

ARTICLE XIX (Amended 4/27/09)
Administrative Permits and Use Permits

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.

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.

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.

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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;
- (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.

ARTICLE XIX

Section 19.3

Administrative Permits

19.3. **MINIMUM ADMINISTRATIVE PERMIT STANDARDS.**

19.3.1. **ALTERNATIVE ANTENNA SUPPORT STRUCTURE TO EXCEED THE DISTRICT HEIGHT**

INTENT

Pursuant to Section 704(a) of the Federal Telecommunications Policy 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 telecommunication facilities on our landscapes, our citizens' demands for these services, and the needs of service providers.

A. **Required Districts:** All

B. **Standards:**

- 1 Alternative structures are not allowed as an accessory to a single family use or as a principal use in a single family district.
- 2 Alternative structures must be set back a distance equal to the height of the structure adjacent to residential and/or AG-1 zoned property unless said structure is proposed to be located on an existing building.
- 3 Above ground equipment shelters shall be surrounded by a minimum 10-foot wide landscape strip planted to buffer standards unless the City of Johns Creek's Arborist determines that existing plant materials are adequate.

- 4 Roof top antennas and associated structures shall not project more than 10 feet above roof line.
- 5 Height shall not exceed 130 feet measured from the finished grade of the base structure.
- 6 The alternative structure shall comply with applicable state and local statutes and ordinances, including, but not limited to, building and safety codes. Alternative structures which have become unsafe or dilapidated shall be repaired or removed pursuant to applicable state and local statutes and ordinances.
- 7 Facilities shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration (FAA).
- 8 Communication 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.
- 9 Telecommunications facilities shall not be used for advertising purposes and shall not contain any signs for the purpose of advertising.
- 10 Any telecommunications facility may co-locate on any existing tower, pole or other structure as long as there is no increase in height to the existing facility.
- 11 A telecommunication facility that ceases operation for a period of 12 consecutive months shall be determined to have terminated and shall be removed within 90 days of termination at the property owner's expense. It shall be the duty of both the property owner and the tower owner to notify the county in writing of any intent to abandon the use of the tower.
- 12 An application for a telecommunications facility shall be submitted in accordance with the Department's Plan Review submittal requirements.

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- 13 An application for a telecommunication facility shall include a certification from a registered engineer that the structure will meet the applicable design standards for wind loads.
- 14 Communications facilities shall not be located in 100-year flood plain or delineated wetlands.

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.
- 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.

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19.3.1(2)

ANTENNA, TOWER, AND ASSOCIATED STRUCTURES (RADIO, T.V., MICROWAVE BROADCASTING, ETC.), TO EXCEED THE DISTRICT HEIGHT

INTENT

Pursuant to Section 704(a) of the Federal Telecommunications Policy 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 unincorporated City of Johns Creek. It is the intent of this Section to address the aesthetic effect of telecommunication facilities on our landscapes, our citizens' demands for these services, and the needs of service providers.

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

- A. **Required Districts:** O-I, C-1, C-2, M-1A, M-1, (See Use Permit, Section 19.4.7, for use in residential and AG-1 districts.)

- B. **Standards:**
 - 1 Tower/accessory structures must be set back a distance equal to the height of the tower adjacent to residential and/or AG-1 zoned property.
 - 2 Tower and/or associated facilities shall be enclosed by fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device.
 - 3 A minimum 10-foot wide landscape strip planted to buffer standards shall be required around the facility exterior to any fence or wall unless the City of Johns Creek Arborist determines that existing plant materials are adequate.
 - 4 Height shall not exceed 200 feet measured from the finished grade of the base structure.
 - 5 The tower shall comply with applicable state and local statutes and ordinances, including, but not limited to, building and safety

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- codes. Towers which have become unsafe or dilapidated shall be repaired or removed pursuant to applicable state and local statutes and ordinances.
- 6 Facilities shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration (FAA).
 - 7 Communication 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 Telecommunications facilities shall not be used for advertising purposes and shall not contain any signs for the purpose of advertising.
 - 9 Any telecommunications facility may co-locate on any existing tower, pole or other structure as long as there is no increase in height to the existing facility.
 - 10 A commercial telecommunication facility that ceases operation for a period of 12 consecutive months shall be determined to have terminated and shall be removed within 90 days of termination at the property owner's expense. It shall be the duty of both the property owner and the tower owner to notify the county in writing of any intent to abandon the use of the tower.
 - 11 Communication facilities not requiring FAA painting/markings shall have either a galvanized finish or [be] painted a dull blue, gray, or black finish.
 - 12 An application for a telecommunications facility shall be submitted in accordance with the Department's Plan Review submittal requirements.
 - 13 An application for a telecommunication facility shall include a certification from a registered engineer that the structure will meet the applicable design standards for wind loads.
 - 14 Communications facilities shall not be located in 100-year flood plain or delineated wetlands.

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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 and residential districts in conjunction with an institutional use, such as a place of worship or a school, or for the benefit of charity such as tours of homes, show houses, and the like.

B. **Standards:**

1. No more than two Administrative Permits shall be granted per year and no permit shall be effective for more than 14 consecutive days for a single event on the same property. An application for said permit shall be made no less than 14 days prior to the event. Said permit must be posted on site such that it is visible from the street.

- 2 The hours of operation shall be 8:00 a.m. to 8:00 p.m., Sunday through Thursday and 8:00 a.m. to 10:00 p.m., Friday through Saturday.
- 3 Two copies of a drawing, no larger in size than 11" x 17", with dimensions (distances in feet) of the activity's location from the site's property lines and other minimum distance requirements as specified by this Section shall be submitted to the Department of 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 24hour 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.

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

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

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. **RAPID RAIL TRANSPORTATION STATION.**

A. **Required Districts:** All

B. Refer to the MARTA REARRANGEMENT COOPERATIVE AGREEMENT administered by the Department of Public Works.

19.3.8. **RECREATIONAL COURT, PRIVATE.**

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

B. **Standards:**

- 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.

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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.

- 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) **REVIVAL TENT.**

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

In an AG-1 (Agricultural) or a residential district, a revival tent may be placed only on property occupied by an existing building used as a place of worship.

B. **Standards:**

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- 1 A permit may be granted a maximum of fourteen (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 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 24hour 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

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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 24hour contact number of the property owner or lease holder shall be provided along with permit application.
- 5 The property on which the roadside vendor is permitted must be located at least 1500 feet from a permanent business or another vendor which offers the same or similar merchandise as that of the vendor. Vendor shall provide names of all established businesses which sell similar or the same merchandise within 1500 feet of the proposed vendor site.

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

19.3.11(2) **SEASONAL BUSINESS USE.**

- 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 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 24hour 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.
 - 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.

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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.

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) utilized for construction offices, ticket booths, security guard shelters, storage structures, sales offices in association with construction, emission inspection stations, portable toilets and other similar uses may be permitted by the Community Development Department in any district.
 - 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 Temporary structures used in conjunction with other permitted Administrative and Use Permits shall not be required to obtain a separate Administrative Permit.

5. An Administrative Permit for a temporary structure 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.

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.

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- 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.
- 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 4foot 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.

ARTICLE XIX

Section 19.4

Use Permits

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 100feet 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.

19.4.4. **AIRCRAFT LANDING AREA.**

A. **Required Districts:** All

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**

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.
- 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 (8) 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. **ANTENNA TOWER, AND ASSOCIATED STRUCTURE (RADIO, T.V., MICROWAVE BROADCASTING, ETC.), TO EXCEED THE DISTRICT HEIGHT.**

INTENT

Pursuant to Section 704(a) of the Federal Telecommunications Policy 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 unincorporated City of Johns Creek. It is the intent of this Section to address the aesthetic effect of telecommunication

facilities on our landscapes, our citizens' demands for these services, and the needs of service providers.

The following regulations on design, location, placement, and height limits of antennas in residential and AG-1 zoned 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:** Residential districts, MIX and AG-1 (See same heading in Section 19.3., for other non-residential districts.)

- B. **Standards:**
 - 1 Towers must be set back a distance equal to one and one-half (1½) times the height of the tower adjacent to residential and/or AG-1 zoned property.
 - 2 Height shall not exceed 200 feet from existing grade.
 - 3 Tower and associated facilities shall be enclosed by fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device.
 - 4 A minimum 10-foot landscape strip planted to buffer standards shall be required surrounding the facility exterior to the required fence unless the City of Johns Creek Arborist determines that existing plant materials are adequate.
 - 5 Antennas or towers shall not have lights unless required by federal or state law.
 - 6 Towers shall not be located within one-half mile from any existing telecommunication tower above the district height, excluding alternative structures.
 - 7 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.
 - 8 Facilities shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration (FAA).

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- 9 Communication 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.
- 10 Telecommunications facilities shall not be used for advertising purposes and shall not contain any signs for the purpose of advertising.
- 11 Any telecommunications facility may co-locate on any existing tower, pole or other structure as long as there is no increase in height to the existing facility.
- 12 A commercial telecommunication facility that ceases operation for a period of 12 consecutive months shall be determined to have terminated and shall be removed within 90 days of termination at the property owner's expense. It shall be the duty of both the property owner and the tower owner to notify the county in writing of any intent to abandon the use of the tower.
- 13 Communication facilities not requiring FAA painting/markings shall have either a galvanized finish or [be] painted a dull blue, gray, or black finish or shall be screened through fencing and landscaping.
- 14 An application for a telecommunications facility shall be submitted in accordance with the Department's Plan Review submittal requirements.
- 15 An application for a telecommunication facility shall include a certification from a registered engineer that the structure will meet the applicable design standards for wind loads.
- 16 Communications facilities shall not be located in 100-year flood plain or delineated wetlands.

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 & 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:**

- 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 (8) 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.
- 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.

19.4.14. **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.

19.4.15. **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:**

- 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.

19.4.16. **OPEN.**

19.4.17. **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.

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- 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 (8) 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.

- 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, SUB-A, SUB-B, SUB-C, 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:**

- 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.

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- 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).

19.4.26. **LANDFILL, SOLID WASTE DISPOSAL.**

- A. **Required Districts:**
- B. **Standards:**

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- 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.

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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.

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:**

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- 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.

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- 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.
- 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-1,*

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.

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- 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.

19.4.34. **PRIVATE CORRECTIONAL FACILITY/PRISON.**

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

B. **Standards:**

- 1 Minimum lot size: 100 acres
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.

19.4.35. **RACE TRACK.**

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

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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.
- 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.

19.4.36. **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.

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- 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.

19.4.37. **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.

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- 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.

19.4.38. **OPEN.**

19.4.39. **SALVAGE, STORAGE, AND/OR JUNK FACILITY.**

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

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.

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19.4.40. **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.

19.4.41. **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.
- 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.
- 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) **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.

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19.4.43.

TRANSFER STATION, SOLID WASTE.

A. **Required District:**

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

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transfer station shall not include any expanded use within the parcel boundaries of an existing site or location.

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, Official Code of Georgia Annotated 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 530 R-02-002, June 2002).

19.4.44. **OPEN.**

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