

PETITION TO AMEND THE FULTON COUNTY ZONING RESOLUTION

2005Z – 0060

COMMUNITY ZONING BOARD PUBLIC HEARINGS

July 19, 2005 (NORTH) - DEFERRED FOR THIRTY (30) DAYS

August 16, 2005 (SOUTH) - ADMINISTRATIVELY DEFERRED BY STAFF FOR UP TO 120 DAYS TO INCLUDE ADDITIONAL ITEMS

October 18, 2005 (SOUTH) – DEFERRED FOR THIRTY (30) DAYS

November 15, 2005 (NORTH) – DENIAL

BOARD OF COMMISSIONERS PUBLIC HEARING

December 7, 2005 – DEFERRED UNTIL FEBRUARY 1, 2006

February 1, 2006 – DEFERRED UNTIL APRIL 5, 2006

In response to Chair Handel's inquiry about the impact of the proposed amendments to overlay districts, staff notes that Article 12A, Overlay District Authority, provides in Section 12A.4.3. that the stricter provisions of the overlay district shall apply when in conflict with other provisions of the Zoning Resolution.

This petition was presented to the Development Advisory Committee (DAC) on August 8, 2005 and was also placed on the February 13, 2006 agenda. There were no additional comments from DAC members at the February meeting.

As directed by the Board of Commissioners, community meetings were held on March 20, 2006, March 22, 2006 and March 27, 2006. Citizens expressed concerns about allowing pools on double frontage lots and varying sidewalk requirements that would result in noncontinuous sidewalks. There were also inquiries made about the size of kiosk signs and the review process for kiosk signs and the standards for temporary vending. In addition, one citizen expressed an opinion that the minimum separation for group homes should be more than ¼ mile.

WRAP-UP

**April 5, 2006 – APPROVED PER STAFF
except for changes to the definition of open space.**

**STAFF
RECOMMENDATION**

APPROVAL – PARTS 1 THROUGH 12 AND 14

**WITHDRAWAL OF PART 13
PROPOSED AMENDMENTS**

Staff continues to amend the Fulton County Zoning Resolution to provide an up-to-date ordinance of revised and/or new and appropriate development standards for all residential and nonresidential uses in unincorporated Fulton County.

Part 1 – To amend Article III, Sections 3.3.4., 3.3.13., 3.3.15., 3.3.17., 3.3.18, and 3.3.19. to add the definitions of *open space*, *quadruplex dwelling*, *special event*, and *triplex dwelling*, and to revise the definitions of *mobile home*, *modular home*, *multifamily dwelling*, *roadside produce stand*, *seasonal business use*, *accessory structure* and *structure*.

Part 2 - To amend Article 4, Section 4.3.4.B.2. to restrict the location of permanent outdoor fireplaces and outdoor uncovered kitchens, Section 4.2.8. to include AG-1 for the purposes of multiple zoned lots, and Section 4.3.1.E.1. to provide for the adjustment (increase or decrease) of minimum or maximum yards when rezoning results in nonconforming structures.

Part 3 - To amend Article 7, Section 7.2.2. (Use Regulations) to allow triplex and quadruplex as permitted uses in the TR Townhouse Residential District, Section 7.2.3. to add side yard setback for attached single family dwelling units on separate lots of record, and Sections 7.3.2. and 7.4.2. to add triplex and quadruplex as permitted uses in A (Medium Density Apartment District) and A-L (Apartment Limited Dwelling District) and to clarify that townhouses are a permitted use in A and A-L districts.

Part 4 - To amend Article 8, Section 8.2.2. and 8.2.2A. to add triplex and quadruplex as permitted uses and to clarify that, in addition to a residential component, a MIX development must include two of the following: commercial, office, or institutional uses.

Part 5 - To amend Article 11, Sections 11.1.2. to add triplex and quadruplex as permitted uses in the CUP (Community Unit Plan) district and to clarify that townhouses are a permitted use, and Section 11.3 (MHP Mobile Home Park District) to delete modular home as a permitted use.

Part 6 – To delete Article 12-B, Sandy Springs Overlay District, from the Fulton County Zoning Resolution.

Part 7 – To delete Article 12-B(1), Perimeter Community Improvement District, from the Fulton County Zoning Resolution.

Part 8 – To amend Article 19, Sections 19.3.3., 19.3.11, 19.3.11(1), and 19.3.11(2) to revise and add standards for administrative permits for special event, roadside produce stand, roadside vending, and seasonal business use.

Part 9 - To amend Article 19, Section 19.3.12.B.1. to allow a swimming pool to be located at the back of a house on a double frontage single family residential lot.

Part 10 - To amend Article 19, Sections 19.4.20. (Group Residence), 19.4.20(1) (Group Residence for Children (5 to 8 Children)), and 19.4.20(2) (Group Residence for Children (9 to 15 Children)) to require a separation of a quarter mile between group residences and Section 19.4.20(1) to add SUB-A, SUB-B, SUB-C, NUP and CUP as required districts for a Group Residence for Children (5 to 8 Children).

Part 11 – To amend Article 28, Section 28.2.4. to require that a copy of the deed be added as a rezoning and/or use permit petition filing requirement.

Part 12 – To amend Article 33, Section 33.4.12.A.12.d. to delete the maximum square footage of a kiosk sign on a major thoroughfare.

Part 13 – To amend Article 33, Section 33.3 to prohibit apartment directional signs, weekend directional signs, and real estate directional signs and Sections 33.4.12.A.9, 33.4.12.A.11., and 33.4.12.A.12 to delete the provisions for all weekend directional signs.

Part 14 - To amend Article 34, Section 34.5.3. to clarify requirements for sidewalks and curb and gutter.

Part 1

To amend Article III, Sections 3.3.4., 3.3.13., 3.3.15., 3.3.17., 3.3.18, and 3.3.19. to add the definitions of *open space*, *quadruplex dwelling*, *special event*, and *triplex dwelling*, and to revise the definitions of *mobile home*, *modular home*, *multifamily dwelling*, *roadside produce stand*, *seasonal business use*, *accessory structure* and *structure*.

Open space. A portion of a site which is permanently set aside for public or private use and will not be developed. The space may be used for passive or active recreation or may be reserved to protect or buffer natural areas. Open space may include ~~landscape strips, buffers, other~~ wooded areas ~~other than required landscape strips and buffers,~~ pathways/walkways, fields, and sensitive environmental areas such as wetlands, etc. ~~Detention facilities and~~ platted residential lots shall not be included in open space calculations.

Dwelling, Quadruplex. Four attached dwellings in one building in which each unit shares one or two walls with an adjoining unit or units.

Dwelling, Triplex. A building containing three dwelling units, each of which has direct access to the outside or to a common hall.

Special Event. An event or happening organized by any person or organization which will generate or invite considerable public participation and/or spectators for a particular and limited purpose of time, including, but not limited to, special sales and service promotions, car shows, arts and crafts shows, horse shows, carnivals, festivals, exhibitions, circuses, fairs, show houses and tours of homes for charity. Special events are not limited to those events conducted on the public streets but may occur entirely on private property. Special events may be for profit or nonprofit. Events which will occur in the public right-of-way, such as roadway foot races, fundraising walks, bikeathons, parades, etc. are subject to the approval of the Fulton County Police Department.

Mobile Home. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, mobile home includes travel trailers and similar vehicles placed on a site for 180 consecutive days or more. For all other purposes including insurance purposes under FEMA sponsored programs, mobile home does not include travel trailers and similar vehicles. ~~A mobile home is not a modular home. Mobile home is synonymous with house trailer and manufactured home.~~

Modular Home. A factory-fabricated, single family dwelling built in one or more sections, designed for placement on a permanent foundation and not having a permanent chassis. ~~A modular home is not a mobile home.~~

Dwelling, Multifamily. A structure containing three or more dwelling units not including townhouses, triplexes or quadruplexes.

Roadside Produce Stand. A use offering either farm-grown, prepared food products such as fruits, vegetables, canned foods, or prepared packaged meats for sale from a vehicle or a temporary structure. The consumption of food on-site is prohibited. ~~The use is permitted in C-1, C-2, M-1, M-2 and AG-1 Districts.~~

Seasonal Business Use. ~~A primary use involving the sale of items related to calendar holidays which may be conducted outside of the building, but within the confines of a parcel zoned CUP or MIX (commercial components), C-1, C-2, M-1A, M-1, or M-2. A Seasonal Business Use is permitted in AG-1 and residential districts if occupied by either a church, school, or lodge/retreat existing as a conforming use. See the appropriate Administrative Permit.~~ A primary use involving the sale of items related to calendar holidays, such as Christmas trees, Halloween pumpkins, etc., which may be conducted outside.

Structure. Anything built or constructed which occupies a location on, or is attached, to the ground. ~~Driveways, surface parking lots, patios, and similar paved surfaces are not considered structures.~~

Structure, Accessory. A subordinate structure, customarily incidental to a principal structure or use and is located on the same lot. Examples of accessory structures in single-family dwelling districts include ~~a well house, fence, tool shed, guest house and a detached garage.~~ ~~outbuildings,~~ such as, tool sheds, woodsheds, workshops, outdoor kitchens, pool houses, gazebos, guest houses, storage sheds, detached garages and detached carports, etc. Fences and retaining walls are not considered accessory structures. ~~Driveways, surface parking lots, patios, and similar paved surfaces are not considered accessory structures.~~

Part 2

To amend Article 4, Section 4.3.4.B.2. to restrict the location of permanent outdoor fireplaces and outdoor uncovered kitchens, Section 4.2.8. to include AG-1 for the purposes of multiple zoned lots, and Section 4.3.1.E.1. to provide for the adjustment (increase or decrease) of minimum or maximum yards when rezoning results in nonconforming structures.

4.3.4. MINIMUM BUILDING LINES. The minimum yards (setbacks) in each district shall establish minimum building lines for all structures except those named in Section 4.2.5 entitled **USES AND STRUCTURES PERMITTED IN YARDS, AND OUTSIDE STORAGE.**

B. **Permitted Encroachments into Yards.** The following encroachments shall be allowed to the extent specified below.

2. Single-family Residential and Townhouses used for single family on individual lots of record. ~~Covered or uncovered porches, decks~~

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~~or patios attached to the main dwelling may extend no more than 10 feet into a minimum front or rear yard. Awnings may project to within 5 feet of a side lot line.~~

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

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

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

3. All Zoning Districts. ~~Architectural features such as cornices, eaves, steps, gutters, fire chases, chimneys and fire escapes may project not more than 36 inches into any minimum yard.~~

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

4.2.8. MULTIPLE ZONING. Whenever a lot is zoned for more than one single family dwelling district or zoned a single family district(s) and AG-1, the district which comprises the largest area shall control the development standards for that lot.

4.3.1. NONCONFORMING LOTS, USES AND STRUCTURES. Within the zoning districts established by this resolution there may exist lots, structures, and uses of both land and structures which were lawful before this resolution was adopted or subsequently amended, but which would be prohibited, regulated, or restricted under the terms of this resolution as adopted or subsequently amended. Nonconforming lots, uses and structures may continue in their nonconforming status with the following limitations and/or requirements.

- E. **Rezoning Which Results in Nonconforming Structures.** (Amended 3/6/91)

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

1. The approval of the rezoning by the Board of Commissioners shall automatically ~~reduce~~ **adjust** minimum/**maximum** yards to the extent necessary for existing structures to comply.

Part 3

To amend Article 7, Section 7.2.2. (Use Regulations) to allow triplex and quadruplex as permitted uses in the TR Townhouse Residential District, Section 7.2.3. to add side yard setback for attached single family dwelling units on separate lots of record, and Sections 7.3.2. and 7.4.2. to add triplex and quadruplex as permitted uses in A (Medium Density Apartment District) and A-L (Apartment Limited Dwelling District) and to clarify that townhouses are a permitted use in A and A-L districts.

7.2.2.A. Permitted Uses: Add triplex and quadruplex

7.2.3.I. Minimum Interior Setbacks When One Building Per Lot

2. **Minimum Side Yard**

- 7 feet adjacent to interior lot line, except that up to a 7-foot encroachment and maintenance easement may be provided on adjacent parcels, in combination with or in lieu of a side yard, such that a minimum building separation of 14 feet is maintained.

- zero if units are attached, for example, townhouses on separate lots of record

- 15 feet adjacent to street.

7.3.2.A. Permitted Uses: Add triplex and quadruplex and clarify that townhouses are a permitted use.

7.4.2.A. Permitted Uses: Add triplex and quadruplex and clarify that townhouses are a permitted use.

Part 4

To amend Article 8, Section 8.2.2. and 8.2.2.A. to add triplex and quadruplex as permitted uses and to clarify that, in addition to a residential component, a MIX development must include two of the following: commercial, office, or institutional uses.

8.2.2. USE REGULATIONS. The MIX District mandates a residential component of single family dwellings, duplexes, triplexes, quadruplexes, townhouses, multifamily dwellings or any combination thereof along with at least two of the following: ~~retail, service~~ commercial, office or institutional uses.

8.2.2.A. Permitted Uses: Add triplex and quadruplex

Part 5

To amend Article 11, Sections 11.1.2. to add triplex and quadruplex as permitted uses in the CUP (Community Unit Plan) district and to clarify that townhouses are a permitted use, and Section 11.3 (MHP Mobile Home Park District) to delete modular home as a permitted use.

11.1.2.A. Permitted Uses: Add triplex and quadruplex and clarify that townhouses are a permitted use.

11.3.2.A. Permitted Uses: Delete modular home

Part 6

To delete Article 12-B, Sandy Springs Overlay District, from the Fulton County Zoning Resolution.

Part 7

To delete Article 12-B(1), Perimeter Community Improvement District, from the Fulton County Zoning Resolution.

Part 8

To amend Article 19, Sections 19.3.3., 19.3.11, 19.3.11(1), and 19.3.11(2) to revise and add standards for administrative permits for special event, roadside produce stand, roadside vending, and seasonal business use.

~~19.3.3. **FESTIVALS OR EVENTS, OCCASIONAL, OUTDOOR/INDOOR** including but not limited to horse shows, carnivals, dog shows, arts and crafts shows, and music festivals. (Amended 09/04/91, 07/07/93, 06/01/94, 04/05/95, 08/06/03)~~

A. ~~**Required Districts:** O I, MIX, C 1, C 2, M 1A, M 1, M 2, AG 1 and residential districts in conjunction with an institutional use, such as a place of worship or a school~~

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

- ~~1. No more than two Administrative Permits shall be granted per year and no permit shall be effective for more than 30 consecutive days for a single event on the same property. An application for said permit shall be made no less than 14 days prior to the event.~~
- ~~2. Said permit must be posted on site during the vending operation. Upon expiration of the permit, the use shall cease unless another Administrative Permit is approved.~~
- ~~3. No temporary sanitary facility or trash receptacle may be located within 100 feet of a property line of any residential use~~
- ~~4. No tent, table or other temporary structure shall be located within 250 feet of a property line of any residential use.~~
- ~~5. The entire property shall comply with Fulton County standards for setbacks and number of parking spaces. If a festival or event is located on an institutional site, additional parking shall not be required.~~
- ~~6. Two copies of a drawing with dimensions shall accompany the application and shall accurately depict the proposed location of temporary activities, the traffic patterns and curb cuts and compliance with the standards of this Section.~~
- ~~7. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at adjacent property lines of any residential use.~~
- ~~8. The hours of operation shall be 8:00 a.m. to 10:00 p.m.~~

19.3.3. **EVENT, SPECIAL INDOOR/OUTDOOR.** (Amended 09/04/91, 07/07/93, 06/01/94, 04/05/95, 08/06/03, _____)

As applicable, special events are subject to the requirements of other Fulton County Departments, such as Emergency Medical Services Plans, Emergency Planning and Preparedness Plans, tent permits, pyrotechnics permits, food service

permits, etc.

A. **Required Districts:** O-I, MIX, C-1, C-2, M-1A, M-1, M-2, AG-1 and residential districts in conjunction with an institutional use, such as a place of worship or a school, or for the benefit of charity such as tours of homes, show houses, and the like.

B. **Standards:**

1. No more than two Administrative Permits shall be granted per year and no permit shall be effective for more than 14 consecutive days for a single event on the same property. An application for said permit shall be made no less than 14 days prior to the event. Said permit must be posted on site such that it is visible from the street.
2. The hours of operation shall be 8:00 a.m. to 8:00 p.m., Sunday through Thursday and 8:00 a.m. to 10:00 p.m., Friday through Saturday.
3. Two copies of a drawing, no larger in size than 11" x 17", with dimensions (distances in feet) of the activity's location from the site's property lines and other minimum distance requirements as specified by this Section shall be submitted to the Department of Environment and Community Department for approval. Said drawing shall also depict north arrow, curb cuts and traffic patterns.
4. The applicant shall provide a notarized written permission statement of the property owner or lease holder of the subject site to the Department of Environment and Community Development. A 24-hour contact number of the property owner or lease holder shall be provided along with permit application.
5. The entire property shall comply with the zoning district's setback requirements.
6. No temporary sanitary facility or trash receptacle may be located within 100 feet of a property line of any residential use.
7. No tent, table or other temporary structure shall be located within 250 feet of a residential structure.

Tents less than 5,000 square feet do not require a building permit; tents equal to or greater than 5,000 square feet require structural

plan review and a building permit.

All tents are subject to the approval of the Fire Department.

8. Sales from vehicles are prohibited.

9. The entire property shall comply with Fulton County's parking requirements.

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

11. A sound level of 65 dBA shall not be exceeded at adjacent property lines of any residential use.

12. Signage shall be in accordance with Article 33, Section 33.4.12.A.10.

19.3.11. ~~**ROADSIDE PRODUCE STANDS** (Amended 05/06/92, 07/07/93, 04/06/94, 08/06/03)~~

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

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

~~1. An Administrative Permit shall be valid for a period of one year from the approval date. Permitted location is not transferable.~~

~~Upon expiration of the permit, the use shall cease unless another Administrative Permit is approved.~~

~~2. A minimum of 6 spaces for parking shall be required for the exclusive use of the roadside stand and parking spaces may not be for any other use on site.~~

~~3. Any activity or structure shall maintain a minimum 10-foot setback from the right-of-way and not be located within a required landscape strip or buffer or improvement setback. Said structure shall also maintain a minimum setback of 10 feet from any permitted curb cut access.~~

~~4. Two copies of a drawing showing dimensions shall accompany the~~

~~application and shall accurately depict the standards of this Section.~~

~~5. The applicant shall provide a notarized written permission statement from the property owner or lease holder of the subject site. A 24 hour contact number of the property owner or lease holder shall be provided along with the permit application.~~

~~6. The hours of operation shall be 8:00 a.m. to 8:00 p.m.~~

19.3.11. ROADSIDE PRODUCE STANDS (Amended 05/06/92, 07/07/93, 04/06/94, 08/06/03, _____)

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

B. Standards:

1. No more than four Administrative Permits shall be granted per year and no single permit shall be effective for more than 30 consecutive days; however, 2 or more permits, not to exceed 4, may be combined for a duration of 60 days, 90 days or a maximum of 120 days. An application for said permit(s) shall be made no less than 14 days prior to the event. Said permit must be posted on site such that it is visible from the street.

2. The hours of operation shall be 8:00 a.m. to 8:00 p.m.

3. Two copies of a drawing, no larger in size than 11" x 17", with dimensions (distances in feet) of the activity's location from the site's property lines and other minimum distance requirements as specified by this Section shall be submitted to the Department of Environment and Community Department for approval. Said drawing shall also depict north arrow, curb cuts and traffic patterns.

4. The applicant shall provide a notarized written permission statement of the property owner or lease holder of the subject site to the Department of Environment and Community Development. A 24-hour contact number of the property owner or lease holder shall be provided along with permit application.

5. The property on which the roadside vendor is permitted must be located at least 1500 feet from a permanent business or another

vendor which offers the same or similar merchandise as that of the vendor. Vendor shall provide names of all established businesses which sell similar or the same merchandise within 1500 feet of the proposed vendor site.

6. Any activity or structure shall maintain a minimum 20-foot setback from the right-of-way and not be located within a required landscape strip or buffer. Said activity or structure shall also maintain a minimum setback of 10 feet from any internal drive or permitted curb cut.

7. A minimum of 6 parking spaces shall be provided for the exclusive use of the roadside produce stand and shall not occupy the minimum required parking spaces for any other use on site.

8. No temporary sanitary facility or trash receptacle may be located within 100 feet of a property line of a residential use.

9. No tent, table or other temporary structure shall be located within 100 feet of a residential structure.

Tents less than 5,000 square feet do not require a building permit; tents equal to or greater than 5,000 square feet require structural plan review and a building permit.

All tents are subject to the approval of the Fire Department.

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

11. A sound level of 65 dBA shall not be exceeded at adjacent property lines of any residential use.

12. Signage shall be in accordance with Article 33, Section 33.4.12.B.19.

19.3.11(1) — ~~**ROADSIDE VENDING**~~ (Added 07/07/93) (Amended 04/06/94, 02/07/01, 08/06/03)

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

B. Standards:

1. ~~An Administrative Permit shall be obtained at least 7 days before beginning the vending operation and shall be granted for a maximum of nine (9) days per permit. Said Permit location is not transferable and no more than two permits per year shall be issued for one address. Said permit must be posted on site during the vending operation. Upon expiration of the permit, the use shall cease unless another Administrative Permit is approved.~~
2. ~~The property on which the roadside vendor is permitted must be located at least 1500 feet from a permanent business which offers the same or similar merchandise as that of the vendors. Vendor shall provide names on all established businesses which sell similar or the same merchandise within 1500 feet of the proposed vendor site.~~
3. ~~Vendors shall not locate within 1500 feet of another roadside vendor.~~
4. ~~A minimum of 6 parking spaces shall be provided adjacent to the vending area for the exclusive use of the roadside stand and shall not occupy minimum required parking spaces for any other use on site.~~
5. ~~Any vending displays or activity shall maintain a minimum 20 foot setback from the right of way and not be located within a required landscape strip or buffer. Said displays shall also maintain a minimum setback of 10 feet from any internal drives.~~
6. ~~Two copies of a drawing showing dimensions shall accompany the application and shall accurately depict the standards of this Section.~~
7. ~~The applicant shall provide a notarized written permission statement of the property owner or lease holder of the subject site. A 24 hour contact number of the property owner or lease holder shall be provided along with permit application.~~
8. ~~Vending shall be permitted from 8:00 a.m. to 8:00 p.m.~~
9. ~~No vendor equipment, vehicle, display or sales activity shall block access to a public facility, including, but not limited to, a telephone booth, mail box, parking meter, fire alarm box, fire~~

~~hydrant, traffic control box, driveways and other access points.~~

~~10. Vending shall not be permitted from any vehicle. Vending is permitted from tables and carts only.~~

~~11. Tents and tarps are prohibited.~~

~~12. Signs advertising the vending operation are prohibited.~~

19.3.11(1) **ROADSIDE VENDING** (Added 07/07/93) (Amended 04/06/94, 02/07/01, 08/06/03, _____)

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

B. **Standards:**

1. No more than two Administrative Permits shall be granted per year and no permit shall be effective for more than 9 consecutive days. An application for said permit shall be made no less than 14 days prior to the event. Said permit must be posted on site such that it is visible from the street.
2. The hours of operation shall be 8:00 a.m. to 8:00 p.m.
3. Two copies of a drawing, no larger in size than 11" x 17", with dimensions (distances in feet) of the activity's location from the site's property lines and other minimum distance requirements as specified by this Section shall be submitted to the Department of Environment and Community Department for approval. Said drawing shall also depict north arrow, curb cuts and traffic patterns.
4. The applicant shall provide a notarized written permission statement of the property owner or lease holder of the subject site to the Department of Environment and Community Development. A 24-hour contact number of the property owner or lease holder shall be provided along with permit application.
5. The property on which the roadside vendor is permitted must be located at least 1500 feet from a permanent business or another vendor which offers the same or similar merchandise as that of the vendor. Vendor shall provide names of all established businesses which sell similar or the same merchandise within 1500 feet of the proposed vendor site.

6. Any vending displays or activity shall maintain a minimum 20-foot setback from the right-of-way and not be located within a required landscape strip or buffer. Said displays or activities shall also maintain a minimum setback of 10 feet from any internal drive or permitted curb cut.
7. A minimum of 6 parking spaces shall be provided adjacent to the vending area for the exclusive use of the roadside vending and shall not occupy the minimum required parking spaces for any other use on site.
8. No temporary sanitary facility or trash receptacle may be located within 100 feet of a property line of a residential use.
9. No table or cart shall be located within 250 feet of a residential structure. Tents and tarps are prohibited. Sales from vehicles are prohibited.
10. No equipment, vehicle, display or sales activity shall block access to a public facility such as a telephone booth, mail box, parking meter, fire hydrant, fire alarm box, traffic control box, driveway or other access point.
11. A sound level of 65 dBA shall not be exceeded at adjacent property lines of any residential use.
12. Signage advertising the vending operation is prohibited.

19.3.11(2) — ~~SEASONAL BUSINESS USE OR TEMPORARY BUSINESS USE~~ (Amended 12/04/91, 5/6/92, 07/07/93, 04/06/94, 07/07/99, 03/03/04)

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

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

permanent structure.

B. Standards.

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

feet from any internal drive.

12. ~~The applicant shall provide a notarized written permission statement of the property owner or lease holder of the subject site. A 24-hour contact number of the property owner or lease holder shall be provided along with the permit application.~~

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

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

19.3.11(2) **SEASONAL BUSINESS USE.** (Amended 12/04/91, 5/6/92, 07/07/93, 04/06/94, 07/07/99, 03/03/04, _____)

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

B. **Standards:**

1. An Administrative Permit shall not be issued for the same seasonal business use more than once in any calendar year. Said seasonal business use must correlate to a calendar holiday or event. Said permit shall not exceed a total of 30 consecutive days for each use. Said permit must be posted on site such that it is visible from the street. An application for said permit shall be made no less than 14 days prior to the event. Example: One permit may be issued for the sale of Christmas trees for a maximum of 30 consecutive days. A second permit may be issued for the sale of pumpkins for a maximum of 30 consecutive days.

2. The hours of operation shall be 8:00 a.m. to 8:00 p.m., Sunday through Thursday and 8:00 a.m. to 10:00 p.m., Friday through Saturday.

3. Two copies of a drawing, no larger in size than 11" x 17", with dimensions (distances in feet) of the activity's location from the site's property lines and other minimum distance requirements as

specified by this Section shall be submitted to the Department of Environment and Community Department for approval. Said drawing shall also depict north arrow, curb cuts and traffic patterns.

4. The applicant shall provide a notarized written permission statement of the property owner or lease holder of the subject site to the Department of Environment and Community Development. A 24-hour contact number of the property owner or lease holder shall be provided along with permit application.
 5. The property on which the roadside vendor is permitted must be located at least 1500 feet from a permanent business or another vendor which offers the same or similar merchandise as that of the vendor. Vendor shall provide names of all established businesses which sell similar or the same merchandise within 1500 feet of the proposed vendor site.
 6. Any display or sales activity shall maintain a minimum 20-foot setback from the right-of-way and shall not be located within a required landscape strip or buffer. Said displays shall also maintain a minimum setback of 10 feet from any internal drive or permitted curb cut.
 7. A minimum of 6 parking spaces shall be provided for the exclusive use of the seasonal business and shall not occupy the minimum required parking spaces for any other use on site.
 8. No temporary sanitary facility or trash receptacle may be located within 100 feet of a property line of a residential use.
 9. No tent, table or other temporary structure shall be located within 100 feet of a residential structure. Sales from vehicles are prohibited.
- Tents less than 5,000 square feet do not require a building permit; tents equal to or greater than 5,000 square feet require structural plan review and a building permit.
- All tents are subject to the approval of the Fire Department.
10. No equipment, vehicle, display or sales activity shall block access to a public facility such as a telephone booth, mail box, parking meter, fire hydrant, fire alarm box, traffic control box, driveway or

other access point.

11. A sound level of 65 dBA shall not be exceeded at adjacent property lines of any residential use.

12. Signage shall be in accordance with Article 33, Section 33.4.12.B.19.

Part 9

To amend Article 19, Section 19.3.12.B.1. to allow a swimming pool to be located at the back of a house on a double frontage single family residential lot.

19.3.12.B.1. Detached Dwellings. Swimming pools shall be allowed in side and rear yards of single family dwellings in any district and may also be allowed at the back of the house on a double frontage single family residential lot as approved by the Department. Pools, pool equipment, and their decks must be a minimum of 10 feet from all property lines, except that when perimeter setbacks are required, for example in NUP and TR zoned districts, pools, pool equipment, and decks cannot be located in perimeter setbacks.

Part 10

To amend Article 19, Sections 19.4.20. (Group Residence), 19.4.20(1) (Group Residence for Children (5 to 8 Children)), and 19.4.20(2) (Group Residence for Children (9 to 15 Children)) to require a separation of a quarter mile between group residences and Section 19.4.20(1) to add SUB-A, SUB-B, SUB-C, NUP and CUP as required districts for a Group Residence for Children (5 to 8 Children).

19.4.20. GROUP RESIDENCE (Amended 04/03/02)

B. **Standards:**

6. Facility shall not be located closer than a quarter mile to the nearest property line of another group residence.

19.4.20(1) GROUP RESIDENCE FOR CHILDREN (5 to 8 CHILDREN) (Added 11/03/04)

A. Required Districts: AG-1, R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, SUB-A, SUB-B, SUB-C, NUP, CUP

B. Standards:

4. Facility shall not be located closer than a quarter mile to the nearest property line of another group residence.

19.4.20(2) GROUP RESIDENCE FOR CHILDREN (9 to 15 CHILDREN) (Added 11/03/04)

B. Standards:

4. Facility shall not be located closer than a quarter mile to the nearest property line of another group residence.

Part 11

To amend Article 28, Section 28.2.4. to require that a copy of the deed be added as a rezoning and/or use permit petition filing requirement.

28.2.4. **PETITION REQUIREMENTS.**

Add: Copy of deed(s)

Part 12

To amend Article 33, Section 33.4.12.A.12.d. to delete the maximum square footage of a kiosk sign on a major thoroughfare.

33.4.12.A.12. REAL ESTATE DIRECTIONAL.

- d. ~~32 square feet in area adjacent to major thoroughfares for kiosk type signs advertising at least four or more subdivisions~~
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Part 13

To amend Article 33, Section 33.3 to prohibit apartment directional signs, weekend directional signs, and real estate directional signs and Sections 33.4.12.A.9, 33.4.12.A.11., and 33.4.12.A.12

to delete the provisions for all apartment directional signs, weekend directional signs and real estate directional signs.

~~33.3~~ ~~**PROHIBITED SIGNS.**~~

~~s. Apartment directional signs.~~

~~t. Weekend directional signs.~~

~~u. Real estate directional signs.~~

~~33.4.12~~ ~~**SIGNS PERMITTED GENERALLY.**~~

~~A. **Signs Which DO Require a Permit.**~~

~~9. **APARTMENT DIRECTIONAL** signs, provided they are removed within 14 days following the achievement of 90 percent occupancy for a multi-family development. There shall be **no more than three such signs** per multi-family development which may be located only with the permission of the property owner and outside of the right-of-way as required by **Section 33.3**. Such signs shall be no farther than two miles from the property to which they refer and shall not exceed the sizes given below:~~

~~a) 16 square feet in areas adjacent to arterials and major collectors.~~

~~b) 4 square feet in area adjacent to all other streets.~~

~~c) signs referring to the same apartment development shall be separated by a minimum distance of 1000 feet measured along the street frontage and shall not obstruct the required sight distance required in AASHTO standards administered by the County Traffic Engineer.~~

~~A permit application for an apartment directional sign shall be accompanied by an affidavit from the apartment owner~~

~~affirming that the occupancy rate of the advertised apartment development is less than 90 percent. A permit shall be valid for 6 months, and one additional permit for 6 months may be issued with the submission of a new application, payment of a sign permit fee and the submission of a new affidavit affirming that the occupancy rate continues below 90 percent. A maximum of three signs shall be permitted for each apartment complex and the permits shall be for concurrent time periods to expire simultaneously. Color coded dated stickers alternated by time period shall be used by the Department of Environment and Community Development to assist in enforcement. Upon expiration of the second 6 month period, a waiting period of 6 months must expire before the permitting process cycle may be reinitiated. (Added 10/2/91, Amended 04/07/93)~~

~~11. **WEEKEND DIRECTIONAL** signs, for real estate sale or lease shall require a permit per sign and said signs shall comply with the following requirements listed below. (Added 04/07/93)~~

- ~~a) Signs and lettering shall be unilluminated and made of durable weatherproof materials at a maximum of 4 square feet in area and a maximum height of 3 feet.~~
- ~~b) Signs shall be located on property with the written permission of the property owner and shall be located outside of the public right of way with a minimum setback of 10.5 feet from back of curb or, if there is no curb, setback from the edge of pavement. Said signs shall not obstruct sight distance necessary for public safety as determined by the Fulton County Traffic Engineer.~~
- ~~c) Signs referring to the same subdivision shall be permitted on the same street frontage separated by a minimum distance of 500 feet measured along the street frontage. All signs shall be located within two miles from the~~

~~subdivision entrance.~~

- d) ~~No more than one sign shall be located within 10 feet of any other weekend sign.~~
- e) ~~Signs shall not be affixed to any utility posts, cables, poles or other signs, structures or trees, and shall be posted firmly in the ground.~~
- f) ~~Signs shall not be placed before 12:00 noon Fridays, and must be removed by no later than 8:00 a.m. the following Monday.~~
- g) ~~Signs shall have the permit number, company name and phone number identifying the party responsible for the removal of the signs (including supporting devices) and the name of a officer of the subdivision development being advertised.~~

~~12. **REAL ESTATE DIRECTIONAL** signs, provided they are removed within 14 days following issuance of a certificate of occupancy for the final unit of each phase of a single family subdivision. There shall be **no more than three such signs** per subdivision which may be located only with the permission of the property owner and out of the right of way as required by **Section 33.3**. Such signs shall be no farther than two miles from the property to which they refer and shall not exceed the sizes given below:~~

- a) ~~16 square feet in area adjacent to major thoroughfares.~~
- b) ~~4 square feet in area adjacent to all other streets.~~
- e) ~~signs referring to the same subdivision shall be separated by a minimum distance of 1000 feet measured along the street frontage and shall not obstruct required sight distance necessary for public safety.~~
- d. ~~32 square feet in area adjacent to major thoroughfares for kiosk type signs advertising at least four or more subdivisions~~

Part 14

Part 11 - To amend Article 34, Section 34.5.3. to clarify requirements for sidewalk and curb and gutter.

34.5.3. SIDEWALKS, CURB AND GUTTER. ~~Sidewalks and curb and gutters shall be provided in accordance with Fulton County standards. (Amended 11/03/93, 02/07/01, 03/03/04)~~

34.5.3. SIDEWALKS, CURB AND GUTTER. Sidewalk, curb and gutter shall be provided for all development projects except as determined by the Department of Environment and Community Development. When required, sidewalk, curb and gutter shall be constructed in accordance with the Department of Public Works Standard Plans (also known as Standard Details).