

AMENDMENT ADDING ARTICLE XXXIV, ADOPTED NOVEMBER 1, 1989
WITH SUBSEQUENT AMENDMENTS AS NOTED

ARTICLE XXXIV

Development Regulations

34.1. **SCOPE AND INTENT.**

This Article includes a variety of development related regulations which are designed to insure that development, and infrastructure additions and improvements are provided in the best interest of the health, safety and welfare of the citizens of Fulton County, and to assure that development regulations and review procedures are standardized and equitably applied.

34.2. **COMPLIANCE.**

Any land disturbance activity or any development activity must comply with the development standards of Fulton County along with any other applicable local or state regulations. Compliance with the provisions of this Article, and actions to bring about compliance with this Article shall be in accordance with administrative guidelines of the Environment and Community Development Department. (Amended 11/03/93)

34.3. **APPEALS.**

The Director of the Environment and Community Development Department shall administratively consider variance appeals to Article XXXIV in accordance with Article XXII, APPEALS. (Amended 11/03/93)

34.4. **PERMIT AND SIGN-OFF REQUIREMENTS.**

These standards acknowledge or establish Fulton County requirements for permits for development of properties within the unincorporated area of Fulton County. All development shall comply with these and other requirements including, but not limited to, the Fulton County Tributary Buffer Ordinance, the Fulton County Tree Preservation Ordinance and Administrative Guidelines, the Fulton County Sediment and Erosion Control Ordinance, and the Georgia Metropolitan Area River Protection Act.

34.4.1.

LAND DISTURBANCE PERMIT PREREQUISITES. Prior to the issuance of a Land Disturbance Permit or the issuance of a certificate of occupancy for each phase of development, the following documents shall be submitted to the Director of the Environment and Community Development Department for approval. (Amended 11/03/93)

- A. Site Plan. A site plan which meets or exceeds the requirements contained herein and the Environment and Community Development Department administrative guidelines, and incorporates the following therein:
 - 1. A certified boundary description based on a survey of the entire property.
 - 2. A graphic representation of those conditions of zoning which can be graphically represented. This is not intended to require that conditions of zoning be written-out on a site plan.
 - 3. Zoning case number and other relevant file numbers.
- B. Grading Plan with Phasing.
- C. Erosion and Sediment Control Plan. A separate sheet depicting erosion and sediment control measures as required by the State of Georgia.
- D. Landscape/Tree Protection Plan. A detailed landscape or tree protection plan for all required buffers, landscape strips, tree protection zones, and screened areas. If project completion does not coincide with an appropriate planting season, or if water prohibitions are in effect, a performance bond may be posted to delay planting until an appropriate time approved by the Fulton County Arborist. (Amended 3/6/91, 03/03/04)
- E. Storm Water Management Plan (Name Changed 07/07/93)
 - 1. Evaluate the downstream ditch stability and bank erosion protection potential of existing downstream conveyance system. Provide all necessary documentation to the Department of Public Works, Storm Water Management Section at construction drawing phase.
 - 2. Contact the Department of Public Works, Storm Water Management Section to arrange an on-site evaluation as to the

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location of storm water facility, discharge path of detention/retention pond and other downstream constraints.

3. The design discharge at the outlet of drainage system shall not result in velocities that equal/exceed the erosive velocity or the existing receiving channel/draw, unless dissipation and erosion protection measures are placed at the outlet. Said documentation shall be provided to the Department of Public Works, Storm Water Management Section.
4. Provide downstream analysis of the flood discharge timing effect on the existing conveyance systems due to each storm frequency.
5. All natural streams within the limit of the project must be stable and be expected to remain stable under ultimate development or provide appropriate erosion protection for the streams subject to the approval of the Department of Public Works, Storm Water Management Section.
6. Evaluate the downstream effect from storm water management structures and the development, hydrologic-hydraulic engineering studies shall extend downstream to a point where the proposed development represents less than ten (10) percent of the total watershed to this point.
7. The result of the extended downstream point analysis (10 percent point) shall be included in the hydrologic study submitted with the storm water management plan. Said documentation is subject to approval by the Department of Public Works, Storm Water Management Section.
8. Provide Detention/Retention as maybe required by Fulton County subject to the approval of the Department of Public Works.
9. The development site shall be graded in such a manner that the surface runoff does not affect down stream lots, flow through lots shall be collected and conveyed in appropriate storm drainage system. Documentation shall be provided at construction drawing phase.

F. Other Plans, as Applicable.

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1. Water and waste water plans
 - a) Water and waste water systems constructed under the jurisdiction of Fulton County Government shall abide by the Department of Public Works.
 - b) Fulton County Public Works/Government does not guarantee the availability of water or waste water capacity.
 - c) Matters pertaining to septic systems shall be determined by the Fulton County Health Department.
 - d) The project being proposed shall utilize one Geographical Information System (GIS) monument as the development's benchmark. Furthermore, the developer shall abide by all provisions of the Fulton County "Monument Resolution", as established by the Department of Public Works.
 - e) Matters pertaining to pump stations shall be pre-reviewed by the Department of Public Works, Engineering Support Services Division, with regards to current policy, prior to the submittal of project design drawings.
 - f) All appropriate fees shall be paid by the developer prior to the issuance of any Land Disturbance Permits.
 - g) The developer is required to extend the water pipe line system across the entire length of road frontage, within the right-of-way.
 - h) At the time of design review, the Department of Public Works, Engineering Support Services Division may require the developer to connect (loop) the project to the adjoining property, for flow enhancement of the public water system.
 - i) Rerouting of existing water pipe lines and/or waste water pipe lines shall be pre-approved by the Department of Public Works, Engineering Support Services Division, prior to the submittal of project design drawings.
 - j) As part of the project, the developer is required to network the waste water pipe line system to all upstream properties.

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- k) Easements dedicated to Fulton County Government shall abide by all established standards. All easements shall be obtained and approved by the Department of Public Works, Engineering Support Services Division.
 - l) Conflicts, with other review disciplines of Fulton County Government shall be submitted to and resolved by the Department of Public Works, Engineering Support Services Division.
2. Profiles of roads and sewers.
 3. Traffic signs and striping.
 4. Standard Construction Details.
 5. Proposed Permanent Stormwater Management Plan.
 6. A traffic impact mitigation plan which details an owner's or developer's plan to address the number of trips that their development will produce when such development is within one mile of a roadway operating at a level of service D or lower as established by the Department of Public Works. This plan shall include, but is not limited to roadway improvements including costs and other proposals such as providing transit access, transit use incentives, car/van pooling, bicycle path construction, internal sidewalk construction, and lunch trip reduction, which when combined mitigate the traffic impact of the proposed development and shall also include a time table for the construction/implementation of improvements and who will be financially responsible for them. (Added 04/03/02)

G. Permits, Agreements, Studies as Applicable.

1. An approved curb cut permit from the Georgia Department of Transportation or the Fulton County Environment and Community Development Department.
2. Health Department approvals.
3. Right-of-way dedication.

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- a) Property Owners be required to dedicate at no cost to Fulton County, along the entire frontage, sufficient right-of-way to provide a minimum 10.5 foot shoulder behind any required project improvement subject to the approval of the Director of Public Works.
- 4. Off-site transportation improvement funds and agreements.
- 5. Fire Department approval.
- 6. Sanitary sewer pre-treatment approval.
- 7. Siltation Study. (Added 3/4/92, Amended 7/7/93, 11/03/93)
 - a. At the discretion of the Director of the Environment and Community Development Department, submit prior to the issuance of a Land Disturbance Permit and prior to recording of the final plat for each phase of development, base siltation studies of any water bodies located on the development site and on adjacent properties. Said studies shall identify, for removal by the applicant, prior to recording of the final plat for each phase of development, all siltation resulting from the development.
 - b. At the discretion of the Director of the Environment and Community Development Department, prior to the recording of the final plat for the final phase of development, submit a performance bond for the removal of any siltation resulting from the development. The performance bond shall remain on file in the Environment and Community Development Department until release of the occupancy certificates for a minimum of 90% of all residences permitted pursuant to the development or 3 years from the date of the first certificate of occupancy, whichever is earlier.

34.4.2. **PREREQUISITE TO OCCUPANCY PERMIT INSPECTION.** (Amended 11/03/93)

The Public Works Department and/or the Inspections and Zoning Enforcement Department shall notify the Environment and Community Development

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Department in writing of holds on the issuance of a certificate of occupancy on a project. (Amended 11/03/93)

- A. Single-family Residential. Before a certificate of occupancy may be considered by the Environment and Community Development Department for any dwelling located in a subdivision, the items listed under "B"., below, must have been signed-off on by the Department of Inspections and Zoning Enforcement as complete for that phase of the subdivision in which a dwelling is located.

- B. All Structures Except Single-family Residential. Before a certificate of occupancy may be considered for a structure, including the first of several structures within a development, the following must have been signed-off on as complete by the Environment and Community Development Department:
 - 1. Required Landscaping
 - 2. Required Buffers
 - 3. Required Tree Protection Measures
 - 4. Required Walls and Fences

- C. Exceptions. The Environment and Community Development Department shall insure that security has been accepted in accordance with County regulations for all required but incomplete improvements. A certificate of occupancy shall not be withheld whenever deficiencies have been secured.

34.5. **SITE IMPROVEMENT STANDARDS**

These standards shall regulate site improvement, and the provision of amenities related to site improvement.

- 34.5.1. **OFF-STREET PARKING.** Property owners shall provide and maintain off-street parking throughout construction. Parking on any lot other than the lot for which a building permit is issued must be approved for a temporary parking lot by the Environment and Community Development Department. (Amended 11/03/93)

- 34.5.2. **INTERPARCEL ACCESS.** Interparcel access shall be provided to adjacent properties upon determination by the Director of the Environment and Community Development Department that such access is in the best interest of the public health, safety or welfare. (Amended 11/03/93)

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- 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 Standards Plans (also known as Standard Details). (Amended 11/03/93, 02/07/01, 03/03/04, 04/05/06)
- 34.5.4. **DETENTION/RETENTION.** On-site storm water detention facilities shall not be located within any required buffer or landscape strip. Detention facilities shall not be located within parking or loading areas unless approved by the Department of Public Works. A 20-foot wide landscape strip planted to buffer standards shall be provided around the exterior of the detention area outside of the access easement or as may be approved by the Fulton County Arborist. (Added 3/6/91) (Amended 07/07/93, 04/05/95, 11/03/04)
- 34.5.5. **COMPLIANCE WITH TREE PRESERVATION ORDINANCE.** Prior to applying for a Land Disturbance Permit, the owner shall arrange with the County Arborist, through the Director of the Environment and Community Development Department, for an on-site evaluation of existing specimen trees and stands of trees, and an evaluation of buffers and tree protection zones. At a minimum, the tree density requirements prescribed by the Fulton County Tree Preservation Ordinance Administrative Guidelines shall be provided and permanently maintained. (Added 04/07/93, Amended 11/03/93)
- 34.5.6. **SUBDIVISION ACCESS.** Any subdivision of land for single family that has new roads providing direct access to the lots within the subdivision shall be limited to newly constructed internal roads. (Added 9/4/91)
- 34.5.7. **MINIMUM SETBACK FOR NEW STREET.** The right-of-way for new streets must be located a minimum of 50 feet from any peripheral property line adjoining AG-1 and residentially zoned property unless interparcel access is required. (Added 12/4/91)
- 34.5.8. **ARBORIST NOTIFICATION.** Contact the Director of the Environment and Community Development Department, prior to the application for a Land Disturbance Permit, to arrange with the County Arborist an on-site evaluation of existing specimen trees/stands, buffers, and tree protection zones within the property boundaries and otherwise to ascertain compliance with the Tree Preservation Ordinance. (Added 12/4/91, amended 04/07/93), amended 11/03/93)
- 34.5.9. **DAMS.** All dams within the jurisdiction of Fulton County shall comply with the

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provisions of the Safe Dam Act and Rules of Georgia Department of Natural Resources.

34.5.10. **BUILDING SETBACK FROM PIPELINE EASEMENT.** (Added 08/04/99)

A. Setback Requirements.

No buildings used for human occupancy shall be permitted within forty (40) feet of any easement containing a gathering or transmission line as defined in this resolution.

B. Land Use Restrictions.

No building or structure or part thereof, which is used for the manufacturing, processing, generation or storage of any material in the following listing shall be constructed within one hundred twenty-five (125) feet of any gathering, or transmission line easement.

:

1. corrosive materials
2. highly toxic materials
3. oxidizing materials
4. pyrophoric materials
5. water reactive materials
6. highly combustible materials
7. flammable materials
8. explosive materials
9. materials that pose a hazard to human health
10. loose or combustible materials

C. Exceptions and Exemptions.

This Ordinance shall not apply to:

1. Any land disturbance or construction necessary to provide access to a property, when no other reasonable access is permitted, or any building, land disturbance or construction necessary to provide utility service to a parcel of land;
2. Any land disturbance or construction on a gathering or transmission line by or on behalf of the owner or operator of the gathering or transmission line;

3. Any driveway, street, parking lot, tennis court, volleyball court, play area, recreational area, deck, patio, or any other impervious surfaces.

D. Variance Criteria.

The reconstruction of any structure existing at the time of this Section's adoption that does not comply with the terms of this Section (34.5.10) may be considered for an Administrative Variance in accordance with Article 22 and special consideration be given for reconstruction on same foot print when safety permits.

Any other deviation to the requirements of this Section shall be considered as a Primary Variance or Concurrent Variance in accordance with Article 22 Appeals, and shall comply with Section 22.4.1 Variance Considerations and Findings.

E. Land Disturbance Permit Requirements

In addition to any other requirements contained herein, all land disturbance permit applications shall provide the following:

1. A survey by a professional engineer or land surveyor licensed in the State of Georgia indicating the location of all gathering or transmission line easements and rights-of way indicating:
 - a. gathering or transmission line plan location and depth;
 - b. gathering or transmission line size;
 - c. the location of all off-site gathering or transmission line easements and rights-of-way within forty (40) feet of the boundaries of the subject property.

34.5.11. **BURYING OF CONSTRUCTION MATERIAL.** No person shall bury unused, scrap, waste, excess or discarded construction material without the approval of a Use Permit for an inert waste landfill in accordance with Article XIX. Any person who violates this provision shall be deemed guilty of a misdemeanor and subject to the provisions of Article XXIX, Violation and Penalty.(Added 12/01/99)

34.5.12. **WASTEWATER PUMP AND LIFT STATIONS.** A minimum 50-foot buffer and

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10-foot improvement setback shall be provided along all property lines adjacent to residentially and/or agriculturally zoned properties used for residential or public recreational purposes. (Added 09/01/04)

34.6. **TIMBER HARVESTING** (Added 3/6/91) Deleted 12/01/99

34.7. **CEMETERIES** (Added 02/01/06). In a parcel with a cemetery, burial ground, human remains or burial object(s), there shall be no land disturbing activity or timbering unless approved by the Department of Environment and Community Development. The person or entity seeking a permit shall also comply with O.C.G.A. 36-72-4. If a parcel is adjacent to a cemetery, there shall be no land disturbance in that parcel unless approved by the Department of Environment and Community Development.

The following development standards shall be required as a part of the application process for a Land Disturbance Permit or Building Permit on any parcel with a cemetery or on any parcel adjacent to a cemetery:

- A. A report prepared by an archeologist determining the boundary of the cemetery and stating the number of graves believed to be present and their location as can be determined from the use of minimally invasive investigation techniques, including remote sensing methods and the use of metal probes.
- B. A survey of the cemetery prepared by or under the direction of a registered surveyor showing the location of the boundaries of the cemetery or burial ground based on an archeologist's report.
- C. A 25-foot natural undisturbed buffer with a 10-foot improvement setback shall be provided around the perimeter of the outermost burials, as determined by an archeologist, if a cemetery is located on the parcel of land to be developed. If a cemetery is adjacent to the parcel to be developed, a 25-foot natural undisturbed buffer with a 10-foot improvement setback shall be provided along common property lines on the parcel where the Land Disturbance Permit or Building Permit is being sought.
- D. A temporary tree protection fence shall be installed on the outer perimeter of the 25-foot undisturbed buffer before any land disturbing activity occurs. If the cemetery is located on an adjacent parcel, the tree protection fence shall be located along common property lines. The temporary tree protection fence shall remain in place until construction is completed.

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- E. A permanent 6-foot high fence or wall with a gate shall be constructed along the perimeter of a cemetery on a parcel for which land disturbing activity is sought. The fence shall be constructed of a durable metal material. At minimum fence shall be black vinyl clad chain-link. Uncoated chain-link fence is prohibited. The location of the fence shall be as determined by an archaeologist. If the cemetery is located on an adjacent parcel, the fence shall be located interior to the required buffer and improvement setback or along the common property line(s) as may be approved by the Fulton County Arborist. The gate shall have a latch and be 4 feet wide if the cemetery is inactive or 10 feet wide if active.
- F. Uninhibited daylight access to the cemetery shall be provided via a 20-foot graveled easement to the cemetery from the nearest public road. The easement shall be recorded in the Fulton County Courthouse.
- G. A maintenance plan for a cemetery located on the parcel for which a Land Disturbance Permit or Building Permit is sought shall be developed and implemented.
- H. The location of a cemetery, as identified by the surveyor, shall be included on the recorded plat.
- I. A small plaque/marker with the name of the cemetery, range of burials and any other historical information may be placed on the cemetery fence.

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