

**COMPREHENSIVE PLAN AMENDMENT:**

**A-15-002**

## EXHIBIT "A"

### Johns Creek Comprehensive Plan, 2009-2030

#### ATTACHMENT A: SENIOR HOUSING STUDY

September 14, 2015

In response to an increased number of rezoning applications for new senior housing facilities in 2015, including assisted living facilities, memory care facilities and age-restricted apartments, staff completed a senior housing study and proposed an amendment to the City's Zoning Ordinance (AMD-2015-001). The purpose of this study is to:

1. Clarify definitions;
2. Determine appropriate zoning districts;
3. Require a use permit for "special needs senior housing", as defined by the Comprehensive Plan; and
4. Ensure compatible development within activity centers.

Specifically, the Community Development Department recommended amendments to the Zoning Ordinance to conform to the Comprehensive Plan and include the definition of Special Needs Housing, which includes housing for elderly and frail elderly persons needing a range of housing types including assisted living facilities, skilled nursing facilities, memory care facilities and personal care homes.

Following the amendment, Special Needs Housing will be permitted in the R-6, TR, A, A-L, O-I, MIX, C-1 and C-2 zoning districts, but only with a use permit. In addition, the amendment added a standard that Special Needs Housing be located outside of the City's Activity Centers as identified in the Comprehensive Plan to ensure that they are developed in suitable locations. The Comprehensive Plan specifically states that Activity Centers be reserved for residential types that are more attractive to active residents who might enjoy walking to nearby commercial uses.

Article III. Definitions, Article VII. Two-Family, Townhouse, Apartment Dwelling Districts, Article VIII. Office Institutional, Mixed Use Districts, and Article IX. Community Business Districts and Article XIX. Administrative Permits and Use Permits needs were amended to reflect these changes. (See Attachment 1) In addition, this study will be attached to the City's Comprehensive Plan to ensure that future senior housing is developed in accordance with these recommendations. Most importantly, this will encourage special needs senior housing to be located outside of the City's Activity Centers.

#### **Comprehensive Plan**

The City of Johns Creek Comprehensive Plan recognizes three categories of senior residents, including empty nesters, the elderly and the frail elderly. Empty nesters (generally persons age 55 to 75) are referred to as "active adults" that may enjoy eating out and being in a more active environment. These individuals are independent and do not require assistance with daily living activities. Elderly individuals are defined as persons 65 years of age or older and the frail elderly are defined as "those individuals with two or more personal care limitations." Frail elderly often require some type of supportive living arrangement such as an assisted living community, skilled nursing facility, or an independent living situation with in-home care. The frail elderly are typically age 75 and older, although they may be younger if their health and mobility is severely limited. Both elderly and frail elderly populations are identified in the City's Comprehensive Plan as special needs populations that require "Special Needs Housing." Special Needs Housing is defined as housing for persons with special needs and may include the elderly and frail elderly, as well as persons with mental and physical disabilities, victims of domestic violence and persons with substance abuse problems.

The Comprehensive Plan identifies twelve character areas within the City of Johns Creek. Each character area includes a recommended list of appropriate uses and scales. Only the Medlock Bridge Road Corridor Character Area (09) specifically references seniors. According to the Comprehensive Plan, “this area should be developed with the “active adult” in mind because of the access to public transportation and commercial amenities allowing for community seniors to “age in place”. “Empty nesters and active adults, formerly housed in large homes on large lots, may be attracted to the corridor because of the walkability, the quality of activities and services, as well as public transit”.

The Medlock Bridge Road Corridor Development area contains three Activity Nodes:

1. State Bridge Road at Medlock Bridge Road;
2. Abbotts Bridge Road and Medlock Bridge Road; and
3. McGinnis Ferry Road at Medlock Bridge Road.

Activity Nodes for State Bridge, Abbotts Bridge and Medlock Bridge Roads all list senior housing as a permitted use. However, special needs housing is not specifically listed as a recommended use within these Activity Nodes. By incorporating the Comprehensive Plan’s definitions for Special Needs Housing, Active Adult, Elderly and the Frail Elderly into the Zoning Ordinance, the Ordinance will be brought into conformity with the Comprehensive Plan.

### **Zoning Ordinance**

The City of Johns Creek Zoning Ordinance does define the following types of senior living: convalescent center/nursing home/hospice, personal care home/assisted living, and senior housing. Senior housing is defined as “a single family or multi-family development intended for, operated for and designed to accommodate residents 55 years of age or older. Senior Housing communities are designed for seniors to live on their own, but with the security and convenience of community living.” Senior Housing may provide communal dining and living areas and planned recreational activities. This type of housing most closely aligns with the City’s empty nester, active adult population. The remaining housing types are defined as facilities that provide congregate care for those that would more likely be considered frail elderly, as explained in the comprehensive plan, and must be licensed by the state.

Currently, senior housing is permitted with a use permit in any district except M-1, M-1A and non-sewer AG-1. With a use permit, senior housing is permitted at higher densities than similar, non-senior housing developed in one of the City’s residential zoning districts. However, these units must be owner-occupied. Therefore, age restricted apartments are not included. Age restricted apartments must be developed under a zoning district that permits multi-family apartment dwellings such as A, A-L, CUP or MIX. Such developments are still considered Senior Housing since they are intended for, operated for and designed to accommodate residents 55 years of age or older. In this case, they are only excluded from the types of senior housing that qualify for a Senior Housing Use Permit. Personal care homes, assisted living facilities and convalescent center/nursing home/hospice facilities are permitted uses in the A, A-L, O-I, MIX, C-1 and C-2 zoning districts. They are also allowed in the R-6 and TR zoning districts with an approved use permit.

### **Conclusion**

Both the Comprehensive Plan and the Zoning Ordinance make a clear distinction between Senior Housing for “active adults” and Special Needs Housing for the elderly and frail elderly. The Comprehensive Plan is silent on the preferred location for special needs housing for the elderly and frail elderly. While the three activity centers list senior housing as recommended institutional uses, all other sections of the plan define senior housing as accommodating empty nesters and active adults. Owner occupied senior housing,

which requires a use permit, and age restricted apartments are common housing types developed for active adults. These uses are acceptable both inside and outside of activity centers depending on the specific location. Activity centers, by definition, are meant to accommodate active uses and residents that will take advantage of living in close proximity to retail shops and restaurants. Individuals living in institutional-type senior housing are typically less mobile and utilize on-site dining facilities and services. These types of uses are more suitable in areas outside of the City's activity centers.

It is often difficult to identify desirable locations for special needs housing, which might explain why the Comprehensive Plan is silent on the matter. Factors such as resident needs, building size and orientation along with emergency medical calls for service vary with each type of facility. These facilities are currently permitted in the City's multifamily and non-residential zoning districts. Only in the TR and R-6 zoning district are they required to receive a use permit.

Requiring all Special Needs Housing, including assisted living facilities, nursing homes and personal care homes to require a use permit will allow Community Development staff, the Planning Commission, Mayor and City Council members the ability to evaluate the impacts of each proposal and determine if the use is appropriate for the desired zoning district and location of that zoning district.

DRAFT

**Attachment 1**  
**AMD-2015-001**

DRAFT

**ADDITIONS IN BOLD UNDERLINE  
DELETIONS IN ~~STRIKETHROUGH~~**

Whereas, the City finds that the regulations contained in this ordinance are necessary for the purposes of implementing the comprehensive plan adopted pursuant to the requirements of the Georgia Planning Act of 1989; and

Whereas, this ordinance has been prepared and considered in accordance with the zoning procedures law, O.C.G.A. 36-66-1; and

Whereas, this ordinance is adopted as part of a plan designed for the purposes, among others, of lessening congestion on the roads and streets; securing safety from fire, flood, and other dangers; providing adequate light and air; promoting health and general welfare; encouraging such distribution of population and such classification of land uses and utilization as will facilitate economic and adequate provisions for transportation, communication, road, water supply, drainage, sanitation, education, recreation, and other public requirements. These regulations are made with reasonable considerations, among others, to the character of the districts and the suitability of particular uses in such districts, to the general view of promoting desirable living conditions, protecting property against blight and depreciation, and encouraging the most appropriate use of land throughout the City of Johns Creek.

Now, therefore, the governing body of the City of Johns Creek, Georgia, does hereby ordain, enact, and thereby incorporate into the City Code of Johns Creek, Georgia, this ordinance and its articles, chapters, and sections.

**ARTICLE III. DEFINITIONS**

[Sec. 3.1. Scope.](#)

[Sec. 3.2. Use and interpretation.](#)

[Sec. 3.3. Definitions.](#)

**Sec. 3.1. Scope.**

Words not defined herein shall be construed to have the meaning given by The Latest Illustrated Book of Development Definitions and, if not defined therein, by Merriam-Webster's Collegiate Dictionary, tenth edition or later edition.

**Sec. 3.2. Use and interpretation.**

The following shall apply to the use of all words in this Ordinance:

- a. Words used in the present tense shall include the future tense.
- b. Words used in the singular shall include the plural and vice versa.
- c. The word shall is mandatory.
- d. The word may is permissive.
- e. The nouns zone, zoning district and district have the same meaning and refer to the Zoning Districts established by this Ordinance.
- f. The phrase used for shall include the phrases arranged for, designed for, intended for, maintained for and occupied for.

ADDITIONS IN **BOLD UNDERLINE**  
DELETIONS IN ~~STRIKETHROUGH~~**Sec. 3.3. Definitions.**

## 3.3.1. A.

*Accessory Equipment.* Any equipment serving or being used in conjunction with a wireless telecommunications facility, including, without limitation, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings or enclosures, cabinets, storage sheds, shelters, or similar structures, but excluding any antennas, antenna arrays, towers or other antenna support structures.

*Accessory Site Feature.* Mechanical, electrical and ancillary equipment, cooling towers, mechanical penthouses, heating and air conditioning units and/or pads, exterior ladders, storage tanks, processing equipment, service yards, storage yards, exterior work areas, loading docks, maintenance areas, dumpsters, recycling bins, and any other equipment, structure or storage area located on a roof, ground or building.

*Adjoin.* To have a common border with. Adjoin may also mean coterminous, contiguous, abutting and adjacent.

*Administrative Minor Variance.* A variance to the minimum district yard requirements of not more than 1 foot, granted administratively by the Director of the Department of Community Development.

*Administrative Variance.* A request for relief from: 1) the standards contained in Article 34, Development Regulations, 2) a request to reduce the 10 foot improvement setback adjacent to buffers or 3) a request for 10% reduction of parking spaces as required in Article 18.2.3.

*Alternative Antenna Support Structure.* Clock towers, campaniles, free standing steeples, and other alternative designed freestanding support structures that conceal antennas as an architectural feature. Monopines and other manmade trees designed as support structures are not 'alternative antenna support structures.'

*Amateur Radio Antenna.* Radio communication facility that is an accessory structure to a single-family residential dwelling operated for non-commercial purposes by a Federal Communication Commission licensed amateur radio operator. The term antenna shall include both the electronic system and any structures it is affixed to for primary support.

*Antenna.* An apparatus, device or system of electrical conductors that transmits and/or receives electromagnetic waves, radio or other wireless signals used in the provision of all types of wireless communication services.

*Antenna Array.* A single set or group of antennas and associated mounting hardware, transmission lines or other appurtenances which share a common attachment device such as a mounting frame or mounting support.

*Antenna, Minor.* Satellite receiving dishes of one meter or less in diameter and television broadcast receiving antennas.

*Antenna Support Structure.* A structure, such as a tower (either monopole, guy or lattice tower), alternative antenna support structure, or attached antenna support structure, designed to support or capable of supporting antenna(s), antenna array(s), and certain accessory equipment, such as cables.

*Apartment.* A building which contains three or more dwelling units either attached to the side, above or below another unit. Apartment may also refer to a dwelling unit attached to a non-residential building. (See Dwelling, Multi-Family)

*Appeal.* A request for relief from a decision made by the Director of the Department of Community Development, other department directors, the Board of Zoning Appeals, and/or the Mayor and City Council.

*Applicable Wall Area.* The wall on which a wall sign is attached including all walls and windows that have the same street or pedestrian orientation. All open air spaces shall be excluded from the applicable wall area.

ADDITIONS IN **BOLD UNDERLINE**  
 DELETIONS IN ~~STRIKETHROUGH~~

**Assembly Hall (also Event Space).** A large room or structure where people can congregate for public meetings, special events, and/or meetings of an organization such as a school, church, or deliberative assembly.

**Attached Antenna Support Structure.** Any pole, mount or device which attaches an antenna(s) or antenna array(s) to the roof or side of an existing building or to an electrical transmission tower, light structure, utility pole, or other similar existing structure.

**Attached Wireless Telecommunications Facility.** An antenna or antenna array that is secured to the roof or side of an existing building (respectively, a "roof-mounted wireless telecommunications facility" and a "building-mounted wireless telecommunications facility") or attached to an existing electrical transmission tower, light structure or utility pole (except a tower or alternative antenna support structure) with an attached antenna support structure, together with accessory equipment, located either on or within the subject building or structure or on the ground proximate to the subject building or structure.

**Attic.** An unheated storage area located immediately below the roof.

**Authorized Agent.** A person or persons with written authorization acting on behalf of a property owner or applicant.

**Automotive Garage.** A use primarily for the repair, replacement, modification, adjustment, or servicing of the power plant or drive-train or major components of automobiles and motorized vehicles. The repair of heavy trucks, equipment and automobile body work shall not be included in this use. The outside storage of unlicensed and unregistered vehicle is prohibited as part of this use. (See Auto Specialty Shop and Service Station)

**Automotive Specialty Shop.** A use which provides one or more specialized repair sales and/or maintenance functions such as the sale, replacement, installation or repair of tires, mufflers, batteries, brakes and master cylinders, shock absorbers, instruments (such as speedometers and tachometers), radios and sound systems or upholstery for passenger cars, vans, and light trucks only.

No use authorized herein shall permit any private or commercial activity which involves auto/truck leasing, painting, repair or alteration of the auto body, nor shall any repair, replacement, modification, adjustment, or servicing of the power plant or drive-train or cooling system be permitted, except that minor tune-up involving the changing of spark plugs, points or condenser, including engine block oil changes, are permitted.

3.3.2. **B.**

**Babysitting.** A service in which shelter, care, and supervision are provided for 4 or fewer children below the age of 12 on an irregular basis.

**Base Station.** A station at a specific site authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies and other associated electronics.

**Basement.** A level below a floor of a building with a minimum of one-half (½) of the total wall area below grade. A basement is not a story. The term basement is synonymous with cellar.

**Beacon.** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also any light with one or more beams that rotate or move.

**Bed and Breakfast Inn.** A residence in which the frequency and volume of visitors are incidental to the primary use as a private residence and where guest rooms are made available for visitors for fewer than 30 consecutive days. Breakfast is the only meal served and is included in the charge for the room. Use allowed in non-residential districts and permitted in AG-1 and TR with a Use Permit.

**Berm.** A planted earthen mound.

**Billboard.** A sign which advertises services, merchandise, entertainment or information which is not available at the property on which the sign is located.

**Board.** The City of Johns Creek Mayor and City Council.

ADDITIONS IN **BOLD UNDERLINE**  
DELETIONS IN ~~STRIKETHROUGH~~

*Boarding House.* A residential use other than a hotel or motel in which lodging may be provided to non-household members and which includes the provision of meals.

*Brewpub.* An accessory use to a permitted restaurant where distilled spirits, malt beverages or wines are licensed to sell and where beer or malt beverages are manufactured or brewed for consumption on the premise and solely in draft form.

*Buffer Stream.* The area of land immediately adjacent to the banks of state waters in its natural state of vegetation that facilitates the protection of water quality and aquatic habitat.

*Buffer, Zoning.* A natural undisturbed portion of a lot, except for approved access and utility crossings, which is set aside to achieve a visual barrier between the use on the lot and adjacent lots and/or uses. A buffer is achieved with natural vegetation and must be replanted subject to the approval of the Director of the Department of Community Development or his/her designated agent(s) when sparsely vegetated. Clearing of undergrowth from a buffer is prohibited except when accomplished under the supervision of the Director of the Department of Community Development or his/her designated agent(s).

*Buildable Area.* The portion of a parcel of land where a building may be located and which shall contain enough square footage to meet the minimum required by the zoning district. That portion which is not located in the minimum setbacks, utility corridors, driveways, slopes to build streets, tree save areas, landscape strips, specimen tree areas, state water buffers, tributary buffers, zoning buffers, wetlands, storm water and sanitary sewer easements.

*Building.* Any structure with a roof, designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.

*Building Inspector.* The person charged with ensuring compliance with the Building Code and other applicable regulations and ordinances of the City of Johns Creek, and his or her designee.

*Building Line.* A building line is one which is no closer to a property line than the minimum yard (setback) requirements.

*Building Official.* The official and his or her designee who directs municipal building inspection program and conducts complex inspections to determine whether relevant codes and regulations are met.

*Business.* A use involving retailing, wholesaling, warehousing, outside storage, manufacturing or the delivery of services regardless of whether payment is involved. The term Business does not include uses which are customarily incidental (accessory) to another use.

## 3.3.3. C.

*Canopy.* A roof-like cover, excluding carports, that either projects from the wall of a building or is freestanding.

*Car Wash, Principal.* A primary or main use which provides space for cleaning vehicles.

*Car Wash, Accessory.* A customarily incidental use of an attached or detached bay for cleaning vehicles.

*Car Wash, Automated.* Any building or premises or portions thereof dedicated to use for washing automobiles with mechanical equipment, which is often completely unattended. Automated car washes may require permanent structures. Services include cleaning, washing, polishing, and waxing.

*Car Wash, Non-automated.* Any building or premises or portions thereof dedicated to use for washing automobiles by hand operated equipment. Automated car washes may or may not require permanent structures, but typically always require some kind of shade structures or storage sheds. Services include cleaning, washing, polishing, and waxing.

*Carrier on Wheels or Cell on Wheels (COW).* A portable self-contained wireless telecommunications facility that can be moved to a location and set up to provide wireless communication services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.

ADDITIONS IN   
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*Cellar.* See basement.

*Cemetery, Human.* The use of property as a burial place for human remains. Such a property may contain a mausoleum.

*Cemetery, Pet.* The use of property as a burial place for the remains of pets. Such a property may contain a mausoleum.

*Check cashing establishment.* Any establishment licensed by the State of Georgia pursuant to O.C.G.A. sections 7-1-700 et seq.

*Church, Temple or Place of Worship.* A facility in which persons regularly assemble for religious ceremonies. This shall include, on the same lot, accessory structures and uses such as minister's and caretaker's residences, and others uses identified under the provisions for Administrative and Use Permits.

*Clear Cutting.* The removal of all vegetation from a property, whether by cutting or other means, excluding stream buffer requirements.

*Clinic.* A use where medical examination and treatment is administered to persons on an outpatient basis. No patient shall be lodged on an overnight basis.

*Club.* A non-profit social, educational or recreational use normally involving community centers, public swimming pools and/or courts, civic clubhouses, lodge halls, fraternal organizations, country clubs and similar facilities.

*Club, Neighborhood.* Any club operated for recreation and social purposes solely by the residents of a specific neighborhood or community.

*Collocation.* The placement or installation of new wireless transmission equipment on existing towers or antenna support structures on which there is an existing antenna (an "existing tower"), including monopoles and towers (self-supporting, guyed, and lattice), in a manner that negates the need to construct a new freestanding antenna support structure. Such term includes the placement of accessory equipment within an existing equipment compound.

*Commercial Amusement /Indoor.* A use where recreational activity such as movie theaters, arcades, billiards, game rooms, sporting activities and other recreational amusements are conducted within a building.

*Commercial Amusement/Outdoor.* A use where recreational activity such as skating rinks, batting cages, miniature golf, drive-in theaters and other recreational activities or amusements that are conducted outside a building.

*Communication Services.* A use that provides for the retail sale of telecommunication or wireless communication services to consumers, repair services for telecommunication or wireless communication goods, customer service centers, and telecommuting services. This use includes telecommunication or wireless communication retail stores, wireless communication repair service centers or stores, wireless communication customer service centers, and cable customer service centers, but excludes wireless telecommunications facilities and television and radio stations. The term "communication services" is separate and distinct from the term "wireless communication services."

*Composting.* A processing operation for the treatment of vegetative matter into humus-like material that can be recycled as a soil fertilizer amendment such as trees, leaves and plant material. Organic animal waste, food, municipal sludge, solid waste, and other non-farm or vegetative type wastes are not included.

*Condominium.* A form of ownership as defined by State law in which common elements are jointly owned. A condominium is not a building type.

*Conservation Subdivision.* A single family detached residential subdivision in which a minimum of 40 percent of the total land area is set aside as permanently protected open space as define in Article XX of the Zoning Ordinance. Conservation Subdivisions require Use Permit approval in accordance with Article XXVIII.

ADDITIONS IN **BOLD UNDERLINE**  
 DELETIONS IN ~~STRIKETHROUGH~~

*Construction material.* Building materials and rubble resulting from construction, remodeling, repair, and/or demolition operations on pavements, houses, commercial buildings and other structures. Such materials include, but are not limited to, asbestos containing waste, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material, and other nonputrescible wastes which have a low potential for groundwater contamination.

~~*Convalescent Center/Nursing Home/Hospice.* A state licensed use in which domiciliary care is provided to convalescing, chronically or terminally ill persons who are provided with food, shelter and care and not meeting the test of family. This use shall not include hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.~~

*Convenience Store.* A use offering a limited variety of groceries household goods, and personal care items, always in association with the dispensing of motor fuels as an accessory use, but in all cases excluding vehicle service, maintenance and repair.

*Convenient location and time.* Suitable time and easily accessible place for applicants to meet with interested parties to discuss rezoning and/or use permit petitions.

*Country Inn.* A facility, with the owner or innkeepers residing on the premises, where guest rooms are made available for visitors for fewer than 30 consecutive days. A Country Inn is distinguished from a Bed and Breakfast category in that it serves both breakfast and lunch or dinner.

*Courtyard.* An open air area, other than a yard, that is bounded by the walls of a building. Courtyards are used primarily for supplying pedestrian access, light, and air to the abutting building(s). Site furniture, lighting and landscaping are appropriate for courtyards. Vehicular access allowed for unloading and loading only. No vehicular parking or vehicular storage is allowed.

*Coverage, Service.* The geographic area reached by an individual wireless telecommunications facility.

*Crematorium.* A facility for the reduction of remains to ashes by incineration.

*Cul-de-sac.* A street having only one connection to another street, and is terminated by a vehicular turn-around.

*Curb cut.* A connection between a roadway and a property for vehicular access. Curb cut applies to access regardless of the existence of curbing.

*Cutoff.* A luminaire light distribution where the emission does not exceed 2.5 percent of the lamp lumens at an angle of 90 degrees above nadir and does not exceed 10 percent at a vertical angle of 80 degrees above nadir.

*Cutoff Fixture.* A luminaire light distribution where the candela per 1000 lamp lumens does not numerically exceed 25 (2.5 percent) at or above a vertical angle of 90 degrees above nadir, and 100 (10 percent) at or above a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire.

#### 3.3.4. D.

*Day Care Facility.* A use in which shelter, care, and supervision for seven (7) or more persons on a regular basis away from their residence for less than 24 hours a day. A Day Care Facility may provide basic educational instruction. The term shall include nursery school, kindergarten, early learning center, play school, pre-school, and Group Day Care Home.

*Day Care Home, Family.* See Family Day Care Home.

*Day-Night Average Sound Level (DNL).* The day-night average sound level (DNL) is the 24-hour average sound level, in decibels, obtained from the accumulation of all events with the addition of 10 decibels to sound levels in the night from 10 P.M. to 7 A.M. The weighing of nighttime events accounts for the usual increased interfering effects of noise during the night, when ambient levels are lower and people are trying to sleep. DNL is a weighted average measured in decibels (db).

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*Deck.* A structure abutting a dwelling with no roof or walls except for visual partitions and railings not to exceed 42" above finished floor which is constructed on piers or a foundation above-grade for use as an outdoor living area.

*Denial Without Prejudice.* A motion by the Planning Commission or the Mayor and City Council that denies the requested petition and is deemed final action. Although considered a final decision, a denial without prejudice is not determined to be a final decision based on the merits of the case and would not be considered zoning precedent on the property. Any new application on the property would be considered on its own merits and may not be heard by the Mayor and City Council less than twelve months from the final decision.

*Department.* Department of Community Development.

*Development, Duplex.* A development of duplexes.

*Development, Multifamily.* A development of multifamily dwelling units on a single lot of record.

*Development of Regional Impact (DRI) Study.* A review by the Atlanta Regional Commission and the Georgia Regional Transportation Authority of large scale projects that are of sufficient size that they are likely to create impacts beyond the jurisdiction in which each project will be located.

*Development Permit Standards.* Requirements established for each administrative and use permit such as setbacks, access, landscape and buffer areas, hours of operation etc.

*Development, Single-Family.* A development of single-family dwelling units, with each dwelling unit including accessory structures, on a separate lot of record.

*Development Standards.* Dimensional measurements as specified in zoning districts relating to such standards as yard setbacks, lot area, lot frontage, lot width, height and floor area.

*Development, Townhouse.* A development of townhouse dwelling units.

*Director.* Director of the Department of Community Development or his/her designee.

*Distribution Line.* A pipeline other than a gathering or transmission line.

*District, Nonresidential.* A term used to identify all districts except single-family dwelling districts, all apartment districts, R-6, TR, MHP and residential portions of a CUP — Includes AG-1.

*District, Residential.* A term which applies to all single-family dwelling districts, all apartment districts, R-6, TR, MHP and residential portions of a CUP — Excludes AG-1.

*Drainage Facility.* A facility which provides for the collection, removal and detention of surface water or groundwater from land by drains, water course or other means.

*Drive-in/up Restaurant.* A restaurant designed for customers to park and place and receive food orders while remaining in their motor vehicles.

*Driveway.* A vehicular access way.

*Dwelling.* Any building or portion thereof which is designed for or used for residential purposes for periods of more than 30 consecutive days.

*Dwelling, Duplex.* A structure that contains two dwelling units.

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

*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.

ADDITIONS IN **UNDERLINE**  
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*Dwelling Unit.* One or more rooms constructed with cooking, sleeping and sanitary facilities designed for and limited to use as living quarters for one family.

*Dwelling Unit, Single-Family.* One dwelling unit that is not attached to any other dwelling unit by any means.

*Dwelling Unit, Townhouse.* A dwelling unit in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common walls.

3.3.5. E.

**Elderly. Those persons 65 years of age or older.**

**Elderly, Frail. Those persons 65 years of age or older with two or more personal care limitations and requiring some type of supportive living arrangement for daily living.**

*Electrical Transmission Tower.* An electrical transmission tower used to support high voltage (110-kV and above) overhead power lines.

*Environmentally Adverse.* Any use or activity which poses a potential or immediate threat to the environment and/or is physically harmful or destructive to living beings as described in the Executive Order 12898 regarding Environmental Justice

*Environmentally Stressed Community.* A community exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.

*Equipment Compound.* A fenced area surrounding or adjacent to the base of a tower or antenna support structure within which accessory equipment is located.

3.3.6. F.

*Family.* Family means one or more persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship, or up to 4 unrelated persons, occupying a dwelling unit and living as a single housekeeping unit, as distinguished from persons occupying a rooming, boarding or lodging house, or a hotel.

*Family Day Care Home.* A Home Occupation in which shelter, care, and supervision are provided for 6 or fewer persons on a regular basis. A Family Day Care Home may provide basic educational instruction.

*Farm.* A parcel of land which is used for the raising of animals (including fish) on a commercial basis, such as ranching, dairy farming, piggeries, poultry farming and fish farming; a facility for the business of boarding or renting horses to the public; or a site used for the raising or harvesting of agricultural crops such as wheat, field forage and other plant crops intended for food or fiber.

*Fast Food Restaurant.* See Restaurant, Fast Food.

*Flag Lot.* A lot where frontage to a public street is provided via a narrow strip of land forming a pole or stem to the buildable portion of the lot.

*Flood Lamp.* A form of lighting designed to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

*Flood Light.* A form of lighting designed to direct its output in a diffuse, more or less specific direction, with reflecting or refracting elements located external to the lamp.

ADDITIONS IN **BOLD UNDERLINE**  
 DELETIONS IN ~~STRIKETHROUGH~~

*Floor Area, Gross.* The sum of all floors of a structure as measured to the outside surfaces of exterior walls or the center of connected or common walls, including common public areas, such as lobbies, rest rooms and hallways, spaces devoted exclusively to permanent mechanical systems, permanent storage areas, stairwells, elevator shafts, but excluding internal parking and loading areas, attics, porches, balconies and other areas outside of the exterior walls of the building. Gross floor area is used to determine the building sizes for all but single-family dwellings and to determine required parking when floor area is the designated measure for a use. Commonly referred to as Floor Area.

*Floor Area, Ground.* The heated floor area of the first story of a building above a basement or, if no basement, the lowest story.

*Floor Area, Heated.* The sum of all heated area of a dwelling or dwelling unit, as appropriate, measured to the inside surfaces of exterior walls, excluding porches, balconies, attics, basements (finished or unfinished), garages, patios and decks.

*Floor Area, Net.* The sum of all floors of a structure as measured to the outside surfaces of exterior walls, excluding halls, stairways, elevator shafts, attached and detached garages, porches, balconies, attics with less than 7 feet of headroom, basements, patios and decks are excluded.

*Floor Area, Net Leasable.* Gross floor area less the common public areas.

*Foot-candle.* A unit of measure for illuminance on a surface that is everywhere one foot from a point source of light of one candle, and equal to one lumen per square foot of area.

*Fuel Oil.* A liquid petroleum product that is burned in a furnace for the generation of heat or used in an engine for the generation of power. The oil may be a distilled fraction of petroleum, a residuum from refinery operations, a crude petroleum, or a blend of two or more of these.

*Full Cutoff.* A luminaire light distribution where zero candela intensity occurs at or above an angle of 90 degrees above nadir. Additionally, the candela per 1000 lamp lumens does not numerically exceed 100 (10 percent) at or above a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire.

*Full Cutoff Fixture.* An outdoor light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.

### 3.3.7. G.

*Garden Center.* A business whose primary operation is the sale of seeds and organic and inorganic materials, which include but are not limited to trees, shrubs, flowers, and other plants for sale or transplanting, mulch, pine straw, and other organic products for landscaping purposes, and other limited retail accessory products for gardening and/or landscaping with an approved Use Permit for Landscaping Business, Plant Nursery, or Garden Center with Indoor Retail Component (Article 19.4.27).

*Gathering Line.* A pipeline that transports fuel oil/liquid petroleum product from a current production facility to a transmission line or main.

*Glare.* The sensation produced within the visual field by luminance that is sufficiently greater than the luminance to which the eyes are adapted, causing annoyance, discomfort, or loss in visual performance and visibility.

*Geographic Search Area (GSA).* A geographic area designated by a wireless provider or operator as the area within which to locate a new wireless telecommunications facility, produced in accordance with generally accepted principles of wireless engineering.

*Golf Course.* A use of land for playing the game of golf. The term shall not include miniature golf, but may include a Country Club and a driving range as an accessory use.

*Governmental Facility.* A building or institution provided by the government to care for a specified need, such as a courthouse or county jail.

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*Grade.* The average elevation of the finished surface of the ground adjacent to all sides of any structure.

*Green space.* Green space means permanently protected land and water, including agricultural and forestry land, that is in its undeveloped, natural state or that has been developed only to the extent consistent with, or is restored to be consistent with, one or more of the following goals:

- (1) Water quality protection for rivers, streams, and lakes;
- (2) Flood protection;
- (3) Wetlands protection;
- (4) Reduction of erosion through protection of steep slopes, areas with erodible soils, and stream banks;
- (5) Protection of riparian buffers and other areas that serve as natural habitat and corridors for native plant and animal species;
- (6) Scenic protection;
- (7) Protection of archaeological and historic resources;
- (8) Provision of recreation in the form of boating, hiking, camping, fishing, hunting, running, jogging, biking, walking, and similar outdoor activities; and
- (9) Connection of existing or planned areas contributing to the goals set out in this paragraph.

*Group Residence for Children.* A dwelling unit or facility in which full time residential care is provided for children under the age of 17 as a single housekeeping unit. A group residence must comply with applicable federal, state and local licensing requirements. A group residence may not serve the purpose of, or as an alternative to, incarceration.

~~*Group Residence/Shelter.* A state licensed 24-hour residential facility functioning as a single housekeeping unit for the sheltered care of persons with special needs which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services and transportation. Bedroom suites shall not include kitchen facilities. For purposes of this Ordinance, group residence/shelter shall not include those facilities which exclusively care for children under the age of 17.~~

*Guest House.* A detached accessory dwelling unit located on the same lot with a single-family dwelling unit. A guest house may be only used by relatives, guest or employees that work on the property without payment for rent.

### 3.3.8. H.

*Hardship.* The existence of extraordinary and exceptional conditions pertaining to the size, shape, or topography of a particular property, because of which the property cannot be developed in strict conformity with the provisions of the Zoning Ordinance.

*Height.* The vertical distance measured from the average grade to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof or to the highest point of roof surface of a flat roof.

*Historic period lighting.* Commercial lighting with an architectural design from the late 19th and early 20th centuries.

*Home Occupation.* An accessory use of a dwelling unit for business, operated by members of the resident family only. (See Article Section 4.12)

*Home Schooling.* The practice of teaching one's own children at home in accordance with Sections 20-2-690 and 20-2-690.1 of the Georgia Code.

*Hoop Stress.* A causation of internal and external pressure loading on the pipe.

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*Hospital.* The provision of in-patient health care for people, including general medical and surgical services, psychiatric care and specialty medical facilities. Out-patient facilities are normally included.

*Hotel/Motel.* A building in which lodging and/or boarding is provided for fewer than 30 days. The term may include a restaurant in conjunction therewith and may also mean tourist court, motor lodge and inn.

*Hotel, Apartment.* A use which provides individual units which include cooking facilities, and which are used for temporary lodging to persons not related to the owner for fewer than 30 days.

3.3.9. *I.*

*IESNA.* The Illuminating Engineering Society of North America, a non-profit professional organization of lighting specialists that has established recommended design standards for various lighting applications.

*Illuminance.* The quantity of light arriving at a surface divided by the area of the illuminated surface, measured in foot-candles. Horizontal illuminance applies to a horizontal surface, vertical illuminance applies to a vertical surface. Average illuminance is the level of illuminance over an entire illuminated target area. Maximum illuminance is the highest level of illuminance on any point within the entire area; minimum illuminance is the lowest level of illuminance on any point within the entire area.

*Illuminance Levels.* Illuminance levels and foot-candles noted in this ordinance mean the maintained illuminance levels; the illuminance levels occurring just prior to lamp replacement and luminaire cleaning. The average illuminance level applies to an entire illuminated target area. Minimum and maximum illuminance levels apply to small areas within the entire illuminated target area. Unless otherwise noted, illuminance levels refer to horizontal illuminance levels.

*Illumination.* Direct illumination is illumination which is projected from within a sign, building, etc.. Indirect illumination is illumination which is projected onto a sign, building, etc.

*Improvement Setback.* An area adjacent to a zoning buffer in which no improvements and/or structures shall be constructed. No development activity such as tree removal, stump removal or grinding, land disturbance or grading is permitted without the approval of the Director of the Community Development Department.

*Institutional Use.* Includes schools, colleges, vocational schools, hospitals, places of worship, asylums, museums, and other similar uses or facilities.

3.3.10. *J.*

*Junk Facility.* See Salvage/Storage/Junk Facility.

3.3.11. *K.*

*Kennel.* A use for the shelter of domestic animals where the shelter of these animals involves an exchange of revenue in which a business license is required. If the kennel is a non-business operation, its use may be certified by the Fulton County Animal Control Office.

3.3.12. *L.*

*Lamp.* The component of an outdoor luminaire that produces light.

*Land Disturbance Permit.* A permit issued by the Department of Community Development that authorizes the commencement of alteration or development of a given tract of land or the commencement of any land disturbing activity.

*Land Disturbing Activity.* Any alteration of land which may result in soil erosion from water or wind and the movement of sediment into water or onto lands, including, but not limited to, clearing, dredging, grading, excavating, transporting and filling.

*Landfill, Inert Waste Disposal.* A disposal facility accepting only waste that will not or is not likely to cause production of leachate of environmental concern by placing an earth cover thereon. Such waste is limited to earth and earth-like products, concrete, cured asphalt, rocks, bricks, yard trash, stumps, limbs and leaves. This definition excludes other types of industrial and demolition waste not specifically listed

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above. Refer to the rules concerning Solid Waste Management of the Georgia Department of Natural Resources, Environmental Protection Division, as amended, for further definition.

*Landfill, Solid Waste Disposal.* A disposal facility accepting solid waste excluding hazardous waste disposed of by placing an earth cover thereon. Solid waste includes waste from domestic, agricultural, commercial and industrial sources. Refer to the rules concerning Solid Waste Management of the Georgia Department of Natural Resources, Environmental Protection Division, as amended, for further definition.

*Landscape Strip.* An area required by this ordinance or by conditions of zoning which is reserved for the installation and/or maintenance of plant materials.

*Landscaping Business.* A business whose primary operation is the sale and/or storage of organic and inorganic materials, plants, mulch, pine straw, and other limited related accessory products for the landscape industry and the storage and use of associated landscape vehicles with an approved Use Permit for Landscaping Business, Plant Nursery, or Garden Center with Indoor Retail Component (Article 19.4.27).

*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.

*Lawful Use.* Any use of lots or structure which is not in violation of any existing federal, state or local law, statute, regulation or ordinance.

*Library.* A place set apart to contain books and other literary material for reading, study, or reference, for use by members of a society or the general public.

*Light, Direct.* Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of luminaire.

*Light, Fully-shielded.* Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

*Light, Indirect.* Direct light that has been reflected or has scattered off of other surfaces.

*Loading Space.* An area within the main building or on the same lot, which provides for the loading, or unloading of goods and equipment from delivery vehicles.

*Lodge and/or Retreat/Campground.* A facility allowed with a Use Permit which provides space, food and/or lodging facilities for social, educational or recreational purposes.

*Lot.* The basic lawful unit of land, identifiable by a single deed. A group of two or more contiguous lots owned by the same entity and used for a single use shall be considered a single lot. Lot, tract and parcel are synonymous.

*Lot, Corner.* A Multiple Frontage Lot adjoining two streets at their intersection.

*Lot Frontage.* The shortest property line adjoining a street or, for lots requiring no street frontage, oriented toward a street. A property line adjoining a stub street shall not be considered as frontage unless it is proposed for access or is the only street frontage. Front yard requirements shall be measured from this property line. In situations where a multiple frontage lot has equal distance on street frontages, the Community Development Director shall determine the legal lot frontage.

*Lot line, front.* A lot line which extends the entire length of an abutting street from intersecting property line to intersecting property line. The front lot line of a corner lot abuts the street which adjoins the lot for the shortest distance.

*Lot line, rear.* Generally, the rear lot line is the lot line opposite and most distant from the front lot line. For a pointed or irregular lot, the rear lot line shall be an imaginary line, parallel to and the most distant from the front lot line, not less than twenty feet long, and wholly within the lot. True triangular lots do not have

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rear lot lines. Lots with more than one front lot line do not have rear lot lines. The Director of the Department of Community Development or his/her designee shall make the final determination of rear lot lines when in dispute or undefined by this definition.

*Lot line, side.* A lot line which is not a rear or front lot line.

*Lot Line/Property Line.* A line established through recordation of an approved plat, or a deed in the absence of a platting requirement, which separates a lot from other lots, or a lot from rights-of-way.

*Lot, Multiple Frontage.* Lots adjoining more than one street.

*Lot, Nonconforming.* See "Nonconforming Lot, Use or Structure".

*Lot-of-Record.* A lot, whether lawful or unlawful, which appears on a deed and/or plat recorded in the official records of the Clerk of Superior Court.

*Lot, Unlawful.* Any lot-of-record which, at the time of recordation in the official records of the Clerk of Superior Court, was not in compliance with zoning and subdivision laws in effect at that time.

*Lot Width, Minimum.* The least dimension required along the building line specified for each district, parallel to the lot frontage and measured between side lot lines.

*Luminaire.* This is a complete lighting system and includes a lamp or lamps and a fixture.

*Luminaire Height.* The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

### 3.3.13. M.

*Maintenance, Normal.* The upkeep of a sign for the purpose of maintaining safety and appearance which may include painting, bulb replacement, panel replacement, letter replacement, repair of electrical components, and structural reinforcements to its original condition.

*Marquee.* Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building used for advertising or identification.

*Massing.* Varying the massing of a building may be achieved by varying the surface planes of the building with porches, balconies, bay windows, and/or overhangs, and/or stepping-back the buildings from the second floor and above, and/or breaking up the roofline with different elements to create smaller compositions.

*Medical Related Lodging.* A use which provides temporary lodging for family members of a hospitalized patient.

*Mineral Extraction.* Severance and/or removal of sand, stone, gravel, top soil, and other mineral resources whenever such severance and/or removal is not conducted in conjunction with a permitted development activity.

*Mini-warehouse.* A structure or group of structures containing separate spaces/stalls which are leased or rented on an individual basis for the storage of goods.

*Minor Variance.* An application requesting deviation from the minimum yard requirements, not to exceed ten percent of the dimensional requirements.

*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 Park.* Use of property for two or more mobile homes for living purposes, and spaces or lots set aside and offered for use for mobile homes. Does not include mobile home sales lot.

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*Model Home.* A dwelling unit used for conducting business related to the sale of a development.

*Modification.* An application requesting change to an approved condition of zoning or use permit, except for conditions that pertain to a change in use, increase in density, and/or increase in height.

*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.

*Monopole.* A cylindrical, self-supporting (i.e., not supported by guy wires) tower constructed of a single spire.

*Motel.* See Hotel/Motel.

*Multi-tenant.* Two or more businesses that provide goods and/or services within separate structures located on the same site or within the same structure that provides wall separation and private access for each business.

3.3.14. *N.*

*Nadir.* The point directly below the luminaire defined as 0 degrees vertical angle.

*Nonconforming (Grandfathered) Lot, Use or Structure.* An existing use, lot or structure that was nonconforming at the time of the adoption of the City of Johns Creek Zoning Ordinance on, or subsequent amendments thereto, and does not now meet the minimum requirements of the district in which it is located. Also, a use, lot or structure which has been made nonconforming by some county or state action. Any change or addition to a use, lot or structure must comply with current provisions of the Zoning Ordinance. Uses, lots or structures that were not legally permitted or platted do not receive grandfathering status.

~~*Nursing Home.* A use in which domiciliary care is provided to 3 or more chronically ill non-family members who are provided with food, shelter and care. This use shall not include hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured. Convalescent Center, nursing home and personal care home are further distinguished in Administrative and Use Permit provisions.~~

3.3.15. *O.*

*Off-Premise.* A location outside of the subject lot for a designated use.

*Off-Site/Premise.* The location of a structure or use outside the lot-of-record of the subject development including the adjoining street or other right-of-way.

*On-Premise.* The individual lot-of-record on which the use is located.

*On-Site/Premise.* The location of a structure or use within the confines of a property delineated by property lines or, if referenced in a zoning or use permit case, within the confines of the boundaries of the legal description filed with the petition.

*Office, Temporary.* A mobile, manufactured or other structure which is used as an office for real estate sales, on-site construction management and related functions. Requires an administrative permit under Temporary Structures.

*Open space.* A portion of a site which is permanently set aside for public or private use, such as passive and/or active recreational uses. Detention facilities, required buffers and landscaped strips and platted residential lots shall not be included in open space calculations."

*Out of store marketing device.* An out of store marketing device is any facility or equipment which is located outside of a primary building on a site zoned for non-residential uses, which is used for the primary purpose of providing a product or service without the owner's immediate presence, and which is manufactured to include a color, form, graphic, illumination, symbol, and/or writing thereon to communicate information regarding the product or service provided thereby to the public. Examples of out-of-store

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marketing devices include: fuel pumps, bank ATM units, vending machines, newspaper racks, drink machines, ice boxes, and phone booths. Donation boxes are not considered out of store marketing devices.

*Outdoor Display.* Open air display of products actively available for sale.

*Outdoor Storage.* Open air storage of goods, merchandise, materials, vehicles/equipment and/or any similar object that is not clearly intended for outdoor use on the premises.

*Outparcel (spin-site).* A portion of a larger parcel of land generally designed as a site for a separate structure and business from the larger tract. An outparcel may or may not be a subdivision of a larger parcel. To be recognized as an outparcel, the portion must be identified on a Site Plan approved for the larger parcel.

3.3.16. *P.*

*Parcel.* See lot.

*Parking Lot.* An area which is used for the parking of vehicle.

*Parking space.* An area designated for the parking of one vehicle on an all weather surface. No more than two carport or garage spaces may offset the minimum parking requirements in a single-family residential district. (Specifications included in Article XVIII)

*Path.* A cleared way for pedestrians and/or bicycles that may or may not be paved or otherwise improved.

*Pawn shop.* A business that lends money at interest on personal property deposited with the lender until redeemed.

~~*Personal Care Home/Assisted Living.* A state licensed use in which domiciliary care is provided to adults who are provided with food, shelter and personal services. This use shall not include hospitals, convalescent centers, nursing homes, hospices, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.~~

*Personal Service.* Any business enterprise with the primary purpose of providing personal services.

*Plans Review.* The act of reviewing plans and specifications to insure that proposed undertakings comply with various governing laws, ordinances and resolutions. Compliance is subsequently utilized to determine that work and materials are in accordance with approved plans and specifications.

*Plant Nursery.* Any land used to raise trees, shrubs, flowers and other plants for sale or transplanting, but not including the retail sale of any related garden supplies such as chemical fertilizer, tools and other similar goods and/or equipment, or the retail sale of plants not grown on the property except with an approved Use Permit for Landscaping Business, Plant Nursery, or Garden Center with Indoor Retail Component (Article 19.4.27).

*Plat, Final.* A finished drawing of a subdivision which provides a complete and accurate depiction of all legal and engineering information required by the Development Regulations. Certification for recording and ratification of the Director's approval by the Mayor and City Council is required.

*Plat, Preliminary.* A drawing which shows the proposed layout of a subdivision in sufficient detail to clearly indicate its workability and feasibility, but is not in final form for recording, pursuant to the Development Regulations.

*Pipeline.* Any conduit through which natural gas, petroleum, oxygen, or other flammable or combustible products, or any of their derivative products are conveyed or intended to be conveyed.

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*Porch.* A roofed open structure projecting from the exterior wall of a building and having at least seventy percent of the total area of the vertical planes forming its perimeter unobstructed in any manner except by insect-screening between floor and ceiling.

*Primary Variance.* An application requesting relief from the standards of the Zoning Ordinance, except relief from use, minimum lot area, or minimum lot frontage.

*Prison/Correctional Facility.* A public or state-licensed private owned building(s), and all accessory uses and structures, used for long-term confinement housing and supervision of persons who are serving terms of imprisonment for violation of criminal laws. A prison is distinguished from a jail, in that a prison is considered to be larger and for longer terms, and is normally operated under the authority or jurisdiction of the State or Federal government. (See Article 19.4.34, Private Correctional Facility)

*Propagation Study.* A computer simulated model of how a wireless telecommunications facility should perform as part of a network or system. It gives an idea of the service coverage, dead-spots and performance of a proposed wireless telecommunications facility for planning purposes, as well as existing facilities for diagnostic and planning purposes.

*Properties, Historic.* A property which contains historic structures or which otherwise has sufficient historic merit as previously determined by the City Council so as to require preservation.

*Property.* When used in conjunction with an application for rezoning, an area of land composed of less than one lot, or of accumulations of one or more lots, or parts thereof.

*Protected Zone.* All lands that fall outside the buildable area of a parcel, all areas of a parcel required to remain in open space, all areas required as landscape strips and/or buffers (including zoning buffers, state water buffers and tributary buffers) and all tree save areas according to the provisions of the City of Johns Creek Zoning Ordinance, conditions of zoning, use permit or variance approval, and/or the Tree Preservation Ordinance.

3.3.17. Q.

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3.3.18. R.

*Radiofrequency Engineer.* A radiofrequency expert that is a professional engineer licensed in the State of Georgia with specialized training and experience in the development and analysis of wireless telecommunications facilities and networks, or a professional engineer licensed in the State of Georgia that is experienced in the telecommunications field.

*Recreational Court, Private.* An improved area designed and intended for the playing of a game or event such as basketball or tennis, and which serves a single-family dwelling(s), duplex dwellings and/or multi-family dwellings, or combinations of dwelling types, including such improved areas which are owned and/or controlled by a neighborhood club or similar organization. A basketball goal adjoining a driveway of typical residential driveway dimensions shall not constitute a recreational court.

*Recreational Court, Public.* An improved area designed and intended for the playing of a game or event such as basketball or tennis, and is operated as a business or as a club unless such club is a neighborhood club or similar organization identified under Recreational Court, Private.

*Recreational Facilities.* Includes parks, recreation areas, golf courses, playgrounds, recreation counters (indoor and outdoor), playing fields, and other similar uses or facilities.

*Recreation Fields.* An outside area designed and equipped for the conduct of sports and leisure-time activities including but not limited to softball, soccer, football, and field hockey.

*Recreational Vehicle.* A vehicle used for leisure time activities and as a dwelling unit while traveling. Examples include a camper, a motor home and a travel trailer. As distinguished from a mobile home, dimensions shall not exceed a width of eight and one-half (8.5) feet and a length of forty five (45) feet.

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*Recycling Center, collecting.* Any facility utilized for the purpose of collecting materials to be recycled including, but not limited to, plastics, glass, paper and aluminum materials. Such use may be principal or accessory to a non-residential use on non-residentially zoned property, except AG-1 zoned properties unless, the primary use is a permitted non-residential use.

*Recycling Center, processing.* Any facility utilized for the purpose of collecting, sorting and processing materials to be recycled including, but not limited to, plastics, glass, paper and aluminum materials whenever such use is permitted in M-1 Zoning Districts. A recycling center is not to be considered a landfill.

*Relocated Residential Structure.* A dwelling which has been removed from one location for relocation to another lot.

*Repair Garage, Automobile.* A use which may provide a full-range of automotive repairs and services including major overhauls. May include paint and body shops.

*Repair Garage, Truck and Heavy Equipment.* A use which may provide a full-range of repairs and services including major overhauls on trucks and heavy equipment. Includes paint and body shops.

*Repeater.* A low power, mobile radio service wireless telecommunication facility used to extend service coverage of cell areas to areas not covered by the originating facility.

*Residential Use/Dwelling.* Any building or portion thereof where one actually lives or has his home; a place of human habitation.

*Restaurant.* A food service use which involves the preparation and serving of food to seated patrons. A cafeteria shall also be considered to be a restaurant. The restaurant seating area must be at least 40% of the gross square footage of the restaurant facility. Seating space located outside of the main structure (i.e. patios, decks, etc.) shall not be included in calculating the seating space.

*Restaurant, Café:* A food service use which involves the preparation and sales of items that require minimum production and overhead, such as light food and drinks. Cafes can include, but are not limited to coffee shops, tea rooms, ice cream/frozen yogurt stores, cupcake shops, and bakeries.

*Restaurant, Fast Food.* A food service establishment which sells food from a counter or window for consumption on-premises or off-premises. Tables may be provided, and food may be served at a table, but may not be ordered from a table. Fast food restaurants may or may not require a drive-through.

*Retail Use.* A business whose primary purpose is the sale of merchandise to consumers.

*Retreat.* See Lodge.

*Right-of-Way.* A portion of land over which a local or state government has designated a right of use.

*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.

*Roadside Vending.* The sale of merchandise such as clothing, crafts, household item, firewood, etc., from a temporary table or cart.

*Rooming House.* A residential use other than a hotel or motel in which lodging may be provided to non-household members for periods of 30 days or longer, and which does not include the provision of meals.

### 3.3.19. S.

*Salvage/Storage/Junk Facility.* Any use involving the storage or disassembly of wrecked or junked automobiles, trucks or other vehicles; vehicular impound lots; storage, bailing or otherwise dealing in scrap irons or other metals, used paper, used cloth, plumbing fixtures, appliances, brick, wood or other building materials; and the storage or accumulation outside of a storage building of used vehicle tires or tire carcasses which cannot be reclaimed for their original use. Such uses are storage and/or salvage facilities

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whether or not all or part of such operations are conducted inside or outside a building or as principal or accessory uses. State approval is required for all sites utilized for reclamation and/or disposal of toxic and/or hazardous waste.

*Scale.* Scale refers to the relationship of the size of a building to neighboring buildings and of a building to a site. In general, the scale of new construction should relate to the majority of surrounding buildings.

*Scenic View.* A wide angle or panoramic field of sight or open space vista that may include natural and/or manmade structures and activities. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or path. A scenic view may be to a far-away object, such as a mountain, or a nearby object, or as part of an open space vista.

*Schools, Colleges and Universities.* Any educational facility established under the laws of the state (and usually regulated in matters of detail by local authorities), in the various districts, counties, or towns, maintained at the public expense by taxation, and open, usually without charge, to all residents of the city, town or other district; private schools which have students regularly attending classes and which teach subjects commonly taught in these schools of this state; any educational facility operated by a private organization or local county, or state that provides training or education beyond and in addition to that training received in grades kindergarten to twelfth, including but not limited to, trade, business and vocational schools; any institution of higher learning, consisting of an assemblage of colleges united under one corporate organization or government, affording instruction in the arts and sciences and the learned professions, and conferring degrees.

*School, Private.* An educational use having a curriculum at least equal to a public school, but not operated by the Fulton County Board of Education.

*School, Special.* An educational use devoted to special education including the training of gifted, learning disabled, mentally and/or physically handicapped persons, but not operated by the Fulton County Board of Education.

*Screen.* A fence, wall, hedge, landscaping, earthen berm, buffer area or any combination of these that is designed to provide a visual and/or physical barrier.

*Seasonal Business Use.* A primary use involving the sale of items related to calendar holidays, such as Christmas trees, Halloween pumpkins, etc., which may be conducted outside.

*Secondary Variance.* An appeal of a decision and/or action of a department director or deputy department director authorized to hear a variance request or interpretation of the Zoning Ordinance.

*Self-Storage/Mini.* A single-level structure or group of structures containing separate spaces/stalls and which are leased or rented to individuals for the storage of goods.

*Self-Storage/Multi.* A multi-level structure containing separate storage rooms/stalls under a single roof that are leased or rented.

*Senior housing.* A single-family ~~or multi-family~~ development intended for, operated for and designed to accommodate residents 55 years of age and older. Senior housing communities are designed for ~~seniors~~ **active adults** to live on their own, but with the security and conveniences of community living. Some provide communal dining rooms and planned recreational activities ~~(congregate living or retirement communities)~~, while others provide housing with only minimal amenities or services.

*Service Commercial Use.* A business whose primary purpose is to provide a service.

*Service Line.* A distribution line that transports natural gas from a common source of supply to: (1) a customer meter or the connection to a customer's piping, whichever is farther downstream, or (2) the connection to a customer's piping if there is no customer meter. The customer meter is the meter that measures the transfer of gas from one operator to a customer.

*Service Station.* A use which provides for the sale of motor vehicle fuels and automotive accessories, and which may provide minor repair and maintenance services. A service station shall be limited to 4 or fewer bays excluding no more than one attached or detached bay for washing cars.

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*Setback.* A space between a property line and a building or specified structure.

*Setback, Minimum.* The minimum yards as specified in the various use districts. A minimum required space between a property line and a structure. An area identified by a building line.

*Shopping Center.* A group of retail/service commercial establishments, planned and developed for the site upon which they are built and owned as a unit, with off-street parking provided on the property.

*Sidewalk.* A paved area designated for pedestrians which is constructed in accordance with the City of Johns Creek standards.

*Site Plan.* A detailed plan, drawn to scale, based on a certified boundary survey, and reflecting conditions of zoning approval, various requirements of State law, County and City Ordinances and Resolutions.

*Site Plan, Preliminary.* A detailed plan, normally associated with rezoning and Use Permit requests, which is drawn to scale and reflects the various requirements of State law and of City Ordinances and Resolutions. A Preliminary Site Plan must be drawn to scale and shall contain information listed for such a plan in the Development Review Guide.

*Skywalk.* An elevated, grade separated pedestrian walkway or bridge located over a public right-of-way.

*Small Cell Facility.* A miniaturized wireless telecommunication facility used to provide targeted capacity or service coverage. Small cells can consist of one or more radio transceivers, antennas, coaxial cable, power supply, and other associated electronics. Often, this type of wireless telecommunication facility will have all of the components, except for the coaxial cables and antennas gathered in a self-contained protective housing, or attached separately to an antenna support structure. Small cell facilities are generally made up of an equipment enclosure and antenna, and are often attached to an existing structure.

*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 City of Johns Creek City Manager and his/her designee.

**Special Needs Housing. A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living, including the elderly and frail elderly, as well as persons with mental and physical disabilities, victims of domestic violence and persons with substance abuse problems. Facilities include central or private kitchen, dining, recreational, and other facilities with separate bedrooms or living quarters, where the emphasis of the facility remains residential. Examples include convalescent centers, nursing homes, hospice care, assisted living, memory care and personal care homes.**

*Spill Light.* The light that illuminates surfaces beyond the intended area of illumination caused by the uncontrolled direct light component from the luminaires.

*Stadium.* A large open or enclosed structure used for sports and other major events and partly or completely surrounded by tiers of seats for spectators.

*Stealth Technology Installation.* Manmade trees (such as monopines), clock towers, campaniles, free standing steeples, light poles and similar alternative design structures that are, in the opinion of City Council, compatible with the natural setting and surrounding structures, and effectively camouflage or conceal the presence of antennas or towers.

*Story.* A portion of a building between the surface of any floor and the floor or space above it, excluding basements and attics.

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*Story, Half.* A heated and finished area below a roof, one or more of the vertical walls of which are less than normal ceiling height for the building.

*Street.* A roadway/right-of-way located and intended for vehicular traffic. Streets may be public or they may be private if specifically approved by the Department of Community Development as part of a subdivision plat.

*Public streets* are rights-of-way used for access owned and maintained by the federal, state, or local government.

*Private streets* are roadways constructed to the City of Johns Creek Standards but owned and maintained by a private entity. Necessary easements for ingress and egress for police, fire, emergency vehicles and all operating utilities shall be provided. Should the City of Johns Creek ever be petitioned to assume ownership and maintenance of the private streets prior to dedication of the streets, they must be brought to acceptable the City of Johns Creek standards subject to the approval of the Director of Public Works.

*Stub streets* are rights-of-way that dead ends into an interior property line.

*Freeway.* Any multi-lane roadway having full access control and separation of directional traffic. A freeway accommodates large volumes of high speed traffic and provides efficient movement of vehicular traffic for interstate and major through travel.

*Principal Arterial.* Any roadway that has partial or no access control and is primarily used for fast or heavy traffic. Emphasis is placed on mobility rather than access to adjacent land.

*Minor Arterial.* Any roadway that has partial or no access control and is primarily used for interconnectivity of major arterials and places more emphasis on access to adjacent land over mobility than principal arterials.

*Collector Road.* Any roadway that has partial or no access control and has more emphasis on access to adjacent land over mobility than arterials. The primary purpose is to distribute trips to and from the arterial system to their destination points and allow access to the local roads.

*Local Road.* Any roadway that has no access control and places strong emphasis on access to adjacent land over mobility while service to through traffic is discouraged.

*Full Access Control.* Preference is given to through traffic by providing access connections only with selected public roads and by prohibiting crossing at grade and direct private connections.

*Partial Access Control.* Preference is given to through traffic to a degree that in addition to connection with selected public roads, there may be some crossing at grade and some private connections.

*No Access Control.* Preference is generally given to access to adjacent land rather than mobility.

*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 located on the same lot. Examples of accessory structures in single-family dwelling districts include outbuildings, such as, tool sheds, woodsheds, workshops, outdoor kitchens, fire pits, pool houses, gardens, gazebos, guest houses, storage sheds, playground sets, tress houses, 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.

*Structure, Historic.* A structure which has been formally designated as an Historic Structure as designated by the Georgia Historic Preservation Division of the Department of Natural Resources or the

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United States Department of the Interior or a City historic preservation committee, if one is established, or which has sufficient historic merit as previously determined by the City Council so as to require preservation.

*Structure, Principal.* A structure in which the principal use or purpose on a property occurs, and to which all other structures on the property are subordinate. Principal shall be synonymous with main and primary.

*Structure, Temporary.* The construction, erection, or placement of a structure for a specified period of time, but in no case longer than 12 months.

*Subdivision.* The division of land into two or more lots. A development consisting of subdivided lots.

*Surface, All-weather.* Any surface treatment, including gravel, which is applied to and maintained so as to prevent erosion, and to prevent vehicle wheels from making direct contact with soil, sod or mud; and which effectively prevents the depositing of soil, sod or mud onto streets from areas required to be so treated.

*Swimming Pool, Private.* A recreation facility designed and intended for water contact activities which serves a single-family dwelling(s), duplex dwellings and/or multi-family dwellings, or combinations of dwelling types, including pools which are owned and/or controlled by a neighborhood club or similar organization.

*Swimming Pool, Public.* A recreation facility designed and intended water contact activities which is operated as a business or as a club unless such club is associated with a neighborhood club or similar organization.

### 3.3.20. T.

*Thoroughfare, Major.* Any street which is classified in the Transportation Element of the Comprehensive Plan as either a freeway, an arterial or a major collector.

*Thoroughfare, Minor.* Any street which is classified in the Transportation Element of the Comprehensive Plan as a minor collector or local street.

*Tower.* Any freestanding structure that is designed and constructed primarily for the purpose of supporting one or more antennas, antenna array(s), and other wireless transmission equipment, including lattice towers, guy towers and monopoles, but not alternative antenna support structures or attached antenna support structures. The term includes, without limitation, wireless communication towers such as radio and television transmission towers, microwave towers, common carrier towers, cellular (cell) and digital telephone towers and the like, but excluding amateur radio antenna.

*Tower, Guy.* A tower supported, in whole or in part, by guy wires and ground anchors.

*Tower, Lattice.* A guyed or self-supporting open frame tower that has three (3) or four (4) sides.

*Transfer station.* A facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility or processing operation.

*Transmission Line.* A pipeline other than a gathering line that (1) transports fuel oil/liquid petroleum product from a gathering line or storage facility (tank farm) to a distribution center or storage facility (tank farm) and/or (2) transports fuel oil/liquid petroleum product within a storage field.

*Trespass Light.* The off site spill light that illuminates beyond the property boundaries in which the light fixture is installed, where it is neither wanted nor needed.

*Truck Terminal.* A primary use of property where trucks/trailers are either temporarily stored, maintained or based. Trucks/trailers shall have current registration and license plates with decal.

### 3.3.21. U.

*Use.* The purpose or function arranged or intended for a structure or property.

*Use, Accessory.* A subordinate use which is customarily incidental to the principal use of a lot, and which is located on the same lot as a principal use.

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*Use, Principal.* The primary or main purpose or function of a lot or structure. Synonymous with Main and Primary.

*Use Permit.* A permit approved by the Mayor and City Council, pursuant to a public hearing, which authorizes a use which must meet certain standards which exceed the requirements of the district as-a-whole.

*Utility Pole.* An existing structure owned or operated by a public utility, electric membership corporation or rural electric cooperative that is designed specifically for and used to carry lines, cables, or wires for electricity, telephone, or cable television.

3.3.22. V.

*Variance, Primary.* An application requesting relief from the standards of the Zoning Ordinance, except relief from use, minimum lot area, or minimum lot frontage.

*Variance, Secondary.* An appeal of a decision and/or action of a department director or deputy department director authorized to hear a variance request or interpretation of the Zoning Ordinance.

*Vegetative Screen.* An evergreen planting which, within three years of planting, provides a 100 percent visual barrier between a lot and adjacent lots and uses with a minimum height of 6 feet. A vegetative screen is composed of plant materials.

*Vehicle, Junk or Salvage.* Any automobile, truck or other vehicle which is missing one of the following:

- 1) Current registration;
- 2) License plate with current decal;
- 3) Proof of liability insurance;
- 4) Drive train component for more than 30 days.

*Veterinary Clinic/Hospital.* A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

3.3.23. W.

*Waste.* Materials that are discarded, disposed of or no longer usable.

*Waste Disposal Boundary.* The limit of all waste disposal areas, appurtenances, and ancillary activities (including but not limited to internal access roads and drainage control devices).

*Waste, Hazardous.* See Georgia Department of Natural Resources definition.

*Waste, Solid.* See Georgia Department of Natural Resources definition.

*Wireless Communication Services.* Wireless radio, data and/or telecommunications services, including cellular, telephone, television, microwave, analog, and digital services, personal wireless services, personal communication services, and other similar forms of electronic or wireless communications. See also, the Telecommunications Act of 1996 for a definition of 'personal wireless services.'

*Wireless Telecommunications Facility.* Any facility, structure, and/or accessory equipment designed or intended to be used for transmitting or receiving electromagnetic waves, radio or other wireless signals or to otherwise provide wireless communication services, and usually consisting of wireless transmission equipment, including antenna(s), antenna array(s), and accessory equipment, mounted to or supported by a tower, antenna support structure, pole or other structure; however, neither an amateur radio antenna nor a minor antenna constitute a "Wireless Telecommunications Facility." The following nonexclusive list shall be considered a Wireless Telecommunications Facility: new and existing towers or antenna support structures, replacement towers or antenna support structures, collocations on existing towers or antenna support structures, and attached wireless telecommunications facilities.

*Wireless Transmission Equipment.* The set of equipment and network components, exclusive of the underlying tower or antenna support structure, including antennas, antenna arrays, transmitters, receivers,

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allowed by Administrative Permit or Use Permit. The R-5A District is intended to provide land areas devoted to medium density, single-family dwellings. Land areas zoned R-5A are further intended to provide a transition between low and high density dwelling areas or between low density dwelling areas and nonresidential areas.

6.9.2. *Use Regulations.* Within the R-5A District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by Administrative Permit or Use Permit shall be prohibited.

A. *Permitted Uses.* Structures and land may be used for only the following purpose:

1. Single-family dwelling.

B. *Accessory Uses.* A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.

6.9.3. *Development Standards.*

A. *Height Regulations:* No building shall exceed 40 feet in height.

B. *Minimum Lot Area:* 4,000 square feet

C. *Minimum Lot Width:* None unless specified in conditions

D. *Minimum Lot Frontage:* 20 feet adjoining a street

E. *Minimum Heated Floor Area per Unit:*

Single-family: 850 square feet

F. *Minimum Perimeter Setback for the entire R-5A Development:* 40 feet

G. *Minimum Interior Setbacks—No Orientation to Buildings:*

1. *Minimum Front Yard:* 20 feet

2. *Minimum Side Yard:*

To place a building along an interior side lot line at between zero and 7 feet shall require an encroachment and maintenance easement allowing a minimum of 7 feet of access to such buildings. A minimum building separation of 14 feet shall be maintained.

20 feet adjoining local streets.

3. *Minimum Rear Yard:* 20 feet

H. *Minimum Interior Building Separations:* All building separations shall be as specified by the Standard Building Code

I. *Minimum Accessory Structure Requirements:* Accessory structures may be located in rear or side yards but shall not be located within a minimum rear yard except that detached garages may locate along a rear lot line at between zero and 7 feet with an encroachment and maintenance easement allowing a minimum of 7 feet of access to the garage.

6.9.4. *Other Regulations.* All other applicable regulations must be satisfied prior to development under this zoning district.

**ARTICLE VII. TWO-FAMILY; TOWNHOUSE; APARTMENT DWELLING DISTRICTS**

[Sec. 7.1. R-6 Two-Family Dwelling District.](#)

[Sec. 7.2. TR Townhouse Residential District.](#)

[Sec. 7.3. A Medium Density Apartment District.](#)

[Sec. 7.4. A-L Apartment Limited Dwelling District.](#)

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**Sec. 7.1. R-6 Two-Family Dwelling District.**

- 7.1.1. *R-6 District Scope and Intent.* Regulations set forth in this Section are the R-6 District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permit or Use Permit. The R-6 District is intended to provide land areas devoted to medium density, single-family and two-family dwellings. Land areas zoned R-6 are further intended to provide a transition between low and high density dwelling areas or between low density dwelling areas and nonresidential areas.
- 7.1.2. *Use Regulations.* Within the R-6 District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by Administrative Permit or Use Permit shall be prohibited.
- A. *Permitted Uses.* Structures and land may be used for only the following purposes:
1. Single-family dwelling.
  2. Agriculture, general and specialized farming, initiated prior to March 7, 1990, including: horticulture, plant nursery, dairy farming, truck gardening and poultry raising provided, however, that agricultural buildings must be at least 200 feet from all side and rear property lines, and that no products shall be offered for sale on land so utilized.
  3. Two-family dwelling.
- B. *Accessory Uses.* A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.
- 7.1.3. *Development Standards.*
- A. *Height Regulations:* No building shall exceed 40 feet in height.
  - B. *Minimum Front Yard:* 25 feet
  - C. *Minimum Side Yard:*  
7 feet adjacent to interior lot line  
20 feet adjacent to street
  - D. *Minimum Rear Yard:* 20 feet
  - E. *Minimum Lot Area:* 9,000 square feet
  - F. *Minimum Lot Width:* 70 feet
  - G. *Minimum Lot Frontage:* 35 feet adjoining a street
  - H. *Minimum Heated Floor Area Per Unit:*  
*Single-family:* 1,000 square feet on ground level for less than two-story.  
1,100 square feet for two-story or more than two-story dwelling with 800 square feet on ground floor.
  - I. *Minimum Accessory Structure Requirements:* Accessory structures may be located in rear or side yards but shall not be located within a minimum yard.
- 7.1.4. *Other Regulations.* All other applicable regulations must be satisfied prior to development under this zoning district.

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**Sec. 7.2. TR Townhouse Residential District.**

7.2.1. *TR District Scope and Intent.* Regulations set forth in this Section are the TR District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permit or Use Permit. The TR District is intended to provide land areas devoted to medium density uses consisting of single-family and multi-family dwellings. Land areas zoned TR are further intended to provide a transition between low density and higher density residential areas or between low density residential and non-residential areas. The TR District is intended to:

- A. Encourage the provision of usable open space and recreation areas as part of a living environment.
- B. Be located primarily in areas near or adjacent to single-family areas.
- C. Be located so as to provide a transition between single-family areas and nonresidential areas.
- D. Be located near retail shopping and major thoroughfares.
- E. Encourage home ownership.

7.2.2. *Use Regulations.* Within the TR District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by Administrative Permit or Use Permit shall be prohibited.

- A. *Permitted Uses.* Structures and land may be used for only the following purposes:
  - 1. Single-family dwelling.
  - 2. Two-family dwelling.
  - 3. Triplex.
  - 4. Quadruplex.
  - 5. Townhouse.
- B. *Accessory Uses.* A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.

7.2.3. *Development Standards.*

- A. *Height Regulations:* No building shall exceed 40 feet in height.
- B. *Minimum Lot Area or Land Area Per Unit:* 2,000 square feet
- C. *Maximum Density:* 9 units per gross acre
- D. *Minimum Lot Width:* 20 feet
- E. *Minimum TR Development Frontage:* 35 feet
- F. *Minimum Lot Frontage:* 20 feet adjoining a street except up to 35 feet may be required whenever the Director of Public Works requires the extra width to protect catch basins.
- G. *Minimum Heated Floor Area Per Unit:* 1,100 square feet
- H. *Minimum Perimeter Setbacks for the entire TR Development:*
  - 1. *Minimum Front Yard:* 40 feet
  - 2. *Minimum Side Yard:*
    - 30 feet adjacent to interior line
    - 40 feet adjacent to street
  - 3. *Minimum Rear Yard:* 35 feet

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I. *Minimum Interior Setbacks When One Building Per Lot:*

1. *Minimum Front Yard:* 20 feet from right-of-way
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

3. *Minimum Rear Yard:* 25 feet

J. *Minimum Accessory Structure Requirements:*

*Single-Family and Two-Family Uses:* Accessory structures may be located in the rear and side yards only but shall not be located within a minimum yard.

Townhouse accessory structures may be located within the side or rear yards only but not within minimum perimeter setbacks or minimum yards.

- K. *Maximum Lot Coverage:* The area of the footprint of all buildings and parking shall not exceed 50 percent of the total land area.

- L. *Minimum Building Separation When More Than One Building Per Lot:* All building separations shall be as specified by the Standard Building Code.

M. *Other Minimum Standards:*

1. No more than twenty dwelling units shall form a single building.
2. Setbacks and roof lines shall be varied by at least 2 feet so that no more than 3 adjoining dwellings within a single building shall have the same front setback or roof line.

7.2.4. *TR District Subdivision.* In the TR Zoning District, dwellings proposed to be sold with the lot upon which the dwelling is located shall comply with the Development Regulations of The City of Johns Creek.

7.2.5. *Other Regulations.* All other applicable regulations must be satisfied prior to development under this zoning district.

**Sec. 7.3. A Medium Density Apartment District.**

7.3.1. *A District Scope and Intent.* Regulations set forth in this Section are the A District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permit or Use Permit. The A District is intended to provide land areas for medium density apartment dwellings which will:

- A. Encourage attractive apartment development;
- B. Encourage the provision of recreation areas and facilities; and
- C. Be located in areas of moderate to intense development near retail shopping, schools and major thoroughfares;
- D. Be located so as to provide a transition between moderate density residential areas and high density residential areas or between moderate density residential areas and nonresidential areas.

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7.3.2. *Use Regulations.* Within the A District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by Administrative Permit or Use Permit shall be prohibited.

A. *Permitted Uses.* Structures and land may be used for only the following purposes:

1. Single-family dwelling
2. Two-family dwelling
3. Triplex
4. Quadruplex
5. Townhouse
6. Multi-family dwelling
7. Rooming House and Boarding House
- ~~8. Convalescent Home/Nursing Home/Hospice~~
- ~~8. Personal Care Home~~
8. Medical Related Lodging
9. Group Residence **for Children**
- 10. Senior Housing**

B. *Accessory Uses.* A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.

7.3.3. *Development Standards.*

- A. *Height Regulations:* Buildings shall be no higher than 45 feet or 3 stories, whichever is higher, except when a use permit to exceed the maximum height is approved.
- B. *Minimum Front Yard:* 40 feet from right-of-way
- C. *Minimum Side Yard:*  
 25 feet adjacent to interior lot line  
 40 feet adjacent to street
- D. *Minimum Rear Yard:* 25 feet
- E. *Minimum Land Area or Lot Size Per Unit:* 2,000 square feet
- F. *Minimum Width:* 200 feet throughout depth from front to rear lot line
- G. *Minimum Lot Frontage:* 35 feet adjoining a street
- H. *Maximum Density:* 14 units per gross acre
- I. *Minimum Heated Floor Area Per Unit:*  
 Single-family: 1,100 square feet  
 Two-family: 800 square feet  
 Efficiency or Studio: 450 square feet  
 All other Multi-family: 700 square feet
- J. *Minimum Accessory Structure Requirements:*

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*Single-Family and Two-Family Uses:* Accessory structures may be located in the rear and side yards only but shall not be located within a minimum yard.

*Multi-family Uses:* Accessory structures may be located in the rear yard only but shall not be located within a minimum yard.

- K. *Maximum Lot Coverage:* The area of the footprint of all buildings and parking shall not exceed 40 percent of the total land area.
- L. *Minimum Building Separation:* All building separations shall be as specified by the Standard Building Code.

7.3.4. *"A" District Subdivision.* In the A Zoning District, dwellings proposed to be sold with the lot upon which the dwelling is located shall comply with the Development Regulations of The City of Johns Creek.

7.3.5. *Other Regulations.* All other applicable regulations must be satisfied prior to development under this zoning district.

**Sec. 7.4. A-L Apartment Limited Dwelling District.**

7.4.1. *A-L District Scope and Intent.* Regulations in this Section are the A-L District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permit or Use Permit. The A-L District is intended to provide land areas for high to very high density apartment dwellings which will:

- A. Encourage attractive apartment living opportunities;
- B. Encourage the provision of recreation areas and facilities; and
- C. Be located in areas of intense development near retail shopping, schools and major thoroughfares;
- D. Be located so as to provide a transition between medium density residential areas and nonresidential areas.

7.4.2. *Use Regulations.* Within the A-L District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by Administrative Permit or Use Permit shall be prohibited.

- A. *Permitted Uses.* Structures and land may be used for only the following purposes:
  - 1. Multi-family dwelling.
  - 2. Any use permitted in the A district.
- B. *Accessory Uses.* A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation. Accessory retail and service uses such as restaurants, gift shops, flower shops, snack bars, barber shops, and beauty shops shall be located wholly within principal buildings with no outdoor advertising.

7.4.3. *Development Standards.*

- A. *Height Regulations:* Buildings shall be no higher than 60 feet or 4 stories, whichever is higher except when a Use Permit to exceed the maximum height is approved.
- B. *Minimum Front Yard:* 40 feet
- C. *Minimum Side Yard:*
  - Adjacent to interior side line: 20 feet
  - Adjacent to street side line: 40 feet

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- D. *Minimum Rear Yard:* 20 feet
- E. *Minimum Width:* None
- F. *Minimum A-L Lot Frontage:* 35 feet adjoining a street.
- G. *Minimum Heated Floor Area:*
  - Three bedroom apartments: 700 square feet
  - Two bedroom apartments: 600 square feet
  - One bedroom apartments: 500 square feet
  - Efficiency or studio apartments: 400 square feet
- H. *Minimum Accessory Structure Requirements:* Accessory structures shall not be located in the minimum front yard.
- I. *Maximum Lot Coverage:* The area of the footprint of all buildings and parking shall not exceed 70 percent of the total land area.
- J. *Minimum Building Separation:* All building separations shall be as specified by the Standard Building Code.
- K. *Outdoor Recreation:* Outdoor area consisting of not less than 10 percent of the gross land area shall be provided for recreation.

7.4.4. *Other Regulations.* All other applicable regulations must be satisfied prior to development under this zoning district.

**ARTICLE VIII. OFFICE INSTITUTIONAL; MIXED USE DISTRICTS**

[Sec. 8.1. O-I Office Institutional District.](#)

[Sec. 8.2. MIX Mixed Use District.](#)

**Sec. 8.1. O-I Office Institutional District.**

8.1.1. *O-I District Scope and Intent.* Regulations in this Section are the O-I District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permit or Use Permit. The O-I District is intended to provide land areas for office and institutional uses where proximity to residential, public, commercial and other land uses, and existing and projected traffic patterns make it desirable to locate office and institutional uses.

8.1.2. *Use Regulations.* Within the O-I District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by Administrative Permit or Use Permit shall be prohibited.

- A. *Permitted Uses.* Structures and land may be used for the following purposes:
  - 1. Single-family dwellings
  - 2. Two-family dwellings
  - 3. Rooming house and Boarding house
  - 3. Art Galleries
  - 4. Assembly Halls

ADDITIONS IN **BOLD UNDERLINE**  
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- D. *Minimum Rear Yard:* 20 feet
- E. *Minimum Width:* None
- F. *Minimum A-L Lot Frontage:* 35 feet adjoining a street.
- G. *Minimum Heated Floor Area:*
  - Three bedroom apartments: 700 square feet
  - Two bedroom apartments: 600 square feet
  - One bedroom apartments: 500 square feet
  - Efficiency or studio apartments: 400 square feet
- H. *Minimum Accessory Structure Requirements:* Accessory structures shall not be located in the minimum front yard.
- I. *Maximum Lot Coverage:* The area of the footprint of all buildings and parking shall not exceed 70 percent of the total land area.
- J. *Minimum Building Separation:* All building separations shall be as specified by the Standard Building Code.
- K. *Outdoor Recreation:* Outdoor area consisting of not less than 10 percent of the gross land area shall be provided for recreation.

7.4.4. *Other Regulations.* All other applicable regulations must be satisfied prior to development under this zoning district.

**ARTICLE VIII. OFFICE INSTITUTIONAL; MIXED USE DISTRICTS**

[Sec. 8.1. O-I Office Institutional District.](#)

[Sec. 8.2. MIX Mixed Use District.](#)

**Sec. 8.1. O-I Office Institutional District.**

8.1.1. *O-I District Scope and Intent.* Regulations in this Section are the O-I District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permit or Use Permit. The O-I District is intended to provide land areas for office and institutional uses where proximity to residential, public, commercial and other land uses, and existing and projected traffic patterns make it desirable to locate office and institutional uses.

8.1.2. *Use Regulations.* Within the O-I District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by Administrative Permit or Use Permit shall be prohibited.

- A. *Permitted Uses.* Structures and land may be used for the following purposes:
  - 1. Single-family dwellings
  - 2. Two-family dwellings
  - 3. Rooming house and Boarding house
  - 3. Art Galleries
  - 4. Assembly Halls

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5. Churches, Temples or Other Places of Worship
  6. Clinics
  7. Community Center Buildings
  9. ~~Convalescent Centers/Nursing Homes/Hospices~~
  8. Dancing Schools
  9. Day Care Facilities
  10. Financial Establishments
  11. Funeral Homes
  12. Group Residences **for Children**
  13. Gymnasiums
  14. Health Clubs/Spas
  15. Hospitals
  16. Hotels
  17. Institutions of Higher Learning, Business Colleges, Music Conservatories, and Similar Institutions
  18. Libraries
  19. Motels
  20. Museums
  21. Offices
  22. Parking Garages /Decks
  23. Parking Lots
  26. ~~Personal Care Homes~~
  24. Recording Studios
  25. Research Laboratories
  26. Stadiums
  27. Thrift Institutions
- B. *Accessory Uses.* Structures and land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation. No more than 25 percent of the total floor area of a building may be devoted to storage.
1. Accessory retail and service uses shall be located within a building with a majority of the floor area designed for office uses. Accessory uses shall be located wholly within the principal buildings with no outdoor advertising except that a car wash, detail shop or service station may be located inside a parking garage as long as such uses are not visible from the exterior of the parking garage.
  2. Retail and service uses permitted shall be limited to employee convenience, business oriented retail, and service establishments such as computer hardware and software companies, commercial art, drafting, travel agencies, office equipment and supply stores, reproduction services, stenographic services, typing services, messenger services, delivery services, telecommunications sales and teleconferencing centers, personnel services and training centers, florists, gift shops, tailor shops, radio and television repair shops, shoe repair shops and barber or beauty shops. Restaurants are accessory whenever office and

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institutional floor area is at least 100,000 square feet. Fast food restaurants shall be limited to no more than 10 percent of the total floor area devoted to retail and service business uses, and shall not occupy more than 10 percent of any floor in a building. A drug store is accessory, provided only drugs, prescription medicines, medicinal supplies and pharmaceutical products shall be sold.

8.1.3. *Development Standards.*

- A. *Height Regulations:* Buildings shall be no higher than 60 feet or 4 stories, whichever is higher, except when a Use Permit to exceed the maximum height is approved.
- B. *Minimum Front Yard:* 40 feet
- C. *Minimum Side Yard:*  
40 feet adjacent to street  
20 feet interior
- D. *Minimum Rear Yard:* 25 feet
- E. *Minimum Lot Area Per Dwelling:*  
*Single-family:* 18,000 square feet  
*Two-family:* 18,000 square feet
- F. *Minimum Lot Width:* 100 feet for residential use only
- G. *Minimum O-I Lot Frontage:*  
100 feet adjoining a street  
35 feet adjoining a street for residential uses
- H. *Minimum Heated Floor Area:*  
*Single-family:* 1,100 square feet *Two-Family* 800 square feet
- I. *Minimum Accessory Structure Requirements:*  
*Single-family and Two-family Uses:* Accessory structures may be located in the rear or side yards only but shall not be located within a minimum yard.  
*Multi-family Use:* Accessory structures shall not be located in the minimum front yard.
- J. *Maximum Lot Coverage:* The area of the footprint of all buildings and parking shall not exceed 70 percent of the total land area.

8.1.4. *Other Regulations.* All other applicable regulations must be satisfied prior to development under this zoning district.

**Sec. 8.2. MIX Mixed Use District.**

8.2.1. *MIX District Scope and Intent.* Regulations in this Section are the MIX District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permit or Use Permit. The MIX District is intended to encourage flexible, innovative and creative concepts in site planning and efficient use of land and to provide a stable multiple use environment compatible with surrounding uses. The MIX District is particularly encouraged in areas designated by the Comprehensive Plan Land Use Map as suitable for commercial (including retail, service commercial and office) uses and in Living-Working corridors.

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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: commercial, office or institutional uses.

Within the MIX District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by Administrative Permit or Use Permit shall be prohibited.

A. *Permitted Uses.* Structures and land may be used for the following purposes:

1. Single-family dwellings
2. Duplexes
3. Triplexes
4. Quadruplexes
5. Townhouses
6. Multifamily dwellings
7. Rooming houses and Boarding houses
8. Art Galleries
9. Assembly Halls
10. Car Washes, detail shops and/or service stations located inside a parking garage as long as such uses are not visible from the exterior of the parking garage.
11. ~~Convalescent Centers/Nursing Homes/Hospices~~
12. Churches, Temples or Other Places of Worship
13. Clinics
14. Community Center Buildings
15. Dancing Schools
16. Day Care Centers
17. Financial Establishments
18. Funeral Homes
19. Group Residence **for Children**
20. Gymnasiums
21. Health Clubs/Spas
22. Hospitals
23. Hotels
24. Institutions of Higher Learning including Business Colleges, Music Conservatories, and Similar Institutions.
25. Libraries
26. Museums
27. Offices
28. Parking Garages/Decks
29. Parking Lots

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**30. Personal Care Homes**

- 29. Recording Studios
- 30. Research Laboratories
- 31. Retail and/or Service Establishments
- 32. Restaurants and/or Fast Food Restaurants

**33. Senior Housing**

- 34. Stadiums
- 35. Theaters

B. *Accessory Uses.* Structures and land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation. No more than 25 percent of the total floor area of a building may be devoted to storage.

8.2.3. *Development Standards.*

- A. *Height Regulations:* Structures shall be no higher than 60 feet, except with a Use Permit to exceed the maximum height.
- B. *Minimum Development Front Yard:* As specified in conditions
- C. *Minimum Development Side Yards:* As specified in conditions
- D. *Minimum Development Rear Yard:* As specified in conditions
- E. *Minimum Development Frontage:* 35 feet
- F. *Minimum Internal Setbacks, Separations, Landscaping and Buffering Between Uses:* As specified in conditions
- G. *Minimum Lot Area Per Dwelling Unit for Single-Family or Duplex:* As specified in conditions
- H. *Minimum Lot Frontage for Single-Family or Duplex:* 20 feet adjoining a street
- I. *Minimum Lot Width for Single-Family or Duplex:* None, unless specified in conditions
- J. *Minimum Interior Setbacks for Single-family or Duplex:*
  - 1. *Minimum Front Yard:* As specified in conditions
  - 2. *Minimum Side Yard:* As specified in conditions
  - 3. *Minimum Rear Yard:* As specified in conditions
- K. *Minimum Building Separations:* All building separations shall be as specified by the Standard Building Code.
- L. *Minimum Heated Floor Area Per Dwelling Unit:* As specified in conditions
- M. *Minimum Accessory Structure Requirements:*

Single-family, duplex and townhouse accessory structures may be located in the rear or side yards only but shall not be located within a minimum yard.

Multifamily accessory structures shall not be located in the minimum front yard.
- N. *Minimum Common Outdoor Area:* Twenty percent (20%) of the total site area shall be common outdoor area and shall be maintained by the property owner(s).
- O. *Pedestrian Connectivity:* All components are required to be interconnected with pedestrian paths constructed of either colored/textured materials or conventional sidewalk materials and clearly identified.

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P. *Parking*: Subject to the approval of the Director of Community Development, off-street parking as required by Article 18 may be reduced and shared parking among uses may be permitted.

8.2.4. *Other regulations*. All other applicable regulations must be satisfied prior to development under this zoning district.

**ARTICLE IX. COMMUNITY BUSINESS DISTRICTS**

[Sec. 9.1. C-1 Community Business District.](#)

[Sec. 9.2. C-2 Community Business District.](#)

**Sec. 9.1. C-1 Community Business District.**

9.1.1. *C-1 District Scope and Intent*. Regulations set forth in this Section are the C-1 District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permits or Use Permits. The C-1 District is intended to provide locations in which neighborhood and community-oriented retail and service activities conclude a transition, or land areas which complement a transition into a more intense activity area. Complementary non-commercial uses are also permitted.

9.1.2. *Use Regulations*. Within the C-1 District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.

A. *Permitted Uses*. Structures and land may be used for only the following purposes:

1. Amusements, Indoor
2. Apartments, above or behind commercial and office uses in the same building
3. Art Galleries
4. Assembly Halls
5. Automotive Parking Lots
6. Automotive Specialty Shops
7. Catering, Carry-out and Delivery
8. Church, Temple or Other Place of Worship
9. Clinics
40. ~~Convalescent Center/Nursing/Hospice~~
10. Day Care Facilities
11. Delicatessens
12. Financial Establishments
13. Funeral Homes
14. Garage, Automobile Repair except painting, body repair and overhaul of major components
15. Group Residences **for Children**
16. Gymnasiums
17. Hotels
18. Health Club/Spa

ADDITIONS IN **BOLD UNDERLINE**  
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P. *Parking*: Subject to the approval of the Director of Community Development, off-street parking as required by Article 18 may be reduced and shared parking among uses may be permitted.

8.2.4. *Other regulations*. All other applicable regulations must be satisfied prior to development under this zoning district.

**ARTICLE IX. COMMUNITY BUSINESS DISTRICTS**

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**Sec. 9.1. C-1 Community Business District.**

9.1.1. *C-1 District Scope and Intent*. Regulations set forth in this Section are the C-1 District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permits or Use Permits. The C-1 District is intended to provide locations in which neighborhood and community-oriented retail and service activities conclude a transition, or land areas which complement a transition into a more intense activity area. Complementary non-commercial uses are also permitted.

9.1.2. *Use Regulations*. Within the C-1 District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.

A. *Permitted Uses*. Structures and land may be used for only the following purposes:

1. Amusements, Indoor
2. Apartments, above or behind commercial and office uses in the same building
3. Art Galleries
4. Assembly Halls
5. Automotive Parking Lots
6. Automotive Specialty Shops
7. Catering, Carry-out and Delivery
8. Church, Temple or Other Place of Worship
9. Clinics
10. **Convalescent Center/Nursing/Hospice**
10. Day Care Facilities
11. Delicatessens
12. Financial Establishments
13. Funeral Homes
14. Garage, Automobile Repair except painting, body repair and overhaul of major components
15. Group Residences **for Children**
16. Gymnasiums
17. Hotels
18. Health Club/Spa

## Exhibit "A"

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19. Laundromats
  20. Landscaping Business, Garden Center
  21. Laundry and Dry Cleaning Shops
  22. Lawn Service Businesses
  22. Libraries
  24. Communication Services
  25. Millinery or Similar Trade whenever products are sold retail, exclusively on the site where produced.
  26. Motels
  27. Museums
  28. Offices
  29. Parking Garages/Decks
  30. Parking Lots
  - ~~32. Personal Care Homes~~
  31. Personal Services including barber, beauty
  32. Pet Grooming (No overnight stay)
  33. Photography Studios
  34. Plant Nurseries
  35. Printing Shops, Convenience
  36. Repair Shops not involving any manufacturing on the site
  37. Research Laboratories
  38. Restaurants
  39. Retail Stores or Shops
  40. School of Business, Dance, Music or similar schools
  - 41. Senior Housing, above or behind commercial and office uses in the same building.**
  41. Service Stations except that repair and service offerings shall not include painting, body repair nor overhaul of major components, and no portion of the site shall be used for the display of cars for sale.
  42. Stadiums
  42. Theaters
  44. Recycling Centers, Collecting
- B. *Accessory Uses.* Structures and land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation. Automobile and/or moving truck rental may be used in accessory only to an associated permitted use. Not more than 45 percent of the floor area of a building or land may be devoted to storage incidental to primary uses.
- 9.1.3. *Development Standards.*
- A. *Height Regulations:* No structure shall exceed the higher of 4 stories or sixty 60 feet in height except as approved pursuant to Article XIX.

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- B. *Minimum Front Yard:* 40 feet
  - C. *Minimum Side Yard:*  
 25 feet for dwellings adjacent to interior lot lines  
  
 None for all other buildings. See 4.23 for buffer and landscape requirements.  
  
 40 feet for all buildings adjacent to streets
  - D. *Minimum Rear Yard:*  
 25 feet for dwellings adjacent to interior lot lines  
  
 None for all other buildings. See Section 4.23 for buffer and landscape requirements.
  - E. *Minimum Lot Area:*  
 Multi-family Dwellings including a unit above or behind a commercial use: 2,500 square feet  
  
*Single-family:* 18,000 square feet.  
  
*Two-family:* 18,000 square feet  
  
*All other buildings:* no minimum
  - F. *Minimum Heated Floor Area Per Unit:*  
*Single-family:* 1,100 square feet  
  
*Two-family:* 800 square feet  
  
*Multi-family:* 700 square feet  
  
*Efficiency:* 450 square feet
  - G. *Minimum Lot Frontage:* 35 feet adjoining a street
  - H. *Minimum Accessory Structure Requirements:*  
  
*Single-Family and Two-Family Uses:* Accessory structures may be located in the rear yard only but shall not be located within a minimum yard.  
  
*Other Use:* Accessory structures shall not be located in the minimum front yard.
- 9.1.4. *Other Regulations.* All other applicable regulations must be satisfied prior to development under this zoning district.

**Sec. 9.2. C-2 Community Business District.**

- 9.2.1. *C-2 District Scope and Intent.* Regulations set forth in this Section are the C-2 District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permits or Use Permits. The C-2 District is intended to provide locations in which community and regionally-oriented retail and service activities conclude a transition, or locations which complement a transition into a more intense activity area. Complementary non-commercial uses are also permitted.
- 9.2.2. *Use Regulations.* Within the C-2 District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.

ADDITIONS IN **BOLD UNDERLINE**  
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- A. *Permitted Uses.* Structures and land may be used for only the following purposes:
    - 1. Any Use Permitted in the C-1 District
    - 2. Automotive Garage
    - 3. Automotive Repair Garage
    - 4. Automobile & Light Truck Sales/Leasing
    - 5. Batting Cage, Outdoor
    - 6. Bowling Alley
    - 7. Car Wash
    - 8. Check Cashing Establishment
    - 9. Drive-in Theater
    - 10. Garage, Automobile Repair
    - 11. Landscaping Business
    - 12. Lawn Service Business
    - 13. Laundry and/or Dry Cleaning Plant Distribution Center. Not including processing, fabrication or manufacturing.
    - 14. Pawn Shop
    - 15. Plant Nursery
    - 16. Plumbing Shop associated with retail sales
    - 17. Radio and Television Stations
    - 18. Service Establishments
    - 19. Skating Rink
    - 20. Tinsmithing Shop associated with retail sales
  - B. *Accessory Uses.* Structures and land may be used for uses customarily incidental to any permitted use and dwellings may be used for a home occupation.
- 9.2.3. *Development Standards.*
- A. *Height Regulations:* No structure shall exceed the higher of 4 stories or sixty 60 feet in height except as approved pursuant to Article XIX.
  - B. *Minimum Front Yard:* 40 feet
  - C. *Minimum Side Yard:*
    - 25 feet for dwellings adjacent to interior lot lines
    - None for all other buildings. See 4.23 for buffer and landscape requirements.
    - 40 feet for all buildings adjacent to streets
  - D. *Minimum Rear Yard:*
    - 25 feet for dwellings adjacent to interior lot lines
    - None for all other buildings. See 4.23 for buffer and landscape requirements.
  - E. *Minimum Lot Area:*

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*Multiple Dwellings including a unit above or behind a commercial use:* 2,500 square feet

*Single-family:* 18,000 square feet

*Two-family:* 18,000 square feet

*All other buildings:* no minimum

F. *Minimum Heated Floor Area:*

*Single-family:* 1,100 square feet

*Two-family:* 800 square feet

*Multi-family:* 700 square feet

*Efficiency:* 450 square feet

G. *Minimum Lot Frontage:* 35 feet adjoining a street

H. *Minimum Accessory Structure Requirements:*

*Single-Family and Two-Family Uses:* Accessory structures may be located in the rear yard only but shall not be located within a minimum yard.

*Other Use:* Accessory structures shall not be located in the minimum front yard.

9.2.4. *Other Regulations.* All other applicable regulations must be satisfied prior to development under this zoning district.

**ARTICLE X. INDUSTRIAL/LIGHT INDUSTRIAL DISTRICTS**

[Sec. 10.1. M-1A Industrial Park District.](#)

[Sec. 10.2. M-1 Light Industrial District.](#)

**Sec. 10.1. M-1A Industrial Park District.**

10.1.1. *M-1A District Scope and Intent.* Regulations set forth in this Section are the M-1A District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permits or Use Permits. The M-1A District is intended to provide land areas for the development of industrial parks which meet the needs for manufacturing, fabricating, processing, warehousing, distributing, research, office and related uses in an attractive environment.

10.1.2. *Use Regulations.* Within the M-1A District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as prohibited or allowed with approval of a Use Permit shall be permitted.

A. *Prohibited Uses.* Structures and land may be used for manufacturing, processing, warehousing, research, office and similar uses except as enumerated below or in Article XIX.

1. Bone Distillation
2. Dwelling
3. Fat Rendering
4. Incinerator

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- B. For any use required to furnish three or more loading spaces, at least one in every three shall measure no less than 12 feet by 55 feet.
  - C. Maneuvering space shall not include required parking spaces or any portion of a public right-of-way.
- 18.6.3. *Off-Street Loading Location Limitations.* Off-street loading spaces and maneuvering areas shall be located only in those portions of a lot where off-street parking areas are allowed with the following additional limitations:
- A. *Industrial Zoning Districts:* If the loading and maneuvering areas are across from, or adjacent to, any non-industrial zoning district, a fifty-foot landscaped strip shall be established, behind which the maneuvering and berth space may be located.
  - B. *Non-Industrial Zoning Districts:* In the event that spaces and maneuvering areas are to be located in a yard adjacent to any established residential use, a fifty-foot landscaped strip shall be established behind which the berths and maneuvering spaces may be located.

**ARTICLE XIX. ADMINISTRATIVE PERMITS AND USE PERMITS**[Sec. 19.1. Scope and Intent.](#)[Sec. 19.2. Application and Approval.](#)[Sec. 19.3. Minimum Administrative Permit Standards.](#)[Sec. 19.4. Minimum Use Permit Standards.](#)**Sec. 19.1. Scope and Intent.**

This article specifies uses which are not classified as permitted uses in zoning districts, and are therefore only allowed through the approval of an Administrative Permit or a Use Permit. The standards which apply to each use are enumerated and must be met in order for an application to be granted.

**Sec. 19.2. Application and Approval.**

Uses allowable with an Administrative Permit and the minimum standards for such uses are listed in Section 19.3 of this Article.

Uses allowable with a Use Permit and the minimum standards for such uses are listed in Section 19.4 of this Article or in Article XX. Conservation Subdivision Ordinance.

19.2.1. *Application of Regulations.* Uses enumerated herein or in Article XX. Conservation Subdivision Ordinance may be authorized by Administrative Permit or Use Permit, as specified. The regulations contained in this Article shall not apply to any Permitted Use in any zoning district.

19.2.2. *Administrative Permits.* Any use authorized by Administrative Permit shall be approved and permitted by the Director of the Community Development Department whenever the proposed use complies fully with the requirements of the subject property's zoning district and standards as set forth in Section 19.3. Each requested use for which an Administrative Permit is required shall be assigned an Administrative Permit number and charged a fee. Said permit shall be posted on site prior to commencement of use. Variances to administrative permit standards may be requested by petition to the Board of Zoning Appeals. In certain cases, conditions are imposed by the Director of the Public Works Department with respect to roadway, water, sewer and/or other infrastructure improvements, and rights-of-way dedications which must be met.

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- 19.2.3. *Use Permits.* Any use authorized by Use Permit may be approved by the Mayor and City Council in accordance with standards enumerated under each use (Section 19.2.4 or Article XX. Conservation Subdivision Ordinance) provided:
- A. The subject use is allowable in the subject property's zoning district;
  - B. The standards for the Use Permit as specified in Article 19 can be met, as well as Use Permit Considerations pursuant to Section 19.2.4;
  - C. A public hearing has been held in relation to the Use Permit before the City of Johns Creek Planning Commission and the City of Johns Creek's Mayor and City Council in conformance with the notice standards outlined in Article XXVIII;
  - D. Recommendations have been received from the City of Johns Creek Community Development Department staff and the City of Johns Creek Planning Commission; and
  - E. Conditions imposed with respect to right-of-way dedication and roadway, water, sewer and/or other infrastructure improvements are met.
- 19.2.3.1. *Applications.* Use Permit requests shall require a separate application when included with a petition for rezoning. Each requested use for which a Use Permit is required shall be charged a standard Use Permit fee and assigned a Use Permit number which will be listed on the petition for rezoning. A public hearing, notice and evaluation shall be provided in accordance with Article XXVIII for each requested Use Permit. Each request shall be voted on separately, and each Use Permit request submitted as part of a rezoning petition shall be treated independently in the minutes of the Mayor and City Council meeting.
- 19.2.3.2. *Expiration.* All Use Permits shall expire within three (3) years from the date of approval by the Mayor and City Council or as otherwise conditioned unless a Land Disturbance Permit, Building Permit, Business License or Certificate of Occupancy has been issued. Requests for extensions shall be made in accordance with the standards for extensions contained in Article XXVIII.
- 19.2.3.3. *Re-application.* Filing of Use Permits shall follow the requirements established in Article XXVIII 28.2 regarding Land Use Petitions.
- 19.2.3.4. *Variances.* Variances to Use Permit standards contained in Section 19.4 for receiving a Use Permit may be considered by the Mayor and City Council concurrently with a Use Permit petition if submitted with such petition. Such a variance request shall not require a separate variance application, but shall be assigned a variance number, charged a standard variance fee and be listed on the Use Permit petition as a Concurrent Variance in accordance with Article XXII, APPEALS, Section 22.9
- 19.2.3.5. *Accessory Uses.* Structures and land may be used for uses customarily incidental to any approved use.
- 19.2.4. *Use Permit Considerations.* In the interest of the public health, safety and welfare, the Mayor and City Council may exercise limited discretion in evaluating the site proposed for a use which requires a Use Permit. In exercising such discretion pertaining to the subject use, the Mayor and City Council shall consider each of the following:
- (1) Whether the proposed use is consistent with the Comprehensive Land Use Plan and/or Economic Development Revitalization plans adopted by the Mayor and City Council;
  - (2) Compatibility with land uses and zoning districts in the vicinity of the property for which the Use Permit is proposed;
  - (3) Whether the proposed use may violate local, state and/or federal statutes, ordinances or regulations governing land development;
  - (4) The effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets;

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- (5) The location and number of off-street parking spaces;
- (6) The amount and location of open space;
- (7) Protective screening;
- (8) Hours and manner of operation;
- (9) Outdoor lighting; and
- (10) Ingress and egress to the property.

In granting such permits, conditions may be attached as are deemed necessary in the particular case for the protection or benefit of neighbors to ameliorate the effects of the proposed development/use.

19.2.5. *Additional Restrictions.* Any use authorized by Administrative Permit or Use Permit shall comply with all other City regulations, zoning district regulations, conditions of zoning approval and other regulations contained herein. All buffers required shall have a 10-foot improvement setback in accordance with Section 4.2.3. The reduction of said setback shall be subject to the approval of the Department of Community Development in accordance with Article 22 unless reduced as a concurrent variance. Whenever a standard contained in this section is in conflict with another provision of this Ordinance, the more restrictive provision shall prevail.

Unless otherwise specified, standards, conditions and stipulations attached to a Use Permit by the Mayor and City Council shall supersede conflicting zoning conditions approved on the same site.

### **Sec. 19.3. Minimum Administrative Permit Standards.**

#### 19.3.1. *Wireless Telecommunications Facility—Alternative Antenna Support Structure.*

*Intent.* Pursuant to Section 704(a) of the Federal Telecommunications Act of 1996, it is not the intent of this section to prohibit or have the effect of prohibiting the provision of personal wireless services in the City of Johns Creek. It is the intent of this Section to address the aesthetic effect of wireless telecommunications facilities on landscapes in the City, citizens' demands for these services, and the needs of service providers.

The following Administrative Permit Standards regulating the design, location, placement, and height limits of alternative antenna support structures implement the City of Johns Creek's governmental interest in land planning, aesthetics and public safety:

A. *Allowed Districts with Administrative Permit:* All.

B. *Standards:*

1. Alternative antenna support structures and accessory equipment must be set back from the property line of any other residential or AG-1 zoned property and any residential dwelling a minimum distance equal to the height of such alternative antenna support structure. The height of an alternative antenna support structure shall be measured vertically from the average natural ground elevation within the perimeter of the base of the structure to its highest point when positioned for operation, including any antenna positioned for operation.
2. The height of an alternative antenna support structure shall not exceed 130 feet as measured above.
3. Accessory equipment located on the ground shall be enclosed by fencing not less than 6 feet in height.
4. Except where access to the equipment compound is provided, a minimum 10-foot wide landscape strip planted to buffer standards, as set forth in the Tree Preservation Ordinance, shall be required on the exterior of all sides of the fence surrounding the equipment compound as a vegetative screen unless the City of Johns Creek Arborist determines that

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existing plant materials are adequate. Such landscape strip shall be maintained in accordance with the Tree Preservation Ordinance.

5. The alternative antenna support structure shall comply with applicable state and local statutes and ordinances, including, but not limited to, building and safety codes. Alternative antenna support structures which have become unsafe or dilapidated shall be repaired or removed pursuant to applicable state and local statutes and ordinances.
  6. Alternative antenna support structures shall not be artificially lighted except to assure human safety or as required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).
  7. Alternative antenna support structures shall be designed and constructed to ensure that the structural failure or collapse of the structure will not create a safety hazard to adjoining properties, according to applicable Federal Standards which may be amended from time to time.
  8. Alternative antenna support structures shall not contain any signs for the purpose of commercial advertising.
  9. An alternative antenna support structure that ceases operation for a period of 12 consecutive months shall be determined to have been abandoned and shall be removed within 90 days of such abandonment at the property owner's expense. It shall be the duty of both the property owner and the owner of the alternative antenna support structure to notify the City in writing of any intent to abandon the use of the structure.
  10. An application for an alternative antenna support structure shall be submitted in accordance with the Department's Plan Review submittal requirements.
  11. An application for an alternative antenna support structure shall include a certification from a professional civil and/or structural engineer (licensed in the State of Georgia) that the proposed structure meets the applicable design standards for wind loads.
  12. An alternative antenna support structure shall not be located in a 100-year flood plain or delineated wetlands. Notwithstanding the foregoing, an alternative antenna support structure may be located in the 100-year floodplain if all accessory equipment can be located above the 100-year flood level, subject to such wireless telecommunications facility's compliance with any and all other City ordinances, regulations and/or rules related to floodplain management, flood damage prevention, and flood hazard reduction.
  13. This Section shall not apply to any request to locate an alternative antenna support structure within or upon public right-of-way in the City or upon any property or structure of the City.
- C. *Exemptions.* The following uses shall not be subject to the issuance of an administrative permit if the applicable requirements for each use set forth below are met; provided, however, nothing set forth herein shall exempt the subject property or structure from applicable development regulations or building regulations, including development/building permit requirements:
1. Colocations -Wireless transmission equipment may be colocated within an existing alternative antenna support structure without the requirement of an administrative permit provided the following requirements are met, as applied to the structure as it was originally approved and constructed:
    - a. The proposed colocation shall not increase the existing height or width of the alternative antenna support structure within which the wireless transmission equipment is to be located;
    - b. The proposed colocation shall not increase the dimensions (area/perimeter) of the existing equipment compound; however, the dimensions of the equipment compound may be modified to allow an increase in the area of such equipment compound of up to 20 percent, as long as the other standards and requirements applicable to the wireless

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telecommunications facility are met (e.g., setback, landscaping, etc.) as determined by the Director;

- c. The proposed Colocation shall maintain the concealment of antennas as an architectural feature and be camouflaged so as to match the existing structure.
  - d. The proposed colocation shall comply with the conditions of zoning approval or the conditions of the use permit applicable to the subject property or use;
  - e. Certification from a structural engineer (licensed to practice in the State of Georgia) that the proposed colocation shall not exceed the load limits of the alternative antenna support structure; and
  - f. Certification from a radiofrequency engineer that the proposed wireless telecommunications facility will not interfere with emergency or public safety communications.
2. Alternative antenna support structures used solely for public safety purposes, installed and operated as a governmental function by federal or state government or authorized City or County public safety agencies (e.g., City or County 911 emergency communications and public safety communications for sheriff's office, police department, fire department or first responder medical services) may be installed without the requirement of an administrative permit. Unless otherwise prohibited by law, public safety agencies shall be required to provide a map of the alternative antenna support structure location. Notwithstanding the foregoing requirement regarding the use of the alternative antenna support structure for public safety purposes, colocations of wireless transmission equipment for commercial purposes may be allowed (pursuant to the requirements set forth in the preceding paragraph). When an alternative antenna support structure approved for an authorized public safety agency ceases to be operated or used by an authorized public safety agency for a public safety purpose, any current use of such alternative antenna support structure by a nonpublic safety entity (due to a prior colocation) shall be deemed nonconforming and the structure shall be deemed a nonconforming structure, unless such nonpublic safety entity submits an application for use of the alternative antenna support structure pursuant to the administrative or use permit requirements set forth in this Article, as applicable, as if it were a new structure.

D. *Variances.* No relief from or variance to the standards set forth in Subsection B.2 hereof shall be allowed by petition to the Board of Zoning Appeals pursuant to the variance procedures set forth in Articles 19 and 22 (See: Sections 19.2.2, 22.2.2 and 22.7). To request relief from any of the requirements set forth in Subsection B.2 regarding height limitations, an applicant shall be required to submit an application for a use permit as set forth in Section 19.4.7 together with an application for a concurrent variance. The requirements related to the application for any such request and the factors to be considered in granting or denying such a request are set forth in Paragraphs C, D, and F of Section 19.4.7.

(Ord. No. 2013-04-10, § 3, 7-22-2013)

19.3.1(1). *Amateur Radio Antenna to Exceed the District Height. (See Use Permit 19.4.5)*

*Intent.* It is the intent of this Article to regulate the placement of amateur towers in a manner that does not impose on public health, safety, or general welfare. The following regulations on design, location, placement, and height limits of antennas in residential districts implements The City of Johns Creek's governmental interests in land planning, aesthetics and public safety by requiring the following standards:

- A. *Required Districts:* All
- B. *Standards:*
  - 1. Antennas shall be located in the rear yard.

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2. The maximum height shall be 90 feet. Any request to exceed the maximum height shall require a Use Permit (See 19.4.5)
3. All antennas shall be set back from all property lines 1/3 the height of the antenna or the district setback requirements, whichever is greater. The antenna must be located a distance equal to or greater than the antenna height from the nearest residential dwelling, excluding the owner's primary dwelling or structure.
4. Antennas shall not be lighted.
5. All antennas must be constructed with an anti-climbing device.
6. Antennas shall be painted in a neutral color identical or closely compatible with surroundings.
7. All guy wires must be anchored on site and outside of right-of-way.

19.3.1(2). *Wireless Telecommunications Facility—Antenna, Tower, and/or Antenna Support Structure.*

*Intent.* Pursuant to Section 704(a) of the Federal Telecommunications Act of 1996, it is not the intent of this section to prohibit or have the effect of prohibiting the provision of personal wireless services in the City of Johns Creek. It is the intent of this Section to address the aesthetic effect of wireless telecommunications facilities on landscapes in the City, citizens' demands for these services, and the needs of service providers.

The following Administrative Permit Standards regulating the design, location, placement, and height limits of wireless telecommunications facilities (including antennas, towers and accessory equipment) implement the City of Johns Creek's governmental interest in land planning, aesthetics and public safety:

A. *Allowed Districts with Administrative Permit:*

1. Antenna or Tower to Exceed District Height—M-1A and M-1 (See, Use Permit, Section 19.4.7, for use in residential, AG-1, NUP, MIX, O-I, C-1 and C-2 districts).
2. Antenna or Tower Not to Exceed District Height—All nonresidential districts, except AG-1 (See, Use Permit, Section 19.4.7, for use in residential or AG-1).

B. *Standards:*

1. Towers and accessory equipment/equipment compounds must be set back from the property line of any residential and/or AG-1 zoned property and any residential dwelling a minimum distance equal to the height of the tower. The height of a tower shall be measured vertically from the average natural ground elevation within the perimeter of the base of the tower to its highest point when positioned for operation, including any antenna positioned for operation.
2. The height of the tower in any M-1 or M-1A district shall not exceed 200 feet, as measured above. For all other nonresidential districts (excluding AG-1), the height of the tower, as measured above, shall not exceed the subject district's maximum height requirements for structures.
3. The tower and accessory equipment shall be enclosed by fencing not less than 6 feet in height and shall also be equipped with an appropriate anti-climbing device.
4. Except where access to the equipment compound is provided, a minimum 10-foot wide landscape strip planted to buffer standards, as set forth in the Tree Preservation Ordinance, shall be required on the exterior of all sides of the fence surrounding the equipment compound as a vegetative screen unless the City of Johns Creek Arborist determines that existing plant materials are adequate. Such landscape strip shall be maintained in accordance with the Tree Preservation Ordinance.
5. The wireless telecommunication facility shall comply with applicable state and local statutes and ordinances, including, but not limited to, building and safety codes. Towers which have

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become unsafe or dilapidated shall be repaired or removed pursuant to applicable state and local statutes and ordinances.

6. Wireless telecommunication facilities shall not be artificially lighted except to assure human safety or as required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).
  7. Towers shall be designed and constructed to ensure that the structural failure or collapse of the tower will not create a safety hazard to adjoining properties, according to applicable Federal Standards which may be amended from time to time.
  8. Towers and wireless telecommunications facilities shall not contain any signs for the purpose of commercial advertising.
  9. A wireless telecommunications facility, tower or antenna that ceases operation for a period of 12 consecutive months shall be determined to have been abandoned and shall be removed within 90 days of such abandonment at the property owner's expense. It shall be the duty of both the property owner and the owner of any wireless telecommunications facility, tower or antenna to notify the City in writing of any intent to abandon the use of a wireless telecommunications facility, tower or antenna.
  10. Wireless telecommunications facilities not requiring FAA painting/marketing shall have either a galvanized finish or [be] painted a dull blue, gray, or black finish.
  11. An application for a wireless telecommunications facility shall be submitted in accordance with the Department's Plan Review submittal requirements.
  12. An application for a wireless telecommunications facility shall include a certification from a professional engineer licensed in the State of Georgia that the proposed structure meets the applicable design standards for wind loads.
  13. A wireless telecommunications facility shall not be located in the 100-year flood plain or delineated wetlands. Notwithstanding the foregoing, a wireless telecommunications facility, including a tower, may be located in the 100-year floodplain if all accessory equipment can be located above the 100-year flood level, subject to such wireless telecommunications facility's compliance with any and all other City ordinances, regulations and/or rules related to floodplain management, flood damage prevention, and flood hazard reduction.
  14. This Section shall not apply to any request to locate a wireless telecommunications facility, tower or antenna within or upon any public right-of-way in the City or upon any property or structure of the City.
- C. *Exemptions.* The following uses shall not be subject to the issuance of an administrative permit if the applicable requirements for each use set forth below are met; provided, however, nothing set forth herein shall exempt the subject property or structure from applicable development regulations or building regulations, including development/building permit requirements:
1. Colocations—Wireless transmission equipment may be colocated on an existing tower provided the following requirements are met, as applied to the structure as it was originally approved and constructed:
    - a. The proposed collocation shall not increase the existing height or width of the tower to which the wireless transmission equipment is to be attached;
    - b. The proposed collocation shall not increase the dimensions (area/perimeter) of the equipment compound; however, the dimensions of the equipment compound may be modified to allow an increase in the area of such equipment compound of up to twenty percent (20%), as long as the other standards and requirements applicable to the wireless telecommunications facility are met (e.g., setback, landscaping, etc.) as determined by the Director;

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- c. The proposed collocation shall comply with the conditions of zoning approval or the conditions of the use permit applicable to the subject property or use;
  - d. Certification from a structural engineer licensed to practice in the State of Georgia that the proposed collocation shall not exceed the load limits of the tower; and
  - e. Certification from a radiofrequency engineer that the proposed wireless telecommunications facility will not interfere with emergency or public safety communications.
2. Towers used solely for public safety purposes, installed and operated as a governmental function by federal or state government or authorized City or County public safety agencies (e.g., City or County 911 emergency communications and public safety communications for sheriff's office, police department, fire department or first responder medical services) may be installed without the requirement of an administrative permit. Unless otherwise prohibited by law, public safety agencies shall be required to provide a map of the tower or wireless telecommunications facility location. Notwithstanding the foregoing requirement regarding the use of the tower for public safety purposes, collocations of wireless telecommunications facilities for commercial purposes may be allowed (pursuant to the requirements set forth in the preceding paragraph). When a tower approved for an authorized public safety agency ceases to be operated or used by an authorized public safety agency for a public safety purpose, any current use of such tower by a nonpublic safety entity (due to a prior collocation) shall be deemed nonconforming and the structure shall be deemed a nonconforming structure, unless such nonpublic safety entity submits an application for use of the tower pursuant to the administrative or use permit requirements set forth in this Article, as applicable, as if it were a new tower.
3. COW's—Upon a declaration of a state of emergency or disaster by Federal, State or local government or a determination of public necessity by the City, the City Manager or his/her designee may approve the placement of a COW at any location within the City, subject to the COW's compliance with Federal and/or State requirements, for a period of not more than 120 days following the duration of the state of emergency or occurrence of the disaster or other event providing for public necessity. Further, the City Manager or his/her designee may approve the placement of a COW for the purpose of providing coverage of a special event, subject to the COW's compliance with Federal and/or State requirements, for up to 45 days prior to such special event, for the duration of the special event, and for up to 14 days thereafter.
- D. *Variances.* No relief from or variance to the standards set forth in Subsection B.2 hereof shall be allowed by petition to the Board of Zoning Appeals pursuant to the variance procedures set forth in Articles 19 and 22 (See, Sections 19.2.2, 22.2.2 and 22.7). To request relief from the requirement set forth in Subsection B.2 regarding height limitations for towers in M-1 or M-1A districts, an applicant shall be required to submit an application for a use permit as set forth in Section 19.4.7 together with a request for a concurrent variance. The requirements related to the application for any such request and the factors to be considered in granting or denying such a request are set forth in Paragraphs C, D, and F of Section 19.4.7.

(Ord. No. 2013-04-10, § 4, 7-22-2013)

19.3.1(3). *Attached Wireless Telecommunications Facility—Attached Antenna Support Structure.*

*Intent.* Pursuant to Section 704(a) of the Federal Telecommunications Act of 1996, it is not the intent of this section to prohibit or have the effect of prohibiting the provision of personal wireless services in the City of Johns Creek. It is the intent of this Section to address the aesthetic effect of wireless telecommunications facilities on landscapes in the City, citizens' demands for these services, and the needs of service providers.

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The following Administrative Permit Standards regulating the design, location, placement, and height limits of attached wireless telecommunications facilities (including antennas and accessory equipment) implement the City of Johns Creek's governmental interest in land planning, aesthetics and public safety:

A. *Allowed Districts with Administrative Permit:*

1. Roof-Mounted and Building-Mounted Attached Wireless Telecommunications Facilities: AG-1 with an existing institutional use, MIX, O-I, C-1, C-2, M-1A, M-1 (See, Use Permit, Section 19.4.7, for use in residential, AG-1 (without an existing institutional use), and NUP districts).
2. Attached Wireless Telecommunications Facilities Mounted to Electrical Transmission Towers, Utility Poles or Light Structures—All districts.

B. *Standards Applicable to Roof-Mounted and Building-Mounted Attached Antenna Support Structures:*

1. Roof-mounted and building-mounted wireless telecommunications facilities are subject to the setback requirements of the zoning districts in which located.
2. Roof-mounted and building-mounted wireless telecommunications facilities may only be located on buildings that are at least 3 stories and a minimum of 40 feet in height.
3. The height of roof-mounted attached antenna support structures shall not exceed 20 feet in height. Height of the roof-mounted attached antenna support structure shall be measured from the existing roof surface of the building (at the location where the structure is mounted) to the highest point of the roof-mounted wireless telecommunications facility, including any antenna positioned for operation.
4. Roof-mounted attached wireless telecommunications facilities may be mounted to an existing pitched, gabled or mansard roof if such a mount operates to screen the roof-mounted wireless telecommunications facility from visibility. A roof-mounted wireless telecommunications facility may be located within an existing cupola, steeple, or similar architectural treatment in order to screen the wireless telecommunications facility from visibility.
5. The roof-mounted or building-mounted wireless telecommunications facility, including any antennas or antenna arrays, must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent or plainly visible to a reasonable person of ordinary sensibilities. The roof-mounted attached antenna support structure and any accessory equipment located on the roof shall be stepped back from the façade of the building in order to limit the roof-mounted wireless telecommunications facility's impact on the building's silhouette and shall be camouflaged within or behind existing architectural features to limit the visibility from public rights-of-way and adjacent properties zoned residential or AG-1. If existing architectural features are not sufficient to screen the roof-mounted wireless telecommunications facility, a parapet wall, cupola, roof screen, or other similar architectural feature that matches the existing architecture of the building, as determined and approved by the Director, shall be installed. The roof-mounted or building-mounted wireless telecommunications facility, including the attached antenna support structure and antenna(s), shall be finished to match the architectural features, materials and color of the building. The antenna(s) of a building-mounted wireless telecommunication facility shall be flush mounted to the building and shall not extend or project outside of the building's silhouette unless architectural features can be used to camouflage, screen or obscure same. Further, any cables for a building-mounted wireless telecommunication facility that are located on the side of the building shall be enclosed in conduit finished to match the materials and color of the building. The applicant shall submit (a) photo simulations of the roof-mounted or building-mounted wireless telecommunications facility, which show the proposed facility set against the skyline and viewed from at least 4 directions within the surrounding area, and (b) detailed drawings or renderings of the roof-mounted or building-mounted wireless telecommunications facility, which provide the manner in which the proposed facility

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will be enclosed, camouflaged, screened, and/or obscured to meet the visibility requirements set forth herein.

6. Accessory equipment located on the roof of a building shall be designed, or located within an enclosure designed, to architecturally match the facade, roof, wall or other architectural features of the building on which they are mounted and blend in with the existing structural design, color and texture of the building in order to provide the least visually obtrusive profile.
  7. Accessory equipment located on the ground may only be located in the rear or side yard of the lot and shall be subject to the setback requirements of the zoning district.
  8. Accessory equipment located on the ground (not located on the roof or within the existing building) shall be enclosed by fencing not less than six feet in height. Except where access to the equipment compound is provided, a minimum 10-foot wide landscape strip planted to buffer standards, as set forth in the Tree Preservation Ordinance, shall be required on the exterior of all sides of the fence surrounding the equipment compound as a vegetative screen, unless the City of Johns Creek Arborist determines that existing plant materials are adequate. The landscape strip shall be maintained in accordance with the Tree Preservation Ordinance.
  9. Roof-mounted and building-mounted wireless telecommunications facilities meeting the requirements of this Section may be located on properties zoned AG-1 when attached to an existing building or structure used for an institutional use.
- C. *Standards Applicable to Attached Wireless Telecommunications Facilities Mounted to Electrical Transmission Towers:*
1. For any existing electrical transmission tower that is at least 80 feet in height and located within an utility easement of at least 80 feet in width, an attached wireless telecommunications facility may be mounted to the top and extend up to 15 feet above the height of such electrical transmission tower.
  2. Accessory equipment located on the ground shall be enclosed by fencing not less than 6 feet in height and set back a minimum of 20 feet from the boundaries of the public utility easement.
  3. Except where access to the equipment compound is provided, a minimum 10-foot wide landscape strip planted to buffer standards, as set forth in the Tree Preservation Ordinance, shall be required on the exterior all sides of the fence surrounding the equipment compound as a vegetative screen unless the City of Johns Creek Arborist determines that existing plant materials are adequate. Such landscape strip shall be maintained in accordance with the Tree Preservation Ordinance. A landscape strip shall not be required if the accessory equipment is not visible from any public right-of-way and any adjacent property zoned residential or AG-1.
  4. Other than attached wireless telecommunications facilities meeting the requirements of the previous paragraphs, small cells, repeaters or similar low power mobile radio service wireless telecommunications facilities may be mounted to an existing electrical transmission tower pursuant to the standards set forth in the following section applicable to utility poles and light structures.
- D. *Standards Applicable to Attached Wireless Telecommunications Facilities Mounted to Utility Poles or Light Structures:*
1. Only small cells, repeaters or similar low power mobile radio service wireless telecommunications facilities may be mounted to an existing utility pole or light structure.
  2. The attached wireless telecommunications facility may only have up to 3 directional panel antennas no larger than 1-foot by 2 feet or 1 omni-directional antenna no larger than 1-foot by 5 feet. Antennas shall be of a color that blends with that of the supporting utility pole or

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light structure and the attached antenna support structure or mount attaching such antenna(s) to the utility pole or light structure shall not project more than 24 inches from the appurtenant edge of such structure.

3. Accessory equipment shall be located in an equipment cabinet with dimensions no larger than 30 inches in height, 24 inches in width, and 12 inches in depth when flush mounted upon the utility pole or light structure and no larger than 46 inches in height, 28 inches in width, and 20 inches in depth when located on the ground adjacent thereto. Notwithstanding the foregoing, an equipment cabinet flush mounted to an electrical transmission tower may have dimensions up to 46 inches in height, 28 inches in width, and 20 inches in depth. Cables shall be enclosed in conduit attached flush to the utility pole or light structure. Otherwise, accessory equipment shall be located in an underground vault.
  4. Any equipment cabinet or antenna(s) mounted to the utility pole or light structure must be located on the utility pole or light structure at a height of 15 feet or more above grade.
  5. The attached wireless telecommunications facility shall be fully camouflaged to blend in with the subject structure in order to render the wireless transmission facility as visually inconspicuous as possible, such that the attached wireless telecommunications facility is not readily apparent or plainly visible to a reasonable person of ordinary sensibilities. Mounting brackets, equipment cabinet and conduit shall be painted to match the color of the utility pole or light structure.
- E. *Additional Standards Applicable to Attached Wireless Telecommunications Facilities:*
1. The attached wireless telecommunication facility shall comply with applicable state and local statutes and ordinances, including, but not limited to, building and safety codes. Wireless Telecommunications Facilities which have become unsafe or dilapidated shall be repaired or removed pursuant to applicable state and local statutes and ordinances.
  2. Attached Wireless Telecommunications Facilities shall not be artificially lighted except to assure human safety or as required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).
  3. Attached Wireless Telecommunications Facilities shall be designed and constructed to ensure that the structural failure or collapse of the attached antenna support structure will not create a safety hazard to adjoining properties, according to applicable Federal Standards which may be amended from time to time.
  4. Attached Wireless Telecommunications Facilities shall not contain any signs for the purpose of commercial advertising.
  5. An attached wireless telecommunications facility, including any antenna or antenna array, that ceases operation for a period of 12 consecutive months shall be determined to have been abandoned and shall be removed within 90 days of such abandonment at the property owner's expense. It shall be the duty of both the property owner (or owner of the utility pole) and the attached Wireless Telecommunications Facilities owner to notify the City in writing of any intent to abandon the use of an attached wireless telecommunications facility, including any antenna.
  6. An application for a wireless telecommunications facility shall be submitted in accordance with the Department's Plan Review submittal requirements.
  7. An application for an attached wireless telecommunications facility shall include a certification from a professional engineer (licensed in the State of Georgia) that the proposed attached Wireless Telecommunications Facilities, including the attached antenna support structure and the existing building or structure to which attached, meets the applicable design standards for wind loads and has sufficient structural integrity to accommodate the proposed use.

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8. Wireless telecommunications facilities shall not be located in 100-year floodplain or delineated wetlands. Notwithstanding the foregoing, wireless telecommunications facilities may be located in the 100-year floodplain if all accessory equipment can be located above the 100-year flood level, subject to such facility's compliance with any and all other City ordinances, regulations and/or rules related to floodplain management, flood damage prevention, and flood hazard reduction.
9. This Section shall not apply to any request to locate an attached wireless telecommunications facility on any electrical transmission tower, utility pole or light structure located within or upon any public right-of-way in the City or upon any property or structure of the City.

F. *Variances.* No relief from or variance to the standards set forth in Subsections B.3. and C.1. hereof shall be allowed by petition to the Board of Zoning Appeals pursuant to the variance procedures set forth in Articles 19 and 22 (See, Sections 19.2.2, 22.2.2 and 22.7). To request relief from any of the requirements set forth in Subsections B.3. and C.1. regarding height limitations, an applicant shall be required to submit an application for a use permit as set forth in Section 19.4.7 together with an application for a concurrent variance. The requirements related to the application for any such request and the factors to be considered in granting or denying such a request are set forth in Paragraphs C, D, and F of Section 19.4.7.

(Ord. No. 2013-04-10, § 5, 7-22-2013)

19.3.2. *Club.*

A. *Required Districts:* O-I, MIX, C-1, C-2, M-1A, M-1,

B. *Standards:*

1. All buildings and accessory uses other than parking shall be located at least 50 feet from all property lines of any residential district and/or AG-1 district used for single-family.
2. Permitted curb cut access shall not be from a local street.
3. Outdoor facilities within 200 feet of any residential district or dwelling shall limit the hours of operation from 8:00 a.m. to 11:00 p.m.
4. Outdoor recreational facilities shall be set back a minimum of 100 feet from all property lines of any residential district and/or AG-1 district used for single-family, except as otherwise permitted with an Administrative Permit for Recreational Court or Swimming Pool.

19.3.3. *Event, Special Indoor/Outdoor.* As applicable, special events are subject to the requirements of other City of Johns Creek 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, AG-1; 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; and in a CUP in conjunction with a commercial use.

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

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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 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 the City of Johns Creek 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.

19.3.4. *Golf Course.*

A. *Required Districts:* All

B. *Standards:*

1. A minimum 100-foot setback for all buildings and parking areas shall be provided adjacent to any residential district and/or AG-1 district used for single-family.
2. Driving range, tees, greens and fairways shall be required to have a 100-foot setback from minor, arterial, and major collector roads.
3. Permitted curb cut access shall be from a major thoroughfare unless shown on the approved preliminary plat of a single-family subdivision.
4. When located outside a golf course/subdivision development, a minimum 50-foot wide buffer and a 10-foot improvement setback shall be provided adjacent to all buildings and parking areas when said facilities are located adjacent to any residential district and/or AG-1 district used for single-family.
5. A minimum 25-foot buffer and a 10-foot improvement setback shall be provided adjoining any residential district and/or AG-1 district used for single-family located outside the golf course development or any associated development.
6. When located adjacent to any residential district and/or AG-1 district used for single-family, the hours of operation shall be limited to 8:00 a.m. to 11:00 p.m..

19.3.5. *Guest House.*

A. *Required Districts:* R-1, R-2, R2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, R-6, NUP, CUP, TR, A, A-L, AG-1, O-1 and MIX when Accessory to a Single-Family Dwelling.

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B. *Standards:*

1. No more than one guest house structure per lot may be used for occupancy by relatives, guest(s) or employees that work on the property without payment for rent.
2. A separate kitchen facility shall be allowed.
3. Heated floor area shall be a minimum of 650 square feet and a maximum of 1500 square feet.
4. Principal building setbacks shall apply.
5. The location shall be limited to the rear yard.

19.3.5(1). *Open.*

(Kennels deleted, See 19.3.19 Veterinary Clinic or Hospital and 19.4.24 Outside Animal Facilities or Kennel)

19.3.6. *Mobile Home-While Residence Is Being Built.*

- A. *Required Districts:* R-1, R-2, R2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, R-6, NUP, CUP, TR, A, A-L, AG-1, O-1 and MIX

B. *Standards:*

1. The building permit for the principal structure must have been issued and remain valid during the period that the mobile home is on the property.
2. The mobile home must be located on the same parcel as the principal structure being constructed and comply with all district setbacks.
3. The Administrative Permit shall expire 12 months after issuance or upon occupancy of the principal structure, whichever occurs first.  
  
Only one renewal for a one-year period may be issued.
4. The mobile home must be occupied by the owner of the principal residence under construction.

19.3.6(1). *Parking, Off-Site and Shared.* Whenever parking as required in Article 18 cannot be accomplished, SHARED PARKING in accordance with Section 18.2.2 may be approved via an Administrative Permit provided:

- A. *Required Districts:* O-I, C-1, C-2, MIX, M-1 and M-1A

B. *Standards:*

1. If the off-site parking is committed for a specified period of time, the duration of the Administrative Permit shall be limited to the period of time stipulated therein.
2. No more than 20 percent of the total parking requirement may be provided off-site via this Administrative Permit.
3. The property must be located no more than 300 feet from the principal use with pedestrian access provided between the sites as may be required by the Community Development Department.

19.3.7. *Open.*

19.3.8. *Recreational Court, Private.*

- A. *Required Districts:* All districts except C-1, C-2, M-1 and M-1A

B. *Standards:*

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1. Detached Dwellings. Recreational courts serving single-family detached dwellings shall be located in side or rear yards but shall not be located within a minimum yard.
2. Multi-family. Recreational courts, accessory structures, and fencing shall be located a minimum of 100 feet from any residential building, adjoining property line or street.
3. *Neighborhood*. Recreational courts serving a neighborhood must be located within the limits of the underlying zoning.
  - a. Use of the recreational courts shall be limited to residents and guests of the neighborhood in which they are located.
  - b. Recreational courts, accessory structures, fencing, and parking shall be located a minimum of 100 feet from all adjoining property lines.
  - c. Landscape strips and buffer requirements shall be as specified by Article 4.23.1.
  - d. A maximum 4-square foot sign identifying the future use of the property for a recreational court shall be posted adjoining the lot's frontage until a Certificate of Occupancy is issued for the facility.
  - e. Sources of exterior illumination shall be directed away from adjoining residences and shall not exceed 1.2 foot-candles along an adjoining residential property line. Outdoor lighting of recreation facilities in or adjoining residential districts or uses shall be allowed only between dusk and 11:00 P.M.
  - f. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines adjacent to single-family residential uses.

19.3.9. *Recreational Courts, Public*. Recreational courts operated as a club (except those serving residential developments), or courts operated as a business are defined herein as public courts.

A. *Required Districts*: O-I, MIX, C-1, C-2, M-1, M-1A,

B. *Standards*:

1. Recreational courts, accessory structures, fencing, and parking shall be located a minimum of 100 feet from all property lines which abut single-family residential uses. Adjacent to all other zonings and uses, the district setback requirements shall apply.
2. Landscape strips and buffer requirements shall be as specified by Section 4.23.1.
3. Sources of exterior illumination shall be directed away from adjoining residences and shall not exceed 1.2 foot-candles along an adjoining residential property line. Outdoor lighting of recreation facilities in or adjoining residential districts or uses shall be used only between dusk and 11:00 P.M.
4. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single-family.

19.3.10. *Relocated Residential Structure*.

A. *Required Districts*: R-1, R-2, R2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, R-6, NUP, CUP, TR, A, A-L, AG-1, O-1 and MIX

B. *Standards*:

1. The applicant shall include the following with the application for the Administrative Permit:
  - a. The address from which the structure is being relocated.
  - b. A photograph of the structure prior to its relocation.
  - c. The total heated floor area of both the existing structure and the renovated structure.

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2. The location of the structure and the heated floor area of the structure shall be in compliance with the minimum standards of the zoning district and/or conditions of zoning.
3. The residential structure shall be affixed to a permanent foundation within 6 months of the date of the house moving permit, and the certificate of occupancy shall not be issued until such improvements are completed.
4. All standards of this Ordinance (except 2. above) and other applicable regulations shall be met within one year from the date of this permit issuance.
5. A House Moving Permit shall be obtained from the Community Development Department in conjunction with this Administrative Permit.
6. A building permit for the repair and construction of said structure shall be obtained within 30 days of this Administrative Permit issuance.
7. The exterior of the structure shall be brought into compliance with the City of Johns Creek Housing Code within six months of the issuance of this Administrative Permit.
8. Prior to occupancy, a Certificate of Occupancy must be obtained from the Department of Community Development.

19.3.10(1). *Religious Services Tent.*

- A. *Required Districts:* All districts.

A religious services tent may be placed only on property occupied by an existing building used as a place of worship.

B. *Standards:*

1. A permit may be granted a maximum of 14 days in a calendar year.
2. The revival tent or any area used for assembly shall be located at least 200 feet from a property line of any residential district and/or AG-1 district used for single-family.
3. No temporary, sanitary facility or trash receptacle may be located within 200 feet of an existing dwelling, and no tent shall be located within 250 feet of an existing dwelling.
4. Provide one parking space per four seats.
5. A drawing to scale shall accompany the application and shall accurately depict the number of seats and the standards of this Section.
6. The hours of operation shall be no earlier than 8:00 a.m. nor later than 11:00 p.m.

19.3.11. *Roadside Produce Stands.*

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

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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 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.

19.3.11(1). *Roadside Vending.*

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

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 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 Community Development. A 24-hour

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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 1,500 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 1,500 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.*

A. *Required Districts:* CUP (with a commercial component), MIX (with a commercial component), C-1, C-2, M-1A and M-1. Allowable in AG1 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 nonconforming 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 Community Development 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 Community Development. A 24-hour

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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.

19.3.12. *Swimming Pool, Private.*

- A. *Required Districts:* All districts except C-1, C-2, M-1, M-1A
- B. *Standards:* All swimming pools shall be completely surrounded by an enclosure. Such enclosure shall be a fence, wall, or building, to prevent access to the pool by unsupervised children and/or animals. The enclosure shall be an effective fence or wall not less than 5 feet high with self-closing, positive-latching gates provided on the outer side of the deck area. The enclosure entrance shall be locked when the pool is not open for use and all surrounding objects or structures must have a separation of five feet from the enclosure to provide an unclimbable space. The enclosure shall be in place prior to pool completion. Materials and construction shall comply with the regulations administered by the Fulton County Health Department.
  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.
  2. *Neighborhood.* Swimming pools serving a neighborhood must be located within the limits of the underlying zoning.
    - a. Use of swimming pools shall be limited to residents and guests of the neighborhood in which they are located.

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- b. Pools, pool equipment, and decks must be located at least 100 feet from all adjoining property lines.
  - c. Landscape strips and buffer requirements shall be as specified by Article 4.23.1.
  - d. A maximum 4-square foot sign identifying the future use of the property for a swimming pool shall be posted adjoining the lot's frontage until a Certificate of Occupancy is issued for the facility.
  - e. Sources of exterior illumination shall be directed away from adjoining residences and shall not exceed 1.2 foot-candles along an adjoining residential property line. Outdoor lighting of recreation facilities in or adjoining residential districts or uses shall be allowed only between dusk and 11:00 P.M.
  - f. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines adjacent to single-family residential uses.
3. *Multi-family*. Swimming pools, pool equipment, accessory structures, and fencing shall be located a minimum of 100 feet from any residential building, adjoining property line or street.
- 19.3.13. *Swimming Pool, Public*. Pools operated as a club (except clubs serving residential developments) or pools operated as a business are defined herein as public pools.
- A. *Required Districts*: O-I, MIX, C-1, C-2, M-1A and M-1
  - B. *Standards*:
    - 1. Pools, pool equipment, decks, and parking shall be located a minimum of 100 feet from all property lines which abut single-family residential uses. Adjacent to all other zonings and uses, the district setback requirements shall be provided.
    - 2. Landscape strips and buffer requirements shall be as specified by Article 4.23.1.
    - 3. Sources of exterior illumination shall be directed away from adjoining residences and shall not exceed 1.2 foot-candles along an adjoining residential property line. Outdoor lighting of recreation facilities in or adjoining residential districts or uses shall be allowed only between dusk and 11:00 P.M.
    - 4. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines adjacent to single-family residential uses.
- 19.3.14. *Temporary Classroom*.
- A. *Required Districts*: All
  - B. *Standards*:
    - 1. The structure must be constructed for use as a temporary classroom and certified as such by the Community Development Department.
    - 2. The principal use must exist prior to the issuance of the permit.
    - 3. The temporary classroom shall not be used to increase the capacity or enrollment as conditioned by zoning, or as limited by other Use Permit conditions.
    - 4. An Administrative Permit for a temporary classroom shall expire three (3) years from the date of approval at which time the structure shall be removed unless a new Administrative Permit is obtained within 30 days of the expiration date.
    - 5. The structure shall not be located within any principal building setbacks or within any required landscape strips or buffers.
    - 6. Two copies of a drawing showing dimensions shall accompany the application and shall accurately depict the proposed location of temporary structures, the traffic patterns and curb cuts and compliance with this section and all other applicable standards of this ordinance.

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- 19.3.15. *Temporary Structures.*
- A. *Required Districts:* All, except Emission Inspection Stations shall be permitted only in Non-residential Districts except AG-1.
  - B. *Standards:*
    - 1. Temporary structures (whether tents, site-built, mobile or manufactured structures) are permitted when being utilized solely for construction purposes may be permitted by the Community Development Department in any district. Construction purposes can include the use of construction trailers, sales trailers, and the storage of goods during construction/remodel.
    - 2. Temporary structures shall be located outside of any required buffers and landscape areas, and shall maintain the principal building setback of the district except portable toilets must maintain a 200-foot setback from existing dwelling(s).
    - 3. Temporary structures must be removed prior to the issuance of a Certificate of Occupancy or within 5 days of completion of the temporary event or activity for which the structure was approved.
    - 4.
    - 5. An Administrative Permit for a temporary structure shall expire one (1) year from the date of approval at which time the structure shall be removed unless a new Administrative Permit is obtained within 30 days of the expiration date. The Community Development Department may issue up to two (2) Administrative Permits extensions for new residential neighborhoods.
- 19.3.16. *Temporary Use of Existing Dwelling While Residence is Being Built.*
- A. *Required Districts:* All but M-1 and M-1A
  - B. *Standards:*
    - 1. The building permit for the new principal structure shall be issued concurrently with this Administrative Permit.
    - 2. The Administrative Permit shall expire 90 days after issuance of a certificate of occupancy for the new principal structure or one year after issuance of a building permit, whichever occurs first.
- 19.3.17. *Open.*
- 19.3.18. *Utility Substations (Telephone, Electric, or Gas, etc.).*
- A. *Required Districts:* All.
  - B. *Standards:*
    - 1. Utility substations measuring less than 35 square feet and less than 5 feet in height from finished grade are exempt from these regulations.
    - 2. All substation structures shall be contained within the boundaries of the subject parcel and meet the minimum development standards of the district unless otherwise required in this article section.
    - 3. Minimum setback of all utility structures from a residential structure shall be:
      - a. Electric: 200 feet.
      - b. Gas and Telephone: The applicable minimum setback for the district in which located.
    - 4. A minimum 10-foot wide landscape strip planted to buffer standards shall be required around the perimeter of all utility sites except along lines where buffers are required.

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5. For electric substations provide a minimum 50-foot wide replanted or natural buffer adjacent to the property lines of any residential district and/or AG-1 district used for single-family.
6. Interior to landscape strips or buffers that do not accomplish 100% visual screening as defined in the Tree Preservation Ordinance, provide an 8-foot high opaque fence or, masonry wall, a minimum 4-foot high landscaped earthen berm, a vegetative screen or some combination thereof, subject to the approval of the Community Development Department.

19.3.19. *Veterinary Clinic/Hospital or Kennel.*

(See 19.4.24 for Kennel or Outside Animal Facilities); Permitted in AG-1

A. *Required Districts:* O-I, MIX, C-1, C-2, M-1A, M-1

B. *Standards:*

1. All of the activities directly associated with animal treatment shall occur entirely within a completely enclosed soundproof structure.

**Sec. 19.4. Minimum Use Permit Standards.**

19.4.1. *Agricultural-Related Activities.*

*Intent.* It is the intent of this Article to allow certain agricultural-related activities with a Use Permit in compliance with the development standards below to preserve the nature of agricultural areas. Such uses shall include, but not be limited to, petting zoo, educational tours, dude ranches, picnicking, and pay fishing.

A. *Required District:* AG-1

B. *Standards:*

1. Minimum lot size shall be 5 acres.
2. Permitted curb cut access shall not be from a local street.
3. Food services may be provided.
4. A minimum of 100-foot setback is required from all property lines for activity areas, including parking.
5. All structures housing animals shall be set back a minimum of 100 feet from all property lines.
6. All parking and access areas must be of an all weather surface per Article 18, Festivals, Outdoor.
7. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single-family.8. Hours of operation shall commence no earlier than 6:00 a.m. and cease by 10:00 p.m.9. If located adjacent to any residential district or an AG-1 district used for single-family, the minimum buffers and landscape strips required for the O-I District as specified in Section 4.23 shall be required.10. Sanitary facilities or trash receptacles shall be located a minimum of 100 feet from a property line of any residential district and/or AG-1 district used for single-family.

19.4.2. *Open.*

19.4.3. *Open.*

19.4.4. *Aircraft Landing Area.*

A. *Required Districts:* All

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B. *Standards:*

1. For fixed wing aircraft, a 1,000 foot clear zone extending from the end of all runways shall be secured through ownership or easement, but in no case shall the end of a runway be closer than 200 feet from any property line.
2. For both fixed and rotary-wing aircraft, neither the landing area nor any building, structure or navigational aid shall be located within 400 feet of a property line adjacent to any residential district and/or AG-1 district used for single-family.
3. Landing areas for fixed wing and rotary wing aircraft shall be designed to comply with the Airport Design Guide of the Federal Aviation Administration.
4. If located within or adjacent to a residential district and/or AG-1 district used for single-family, the hours of operation shall be limited to 7:00 a.m. to 11:00 p.m.
5. A Use Permit for an Aircraft Landing Area shall have no force and effect except for requesting a land disturbance permit prior to filing a satisfactory F.A.A. airspace analysis with the Director of the Community Development Department.
6. In accordance with Section 28.4.3.2., submit an Environmental Impact Report as required.

19.4.5. *Amateur Radio Antenna to Exceed the Administrative Zoning Ordinance of the City of Johns Creek. Permit Height.* See also Administrative Permit 19.3.1(1).

*Intent.* It is the intent of this Article to regulate the placement of amateur radio towers in a manner that does not impose on public health, safety, general welfare.

The following regulations on design, location, placement, and height limits of antennas in residential districts implements The City of Johns Creek's governmental interest in land planning, aesthetics and public safety by requiring the following Use Permit Standards:

A. *Required Districts:* All

B. *Standards:*

1. Antennas shall be located in the rear yard.
2. The request to exceed the height of 90 feet shall be accompanied by a written justification of its intent by the licensee. Under no circumstances shall an antenna exceed 200 feet in height.
3. All antennas shall be set back from the property line one-third the height of the antenna or the district setback requirements, whichever is greater. However, the antenna must be located a distance equal to or greater than the antenna height from the nearest residential dwelling, excluding the primary dwelling or structure which is located on the same lot as the antenna.
4. Antennas shall not be lighted.
5. All antennas must be constructed with an anti-climbing device.
6. Antennas shall be painted in a neutral color identical or closely compatible with surroundings.
7. All guy wires must be anchored on site and outside of right-of-way.

19.4.6. *Amphitheaters.*

A. *Required Districts:* AG-1, O-I, MIX, C-1, C-2, M-1A and M-1,

B. *Standards:*

1. Lot area shall be a minimum of 10 acres.

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2. The stage shall be located a minimum of 600 feet from adjacent properties zoned for residential use and/ or AG-1 districts used for single-family.
3. Permitted curb cut access shall be only from an arterial street.
4. A minimum 100-foot buffer and 10-foot improvement setback shall be provided adjacent to residential districts, property zoned for residential use zoning or development or AG-1 districts when used for single-family.
5. A minimum 50-foot buffer and 10-foot improvement setback shall be provided adjacent to non-residential districts zoning or development.
6. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at the property lines of adjacent residential districts and/or AG-1 districts used for single-family.
7. Eight-foot high fencing shall be provided adjacent to properties zoned for residential use or AG-1 districts used for single-family.
8. The hours of operation of the facility shall be limited to 8:00 a.m. to 11:00 p.m. when adjacent to properties zoned for residential use and/or AG-1 districts used for single-family.

19.4.7. *Wireless Telecommunications Facility—Antenna, Tower, and/or Antenna Support Structure.*

*Intent.* Pursuant to Section 704(a) of the Federal Telecommunications Act of 1996, it is not the intent of this Section to prohibit or have the effect of prohibiting the provision of personal wireless services in the City of Johns Creek. It is the intent of this Section to address the aesthetic effect of wireless telecommunications facilities on landscapes in the City, citizens' demands for these services, and the needs of service providers.

The following Use Permit Standards regulating the design, location, placement, and height limits of wireless telecommunications facilities (including antennas, towers and accessory equipment) in residential, AG-1, NUP, MIX, O-I, C-1, and C-2 zoned districts and implement the City of Johns Creek's governmental interest in land planning, aesthetics and public safety by requiring the following Use Permit Standards:

A. *Required Districts:*

1. Towers—Residential districts, AG-1, NUP, MIX, O-I, C-1, and C-2 (See, Administrative Permit, Section 19.3.1(2), for use of towers in M-1A and M-1 districts and for use of towers not exceeding the district height in all nonresidential districts, except AG-1).
2. Antenna Support Structures Not Meeting Administrative Permit Height Standards—See, Administrative Permit, Sections 19.3.1, 19.3.1(2) (for M-1 and M-1A only), and 19.3.1(3) for applicable districts.

B. *Standards for Towers in Residential, AG-1, NUP, MIX, O-I, C-2 and C-2 districts (See, Administrative Permit, Sections 19.3.1, 19.3.1(2), and 19.3.1(3), as applicable, for Standards applicable to alternative antenna support structures, towers in M-1 and M-1A districts, and attached wireless telecommunications facilities not meeting height standards):*

1. Towers and accessory equipment/equipment compounds must be set back from the property lines of any residential and/or AG-1 zoned property and any residential dwelling a minimum distance equal to one and one-half times the height of the tower. The height of a tower shall be measured vertically from the average natural ground elevation within the perimeter of the base of the tower to its highest point when positioned for operation, including any antenna positioned for operation.
2. The height of the tower (or antenna support structure) shall not exceed 200 feet, as measured above.
3. The tower and accessory equipment shall be enclosed by fencing not less than 6 feet in height and shall also be equipped with an appropriate anti-climbing device.

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4. Landscaping shall be designed in such a way as to preserve existing mature growth and to provide in the determination of the city arborist, a suitable buffer of plant materials that mitigates the view of the tower and accessory equipment from surrounding property. Except where access to the equipment compound is provided, a minimum 10-foot landscape strip planted to buffer standards, as set forth in the Tree Preservation Ordinance, shall be required on the exterior of all sides of the fence surrounding the equipment compound as a vegetative screen unless the City of Johns Creek Arborist determines that existing plant materials are adequate. Such landscape strip shall be maintained in accordance with the Tree Preservation Ordinance.
  5. The tower shall comply with applicable state and local statutes and ordinances, including, but not limited to, building and safety codes. Towers which have become unsafe or dilapidated shall be repaired or removed pursuant to applicable state and local statutes and ordinances.
  6. Wireless telecommunications facilities shall not be artificially lighted except to assure human safety or as required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA) or other federal or state law.
  7. Towers shall be designed and constructed to ensure that the structural failure or collapse of the tower will not create a safety hazard to adjoining properties, according to applicable Federal Standards which may be amended from time to time.
  8. Towers shall not be used for advertising purposes and shall not contain any signs for the purpose of commercial advertising.
  9. A wireless telecommunications facility that ceases operation for a period of 12 consecutive months shall be determined to have been abandoned and shall be removed within 90 days of such abandonment at the property owner's expense. It shall be the duty of both the property owner and the tower owner to notify the City in writing of any intent to abandon the use of the tower.
  10. Towers not requiring FAA painting/marketing and accessory equipment shall have either a galvanized finish or [be] painted a dull blue, gray, or black finish.
  11. An application for a wireless telecommunications facility shall be submitted in accordance with the Department's Plan Review submittal requirements and the requirements set forth in Subsection C. below.
  12. An application for a telecommunications facility shall include a certification from a professional engineer (licensed in the State of Georgia) that the proposed structure meets the applicable design standards for wind loads.
  13. Wireless telecommunications facilities shall not be located in 100-year flood plain or delineated wetlands.
  14. This Section shall not apply to a request to locate a wireless telecommunications facility, tower or antenna within or upon any public right-of-way in the City or upon any property or structure of the City.
- C. *The Applicant for a Use Permit under this section shall provide the following:*
1. A scaled site plan which shall clearly indicate: (a) location, type, dimensions and height of the proposed wireless telecommunications facility, including the tower or antenna support structure to be utilized and any accessory equipment not located on the tower or antenna support structure, (b) cable/electrical elements to be utilized, (c) parking, (d) current and proposed on-site land uses and zoning of the property, (e) adjoining land uses and zoning designations, (f) distance from the nearest edge of the tower and all related structures to historic properties, historic structures, historic districts, or scenic views within one mile of the proposed site, (g) adjacent roadways and proposed means of access to the site, (h) setbacks

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from adjacent property lines, (i) elevation drawings of the proposed tower or antenna support structure and any accessory equipment not located on the tower or antenna support structure, and (j) topography of the proposed site, including any existing streams, wetlands and floodplains or similar features.

2. Legal description of the lot and leased parcel (if applicable), for which the Use Permit is to apply.
3. An executed lease agreement or lease option agreement with the owner of the lot on which the proposed tower will be located or other document evidencing the property interest of the applicant in the proposed tower site.
4. An engineering study which includes a current and a future definition of the area of service coverage, capacity and radio frequency goals for voice and data (delineated individually and combined) to be served by the antenna or tower and the extent to which such antenna or tower is needed for service coverage and/or capacity. The study shall include the following information: (a) all other planned or proposed antenna and/or tower locations and sites of the applicant within a two-mile radius of the proposed site; (b) all in-service, co-located or existing antenna and/or tower locations and sites of the applicant and all existing tower locations and sites of other carriers located within the geographic search area (GSA), to include the address of and distance from each of the current locations and sites to the proposed site; (c) a description of each of the applicant's current antenna and tower locations and sites within a two-mile radius of the proposed site, to include the types and kinds of services, service coverage, capacity and radiofrequencies provided by each antenna and tower; (d) an analysis of the current and projected usage and service coverage in the service area, including detailed service coverage maps indicating lack of service coverage (coverage gaps) and detailed reports providing the service coverage currently existing for in-home and transitory use, dropped call data (if applicant cites or claims dropped calls as a justification for constructing additional wireless telecommunications facilities), and anticipated service coverage of the proposed wireless telecommunications facility; and (e) a color propagation study indicating the existing service coverage of all wireless telecommunications facilities owned and proposed by the applicant within the GSA. The study shall also provide justification that the proposed height of the tower is the minimum necessary to achieve the required service coverage delineated in the study. If a capacity issue is involved, include an analysis of the current and projected usage in the GSA. The study shall bear the signature and certification of a radiofrequency engineer that the information provided in the application is true and correct.
5. An engineer scaled drawing providing the distance between (a) the nearest edge of the proposed tower and the nearest residential structure and (b) the nearest point of any proposed accessory equipment of the wireless telecommunications facility and the nearest residential structure.
6. Photo simulation and balloon test of the tower, antenna support structure, and/or wireless telecommunications facility showing the proposed wireless telecommunication facility set against the skyline and viewed from at least 4 directions within the surrounding area.
7. Certification that the wireless telecommunications facility, the foundation and all attachments are designed and will be constructed to meet all applicable and permissible local codes, ordinances, and regulations, including any and all applicable County, State and Federal laws, rules, and regulations, including but not limited to the most recent editions of the National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. Structural integrity analysis shall be provided where antennas and equipment will be attached to an existing structure. Such certification and structural integrity analysis shall bear the signature and seal of a professional engineer (licensed in the State of Georgia) and shall include the design plans.

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8. Written documented, detailed analysis of the impact of the proposed telecommunications facility/use addressing the factors specified in Subsection D. below.
  9. Evidence of compliance with applicable FAA requirements under 14 C.F.R. Section 77, as amended, which may be a copy of the FAA determination of no hazard letter or a written statement prepared and signed by a professional airspace safety consultant.
  10. Copies of the National Environmental Policy Act (NEPA) and the State Historic Preservation Office (SHPO) reports for the proposed wireless telecommunications facility, if any have been issued.
  11. Copy of the Federal Communications Commission (FCC) license applicable for the intended use of the wireless telecommunication facility.
  12. Documentation establishing whether a stealth technology installation is to be proposed, and if not, an explanation as to why not.
  13. Analysis of possibilities of collocation or the inability to collocate, including any studies and detailed reasons as to why collocation is not possible and proof of the following: (a) all collocation sites and other alternative sites in the area that are/were being pursued and whether use of such sites has been denied, (b) there does not exist the ability to colcate using existing structures, and (c) all actions taken by the applicant to achieve collocation.
  14. An inventory and map of the applicant's existing towers within the geographic boundaries of the City, including the service areas of each, as well as any tower outside of the City whose service area includes any part of the City.
  15. In addition to the nonrefundable petition fees (as established by Mayor and Council) required pursuant to Article 28, the applicant shall be responsible for an additional fee equal to the City's actual, direct costs for the review of the engineering study (provided pursuant to Paragraph 4 above) by a third-party consultant (radiofrequency engineer), which shall not exceed \$3,500.00. The applicant shall submit a deposit of \$2,000.00 toward the fee to be paid pursuant to this section with its application.
- D. Regarding a decision pursuant this section, in lieu of the Use Permit considerations set forth in Section 19.2.4., (i) the Planning Commission, after public hearing, may adopt a recommendation of approval or denial of the Use Permit, and (ii) the City Council shall, after public hearing, approve or deny the Use Permit, giving consideration to the following factors:
1. Demonstrated need for the wireless telecommunications facility at the specified site, including need for service coverage;
  2. Proximity and impact, if any, on residential districts, residential uses and historic structures/properties;
  3. Demonstrated need for the proposed height of the tower;
  4. Impact on the use of adjacent properties and surrounding areas;
  5. Topography and tree coverage of the area where the wireless telecommunications facility is to be located, and foliage that buffer the potential visual impact of the tower and wireless transmission equipment;
  6. Design of the wireless telecommunications facility, with particular reference to design characteristics which have the effect of reducing or eliminating visual obtrusiveness, to include consideration of stealth technology installations;
  7. Proposed ingress and egress; and
  8. Availability of suitable existing towers or other structures for collocation or alternative/emerging technologies (small cells) not requiring the construction of additional towers or structures.

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- E. *Exemptions.* The following uses shall not require the grant of a use permit if the applicable requirements for each use set forth below are met; provided, however, nothing set forth herein shall exempt the subject property or structure from applicable development regulations or building regulations, including development/building permit requirements:
1. Colocations—Wireless transmission equipment may be colocated on an existing tower provided the following requirements are met, as applied to the structure as it was originally approved and constructed:
    - a. The proposed colocation shall not increase the existing height or width of the tower to which the wireless transmission equipment is to be attached;
    - b. The proposed colocation shall not increase the dimensions (area/perimeter) of the equipment compound; however, the dimensions of the equipment compound may be modified to allow an increase in the area of such equipment compound of up to 20 percent, as long as the other standards and requirements applicable to the wireless telecommunications facility are met (e.g., setback, landscaping, etc.) as determined by the Director;
    - c. The proposed colocation shall comply with the conditions of zoning approval or the conditions of the use permit applicable to the subject property or use;
    - d. Certification from a structural engineer (licensed to practice in the State of Georgia) that the proposed colocation shall not exceed the load limits of the tower;
    - e. Certification from a radiofrequency engineer that the proposed wireless telecommunications facility will not interfere with emergency or public safety communications.
  2. Towers used solely for public safety purposes, installed and operated as a governmental function by federal or state government or authorized City or County public safety agencies (e.g., City or County 911 emergency communications and public safety communications for sheriff's office, police department, fire department or first responder medical services) may be installed without the requirement of a use permit. Unless otherwise prohibited by law, public safety agencies shall be required to provide a map of the tower or wireless telecommunications facility location. Notwithstanding the foregoing requirement regarding the use of the tower for public safety purposes, colocations of wireless telecommunications facility for commercial purposes may be allowed (pursuant to the requirements set forth in the preceding paragraph). When a tower approved for an authorized public safety agency ceases to be operated or used by an authorized public safety agency for a public safety purpose, any current use of such tower by a nonpublic safety entity (due to prior colocation) shall be deemed nonconforming and the structure shall be deemed a nonconforming structure, unless such nonpublic safety entity submits an application for use of the tower pursuant to the administrative or use permit requirements set forth in this Article, as applicable, as if it were a new tower.
  3. COW's—Upon a declaration of a state of emergency or disaster by Federal, State or local government or a determination of public necessity by the City, the City Manager or his/her designee may approve the placement of a COW at any location within the City, subject to the COW's compliance with Federal and/or State requirements, for a period of not more than 120 days following the duration of the state of emergency or occurrence of the disaster or other event providing for public necessity. Further, the City Manager or his/her designee may approve the placement of a COW for the purpose of providing service for a special event, subject to the COW's compliance with Federal and/or State requirements, for up to 45 days prior to such special event, for the duration of the special event, and for up to 14 days thereafter.
- F. *Variances.* No relief from or a variance to the standards set forth in Subsection B.2. hereof shall be allowed by petition to the Board of Zoning Appeals pursuant to the variance procedures set

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forth in Article 22 (See, Sections 22.2.2 and 22.7). To request relief from the requirement set forth in Subsection B.2. regarding height limitations, an applicant shall be required to submit an application for a use permit together with a request for a concurrent variance, which shall be heard and decided by the Mayor and City Council. In regard to a decision on a concurrent variance, including any decision to grant or deny relief to the height limitations set forth in Subsections B.2. of this Section, Sections 19.3.1, and 19.3.1(2), and Subsection B.3. or C.1. of Section 19.3.1(3), consideration shall be given pursuant to the factors set forth in Paragraph D. hereof in addition to the variance considerations set forth in Section 22.3.1. A variance to height shall not exceed 10 percent of the maximum height allowed pursuant to the applicable Section of Article 19. Further, a variance (whether primary or concurrent) to minimum setback requirements, shall not exceed 25 percent of the minimum setback allowed pursuant to the applicable Section of Article 19.

(Ord. No. 2013-04-10, § 6, 7-22-2013)

19.4.8. *Bed and Breakfast.*

- A. *Required Districts:* AG-1 (Agricultural), R-6, and TR (Townhouse Residential)
- B. *Standards:*
  - 1. A minimum of 2 guest rooms and a maximum of 5 guest rooms are permitted.
  - 2. No parking in the minimum front yard.
  - 3. The bed and breakfast shall be owner occupied.
  - 4. Permitted curb cut access shall not be from a local street.
  - 5. The minimum landscape and buffer areas shall be required as specified in Section 4.23 for AG-1 Agricultural District.
  - 6. Parking requirements shall be the same as hotel/motel as specified in Article 18.
  - 7. Identification or advertising signs shall be limited to 4 square feet in surface area and 4 feet in height.

19.4.9. *Cemetery and/or Mausoleum (Human or Pet).*

- A. *Required Districts:* All
- B. *Standards:*
  - 1. Permitted curb cut access shall be only from a major thoroughfare, unless in conjunction with a place of worship.
  - 2. No building shall be located within 50 feet of a residential district and/or AG-1 district used for single-family.
  - 3. All structures, including graves, shall be inside meet the minimum yard setbacks or 10 feet, whichever is greater.  
  
If located adjacent to a single-family dwelling district and/or AG-1 district used for single-family, the minimum buffers and landscape strips required for the O-I District as specified in Section 4.23 shall be required.

19.4.10. *Church, Temple or Place of Worship.*

- A. *Required Districts:* R-1, R-2, R-2A, R-3, R-3A, R-4A, R-4, R-5, R-5A, R-6, TR, NUP, A, A-L, and AG-1.
- B. *Standards:*

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1. All buildings and use areas/structures other than parking and pedestrian walkways shall be located at least 100 feet from any adjoining residential district and/or AG-1 district used for single-family.
2. No parking shall be located within the minimum front yard setback.
3. Any associated day care centers, private schools, recreational fields or other uses requiring a Use Permit or Administrative Permit shall be allowed only under a separate approved Use Permit or Administrative Permit for each use.
4. The minimum buffers and landscape strips required for the O-I zoning district as specified in Section 4.23 shall be required.

19.4.11. *Commercial Amusement, Outdoor.* Including, but not limited to, amusement parks, bungee jumping parks, skateboard parks, ski slopes, batting cages, miniature golf, drive-in theaters, etc. (See also 19.4.17 Driving Ranges.)

A. *Required Districts:* C-2, M1-A and M-1.

B. *Standards:*

1. Permitted curb cut access shall be derived only from arterial streets.
2. A minimum 100-foot buffer and 10-foot improvement setback shall be provided adjacent to residential districts and/or AG-1 districts used for single-family.
3. A minimum 50-foot buffer and 10-foot improvement setback shall be provided adjacent to non-residential zoning or development districts.
4. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single-family.
5. Eight-foot high fencing shall be provided adjacent to any residential district and/or AG-1 district when used for single-family and interior to any required landscape strips or buffers.
6. The hours of operation of the facility shall be limited to 8:00 a.m. to 11:00 p.m. adjacent to residential districts and/or AG-1 when used for single-family.
7. All recreational structures and activities shall maintain a minimum setback of 100 feet from any public right-of-way.
8. The height limits of the zoning district shall apply to all recreational structures unless a Use Permit to Exceed the Height is granted (See 19.4.21).

19.4.12. *Composting.*

A. *Required Districts:* AG-1

B. *Standards:*

1. Lot area shall be a minimum of five acres.
2. Permitted curb cut access shall be derived from an arterial or major collector.
3. The hours of operation shall be between the hours of 7:00 a.m. to 6:00 p.m.
4. All operations shall maintain a minimum setback of 100 feet from all property lines.
5. The minimum buffers required are as specified for the M-1 District. (See Section 4.23)
6. On-site traffic shall be limited to an all-weather surfaced area.
7. Stored materials shall be contained in such a manner as to prevent the blowing of any materials onto any surrounding property or roadway.

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8. The composting facility shall obtain all necessary permits from the Department of Natural Resources, Environmental Protection Division.
9. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single-family.
10. In accordance with Section 28.4.3.2., submit an Environmental Impact Report as required.

~~19.4.13. Convalescent Center/Nursing Home/Hospice. (Added as a permitted use in O-I, MIX, A, A-L, C-1 and C-2)~~

~~A. Required Districts: R-6 and TR~~

~~B. Standards:~~

- ~~1. Facilities shall be for 5 persons or more.~~
- ~~2. Permitted curb cut access shall be from an arterial or a major collector.~~
- ~~3. Provide the minimum landscape strips and buffers as required for the O-I zoning district as specified in Section 4.23~~
- ~~4. Provide a 50-foot building setback from all single-family districts or AG-1 districts used for single-family.~~
- ~~5. No parking allowed within the minimum front yard setback.~~
- ~~6. Rooms or suites of rooms may be designed with separate kitchen facilities.~~
- ~~7. Facility shall comply with applicable local, state, and federal regulations.~~
- ~~8. In accordance with Article 28.4.6., submit a Noise Study Report as required.~~

19.4.13. *Country Inn.*

A. *Required Districts:* AG-1

B. *Standards:*

1. Lot area shall be a minimum of 5 acres.
2. A minimum of 6 guest rooms and a maximum of 30 rooms are permitted. (See Article 19.4.8, Bed and Breakfast, for less than 6 guest rooms).
3. The Country Inn shall be owner occupied.
4. Permitted curb cut access shall be from a minor collector or higher road classification.
5. The establishment may provide meal services to guests.
6. Parking shall not be permitted within the minimum front yard setback.
7. The minimum landscape strip and buffer requirements for the O-I District as specified in Section 4.23 shall be required.
8. Identification or advertising signs shall be limited to one (1) sign of not more than 9 square feet and no more than 4 feet in height.
9. Parking requirements shall be the same as hotel/motel as specified in Article 18.

19.4.14. *Day Care Facility.* (Allowed as a permitted use in CUP, O-I, MIX, C-1 & C-2 Districts)

A. *Required Districts:* R-6, TR, A, and A-L. May be allowed in single-family districts and AG-1 in conjunction with an institutional use such as a church, temple, place of worship, school or a hospital.

B. *Standards:*

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1. Facility shall be for 7 or more persons, excluding staff.
  2. Provide minimum landscape strips, buffers and improvement setbacks as specified for the O-I district in Section 4.23.1.
  3. Provide a minimum 6 foot high opaque fence interior to any required landscape strips and/or buffers around the periphery of the yard used for the play area.
  4. Play areas shall be located within the rear or side yards.
  5. The hours of operation shall be limited to Monday through Friday from 6:00 a.m. to 7:00 p.m.
  6. No parking allowed in the minimum front yard setback.
  7. Driveway design shall permit vehicles to exit the property in a forward direction.
  8. In accordance with Article 28.4.6., submit a Noise Study Report as required.
- 19.4.15. *Open.*
- 19.4.16. *Driving Range.* (not associated with a golf course)
- A. *Required Districts:* AG-1, O-I, MIX, C-1, C-2, and M-1A
  - B. *Standards:*
    1. Lot area shall be a minimum of 10 acres.
    2. Permitted curb cut access shall be from a major collector or arterial.
    3. Loudspeakers/paging systems are prohibited adjacent to residential districts and/or AG-1 districts used for single-family.
    4. The hours of operation shall be limited to 8:00 a.m. to 11:00 p.m. adjacent to residential districts and/or AG-1 districts used for single-family.
- 19.4.17(1). *Open.*
- 19.4.18. *Equine Garment Fabrication.*
- A. *Required Districts:* AG-1
  - B. *Standards:*
    1. Limited to the fabrication and wholesale distribution of blankets, saddles, halters, and other similar garments.
    2. All fabrication and storage associated with the permitted use shall occur entirely within a completely enclosed building.
- 19.4.19. *Festivals or Events, Outdoor/Indoor.* Including but not limited to horse shows, carnivals, dog shows, arts and crafts shows, music festivals, etc. See Festivals or Events, Occasional if not covered herein.
- A. *Required Districts:* AG-1, O-I, MIX, C-1, C-2, M-1A, M-1
  - B. *Standards:*
    1. Permitted curb cut access shall be from local streets.
    2. Eight-foot high 100% opaque fencing shall be provided adjacent to residential districts and/or AG-1 districts used for single-family.
    3. Hours of operation shall be between 8:00 a.m. and 11:00 p.m. when adjacent to residential districts and/or AG-1 districts used for single-family.
    4. Activity areas, including parking, shall be at least 100 feet from a residential district and/or AG-1 districts used for single-family.

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5. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent to land which is used for residential districts and/or AG-1 districts used for single-family purposes.
6. The festival or event shall be limited to a three-year period from the date of the Mayor and City Councils approval not to exceed a total of 180 consecutive days in a calendar year.

~~19.4.20. *Group Residence. (Allowed as a permitted use in A, A-L, O-I, MIX, C-1 & C-2 Districts)*~~

~~A. *Required Districts: R-6 and TR*~~

~~B. *Standards:*~~

- ~~1. *Facilities shall be for 5 persons or more.*~~
- ~~2. *Permitted curb cut access shall not be allowed from a local street.*~~
- ~~3. *The minimum landscape strips and buffers required for the O-I district as specified in Section 4.23 shall be provided.*~~
- ~~4. *Parking shall not be permitted within the minimum front yard.*~~
- ~~5. *Facility shall comply with applicable local, state, and federal regulations and provide Department of Community Development with the applicable permit prior to the issuance of a certificate of occupancy.*~~
- ~~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).*

A. *Required Districts: AG-1, R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R5A, NUP, CUP*

B. *Standards:*

1. Facility shall be for no more than 8 children.
2. Parking shall comply with the requirements of Article 18 for dwellings.
3. Copies of applicable local, state, and federal permits shall be provided to the Department of Community Development prior to the issuance of a certificate of occupancy.
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).*

A. *Required Districts: R-6 and TR*

B. *Standards:*

1. Facility shall be for no more than 15 children.
2. Parking shall comply with the requirements of Article 18 for dwellings.
3. Copies of applicable local, state, and federal permits shall be provided to the Department of Community Development prior to the issuance of a certificate of occupancy.
4. Facility shall not be located closer than a quarter mile to the nearest property line of another group residence.

19.4.21. *Height—To Exceed District Maximum.*

A. *Required Districts: O-I, A, A-L, MIX, C-1, C-2, M-1 and M-1A*

B. *Standards:*

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1. Submit a site plan along with the application which shall depict the open space and spatial arrangement of buildings and facilities.
  2. Sources of exterior illumination shall not be visible from adjoining residences.
- 19.4.22. *Open.*
- 19.4.23. *Open.*
- 19.4.24. *Kennel or Outside Animal Facilities.*
- A. *Required Districts: C-2 and M-1, (See Article 19.3.19 for enclosed kennels)*
  - B. *Standards:*
    1. Minimum one-acre lot size is required.
    2. Buildings and runs, sun areas, exercise yards, patios or facilities other than parking shall be located at least 100 feet from all property lines and 200 feet from any single-family district and/or AG-1 district used for single-family.
- 19.4.25. *Landfill, Inert Waste Disposal.*
- A. *Required Districts: AG-1 and M-1*
  - B. *Standards:*
    1. No access shall be allowed from local streets.
    2. Access streets shall be paved and shall be able to withstand maximum load limits established by the State of Georgia as approved by the Director of Public Works.
    3. No portion of a new landfill shall be located within a three mile radius of the property lines of an existing landfill.
    4. The waste disposal boundary of a landfill shall be located at least 500 feet from all property lines except adjacent to M-1 (Light Industrial) and zoned districts.
    5. A minimum 200-foot buffer and 10-foot improvement setback shall be required along all property lines except public rights-of-way.
    6. A minimum 50-foot buffer and 10-foot improvement setback shall be required along all public rights-of-way.
    7. A minimum 6-foot high solid fence or wall shall be located on property lines or interior to the required buffers and improvement setbacks.
    8. Limit hours of operation from 6:00 a.m. to 6 p.m., Monday through Saturday.
    9. The owner shall provide the Director of the Community Development Department a current copy of all applicable permits from the Georgia Department of Natural Resources upon application for a Land Disturbance Permit.
    10. Vehicles shall be allowed into a landfill site only if waste is covered to prevent blowing of material from the vehicle.
    11. In accordance with Article 28.4.3.2., submit an Environmental Impact Report as required.
    12. No portion of a new or expanded landfill shall be located within a one (1) mile radius of the property lines of residentially zoned or used property. An expanded landfill shall not include any expanded use within the parcel boundaries of an existing site or location.
    13. The landfill shall be operated in accordance with the Rules of Georgia, Department of Natural Resources, Environmental Protection Division, Chapter 391-3-4 Solid Waste Management, Official Code of Georgia Annotated 12-8-20 Georgia Comprehensive Solid Waste Management Plan, and 40 CFR Part 258 (Subtitle D of RCRA).

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19.4.26. *Landfill, Solid Waste Disposal.*

A. *Required Districts:* M-1

B. *Standards:*

1. No access shall be allowed from local streets.
2. Access streets shall be paved and shall be able to withstand maximum load limits established by the State of Georgia as approved by the Director of Public Works.
3. No portion of a new landfill shall be located within a three mile radius of the property lines of an existing landfill.
4. The waste disposal boundary of a landfill shall be located at least 500 feet from all property lines except adjacent to M-1 (Light Industrial) zoned districts.
5. A minimum 200-foot buffer and 10-foot improvement setback shall be required along all property lines except public rights-of-way.
6. A minimum 50-foot buffer and 10-foot improvement setback shall be required along all public rights-of-way.
7. A minimum 6-foot high solid fence or wall shall be located on property lines or interior to the required buffers and improvement setbacks.
8. Limit hours of operation from 6:00 a.m. to 6 p.m., Monday through Saturday.
9. The owner shall provide the Director of the Community Development Department a current copy of all applicable permits from the Georgia Department of Natural Resource upon application for a Land Disturbance Permit.
10. Vehicles shall be allowed into a landfill site only if waste is covered to prevent blowing of material from the vehicle.
11. In accordance with Article 28.4.3.2., submit an Environmental Impact Report as required.
12. No portion of a new or expanded landfill shall be located within a one (1) mile radius of the property lines of a residentially zoned or used property. An expanded landfill shall not include any expanded use within the parcel boundaries of an existing site or location.
13. The landfill shall be sited and operated in accordance with the Rules of Georgia, Department of Natural Resources, Environmental Protection Division, Chapter 391-3-4 Solid Waste Management, Official Code of Georgia Annotated 12-8-20 Georgia Comprehensive Solid Waste Management Plan, and 40 CFR Part 258 (Subtitle D of RCRA).

19.4.27. *Landscaping Business, Plant Nursery, or Garden Center with Indoor Retail Component.*

A. *Required Districts:* AG-1 (Agricultural)

B. *Standards:*

1. No access shall be allowed from local streets.
2. No parking is permitted in the minimum front yard.
3. All use areas/structures other than parking and pedestrian walkways shall be located at least 50 feet from any adjoining residential district or AG-1 (Agricultural) district.
4. Limit hours of operation from 6:00 a.m. to 8 p.m.
5. The minimum buffers and landscape strips required for the O-I (Office-Institutional) zoning district as specified in Section 4.23. shall be required.
6. Structure(s) for retail sales shall be limited to 1,000 total gross square feet.

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19.4.28. *Lodge, Retreat and/or Campground. Facilities to include lodging and food service for social, educational and/or recreational purposes.*

A. *Required Districts:* AG-1, M-1A, M-1

B. *Standards:*

1. Minimum lot size shall be 10 acres.
2. Permitted curb cut access shall not be derived from a local street.
3. A minimum 100-foot wide buffer and 10-foot improvement setback are required adjacent to residential districts, AG-1 districts used for single-family and adjoining a public street.
4. A minimum 50-foot wide buffer and 10-foot improvement district are required adjacent to all other non-residential districts.
5. Length of the stay for all but permanent staff shall not exceed 30 consecutive days.
6. Sanitary facilities or trash receptacles shall be located a minimum of 200 feet from any residential district and/or AG-1 district when used for single-family.
7. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single-family.
8. Recreational facilities associated with the use shall be for staff and guests only.
9. One parking space per lodging unit or five (5) per 1000 square feet of floor area, whichever is greater.

19.4.28(1). *Medical Related Lodging. (Allowed as a permitted use in A and A-L)*

A. *Required Districts:* R-6 and TR

B. *Standards:*

1. Total number of bedrooms or units shall not exceed 20, including staff facilities.
2. Rooms or suites of rooms may be designed with separate kitchen facilities.
3. Lodging Facility shall be located within one mile of a hospital or inpatient clinic.
4. Facilities locating in a TR District must have frontage on streets with classifications higher than local streets.
5. If located adjacent to a single-family district and/or an AG-1 district used for single-family, the minimum buffers and landscape strips required for the O-I District as specified in Section 4.23 shall be required.
6. Off-street parking requirements shall be one per living unit plus one per nonresident employee. Parking is not allowed in the front yard setback.
7. Signs shall not exceed 4 square feet in area and 4 feet in height.

19.4.29. *Open.*

19.4.30. *Open.*

19.4.31. *Mobile Home - Accessory Dwelling.*

A. *Required Districts:* AG-1

B. *Standards:*

1. The mobile home shall be limited to a three-year period from the date of the Mayor and City Council's' approval, after which the mobile home shall be removed unless an additional Use Permit has been granted.

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2. The mobile home shall be located in the rear yard of an existing residential structure in conformance with the yard standards for the location of accessory buildings.
3. The mobile home shall be for the exclusive use of and occupancy by a member of the family or a near relative of the occupant of the existing structure, including father, mother, sister, brother, daughter-in-law, son-in-law, child, ward or guardian.

19.4.32. *Quarries and/or surface Mining Sites.*

A. *Required Districts:* AG-1

B. *Standards:*

1. No portion of a new or expanded quarry shall be located within a 1.5 mile radius of the property lines of a residentially zoned or used property. An expanded quarry shall not include any expanded use within the parcel boundaries of an existing site or location.
2. No portion of a new or expanded surface mining site shall be located within a 500-foot radius of the property lines of a residentially zoned or used property. An expanded surface mining site shall not include any expanded use within the parcel boundaries of an existing site or location.
3. All activities of a quarry and/or surface mining shall be in compliance with the Georgia Blasting Standards Act of 1978, the 1968 Georgia Surface Mining Act and the U.S. Bureau of Mines RI 8507.

~~19.4.33. *Personal Care Home/Assisted Living.* (Allowed as a permitted use in O-I, A, A-L, MIX, C-1 and C-2)~~

~~A. *Required Districts:* R-6 and TR~~

~~B. *Standards:*~~

- ~~1. Facilities shall be for 5 persons or more.~~
- ~~2. Permitted curb cut access shall be from an arterial or a major collector. Permitted curb cut access may be allowed from a minor collector if within 1,000 feet of the property line of an institutional use.~~
- ~~3. Provide a 50-foot building setback from single-family districts and/or AG-1 districts when used for single-family.~~
- ~~4. No parking allowed in the minimum front yard setback.~~
- ~~5. The minimum parking spaces provided shall be in conformance with health care facilities per Article 18.2.1.~~
- ~~6. Provide landscape strips and buffers as required in the O-I district as specified in Article 4.23~~
- ~~7. Rooms or suites of rooms may be designed with separate kitchen facilities.~~
- ~~8. Facility shall comply with all applicable local, state, and federal regulations, and provide applicable permits to the Department of Community Development prior to the issuance of a certificate of occupancy.~~
- ~~9. In accordance with Article 28.4.6., submit a Noise Study Report as required.~~

19.4.33. *Private Correctional Facility/Prison.*

A. *Required Districts:* M-1

B. *Standards:*

1. Minimum lot size: 100 acres

ADDITIONS IN **BOLD UNDERLINE**  
 DELETIONS IN ~~STRIKETHROUGH~~

2. All boundary lines of the property included within the Use Permit must be located at least 500 feet from the properties listed below:
  - a. The property line of R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, R-6, NUP, CUP, TR, A, A-L, AG-1 zoned property or property conditioned or used for residential purposes.
  - b. The property line of any public recreational facilities, public or private institutional uses, including but not limited to churches, schools, universities, colleges, trade-schools, libraries, day care centers and other training facilities when minors are the primary patrons.
3. All boundary lines of the property included within the Use Permit must be located at least 10 miles from all property lines of any other correctional facility.
4. Submit, with the application for a Use Permit, a certified boundary survey of the site and the use of adjoining properties. If any of the uses or zoning districts referenced in B.2.a. and b. are located within 500 feet of the boundary lines of the subject property, and/or a correctional facility is located within 10 miles of the boundary line of the subject property, they must be identified by map as part of the Use Permit application.
5. A minimum 200-foot wide buffer and 10-foot improvement setback shall be provided adjacent to any property zoned other than M-1 from any property used for residential purposes.
6. A minimum 100-foot wide buffer and 10-foot improvement setback shall be provided adjacent to property zoned M-1
7. Permitted curb cut access shall be from a major thoroughfare.
8. Parking spaces shall be in accordance with Article 18, Hospitals.
9. Fencing shall be in accordance with American Correction Institute standards and located interior to required buffers and improvement setbacks.
10. Lighting shall be in accordance with American Correction Institute standards and the lighting standards set forth in this Zoning Ordinance. The more restrictive standards shall apply.
11. Facility shall comply with all applicable local, state, and federal regulations, and applicable permits shall be provided to the Community Development Department prior to the issuance of a certificate of occupancy.

19.4.34. *Race Track.*

A. *Required Districts:* AG-1 and M-1

B. *Standards:*

1. A minimum of 10 acres is required.
2. The race track and spectator stands for animal tracks shall be located a minimum of 500 feet from residential districts and/or AG-1 districts used for single-family, and 2,000 feet from such districts for vehicular tracks.
3. Permitted curb cut access shall not be from a local street.
4. A minimum 75-foot buffer and 10-foot improvement setback shall be provided adjacent to residential districts and/or AG-1 districts used for single-family.
5. A minimum 50-foot buffer and 10-foot improvement setback shall be provided adjacent to all other property lines.
6. Provide an eight-foot high fence interior to the required buffer/improvement setback and landscape strips.

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7. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single-family.
  8. Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m. when adjacent to residential districts and/or AG-1 districts used for single-family.
  9. In accordance with Section 28.4.3.2., submit an Environmental Impact Report as required.
- 19.4.35. *Recreational Fields.* Including but not limited to soccer, softball, baseball, polo, football, cricket, etc.
- A. *Required Districts:* All
  - B. *Standards:*
    1. Permitted curb cut access shall not be from a local street.
    2. A minimum 50-foot buffer and 10-foot improvement setback shall be provided adjacent to residential districts and/or AG-1 districts used for single-family.
    3. Loudspeakers/paging systems are prohibited adjacent to residentially used property.
    4. The hours of operation shall be limited to daylight hours when said facility is located adjacent to residential districts and/or AG-1 districts used for single-family.
- 19.4.36. *Recycling Center, Processing.*
- A. *Required Districts:* C-2 and M-1A
  - B. *Standards:*
    1. Limit hours of operation from 7:00 a.m. to 8 p.m., Monday through Saturday.
    2. No portion of a new recycling facility shall be located within a three mile radius of the property lines of an existing recycling facility.
    3. A minimum 200 foot buffer and 10-foot improvement setback shall be required along all property lines except public rights-of-way.
    4. A minimum 50-foot buffer and 10-foot improvement setback shall be required along all public rights-of-way.
    5. All recyclable materials shall be stored in containers with no stockpiling outside the containers.
    6. Collection, storage containers, or receptacles shall not be allowed in minimum yards. Storage shall be screened with a six-foot high, solid wall or fence, including access gates.
    7. The processing of recyclable materials must be done within an enclosed building.
    8. Driveways shall be designed so vehicles will exit the facility in a forward direction.
    9. A maximum continuous sound level of 65 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines of adjacent residential districts and/or AG-1 districts used for single-family.
    10. The recycling center shall comply with regulations administered by the Fulton County Department of Health.
    11. In accordance with Article 28.4.3.2., submit an Environmental Impact Report as required.
- 19.4.37. *Open.*
- 19.4.38. *Salvage, Storage, and/or Junk Facility.*
- A. *Required Districts:* M-1

ADDITIONS IN **ADD**  
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B. *Standards:*

1. No portion of a new salvage, storage, and/or junk facility shall be located within a three mile radius of the property lines of an existing salvage, storage, and/or junk facility.
2. A minimum 200-foot buffer and 10-foot improvement setback shall be required along all property lines except public rights-of-way.
3. A minimum 50-foot buffer and 10-foot improvement setback shall be required along all public rights-of-way.
4. All facilities shall be screened from view from adjacent properties and roadways with a minimum 6-foot high, solid fence or wall, as approved by the Community Development Department, except for approved access crossings and utility easements. Said fence or wall shall be located interior to any required buffer or landscape strip.
5. Vehicles and other materials shall not be stacked so that they are visible from any adjacent properties.
6. In accordance with Article 28.4.3.2., submit an Environmental Impact Report as required.

19.4.39. *School, Private or Special.*

A. *Required Districts: All*

B. *Standards:*

1. Minimum lot area shall be 1 acre.
2. If located adjacent to a single-family dwelling district and/or AG-1 district used for single-family, the minimum landscape strips, buffers, and improvement setbacks required for the O-I district as specified in Section 4.23 shall be required.
3. Buildings, and refuse areas shall not be located within 100 feet of a residential district and/or AG-1 district used for single-family.
4. Active outdoor recreation areas shall not be located within 100 feet of an adjoining residential district or use. Recreational fields, such as playing fields, that are accessory to the school do not require a separate Use Permit.
5. Day care facilities in association with the school do not require a separate Use Permit.
6. Parking areas shall not be located within 50 feet of any residential district and/or AG-1 district used for single-family.
7. Student drop-off and vehicular turn-around facilities shall be provided on the site so that vehicles may re-enter the public street in a forward manner.
8. Permitted curb cut access shall not be from a local street.
9. In accordance with Article 28.4.6., submit a Noise Study Report as required.

19.4.40. *Self Storage/Mini.*

A. *Required Districts: C-1 and C-2*

B. *Standards:*

1. At least 75% of the total on-site storage space shall be contained in individual enclosed stalls containing no more than 500 square feet each and being no more than 10 feet high.
2. No activities other than the dead storage or transfer of nonvolatile goods, or leasing of storage space are permitted. Prohibited uses include but are not limited to miscellaneous sales; fabrication or repair of vehicles, equipment or other goods; transfer-storage business based on site; residential uses (other than the resident manager's apartment), or any use which creates a nuisance due to noise, odor, dust, light or electrical interference.

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3. An on-site manager or resident manager shall be required and shall be responsible for the operation of the facility in conformance with conditions of approval. A resident manager's apartment is included in the Use Permit.
4. Provide a minimum six-foot high, 100% opaque solid wooden fence or masonry wall along the entire length (except for approved access crossings) of all property lines. Said fence/wall shall to be located outside of any public right-of-way and interior to any required landscape strips or buffers.
5. A new or expanded self storage facility shall be located a minimum of 1,500 feet from the boundary of any other self storage facility (mini or multi).

19.4.41(1). *Self Storage/Multi.*

A. *Required Districts:* MIX, C-1, and C-2

B. *Standards:*

1. No outside storage shall be allowed, including vehicle leasing.
2. All buildings shall have windows or architectural treatments that appear as windows.
3. No activities other than the dead storage or transfer of nonvolatile goods, or leasing of storage space are permitted. Prohibited uses include but are not limited to miscellaneous sales; fabrication or repair of vehicles, equipment or other goods; transfer-storage business based on site; residential uses (other than the resident manager's apartment), or any use which creates a nuisance due to noise, odor, dust, light or electrical interference.
4. Permitted curb cut access shall not be from a local street.
5. A new or expanded self storage facility shall be located a minimum of 1,500 feet from the boundary of any other self storage facility (mini or multi).

~~19.4.41(2). *Senior Housing.*~~

~~A. *Required Districts:* A Use Permit shall be required in any district in which the use is allowed. The use is allowed in all districts except M-1A, M-1 and unsewered AG-1.~~

~~B. *Standards:* In circumstances where conflict exists between overlay guidelines and this ordinance or resolution: (1) Overlay guidelines will generally supersede general ordinance and/or resolutions; (2) If the issue is specifically excluded in the Overlay, the ordinance and/or resolution will apply; (3) If the issue is addressed in both documents, the more restrictive will apply.~~

- ~~1. Building height shall be in accordance with the underlying zoning.~~
- ~~2. Dwelling units for seniors shall be exempted from any part of this ordinance which restricts density.~~
- ~~3. No more than 15 dwelling units per acre shall be allowed in a single-family development. No more than 20 dwelling units per acre shall be allowed in a multi-family development.~~
- ~~4. No dwelling unit shall contain more than two (2) bedrooms.~~
- ~~5. Multi-family dwelling units shall have a minimum of six hundred (600) square feet of gross floor area. Single-family dwelling units shall have a minimum of eight hundred (800) square feet of gross floor area.~~
- ~~6. A 50-foot principal building setback shall be provided for attached dwelling units adjacent to single-family residential districts and/or AG-1 districts. Accessory structures may be located in the rear and side yards only but shall not be located in a minimum yard.~~
- ~~7. Parking spaces shall be calculated as one and four tenths (1.4) spaces per dwelling unit.~~
- ~~8. No parking shall be allowed in the minimum front yard setback.~~

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- ~~9. Senior facilities must be served by public water and sewer.~~
- ~~10. Landscape strips and buffers shall be provided as specified in the O-I district in Article 4.23~~
- ~~11. The property shall be deed restricted to senior housing except as provided for by Fair Housing laws.~~
- ~~12. Facility shall comply with all applicable local, state, and federal regulations and copies of any applicable permits shall be provided to the Department of Community Development prior to the issuance of a certificate of occupancy.~~
- ~~13. Projects are encouraged to incorporate Easy Living and applicable accessibility standards (as administered and copyrighted by a coalition of Georgia citizens including AARP of Georgia, Atlanta Regional Commission, Concrete Change, Georgia Department of Community Affairs, Governor's Council on Developmental Disabilities, Home Builders Association of Georgia, Shepherd Center and the Statewide Independent Living Council of Georgia).~~
- ~~14. Housing shall have at least 80% of the occupied dwelling units occupied by at least one person who is 55 years of age or older which shall be verified by the property owner in a manner deemed acceptable pursuant to policies and procedures adopted by the Director of Community Development.~~
- ~~15. All units shall be owner-occupied.~~

19.4.42. *Skywalks.*

A. *Required Districts:* AG-1, O-I, MIX, C-1, C-2, M-1A, M-1,

B. *Standards:*

- 1. A minimum vertical clearance of 16 feet above all streets, and a minimum vertical clearance of 16 feet above the walkway shall be provided.
- 2. Ample space for the free flow of pedestrians with a 12-foot minimum walkway width shall be provided.
- 3. Prior to issuance of a building permit, a Bridge Agreement shall be filed with the Community Development Department as a condition of approval. The Community Development Department shall be responsible for the interpretation and application of the conditions set forth above and no building permit shall be issued by the Community Development Department except upon written approval of the Department of Public Works.

**19.4.42 (1). Special Needs Housing.**

**A. Required Districts:** R-6, TR, A, A-L, O-I, MIX, C-1 and C-2

**B. Standards:**

- 1. Facilities shall be for 5 persons or more.**
- 2. Permitted curb cut access shall be from an arterial or a major collector. Permitted curb cut access may be allowed from a minor collector if within 1,000 feet of the property line of an institutional use.**
- 3. Provide a 50-foot building setback from single-family districts and/or AG-1 districts when used for single-family.**
- 4. No parking allowed in the minimum front yard setback.**
- 5. The minimum parking spaces provided shall be in conformance with health care facilities per Article 18.2.1.**
- 6. Provide landscape strips and buffers as required in the O-I district as specified in Article 4.23**

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- 7. Rooms or suites of rooms may be designed with separate kitchen facilities.**
- 8. Facility shall comply with all applicable local, state, and federal regulations, and provide applicable permits to the Department of Community Development prior to the issuance of a certificate of occupancy.**
- 9. In accordance with Article 28.4.6., submit a Noise Study Report as required.**
- 10. Shall be located outside of an activity center/node, as identified by the Comprehensive Plan.**

19.4.42(2). *Stadium (Offsite) Associated With a Private School.*

A. *Required Districts:* All

B. *Standards:*

- 1. Vehicular access is prohibited from a local street.
- 2. A minimum 200-foot buffer and 10-foot improvement setback shall be provided along all property lines adjacent to residential and AG-1 zoned properties.
- 3. The hours of operation shall be limited to 8:00 a.m. to 11:00 p.m. adjacent to residential and AG-1 zoned properties.
- 4. A 100-foot setback along any public right-of-way is required for all structures and activities.
- 5. The height limit of the zoning district shall apply to all structures unless a Use Permit to Exceed District Maximum Height is approved.

19.4.43. *Transfer Station, Solid Waste.*

A. *Required District:* M-1

B. *Standards:*

- 1. No access shall be allowed from local streets.
- 2. Access streets shall be paved and shall be able to withstand maximum load limits established by the State of Georgia as approved by the Director of Public Works.
- 3. No portion of a new transfer station shall be located within a three mile radius of the property lines of an existing transfer station.
- 4. A minimum 200-foot buffer and 10-foot improvement setback shall be required along all property lines except public rights-of-way.
- 5. A minimum 50-foot buffer and 10-foot improvement setback shall be required along all public rights-of-way.
- 6. A minimum 6-foot high solid fence or wall shall be located on property lines or interior to the required buffers and improvement setbacks.
- 7. Limit hours of operation from 6:00 a.m. to 6 p.m., Monday through Saturday.
- 8. The owner shall provide the Director of the Community Development Department a current copy of all applicable permits from the State of Georgia upon application for a Land Disturbance Permit.
- 9. In accordance with Article 28.4.3.2., submit an Environmental Impact Report as required.
- 10. No portion of a new or expanded solid waste transfer station shall be located within a one (1) mile radius of the property lines of a residentially zoned or used property. An expanded solid waste transfer station shall not include any expanded use within the parcel boundaries of an existing site or location.

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11. Transfer stations shall be sited and operated in accordance with State Regulations 3891-3-4.06, Permit by Rule for Collection, Transportation, Processing, and Disposal, O.C.G.A. § 12-8-20 Georgia Comprehensive Solid Waste Management Act, Fulton County Solid Waste Management Plan, and Waste Transfer Stations: A Manual for Decision-Making (EPA R-02-002, June 2002).

19.4.44. *Open.*

## **ARTICLE XX. CONSERVATION SUBDIVISION ORDINANCE**

[Sec. 20.1. Purpose and Intent.](#)

[Sec. 20.2. Applicability of Regulations.](#)

[Sec. 20.3. Conservation Subdivision Density.](#)

[Sec. 20.4. Lot Requirements and Tract Size.](#)

[Sec. 20.5. Minimum Lot Frontage.](#)

[Sec. 20.6. Setbacks, Building Separation, and Architectural Standards Requirements.](#)

[Sec. 20.7. Exterior Buffer Requirements.](#)

[Sec. 20.8. Application Requirements.](#)

[Sec. 20.9. Definition of Open Space.](#)

[Sec. 20.10. Open Space Requirement.](#)

[Sec. 20.11. Open Space Configuration.](#)

[Sec. 20.12. Open Space and Conservation Areas.](#)

[Sec. 20.13. Primary Conservation Areas.](#)

[Sec. 20.14. Value of Primary Conservation Areas.](#)

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[Sec. 20.16. Value of Secondary Conservation Areas.](#)

[Sec. 20.17. Open Space Protection.](#)

[Sec. 20.18. Requirements for Conservation Easements.](#)

[Sec. 20.19. Requirements for Permanent Restrictive Covenants.](#)

[Sec. 20.20. Maintenance of Open Space.](#)

[Sec. 20.21. Ownership of Open Space.](#)

[Sec. 20.22. Ownership of Open Space by a Homeowners Association.](#)

### **Sec. 20.1. Purpose and Intent.**

It is the purpose and intent of this ordinance to encourage preservation of open space within residential developments; provide flexibility to allow for creativity in developments; minimize the environmental and visual impacts of new development on critical natural resources and historically and culturally significant sites and structures; provide an interconnected network of permanent open space; encourage a more efficient form of development that consumes less open land and conforms to existing topography and natural features; reduce erosion and sedimentation by minimizing land disturbance and removal of