least one story. At retail frontages, the spacing of the trees may be irregular, to avoid visually obscuring the shopfronts.

~~G.~~F. Specific to Crabapple Road and Birmingham Highway, designated State Route 372

The standards identified for Broadwell Road and Mayfield Road also apply along Crabapple Road and Birmingham Highway, except as otherwise required by GDOT.

~~H.~~G. Specific to Broadwell Road and Mayfield Road

1. The requirements of specific Transect Zones and Special Districts notwithstanding, the public frontage must include a sidewalk at least 8 feet wide and a planter at least 8 feet wide. Street trees are required in the planter.
2. Where approved by the Public Works Director, on-street parallel parking may be provided in lieu of the planter. Where this occurs, a planter at least 7 by 10 feet planted with one street tree must still be provided between every two parking spaces.
3. See 7A.3.5.H for additional standards for Mid Broadwell Road.

~~I.~~H. Specific to Mid Broadwell Road

1. The requirements of specific Transect Zones and Special Districts notwithstanding, the public frontage standards do not apply to any portion of Mid Broadwell Road that is closed to vehicular traffic.
2. The public frontage standards along any portion of Mid Broadwell Road that is closed to vehicular traffic must conform to applicable City plans for the area.

7A.3.6. Civic Zones

A. General

Civic Zones are designated on the Crabapple Regulating Plan, on an infill regulating plan, or on a site subject to Sec. 7A.3.6.B.1 as civic building sites or civic spaces.

B. Civic Spaces

1. Sites of more than 4 acres and not located within an infill regulating plan must dedicate at least 5% of their total area to civic space.
2. Civic spaces must be designed as described in Table 4 (see Sec. 7A.5.5) and must be accessible to the public during normal City hours or longer each day.
3. Each civic space must have at least 50% of its perimeter enfronting one or more

thoroughfare, except as otherwise stated below:

a. A playground or pocket park must have at least 25% of its perimeter enfronting one or more thoroughfares.

b. A park must have at least 100 feet of its perimeter enfronting one thoroughfare.

4. Each civic space must be at least 60 feet in width and length, except for parks.

5. The following areas must not be used to satisfy civic space requirements:

a. Greenways, except where they pass through a civic space meeting the requirements of Table 4 (see Sec. 7A.5.5).

b. Undisturbed natural vegetative buffers along streams as required by Sec. 11.5.

c. Retention and detention areas used for permanent or occasional water storage.

6. Sites identified as suitable for civic spaces on the Crabapple Regulating Plan are not mandatory and are identified for TDR purposes only, as established in Sec. 7A.1.7.

7A.3.7. Common Mail Facilities

A. Common mail facilities for delivery of US mail must be installed in every new development that includes a residential use, subject to approval by the US Postal Service.

B. Common mail facilities must be covered, must include a trash receptacle, and must have two dedicated parking spaces.

7A.4. Building Scale Plans

7A.4.1. Applicability

A. Lots and buildings are subject to the requirements of this Sec. 7A.4

B. Building and site plans must show compliance with the following standards described in this Article 7A:

1. For preliminary site and building approval:
    a. Building placement.
    b. Building form.
    c. Building function.
    d. Public frontages.
2. For final approval, in addition to the above:
    a. Landscaping.
    b. Signage.
    c. Special requirements, if any.
    d. Architecture.

C. Special Districts are governed by standards approved by the~~n~~ City Council at the time of their designation as Special Districts, which standards may be specifically prepared for the particular Special District or may be the same standards as described elsewhere in this Article 7A if specifically identified by the City Council as being applied to the Special District, except as otherwise specifically identified in Sec. 7A.3.

D. Civic building sites are not subject to the requirements of this Article 7A. The particulars of their design are determined by warrant. Buildings housing civic functions that do not meet the definition of a civic building are subject to the requirements of this Article 7A.

7A.4.2. Nonconformities

A. Nonconformities must comply with Sec.2.2.2, except as indicated to the contrary below.

B. A property existing at the date of adoption of this Article 7A or any amendments thereto that does not conform to the provisions of this Article 7A or any subsequent amendment may continue in use as they are until a substantial modification is requested, at which time the ~~Director must determine the~~ provisions of this Article 7A ~~that apply and may grant warrants for those that do not apply~~will apply.

C. Lots existing at the time of adoption of this Article 7A are not considered non-conforming with regard to width.

D. The modification of existing buildings is permitted by right if such changes result in greater conformance with the specifications of this Article 7A.

7A.4.3. Special Requirements

A. To the extent that the Crabapple Regulating Plan or an infill regulating plan designates any of the following special requirements, these standards apply to said requirements:

1. A mandatory retail frontage designation requires that a building provide a shopfront at sidewalk level along the entire length of its private frontage. The shopfront must be at least 70% glazed in clear glass and shaded by an awning overlapping the sidewalk as illustrated in Table 7 (see Sec. 7A.5.8). The first story must be confined to retail or office use through the depth of the second layer.

2. A mandatory gallery frontage designation requires that a building provide a permanent cover over the sidewalk, either cantilevered or supported by columns (as generally illustrated in Table 7 in Sec. 7A.5.8). A gallery frontage may be combined with a retail frontage.
3. A coordinated frontage designation requires that the public frontage (Tables 2A in Sec. 7A.5.2 and 2B in Sec. 7A.5.3) and private frontage (Table 7 in Sec. 7A.5.8) be coordinated as a single, coherent landscape and paving design.
4. A cross block passage designation requires that a minimum 8-foot-wide pedestrian access be reserved between buildings.

7A.4.4. Building Placement

A. Specific to Zones T2, T3, T4, T5

1. Newly platted lots must be dimensioned according to Table 10, section e (see Sec. 7A.5.12) except as otherwise approved by warrant.
2. Building placement types must be as shown in Table 6 (see Sec. 7A.5.7) and Table 10, section h (see Sec. 7A.5.12) except within the District at Mayfield or as otherwise approved by warrant.
3. Buildings must be placed in relation to the boundaries of their lots according to Table 10 (see Sec. 7A.5.12) and Table 12 (see Sec. 7A.5.16) except within the District at Mayfield or as otherwise approved by warrant.
4. Only one principal building at the frontage, and only one outbuilding to the rear of the principal building may be built on each Lot as shown in Table 12 except within the District at Mayfield or as otherwise approved by warrant or as specified under Sec. 7A.4.4.D within the District at Mayfield.
5. Lot coverage by building must not exceed that recorded in Table 10 section e (see Sec. 7A.5.12) except as otherwise approved by warrant.
6. Facades must parallel to a rectilinear principal frontage line or to the tangent of a curved principal frontage line, and along a minimum percentage of the frontage width at the setback, as specified as frontage buildout on Table 10 section f (see Sec. 7A.5.12) except within the District at Mayfield or as otherwise approved by warrant.
7. Setbacks for principal buildings are as shown in Table 10 section f (see Sec. 7A.5.12), except within the District at Mayfield as otherwise approved by warrant.
8. Rear setbacks for outbuildings must be at least 12 feet, measured from the centerline of a rear alley or rear lane easement. In the absence of rear alley or rear lane, the rear setback areas shown in Table 10 (see Sec. 7A.5.12).
9. To accommodate slopes over 10%, relief from front setback requirements of Table 10 (see Sec. 7A.5.12) is available by warrant.
10. To accommodate the preservation of specimen trees as established in the tree preservation ordinance, relief from all setbacks, lot widths, and lot coverage is available by warrant.

B. Specific to Zone T3

Where use of a lesser setback is permitted for projects utilizing TDR, the amount of

TDR utilized within the T3 zone will equal at least one building unit per gross acre multiplied by the area of said T3 zone.

C. Specific to Zones T4 Open, T5

The principal entrance must be on a frontage line except within the District at Mayfield.

D. Specific to the District at Mayfield

1. Only edgeyard and sideyard building placements are allowed.
2. Facades must be built parallel to a rectilinear principal frontage line, or to the tangent of a curved principal frontage line, or parallel to the edge of a civic space and along a minimum percentage of the frontage width at the setback, as specified as frontage buildout on Table 10 section f (see Sec. 7A.5.12), except as provided for in sub-paragraph 4 below.
3. The front setback for principal buildings must be 5 feet minimum and 30 feet maximum, except as provided for in sub-paragraph 4 immediately below.
4. When a lot includes one existing principal building placed along the principal frontage line, then one additional principal building that does not enfront a principal frontage line or civic space is allowed on the lot. This additional principal building's facade may have any orientation, has no Front setback requirements, and has no frontage buildout requirements.

7A.4.5. Building Form

A. General to Zones T2, T3, T4, T5

1. Buildings must consist of simple rectangular forms. There must be one primary volume with optional secondary volumes. Secondary volumes must abut ~~into~~ the primary volume. The roof form of the primary volume must clearly dominate. Secondary roof forms may never dominate the composition, and must not be taller than the primary, excluding masts, belfries, clock towers, chimney flues, water tanks, or elevator bulkheads.
2. The maximum building sizes are as follows:
   a. The maximum building footprint is 18,000 square feet and the maximum overall building size is 36,000 square feet of floor area.
   b. A group of two or more buildings that share at least one common wall are considered as one building.
3. The private frontage of buildings must conform to Table 7 (see Sec. 7A.5.8) and Table 10 (see Sec. 7A.5.12).
4. Buildings on corner Lots have two private frontages as shown in Table 12 (see Sec. 7A.5.16). Prescriptions for the second and third layers pertain only to the principal frontage. Prescriptions for the first layer pertain to both frontages.
5. Building heights must conform to Table 5 (see Sec. 7A.5.6), except within the District at Mayfield, where Sec. 7A.4.5.A.12 below applies.

6. Stories must not exceed 14 feet in height from finished floor to finished ceiling, except for a first story commercial or civic function, which must be a minimum of 11 feet with a maximum of 25 feet. A single story exceeding 14 feet, or 25 feet for the first story, counts as two stories. Mezzanines extending beyond 33% of the floor area count as an additional story.
7. A first story residential function must not be raised more than 6 feet above the average sidewalk grade unless a greater height is approved by warrant.
8. In a parking structure or garage, each above-ground level counts as a single story regardless of its relationship to habitable stories.
9. Maximum building height must be determined as follows:
    a. In all areas, except the District at Mayfield, building height limits do not apply to attics, above-ground portions of basements, masts, belfries, clock towers, chimney flues, water tanks, or elevator bulkheads. Attics must not exceed 14 feet in height.
    b. In the District at Mayfield, building height limits apply to above-ground portions of basements, but do not apply to attics, masts, belfries, clock towers, chimney flues, water tanks, or elevator bulkheads. Attics must not exceed 14 feet in height.
    c. As used in this Article 7A, a basement is deemed to be above-ground when it has any exterior wall or portion thereof that is exposed for more than 5 feet above finished grade.
10. The habitable area of an accessory unit within a principal building or an outbuilding must not exceed 440 square feet of floor area, excluding the parking area.
11. The maximum number of attached townhouse units in a building is eight.
12. Within the District at Mayfield, buildings must not exceed the following heights:
    a. Max. 28 ft. comprised of up to two stories plus an internally-accessible-only habitable attic.
    b. As specified in Sec. 7A.4.5.A.9 above-ground portions of basements are considered a story and count toward the maximum building height in both feet and number of stories.
    c. Notwithstanding anything herein to the contrary, upon application for and receipt of a warrant by the Director, a building containing civic or commercial function may have a basement in addition to up to two stories, provided that such basement must not be above ground along the frontage where the principal entrance to the building is located, such building must not include an attic, and the maximum exposed height of the basement at any point must not exceed 14 feet.

B. Specific to Zone T3

1. No portion of the private frontage may encroach the sidewalk.

2. Open porches may encroach the first layer for 50% of the layer's depth.

3. Balconies and bay windows may encroach the first layer for 25% of the layer's depth, except that balconies on porch roofs are subject to the same standards as the porch.

C. Specific to Zone T4

Balconies, open porches, and bay windows may encroach the first layer for 50% of the layer's depth.

D. Specific to Zone T5

1. Except where prohibited, awnings and galleries may encroach the sidewalk to within 2 feet of the curb but must clear the sidewalk vertically by at least 8 feet.

2. Stoops, lightwells, balconies, bay windows, and terraces may encroach the first layer for 100% of the layer's depth.

3. In the absence of a building façade along any part of a frontage line, a streetscreen must be built coplanar with the facade.

4. Streetscreens must be between 3.5 and 8 feet in height. The streetscreen may be replaced by a hedge or fence by warrant. Streetscreens may have openings no larger than necessary to allow automobile and pedestrian access.

5. A first story residential or lodging function must be raised at least 2 feet from average sidewalk grade unless a lesser height is approved by warrant to allow wheelchair access.

6. Along Crabapple Road, Broadwell Road, Birmingham Highway, and Mayfield Road shopfronts are required on the first story and corner buildings ~~should~~ must be chamfered.

E. Galleries are prohibited along Crabapple Road, Broadwell Road, Birmingham Highway, and Mayfield Road.

7A.4.6. Building Function

A. General to All Zones T2, T3, T4, T5

1. Structures and parcels in each Transect Zone must conform to the functions and uses shown on Table 8A (see Sec. 7A.5.9), Table 9 (see Sec. 7A.5.11) and Table 10 (see Sec. 7A.5.12). See Article 8 for use definitions.

2. A structure or parcel may contain more than one permitted or accessory use.

B. Specific to zones T2, T3

Accessory functions of restricted lodging or restricted office are permitted within an accessory building. See Table 8A in Sec. 7A.5.9.

C. Specific to Zone T4-Restricted, but Not T4 or T4-Open

Lodging, office, and retail functions are prohibited.

D. Specific to Zone T4-Open

The function standards of T5 apply. See Table 8A in Sec. 7A.5.9.

E. Specific to Zones T4, T4-Open, T5, But Not T4-Restricted

Accessory functions of limited lodging or restricted office are permitted within an accessory building. See Table 8A in Sec. 7A.5.9.

~~**F. Specific to Zone T5**~~

~~Industrial functions within the first layer may be permitted by variance.~~

7A.4.7. Screening and Fencing

A. Fences, walls, and hedges are subject to the following:

1. Where permitted within the first layer, fences, walls, and hedges must not exceed 42 inches in height. Retaining walls are excluded from this requirement.
2. In all other locations, fences and walls must not exceed 5 feet in height and must be at maximum of 50% opaque above 42 inches in height. This requirement does not apply to fences and walls screening refuse areas.
3. Allowed fencing material are three or four board wooden fencing with wood posts in the first layer.
4. Opaque fences are prohibited in the first layer.
5. Chain-link fencing is prohibited from public view. All chain-link fence must be black vinyl clad.
6. Retaining wall must conform to Sec. 9.3.7 (Retaining Walls).

B. Loading docks and service areas must be screened from view of any thoroughfare of civic space by either:

1. A minimum 6-foot-high opaque fence matching the material of the building; or
2. A 15-foot-wide landscape strip planted with a continuous hedge of evergreen shrubs. Shrubs must be moderately growing, at least 42 inches high at time of planting, and reaching at least 6 feet high within two years of planting.

C. Refuse areas must conform to Sec. 2.3.5 (Refuse Collection Areas). The door enclosing the area must be made from wood or a material that has the appearance of wood.

D. Mechanical features such as HVAC condensers, electrical transformers, heat pumps, and similar features must not be placed in the first layer and must be screened from view of any thoroughfare, civic space, or any property zoned, used, or developed for residential functions, by one of the following means:

1. Placement behind the building; or
2. 100% opaque fencing which must be constructed of the same type of exterior material used for the principal building; or
3. By a berm or vegetative screening. The screening must consist of evergreen shrubs at least 42 inches high at time of planting and reaching at least 6 feet high within two years of planting.

7A.4.8. Stormwater Management Facilities

~~A.~~ Stormwater management facilities must comply with Sec. 2.3.6.

7A.4.9. Off-Street Parking and Loading

A. Off-street parking for all transect zones is required at a ratio of 3.5 parking spaces per 1,000 square feet of floor area, except as follows.

1. Parking for ~~All s~~single-family ~~residential uses~~dwellings ~~must provide 2 parking spaces per unit.~~is required as specified in Table 9.1.2.B Vehicle Parking Requirements.
2. ~~All~~ Parking for lodging uses is required as specified in Table 9.1.2.B Vehicle

Parking Requirements.~~must provide 1 parking space per room.~~

B. Off-street loading for all other uses must be provided in accordance with Sec. 9.1.7 (Off-Street Loading).

C. Subject to the approval of the Director by warrant, off-street parking as required by Sec. 7A.4.9.A may be reduced up to 10%. Shared parking among uses is permitted Sec. 9.1.3.A (Shared Parking).

D. On-street parking along the parking lane corresponding to the lot frontage may be used to satisfy the parking requirements for residential functions.

E. All office, lodging, retail, civic, and education functions, and multifamily buildings must provide at least one bicycle rack to accommodate at least one bicycle space for every ten vehicular parking spaces. Said rack(s) must be within the public or private frontage.

F. Off-Site Parking

1. Off-site parking is allowed anywhere within the District at Mayfield with written authorization from the owner of the property upon which the off-site parking will be located.
2. Off-site parking in any other location must conform with Sec. 9.1.3.B (Off-Site Parking).
3. No parking used for off-site parking may be used to satisfy the requirement of multiple on- or off-site functions without approval of shared parking per Sec. 9.1.3.A (Shared Parking).

7A.4.10. Parking Location Standards

A. General to Zones T2, T3, T4, T5

1. Parking must be accessed by rear alleys or rear lanes, when available or required.
2. Open parking areas must be screened from the public frontage by a building or streetscreen.

B. Specific to Zones T2, T3

1. Open parking areas must be located at the second and third layers, except that driveways, drop-offs and unpaved parking areas may be located at the first layer.
2. Garages must be located at the third layer except that side- or rear-entry ~~types~~ garages may be allowed in the first or second layer by warrant.

C. Specific to Zones T3, T4

Driveways at frontages may be no wider than 10 feet in the first layer.

D. Specific to Zone T4

All parking areas and garages must be located at the second or third layer.

E. Specific to Zones T4-Open, T5

1. All parking lots, garages, and parking structures must be located at the second or third layer.
2. Vehicular entrances to parking lots, garages, drive-throughs, and parking structures must be no wider than 12 feet for one-way access and 24 feet for two-way access at the frontage, unless wider is approved by warrant to comply with the fire prevention and protection requirements of Chapter 22 of the code of the City of Milton.
3. Pedestrian exits from all parking lots, garages, and parking structures must be directly to a frontage line (i.e., not

directly into a building) except underground levels which may exit directly into a building.

4. Parking structures must have liner buildings lining all stories.

7A.4.11. Landscape Standards

A. General to Zones T2, T3, T4, T5

1. Impermeable surface must be confined to the ratio of lot coverage specified in Table 10 section e (see Sec. 7A.5.12).
2. Walkways must be surfaced in decorative pavers, concrete, brick, stone, or decorative gravel that is contained and on a compacted base.
3. Thick flagstone stepping-stones are permitted.
4. Concrete must be broken up with banding a maximum of 20 inches apart. Banding must be achieved using contrasting materials or texture.
5. Stamped concrete is prohibited.

B. Specific to Zones T2, T3, T4

The first layer must be landscaped with live grass, trees, shrubs, hedges and other landscaping materials approved by the City Arborist and must not be paved, except for driveways as specified in Sec. 7A.4.10.B and Sec. 7A.4.10.C.

C. Specific to Zone T3

1. At least two trees approved by the City Arborist must be planted within the first layer for each 30 feet of frontage line or portion thereof.
2. Trees must be naturalistically clustered.

D. Specific to Zone T4

1. At least one tree approved by the City Arborist must be planted within the first layer for each 30 feet of frontage line or portion thereof.
2. Trees must be a single species to match the species of street trees on the public frontage.

E. Specific to Zone T5

1. Trees are not required in the first layer.
2. The first layer may be paved to match the pavement of the public frontage.

F. Invasive Species

The following species must **not** be planted:

Prohibited Invasive Species
Ailanthus altissima (tree-of-heaven)
Albizia julibrissin (mimosa)
Alternanthera philoxeroides (alligator weed)
Eichhornia crassipes (water hyacinth)
Elaeagnus pungens (thorny olive)
Elaeagnus umbellate (autumn olive)
Hedera helix (English ivy)
Hydrilla verticillata (hydrilla)
Imperata cylindrical (congongrass)
Lespedeza bicolor (shrubby lespedeza)
Lespedeza cuneata (sericea Lespedeza)
Ligustrum japonicum (Japanese privet)
Ligustrum sinense (Chinese privet)
Lonicera japonica (Japanese honeysuckle)
Lonicera maackii (amur honeysuckle)
Lygodium japonicum (Japanese climbing fern)
Melia azedarach (chinaberry)
Microstegium vimineum (Nepalese browntop)
Miscanthus sinensis (Chinese silvergrass)
Murdannia keisak (marsh dayflower)

Prohibited Invasive Species
Nandina domestica (sacred bamboo)
Paulownia tomentosa (princess tree)
Phyllostachys aurea (golden bamboo)
Pueraria Montana var. lobata (kudzu)
Rosa multiflora (multiflora rose)
Sesbania herbacea (bigpod sesbania)
Sesbania punicea (red sesbania)
Spiraea japonica (Japanese spiraea)
Triadica sebifera (Chinese tallow tree)
Vinca major (big periwinkle)
Vinca minor (common periwinkle)
Wisteria sinensis (wisteria)

7A.4.12. Lighting Standards

A. Parking lot lighting must meet the following:

1. Light posts must not exceed 20 feet high from finished grade.
2. Light posts must have curved arms to focus light downward. Up to two arms are permitted per post.
3. Light fixtures must have the light cut off below 90 degrees and the beam must be cut off at 75 degrees.
4. Post arm style must be Shepherd's Crook.

B. Public pedestrian lighting must meet the following standards:

1. Poles must be the Georgia Power "Washington" type or similar types as approved by the Director.
2. Fixtures must be the Georgia Power "Granville" type or similar types as approved by the Director.

C. Shoe box and cobra style lights are prohibited.

D. Light housings and posts must be a dark color/material and be nonreflective.

E. Sodium vapor, exterior neon, and colored lights are prohibited.

F. Only fluorescent, metal halide, shrouded spots, and walkway lights are allowed.

G. Exterior area illumination must not exceed an average of 2 foot-candles of light.

H. Light trespass (spill light) onto an adjacent zone T2, T3, T4, T4-Restricted, special district, or civic space property line must not exceed 0.1 foot-candle vertical at 3 feet above grade.

I. Building exterior light fixtures must meet the following standards:

1. Building-mounted lighting fixtures must have a 45-degree light cutoff.
2. Light fixtures must match the style of architecture or must be inconspicuous in nature.
3. Outbuildings must have at least one one-photocell fixture on their rear alley elevation.
4. Each enfronting residential unit must have two sconces or two 4-inch diameter recessed can lights (Clear Alzak or slotted opening) with a maximum 40-watt incandescent bulb or 450 lumens equivalent.

7A.4.13. Outdoor Storage and Display Standards

A. The storage of goods or sale of goods in parking lots and other areas outside of the interior or permanently sheltered portions of a building is prohibited, except as expressly permitted in Article 8.

B. The sale of goods displayed under sheltered portions of a building must be brought inside the building before the closing of the business.

7A.4.14. Drive-through Standards

A. Drive-through service canopies must be pitched at an angle and use materials matching the roof of the principal building.

B. Drive-through facilities and all associated vehicular queuing must be behind the principal building, if feasible, but may be to its side if not feasible.

C. Vehicular access to a drive-through must be from the interior of a lot or from a rear alley to avoid disrupting pedestrian traffic unless otherwise approved by warrant for lots whose size, shape, or topography render this requirement ~~un~~infeasible. If a separate driveway is approved by warrant, its width must meet Sec. 7A.4.10.E.2.

7A.4.15. Gasoline Station Standards

A. Gasoline station canopies and pumps:

1. Must be to the side or rear of the principal building.
2. ~~Pump canopies m~~Must be at least 50 feet from any interior side or rear property line that adjoins a residential function.
3. Must be buffered from adjoining residential functions with a streetscreen.

B. A conforming principal building is required and must be at 1,600 square feet in floor area.

C. Lighting must be shielded to direct light and glare only onto the lot or parcel where the gas/fueling station is located and must meet Sec. 7A.4.12.I.

7A.4.16. Sign Standards

A. Signs must conform to Sec. 9.2 of this UDC.

B. The provisions of Sec. 9.2.5.C to the contrary notwithstanding, no freestanding sign may be located within the first layer in zone T5 unless approved by variance. Sandwich boards are exempt from this restriction.

7A.4.17. Architectural Standards

A. The following architectural standards apply to all buildings unless otherwise approved by warrant by the Director after consultation with the City Architect. Warrants must be based on consideration of the proposal and its compliance with the purpose and intent of this Article 7A.

B. The following apply to all buildings, except single-family detached residential:

1. Buildings must be designed in one of the following styles as defined in Sec. 7A.6 of this Article 7A:
   a. Vernacular.
   b. Greek Revival.
   c. Italianate.
   d. Gothic.
   e. Queen Anne.
   f. Colonial Revival.
   g. Adams/Federal.
2. When a permitted style is applied to a building with a relatively simple, rectangular or box form, the style may be achieved through the addition of key elements of the style to the building

facade. This may include architectural details, cornice treatments, roof shapes, window designs, and similar features.

C. Single-family residential buildings must be designed in one of the styles set forth in paragraph B above by-right, or in a simplified interpretation thereof by warrant. Notwithstanding the provisions of Sec. 7A.1.5.C, in considering whether to approve a warrant with respect to architectural standards for single-family residential buildings, the Director must consider whether the building design, while not strictly in accordance with the style requirements, meets the intent set forth in Sec. 7A.1.1 and will not adversely affect adjacent properties or the public health, safety, and welfare.

D. Buildings with a shopfront or gallery private frontage may utilize one of the styles identified in paragraph B above wherein conformance is achieved using stylistic architectural details.

E. Except within a designated historic district, compliance with paragraphs B and C above must be as determined by the Director following comment from the City Architect or Design Review Board, as applicable.

F. Exterior Walls

1. Technical and aesthetic requirements

    a. Wall finishes on sides of individual buildings seen from a public road must be the same on all visible sides; architecturally significant portions must conform; appendages or secondary wings may assume a differing finish according to visibility and architectural merit.

    b. Wood shingles must be level at the bottom edge. Corners must be mitered. Decorative novelty shapes are prohibited.

    c. Trim must be consistent on all sides of the building; the primary building mass or the facade may be further embellished or enhanced.

    d. Service wings may be expressed in a more simplistic manner but must exhibit clear design intent.

2. Materials

    a. No more than three different exterior materials, exterior colors, or any combination thereof may be used on a single building, not including windows, doors, porches, balconies, foundations, and architectural details.

    b. Materials may be combined on exterior walls only horizontally, with the heavier below the lighter.

    c. Exterior materials are limited to brick, natural stone, clapboard, board and batten, hard-coat stucco, or wood shingles.

    d. Vinyl or aluminum siding, and synthetic stone veneer are prohibited.

    e. Stone, brick, and mortar color and style must match the building style.

    f. Hard-coat stucco must be a 3-coat plaster finish, integral finish, applied on brick or concrete block; control joints must be concealed where possible.

    g. Clapboards and board and battens must be wood or cementitious board. Hardie board (or equivalent)

must have a 4-inch maximum exposure, while Artisan series Hardie board (or equivalent) or full three-quarter inch wood siding may have up to an 8-inch lap. False wood graining is prohibited.

h. Wood shingles must be level at the bottom edge.

G. Roofs

1. Technical and aesthetic requirements

   a. The roof slope on a single mass must be the same on all sides, except for cat-slides and sheds.

   b. Roof slopes must match the building style.

   c. Vents and stacks must be painted to match the roof material and hidden from view to the extent possible.

   d. Overhangs that shed water within 5 feet of an adjacent lot must be guttered or piped and diverted away from adjacent lots.

2. Materials

   a. Materials must be wood shingles, wood shakes, standing-seam paint grip galvanized metal, slate or asphalt shingles (architectural weathered, wood, or classic green or red), or concrete simulated slate or wood shingles.

   b. Gutters may be ogee or half-round with round downspouts, metal-lined wood, or architecturally formed or molded. Gutter finishes may be copper, unpainted galvanized metal, or color to resemble galvanized metal.

   c. Wood shingles must not drain onto metal roofs.

H. Foundations

1. Foundations may be finished with smooth stucco, brick, or stone.

2. Front porches of wood must be supported on masonry piers finished in smooth stucco, masonry, brick, or stone. Piers must be at least 18 inches wide and at least 8 inches deep.

I. Windows

1. Technical and aesthetic requirements

   a. Windows and casings must match the building style.

   b. Windows must not be omitted on ~~E~~elevations.

   c. Windowsills must be at least 1.5 inches deep.

   d. Ganged windows and bays must have a continuous sill and at least 4-inch mullions.

   e. Grills between glass, reflective glazing, and pop-in grills are prohibited.

   f. Windows must be true divided lite or simulated divided lite.

2. Materials

   a. Window~~s~~ sashes are required and must have a face width of at least 2 inches; the ~~dimension~~ distance from~~of~~ the glass surface to the sash and muntin face must be at least 0.75 inch.

   b. Non-glass exterior window components must be faced in wood, clad wood, or polymer

materials, and said materials must be paint grade or pre-finished.

J. Doors and windows that operate as sliders are prohibited along frontages.

K. Doors

1. Technical and aesthetic requirements
   a. Doors and casings must match the building style.
   b. Exterior front doors or doors visible from a public way must stained or painted hardwood.
2. Materials
   a. Plastic laminated, stamped metal, and leaded/beveled glass doors are prohibited. Tropical hardwoods are prohibited unless Forest Stewardship Council certified.
   b. Exterior doors must be a durable, stable wood or clad in wood. Heart of pine, wormy chestnut, walnut, cypress, pecan, are acceptable varieties.
   c. Garage doors must be wood, composite, or metal. Faux strap hinges, embellishments, standard paneled doors, and arched glass panels are prohibited.

L. Shutters

1. Shutter design must match the building style.
2. Shutters must be solid-core polymers or durable hardwoods.
3. Vinyl, nail-on, false wood graining, and pre-finished shutters are prohibited.
4. Shutters must be authentic, fully operable, and capable of totally closing over the window sash. Plank or louver shutters are acceptable. Shutters must be at least 1.25 inches thick.
5. Shutters must occur in pairs, except that windows narrower than 3 feet may utilize a single shutter.

M. Crawl space vents must match the building style.

N. Chimneys

1. Chimneys must be proportioned, tapered, and must match the building style.
2. Stacks must be faced in smooth integral finish stucco, brick, stone, or detailed as exposed metal flues.
3. Siding or stucco board is prohibited as a finish material for chimneys.

O. Porches and Balconies

1. Technical and aesthetic requirements
   a. Columns must match building style.
   b. Classical columns must be architecturally correct.
   c. Railings must be simple pickets or fretwork centered on rails.
2. Materials
   a. Porch floors must be wooden, brick, or stone, and must rest on masonry piers finished in brick, stone, or smooth stucco.
   b. Porch ceilings must be beaded nominal 1- by 4- inch or 1- by 6-inch, flush boards, tongue and groove boards, or exterior gypsum board with decorative nominal 1- by 4-inch or 1- by 6-inch shallow coffers or strips.

c. Plywood ceilings, with or without beads, are prohibited.

d. Areas between porch piers, if open, must be in-filled with custom wood lattice, wood louvers, brick lattice, or wire mesh planted with vines, and must match the building style. The opening is not required to be in-filled if the distance from grade to bottom of floor structure is less than one foot.

e. Columns must be wood, resin material, or masonry.

f. Sheet metal and foam columns are prohibited.

g. Railing systems must be painted wood, iron, or masonry.

h. Synthetic and prefabricated railing systems are prohibited.

i. Plain, round tapered, fretwork, and straight pickets are permitted.

j. Precast classical balusters and ornate spindle work are prohibited.

P. Trim

1. Trim must match the building style.

   a. Trim must be consistent on all sides of building masses, with emphasis on the primary building mass and facade.

   b. Trim for wings not along a Frontage may be simplified to match the building style.

2. Materials

   a. Trim must be of wooden or synthetic planks thick enough to conceal the edge of the siding. When used on buildings clad in horizontal siding, corner boards, casings, frieze boards, and similar architectural details must be at least 1.25 inches thick.

   b. Pressure treated trim is prohibited.

   c. Trim must be dressed.

7A.5. Standards and Tables

7A.5.1. Table 1: Transect Zone Descriptions

This table provides descriptions of the character of each Transect Zone.



T-2 RURAL

T-2 rural zone consists of sparsely settled lands in open or cultivated states. These include woodland, agricultural land, grassland, and irrigable desert. Typical buildings are farmhouses, agricultural buildings, and cabins.

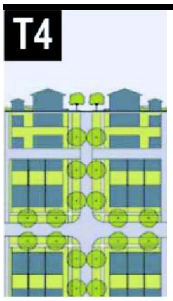
General Character:	Primarily agricultural with woodland & wetland and scattered buildings
Building Placement:	Variance setbacks
Frontage Types:	Not applicable
Typical Building Height:	1- to 2-Story with some 3-story
Type of Civic Space:	Parks, greenways



T-3 SUB-URBAN

T-3 sub-urban zone consists of low density residential areas adjacent to higher zones that have some mixed use. Home occupations and outbuildings are allowed. Planting is naturalistic and setbacks are relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions.

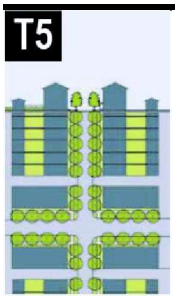
General Character:	Lawns and landscaped yards surrounding single-family dwellings; pedestrians occasionally
Building Placement:	Large and variable front and side yard setbacks
Frontage Types:	Porches, fences, naturalistic tree planting
Typical Building Height:	1- to 2-Story with some 3-story
Type of Civic Space:	Parks, greenways



T-4 GENERAL URBAN

T-4 general urban zone consists of mixed uses including residential, office, and commercial. Residential may have a wide range of building types: single, sideyard, and rowhouses. Setbacks and landscaping are variable. Streets with curbs and side-walks define medium-sized blocks.

General Character:	Mix of houses and townhouses with commercial and office activity; balance between landscape and buildings; presence of pedestrians
Building Placement:	Shallow to medium front and side yard setbacks
Frontage Types:	Porches, fences, dooryards
Typical Building Height:	1- to 3-story
Type of Civic Space:	Squares, greens



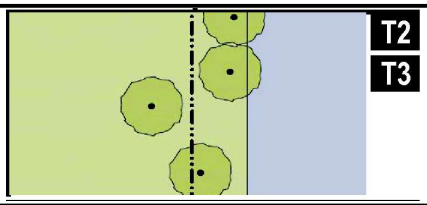
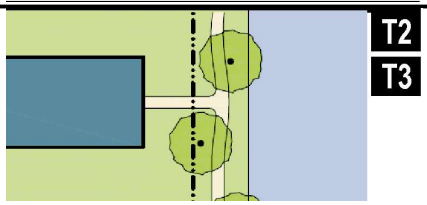
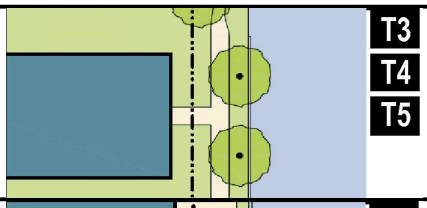
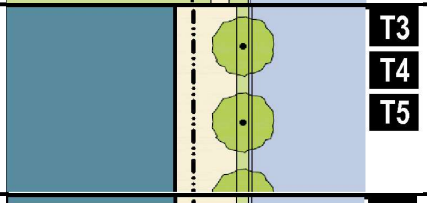
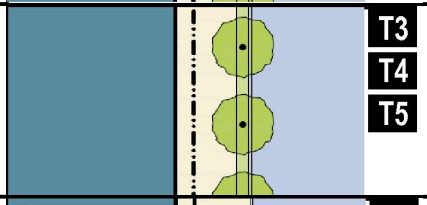
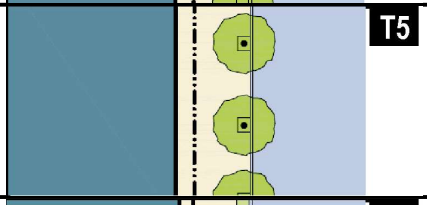
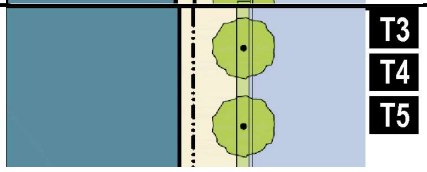
T-5 URBAN CENTER

T-5 urban center zone consists of higher density mixed use building that accommodate retail, offices, townhouses, and multifamily. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.

General Character:	Shops mixed with townhouse, multifamily, offices, work place, and civic buildings; predominantly attached buildings; trees within the public right-of-way; substantial pedestrian activity
Building Placement:	Shallow setbacks or none; buildings oriented to street defining a street wall
Frontage Types:	Stoops, dooryards, forecourts, shopfronts, and galleries
Typical Building Height:	1- to 3-story
Type of Civic Space:	Parks, plazas and squares, median landscaping

7A.5.2. Table 2A: Public Frontages - General

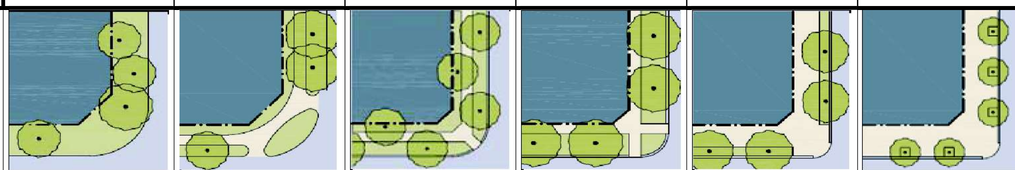
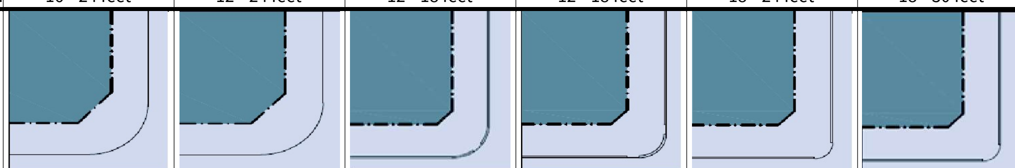
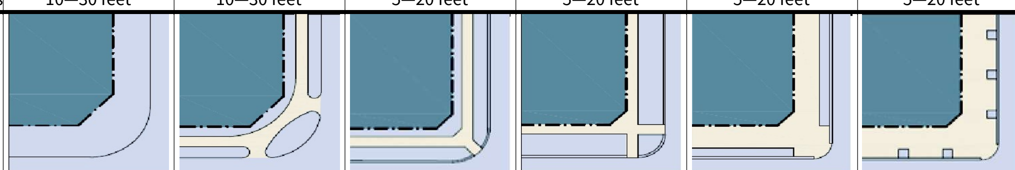
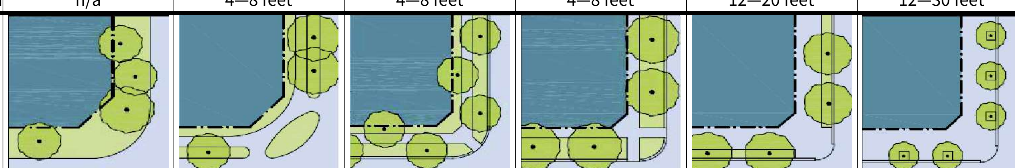
The public frontage is the area between the private lot line and the edge of the vehicular lanes. Dimensions are given in Table 2B and Table 3.

	PLAN LOT ▶ ◀ R.O.W. PRIVATE FRONTAGE ▶ ◀ PUBLIC FRONTAGE
a. (HW) For Highway: This frontage has open swales drained by percolation, bicycle trails and no parking. The landscaping consists of the natural condition or multiple species arrayed in naturalistic clusters. Buildings are buffered by distance or berms.	
b. (RD) For Road: This frontage has open swales drained by percolation and a walking path or bicycle trail along one or both sides and yield parking. The landscaping consists of multiple species arrayed in naturalistic clusters.	
c. (ST) For Street: This frontage has raised curbs drained by inlets and sidewalks separated from the vehicular lanes by individual or continuous planters, with parking on one or both sides. The landscaping consists of street trees of a single or alternating species aligned in a regularly spaced allee.	
d. (DR) For Drive: This frontage has raised curbs drained by inlets and a wide sidewalk or paved path along one side, related to a greenway or waterfront. It is separated from the vehicular lanes by individual or continuous planters. The landscaping consists of street trees of a single species or alternating species aligned in a regularly spaced allee.	
e. (AV) For Avenue: This frontage has raised curbs drained by inlets and wide sidewalks separated from the vehicular lanes by a narrow continuous planter with parking on both sides. The landscaping consists of a single tree species aligned in a regularly spaced allee.	
f. (CS) For Commercial Street: This frontage has raised curbs drained by inlets and very wide sidewalks along both sides separated from the vehicular lanes by separate tree wells with grates and parking on both sides. The landscaping consists of a single tree species aligned with regular spacing where possible but clears the storefront entrances.	
g. (BV) For Boulevard: This frontage has slip roads on both sides. It consists of raised curbs drained by inlets and sidewalks along both sides, separated from the vehicular lanes by planters. The landscaping consists of double rows of a single tree species aligned in a regularly spaced allee.	

7A.5.3. Table 2B: Public Frontages - Specific

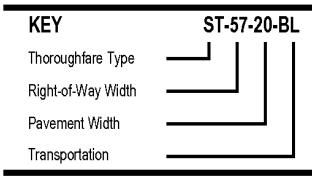
This table assembles prescriptions and dimensions for the public frontage elements - curbs, walkways and planters - relative to specific thoroughfare types within Transect Zones.

RURAL | | | | | | | | | | | | | | | | | | | | | | | TRANSECT | | | | | | | | | | | | | | | | |

TRANSECT ZONE **Public Frontage Type**	**HW & RD**	**RD & ST**	**ST-DR-AV**	**ST-DR-AV-BV**	**CS-DR-AV-BV**	**CS-DR-AV-BV**
a. Assembly: The principal variables are the type and dimension of curbs, walkways, planters and landscape.						
Total Width	16—24 feet	12—24 feet	12—18 feet	12—18 feet	18—24 feet	18—30 feet
b. Curb: The detailing of the edge of the vehicular pavement incorporating drainage.						
Type	Open Swale	Open Swale	Raised Curb	Raised Curb	Raised Curb	Raised Curb
Radius	10—30 feet	10—30 feet	5—20 feet	5—20 feet	5—20 feet	5—20 feet
c. Walkway: The hard surface dedicated exclusively to pedestrian activity.						
Type	Path Optional	Path	Sidewalk	Sidewalk	Sidewalk	Sidewalk
Width	n/a	4—8 feet	4—8 feet	4—8 feet	12—20 feet	12—30 feet
d. Planter: The layer which accommodates street trees and other landscape materials.						
Arrangement	Clustered	Clustered	Regular	Regular	Regular	Opportunistic
Species	Clustered	Clustered	Alternating	Single	Single	Single
Planter Type	Continuous Swale	Continuous Swale	Continuous Planter	Continuous Planter	Continuous Planter	Tree Well
Planter Width	8 feet—16 feet	8 feet—16 feet	8 feet—12 feet	8 feet—12 feet	4 feet—6 feet	4 feet—6 feet

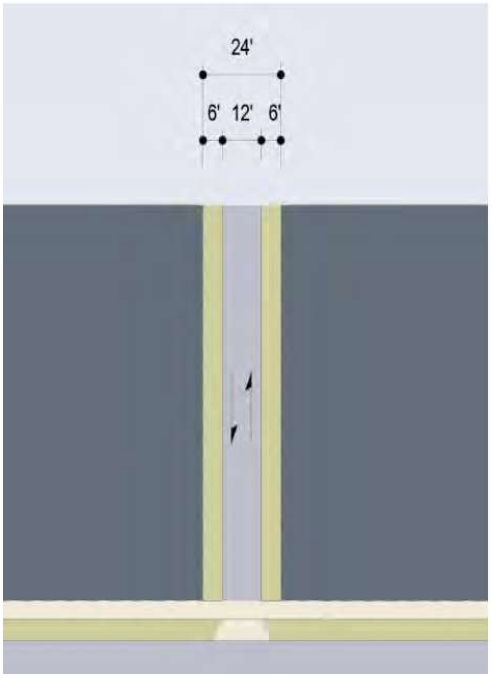
7A.5.4. Table 3: Thoroughfare Assemblies

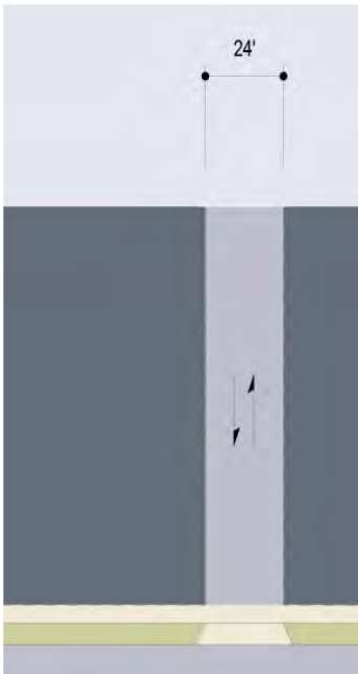
New thoroughfares must comply with this table. The key gives the thoroughfare type followed by the right-of-way width, followed by the pavement width, and in some instances followed by specialized transportation capability. Variations may only be approved by the Public Works Director if the public health, safety, and welfare demand.



THOROUGHFARE TYPES

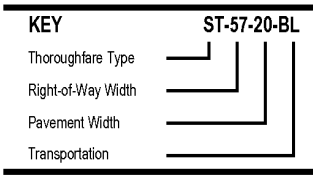
Highway	HW
Boulevard	BV
Avenue	AV
Commercial Street	CS
Drive	DR
Street	ST
Road	RD
Rear Alley	RA
Rear Lane	RL
Multi-Use Trail	MT
Equestrian Trail	ET
Bicycle Lane	BL
Bicycle Route	BR
Path	PT
Passage	PS





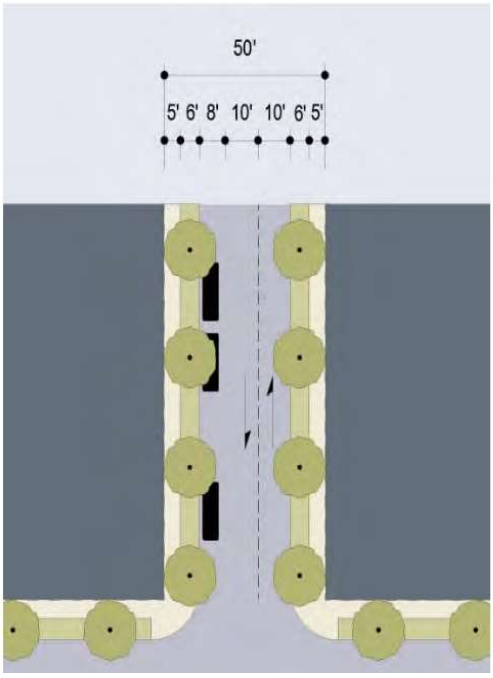
	RL-24-12	RA-24-24
Thoroughfare Type	Rear Lane	Rear Alley
Transect Zone Assignment	T2, T3, T4	T3, T4, T5
Right-of-Way Width	24 feet	24 feet
Pavement Width	12 feet	24 feet
Movement	Yield Movement	Slow Movement
Design Speed	10 MPH	10 MPH
Pedestrian Crossing Time	3.5 seconds	7 seconds
Traffic Lanes	n/a	n/a
Parking Lanes	None	None
Curb Radius	Taper	Taper
Walkway Type	None	None
Planter Type	None	None
Curb type	Inverted crown	Inverted crown
Landscape Type	None	None

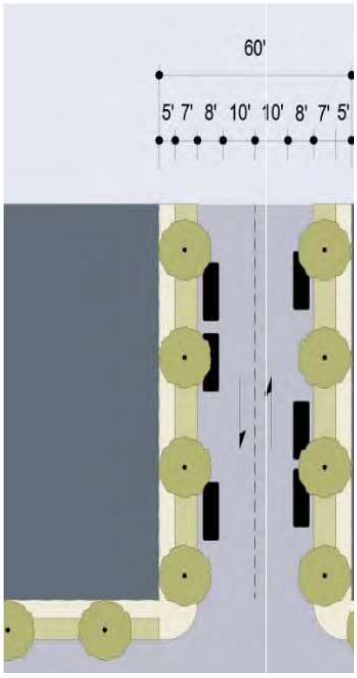
Table 3: Thoroughfare Assemblies (continued)



THOROUGHFARE TYPES

Highway	HW
Boulevard	BV
Avenue	AV
Commercial Street	CS
Drive	DR
Street	ST
Road	RD
Rear Alley	RA
Rear Lane	RL
Multi-Use Trail	MT
Equestrian Trail	ET
Bicycle Lane	BL
Bicycle Route	BR
Path	PT
Passage	PS

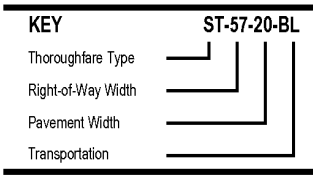




	ST-50-28 [1]	ST-60-36 [1]
Thoroughfare Type	Street	Street
Transect Zone Assignment	T3, T4, T5, T6	T3, T4, T5, T6
Right-of-Way Width	50 feet	60 feet
Pavement Width	28 feet	36 feet
Movement	Slow Movement	Free Movement
Design Speed	25 MPH	25 MPH
Pedestrian Crossing Time	8 seconds	10.3 seconds
Traffic Lanes	2 lanes	2 lanes
Parking Lanes	One side @ 8 feet unmarked, bulbouts permitted	Both sides @ 8 feet unmarked
Curb Radius	15 feet	10 feet
Walkway Type	5 foot Sidewalk on both sides	5 foot Sidewalk on both sides
Planter Type	6 foot continuous Planter on both sides	7 foot continuous Planter on both sides
Curb type	Curb	Curb
Landscape Type	Trees @ 30' o.c. Avg.	Trees @ 30' o.c. Avg.

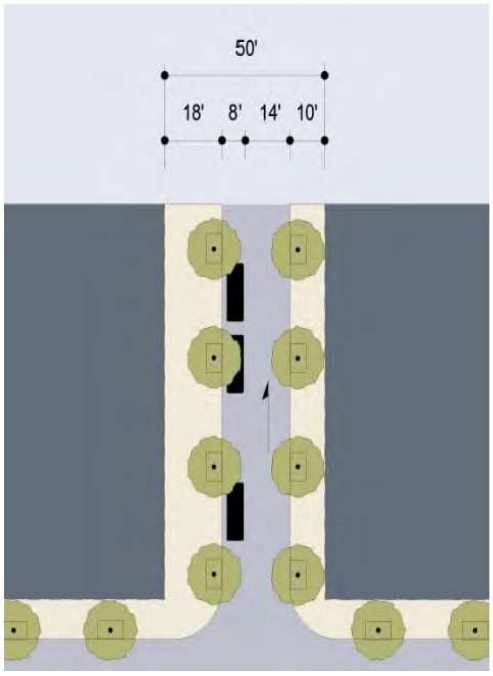
1. When on-street facilities are provided, the width of the thoroughfare must be correspondingly increased, subject to approval of the Public Works Director.

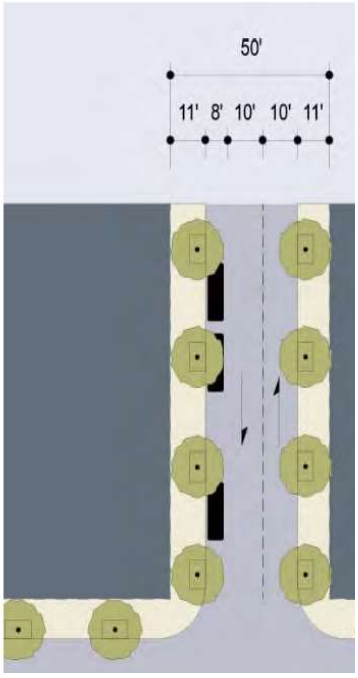
Table 3: Thoroughfare Assemblies (continued)



THOROUGHFARE TYPES

Highway	HW
Boulevard	BV
Avenue	AV
Commercial Street	CS
Drive	DR
Street	ST
Road	RD
Rear Alley	RA
Rear Lane	RL
Multi-Use Trail	MT
Equestrian Trail	ET
Bicycle Lane	BL
Bicycle Route	BR
Path	PT
Passage	PS

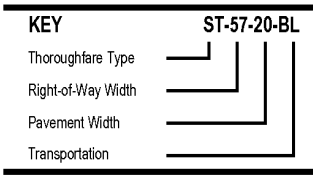




	CS-50-22 [1]	**CS-50-28** [1]
Thoroughfare Type	Commercial Street	Commercial Street
Transect Zone Assignment	T4-O, T5, T6	T4-O, T5, T6
Right-of-Way Width	50 feet	50 feet
Pavement Width	22 feet	28 feet
Movement	Slow Movement	Slow Movement
Design Speed	20 MPH	25 MPH
Pedestrian Crossing Time	6.2 seconds	8 seconds
Traffic Lanes	1 lane	2 lanes
Parking Lanes	One side @ 8 feet marked	One side @ 8 feet marked
Curb Radius	15 feet	15 feet
Walkway Type	18/10 foot Sidewalk	11 foot Sidewalk on both sides
Planter Type	5 × 8 foot tree well	5 × 8 foot tree well
Curb type	Curb	Curb
Landscape Type	Trees @ 30' o.c. Avg.	Trees @ 30' o.c. Avg.

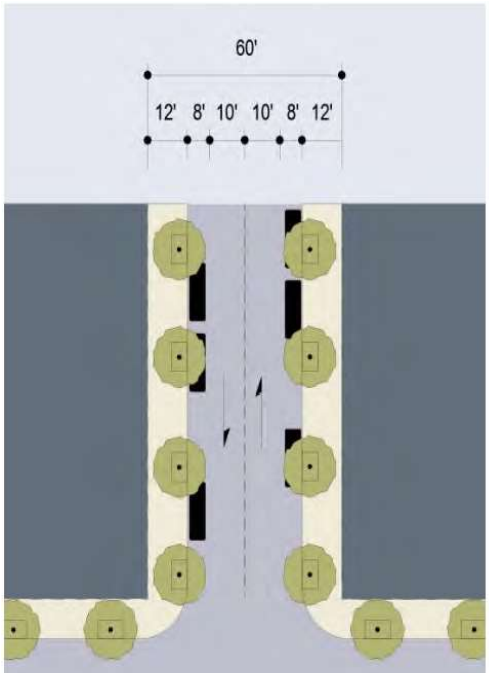
1. When on-street facilities are provided, the width of the thoroughfare must be correspondingly increased, subject to approval of the Public Works Director.

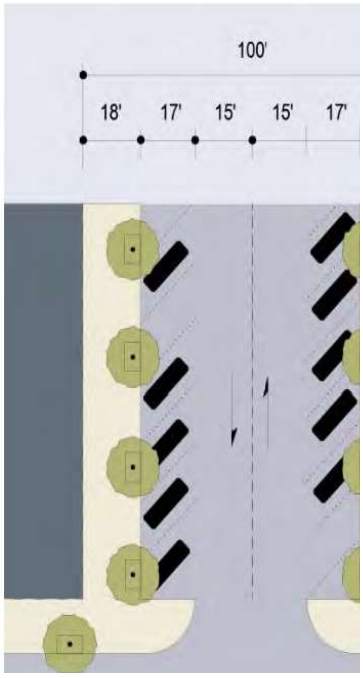
Table 3: Thoroughfare Assemblies (continued)



THOROUGHFARE TYPES

Highway	HW
Boulevard	BV
Avenue	AV
Commercial Street	CS
Drive	DR
Street	ST
Road	RD
Rear Alley	RA
Rear Lane	RL
Multi-Use Trail	MT
Equestrian Trail	ET
Bicycle Lane	BL
Bicycle Route	BR
Path	PT
Passage	PS

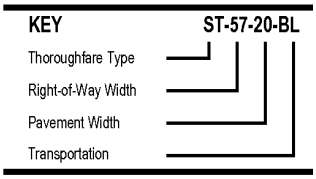




	CS-60-36 [1]	**CS-100-64** [1]
Thoroughfare Type	Commercial Street	Commercial Street
Transect Zone Assignment	T4-O, T5, T6	T4-O, T5, T6
Right-of-Way Width	60 feet	100 feet
Pavement Width	36 feet	64 feet
Movement	Free Movement	Slow Movement
Design Speed	25 MPH	25 MPH
Pedestrian Crossing Time	10.3 seconds	8.5 seconds at corners
Traffic Lanes	2 lanes	2 lanes
Parking Lanes	Both sides @ 8 feet marked	Both sides angled @ 17 feet marked
Curb Radius	10 feet	15 feet
Walkway Type	12 foot Sidewalk	18 foot Sidewalk
Planter Type	5 × 8 foot tree well	5 × 8 foot tree well
Curb type	Curb	Curb
Landscape Type	Trees @ 30' o.c. Avg.	Trees @ 30' o.c. Avg.

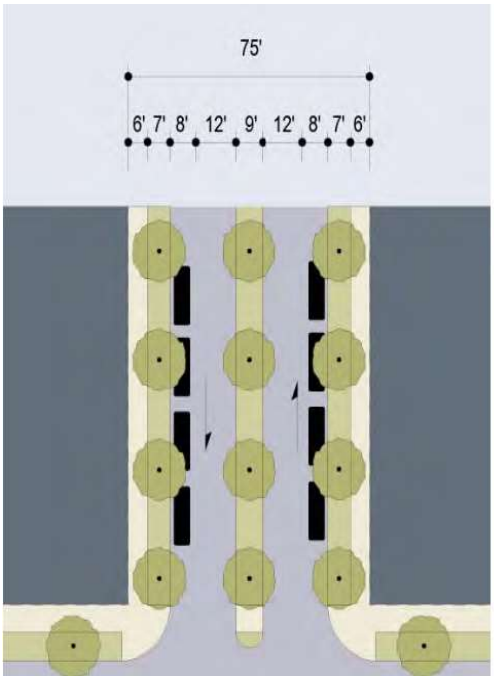
1. When on-street facilities are provided, the width of the thoroughfare must be correspondingly increased, subject to approval of the Public Works Director.

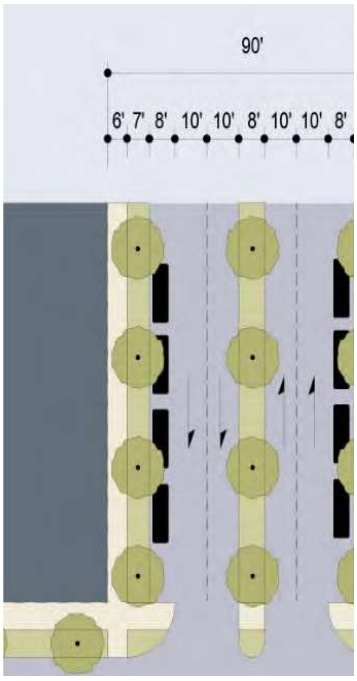
Table 3: Thoroughfare Assemblies (continued)



THOROUGHFARE TYPES

Highway	HW
Boulevard	BV
Avenue	AV
Commercial Street	CS
Drive	DR
Street	ST
Road	RD
Rear Alley	RA
Rear Lane	RL
Multi-Use Trail	MT
Equestrian Trail	ET
Bicycle Lane	BL
Bicycle Route	BR
Path	PT
Passage	PS

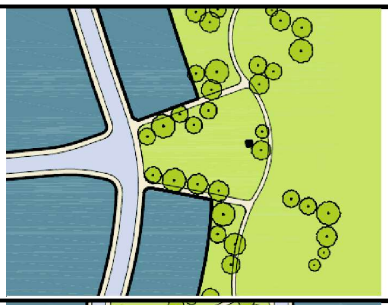
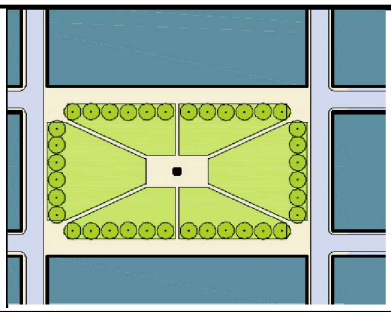
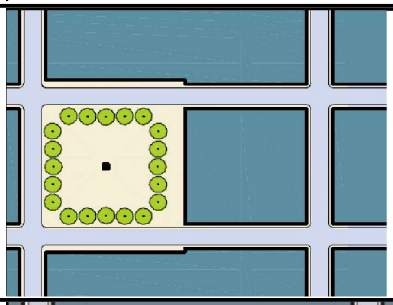
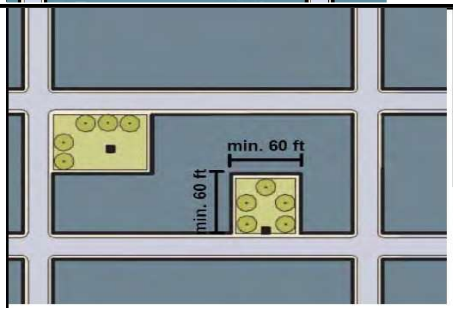




	AVE-75-40 [1]	**AVE-90-56** [1]
Thoroughfare Type	Avenue	Avenue
Transect Zone Assignment	T3, T4, T5, T6	T3, T4, T5, T6
Right-of-Way Width	75 feet	90 feet
Pavement Width	40 feet	56 feet
Movement	Slow Movement	Slow Movement
Design Speed	25 MPH	25 MPH
Pedestrian Crossing Time	5.7 seconds - 5.7 seconds	5.7 seconds - 5.7 seconds at corners
Traffic Lanes	2 lanes	4 lanes
Parking Lanes	Both sides @ 8 feet marked	Both sides @ 8 feet marked
Curb Radius	15 feet	15 feet
Walkway Type	6 foot Sidewalk	6 foot Sidewalk
Planter Type	7 foot continuous planter	7 foot continuous planter
Curb type	Curb	Curb
Landscape Type	Trees @ 30' o.c. Avg.	Trees @ 30' o.c. Avg.

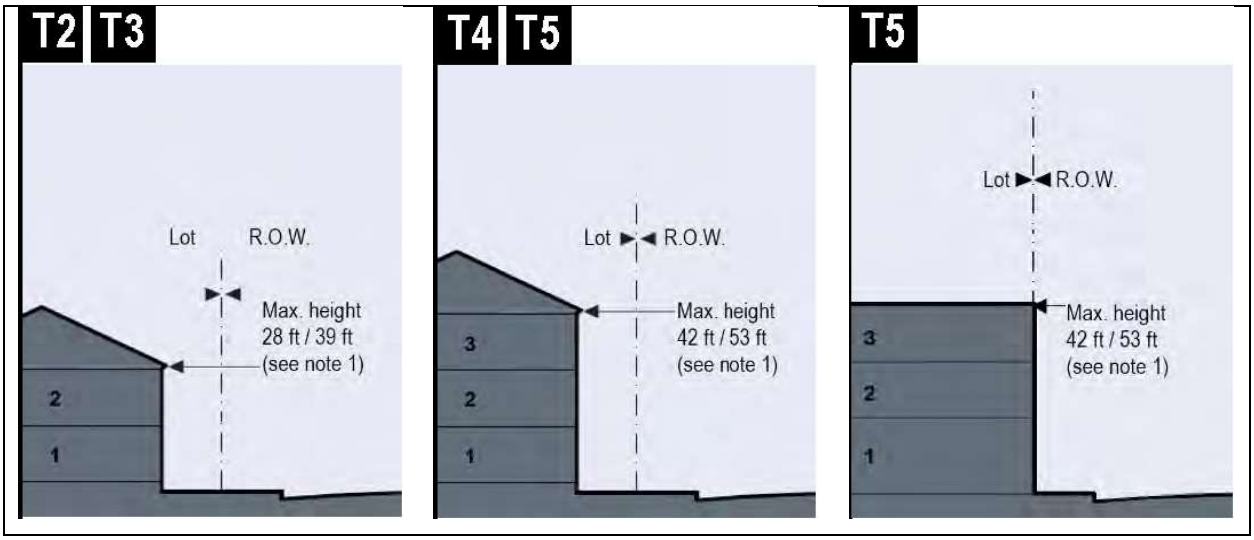
1. When on-street facilities are provided, the width of the thoroughfare must be correspondingly increased, subject to approval of the Public Works Director.

7A.5.5. Table 4: Civic Space

a. Park: A natural preserve available for unstructured recreation. A park may be independent of surrounding building frontages. Its landscape consists of paths and trails, meadows, water bodies, woodland and open shelters, all naturalistically disposed. Parks may be lineal, following the trajectories of natural corridors. The minimum size is 8 acres. Every park and portions thereof must be at be at least 60 feet in width and length.		T2 T3
b. Green: An open space, available for unstructured recreation. A green may be spatially defined by landscaping rather than building frontages. Its landscape consists of lawn and trees, naturalistically disposed. The minimum size is 1/2 acre and the maximum is 8 acres. Every green and portions thereof must be at be at least 60 feet in width and length.		T3 T4 T5
c. Square: An open space available for unstructured recreation and civic purposes. A square is spatially defined by building frontages. Its landscape consists of paths, lawns and trees, formally disposed. Squares must be located at the intersection of important thoroughfares. The minimum size is 1/2 acre and the maximum is 5 acres. Every square and portions thereof must be at be at least 60 feet in width and length.		T4 T5
d. Plaza: An open space available for civic purposes and commercial activities. A plaza must be spatially defined by building frontages. Its landscape consists primarily of pavement. Trees are optional. Plazas should be located at the intersection of important streets. The minimum size is 1/2 acre and the maximum is 2 acres. Every plaza and portions thereof must be at be at least 60 feet in width and length.		T5 T6
e. Playground: An open space designed and equipped for the recreation of children. A playground should be fenced and may include an open shelter. Playgrounds must be interspersed within residential areas and may be placed within a block. Playgrounds may be included within parks and greens. The minimum size is 9,000 square feet. Every playground must be at least 60 feet in width and length. **f. Pocket Park:** An open space available for passive recreation and relaxation. Pocket parks must include seating, trees, and other landscaping. Pocket parks must be interspersed within residential areas. The minimum size is 9,000 square feet. Every pocket park must be at least 60 feet in width and length.		T2 T3 T4 T5

7A.5.6. Table 5: Building Form - Height

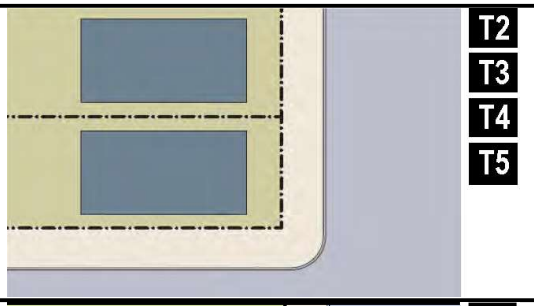
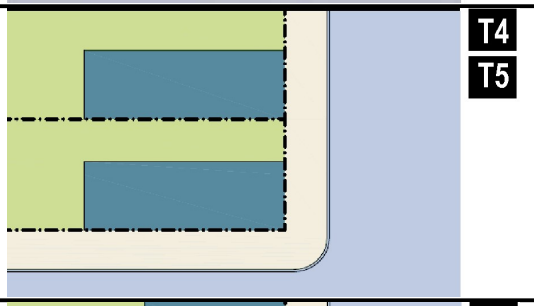
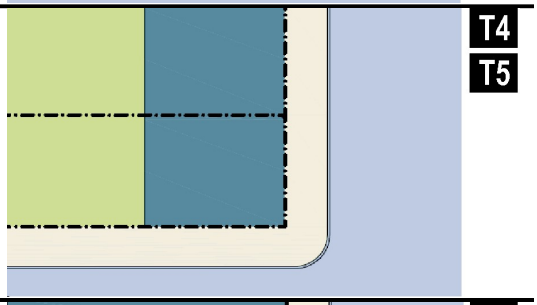
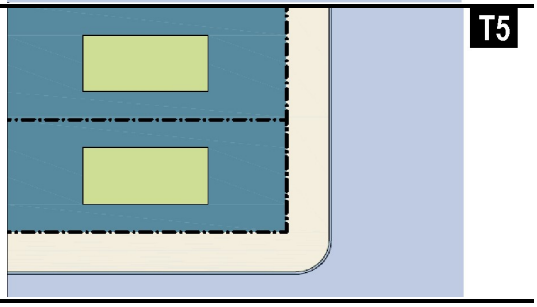
This table shows the configurations for different building heights for each Transect Zone.



1. Max. height without first story civic or commercial function/max. height with first story civic or commercial function.

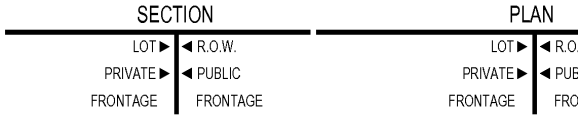
7A.5.7. Table 6: Building Placement

This table approximates the location of the structure relative to the boundaries of each individual lot, establishing suitable basic building types for each Transect Zone, except as further restricted in the District at Mayfield by Sec. 7A.4.4.D.

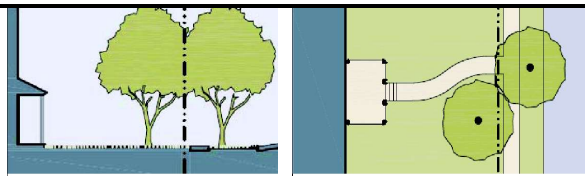
a. Edgeyard: A building that occupies the center of its lot with setbacks on all sides. This is the least urban of types as the front yard sets it back from the frontage, while the side yards weaken the spatial definition of the public thoroughfare space. The front yard is intended to be visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a well-placed backbuilding and/or outbuilding.	
b. Sideyard: A building that occupies one side of the lot with the setback to the other side. A shallow frontage setback defines a more urban condition. If the adjacent building is similar with a blank side wall, the yard can be quite private. This type permits systematic climatic orientation in response to the sun or the breeze. Energy costs, and sometimes noise, are reduced by sharing a party wall in this disposition.	
c. Rearyard: A building that occupies the full frontage, leaving the rear of the lot as the sole yard. This is a very urban type as the continuous facade steadily defines the public thoroughfare. The rear elevations may be articulated for functional purposes. In its residential form, this type is the townhouse. For its commercial form, the rear yard can accommodate substantial parking.	
d. Courtyard: A building that occupies the boundaries of its lot while internally defining one or more private patios. This is the most urban of types, as it is able to shield the private realm from all sides while strongly defining the public thoroughfare. Because of its ability to accommodate incompatible activities, masking them from all sides, it is recommended for workshops, lodging and schools. The high security provided by the continuous enclosure is useful for crime-prone areas.	

7A.5.8. Table 7: Private Frontages

The private frontage is the areas between the building facade and the lot lines.



a. Common Yard: a planted frontage wherein the facade is set back substantially from the frontage line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape. The deep setback provides a buffer from the higher speed thoroughfares.

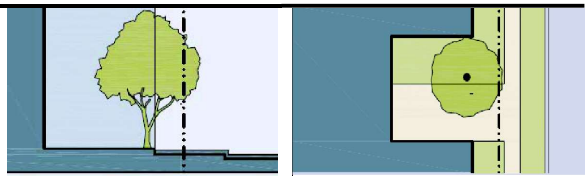


b. Porch & Fence: a planted frontage where the facade is set back from the frontage line with an attached porch permitted to encroach. A fence, wall, or hedge at the frontage line maintains street spatial definition. Porches must be no less than 8 feet deep.

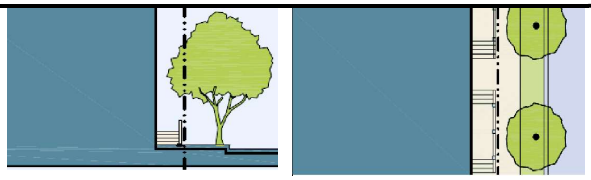
c. Terrace or Lightwell: a frontage wherein the facade is set back from the frontage Line by an elevated terrace or sunken lightwell. This type buffers residential use from urban sidewalks and removes the private yard from public encroachment. Terraces are suitable for conversion to outdoor cafes. Synonym: **dooryard**.



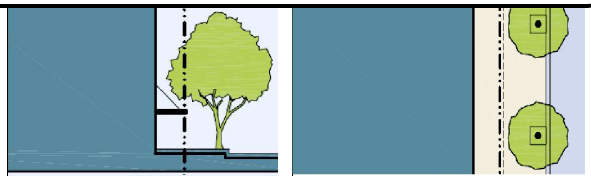
d. Forecourt: a frontage wherein the facade is close to the frontage line and the central portion is set back. The forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other frontage types. Large trees within the forecourts may overhang the sidewalks.



e. Stoop: a frontage wherein the facade is aligned close to the frontage line with the first story elevated from the sidewalk sufficiently to ensure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for first story residential use. Stoops must be no less than 30 inches deep.



f. Shopfront: a frontage wherein the facade is aligned close to the frontage line with the building entrance at sidewalk grade. This type is conventional for retail use. It has glazing on the sidewalk level and an awning that should overlap the sidewalk to within 2 feet of the curb. Synonym: **retail frontage**.



g. Gallery: a frontage wherein the facade is aligned with the frontage line with an attached cantilevered shed or lightweight colonnade overlapping the sidewalk. This type is conventional for retail use. The gallery should be no less than 10 feet wide and should overlap the sidewalk to within 2 feet of the curb.

7A.5.9. Table 8A: Building Function

This table categorizes building functions within transect zones. For specific permitted uses, see Sec. 8.2.2. (Use Table for Crabapple Form-Based Code).

	T2 T3	T4 **In T4-restricted, lodging, office and retail functions are prohibited. In T4-open, T5 function regulations apply**	T5
a. RESIDENTIAL	**Restricted Residential:** The number of dwellings on each lot is restricted to one within a principal building and one within an accessory building. Both dwellings must be under single ownership. The habitable area of the accessory unit must not exceed 440 sf, excluding the parking area.	**Limited Residential:** The number of dwellings on each lot is unlimited within one principle building except by form-based standards elsewhere in this Article 7A, and limited to one unit within an accessory building. All dwelling units must be under single ownership. The habitable area of the accessory unit must not exceed 440 sf, excluding the parking area.	**Open Residential:** The number of dwelling units and buildings on each lot is unlimited except by form-based standards elsewhere in this Article 7A.
b. LODGING	**Restricted Lodging:** Up to two bedrooms for lodging is permitted on each lot. The lot must be owner occupied. Food service may be provided in the a.m. The maximum length of stay must not exceed ten days.	**Limited Lodging:** Up to three bedrooms for lodging is permitted on each lot, restricted to two bedrooms in an accessory building. The lot must be owner occupied. Food service may be provided in the a.m. The maximum length of stay must not exceed ten days. Lodging functions are prohibited in T4-restricted.	**Open Lodging:** Unlimited bedrooms for lodging is permitted on each lot. Food service may be provided at all times.
c. OFFICE	**Restricted Office:** Office use is restricted to home occupations by the owner, with no more than one employee.	**Open Office:** The building area available for office use on each lot is unlimited. Office functions are prohibited in T4-restricted.	**Open Office:** The building area available for office use on each lot is limited by the requirement of 2.0 assigned parking places per 1,000 square feet of office space.
d. RETAIL	**Prohibited Retail:** Retail is not permitted.	**Limited Retail:** The building area available for retail use is limited to the first story of buildings at corner locations, not more than one per block. The specific use is further limited to neighborhood store, or food service seating no more than 30. Retail functions are prohibited in T4-restricted.	**Open Retail:** The building area available for retail use is unlimited on the first story and available to upper stories by warrant.
e. CIVIC	See Table 9	See Table 9	See Table 9
f. OTHER	See Table 9	See Table 9	See Table 9

7A.5.10. Table 8B: Building Unit Function Exchange

This table shows the rate that building units must be exchanged for functions.

RESIDENTIAL	1 dwelling for each building unit
LODGING	4 guest rooms for each building unit
OFFICE	2,250 square feet of floor area for each building unit
RETAIL	2,250 square feet of floor area for each building unit
OTHER	2,250 square feet of floor area for each building unit

7A.5.11. Table 9: Permitted Uses

See Sec. 8.2.2. (Use Table for Crabapple Form-Based Code).

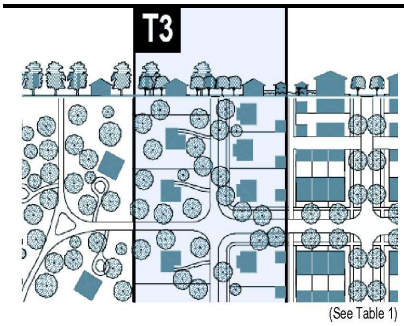
7A.5.12. Table 10: Code Summary



	T2 RURAL ZONE	T3 SUB-URBAN ZONE	T4 GENERAL	T5 URBAN CENTER	
a. BASE BUILDING DENSITY (See Sec. 7A.1.6)					
By Right	1 unit/ac.	3 units/ac.	5 units/ac.	9 units/ac.	
By TDR	TDR not permitted	6 units/ac.	9 units/ac.	14 units/ac.	
b. BLOCK SIZE					
Block Perimeter	no maximum	3,000 ft. max.	2,400 ft. max.	2,000 ft. max.	
c. THOROUGHFARES (See Table 2 and Table 3)					
HW	permitted	permitted	not permitted	not permitted	
BV	not permitted	permitted	permitted	permitted	
AV	not permitted	permitted	permitted	permitted	
CS	not permitted	not permitted	not permitted	permitted	
DR	not permitted	permitted	permitted	permitted	
ST	not permitted	permitted	permitted	permitted	
RD	permitted	permitted	not permitted	not permitted	
Rear Lane	permitted	permitted	required, or Alley	not permitted	
Rear Alley	not permitted	permitted	required, or Lane	required	
Path	permitted	permitted	permitted	not permitted	
Passage	not permitted	permitted	permitted	permitted	
Multi-Use Trail	permitted	permitted	permitted	permitted	
Equestrian Trail	permitted	permitted	permitted	permitted	
Bicycle Lane	permitted	permitted	permitted	permitted	
Bicycle Route	permitted	permitted	permitted	permitted	
d. CIVIC SPACES (See Table 4)					
Park	permitted	permitted	by Warrant	by Warrant	
Green [5]	not permitted	permitted	permitted	permitted	
Square [5]	not permitted	not permitted	permitted	permitted	
Plaza [5]	not permitted	not permitted	not permitted	permitted	
Playground, Pocket Park [5]	permitted	permitted	permitted	permitted	
e. LOT OCCUPATION					BUILDING PLACEMENT
Lot Width	100 ft. min	70 ft. min 120 ft. max.	18 ft. min 96 ft. max.	18 ft. min 180 ft. max.	
Lot Coverage	20% max	60% max.	70% max.	80% max.	
f. SETBACKS - PRINCIPAL BUILDING (See Table 11)					
(f.1) Front Setback Principal [5]	60 ft. min.	15 or 20 ft. min. [2]	10 ft. min. 30 ft. max.	2 ft. min. 15 ft. max.	
(f.2) Front Setback Secondary [5]	40 ft. min.	12 ft. min.	8 ft. min. 20 ft. max.	2 ft. min. 15 ft. max.	
(f.3) Side Setback	25 ft. min.	5 or 10 ft. min. [2]	0 ft. min.	0 ft. min. 24 ft. max.	
(f.4) Rear Setback	50 ft. min.	12 ft. min.	3 ft. min.	3 ft. min.	
Frontage Buildout	not applicable	30% min.	50% min.	70% min.	
g. SETBACKS - OUTBUILDING (See Table 11)					
Front Setback	20 ft. min. + bldg.	20 ft. min. + bldg.	20 ft. min. + bldg.	40 ft. max. from rear	
Side Setback	25 ft. min.	3 ft. or 6 ft. min. [3]	0 ft. or 3 ft. min. [3]	0 ft. min.	
Rear Setback	50 ft. min.	3 ft. min.	3 ft.	3 ft. max.	
h. BUILDING PLACEMENT (See Table 6)					
Edgeyard [5]	permitted	permitted	permitted	not permitted	
Sideyard [5]	not permitted	not permitted	permitted	permitted	
Rearyard [5]	not permitted	not permitted	permitted	permitted	
Courtyard [5]	not permitted	not permitted	not permitted	permitted	
i. PRIVATE FRONTAGES (See Table 7)					BUILDING FORM
Common Yard	permitted	permitted	not permitted	not permitted	
Porch & Fence	permitted	permitted	permitted	not permitted	
Terrace, Dooryard	not permitted	not permitted	permitted	permitted	
Forecourt	not permitted	not permitted	permitted	permitted	
Stoop	not permitted	not permitted	permitted	permitted	
Shopfront	not permitted	not permitted	permitted	permitted	
Gallery	not permitted	not permitted	permitted	permitted	
j. BUILDING FORM-HEIGHT (See Table 5) [5]					
Principal Building	2 stories max.	2 stories max.	3 stories max. 1 min.	3 stories max. 1 min.	
Outbuilding	2 stories max.	2 stories max.	2 stories max.	2 stories max.	
k. BUILDING FUNCTION (See Table 8 and Table 9)					FUNCTION
Residential	restricted use	restricted use	limited use [4]	open use	
Lodging	prohibited use	restricted use	limited use [4]	open use	
Office	restricted use	restricted use	restricted use [4]	open use	
Retail	prohibited use	prohibited use	limited use [4]	open use	
	Sec. 7.4				
	Sec. 7.1 through 7.3				

1. *Minimum setbacks and building separations are subject to fire and building code restrictions.*
2. *Greater setback applies except for projects utilizing TDR, in which case the lesser setback applies.*
3. *Greater setbacks apply at a corner; lesser apply in all other situations.*
4. *Within T4-restricted and T4-open different building function requirements apply.*
5. Within the District at Mayfield different requirements apply.

7A.5.13. Table 11A: Code Graphics - T3



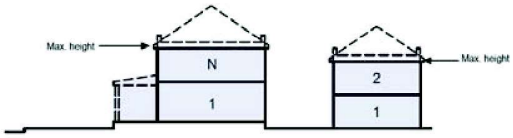
I. BUILDING FUNCTION (see Tables 8 & 9)

Residential	restricted use
Lodging	restricted use
Office	restricted use
Retail	prohibited use
k. BUILDING FORM (see Table 8)	
Principal Building	2 stories max
Outbuilding	2 stories max.
f. LOT OCCUPATION (see Table 10 section e)	
Lot Width	70 ft. min 120 ft. max
Lot Coverage	60% max
i. BUILDING PLACEMENT (see Table 6)	
Edgeyard	permitted
Sideyard	not permitted
Rearyard	not permitted
Courtyard	not permitted
g. SETBACKS - PRINCIPAL BUILDING (see Table 10 section f)	
(g.1)Front Setback	15 or 20 ft. min*
(g.2)Front Setback	12 ft. min
(g.3)Side Setback	5 or 10 ft. min*
(g.4)Rear Setback	12 ft. min**
Frontage Buildout	30% min at setback
h. SETBACKS - OUTBUILDING (see Table 10 section g)	
(h.1)Front Setback	20 ft. min. +bldg.
(h.2)Side Setback	3 ft. min. or 6 ft. min.
(h.3)Rear Setback	3 ft. min
j. PRIVATE FRONTAGES (see Table 7)	
Common Yard	permitted
Porch & Fence	permitted
Terrace or Lightwell	not permitted
Forecourt	not permitted
Stoop	not permitted
Shopfront & Awning	not permitted
Gallery	not permitted
	Refer to Summary Table 10

*Greater setback applies except for projects utilizing TDR, in which case the lesser setback applies.
**or 15 ft. from center line of alley.

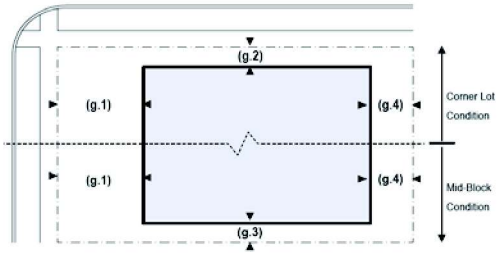
BUILDING CONFIGURATION

1. Building height is measured in number of stories, excluding attics and above-ground portions of basements.
2. Stories must not exceed 14 feet in height from finished floor to finished ceiling.
3. Height is measured to the eave or roof deck as specified on Table 5.



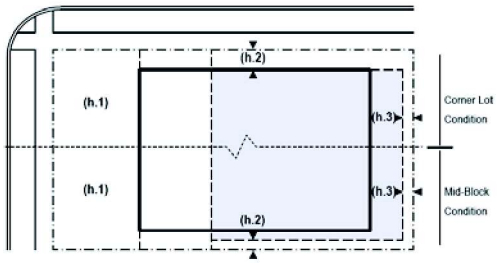
SETBACKS – PRINCIPAL BLDG.

1. The facades and elevations of principal buildings must be distanced from the lot lines as shown.
2. Facades must be built along the principal frontage to the minimum specified width in the table.



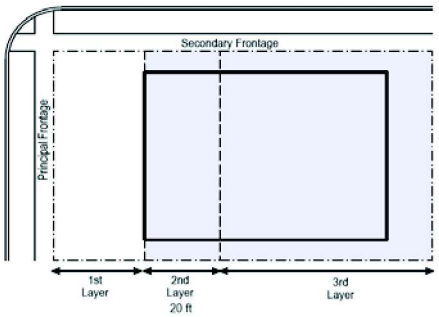
SETBACKS – OUTBUILDING

1. The elevations of the outbuilding must be distanced from the lot lines as shown.



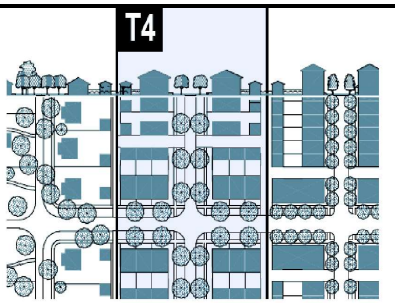
PARKING PLACEMENT

1. Uncovered parking spaces may be provided within the second and third layer as shown in the diagram (see Table 12 section d).
2. Covered parking may only be provided within the third layers as shown in the diagram (see Table 12 section d). Side- or rear-entry garages may be allowed in the first or second layer by warrant.
3. Trash containers must be stored within the third layer.



"N" stands for any stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums.

7A.5.14. Table 11B: Code Graphics - T4



(See Table 1)

I. BUILDING FUNCTION (See Tables 8 & 9)	
Residential	limited use*
Lodging	limited use*
Office	restricted use*
Retail	limited use*
k. BUILDING FORM (See Table 5)	
Principal Building	3 stories max.
Outbuilding	2 stories max.
f. LOT OCCUPATION (See Table 10 section e)	
Lot Width	18 ft. min., 96 ft.
Lot Coverage	70% max.
i. BUILDING PLACEMENT (See Table 6)	
Edgeyard	permitted
Sideyard	permitted
Rearyard	permitted
Courtyard	not permitted
g. SETBACKS - PRINCIPAL BUILDING (See Table 10 section f)	
(g.1)Front Setback	10 ft. min., 30 ft.
(g.2)Front Setback	8 ft. min., 20 ft.
(g.3)Side Setback	0 ft. min.
(g.4)Rear Setback	3 ft. min. **
Frontage Buildout	50% min. at
h. SETBACKS - OUTBUILDING (See Table 10 section g)	
(h.1)Front Setback	20 ft. min. + bldg.
(h.2)Side Setback	0 ft. min. or 3 ft.
(h.3)Rear Setback	3 ft. min.
PRIVATE FRONTAGES (See Table 7)	
Common Yard	not permitted
Porch & Fence	permitted
Terrace or Lightwell	permitted
Forecourt	permitted
Stoop	permitted
Shopfront & Awning	permitted
Gallery	permitted

Refer to Summary Table 10

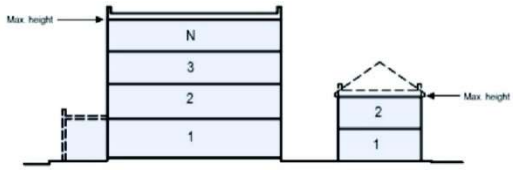
* Within T4-restricted and T4-open different building function requirements apply.
** or 15 feet from center line of alley.

BUILDING CONFIGURATION

1. Building height is measured in number of stories, excluding attics and above-ground portions of basements

2. Stories must not exceed 14 feet in height from finished floor to finished ceiling, except for a first story commercial function which must be a minimum of 11 feet with a maximum of 25 feet.

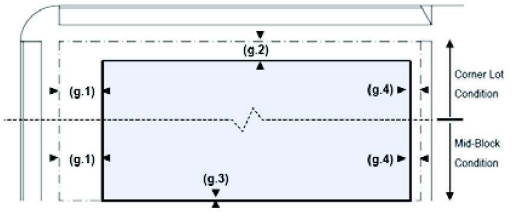
3. Height is measured to the eave or roof deck as specified on Table 5.



SETBACKS – PRINCIPAL BLDG.

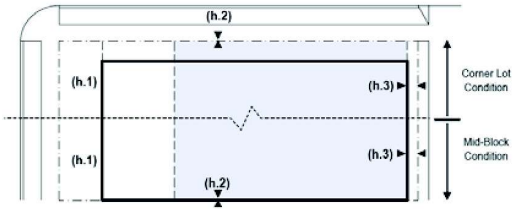
1. The facades and elevations of principal buildings must be distanced from the lot lines as shown.

2. Facades must be built along the principal frontage to the minimum specified width in the table.



SETBACKS – OUTBUILDING

1. The elevations of the outbuilding must be distanced from the lot lines as shown.

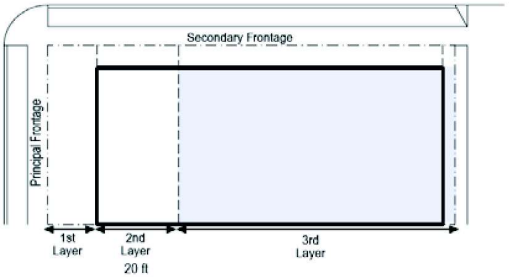


PARKING PLACEMENT

1. Uncovered parking spaces may be provided within the third layer as shown in the diagram (see Table 12 section d).

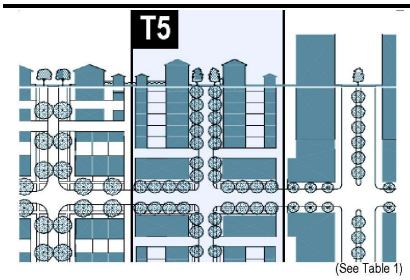
2. Covered parking may only be provided within the third layer as shown in the diagram (see Table 12 section d).

3. Trash containers must be stored within the third layer.



"N" stands for any stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums.

7A.5.15. Table 11C: Code Graphics - T5



I. BUILDING FUNCTION (See Tables 8 & 9)

Residential	open use
Lodging	open use
Office	open use
Retail	open use
k. BUILDING FORM (See Table 5)	
Principal Building	3 stories max.
Outbuilding	2 stories max.
f. LOT OCCUPATION (See Table 10 section e)	
Lot Width	18 ft. min., 180 ft.
Lot Coverage	80% max.
i. BUILDING PLACEMENT (See Table 6)	
Edgeyard	not permitted
Sideyard	permitted
Rearyard	permitted
Courtyard	permitted
g. SETBACKS - PRINCIPAL BUILDING (See Table 10 section f)	
(g.1)Front Setback	2 ft. min., 15 ft.
(g.2)Front Setback	2 ft. min., 15 ft.
(g.3)Side Setback	0 ft. min., 24 ft.
(g.4)Rear Setback	3 ft. min. *
Frontage Buildout	70% min. at
h. SETBACKS - OUTBUILDING (See Table 10g)	
(h.1)Front Setback	40 ft. max. from
(h.2)Side Setback	0 ft. min. or 2 ft.
(h.3)Rear Setback	3 ft. max.
j. PRIVATE FRONTAGES (See Table 7)	
Common Yard	not permitted
Porch & Fence	not permitted
Terrace or Lightwell	permitted
Forecourt	permitted
Stoop	permitted
Shopfront & Awning	permitted
Gallery	permitted

Refer to Summary Table 10

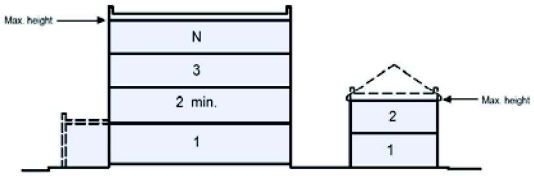
* or 15 feet from center line of alley

BUILDING CONFIGURATION

1. Building height is measured in number of stories, excluding attics and above-ground portions of basements.

2. Stories must not exceed 14 feet in height from finished floor to finished ceiling, except for a first story commercial function which must be a minimum of 11 feet with a maximum of 25 feet.

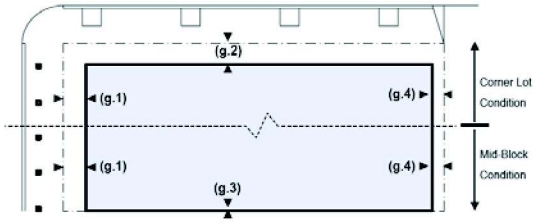
3. Height is measured to the eave or roof deck as specified on Table 8.



SETBACKS – PRINCIPAL BLDG.

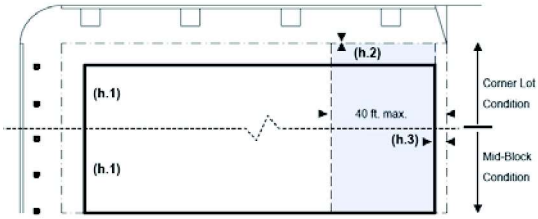
1. The facades and elevations of principal buildings must be distanced from the lot lines as shown.

2. Facades must be built along the principal frontage to the minimum specified width in the table.



SETBACKS – OUTBUILDING

1. The elevations of the outbuilding must be distanced from the lot lines as shown.

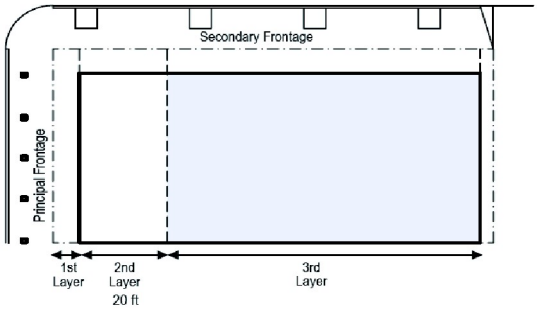


PARKING PLACEMENT

1. Uncovered parking spaces may be provided within the third layer as shown in the diagram (see Table 12 section d).

2. Covered parking may only be provided within the third layer as shown in the diagram (see Table 12 section d).

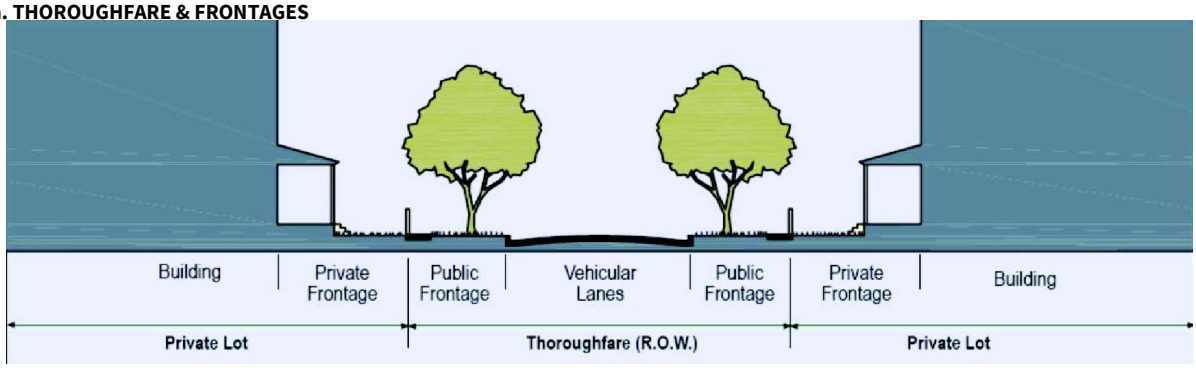
3. Trash containers must be stored within the third layer.



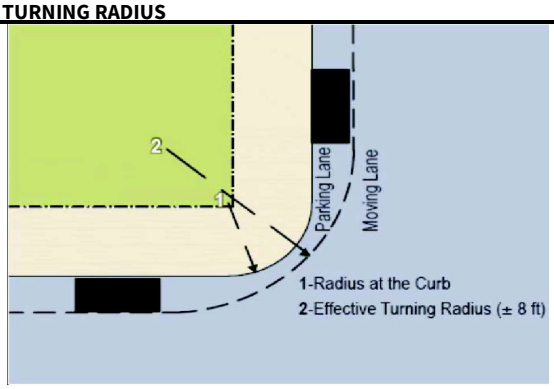
"N" stands for any stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums.

7A.5.16. Table 12: Definitions Illustrated

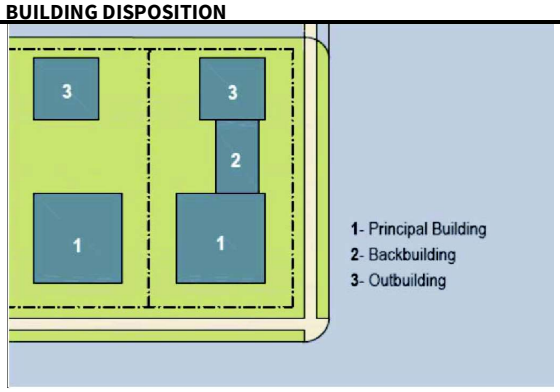
a. THOROUGHFARE & FRONTAGES



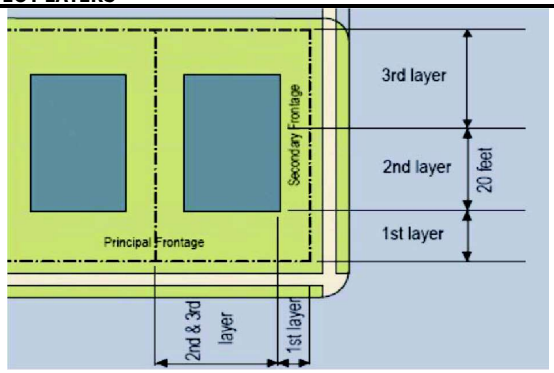
b. TURNING RADIUS



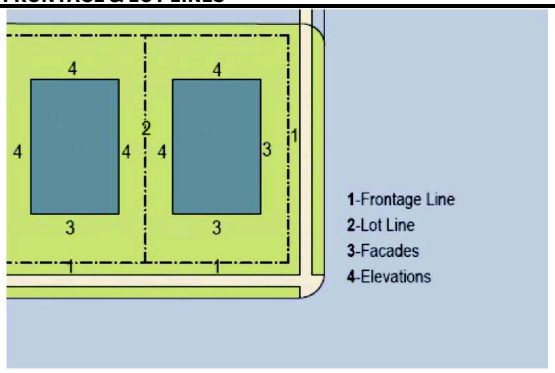
c. BUILDING DISPOSITION



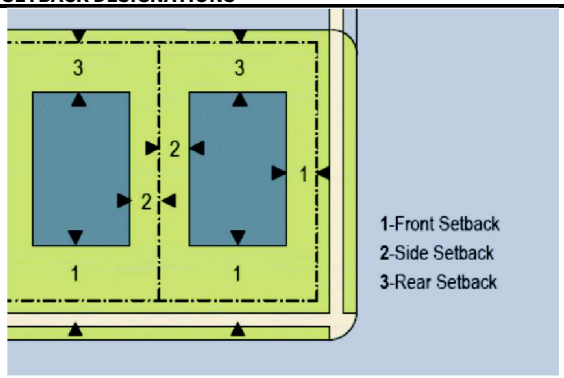
d. LOT LAYERS



e. FRONTAGE & LOT LINES



f. SETBACK DESIGNATIONS



7A.6. Architectural Styles

7A.6.1. Introduction

This Sec. 7A.6 provides an overview of the seven architectural styles and their colors set forth in Sec. 7A.4.17.B. Because the execution of specific styles can vary, the description/definition of each style can vary and therefore, the information contained in this article may not be all inclusive.

7A.6.2. Architectural Styles

Vernacular: With origins in Elizabethan England and influenced by Native American and African American traditions, the Vernacular tradition in the South is the essence of beauty, function, and simplicity. It is a powerful building type, perhaps the most indigenous to America. Dating from the arrival of the first settlers, it was recycled into the fabric of later styles and has never been fully abandoned. Vernacular forms exhibit natural composition, never decorative or academic, but relating to a relaxed logic. Materiality rules, as building materials are used in their most raw, pure, forms, with ornament reduced to mere gesture, executed in the same raw materials.

Essential elements include simple masses, many times saltbox and catslide, with additions and appendages. Almost without exception, roofs are gabled, with gables rarely facing the front. Shed roofs over full-length porches or enclosed additions are common. Gable-end chimneys are prominent. Windows are of similar sizes, spaced in a balanced but not overly rigid composition, and are generally non-ornamental. Window spacing relating to room arrangement is often independent of column or post spacing, which relates to the actual porch structure. Modest stylistic detailing is Federal and Greek Revival, with elements of Italianate and Carpenter Gothic. Ceiling heights range from 9 feet to 12 feet for commercial buildings, and 7 feet to 10 feet for houses. One-story Vernacular cottages may have so-called travelers rooms on either side of a front porch, featuring ceilings as low as 7 feet. Frugality rules Vernacular architecture. Handmade brick, wood horizontal lap siding, flush tongue and groove plank siding under porches, wood-shingle and standing-seam roofs, and brick and/or stone chimneys are the typical features found in early architecture. Later forms are sometimes roofed in corrugated or 5-V galvanized metal.

Typical exterior colors for earlier buildings include slate blue and earth tones such as terra cotta, taupe, and brown. Later works are typically whitewashed.

Because Vernacular is not truly a style but a local building tradition, its form never hybridized with nineteenth century styles. Stylistic detailing is applied to the building in a superficial manner.

Greek Revival: Of the Romantic styles favored in the nineteenth century, perhaps none was more popular than Greek Revival. Dominant from about 1830 to 1860 in the South, the style symbolized the affinity Americans felt with the ideals of Greek democracy.

The style was easy to construct in wood or masonry due to its Spartan forms and details. Forms are boxy with consistent cornice lines and low-pitched gabled or hipped roofs. Gables can be side or front facing.

In the South, Greek detailing and full-width front porticos are often married to Vernacular forms, taking the form of a classical billboard, which is one of the more charming aspects of this region's native architecture. Porches vary in prominence, being either the fabled Southern full-width two-story version or the

less ostentatious one-story version or even the smaller stoop variety, which is equally dignified. Fenestration features include rectangular sash and doors with bold, plain casings and horizontal cornices. Chimneys, being non-Classical, are thoroughly de-emphasized. Columns that are always round in true Greek architecture are usually simplified into square adaptations. Classical details are large and bold as opposed to the earlier, mild-mannered Adam Style, with wide, prominent entablature with Greek Doric columns being the main hallmark of the style. When decoration is desired, it is executed with Greek key fretwork, and vernacularized classical profiles.

Paint colors for siding and trim are typically white, cream, and light grey with shutters tinted black. Window sash are white or black. Wood-mold brick is in the red to earth range.

Italianate: The Italianate style became popular in America around 1840 and flourished especially rapidly in the 1850s. As its name implies, the Renaissance houses of Italy are its inspiration. The style is picturesque or romantic as opposed to the more disciplined Greek Revival style. Broad, bracketed cornices on shallow hipped or gabled roofs; attic windows; tall windows that are frequently arched and clustered; iron balconies; massive entrance doors; clustered porch columns; Renaissance details; and tall ceilings are hallmarks of this style. Facades may be symmetrical and somewhat dignified, or asymmetrical, with a casual, rural quality. Chimneys are usually internal to the building mass.

In the South, there are many interpretations of the style executed in wood, with Renaissance-style ornament adapted to local skill levels. Some versions of this style are easy to construct, especially if the building material is brick, for then fundamental masonry techniques are used such as full or segmental arches, lintels, and load-bearing walls.

Paint colors for siding, trim, and sashes are typically earth tones with emphasis on browns, terra cottas, and golds. Trim colors and sashes are usually painted darker than the siding. Wood-mold brick is in the red to earth range.

Gothic: With origins in late 18th century England, the Gothic Style, otherwise known as the Gothic Revival, was popularized by Andrew Jackson Downing in the 1840s and 1850s. The style may be looked at as a reaction to the classical styles so popular at the time of the Adam style or Federal style, and the Greek Revival. With a definite nod to the whimsical, the style provided a welcome relief to the academic aesthetic of the era.

Many Americans associate the style with Grant Wood's American Gothic, a painting depicting a rather austere midwestern husband and wife set in front of a plain board and batten cottage with a pointed arched window.

Applied to the hall and parlor houses popular at the time, humble folk houses were transformed into medieval fantasy with the addition of steep roofs, decorative verge boards and crockets, pointed arches, and pinnacles. Board and batten siding, paired columnettes, and 2 over 2 windows accentuated the verticality of the look. Old-timers sometimes naively refer to the ornamentation of the style as "gingerbread".

Many Gothic buildings dot the historic American countryside, with a special abundance in the North Georgia area. From Rome's medieval clock tower to the Gothic cottages of Clarkesville, the Gothic style has become inextricably fused with the American psyche.

Queen Anne: The Queen Anne Style dominated domestic American architecture from about 1880 until 1900. Popularized by the architect

Richard Norman Shaw, the style was a revival of late medieval styles in England. (The name Queen Anne, however, has little or nothing to do with the reign of the English queen during the formalistic Renaissance period.) Indigenous versions of the style usually translated into wooden-frame structures decorated with turned spindle work and free-form Classicism, with columns, pediments, and so forth being freely substituted for medieval ornament.

The movement was fueled in the New South by the commerce generated by the cotton industry. The forms of the buildings themselves are a fanciful version of medieval forms. Asymmetry was the general rule with steeply pitched roofs, front gables, and folk ornament. As opposed to the academic Adam and Greek Revival styles, there is a deliberate effort at making the facade three dimensional, using projecting gables and cutaway bays. The new railroads brought pre-made spindle work and bric-a-brac ornament to almost every American town and city, resulting in the proliferation of the quintessential gingerbread house. Windows tended to be 1/1 or 2/2 with the occasional ornamental sash. Ceilings were usually very tall, starting at 10 feet. Examples exist of this style in the Crabapple Community.

Colors were earthy-sage, taupe, amber, gold, and brown. Trim and sashes were usually in the darker spectrum of the palette.

Colonial Revival: Inspired by the Centennial of 1876, the Colonial Revival thrived in the love that Americans have for their Colonial past, especially in English and Dutch houses of the Atlantic Seaboard. In part a reaction to the excesses of Victorian architecture, forms include simple saltbox massing, "L" configurations, catslide roofs, and vernacular forms. Wings and additions often occur that are subordinate in scale to the primary mass of the structure. Rooms are usually larger than their authentic Colonial predecessors and are planned for gracious interior accommodation resulting in playful exteriors. Facades may contain front facing gables treated in a decorative manner. Roof forms are varied in the Colonial Revival from steep Georgian types, shallow Classical types, hips, hipped gables, Gambrels, catslides, and Southern Vernacular types. Dormers are common roof features. Beautiful chimneys centered on gable ends terminate rooflines. Full front porches occur, but not as often as side porches and trellises, that often take on the quality of an outdoor room.

Ceiling heights are always generous. Windows are larger than historic prototypes of early years. Americans were not about to give up the light that they had become used to in the Victorian period. Refined stylistic detailing includes Colloquial, Georgian, Federal, Regency, and Classical Revival elements such as columns and pilasters, fretwork railings, entablatures, broad casings, story courses, base reliefs, etc. Exteriors are finished in wood shingle siding, mitered lap siding, wood mould brick and worked stone. Roofs are slate, wood shingle, French tile, and standing seam metal.

Some Colonial Revival buildings are quite decorative with Classical appliqué featuring urns, garlands, and grotesques ornament. Other Colonial Revival buildings are hybridized with the Craftsman style and feature straightforward construction detailing such as out-lookers supporting broad eaves, plain Tuscan columns with no base or capital necking details, and post and beam casings.

Not all Colonial Revival houses are so freely adapted from various sources. Austere and authentic examples exist that are almost indistinguishable from their antecedents, leaving one to ponder the construction date.

James Means, a 20th century Atlanta architect, designed Plantation Plain houses across the state of Georgia (one notable example exists in Crabapple) with great sophistication. His colleagues Neel Reid and Phillip Shutze, designed more inventive and decorative homes that are at the apex of the style in the South.

Typical exterior siding, trim, and sash colors are white, bone, and cream, with dark green or black shutters and the occasional red door. Wood shingles are natural, stained grey or stained Jacobean black. Smooth wood mould brick in the red to earth range, and occasionally buff to taupe range is complimented with grape vine and lighting raked mortar joints. Stone is coursed or random and features flush, raised bead, or lightly raked mortar joints.

Adam/Federal: The Adam or Federal style was prevalent in the South from about 1780 through 1820, although in provincial locations; its influence lasted until around 1840. The style developed directly from Classical Roman examples of antiquity rather than Renaissance Europe. Young America identified itself and its government with that of Republican Rome, with a parallel movement occurring in France. The refined ornament discovered in the archaeological digs at Pompeii heavily influenced the British architect Robert Adam in the development of the style. Architects such as William Jay of Savannah further developed it.

Simple, austere massing and Vernacular forms are decorated with delicate classical detailing, frequently featuring the Doric order with decorated cornices, pedimented fenestration, fine modillions and mutules under the cornice, and entrances with fan lights and sidelights. In isolated locations, chimneys are awkwardly domestic and prominent, while in urban locations, they are minimally formalized. Exterior cladding materials are usually clapboards but are sometimes fine brickwork with cut jack arches and keystones. Classical detailing is deliberately scaled down. Facades are intentionally understated and plain. Emphasis is placed on the frontispiece and on the fine tailoring of the building. Windows are large and regularly spaced.

Paint colors for siding, trim, and sashes are typically white, cream, and light grey with shutters being tinted black. Wood-mold brick is in the red to earth range.

7A.6.3. Colors and Finishes

As the architecture demands, the color palette of the City of Milton is diverse. With an emphasis on "real" materials, whether natural or manmade, many colors and finishes should simply be left unfinished. Surfaces to be painted should complement the architecture, never commanding too much attention. Colors must never upstage the natural landscape.

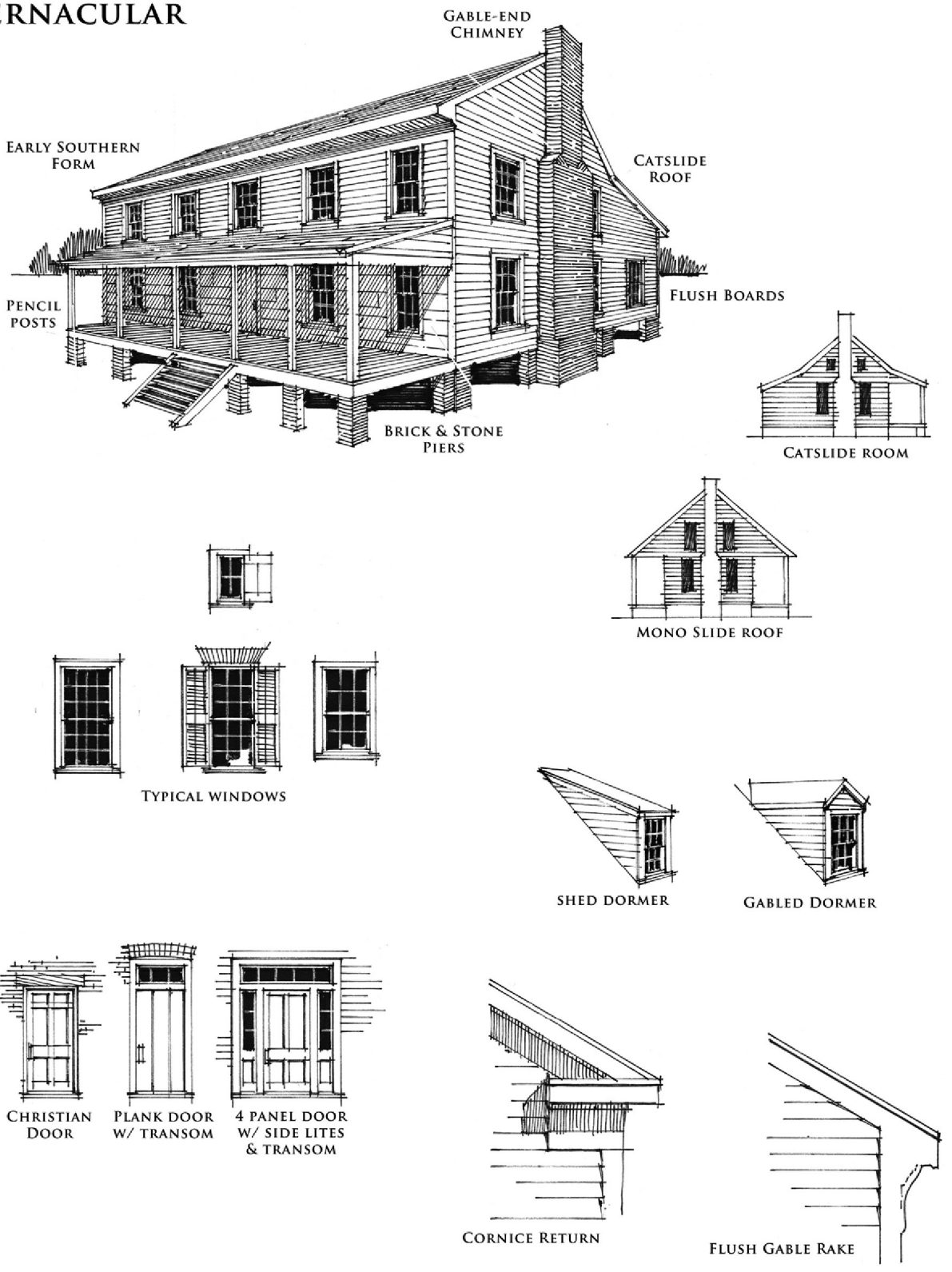
Colors and finishes must be appropriate to the mood and style of the building. Designs that are derived from the Vernacular style will be early 19th century color combinations, with colors such as burnt sienna; rich warm gray, mustard and "haint" blue. Designs that take inspiration from the Greek Revival style will display crisp, light stone colors that bespeak dignity and acknowledge their classical temple origins. Other designs that are inspired by Queen Anne, Gothic, and Italianate designs are complex and rich, displaying earth tones that contrast to one another. Colonial Revival and Adams/Federal palettes take inspiration from East Coast historic precedents with natural shingle siding trimmed in white, white or slate blue clapboard trimmed in white with red doors, and shaker inspired colors.

> The designer should research period colors and become familiar with the combinations that can be used.

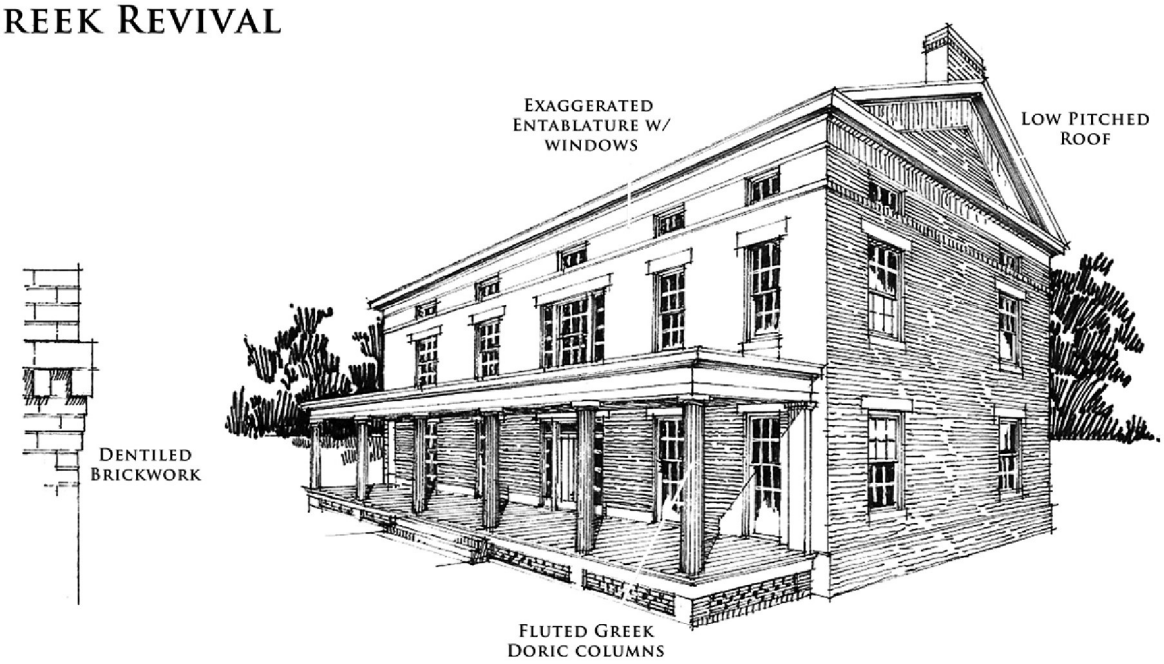
7A.6.4. Architectural Styles Illustrated

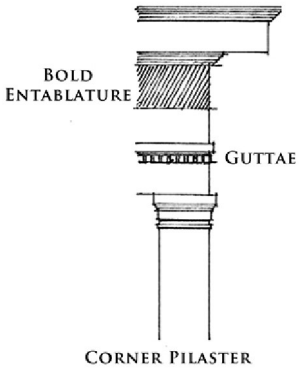
The following are illustrations of key components of the above-noted styles. Please note that the graphics show the styles as utilized on single-family detached houses, although these styles can readily translate into commercial or mixed-use buildings through use of stylistic detailing. Please refer to the City of Milton Historic Preservation Design Guidelines for examples.

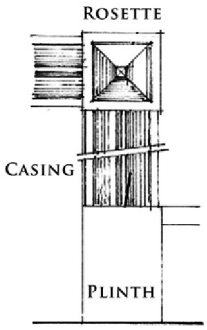
VERNACULAR


GABLE-END CHIMNEY
EARLY SOUTHERN FORM
CATSLIDE ROOF
FLUSH BOARDS
PENCIL POSTS
BRICK & STONE PIERS
CATSLIDE ROOM
MONO SLIDE ROOF
TYPICAL WINDOWS
SHED DORMER
GABLED DORMER
CHRISTIAN DOOR
PLANK DOOR W/ TRANSOM
4 PANEL DOOR W/ SIDE LITES & TRANSOM
CORNICE RETURN
FLUSH GABLE RAKE

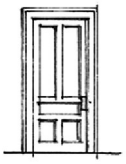
GREEK REVIVAL

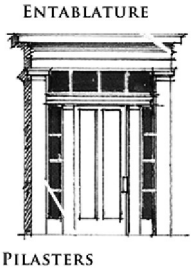


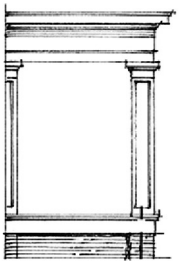








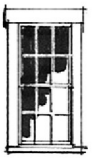


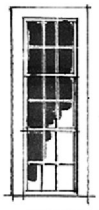




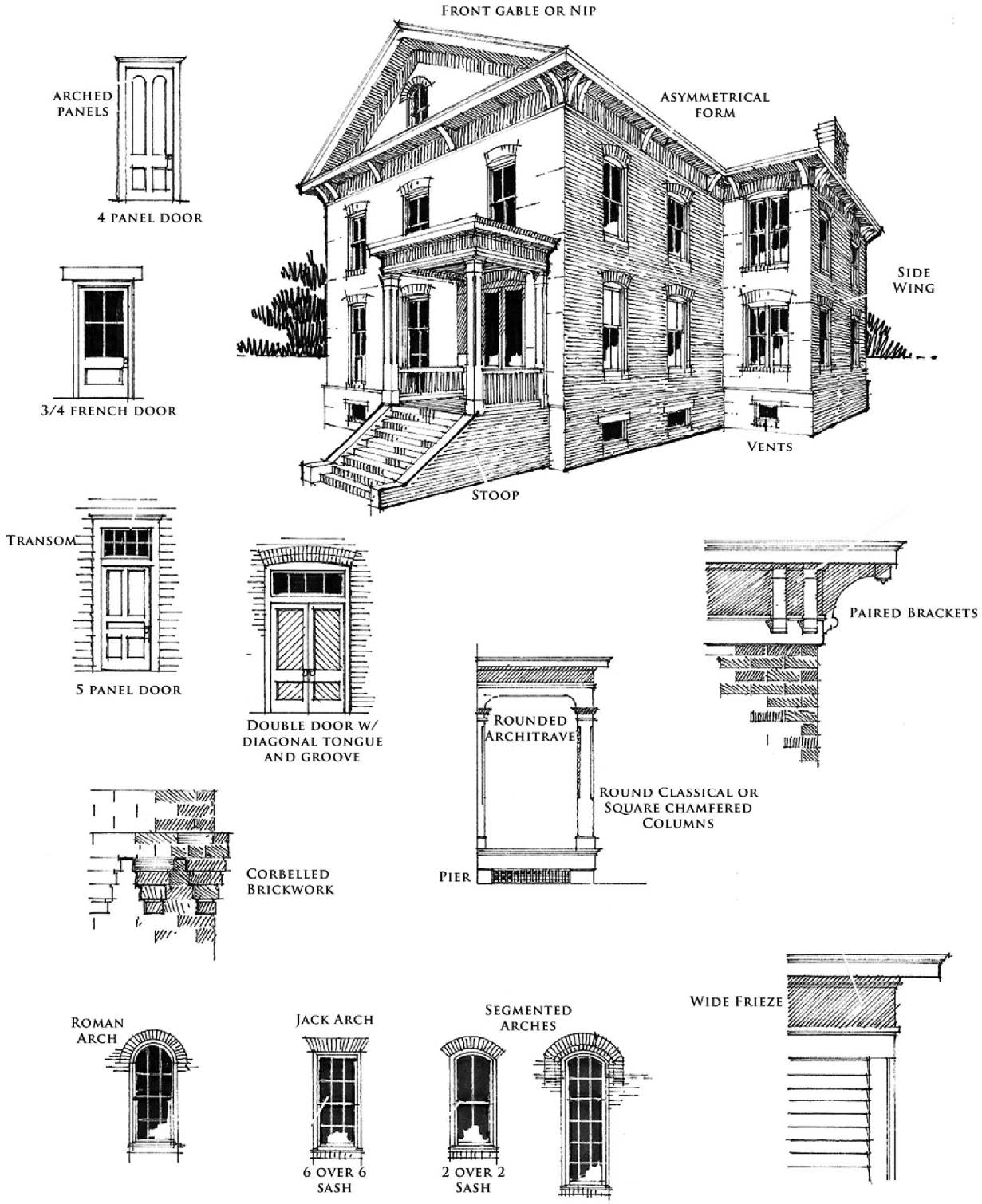




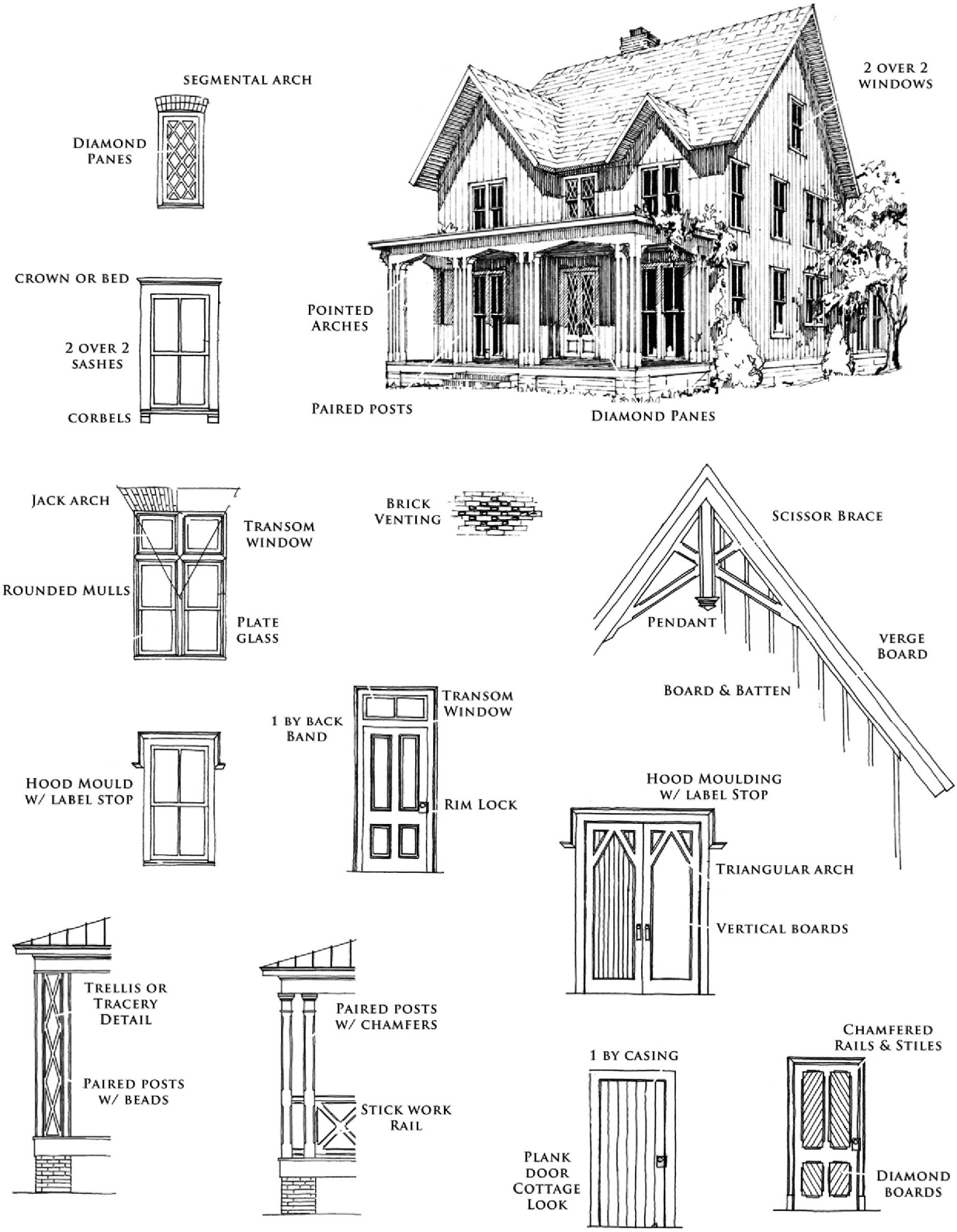




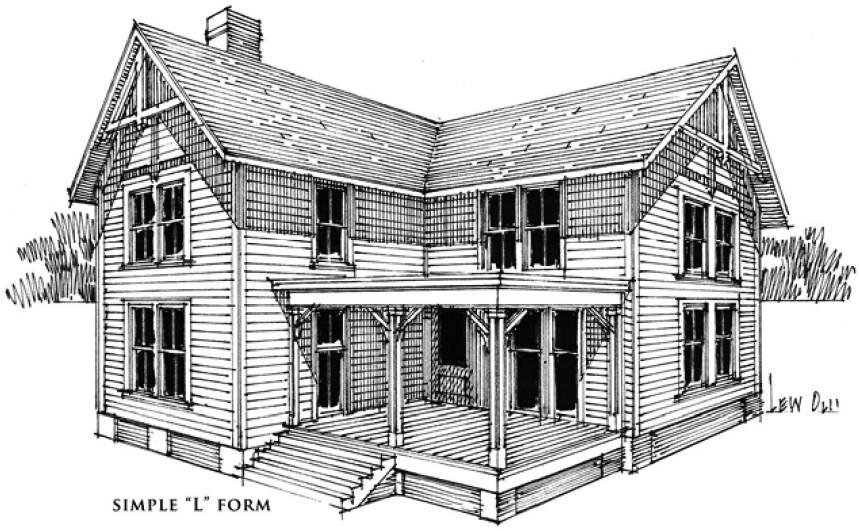
ITALIANATE

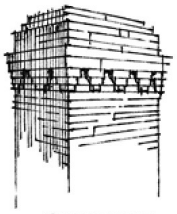

FRONT GABLE OR NIP
ARCHED PANELS
4 PANEL DOOR
ASYMMETRICAL FORM
SIDE WING
3/4 FRENCH DOOR
VENTS
STOOP
TRANSOM
5 PANEL DOOR
DOUBLE DOOR W/ DIAGONAL TONGUE AND GROOVE
PAIRED BRACKETS
ROUNDED ARCHITRAVE
ROUND CLASSICAL OR SQUARE CHAMFERED COLUMNS
PIER
CORBELLED BRICKWORK
WIDE FRIEZE
ROMAN ARCH
JACK ARCH
SEGMENTED ARCHES
6 OVER 6 SASH
2 OVER 2 SASH

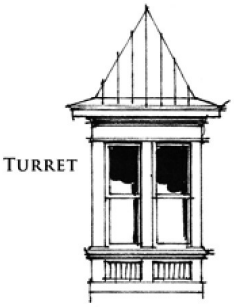
GOTHIC

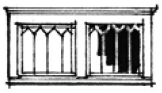

SEGMENTAL ARCH
DIAMOND PANES
2 OVER 2 WINDOWS
CROWN OR BED
2 OVER 2 SASHES
CORBELS
POINTED ARCHES
PAIRED POSTS
DIAMOND PANES
JACK ARCH
TRANSOM WINDOW
ROUNDED MULLS
PLATE GLASS
BRICK VENTING
SCISSOR BRACE
PENDANT
VERGE BOARD
BOARD & BATTEN
1 BY BACK BAND
TRANSOM WINDOW
RIM LOCK
HOOD MOULD W/ LABEL STOP
HOOD MOULDING W/ LABEL STOP
TRIANGULAR ARCH
VERTICAL BOARDS
TRELLIS OR TRACERY DETAIL
PAIRED POSTS W/ BEADS
PAIRED POSTS W/ CHAMFERS
STICK WORK RAIL
1 BY CASING
PLANK DOOR COTTAGE LOOK
CHAMFERED RAILS & STILES
DIAMOND BOARDS

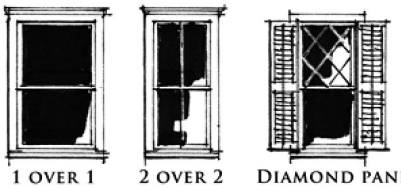
QUEEN ANNE

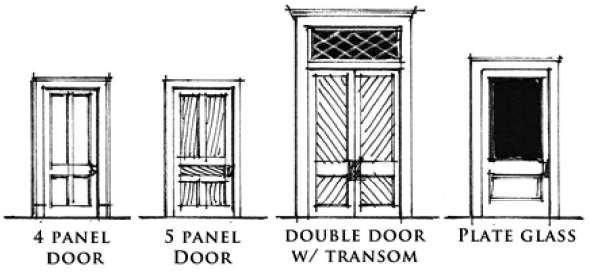

SIMPLE "L" FORM

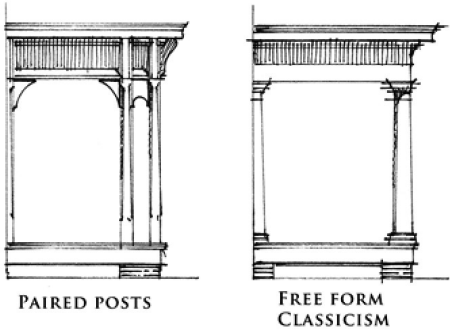

CORBELLED
BRICKWORK

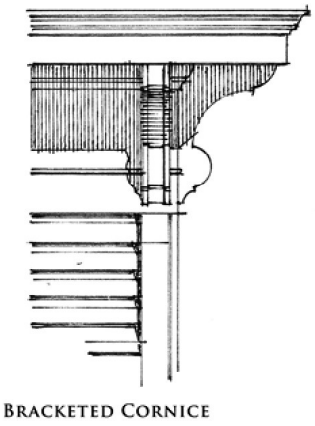

TURRET

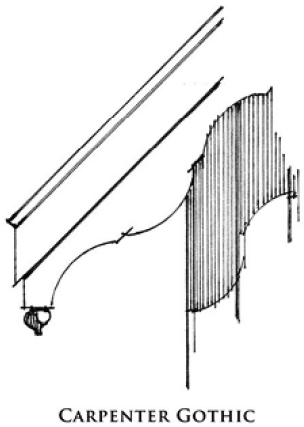

TRANSOM


1 OVER 1
2 OVER 2
DIAMOND PANE
OVER PLATE
GLASS

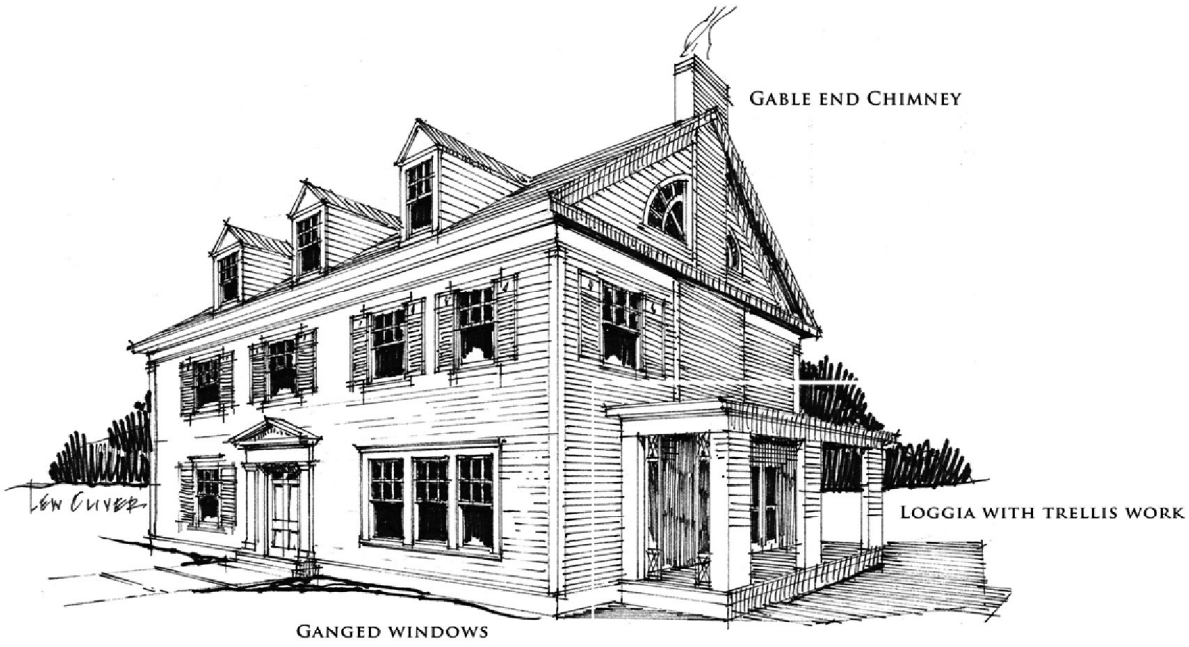

4 PANEL
DOOR
5 PANEL
DOOR
DOUBLE DOOR
W/ TRANSOM
PLATE GLASS

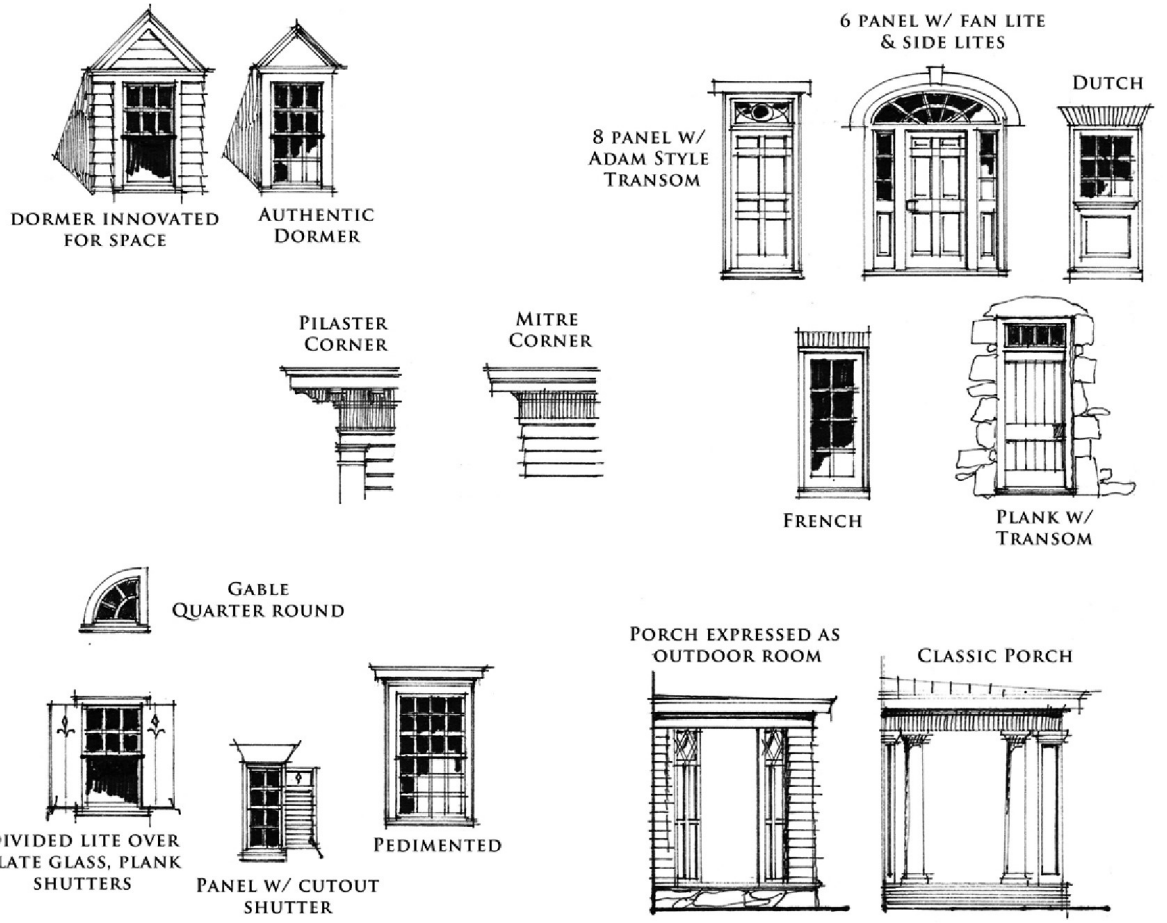

PAIRED POSTS
FREE FORM
CLASSICISM


BRACKETED CORNICE

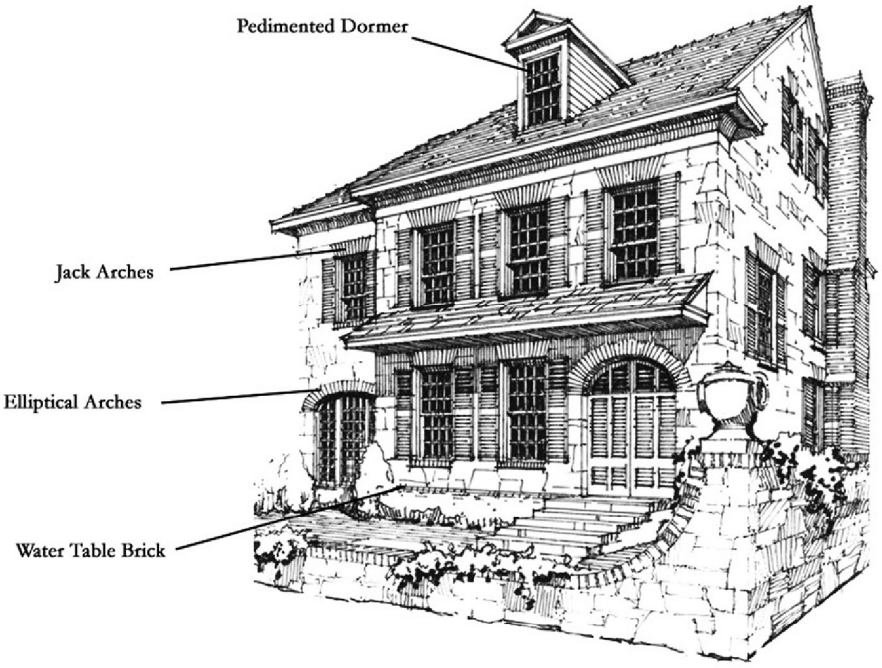

CARPENTER GOTHIC

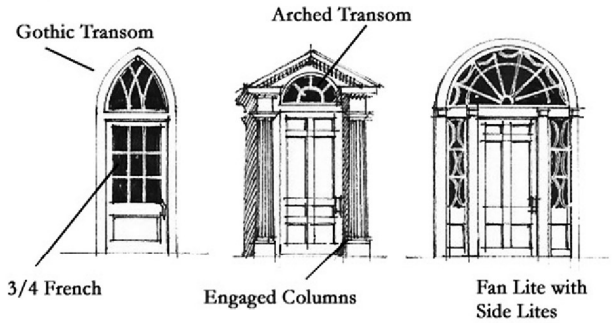
COLONIAL REVIVAL

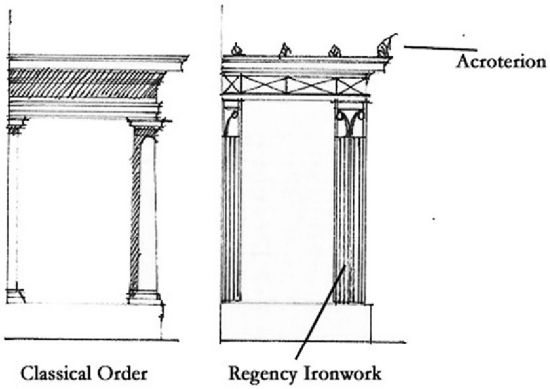


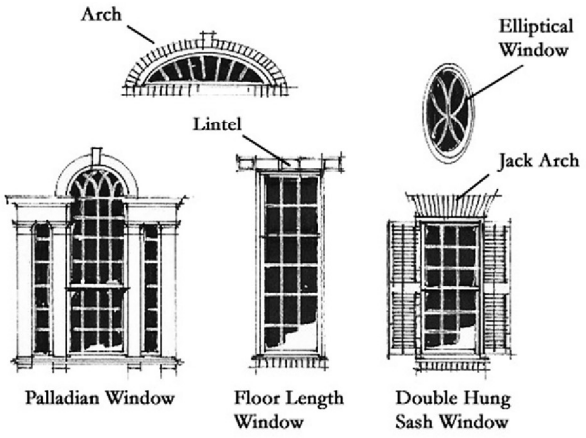


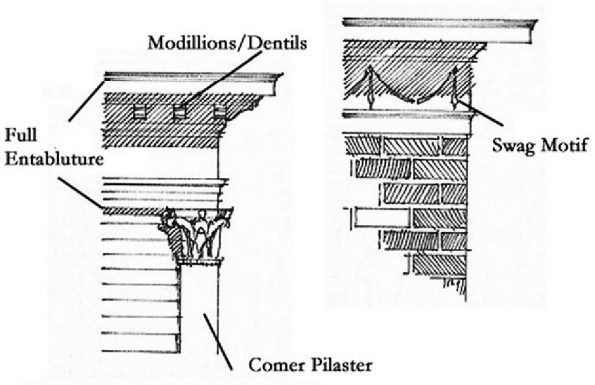
Adam/Federal











Article 7B. Deerfield Form-Based Code

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7B.1. General

7B.1.1. Intent

The intent and purpose of this Article 7B is to enable and support the implementation of the following policies:

A. That the Deerfield/Highway 9 area is the focal point for high-quality, mixed-use development in the City of Milton as established in the Highway 9/Georgia 400 Master Plan Livable Centers Initiative, the Highway 9 North Vision Plan, and the Comprehensive Plan.

B. That within the Deerfield/Highway 9 area, ordinary activities of daily life should be able to occur within walking or bicycling distance of most dwellings.

C. That interconnected networks of thoroughfares should be designed to disperse traffic and reduce the length and number of automobile trips.

D. That development patterns should support future premium transit facilities along Georgia 400.

E. That a range of high-quality and aesthetically compatible housing options should be provided to accommodate different needs in the community.

F. That development should be concentrated in areas served by existing infrastructure and discouraged in areas lacking it.

G. That the quality-of-life in existing neighborhoods should be preserved and protected.

H. That development patterns should enable children to safely walk or bicycle to school.

I. That a range of usable open spaces including parks, squares, playgrounds, and preserved environmentally sensitive areas should be distributed throughout the Deerfield/Highway 9 area.

J. That buildings and landscaping should contribute to the physical definition of thoroughfares as civic places.

K. That development should adequately accommodate automobiles while respecting the pedestrian and the spatial form of public areas.

L. That community design should reinforce safe environments, but not at the expense of accessibility.

M. That civic buildings and public gathering places should be provided as locations that reinforce community identity and support self-governance.

N. That civic buildings should be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the Deerfield/Highway 9 area.

O. That the harmonious and orderly development and redevelopment of the Deerfield/Highway 9 area should be secured through form-based codes rather than traditional zoning.

7B.1.2. Code Applicability

A. Terms used throughout this Article 7B are defined in ~~Article~~ Sec. 13.1, which contains regulatory language that is integral to this Article 7B. ~~Those terms not defined in Article 13 will have their commonly accepted meanings.~~

B. The metrics of Sec. 7B.5 Standards and Tables are an integral part of this Article 7B. However, the diagrams and illustrations that accompany them should be considered advisory, except those in Table

13 Definitions Illustrated (see Sec. 7B.5.20), which are legally binding.

C. Where in conflict, numerical metrics take precedence over graphic metrics.

D. When a provision of this Article 7B conflicts with another provision of this UDC, the provision of this Article 7B applies unless otherwise indicated.

7B.1.3. Transect Zones and Special Districts

A. The regulations in this Article 7B apply to all property located within the boundaries shown in the Deerfield/Highway 9 Regulating Plan ("this district"), which is hereby readopted concurrently with this UDC, which must be kept on file with the Director, and which is hereby incorporated by reference. The Deerfield/Highway 9 Regulating Plan must also be shown on the Official Zoning Map.

B. To reflect a variety of development patterns, this Article 7B includes Transect Zones, Civic Zones, and Special Districts, the locations for which are shown on the Deerfield/Highway 9 Regulating Plan or an approved infill regulating plan.

C. The standards for Transect Zones and Civic Zones are in Sec. 7B.3, 7B.4, and Sec. 7B.5.

D. The standards for Transect Zone T4 also apply to zone T4-Open and T4-Permissive except as specifically indicated.

E. The standards for Transect Zone T5 also apply to zone T5-Limited except as specifically indicated.

F. Areas that, by their intrinsic character, cannot conform to the requirements of any Transect Zone are designated as Special Districts.

G. The standards for Special Districts must be approved by the City Council as part of a regulating plan or infill regulating plan. Said standards must include one or both of the following:

1. Standards specifically prepared for the particular Special District.
2. Standards of any other zoning districts, provided that the applicable standards of Sec. 7B.3 public standards will still apply. The other zoning district that applies to each Special District must be shown on the regulating plan or infill regulating plan.

7B.1.4. ~~Process~~ Design Review

A. Design Review Board

Design Review Board review is required as established Sec. 12.12.3.D.

B. Code Compliance Certificate

Before ~~applying to~~appearing before the Design Review Board, applicants must submit the following to the Director:

1. A site plan, drawn to scale, containing the following minimum information, if applicable:
   a. Site boundary.
   b. Site data, including acreage, building units, residential floor area and units, non-residential floor area, required and proposed parking and loading facilities, and lot coverage.
   c. Proposed thoroughfares.
   d. Proposed sidewalks .
   e. Proposed landscape and hardscaped areas.

f. Existing features to remain, including buildings with square footages and heights (stories), parking and driveways, fences, retaining walls, towers, and any other structures.

g. Proposed new features, including buildings with square footages and heights (stories), parking and driveways, fences, retaining walls, towers, and any other structures.

h. Proposed size of new lots.

i. Required setbacks.

j. Natural features, including streams, waters of the state, lakes, wetlands, flood zones, and associated buffers.

k. Required landscape strips, undisturbed buffers, and other natural areas as required or proposed.

l. Proposed stormwater. Management facilities.

2. Elevations of all buildings.

3. Other material deemed necessary by the Director to review for conformance with the requirements of this Article 7B.

Upon receiving the information required in sub-paragraphs 1 through 3 above, the Director has 45 days to approve or deny the plans for conformance with the requirements of this Article 7B.

7B.1.5. Warrants and Variances

A. There are two types of deviation from the requirements of this Article 7B: warrants and variances. Whether a deviation requires a warrant or variance is determined by the Director, except where specifically prescribed in this Article 7B.

B. A warrant is a ruling that would permit a practice that is not consistent with a specific provision of this Article 7B but is justified by its intent. A warrant will be processed as an administrative variance under Sec. 12.4.2.A.4.

C. Warrants relating to a physical element or metric of this Article 7B must be based upon credible submitted evidence demonstrating that:

1. Approval, if granted, would not offend the spirit or intent of this Article 7B identified in Sec. 7B.1.1.

2. There are such extraordinary and exceptional situations or conditions pertaining to the particular piece of property that the literal or strict application of this Article 7B would create an unnecessary hardship due to size, shape or topography or other extraordinary and exceptional situations or conditions not caused by the applicant.

3. Relief, if granted, would not cause a substantial detriment to the public good and surrounding properties.

4. That the public safety, health, and welfare are secured, and that substantial justice is done.

D. Warrants relating to a use will be processed as an administrative permit in accordance with Sec. 12.5.1 and must be based upon the considerations for use permits established in Sec. 12.5.1.

E. A variance is any ruling on a deviation other than a warrant. A variance will be processed as a primary variance by the

Board of Zoning Appeals in accordance with Sec. 12.4.2.

F. If a warrant or variance is requested in conjunction with an application for an infill regulating plan, the City Council will process the requested warrants and variances as a concurrent variance.

G. No warrants or variances may be issued for the following standards and requirements:

1. The density requirements.
2. The permission to build accessory buildings.
3. The function and use requirements of Sec. 8.2.3. (Use Table for Deerfield Form-Based Code) and code summary Table 11 (see Sec. 7B.5.15) except where a warrant is indicated therein.

7B.1.6. Density Calculations

A. Applicability

1. The following applies to all areas, except the Five Acre Road Zone.
2. In the Five Acre Road Zone, density must not exceed 10,000 square feet of floor area per acre of gross site area, regardless of Transect Zone or Special District.

B. Density is expressed in building units per acre as specified by Transect Zone in Table 11, section a (see Sec. 7B.5.15).

C. The maximum density of a site is calculated by multiplying the Transect Zone's density identified in Table 11 section a by the gross site area. Where a site includes multiple Transect Zones, each must be calculated independently. The area of new thoroughfares and civic spaces on the site must be allocated to the closest Transect Zone(s) on the site. Where a thoroughfare or civic space adjoins multiple Transect Zones, their area must be proportionally allocated to the adjoining zones.

D. Where a site is subdivided into lots, a lot's density may exceed the density of the Transect Zone within which it lies, provided that the maximum density of the Transect Zone for the site as whole as established in paragraph C above is not exceeded.

E. Building units, or fractions thereof, must be exchanged for functions at the following rates as established in Table 9B (see Sec. 7B.5.13):

1. Residential: 1 dwelling unit for each building unit.
2. Lodging: 8 guest rooms for each building unit.
3. Office: 2,250 square feet of floor area for each building unit.
4. Retail: 2,250 square feet of floor area for each building unit.
5. Other: 2,250 square feet of floor area for each building unit.

Interior or covered off-street parking does not require the use of building units.

F. Where the exchange of building units for functions results in a fraction, the fraction must be rounded down to the nearest whole number of dwelling units, guest rooms, or square feet of floor area as established in paragraph E above.

G. Accessory dwelling units do not count toward density calculations.

H. Civic buildings do not count towards density calculations.

I. Senior housing in accordance with Sec. 8.3.1.J and approved by use permit does

not count toward the density calculations of this Article 7B.

J. The base density of a site may be increased by the Transfer of Development Rights (TDR) up to the amount specified for each zone by Table 11 section a (see Sec. 7B.5.15), subject to the provisions of Sec. 7B.1.7, except that use of TDR is not permitted in the Maximum Two Story Height Zone under either of the following conditions:

1. The parcel is located north of the centerline of Bethany Bend as depicted on the regulating plan; or
2. The parcel is adjacent to property that is located in the T-2 Transect Zone, located in the AG-1 district, or zoned for or developed with a single family dwelling unit, as prohibited in Sec. 7B.1.7.F.

7B.1.7. Transfer of Development Rights

A. Purpose

The TDR mechanism is intended to encourage the voluntary redirection of future growth from areas where Milton wants reduced development into areas designated for development. Landowners can voluntarily choose to have their properties considered as either open space TDR sending sites or park/greenway TDR sending sites. Open space TDR sending sites remain under private ownership subject to a conservation easement permanently limiting future development. Park/greenway TDR sending sites are transferred from private ownership to the City or otherwise secured for public access in a manner acceptable to the City. In return for voluntarily participating in the TDR program, private property owners receive Transferable Development Rights (TDRs) which can be transferred for use at designated TDR Receiving Sites.

B. TDR Sending Site Criteria

1. Open space TDR sending sites must be parcels at least 2 acres in size and zoned T2 within this district, or at least 2 acres in size and located outside this district but within the subarea of parcels fronting Bethany Bend from Hopewell Road east to the Forsyth County Line, and parcels fronting Cogburn Road from Devonshire Farms Way south to Bethany Bend. Except for the parcels described in the preceding sentence, all other open space TDR sending sites must be at least 5 acres in size and zoned AG-1 outside this district. All open space TDR sending sites must contain natural or agricultural features whose retention would implement the City's goals for maintaining significant environmental areas, rural character, and open space. Parcels will not qualify if the restrictions that would be imposed by a conservation easement have already been established by a preexisting easement or similar instrument.
2. Park/greenway TDR sending sites must be at least one acre in size, unoccupied by any residences or other improvements that would render the site unusable for public access and must be designated as suitable for park, greenway, civic space, trail or other public recreational uses in a plan or code adopted by the City.

C. TDR Sending Site Approval Process

1. Open space TDR sending sites: Property owners may offer their land as open

space TDR sending sites using application forms provided by the Director. If the Director finds that the proposed property meets the criteria, they must approve the application and oversee the execution and recordation of a permanent conservation easement, approved by the Director, that limits future development of the sending site to a density of no more than one dwelling per parcel or one dwelling per full 25 acres, whichever density is greater. The easement must specify that all other uses, building requirements, and activities are controlled by the standards of the T2 zone for parcels within this district and the standards of the AG-1 district for parcels outside this district.

2. Park/greenway TDR sending sites: Property owners may offer their land as park/greenway TDR sending sites using application forms provided by the Director. If the property owner proposes to transfer title to the City, the change of ownership must pertain to the entire parcel. If the Director finds that the proposed property meets the criteria for a park/greenway TDR sending site, they will approve the application and oversee the transfer of title to the City or an agency/organization authorized by the City Council for approval. A permanent public access easement approved by the Director may be used instead of title transfer if the proposed easement would implement all preservation and public recreational goals for the site in question, subject to the approval of the City Council. This easement may apply to all or a portion of a single parcel if the portion subject to the easement is at least one acre in size. If a park/greenway TDR sending site is secured by easement rather than City ownership, the easement must permanently prohibit all residential development, must preclude any improvements that would impede site use for public purposes, and must specify that all other uses and activities are controlled by the standards of the T2 zone for parcels within this district or the standards of the AG-1 district for parcels outside this district.

D. TDR Allocation

1. Open space TDR sending sites: Upon recordation of an approved conservation easement, the Director must deduct the area of land precluded from development by preexisting easements and issue TDRs to the owners of open space TDR sending sites using the following formula:
   a. One TDR per one full acre of unconstrained land.
   b. Plus one TDR per 4 full acres of constrained land.
   c. Plus one TDR per each full 5 acres of land subtotaled under sentences a and b above in excess of 5 acres.
2. Park/greenway TDR sending sites: Upon title transfer or recordation of an approved public access easement, the Director must deduct the area of land precluded from development by preexisting easements and issue TDRs to the owners of park/greenway TDR sending sites using the following two-step process.

Step One: calculate the total number of TDRs produced by sentences a through c below:

a. One TDR per one full acre of unconstrained land.

b. Plus one TDR per 4 full acres of constrained land.

c. Plus one TDR per each full 5 acres of land subtotaled under sentences a and c above in excess of 5 acres.

Step Two:

Multiply the total from Step One by a factor of 1.25.

3. Civic space TDR sending sites: Upon title transfer or recordation of an approved public access easement, the Director must deduct the area of land precluded from development by preexisting easements and issue TDRs to the owners of park/greenway TDR sending sites designated as suitable for civic spaces in an adopted plan or code using the following two-step process.

Step One:

Calculate the total number of TDRs produced by sentences a through c below:

a. One TDR per one full acre of unconstrained land.

b. Plus one TDR per 4 full acres of constrained land.

c. Plus one TDR per each full 5 acres of land subtotaled under sentences a and c above in excess of 5 acres.

Step Two:

Multiply the total from Step One by a factor of 1.5.

E. TDR Transfers

The Director must establish and administer a process for documenting and monitoring the issuance, transfer, and permanent extinguishment of TDRs when they are used to increase density in a TDR receiving site development. TDR sending site property owners who are issued TDRs may retain them, transfer them directly to TDR receiving site developers or transfer them to intermediaries who may also retain them or transfer them to TDR receiving site developers. The City may, but is not obligated to buy, hold, and resell TDRs. The City may also sever TDRs from land that it buys after the effective date of this ordinance for parks and greenways and sell these TDRs for use in TDR receiving site developments. The price paid for TDRs is determined by negotiation between TDR buyers and sellers.

F. TDR Receiving Sites

TDRs may be transferred to the TDR receiving sites designated by this Article 7B and any additional TDR receiving sites designated by the City. Parcels located within the Maximum Two Story Height Zone must not serve as TDR receiving sites under either of the following conditions:

1. The parcel is located north of the centerline of Bethany Bend as depicted on the regulating plan; or

2. The parcel is adjacent to property that is located in the T-2 zone, located in the AG-1 district, or zoned for or developed with a single-family dwelling unit. TDR receiving site owners can build at or below the base densities established by code without any use of TDRs. However, owners who choose to do so may exceed the base densities and

achieve the established maximum densities at the transfer ratio set forth in paragraph G immediately below.

G. TDR Transfer Ratio

Pursuant to this co Article 7B, developers of projects on TDR receiving sites may use the TDRs to exceed base densities and achieve the maximum code-allowed density at the transfer ratio of four building units per full TDR. Building units must be exchanged for functions as set forth in Sec. 7B.1.6.E.

H. Unified Sending/Receiving Site

A TDR sending site and a TDR receiving site may occur on a single parcel if the respective portions of the parcel meet all criteria. TDRs from the sending site portion of the parcel must be allocated using the formula provided in Sec. 7B.1.7.D, except TDRs must not be granted open space and greenway dedications that are required as a condition of site development. TDRs from the TDR sending site portion of the parcel may be transferred to the TDR receiving site portion of the parcel, transferred to a separate TDR receiving site or to any combination of on-site and off-site TDR receiving sites.

I. Compliance Requirements

1. When the use of TDR results in divisions of land, TDR compliance must occur before final subdivision map approval.
2. When the use of TDR results in additional density without a division of land, TDR compliance must occur before building permit issuance.
3. In no event may any component of this TDR program have application to any TDR sending site or TDR receiving site not in the City.

7B.2. Regulating Plans

7B.2.1. Applicability

A. The locations of the following are as shown on the Deerfield/Highway 9 Regulating Plan:

1. Transect Zones.
2. Existing civic building sites and civic spaces.
3. Thoroughfare network, existing and planned.
4. A differentiation of existing thoroughfares as A-Grid and B-Grid. Buildings along the A-Grid will be held to the highest standard of this Article 7B in support of pedestrian activity. Buildings along the B-Grid may be more readily considered for warrants allowing automobile-oriented standards.
5. Special districts.
6. A zone where the maximum height of buildings is the lesser of two stories or 30 feet, regardless of Transect Zone or Special District, as indicated by the Maximum Two-Story Building Height Zone.
7. A zone where the maximum height of buildings is 12 stories regardless of Transect Zone or Special District, as indicated by the Maximum Twelve-Story Building Height Zone.
8. A zone within the Maximum Two-Story Building Height Zone where the base building density, parking access, and permitted ~~functions~~ uses are further restricted regardless of Transect Zone or Special District, as indicated in the Five Acre Road Zone.

B. The Deerfield/Highway 9 Regulating Plan is an exclusive and mandatory regulation ~~and~~ that supersedes and replaces the previous zoning classifications. Property owners within the plan area must submit building scale plans under Sec. 7B.4 in accordance with the standards of this Article 7B when necessary to demonstrate conformance.

C. The owner of a single parcel or multiple abutting parcels in this district may apply for a warrant to adjust the locations of thoroughfares from those shown in the Deerfield/Highway 9 Regulating Plan by up to a total of 300 horizontal feet, provided that the interconnected network shown in the Deerfield/Highway 9 Regulating Plan is maintained.

D. The owner of a single parcel or multiple abutting parcels in this district may initiate the preparation of an infill regulating plan in accordance with Sec. 7B.2.2 of this Article 7B.

7B.2.2. Infill Regulating Plan Requirements

A. Approval of infill regulating plans must follow the procedures for rezoning as set forth in Sec. 12.3 (Amendments).

B. Infill regulating plans include one or more maps showing the following, in compliance with the standards described in Sec. 7B.2.2 of this Article 7B:

1. Transect Zones.
2. Density by Transect Zone.
3. Civic building sites and civic spaces.
4. Thoroughfare network.

5. A differentiation of the thoroughfares as A-grid and B-grid. Buildings along the A-grid will be held to the highest standard of this Article 7B in support of pedestrian activity. Buildings along the B-grid may be more readily considered for warrants allowing automobile-oriented standards. Newly-created B-grid thoroughfares are only allowed in Zone T5, Zone T6, and Civic Zones. The frontages assigned to the B-grid must not exceed 70% of the total length of frontages within the combined area of the infill regulating plan's T5, T6, and Civic Zones.
6. Special requirements, if any.
7. Designation of a mandatory setback for buildings from any lot line, if any.
8. Mandatory private frontages, if any.
9. Landscape buffers required by Sec. 7B.2.3 of this Article 7B, if any.

C. The following elements must not deviate from those established in the Deerfield/Highway 9 Regulating Plan:

1. Mandatory public frontages along existing thoroughfares.
2. Greenways, although their exact locations may vary provided the connections to adjacent sites shown in the Deerfield/Highway 9 Regulating Plan are maintained.

D. Each infill regulating plan for a site greater than 4 acres in area must dedicate at least 5% of its total area to civic space.

E. Each infill regulating plan for a site greater than 8 acres in area must dedicate at least 10% of its total area to civic space.

F. Civic space must be designed as ~~generally~~ described in Table 5 (see Sec. 7B.5.8) and as allowed in the Transect Zones in accordance with Table 11 section d (see Sec. 7B.5.15). Greenways must not be counted towards this requirement, except where they pass through a civic space meeting the requirements of Table 5 (see Sec. 7B.5.8).

G. The thoroughfare network for the infill regulating plan must be designed to define blocks as follows:

1. When both blocks and the thoroughfares that circumscribe them are completely within the infill regulating plan, blocks must not exceed the perimeter size prescribed in Table 11 section b (see Sec. 7B.5.15).
2. In all other situations not identified in sub-paragraph 1 above, block perimeter must not exceed an amount equal to one-half the perimeter size prescribed in Table 11 section b (see Sec. 7B.5.15).
3. The perimeter for all blocks is measured as the sum of lot frontage lines of the block.

H. All thoroughfares must terminate at other thoroughfares, forming an interconnected network. Internal thoroughfares must connect wherever possible to those on adjacent sites. Where adjacent sites are non-conforming with regard to the thoroughfare network requirements of this Article 7B, stub-out streets must be provided to provide future connectivity when the adjacent sites are developed or redeveloped. Cul-de-sacs and other dead-end streets are allowed only by warrant to accommodate specific site conditions. Stub-out streets 150 feet in length or less must terminate at a curb designed to be

removed when the adjacent site is developed, and the street is extended.

7B.2.3. Landscape Buffers

A. Adjacent to a Special District, a T2 Zone, or a single-family residential use not located within this district, the following apply:

1. For sites ~~on~~ 4 acres or less in area, a 50-foot-wide undisturbed buffer or alternative screening design, with a 10-foot improvement setback, must be located adjacent to ~~the~~ a Special District, T2 zone, or single-family residential use not located within this district.
2. For sites greater than 4 acres in area, a 75-foot wide undisturbed buffer or alternative screening design, with a 10-foot improvement setback, must be located adjacent to ~~the~~ a Special District, T2 zone, or single-family residential use not located within this district.
3. To make buffers seem natural, an equal mix of four species must be used, except when alternative screening is used.
4. When alternative screening design is used, the buffer must provide as much or more year-round visual screening as the otherwise required buffer would. The alternative screening must also be planted as required by the City Arborist.

B. Modifications to the minimum undisturbed buffer requirements of Sec. 7B.2.3.A.1 and Sec. 7B.2.3.A.2 above ~~paragraph A above~~ may only be granted by variance.

7B.3. Public Standards

7B.3.1. Applicability

A. All sites, including those in Special Districts, must incorporate thoroughfares and civic spaces as established in the Deerfield/Highway 9 Regulating Plan or an approved infill regulating plan.

B. Where no approved infill regulating plan exists:

1. Thoroughfares not shown in the Deerfield/Highway 9 Regulating Plan are permitted, provided that all thoroughfares must terminate at other thoroughfares, forming an interconnected network. Internal thoroughfares must connect wherever possible to those on adjacent sites. Where adjacent sites are non-conforming with regard to the thoroughfare network requirements of this Article 7B, stub-out streets with a maximum length of 150 feet must be provided to provide future connectivity when the adjacent sites are developed or redeveloped. Cul-de-sacs and other dead-end streets are allowed only by warrant to accommodate specific site conditions. Stub-out streets 150 feet in length or less must terminate at a curb designed to be removed when the adjacent site is developed, and the street is extended.
2. Civic spaces not shown in the Deerfield/Highway 9 Regulating Plan are permitted.
3. Sites of more than 4 acres must be designed to define blocks as follow:
    a. When both blocks and the thoroughfares that circumscribe them are completely within the site, blocks must not exceed the perimeter size prescribed in Table 11, section b (see Sec. 7B.5.15). Blocks with a perimeter size exceeding 1,000 feet must provide at least one 8-foot-wide cross block passage.
    b. In all other situations not identified in Sec. 7B.3.1.B.3.a above~~sentence a above~~, block perimeter must not exceed an amount equal to one-half the perimeter size prescribed in Table 11 section b (see Sec. 7B.5.15).
    c. The perimeter for all blocks is measured as the sum of lot frontage lines of the block.

7B.3.2. General Requirements

A. Thoroughfares are intended for use by vehicular, bicycle, and pedestrian traffic and to provide access to lots and civic spaces. Thoroughfares generally consist of vehicular lanes and public frontages. Bicycle facilities, where provided along a thoroughfare, are also considered part of said thoroughfare.

B. Thoroughfares and civic spaces must be designed according to their Transect Zones. The public frontages of thoroughfares that pass from one Transect Zone to another must be adjusted so that the newer thoroughfare tapers to meet those of the existing thoroughfare.

C. Each lot must enfront a vehicular thoroughfare or a civic space. When a lot enfronts a civic space, the following applies:

1. The requirements of Chapter 22 – Fire Protection and Prevention of the City Code must be met.
2. No more than 20% of the total lots in the development may front on a civic space.

D. Standards for new thoroughfares areas follow:

1. In zones T2, T3, T4, T5, T6, new thoroughfares must conform to Table 4 (see Sec. 7B.5.7).
2. In Special Districts, new thoroughfares must conform to Table 4 (see Sec. 7B.5.7) or the usual requirements of the City of Milton for areas not regulated by a Form-Based Code.
3. In all T-zones and Special Districts, the design of new thoroughfares is subject to approval of the Public Works Director, who may require alternative standards if the public health, safety, and welfare demand.

E. Thoroughfares along a designated B-grid may be exempted by warrant from one or more of the specified public frontage or private frontage requirements. See Table 8 in Sec. 7B.5.11.

F. Rear alleys and rear lanes must be provided where required by Table 11, section c (see Sec. 7B.5.15).

G. Rear alleys must be paved for their width.

H. Rear lanes may be paved to driveway standards. Rear lanes must consist of gravel or landscaped edges, and may have no raised curb.

7B.3.3. Thoroughfares - Vehicular Lanes

A. New thoroughfares must include vehicular lanes for parked and moving vehicles, and may include bicycle lanes. The standards for vehicular lanes are shown in Table 4 (see Sec. 7B.5.7), subject to approval of the Public Works Director, who may require alternative standards if the public health, safety, and welfare demand.

B. Where on-street parking is permitted in Table 4 (see Sec. 7B.5.7), the pavement width may be reduced at intersections by the addition of sidewalk bulbouts within the parking lane, but the overall right-of-way and public frontage must remain unchanged.

7B.3.4. Thoroughfares - Bicycle Facilities

A. A bicycle network consisting of greenways (which may include multi-use trails) and bicycle lanes must be provided as specified in the Deerfield/Highway 9 Regulating Plan and the Milton Trail Plan. The bicycle network must connect to existing or proposed city and regional networks wherever possible. When the Deerfield/Highway 9 Regulating Plan and the Milton Trail Plan both identify a facility in the same location, the Public Works Director will determine which is required.

B. Greenway requirements may be satisfied by providing a minimum 30-foot-wide open space corridor in the approximate location shown on the Deerfield/Highway 9 Regulating Plan and granting the City an access easements for future multi-use trails.

7B.3.5. Thoroughfares - Public Frontages

A. General to zones T2, T3, T4, T5, T6

1. The public frontage contributes to the character of the Transect Zone and

includes sidewalk, curb, planter, trees, and a landscape strip where required. If a greenway is located in what would otherwise be part of the public frontage then it is also considered part of the public frontage.

2. Public frontages must be designed as shown in Table 3A (see Sec. 7B.5.3), Table 3B (see Sec. 7B.5.4), and Table 3D (see Sec. 7B.5.6) and allocated within Transect Zones, where applicable, only as specified in Table 4 (see Sec. 7B.5.7) and Table 11, section c (see Sec. 7B.5.15).

3. Retrofit of existing thoroughfares

   a. Retrofit of existing thoroughfares must be accomplished in the public frontage as specified in Table 3B (See Sec. 7B.5.4) by adding or widening sidewalks, adding trees, adding public lighting, adding a required landscape strip, and adding any required greenways, unless otherwise not required along Five Acre Road or approved by warrant. Retrofit may also include the addition of a slip road.

   b. Retrofit of State Route 9, Windward Parkway, Deerfield Parkway, Morris Road, McGinnis Ferry Road, Old Morris Road, Webb Road, Bethany Bend, and Cogburn Road may also be accomplished in the public frontage by adding one slip road along one or both sides of the thoroughfare. Where this occurs, public frontage improvements required along the existing thoroughfare must be provided, and additional public frontage improvements must be provided along one side of the new thoroughfare adjacent to the private lot as illustrated in Table 3C (see Sec. 7B.5.5).

   c. A warrant to these retrofit requirements may be granted where the public frontage includes existing sidewalks of sufficient width and condition to provide pedestrian safety.

   d. Where retrofit occurs and there is insufficient right-of-way, the right-of-way must be expanded or a public access easement provided to the City, as mutually agreed upon by the applicant and the City. Where an easement is provided, the frontage line will not be congruent with the right-of-way.

   e. Where compliance would otherwise require public frontage improvements to be made in the City of Alpharetta, these requirements do not apply. Furthermore, the Community Development Director, after consulting with the Public Works Director, may waive these requirements for any portion in the City of Milton when unified and safe pedestrian facilities are provided.

4. Public lighting must be provided as established in Sec. 7B.4.12.

5. Street trees are required in the public frontage planter and required landscape zone, subject to the following:

   a. Along Highway 9, street trees must be placed and sized in accordance with the standards established by ~~the~~ GDOT.

b. Along other thoroughfares, street trees must be placed and sized in accordance with the standards established by the American Association of State Highway and Transportation Officials.

c. Street trees must conform to Sec. 11.1.3.E.2 (Road Frontages).

6. The maintenance of lights and trees is the responsibility of the adjacent property owner or as otherwise provided.

7. Sidewalks must continue across the entire length of all concrete aprons and must match the appearance of adjacent sidewalk material in color, texture, and design.

B. Specific to Zones T2, T3

The public frontage must include trees of various species, naturalistically clustered.

C. Specific to Zones T3, T4, T5, T6

The introduced landscape must consist of durable species tolerant of soil compaction.

D. Specific to Zone T4

Street trees must be planted in a regularly spaced allee pattern of single or alternated species per street with shade canopies of a height that, at maturity, clears at least one story.

E. Specific to Zones T5, T6

Street trees must be planted in a regularly spaced allee pattern of single species per street with shade canopies of a height that, at maturity, clears at least one story. At retail frontages, the spacing of the trees may be irregular, to avoid visually obscuring the shopfronts.

F. Specific to State Route 9, Deerfield Parkway, Morris Road, McGinnis Ferry Road, Old Morris Road, Webb Road, Bethany Bend, and Cogburn Road

1. The requirements of specific Transect Zones and Special Districts notwithstanding, the public frontage must be as set forth below and in Table 3B (see Sec. 7B.5.4), except as otherwise required by GDOT or the Public Works Director, who may require alternative standards if the public health, safety, and welfare demand.

2. The public frontage must include a landscape strip at least 20 feet wide between the sidewalk and the frontage line. Street trees are required in the landscape strip.

G. Specific to State Route 9

1. Public frontages in areas with a speed limit equal to or lower than 35 miles per hour must include a sidewalk at least 8 feet wide and a planter at least 10 feet wide. Street trees are required in the planter.

2. Public frontages in areas with a speed limit greater than 35 miles per hour must include a sidewalk at least 8 feet wide and a planter 4 feet wide. Street trees are not required in the planter.

3. A combination of October Glory and Red Sunset Maples with flowering cherries and dogwood are required in the landscape strip.

H. Specific to Windward Parkway

1. The public frontage must include a sidewalk at least 8 feet wide and a planter adjacent to the curb at least 2 feet wide, a maximum of 12 feet wide, and an average width of 6 or more feet.

2. A combination of October Glory and Red Sunset Maples with flowering cherries and dogwoods are required in the planter and the landscape strip.

I. Specific to Deerfield Parkway

1. The public frontage must include a sidewalk at least 6 feet wide and a planter adjacent to the curb at least 2 feet, a maximum 12 feet wide, and an average width of 6 or more feet.
2. The sidewalk must meander among the trees.
3. Willow Oaks are required in the landscape strip.

J. Specific to Morris Road, McGinnis Ferry Road, Old Morris Road, Webb Road, Bethany Bend, and Cogburn Road

1. The public frontage must include a sidewalk with a minimum width of 6 feet and a planter adjacent to the curb having a minimum width of 2 feet, a maximum width of 12 feet, and an average width of 6 or more feet.
2. Morris Road and McGinnis Ferry Road: Legacy Sugar Maples must be planted.
3. Webb Road: October Glory and Red Sunset Maples must be planted and must alternate in groups of three trees by species in the planter and the landscape strip.
4. Old Morris Road: October Glory Red Maples must be planted in the planter and the landscape strip.
5. Cogburn Road and Bethany Bend: No species requirements exist.

K. Specific to Five Acre Road

1. The requirements of Transect Zones and Special Districts notwithstanding, no sidewalk is required in the public frontage.
2. The public frontage must include a landscape strip with a minimum width of 20 feet that extends from the right-of-way line into the property. Street trees must be planted in the landscape strip and spaced a minimum of 30 and a maximum of 60 feet on-center. The spacing may be adjusted by warrant to accommodate specific site conditions.
3. In addition to the street trees, the landscape strip must be planted in accordance with the landscape buffer requirements of Sec. 7B.2.3.A.3 Said plantings must include sufficient evergreen species to prevent properties fronting State Route 9 from being seen from Five Acre Road year-round. One subdivision sign for the Five Acre Road Neighborhood may be located in the landscape strip.

7B.3.6. Civic Zones

A. General

1. Civic Zones are designated on the Deerfield/Highway 9 Regulating Plan, on an infill regulating plan, or on a site subject to Sec. 7B.3.6.B.1 and Sec. 7B.3.6.B.2 as civic building sites or civic spaces.

B. Civic Spaces

1. Sites of more than 4 acres and not located within an infill regulating plan must dedicate at least 5% of their total area to civic space.
2. Sites of more than 8 acres and not located within an infill regulating plan must dedicate at least 10% of their total area to civic space.

3. Civic spaces must be designed as described in Table 5 (see Sec. 7B.5.8) and must be accessible to the public during normal City park hours or longer each day.
4. Each civic space must have at least 50% of its perimeter enfronting one or more thoroughfares, except as otherwise stated below:
    a. A playground or pocket park must have at least 25% of its perimeter enfronting one or more thoroughfares.
    b. A park must have at least 100 feet of its perimeter enfronting one thoroughfare.
5. Each civic space must be at least 60 feet in width and length, except for parks.
6. The following areas must not be used to satisfy civic space requirements:
    a. Greenways, except where they pass through a civic space meeting the requirements of Table 5 (see Sec. 7B.5.8).
    b. Undisturbed natural vegetative buffers along streams as required by Sec. 11.5.
    c. Retention and detention areas used for permanent or occasional water storage.

C. Civic spaces must provide pedestrian access to adjacent thoroughfares and sites as follows:

1. One or more access points must be provided every 200 feet of civic space perimeter along a thoroughfare, and provided that no single thoroughfare may have less than one access point.
2. One or more access points must be provided every 600 feet of civic space perimeter along an adjacent site. Relief from this requirement may be granted by warrant where the adjacent site cannot accommodate said access.
3. For the purposes of this standard, an access point may include a walkway, multi-use trail, or other paved or unpaved surface suitable for walking.

D. Any street furniture, benches, trash receptacles or pedestrian streetlights installed in a civic space must be of a type indicated below.

1. Benches: Victor Stanley Classic Series CR-138 in black with no center arm rest.
2. Trash receptacles: Victor Stanley D-35 in black.
3. Pedestrian streetlight: Philips Lumec Domus Series.

7B.3.7. Common Mail Facilities

A. Common mail facilities for delivery of US mail must be installed in every new development that includes a residential use, subject to approval by the US Postal Service.

B. Common mail facilities must be covered, must include a trash receptacle, and must have two dedicated parking spaces.

7B.4. Building Scale Plans

7B.4.1. Applicability

A. Lots and buildings are subject to these requirements of this Sec. 7B.4.

B. Building and site plans must show compliance with the following standards described in this Article 7B:

1. For preliminary site and building approval:
    a. Building placement.
    b. Building form.
    c. Building function.
    d. Public frontages.
2. For final approval, in addition to the above:
    a. Landscaping.
    b. Signage.
    c. Special requirements, if any.
    d. Architecture.

C. Special districts are governed by standards approved by the City Council at the time of their designation as Special Districts, which standards may be specifically prepared for the particular Special District or may be the same standards as described elsewhere in this Article 7B if specifically identified by the City Council as being applied to the Special District, except as otherwise specifically identified in Sec. 7B.3.

D. Civic building sites are not subject to the requirements of this Article 7B. The particulars of their design are determined by warrant. Buildings housing civic functions that do not meet the definition of a civic building are subject to the requirements of this Article 7B.

7B.4.2. Nonconformities

A. Nonconformities must comply with Sec.2.2.2, except as indicated to the contrary below.

B. A property existing at the date of adoption of this Article 7B or any amendments thereto that does not conform to the provisions of this Article 7B or any subsequent amendment may continue in use as they are until a substantial modification is requested, at which time the ~~Director must determine the~~ provisions of this Article 7B ~~that~~ will apply ~~and may grant warrants for those that do not apply~~.

C. Lots existing at the time of adoption of this Article 7B are not considered non-conforming with regard to width.

D. The modification of existing buildings is permitted by right if such changes result in greater conformance with the specifications of this Article 7B, as illustrated in Table 2 (see Sec. 7B.5.2).

7B.4.3. Special Requirements

A. To the extent that the Deerfield/Highway 9 Regulating Plan or an infill regulating plan designates any of the following special requirements, these standards apply to said requirements:

1. A mandatory retail frontage designation requires that a building provide a shopfront at sidewalk level along the entire length of its private frontage. The shopfront must be at least 70% glazed in clear glass and shaded by an awning overlapping the sidewalk as illustrated in Table 8 (see Sec. 7B.5.11). The first story must be

confined to retail or office use through the depth of the second layer.

2. A mandatory gallery frontage designation requires that a building provide a permanent cover over the sidewalk, either cantilevered or supported by columns (as generally illustrated in Table 8 in Sec. 7B.5.11). A gallery frontage may be combined with a retail frontage.

3. A coordinated frontage designation requires that the public frontage (Table 3A in Sec. 7B.5.3 and 3B in Sec. 7B.5.4) and private frontage (Table 8 in Sec. 7B.5.11) be coordinated as a single, coherent landscape and paving design.

4. A cross block passage designation requires that a minimum 8-foot-wide pedestrian access be reserved between buildings.

7B.4.4. Building Placement

A. Specific to Zones T2, T3, T4, T5, T6

1. Newly platted lots must be dimensioned according to Table 11, section e (see Sec. 7B.5.15) except as otherwise approved by warrant.

2. Building placement types must be as shown in Table 7 (see Sec. 7B.5.10) and Table 11, section h (see sec. 7B.5.15) except as otherwise approved by warrant.

3. Buildings must be placed in relation to the boundaries of their lots according to Table 11 (see Sec. 7B.5.15) and Table 13 (see Sec. 7B.5.20) subject to the following:

   a. Front setbacks are measured from the frontage line.

   b. Side and rear setbacks are measured from the lot line.

   c. The requirements of Table 11 (see Sec. 7B.5.15) and Table 13 (see Sec. 7B.5.20) notwithstanding, all of a portion of any required landscape strip may be counted towards meeting a minimum front setback by warrant.

   d. As otherwise approved by warrant.

4. The requirements of Table 11 (see Sec. 7B.5.15) and Table 13 (see sec. 7B.5.20) notwithstanding, along State Route 9 certain buildings may be placed subject to the following requirements:

   a. Buildings between 10,000 and 50,000 square feet of floor area may be located a maximum distance of 100 feet from the right-of-way along State Route 9 with no intervening thoroughfare.

   b. Buildings 50,000 square feet of floor area or greater may be located a maximum distance of 300 feet from the right-of-way along State Route 9 with no intervening thoroughfare.

5. One principal building at the frontage, and one outbuilding to the rear of the principal building may be built on each lot as shown in Table 13 (see Sec. 7B.5.20) except as set forth in subparagraph 4 above or as otherwise approved by warrant.

6. Lot coverage by building must not exceed that recorded in Table 11 section e (see Sec. 7B.5.15) except as otherwise approved by warrant.

7. Facades must be parallel to a rectilinear principal frontage line or to the tangent of a curved principal

frontage line, and along a minimum percentage of the frontage width at the setback, as specified as frontage buildout on Table 11 section f (see Sec. 7B.5.15). These requirements do not apply to buildings subject to sentence d above or as otherwise approved by warrant.

8. Rear setbacks for outbuildings must be at least 12 feet, measured from the centerline of a rear alley or rear lane easement. In the absence of rear alley or rear lane, the rear setback are as shown in Table 11 (see Sec. 7B.5.15).

9. To accommodate slopes over 10%, relief from front setback requirements of Table 11 (see Sec. 7B.5.15) is available by warrant.

10. To accommodate the preservation of specimen trees as established in the tree preservation ordinance, relief from all setbacks, lot widths, and lot coverage is available by warrant.

B. Specific to Zones T5, T6

The principal entrance must be on a frontage line, except as set forth in Sec. 7B.4.4.A.4 for certain sized buildings along State Route 9.

7B.4.5. Building Form

A. General to Zones T2, T3, T4, T5, T6

1. Private frontages

   a. The private frontage for buildings subject to Sec. 7B.4.4.A.4 must conform to Table 8 (see Sec. 7B.5.11) and Table 11 (see Sec. 7B.5.15), except that the edge of an open parking may be substituted for the thoroughfare.

   b. The private frontage of all other buildings must conform to Table 8 (see Sec. 7B.5.11) and Table 11 (see Sec. 7B.5.15).

2. Buildings on corner Lots have two private frontages as shown in Table 13 (see Sec. 7B.5.20). Prescriptions for the second and third layers pertain only to the principal frontage. Prescriptions for the first layer pertain to both frontages.

3. Building heights and stepbacks must conform to Table 6 (see Sec. 7B.5.9) except that:

   a. Within the Maximum Two-Story Building Height Zone the maximum height is the lesser of two stories or 30 feet, regardless of Transect Zone or Special District.

   b. Within the Maximum Twelve-Story Building Height Zone the maximum height is 12 stories, regardless of Transect Zone or Special District.

   c. Within 85 feet of a T2 zone the maximum height is the lesser of two stories or 30 feet, regardless of Transect Zone or Special District.

4. Stories must not exceed 14 feet in height from finished floor to finished ceiling, except for a first story commercial or civic function, which must be a minimum of 11 feet with a maximum of 25 feet. A single story exceeding 14 feet, or 25 feet for the first story, counts as two stories. Mezzanines extending beyond 33% of the floor area count as an additional story.

5. A first story residential function must not be raised more than 6 feet above

the average sidewalk grade unless a greater height is approved by warrant.

6. In a parking structure each above-ground level counts as a single story regardless of its relationship to habitable Stories.
7. Building height limits do not apply to attics, above-ground portions of basements, masts, belfries, clock towers, chimney flues, water tanks, or elevator bulkheads. Attics must not exceed 14 feet in height.
8. The habitable area of an accessory unit within a principal building or an outbuilding must not exceed 440 square feet of floor area, excluding the parking area.
9. The maximum number of attached townhouse units in a building is eight.

B. Specific to Zone T3

1. No portion of the private frontage may encroach the sidewalk.
2. Open porches may encroach the first layer for 50% of the layer's depth.
3. Balconies and bay windows may encroach the first layer for 25% of the layer's depth except that balconies on porch roofs are subject to the same standards as the porch.

C. Specific to zone T4

Balconies, open porches, and bay windows may encroach the first layer for 50% of the layer's depth.

D. Specific to Zone T4 Permissive

A walkway at least 6 feet wide must connect all building entrances to the public sidewalk.

E. Specific to Zones T5, T6

1. Except where prohibited, awnings and galleries may encroach the sidewalk to within 2 feet of the curb but must clear the sidewalk vertically by at least 8 feet.
2. Stoops, lightwells, balconies, bay windows, and terraces may encroach the first layer for 100% of the layer's depth.
3. Along A-grids, in the absence of a building facade along any part of a frontage line, a streetscreen must be built coplanar with the facade.
4. Streetscreens must be between 3.5 and 8 feet in height. The streetscreen may be replaced by a hedge or fence by warrant. Streetscreens may have openings no larger than necessary to allow automobile and pedestrian access.
5. A walkway at least 4 feet wide must connect all building entrances to the public sidewalk.
6. A first story residential or lodging function must be raised at least 2 feet from average sidewalk grade unless a lesser height is approved by warrant to allow wheelchair access.

7B.4.6. Building Function

A. General to zones T2, T3, T4, T5, T6

1. Structures and parcels in each Transect Zone must conform to the functions and uses shown on Table 9A (see Sec. 7B.5.12), Table 10 (see Sec. 7B.5.14) and Table 11 (see Sec. 7B.5.15). See Article 8 for use definitions.
2. A structure or parcel may contain more than one permitted or accessory use.

3. In addition to the accessory uses identified in Table 10 (see Sec. 7B.5.14), a structure or parcel may also be used for uses customarily incidental to any permitted use.
4. Home occupation must conform to the following:
    a. Home occupations should be invisible from the frontage.
    b. Home occupations must be either within the house or in an outbuilding.
5. Notwithstanding the provisions of this section to the contrary, the following uses are ~~functions and uses~~ prohibited in the Five Acre Road Zone, regardless of Transect Zone or Special District:
    a. All group living.
    b. All vehicular uses.
    c. Animal care (with inside or outside pens).
    d. Hospital.
    e. Motel, hotel.
    f. School, private (K-12) and school, special.

B. Specific to Zones T2, T3

Accessory functions of restricted lodging or restricted office are permitted within an accessory building. See Table 9A in Sec. 7B.5.12.

C. Specific to zones T4, T5, but not T4-Open or T4-Permissive

Accessory functions of limited lodging or restricted office are permitted within an accessory building. See Table 9A in Sec. 7B.5.12.

D. Specific to zone T4-Open and T4-Permissive

The function standards of T5 apply. See Table 9A in Sec. 7B.5.12.

E. Specific to Zone T5-Limited

1. Retail functions are only permitted in buildings with two or more stories and are limited to the first story. No individual retail establishment may exceed 15,000 square feet in floor area.
2. The functions standards of T5 apply to all non-retail functions.

F. Specific to zones T4-Open, T5, T6

1. Multifamily is only permitted subject to use permit and as follows:
    a. In buildings where the entire first story is used for non-residential functions or residential lobbies, leasing offices, fitness centers, or multi-purpose rooms serving the residential function; or
    b. On sites where more than 50% of the total floor area is dedicated to office, retail, or lodging functions.

G. Specific to the Five Acre Road Zone

1. Restaurants with outdoor dining or outdoor music must locate any seating and music adjacent to the landscape strip along State Route 9 to minimize impacts on adjacent houses.
2. When outdoor dining is provided, it must not exceed 10% of the total number of seats provided in the restaurant, including both dine-in table and bar seats.

7B.4.7. Screening and Fencing

A. Fences, walls, and hedges are subject to the following:

1. General to zones T2, T3, T4, T5, T6
    a. Chain-link fencing is prohibited from view from a public thoroughfare and must be black or hunter green vinyl clad. See Sec. 7B.4.7.A.5 for additional restrictions in the Five Acre Road Zone.
    b. Retaining wall must conform to Sec. 9.3.7 (Retaining Walls).
2. Specific to the first layer in all zones along State Route 9 and Windward Parkway.
    a. A continuous fence is required in the first layer except at driveway and pedestrian walkway openings. Said fence must also include a minimum 3-foot-wide landscaped zone on the exterior of the fencing, which may be included within any required landscape strip.
    b. Fences and posts must be between 42 and 55 inches in height, measured from finished grade.
    c. Allowed fencing material is limited to primarily pressure-treated dark stained wood and may include accents of natural or man-made stone, brick, aluminum, ornamental or decorative wrought iron or architectural concrete. Accents must not exceed 20% of the total surface area of the fence and any openings within it. Fencing must be in keeping with the equestrian and rural character of Milton. Unpainted or unstained pressure treated wood is prohibited.
3. Specific to zones T2, T3, T4 except the first layer along State Route 9 or Windward Parkway.
    a. Where permitted within the first layer, fences, walls, and hedges must not exceed 42 inches in height. Retaining walls are excluded from this requirement.
    b. Opaque fences are prohibited in the first layer.
    c. In all other locations fences and walls must not exceed 6 feet in height and must be at maximum of 50% opaque above 42 inches in height. This requirement does not apply to fences and walls screening refuse areas or loading docks.
4. Specific to zones T5, T6 except the first layer along State Route 9 or Windward Parkway.
    a. Within the first layer, fences, walls and hedges must not exceed 55 inches in height. Retaining walls are excluded from this requirement.
    b. Opaque fences are prohibited in the first layer.
    c. In all other locations fences and walls must not exceed 6 feet in height and may be 100% opaque.
5. Specific to the Five Acre Road Zone.
    a. Chain-link fencing is prohibited.
    b. Perimeter fencing must be in keeping with the equestrian character of Milton.

B. The following elements must be screened from view of any A-grid thoroughfare or civic space as set forth below. To comply with the maximum height requirements above, any screening that exceeds the maximum requirements for the first layer must not be located within it.

1. Loading docks and service areas must be screened by either:
   a. A minimum 6-foot-high opaque fence matching the material of the building; or
   b. A 15-foot-wide landscape zone planted with a continuous hedge of evergreen shrubs. Shrubs must be moderately growing, at least 42 inches high at time of planting, and reaching at least 6 feet high within two years of planting.
2. Open parking or gas fueling bays must be screened by a continuous screen of evergreen plantings. Said screen must be 3 feet in height at planting and 4 feet minimum height at maturity and 3 to 8 feet in width at maturity.

C. Refuse areas must conform to Sec. 2.3.5 (Refuse Collection Areas). The door enclosing the area must be made from wood or a material that has the appearance of wood.

D. Mechanical features such as HVAC condensers, electrical transformers, heat pumps, and similar features must not be placed in the first layer and must be screened from view of any A-grid thoroughfare, civic space, or any property used or developed for residential functions, by one of the following means:

1. Placement behind the building; or
2. 100% opaque fencing which must be constructed of the same type of exterior material used for the principal building; or
3. By a berm or vegetative screening. The screening must consist of evergreen shrubs at least 42 inches high at time of planting and reaching at least 6 feet high within two years of planting.

7B.4.8. Stormwater Management Facilities

A. Stormwater management facilities must comply with Sec. 2.3.6.

B. Any fencing around stormwater facilities must meet the fencing requirements of Sec. 7B.4.7.A.3, or as approved by warrant.

C. Above-ground facilities are prohibited in the Five Acre Road Zone. All facilities must be completely underground.

7B.4.9. Off-Street Parking and Loading

A. Off-street parking for all Transect Zones is required at a ratio of 3.5 parking spaces per 1,000 square feet of building floor area, except as follows.

1. Parking for single-family dwellings is required as specified in Table 9.1.2.B Vehicle Parking Requirements.
2. Parking for lodging uses is required as specified in Table 9.1.2.B Vehicle Parking Requirements.

~~1. All single-family residential uses must provide 2 parking spaces per unit.~~

~~2. All lodging uses must provide 1 parking space per room.~~

B. Off-street loading for all other uses must be provided in accordance with Sec. 9.1.7 (Off-Street Loading).

C. Subject to the approval of the Director by warrant, off-street parking as required by Sec. 7B.4.9.A may be reduced up to 10%. Shared parking among uses is permitted.

D. On-street parking along the parking lane corresponding to the lot frontage may be used to satisfy the parking requirements for residential functions.

E. All office, lodging, retail, civic, and education functions, and multifamily buildings must provide at least one bicycle rack to accommodate at least one bicycle space for every ten vehicular parking spaces. Said rack(s) must be within the public or private frontage.

F. Sites which exceed the minimum number of required off-street parking spaces by this UDC must construct said excess parking spaces of pervious paving. This requirement does not apply to excess spaces located within a parking structure. Where a site contains both parking structures and open parking area, spaces located in the parking structure will be counted towards meeting the minimum number of required off-street parking spaces before those in open parking area.

7B.4.10. Parking Location Standards

A. General to Zones T2, T3, T4, T5, T6

1. Parking must be accessed by rear alleys or rear lanes, when available or required.
2. Open parking areas on A-grid thoroughfares must be screened from the public frontage by a building or streetscreen, or in accordance with the requirements of Sec. 7B.4.7.B.
3. Open parking areas on B-grid thoroughfares may be unscreened from the public frontage except for corner lots at intersections with the A-grid.
4. Rear alleys, rear lanes, and driveways on adjacent sites must connect to provide inter-parcel access to minimize curb cuts and improve street traffic flow.
5. Rear alleys, rear lanes, and rear driveways must be shared between adjacent sites in the Five Acre Road Zone.
6. No rear alley, rear lane, or driveway may be accessed from or connected to Five Acre Road, except for driveways serving detached single-family uses.

B. Specific to Zones T2, T3

1. Open parking areas must be located at the second and third layers, except that driveways, drop-offs and unpaved parking areas may be located at the first layer.
2. Garages must be located at the third layer except that side- or rear-entry ~~types~~ garages may be allowed in the first or second layer by warrant.

C. Specific to Zones T3, T4

Driveways at frontages may be no wider than 10 feet in the first layer.

D. Specific to Zone T4

All parking lots and garages must be located at the second or third layer.

E. Specific to Zones T5, T6

1. All open parking and parking structures must be located at the second or third layer.
2. Vehicular entrances to parking lots, drive-throughs, and parking structures may be no wider than 12 feet for one-way access and 24 feet for two-way access at the frontage, unless wider is approved by warrant to comply with the fire prevention and protection requirements of Chapter 22 of the code of the City of Milton.
3. Pedestrian exits from all parking lots and parking structures must be directly to a frontage line (i.e., not directly into a building) except underground levels which may exit directly into a building.
4. Parking structures on the A-grid must have liner buildings lining the first and second stories.

7B.4.11. Landscape Standards

A. General to Zones T2, T3, T4, T5, T6

Impermeable surface must be confined to the ratio of lot coverage specified in Table 11 section e (see Sec. 7B.5.15).

B. Specific to Zones T2, T3, T4

The first layer must be landscaped with live grass, trees, shrubs, hedges and other landscaping materials approved by the City Arborist and must not be paved, except for driveways as specified in Sec. 7B.4.10.B and Sec. 7B.4.10.C.

C. Specific to Zone T3

1. At least two trees approved by the City Arborist must be planted within the first layer for each 30 feet of frontage line or portion thereof.
2. Trees must be naturalistically clustered.

D. Specific to Zone T4

1. At least one tree approved by the City Arborist must be planted within the first layer for each 30 feet of frontage line or portion thereof.
2. Trees must be a single species to match the species of street trees on the public frontage.

E. Specific to Zone T5, T6

1. Trees are not required in the first layer.
2. The first layer may be paved to match the pavement of the public frontage.

F. Invasive Species

The following species must **not** be planted:

Prohibited Invasive Species
Ailanthus altissima (tree-of-heaven)
Albizia julibrissin (mimosa)
Alternanthera philoxeroides (alligator weed)
Eichhornia crassipes (water hyacinth)
Elaeagnus pungens (thorny olive)
Elaeagnus umbellate (autumn olive)
Hedera helix (English ivy)
Hydrilla 7-89erticillate (hydrilla)
Imperata cylindrical (congongrass)
Lespedeza bicolor (shrubby lespedeza)
Lespedeza cuneata (sericea Lespedeza)
Ligustrum japonicum (Japanese privet)
Ligustrum sinense (Chinese privet)
Lonicera japonica (Japanese honeysuckle)
Lonicera maackii (amur honeysuckle)
Lygodium japonicum (Japanese climbing fern)
Melia azedarach (chinaberry)

Prohibited Invasive Species
Microstegium vimineum (Nepalese browntop)
Miscanthus sinensis (Chinese silvergrass)
Murdannia keisak (marsh dayflower)
Nandina domestica (sacred bamboo)
Paulownia tomentosa (princess tree)
Phyllostachys aurea (golden bamboo)
Pueraria Montana var. lobata (kudzu)
Rosa multiflora (multiflora rose)
Sesbania herbacea (bigpod sesbania)
Sesbania punicea (red sesbania)
Spiraea japonica (Japanese spiraea)
Triadica sebifera (Chinese tallow tree)
Vinca major (big periwinkle)
Vinca minor (common periwinkle)
Wisteria sinensis (wisteria)

7B.4.12. Lighting Standards

A. A lighting plan must be submitted for approval before issuing a land disturbance permit.

B. All site lighting must be designed so that the illumination as measured in foot-candles at any one point meets the following standards:

1. Minimum and maximum levels are measured at any one point.
2. The average level is not to exceed the calculated value and is derived using only the area of the site included to receive illumination.
3. Points of measure must not include the area of the building or areas which do not lend themselves to pedestrian traffic.
4. If the major portion of the lighting design is to be in the front of a building, the average level should not be affected by adding a light or two in the back of the same building, which would raise the average of the intended area for lighting.

C. New lighting and renovations, upgrades, or additions to lighting on existing facilities must comply with the following illumination levels. The entire site must be brought into conformance with this sub-section if a renovation, upgrade, or addition occurs that requires a land disturbance permit.

1. Areas for display of outdoor merchandise:
   a. Minimum level: 1.0 foot-candles.
   b. Average level: 5.0 foot-candles.
   c. Maximum level: 10.0 foot-candles.
2. Open parking serving commercial functions:
   a. Minimum level: 0.6 foot-candles.
   b. Average level: 2.4 foot-candles.
   c. Maximum level: 10.0 foot-candles.
3. Open parking serving residential functions:
   a. Minimum level: 0.2 foot-candles.
   b. Average level: 1.5 foot-candles.
   c. Maximum level: 10.0 foot-candles.
4. Walkways and thoroughfares:
   a. Minimum level: 0.2 foot-candles.
   b. Average level: 2.0 foot-candles.
   c. Maximum level: 10.0 foot-candles.
5. Landscapes and decorative:
   a. Minimum level: 0.0 foot-candles.
   b. Average level: 0.5 foot-candles.

c. Maximum level: 5.0 foot-candles.

D. Building exterior light fixtures must meet the following standards:

1. Lighting fixture must be a cutoff luminary whose source is completely concealed with an opaque housing.
2. Fixtures must be recessed in the opaque housing.
3. Drop dish refractors are prohibited.
4. The wattage must not exceed 420 watts/480 volts per light fixture or equivalent. This provision includes lights on mounted poles as well as architectural display and decorative lighting visible from a street.
5. Wall pack lighting must be cut-off down directional a maximum of 250 watts or equivalent.
6. Canopy lighting must be recessed and directed downward using luminaries, and must have a maximum lamp wattage of 400 watts or equivalent.

E. Sodium vapor, exterior neon, and colored lights are prohibited.

F. Shoe box, and cobra head lighting fixtures, as typically used in parking area lighting, and exposed neon lighting as typically used on building facades and architectural features are prohibited.

G. Only fluorescent, metal halide, mercury vapor, shrouded spots, LED, natural gas, and walkway lights are allowed.

H. Mounting fixtures must be modified so the cone of the light is not directed at any property line. Pole mounting must be between 12 feet and 28 feet high. Any fixture and pole located within 20 feet of a Special District, a T2 zone, T3 zone, T4 zone, T5-R zone, or a single-family residential use not located within this district must be a type four (Enclosures intended for outdoor use primarily to provide a degree of protection against windblown dust and rain, splashing water, and hose directed water; undamaged by the formation of ice on the enclosure) and forward throw distribution.

I. As an exception to the prohibition in paragraph G above, each commercial establishment is entitled to a single exposed neon or LED sign, which may only be illuminated when the establishment is open for public business. Such sign must have a maximum sign face of 2 square feet and must be positioned on the interior as a window sign no more than 5 feet from the main entrance of the establishment. The sign must not blink, flash, or fluctuate and must not be animated in any way.

J. Thoroughfare, open parking, and walkway lighting and poles must be the Philips Lumec Domus series in black or similar. Lights must include decorative skirts or aprons.

7B.4.13. Outdoor Storage and Display Standards

A. The storage of goods or sale of goods in parking lots and other areas outside of the interior or permanently sheltered portions of a building is prohibited, except as expressly permitted in Article 8.

B. The sale of goods displayed under sheltered portions of a building must be brought inside the building before the closing of the business.

7B.4.14. Drive-Through Standards

A. Drive-through service canopies must be pitched at an angle and use materials matching the roof of the Principal Building.

B. Drive-through facilities and all associated vehicular queuing must be behind the principal building, if feasible, but may to its side if not feasible.

C. Vehicular access to a drive-through must be from the interior of a lot or from a rear alley to avoid disrupting pedestrian traffic unless otherwise approved by warrant for lots whose size, shape, or topography render this requirement ~~u~~infeasible. If a separate driveway is approved by warrant, its width must meet Sec. 7B.4.10.E.2.

D. Drive-through facility queuing is prohibited in a thoroughfare.

7B.4.15. Gasoline Station Standards

A. Gasoline station canopies and pumps:

1. Must be to the side or rear of the principal building.
2. Must be buffered from adjoining residential functions with a streetscreen.
3. ~~Pump canopies~~ M~~m~~ust be the greater of:
   a. At least 300 feet from any interior side or rear lot line that adjoins a residential function; or
   b. At least 100 feet from any Special District, T2 Zone, or AG-1 zoned property.
4. Pump canopy fascias must be between 24 and 30 inches high.
5. Pump canopies must not exceed 18 feet high, as measured to the top of the structure.
6. Pump canopies must be compatible with the color, texture, material, and architectural design of the principal building.
7. Pump canopy support columns must be compatible with the color, texture, and material of the facade of the Principal Buildings.
8. Pump canopies, canopy support columns, and pump must not be internally illuminated.

B. Accessory carwashes must match the color, texture, material, and architectural design of the principal building.

C. A conforming principal building is required and must be at least 1,600 square feet in floor area.

D. Lighting must be shielded to direct light and glare onto the lot where the gas/fueling station is located.

E. Intercom or speaker systems may only be utilized for the purpose of communications between employees and customers and must direct sound away from adjacent r~~R~~esidential f~~F~~unctions.

7B.4.16. Radio, TV Station Standards

A. Accessory telecommunication structures must be to the side or rear of a conforming Principal Building.

B. Accessory telecommunications structures must be screened from view along any public or private street or residential use by a fence or wall of solid appearance and a visually continuous opaque evergreen hedge. The type, size, and location of the

vegetation must be approved by the City Arborist. The type, size, and location of the wall or fence must be approved by the Director.

7B.4.17. Sign Standards

Signs must conform to Sec. 9.2 of this UDC.

7B.4.18. Architectural Standards

A. The following architectural standards apply to all buildings unless otherwise approved by warrant by the Director after consultation with the City Architect. Warrants must be based on consideration of the proposal and its compliance with the purpose and intent of this Article 7B.

B. Architectural treatment must continue on all sides of a building, except as specifically noted otherwise.

C. General to All Buildings - Facade Composition

1. The principal entrance of a building must be articulated and expressed in greater architectural detail than other building entrances.
2. Windows must be vertically shaped with a height greater than their width.
3. Burglar bars, steel gates, metal awnings and steel roll-down curtains must not be visible from a public thoroughfare, civic space, or open parking.
4. Exposed neon lighting outlining and detailing building features is prohibited.
5. Exposed ductwork, pipes, conduit, or other similar items are prohibited unless otherwise approved by warrant.

D. Specific to Commercial, Mixed-Use, and Multifamily Buildings - Facade Composition

1. Buildings in the Five Acre Road Zone must comply with Sec. 7B.4.18.H specific to townhouses or Sec. 7B.4.18.I specific to single-family dwellings.
2. Facades must incorporate windows and doors as follows:
   a. Windows and doors are required for at least 15% of the total facade area, with each floor calculated independently. The maximum contiguous area without windows or doors on any floor must not exceed 10 feet in height or 20 feet in length unless approved by warrant.
   b. The above requirement may be reduced by warrant when a facade is not visible from a public thoroughfare, civic space, or open parking, provided that said facade must incorporate a decorative pattern with varied materials and textures in lieu of windows or doors. For the purpose of satisfying this requirement, control and expansion joints do not constitute a decorative pattern with varied materials and textures.
3. Facade articulation
   a. Facades longer than 50 feet must incorporate wall projections or recesses at least 12 inches deep. The combined length of said recesses and projections must constitute at least 20% of the total facade length.
   b. Facades longer than 200 feet must incorporate a major articulation at

least every 200 feet of facade length. Said major articulation must be at least 20 feet long and be accomplished through:

i. A change of facade material from grade to the roof; or

ii. A change in facade composition from grade to the roof; or

iii. Changes in storefront systems, private frontages, varying setbacks, or similar means intended to convey the impression of separate buildings.

c. Building stories must not appear as single horizontal window bands separated by non-glass spandrels of equal or greater height than the windows.

4. Additional enfronting facade requirements:

a. Enfronting facades must be articulated and designed to create additional visual interest by varying architectural details, building materials, the roof line, and building offsets.

b. All first story facades must incorporate columns, awnings, porches, stoops, windows, doors, or other architectural elements as established by private frontage in Table 8 (see Sec. 7B.5.11).

c. Facades must provide visual divisions between the first and second stories through architectural means such as courses, awnings, or a change in primary facade materials or colors.

d. Facades above the first story must incorporate windows, arches, balconies, or other architectural details.

e. Buildings over two stories tall must have two- or three-part facades. Horizontal zones in the facade may be differentiated by a change in materials, color, window pattern, or window material, or by a cornice or course.

f. A two-part facade must consist of:

i. Base zone (first story).

ii. Shaft zone (all other stories).

g. A three-part facade must consist of:

i. Base zone (first stories).

ii. Shaft zone (middle stories).

iii. Cap zone (upper stories or cornice).

E. Specific to Commercial, Mixed-Use, and Multifamily Buildings - Facade Materials

1. Buildings in the Five Acre Road Zone must comply with Sec. 7B.4.18.H specific to townhouses or Sec. 7B.4.18.I specific to single-family dwellings.

2. No more than three different materials, textures, colors, or combinations thereof may be used on a single building, unless a greater number is approved by the Director by warrant after consultation with the City Architect.

3. Materials may be combined only horizontally, with the heavier below the lighter.

4. Vinyl or aluminum siding, exposed standard concrete masonry unit (CMU) block, corrugated steel, prefabricated

metal, exposed plywood, and exposed pressboard are prohibited.

5. Accessory Structures must be consistent with the principal building in material, texture, and color.

6. Enfronting first story windows and door glass must be clear or tinted. Tinted glass must have a transmittance factor of 50% or greater and a visible light reflectance factor of 10 or less.

7. All window frames must be recessed at 2 inches from the exterior facade.

8. Foundations, where provided, must be constructed as a distinct building element that contrasts with facade materials. Exposed above-ground foundations must be coated or faced in stucco, brick, manufactured stone, or natural stone to contrast with facade materials, exposed cement surfaces may be approved by warrant.

F. Specific to Commercial, Mixed-Use, and Multifamily Buildings - Colors

Permitted colors for exterior walls, building components, accents, and decorative elements are as specified by the following table, except in the Five Acre Road Zone.

Permitted Colors for Exterior Walls, Building Components, Accent and Decorative Elements	
The following numbers refer to the Pantone Matching System, an international color matching system	
White	**Black**
Browns, beiges, and tans 462C—468C 4625C—4685C 469C, 474C, 475C 4695C—4755C 478C 719C—724C 725C—731C 476U—482U 719U—725U 726U—732U	**Greens** 553C—554C 560C—561C 614C—616C 3302C—3305C 3295C, 342C 343C, 3435C 356C, 357C 5467C—5527C 3305U, 3308U, 335U 336U 341U—343U
Grays 400C-432C	**Reds** 483C, 484C 7411C- 7414C 7515C-7519C 7522C-7526C

G. Specific to Commercial, Mixed-Use, And Multifamily Buildings - Roofs

1. Buildings in the Five Acre Road Zone must comply with Sec. 7B.4.18.H specific to townhouses or Sec. 7B.4.18.I specific to single-family dwellings.

2. Specific to zones T2, T3, T4

   a. Flat roofs must be screened from the view of public and private streets by a parapet or by a cornice which overhangs the facade below between 12 and 18 inches.

   b. Accessory site features on a roof must be screened from the view of public and private streets by a parapet or other architectural feature.

c. Roof-mounted mechanical equipment, vents and stacks must be screened from view from all sides.

d. Permitted sloped roof materials are asphalt shingles, composition shingles, wood shingle, tin, galvanized metal, standing seam metal, and wood shake.

e. Townhouse and duplex building rooflines must exhibit differentiated architectural features such as gables, pyramidal, and hip. Rooflines must be varied. Mansard roofs are not permitted.

f. Roofs must be black, gray, dark gray, brown, red, or green. Reflective and metallic colors are prohibited unless described in Sec. 7B.4.18.E.

3. General to all zones

a. All rooftop appurtenances must be painted to be compatible with the building architecture.

b. Rooftop solar collectors, skylights, and other potentially reflective rooftop building elements must be designed and installed in a way that prevents reflected glare and obstruction of views of other sites and structures. They must also be screened from view from all sides.

c. Roofing material and color must be compatible with the building and surroundings.

H. Specific to Townhouses

1. The area of each facade must be at least 20% windows and doors, with each floor calculated independently. This percentage may be reduced by warrant.

2. Adjacent townhouse units must not have the same facade. Differentiation between adjacent facades may be accomplished by a change in materials, building height, color, roof form or setbacks, provided that the appearance of a separate building is achieved.

3. Townhouses located in any T-zone must comply with the facade standards set forth in Sec. 7B.4.18.E for commercial, mixed-Use, and multifamily buildings or paragraph I below for single-family dwellings.

I. Specific to Single-Family Dwellings

1. Single-family dwellings must comply with these standards or Sec. 7B.4.18.D through Sec. 7B.4.18.G for commercial, mixed-use, and multifamily buildings, at the developer's discretion.

2. The area of each facade must be at least 20% windows and doors, with each floor calculated independently. This percentage may be reduced by warrant.

3. Materials

a. The number of exterior materials, exterior colors, or any combination thereof that may be used on a single building, not including windows, doors, porches, balconies, foundations, and architectural details, must be approved by the City Architect.

b. Materials may be combined on exterior walls only horizontally, with the heavier below the lighter.

c. Exterior materials are limited to brick, natural stone with or without mortar, clapboard, board, and batten, hard-coat stucco, or wood shingles.

d. Vinyl or aluminum siding and synthetic stone veneer are prohibited.

e. Clapboards and board and battens must be wood or cementitious board. Cementitious board less than five-eighths of an inch thick must have a 4-inch maximum exposure, while cementitious board thicker than five-eighths or full three-quarter inch wood siding may have up to an 8-inch lap. False wood graining is prohibited.

f. Wood shingles must be level at the bottom edge.

4. Foundations

a. Foundations must be constructed as a distinct building element that contrasts with facade materials.

b. Foundations may be finished with smooth stucco, brick, or stone.

5. Windows

a. Windows sashes are required and must have a face width of at least 2 inches; the dimension of the glass surface to the sash and muntin face must be at least 0.75 inch.

b. Non-glass exterior window components must be faced in wood, clad wood, or polymer materials, and said materials must be paint grade or pre-finished.

c. Doors and windows that operate as sliders are prohibited along Frontages.

6. Chimneys

a. Chimney stacks must be faced in smooth integral finish stucco, brick, or stone, or detailed as exposed metal flues.

b. Siding or stucco board is prohibited as a finish material for chimneys.

c. All chimney stacks must have their bases on the ground.

7. Stoops and porches

a. A stoop or porch must be provided along the principal frontage.

b. No stoop or porch along any frontage may be enclosed with screen wire, plastic, glass, mesh, or similar materials.

c. All porch and stoop steps along any frontage must have enclosed risers.

d. Porch and stoop columns must be at least 8 inches wide.

e. Porches must be at least 8 feet.

8. Roofs

a. Flat roofs are prohibited.

b. Roofs must have a pitch of between 5:12 and 12:12. This does not apply to dormers or porches.

c. Roofs must include eaves projecting between 12 and 36 inches.

7B.5. Standards and Tables

7B.5.1. Table 1: Transect Zone Descriptions

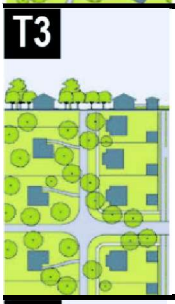
This table provides descriptions of the character of each Transect Zone.



T-2 RURAL

T-2 rural zone consists of sparsely settled lands in open or cultivated states. These include woodland, agricultural land, grassland, and irrigable desert. Typical buildings are farmhouses, agricultural buildings, and cabins.

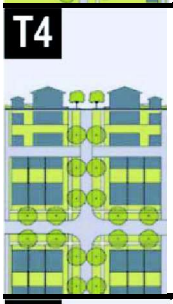
General Character:	Primarily agricultural with woodland & wetland and scattered buildings
Building Placement:	Variance setbacks
Frontage Types:	Not applicable
Typical Building Height:	1- to 2-Story with some 3-Story
Type of Civic Space:	Parks, greenways



T-3 SUB-URBAN

T-3 sub-urban zone consists of low density residential areas adjacent to higher zones that have some mixed use. Home occupations and outbuildings are allowed. Planting is naturalistic and setbacks are relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions.

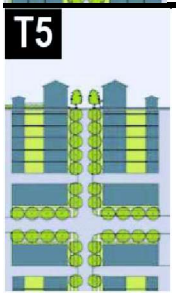
General Character:	Lawns and landscaped yards surrounding single-family dwellings; pedestrians occasionally
Building Placement:	Large and variable front and side yard setbacks
Frontage Types:	Porches, fences, naturalistic tree planting
Typical Building Height:	1- to 2-Story with some 3-Story
Type of Civic Space:	Parks, greenways



T-4 GENERAL URBAN

T-4 general urban zone consists of a mixed use but primarily residential urban fabric. It may have a wide range of attached and detached buildings. Setbacks and landscaping are variable. Streets with curbs and sidewalks define medium-sized blocks.

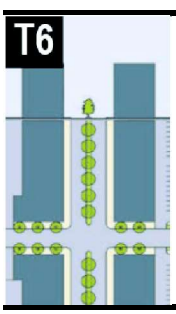
General Character:	Mix of single-family dwellings and townhouses with scattered commercial uses; balance between landscape and buildings; presence of pedestrians
Building Placement:	Shallow to medium front and side yard setbacks
Frontage Types:	Porches, fences, dooryards
Typical Building Height:	1- to 3-Story
Type of Civic Space:	Squares, greens



T-5 URBAN CENTER

T-5 urban center zone consists of higher density mixed use building that accommodate retail, offices, townhouses, and multifamily. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.

General Character:	Retail mixed with townhouse, multifamily, apartment, office, and civic uses; predominantly attached buildings; trees within the public right-of-way; substantial pedestrian activity
Building Placement:	Shallow setbacks or none; buildings oriented to street, defining a street wall
Frontage Types:	Stoops, dooryards, forecourts, shopfronts, and galleries
Typical Building Height:	1- to 4-Story
Type of Civic Space:	Parks, plazas and squares, median landscaping



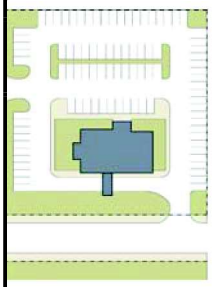
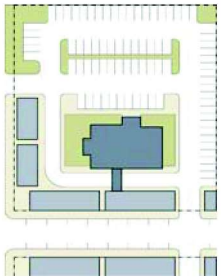
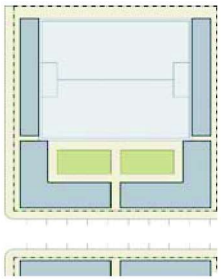
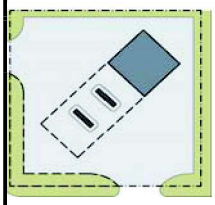
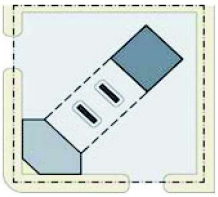
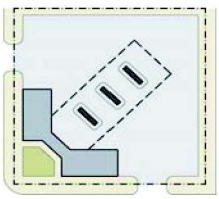
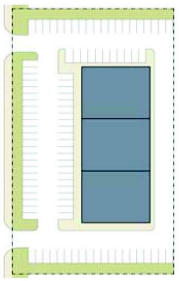
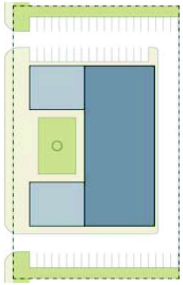
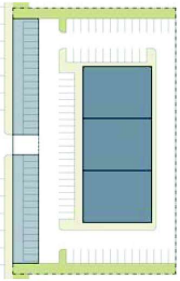
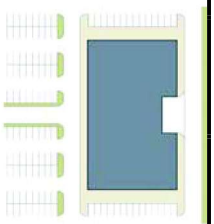
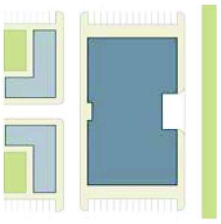
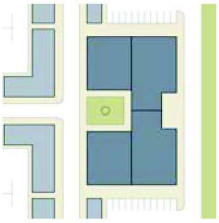
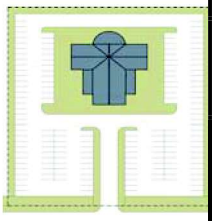
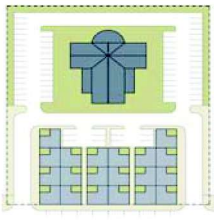
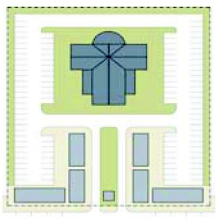
T-6 URBAN CORE

T-6 urban core zone consists of the highest density and height, with the greatest variety of uses. It may have larger blocks; streets have steady street tree planting and buildings are set close to wide sidewalks.

General Character:	Medium to high-density mixed use buildings, entertainment, civic and cultural uses. Attached buildings forming a continuous street wall; trees within the public right-of-way; highest pedestrian and transit activity
Building Placement:	Shallow setbacks or none; buildings oriented to street, defining a street wall
Frontage Types:	Stoops, dooryards, forecourts, shopfronts, and galleries
Typical Building Height:	4-plus Story with few shorter buildings
Type of Civic Space:	Parks, plazas and squares, median landscaping

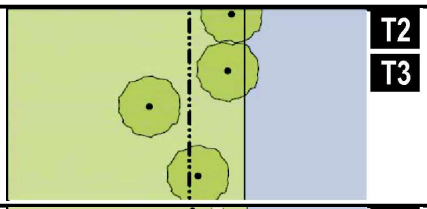
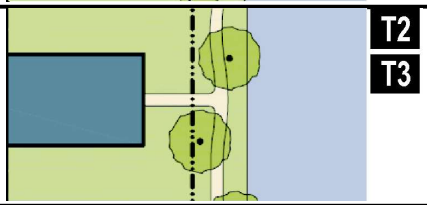
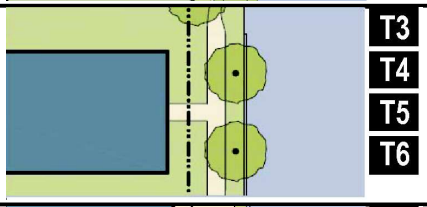
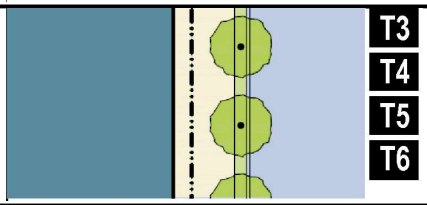
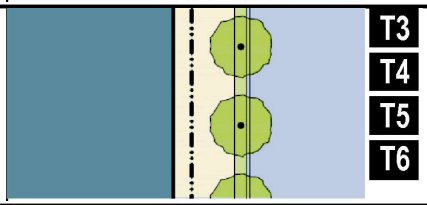
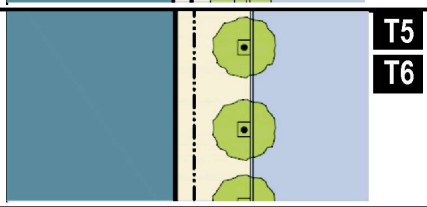
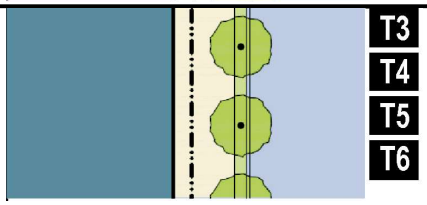
7B.5.2. Table 2: Modification to Non-Conforming Properties

This table provides descriptions of changes to non-conforming properties that result in conformance with the specifications of this Article 7B. Other changes to decrease the degree of non-conformity are also possible.

NON-CONFORMING PROPERTY		POSSIBLE TECHNIQUES	CONFORMING MODIFICATION	
DRIVE-THROUGH		• Keep existing building and drive-through and add liner buildings in front of building to engage the thoroughfare, or • Replace building	T5 T6 	T5 T6 
GAS STATION		• Keep gas station building and pumps and build a new building at the intersection, or • Eliminate the gas station building, but keep the pumps and increase them, while building a new building at the intersection	T5 T6 	T5 T6 
STRIP CENTER		• Keep existing building and add liner buildings in front of it to engage the thoroughfare • Convert frontal parking into forecourt and add on-street parking to the existing thoroughfare	T5 T6 	T5 T6 
BIG BOX OR OFFICE BUILDING		• Infill the frontal parking with new liner buildings and streets terminating on the existing building; retain current building use or convert to new use • Infill the frontal parking with new liner buildings and streets terminating on the existing building; reconfigure existing buildings for new use	T5 T6 	T5 T6 
RELIGIOUS BUILDING		• Infill the frontal parking lot with senior housing; add on-street parking to existing thoroughfare • Create a street and civic space with liner buildings terminating on the existing religious building; add on-street parking to the existing thoroughfare	T4 T5 T6 	T4 T5 T6 

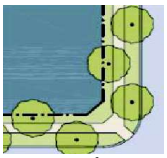
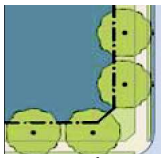
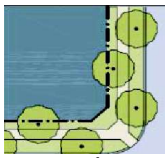
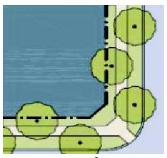
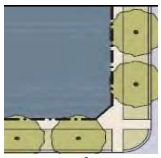
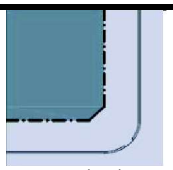
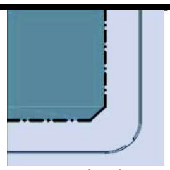
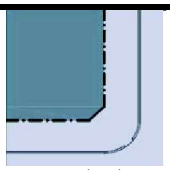
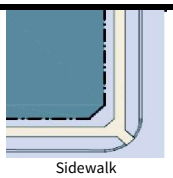
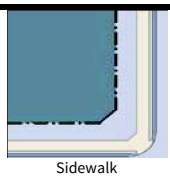
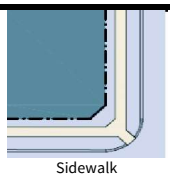
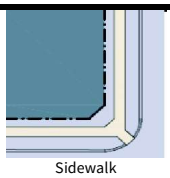
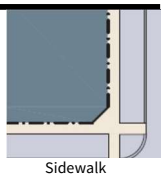
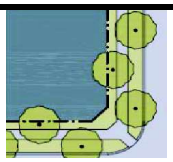
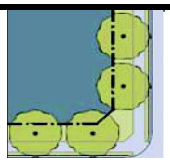
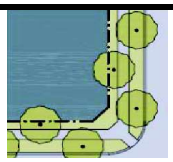
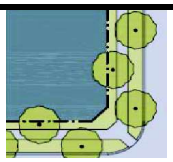
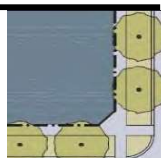
7B.5.3. Table 3A: Public Frontages General

The public frontage is the area between the private lot line and the edge of the vehicular lanes. Dimensions are given in Table 3B and Table 4.

	PLAN LOT ▶ ◀ R.O.W. PRIVATE FRONTAGE ▶ ◀ PUBLIC FRONTAGE
a. (HW) For Highway: This frontage has open swales drained by percolation, bicycle trails and no parking. The landscaping consists of the natural condition or multiple species arrayed in naturalistic clusters. Buildings are buffered by distance or berms.	
b. (RD) For Road: This frontage has open swales drained by percolation and a walking Path or bicycle trail along one or both sides and yield parking. The landscaping consists of multiple species arrayed in naturalistic clusters.	
c. (ST) For Street: This frontage has raised curbs drained by inlets and sidewalks separated from the vehicular lanes by individual or continuous planters, with parking on one or both sides. The landscaping consists of street trees of a single or alternating species aligned in a regularly spaced allee.	
d. (DR) For Drive: This frontage has raised curbs drained by inlets and a wide sidewalk or paved path along one side, related to a greenway or waterfront. It is separated from the vehicular lanes by individual or continuous planters. The landscaping consists of street trees of a single species or alternating species aligned in a regularly spaced allee.	
e. (AV) For Avenue: This frontage has raised curbs drained by inlets and wide sidewalks separated from the vehicular lanes by a narrow continuous planter with parking on both sides. The landscaping consists of a single tree species aligned in a regularly spaced allee.	
f. (CS) For Commercial Street: This frontage has raised curbs drained by inlets and very wide sidewalks along both sides separated from the vehicular lanes by separate tree wells with grates and parking on both sides. The landscaping consists of a single tree species aligned with regular spacing where possible but clears the storefront entrances.	
g. (BV) For Boulevard: This frontage has slip roads on both sides. It consists of raised curbs drained by inlets and sidewalks along both sides, separated from the vehicular lanes by planters. The landscaping consists of double rows of a single tree species aligned in a regularly spaced allee.	

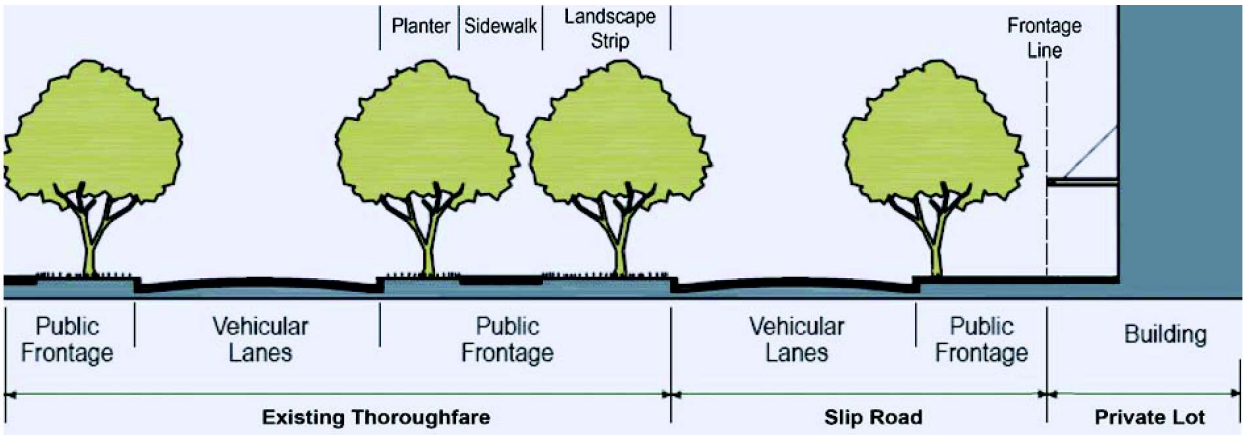
7B.5.4. Table 3B: Public Frontages - Specific Existing Thoroughfares

This table assembles prescriptions and dimensions for the public frontage elements - curbs, sidewalks, planters, and landscape strips - relative to specific existing thoroughfares, regardless of the Transect Zone or Special District in which they are located.

	Existing Thoroughfare	STATE ROUTE 9 (35 MPH OR LESS)	STATE ROUTE 9 (OVER 35 MPH)	WINDWARD PKY	DEERFIELD PKWY, MORRIS RD, MCGINNIS FERRY RD, OLD MORRIS RD, WEBB RD, BETHANY BEND, COGBURN RD	OTHER EXISTING THOROUGHFARES (EXCEPT FIVE ACRE ROAD OR AS APPROVED BY WARRANT)
a.	**Assembly:** The principal variables are the type and dimension of curbs, walkways, planters and landscape.					
	Total Width	Mn. 38 feet	Mn. 32 feet	Mn. 30 feet	Mn. 28 feet	Mn. 12 feet
b.	**Curb:** The detailing of the edge of the vehicular pavement incorporating drainage.					
	Type	Raised Curb	Raised Curb	Raised Curb	Raised Curb	Raised Curb
	Radius	Variable	Variable	Variable	Variable	Variable
c.	**Walkway:** The hard surface dedicated exclusively to pedestrian activity.					
	Type	Sidewalk	Sidewalk	Sidewalk	Sidewalk	Sidewalk
	Width	Min. 8 feet	Min. 8 feet	Min. 8 feet	Min. 6 feet	Min. 6 feet
d.	**Planter:** The layer which accommodates street trees and other landscape materials.					
	Arrangement	Regular	Regular	Opportunistic	Regular	Regular
	Species	Single	Single	Alternating	Alternating	Single
	Planter Type	Continuous Planter	Continuous Planter	Continuous Planter	Continuous Planter	Continuous Planter
	Planter Width	Min. 10 feet	Min. 4 feet	2—12 feet	2—12 feet	Min. 6 feet
	Landscape Strip Width	20 feet	20 feet	20 feet	20 feet	None

7B.5.5. Table 3C: Public Frontages - Slip Road Retrofit

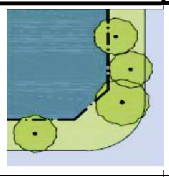
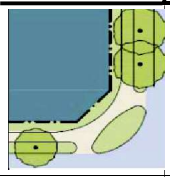
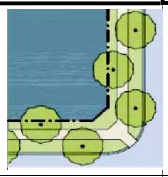
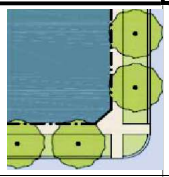
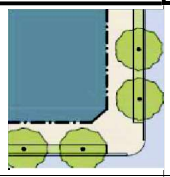
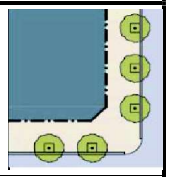
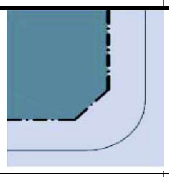
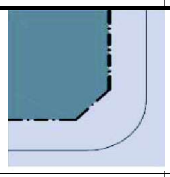
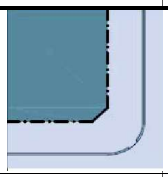
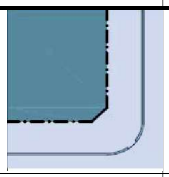
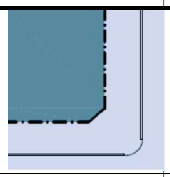
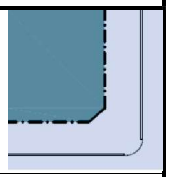
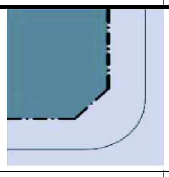
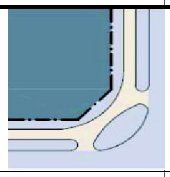
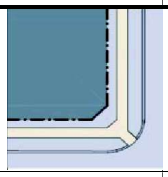
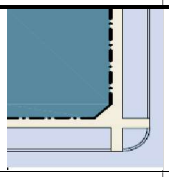
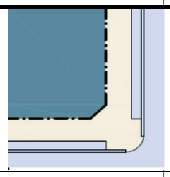
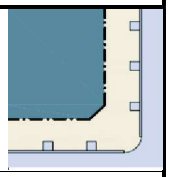
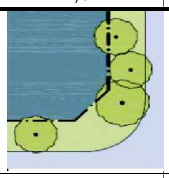
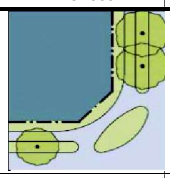
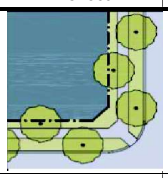
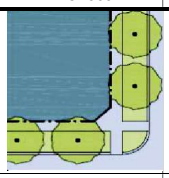
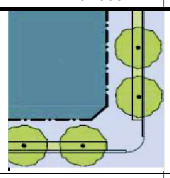
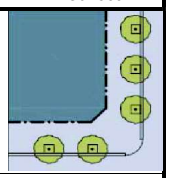
Existing thoroughfares may be retrofitted into a Boulevard through the addition of one slip road along one or both sides. Where this occurs the frontage line must be along the slip road, not the existing thoroughfare.



7B.5.6. Table 3D: Public Frontages - Specific New Thoroughfares

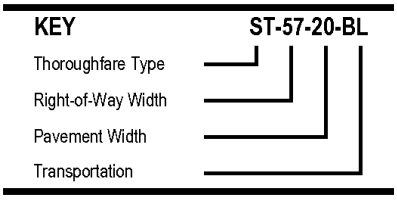
This table assembles prescriptions and dimensions for the public frontage elements - curbs, walkways and planters - relative to specific thoroughfare types within Transect Zones.

RURAL ⟵ TRANSECT ⟶ URBAN

TRANSECT ZONE Public Frontage Type	HW & RD	RD & ST	ST-DR-AV	ST-DR-AV-BV	CS-DR-AV-BV	CS-DR-AV-BV
a. Assembly: The principal variables are the type and dimension of curbs, walkways, planters and landscape.						
Total Width	16—24 feet	12—24 feet	12—18 feet	12—18 feet	18—24 feet	18—30 feet
b. Curb: The detailing of the edge of the vehicular pavement incorporating drainage.						
Type	Open Swale	Open Swale	Raised Curb	Raised Curb	Raised Curb	Raised Curb
Radius	10—30 feet	10—30 feet	5—20 feet	5—20 feet	5—20 feet	5—20 feet
c. Walkway: The hard surface dedicated exclusively to pedestrian activity.						
Type	Path Optional	Path	Sidewalk	Sidewalk	Sidewalk	Sidewalk
Width	n/a	4—8 feet	4—8 feet	4—8 feet	12—20 feet	12—30 feet
d. Planter: The layer which accommodates street trees and other landscape materials.						
Arrangement	Clustered	Clustered	Regular	Regular	Regular	Opportunistic
Species	Clustered	Clustered	Alternating	Single	Single	Single
Planter Type	Continuous Swale	Continuous Swale	Continuous Planter	Continuous Planter	Continuous Planter	Tree Well
Planter Width	8 feet—16 feet	8 feet—16 feet	8 feet—12 feet	8 feet—12 feet	4 feet—6 feet	4 feet—6 feet

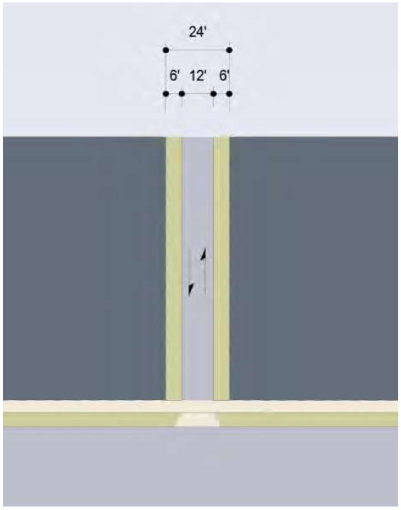
7B.5.7. Table 4: Thoroughfare Assemblies

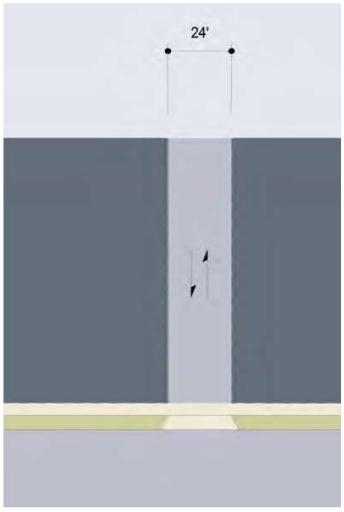
New thoroughfares must comply with this table. The key gives the thoroughfare type followed by the right-of-way width, followed by the pavement width, and in some instances followed by specialized transportation capability. Variations may only be approved by the Public Works Director if the public health, safety, and welfare demand.



THOROUGHFARE TYPES

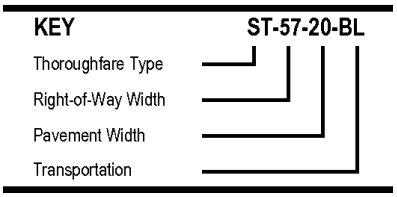
Highway	HW
Boulevard	BV
Avenue	AV
Commercial Street	CS
Drive	DR
Street	ST
Road	RD
Rear Alley	RA
Rear Lane	RL
Multi-Use Trail	MT
Equestrian Trail	ET
Bicycle Lane	BL
Bicycle Route	BR
Path	PT
Passage	PS





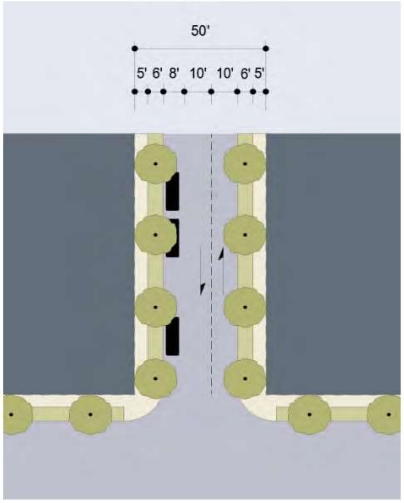
	RL-24-12	RA-24-24
Thoroughfare Type	Rear Lane	Rear Alley
Transect Zone Assignment	T2, T3, T4	T3, T4, T5
Right-of-Way Width	24 feet	24 feet
Pavement Width	12 feet	24 feet
Movement	Yield Movement	Slow Movement
Design Speed	10 MPH	10 MPH
Pedestrian Crossing Time	3.5 seconds	7 seconds
Traffic Lanes	n/a	n/a
Parking Lanes	None	None
Curb Radius	Taper	Taper
Walkway Type	None	None
Planter Type	None	None
Curb type	Inverted crown	Inverted crown
Landscape Type	None	None

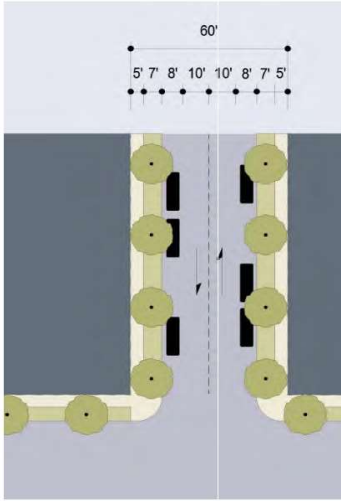
TABLE 4: Thoroughfare Assemblies (continued)



THOROUGHFARE TYPES

Highway	HW
Boulevard	BV
Avenue	AV
Commercial Street	CS
Drive	DR
Street	ST
Road	RD
Rear Alley	RA
Rear Lane	RL
Multi-Use Trail	MT
Equestrian Trail	ET
Bicycle Lane	BL
Bicycle Route	BR
Path	PT
Passage	PS

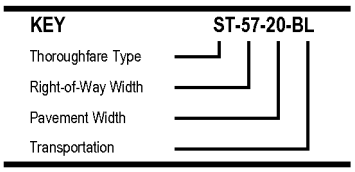




	ST-50-28 [1]	ST-60-36 [1]
Thoroughfare Type	Street	Street
Transect Zone Assignment	T3, T4, T5, T6	T3, T4, T5, T6
Right-of-Way Width	50 feet	60 feet
Pavement Width	28 feet	36 feet
Movement	Slow Movement	Free Movement
Design Speed	25 MPH	25 MPH
Pedestrian Crossing Time	8 seconds	10.3 seconds
Traffic Lanes	2 lanes	2 lanes
Parking Lanes	One side @ 8 feet unmarked, bulbouts permitted	Both sides @ 8 feet unmarked
Curb Radius	15 feet	10 feet
Walkway Type	5 foot Sidewalk on both sides	5 foot Sidewalk on both sides
Planter Type	6 foot continuous Planter on both sides	7 foot continuous Planter on both sides
Curb type	Curb	Curb
Landscape Type	Trees @ 30' o.c. Avg.	Trees @ 30' o.c. Avg.

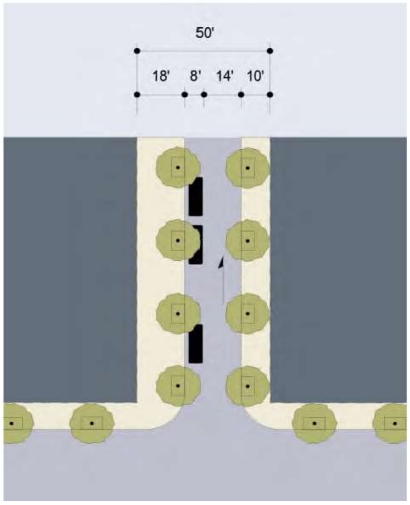
1. When on-street facilities are provided, the width of the thoroughfare must be correspondingly increased, subject to approval of the Public Works Director.

TABLE 4: Thoroughfare Assemblies (continued)

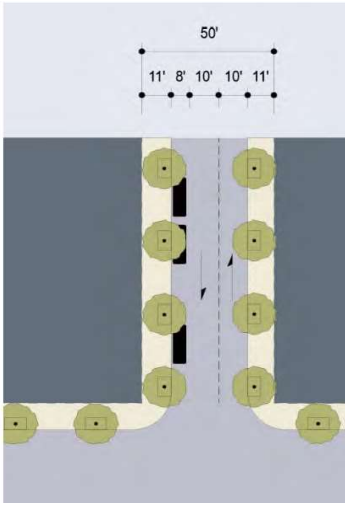


THOROUGHFARE TYPES

Highway	HW
Boulevard	BV
Avenue	AV
Commercial Street	CS
Drive	DR
Street	ST
Road	RD
Rear Alley	RA
Rear Lane	RL
Multi-Use Trail	MT
Equestrian Trail	ET
Bicycle Lane	BL
Bicycle Route	BR
Path	PT
Passage	PS



CS-50-22 [1]



CS-50-28 [1]

Thoroughfare Type	Commercial Street	Commercial Street
Transect Zone Assignment	T4-O, T5, T6	T4-O, T5, T6
Right-of-Way Width	50 feet	50 feet
Pavement Width	22 feet	28 feet
Movement	Slow Movement	Slow Movement
Design Speed	20 MPH	25 MPH
Pedestrian Crossing Time	6.2 seconds	8 seconds
Traffic Lanes	1 lane	2 lanes
Parking Lanes	One side @ 8 feet marked	One side @ 8 feet marked
Curb Radius	15 feet	15 feet
Walkway Type	18/10 foot Sidewalk	11 foot Sidewalk on both sides
Planter Type	5 × 8 foot tree well	5 × 8 foot tree well
Curb type	Curb	Curb
Landscape Type	Trees @ 30' o.c. Avg.	Trees @ 30' o.c. Avg.

1. When on-street facilities are provided, the width of the thoroughfare must be correspondingly increased, subject to approval of the Public Works Director.

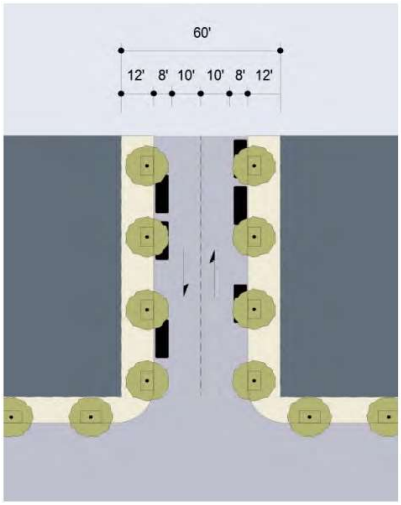
TABLE 4: Thoroughfare Assemblies (continued)

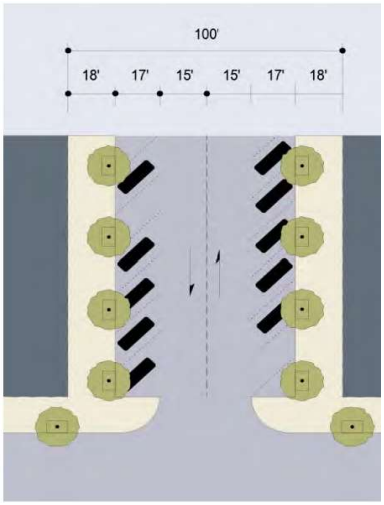
KEY **ST-57-20-BL**

- Thoroughfare Type
- Right-of-Way Width
- Pavement Width
- Transportation

THOROUGHFARE TYPES

Highway	H
Boulevard	BV
Avenue	AV
Commercial Street	CS
Drive	DR
Street	ST
Road	RD
Rear Alley	RA
Rear Lane	RL
Multi-Use Trail	MT
Equestrian Trail	ET
Bicycle Lane	BL
Bicycle Route	BR
Path	PT
Passage	PS

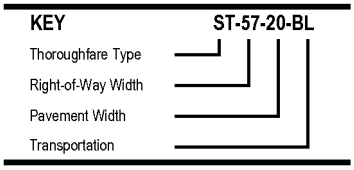




	CS-60-36 [1]	CS-100-64 [1]
Thoroughfare Type	Commercial Street	Commercial Street
Transect Zone Assignment	T4-O, T5, T6	T4-O, T5, T6
Right-of-Way Width	60 feet	100 feet
Pavement Width	36 feet	64 feet
Movement	Free Movement	Slow Movement
Design Speed	25 MPH	25 MPH
Pedestrian Crossing Time	10.3 seconds	8.5 seconds
Traffic Lanes	2 lanes	2 lanes
Parking Lanes	Both sides @ 8 feet marked	Both sides angled @ 17 feet marked
Curb Radius	10 feet	15 feet
Walkway Type	12 foot Sidewalk	18 foot Sidewalk
Planter Type	5 × 8 foot tree well	5 × 8 foot tree well
Curb type	Curb	Curb
Landscape Type	Trees @ 30' o.c. Avg.	Trees @ 30' o.c. Avg.

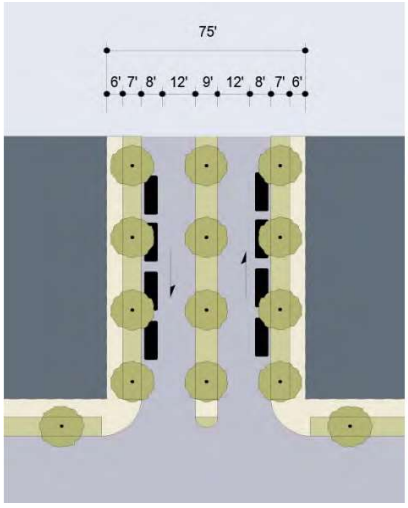
1. When on-street facilities are provided, the width of the thoroughfare must be correspondingly increased, subject to approval of the Public Works Director.

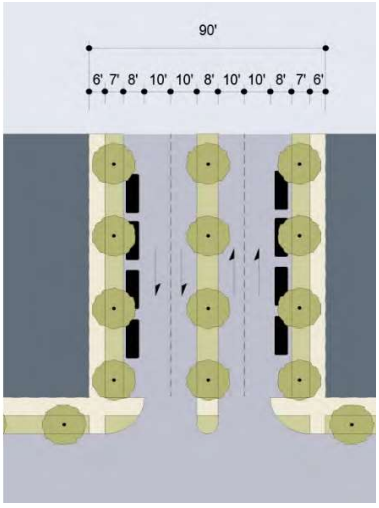
TABLE 4: Thoroughfare Assemblies (continued)



THOROUGHFARE TYPES

Highway	H
Boulevard	BV
Avenue	AV
Commercial Street	CS
Drive	DR
Street	ST
Road	RD
Rear Alley	RA
Rear Lane	RL
Multi-Use Trail	MT
Equestrian Trail	ET
Bicycle Lane	BL
Bicycle Route	BR
Path	PT
Passage	PS

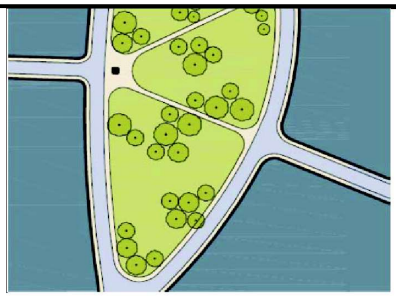
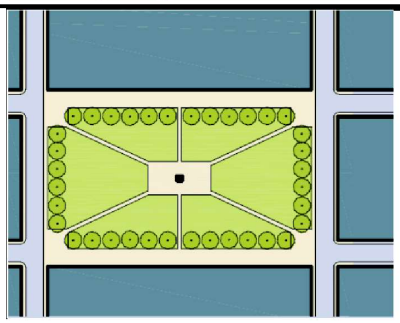
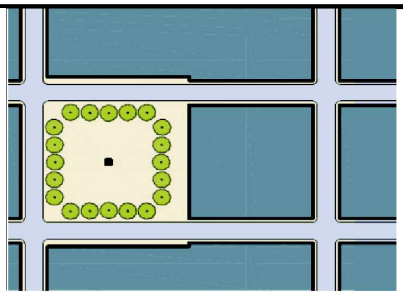
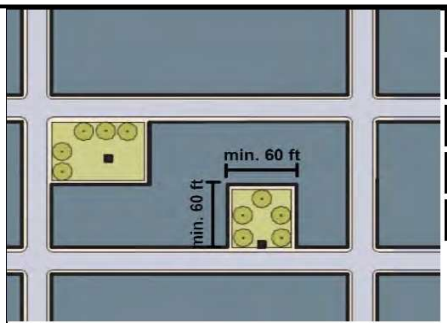




	CS-75-40 [1]	AVE-90-56 [1]
Thoroughfare Type	Avenue	Avenue
Transect Zone Assignment	T3, T4, T5, T6	T3, T4, T5, T6
Right-of-Way Width	75 feet	90 feet
Pavement Width	40 feet	56 feet
Movement	Slow Movement	Slow Movement
Design Speed	25 MPH	25 MPH
Pedestrian Crossing Time	5.7 seconds - 5.7 seconds	5.7 seconds - 5.7 seconds at corners
Traffic Lanes	2 lanes	4 lanes
Parking Lanes	Both sides @ 8 feet marked	Both sides @ 8 feet marked
Curb Radius	15 feet	15 feet
Walkway Type	6 foot Sidewalk	6 foot Sidewalk
Planter Type	7 foot continuous planter	7 foot continuous planter
Curb type	Curb	Curb
Landscape Type	Trees @ 30' o.c. Avg.	Trees @ 30' o.c. Avg.

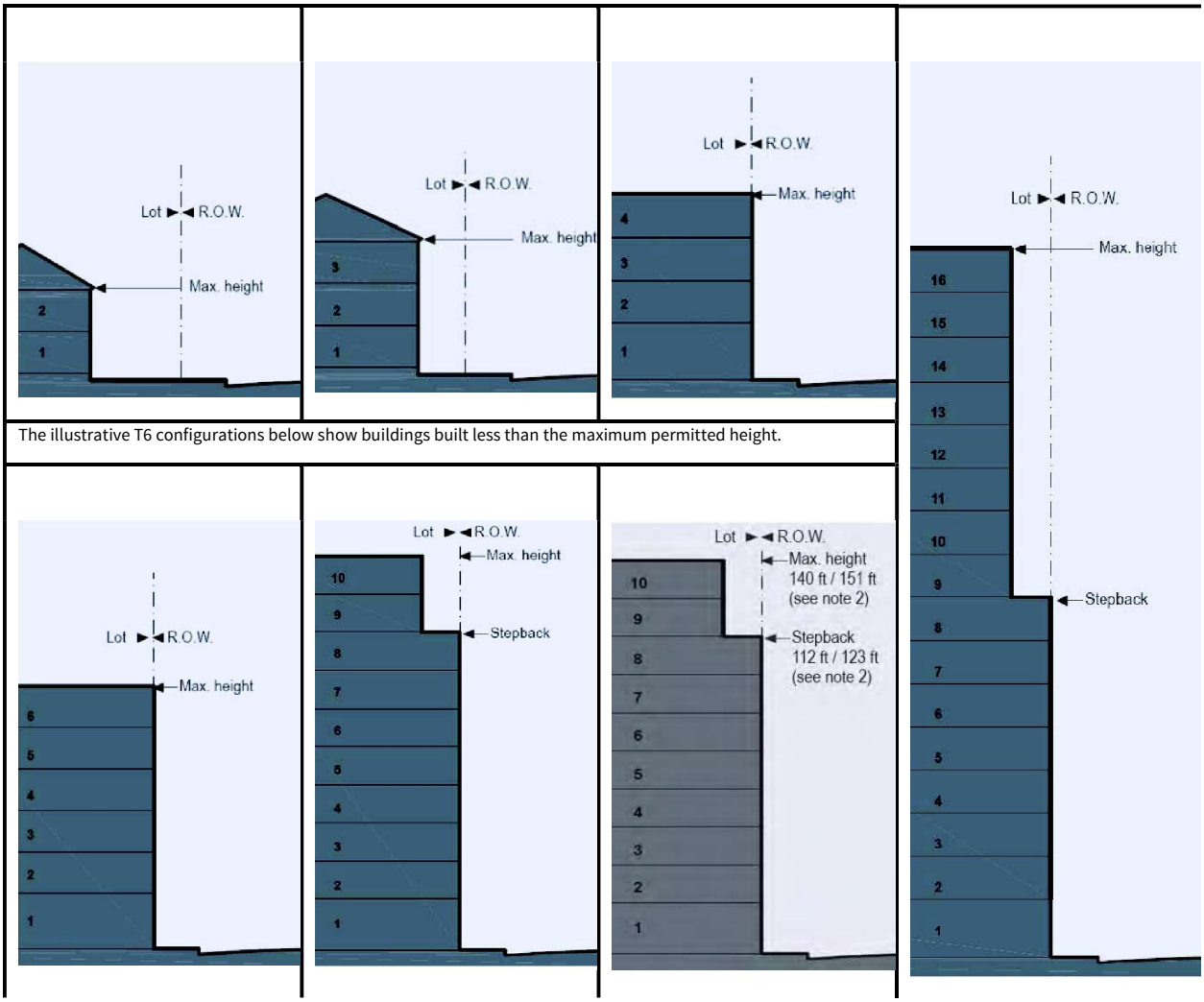
1. When on-street facilities are provided, the width of the thoroughfare must be correspondingly increased, subject to approval of the Public Works Director.

7B.5.8. Table 5: Civic Space

a. Park: A natural preserve available for unstructured recreation. A park may be independent of surrounding building frontages. Its landscape consists of paths and trails, meadows, water bodies, woodland, and open shelters, all naturalistically disposed. Parks may be lineal, following the trajectories of natural corridors. The minimum size is 8 acres. Every park and portions thereof must be at be at least 60 feet in width and length.		T2 T3 T4 T5 T6
b. Green: An open space, available for unstructured recreation. A green may be spatially defined by landscaping rather than building frontages. Its landscape consists of lawn and trees, naturalistically disposed. The minimum size is 1/2 acre and the maximum is 8 acres. Every green and portions thereof must be at be at least 60 feet in width and length.		T3 T4 T5 T6
c. Square: An open space available for unstructured recreation and civic purposes. A square is spatially defined by building frontages. Its landscape consists of paths, lawns, and trees, formally disposed. Squares must be located at the intersection of important thoroughfares. The minimum size is 1/2 acre and the maximum is 5 acres. Every square and portions thereof must be at be at least 60 feet in width and length.		T4 T5 T6
d. Plaza: An open space available for civic purposes and commercial activities. A plaza must be spatially defined by building frontages. Its landscape consists primarily of pavement. Trees are optional. Plazas should be located at the intersection of important streets. The minimum size is 1/2 acre and the maximum is 2 acres. Every plaza and portions thereof must be at be at least 60 feet in width and length.		T5 T6
e. Playground: An open space designed and equipped for the recreation of children. A playground should be fenced and may include an open shelter. Playgrounds must be interspersed within residential areas and may be placed within a block. Playgrounds may be included within parks and greens. There is no minimum or maximum area, except that every playground must be at least 60 feet in width and length. **f. Pocket Park:** An open space available for passive recreation and relaxation. Pocket parks must include seating, trees, and other landscaping. Pocket parks must be interspersed within residential areas. There is no minimum or maximum area, except that every pocket park must be at least 60 feet in width and length.		T2 T3 T4 T5 T6

7B.5.9. Table 6: Building Form - Height

This table shows the configurations for different building heights for each Transect Zone, except where said zone lies within the Maximum Two-Story Building Height Zone or within the Maximum Twelve-Story Building Height Zone as established on the Deerfield/Highway 9 Regulating Plan. Recess lines must occur on higher buildings in zone T6 as shown.

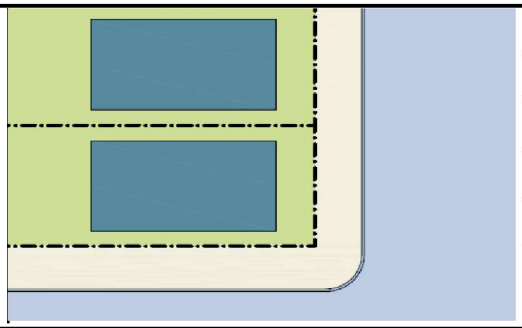
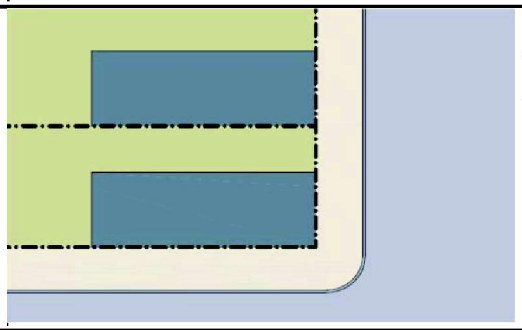
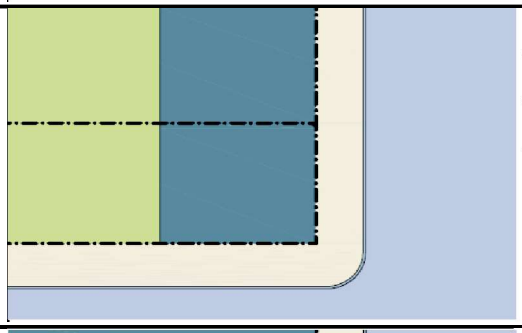
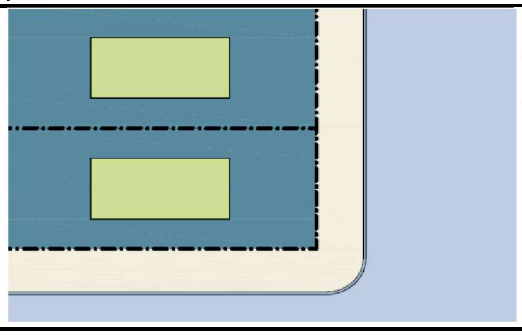


The illustrative T6 configurations below show buildings built less than the maximum permitted height.

1. T4-permissive
2. Max. height without first story civic or commercial function/max. height with first story civic or commercial function
3. T4 includes T4-permissive but not T4-open

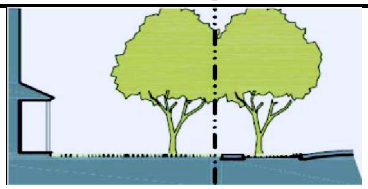
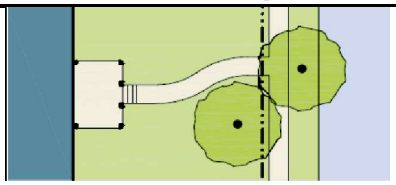
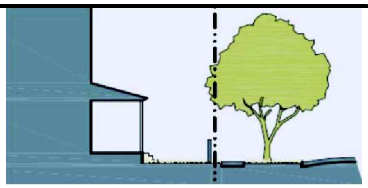
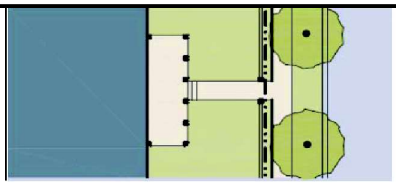
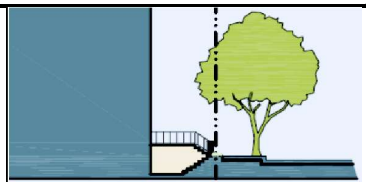
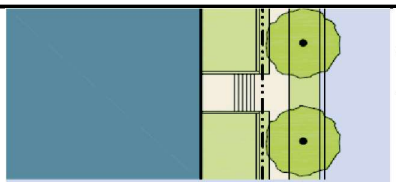
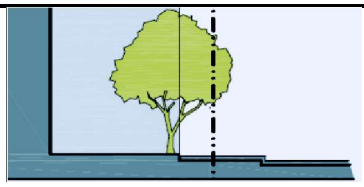
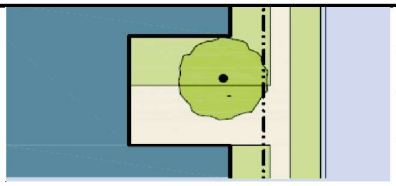
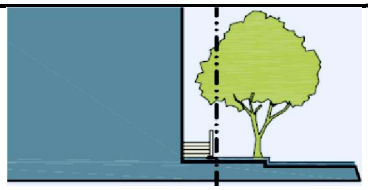
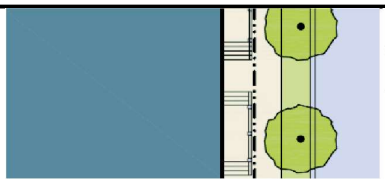
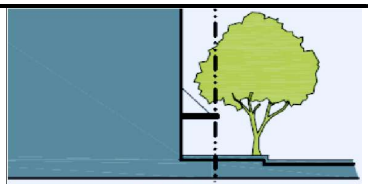
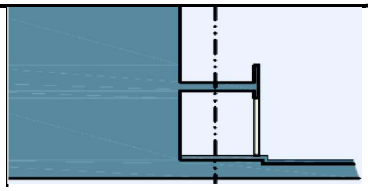
7B.5.10. Table 7: Building Placement

This table approximates the location of the structure relative to the boundaries of each individual lot, establishing suitable basic building types for each Transect Zone.

a. Edgeyard: A building that occupies the center of its lot with setbacks on all sides. This is the least urban of types as the front yard sets it back from the frontage, while the side yards weaken the spatial definition of the public thoroughfare space. The front yard is intended to be visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a well placed backbuilding and/or outbuilding.	 T2 T3 T4 T5 T6
b. Sideyard: A building that occupies one side of the lot with the setback to the other side. A shallow frontage setback defines a more urban condition. If the adjacent building is similar with a blank side wall, the yard can be quite private. This type permits systematic climatic orientation in response to the sun or the breeze. Energy costs, and sometimes noise, are reduced by sharing a party wall in this disposition.	 T4 T5 T6
c. Rearyard: A building that occupies the full frontage, leaving the rear of the lot as the sole yard. This is a very urban type as the continuous facade steadily defines the public thoroughfare. The rear elevations may be articulated for functional purposes. In its residential form, this type is the townhouse. For its commercial form, the rear yard can accommodate substantial parking.	 T4 T5 T6
d. Courtyard: A building that occupies the boundaries of its lot while internally defining one or more private patios. This is the most urban of types, as it is able to shield the private realm from all sides while strongly defining the public thoroughfare. Because of its ability to accommodate incompatible activities, masking them from all sides, it is recommended for workshops, lodging and schools. The high security provided by the continuous enclosure is useful for crime-prone areas.	 T5 T6

7B.5.11. Table 8: Private Frontages

The private frontage is the areas between the building facades and the lot lines. Buildings subject to Sec. 7B.4.4.A.4 may substitute open parking for the thoroughfare.

	SECTION LOT ▶ PRIVATE FRONTAGE ◀ R.O.W. PUBLIC FRONTAGE	PLAN LOT ▶ PRIVATE FRONTAGE ◀ R.O.W. PUBLIC FRONTAGE	
a. Common Yard: a planted frontage wherein the facade is set back substantially from the frontage line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape. The deep setback provides a buffer from the higher speed thoroughfares.			T2 T3
b. Porch & Fence: a planted frontage where the facade is set back from the frontage line with an attached porch permitted to encroach. A fence, wall, or hedge at the frontage line maintains street spatial definition. Porches must be no less than 8 feet deep.			T2 T3 T4
c. Terrace or Lightwell: a frontage wherein the facade is set back from the frontage line by an elevated terrace or sunken lightwell. This type buffers residential use from urban sidewalks and removes the private yard from public encroachment. Terraces are suitable for conversion to outdoor cafes. Synonym: **dooryard**.			T4 T5 T6
d. Forecourt: a frontage wherein the facade is close to the frontage line and the central portion is set back. The forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other frontage types. Large trees within the forecourts may overhang the sidewalks.			T4 T5 T6
e. Stoop: a frontage wherein the facade is aligned close to the frontage line with the first story elevated from the sidewalk sufficiently to ensure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for first story residential use. Stoops must be no less than 30 inches deep.			T4 T5 T6
f. Shopfront: a frontage wherein the facade is aligned close to the frontage line with the building entrance at sidewalk grade. This type is conventional for retail use. It has glazing on the sidewalk level and an awning that should overlap the sidewalk to within 2 feet of the curb. Synonym: **retail frontage**.			T4 T5 T6
g. Gallery: a frontage wherein the facade is aligned with the frontage line with an attached cantilevered shed or lightweight colonnade overlapping the sidewalk. This type is conventional for retail use. The gallery should be no less than 10 feet wide and should overlap the sidewalk to within 2 feet of the curb, except where prevented by a required landscape strip.			T5 T6

7B.5.12. Table 9A: Building Function

This table categorizes building functions within Transect Zones. For specific permitted uses, see Sec. 8.2.3. (Use Table for Deerfield Form-Based Code).

		In T4-permissive and T4-open the T5 function regulations apply, except as indicated		
a. RESIDENTIAL	**Restricted Residential:** The number of dwellings on each Lot is restricted to one within a principal building and one within an accessory building. Both dwellings must be under single ownership. The habitable area of the accessory unit must not exceed 440 sf, excluding the parking area.	**Limited Residential:** The number of dwellings on each Lot is unlimited within one principle building except by form-based standards elsewhere in this Article 7B, and limited to one unit within an accessory building. All dwelling units must be under single ownership. The habitable area of the accessory unit must not exceed 440 sf, excluding the parking area.	**Open Residential:** The number of dwelling units and buildings on each lot is unlimited except by form-based standards elsewhere in this Article 7B.	**Open Residential:** The number of dwelling units and buildings on each lot is unlimited except by form-based standards elsewhere in this Article 7B.
b. LODGING	**Restricted Lodging:** Up to two bedrooms for lodging is permitted on each lot. The lot must be owner occupied. Food service may be provided in the a.m. The maximum length of stay must not exceed ten days.	**Limited Lodging:** Up to three bedrooms for lodging is permitted on each lot, restricted to two bedrooms in an accessory building. The lot must be owner occupied. Food service may be provided in the a.m. The maximum length of stay must not exceed ten days.	**Open Lodging:** Unlimited bedrooms for lodging is permitted on each lot. Food service may be provided at all times.	**Open Lodging:** Unlimited bedrooms for lodging is permitted on each lot. Food service may be provided at all times.
c. OFFICE	**Restricted Office:** Office use is restricted to home occupations by the owner, with no more than one employee.	**Limited Office:** The building area available for office use on each lot is limited to the first story of the principal building and/or the accessory building.	**Open Office:** The amount of office functions on each lot is unlimited except by form-based standards elsewhere in this Article 7B.	**Open Office:** The amount of office functions on each lot is unlimited except by form-based standards elsewhere in this Article 7B.
d. RETAIL	**Prohibited Retail:** Retail is not permitted.	**Limited Retail:** The building area for retail use is limited to the first story of buildings at corner locations, not more than one per block. The specific use is further limited to neighborhood store, or food service seating no more than 30.	**Limited Retail:** The building area for retail use is limited to the first story of buildings having two or more stories. The specific use is further limited to a maximum floor area of 15,000 square feet per business establishment.	**Open Retail:** The building area available for retail use is unlimited on the first story and available to upper stories by warrant.
e. CIVIC	See Table 10	See Table 10	See Table 10	See Table 10
f. OTHER	See Table 10	See Table 10	See Table 10	See Table 10

7B.5.13. Table 9B: Building Unit Function Exchange

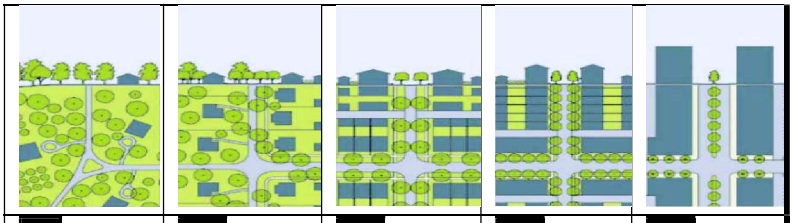
This table shows the rate that buildings units must be exchanged for functions. This table does not apply to the Five Acre Road Zone, where no exchange is permitted.

RESIDENTIAL	1 dwelling unit for each building unit
LODGING	8 guest rooms for each building unit
OFFICE	2,250 square feet of floor area for each building unit
RETAIL	2,250 square feet of floor area for each building unit
OTHER	2,250 square feet of floor area for each building unit

7B.5.14. Table 10: Permitted Uses

See Sec. 8.2.3. (Use Table for Deerfield Form-Based Code).

7B.5.15. Table 11: Code Summary



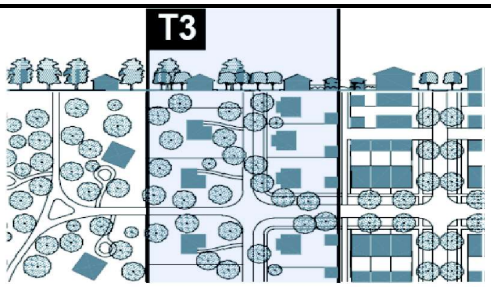
	T2 RURAL ZONE	T3 SUB URBAN ZONE	T4 GENERAL URBAN ZONE	T5 URBAN CENTER ZONE	T6 URBAN CORE	
a. BASE BUILDING DENSITY (See Sec. 7B.1.6)						
By Right	1 unit/ac.	3 units/ac.	5 units/ac.	9 units/ac.	12 units/ac.	
By TDR	TDR not permitted	6 units/ac.	9 units/ac.	14 units/ac.	36 units/ac.	
b. BLOCK SIZE						
Block Perimeter	no maximum	3,000 ft. max.	2,400 ft. max.	3,200 ft. max.	3,200 ft. max.	
c. THOROUGHFARES (See Table 3 and Table 4)						
HW	permitted	permitted	not permitted	not permitted	not permitted	
BV	not permitted	permitted	permitted	permitted	permitted	
AV	not permitted	permitted	permitted	permitted	permitted	
CS	not permitted	not permitted	not permitted	permitted	permitted	
DR	not permitted	permitted	permitted	permitted	permitted	
ST	not permitted	permitted	permitted	permitted	permitted	
RD	permitted	permitted	not permitted	not permitted	not permitted	
Rear Lane	permitted	permitted	required, or Alley	not permitted	not permitted	
Rear Alley	not permitted	permitted	required	required	required	
Path	permitted	permitted	permitted	not permitted	not permitted	
Passage	not permitted	permitted	permitted	permitted	permitted	
Multi-Use Trail	permitted	permitted	permitted	permitted	permitted	
Equestrian Trail	permitted	permitted	permitted	permitted	permitted	
Bicycle Lane	permitted	permitted	permitted	permitted	permitted	
Bicycle Route	permitted	permitted	permitted	permitted	permitted	
d. CIVIC SPACES (See Table 5)						
Park	permitted	permitted	permitted	permitted	permitted	
Green	not permitted	permitted	permitted	permitted	permitted	
Square	not permitted	not permitted	permitted	permitted	permitted	
Plaza	not permitted	not permitted	not permitted	permitted	permitted	
Playground, Pocket Park	permitted	permitted	permitted	permitted	permitted	
e. LOT OCCUPATION						BUILDING PLACEMENT
Lot Width	100 ft. min	70 ft. min 120 ft.	18 ft. min 96 ft.	18 ft. min no max.	18 ft. min no max.	
Lot Coverage	20% max	60% max.	70% max.	80% max.	80% max.	
f. SETBACKS - PRINCIPAL BUILDING (See Table 12)						
(f.1) Front Setback Principal [5]	60 ft. min.	15 or 20 ft. min. [2]	10 ft. min. 30 ft.	2 ft. min. 15 ft.	2 ft. min. 15 ft.	
(f.2) Front Setback Secondary [5]	40 ft. min.	12 ft. min.	8 ft. min. 20 ft. max.	2 ft. min. 15 ft.	2 ft. min. 15 ft.	
(f.3) Side Setback	25 ft. min.	5 or 10 ft. min. [2]	0 ft. min.	0 ft. min.	0 ft. min.	
(f.4) Rear Setback	50 ft. min.	12 ft. min.	3 ft. min.	3 ft. min.	3 ft. min.	
Frontage Buildout [5]	not applicable	30% min.	50% min.	50% min.	50% min.	
g. SETBACKS - OUTBUILDING (See Table 12)						
Front Setback	20 ft. min. + bldg.	20 ft. min. + bldg.	20 ft. min. + bldg.	40 ft. max. from	40 ft. max. from	
Side Setback	25 ft. min.	3 ft. or 6 ft. min. [3]	0 ft. or 3 ft. min. [3]	0 ft. min.	0 ft. min.	
Rear Setback	50 ft. min.	3 ft. min.	3 ft.	3 ft. max.	3 ft. max.	
h. BUILDING PLACEMENT (See Table 7)						
Edgeyard	permitted	permitted	permitted	permitted	permitted	
Sideyard	not permitted	not permitted	permitted	permitted	permitted	
Rearyard	not permitted	not permitted	permitted	permitted	permitted	
Courtyard	not permitted	not permitted	not permitted	permitted	permitted	
i. PRIVATE FRONTAGES (See Table 8) [5]						BUILDING FORM
Common Yard	permitted	permitted	not permitted	not permitted	not permitted	
Porch & Fence	permitted	permitted	permitted	not permitted	not permitted	
Terrace, Dooryard	not permitted	not permitted	permitted	permitted	permitted	
Forecourt	not permitted	not permitted	permitted	permitted	permitted	
Stoop	not permitted	not permitted	permitted	permitted	permitted	
Shopfront	not permitted	not permitted	permitted	permitted	permitted	
Gallery	not permitted	not permitted	not permitted	permitted	permitted	
j. BUILDING FORM-HEIGHT (See Table 6)						
Principal Building	3 stories max.	3 stories max.	3 stories max. [6]	4 stories max.	16 stories max.	
Outbuilding	2 stories max.	2 stories max.	2 stories max.	2 stories max.	2 stories max.	
k. BUILDING FUNCTION (See Table 9 and Table 10)						FUNCTION
Residential	restricted use	restricted use	limited use [7]	open use	open use	
Lodging	prohibited use	restricted use	limited use [4,7]	open use	open use	
Office	restricted use	restricted use	restricted use [4,7]	open use	open use	
Retail	prohibited use	prohibited use	limited use [4, 7]	open use [4]	open use	

Sec. 7B.4

Sec. 8.1 through 7B.3

1. *Minimum setbacks and building separations are subject to fire and building code restrictions.*
2. *Greater setback applies except for projects utilizing TDR, in which case the lesser setback applies.*
3. *Greater setback applies at a corner; lesser applies in all other situations.*
4. Within T4-permissive, T4-open, and T5-limited different building function requirements apply.
5. *See Sec. 7B.4.4.A.4 for alternate requirements for certain sized buildings along State Route 9.*
6. *Within T4-open the building height limits of T-5 apply.*
7. *See Section 7B.4.6.A for additional restrictions in T4-permissive.*

7B.5.16. Table 12A: Code Graphics - T3



(See Table 1)

BUILDING FUNCTION (See Table 9 & Table 10)

Residential	restricted use
Lodging	restricted use
Office	restricted use
Retail	prohibited use
BUILDING FORM (See Table 9)	
Principal Building	3 stories max.
Outbuilding	2 stories max.
LOT OCCUPATION (See Table 11 section e)	
Lot Width	70 ft. min., 120 ft. max.
Lot Coverage	60% max.
BUILDING PLACEMENT (See Table 7)	
Edgeyard	permitted
Sideyard	not permitted
Rearyard	not permitted
Courtyard	not permitted
SETBACKS - PRINCIPAL BUILDING (See Table 11 section f)	
Front Setback Principal (g.1 at right)	15 or 20 ft. min.*
Front Setback Secondary (g.2 at right)	12 ft. min.
Side Setback (g.3 at right)	5 or 10 ft. min.*
Rear Setback (g.4 at right)	12 ft. min. **
Frontage Buildout	30% min. at setback
SETBACKS - OUTBUILDING (See Table 11 section g)	
Front Setback Principal (h.1 at right)	20 ft. min. + bldg. setback
Front Setback Secondary (h.2 at right)	3 ft. min. or 6 ft. min. at corner
Side Setback (h.3 at right)	3 ft. min.
PRIVATE FRONTAGES (See Table 8)	
Common Yard	permitted
Porch & Fence	permitted
Terrace or Lightwell	not permitted
Forecourt	not permitted
Stoop	not permitted
Shopfront & Awning	not permitted
Gallery	not permitted
	Refer to Summary Table 11

* Greater setback applies except for projects utilizing TDR, in which case the lesser setback applies.

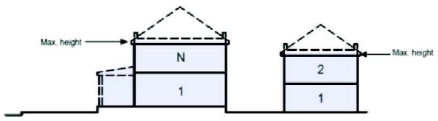
** or 15 feet from center line of alley

BUILDING CONFIGURATION

1. Building height is measured in number of stories, excluding attics and above-ground portions of basements.

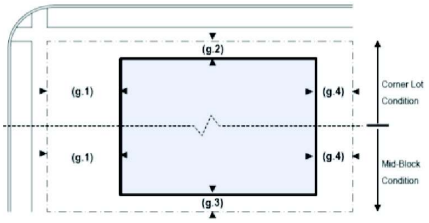
2. Stories must not exceed 14 feet in height from finished floor to finished ceiling.

3. Height is measured to the eave or roof deck.



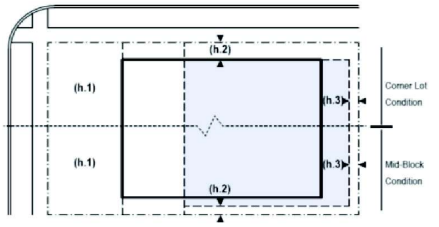
SETBACKS - PRINCIPAL BLDG.

1. The facades and elevations of principal buildings must be distanced from the frontage or lot lines as shown.
2. Facades must be built along the principal frontage to the minimum specified width in the table.



SETBACKS - OUTBUILDING

1. The elevations of the outbuilding must be distanced from the frontage or lot lines as shown.

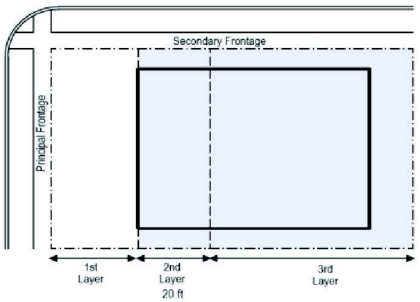


PARKING PLACEMENT

1. Uncovered parking spaces may be provided within the second and third layer as shown in the diagram (see Table 13 section d).

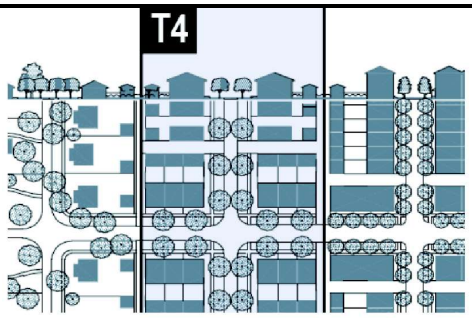
2. Covered parking may only be provided within the third layer as shown in the diagram (see Table 13 section d). Side- or rear-entry garages may be allowed in the first or second layer by warrant.

3. Trash containers must be stored within the third layer.



"N" stands for any stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums.

7B.5.17. TABLE 12B: Code Graphics - T4



(See Table 1)

BUILDING FUNCTION (See Table 9 & Table 10)	
Residential	limited use*
Lodging	limited use*
Office	restricted use*
Retail	limited use*
BUILDING FORM (See Table 6)	
Principal Building	3 stories max.
Outbuilding	2 stories max.
LOT OCCUPATION (See Table 11 section e)	
Lot Width	18 ft. min., 96 ft. max.
Lot Coverage	70% max.
BUILDING PLACEMENT (See Table 7)	
Edgeyard	permitted
Sideyard	permitted
Rearyard	permitted
Courtyard	not permitted
SETBACKS - PRINCIPAL BUILDING (See Table 11 section f)	
Front Setback Principal (g.1 at right)	10 ft. min., 30 ft. max.
Front Setback Secondary (g.2 at right)	8 ft. min., 20 ft. max.
Side Setback (g.3 at right)	0 ft. min.
Rear Setback (g.4 at right)	3 ft. min. **
Frontage Buildout	50% min. at setback
SETBACKS - OUTBUILDING (See Table 11 section g)	
Front Setback Principal (h.1 at right)	20 ft. min. + bldg. setback
Front Setback Secondary (h.2 at	0 ft. min. or 3 ft. min. at
Side Setback (h.3 at right)	3 ft. min.
PRIVATE FRONTAGES (See Table 8)	
Common Yard	not permitted
Porch & Fence	permitted
Terrace or Lightwell	permitted
Forecourt	permitted
Stoop	permitted
Shopfront & Awning	permitted
Gallery	not permitted
	Refer to Summary Table 11

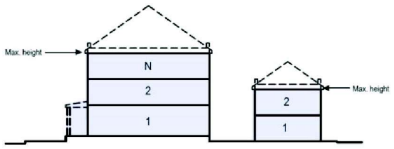
* Within T4-Open different building function requirements apply.

** or 15 feet from center line of alley

"N" stands for any stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums.

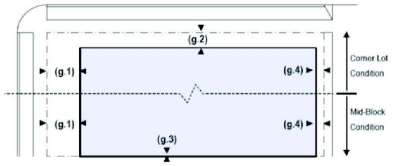
BUILDING CONFIGURATION

1. Building height is measured in number of stories, excluding attics and above-ground portions of basements.
2. Stories must not exceed 14 feet in height from finished floor to finished ceiling, except for a first story commercial function which must be a minimum of 11 feet with a maximum of 25 feet.
3. Height is measured to the eave or roof deck.



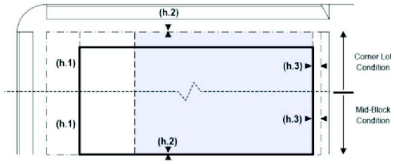
SETBACKS - PRINCIPAL BLDG.

1. The facades and elevations of principal buildings must be distanced from the lot lines as shown.
2. Facades must be built along the principal frontage to the minimum specified width in the table.



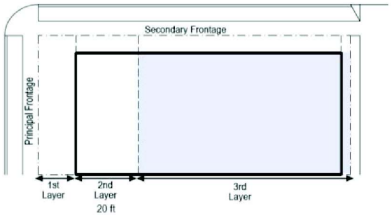
SETBACKS - OUTBUILDING

1. The elevations of the outbuilding must be distanced from the lot lines as shown.

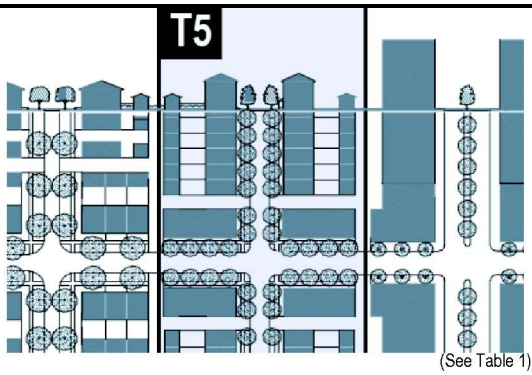


PARKING PLACEMENT

1. Uncovered parking spaces may be provided within the third layer as shown in the diagram (see Table 13 section d).
2. Covered parking may only be provided within the third layer as shown in the diagram (see Table 13 section d).
3. Trash containers must be stored within the third layer.



7B.5.18. Table 12C: Code Graphics - T5



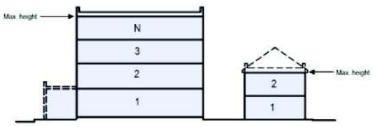
BUILDING FUNCTION (See Table 9 & Table 10)	
Residential	open use
Lodging	open use
Office	open use
Retail	open use*
BUILDING FORM (See Table 6)	
Principal Building	4 stories max.
Outbuilding	2 stories max.
LOT OCCUPATION (See Table 11 section e)	
Lot Width	18 ft. min., no max.
Lot Coverage	80% max.
BUILDING PLACEMENT (See Table 7)	
Edgeyard	permitted
Sideyard	permitted
Rearyard	permitted
Courtyard	permitted
SETBACKS - PRINCIPAL BUILDING (See Table 11 section f)	
Front Setback Principal (g.1 at right)	2 ft. min., 15 ft. max.
Front Setback Secondary (g.2 at right)	2 ft. min., 15 ft. max.
Side Setback (g.3 at right)	0 ft. min., 24 ft. max.
Rear Setback (g.4 at right)	3 ft. min.**
Frontage Buildout	50% min. at setback
SETBACKS - OUTBUILDING (See Table 11 section g)	
Front Setback Principal (h.1 at right)	40 ft. max. from rear prop.
Front Setback Secondary (h.2 at right)	0 ft. min. or 2 ft. min. at corner
Side Setback (h.3 at right)	3 ft. max.
PRIVATE FRONTAGES (See Table 8)	
Common Lawn	not permitted
Porch & Fence	not permitted
Terrace or Lightwell	permitted
Forecourt	permitted
Stoop	permitted
Shopfront & Awning	permitted
Gallery	permitted

Refer to Summary Table 11

* Within T5 Limited different building function requirements apply
* or 15 feet from center line of alley

BUILDING CONFIGURATION

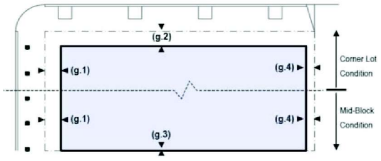
1. Building height must be measured in number of stories, excluding attics and above-ground portions of basements.
2. Stories must not exceed 14 feet in height from finished floor to finished ceiling, except for a first story commercial function which must be a minimum of 11 feet with a maximum of 25 feet.
3. Height is measured to the eave or roof deck.



SETBACKS - PRINCIPAL BLDG.

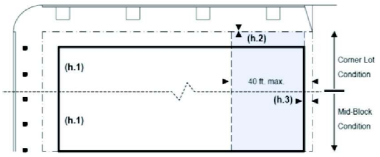
1. The facades and elevations of principal buildings must be distanced from the lot lines as shown.

2. Facades must be built along the principal frontage to the minimum specified width in the table.



SETBACKS - OUTBUILDING

1. The elevations of the outbuilding must be distanced from the lot lines as shown.

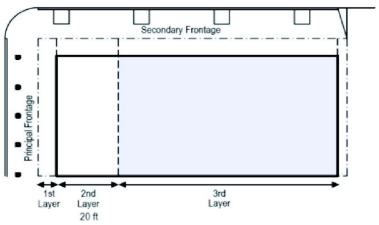


PARKING PLACEMENT

1. Uncovered parking spaces may be provided within the third layer as shown in the diagram (see Table 13 section d).

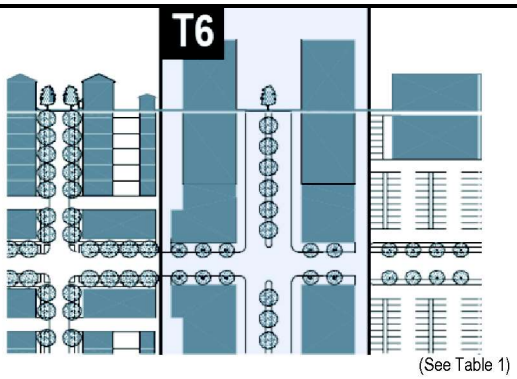
2. Covered parking may only be provided within the third layer as shown in the diagram (see Table 13 section d).

3. Trash containers must be stored within the third layer.



"N" stands for any stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums.

7B.5.19. Table 12D: Code Graphics - T6



(See Table 1)

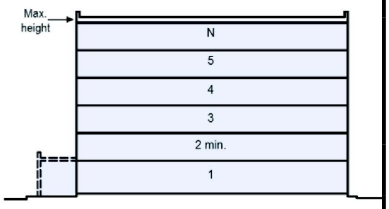
BUILDING FUNCTION (See Table 9 & Table 10)	
Residential	open use
Lodging	open use
Office	open use
Retail	open use
BUILDING FORM (See Table 6)	
Principal Building	8 stories max., 2 min.
Outbuilding	2 story max.
LOT OCCUPATION (See Table 14 [section] f)	
Lot Width	18 ft. min., no max.
Lot Coverage	80% max.
BUILDING PLACEMENT (See Table 7)	
Edgeyard	permitted
Sideyard	permitted
Rearyard	permitted
Courtyard	permitted
SETBACKS - PRINCIPAL BUILDING (See Table 11 section f)	
Front Setback Principal (g.1 at right)	2 ft. min., 15 ft. max.
Front Setback Secondary (g.2 at right)	2 ft. min., 15 ft. max.
Side Setback (g.3 at right)	0 ft. min.
Rear Setback (g.4 at right)	3 ft. min. *
Frontage Buildout	50% min. at setback
SETBACKS - OUTBUILDING (See Table 11 section g)	
Front Setback Principal (h.1 at right)	40 ft. max. from rear prop.
Front Setback Secondary (h.2 at right)	0 ft. min. or 2 ft. at corner
Side Setback (h.3 at right)	3 ft. max.
PRIVATE FRONTAGES (See Table 7)	
Common Yard	not permitted
Porch & Fence	not permitted
Terrace or Lightwell	permitted
Forecourt	permitted
Stoop	permitted
Shopfront & Awning	permitted
Gallery	permitted
	Refer to Summary Table 11

* or 15 feet from center line of alley

"N" stands for any stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums.

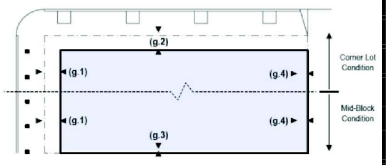
BUILDING CONFIGURATION

1. Building height is measured in number of stories, excluding attics and above-ground portions of basements.
2. Stories must not exceed 14 feet in height from finished floor to finished ceiling, except for a first story commercial function which must be a minimum of 11 feet with a maximum of 25 feet.
3. Height is measured to the eave or roof deck.
4. Setbacks must be as shown on Table 6.



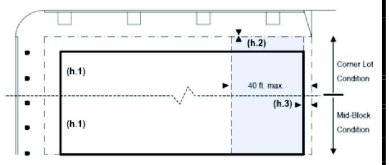
SETBACKS - PRINCIPAL BLDG.

1. The facades and elevations of principal buildings must be distanced from the frontage or lot lines as shown.
2. Facades must be built along the principal frontage to the minimum specified width in the table.



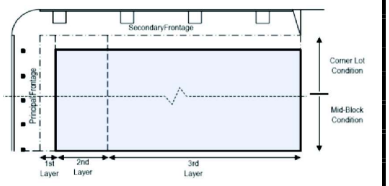
SETBACKS - OUTBUILDING

1. The elevations of the outbuilding must be distanced from the lot lines as shown.



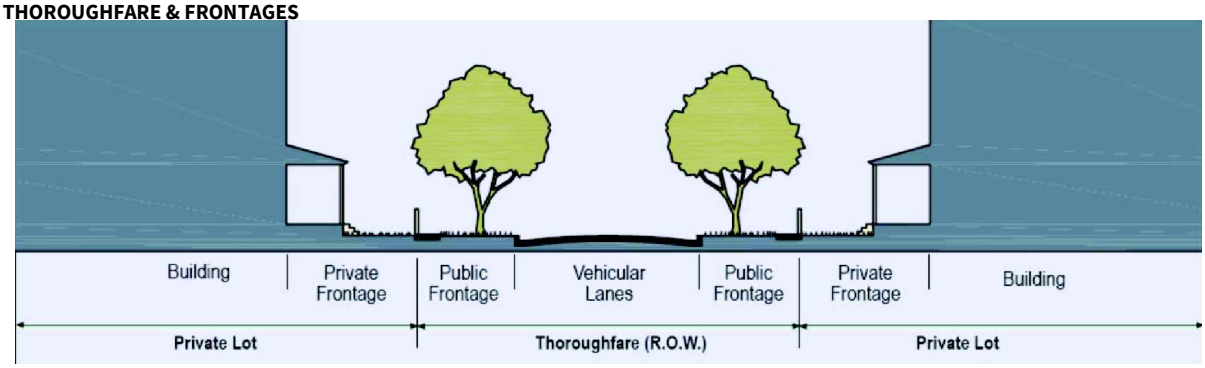
PARKING PLACEMENT

1. Uncovered parking spaces may be provided within the third layer as shown in the diagram (see Table 13 section d).
2. Covered parking must be provided within the third layer as shown in the diagram (see Table 13 section d).
3. Trash containers must be stored within the third layer.

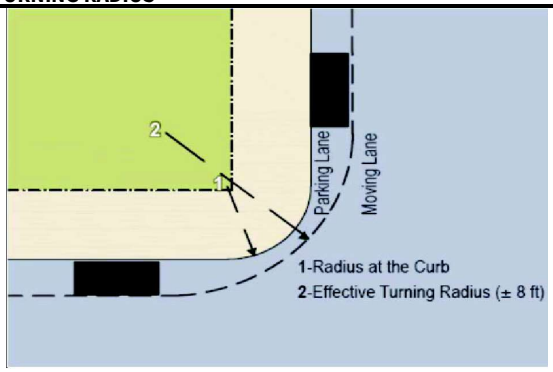


7B.5.20. Table 13: Definitions Illustrated

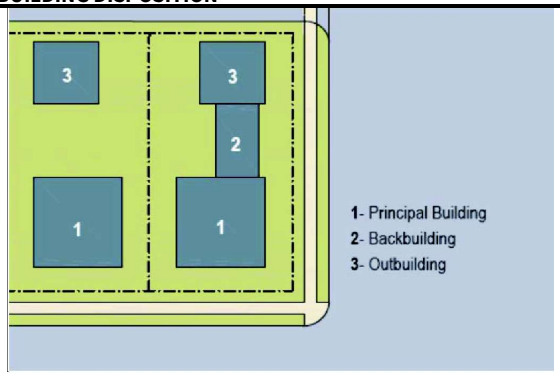
a. THOROUGHFARE & FRONTAGES



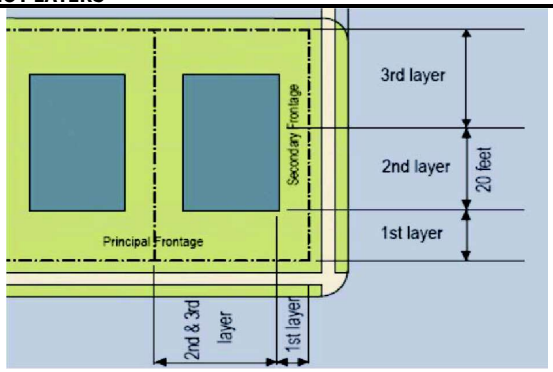
b. TURNING RADIUS



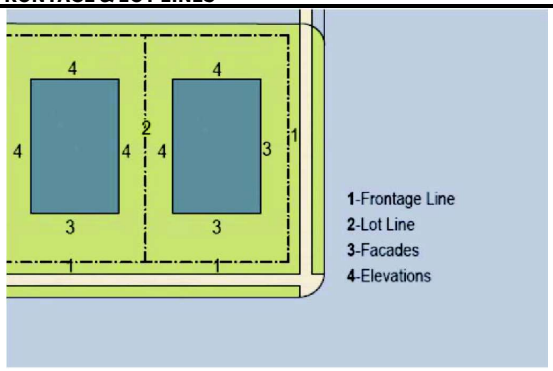
c. BUILDING DISPOSITION



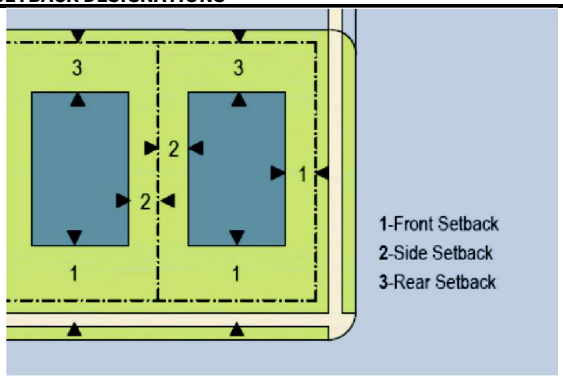
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e. FRONTAGE & LOT LINES



f. SETBACK DESIGNATIONS



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8.1. General

8.1.1. Classification of Use

A. General

No land may be used except for a use permitted in the district in which it is located.

B. Principal Uses

1. In order to regulate a variety of similar uses, use categories have been established for principal uses. Use categories provide a systematic basis for assigning uses to appropriate categories with other, similar uses. Use categories classify principal uses and activities based on common functional, product or physical characteristics.
2. Where a use category contains a list of included uses, the list is to be considered example uses, and not all-inclusive. The Director has the responsibility for categorizing all uses.
3. The use table in Sec. 8.2~~8.2~~ establishes permitted uses in Agricultural Districts, Residential Districts, Business Districts, and Form-Based Codes.
4. The use tables and text in Article 6 establish additional permitted use requirements in special purpose districts.
5. Definitions and any use standards for principal uses are specified in Sec. 8.3 through Sec. 8.7. Standards always apply unless indicated for use permits only.

C. Accessory Uses

1. An accessory use is any use that is usually subordinate in both purpose and size, incidental to, and customarily associated with a permitted principal use located on the same lot.
2. Accessory uses must be constructed concurrently with or after a principal use.
3. The use tables in Sec. 8.2~~8.2~~ establish permitted accessory uses in Agricultural Districts, Residential Districts, Business Districts, and Form-Based Codes.
4. Sec. 8.8.1 through Sec. 8.8.5 establish specific~~al~~ accessory uses also allowed in the A-L, CUP, O-I, C-1, and MIX districts.
5. Definitions and any use standards for accessory uses are specified in Sec. 8.8~~8.8~~. Standards always apply unless indicated for use permits only.

D. Temporary Uses

1. A temporary use is a use that is in place for a limited period of time only.
2. The use tables in Sec. 8.2~~8.2~~ establish permitted temporary uses in Agricultural Districts, Residential Districts, Business Districts, and Form-Based Codes.
3. Definitions and any use standards for temporary uses are specified in Sec. 8.9~~8.9~~. Standards always apply unless indicated for use permits only.

8.1.2. Principal Uses Not Listed

A permitted use not specifically listed is prohibited unless the Director determines it to be part of a use category as described below.

A. The Director is responsible for categorizing all principal uses. If a proposed use is not

listed in a use category, but is similar to a listed use, the Director may consider the proposed use part of that use category. When determining whether a proposed use is similar to a listed use, the Director must consider the following criteria:

1. The actual or projected characteristics of the proposed use.
2. The relative amount of site area or floor area and equipment devoted to the proposed use.
3. Relative amounts of sales.
4. The customer type.
5. The relative number of employees.
6. Hours of operation.
7. Building and site arrangement.
8. Types of vehicles used and their parking requirements.
9. The number of vehicle trips generated.
10. How the proposed use is advertised.
11. The likely impact on surrounding properties.
12. Whether the activity is likely to be found independent of the other activities on the site.

B. Where a use not listed in a use table is found by the Director not to be similar to any other permitted use, the use is only permitted following a text amendment (See Sec.12.3.).

8.1.3. Accessory Uses Not Listed

An accessory use not specifically listed is prohibited unless the Director determines the accessory use:

A. Is clearly incidental to and customarily found in connection with an allowed principal use; and

B. Is subordinate to and serving an allowed principal use.

8.1.4. Permitted Use Table Key

The following applies to the use tables found in Sec. 8.2 and in Form-Based Codes:

A. Permitted Use (P). Indicates a use is permitted in the respective district. The use is also subject to all other applicable requirements of this UDC, including use standards found in the right-hand column of the use table.

B. Administrative Permit (A). Indicates a use may be permitted in the respective district only where approved by the Director in accordance with Sec. 12.5.1. Uses permitted by administrative permit are subject to all other applicable requirements of this UDC, including any applicable use standards.

C. Warrant (W). Indicates a use may be permitted in the respective district only where approved by the Director by warrant in Form-Based Codes. Uses permitted by warrant are subject to all other applicable requirements of this UDC, including any applicable use standards.

D. Use Permit (U). Indicates a use may be permitted in the respective district only where approved by the City Council in accordance with Sec. 12.5.2. Uses permitted by use permit are subject to all other applicable requirements of this UDC, including any applicable use standards, except where the use standards are expressly modified by the City Council as part of the use permit approval.

E. Use Prohibited. An empty cell indicates that a use is prohibited in the respective district.

8.2. Permitted Use Tables

8.2.1. Use Table for All Districts, Except Form-Based Codes

Key: P=Permitted Use A=Administrative Permit U = Use Permit Empty Cell=Prohibited

Use Category	**Zoning Districts (Excludes Form-Based Codes)**																		
Specific Use	**AG-1**	**R-1**	**R-2**	**R-2A**	**R-3**	**R-3A**	**R-4**	**R-4A**	**R-5**	**R-5A**	**R-6**	**TR**	**A**	**A-L**	**NUP**	**CUP**	**O-I**	**C1**	**MIX**	Definition/ Standards
Residential Uses																				
All household living, as listed below:																				Sec. 8.3.1
Single-family	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P		P	Sec. 8.3.1.B
Duplex							P		P		P	P	P	P			P		P	Sec. 8.3.1.C
Townhouse												P	P	P					P	Sec. 8.3.1.D
Triplex												P	P	P					P	Sec. 8.3.1.E
Quadruplex												P	P	P					P	Sec. 8.3.1.F
Loft apartment																				Sec. 8.3.1.G
Neighborhood apartment																				Sec. 8.3.1.H
Multifamily													P	P				P	P	Sec. 8.3.1.I
Senior housing	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	Sec. 8.3.1.J
Live-work																		P		Sec. 8.3.1.K
Work-live																		P		Sec. 8.3.1.L
All group living, as listed below:																				Sec. 8.3.2
Alternative senior housing	U	U	U	U	U	U										U				Sec. 8.3.2.B
Boardinghouse, rooming house													P	P			P		P	Sec. 8.3.2.C
Convalescent center/nursing home/hospice											U	U	P	P			P	P	P	Sec. 8.3.2.D
Group residence											U	U	P	P			P	P	P	Sec. 8.3.2.E
Group residence for children (5 to 8 children)	U	U	U	U	U	U	U	U	U	U					U	U				Sec. 8.3.2.F
Group residence for children (9 to 15 children)											U	U								Sec. 8.3.2.F
Personal care home/assisted living											U	U	P	P			P	P	P	Sec. 8.3.2.G

Key: P=Permitted Use A=Administrative Permit U = Use Permit Empty Cell=Prohibited

Use Category	**Zoning Districts (Excludes Form-Based Codes)**																			
Specific Use	**AG-1**	**R-1**	**R-2**	**R-2A**	**R-3**	**R-3A**	**R-4**	**R-4A**	**R-5**	**R-5A**	**R-6**	**TR**	**A**	**A-L**	**NUP**	**CUP**	**O-I**	**C1**	**MIX**	Definition/ Standards
All relocated residential structures	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	Sec. 8.3.3
Public/Institutional Uses																				
All civic, as listed below:																				Sec. 8.4.1.A
Church, temple, or other place of worship	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U		P	P	P	Sec. 8.4.1.B
Colleges and universities																	P		P	Sec. 8.4.1.C
Library, private																	P	P	P	Sec. 8.4.1.D
Museum, private																	P	P	P	Sec. 8.4.1.E
Public use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.4.1.F
School, private (K-12)	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	Sec. 8.4.1.G
School, public (K-12)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.4.1.H
School, special	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	Sec. 8.4.1.I
All parks and open space, as listed below:																				Sec. 8.4.2
Cemetery/ mausoleum	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	Sec. 8.4.2.B
Golf course	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Sec. 8.4.2.C
Open space, private	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Sec. 8.4.2.D
Recreational court, private	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	Sec. 8.4.2.E
Recreational court, public																	A	A	A	Sec. 8.4.2.F
Recreational field	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	Sec. 8.4.2.G
Retreat, campground	U																			Sec. 8.4.2.H
Swimming pool, public																	A	A	A	Sec. 8.4.2.I
All utility substations	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Sec. 8.4.3
All Small wireless Facilities and antennas~~small cell facilities~~										~~A~~ ~~A~~ ~~A~~ ~~A~~ ~~A~~ ~~A~~ ~~A~~											Sec. 8.4.4

Key: P=Permitted Use A=Administrative Permit U = Use Permit Empty Cell=Prohibited																				
Use Category	**Zoning Districts (Excludes Form-Based Codes)**																			
Specific Use	**AG-1**	**R-1**	**R-2**	**R-2A**	**R-3**	**R-3A**	**R-4**	**R-4A**	**R-5**	**R-5A**	**R-6**	**TR**	**A**	**A-L**	**NUP**	**CUP**	**O-I**	**C1**	**MIX**	Definition/ Standards
	~~A~~ ~~A~~ ~~A~~ ~~A~~ ~~A~~ ~~A~~ ~~A~~ ~~A~~ ~~A~~ ~~A~~ ~~A~~See Sec. 8.4.4 Small Wireless Facilities and Antennas ~~A~~																			
All telecommuni-cation facilities	See Sec. 8.4.5 Telecommunication Facilities																			Sec. 8.4.5
Commercial Uses																				
All adult entertainment establishments, as listed below:																				Sec. 8.5.1
Adult bookstore																		U		Sec. 8.5.1.A
Adult entertainment establishments																		U		Sec. 8.5.1.B
All aircraft landing areas:	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	Sec. 8.5.2
All bars																				8.5.3
All day care facilities	U	U	U	U	U	U	U	U	U	U	U	U	U	U		P	P	P	P	See 8.5.4
All festivals or events, outdoor/indoor	U																U	U	U	Sec. 8.5.5
All indoor recreation, except as listed below:																		P	P	Sec. 8.5.6
Assembly hall, event facility																		P	P	Sec. 8.5.6.B
Conference center																				Sec. 8.5.6.D
Convention center																				Sec. 8.5.6.E
Gym, health spa, or yoga studio																	P	P	P	Sec. 8.5.6.F
Pool hall																				Sec. 8.5.6.G
Theater																		P	P	Sec. 8.5.6.H
All lodging, as listed below:																				Sec. 8.5.7

Key: P=Permitted Use A=Administrative Permit U = Use Permit Empty Cell=Prohibited																				
Use Category	**Zoning Districts (Excludes Form-Based Codes)**																			
Specific Use	**AG-1**	**R-1**	**R-2**	**R-2A**	**R-3**	**R-3A**	**R-4**	**R-4A**	**R-5**	**R-5A**	**R-6**	**TR**	**A**	**A-L**	**NUP**	**CUP**	**O-I**	**C1**	**MIX**	Definition/ Standards
Bed and breakfast inn	U										U	U								Sec. 8.5.7.B
Country inn	U																			Sec. 8.5.7.C
Hotel/motel																	P	P	P	Sec. 8.5.7.D
All medical, except as listed below:																	P	P	P	Sec. 8.5.8
Hospital																	P		P	Sec. 8.5.8.C
All nightclubs																				Sec. 8.5.9
All office, except as listed below:																	P	P	P	Sec. 8.5.10
Bail bondsman																				Sec. 8.5.10.B
Business, trade, arts school																	P	P	P	Sec. 8.5.10.C
Check cashing establishment																				Sec. 8.5.10.D
Data center																	P	P	P	Sec. 8.5.10.E
Escort and dating service																				Sec. 8.5.10.F
Radio, TV station																				Sec. 8.5.10.H
Recording studio																	P		P	Sec. 8.5.10.I
All outdoor recreation, as listed below:																				Sec. 8.5.11
Amphitheater	U																U	U	U	Sec. 8.5.11.B
Driving range	U																U	U	U	Sec. 8.5.11.C
Outdoor amusements																				Sec. 8.5.11.D
Outdoor auditorium																				Sec. 8.5.11.E
Racetrack	U																			Sec. 8.5.11.F
Stadium (private school)	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	Sec. 8.5.11.G
Stadium (sports)																	P	P	P	Sec. 8.5.11.H
All personal service, except as listed below:																		P		Sec. 8.5.12
Animal care (indoor)	A																A	A	A	Sec. 8.5.12.B
Animal care (outdoor)	A																			Sec. 8.5.12.C

Key: P=Permitted Use A=Administrative Permit U = Use Permit Empty Cell=Prohibited																				
Use Category	**Zoning Districts (Excludes Form-Based Codes)**																			
Specific Use	**AG-1**	**R-1**	**R-2**	**R-2A**	**R-3**	**R-3A**	**R-4**	**R-4A**	**R-5**	**R-5A**	**R-6**	**TR**	**A**	**A-L**	**NUP**	**CUP**	**O-I**	**C1**	**MIX**	Definition/ Standards
Animal care (pet grooming)																		P		Sec. 8.5.12.D
Catering establishment																		P		Sec. 8.5.12.E
Fortune telling establishment																				Sec. 8.5.12.F
Funeral home																	P	P	P	Sec. 8.5.12.G
Landscape business	U																	P		Sec. 8.5.12.H
Laundromat																				Sec. 8.5.12.I
Laundry and dry cleaning shop																		P		Sec. 8.5.12.J
Massage parlor																				Sec. 8.5.12.K
Tattoo and body art or piercing establishment																				Sec. 8.5.12.O
All restaurants, except as listed below:																		P	P	Sec. 8.5.13
Brewpub																				Sec. 8.5.13.B
Drive in/up restaurant																		P	P	Sec. 8.5.13.C
Fast food restaurant																		P	P	Sec. 8.5.13.D
Limited Food Service Restaurant																				Sec. 8.5.13.E
Limited tap establishment																				Sec. 8.5.13.F
All retail sales, except as listed below:																		P	P	Sec. 8.5.14
Art gallery																	P	P	P	Sec. 8.5.14.B
Artist studio	U	U	U	U													U	U	U	Sec. 8.5.14.C
Craft beer and/or wine market																		U	U	Sec. 8.5.14.D
Equine garment fabrication	U																			Sec. 8.5.14.E
Flea market and second-hand surplus retailers																				Sec. 8.5.14.F
Garden center																		P		Sec. 8.5.14.G
Pawnshop																		P		Sec. 8.5.14.H

Key: P=Permitted Use A=Administrative Permit U = Use Permit Empty Cell=Prohibited

Use Category	Zoning Districts (Excludes Form-Based Codes)																			
Specific Use	AG-1	R-1	R-2	R-2A	R-3	R-3A	R-4	R-4A	R-5	R-5A	R-6	TR	A	A-L	NUP	CUP	O-I	C1	MIX	Definition/ Standards
Retail package distilled spirit store																		U [1]		Sec. 8.5.14.I
Retail package malt beverage/ wine store																		P	P	Sec. 8.5.14.J
Specialty gift shop																		P	P	Sec. 8.5.14.K
Vape shop																				Sec. 8.5.14.L
All vehicular, as listed below:																				Sec. 8.5.15
Automobile and light truck sales/leasing																				Sec. 8.5.15.B
Automotive garage																		P		Sec. 8.5.15.C
Automotive specialty shop																		P		Sec. 8.5.15.D
Car wash, principal																		P	P	Sec. 8.5.15.E
Gasoline station																		P		Sec. 8.5.15.F
Parking																	P	P	P	Sec. 8.5.15.G
Repair garage, automobile																				Sec. 8.5.15.H
Repair garage, truck and heavy equipment																				Sec. 8.5.15.I
Service station																		P	P	Sec. 8.5.15.J
Industrial Uses																				
All alcoholic beverage production																		U		Sec.8.6.1
All craft manufacturing																				Sec. 8.6.2
All light manufacturing																				Sec. 8.6.3
All research and development																	P	P	P	Sec. 8.6.4
All self-storage																		U	U	Sec. 8.6.5
All waste related services, except as listed below:																				Sec. 8.6.6.A
Collecting recycling center	P																	P		Sec. 8.6.6.B
Landfill, inert waste	U																			Sec. 8.6.6.C

Key: P=Permitted Use A=Administrative Permit U = Use Permit Empty Cell=Prohibited

Use Category	**Zoning Districts (Excludes Form-Based Codes)**																			
Specific Use	**AG-1**	**R-1**	**R-2**	**R-2A**	**R-3**	**R-3A**	**R-4**	**R-4A**	**R-5**	**R-5A**	**R-6**	**TR**	**A**	**A-L**	**NUP**	**CUP**	**O-I**	**C1**	**MIX**	Definition/ Standards
Open Uses																				
All agriculture, as listed below:																				Sec. 8.7.1.A
Agricultural operations	P	P	P	P	P	P	P	P	P		P					P				Sec. 8.7.1.B
Agriculture-related activities	U																			Sec. 9.7.1.C
Barn (property 5 ac. or larger)	U,P																			Sec. 8.7.1.D
Barn (property less than 5 ac.)	U																			Sec. 8.7.1.D
Composting	P																			Sec. 8.7.1.E
Farm winery, Georgia farm winery	U																			Sec. 8.7.1.F
Plant nursery	P	P	P	P	P	P	P	P	P		P									Sec. 8.7.1.G
Rural or agricultural event facility	U	U	U	U																Sec. 8.7.1.H
All riding areas:	U,P																			Sec. 8.7.2
Accessory Uses																				
Accessory uses not listed below, as determined by the Director:	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.8
Accessory barn	P																			Sec. 8.8.6.
Accessory dwelling unit																				Sec. 8.8.7
Accessory manufactured home	U																			Sec. 8.8.8
Antenna~~s~~ (up to 90 ft. in height)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		Sec. 8.8.9.B.2
Antenna (over 90 ft. in height)	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U		Sec. 8.8.9.B.3
Car wash, accessory																	P	P	P	Sec. 8.8.10
Drive-through																		P	P	Sec. 8.8.11
Greenhouse, non-commercial	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.8.12
Guesthouse	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Sec. 8.8.13
Home occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.8.14

Key: P=Permitted Use A=Administrative Permit U = Use Permit Empty Cell=Prohibited																			
Use Category	**Zoning Districts (Excludes Form-Based Codes)**																		
Specific Use	**AG-1**	**R-1**	**R-2**	**R-2A**	**R-3**	**R-3A**	**R-4**	**R-4A**	**R-5**	**R-5A**	**R-6**	**TR**	**A**	**A-L**	**NUP**	**CUP**	**O-I**	**C1**	**MIX**	Definition/ Standards
Keeping of exotic or wild animals	U																			Sec. 8.8.15
Keeping of horses	P	P	P	P	P	P	P	P	P	P	P				P	P				Sec. 8.8.16
Outdoor storage and display	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.8.17
Skywalks	U																U	U	U	Sec. 8.8.18
Swimming pool, private	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	Sec. 8.8.19
Temporary Uses																				
Media production	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Sec. 8.9.1
Push cart																				Sec. 8.9.2
Real estate sales trailers	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Sec. 8.9.3
Revival tent	A																A	A	A	Sec. 8.9.4
Roadside produce stands	A																	A	A	Sec. 8.9.5
Roadside vending																				Sec. 8.9.6
Seasonal business use	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	Sec. 8.9.7
Temporary classroom	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Sec. 8.9.8
Nonstructural consumer fireworks retail sales facility																				Sec. 8.9.9
Temporary consumer fireworks retail sales facility																				Sec. 8.9.10
Temporary manufactured home	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Sec. 8.9.11
Temporary office	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Sec. 8.9.12
Temporary structures (other)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Sec. 8.9.13
Temporary use of existing dwelling	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Sec. 8.9.14

Table Notes:

1. Retail package distilled spirit stores are only allowed in the Birmingham Crossroads Overlay.

8.2.2. Use Table for Crabapple FBC

This table expands the categories of Table 7A.5.9 (Table 8A) and Sec. 7A.5.10 (Table 8B) to delegate specific permitted uses within Crabapple Form-Based Code Transect Zones.

Key: P=Permitted Use A=Administrative Permit W= Warrant U = Use Permit Empty Cell=Prohibited							
Use Category Specific Use	**Crabapple Form-Based Code**						
	T2	**T3**	**T4-R [1]**	**T4**	**T4-O [2]**	**T5**	**Definition/ Standards**
Residential Uses							
All household living, as listed below:							Sec. 8.3.1
Single-family	P	P	P	P	P		Sec. 8.3.1.B
Duplex			P	P	P	P	Sec. 8.3.1.C
Townhouse			P	P	P	P	Sec. 8.3.1.D
Triplex					P	P	Sec. 8.3.1.E
Quadruplex					P	P	Sec. 8.3.1.F
Loft apartment				U	P	P	Sec. 8.3.1.G
Neighborhood apartment				U	P	P	Sec. 8.3.1.H
Multifamily				U	U	U	Sec. 8.3.1.I
Senior housing	U	U	U	U	U	U	Sec. 8.3.1.J
Live-work		P		P	P	P	Sec. 8.3.1.K
Work-live				P	P	P	Sec. 8.3.1.L
All group living, as listed below:							Sec. 8.3.2
Alternative senior housing	U	u		U			Sec. 8.3.2.B
Boardinghouse, rooming house							Sec. 8.3.2.C
Convalescent center/nursing home/hospice					P	P	Sec. 8.3.2.D
Group residence				U	U	U	Sec. 8.3.2.E
Group residence for children (5 to 8 children)	U	U		U	U	U	Sec. 8.3.2.F
Group residence for children (9 to 15 children)							Sec. 8.3.2.F
Personal care home/assisted living					P	P	Sec. 8.3.2.G
All relocated residential structures	W	W	W	W	W	W	Sec. 8.3.3
Public/Institutional Uses							
All civic, as listed below:							Sec. 8.4.1.A
Church, temple, or other place of worship	U	U	U	U	U	U	Sec. 8.4.1.B
Colleges and universities	U	U		U	U	U	Sec. 8.4.1.C
Library, private				P	P	P	Sec. 8.4.1.D

Key: P=Permitted Use A=Administrative Permit W= Warrant U = Use Permit Empty Cell=Prohibited							
Use Category Specific Use	**Crabapple Form-Based Code**						
	T2	**T3**	**T4-R [1]**	**T4**	**T4-O [2]**	**T5**	**Definition/ Standards**
Museum, private					P	P	Sec. 8.4.1.E
Public use	P	P	P	P	P	P	Sec. 8.4.1.F
School, private (K-12)	U	U		U	U	U	Sec. 8.4.1.G
School, public (K-12)	P	P	P	P	P	P	Sec. 8.4.1.H
School, special	U	U		U	U	U	Sec. 8.4.1.I
All parks and open space, as listed below:							Sec. 8.4.2
Cemetery/mausoleum	U	U		U			Sec. 8.4.2.B
Golf course							Sec. 8.4.2.C
Open space, private	A	A	A	A	A	A	Sec. 8.4.2.D
Recreational court, private	W	W					Sec. 8.4.2.E
Recreational court, public				W	W	W	Sec. 8.4.2.F
Recreational field	U	U		U	U	U	Sec. 8.4.2.G
Retreat, campground	U						Sec. 8.4.2.H
Swimming pool, public					U	U	Sec. 8.4.2.I
All utility substations	W	W	W	W	W	W	Sec. 8.4.3
All small wireless facilities and antennas~~small cell facilities~~	See Sec. 8.4.4 Small Wireless Facilities and Antennas~~A~~ ~~A~~ ~~A~~ ~~A~~ ~~A~~						Sec. 8.4.4
All telecommunications facilities	See Sec. 8.4.5 Telecommunication Facilities						Sec. 8.4.5
Commercial Uses							
All adult entertainment establishments, as listed below:							Sec. 8.5.1
Adult bookstore							Sec. 8.5.1.A
Adult entertainment establishments							Sec. 8.5.1.B
All aircraft landing areas							Sec. 8.5.2
All bars							Sec. 8.5.2
All day care facilities	U	U		U	U	U	See 8.5.4
All festivals or events, outdoor/indoor	U	U		U	U	U	Sec. 8.5.5
All indoor recreation, except as listed below:					P	P	Sec. 8.5.6
Assembly hall, event facility					U	U	Sec. 8.5.6.B

Key: P=Permitted Use A=Administrative Permit W= Warrant U = Use Permit Empty Cell=Prohibited							
Use Category Specific Use	**Crabapple Form-Based Code**						
	T2	**T3**	**T4-R [1]**	**T4**	**T4-O [2]**	**T5**	**Definition/ Standards**
Conference center					W	W	Sec. 8.5.6.D
Convention center							Sec. 8.5.6.E
Gym, health spa, or yoga studio					P	P	Sec. 8.5.6.F
Pool hall							Sec. 8.5.6.G
Theater					U	U	Sec. 8.5.6.H
All lodging, as listed below:							Sec. 8.5.7
Bed and breakfast inn	U	U		P	P	P	Sec. 8.5.7.B
Country inn							Sec. 8.5.7.C
Hotel/motel					P	P	Sec. 8.5.7.D
All medical, except as listed below:					P	P	Sec. 8.5.8
Hospital							Sec. 8.5.8.C
All nightclubs							Sec. 8.5.9
All office, except as listed below:				P	P	P	Sec. 8.5.10
Bail bondsman							Sec. 8.5.10.B
Business, trade, arts school					W	W	Sec. 8.5.10.C
Check cashing establishment							Sec. 8.5.10.D
Data center							Sec. 8.5.10.E
Escort and dating service							Sec. 8.5.10.F
Radio, TV station							Sec. 8.5.10.H
Recording studio							Sec. 8.5.10.I
All outdoor recreation, as listed below:					W	W	Sec. 8.5.11
Amphitheater	U						Sec. 8.5.11.B
Driving range							Sec. 8.5.11.C
Outdoor amusements					W	W	Sec. 8.5.11.D
Outdoor auditorium	W	P		P	P	P	Sec. 8.5.11.E
Racetrack					W	W	Sec. 8.5.11.F
Stadium (private school)	U	U		U	U	U	Sec. 8.5.11.G
Stadium (sports)							Sec. 8.5.11.H
All personal service, except as listed below:				P	P	P	Sec. 8.5.12
Animal care (indoor)	W				W	W	Sec. 8.5.12.B
Animal care (outdoor)	U	U					Sec. 8.5.12.C

Key: P=Permitted Use A=Administrative Permit W= Warrant U = Use Permit Empty Cell=Prohibited							
Use Category Specific Use	**Crabapple Form-Based Code**						
	T2	**T3**	**T4-R [1]**	**T4**	**T4-O [2]**	**T5**	**Definition/ Standards**
Animal care (pet grooming)					P	P	Sec. 8.5.12.D
Catering establishment					P	P	Sec. 8.5.12.E
Fortune telling establishment							Sec. 8.5.12.F
Funeral home					P	P	Sec. 8.5.12.G
Landscape business					P	P	Sec. 8.5.12.H
Laundromat					P	P	Sec. 8.5.12.H
Laundry and dry cleaning shop					P	P	Sec. 8.5.12.J
Massage parlor							Sec. 8.5.12.K
Tattoo and body art or piercing establishment							Sec. 8.5.12.O
All restaurants, except as listed below:				P	P	P	Sec. 8.5.13
Brewpub				P	P	P	Sec. 8.5.13.B
Drive in/up restaurant					U	U	Sec. 8.5.13.C
Fast food restaurant							Sec. 8.5.13.D
Limited Food Service Restaurant							Sec. 8.5.13.E
Limited tap establishment [3]					U	U	Sec. 8.5.13.F
All retail sales, except as listed below:				P	P	P	Sec. 8.5.14
Art gallery				P	P	P	Sec. 8.5.14.B
Artist studio	U			U	U	U	Sec. 8.5.14.C
Craft beer and/or wine market				U	U	U	Sec. 8.5.14.D
Equine garment fabrication	U						Sec. 8.5.14.E
Flea market and second-hand surplus retailers							Sec. 8.5.14.F
Garden center					P	P	Sec. 8.5.14.G
Pawnshop							Sec. 8.5.14.H
Retail package distilled spirit store						U	Sec. 8.5.14.I
Retail package malt beverage/ wine store				P	P	P	Sec. 8.5.14.J
Specialty gift shop				P	P	P	Sec. 8.5.14.K
Vape shop							Sec. 8.5.14.L
All vehicular, as listed below:							Sec. 8.5.15
Automobile and light truck sales/leasing						W	Sec. 8.5.15.B
Automotive garage					P	P	Sec. 8.5.15.C

Key: P=Permitted Use A=Administrative Permit W= Warrant U = Use Permit Empty Cell=Prohibited							
Use Category Specific Use	**Crabapple Form-Based Code**						
	T2	**T3**	**T4-R [1]**	**T4**	**T4-O [2]**	**T5**	**Definition/ Standards**
Automotive specialty shop							Sec. 8.5.15.D
Car wash, principal					P	P	Sec. 8.5.15.E
Gasoline station					W	W	Sec. 8.5.15.F
Parking				W	W	W	Sec. 8.5.15.G
Repair garage, automobile					P	P	Sec. 8.5.15.H
Repair garage, truck and heavy equipment							Sec. 8.5.15.I
Service station							Sec. 8.5.15.J
Industrial Uses							
All alcoholic beverage production					U	U	Sec.8.6.1
All craft manufacturing						W	Sec. 8.6.2
All light manufacturing						W	Sec. 8.6.3
All research and development						W	Sec. 8.6.4
All self-Storage							Sec. 8.6.5
All waste-related services, except as listed below:							Sec. 8.6.6.A
Collecting recycling center					W	W	Sec. 8.6.6.B
Open Uses							
All agriculture, as listed below:							Sec. 8.7.1.A
Agricultural operations	P	W					Sec. 8.7.1.B
Agriculture-related activities	U						Sec. 9.7.1.C
Barn (property 5 ac. or larger)	P						Sec. 8.7.1.D
Barn (property less than 5 ac.)	U						Sec. 8.7.1.D
Composting	P						Sec. 8.7.1.E
Farm winery, Georgia farm winery	U						Sec. 8.7.1.F
Plant nursery	P	W					Sec. 8.7.1.G
Rural or agricultural event facility	U						Sec. 8.7.1.H
All riding areas:	U,P						Sec. 8.7.2
Accessory Uses							
Accessory uses not otherwise listed below, as determined by the Director:	P	P	P	P	P	P	Sec. 8.8
Accessory barn	P						Sec. 8.8.6.
Accessory dwelling unit	P	P		P	P	P	Sec. 8.8.7

Key: P=Permitted Use A=Administrative Permit W= Warrant U = Use Permit Empty Cell=Prohibited							
Use Category Specific Use	**Crabapple Form-Based Code**						
	T2	**T3**	**T4-R [1]**	**T4**	**T4-O [2]**	**T5**	**Definition/ Standards**
Accessory manufactured home	U						Sec. 8.8.8
Antenna~~s~~ (up to 90 ft. in height)	W	W	W	W	W	W	Sec. 8.8.9.B.2
Antenna (over 90 ft. in height)	U	U	U	U	U	U	Sec. 8.8.9.B.3
Car wash, accessory					W	W	Sec. 8.8.10
Drive-through					W	W	Sec. 8.8.11
Greenhouse, non-commercial	P	P	P	P	P	P	Sec. 8.8.12
Guesthouse	W	W	W	W	W	W	Sec. 8.8.13
Home occupation	P	P	P	P	P	P	Sec. 8.8.14
Keeping of exotic or wild animals							Sec. 8.8.15
Keeping of horses	P	P	P	P	P	P	Sec. 8.8.16
Outdoor storage and display	P	P	P	P	P	P	Sec. 8.8.17
Skywalks	U						Sec. 8.8.18
Swimming pool, private	A	A	A	A	A	A	Sec. 8.8.19
Temporary Uses							
Media production	A	A	A	A	A	A	Sec. 8.9.1
Push cart					A	A	Sec. 8.9.2
Real estate sales trailers	A	A	A	A	A	A	Sec. 8.9.3
Revival tent							Sec. 8.9.4
Roadside produce stands	A	A	A	A	A	A	Sec. 8.9.5
Roadside vending							Sec. 8.9.6
Seasonal business use						A	Sec. 8.9.7
Temporary classroom	A	A	A	A	A	A	Sec. 8.9.8
Nonstructural consumer fireworks retail sales facility							Sec. 8.9.9
Temporary consumer fireworks retail sales facility						A	Sec. 8.9.10
Temporary manufactured home							Sec. 8.9.11
Temporary office	A	A	A	A	A	A	Sec. 8.9.12
Temporary structures (other)	A	A	A	A	A	A	Sec. 8.9.13
Temporary use of existing dwelling	A	A	A	A	A	A	Sec. 8.9.14

Table Notes:
1. T4-Restricted.
2. T4-Open.
3. No use permits will be considered unless the establishment meets the requirements pursuant to Chapter 4, Article III, Division 3 of the Milton Code of Ordinances.

8.2.3. Use Table for Deerfield FBC

This table expands the categories of Sec. 7B.5.12 (Table 9A) and Sec. 7B.5.13 (Table 9B) to delegate specific permitted uses within Deerfield Form-Based Code Transect Zones.

Key: P=Permitted Use A=Administrative Permit W= Warrant U = Use Permit Empty Cell=Prohibited								
Use Category Specific Use	**Deerfield Form-Based Code**							
	T2 [1]	**T3**	**T4**	**T4-P [3]**	**T4-O**	**T5 [2]**	**T6**	**Definition/ Standards**
Residential Uses [5]								
All household living, as listed below:								Sec. 8.3.1
Single-family	P	P	P	P	P			Sec. 8.3.1.B
Duplex			P	P	P	P		Sec. 8.3.1.C
Townhouse			P	P	U	U		Sec. 8.3.1.D
Triplex			P	P	P	P		Sec. 8.3.1.E
Quadruplex			P	P	P	P		Sec. 8.3.1.F
Loft apartment				P	P	P		Sec. 8.3.1.G
Neighborhood apartment								Sec. 8.3.1.H
Multifamily			U		U	U	U	Sec. 8.3.1.I
Senior housing	U	U	U	U	U	U	U	Sec. 8.3.1.J
Live-work		P	P	P	P	P		Sec. 8.3.1.K
Work-live		P	P	P	P	P	P	Sec. 8.3.1.L
All group living, as listed below:								Sec. 8.3.2
Alternative senior housing	U	U	U					Sec. 8.3.2.B
Boardinghouse, rooming house								Sec. 8.3.2.C
Convalescent center/nursing home/hospice				P	P	P	P	Sec. 8.3.2.D
Group residence			U		U	U	U	Sec. 8.3.2.E
Group residence for children (5 to 8 children)	U	U	U		U	U	U	Sec. 8.3.2.F
Group residence for children (9 to 15 children)						U	U	Sec. 8.3.2.F
Personal care home/assisted living				P	P	P	P	Sec. 8.3.2.G
All relocated residential structures	W	W	W	W	W	W		Sec. 8.3.3
Public/Institutional Uses								
All civic, as listed below:								Sec. 8.4.1.A
Church, temple, or other place of worship	U	U	U	P	P	P	P	Sec. 8.4.1.B
Colleges and universities	U	U	U	U	U	U	U	Sec. 8.4.1.C
Library, private				P	P	P	P	Sec. 8.4.1.D

Key: P=Permitted Use A=Administrative Permit W= Warrant U = Use Permit Empty Cell=Prohibited								
Use Category Specific Use	**Deerfield Form-Based Code**							
	T2 [1]	**T3**	**T4**	**T4-P [3]**	**T4-O**	**T5 [2]**	**T6**	**Definition/ Standards**
Museum, private					W	W	W	Sec. 8.4.1.E
Public use	P	P	P	P	P	P	P	Sec. 8.4.1.F
School, private (K-12)	U	U	U	U	U	U	U	Sec. 8.4.1.G
School, public (K-12)	P	P	P	P	P	P	P	Sec. 8.4.1.H
School, special	U	U	U	U	U	U	U	Sec. 8.4.1.I
All parks and open space, as listed below:								Sec. 8.4.2
Cemetery/mausoleum	U	U	U					Sec. 8.4.2.B
Golf course								Sec. 8.4.2.C
Open space, private	A	A	A	A	A	A	A	Sec. 8.4.2.D
Recreational court, private	W	W	W		W	W	W	Sec. 8.4.2.E
Recreational court, public								Sec. 8.4.2.F
Recreational field	U	U	U		U	U	U	Sec. 8.4.2.G
Retreat, campground	U							Sec. 8.4.2.H
Swimming pool, public					U	U	U	Sec. 8.4.2.I
All utility substations	W	W	W	W	W	W	W	Sec. 8.4.3
All small wireless facilities and antennas~~small cell facilities~~	See Sec. 8.4.4 Small Wireless Facilities and Antennas~~A~~ ~~A~~ ~~A~~ ~~A~~ ~~A~~ ~~A~~							Sec. 8.4.4
All telecommunications facilities	See Sec. 8.4.5 Telecommunication Facilities							Sec. 8.4.5
Commercial Uses								
All adult entertainment establishments, as listed below:								Sec. 8.5.1
Adult bookstore								Sec. 8.5.1.A
Adult entertainment establishments								Sec. 8.5.1.B
All aircraft landing areas:								Sec. 8.5.2
All bars								Sec. 8.5.2
All day care facilities			U	U	P	P	P	See 8.5.4
All festivals or events, outdoor/indoor	U	U	U		U	U	U	Sec. 8.5.5
All indoor recreation, except as listed below:					P	P	P	Sec. 8.5.6

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Use Category Specific Use	**Deerfield Form-Based Code**							
	T2 [1]	**T3**	**T4**	**T4-P [3]**	**T4-O**	**T5 [2]**	**T6**	**Definition/ Standards**
Assembly hall, event facility						U	U	Sec. 8.5.6.B
Conference center					W	W	P	Sec. 8.5.6.D
Convention center							P	Sec. 8.5.6.E
Gym, health spa, or yoga studio					P	P	P	Sec. 8.5.6.F
Pool hall								Sec. 8.5.6.G
Theater					P	P	P	Sec. 8.5.6.H
All lodging, as listed below:								Sec. 8.5.7
Bed and breakfast inn	U	U	P		P	P	P	Sec. 8.5.7.B
Country inn								Sec. 8.5.7.C
Hotel/motel					P	P	P	Sec. 8.5.7.D
All medical, except as listed below:				P	P	P	P	Sec. 8.5.8
Hospital						P	P	Sec. 8.5.8.C
All nightclubs								Sec. 8.5.9
All office, except as listed below:				P[4]	P	P	P	Sec. 8.5.10
Bail bondsman								Sec. 8.5.10.B
Business, trade, arts school					W	W	W	Sec. 8.5.10.C
Check cashing establishment					W	W	W	Sec. 8.5.10.D
Escort and dating service								Sec. 8.5.10.E
Data center						P	P	Sec. 8.5.10.F
Radio, TV station					U	U	U	Sec. 8.5.10.H
Recording studio					U	U	U	Sec. 8.5.10.I
All outdoor recreation, as listed below:					W	W	W	Sec. 8.5.11
Amphitheater	U							Sec. 8.5.11.B
Driving range					P	P	P	Sec. 8.5.11.C
Outdoor amusements					W	W	W	Sec. 8.5.11.D
Outdoor auditorium	W	P	P	P	P	P	P	Sec. 8.5.11.E
Racetrack					P	P	P	Sec. 8.5.11.F
Stadium (private school)	U	U	U	U	U	U	U	Sec. 8.5.11.G
Stadium (sports)								Sec. 8.5.11.H
All personal service, except as listed below:			P	P	P	P	P	Sec. 8.5.12

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Use Category Specific Use	**Deerfield Form-Based Code**							
	T2 [1]	**T3**	**T4**	**T4-P [3]**	**T4-O**	**T5 [2]**	**T6**	**Definition/ Standards**
Animal care (indoor)	W				W	W	W	Sec. 8.5.12.B
Animal care (outdoor)								Sec. 8.5.12.C
Animal care (pet grooming)					P	P	P	Sec. 8.5.12.D
Catering establishment					P	P	P	Sec. 8.5.12.E
Fortune telling establishment								Sec. 8.5.12.H
Funeral home					P	P	P	Sec. 8.5.12.G
Landscape business					P	P	P	Sec. 8.5.12.J
Laundromat					W	W	W	Sec. 8.5.12.I
Laundry and dry cleaning shop					P	P	P	Sec. 8.5.12.J
Massage parlor								Sec. 8.5.12.K
Tattoo and body art or piercing establishment								Sec. 8.5.12.O
All restaurants, except as listed below:			P	P	P	P	P	Sec. 8.5.13
Brewpub			P	P	P	P	P	Sec. 8.5.13.B
Drive in/up restaurant				P	P	P	P	Sec. 8.5.13.C
Fast food restaurant			P		P	P	P	Sec. 8.5.13.D
Limited Food Service Restaurant								Sec. 8.5.13.F
Limited tap establishment								Sec. 8.5.13.D
All retail sales, except as listed below:			P	P	P	P	P	Sec. 8.5.14
Art gallery			P	P	P	P	P	Sec. 8.5.14.B
Artist studio	U		U	U	U	U	U	Sec. 8.5.14.C
Craft beer and/or wine market				U	U	U	U	Sec. 8.5.14.D
Equine garment fabrication	U							Sec. 8.5.14.E
Flea market and second-hand surplus retailers								Sec. 8.5.14.F
Garden center					P	P	P	Sec. 8.5.14.G
Pawnshop						W	W	Sec. 8.5.14.H
Retail package distilled spirit store				U		U	U	Sec. 8.5.14.I
Retail package malt beverage/ wine store				P	P	P	P	Sec. 8.5.14.J
Specialty gift shop			P	P	P	P	P	Sec. 8.5.14.K
Vape shop								Sec. 8.5.14.L
All vehicular, as listed below:								Sec. 8.5.15

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Use Category Specific Use	**Deerfield Form-Based Code**							
	T2 [1]	**T3**	**T4**	**T4-P [3]**	**T4-O**	**T5 [2]**	**T6**	**Definition/ Standards**
Automobile and light truck sales/leasing						W	W	Sec. 8.5.15.B
Automotive garage								Sec. 8.5.15.C
Automotive specialty shop					P	P	P	Sec. 8.5.15.D
Car wash, principal					W	W	W	Sec. 8.5.15.E
Gasoline station					P	P	P	Sec. 8.5.15.F
Parking					W	W	W	Sec. 8.5.15.G
Repair garage, automobile								Sec. 8.5.15.H
Repair garage, truck and heavy equipment								Sec. 8.5.15.I
Service station								Sec. 8.5.15.J
Industrial Uses								
All alcoholic beverage production						U	U	Sec.8.6.1
All craft manufacturing						U	U	Sec. 8.6.2
All light manufacturing						U	U	Sec. 8.6.3
All research and development						W	W	Sec. 8.6.4
All self-storage					P	P	P	Sec. 8.6.5
All waste-related services, except as listed below:								Sec. 8.6.6.A
Collecting recycling center					W	W	W	Sec. 8.6.6.B
Open Uses								
All agriculture, as listed below:								Sec. 8.7.1.A
Agricultural operations	P							Sec. 8.7.1.B
Agriculture-related activities	U							Sec. 8.7.1.C
Barn (property 5 ac. or larger)	P							Sec. 8.7.1.D
Barn (property less than 5 ac.)	U							Sec. 8.7.1.D
Composting	P							Sec. 8.7.1.E
Farm winery, Georgia farm winery	U							Sec. 8.7.1.F
Plant nursery	P							Sec. 8.7.1.G
Rural or agricultural event facility	U							Sec. 8.7.1.H
All riding areas:	U,P							Sec. 8.7.2
Accessory Uses								
Accessory uses not otherwise listed below, as determined by the Director:	P	P	P	P	P	P	P	Sec. 8.8

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Use Category Specific Use	**Deerfield Form-Based Code**							
	T2 [1]	**T3**	**T4**	**T4-P [3]**	**T4-O**	**T5 [2]**	**T6**	**Definition/ Standards**
Accessory barn	P							Sec. 8.8.6.
Accessory dwelling unit	P	P	P	P	P	P		Sec. 8.8.7
Accessory manufactured home	U							Sec. 8.8.8
Antenna~~s~~ (up to 90 ft. in height)	W	W	W	W	W	W	W	Sec. 8.8.9.B.2
Antenna (over 90 ft. in height)	U	U	U	U	U	U	U	Sec. 8.8.9.B.3
Car wash, accessory					P	P	P	Sec. 8.8.10
Drive-through				P	P	P	P	Sec. 8.8.11
Greenhouse, non-commercial	P	P	P	P	P	P	P	Sec. 8.8.12
Guesthouse	W	W	W	W	W	W		Sec. 8.8.13
Home occupation	P	P	P	P	P	P	P	Sec. 8.8.14
Keeping of exotic or wild animals								Sec. 8.8.15
Keeping of horses	P	P	P	P	P	P	P	Sec. 8.8.16
Outdoor storage and display	P	P	P	P	P	P	P	Sec. 8.8.17
Skywalks	U					U	U	Sec. 8.8.18
Swimming pool, private	A	A	A	A	A	A	A	Sec. 8.8.19
Temporary Uses								
Media production	A	A	A	A	A	A	A	Sec. 8.9.1
Push cart					A	A	A	Sec. 8.9.2
Real estate sales trailers	A	A	A	A	A	A	A	Sec. 8.9.3
Revival tent								Sec. 8.9.4
Roadside produce stands	A	A	A	A	A	A	A	Sec. 8.9.5
Roadside vending								Sec. 8.9.6
Seasonal business use								Sec. 8.9.7
Temporary classroom	A	A	A	A	A	A	A	Sec. 8.9.8
Nonstructural consumer fireworks retail sales facility								Sec. 8.9.9
Temporary consumer fireworks retail sales facility						A	A	Sec. 8.9.10
Temporary manufactured home	A	A	A	A	A	A		Sec. 8.9.11
Temporary office	A	A	A	A	A	A	A	Sec. 8.9.12
Temporary structures (other)	A	A	A	A	A	A	A	Sec. 8.9.13
Temporary use of existing dwelling	A	A	A	A	A	A		Sec. 8.9.14

Table Notes:

1. T4-Open.
2. Includes T5-Limited subject to Sec. 7B.6.9 (Table 9A) and Sec. 7B.6.10 (Table 9B).
3. T4-Permissive. See Sec. 7B-4.6.A.5 for additional restrictions in the Five Acre Road Zone.
4. Financial establishments are only allowed in the Five Acre Road Zone.
5. Residential uses are prohibited on any parcel abutting Highway 9, excluding the Five Acre Road Zone (as shown on the adopted April 27, 2015, Regulating Plan), except when located in a vertically mixed-use building.

8.3. Residential Uses

8.3.1. Household Living

A. Defined

Residential occupancy of a dwelling unit by a household. Household living includes the following:

1. Single-family.
2. Duplex.
3. Townhouse.
4. Triplex.
5. Quadruplex.
6. Loft apartment.
7. Neighborhood apartment.
8. Multifamily.
9. Senior housing.
10. Live-work.
11. Work-live.

B. Single-family

1. Defined

One dwelling unit in a single structure on its own lot that is not attached to any other dwelling unit by any means.

C. Duplex

1. Defined

Two dwelling units in a single structure on its own lot.

D. Townhouse

1. Defined

Three or more dwelling units where each unit is only separated vertically by a common side wall. Units cannot be vertically stacked. The term townhouse and rowhouse are synonymous.

2. Use Standards

a. Deerfield Form-Based Code

i. Townhouses must not be adjacent to properties designated T2.

ii. The maximum number of dwelling units in a building is eight.

iii. Townhouses are only permitted on sites where more than 50% of the total floor area is dedicated to office, retail, or lodging functions.

iv. Townhouses must conform to Sec. 7B.4.18.G.2.e and Sec. 7B.4.18.H (Specific to Townhouses).

E. Triplex

1. Defined

Three dwelling units in a single building that does not meet the definition of townhouse, loft apartment, or neighborhood apartment, and where each unit has direct access to the outside or to a common hall.

F. Quadruplex

1. Defined

Four dwellings in a single building that does not meet the definition of townhouse, loft apartment, or neighborhood apartment, and where each unit has direct access to the outside or to a common hall.

G. Loft Apartment

1. Defined

Three or more dwelling units in a single building when:

a. The building is located within the Crabapple Form-Based Code or Deerfield Form-Based Code;

b. The total number of said dwelling units does not exceed 30 per development; and

c. The building's first story only contains non-residential uses or residential lobbies, leasing offices, fitness centers, or multi-purpose rooms serving the residential use.

2. Use Standards

When loft apartments are allowed by use permit, they must conform to the multifamily use standards in Sec. 8.3.1.I.2~~8.3.1.I.2~~.

H. Neighborhood Apartment

1. Defined

Three or more dwelling units in a single building when:

a. The building is located within the Crabapple Form-Based Code;

b. The total number of said dwelling units does not exceed 30 per development; and

c. The use does not otherwise meet the definition of loft apartment.

2. Use Standards

When neighborhood apartments are allowed by use permit, they must conform to the multifamily use standards in Sec. 8.3.1.I.2~~8.3.1.I.2~~).

I. Multifamily

1. Defined

Five or more dwellings in a single building that does not otherwise meet the definitions of townhouse~~, triplex, quadruplex~~, loft apartment, or neighborhood apartment.

2. Use Standards

a. C-1

i. Multifamily dwellings may only be located in buildings that also contain first story commercial uses.

ii. Multifamily dwellings may only be located above or behind first story commercial uses.

b. Form-Based Codes

i. Required off-street parking spaces may be no greater than 400 feet away, as measured along a pedestrian walkway, from the door of the unit they serve.

ii. Multifamily developments must incorporate on-site outdoor amenity spaces for passive or active recreational use by occupants, subject to the following:

a. Outdoor amenity space is required in the ratio of 75 square feet per dwelling unit.

b. Outdoor amenity space may be met in one contiguous open area or in multiple open areas on the lot. To receive credit the area must be at least 10 feet in both length and width.

c. Outdoor amenity space may be at-grade or above-grade.

d. Outdoor amenity space may be roofed but cannot be enclosed.

e. Outdoor amenity space must not be parked or driven upon, except for emergency access.

f. When calculating outdoor amenity space, the following may be included: swimming pools, paved surfaces and structures when they are a part of approved features such as gazebos, fountains, and plazas (but excluding any parking areas serving such approved features), ground-level active and passive recreational facilities, roof decks, and roof top gardens.

g. When calculating outdoor amenity space, civic spaces counting towards the minimum requirements of the applicable zoning district must not be included.

h. All outdoor amenity spaces and other landscaped areas must be maintained by a professional landscaper.

iii. At least 50% of dwelling units above the first story must have balconies with a minimum floor dimension of 6 feet by 10 feet.

iv. Adequate provision for the disposal of refuse must be made within each multifamily building, or ~~such refuse must be conveyed to~~at a central point or points to facilitate collection. Disposal arrangements are the responsibility of the building owner.

v. Each dwelling unit must have central heating and cooling facilities.

vi. ~~Adequate L~~laundry facilities are required as follows~~consisting of~~:

a. A common laundry room with at least one automatic washing machine and one clothes-drying machine~~s in a common laundry room are required~~for every 15 dwelling units;~~,~~ or

~~vi.~~b. ~~a W~~washer and dryer hook-up~~s must be~~ installed in each dwelling unit.

J. Senior Housing

1. Defined

Household living developments intended for, operated for and designed to accommodate residents 55 years of age and older. Senior housing communities are designed for seniors to live on their own, but with the security and conveniences of community living. Some provide communal dining rooms and planned recreational activities (congregate living or retirement communities), while others provide housing with only minimal amenities or services.

2. Conflicts with Other Regulations

When conflict exists between an underlying zoning district or overlay and these senior housing standards:

a. Overlays and Form-Based Codes will prevail;

b. If the issue is specifically excluded in the overlay or Form-Based Code, these standards will prevail; and

c. If the issue is addressed in both areas, the more restrictive will prevail.

3. Use Standards

a. Building height must conform to zoning district regulations.

b. Dwelling units for seniors are exempt from any part of this UDC which restricts density, except Sec. 8.3.1.J.3.c belowsentence c below.

c. No more than 5 dwelling units per acre are allowed in a single-family development. No more than 20 dwelling units per acre are allowed in a multifamily development.

d. No dwelling unit may contain more than two bedrooms.

e. Multifamily dwelling units must have at least 600 square feet of floor area. Single-family dwelling units must have at least 800 square feet of floor area.

f. Accessory structures may only be in rear and side yards but not a minimum yard.

g. No parking is allowed in the minimum front yard setback.

h. Senior facilities must be served by public water and sewer.

i. For sites on 4 acres or less, a 50-foot-wide undisturbed buffer or alternative screening design, with a 10-foot improvement setback, must be located adjacent to all agricultural/T2 districts and all property zoned, used, or developed for residential uses.

j. For sites on more than 4 acres, a 75-foot-wide undisturbed buffer or alternative screening design, with a 10-foot improvement setback, must be located adjacent to all agricultural/T2 districts and all property zoned, used, or developed for residential uses.

k. To make buffers seem natural, an equal mix of four species must be used, except when alternative screening is used.

l. When alternative screening design is used, the buffer must provide as much or more year-round visual screening as the otherwise required buffer would. The alternative screening must also be planted as required by the City Arborist.

m. The property must be deed restricted to senior housing except as provided for by fair housing laws.

n. Projects are encouraged to incorporate easy living and applicable accessibility standards as administered and copyrighted by a coalition of state citizens, including:

i. AARP of Georgia.

ii. Atlanta Regional Commission.

iii. Concrete Change.

iv. Georgia Department of Community Affairs.

v. Governor's Council on Developmental Disabilities.

vi. Homebuilders Association of Georgia.

vii. Shepherd Center.

viii. Statewide Independent Living Council of Georgia.

o. Housing must have at least 80% of the occupied dwelling units occupied by at least one person who is 55 years of age or older which must be verified by the property owner in a manner deemed acceptable pursuant to policies and procedures adopted by the Director.

p. All units must be owner-occupied.

K. Live-Work

1. Defined

A mixed use unit consisting of commercial and residential use. The commercial use/function may be anywhere in the unit. It is intended to be occupied by a business operator who lives in the same structure that contains the commercial activity.

L. Work-Live

1. Defined

A mixed use unit consisting of a commercial and residential use/function. It typically has a substantial commercial component that may accommodate employees and walk-in trade. The unit is intended to function predominantly as workspace with incidental Residential accommodations that meet basic habitability requirements.

8.3.2. Group Living

A. Defined

Residential occupancy of a structure by a group of people that does not meet the definition of household living. Generally, group living facilities have a common eating area for residents, and residents may receive care or training. Group living includes the following:

1. Alternative senior housing.
2. Boarding/roominghouse.
3. Convalescent center/nursing home/ hospice.
4. Group residence.
5. Group residence for children.
6. Personal care home/assisted living.

B. Alternative Senior Housing

1. Defined

Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to

provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage. "Personal services" includes, but is not limited to, individual assistance with or supervision of self-administered medication, assistance with ambulation and transfer, and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting.

2. Use Standards

a. Facility must be for persons 55 years of age and above.

b. The owner of the subject property may reside on site.

c. The home must be approved and licensed by the State of Georgia or any agency through which it acts.

d. Necessary staff may reside in a legal accessory building such as a guest house.

e. Structures must retain the outward appearance of a single-family dwelling.

f. Parking must be located to the side and rear of the principal structure but outside minimum building setbacks or inside a garage.

g. No alternative senior housing facility must be operated within 1,320 feet of any other alternative senior housing facility. The 1,320-foot distance is measured by the straight line which is the shortest distance between the property lines of the two tracts of land on which each facility is located.

h. The home must obtain an occupation tax certificate before operation.

C. Boarding/Roominghouse

1. Defined

A facility other than a hotel/motel that contains individual rooms without cooking facilities that are rented to the general public. The facility may or may not provide meals and may or may not have shared living areas and cooking facilities.

D. Convalescent Center/Nursing Home/ Hospice

1. Defined

A state-licensed use in which domiciliary care is provided to convalescing chronically or terminally ill persons who are provided with food, shelter and care and not meeting the test of family.

The term does not include hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

2. Use Standards

a. Facilities must be for 5 or more persons.

b. Permitted curb cut access must be from an arterial or a major collector.

c. For sites on 4 acres or less, a 50-foot-wide undisturbed buffer or alternative screening design, with a 10-foot improvement setback, must be located adjacent to all agricultural/T2 districts and all property zoned, used, or developed for residential uses.

d. For sites on more than 4 acres, a 75-foot-wide undisturbed buffer or alternative screening design, with a 10-foot improvement setback, must be located adjacent to all agricultural/T2 districts and all property zoned, used, or developed for residential uses.

e. To make buffers seem natural, an equal mix of four species must be used, except when alternative screening is used.

f. When alternative screening design is used, the buffer must provide as much or more year-round visual screening as the otherwise required buffer would. The alternative screening must also be planted as required by the City Arborist.

g. No parking is allowed within the minimum front yard setback.

h. Rooms or suites of rooms may be designed with separate kitchen facilities.

E. Group Residence

1. Defined

A state-licensed 24-hour residential facility functioning as a single housekeeping unit for the sheltered care of persons with special needs which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services and transportation. Bedroom suites must not include kitchen facilities.

The term does not include those facilities which exclusively care for children under the age of 17 years.

2. Use Standards

a. Facilities must be for 5 or more persons.

b. Permitted curb cut access must not be from a local street.

c. For sites on 4 acres or less, a 50-foot-wide undisturbed buffer or alternative screening design, with a 10-foot improvement setback, must be located adjacent to all agricultural/T2 districts and all property zoned, used, or developed for residential uses.

d. For sites on more than 4 acres, a 75-foot-wide undisturbed buffer or alternative screening design, with a 10-foot improvement setback, must be located adjacent to all agricultural/T2 districts and all property zoned, used, or developed for residential uses.

e. To make buffers seem natural, an equal mix of four species must be used, except when alternative screening is used.

f. When alternative screening design is used, the buffer must provide as much or more year-round visual screening as the otherwise required buffer would. The alternative screening must also be planted as required by the City Arborist.

g. No parking is allowed within the minimum front yard setback.

h. No group residence facility must be operated within 1,320 feet of any group residence or ground residence for children facility. The 1,320-foot distance is measured by the straight line which is the

shortest distance between the property lines of the two tracts of land on which each facility is located~~Facility must not be located closer than a quarter mile to the nearest property line of another group residence/shelter~~.

F. Group Residence for Children

1. Defined

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

2. Use Standards

a. Agricultural Districts, T2, R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, NUP, CUP

i. Facility must be for no more than 8 children.

ii. No group residence for children facility must be operated within 1,320 feet of any other group residence or ground residence for children facility. The 1,320-foot distance is measured by the straight line which is the shortest distance between the property lines of the two tracts of land on which each facility is located.

~~ii. Facility must not be located closer than one quarter mile (1,320 feet) to the nearest property line of another group residence.~~

b. R-6, TR

i. Facility must be for no more than 15 children.

ii. No group residence for children facility must be operated within 1,320 feet of any other group residence or group residence for children facility. The 1,320-foot distance is measured by the straight line which is the shortest distance between the property lines of the two tracts of land on which each facility is located.

~~ii. Facility must not be located closer than one-quarter mile to the nearest property line of another group residence.~~

G. Personal Care Home, Assisted Living

1. Defined

A state-licensed use in which domiciliary care is provided to adults who are provided with food, shelter and personal services.

The term does not include:

a. Hospitals.

b. Convalescent centers.

c. Nursing homes.

d. Hospices.

e. Clinics.

f. Similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

2. Use Standards

a. Facilities must be for 5 or more persons.

b. Permitted curb cut access must be from an arterial or a major collector. Permitted curb cut access may be allowed from a minor collector if within 1,000 feet of the property line of an institutional use.

c. No parking allowed in the minimum front yard setback.

d. For sites on 4 acres or less, a 50-foot-wide undisturbed buffer or alternative screening design, with a 10-foot improvement setback, must be located adjacent to all agricultural/T2 districts and all property zoned, used, or developed for residential uses.

e. For sites on more than 4 acres, a 75-foot-wide undisturbed buffer or alternative screening design, with a 10-foot improvement setback, must be located adjacent to all agricultural/T2 districts and all property zoned, used, or developed for residential uses.

f. To make buffers seem natural, an equal mix of four species must be used, except when alternative screening is used.

g. When alternative screening design is used, the buffer must provide as much or more year-round visual screening as the otherwise required buffer would. The alternative screening must also be planted as required by the City Arborist.

h. Rooms or suites of rooms may be designed with separate kitchen facilities.

8.3.3. Relocated Residential Structure

A. Defined

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

B. Use Standards

1. Applicant must include the following with the application for the administrative permit:

   a. The address from which the structure is being relocated.

   b. A photograph of the structure before its relocation.

   c. The total heated floor area of ~~both~~ the ~~existing~~ relocated structure ~~and the renovated structure~~any proposed additions to it.

2. The location of the structure and the heated floor area of the structure must comply with the minimum standards of the zoning district to which it is moved and all~~or~~ conditions of zoning.

3. The residential structure must be affixed to a permanent foundation within 6 months of the date of the house moving permit, and the certificate of occupancy must not be issued until such improvements are completed.

4. All these standards (except sub-paragraph 2 above), and other applicable regulations must be met within one year of the date of permit issuance.

5. A house-moving permit must be obtained from the Director in conjunction with the administrative permit.

6. A building permit for the repair and construction of said structure must be obtained within 30 days of the administrative permit issuance.
7. The exterior of the structure must be brought into compliance with the City housing code within 6 months of the issuance of the administrative permit.
8. Before occupancy, a certificate of occupancy must be obtained from the Director.

8.4. Public/Institutional Uses

8.4.1. Civic

A. Defined

Places of public assembly that provide ongoing governmental, life safety, educational and cultural services to the general public, as well as meeting areas for religious practice. Civic uses include the following:

1. Church, temple, or other place of worship.
2. Colleges and universities.
3. Library, private.
4. Museum, private.
5. Public use.
6. School, private (K-12).
7. School, public (K-12).
8. School, special.

B. Church, Temple, Or Other Place of Worship

1. Defined

A facility in which persons regularly assemble for religious ceremonies. The term "church", "temple" or "place of worship" includes, on the same lot, accessory structures and uses such as minister's and caretaker's residences, and other uses identified as allowed by administrative or use permit in the applicable district.

2. Use Standards

a. Form-Based Codes

i. All buildings and use areas/structures other than parking and pedestrian walkways must be located at least 100 feet from any adjoining agricultural/T2 district.

ii. Any associated day care centers, private schools, recreational fields, or other uses requiring a use permit or administrative permit is allowed only under a separate approved use permit or administrative permit for each use.

iii. For sites on 4 acres or less, a 50-foot-wide undisturbed buffer or alternative screening design, with a 10-foot improvement setback, must be located adjacent to all agricultural/T2 districts and all property zoned, used, or developed for residential uses.

iv. For sites on more than 4 acres, a 75-foot-wide undisturbed buffer or alternative screening design, with a 10-foot improvement setback, must be located adjacent to all agricultural/T2 districts and all property zoned, used, or developed for residential uses.

v. To make buffers seem natural, an equal mix of four species must be used, except when alternative screening is used.

vi. When alternative screening design is used, the buffer must provide as much or more year-round visual screening as the

otherwise required buffer would. The alternative screening must also be planted as required by the City Arborist.

b. R-1, R-2, R-2A, R-3, R-3A, R-4A, R-4, R-5, R-5A, R-6, TR, NUP, A, A-L, T2, Agricultural Districts

i. All buildings and use areas/structures other than parking and pedestrian walkways must be at least 100 feet from any adjoining residential district or agricultural/T2 district used for single-family dwellings.

ii. No parking may be located within the minimum front yard setback.

iii. Any associated day care centers, private schools, recreational fields or other uses requiring a use permit or administrative permit is allowed only under a separate approved use permit or administrative permit for each use.

iv. For sites on 4 acres or less, a 50-foot-wide undisturbed buffer or alternative screening design, with a 10-foot improvement setback, must be located adjacent to all agricultural/T2 districts and all property zoned, used, or developed for residential uses.

v. For sites on more than 4 acres, a 75-foot-wide undisturbed buffer or alternative screening design, with a 10-foot improvement setback, must be located adjacent to all agricultural/T2 districts and all property zoned, used, or developed for residential uses.

vi. To make buffers seem natural, an equal mix of four species must be used, except when alternative screening is used.

vii. When alternative screening design is used, the buffer must provide as much or more year-round visual screening as the otherwise required buffer would. The alternative screening must also be planted as required by the City Arborist.

C. Colleges and Universities

1. Defined

An institution of higher education having authority to award bachelor's and higher degrees.

D. Library, Private

1. Defined

A private facility serving as a repository for a collection of books, periodicals, and sometimes films and recorded music, in physical or digital formats for members of the public to read, borrow, or refer to and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

E. Museum, Private

1. Defined

A private facility serving as a repository for a collection natural, scientific, literary curiosities, or objects of lasting interest, or works of art, and arranged, intended, and designed to be viewed by members of the public and which may

include as an accessory use the sale of goods to the public as gifts or for their own use.

F. Public Use

1. Defined

Any building, structure, or use owned or operated by the federal government, State of Georgia, Fulton County or other county, the City of Milton or other municipality, or any authority, agency, board, or commission of the above governments, that is necessary to serve a public purpose, including, but not limited to, government administrative buildings, public libraries, post offices, police, bus shelters, fire and EMS stations, public health facilities, public works facilities, community centers, and jails and correctional facilities.

G. School, Private (K-12)

1. Defined

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

2. Use Standards

a. The minimum lot size is one acre.

b. For sites on 4 acres or less, a 50-foot-wide undisturbed buffer or alternative screening design, with a 10-foot improvement setback, must be located adjacent to all agricultural/T2 districts and all property zoned, used, or developed for residential uses.

c. For sites on more than 4 acres, a 75-foot-wide undisturbed buffer or alternative screening design, with a 10-foot improvement setback, must be located adjacent to agricultural/T2 districts and property zoned, used, or developed for residential uses.

d. To make buffers seem natural, an equal mix of four species must be used, except when alternative screening is used.

e. When alternative screening design is used, the buffer must provide as much or more year-round visual screening as the otherwise required buffer would. The alternative screening must also be planted as required by the City Arborist.

f. Buildings, and refuse areas must not be located within 100 feet of agricultural/T2 districts and property zoned, used, or developed for residential uses.

g. Active outdoor recreation areas must not be located within 100 feet of an adjoining property zoned, used, or developed for residential uses. Recreational fields, such as playing fields, that are accessory to the school do not require a separate use permit.

h. Day care facilities in association with the school do not require a separate use permit.

i. Parking areas must not be located within 50 feet of agricultural/T2 districts and property zoned, used, or developed for residential uses.

j. Student drop-off and vehicular turnaround facilities are required on the site so that vehicles may re-enter the public street in a forward manner.

k. Permitted curb cut access must not be from a local street.

H. School, Public (K-12)

1. Defined

An educational facility for students in grades pre-kindergarten through 12 operated by the Fulton County Board of Education or other governmental entity. Includes charter schools.

I. School, Special

1. Defined

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

2. Use Standards

a. The minimum lot size is one acre.

b. For sites on 4 acres or less, a 50-foot-wide undisturbed buffer or alternative screening design, with a 10-foot improvement setback, must be located adjacent to all agricultural/T2 districts and all property zoned, used, or developed for residential uses.

c. For sites on more than 4 acres, a 75-foot-wide undisturbed buffer or alternative screening design, with a 10-foot improvement setback, must be located adjacent to agricultural/T2 districts and property zoned, used, or developed for residential uses.

d. To make buffers seem natural, an equal mix of four species must be used, except when alternative screening is used.

e. When alternative screening design is used, the buffer must provide as much or more year-round visual screening as the otherwise required buffer would. The alternative screening must also be planted as required by the City Arborist.

f. Buildings, and refuse areas must not be located within 100 feet of agricultural/T2 districts and property zoned, used, or developed for residential uses.

g. Active outdoor recreation areas must not be located within 100 feet of an adjoining property zoned, used, of developed for residential uses. Recreational fields, such as playing fields, that are accessory to the school do not require a separate use permit.

h. Day care facilities in association with the school do not require a separate use permit.

i. Parking areas must not be located within 50 feet of agricultural/T2 districts and property zoned, used, or developed for residential uses.

j. Student drop-off and vehicular turnaround facilities are required on the site so that vehicles may re-enter the public street in a forward manner.

k. Permitted curb cut access must not be from a local street.

8.4.2. Parks and Open Space

A. Defined

Uses focusing on natural areas consisting mostly of vegetation, passive, or active

outdoor recreation areas, and having few structures. Parks and open space includes the following:

1. Cemetery/mausoleum.
2. Golf course.
3. Open space, private.
4. Recreational court, private.
5. Recreational court, public.
6. Recreational field.
7. Retreat, campground.
8. Swimming pool, public.

B. Cemetery/Mausoleum

1. Defined

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

2. Use Standards

a. Permitted curb cut access must be only from a major thoroughfare, unless in conjunction with a place of worship.

b. No building may be located within 50 feet of a residential district or agricultural/T2 district used for single-family dwellings.

c. All structures, including graves, must be inside the minimum yard setbacks or 10 feet, whichever is greater.

d. For sites on 4 acres or less, a 50-foot-wide undisturbed buffer or alternative screening design, with a 10-foot improvement setback, must be located adjacent to all agricultural/T2 districts and all property zoned, used, or developed for residential uses.

e. For sites on more than 4 acres, a 75-foot-wide undisturbed buffer or alternative screening design, with a 10-foot improvement setback, must be located adjacent to all agricultural/T2 districts and all property zoned, used, or developed for residential uses.

f. To make buffers seem natural, an equal mix of four species must be used, except when alternative screening is used.

g. When alternative screening design is used, the buffer must provide as much or more year-round visual screening as the otherwise required buffer would. The alternative screening must also be planted as required by the City Arborist.

C. Golf Course

1. Defined

A tract of land laid out with at least 9 holes for playing golf and improved with tees, greens, fairways, bunkers, and penalty areas. A golf course may include a country club, driving range, and shelters as accessory uses. The term does not include miniature golf.

2. Use Standards

a. A minimum 100-foot setback for all buildings and parking areas is required adjacent to any residential district or agricultural/T2 district used for single-family.

b. Driving range, tees, greens, and fairways must have a 100-foot setback from minor, arterial, and major collector roads.

c. Permitted curb cut access must only be from a major thoroughfare, unless shown on the approved preliminary plat of a single-family subdivision.

d. When located outside a golf course/subdivision development, a minimum 75-foot-wide buffer and a 10-foot improvement setback is required adjacent to all buildings and parking areas when said facilities are located adjacent to any residential district or agricultural/T2 district used for single-family.

e. A minimum 75-foot buffer and a 10-foot improvement setback is required adjoining any residential district or agricultural/T2 district used for single-family located outside the golf course development or any associated development.

D. Open space, private

1. Defined

A privately owned or controlled natural or improved open space, including, but not limited to, playgrounds, parks, pocket parks, plazas, gardens, natural areas, and other areas for passive use or aesthetic appeal. A private open space does not include any defined use unless such use is properly authorized.

E. Recreational Court, Private

1. Defined

An improved area designed and intended for the playing of a game or event such as basketball or tennis, and which serves any household living development, including such improved areas which are owned and/or controlled by a neighborhood club or similar organization. The term does not include a basketball goal adjoining a driveway of typical residential driveway dimensions.

2. Use Standards

a. **Single-family.** Recreational courts serving single-family dwellings must be located in side or rear yards but must not be located within a minimum yard.

b. **Multifamily.** Recreational courts serving multifamily developments, as well as accessory structures~~,~~ and fencing serving the complex must be at least 100 feet from any residential building, adjoining property line, or street.

c. **Neighborhood.** Recreational courts serving a neighborhood must be located within the same zoning district as the neighborhood, and:

i. Use of the recreational courts ~~is~~ must be limited to residents and guests of the neighborhood in which they are located.

ii. Recreational courts, accessory structures, fencing, and parking must be at least 100 feet from all adjoining property lines.

iii. A maximum 4 square feet sign identifying the future use of the property for a recreational court must be posted adjoining the lot's frontage until a certificate of occupancy is issued for the facility.

iv. Sources of exterior illumination must be directed away from adjoining residences and must not exceed 1.2 footcandles along an adjoining residential property line. Outdoor lighting of recreation facilities in or adjoining residential districts or uses is allowed only between dusk and 11:00 p.m.

v. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 70 dBA must not be exceeded at property lines adjacent to single-family residential uses.

F. Recreational Courts, Public

1. Defined

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

2. Use Standards

a. Recreational courts, accessory structures, fencing, and parking must be at least 100 feet from all property lines which abut single-family residential uses. Adjacent to all other zoning districts and uses, the district setback requirements apply.

b. Adjoining any residential district or agricultural/T2 district used for single-family, a 75-foot buffer is required.

c. Sources of exterior illumination must be directed away from adjoining residences and must not exceed 1.2 footcandles along an adjoining residential property line. Outdoor lighting of recreation facilities in or adjoining residential districts or uses may be used only between dusk and 11:00 p.m.

G. Recreational Field

1. Defined

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

2. Use Standards

a. Permitted curb cut access must not be from a local street.

b. Loudspeakers/paging systems are prohibited adjacent to residentially used property.

c. The hours of operation must be limited to daylight hours when said facility is located adjacent to residential districts or agricultural/T2 districts used for single-family dwellings.

d. Usage must c~~C~~omply with the night sky illumination requirements of Sec. 9.4 of this UDC.

H. Retreat, Campground

1. Defined

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

2. Use Standards

a. The minimum lot size is 10 acres.

b. Permitted curb cut access must not be from a local street.

c. A minimum 100-foot-wide buffer and 10-foot improvement setback are required adjacent to residential districts, agricultural/T2 districts used for single-family dwellings and adjoining a public street.

d. A minimum 50-foot-wide buffer and 10-foot improvement district are required adjacent to all other nonresidential districts.

e. Length of the stay for all but permanent staff must not exceed 30 days.

f. Sanitary facilities or trash receptacles must be at least 200 feet from any residential district or agricultural/T2 district used for single-family dwellings.

g. Recreational facilities associated with the use must be for staff and guests only.

I. Swimming Pool, Public

1. Defined

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

2. Use Standards

a. Pools, pool equipment, decks, and parking must be located at least 100 feet from all property lines which abut single-family residential uses. Adjacent to all other zonings and uses, the district setback requirements are required.

b. Adjoining a residential district or agricultural/T2 district used for single-family, a 75-foot buffer is required.

c. Sources of exterior illumination must be directed away from adjoining residences and must not exceed 1.2 footcandles along an adjoining residential property line. Outdoor lighting of recreation facilities in or adjoining residential districts or uses is allowed only between dusk and 11:00 p.m.

8.4.3. Utility Substations

A. Defined

Facilities containing equipment for the distribution or transmission of electric, gas, telecommunications, and similar utilities to a relatively limited geographical area.

B. Use 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 must be within the boundaries of the subject parcel and meet the minimum development standards of the district unless otherwise required by these use standards.

3. Minimum setback of all utility structures from a residential structure are:

   a. Electric: 200 feet.

   b. Gas and telecommunications: the applicable minimum setback for the district in which it is located.

4. A minimum 10-foot-wide landscape strip planted to buffer standards is 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 or agricultural/T2 district used for single-family dwellings.

6. Interior to landscape strips or buffers that do not accomplish 100% visual screening as defined in Sec. 11.1 Tree Canopy Conservation, provide an 8-foot-high opaque fence or, masonry wall, a minimum four-foot-high landscaped earthen berm, a vegetative screen or some combination thereof, subject to the approval of the Director.

8.4.4. Small ~~Cell~~ Wireless Facilities and Antennas

A. Defined

1. Antenna means: (i) communications equipment that transmits, receives, or transmits and receives electromagnetic radio frequency signals used in the provision of wireless services or other wireless communications; or (ii) communications equipment similar to equipment described in part (i) used for the transmission, reception, or transmission and reception of surface waves. Such term shall not include television broadcast antennas, antennas designed for amateur radio use, or satellite dishes for residential or household purposes.

2. Small wireless facility means radio transceivers; surface wave couplers; antennas; coaxial, fiber optic, or other cabling; power supply; backup batteries; and comparable and associated equipment, regardless of technological configuration, at a fixed location or fixed locations that enable communication or surface wave communication between user equipment and a communications network and that meet both of the following qualifications: (i) each wireless provider's antenna could fit within an enclosure of no more than 6 cubic feet in volume; and (ii) all other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume, measured based upon the exterior dimensions of height by width by depth of any enclosure that may be used. The following types of associated ancillary equipment are not included in the calculation of the volume of all other wireless equipment associated with any such facility: electric meters; concealment elements; telecommunications demarcation boxes; grounding equipment; power transfer switches; cut-off switches; and vertical cable runs for connection of power and other services. Such term shall not include a pole, decorative pole, or support structure on, under, or within which the equipment is located or collocated or to which the equipment is attached and shall not

include any wireline backhaul facilities or coaxial, fiber optic, or other cabling that is between small wireless facilities, poles, decorative poles, or support structures or that is not otherwise immediately adjacent to or directly associated with a particular antenna. ~~A miniaturized, low power mobile radio service wireless telecommunication facility used to provide targeted capacity or service coverage. Small cell facilities are often employed to provide increased capacity in high call demand areas or to improve service coverage to weak areas. Small cell facilities can consist of one or more radio transceivers, antennas, coaxial cable, power supply, and other associated electronics. Often, this type of wireless telecommunication facility will have all of the components, except for the coaxial cables and antennas, gathered in a self-contained protective housing, or attached separately to a support structure or alternative support structure. Small cell facilities are generally made up of an equipment enclosure and antenna and are often attached to an existing structure.~~

B. Purpose and Compliance

1. O.C.G.A. § 32-4-92(a)(10) authorizes the City to establish reasonable regulations for the installation, construction, maintenance, renewal, removal, and relocation of pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, and other equipment, facilities, or appliances in, on, along, over, or under the public roads of the City. Further, 47 U.S.C. § 253(c) provides that the City has authority to manage its public rights-of-way. Finally, the Georgia Streamlining Wireless Facilities and Antennas Act., O.C.G.A. tit. 36, ch. 66C (the "SWFAA"), addresses the placement of small wireless facilities in the public rights-of-way of the City.
2. The City finds it is in the best interest of the City and its residents and businesses to establish requirements, specifications reasonable conditions regarding placement of small wireless facilities, poles in the public rights-of-way. These requirements, specifications and conditions are adopted in order to protect the public health, safety and welfare of the residents and businesses of the City and to reasonably manage and protect the public rights-of-way and its uses in the City.
3. The objective of this Sec. 8.4.4 is to:
   a. Implement the SWFAA; and
   b. Ensure use of the public rights-of-way is consistent with the design, appearance and other features of nearby land uses, protects the integrity of historic, cultural and scenic resources and does not harm residents' quality of life.

C. Permits

1. A permit is required to collocate a small wireless facility in the public right-of-way or to install, modify, or replace a pole or a decorative pole in the public right-of-way. A permit is not required to perform the activities described in O.C.G.A. § 36-66C-6(e) or (f).
2. Any person seeking to collocate a small wireless facility in the public right-of-way or to install, modify, or replace a pole or a decorative pole in the public

right-of-way shall submit an application to the Public works department for a permit. Applications are available from the Public Works Department. Any material change to information contained in an application shall be submitted in writing to the Public Works Department within 30 days after the events necessitating the change.

3. Any person who intends to submit an application to the City pursuant to this Sec. 8.4.4 shall meet with the Public Works Department at least 30 days prior to submitting an application for a permit. The purpose of such meeting shall be to inform the City, in good faith, when the applicant expects to commence deployment of small wireless facilities and poles within the City, the number of small wireless facilities and poles it expects to deploy during the 24 months after commencement, and the expected timing of such deployments.

4. Each application shall be submitted by the applicable wireless provider or its duly authorized representative and shall contain the following:

   a. The applicant's name, address, telephone number, and email address, including emergency contact information for the applicant;

   b. The names, addresses, telephone numbers, and email addresses of all consultants, if any, acting on behalf of the applicant with respect to filing the application;

   c. A general description of the proposed work and the purposes and intent of the proposed facility. The scope and detail of such description shall be appropriate to the nature and character of the physical work to be performed, with special emphasis on those matters likely to be affected or impacted by the physical work proposed;

   d. Detailed construction drawings regarding the proposed use of the right-of-way;

   e. To the extent the proposed facility involves collocation on a pole or support structure, a structural report performed by a duly licensed engineer evidencing that the pole or support structure will structurally support the collocation (or that the pole or support structure may and will be modified to meet structural requirements) in accordance with applicable codes;

   f. For any new aboveground facilities, visual depictions or representations if not included in the construction drawings;

   g. Information indicating the horizontal and approximate vertical location, relative to the boundaries of the right-of-way, of the small wireless facility for which the application is being submitted;

   h. If the application is for the installation of a pole, a certification that complies with O.C.G.A. § 36-66C-6(k);

   i. If the small wireless facility will be collocated on a pole or support structure owned by a third party, a certification that the wireless

provider has permission from the owner to collocate on the pole or support structure; and

j. If the applicant is not a wireless services provider, a certification that a wireless services provider has requested in writing that the applicant collocate the small wireless facilities or install, modify or replace the pole or decorative pole at the requested location.

5. Each application for a permit shall include the maximum application fees permitted under O.C.G.A. § 36-66C-5(a)(1), (a)(2) and (a)(3). Such maximum application fees shall automatically increase on January 1 of each year beginning January 1, 2021, as provided under O.C.G.A. § 36-66C-5(b).

6. The Public Works Department shall review applications for permits according to the timelines and using the procedures identified in O.C.G.A. §§ 36-66C-7 and 36-66C-13.

7. Applications for permits shall be approved unless the requested collocation of a small wireless facility or the requested installation, modification, or replacement of a pole or decorative pole:

a. Interferes with the operation of traffic control equipment;

b. Interferes with sight lines or clear zones for transportation or pedestrians;

c. Fails to comply with the Americans with Disabilities Act, 42 U.S.C. Section 12101 et seq., or similar laws of general applicability regarding pedestrian access or movement;

d. Requests that ground-mounted small wireless facility equipment be located more than seven and one-half feet in radial circumference from the base of the pole, decorative pole or support structure to which the small wireless facility antenna would be attached, provided that the City shall not deny the application if a greater distance from the base of the pole, decorative pole or support structure is necessary to avoid interfering with sight lines or clear zones for transportation or pedestrians or to otherwise to protect public safety;

e. Fails to comply with applicable codes;

f. Fails to comply with the maximum limitations set forth in Sec. 8.4.4.E and O.C.G.A. § 36-66C-7(h) or (i);

g. With respect to an application to install a pole or decorative pole, interferes with the widening, repair, reconstruction, or relocation of a public road or highway by the City or GDOT that has been advertised for bid and scheduled for completion within six months after the application is filed;

h. With respect to an application to install a pole or decorative pole, interferes with a public works construction project governed by O.C.G.A. tit. 36, ch. 91, which is advertised for bid and scheduled for completion within six months after the application is filed;

i. Fails to comply with O.C.G.A. § 36-66C-10, O.C.G.A. § 36-66C-11, or O.C.G.A. § 36-66C-12;

j. Fails to comply with laws of general applicability addressing pedestrian and vehicular traffic and safety requirements; or

k. Fails to comply with laws of general applicability that address the occupancy or management of the right-of-way and that are not otherwise inconsistent with this Sec. 8.4.4.

8. For applications for new poles in the public right-of-way in areas zoned for residential use, the Public Works Department may propose an alternate location in the public right-of-way within 100 feet of the location set forth in the application, and the wireless provider shall use the Public Works Department's proposed alternate location unless the location imposes technical limits or significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and it shall provide a written summary of the basis for such determination.

9. A permit issued under this Sec. 8.4.4.C shall authorize such person to occupy the public rights-of-way to: (i) collocate a small wireless facility on or adjacent to a pole or a support structure that does not exceed the limitations set forth in O.C.G.A. § 36-66C-7(h)(3) or on or adjacent to a decorative pole in compliance with O.C.G.A. § 36-66C-12; and (ii) install, modify, or replace a pole or decorative pole for collocation of a small wireless facility that does not exceed the limitations set forth in O.C.G.A. § 36-66C-7(h)(1) and (h)(2).

10. Upon the issuance of a permit under this Sec. 8.4.4, and on each anniversary of such issuance, every person issued a permit shall submit to the City the maximum annual payments permitted under O.C.G.A. § 36-66C-5(a)(4) and (a)(5); provided, however, that if such person removes its small wireless facilities form the public rights-of-way pursuant to O.C.G.A. § 36-66C-5(e), then such person shall be responsible for the pro rata portion of the annual payment based on the number of days of occupation since the last annual payment. Upon making such pro rata payment and removal of the small wireless facilities, the person's annual payment obligations under this Sec. 8.4.4.C shall cease as of the date of the actual removal. The maximum annual payments shall automatically increase on January 1 of each year beginning January 1, 2021, as provided under O.C.G.A. § 36-66C-5(b).

11. Any person issued a permit shall pay the fees identified in O.C.G.A. § 36-66C-5(a)(6) and (a)(7), as applicable.

12. The City may revoke a permit issued pursuant to this Sec. 8.4.4.C if the wireless provider or its equipment placed in the public right-of-way under that permit subsequently is not in compliance with any provision of this Sec. 8.4.4 or the Georgia Streamlining Wireless Facilities and Antennas Act. Upon revocation, the City may proceed according to Sec. 8.4.4.C.13.

13. If a wireless provider occupies the public rights-of-way without obtaining a permit required by this Sec. 8.4.4.C or without complying with the SWFAA, then the City may, at the sole discretion of the City, restore the right-of-way, to the extent practicable in the reasonable judgment of the City, to its condition prior to the unpermitted collocation or installation and to charge the responsible wireless provider the reasonable, documented cost of the City in doing so, plus a penalty not to exceed $1,000.00. The City may suspend the ability of the wireless provider to receive any new permits from the City under this Sec. 8.4.4.C until the wireless provider has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that the City may not suspend such ability of any applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.

14. All accepted applications for permits shall be publicly available subject to the limitations identified in O.C.G.A. § 36-66C-6(c).

15. An applicant may file a consolidated application related to multiple small wireless facilities, poles or decorative poles so long as such consolidated application meets the requirements of O.C.G.A. § 36-66C-13.

16. Activities authorized under a permit shall be completed within the timelines provided in O.C.G.A. § 36-66C-7(k)(2).

17. Issuance of a permit authorizes the applicant to: (i) undertake the collocation, installation, modification or replacement approved by the permit and (ii) operate and maintain the small wireless facilities and any associated pole covered by the permit for a period of ten years.

18. Permits shall be renewed following the expiration of the term identified in Sec. 8.4.4.C.17 upon the terms and conditions identified in O.C.G.A. § 36-66C-7(k)(2)(B).

19. If an application for a permit seeks to collocate small wireless facilities on authority poles in the public rights-of-way, then the City shall, within 60 days of receipt of the completed application: (i) provide a good faith estimate for any make-ready work necessary to enable the authority pole to support the proposed facility; or (ii) notify the wireless provider that the wireless provider will be required to perform the make-ready work. Any make-ready work performed by the City shall be completed pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(n).

D. Removal; Relocation; Reconditioning; Replacement; Abandonment

1. A person may remove its small wireless facilities from the public rights-of-[way] according to the procedures of O.C.G.A. § 36-66C-5(e).

2. In the event of a removal under Sec. 8.4.4.D.2, the right-of-way shall be, to the extent practicable in the reasonable judgment of the City, restored to its condition prior to the removal. If a person fails to return the

right-of-way, to the extent practicable in the reasonable judgment of the City, to its condition prior to the removal within 90 days of the removal, the City may, at the sole discretion of the City, restore the right-of-way to such condition and charge the person the City's reasonable, documented cost of removal and restoration, plus a penalty not to exceed $500.00. The City may suspend the ability of the person to receive any new permits under Sec. 8.4.4.C until the person has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that the City will not suspend such ability of any person that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.

3. If, in the reasonable exercise of police powers, the City determines: (i) a pole or support structure unreasonably interferes with the widening, repair, reconstruction, or relocation of a public road or highway, or (ii) relocation of poles, support structures, or small wireless facilities is required as a result of a public project, the wireless provider shall relocate such poles, support structures, or small wireless facilities pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(l). If the wireless provider fails to relocate a pole, support structure or small wireless facility or fails to provide a written good faith estimate of the time needed to relocate the pole, support structure or small wireless within the time period prescribed in O.C.G.A. § 36-66C-7(l), the City make take the actions authorized by O.C.G.A. § 36-66C-7(o), in addition to any other powers under applicable law.

4. The City shall recondition and replace authority poles consistent with the provisions of O.C.G.A. § 36-66C-7(m). Wireless providers shall accommodate and cooperate with reconditioning and replacement consistent with the provisions of O.C.G.A. § 36-66C-7(m).

5. A wireless provider shall notify the City of its decision to abandon any small wireless facility, support structure or pole pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(p)(1). The wireless provider shall perform all acts and duties identified in O.C.G.A. § 36-66C-7(p) regarding abandonment. The City may take all actions and exercise all powers authorized under O.C.G.A. § 36-66C-7(p) upon abandonment, in addition to any other powers under applicable law.

E. Use Standards

1. Small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities may be placed in the public right-of-way as a permitted use: (i) upon a receipt of a permit under Sec. 8.4.4.C; (ii) subject to applicable codes; and (iii) so long as such small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities comply with the appropriate provisions of O.C.G.A. § 36-66C-7(h).

   a. New, modified, or replacement poles installed in the right-of-way in a historic district and in an area zoned primarily for residential use

shall not exceed 50 feet above ground level.

b. Each new, modified, or replacement pole installed in the right-of-way that is not in a historic district or in an area zoned primarily for residential use shall not exceed the greater of:

i. Fifty feet above ground level; or

ii. Ten feet greater in height above ground level than the tallest existing pole in the same public right-of-way in place as of January 1, 2019, and located within 500 feet of the new proposed pole;

c. New small wireless facilities in the public right-of-way and collocated on an existing pole or support structure shall not exceed more than ten feet above the existing pole or support structure.

d. New small wireless facilities in the public right-of-way collocated on a new or replacement pole under Sec. 8.4.4.E.1.a or Sec. 8.4.4.E.1.b may not extend above the top of such poles.

2. Unless it is determined that another design is less intrusive, or placement is required under applicable law, small wireless facilities shall be concealed as follows:

a. Antennas located at the top of poles and support structures shall be incorporated into the pole or support structure, or placed within shrouds of a size such that the antenna appears to be part of the pole or support structure;

b. Antennas placed elsewhere on a pole or support structure shall be integrated into the pole or support structure or be designed and placed to minimize visual impacts.

c. Radio units or equipment cabinets holding radio units and mounted on a pole shall be placed as high as possible, located to avoid interfering with, or creating any hazard to, any other use of the public rights-of-way, and located on one side of the pole. Unless the radio units or equipment cabinets can be concealed by appropriate traffic signage, radio units or equipment cabinets mounted below the communications space on poles shall be designed so that the largest dimension is vertical, and the width is such that the radio units or equipment cabinets are minimally visible from the opposite side of the pole on which they are placed.

d. Wiring and cabling shall be neat and concealed within or flush to the pole or support structure, ensuring concealment of these components to the greatest extent possible.

3. Notwithstanding any provision of this Sec. 8.4.4 to the contrary, an applicant may collocate a small wireless facility within a historic district, and may place or replace a pole within a historic district, only upon satisfaction of the following: (i) issuance of a permit under Sec. 8.4.4.C and (ii) compliance with applicable codes.

4. Notwithstanding any provision of this Sec. 8.4.4 to the contrary, an applicant

may collocate a small wireless facility on a decorative pole, or may replace a decorative pole with a new decorative pole, in the event the existing decorative pole will not structurally support the attachment, only upon satisfaction of the following: (i) issuance of a permit under Sec. 8.4.4.C and (ii) compliance with applicable codes.

F. Amended Federal and States Laws

In the event that any federal or state law containing a definitions used in this Sec. 8.4.4 is amended, the definition in the referenced section, as amended, shall control.

~~B. Applicability~~

~~1. This sub-section only applies when small cell facilities are attached to an existing structure.~~

~~2. Small cell facilities that are not attached to an existing structure are subject to Sec. 8.4.5 (Telecommunications Facility).~~

~~C. Use Standards~~

~~1. Small cell facility antennas may only be installed:~~

~~a. On streetlight or mast arms mounted on pre-existing poles, including utility and street light poles or other pre-existing exterior support structures;~~

~~b. On the wall of a building facing the rear lot line at a height of at least 20 feet in a residential district or when mounted on a residential building, or 15 feet in a commercial district or when mounted to a commercial building; or~~

~~c. On the roof of a building.~~

~~2. No portion of the facility may exceed the height limits of the zoning district.~~

~~3. Small cell facility antenna must not be installed on or within 60 feet of a single-family dwelling and must not be installed on the wall of any residence.~~

~~4. Cables connecting the antennae to the equipment box must be contained inside the pole or support structure or must be flush mounted and covered with a metal, plastic or similar material cap matching the color of the pole or structure on which it is installed, properly secured and maintained by the applicant.~~

~~5. Related unstaffed equipment cabinets must be located within a building, an equipment cabinet outside a building, an equipment cabinet on a rooftop, or an equipment room within a building.~~

~~a. Such related equipment must have a maximum square footage of 10 square feet with a maximum height of 2 feet and must be located and installed in accordance with the applicable setback and other requirements of the zoning district.~~

~~b. A related unstaffed equipment cabinet may be installed on a rooftop of a building on privately owned land which is at least 15 feet in height, provided it and all other roof structures do not occupy more than 25% of the roof area.~~

~~6. Public property.~~

~~a. A private small cell facility may be located on the exterior of public property or attached to an existing support structure owned or~~

operated by the City. The use of any property owned or operated by the City shall be at the discretion of the City Council and is not subject to the same conditions and requirements as are applicable to such facilities on privately owned property. The City Council may but is not required to hold a public hearing before its decision to allow the use of property owned or under the control of the City.

b. A private small cell facility may be located on the exterior of public property of or attached to an existing support structure owned or operated by a county, state, federal, or other governmental agency subject to the same conditions and requirements as are applicable to such facilities on privately owned property.

7. All small cell facilities must be located and designed to minimize visual impact on surrounding properties and from public streets.

8. No signs are permitted in connection with any small cell facility.

9. No lights are permitted on any antenna unless required by the FCC, the FAA, or the City.

10. No more than one building, pole or other support structure containing a small cell facility is permitted on a lot or parcel of land, or for parcels larger than a half-acre, per half-acre of land. A use permit to permit the location of more than one building, pole or other structure containing small cell facilities on a lot or parcel or half-acre may only be requested if the applicant establishes that existing small cell facilities serving the same service area have no additional capacity to include the applicant's facility. Any such application must comply with all of the other requirements for small cell facilities.

11. Every small cell facility must be removed at the cost of the owner when it is no longer in use or when it has not been operated for a continuous period of 6 months. Such a facility must be removed within 90 days of receiving a removal notice from the City.

D. Procedures

1. The applicant must provide proof that it is a licensed provider and will comply with all applicable federal, state and City laws and regulations, including those regarding wireless communications services.

2. Within 30 days of the date an application is filed with the City, the Director must notify the applicant in writing of any information required to complete the application. To the extent additional information is required to complete the application, the time required by the applicant to provide such information is not counted toward the 90-day review period set forth in this sub-section.

3. In determining whether to issue an administrative permit to allow installation of a small cell facility on an existing structure, the Director will consider the following factors and decide if it is appropriate:

a. Demonstrated need for the small cell technologies within the

~~geographic area requested in order to deliver adequate service.~~

~~b. Proof that all co-location sites in the area of need are/were pursued and have been denied; or that there does not exist the ability to co-locate using existing structures. The applicant must demonstrate all actions taken to achieve co-location.~~

~~c. The character of the area in which the small cell technology wireless support structure is requested, including evidence of surrounding properties and uses.~~

~~d. Stealth technology, if any, proposed to be utilized by the applicant, or proof that stealth technology is either unnecessary or cannot be used.~~

~~e. Proof that the proposed small cell technology wireless support structure is the minimal physical installation which will achieve the applicant's goals.~~

~~f. The safety and aesthetic impact of: any proposed small cell technology wireless support structure; related accessory equipment; and/or equipment compound.~~

~~4. Within 90 days of the date an application is filed with the City, unless another date is specified in a written agreement between the City and the applicant, the Director must:~~

~~a. Make a final decision to approve or disapprove the application; and~~

~~b. Advise the applicant in writing of the final decision, including the specific reason for said decision based on the applicable factors in this sub-section.~~

~~5. Any appeal of a decision rendered pursuant to this sub-section must be made by petition for petition for review to the Superior Court of Fulton County, Georgia.~~

8.4.5. Telecommunications Facility

A. Defined

A telecommunications tower, monopole tower, antenna or any and all buildings, structures, or other supporting equipment used in connection with a telecommunications tower, monopole tower, or antenna.

B. Purpose, Intent, Applicability

1. Purpose and Intent

The purpose of this sub-section is to establish guidelines for the siting of all wireless communications towers and antennas which will encourage the development of wireless communications while protecting the health, safety, and welfare of the public and maintaining the aesthetic integrity of the community. The goals of this sub-section are:

a. To protect residential areas and land uses from potential adverse impact of telecommunications towers, antenna support structures and wireless communications facilities;

b. To minimize the total number of towers and antennas within the community necessary to provide adequate personal wireless services to residents of Milton;

c. To locate telecommunications towers and antennas in areas where adverse impacts on the community are minimized;

d. To encourage the design and construction of towers and antennas to minimize adverse visual impacts;

e. To avoid potential damage to property caused by wireless communications facilities by insuring that such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or when determined to be structurally unsound;

f. To preserve those areas of significant scenic or historic merit;

g. To facilitate implementation of an Existing Tower Map for the City of Milton;

h. To promote and encourage the joint use of new and existing tower sites among service providers;

i. To enhance the ability of the providers of wireless communications services to deliver such services to the community effectively and efficiently;

j. To be consistent with all overlay districts within the City, to the extent practicable and to the extent not to conflict with this sub-section.

2. Applicability

All new wireless towers and antennas are subject to the regulations in this sub-section except as follows, inclusive:

a. *Public property.* Towers or antennas on public property approved by the City Council.

b. *Amateur radio; receive-only antennas.* This sub-section does not govern any amateur radio tower, or the installation of any antenna, that is under 60 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

c. *Pre-existing towers and antennas.* Any tower or antenna for which a permit has been properly issued before the effective date of this UDC is not required to meet the provisions of this sub-section, other than the maintenance requirements of Sec. 8.4.5.F~~8.4.5.F~~. Any such towers or antennae is referred to in this section as "preexisting towers" or "preexisting antennae." However, if a preexisting tower or antennae ceases to function, then the subject tower, antennae and related equipment must be removed from the subject property within 90 days.

C. General Requirements

1. Permits

An application for a telecommunications facility permit is required for the construction or placement of all new wireless telecommunications facilities and attached wireless telecommunications facilities. The building permit process for collocations or modifications as defined in O.C.G.A. § 36-66B-3 and

Article 12 and as set forth in O.C.G.A. § 36-66B-4(a) will be governed by Sec. 8.4.5.E.1~~8.4.5.E.1~~ and no further requirements of this sub-section will apply unless a concurrent variance accompanying an application for modification is requested. If a concurrent variance associated with a modification is requested, Sec. 8.4.5.E.1.b~~8.4.5.E.1.b~~ shall receive compliance. Permits for all other telecommunications facilities must be processed in accord with Sec. 8.4.5.E.2~~8.4.5.E.2~~. Telecommunications facility permits must be reviewed by the City Council in accordance with the standards set forth in this sub-section. Approval of any application for the construction of a new tower or placement of an antenna (exempting antenna placement on a previously approved wireless support structure as defined at O.C.G.A. § 36-66B-3(9) or modification of wireless facilities as defined at O.C.G.A. § 36-66B-3(8)) shall be based on consideration of the following factors:

a. Demonstrated need for proximity to residential structures and residential district boundaries.

b. Demonstrated need for the proposed height of the tower.

c. Minimal impact on the use of adjacent properties.

d. Surrounding topography, tree coverage and foliage that buffer the potential visual impact of the telecommunications facility.

e. Design of the facility, with particular reference to design characteristics which have the effect of reducing or eliminating visual obtrusiveness, to include consideration of stealth technology installations.

f. Proposed ingress and egress.

g. Availability of suitable existing towers, other structures, or alternative/emerging technologies (microcells) not requiring the use of towers or structures.

h. Demonstrated need for the telecommunications facility at the specified site.

i. With reference to the City of Milton Existing Tower Map, as amended.

2. Inventory

All applications submitted to the Director must include a complete inventory of the applicant's existing wireless telecommunications facilities including towers and receivers/transmitters located within the City of Milton and a one-half mile radius surrounding the city limits, including each asset's location (plane coordinates), height and co-location usage or capabilities, and any special design features. The City shall utilize such information, to promote co-location alternatives for other applicants.

3. Site Plan

At the time of filing the application for construction or placement of a wireless telecommunications facility or antenna, the applicant must provide a site plan and information regarding tower or accessory structure location, neighboring uses and proposed landscaping as described below.

Additional documentation to be submitted with the site plan and certified by an experienced radiofrequency engineer must delineate coverage and propagation zones, identify type of antenna and mounting location, specify type of band currently in use, and state co-location capabilities.

a. A scaled site plan that clearly indicates the location, type and height of the proposed tower or accessory structure to be utilized, on-site land uses and zoning, adjacent land uses and zoning including proximity to historic or scenic view corridors, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower, accessory structure and any other structures, topography, existing streams, wetlands and floodplains, parking, and other information deemed necessary by the Director to demonstrate the need for the proposed facility or assess compliance with this sub-section.

b. Legal description of the parent tract and leased parcel (if applicable).

c. A study including a definition of the area of coverage, capacity and radio frequency goals to be served by the antenna or tower and the extent to which such antenna or tower is needed for coverage and/or capacity. The study must include all adjoining planned, proposed, in-service or existing sites owned by the applicant or others and a color propagation study demonstrating the existing coverage of all wireless telecommunications facilities owned and proposed by the applicant within the geographic search area (GSA). The study must also demonstrate that the proposed height is the minimum necessary to achieve the required coverage. The study must bear the signature and certification of a radiofrequency engineer. If a capacity issue is involved, include an analysis of the current and projected usage in the service area.

d. The setback distance between the proposed telecommunications facility and the nearest residential unit or residentially used structure;

e. When requesting a permit for a new telecommunications facility over 100 feet in height on property which is located adjacent to residentially zoned property, written certification and technical analysis of why a similar structure at under 100 feet cannot be used. Documentation must include a propagation study of the proposed site with a telecommunications facility less than 100 feet in height.

f. Certification that the wireless telecommunications facility, the foundation and all attachments are designed and will be constructed to meet all applicable and permissible local codes, ordinances, and regulations, including any and all applicable county, state and federal laws, rules, and regulations, including, but not limited to the

most recent editions of the National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. Structural integrity analysis is required where antennas and equipment will be attached to an existing structure. Such certification and structural integrity analysis must bear the signature and seal of a professional engineer licensed in the State of Georgia.

g. Landscaping must be designed in such a way as to preserve existing mature growth and to provide, in the determination of the Design Review Board, a suitable buffer of plant materials that mitigates the view of the telecommunications facility and accessory structures from surrounding property within 90 days.

h. Written documented, detailed analysis of the impact of the proposed telecommunications facility addressing the factors specified in Sec. 8.4.5.C.1~~8.4.5.C.1~~.

i. Evidence of compliance with applicable FAA requirements under 14 CFR § 77, as amended, which may be a copy of the FAA notice of proposed construction or a written statement prepared and signed by a professional airspace safety consultant.

j. Copies of the National Environmental Policy Act (NEPA) and the State Historic Preservation Office (SHPO) reports for the proposed telecommunications facility.

k. Copy of the FCC license applicable for the intended use of the facility.

l. Documentation establishing whether a stealth technology installation is to be proposed, and if not, an explanation as to why not.

4. Fee

Each application must be accompanied by the fee specified in the City fee schedule. In addition, applicants are responsible for independent engineering or consulting costs incurred by the City which exceed such fee, up to the maximum amount shown in the City fee schedule.

5. Design Review Board

Landscaping plans and the design and placement of the telecommunications facility on an approved site require review and approval of the Design Review Board before issuance of a building permit to insure architectural and aesthetic compatibility with the surrounding area within 90 days.

6. Section 106 Review

Before issuance of a building permit, compliance with Section 106 of the National Historic Preservation Act, 16 U.S.C. § 461 et seq. must be demonstrated (see Figure 8.4.5: Existing Tower Map).

7. Conditions

In approving any application, the Director, Design Review Board, Planning Commission, or City Council

may impose additional conditions to the extent determined necessary to minimize adverse effects on adjoining properties, unless otherwise prohibited by O.C.G.A. § 36-66B-6.

D. New Tower Requirements

1. Towers may be located only in the following zoning districts subject to the restrictions and standards contained herein:
   a. O-I: Office and Institutional District.
   b. C-1: Commercial District.
   c. All agricultural districts.
   d. Crabapple Form-Based Code T5: Urban Center District.
   e. Deerfield Form-Based Code T6: Urban Core District.
2. No new telecommunications facilities may be within 3,500 feet of any existing or permitted wireless telecommunications facility.
3. All applicants seeking to erect a tower must provide evidence that no alternative location and no existing tower or structure can accommodate the proposed antenna(s). Evidence of an engineering nature must be documented by the submission of a certification by a radiofrequency engineer. Such evidence may consist of the following:
   a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
   b. No existing structure is of sufficient height to meet the applicant's engineering requirements.
   c. No existing tower or structure has sufficient structural strength to support applicant's proposed antenna(s) and related equipment.
   d. Applicant's proposed antenna(s) would cause electromagnetic interference with the antenna(s) on the existing tower or structure.
   e. All alternative properties in the GSA for the construction of a new telecommunications facility that are potential alternatives to the proposed location are either unacceptable or infeasible due to technical or topographical reasons.
   f. Such other limiting factor(s) as may be demonstrated by the applicant and verified by an engineer of the City's choosing.
4. **Setbacks**

   Setbacks for towers and above-ground transmission facilities are as follows:
   a. All telecommunications facilities, including stealth technology installations, except buried portions, must be set back from all adjoining properties zoned nonresidential a distance equal to the height of the proposed telecommunications tower.
   b. When a telecommunications facility or stealth technology installation is adjacent to a residential use or residential zoning, the tower and entire facility must be set back from the nearest residential property line a distance equal to one and one-half times the height of the tower.

c. Roof and/or building-mounted telecommunications facilities are exempt from these setback standards but are not exempt from the setbacks for the zoning districts in which they are located.

5. Screening

Unless otherwise specified by the Director and the Design Review Board, towers and above-ground equipment shelters must be enclosed by a black vinyl clad chain link security fencing not less than 6 feet in height and must be equipped with an appropriate anti-climbing device. Said fencing must be surrounded by a minimum 20-foot-wide landscape strip planted to buffer standards unless the City of Milton Arborist determines that existing plant materials are adequate.

6. All new towers must meet the following maximum heights and be designed and built in a manner that allows other entities to co-locate on the structure using the following table:

Maximum Tower Heights

Zoning District	Two Users	Three Users	Four Users
O-1, C-1, T5 [2], T6 [3], Agricultural Districts	120 ft	150 ft	150 ft
Modification to pre-existing towers	Up to 30% increase [1]	Up to 30% increase [1]	Up to 30% increase [1]

Table Notes:
1. 30% maximum increase in tower height must be measured from height of pre-existing tower. In no event may height increase trigger FAA lighting requirements.
2. Crabapple Form-Based Code T5 only.
3. Deerfield Form-Based Code T6 only.

7. All towers and their related structures must maximize the use of building materials, colors, textures, screening. and landscaping that, in the opinion of the Design Review Board and the Director, effectively blend the tower facilities within the surrounding natural setting and built environment. Where appropriate, towers must be painted so as to reduce their visual obtrusiveness, subject to any applicable standards of the FAA.

8. Roof top antennas and associated structures must not project more than 10 feet above roof lines.

9. The structure must comply with applicable state and local statutes and ordinances, including, but not limited to, building and safety codes. Structures which have become unsafe or dilapidated must be repaired or removed pursuant to applicable state and local statutes and ordinances.

10. Telecommunications facilities must not be artificially lighted except to assure human safety or as required by the FAA.

11. Structures must be designed and constructed to ensure that the structural failure or collapse of the tower will not create a safety hazard to adjoining properties, according to applicable federal standards which may be amended from time to time.

12. Structures must not be used for advertising purposes and must not contain any signs for the purpose of advertising. Telecommunications facilities or telecommunications support structures must contain a sign no larger than 4 square feet in order to provide adequate notification to

persons in the immediate area of the presence of an antenna that has transmission capabilities and must contain the name(s) of the owner(s) and operator(s) of the antenna(s) as well as emergency phone number(s). The sign must be on the equipment shelter or cabinet of the facility and be visible from the access point of the site. The sign must not be lighted, unless applicable law, rule or regulation requires lighting.

Sec. 8.4.5.F.4~~8.4.5.F.4~~ (Maintenance of facilities) contains additional standards.

13. Communication facilities must not be located in 100-year floodplain or delineated wetlands.

14. All guy wires must be anchored on site and outside of right-of-way and outside minimum building setback.

15. Structures not requiring FAA painting/marking must utilize stealth technology installation to the maximum extent possible, and otherwise must have either a galvanized finish or be painted a dull blue, green, gray, or black finish.

16. Line-of-sight analysis. The applicant must provide a line-of-sight analysis, including elevation views of the proposed facility. The analysis must include a description of natural and manmade features that affect the buffering of the potential visual impact of the structure.

17. Photo simulations. The applicant must provide photo-simulated post-construction renderings of the completed proposed antenna support structure, equipment compound and/or equipment cabinets, ancillary structures, and landscaping.

    a. The views must incorporate before and after scenarios, a scaled color image of the proposed type of facility, an aerial map with the location of the selected views, and a description of the technical approach used to create the photo simulations. The simulations must include at least four vantage points (north, south, east, and west) from 200 feet away from the base location of the tower from the east, west, north, and south.

    b. The City Council and the Design Review Board may require the applicant to provide other pictorial representations from other viewpoints including, but not limited to, the view from state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents.

18. "Balloon test." The applicant must hold a "balloon test" before the public hearing on the application meeting the following requirements:

    a. The applicant must arrange to fly, or raise upon a temporary mast, a brightly colored balloon, which is at least a 3-foot in diameter and at least a 10-foot in length at the maximum height of the proposed telecommunications facility.

b. The dates, (including a second date, in case of poor visibility on the initial date) times and location of this balloon test must be advertised by the applicant seven and 14 days in advance of the first test date in a newspaper with a general circulation in the city. The applicant must inform the Director, in writing at least 14 days in advance, of the dates and times of the test. In addition, property owners of properties located within 1,500 feet of the boundary of the property on which the monopole or tower is proposed to be located must be notified two weeks before the balloon test.

c. The balloon must be flown for at least four consecutive hours sometime between 7:00 a.m. and 4:00 p.m. on the dates chosen. The primary date must be on a weekend, but in case of poor weather on the primary date, the secondary date may be on a weekday. Pictures must be taken of the balloon from approximately 200 feet away from the base location of the balloon from the east, west, north, and south.

19. Protection of scenic views. The City Council and the Design Review Board must determine the likely visual impact of any proposed telecommunications facility or tower and may require ~~balloon tests,~~ photographs, simulations, and any other necessary, helpful and relevant information. Based on the information presented, the above mentioned entities may recommend an alternative location for the facility or tower or may recommend a redesign in order to minimize the visual impact on the scenic character and beauty of the area. In determining whether or not a facility or tower would have an undue adverse visual impact and when setting conditions in the permit, they must consider:

a. The period of time during which it would be viewed by persons traveling on roads and/or highways.

b. The frequency with which persons traveling on roads and/or highways will view the facility.

c. The degree to which it will be screened by existing vegetation, the topography of the land, and existing structures.

d. Background features that will either obscure it or make it more conspicuous

e. Its distance from key vantage points and the proportion of it which will be visible above the skyline or tree line.

f. The number of members of the traveling public or residents who will be affected by the alteration of the scenic character and beauty of the area.

g. The sensitivity or unique value of the particular view affected by it.

h. Significant disruption of a view shed that provides context to a historic structure or scenic view.

i. The utilization of stealth technology installations.

E. Approval Process

1. The following uses are subject to expedited approval, which is defined as approval and written notice within 60 days of receiving applications, supporting engineering certifications and lease approval, if any, without the necessity of public hearing:

   a. Collocation on a previously approved wireless support structure as defined at O.C.G.A. § 36-66B-3(8) or modification of wireless facilities as defined at O.C.G.A. § 36-66B-3(9). However, with respect to applications for collocation that do not independently satisfy the definition of modification, if any of the following apply:

      i. The proposed collocation increases the overall height or width of the wireless support structure to which the wireless facilities are to be attached.

      ii. The proposed collocation increases the dimensions of the equipment compound approved by the local governing authority.

      iii. The proposed collocation does not comply with applicable conditions of approval, if any, applied to the initial wireless facilities and wireless support structure, as well as any subsequently adopted amendments to such conditions of approval.

      iv. The proposed collocation exceeds the applicable weight limits for the wireless support structure, as demonstrated by a letter from a structural engineer licensed to practice in this state.

   then expedited permitting under Sec. 8.4.5.E.1~~8.4.5.E.1~~ will not apply and the applicant must utilize Sec. 8.4.5.E.2~~8.4.5.E.2~~.

   b. If a proposed modification will result in a buffer encroachment, tower setback encroachment, or other condition on property requiring a variance from any of the provisions of Sec. 8.4.5~~8.4.5~~ (other than allowed modified height and associated equipment compound increases), then the applicant must tender a variance request as part of the modification application. The variance request will be considered by the City Council concurrently with the request for modification, and notwithstanding any provision of Article 12 regarding the processing or advertising of variances, a request for variance made hereunder is only required to adhere to the procedural requirements of the State of Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1, et seq.

2. If the proposed tower or antenna is not included under the above-described expedited approval uses, or the application does not on its face satisfy the development standards and other criteria specified herein, then a public hearing before the City Council and Planning Commission is required for the approval of the construction of a telecommunications facility in all zoning districts.

Applicants must apply for two public hearings, one before the Planning Commission and the City Council through the Director and pay the fee for such review in accordance with the City fee schedule. The applications must also go before the Design Review Board for its review before the planning commission meeting. Applications, when complete, must be placed on the next available agenda of the planning commission and City Council at which zoning matters are considered. At least 30 days before any scheduled hearing, the Director must cause a sign to be posted on the property and the publication of a public notice in a newspaper of general circulation. Said notice must state the nature of the application, street location of the proposal and height of the proposed structure as well as the time, date and location of each hearing. The Director shall also give similar notice by regular mail to all property owners and/or current residents within 500 feet of the boundaries of the subject property with at least 75 owners who appear on the City tax records as retrieved by the City's geographic information system. The notices must be mailed at least 14 days before the first scheduled hearing. Re-notification by mail is required when a petition is recommended for deferral by the Planning Commission for any amount of time or is deferred by the City Council.

Before approving an application, the governing authority may impose conditions to the extent necessary to buffer or otherwise minimize any adverse effect of the proposed tower on adjoining properties other than as prohibited by O.C.G.A. § 36-66B-6. The factors considered in granting such a permit include those enumerated in Sec. 8.4.5.C~~8.4.5.C~~ and Sec. 8.4.5.D~~8.4.5.D~~ above. The City Council may waive one or more of these criteria, if, in their discretion doing so will advance the goals of this sub-section as stated in Sec. 8.4.5.B~~8.4.5.B~~ above.

If the City Council determines that any application does not meet the general application requirements, development requirements and/or standards enumerated herein, or such application conflicts with the existing tower map, approval of the application must be denied provided substantial evidence exists to support such denial. Any aggrieved party may appeal the denial to a court of competent jurisdiction. For this purpose, an aggrieved party is one who demonstrates that his or her property will suffer special damage as a result of the decision complained of rather than merely some damage that is common to all property owners and citizens similarly situated.

Approved applications expire one year from the date of the approval by the City Council unless the property owner makes substantial progress toward the completion of on-site construction depicted on the site plan. Substantial progress must have been demonstrated when, within one year of the date of the issuance of the telecommunications facility permit, the ~~Community Development~~ Director determines that continuous, observable progress is being made to

completion according to an approved construction schedule.

F. Maintenance of Facilities

1. All telecommunications facilities and related landscaping must be maintained by the facility owner in good condition, order, and repair so that they must not endanger the life or property of any person, nor may they be a blight upon the property as determined by the Director.

2. All maintenance or construction on telecommunications facilities must be performed by persons employed by or under contract to the owner between the hours of 8:30 a.m. and 5:30 p.m. Monday through Friday except in cases of emergency or when an after-hours permit is obtained pursuant to Sec. 11.7 (Noise Control). Access to facilities on city-owned property will be determined on a case-by-case basis by the department responsible for such property. The hours of access to City sites must not exceed those specified above. Persons must not be present on site unless performing construction or maintenance at such site.

3. The owner or user of any new or existing telecommunications facility must register and obtain a "telecommunications operating license" from the Director on or before July 31 each and every calendar year. The telecommunications operating license shall serve as a mechanism for obtaining current information regarding telecommunication permit holders and annually inspecting and documenting the condition of permitted towers, antennas, and other telecommunications facilities. The telecommunications operating license application must be on such forms as may be prepared by the Director. No telecommunications operating license application may be considered by the Director until it is complete and accompanied by all necessary documents, papers, proof of liability insurance, and other evidence of eligibility as may be set forth or otherwise required by the application. All telecommunications towers, each antenna array located thereon, on a rooftop or other location, must each obtain a separate license, paying a separate fee for each such license. A license is not transferable or assignable.

   a. A telecommunications operating license or application therefore under this section may be denied, suspended or revoked only if one or more of the following exists:

      i. The applicant or licensee has failed to obtain any certificate, approval, or document necessary as may be required by any office, agency or department of the City, county, state or United States under authority of any law, ordinance or resolution of the City, county, state or United States.

      ii. The applicant or licensee has supplied false information to the operating permit officer or the governing authority.

      iii. The applicant or licensee has violated any city, county, state or federal law, or any ordinance

or resolution regulating the telecommunications tower and antenna.

iv. The applicant or licensee has failed to pay any fee required under this sub-section, including the annual licensing renewal, has failed to make a return or pay a tax due to the Fulton County Tax Commissioner in connection with its business or any predecessor business (to include, without limitation, occupational tax or real or personal property ad valorem tax); provided, however, that a telecommunications operating license may not be denied, suspended or revoked under this sub-section with respect to ad valorem taxes (whether real or personal property) (i) due in the current calendar year; (ii) presently the subject of lawful appeal; or (iii) not collectible by virtue of duly enacted statute, ordinance, or other law. For this purpose, a predecessor business (whether a sole proprietorship, corporation, partnership, or other entity) must be a business engaged in substantially the same or related business as the applicant and from whom the applicant acquired title to or possession of a substantial portion of its business property, either directly or indirectly, whether real or personal, and for which taxes are outstanding.

v. There are conditions on the premises or in the business operations conducted thereon that endanger public health or safety.

vi. The telecommunications facility and/or property have not been adequately maintained according to the standards of this section, including painting, landscaping, screening, and fencing.

vii. The applicant or licensee fails to cooperate with any officer, agent or employee of the City who is authorized or directed to inspect the premises used for or in connection with a telecommunications tower or antenna.

viii. A new owner of an existing telecommunications facility fails to submit a license application and license fee when any change of ownership occurs.

4. Any antenna or tower that is (1) not operated for a continuous period of 12 months or (2) is not properly maintained or (3) is not in possession of a current and valid license will be considered abandoned, and the owner of such antenna or tower must remove same and any structures housing supporting equipment within 90 days of receipt of notice from the governing authority of such abandonment. If such antenna or tower is not removed or returned to good condition within said 90 days, the governing authority may

remove such antenna or tower at the owner's expense and a lien will be placed upon the property. If an antenna or tower is not in possession of required licensure the City, in its discretion may, instead of requiring removal of said tower or antenna, may treat same as a code violation and impose daily citations to compel compliance.

G. Waiver of Requirements

No exception, waiver or variance to the conditions and requirements contained herein may be granted unless expressly provided for in this section, or the City Council finds that the proposed tower or telecommunications facility is necessary and essential to providing the wireless service.

H. Facilities Lease

The City Council may approve facilities leases for the location of telecommunications facilities and other telecommunications facilities upon city-owned property. Neither this paragraph, nor any other provision of this sub-section shall be construed to create an entitlement or vested right in any person or entity of any type.

I. Lease Application

Any person that desires to solicit the City's approval of a facilities lease pursuant to this sub-section must file a lease proposal with the Director which, in addition to the information required by Sec. 8.4.5.C~~8.4.5.C~~, must include the following:

1. A description of the telecommunications facilities or other equipment proposed to be located upon City property.
2. A description of the City property upon which the applicant proposes to locate telecommunications facilities or other equipment.
3. Preliminary plans and specifications in sufficient detail to identify:
   a. The location(s) of existing wireless transmission. or telecommunications facilities or other equipment upon the City property, whether publicly or privately owned.
   b. The location and source of electric and other utilities required for the Installation and operation of the proposed facilities.
4. Accurate scaled conceptual drawings and diagrams of sufficient specificity to analyze the aesthetic impacts of the proposed telecommunications facilities or other equipment.
5. Whether the applicant intends to provide cable service, video dial tone service or other video programming service from the facility, and sufficient information to determine whether such service is subject to cable franchising.
6. An accurate map showing the location of any wireless telecommunications facilities in the City that applicant intends to use or lease.
7. A landscaping bond in an amount to be determined by the City Arborist.
8. Such other and further information as may be requested by the City.
9. An application fee for lease negotiation in accordance with the City fee schedule.

J. Determination by the City

Recognizing that the City is under no obligation to grant a facilities lease for the use of City property, the City must strive to consider and take action on applications for facilities leases within 60 days after receiving a complete application for such a lease. When such action is taken, the City must issue a written determination granting or denying the lease in whole or in part, applying such criteria as the City Council may choose to apply.

K. Agreement.

No facilities lease may be deemed to have been granted hereunder until the applicant and the City have executed a written agreement setting forth the particular terms and provisions under which the lessee has been granted the right to occupy and use the City property.

L. Nonexclusive Lease

No facilities lease granted under this subsection confers any exclusive right, privilege, license, or franchise to occupy or use City property for delivery of telecommunications services or any other purposes nor does approval of a lease entitle the applicant to a permit to construct or place a wireless telecommunications facility.

M. Term of Facilities Lease

Unless otherwise specified in a lease agreement, a facilities lease granted hereunder is valid for a term of up to 5 years, with the lessee granted a maximum of three, 5-year renewal options which options will also be subject to approval of the City Council. The term of any such agreement must not exceed 20 years.

N. Rights Granted

No facilities lease granted under this subsection convey any right, title, or interest in the City property, but is deemed a license only to use and occupy the City property for the limited purposes and term stated in the lease agreement. Further, no facilities lease may be construed as any warranty of title.

O. Interference with Other Users

No facilities lease may be granted unless it contains a provision which is substantially similar to the following:

The city has previously entered into leases with other tenants for their equipment and wireless telecommunications facilities. Lessee acknowledges that the City is also leasing the City property for the purposes of transmitting and receiving telecommunication signals from the City property. The City, however, is not in any way responsible or liable for any interference with lessee's use of the City property which may be caused by the use and operation of any other tenant's equipment, even if caused by new technology. If any other tenant's activities interfere with the lessee's use of the City property, and the lessee cannot work out this interference with the other tenants, the lessee may, upon 60 days' notice to the City, terminate this lease and restore the City property to its original condition, reasonable wear and tear excepted. The lessee must cooperate with all other tenants to identify the causes of and work towards the resolution of any electronic interference problem. In addition, the lessee agrees to eliminate any radio or television interference caused to city-owned facilities or surrounding residences at lessee's own expense and without installation of extra filters on city-owned equipment. Lessee further agrees to accept

such interference as may be received from city-operated telecommunications or other facilities located upon the City property subject to this lease.

P. Ownership and Removal of Improvements

No facilities lease may be granted unless it contains a provision which states that all buildings, landscaping, and all other improvements, except telecommunications equipment, will become the property of the City upon expiration or termination of the lease. If the City requires removal of such improvements, such removal must be accomplished at the sole expense of the lessee and completed within 90 days after receiving notice form the City requiring removal of the improvements. If wireless telecommunications facilities or other equipment are left on City property after expiration or termination of the lease, they will become the property of the City if not removed by the lessee upon 30 days' written notice from the City.

Q. Compensation to the City

Each facilities lease granted is subject to the City's right, which is expressly reserved, to annually fix a fair and reasonable compensation to be paid for the rights granted to the lessee; provided, nothing in these paragraphs prohibit the City and a lessee from agreeing to the compensation to be paid. Such compensation must be payable in advance of the effective date of the lease and on or before January 31 of each calendar year. Any payments received after the due date must include a late payment penalty of 2% of the annual rental fee for each day or part thereof past the due date. The compensation must be negotiated by the City Manager, subject to the City Council's final approval, based on the following criteria:

1. Comparable lease rates for other public or private property.
2. In the case land is leased, an appraisal opinion upon which the land and air space is rented.
3. If structure of another user is involved, any amount needed to reimburse that user; in addition to the above.
4. A yearly escalator rate commonly used in comparable leases.
5. The additional rent such structure may generate if leased to additional users. (the City should be entitled to rent as a result of a sublease).
6. Additional fees or charges as may be established by the City to cover actual costs of processing the application, including engineering review, inspection and appraisal cost, legal, administration of the agreement, providing on-site services, and/or other direct or indirect costs.

R. Amendment of Facilities Lease

Except as provided within an existing lease agreement, a new lease application and lease agreement is required of any telecommunications carrier or other entity that desires to expand, modify, or relocate its telecommunications facilities or other equipment located upon City property. If ordered by the City to locate or relocate its telecommunications facilities or other equipment on the City property, the City must grant a lease amendment without further application. Such amendment must be approved by City Council.

S. Renewal Application

A lessee that desires to exercise a renewal option in its facilities lease under this section must, not more than 180 days nor less than 120 days before expiration of the current facilities lease term, file an application with the City for renewal of its facilities lease which must include the following:

1. The information required by Sec. 8.4.5.I~~8.4.5.I~~.
2. Any information required pursuant to the facilities lease agreement between the City and the lessee.
3. A report certified by a radiofrequency engineer that the site is in compliance with current FCC radio emission standards.
4. All deposits or charges required pursuant to this section.
5. An application fee specified in the City fee schedule.

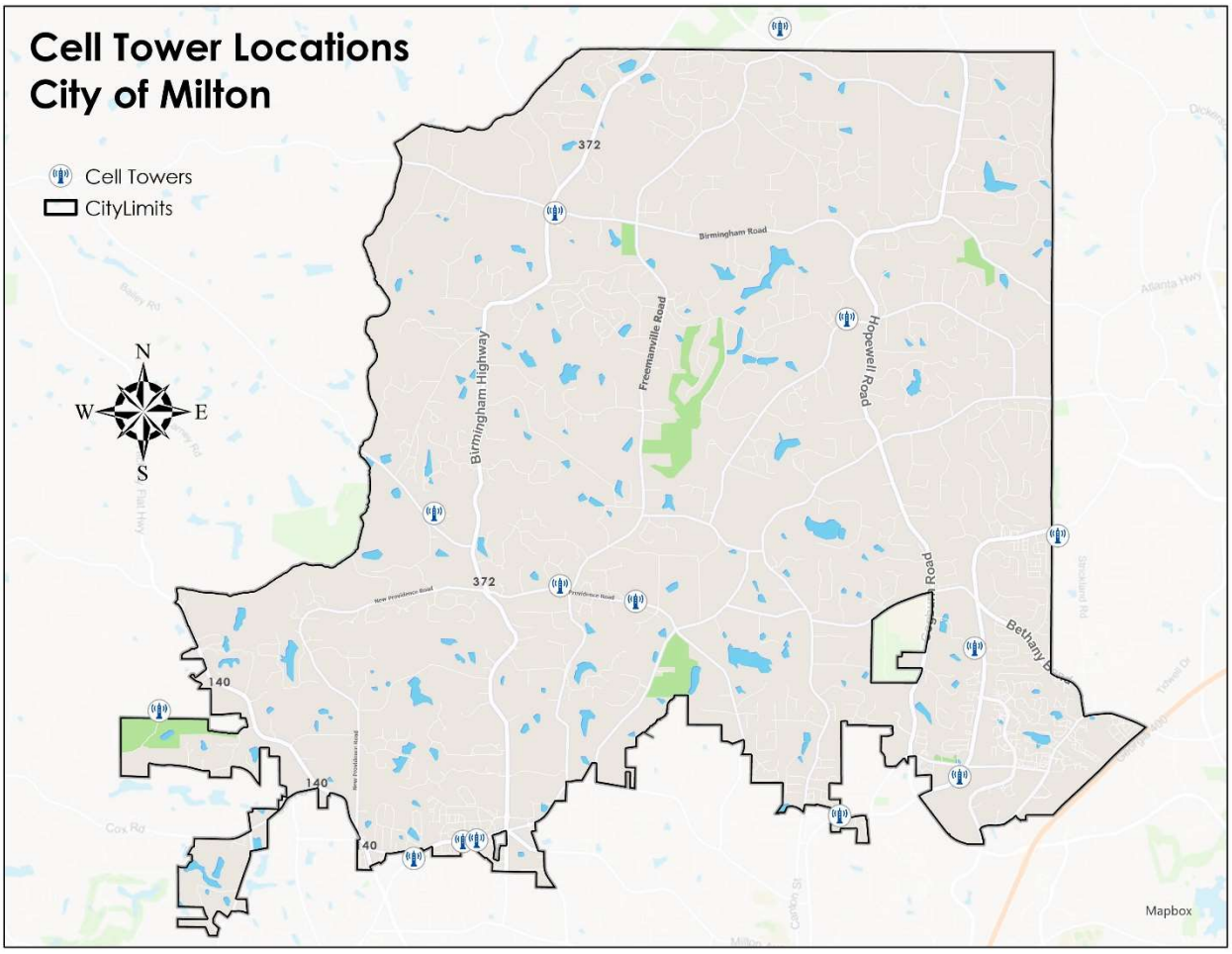
T. Renewal Determination

Recognizing that the City is under no obligation to grant a renewal of a facilities lease for the use of City property, the City shall strive to consider and take action on applications for renewal of such leases within 60 days after receiving a complete application for such a lease renewal. When such action is taken, the City must issue a written determination granting or denying the lease renewal in whole or in part, applying such criteria as the City Council may choose to apply.

U. Obligation to Cure as a Condition of Renewal

No facilities lease may be renewed until any ongoing violations or defaults in the lessee's performance of the lease agreement, or of the requirements of these paragraphs, have been cured, or a plan detailing the corrective action to be taken by the lessee has been approved by the City. In no event may a facilities lease be renewed if lessee fails to cure.

Figure 8.4.5: Existing Tower Map



8.5. Commercial Uses

8.5.1. Adult Entertainment Establishments

A. Adult Bookstore

1. Defined

An establishment or facility licensed to do business in the city having at least 25% of its stock in trade, for any form of consideration, any one or more of the following materials:

a. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, videocassettes, CDs, DVDs or other video reproductions, or slides or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," as defined in Article 13; or

b. Instruments, devices, novelties, toys or other paraphernalia that are designed for use in connection with "specified sexual activities" as defined herein or otherwise emulate, simulate, or represent "specified anatomical areas" as defined in Article 13.

2. Intent and Findings

a. **Generally**

The City Council intends and finds the following:

i. It is the intent of this Paragraph A (Adult Bookstore) to regulate the place of operation of adult bookstores. 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 bookstores are significantly related to diminishing market values of neighboring residential areas, that adult bookstores should not be located in residential areas, and that adult bookstores should be permitted only in locations that are at least one-tenth mile, or approximately 500 feet, from residential areas.

ii. 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 bookstores correlates with a decreasing market value of neighboring residential areas, that adult bookstores tend to locate in areas of poorer residential condition, tend to be followed by a relative worsening of the residential

condition, and that more than two adult entertainment businesses in an immediate area is associated with a statistically significant decrease in residential property market value, and that such a concentration of adult entertainment businesses in a given area should be discouraged. The board also finds that such worsening of residential conditions will adversely affect uses found in residential areas or in the proximity of residential areas, such as public recreational facilities, public or private institutional uses, churches, schools, universities, colleges, trade-schools, libraries, and day care centers.

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

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

v. The City Council further finds that this paragraph A (Adult Bookstore) regarding regulation of adult bookstores has been carefully considered by a workgroup of City staff drawn from the areas of law enforcement, land use, land planning, and law; by the Planning Commission at public meetings 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 sub-section, particularly with respect to its provisions relating to the effects of adult bookstores 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.

vi. This paragraph A (Adult Bookstore) is intended to be a

carefully tailored regulation to minimize the adverse land use impacts caused by the undesirable secondary effects of adult bookstores, and the City Council finds that restricting adult bookstores to industrially zoned areas and imposing development standards can legitimately regulate adult bookstores by establishing zones where adult bookstores are most compatible with other uses or the surrounding neighborhood, and by requiring minimum distances to be maintained between adult bookstore uses and other uses so as to afford the most protection to residential uses.

vii. It is not the intent of the City Council, in enacting this paragraph A (Adult Bookstore), to deny to any person rights to speech protected by the United States or state 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 Paragraph A (Adult Bookstore), 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 state 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 UDC, the City Council intends to adopt a content neutral measure to address the secondary effects of adult bookstores.

3. Use Standards

a. All boundary lines of the property included within the use permit as filed must be located at least 500 feet from the following:

i. The property line of R-1, R-2, R-2A, R-3, R-3A, R-4A, R-4, R-5, R-5A, R-6, NUP, CUP, TR, agricultural districts, T2, T3, T4-Restrict, T4, or T4-Open zoned property or property conditioned or used for residential purposes.

ii. The property line of any public recreational facilities, public or private institutional uses, including, but not limited to churches, schools, universities, colleges, trade-schools, libraries, day care centers and other training facilities where minors are the primary patrons.

b. The boundary line of the use permit must be located at least 1,500 feet from the property line of any other adult entertainment establishment or adult bookstore.

c. An applicant must s~~S~~ubmit with the application for a use permit a

certified boundary survey by a licensed surveyor of the site and the property lines of surrounding properties identifying the use of properties at or within 1,000 feet of the boundary lines of the subject property and adult entertainment establishments or adult bookstores within 1,500 feet of the boundary line of the subject property.

d. If the adult bookstore is to be located in an existing structure where a land disturbance permit is not required, an existing building permit review application must be filed and determined by the Director to be in compliance with the terms of this section before occupancy.

e. Permitted curb cut access must be from a major thoroughfare.

f. No depiction of anatomical areas or sexual activities specified in the definition of "adult entertainment" may be visible from outside the structure or on signage outside the structure.

g. For sites on 4 acres or less, a 50-foot-wide undisturbed buffer or alternative screening design, with a 10-foot improvement setback, must be located adjacent to all agricultural/T2 districts and all property zoned, used, or developed for residential uses.

h. For sites on more than 4 acres, a 75-foot-wide undisturbed buffer or alternative screening design, with a 10-foot improvement setback, must be located adjacent to all agricultural/T2 districts and all property zoned, used, or developed for residential uses.

i. To make buffers seem natural, an equal mix of four species must be used, except when alternative screening is used.

j. When alternative screening design is used, the buffer must provide as much or more year-round visual screening as the otherwise required buffer would. The alternative screening must also be planted as required by the City Arborist.

k. Where wider buffers than identified in Sec. 8.5.1.A.3.g or Sec. 8.5.1.A.3.h~~sentences g or h~~ above are required by the zoning or overlay district, the wider buffer standards apply.

4. Permits

a. Issuance. Notwithstanding the provisions of Sec. 12.5.2 (Use Permits), any applicant meeting the requirements and standards of Sec. 8.5.1.B.3~~8.5.1.B.3~~ shall be entitled to the issuance of a use permit.

b. Applications. Notwithstanding any other provision herein, any material omission or untrue or misleading information contained in or left out of an application for a use permit shall be grounds for denial of said permit.

c. Processing. The City shall have 90 days (unless the application is suspended by failure of the applicant to provide data, information or records as reasonably requested by the City

and required by this UDC, to complete the investigation) from receipt of a completed application for a use permit to make a decision in which to grant or deny a use permit. The ~~Direcdtor~~Director and the Planning Commission must make recommendations to the City Council regarding the approval or denial of the use permit and the City Council must make the final decision after a public hearing regarding the application.~~–~~ Notice of the hearing must be published in the newspaper utilized by the City of Milton as the legal organ not less than 30 and not more than 45 days before the date set for the public hearing. Notice must also be mailed to the owner of the property as reflected on the current tax records of Fulton County as retrieved by the City's GIS. The public hearing must be conducted according to the procedures established in Sec. 12.3.2.A. In the event the City Council has not granted or denied the application within 90 days (unless the application is suspended by failure of the applicant to provide data, information or records as reasonably requested by the City to complete the investigation), the use permit shall automatically issue.

d. Denial. If an application for a use permit is denied by the City Council, the applicant shall be notified in writing of such denial within ten business days by U.S. mail. A decision by the City Council regarding the denial of said permit is a final action ~~; therefore, any appeal of such decision shall be pursued by application for petition for review filed with the Superior Court of Fulton County~~and may be appealed in accordance with applicable statutes. This appeal shall in no way preclude an applicant from seeking any other remedies available at law or equity.

e. Illegal Business or Entity Prohibited. Nothing in this sub-section shall allow for the conducting or zoning of any business or entity which would otherwise be illegal.

B. Adult Entertainment Establishments

1. Defined

Any establishment or facility licensed to do business in the City where adult entertainment is regularly sponsored, allowed, encouraged, condoned, presented, sold, or offered to the public. The term does not include traditional or mainstream theater which means a theater, movie theater, concert hall, museum, educational institution or similar establishment or facility which regularly features live or other performances or showings which are not distinguished or characterized by an emphasis on the depiction, display, or description or the featuring of “specified anatomical areas” or “specified sexual activities” in that the depiction, display, description or featuring is incidental to the primary purpose of any performance. Performances and showings are regularly featured when they comprise 90% of all performances or showings.

2. Intent

a. It is the intent of this paragraph B (Adult Entertainment Establishments) to regulate the place and manner of the operation of businesses or facilities that offer adult entertainment. It is well established and has been the experience of other communities in the state and throughout the United States that adult entertainment, which includes public nudity, has been associated with and may encourage disorderly conduct, prostitution and sexual assault.

b. This paragraph B (Adult Entertainment Establishments) advances the substantial government interest in promoting and protecting public health, safety, and general welfare, maintaining law and order and prohibiting public nudity. This paragraph B (Adult Entertainment Establishments) is narrowly constructed to protect the First Amendment rights of citizens of the city while furthering the substantial governmental interest of combating the secondary effects of public nudity and adult entertainment from areas and uses of the community which are incompatible.

c. Areas and uses which are to be protected from adult entertainment include, but are not limited to:

i. Residential.

ii. Churches.

iii. Day care centers.

iv. Libraries.

v. Recreational facilities.

vi. Schools.

3. Use Standards

a. All boundary lines of the property included within the use permit must be located at least 500 feet from the following:

i. The property line of R-1, R-2, R-2A, R-3, R-3A, R-4A, R-4, R-5, R-5A, R-6, NUP, CUP, TR, agricultural districts, T2, T3, T4-Restrict, T4, or T4-Open zoned property or property conditioned or used for residential purposes.

ii. The property line of any public recreational facilities, public or private institutional uses including, but not limited to, churches, schools, universities, colleges, trade-schools, libraries, day care centers and other training facilities where minors are the primary patrons.

b. The boundary line of the use permit must be located at least 1,500 feet from the property line of any other adult entertainment establishment or adult bookstore.

c. An applicant must s~~S~~ubmit with the application for a use permit a certified boundary survey of the site and the property lines of surrounding properties identifying the use of properties at or within 1,000 feet of the boundary lines of the subject property and adult

entertainment establishments and adult bookstores within 1,500 feet of the boundary line of the subject property.

d. No final land disturbance permit, building permit, certificate of occupancy, or building permit review certificate may be issued until the approved city adult entertainment business license is filed with the ~~Community Development~~ Director.

e. If the adult entertainment business is to be located in an existing structure where a land disturbance permit is not required, an existing building permit review application must be filed and approved in the Director before any occupancy.

f. Building must be located at least 50 feet from all property lines.

g. Permitted curb cut access must only be directly from a major thoroughfare.

h. On-premises signs must not display lewd or graphic depictions of body parts or acts which are defined in this sub-section and Article 13.

i. No adult entertainment must be visible from outside the structure.

j. For sites on 4 acres or less, a 50-foot-wide undisturbed buffer or alternative screening design, with a 10-foot improvement setback, must be located adjacent to all agricultural/T2 districts and all property zoned, used, or developed for residential uses.

k. For sites on more than 4 acres, a 75-foot-wide undisturbed buffer or alternative screening design, with a 10-foot improvement setback, must be located adjacent to all agricultural/T2 districts and all property zoned, used, or developed for residential uses.

l. To make buffers seem natural, an equal mix of four species must be used, except when alternative screening is used.

m. When alternative screening design is used, the buffer must provide as much or more year-round visual screening as the otherwise required buffer would. The alternative screening must also be planted as required by the City Arborist.

n. Where wider buffers than identified in Sec. 8.5.1.B.3.j and Sec. 8.5.1.B.3.k~~sentences k or l~~ above are required by the zoning or overlay district, the wider buffer standards shall apply.

4. Permits

a. Issuance. Notwithstanding the provisions of Sec. 12.5.2 (Use Permits), any applicant meeting the requirements and standards of Sec. 8.5.1.B.3~~8.5.1.B.3~~ shall be entitled to the issuance of a use permit.

b. Applications. Notwithstanding any other provision herein, any material omission or untrue or misleading information contained in or left out of an application for a use permit shall be grounds for denial of said permit.

c. Processing. The City shall have 90 days (unless the application is

suspended by failure of the applicant to provide data, information or records as reasonably requested by the City and required by this UDC, to complete the investigation) from receipt of a completed application for a use permit to make a decision in which to grant or deny a use permit. The ~~Direcdtor~~Director and the Planning Commission must make recommendations to the City Council regarding the approval or denial of the use permit and the City Council must make the final decision after a public hearing regarding the same. Notice of the hearing must be published in the newspaper utilized by the City of Milton as the legal organ not less than 30 and not more than 45 days before the date set for the public hearing. Notice must also be mailed to the owner of the property as reflected on the current tax records of Fulton County as retrieved by the City's GIS. The public hearing must be conducted according to the procedures established in Sec. 12.3.2.A. In the event the City Council has not granted or denied the application within 90 days (unless the application is suspended by failure of the applicant to provide data, information or records as reasonably requested by the City to complete the investigation), the use permit shall automatically issue.

d. Denial. If an application for a use permit is denied by the City Council, the applicant shall be notified in writing of such denial within ten business days by U.S. mail. A decision by the City Council regarding the denial of said permit is a final action~~; therefore, any appeal of such decision shall be pursued by application for petition for review filed with the Superior Court of Fulton County within 30 days of the decision.~~ and may be appealed in accordance with applicable statutes. This appeal shall in no way preclude an applicant from seeking any other remedies available at law or equity.

e. Illegal Business or Entity Prohibited. Nothing in this sub-section shall allow for the conducting or zoning of any business or entity which would otherwise be illegal.

8.5.2. Aircraft Landing Area

A. Defined

A facility used for the landing and takeoff of airplanes.

B. Use Standards

1. For fixed wing aircraft, a 1,000-foot clear zone extending from the end of all runways must be secured through ownership or easement, but in no case may the end of a runway be closer than 200 feet from any property line.

2. For both fixed and rotary-wing aircraft, neither the landing area nor any building, structure or navigational aid may be located within 400 feet of a property line adjacent to any residential district or agricultural/T2

district used for single-family dwellings.

3. Landing areas for fixed wing and rotary wing aircraft must comply with the Airport Design Guide of the Federal Aviation Administration.

4. If located within or adjacent to a residential district or agricultural/T2 district used for single-family dwellings, the hours of operation are limited to from 7:00 a.m. to 11:00 p.m.

5. A use permit for an aircraft landing area ~~must~~ shall have no force ~~and~~ or effect except for requesting a land disturbance permit before filing a satisfactory FAA airspace analysis with the Director.

8.5.3. Bar

A. Defined

An establishment whose primary business is the provision of alcoholic beverages and not the consumption of food. An establishment that derives 75% or more total annual gross revenue from the sale of alcoholic beverages for consumption on-premises and does not meet the definition of any other establishment qualified to hold a license under Chapter 4 of the Milton Code of Ordinances will be presumed to be a bar. Bars are specifically prohibited in the city. This provision does not preclude a business that otherwise qualifies as an eating establishment or restaurant from including the word "bar" in its name, provided that the name must also be indicative of food service, such as "Joe's Sports Bar & Grille".

8.5.4. Day Care Facility

A. Defined

A use in which shelter, care, and supervision as provided for seven or more persons on a regular basis away from their residence for less than 24 hours a day. A day care facility may provide basic educational instruction. The term “day care facility” includes:

1. Nursery school.
2. Kindergarten.
3. Early learning center.
4. Play school.
5. Preschool.
6. Group day care home.

B. Use Standards

1. All Districts

a. Facility must be for seven or more persons, excluding staff.

b. Provide a minimum 6-foot-high opaque fence interior to any required landscape strips or buffers around the periphery of the yard used for the play area.

c. Play areas must be located within the rear or side yards.

d. The hours of operation are limited to 6:00 a.m. to 7:00 p.m.

e. No parking allowed in the minimum front yard setback.

f. Driveway design must permit vehicles to exit the property in a forward direction.

2. Agricultural Districts, T2, R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A

Day care facilities are permitted by use permit and only in conjunction with an institutional use such as a church, temple, place of worship, school or a hospital.

8.5.5. Festivals or Events, Outdoor/Indoor

A. Defined

A ~~non-temporary~~permanent facility for special events including, but not limited to, horse shows, carnivals, dog shows, arts and crafts shows, music festivals, etc. (See Chapter 34 Parks, Recreation, and Cultural Affairs for temporary special events.)

B. Use Standards

1. Permitted curb cut access must not be from local streets.
2. Eight-foot-high 100% opaque fencing is required adjacent to residential districts or agricultural/T2 districts used for single-family dwellings.
3. Hours of operation are limited to 8:00 a.m. to 11:00 p.m. when adjacent to residential districts or agricultural/T2 districts used for single-family dwellings.
4. Activity areas, including parking, must be at least 100 feet from a residential district or agricultural/T2 districts used for single-family dwellings.
5. The festival or event must be limited to a three-year period from the date of the City Council's approval not to exceed a total of 180 consecutive days in a calendar year.

8.5.6. Indoor Recreation

A. Defined

A commercial or non-profit facility ~~, varying in size,~~ providing daily or regularly scheduled recreation-oriented activities in an indoor setting. Indoor recreation includes the following:

1. Assembly hall, event facility.
2. Commercial amusement, indoor.
3. Conference center.
4. Convention center.
5. Gym, health spa or yoga studio.
6. Pool hall.
7. Theaters.

B. Assembly Hall, Event Facility

1. Defined

A building or portion of a building, for public rental for the purpose of private events, whether family, group, or corporate in nature, where access by the general public is restricted, and with or without the sale, serving, or consumption of food and/or alcoholic beverages. The term does not include any other defined indoor recreation. The use ~~must~~ does not include a restaurant.

2. Use Standards

Where an assembly hall is allowed by use permit, it is subject to the following:

a. Days and Hours of Operations are limited to the following:

   i. Sunday through Thursday, 7 a.m. to 10 p.m.

   ii. Friday and Saturday, 7 a.m. to 11 p.m.

b. Deliveries are limited to Sunday through Saturday, 7:30 a.m. to 7:30 p.m.

c. No amplified sound is permitted unless it is within a fully enclosed structure.

d. The maximum number of attendees at events held will be evaluated by the City Council on a case-by-case basis for each site to protect the public's health, safety, and welfare. Any such determination will not supersede any occupancy restriction contained in any other ordinance, code, statute, rule or regulation or other law.

e. The owner or operator must hold all other appropriate licenses and permits.

C. Commercial Amusement, Indoor

1. Defined

A ~~use~~ place where recreational activity such as arcades, billiards, game rooms, bowling, skating rinks, sporting activities and other recreational amusements are conducted within a building. The term does not include pool halls.

D. Conference Center

1. Defined

A place of assembly that customarily charges for meeting or exhibition areas and such areas either contain Building Code occupancy limits of 800 or fewer people or have meeting and exhibition areas that total 12,000 square feet of floor area or less, regardless of whether a principal or accessory use.

E. Convention Center

1. Defined

A place of assembly that customarily charges for meeting or exhibition areas and such areas either contain Building Code occupancy limits of more than 800 people or have meeting and exhibition areas that total more than 12,000 square feet of floor area, regardless of whether a principal or accessory use.

F. Gym, Health Spa, or Yoga Studio

1. Defined

An establishment which for profit or gain provides as one of its primary purposes, services or facilities which are purported to assist patrons improve their physical condition or appearance in an indoor setting. Not included within this definition are facilities operated by nonprofit organizations, facilities wholly owned and operated by a licensed physician at which such physician is engaged in the practice of medicine, or any establishment operated by a health care facility, hospital, intermediate care facility, or skilled nursing care facility.

G. Pool Hall

1. Defined

Any public place including three or more pool tables where a person is permitted to play the game of billiards and for which a charge is made for use of equipment or for which no charge is made for use of equipment and where alcoholic beverages are being served.

H. Theater

1. Defined

A building or area designed primarily for showing performing arts or motion pictures.

8.5.7. Lodging

A. Defined

A facility offering lodging accommodations to the general public on a nightly or long-term basis (weekly or monthly) and may provide additional services, such as restaurants, meeting rooms, entertainment and recreational facilities. Lodging includes:

1. Bed and breakfast inn.
2. Country inn.
3. Hotel/motel.

B. Bed and Breakfast Inn

1. Defined

A residence in which the frequency and volume of visitors are incidental to the primary use as a private residence and where guestrooms are made available for visitors for fewer than 30 days. Breakfast is the only meal served and is included in the charge for the room.

2. Use Standards

a. At least two and at most five guestrooms are permitted.

b. No parking is allowed in the minimum front yard.

c. The bed and breakfast must be owner occupied.

d. Permitted curb cut access must not be from a local street.

e. Identification or advertising signs are~~is~~ limited to 4 square feet in surface area and 4 feet in height.

C. Country Inn

1. Defined

A facility, with the owner or innkeepers residing on the premises, where guestrooms are made available for visitors for fewer than 30 days. The term "country inn" is distinguished from the term "bed and breakfast inn" in that it serves breakfast and other meals.

2. Use Standards

a. Lot area must be at least of 5 acres.

b. At least six guestrooms and at most 30 rooms are permitted.

~~c. The country inn must be owner occupied.~~

~~d.~~c. Permitted curb cut access must be from a minor collector or higher road classification.

~~e.~~d. Parking is not permitted within the minimum front yard setback.

~~f.~~e. Identification or advertising signs ~~is~~are limited to one sign of not more than 9 square feet and no more than 4 feet in height.

D. Hotel/Motel

1. Defined

A building in which lodging and boarding is provided for fewer than 30 days. The term "hotel/motel" includes a restaurant in conjunction therewith. The term also includes tourist courts, motor lodges, and inns.

8.5.8. Medical

A. Defined

A facility providing medical or surgical care to patients. Some facilities may offer

overnight care. Medical includes the following:

1. Clinic.
2. Hospital.
3. Medical office.

B. Clinic

1. Defined

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

C. Hospital

1. Defined

The provision of inpatient health care for people, including:

a. General medical and surgical services.

b. Outpatient facilities.

c. Psychiatric care and specialty medical facilities.

D. Medical Office

1. Defined

~~c.~~ A office of a dentist, chiropractor, osteopath, physician, or other licensed medical practitioner.

8.5.9. Nightclub

A. Defined

An establishment whose primary business is the provision of alcoholic beverages and live entertainment or patron dancing and not the consumption of food. A place that derives 75% or more of its total annual gross revenue from the sale of alcoholic beverages for consumption on-premises and cover charges or entry fees and does not meet the definition of any other establishment qualified to hold a license under chapter 4 of the Milton Code of Ordinances will be presumed to be a nightclub. Nightclubs are prohibited in the city.

8.5.10. Office

A. Defined

A facility used for activities conducted in an office setting and generally focusing on business, professional or financial services. Office includes the following:

1. Bail bondsmen.
2. Business services including, but not limited to, advertising, business management consulting, computer or data processing, graphic design, commercial art, or employment agency.
3. Business, trade, arts school.
4. Check cashing establishments.
5. Counseling in an office setting.
6. Data center.
7. Escort and dating service.
8. Financial establishments, including banks and savings and loan institutions.
9. Professional services including, but not limited to, lawyer, accountant, auditor, bookkeeper, engineer, architect, sales office, travel agency, interior decorator or security system services.
10. Radio, TV station.
11. Recording studio.

B. Bail Bondsmen

1. Defined

All persons who hold themselves out as signers or sureties of bail bonds for compensation, and who are licensed as provided in Article III of Chapter 14 of the Milton City Code.

C. Business, Trade, Arts School

1. Defined

A private educational institution, not having a curriculum equal to a public school, that is devoted to a specific field of learning in business (including barbers and beauticians), cosmetology, industry, trade, other vocational-technical instructions, dance, singing, music, painting, sculpting, fine arts, or martial arts.

D. Check Cashing Establishment

1. Defined

Any establishment licensed by the state pursuant to O.C.G.A. § 7-1-700, et seq.

E. Data Center

1. Defined

A facility dedicated to the housing of telecommunications exchanges, or computer or data processing equipment or systems.

F. Escort and Dating Service

1. Defined

Any business that arranges a meeting between an escort and a client for entertainment or companionship for a fee.

G. Financial establishment

1. Defined

An establishment for the custody, loan, exchange, or issue of money, for the extensions of credit, and for facilitating the transmission of funds. The term does not include check cashing establishments or bail bondsmen.

H. Radio, TV Station

1. Defined

A facility in which video, radio, or sound production and broadcasting takes place~~s~~, and which includes one or more transmitters or receivers for radio and/~~,~~ or television communications.

2. Use Standards

a. Deerfield Form-Based Code

Radio, TV stations must conform to Sec. 7B.4.16.

I. Recording Studio

1. A facility in which video, radio, or sound production takes place, either for live broadcasting or for the acquisition of raw footage for postproduction.

8.5.11. Outdoor Recreation

A. Defined

A commercial facility_~~, varying in size,~~ providing daily or regularly scheduled recreation-oriented activities. Activities take place predominately outdoors or within outdoor structures. Outdoor recreation includes the following:~~.~~

1. Amphitheater.
2. Driving range.
3. Outdoor amusements.
4. Outdoor auditorium.
5. Racetrack.
6. Rural or agricultural event facility.
7. Stadium (private school).

8. Stadium (sports).

B. Amphitheater

1. Defined

A facility where theater, concerts, performances, and similar events take place outdoors.

2. Use Standards

a. Lot area must be at least 10 acres.

b. The stage must be located at least 600 feet from adjacent properties zoned for residential use ~~and/~~or agricultural/T2 districts used for single-family dwellings.

c. Permitted curb cut access must be only from an arterial street.

d. A minimum 100-foot buffer and 10-foot improvement setback is required adjacent to residential districts, property zoned for residential use ~~zoning~~ or development or agricultural/T2 districts when used for single-family dwellings.

e. A minimum 50-foot buffer and 10-foot improvement setback is required adjacent to a nonresidential ~~districts~~ zoning district or development.

f. Eight-foot-high fencing is required adjacent to properties zoned for residential use or agricultural/T2 districts used for single-family dwellings.

g. The hours of operation of the facility are limited to from 8:00 a.m. to 11:00 p.m. when adjacent to properties zoned for residential use or agricultural/T2 districts used for single-family dwellings.

C. Driving Range

1. Defined

A driving range not associated with a golf course.

2. Use Standards

a. Lot area must be at least 10 acres.

b. Permitted curb cut access must be from a major collector or arterial.

c. Loudspeakers/paging systems are prohibited adjacent to residential districts or agricultural/T2 districts used for single-family dwellings.

d. The hours of operation are limited to from 8:00 a.m. to 11:00 p.m. adjacent to residential districts or agricultural/T2 districts used for single-family dwellings.

D. Outdoor Amusements

1. Defined

A use where recreational activity such as skating rinks, batting cages, miniature golf, drive-in theaters, and other recreational activities or amusements that are conducted outside a building, but not including driving ranges.

2. Use Standards

a. Permitted curb cut access must be derived only from arterial streets.

b. A minimum 100-foot buffer and 10-foot improvement setback is required adjacent to residential districts or agricultural/T2 districts used for single-family dwellings.

c. A minimum 50-foot buffer and 10-foot improvement setback is required adjacent to a

nonresidential zoning district or development ~~districts~~.

d. Eight-foot high fencing is required adjacent to any residential district or agricultural/T2 district when used for single-family and interior to any required landscape strips or buffers.

e. The hours of operation are limited to from 8:00 a.m. to 11:00 p.m. adjacent to residential districts or agricultural/T2 districts ~~agricultural when~~ used for single-family dwellings.

f. All recreational structures and activities must maintain a minimum setback of 100 feet from any public right-of-way.

g. The height limits of the zoning district apply to all recreational structures unless a use permit to exceed the height is allowed by district and is granted by City Council.

E. Outdoor Auditorium

1. Defined

Any privately owned property improved with an outdoor permanent structure used for outdoor ~~outdoor~~ entertainment and intended to be used for the gathering of people for public or private assembly.

2. Use~~s~~ Standards

a. Crabapple Form-Based Code

The outdoor auditorium must be located on a civic space required by Sec. 7A.3.6.B.1.

b. Deerfield Form-Based Code

The outdoor auditorium shall be located on a civic space required by Sec. 7B.3.6.B.1 or Sec. 7B.3.6.B.2.

F. Racetrack

1. Defined

The use of a course devoted to the racing of motor and non-motorized vehicles or animals, and all improvements normally associated with racing such as off-street parking, patron seating, concessions, and a fixed race track.

2. Use Standards

a. The minimum lot size is 10 acres.

b. The racetrack and spectator stands for animal tracks must be at least 500 feet from residential districts or agricultural/T2 districts used for single-family dwellings.

~~b.~~c. Vehicular tracks must be at least 2,000 feet from residential districts or agricultural/T2 districts used for single-family dwellings~~, and 2,000 feet from such districts for vehicular tracks~~.

~~c.~~d. Permitted curb cut access must not be from a local street.

~~d.~~e. A minimum 50-foot buffer and 10-foot improvement setback is required adjacent to a nonresidential zoning district or development. ~~non-residential districts or uses.~~

f. Eight-foot-high fencing is required adjacent to properties zoned for residential use or agricultural/T2 districts used for single-family dwellings.

~~e. Provide an 8-foot high fence interior to the required buffer/improvement setback and landscape strips.~~

~~f.~~g. Hours of operation are limited to from 8:00 a.m. to 10:00 p.m. when adjacent to residential districts or agricultural/T2 districts used for single-family dwellings.

G. Stadium (private school)

1. Defined

A large open or enclosed structure used for sports and other major events and partly or completely surrounded by tiers of seats for spectators associated with a private school, but located off-site.

2. Use Standards

a. Vehicular access is prohibited from a local street.

b. A minimum 200-foot buffer and 10-foot improvement setback is required along all property lines adjacent to residential districts and agricultural/T2 districts.

c. The hours of operation are limited from 8:00 a.m. to 11:00 p.m. when adjacent to residential districts and agricultural/T2 districts.

d. A 100-foot setback along any public right-of-way is required for all structures and activities.

e. The height limit of the zoning district ~~apply~~applies to all structures unless a use permit to exceed district maximum height is approved.

f. Comply with the night sky illumination requirements of Sec. 9.4 of this UDC.

H. Stadium (sports)

1. Defined

~~a.~~ A large open or enclosed structure used for sports and other major events and partly or completely surrounded by tiers of seats for spectators not associated with a private school.

8.5.12. Personal Service

A. Defined

A facility involved in providing personal or repair services to the general public. Personal service includes the following:

1. Animal care.
2. Beauty, hair or nail salon.
3. Catering establishment.
4. Funeral home.
5. Landscape businesses.
6. Laundromat.
7. Laundry and dry cleaning shop.
8. Locksmith.
9. Massage parlor.
10. Optometrist.
11. Fortune telling establishment.
12. Photography studio.
13. Printing shop.
14. Repair shop.
15. Tailor, milliner or upholsterer.
16. Tattoo and body art or piercing establishment.

B. Animal Care (Indoor)

1. Defined

A facility designed or arranged for the care of domesticated animals without any outdoor activity. No outdoor activity associated with care of animals is allowed. Includes animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, kennel, and doggy day care.

2. Use Standards

a. Structures housing animals must be soundproof.

b. Nonbusiness kennels must be certified by the Fulton County Animal Control Office.

C. Animal Care (Outdoor)

1. Defined

A facility designed or arranged for the care of domesticated animals that includes outdoor activity. Includes animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, kennel, and doggy day care.

2. Use Standards

a. The minimum lot size is one acre.

b. Buildings, ~~and~~ runs, sun areas, exercise yards, patios, and ~~or~~ facilities other than parking must be located at least 100 feet from all property lines and 200 feet from any single-family district or agricultural/T2 district used for single-family dwellings.

c. Structures housing animals must be soundproof.

d. Nonbusiness kennels must be certified by the Fulton County Animal Control Office.

D. Animal Care (Pet Grooming)

1. Defined

A facility design or arranged for caring for the appearance of domesticated animals kept for pleasure, including bathing and brushing services.

2. Use Standards

Overnight stays are not allowed.

E. Catering Establishment

1. Defined

A commercial facility providing prepared foods and/or service for off-site consumption. This does not include the delivery of packaged foods for individual sale.

F. Fortune Telling Establishment

1. Defined

All persons, firms or corporations engaging in the business, trade or profession of fortune-telling, astrology, phrenology, palmistry, clairvoyance, or related practices for a charge or by donation.

G. Funeral Home

1. Defined

An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals.

H. Landscape Business

1. Defined

A business providing the services described herein at off-site locations.

While most of the actual landscape activity occurs off-site, the business owner's property may be approved for equipment storage, parking, material storage and a building or buildings for storage and plant propagation. Landscape businesses typically include outdoor activities such as: lawn installation; mowing and maintenance; fertilization and/or insecticide treatment; the planting and maintenance of trees, shrubs and flowers; tree and stump removal; the spreading and grading of top soil, mulch or other ground covers; the installation of stone, brick and block walkways and retaining walls; and the temporary storage of plant trimmings.

2. Use Standards

It is the purpose of these standards to only permit landscape business where it is determined that such use will be compatible within the specific area identified within the application.

Allowing such use by permit only provides an opportunity for a business owner to operate such use, while creating a mechanism for review, oversight and registration of the use. The following standards place basic limitations on such use and establish criteria to aid in the evaluation of an application for a landscape business. It is understood that proposals for a landscape business will vary in scope and that based on the specific location and surrounding uses, individual properties will be suited for differing intensities of operation. It is further understood that some sites will simply not be suited at all for such use. The burden is on the applicant to demonstrate that the proposed use is compatible with the specific site and surrounding area and in compliance with the criteria set forth below.

a. No retail or wholesale sales may occur on the property except for sales at roadside produce stands.

b. No individual building, used for the business operation, may exceed 2,000 square feet, and the total square footage of all such buildings must not exceed 5,000 square feet. The size of each building and the total size of all buildings may be reduced based on the compatibility with surrounding uses.

c. The design of any proposed building(s) must comply with all building design requirements.

d. All use areas, storage areas, dumpsters, or structures other than parking and pedestrian walkways must be located at least 75 feet from any adjoining residential district or agricultural/T2 district.

e. A maximum of six employee vehicles may be parked on the property at any time. Parking spaces must be designed and placed in a manner that minimizes the impact or detraction from neighboring properties. Personal vehicles may only be parked in approved designated locations.

f. A maximum of two commercial vehicles used for the landscape business may be parked on the property at any time, must be screened such that they cannot be viewed from adjacent properties or the public right-of-way, and must

be parked on specifically identified portions of the property. Additional commercial vehicles and equipment must be parked and/or stored inside a building. This excludes commercial vehicles delivering materials or equipment to the business which may park temporarily on the property not to exceed 90 minutes.

g. Hours of operation and vendor material deliveries may only occur between the hours of 7:30 a.m. and 7:30 p.m., Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturdays.

h. Storage of landscape materials on the property may be permitted in limited quantities provided the materials are specifically identified on the site plan and confined. Such plan must show the location and means of confinement of any material to be stored. Material may include bark mulch, topsoil, sand-based material, stone, brick, concrete block, peat moss, plants and timbers. Limited quantities of fertilizer and/or insecticide may also be stored, provided they are in the manufacturer's original sealed containers and placed inside of a building and in compliance with local, state and federal regulations.

i. All landscape debris and refuse must be contained in appropriate sized containers and no debris or refuse must be stored on the ground.

j. The on-site bulk storage of gasoline, diesel fuel, other petroleum products, fertilizers, insecticides or any other environmentally sensitive material is prohibited.

k. The use must not create noise, odors or produce light spillage that is considered a nuisance under Georgia law.

l. Access must only be allowed from minor arterial or collector streets.

I. Laundromat

1. Defined

Any commercial laundry where fee-operated or other self-service washing machines are available to individual customers.

J. Laundry and Dry Cleaning Shop

1. Defined

A commercial establishment whose business is the cleansing of fabrics with non-aqueous organic solvents and may include laundering off-site. This excludes laundromats.

K. Massage parlor

1. Defined

Any building, structure, or place, other than a regularly licensed and established hospital or dispensary, whose principal business is to practice nonmedical or nonsurgical manipulative exercises or devices upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational or physical therapist, chiropractor or osteopath with or without the use of therapeutic, electrical, mechanical or bathing devices.

L. Printing Shop

1. Defined

A commercial establishment where copying, reproduction and other business services are performed.

M. Photography Studio

1. Defined

A room or building used for professional commercial photography.

N. Repair Shop

1. Defined

A commercial establishment where appliances, bicycles, canvas product, clocks, computers, jewelry, musical instruments, office equipment, radios, shoes, televisions, watch or similar items are restored to working condition, and where no on-site manufacturing occurs.

O. Tattoo and Body Art or Piercing Establishment

1. Defined

Any establishment whose principal business activity, either in terms of operation or as held out to the public, is performing the practice of physical body adornment by using the techniques of body piercing and tattooing. The definition does not include ear piercing or body painting with pigments that are temporary in nature.

P. Veterinary Clinic/Hospital

1. Defined

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

2. Use Standards

All of the activities directly associated with animal treatment must occur entirely within a completely enclosed soundproof structure.

8.5.13. Restaurant

A. Defined

A facility that prepares and sells food and drink for on-premises or off-premises consumption. Restaurant includes the following:

1. Brewpub.
2. Drive in/up restaurant.
3. Fast food restaurant.
4. Limited food service restaurant.
5. Limited tap establishment.
6. Restaurant.

B. Brewpub

1. Defined

A brewer that also qualifies as an eating establishment as defined in chapter 4 of the Milton Code of Ordinances in which malt beverages, wine, and/or distilled spirits may be licensed to be sold for consumption on-premises and malt beverages and wine may be sold by the package for off-premises consumption. Malt beverages manufactured or brewed on-premises is limited to 5,000 barrels per calendar year, of which no more than 5,000 barrels may be sold to licensed wholesale dealers.

C. Drive In/Up Restaurant

1. Defined

A restaurant designed for customers to park and place and receive food orders while remaining in their motor vehicles.

D. Fast Food Restaurant

1. Defined

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

E. Limited Food Service Restaurant

1. Defined

Any establishment that meets all the requirements of a restaurant but does not meet the requirements of an eating establishment. A limited food service restaurant must derive at least 30% of its total annual gross food and beverage sales from the sale of prepared meals or food.

F. Limited Tap Establishment

1. Defined

Any establishment that does not sell food prepared on the premises and that provides a limited selection of craft beer on tap for consumption on premises only. An establishment with a limited tap license is limited to having five or fewer malt beverage taps. Establishments with a limited tap license must limit consumption for any individual to a maximum of 48 ounces within a calendar day and must obtain approval from the fire marshal and building official in accordance with applicable codes.

2. Use Standards

a. No outdoor amplified music is allowed.

b. No signage may face residential uses.

c. Deliveries must only occur between 7:30 a.m. and 7:30 p.m.

d. Days and hours of operation must be pursuant to chapter 4 of the Milton code of Ordinances.

e. The use may only have five or fewer craft beer taps.

f. Consumption is limited to 48 ounces for any individual within a calendar day.

g. The establishment must obtain approval from the fire marshal and building official in accordance with applicable codes.

h. Limited Tap Establishments must not sell or offer to sell:

i. Any cannabidiol (CBD), vape products as described with the definition of vape shop in Sec. 8.5.14.L, or any prohibited substances as defined in section 32-114 of the Milton Code of Ordinances.

ii. Any games of chance including but not limited to those identified in O.C.G.A. § 50-27-3.

i. Coin-operated or amusement machines are prohibited.

G. Restaurant

1. Defined

Any public place kept, used, maintained, advertised and held out to

the public as a place where meals are actually and regularly served to patrons, without sleeping accommodations, including a cafeteria, such place being provided with an adequate and sanitary full service kitchen and dining room equipment, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its patrons. At least one meal per day shall be served at least six days per week, with the exception of holidays, vacations and periods of redecorating, and the serving of those meals shall be a principal portion of the business conducted, with the serving of alcoholic beverages as only incidental thereto. The restaurant seating area must be at least 40%of the gross square footage of the restaurant facility. Seating space located outside of the main structure (i.e. patios, decks, etc.) shall not be included in calculating seating space. In order to be considered a "full service" restaurant, the business must also meet the requirements of an eating establishment as defined in chapter 4 of the Milton Code of Ordinances.

8.5.14. Retail Sales

A. Defined

A facility involved in the sale, lease, or rental of new or used products. Retail includes the following:

1. Antiques, appliances, art supplies, batteries, bikes, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronics, fabric, flowers, furniture, garden supplies, gifts or novelties, groceries, hardware, home improvement, household products, jewelry, medical supplies, music, musical instruments, office supplies, package shipping, pets, pet supplies, pharmaceuticals, phones, photo finishing, picture frames, plants, pottery, printed materials, produce, seafood, shoes, souvenirs, sporting goods, stationery, tobacco, toys, vehicle parts and accessories, videos, video games, and related products. The term does not include any other defined retail sales
2. Art gallery
3. Artist studio
4. Craft beer and/or wine market
5. Equine garment fabrication
6. Flea market and second-hand surplus retailers
7. Garden center
8. Pawnshop
9. Retail package distilled spirit store
10. Retail package malt beverage/wine store
11. Specialty gift shop
12. Vape shop

B. Art Gallery

1. Defined

A room or building devoted to the exhibition or sale of works of art.

C. Artist Studio

1. Defined

An establishment where articles or goods are produced, assembled, processed or manufactured on a custom or individual basis by an artist, craftsman or similar trained or skilled operator including, but not limited to a painter, potter, metalworker, custom dressmaker, photographer, jewelry maker, woodworker, cabinet maker, and sculptor and may include the sale of such goods.

2. Use Standards

a. Agricultural Districts, T2, R-1, R-2, R-2A, O-I, C-1, Form-Based Codes

i. No outside storage allowed.

ii. The use must not generate traffic, sound, smell, vibration, light, or dust that is offensive so as to constitute a nuisance.

b. Additional Standards for Agricultural District and T2 Residentially Zoned Properties, and Residential Portions of MIX Districts

i. The artist must reside on the property.

ii. The number of employees who can work on the premises must be determined by the City Council. When evaluating the proposed number of employees, the size of the property and buildings must be considered in proportion to the number of proposed employees and/or adjacent uses.

iii. Only articles or goods produced, assembled, processed or manufactured on the site may be sold or exhibited in the studio or on the property.

iv. ~~The minimum lot size for a studio to be located within an accessory structure must be determined by the City Council.~~ When evaluating if an artist studio can be located within an accessory structure, the size of the property in proportion to the size of the accessory structure must be considered.

v. An accessory structure may contain bathroom facilities and running water.

vi. No person may reside within the accessory structure used as a studio.

vii. A studio located within the primary residence, must not exceed the smaller of 25% of the floor area of the dwelling unit or 750 square feet.

viii. If applicable, hours for customers to visit the studio and deliveries are limited to 8:00 a.m. to 5:00 p.m., Monday through Saturday.

D. Craft Beer and/or Wine Market

1. Defined

A retail establishment whose primary purpose must be the sale of craft beers and/or wine for consumption off-premises in conjunction with the sale of prepared food and/or groceries. Sales of craft beers and wines may be for consumption on-premises and/or by the package.

2. Use Standards

a. No outdoor amplified music is allowed.

b. No signage may face residential uses.

c. Deliveries may only occur between 7:30 a.m. and 7:30 p.m.

d. Days and hours of operation must be pursuant to chapter 4 of the Milton Code of Ordinances.

e. Primary purpose is the sale of craft beers and or/or wine for consumption off-premises in conjunction with the sale of prepared food and/or groceries. Sale of craft beers and wines will be for consumption on-premises and or by the package.

f. No sales of distilled spirits for consumption on or off-premises is allowed.

g. The use must not sell or offer to sell:

i. Any cannabidiol (CBD), vape products as described with the definition of vape shop in Sec. 8.5.14.L.1~~8.5.14.L.1~~, or any prohibited substances as defined in section 32-114 of the Milton Code of Ordinances.

ii. Any games of chance including but not limited to those identified in O.C.G.A. § 50-27-3.

~~h. Coin-operated or amusement machines are prohibited.~~

~~i.~~h. The use must not permit on such person's premises any slot machines of any kind or character or any coin-operated machines or any machine operated for amusement purposes.

E. Equine Garment Fabrication

1. Defined

The fabrication, wholesale distribution, and retail sale of blankets, saddles, halters, and other similar garments utilized by the equine family of animals in structures over 2,000 square feet in floor area.

2. Use Standards

~~a. Structures must be at least 2,001 square feet in size. The use is allowed by right in structures less than 2,000 square feet in size.~~

~~b.~~a. Structures shall be located 75 feet from all interior property lines.

~~c.~~b. Provide a 50-foot undisturbed buffer and 10-foot improvement setback adjacent to all interior property lines.

~~d.~~c. Limited to fabrication, wholesale and retail sales, and storage associated with the permitted use which shall occur entirely within a completely enclosed building.

F. Flea Market and Second Hand Surplus Retailers

1. Defined

An establishment selling secondhand articles, antiques, curios and cut-rate merchandise, typically outdoors and in individually rented stalls.

G. Garden Center

1. Defined

A business whose primary operation is the sale of seeds and organic and

inorganic materials, which include, but are not limited to, trees, shrubs, flowers, and other plants for sale or transplanting, mulch, pine straw, and other organic products for landscaping purposes, and other limited retail accessory products for gardening and landscaping.

H. Pawnshop

1. Defined

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

I. Retail Package Distilled Spirit Store

1. Defined

Any person, as defined in Chapter 4 of the Milton Code of Ordinances, that sells or provides to the public distilled spirits in unbroken packages, not for consumption on-premises and not for resale.

2. Use Standards

a. Within the C-1 district, the use is only allowed within the Birmingham Crossroads Overlay.

b. No signage may face residential uses.

c. Deliveries may only occur between 7:30 a.m. and 7:30 p.m.

d. Days and hours of operations must be pursuant to Chapter 4 of the Milton Code of Ordinances.

e. No other retail package distilled spirits store may be located closer than 2,640 feet from another off-premises distilled spirits retailer or store. For purposes of this requirement, distances are measured by the most direct route of travel on the ground.

f. The use must not sell or offer to sell:

i. Any cannabidiol (CBD), vape products as described with the definition of vape shop in Sec. 8.5.14.L.1~~8.5.14.L.1~~, or any prohibited substances as defined in section 32-114 of the Milton Code of Ordinances.

ii. Any games of chance including but not limited to those identified in O.C.G.A. § 50-27-3

~~g. Coin-operated or amusement machines prohibited.~~

~~h.~~g. The use must not permit on such person's premises any slot machines of any kind or character or any coin-operated machines or any machine operated for amusement purposes.

J. Retail Package Malt Beverage/Wine Store

1. Defined

Any person, as defined in Chapter 4 of the Milton Code of Ordinances, that sells or provides to the public malt beverages and/or wine in unbroken packages or growlers, not for consumption on-premises and not for resale.

K. Specialty Gift Shop

1. Defined.

Any retail shop that deals in the sale of foods, specialty foods and gifts that derives not more than 15 percent of its gross sales from the sale of packaged gift baskets containing non-alcohol related items such as flowers, plants,

food or similar items which also contain unbroken containers of malt beverages and/or wine.

L. Vape Shop

1. **Defined**

Any business whose principal product line for retail sale is alternative nicotine products or vape juice, or both. For the purposes of this section, alternative nicotine products refer to any products or devices that employ an electronic heating element, power source, electronic circuit, battery, or other electronic, chemical, or mechanical means to produce a vapor that delivers nicotine to the person inhaling from the device, including electronic cigarettes, electronic cigars, electronic hookahs, electronic bongs and electronic pipes, whether manufactured, distributed, marketed, or sold as an electronic cigarette, electronic cigar, or electronic pipe. For the purposes of this section, vape juice refers to any liquid that contains compounds containing pharmaceutical grade vegetable glycerin, propylene glycol, nicotine, food-grade flavoring, and water, and can be used for vaping by means of an alternative nicotine product. For purposes of this definition, "principal" means that alternative nicotine products, vape juice, or both constitute at least 25% of the business's aggregate retail sales.

8.5.15. Vehicular

A. Defined

A facility primarily providing the sale, leasing, servicing, parts, or storage of passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. Vehicular includes the following:

1. Automobile and light truck sales/leasing
2. Automotive garage
3. Automotive specialty shop
4. Car wash, principal
5. Gasoline station
6. Parking
7. Repair garage, automobile
8. Repair garage, truck and heavy equipment
9. Service station

B. Automobile and Light Truck Sales/Leasing

1. Defined

A facility used primarily for the retail sales and leasing of new or used cars, and light trucks.

C. Automotive Garage

1. Defined

A use primarily for the repair, replacement, modification, adjustment, or servicing of the power plant or drive-train or major components of automobiles and motorized vehicles.

The term does not include the repair of heavy trucks, equipment and automobile body work.

2. Use Standards

The outside storage of unlicensed and unregistered vehicle is prohibited as

part of this use (see "Automotive specialty shop and service station").

D. Automotive Specialty Shop

1. Defined

A use which provides one or more specialized repair sales and maintenance functions such as the sale, replacement, installation or repair of tires, mufflers, batteries, brakes and master cylinders, shock absorbers, instruments (such as speedometers and tachometers), radios and sound systems or upholstery for passenger cars, vans, and light trucks only.

The term does not include:

a. Any private or commercial activity which involves auto/truck leasing, painting, repair or alteration of the auto body; or

b. Any repair, replacement, modification, adjustment, or servicing of the power plant or drive-train or cooling system be permitted, except that minor tune-ups involving the changing of spark plugs, points or condenser, including engine block oil changes, are permitted (see "Repair garage (automotive, truck and heavy equipment) and service station").

E. Car Wash, Principal

1. Defined

A facility with mechanical or hand-operated equipment used for cleaning, washing, polishing, or waxing of motor vehicles.

2. Use Standards

a. **MIX**

The use must be located inside a parking garage and must not be visible from the exterior of the garage.

F. Gasoline Station

1. Defined

A commercial retail establishment for the dispensing and distribution of automotive fuels with or without a retail convenience store.

2. Use Standards

a. C-1

i. Gasoline station canopies and fuel pumps:

a. Must be located to the side, or rear of the principal structure.

b. Fuel pump canopies must be located the greater of:

i. 300 feet from any interior side or rear lot line that adjoins a lot that contains a residential structure; or

ii. 100 feet from any property zoned an agricultural district, T2 R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, R-6, MIX with a residential component, or CUP.

ii. There may be no more than 8 fuel pumps allowed on the site.

iii. Fuel pump canopy must have a minimum 6:12 pitch roof.

iv. Fuel pump canopies must not exceed 14 feet in height as measured to the soffit.

v. Fuel pump canopies must be compatible with the color, texture, material, and architectural design of the principal structure.

vi. Fuel pump canopy support columns must be compatible with the color, texture, and material of the facade of the principal structure.

vii. Fuel pump canopies, canopy support columns, and fuel pumps must not be internally illuminated.

viii. There must be no carwash or emission inspection station on the same parcel as the gasoline station.

ix. Any parcel on which a pump is located must have a principal structure of not less than 1,600 square feet located thereon.

x. Lighting must be shielded to direct light and glare onto the parcel where the gas/fueling station is located.

xi. Intercom or speaker systems may only be used to communicate between employees and customers and must direct sound away from adjacent residential structures.

b. Crabapple Form-Based Code

Gasoline stations must conform to Sec. 7A.4.15.

c. Deerfield Form-Based Code

Gasoline stations must conform to Sec. 7B.4.15.

G. Parking

1. Defined

A facility that provides temporary parking of vehicles as a principal use, whether paid or unpaid. Parking usually consists of improved surface lots or multi-story parking garages.

2. Use Standards

a. Crabapple Form-Based Code

Multi-story parking garages are only allowed in T4-Open and T5.

b. Deerfield Form-Based Code

Multi-story parking garages are only allowed in T4-Open, T5, and T6.

H. Repair Garage, Automobile

1. Defined

A use which may provide a full range of automotive repairs and services including major overhauls. The term includes paint and body shops.

I. Repair Garage, Truck and Heavy equipment

1. Defined

A use which may provide a full range of repairs and services including major overhauls on trucks and heavy equipment. The term includes paint and body shops.

J. Service Station

1. Defined

A use which provides for the sale of motor vehicle fuels and automotive accessories, and which may provide

minor repair and maintenance services. A service station ~~are~~is limited to four or fewer bays ~~excluding~~ and no more than one attached or detached bay for washing cars.

2. Use Standards

a. MIX

The use must be located inside a parking garage and must not be visible from the exterior of the garage.

8.6. Industrial Uses

8.6.1. Alcoholic Beverage Production

A. Defined

An industrial facility where alcohol beverages are produced. Alcoholic beverage production includes the following.

1. Micro-brewery
2. Micro-distillery

B. Micro-brewery

1. Defined

A small-scale malt beverage manufacturing facility in which malt beverages manufactured on-premises or at another of the brewer's licensed premises under common ownership as defined in OCGA 3-5-24.1 may be sold for consumption on-premises or by the package for off-premises consumption. Malt beverages manufactured or brewed on-premises shall be limited to 3,000 barrels per calendar year, of which no more than 6,000 barrels may be sold at retail for on premises consumption or by the package for off-premises consumption.

C. Micro-distillery

1. Defined

A small-scale distilled spirit manufacturing facility in which distilled spirits manufactured on-premises or at another of the distiller's licensed premises as defined in OCGA 3-4-24.2 may be sold for consumption on-premises or by the package for off-premises consumption. Distilled spirits manufactured or distilled on-premises shall be limited to 3,000 barrels per calendar year, of which no more than 750 barrels may be sold at retail for on premises consumption or by the package for off-premises consumption.

D. Use Standards

1. No outdoor amplified music is allowed
2. No signage may face residential uses
3. Deliveries many only occur between 7:30 a.m. and 7:30 p.m.
4. Days and hours of operations must be pursuant to Chapter 4 of the Milton Code of Ordinances.
5. Not more than 3,000 thousand barrels of malt beverages or distilled spirits in a calendar year may be manufactured which includes selling of malt beverage or distilled spirits by the package or by the drink.
6. The use must not sell or offer to sell:
   a. Any cannabidiol (CBD), vape products as described with the definition of vape shop in Sec. 8.5.14.L.1~~8.5.14.L.1~~, or any prohibited substances as defined in section 32-114 of the Milton Code of Ordinances.
   b. Any games of chance including but not limited to those identified in O.C.G.A. § 50-27-3.

~~7. Coin-operated or amusement machines are prohibited.~~

~~8.~~7. The use must not permit on such person's premises any slot machines of any kind or character or any coin-operated machines or any machine operated for amusement purposes.

8.6.2. Craft Manufacturing

A. Defined

A facility whose primary use is the shared or individual use of hand-operated tools for the manufacturing of products or parts, including their design, processing, fabrication, assembly, treatment and packaging. Craft manufacturing may also include the incidental storage, sale and distribution of said products or parts. Craft manufacturing specifically includes, but is not limited to, the manufacturing of electronic goods, food and bakery products, non-alcoholic beverages, printmaking, household appliances, leather products, jewelry and clothing, metal work, furniture, glass or ceramics and paper.

B. Use Standards

1. No individual business –may exceed 4,000 square feet of floor area.
2. No equipment or process may be used that creates, without limitation, noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off the premises.

8.6.3. Light Manufacturing

A. Defined

A facility whose primary use is the manufacturing, compounding, assembly, processing, preparation, packaging, or treatment of products or parts that does not otherwise meet the definition of "craft manufacturing" of "alcoholic beverage production." Light manufacturing may also include the incidental storage, sale and distribution of said products or parts. Light manufacturing specifically includes, but is not limited to, the production of electronic goods, clothing, food and bakery products, beverages, clocks, jewelry, medical and musical instruments, photographic or optical instruments, and pharmaceuticals.

B. Use Standards

1. All light manufacturing must occur with a fully enclosed buildings.
2. No individual business may exceed 10,000 square feet of floor area.
3. No equipment or process may be used that creates, without limitation, noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off the premises.

8.6.4. Research and Development

A. Defined

A facility focused primarily on the research and development of new or improved products. Research and development includes the following:

1. Laboratories, offices and other facilities used for research and development by or for any individual, organization or concern, whether public or private.
2. Prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product.
3. Pilot plants used to test manufacturing processes planned for use in production elsewhere.

8.6.5. Self-Storage

A. Defined

Facilities providing separate storage areas for personal or business use designed to

allow private access by the tenant for storing or removing personal property.

B. Use Standards

1. No single-level structure or group of single-level structures are permitted.
2. No outside storage is allowed, including vehicle leasing.
3. No storage area may have a door that opens to the outside. All storage areas may only be accessed from inside a building.
4. All buildings must have windows or architectural treatments that appear as windows.
5. No activities other than the dead storage or transfer of nonvolatile goods, or leasing of storage space are permitted. Prohibited uses include, but are not limited to:
   a. Miscellaneous sales.
   b. Fabrication or repair of vehicles, equipment or other goods.
   c. Transfer-storage business based on site.
   d. Residential uses, other than the resident manager's apartment.
   e. Any use which creates a nuisance due to noise, odor, dust, light or electrical interference.
6. Permitted curb cut access must not be from a local street.
7. A new or expanded self-storage facility must be located at least 1,500 feet from the lot boundary of any other self-storage facility.

8.6.6. Waste-Related Services

A. Defined

Facilities that receive solid or liquid wastes from others for transfer to another location and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material. Waste-related service includes the following:

1. Collecting recycling center.
2. Landfill, inert waste disposal.
3. Landfill, solid waste disposal.

B. Collecting Recycling Center

1. Defined

A facility used for collecting materials to be recycled including, but not limited to, plastics, glass, paper, and aluminum materials.

2. Use Standards

a. Business Districts, T4-O, T5, T6

In districts that allow the use, it may be principal or accessory to a nonresidential use.

b. Agricultural Districts, T2.

In districts that allow the use, it must be accessory to a nonresidential use.

C. Landfill, Inert Waste Disposal

1. Defined

A disposal facility, accepting only waste that will not or is not likely to cause production of leachate of environmental concern by placing an earth cover thereon.

The term "inert waste" means: earth and earthlike products; concrete; cured

asphalt; rocks; bricks; yard trash; stumps; limbs; and leaves.

The term "inert waste" does not include other types of industrial and demolition waste not specifically listed above.

The use is further defined in the rules concerning solid waste management of the Georgia Department of Natural Resources, Environmental Protection Division, as amended.

2. Use Standards

a. No access is allowed from local streets.

b. Access streets must be paved and must be able to withstand maximum load limits established by the state as approved by the Public Works Director.

c. No ~~portion of a~~parcel containing a new landfill may be located within a 3-mile radius ~~of the property lines of an~~ a parcel containing an existing landfill.

d. The waste disposal boundary of a landfill must be located at least 500 feet from all property lines.

e. A minimum 200-foot buffer and 10-foot improvement setback is required along all property lines except public rights-of-way.

f. A minimum 50-foot buffer and 10-foot improvement setback is required along public rights-of-way.

g. A minimum 6-foot-high solid fence or wall must be located on property lines or interior to the required buffers and improvement setbacks.

h. Hours of operation are limited to from 6:00 a.m. to 6:00 p.m., Monday through Saturday.

i. The owner must provide the Director a current copy of all applicable permits from the Georgia Department of Natural Resources upon application for a land disturbance permit.

j. Vehicles are allowed into a landfill site only if waste is covered to prevent blowing of material from the vehicle.

k. No ~~portion~~ parcel containing ~~of~~ a new or expanded landfill may be located within a 1-mile radius of ~~the~~ a parcel that is ~~property lines of~~ residentially zoned or used ~~property~~.

l. Existing landfills may only be expanded onto additional parcels that are not currently part of the landfill. They must not increase the amount of the existing parcel used for the disposal of waste.

~~k. An expanded landfill must not include any expanded use within the parcel boundaries of an existing site or location.~~

~~l.~~m. The landfill must be operated in accordance with:

i. The Rules of Georgia, Department of Natural Resources, Environmental Protection Division, Ga. Comp. Rules and Regs. 391-3-4, Solid Waste Management.

ii. O.C.G.A. § 12-8-20, Georgia Comprehensive Solid Waste Management Plan.

iii. 40 CFR 258 (subtitle D of RCRA).

D. Landfill, Solid Waste Disposal

1. Defined

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

8.7. Open Uses

8.7.1. Agriculture

A. Defined

The production of crops, livestock, or poultry. Agriculture includes the following:

1. Agricultural operations.
2. Agricultural-related activities.
3. Barn.
4. Composting.
5. Farm winery or ~~,~~ Georgia farm winery.
6. Plant nursery.
7. Rural or agricultural event facility.

B. Agricultural Operations

1. Defined

Used synonymously with agricultural purposes, "agricultural operations" means the following activities: raising, growing, harvesting, or storing of crops, including, but not limited to, soil preparation and crop production services such as plowing, fertilizing, seed bed preparation, planting, cultivating, and crop protecting services; feeding, breeding, or managing livestock, equine, or poultry; producing or storing feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, equine, and rabbits, or for use in the production of poultry, including, but not limited to, chickens, hens, ratites, and turkeys; producing plants, trees, fowl, equine, or other animals; producing aquacultural, horticultural, viticultural, silvicultural, grass sod, dairy, livestock, poultry, egg, and apiarian products; processing poultry; post-harvest services on crops with the intent of preparing them for market or further processing, including, but not limited to crop cleaning, drying, shelling, fumigating, curing, sorting, grading, packing, ginning, canning, pickling, and cooling; slaughtering poultry and other animals; and manufacturing dairy products. Agricultural operations also include equestrian related activities such as riding rings, dressage fields, and related activities to the equine industry.

Agricultural operations does not include constructing, installing, altering, repairing, dismantling, or demolishing real property structures or fixtures, including, but not limited to, grain bins, irrigation equipment, and fencing.

~~2. Use Standard~~

~~Livestock pens and runs which are not located in a fully enclosed building must be at least 200 feet from all property lines. This standard does not apply to fences surrounding outdoor livestock grazing areas.~~

C. Agricultural-Related Activities

1. Defined

A facility which allows the public to view or participate in activities that are usually and customarily associated with agricultural purposes, including, but not limited to, petting zoo, educational tours, dude ranches, picnicking, and pay fishing.

2. Use Standards

a. The minimum lot size is 5 acres.

b. Permitted curb cut access must not be from a local street.

c. Food services may be provided.

d. A minimum of 100-foot setback is required from all property lines for activity areas, including parking.

e. All structures housing animals must be set back at least 100 feet from all property lines.

f. All parking and access areas must be of an all-weather surface.

g. Hours of operation may begin no earlier than 6:00 a.m. and must end by 10:00 p.m.

h. If located adjacent to any residential district or an agricultural/T2 district used for single-family dwellings, the minimum buffers and landscape strips required for the O-I district as specified in article III of this UDC are required.

i. Sanitary facilities or trash receptacles must be located at least 100 feet from a property line of any residential district and/or agricultural/T2 district used for single-family dwellings.

D. Barn

1. Defined

A structure housing livestock ~~or farm machinery~~ that is not accessory to a single-family dwelling.

2. Permitted Barns

Barns are only permitted as follows:

a. For property containing 5 or more acres, barns may be located in the front, rear, or side yards, provided that the structure must be located at least 100 feet from all property lines and at least 150 feet from any occupied structure located on any other property.

b. For property containing less than 5 acres, barns may be located in the front, rear, or side yards, provided that the structure must be located at least 100 feet from all property lines and at least 150 feet from any occupied structure located on any other property, and provided also that a use permit must first be approved by the City Council.

3. Use Standards

Where a barn is allowed by use permit, it is subject to the following:

a. The hours of operation are from 7:00 a.m. to 10:00 p.m. every day~~Hours of operation may begin no earlier than 7:00 a.m. and must end by 10:00 p.m. when the principal structure is a barn~~.

b. A barn must not exceed the maximum height of 40 feet.

c. Loudspeakers or public address systems are prohibited.

d. Lighting must comply with the night sky illumination requirements of Sec. 9.4.

E. Composting

1. Defined

A processing operation for the treatment of vegetative matter into humus-like material that can be

recycled as a soil fertilizer amendment, such as:

a. Trees.

b. Leaves.

c. Plant material.

Composting does not include:

i. Organic animal waste.

ii. Food.

iii. Municipal sludge.

iv. Solid waste.

v. Other nonfarm or vegetative type wastes.

2. Use Standards

a. The minimum lot size is 5 acres.

b. Permitted curb cut access must be from an arterial or major collector.

c. The hours of operation must be between 7:00 a.m. and 6:00 p.m.

d. All operations must maintain a minimum setback of 100 feet from all property lines.

e. The minimum zoning buffers required are 50 feet along a side lot line and 100 feet along a rear lot line.

f. On-site traffic is limited to an all-weather surfaced area.

g. Stored materials must be contained in such a manner as to prevent the blowing of any materials onto any surrounding property or roadway.

h. The composting facility must obtain all necessary permits from the state department of natural resources, environmental protection division.

F. Farm Winery or~~,~~ Georgia Farm Winery

1. Defined

The same meaning as set forth by State law and chapter 4 of the Milton Code of Ordinances.

2. Use Standards

Where a farm winery or~~,~~ Georgia Farm Winery is allowed by use permit, it is subject to the following:

a. The minimum lot size is 20 acres.

b. Curb cut access must not be allowed from a local road shown in Figure 8.7.1.F.

c. Parking

i. Parking areas must be constructed of concrete, asphalt, and/or gravel or as approved by the Public Works Department or other materials that prevents erosion of the parking area.

ii. One parking space per 2.5 attendees is required.

iii. Parking areas must be screened from roads and adjacent properties.

d. No amplified sound unless it is within an enclosed structure.

e. Activity areas such as tasting rooms, buildings used for production, storage, and bathroom facilities, including parking must be at least 100 feet from any lot line but does not include the propagation of grapes and other crops.

f. The maximum number of attendees and hours of operation including deliveries will be evaluated by the City Council on a case-by-case basis for each site to protect the public's health, safety, and welfare.

g. Location and dimensions of undisturbed buffers, if needed to ameliorate the visual impact of the farm winery, will be evaluated and determined by City Council on a case-by-case basis for each site.

h. The design of newly constructed structures is to be consistent with the "building and other structure design" (~~sub-section~~Sec. 6.3.4.H~~G.~~) of the Rural Milton Overlay Zoning District.

i. Comply with applicable requirements for a Farm Winery in

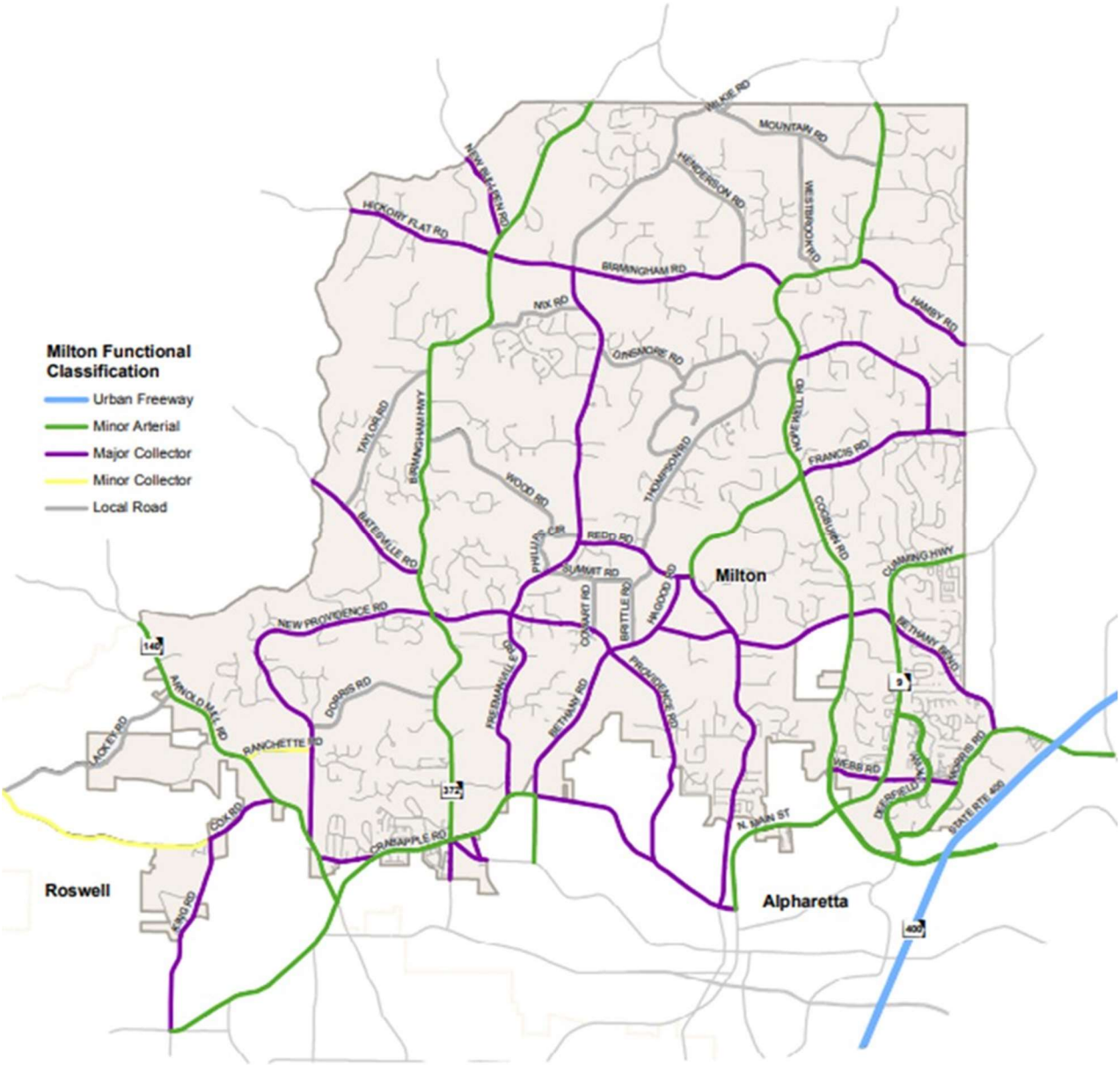


Figure 8.7.1.F: Functional Classification

accordance with chapter 4 of the Milton Code of Ordinances

j. All uses that otherwise require an administrative permit or use permit require a separate use permit to operate a farm winery.

k. Tasting room must not exceed 2,500 square feet in size.

G. Plant Nursery

1. Defined

Any land used to raise trees, shrubs, flowers and other plants for on- or off-site sale, wholesale, or transplanting. The term includes "commercial tree nursery or commercial tree farm."

The term does not include:

a. The retail sale of any related garden supplies such as chemical fertilizer, tools and other similar goods and equipment.

b. The retail sale of plants not grown on the property.

H. Rural or Agricultural Event Facility

1. Defined

A permanent~~ly established~~ facility with ~~to include~~ indoor, ~~or~~ outdoor, or ~~and~~ indoor and ~~/~~outdoor ~~or both~~ sites utilized on a regular or seasonal basis for public and private gatherings. ~~The facility takes advantage of special rural characteristics such as natural features, historic structures and landscapes, special views, open vistas, or a secluded pastoral locale.~~ Types of uses may include but are not limited to weddings, corporate events, retreats, community events, private parties, and family gatherings/reunions.

2. Use Standards

a. ~~The facility takes advantage of special rural characteristics such as natural features, historic structures and landscapes, special views, open vistas, or a secluded pastoral locale.~~The minimum lot size is 5 acres.

b. The facility must have special rural characteristics including, but not limited to natural features, historic structures and landscapes, special views, open vistas, or a secluded pastoral locale.

~~b.~~c. Permitted curb cut access must not be allowed from a local street.

~~c.~~d. Parking.

i. Parking areas for event attendees must be constructed of concrete, asphalt, and/or gravel or as approved by the Public Works Department or other materials that prevents erosion of the parking area.

ii. Parking areas must be screened from roads and adjacent properties.

~~d.~~e. Activity areas such as outdoor dining, entertainment areas, including parking must be at least 100 feet from any lot line, unless the special event facility and adjacent lot are in single ownership.

~~e.~~f. The maximum number of attendees and hours of operation must be evaluated by the City Council on a case by case basis for each site to protect the public's health, safety and welfare.

~~f.~~g. Tents used for any event may be set up no more than 24 hours in advance and must be taken down within 24 hours after such event.

~~g.~~h. Location and dimensions of undisturbed buffers, if needed to ameliorate the visual and audio effects of the facility, will be evaluated and determined by the City Council on a case by case basis for each site.

~~h.~~i. The design of new structures must conform to Sec. 6.3.4.G (Buildings and Structure Design) of the Rural Milton Overlay.

I. Additional Standards for All Agriculture Uses in All Districts Except Agricultural and T2 Districts

1. The agricultural use must have been initiated before March 7, 1990.
2. Agricultural buildings must be at least 200 feet from all side and rear property lines
3. No products may be offered for sale on land so utilized.

8.7.2. Riding Areas

A. Defined

Areas utilized for equestrian purposes including practice sessions, shows, etc., which may or may not be covered or with or without designated seating structures.

B. Permitted Riding Areas

Riding areas are only permitted as follows:

1. For property with a single-family dwelling being the principal use, an uncovered riding area is permitted by right and may be in the front, rear, or side yards.
2. For property without a single-family dwelling being the principal use, and containing 5 or more acres, an uncovered riding area is permitted by right and may be located in the front, rear, or side yards.
3. For property without a single-family dwelling being the principal use, and containing less than 5 acres, a use permit must first be approved by the City Council.
4. For property with or without a single-family dwelling being the principal use, and containing 5 or more acres, a lighted, uncovered riding area and/or an uncovered riding area with designated seating structures for viewing which may be located in the front, rear, or side yards and must be located at least 100 feet from all property lines, provided that a use permit must first be approved by the City Council. This use must not be permitted for property containing less than 5 acres.
5. For property with or without a single-family dwelling being the principal use, and containing 5 or more acres, a covered riding area, which may be located in the front, rear, or side yards provided that the covered riding area and must be located at least 100 feet from all property lines, provided that a use permit must first be approved by the City Council. This use must not be permitted for property containing less than 5 acres.
6. For property with or without a single-family dwelling being the principal use,

and containing 10 or more acres, a lighted, covered riding area and/or a covered riding area with designated seating structures for viewing, which may be located in the front, rear, or side yards, provided that the covered riding area, lighted riding area and/or designated seating structures for viewing riding areas must be located at least 100 feet from all property lines, and further provide that a use permit must first be approved. This use must not be permitted for property containing less than 10 acres.

C. Use Standards

Where a riding area~~s~~ is allowed by use permit, it is subject to the following:

1. A minimum 75-foot setback is required for parking.
2. Hours of operation may begin no earlier than 7:00 a.m. and must end by 10:00 p.m. when the principal structure is a riding area.
3. A covered riding area must not exceed the maximum height of 40 feet.
4. Loudspeakers or public address systems are prohibited.
5. Lighting must comply with the night sky illumination requirements of Sec. 9.4 of this UDC.

8.8. Accessory Uses

8.8.1. A-L District

Accessory retail and personal service uses, such as restaurants, gift shops, flower shops, snack bars, barbershops, and beauty shops, are allowed, subject to the following:

A. Accessory retail and personal service uses must be located wholly within principal buildings with no outdoor advertising.

8.8.2. CUP District

Retail and service uses, and clubs accessory to recreation facilities are allowed subject to the following:

A. Accessory retail and personal service uses must be located wholly within a building with a majority of the floor area designed for recreation uses. No outdoor advertising is allowed.

B. Retail and service uses must be limited to convenience retail and service establishments such as pro shops and personal services.

C. Restaurants, specialty gift shops, and incidental licenses accessory to a club are allowed.

8.8.3. OI-District

A. No more than 25% of the total floor area of a building may be devoted to storage.

B. Accessory retail, fast food restaurants, and personal service uses are permitted, ~~but~~ even when they are not otherwise listed in this Sec. 8.8 (Accessory Uses)~~section~~, subject to the following:

1. Accessory retail and service uses must be located within a building with a majority of the floor area designed for office uses. Accessory uses must be located wholly within the principal buildings with no outdoor advertising except that a car wash, detail shop or service station may be located inside a parking garage as long as such uses are not visible from the exterior of the parking garage.
2. Accessory retail and service uses are limited to employee convenience, business-oriented retail, and service establishments such as:
   a. Barber shop or beauty shops.
   b. Commercial art.
   c. Computer hardware and software companies.
   d. Delivery services.
   e. Drafting.
   f. Florists.
   g. Gift shops.
   h. Messenger services.
   i. Office equipment and supply stores.
   j. Personnel services and training centers.
   k. Radio and television repair shops.
   l. Reproduction services.
   m. Restaurants when office and institutional floor area is at least 100,000 square feet.
   n. Shoe repair shops.
   o. Stenographic services.
   p. Tailor shops.

q. Telecommunications sales and teleconferencing centers.

r. Travel agencies.

s. Typing services.

3. Accessory fast food restaurants are limited to no more than 10% of the total floor area devoted to retail and service business uses, and must not occupy more than 10% of any floor in a building.

4. Accessory drugstore may only sell drugs, prescription medicines, medicinal supplies and pharmaceutical products.

8.8.4. C-1 District

A. No more than 45% of the floor area of a building or land may be devoted to storage that is accessory to principal uses.

B. Accessory automobile and/or moving truck rental are permitted, even when they are not otherwise listed in this Sec. 8.8 (Accessory Uses). ~~but are not otherwise listed in this section.~~

8.8.5. MIX District

No more than 25% of the total floor of a building may be devoted to storage.

8.8.6. Accessory Barn

1. Defined

A structure housing livestock that is accessory to a single-family dwelling.

2. Use Standards

Accessory barns may be located in the front, rear, or side yards, provided that the structure must be located at least 100 feet from all property lines and at least 150 feet from any occupied structure located on any other property.

8.8.7. Accessory Dwelling Unit

A. Defined

A second dwelling unit within or attached to a single-family dwelling, duplex, or townhouse, for use as a complete, independent living facility, with provisions for cooking, sanitation and sleeping.

B. Use Standards

1. Form-Based Codes

a. The habitable area of the Accessory Unit must not exceed 440 square feet, excluding the parking area.

b. The unit must share utility connections with the principal dwelling unit.

8.8.8. Accessory Manufactured Home

1. Defined

A manufactured home that is accessory to an existing single-family dwelling.

2. Use Standards

a. The manufactured home ~~must be~~ use permit it limited to a three-year period from the date of the City Council's approval, after which the manufactured home must be removed unless an additional use permit has been granted.

b. The manufactured home must be located in the rear yard of an existing residential structure in conformance with the yard standards for the location of accessory buildings.

c. The manufactured home must be for the exclusive use of and occupancy by a member of the family or a near relative of the occupant of the existing structure, including father, mother, sister, brother, daughter-in-law, son-in-law, child, ward, or guardian.

8.8.9. Amateur Radio Antenna

A. Defined

A radio communication facility that is an accessory structure to a single-family residential dwelling operated for noncommercial purposes by a Federal Communication Commission licensed amateur radio operator. The term includes both the electronic system and any structures it is affixed to for primary support.

B. Use Standards

1. **All Antennas**

The following applies to all amateur radio antennas, except as provided for under sub-paragraphs 2 and 3 below.

a. Antennas must meet all accessory structure requirements for the district in which it is located and said principal structure height requirements shall control.

b. Roof-top antennas must be located only on that portion of the roof most closely associated with yards for which accessory structures are allowed.

c. An antenna must be designed such that the entire structure will remain on the property or within a fall easement if it should fall.

2. **Antennas Up To 90 Feet in Height**

a. **Applicability**

The following applies to amateur radio antennas that exceed the height requirements of the zoning district in which they are located.

b. Purpose

It is the intent of these standards to regulate the placement of amateur towers in a manner that does not impose on public health, safety, or general welfare.

c. Design, Placement and Height Requirements

The following regulations on design, location, placement, and height limits of antennas in residential districts implements the City's governmental interests in land planning, aesthetics and public safety by requiring the following standards.

i. Antennas must be located in the rear yard.

ii. The maximum height is 90 feet.

iii. All antennas must be set back from all property lines one-third the height of the antenna or the district setback requirements, whichever is greater. The antenna must be located a distance equal to or greater than the antenna height from the nearest residential dwelling, excluding the owner's primary dwelling or structure.

iv. Antennas must not be lighted.

v. All antennas must be constructed with an anticlimbing device.

vi. Antennas must be painted in a neutral color identical or closely compatible with surroundings.

vii. All guy wires must be anchored on site and outside of right-of-way.

3. Antennas Over 90 Feet in Height

a. Purpose

It is the intent of these standards to regulate the placement of amateur radio towers in a manner that does not impose on public health, safety, general welfare.

b. Design, Placement and Height Requirements

The following regulations on design, location, placement, and height limits of antennas in residential districts implements the City's interest in land planning, aesthetics and public safety:

i. Antennas must be located in the rear yard.

ii. The request to exceed the height of 90 feet must be accompanied by a written justification of its intent by the licensee. Under no circumstances may an antenna exceed 200 feet in height.

iii. Antennas must be set back from the property line one-third the height of the antenna or the district setback requirements, whichever is greater. However, the antenna must be located a distance equal to or greater than the antenna height from the nearest residential dwelling, excluding the primary dwelling or structure which is located on the same lot as the antenna.

iv. Antennas must not be lighted.

v. Antennas must be constructed with an anticlimbing device.

vi. Antennas must meet all state and federal requirements.

vii. Antennas must be painted in a neutral color identical or closely compatible with surroundings.

viii. Guy wires must be anchored on site and outside of right-of-way.

8.8.10. Car Wash, Accessory

A. Defined

An accessory facility with mechanical equipment used for cleaning, washing, polishing, or waxing of motor vehicles~~, typically associated with a gasoline station~~.

B. Use Standards

The use must be accessory to an office use or a gasoline station, must not be visible from the exterior of property, and must not have signage that is visible from the exterior of the property.

8.8.11. Drive-Through

A. Defined

A feature of an establishment which permits customers to receive services or obtain goods while remaining in or on a

motor vehicle, ~~vehicle,~~ typically associated with restaurants, banks, and pharmacies.

B. Use Standards

1. Crabapple Form-Based Code

Drive-throughs must conform to Sec. 7A.4.14.

2. Deerfield Form-Based Code

a. Drive-throughs must conform to Sec. 7B.4.14.

b. In the Five Acre Road Zone, drive-throughs are only allowed when accessory to financial establishments, including banks and savings and loan institutions.

8.8.12. Greenhouse, Non-commercial

A. Defined

An accessory building in which herbs fruits, flowers, or vegetables that need protection from the weather are cultivated for personal or group use, consumption or donation.

B. Use Standards

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

8.8.13. Guesthouse

1. Defined

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

2. Use Standards

a. No more than one guesthouse structure per lot may be used for occupancy by relatives, guests or employees that work on the property without payment for rent.

b. A separate kitchen facility is allowed.

c. Heated floor area must be at least 650 square feet and at most 1,500 square feet.

d. Principal building setbacks apply.

e. The location is limited to the rear yard.

8.8.14. Home Occupation

A. Defined

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

B. Use Standards

1. Only occupants of the dwelling may work on the premises in connection with a home occupation.
2. The smaller of 25% or 750 square feet of the floor area of a dwelling unit may be used for activities devoted to the home occupation.
3. Accessory buildings and structures must not be used for the home occupation.
4. There may be no signs identifying the home occupation, nor may there be any storage, display or activity associated with the home occupation visible outside the structure.
5. The following uses are excluded:
   a. Auto repair or similar operations.

b. Funeral homes.

c. Keeping of animals.

d. Motel type establishments.

e. Restaurants.

f. Retail or wholesale shops.

g. Taxi services.

h. Any other occupation found incompatible with the intent of this UDC.

6. Resident participants in a home occupation must have the appropriate occupational licensing, including business licenses.

7. No home occupation may generate traffic, sound, smell, vibration, light, or dust that is offensive.

8. No more than two clients or patrons are allowed on the premises at the same time in conjunction with the home occupation (except for persons in care at a family day care home, where no more than six clients are allowed).

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

10. The transporting of goods by truck is prohibited. Incoming vehicles related to the home occupation must be parked off-street within the confines of the residential driveway or other on-site permitted parking.

11. Home occupations must exclude the use of instruments, machinery or equipment that emit sounds (i.e., musical instruments, sewing machines, saws, drills) that are detectable beyond the unit.

12. Family day care homes must meet the following standards:

a. The use is prohibited in multifamily dwelling units.

b. The use must provide outdoor play areas as required by state law, but such areas must be limited to side or rear yards outside the minimum yard area, and must not occupy any yard adjoining a street.

c. The use must be located at least 1,000 feet in all directions from any other such use operated as a home occupation.

d. Hours of operation are limited to Monday through Saturday from 6:00 a.m. to 7:00 p.m.

e. The use must have a current, certified copy of the operator's state family day care home registration which must be filed with the business license application and renewals.

13. No home occupation may be operated so as to create or cause a nuisance.

8.8.15. Keeping of Exotic or Wild Animals

A. Defined

The keeping of exotic animals. Exotic animal means any animal that is not normally domesticated in the United States or is wild by nature. Exotic animals include, but are not limited to, any of the following orders and families, whether bred in the wild or captivity, and also any of their hybrids with domestic species. The animals listed in parentheses are intended to act as examples and are not to be construed as an

exhaustive list or limit the generality of each group of animals, unless otherwise specified:

1. Nonhuman primates and prosimians (monkeys, chimpanzees, baboons).
2. Felidae (lions, tigers, bobcats, lynx, cougars, leopards, jaguars).
3. Canidae (wolves, coyotes, foxes, jackals).
4. Ursidae (all bears).
5. Reptilia (all venomous snakes, all constricting snakes).
6. Crocodilia (alligators, crocodiles).
7. Proboscidae (elephants).
8. Hyanenidae (hyenas).
9. Artiodatyla (hippopotamuses, giraffes, camels, not cattle or swine or sheep or goats).
10. Procyonidae (raccoons, coatis).
11. Marsupialia (kangaroos, oppossums).
12. Perissodactylea (rhinoceroses, tapirs, not horses or donkeys or mules).
13. Edentara (anteaters, sloths, armadillos).
14. Viverridae (mongooses, civets, ~~and~~ genets); and~~.~~
~~14.~~15. Birds of prey (hawks, eagles, falcons, vultures, owls, kestrels, ospreys, kites).

B. Permits and Licenses Required

1. Pursuant to this sub-section, exhibition or display of exotic or wild animals solely for education purposes, or keeping, rehabilitation or maintaining exotic or wild animals pursuant to a valid, current, state-issued wild animal license or wildlife exhibition permit is allowed only with a use permit issued in compliance with the development standards set forth in this sub-section specifically and pursuant to the UDC generally. In the event of conflict, the terms of this sub-section shall prevail.
2. An applicant must o~~O~~btain the appropriate license from the U.S. Department of Agriculture, Animal and Plant Health Inspection Service (USDA/APHIS) or provide documentation that the applicant is exempt from USDA/APHIS requirements.
3. An applicant must o~~O~~btain a U.S. Fish and Wildlife Service Permit for Special Purpose Possession if exhibiting or dealing birds regulated by the USFWS.
4. An applicant must o~~O~~btain the necessary permit(s) from the Georgia Department of Natural Resources, Wildlife Resources Division.

C. Use Standards

1. The minimum lot size is 10 acres.
2. Permitted curb cut access must not be from a local street.
3. All activity areas, including parking, structures, areas where animals are housed or graze must be set back at least 100 feet from all property lines.
4. Open to visitation by the general public only from 7:30 a.m. to 7:30 p.m.
5. For sites on 4 acres or less, a 50-foot-wide undisturbed buffer or alternative screening design, with a 10-foot improvement setback, must be located adjacent to all agricultural/T2 districts

and all property zoned, used, or developed for residential uses.

6. For sites on more than 4 acres, a 75-foot-wide undisturbed buffer or alternative screening design, with a 10-foot improvement setback, must be located adjacent to all agricultural/T2 districts and all property zoned, used, or developed for residential uses.

7. Sanitary facilities or trash receptacles must be located at least 100 feet from a property line of any residential district and/or agricultural/T2 district used for single-family dwellings.

8. Applicant must inform the Director in writing of the number and types of animals to be housed on the subject property and any changes thereto based on a schedule determined and agreed to as part of the use permit.

9. Compliance with all requirements of Chapter 5 of the Georgia Game and Fish Code, O.C.G.A. § 27-5-1, et seq., related to wild animals, and all rules and regulations adopted pursuant to the authority granted pursuant to O.C.G.A. § 27-1-4.

8.8.16. Keeping of Horses

A. Defined

The keeping of horses or other members of the horse (equine) family when not associated with farming as a principal or accessory use.

B. Use Standards

1. Agricultural Districts, T2

a. There is no limit on the number of horses or other members of the horse (equine) family permitted.

b. All structures for the shelter of horses, except barns, must be at least 100 feet from the lot line of any residentially zoned or used property.

c. Riding areas must conform to 8.7.2

d. Barns must conform to Sec. 8.8.6.

~~b.~~

~~c. Pens and runs which are not located in a fully-enclosed building must be at least 200 feet from all property lines. This standard does not apply to fences surrounding outdoor grazing areas.~~

2. All Other Districts

a. One horse or other member of the horse (equine) family per fenced acre is allowed in association with a single-family dwelling or in single-family dwelling districts.

~~b.~~ All structures for the shelter of horses must be~~:~~

~~i. At least 100 feet from the lot line of any residentially zoned or used property.~~

b. ~~Located within the rear yard.~~ may be located in the front, rear, or side yards, provided that the structure must be located at least 100 feet from all property lines and at least 150 feet from any occupied structure located on any other property. See Sec. 8.8.6 (Accessory Barns).

c. Riding areas must conform to 8.7.2.

~~ii.~~

8.8.17. Outdoor Storage and Display

A. Defined

Outdoor storage and/or display that is associated with a principal use, regardless of duration.

B. Use Standards

1. **~~Outside~~ Outdoor Storage Associated with Residential Uses, Residential Districts, T2, and Agricultural Districts Used for Residential Purposes Only**
   a. Outdoor storage is permitted in side and rear yards only.
   b. Outdoor storage must be screened from adjoining residential uses and from streets with an opaque fence or a vegetative screen which complies with Sec. 11.1.13.E.5 (Buffers).
   c. Any storage not normally associated with residential use is prohibited.
2. **~~Outside~~ Outdoor Storage Associated with Nonresidential Uses or Districts**
   a. ~~Outside~~ Outdoor storage is permitted only in rear yards.
   b. ~~Outside~~ Outdoor storage must be at least 25 feet from any residential property line.
   c. Outdoor storage must be screened from neighboring residential uses and streets with an opaque fence or a vegetative screen which complies with Sec. 11.1.13.E.5 (Buffers).
3. **~~Outside~~ Outdoor Accessory Display Associated with Commercial Uses**
   a. Accessory displays for merchandise which is being offered for sale on-premises is allowed in the C-1, MIX, T4-O, T5, and T6 districts only. Such displays may be in any yard, except a minimum required yard.
   b. Vehicle and similar displays may be in minimum front yards but must not encroach upon minimum landscape areas.
4. **Additional State Route 9 Overlay Standards**
   See Sec. 6.2.10.D.
5. **Additional Birmingham Crossroads Standards**
   See Sec. 6.4.2.J.
6. **Additional Crabapple Form-Based Code Standards**
   See Sec. 7A.4.13.
7. **Additional Deerfield Form-Based Code Standards**
   See Sec. 7B.4.13.

8.8.18. Skywalks

A. Defined

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

B. Use Standards

1. At least 16 feet of vertical clearance above all streets, and at least 16 feet of vertical clearance above the skywalk is required.
2. Ample space for the free flow of pedestrians with a 12-foot minimum walkway width is required.

3. Before issuing a building permit, a bridge agreement must be filed with the Director as a condition of approval. The Director is responsible for the interpretation and application of the conditions set forth in sub-paragraphs 1 and 2 above and no building permit may be issued by the Director except upon written approval of the Public Works Department.

8.8.19. Swimming Pool, Private

1. Defined

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

2. Use Standards

a. All Swimming Pools

All swimming pools must be completely surrounded by a barrier as required by the latest adopted version of the International ~~Residential Code, Section AG105 or International Building Code, Section 3109. The top of the barrier must be at least 48 inches above grade measured on the side of the barrier which faces away from the swimming pool to prevent access to the pool by unsupervised children and animals. Pedestrian access gate(s) must open outward away from the pool and must be self-closing and have a self-latching device. Pedestrian access gate(s) must be locked when the pool is not open for use and all surrounding objects or structures must have a separation of 5 feet from the enclosure to provide an unclimbable space.~~ Swimming Pool and Spa Code (ISPSC) Section 305. The enclosure must be in place before pool completion. Materials and construction must comply when applicable with the regulations administered by the Fulton County Health Department.

b. Single-Family

i. Swimming pools are allowed in side and rear yards of single-family dwellings in any district. In addition, swimming pools may also be allowed at the back of the house on a double frontage single-family residential lot. In a flag lot, a swimming pool is allowed in the front yard, provided such alternative location is approved by the Director, who may approve the location if the purpose of the UDC is maintained with the proposed location.

ii. Pools, pool equipment, and their decks must be at least 10 feet from all property lines, except that when perimeter setbacks are required, for example in NUP and TR zone districts, pools, pool equipment, and decks cannot be located in perimeter setbacks.

iii. The barrier must not be located more than 150 feet from the water's edge of the pool.

c. **Neighborhood**

i. Swimming pools serving a neighborhood must be located within the limits of the underlying zoning.

ii. The use of swimming pools is limited to residents and guests of the neighborhood in which they are located.

iii. Pools, pool equipment, and decks must comply with all setback requirements with respect to rights-of-way based on the district in which the property is located.

iv. A maximum 4-square-foot sign identifying the future use of the property for a swimming pool must be posted adjoining the lot's frontage until a certificate of occupancy is issued for the facility.

v. Sources of exterior illumination must be directed away from adjoining residences and must not exceed 1.2 foot-candles along an adjoining residential property line. Outdoor lighting of recreation facilities in or adjoining residential districts or uses is allowed only between dusk and 11:00 p.m.

3. Multifamily

Swimming pools, pool equipment, accessory structures, and fencing must be located at least 100 feet from any residential building, adjoining property line or public right-of-way.

8.9. Temporary Uses

8.9.1. Media Production

A. Defined

The temporary use of an otherwise unlicensed property to produce television or video series, movie, television or video pilots, commercials, feature film, professional photo stills and shoots, music videos, student films, infomercials, public service announcements, and documentaries, and where the production is intended to be closed to participation from the public and the final work product is to be used for commercial purposes.

B. Conformance with Other Regulations

As applicable, media productions are subject to the requirements of all City departments, such as emergency medical services plans, emergency planning and preparedness plans, tent permits, pyrotechnics permits, food service permits, etc.

C. Permits Required

1. A media production permit is required for all media productions.
2. Two classifications of media production permits are allowed:
    a. Low impact activities, which are generally those activities that have a limited duration of no more than 14 days with little or no disruption to common adjacent and nearby uses. See additional requirements within this sub-section for further description.
    b. High impact activities, which are generally those activities that have a duration of 15 or more days and/or do not comply with the low impact activity standards set forth in this sub-section. The filming of high-speed crashes or chases, pyrotechnics or explosives or the use of aircraft, and similar actions are examples of high impact activities including any production activity disrupting normal and customary use of the site or adjacent or nearby properties. See additional requirements within this sub-section for further description.

D. General Standards

In addition to all other applicable codes, permitted activities must abide by the following:

1. No temporary sanitary facility or trash receptacle may be located within 100 feet of a property line of any residential use.
2. No temporary sanitary facilities may be located on or within 10 feet of a storm drainage structure.
3. Without written consent of the effected property owner or current resident, no tent, table, or other temporary structure must be located within 250 feet of a residential structure.
    a. Tents less than 5,000 square feet do not require a building permit; tents equal to or greater than 5,000 square feet require structural plan review and a building permit. Such building permit must be issued and approved separately.
    b. All tents and temporary structures are subject to all local and state

codes and further subject to approval of the fire and building departments.

4. Limited sales from vehicles are allowed with approval of the ~~Community Development~~ Director.
5. Lighting for filming, both during daylight and nighttime hours, should be oriented away from neighboring residences wherever possible and should not interfere with the safe movement of traffic. All permanent and temporary lighting must comply with the night sky illumination requirements of Sec. 9.4 of this UDC. Limited exceptions may be made at the discretion of the Director.
6. Temporary signage may be allowed at the discretion of the Director.
7. Production companies are responsible for cleaning and restoring locations used, including public and private lands, to their original condition, with a minimum amount of noise and disruption. All clean up and restoration activities must be completed within 60 days of completion of the permitted activities. Inspection of appropriate restoration will be conducted by the Director.
8. No modification of any street sign, streetlight, traffic signal or other traffic control device is permitted without written approval from the Public Works Director.
9. No road or lane closures is permitted without approval of the Public Works Director.
10. No modifications or alterations to the right-of-way are permitted unless expressly identified in the permit application. Any modification or alteration of the right-of-way, whether that activity is permitted or not, must be returned to a condition which is better than or equal to what existed before the activity. That determination will be made by the Public Works Department.
11. Credit must be noted to the City of Milton, Georgia, for all permits required.

E. Low Impact Activity Standards

In addition to the general standards, the following minimum standards must be met in order to be permitted as a low impact activity. Due to the varying nature of this industry and use these standards are not all inclusive and additional conditions may be imposed at the discretion of the ~~Community Development~~ Director to minimize anticipated adverse effects or other objectionable uses.

1. No permit may be effective for more than 14 days. Permits may be renewable only with the specific approval of the Director. A single application may include several locations for the same production with appropriate documentation. An application for said permit must be made no less than five business days before the event. Said permit must be available on site to City personnel upon demand.
2. No interruption in pedestrian traffic flow is allowed.
3. No more than five on-street parking spaces may be used in a commercial or office zoning district.

4. No parking is allowed in alleys where residential access is provided by alleys.
5. A private area for cast, crew and extras must be provided.
6. The hours of operation are from 7:30 a.m. to 10:00 p.m. every day. All preparation and wrap up activities must be completed within one-half-hour of this time frame and must not violate Sec. 11.7 Noise Control.
7. No equipment, vehicle, display or other activity may block access to a public facility such as a mailbox, parking meter, fire hydrant, traffic control box, driveway or other access point.

F. High Impact Activity Standards

In addition to the general standards, the following minimum standards must be met in order to be permitted as a high impact activity. Due to the varying nature of this industry and use these standards are not all inclusive and additional conditions may be imposed at the discretion of the ~~Community Development~~ Director to minimize anticipated adverse effects or other objectionable uses. These activities may require the onsite placement of the fire rescue department personnel and/or equipment based on the scope of the proposed production.

1. No permit will be in effect for more than 14 days. Permits may be renewable only with the specific approval of the ~~Community Development~~ Director. A single application may include several locations for the same production with appropriate documentation. An application for said permit must be made no less than 10 business days before the event. Said permit must be available on site to City personnel upon demand.
2. Vehicular traffic may be held for up to 14 days with a detour provided per the approval of the Public Works Director.
3. No more than ten on-street parking spaces may be used in a commercial or office zoning district per day.
4. No parking is allowed in alleys where residential access is provided by alleys.
5. A private area for cast, crew and extras must be provided.
6. The hours of operation are from 7:30 a.m. to 10:00 p.m., every day. Any activity to occur between the hours of 10:00 p.m. and 7:30 a.m. must have completed permit waivers from at least 95% of current residents or property owners/business owners within 500 feet of the location before starting activity at the location during evening or morning hours.
7. All preparation and wrap up activities must be completed within one-half-hour of the time frames as set above in sub-paragraph 6 above and must not violate Sec. 11.7 Noise Control without completing a permit waiver from at least 80% of current residents or property owners/business owners within 1,000 feet of the location.
8. No equipment, vehicle, display or other activity may block access to a public facility such as a mailbox, parking meter, fire hydrant, traffic control box, driveway or other access point.
9. Based on the proposed scope of the production activity and in consideration of any potential danger to the safety of the community, the

police chief and/or the fire chief may require personnel and/or equipment to be placed on standby for portions of the high impact activity at the expense of the applicant. The applicant must contact the chief of police for approval if any of the following are included in the production: pyrotechnics, demolition, firearms discharge, high speed chases, or physical stunts.

G. Applications

All applications must be submitted to the Director for their review and approval. The applications must include the following information at a minimum and will not be deemed complete until all requested information is received.

1. ~~Submit~~ Aa completed application form prepared by the Director with the original signatures of the applicant. A property owner's affidavit will also be required with original signatures.
2. ~~Submit~~ Aa drawing with dimensions (distances in feet) of the activity's location from each site('s) property lines and other minimum distance requirements as specified by this sub-section must be submitted to the Director for approval. Said drawing must also depict north arrow, curb cuts and traffic patterns, and address numbers of locations to be used.
3. ~~In addition,~~ Aaerial imagery ~~must be included~~ which locates the proposed site(s) to be used as well as adjoining residential structures.
4. Proposed location (mapped), length of road closure, and timing of traffic interruption (by date and time) of any public right-of-way. A traffic management plan in accordance with the Manual of Uniform Traffic Control Devices (MUTCD), current edition will be required as necessary for any closure or traffic interruption per the Public Works Director.
5. Signed hold harmless agreement to the benefit of the City of Milton.
6. Signed agreement to provide a certificate of insurance with the City of Milton as additional insured until the activity is completed.
7. Other information as required by the ~~Community Development~~ Director to provide insight into the proposed extent and intensity of the use.

H. Permitting

Permits may be approved, ~~disapproved~~ denied, or issued on a conditional basis as necessary to facilitate receipt of all required information. All permits will be approved or denied within five business days of receipt of the completed low impact activity application or within ten business days of receipt of a completed high impact activity application.

1. Restrictions may be placed on certain applications for use of City property or in the vicinity of City property/City sponsored events such that service and protection to the public is not impaired including, but not limited to the following:
   a. The City reserves the right to refuse access to City property on the grounds of prior reference examination and portrayal of the City in the content of the project.
   b. Removal, cutting or trimming of vegetation in the public right-of-way or on public property is

prohibited unless specifically approved and limited by the permit.

c. Activity must not be allowed in locations near the area of a City-sponsored event if there is an anticipated conflict with the City's event.

2. Variations from the approved scope of work included in the permit application may be grounds for immediate revocation.

3. Fees. Applicants will be charged a fee for processing, as established in the City fee schedule. Services for which a fee has not been established will be charged on the basis of time, equipment, and material.

a. Additional fees for the monitoring of public safety will be charged separately by the appropriate departments based on labor, time, and equipment necessary to provide the public service.

b. Street closures will incur a fee based on the City value of time, materials, and equipment used/requested by the applicant.

c. Permits for tents and other building and structural inspections will b~~e~~y charged separately by the appropriate departments.

d. Rental of City facilities will be charged on a per use basis as set out by the Parks and Recreation Department.

e. Late request applications will be charged an additional fee per day for each day less than the minimum number of processing days required as stated in Sec. 8.9.1.E.1~~8.9.1.E.1~~ and Sec. 8.9.1.F~~8.9.1.F~~.

f. Processing fees and charges for use of City services or facilities may be reduced or waived at the discretion of the City Manager for charitable and nonprofit organizations which qualify under Section 501.c.3 of the IRS Code and for City agencies if substantial ~~reward~~ benefit will be provided to the City~~ at the discretion of the City Manager~~.

I. Permit Waivers

Waivers may be required in the likelihood the proposed production will have a negative effect(s) on adjacent business or residents.

1. Waivers must be signed by current residents, property owners, and/or business owners as determined by the ~~Community Development~~ Director.

2. Waivers will be provided on a form set out by the Director.

8.9.2. Push Cart

A. Defined

Any wagon, cart, or similar wheeled container, not a vehicle as defined in the Vehicle Code of the State of Georgia, from which general retail merchandise, food, or beverages are offered for sale.

8.9.3. Real Estate Sales Trailers

A. Defined

A temporary structure used for the showing or sale of new homes within a new subdivision.

B. Use Standards

1. The facility must meet all dimensional requirements of the zoning district.
2. The facility must be set upon a permanent or temporary foundation that is completely screened from any adjacent public street.
3. The facility must be removed upon completion of sales in the subdivision.

8.9.4. Revival Tent

A. Defined

A collapsible shelter of fabric (such as nylon or canvas) stretched and sustained by poles and used as temporary building.

B. Use Standards

1. A revival tent may be placed only on property occupied by an existing building used as a place of worship.
2. A permit may be granted for use for a maximum of 14 days in a calendar year.
3. The revival tent or any area used for assembly must be located at least 200 feet from a property line of any residential district or agricultural/T2 district used for single-family dwellings.
4. No temporary, sanitary facility or trash receptacle may be located within 200 feet of an existing dwelling, and no tent must be located within 250 feet of an existing dwelling.
5. ~~Provide~~ O~~o~~ne parking space per four seats must be provided.~~.~~
6. A drawing to scale must accompany the application and must accurately depict the number of seats and the standards of this sub-section.
7. The hours of operation may be no earlier than 8:00 a.m. nor later than 11:00 p.m.

8.9.5. Roadside Produce Stands

A. Defined

A use offering either farm-grown, prepared food products such as fruits, flowers, vegetables, canned foods, or prepared packaged meats for sale from a vehicle or a temporary structure. The consumption of food on-site is prohibited.

B. Use Standards

1. In T2 and agricultural districts

a. ~~No more than o~~One administrative permit may be granted per year and will be effective for 365 days. An application for said permit must be made no less than 14 days before the ~~event~~start of business. Said permit must be posted on site such that it is visible from the street

b. Roadside stands are limited to the sale of agricultural products produced on the property.

2. All Districts

a. In all districts, except T2 and agricultural districts, no more than four administrative permits may be granted per year and no single permit may be effective for more than 30 days, however, two or more permits, not to exceed four, may be combined for a duration of 60 days, 90 days or a maximum of 120 days. An application for said permit must be made no less than 14 days before the event. Said permit must

be posted on site such that it is visible from the street.

b. The hours of operation are from 8:00 a.m. to 8:00 p.m.

c. ~~Submit~~A ~~d a d~~rawing with dimensions (distances in feet) of the activity's location from the site's property lines and other minimum distance requirements as specified by this sub-section must be submitted to the Director for approval. Said drawing must also depict north arrow, curb cuts and traffic patterns.

d. The applicant must provide a notarized written permission statement of the property owner or lease holder of the subject site to the Director. A 24-hour contact number of the property owner or leaseholder is required along with permit application.

e. The property on which the roadside ~~vendor~~ produce stand is permitted must be located at least 1,500 feet from a permanent business or another ~~vendor~~ stand which offers the same or similar merchandise as that of the ~~vendor~~applicant. The ~~vendor~~ applicant must provide names of all established businesses which sell similar or the same merchandise within 1,500 feet of the proposed ~~vendor~~ site.

f. Any activity or structure must maintain a minimum 20-foot setback from the right-of-way and not be located within a required landscape strip or buffer. Said activity or structure must also maintain a minimum setback of 10 feet from any internal drive or permitted curb cut.

g. At least six parking spaces are required for the exclusive use of the roadside produce stand and must not occupy the minimum required parking spaces for any other use on site.

h. No temporary sanitary facility or trash receptacle may be located within 100 feet of a property line of a residential use.

i. No tent, table or other temporary structure must be located within 100 feet of a residential structure. All tents are subject to the fire department's approval.

   i. Tents less than 5,000 square feet do not require a building permit.

   ii. Tents equal to or greater than 5,000 square feet require structural plan review and a building permit.

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

8.9.6. Roadside Vending

A. Defined

The sale of merchandise such as clothing, crafts, household items, firewood, etc., from a temporary table or cart but excluding a temporary consumer fireworks

retail sales facility and a nonstructural consumer fireworks retail sales facility.

8.9.7. Seasonal Business Use

A. Defined

A primary use involving the sale of items related to a calendar holida~~yy or events~~, such as Christmas trees, Halloween pumpkins, etc., which may be conducted outside. The term excludes nonstructural consumer fireworks retail sales facilities and temporary consumer fireworks retail sales facilities.

B. Use Standards

1. All Districts

a. An administrative permit must not be issued for the same seasonal business use more than once in any calendar year. ~~Said seasonal business use must correlate to a calendar holiday or event.~~ Said permit must not exceed a total of 30 days for each use. Example: One permit may be issued for the sale of Christmas trees for a maximum of 30 days. A second permit may be issued for the sale of pumpkins for a maximum of 30 days. Said permit must be posted on site such that it is visible from the street. An application for said permit must be made no less than 14 days before the event. ~~Example: One permit may be issued for the sale of Christmas trees for a maximum of 30 days. A second permit may be issued for the sale of pumpkins for a maximum of 30 days.~~

b. The hours of operation are from 8:00 a.m. to 8:00 p.m., Sunday through Thursday, and 8:00 a.m. to 10:00 p.m., Friday through Saturday.

c. ~~Submit a~~ A drawing with dimensions (distances in feet) of the activity's location from the site's property lines and other minimum distance requirements as specified by this section must be submitted to the Director for approval. Said drawing must also depict north arrow, curb cuts and traffic patterns.

d. The applicant must provide a notarized written permission statement of the property owner or lease holder of the subject site to the Director. A 24-hour contact number of the property owner or leaseholder is required along with permit application.

e. The property on which the ~~vendor~~ use is permitted must be located at least 1,500 feet from a permanent business or another vendor which offers the same or similar merchandise as that of the ~~vendor~~applicant. The ~~vendor~~ applicant must provide names of all established businesses which sell similar or the same merchandise within 1,500 feet of the proposed ~~vendor~~ site.

f. Any display or sales activity must maintain at least a 20-foot setback from the right-of-way and must not be located within a required landscape strip or buffer. Said displays must also maintain at least a 10-foot setback from any internal drive or permitted curb cut.

g. At least six parking spaces are required for the exclusive use of the seasonal business and must not occupy the minimum required parking spaces for any other use on site.

h. No temporary sanitary facility or trash receptacle may be located within 100 feet of a property line of a residential use.

i. No tent, table or other temporary structure may be located within 100 feet of a residential structure. Sales from vehicles are prohibited.

   i. Tents less than 5,000 square feet do not require a building permit.

   ii. Tents equal to or greater than 5,000 square feet require structural plan review and a building permit.

   All tents are subject to the fire department's approval.

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

k. Signage must be in accordance with Sec. 9.2 of this UDC.

C. Additional T2, Agricultural District, and Residential District Use Standards

Seasonal business use is only allowed when the property is occupied by a church, school, retreat/campground, farm, plant nursery, or as approved by the Director for uses compatible with agricultural/T2 district permitted uses, existing as a conforming or a lawful nonconforming nonresidential use. The issuance of this permit does not constitute an expansion or extension of a nonconforming use.

D. Additional CUP Use Standards

Seasonal business use is only allowed when the development includes a commercial component.

8.9.8. Temporary Classroom

A. Defined

A manufactured home, travel trailer, truck trailer, or other structure used as a classroom or office in conjunction with a public or private school.

B. Use Standards

1. The structure must be constructed for use as a temporary classroom and certified as such by the Director.

2. The principal use must exist before issuance of the permit.

3. The temporary classroom must not be used to increase the capacity or enrollment as conditioned by zoning, or as limited by other use permit conditions.

4. T~~Placement of t~~he structure must be ~~hidden from primary view or as approved by the Directo~~located~~r~~ so as not to negatively impact the view from the road or adjoining properties, except as otherwise approved by the Director.

5. An administrative permit for a temporary classroom will expire three years from the date of approval at which time the structure must be removed unless a new administrative

permit is obtained within 30 days of the expiration date.

6. The structure must not be located within any principal building setbacks or within any required landscape strips or buffers.

7. A drawing showing dimensions must accompany the application and must accurately depict the proposed location of temporary structures, the traffic patterns and curb cuts and compliance with this sub-section and all other applicable standards of this UDC.

8.9.9. Nonstructural Consumer Fireworks Retail Sales Facility

A. Defined

A trailer towed by a motor vehicle or a tent, canopy, or membrane (any thin, flexible or foldable layer of material used to block sun, wind or water) structure in which consumer fireworks are offered for sale to the public.

8.9.10. Temporary Consumer Fireworks Retail Sales Facility

A. Defined

A temporary building or structure that is used primarily for the retail display and sale of consumer fireworks to the public. Excluded from this definition is any nonstructural consumer fireworks retail sales facility.

B. Use Standards

1. The permit must not exceed a total of 30 days for each use.

2. The permit must be posted on site such that it is visible from the street. An application for said permit must be made no less than 30 days before the start of use.

3. The hours of operation must be between 8:00 a.m. and 8:00 p.m.

4. ~~Submit~~ A~~a~~ drawing with dimensions (distances in feet) of the activity's location from the site's property lines and other minimum distance requirements as specified by this section must be submitted to the Director for approval in coordination with the City fire marshal. Said drawing must also depict north arrow, curb cuts and traffic patterns. After issuance of the permit, a site and facility inspection are required by the fire marshal before starting sales.

5. The applicant must provide a notarized written permission statement of the property owner or lease holder of the subject site to the Director. A 24-hour contact number of the property owner or leaseholder is required along with permit application.

6. The property on which the temporary consumer fireworks retail sales facility is permitted must be located at least 1,500 feet from a permanent business or another ~~vendor~~ facility which offers the same or similar merchandise as that of the ~~vendor~~applicant. The ~~vendor~~ applicant must provide names of all established businesses which sell similar or the same merchandise within 1,500 feet of the proposed ~~vendor~~ site.

7. The facility must be located within 1,000 feet of a fire hydrant, unless the fire chief or designee of the Milton Fire Department in writing authorizes operation in excess of 1,000 feet.

8. Any display or sales activity must maintain at least a 20-foot setback from the right-of-way and must not be located within a required landscape strip or buffer. Said displays must also maintain at least a 10-foot setback from any internal drive or permitted curb cut.

9. At least six parking spaces are required for the exclusive use of the temporary consumer fireworks retail sales facility and must not occupy the minimum required parking spaces for any other use on site.

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

11. Vending pursuant to this permit is not permitted from any vehicle or from a trailer towed by a motor vehicle or from a tent, canopy, or membrane structure.

12. Temporary consumer fireworks retail sales facilities must not be located within 300 feet of the property line of a nursing home, hospital, other health care facility, day care facility, school, residential dwelling, equestrian facility, active farm, or veterinary facility.

13. Temporary consumer fireworks retail sales facilities must not exceed 800 square feet in size and 15 feet in height as measured from average grade to the top of the roof.

    a. Facility may only be white or off-white in color.

    b. No lettering or graphic is allowed on the facility, except for signage required by this ordinance or otherwise required by law.

    c. Only one, 24 square-foot temporary banner is permitted and must be black, white, or off white in color.

    d. The retail display area may contain such signage as may be required by law.

14. Temporary consumer fireworks retail sales facilities must conform to all applicable state law, fire code, and building regulations including NFPA 1124, latest edition.

8.9.11. Temporary Manufactured Home

A. Defined

Temporary installation of a manufactured home on a property while a primary residence is being built.

B. Standards

1. The building permit for the principal structure must have been issued and remain valid during the period that the manufactured home is on the property.

2. The manufactured home must be located on the same parcel as the principal structure being constructed and comply with all district setbacks.

3. The administrative permit will expire 12 months after issuance or upon occupancy of the principal structure, whichever occurs first. Only one renewal for a one-year period may be issued.

4. The manufactured home must be occupied by the owner of the principal residence under construction.

8.9.12. Temporary Office

A. Defined

A mobile, manufactured, or other temporary structure used as an office for sales, leasing, on-site construction management, and related functions, but specifically excluding real estate sales trailers defined in Sec. 8.9.3~~8.9.3~~.

B. Use Standards

1. The facility must meet all dimensional requirements of the zoning district.
2. The facility must be set upon a permanent or temporary foundation that is completely screened from any adjacent public street.
2. Temporary structures must be located outside of any required buffers and landscape areas and must maintain the principal building setback of the district except portable toilets must maintain a 200-foot setback from existing dwellings.
3. Temporary structures must be removed prior to the issuance of a certificate of occupancy or within 5 days of completion of the temporary event or activity for which the structure was approved.
~~4.~~ The structure must be located so as not to negatively impact the view from the road or adjoining properties, except as otherwise approved by the Director.~~Placement of the structure must be hidden from primary view or as approved by the Director so as not to negatively impact the view from the road or adjoining properties.~~
~~4.~~
5. Temporary structures used in conjunction with other permitted administrative and use permits are not required to obtain a separate administrative permit.
6. An administrative permit for a temporary structure will expire three years from the date of approval at which time the structure be removed unless a new administrative permit is obtained within 30 days of the expiration date.

8.9.13. Temporary Structures (other)

A. Required Districts

All districts~~, except emission inspection stations are permitted only in nonresidential districts, except agricultural/T2 districts.~~ as specified below in use standards.

B. Standards

1. Temporary structures (whether tents, site-built, mobile or manufactured structures) utilized for construction offices, ticket booths, security guard shelters, storage structures in association with construction~~, emission inspection stations~~, portable toilets and other similar uses may be permitted by the Director in all districts ~~in any district~~. Emission inspection stations may be permitted by the Director in all districts, except residential or agricultural districts.

8.9.14. Temporary Use of Existing Dwelling

A. Intent

It is the intention of this sub-section to regulate existing dwellings that are used while the primary residence is being built.

B. Use Standards

1. The building permit for the new principal structure must be issued concurrently with the administrative permit.

2. The administrative permit will expire 90 days after issuing a certificate of occupancy for the new principal structure or one year after issuing a building permit, whichever occurs first.

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9.1. Parking and Loading

9.1.1. Applicability

A. New Construction

Any new building or site improvement (modification of any existing parking area, for example) must comply with this Sec. 9.19.1 (Parking and Loading).

B. Maintenance and Repair

1. An existing building or site may be repaired and maintained without providing additional parking or loading, provided there is no increase in floor area or improved site area.
2. Repaving an existing parking lot is considered maintenance under Sec. ~~Article 9~~9.1.1.B.1~~9.1.1.B.1~~ above, provided there is no increase in the paved area.

C. Additions

When an existing building, use, or site is increased in area or improved site, both the existing building, use, or site and the new floor or site area must conform to the parking and loading requirements.

D. Change in Use

A change in use must comply with all parking and loading requirements unless the new use has the same or a lesser parking demand than the previous use.

E. Construction Parking

Property owners must provide and maintain off-street parking during construction. Parking on any lot other than the lot for which a building permit is issued must be approved for a temporary parking lot by the Director.

9.1.2. Parking Required

A. Calculation of Required Parking Spaces

1. Vehicle parking spaces must be provided for different uses as specified in this section. Where a use is not listed, the Director is responsible for categorizing the use as specified in Article 8.
2. When a site contains multiple uses, the parking requirements are the sum of the requirements for each use, and no parking space for one use may be included in the calculation of parking requirements for another use, except when shared parking is used per Sec. 9.1.3.A.
3. In determining the required number of parking spaces, fractional spaces are rounded to the nearest whole number, with one-half or more counted as an additional space.
4. The parking requirement is based on the floor area of the building devoted to the particular use specified unless ground area or some other measure is specified.

B. Parking Spaces Required

1. Unless otherwise specified in this Sec. 9.19.1 (Parking and Loading) or this UDC, every use must be served by the minimum number of on-site, off-street parking spaces specified in Table 9.1.2.B or by Form-Based Codes.
2. When the use standards of Article 8 include parking requirements, those requirements apply.

Table 9.1.2.B. Vehicle Parking Requirements

Use	Vehicle Parking (min.) [1]
Residential Uses	
All household living, except as listed below:	2 per unit
Triplex, quadruplex, loft apartment, neighborhood apartment, multifamily (fewer than 40 units/acre)	1.4 per 1-bedroom or efficiency unit; 2 per 2-bedroom unit; 2.25 per 3-bedroom unit or larger unit
Triplex, quadruplex, loft apartment, neighborhood apartment, multifamily (40 or more units per acre)	1.25 per 1-bedroom or efficiency unit; 1.75 per 2-bedroom unit; 2 per 3-bedroom unit or larger unit
Senior housing	1.4 per unit
All group living, as listed below:	
Alternative Senior Housing	1 per two beds + 1 per two employees, including the owner/operator
Boardinghouse, rooming house	1 per two beds + 1 per two employees, including the owner/operator
Convalescent center/nursing home/ hospice	1 per four beds + 1 per 3 employees
Group residence	2 per unit
Group residence for children	2 per unit
Personal care home/assisted living	1 per four beds + 1 per 3 employees
Public/Institutional Uses	
All civic, as listed below:	
Church, temple, or other place of worship	1 per 3.5 seats in largest assembly area (with fixed seating), or 1 per 30 sf. in largest assembly area auditorium (with no fixed seating)
Club or lodge, nonprofit	5 per 1,000 sf.
Colleges and universities.	5 per 1,000 sf.
Library, private	3 per 1,000 sf.
Museum, private	5 per 1,000 sf.
Public use	2 per 1,000 sf.
School, public or private elementary, middle school, junior high	The larger of 2 per classroom, or 1 per 35 sf. in largest assembly area
School, public or private high school	The larger of 10 per classroom, or 1 per 35 sf. in largest assembly area

Use	Vehicle Parking (min.) [1]
School, special	5 per 1,000 sf.
All parks and open space, as listed below:	
Cemetery/mausoleum	None
Golf course	50 per 9 holes + 1 per 1,000 sf. of any clubhouse
Recreational court, private	3 per tennis/pickleball court + 4 per basketball court + 6 per adult swimming pool + 1 per 15 dwelling units over 60 served
Recreational court, public	4 per basketball court + 3 per tennis/pickleball court
Recreational field	50 per field
Retreat, campground	The larger of 1 per lodging unit or 5 per 1,000 sf.
Swimming pool, public	20 per swimming pool + 1 per 50 sf. of pool area
All small cell facilities	None
All telecommunications facilities	None
Commercial Uses	
All adult entertainment establishments	10 per 1,000 sf.
All day care facilities	1.7 per 1,000 sf. + 1 per 4 employees on the largest shift
All festivals or events, outdoor/indoor	2 per 1,000 sf. of ground area identified for festivals and music festivals related seating
All indoor recreation, except as listed below:	5 per 1,000 sf.
Assembly hall, indoor auditorium, conference centers, convention centers, theater	1 per 4 seats in largest assembly area (with fixed seating), or 1 per 35 sf. in largest assembly area auditorium (with no fixed seating)
Bowling alley	5 per alley
All lodging (without restaurant)	1 per guestroom
All lodging (with restaurant)	1.25 per guestroom
All medical, except as listed below:	1 per four beds + 1 per 3 employees
Medical office	4 per 1,000 sf.
All office, except as listed below:	250,000 sf. or less: 2.8 per 1,000 sf., Over 250,000 sf.: 2.6 per 1,000 sf.
Business, music, or dance school	5 per 1,000 sf.
Data center	1 per 4,000 sf. + 2.8 per 1,000 for offices within the building

Use	Vehicle Parking (min.) [1]
Financial establishments, including banks and savings and loan institutions.	5 per 1,000 sf.
All outdoor recreation, except as listed below:	1 per 4 seats in largest assembly area (with fixed seating), or 1 per 35 sf. in largest assembly area auditorium (with no fixed seating)
Driving range	21 per tee
Outdoor amusements (except mini golf)	1 per 4 fixed seats or 1 per 35 sf. of floor area used for moveable seats + 10 per 1,000 sf. of ground area identified for recreation and assembly
Outdoor amusements (mini golf)	20 per 18 miniature golf holes
Racetrack	1 per 4 fixed seats, or 1 per 35 sf. of floor area used for moveable seats + 10 per 1,000 sf. of other spectator area
Rural or agricultural event facility	1 per 2.5 attendees
All passenger terminals:	None
All personal service, except as listed below:	5 per 1,000 sf.
Funeral home	1 per 3 fixed seats + 1 per 25 sf. in the largest assembly room
All restaurants (indoor/outdoor seating):	10 per 1,000 sf.
All restaurants (carryout only):	5 per 1,000 sf.
All retail:	4 per 1,000 sf.
All vehicular, except as listed below:	5 per 1,000 sf.
Automobile and light truck sales/leasing	6.5 per 1,000 sf.
Parking	None
Industrial Uses	
All industrial uses, except as listed below	1 per 1,000 sf. + 2.8 per 1,000 sf. for offices within building
All self-storage	1 per employee + 1 per 5,000 sf.
Collecting recycling center	1.5 per 1,000 sf. + 2 per outdoor recycling collection container + loading spaces as specified in Sec. 9.1.7
Agricultural Use	
Farm winery, Georgia farm winery	See restaurant
Plant nursery	See retail
Accessory Uses	

Use	Vehicle Parking (min.) [1]
Swimming pool, private (neighborhood and multifamily only)	6 per adult swimming pool + 1 per 15 dwelling units beyond 60 served
Temporary Uses	
All temporary buildings	See applicable principal use
Special event, revival tent	See festivals or events, outdoor/indoor

Table notes:
[1] See Article 7 for Form-Based Code parking requirements.

9.1.3. Parking Reductions

The total number of parking spaces required may be reduced by administrative ~~permit~~ variance as specified below.

A. Shared Parking

1. Shared parking allows uses with parking demands at different times of the day or week to share spaces.
2. Applicants wishing to use shared parking to reduce the total number of required spaces must submit a shared parking analysis using the Urban Land Institute (ULI) Shared Parking Model (latest edition).
3. The study must be provided in a form established by the Director.
4. ~~Uses providing shared parking must have either mutually exclusive or compatibly overlapping normal hours of operation. The Director will determine if the hours of operation are compatibly overlapping on a case-by-case basis.~~
5.4. Reductions in the total number of required spaces for shared parking are not permitted unless the Director determines a reduction is appropriate on a case-by-case basis using the ULI Shared Parking Model (latest edition).
6.5. Uses sharing parking must have either mutually exclusive or compatibly overlapping normal hours of operation. The Director will determine whether hours of operation are compatibly overlapping on a case-by-case basis.
7.6. A shared parking agreement must be recorded in the Fulton County deed records before issuance of a certificate of occupancy or building permit, as applicable.

B. Off-Site Parking

1. Off-site parking is allowed in the O-I, C-1, T5, and T6 districts.
2. No more than 20% of the total parking requirement may be provided off-site via administrative variance~~permit~~.
3. When off-site parking is provided, ~~T~~the property must be no more than 300 feet from the principal use, with pedestrian access provided between the sites as may be required by the Director.

C. On-Street Parking

1. When on-street parking spaces exist in the public or private street right-of-way, one on-street parking space may be substituted for each required parking space, provided the on-street space immediately abuts the property.
2. Each on-street parking space may only be counted for one property. Where a space straddles an extension of a lot line, the space may only be counted by the owner whose property abuts 50% or more of the on-street parking space.
3. The Director may determine that to ensure future roadway capacity or conform with other City plans, on-street parking credit is not available.

D. Proximity to Transit

A 5% reduction in the number of required parking spaces is allowed for developments within a 1,500 feet walk of an operating transit stop or station, as measured along a sidewalk, trail, or pedestrian walkway from the transit facility to the lot line.

E. Administrative Reduction

The Director may reduce the total number of parking spaces required to no less than 90% of the basic requirement when all of the following are met:

1. The parking reduction request must show that the reduction is justified based on characteristics unique to the proposed use of the property, in contrast to the characteristics of other uses within the same category.
2. Adequate land area for meeting the basic parking requirement must be located on and designed for the site, whether at grade or in parking decks. The unconstructed portion of the parking must be clearly delineated and labeled "Future Parking" on the site plan.
3. Before granting the parking reduction request, the Director must ~~conclude~~ determine that the reduction is justified and must approve, in whole or in part, or deny the request stating the reasons therefor~~e~~ in their decision ~~report~~.
4. If the Director finds that the parking reduction is no longer justified, the Director must notify the owner to construct the number of parking spaces necessary to meet the required level.
5. Before any change in ownership or use, the owner must apply to the Director for an evaluation and confirmation of the reduction.

9.1.4. Parking Location Limitations

A. Agricultural and Single-family Districts

1. In single-family dwelling districts and agricultural districts used for a single-family dwelling, the parking or storage of vehicles is not allowed, except on conforming parking spaces.
2. Unenclosed parking spaces may occupy a side yard and no more than 50% of a required rear yard.
3. No more than two spaces are allowed adjoining the entrance to a front entry garage or carport, or adjoining the end of a driveway when no garage or carport exists.
4. Garage and carport spaces count toward the minimum required spaces in single-family districts.
5. In agricultural and single-family dwelling districts used for other than a single-family dwelling, the parking or storage of vehicles must meet the requirements of Sec. 9.1.4.E~~9.1.4.E~~ (O-I District).
6. The visible storage or parking of more than four vehicles at a single-family dwelling is not allowed
7. Parking or storage of a junk or salvage vehicle is not allowed, except that no more than two such vehicles are allowed if parked or stored in a garage or carport not visible from a street or adjacent residential property.

B. TR District

1. Individually subdivided parcels must adhere to single-family district standards, except that off-street

parking and driveways must be at least 10 feet from perimeter lot lines.

2. Garage and carport spaces count toward the minimum required spaces.

C. A District

1. Off-street parking is not allowed in required front yard and side corner yard setbacks.
2. Driveways must be at least 10 feet from a side and rear property line.
3. Off-street parking space must be at least 25 feet from a side or rear property line adjacent to a single-family dwelling district or use, and at least 10 feet from another property line.
4. TR district requirements apply to single-family detached units constructed within the A district.

D. A-L District

1. Off-street parking is not allowed in required front yard and side corner yard setbacks.
2. Driveways must be at least 10 feet from side and rear property lines.
3. Off-street parking space must be at least 25 feet from side and rear property lines adjacent to a single-family dwelling district or use, and at least 10 feet from other property lines.

E. O-I District

1. Off-street parking is not allowed in required front yard and side corner yard setbacks.
2. Off-street parking must be at least 25 feet from property lines which adjoin a single-family residential district or use.
3. Off-street loading areas are only allowed in rear ~~or~~ and interior side yards.

F. C-1 District

1. Residential and civic use off-street parking location standards are the same that apply to those uses in the A district.
2. Other uses not specified in sub-paragraph 1 above must locate parking at least 25 feet from property lines that adjoin a residential district or use.
3. Off-street loading areas are only allowed in rear and interior side yards.

Note: These minimums may be less than required to accommodate a landscape area or buffer.

G. Landscape Areas and Buffers

No required parking is allowed in any landscape area or buffer.

9.1.5. Parking Lot Layout and Design

A. Shared Driveways

Driveways may be shared in all districts.

B. All-Weather Surface

Required parking spaces must be located on an all-weather surface as defined in Article 13.

C. Angled or Parallel Parking

1. Off-street parking layout must conform to Table 9.1.5 Parking Layout Standards.
2. Standard parking spaces must be at least 153 square feet in area and at least 8.5 feet wide.
3. Twenty percent of the total parking spaces may be compact car spaces.

Compact spaces must be at least 120 square feet in area and at least 8 feet ~~s~~wide. Each compact space must be clearly marked.

4. No part of a vehicle may overhang into a required landscape area.

Table 9:1.5. Parking Layout Standards

Aisle Design	Aisle Width
Two-way	
All:	22 ft. min.
One-Way	
Zero to 45 degrees:	14 ft. min.
46 to 60 degrees:	18 ft. min.
61 to 90 degrees:	22 ft. min.

D. Parking Lot Landscaping

At-grade, non-single-family parking lots must meet the following, in addition to the tree requirements of Sec. 11.1.3.E.3 (Parking Lots):

1. A landscape island at least 10 feet wide and the length of the parking bay is required at the end of each parking bay.
2. A landscape island at least 10 feet wide is required next to every ~~-six~~th parking space~~s~~ in a row.



3. Landscaping in islands should preserve and maintain adequate sight lines from the minor lane to the major lane.
4. In the Rural Milton Overlay, interior landscape island locations must vary from row to row to avoid a grid pattern.
5. Alternate parking lot landscaping methods may be approved when the Director determines that the alternate meets or exceeds these standards.

E. Accessible Parking

Accessible parking must be provided in accordance with the ADA and the American National Standards Institute.

9.1.6. Specific Vehicle Standards

A. Trucks

Except for trucks used to farm the property they are located on, or trucks used in conjunction with a permitted use, trucks or trailers over 4 tons empty weight must not

be stored or parked in any agricultural or residential district unless engaged in moving household goods or making deliveries.

B. Vehicles Being Serviced

Vehicles being serviced must be serviced and stored within the footprint of the building or at the rear of the structure but outside of any minimum yard. Vehicles must be totally screened from all property lines by a 100% opaque fence, together with landscape strips and buffers.

C. Heavy Construction

Earth moving equipment, tractors or other heavy construction vehicles may only be stored in residential, agricultural, and nonresidential districts during construction associated with an active building permit or land disturbance permit.

D. Other Vehicles

Other vehicles such as recreational vehicles, campers, buses (including school buses), trailers, mobile home coaches, boats and boat trailers may be parked or stored in residential districts when:

1. Vehicles are not used as living quarters.
2. The parking or storage area is in the buildable area of the lot and not in front of the principal structure.

9.1.7. Off Street Loading

A. Loading Spaces Required

Off-street loading spaces must be provided in accordance with Table 9.1.7. Loading Requirements. Loading spaces may serve only the designated use and must be on the same lot as the use, unless otherwise authorized in this UDC.

B. Design and Arrangement

The following standards apply to off-street loading areas:

1. A loading space must measure no less than 12 feet by 35 feet and have 14 feet of vertical clearance.
2. For any use required to furnish three or more loading spaces, at least one in every three spaces must measure no less than 12 feet by 55 feet.
3. Maneuvering space must not include

Table 9.1.7 Loading Requirements

Use	Floor Area (in square feet)	Loading spaces required
Single retail uses	0—19,999 20,000—49,999 50,000—250,000 Over 250,000	None 1 2 3
Shopping centers	0—19,999 20,000—49,999 50,000—100,000 Each additional 100,000	None 1 2 1
Offices, residential buildings over four stories, all medical uses, hotels, and motels	0—999,999 1,000,000—2,000,000 More than 2,000,000	None 1 2

required parking spaces or any portion of a public right-of-way.

C. Loading Location Limitations

1. Off-street loading spaces and maneuvering areas may only be located in those portions of a lot where off-street parking areas are allowed.
2. If spaces and maneuvering areas are in a yard adjacent to an~~y~~ existing residential use, a 50-foot landscaped buffer must be established behind which the berths and maneuvering spaces ~~may~~ must be located.

9.2. Signs

9.2.1. General

A. Purpose

This Sec. 9.29.2 (Signs) was enacted with the following purposes:

1. To protect the rights of individuals and businesses to convey their messages through signs.
2. To encourage the effective use of signs as a means of communication.
3. To promote economic development;
4. To improve traffic and pedestrian safety as it may be affected by distracting signs.
5. To prevent the destruction of the natural beauty and environment of the city and to ensure the harmony and compatibility of the character of the area including its physical appearance, natural setting, informal landscaping, and preserve the historic character of the city.
6. To encourage and ensure that development that is context-sensitive in design and materials compliments and is compatible and sensitive with the existing character of the area through its proportion, scale, design, style, placement, position, and architectural qualities that further the distinct values of the city.
7. To protect the public health, safety, and general welfare.
8. To restrict the continued existence of abandoned or nonconforming signs unless in compliance with the terms of this Sec. 9.29.2 (Signs) and to eliminate, over time, all nonconforming signs.
9. To ensure the fair and consistent enforcement of sign standards.
10. To make it easier, quicker, and more economically efficient to apply for a sign permit.

B. Findings

This Sec. 9.29.2 (Signs) was enacted with the following findings in mind:

1. The City finds that signs are a proper use of private property, are a means of personal free expression, and are a necessary component of a commercial environment. As such, signs are entitled to the protection of the law. In the absence of regulation, however, the number of such signs tends to proliferate, with property owners desiring ever increasing numbers and sizes of signs, leading to cluttered and aesthetically blighted thoroughfares. In addition, the competition among competing sign owners for sign visibility contributes to safety hazards for both vehicles and pedestrians and undermines the sign owners' original purpose of presenting a clear message of its idea or identification of its premises.
2. The City further finds that the regulation of the size, height, number, and spacing of signs is necessary to protect the public safety, to ensure compatibility of signs with surrounding land uses, to enhance the business and economy of the city, to protect the public investment in the streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, to

eliminate visual clutter and blight, to provide an aesthetically appealing environment, and to provide for the orderly and reasonable display of advertising for the benefit of all the city's citizens.

3. The City further finds that there is a substantial difference between signs erected by public authority and signs erected by private citizens or businesses. Signs erected by public authority are virtually all erected for the purpose of maintaining the public safety either through direct control of traffic or through provision of such type of signage as street signs which enable the traveling public to know where they are located and to find where they are going. As such, except for signs identifying government buildings, virtually all government signs are erected purely for public safety purposes. Moreover, their use in the public right-of-way is necessary to ensure their visibility to the motoring public. The City finds that public utility signs are frequently of the same nature as those signs erected by governmental entities in that they provide necessary information to safeguard the public from downed power lines and from street excavations. Even where signs serve a propriety purpose, such as identifying markings on utility poles, those signs are marked primarily for the purpose of benefiting the public generally through identification of locations where there may be temporary losses of power.

4. The City further finds that most of Milton is unique when compared to surrounding areas in terms of the rural, pastoral, and equestrian nature of its land uses. Examination of such factors as the lack of sewerage of most of its land area; the resulting minimum lot size; the lack of commercial development outside overlay districts, Form-Based Codes, and purposefully developed commercial corridors; and the large number of agricultural and related uses, such as horse farms, set the city apart from the more commercialized and developed municipalities which surround it. The preservation of this atmosphere and lifestyle was a major factor in the drive to incorporate the City. Accordingly, the City determines that it has a substantial government interest in striking a proper balance between the right of freedom of expression in terms of the time, place, and manner of signage with the need to preserve the pristine character of the city.

C. Applicability

This Sec. 9.2~~9.2~~ (Signs) applies to all signs erected in the city.

D. Content Neutrality

Notwithstanding any provisions to the contrary contained within it, this Sec. 9.2~~9.2~~ (Signs) will be interpreted in such a manner that the availability, land use, or other triggering event or condition for an entitlement to apply for, erect, or place signage within the city will not have the effect of dictating or controlling, in any manner, the content of the message that may be placed upon such signage, it being the expressed intention of the City that this section be content, viewpoint, and speaker neutral.

9.2.2. Permits

A. Required

1. Except where specifically not required by this Sec. 9.2~~9.2~~ (Signs), it is unlawful for any person to post, display, materially change, or erect a sign in the City without first obtaining a sign permit. Notwithstanding the foregoing, signs that are not visible from a public right-of-way, private drive, public space, or from neighboring residential properties are not subject to the standards of this Sec. 9.2~~9.2~~ (Signs).
2. All applicants for signs that incorporate electricity must obtain an electrical permit.
3. All applicants for signs higher than 8 feet and larger than 32 square feet in area must obtain a building permit.

B. Fees

No permit may be issued until the appropriate application has been filed with the Director and the fees specified in the City fee schedule have been paid.

C. Application

Applications for sign permits required by this Sec. 9.2~~9.2~~ (Signs) must be filed by property owner with the Director. The application must include:

1. The type of the sign as defined in this UDC.
2. The value of the sign.
3. A survey to scale showing the street address of the property upon which the sign is to be located, the proposed location of the sign on the property, the distance of the proposed sign from the property boundaries, and all other existing structures or buildings on the property.
4. The square foot area of each sign and the aggregate square foot area if there is more than one sign face.
5. The name and address of the owner of the property upon which the sign is to be located.
6. The property owner's written consent granting permission for the placement, maintenance, size, and height of the sign to be placed on the property;.
7. For wall signs, building elevations ~~should~~ must be submitted.
8. The name, address, telephone number, and business license number of the sign contractor.
9. Sign details, including a proposed color scheme of sign, and scaled elevation of the size and height of the sign from ground level and adjacent street level.
10. The zoning district in which the property is located and a statement of compliance with all zoning district requirements.

D. Rejection

1. **Incomplete, false statements.** The Director must reject any application that is incomplete, that contains false material statements or omissions, or that is for a sign which would violate any standard within this Sec. 9.2~~9.2~~ (Signs)within 30 business days of receipt of said application.
2. **Processing time; notice; denial.** The City must process all complete and accurate sign permit applications within 30 business days of the City's actual receipt of a complete and

accurate application and upon remittance of the appropriate sign permit fee. The Director must give notice to the applicant of their decision by hand delivery or by mailing such notice by certified mail, return receipt requested, to the address on the permit application on or before the thirtieth business day. If the decision of the Director is to deny the application, the decision must state the grounds upon which the denial is based. Failure of the City to act within the 30-day period will be deemed as an automatic approval of the permit. If notice is mailed in conformity with this Sec. 9.2~~0~~ (Signs), notice will be deemed to have been given upon the date of mailing. Any application meeting the standards of this section will be granted. Any application not meeting the standards of this Sec. 9.2~~9.2~~ (Signs) will be denied.

3. **Appealable**. A rejection pursuant to this section may be appealed using the procedures for zoning appeals outlined in Sec. 12.4. However, notwithstanding the foregoing, a final decision of an appeal of the denial of a sign permit must be rendered within 80 calendar days from the date an appeal is filed, or such longer period as may be agreed to by the applicant. If a final decision of an appeal of the denial of a sign permit is not rendered within the 80-day period or the agreed longer period, then the decision sought to be appealed will be affirmed.

4. **Resubmission.** A rejected application later resubmitted in conformity with this Sec. 9.2~~9.2~~ (Signs) will be deemed to have been submitted on the date of resubmission, instead of the original submission date. An application which is resubmitted must meet all the standards for an original application.

E. Variance

1. **Limitations.** The Board of Zoning Appeals is allowed to grant variances to this Sec. 9.2~~0~~ (Signs).

2. **Timing.** The Board of Zoning Appeals must hear and decide upon a variance to this Sec. 9.2~~0~~ (Signs) within 80 days of the submission of a complete and accurate application for variance to this Sec. 9.2~~0~~ (Signs). If a decision on the variance is not rendered within 80 days~~,~~ or such longer period as may be agreed to by the applicant, then the ~~petition~~ application will be deemed approved.

3. **Procedure.** Except as modified by this Sec. 9.2~~9.2~~ (Signs), the procedures for requesting a variance from the standards of this Sec. 9.2~~9.2~~ (Signs) are the same as for seeking a variance under Sec. 12.4.2.

4. **Standards.** The ~~only~~ standards to consider when granting a variance from the standards of this Sec. 9.2~~9.2~~ (Signs) are the following:

   a. Relief may only be granted when existing foliage or structures create a hardship whereby a sign meeting the maximum letter size, square footage and height requirements cannot be read from an adjoining road; or

   b. The application of the particular provision of this UDC to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an

unnecessary hardship for the owner while causing no detriment to the public.

F. Expiration Date

1. A sign permit will become null and void if the sign for which the permit was issued has not been installed and completed within 6 months of the date of issuance; provided, however, that when an applicant demonstrates that a commercial entity was timely engaged to construct the permitted sign, but the fabrication has not yet been completed, one 90-day extension may be granted by the Director.
2. No refunds will be made for a permit after the permit is issued. If later an individual desires to erect a sign at the same location, a new application for the sign must be processed and another fee paid in accordance with the current City fee schedule.

9.2.3. Additional Provisions

A. Business License Tax Certificate, Public Liability Insurance Required

It is unlawful for any person to engage in the business of erecting or maintaining signs within the City, unless and until such entity has obtained an occupation tax certificate or business license issued in the state of Georgia, and a certificate of insurance from an insurance company authorized to do business in the state evidencing that the entity has in effect public liability and property damage insurance in the sum of $25,000 for property damage for any one claim, and public liability insurance in an amount not less than $100,000 for injuries, including accidental death to one person. The certificate of insurance must state that the insurance carrier will notify the City at least 30 days before any termination or restriction of the coverage, including nonrenewal, cancellation, and nonpayment of any premium.

B. Labels and Notice

1. **Identification labels.** With each sign permit, the Director must issue a sticker bearing the same number as the permit with which it is issued. It is the duty of the permittee or their agent to affix this sticker to the sign in the lower right-hand area so it is easily seen. The absence of a proper sticker will be prima facie evidence that the sign has been, or is being, erected or operated in violation of the standards of this Sec. 9.29.2 (Signs).
2. **Inspection.** The Director must inspect all existing signs in the City to determine if such signs conform to the standards of this Sec. 9.29.2 (Signs). ~~Identification stickers will be provided for all signs in order to identify existing conforming and nonconforming signs.~~

C. Signs Requiring no Permit

The following do not count towards the total amount of signage allowed and no permit is required when all standards in this Sec. 9.29.2 (Signs) are met, including the following:

1. Numerals displayed for the purpose of identifying property location not to exceed 8 inches in height.
2. Flags.
3. Door signs not to exceed one square foot in size and not more than one sign per door.
4. Temporary standard informational

signs in all districts.

D. Prohibited Signs and Devices

The following types of signs are prohibited:

1. Abandoned signs.
2. Animated signs, flashing signs, rotating signs, and changeable copy signs.
3. Audible signs.
4. Beacons, search lights, laser lights or images (except where specifically allowed).
5. Graffiti.
6. Illegal activity signs.
7. Imitation traffic signs.
8. Internally illuminated window signs, including neon (except where specifically allowed).
9. Moving signs, sandwich boards and signs applied directly to sidewalk or curb, balloons, streamers or air or gas filled figures and other similar temporary signs (except where specifically allowed).
10. Obscene signs.
11. Portable signs, except that signs posted in the window of a vehicle, totaling one square foot, are permitted, unless the vehicle is parked within a nonresidential district or an agricultural district developed with a nonresidential use, with the intent to sell that vehicle.
12. Roof signs, marquee signs.
13. Sign kiosks.
14. Signs attached to or painted on natural objects.
15. Signs in landscape strip, unless approved by the City Arborist.
16. Signs in right-of-way, other than those belonging to a government, public service agency, or railroad.
17. Signs mounted on a utility pole, water tower or other similar structure, architectural features, traffic signal or traffic control box and cell towers.
18. Signs not maintained.
19. Temporary signs and banners attached to fences or walls (except where specifically allowed).

E. Nonconforming Signs

1. **Maintained.** A nonconforming sign must not be replaced by another nonconforming sign, except that the substitution or interchange of poster panels, painted boards, or dismountable material on nonconforming signs is permitted. All nonconforming signs must be maintained in good repair.
2. **Repair.** Minor repairs and maintenance of nonconforming signs are permitted; however, no structural repairs or changes in the size or shape of a nonconforming sign are permitted except to make the sign comply with the standards of this Sec. 9.29.2 (Signs). To the extent that any sign allowable hereunder is damaged or destroyed by an act of God or by other circumstances beyond control of the owner of the sign, then such sign may be repaired without regard to the restrictions of this Sec. 9.2.3.E~~9.2.3.E~~.
3. **Grandfathering.** Legal nonconforming signs may stay in place until one of the following conditions occurs:
   a. The business on which the property on which the sign is located ceases

operation for at least six consecutive months; or

b. The deterioration of the sign or damage to the sign makes it a hazard or renders it dilapidated, unsightly, or unkempt; or

c. The sign has been damaged to such extent that more than minor repairs or a material change is required to restore the sign. No structural repairs or change in shape or size are permitted except to make the sign comply with all standards of this section. To the extent that any sign allowable hereunder is damaged or destroyed by an act of God or by other circumstances beyond control of the owner of the sign, then such sign may be repaired without regard to the restrictions of this sub-section.

F. Sign Location

1. **Obstructions to doors, windows, or fire escapes.** No sign may be erected, relocated, or maintained in a way that prevents free ingress or egress from any door, window, or fire escape.

2. **Signs not to constitute traffic hazard.** No sign or any part thereof, except authorized traffic signs, may be located in any government right-of-way. No sign, except authorized traffic signs, may be within 20 feet of an intersection, as measured from the intersection of the two rights-of-way.

3. **Setback.** Unless a more restrictive setback is specified in conditions of zoning or otherwise in this Sec. 9.2~~9.2~~ (Signs), all permanent ground signs must be at least 20 feet from the edge of pavement. No sign, except authorized traffic signs, may project over the right-of-way.

   Temporary signs, as described in Sec. 9.2.4~~9.2.4~~, must be placed at least 15 feet from the edge of pavement. No signs may be placed between the road and the back of the landscape strip.

G. Measurement of Sign Area

1. **Size generally.** The area of a sign is computed as the area within the smallest continuous polygon comprised of not more than eight straight lines enclosing the limits of a sign face, together with any sign face cabinet or frame or material, texture, or color forming an integral part of the sign face used to differentiate the sign face from the structure upon which it is placed. If polygons established around wall signs located on the same street oriented wall are within 24 inches or less of one another, then the area of the sign will be measured within one continuous polygon.

2. **Structure.** The computation of the area of a sign face does not include the structure, supports, or uprights on which the sign face is placed or any portions of a sign structure that are not intended to contain any message or idea and are purely structural or decorative in nature, other than those parts contained within the polygon that delineates the sign face.

3. **Multifaced signs.** For multifaced signs, when the sign face surfaces are back-to-back, or where the interior angle formed by the faces is 45 degrees or less, the area of the sign will be taken as the areas on the largest side. For all

other multifaced signs, the area of the sign will be the total area on all sides.

4. **Three-dimensional signs.** Three-dimensional signs must not exceed 2 inches from surface.

H. Measurement of Sign Height

The height of a sign is computed as the distance from the base of the sign structure at normal grade to the top of the highest attached component of the sign. Normal grade will be construed to be the lower of:

1. Existing grade before construction; or
2. The newly established grade after construction, excluding any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

I. Construction Standards

1. **Building codes.** All permanent signs permitted under this section must be constructed and maintained in accordance with the applicable City building codes. For any sign that is higher than 8 feet and larger than 32 square feet in area, the permittee must submit, with its building permit application, detailed structural design drawings of the sign and its foundations. Such drawings must include the foundation, supporting structure and sign face and must be certified by a professional structural engineer, licensed in the state of Georgia. The certifying engineer must provide an insurance certificate indicating it carries a minimum of $1,000,000 of professional liability insurance.
2. **Faces.** The face of the sign must be flat, with protrusions of no more than 2 inches to allow for the texture of the sign and words, letters, figures, symbols, logos, fixtures, colors, or other design elements. No sign or other advertising structure may be constructed to have nails, tacks, or wires protruding therefrom.
3. **Illumination.** Signs may be externally illuminated where permitted by this Sec. 9.2~~9.2~~ (Signs). Colored lighting is prohibited. Where external illumination is permitted for freestanding signs, the light source must be screened from the view of the general public with shrubs.
4. **Construction of bases.** Bases must be compatible with the exterior material of the main structure as ~~approved~~ determined by the Director.
5. **Landscaping.** Landscaping and grass must be maintained in front of, behind, underneath, and around the base of freestanding signs.

9.2.4. Citywide Standards

If not otherwise stated, any sign not specifically allowed in a zoning district as provided below is prohibited in that district, except as otherwise provided for under this Sec. 9.2~~9.2~~ (Signs). The following standards govern signs within specific zoning districts.

A. Signs Permitted in all Zoning Districts

1. Temporary freestanding signs are permitted in all zoning districts, as follows:
   a. **Signs during construction.** One sign is allowed during construction. A permit is required. The sign may be externally illuminated, must not exceed 12 square feet in area and 5 feet in height, and is allowed

beginning with the start of construction and ending with the issuance of the last certificate of occupancy or two years, whichever occurs first. After this, the permittee may reapply for a renewal permit subject to the same termination conditions as set forth in this sub-section.

b. **Temporary standard informational signs.** Each non-residential lot and/or development may display one standard informational sign no larger than 4 square feet without a permit, except that during a political election or referendum, between the date of qualification of the candidate or the referendum question and final determination on each ballot issue or candidate, each non-residential lot may display an unlimited number of standard informational signs. All such signs must be removed within 7 days after a final determination on that election item or referendum that triggered the right to erect the sign.

c. **Signs during the sale or lease of property**. During the sale or lease of property, one sign per road frontage of the property for sale or lease, is allowed. The sign must not be internally illuminated. The sign may be no larger than 9 square feet on major roads, and 6 square feet on all other roads. A permit is required for signs larger than 6 square feet. For the purposes of this requirement, major roads include:

i. Arnold Mill Road/State Highway 140.

ii. Birmingham Highway/State Highway 372.

iii. Cogburn Road.

iv. Hopewell Road.

v. McGinnis Ferry Road.

vi. New Providence Road.

vii. State Route 9.

viii. US Hwy 19 (GA 400).

ix. Windward Parkway.

2. Banners are permitted in all zoning districts, as follows:

a. Banners are allowed for a period no longer than 10 days, with no more than four such 10-day periods being permitted per calendar year, per lot.

b. In addition, each new business is allowed a banner for 30 days starting from the issuance of the business license or occupational tax certificate.

c. Each development may post one banner, maximum 24 square feet, maximum 5 feet high, for a maximum of 40 days, between May 1 and June 15. A permit is not required.

d. The maximum banner area is 24 square feet. A permit is required. No banner may be mounted to extend above the horizontal plane of the roof where the building wall and roof meet nor may extend more than 5 feet above grade when on the ground. All banners mounted on the ground must be supported

on all sides by a PVC frame or its equivalent.

B. Agricultural Districts

Within agricultural districts, standards for signs are as follows:

1. Freestanding signs.

a. One maximum 32 square feet, freestanding sign per business or institutional ~~lot~~ use is allowed for each street on which the lot has frontage.

b. One maximum 32 square feet, freestanding sign or two single-faced freestanding signs no larger than 16 square feet each, is allowed for each side of a platted single-family subdivision entrance.

c. The maximum height is 6 feet.

d. Changeable copy is not allowed.

e. Only external illumination is allowed, and the light source must be screened from view with evergreen plantings as approved by the Director.

2. Other signage.

a. Each residence may display up to 12 square feet of signage with no single sign being larger than 4 square feet.

b. Each development may post one banner, maximum 24 square feet, maximum 5 feet high, for a maximum of 40 days, between May 1 and June 15. A permit is not required.

c. Each lot may post one expression sign, maximum 16 square feet in area, for a maximum of 30 days. Such signs may only be located on private property, with the owner's permission. A permit is required.

d. For the purpose of this requirement, an ~~seasonal~~ expression sign means a sign, not otherwise defined in this UDC, which involves the expression of any idea that could be characterized as free speech and which is not necessarily related to a particular use of land.

3. **Flags**. Each development may display no more than three flagpoles, and in addition, each single-family detached residential lot within each development may display not more than one flag and flagpole. Each flagpole is allowed one flag. In nonresidential districts, the flagpole must not exceed the maximum allowed building height. In residential districts, the maximum height of the flagpole is 25 feet. The length of the flag must not exceed one-quarter the length of the flagpole. The size of the flag must be calculated accordingly.

C. Single-Family Residential, CUP, and NUP Districts

Within the single-family residential, CUP, and NUP districts, standards for signs are as follows:

1. Freestanding signs.

a. One maximum 32 square feet, freestanding sign per business or institutional ~~lot~~ use is allowed for each street on which the lot has frontage.

b. One maximum 32 square feet, freestanding sign or two single-

faced freestanding signs no larger than 16 square feet each, is allowed for each side of a platted single-family subdivision entrance.

c. The maximum height is 6 feet.

d. Changeable copy is not allowed.

e. Only external illumination is allowed, and the light source must be screened from view with evergreen plantings as approved by the Director.

2. Other signage.

a. Each residence may display up to 12 square feet of signage with no single sign being larger than 4 square feet.

b. Each development may post one banner, maximum 24 square feet, maximum 5 feet high, for a maximum of 40 days, between May 1 and June 15. A permit is not required.

3. **Flags.** Each development may display no more than three flagpoles, and in addition, each single-family detached residential lot within each development may display not more than one flag and flagpole. Each flagpole is allowed one flag. In non-residential districts, the flagpole must not exceed the maximum allowed building height. In residential districts, the maximum height of the flagpole is 25 feet. The length of the flag must not exceed one-quarter the length of the flagpole. The size of the flag must be calculated accordingly.

D. TR, A, and A-L Districts

Within the TR, A, and A-L districts, standards for signs are as follows:

1. Freestanding signs.

a. One freestanding sign per right-of-way frontage is allowed, and it must be located at a project entrance.

b. The maximum height is 6 feet.

c. The maximum size is 32 square feet.

d. Changeable copy is not allowed.

e. Only external freestanding sign illumination is allowed, and the light source must be screened from view with evergreen plantings as approved by the Director.

f. The freestanding sign structure must be constructed of the same material as the predominant material of the principal building as determined by the Director.

2. Other signage.

a. Each residence may display up to 12 square feet of signage with no single sign being larger than 4 square feet.

b. Each development may post one banner, maximum 24 square feet in area, maximum 5 feet high, for a maximum of 40 days, between May 1 to June 15. A permit is not required.

3. **Flags**. Each development may display no more than three flagpoles. Each flagpole is allowed one flag. In nonresidential districts, the flagpole must not exceed the maximum allowed building height. In residential districts, the maximum height of the flagpole is 25 feet. The length of the flag must not exceed one-quarter the length of the flagpole. The size of the flag must be

calculated accordingly.

E. O-I District

Within the O-I district, standards for signs are as follows:

1. Billboards.

a. Along, and oriented toward, state-numbered primary routes or national highways only.

b. At least 500 feet from all residential or agricultural districts.

c. Minimum 50-foot setback from right-of-way.

d. Minimum of 1,500 feet from any other billboards or freestanding sign, except standard informational signs.

e. The lot on which the billboard is located must have sufficient area to accommodate the fall zone, and except for the sign, no parking areas, pedestrian areas, roadways, buildings, structures, or appurtenances may be contained in the fall zone.

f. The maximum height is 12 feet.

2. Freestanding signs.

a. One freestanding sign per right-of-way frontage is allowed, and it must be located at a project entrance.

b. The maximum height is 6 feet.

c. The maximum size is 32 square feet.

d. Changeable copy is not allowed.

e. Only external freestanding sign illumination is allowed, and the light source must be screened from view with evergreen plantings as approved by the Director.

f. The freestanding sign structure must be constructed of the same material as the predominant material of the principal building.

3. Wall signs.

a. Two wall signs are allowed per business. Single-tenant buildings and end units of multi-tenant buildings are allowed one additional wall sign.

b. One sign must be flush against the wall. Its maximum size is 12 square feet.

c. A second sign, if used, must be perpendicular to the wall. Its maximum size is 2 square feet.

d. Signs must be one unit, as opposed to individually mounted letters.

e. Changeable copy is not allowed.

f. Only external wall sign illumination is allowed, and the light must be directed downward.

g. Wall signs must not cover architectural features or details and not extend beyond the roof line or outer edges of the building.

4. **New occupancy signage.** The following signs may be erected for a single period of no more than 48 consecutive hours, which period must occur within two months of the issuance of a certificate of occupancy for structures located on the property on which the sign is erected:

a. One banner that does not exceed 24 square feet in area (see Sec. 9.2.4.A.2~~9.2.4.A.2~~). A separate permit is required for this banner.

b. One, 4 square feet temporary sign.

c. One inflatable device, with a maximum size of 2,000 cubic feet, and a maximum height of 20 feet. The vendor or owner of the inflatable device must indicate the method of inflation, chemicals used, sign a hold harmless agreement, and provide evidence of liability insurance.

d. One search light or similar device provided the light must be extinguished by 11:00 p.m.

e. Temporary outside display of merchandise, provided:

i. Such display must be located next to the building entrance door while maintaining a minimum 36-inch clear and unobstructed walkway to the door; and

ii. Such display must be brought inside of the business at close of business day.

5. **Flags.** Each development may display no more than three flagpoles. Each flagpole is allowed one flag. In nonresidential districts, the flagpole must not exceed the maximum allowed building height. In residential districts, the maximum height of the flagpole is 25 feet. The length of the flag must not exceed one-quarter the length of the flagpole. The size of the flag will be calculated accordingly.

F. MIX Districts

Within the MIX district, standards for signs are as follows:

1. Freestanding signs.

a. One freestanding sign per right-of-way frontage is allowed, and it must be located at a project entrance.

b. The maximum height is 6 feet.

c. The maximum size is 32 square feet.

d. Changeable copy is not allowed.

e. Only external freestanding sign illumination is allowed, and the light source must be screened from view with evergreen plantings as approved by the Director.

f. The freestanding sign structure must be constructed of the same material as the predominant material of the principal building.

2. Wall signs.

a. Two wall signs are allowed per business. Single-tenant buildings and end units of multi-tenant buildings are allowed one additional wall sign.

b. One sign must be flush against the wall. Its maximum size is 12 square feet.

c. A second sign, if used, must be perpendicular to the wall. Its maximum size is 2 square feet.

d. Signs must be one unit, as opposed to individually mounted letters.

e. Changeable copy is not allowed.

f. Only external wall sign illumination is allowed, and the light must be directed downward.

g. Wall signs must not cover architectural features or details and not extend beyond the roof line or outer edges of the building.

3. **New occupancy signage**. The following signs may be erected for a single period of no more than 48 consecutive hours, which period must occur within two months of the issuance of a certificate of occupancy for structures located on the property on which the sign is erected:

   a. One banner that does not exceed 24 square feet in area (see Sec. 9.2.4.A.2~~9.2.4.A.2~~). A separate permit is required for this banner.

   b. One, 4 square feet temporary sign.

   c. One inflatable device, with a maximum size of 2,000 cubic feet, and a maximum height of 20 feet. The vendor or owner of the inflatable device must indicate the method of inflation, chemicals used, sign a hold harmless agreement, and provide evidence of liability insurance.

   d. One search light or similar device provided the light must be extinguished by 11:00 p.m.

   e. Temporary outside display of merchandise, provided:

      i. Such display must be located next to the building entrance door while maintaining a minimum 36-inch clear and unobstructed walkway to the door; and

      ii. Such display must be brought inside of the business at close of business day.

4. **Other signage.**

   a. Each residence may display up to 12 square feet of signage with no single sign greater than 4 square feet.

   b. Each development may post one banner, maximum 24 square feet, maximum 5 feet high, for a maximum of 40 days, between May 1 to June 15. A permit is not required.

5. **Flags.** Each development may display no more than three flagpoles and in addition, each single-family detached residential lot within each development may display not more than one flag and flagpole. Each flagpole is allowed one flag. In non-residential districts, the flagpole must not exceed the maximum allowed building height. In residential areas, the maximum height of the flagpole is 25 feet. The length of the flag must not exceed one-quarter the length of the flagpole. The size of the flag will be calculated accordingly.

G. C-1 District

Within the C-1 district, standards for signs are as follows:

1. Billboards.

   a. Along, and oriented toward, state-numbered primary routes or national highways only.

   b. At least 500 feet from all residential or agricultural districts.

   c. Minimum 50-foot setback from right-of-way.

   d. Minimum of 1,500 feet from any other billboards or freestanding signs, except standard informational signs.

   e. The lot on which the billboard is located must have sufficient area to

accommodate the fall zone, and except for the sign, no parking areas, pedestrian areas, roadways, buildings, roadways, structures, or appurtenances may be contained in the fall zone.

f. The ~~M~~maximum height is 12 feet.

~~g. In compliance with applicable height standards for the district in which located.~~

2. **Freestanding signs**.

a. One freestanding sign per right-of-way frontage is allowed, and it must be located at a project entrance.

b. The maximum height is 6 feet.

c. The maximum size is 32 square feet.

d. Changeable copy is not allowed.

e. Only external freestanding sign illumination is allowed, and the light source must be screened from view with evergreen plantings as approved by the Director.

f. The freestanding sign structure must be constructed of the same material as the predominant material of the principal building.

3. Wall signs.

a. Two wall signs are allowed per business. Single-tenant buildings and end units of multi-tenant buildings are allowed one additional wall sign.

b. One sign must be flush against the wall. Its maximum size is 12 square feet or 3% of the wall area.

c. The second sign, if used, must be perpendicular to the wall. Its maximum size is 2 square feet.

d. Signs must be one unit, as opposed to individually mounted letters.

e. Changeable copy is not allowed.

f. Only external wall sign illumination is allowed, and the light must be directed downward.

g. Wall signs must not cover architectural features or details and not extend beyond the roof line or outer edges of the building.

4. **New occupancy signage.** The following signs may be erected for a single period of no more than 48 consecutive hours, which period must occur within two months of the issuance of a certificate of occupancy for structures located on the property on which the sign is erected:

a. One banner that does not exceed 24 square feet in area (see Sec. 9.2.4.A.2~~9.2.4.A.2~~). A separate permit is required for this banner.

b. One, 4 square feet temporary sign.

c. One inflatable device, with a maximum size of 2,000 cubic feet, and a maximum height of 20 feet. The vendor or owner of the inflatable device must indicate the method of inflation, chemicals used, sign a hold harmless agreement, and provide evidence of liability insurance.

d. One search light or similar device provided the light must be extinguished by 11:00 p.m.

e. Temporary outside display of merchandise, provided:

i. Such display must be located

next to the building entrance door while maintaining a minimum 36-inch clear and unobstructed walkway to the door; and

ii. Such display must be brought inside of the business at close of business day.

5. **Flags.** Each development may display no more than three flagpoles. Each flagpole is allowed one flag. In nonresidential districts, the flagpole must not exceed the maximum allowed building height. In residential districts, the maximum height of the flagpole is 25 feet. The length of the flag must not exceed one-quarter the length of the flagpole. The size of the flag will be calculated accordingly.

9.2.5. Overlays and Form-Based Codes

A. This Sub-section Takes Precedence

The requirements of this Sec. 9.2.5~~9.2.5~~ (Overlays and Form-Based Codes) take precedence over citywide requirements within the given overlay or Form-Based Code.

B. State Route 9 Overlay District and Deerfield/Hwy 9 Form-Based Code Signs

In the State Route 9 Overlay District and Deerfield/Hwy 9 Form-Based Code the following signage standards apply:

1. All freestanding signs must be monuments with the width of the base equal to the width of the sign face. When placed back-to-back, the sign cabinets must be exactly the same dimension in height and width. The structure and base ~~should~~ must match the principal building materials as determined by the Director.
2. Multi-tenant developments are allowed one primary monument for the overall development which must not exceed 48 square feet in area and 12 feet high.
3. Multi-tenant developments on corner lots are allowed an additional monument ~~sign~~ on the secondary street at the project entrance which must not exceed 24 square feet in area and 4 feet high.
4. For multi-tenant retail, commercial, office, or institutional developments:
   a. Each tenant is allowed one banner that does not exceed 24 square feet in area, per the time limits stated in Sec. 9.2.4.A.2~~9.2.4.A.2~~.
   b. The banner must be placed on the tenant's storefront or wall space.
   c. If the building location renders installation on the wall not visible from the road, an administrative variance may be applied for to allow the banner to be installed on the ground. The variance will condition the banner placement to a specific location on the development.
      i. All ground-mounted banners must be installed on a PVC frame, or its equivalent.
      ii. If the banner is required to be placed behind a fence, the banner must not exceed 12 feet high.
   d. No more than four ground-mounted banners may be displayed in a zoned development at one time.

5. Single-tenant sites and outparcels are limited to one monument that does not exceed 32 square feet in area and 6 feet high.
6. Gas stations, convenience stores, discount warehouses and similar facilities that sell gasoline may have an additional monument up to 24 square feet in area and up to 6 feet in height.
7. Two or more businesses that share a single-tenant space are limited to one monument ~~sign~~, that does not exceed 32 square feet in area and 6 feet high.
8. Monuments ~~signs~~ must be at least 10 feet from the public right-of-way and at least 35 feet from any other identification monument.
9. Monument ~~sign~~s must not be internally illuminated.
10. Each place of business is allowed a maximum of two wall signs.
11. Wall signs many only face public streets and pedestrian parking areas.
12. Wall signs must not exceed 100 square feet in area or 5% of the applicable wall area, whichever is less. The length of the sign must not exceed ten times the height of the sign. The area of the doors and spandrel glass panels are excluded from the calculation of the applicable sign area.
13. Permanent and temporary signs in windows must not exceed 20% of each window. No window signs are allowed in clerestory windows. In no case may window signs exceed 10% of total wall area of the applicable elevation.
14. The following information may be permanently displayed in windows or glass doors and is exempt from the 20% limit: street address, required to be posted by local, state, or federal governments. The lettering for this information must be 4 inches tall or as required by the fire prevention code. Also exempt is security information.
15. Notwithstanding the prohibitions in Sec. 9.2.5.B.18 below~~9.2.5.B.18 below~~, each commercial establishment is allowed two internally illuminated window signs. If the establishment has a single internally illuminated window sign, the sign may be a maximum of 4 square feet in area and may be neon or LED illumination. If the establishment has two internally illuminated window signs, neither sign may be larger than 2 square feet in size and only one may be neon or LED, while the second may be of other illumination. All internally illuminated window signs must be positioned on the interior of the window, not more than 10 feet from the floor. At least one sign must be not more than 5 feet from the main public entrance to the commercial establishment. No internally illuminated window sign may blink, flash, fluctuate or be animated in any way. Internally illuminated window signs may only be illuminated when the commercial establishment is open to the public for business.
16. Wall signs must be flush against the wall, not cover architectural features or details, and not extend beyond the roof line or outer edges of the building.
17. Awnings and canopy signs with names are considered signs and may be substituted for monuments or wall signs. If substituted, they must be included in the maximum area

calculations.

18. Permitted colors for sign structures, but not sign faces, are limited to those listed in the table below. ~~The color standards apply only to the sign structure not to the sign face. See the following table.~~

Permitted Colors for Sign Structure	
The following numbers refer to the Pantone Matching System, an international color matching system	
White	*Reds* 168C, 181C, 483C, 484C, 675C, 1685C, 4975C
Browns, Beiges and Tans 462C to 468C; 4625C to 4685C, 469C, 474C, 475C; 4695C to 4755C 478C, 719C to 731C 476U to 482U 719U to 725U 726U to 732U	*Red-Browns* 1154U, 1395 1405U

~~19.~~ Wall signs may be internally or externally illuminated.

19.

20. Sign prohibitions and limitations

~~20.~~a. The following sign types are prohibited:

i. Blinking, rotating, projecting, flashing, fluctuating or otherwise animated.

ii. Changeable copy signs.

iii. Electronic/manual reader boards, changeable copy.

iv. Internally illuminated window signs (except as allowed in Sec. 9.2.5.B.14 above~~9.2.5.B.14 above~~).

v. Portable, attached to vehicles.

vi. Posters, placards.

vii. Pylon, pole, lollypop.

viii. Roof, marquee.

ix. Sandwich, a-frame.

b. Vehicles with lettering or graphics greater than 2 inches in height identifying or promoting a business or commercial activity must not be parked or stored within 100 feet of the curb of any public right-of-way. This standard does not apply to vehicles used regularly for delivery, pick-ups, service calls, or transporting customers, except that such vehicles must not be parked within 50 feet of the curb of any public right-of-way after hours if the vehicles are visible from the public right-of-way.

~~21. Wall signs may be internally or externally illuminated.~~

C. Crabapple Form-Based Code Signs

In the Crabapple Form-Based Code the following signage standards apply:

1. Freestanding signs~~.~~

a. All freestanding signs must meet the following standards:

i. Signs must not have changeable copy including, but not limited to, scrolling, rotating, flashing, and computerized changeable copy. Theaters, schools, places

of worship, parks, and gas stations may have changeable copy that is changed manually.

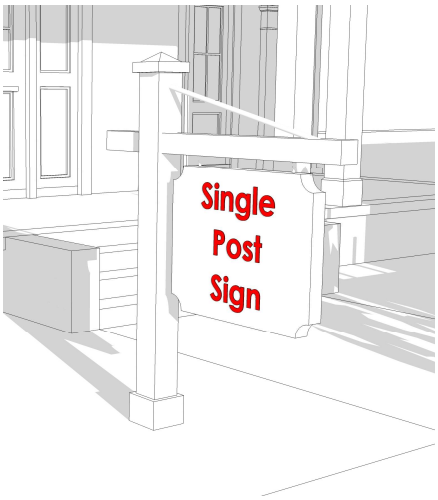
ii. Only external illumination is allowed, and the light must be screened from view with evergreen plantings as approved by the Director.

iii. The sign structure must be constructed of wood, brick or stone or a material which has the appearance of wood, brick, or stone as ~~approved~~ determined by the Director and to the extent possible must be the same material as the predominant material of the principal building.

iv. The sign face and sign letters must be made of wood, a material which has the appearance of carved, distressed, or sandblasted wood or stone as determined ~~approved~~ by the Director. Plastic inserts are prohibited.

v. The sign may be supported on one side or on both sides (i.e., single post or double post signs).

b. For nonresidential multi-tenant buildings and developments, freestanding signs must meet the following standards:

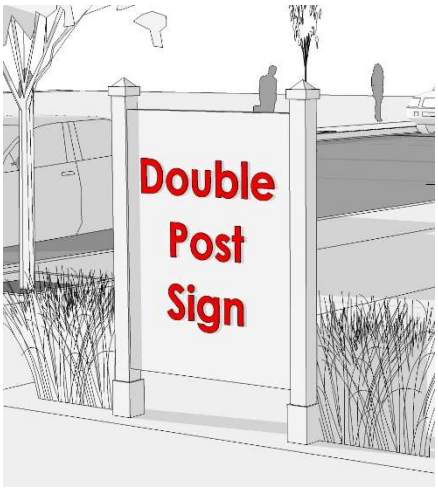


i. The maximum height is 8 feet.

ii. The maximum sign area is 32 square feet.

iii. One sign per right-of-way frontage is allowed, and it must be located at a project entrance.

c. For nonresidential single-tenant buildings, freestanding signs must meet the following standards:



i. The maximum height is 6 feet.

ii. The maximum sign area is 20 square feet.

iii. One sign per right-of-way frontage is allowed, and it must

be located at a project entrance.

d. For residential uses, freestanding signs must meet the following standards:

i. The maximum height is 6 feet.

ii. Each residential development is allowed two, 12 square foot freestanding signs, which must not exceed a total area of 24 square feet, or one 16 square foot sign, per entrance.

2. **Wall signs.** Wall signs must meet the following standards:

a. Changeable copy is not allowed.

b. Only external wall sign illumination is allowed, and the light must be directed downward.

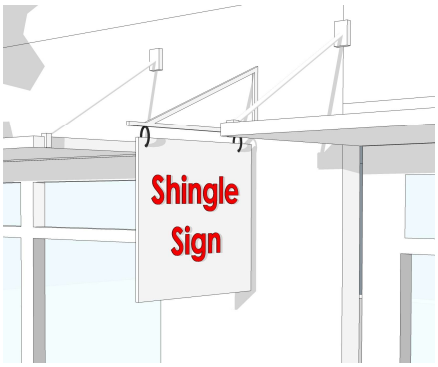
c. Wall signs must not cover architectural features or details and not extend beyond the roof line. Wall signs may hang from the building.

d. Wall sign faces must be made of wood or other material which has the appearance of carved, distressed, or sandblasted wood as determined ~~approved~~ by the Director.

e. A business is allowed one wall sign. The sign may be flush against the wall or it can hang from the building. The sign area must not exceed 3% of the applicable wall area. The area of the doors and spandrel glass panels are excluded from the calculation of the applicable wall area.

f. Single-tenant buildings and end units of multi-tenant buildings are allowed one additional wall sign. Businesses whose primary entrance faces an interior parking lot or courtyard are allowed one additional wall sign. The maximum size for either of these signs must not exceed 3% of the applicable wall area.

g. A business is allowed one additional shingle/blade sign, perpendicular to the wall, that does not exceed 4 square feet in area.



3. **Other signage.**

a. Permanent and temporary signs in windows must not exceed 20% of each window. No window signs are allowed in clerestory windows. In no case may window signs exceed 10% of the total wall area of the applicable elevation.

Notwithstanding the prohibitions contained in Sec. 9.2.5.C.5 below~~9.2.5.C.5 below~~, each commercial establishment is allowed two internally illuminated window signs. If the establishment has a single internally illuminated window sign, the sign may be a maximum of 4 square feet in size and may be neon or LED illumination. If the establishment

has two internally illuminated window signs, neither sign may be larger than 2 square feet in size and only one may be neon or LED, while the second may be of other illumination. All internally illuminated window signs must be positioned on the interior as a window sign, not more than 10 feet from the floor, with at least one sign being not more than 5 feet from the main public entrance to the commercial establishment. None of the internally illuminated window signs may blink, flash, fluctuate or be animated in any way. Internally illuminated window signs may only be illuminated during the time the commercial establishment is open to the public for business.

b. A business is allowed one sandwich board sign. The sign must be:

   i. Single or double faced.

   ii. Metal or wood framed (no plastic).

   iii. Black or green, chalkboard type face.

   iv. In an ADA-compliant location (minimum 36 inches from the building); no more than 10 feet from building.

   v. Located so as not to impede pedestrian or vehicular traffic;

   vi. Not placed in tree island or landscape strip.

   vii. Maximum height of 4 feet, 6 square feet per panel.

   viii. Brought inside at the close of business.

4. **Sign structure colors.** Permitted colors for sign structures, but not sign faces, are limited to those listed in the table below.

Permitted Colors for Sign Structure	
The following numbers refer to the Pantone Matching System, an international color matching system	
1807C	497
2C-7C	553
289C	5536
316C	539
401C-405C	548
407C-412C	5467
423C	5743U
424C-425C	5747U
448C-450C	5757U
4485U	5773U
4495C	5815U
451C	5835
4505C	625U
4515C-4525C	627U
455C	Warm Grey 5C-7C
462U	Warm Grey 8-11
464U	
476U	
478U	
484C	
4491C	

5. **Prohibited signs.** The following sign types prohibited:

   a. Monument;

   b. Pylon, pole, lollypop, projecting signs.

   c. Roof, marquee.

   d. Electronic or manual reader boards, changeable copy signs.

   e. Any sign that rotates, flashes, blinks, scrolls, fluctuates, or is in any other way animated.

f. Portable, excluding sandwich signs.

g. Posters, placards.

D. Birmingham Crossroads Signs

In the Birmingham Crossroads of the Rural Milton Overlay district, the following sign standards apply:

1. Freestanding signs

a. All freestanding signs must meet the following standards:

i. Signs must not have changeable copy, including scrolling, rotating, flashing, and computerized changeable copy.

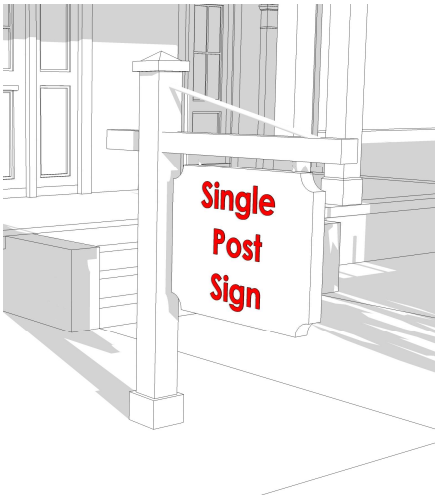
ii. Only external wall sign illumination is allowed, and the light must be directed downward.

iii. The sign structure must be constructed of wood, brick, or stone and to the extent possible, must be the same material as the predominant material of the principal building as determined by the Director.

iv. The sign face must be made of wood, a material which has the appearance of carved, distressed, or sandblasted wood, or stone, as ~~approved~~ determined by the Director. Plastic inserts are prohibited.

v. The sign may be supported either on one side or on both sides (i.e., shingle sign).

b. For nonresidential multi-tenant buildings and developments, freestanding signs must meet the following standards:



i. The maximum height is 8 feet.

ii. The maximum size of the sign area is 32 square feet.

iii. There may be one freestanding sign per right-of-way frontage.

c. For nonresidential single-tenant buildings, freestanding signs must meet the following standards:

i. The maximum height is 6 feet.

ii. The maximum size of the sign area is 20 square feet.

iii. There may be one freestanding sign per right-of-way frontage.

d. For residential uses, freestanding signs must meet the following standards:

i. The maximum height is 6 feet.

ii. The maximum size is 16 square feet.

iii. Each residential development may have a maximum of one sign per entrance.

2. Wall signs

a. Changeable copy is not allowed.

b. If illuminated, wall signs must be externally illuminated, with the lighting directed downward.

c. Wall signs must not cover architectural features or details and not extend beyond the roof line.

d. Wall sign faces must be made out of wood or other material which has the appearance of carved, distressed, or sandblasted wood as ~~approved~~ determined by the Director.

e. A business is allowed one wall sign. The sign may be flush against the wall or it can hang from the building. The size must not exceed 3% of the applicable wall area. The area of the doors and spandrel glass panels are excluded from the calculation of the applicable sign area.

f. Single-tenant buildings and end units of multi-tenant buildings are allowed one additional wall sign. Businesses whose primary entrance faces an interior parking lot or courtyard are allowed one additional wall sign. The maximum size for either of these signs must not exceed 3% of the applicable wall area.

g. A business is allowed one additional shingle/blade sign, perpendicular to the wall, that does not exceed 4 square feet in area.



h. A portion of the wall sign can be placed on an overhang or a canopy.

3. Other signage

a. Permanent and temporary signs in windows must not exceed 20% of each window and must not block visibility from outside the store. No window signs are allowed in clerestory windows. In no case may window signs exceed 10% of the total wall area of the applicable elevation. Internally illuminated window signs are prohibited.

b. A business is allowed one sandwich board sign. The signs must be:

i. Black or green, chalkboard type.

ii. Brought inside at the close of business.

iii. In an ADA-compliant location (minimum 36 inches from the building); no more than 10 feet from building.

iv. Maximum height of 4 feet, 6 square feet per panel.

v. Metal or wood framed (no plastic).

vi. Not allowed to impede pedestrian or vehicular traffic.

vii. Not placed in tree island or

landscape strip.

viii. Single or double faced.

4. **Sign structure colors.** Permitted colors for Birmingham Crossroads sign structures, but not sign faces, are limited to those listed below.

Permitted Colors for Sign Structure	
The following numbers refer to the Pantone Matching System, an international color matching system	
1807C	4975
2C-7C	553
289C	5363
3316	539
401C-405C	548
407C-412C	5467
412C	5743U
415-419C	5747U
423C	5757U
424C-425C	5773U
448C-450C	5815U
4485U	5835U
4495C	625U
451C	627U
4505C	Warm Grey 5C-7C
4515C-4525C	Warm Grey 8-11
455C	
462U	
464U	
476U	
478U	
484C	
491C	

5. **Prohibited signs.** The following sign types are prohibited:

   a. Pylon, pole, lollypop, projecting signs.

   b. Monument signs.

   c. Roof, marquee signs.

   d. Electronic or manual reader boards, changeable copy signs.

   e. Any sign that rotates, flashes, blinks, scrolls, fluctuates, or is in any other way animated.

   f. Portable signs, excluding sandwich board signs.

   g. Posters, placards.

   h. Internally illuminated wall signs.

9.2.6. Master Signage Plan

A. Purpose

1. A master signage plan is an administrative permit which establishes standards (size, design, location, etc.) for all exterior signs associated with a multi-tenant or multibuilding development. The master signage plan must ensure long term aesthetic compatibility of signage throughout the development. The requirements of this sub-section are in addition to the overlay signage requirements of this UDC. In the event of any conflict between this section and the overlay signage requirements, this sub-section will prevail.

2. The goal of a master signage plan is to:

   a. Adequately and effectively communicate business identity and type to the public;

   b. Promote consistency among signs within a development, thus creating visual harmony between signs, buildings, landscaping and other components of the property;

   c. Enhance the compatibility of signs with the architectural and site design features in a development;

   d. Encourage signage that is in character with planned and

existing uses, thus creating a unique sense of place;

e. Protect the community from sign clutter and visual blight resulting from excessive and redundant signs.

B. Applicability.

A master signage plan is required for all new developments and newly zoned multiple tenant, commercial buildings, all multi building or multi occupant commercial or office developments, all mixed use developments, single-family and multifamily developments.

C. Approval authority.

1. A master signage plan for a property that is undeveloped and does not require rezoning must be reviewed by the Director as part of the site plan review process, and must be approved by the Director. If the property requires rezoning or a use permit, it will be reviewed as part of the rezoning/use permits process, and will be approved by the City Council.

   A separate sign permit is required for all nonexempt signs.

2. The master signage plan must utilize the types of signs described in this Sec. 9.2.6~~9.2.6~~ to create a harmonious, consistent system of signage that improves the public safety within the development.

D. Application requirements.

1. A master signage plan application is a written and/or illustrated document that depicts the proposed signs and must include the following:

   a. Proposed sign palette, which may include:

      i. Entryway signs.

      ii. Primary multi-tenant freestanding signs.

      iii. Secondary multi-tenant freestanding signs.

      iv. Single-tenant/outparcel freestanding signs.

      v. Office/industrial park project freestanding signs.

      vi. Residential development freestanding signs.

      vii. Secondary residential development freestanding signs.

      viii. Tenant directory freestanding signs.

      ix. Tenant directory wall signs.

      x. Directional freestanding signs.

      xi. Temporary standard informational signs.

      xii. Real estate signs.

      xiii. Temporary banners.

      xiv. Signs during construction.

      xv. Wall signs.

      xvi. Shingle/blade signs.

      xvii. Window signs/graphics.

      xviii. Awning/canopy signs.

      xix. Tenant informational signs.

   b. Site plan, drawn to scale, of the entire development/area showing the location of all proposed signs included in the sign palette.

   c. Size and number of all proposed signs, including maximum area,

letter height, number height, etc.

d. Color and ~~style~~ material palette for all signs, including context of where signs are to be placed on any given facade.

e. Type of illumination proposed (i.e., external, internal).

f. Landscaping and/or ornamental structures including fences, fountains, public art, ground cover and other landscaping elements that are intended to complement the proposed sign palette and design.

g. Site location map.

h. Photos of property as it appears from the street.

i. Any other information reasonably required by the Director to determine compliance with the design guidelines.

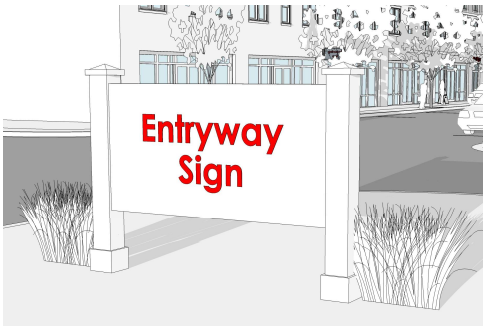
E. Design Guidelines

The following sign design guidelines are designed to help ensure quality signs that communicate their message in a clear fashion. Because not all design criteria may be workable or appropriate for each sign or project, the Director or City Council may allow deviation from the design guidelines in their application to specific signs or projects, where the proposed master signage plan creates a harmonious, consistent system of signage that improves the public safety within the development. The following sub-paragraphs provide examples of acceptable forms of signage.

1. Entryway signs

Entryway signs are ground signs which are placed on the perimeter of a mixed-use development, community or area. Such signs may flank both sides of the entrance and may include ground or landscape wall sign types. An entryway sign may identify the name of the community and/or interior businesses or communities.

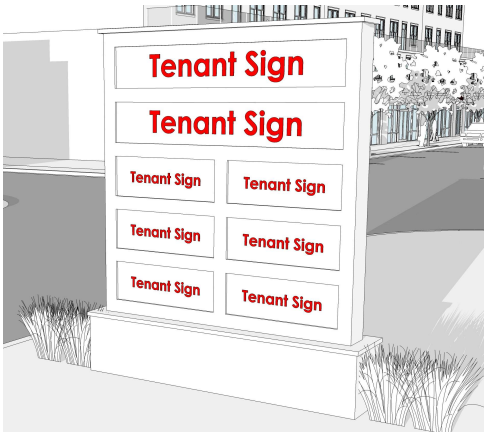


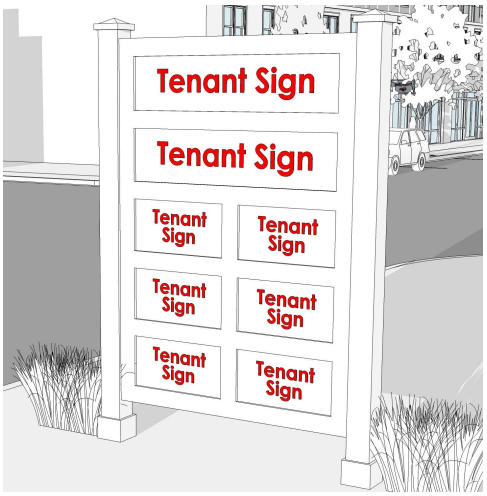




2. Primary multi-tenant freestanding signs

Primary multi-tenant freestanding signs are freestanding signs located on a multi-tenant site, and which are orientated to be visible from the road. Primary multi-tenant freestanding signs may provide formal identification of the entire project to arterial traffic.

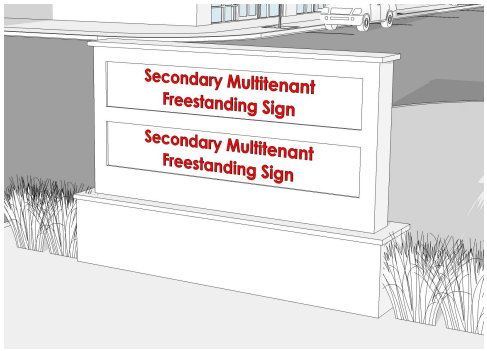






3. Secondary multi-tenant freestanding signs

Secondary multi-tenant freestanding signs are freestanding signs located on a corner lot, on a multi-tenant site, and which are orientated to be visible from the road. Secondary multi-tenant freestanding signs may provide formal identification of the entire project or one or some of the project's tenants.

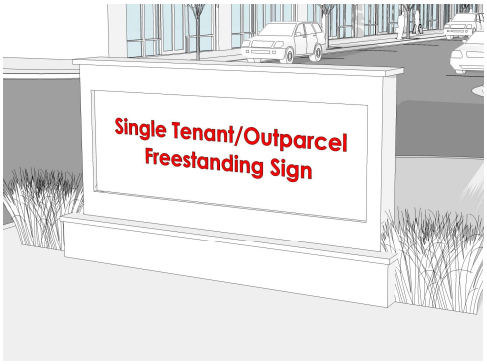


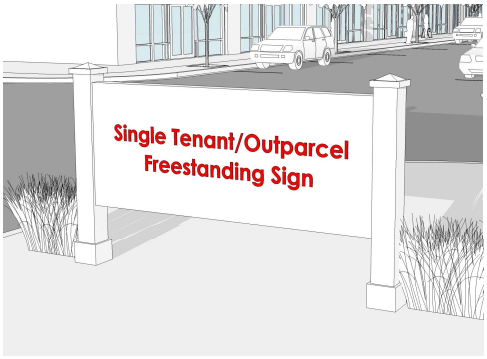




4. Single-tenant/outparcel freestanding signs

Single-tenant/outparcel freestanding signs are signs located on single-tenant sites and outparcels, and which are orientated to be visible from the road. Single-tenant/outparcel freestanding signs may provide formal identification of the business located on the site.



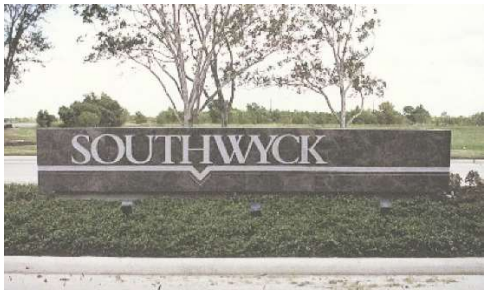




5. Office/industrial park project identification freestanding signs

Office/industrial park project identification freestanding signs are freestanding signs which are located at the entrance to a platted office or industrial park. Office/industrial park project identification freestanding signs may identify the platted name of the office or industrial park.





6. Residential development freestanding signs

Residential development freestanding signs are freestanding signs located at the entrance to a residential development. Residential development freestanding signs may identify the name of a single family, townhome or apartment development.







7. Secondary residential development freestanding signs

Secondary residential development freestanding signs are pillar-type freestanding signs which are located at different phases within a residential development, or at the entrance to an amenity area within a residential development. A secondary residential development freestanding sign may indicate the name of the phase or unit within a single-family or townhome residential development.







8. Tenant directory freestanding signs

Tenant directory freestanding signs are ground signs which are placed internal to the development or community, and cannot be read from the right-of-way. They may provide a listing of the names of businesses, activities, addresses, locations, uses or places within a building or complex of buildings for the purpose of identification.





9. Tenant directory wall signs

Tenant directory wall signs are signs which are placed internal to the development or community, and are not intended to be read from the right-of-way. These signs may provide a listing of the names of businesses, activities, addresses, locations, uses or places within a building or complex of buildings for the purpose of identification. Tenant directory wall signs must not exceed 12 square feet in area.





10. Directional freestanding signs

Directional freestanding signs are signs used at driveways to improve public safety and to enhance public access to the site from public streets. These signs may be used to direct pedestrian or vehicular traffic on a parcel. If lighted, directional freestanding signs must be externally illuminated. These signs must have a maximum height of 3 feet.







11. Temporary standard informational signs.

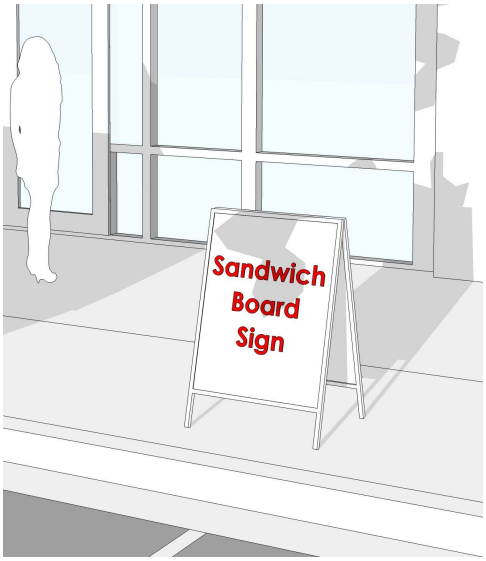
Temporary standard informational signs are signs located on private property, with an area of not greater than 4 square feet, with a sign face made for short-term use, containing no reflecting elements, flags, or projections and which, when erect, stands at a height not greater than 5 feet and are mounted on a stake or metal frame with a thickness or diameter not greater than 1½ inches. There may be no more than three temporary standard informational signs per residential lot, and no more than one per commercial lot.





12. Sandwich boards

Sandwich boards are A-frame signs with a black or green chalkboard type face, with a wood frame. The maximum height of sandwich boards is 4 feet, with a maximum sign face of 6 square feet per panel.





13. Temporary freestanding signs

Temporary freestanding signs are signs which are erected while a tenant space, building or vacant lot is currently for sale, lease or rent. A property or space for sale or lease is allowed one temporary freestanding sign per road frontage. On major roads, as defined in Sec. 9.2.4~~9.2.4~~, temporary freestanding signs are allowed to be a maximum of 9 square feet in size, while such signs are allowed to be a maximum of 6 square feet in size on all other roads. Temporary freestanding signs must have a maximum height of 9 feet.





14. Temporary Banners

Temporary banners are signs, other than flags, with or without characters, letters, illustrations, or ornamentation applied to cloth, paper, vinyl or fabric that are intended to be hung either with a frame or without a frame. Neither flags nor canopy signs are considered banners. (Canopy signs are counted toward wall signage).





15. Signs During Construction

Signs during construction are temporary, freestanding signs that are allowed beginning with the start of construction and ending with the issuance of the last certificate of occupancy, or two years, whichever occurs first. Thereafter, the permittee may reapply for a renewal permit subject to same termination conditions as above. If illuminated, the sign must be externally illuminated. Signs during construction must not exceed 12 square feet in area and 5 feet high.



16. Wall Signs

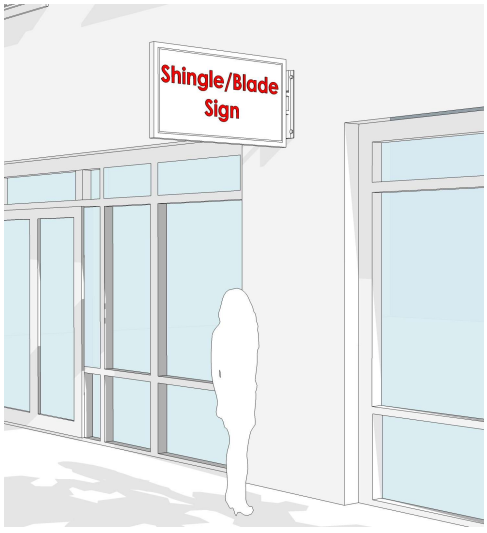
Wall signs are any signs attached parallel to a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure and which display only one sign surface. Wall signs must be flush with the wall, building, or structure to which it is mounted or affixed, except as otherwise set forth herein.





17. Shingle/Blade Signs

Shingle/blade signs are signs suspended from a roof overhang of a covered porch or walkway or attached to a building wall fascia, which may, for example, identify the tenant of the adjacent space. These signs must be installed perpendicular to the wall.





18. Window Signs/Graphic

Window sign/graphics are any sign, cut-out letters, painted text or graphics, window film, or other text or visual presentation that is affixed to the interior or exterior of the window or window panes, or within 5 feet of the interior of the window or window panes and is visible from the exterior of the structure.





19. Awning/canopy Signs

Awning/canopy signs are any sign that is a part of, or attached to, an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area. The term “awning/canopy sign” does not include a marquee. Awning/canopy signs may be substituted for monument or wall signs. If substituted, they must be included in the maximum size calculations.





20. Tenant Informational Signs

Tenant informational signs are wall or ground signs intended primarily for the convenience of the public or to ensure the orderly operation of the site, that may include, for example, signs designating restrooms, address numbers, public telephone and instructions regarding parking. Each tenant informational sign must be a maximum of 12 square feet, with no single sign greater than 4 square feet.



21. Prohibited Signs

The following types of signs are prohibited in the master signage plan:

a. Animated signs, flashing signs, rotating signs, and changeable copy signs.

b. Audible signs.

c. Beacons, search lights, laser lights or images (except where specifically allowed).

d. Graffiti.

e. Illegal activity signs.

f. Imitation traffic signs.

g. Internally illuminated window signs, including neon, except as allowed in Sec. 9.2.5.B.15~~9.2.5.B.15~~ and Sec. 9.2.5.C.3~~9.2.5.C.3~~.

h. Moving signs, sandwich boards and signs applied directly to sidewalk or curb, balloons, streamers or air or gas filled figures and other similar temporary signs (except where specifically allowed).

i. Obscene signs.

j. Portable signs, except that signs posted in the window of a vehicle, totaling one square foot, are permitted, unless the vehicle is parked within a nonresidential district or agricultural districts developed with a nonresidential use, with the intent to sell that vehicle.

k. Roof signs, Marquee signs.

l. Sign kiosks.

m. Signs attached to or painted on natural objects.

n. Signs in landscape strip unless approved by the City Arborist.

o. Signs in right-of-way, other than those belonging to a government, or public service agency.

p. Signs mounted on a utility pole, water tower or other similar structure, architectural features, traffic signal or traffic control box and cell towers.

q. Signs not maintained.

r. Temporary signs and banners attached to fences or walls (except where specifically allowed).

9.2.7. Violations and Penalties

A. Violations; Penalties

1. **Noncompliance.** No person may erect or allow to be erected on any premises owned or controlled by that person any sign which does not comply with the standards of this Sec. 9.2~~0~~ (Signs).

2. **Dangerous or defective condition.** No person may maintain or allow to be maintained on any premises owned or controlled by that person any sign which is in a dangerous or defective condition. Any such sign must be removed or repaired by the permittee of the sign, the owner of the premises, or as otherwise provided for in this Sec. 9.2~~0~~ (Signs).

3. **Separate violation**. Each sign installed, created, erected, or maintained in violation of this Sec. 9.2~~0~~ (Signs), and any sign allowed to be so installed, created, erected or maintained, will be considered a separate violation when applying the penalty portions herein.

4. **Public nuisance.** Any violation of this Sec. 9.2~~0~~ (Signs) is hereby declared to be a public nuisance.

5. **Penalties**. In the event of a violation of any violation of this Sec. 9.2~~0~~ (Signs), the City is entitled to pursue any one or more of the following remedies: suspension of the sign permit in accordance with Sec. 9.2.7.B.1~~9.2.7.B.1~~, revocation of the sign permit in accordance with Sec. 9.2.7.B.2~~9.2.7.B.2~~, termination of the sign permit in accordance with Sec.9.2.7.B.3~~9.2.7.B.3~~, citation in accordance with Sec. 9.2.7.B.4~~9.2.7.B.4~~, injunctive relief in accordance with Sec. 9.2.7.B.5~~9.2.7.B.5~~ and removal of the sign in accordance with Sec. 9.2.7.B.6~~9.2.7.B.6~~.

B. Suspension; Revocation, Termination, Citation, Removal

1. Suspension.

a. If a sign permit was issued by the City in error, the permit is void. Immediately upon discovery of facts suggesting that a permit was issued in error, the Director ~~must~~ may suspend the permit and give notice to the permittee of the suspension. The notice must advise the permittee of the determination that the permit was issued in error, the permit has been suspended, the reason(s) for the suspension, and that the permittee has 30 days to appeal the determination that the permit was issued in error pursuant to the procedures for appeals of administrative decisions.

b. No work may be performed pursuant to any sign permit while such permit is suspended.

c. If no appeal is filed within 30 days from the date of the notice, the permit will be deemed revoked.

d. Notwithstanding any provisions in this UDC to the contrary, if a final decision on an appeal of a sign permit suspension decision is not rendered within 60 days after the filing of a completed application for appeal of the decision to suspend the sign permit, the decision to suspend the permit will be deemed reversed and the sign permit will be reinstated upon request of the applicant.

2. Revocation

a. Before the start of work pursuant to a sign permit issued by the City, should it be determined that the sign permit was issued pursuant to an application containing a false material statement or omission, the Director ~~must~~ may revoke said permit and the subject sign will not be entitled to be erected.

b. A revocation pursuant to this sub-section is appealable pursuant to the procedures for appeals of administrative decisions outlined in this UDC. Notwithstanding any provisions in this UDC to the contrary, if a final decision on an appeal of a sign permit revocation decision is not rendered within 60 days after the filing of a completed application for appeal of the decision to revoke the sign permit, the decision to revoke the permit will be deemed reversed and the sign permit will be reinstated upon request of the applicant.

c. After the initiation of work pursuant to a sign permit issued by the City, should it be determined that the sign permit was issued pursuant to an application containing a false material statement or omission, the Director ~~must~~ may issue a stop work order on the erection of the sign and submit a recommendation to the City Council that the permit be revoked. The City Council must then conduct a revocation hearing in accordance with Sec. 9.2.7.C~~9.2.7.B.3~~, below.

3. Termination

A violation of any provision of this Sec. 9.2~~0~~ (Signs) once initiation of work pursuant to a sign permit issued by the City has begun is grounds for termination of the permit. No permit may be terminated until after the permittee is granted a public hearing as set forth in Sec.9.2.7.C ~~9.2.7.B.6~~ below.

4. Citation

If any sign or other device covered by this Sec. 9.2~~0~~ (Signs) is erected, constructed, altered, converted or used in violation of any provision of this Sec. 9.2~~0~~ (Signs), the Director may issue a citation. Any violation of this Sec. 9.2 ~~0~~ (Signs) is an offense, and the violator is subject to a fine of up to $1,000.00 per day or imprisonment for up to 60 days, or by both such fine and imprisonment. The citation will be prosecuted subject to the same procedures established for violations of this UDC.

5. Injunction

If any sign or other device covered by this Sec. 9.2~~0~~ (Signs) is found to be in violation of this Sec. 9.2~~0~~ (Signs) after a public hearing conducted in accordance with Sec. 9.2.7.C~~9.2.7.B.6~~ below, the City may seek an injunction against the continuing violation or take other appropriate action to prevent such unlawful erection, construction, alteration, conversion or use to correct or abate such violation.

6. Removal

a. If any sign or other device covered by this Sec. 9.2~~0~~ (Signs) is found to be in violation of this Sec. 9.2~~0~~ (Signs) after a public hearing conducted in accordance with Sec. 9.2.7.C~~9.2.7.C~~, the City may order the removal of the sign by written notice to the permit holder; or if there is no permit holder, then to the owner of the sign; or if the sign owner cannot be found or cannot be determined, then to the sign erector and any party that procured the erection of the sign. If a permit has been issued, such notice will operate to revoke the permit.

b. Procedure following removal order. If the sign is not removed within the time allowable pursuant to the City's written notice ordering removal pursuant to Sec. 9.2.7.C~~9.2.7.C~~ the City may remove or cause to be removed the sign and collect the costs therefor~~e~~ from the permit holder, the owner of the sign, the sign erector, any party that procured the erections of the sign, or the owner of the property on which the sign is located.

C. Notice

The Director must give the holder of a sign permit at least 14 days' written notice of any public hearing with respect to the termination of the sign permit, unless the urgency of the particular situation resulting in the hearing and the practical considerations of completing measures to comport with the standards of this Sec. 9.2~~0~~ (Signs) reasonably justify less notice in order to protect the public health, safety and welfare. The notice must include the date of the hearing; the violations alleged to have occurred that will be the subject of the public hearing, and the relief to be considered by the City Council. The notice must advise the permittee of the time and place of the hearing, their right to appear at the hearing and to contest the violation and proposed relief.

Upon notification by the Director of a sign or other device covered by this Sec. 9.2 ~~0~~ (Signs)being in violation of this Sec. 9.2 ~~0~~ (Signs), the City Council must schedule a public hearing at its next available regular meeting whereby the holder of the sign permit for the sign or device that is in violation can receive notice in compliance with Sec. 9.2.7.B.3~~9.2.7.B.3~~. At the public hearing the City Council must consider whether to terminate the permit and require such other relief as may be necessary to protect the public health, safety, and welfare. The hearing must be conducted in accordance with the minimum requirements for public hearings as set forth in the Georgia Zoning Procedures Law (O.C.G.A. § 36-66-1, et seq.).

9.3. Site Improvements

9.3.1. Applicability

These standards regulate site improvement and the provision of amenities related to site improvement.

9.3.2. Detention/Retention Facilities

On-site stormwater detention facilities must not be located within any required zoning buffer or landscape strip. Detention facilities must not be located within parking or loading areas unless approved by the Public Works Director. A 20-foot-wide landscape strip planted to buffer standards must be provided around the exterior of the detention area outside of the access easement or as may be approved by the City Arborist.

9.3.3. Dams

All dams must comply with the standards of the Safe Dam Act and Rules of Georgia Department of Natural Resources.

9.3.4. Setbacks from Pipeline Easement

A. Setback requirements. No buildings used for human occupancy may be within 40 feet of any easement containing a gathering or transmission line as defined in this UDC.

B. Land use restrictions. No building or structure, or part thereof, which is used for the manufacturing, processing, generation, or storage of any material in the following list~~ing~~ may be within 125 feet of any easement containing a gathering or transmission line as defined in this UDC: ~~gathering, or transmission line easement:~~

1. Highly combustible materials.
2. Corrosive materials.
3. Explosive materials.
4. Flammable materials.
5. Highly toxic materials.
6. Loose or combustible materials.
7. Materials that pose a hazard to human health.
8. Oxidizing materials.
9. Pyrophoric materials.
10. Water reactive materials.

C. Exceptions. This sub-section does not apply to:

1. Any land disturbance or construction necessary to provide access to a property, when no other reasonable access is permitted, or any building, land disturbance or construction necessary to provide utility service to a parcel of land.
2. Any land disturbance or construction on a gathering or transmission line by or on behalf of the owner or operator of the gathering or transmission line.
3. Any driveway, street, parking lot, ~~tennis~~ racket/paddle sport court, volleyball court, play area, recreational area, deck, patio, or any other impervious surfaces.

D. Variance Criteria

1. The reconstruction of any structure existing on the effective date of this UDC that that does not comply with the terms of this sub-section may be considered for an administrative variance in accordance with Sec. 12.4. Special consideration may be given for

reconstruction on the same footprint when safety permits.

2. Any other deviation to the requirements of this sub-section will be considered as a primary variance or concurrent variance in accordance with Sec. 12.4 Appeals, and must comply with Sec. 12.4.2.A.4.

E. Land disturbance permit requirements. In addition to any other requirements of this sub-section, all land disturbance permit submittals must provide a survey by a professional engineer or land surveyor licensed in the state of Georgia indicating the location of all gathering or transmission line easements and rights-of-way indicating:

1. Gathering or transmission line plan location and depth;
2. Gathering or transmission line size;
3. The location of all off-site gathering or transmission line easements and rights-of-way within 40 feet of the boundaries of the property.

9.3.5. Burying of Construction Material

No person may bury unused, scrap, waste, excess or discarded construction material without the approval of a use permit for an inert waste landfill in accordance with Article 8 of this UDC. Any person who violates this sub-section will be deemed guilty of a misdemeanor and subject to Sec. 12.9 Violation and Penalty.

9.3.6. Wastewater Pump and Lift Stations

A minimum 50-foot buffer and 10-foot improvement setback must be provided along all property lines adjacent to residentially and/or agriculturally zoned properties used for residential or public recreational purposes.

9.3.7. Retaining Walls

A. Purpose and intent

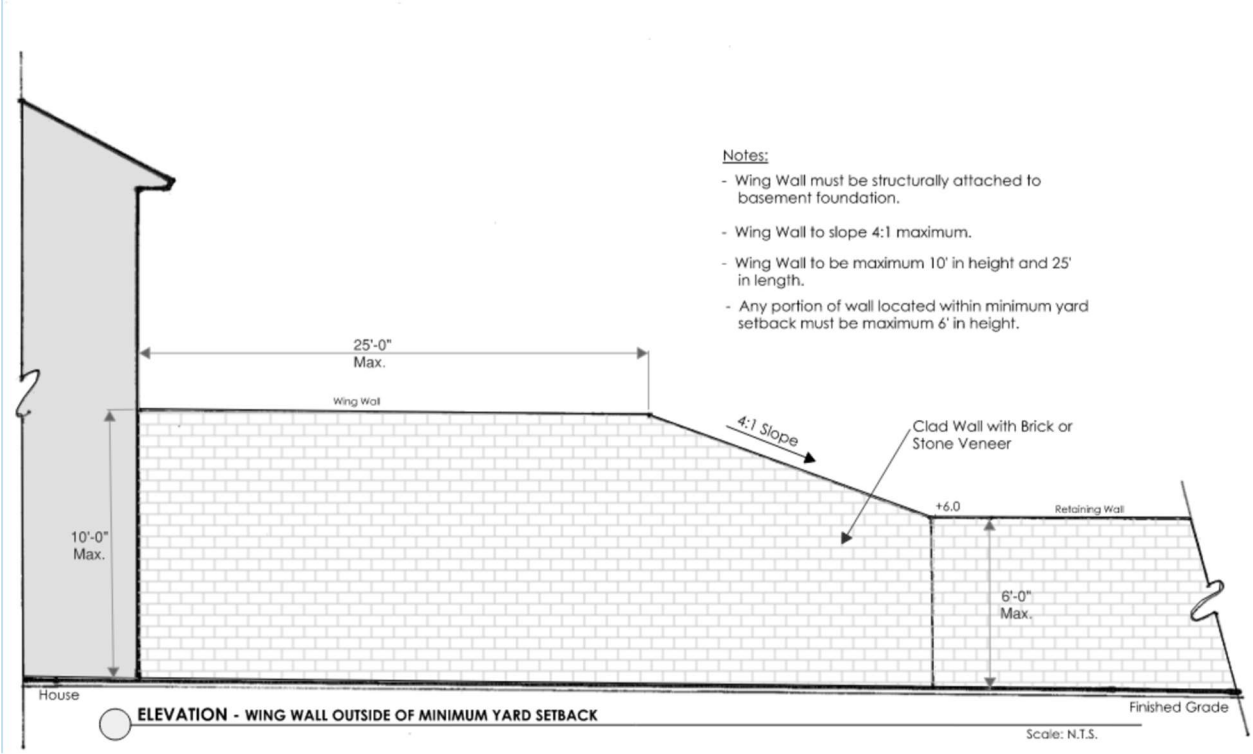
This sub-section is intended to accomplish and ensure the following:

1. To allow for the review of retaining walls of a size that may impact surrounding buildings, land and uses;
2. To require the construction of retaining walls in a manner consistent with engineering and construction best practices; and
3. To lessen the impact of large retaining walls on abutting properties and the public by encouraging the use of landscaping and aesthetically pleasing design elements.

B. Applicability and Exemptions

This sub-section applies to all retaining walls, except the following:

1. Retaining walls less than 4 feet high, which are exempt from requiring a permit.
2. Wing Walls
   a. Wing walls are permitted up to 10 feet in exposed height for a maximum distance of 25 feet and then sloping at a maximum of a 4:1 slope to a maximum of 6 feet in height.
   b. Any wing wall or a portion of a wing wall above 6 feet in height must be located outside of the minimum yard of the applicable zoning district or transect zone.



c. A wing wall must be finished with brick or stone veneer. Modular block walls are prohibited.

3. A terraced combination of walls, in which each separate wall retains less than 4 feet of unbalanced fill and in which each successive wall is separated by a distance of at least one times the height of the highest wall.

C. General Provisions

1. **Determining retaining wall height.** The height of a retaining wall is the distance from the grade at the base of the face of the wall to the top of the finished wall. Terraced walls will be measured in the same manner.

2. **Walls within yard setbacks.** A retaining wall is allowed up to the property line in side and rear yards except as prohibited in Sec. 9.3.7.B.2.b~~9.3.7.B.2.b~~ for wing walls. Retaining walls 4 feet or greater must not be located within 10 feet of the front yard property line, with the exception that portions of such walls which measure less than 4 feet in height, are not subject to this requirement. On lots subject to the rural viewshed, retaining walls are prohibited within 60 feet of the right-of-way.

3. **Foundations.** No part of the retaining wall or wing wall foundation may extend beyond the property line or into the rural viewshed.

4. **Fall protection.** All retaining or wing walls 4 feet or greater in height are required to provide fall protection. Fall protection systems may include, but are not limited to, permanent landscaping or fencing.

5. **Terracing**. There may only be a maximum of two walls, regardless of height for purposes of terracing.

   a. Minimum separation between terracing walls must match the

highest segment of the highest wall.

6. **Height limitation.** No single retaining wall may exceed 6 feet high at any point except as allowed in Sec. 9.3.7.B.2.a~~9.3.7.B.2.a~~.

7. **Permitting.** A permit is required for all retaining walls that retain 4 or more feet of unbalanced fill. Any retaining wall greater than 6 feet tall allowed by variance requires engineered drawings:

   a. Walls above 4 feet in height require engineered drawings for City Staff to review and approv~~al~~e.

D. Design Guidelines

1. Timber retaining walls over 4 feet high are prohibited.
2. Poured concrete walls and block walls must be clad in brick or natural stone. Facing of such walls must be approved by the City Architect.
3. Modular block walls must be constructed of a beveled, three-piece system. The modular block style, block size, and material shall be approved by the city architect.
4. Retaining and wing walls must be landscaped to mitigate any adverse visual impacts. Plant species must be selected to preserve the structural integrity of the wall. A planting plan must be submitted to and approved by the City Arborist.

E. Appeals

Notwithstanding, anything in this UDC to the contrary, no primary variance maybe granted except for:

1. Retaining walls not meeting the setback requirements indicated in Sec. 9.3.7.C.2~~9.3.7.C.2~~.
2. Retaining walls taller than 6 feet high at any point, or a tiered system of more than two walls provided that engineered drawings are submitted with the variance application.

9.3.8. Steep Slopes

A. Purpose

It is the purpose of this sub-section to provide regulations applicable to steep slopes to ensure that such development occurs in a manner that:

1. Protects the natural and topographic character of hillsides;
2. Prevents inappropriate development on steeply sloping sites and in geologically hazardous areas;
3. Protects fragile steep slopes and other environmental resources;
4. Preserves the aesthetic and scenic qualities of steep slopes;
5. Ensures the public health, safety, and general welfare.

These provisions are intended to prevent developments that will erode steep slopes, result in sedimentation of lower slopes, cause damage from landslides or create potential for damage from landslides, flood downhill properties or result in the severe cutting of trees or the scarring of the landscape.

B. Applicability

1. This sub-section applies to any development proposal for property with a natural slope of 33% or more

with a minimum of 5,000 square feet or more of contiguous area.

2. This sub-section applies, and the Community Development Director and the Public Works Director apply and enforce the provisions of this sub-section, to the earliest application for development or building approval required of the applicant, whether that is an application for a land use petition, building permit, application for preliminary plat, or application for land disturbance permit.

C. Dispute of Slope Calculation

Whenever an applicant disputes a determination by the Public Works Director as to the slope of the property, the applicant is entitled to submit a determination of the slope prepared by a registered land surveyor using standard surveying practices. Submission of the slope determination by a registered land surveyor will be determinative and binding on the Public Works Director and applicant.

D. Exemptions

The following land uses or activities are exempt from the requirements of this sub-section:

1. **Agriculture and forestry.** Agriculture and forestry, if they are consistent with the best management practices established by the Georgia Forestry Commission or the Georgia Soil and Water Conservation Commission, consistent with all state and federal laws, and all applicable regulations promulgated by the Georgia Department of Agriculture.

2. **Landscape maintenance.** Landscape maintenance activities, including the removal of diseased, dead, or damaged trees; provided, however, that such activities must be carried out in conformance with applicable regulations.

3. **Prior development plan approval.** Any land, or part of any land, which was contained in or subject to any development plan, and which was filed with the Director and approved by the City before the original effective date of this sub-section.

4. **Additions to single-family residences.** On legal lots of record with existing residences that were approved before the original effective date of this sub-section, said existing residences may be expanded without demonstrating compliance with this sub-section, provided that the height of the building addition does not exceed the existing height of the building, no land disturbance is required to accomplish the building addition in excess of 5,000 square feet in area, and the building addition is in conformity with the purposes and intent and consistent with regulations and guidelines of this sub-section as determined by the Director.

E. Grading And Land Disturbance

1. All grading, retaining wall design, drainage and erosion control plans for development subject to this sub-section must be designed by a design professional ~~of record~~licensed in the state of Georgia.

2. No grading, filling, clearing or excavation of any kind in excess of 5,000 square feet in area may be initiated on property subject to this

sub-section until a grading plan is approved and a land disturbance permit is obtained from the Director.

1. Projects subject to this sub-section involving more than one use or phase ~~should~~ must be phased into workable units in a way that minimizes the amount of soil disturbance at any given point in time.

F. Cut Slopes

No cuts are permitted solely for the purpose of obtaining fill.

G. Fill Slopes

Fill slopes should not exceed a total vertical height of 20 feet, as measured on a vertical plane from the high point of the cut or fill to the bottom-most point. The toe of any fill slope area not utilizing an engineered retaining structure should be a minimum of 6 feet from any property line.

H. Retaining Walls

Retaining walls and other structures that are necessary for slope stabilization may be constructed within the area required for stabilization within the development if approved by the Director with the following standards:

1. Retaining walls must not be used to increase table land.

2. Retaining walls must comply with Sec. 9.3.7~~9.3.7~~.

I. Clearing and Improvement Limits on Steep Slopes

All lots must contain a building envelope with a natural slope of 33% or less and must meet the following lot size minimum based on slope. Existing parcels without adequate buildable area less than or equal to 33% cannot be subdivided but will be considered buildable for one unit. Subdivision of land, land disturbance, and development of lands that are subject to this sub-section must meet the requirements shown in Table 9.3.8.I:

J. Revegetation

1. Plan required. Revegetation according to a planting plan approved by the City Arborist.~~Director~~ is required for all disturbed areas outside of roadways, driveways, building sites and minimal yard areas.

2. Installation. When revegetation is required, all required revegetation must be installed before approval by the City Arborist.~~Director~~ to occupy the activity, development, or building.

K. Drainage

Stormwater facilities are not permitted in areas with slopes exceeding 50%.

L. Roads

No new street may be constructed on lands equal to or greater than 35% slope; provided, however, that a portion of a

Table 9.3.8.I. Clearing and Improvement Limits on Steep Slopes

Average Slope of Lot to Be Developed	Minimum Lot Size of Any Lot	Minimum Percent of Lot that Must Remain Undisturbed	Maximum Percent of Lot that May Be Disturbed	Maximum Percent of Lot that May Be Impervious Surface
33—39%	1.5 acres	50%	50%	20%
40% or more	2.0 acres	60%	40%	15%

street on land equal to or greater than 35% slope may be constructed if it does not exceed a length of 100 feet.

M. Building Requirements and Guidelines

1. Building pads. Building pads on property subject to this sub-section must be of minimum size to accommodate the structure and the minimal amount of yard space required by this UDC. Building pads on property subject to this sub-section are expressly prohibited from including excessive clearing for such development as tennis courts, swimming pools and large lawns.

2. Foundations. All buildings and structures on lands with slopes of 33% or greater must have foundations which have been designed by a design professional ~~of record~~licensed in the state of Georgia.

N. Variance

If an applicant asserts that application of this sub-section would deny the reasonable use of property, the applicant may apply for a variance. A variance is intended to provide a remedy to address those cases in which the application of this sub-section unreasonably restricts all economic use of a parcel of land and the restriction cannot be remedied by other authorized techniques or conditions. A variance to the provisions of this sub-section may be considered in accordance with Article 12 of this UDC.

9.3.9. Cemeteries

A. No Land Disturbing Activity Without Approval

1. In a parcel with a cemetery, burial ground, human remains or burial objects, there may be no land disturbing activity or timbering unless approved by the Director. The person or entity seeking a permit must also comply with O.C.G.A. § 36-72-4. If a parcel is adjacent to a cemetery, there may be no land disturbance in that parcel unless approved by the Director.

2. The following development standards are required as a part of the application process for a land disturbance permit or building permit on any parcel with a cemetery or on any parcel adjacent to a cemetery:

   a. A report prepared by an archeologist determining the boundary of the cemetery and stating the number of graves believed to be present and their location as can be determined from the use of minimally invasive investigation techniques, including remote sensing methods and the use of metal probes.

   b. A survey of the cemetery prepared by or under the direction of a registered surveyor showing the location of the boundaries of the cemetery or burial ground based on an archeologist's report.

   c. A 25-foot natural undisturbed buffer with a 10-foot improvement setback must be provided around the perimeter of the outermost burials, as determined by an archeologist, if a cemetery is located on the parcel of land to be developed. If a cemetery is adjacent to the parcel to be developed, a 25-foot natural

undisturbed buffer with a 10-foot improvement setback must be provided along common property lines on the parcel where the land disturbance permit or building permit is being sought.

d. A temporary tree protection fence must be installed on the outer perimeter of the 25-foot undisturbed buffer before any land disturbing activity occurs. If the cemetery is located on an adjacent parcel, the tree protection fence must be located along common property lines. The temporary tree protection fence must remain in place until construction is completed.

e. A permanent 6 feet high fence or wall with a gate must be constructed along the perimeter of a cemetery on a parcel for which land disturbing activity is sought. The fence must be constructed of a durable metal material. At a minimum, the fence must be black vinyl clad chain-link. Uncoated chain-link fence is prohibited. The location of the fence will be as determined by an archaeologist. If the cemetery is located on an adjacent parcel, the fence must be located interior to the required buffer and improvement setback or along the common property lines as may be approved by the City Arborist. The gate must have a latch and be 4 feet wide if the cemetery is inactive or 10 feet wide if active.

f. Uninhibited daylight access to the cemetery must be provided via a 20-foot graveled easement to the cemetery from the nearest public road. The easement must be recorded in the Fulton County Courthouse.

g. A maintenance plan for a cemetery located on the parcel for which a land disturbance permit or building permit is sought must be developed and implemented.

h. The location of a cemetery, as identified by the surveyor, must be included on the recorded plat.

i. A small plaque/marker with the name of the cemetery, range of burials and any other historical information may be placed on the cemetery fence.

9.4. Night Sky Illumination

9.4.1. Purpose and Intent

The purpose and intent of this Sec. 9.4~~9.4~~ (Night Sky Illumination) is to:

A. Provide a regulatory strategy for outdoor lighting that will permit reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment and commerce.

B. Curtail and reverse the degradation of the nighttime visual environment and the night sky.

C. Preserve the dark night sky for astronomy.

D. Minimize glare, obtrusive light and artificial sky glow by limiting outdoor lighting that is misdirected, excessive or unnecessary; conserve energy and resources to the greatest extent possible.

E. Help to protect the natural environment from the damaging effects of night lighting from manmade sources.

9.4.2. Applicable Code Compliance; Conflicts

All outdoor illuminating devices must be installed in conformance with the provisions of this Sec. 9.4~~9.4~~ (Night Sky Illumination), the building code and the electrical code as applicable and under appropriate permit and inspection. Where there is conflict between the provisions of this division and other regulations, the most restrictive provision will prevail.

9.4.3. Applicability

A. Major Additions or Replacement

For all land uses, developments and buildings that require a permit, all outdoor lighting fixtures must meet the requirements of this Sec. 9.4~~**Error! Reference source not found.**~~ (Night Sky Illumination). All building additions or modifications of 25% or more in terms of additional dwelling units, floor area, or parking spaces, either with a single addition or with cumulative additions subsequent to the effective date of the ordinance from which this provision is derived, will invoke the requirements of this Sec. 9.4~~9.4~~ (Night Sky Illumination) for the entire property, including previously installed and any new outdoor lighting. Cumulative modification or replacement of outdoor lighting constituting 60% or more of the permitted lumens for the parcel, no matter the actual amount of lighting already on a nonconforming site, will constitute a major addition for purposes of this Sec. 9.4~~9.4~~ (Night Sky Illumination).

B. Minor Additions

Additions or modifications of less than 25% to existing uses, and that require a permit, require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting. Any new lighting on the site must meet the requirements of this Sec. 9.4~~9.4~~ (Night Sky Illumination) with regards to shielding and lamp type.

C. Exempt Lighting

The following luminaries and lighting systems are exempt from these requirements:

1. Lighting for pools used at night.

2. Underwater lighting used for the illumination of swimming pools and fountains.
3. Temporary holiday lighting.
4. Lighting required and regulated by the Federal Aviation Administration, or other federal, state or local agency.
5. Emergency lighting used by police, fire, or medical personnel, or at their direction.
6. All outdoor light fixtures producing light directly from the combustion of fossil fuels, such as kerosene and gasoline.
7. Security lighting controlled and activated by a motion sensor device for a duration of 10 minutes or less.

D. Prohibited lighting

The following lighting systems are prohibited:

1. Aerial lasers.
2. Searchlight style lights.
3. Other very intense lighting, defined as having a light source exceeding 200,000 lumens or intensity in any direction of 2,000,000 candelas or more.
4. Mercury vapor lamps.
5. Neon lighting.

9.4.4. Outdoor Lighting Standards

All nonexempt outdoor lighting fixtures must meet the following criteria:

A. Must be full cutoff placed, so as to allow no light above the horizontal as measured at the luminaire, except as noted in this section (as in the case of period fixtures, cutoff fixtures may be used).

B. Must be located, aimed, or shielded so as to minimize glare and stray light trespassing across property boundaries and into the public right-of-way in accordance with the following standards:

All Property Lines Including Rights-of-Way	Maximum (in foot-candles)
At property line abutting a residential or an agricultural use	1.0
At property line abutting an office or civic use	1.5
At property line abutting another commercial or industrial use	1.5

Off-Street Parking Lots	Minimum (in foot-candles)	Average (in foot-candles)	Maximum (in foot-candles)
Residential areas	0.5	2.0	4.0
Office areas	1.0	3.0	6.0
Other commercial areas	2.0	6.0	12.0

C. Flood or spot lamps must be positioned no higher than 45 degrees above straight down (half-way between the vertical and the horizontal) when the source is visible from any off-site residential property or public roadway.

D. All light fixtures that are required to be shielded must be installed and maintained in such a manner that the shielding is effective as described herein for fully shielded fixtures.

E. Multiuse development lighting must conform to the standards of its respective use.

F. Illumination levels are measured from any height and orientation of the measuring

device at any location along the property line, except the lighting of parking lots must be measured at grade with the meter sensor held horizontally on the surface.

9.4.5. Special Uses

All lighting not directly associated with the special use areas designated below must conform to the lighting standards described in this sub-section.

A. Outdoor Sports, Recreation Fields, or Performance Areas

Lighting of outdoor recreational facilities (public or private), such as, but not limited to, outdoor athletic fields, courts, tracks, special event or show areas must meet the following requirements:

1. **Minimum requirements.** Facilities designed for municipal leagues, elementary to high school levels of play and training fields for recreational or social levels of play, college play, semiprofessional, professional or national levels of play must utilize luminaires with minimal uplight consistent with the illumination constraints of the design. Where fully shielded fixtures are not utilized, acceptable luminaires include those which:
    a. Are provided with internal or external glare control louvers or lenses, and are installed to minimize uplight and offsite light trespass and glare; and
    b. Are installed and maintained to avoid aiming no more than 2½ times the mounting height.
2. **Illuminance.** All lighting installations must be designed to achieve the illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA RP-6).
3. **Off-site spill**. The installation must also limit off-site spill (off the parcel containing the sports facility) to the maximum extent possible consistent with the illumination constraints of the design. For all recreational or social levels of play and training fields, as well as performance areas, illumination levels must not exceed 1.5 foot-candles at any location along any nonresidential property line, and 0.5 foot-candle at any location along any residential property line.
4. **Curfew.** All events must be scheduled to complete all activity no later than 10:30 p.m. Illumination of the playing field, court or track is permitted after the curfew only to conclude a scheduled event that was unable to conclude before the curfew due to unusual circumstances. Field lighting for these facilities must be turned off within 30 minutes after the last event of the night.
5. **Setback.** All light poles must be set back the greater of 50 feet or one foot for every foot in height from any residential property line or right-of-way.
6. **Exceptions.** This Sec. 9.4.5.A~~9.4.5.A~~ shall not be construed to overrule any standards established in any overlay improvement district.

B. Service Station Canopies and Parking Structures

1. All luminaires mounted on or recessed into the lower surface of service station

canopies and parking structures must be fully shielded and utilize flat lenses.

2. The total light output of luminaires mounted on the lower surface, or recessed into the lower surface of the canopy, and any lighting within signage or illuminated panels over the pumps, must not exceed 50 foot-candles.

3. The total light output of illuminated areas of a service station other than as detailed in sub-paragraph 2 above must not exceed 15 foot-candles.

4. Illuminance levels for the interior of parking structures, where interior lighting is visible from outside the structure, must conform to the IESNA recommendation (RP-20).

5. Lights must not be mounted on the top or sides of a canopy and the sides of a canopy must not be illuminated.

C. Security Lighting

1. Security lighting must be directed toward the targeted area.

2. Sensor-activated lighting must be located in such a manner as to prevent direct glare and lighting into properties of others or into a public right-of-way, and the light must not be triggered by activity off the property.

D. Pedestrian Path Lighting

Lighting posts must not exceed 16 feet in height from the finished grade.

E. Architectural Accent Lighting

1. Fixtures used to accent architectural features, materials, colors, style of buildings, landscaping, or art must be located, aimed, and shielded so that light is directed only on those features. Such fixtures must be aimed or shielded to minimize light spill into the ~~dark~~ night sky in conformance with the luminaire standards.

2. Lighting fixtures must not generate glare, or direct light beyond the facade onto a neighboring property, streets or into the night sky.

F. Temporary Lighting Permits

1. Permits for temporary lighting will be granted by the Director if the total output from the luminaries does not exceed 50 foot-candles and the following standards apply:

   a. The purpose for which the lighting is proposed can be completed within 30 days, except that the permit for a major construction project may extend to completion.

   b. The proposed lighting is designed in such a manner as to minimize light trespass and glare.

   c. Permits issued for temporary recreational lighting must be extinguished by 10:30 p.m.

2. The application for ~~the~~ a temporary lighting permit must include, but not be limited to, the following information:

   a. Name and address of the applicant and property owner;

   b. Location of the proposed luminaires;

   c. Date and times for the lighting;

   d. Type, wattage and lumen output of lamps;

   e. Type and shielding of the proposed luminaires;

   f. Intended use of the lighting;

   g. Duration of time for requested

exemption;

h. The nature of the exemption; and

i. The means to minimize light trespass and glare.

G. Commercial Parking Areas

1. All lighting fixtures servicing parking lots, except floodlights, must be cutoff fixtures, directed downward and not toward buildings or other areas.

2. The minimum illumination level for a parking lot is 0.4 foot-candle at grade level and the ratio of the average illumination to the minimum illumination must not exceed 4:1.

3. Floodlights ~~should~~ must be aimed or shielded to minimize uplight.

4. Light poles used in parking lots must not exceed 35 feet in height.

H. Streetlights

All new, repaired (outside of normal maintenance) or replaced streetlight fixtures must be cutoff style.

9.4.6. Variances

A. Any person may apply to the Board of Zoning Appeals for a variance from the provisions of this Sec. 9.4~~9.4~~ (Night Sky Illumination). The application should include, but is not limited to, evidence about the following:

1. How the proposed design and appearance of the luminaire are superior.

2. How light trespass and glare will be limited.

3. How the proposed solution will provide a benefit without negative impact on the health, safety, or welfare of the community.

B. The application may include the recommended practices of the Illuminating Engineering Society of North America, a professional engineer, or other authority on outdoor lighting.

9.4.7. Submission of Plans and Evidence of Compliance

A. Application Contents

The applicant for any permit required by any provision of the laws of the City in connection with proposed work involving outdoor lighting fixtures must submit, as part of the application for permit, evidence that the proposed work will comply with this Sec. 9.4~~9.4~~ (Night Sky Illumination). Even should no other such permit be required, the installation or modification, except for routine servicing and same type lamp replacement of any exterior lighting, requires submission of the information described in the remainder of this sub-section. The submission must contain, but is not necessarily limited to, the following, all or part of ~~or~~ which may be part or in addition to the information required elsewhere in the laws of the City upon application for the required permit:

1. Plans indicating the location on the premises of each illuminating device, both proposed and any already existing on the site.

2. A description of all illuminating devices, fixtures, lamps, supports, reflectors, both proposed and existing. The description may include, but is not limited to, catalog cuts and illustrations by manufacturers.

3. Photometric data, such as that furnished by manufacturers or similar,

showing the angle of cut off of light emissions.

B. Additional submission.

The plans, descriptions and data required by Paragraph A above must be sufficiently complete to enable the department to readily determine whether compliance with the requirements of this Sec. 9.4~~9.4~~ (Night Sky Illumination) will be secured. If such plans, descriptions, and data cannot enable this ready determination, the applicant must additionally submit as evidence of compliance to enable such determination such certified reports of tests as will do so provided that these tests have been performed and certified by a recognized testing laboratory.

C. Subdivision Plats

All new subdivided properties must submit information as described herein for installed streetlights and other common or public area outdoor lighting.

D. Certification

For all projects, certification that the lighting as installed conforms to the approved plans must be provided by an illumination engineer/professional before the certificate of occupancy is issued. Until this certification is submitted, approval for use by the issuance of the certificate of occupancy will not be issued.

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10.1. General Provisions

10.1.1. Applicability

A. General Applicability

Conformance with this article is required, as indicated by section, except as provided for in paragraph B below.

B. Form-Based Code Applicability

Conformance with some requirements of this article is not required when alternative standards are provided in Form-Based Codes.

10.1.2. Purpose

This article is intended to serve the following purposes, among others:

A. To protect and promote the health, safety, and general welfare of the city's residents.

B. To encourage economically sound and stable land developments.

C. To ensure the adequate provision of streets, access, utilities, and other facilities and services to new land developments in conformance with public improvement standards and regulations of the City.

D. To ensure the adequate provision of safe and convenient traffic access, connectivity to other developments or facilities, and efficient circulation (both vehicular and pedestrian) in new land developments.

E. To ensure the provision of needed open space and building sites in new land developments through dedication or reservation of land for recreational, educational, environmental, greenspace, bikeways and pedestrian trails, and other public purposes.

F. To ensure equitable handling of all requests for the subdivision of land by providing uniform procedures and standards for the subdivider.

10.1.3. Adopted Plan Conformance

~~**A.** Proposed developments must conform to the Comprehensive Plan in effect at the time of submission.~~

~~**B.**~~**A.** Proposed developments must consult the following for detailed right-of-way locations for planned or programmed projects:

1. The Comprehensive Plan.
2. The current 7-year Capital Improvement Plan that is part of adopted budget.
3. The Comprehensive Transportation Plan.
4. The most recently adopted Trail Plan/Trail Blueprint/Community Trail Prioritization Plan.

~~**C.**~~**B.** The arrangement, character, extent, width, grade, and location of all streets must conform to the Comprehensive Plan and must consider their relation to existing and planned streets, topographical conditions, and appropriate relation to the proposed uses of the land to be served by such streets.

~~**D.**~~**C.** Whenever a development proposes the dedication of land for public use and the Community Development Director, Public Works Director, or the appropriate agency finds that acquisition of such land is not ~~acquired~~ consistent with the appropriate agency plans, policies, or priorities, the Director may either refuse to approve the plat, or require the rearrangement of lots to

~~include such land~~conform with such plans, policies, and priorities.

~~E.~~D. The Director must not approve developments when the planned features specified by paragraphs A through D above are not incorporated.

10.1.4. Right-Of-Way Dedication Policy

A. Administration

The Public Works Director and the Community Development Director will determine whether right-of-way must be reserved or dedicated to conform to this article.

B. Rights-of-way Acceptable to the City

As developers submit plans in locations specified in Sec. 10.1.3 above~~10.1.3 above~~, the City must require either:

1. A reserved right-of-way on the plans and recorded; or
2. A fee simple title or deed transfer free to the City at the approval and signing of the final plat.

Such benefit will result in impact fee credits to the developer from the Director when those improvements are determined to be system improvements.

C. Reserved Rights-of-Way

The following applies to reserved rights-of-way:

1. Reserved-rights-of way must be provided at no cost to the City.
2. Reserved-rights-of way do not impact the calculation of total allowable density but do determine required setbacks and buffers.

10.2. Development Utilities

10.2.1. General

A. Applicability

All developments and subdivisions must conform to the standards of this section.

B. Land Suitability

Land subject to flooding, improper drainage, erosion, and deemed unsuitable for development in accordance with the City's standards must not be platted for any use that would continue such conditions or increase the danger to health, safety, life, or property unless steps are taken to eliminate these hazards.

C. Conformance with Other Requirements

Every developer must install the appropriate public utility and improvements referenced in this section in accordance with the following:

1. Any adopted State, County, and City Standard Specifications and Details.
2. Water and sewer Regulations of Fulton County.
3. Sec. 11.1 (Tree Canopy Conservation Ordinance).

10.2.2. Water Supply

A. Water supply and services shall be regulated by Fulton County or other authorized jurisdiction.

B. Where a public water supply is not available, each lot in a subdivision must be furnished with a water supply system approved by the Fulton County health department.

C. A separate water service connection must be provided for each dwelling unit. Meters

must be located as specified by the utility company.

D. Fire hydrants must be located and set in accordance with Fulton County and the City of Milton Standard Plans, where applicable.

E. If a subdivision is replatted and the originally platted lot configuration is changed after the water service lines have been installed, the water system must be modified to properly serve each lot in accordance with the Fulton County water specifications.

10.2.3. Sanitary Sewer

A. Sanitary sewer systems and services shall be regulated by Fulton County or other authorized jurisdiction.

B. Whenever the installation of a sanitary sewer is permitted by Fulton County, no new street may be paved without first installing the sewer in accordance with the requirements of the sewer specifications of the Public Works Department and the Fulton County or other authorized jurisdiction sewerage regulations.

C. If a subdivision is replatted and the originally platted lot configuration is changed after the sewer service lines have been installed, the sewer system must be modified to properly serve each lot in accordance with Fulton County or other authorized jurisdiction sewer specifications.

10.2.4. Stormwater Facilities

A. General

1. Stormwater management facilities must conform to Sec. 11.4. (Post-Construction Stormwater Management for New Development and Redevelopment) ~~Stormwater~~ better site designs, and nonstructural stormwater management practices are required unless ~~allowed~~ exempted by the Director as provided in Sec. 11.4.1.G.
2. Engineering and construction must be carried out in a manner as to maintain water quality and rate of runoff to protect neighboring persons and property from damage or loss resulting from excessive stormwater runoff, pollution, soil erosion or deposition upon private property or public streets of water-transported silt and debris.
3. Proper drainage plans must be submitted for review by the Director. These plans must be prepared by a professional engineer or landscape architect, currently registered to practice in the State, with stamp affixed.
4. The plans must be accompanied by profiles of natural and proposed drainageways, including:
   a. Cross sections.
   b. Downstream analysis.
   c. Drainage swales.
   d. Storm pipes.
5. Shared stormwater management facilities are encouraged.

B. Design for Stormwater Management

1. Grading and drainage plans required by this section must be accompanied by a hydrology study that complies with Sec. 11.4 (Post-Construction Stormwater Management for New Development and Redevelopment~~Post~~

~~Development Stormwater Management~~).

2. The purpose of the hydrology study is to:
   a. Identify the surface water runoff quantity, quality and rate;
   b. Establish runoff management control requirements for the development;
   c. Furnish all design calculations for the management control facilities, surface water conveyance systems (before and after development runoff); and
   d. Furnish design calculations for the volume of storage required.
3. A schedule indicating the timing for planting or mulching for temporary or permanent ground cover must be submitted with these grading and drainage plans.
4. Erosion control devices must be installed before starting grading and construction; the engineer must state this requirement on the engineering drawings.
5. To ensure full compliance with the approved construction plans, final plat approval will be withheld until "as-built" drawings, prepared by a professional engineer or landscape architect currently registered in the state, have been submitted and approved by the Director in accordance with Sec. 12.6.5 (Final Plat Approval). No occupancy permit will be issued until released by the Director.
6. The owner must maintain the storm drainage facilities during grading and construction, and for 18-months bond duration after final plat approval. Maintenance will be construed to include preserving the enclosing walls or impounding embankment of the detention basin and permanent sedimentation ponds and security fences, in good conditions; ensuring structural soundness, functional adequacy, and freedom from sediment of all drainage structures; and rectifying any unforeseen erosion problems.

C. Detention/Retention Design

1. General

a. Installation of properly functioning detention facilities, including outflow control devices, is the responsibility of the owner. If any control devices are damaged or destroyed during grading or construction, all processes must cease until such devices are restored to their functioning capability. The owner, through application for grading or construction permits, accepts the responsibility of maintenance of the control devices.

b. When serving more than three lots, except when all the single-family residential lots are each a minimum of 3 acre in size, detention ponds, retention ponds, and water quality features (including all required access easements, landscape strips, and fences) must be located on a separate parcel where no home can be constructed. This parcel must be owned and maintained by a homeowners' association or the owners of the lots being served by this pond. The

parcel must have a minimum of 20-foot-wide continuous access to a public or private street in a manner that allows access and maintenance of this parcel. In addition, this parcel will not be required to meet the normal lot standard.

2. **Design standards**. Above-ground stormwater management facilities must meet the following standards:
   a. Provide a 20-foot graded access easement.
   b. Provide 10-foot access easement for maintenance.
   c. Provide 6-foot-high fence.
   d. Be located in the least conspicuous area of the site as engineering standards allow.
   e. Be designed to create a natural look.
   f. Be surrounded by a minimum 10-foot-wide landscape strip planted to buffer standards with evergreen plantings exterior to any required fence and/or required access area, except as otherwise approved by the Director under Sec. 10.2.4.C.2.g~~"g"~~ immediately below.
   g. In lieu of Sec. 10.2.4.C.2.f~~"f"~~ immediately above, the 10-foot-wide landscaped strip is not required to be planted to buffer standards when the following standards are met:
      i. The minimum 10-foot-wide landscape strip is incorporated into a larger open space.
      ii. The open space containing the stormwater facility is designed and stamped by a Landscape Architect licensed in the State.
      iii. The stormwater feature is designed as formal or natural amenities for the open space.
      iv. The stormwater features does not constitute more than 25% of the required open space.
3. **Alternative design standards.** Applicants are encouraged to carry out innovative detention/retention layouts that are intended to make such facilities an attractive amenity or focal point to the subdivision. To achieve that, the Director may approve the following alternative design standards in lieu of those in Sec. 10.2.4.C.1~~10.2.4.C.1~~ and Sec. 10.2.4.C.2~~10.2.4.C.2~~:
   a. Such alternative design shall provide for an attractive layout and means for detaining, retaining, and/or moving water.
   b. The design shall follow the natural landforms around the perimeter of the basin. The basin should be shaped to emulate a naturally formed depression.
   c. Redistributing soils from basin construction to create natural landforms around the perimeter of the basin is encouraged. These forms shall be located strategically to filter views or redirect and soften the views from residential areas.
   d. Side slopes of basins must not exceed one foot vertical for every 4-feet horizontal. Where possible, side slopes should be varied to

imitate natural conditions. Associated natural landforms should have side slopes that do not exceed one foot vertical for every 3 feet horizontal to accommodate lawn maintenance equipment. Varied slopes will be encouraged.

e. The applicant is encouraged to use plant materials that naturally grow in the area. Trees and shrubs shall be grouped in informal patterns to emulate the natural environment. The intent is to soften the views of these basins.

4. **Design guidelines.** The Director may issue design guidelines illustrating details of the standards in Sec. 10.2.4.C.2.d~~10.2.4.C.2.d~~.

D. Storm Drain Stenciling/Identification

1. All residential subdivision and commercial entity storm drainage structures or facilities (e.g., catch basins, storm sewer inlets, culverts, impoundment facilities, manholes, and other facilities that convey stormwater runoffs) must be properly identified.

2. Each drainage structure must be identified with the use of a City of Milton branded lid.

10.2.5. Plans and Construction

A. Sanitary and Storm Sewer Easement

1. Permanent sanitary and storm sewer easements must meet the standards in the following table:

		Maximum Pipe Invert Depth (in feet)												
		Minimum Easement Width (in feet)												
		4	**5**	**6**	**7**	**8**	**9**	**10**	**11**	**12**	**13**	**14**	**15**	**16**
Pipe Size (in inches)	**15**	20	20	20	20	20	25	25	30	30	30	35	35	40
	18	20	20	20	20	20	25	25	30	30	30	35	35	40
	24	20	20	20	20	20	25	25	30	30	30	35	35	40
	30	20	20	20	20	25	25	25	30	30	35	35	35	40
	36	20	20	20	20	25	25	25	30	30	35	35	35	40
	42		20	20	20	25	25	30	30	30	35	35	40	40
	48		20	20	20	25	25	30	30	30	35	35	40	40
	54		20	25	25	25	30	30	35	35	35	35	40	40
	60			20	25	25	25	30	30	35	35	35	40	40
	66				25	25	30	30	30	35	35	40	40	40
	72				25	25	30	30	30	35	35	40	40	40

2. No fill may be placed on a sanitary or storm sewer easement without approval by the Public Works Director. All sanitary manholes must extend to the ground surface. All easements terminating on a parcel must extend to the property line.

3. No retaining wall, building, pole, sign or other vertical structure may be constructed in sanitary and storm sewer easements, including vehicular access easements around structures, without approval from the Public Works Director. No fence may be placed across sanitary or storm sewer easements without gates to which the City or Fulton County has full access. No planting may take place in a sanitary or storm sewer easement that will impede vehicular access along the easement or endanger the pipeline. No surface water may be impounded on a sanitary sewer easement. No other pipeline or utility may be placed in a sanitary or storm sewer easement without approval by the Public Works Director.

4. Each lot or parcel of land in a subdivision must have a separate sewer connection terminating at the easement limit or right-of-way limit with a vertical cleanout pipe. No connection of the public sewerage system may be made except at a sewer connection approved by the Public Works Director.

5. No surface water, groundwater, storm drain, gutter, downspout, or other conveyance of surface water or groundwater may be discharged into the sanitary sewer.

B. No sanitary sewer may be accepted by the Fulton Ccounty without an "as-built" drawing showing the horizontal and vertical alignment of the sewer system, the locations of all manholes, sewer connections, piping materials, required easement limits and junctions, and property lines. This should be provided in the form of plans, profiles, and plats; when possible, an electronic copy of the required data, compatible with the City's GIS, should be submitted.

C. No storm sewer may be accepted by the City without an "as-built" drawing showing the horizontal and vertical alignment of the sewer system; the locations of all manholes, junctions, detention ponds, retention ponds, and sewer system outfalls discharging into ditches or creeks; sewer connections, piping materials, required easement limits; and property lines. This information must be provided in the form of plans, profiles, details, sections, and plats and, when possible, in an electronic form compatible with the City's GIS and the applicable Public Works Department database.

D. In the case of single-family residential subdivisions, by written application, the owner may request that the City assume partial maintenance responsibility of drainage facilities, effective after the expiration of the initial maintenance 15 months. Within 60 days after receipt of such application, the Director must respond in writing to the owner/applicant. Such response must set forth additional terms and conditions for acceptance. However, maintenance by the City will be limited to ensuring the functional adequacy of such drainage structures. The maintenance responsibility will remain partially with the homeowners' association unless and until, and only to the extent that, the homeowners' association is expressly relieved of such responsibility pursuant to and in accordance with a written instrument signed by the Director. Appropriate easements must be executed and recorded pursuant to this sub-section. For all other types of development, responsibility for maintenance of storm sewer system and detention ponds including, but not limited to, periodic silt removal to maintain functional integrity, will remain the owner's responsibility. Maintenance responsibility will constitute an obligation running with the land and must be binding upon the owner's executors, administrators, heirs, successors, and successors-in-title. The owner/developer must provide stabilization, including vegetation, and installation of security fences for safety purposes at detention facilities, as prescribed, before approval of the final plat by the Director.

E. Any single-family detached home which involves less than 10,000 square feet of cleared area, ~~or~~ and all impervious surface areas combined, is exempted from the provisions of a hydrology study. In no such case, however, may grading involve over 25% of the total land area.

F. All engineering and construction, regardless of whether such engineering or construction is being accomplished on public land or on public easements, must meet the minimum requirements of these regulations.

10.2.6. Monuments and Iron Pipes

A. The accurate location, material, and size of all existing monuments must be shown on the final plat, as well as the future location

of monuments to be placed after street improvements have been completed following Chapter 180-7 (Technical Standards for Property Surveys) of the Georgia Administrative Code.

B. ~~Provide~~ T~~t~~he direction and distance from one Fulton County or GDOT GIS Monument to a point on the boundary of the individual survey must be provided.

10.2.7. Utility Service

A. Underground Utilities Required

All existing and proposed utilities, including all electrical, telephone, television and other communication lines, both main and service connections, serving or having capacity of 69 KV or less, abutting or located within a requested land disturbance area, must be installed underground in a manner approved by the applicable utility provider and in compliance with the City's right-of-way and erosion control regulations, if applicable.

B. Existing Overhead Utilities

Lots that abut existing easements or public rights-of-way, where overhead electrical or telephone distribution supply lines and service connections have previously been installed, may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities' overhead lines must be installed underground. Should a road widening, an extension of service, or other such condition occur as a result of the subdivision and necessitate the replacement or relocation of such utilities, such replacement or relocation must be under ground.

C. Application Requirements

Applicants for subdivisions must:

1. Submit drawings of the subdivision layout showing locations of underground electrical cable, transformers, and other related fixtures, in accordance with the standard plans. These drawings must be approved by the City before installation of the underground utility and before a building permit can be issued.
2. Pay all cost for poles, fixtures, or any related items of materials necessary for the installation to the utility company.
3. Submit proof of payment for complete installation.
4. Have an agreement with the appropriate power company for complete maintenance of all installations and provide proof of payment.

D. Streetlights and Pedestrian Lighting

1. Streetlights and pedestrian lights must be provided by the developers of all new subdivisions, except land subdivided under the provisions of a minor plat. All subdivisions must install streetlights where those street lights are required along the frontage of a property based on the requirements of the zoning district. At the time of, and as a requirement of, submission of a final plat, the developer must:
    a. Submit a drawing of the subdivision's layout showing locations of streetlights and required pedestrian lights. This drawing must be approved by the Director before obtaining any

building permit within the subdivision. The layout must be shown on the land disturbance permit. Fixtures and standards/poles installed or used must be approved by the City and by the utility company which must be responsible for the maintenance of the facilities.

i. Streetlight fixtures must be mounted 30 feet above the ground and must have appropriate arm length to place the light over the street. Arms must be at least 5 feet long. Post-top luminaries may be permitted when approved by the City, providing they comply with any applicable requirements of Article 2 through Article 8. Fixtures must be located no more than 300 feet apart and at least one light must be located at each street intersection within the subdivision. When a subdivision is in an overlay district or Form-Based Code, light standards must comply with the overlay or Form-Based Code.

ii. Pedestrian lights must be installed as required by overlay districts, Form-Based Codes, or the specific zoning case.

b. Pay all costs for standards/poles, fixtures and any other related items or material necessary for installation.

c. Submit proof of payment for complete installation to the Public Works Director.

d. Submit a copy of an executed agreement with the utility company for complete maintenance of all installations.

~~2. When each of the applicable items in Sec. 10.2.7.D.1 above has been completed, the City must:~~

~~a.~~c. When at least 50% of the dwelling units in the subdivision have been occupied, submit a request to the Public Works Director for the City to a~~A~~ssume maintenance responsibility and make the monthly payments to the utility company for electrical energy for each streetlight. ~~when at least 50% of the dwelling units in the subdivision have been occupied.~~

~~b. Pay only the current monthly negotiated amount for electrical energy for each streetlight.~~

10.3. Blocks and Access

10.3.1. General

A. Applicability

All developments must conform to this section.

10.3.2. Blocks

A. Block Layout

The lengths, widths, and shapes of blocks must be determined with due regard to:

1. Provisions of adequate building sites suitable to the special needs of the type of use contemplated;
2. Zoning requirements as to lot sizes and dimensions unless a planned unit development is contemplated;
3. Needs for convenient access, circulation, control, and safety of street traffic; and
4. Limitations and opportunities of topography.

B. Residential Blocks

1. Residential blocks must be wide enough to provide two tiers of lots, except where fronting on streets classified as a collector street or higher or prevented by topographical conditions or size of the property. The Director may require or approve a single tier of lots of minimum depth to overcome specific disadvantages of topography, orientation, and property size or when the public health, safety, and welfare demand.
2. Residential blocks must be arranged and designed so their use for through traffic is discouraged.

C. Cul-de-Sac Blocks

Cul-de-sac streets must be designed so that the maximum length is 600 feet. The Public Works Director has the authority to approve longer cul-de-sac streets when the site's size, shape, topography, natural features, or other conditions render this requirement unreasonable.

D. Minimum Setback for New Streets

New public and private streets rights-of-way or access easements must be at least 50 feet from any peripheral property line adjoining agricultural districts and residentially zoned property unless interparcel access is required by Sec. 10.3.6 or otherwise provided.

10.3.3. Gated Communities

Gates installed in subdivisions with more than one lot must comply with the following:

A. Plan approval and a permit must be obtained before installing any gates. The permit fee will be calculated in accordance with applicable building permit fees. Gates must not prohibit public access to dedicated areas as defined within these regulations.

B. Gate must not be installed in a City right-of-way.

C. Gates must not create a dead-end street without first installing a turnaround conforming to the City's standards on a dead-end street exceeding 150 feet in length.

D. Gates must provide for stacking distance, turnaround and emergency vehicle access, as required by the Director.

E. Gate permits may be denied based on traffic conditions, interconnectivity needs,

and when not in compliance with adopted guidelines.

10.3.4. Access

A. General

1. Unless otherwise herein noted, every subdivision must be accessed by public streets, private streets, or modified, single-family residential, access or shared (private drive) driveways in accordance with the following:
    a. The proposed access must meet City standards and regulations.
    b. No access road intended to be private may be extended to serve property outside that development, unless approved by the Public Works Director.
2. When land is subdivided, the created parcels must be arranged and designed to allow for the opening of future streets and provide access to those areas not presently served by streets.
3. Subdivisions must not be designed to completely eliminate street access to adjoining parcels of land without current street access.
4. No owner or developer shall construct or maintain a drive, yard, or lot constructed of gravel, pebbles, or stone in such a manner that vehicles cause loose stones, pebbles or gravel to be thrown onto the adjacent street or sidewalk.

B. Private Access

1. In residential subdivisions, private access must be maintained by a mandatory homeowners' association. Documents of incorporation must be submitted to the Director for review and approval before recording the final plat.
2. The subdivider must provide all necessary easements for ingress and egress for police, fire, emergency vehicles and all operating utilities.
3. The final plat of any subdivision with private streets or access must clearly state that such streets or access are private.

C. Minor Plats

In subdivisions approved as a minor plat and where the minimum lot size is 3 acres or greater the lots may be served by a modified, single-family residential, access or shared (private drive) driveway designed to Fire Department access standards. When such access is provided the minor plat must clearly indicate the necessary access easements. The access easements must be privately maintained.

D. Driveways

When land is subdivided, driveway access points must not increase from the number allowed under existing conditions without approval from the Public Works Director.

E. Single-Family Lot Access

Any subdivision of land for single-family dwellings that have new roads providing direct access to the lots within the subdivision will be limited to newly constructed internal roads.

F. Shared Access

Lots may share access as ~~stipulated~~ provided herein. Lot frontage and access do not necessarily have to be along or front the same public street, if approved by the Director.

G. Subdivision Design

The Director may encourage the design of the subdivision in a manner that will:

1. Enhance traffic circulation and other community needs;
2. Encourage pedestrian traffic to schools, parks, existing and planned greenspace corridors, and neighborhood shopping centers;
3. Reduce impacts on streams and lakes;
4. Reduce unwanted noise, lights on neighboring lots; and
5. Discourage speeding on local streets.

H. Temporary Dead-End Streets

Where a subdivision contains a dead-end street or stub street other than a cul-de-sac, the subdivider must provide a temporary cul-de-sac within the right-of-way. Where a temporary cul-de-sac is required, the subdivider must maintain and construct the final street connection or turnaround, as required.

I. Frontage Streets

Where a subdivision abuts or contains an existing or proposed street classified as a collector street or higher, the Director may require frontage streets. Double frontage lots may be required to have screening and no access easements along lot lines fronting on arterials or collector streets. Deep lots with rear service drives, or other treatment as may be necessary for adequate protection of residential properties, may be required to afford separation of through and local traffic.

10.3.5. Lots

A. The size, shape, arrangement, and orientation of every lot is subject to the Director's approval for the type of development and use contemplated in order to achieve the purposes of this Article 10. Proposed internal lot lines (not on the street side) must not be curved.

B. Every lot must conform to the dimension, area, and size requirements of the applicable zoning district. In cases of hardship where lot requirements cannot be met, a variance may be requested in compliance with Article 12.

C. Lots not served by a public sewer or community sanitary sewerage system and public water must meet the dimension and area requirements of the Fulton County health department. See Sec. 10.2.3~~10.2.3~~ for additional sanitary sewer requirements.

D. Double frontage lots are prohibited, except as approved by the Director ~~provided that~~ where such lots are essential to ~~provide~~ separat~~eion of~~ residential development from traffic arteries or to overcome specific disadvantages of topography, orientation, and property size. A planted screen may be required along lot lines abutting a traffic artery or other use that would have potential negative impact.

E. Each lot must have direct access to an abutting, existing public street or to a street contained within the proposed subdivision. A connection through an approved private drive may be permitted by the Director when such connection is consistent with the purposes of this Article 10.

F. The creation of remnant lots that are below minimum standards is prohibited, unless such lots are designated as common area

on the final plat and maintained by the homeowners' association or some other entity approved by the City.

G. Subdivisions that results in lots adjacent to or surrounding an existing or proposed lake must extend such lot lines to either:

1. The centerline of the lake; or
2. The centerline of a common area maintained by a homeowner's association.

10.3.6. Interparcel Access

A. Interparcel Access Required

Interparcel access must be provided to adjacent properties upon determination by the Community Development Director and Public Works Director that such access is in the best interest of public health, safety, or welfare.

B. Private Streets

In residential subdivisions, where private streets are proposed, the Community Development Director and Public Works Director may require a public street for interparcel connection purposes; the Community Development Director and Public Works Director may also require a shared access upon a determination that the same is in the best interest of the public, safety, and general welfare.

10.4. Streets

10.4.1. General

A. Applicability

All new, reconstructed, or extended public and private streets must conform to the standards of this Sec. 10.4.

B. Improvements

Standards for all improvements not contained in this section must conform to the requirements of Chapter 48 of the Code of the City of Milton, Georgia.

C. Plats

Design standards identified in this section and any adopted State, County, and City Standard Specifications and Details must be observed in all plats, as approved by the Director.

D. Fire Code Compliance

Where differences exist among this UDC and the fire apparatus code, the Public Works Director and Fire Marshal are responsible for determinations of which is the controlling requirement.

E. Private Streets

Necessary easements for ingress and egress for police, fire, emergency vehicles and all operating utilities must be provided. If the City is ever petitioned to assume ownership and maintenance of the private streets before dedication of the streets, they must be brought to acceptable City standards subject to the approval of the Public Works Director.

10.4.2. Creation of New Streets

A. The Public Works Director must approve the design and construction for any new

streets and roads in compliance with this Sec. 10.4.

B. The creation of new streets and roads must conform to all rules set out in O.C.G.A. Title 32, etc. seq.

C. Functional classifications of new streets and roads must be as defined in Article 13.

D. The standard construction specifications for new streets and roads must be the current version of GDOT Standard Specifications. The English system of measurement must be used.

E. Enforcement will be by engineering testing according to Chapter 48 of the Code of the City of Milton, Georgia on all new public or private rights-of-way before final plat approval or certificate of occupancy, whichever is appropriate.

10.4.3. Street Types

New streets must conform to one of the following, except where otherwise allowed in Form-Based Codes.

A. Major Subdivision Streets

The minimum requirements are as follows:

1. Right-of-way: 50 feet.
2. Pavement width: 24 feet back of the curb to back of the curb.
3. Cul-de-sac:
    a. Right-of-way: 50-foot radius with an optional 10-foot radius landscape island.
    b. Pavement width: 40-foot radius to back of the curb.
4. Sidewalks. In accordance with Sec. 10.6.3~~10.6.3~~.
5. Street trees. On both sides and in accordance with Sec. 10.4.8~~10.4.8~~ and Article 11.1 (Tree Canopy Conservation).

B. Minor Subdivision Streets

The minimum requirements are as follows:

1. Right-of-way: 44 feet.
2. Pavement width: 22 feet back of the curb to back of the curb.
3. Cul-de-sac:
    a. Right-of-way: 42-foot radius with an optional 8-foot radius landscape island.
    b. Pavement width: 48-foot radius to back of the curb.
4. Sidewalks. In accordance with Sec. 10.6.3~~10.6.3~~.
5. Street trees. On both sides and in accordance with Sec. 10.4.8~~10.4.8~~ and Sec. 11.1 (Tree Canopy Conservation).

C. Other Streets

For streets not mentioned in paragraphs A and B above, the Director will determine the required cross section. For modified, single-family residential, access or shared (private drive) driveways, the design standards must comply with this Sec. 10.4.3~~10.4.3~~ and the Appendix D-Fire Apparatus Roads of the International Fire Code (latest edition). The City of Milton Fire Marshal may approve variances from these design standards provided the public health, safety and welfare is protected and the variance is in the best interest of the City.

D. Residential Design Speed

1. All residential streets must be designed for a maximum of 25 miles per hour.

2. The Public Works Director may require streets that do not provide direct residential access to be designed for up to 35 miles per hour.

E. Traffic Calming

Where proposed public streets are longer than 600 feet, traffic calming devices must be incorporated to include greenspace, islands, residential roundabouts, or other traffic calming devices as approved by the Public Works Director. The minimum distance between individual devices must be at least 500 feet, but not more than 900 feet. All measures must conform to the City's traffic calming policy.

10.4.4. Gravel Roads

A. Public Gravel Roads

Public gravel roads may be allowed with approval of the Public Works Director and the City Council. Public gravel roads must be constructed and maintained in accordance with the Federal Highway Administration Gravel Roads Construction & Maintenance Guide. In addition, the following standards apply:

1. Gravel road grades must not exceed 6%.
2. All intersections of gravel roads with paved roads require a 20-foot paved apron at the intersection, with a concrete transition strip at least 12 inches in length where the apron meets the gravel road.
3. When gravel roads slope upward from an intersection with a paved road, the profile of the gravel road must flatten to a slope no greater than 2% for least 20 feet before the apron. The design engineer must include a ditch/swale detail with cross-section on road plans.

B. Private Gravel Roads

P~~roposed p~~rivate gravel roads must be residential in nature. Private gravel roads may be permitted under the following conditions:

1. When the projected Average Daily Trips (ADT) is less than 400;
2. When the ~~proposed~~ gravel road does not connect to more than one collector or higher classification road; and
3. When the typical section is constructed in accordance with standards developed by the Public Works Department.

10.4.5. Roadway Geometry

A. Grading

The required improvements for new street grading are as follows:

1. All street rights-of-way must be cleared and graded to standards of the Public Works Department.
2. Finished grades must be at levels approved in accordance with the standard plans.
3. When property adjacent to the street is not owned by the developer, ~~they~~ the developer must obtain the necessary easements of sloping banks before submitting a land disturbance permit.

B. Street Grades

New street and driveway~~s~~ grades should be as shown in the following table:

Street Type	Max. Grade
Collector	8%

Major subdivision street	12%
Minor subdivision street	14% [1]
Driveway, modified, single-family residential, access or shared (private drive)	10% [2]

Table notes:
[1] Grades exceeding 12% must not exceed a length of 250 feet.
[2] Or as approved by the City of Milton Fire Marshal

C. Vertical Alignment

All local roads with 25 miles per hour designs must be connected by vertical crest curves with a length that is at least 12 times the algebraic difference between the rates of grade, expressed in feet per hundred. All local roads with a 25 miles per hour design speed must be connected by vertical sag curves with a length that is at least 26 times the algebraic difference between the rates of grade, expressed in feet per 100. In any case, the sight distance must meet the following minimum requirements:

1. In proposed approaches of new streets to intersections with existing streets, there must be a suitable leveling of the street at a grade not exceeding 3% and for a distance of at least 50 feet, as measured from the back of the curb of the intersecting street.
2. In approaches to intersections internal to residential subdivisions, there must be a suitable leveling of the street at a grade not exceeding 5% and for a distance of at least 50 feet, as measured from the center point of the intersection.

D. Horizontal Alignments

The minimum horizontal centerline alignments are as follows:

1. Major subdivision street designed for 35 miles per hour: 200 feet.
2. Other major subdivision street: 100 feet.
3. Minor subdivision street: 100 feet.

E. Tangents

The minimum tangents between reverse curves are as follows:

1. Major subdivision streets designed for 35 miles per hour: 100 feet.
2. Other major subdivision street: 50 feet.
3. Minor subdivision street, where there is no super-elevation: 50 feet.

F. Intersections

Requirements for both internal proposed streets and proposed connections to existing City streets are covered under Sec. 10.5~~10.5~~.

G. Visibility

1. Roadways must be designed so the proper sight distance is maintained.
2. Minimum sight distance is determined by the operating speed of the road, as determined by the Public Works Department.
3. Intersection sight distance is measured as specified in Sec. 10.5.3.H~~10.5.3.H~~ (Sight Distance).

H. Stopping Sight Distance Visibility

1. Roadways must be designed so the proper stopping sight distance is maintained.
2. Minimum sight distance is determined by the design speed of the proposed road as determined by the Public Works Department.
3. Stopping sight distance along a roadway may be no less than the following:

Stopping Sight Distance Visibility Requirements	
Feet	**Speed of Street (in MPH)**
155	**25**
200	**30**
250	**35**

4. Minimum vertical visibility for stopping sight distance along the roadway is determined by measuring between two points of which the height of the driver's eye will be assumed at 3½ feet to an assumed object which is 2 feet in height. The line of sight must remain within the proposed dedicated right-of-way, unless sufficient easements, maintenance agreements, and indemnification agreements are provided, or additional right-of-way is dedicated.
5. Vertical visibility for stopping sight distance is measured on the centerline.

10.4.6. Street Paving/Striping

A. Street paving widths must conform to the minimum fire apparatus requirements.

B. Street pavement must be installed according to adopted State, County, and City Standard Specifications and Details.

C. Striping must be installed according to adopted State, County, and City Standard Specifications and Details.

D. Projects that require roadway improvements must mill and repave along the improvements. The road must either be resurfaced from edge to edge, or it must be milled and repaved to the centerline. The edge of pavement must be flush with the edge of gutter for vertical curb. At least 6 inches of exposed curb must be retained.

E. No striping should be provided on subdivision streets designed for 25 miles per hour, except for stop bars and 50 feet of double yellow centerlines, to be located at each entrance to the subdivision.

10.4.7. Curbs and Gutters

The required improvements for curbs and gutters are as follows:

A. Curbs and gutters installations must be in accordance with any adopted State, County, and City Standard Specifications and Details.

B. Curbs and gutters may be waived by the Community Development Director and Public Works Director if the sidewalk along the same portion of the roadway is set back at least 12 feet from the edge of pavement and drainage is adequately addressed. Setbacks other than 12 feet may be approved by the Community Development Director and Public Works Director when conditions warrant.

C. A graded aggregate base must be extended 6 inches beyond the new curb and gutter, per the GDOT detail.

10.4.8. Street Trees

A. Street trees and other shrubs that are retained or planted must not obstruct sight distances and are subject to the Community Development Director and Public Works Director's approval.

B. When a tree is planted within the right-of-way, the species, caliper, and maintenance requirements shall be as required by the Community Development Director and Public Works Director, after consultation with the City Arborist. Consideration must be given to the zoning district requirements, Sec. 11.1 (Tree Canopy Conservation), context, engineering practices, and the public health, safety, and general welfare.

C. Street trees must be planted behind the sidewalk for urban sections or outside of the AASHTO defined clear zone for collector or higher classified roadways, which may extend outside of the right-of-way onto personal property.

D. Any tree within the right-of-way is subject to removal for safety reasons upon coordination of the Public Works Director and Community Development Director.

10.4.9. Signs and Markings

A. Conformity with MUTCD Required

All signing and pavement marking must be designed and installed in conformance with the latest edition of the MUTCD.

B. General Provisions

1. All signposts placed within a concrete area must have a 6-inch-wide diameter space through substructure.
2. Traffic control signs should be installed at least 7 feet but no more than 10 feet from the ground to the bottom of the sign, and at least 2 feet from the face of curb to the closest edge of the sign, or as required by the MUTCD.
3. As part of the land disturbance permit process, the Public Works Director will identify the number and location of required signs. Sign installations must conform to Sect. 10.4.9.C~~10.4.9.C~~ and Sec. 10.4.9.D~~10.4.9.D~~.
4. The applicant must maintain signs from installation to final inspection. The City ~~reserves the right to~~may replace stop or yield signs if they have been down for more than 12 hours, to replace any other regulatory signs if they have been down for more than seven days, and to replace other signs if they have been down for more than 14 days. ~~This~~ Such replacement will be done at the cost to the applicant of $250.00 per sign.
5. Sign inspection must be done by the Director before acceptance of the final plat or as established by the Public Works Director. Signs should be performance bonded at the same time as the pavement at a cost of $100.00 per sign or as established by the Director. If the City has to replace any signs during the final inspection, the value would be forfeited.

C. Signs Installed on New Streets

1. Stop signs (R1-1)

a. The stop sign must be installed on the right side of the approach to which it applies. Stop lines, when used to supplement a stop sign, must be located at the point where the road user should stop. Where there is a marked crosswalk at the intersection, the stop sign must be

installed in advance of the crosswalk line nearest to the approaching traffic.

b. Stop signs must be installed in a manner that minimizes the numbers of vehicles having to stop. In most cases, the street carrying the lowest volume of traffic should be stopped. A stop sign must not be installed on the major street unless justified by a traffic engineering study as recommended by the MUTCD. If two streets with relatively equal volumes and characteristics intersect, typically the direction that conflicts the most with established pedestrian crossing activity or school walking routes or the direction that has the longest distance of uninterrupted flow approaching the intersection should be stopped.

c. All-way stops require approval of the Public Works Director and must be designed in accordance with the MUTCD.

2. Yield sign (R1-2)

Yield signs must be installed when there are right turns at an intersection that are channelized apart from the through and left turn movements with a striped or raised island. In addition, yield signs must be installed on each approach of a roundabout.

3. Speed limit sign (R2-1)

Speed limit signs must indicate a 25 MPH speed limit for streets internal to residential subdivisions, unless it is a local collector road for the development, and then it must be no higher than 35 MPH. For neighborhood settings, only one speed limit sign must be installed at each project entrance or at the points of change from one speed limit to another. This sign should be installed no less than 100 feet from the entrance of the subdivision, but no more than 500 feet from the entrance.

4. **Street name sign (D3-1)**

a. Street name signs must be installed at every intersection. Overhead street name signs must be installed where a new street intersects at any traffic signal, otherwise ground mounted signs must be installed.

b. Street name signs for public streets must be green and street name signs for private roads must be blue. If the street has no outlet, a “No Outlet” legend must be put on the end of the street name sign blade closest to the main road. The “No Outlet” legend must have at least 3-inch-high, all-capital, black letters on a yellow field that is no more than 8 inches wide.

5. Roundabout sign

Roundabouts must be signed and marked per City standards.

6. Stop ahead signs (W3-1) and yield ahead sign (W3-2)

The stop ahead and yield ahead signs must be installed on an approach to a primary traffic control device in compliance with the MUTCD.

7. Additional signs

Additional signs may be required as appropriate by the Public Works Department or the field inspector.

D. Sign Size and Uses

Signs sizes must be as designated in the following table. This table also includes the reference sections of the MUTCD that explain the proper use and installation of each sign.

Sign	MUTCD Sections (2009 Ed.)	Size
Stop (R1-1)	2B.04 to 2B.07	30" × 30"
Yield (R1-2)	2B.08 to 2B.10	36" × 36" × 36"
Speed limit (R2-1)	2B.13	24" × 30"
Roundabout and simple alignment warning signs	Review section 2B—2D	30" × 30"
Stop ahead (W3-1a) and yield ahead (W3-2a)	2C.36	36" × 36"
Street name (D3-1)	2D.43	Varies

10.5. Intersections

10.5.1. General

A. Applicability

All new or reconstructed private driveways, access easements or shared driveways, modified residential driveways, private streets, public streets and adjoining streets must conform to the standards of this section. Within this section, the term driveway applies to private driveways, access easements or shared driveways, modified residential driveways, private streets or public streets.

B. Purpose

This section is intended to clearly define the process of constructing a legal access point or any other work in City street rights-of-way. To accomplish this the City adopts the latest edition of the GDOT document Regulations for Driveway and Encroachment Control. Where conflicts exist between the GDOT regulations and this section, Sec. 1.1.2.G (Conflicts) will determine which standard governs. Any variance to the standards set forth in the GDOT manual or this section must first be submitted in the form of a written appeal to the Public Works Director, along with the appropriate studies to support the request.

C. Improvements

Standards for all improvements not contained in this section must conform to the requirements of Chapter 48 of the Code of the City of Milton, Georgia.

Roundabouts are the preferred intersection type. Development projects shall consider using roundabouts and mini roundabouts in lieu of two-way stopped and all-way

stopped intersections where practical and as approved by the Public Works Director.

10.5.2. Spacing

A. General

Driveways should be spaced so drivers can perceive and react to the conditions at each intersection in succession. Spacing between driveways should be at least equal to the distance traveled at the posted speed limit during the normal perception and reaction time plus the distance traveled as the vehicle decelerates to a stop. Each intersection also requires a certain amount of storage space for vehicles waiting to enter. The distance between intersections should be great enough to provide this storage, allowing each intersection to have its functional boundary separated from those of the next intersection. Crash data also indicates that as the number of driveways along a roadway increases so do accident rates. Meeting the spacing criteria is not, in itself, an indication that driveways will be allowed.

B. Spacing Standards

Standards for driveway spacing associated with the construction of new driveways are shown in Table 10.5.2.B. Driveways should be separated from any other facility, which accesses a City roadway, whether it is another driveway or a public/private street. Minimum spacing requirements also apply to driveways on the opposite side of undivided roadways. Requirements for the length of right and left turn lanes, as shown in Table 10.5.3.N and Table 10.5.3.P.1, may increase the minimum allowable spacing shown in Table 10.5.2.B.

Table 10.5.2.B. Driveway Spacing Criteria

Posted Speed	Minimum Driveway Spacing
25 MPH	125 ft.
30 MPH	125 ft.
35 MPH	150 ft.
40 MPH	185 ft.
45 MPH	230 ft.

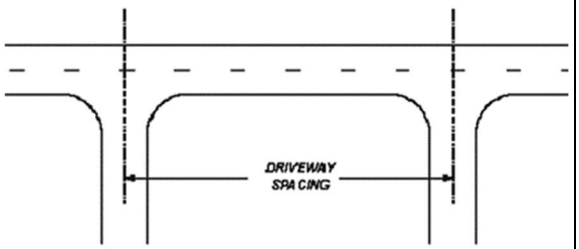


Figure 10.5.2.C Spacing Criteria for One-Way Driveways

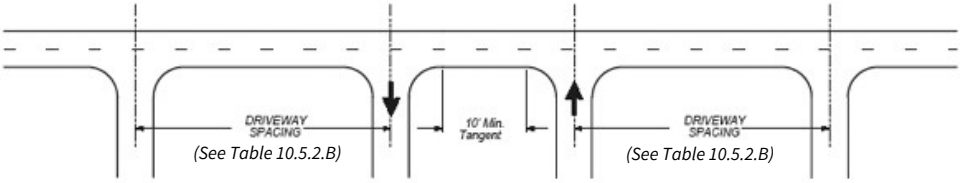
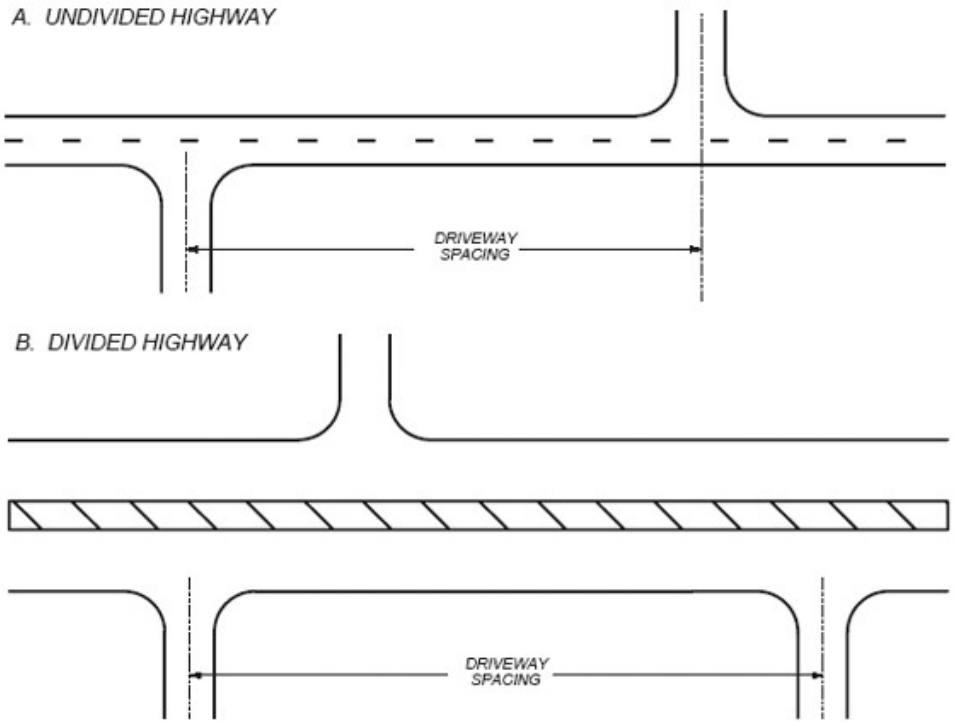


Figure 10.5.2.D Spacing of Offset Driveways



C. Spacing of One-Way Driveways

1. Figure 10.5.2.C shows a typical layout of one-way driveways. Table 10.5.2.B does not apply to the distance between the two one-way driveways.
2. A driveway pair is a single driveway with a separated one-way in and one-way out drive lane configuration.
3. A driveway pair must be separated from another driveway pair by the distance as shown in Table 10.5.2.B.
4. A driveway pair must also be separated from an adjacent two-way driveway in accordance with Table 10.5.2.B.

D. Driveway Placement

1. Not only must driveways be spaced from other driveways as provided in Sec. 10.5.2.B~~10.5.2.B~~, they must also be located a minimum distance from the property line. The radius return must be at least 5 feet from the property line. This may be waived if a safety concern exists.

2. When driveways are to be jointly used by two or more properties, the property line separation requirements given in sub-paragraph 1 immediately above may be waived. However, a joint use agreement signed by all affected property owners must be provided to the Public Works Director. Any property owner may apply for the driveway permit.

E. Driveway Alignment

1. Driveways should align with other driveways on the opposite side of the street. If offset driveways cannot be avoided, the same driveway spacing criteria as given in Table 10.5.2.B should be provided, to provide space for left turns. Figure 10.5.2.D shows how spacing is measured for locating offset driveways on undivided roadways. Spacing is from radius return to radius return.

2. If the City street involved is a divided facility and the driveways do not align with a median crossover, the driveway spacing ~~would~~ only applies~~y~~ to the adjacent driveway located on the same side of the street, as shown in Figure 10.5.2.D.

F. Placement of Interior Driveways

The placement of the first interior driveway which intersects the driveway from the City street should be as far as possible from the City street for safe and efficient operation. For non-single family, residential detached developments, the distance between the roadway traffic and the first internal movement must be at least 100 feet. When the lot depth is insufficient to meet the minimum requirement, the minimum distance will be equal to the maximum anticipated queuing length for the proposed land use.

G. Residential Driveways

1. Driveways serving single-family residential dwelling or townhouses do not have to meet the standards of Sec. 10.5.2.A~~10.5.2.A~~ through Sec. 10.5.2.F~~10.5.2.F~~, as they have a less significant impact than a new street or commercial driveway.

2. Along streets classified as local roads in the most recent Comprehensive Transportation Plan, no more than two private curb cuts may be located on any one street frontage for any one dwelling. When there are two curb cuts on any one street frontage, there must be a safety zone between the cuts not less than 10 feet, as measured along the curbline from the radius return. In no case may the radius return be less than 5 feet from the side property line as measured along the right-of-way line, unless approved by the Public Works Department. The radius return must not encroach upon the radius of the curb at a street corner.

3. Along streets classified as collectors or higher in the Comprehensive Transportation Plan, no more than one private curb cut may be located on any one street frontage for any one dwelling. If a lot has access to more than one frontage, it must not have any private curb cuts on a street that is classified as a collector or higher order street. If both frontages are classified as collector or higher order streets, then the curb cut may be on the frontage with the lowest classification, or as

designated by the Public Works Department.

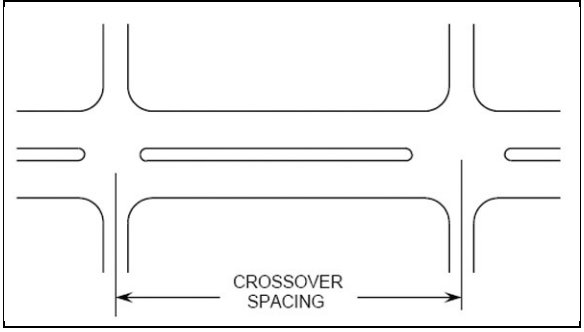
4. See Sec. 10.3.4.A.2~~10.3.4.A.2~~ for standards for the number of allowed driveways when land is subdivided.

H. Spacing of Median Crossovers

1. When the applicant is requesting a median crossover on a divided roadway, the spacing standards shown in Table 10.5.2.H apply.
2. Other factors will also be considered, such as distance to other median openings, adjacent land use, expected traffic volumes, and the resulting volume of U-turns that are likely to occur without the median opening. Meeting the spacing criteria is not, in itself, an indication that median openings will be allowed.

Table 10.5.2.H. Spacing of Median Crossovers

Condition	Crossover Spacing (in feet)	
	Desirable	Minimum
Rural	2,640	1,320
Urban	2,000	1,000

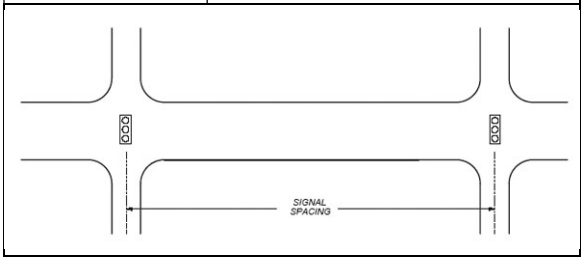


I. Spacing of Signalized Intersections

1. The following is provided to assist the applicant's engineer in designing sites that may need signalized points of access to the City street. Table 10.5.2.I contains guidelines for the spacing that should be provided between signalized intersections.
2. The spacing guidelines in sub-paragraph 1 above are for conditions that normally offer better signal progression for arterial traffic flow. It is recognized that under certain conditions, better operation may result from more closely spaced signals if the alternative forces high volumes of traffic to adjacent intersections.
3. When the applicant can show, through an alternatives analysis, that better operations can be achieved with closer spacing, the Public Works Department may consider an exception to the standards of Table 10.5.2.I.

Table 10.5.2.I. Spacing of Signalized Intersection

Condition	Signal Spacing (in feet)
Rural	1,320
Urban	1,000



10.5.3. Design Standards

A. Compliance, Purpose

1. The design of driveways must comply with the guidelines of AASHTO's A Policy on Geometric Design of Highways and Bridges, current edition. However, this sub-section summarizes the minimum design standards that will be checked during plan review.
2. The geometric design of an intersection is a collection of various elements such as radius, width, grade, angle of intersection, etc., that, in combination, provide for satisfactory operation of the vehicles that will use the intersection. Since the operating characteristics vary dramatically for different types of vehicles, the designer must first establish the design vehicle on which to base the driveway design. The designer should also check the final design to ensure the design vehicles can operate satisfactorily.
3. Driveways should be compliant with Details A or B depending on whether the primary street has a rural section or an urban section. Permits to replace an existing driveway or construct a new driveway must be obtained through the Public Works Department.

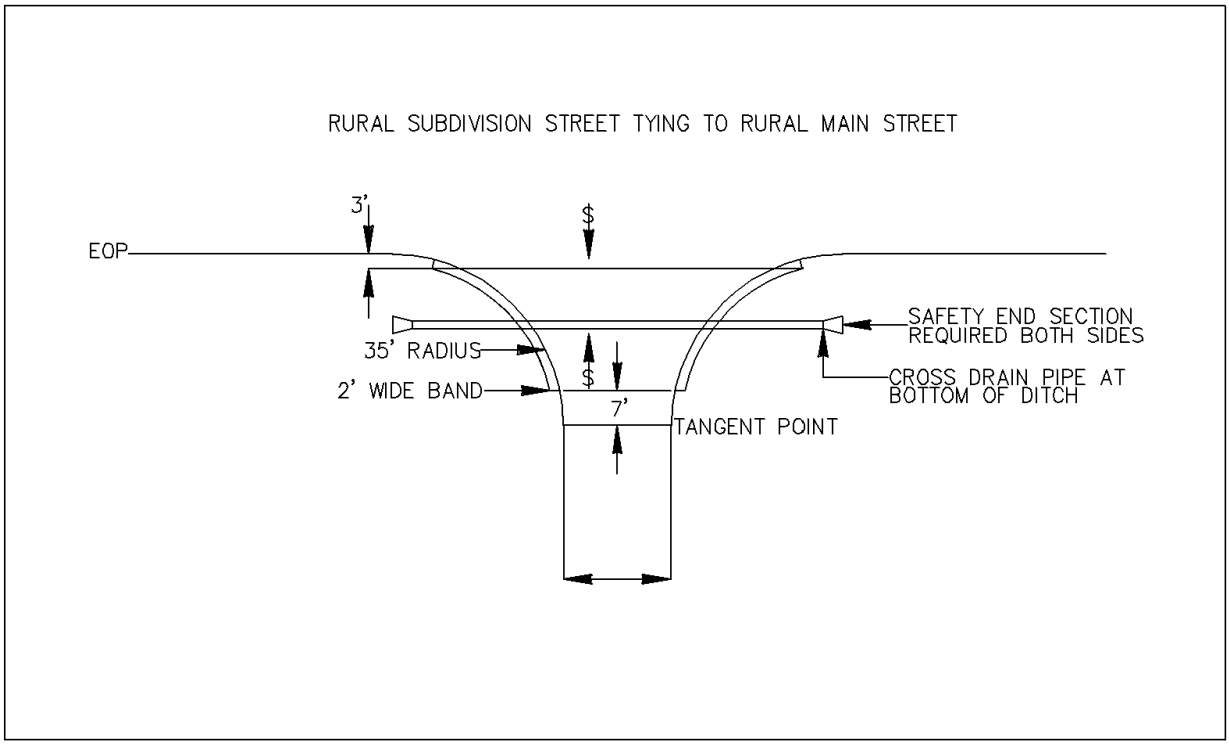
B. Design for Trucks

1. The design criteria given in this sub-section have more stringent requirements for trucks. Even though the general use of such guidance would result in more desirable operations for all vehicles, it is neither practical nor necessary to design all facilities to accommodate trucks. The designer must use judgment in selecting the proper design vehicle.
2. When semitrailer combination trucks are expected to use the intersection on a regular basis and in numbers more than just an occasional vehicle, then the intersection should be designed to accommodate the truck movements. This includes most driveways designed for industrial use and many commercial driveways.
3. For commercial uses such as shopping centers, the site plan should indicate where heavy duty pavement would be provided to accommodate truck access to loading docks. Any driveway associated with access/egress for the loading docks should use the truck radii. Minor movement driveways, particularly those that allow only right turns will generally only be used by passenger cars.

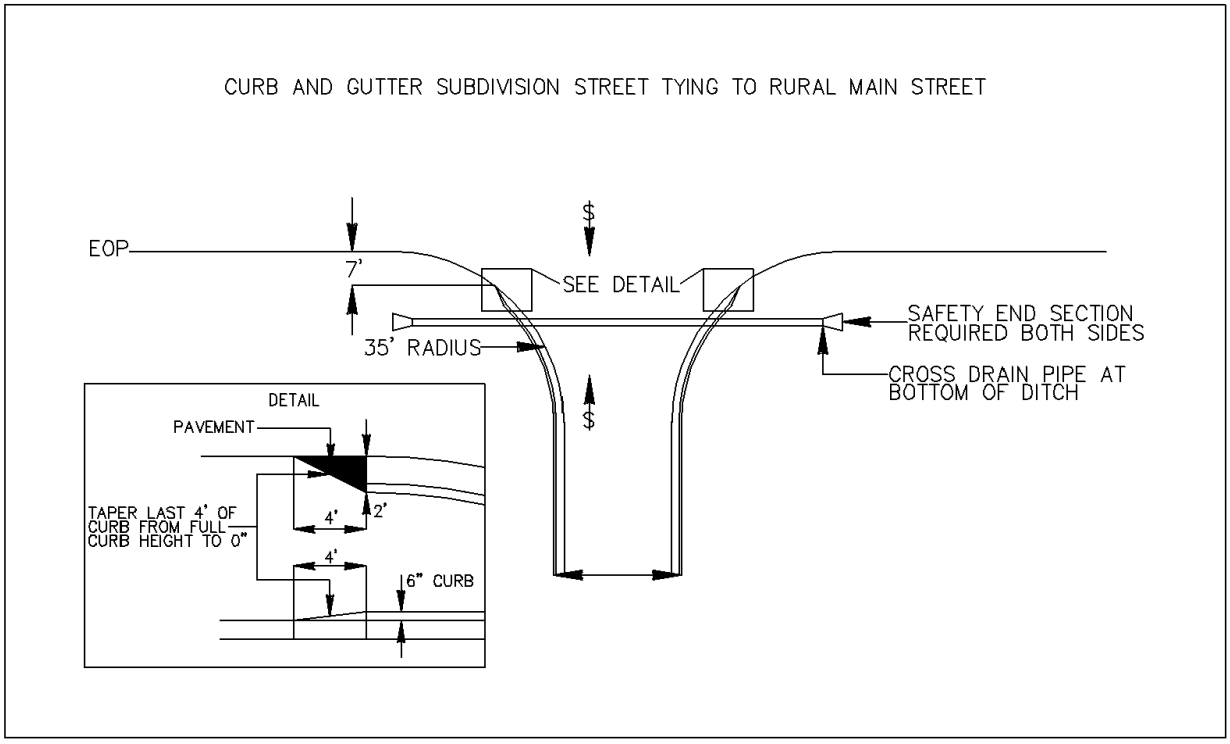
C. Connections to Rural Sections

The following describes the requirements for connecting to City streets that lack curb and gutter and where curb and gutter is not required for sidewalk or trail installation.

1. When ditches are constructed on the City right-of-way, the front slope should be no greater than 4:1. When the bottom of the ditch is between 5 feet and 8 feet below the edge of pavement, the front slope can be increased to 3:1. When the ditch is greater than 8 feet below the edge of pavement, the front slope may be increased to 2:1. In any case, when the front slope is greater than 4:1, guardrail warrants should be applied.



Detail A



Detail B

D. Driveway Width

1. When a traffic impact study is required by Sec. 12.3.6, the driveway must be designed to provide the number of lanes recommended in the study. The findings within the study supersede the standards in Table 10.5.3.D.
2. When the need for multiple lanes is not established from a traffic impact study, the minimum and maximum driveway widths are as given in Table 10.5.3.D.

Table 10.5.3.D. Driveway Widths

Driveway Use	Width	
	Min.	Max.
Current residential GA std. (2 lots or less)	14 ft.	20 ft.
Farming, agricultural	18 ft.	24 ft.
Current commercial (one-way) GA std. and residential more than 2 lots	16 ft.	20 ft.
Current commercial (two-way) GA std. and residential more than 2 lots	24 ft.	40 ft.

E. Corner Radii

Corner radii are generally established by the minimum path of the inside wheels of the design vehicle when making a right turn. The minimum corner radii to be used for driveways are given in Table 10.5.3.E.

Table 10.5.3.E. Minimum Corner Radii

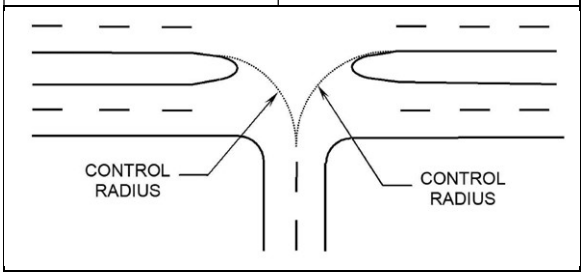
Driveway Use	Minimum Radius
Residential (2 lots or less)	15 ft.
Commercial and residential more than 2 lots	35 ft.
Designed for trucks	75 ft.

F. Left Turning Control Radii

The path of the inside wheels during left turns is also important for the design of median openings and intersections with dual left turn lanes. Table 10.5.3.F contains guidelines for minimum left turning radii.

Table 10.5.3.F. Left Turning Control Radius

Driveway Use	Control Radius
Residential	40 ft.
Commercial	50 ft.



G. Median Crossover Design

GDOT guidelines must be used. Driveways onto divided City roadways where full access is to be provided must be designed in accordance with GDOT construction details for median crossovers. The detail has two types of designs that are applicable in different situations in the City. Type A median crossovers are not permitted.

H. Sight Distance

1. Driveways should be located to provide adequate sight distance. The minimum intersection sight distance criteria are provided in Table 10.5.3.H. The line of sight establishes the boundary of a sight triangle, within which there should be no sight obstruction. Any location where the sight line leaves the right-of-way, a permanent maintenance easement must be filed, and the area must be graded, landscaped, and kept free of objects such that sight distance is not

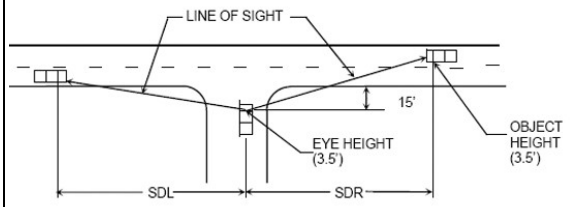
compromised. The driver's eye should be located 4 feet off the centerline of the side street in the outbound lane. The object should be located at the center of the closest oncoming travel lane.

2. The sight distance criteria are based on the time required for a vehicle to make a left turn from a stop-controlled approach to the County or City roadway (AASHTO Case B1). The time to execute the maneuver is based on recommendations contained in NCHRP Report 383, Intersection Sight Distance. The sight distances, for a two-lane road, are the distances traveled at the arterial speed for 7.5 seconds. The time is increased by 0.5 seconds for each additional lane to be crossed.

3. The sight distances given in Table 10.5.3.H are for undivided roadways. If the roadway is divided, the effect of the median should be considered in determining the required sight distance. Based on the conditions, it may be feasible for the crossing maneuver to be done in two stages with a stop in the median. However, the intersection should only be treated in this manner if the signing and marking is accordingly provided. Otherwise, the sight distance requirements should be increased to account for the additional width that must be crossed. See AASHTO Geometric Design of Highways and Streets for adjustments due to grades greater than 3% and design vehicles other than passenger cars.

Table 10.5.3.H. Intersection Sight Distance Requirements

Arterial Speed (MPH)	Sight Distance (in feet)				
	2 Lanes	3 Lanes		4 Lanes	
	SDL= SDR	SDL	SDR	SDL	SDR
25	280	260	300	280	320
30	335	310	355	335	375
35	390	365	415	390	440
40	445	415	475	445	500
45	500	465	530	500	565



4. Intersections must be designed so the proper stopping sight distance is maintained. Stopping sight distance at an intersection must be no less than the following:

Stopping Sight Distance Visibility Requirements	
Feet	**Speed (in MPH)**
155	**25**
200	**30**
250	**35**
305	**40**
360	**45**

I. Horizontal Alignment

In general, the horizontal alignment of driveways should be designed using a tangent section from the centerline of the ~~County~~ City roadway and extending to the property line. Horizontal curves should be sufficient to provide safe operations at

speeds that would normally occur in the areas where they are constructed.

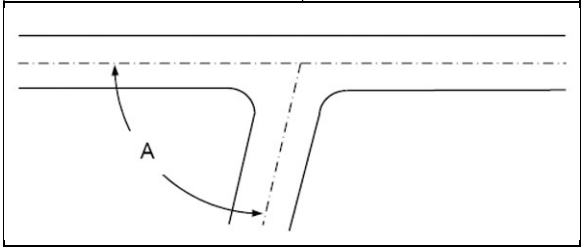
J. Angle of Intersection

1. Intersecting driveways and roads should meet at or nearly at right angles. Driveways and roads intersecting at acute angles create sight limitations that should be avoided.

2. In some cases, a more suitable overall design can be achieved by allowing intersecting angles other than 90 degrees. Table 10.5.3.J gives the minimum angle of intersection that will generally be allowed for driveways designed for two-way traffic flow.

Table 10.5.3.J. Minimum Angle of Intersection for Two-Way Driveways

Driveway Use	Minimum Angle of Intersection (A)
Residential	70 degrees
Commercial	85 degrees
Designed for trucks	88 degrees



K. Parallel Curblines

The curbline radius at street intersections must parallel the right-of-way radius.

L. Right-of-Way Radius

The right-of-way radius at street intersections must be at least 20 feet or an equivalent miter of 20 feet, and where the angle of intersection is less than 90 degrees, the Public Works Department may require a greater radius.

M. Alignment of Approach and Departure Lanes

Driveways should be designed and constructed to align with driveways or streets on the opposite side of the roadway. The alignment of through movements crossing the roadway should not require abrupt shifts in the travel pattern.

N. Auxiliary Turn Lanes

1. When a traffic impact study is required by Sec. 12.3.6, any required turn lanes must be designed as recommended in the study. The findings within the study supersede the standards in Sections 10.5.3.N-R.

2. When any auxiliary turn lane extends beyond the applicant property frontage, the applicant must acquire the necessary rights-of-way and easements to accomplish the necessary frontage improvements.

3. Except where necessary to control traffic, drainage or where necessary for the construction of sidewalks and trails, the use of barrier curbs on external roadways should be avoided for safety and simplicity.

O. Deceleration Lane Requirements

1. These standards generally apply to auxiliary lanes installed on the approach to an intersection that provide for deceleration and storage of vehicles waiting to turn right or left. Such lanes are always beneficial and will be required in conjunction with land disturbance permits when projected traffic volumes exceed minimum levels as provided in the following sub-paragraphs 2 through 5.

2. Right turn deceleration lanes must be constructed at no cost to the City if right turning volumes (RTV), based on Institute of Transportation Engineers (ITE) Trip Generation (assuming a reasonable distribution of entry volumes as approved by the Public Works Director) meet or exceed the values shown in Table 10.5.3.O.

Table 10.5.3.O. Minimum Volumes Requiring Deceleration Lanes

Posted Speed	Average Daily Trips (ADT)	
	< 6,000	>= 6,000
35 MPH or less	200 RTV	100 RTV
40 MPH-50 MPH	150 RTV	75 RTV

3. If the Public Works Director determines that field conditions or other factors indicate that it would be in the City's best interest to waive the deceleration lane requirement, the Public Works Director ~~they~~ must document the ~~recommendatio~~recommendation ~~n. The recommendations must be approved by the Public Works Director~~ and attached it to the permit. The Public Works Director may also require the addition of a right turn lane, even when the conditions in Table 10.5.3.O are not met, if roadway geometry or field conditions indicate that the safety of the traveling public would be improved. The recommendation must be documented and approved by the Public Works Director for inclusion with the permit.

4. The right-of-way for deceleration lanes must be dedicated in fee simple to the City for the City to maintain. A limited warranty deed is not acceptable when the right-of-way is donated to the City.

5. The pavement specifications for deceleration lanes must be the GDOT Standard Specifications for Construction of Roads and Bridges, except as approved by the Public Works Director where a lesser design may be acceptable or where a proposed project is expected to tie-in.

P. Deceleration Lane Design

1. The following provides the design guidelines that should be used to establish the lengths of turn lanes if they are required. Turn lanes should provide a full-width lane that is long enough to allow vehicles to decelerate from the operating speed to a full stop in addition to the length of full-width lane that is needed to store vehicles waiting to turn. Table 10.5.3.P contains guidelines for lengths of tapers and full-width turn lanes for deceleration right turn lanes.

2. When traffic studies are conducted, the length of full-width lane needed for storage must be determined. If the length of full-width storage is greater than the length of full-width storage shown in Table 10.5.3.P, the longer length should be provided.

3. At signalized intersections, the amount of storage for both right and left turns is based on the number of vehicles arriving during 1.5 signal cycles.

4. For unsignalized intersections, left turn storage should accommodate vehicles arriving during a two-minute period. Minimal storage is required for right turn lanes at unsignalized intersections.

Table 10.5.3.P. Min. Deceleration Lane Lengths

Speed (MPH)	Full Width Storage	Taper
35	100 ft.	50 ft.
40	150 ft.	50 ft.
45	175 ft.	100 ft.

Q. Left Turn Lane Requirements

1. Left turn lanes must be constructed at no cost to the City if left turning volumes (LTV), based on ITE Trip Generation (assuming a reasonable distribution of entry volumes as approved by the Public Works Director) meet or exceed the values shown in Table 10.5.3.Q.

2. If the Public Works Director determines that field conditions or other factors indicate that it would be in the best interest of the City to waive the left turn lane requirement, the Public Works Director must document the determination and attach it to the permit. ~~they must document their determination. The recommendations must be approved by the Public Works Director and attached to the permit.~~ The Public Works Director may also require the addition of a left turn lane, even when the conditions in Table 10.5.3.Q are not met, if roadway geometry or field conditions indicate that the safety of the traveling public would be improved. The recommendation must be documented and approved by the Public Works Director for inclusion with the permit.

3. The right-of-way for left turn lanes must be dedicated in fee simple to the City for the City to maintain. A limited warranty deed is not acceptable when the right-of-way is donated to the City. When the construction of a left turn lane is not required the right-of-way must be dedicated to the City in sufficient width to allow for the future construction of the lane when conditions warrant.

Table 10.5.3.Q. Minimum Volumes Requiring Left Turn Lanes

Posted Speed	Average Daily Trips (ADT)	
	< 6,000	>= 6,000
35 MPH or less	300 LTV	200 LTV
40 MPH-50 MPH	250 LTV	175 RTV

R. Left Turn Lane Design

1. The design of left turn lanes should consider the intended function and the characteristics of the roadway. It is often necessary to widen the existing roadway to introduce the left turn lane. All vehicles approaching the turn lane are shifted to the right. The left turning traffic is then shifted back into the lane. Through traffic is returned to its original lane beyond the intersection. When the roadway has a median that is at least 20 feet wide, the left turn lane can be developed out of the median, avoiding the need for transitions. If a proposed driveway aligns across the main street with another driveway, and the proposed driveway must provide a left turn lane and left turn storage, then adequate storage and tapers must also be provided for the driveway across the main street.

2. The basic design elements of left turn lanes are shown in Table 10.5.3.R.1 This example shows symmetrical widening, which requires the through traffic on each side to shift by one-half the lane

width. Some circumstances may dictate that all widening be achieved on one side, which requires a full lane shift for through traffic on the side where the additional width is developed. Table 10.5.3.R.1 provides guidelines for selecting the proper length of the approach taper.

~~2.~~3. The example shown in Table 10.5.3.R.1 has straight-line tapers. These are acceptable but other designs may also be used, including the following: partial tangent tapers, symmetrical reverse curve, and asymmetrical reverse curve. See the latest edition of AASHTO Geometric Design of Highways and Streets for details.

~~3.~~4. The required length of full-width storage is based on the peak hour traffic volumes. This should be determined in the traffic study. The amount of storage is dependent on the type of traffic control in effect. For signalized intersections, the storage should be sufficient to accommodate the 95th percentile peak hour queue. At yield-controlled intersections, the storage is based on the number of vehicles as designated in Table 10.5.3.R.2.

Table 10.5.3.R.1. Minimum Design Elements of Left Turn Lanes

Posted Speed Limit (mph)	Approach Taper		Bay Taper	Full Width Storage
	6 ft. Shift	12 ft. Shift		
35	125 ft.	250 ft.	50 ft.	See Table 10.5.3.P
40	160 ft.	320 ft.	50 ft.	See 10.5.3.P
45	270 ft.	540 ft.	100 ft.	See 10.5.3.P

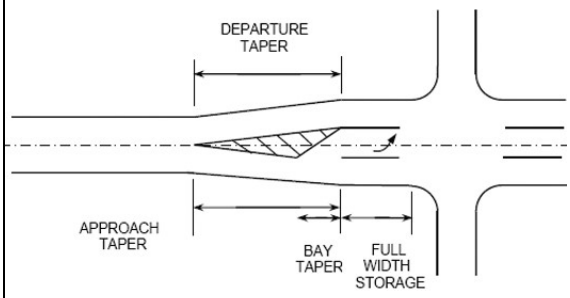


Table 10.5.3.R.2. Left Turn Storage Requirements.

Peak Hour Left Turn Volume	Equivalent Neighborhood Size (# of lots)	Speed Limit of Road		
		35 MPH	40 MPH	45 MPH
		Queue Feet	Queue Feet	Queue Feet
30 to 36	80 to 104	95	95	95
37 to 84	to 268	115	115	115
85 to 100	to 325	135	135	135
101 to 125	to 417	135	135	155
126 to 150	to 511	155	155	175
151 to 175	to 607	175	175	190
176 to 200	to 704	190	190	210

S. Raised Islands

1. Raised islands are an important form of intersection channelization that is often needed to prohibit undesirable movements, define the paths of allowed movements, and provide a refuge area for pedestrians. Any location where two outbound lanes are proposed for a driveway at an unsignalized intersection, the right lane must be for right-out only movement and separated from the other lane by a raised island.
2. Raised islands should be large enough to command attention and accommodate wheelchairs. The smallest raised island should have an area of 50 square feet for urban and 75 square feet for rural intersections. However, 100 square feet or more is preferable for both. (Refer to revised ADA standards)
3. Figure 10.5.3.S.3 contains a median island along the driveway. This drawing should not imply that median islands or corner islands are required for all driveways. However, large painted islands may not serve the intended channelization purpose and the type island to be used should be based on the actual circumstances of the site.
4. Figure 10.5.3.S.4 shows a typical design for a raised corner island at a two-lane driveway. This design uses a compound radius (275 feet and 40 feet) to provide optimum sight distance for right turn cut through sufficient size for wheelchair ramps and level landings.
5. Raised islands should be offset from the edge of the adjacent travel lane on all sides and should be designed as the striped island typical path of a passing car vehicle. Raised islands adjacent to highways with posted speed limits at or below 45 MPH, the offset should be 4 feet desirable, 2 feet minimum. Minimum offsets for raised islands are adjacent to highways with posted speed limits at or above 50 MPH, the island shall be offset from the edge of the highway by a minimum distance of 10 feet. When the raised island size does not meet the pedestrian size, a semi-depressed raised island can be used (see Figure 10.5.3.S.5).
6. When multiple crosswalks are required to pass through islands, the required size may exceed the 75 square feet mentioned above. The required size may also exceed the 75 square feet mentioned above when ~~additional area may be required to install~~ wheelchair ramps are installed. When the island size can't be increased to accommodate ~~pedestrian~~ the wheel chair ramps size, a semi-depressed raised can be used, see Figure 10.5.3.S.5. As an alternate to ramps, the pedestrian travel way can be “a cut-through” through the island, remaining on the grade of the roadway.

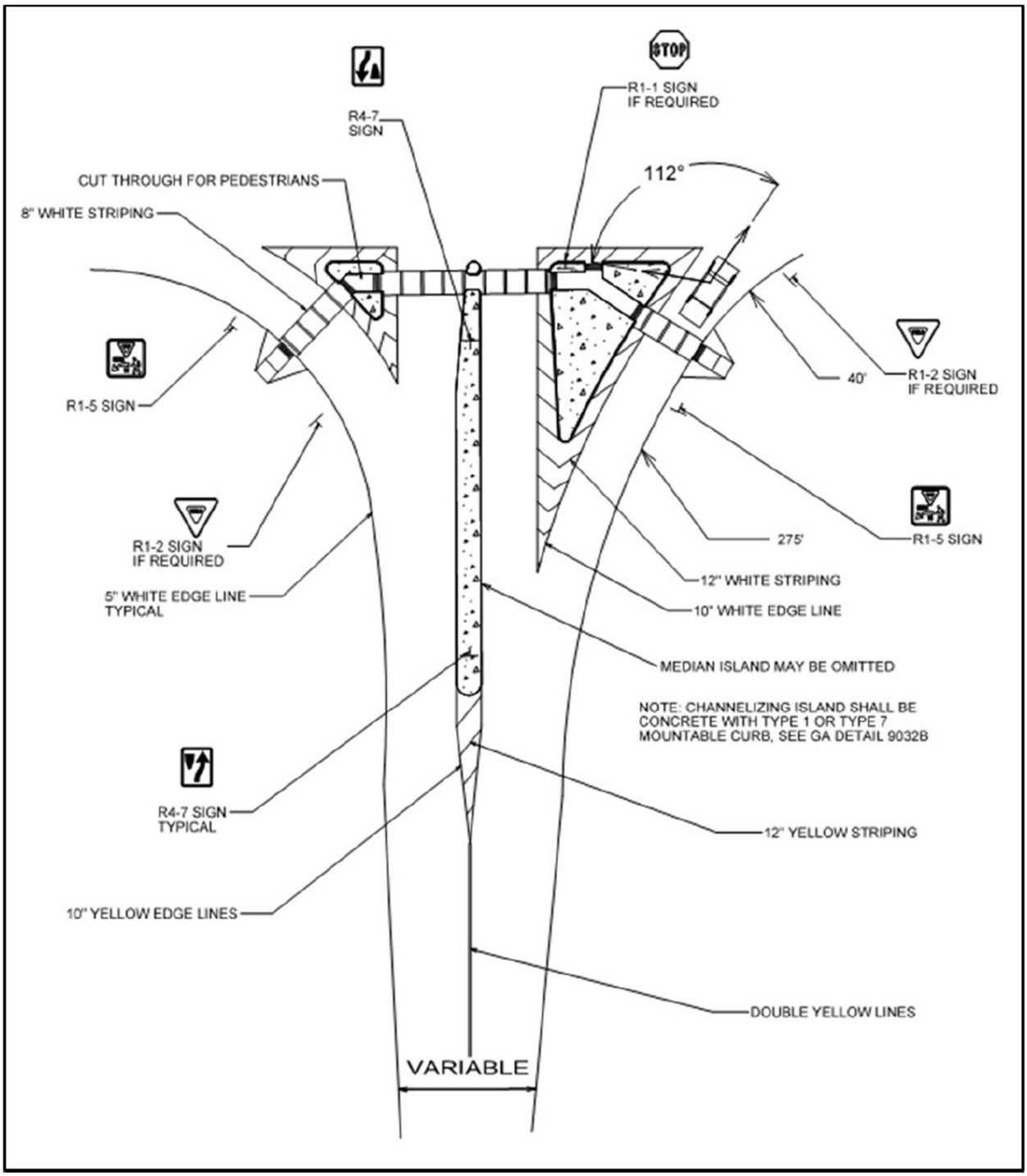


Figure 10.5.3.S.3. Two-Lane Driveway Raised Island

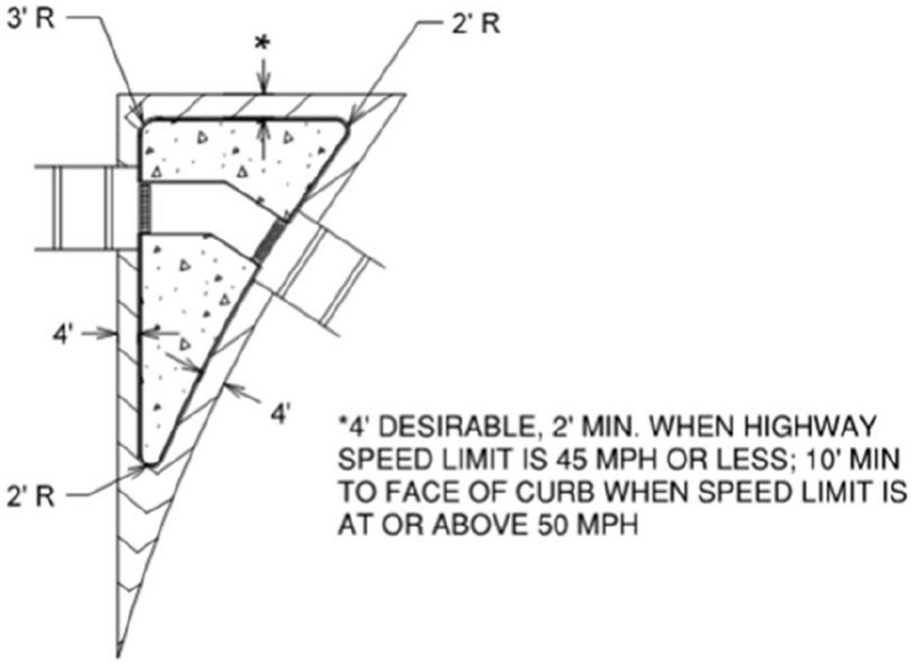


Figure 10.5.3.S.4. Raised Island Detail

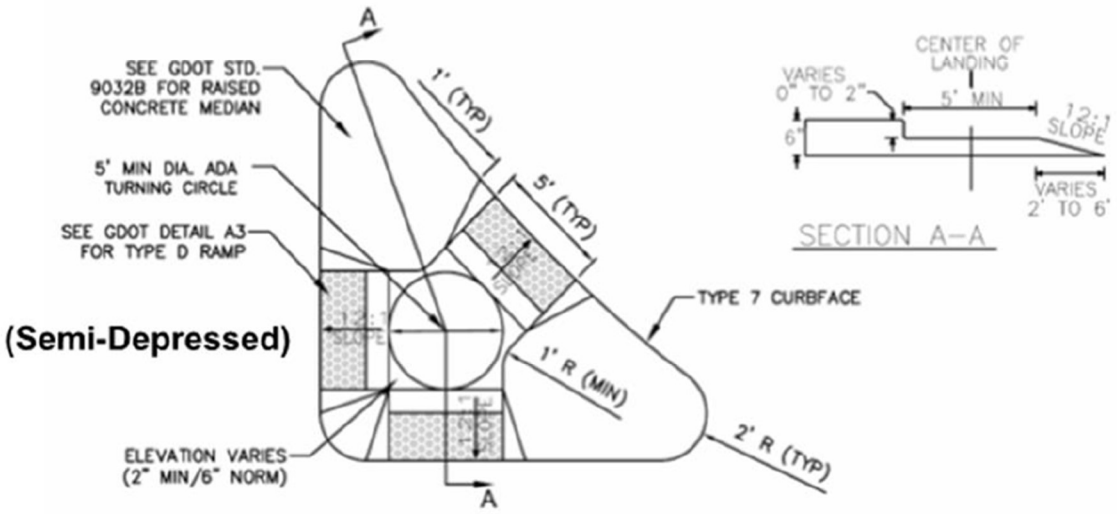


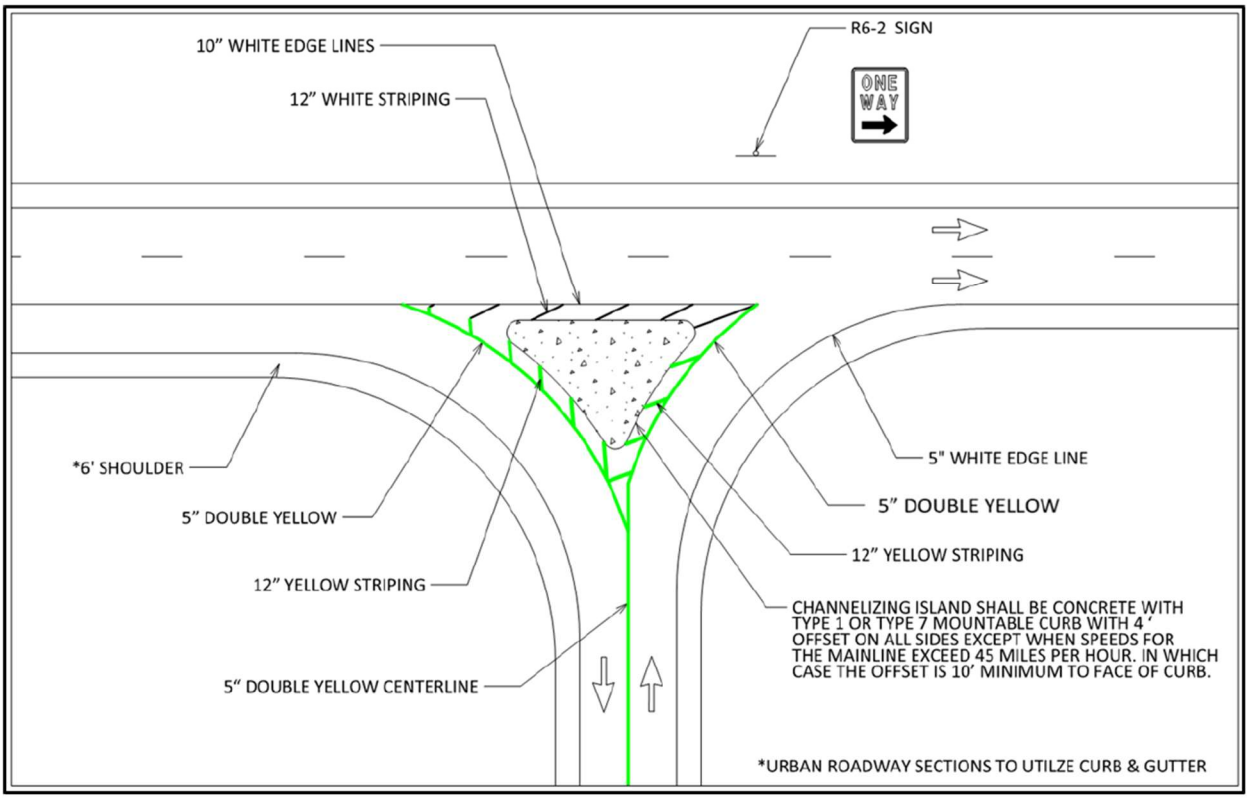
Figure 10.5.3.S.5. Raised Concrete Island with Ramps

T. Restricted Movement Driveways

Right in/right out driveway raised islands are also typically used to channelize the movements at a driveway where only right turns are allowed. The raised island is an effective means of preventing left turns. Right-in/right-out driveway raised islands are also typically used to channelize the movements at a driveway where only right turns are allowed. The raised island is an effective means of preventing left turns. Figure 10.5.3.T provides a typical design for right turn only islands. All sign posts to be placed within concrete area must have a hole through the pavement structure. The hole may be formed, drilled or sawed. For truck entrances, all right-in, right-out islands must have a radius that is 70 feet, or a compound curve that approximates 70 must have a 35-foot radius. For residential entrances, islands must have a 15-foot radius. Right-in, right-out driveways are not intended for truck traffic, so the exit and entrance lanes must be 12 feet in width as measured from face of curb to face of curb. The island must be constructed from mountable curb to accommodate emergency vehicles. The edge of the island should be offset 24 inches to 48 inches from the edge of the travel lane.

U. Pavement Design

For paved surfaces intended for travel by motorized vehicles, the pavement specification of auxiliary lanes on City streets are the GDOT Standard Specifications for Construction of Roads and Bridges, or as designated in City standards.



NOTE: Highlighted portion in the figure is for the yellow striping

Figure 10.5.3.T. Typical Right-In / Right-Out Driveway Island

V. Pedestrian Considerations

1. When driveways are constructed in areas where sidewalks or trails are allowed or exist, the design should adequately provide for pedestrian movement and interaction with vehicular traffic. Pedestrian features that should be considered include sidewalks, crosswalks, traffic control features, and curb ramps. The ADA Accessibility Guidelines must be used where pedestrian traffic is expected.
2. Current GDOT construction standards and details include types and locations for curb cut ramps. Ramps are required at all pedestrian crosswalks where curb is constructed or replaced. The required crosswalk detail is also included in the most current GDOT Construction Details.

W. Clear Zone Requirements

1. Experience has shown that motorists occasionally run off the roadway and providing a traversable recovery area can lessen serious injury. AASHTO publishes a Roadside Design Guide that should be used as a reference when designing driveways.
2. Designers shall reference the most recently published version of the AASHTO Roadside Design Guide to obtain clear zone requirements based on the type of road they are accessing. Table 10.5.3.W shows the 2011 4th edition requirements. Driveways and sites must be designed to ensure that clear zones required by the Roadside Design Guide are provided.
3. All areas located within the clear zones should remain clear of obstructions such as bridge abutments, poles, trees, etc. If obstructions are unavoidable, the design should include appropriate protection such as break-away design, guardrail installation, safety end treatments on culverts, etc. The Roadway Design Guide includes a table for horizontal curve adjustments, where the clear zone correction factor is applied to the outside of curves only. Curves flatter than a 2,860-foot radius do not require an adjusted clear zone.

Table 10.5.3.W. Clear Zone Distances (in feet from edge of traveled way)

Design Speed (MPH)	Design Average Daily Trips (ADT)	Foreslopes			Backslopes		
		1V:6H or flatter	1V:5H to 1V:4H	1V:3H	1V:3H	1V:5H to 1V:4H	1V:6H or flatter
≤40	UNDER 750	7–10	7–10	[2]	7–10	7–10	7–10
	750–1500	10–12	12–14	[2]	10-12	10–12	10–12
	1500–6000	12–14	14–16	[2]	12–14	12–14	12–14
	OVER 6000	14–16	16–18	[2]	14–16	14–16	14–16
45–50	UNDER 750	10–12	12–14	[2]	8–10	8–10	10–12
	750–1500	14–16	16–20	[2]	10–12	12–14	14–16
	1500–6000	16–18	20–26	[2]	12–14	14–16	16–18
	OVER 6000	20–22	24–28	[2]	14–16	18–20	20–22
55	UNDER 750	12–14	14–18	[2]	8–10	10–12	10–12
	750–1500	16–18	20–24	[2]	10–12	14–16	16–18
	1500–6000	20–22	24–30	[2]	14–16	16–18	20–22
	OVER 6000	22–24	26–32 [1]	[2]	16–18	20–22	22–24
60	UNDER 750	16–18	20–24	[2]	10–12	12–14	14–16
	750–1500	20–24	26–32 [1]	[2]	12–14	16–18	20–22
	1500–6000	26–30	32–40[1]	[2]	14–18	18–22	24–26
	OVER 6000	30–32 [1]	36–44 [1]	[2]	20–22	24–26	26–28
65–70	UNDER 750	18–20	20–26	[2]	10–12	14–16	14–16
	750–1500	24–26	28–36 [1]	[2]	12–16	18–20	20–22
	1500–6000	28–32 [1]	34–42 [1]	[2]	16–20	22–24	26–28
	Over 6000	30–34 [1]	38–46 [1]	[2]	22–24	26–30	28–30

Table Notes:
[1] Clear Zones may be limited to 30 ft.
[2] Fixed objects should not be present in the vicinity of the toe of these slopes. The width of the recovery zones should consider several factors including right-of-way availability, economic factors, safety needs, and accident history.

X. Mailboxes

1. Mailboxes are subject to all regulations of the United States Postal Service (USPS).
2. Single breakaway post mailboxes shall be the standard installation.
3. Fixed object mailboxes (e.g., brick, stone, concrete, stucco, anything other than a standard mailbox) are not allowed within the right-of-way. Installations of such mailboxes shall also be subject to other requirements of this section and the AASHTO Roadside Design Guide, current edition.

Y. Right of Way Requirements

1. In order to construct driveways, it is often necessary to construct improvements to the City roadway. These improvements may include the addition of auxiliary lanes along the City roadway such as a deceleration lane or left turn lane.
2. If sufficient right-of-way exists, improvements to the City roadway may be permitted without the requirement of additional rights-of-way. In urban sections, the right-of-way must be no closer than 14 feet from the face of curb along state routes and 11 feet from the face of curb along all City roads. In rural

sections, the point located halfway up the back slope should be on or within the right-of-way line.

3. If additional right-of-way is required in order to construct the required improvements, the applicant must dedicate the right-of-way.

Z. Pavement Markings

The following guidelines are for designing and installing pavement markings:

1. All pavement markings installed within the public right-of-way must be thermoplastic material.
2. Lane lines are generally 5 inches (white); lane lines are not required where curb and gutter has been provided.
3. Stop lines should be 24 inches (white).
4. Centerlines should be 5 inches (double yellow).
5. Deceleration and left turn lanes should have turn arrows (Type 2) spaced every 100 feet.
6. Crosswalks should use the current GDOT standard.

10.6. Sidewalks

10.6.1. General

A. Applicability

Conformance with this section is required for all subdivision and land disturbance permits.

B. Findings

The City Council finds that sidewalks, both internal and along the entire road frontage of a development, primarily advance the interests of the owners and occupants of such development. These interests so advanced include:

1. Increasing intra-development pedestrian mobility.
2. Promoting exercise and wellness.
3. Creating a sense of community.
4. Reducing vehicular traffic.
5. Increasing overall development safety.

C. Purpose and Intent

1. The objective is to provide facilities that ensure safe pedestrian movement in the City.
2. Sidewalks are intended to provide a safe pedestrian connection between the subdivision/development and nearby destinations. Pedestrians consist of children walking to and from school and neighborhood activities, as well as adults walking to and from neighborhood shopping, parks, and transit stops. In addition to the need for sidewalks for circulation and safety, sidewalks can be important elements in the recreational system of this community. They can also serve as walking and hiking trails.

D. Required Sidewalks

1. When a development permit or building permit is sought on land proposed for development:
   a. In major subdivisions or on commercial projects, internal pedestrian facilities are required on both sides of any public or private right-of-way, access easements, or drives, or as may be required by Sec. 10.6.3~~10.6.3~~. The development permit must indicate proposed construction of pedestrian facilities on all proposed streets and along the entire frontage, when required.
   b. The entire development must provide a sidewalk along existing streets, consistent with the City standards, when any of the following occurs:
      i. A~~When a~~ny portion of the ~~parcel~~ development is within a zoning overlay district;
      ii. Any portion of the development is ~~or~~within a Form-Based Code district; ~~or~~
      ~~b.~~iii. Any portion of the development is ~~or are~~within one-half mile of a school or active public park. ~~must provide a sidewalk along the existing street, consistent with the City standards.~~
   c. The installation and City acceptance of required sidewalk must be completed before a certificate of occupancy may be issued for the building or structure on the affected parcel.
2. Sidewalk must conform to AASHTO and ADA requirements and to all applicable overlay district or Form-Based Code standards.
3. The Public Works Director may allow payment in lieu of required sidewalk installation where it is in the best interest of the City.
4. Where trees exist or other conditions exist, the City may require the sidewalks to meander in the right-of-way or into the lot where the permit is being sought. If the sidewalk meanders out of the right-of-way, a sidewalk easement or additional right-of-way dedication is required. Meandering designs must not be severe radii to better accommodate persons with disabilities.

10.6.2. Sidewalks on Existing Streets

A. Applicability

The following sidewalk requirements apply on existing public and private streets.

B. Sidewalk Requirements

1. Installed sidewalks must be at least 5 feet wide, unless the frontage is identified in any plans that references sidewalks, multi-use paths, trails, Personal Transportation Vehicle (PTV) accommodations including, but not limited to, the:
   a. Milton Trails Blueprint.
   b. Milton Community Trail Prioritization.
   c. Crabapple Area PTV Plan.
2. Sidewalks must provide a landscape strip at least 5 feet wide adjacent to the curb. The planting of trees in the landscape strip must be in accordance

with Sec. 10.4.8~~10.4.8~~ and Sec. 11.1 (Tree Canopy Conservation).

C. Existing Sidewalks

When there is an existing sidewalk along the road or street frontage, an inspection of the sidewalk must be made by the City. If the inspection shows the sidewalk is deficient or does not exist along the entire frontage, the owner must construct or repair the sidewalk to current design specifications including material revisions, such as from concrete to brick, as required by the City.

D. Exceptions

The above requirements do not apply to any lot or parcel for which a development permit or building permit is issued but where the City determines that the permit is for an accessory use or structure to the principal use or structure or for minor repairs or additions to the principal building or structure in existence. Such determination will be made by the Director.

10.6.3. Sidewalks on New Streets

A. Applicability

The following sidewalk requirements apply on new public and private streets.

B. Performance Approach

1. Performance factors. The performance approach must be applied in determining the need for sidewalks. In this case, the decision to require a development to provide sidewalks will be made on a case-by-case basis.

2. Several basic factors must be used in applying the performance approach. These are street classification and current/potential future volume of pedestrian traffic; residential land use/development density; relation to residential areas; proximity of schools, school bus stops, shopping areas; and proximity of parks, libraries, bike paths/pedestrian trails, greenspace corridors, and other land uses, zoning overlay districts or Form-Based Code areas.

   a. Street classification and volume of pedestrian traffic. As traffic volume and road speeds increase, there is more need for separate pedestrian ways to ascertain safety. Sidewalks must be provided along new local streets and private roads according to the density standards in clause b immediately below.

   b. Residential land use and development density.

      i. Sidewalks are required along both sides of all local streets where the residential land use designation in the Comprehensive Plan is three units/acre or higher density.

      ii. Sidewalks are required along at least one side of all local streets where the residential land use designation in the Comprehensive Plan is one to two units/acre. Residential land use designation of one unit or less will be decided on a case-by-case basis using the other factors contained in Sec. 10.6.3.B.2~~10.6.3.B.2~~.

   c. Relation to residential areas. In general, sidewalks are intended to be within the street right-of-way. This traditional location of

sidewalks may be replaced in cluster developments by a flexible pedestrian circulation system. Such a system would connect individual dwelling units with other units, off-street parking, open space systems, and recreational facilities. Also, this system may be permitted to meander through the development within prescribed sidewalk easements. If the sidewalk leaves the right-of-way, appropriate documentation must be provided for public access and maintenance.

d. Schools, active parks, overlay districts, or Form-Based Codes.

i. Within one-half mile of an existing or proposed school or active park, sidewalks are required on both sides of any new street that provides access to such school or active park. Minor plats may be exempted from this requirement to provide sidewalks internal to the development if the Director determines that the public health, safety and welfare is protected and such exemption would be in the best interest of the City. Subdivisions at each side of the street must provide sidewalks along corresponding existing street frontage in accordance with Sec. 10.6.2~~10.6.2~~.

ii. Within overlay districts and Form-Based Codes, sidewalks are required along new streets as specified within those regulations.

e. Nonresidential land uses.

i. Sidewalks are required along both sides of all new streets in commercial, mixed-use, and business park areas.

ii. Sidewalks may be required within a distance of up to one mile along both sides of the new streets leading to or going through places of public assembly, transit facilities, other congested areas, and other similar places deemed proper by the Director for public necessity and safety.

f. Relation to established pattern of sidewalks. Notwithstanding the locational requirement for sidewalks in Sec. 10.6.3.B~~10.6.3.B~~, their future location should follow the already established pattern of existing sidewalks (e.g., on one side of the street, on both sides, etc.).

C. General Specifications

1. Sidewalks must be provided by the developer at no cost to the City.

2. Sidewalks in residential subdivision:

a. Must be at least 5 feet wide, shown as a note on the preliminary plat; and

b. Must provide a landscape strip at least 5 feet wide adjacent to the curb.

3. Sidewalks in nonresidential developments:

a. Must be at least 6 feet wide; and

b. Must provide a landscape strip at least 5 feet wide adjacent to the curb.

4. Sidewalks must be provided on or adjacent to an individual lot before issuing a certificate of occupancy.

5. Before recording a final plat, 125% of the cost of the internal sidewalks for any residential subdivision must be performance bonded. This bond will be released when all sidewalks internal to the development have been constructed and approved. All required sidewalks must be provided internal to any residential subdivision within two years of the recording of the final plat, otherwise, the bond is forfeited and the City will use the funds to complete the sidewalk construction.

D. Review Guidelines

The Director may issue guidelines to facilitate the application of the performance-based approach of Sec. 10.6.3.B~~10.6.3.B~~ including, but not limited to, a point system. The intent is to ascertain fairness and consistency in the application of these requirements.

E. Exception

When the developer requests to install (within a development) sidewalks that are not required by this section and at no cost to the City, the Director may approve a reduction to a minimum sidewalk width of 4 feet.

10.7. Trails

10.7.1. Milton Trail Plan

The "Milton Trail" (as described in the City of Milton Trail Plan adopted on July 12, 2007, and as part of the City of Milton Comprehensive Parks and Recreation Master Plan adopted on November 5, 2012, and as part of the updated as part of the Milton Trail Blueprint and the Milton Community Trail Prioritization Plan adopted on August 17, 2020, hereinafter the "Milton Trail Plan") must be provided for as follows:

A. In cases where a development permit or building permit is sought on a tract of land proposed for development, the plans must indicate all necessary right-of-way and easements for the proposed construction of the Milton Trail along all required streets per Sec. 10.7.3.A~~10.7.3.A~~ and Figure 10.7.3.A. The location of the Milton Trail may use alternate routes to connect adjacent destinations in coordination with the Milton Trail Plan and this section.

B. When a sidewalk is required by Sec. 10.6~~10.6~~ (Sidewalks), the trail width must be constructed and impact fees may be credited based on the cost exceeding that of a sidewalk. The necessary right-of-way for the trail must be dedicated to the City. When one single-family residential building permit is sought outside of a subdivision, the construction of the Milton Trail is not required. The necessary right-of-way to construct the trail is required.

C. When trees exist or other conditions exist, the City may require the Milton Trail to meander within the right-of-way. Should the trail be proposed to meander out of the proposed right-of-way, additional right-of-way is required and should be dedicated in accordance with City standards. The trail may divide at times into two sections to save a tree.

D. When the dedication of rights-of-way and/or easements is required under this section, the owners, developers, or occupiers will receive impact fee credits in accordance with Sec. 10.1.4.B~~10.1.4.B~~.

10.7.2. Provisions for Trail Easements

If it is not possible to dedicate the necessary right-of-way for the Milton Trail, as determined by the Public Works Director, a trail easement on the form provided by the City will be required. The City prefers right-of-way dedication rather than easements.

10.7.3. Trail Details

A. Side of the Road Location

The side of the road location where the Milton Trail is required is ~~show~~shown in Figure 10.7.3.A.

B. Material Type

The required materials for the Milton Trail segments include gravel, asphalt, and concrete.

1. Materials must be as approved by the Public Works Director.
2. Concrete may be required to be stamped at intersections and transition segments.
3. Asphalt may be required where slopes are too steep for gravel material.
4. Additional gravel reinforcement may be required if needed to stabilize the segment.
5. Trail to provide a firm and stable surface.

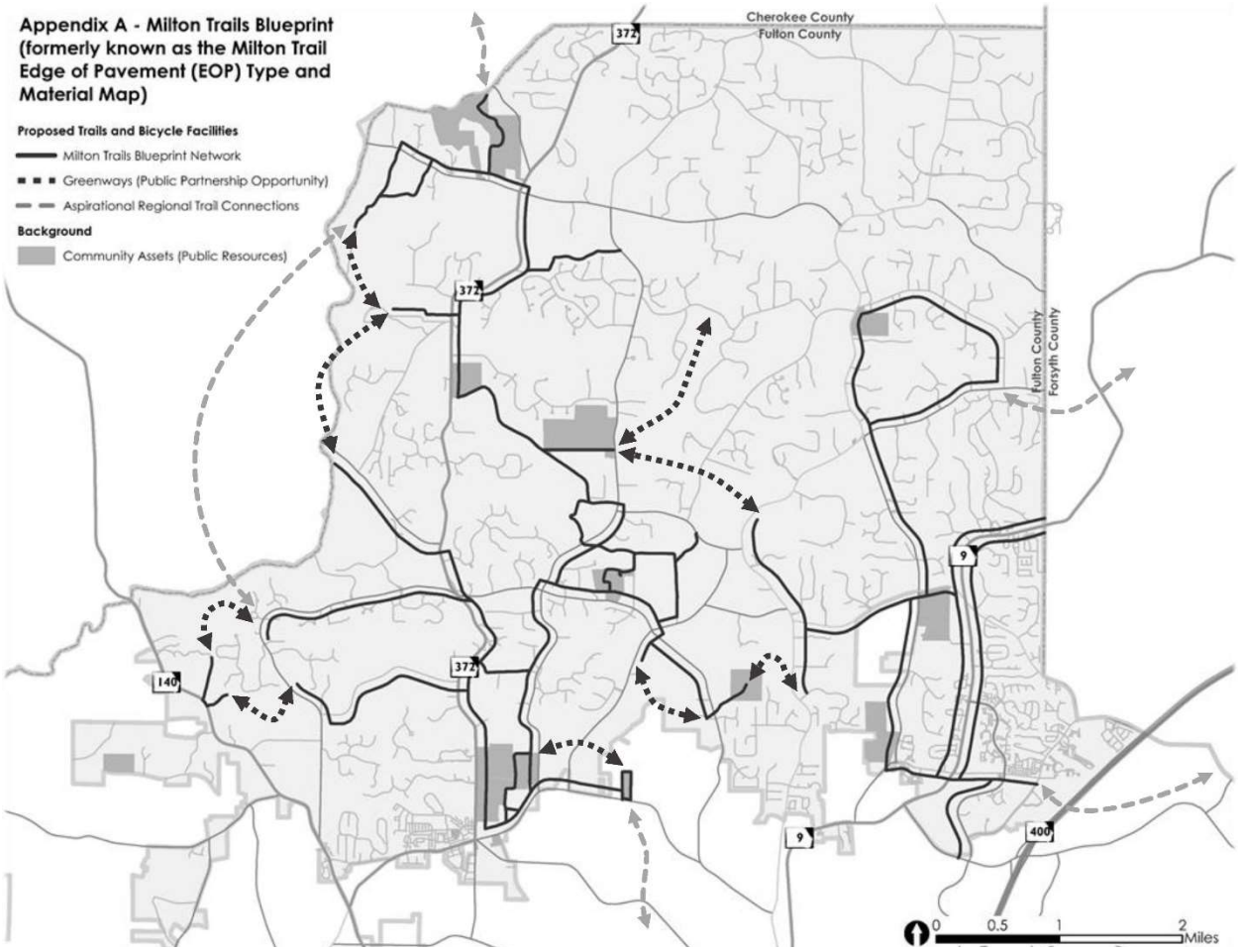


Figure 10.7.3.A. Milton Trail Blueprint

C. Cross Section or Edge of Pavement Type

Milton Trail cross sections are based upon edge of pavement type. The cross section required for each segment of the Milton Trail must be as approved by the Public Works Director.

D. Fence Standards

1. Four board equestrian style fences are required along the Milton Trail. The fence must be located outside of the right-of-way or trail easement on private property. A fence may be required between the roadway and the trail for the safety of the trail users. The fence within the right-of-way must be outside of the minimum clear zone distance as determined by the Public Works Director.
2. Decorative fence features at intersections may be required if approved by the Public Works Director.

E. Signage Standards

Trail signs must have a rustic appearance of earthy wood-like materials. Directional signs must be provided at major trail branch points. Trail signage may be used at the ends of all gravel roads included in the trail network.

F. Gravel Roads

Milton's existing gravel roads provide an established network of bicycle, pedestrian,

and equestrian trails. The gravel roads that are part of the current Milton Trail ~~and~~ must remain gravel surfaces and may include trail signs at each end.

G. Amendments

The Public Works Director may recommend updates to the trail details when they deem necessary.

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11.1. Tree Canopy Conservation

11.1.1. General

A. Title

This Sec. 11.1 shall be known as the Tree Canopy Conservation Ordinance of the City of Milton, Georgia or the "tree ordinance."

B. Purpose and Intent

1. The purposes of the tree ordinance are to:
    a. Create a living and working environment for Milton's citizens and visitors that is attractive, healthy and safe.
    b. Manage and utilize trees for the economic, environmental, and social functions and benefits they provide.
    c. Provide a framework for accomplishing the goals and objectives in the Comprehensive Plan and other community, environmental and conservation ordinances, plans and policies.
2. The intent of the tree ordinance is to:
    a. Promote human, environmental and economic health within the community.
    b. Promote shared responsibility by all property owners to contribute to tree canopy cover.
    c. Establish the minimum amount of regulations that will achieve the vision and goals of the city and produce the desired outcomes.
    d. Maintain no net loss of tree canopy cover below the 57% existing as of March 2017. The City will measure the tree canopy in the fall of 2022, and not to exceed a 5 year period between measurements thereafter, using the latest technology and use the results to evaluate the effectiveness of this ordinance in achieving the City's tree canopy goals.

C. Waivers

1. The Director has the authority to waive any provision of the tree ordinance when such waiver is consistent with its purpose and intent and when literal enforcement of the tree ordinance will create an undue hardship or unreasonable practical difficulty on the applicant.
2. The Director must determine if a waiver is justified. A waiver must be based upon credible evidence submitted to the Director demonstrating that:
    a. Approval, if granted, would not offend the purpose and intent of the tree ordinance.
    b. There are such extraordinary and exceptional situations or conditions pertaining to the particular piece of property that literal or strict application of the tree ordinance would create an unnecessary hardship due to size, shape, or topography or other extraordinary and exceptional situations or conditions not caused by the applicant.
    c. Relief, if granted would not cause a substantial detriment to the public good and surrounding properties.

d. That the public safety, health and welfare are secured, and that substantial justice is done.

3. The Director must keep record of all approved waivers. Every quarter, any waivers that have been approved must be presented to the Planning Commission by the Director.

4. The Planning Commission may recommend amendments to the provisions of the tree ordinance to the Director at this time.

D. Applicability and Exemptions

1. The terms and provisions of the tree ordinance apply to:

   a. All property within the City of Milton unless otherwise exempted herein.

   b. Any activity that requires the issuance of a development permit.

   c. The removal of or disturbance to the critical root zone or structural root plate of any Protected tree including specimen and heritage trees.

2. The activities, properties and trees that are exempt from the requirements of the tree ordinance are:

   a. Removal of trees posing an imminent threat or under emergency conditions.

   b. Commercial tree nursery and tree farm operations.

   c. Trees removed or pruned by any utility company as part of routine vegetation management activities or utility maintenance/repair within the utility right-of-way or existing easements.

   d. Tree removal for ongoing forest management practices, including, timber management and agricultural operations as defined in O.C.G.A. § 1-3-3(4.1).

E. Tree Conservation Manual

1. There is hereby adopted and incorporated by reference, as if fully set forth herein, a Tree Conservation Manual (version revised October 23, 2019) that supplements the tree ordinance and sets forth standards and procedures for activities required by the tree ordinance. A copy of this manual is available online and in the office of the Director.

2. The Tree Conservation Manual may be modified by the Director as necessary to reduce outcomes contrary to the purpose and intent of the tree ordinance; provided that revised versions of the manual shall become part of the tree ordinance only after adoption by the City Council as an amendment to the tree ordinance. Should any standard of the Tree Conservation Manual conflict with the tree ordinance, the tree ordinance governs.

F. Protected Trees

1. A tree removal permit is required for any protected tree being removed or having disturbance to the critical root zone and/or structural root plate.

2. The removal of or disturbance to the critical root zone or structural root plate of any protected tree without a tree removal permit shall be considered a violation of the tree ordinance.

G. Specimen Trees

1. A specimen tree is any healthy tree, documented by a certified arborist and verified by the City Arborist, which meets at least one of the following criteria for size:
    a. Hardwood trees with a minimum diameter at breast height (DBH) of 24 inches for a tree in the large or medium mature tree height class (very wide or wide canopy); or
    b. Any tree with a minimum DBH of 8 inches for a tree in the small mature tree height class (narrow or very narrow canopy); or
    c. Pine trees (Pinus spp.), Sweetgums (Liquidambar styraciflua), and Tulip Poplars (Liriodendron tulipifera) with a minimum DBH of 27 inches regardless of mature tree height class.
2. If removal of a specimen tree is approved, replacement requirements shall be 150% of the square feet of tree canopy cover removed.
3. All specimen trees successfully conserved and protected to meet tree canopy cover requirements shall be given 25% additional tree canopy cover credit over the actual measured canopy square footage or the standard credit as assigned by the City of Milton Tree Species List ("tree species list).

H. Specimen Tree Stand

1. A stand of trees may be considered a specimen tree stand if primarily composed of healthy trees, with no major insect or disease problems within the stand and meets at least one of the following specific criteria as documented by a certified arborist and verified by the Director:
    a. A mature, even-aged stand; or
    b. A stand with purity of species composition or of a rare or unusual nature; or
    c. A stand of historical significance; or
    d. A stand with exceptional aesthetic quality;
    e. A stand on a lot which is otherwise devoid of trees.

I. Heritage Trees

1. A tree shall be designated as a heritage tree if it meets the criteria below.
2. Trees may be nominated for heritage tree status by the tree owner by submitting a Heritage Tree Nomination Form to the Director.
3. Within 15 business days after the submittal of a completed nomination form by a tree owner to the Director, the City Arborist must provide a recommendation on whether the nominated tree(s) should be designated as a heritage tree.
4. The Director must present the recommendation to City Council who must review heritage tree nominations and has the authority to designate trees as heritage trees.
5. For a tree to be designated as a heritage tree, it must be a healthy tree as documented by a certified arborist and verified by the Director and meet at least one of the following specific criteria as determined by the Director:
    a. State or county champion tree, as determined by the Georgia Forestry

Commission (www.gatrees.org), or a tree that scores within 10% of the total score of a state or county champion tree of the same species using the scoring system described by the Georgia Forestry Commission; or

b. Documented age greater than 75 years old; or

c. An established and familiar feature or integral part of the community and its heritage and is recognized as such by the Director; or

d. Designated by the Georgia Tree Council (www. gatreecouncil.org) as a Landmark or Historic Tree; or

e. Documented historical significance.

6. Before approving a tree canopy plan for a lot that includes the proposed conservation or removal of a heritage tree, the City Arborist shall inform the applicant that one or more trees on the lot has been designated as a heritage tree ~~before the tree canopy plan is approved~~.

7. The City Arborist must maintain a current list of designated heritage trees and their locations must be recorded on the City's GIS.

8. All heritage trees successfully conserved and protected to meet tree canopy cover requirements shall be given 40% additional tree canopy cover credit over the actual or standard credit. All heritage trees approved for removal must have their canopy replaced at 200% and payment must be made into the Tree Canopy Fund at the rate listed in the City fee schedule located in Appendix A of the City Code. Canopy replacement shall be based on the actual measurement of the tree canopy.

J. City of Milton Tree Species List

1. There is a City of Milton Tree Species List ("tree species list") as set forth in the Tree Conservation Manual that includes species approved for conservation and planting to meet tree canopy cover requirements or replacement tree planting requirements.

2. The tree species list also includes species not approved for tree conservation or planting to meet requirements that are invasive, have brittle or weak wood, poor structure or large thorns, are pest susceptible or are not well-suited to regional growing conditions.

3. Trees planted to satisfy tree canopy cover and tree replacement requirements of the tree ordinance must be selected from the tree species list. A species of tree not on the tree species list, or not approved for planting in a specific location, may be approved for planting by the Director.

K. Appeals

1. Any person aggrieved or adversely affected by any decision of the City Arborist relating to the application of the tree ordinance may file an appeal within 30 days of the decision with the Director for relief or reconsideration.

2. Any person aggrieved or adversely affected by any decision of the Director relating to the application of the tree ordinance may file an appeal within 30

days of the Director's decision with the Board of Zoning Appeals through the Director.

3. Decisions shall only be reversed on appeal for clearly erroneous interpretation of the tree ordinance.

L. Inspections

1. The Director has the authority to conduct inspections periodically or as deemed necessary to monitor land disturbing activities, tree removal activities, or other permitted or non-permitted activities for compliance with the tree ordinance.
2. No person shall refuse entry or access to any authorized agent(s) of the City who requests entry for the purpose of inspection and who presents appropriate identification, nor shall any person obstruct, hamper or interfere with any such agent while in the process of carrying out their official duties.
3. The Director may also monitor tree canopy cover on a lot using the City's GIS and current aerial photography for assessing ongoing compliance with tree canopy cover requirements.

M. Enforcement

1. The Director enforces the tree ordinance.
2. The Director has the authority to modify, revoke, suspend, or void any development permit, or tree removal permit and suspend all work on a property or any portion thereof if a violation of the tree ordinance occurs until it is determined that the property is in full compliance with the tree ordinance.
3. The Director has the authority to issue a notice of violation, stop work order, and citation to enforce the provisions of the tree ordinance.

N. Notice of Violation

1. If, through inspection, it is determined that an applicant, their authorized agent(s), or other person or company has engaged in land disturbing or other prohibited activities which have resulted in the damage or removal of trees without a required permit or approval, or failed to comply with the terms and conditions of an approved tree removal permit or tree canopy plan, or is otherwise responsible for a violation of the tree ordinance, then a written notice of violation may be served upon the applicant, their authorized agent(s), and/or other person or company responsible for the land disturbance or prohibited activity.
2. The notice must describe the measures necessary to correct the violation and achieve compliance and shall state the time frame within which such measures must be completed.
3. If the applicant, their authorized agent(s), or the person or company otherwise responsible for the violation does not correct the violation or comply with tree ordinance requirements within the time frame specified on the notice of violation, they will be subject to an immediate citation and/or stop work order.
4. Reinspection to assess compliance after a violation will require a separate re-inspection fee as set forth in the City fee schedule.

O. Stop Work Order

1. The Director may require that work on any project that is in violation of the tree ordinance be immediately stopped to avoid further damage and until such time as the violation has been remedied to the satisfaction of the Director.
2. The issuance of a written or verbal notice of violation is not required before or in conjunction with the stop work order if the Director determines that work must be stopped immediately to avoid further damage.
3. The stop work order must:
    a. Be in writing and posted on site.
    b. State specific violations.
    c. Be given to the applicant, property owner, the authorized agent(s) of either, or the person performing or responsible for the activity resulting in the violation.
    d. State the conditions under which work may be resumed.
    e. Allow only erosion control work to continue while the stop work order is in effect.
4. Where an emergency exists, a verbal order to stop work by the Director shall be given, with issuance of a written order required within 24 hours.
5. The Director may require that a revised tree canopy plan or separate remediation plan be submitted for approval before remediation or any other work starts on-site.
6. The following violations will result in issuance of an emergency, verbal order to stop work:
    a. Land disturbing or tree removal within state water buffer or zoning buffer; or
    b. Land disturbance within the critical root zone of protected trees or removal of trees designated for conservation on an approved tree canopy plan; or
    c. Non-permitted protected tree removal, land disturbance, or prohibited activities within the critical root zone of a specimen or heritage tree; or,
    d. Improper installation or maintenance of required tree protection measures.

P. Citations

Fines and penalties shall be assessed for citations, according to the following criteria:

1. Any person who violates any provision of the tree ordinance may be fined up to $1,000 per violation.
2. Each calendar day a violation exists will be considered a separate offense.
3. There are no maximum limitations to the accrual of fines.
4. In the event a City tree is damaged or destroyed, the person responsible may be required to reimburse the City for the appraised tree value.
5. The replacement of trees and additional tree canopy cover may be required in addition to other fines or penalties imposed.
6. Offenses will be tried in Milton Municipal Court.

7. Each owner of property wherein a violation exists, or each owner of a boundary tree, will jointly responsible for said violation.

8. Fines received for violations to the tree ordinance must be deposited into the tree canopy fund.

11.1.2. Tree Canopy with no Development Activity

A. Tree Canopy Management

On properties absent development activity, tree canopy cover shall be managed through establishing tree canopy priorities, tree canopy cover requirements, tree removal permitting and replacement requirements.

B. Tree Canopy Priorities

1. Priority areas on properties absent development activity for tree conservation and planting are rural viewsheds, road frontages, required setbacks, landscape strips or islands, and state waters or zoning buffers.

2. Priority trees for conservation are specimen trees, specimen tree stands, and heritage trees.

C. Tree Canopy Cover Requirements

1. The minimum amount of tree canopy cover required on a lot, in the absence of further development, shall be the amount existing as of the date of application for tree removal permit or the minimum canopy coverage requirement per Table 11.1.2.C, whichever is less.

2. If the lot is over the minimum canopy coverage requirement per Table 11.1.2.C, any proposed tree removal must not bring the lot below the minimum canopy coverage requirement without recompense.

Table 11.1.2.C. Minimum Tree Canopy Cover Required

Zoning District	Minimum Tree Canopy Cover Required as a Percent of Total Lot Area
Agricultural districts (up to 1.49 acres)	57%
Agricultural districts (1.5 to 2.99 acres)	40%
Agricultural districts (3 or more acres)	25%
CUP, NUP	57%
C-1	30%
CBS, CS	50%
H	30%
MIX, O-I	40%
R-1, R-2, R-2A	57%
R-3, R-3A, R-4, R-4A	50%
R5, R-5A, R-6	40%
T2	57%
T3	40%
T4, T4-Open, T4P, T4R, TR	30%
T5, T5R, T6	10%

D. Tree Removal Permit

1. On a lot that is not undergoing further development or improvement, a tree removal permit is required before removing any protected tree or before any encroachment into the critical root zone or structural root plate of a protected tree.

2. The removal of a protected tree or encroachment into the critical root zone or structural root plate without a tree removal permit will constitute a violation of the tree ordinance and may result in an immediate Stop Work Order, Notice of Violation or Citation for the tree owner and/or any person or

company involved in cutting, removing or damaging the tree.

3. Application for a tree removal permit must be made by the tree owner or their authorized agent to the Director.
4. A tree removal permit is required for the removal of a dead, unhealthy or invasive tree.
5. A tree removal permit application fee is required, except for an application for the removal of a dead, unhealthy or invasive tree.
6. The Director must make a site visit or utilize other appropriate means to inspect the trees proposed for removal within 10 days of the date of application.
7. If canopy replacement is required, the applicant or property owner must provide an agreement to the canopy replacement, such as, but not limited to, a signed contract with a landscape company stating the quantity, size, and species of trees to be planted, or a written statement from the property owner specifying the quantity, size, and species of trees to be planted along with a proposed planting schedule before the permit may be issued.
8. The Director will take into consideration the amount of tree canopy cover existing on the lot at the time of application for a tree removal permit, the total square feet of tree canopy cover proposed for removal, and the number of tree removal permits approved for the lot within the last five years.
9. When trees are removed on a lot without a tree removal permit due to imminent threat or emergency conditions, the owner of such trees must provide an oral or electronic notice via telephone or e-mail to the Director before or immediately after the removal.
10. Should the Director determine that an imminent threat or emergency removal was not warranted, an after-the-fact permit and fee will be required in addition to replacement tree planting required by Sec. 11.1.2.E.
11. Replacement of the tree canopy removed, whether permitted or not permitted, is required in accordance with Sec. 11.1.2.E.

E. Tree Canopy Replacement

1. The square feet of tree canopy cover provided by a protected tree that is approved for removal or lost due to disturbance within the critical root zone or structural root plate on a lot must be replaced if, after the removal, the lot has less than the minimum tree canopy cover listed in Table 11.1.2.C.
2. Tree canopy replacement is not required for a tree removed under emergency conditions or after the approved removal of a dead, unhealthy, or invasive tree.
3. Replacement trees must be a minimum of 2-inch caliper for non-specimen and non-Heritage protected trees and 4-inch caliper for specimen or heritage trees at the time of planting.
4. When a protected tree is removed without a tree removal permit, two times the standard tree canopy cover credit for the species for non-specimen and non-heritage protected trees, and

four times the canopy removed or standard tree canopy cover credit, whichever is greater, for specimen trees and eight times the canopy removed or standard tree canopy cover credit, whichever is greater, for heritage trees, shall be replaced on the lot with 4-inch caliper trees regardless of whether the lot meets minimum tree canopy cover requirements.

5. All planting and maintenance activities for required replacement trees must be completed in accordance with the standards set forth in the Tree Conservation Manual.

6. Recompense tree planting may be satisfied by alternative compliance in accordance with Sec. 11.1.3.H.

11.1.3. Tree Canopy with Development Activity

A. Tree Canopy Management

On properties in connection with development activity, tree canopy cover must be managed through tree canopy cover requirements and tree conservation and planting to meet those requirements.

B. Tree Canopy Priorities

1. Priority areas on properties with development activity for tree conservation and planting are rural viewsheds, road frontages, parking lots, landscape strips and landscape islands, and state waters and zoning buffers.

2. Regardless of whether the lot meets minimum tree canopy cover requirements, trees are required, either conserved or planted, in rural viewsheds, road frontages, parking lots, landscape islands, landscape strips and buffers as set forth in the zoning regulations.

3. Priority trees for conservation are specimen and heritage trees.

C. Tree Canopy Plan

1. An approved tree canopy plan may be required as a condition of approval of any development permit if necessary to implement the purposes and intent of the tree ordinance as determined by the Director.

2. An approved tree canopy plan will serve as an approved tree removal permit for the purposes of land development.

3. The tree canopy plan must be prepared by a licensed professional, such as, a certified arborist, registered forester, registered landscape architect, professional engineer, or registered land surveyor.

4. The tree canopy plan must be drawn to scale and include a tree survey, a tree protection plan, a tree planting plan, and must, at a minimum, include the following:

   a. A table summarizing how tree canopy requirements will be met with conserved and planted trees.

   b. Surveyed trunk location, DBH, species of all individually growing protected trees, including specimen and heritage trees, on the lot, with critical root zones, and structural root plates identified on all protected trees, including specimen and heritage trees, proposed for conservation. Location of tree groups and

forested areas with description of primary species and average DBH.

c. All protected trees, including specimen and heritage trees, proposed to be removed.

d. Location of all tree save areas and notations of all tree protection methods to be used with details on materials and installation methods.

e. Trunk location, species, and caliper of all trees proposed for planting with planting details and maintenance schedule for the first three years.

f. Location of all existing and proposed improvements, including, but not limited to, buildings, driveways, walkways, retaining walls, other structures and impervious surfaces, and all existing and new utilities.

g. Arborist Note: "Any unapproved encroachment into a designated tree save area shall result in an immediate Stop Work Order, Notice of Violation, and/or Citation for the responsible party."

h. Location of ingress and egress points and access roads for vehicles and construction equipment.

i. All proposed grading and the limits of disturbance.

j. Name and contact information of property owner and primary authorized agent(s) responsible for tree canopy plan compliance.

5. Guidelines on calculating tree canopy coverage included in the Tree Conservation Manual are incorporated herein by reference.

6. The tree canopy plan, tree survey, tree protection plan, and tree planting and maintenance plan may be combined onto a single plan if all required information can be clearly depicted.

7. The Director is responsible for reviewing all tree canopy plans and deciding whether the tree canopy plan is consistent with the requirements of the tree ordinance. A tree canopy plan review application fee is required at the time of plan submittal in an amount set forth in the City fee schedule.

8. No tree damage or removal, or land disturbance shall take place on any lot in connection with development activity without an approved tree canopy plan as required by the Director showing how tree canopy cover requirements will be met.

9. Conformance with all aspects of an approved tree canopy plan, as determined by the City Arborist, is required before the issuance of a certificate of occupancy or final plat approval.

10. All tree protection, planting and maintenance activities must be completed in accordance with the standards set forth in the Tree Conservation Manual.

D. Tree Canopy Cover Requirements

1. Tree canopy cover is required on all properties in connection with development activity as a condition of development.

2. The amount of tree canopy cover required on a lot as a condition of

development will be the amount currently existing or the minimum amount set forth in Table 11.1.2.C, whichever is less. Canopy coverage must be met with existing trees to remain on site or a combination of existing trees and newly planted trees. Existing trees must make up at least one-third of the required canopy coverage.

3. In subdivision developments, tree canopy cover requirements apply to both the entire development and to each lot within the development.

4. Trees must be conserved for tree canopy cover credit in accordance with the requirements that follow:

   a. Trees shall be conserved to the greatest extent possible in priority areas to meet tree canopy cover requirements.

   b. Existing trees 2 inches DBH and greater, except for invasive species listed on the tree species list or otherwise known to be invasive, may be eligible for tree canopy cover credit if the trees meet the minimum quality standards as established in the most current ANSI Z60.1 American Standard for Nursery Stock.

   c. Forested areas dominated by non-native, invasive, and/or exotic plant species (kudzu, for example) shall not be eligible for tree canopy cover credit. Trees conserved to meet tree canopy cover requirements shall be actively protected during construction and passively protected at all times.

   d. On commercial and other non-residential properties, specimen and heritage trees that have been conserved to satisfy tree canopy cover requirements must be passively protected throughout their lives.

   e. Since the structural root plate is the area of rapid tapering roots supporting the vertical weight of the tree, any damage to the structural root plate will put the tree at high risk for failure and may require the tree to be removed as determined by the Director.

5. Tree Planting for Canopy Credit

   a. When tree conservation alone cannot satisfy the tree canopy cover and location requirements, the planting of additional trees is required.

   b. A standard amount of tree canopy cover credit shall be assigned to a planted tree based on its species and tree canopy size class as set forth in the tree species list located in the Tree Conservation Manual.

E. Required Tree Locations

1. Rural Viewsheds

a. Where rural viewsheds are required in accordance with zoning regulations, the entire area encompassed by the rural viewshed will be eligible for tree canopy cover credit.

b. For minor subdivisions and individual undeveloped residential properties, the conservation of trees within the first 60 feet of road frontage from an exterior street are

eligible for a bonus of 20% additional square feet of tree canopy cover credit. Disturbance within the rural viewshed, must follow the requirements set forth in the zoning ordinance.

c. Trees must be planted at a spacing compatible with tree placement standards set forth in the Tree Conservation Manual, except that closer spacing or clumping may be approved by the Director if the design meets the purpose and intent of the tree ordinance.

2. Road Frontages

a. In all new developments, street trees are required along road frontages on private property.

b. Trees must have a caliper of at least 3 to 4 inches and at a spacing compatible with tree placement standards set forth in the Tree Conservation Manual, except that closer spacing or clumping may be approved by the City Arborist.

c. Trees must be selected from the tree species list.

d. Street tree requirements may be met with either conserved or planted trees.

e. For planted street trees, the amount of available growing space above and below ground will dictate which tree species may be planted as set forth in the Tree Conservation Manual.

f. Trees of the largest mature height and widest tree canopy size classes that match the available growing space within the road frontage must be planted.

g. Street trees may be planted on the City street right-of-way as follows:

i. If adequate growing space does not exist within the private property road frontage, but does exist within the City street right-of-way, if approved by both the Community Development Director and Public Works Director.

ii. If required by the zoning district.

See Sec. 10.4.8 (Street Trees) for additional requirements in rights-of-way.

3. Parking Lots

a. Parking lot landscaping must conform to Sec. 9.1.5.D (Parking Lot Landscaping) and to the requirements of the Tree Conservation Manual. Where differences between the provisions exist, the more restrictive provisions prevail.

b. Trees must have a caliper of at least 3 inches and be selected from the tree species list.

c. Trees must be evenly distributed throughout the parking lot to maximize tree functions and benefits.

d. There must be at least one very wide or wide canopy tree for every sixth parking space. No parking space may be more than 60 feet from the trunk of a tree.

e. Trees in the very narrow tree canopy size class are not eligible for tree canopy cover credit in parking lots. At least 75% of the trees planted to meet parking lot tree canopy requirements must be trees in the very wide or wide tree canopy size classes.

f. All trees planted within parking areas or otherwise surrounded by pavement must have a minimum amount of open soil surface in accordance with the standards set forth in the Tree Conservation Manual.

g. In parking lots and other paved areas where expanded rooting and water infiltration areas are created with permeable pavement, structural soils or suspended pavement, the minimum open soil surface area may be reduced up to 50% if permeable pavement is used or up to 30% if structural soils or suspended pavement are used.

h. Light poles and trees must not share parking lot landscape islands to eliminate the need for severe pruning of tree crowns as they mature.

i. Stormwater runoff into parking lot landscape islands may be permitted upon approval by the City Arborist if the design meets the intent and purpose of the tree ordinance.

4. Landscape Strips

a. Landscape strips are required as set forth in this UDC and the below requirements. Where differences between the provisions exist, the more restrictive provision prevails.

b. Trees must have a caliper of at least 3 to 4 inches.

c. Trees within required landscape strips must be provided as follows:

i. In landscape strips 25 feet wide or less, a minimum of one tree for every 30 linear feet of landscape strip, at a spacing compatible with tree placement standards set forth in the Tree Conservation Manual, except that closer spacing or clumping may be approved by the City Arborist.

ii. In landscape strips greater than 25 feet wide, a minimum of one tree for every 20 linear feet of landscape strip, at a spacing compatible with tree placement standards set forth in the Tree Conservation Manual, except that closer spacing or clumping may be approved by the City Arborist.

iii. Clumping is permitted to create a more natural-looking landscape.

iv. All required landscape strips must be designed with at least 60% tree canopy cover with no more than 40% cover in grass or ground cover.

v. All species within required landscape strips must be ecologically compatible with the growing site.

vi. Trees in the very narrow or narrow tree canopy size class in

the tree species list must not be used to satisfy landscape strip requirements unless adequate growing space does not exist for trees in the wide or very wide tree canopy size classes.

vii. No permanent structures are permitted within landscape strips, including retaining walls, curbing, dumpsters, detention facilities, etc.

viii. Monument signs, fences, drainage structures, or sidewalks may be permitted within landscape strips if it is determined by the City Arborist that their placement is consistent with the purpose and intent of this tree ordinance.

ix. Curb stops must be used to prevent vehicle overhang into require landscape strips and parking lot landscape islands, with one curb stop per parking stall required.

x. Signs within required landscape strips are subject to the approval of the Director and may only be located in areas of turf or groundcover and must not conflict with the growing space designated for trees and shrubs.

xi. The deposition of stormwater runoff into drainage swales through landscape strips is not allowed. Exceptions will be considered by the City Arborist only if this standard will create an undue hardship to the property owner. Unless approved by the City Arborist, the width of a drainage easement through a landscape strip must not exceed the width of the strip.

xii. When fencing is required as a condition of rezoning, the finished surface of the fence must face externally to the project. The exact location for fence placement within the landscape strip will be determined on a case by case basis by the City Arborist and may be approved if the design meets the intent and purpose of the tree ordinance.

5. Buffers

a. Buffers required by Article 8 Use Standards, Article 6 Special Purpose Districts, and otherwise in this UDC must provide a visual and noise barrier and where sparsely vegetated or where disturbed for approved access and utility crossings, they must be replanted.

b. Required buffers must remain undisturbed and actively protected for the duration of the permitted use for the site.

c. Buffers must be replanted where sparsely vegetated or where disturbed for approved access and utility crossings.

d. Trees approved for planting in buffers must be primarily slow growing evergreen trees selected from the tree species list and are subject to the approval of the City Arborist; up to 15% of the trees

conserved or planted in buffers may be small height class hardwood trees approved for buffers as indicated on the tree species list.

e. Trees must be at least 6 feet high at time of planting, with branching all the way to the ground required for evergreen trees.

f. The number of planting rows for trees in buffers must be determined by the buffer width, as set forth in Table 11.1.3.E.

Table 11.13.E. Minimum Buffer Rows by Width

Buffer Width	Minimum Planting Rows
Less than 20 feet	2 rows
20 feet to 30 feet	2 rows
31 feet to 50 feet	4 rows
Greater than 50 feet	4 + 1 row per additional 15 ft.

g. Alternative screening design may be submitted in lieu of Table 11.13.E, subject to approval of the Director. When alternative screening design is used, the buffer must provide as much or more year-round visual screening as the otherwise required buffer would. The alternative screening must also be planted as approved by the Director.

h. Drainage through buffers is subject to the approval of the Director.

i. Encroachment into buffers for the construction of retaining walls, footings, or wall supports is not allowed unless otherwise specified in the conditions of rezoning. Encroachments into buffer shall require zoning modifications or variances as applicable.

j. All buffers require a 10-foot improvement setback interior to the buffer.

k. No grading is allowed in the improvement setback unless permission is obtained from the Director.

l. Signs are not allowed within required undisturbed buffers.

F. Landscape Performance Bond

1. When the planting of trees and other required landscape plants cannot be completed during the planting season, a landscape performance bond must be issued to the City.

2. The amount of the bond must be equal to 125% of the total cost to purchase and install the trees and landscape plants based on the average of three written estimates provided by the applicant.

3. The planting of trees and landscape plants covered by a landscape performance bond must be completed within one year of the issuance of the bond.

4. If tree planting is not completed within one year of the issuance of the bond, the City may use the bond to plant the required trees and landscape plants on the lot, or off-site in a registered tree bank.

5. Upon the successful planting of all required trees and landscape plants by the applicant, the landscape performance bond must be returned.

G. Certificate of Occupancy and Final Plat Approval

1. A certificate of occupancy or final plat approval shall only be issued if all the following conditions have been met:
    a. Applicant meets all tree ordinance requirements.
    b. Lot conforms to all aspects of the tree canopy plan.
    c. All trees required to be planted by the tree canopy plan, tree planting and maintenance plan, remediation plan, other UDC provision, variance conditions or other conditions for a development permit or plan approval, have been installed on the lot or in a tree bank.
    d. Required payments have been made to the tree canopy fund.
    e. Any civil penalties or other monetary obligations assessed for violations of the tree ordinance have been paid.
    f. All replacement trees and tree canopy cover required due to violations of the tree ordinance have been installed.
2. A temporary certificate of occupancy may be granted by the Director before all trees have been planted if a landscape performance bond has been issued to the City.

H. Alternative Compliance

1. Alternative compliance for a portion of the tree canopy cover required on a lot may be approved by the Director in accordance with the provisions of this Sec. 11.1.3.H (Alternative Compliance).
2. Subdivision developments as a whole are not eligible to use alternative compliance; owners of individual properties within a subdivision development may be eligible to use alternative compliance.
3. Alternative compliance must be either the planting of trees off-site in a registered tree bank in an amount equal to the proposed tree canopy cover deficit or replacement deficit, or a payment made by the applicant to the City of Milton Tree Canopy Fund for the tree canopy value of the deficit.
4. Planting trees off-site in a tree bank for a maximum of one-half of the tree canopy cover requirement or tree replacement requirement may be approved.
5. The City must maintain a list of registered tree bank sites, which may include open space on City property or on developed, private property.
6. Owners of developed properties with at least 8,000 square feet of open space may apply to the City to have their open space registered as a tree bank under the conditions set forth in the Tree Conservation Manual.
7. The use of the tree bank must be approved by the Director under the following conditions:
    a. The maximum amount of tree canopy cover possible on the lot is conserved and/or planted, as determined by the City Arborist; and
    b. A registered tree bank site is available with enough space to

accommodate the trees and their required growing space.

8. Applicants wishing to plant trees off-site must execute a letter of agreement directly with the registered tree bank owner that must include, at a minimum:
   a. Applicant's name and contact information.
   b. Number of trees to be planted by species and caliper.
   c. Planting schedule, including projected start and completion dates.
   d. Name and contact information for applicant's agent who will be responsible for the planting of trees on the tree bank site.
   e. Commitment to maintain the property in the condition in which it was found before the planting operation.
9. Trees planted in tree banks must meet all the same requirements as for trees planted on-site.
10. A tree planting and maintenance plan developed and submitted by the applicant is required.
11. The applicant is responsible for the planting of trees off-site in a tree bank.
12. The registered tree bank owner is responsible for the required maintenance and protection of tree bank trees.
13. The area planted or conserved as a tree bank must remain covered by tree canopy in perpetuity, unless otherwise modified with the approval of the City Arborist.
14. The removal of trees within a tree bank requires a tree removal permit.
15. A payment to the tree canopy fund in lieu of the conservation or planting of tree canopy cover for a maximum of one-third of the tree canopy cover requirement or tree replacement requirement must be approved by the Director under the following conditions:
   a. The conservation or planting of the required tree canopy cover or replacement trees will eliminate the owner's ability to utilize their lot for a specific, permitted use as described in writing by the property owner; and
   b. No tree bank location is available for the planting of trees off-site.
16. Payments into the tree fund for tree canopy cover requirement deficit shall be calculated using the tree canopy value specified in the City fee schedule.

I. Tree Canopy Fund

1. There is hereby adopted a City of Milton Tree Canopy Fund to be established for the deposit of payments required by the tree ordinance or donated for other community forest management activities.
2. In addition to receiving payments for tree canopy cover requirement deficit, the tree canopy fund also receives as revenue:
   a. Donations for tree program activities.
   b. Fees collected for alternative compliance to the tree ordinance.

c. Fees for violations of the tree ordinance.

3. Tree canopy funds may be expended for:

a. The purchase, planting, and maintenance of trees on City property; and

b. Community forestry management activities conducted by the City to sustain, increase, and improve tree canopy cover.

J. Timber Harvesting

1. For lots greater than 2 acres, a timber harvesting notification is required and must be submitted to the Director before any timber harvesting may start.

2. A 50-foot undisturbed buffer around the perimeter of a lot where timber harvesting will occur is required in all zoning districts.

3. The clearcutting of timber is allowed in agricultural districts only.

4. Thinning is allowed in all zoning districts and land uses.

5. Except in agricultural districts, an approved tree canopy plan is required before timber harvesting may start.

6. No development permits may be issued for a lot for 5 years after the completion of timber harvesting operations unless a tree canopy plan has been submitted for the lot concurrent with the submittal of the timber harvesting notification.

7. When a tree canopy plan is required or voluntarily submitted for a lot on which clearcutting or thinning will occur, the following requirements apply:

a. The tree canopy plan must show the location of the required 50-foot undisturbed buffer, any state water buffers, areas to be clearcut, areas to be thinned, and all specimen and heritage trees.

b. The lot must meet the tree canopy cover requirements for the zoning district for the entire lot upon completion of timber harvesting.

c. The conservation of specimen trees and heritage trees is required, and all specimen and heritage trees conserved must be actively protected during timber harvesting operations in accordance with the standards set forth in the Tree Conservation Manual.

8. Stump removal or grading is prohibited as part of normal timber harvesting operations that are not related to development.

9. Clearcutting, thinning or land disturbance is not allowed within state water or wetland buffers.

10. Compliance with the soil erosion and sedimentation control ordinance is required.

11. Timber harvesting operations must comply with the most current Georgia's Best Management Practices for Forestry available from the local office of the Georgia Forestry Commission.

11.2. Floodplain Management/ Flood Damage Prevention

11.2.1. General

A. Purpose

The purpose of this Sec. 11.2 is to protect, maintain and enhance the public health, safety, environment, and general welfare and to minimize public and private losses due to flood conditions in flood hazard areas, as well as to protect the beneficial uses of floodplain areas for water quality protection, streambank and stream corridor protection, wetlands preservation and ecological and environmental protection by provisions designed to:

1. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
2. Restrict or prohibit uses which are dangerous to health, safety, and property due to flooding or erosion hazards, or which increase flood heights, velocities, or erosion.
3. Control filling, grading, dredging and other development which may increase flood damage or erosion.
4. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
5. Limit the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters.
6. Protect the stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation and ecological functions of natural floodplain areas.

B. Applicability

This Sec. 11.2 applies to all areas of special flood hazard within the City.

C. Designation of Administrator

The Director is hereby appointed to administer and implement the provisions of this Sec. 11.2.

D. Basis for Area of Special Flood Hazard; Flood Area Maps and Studies

For the purposes of defining and determining areas of special flood hazard, areas of future-conditions flood hazard, areas of shallow flooding, base flood elevations, floodplains, floodways, future-conditions flood elevations, future-conditions floodplains, potential flood hazard or risk categories as shown on Flood Insurance Rate Maps (FIRM), and other such terms used in this Sec. 11.2, the following documents and sources may be used for such purposes and are adopted by reference thereto:

1. The Flood Insurance Study (FIS) for Fulton County, latest edition, with accompanying maps and other supporting data and any revision thereto.
2. Other studies which may be relied upon for the establishment of the base flood elevation or delineation of the 100-year floodplain include:
    a. Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey, or

any other local, state or federal agency applicable to the City; or

b. Any base flood study authored by a licensed professional engineer in the state which has been prepared by Federal Emergency Management Authority (FEMA) approved methodology and approved by the Director.

3. Other studies which may be relied upon for the establishment of the future-conditions flood elevation or delineation of the future-conditions floodplain and flood-prone areas include:

a. Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey, or any other local, state, or federal agency applicable to the City; or

b. Any future-conditions flood study authored by a licensed professional engineer in the state which has been approved by FEMA approved methodology approved by the Director.

4. The repository for public inspection of the FIS, accompanying maps and other supporting data is located at Milton city hall.

E. Conflicts

This Sec. 11.2 is not intended to modify or repeal any other ordinance, rule, regulation, statute, easement, covenant, deed restriction or other provision of law. The requirements of this Sec. 11.2 are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this Sec. 11.2 imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment will control.

F. Warning and Disclaimer of Liability

1. The degree of flood protection required by this Sec. 11.2 is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by manmade or natural causes.

2. This Sec. 11.2 does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages.

3. This Sec. 11.2 shall not create liability on the part of the City or by any officer or employee thereof for any flood damages that result from reliance on this Sec. 11.2 or any administrative decision lawfully made hereunder.

11.2.2. Violations, Enforcement, and Penalties

A. Violation Subject to Equitable Relief

Any action or inaction which violates the provisions of this Sec. 11.2 or the requirements of an approved stormwater management plan or permit may be subject to the enforcement actions outlined in this division. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other

equitable relief. The imposition of any of the penalties described in Sec. 11.2.2.C shall not prevent such equitable relief.

B. Notice of Violation

1. Required

If the Director determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this Sec. 11.2, they must issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this Sec. 11.2 without having first secured a permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

2. Contents

The notice of violation must contain:

a. The name and address of the owner or the applicant or the responsible person.

b. The address or other description of the site upon which the violation is occurring.

c. A statement specifying the nature of the violation.

d. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan, or this Sec. 11.2, and the date for the completion of such remedial action.

e. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed.

f. A statement that the determination of violation may be appealed to the Director by filing a written notice of appeal within 30 days after the notice of violation.

C. Penalties

1. If the remedial measures described in the notice of violation are not completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed.

2. Before taking any of the following actions or imposing any of the following penalties, the Director must first notify the applicant or other responsible person in writing of its intended action, and must provide a reasonable opportunity, of not less than ten days (except in the event the violation constitutes an immediate danger to public health or public safety, a 24-hour notice will be sufficient) to cure such violation.

3. If the applicant or other responsible person does not cure such violation after such notice and cure period, the Director may take any one or more of the following actions or impose any one or more of the following penalties:

a. Stop Work Order. The Director may issue a stop work order which must be served on the applicant or other responsible person. The stop work order will remain in effect until the applicant or other responsible person has taken the remedial

measures set forth in the notice of violation or has otherwise cured the violation described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation.

b. Withhold Certificate of Occupancy. The City may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation described therein.

c. Suspension, Revocation, or Modification of Permit. The City may suspend, revoke, or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation described therein; provided such permit may be reinstated (upon such conditions as the Director may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

d. Civil Penalties. If the applicant or other responsible person does not take the remedial measures described in the notice of violation or otherwise does not cure the violations described therein within ten days, or such greater period as the Director deems appropriate, except, that in the event the violation constitutes an immediate danger to public health or public safety, a 24-hour notice will be sufficient, after the City or Department has taken one or more of the actions described in Sec. 11.2.2.C.3.a (Stop Work Order) through Sec. 11.2.2.C.3.c (Suspension, Revocation, or Modification of Permit), the City may impose a penalty not to exceed $1,000 per day (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

e. Criminal penalties. For intentional and flagrant violations of this Sec. 11.2, the Director may issue a citation to the applicant or other responsible person, requiring such person to appear in municipal court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed $1,000.00 per day or imprisonment for 60 days, or both. Each act of violation and each day upon which any violation occurs will constitute a separate offense.

11.2.3. Permit Procedures and Requirements

A. Application Required

1. No owner or developer shall perform any development activities on a site where an area of special flood hazard is located without first meeting the requirements of this Sec. 11.2 before starting the proposed activity.
2. Unless specifically excluded by this Sec. 11.2, any owner or developer desiring a permit for a land development activity shall submit to the City a permit application on a form provided by the City for that purpose.
3. No permit will be approved for any development activities that do not meet the requirements, restrictions, and criteria of this Sec. 11.2.
4. The applicability of any exclusion available hereunder to any requirement of this Sec. 11.2 shall be subject to the predetermination of the Director before starting the proposed activity. The City must provide an administrative process for private property owners to request and receive a determination by the Director regarding the applicability of any exclusion that may be available to limit in any way the requirements of this sub-section. Such determination must be provided to the property owner requesting it a no cost. If a private property owner does not avail themselves of the administrative process identified in this sub-paragraph (Sec. 11.2.3.A.4) and takes independent action as if they were exempted from some or all the requirements of this Sec. 11.2 without a predetermination having been made, the property owner will be deemed to have forfeited their right to pursue such an available administrative remedy and the City shall have all enforcement options available under law, including, but not limited to, a 5-year hold on an approval of any building permit or land disturbance permit for the subject property. In addition, if some or all the requirements related to the exclusion(s) of this Sec. 11.2 are not implemented, the City shall have all enforcement options available under law, including but not limited to, a five-year hold on an approval of any building permit or land disturbance permit for the subject property.

B. Floodplain Management/Flood damage Prevention Plan Requirements

1. An application for a development project with any area of special flood hazard located on the site will be required to include a floodplain management/flood damage prevention plan. This plan must include the following items:
    a. Site plan drawn to scale, which includes, but is not limited to:
        i. Existing and proposed elevations of the area in question and the nature, location and dimensions of existing and proposed structures, earthen fill placement, amount and location of excavation material, and storage of materials or equipment.

ii. For all proposed structures, spot ground elevations at building corners and 20-foot or smaller intervals along the foundation footprint, or one foot contour elevations throughout the building site.

iii. Proposed locations of water supply, sanitary sewer, and utilities.

iv. Proposed locations of drainage and stormwater management facilities.

v. Proposed grading plan.

vi. Base flood elevations and future-conditions flood elevations.

vii. Boundaries of the base flood floodplain and future-conditions floodplain.

viii. If applicable, the location of the floodway.

ix. Certification of the information contained in (i) through (viii) above by a licensed professional engineer or surveyor.

b. Building and foundation design detail including, but not limited to:

i. Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures.

ii. Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed.

iii. Certification that any proposed nonresidential floodproofed structure meets the criteria in Sec. 11.2.5.B.2.

iv. For enclosures below the base flood elevation, location and total net area of foundation openings as required in Sec. 11.2.5.A.5.

v. Design plans certified by a licensed professional engineer or architect for all proposed structures.

c. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

d. Hard copies and digital files of computer models, if any, copies of work maps, comparison of pre- and post-development conditions base flood elevations, future-conditions flood elevations, flood protection elevations, special flood hazard areas and regulatory floodway widths, flood profiles and all other computations and other information similar to that presented in the Flood Insurance Study (FIS) for Fulton County, latest edition.

e. Copies of all applicable state and federal permits necessary for proposed development.

f. All appropriate certifications required under this Sec. 11.2.

2. The approved floodplain management/flood damage prevention plan must contain a certification by the applicant that all

development activities will be done according to the plan or previously approved revisions. Any and all development permits and use and occupancy certificates or permits may be revoked at any time if the construction and development activities are not in strict accordance with approved plans.

C. Construction Stage Submittal Requirements

1. Certificates Required

a. For all new construction and substantial improvements on sites with a floodplain management/flood damage prevention plan, the permit holder must provide the Director with the following certificates:

i. A certified as-built elevation certificate or floodproofing certificate for nonresidential construction including the lowest floor elevation or floodproofing level immediately after the lowest floor or floodproofing is completed.

ii. A final elevation certificate shall be provided after completion of construction including final grading of the site.

iii. Any lowest floor certification made relative to mean sea level must be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same.

b. When floodproofing is utilized for nonresidential structures, said certification must be prepared by or under the direct supervision of a licensed professional engineer or architect and certified by same using the FEMA Floodproofing Certificate. This certification must also include the design and operation/maintenance plan to assure the continued viability of the floodproofing measures.

2. Any work undertaken before approval of these certifications will be at the permit holder's risk. The Director must review the certification data referenced in Sec. 11.2.3.C.1.a when submitted. Deficiencies detected by such review must be corrected by the permit holder immediately and before further work being allowed to proceed.

3. Failure to submit certification or failure to make the required corrections ~~required hereby~~ shall be cause to issue a stop work order for the project.

D. Duties and Responsibilities of the Director

Duties of the Director include, but are not limited to:

1. Review of all development applications and permits to ensure that the requirements of this Sec. 11.2 have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding.

2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including, but not limited to

Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344, and are provided and maintained on file.

3. When base flood elevation data or floodway data have not been provided, then the Director shall require the applicant to obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other sources in order to meet the provisions of Sec. 11.2.4 and Sec. 11.2.5.
4. Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures.
5. Review and record the actual elevation, in relation to the mean sea level to which any substantially improved structures have been floodproofed.
6. When floodproofing is utilized for a non-residential structure, the Director shall review the design and operation/maintenance plan and obtain certification of design criteria from a licensed professional engineer or architect.
7. Notify affected adjacent communities and the Department of Natural Resources (DNR) before any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
8. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (i.e., where there appears to be a conflict between a mapped boundary and actual field conditions) the Director must make the necessary interpretation. Any person contesting the location of the boundary must be given a reasonable opportunity to appeal the interpretation as provided in this Sec. 11.2. Where floodplain elevations have been defined, the floodplain shall be determined based on flood elevations rather than the area graphically delineated on the floodplain maps.
9. All records pertaining to the provisions of this Sec. 11.2 must be maintained in the office of the Director and must be open for public inspection.
10. Coordinate all FIRM revisions with DNR and FEMA.
11. Review variance applications and make recommendations to the Board of Zoning Appeals.

11.2.4. Development Standards

A. Boundaries Defined

1. Floodplain

Studied "A" zones, as identified in the FIS, must be used to establish base flood elevations whenever available. For all streams with a drainage area of 100 acres or greater, the future-conditions flood elevations shall be produced from equivalent FIS data by the applicant. If future-conditions elevation data is not available from FIS, then it must be determined by a licensed professional engineer using a method approved by FEMA and the City.

2. Floodway

The width of a floodway must be determined from the FIS or FEMA-approved flood study. For all streams with a drainage area of 100 acres or greater, the regulatory floodway must be provided by the applicant. If floodway data is not available from FIS, then it must be determined by a licensed professional engineer using a method approved by FEMA and the City.

B. General Standards

1. No development is allowed within any area of special flood hazard or area of a future-conditions flood hazard that could result in any of the following:
   a. Raising the base flood elevation or future-conditions flood elevation equal to or more than 0.01 of a foot; or
   b. Reducing the base flood or future-conditions regulatory flood storage capacity; or
   c. Changing the flow characteristics as to the depth and velocity of the waters of the base flood or future-conditions flood as they pass both the upstream and the downstream boundaries of the property; or
   d. Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation.
2. Any development within the future-conditions floodplain allowed under Sec. 11.2.4.B.1 must also meet the following conditions:
   a. Compensation for storage capacity must occur between the average groundwater table elevation and the base flood elevation for the base flood, and between the average groundwater table elevation and the future-conditions flood elevation for the future-conditions flood, and lie either within the boundaries of ownership of the property being developed and shall be within the immediate vicinity of the location of the encroachment.
      i. Acceptable means of providing required compensation include lowering of natural ground elevations within the floodplain, or lowering of adjoining land areas to create additional floodplain storage.
      ii. In no case shall any required compensation be provided via bottom storage or by excavating below the elevation of the top of the natural (predevelopment) stream channel unless such excavation results from the widening or relocation of the stream channel.
   b. Cut areas must be stabilized and graded to a slope of at least 2.0%.
   c. Effective transitions must be provided such that flow velocities occurring on both upstream and downstream properties are not increased or decreased.
   d. Verification of no-rise conditions (less than 0.0~~one~~1 foot), flood storage volumes, and flow characteristics must be provided via a step-backwater analysis meeting the requirements of Sec. 11.2.4.C.3.b.

e. Public utilities and facilities, such as water, sanitary sewer, gas, and electrical systems, must be located and constructed to minimize or eliminate infiltration or contamination from floodwaters.

f. Any significant physical changes to the base flood floodplain must be submitted as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable.

i. The CLOMR submittal shall be subject to approval by the Director using the FEMA community concurrence consent forms before forwarding the submittal package to FEMA for final approval.

ii. The responsibility for forwarding the CLOMR to FEMA and for obtaining the CLOMR approval shall be the responsibility of the applicant.

iii. Within six months of the completion of development, the applicant must submit as-built surveys for a final letter of map revision (LOMR).

C. Engineering Study Requirements for Floodplain Encroachments

An engineering study is required, as appropriate to the proposed development activities on the site, whenever a development proposes to disturb any land within the future-conditions floodplain, except for a residential single-lot development on streams without established base flood elevations and floodways, for which the provision of Sec. 11.2.5.D apply.

1. This study must be prepared by a currently licensed professional engineer in the state and made a part of the application for a permit.

2. This information must be submitted to and approved by the Director before the approval of any permit which would authorize the disturbance of land located within the future-conditions floodplain.

3. Such study must include:

a. A description of the extent to which any watercourse or floodplain will be altered or relocated as a result of the proposed development.

b. A step-backwater analysis using a FEMA-approved method approved by the Director. Cross sections (which may be supplemented by the applicant) and flow information will be obtained whenever available. Computations will be shown duplicating FIS results and will then be rerun with the proposed modifications to determine the new base flood profiles and future-conditions flood profiles.

c. Floodplain storage calculations based on cross sections (at least one every 100 feet) showing existing and proposed floodplain conditions to show that base flood floodplain and future-conditions floodplain storage capacity would not be diminished by the development.

d. A preliminary plat, grading plan, or site plan, as appropriate, which clearly defines all future-conditions floodplain encroachments.

D. Floodway Encroachments

Located within areas of special flood hazard are areas designated as floodways. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, floodways must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions apply to floodways:

1. Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway, except for activities specifically allowed in sub-paragraph 2 immediately below.
2. Encroachments for bridges, culverts, roadways and utilities are allowed; provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase to the pre-project base flood elevations, floodway elevations, or floodway widths during the base flood discharge. A licensed professional engineer must provide supporting technical data and certification thereof.
3. If the applicant proposes to revise the floodway boundaries, no permit authorizing the encroachment into or an alteration of the floodway shall be issued by the City until an affirmative conditional letter of map revision (CLOMR) is issued by FEMA and no-rise certification is approved by the Director.

E. Maintenance Requirements

The property owner is responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on the property so that the flood-carrying or flood storage capacity is maintained. The City may direct the property owner (at no cost to the City) to restore the flood-carrying or flood storage capacity of the floodplain if the owner has not performed maintenance as required by the approved floodplain management plan on file with the Director .

11.2.5. Building Standards for Flood Damage Reduction

A. General Requirements

In all areas of special flood hazard and future-conditions flood hazard, the following provisions apply:

1. New construction and substantial improvements (residential or nonresidential), including manufactured homes, are not allowed within the limits of the future-conditions floodplain unless all requirements of Sec. 11.2.4.B and Sec. 11.2.4.C have been met.
2. New construction and substantial improvements must be anchored to prevent flotation, collapse or lateral movement of the structure.
3. New construction and substantial improvements must be constructed with materials and utility equipment resistant to flood damage.

4. New construction and substantial improvements must be constructed by methods and practices that minimize flood damage.

5. Elevated buildings. All new construction and substantial improvements that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls must be designed so as to be an unfinished or flood-resistant enclosure. The enclosure must be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.

    a. Designs for complying with this requirement must be certified by a licensed professional engineer or architect to meet or exceed the following minimum criteria:

        i. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.

        ii. The bottom of all openings must be no higher than one foot above grade.

        iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.

    b. So as not to violate the “lowest floor” criteria of this sub-section (Sec. 11.2.5), the unfinished or flood-resistant enclosure shall solely be used for the parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area.

    c. The interior portion of such enclosed area must not be finished or partitioned into separate rooms.

6. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities must be designed and/or located 3 feet above the base flood elevation or one foot above the future conditions flood elevation, whichever is higher, so as to prevent water from entering or accumulating within the components during conditions of flooding.

7. Manufactured homes must be anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

8. All proposed development must include adequate drainage and stormwater management facilities per the requirements of the City to reduce exposure to flood hazards.

9. New and replacement water supply systems must be designed to minimize or eliminate infiltration of floodwaters into the system.

10. New and replacement sanitary sewerage systems must be designed to minimize or eliminate infiltration of floodwaters into the systems and

discharges from the systems into floodwaters.

11. On-site waste disposal systems must be located and constructed to avoid impairment to them, or contamination from such systems, during flooding.

12. Other public utilities such as gas and electric systems must be located and constructed to avoid impairment to them, or public safety hazards from them, during flooding.

13. Any alteration, repair, reconstruction, or improvement to a structure which is not compliant with the provisions of this sub-section (Sec. 11.2.5), shall be undertaken only if the nonconformity is not furthered, extended or replaced.

14. If the proposed development is located in multiple flood zones, or multiple base flood elevations cross the proposed site, the higher or more restrictive base flood elevation or future-conditions elevation and development standards shall take precedence.

15. When only a portion of a proposed structure is located within a flood zone or the future conditions floodplain, the entire structure must meet the requirements of this Sec. 11.2.

16. Subdivision proposals and other proposed new development must be reasonably safe from flooding:

    a. All such proposals must be consistent with the need to minimize flood damage within the flood-prone area.

    b. All public utilities and facilities, such as sewer, gas, electrical, and water systems must be located and constructed to minimize or eliminate flood damage.

    c. Adequate drainage must be provided to reduce exposure to flood hazards.

B. Structures and Buildings within the Future-Conditions Floodplain

1. Residential Buildings

a. New construction. New construction of principal residential structures is not allowed within the limits of the future-conditions floodplain unless all requirements of Sec. 11.2.4.B and Sec. 11.2.4.C have been met. If all the requirements of Sec. 11.2.4.B and Sec. 11.2.4.C have been met, all new construction must have the lowest floor, including basement, elevated no lower than 3 feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Sec. 11.2.5.A.5.

b. Substantial improvements**.** Substantial improvement of any principal residential structure must have the lowest floor, including basement, elevated no lower than 3 feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is highest. Should solid foundation perimeter walls be used

to elevate a structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Sec. 11.2.5.A.5.

2. Nonresidential Buildings

a. New construction. New construction of principal non-residential structures is not allowed with the limits of the future-conditions floodplain unless all requirements of Sec. 11.2.4.B and Sec. 11.2.4.C have been met. If all of the requirements Sec. 11.2.4.B and Sec. 11.2.4.C have been met, all new construction must have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Sec. 11.2.5.A.5. New construction that has met all of the requirements of Sec. 11.2.4.B may be floodproofed in lieu of elevation.

i. The structure, together with attendant utility and sanitary facilities, must be designed:

a. To be watertight to one foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher.

b. With walls substantially impermeable to the passage of water.

c. With structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

ii. A licensed professional engineer or architect must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provision above, and must provide such certification to the Director using the FEMA Floodproofing Certificate along with the design and operation/maintenance plan.

b. Substantial improvements. Substantial improvement of any principal nonresidential structure located in A1-30, AE, or AH flood hazard zones may be authorized by the Director to be elevated or floodproofed. Substantial improvements must have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize

the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Sec. 11.2.5.A.5. Substantial improvements may be floodproofed in lieu of elevation.

i. The structure, together with attendant utility and sanitary facilities, must be designed:

a. To be watertight to one foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher.

b. With walls substantially impermeable to the passage of water.

c. With structural components having the capability of resisting the hydrostatic and hydrodynamic loads and the effect of buoyancy.

ii. A licensed professional engineer or architect must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions contained in immediately above, and must provide such certification to the Director using the FEMA Floodproofing Certificate along with the design and operation/maintenance plan.

3. Accessory structures and facilities. Accessory structures and facilities (~~i.~~e.g., barns, sheds, gazebos, detached garages, parking lots, recreational facilities and other similar non-habitable structures and facilities) which meet the requirements of Sec. 11.2.4.B and Sec. 11.2.4.C and are permitted to be located within the limits of the future-conditions floodplain must be constructed of flood-resistant materials and designed to provide adequate flood openings in accordance with Sec. 11.2.5.A.5 and shall be anchored to prevent flotation, collapse, and lateral movement of the structure.

4. Standards for recreational vehicles. All recreational vehicles placed on sites must either:

a. Be on the site for fewer than 180 days and be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it:

i. Is licensed;

ii. Is on its wheels or jacking system;

iii. Is attached to the site only by quick-disconnect type utilities and security devices; and

iv. Has no permanently attached structures or additions; or

b. Meet all the requirements for Residential Buildings – Substantial Improvements, including the anchoring and elevation requirements of sub-paragraph 3 above.

5. Standards for Manufactured Homes

a. New manufactured homes are not allowed to be placed within the

limits of the future-conditions floodplain unless all requirements of Sec. 11.2.4.B and Sec. 11.2.4.C have been met. If all requirements of Sec. 11.2.4.B and Sec. 11.2.4.C have been met, all new construction and substantial improvement must have the lowest floor, including basement, elevated no lower than 3 feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Sec. 11.2.5.A.

b. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

   i. The lowest floor of the manufactured home is elevated no lower than 3 feet above the level of the base flood elevation, or one foot above the future-conditions flood elevation, whichever is higher; or

   ii. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.

c. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement in accordance with standards of Sec. Sec. 11.2.5.A.

C. Structures and Buildings Authorized Adjacent to the Future-Conditions Floodplain

1. Residential buildings. For new construction and the substantial improvement of any principal residential building or manufactured home, the elevation of the lowest floor, including basement and access to the building, must be at least 3 feet above the base flood elevation or at least one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Sec. 11.2.5.A.

2. Nonresidential buildings. For new construction or substantial improvement of any principal nonresidential building, the elevation of the lowest floor, including basement and access to the building, must be at least one foot above the level of the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Sec. 11.2.5.A. Non-

residential buildings may be floodproofed in lieu of elevation.

D. Residential Single-Lot Developments on Streams without Established Base Flood Elevations and Floodway (A-Zones)

1. For a residential single-lot development not part of a subdivision that has areas of special flood hazard, where streams exist but no base flood data have been provided (A-Zones), the Director shall review and reasonably utilize any available scientific or historic flood elevation data, base flood elevation and floodway data, or future-conditions flood elevation data available from a federal, state, local or other source, in order to administer the provisions and standards of this sub-section.
2. If data are not available from any of these sources, the following provisions will apply:
    a. No encroachments, including structures of fill material, shall be located within an area equal to twice the width of the stream or 50 feet from the top of the bank of the stream, whichever is greater.
    b. In special flood hazard areas without base flood or future-conditions flood elevation data, new construction and substantial improvements must have the lowest floor of the lowest enclosed area (including basement) elevated no less than 3 feet above the highest adjacent grade at the building site. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces shall be provided for flood prone enclosures in accordance with Sec. 11.2.5.A.

E. Areas of shallow flooding (AO-Zones)

Areas of special flood hazard may include designated "AO" shallow flooding areas. These areas have base flood depths of 1 to 3 feet above ground, with no clearly defined channel. In these areas the following provisions apply:

1. All new construction and substantial improvements of residential and nonresidential structures must have the lowest floor, including basement, elevated to no lower than one foot above the flood depth number in feet specified on the flood insurance rate map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least 3 feet above the highest adjacent grade. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces shall be provided in accordance with standards of Sec. 11.2.5.A.
2. A new construction and substantial improvement of a nonresidential structure may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus one foot above the highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect must certify that

the design and methods of construction are in accordance with accepted standards of practice, and must provide such certification to the Director using the FEMA Floodproofing Certificate along with the design and operation/maintenance plan; and

3. Drainage paths must be provided to guide floodwater around and away from any proposed structure.

F. Subdivisions

1. All subdivision proposals must identify the areas of special flood hazard and areas of future-conditions flood hazard therein and provide base flood elevation data, and future-conditions flood elevation data;
2. All residential lots in a subdivision proposal must have sufficient buildable area outside of the future-conditions floodplain such that encroachments into the future-conditions floodplain for residential structures will not be required. Buildable area shall not be less than what is required for the zoning district.
3. All subdivision plans must provide the elevations of proposed structures in accordance with Sec. 11.2.3.B.

11.2.6. Variance procedures

A. Board of Zoning Appeals Variance and Appeals Procedures

The following variance and appeals procedures shall apply to an applicant who has been denied a permit for a development activity, or to an owner or developer who believes the proposed development activity would be inconsistent with the provisions of this Sec. 11.2.

1. Requests for variances from the requirements of this Sec. 11.2 must be submitted to Director. All such requests shall be heard and decided in accordance with procedures to be published in writing by the City. At a minimum, such procedures must include notice to all affected parties and the opportunity to be heard.
2. Any person adversely affected by any decision of the City has the right to appeal such decision to the Board of Zoning Appeals (as established by the City in accordance with the procedures to be published in writing by the Board of Zoning Appeals). At a minimum, such procedures must include notice to all affected parties and the opportunity to be heard.
3. The Board of Zoning Appeals shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Director in the enforcement or administration of this Sec. 11.2. At a minimum, such procedures must include notice to all affected parties and the opportunity to be heard.
4. Any person aggrieved by the decision of the Board of Zoning Appeals may appeal such decision to the Superior Court of Fulton County, as provided in O.C.G.A. § 5-4-1.
5. All decisions of the Fulton County Board of Zoning Appeals regarding properties located within the city limits before December 1, 2006, are hereby adopted and incorporated by reference. Such decisions of the Fulton

County Board of Zoning Appeals will have the same legal effect as if they were decisions of the City Board of Zoning Appeals.

6. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance issued shall be the minimum necessary to preserve the historic character and design of the structure.

7. Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Sec. 11.2 are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

9. In reviewing such requests, the City and Board of Zoning Appeals must consider all technical evaluations, relevant factors, and all standards specified in this and other sub-sections of this Sec. 11.2.

B. Conditions for Granting

1. A variance shall be issued only when there is:

   a. A finding of good and sufficient cause;

   b. A determination that failure to grant the variance would result in exceptional hardship; and

   c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or the creation of a nuisance.

2. The provisions of this Sec. 11.2 are minimum standards for flood loss reduction; therefore, any deviation from the standards must be weighed carefully. Variances must only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

3. Any person to whom a variance is granted must be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance resulting from the lowest floor elevation being placed below the base flood elevation will be commensurate with the increased risk to life and property, and that such costs may be as high as $25.00 for each $100.00 of insurance coverage provided.

4. The Director must maintain the records of all variance actions, both granted and denied, and report them to the DNR and the FEMA upon request.

5. Any person requesting a variance must, from the time of the request until the time the request is acted upon, submit such information and documentation as the City and Board of Zoning Appeals shall deem necessary for the consideration of the request.

6. Upon consideration of the factors listed in sub-paragraphs B.1 through B.5 of this sub-section and the purposes of this Sec. 11.2, the City and the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Sec. 11.2.

11.3. Illicit Discharge and Illegal Connection

11.3.1. General

A. Purpose and Intent

The purpose of this Sec. 11.3 is to protect the public health, safety, environment and general welfare through the regulation of nonstormwater discharges to the City separate storm sewer system to the maximum extent practicable as required by federal law. This Sec. 11.3 establishes methods for controlling the introduction of pollutants into the City separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this Sec. 11.3 are to:

1. Regulate the contribution of pollutants to the City separate storm sewer system by any person.
2. Prohibit illicit discharges and illegal connections to the City separate storm sewer system.
3. Prevent nonstormwater discharges, generated from spills, inappropriate dumping, or disposal to the City separate storm sewer system; and
4. Establish legal authority to conduct all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this Sec. 11.3.

B. Conflicts

This Sec. 11.3 is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this Sec. 11.3 are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this Sec. 11.3 imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

11.3.2. Violations, Enforcement and Penalties

A. Prohibitions

1. Failure to Comply

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Sec. 11.3. Any person who has violated or continues to violate the provisions of this Sec. 11.3 may be subject to the enforcement actions outlined in this Sec. 11.3, or may be restrained by injunction or otherwise abated in a manner provided by law.

2. Emergency Situations

In the event the violation constitutes an immediate danger to public health or public safety, the Director is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and restore the property. The City is authorized to seek costs of the abatement as outlined in Sec. 11.3.2.E.

B. Notice of Violation

1. Authority to Issue

Whenever the Director finds that a violation of this Sec. 11.3 has occurred,

the Director may order compliance by written notice of violation.

2. Contents

The notice of violation must contain:

a. The name and address of the alleged violator.

b. The address, when available, or a description of the building, structure or land upon which the violation is occurring, or has occurred.

c. A statement specifying the nature of the violation.

d. A description of the remedial measures necessary to restore compliance with this Sec. 11.3 and a time schedule for the completion of such remedial action.

e. A statement of the penalty that shall or may be assessed against the person to whom the notice of violation is directed.

f. A statement that the determination of violation may be appealed to the City by filing a written notice of appeal within 30 days of service of notice of violation.

3. Required Action

Such notice may require, without limitation:

a. The performance of monitoring, analyses, and reporting.

b. The elimination of illicit discharges and illegal connections.

c. That violating discharges, practices, or operations shall cease and desist.

d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property.

e. Payment of costs to cover administrative and abatement costs.

f. The implementation of pollution prevention practices.

C. Appeal

Any person receiving a notice of violation may appeal the determination of the City. The notice of appeal must be received within 30 days from the date of the notice of violation. A hearing on the appeal before the Director must take place within 15 days from the date of receipt of the notice of appeal. The decision of the appropriate authority or its designee shall be final.

D. Enforcement Measures Following Appeal

1. Right of Entry

If the violation has not been corrected under the requirements identified in the notice of violation, or, in the event of an appeal, within 30 days of the decision of the appropriate authority upholding the decision of the Director, then the Director may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and restore the property.

2. Refusal

It shall be unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the Director to enter upon the premises for the purposes set forth in Sec. 11.3.2.D.1.

E. Abatement Costs, Protests, Liens

1. Within 60 days after abatement of the violation, the property owner will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the assessment or to the amount of the assessment within 30 days of such notice. If the amount due is not paid within 30 days after receipt of the notice, or if an appeal is taken within 30 days after a decision on said appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. No permit shall be issued for the property while such assessment remains outstanding.
2. Any person violating any of the provisions of this Sec. 11.3 will become liable to the City by reason of such violation.

F. Civil Penalties

If the alleged violator does not take the remedial measures described in the notice of violation or otherwise does not cure the violations described therein within ten days, or such greater period as the Director deems appropriate, and after the Director has taken one or more of the actions described in Sec.11.3.2.D, the Director may impose a penalty not to exceed $1,000.00, depending on the severity of the violation, for each day the violation remains unremedied after receipt of the notice of violation.

G. Criminal Penalties

For intentional and flagrant violations of this Sec. 11.3, the Director may issue a citation to the alleged violator requiring such person to appear in municipal court to answer charges for such violation. Upon conviction, such person may be punished by a fine not to exceed $1,000.00 or imprisonment for 60 days, or both. Each act of violation and each day upon which any violation occurs constitutes a separate offense.

H. Violations Deemed Public Nuisances

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Sec. 11.3 is a threat to public health, safety, welfare, and environment and is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by law.

I. Remedies not Exclusive

1. The remedies listed in this Sec. 11.3 are not exclusive of any other remedies available under any applicable federal, state or local law and the Director may seek cumulative remedies.
2. The Director may recover attorney's fees, court costs, and other expenses associated with enforcement of this Sec. 11.3, including sampling and monitoring expenses.

11.3.3. Miscellaneous Provisions

A. Prohibitions

1. Illicit Discharges

a. No person shall throw, drain, or otherwise discharge, or cause or allow others under their control to throw, drain, or otherwise discharge into the City separate storm sewer system, any pollutants

or waters containing any pollutants, other than stormwater.

b. The following discharges are exempt from the prohibition provision contained Sec. 11.3.3.A.1.a immediately above:

i. Waterline flushing performed by a government agency.

ii. Other potable water sources;

iii. Landscape irrigation or lawn watering.

iv. Diverted stream flows, rising groundwater, groundwater infiltration to storm drains.

v. Uncontaminated pumped groundwater.

vi. Foundation or footing drains (not including active groundwater dewatering systems).

vii. Crawl space pumps.

viii. Air conditioning condensation.

ix. Springs, natural riparian habitat or wetland flows.

x. Any other water source not containing pollutants.

xi. Discharges or flows from firefighting.

xii. Other discharges specified in writing, by the Director, as being necessary to protect public health and safety.

xiii. Any nonstormwater discharge permitted under an NPDES permit or order issued to the discharger and administered under the authority of the state and the Federal Environmental Protection Agency; provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the City separate storm sewer system.

2. Illegal Connections

The construction, connection, use, maintenance or continued existence of any illegal connection to the City separate storm sewer system is prohibited.

a. This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

b. A person violates this Sec. 11.3 if they connect a line conveying sewage to the City separate storm sewer system, or allow such a connection to continue.

c. Improper connections in violation of this Sec. 11.3 must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the Public Works Department.

d. Any drain or conveyance that has not been documented in plans,

maps or equivalent, and which may be connected to the City separate storm sewer system, must be located by the owner or occupant of that property upon receipt of written notice of violation from the Director requiring that such locating be completed. Such notice must specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Director.

B. Industrial or Construction Activity Discharges

Any person subject to an industrial or construction activity NPDES stormwater discharge permit must comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Director before allowing discharges to the City separate storm sewer system.

C. Right of Entry and Inspection

The Director is permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with this Sec. 11.3.

1. If a property or facility has security measures in force which require proper identification and clearance before entry into its premises, the owner or operator must make the necessary arrangements to allow access to the Director.
2. The owner or operator must allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that are required under the conditions of an NPDES permit to discharge stormwater.
3. The Director has the right to set up on any property or facility such devices as are necessary in the opinion of the Director to conduct monitoring and sampling of flow discharges.
4. The Director may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to its designees. This sampling and monitoring equipment must be maintained at all times in a safe and proper operating condition by the owner or operator at their own expense. All devices used to measure flow and quality shall be calibrated to ensure their accuracy.
5. Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and sampled must be promptly removed by the owner or operator at the written or oral request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.
6. Unreasonable delays in allowing the Director access to a facility is a violation of this Sec. 11.3.

7. If the Director has been refused access to any part of the premises from which stormwater is discharged, and the Director is able to demonstrate probable cause to believe that there may be a violation of this Sec. 11.3, or that there is a need to inspect and sample as part of a routine inspection and sampling program designed to verify compliance with this Sec. 11.3 or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the Director may seek issuance of a search warrant from any court of competent jurisdiction.

D. Notification of Accidental Discharges and Spills

1. Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation, has information of any known or suspected release of pollutants or nonstormwater discharges from that facility or operation which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the City separate storm sewer system, state waters, or waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.

2. Said person must notify the authorized enforcement agency in person or by phone, email, or in person no later than 24 hours of the nature, quantity and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Director within three business days of the phone or in person notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment must also retain an onsite written record of the discharge and the actions taken to prevent its recurrence. Such records must be retained for at least three years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.

3. In the event of such a release of hazardous materials, emergency response agencies and other appropriate agencies must be immediately notified.

4. The failure to provide notification of a release as provided in Sec. 11.3.3.D.1 through Sec. 11.3.3.D.3 above is a violation of this sub-section (Sec. 11.3.3).

11.4. Post-Construction Stormwater Management for New Development and Redevelopment

11.4.1. General

A. Definitions.

Terms used in this Sec. 11.4 that are not defined in Article 13 shall be interpreted based on how such terms are defined and used in the latest edition of the Georgia Stormwater Management Manual, Technical Handbook, and its Appendices (GSMM) and the City's Municipal Separate Storm Sewer Systems (MS4) permit.

B. Purpose and Intent

The purpose of this Sec. 11.4 is to protect, maintain and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. Proper management of post-construction stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment, and general welfare of the public, and protect water and aquatic resources. Additionally, the City is required to comply with several State and Federal laws, regulations, and permits and the requirements of the Metropolitan North Georgia Water Planning District's regional water plan related to managing the water quantity, velocity, and quality of post-construction stormwater runoff.

C. Applicability

This Sec. 11.4 applies to the following activities:

1. New development that creates or adds 5,000 square feet or greater of new impervious cover area, or that involves land disturbing activity of one acre of land or greater.
2. Redevelopment (excluding routine maintenance and exterior remodeling) that creates, adds, or replaces 5,000 square feet or greater of new impervious cover area, or redevelopment that involves other land disturbing activities of one acre or more.
3. New Development and redevelopment if:
    a. Such new development or redevelopment is part of a subdivision or other common plan of development; and
    b. The sum of all associated impervious cover area or land disturbing activities that are being developed as part of such subdivision or other common plan of development meets or exceed the threshold in sub-paragraphs 1 and 2 above.
4. Any commercial or industrial new development or redevelopment, regardless of size, that is a hotspot land use as defined in Article 13.
5. Linear transportation projects that exceed the threshold in sub-paragraphs 1 and 2 above.

D. Designation of Administrator

The Director is hereby appointed to administer and implement the provisions of this Sec. 11.4.

E. Conflicts

This Sec. 11.4 is not intended to modify or repeal any other article, section, ordinance, rule, regulation, or other provision of law, including but not limited to any applicable stream buffers under state and local laws, and the Georgia Safe Dams Act and Rules for Dam Safety (O.C.G.A. § 12-5-370 to 12-5-385). The requirements of this Sec. 11.4 are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this Sec. 11.4 imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment controls.

F. Adoption and implementation of the GSMM; conflicts and inconsistencies

1. In implementing this Sec. 11.4, the City shall use and require compliance with all relevant design standards, calculations, formulas, methods, and other guidance from the latest edition of the GSMM (including all related appendices).
2. In the event of any conflict or inconsistency between any provision in the City's MS4 permit and this Sec. 11.4, the provision from the MS4 permit controls.
3. In the event of any conflict or inconsistency between any provision of this Sec. 11.4 and the GSMM, the provision from this Sec. 11.4 controls.
4. If any provision of this Sec. 11.4 is invalidated by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Sec. 11.4.

G. Exemptions from stormwater management standards

1. The applicability of any exemption available hereunder to any requirement of this Sec. 11.4 shall be subject to the predetermination of Director, before starting the proposed activity. The City shall adopt an administrative process for private property owners to request and receive a determination by the Director regarding the applicability of any exemption that may be available to limit in any way the requirements of this Sec. 11.4. Such determination must be provided to the property owner requesting it at no cost to the property owner. If a private property owner does not avail themselves of the administrative process identified in this Sec. 11.4.1.G and takes independent action as if they were exempted from some or all of the requirements of this Sec. 11.4 without a predetermination having been made, the property owner will be deemed to have forfeited their right to pursue such an available administrative remedy and the City shall have all enforcement options available under law, including but not limited to, a 5 year hold on approval of any building permit or land disturbance permit for the subject ~~ort~~ property. In addition, if some or all requirements related to the exclusion(s) of this Sec.

11.4 are not implemented, the City shall have all enforcement options available under law, including but not limited to, a five-year hold on approval of any building permit or land disturbance permit for the subject property.

2. This Sec. 11.4 does not apply to the following activities:

   a. Land disturbing activity conducted by local, state, authority, or federal agencies, solely to respond to an emergency need to protect life, limb, or property or conduct emergency repairs.

   b. Land disturbing activity that consists solely of cutting a trench for utility work and related pavement replacement (this exemption does not negate the requirement to obtain right-of way encroachments permits from the City nor does it negate the requirement to get utility locates);

   c. Land disturbing activity conducted by local, state, authority, or federal agencies, whose sole purpose is to implement stormwater management or environmental restoration.

   d. Repairs to any stormwater management system deemed necessary by the Director.

   e. Agricultural practices as described O.C.G.A. § 12-7-17(5) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in Sec. 11.4.1.C.1 and Sec. 11.4.1.C.2.

   f. Silvicultural land management activities as described O.C.G.A. § 12-7-17(6) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in Sec. 11.4.1.C.1 and Sec. 11.4.1.C.2.

   g. Installations or modifications to existing structures solely to implement Americans with Disabilities Act (ADA) requirements, including but not limited to elevator shafts, handicapped access ramps and parking, and enlarged entrances or exits.

   h. Linear transportation projects being constructed by City to the extent the Director determines that the stormwater management standards may be infeasible to apply, all or in part, for any portion of the linear transportation project. For this exemption to apply, an infeasibility report that is compliant with the City linear feasibility program shall first be submitted to the Director that contains adequate documentation to support the evaluation for the applicable portion(s) and any resulting infeasibility determination, if any, by the Director.

11.4.2. Violations, Enforcement, and Penalties

A. Violations and enforcement

Any violation of the approved stormwater management plan during construction,

failure to submit as-built drawings, failure to submit a final Best Management Practice (BMP) landscaping plan, or failure of the final inspection shall constitute and be addressed as violations of, or failures to comply with, the underlying land disturbance permit pursuant to city code. To address a violation of this Sec. 11.4, the City shall have all the powers and remedies that are available to it for other violations of building and land disturbance permits, including without limitation the right to issue notices and orders to ensure compliance, stop work orders, and penalties as set forth in the applicable ordinances for such permits

B. Notice of Violation

1. Required

If the City determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this Sec. 11.4, it must issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this Sec. 11.4 without having first secured a permit therefore, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

2. Contents

The notice of violation must contain:

a. The name and address of the owner or the applicant or the responsible person.

b. The address or other description of the site upon which the violation is occurring.

c. A statement specifying the nature of the violation.

d. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this Sec. 11.4 and the date for the completion of such remedial action.

e. A statement of the penalties that may be assessed against the person to whom the notice of violation is directed.

f. A statement that the determination of violation may be appealed to the City by filing a written notice of appeal within 30 days after the notice of violation, except that in the event the violation constitutes an immediate danger to public health or public safety, a 24-hour notice by the City shall be sufficient.

C. Remedial Measures, Penalties

1. Failure of Remedial Measures

If the remedial measures described in the notice of violation are not completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed.

2. Notice for Failure to Cure Violation

Before taking any of the following actions or imposing any of the following penalties, the City must first

notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days, except, that in the event the violation constitutes an immediate danger to public health or public safety, a 24-hour notice shall be sufficient, to cure such violation.

3. Penalty for Failure to Cure Violation

If the applicant or other responsible person does not cure such violation after such notice and cure period, the City may take any one or more of the following actions or impose any one or more of the following penalties:

a. Stop Work Order

The City may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein; provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation.

b. Withhold Certificate of Occupancy

The City may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

c. Suspension, Revocation, or Modification of Permit

The City may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein; provided such permit may be reinstated (upon such conditions as the City may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

d. Civil Penalties

If the applicant or other responsible person does not take the remedial measures described in the notice of violation or otherwise does not cure the violations described therein within ten days, or such greater period as the City shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, a 24-hour notice shall be sufficient) after the City has taken one or more of the actions described in Sec. 11.4.2.C.3.a through Sec. 11.4.2.C.3.c the City may impose a penalty of $1,000, depending on the

severity of the violation, for each day the violation remains unremedied after receipt of the notice of violation.

e. Criminal Penalties

For intentional and flagrant violations of this Sec. 11.4, the City may issue a citation to the applicant or other responsible person, requiring such person to appear in municipal court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed $1,000.00 or imprisonment for 60 days, or both. Each act of violation and each day upon which any violation occurs constitutes a separate offense.

D. Maintenance by Owner of Stormwater Systems Predating Current GSMM

For any stormwater management systems approved and built based on requirements predating the current GSMM and that is not otherwise subject to an inspection and maintenance agreement, such stormwater management systems must be maintained by the owner so that the stormwater management systems perform as they were originally designed.

11.4.3. Permit Procedures and Requirements

A. Permit Application Requirements

1. No owner or developer shall perform any land development activities without first meeting the requirements of this Sec. 11.4 before starting the proposed activity.
2. Unless specifically exempted by this Sec. 11.4, any owner or developer proposing a land development activity must submit to the Director a permit application on a form provided by the Director for that purpose.
3. Unless otherwise exempted by this Sec. 11.4, a permit application must be accompanied by the following information in order to be considered:
   a. Stormwater concept plan and consultation meeting certification in accordance with Sec. 11.4.3.B.
   b. Stormwater management plan in accordance with Sec. 11.4.3.C.
   c. Inspection and maintenance agreement in accordance with Sec. 11.4.3.D, if applicable.
   d. Performance bond or surety, if deemed applicable.
   e. Permit application and plan review fees in accordance with Sec. 11.4.3.F.

B. Pre-submittal Meeting and Stormwater Concept Plan

1. Before a land development permit application is submitted, an applicant may request a pre-submittal meeting with the City.
2. This pre-submittal meeting should take place based on early steps in the development process such as before site analysis and inventory (GSMM Section 2.4.2.4) or the stormwater concept plan (GSMM Section 2.4.2.5). The purpose of this meeting is to:
   a. Discuss the post-development stormwater management

measures necessary for the proposed project.

b. Discuss and assess constraints, opportunities and potential ideas for stormwater management designs before the formal site design engineering starts.

c. Local watershed plans, the City greenspace projection plan (if applicable), and any relevant resource protection plans should be consulted in the pre-submittal meeting.

d. Applicants must request a pre-submittal meeting with the City when applying for a Determination of Infeasibility through the Practicability Policy.

3. The stormwater concept plan must be prepared using the minimum following steps:

a. Develop the site layout using better site design techniques, as applicable (GSMM Section 2.3).

b. Calculate preliminary estimates of the unified stormwater sizing criteria requirements for stormwater runoff quality/reduction, channel protection, overbank flooding protection and extreme flood protection (GSMM Section 2.2).

c. Perform screening and preliminary selection of appropriate best management practices and identification of potential siting locations (GSMM Section 4.1).

4. The stormwater concept plan must contain:

a. Common address and legal description of the site.

b. Vicinity map.

c. Existing conditions/proposed site layout mapping and plans, which illustrate at a minimum:

i. Existing and proposed topography.

ii. Perennial and intermittent streams.

iii. Mapping of predominant soils from soil surveys (when available).

iv. Limits of existing predominant vegetation and proposed limits of clearing and grading.

v. Location and boundaries of other natural feature protection and conservation areas such as jurisdictional wetlands, lakes, ponds, floodplains, state waters, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.).

vi. Location of existing and proposed roads, buildings, parking areas and other impervious cover.

vii. Existing and proposed utilities (e.g., water, sewer, gas, electric) and easements.

viii. Preliminary estimates of unified stormwater sizing criteria requirements.

ix. Preliminary selection and location, size, and limits of disturbance of proposed BMPs.

x. Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains.

xi. Flow paths.

xii. Location of the boundaries of the base flood floodplain, future conditions floodplain and the floodway (as applicable).

xiii. Relationship of site to upstream and downstream properties and drainages.

xiv. Preliminary location of proposed stream channel modifications, such as bridge or culvert crossings.

C. Stormwater Management Plan Requirements

1. The stormwater management plan must detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this Sec. 11.4, including the performance criteria set forth in Sec. 11.4.4.

2. This plan must be in accordance with the criteria established in this Sec. 11.4 and must be submitted with the stamp and signature of a professional engineer (PE) licensed in the state of Georgia, who must verify that the design of all stormwater management facilities and practices meet the submittal requirements outlined in the submittal checklists found in the stormwater design manual.

3. The stormwater management plan must ensure that the requirements and criteria in this Sec. 11.4 are being complied with and that opportunities are being taken to minimize adverse post-development stormwater runoff impacts from the development. The plan must consist of maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The plan must include all of the information required in the stormwater management site plan checklist found in the stormwater design manual.

4. The applicant must provide a stormwater management plan that includes the natural resources inventory, site layout concept, initial pre- and post-drainage basins, total suspended solids (TSS) water quality spreadsheet site analysis, and first round stormwater management system BMP layout supported with a GSMM site TSS spreadsheet. The TSS spreadsheet analyses shall equal the permitted development area except areas within the developed site that are not disturbed and are not part of a water quality BMP drainage basin.

5. The stormwater management plan must contain the items listed in this Sec. 11.4.3.C and be prepared under the direct supervisory control of either a registered Professional Engineer or registered Landscape Architect licensed in the state of Georgia. Sentences f, g, h, and i below must be sealed and signed by a registered Professional Engineer licensed in the

state of Georgia. The overall site plan must be stamped by a design professional licensed in the state of Georgia for such purpose. (GSMM Section 2.4.2.7) The stormwater management plan must ~~This~~ include~~s~~:

a. Common address and legal description of the site.

b. Vicinity map.

c. Natural resource inventory.

d. Stormwater concept plan.

e. Existing Condition Hydrologic Analysis.

   i. The existing condition hydrologic analysis for stormwater runoff rates, volumes, and velocities, which must include:

      a. A topographic map of existing site conditions with the drainage basin boundaries indicated.

      b. Acreage, soil types and land cover of areas for each subbasin affected by the project.

      c. All perennial and intermittent streams and other surface water features.

      d. All existing stormwater conveyances and structural control facilities.

      e. Direction of flow and exits from the site.

      f. Analysis of runoff provided by offsite areas upstream of the project site.

      g. Methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology.

   ii. For redevelopment sites, predevelopment conditions must be modeled using guidelines established by the Director for the portion of the site undergoing land development activities.

f. Post-Development Hydrologic Analysis.

   i. A post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities must include:

      a. A topographic map of developed site conditions with the post-development drainage basin boundaries indicated.

      b. Total area of post-development impervious cover and other land cover areas for each subbasin affected by the project.

      c. Calculations for determining the runoff volumes that need to be addressed for each subbasin for the development project to meet the post-development stormwater management performance criteria in Sec. 11.4.4.

d. Location and boundaries of proposed natural feature protection and conservation areas.

e. Documentation and calculations for any applicable site design credits that are being utilized.

f. Methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology.

ii. If the land development activity on a redevelopment site constitutes more than 50% of the site area for the entire site, then the performance criteria in Sec. 11.4.4must be met for the stormwater runoff from the entire site.

g. Stormwater management system. The description, scaled drawings and design calculations for the proposed post-development stormwater management system~~, which~~ must include:

i. A map and drawing or sketch of the stormwater management facilities, including:

a. The location of nonstructural site design features and the placement of existing and proposed structural stormwater controls.

b. The design water surface elevations.

c. The storage volumes available from zero to maximum head.

d. The location of inlet and outlets.

e. The location of bypass and discharge systems.

f. All orifice/restrictor sizes;

ii. A narrative describing how the selected structural stormwater controls will be appropriate and effective.

iii. Cross section and profile drawings and design details for each of the structural stormwater controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria.

iv. A hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs).

v. Documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria in Sec. 11.4.4.

vi. Drawings, engineering design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyance elements, including

stormwater drains, pipes, culverts, catch basins, channels, swales and areas of overland flow.

vii. Where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans and local greenspace protection plan.

h. Post-development downstream analysis. A downstream peak flow analysis which includes the assumptions, results and supporting engineering calculations to show safe passage of post-development design flows downstream.

i. Due to peak flow timing and runoff volume effects, some structural components of the stormwater management system fail to reduce discharge peaks to pre-development levels downstream from the site. The analysis of downstream conditions in the report must address each and every point or area along the project site's boundaries at which runoff will exit the property.

ii. The analysis must focus on the portion of the drainage channel or watercourse immediately downstream from the project. This area must extend downstream from the project to a point in the drainage basin where the project area is 10% of the total basin area in accordance with the GSMM. This is to help ensure that there are minimal downstream impacts from development on the site. The downstream analysis may result in the need to resize structural components of the stormwater management system.

iii. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned future upstream land use changes.

iv. The analysis must be in accordance with the stormwater design manual.

i. Construction phase erosion and sedimentation control plan. An erosion and sedimentation control plan in accordance with the Georgia Erosion and Sedimentation Control Act or NPDES permit for construction activities. The plan must also include information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent stormwater controls.

j. BMP landscaping and open space plan. A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to stormwater management facilities and

practices. The landscaping plan must also include:

i. The arrangement of planted areas, natural and greenspace areas and other landscaped features on the site plan.

ii. Information necessary to construct the landscaping elements shown on the plan drawings.

iii. Descriptions and standards for the methods, materials and vegetation that are to be used in the construction.

iv. Density of plantings.

v. Descriptions of the stabilization and management techniques used to establish vegetation.

vi. A description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.

k. Operations and maintenance (O & M) plan. Detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and constructed or preserved.

i. These plans will identify the parts or components of a stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary.

ii. The plan must include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access, and safety issues.

iii. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures must be included in the plan.

l. Maintenance access easements. The applicant must ensure access from public right-of-way to stormwater management facilities and practices requiring regular maintenance at the site for the purpose of inspection and repair by securing all the maintenance access easements needed on a permanent basis. Such access shall be sufficient for all necessary equipment for maintenance activities. Upon final inspection and approval, a plat or document indicating that such easements exist shall be recorded and shall remain in effect even with the transfer of title of the property.

m. Inspection and maintenance agreements. Unless an on-site stormwater management facility or practice is dedicated to and accepted by the City as provided in Sec. 11.4.3.D, the applicant must execute an easement and an inspection and maintenance

agreement binding on all subsequent owners of land served by an on-site stormwater management facility or practice in accordance Sec. 11.4.3.D.

n. Evidence of the acquisition of applicable local and nonlocal permits. The applicant shall certify and provide documentation to the City that all other applicable environmental permits have been acquired for the site before approval of the stormwater management plan.

o. Determination of infeasibility (if applicable).

6. For redevelopment and to the extent existing stormwater management structures are being used to meet stormwater management standards the following must also be included in the stormwater management plan for existing stormwater management structures

a. As-built drawings.

b. Hydrology reports.

c. Current inspection of existing stormwater management structures with deficiencies noted.

d. BMP landscaping plans.

D. Inspection and Maintenance Agreements

Maintenance by Owner of Stormwater Management Systems Predating Current GSMM. For any stormwater management systems approved and built based on requirements predating the current GSMM and that are not otherwise subject to an inspection and maintenance agreement, such stormwater management systems must be maintained by the owner so that the stormwater management systems perform as they were originally designed.

1. The components of the stormwater management system that will not be dedicated to and accepted by the City, including all drainage facilities, best management practices, credited conservation spaces, and conveyance systems, must have an inspection and maintenance agreement to ensure that they continue to function as designed. All new development and redevelopment sites are to prepare a comprehensive inspection and maintenance agreement for the on-site stormwater management system. This plan must be written in accordance with the requirements in this Sec. 11.4.

2. Before the issuance of any permit for a land development activity requiring a stormwater management facility or practice hereunder and for which the City requires ongoing maintenance, the applicant or owner of the site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by the City, execute an inspection and maintenance agreement, and/or a conservation easement, if applicable, that shall be binding on all subsequent owners of the site.

3. The owner must execute an inspection and maintenance agreement with the City obligating the owner to inspect, clean, maintain, and repair the stormwater management system, including vegetation in the final BMP landscaping plan. The form of the inspection and maintenance

agreement shall be the form provided by the City or a City-approved alternate. After the inspection and maintenance agreement has been signed by the owner and the City, the owner must promptly record such agreement at the owner's cost in the real property records of Fulton County for all parcel(s) that make up the site.

4. The inspection and maintenance agreement must identify by name or official title the person(s) serving as the point of contact for carrying out the owner's obligation under the inspection and maintenance agreement. The owner shall update the point of contact from time to time as needed and upon request by the City. Upon any sale or transfer of the site, the new owner shall notify the City in writing within 30 days of the name or official title of new person(s) serving as the point of contact for the new owner. Any failure of an owner to keep the point of contact up to date shall, following 30 days' notice, constitute a failure to maintain the stormwater management system.

5. The inspection and maintenance agreement shall run with the land and bind all future successors-in-title of the site. If there is a future sale or transfer of only a portion of the site, then:

   a. The parties to such sale or transfer may enter into and record an assignment agreement designating the owner responsible for each portion of the site and associated obligations under the inspection and maintenance agreement. The parties shall record and provide written notice and a copy of such assignment agreement to the City.

   b. In the absence of a recorded assignment agreement, all owners of the site shall be jointly and severally liable for all obligations under the inspection and maintenance agreement regardless of what portion of the site they own.

6. The City may refuse to accept dedication of any existing or future stormwater management facility if the Public Works Director determines that accepting the facility is not in the best interest of the City due to maintenance cost or other factors.

E. Application Procedures - Submission and ~~A~~approval; Issuance of Land Development Permit

1. Applications for land disturbance development permits shall be filed with the Director . Before any person begins development on a site, the owner of the site must first obtain approval in accordance with the following procedure:

   a. File a land development permit applications with the City including:

      i. City application form.

      ii. Items in Sec. 11.4.3.A (Permit Application Requirements).

      iii. Two copies of the stormwater management plan.

      iv. Inspection and maintenance agreement.

      v. Certification that the development will be performed

in accordance with the stormwater management plan once approved.

vi. A preliminary determination of infeasibility prepared in accordance with the practicability policy (if applicable).

vii. An acknowledgement that applicant has reviewed the City form of inspection and maintenance agreement and that applicant agrees to sign and record such inspection and maintenance agreement before the final inspection.

2. The City must inform the applicant whether the application and supporting materials, stormwater management plan and inspection and maintenance agreement are approved or disapproved.

3. If the permit application and supporting materials, are disapproved, the City must notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same for the Director to again consider and either approve or disapprove.

4. Upon a finding by the City that the permit application and supporting documents meet the requirements of this Sec. 11.4, the City may issue a permit for the land development project provided all other legal requirements for the issuance of such permit have been met. The issuance of a land development, building or land disturbance permit in conjunction with a related inspection and maintenance agreement does not indicate or create an acceptance by the City of any inspection or maintenance responsibilities under the terms of said inspection or maintenance agreement.

5. Notwithstanding the issuance of the permit, in conducting the land development project, the applicant or other responsible person shall be subject to the following requirements:

   a. The applicant must comply with all applicable requirements of the approved plan and this Sec. 11.4 and must certify that all land clearing, construction, land development and drainage will be done according to the approved plan.

   b. The land development project must be conducted only within the area specified in the approved plan.

   c. The City must be allowed to conduct periodic inspections of the project.

   d. No changes may be made to an approved plan without review and written approval by the City.

   e. Upon completion of the project, the applicant or other responsible person must submit the engineer's report and certificate and as-built plans required by Sec. 11.4.4.

F. Fees

The fee for review of any stormwater management application shall be based on the fee structure established by the City and shall be made before the issuance of

any building or land disturbance permit for the development.

G. Modifications for Off-Site Facilities

1. The stormwater management plan for each land development project shall provide for stormwater management measures located on the site of the project, unless provisions are made to manage stormwater by an offsite or regional facility.
    a. The off-site or regional facility must be:
        i. Located on property legally dedicated for the purpose.
        ii. Designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by onsite practices.
        iii. A legally obligated entity responsible for the long-term operation and maintenance of the offsite or regional stormwater facility.
    b. In addition, on-site measures must be implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the offsite facility.
2. A stormwater management plan must be submitted to the City which shows the adequacy of the offsite or regional facility.
3. To be eligible for a modification, the applicant must demonstrate to the satisfaction of the Director that the use of an offsite or regional facility will not result in the following impacts to upstream or downstream areas:
    a. Increased threat of flood damage to public health, life, and property;
    b. Deterioration of existing culverts, bridges, dams, and other structures;
    c. Excessive (damaging) streambank or streambed erosion or siltation;
    d. Degradation of in-stream biological functions or habitat;
    e. Water quality impairment in violation of state water quality standards, and violation of any state or federal regulations; or
    f. Premature loss of overbank trees, critical vegetation, or utilities.

11.4.4. Post-Development Stormwater Management Performance Criteria

A. Stormwater Management Standards Applicability

1. The design of the stormwater management system must be in accordance with the applicable sections of the GSMM as directed by the Director. Additionally, any design which proposes a dam must comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.
2. Natural Resources Inventory: Site reconnaissance and surveying techniques shall be used to complete a thorough assessment of existing natural resources, both terrestrial and aquatic, found on the site. Resources to be identified, mapped, and shown on the stormwater management plan,

shall include, at a minimum (as applicable):

a. Topography (min. 2-foot contours) and steep slopes (i.e., areas with slopes greater than 15%).

b. Natural drainage divides and patterns.

c. Natural drainage features (e.g., swales, basins, depressional areas).

d. Natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers, drinking water wellhead protection areas and river corridors.

e. Predominant soils (including erodible soils and karst areas).

f. Existing predominant vegetation including trees, high quality habitat and other existing vegetation.

g. Better site design practices for stormwater management: stormwater management plans shall preserve the natural drainage and natural treatment systems and reduce the generation of additional stormwater runoff and pollutants to the maximum extent practicable. Additional details can be found in the GSMM Section 2.3.

h. Trout Stream Protection: Trout stream protection shall be provided by controlling temperature for receiving waters with trout stream designation. In streams designated as primary trout waters by the Wildlife Resources Division, there shall be no elevation of natural stream temperatures. In streams designated as secondary trout waters, there shall be no elevation exceeding 2°F of natural stream temperatures.

B. Stormwater Runoff Quality/ Reduction

Stormwater runoff quality/reduction must be provided by using the following:

All stormwater runoff generated from a site must be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirement if:

1. It is sized to treat the prescribed water quality treatment volume from the site, as defined in the GSMM; The TSS spreadsheet analyses for water quality requirements shall equal the permitted development area except areas within the developed site that not disturbed and not part of a water quality BMP drainage basin.

2. For development with a stormwater management plan submitted before December 20, 2021, the applicant may choose either (A) Runoff Reduction or (B) Water Quality.

3. For development with a stormwater management plan submitted on or after December 20, 2021, the applicant shall choose (A) Runoff Reduction and additional water quality shall not be required. To the extent (A) Runoff Reduction has been determined to be infeasible for all or a portion of the site using the Practicability Policy, then (B) Water Quality shall apply for the remaining runoff from a 1.2 inch rainfall event and must be treated to remove at least 80% of the calculated average

annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM.

a. Runoff Reduction - The stormwater management system must be designed to retain the first 1.0 inch of rainfall on the site using runoff reduction methods, to the maximum extent practicable.

b. Water Quality – The stormwater management system must be designed to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM for runoff from a 1.2 inch rainfall event.

4. Appropriate structural stormwater controls or nonstructural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the GSMM.

5. Runoff from hotspot land uses and activities identified by the City are adequately treated and addressed through the use of appropriate structural stormwater controls, nonstructural practices and pollution prevention practices.

C. Stream Channel Protection

Protection of stream channels from bank and bed erosion and degradation must be provided by using all of the following three approaches:

1. Preservation, restoration and reforestation (with native vegetation) of any applicable stream buffer.

2. 24-hour extended detention storage of the one-year, 24-hour return frequency storm event.

3. Erosion prevention measures such as energy dissipation and velocity control.

D. Overbank Flooding Protection

Downstream overbank flood and property protection must be provided by controlling the post-development peak discharge rate to the predevelopment rate for the 25-year, 24-hour return frequency storm event.

E. Extreme Flooding Protection

Extreme flood and public safety protection must be provided by controlling the 100-year, 24-hour return frequency storm event such that flooding is not exacerbated.

F. Structural Stormwater Controls

1. All structural stormwater management facilities must be selected and designed using the appropriate criteria from the GSMM. All structural stormwater controls must be designed appropriately to meet their intended function.

a. For other structural stormwater controls not included in the GSMM, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from the City before being included in the design of a stormwater management system.

b. In addition, if hydrologic or topographic conditions, or land use activities warrant greater control than that provided by the minimum control requirements, the City may impose additional requirements deemed necessary to protect

upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of stormwater runoff or increased nonpoint source pollution loads created on the site in question.

2. Applicants must consult the GSMM for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

G. Stormwater Credits for Nonstructural Measures

The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under Sec. 11.4.4.B (Stormwater Runoff Quality/Reduction). The applicant may, if approved by the City, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement.

1. For each potential credit, there is a minimum set of criteria and requirements which identify the conditions or circumstances under which the credit may be applied.

2. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the GSMM.

H. Drainage System Guidelines

Stormwater conveyance facilities, which may include, but are not limited to, culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters shall be provided when necessary for the protection of public rights-of-way and private properties adjoining project sites and/or public rights-of-way. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, must meet the following requirements:

1. Methods to calculate stormwater flows shall be in accordance with the stormwater design manual.

2. All culverts, pipe systems and open channel flow systems must be sized in accordance with the stormwater management plan using the methods included in the stormwater design manual.

3. Design and construction of stormwater conveyance facilities must be in accordance with the criteria and specifications found in the stormwater design manual.

4. Such stormwater conveyance systems must be contained within a permanent drainage easement.

I. Dam Design Guidelines

Any land disturbing activity that involves a site which proposes a dam that applies to the Georgia Safe Dams Act and Rules for Dam Safety must comply with the Georgia Safe Dams Act and Rules for Dam Safety.

11.4.5. Construction Inspections of Post Development Stormwater Management System

A. Inspections During Construction

1. Inspections

Periodic and annual inspections of the stormwater management system construction shall be conducted by the staff of the City or conducted and certified by a registered professional engineer in the state who has been approved by the City. Construction inspections must utilize the approved stormwater management plan for establishing compliance.

2. Inspection Reporting

All inspections must be documented with written reports that contain the following information:

a. The date and location of the inspection.

b. Whether the storm management system construction complies with the approved stormwater management plan.

c. Variations from the approved construction specifications.

d. Any other variations or violations of the conditions of the approved stormwater management plan.

3. Violations

If any variations or violations are found, the applicant must be notified in writing of the nature of the violation and the required corrective actions.

B. Final Inspection; "As-Built" Plans Submitted

1. Upon completion of a project, and before a final plat and certificate of occupancy shall be granted, the applicant is responsible for certifying that the stormwater management system is functioning properly and was constructed in accordance with the approved stormwater management plan and associated hydrologic analysis. All applicants are required to submit actual "as-built" plans for any stormwater management facilities or practices after final construction is completed.

    a. The required certification must include a certification of volume, or other performance test applicable to the type of stormwater management system component, to ensure each component is functioning as designed and built according to the design specifications in the approved stormwater management plan.

    b. This certification and the required performance tests must be performed by a qualified person and submitted to the City with the request for a final inspection. The City shall perform a final inspection with applicant to confirm applicant has fulfilled these responsibilities.

2. All applicants must submit actual “as-built” drawings to the City for all components of the stormwater management facilities or practices after final construction is completed.

3. The as-built drawings must show the final design specifications and

dimensions for all stormwater management facilities and practices and must be certified by a registered professional engineer in the state.

4. A final inspection by the Director is required before the release of any performance securities can occur. Upon completion of the development, the applicant is responsible for:
   a. Certifying that the landscaping is established and installed in conformance with the BMP landscaping plan; and
   b. Delivering to the City a signed inspection and maintenance agreement that has been recorded by the owner in the real property records of Fulton County for all parcel(s) that make up the site.

11.4.6. Ongoing Inspection and Maintenance of Stormwater Facilities and Practices

A. Long-Term Maintenance Inspections

1. Stormwater management facilities and practices included in a stormwater management plan which are subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan and this Sec. 11.4.
2. A stormwater management facility or practice shall be inspected on a periodic basis by the responsible person in accordance with the approved inspection and maintenance agreement. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the City shall notify the person responsible for carrying out the maintenance plan by registered or certified mail to the person specified in the inspection and maintenance agreement. The notice must specify the measures needed to comply with the agreement and the plan and shall specify the time within which such measures shall be completed. If the responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the City may correct the violation as provided in Sec. 11.4.6.D.
3. **Inspection Program**
   a. Inspection programs by the City may be established on any reasonable basis including, but not limited to:
      i. Routine inspections.
      ii. Random inspections.
      iii. Inspections based upon complaints or other notice of possible violations.
      iv. Joint inspections with other agencies inspecting under environmental or safety laws.
   b. Inspections may include, but are not limited to:
      i. Reviewing maintenance and repair records.
      ii. Sampling discharges, surface water, groundwater, and material or water in

stormwater management facilities.

iii. Evaluating the condition of stormwater management facilities and practices.

B. Right-of-Entry for Maintenance Inspections

The terms of the inspection and maintenance agreement shall provide for the City to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this Sec. 11.4 is occurring, or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this Sec. 11.4 as provided according to the final plat "drainage note." If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then the City shall have the right to enter and make inspections pursuant to the City's general provisions for property maintenance inspections.

C. Records off Maintenance Activities and Maintenance by Owner of Stormwater Management Systems Predating Current GSMM

The parties responsible for the operation and maintenance of a stormwater management facility shall provide records of all maintenance and repairs to the City when requested. For any stormwater management systems approved and built based on requirements predating the current GSMM and that are not otherwise subject to an inspection and maintenance agreement, such stormwater management systems must be maintained by the owner so that the stormwater management systems perform as they were originally designed.

D. Owner's Failure to Maintain The Stormwater Management System

The terms of the inspection and maintenance agreement shall provide for what constitutes a failure to maintain a stormwater management system and the enforcement options available to the City. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then:

1. An owner's failure to maintain the stormwater management system so that it performs as it was originally designed shall constitute and be addressed as a violation of, or failure to comply with, owner's property maintenance obligations pursuant to the City's general provisions for property maintenance inspections; and
2. To address such a failure to maintain the stormwater management system, the City shall have all the powers and remedies that are available to it for other violations of an owner's property maintenance obligations, including without limitation prosecution, penalties, abatement, and emergency measures.

3. Notice

If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the City, after 30 days' written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, a 24-hour notice shall be sufficient) may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition.

4. Lien

The City may assess the owner of the facility for the cost of repair work which shall be a lien on the property, and may be placed on the ad valorem tax bill for such property and collected in the ordinary manner for such taxes.

11.5. Stream Buffer Protection

11.5.1. Findings and Purposes

A. Findings

The City Council finds that buffers adjacent to state waters provide numerous benefits including:

1. Protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resources.
2. Removing pollutants delivered in urban stormwater.
3. Reducing erosion and controlling sedimentation.
4. Protecting and stabilizing stream banks.
5. Providing for the infiltration of stormwater runoff.
6. Maintaining base flow of streams.
7. Contributing organic matter that is a source of food and energy for the aquatic ecosystem.
8. Providing tree canopy to shade streams and promote desirable aquatic habitat.
9. Providing riparian wildlife habitat.
10. Furnishing scenic value and recreational opportunity.
11. Providing opportunities for the protection and restoration of greenspace.

B. Purposes

The purpose of this Sec. 11.5 is to:

1. Protect the public health, safety, environment and general welfare;

2. Minimize public and private losses due to erosion, siltation and water pollution; and
3. Maintain state water quality by provisions designed to:
    a. Create buffer zones along state waters within the City for the protection of water resources; and
    b. Minimize land development within such buffers by establishing buffer zone requirements and by requiring authorization for any such activities.

11.5.2. Applicability

A. General

This Sec. 11.5 applies to all land development activity on property containing a state water protection area as defined in Article 13. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established under state law and approval or exemption from these requirements do not constitute approval or exemption from buffer requirements established under state law or from other applicable local, state or federal regulations. When applying the provisions of this ordinance to buffer and setback requirements in protected small water supply watersheds, the effective date for these requirements shall be December 20, 2021.

B. Grandfather Provisions

Except as provided in paragraph C below, this Sec. 11.5 does not apply to the following activities:

1. Work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before December 7, 2006.
2. Existing development and ongoing land disturbance activities including, but not limited to, existing agriculture, silviculture, landscaping, gardening and lawn maintenance, except that new development or land disturbance activities on such properties will be subject to all applicable buffer requirements, and a predetermination of continuing applicability by the Director as required in Sec. 11.5.5.
3. Any land development activity that is under construction, fully approved for development, scheduled for permit approval or has been submitted for approval as of December 7, 2006.
4. Land development activity that has not been submitted for approval, but that is part of a larger master development plan, such as for an office park or other phased development that has been previously approved as of December 7, 2006.

C. Exemptions

The following specific activities are exempt from this Sec. 11.5. Exemption of these activities does not constitute an exemption for any other activity proposed on a property.

1. Activities for the purpose of building one of the following:
    a. A stream crossing by a driveway, transportation route or utility line.
    b. Public water supply intake or public wastewater outfall structures.

c. Intrusions necessary to provide access to a property.

d. Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms, and overlooks.

e. Unpaved foot trails and paths.~~; and~~

f. Activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used.

2. Public sewer line easements paralleling the creek, except that all easements (permanent and construction) and land disturbance should be at least 25 feet from the top of the bank. This includes such impervious cover as is necessary for the operation and maintenance of the utility including, but not limited to, manholes, vents, and valve structures. This exemption shall not be construed as allowing the construction of roads, bike paths or other transportation routes in such easements, regardless of paving material, except for access for the uses specifically cited in Sec. 11.5.2.C.1.

3. Land development activities within a right-of-way existing at the time the ordinance from which this Sec. 11.5 is derived takes effect or approved under the terms of this Sec. 11.5.

4. Within an easement of any utility existing at the time the ordinance from which this Sec. 11.5 is derived takes effect or approved under the terms of this Sec. 11.5, land disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility including, but not limited to:

a. Manholes;

b. Vents; and

c. Valve structures.

5. Emergency work necessary to preserve life or property. However, when emergency work is performed under this Sec. 11.5, the person performing it shall report such work to the City on the first business day after starting the work. Within ten days thereafter, the person must apply for a permit and perform such work within such time period as may be determined by the City to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area.

6. Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land disturbance in the buffer that would otherwise be prohibited, then no other land disturbing activity other than normal forest management practices will be allowed on the entire property for three years after the end of the activities that intruded on the buffer.

7. After the effective date of the ordinance from which this Sec. 11.5 is derived, it applies to new subdividing and platting activities.

11.5.3. Prohibited; Exception

Any land development activity within a buffer established hereunder or any impervious cover within a setback established hereunder is prohibited unless a variance is granted in accordance with Sec. 11.5.7.B.

11.5.4. Best Management Practices

Any land disturbance or land development activity that may be allowed or permitted within a grandfathered area as described in Sec. 11.5.2.B above must be conducted in accordance with the following best management practices:

A. Appropriate allowances must be made for any disturbance or development (e.g., structures, pools, walls, foundations) that encroaches into the 75-foot impervious setback or the 50-foot undisturbed City stream buffer.

B. All paved surfaces within the 75-foot impervious setback or the 50-foot undisturbed City stream buffer shall be constructed of pervious materials.

C. An approved sediment control barrier shall be installed as far as possible from the 25-foot undisturbed State buffer before beginning any construction.

D. A drainage plan to treat and mitigate stormwater run-off shall be submitted to the Director for review and approval before beginning any construction.

E. A landscape plan to revegetate the disturbed areas within the 50-foot undisturbed City stream buffer shall be submitted to the City Arborist for review and approval before beginning construction.

11.5.5. Predetermination Requirement

The applicability of any exemption available hereunder to any requirement of this Sec. 11.5, including those exemptions listed in Sec. 11.5.2.C above, shall be subject to the predetermination of the Director before starting the proposed activity. The City shall adopt an administrative process for private property owners to request and receive a determination by the Director regarding the applicability of any exemption that may be available to limit in any way the requirements of this Sec. 11.5. Such determination shall be provided to the property owner requesting it at no cost to the property owner. In the event a private property owner does not avail themselves of the administrative process identified in this sub-section and takes independent action as if they were exempted from some or all of the requirements of this Sec. 11.5 without a predetermination having been made, the property owner shall be deemed to have forfeited their right to pursue such an available administrative remedy and the City shall have all enforcement options available under law, including but not limited to, a 5- year hold on an approval of any building permit or land disturbance permit for the subject property. In addition, if some or all the requirements related to the exclusion(s) of this Sec. 11.5 are not implemented, the City shall have all enforcement options available under law, including but not limited to, a 5-year hold on an approval of any building permit or land disturbance permit for the subject property.

11.5.6. Violations, Enforcement, Penalties

A. Violation Subject to Equitable Relief

Any action or inaction which violates the provisions of this Sec. 11.5 or the

requirements of an approved site plan or permit may be subject to the enforcement actions outlined in this sub-section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described Sec. 11.5.6.C shall not prevent such equitable relief.

B. Notice of Violation

1. **Required**

If the City determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved site plan or the provisions of this Sec. 11.5, it must issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this Sec. 11.5 without having first secured the appropriate permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

2. Contents

The notice of violation must contain:

a. The name and address of the owner or the applicant or the responsible person.

b. The address or other description of the site upon which the violation is occurring.

c. A statement specifying the nature of the violation.

d. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the approved site plan or this Sec. 11.5 and the date for the completion of such remedial action.

e. A statement of the penalty that may be assessed against the person to whom the notice of violation is directed.

f. A statement that the determination of violation may be appealed to the City by filing a written notice of appeal within 30 days after the notice of violation (except that in the event the violation constitutes an immediate danger to public health or public safety, a 24-hour notice shall be sufficient).

C. Remedial Measures, Penalties

1. Failure of Remedial Measures

If the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the actions or penalties in Sec. 11.5.6.C.3, may be taken or assessed against the person to whom the notice of violation was directed.

2. Notice of Violation and Cure Period

Before taking any of the actions or imposing any of the penalties in Sec. 11.5.6.C.3, the City must first notify the applicant or other responsible person in writing of its intended action, and must provide a reasonable opportunity, of not less than ten days (except that in the event the violation constitutes an immediate danger to public health or public safety, a 24-hour

notice shall be sufficient), to cure such violation.

3. Penalty for Failure to Cure Violation

If the applicant or other responsible person does not cure such violation after such notice and cure period, the City may take any one or more of the following actions or impose any one or more of the following penalties:

a. Stop Work Order

The City may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation described therein; provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation.

b. Withhold Certificate of Occupancy

The City may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

c. Suspension, Revocation or Modification of Permit

The City may suspend, revoke, or modify the permit authorizing the land development project. A suspended, revoked, or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein; provided such permit may be reinstated (upon such conditions as the City may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

d. Civil Penalties

If the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise does not cure the violations described therein within ten days, or such greater period as the City shall deem appropriate (except that in the event the violation constitutes an immediate danger to public health or public safety, a 24-hour notice shall be sufficient), after the City has taken one or more of the actions described in sentences a through c immediately above, the City may impose a penalty not to exceed $1,000, depending on the severity of the violation, for each day the violation remains unremedied after receipt of the notice of violation.

e. Criminal Penalties

For intentional and flagrant violations of this Sec. 11.5, the City may issue a citation to the applicant or other responsible person, requiring such person to appear in the appropriate municipal, magistrate, or recorders court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed $1,000 or imprisonment for 60 days, or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

D. Appeals

1. To the Board of Zoning Appeals

Any person aggrieved by a decision or order of the Director may appeal in writing within 30 days after the issuance of such decision or order to the Board of Zoning Appeals and shall be entitled to a hearing before the Board of Zoning Appeals within 30 days of receipt of the written appeal.

2. To Fulton County Superior Court

Any person aggrieved by a decision or order of the City, after exhausting all administrative remedies, shall have the right to appeal de novo to the Superior Court of Fulton County.

11.5.7. Land Development Requirements

A. Buffer and Setback

All land development activity subject to this Sec. 11.5 must meet the following requirements:

1. An undisturbed natural vegetative buffer must be maintained for 50 feet, (or 100 feet in protected small water supply watersheds), measured horizontally, on both banks (as applicable) of the state waters as measured from the point of wrested vegetation.
2. An additional setback must be maintained for 25 feet, (or 50 feet in protected small water supply watersheds) measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover is prohibited.
3. No septic tanks or septic tank drain fields is allowed within the undisturbed natural vegetative buffer.

B. Variance Procedures

Variances from the buffer and setback requirements stated in Sec. 11.5.7.A may be granted in accordance with the following provisions:

1. Where a parcel was platted before the effective date of this Sec. 11.5, and its shape, topography or other existing physical condition prevents land development consistent with this Sec. 11.5, and the City finds and determines that the requirements of this Sec. 11.5 prohibit the otherwise lawful use of the property by the owner, the City Council may grant a variance from the buffer

and setback requirements hereunder; provided such variance requires mitigation measures to offset the effects of any proposed land development on the parcel. The Board of Zoning Appeals may grant a variance from the buffer and setback requirements hereunder; provided such variance requires mitigation measures to offset the effects of any proposed land development on the parcel.

2. Except as provided in the sub-paragraph 1 immediately above~~, the Board of Zoning Appeals shall grant no variance from any provision of this Sec. 11.5 without first conducting a public hearing on the application for variance and authorizing the granting of the variance by an affirmative vote of the Board of Zoning Appeals. :~~

    a. The Board of Zoning Appeals shall grant no variance from any provision of this Sec. 11.5 without first conducting a public hearing on the application for variance and authorizing the granting of the variance by an affirmative vote of the Board of Zoning Appeals.

    b. The City shall give public notice of each such public hearing in a newspaper of general circulation within the city.

    c. The City shall require that the applicant post a sign giving notice of the proposed variance and the public hearing. The sign shall be of a size and posted in such a location on the property as to be clearly visible from the primary adjacent road right-of-way.

    d. When a variance request is concurrent with a rezoning, use permit, or a modification application, it shall be considered by the City Council and must follow the process contained in Sec. 12.4.2.A.9 (Concurrent Variances).

    e. Variances will be considered only when:

        i. A property's shape, topography or other physical conditions existing at the time of the adoption of the ordinance from which this Sec. 11.5 is derived prevents land development unless a buffer variance is granted.

        ii. There are unusual circumstances and strict adherence to the minimal buffer requirements of this Sec. 11.5 would create an extreme hardship.

    Variances will not be considered when actions of any property owner of a given property have created conditions of a hardship on that property.

3. At a minimum, a variance request must include the following information:

    a. A site map that includes the locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey.

    b. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property.

    c. A detailed site plan that shows the locations of all existing and

proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated.

d. Documentation of unusual hardship should the buffer be maintained.

e. At least one alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible.

f. A calculation of the total area and length of the proposed intrusion.

g. A stormwater management site plan, if applicable.

h. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.

4. The following factors will be considered in determining whether to issue a variance:

a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property.

b. The locations of all streams on the property, including along property boundaries.

c. The location and extent of the proposed buffer or setback intrusion.

d. Whether alternative designs are possible which require less intrusion or no intrusion.

e. The long-term and construction water quality impacts of the proposed variance.

f. Whether issuance of the variance is at least as protective of natural resources and the environment.

5. Any variance approved must be site-plan specific.

11.5.8. Compatibility with Other Buffer Regulations and Requirements

A. Conflicts

This Sec. 11.5 is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. The requirements of this Sec. 11.5 should be considered the minimum requirements, and where any provision of this Sec. 11.5 imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

B. Additional Standards Enforced by the City

1. Metropolitan River Protection Act and Chattahoochee Corridor Plan

a. The Metropolitan River Protection Act and Chattahoochee Corridor Plan require the following on perennial tributary streams in a corridor extending 2,000 feet from either bank of the river and its impoundments (all measured from the edge of the water):

i. A 50-foot undisturbed vegetative buffer;

ii. A 150-foot impervious cover setback on the Chattahoochee and its impoundments; and

iii. A 35-foot undisturbed vegetative buffer.

b. The corridor extends from Buford Dam to the downstream limits of the Atlanta region (Douglas and Fulton counties).

c. Streams in the basin of the corridor are required to be protected by buffers, but no required width is specified (O.C.G.A. § 2-5-440, et seq.).

~~2.~~ Department of Natural Resources (DNR) Part 5 Criteria for Small (under 100 square miles) Water Supply Watersheds Authorized under Part V of the Georgia Planning Act of 1989, or its successors~~.~~

~~3.~~2. ~~These criteria,~~ require the following:

a. A 100-foot undisturbed buffer and a 150-foot setback on all perennial streams within 7 miles upstream of a public water supply reservoir or public water supply intake.

b. Beyond seven miles, the required buffer is 50 feet and the required setback is 75 feet.

c. Equivalent protection measures can be adopted with approval from Georgia Department of Community Affairs and DNR.

~~d.~~ DNR Part 5 Criteria for River Protection Authorized under the 1991 Mountains and River Corridors Protection Act of 1991. These criteria require a 100-foot buffer along rivers with average annual flows of greater than

~~e.~~d. 400 cubic feet per second (cfs), excepting the portion of the Chattahoochee referenced in Sec. 11.5.8.B.1.a. The buffer is measured from the top of the stream bank.

~~4.~~3. Other such state and federal regulations as may be adopted from time to time.

a. While the requirements of this Sec. 11.5 are intended to apply to all streams in the City, special conditions may exist that require greater protection. Nothing in this Sec. 11.5 should be construed as preventing the establishment of wider and more restrictive buffers and setbacks as required under any other existing or future legislation.

b. In addition, nothing in this Sec. 11.5 should be construed as preventing the establishment of wider buffers for purposes of protecting greenspace, preserving habitat or other goals that may not be specifically mandated by legislation.

11.5.9. Additional Information Requirements for Development on Buffer Zone Properties

A. Permit Application Contents

Any permit applications for property requiring buffers and setbacks hereunder must include the following:

1. A site plan showing:

a. The location of all streams on the property and whether such streams are located within a protected small water supply watershed, which means they are subject to the 100-ft buffer plus 50-ft setback requirement.

b. Limits of required stream buffers and setbacks on the property.

c. Buffer zone topography with contour lines at no greater than 5-foot contour intervals.

d. Delineation of forested and open areas in the buffer zone.

e. Detailed plans of all proposed land development in the buffer and of all proposed impervious cover within the setback.

2. A description of all proposed land development within the buffer and setback.

3. Any other documentation that the City may reasonably deem necessary for review of the application and to ensure that the buffer zone ordinance is addressed in the approval process.

4. All buffer and setback areas must be recorded on the final plat of the property following plan approval.

B. Responsibility

1. Neither the issuance of a development permit nor compliance with the conditions thereof, nor with the provisions of this Sec. 11.5 shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property.

2. The issuance of any permit hereunder does not serve to impose any liability upon the City, its officers, or employees, for injury or damage to persons or property.

C. Inspection

1. Required. The City may cause inspections of the work in the buffer or setback to be made periodically during the course thereof and shall make a final inspection following completion of the work. The permittee shall assist the Director in making such inspections.

2. Authority, Right of Entry. The City has the authority to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this Sec. 11.5 , and for this purpose to enter at a reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of any land development activities within the protection area.

3. Refusal. No person shall refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out official duties.

11.6. Soil Erosion, Sedimentation, and Pollution Control

11.6.1. General

A. Authority and Title

This Sec. 11.6 is adopted pursuant to the authority and mandate of the Georgia Erosion and Sedimentation Act of 1975 (O.C.G.A. § 12-7-1, et seq.), as amended. Certification by EPD authorizes the City as a local issuing authority. As a local issuing authority, the City is certified to provide and maintain an erosion control program which includes, but is not limited to, development plan review, permitting and erosion control enforcement. This Sec. 11.6 will be known as "The Milton Soil Erosion, Sedimentation and Pollution Control Ordinance."

B. Intent

It is the intent of this Sec. 11.6 to establish soil erosion, sedimentation, and pollution control minimum requirements, standards, and enforcement procedures for land-disturbance activities in order to conserve and protect the environment, public health, and the general welfare of the city's citizens.

C. Exemptions

This Sec. 11.6 applies to any land disturbing activity undertaken by any person on any land except for the following:

1. Surface mining, as the same is defined in O.C.G.A. § 12-4-72, "The Georgia Surface Mining Act of 1968," or its successors.
2. Granite quarrying and land clearing for such quarrying.
3. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences and other related activities which result in minor soil erosion.
4. The construction of single-family residences when such construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this Sec. 11.6; provided, however, that construction of any such residence must conform to the minimum requirements as set forth in O.C.G.A. § 12-7-6 and this Sec. 11.6.1.C.
5. Agricultural operations, as defined in O.C.G.A. § 1-3-3, "definitions" include:
    a. The raising, harvesting, or storing of products of the field or orchard.
    b. Feeding, breeding, or managing livestock or poultry.
    c. Producing or storing feed for use in the production of livestock including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits.
    d. The production of poultry including, but not limited to, chickens, hens, turkeys, and ratites.
    e. Producing plants, trees, fowl, or animals.
    f. The production of aquaculture, horticultural, dairy, livestock, poultry, eggs, and apiarian products.
    g. Farm buildings and farm ponds.

6. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in Sec. 11.6.4.C.16 and Sec. 11.6.4.C.17, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices.

7. Any project carried out under the technical supervision of the Natural Resource Conservation Service of the United States Department of Agriculture.

8. Any project involving less than one acre of disturbed area; provided, however, that this exemption does not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance equal to or greater than one acre or within 200 feet of the bank of any state waters, and for purposes of this sub-section, "state waters" exclude channels and drainageways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year round; provided, however, that any person responsible for a project which involves less than one acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainageway, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing herein shall prevent the local issuing authority from regulating any such project which is not specifically exempted by sub-paragraphs 1 through 7, 9, or 10 of this Sec. 11.6.1.C.

9. Construction or maintenance projects, or both, undertaken or financed, in whole or in part, or both, by GDOT, the Georgia Highway Authority, or the state road and tollway authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of GDOT or the state road and tollway authority which disturb one or more contiguous acres of land shall be subject to the provisions of O.C.G.A. § 12-7-7.1; except where GDOT, the Georgia Highway Authority, or the state road and tollway authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the City of Milton. The City shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6, and Sec. 11.6.4 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders.

10. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the public service commission, any utility

under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power, except where an electric membership corporation or municipal electric system or any public utility under the regulatory jurisdiction of the public service commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the City shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 and Sec. 11.6.4 as if a permit had been issued and violations shall be subject to the same penalties as violations by permit holders.

11. Any public water system reservoir.

11.6.2. Inspection and Enforcement

A. Authority

1. ~~Community Development~~ Director. The Director will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan, and if the measures required in the plan are effective in controlling soil erosion and sedimentation.

2. Primary, secondary and tertiary permittees regulated. The City regulates primary, secondary and tertiary permittees as such terms are defined in the state general permit.

   a. Primary permittees are responsible for the installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities.

   b. Secondary permittees are responsible for the installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities.

   c. Tertiary permittees are responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities.

3. Notice, Contents. If, through inspection, it is deemed that a person engaged in land- disturbing activities as defined herein does not comply with the approved plan, with permit conditions, or with the provisions of this Sec. 11.6, a written notice to comply must be served upon that person. The notice must set forth the measures necessary to achieve compliance and must state the time within which such measures must be completed.

4. Noncompliance. If the person engaged in the land-disturbing activity does not comply within the time specified, they shall be deemed in violation of this Sec.

11.6, and the Director shall take such additional actions as they deem appropriate.

B. Authority to Investigate; Right of Entry

The Director has the power to conduct such investigations as they may deem reasonably necessary to carry out the duties prescribed in this Sec. 11.6 and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.

C. Unlawful to Refuse Entry or Obstruct, Hamper or Interfere with Inspection

No person shall refuse entry or access to any authorized representative or agent of the City, the commission, the district, or division who requests entry for the purposes of inspection, and who presents appropriate credentials. Nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out his or her official duties.

D. Display of Plan on Site Required

A copy of a current approved plan must be kept on site until project completion or issuance of certificate of occupancy.

E. Periodic Review by the Fulton County Soil and Water Conservation District or the Georgia Soil and Water Conservation Commission

1. The district or the commission, or both, shall semi-annually review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to O.C.G.A. § 12-7-8(a).
2. The district or the commission, or both, may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation, and pollution control program.
3. The district or the commission shall notify the division and request an investigation by the division if any deficient or ineffective legal program is found.
4. The local issuing authority must amend its ordinances to the extent appropriate within 12 months of any amendments to the Erosion and Sedimentation Act of 1975.

F. Divisional Review for Compliance with State Regulations

1. The Environmental Protection Division (EPD) of the Department of Natural Resources~~.~~ may periodically review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to O.C.G.A. § 12-7-8(a).
2. Such review may include, but not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority.
3. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. § 12-7-8(a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to

O.C.G.A. § 12-7-7(e), the division shall notify the governing authority of the county or municipality in writing.

4. The governing authority of any county or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a local issuing authority.

5. If the county or municipality does not take the necessary corrective action within 90 days after notification by the division, the division shall revoke the certification of the county or municipality as a local issuing authority.

11.6.3. Penalties and Incentives

A. Failure to Obtain a Permit for Land-Disturbing Activity; Citation.

If any person starts any land-disturbing activity requiring a land-disturbing permit, as prescribed in this Sec. 11.6, without first obtaining said permit, the person shall be subject to the revocation of his or her business license, work permit, or other authorization to conduct any business and associated work activities within the City's jurisdictional boundaries. The failure to comply may result in a citation being issued to appear in municipal court, which may result in monetary fines.

B. Stop Work Orders; Notice to Comply.

1. First and second violations; notice. For the first and second violations of the provisions of this Sec. 11.6, the Director shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the Director shall issue a stop work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director shall issue an immediate stop work order in lieu of a warning.

2. Three or more violations. For the third and each subsequent violation, the Director shall issue an immediate stop work order.

3. Stop work orders remain in effect until the violation is cured. All stop work orders shall be effective immediately upon issuance and shall remain in effect until the necessary corrective action or mitigation has occurred.

4. Posted notices; removal prohibited. It shall be unlawful for any representative of the owner to remove an official notice to comply or stop work posting.

   a. Upon the issuance of a stop work order, the Director shall post official notices at such locations on the project site as deemed appropriate.

   b. Such posted official notices must be prominently displayed on the owner's property until the stop work order is rescinded by the Director, at which time said posted notices will be removed by the Director.

   c. When a violation in the form of taking action without a permit, failure to maintain a stream buffer,

or significant amounts of sediment, as determined by the Director, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the Director.

d. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.

e. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion, sediment and pollution controls.

C. Reinspection Fee

The Director shall assess a minimum $50.00 reinspection fee to a project if a reinspection is requested prior to the end of a compliance period and the site is found to remain out of compliance upon that inspection. Such fees to cover administrative, field inspections, and transportation costs must be satisfied prior to the issuance of a final erosion inspection or a certificate of occupancy.

D. Bond Forfeiture

1. Posting; notice; contents. If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan and permit, written notice to comply shall be served upon that person. The notice must set forth the measures necessary to achieve compliance with the plan and must state the time within which such measures must be completed.

2. Failure to comply. If the person engaged in the land-disturbing activity fails to comply within the time specified, they shall be deemed in violation of this Sec. 11.6 and, in addition to other penalties, shall be deemed to have forfeited his or her performance bond, if required to post one per Sec. 11.6.5.B.7. The City may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site and bring it into compliance.

E. Monetary Penalties

1. Any person who violates any provision of this Sec. 11.6, or any permit condition or limitation established by this Sec. 11.6, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this Sec. 11.6 shall be liable for a civil penalty not to exceed $2,500 per day for each violation. For the purpose of enforcing the provisions of this Sec. 11.6, notwithstanding any provisions in the City Charter to the contrary, municipal courts are authorized to impose penalty not to exceed $2,500 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of City ordinances, any municipal court or any other court of competent jurisdiction trying cases brought as violations of this Sec. 11.6 under City ordinance approved under this Sec. 11.6 are authorized to impose penalties for such violations not to exceed $2,500 for each violation. Each day during which a

violation or failure or refusal to comply continues shall be a separate violation.

2. Upon violation of the provisions of this Sec. 11.6, the City shall be entitled to take such remedial action as the Director deems necessary to ensure compliance, and the violator shall reimburse the city for any cost or expense associated with such compliance efforts and the City shall be entitled to place a lien on the property to secure payment and reimbursement for these expenses.

3. The Director has the primary responsibility for the enforcement of this Sec. 11.6.

4. Persons designated by the Director are hereby authorized to issue official notices, citations, and summons charging violations under this Sec. 11.6, returnable to the State or City municipal court, or any other court of competent jurisdiction.

F. Education and Certification

1. Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.

2. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Georgia Soil and Water Conservation Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.

3. Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this Sec. 11.6.

4. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of O.C.G.A. § 12-7-19(b)(1), then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in O.C.G.A § 12-7-19(b)(4) and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

G. Appeals

1. Construction Board of Appeals; hearing. The suspension, revocation, modification, or grant with condition of a permit by the City upon finding that

the holder is not in compliance with the approved erosion, sediment and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any provision of this Sec. 11.6 shall entitle the person submitting the plan or holding the permit to a hearing before the Construction Board of Appeals within 45 days after receipt by the Director of written notice of appeal.

2. Fulton County Superior Court. Any person aggrieved by a decision or order of the City, after exhausting his or her administrative remedies, shall have the right to appeal de novo to the Superior Court of Fulton County.

H. Liability

1. Neither the approval of a plan under the provisions of this Sec. 11.6, nor the compliance with provisions of this Sec. 11.6, shall relieve any person from responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the City, the district for damage to any person or property.

2. The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Sec. 11.6 or the terms of the permit.

3. No provision of this Sec. 11.6 shall permit any person to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any waters of the state as defined thereby.

11.6.4. Minimum Requirements for Erosion, Sedimentation, and Pollution Control

A. General

1. Excessive soil erosion and resulting sedimentation can take place during land- disturbing activities if the requirements of the article and the NPDES general permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this Sec. 11.6 shall contain provisions for an application of soil erosion, sedimentation and pollution control measures and practices. The provisions must be incorporated into the erosion, sedimentation, and pollution control plans.

2. Soil erosion, sedimentation, and pollution control measures and practices must conform to the minimum requirements of Sec. 11.6.4.B and Sec. 11.6.4.C.

3. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements.

4. Measures shall be installed to prevent or control erosion sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this Sec. 11.6 and the NPDES general permit.

B. Minimum Requirements

1. Properly designed defined. Best management practices as set forth in this Sec. 11.6.4.B and in Sec. 11.6.4.C. shall be required for all land-disturbing activities. Proper design, installation, and maintenance of BMPs shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with Sec. 11.6.4.B.2 (Violations) or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to O.C.G.A. § 12-5-30(f) of the "Georgia Water Quality Control Act." As used in this sub-section, the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6(b).
2. Violations. Each discharge of stormwater runoff from disturbed areas where BMPs have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by the City or of any state general permit issued by the division, pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act," for each day on which such discharge results and the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries, or by more than ten nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines issued by the Director. This Sec. 11.6.4.B shall not apply to any land-disturbance associated with the construction of single-family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than 5 acres.
3. Failure to properly design, install, or maintain BMPs shall constitute a violation of any land-disturbing permit issued by the City or of any state general permit issued by the division pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act," for each day on which such failure occurs.
4. The Director may require, in accordance with regulations adopted by the Georgia Board of Natural Resources, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.
5. The City may set more stringent buffer requirements than stated in Sec. 11.6.4.C.16 and Sec. 11.6.4.C.17 in light of O.C.G.A. § 12-7-6(c).

C. To Comply with State General Permit

The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. § 12-7-1 et seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices (BMPs), including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than,

those practices contained in the "Manual for Erosion and Sediment Control in Georgia," published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

1. Proper erosion control measures must be installed along site boundaries prior to the stripping of vegetation, re-grading, and other development activities as deemed by the Director to minimize erosion.
2. Cut-fill operations must be kept to a minimum.
3. Development plans must conform to the topography and soil type so as to create the lowest practicable erosion potential.
4. Whenever feasible, natural vegetation shall be retained, protected and supplemented.
5. The disturbed area and duration of exposure to erosive elements shall be kept to a practicable minimum.
6. Disturbed soil shall be stabilized as quickly as practicable.
7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development.
8. Permanent vegetation and structural erosion control measures shall be installed as soon as practicable.
9. To the extent necessary, sediment in runoff water must be trapped by the use of debris basins, sediment basins, silt traps, construction exits or similar BMPs until the disturbed area is stabilized. As used in this Sec. 11.6.4.C, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of this Sec. 11.6 and O.C.G.A. § 12-7-1, et seq.
10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills.
11. Cuts and fills must not endanger adjoining properties.
12. Fills must not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners.
13. Migrated soil materials or soil materials displaced by mechanical means from land-disturbing sites to adjacent watercourses, such as lakes, ponds, streams, and creeks etc., must be remediated. The remedial work shall be conducted as per a remedial plan approved by the City of Milton.
14. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible; provided, in any case, that such crossings are kept to a minimum.
15. Land-disturbing activity plans for erosion sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on site or preclude sedimentation of adjacent waters beyond the levels specified in Sec. 11.6.4.B.2.

16. Except as provided in Sec. 11.6.4.C.17, there is established a 25-foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment where otherwise allowed by the Director, pursuant to O.C.G.A. § 12-2-8, or where a drainage structure or a roadway drainage structure must be constructed; provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the groundwater table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow, unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act," shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:
    a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land- disturbing activities on the construction site are completed.
    b. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed.
    c. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:
        i. Stream crossings for water lines; or
        ii. Stream crossings for sewer lines.
17. There is established a 50-foot buffer as measured horizontally from the point

where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, of the "Georgia Water Quality Control Act," except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25-foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:

a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land- disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetation cover remains to protect water quality and aquatic habitat and natural canopy is left in sufficient quality to keep shade on the stream bed; and

b. The buffer shall not apply to the following land-disturbing activities; provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:

   i. Stream crossings for water lines; or

   ii. Stream crossings for sewer lines.

c. Nothing contained in O.C.G.A. § 12-7-1, et seq. shall prevent any local issuing authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Sec. 11.6.4.C.16 and this Sec. 11.6.4.C.17.

D. No Presumption of Violation

The fact that land-disturbing activity for which a permit has been issued results in

injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided in this Sec. 11.6 or the terms of the permit.

E. Additional Requirements

Where the Director of the Environmental Protection Division or the Community Development Director finds, through inspection, that property owners have been adversely affected due to violations clearly identified by the Director of the Environmental Protection Division or the Community Development Director, or that the approved current plans do not adequately address the features of the site, the Director of the Environmental Protection Division or the Community Development Director can require additional BMPs, drawings, and revisions to comply with the minimum requirements as outlined in this sub-section.

11.6.5. Application/Permit Process

A. General

1. The property owner, developer, and designated planners and engineers must design and review the general development plans before submittal:
   a. The City must review the tract to be developed and the area surrounding it.
   b. The City must review other ~~a~~ sections of this UDC, this 11.6~~Sec. 11.6~~, and any other ordinances, rules, regulations, or permits regulating land development in the city.
2. However, the property owner and/or operator are the only parties who may obtain a permit.

B. Application Requirements

1. Prior to any land-disturbing activity, the property in question must be part of an approved and recorded legal lot of record (including, but not limited to, exemption plat, minor plat, or final plat). Additionally, no land-disturbing activity, including grading, excavating, filling, and foundation work, shall be conducted within the C~~c~~ity, until a land-disturbance permit or a building permit (for those projects not requiring a land-disturbance permit under this article) shall have been issued by the Community Development Director allowing such activity, pursuant to the provisions herein provided. If a project is to be developed in phases, then a separate land-disturbance permit or building permit is required for each phase not to exceed 25-acre increments and the development sequence should be followed on all projects issued a land-disturbance permit.
2. No person shall conduct any land-disturbing activity within the City's jurisdictional boundaries without first obtaining a permit from the Director to perform such activity and provide a copy of notice of intent submitted to Environmental Protection Division, if applicable.
3. All developments, construction, improvements, utilities, and demolitions that occur within the ~~boundaries of the incorporated~~ C~~c~~ity limits that disturb more than 5,000

square feet of land must submit an application for a land-disturbance permit.

4. The application for a permit must be submitted to the Director and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans must include, as a minimum, the data specified Sec. 11.6.5.C, together with supporting data ~~must~~ that demonstrate affirmatively that the land-~~-~~disturbing activity proposed will be carried out in such a manner that the provisions of Sec. 11.6.5.C will be met. Applications for a permit will not be accepted unless accompanied by three copies of the applicant's soil erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site before creating the plan in accordance with EPD Rule 391-3-7-10.

5. A minimum fee, as set by the City Council, shall be charged for each acre, or fraction thereof, of the project area.

6. In addition to the City's permitting fees, fees also will be assessed pursuant to O.C.G.A. § 12-5-23(a)(5); provided that such fees shall not exceed $80.00 per acre of land- disturbing activity and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid before issuance of the land-disturbance permit. Half of such fees levied shall be submitted to the Environmental Protection Division (EPD) of the Department of Natural Resources; except that any and all fees due from an entity which is required to give notice pursuant to O.C.G.A. § 12-7-17(9) or (10) shall be submitted in full to the EPD, regardless of the existence of a local issuing authority in the jurisdiction.

7. The City may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, $3,000 per acre or fraction thereof of the proposed land-disturbing activity, before issuing the permit.

   a. If the applicant does not comply with this Sec. 11.6 or with the conditions of the permit after issuance, the City may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

   b. If a permit applicant has had two or more violations of previous permits, this Sec. 11.6, or the Erosion and Sedimentation Act, as amended, within three years before the date of filing the application under consideration, the City may deny the permit application.

   c. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the city with respect to alleged permit violations.

8. If applicable, immediately upon receipt of an application and plan for a permit, the City shall refer the application and plan to the Fulton County Soil and Water Conservation District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation, and pollution control plan. The District shall approve or disapprove a plan within 35 days of receipt. Failure of the district to act within 35 days will be considered an approval of the pending plan. The results of the district review shall be forwarded to the City. No permit will be issued unless the plan has been approved by the district, and any variances required by Sec. 11.6.4.C.16 and Sec. 11.6.4.C.17, and bonding, if required as per sub-paragraph 4 immediately above, have been obtained. Such review will not be required if the City and the District have entered into an agreement which allows the City to conduct such review and approval of the plan without referring the application and plan to the district. The local issuing authority with plan review authority shall approve or disapprove a revised plan submittal within 35 days of receipt. Failure of the local issuing authority with plan review authority to act within 35 days will be considered an approval of the revised plan submittal.

C. Plan Requirements

1. Plans must be prepared to meet the minimum requirements of Sec. 11.6.4.B and Sec. 11.6.4.C, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The Manual for Erosion and Sedimentation Control in Georgia is hereby incorporated by reference into this Sec. 11.6. The plan for the land-disturbing activity shall consider:
    a. The interrelationship of the soil types.
    b. Geological and hydrological characteristics.
    c. Topography.
    d. Watershed.
    e. Vegetation.
    f. Proposed permanent structures including roadways, constructed waterways, sediment control and stormwater management facilities.
    g. Local ordinances and state laws.
2. Data required for site plan.
    a. All the information required from the appropriate erosion, sedimentation and pollution control plan review checklist established by the commission as of January 1 of the year in which the land-disturbing activity was permitted.
3. Maps, drawings, and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the commission and in consultation with the division and the

stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.

D. Permits

1. Permits shall be issued or denied as soon as practicable but, in any event, not later than 45 days after receipt by the City of a completed application; providing variances and bonding are obtained, where necessary, and all applicable fees have been paid before permit issuance. The permit shall include any conditions under which the activity may be undertaken.
2. No permit shall be issued by the City unless the erosion sedimentation and pollution control plan has been approved by the district or by the City, and unless the City has affirmatively determined that the plan is in compliance with this Sec. 11.6, any variances required by Sec. 11.6.4.C.16 and Sec. 11.6.4.C.17 are obtained, bonding requirements, if necessary, per Sec. 11.6.5.B.7, are met and all ordinances and rules and regulations in effect within the boundaries of the city are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
3. If the tract is to be developed in phases, then a separate permit shall be required for each phase to include the development sequence.
4. The permit may be suspended, revoked, or modified by the City, as to all or any portion of the land affected by the plan, upon finding that the holder or his or her successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his or her successor in title is in violation of this Sec. 11.6. A holder of a permit shall notify any successor in title to him or her of the conditions contained in the permit as to all or any portion of the land affected by the approved plan.
5. The City may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years before the date of the application, in light of O.C.G.A. § 12-7-7(f)(1).

E. City Compliance

Any land-disturbing activities by the City are subject to the same requirements of this Sec. 11.6, and any other sections relating to land development, as are applied to private persons and the division shall enforce such requirements upon the City.

11.6.6. Design Professional Inspection

A. Required; Exception

The design professional referenced in the state general permit (except when the primary permittee has requested in writing and EPD has agreed to an alternative design professional) must inspect the installation of BMPs which the design professional designed within seven days after the initial construction activities commenced. The design professional shall determine if these BMPs have been installed and are being maintained as designed. The design professional shall report the results of the inspection to the primary permittee within seven days and the primary permittee must correct all deficiencies within two business days of receipt of the inspection report from the

design professional unless weather related site conditions are such that additional time is required. The Director shall withhold the occupancy permit until full compliance has been achieved.

B. Additional Reporting Requirements

Applicants/owners/operators shall provide the Director with a copy of any monitoring results submitted to EPD regarding the National Pollutant Discharge Elimination System (NPDES). Reports shall be in a format as prescribed by EPD. A copy of the notice of intent which has been sent to EPD in compliance with the permit requirements must be presented to the Director prior to the issuance of any land-disturbance permit.

11.7. Noise Control

11.7.1. Loud, Disturbing Noises Prohibited

A. It shall be unlawful for any person to create or assist in creating any loud and unreasonable noise in the city.

B. The general prohibition in paragraph A above includes the use of consumer fireworks that create loud and unreasonable noise, except during the following dates and times: after the time of 10:00 a.m. and up to and including the time of 11:59 p.m. on ~~January 1,~~ the last Saturday and Sunday in May, July 3, July 4, the first Monday in September, and December 31 of each year; and beginning at the time of 12:00 midnight and up to and including the ending time of 1:00 a.m. on January 1 of each year.

11.7.2. Measurement

For the purpose of determining db(A)s as referred to in this Sec. 11.7, the noise must be measured on the A-weighting scale on a sound level meter of standard design and quality having characteristics established by the American National Standards Institute.

11.7.3. Activities Permitted that Produce Sound Impacting Residential Life

A. Table 11.7.3.A establishes permitted activity in any residentially zoned area or within 300 feet of any residentially occupied structure in any zone, as noted.

Table 11.7.3.A. Activities Permitted That Produce Sound Impacting Residential Life

	Monday through Friday	Saturday	Sunday	Federal Holidays
Operation of construction machinery by commercial users [1]	7:30 a.m. to 7:30 p.m.	9:00 a.m. to 6:00 p.m.		
Lawn maintenance and garage machinery by commercial users [1]	7:30 a.m. to sunset	9:00 a.m. to sunset		9:00 a.m. to sunset
Operation of construction machinery or garage machinery by individuals on their residential property which registers more than 65 db(A) at the nearest complainant's property line.	7:30 a.m. to 7:30 p.m.	9:00 a.m. to 6:00 p.m.	9:00 a.m. to 6:00 p.m.	9:00 a.m. to 6:00 p.m.
Operation of lawn maintenance machinery by individuals on their residential property.	7:30 a.m. to sunset	9:00 a.m. to sunset	9:00 a.m. to sunset	9:00 a.m. to sunset
Operation of waste haulers	7:30 a.m. to 7:30 p.m.	7:30 a.m. to 7:30 p.m.	7:30 a.m. to 7:30 p.m.	7:30 a.m. to 7:30 p.m.

Table notes:

[1] The Director has the discretion to authorize an administrative variance for golf and equestrian uses to adjust the start and stop times, on a case by case basis, if the Director believes that such variance is in the best interest of the user and affected property owners and as otherwise authorized by Sec. 11.7.12

B. Any mechanical noise other than that regulated in Table 11.7.3.A. which registers more than 65 db(A) at the nearest complainant's property line is a violation.

C. This Sec. 11.7.3 shall not apply to:

1. Emergency operations designed to protect the public health and safety; or
2. Work by City crews or city contractors in a right-of-way or utility easement when the department responsible for the work has determined that it is necessary to undertake the work.
3. Activities conducted on public playgrounds or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including but not limited to, school athletic and school entertainment events up to 12:00 midnight.

11.7.4. Amplified Sound Produced in All Zoning Districts

A. It shall be unlawful to operate or allow operation of any sound amplification to create sounds other then as set forth in Table 11.7.4.A.

B. The limitations on the operation of sound amplification equipment in Table 11.7.4.A shall not apply to the operation of horns, sirens, or other emergency warning devices actually being used in emergency circumstances, or to the operation of sound amplification equipment regulated by Sec. 11.7.6 or in accordance with a permit issued pursuant to Sec. 11.7.5.

11.7.5. Permits for Additional Amplification for Residential or Commercial Uses

A. Permit Required

In order to exceed the sound amplification on private property in Table 11.7.4.A, a permit for additional amplification is required.

B. Application

An application for a permit for additional amplification on private property under this Sec. 11.7.5 must be submitted to the City of Milton Police Department at least one business day but no more than 30 calendar days before the planned use. It must specify the proposed location of the sound amplification equipment and the date and time that the sound amplification will begin and end. Permits shall be issued on a first come, first served basis. A permit shall not be issued for a location that is within 100 feet of another location for which a permit has been issued for the same time. The application must designate and provide contact information for an individual person who shall be in control of the sound amplification equipment and ensure that its use complies with the terms of the permit. Activities regulated under Table 11.7.3.A. and Sec. 11.7.6 shall not be eligible for an additional amplification permit under this Sec. 11.7.5.

Table 11.7.4.A. Amplified Sound that Impacts Residential Life

	Sunday—Thursday 8:00 a.m.—9:00 p.m.	Friday—Saturday 8:00 a.m.—11:00 p.m.	Any Other Time
Registering up to 50 db(A) [see note 1]	Permitted	Permitted	Permitted
Registering 50 db(A) up to 55 db(A) [see note 1]	Permitted	Permitted	Not permitted
Registering 55 db(A) or greater[see note 1]	Not permitted	Not permitted	Not permitted
Registering up to 50 db(A) for multifamily uses or other residential arrangements where boundary lines cannot be readily determined. [see note 2]	Permitted	Permitted	Permitted
Registering 50 db(A) up to 55 db(A) for multifamily uses or other residential arrangements where boundary lines cannot be readily determined. [see note 2]	Permitted	Permitted	Not permitted
Registering 55 db(A) or greater for multifamily uses or other residential arrangements where boundary lines cannot be readily determined. [see note 2]	Not permitted	Not permitted	Not permitted
In the public right-of-way, including streets or sidewalks, or in city parks without having actual on-site possession of a permit issued by the City of Milton Police Department registering up to 65 db(A) 10 feet or more from any electromechanical speaker. [see note 3]	Permitted	Permitted	Not permitted
In the public right-of-way, including streets or sidewalks, or in city parks without having actual on-site possession of a permit issued by the City Milton Police registering 65 db(A) or greater 10 feet or more from any electromechanical speaker. [see note 3]	Not permitted	Not permitted	Not permitted
The use of mobile amplification registering up to 60 db(A) 10 feet or more from the equipment.	Permitted	Permitted	Not permitted
The use of mobile amplification registering 60 db(A) or greater 10 feet or more from the equipment.	Not permitted	Not permitted	Not permitted

Table notes:

[1] As measured anywhere within the boundary line of the nearest residentially occupied property.

[2] As measured from any point within the interior of another residential unit in the same complex or within the boundary line of the nearest residentially occupied property.

[3] Sound amplification equipment must not be operated more than 10 feet off the ground. In addition to the person operating or allowing the operation of sound amplification equipment in violation of this paragraph A, the person to whom the permit was issued must be present at the location and during the times permitted and shall be liable for any and all violations.

C. Notice Of Tentative Approval

When the application meets all necessary requirements, the City of Milton Police Department shall notify applicant of tentative approval, the applicant for a permit shall be responsible for giving written notice of the name, nature, date, and time period of the event, and the name of and contact information for the permit holder to the occupants of each property within 1,000 feet of the property for which

the permit has been granted. The notice must be hand delivered to each occupant or, if the occupant is unavailable, affixed to the front door of the building or business or residential unit at least 72 hours before the event. The permit shall not be actually granted and issued until the applicant submits an affidavit to the City of Milton Police Department that such notices have actually been so delivered.

D. Limits On Hours

Permits for additional amplification at a property, or adjacent properties under common ownership, shall be limited to 15 hours in a calendar year. Permits issued pursuant to this sub-section may allow additional amplification only between 8:00 a.m. and 9:00 p.m. Sunday through Thursday and between 8:00 a.m. and 11:00 p.m. on Friday or Saturday.

E. Sound Limits.

In no event shall a permit be granted which allows the creation of sounds registering more than 70 db(A) anywhere within the boundary line of residentially occupied property.

F. Denial; Issuance of Exceptional Permit

If an applicant has been denied a permit under this Sec. 11.7.5 and believes the denial is illegal by virtue of applicable state or federal law, they shall promptly submit a copy of the denied permit application together with a short statement of the reasons they believes they are entitled to a permit to the City Manager. The City Manager has the discretion to grant an exceptional permit waiving locational, time, and/or db(A) requirements, upon his determination that the applicant has made a substantial showing of legal entitlement. Any such request for exceptional permit shall be submitted within seven calendar days to the City of Milton Police Department.

G. Violation

It shall be unlawful to violate the restrictions or requirements of this Sec. 11.7.5 or the terms of a permit issued pursuant to this Sec. 11.7.5.

11.7.6. Outdoor Amplification and Music at Commercial Establishments

A. It shall be unlawful for any commercial establishment (including but not limited to a restaurant, bar, or nightclub) to operate or allow the operation of sound amplification equipment out of doors or directed out of doors or to allow live acoustic music out of doors or directed out of doors other than during the times listed below or so as to create sounds registering in excess of:

1. 85 db(A) Sunday through Thursday between 8:00 a.m. and 9:00 p.m.;
2. 60 db(A) Sunday through Thursday between 9:00 p.m. and 2:00 a.m. the following day;
3. 85 db(A) Friday or Saturday between 8:00 a.m. and 11:00 p.m.; or
4. 60 db(A) between 11:00 p.m. and 2:00 a.m. the following day.

For purposes of this Sec. 11.7.6, hotels, motels, other short-term accommodations shall be considered residentially occupied property.

B. The decibel limits prescribed in this Sec. 11.7.6 shall be measured at the property line of the commercial property at which the sound is being generated.

C. An establishment that has been determined to be non-cooperative pursuant to Sec. 11.7.7.E shall be subject to enhanced civil penalties pursuant to Sec. 11.7.9 and, after two violations of this s Sec. 11.7.6 within one year after having been determined to be non-cooperative, shall not operate or allow the operation of sound amplification equipment out of doors or directed out of doors or allow live acoustic music out of doors or directed out of doors for a period of 18 months after the second violation. The 18-month prohibition shall apply to the establishment and the property on which the establishment is located.

11.7.7. Chronic Commercial Noise

A. The purpose of this Sec. 11.7.7 is to establish a collaborative process through which the City and a business that has been identified as a chronic source of objectionable noise (i.e., "chronic noise producer") will develop and implement a noise mitigation plan intended to bring the noise to acceptable levels. A chronic noise producer is an establishment that, because of the sound generated by or at the business, is an annoyance to adjacent or nearby residences, lodgings, schools, businesses, or other places where people may congregate with a reasonable expectation of undisturbed activity.

B. The chief of police (or designee) shall determine a commercial business as a "chronic noise producer" as described in paragraph A above. In making such a designation, the chief of police shall take into consideration the following factors:

1. The number and frequency of valid noise complaints.
2. The proximity and physical relationship between the business and complaining locations.
3. The severity of sound events, both observed or measured.
4. The times and days of the week of sound events.
5. The business' history of cooperation and efforts to alleviate the problem.
6. The history and context of the location, including whether the sound producing activity predates the occupation of the complaining locations and whether the sound producing location is located in what is generally recognized as an entertainment area.

Upon designation, the chief of police shall inform the business in writing that it has been designated a chronic noise producer and refer the business to the City Council along with the information that established the basis for the designation.

C. Upon receiving a chronic noise producer referral, the City Council shall schedule a mandatory initial meeting based on its next regularly scheduled meeting with the business that it has been designated a chronic noise producer. At the initial meeting, the City Council and the business shall review the information that formed the basis for the designation and any evidence or information concerning the complained of noise provided by the business. Following the initial meeting, the City Council shall determine whether a mitigation plan is warranted in order to protect public health, safety and welfare. If the City Council determines that a mitigation plan is not warranted, it shall notify the business and the City of Milton Police Department of that determination

and no further action shall be taken under this Sec. 11.7.7.

D. If the City Council determines that a mitigation plan is warranted, the City Council and the business shall together develop and sign a noise mitigation plan. The plan may include, among other things:

1. Restrictions on days of week or hours of noise producing activity.
2. Placement, orientation, and operation of sound producing activity or equipment.
3. Structural changes including but not limited to sound attenuation and baffling.
4. Self-monitoring and reporting requirements.
5. A schedule for implementation.
6. A schedule for review for possible revision or termination of the plan.

E. If a business designated as a chronic noise producer: (i) fails or refuses to participate in good faith in the development of a noise mitigation plan; (ii) refuses to agree to a noise mitigation plan; or (iii) fails to implement or comply with an agreed to noise mitigation plan, the City Council may designate the business as non-cooperative and shall notify the business and City of Milton Police Department of that determination. Should a business designated as non-cooperative cure the basis for the designation, the City Council shall remove the designation and notify the business and City of Milton Police Department of that determination.

F. If a noise enforcement action is taken against a business that has been designated a chronic noise producer, evidence regarding the business' participation in the development and implementation of and compliance with the noise mitigation plan shall be relevant to any prosecution or administrative or judicial review or appeal of the enforcement action. Specifically, the business' participation and compliance shall be a mitigating factor and may, but is not required to be, a justification for dismissing the enforcement action. A business that has been designated by the City Council as non-cooperative shall not be entitled to the benefits of this paragraph F unless the designation has been removed.

G. Appeals

A business that has been designated a chronic noise producer or non-cooperative may appeal such designation within ten days after receiving notice of such designation. Appeals shall be heard by the City Manager who shall not be an employee of the City of Milton Police Department or member of the City Council. The appellant shall have the right to present evidence at said hearing. A ruling on appeal is subject to review in the superior court of Fulton County by proceedings ~~in the nature of certiorari~~as permitted by State law. Any petition for review shall be filed with the clerk of superior court within 30 days after notice of the decision has been sent to the appellant.

11.7.8. Animals

A. It shall be unlawful for any person to own, keep or have in his possession, or harbor, any animal which howls, yelps, barks or produces other similar noises uninterruptedly or almost uninterruptedly for more than 15 minutes in duration.

B. No person shall act in such a manner as to create noise or sounds that would knowingly cause animals significant distress. Such noise or sounds shall include, but not be limited to, shooting of firearms; use of any combustible or explosive composition, substance or combination of substances; racing of engines and blasting music.

11.7.9. Motor Vehicles

It shall be unlawful to operate or allow the operation of any motor vehicle in the city:

A. Which has had its muffler-exhaust and/or other noise-control equipment removed, altered or maintained in such disrepair as to create unreasonably loud and disturbing noises.

B. By engaging in jackrabbit starts, spinning tires, racing engines, or other operations which create unreasonably loud and disturbing noises.

C. Off the boundaries of a public street for racing or other operations which create unreasonably loud and disturbing noises.

11.7.10. Penalty

Any person found guilty of violating any provision of this Sec. 11.7 shall be punished in a manner consistent with the general penalty set forth in Section 1-5 of the City Code of Ordinances. A violation of a continuing nature, each day during which it occurs, shall constitute an additional, separate, and distinct offense.

11.7.11. Applicability

In the event there is a conflict between this Sec. 11.7 and any other provision of the Milton Code, the more restrictive noise-based performance standard shall control; except, in the event there is a special use permit containing a noise-based performance standard, the standard in that special use permit shall control.

11.7.12. Variances

A. Variances to any numerical requirements of this Sec. 11.7 may be granted by the Director to any person, upon application, if findings are made by the Director that the immediate compliance with such requirement cannot be achieved because of special circumstances rendering immediate compliance unreasonable in light of economic or physical factors, encroachment upon an existing noise source or because of the non-availability of feasible technology or control methods.

B. Any such variance or renewal thereof shall be granted by the Director only for the minimum time period found to be necessary under the facts and circumstances. The Director shall provide in writing the reason for the variance, the starting and ending time of the variance or other pertinent information as to enforce the approved variance.

11.8. Air Pollution

11.8.1. Purpose

The purpose of this Sec. 11.8 is to provide minimum standards or regulations in conjunction with state and federal law to safeguard life, health, property and the public welfare of the citizens of the city and others from the effects of air pollution and air contamination.

11.8.2. Prohibited Acts

No person shall discharge, or cause to be discharged, from any source whatsoever such quantities of air contaminants or other materials which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such person or the public, or which cause, or have a natural tendency to cause, injury or damage to humans or property.

11.8.3. Materials Handling; Construction and Demolition

A. Any material which may create air pollution as the result of dispersal during transport shall be so treated before transport, or so enclosed during transport, as to effectively prevent air pollution during transport.

B. Effective measures shall be employed to prevent air pollution resulting from the dispersal of materials from premises, from stockpiles or from accumulations incidental to manufacture, handling, or storage.

C. Effective measures shall be applied to prevent air pollution resulting from the demolition of buildings or equipment, the clearing of land, the preparation of sites for construction or from the construction of buildings or the installation of equipment.

11.8.4. Notice of Violation, Contents, Service

If a code enforcement officer, building inspector or other authorized person finds the violation of any provision of this Sec. 11.8 to exist, they shall give notice of the violation in writing to the person responsible, specifying the nature of the violation and a reasonable time for correcting it. Delivery of the notice may be effected by mail or by personal delivery.

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12.1. Summary of Review Authority

12.1.1. Summary of Review Authority

T~~he following t~~able 12.1.1 summarizes the review, approval, and appeal authority of the various review bodies and officials that implement and administer this UDC. The table is not all-inclusive. If there are conflicts between Table 12.1.1 and the text of this UDC, then the text governs.

Table 12.1.1. Summary of Review Authority

Key: R = Review & Recommendation D = Final Decision A = Appeal PH = Public Hearing C = Confirmation **Approval Process**	Cross Reference	**Approval Authority**					
		Design Review Board	Comm. Dev. Director	HPC	Board of Zoning Appeals	Planning Commission	City Council
Legislative Review							
UDC Text Amendment (Zoning)	Sec. 12.3		R			R-PH	D-PH
UDC Text Amendment (Not Zoning)	Sec. 12.3		R				D-PH
Zoning Map Amendment (Rezoning)	Sec. 12.3	R	R			R-PH	D-PH
Regulating Plans, Infill Regulating Plans (Form-Based Codes)	Article 7	R	R			R-PH	D-PH
Use Permit	Sec. 12.5.2	R	R			R-PH	D-PH
~~Zoning Modification~~	~~Sec. 12.4.2.B~~		~~R~~				~~D-PH~~
Subdivision Review							
Preliminary Plat	Sec. 12.6.3		D			R-PH	A-PH
Final Plat	Sec. 12.6.4,		R				D-PH
Minor Plat	Sec. 12.6.5		D		A-PH		
Form-Based Code Review							
Code Compliance Certificate	Article 7		D		A-PH		
Permit Review							
Administrative Permit	Sec 12.5.1		D		A-PH		
Land Disturbance Permit	Sec.12.8.2	R[1]	D		A-PH		
Certificate of Endorsement	Sec. 12.8.1	R	D		A-PH		
Certificate of Appropriateness	Sec. 12.7.4			D			A
Building Permit	Sec. 12.2.3	R[1]	D		A-PH		
Demolition Permit	Sec. 12.8.6	D			A-PH		
Tree Removal Permit	Sec. 11.1		D		A-PH		
Relief							
Administrative Variance, ~~A~~Administrative Minor Variance, Minor Variance	Sec. 12.4.2.A		D		A-PH		
Administrative Modification	Sec. 12.4.2.B		D[2]				C
Warrant (Form-Based Codes)	Article 7		D				
Primary Variance	Sec. 12.4.2.A	R			D-PH[3]		
Secondary Variance	Sec. 12.4.2.A				D-PH		
Concurrent Variance	Sec. 12.4.2.A	R	R			R-PH	D-PH
Zoning modification	Sec. 12.4.2.B		R				D-PH

Tables notes:

[1] Review is limited. See Sec. 12.2.3 [2] Appeals are processed as a Zoning Modification.
[3] Includes stream buffer variances that are not concurrent with rezoning, use permit, or zoning modification.

12.2. Review Bodies

12.2.1. General

A. Review Authority Established

This Sec. 12.2 establishes powers, duties, and other requirements for those bodies that review permits issued under this UDC. These powers, duties, and other requirements are in addition to the provision of Article V of Chapter 1 of the Code of the City of Milton.

B. Administrative Approval Notification

Any action on a request brought under a provision of this UDC that requires approval by the Director or any other City official must be accompanied or followed by an interoffice memorandum addressed to, and included in, the appropriate zoning file or alternate file if there is no zoning file. A courtesy copy of the memo must be sent to any City or Fulton County departments that are impacted by the action.

12.2.2. Community Development Director

A. Power and Duties

The Director administers this UDC and has those powers and duties expressly identified in this article and this UDC, including, but not limited to, the following:

1. Review and Recommendation

The Director is authorized to:

a. Decide the type of application required under this UDC; and

b. Review and provide recommendation on all applications required under this UDC.

2. Delegation

The Director may delegate any review authority to the designee of their choosing, as provided by law; however, any decisions remain the responsibility of the Director.

3. Final Decision

The Director makes final decisions on the following:

a. Preliminary plats.

b. Minor plats.

c. Code Compliance Certificates.

d. Administrative permits.

e. Land disturbance permits.

f. Certificates of Endorsement.

g. Building permits.

h. Tree removal permits.

i. Administrative variances.

j. Administrative minor variances.

k. Minor variances.

l. Administrative modifications to conditions of zoning.

m. Warrants.

n. Parking reductions per Sec. 9.1.3.E.

4. Interpretation

The Director is authorized ~~for~~ to interpret~~ation of~~ this UDC~~,~~ related to the following:

a. Inconsistent, vague, or obscure language.

b. Provisions which are in conflict or confusing.

c. Conflicting or redundant procedural requirements.

d. To establish procedural requirements for review of appeal applications.

B. Enforcement

The Director is authorized to enforce this UDC. In addition, it is the duty of all officers and employees of the City, including members of the Police Department, to assist the Director by reporting to them any seeming violations, including violations in new construction, reconstruction, other development activities, and/or land uses including signs.

C. Designated Officials for Appeal Proceedings

1. In order to comply with O.C.G.A. § 36-66-5.1(c), the Director is authorized to issue appeal bonds and certificates of costs upon confirmation with City staff that such approvals are appropriate.

2. For purposes of appeals pursuant to Chapter 4, of Title 5 of the Official Code of Georgia Annotated, the Director is authorized to accept service on behalf of the respondent. The Director is authorized to accept service of process on behalf of the City as the defendant/opposite party.

12.2.3. Design Review Board

A. Composition

The City of Milton Design Review Board (DRB) is a seven-member advisory board of residents~~, landowners, business owners, professional architects, or land planners, who reside in~~ of the city.

B. Appointment, Term

Members of the Design Review Board are nominated by the Mayor and district councilperson and approved by the City Council. Members serve concurrently with the term of the Mayor ~~and~~ or Council~~'s terms~~person that nominated them.

C. Elections, Meetings

Members of the Design Review Board must elect a chairperson and a vice-chairperson. Meetings must be conducted in accordance with the latest edition of Robert's Rules of Order.

D. Powers and Duties

The Design Review Board has those powers and duties expressly identified in this article and this UDC, including, but not limited to:

1. Review and Recommendation - Citywide

~~a. Citywide.~~ To review and provide recommendations to the Director before the approval for the following anywhere in the city:

~~i.~~a. Building permits for all commercial structures.

~~ii.~~b. Building permits for institutional structures.

~~iii.~~c. Building permits for multifamily residential dwelling units.

~~iv.~~d. Building permits for townhouse, duplex, triplex, quadplex dwelling units.

~~v.~~e. Building permits for accessory structures associated with "i" (Sec. 12.2.3.D.1.a) through "iv" (12.2.3.D.1.d) above .

~~vi.~~f. Land disturbance permits, except for single-family residential.

~~vii.~~g. Use permit requests.

~~viii.~~h. Rezoning requests.

~~b.~~i. ~~Primary variances.~~ To review and provide recommendations to the Board of Zoning Appeals for primary variances in areas where Design Review Board review and recommendation is otherwise required by this UDC.

2. Final Decision

To review and decide on applications for demolition permits.

E. Notice of Design Review Board Meetings Associated with Rezoning and Use Permit Applications

1. Notice of the Design Review Board must be given at least 10 days before the date of the Design Review Board meeting and must be published in a newspaper of general circulation. ~~It~~ The notice must contain the location, applicant and the date, time, and location of the meeting.

2. The Director must give notice by regular mail to all property owners or current residents within 500 feet of the boundaries of the subject property with a minimum of 75 owners who appear on the Fulton County tax records as retrieved by the City's GIS. The notices must be mailed at least 10 days before the Design Review Board meeting. It must contain the location, applicant, date, time, and location of the meeting.

12.2.4. Board of Zoning Appeals

A. Membership

The Board of Zoning Appeals consists of seven members appointed by the Mayor and the City Council. The members serve terms concurrent with the terms of their respective appointed councilmember or Mayor that appointed them. Members must not hold any other public office or position in the City. Annual elections must be held by the Board of Zoning Appeals to elect one of its members chairperson for a one-year term. The chairperson may serve an unlimited number of one-year terms.

B. Vacancies

Any vacancy in the membership must be filled for the unexpired term in the same manner as the initial appointment.

C. Removal of members

Members may be removed for cause by the Mayor and City Council ~~upon written charges and after a public hearing~~in accordance with Chapter 2 of the Code of the City of Milton.

D. Secretary

The Director serves as secretary to the Board of Zoning Appeals. The secretary must keep minutes of proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and must keep records of evidence, examinations, and official actions, all of which must be filed and are a public record.

E. Policies and Procedures

The Board of Zoning Appeals must adopt and publish policies, procedures, and rules in keeping with the provisions of this UDC.

~~Such are available from the Director.~~ Copies of the policies, procedures, and rules shall be available for distribution to the general public.

F. Meetings

Meetings of the Board of Zoning Appeals must be ~~held~~ scheduled at least once each month to dispose of matters ~~scheduled~~before it. Additional meetings may be called by the chairman. The Board of Zoning Appeals scheduled meetings, places and dates, and deadlines for the filing of applications must be approved by the City Council and published by the Director.

G. Powers and Duties

The Board of Zoning Appeals has those powers and duties expressly identified in this article and this UDC, including, but not limited to~~:~~

~~**1. Final Decision**~~

~~To~~ review and ~~decide~~ final decisions on ~~applications~~ applications for:

~~a.~~1. Secondary variances to appeal the Director's interpretation of this UDC or ~~a~~ final decision.

~~b.~~2. Variances from any UDC provision that involves up to a cumulative total of five lots or up to 10% of the lots in a subdivision, whichever is less.

~~c.~~3. Stream buffer variances that are not concurrent with rezoning, use permit, or zoning modification.

~~d.~~4. Appeals when it is alleged that there is an error in any order, requirement, decision, or determination made by any other authorized City official in the enforcement of this UDC.

12.2.5. Planning Commission

A. Membership

~~See~~ Membership of the Planning Commission shall be governed by Sec. 2-207 and 2-208 of Article V of Chapter 1 of the Code of the City of Milton.

B. Vacancies

Any vacancy in the membership must be filled for the unexpired term in the same manner as the initial appointment.

C. Removal of members

Members may be removed for cause by the Mayor and City Council in accordance with Chapter 2 of the Code of the City of Milton.

D. Secretary

The Director serves as secretary to the Planning Commission. The secretary must keep minutes of proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and must keep records of evidence, examinations, and official actions, all of which must be filed and are a public record.

E. Policies and Procedures

The Planning Commission must adopt and publish policies, procedures, and rules in keeping with the provisions of this UDC. Copies of the policies, procedures, and rules shall be available for distribution to the general public.

F. Meetings

Meetings of the Planning Commission must be scheduled at least once each month to dispose of matters before it. Additional meetings may be called by the chairman. The Planning Commission scheduled meetings, places and dates, and deadlines

for the filing of applications must be approved by the City Council and published by the Director.

~~B.~~G. Powers and Duties

The Planning Commission has those powers and duties expressly identified in this article and UDC, including, but not limited to, the following:

1. Review and Recommendation

To review and provide recommendations based on the Comprehensive Plan on applications for the following~~, based on the Comprehensive Plan~~:

a. UDC text amendments (limited to UDC provisions that constitute a zoning ordinance).

b. Zoning map amendments (rezonings).

c. Regulating plan amendments~~s~~ (Form-Based Codes).

d. Use permits.

e. Preliminary plats.

f. Comprehensive Plan amendments.

12.2.6. City Council

A. Powers and Duties

The City Council has those powers and duties expressly identified in this article and this UDC, including, but not limited to:

1. Initiate

To initiate any application listed in sub-paragraph 2 (Final Decision) below.

2. Final Decision

To hear and decide on applications for:

a. UDC text amendments.

b. Map amendments (rezonings).

c. Regulating Plans, Infill Regulating Plans (Form-Based Codes).

d. Use permits.

e. Zoning modifications.

f. Final plats.

g. Concurrent variances in conjunction with a rezoning, use permit, or zoning modification.

h. Stream buffer variances concurrent with a rezoning, use permit, or zoning modification.

i. Variances from any UDC provision that involves more than a cumulative total of five lots or more than 10% of lots in a subdivision whichever is greater pursuant to this section.

12.2.7. Historic Preservation Commission

A. Creation

There is hereby created a commission whose title is "Milton Historic Preservation Commission" (HPC, as used in this UDC).

B. Membership

1. The HPC consists of seven members. Each member of the City Council and the Mayor appoints a member of the HPC. The term of individual members is two years, or until a new member is appointed to replace them - whichever occurs later, and begins on January 1 of each even numbered calendar year. If a member is replaced for any reason, the new member will serve only the remaining portion of the replaced

member's term. There is no limit on the number of terms a member may serve on the HPC. Each appointee must reside within the limits of the City of Milton and is not bound to a councilperson's respective council district.

2. To the extent individuals are available and willing to serve in the City, at least three official, voting HPC members must be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archeology, building construction, real property appraisal, or related professions.

3. HPC members do not receive a salary, although they may be reimbursed for expenses with prior approval of the City Manager.

C. Powers and Duties

Without limiting authority provided elsewhere in this, or any other ordinance, the HPC is authorized to:

1. Prepare and maintain an inventory of all property within the City of Milton having the potential for designation as historic.

2. Recommend to the City Council specific districts, sites, buildings, structures, or objects to be designated by ordinance as a historic property or a historic district.

3. Review applications for certificates of appropriateness, and grant or deny same in accordance with the provisions of this section.

4. Recommend to the City Council that any designation of a historic property or historic district be revoked or removed.

5. Restore or preserve any historic properties acquired by the City, subject to funding availability and with the prior approval of the Milton City Council.

6. Promote the acquisition by the City of facade easements and conservation easements as appropriate, in accordance with the provisions of the Georgia Uniform Conservation Easement Act of 1992 (O.C.G.A. §§ 44-10-1 to 44-10-5).

7. Conduct educational programs on historic properties located within the City and on general historic preservation activities.

8. Make such investigations and studies of matters relating to historic preservation including consultation with historic preservation experts, as the City Council or the HPC itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources.

9. Research local, state, federal, or private funds for historic preservation, and make recommendations to the City Council concerning the most appropriate use of any funds acquired.

10. Recommend to the City Council possible historic resource incentive programs for their review.

11. Submit to the Historic Preservation Division of the Georgia Department of Natural Resources a list of designated historic properties or historic districts.

12. Perform historic preservation activities as the official agency of the Milton Historic Preservation Program.
13. Retain persons with professional expertise to carry out specific tasks, as needed, subject to approval by the City Council.
14. Receive donations, grants, funds, or gifts of historic property and acquire and sell historic properties provided the City Council has provided prior consent to do so and all state and local laws regarding local government property disposition are followed. The receipt of donations, grants, funds, or gifts may be accepted only if such acceptance does not violate the City of Milton Code of Ethics.
15. Review and make comments to the Historic Preservation Division of the Georgia Department of Natural Resources concerning the nomination of properties within its jurisdiction to the National Register of Historic Places.
16. Participate in private, state, and federal historic preservation programs and with the approval of the City Council enter into contractual agreements to do the same.
17. Work with a City staff member, who will serve as liaison between HPC and City Council.

D. Policies and Procedures

The HPC must maintain rules and standards for the transaction of business and for consideration of applications for designations and certificates of appropriateness, such as by-laws and design guidelines, not inconsistent with this Sec. 12.2.7. The HPC has the flexibility to adopt such rules and standards without amendment to this Sec. 12.2.7. The HPC must provide for the time and place of regular meetings and a method for the calling of special meetings, consistent with the Georgia Open Meetings Act. The HPC must select such officers as it deems appropriate from among its members. A quorum consists of a majority of voting members. All rules must be ratified by the City Council before becoming effective.

E. Conflict of Interest

The HPC is subject to all conflict of interest laws set forth in the Georgia Statutes and in the City of Milton Charter.

F. Authority to Receive Funding From Various Sources

The HPC has the authority to accept donations on behalf of the City and must ensure that these funds do not displace appropriated governmental funds. The HPC is subject to and must comply with the Milton Ethics Code.

G. Records of Meetings.

A public record must be kept of the HPC's resolutions, proceedings, and actions. Reports to the City Council will also be made on a regular and timely basis.

12.3. Amendments

12.3.1. General

A. Applicability

1. The text amendment requirements of this Sec. 12.3~~12.2.7~~ only apply to those provisions of this UDC that constitute a zoning ordinance per Sec. 1.1.3.B.
2. Those provisions of this UDC that do not constitute a zoning ordinance may

be amended using the City's general procedures for ordinance amendments.

B. General Amendments

1. Whenever the public necessity, convenience, general welfare, or good zoning practice justify such action, and after consideration by the Planning Commission, the City Council may, by ordinance, ~~change~~ amend the regulations set forth in this UDC (text amendment) or amend the zoning map~~s~~.

2. In amending the zoning map~~s~~, the City Council may approve a use permit and/or zoning district applied for by the applicant or a more restrictive zoning district based on the ranking of the City's zoning district intensities. The City Council may consider a variance filed concurrently with a request for a rezoning, use permit, or zoning modification.

3. In approving any zoning district change and/or use permit, the City Council may impose conditions of approval as deemed necessary and appropriate to mitigate potentially adverse influences or otherwise promote the public health, safety, or general welfare.

4. Rezonings and use permit requests are referred to in this Sec. 12.3 as land use petitions. All land use petitions approved by the City Council are subject to any conditions approved by the City Council.

C. Land Use Petitions

Land use petitions may be initiated by the property owner or their agent or the City Council on forms available from the Director.

1. No final action may be taken on a land use petition affecting the same parcel more often than once every 12 months when the petition is initiated by the property owner.

2. At any time, the City Council may initiate a land use petition on property which was previously rezoned. However, a 6-month waiting period from the date of final council action is required when a rezoning and use permit request was previously denied.

3. If a petition was previously denied, the owner must demonstrate that the proposed land use petition is significantly different from the previous denial to the satisfaction of the City Council before it can be considered ~~for a reinitiation~~. A significant difference includes, but is not limited to, a change in zoning district, use, density, height, buffers or other methods of screening, or other items which were discussed at a public hearing on the previous application.

~~4.~~ *Appeals.*

~~a.~~4. Any appeal of, or other legal challenge to, the City Council's final decision regarding a use permit petition shall be pursued by petition for petition of review filed with the Superior Court of Fulton County within 30 days of the date of the City Council's decision. The applicant's petition and all other initial filings with the superior court shall be served upon the named

defendants/respondents in accordance with O.C.G.A. § 9-11-4.

~~b. Upon filing such appeal, the clerk of superior court shall give immediate notice thereof to the Director, and within 30 days from the date of such notice, the Director must cause to be filed with the clerk of superior court a certified copy of the proceedings before the council and the decision of the City Council.~~

D. Filing Deadlines

A complete land use petition must be submitted in accordance with the advertised filing deadlines. The Director may extend the filing deadline by two days with a letter of explanation from the applicant justifying the delay of submittal. An incomplete petition will not be accepted.

E. Withdrawal

1. Before advertising. If a land use petition has not been advertised for public hearing, a written request for withdrawal with the reason for the request must be made to and accepted by the Director.
2. After advertising. After a land use petition has been advertised for public hearing, it may only be withdrawn by the City Council at the meeting on which agenda the public hearing appears. A withdrawal will not be deemed final action and will not bar submission of a new petition. A written request for withdrawal with the reason for the request must be made to the Director.

F. Petition Requirements

All petitions must include the following with the required number of copies of each as prescribed by the Director:

1. Preapplication review form.
2. Signed and notarized petition with original signatures.
3. Legal description.
4. Letter of intent.
5. Site plan which meets the requirements of Sec. 12.3.4.
6. Site plan checklist which indicates compliance with site plan requirements of Sec. 12.3.4.
7. Environmental site analysis.
8. Portable document format (PDF) file of site plan.
9. Impact analysis for rezoning petitions.
10. Disclosure form.
11. Public participation plan.
12. Public participation report (due no later than seven business days before the Planning Commission hearing and City Council meeting).
13. Development of regional impact (DRI) study or traffic impact study or, as required by Sec. 12.3.6.
14. DRI review form, if applicable.
15. Noise study report, if applicable.
16. Other documents as identified in the preapplication review.
17. Filing fees, which shall be nonrefundable and in the amount specified in the City fee schedule.

12.3.2. Public Hearing and Notice

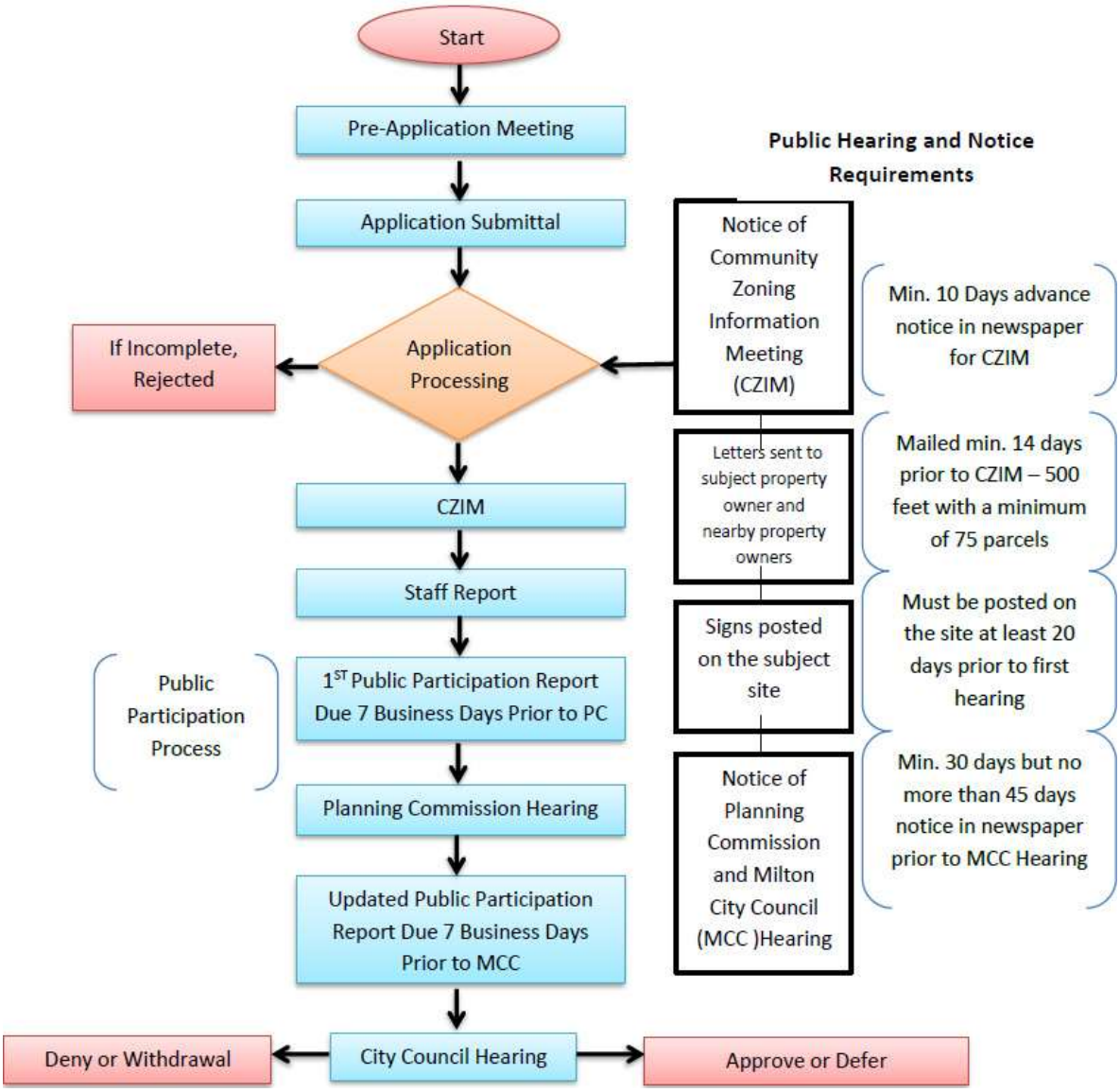
A. Regulations

1. Before adopting any change to the zoning map~~s~~ or text of this UDC that constitutes a zoning ordinance, the City Council must hold a public hearing following a community zoning information meeting (CZIM) and a public hearing by the Planning Commission. The public hearings held pursuant to this Sec. 12.3.2 must allow at least 10 minutes for both proponents and opponents to present data, evidence, and opinions.
2. Notice of the CZIM must be given at least 10 days before the CZIM and must be published in a legal organ of the City.
3. Notice of the public hearings held pursuant to this sub-section must be published in a legal organ of the City at least 30 days but not more than 45 days prior to the date of the public hearing. Renotification is not required when a petition is deferred by the City Council.
4. The applicant or agent must post a sign as issued by the Director in a conspicuous location on each street frontage of the subject property at least 20 days before the Planning Commission hearing. It is the applicant's responsibility to ensure the posting remains in a conspicuous location on site until a decision is rendered by the City Council.
5. The sign must be mounted and posted as specified by the Director. If the sign is not posted on the property by the 20th day before the scheduled ~~first~~ Planning Commission hearing date, then the application will be administratively removed from the agenda.
6. When the Planning Commission or the City Council defers a petition, the applicant must post an updated sign with new hearing dates 20 days before the next scheduled hearing date. When a petition is deferred by the City Council for less than 20 days, posting an updated sign is not required.

7. The Director must give notice of the public hearing by regular mail to the subject property owner and all property owners or current residents within 500 feet of the boundaries of the subject property with a minimum of 75 owners who appear on the Fulton County tax records as retrieved by the City's GIS. The notices must be mailed at least 14 days before the CZIM. Renotification by mail is required when a petition is recommended for deferral by the Planning Commission for any amount of time or is deferred by the City Council.

8. The hearing notices required by this Sec. 12.3.2 must include the time, place and purpose of the hearing, and, where applicable, the notice must also include the location of the property, the present zoning classification of the property and the proposed zoning

City of Milton Rezoning / Use Permit Flow Chart



classification, use permit, permit or other permission requested with respect to the property.

~~**B. Secretary**~~

~~The Director serves as secretary to the Planning Commission. The secretary must keep minutes of proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and must keep records of evidence, examinations, and official actions, all of which must be filed and are a public record.~~

12.3.3. Technical Evaluations and Reports

A. General

1. Required before Planning Commission's Recommendation

Proposed land use petitions may be considered by the City Council only after the evaluations and reports required by this Sec. 12.3.3 have been completed and the Planning Commission has made a recommendation. Such reports are a public record.

2. Impact Analysis

a. For each rezoning petition, the Planning Commission and the Director must investigate and make a recommendation with respect to the factors listed in sentence "c" below (Sec. 12.3.3.A.2.c). The Director must make a written record of its investigation and recommendation on each rezoning petition, as well as any other factors it may find relevant, and carry out any other duties with which it is charged by the City Council.

b. The Planning Commission must make a recommendation, which the Director must transmit in writing to the City Council.

c. The zoning impact analysis factors are as follows:

i. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

ii. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

iii. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

iv. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools.

v. Whether the zoning proposal is in conformity with the policies and intent of the land use plan.

vi. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

vii. Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment, and citizens of the city.

3. Zoning Impact analysis by Applicant

If a rezoning is initiated by the property owner, a written documented analysis of the impact of the proposed zoning with respect to each of the matters in the preceding sentence "c" (Sec. 12.3.3.A.2.c) is required at the time of filing the land use petition.

B. Environmental Reports

~~**1. Required for Occupancy Land Use Petition**~~

~~If a rezoning or use permit is initiated by the property owner, an environmental site analysis must be filed with the land use petition per sub paragraphs 2 and 3 that follow.~~

1. Environmental site analysis (ESA)

a. When Required

i. If a rezoning or use permit is initiated by the property owner, an environmental site analysis complying with Sec. 12.3.3.B.1.b below must be filed with the land use petition.

ii. As determined by the Director, an environmental site analysis complying with Sec. 12.3.3.B.1.b below may also be required with applications for land disturbance permits, building permits, temporary or permanent certificates of occupancy, or any other permits issued by the Director.

~~2.~~b. ESA Report Requirements

The environmental site analysis must identify environmental conditions on the site in sufficient detail to determine if the proposed use may be considered environmentally adverse. The ESA must detail the following:

~~a.~~i. How the project conforms to the Comprehensive Plan.

~~b.~~ii. The presence or absence of the following and ~~does~~ whether the project encroaches or adversely affects any of the following:

~~i.~~a. Wetlands.

~~ii.~~b. Floodplains.

~~iii.~~c. Streams/stream buffers.

~~iv.~~d. Slopes exceeding 25% over a 10-foot rise in elevation.

~~v.~~e. Vegetation, including endangered species~~; areas of confirmed state department of natural resources listed endangered species must comply with the Federal Endangered Species Act~~.

~~vi.~~f. Wildlife species, including fish and endangered species~~; areas of confirmed Georgia Department of Natural Resources listed endangered species must~~

~~comply with the Federal Endangered Species Act~~.

~~vii.~~g. Archeological/historical sites.

~~viii.~~h. ~~Identify A~~all specimen trees as defined in Sec. 11.1.G.1 Tree Canopy Conservation.

~~c.~~iii. How the project implements the following:

~~i.~~a. Protection of environmentally sensitive areas (floodplains, slopes exceeding 25%, river corridors).

~~ii.~~b. Protection of water quality.

~~iii.~~c. Minimization of negative impacts on existing infrastructure.

~~iv.~~d. Minimization of negative impacts on archeological/ historically significant areas.

~~v.~~e. Minimization of negative impacts on environmentally stressed communities.

~~vi.~~f. Creation and preservation of greenspace and open space.

~~vii.~~g. Protection of citizens from the negative impacts of noise and lighting.

~~viii.~~h. Protection of parks and recreational greenspace.

~~ix.~~i. Minimization of impacts to wildlife habitats.

~~3.~~c. Review Criteria for ESAs

~~a.~~i. Environmental site analysis reports will be reviewed based upon the following:

a. Whether the petition is consistent with the policies of the Comprehensive Plan.

b. The detail provided for ESAs as outlined in Sec. 12.3.3.B.1.b above~~12.3.3.B.2~~.

~~b.~~ii. The Director must review the ESAs submitted with petitions for rezoning or use permits and make recommendations to the City Council with respect to the proposed use. The anticipated impact of the proposed use on any environmentally stressed community must be included in the Director's recommendation where special environmental concerns exist.

~~c. As determined by the Director, environmental impact reports may also be required with applications for land disturbance permits, building permits, temporary or permanent certificates of occupancy, or any other permits issued by the Director.~~

~~4.~~2. Traffic impact study

A traffic impact study is required when a land use petition or proposed development equals or exceeds the thresholds of Sec. 12.3.6 (Traffic Impact

Studies). The study must conform to Sec. 12.3.6 (Traffic Impact Studies) and must be submitted at the time of the filing of the land use petition or with first submittal of development plans.

~~5.~~3. DRI Study

A development of regional impact (DRI) study is required when a land use petition or proposed development meets or exceeds the thresholds for DRI Metropolitan areas set by the State.

~~6.~~4. Noise study report

A noise study is required if a proposed site is within 1,000 feet of Georgia 400. The study must be performed by a state-registered professional engineer or noise professional, and must meet the following:

a. The noise study must include an analysis of the proposed use with respect to existing ambient noise, that is, business and industry noise, aircraft noise, roadway noise, and construction noise.

b. If the noise study results in a day-night average sound level greater than 65 dB(A), the applicant must provide a sound attenuation plan specifying the type of noise buffering measures/materials to be employed during construction that will reduce the interior residential noise levels to 50 dB(A) or less.

c. The sound level readings must be measured at a distance from the site to the noise source. The measurement should be from the source to the nearest points on the site where structures having noise sensitive uses are located. These points must be labeled as the noise assessment locations (NAL). The measurement location for structures is a point 6½ feet from the facade. If the location of the structures has not yet been specified at the time of the noise study, then the distance used in the noise study should be measured as 6½ feet less than the distance from the structure setback line to the major source of noise.

Note - See Title 24, housing and urban development, part 51, environmental criteria and standards, subpart B, noise abatement and control, section 51.103, criteria, and standards (c) exterior standards (24 Code of Federal Regulations (CFR) 51.103(c)).

~~7.~~5. Public Participation Plan and Report

a. The public participation plan is to ensure that applicants pursue early and effective public participation in conjunction with their petitions, ensure that the citizens of the city have an adequate opportunity to learn about petitions that may affect them, and to ensure ongoing communication between applicants, adjoining property owners, environmentally stressed communities, community associations and other organizations, elected officials, and City staff. A target area for public participation should be determined by the applicant and Director at the time of the preapplication review. Applicants must submit a public participation plan for meeting with

interested citizens to advise of pending rezoning/use permit applications and to allow citizens the opportunity to discuss concerns and provide input about project design or development. An applicant's responsibilities are to inform the public, solicit input, and provide a summary of these activities in the form of a written report (public participation report).

b. The requirement for a public participation plan does not give communities decision making powers or force a consensus on issues. Applicants are not obligated to make any concessions or changes based upon input from citizens. A refusal by the community to meet with applicants does not mean that the applicants fail to meet the requirements of the public participation plan.

c. ~~Dialogue shall occur between applicants and communities (not including the CZIM meeting) before the Planning Commission hearing, the first public hearing.~~ Public participation plans are required with all rezoning or use permit applications and must be filed simultaneously with the application. Participation plan reports must be submitted at least seven business days before the scheduled Planning Commission hearing and an updated public participation report seven business days before the City Council hearing. Notwithstanding the seven business day requirements, i~~I~~f the reports are not submitted as required, the Planning Commission may recommend deferral or the City Council may defer an application.

d. The minimum requirements for public participation plans and public participation reports are as follows:

i. Public participation plan. ~~Every application for a rezoning or use permit which requires a public hearing must include a public participation plan which must be implemented before the first public hearing.~~ The following minimum standards are required:

a. Identification of all property owners within a quarter mile with a minimum of 75 owners who appear on the Fulton County tax records of the site and area homeowners' associations, environmentally stressed communities, political jurisdictions, and any other public agencies or organizations which may be affected by an application as determined by the applicant and ~~the current planner~~Director at the time of the preapplication review.

b. Explanation of how interested parties will be informed of rezoning/use permit applications.

c. Methods for providing opportunities for discussion with interested parties before public hearings are held. Applicants must schedule at least one meeting at a convenient location and time and notify all interested parties, as identified in Sec. 12.3.3.B.5.d.i.a above, before the first Planning Commission hearing, of the purpose, place and time of the meeting.

d. The applicant's schedule for completion of the public participation plan.

ii. Public participation report. ~~Every rezoning and use permit applicant must provide a public participation report on the Director's form at least seven business days before the Planning Commission hearing and an updated report no later than seven business days before the scheduled City Council's hearing.~~ These reports must be made a part of the official file and a summary will be provided to the City Council. The following minimum standards are required:

a. ~~Provide a~~A list of all parties that were contacted, the methods of notification that were used, and copies of all notification letters.

b. ~~Provide D~~dates and locations of all community and other meetings that were attended by the applicant to discuss an application. (Attach meeting notices, letters, etc.)

c. ~~Provide T~~the number of people who participated in meetings held to discuss an application. (Attach sign-in sheets)

d. A summary of concerns and issues expressed by interested parties.

e. A summary of the applicant's response to concerns and issues.

12.3.4. Site Plans

A. Requirements

Site plans for rezonings and use permits must be drawn to scale and must, at a minimum, include the following information:

1. Key or legend and site location map with North arrow.
2. Boundary survey of subject property which includes dimensions along property lines that match the metes and bounds of the property's written legal description and clearly indicates the point of beginning.
3. Acreage of subject property.
4. Location of land lot lines and identification of land lots.
5. Existing, proposed new dedicated and future reserved rights-of-way of all

streets, roads, and railroads adjacent to and on the subject property.

6. Proposed streets on the subject site.
7. Posted speed limits on all adjoining roads.
8. Current zoning of the subject site and adjoining properties.
9. Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on the subject property.
10. Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on adjacent properties within 400 feet of the subject site based on the City's aerial photography or an acceptable substitute as approved by the Director.
11. Location of proposed buildings, except single-family residential lots, with total square footage.
12. Layout and minimum lot size of proposed single-family residential lots.
13. Topography (surveyed or City) on subject site and adjacent property within 200 feet as required to assess runoff effects.
14. Location of overhead and underground electrical and pipeline transmission/ conveyance lines.
15. Required ~~or~~ and proposed setbacks.
16. 100-year floodplain horizontal limits and flood zone designations as shown on survey or FEMA FIRM maps.
17. Required and proposed landscape strips, undisturbed buffers, and any other natural areas as required or proposed.
18. Required ~~and~~ and proposed parking spaces.
19. Loading and unloading facilities.
20. Lakes, streams, and waters on the state and associated buffers.
21. Proposed stormwater management facilities.
22. Community wastewater facilities including preliminary areas reserved for septic drain fields and points of access.
23. Availability of water system and sanitary sewer system.
24. Tree lines, woodlands and open fields on subject site.
25. Entrance site distance profile assuming the driver's eye at a height of 3½ feet.
26. Wetlands shown on the City's geographic information system (GIS) maps or survey.

B. Relief

A request for relief from any ~~of these~~ Sec. 12.3.4.A site plan requirements may be submitted in writing to the Director for approval before the filing deadline. The request should clearly state the reasons for the request. Projects subject to DRI reviews and other large phased projects must revise the site plan for each phase of the development to comply with the above standards through a zoning modification.

12.3.5. Miscellaneous Provisions

A. Zoning Maps

The Oofficial Zzoning Mmap and GIS will be amended to reflect the land use petition approvals.

B. Applicability

Zoning regulations that applied at the time of acceptance of an application for a land disturbance permit will prevail.

~~C. Petition Fees~~

~~Before accepting a petition for rezoning, use permit, concurrent variance, or extension of zoning or use permit, the Director must collect nonrefundable fees as specified in the City fee schedule.~~

~~D.~~C. Procedures for Modification of Zoning Conditions

See Sec. 12.4.2.B (Modifications).

12.3.6. Traffic Impact Studies

A. Objectives

The City finds that requiring a traffic impact study for proposed developments that meet certain thresholds will help to achieve the following objectives:

1. Forecast additional traffic associated with new development, based on accepted practices.
2. Determine the improvements that are necessary to accommodate the new development.
3. Allow the local government to assess the impacts that a proposed development may have and assist the local government in making decisions regarding development proposals.
4. Help to ensure safe and reasonable traffic conditions on streets after the development is complete.
5. Reduce the negative impacts created by developments by helping to ensure that the transportation network can accommodate the development.
6. Protect the substantial public investment in the street system.
7. Provide information relevant to:
   a. Comprehensive planning.
   b. Transportation planning.
   c. Transit planning.
8. The provision of programs and facilities for:
   a. Traffic safety.
   b. Road improvements.
   c. Transportation demand management.
   d. Pedestrian access.
   e. Other transportation system considerations.

B. Thresholds and Applicability

1. Traffic studies must be submitted with all rezoning applications, use permit applications, and other permit applications if the proposed development meets the thresholds within this Sec. 12.3.6.B.
2. Projects that qualify as an Atlanta Regional Commission DRI can use their DRI to satisfy the City's traffic impact study requirements. DRI mitigation installations listed in the final letter will become requirements of the project at no cost to the City and must be

constructed~~ before any certificate of appropriateness is approved~~.

3. A traffic impact study is required if any of the following thresholds are met:
   a. DRI non-Metropolitan threshold (as defined by State Code).
   b. 50% of DRI Metropolitan threshold (as defined by State Code).
   c. Any proposal that generates more than 100 new peak hour (AM or PM) trips.
   d. Any proposal that generates more than 1,000 new daily trips.
4. All projects are responsible for explaining the impact that the project will have on the surrounding road network, regardless of whether a formal Traffic Impact Study is required or not.

C. Analysis

The source for trip generation rates for the purposes of this Sec. 12.3.6 shall be the Trip Generation and Handbook published by the Institute of Transportation Engineers (ITE), most recent edition. ~~Determinations of whether this chapter applies shall be made based on application of data from ITE Trip Generation, which may change from time to time, or as otherwise approved by the Public Works Director.~~

1. Technical analysis

a. A scoping meeting with the applicant's traffic engineer and Public Works Department is required before submittal of a traffic impact study. Failure by an applicant to not have a scoping meeting prior to conducting their traffic counts will not constitute a hardship for an exception to be approved by the Public Works Director.

b. A preliminary site access, site circulation, and parking plan ~~will~~ must be prepared by the applicant and filed with ~~early in the project~~the application. The plan is considered in the trip generation, trip distribution and assignment steps.

c. Existing traffic volumes ~~are to~~must be measured and ~~will be~~ adjusted to reflect current conditions.

d. Performance operation analysis for all study intersections including all arterial, collector and local roads within the study area, in the year that the proposed development is planned to commence, and in five years ~~will~~ must be prepared. If phased development is proposed, the traffic impact study must include projections for the year that each phase of the development is planned to be complete.

e. Pass-by trips are external to the development but are already on the transportation system (not new trips on the roadway). These trips enter the site as an intermediate stop or are intercepted by the proposed development. The pass-by rate (or percentage of total site trip generation that are pass-by trips) ~~is~~ shall be discussed in the scoping meeting.

f. Acceptable analysis methods include the most recent Highway Capacity Manual or Synchro.

g. The applicant must forecast estimated traffic volumes and performance operation analysis with the development on all arterial, collector and local roads within the study area, in the year that the proposed development is planned to commence, and in five years. If phased development is proposed, the traffic impact study shall include projections for the year that each phase of the development is planned to be complete.

D. Mitigation

1. All signalized and stop controlled intersections shall operate at a level of service (LOS) "D" or better. Other unsignalized intersections (including unsignalized private accesses) shall operate at LOS "E" or better for major left turns and side street approaches, although LOS "F" may be allowed via approval from the Public Works Director. ~~if the movement has a relatively low volume (to-capacity ratio and there are no known safety problems at the intersection).~~

2. Descriptions of recommended mitigation measures to bring intersections into compliance for LOS will be recommended by the applicant. All mitigation measures will be classified as a system improvement or a project improvement within the context of the Impact Fee ordinance. Project improvements will be required to be constructed by the development before the first certificate of occupancy is issued. System Improvements are typically already listed on the CIE and are the responsibility of the City.

12.4. Requests for Relief

12.4.1. General

A. Purpose

The purpose of this Sec. 12.4 is to establish procedures for requesting relief from the strict application of regulations contained in this UDC and conditions of zoning when those regulations impose a hardship on the development of the property, and to provide for interpretation of the text of this UDC and the ~~official zoning map~~Official Zoning Map. The requests for relief are authorized herein to be considered by various bodies and individuals depending on the type of request and its relationship to applications for use permits or rezonings. Variances apply to specific standards in this UDC. Modifications apply to the approved conditions of zoning or use permit.

B. Limitation on Authority

In exercising ~~this~~ jurisdiction, each hearing board or individual has the authority to determine whether it has jurisdiction. The authority and jurisdiction of boards and individuals as provided in this UDC are limited as follows.

1. There must be no variances to permitted uses or accessory uses as specified in the zoning district regulations, administrative/use permit, or zoning conditions.
2. There must be no variances to the minimum lot area, nor the minimum district size required in each zoning district.
3. There must be no variances to the minimum lot frontage on a street as required in designated zoning districts.
4. There must be no modification to increase the density or change the use approved under the rezoning case.
5. There must be no modification to revise a site plan that, as determined by the Director, results in a significant change in the approved concept. Such a site plan revision will require rezoning pursuant to Sec. 12.3.
6. There must be no relief or variance from the standards of this section or Sec. 12.3.

12.4.2. Variances

A. General

1. Request for Relief Applications

A variance is a request for relief from the provisions of this UDC. There are eight types of variance applications. The type of variance necessary will be determined by the Director. The different types of ~~appeals~~ variances are listed and described as follows:

a. Administrative variance.

b. Minor variance/administrative minor variance.

c. Warrant.

d. Primary variance.

e. Secondary variance.

~~f. Interpretation.~~

~~g.~~f. Concurrent variance.

g. Stream buffer variances, which must conform to Sec. 11.5.3.B.

2. General Considerations

A variance must be based upon credible ~~evidence submitted at a public hearing before the Board of Zoning Appeals~~

demonstrating compliance with the following.

a. Relief, if granted, would not offend the spirit or intent of this UDC;

b. There are such extraordinary and exceptional situations or conditions pertaining to the particular piece of property that the literal or strict application of this UDC would create an unnecessary hardship due to size, shape or topography or other extraordinary and exceptional situations or conditions not caused by the variance applicant;

c. Relief, if granted would not cause a substantial detriment to the public good and surrounding properties; and

d. That the public safety, health and welfare are secured, and that substantial justice is done.

These considerations do not apply when specific types of variances use alternative considerations, including, but not limited to, Sec. 9.2.2.E (Signs), ~~and~~ Sec. 9.4.6 (Night Sky Illumination), and Sec. 11.5 (Stream Buffer Protection).

3. Administrative Variance

The Director ~~is authorized to~~may grant ~~consider~~ an administrative variance whenever:

a. A property owner maintains that a provision of Sec. 9.3 (Site Improvements), Article 10 (Streets and Improvements), or Article 11 (Environment), as applied to a specific situation, is not in the best interest of the public health, safety, and welfare, except when as otherwise provided for in the applicable section or article;

b. There is a request for the alteration of the 10-foot improvement setback required along all buffers as required in the conditions of zoning; and

c. Whenever there is a request up to a 10% reduction in the number of required parking spaces per Sec. 9.1.3.E.

Any administrative variance decision under this sub-paragraph may be appealed in accordance with the procedures set out for secondary variances in Sec. 12.4.2.A.

4. Administrative Minor Variance

The Director may grant an administrative minor variance up to one foot from any minimum yard requirement.

Any administrative minor variance decision under this sub-paragraph may be appealed in accordance with the procedures set out for secondary variances in Sec. 12.4.2.A.

5. Minor Variance

The Director may grant minor variances to minimum yard requirements, not to exceed 10% of such requirement, as long as no objection has been submitted in writing to the Director. An appeal to a minor variance decision must be filed as a secondary variance request.

Any minor variance decision under this sub-paragraph may be appealed in

accordance with the procedures set out for secondary variances in Sec. 12.4.2.A.

6. Warrants

The Director ~~is authorized to~~may grant warrants as provided in Form-Based Codes.

7. Primary Variance

a. Heard by the Board of Zoning Appeals. A request for a primary variance from any UDC provision that is not being handled as a minor, administrative minor, warrant, or concurrent variance will be heard and decided by the Board of Zoning Appeals in accordance with Sec. 12.4.2.A.2.

b. Heard by the City Council. A request for a variance from any UDC provision that involves more than a cumulative total of five lots or 10% of the lots in a subdivision, whichever is greater, in accordance with standards set forth in Sec. 12.4.2.A.2.

8. Secondary Variance~~; Interpretation~~

The Board of Zoning Appeals will consider appeals of variance decisions and interpretations made by the department director authorized to grant a variance request or interpretation. This type of appeal is considered a secondary variance.

9. Concurrent Variances

a. The City Council will consider a concurrent variance from any standards of this UDC, which must be filed simultaneously with rezoning, use permit or zoning modification requests on the same property based on the conceptual plan submitted with the petition for the same agenda. The Planning Commission must also hear and make recommendations on concurrent variances filed with rezonings or use permit applications. The City Council must consider such concurrent variance requests in accordance with the standards set forth in Sec. 12.4.2.A.2. Public notification must be in accordance with Sec. 12.4.3.J and Sec. 12.3.2.A.

b. Limitations.

i. The City Council will only consider variance requests as part of, or in conjunction with, a rezoning, use permit or modification application.

ii. If an application for a variance to the Board of Zoning Appeals duplicates a concurrent variance request denied by the City Council, such an application must not be accepted by the Director before the expiration of 12 months from the date of the City Council's denial of the concurrent variance request. A variance request to the Board of Zoning Appeals cannot be considered simultaneously with the same concurrent variance request pending before the City Council.

c. Application.

i. Applications for a concurrent variance must be submitted to the Director. A regular variance

fee will be charged and the application must comply with all advertising and notification requirements in Sec. 12.3.2.A. One notice sign may serve for both the rezoning, use permit, zoning modification, and concurrent variance request if the sign is marked to indicate all actions which are pending.

ii. The variance case file number for each concurrent variance requested must be included on the rezoning petition.

B. Modifications

1. Classification; Types

a. Definition. "Modification" means a request for relief from the conditions of zoning or use permit when a site development proposal does not comply with approved conditions.

b. Types. There are two different types of modifications as follows:

i. Administrative modification.

ii. Zoning modification.

2. Application

A request to modify a condition of zoning or use permit may be initiated by the property owner, or the City Council. Applications must be submitted to the Director. A modification application must include a legal description of the property for which the modification is requested and a written explanation of the circumstances upon which the requested change of condition is based including the reason why development or use of the property, as approved, cannot be accomplished without the modification of a condition. Applicants must submit a revised site plan illustrating the requested modification. The type of modification necessary is determined by the Director.

3. Administrative Modification

a. Application; decision. An administrative modification application may be filed if the Director determines that the modification request is not prohibited by Sec. 12.4.1.B (Limitation on Authority), and will constitute only a technical change and does not involve significant public interest, or public interest has been addressed by letters expressing no objections from property owners with standing and neighborhood associations. The Director must send the administrative modification decision to the City Council for confirmation at the next appropriate regular meeting.

b. Appeal. If an applicant wishes to appeal the decision of the Director regarding an administrative modification, or if it is determined by the Director that a request will involve a matter of public interest, the applicant must file a separate application requesting a zoning modification on forms available from the Director.

4. Zoning Modification.

A zoning modification application must be filed if the Director determines that an approved zoning condition cannot

be met and it is determined by the Director that the application involves significant public interest and is in compliance with Sec. 12.4.1.B (Limitation on Authority). The zoning modification request must be presented to the City Council for consideration in a public hearing.

12.4.3. Procedures

A. Applicability

This Sec. 12.4.3 contains basic steps common to all variances and modifications.

B. Application

All applications for variances, interpretations and modifications must be filed with the Director on forms provided by them. The type of application process necessary to accomplish the change requested by the applicant will be determined by the Director. The Director must transmit the petition and all documents constituting the record to the appropriate hearing body or individual.

C. Standing

The term "standing" refers to a party allowed to initiate a request for variances or modifications which are limited to the following:

1. Modification petition. A request for a modification may be initiated by the property owner or their agent or the City Council.
2. Variance petition. A request for a variance may be initiated by the property owner of the subject property or its agent or the City Council.
3. Secondary variance petition. A request for a secondary variance appeal may be initiated by the property owner of the subject property or ~~its~~ their agent, or the owner of other real property within 300 feet of the boundaries of the subject property.
4. ~~Interpretation petition. A request for an interpretation of a decision of the Director may be requested by any individual.~~

D. Filing Deadlines

1. Applications for variances, interpretations, and modifications must be submitted in accordance with the advertised filing deadlines, depending on the type of petition in accordance with Sec. 12.3.1.D.
2. Concurrent variance applications must be filed in accordance with the filing deadline for the parent petition of either a use permit, rezoning, or zoning modification request in accordance with Sec. 12.3.1.D.
3. The Director has the discretion to extend the filing deadline by two days for all applications except administrative minor and minor variance applications. A letter from the applicant explaining the delay in filing must be submitted before the close of the filing deadline.

E. Withdrawal of Application

1. An application may be withdrawn by the applicant in writing at any time before the public hearing notice advertisement is published and~~or~~ the notice of the hearing is posted on the property.

2. Applications which do not require a public hearing may be withdrawn at any time before notification of a decision is mailed.

3. Once the public hearing has been properly advertised, the request for withdrawal of the application must be placed on the public hearing agenda and the appropriate decision-making body must act on the withdrawal request.

F. Fees

At the time of application, applicants must pay fees as specified in the City fee schedule. Fees paid are not refundable except where the Director determines that an application was accepted in error, or the fee paid exceeded the amount due, in which case the amount of the overpayment will be refunded to the applicant.

G. Legal Action Stayed

The filing of an appeal authorized by this sub-section will operate as a stay of any enforcement proceedings by the City until final resolution of the appeal. No City Council or Board of Zoning Appeals action may be taken on any property which is the subject of any litigation pending in state or federal court wherein the City or its agents or officials are parties.

H. Public Hearing

1. A public hearing must be conducted by the stated hearing body of each ~~appeal~~ variance application before taking action thereon except those authorized to be considered administratively. The schedule of public hearings and deadlines for the filing of a variance ~~n appeal~~ will be established by the Director.

2. Public hearings are not required for administrative variances, minor variances, administrative minor variances, and administrative modifications; however, notification in accordance with Sec. 12.4.3.J.2 (Public Notification) is required.

   Any of the decisions described in 12.4.3.H.2 above, may be appealed in accord with the procedures set out for secondary variances in Sec. 12.4.2.A.

3. The public hearings conducted in accordance with Sec. 12.4.3.H.1 must allow a minimum of 10 minutes for both proponents and opponents to present data, evidence, and opinions.

I. Evaluations and Reports

The body hearing ~~body~~ a variance or modification must have before it, at the time of hearing, a report from the Director which summarizes the hardship or justification reported by the applicant as related to the application and background information for variances, modifications, and interpretations, and any other information requested by the hearing body. The hearing body must hear, analyze, consider, and make a written report of its decision in accordance with Sec. 12.4.3.M (Notice of Decisions).

J. Public Notification

1. For those applications requiring a public hearing (primary variances, secondary variances, concurrent variances, and zoning modifications), the Director must:

   a. Publish notice of the public hearing in a legal organ of the City at least 30 days, but no more than 45 days, before the public hearing at which

an application will be heard. The published notice must contain the time, place, and purpose of the hearing and the location of the property if applicable (secondary variances may not always be property specific). Renotification is not required when a petition is deferred by the City Council or the Board of Zoning Appeals.

b. The applicant or agent must post a sign as issued by the Director in a conspicuous location on each public street frontage of the subject site, at least 20 days, but not more than 45 days, before the public hearing at which an application will be heard.

i. The sign must be mounted and posted as specified by the Director. Property that is not posted on the 20th day before the scheduled hearing date will be administratively removed from the agenda. The sign ~~will~~ must remain posted on-site until final action by the appropriate hearing body is taken.

ii. When the Board of Zoning Appeals defers a petition, the applicant must post an updated sign with new hearing dates 20 days before the next scheduled hearing date. When the City Council defers a petition, an updated sign is not required.

iii. The posted sign must contain the date, time, place, and purpose of the hearing.

iv. For zoning modifications, all notices must contain all items listed in "iii" above (Sec. 12.4.3.J.1.b.iii), the location of the property, the zoning or use permit case number to be modified and the condition number to be modified.

v. The posting of a sign is not required when a secondary variance is not requested by the property owner or ~~owner's~~ their agent~~representative~~.

c. Notice of the public hearing must be sent at least 30 days before the hearing date and must be given by regular mail to the property owner and all property owners within 300 feet of the boundaries of the property who appear on the current tax records of Fulton County as retrieved by the City's GIS. Renotification is not required when a petition is deferred by the City Council or the Board of Zoning Appeals.

The mailing of public notices other than to the subject property owner, is not required when a secondary variance is sought by other than the property owner.

2. For those applications not requiring a public hearing, notification must be provided as follows:

a. Administrative variance. The owners of property adjacent and contiguous across the right-of-way of the subject site must be notified in accordance with Sec. 12.4.3.J.1.c.

b. Minor variance. The owners of property adjacent and contiguous across the right-of-way of the subject site must be notified in accordance with Sec. 12.4.3.J.1.c..

c. Administrative modification. The Director ~~will determine what~~ must provide notification~~, if any, is reasonable on a case-by-case basis~~ in accordance with Sec. 12.4.3.J.1.c.

d. Administrative minor variance. No written notification.

K. Decisions

The City Council, Board of Zoning Appeals, and the Director in considering applications other than secondary variances under this section must do one of the following:

1. Approve or partially approve;
2. Approve and impose conditions related to the application being considered;
3. Deny;
4. Hold for further study; or
5. Approve to withdraw.

L. Board of Zoning Appeals Decision on Secondary Variances~~/Interpretations~~

The Board of Zoning Appeals may take the following actions pursuant to a secondary variance ~~and/or an interpretation appeal~~:

1. Affirm an order, requirement, or decision, wholly or partly.
2. Reverse an order, requirement, or decision, wholly or partly.
3. Clarify. Present an interpretation of the text in the form of a statement of clarification. Such statement must not contain substitute language, but must rely upon language and definitions contained in this UDC, and definitions contained in Merriam-Webster Collegiate Dictionary, latest edition.

M. Notice of Decisions

Written notice of all decisions must be placed in the official case file and must be forwarded to the applicant by regular mail within seven business days from the date of the decision by the following authority:

1. The Director must provide written notification of the Board of Zoning Appeals' decisions;
2. The Director must, with respect to minor variances, administrative variances and administrative modifications, provide written notification of such decisions. The approval of a building permit constitutes notice of approval for an administrative minor variance; and
3. The Director must, with respect to zoning modifications and concurrent variances, provide written notification of the City Council's decisions.

N. Reconsideration of Denied Application

1. If a variance or modification application is denied by an authorized department director, the City Council, or the Board of Zoning Appeals, an application for the same variance or modification item must not be considered until:
   a. At least six months has elapsed from the date of the decision including any appeal; or
   b. New information pertinent to the subject, not previously considered,

is submitted by the petitioner and the 12-month period is waived by the hearing body.

2. If an application is denied by the Director, the applicant may appeal the decision to the appropriate hearing body depending on the type of petition.

3. This provision is not intended to supersede provisions of Sec. 12.3 (Amendments) as related to decisions regarding rezonings or use permits.

O. Appeals

1. The decision of the Board of Zoning Appeals is a final decision; therefore, any appeal of such a decision must be pursued by application for petition of review filed with the Superior Court of Fulton County within 30 days of the date of the decision. ~~The applicant's petition, application for petition of review, the petition of review and any other initial filings with the superior court must be served upon the named defendants/respondents in accordance with O.C.G.A. § 9-11-4.~~

~~2. Upon notice by the clerk of superior court to the Director of the filing of such an appeal, the Director must cause to be filed with the clerk of superior court, within 30 days of such notice, a certified copy of the proceedings and the decision of the Board of Zoning Appeals.~~

~~3.~~2. Appeals of decisions (secondary variances~~/interpretation~~) of the Director or the Public Works Director must be ~~brought~~ filed within 30 days from the date of the decision.

P. Applications after Approval

The following requests are processed as new applications when made on the same property following Board of Zoning Appeals approval:

1. Relief from a specific provision that was not previously approved;

2. An increase in the degree of relief from a specific provision that was previously approved; or

3. Relief from a condition of approval.

Q. Expiration of Variance

If not used, a variance is valid only for 36 months from the date it is granted.

12.5. Use Provisions

12.5.1. Administrative Permits

A. Any use authorized by an administrative permit ~~will~~ must be approved and permitted by the Director when the proposed use complies fully with the requirements of the subject property's zoning district and standards as set forth for the use in Article 8. Each ~~requested~~ application for a use that requires an administrative permit will be assigned an administrative permit number and charged a fee. Said permit must be posted on site before starting the use. Variances to administrative permit standards may be requested by petition to the Board of Zoning Appeals. In certain cases, conditions are imposed by the Public Works Director with respect to roadway, water, sewer and other infrastructure improvements, and rights-of-way dedications which must be met.

B. Appeals

Any administrative permit decision under this Sec. 12.5.1 may be appealed in accordance with the procedures set out for secondary variances in Sec. 12.4.2.A.

12.5.2. Use Permits

A. Approval

Any use authorized by a use permit may be approved by the City Council in accordance with the standards enumerated under each use; provided:

1. The subject use is allowable in the subject property's zoning district;
2. The standards for the use permit specified in Article 8 can be met, as well as use permit considerations of Sec. 12.5.2.E;
3. A public hearing has been held in relation to the use permit before the Planning Commission and the City Council in conformance with the notice standards outlined in Sec. 12.3.2;
4. Recommendations have been received from the Director and the Planning Commission; and
5. Conditions imposed with respect to right-of-way dedication and roadway, water, sewer and/or other infrastructure improvements are met.

B. Application

Any use permit requests require a separate application when included with a petition for rezoning. Each requested use for which a use permit is required will be charged a standard use permit fee and assigned a use permit number which will be listed on the petition for rezoning. A public hearing, notice and evaluation must be provided in accordance with Sec. 12.3.2.A for each requested use permit. Each request must be voted on separately, and each use permit request submitted as part of a rezoning petition must be treated independently in the minutes of the City Council meeting.

C. Reapplication

The same or a substantially similar ~~petition~~ application for a use permit which has been denied by the City Council must not be resubmitted for 6 months from the date of the denial.

D. Variances

Variances to the use standards of Article 8 that are associated with a use permit

petition may be considered by the City Council concurrent with the use permit petition when such variances are submitted with it. Such requests will not require a separate variance application, but will be assigned a variance number, charged a standard variance fee, and be listed on the use permit petition as a concurrent variance in accordance with Sec. 12.4.2.A.9 (Concurrent Variances).

E. Considerations

1. In the interest of the public health, safety, and welfare, the City Council may exercise limited discretion in evaluating the site proposed for a use which requires a use permit. In exercising such discretion pertaining to the subject use, the City Council must consider each of the following:
    a. Whether the proposed use is consistent with the Comprehensive Plan or economic development revitalization plans adopted by the City Council.
    b. Compatibility with land uses and zoning districts in the vicinity of the property for which the use permit is proposed.
    c. Whether the proposed use may violate local, state and federal statutes, ordinances or regulations governing land development.
    d. The effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets.
    e. The location and number of off-street parking spaces.
    f. The amount and location of open space.
    g. Protective screening.
    h. Hours and manner of operation.
    i. Noise, including whether the proposed use conforms to Sec. 11.7 (Noise Control).
    j. Outdoor lighting.
    k. Ingress and egress to the property.
2. In granting ~~such~~ use 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.

F. Accessory Uses

Structures and land may be used for uses customarily incidental to any approved use.

12.5.3. Additional Restrictions

A. Other Regulations

Any use authorized by an administrative permit or use permit must comply with all other city regulations, zoning district regulations, conditions of zoning approval and other regulations contained herein. All buffers required must have a minimum 10-foot improvement setback unless otherwise required. The reduction of said setback will be subject to the approval of the Director in accordance with Sec. 12.4 (Appeals).

B. Zoning Conditions

Unless otherwise specified, standards, conditions and stipulations attached to a use permit by the City Council will supersede conflicting zoning conditions previously approved on the same site.

12.6. Subdivision

12.6.1. Applicability

A. All subdivision, combination, or resubdivision of land must conform to this Sec. 12.6, except as provided for in Sec. 12.6.1.B below.

B. The division~~s~~ of property by court order including, but not limited to, judgment~~s~~ of foreclosure or consolidation and disbursement of existing lots by deed or other recorded instruments, is not considered a subdivision for purposes of, and does not obviate the necessity for compliance with, these regulations

12.6.2. General Requirements

A. Preliminary Plat Required

Any subdivider of land, except for land subdivided for minor subdivisions or proposed subdivisions of land approved through the zoning process, must submit to the Director a preliminary plat of the proposed subdivision conforming to all the requirements set forth in these regulations and any other applicable county, state, and federal regulations. The Director must approve or deny the preliminary plat ~~based on~~after the consideration of the Planning Commission recommendations in accordance with the process described in Sec. 12.6.3 (Preliminary Plat Approval). Once the preliminary plat is approved, a minor plat or final plat must be filed which conforms to all requirements set forth in this section.

B. Unlawful To Sell or Transfer Subdivided Land Without Minor or Final Plat Confirmation

No person, firm, corporation, owner, agent, or subdivider may offer for sale, sell, transfer, or agree to sell any subdivided land without the minor or final plat of that subdivision having been confirmed by the City Council.

C. Approval and Permits Required Prior to Construction

No subdivider may proceed with any construction work on the proposed subdivision, including clearing, grading, or grubbing, before obtaining the appropriate approvals and permits.

D. Approval and Confirmation Required Prior to Dedicating, Extending or Accepting Public Street

No land may be dedicated, opened, extended, or accepted as a public street or for any other public purpose before obtaining final approval from the Director and confirmation by the City Council. The approval and confirmation must be entered in writing on the final plat by the Director. Any subdivider of property for public purpose (other than streets) must be transferred by deed.

E. No Building Permit Issued Unless Legal Access To Street Approved

No building permit may be issued for property unless legal access is provided from the property to a public street, or a private street or a modified single-family residential access or shared driveway approved under the terms of this UDC.

F. Residential Subdivision Building Permit Issued Only After Approval A\and Confirmation ff Minor or Final Plat

In residential subdivisions, building permits may be issued on the basis of any approved minor plat or final plat only after ~~the approval of~~ the City Council's confirmation of approval.

G. Model Home Regulations

1. In addition to the standard of Sec. 2.2.3, a~~The~~ subdivider is allowed one building permit for a model home for each 15 lots located in the ~~proposed~~ subdivision under consideration; provided the subdivider provides an agreement to install improvements for a cash surety equal to 125% of the cost for the remaining infrastructure improvements, based on written estimates by the design professional for the project. Notwithstanding the permitted rate for model homes, the maximum number of building permits for model homes to be allowed in any one subdivision must not exceed ten.
2. The following apply to lots where model homes are allowed:
    a. The lots must be located within 300 feet of an active fire hydrant;
    b. Main sewer or on-site sewer management system and water lines for these lots must be installed by the developer and be subject to review and approval by Fulton County; installation of these lines must occur before issuance of the certificate of occupancy; and
    c. If the lot does not have direct access to a paved street, t~~T~~he lot~~s~~ must have a minimum 20-foot-wide fire access road extending from a paved public street to within 100 feet of the proposed structure.

H. Compliance with City Procedures

All proposals to subdivide, combine or recombine parcels of land under the provision of these regulations must comply with the following:

1. All final plats, replats and minor plats must have the consent of the owners of all affected lots shown on said plat. Replats or new plats showing modifications to common areas require the consent of owners of all lots shown in the original final plat.
2. Proposals for the subdivision, combination or recombination of lawful previously platted lots or parcels, or portions thereof, must comply with zoning district regulations.
3. If construction activity contemplated will result~~s~~ in the disturbance of an area of 5,000 square feet or more, a land disturbance permit must be approved along with any building permit before construction.
4. Where a proposed lot fronts an existing public street, the subdivider must improve the street along the lot's frontage to the applicable standards of this UDC and any standard details as determined by the Director.
5. All slope, drainage, and utility easements, as well as ~~necessary~~ required right-of-way widths (as determined by the Director) on an existing public street, paved or unpaved, must be provided by the subdivider at no cost to the City.

6. Each proposed lot must comply with the requirements of the Fulton County Department of Health, whose certification of approval must accompany the submission of the final plat to the Director.

7. A minor plat proposal ~~may~~ shall be exempt from traffic impact and drainage studies, when an analysis is submitted by an engineer and concludes that the development would have no negative impact on traffic or drainage.

8. ~~Each~~ No lot created under the provisions of a minor plat ~~must~~ may ~~not~~ subsequently be resubdivided pursuant to the provisions of a minor plat. Notwithstanding the foregoing prohibition, if a re-subdivision of a lot does not create any lots with an area less than 3 acres, the Director may approve the minor plat when the Director finds the proposed re-subdivision to be in the best interest of the City.

9. For the division of land in agricultural districts adjacent to or with access to unpaved roads, the applicable provisions of Sec. 3.1.3 (AG-1 Dimensional Standards) apply.

10. For the division of land in O-I, C-1, and MIX, zoning districts, after initial development of the property, the following standards also apply:

    a. A proposed lot fronting an existing public street must contain the necessary frontage otherwise required by this UDC.

    b. The subdivider must submit documentation of the necessary easements providing for access to a public street for proposed lots that front only on an existing, documented, paved private street or driveway.

    c. All slope, drainage, and utility easements, as well as necessary street rights-of-way (as determined by the Director) must be provided by the subdivider at no cost to the City.

12.6.3. Preliminary Plat Approval

A. Procedures

1. Completeness

All preliminary plat applications must be reviewed by the Director for completeness. A preliminary plat application will be deemed to be complete if the application complies with all applicable City, County, State and federal regulations. If the Director determines that an application is not complete, the applicant will be notified of any deficiencies and provided the opportunity to revise the plat to correct the identified deficiencies without the need for the filing of a new application. If the Director determines that previously identified deficiencies remain in any corrected preliminary plat, staff may reject the application entirely or request that the applicant submit a new corrected preliminary plat.

2. Minor Plats

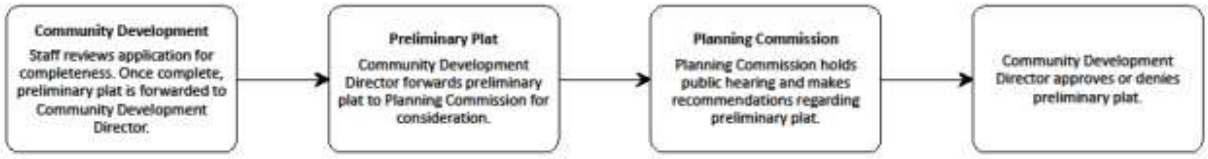
For preliminary plats where any lot (other than common areas) within the development is less than 3 acres ~~and,~~ after the Director determines that the application is complete and complies.~~,~~

Tthe Director must forward the application to the Planning Commission for public hearing, review, comment, and recommendation.

conspicuous location on site until after the scheduled Planning Commission meeting.

ii. The Director must give notice of

PRELIMINARY PLAT REVIEW PROCESS



3. All Other Plats

~~1.~~ For preliminary plats where all lots (other than common areas) are greater than 3 acres and the Director has determined that the application is complete and complies with the requirements of this UDC, the Director will approve the preliminary plat without requiring the review of the Planning Commission.

4. Public Hearing

~~2.~~ The Planning Commission must conduct a public hearing and must review the preliminary plat at its next available regularly scheduled meeting and must provide comments and make recommendations regarding the plat to the Director.

a. Notification of Planning Commission meeting.

i. The applicant or agent must post a sign as directed by the Director in a conspicuous location on each street frontage of the subject property at least 14 days before the Planning Commission meeting. It is the applicant's responsibility to ensure the posting remains in a

the Planning Commission meeting by regular mail to all property owners or current residents within 500 feet of the boundaries of the subject property and a minimum of 75 owners who appear on the Fulton County tax records as retrieved by the City's GIS in the surrounding area around the subject property, which 75 owners may include those located within 500 feet of the subject property. The notices must be mailed a minimum of 14 days before the Planning Commission meeting.

iii. The mailed notices must contain the time, place, and purpose of the Planning Commission meeting, the location of the property, and description of the proposed subdivision. The posted sign must include all of the items required in the mailed notice except the location of the property.

~~3.~~5. Upon receipt of the comments and recommendations of the Planning Commission with respect to the preliminary plat, the Director must

~~implement~~ consider the comments and recommendations of the Planning Commission ~~by~~ and either approve~~ing~~ the preliminary plat, deny~~ing~~ the preliminary plat, or return~~ing~~ the preliminary plat to the applicant for revision consistent with the comments and recommendations of the Planning Commission.

B. Duration

Preliminary plat approval will continue in effect for a period as follows or for as long as construction activity is continuous and at least 25% of the land area within the preliminary plat has received final plat approval, whichever is longer:

1. Two years for subdivisions of 50 lots or less.
2. Three years for subdivisions of more than 50, but less than 300 lots.
3. Four years for subdivisions of more than 300 lots.

Accordingly, if the preliminary plat approval expires, a new application must be submitted and will be subject to the regulations in effect at the time of such submission.

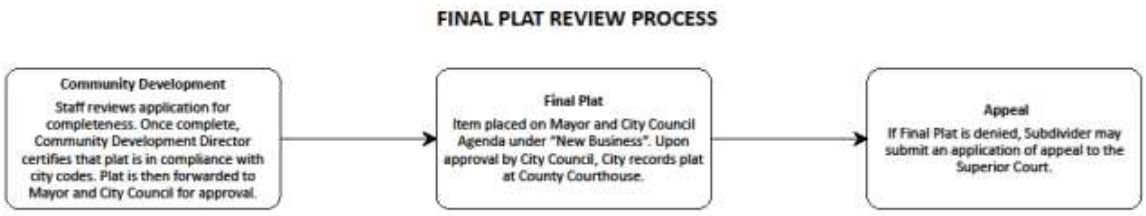
C. Appeals

If the Director denies a preliminary plat, a written explanation must be provided to the subdivider stating the basis for the denial. Within 30 days of the date of said written explanation, the owner of record or the subdivider may file with the Director a letter appealing the decision which, together with a report from the Director, must be forwarded to the City Council for consideration.

12.6.4. Final Plat Approval

A. Procedures

1. Whenever the provisions of these rules and regulations have been complied with and while the preliminary plat approval is in effect, the subdivider may submit to the Director an application for final plat review and approval pursuant to these regulations. All required infrastructure must be completed and approved, or performance bonds for a portion of such improvements must be filed in accordance with Sec. 12.6.4.A.3 below before filing for final plat approval.
2. The final plat must be submitted and drawn to the specifications of the Georgia Plat Act and the standards of the City.
3. Before the final plat is approved, the following must be provided to the City:
   a. Cash assurance or payment of surety bonds in an amount equal to 125% of the cost of infrastructure improvements not yet in compliance. Said cash bond must be maintained until the improvements have been approved by the City;
   b. Maintenance bond to ensure the viability of infrastructure improvements for at least 18 months;
   c. Drawings demonstrating the "as-built" conditions of the site based on the outstanding requirements of the land development permit, or cash assurance that such will be provided within 30 days;



d. An electronic format acceptable to the Public Works Department containing data about the sanitary sewer and water systems where available;

e. Signed release of the project by the development inspector; and

f. Recorded deed to the city for any dedicated space.

4. All final plat applications must be reviewed by the Director for completeness. A final plat application will be deemed to be complete if the application complies with all applicable City, County, State and federal regulations. If the Director determines that an application is not complete, the applicant will be notified of any deficiencies and provided the opportunity to revise the plat to correct the identified deficiencies without the need for the filing of a new application. If the Director determines that previously identified deficiencies remain in any corrected final plat application, the Director may reject the application entirely or request that the applicant submit a new corrected final plat.

5. For all final plats, after ~~staff~~ the Director determines that the application is complete and signed accordingly, the Director must forward the application to the City Council for consideration and approval. The City Council must review the final plat at their next regularly scheduled meeting and must approve the plat unless the plat substantially differs from the previously approved preliminary plat; or is inconsistent with the public health, safety, and general welfare; ~~or~~ is inconsistent with any specific adopted plans or policies.

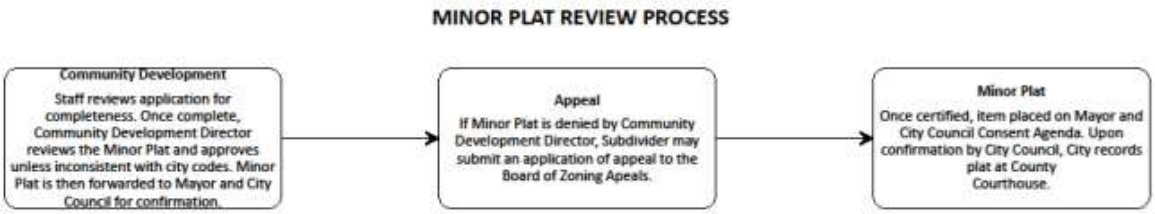
6. A final plat application may be denied without prejudice, thereby allowing the applicant to resubmit a revised plat for consideration without the necessity of paying a new application fee, if the application is found to be substantially different from the previously approved preliminary plat, inconsistent with any specific adopted plans or policies, or inconsistent with the public health, safety and welfare.

7. The final plat will be considered approved upon the vote of approval by the City Council.

8. After being approved by the City Council, the City must cause the final plat to be recorded with the clerk of the superior court of Fulton County.

B. Appeals

Should the ~~Director or~~ City Council deny any final plat, a written explanation must be provided stating the basis for the denial. The owner of record or the subdivider may file a petition of review filed with the Superior Court of Fulton County within 30



days of the date of the City Council's decision.

12.6.5. Minor Plat Approval

A. Procedures

1. For a minor plat, after the Director determines that the application is complete, the Director will review the minor plat and must approve the plat unless the plat is inconsistent with any specific adopted plans or policies, or is inconsistent with the public health, safety and welfare.
2. After the review and approval by the Director, a minor plat will be placed on the consent agenda of the City Council meeting.
3. After being confirmed by the City Council, the City must cause the final plat to be recorded with the clerk of the superior court of Fulton County.

B. Appeals

Should an applicant disagree with the Director's review comments with respect to denial of a minor plat, or concluding factual or interpretive errors have been made, the following appeal procedure is intended to resolve the issues:

1. Submit to the Director within 30 days of the comments at issue, a letter clearly defining the nature of the disagreement, the specific reference to the provision of this Sec. 12.6 at issue, and the applicant's opinion.
2. The Director must submit the request to the technical staff review committee. The technical staff review committee will be selected by the Director and formed from the appropriate departments' staff, relative to the subject appeal.
3. The technical staff review committee must provide comments and a written recommendation to the Director within 10 business days.
4. Should the Director, after review of the applicant's statement and the recommendation of the technical staff review committee, conclude that ~~these provisions~~the technical staff review comment above would not be violated, the Director must modify their comments accordingly.
5. Should the Director conclude that these minor plat regulations would be violated, the Director must provide the applicant with a written letter of denial and advise the applicant of the appeal process to the Board of Zoning Appeals.
6. The Board of Zoning Appeals must, after receiving a report from the Director, decide the issue. The decision will constitute the final administrative appeal.

12.6.6. Combination Plats

The approval process required for the combination or replatting of two or more lots of

record is the same as required for a minor plat approval in accordance with Sec. 12.6.5.A.

12.6.7. Fees

A. Required with Application

Every application for a preliminary plat, final plat, or other plat submitted pursuant to these regulations must be submitted to the Director along with such fees as specified in the City fee schedule. Failure to pay such fees will cause the ~~plat~~ application to be returned to the applicant, without acceptance for review or consideration by the City.

~~B. Fees Associated with a Land Disturbance Permit~~

~~After approval of a land disturbance permit and before authorization to begin construction, the developer must pay the required land development fees as specified in the City fee schedule.~~

~~C. Bond Costs Associated with Final Plat~~

~~Before approval of a final plat and as a prerequisite for acceptance of any such final plat, the developer must provide such performance bonds, maintenance bonds, or cash assurances as required by these regulations and as established from time to time by the City Council.~~

12.7. Historic Preservation

12.7.1. Establishment of Historic Properties

A. Preliminary Research by HPC

1. HPC's mandate to conduct a survey of local historical resources. The HPC must compile and collect information on historic resources with the City. Records shall be stored in the City storage area.
2. HPC's power to recommend districts and buildings to the City Council for designation. The HPC may present to the City Council recommendations for historic districts and properties.
3. HPC's documentation of proposed designation. Before the HPC's recommendation to the City Council of a property or district for historic designation, the HPC must prepare a report for recommendation consisting of:
    a. A detailed physical description of the proposed historic property or historic district; ~~and~~
    b. A statement of the historical, cultural, architectural, and/or aesthetic significance of the proposed historic property or historic district; ~~and~~
    c. A map showing district boundaries and classification (i.e., contributing, noncontributing) of individual properties therein, or showing boundaries of individual properties; ~~and~~
    d. A statement justifying the boundaries of the proposed property or district; and
    e. Representative photographs of the proposed property or district.

B. Designation of Historic District

1. *Criteria for selection of historic districts.* A historic district may be deemed worthy of preservation by reason of value to the nation, the State of Georgia, or the City of Milton for at least one of the following reasons:
    a. It possesses an outstanding example of structures representative of its era; or
    b. It contains the few remaining examples of a past architectural style or type over 50 years old; or
    c. It is a place associated with an event or persons of historic or cultural significance to the City of Milton, State of Georgia, or the region; or
    d. It is the site of natural, archeological, or aesthetic interest that contributes to the cultural or historical development and heritage of the municipality, county, state, or region.
2. *Boundaries of a historic district.* Boundaries of a historic district must be included in ~~the~~ separate ordinances designating such districts and must be shown on the City's ~~official zoning map~~Official Zoning Map.
3. *Evaluation of properties within historic districts.* Individual properties within historic districts must be classified as:

a. Contributing (contributes to the district); or

b. Noncontributing (Does not contribute to the district as provided for Sec. 12.7.1.B.1).

C. Designation of Historic Property

1. *Criteria for selection of historic properties.* An individual building, structure, site, or object deemed worthy of preservation by reason of value to the nation, the State of Georgia, or the City of Milton for one or more of the following reasons:

a. It is an outstanding example of a structure representative of its era; or

b. It is one of the few remaining examples of a past architectural style or type over 50 years old; or

c. It is a place associated with an event or persons of historic or cultural significance to the City of Milton, State of Georgia, or the region; or

d. It is the site of natural, archeological, or aesthetic interest that contributes to the cultural or historical development and heritage of the municipality, county, state, or region.

D. Requirement for Adopting an Ordinance for the Designation of Historic Districts and Historic Properties

1. *Application for designation of historic districts or properties.* Proposals for designation of historic districts or properties may be submitted by the City Council, via majority vote, or by the HPC via a majority of that commission, or:

a. For historic districts—A historical society, neighborhood association, or the owners of a group of properties.

b. For historic properties—A historical society, neighborhood association, or the property owner.

2. *Required components of a designation ordinance.* Any ordinance designating any property or district as historic must:

a. List each property in a proposed historic district or describe the proposed individual historic property;

b. Set forth the name(s) of the owner(s) of the designated property or properties;

c. Require that a certificate of appropriateness be obtained from the HPC before any material change in appearance of the designated property; and

d. Require that the property or district be shown on the ~~official zoning map~~Official Zoning Map of the City of Milton, Georgia and kept as a public record to provide notice of such designation.

3. The HPC and the Milton City Council must hold a joint public hearing at a special or regular HPC meeting on any proposed ordinance for the designation of any historic district or property. Notice of the hearing must be published in the newspaper utilized by Milton as the legal organ not less than 30 and not more than 45 days before the date set for the public hearing.

Notice must also be mailed to the owner of the property as reflected on the current tax records of Fulton County as retrieved by the City's GIS. The public hearing must be conducted according to the procedures established in Sec. 12.3.2.A.

4. *Notification of historic preservation division.* No less than 30 days before making a recommendation on any ordinance designating a property or district as historic, the HPC must submit the report, required in Sec. 12.7.1.A.3, to the Hh~~h~~istoric Pp~~p~~reservation Dd~~d~~ivision of the Dd~~d~~epartment of Nn~~n~~atural Rr~~r~~esources.

5. *Recommendations on proposed designations.* A recommendation to affirm, modify or withdraw the proposed ordinance for designation must be made by the HPC within 15 days following the joint public hearing and must be in the form of a resolution to the City Council.

6. *City Council action on the HPC's recommendation.* After receiving the HPC recommendation, City Council may adopt the ordinance for designation as proposed, may adopt the ordinance with any amendments it deems necessary, or reject the ordinance.

7. *Notification of adoption of ordinance for designation.* Within 30 days following the adoption of the ordinance for designation by City Council, written noticed of such designation must be sent to the owners and occupants of each designated historic property, and the owner(s) and occupants of each building, structure, or site located within a designated historic district.~~,~~ ~~must be given written notification of such designation by City Council, which~~ The notice must apprise said owners and occupants of the necessity of obtaining a certificate of appropriateness before undertaking any material change in appearance of the historic property designated or within the historic district designated. A notice sent via the United States mail to the last-known owner of the property shown on the City of Milton tax digest and a notice sent via United States mail to the address of the property to the attention of the occupant will constitute legal notification to the owner and occupant under this section.

8. *Notification of other agencies regarding designation.* The HPC must notify all ~~necessary~~ relevant agencies within the City of Milton of the ordinance for designation.

9. *Moratorium on applications for alteration or demolition while ordinance for designation is pending.* If an ordinance for designation is being considered, the HPC must notify the Director. No permit of any kind may be issued for work which would constitute a material change in the appearance of a structure, site, or landscaping within the designated area until the proposed ordinance is enacted or rejected by the City Council. The HPC must recommend via resolution an ordinance for designation to the City Council within 45 days of the permitting division denying a building permit based on the moratorium.

12.7.2. Maintenance of Historic Properties

A. Ordinary Maintenance or Repair

Ordinary maintenance or repair of any exterior architectural or environmental feature in or on a historic property to correct deterioration, decay, or to sustain the existing form, and that does not involve a material change in design, material, or outer appearance thereof, does not require a certificate of appropriateness.

B. Failure to Provide Ordinary Maintenance or Repair.

Property owners of historic properties or properties within historic districts must not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. The HPC is charged with the following responsibilities regarding deterioration by neglect:

1. The HPC must monitor the condition of historic properties and existing buildings in historic districts to determine if they are being allowed to deteriorate by neglect. Such conditions as broken windows, doors and openings which allow the elements and vermin to enter, and the deterioration of a building's structural system will constitute failure to provide ordinary maintenance or repair.
2. If the HPC determines a failure to provide ordinary maintenance or repair has occurred,~~,~~ the HPC will notify the owner of the property and set forth the steps which need to be taken to remedy the situation. The owner of such property will have 30 days in which to do this. A building permit may be required to accomplish the necessary remedial measures.
3. If the condition is not remedied in 30 days, the owner will be sanctioned as provided in Sec. 12.7.3 (Penalties) and, upon approval of the City Council, the HPC may perform such maintenance or repair as is necessary to prevent deterioration by neglect. The owner of the property shall be liable for the cost of such maintenance and repair performed by the HPC and must reimburse the City for same. If reimbursement does not occur, the City Council has the right to recover same using all available legal means, including placing liens on the property in accordance with law.

C. Affirmation of Other UDC Provisions

Nothing in this section may be construed as to exempt property owners from complying with other provisions of this UDC.

12.7.3. Penalties

A. A person commits an offense if they violate this sub-section. Each day the offense continues constitutes a separate offense. The following penalties, which are nonexclusive, and the exercise of one or more of which shall not preclude exercise of the others, ~~must~~ may be imposed on those persons or entities found to have violated this sub-section:

1. The same penalties as set forth in Sec. 12.9.2.~~; or~~
2. The penalties set forth in section 1-5 of the Code of Ordinances of the City for non-zoning violations.
3. Restrictions on future development. If a historic property is demolished or

relocated without a certificate of appropriateness, or in the event the plans are changed for the property from which the resource was removed without approval of the changed plans by the HPC, then the following restrictions, in addition to any other penalties or remedies set forth in this section, will be applicable to the site where the structure or property was formerly located:

a. No building or other permits may be issued for construction on the site, except for a permit to restore such structure or property after obtaining a certificate of appropriateness, for a period of five years after the date of such demolition or removal.

b. No permits may be issued by the City for any curb cuts on the site for a period of five years from and after the date of such demolition or removal.

c. No parking lot for vehicles may be operated, whether for remuneration or not, on the site for a period of five years from and after the date of such demolition and removal.

d. The owner of the site must maintain the site in a clean and orderly state and must properly maintain all existing trees and landscaping on the site. When these restrictions become applicable to a particular site, the Director shall file a verified notice thereof in the Real Property Records of Fulton County and such restrictions will then be binding on future owners of the property.

4. Civil action. As an additional remedy in addition to the penalties stated above, the City may take all necessary civil action to enforce the provisions hereof and may seek appropriate legal or equitable remedies or relief.

12.7.4. Certificate of Appropriateness

A. Approval of Material Change in Appearance Involving Historic Properties

After the designation by ordinance of a historic property or of a historic district, no material change in the appearance of such historic property, or of a contributing or noncontributing building, structure, site or object within such historic district will occur or be permitted to be made by the owner or occupant thereof unless or until the application and approval of a certificate of appropriateness. Certificates of appropriateness for material changes in historic properties and material changes to contributing and noncontributing buildings, structures, sites, or objects in historic districts must be issued by the HPC in accord with the process set forth below. A building permit must not be issued without a certificate of appropriateness.

A certificate of appropriateness is required before construction can begin for historic properties or properties within a historic district, regardless of whether a building permit is required.

B. Submission of Plans to HPC

An application for a certificate of appropriateness must be accompanied by

drawings, photographs, plans and documentation required by the HPC.

C. Interior Alterations

In its review of an application for a certificate of appropriateness the HPC must not consider interior arrangement or use having no effect on exterior architectural features.

D. Technical Advice

The HPC ~~has the power to~~ may seek technical advice from outside its members on any application.

E. Public Hearings on Applications for Certificates of Appropriateness, Notices, and Right to Be Heard

The HPC must hold a public hearing at which each proposed certificate of appropriateness is discussed. Notice of the hearing must be published in the newspaper utilized by Milton as the legal organ not less than 30 and not more than 45 days before the hearing. Notice must also be mailed to the owner of the property as reflected on the current tax records of Fulton County as retrieved by the City's GIS. The public hearing must be conducted in accordance with the procedures set forth in Sec. 12.3.2.A.

The HPC must provide the property owner and/or applicant an opportunity to be heard at the certificate of appropriateness hearing.

F. Acceptable HPC Response to Applications for Certificates of Appropriateness

HPC action. The HPC may

1. Approve the application for a certificate of appropriateness as proposed;
2. Approve the application for a certificate of appropriateness with any modifications it deems necessary; or
3. Reject the application for a certificate of appropriateness.

G. Grounds for Approval

The HPC must approve the application and issue a certificate of appropriateness if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or the historic district. In making this determination, the HPC must consider, in addition to any other pertinent factors, the following criteria:

1. For reconstruction, alteration, new construction or renovation: Whether the proposed actions conform in design, scale, building material, setback and site features and to the United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
2. For relocation:
   a. The historic character and aesthetic interest of the building, structure, or object contributes to its present setting.
   b. Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be.
   c. Whether the building, structure, or object can be moved without significant damage to its physical integrity.

d. Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, site, or object.

3. For demolition:

a. The historic, scenic, or architectural significance of the building, structure, site, or object.

b. The importance of the building, structure, site, or object to the ambiance of the area.

c. The difficulty or impossibility of reproducing such a building, structure, site, or object because of its design, texture, material, detail, or unique location.

d. Whether the building, structure, site, or object is one of the last remaining examples of its kind in the neighborhood or the city.

e. Whether there are definite plans for use of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be.

f. Whether reasonable measures can be taken to save the building, structure, site, or object from collapse.

g. Whether the building, structure, site, or object is capable of earning reasonable economic return on its value.

H. Undue Hardship

When, by reason of unusual circumstances, the strict application of any provision of the ordinance would result in the exceptional practical difficulty or undue economic hardship upon any owner of a specific property, the HPC, in passing upon applications, ~~has~~ shall have the power to vary or modify strict provisions, so as to relieve such difficulty or hardship; provided such variances, or modifications~~, or interpretations~~ must remain in harmony with the general purpose and intent of said provisions, so that the architectural or historical integrity, or character of the property, must be conserved and substantial justice done. In granting variances, the HPC may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this section. An undue hardship must not be a situation of the person's own making.

I. Deadline for Approval or Rejection of Application for a Certificate of Appropriateness

1. The HPC must approve or reject an application for a certificate of appropriateness within 45 days after the filing thereof by the owner or occupant of a historic property, building, structure, object, or site. Evidence of approval must be by a certificate of appropriateness issued by the HPC. Notice of the issuance or denial of a certificate of appropriateness shall be sent by United States certified mail to the applicant and all other persons who have requested such notice in writing filed with the HPC.

2. Should the HPC fail to approve or reject an application for a certificate of appropriateness within 45 days the application will be deemed automatically approved.

J. Necessary Action to Be Taken by HPC Upon Rejection of Application for a Certificate of Appropriateness

1. If the HPC rejects an application for a certificate of appropriateness, the HPC must state its reasons for doing so, and must transmit a record of such rejection and reasons, in writing, to the applicant. The HPC may suggest alternative courses of action it thinks proper if it rejects the application submitted. The applicant, if they desire, may modify the plans and resubmit the application at any time after making said modifications.

2. When the application for a certificate of appropriateness covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the application for a certificate of appropriateness by the HPC will be binding upon the building inspector or other administrative officer charged with issuing building permits and, in such a case, no building permit may be issued.

K. Requirement of Conformance with a Certificate of Appropriateness

1. All work performed as part of an issued certificate of appropriateness must conform to the requirements of such certificate. If work is performed not in accordance with such certificate, the HPC may request that the City obtain a cease and desist order from the appropriate tribunal and all work must cease.

2. The City Council or the HPC may, initiate any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance of a designated historic property, except those changes made in compliance with the provisions of this section or to prevent any illegal act or conduct with respect to such historic property.

L. Certificate of Appropriateness Void if Construction not Commenced

1. A certificate of appropriateness shall become~~s~~ void unless the work described in the application for a certificate of appropriateness as approved by the HPC has commenced within six months of the date of issuance.

2. A certificate of appropriateness expires after 18 months unless said certificate is renewed. A certificate of appropriateness may be renewed for a single 18-month period.

   An application for renewal must be submitted to the Director before the original certificate of appropriateness expires. The Director must approve the application for renewal provided the project is not in violation of any city ordinance.

M. Recording an Application for a Certificate of Appropriateness

The HPC must keep a public record of all applications for a certificate of appropriateness, and of all the HPC's proceedings in connection with said application. These records must be maintained at city hall.

N. Acquisition of Property

The HPC may, where such action is authorized by City Council and is reasonably necessary or appropriate for

the preservation of a historic property, enter into negotiations with the owner of such property for the acquisition by gift, purchase, exchange, or otherwise, to the property or any interest therein. If property is conveyed based upon the efforts of the HPC, the property interest must be conveyed in the name of the City of Milton, Georgia.

O. Appeals

Any person adversely affected by any determination made by the HPC relative to the issuance or denial of an application for a certificate of appropriateness may appeal such determination to the City Council. Any such appeal must be filed with the City Council within 30 days after the issuance of the determination pursuant to Sec. 12.7.4.G, or in the case of a failure of the commission to act, within 30 days of the expiration of the 45-day period allowed for the commission action, Sec. 12.7.4.I.1. The City Council may approve, modify, or reject the determination made by the HPC, if the governing body finds that the HPC abused its discretion in reaching its decision. Appeals from decisions of the City Council may be taken to the Superior Court of Fulton County via a petition of review.

12.8. Miscellaneous Provisions

12.8.1. Certificate of Endorsement

A. General

1. *Applicability.* Applicants for a land disturbance permit (other than single-family dwellings), demolition permit or building permit (other than single-family dwellings) ~~in one of the overlays established in Article 6~~ must obtain a certificate of endorsement (COE) ~~for applicable properties~~.
2. *Review.* COEs are reviewed by the Design Review Board.

B. Procedures

1. Guidelines and criteria. Issuance of COEs must be based on the criteria of this UDC along with other criteria adopted by the City Council.
2. Submission of plans. An application for a COE must be accompanied by such drawings, photographs, material samples or plans as may be required pursuant to overlay district provisions.
3. Interior alterations. Review of applications for endorsement must not consider interiors or exterior features which are not visible from a public street.

C. Certificate Of Endorsement Issuance

1. A certificate of endorsement (COE) may be issued by the Director when the proposed material change in the appearance or arrangement of the elements of the project is consistent with the ~~overlay district provisions~~UDC.
2. A copy of each final COE must be maintained by the Director.

D. Appeals

Appeals of decisions with respect to COEs must first to made ~~are~~ to the Board of Zoning Appeals. Any appeal of a decision of the Board of Zoning Appeals is to Fulton County Superior Court in accordance with Sec. 12.4.3.O (Appeals).

E. Deadline for Consideration of Application

The Design Review Board must consider a completed application for a COE within 90 days after the filing thereof. ~~by the owner or occupant of an overlay district property.~~ If the application has not been acted upon within 90 days, the application will be considered to be denied.~~approved as submitted.~~

12.8.2. Land Disturbance Permit

A. Applicability

Any land disturbance activity or any development activity must comply with the development standards of this UDC, along with any other applicable local or state regulations. Compliance with the provisions of this UDC, and actions to bring about compliance with this UDC must be in accordance with administrative guidelines of the Community Development Department.

B. Appeals

The Director shall administratively consider variance appeals to this Sec. 12.8.2 in accordance with Sec. 12.4.

C. Prerequisites

Before the issuance of a land disturbance permit or the issuance of a certificate of occupancy for each phase of development,

the following documents must be submitted to the Director for approval:

1. Site plan. A site plan which meets or exceeds the requirements contained herein and the Community Development Department administrative guidelines, and incorporates the following:
    a. A certified boundary description based on a survey of the entire property.
    b. A graphic representation of those conditions of zoning which can be graphically represented. This is not intended to require that conditions of zoning be written on a site plan.
    c. Zoning case number and other relevant file numbers.
2. Grading plan with phasing.
3. Erosion and sediment control plan. A separate sheet depicting erosion and sediment control measures as required by the State.
4. Landscape/tree protection plan. A detailed landscape or tree protection plan for all required buffers, landscape strips, tree protection zones, and screened areas. If project completion does not coincide with an appropriate planting season, or if water prohibitions are in effect, a performance bond may be posted to delay planting until an appropriate time approved by the City Arborist.
5. Stormwater management plan
    a. Evaluate the downstream ditch stability and bank erosion protection potential of existing downstream conveyance system. Provide all necessary documentation to the Department of Public Works Stormwater Management Section at construction drawing phase.
    b. Contact the Department of Public Works Stormwater Management Section to arrange an on-site evaluation as to the location of stormwater facility, discharge path of detention/retention pond and other downstream constraints.
    c. The design discharge at the outlet of drainage system must not result in velocities that equal/exceed the erosive velocity or the existing receiving channel/draw, unless dissipation and erosion protection measures are placed at the outlet. Said documentation must be provided to the Department of Public Works Stormwater Management Section.
    d. Provide downstream analysis of the flood discharge timing effect on the existing conveyance systems due to each storm frequency.
    e. All natural streams within the limit of the project must be stable and be expected to remain stable under ultimate development or provide appropriate erosion protection for the streams subject to the approval of the Department of Public Works, Stormwater Management Section.
    f. Evaluate the downstream effect from storm water management structures and the development, hydrologic-hydraulic engineering studies shall extend downstream to a point where the proposed

development represents less than ten percent of the total watershed to this point.

g. The result of the extended downstream point analysis (10% point) must be included in the hydrologic study submitted with the stormwater management plan. Said documentation is subject to approval by the department of public works, stormwater management section.

h. Provide detention/retention as may be required by the City subject to the approval of the Department of Public Works.

i. The development site must be graded in such a manner that the surface runoff does not affect downstream lots, flow through lots must be collected and conveyed in appropriate storm drainage system. Documentation must be provided at construction drawing phase.

6. Other plans, as applicable.

a. Water and wastewater plans.

i. Water and wastewater systems constructed under the jurisdiction of the City must abide by the Department of Public Works.

ii. The City does not guarantee the availability of water or wastewater capacity.

iii. Matters pertaining to septic systems shall be determined by the Fulton County Health Department.

iv. The project being proposed must utilize one GIS monument as the development's benchmark. Furthermore, the developer must abide by all provisions of the city "Monument Resolution," as established by the Department of Public Works.

v. Matters pertaining to pump stations must be pre-reviewed by the Department of Public Works, engineering support services division, with regards to current policy, prior to the submittal of project design drawings.

All appropriate fees specified in in the City Fee schedule must be paid by the ~~developer~~ applicant before issuance of any land disturbance permits. ~~Fees Associated with a Land Disturbance Permit~~

~~After approval of a land disturbance permit and before authorization to begin construction, the developer must pay the required land development fees as specified in the City fee schedule.~~

vi.

vii. The developer must extend the water pipe line system across the entire length of road frontage, within the right-of-way.

viii. At the time of design review, the Department of Public Works

may require the developer to connect (loop) the project to the adjoining property, for flow enhancement of the public water system.

ix. Rerouting of existing water pipe lines and/or waste water pipe lines must be preapproved by the Department of Public Works before submittal of project design drawings.

x. As part of the project, the developer is required to network the wastewater pipe line system to all upstream properties.

xi. Easements dedicated to the City must abide by all established standards. All easements shall be obtained and approved by the Department of Public Works.

xii. Conflicts with other review disciplines of the City must be submitted to and resolved by the Department of Public Works.

b. Profiles of roads and sewers.

c. Traffic signs and striping.

d. Standard construction details.

e. Proposed permanent stormwater management plan.

f. A traffic impact mitigation plan which details an owner's or developer's plan to address the number of trips that their development will produce when such development is within one mile of a roadway operating at a level of service D or lower as established by the Department of Public Works. This plan must include, but is not limited to, roadway improvements including costs and other proposals such as providing transit access, transit use incentives, car/van pooling, bicycle path construction, internal sidewalk construction, and lunch trip reduction, which when combined mitigate the traffic impact of the proposed development and must also include a timetable for the construction/implementation of improvements and who will be financially responsible for them.

7. Permits, agreements, and studies, as applicable.

a. An approved curb cut permit from GDOT or the Director.

b. Health department approvals.

c. Right-of-way dedication. Property owners are required to dedicate at no cost to the City, along the entire frontage, sufficient right-of-way to provide a minimum 10.5-foot shoulder behind any required project improvement subject to the approval of the Director of Public Works.

d. Off-site transportation improvement funds and agreements.

e. Fire Department approval.

f. Sanitary sewer pretreatment approval.

g. Siltation study.

i. At the discretion of the Director, submit before issuance of a land disturbance permit and before recording of the final plat for each phase of development, base siltation studies of any water bodies located on the development site and on adjacent properties. Said studies must identify, for removal by the applicant, prior to recording of the final plat for each phase of development, all siltation resulting from the development.

ii. At the discretion of the Director, before recording of the final plat for the final phase of development, submit a performance bond for the removal of any siltation resulting from the development. The performance bond must remain on file at the Community Development Department until release of the occupancy certificates for a minimum of 90% of all residences permitted pursuant to the development or three years from the date of the first certificate of occupancy, whichever is earlier.

D. Tree Canopy Conservation

At a minimum, the tree canopy requirements of Sec. 11.1.3 Tree Canopy Conservation must be provided for the issuance of the land disturbance permit.

E. Site Development Plans

After preliminary plat approval, site development plans must be submitted for approval before any defoliation or the start of development activities on the property. Approval of such plans will result in the issuance of a duly authorized land disturbance permit which, along with the approved plans, must be maintained on the site until all site work, as proposed and approved, is completed.

F. ~~Permit Abandonment~~Application

An application for a permit for any proposed work will be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued, except that the Director is authorized to grant a maximum of two extensions of time not exceeding 90 days each. The extension must be requested in writing and justifiable cause demonstrated.

G. Indemnity Agreement

Before a land disturbance permit is issued, an indemnity agreement form must be filed by the subdivider protecting the City against damage, repair or maintenance claims and liability arising out of drainage problems. The Director is authorized to execute such agreements on the City's behalf.

H. Commencement of Work

Every permit issued will become invalid unless the work on the site authorized by such permit starts within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work started. The Director is authorized to grant, in writing, a maximum of two extensions of time, for periods not more than 180 days each. The extension

must be requested in writing and justifiable cause demonstrated.

12.8.3. Certificate of Occupancy

A. General

1. A certificate of occupancy, indicating that a building, lot, and use comply with the building code and this UDC is required under provisions of the City building code. Said certificate of occupancy must be posted on site where it is visible for inspection for a period of 30 days from the date of issuance.
2. Any owner, authorized agent, or contractor who desires to change the use of a building or structure must apply to the building official, obtain the required permits, and obtain a certificate of occupancy before occupying said structure.

B. Prerequisite to Inspection

The Department of Public Works must notify the Director in writing of holds on the issuance of a certificate of occupancy on a project.

1. Single-family residential. Before a certificate of occupancy may be considered by the Director for any dwelling located in a subdivision, the items listed under sub-paragraph 2 immediately below must have been signed-off on by the Director as complete for that phase of the subdivision in which a dwelling is located.
2. All structures, except single-family residential. Before a certificate of occupancy may be considered for a structure, including the first of several structures within a development, the following must have been signed-off on as complete by the Director:
   a. Required landscaping;
   b. Required buffers;
   c. Required tree protection measures; and
   d. Required walls and fences.
3. Exceptions. The Director must ensure that security has been accepted in accordance with City regulations for all required but incomplete improvements. A certificate of occupancy shall not be withheld whenever deficiencies have been secured.

12.8.4. Clear Cutting Permit

A. Purpose

The clear cutting permit requirement has been developed to:

1. Protect existing trees and shrubs located upon undeveloped sites for use as future buffers to meet development plan requirements;
2. Preserve existing trees and vegetative cover to protect the health safety and welfare of the public by preserving the visual and aesthetic qualities of the city; maintain property values; control erosion; and reduce sediment and other pollutant run-off into streams and waterways in an effort to protect water quality; and
3. To create a process whereby some properties are subject to certain

exemptions required to obtain a clear cutting permit.

B. Applicability

The requirements for obtaining a clear cutting permit are applicable to all properties which are zoned AG-1, T-2, R-1, R-2, and R-2A.

C. Appeals

The Director shall administratively consider variance appeals to this Sec. 12.8.4 in accordance with Sec. 12.4.

D. Exemptions

The requirements to obtain a clear cutting permit do not apply to the activities listed below:

1. Normal forestry activities taking place on property which is taxed under the present use value standard or conducted pursuant to a forestry management plan prepared or approved by a Georgia Registered Forester and provided such activities are in compliance with Sec. 11.1. Tree Canopy Conservation.
2. Properties with a City-approved land disturbance permit (LDP), provided such plan has not expired and that any clearing or vegetation removal is done in strict accordance with the approved LDP.
3. The removal of vegetation by public or private agencies within the lines of any public street right-of way, utility easements, or other City property, as may be necessary to ensure public safety, to obtain clear visibility at driveways or intersections, to perform authorized field survey work, or to preserve or enhance the rural viewshed.
4. The City-initiated or approved removal of any vegetation which is in an unsafe condition, constitutes a nuisance, or which by its nature is injurious to sanitary sewer, electrical power lines, gas lines, water lines, stream or conveyance channels, or other public improvements, or vegetation which is infected with any injurious fungus, insect, or other pest.

E. Required Buffers and Vegetation Protection Areas

Other than what is necessary to gain reasonable access to the property, clearing and/or removal of trees and other vegetation is prohibited in the areas listed below. In situations where one or more buffer zones or vegetation protection areas overlap on the same site, then the more restrictive requirement applies.

1. A perimeter buffer zone having a width of 50 feet as measured from all property boundaries with an approved development plan.
2. Any other areas necessary for the protection of existing vegetation as indicated within this Sec. 12.8.4.

F. Application Requirements

1. An application for a clear cutting permit is not required for those activities which can demonstrate an exemption in accordance with the provisions of Sec. 11.1.1.D.2 Tree Canopy Conservation, Exemptions.
2. An application for a clear cutting permit may be filed only by all the owners of the property or by such owners' agent.

3. An application for a clear cutting permit must be filed with the Director on a form required by the Director and all associated fees as approved by the City.

4. The application must be accompanied by a tree protection plan which must include, at a minimum, the following information on a sheet no smaller than 24 by 36 inches at a minimum scale of one inch equals 50 feet:

   a. Vicinity map showing the location of the tract.

   b. A survey of the entire tract with all adjacent off-site easements within 100 feet.

   c. General information about the tract and including but not limited to the owner of the tract, the current zoning of the tract.

   d. The location and use(s) of all existing building(s) on the tract.

   e. The owner, current zoning and present use of all contiguous properties (including property on the opposite site of adjoining streets).

   f. The location and width of all future/existing buffers, including riparian buffers, perimeter buffers and perimeter streetscapes.

   g. The proposed limits of tree removal, including the location and extent of all tree protection fencing required by Sec. 11.1. Tree Canopy Conservation.

   h. The Director may reduce or waive the requirements for a tree protection plan in situations where it can be demonstrated that all vegetation removal will take place outside of required vegetation protection areas.

G. Procedure

Before starting any vegetation clearing or removal on any property, the owner or the owner's agent must demonstrate exemption from the requirements of this Sec. 12.8.4, or submit the required application for a clear cutting permit.

1. Upon receipt of the documentation that a property is exempted from obtaining a clear cutting permit, the City Arborist must review all materials and make a determination if a property is exempted from this requirement, or if the requirements apply.

   In situations wherein exemption status is claimed on Sec. 12.8.4.D.1 (forestry use), the documentation must include proof that the property is taxed under the present-use value standard or a copy of the valid forestry management plan prepared or approved by a Georgia Registered Forester. The decision of the City Arborist may be appealed to the Director pursuant to Sec. 12.8.4.C

2. If a property is required to obtain a clear cutting permit, then such application materials must include a tree protection plan consistent with the requirements listed in Sec. 12.8.4.F.

3. The tree protection must be reviewed by the City Arborist based upon the provisions of Sec. 11.1. Tree Canopy Conservation. The decision of the City Arborist may be appealed to the Director pursuant to Sec. 12.8.4.C

4. An applicant for a clear cutting permit must be notified upon the decision of

the tree protection plan, and must erect or install any and all barriers necessary to protect existing vegetation within required buffer areas and tree protection areas from damage during tree clearing and/or removal activities. Failure to protect these areas will result in penalties as outlined in Table 12.8.4.G.

5. Once all barriers for the protection of existing vegetation have been installed, a property owner or agent must request inspection of such barriers for compliance with the requirements of this Sec. 12.8.4.

6. Upon passing inspection of vegetation protection barriers, the arborist must issue a tree clearing permit, and authorize vegetation clearing and/or removal may commence.

7. An approved clear cutting permit shall be valid for a period of 12 months from the date of issuance.

H. Violation and penalty

Failure to comply with the provisions of this Sec. 12.8.4 constitutes a violation of this ordinance from which this Sec. 12.8.4 derives and shall be subject to Sec. 12.9. In addition, Table 12.8.4.G describes the penalties for noncompliance with this Sec. 12.8.4.

Table 12.8.4.G. Penalties for Noncompliance

Type of Violation	Payment of fines (based on chapter 64, article XV)	Review of all subsequent development plans for the property	Five year hold on approval of a building permit or land disturbance permit for the property	Requirement to double the landscaping provisions for the property during development plan review
Property does not require a clear cutting permit, but all or substantially all* vegetation within required buffers and/or tree protection areas is removed		X	X	X
Property owner obtains a clear cutting permit, but removes vegetation within a required buffer and/or tree protection area.	X			X
Property requires a clear cutting permit; but property owner obtains no clear cutting permit and removes vegetation within a required buffer and/or tree protection area.	X	X		X

Property requires a clear cutting permit; but property owner obtains no clear cutting permit and removes vegetation within a required buffer and/or tree protection area.	X	X	X	X

* Substantially all means 75% or more of the existing trees with a caliper of 4 inches or greater.

12.8.5. Plans and Inspections

A. Single-family Dwellings

Applications for building permits for single-family dwellings must be accompanied by two copies of a plot plan. Applications for building permits and land disturbance permits other than single-family dwellings must respond to the plan requirements set forth by the Director. Plot plans must be based on a boundary line survey and drawn to scale. One copy of the plot plan must be returned to the owner when plans have been approved by the Director.

Plot plans must show:

1. The exact location of temporary and permanent pins, monuments, and stakes used to mark the boundary.
2. The exact footprint of existing and proposed buildings and their structures, and the footprint of proposed alterations and additions.
3. The existing and proposed use of each building and other structure or part thereof.
4. The required number of parking spaces, and their locations.
5. Other information as may be necessary to determine compliance with this UDC.

B. Inspections

Before pouring footings, the owner must notify the Director to conduct an inspection to determine that space for required setbacks is available on the site. This inspection will, in no way, relieve the owner of total responsibility for complying with all provisions of this UDC.

12.8.6. Demolition Permits

A. Findings and Purpose

The City Council finds that the historical, cultural, and aesthetic heritage of Milton is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity, and general welfare of the people.

In support and furtherance of this finding, the City Council hereby declares it to be the purpose and intent of this sub-section to:

1. Establish criteria for approving demolition permits; and
2. Provide for penalty provisions for the protection, perpetuation, and use of buildings, having historical, cultural, archeological or aesthetic interest or value, in accordance with the provisions of this Sec. 12.8.6.

B. Applicability

Applications for a demolition permit must be submitted to the Director and~~for the request of demolition for all buildings, structures, or objects and must be~~ reviewed by the Design Review Board before the demolition of all buildings, structures, or objects.

C. Criteria for Approving a Demolition Permit

The Design Review Board must use the following criteria in deciding to approve or deny a demolition permit:

1. Whether the building or structure is listed on the "Georgia's Natural, Archaeological and Historic Resources Geographic Information System."

2. Whether there is any historic, scenic, or architectural significance of the building, structure, site, or object.
3. Whether there is any significant importance of the building, structure, site, or object to the ambiance of the area.
4. Whether it would be difficult or impossible to reproduce such a building, structure, site, or object because of its design, texture, material, detail, or unique location.
5. Whether the building, structure, site, or object is one of the last remaining examples of its kind in the neighborhood or the city.
6. Whether there are definite plans for use of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be.
7. Whether reasonable measures can be taken to save the building, structure, site, or object from collapse.
8. Whether the building, structure, site, or object is capable of earning reasonable economic return on its value.

D. Penalties

A person commits an offense if they violate this Sec. 12.8.6. Each day the offense continues will constitute a separate offense. The following penalties, which are nonexclusive, and the exercise of one or more of which does not preclude exercise of the others, must be imposed on those persons found to have violated this sub-section:

1. The same penalties as set forth in Sec. 12.9.2 (Penalties); or
2. The penalties set forth in Section 1-5 of the City Code of Ordinances for non-zoning violations.
3. Restrictions on future development: If a property is demolished or relocated without a certificate of endorsement from the Design Review Board, or in the event the plans are changed for the property from which the resource was removed without approval of the changed plans by the Design Review Board, then the following restrictions, in addition to any other penalties or remedies set forth in this article, will be applicable to the site where the structure or property was formerly located:
    a. No building or other permits will be issued for construction on the site, with the exception of a permit to restore such structure or property after obtaining a certificate of appropriateness, for a period of five years after the date of such demolition or removal.
    b. No permits may be issued by the City for any curb cuts on the site for a period of five years from and after the date of such demolition or removal.
    c. No parking lot for vehicles may be operated, whether for remuneration or not, on the site for a period of five years from and after the date of such demolition and removal.
    d. The owner of the site must maintain the site in a clean and orderly state and must properly maintain all existing trees and landscaping on the site. If the

Design Review Board determines that after the removal of the structure, new vegetation and/or landscaping is required, said landscape plan, including type and size of landscaping must be approved by the City Arborist. When these restrictions become applicable to a particular site, the building official must cause to be filed a verified notice thereof in the Real Property Records of Fulton County and such restrictions will then be binding on future owners of the property.

e. Civil action. As an additional remedy in addition to the penalties stated above, the City Attorney has the power to take all necessary civil action to enforce the provisions hereof and to request appropriate legal or equitable remedies or relief.

E. Public Hearing

The Design Review Board must conduct a public hearing with respect to each demolition permit application before considering the application. The hearing must be conducted according to the procedures established in Sec. 12.3.2.A. Notice of the hearing must be published in the newspaper utilized by Milton as the legal organ not less than 30 and not more than 45 days before the date set for the public hearing. Notice must also be mailed to the owner of the property as reflected on the current tax records of Fulton County as retrieved by the City's GIS.

12.9. Violation and Penalties

12.9.1. Violations

A. Any action or inaction that violates the provisions of this UDC, the requirements of an approved stormwater management plan, or any permit issued subject to this UDC may be subject to an enforcement action.

B. If any person commences any land-disturbing activity requiring a Land Disturbance Permit without first obtaining a permit, they will be deemed in violation of this UDC and, in addition to other penalties, are subject to penalties for violation as specified in this UDC.

C. Any person violating any of the provisions of this UDC will be deemed guilty of a misdemeanor. Each day's continuance of a violation will be considered a separate offense. The owner and/or tenants of any buildings or premises, or parts thereof, where anything in violation of this ordinance is placed or exists, and any architect, builder, contractor, or agent or the owner and/or tenants who may have assisted in the commission of any such violation, will be guilty of a separate offense.

12.9.2. Penalties

In addition to other penalties and withholding of permits as may be specifically provided for elsewhere in this UDC, where a violation of this UDC exists with respect to the use of any building, structure, or land, the City may employ the following remedies and penalties.

A. Where a determination is made that property is in violation of this UDC, and any other codes and laws enforced by the

Director, and all reasonable efforts and means to obtain compliance have been exhausted, the Director is authorized to affect such compliance at public expense. To the extend allowed by law, t~~T~~he cost of effectuating compliance will constitute a lien upon the property and said lien must be recorded by the Director in accordance with the laws for such.

B. The City municipal court and the State Court of Fulton County will each have jurisdiction to try offenses alleging violations by any person of this UDC. Upon conviction, any person will be subject to a fine of $1,000 or imprisonment in the Fulton County jail for not more than 60 days, or both this fine and imprisonment for each offense.

Article 13. Definitions

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13.1. Defined Terms

13.1.1. General

The following words, terms, and phrases, when used in this UDC, have the meanings given in this article, except where the context clearly indicates a different meaning or when alternative meanings are otherwise provided in this UDC.

When a word or term is defined with respect to specific articles or sections of this UDC, that meaning is not intended to apply in other articles or sections unless the context clearly indicates.

Additional words and terms related to the use of property are defined in Article 8.

Words not specifically defined in this article or elsewhere in this UDC have the meaning given by Merriam-Webster's Collegiate Dictionary (latest edition).

The following apply to the use of words in this UDC:

1. Words used in the present tense include the future tense.
2. Words used in the singular include the plural and vice versa.
3. The words "shall," “must,” and “will” are mandatory.
4. The word "may" is permissive.
5. The phrases “must not,” “may not,” and other negative forms of “may” (e.g., “No person may…”) are prohibitive.
6. The nouns "zone," "zoning district" and "district" have the same meaning and refer to the zoning districts established by this UDC.
7. The phrase "used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

Whenever the term "dwelling unit," "dwelling," "premises," "building," "roominghouse," "rooming unit," "housekeeping unit" or "story" is stated in this UDC, it will be construed as though it was followed by the words "or any part thereof."

13.1.2. Abbreviations

The following abbreviations appear frequently in this UDC and refer to the full term identified below:

Abbreviation	Full Term
AASHTO	American Associates of State Highway and Transportation Officials
ADA	Americans with Disabilities Act
ADT	Average Daily Trips
avg.	Average
BMP	Best management practices
CZIM	Community zoning information meeting
DNR	The Georgia Department of Natural Resources
DBH	Diameter at breast height
DRI	Development of Regional Impact
CFR	Code of Federal Regulations
EPD	Environmental Protection Division
FAA	Federal Aviation Administration
FBC	Form-Based Code
FCC	Federal Communications Commission
FEMA	The Federal Emergency Management Agency
FHBM	Flood Hazard Boundary Map
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Study
Ft. or ft.	Feet, foot
GDOT	Georgia Department of Transportation
GIS	Geographic information systems
GSA	Geographic search area
GSMM	The latest edition of the Georgia Stormwater Management Manual, Technical Handbook, and its Appendices
IESNA	Illuminating Engineering Society of North America
LDP	Land disturbance permit
LOS	Level of service
max.	Maximum

Abbreviation	Full Term
min.	Minimum
MPH	Miles per hour
MS4	Municipal separate storm sewer systems
MUTCD	Manual of Uniform Traffic Control Devices
NGVD ~~NOI~~	National Geodetic Vertical Datum~~Notice of intent~~
NOT	Notice of termination
NPDES	National Pollution Discharge Elimination System
O.C.G.A.	Official Code of Georgia Annotated
OSHA	~~OSHA.~~ The Occupational Safety and Health Administration of the U.S. Department of Labor, or successor agency~~.~~
Sf. or sf.	square feet, square foot
T-Zone	Transect Zone
ULI	Urban Land Institute
WTF	Wireless telecommunications facility

# #

100-year floodplain. Land in the floodplain subject to a 1% or greater statistical occurrence probability of flooding in any given year.

A

A-Grid. With respect to Form-Based Codes, cumulatively, those thoroughfares that by virtue of their pre-existing pedestrian-supportive qualities, or their future importance to pedestrian connectivity, are held to the highest standards prescribed by Form-Based Codes. See also "B-Grid."

Abandoned sign. Any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or missing letters or which is otherwise dilapidated, unsightly, or unkempt, and for which no person accepts maintenance responsibility.

Abandonment. With respect to Sec. 8.4.5. Telecommunications Facility, t~~T~~he intent to abandon or discontinue operations as evidenced by voluntary conduct such as written notice to the City to stop using the facility, or failure to use a wireless telecommunications facility for six or more consecutive months.

Accessory building. With respect to Form-Based Codes, an outbuilding containing an accessory dwelling unit.

Accessory facility or structure. With respect to Sec. 8.4.5. Telecommunications Facility, an accessory facility or structure serving or being used in conjunction with the wireless telecommunications facilities, and located on the same property or lot as the wireless telecommunications facilities, including, but not limited to, utility or transmission equipment storage equipment storage sheds or cabinets.

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

Accessory structure. Other than with respect to Sec. 8.4.5. Telecommunications Facility, a~~A~~ structure that is usually subordinate in both purpose and size, incidental to, and customarily associated with a permitted principal structure or use located on the same lot.

1. Examples of accessory structures in single-family dwelling districts include outbuildings, such as barns, tool sheds, woodsheds, workshops, outdoor kitchens, pool houses, gazebos, guesthouses, storage sheds, detached garages and detached carports, and structures supplied with electrical power.
2. The term does not include:
   a. Fences and retaining walls.
   b. Driveways.
   c. Surface parking lots.

d. Patios, and similar paved surfaces.

Accidental discharge. A discharge prohibited by this UDC which occurs by chance and without planning or consideration before the occurrence.

Acoustic music. Music produced by a musical instrument whose sound is not electronically modified.

Active tree protection. The active and ongoing planning, installation and monitoring of physical measures undertaken to protect a tree during land disturbance or alteration.

Addition (to an existing building). Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common loadbearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by an independent perimeter loadbearing wall is considered new construction.

Adjoin. To have a common border with. The term also means coterminous, contiguous, abutting and adjacent.

Administrative minor variance. See "variance."

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

Administrative variance. See "variance."

Administrator. See "Director."

~~**Agricultural district.** An agricultural zoning district.~~

~~**Agricultural/T2 district.** A term that includes agricultural districts and the T2 Transect Zone.~~

Alcoholic beverage. All alcohol, malt beverages, wine, or distilled spirits intended for human consumption. Any reference to alcoholic beverages shall be deemed to include alcoholic consumables, regardless of whether such consumables are in liquid or solid form.

Allee. A regularly spaced and aligned row of trees usually planted along a thoroughfare or path.

Alley ~~**or service drive**~~. A minor, permanent vehicular service access to the back or the side of properties otherwise abutting a street. The term is synonymous with the term "service drive."

Alternative antenna support structure. Clock towers, campaniles, freestanding steeples, light structures and other alternative designed support structures that camouflage or conceal antennas as an architectural or natural feature.

Alternative screening design. A vegetative screening as approved by the City Arborist.

Amplified sound. Sound that is increased in volume by electronic or mechanical means.

Animated sign. Any sign, or part of a sign, that uses any movement or change of lighting or color to depict action or create a special effect or scene.

Antenna.

1. With respect to the general provision of this UDC, a~~A~~ system of electrical conductors that transmit and/or receive electromagnetic waves or radio frequency or other wireless signals. Such includes, but not be limited to radio, television, cellular, paging, personal telecommunications services, microwave telecommunications and services not licensed by the Federal Communications Commission (FCC), but not expressly exempt from the City's siting, building, and permitting authority.
2. With respect to Sec. 8.4.4. Small Wireless Facilities and Antennas, the definition in said section.

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

~~**Appeal**. A request for relief from a decision made by:~~

~~1. The Community Development Director.~~

~~2. Other City department directors.~~

~~3. The Board of Zoning Appeals.~~

~~4. The City Council.~~

~~5. The Design Review Board.~~

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

Applicable codes. With respect to Sec. 8.4.4. Small Wireless Facilities and Antennas, uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization to the extent such codes have been adopted by the State of Georgia or the City or are otherwise applicable in the City.

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

Applicant.

1. With respect to the general provision of this UDC, a~~A~~ person submitting an application for approval under this UDC.
2. With respect to Sec. 8.4.4. Small Wireless Facilities and Antennas, a written request submitted by an applicant to the City for a permit to: (i) collocate a small wireless facility in a right-of-way; or (ii) install, modify, or replace a pole or decorative pole in a right-of-way on which a small wireless facility is or will be collocated.

Application. A petition for approval under the requirements of this UDC.

Application for designation. With respect to historic preservation, a formal request in writing in a form specified by the Historic Preservation Commission that the Historic Preservation Commission consider a property for possible designation as a historic property or historic district.

Appraised tree value. The dollar value of a tree as determined by a certified arborist using methodology set forth in the latest edition of the Guide for Plant Appraisal developed by the Council of Tree and Landscape Appraisers and published by the international Society of Arboriculture (www.isa-arbor.com).

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

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

Architectural feature. A significant element of a structure or site.

Area of shallow flooding. A designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard. The land subject to a 1% or greater chance of flooding in any given year. The term includes:

1. All floodplain and floodprone areas at or below the base flood elevation (including A, A1-30, A-99, AE, AO, AH, and AR on the FHBM or the FIRM).
2. All floodplain and floodprone areas at or below the future-conditions flood elevation.
3. All other floodprone areas as referenced in Sec. 11.2.1.B.
4. All streams with a drainage area of 100 acres or greater.

As-built drawings. Plans which show the actual locations, elevations, and dimensions of the improvements as certified by a professional engineer or a licensed surveyor in the state.

Attached wireless telecommunications facility. An antenna or antenna array that is secured to an existing building or structure (except an antenna support structure) with any accompanying pole or device which attaches it to the building or structure, together with transmission cables, and an equipment cabinet, which may be located either on the roof or inside/outside of the building or

structure. An attached wireless telecommunications facility is considered to be an accessory use to the existing principal use on a site.

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

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

Audible sign. Any sign which emits a sound which is audible or emits a signal which can be converted into audible sounds, whether by radio or other means.

Authority pole. With respect to Sec. 8.4.4. Small Wireless Facilities and Antennas, a pole owned, managed, or operated by or on behalf of the City. Such term does not include poles, support structures, electric transmission structures, or equipment of any type owned by an electric supplier.

Avenue (AV). With respect to Form-Based Codes, a thoroughfare of high vehicular capacity and low to moderate speed, acting as a short distance connector between urban centers, and usually equipped with a landscaped median.

Awning/canopy sign. Any sign that is a part of, or attached to, an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area. The term "awning/canopy sign" does not include a marquee.

B

B-Grid. With respect to Form-Based Codes, cumulatively, those thoroughfares that by virtue of their use, location, or absence of pre-existing pedestrian-supportive qualities, may meet a standard lower than that of the A-Grid. B-Grid thoroughfares are often privately-owned. See also "A-Grid."

Backbuilding. With respect to Form-Based Codes, a single-story structure connecting a principal building to an outbuilding. See Article 7A Table 12 and Article 7B Table 13.

Banner. A sign other than a flag with or without characters, letters, illustrations or ornamentation applied to cloth, paper, vinyl or fabric that is intended to be hung either with a frame or without a frame. Neither flags nor awning/canopy signs are considered banners.

Base Density. With respect to Form-Based Codes, the number of building units per acre before use of TDR. See also "density."

Base flood. A flood having a one percent chance of being equaled or exceeded in any given year (i.e., the 100-year flood).

Base flood elevation. The highest water surface elevation anticipated at any given point during the base flood. The term is synonymous with the term "intermediate regional flood elevation."

Basement.

1. With respect to the general provisions of this UDC, the lower level of a building having a floor-to-ceiling height of at least six and one-half feet and a portion of its floor subgrade (below ground level) on at least one side. See also "cellar."
2. With respect to Sec. 11.2. Floodplain Management/ Flood Damage Prevention/ Flood Damage Prevention, a level below a floor of a building with a portion of the floor below grade.

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

Berm. A planted earthen mound.

Best Management Practices (BMPs).

1. With respect to Sec. 11.4. Stormwater Management, both structural devices to store or treat stormwater runoff and non-structural programs or practices which are designed to prevent or reduce the pollution of the waters of the State of Georgia.

2. With respect to Sec. 11.6. Soil Erosion, Sedimentation, and Pollution Control, sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the "Manual for Erosion and Sediment Control in Georgia" published by the commission as of January 1 of the year in which the land-disturbing activity was permitted.

BMP landscaping plan. With respect to Sec. 11.4. Stormwater Management, a design for vegetation and landscaping that is critical to the performance and function of the BMP including how the BMP will be stabilized and established with vegetation. It shall include a layout of plants and plant names (local and scientific).

Bicycle Lane (BL). With respect to Form-Based Codes, a dedicated lane for cycling within a moderate-speed vehicular thoroughfare, demarcated by striping and having a minimum width of 5 feet.

Bicycle Route (BR). With respect to Form-Based Codes, a thoroughfare suitable for the shared use of bicycles and automobiles moving at low speeds.

Bike paths. Paths that separate bicycle riders from vehicles. Bike paths can meander through wooded areas, traverse the edge of open areas, and may (in many instances) parallel existing roadways or walks.

Billboard. A freestanding sign with an area of more than 120 square feet.

Blade~~/shingle~~ sign. A sign which extends out from a building face or wall so that the sign face is perpendicular or at an angle to the building face or wall. The term is synonymous with the term "shingle sign."

Block.

1. With respect to the general provision of this UDC, a parcel of land or lots entirely surrounded by public or private streets, other than alleys.
2. With respect to Form-Based Codes, the aggregate of private Lots, passages, rear alleys and rear lanes, circumscribed by thoroughfares on all sides.

Block Face. With respect to Form-Based Codes, the aggregate of all the building facades on one side of a block.

Board. With respect to Sec. 11.6. Soil Erosion, sedimentation, and Pollution Control, the Georgia Board of Natural Resources.

Boulevard (BV). With respect to Form-Based Codes, a thoroughfare designed for high vehicular capacity and moderate speed, traversing an urbanized area. Boulevards are usually equipped with slip roads buffering sidewalks and buildings.

Buffer. With respect to Sec. 11.6. Soil Erosion, Sedimentation, and Pollution Control, the area of land immediately adjacent to the banks of state waters in its natural state of vegetation that facilitates the protection of water quality and aquatic habitat.

Buffer, stream or state water. A natural or enhanced vegetated area lying adjacent to the stream or state water that is required by City, State, or federal regulations to be maintained in an undisturbed and natural condition.

Buffer, tributary. A protection area adjoining the tributaries of the Chattahoochee River or the Little River tributary of the Etowah River.

Buffer, zoning. A natural undisturbed portion of a lot, except for approved access and utility crossings, which is set aside to achieve a visual barrier between the use on the lot and adjacent lots and uses. ~~A buffer is achieved with natural vegetation and must be replanted subject to the approval of the Director when sparsely vegetated. Clearing of undergrowth from a buffer is prohibited except when accomplished under the supervision of the Director.~~

Buildable area.

1. With respect to the general provision of this UDC, the portion of a parcel of land where a building may be located and which must contain enough square footage to meet the minimum required by the zoning district. The

term means that portion of a parcel of land which is not located in the:

a. Driveways.
b. Landscape strips.
c. Minimum setbacks.
d. Sanitary sewer easements.
e. Slopes to build streets.
f. Specimen tree areas.
g. State water buffers.
h. Stormwater.
i. Tree save areas.
j. Tributary buffers.
k. Utility corridors.
l. Wetlands
m. Zoning buffers.

2. With respect to Sec. 9.3.8. Steep Slopes, a contiguous area, excluding septic drain fields and driveways, for the placement of a building or structure and which meets steep slope requirements and other provision of this UDC.

3. With respect to Article 10. Streets and Improvements, a portion of a lot where buildings and specified structures may be located after all minimum yards, buffers, landscape strips, and other setbacks have been met.

Building.

1. With respect to the general provisions of this UDC, any structure with a roof, designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.

2. With respect to Sec. 11.2. Floodplain Management/ Flood Damage Prevention/ Flood Damage Prevention, any structure built for support, shelter, or enclosure for any occupancy or storage.

Building code. The technical codes approved for enforcement or otherwise adopted or adopted as amended by the City under the Georgia Uniform Codes Act, which regulate the construction of buildings and structures.

Building line. ~~One~~ A line which is no closer to a property line than the minimum yard (setback) requirements.

Building official. The official who is charged with the administration and enforcement of Chapter 10 of the City Code of Ordinances (Buildings and Building Regulations) or any duly authorized representative.

Building permit. A written permit that allows construction issued by the building official.

Building setback line. A graphic representation of the required minimum horizontal distance between a building and the related front, side, or rear property lines which establishes the minimum space to be provided between the building and property lines.

Business.

~~1.~~ A use involving retailing, wholesaling, warehousing, outside storage, manufacturing or the delivery of services regardless of whether payment is involved.

~~2.~~ The term does not include uses which are customarily incidental (accessory) to another use.

By Right. With respect to Form-Based Codes characterizing a proposal or component of a proposal for a building scale plan (Sec. 7A.4 and 7B.4) that complies with the code and is permitted and processed administratively, without public hearing. See also "warrant" and "variance."

C

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

Caliper. The diameter of the trunk of tree nursery stock or a newly planted tree measured at 6 inches above the ground line for trees with calipers 4 inches and smaller, and at 12 inches above the ground line for trees with calipers greater than 4 inches.

Car wash. An area or structure equipped with facilities for washing automobiles.

Cellar. The lower level of a building with more than one-half of its floor-to-ceiling height below the average finished grade of the adjoining ground on all sides, or with a floor-to-ceiling height of less than six and one-half feet. See also "basement."

Certified arborist. Professional who possesses the technical competence gained through experience and related training to provide for or supervise the management of trees and other woody plants in residential, commercial and public landscapes and whose level of training is certified by the International Society of Arboriculture.

Certificate of appropriateness. A document evidencing approval by the Historic Preservation Commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.

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

Certified personnel. A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

Chamfered. A condition where a small exterior wall plane at a building corner has been formed when the planes of the two adjacent walls are cut away, usually at an angle of 45 degrees.

Changeable copy sign. Any sign that incorporates changing lights, lettering, or images to form a sign message or messages, whether such changes are accomplished electronically or manually.

Channel. A natural or artificial watercourse with a definite bed and banks that conveys continuously or periodically flowing water.

City. The City of Milton, Georgia.

City Arborist. The designee of the City of Milton assigned by the Community Development Department Director with the primary responsibilities of administering and enforcing the tree ordinance.

City Architect. A registered architect retained or employed by the City of Milton to support the Director in reviewing development for compliance with the requirements of this UDC.

City Attorney. The City of Milton City Attorney or their designee.

City Council. The Mayor and City Council of the City of Milton, Georgia.

City fee schedule. Appendix A – Fees and Other Charges of the City Code of Ordinances.

City Manager. The City of Milton City Manager or their designee.

City separate storm sewer system. Any facility designed or used for collecting and conveying stormwater including, but not limited to, any roads with drainage systems, highways, City streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and manmade or altered drainage channels, reservoirs, and other drainage structures, and which is:

1. Owned or maintained by the City with draining from public property;
2. Not a combined sewer; and
3. Not part of a publicly or privately owned treatment works.

City tree. Any tree which is located within any City park, City easement, City right-of-way, or on any other City-owned property.

Civic function, civic use. Any use allowed under Sec. 8.4.1.

Civic bBuilding. With respect to Form-Based Codes, a building operated by a city, county, state, or federal government.

Civic building site. With respect to Form-Based Codes, a parcel containing a civic building.

Civic space. With respect to Form-Based Codes, an outdoor area dedicated for public use. Civic Space types are defined by the combination of certain physical constants including the relationships among their intended use, their size, their landscaping and their enfronting buildings.

Civic space TDR sending site. With respect to Form-Based Codes, a park/greenway TDR sending site designated as civic space in an adopted plan or code and therefore assigned a higher TDR allocation factor than other park/greenway TDR sending sites but treated as a park/greenway TDR sending site in all other respects.

Civic Zone. With respect to Form-Based Codes, a designation for sites dedicated for civic building sites and civic spaces.

Clean Water Act. The Federal Water Pollution Control Act (33 USC 1251 et seq.), and any subsequent amendments thereto.

Clearcutting.

1. With respect to the general provision of this UDC, the removal of all vegetation, including trees, from a property, whether by cutting or other means, excluding stream buffer requirements.
2. With respect to Sec. 11.1. Tree Canopy Conservation Ordinance, a method of harvesting timber that results in the removal of all trees from all or a portion of a property.

Clearcutting permit. A permit for removing trees and vegetation on properties which are not subject to an approved land disturbance permit.

Clerestory. Any high windows above eye level.

Club. A nonprofit social, educational, or recreational use normally involving:

1. Civic clubhouses,
2. Community centers,
3. Country clubs,
4. Fraternal organizations,
5. Public swimming pools or courts,
6. Lodge halls, or
7. Similar facilities.

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

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

Collocate or Co-location.

1. With respect to Sec. 8.4.4. Small Wireless Facilities and Antennas, to install, mount, modify, or replace a small wireless facility on or adjacent to a pole, decorative pole, or support structure.
2. With respect to Sec. 8.4.5. Telecommunications Facility, aA situation in which two or more wireless personal service providers place a wireless telecommunications antenna or antennas and feed lines on a common antenna support structure or other structure on which there is an existing antenna array.

Commercial. The term collectively defining uses defined and regulated by Sec. 8.5.1 Commercial Uses.

Commercial establishment. A business located on property as defined in “commercial property.”

Commercial equipment. Any equipment or machinery used in a business trade or industry, including but not limited to: earth-moving equipment, trenching or pipe-laying equipment, landscaping equipment, mortar and concrete mixers, portable or mobile pumps, portable or mobile generators, portable or mobile air compressors, pipes, pool cleaning equipment and supplies, and any other equipment or machinery

similar in design or function. However, equipment and machinery for business use kept within enclosed vehicles are not included.

Commercial driveway. Any private entrance, exit, ramp, tunnel, bridge, side road, or other vehicular passageway to any property used for commercial purposes, except a farm or a dwelling house not exceeding a four-family capacity, and leading to or from any public road on the state highway system.

Commercial property. With respect to Sec. 11.7. Noise Control, property that is zoned and/or developed with nonresidential uses in T-6, T-5, T-4, T-4 Open, T-4 Permissive, C-1 and O-I zoning districts. It also includes uses permitted with a use permit in other zoning districts listed in Sec. 6.3.1, "allowed use chart" that are in the following categories: Commercial, Agricultural, and Institutional Type Uses.

Commercial tree nursery or commercial tree farm. With respect to Sec. 11.1 Tree Canopy Conservation Ordinance, a property on which trees are grown and sold as wholesale or retail nursery stock by a business licensed by the City ~~of Milton~~.

Commercial user. A business that is not an individual property owner or renter that receives compensation for providing products or services.

Commercial vehicle. Any vehicle used in a business, trade, industry or motorized equipment that has two or more of the following characteristics:

1. Exceeds a gross vehicle weight rating (GVWR) of 11,000 pounds.
2. Is regularly used in the conduct of a business, commerce, profession, or trade.
3. Exceeds 7 feet in height from the base of the vehicle to the top.
4. Exceeds 20 feet in length.
5. Has more than two axles.
6. Has more than four tires in contact with the ground.
7. Used, designed and built to carry more than 8 passengers.
8. Designed to sell food or merchandise directly from the vehicle or trailer itself.
9. Bears signs, logos or markings identifying the owner or registrant, a trade, business, service, or commodity.

Commission. With respect to Sec. 11.6. Soil Erosion, Sedimentation, and Pollution Control, the Georgia Soil and Water Conservation Commission (GSWCC).

Common Yard. With respect to Form-Based Codes, a planted private frontage wherein the facade is set back from the frontage line. It is visually continuous with adjacent yards.

Communications facility. With respect to Sec. 8.4.4. Small Wireless Facilities and Antennas, the set of equipment and network components, including wires and cables and associated equipment and network components, used by a communications service provider to provide communications services.

Communications service provider. With respect to Sec. 8.4.4. Small Wireless Facilities and Antennas, a provider of communications services.

Communications services. With respect to Sec. 8.4.4. Small Wireless Facilities and Antennas, cable service as defined in 47 U.S.C. § 522(6); telecommunications service as defined in 47 U.S.C. § 153(53); information service as defined in 47 U.S.C. § 153(24), as each such term existed on January 1, 2019; or wireless services.

Community Development Department. The City of Milton Community Development Department.

Community Development Director. The City of Milton Community Development Department Director or their designee.

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

Comprehensive Plan. The most recent documents approved by the City Council which set forth desired long range development patterns for the City of Milton, Georgia.

Comprehensive Transportation Plan. The most recent document approved by City Council which sets forth a long range transportation plan for the City of Milton, Georgia.

Concealed. With respect to Sec. 8.4.5. Telecommunications Facility, a~~A~~ wireless telecommunications facility that is disguised, hidden, part of an existing or proposed structure or placed within an existing or proposed structure, to include antennas, ancillary structures, and utilities.

Concurrent variance. See "variance."

Configuration. With respect to Form-Based Codes, the form of a building, based on its massing, private frontage, and height.

Conservation easement. An agreement between a landowner and the City or other government agency or land trust that permanently protects open space or greenspace on the owner's land by limiting the amount and type of development that can take place, but continues to leave the remainder of the fee interest in private ownership.

Conserved tree. Any tree where encroachment into the Critical Root Zone does not exceed 25%.

Consolidated application. With respect to Sec. 8.4.4. Small Wireless Facilities and Antennas, an application for the collocation of multiple small wireless facilities on existing poles or support structures or for the installation, modification, or replacement of multiple poles and the collocation of associated small wireless facilities.

Constrained land. With respect to Form-Based Codes, areas occupied by lakes, streams, wetlands, buffers, landfills, and all other land so determined by the Director.

Construction activity. With respect to Sec. 11.3. Illicit Discharge and Illegal Connection, activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES general construction permits. The term includes construction projects resulting in land disturbance. The term includes, but is not limited to, the following activities:

1. Clearing and grubbing.
2. Demolition
3. Excavating.
4. Grading.

Construction board of appeals. The board appointed by the City Council that hears appeals of stop work orders.

Construction machinery. Machines or tools powered by electricity, fuel, or by hand that are used to construct buildings, roads, walls, and other accessory structures.

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

Construction. The process, act or manner of constructing something.

Contributing. With respect to historic preservation, a building, structure, object, site or work of art that adds to the historic architectural qualities or archaeological values for which the district is significant because it was present during the period of significance, relates to the documented significance of the district, and possesses historic integrity or is capable of yielding important information about the period of significance.

Consumer fireworks. Any small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations, the United States Department of Transportation as provided for in Part 172 of Title 49 of the Code of Federal Regulations, and the American Pyrotechnics Association as provided for

in the 2001 American Pyrotechnics Association Standard 87-1, and additionally means Roman candles.

Convenience store. A use offering a limited variety of groceries, household goods, and personal care items, always in association with the dispensing of motor fuels as an accessory use. The term does not include vehicle service, maintenance and repair.

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

Council. See "City Council."

County. Fulton County, Georgia.

Courtyard. A landscaped or hardscaped open-air area, other than a yard, that is bounded by the walls of a building and is used primarily for supplying pedestrian access and amenities, light, and air to the abutting buildings but not for parking or vehicle access.

Courtyard Building. With respect to Form-Based Codes, a building that occupies the boundaries of its lot while internally defining one or more private patios.

Coverage. With respect to Sec. 8.4.5. Telecommunications Facility, the geographic area reached by an individual wireless telecommunications facility installation.

CPESC. Certified professional in erosion and sediment control with current certification by certified professional in Erosion and Sediment Control Inc., a corporation registered in North Carolina which is also referred to as CPESC or CPESC, Inc.

Crossroads communities. The rural development pattern where commercial buildings are built at the intersections of two major roads and residences are built at the edges.

Crosswalk. A right-of-way dedicated to public use, 4 feet or more in width that crosses a street and furnishes a specific area for pedestrian movements at an intersection.

Crown. The entirety of a tree's scaffold limbs, branches, and leaves.

Critical root zone (CRZ). For a conserved tree, the ground and soil area to a depth of 24 inches within the larger of either the dripline or a circular area with a radius extending out from the trunk 1.5 feet for every one inch of DBH.~~; encroachment into the critical root zone must not exceed 25% for the tree to be considered conserved.~~

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

Cul-de-sac, temporary. A street having one end open to traffic and being temporarily terminated by a vehicular turnaround~~. This temporary termination is to~~ to provide connectivity to future developments.

Curb. With respect to Form-Based Codes, the edge of the vehicular pavement that may be raised or flush to a swale. It usually incorporates the drainage system.

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

Cut. A portion of land surface or area from which earth has been removed or will be removed by excavation (the depth below the original ground surface to the excavated surface also known as excavation).

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

D

Day(s). One or more consecutive calendar days, unless otherwise indicated.

Day-night average sound level (DNL). The 24-hour average sound level, in decibels, obtained from the accumulation of all events with the addition of ten decibels to sound levels in the night from 10:00 p.m. to 7:00 a.m. ~~The weighing of nighttime events~~

~~accounts for the usual increased interfering effects of noise during the night, when ambient levels are lower and people are trying to sleep.~~ DNL is a weighted average measured in decibels (db).

dB(A). The sound level measured in decibels, using the "A" weighting network on a sound level meter.

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

Decorative pole. With respect to Sec. 8.4.4. Small Wireless Facilities and Antennas, an authority pole that is specially designed and placed for aesthetic purposes.

Density. The number of buildings units within a standard measure of land area.

Department

1. With respect to the general provision of this UDC, the Community Development Department or such other department with the authority to implement this UDC.
2. With respect to Sec. 11.6. Soil Erosion, Sedimentation, and Pollution Control, the Georgia Department of Natural Resources (DNR).

Design committee. A committee composed of the Community Development Director, City Architect, City Arborist and, if necessary, any other City staff as required to provide design review of the rural viewshed.

Design professional. A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology or land surveying; or a person that is a certified professional in erosion and sediment control (CPESC) with a current certification by certified professional in Erosion and Sediment Control Inc. Designs professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

Design professional of record. The licensed professional whose seal appears on plats or plans subject to these regulations.

Design Review Board. The City of Milton Design Review Board.

Design speed. With respect to Form-Based Codes, the velocity at which a thoroughfare tends to be driven without the constraints of signage or enforcement. ~~There are three ranges of speed: Low: (up to 25 MPH); Moderate: (26 35 MPH); High: (above 35 MPH). Lane width is determined by desired design speed.~~

Designation. With respect to historic preservation, a decision by the City of Milton to designate a property as a “historic property” or as a “historic district” and thereafter prohibit all material change in appearance of such property or within such district before the issuance of a certificate of appropriateness by the Historic Preservation Commission of the City of Milton.

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

Detention. The temporary storage of stormwater runoff in a stormwater detention facility for the purpose of controlling the peak discharge.

Detention facility. A structure designed for the storage and gradual release of stormwater runoff at controlled rates.

Developer. A person who undertakes land development activities, including all applicants for permits under this UDC.

Development activity. Any activity on real property which requires a development permit.

Development area. The geographic area included within a land disturbance permit, a building permit, or other permit issued under this UDC.

Development.

1. With respect to the general provision of this UDC, a land development or land development

project that meets the definition of a site commercial, subdivision, or residential activity.

2. With respect to Sec. 11.2. Floodplain Management/ Flood Damage Prevention/ Flood Damage Prevention, any manmade change to improved or unimproved real estate including, but not limited to:
   a. Buildings or other structures.
   b. Mining.
   c. Dredging, filling, clearing and grubbing.
   d. Grading and paving.
   e. Any other installation of impervious cover, excavation or drilling operations or storage of equipment or materials.
3. With respect to Sec. 11.4. Stormwater Management, a new development or redevelopment.

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

Development permit. A land disturbance permit, grading permit, building permit, demolition permit, minor plat approval, preliminary plat approval, concept plan approval or other permit or approval issued by the Director authorizing the start of the disturbance, alteration, improvement, or development of a given tract of land.

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

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

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

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

Development, townhouse. A development of townhouse dwelling units.

Diameter at breast height (DBH). The diameter at ~~breast height (~~4.5 feet above the ground line~~)~~ of the trunk of an existing tree, calculated by dividing the circumference of the trunk by 3.14.

Directional antenna. An antenna or array of antennas designed to concentrate a radio signal in a particular area.

~~**Director DPW.** See "Public Works Director."~~

Director.

1. With respect to the general provision of this UDC, the Community Development Director or their designee. The term is ~~also~~ synonymous with the term "administrator."
2. With respect to Sec. 11.6. Soil Erosion, Sedimentation, and Pollution Control, the director of the Eenvironmental ~~protection~~Protection Ddivision or their designee.

Distilled spirits, liquor, or spirituous liquor. Any alcoholic beverage obtained by distillation or containing more than 24% alcohol by volume, including, but not limited to, all fortified wines. Any reference to distilled spirits, liquor, or spirituous liquor shall be deemed to include alcoholic consumables that contain distilled spirits or spirituous liquor. The terms "distilled spirits, liquor, or spirituous liquor," when used in this UDC, shall all carry the same meaning.

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

District. With respect to Sec. 11.6. Soil Erosion, Sedimentation, and Pollution Control, the Fulton County Soil and Water Conservation District.

District at Mayfield. The area shown on the Crabapple Form-Based Code Regulating Plan as "The District at Mayfield."

District, aAgricultural ~~district~~. An agricultural zoning district.

District, aAgricultural/T2 ~~district~~. A term that includes agricultural districts and the T2 Transect Zone.

District, commercial. A term used to collectively identify all zoning districts found in Article 5 of this UDC, along with T4-O, T5, and T6.

District, nonresidential. A term used to collectively identify all zoning districts found in Article 3 and Article 5 of this UDC, along with T4-O, T5, and T6.

District, residential. A term used to collectively identify all of the zoning districts found in Article 4 of this UDC, along with T3, and T4.

Division. With respect to Sec. 11.6. Soil Erosion, Sedimentation, and Pollution Control, the Eenvironmental Pprotection Ddivision (EPD) of the Ddepartment of Nnatural Rresources.

Dooryard. With respect to Form-Based Codes, a private frontage type with a shallow setback and front garden or patio, usually with a low wall at the frontage line. (Variant: Lightwell~~, light court~~.)

Draft form. Malt beverages served from a cask or pressurized keg rather than from a bottle or can.

Drainage easement. An easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

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

Drainage structure. A device composed of a virtually nonerodable material such as concrete, steel, plastic, or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood control purposes.

Dripline. The vertical line extending from the outermost edges of a tree's branches to the ground, that forms, more or less, a circle on the ground centered on the tree's trunk.

Drive. With respect to Form-Based Codes, a thoroughfare along the boundary between an urbanized and a natural condition, usually along a waterfront, park, or promontory. One side has the urban character of a thoroughfare, with sidewalk and building, while the other has the qualities of a road or parkway, with naturalistic planting and rural details.

Drive-in theater. An establishment laid out such that patrons may enter and park to view a motion picture while remaining in their vehicle.

Drive-through. ~~See~~ The definition in Sec. 8.8.11.

Driveway. A vehicular access way.

Driveway, attached single-family residential, access or shared. A paved area used for the ingress or egress of vehicles, and allowing access from a street to a building, other structure or facility which complies with the access standards established in Article 10.

Driveway, detached single-family residential, access or shared (private drive). A paved or unpaved area used for ingress or egress of vehicles which allows access from a street to a building, other structure or facility for no more than two single-family residential lots.

Driveway, modified, single-family residential, access or shared (private drive). A paved or unpaved area used for ingress or egress of vehicles which allows access from a street to a building, other structure or facility and may provide access to any number of single-family residential lots provided that the accessed lots are each a minimum of 3 acres in size.

Drug crime. An act which is a violation of Article 2 of O.C.G.A. § 16-13-2, et. seq. known as the "Georgia Controlled Substances Act."

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

Dwelling unit. A single unit consisting of one or more rooms constructed with cooking, sleeping, and sanitary facilities designed for and limited to use as living quarters for one family.

E

Easement. That portion of land or property reserved for present or future use by a person or agency other than the owner of the property. The easement may be for use under, on, or above a lot.

Eating establishment. An establishment which may be licensed to sell distilled spirits, malt beverages, or wines and which derives at least 50% of its total annual gross food and beverage sales from the sale of prepared meals or food. Provided, however, that when determining the total annual gross food and beverage sales for a brewpub, barrels of malt beverages sold to licensed wholesale dealers or to the public for consumption off the premises shall not be used.

Edge yard building. With respect to Form-Based Codes, a building that occupies the center of its lot with setbacks on all sides.

Effective ~~radio~~ radiated power (ERP). The product of the antenna power input and the numerically equal antenna power gain.

Effective Turning Radius. The measurement of the inside turning radius taking parked cars and emergency vehicles into account.

Electric supplier. With respect to Sec. 8.4.4. Small Wireless Facilities and Antennas, any electric light and power company subject to regulation by the Georgia Public Service Commission, any electric membership corporation furnishing retail service in this state, and any municipality which furnishes such service within this state.

Elevated building. A nonbasement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

Elevation. With respect to Form-Based ~~Codes~~Codes, an exterior wall of a building not along a frontage line. See also "facade."

Eligible facilities request. With respect to Sec. 8.4.4. Small Wireless Facilities and Antennas, an eligible facilities request as set forth in 47 C.F.R. § 1.40001(b)(3), as it existed on January 1, 2019.

Emergency work. Work required to restore property to a safe condition following a public calamity, work required to protect persons or property from an immediate exposure to danger, or work by private or public utilities for providing or restoring immediately necessary utility services.

Encroach. To break the plane of a vertical or horizontal regulatory limit with a building or structural element, so that it extends into a setback, into the public frontage (Form-Based Codes only), or above a height limit.

Encroachment. Any structural element that encroaches.

Enfront. With respect to Form-Based Codes, to place an element along a frontage, as in "porches enfront the street."

Engineer. A registered, practicing engineer, licensed by the State of Georgia.

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

Environmentally stressed community. A community exposed to a minimum of two environmentally adverse conditions resulting from:

1. Public and private municipal uses:
    a. Airports.
    b. Railroads.

c. Solid waste and wastewater treatment facilities.

d. Utilities.

2. Industrial uses:

a. Landfills.

b. Manufacturing facilities.

c. Quarries.

Equestrian Trail. With respect to Form-Based Codes, an unpaved equestrian way running independent of a vehicular thoroughfare or multi-use trail and having an average width of 8 feet.

Equipment. With respect to Sec. 11.7. Noise Control, any stationary or portable device or any part thereof capable of generating sound.

Emission inspection station. Any permanent or temporary structure that provides the service of inspecting automobile emissions as required by the State of Georgia.

Erosion and sedimentation control manual. A field manual produced by the Georgia Soil and Water Conservation Commission that illustrates vegetative and structural best management practices (BMPs), and their use for land-disturbing activities.

Erosion and sedimentation control plan. A plan that is designed to minimize the accelerated erosion and sediment runoff at a site during land disturbance activities.

Erosion. The process by which land surface is worn away by the action of wind, water, ice or gravity.

Erosion, sedimentation and pollution control plan. A plan required by the Erosion and Sedimentation Act, O.C.G.A. § 12-7-1, et. seq., that includes, as a minimum, protections at least as stringent as the state general permit, best management practices, and requirements in Sec. 11.6.4.B and Sec. 11.6.4.C.

Establishment period. For a newly planted tree, the time from planting on-site until the beginning of the fourth growing season on-site.

Excavation. Any manmade cavity or depression in the' earth's surface, including its sides, walls, or faces~~,~~ formed by earth removal and producing unsupported earth conditions as the result of the excavation. If installed forms or similar structures reduce the depth to width relationship, an excavation may become a trench.

Existing construction. Any structure for which the start of construction commenced before July 5, 2006.

Existing tower map. The siting map approved by the City Council to identify existing sites where wireless telecommunications facilities are located as may be amended from time to time. Such map may be derived from propriety information submitted by wireless providers. See Sec. 8.4.5.

Existing tree. An established tree growing on-site for at least three complete growing seasons.

Extended detention. The storage of stormwater runoff for an extended period of time.

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

Exterior environmental features. With respect to historic preservation, all aspects of the landscape or the development or appearance of a site which affect the historical character of the property.

Exterior street. A street, either public or private, that is not located within a subdivision or final plat.

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

Extreme flood protection. Measures taken to prevent adverse impacts from large low-frequency

storm events with a return frequency of 100 years or more.

F

Facade. With respect to Form-Based Codes, the exterior wall of a building that is set along a frontage line. See also "elevation."

Fall zone. An area equal to 133% of the height of the structure in every direction.

Family.

1. One or more persons related by blood, marriage, adoption, guardianship, or other duly authorized custodial relationship, or up to four unrelated persons, occupying a dwelling unit and living as a single housekeeping unit.
2. The term does not include persons occupying a roominghouse, boardinghouse, lodginghouse, or hotel.

Family day care home. A home occupation in which shelter, care, and supervision are provided for six or fewer persons on a regular basis~~. A family day care home may provide basic educational instruction~~.

Federal Emergency Management Agency (FEMA). The federal agency which administers the National Flood Insurance Program. This agency prepares, revises, and distributes the flood maps and studies adopted in this UDC.

Fee. With respect to Sec. 8.4.4. Small Wireless Facilities and Antennas, a one-time, nonrecurring charge based on time and expense.

Fence. An enclosure or barrier, composed of wood, masonry, stone, wire, iron, or other materials or combination of materials used as a boundary, means of protection, privacy screening, or confinement, including brick or concrete walls but not including hedges, shrubs, trees, or other natural growth.

Fence, equestrian. See Sec. 2.3.3 (Additional Equestrian Fence Standards).

Fill. A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

Final stabilization. With respect Sec. 11.6 Soil Erosion, Sedimentation, and Pollution Control, all soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.

Finished grade. The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Five Acre Road Zone. With respect to Article 7B Deerfield Form-Based Code, an area shown on the Deerfield/Highway 9 Regulating Plan with specific requirements that were identified in the Highway 9 North Vision Plan.

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

Flag. Any fabric or bunting containing colors, patterns, or symbols.

Flashing sign. A sign, the illumination of which is not kept constant in intensity at all times when in use or which exhibits marked changes in lighting effects.

Flood, flooding.

1. With respect to the general provision of this UDC, "flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
    a. The overflow of inland or tidal waters; or

b. The unusual and rapid accumulation or runoff of surface waters from any source.

2. With respect to Sec. 11.4. Stormwater Management, “flooding” means a volume of surface water that exceeds the banks or walls of a BMP or channel and overflows onto adjacent lands.

Flood elevation study. An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood hazard boundary map (FHBM). An official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as zone A.

Flood insurance rate map (FIRM). An official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and risk-premium zones applicable to the community.

Flood insurance study (FIS). The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

Flood lamp. A form of lighting designed to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

Floodlight. A form of lighting designed to direct its output in a diffuse, more or less specific direction, with reflecting or refracting elements located external to the lamp.

Floodplain.

1. With respect to Sec. 11.5. Steam Buffer Protection, any land area susceptible to flooding, which would have at least a 1% probability of a flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan.

2. With respect to Sec. 11.2. Floodplain Management/ Flood Damage Prevention, any land susceptible to flooding.

Floodprone area. Areas shown on the flood insurance rate map as "Zone B" (zone where the contributing drainage area is less than one square mile) and which are determined by the Public Works Department to be a hazard to adjacent properties or development in the event of the base flood.

Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to:

1. Real estate or improved real property.

2. Structures and their contents.

3. Water and sanitary facilities.

Floodway, regulatory floodway. The channel of a stream or other watercourse and the adjacent areas of the floodplain which is necessary to contain and discharge the base flood flow without cumulatively increasing the base flood elevation more than one foot.

Floor area. Gross floor area, unless otherwise indicated.

Floor area, gross. The sum of all floors of a structure as measured to the outside surfaces of exterior walls or the center of connected or common walls.

1. The term includes:

   a. Common public areas, such as lobbies, restrooms and hallways; and

   b. Spaces devoted exclusively to permanent mechanical systems, permanent storage areas, stairwells and elevator shafts.

2. The term does not include:

   a. Attics.

   b. Porches.

   c. Balconies.

d. Internal parking and loading areas.

e. Other areas outside of the exterior walls of the building.

3. Gross floor area is used to determine the building sizes for all but single-family dwellings and to determine required parking when floor area is the designated measure for a use. The term "gross floor area" is commonly referred to as “floor area.”

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

Floor area, heated.

1. The sum of all heated area of a dwelling or dwelling unit, as appropriate, measured to the inside surfaces of exterior walls.
2. The term does not include:
   a. Attics.
   b. Balconies.
   c. Basements (finished or unfinished).
   d. Decks.
   e. Garages.
   f. Patios.
   g. Porches.

Floor area, net.

1. The sum of all floors of a structure as measured to the outside surfaces of exterior walls.
2. The term does not include:
   a. Attached and detached garages.
   b. Attics with less than 7 feet of headroom.
   c. Balconies.
   d. Basements.
   e. Decks.
   f. Elevator shafts.
   g. Halls.
   h. Patios.
   i. Porches.
   j. Stairways.

Floor area, net leasable. The gross floor area less the common public areas.

Foot-candle. A unit of measure for illuminance on a surface that is everywhere one foot from a point source of light of one candle, and equal to one lumen per square foot of area.

Forecourt. With respect to Form-Based Codes, a private frontage wherein a portion of the facade is close to the frontage line and the central portion is set back.

Forested area. An area at least 50 feet wide in any one dimension and at least 2,500 square feet in total area consisting of at least 5 trees with 75% tree canopy cover.

Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management.

Freestanding sign. Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure. They are permanently affixed signs which are wholly independent of a building for support.

Frontage. With respect to Form-Based Codes, the area between a building facade and the vehicular lanes, inclusive of its built and planted components. Frontage is divided into private frontage and public frontage.

Frontage line. With respect to Form-Based Codes, a Lot line bordering a public frontage. Facades facing frontage lines define the public realm and are therefore more regulated than the elevations facing other lot lines.

Frontage, ~~Private~~ private~~Frontage~~. With respect to Form-Based Codes, the privately held layer between the frontage line and the principal building facade that bears the principal entrance to the building.

Frontage, pPublic ~~Frontage~~. With respect to Form-Based Codes, the area between the curb of the vehicular lanes and the frontage line.

~~**Frontage Line.** With respect to Form-Based Codes, a Lot line bordering a public frontage. Facades facing frontage lines define the public realm and are therefore more regulated than the elevations facing other lot lines.~~

Fuel oil. A liquid petroleum product that is burned in a furnace for the generation of heat or used in an engine for the generation of power. The term includes oil that may be:

1. A distilled fraction of petroleum;
2. A residuum from refinery operations;
3. A crude petroleum; or
4. A blend of two or more of the oils in (1) through (3) of this definition.

Fuel pump or fueling position. Any device used for the sale of fuel for motor vehicles. A single fuel pump is a fuel pump that can serve only one vehicle at a time. The number of pumps on a single device is determined by the maximum number of vehicles that can be serviced at the same time.

~~**Full cutoff fixture.** An outdoor light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.~~

Full cutoff. A luminaire light distribution where zero candela intensity occurs at or above an angle of 90 degrees above nadir. Additionally, the candela per 1,000 lamp lumens does not numerically exceed 100 (10%) at or above a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire.

Function. With respect to Form-Based Codes, the use or uses accommodated by a building and its lot, categorized as restricted, limited, or open, according to the intensity of the use.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

Future-conditions flood elevation. The flood standard equal to or higher than the base flood elevation. The term also means the highest water surface anticipated at any given point during the future-conditions flood.

Future-conditions flood. The flood having a 1% chance of being equaled or exceeded in any given year based on future-conditions hydrology. Also known as the 100-year future-conditions flood.

Future-conditions floodplain. Any land area susceptible to flooding by the future-conditions flood.

Future-conditions hydrology.

1. The flood discharges associated with projected land use conditions based on a community's:
   a. Zoning map;
   b. Comprehensive plan; and
   c. Watershed study projections.
2. The term does not include consideration of:
   a. Projected future construction of flood detention structures; or
   b. Projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation.

G

Gallery. With respect to Form-Based Codes, a private frontage ~~conventional~~ common for retail use wherein the facade is aligned close to the frontage line with an attached cantilevered shed or lightweight colonnade overlapping the sidewalk.

Garage machinery. With respect to Sec. 11.7. Noise Control, machines or tools powered by electricity, fuel, or by hand that is used in maintaining or building various types of automotive items such as engines of all types, car or truck chassis.

Geographic area. With respect to all overlay districts, the land area subject to overlay district regulations.

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

Glare. The sensation produced within the visual field by luminance that is sufficiently greater than the luminance to which the eyes are adapted, causing annoyance, discomfort, or loss in visual performance and visibility.

Governing authority. See "City Council."

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

Grading. Altering the shape of ground surfaces. The term includes:

1. Cutting.
2. Filling.
3. Shaping or any combination thereof.
4. Stockpiling.
5. Stripping.
6. The land in its cut or filled condition.

Graffiti. Unauthorized writing or drawing on the facade of any building, sign, path, accessory structure, wall, fence, or other site element.

Gravel road. An unpaved road surfaced with gravel material and may have a paved extension that is constructed and maintained to function as an all-weather surface for vehicular and pedestrian travel and is synonymous with the term "unpaved road." Those gravel roads in the City include the following:

1. Black Oak Road.
2. Brittle Road.
3. Burgess Drive.
4. Burgess Road.
5. Christophers Run.
6. Clarity Road.
7. Cowart Road.
8. Darby Road.
9. Day Road.
10. Holly Road.
11. King Circle.
12. Knox Hill Drive.
13. Lackey Road.
14. Land Road.
15. Landrum Road.
16. Lively Road.
17. Louis Road.
18. Nix Road.
19. Old Cogburn Road.
20. Old Dorris Road.
21. Old Henderson Road.
22. Old Holly Road.
23. Phillips Circle.
24. Rowe Road.
25. Simmons Hill Road.
26. Spring Falls Road.
27. Summit Road.
28. Sweet Apple Road.
29. Westbrook Road.
30. Wood Road.

Green. With respect to Form-Based Codes, a civic space type for unstructured recreation, spatially defined by landscaping rather than building frontages.

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

1. Water quality protection for rivers, streams, and lakes.

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

Greenway. An open space corridor in largely natural conditions which may include multi-use trails and equestrian trails.

Gross Site Area. With respect to Form-Based Codes, all land within a site's boundaries.

Ground elevation. The original elevation of the ground surface before cutting or filling.

Growing season. March 1 to November 30.

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

H

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

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

Hazardous tree. A tree that is likely to fail wholly or in part, under normal environmental conditions as determined by a certified arborist.

Health and wellness department. The Fulton County Health and Wellness Department or authorized representative thereof.

Healthy tree. A tree with a live crown ratio greater than 30%, less than 50% crown dieback, no major structural defects, a life expectancy of 15 years or greater, and free from signs or symptoms of irreversible decline, severe insect or disease infestation, severe chlorosis, or other life-threatening conditions.

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

Height. With respect to Sec. 8.4.5. Telecommunications Facility, see "structure height."

Heritage tree. A tree that is designated by the Director to be of notable community interest because of its outstanding age or size, landmark recognition or historical association.

Highest adjacent grade. The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

Highway. With respect to Form-Based Codes, a rural and suburban thoroughfare of high vehicular speed and capacity. This type is allocated to the more rural Transect Zones (T-2, and T-3).

Historic. Belonging to the past (including what is important or culturally significant in the past); at least 50 years old; and retaining a significant degree of integrity that is comprised of at least one of five qualities: location, design, setting, materials, and workmanship.

Historic district.

1. With respect to the general provision of this UDC, a~~A~~ geographically definable area, urban or

rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, works of art, or objects, or a combination thereof, which (1) have special character or special historical or aesthetic interest or value; (2) represent one or more periods or styles or architecture typical of one or more eras in the history of Milton, Fulton County, Georgia, or the nation; and (3) cause such area, by reason of such factors, to constitute a visibly perceptible section of the City of Milton. A district may also comprise individual elements separated geographically but linked by association or history. A historic district further means an area designated by the City Council as a historic district pursuant to Sec. 12.7.

2. With respect to Sec. 8.4.4. Small Wireless Facilities and Antennas, (i) any district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the secretary of the interior of the United States in accordance with Section VI.D.1.a.i—v of the Nationwide Programmatic Agreement codified by 47 C.F.R. Part 1; (ii) any area designated as a historic district under Article 2 of Chapter 10 of Title 44, the Georgia Historic Preservation Act; or (iii) any area designated as a historic district or property by law prior to April 26, 2019.

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

Historic property. An individual building, structure, site, or object designated by the City Council as a historic property pursuant to Sec. 6.5

Historic structure.

1. With respect to the general provision of this UDC, structures in Milton which have been formally designated as a historic structure as designated by the City Historic Preservation Commission or Georgia Historic Preservation Division of the Department of Natural Resources or the United States Department of the Interior; have sufficient historic merit as determined by the City Council and the Historic Preservation Commission so as to require preservation.

2. With respect to Sec. 11.2. Floodplain Management/ Flood Damage Prevention, a structure that is:

   a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

   b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

   c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

   d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

      i. By an approved state program as determined by the Secretary of the Interior; or

      ii. Directly by the Secretary of the Interior in states without approved programs.

Hoop stress. A causation of internal and external pressure loading on a pipe.

Hotspot. A land use or activity on a site that has the potential to produce higher than normally found levels of pollutants in stormwater runoff. As designated by the Director, hotspot land use may include gasoline stations, vehicle service and maintenance areas, industrial facilities (both

permitted under the Industrial Stormwater General Permit and others), material storage sites, garbage transfer facilities, and commercial parking lots with high- intensity use.

House. With respect to Form-Based Codes, a single-family dwelling, often shared with an accessory building in the back yard.

I

IESNA. The Illuminating Engineering Society of North America, a nonprofit professional organization of lighting specialists that has established recommended design standards for various lighting applications.

Illegal connection. Either of the following:

1. Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including, but not limited to, any conveyances which allow any nonstormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or
2. Any pipe, open channel, drain or conveyance connected to the City's separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Illicit discharge. Any direct or indirect nonstormwater discharge to the City's separate storm sewer system, except as exempted in Sec. 11.3.3.A (Prohibitions).

Illuminance. The quantity of light arriving at a surface divided by the area of the illuminated surface, measured in foot-candles.

1. Horizontal illuminance applies to a horizontal surface.
2. Vertical illuminance applies to a vertical surface.
3. The term "average illuminance" means the level of illuminance over an entire illuminated target area.
4. The term "maximum illuminance" means the highest level of illuminance on any point within the entire area.
5. The term "minimum illuminance" means the lowest level of illuminance on any point within the entire area.

Illuminance levels.

1. The illuminance levels and foot-candles noted in this UDC.
2. The term also means the illuminance levels occurring just before lamp replacement and luminaire cleaning.
3. The average illuminance level applies to an entire illuminated target area.
4. Minimum and maximum illuminance levels apply to small areas within the entire illuminated target area. Unless otherwise noted, illuminance levels refer to horizontal illuminance levels.

Illuminated sign, external. A sign illuminated by an external light source. Such source cannot be a device that changes color, flashes or alternates.

Illuminated sign, internal. A sign illuminated by an internal light source, including electric lights, luminous tubes, LED, neon, fiber optics, fluorescent. Such source cannot be a device that changes color, flashes, or alternates.

Illumination.

1. The term "direct illumination" means illumination which is projected from within a sign, building, etc.
2. The term "indirect illumination" is illumination which is projected onto a sign, building, etc.

Imitation traffic signs. Signs which contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go," "slow," "caution," "warning," or similar words in such a manner as to resemble official traffic control signs.

Impervious cover.

1. With respect to Sec. 11.5. Steam Buffer Protection Any manmade paved, hardened or structural surface regardless of material. Impervious cover includes, but is not limited to:
   a. Any concrete or asphalt.
   b. Buildings.
   c. Decks.
   d. Roads.
   e. Rooftops.
   f. Streets.
   g. Swimming pools.
2. With respect to Sec. 11.4. Stormwater Management, a surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious cover includes, but is not limited to:
   a. Any concrete or asphalt surface.
   b. Buildings.
   c. Rooftops.
   d. Streets and roads.

Impervious surface. A surface composed of any material that significantly impedes or prevents the natural infiltration of water into the soil.

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

Industrial activity. Activities subject to NPDES industrial permits as defined in 40 CFR 122.26(b)(14).

Industrial stormwater general permit. The National Pollutant Discharge Elimination System (NPDES) permit issued by the Georgia Environmental Protection Division to an industry for stormwater discharges associated with industrial activity. The permit regulates pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies based on Standard Industrial Classification (SIC) Code.

Industrialized building. A building manufactured in accordance with the Georgia Industrialized Building Act (O.C.G.A. § 8-2-110 to 8-2-121) and the Rules of the Commissioner of the Georgia Department of Community Affairs issued pursuant thereto. State approved buildings meet the state building and construction codes and bear an insignia of approval issued by the commissioner. The term is synonymous with the term "modular building."

Infiltration. The process of percolating stormwater runoff into the subsoil.

Inspection and maintenance agreement. A written agreement providing for the long-term inspection, occupation, and maintenance of the stormwater management system and its components on a site.

Institutional uses. Include:

1. All civic uses defined and regulated by Sec. 8.4.1.
2. Hospitals.
3. Other similar uses or facilities.

Intermediate regional flood (IRF) elevation. See "base flood elevation."

J

Junk facility. See "salvage/storage/junk facility."

Jurisdictional wetland. An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in

saturated soil conditions, commonly known as hydrophytic vegetation.

L

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

Land development. Any land change including, but not limited to:

1. Clearing, grubbing, stripping or the removal of vegetation.
2. Construction.
3. Dredging, grading or excavating.
4. Paving.
5. Transporting and filling of land.
6. Any other activity related to installing impervious cover.

Land development activities. Those actions or activities which comprise, facilitate, or result in land development.

Land development application. The application for a land development permit on a form provided by the City along with the supporting documents required to be filed therewith.

Land development permit. The authorization necessary to begin construction-related land-disturbing activity.

Land development project. A discrete land development undertaking.

Land disturbance. Any land or vegetation change including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, and transporting and filling of land, and that does not include construction, paving or any other installation of impervious surfaces.

Land disturbance activity. With respect to Sec. 11.5. Steam Buffer Protection, those actions or activities which comprise, facilitate, or result in land disturbance.

Land-disturbing activity.

1. With respect to the general provision of this UDC, those actions or activities which comprise, facilitate, or result in land disturbance.
2. With respect to Sec. 11.1 Tree Canopy Conservation Ordinance ~~and Sec. 11.6 Soil Erosion, Sedimentation, and Pollution Control~~, any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land, but not including agricultural practices as set forth in the City of Milton Soil Erosion and Sedimentation Control Ordinance.
3. With respect to Sec. 11.4. Stormwater Management, any activity which may result in soil erosion from water or wind and the movement of sediments into state water or onto lands within the state, including but not limited to clearing, dredging, grading, excavating, and filling of land. Land disturbing activity does not include agricultural practices as described in O.C.G.A. § 12-7-17(5) or silvicultural land management activities as described in O.C.G.A. § 12-7-17(6) within areas zoned for these activities.
4. With respect to Sec. 11.6. Soil Erosion, any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state;
    a. The term includes, but is not limited to:
        i. Clearing, dredging or grading; and
        ii. Excavating, transporting or the filling of land.
    b. The term does not include agricultural practices as described in Sec. 11.6.1.B.5.

Land disturbance permit. An official authorization issued by the Director, allowing defoliation or alteration of a site or the commencement of any construction activities including, but not limited to:

1. Clearing;

2. Grubbing;
3. Dredging;
4. Grading; and
5. Excavating, transporting and filling of land.

The term does not include agricultural practices as defined in the O.C.G.A. § 1-3-3.

Landscape architect. A registered, practicing landscape architect licensed by the Sstate.

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

Landscape Strip.

1. With respect to the general provisions of this UDC, an area required by this UDC or any condition of zoning, use permit or variance approval, which is reserved for the installation and/or maintenance of plant materials.
2. With respect to Form-Based Codes, the element of the public frontage between the sidewalk (or right-of-way where no sidewalk is required along Five Acre Road) and the frontage line that is required to match the built character on specific existing thoroughfares. All or a portion of the landscape strip may be counted towards meeting a minimum setback by warrant. The landscape strip may contain fencing.

Larger common plan of development or sale. A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purpose of this definition, the term “plan” means:

1. An announcement.
2. Piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or
3. Physical demarcation such as boundary signs, lot stakes, or survey marking, indicating that construction activities will occur on a specific plot.

Lattice tower. A guyed or self-supporting, open frame structure that has three or four sides used to support telecommunications equipment.

Law. With respect to Sec. 8.4.4. Small Wireless Facilities and Antennas, any and all federal, state, or local laws, statutes, common laws, codes, rules, regulations, orders, or ordinances.

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

Lawn maintenance machinery. Machines or tools powered by electricity, fuel, or by hand that are used to mow, trim, fertilize, seed, till, or other associated actions to maintain lawns, golf courses and other types of landscapes.

Layer. With respect to Form-Based Codes, a range of depth of a lot within which certain elements are permitted.

LED. An electronically controlled sign utilizing light-emitting diodes to form some or all of the sign message.

Level of service (LOS). A quantitative and qualitative measure of how well traffic flows on a given street or highway. The term "level of service" includes such factors as highway width, number of lanes, percentage of trucks, total traffic volume, turning movements, lateral clearances, grades, sight distance, capacity in relation to volume, travel speed and other factors which affect the quality of flow.

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

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

Lightwell. With respect to Form-Based Codes, A private frontage type that is a below-grade entrance or recess designed to allow light into basements. ~~(Syn: light court.)~~

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

Limits of disturbance. The boundary within which all construction, materials storage, grading, landscaping, and related activities must occur.

Liner Building. With respect to Form-Based Codes, a building specifically designed to mask a parking lot or a parking structure from a frontage.

Linear feasibility program. A feasibility program developed by the City and submitted to the Georgia Environmental Protection Division, which sets reasonable criteria for determining when implementation of stormwater management standards for linear transportation being constructed by the City is infeasible.

Linear transportation project. Construction projects on traveled ways including but not limited to roads, sidewalks, multi-use paths and trails, and airport runways and taxiways.

Lites, simulated divided. A method of constructing windows in which muntins are affixed to the inside and outside of a panel of insulating glass to simulate the look of true divided light.

Lite, true divided. A method of constructing windows in which multiple individual panes of glass or lights are assembled in the sash using muntins.

Live crown ratio. The percentage of the total height of a tree that is occupied by the tree's live crown.

Livestock. Horses, mules, cows, sheep, goats, hogs, and all other animals used or suitable for either food or labor.

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

Local issuing authority. The governing authority of any county or municipality which is certified pursuant to O.C.G.A. § 12-7-8(a).

Lodging. The term collectively defining uses defined and regulated by Sec. 8.5.5 Lodging.

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

Lollypop sign. A pole sign with an additional three-dimensional shape or sign on the top.

~~**Lot frontage.** The shortest property line adjoining a street or, for lots requiring no street frontage, oriented toward a street. A property line adjoining a stub street is considered frontage unless it is proposed for access or is the only street frontage. Front yard requirements are measured from this property line. When a multiple frontage lot has equal distance on street frontages, the Director will determine the legal lot frontage.~~

Lot.

1. With respect to the general provision of this UDC, the basic lawful unit of land, identifiable by a single deed established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon. In determining the area and dimension of a lot, no part of the right-of-way of a road or crosswalk may be included. The term is synonymous with the terms ~~"lot" is synonymous with~~ "tract" and "parcel."
2. With respect to Sec. 9.2. Signs, a parcel of land that is of sufficient size to meet minimum zoning requirements for lot area, coverage, and use and that can provide such yards and other open spaces as required by the zoning standards.

Lot coverage. The percentage of impervious surfaces located on a lot in comparison to the total lot area, calculated by dividing impervious surface area by total lot area. For purposes of calculating lot coverage, impervious surfaces includes:

1. The footprint of the main building regardless of size.
2. The total footprints of any accessory buildings larger than 150 square feet.
3. Swimming pools, hot tubs, and associated decks.
4. Parking pads and driveways.

For purposes of calculating lot coverage, total lot area is the area of the lot reduced by the area of the following that is located within the boundaries of the lot:

1. Streets.

Lot coverage by building. With respect to Form-Based Codes, the portion of lot coverage that only includes:

1. The total footprints of all main building regardless of size; and
2. The total footprints of any accessory buildings larger than 150 square feet.

Lot frontage. The shortest property line adjoining a street or, for lots requiring no street frontage, oriented toward a street. A property line adjoining a stub street is considered frontage unless it is proposed for access or is the only street frontage. Front yard requirements are measured from this property line. When a multiple frontage lot has equal distance on street frontages, the Director will determine the legal lot frontage.

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

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

Lot line, rear. Generally, the lot line opposite and most distant from the front lot line. For a pointed or irregular lot, the rear lot line is an imaginary line, parallel to and the most distant from the front lot line, not less than 20 feet long, and wholly within the lot. True triangular lots do not have rear lot lines. Lots with more than one front lot line do not have rear lot lines. The Director makes the final determination of rear lot lines when in dispute or undefined by this definition.

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

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

Lot width. With respect to Form-Based Codes, the length of the principal frontage line of a lot.

Lot, corner. A lot abutting two or more streets at their intersection.

Lot, double/multiple frontage. A lot other than a corner lot abutting two or more streets that may or may not intersect at that lot.

Lot, minimum lot size. The smallest permissible lot area established by the applicable zoning district regulations or conditions of zoning.

Lot, multiple frontage. Lots adjoining more than one street.

Lot, nonconforming. See "nonconforming lot, use or structure."

Lot, unlawful. Any lot-of-record which, at the time of recordation in the official records of the clerk of superior court, was not in compliance with zoning and subdivision laws in effect at that time.

Lot-of-record. A lot, whether lawful or unlawful, which appears on a deed and plat recorded in the official records of the clerk of superior court.

~~**Lot frontage.** The shortest property line adjoining a street or, for lots requiring no street frontage, oriented toward a street. A property line adjoining a stub street is considered frontage unless it is proposed for access or is the only street frontage. Front yard requirements are measured from this property line. When a multiple frontage lot has equal distance on street frontages, the Director will determine the legal lot frontage.~~

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

~~**Lot line, rear.** Generally, the lot line opposite and most distant from the front lot line. For a pointed or~~

~~irregular lot, the rear lot line is an imaginary line, parallel to and the most distant from the front lot line, not less than 20 feet long, and wholly within the lot. True triangular lots do not have rear lot lines. Lots with more than one front lot line do not have rear lot lines. The Director makes the final determination of rear lot lines when in dispute or undefined by this definition.~~

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

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

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

~~**Lot width.** With respect to Form-Based Codes, the length of the principal frontage line of a lot.~~

~~**Lot, corner.** A lot abutting two or more streets at their intersection.~~

~~**Lot, double/multiple frontage.** A lot other than a corner lot abutting two or more streets that may or may not intersect at that lot.~~

~~**Lot, minimum lot size.** The smallest permissible lot area established by the applicable zoning district regulations or conditions of zoning.~~

~~**Lot, multiple frontage.** Lots adjoining more than one street.~~

~~**Lot, nonconforming.** See "nonconforming lot, use or structure."~~

~~**Lot, unlawful.** Any lot of record which, at the time of recordation in the official records of the clerk of superior court, was not in compliance with zoning and subdivision laws in effect at that time.~~

~~**Lot of record.** A lot, whether lawful or unlawful, which appears on a deed and plat recorded in the official records of the clerk of superior court.~~

Loud and unreasonable noise. Any sound or noise, including, but not limited to, music or speech, which is so loud in volume level and/or of such duration or character as to disturb the comfort, health, peace, safety, quiet enjoyment or repose of one or more persons of ordinary sensibilities.

Low power commercial radio mobile network. A system of low power commercial telecommunications facilities which allows wireless conversation to occur from site to site.

Low power mobile radio service telecommunications facility. An unmanned facility which consists of equipment for the reception, switching and transmission of low power mobile radio service communications. Such facilities may be elevated, either building-mounted or ground-mounted; transmitting and receiving antennas; low power mobile radio service base equipment; or interconnection equipment. The facility types include: roof and/or building mounted facilities, freestanding low power mobile radio service facilities, and micro-cell or repeater facilities.

Low power telecommunications facility. An unmanned facility consisting of equipment for the reception, switching and/or receiving of wireless telecommunications operating at 1,000 watts or less effective radiated power (ERP) including, but not limited to, the following:

1. Cellular, enhanced specialized mobile radio (ESMR), paging services and personal communications networks (PCN).
2. Point-to-point microwave signals.
3. Private, low power mobile radio services which include industrial, land transportation, emergency public safety and government, automatic vehicle monitoring, personal mobile (CB's) and HAM operators.
4. Signals through FM radio boosters under ten watts ERP.
5. Signals through FM radio transmitters.

Low power telecommunications facility accessory building. An unmanned building used to house equipment related to a communications facility.

Lowest floor.

1. The lowest floor of the lowest enclosed area, including the basement.
2. The term does not include an unfinished or flood-resistant enclosure, used solely for the parking of vehicles, building access, or storage, in an area other than a basement; provided that such enclosure is not built so as to render the structure in violation of other provisions of Sec. 11.2. Floodplain Management/ Flood Damage Prevention.

~~3.~~ **Luminaire height**. The vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

Luminaire. A complete lighting system and includes a lamp and a fixture.

M

Maintenance, normal. The upkeep of a sign for the purpose of maintaining safety and appearance which may include:

1. Bulb replacement.
2. Letter replacement.
3. Painting.
4. Panel replacement.
5. Repair of electrical components and structural reinforcements to its original condition.

Manufactured home.

1. With respect to the general provision of this UDC, a structure, transportable in one or more sections, which, in the traveling mode, is 8-body feet or more in width or 40-body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term includes any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401 et seq.
2. With respect to Sec. 11.2. Floodplain Management/ Flood Damage Prevention, a building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term includes any structure commonly referred to as a "mobile home" regardless of the date of manufacture. The term also includes parked trailers, travel trailers and similar transportable structures placed on a site for 180 days or longer and intended to be improved property.

Manufactured home installation. The construction of a foundation system and the placement or erection of a manufactured home or a mobile home on the foundation system. The term includes, without limitation, supporting, blocking, leveling, securing, or anchoring such home and connecting multiple or expandable sections of such home.

Marquee or marquee sign. Any permanent roof like structure projecting beyond a building or extending along and projecting beyond the wall of the building.

Massing, varying the. ~~Varying the massing of a building and includes~~ Vvarying the surface planes of the building:

1. With porches, balconies, bay windows, and overhangs;

~~2.~~ By stepping-back the buildings from the second floor and above; or

2.

3. By breaking up the roofline with different elements to create smaller compositions.

Material change in appearance.

1. With respect to the general provisions of this UDC, a change in a structure or a parking lot within an overlay district that exceeds ordinary maintenance or repair and requires either a sign permit, building permit or land disturbance permit such as, but not limited to:
   a. The erection, alteration, restoration, addition or removal of any structure (including signs) or parking lot;
   b. Relocation of a sign or building;
   c. Commencement of excavation; or
   d. A change in the location of advertising visible from the public right-of-way.
2. With respect to historic preservation, a change that will affect the exterior architectural or environmental features of a historic property or any building, structure, site, object, or landscape feature within a historic district, such as:
   a. A reconstruction or alteration of the size, shape, or facade of a historic property, including but not limited to, relocation of any doors or windows or removal or alteration of any architectural features, details, or elements;
   b. Demolition or relocation of a historic structure;
   c. Commencement of excavation for construction purposes;
   d. A change in the location or removal of advertising visible from the public right-of-way; or
   e. The erection, alteration, restoration, or removal of any building or structure within a historic property or district, including but not limited to walls, fences, steps and pavements, or other appurtenant features, except exterior paint alterations.

Mausoleum. A building where bodies are interred above ground in stacked vaults.

Maximum Two-Story Height Zone. With respect to Article 7B Deerfield Form-Based Code, an area shown on the Deerfield/Highway 9 Regulating Plan where the maximum building height is limited to two stories, regardless of Transect Zone.

Maximum Twelve-Story Building Height Zone. With respect to Article 7B Deerfield Form-Based Code, an area shown on the Deerfield/Highway 9 Regulating Plan where the maximum building height is limited to twelve stories, regardless of Transect Zone.

Mean sea level. The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ~~section~~UDC, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929 and the North American Vertical Datum (NAVD) of 1988.

Mechanical noise. Noise produced by lawn maintenance, garage machinery, or generators.

Metropolitan River Protection Act (MRPA). A state law referenced as O.C.G.A. § 12-5-440, et seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Micro-cell. A low power mobile radio service telecommunications facility used to provide increased capacity in high call-demand areas or to improve coverage to weak areas. Micro-cells communicate with the primary low power mobile radio service facility in a coverage area via fiber optic cable or microwave. The typical coverage area for a micro-cell is a one-mile radius or less.

Micro wireless facility. A small wireless facility not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height that has an exterior antenna, if any, no longer than 11 inches.

Microwave antenna. A dish-like antenna used to link communications sites by wireless transmission of voice or data. Modification or modifications have the same meaning as in O.C.G.A. § 36-66B-3(7),

except that modifications may also include: (i) an increase in structure height of a pre-existing tower up to 30% so long as such height increase does not trigger FAA lights requirements; or (ii) the removal and replacement of a pre-existing tower with a tower at the same location that may be up to 30% taller so long as any such structure height increase does not trigger FAA lighting requirements. Any modification under (i) or (ii) may only occur upon a demonstration deemed sufficient to the Director that increasing structure height will allow collocation on the tower by a separate wireless service provider and that such collocation will obviate the need for a new wireless telecommunications facility in Milton. Any modification under (ii) must, to the extent reasonably practicable, match the general design aesthetic of the pre-existing tower with an emphasis placed on stealth technology, though the Director is authorized to allow reasonable changes in tower design to accommodate technology advances or engineering loading requirements. Any modification in compliance with (i) and (ii) authorizes a corresponding percentage increase in the size of the associated equipment compound.

Minor variance. See "variance."

Mitigation. With respect to Sec. 12.3.6. Traffic Impact Studies, to cause to become less severe, to alleviate congestion.

Mixed Use. With respect to Form-Based Codes, multiple Functions within the same building through superimposition or adjacency, or in multiple buildings by adjacency, or at a proximity determined by warrant.

Mobile amplification. Sound produced that is increased in the strength or amount which is typically electronic, but not solely, and moves such as car stereos.

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

Modular building. See "industrialized building."

Modular home. A dwelling manufactured in accordance with the Georgia Industrialized Building Act. See also "industrialized building."

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

Monument. A freestanding sign with a base width of not less than the width of the sign face.

Moving sign. A sign which revolves, rotates, swings, undulates, or otherwise attracts attention through the structural movement of parts.

MS4 permit. The NPDES permit issued by Georgia Environment Protection Division for discharges from the City's municipal separate storm sewer system.

Multitenant.

1. With respect to the general provision of this UDC, two or more businesses that provide goods and services within separate structures located on the same site or within the same structure that provides wall separation and private access for each business.
2. With respect to Sec. 9.2. Signs, one or more buildings, located on a single premises or development, containing two or more separate and distinct individual licensed business, which occupy separate portions of the building or buildings, and which are physically separated from each other by walls.

Multi-Use Trail (MT). With respect to Form-Based Codes, a shared pedestrian, bicycle, and golf cart way running independent of a vehicular thoroughfare and having a minimum width of 10 feet.

N

Nadir. The point directly below the luminaire defined as zero degrees vertical angle.

National Geodetic Vertical Datum (NGVD), as corrected in 1929. A vertical control used as a

reference for establishing varying elevations within the floodplain.

National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit. A permit issued by the Georgia Environmental Protection Division (EPD), under authority delegated pursuant to 33 USC 1342(b), that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general areawide basis.

Natural ground surface. The ground surface in its original state before any grading, excavation or filling.

Neon sign. Neon or other inert gas filled tubing signs. This definition includes lighted banding used as trim around buildings or windows.

Nephelometric turbidity units (NTU). Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidally dispersed or suspended particles are present.

New construction. Any structure for which the start of construction commenced after July 5, 2008, and includes any subsequent improvements to the structure.

New development.

1. With respect to the general provision of this UDC, a land development activity on a previously undeveloped site.
2. With respect to Sec. 11.4. Stormwater Management, disturbing activity, structural development (construction, installation, or expansion of a building or other structure), and/or creation of impervious cover on a previously undeveloped site.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after July 5, 2008.

New trips. With respect to Sec. 12.3.6. Traffic Impact Studies, the total vehicle trips, minus pass-by trips, minus internal trips, if applicable.

Notice of intent (NOI). A notice of intent form provided by EPD for coverage under the state general permit.

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

Nonconforming sign. Any sign which was lawfully erected and maintained before the adoption, revision or amendment of this UDC, but which, by reason of such adoption, revision, or amendment, no longer meets or conforms to one or more such requirements.

Noncontributing. With respect to historic preservation, a nonhistoric resource or classification applied to an individual property located within a designated historic district, signifying that the property does not contribute to the distinctive character of the district. Such properties are subject only to the provisions of this chapter regarding new construction, including general landscape character, and only when the amount of new construction equals or exceeds 25% of the land area or building ground floor area of the property at the time of its identification as noncontributing.

Non-Federal Water Supply Reservoir. A governmentally owned impoundment of water for the primary purpose of providing water to one or

more governmentally owned public drinking water systems. This excludes the multipurpose reservoirs owned by the U.S. Army Corps of Engineers.

Nonpoint source pollution. A form of water pollution that does not originate from a discrete point such as a wastewater treatment facility or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a byproduct of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Nonstormwater discharge. Any discharge to the storm drain system that is not composed entirely of stormwater.

Nonstructural stormwater management practice or nonstructural practice. Any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and quality control or other stormwater management benefits including, but is not limited to:

1. Natural depressions;
2. Open and greenspace areas;
3. Overland flow filtration areas;
4. Riparian buffers; and
5. Vegetated channels.

North American Vertical Datum (NAVD) of 1988. A vertical control used as a reference for establishing varying elevations within the floodplain.

Notice of termination (NOT). A notice of termination form provided by EPD to terminate coverage under the state general permit.

Notice to comply. Enforcement action based on noncompliance through failure to either properly install or maintain BMPs, where sediments remain within the boundaries of the property. This enforcement action provides the violator five days to achieve compliance.

O

Object. With respect to historic preservation, a material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

Obscene. Material that is obscene if to the average person, applying contemporary community standards, taken as a whole, it predominantly appeals to the prurient interest, that is, a shameful or morbid interest in nudity, sex or excretion; the material taken as a whole lacks serious literary, artistic, political, or scientific value; and the material depicts or describes, in a patently offensive way, sexual conduct specifically defined as:

1. Acts of sexual intercourse, heterosexual or homosexual, normal or perverted, actual or simulated;
2. Acts of masturbation;
3. Acts involving excretory functions or lewd exhibition of the genitals;
4. Acts of bestiality or the fondling of sex organs of animals; or
5. Sexual acts of flagellation, torture, or other violence indicating a sadomasochistic sexual relationship.

Office. The term collectively defining uses defined and regulated by Sec. 8.5.7 Office.

Official notice. With respect to Sec. 11.6. Soil Erosion, Sedimentation, and Pollution Control, a posting of a notice to comply or stop work order on a property that is noncompliant or in violation.

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

Off-site facility. A stormwater management facility located outside the boundaries of the site.

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

On-site facility. A stormwater management facility located within the boundaries of the site.

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

Open Parking. With respect to Form-Based Codes, An uncovered parking area not within a parking structure. ~~(Syn: parking lot)~~

Open soil surface area. The square foot area of the ground surrounding a planted tree that is required to remain permeable and open, covered only by a layer of mulch; the size of the area required varies by the mature height class of the tree being planted.

Open space. A portion of a site which is permanently set aside for public or private use and will not be developed. The space may be used for passive or active recreation or may be reserved to protect or buffer natural areas. The following also applies:

1. The term includes wooded areas other than required landscape strips and buffers, pathways/walkways, fields, and sensitive environmental areas such as wetlands, etc.
2. The term does not include retention and detention areas used for permanent or occasional water storage, or platted residential lots.

Open space, required. That portion of "open space" that may be used to satisfy minimum zoning district requirements.

Open Space TDR Sending Sites. With respect to Form-Based Codes, parcels that remain in private ownership subject to conservation easements in compliance with this UDC.

Operator. With respect to Sec. 11.6. Soil Erosion, Sedimentation, and Pollution Control, the party or parties that have:

1. Operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or
2. Day-to-day operational control of those activities that there are necessary to ensure compliance with a stormwater pollution prevention plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the stormwater pollution prevention plan or to comply with other permit conditions.

Ordinary maintenance. With respect to Sec. 8.4.5. Telecommunications Facility, t~~T~~he normal repair and maintenance of a telecommunications facility without adding, removing or changing any components of a telecommunications facility. Maintenance includes inspections, testing and modifications that maintain functional use, aesthetic and structural integrity. Ordinary maintenance includes replacing antennas and accessory equipment on a like-for-like basis within an existing telecommunications facility, strengthening the support structure's foundation or of the support structure itself, and relocating the antennas of approved telecommunications facilities to different height levels on an existing monopole or tower upon which they are currently located.

Ordinary maintenance or repair. With respect to overlay districts, e~~E~~xempt from inclusion in the material change in appearance definition. Ordinary maintenance or repair of any exterior of any structure, parking lot or sign in or on an overlay district property to correct deterioration, decay or damage, or to sustain the existing form, and that does not involve a material change in outer design, material, or appearance thereof. Painting, reroofing, resurfacing, replacement of a broken sign face and other similar types of ordinary maintenance will be deemed ordinary maintenance and repair.

~~**OSHA.** The Occupational Safety and Health Administration of the U.S. Department of Labor, or successor agency.~~

Outbuilding. With respect to Form-Based Codes, an accessory building, usually located toward the rear of the same lot as a principal building, and sometimes connected to the principal building by a backbuilding.

Outdoor amplification. Sound which is typically electronic but not solely, such as a bull horn, but the source is amplified sound located outside the confines of a building or structure.

Outfall. The location where storm water in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

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

Overbank flood protection. Measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e., flow events that exceed the capacity of the channel and enter the floodplain).

Overlay district. A geographically definable area, possessing a significant concentration or linkage of sites, buildings, structures, objects or landscapes, including the adjacent area necessary for the proper treatment thereof, united by plan or physical development. The term also means an area designated by the City Council as such.

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

Owner. The legal or beneficial owner of a site (or their authorized representative) including, but not limited to:

1. A mortgagee or vendee in possession.
2. Executor.
3. Lessee.
4. Receiver.
5. Trustee.
6. Other person, firm, or corporation in control of the site.

P

Package. A bottle, can, keg, barrel, or other original consumer container. The term "retail package alcoholic beverages" includes all alcoholic beverages in their original containers or in a growler and sold at retail to the final consumer and not for resale.

Parcel.

1. With respect to the general provision of this UDC, the basic lawful unit of land, identifiable by a single deed. A group of two or more contiguous lots owned by the same entity and used for a single use is considered a single lot. The term is synonymous with the terms “lot” and “tract.” ~~The terms “lot,” “tract” and “parcel” are synonymous.~~
2. With respect to Sec. 11.5. Steam Buffer Protection, any plot, lot or acreage shown as a unit on the latest county tax assessment records.

Park. With respect to Form-Based Codes, a civic space type that is a natural preserve available for unstructured recreation.

Park/Greenway TDR Sending Sites. With respect to Form-Based Codes, parcels that are transferred from private to public ownership or are publicly accessible by easement in compliance with this UDC, including sites designated as civic space, park, greenway, trail or other public recreational uses in an adopted plan or code.

Parking, off-site. Required parking that is not located on the same l~~L~~ot as the use served.

Parking, off-street. Parking that is not located within a t~~T~~horoughfare right-of-way.

Parking, shared. Either 1) the use of parking spaces by two or more uses, or 2) the use of parking spaces by two or more establishments of the same use having different operating hours.

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

Parking Structure. With respect to Form-Based Codes, a building containing either two or more levels of above-ground parking or one or more levels of below-ground parking.

Parks and Recreation Director. The City of Milton Parks and Recreation Department Director or their designee.

Pass-by trips. Vehicle trips which are made by traffic already using the adjacent roadway and entering the site as an intermediate stop on the way to another destination.

Passage (PS). With respect to Form-Based Codes, a pedestrian connector, open or roofed, that is open to the public and passes between buildings or lots to provide shortcuts through long blocks and connect two thoroughfares. Passages are not civic spaces.

Passive tree protection. The ongoing avoidance of activities harmful to a tree, as further described in the tree ordinance.

Path (PT). With respect to Form-Based Codes, a pedestrian way traversing a park or rural area, with landscape matching the contiguous open space, ideally connecting directly with the urban sidewalk network.

Path. With respect to the general provision of this UDC, a~~A~~ cleared way for pedestrians and bicycles that may or may not be paved or otherwise improved.

Peak hour. With respect to Sec. 12.3.6. Traffic Impact Studies:

1. 7:00 a.m. to 8:00 a.m., 8:00 a.m. to 9:00 a.m. or the highest four, 15-minute increments within such time period for the a.m. peak hour; and
2. 4:00 p.m. to 5:00 p.m., 5:00 p.m. to 6:00 p.m. or the highest four, 15-minute increments within such a time period for the p.m. peak hour.

Pennant or streamer. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

Permanent sign. Any sign which, when installed, is intended for permanent use, and is of a type and construction as not to be easily or readily removed from the lot on which it has been erected.

Permit.

1. With respect to the general provision of this UDC, the authorization issued by the City of Milton, or any other governmental entity having jurisdiction, that is necessary to conduct land development or a activity under the provisions of this UDC, or as provided in state or federal law.
2. With respect to Sec. 8.4.4. Small Wireless Facilities and Antennas, a written authorization, in electronic or hard copy format, required to be issued by the City to initiate, continue, or complete the collocation of a small wireless facility or the installation, modification, or replacement of a pole or decorative pole upon which a small wireless facility is collocated.

~~2.~~3. With respect to 9.2. Signs, a sign permit reviewed, approved, and issued by the Director.

~~3.~~4. With respect to Sec. 11.2. Floodplain Management/Flood Damage Prevention and Sec. 11.4. Stormwater Management, the permit issued by the City to the applicant which is required for undertaking any land development activity.

~~4.~~5. With respect to Sec. 11.5. Steam Buffer Protection, the permit issued by the Director to the applicant which is required for undertaking any land development activity.

~~5.~~6. With respect to Sec. 11.6. Soil Erosion, Sedimentation, and Pollution Control, the

authorization necessary to conduct a land-disturbing activity under the provisions of such section.

Permittee. The person or entity owning or leasing the land ~~on which the sign is erected or~~ for which an application has been submitted.

Person. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality, or other political subdivision of the State of Georgia, any interstate body or any other legal entity.

Phase or phased. Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized before completing construction activities on the entire construction site.

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

Placement. With respect to Form-Based Codes, the arrangement of a building on its lot.

~~**Plan, conceptual.** A drawing that shows the proposed layout of a subdivision in sufficient detail to indicate its workability and feasibility, but is not in final form for recording, pursuant to these regulations. The conceptual plan is the first stage in securing a land disturbance permit.~~

Planning Commission. The City of Milton Planning Commission.

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

Planted tree. A tree that has been planted within the last three years and has not yet completed three growing seasons on-site.

Planter. With respect to Form-Based Codes, the element of the public frontage located between the sidewalk and the curb which accommodates street trees, whether continuous or individual.

Planting season. November 15 to March 15.

Plat. A map indicating the subdivision, combination, or resubdivision of land, intended to be filed for recording.

Plat, final. A finished drawing of a subdivision that provides a complete and accurate depiction of all legal and engineering information required by this UDC. ~~Certification is necessary for recording.~~

Plat, minor. A finished drawing of a subdivision of no more than three lots, or if any number of single family residential lots are each a minimum of 3 acres or more in size, that, at the time of subdivision, does not necessarily, but may involve:

1. A land disturbance permit;
2. New streets;
3. The extension of a utility or other municipal facility; and
4. Depicts all legal and engineering information required by UDC.

Plat, Preliminary. A drawing that shows the proposed layout of a subdivision in sufficient detail to indicate its workability and feasibility, but is not in final form for recording, pursuant to these regulations. The preliminary plat is the first stage in securing a land disturbance permit.

Plaza. With respect to Form-Based Codes, a civic space type designed for civic purposes and commercial activities in the more urban Transect Zones, generally paved and spatially defined by building frontages.

Pole. With respect to Sec. 8.4.4. Small Wireless Facilities and Antennas, a vertical pole such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal, or other material that is lawfully located or to be located within a right-of-way, including without limitation a replacement pole and an authority pole. Such term shall not include a

support structure, decorative pole, or electric transmission structure.

Pole sign. A freestanding sign with visible support structures.

Police Department. The City of Milton Police Department.

Pollutant. With respect to water, a~~A~~nything which causes or contributes to pollution. The term includes, but is not limited to:

1. Animal wastes.
2. Automotive fluids.
3. Cleaning chemicals.
4. Concrete and cement.
5. Cooking grease.
6. Degreasers.
7. Detergents (biodegradable or otherwise).
8. Dissolved and particulate metals.
9. Floatables.
10. Liquid and solid wastes.
11. Nonhazardous liquid and solid wastes and yard wastes.
12. Noxious or offensive matter of any kind.
13. Paints, varnishes, and solvents.
14. Pesticides, herbicides, and fertilizers.
15. Petroleum hydrocarbons.
16. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution.
17. Sewage, fecal coliform and pathogens.
18. Wastes and residues that result from constructing a building or structure.

Pollution. With respect to water, t~~T~~he contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent. The term includes, but is not limited to:

1. A change in temperature, taste, color, turbidity, or odor of such waters; or
2. The discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

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

Portable sign. A sign which is not permanently affixed to the ground or to a structure including, but not limited to, signs on trailers or signs mounted or painted on vehicles which are either parked or moving, in such a manner as to serve the purpose of a sign.

Post-construction stormwater management. Stormwater best management practices that are used on a permanent basis to control and treat runoff once construction has been completed in accordance with a stormwater management plan.

Post-development. The conditions anticipated to exist on a site, immediately after completion of the proposed development.

Practicability policy. The latest edition of the Metropolitan North Georgia Water Planning District's Policy on Practicability Analysis for Runoff Reduction.

Pre-construction meeting. A meeting between the applicable members of the Community Development Department and an applicant, its contractor(s), design engineer, and any other entities directly or indirectly involved in the proposed development. This meeting is held prior to

the start of any work or construction on the subject site.

Predevelopment. The conditions that exist on a site immediately before the implementation of the proposed development. Where phased development or plan approval occurs (preliminary grading, roads, and utilities, etc.), the existing conditions at the time before the first item being approved or permitted establishes predevelopment conditions.

Predevelopment hydrology.

1. For new development, the runoff curve number is determined using natural conditions hydrologic analysis based on natural, undisturbed condition of the site immediately before implementation of the proposed development; and
2. For redevelopment, the existing conditions hydrograph may take into account the existing development when defining the runoff curve number and calculating existing runoff, unless the existing development causes a negative impact on downstream property.

Preexisting towers and preexisting antennae. Any tower or antenna for which a building permit or special use permit has been properly issued before August 9, 2010, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired

Premises.

1. With respect to the general provision of this UDC, a lot, plot or parcel of land, easement, or public way, including any structures thereon.
2. With respect to Sec. 11.3 Illicit Discharge & Illegal Connection, any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Previously developed site. A site that has been improved or altered by paving, construction, and/or land disturbing activity.

Primary variance. See "variance."

Principal building. The building in which the principal use of the lot is conducted. Nonresidential lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other structures with clearly accessory uses are not considered principal buildings.

Principal Entrance. With respect to Form-Based Codes, the main point of access for pedestrians into a building.

Principal Frontage. With respect to Form-Based Codes, on corner lots, the private frontage designated to bear the address and principal entrance to the building, and the measure of minimum lot width. Prescriptions for the parking layers pertain only to the principal frontage. Prescriptions for the first layer pertain to both frontages of a corner Lot. See "frontage."

Priority area. An area on a lot where tree canopy cover is considered a priority over other areas due to the functions and benefits tree cover provides in that location.

Priority tree. A specimen or heritage tree.

~~**Private Frontage.** With respect to Form-Based Codes, the privately held layer between the frontage line and the principal building facade that bears the principal entrance to the building.~~

Project.

1. With respect to Sec. 11.4. Stormwater Management, a land development project.
2. With respect to Sec. 11.6. Soil Erosion, Sedimentation, and Pollution Control, the entire proposed development project, regardless of the size of the area of land to be disturbed.

Projecting sign. Any sign which is suspended or projected from the wall, eave, or soffit of the building.

Properly designed. Designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (manual) published by the Georgia Soil and Water Conservation Commission as

of January 1 of the year in which the land-disturbing activity was permitted and amendments to the manual as approved by the commission up until the date of NOI submittal.

Property. With respect to Sec. 11.1 Tree Canopy Conservation Ordinance, an area of land composed of less than one lot, or of accumulations of one or more lots, or parts thereof.

Property boundary. The surveyed line at ground surface which separates the real property owned, rented or leased by one or more persons from that owned, rented or leased by another or others, and its vertical extension.

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

Protected Small Water Supply Watershed. The corridors of streams in a small water supply watershed within a 7-mile radius upstream of a governmentally owned public drinking water supply intake or a non-federal water supply reservoir. A map of the Protected Small Water Supply Watersheds is available upon request from the City of Milton based on the regional map prepared by the Metropolitan North Georgia Water Planning District.

Protected tree. Any tree 15 inches DBH or greater, any tree conserved or planted to meet tree ordinance requirements, any City tree, any specimen tree, and/or any heritage tree.

Protected zone. All lands that fall outside the buildable area of a parcel, all areas of a parcel required to remain in open space, all areas required as landscape strips and buffers (including zoning buffers, state water buffers and tributary buffers) and all tree save areas according to:

1. The provisions of this UDC;
2. Conditions of zoning;
3. Use permit or variance approval; and
4. Sec. 11.1 Tree Canopy Conservation Ordinance.

Protection area or stream protection area. With respect to a stream, the combined areas of all required buffers and setbacks applicable to such stream.

~~**Public Frontage.** With respect to Form-Based Codes, the area between the curb of the vehicular lanes and the frontage line.~~

Public sign. Any sign erected by a governmental entity.

Public way. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

Public Workers Director. The City of Milton Public Works Director or their designee.

Pylon sign. A freestanding sign with visible support structure or with the support structure enclosing a pole or poles.

R

Radiofrequency expert. A radiofrequency expert with specialized training and experience in the development and analysis of telecommunication networks and facilities, or a professional engineer licensed in the State of Georgia and experienced in the telecommunications field; however, if UDC requires an engineering certification regarding structural loading or other certification associated with the safety or integrity of structures, a certification by a professional engineer licensed in the State of Georgia is required.

Rate. With respect to Sec. 8.4.4. Small Wireless Facilities and Antennas, a recurring charge.

Rear Alley (RA). With respect to Form-Based Codes, a privately owned and maintained vehicular way located to the rear of lots providing access to service areas, parking, and outbuildings and containing utility easements.

Rear Lane (RL). With respect to Form-Based Codes, a privately owned and maintained vehicular way located to the rear of lots providing access to service areas, parking, and outbuildings and containing

utility easements. Rear lanes may be paved lightly to driveway standards.

Rearyard Building. With respect to Form-Based Codes, a building that occupies the full frontage line, leaving the rear of the lot as the sole yard.

Receiving property. The real property within which sound originating from outside the property is received.

Recess Line. With respect to Form-Based Codes, a line prescribed for the full width of a facade, above which there is a stepback of a minimum distance, such that the height to this line (not the overall building height) effectively defines the enclosure of the enfronting public space.

Reconditioning work. With respect to Sec. 8.4.4. Small Wireless Facilities and Antennas, the activities associated with substantially painting, reconditioning, improving, or repairing authority poles.

Recreational facilities. Includes:

1. Golf courses.
2. Parks.
3. Playgrounds.
4. Playing fields.
5. Recreation areas.
6. Recreation counters (indoor and outdoor).
7. Other similar uses or facilities.

Recreational vehicle.

1. With respect to the general provision of this UDC, a vehicle not exceeding ~~eight and one half~~ 8.5 feet in width and 45 feet in length that is used for leisure time activities and as a dwelling unit while traveling. The term includes a camper, motor home, and travel trailer, but does not a manufactured home or mobile home.
2. With respect to Sec. 11.2. Floodplain Management/Flood Damage Prevention, a vehicle which is:
   a. Built on a single chassis;
   b. 400 square feet or less when measured at the largest horizontal projection;
   c. Designed to be self-propelled or permanently towable by light-duty truck; and
   d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Redevelopment. Structural development (construction, installation, or expansion of a building or other structure), creation or addition of impervious surfaces, replacement of impervious surfaces not as part of routine maintenance, and land disturbing activities associated with structural or impervious development on a previously developed site. Redevelopment does not include such activities as exterior remodeling.

Regional stormwater management facility or regional facility. Stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for onsite controls is either eliminated or reduced.

Regulating plan. With respect to Form-Based Codes, a zoning map or set of maps that shows the Transect Zones, Civic Zones, Special Districts if any, thoroughfares, and special requirements if any, of areas subject to regulation by Form-Based Codes.

Regulating plan, infill. With respect to Form-Based Codes, a site plan for a development site that modifies the otherwise applicable Form-Based Code regulating plan to show revised site-specific Transect Zones, Civic Zones, Special Districts if any, thoroughfares, and special requirements if any.

Reinspection fee. A fee assessed to the developer/owner/operator or responsible party for reinspecting the project if requested by the developer/owner/operator or responsible party before the end of the compliance period; provided

that upon that reinspection the project remains out of compliance.

Remediation plan. A plan that may be required by the City Arborist from a property owner after a written notice of violation or stop work order has been issued for the property describing how the conditions of violation of the tree ordinance must be remedied in accordance with the City Arborist's requirements and the conditions stated on the notice, order, or other pertinent documentation.

Repeater. A low power mobile radio service telecommunications facility used to extend coverage of cell areas to areas not covered by the originating facility.

Replace, replacement or replacing. With respect to Sec. 8.4.4. Small Wireless Facilities and Antennas, to replace a pole or decorative pole with a new pole or a new decorative pole, similar in design, size, and scale to the existing pole or decorative pole consistent with 47 C.F.R. § 1.40001(b)(7) as it existed on January 1, 2019, in order to address limitations of, or change requirements applicable to, the existing pole to structurally support the collocation of a small wireless facility.

Replacement work. With respect to Sec. 8.4.4. Small Wireless Facilities and Antennas, the activities associated with replacing an authority pole.

Reserved right-of-way. The potential existing right-of-way reserved for expansion or new right-of-way that the City may require a property owner or developer to dedicate to the City when traffic demand warrants an expansion, or any adopted applicable plan shows expansion or new location roadway, or is required as a condition of rezoning.

Residential. The term collectively defining uses defined and regulation by Sec. 8.3 Residential Uses.

Residential use~~/dwelling~~. Any building or portion thereof where one actually lives or has their home. The term also means a place of human habitation.

Residentially used property. With respect to Sec. 11.7 Noise Control, property that is zoned and or developed with residential uses in T-6, T-5, T-4, T-4 Open, T-4 Permissive, MIX, agricultural districts, R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, R-6, TR, A, A-L, NUP, and CUP.

Retaining wall. A wall or terraced combination of walls used at a grade change to hold soil and other earth material at a higher position. Retaining walls may be attached to or independent from other structures.

Retaining wall face The exposed side of a retaining wall ~~is known as a "face.,"~~

Retaining wall terrace. The area between a lower retaining wall and a successive higher retaining wall. ~~is known as a "terrace."~~

Retail. The term collectively defining uses defined and regulated by Sec. 8.5.4 Indoor Recreation, Sec. 8.5.10 Personal Service, Sec. 8.5.11. Restaurants, and Sec. 8.5.12 Retail sales.

Retail Frontage. With respect to Form-Based Codes, frontage designated on a regulating plan that requires or recommends the provision of a shopfront, encouraging the first story to be available for retail use. ~~See "special requirements."~~

Right-of-way dedication and reservation plan. An element of the C~~c~~omprehensive P~~p~~lan maintained by the Public Works Department which includes guidelines and procedures for the dedication and reservation of rights-of-way along public roadways.

Right-of-way.

1. With respect to the general provision of this UDC, a~~A~~ portion of land over which a local or state government has designated a right of use.
2. With respect to Sec. 8.4.4. Small Wireless Facilities and Antennas, generally, property or any interest therein, whether or not in the form of a strip, which is acquired for or devoted to a public road; provided, however, that such term shall apply only to property or an interest therein that is under the ownership or control of the city and shall not include property or any interest therein acquired for or devoted to an interstate highway or the public rights, structures, sidewalks, facilities, and appurtenances of buildings for public

equipment and personnel used for or engaged in administration, construction, or maintenance of public roads or research pertaining thereto or scenic easements and easements of light, air, view and access.

Riparian. Belonging or related to the bank of a river, stream, lake, pond or impoundment.

Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, or brook.

Road (RD). With respect to Form-Based Codes, a local, rural, and suburban thoroughfare of low-to-moderate vehicular speed and capacity. This type is allocated to the more rural Transect Zones (T2-T3).

Roadway. The paved or graveled portion of a street from back of curb to back of curb (or edge of pavement to edge of pavement for streets not having curbs). The term does not include driveway aprons, bridges, and large single and multi-cell culverts which in a hydrologic sense can be considered to function as a bridge.

Roadway drainage structure. A device such as a bridge, catch basin, culvert, or ditch, composed of a virtually nonerodable material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way (public or private) consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Roof and/or building-mounted telecommunications facility. A wireless telecommunications facility in which antennas are supported entirely by a building other than a building accessory to a telecommunications facility and do not significantly change the profile of the existing structure and are not readily noticeable to the untrained eye. Existing structures include buildings, water tanks, towers, and utility poles. Such facilities may include micro-cell and/or repeater facilities.

Roof sign. Any sign erected and constructed wholly on and over the roof of a building, or supported by the roof structure.

Routine maintenance. With respect to Sec. 11.4. Stormwater Management, activities to keep an impervious cover as near as possible to its originally constructed condition. This includes ordinary maintenance activities, resurfacing paved areas, and exterior building changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

Runoff. See "sStormwater runoff."

Rural viewshed. The view that can be seen from an exterior street ~~and its~~whose purpose is to protect the scenic view and promote the city's visual and aesthetic character. The rural viewshed is comprised of two sections: a 40-foot primary rural viewshed setback, that section located closest to the exterior street; and, a 20-foot secondary rural viewshed setback, located immediately contiguous to, the primary setback.

S

Scaffold limbs. The large limbs branching off from the main trunk that form the basic structure of the tree's crown and support the remaining branches and leaves.

Scale. Refers to the relationship of the size of a building to neighboring buildings, and of a building to a site, and of parts to one another and humans. In general, the scale of new construction should relate to the majority of surrounding buildings.

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

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

Screening. The use of design, existing buildings and structures, existing buffers and proposed vegetation and color to obscure.

Secondary variance. See "variance."

Secondary Frontage. With respect to Form-Based Codes, on corner lots, the private frontage that is not the principal frontage. As it affects the public realm, its first layer is regulated.

Sectorized panel antennas. An array of antennas, usually rectangular in shape, used to transmit and receive telecommunications signals.

Sediment. Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity as a product of erosion.

Sedimentation. The process by which eroded material is transported and deposited by the action of water, wind, ice, or gravity.

Separation. With respect to Sec. 8.4.5. Telecommunications Facility, t~~T~~he vertical distance between one carrier's antenna array and the antenna array of another carrier.

Service drive. See "alley."

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

1. A customer meter or the connection to a customer's piping, whichever is farther downstream; or
2. The connection to a customer's piping if there is no customer meter. The term "customer meter" means the meter that measures the transfer of gas from one operator to a customer.

Setback.

1. With respect to the general provision of this UDC, a space between a property line and a building or specified structure.
2. With respect to Form-Based Codes, the area of a lot measured from the frontage line or, in the absence of frontage line, the lot line, to a building facade or elevation that is maintained clear of permanent structures, except for authorized Encroachments.
3. With respect to a stream, the area established by Sec. 11.5.7 that extends beyond any buffer applicable to the stream.

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

Setback, primary rural viewshed. An area adjacent to an exterior street or easement, whichever is more restrictive, in which no structures may be constructed.

Setback, secondary rural viewshed. A space contiguous to and to the interior of the primary rural viewshed setback in which no structures may be constructed.

Shingle~~/blade~~ sign. A sign which extends out from a building face or wall so that the sign face is perpendicular or at an angle to the building face or wall. The term is synonymous with the term "blade sign."

Shopfront. With respect to Form-Based Codes, a private frontage conventional for retail use, with substantial glazing and an awning, wherein the facade is aligned close to the frontage line with the building entrance at sidewalk grade.

Sidewalk.

1. With respect to the general provision of this UDC, a paved area designated for pedestrians which is constructed in accordance with City standards.
2. With respect to Form-Based Codes, the paved section of the public frontage dedicated exclusively to pedestrian activity.

Sideyard building. With respect to Form-Based Codes, a building that occupies one side of the lot with a setback on the other side. This type can be completely detached (i.e., single) or attached on one side (i.e., twin), depending on whether it abuts the neighboring house.

Sign face. That part of a sign that is or can be used for advertising purposes.

Sign kiosk. A small structure for advertising that contains signs.

Sign. Any device, fixture, placard, or structure affixed to, supported by, or suspended by a stationary object, building or the ground that uses any color, form, graphic, illumination, symbol, or writing to communicate information of any kind to the public.

Site.

1. With respect to the general provision of this UDC, the parcel of land being developed, or the portion thereof on which the land development project is located.
2. With respect to historic preservation, the location of a significant event, a prehistoric or historical occupation or activity, or a building or structure, whether standing, ruined, or vanished where the location itself maintains historical~~,~~ or ~~of~~ archeological value regardless of the value of any existing structure.
3. With respect to Sec. 11.4. Stormwater Management, an area of land where development is planned, which may include all our portions of one or more parcels of land. For subdivisions and other common plans of development, the site includes all areas of land, covered under an applicable land development permit.

Site plan. A detailed plan, drawn to scale, based on a certified boundary survey, and reflecting conditions of zoning approval, various requirements of state law, and this UDC and other applicable ordinances.

Site plan, preliminary. A detailed plan, normally associated with rezoning and use permit requests, which is drawn to scale and reflects the various requirements of state law and of City ordinances. ~~A preliminary site plan must be drawn to scale and must contain information listed for such a plan as prescribed by the Director.~~

Siting. With respect to Sec. 8.4.5. Telecommunications Facility, t~~T~~he method and form of placement of a wireless telecommunications facility on a specific area of a property.

Slip Road. With respect to Form-Based Codes, an outer vehicular lane or lanes of a thoroughfare, designed for slow speeds while inner lanes carry higher speed traffic, and separated from them by a planted median. ~~(Syn: access lane, service lane)~~

Small water supply watershed. A watershed that has less than 100 square miles of land within the drainage basin upstream of a governmentally owned public drinking water supply intake or a non-federal water supply reservoir.

Small wireless facility. The definition in Sec. 8.4.4. Small Wireless Facilities and Antennas.

Soil and water conservation district approved plan. An erosion and sedimentation control plan approved in writing by the Fulton County Soil and Water Conservation District.

Soil compaction. A change in soil physical properties which includes an increase in soil weight per unit volume and a decrease in soil pore space caused by repeated vibrations or frequent traffic and weight that can result in physical root damage, reduced root penetration, a decrease in soil oxygen levels, and an increase in toxic gases.

Sound amplification. Sound that is artificially increased in strength, irrespective of the means.

Sound amplification equipment. Equipment that artificially increases the strength or amount of sound, typically electronic but not necessarily so.

Sound level meter. A sound level measuring device, either type I or type II certified special use meters, as defined by the American National Standards Institute's specifications.

Special District (SD). With respect to Form-Based Codes, an area that, due to its existing development patterns, existing uses, or other factors, cannot or should not conform to one or more of the Transect Zones specified by Form-Based Codes and is, therefore, either subject to standards specifically prepared for the particular Special District or standards of any other zoning districts.

Special Requirements. With respect to Form-Based Codes, provisions so identified in the text of the Form-Based Code and/or the associated designations on a regulating plan.

Specialized Building. With respect to Form-Based Codes, a building that is not subject to Residential, Commercial, or Lodging classification.

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

Specified sexual activities.

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy; or
3. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

Specimen tree(s). A tree or contiguous stand of trees of special value to the community due to its quality, size, or species, and meeting general and specific criteria as set forth in the tree ordinance, as determined by the City Arborist.

Spill light. The light that illuminates surfaces beyond the intended area of illumination caused by the uncontrolled direct light component from the luminaires.

Square. With respect to Form-Based Codes, a civic space type designed for unstructured recreation and civic purposes, spatially defined by building frontages and consisting of paths, lawns and trees, formally disposed.

Stabilization. The process of establishing an enduring soil cover by the installation of temporary or permanent structures or vegetation for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice, or gravity.

Standard details. Illustrative minimum standards for land development activities authorized under the City's land development regulations. These standards shall not supersede more restrictive prudent design requirements or good engineering practices as applied to specific situations on a case-by-case basis. All construction must meet or exceed the minimum standards established by GDOT.

Standard informational sign. A sign with an area of not greater than four square feet, with a sign face made for short-term use, containing no reflecting elements, flags, or projections and which, when erect, stands at a height not greater than three feet and is mounted on a stake or metal frame with a thickness or diameter not greater than 1.5 inches.

Standard tree canopy cover credit. The square feet of tree canopy cover assigned to each of the tree canopy size classes, as set forth herein and in the City of Milton Tree Species List.

Start of construction. With respect to Sec. 11.2. Floodplain Management/ Flood Damage Prevention, the date the permit was issued; provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date.

1. The term "actual start" means the first placement of permanent construction of the structure, such as:
    a. Any work beyond the stage of excavation.
    b. The construction of columns.
    c. The installation of piles.
    d. The placement of a manufactured home on a foundation.
    e. The pouring of slabs or footings.
2. The term "permanent construction" does not include:
    a. Excavation for a basement, footings, piers or foundations or the erection of temporary forms.
    b. Initial land preparation, such as clearing, grading and filling.

c. The installation of streets and walkways.

d. The installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure.

Note—accessory structures are not exempt from any ordinance requirements.

3. For a substantial improvement, the term "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State~~s~~. The State of Georgia

State coordinating agency. The floodplain management coordinator of the state department of natural resources.

State general permit. The National Pollution Discharge Elimination System (NPDES) general permit for stormwater runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, 33 USC 1251 et seq., and O.C.G.A. § 12-5-30(f).

State waters. Any and all rivers, streams, creeks, branches, lakes, ditches, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Stealth technology installation. Manmade trees, clock towers, bell steeples, light poles and similar alternative-design structures, that in the opinion of the City Council, are compatible with the natural setting and surrounding structures, and effectively camouflage or conceal the presence of antennas or towers.



Stealth technology flagpole



Stealth technology silo



Stealth technology pine tree

Steep slope. Any slope equal to or greater than 33% as measured over any minimum run of 10 feet. Steep slopes are determined based on contour intervals of 2 feet or less.

Stepback. With respect to Form-Based Codes, a building setback of at least 10 feet that occurs at a prescribed number of stories above the ground.

Stoop. With respect to Form-Based Codes, a private frontage wherein the facade is aligned close to the frontage line with the first story elevated from the sidewalk for privacy, with an exterior stair and landing at the entrance.

Stop work order. Enforcement action that ceases all work on-site or a portion of the site.

Stormwater concept plan. An initial plan for post-construction stormwater management at the site that provides the groundwork for the stormwater management plan including the natural resources inventory, site layout concept, initial runoff characterization, and first round stormwater management system design.

Stormwater management plan. A plan for post-construction stormwater management at the site that meets the requirements of this UDC and is included as part of the land development application.

Stormwater management facility. Any infrastructure that effects stormwater management and which controls or conveys stormwater runoff.

Stormwater runoff (or stormwater).

1. With respect to the general provision of this UDC, flow on the surface of the ground resulting from precipitation.
2. With respect to Sec. 11.3. Illicit Discharge and Illegal Connection, any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater management system. The entire set of non-structural site design features and structural BMPs for collection, conveyance, storage, infiltration, treatment, and disposal of stormwater runoff in a manner designed to prevent increased flood damage, streambank channel erosion, habitat degradation, and to enhances and promotes the public health, safety and general welfare.

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

Story. A portion of a building between the surface of any floor and the floor or space above it, but not including basements or attics.

Stream. With respect to Sec. 11.5. Steam Buffer Protection, stream means a stream, beginning at:

1. The location of a spring, seep, or groundwater outflow that sustains streamflow; or
2. A point in the stream channel with a drainage area of 25 acres or more.

Where evidence indicates the presence of a stream in a drainage area of other than 25 acres, the Director may require a level II GaSWCC (Georgia Soil and Water Conservation Commission) erosion control certified designer to submit field studies to verify determine the existence of a stream.

Stream bank. The sloping land that contains the stream channel and the normal flows of the stream.

Stream channel. The portion of a watercourse that contains the base flow of the stream.

Street (ST). With respect to Form-Based Codes, a local urban thoroughfare of low speed and capacity.

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

Street, private. A roadway and parallel sidewalk similar to and having the same function as a public street, providing vehicular and pedestrian access to more than one property, but held in private ownership (as distinct from a driveway). Private streets are constructed to City standards but owned and maintained by a private entity. ~~Necessary easements for ingress and egress for police, fire, emergency vehicles and all operating utilities must be provided. If the City is ever petitioned to assume ownership and maintenance of the private streets before dedication of the streets, they must be brought to acceptable City standards subject to the approval of the Public Works Director.~~

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

Street, residential. Streets internal to residential subdivisions.

Streetscreen. With respect to Form-Based Codes, a freestanding wall built along the frontage line, or coplanar with the facade. It may mask a parking lot from the thoroughfare, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm. ~~(Syn: streetwall.)~~

Street, stub-out. A street having one end open to traffic and being temporarily terminated at the other. Stub-outs generally do not have, but may be required to have, a temporary vehicular turnaround.

This temporary termination is to provide connectivity to future developments and may be constructed without curb and gutter provided such stub-out street meets the standards of the Fire Department.

Street classification. The classification of streets based on functions, from high-traffic arterial roads to low traffic residential streets. The following are definitions intended to distinguish between different street classifications. All roadsways are classified by GDOT.

1. **Collector**. A roadway that has partial or no access control and has more emphasis on access to adjacent land over mobility than arterials. The primary purpose is to distribute trips to and from the arterial system and allow access to the local roads.
2. **Freeway**. A multi-lane roadway that has full access control and separation of directional traffic. Freeways accommodate large volumes of high speed traffic and provide efficient movement of vehicular traffic for interstate and major through travel.
3. **Frontage street.** A road that typically runs parallel to a partial access controlled roadway, a full access controlled facility, or a railroad. Frontage roads streets provide public access to the adjacent parcels, help control access to the major facility, and/or maintain circulation of traffic on each side of the major facility.
4. **Full access control.** A road where pPreference is given to through traffic by providing access connections only with selected public roads and by prohibiting crossings at grade and direct private connections.
5. **Housing unit service**. The number of housing units served by a street or collection of streets shall be the aggregate number of housing units provided, or potentially to be provided, with driveway access directly from the street plus the number of units utilizing or potentially utilizing the street for through traffic movements. Such calculations shall be made at the beginning and ending of the same street intersection.
6. **Local.** Any roadway that has no access control, and places strong emphasis on access to adjacent land over mobility while service to through traffic is discouraged.
7. **Major subdivision street.** A local road internal to a subdivision which serves 50 or more housing units. These units do not have to be directly served by the major subdivision street. Major subdivision streets are roads that serve as collectors for the subdivision traffic. Any residential street which accesses a collector or arterial road shall be considered a major subdivision street for the first 300 feet regardless of housing unit service.
8. **Minor arterial.** A roadway that has partial or no access control and is primarily used for inter-connectivity of principal arterials and placing more emphasis on access to adjacent land over mobility.
9. **Minor subdivision street.** A local road internal to a subdivision which serves fewer than 50 housing units and does not access a collector or arterial road.
10. **No access control.** A road where pPreference is generally given to access to adjacent land rather than mobility.
11. **Partial access control.** A road where pPreference is given to through traffic to a degree that, in addition to connection with selected public roads, there may be some crossing at grades, but private connections shall be prohibited.
12. **Principal arterial.** A roadway that has partial or no access control, and is primarily used for fast or large volumes of traffic. Emphasis is placed on mobility rather than access to adjacent land.

Street hardware. Objects other than buildings that are part of the streetscape. The term includes:

1. Benches.
2. Fire hydrants.
3. Litter containers.

4. Planting containers.
5. Streetlight fixtures.
6. Traffic lights and their fixtures.
7. Utility poles, etc.

Streetscape. The appearance and organization along a street of:

1. Buildings.
2. Miscellaneous.
3. Paving.
4. Plantings.
5. Street hardware.

Street tree. A tree located within a road frontage that is conserved or planted for the purpose of providing tree canopy cover over the public street right-of-way.

Structural erosion and sedimentation control measures. Practices for the stabilizing of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating, or disposing of runoff to prevent sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways, outlets, diversions, grade stabilization structures, sediment traps, and sediment barriers, and land grading. Such practices can be found in the publication “Manual for Erosion and Sediment Control in Georgia.”

Structural Root Plate. For a conserved tree, the ground and soil area to a depth of 30 inches with a radius extending out from the trunk one-half foot for every inch of DBH.

Structural stormwater control. A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

Structure.

1. With respect to the general provision of this UDC:
   a. Anything built or constructed which occupies a location on, or is attached to, the ground.
   b. The term does not include:
      i. Driveways.
      ii. Surface parking lots.
      iii. Patios.
      iv. Similar paved surfaces.
2. With respect to Sec. 11.2. Floodplain Management/ Flood Damage Prevention, a walled and roofed building that is principally aboveground, a manufactured home, a gas or liquid storage tank.

Structure, height of. With respect to Sec. 8.4.5. Telecommunications Facility, the distance measured vertically from the average ground elevation adjacent to the structure being measured to the highest point when positioned for operation. The height of a tower includes the height of any antenna positioned for operation attached to the highest point on the tower.

Structure, principal. A structure in which the principal use or purpose on a property occurs, and to which all other structures on the property are subordinate. The term "principal" is synonymous with the terms "main" and "primary."

Structure, support. With respect to Sec. 8.4.4. Small Wireless Facilities and Antennas, a building, billboard, water tank, or any other structure to which a small wireless facility is or may be attached. Such term shall not include a decorative pole, electric transmission structure, or pole.

Subdivider. Any property owner, person, individual, firm, partnership, association, corporation, estate, trust, agent of property owner, or any other group or combination acting as a unit dividing or proposing to divide land so as to constitute a subdivision.

Subdivision.

1. With respect to the general provisions of this UDC, any division or redivision of a lot, tract, or parcel, regardless of its existing or future use, into two or more lots, tracts, or parcels. The term means the act or process of dividing property, except that, where appropriate to the context, the term may be used in reference to the aggregate of all lots held in common ownership at the time of subdivision.

2. With respect to Sec. 11.2. Floodplain Management/Flood Damage Prevention and Sec. 11.4. Stormwater Management, the division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

Subdivision, major. A subdivision that does not qualify as a minor subdivision.

Subdivision, minor. A subdivision of no more than three lots, or of~~if~~ any number of single family residential lots provided ~~are~~ each are a minimum of 3 acres or more in size~~, that, at the time of subdivision, does not necessarily, but may involve:~~

~~1. A land disturbance permit;~~

~~2. New streets; or~~

~~3. The extension of a utility or other municipal facility~~.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

Substantial improvement. With respect to Sec. 11.2. Floodplain Management/ Flood Damage Prevention, the combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a ten-year period, in which the cumulative cost equals or exceeds 50% of the market value of the structure before the improvement.

1. The term "market value of the building" means:
   a. The appraised value of the structure before the start of the initial repair or improvement; or
   b. In the case of damage, the value of the structure before the damage occurring.
2. The term "substantial improvement" includes structures which have incurred substantial damage regardless of the actual amount of repair work performed.
3. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building.
4. The term "substantial improvement" does not include those improvements of a building required to comply with existing health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions, which have been pre-identified by the code enforcement official, and not solely triggered by an improvement or repair project.

Substantially improved existing manufactured home park or subdivision. With respect to Sec. 11.2. Floodplain Management/ Flood Damage Prevention, a condition in which the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50% of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Substantial Modification. With respect to Form-Based Codes, alteration to a building that is valued at more than 50% of the replacement cost of the entire building, if new.

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

Swale. With respect to Form-Based Codes, a low or slightly depressed natural area for drainage.

T

T-Zone. With respect to Form-Based Codes, Transect Zone.

Table land. A land area having a relatively level surface considerably raised above adjoining land on at least one side.

Tasting room. An outlet for the promotion of wine by Georgia Farm Winery by providing samples of such wine to the public and for the sale of such wine at retail for consumption on the premises and for sale in closed packages for consumption off-premises. Samples of wine can be given free of charge or for a fee**.**

TDR. With respect to Form-Based Codes, transfer of development rights, a method of permanently reducing development potential of areas to be preserved as open space and transferring development potential to areas to be more densely urbanized.

TDR Receiving Sites. With respect to Form-Based Codes, parcels that receive bonus density through TDR in compliance with this UDC.

TDR Sending Sites. With respect to Form-Based Codes, parcels on which development potential has been permanently reduced, parcels where ownership has been transferred or where public access has otherwise been secured in compliance with this UDC.

Technically feasible and viable. Capable of being provided through technology which has been demonstrated in actual applications (not simply through tests or experiments) to operate in a workable manner.

Temporary sign. Any sign of nonpermanent nature.

~~**Tenant panels.** An on-premises sign panel that lists the name of tenants within a shopping center or development which the primary sign identifies.~~

Thinning. Selective cutting of trees for timber products with the remaining trees more or less evenly distributed across a property.

Thoroughfare. With respect to Form-Based Codes, a way for use by vehicular and pedestrian traffic and to provide access to lots and open spaces, consisting of vehicular lanes and the public frontage.

Thoroughfare, major. Any street which is classified in the transportation element of the comprehensive plan as either a freeway, an arterial or a major collector.

Thoroughfare, minor. Any street which is classified in the transportation element of the comprehensive plan as a minor collector or local street.

Timber harvesting. A forestry operation including but not limited to the ~~raising~~ growing and harvesting of timber, pulp wood, and other forestry products for commercial purposes, the construction of roads, insect and disease control, fire protection, and may include the temporary operation of a sawmill and/or chipper to process the timber from said parcel. This does not include the cutting of timber associated with approved land development.

Topping. The improper practice of the severe cutting back of limbs to stubs larger than 2 inches in diameter within the tree's crown to such a degree that the tree canopy is removed or the crown shape typical of the species is disfigured, resulting in decay of the scaffold limbs or trunk and/or decline in main branch and sprout production.

Tower. With respect to Sec. 8.4.5. Telecommunications Facility, a~~A~~ny structure designed primarily for the purpose of supporting one or more antennas used for transmitting or receiving analog, digital, microwave, cellular,

telephone, personal wireless service or similar forms of electronic communication, including self-supporting lattice towers, guy towers or monopole towers constructed as a freestanding structure or in association with a building or other permanent structure. Towers include radio and television transmission towers, microwave towers, common-carrier towers, cellular and digital telephone towers, alternative ~~tower~~ antenna support structures, and the like. The term does not include amateur radio ~~antenna~~antennas.

Tract. ~~Synonymous with~~See "~~-~~lot." ~~and parcel.~~

Traffic impact study. An analysis and assessment, conducted by a qualified professional, that assesses the effects that a discretionary development proposal's traffic will have on the transportation network in a community or portion thereof. Traffic impact studies vary in their range of detail and complexity depending on the type, size and location of the proposed development.

Traffic impact mitigation ~~action~~ plan. A plan that studies and addresses the number of trips a subdivision or development will produce when such development results in the reduction of the level of service on any roadway currently functioning at "D" or worse in accordance with City ~~and County~~ transportation standards.

1. The "~~term~~ traffic impact mitigation plan" includes, but is not limited to:
    a. Roadway improvements; and
    b. Other proposals, such as:
        a. Bicycle path construction.
        b. Car/van pooling.
        c. Lunch trip reduction.
        d. Off-site and internal sidewalk construction.
        e. Providing transit access.
        f. Transit use incentives.

The traffic impact mitigation ~~action~~ plan must mitigate the traffic impact in a manner that will show no negative impact on roads with level of service of "D" or worse.

2.

Trails, pedestrian or others. Extended and usually continuous strips of land established independently of other routes of travel and dedicated, through ownership or easement, to recreational travel including hiking, horseback riding, etc.

Transect. With respect to Form-Based Codes, a cross-section of the environment showing a range of different habitats. The rural-urban Transect of the human environment is divided into six Transect Zones. These zones describe the physical form and character of a place, according to the Density and intensity of its land use and urbanism.

Transect Zone (T-Zone). One of several geographic areas regulated by a Form-Based Code. Transect Zones are administratively similar to the land use zones in conventional codes, except that in addition to the usual building use, density, height, and setback requirements, other elements of the intended habitat are integrated, including those of the private lot and building and public frontage.

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

1. Transports fuel oil/liquid petroleum product from a gathering line or storage facility (tank farm) to a distribution center or storage facility (tank farm); or
2. Transports fuel oil/liquid petroleum product within a storage field.

Tree. A self-supporting woody perennial plant with the potential to reach a minimum DBH of 3 inches and height of at least 15 feet at maturity under natural conditions.

Tree bank. A site registered with the City where growing conditions are favorable for the establishment of trees per the tree placement standards set forth in the Tree Conservation Manual, and on which trees may be planted to satisfy tree replacement or minimum tree canopy cover requirements for another property.

Tree canopy cover.

1. The cover provided by tree crowns over the ground surface, either individually or as a group

2. ~~; also~~A~~, a~~ measure of the percent of a lot covered by all tree canopy, calculated by dividing the total area of tree canopy cover by the total area of the lot, and multiplying by 100.

Tree canopy fund. A revenue account established by the City for receiving payments in lieu of meeting tree canopy cover requirements, donations, fees, and fines, and used by the City for the purchase, planting, and maintenance of trees on City property and community forest management activities.

Tree canopy plan. A site plan showing how tree canopy cover requirements will be met on a lot, which trees will be conserved, how they will be protected, which new trees will be planted and where, and how they will be maintained.

Tree canopy size, tree canopy size class. The amount of tree canopy cover a tree can be expected to provide at maturity under urban conditions, as determined by the species and categorized in the City of Milton Tree Species List into four size classes: very wide (1,600 square feet); wide (900 square feet); narrow (400 square feet); and, very narrow (150 square feet).

Tree canopy value. The dollar value of 100 square feet of tree canopy cover as set forth in the City's fee schedule and used for calculating payments into the tree canopy fund.

Tree conservation manual. A supplement to the tree ordinance containing standards and procedures required for tree ordinance compliance.

Tree height class. The typical total height of a tree at maturity under urban conditions, as determined by the species and categorized in the City of Milton Tree Species List into three classes: large (greater than 50 feet tall); medium (25 to 50 feet tall); and, small (less than 25 feet tall).

Tree ordinance. Sec. 11.1 Tree Canopy Conservation Ordinance.

Tree protection zone (TPZ). The tree protection zone includes the critical root zone of a tree, the tree's trunk and the entirety of the tree's crown.

Tree removal permit. A permit required before a protected tree can be removed, destroyed or irreparably damaged.

Tree species list. The City of Milton Tree Species List, which is located in the Tree Conservation Manual and contains the tree species approved, and not approved, for conservation and planting to satisfy tree replacement or tree canopy cover requirements.

Trench. A narrow excavation made below the surface of the ground. In general, the depth is greater than the width, but the width of the trench is not greater than 15 feet.

Trespass light. The off-site spill light that illuminates beyond the property boundaries in which the light fixture is installed, where it is neither wanted nor needed.

Trip. A single or one-directional travel movement with either the origin or destination of the trip inside the study site. (Institute of Transportation (ITE): Trip Generation). Since person-trips are sometimes used within an analysis, all "trips" will be assumed to be vehicle movements and the phrase "person trips" will be used to differentiate between those two measures.

Trout stream. With respect to Sec. 11.6. Soil Erosion, Sedimentation, and Pollution Control, waters designated by the Wildlife Resources Division of the Georgia Department of Natural Resources as Primary Trout Waters or Secondary Trout Streams. Primary Trout Waters are waters supporting a self-sustaining population of Rainbow, Brown or Brook Trout. Secondary Trout Streams are those with no evidence of natural trout reproduction but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

Turning radius. With respect to Form-Based Codes, the curved edge of a thoroughfare at an intersection, measured at the inside edge of the vehicular

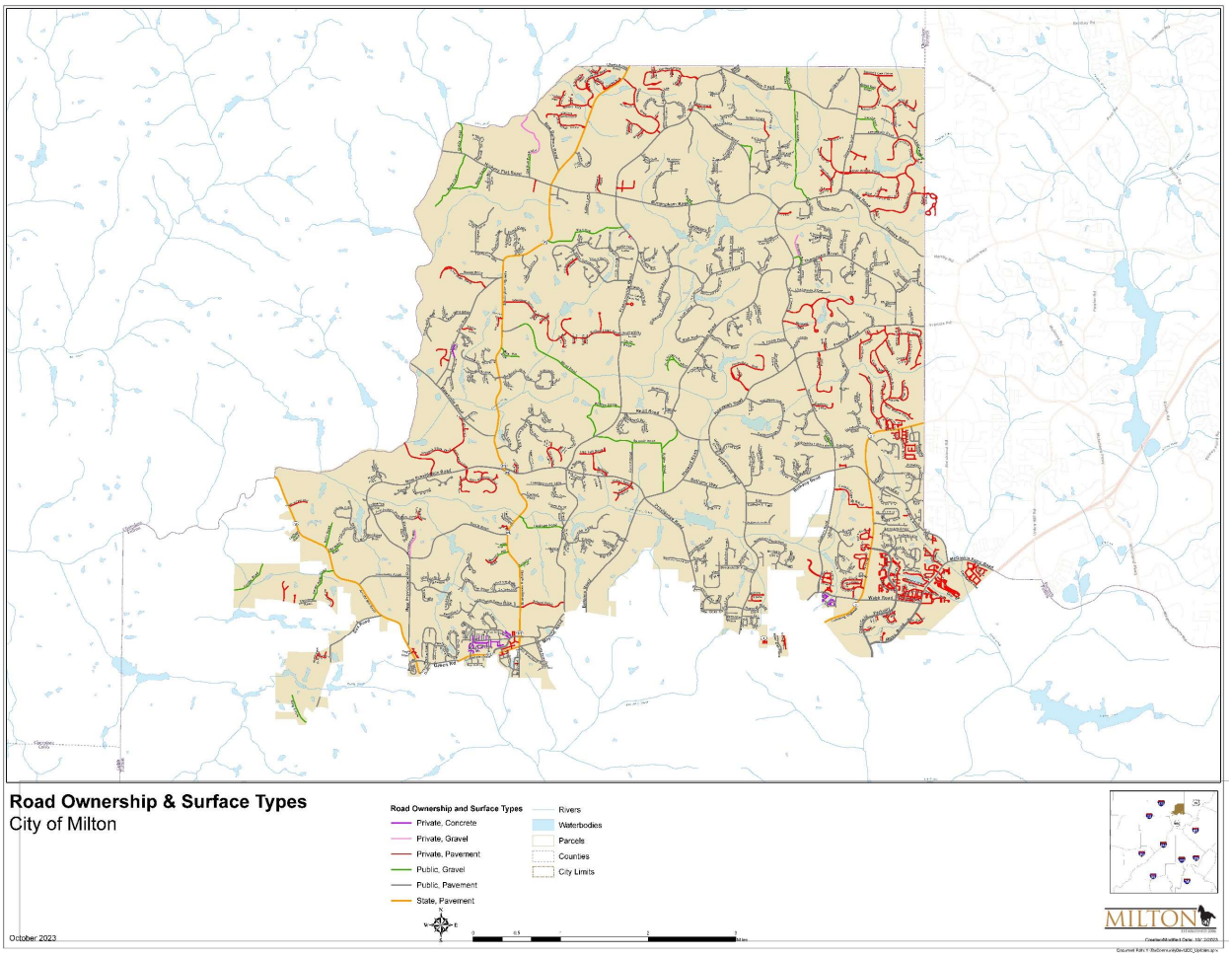
tracking. ~~The smaller the turning radius, the smaller the pedestrian crossing distance and the more slowly the vehicle is forced to make the turn.~~

U

Unconstrained Land. With respect to Form-Based Codes, all land not characterized as constrained.

Unhealthy tree. A tree with major structural defects, a live crown ratio less than 30%, or 50% or more crown dieback, or a tree exhibiting signs or symptoms of irreversible decline, severe mistletoe infection, severe insect or disease infestation that cannot be practically controlled, or severe chlorosis, as documented by a certified arborist with final approval by the City Arborist.

Unpaved road. A public unpaved road surfaced with gravel material and may have a paved extension that is constructed and maintained to function as an all-weather surface for vehicular and pedestrian travel and is reflected on the "Road Ownership and Surface Types" map and list of unpaved roads and is synonymous with the term "gravel road."



Urbanism. With respect to Form-Based Codes, the collective term for the condition of a compact, mixed use settlement, including the physical form of its development and its environmental, functional, economic, and sociocultural aspects.

Urbanized. With respect to Form-Based Codes, ~~generally,~~ developed at T3 (Sub-Urban) density or higher.

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

Use, accessory.

1. With respect to the general provisions of this UDC, any use that is usually subordinate in both purpose and size, incidental to, and customarily associated with a permitted principal use located on the same lot.
2. With respect to Sec. 8.5 Telecommunications, a tower and/or antenna is considered a principal use if located on any lot or parcel of land as the sole or primary structure, and is considered an accessory use if located on a lot or parcel shared with a different existing primary use or existing structure.

Use, principal. The primary or main purpose or function of a lot or structure. The term "principal" is synonymous with the terms "main" and "primary."

Use permit. A permit approved by the City Council, pursuant to a public hearing, which authorizes a use which must meet certain standards.

Utility permit. An official authorization issued by the Public Works Department, allowing the alteration of land within the right-of-way for the commencement of any construction activities pertaining to utility installation or relocation.

V

Variance.

1. With respect to the general provisions of this UDC, a grant of relief from the requirements of this UDC which permits construction in a manner otherwise prohibited by this UDC. See Sec. 12.4 (Requests for Relief).
2. With respect to Form-Based Codes, a ruling that would permit a practice that is not consistent with either a specific provision or the Intent of this code. Variances are processed as a primary variance by the Board of Zoning Appeals

Variance, administrative. A request:

1. For relief from the standards contained in Sec. 9.3 (Site Improvements), Article 10 (Streets and Improvements), or Article 11 (Environment), except when as otherwise provided for in the applicable section or article;
2. To reduce the 10-foot improvement setback required along all buffers as required in the conditions of zoning; or
3. For up to a 10% reduction in the number of required parking spaces per Sec. 9.1.3.E.

Variance, administrative minor. A variance to the minimum district yard requirements of not more than one foot, granted administratively by the Director.

Variance, concurrent. A request for a primary variance concurrently with a rezoning petition, modification or use permit.

Variance, minor. An application requesting deviation from the minimum yard requirements, not to exceed 10% of the dimensional requirements.

Variance, primary. An application requesting relief from the standards of this UDC, except relief from use, minimum lot area, or minimum lot frontage.

Variance, secondary. An appeal of variance decisions and interpretations made by the department director authorized to grant a variance request or interpretation of this UDC.

Vegetative erosion and sedimentation control measures. Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

1. Permanent seeding, sprigging, or planting, producing long-term vegetative cover;

2. Temporary seeding, producing short-term vegetative cover; or
3. Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication Manual for Erosion and Sediment Control in Georgia.

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

Violation. With respect to Sec. 11.2. Floodplain Management/ Flood Damage Prevention, the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certificates, or other evidence of compliance required in ~~this article~~Sec. 11.2. Floodplain Management/ Flood Damage Prevention is presumed to be in violation until such time as that documentation is provided.

W

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

Warrant. A ruling that would permit a practice that is not consistent with a specific provision of a Form-Based Code, but that is justified by its Intent. Warrants are processed as an administrative variance by the Director.

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

Waste, hazardous. See the "Georgia Department of Natural Resources" definition.

Waste, solid. See the "Georgia Department of Natural Resources" definition.

Waste disposal boundary. The limit of all waste disposal areas, appurtenances, and ancillary activities including, but not limited to:

1. Internal access roads; and
2. Drainage control devices.

Waste haulers. Companies granted non-exclusive contracts to remove residential and commercial refuse and waste which includes items to be recycled.

Water feature. An artificial pond, artificial waterfall, artificial wetland, artificial stream, water foundation, or any other artificial design element that incorporates water. The term excludes naturally occurring hydrology.

Water surface elevation. The relationship between the projected heights and the NGVD reached by floods of various magnitudes and frequencies in the floodplains.

Water tower. A tower or standpipe serving as a reservoir to deliver water at a required head, whether in use, no longer in use or an architectural feature.

Watercourse. Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed, and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Watershed. The land area that drains into a particular stream.

Wetlands. Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The term includes:

1. Bogs.
2. Marshes.
3. Swamps.

4. Similar areas.

Wild animal. Any animal which is not wildlife and is not normally a domestic species in this state. This term specifically includes any hybrid or cross between any combination of a wild animal, wildlife, and a domestic animal. Offspring from all subsequent generations of such crosses or hybrids are wild animals.

Wildlife. Any vertebrate or invertebrate animal life indigenous to this state or any species introduced or specified by the board and includes fish, except domestic fish produced by aquaculturists registered under O.C.G.A. § 27-4-255, mammals, birds, amphibians, reptiles, crustaceans, and mollusks or any part thereof.

Wing wall. A wall that extends from an exterior building wall and is architecturally structurally integrated into the design of the building to which it is attached.

Window sign. Any sign that is affixed to the exterior of the window or window panes, or affixed to the interior of the window or window panes or the sign is located within the structure and the message is reasonably discernable from the nearest public or private road. Window signs include decals and images painted onto the glass. Window signs do not include architectural features.

Wireless infrastructure provider. With respect to Sec. 8.4.4. Small Wireless Facilities and Antennas, any person, including a person authorized to provide telecommunications services in this state, that builds, installs, or operates small wireless facilities, poles, decorative poles, or support structures on which small wireless facilities are or are intended to be used for collocation but that is not a wireless services provider.

Wireless service provider. With respect to Sec. 8.4.5. Telecommunications Facility, aAny private or public entity engaged in the transfer of information over a distance without the use of electrical conductors.

Wireless provider. With respect to Sec. 8.4.4. Small Wireless Facilities and Antennas, a wireless infrastructure provider or a wireless services provider.

Wireless services. With respect to Sec. 8.4.4. Small Wireless Facilities and Antennas, any services provided to the public using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile.

Wireless services provider. With respect to Sec. 8.4.4. Small Wireless Facilities and Antennas, a person that provides wireless services.

Wireless telecommunications facility (WTF). With respect to Sec. 8.4.5. Telecommunications Facility, aA staffed or unstaffed commercial facility for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or groups of antennas, transmission cables and equipment enclosures, and may include an antenna support structure. The following nonexclusive list is considered a wireless telecommunications facility: new and existing antenna support structures, replacement antenna support structures, collocations on existing antenna support structures, attached wireless telecommunications facilities and concealed wireless telecommunications facilities. Also see Sec. 8.4.5 (Telecommunications Facility).

Wireline backhaul facility. With respect to Sec. 8.4.4. Small Wireless Facilities and Antennas, an aboveground or underground wireline facility used to transport communications data from a telecommunications demarcation box associated with small wireless facility to a network.

Y

Yard. An open space on the same lot with a structure that extends between the structure and a lot line.

Yard, front. A yard abutting any street except the side street on a corner lot. Front yards extend the entire length of an abutting street from intersecting lot line to intersecting lot line. The front yard of

corner lots is applied to the street which abuts the lot for the shortest distance.

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

Yard, rear. ~~The minimum required distance~~A yard between the rear lot line and a structure. True triangular lots do not have rear yards. Lots with more than one front lot line do not have rear yards. The Director makes the final determination of rear yards when in dispute or undefined by this definition.

Yard, side. A yard which is not a front or rear yard. The term includes a side corner yard unless otherwise indicated.

Yard, side corner. A yard along the side street on a corner lot.

Yield. With respect to Form-Based Codes, characterizing a thoroughfare that has two-way traffic but only one effective travel lane because of parked cars, necessitating slow movement and driver negotiation. ~~Also, characterizing parking on such a thoroughfare.~~

Z

Zero lot line. The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line, such as "patio homes" or "townhouses."

Zoned development. Property subject to a single zoning application.

Zoning conditions. The requirements placed on property by the City Council at the time of approval of a rezoning and use permit.

Zoning map. The Official Zoning Map of the City of Milton, Georgia.

Zoning modification. An application to change approved zoning conditions on rezonings and use permits where it has been determined by the Director that the requested change involves a matter of significant public interest. The term is synonymous with the term "modification."

Zoning ordinance. Article 1 through ~~Article 97 (7A and 7B)~~9, ~~and~~ Article 12~~13~~, as well as those definitions set forth in Article 13 that constitute, by reference, text of these articles, are all intended to constitute a zoning ordinance within the meaning of O.C.G.A. § 36-66-1, et seq.