



AGENDA STAFF MEMO

TO: Honorable Mayor and City Council Members
FROM: Sara Leaders, PE, Community Development and Public Works Director
DATE: Submitted on March 27, 2026, for the April 1, 2026, Special Called City Council Meeting (*First Presentation*) and the April 13, 2026, City Council Meeting (*Zoning Agenda*)/(*Unfinished Business*)

Signed by:
Tracie Wildes
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AGENDA ITEM: RZ26-03 – Consideration of a Text Amendment to the Unified Development Code regarding minor plats and AG-1 Standards to the following: Article 2 General Provisions; Article 3 Agricultural Districts; Article 6 Special Purpose Districts; Article 9 Site Development; Article 10 Streets and Improvements; Article 11 Environment; Article 12 Administration; and Article 13 Definitions.

Consideration of an Ordinance of the City of Milton, Georgia, to Amend Chapter 10 (Buildings and Building Regulations), Article II (Technical Codes), Specifically Sections 10-93 (Inspections) and 10-94 (Certificates), to Establish Requirements for Foundation Surveys, Verification of Lot Coverage, and As-Built Surveys Prior to Issuance of a Certificate of Occupancy.

BACKGROUND:

At a special called City Council meeting on January 9, 2026, the Council adopted a moratorium, with subsequent extensions approved on February 2 and February 9, 2026, to allow time to evaluate development trends and potential amendments to the Unified Development Code related to lot division and development intensity. This moratorium will terminate upon the earliest of (1) June 9, 2026 (2) approval by the City Council of an additional moratorium after a public hearing (3) the adoption of amendments to the Unified Development Code.

The moratorium was enacted following the direction of the City Council for the Community Development Department to undertake a comprehensive analysis of small lot development and applicable regulations, with the goal of formulating proposed changes to policies, standards, guidelines, and requirements. At the conclusion of data collection, study, analysis, and public input, the City Council intends to consider potential amendments to the Unified Development Code to respond to opportunities and considerations.

PUBLIC INPUT:

In early February, staff conducted a survey of community stakeholders to gather input from individuals representing a range of perspectives. In addition, the City hosted two public input forums on February 25 and March 11, with 11 and 5 attendees, respectively. This outreach provided valuable insight into community perspectives on small lot development within AG-1 and the broader vision for Milton's future as a unique community.

Based on public input and staff analysis of historical development patterns, draft amendments to the Unified Development Code and Chapter 10 (Buildings and Building Regulations) of the City Code were presented at the March 24 Community Zoning Information Meeting and March 25 at the Planning Commission meeting for public input, public comment, and Planning Commission recommendations for City Council.

Community Zoning Information Meeting held on March 24, 2026

There were four attendees that participated in the meeting and raised the following concerns and questions regarding RZ26-03.

- Concerns were raised regarding how the Agricultural Tract Exception would be administered, including the proposed use of deed restrictions and the need for greater flexibility to allow future lot creation for family members. Additional feedback suggested that the requirements should more closely align with the Conservation Use Valuation Assessment (CUVA) regulations administered by the Fulton County Tax Assessor. Staff would continue to work with stakeholders on draft language that would capture the key components in a way that aligns with the City's overall vision, as well as specific examples.
- Concerns were raised regarding the application of natural area buffers when parcels are developed into smaller lots. Staff provided illustrations demonstrating that these requirements apply only under certain conditions and that this would be clarified in the definitions and code sections.
- There were questions regarding the usable and buildable area revisions and the graphic (Figure 2.1.1.A) as it relates to AG-1 lot area regulations. Staff indicated that an improved graphic would be provided and terms of usable and buildable area would be clarified.
- Questions were raised regarding how the lot coverage incentive in Sec. 6.3.3 would be enforced. Staff indicated they would develop additional measures to ensure the incentive is applied effectively and not misused.

Overall, many attendees were supportive of the proposed concept changes but noted they had not yet had sufficient time to fully review the details.

Planning Commission Meeting held on March 25, 2026

Planning Commission Recommendation:

The Commission unanimously voted to recommend that the City Council defer final action on Text Amendment RZ26-03 to allow additional time for public engagement and input, and for staff to incorporate changes discussed during the meeting.

The Commission recommended that staff review the following areas:

- Agricultural Tract Exception, including aligning the preservation period with CUVA requirements where applicable, or ten (10) years, whichever is less
- The definition and use of the term "principal structure"
- Revisions to preliminary plat approval, including renaming 12.6.3.A.2 from "minor plat" to "preliminary plat" and striking 12.6.3.A.3.

The Commission also recognized the significant and positive work completed by staff and was generally supportive of the proposed amendments, noting the limited time available for full review.

Public Comment:

There were five people who spoke during the public comment portion of the hearing regarding RZ26-03.

- Agricultural Incentive & Enforcement: While generally supportive of allowing increased lot coverage for agricultural activities, attendees emphasized the importance of clear and consistent enforcement, similar to a conservation easement framework. Staff has included in the code amendments that the request could be considered by the BZA; however, utilization of the incentive would require the agricultural activity to be established first.
- Survey Requirements: There was general consensus that as-built surveys are an effective tool for ensuring lot coverage accountability. Some suggested City funding to reduce the burden on homeowners, while others supported maintaining the requirement without City funding. The as-built survey would be required prior to issuance of a Certificate of Occupancy and would be based on the exterior structure and associated exterior impervious improvements, allowing it to be completed while interior work is ongoing. Staff confirmed these requirements will be communicated early in the permitting process to support proper coordination. Foundation surveys are not required in all cases but may be necessary under certain conditions. While public comment focused on the timing or availability challenges, staff recognizes that they are considered important to ensure compliance prior to vertical construction when applicable.
- Minor Plat Review Process: Concerns were raised that requiring minor plats to go before the Planning Commission would create an unnecessary burden for developers and landowners. Staff clarified that Planning Commission review is not required, and staff will revise the text to eliminate any confusion.
- Natural Area Buffer: A speaker opposed heavy buffer requirements for long-time landowners surrounded by already developed properties. In looking at this example, the applicable requirements are situational and may not apply to the example referenced. Staff clarified in the amendments that the proposed natural area buffer provisions include multiple options for when this natural area buffer is required.
- Agricultural Tract Exception: Concerns were raised regarding how the Agricultural Tract Exception would be administered, including the need for greater flexibility to allow future lot creation for family members. Additional feedback suggested that the requirements should more closely align with the Conservation Use Valuation Assessment (CUVA) regulations administered by the Fulton County Tax Assessor. Staff continued to work with stakeholders on draft language that would capture the key components in a way that aligns with the City's overall vision, as well as specific examples.
- General: Comments were made regarding the accelerated timeline for these proposed changes and requested an extension of the current moratorium to allow for more thorough public review.

RECOMMENDATIONS:

The proposed amendments are intended to better align lot creation with development intensity, preserve Milton's rural character, and improve clarity and predictability for property owners and applicants.

These amendments further address the relationship between how land is divided and how it ultimately functions, ensuring that development patterns are consistent with the City's long-term vision.

The proposed amendments are organized into primary, secondary, and general code cleanup categories, reflecting both the initial focus of the review and additional issues

identified during the analysis and public input. The amendments address the following general areas:

Primary – Initial Focus Areas

1. Lot Coverage
2. Building Area
3. Natural Area Buffer
4. Minor Plat Provisions

Secondary – Identified Through Analysis and Public Input

5. As-Built Requirements
6. Agricultural Tract Exception

Code Cleanup – Minor Modifications Identified During Review

7. Bonds
8. Lake Lots

REVIEW & APPROVALS:

Legal Review: Paul Frickey, Jarrard & Davis, LLP – March 27, 2026

Concurrent Review: Steven Krokoff, City Manager –

ATTACHMENT(S):

Ordinance Amendments

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Steven Krokoff
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Unified Development Code Article 13. Definitions

Lot coverage. The percentage of lot area covered by impervious surfaces and improvements identified herein located on a lot in comparison to the total lot area, calculated by dividing impervious surface and improvement area by the total lot area. For purposes of calculating lot coverage, impervious surfaces and improvements includes:

1. The footprint of the main building including garages, covered porches, and decks regardless of size.
2. The total footprints of any accessory buildings including enclosed and roofed structures larger than 150 square feet.
3. Pavers (whether designated as permeable or non-permeable systems), decks, or other impervious surfaces surrounding swimming pools, or hot tubs, and associated decks. (actual water surface does not count toward lot coverage)
4. Parking pads and driveways (regardless of material).
5. Patios, pavers (whether designated as permeable or non-permeable systems), and compacted gravel (graded aggregate base).

For purposes of calculating lot coverage, total lot area is the area of the lot excluding reduced by the area of the following that is located within the boundaries of the lot:

1. Private Streets
2. Driveway, modified, single-family residential, access or shared (private drive)

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 including garages and covered porches regardless of size; and
2. The total footprints of any accessory buildings including enclosed and roofed structures larger than 150 square feet.

Natural Area Buffer. A portion of a lot located along side and rear property lines in certain identified situations described in Section 3.1.10, and along the property line adjacent to a right-of-way for lots created by minor plat, that shall remain in a natural, vegetated condition. The buffer is intended to preserve natural character, maintain tree canopy, and provide visual separation between adjacent properties and between the right-of-way and new construction.

~~**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 or lots created through the Agricultural Tract Exception Section 12.6.2.4.11. A modified driveway shall not be considered a public or private street and shall not be improved or converted into a public or private street intended to serve additional lots or development.

Constrained land. With respect to Form-Based Codes and AG-1 standards, areas occupied by lakes, streams, wetlands, buffers, landfills, and all other land so determined by the Director.

Unconstrained Land. With respect to Form-Based Codes and AG-1 standards, all land not characterized as constrained.

Usable Area. A contiguous portion of a lot that is of sufficient size, shape, dimension, and configuration to support the full functioning of the lot for residential use. Usable area shall include or accommodate the required buildable area and, where applicable, areas for septic and reserve systems, stormwater management facilities, access, and customary residential site improvements.

In calculating usable area, any portion of a lot subject to limitations on use within required easements, buffers, floodplains, setbacks, including but not limited to rural viewshed requirements, natural area buffers, or similar restrictions, shall not be counted toward the minimum usable area requirement.

Agricultural Tract Exception. An exception to certain regulations as established pursuant to Section 12.6.2.H.11 that allows an eligible agricultural parcel to be subdivided in a manner that preserves a portion of the property for continued agricultural use, open space, or conservation for a limited time duration.

An eligible agricultural parcel shall consist of either:

1. a parcel greater than eleven (11) acres in size; or

2. a parcel subject to a Conservation Use Valuation Assessment (CUVA) covenant, provided the parcel contains at least one (1) acre more than the minimum acreage required under the CUVA tract.

2.1.1. Lots Unified Development Code

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~~ ~~not~~ be approved ~~unless each proposed lot contains:~~

~~a. a~~ ~~until the~~ buildable area ~~that is sufficient to accommodate a principal structure and a functional single family residential lot; and~~

~~b. a usable area sufficient to support the full residential use of the lot.~~

~~In addition, (including the buildable areas within the a minimum of 50% of the a minimum lot area size which must shall be located outside the a floodplain for each lot.) of every single-family lot is determined to be sufficient to accommodate a square configured from~~

3. The required buildable area shall:

~~a. be contiguous and of sufficient size, shape, dimension, and configuration to accommodate:~~

~~i. a building envelope meeting the minimum heated floor area required by the zoning district, or where no such. In the absence of a minimum heated floor area requirement exists, the minimum building envelope shall be square must be at least thirty-five (35) feet by thirty-five (35) feet. See Figure 2.1.1.A.~~

~~ii. vehicular access to the single family residential lot; and~~

~~iii. customary residential improvements directly associated with the principal structure;~~

~~b. be located outside required setbacks, easements, buffers, and floodplain; and~~

~~c. not include separate areas connected only by narrow strips of land, access corridors, or other portions of the lot that do not function as part of a cohesive single family residential lot.~~

~~d. In the AG-1 zoning district, each lot shall provide a minimum buildable area proportional to lot size as follows:~~

~~i. Lots less than three (3) acres: The minimum required buildable area shall be equal to the maximum permitted lot coverage plus an additional ten (10) percentage points of the lot area (such that, for example, where maximum lot coverage is 25%, the required buildable area shall be 35%).~~

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- ii. Lots three (3) acres to five (5) acres: The minimum required buildable area shall be equal to the maximum permitted lot coverage plus an additional five (5) percentage points of the lot area (such that, for example, where maximum lot coverage is 25%, the required buildable area shall be 30%).
 - iii. Lots greater than five (5) acres: The minimum required buildable area shall be equal to the maximum permitted lot coverage (such that, for example, a maximum lot coverage of 25%, the required buildable area shall also be 25%).

4. The required usable area shall:

- a. include or accommodate the required buildable area;
- b. be contiguous and of sufficient size, shape, dimension, and configuration to accommodate the full functioning of the lot for residential use, including, where applicable:
 - i. septic and reserve area;
 - ii. stormwater management facilities;
 - iii. access and circulation; and
 - iv. customary residential use areas and site improvements;
- c. be arranged so as to avoid fragmentation of the lot into isolated, irregular, or nonfunctional residual areas; and
- d. be located outside required easements, buffers, and floodplain;
- e. and be capable of reasonably supporting development of the lot in a manner consistent with the intent of the zoning district.
- f. In the AG-1 zoning district, each lot shall provide a minimum usable area proportional to lot size as follows:
 - i. Lots less than three (3) acres: The minimum required usable area shall be equal to the maximum permitted lot coverage plus an additional twenty (20) percentage points of the lot area (such that, for example, where maximum lot coverage is 25%, the required usable area shall be 45%) and in no case less than twenty thousand (20,000) square feet.
 - ii. Lots three (3) acres to five (5) acres: The minimum required usable area shall be equal to the maximum permitted lot coverage plus an additional ten (10) percentage points of the lot area (such that, for example, where maximum lot coverage is 25%, the required usable area shall be 35%).
 - iii. Lots greater than five (5) acres: The minimum required usable area shall be equal to the maximum permitted lot coverage plus an additional five (5) percentage points of the lot area (such that, for example, where maximum lot coverage is 25%, the required usable area shall be 30%).

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.

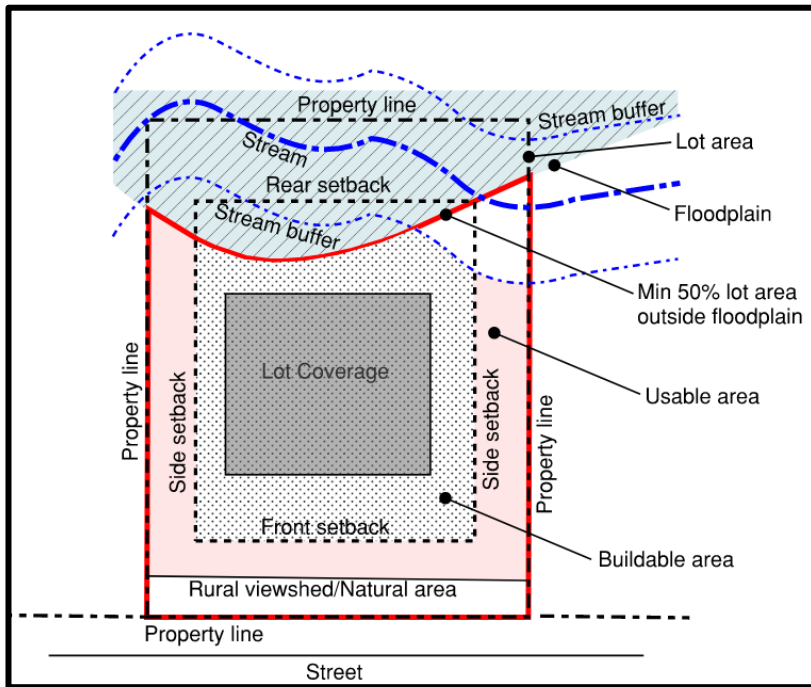
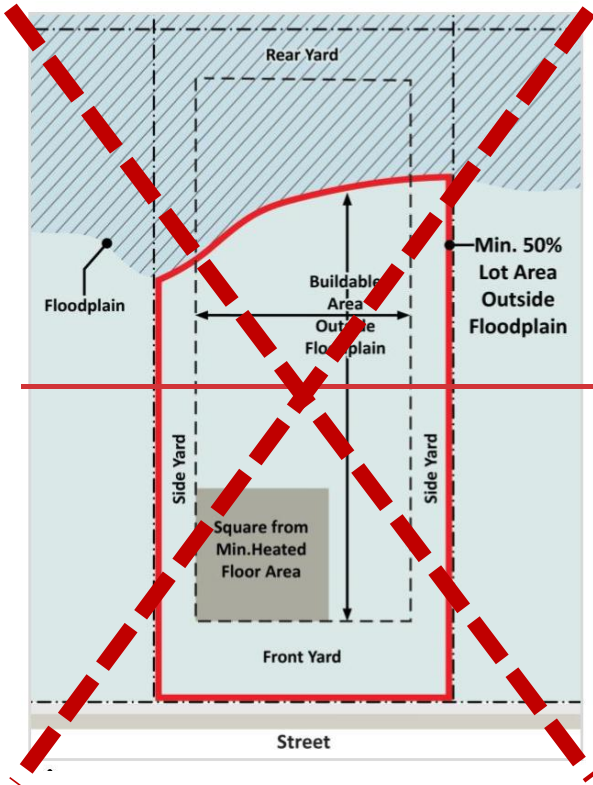


Figure 2.1.1.A

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 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.

Unified Development Code 3.1.10 Natural Area Buffer

3.1.10 Natural Area Buffer

A natural area buffer shall be provided where the conditions listed below apply in conjunction with the construction of a single family dwelling or the creation of new lots through subdivision or minor plat approval. Where more than one condition applies to the same lot, only the greatest buffer width shall be required along that boundary.

A. General Standards

1. The natural area buffer shall be preserved in its natural condition but may be required to be enhanced with additional native vegetative material where existing vegetation is sparse under side-to-rear, lot size transition, and subdivision edge buffer conditions. The intent of this section is to preserve existing perimeter vegetation and rural viewsheds while allowing limited restoration planting to reinforce the visual buffer.
2. The buffer may include existing vegetation and existing equestrian-related structures and agricultural uses. New structures, grading, stormwater facilities, septic systems, and other site improvements shall not be permitted within the buffer except as expressly authorized in this section.
3. A perimeter fence and utility crossings perpendicular to the buffer may be permitted.
4. All buffers shall be measured perpendicularly from the applicable property line.

B. Side-to-Rear Lot Condition

Where the side property line of a lot proposed for a single-family dwelling adjoins the rear property line of an adjacent lot:

1. A fifteen (15) foot natural area buffer shall be provided and enhanced with additional planting where necessary as determined by the Director, along the side property line.
2. This requirement shall not alter the applicable building setback requirements.
3. Tree canopy within the buffer area may be credited toward the canopy requirements of the subject lot.

C. Lot Size Transition Buffer (Individual Lots)

Where any property line of a lot proposed for a new single-family dwelling is less than three (3) acres in size and abuts a lot three (3) acres or greater:

1. A twenty-five (25) foot natural area buffer shall be provided and enhanced with additional planting where necessary as determined by the Director, along the contiguous property line.
2. This requirement shall not alter the applicable building setback requirements.

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3. Tree canopy within the buffer area may be credited toward the canopy requirements of the subject lot.

D. Subdivision Edge Buffer

Where a subdivision creates more than three (3) lots, with any lots less than three (3) acres in size, and abuts property that is three (3) acres or greater:

1. A fifty (50) foot natural area buffer shall be provided and enhanced with additional planting where necessary as determined by the Director, along the contiguous property line.
2. The buffer shall be platted as a separate common area lot and maintained by a homeowners' association or other approved entity.
3. Tree canopy within the buffer area may be credited toward the overall canopy coverage requirements of the subdivision, subject to review and approval by the Director.
4. Tree canopy within the buffer area may also be credited toward the canopy requirements of the adjacent subject lot(s), provided that no portion of the buffer area shall be credited toward more than one lot, and such credited area shall not be reassigned, transferred, or reused to satisfy the canopy requirements of any other lot.
5. Any buffer area used to satisfy canopy requirements shall be permanently preserved and shall not be removed or altered in a manner that would cause the subdivision to fall below required canopy coverage.

E. Minor Plat Road Frontage Buffer

Where a minor plat creates lots that abut a public street:

1. A twenty-five (25) foot natural area buffer shall be provided along the street right-of-way, Milton Trail easement, or sidewalk easement, whichever is more restrictive.
2. The buffer may consist of existing vegetation, open areas, rural landscape conditions, and existing equestrian or agricultural uses consistent with the rural character of the roadway.
3. A temporary construction disturbance area not to exceed fifty (50) feet in width, measured perpendicular to the lot frontage, may be permitted for access, grading, utility installation, and building construction.
4. Any disturbed buffer area shall be restored with natural vegetation consistent with the rural character of the roadway and subject to approval by the Director.

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 ~~front on public streets~~ have any property lines adjacent to a public street.
 - c. 25% for lots that are three (3) acres or greater in size.
 - d. 25% for lots created pursuant to the Agricultural Tract Exception (Section 12.6.2.H.11)
2. Lots within any agricultural district may be eligible for a lot coverage incentive where the property, in its existing or proposed configuration, is used or proposed to be used for agricultural purposes involving ongoing crop production, orchards, gardens, pasture, vineyards, berry production, or specialty crop cultivation, pollinator habitat or native meadow planting, livestock grazing or animal husbandry, or apiaries within the lot.
 - a. Eligible lots shall only be those subject to the 20% maximum lot coverage requirement and that do not exceed the 20% lot coverage at the time of application.
 - b. Eligible lots may be permitted an increase in maximum permitted lot coverage of five (5) percentage points, subject to approval by the Board of Zoning Appeals.
 - b. The Board of Zoning Appeals shall approve the request where the applicant demonstrates and the Board finds that:
 - i. the request involves a legitimate agricultural use; and
 - ii. the proposed use includes a reasonable plan for ongoing maintenance and management, and the risk of abandonment, reversion, or misuse is minimal; and
 - iii. the request is generally consistent with the intent of the AG-1 zoning district including consistency with the most recently adopted Comprehensive Plan.
 - c. No plans shall be submitted that show exceeding the 20% lot coverage until the agricultural use area is established as proposed.
- ~~2.3.~~ 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.

Unified Development Code 10.3.5. Lots

G. Subdivisions that result in lots adjacent to or surrounding an existing or proposed lake must extend such lot lines to either:

1. ~~Where a lake is not designated as common area:~~
 - a. ~~lot lines shall extend to~~ the centerline of the lake; or
 - b. ~~A single lot may encompass the entire lake, provided that such lot is configured to include all portions of the lake and complies with all applicable zoning and subdivision requirements.~~
2. ~~Where a lake is designated as common area, the lot lines shall extend to and terminate at~~ ~~the centerline of a 100-year flood line as the boundary of the common area~~ ~~tract, which shall include the entire lake and be owned and maintained by a homeowner's association~~ ~~or other approved entity.~~

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.
 - i. Cash bonds may be accepted only for projects under \$250,000 and expected to be completed within 18 months. All other bonds must be surety type bonds.
 - ii. If construction duration exceeds 18 months and a cash bond was utilized, it must be converted to a surety bond and include an updated amount based on estimate and approved by Director.
 - e. Permit application and plan review fees in accordance with Sec. 11.4.3.F.

12.6.2. General Requirements

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 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 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. All final plats, replats and minor plats must state allowed maximum lot coverage and the requirement of an as-built survey at time of completion of the principal structure on the lot.

87. A minor plat proposal 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.

98. No lot created under the provisions of a minor plat may 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 a re-subdivision of a lot created through a the minor plat when the proposed re-subdivision:

- a. (1) Does not create any additional lots; or
(2) Does not result in any lots with an area less than three (3) acres; and
- b. Is a division or re-subdivision(s) of land pursuant to the Agricultural Tract Exception;

c. Provided that, in any case, the Director ~~determines~~finds the proposed re-subdivision to be consistent with the intent of this Article and in the best interest of the City.

109. 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.

11. Agricultural Tract Exception

a. This provision may be requested for a division or re-subdivision of land that would not otherwise qualify as a minor plat due to the number of lots created or the creation of additional lots through re-subdivision. The preservation period shall commence upon approval of the first minor plat utilizing the Agricultural Tract Exception and shall remain applicable to the tract regardless of any subsequent division or re-subdivision of the property in accordance with Section 12.6.2.H.11; however, the preservation period shall not be restarted, renewed, or extended by any subsequent division or re-subdivision. The minor plat shall note the use of this provision.

b. The preservation requirement associated with this provision shall apply for a limited duration. The preservation requirement shall be not less than ten (10) years following approval of the first minor plat utilizing the Agricultural Tract Exception or, if the tract is subject to a Conservation Use Valuation Assessment (CUVA) covenant, shall run concurrently with the CUVA covenant in place at the time of such minor plat approval, including any allowable modifications to the term as administered by the Fulton County Tax Assessor. This preservation requirement shall run with the land; however, the preservation requirement shall not be restarted, renewed, or extended by any subsequent division or re-subdivision of the property under this section. Following the expiration of the applicable preservation period, any further subdivision that does not qualify for the minor plat allowances under this section shall be subject to the applicable subdivision procedures and requirements of this Code.

c. Parcels utilizing this provision may be subdivided into the following, and all resulting parcels shall comply with the requirements of Section 12.6.2.H.11:

i. One tract of not less than ten (10) acres, or the established CUVA tract, which shall be preserved for agricultural use, open space, or conservation land; and

ii. Additional tract(s) of not less than one (1) acre each

d. Notwithstanding the minimum lot area requirements of this Article or Article 3, a division or re-subdivision of an eligible agricultural parcel by minor plat within an agricultural zoning district may create more than three (3) lots smaller than three (3) acres, but not less than one (1) acre, provided that:

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- i. At least one resulting parcel contains a minimum of ten (10) acres or the established Conservation Use Valuation Assessment (CUVA) tract size;
 - ii. The parcel meeting the ten (10) acre minimum or the established CUVA tract size, retains frontage on, or primary access to, a public or private right-of-way;
 - iii. The parcel meeting the ten (10) acre minimum or the established CUVA tract size shall be preserved for agricultural use, open space, or conservation land and shall not be further subdivided in a manner that reduces the parcel below the applicable minimum size during the applicable preservation period. Following the expiration of the applicable preservation period, any further subdivision that does not qualify for the minor plat allowances under this section shall be subject to the applicable subdivision procedures and requirements of this Code;
 - iv. The total number of lots created by minor plat, including the ten (10) acre parcel, does not exceed the number of lots that would be permitted if the eligible agricultural parcel were divided into three (3) acre lots. Lot yield shall be calculated by dividing the total acreage of the eligible agricultural parcel by three (3) acres and rounding down to the nearest whole number; and
 - v. The Director determines that the division is consistent with the intent of preserving agricultural land and rural character.
 - e. Divisions and re-subdivisions of land approved pursuant to the Agricultural Tract Exception may be processed through the minor plat procedure established in this Article.
 - f. Lots created through the Agricultural Tract Exception must comply with applicable natural area buffer requirements of Article 3.

12.6.3. Preliminary Plat Approval

A. Procedures

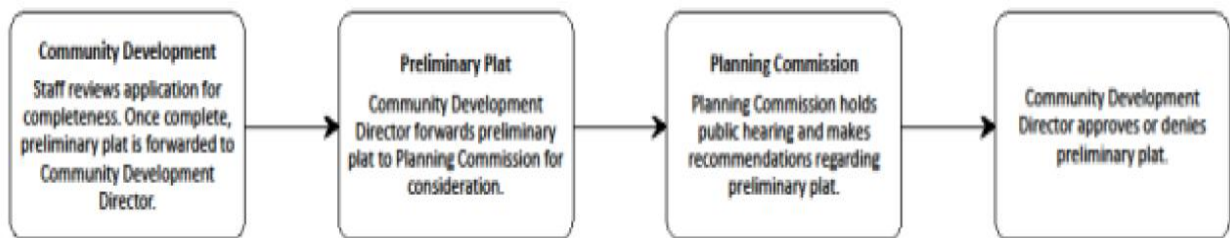
1. Completeness

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 Preliminary~~ Plats

For preliminary plats where any lot (other than common areas) within the development is less than 3 acres after the Director determines that the application is complete and complies. The Director must forward the application to the Planning Commission for public hearing, review, comment, and recommendation. However, during the Land Disturbance Permitting process, site plan layouts may modify or reconfigure lot lines so long as the revision does not result in the creation of any additional lots. These changes shall not require further Planning Commission review.

PRELIMINARY PLAT REVIEW PROCESS



~~3. All Other Plats~~

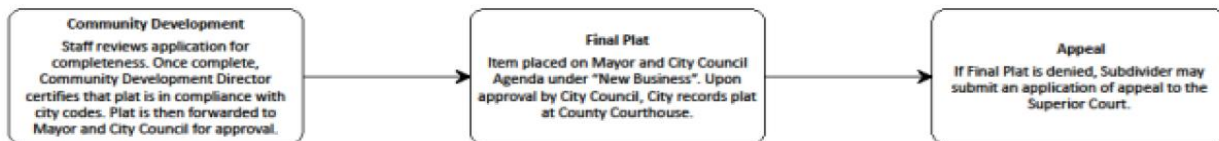
~~For preliminary plats where all lots (other than common areas) are greater than 3 acres and the Director has determined that the application is complete and complies with the requirements of this UDC, the Director will approve the preliminary plat without requiring the review of the Planning Commission.~~

Unified Development Code 12.6.4. - Final Plat Approval

A. Procedures

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;
 - i. Cash bonds may be accepted only for projects under \$250,000 and expected to be completed within 18 months. All other bonds must be surety type bonds.
 - ii. If construction duration exceeds 18 months and a cash bond was utilized, it must be converted to a surety bond and include an updated amount based on estimate and approved by Director.
- b. Maintenance bond to ensure the viability of infrastructure improvements for at least 18 months;
 - i. All maintenance bonds must be surety type bonds.
- 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.
- g. Drawings stating maximum allowed lot coverage on the final plat and requirement of an as-built survey at time of completion of the principal structure on the lot.
 - i. An as-built survey is required prior to issuance of a Certificate of Occupancy for any new principal structure in a zoning district with a maximum lot coverage requirement. The applicant shall submit an as-built survey prepared and sealed by a licensed land surveyor demonstrating compliance with applicable lot coverage requirements of this Code.

