# AGENDA REPORT

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| **MEETING DATE:** | November 2, 2026 | Regular |
| **DEPARTMENT:** | Community Development | Sara Leaders, Community Development and Public Works Director |
| **SECTION OF AGENDA:** | First Presentation | November 2, 2026 |
| | Zoning Agenda | November 16, 2026 |
| **AGENDA ITEM TITLE:** | RZ26-05 – Consideration of an Ordinance to Amend Article 2, General Provisions; Article 3, Agricultural Districts; Article 6, Special Purpose Districts; Article 8, Use Provisions; and Article 13, Definitions of the Unified Development Code. | |
| **STATEMENT OF PURPOSE:** | The purpose of this item is to amend the City's Unified Development Code to better align lot creation with development intensity, preserve Milton's rural character, and improve clarity and predictability for property owners and applicants. | |
| **FINANCIAL IMPACT:** | There is no direct financial impact on the City associated with adoption of the proposed text amendments. | |
| **RECOMMENDED ACTION:** | Approve an ordinance adopting the proposed amendments to the Unified Development Code as presented in Exhibit A. | |

## EXECUTIVE SUMMARY:

RZ26-05 addresses components of the City's review of lot development standards, including portions of RZ26-03 deferred when the City Council approved the initial amendments on April 13, 2026. The proposal also includes related revisions to private swimming pool setbacks and previously adopted buildable area requirements.

The amendments would establish a conservation easement option for additional lot coverage; clarify natural area temporary construction setbacks and extend their application to development perimeters; increase setbacks for private swimming pools, equipment, and associated decks on certain lots; and establish a consistent minimum buildable area of 10,890 square feet for all AG-1 lots.

The Planning Commission unanimously recommended approval on October 14, 2026, with minor clarifying edits incorporated into Exhibit A.

## PURPOSE/BACKGROUND:

In January 2026, the City enacted a moratorium following City Council direction to undertake a comprehensive review of small-lot development and applicable regulations. The review examined the relationship between lot creation, development intensity, and the City's goal of preserving Milton's rural character.

Staff evaluated historical development patterns and gathered community input through a stakeholder survey in early February and public input forums on February 25 and March 11, attended by 11 and five participants, respectively. This work informed proposed amendments to the Unified Development Code and Chapter 10, Buildings and Building Regulations, of the City Code.

On April 13, 2026, the Mayor and City Council approved the initial set of amendments and deferred other components for additional consideration. The attached AG-1 Code Amendments – Summary identifies all amendment categories presented in April 2026 and distinguishes the Phase 1 amendments approved at that time from the Phase 2 components identified for subsequent consideration.

RZ26-05 brings forward the lot coverage credit and natural area provisions, together with related swimming pool setback and buildable area amendments. The Agricultural Tract Exception remains under separate review as RZ26-06 and is not included in this proposal.

Two residents attended the August 25, 2026, Community Zoning Information Meeting to learn about the proposed amendments. No specific issues or requests concerning RZ26-05 were raised. At its special called hearing on October 14, 2026, the Planning Commission unanimously recommended approval with minor clarifying edits, which have been incorporated into Exhibit A.

**STAFF ANALYSIS:**

**1. Lot Coverage Credit — Section 6.3.3.D**

The proposed amendment would allow eligible lots in agricultural districts, R-1, R-2, and CUP that are subject to a 20 percent maximum lot coverage requirement to receive a five-percentage-point credit, allowing up to 25 percent lot coverage, through establishment of a conservation easement covering at least 10 percent of the lot.

The easement must be located within the buildable area and outside required setbacks, floodplains, wetlands, stream buffers, septic and reserve septic areas, and existing easements. Eligible areas may include natural vegetation, gardens, and cultivated crops. Impervious surfaces would be prohibited within the easement except for features determined by the Community Development Director to have historic or agricultural significance.

The easement would require Director approval and must be recorded before approval of any permit relying on the credit. Eligibility would be limited to lots that do not exceed 20 percent lot coverage at the time of application.

This option would provide additional development flexibility in exchange for permanent protection of an eligible portion of the property.

**2. Natural Area Temporary Construction Setbacks — Section 3.1.10 and Article 13**

The proposed amendments would clarify the natural area provisions approved on April 13, 2026, and establish a 20-foot temporary construction setback along development perimeter property lines that abut existing properties outside a subdivision or minor plat. A 20-foot public street frontage setback would also apply to lots created by minor plat that abut a public street.

These areas would preserve vegetation and rural viewsheds during land development and construction of the principal building. Structures, grading, stormwater facilities, septic systems, and other site improvements would generally be prohibited within the setback, subject to specified exceptions.

The Director could approve limited disturbance where necessary to allow reasonable use of a lot and where no feasible alternative exists. The provisions also address necessary driveway access, sight-distance clearing, utility crossings, perimeter fencing, and primary septic field lines, subject to applicable requirements and approvals. Additional planting could be required to maintain or enhance rural character.

The temporary construction setback would be excluded from usable area calculations during land development and principal structure construction. Upon issuance of a Certificate of Occupancy for the principal building, the temporary construction restrictions would end. Subsequent uses would remain subject to applicable setbacks, tree canopy requirements, permits, and other Code provisions.

**3. Private Swimming Pool Setbacks — Section 8.8.19.B.2.b**
The proposed amendment would increase the minimum setback for private swimming pools, pool equipment, and associated decks from 10 feet to 20 feet from all property lines on lots of one acre or larger within the Rural Milton Overlay.

The existing 10-foot setback would remain applicable to other lots, subject to additional district requirements. Pools, equipment, and decks would continue to be prohibited within required perimeter setbacks in applicable zoning districts.

The increased setback would provide greater separation between pool improvements and adjoining properties and support the preservation of natural areas and rural character.

**4. Buildable Area — Section 2.1.1.A.3.d**
The existing minimum buildable area requirement is tied to permitted lot coverage, causing the required area to increase with lot size. This can require a larger contiguous buildable area on larger properties even when a smaller area could accommodate the principal structure, access, and associated residential improvements.

The proposed amendment would replace that calculation with a minimum buildable area of 10,890 square feet for all AG-1 lots, regardless of lot size.

Other lot standards would remain applicable, including requirements for a contiguous and functional buildable area, at least 30,000 square feet of usable area in AG-1, and at least 50 percent of the total lot area outside the floodplain. This approach would provide flexibility for larger properties while retaining minimum standards for functional residential lots.

## FINANCIAL IMPACT:
There is no direct financial impact to the City associated with adoption of the ordinance.

## ALTERNATIVES CONSIDERED:
Option 1: Adopt the proposed amendments.
Option 2: Adopt selected amendments or modify the proposal. This approach would allow individual components to proceed while others are refined or retained under existing regulations.
Option 3: Retain existing regulations. This approach would maintain current development standards.

## LEGAL AND REGULATORY CONSIDERATIONS:
The ordinance would amend Articles 2, 3, 6, 8, and 13 of the Unified Development Code as presented in Exhibit A. The amendments establish development standards and approval criteria addressing lot coverage, natural areas, private swimming pool setbacks, and buildable area.

Conservation easements used to obtain a lot coverage credit would require recording before approval of a permit relying on that credit. The amendments would operate alongside other applicable Code requirements, including

tree canopy, permitting, floodplain, and septic approval requirements.

**OPERATIONAL IMPACT:**

Following the ordinance's effective date, staff will incorporate the adopted standards into applicable plat, land development, and building permit reviews. Staff will update review procedures and provide guidance to applicants and contractors regarding conservation easement documentation, temporary construction setbacks, pool setbacks, and buildable area calculations.

**COMMUNITY/STAKEHOLDER IMPACT:**

The amendments would provide clearer development standards for property owners, applicants, and neighboring residents. They would support preservation of rural viewsheds and vegetation during construction, increase separation between certain pool improvements and adjoining properties, and provide development flexibility through conservation easements and consistent AG-1 buildable area requirements.

The proposal was informed by stakeholder outreach and public input during the 2026 moratorium review, including a February stakeholder survey and public input forums on February 25 and March 11, 2026. Additional opportunities for public input were provided through the Community Zoning Information Meeting on August 25, 2026, and the Planning Commission public hearing on October 14, 2026.

**STRATEGIC ALIGNMENT:**

Supports Strategic Priority #2, Continue Smart Land Planning to Keep Milton Unique.

**STAFF RECOMMENDATION:**

Approval of an Ordinance to amend the Unified Development Code as proposed in Exhibit A.

**REVIEWS & APPROVALS:**

**Legal Review:** Paul Frickey, Jarrard & Davis, LLP – October 14, 2026
**Concurrent Review:** Steven Krokoff, City Manager Steven Krokoff
Steven Krokoff (Oct 29, 2026 07:53:27 EDT)

**ATTACHMENTS:**

Ordinance
Exhibit A
AG-1 Code Amendments – Summary

**STATE OF GEORGIA**
**COUNTY OF FULTON**

**ORDINANCE NO.**
**RZ26-05**

**AN ORDINANCE TO AMEND ARTICLE 2 (GENERAL PROVISIONS), ARTICLE 3 (AGRICULTURAL DISTRICTS), ARTICLE 6 (SPECIAL PURPOSE DISTRICTS), ARTICLE 8 (USE PROVISIONS), AND ARTICLE 13 (DEFINITIONS) OF THE UNIFIED DEVELOPMENT CODE FOR THE CITY OF MILTON, GEORGIA**

**BE IT ORDAINED** by the City Council of the City of Milton, GA while in a regularly called council meeting on November 16, 2026, at 6:00 p.m. as follows:

**SECTION 1.** That the Unified Development Code for the City of Milton, Georgia is hereby amended as shown in Exhibit "A", attached hereto and incorporated as if fully set forth herein; and

**SECTION 2.** That the amendments to Articles 2 (General Provisions), Article 3 (Agricultural Districts), Article 6 (Special Purpose Districts), Article 8 (Use Provisions), and Article 13 (Definitions) of the Unified Development Code for the City of Milton, Georgia as shown in Exhibit "A" are hereby adopted and approved; and

**SECTION 3.** That all ordinances, parts of ordinances, and regulations in conflict herewith are repealed; and

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

**ORDAINED** this the 16TH day of November, 2026.

_____
Peyton Jamison, Mayor

Attest:

_____
Tammy Lowit, City Clerk

**Unified Development Code 6.3.3. - Single-Family Standards**

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 and do not have any property lines adjacent to a public street.

   b. 20% for lots that have any property lines adjacent to a public street and are less than three (3) acres in size.

   c. 25% for lots that are three (3) acres or greater in size regardless of public street adjacency.

2. Lots subject to the twenty percent (20%) maximum lot coverage requirement within any Agricultural District, R-1, R-2, or CUP may be eligible for a five percentage point lot coverage credit, for a total maximum lot coverage of twenty-five percent (25%), when the property, in its existing or proposed configuration, includes a conservation easement covering a minimum of ten percent (10%) of the total lot area, subject to approval by the Community Development Director based on the following:

   a. The conservation easement used for the lot coverage credit shall:

      1. Be located within the buildable area of the lot and outside of required setbacks, floodplains, wetlands, stream buffers, septic and reserve septic areas, and existing easements;

      2. Consist of existing and/or proposed trees, shrubs, grass, other natural vegetation, or areas maintained for gardening or the cultivation of crops; and

      3. Contain no man-made impervious surfaces, except for existing or proposed features determined by the Community Development Director to have historic or agricultural significance.

   b. The conservation easement shall be recorded with the Fulton County Superior Court prior to approval of any permit relying on the lot coverage credit.

   c. Eligible lots shall be limited to lots that do not exceed twenty percent (20%) lot coverage at the time of application.

**Unified Development Code 3.1.10 Natural Area**

3.1.10 Natural Area Temporary Construction Setback

A natural area temporary construction setback shall be required where the conditions below apply in conjunction with the creation of new lots through subdivision or minor plat approval.

A. General Standards

1. The natural area temporary construction setback where required shall be maintained in a natural undisturbed condition. ~~in the following situations:~~

   a. Applicability

      i. Public Street Frontage Buffer applies to lots created by minor plat with a property line that abuts ~~frontage on~~ a public street; and/or

      ii. Perimeter Buffer applies to lots with a property line that forms the perimeter of the development and abuts an existing property outside of the subdivision or minor plat.

   The intent of this section is to preserve perimeter vegetation, maintain rural viewsheds, and provide a transitional buffer while allowing future use by property owners.

2. New structures, grading, stormwater facilities, septic systems, and other site improvements shall not be permitted within the natural area temporary construction setback except as expressly authorized in this section.

3. Where application of this Section would preclude reasonable use of the lot, the Director may approve limited disturbance within the natural area temporary construction setback, provided the applicant demonstrates that no feasible alternative exists outside of the setback. Any such approval shall be the minimum necessary to allow reasonable use and shall be consistent with the intent of this Section to preserve perimeter vegetation and rural character. Lot layout should avoid reliance on this provision to the maximum extent practicable.

4. Where primary septic field lines are demonstrated to be infeasible outside of the setback area, the Director may approve limited disturbance within the setback, subject to Fulton County Health Department approval. Lot layout should avoid reliance on this provision to the maximum extent practicable.

5. Where driveway access to the principal structure cannot be reasonably achieved outside of the natural area temporary construction setback, the Director may approve a limited driveway crossing or encroachment into the setback. Such encroachment shall be limited to the minimum extent necessary and designed to minimize disturbance.

6. Perimeter fencing and utility crossings perpendicular to the setback may be permitted.

7. Natural Area Transition to Usable Area
For purposes of demonstrating compliance with usable area requirements at the time of land development and principal structure construction, areas designated as a natural area temporary construction setback shall be excluded from the calculation of usable area.

   Upon issuance of a Certificate of Occupancy for the principal structure, the natural area temporary construction setback shall no longer be subject to the construction restrictions of this Section and~~, such areas~~ may be used for otherwise permitted activities, subject to compliance with tree canopy requirements, applicable permits (including tree removal permits), and all other provisions of this Code.

8. All setbacks shall be measured perpendicularly from the applicable property line.

B. ~~Minor Plat Road~~Public Street Frontage Buffer

Where a minor plat creates lot(s) that abut a public street:

1. A twenty (20) foot natural area temporary construction setback shall be provided along the lot frontage, measured from the boundary of the public street right-of-way, Milton Trail easement, or sidewalk easement, whichever results in the greater setback from the roadway~~is more restrictive~~.

2. The setback may consist of existing vegetation, open areas, rural landscape conditions, and existing equestrian or agricultural uses consistent with the rural character of the roadway. ~~This viewshed~~The frontage buffer area may be required to be enhanced with additional planting where necessary as determined by the Director, to maintain or enhance the rural character and viewshed of the roadway.

   3. A construction disturbance area not to exceed fifty (50) feet in width, measured parallel~~perpendicular~~ to the lot frontage, may be permitted within the frontage to allow for access, grading, utility installation, and connection to the buildable area of the lot, provided that disturbance within the public street frontage buffer natural area temporary setback is limited to the minimum necessary.

4. Limited clearing for driveway sight distance shall be permitted.

C. Perimeter Buffer
Where new lots are created through subdivision or minor plat:

1. A twenty (20) foot natural area temporary construction setback shall be provided along any property line that forms the perimeter of the development and abuts an existing property outside of the subdivision or minor plat.

2. The setback may consist of existing vegetation, open areas, rural landscape conditions, and existing equestrian or agricultural uses consistent with the character area. This perimeter may be required to be enhanced with additional planting where necessary as determined by the Director, to maintain or enhance the rural character and provide a transitional buffer.

**Unified Development Code Article 13. Definitions**

**Natural Area Temporary Construction Setback.** An area within a required setback or buffer established pursuant to Sec. 3.1.10 that shall be maintained in a natural condition, particularly during construction of the principal structure.

Prior to and during construction, the natural area shall function as a temporary construction setback in which land disturbance is prohibited, except as otherwise authorized.

Following issuance of a Certificate of Occupancy, the natural area may be used in accordance with this Code, subject to applicable tree canopy requirements and any required permits.

The natural area is intended to preserve rural character, maintain tree canopy, and provide visual separation for new construction.

**Unified Development Code 8.8 – Accessory Uses**

8.8.19. Swimming Pool, Private

B. Use Standards

1. All Swimming Pools

   All swimming pools must be completely surrounded by a barrier as required by the latest adopted version of the International 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.

2. Single-Family

   a. 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.

   b. Pools, pool equipment, and their decks must be at least 10 feet from all property lines. The following additional requirements shall apply:

      i. On lots one (1) acre or larger within the Rural Milton Overlay, pools, pool equipment and their decks shall be located at least twenty (20) feet from all property lines.

      ii. In zoning districts with required perimeter setbacks, including NUP and TR, pools, pool equipment, and their decks shall not be located within those setbacks.

   c. The barrier must not be located more than 150 feet from the water's edge of the pool.

**Unified Development Code 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, no plat creating a single-family residential lot shall be approved unless each proposed lot contains:
   a. buildable area that is sufficient to accommodate a principal structure and associated residential use; and
   b. a usable area sufficient to support the full functional residential use of the lot without reliance on variances or encroachment into constrained areas.

   In addition, a minimum of 50% of the total lot area shall be located outside the floodplain for each lot. See Figure 2.1.1.A.1.

3. The required buildable area shall:
   a. be contiguous and of sufficient size, shape, and configuration to accommodate:
      i. a building envelope meeting the minimum heated floor area required by the zoning district, or where no such minimum heated floor area requirement exists, the minimum building envelope shall be thirty-five (35) feet by thirty-five (35) feet. See Figure 2.1.1.A.2.
      ii. vehicular access to the principal structure or to a location on the lot reasonably serving the principal structure; and
      iii. customary residential improvements directly associated with the principal structure;
   b. be located in accordance with the definition of Buildable Area in Article 13;
   c. not include separate areas connected only by narrow strips, access corridors, or other portions of the lot that do not function as part of a cohesive single family residential lot~~.~~;
   d. ~~In~~ be at least ten thousand eight hundred ninety (10,890) square feet for all lots in the AG-1 zoning district~~, be equal to or greater than the maximum permitted lot coverage for the lot~~. See Figure 2.1.1.A.2.
4. The required usable area shall:
   a. include or accommodate the required buildable area;
   b. be contiguous and arranged to support the full functional use of the lot for residential use, consistent with the definition of Usable Area in Article 13;

c. be configured to avoid fragmentation of the lot into isolated, irregular, or nonfunctional residual areas;

d. exclude areas constrained by limitations on use, including but not limited to those identified in the definition of Usable Area and Constrained Land in Article 13;

e. be capable of reasonably supporting development of the lot in a manner consistent with the intent of the zoning district; and

f. In the AG-1 zoning district, contain no less than thirty thousand (30,000) square feet of usable area. See Figure 2.1.1.A.2.

g. For purposes of demonstrating compliance with usable area requirements at the time of land development and principal structure construction, any area designated as a required natural area pursuant to this Code and functioning as a temporary construction setback, shall be excluded from the calculation of usable area.

Upon issuance of a Certificate of Occupancy, the temporary construction setback shall no longer apply, and standard setback requirements shall apply.

5. Lots that cannot accommodate the required buildable area without encroachment into required setbacks and usable area without encroachment into required buffers, or floodplain shall not be approved.

**Figure 2.1.1. A.1**

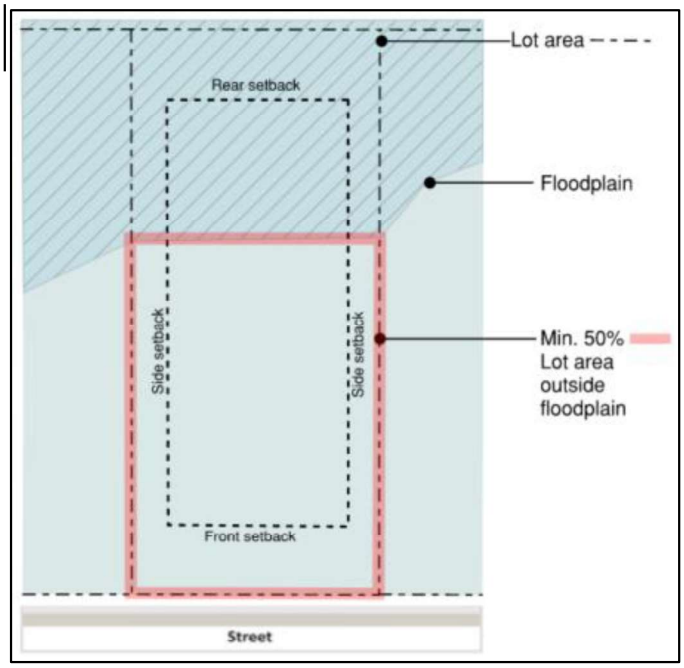
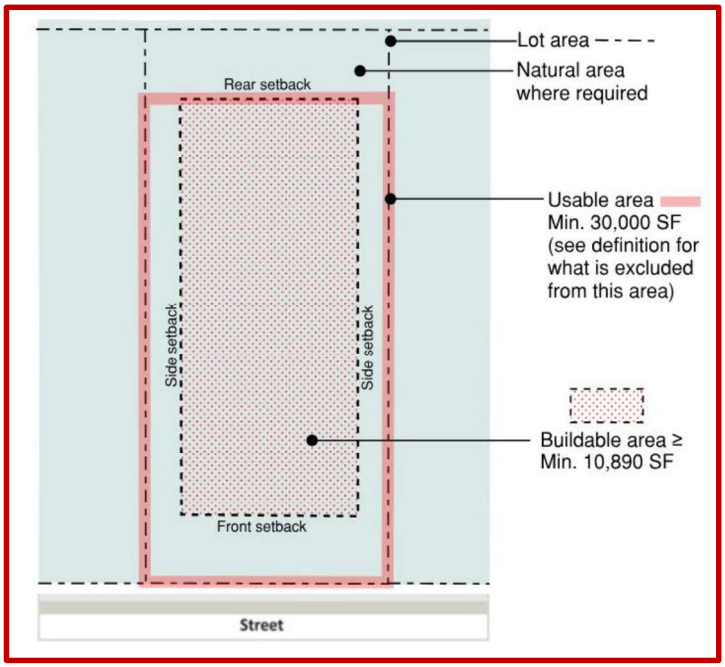
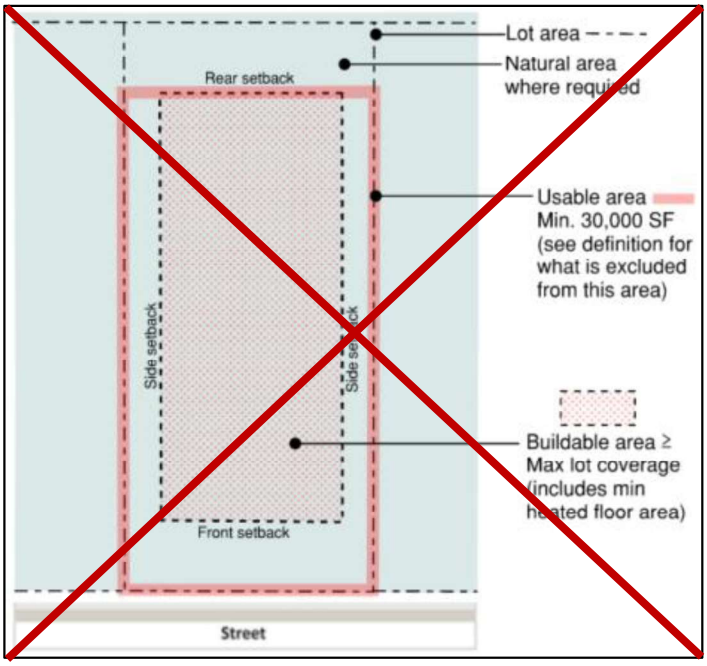



**Figure 2.1.1.A.2**




Lot area
Natural area where required
Rear setback
Usable area
Min. 30,000 SF
(see definition for what is excluded from this area)
Side setback
Side setback
Buildable area ≥
Max lot coverage
(includes min
heated floor area)
Front setback
Street

*Historical summary of amendment categories and phasing presented in April 2026.*
*Current RZ26-05 language is provided in Exhibit A.*

# AG-1 Code Amendments – Summary

## 1. Lot Coverage

- 🟢 1.1 Clarifies what counts toward lot coverage (Article 13 – Definitions)
- 🟢 1.2 Adjustments to lot coverage (Sec. 6.3.3)
  - 20% max for lots adjacent to a public street
  - 25% max for lots ≥3 acres
- 🟡 1.3 Incentive for adjacent to public street may request +5% ag use area incentive with BZA approval (Sec. 6.3.3)
- 🟢 Part of 5.1 All plats must show max lot coverage (Sec. 12.6.2)

## 🟢 2. Building / Usable Area

Ensures lots are sized to be functional

Modifies buildable area definition (Article 13)

- Requires minimum buildable area equal to max lot coverage (Sec. 2.1.1)

Adds usable area definition (Article 13)

- Minimum usable area of 30,000 SF (Sec. 2.1.1)

## 3. Natural Area

Requires natural, undisturbed temporary setback areas and limits disturbance during construction (with minor exceptions) while allowing future use after construction (Article 13 & Sec. 3.1.10)

- 🟢 3.1 Applies to minor plat street frontage
  - Preserves viewsheds
- 🟡 3.2 Applies to rear-to-rear and rear-to-side adjacencies
  - Preserves backyard privacy
- 🟡 3.3 Applies to side-to-rear adjacencies
  - Preserves back/side yard privacy

## 4. Minor Plat Provisions

- 🟢 4.1 Clarifies minor plats not subject to prelim plat or Planning Commission review (Sec. 12.6.3)
- 🟢 4.2 Adds requirement to submit health dept plans with section that requires certification of approval (Sec. 12.6.2)
- 🟢 4.3 As-built on shared infrastructure (Sec. 12.6.2)

## 5. As-Built Requirements

- 🟢 5.1 Updates various sections to include require as-built at CO for main structure when > 10% lot coverage (Sec. 12.6.2, 12.6.4, Building 10-94)
  - Verifies lot coverage compliance and remaining coverage
- 🟢 5.2 Requires foundation survey near setbacks/buffers or near max coverage (Building 10-93)

## 🟡 6. Agricultural Tract Exception

Allows limited subdivision while preserving large tracts, works alongside CUVA as similar intent

- Adds definition (Article 13) and process (Sec. 12.6.2.H)
- Allowed to use driveway, modified (Article 13)
- Allows 25% max lot coverage (6.3.3)

## 🟢 7. Cash Bonds

Updates development bond requirements as financial best practice

- Cash bonds allowed for projects < $250K and <18 months, projects exceeding require surety bonds, where cash bond time extends beyond 18 months must convert to surety bonds and update amount (Sec. 11.4.3.A & 12.6.4.A)
- Maintenance bonds must be surety (Sec. 12.6.4.A)

## 🟢 8. Lake Lots

Updates for lot lines and common area (Sec. 10.3.5)

- Lots must extend to common area, not centerline of common area

## 🟢 Other (cleanup while making edits)

Part of 4.1 Confirms lot line adjustments and lot reductions after preliminary plat do not require new PC review (Sec. 12.6.3)

🟢 **Phase 1 – Priority (Adopted April 2026)**

🟡 **Phase 2 – More Complex (Future Consideration)**