

PETITION TO AMEND THE FULTON COUNTY ZONING RESOLUTION

2005Z – 0104

COMMUNITY ZONING BOARD PUBLIC HEARINGS

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

November 15, 2005 (NORTH) - DENIAL

BOARD OF COMMISSIONERS PUBLIC HEARING

December 7, 2005 – This petition was not placed on the December 7, 2005 agenda per Commissioner Edward’s request.

February 1, 2006 – DEFERRED FOR SIXTY (60) DAYS

April 5, 2006 – APPROVED with the change noted on page 8-4.

***STAFF
RECOMMENDATION***

APPROVAL

PROPOSED AMENDMENTS

Part 1 – To amend Article 3, Section 3.3.12. to add the definitions of large scale retail/service commercial structure and large scale retail/service commercial development.

Part 2 – To amend Article 4, Section 4.4 to add provisions for large scale retail/service commercial structures and developments.

Part 1

Large Scale Retail/Service Commercial Structure. An individual retail/service commercial structure that is 75,000 square feet or greater. This size threshold refers to an individual establishment and its associated outdoor areas used for display and storage.

Large Scale Retail/Service Commercial Development. A retail/service commercial development with at least one large scale retail structure but no more than four such structures whether freestanding or combined.

Part 2

4.4. **LARGE SCALE RETAIL/SERVICE COMMERCIAL STRUCTURES AND DEVELOPMENTS 75, 000 SQUARE FEET OR GREATER.**

4.4.1. **PURPOSE AND INTENT.** “Large-scale retail” refers to any individual retail establishment that is 75,000 square feet or greater. This size threshold refers to an individual establishment and its associated areas used for display and storage.

The purpose of establishing requirements for large-scale retail establishments is to apply design standards and additional conditions to large developments proposed in unincorporated Fulton County in order to ensure the development of appropriate, functional, well-planned, aesthetically pleasing retail/service commercial developments that stimulate economic and social growth, are integrated with surrounding areas, positively contribute to the changing community character, with facilities that have functional reuse potential in the future.

As such, these regulations intend to promote high quality materials and design, promote pedestrian-friendly environments, encourage infrastructure concurrency, encourage responsible storm-water management practices, and promote environmental planning policies.

The regulations are to be used in conjunction with the development criteria of the Fulton County Zoning Resolution and all other adopted development standards and criteria, including overlay district standards.

4.4.2. **NUMBER, SIZE AND LOCATION CRITERIA.** Large scale retail establishments or developments cannot be accessed solely via collector or local roads, as defined by Fulton County guidelines and depicted on the Georgia DOT Road Functional Classification maps. They are solely permitted on sites with at least one frontage on an arterial road. However, the Director may waive the road classification criteria if the developer can demonstrate that the proposed road improvements, with identified funding sources, will accommodate projected

traffic volume to be generated by the proposed development to the degree that the current LOS or better is maintained for the affected road segment.

No more than four large scale retail establishments, as defined in this ordinance, are allowed in a single development. Developments may include additional smaller retail structures as part of the overall development; however the number of retail establishments 75,000 square feet or larger is limited to four, and such developments are subject to the regulations outlined in this ordinance.

Developments are encouraged to create a cluster effect in order to achieve a village and/or town center effect. The ordinance promotes an appropriate mix of large and small scale retail with smaller retail buildings located closer to streets in order to reduce the visual scale of the development, encourage pedestrian traffic, and promote the use of architectural details.

The ordinance also recognizes the varied types of developments in Fulton County and promotes the use of screening and buffers in areas with a more rural aesthetic.

4.4.3.

SITE DESIGN GUIDELINES AND REQUIREMENTS.

A. General Site Guidelines.

To the extent feasible, on site creeks should be integrated into the site as amenities.

New construction shall conform to the existing topography as much as possible subject to approval by the Director of the Department of Environment and Community Development.

Buildings shall be discouraged on sites with existing slopes greater than 33%. This condition may be amended as approved by the Director.

Where retaining walls are required, they must be faced with stone, brick or decorative concrete modular block. Use of landscape timber as exterior treatment in retaining walls is prohibited. Retaining walls above 5 feet shall have evergreen plantings in front or as approved by the Director.

Detention facilities are encouraged to be designed pursuant to the Alternative Design Standards described in the Fulton County 2003 Subdivision Regulations.

To the greatest extent practicable, design of a traditional detention facility shall follow the natural landforms around the perimeter of the basin.

B. Open Space.

A minimum of ten percent (10%) of the site shall be landscaped open space. ~~This will not include septic fields, landscape islands or detention facilities, unless such facilities are designed pursuant to the Alternative Design Standards described in the Fulton County 2003 Subdivision Regulations. Traditional detention facilities are not counted towards the minimum open space requirement.~~

Each retail development shall contribute to the establishment or enhancement of the community and public spaces by providing at least two community amenities such as patio/seating area, water feature, clock tower, and pedestrian plazas or benches. Such features shall be constructed of materials that are the same or similar to those used for the principal buildings and landscape.

Square footage of community areas can be counted towards the minimum open space requirement.

C. Screening and Fencing.

Landscaping and fencing materials should be used to minimize visual and noise impact of parking, loading areas and accessory site features.

All loading areas shall be located to the rear or side of the building. Location should be restricted, however, to whichever location does not abut a residentially zoned property, if applicable. Loading areas shall be screened from view of any public street by a 5-foot berm, a continuous row of evergreen hedges 5 foot in height at the time of planting, or architectural treatment.

Refuse areas and receptacles shall be placed in the least visible location from public streets and shall be enclosed on 3 sides with opaque walls. The 4th side shall be a self-closing gate with an architectural finish. Opaque walls shall be a minimum of twelve inches higher than the receptacle. Wall materials shall be noncombustible brick, stone, or split-faced concrete masonry.

Accessory site features, as defined in each zoning district of the Zoning Resolution, shall be placed in the least visible location from public streets, and shall be screened from view of any right-of-way and/or any property zoned, used, or developed for residential uses, including the AG-1 zoning district, by one of the following means: (1) placement behind the building, (2) 100% opaque fencing which must be constructed of the same type of exterior material used for the building, or (3) by a berm or vegetative

screening. The screening shall consist of evergreen shrubs, be 3 ½ to 4 feet at time of planting, and reach a height of 6 feet within 2 years or planting.

Fencing materials along public streets and side yards are restricted to brick, stone, iron, decorative wrought iron, and treated wood, and or combinations of the above not resulting in an opaque fence.

Fences adjacent to a public street shall not exceed 55 inches from finished grade.

Chain link fencing, except as required along detention/retention ponds, is prohibited from public view. All chain link fencing shall be black vinyl clad.

Suburban Developments:

All parking areas shall be screened from view of any public street by: (1) a 25 foot-wide landscape strip planted to buffer standards or (2) a berm planted with a continuous hedge or evergreen shrubs. Plants shall be a minimum height of 3½ to 4 feet at time of planting, and such plants (or in the case of option 2 above, the berm and the planting combined) shall be capable of reaching a height of six feet within two years of planting.

D. Outdoor Storage and Display.

Display or sale of goods outside the permanent portions of a building is prohibited. Garden centers, and other similar areas, with permanent walls/fencing on the outside are considered permanent structures. Exceptions: Seasonal holiday trees, pumpkins, and open air fairs, provided an administrative permit is obtained, pursuant to Article 19.

Vending machines, paper stands and other similar devices must be located interior to the building structure.

E. Buffer Standards.

Suburban Developments:

All developments shall provide a minimum 25-foot wide landscape strip along all public streets, if buildings within the development do not front the street.

A minimum 100-foot wide natural, undisturbed buffer with a 10-foot improvement setback shall be provided along any interior property line adjacent to a residential zoning and/or use. This buffer shall be augmented with plantings if it does not achieve the intended visual screening.

To ensure that a visual buffer is achieved (for developments adjacent to a residential zoning and/or use), the County may require the installation of a four-foot high earthen berm with plantings per the County Buffer Standards. The County Arborist will make the determination of a berm requirement based upon a review of the Landscape Plan and existing topography and vegetation.

A minimum 15-foot wide landscape strip shall be provided along any interior property line adjacent to a nonresidential zoning and/or use.

Infill/Urban Developments:

Developments are encouraged to place small retail storefronts on the public street.

If buildings do not front a public street, all properties shall provide a minimum 15 foot-wide landscape strip along all public streets. The fifteen (15) foot-wide strip shall be planted with minimum 2” caliper hardwood over-story trees every 30’ feet.

A minimum 10-foot wide landscape strip shall be provided along any interior property line adjacent to a nonresidential zoning and/or use. This provision does not apply to individual lots within an overall development.

A minimum 25-foot wide natural, undisturbed buffer with a 10-foot improvement setback shall be provided along any interior property line adjacent to a residential zoning and/or use. This buffer shall be augmented with plantings if it does not achieve the intended visual screening.

F. Landscaping.

Specimen trees should be preserved to the extent possible.

Large overstory street trees in the landscape strips shall be planted in asymmetrical groupings at a minimum density of one tree per 30 feet of street frontage.

Street trees shall be a minimum of 2” caliper.

Street trees shall be selected from the list provided in Appendix E of the Fulton County Tree Preservation Ordinance and Administrative Guidelines or as may be approved by the Fulton County Arborist.

Street trees may be counted towards the required tree density for a site as approved by the Fulton County Arborist.

G. Parking Lot Landscaping Islands.

Parking lot landscaping shall follow the standards within the Fulton County Zoning Resolution.

H. Landscape Installation and Maintenance.

Landscaping must be installed, or a landscape installation guaranty must be provided prior to the release of Certificate of Occupancy (CO), unless appropriate provisions are made to guarantee the installation of landscaping after such certificate is issued, such as approval by the Department of a bond for landscaping. The guaranty shall be stamped and signed by a registered landscape architect certifying that landscaping meets the standards of the Fulton County Tree Ordinance. Landscape plantings must be replaced if damaged or dead.

I. Sidewalks and Pedestrian Circulation:

Sidewalks or pedestrian paths are required along all public and private road frontages and may meander around existing trees subject to the approval of the Fulton County Arborist.

Pedestrian paths may be installed instead of sidewalks as approved by the E&CD Director.

Sidewalks shall be a minimum width of five feet.

Pedestrian paths shall be a minimum of 5 feet wide. They shall be made out of a hard surface material such as concrete, brick or pavers. Paths may be gravel or gravel dust as approved by the E&CD Director.

Sidewalks for all new projects should connect with existing walks, where applicable.

Pedestrian access should be provided to all entrances including access from rear parking areas.

Inter-parcel connectivity shall be required for multiuse, pedestrian paths and sidewalks.

All internal pedestrian walkways shall be distinguished from driving surfaces through the use of color and durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

J. Parking.

Parking lots should be distributed around large buildings along not less than two facades (front, rear or sides) in order to shorten the distance to other buildings and public sidewalks.

A minimum of 50% of the required surface parking for out-parcels shall be located at the rear of the out-parcel building, interior to the overall development or facing the large retail parking lot.

No parking or loading area shall be used for the sale, repair, dismantling or servicing or storing of any vehicle, equipment, materials or supplies.

All developments must provide space for parking bicycles. This area may be within the parking lot or courtyard. A bike rack, permanently attached to the ground accommodating a bicycle lock or chain

Suburban Developments:

Where feasible, no more than fifty (50) percent of the off-street parking area for the lot, tract or area of land devoted to the large retail establishment should be located along the property fronting a public road and between the front façade and the road.

Urban Developments:

On-street parking is allowed subject to the approval of the Director.

K. Architectural Standards.

The design and lay out of a development should build upon and complement the design of the surrounding community. The size, orientation, setback and scale of buildings are integral elements of communities. A building's orientation and placement should complement and relate to adjacent buildings, structures and properties.

The location of a building should take into consideration its surrounding and take advantage of opportunities to maintain open views and spaces. Buildings should be in proportion, in scale and characteristic to their natural setting. The building design and material should contribute to the style and surrounding areas. Building design that is based on a standardized formula associated with a business or franchise shall be modified to meet the provisions of this section.

Buildings shall include architecture elements such as columns, arcades, covered entry-walkways, arches, facade offsets, windows, balconies, recesses/projections, clock towers, cupolas and/or courtyards.

L. Orientation.

All buildings shall be oriented to a public street. An entrance to a building should be located on the side of the building facing a public street.

Small retail stores as part of an overall development should be oriented to a public street; with the larger retail buildings in the rear.

Principal buildings should have articulated building entryways with greater architectural details, to include a minimum of two of the following elements:

- a. Decorative columns or posts
- b. Pediments
- c. Arches
- d. Brackets
- e. Transoms over doorways
- f. Sidelights
- g. Porticos

M. Height.

There shall be a maximum height limit of two stories with the maximum height 35 feet from average-finished grade to the bottom of the roof eave.

Urban/Infill Developments:

Three story buildings with a height limit of 50 feet from average-finished grade to the bottom of the roof eave are permitted.

N. Scale.

For every one hundred feet of building length on a single face, visible from the public street, there shall be variation in the exterior. This exterior variation shall be accomplished through the following means:

- a. For each one hundred feet of building exterior wall, the building exterior and roof shall be offset.
- b. For each one hundred feet of building exterior wall, there shall be a change in details, or patterns or materials.

O. Building Material:

The exterior wall materials of all buildings shall consist of a minimum of 60% (per vertical wall plane) of the following: brick, stone, stucco, EIFS, solid plank, cementitious plank, or horizontal clapboard siding.

Accent wall materials on buildings shall consist of glass, architecturally treated concrete masonry, stone, EIFS, or stucco and shall not exceed 40% per vertical wall plane.

Prohibited exterior building façade materials are: metal panel systems, precast, smooth concrete masonry or plain, reinforced concrete slabs, aluminum or vinyl siding, plywood, mirrored glass, press-wood or corrugated steel (exceptions: mechanical penthouses & roof screens).

To the extent any rear or side of any building is adjacent to a public street or single family residence, architectural treatment shall continue through the rear or side.

P. Colors.

Permitted colors for exterior walls, building components, sign structures, accent and decorative elements shall be as specified by the appropriate overlay district.

If large scale retail establishment or development is not located in an overlay district, all aspects of a development should use colors common in the area and in nature. Earth-toned, subtle and muted colors provide for a development that incorporates sensitivity to its natural surrounding. High intensity colors shall be avoided.

Q. Roof:

Permissible roofs types are flat, gable, pyramidal, and hip. Shed roofs are permitted over porches, additions, and accessory structures.

Roof pitches shall be in the range of 4 over 12 to 12 over 12.

Roof pitch material shall be made out of the following materials: asphalt shingle, wood shingle, wood shake, standing seam metal, or materials designed to give the appearance of the above mentioned materials.

A decorative parapet or cornice shall be constructed along all roof lines with a lower pitch than specified in above.

Flat roofs and roof-mounted equipment shall be screened from the view of public and private streets by a parapet. No parapet shall be required to be greater than 4 feet above roof.

R. Additional Requirements.

Burglar bars, steel gates, metal awnings and steel-roll down curtains are prohibited on the exterior and interior of the structure except at the structure's rear. Steel roll down curtains may be located in other areas if not visible from the front of a building or from a public street.

Neon lights outlining and/or detailing building features are prohibited.

Where additional stores will be located in a large retail establishment, each such store that is 5,000 square feet and greater shall have at least one (1) exterior customer entrance, which shall conform to the above requirements.

4.4.4. **ADAPTIVE REUSE OF PROPERTIES AND STORE CLOSURE.** If an establishment remains empty for a period of 12 consecutive months the owner and/or lessee must work with Fulton County Economic Development Department to create a plan for the removal or adaptive re-use of the principal structure.

4.4.5. **VACANCY MAINTENANCE REQUIREMENTS.** Owner shall provide security patrols on the site to deter vandalism or other illegal activities on the property.

Retail establishments that have been closed should be maintained at the standard of the occupied store, prior to store closure, this includes all parking lot surfaces and landscaping.

Building fenestration, including doors and windows cannot be board up.