



## AGENDA STAFF MEMO

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**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.**

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### **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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**Code of Ordinances Sec. 10-93. - Inspections.**

(a) *Existing buildings.* Before issuing a permit, the building official may examine or cause to be examined any building, electrical, gas, mechanical, or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. He or she shall inspect all buildings, structures or electrical, gas, mechanical, and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He or she shall make a record of every such examination and inspection and of all violations of the construction codes.

(b) *Manufacturers and fabricators.* When deemed necessary by the building official, he or she shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the construction codes.

(c) *Service.* The building official may make, or cause to be made, the inspections required by subsection (f) of this section. He or she may accept reports of inspectors of recognized inspection services; provided that after investigation he or she is satisfied as to their qualifications and reliability. A certificate called for by any provision of the construction codes shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service.

(d) *Prior to issuance of certificate of occupancy or completion.* The building official shall inspect or cause to be inspected at various intervals all construction or work for which a permit is required, and a final inspection shall be made of every building, structure or electrical, gas, mechanical, or plumbing system upon completion, prior to the issuance of the certificate of occupancy or completion.

(e) *Posting of permit.* Work requiring a permit shall not commence until the permit holder or his or her agent posts the permit card in a conspicuous place on the premises. The permit shall be protected from the weather and located in such a position as to permit the building official or representative to conveniently make the required entries thereon. This permit card shall be maintained in such a position by the permit holder until the certificate of occupancy or completion is issued by the building official.

(f) *Required inspections.* The building official upon notification from the permit holder or his or her agent shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical code:

(1) *Building.*

- a. *Foundation and foundation wall.* To be made after trenches are excavated, the reinforcement is in place, and forms erected prior to the placing of concrete. A foundation survey shall be required to verify the location and footprint of the proposed principle structure prior to approval of the foundation inspection when any of the following conditions are present:

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i. The proposed lot coverage is within five (5) percentage points of the maximum permitted lot coverage applicable to the lot, as established by the zoning district, final plat, or conditions of zoning;

ii. Any portion of the foundation footprint is located within five (5) feet of any required setback line, easement line, or building separation requirement.

The foundation survey shall be prepared and sealed by a registered land surveyor and shall demonstrate compliance with all applicable setback and lot coverage requirements.

- b. *Framing.* To be made after the roof, all framing, fireblocking, bracing and fasteners are in place, all concealed wiring, all pipes, chimneys, ducts, and vents are complete.
- c. *Moisture barrier.* To be made prior to the installation of the exterior finishing materials.
- d. *Final.* To be made after the building is completed and ready for immediate occupancy.

(2) *Electrical.*

- a. *Underground.* To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.
- b. *Rough-in.* To be made after the roof, framing, fireblocking, and bracing is in place and prior to the installation of wall or ceiling membranes.
- c. *Final.* To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.

(3) *Plumbing.*

- a. *Underground.* To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
- b. *Rough-in.* To be made after the roof, framing, fireblocking, and bracing is in place and all soil, waste, and vent piping is complete, and prior to the installation of wall or ceiling membranes.
- c. *Final.* To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

Note—See section 311 of the International Plumbing Code for required tests.

(4) *Mechanical.*

- a. *Underground.* To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.

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- b. *Rough-in*. To be made after the roof, framing, fireblocking, and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.
  - c. *Final*. To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

(5) *Gas*.

- a. *Rough piping*. To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.
- b. *Final piping*. To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.
- c. *Final*. To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes in order to ensure compliance with all the requirements of the construction codes and to ensure that the installation and construction of the gas system is in accordance with reviewed plans.

(6) *Energy*.

- a. *Foundation*. To be made before slab concrete is poured in place. To verify that perimeter insulation has been installed correctly on any slab on grade foundations, if required.
- b. *Frame*. To be made before exterior wall insulation is concealed by wall board to check installation of exterior walls insulation and to inspect that all holes and cracks through the structure envelope have been sealed in an appropriate manner as to restrict air passage.
- c. *Final*. To be made after the building is completed and ready for occupancy. To verify the installation and R-value of ceiling and floor insulation. To verify correct SEER ratings on appliances.

(g) *Written release*. Work shall not be done on any part of a building, structure or electrical, gas, mechanical, or plumbing system beyond the point indicated in each successive inspection without first obtaining a written release from the building official. Such written release shall be given only after an inspection has been made of each successive step in the construction or installation as indicated by each of the foregoing three inspections.

(h) *Reinforcing steel, structural frames, insulation, plumbing, mechanical or electrical systems*. Reinforcing steel, structural frame, insulation, plumbing, work of any part of any building or structure shall not be covered or concealed without first obtaining a release from the building official.

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(i) *Plaster fire protection.* In all buildings where plaster is used for fire protection purposes, the permit holder or his or her agent shall notify the building official after all lathing and backing is in place. Plaster shall not be applied until the release from the building official has been received.

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**Code of Ordinances Sec. 10-94. - Certificates.**

(a) *Certificate of occupancy.*

(1) *Building occupancy.* A new building shall not be occupied or a change made in the occupancy, nature, or use of a building or part of a building until after the building official has issued a certificate of occupancy. Said certificate shall not be issued until all required electrical, gas, mechanical, plumbing, and fire protection systems have been inspected for compliance with the construction codes and other applicable laws and ordinances and released by the building official.

(2) *Verification of lot coverage.* Prior to the issuance of a certificate of occupancy for any principal structure that is subject to lot coverage requirements under the zoning district, final plat, or conditions of zoning, the applicant shall submit an as-built survey prepared and sealed by a licensed land surveyor. The survey shall:

a. *Depict all impervious surfaces, improvements, and structures on the lot at time of completion of the principal structure, including but not limited to any accessory structures, driveways, patios, and other impervious areas;*

b. *Provide calculations demonstrating compliance with the maximum permitted lot coverage applicable to the lot; and*

c. *Confirm that all improvements are located in compliance with required setbacks and other applicable development standards.*

d. *The as-built survey shall state the maximum allowed lot coverage area remaining for any future improvements.*

(32) *Issuance.* The certificate of occupancy shall not be issued until the building official determines that the lot is in compliance with all applicable lot coverage requirements. Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical, and plumbing systems in accordance with the construction codes, reviewed plans and specifications, and after the final inspection, the building official shall issue a certificate of occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of the construction codes.

(43) *Temporary/partial occupancy.* A temporary/partial certificate of occupancy may be issued for a portion of a commercial building which, in the opinion of the building official, may safely be occupied prior to final completion of the building. The temporary/partial certificate of occupancy shall be forfeited if the certificate of occupancy is not issued within 90 days.

(54) *Existing buildings.* A certificate of occupancy for any existing building may be obtained by applying to the building official and supplying the information and data necessary to determine compliance with the construction codes for the occupancy intended. Where necessary, in the opinion of the building official, two sets of detailed drawings, or a general inspection, or both, may be required. When, upon

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examination and inspection, it is found that the building conforms to the provisions of the construction codes and other applicable laws and ordinances for such occupancy, a certificate of occupancy shall be issued.