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## **Unified Development Code Article 13. Definitions**

**Lot coverage.** The percentage of lot area covered by impervious surfaces and improvements identified herein located on a lot in comparison to the total lot area, calculated by dividing impervious surface and improvement area by the total lot area. For purposes of calculating lot coverage, impervious surfaces and improvements includes:

1. The footprint of the main building including garages, covered porches, and decks regardless of size.
2. The total footprints of any accessory buildings including enclosed and roofed structures larger than 150 square feet.
3. Pavers (whether designated as permeable or non-permeable systems), decks, or other impervious surfaces surrounding swimming pools, or hot tubs, and associated decks. (actual water surface does not count toward lot coverage)
4. Parking pads and driveways (regardless of material).
5. Patios, pavers (whether designated as permeable or non-permeable systems), and compacted gravel (graded aggregate base).

For purposes of calculating lot coverage, total lot area is the area of the lot excluding reduced by the area of the following that is located within the boundaries of the lot:

1. Private Streets
2. Driveway, modified, single-family residential, access or shared (private drive)

**Lot coverage by building.** With respect to Form-Based Codes, the portion of lot coverage that only includes:

1. The total footprints of all main building including garages and covered porches regardless of size; and
2. The total footprints of any accessory buildings including enclosed and roofed structures larger than 150 square feet.

**Natural Area Buffer.** A portion of a lot located along side and rear property lines, and along the property line adjacent to a right-of-way for lots created by minor plat, that shall remain in a natural, vegetated condition. The buffer is intended to preserve natural character, maintain tree canopy, and provide visual separation between adjacent properties and between the right-of-way and new construction.

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~~**Driveway, detached single-family residential, access or shared (private drive).** A paved or unpaved area used for ingress or egress of vehicles which allows access from a street to a building, other structure or facility for no more than two single-family residential lots.~~

**Driveway, modified, single-family residential, access or shared (private drive).** A paved or unpaved area used for ingress or egress of vehicles which allows access from a street to a building, other structure or facility and may provide access to any number of single-family residential lots provided that the accessed lots are each a minimum of 3 acres in size or lots created through the Agricultural Tract Exception Section 12.6.2.4.11. A modified driveway shall not be considered a public or private street and shall not be improved or converted into a public or private street intended to serve additional lots or development.

**Constrained land.** With respect to Form-Based Codes and AG-1 standards, areas occupied by lakes, streams, wetlands, buffers, landfills, and all other land so determined by the Director.

**Unconstrained Land.** With respect to Form-Based Codes and AG-1 standards, all land not characterized as constrained.

**Usable Area.** A contiguous portion of a lot that is of sufficient size, shape, dimension, and configuration to support the full functioning of the lot for residential use. Usable area shall include or accommodate the required buildable area and, where applicable, areas for septic and reserve systems, stormwater management facilities, access, and customary residential site improvements.

In calculating usable area, any portion of a lot subject to limitations on use within required setbacks, including but not limited to rural viewshed requirements, natural area buffers, or similar restrictions, shall not be counted toward the minimum usable area requirement.

**Agricultural Tract Exception.** A provision that allows an existing parcel greater than eleven (11) acres in size to subdivide into:

1. One large tract not less than ten (10) acres, intended to preserve agricultural use, open space, or conservation land, or to accommodate one (1) single-family residential lot that shall not be further subdivided
  - a. Tract is to be subject to a recorded deed restriction and prohibiting further subdivision except as expressly permitted by this Code
2. Additional tract(s) of at least one (1) acre in size

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### **2.1.1. Lots Unified Development Code**

#### A. General

1. Structures must only be erected and uses must only be established upon a single lot that meets or exceeds the requirements of this UDC or conditions of zoning, whichever is more restrictive.
2. Regardless of the minimum requirements of the zoning district, ~~no~~ plat ~~creating a single family residential lot shall~~ ~~must not~~ be approved ~~unless each proposed lot contains:~~

~~a. a~~ ~~until the~~ buildable area ~~that is sufficient to accommodate a principal structure and a functional single family residential lot; and~~

~~b. a usable area sufficient to support the full residential use of the lot.~~

~~In addition, (including the buildable areas within the a minimum of 50% of the a minimum lot area size which must shall be located outside the a floodplain for each lot.) of every single-family lot is determined to be sufficient to accommodate a square configured from~~

#### 3. The required buildable area shall:

a. be contiguous and of sufficient size, shape, dimension, and configuration to accommodate:

i. a building envelope meeting the minimum heated floor area required by the zoning district, or where no such. In the absence of a minimum heated floor area requirement exists, the minimum building envelope shall be square must be at least thirty-five (35) feet by thirty-five (35) feet. See Figure 2.1.1.A.

ii. vehicular access to the single family residential lot; and

iii. customary residential improvements directly associated with the principal structure;

b. be located outside required setbacks, buffers, and floodplain; and

c. not include separate areas connected only by narrow strips of land, access corridors, or other portions of the lot that do not function as part of a cohesive single family residential lot.

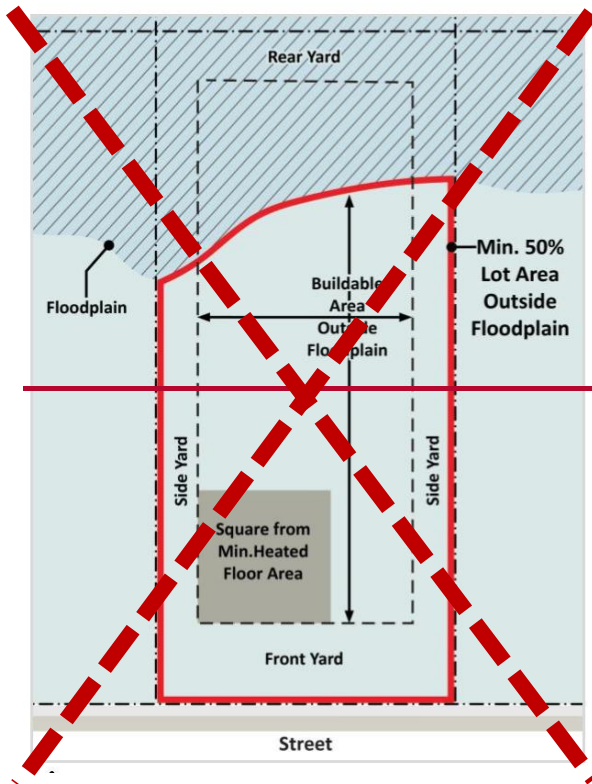
#### 4. The required usable area shall:

a. include or accommodate the required buildable area;

b. be contiguous and of sufficient size, shape, dimension, and configuration to accommodate the full functioning of the lot for residential use, including, where applicable:

i. septic and reserve area;

- ii. stormwater management facilities;
  - iii. access and circulation; and
  - iv. customary residential use areas and site improvements;
  - c. be arranged so as to avoid fragmentation of the lot into isolated, irregular, or nonfunctional residual areas; and
  - d. be capable of reasonably supporting development of the lot in a manner consistent with the intent of the zoning district.
5. Lots that cannot accommodate the required buildable area without encroachment into required setbacks and usable area without encroachment into required buffers, or floodplain shall not be approved.
6. In the AG-1 zoning district, each lot shall provide a minimum usable area proportional to lot size as follows:
- a. Lots less than three (3) acres: The maximum permitted lot coverage plus an additional twenty (20) percentage points of the lot area, and in no case less than twenty thousand (20,000) square feet.
  - b. Lots three (3) acres to five (5) acres: The maximum permitted lot coverage plus an additional ten (10) percentage points of the lot area.
  - c. Lots greater than five (5) acres: The maximum permitted lot coverage plus an additional five (5) percentage points of the lot area.



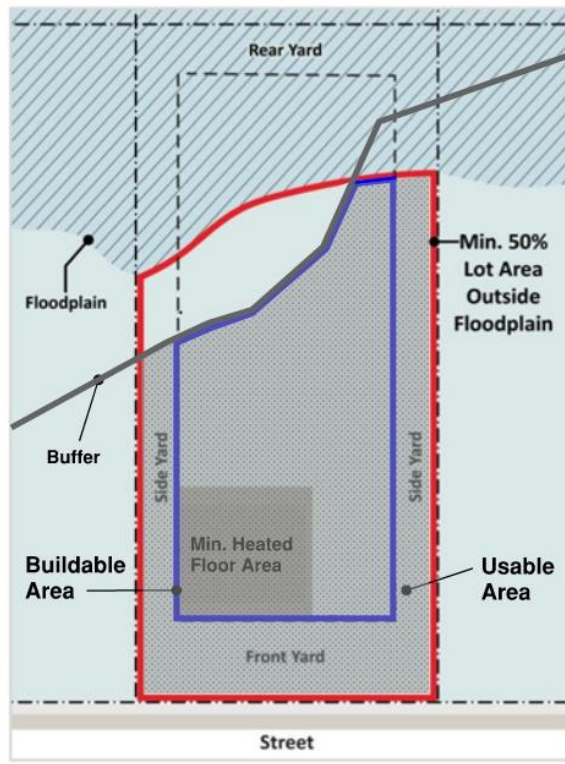


Figure 2.1.1.A

## B. Lot Size Exceptions

Lots used for open space and/or stormwater detention/retention facilities are exempt from zoning district lot size requirements only if:

1. The open space and/or stormwater detention/retention facility are incidental, related, appropriate, and clearly subordinate to the main use in a development.
2. No construction or building that does not relate to the open space and/or stormwater detention/retention facility occurs on the lot.
3. A 10-foot access easement is provided in accordance with established standards.
4. Stormwater detention/retention facilities comply with Sec. 11.4. (Stormwater Management).

## C. Reduction of Lot Area

When a lot or property is reduced in size, all resulting divisions and all structures must meet the minimum requirements of the applicable provisions of this UDC; except that if a lot or property is reduced in area to less than the district minimum lot size because of government action, the lot will be deemed nonconforming.

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D. Division of Conditionally Zoned Lots

All lots of a proposed subdivision must meet the unit and density allocations of this UDC, conditions of zoning, and all other provisions of this UDC. If each proposed parcel does not conform to such conditions, the proposed division will require a rezoning to accomplish the desired modification of conditions.

E. Lots with Well or Septic Tank

Any lot upon which both an individual well and septic tank/drain field are utilized is governed by regulations of the Fulton County Health Department. Lots with both a well and a septic tank must be at least one acre in size. Any lot proposed to be served by either a well or a septic tank/drain field must comply with the larger of the minimum lot area required by the health code or the minimum required for the zoning district in which the lot is located.

F. Single-Family District Limitations

Single-family dwelling districts are restricted to no more than one main or principal structure per lot.

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## **Unified Development Code 3.1.10 Natural Area Buffer**

### 3.1.10 Natural Area Buffer

A natural area buffer shall be provided where the conditions listed below apply in conjunction with the construction of a single family dwelling or the creation of new lots through subdivision or minor plat approval. Where more than one condition applies to the same lot, only the greatest buffer width shall be required along that boundary.

#### A. General Standards

1. The natural area buffer shall be preserved in its natural condition but may be enhanced with additional native vegetative material where existing vegetation is sparse. The intent of this section is to preserve existing perimeter vegetation and rural viewsheds while allowing limited restoration planting to reinforce the visual buffer.
2. The buffer may include existing vegetation and existing equestrian-related structures and agricultural uses. New structures, grading, stormwater facilities, septic systems, and other site improvements shall not be permitted within the buffer except as expressly authorized in this section.
3. A perimeter fence and utility crossings perpendicular to the buffer may be permitted.
4. All buffers shall be measured perpendicularly from the applicable property line.

#### B. Side-to-Rear Lot Condition

Where the side property line of a lot proposed for a single-family dwelling adjoins the rear property line of an adjacent lot:

1. A fifteen (15) foot natural area buffer shall be provided along the side property line.
2. This requirement shall not alter the applicable building setback requirements.
3. Tree canopy within the buffer area may be credited toward the canopy requirements of the subject lot.

#### C. Lot Size Transition Buffer (Individual Lots)

Where any property line of a lot proposed for a new single-family dwelling is less than three (3) acres in size and abuts a lot three (3) acres or greater:

1. A twenty-five (25) foot natural area buffer shall be provided along the contiguous property line.
2. This requirement shall not alter the applicable building setback requirements.
3. Tree canopy within the buffer area may be credited toward the canopy requirements of the subject lot.

#### D. Subdivision Edge Buffer

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Where a subdivision creates more than three (3) lots, with any lots less than three (3) acres in size, and abuts property that is three (3) acres or greater:

1. A fifty (50) foot natural area buffer shall be provided along the contiguous property line.
2. The buffer shall be platted as a separate common area lot and maintained by a homeowners' association or other approved entity.
3. Tree canopy within the buffer area may be credited toward the overall canopy coverage requirements of the subdivision, subject to review and approval by the Director.
4. Tree canopy within the buffer area may also be credited toward the canopy requirements of the adjacent subject lot(s), provided that no portion of the buffer area shall be credited toward more than one lot, and such credited area shall not be reassigned, transferred, or reused to satisfy the canopy requirements of any other lot.
5. Any buffer area used to satisfy canopy requirements shall be permanently preserved and shall not be removed or altered in a manner that would cause the subdivision to fall below required canopy coverage.

#### E. Minor Plat Road Frontage Buffer

Where a minor plat creates lots that abut a public street:

1. A twenty-five (25) foot natural area buffer shall be provided along the street right-of-way, Milton Trail easement, or sidewalk easement, whichever is more restrictive.
2. The buffer may consist of existing vegetation, open areas, rural landscape conditions, and existing equestrian or agricultural uses consistent with the rural character of the roadway.
3. A temporary construction disturbance area not to exceed fifty (50) feet in width, measured perpendicular to the lot frontage, may be permitted for access, grading, utility installation, and building construction.
4. Any disturbed buffer area shall be restored with natural vegetation consistent with the rural character of the roadway and subject to approval by the Director.

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## **Unified Development Code 6.3.3. - Single-Family Standards**

### D. Lot Coverage

1. Lot coverage for each individual lot zoned any agricultural district, R-1, R-2, or CUP must not exceed:
  - a. 25% for lots that front on private streets and do not have any property lines adjacent to a public street.
  - b. 20% for lots that ~~front on public streets~~ have any property lines adjacent to a public street.
  - c. 25% for lots that are three (3) acres or greater in size.
  - d. 25% for lots created pursuant to the Agricultural Tract Exception (Section 12.6.2.H.11)
2. Lots within any agricultural district may be eligible for a lot coverage incentive where the property, in its existing or proposed configuration, is used or proposed to be used for agricultural purposes involving ongoing crop production, orchards, gardens, pasture, vineyards, berry production, or specialty crop cultivation, pollinator habitat or native meadow planting, livestock grazing or animal husbandry, or apiaries within the usable area of the lot.
  - a. Eligible lots may be permitted an increase in maximum permitted lot coverage of up to five (5) percentage points, subject to approval by the Board of Zoning Appeals.
  - b. The Board of Zoning Appeals may approve the request where:
    - i. the request demonstrates a legitimate agricultural use; and
    - ii. the request is generally consistent with the intent of the AG-1 zoning district including consistency with the most recently adopted Comprehensive Plan.
- ~~2.3.~~ Lots that are both: (a) located within the Birmingham Crossroads Overlay District; and (b) not zoned an agricultural district are exempt from the lot coverage requirements of Sec. 6.3.3.D.1.

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### **Unified Development Code 10.3.5. Lots**

G. Subdivisions that result in lots adjacent to or surrounding an existing or proposed lake must extend such lot lines to either:

1. ~~Where a lake is not designated as common area:~~
  - a. lot lines shall extend to the centerline of the lake; or
  - b. A single lot may encompass the entire lake, provided that such lot is configured to include all portions of the lake and complies with all applicable zoning and subdivision requirements.
2. Where a lake is designated as common area, the lot lines shall extend to and terminate at ~~the centerline of a~~ 100-year flood line as the boundary of the common area tract, which shall include the entire lake and be owned and maintained by a homeowner's association ~~or other approved entity.~~

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### 11.4.3. Permit Procedures and Requirements

#### A. Permit Application Requirements

1. No owner or developer shall perform any land development activities without first meeting the requirements of this Sec. 11.4 before starting the proposed activity.
2. Unless specifically exempted by this Sec. 11.4, any owner or developer proposing a land development activity must submit to the Director a permit application on a form provided by the Director for that purpose.
3. Unless otherwise exempted by this Sec. 11.4, a permit application must be accompanied by the following information in order to be considered:
  - a. Stormwater concept plan and consultation meeting certification in accordance with Sec. 11.4.3.B.
  - b. Stormwater management plan in accordance with Sec. 11.4.3.C.
  - c. Inspection and maintenance agreement in accordance with Sec. 11.4.3.D, if applicable.
  - d. Performance bond or surety, if deemed applicable.
    - i. Cash bonds may be accepted only for projects under \$250k and expected to be completed within 18 months. All other bonds must be surety type bonds.
    - ii. If construction duration exceeds 18 months and a cash bond was utilized, it must be converted to a surety bond and include an updated amount based on estimate and approved by Director.
  - e. Permit application and plan review fees in accordance with Sec. 11.4.3.F.

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## 12.6.2. General Requirements

### H. Compliance with City Procedures

All proposals to subdivide, combine or recombine parcels of land under the provision of these regulations must comply with the following:

1. All final plats, replats and minor plats must have the consent of the owners of all affected lots shown on said plat. Replats or new plats showing modifications to common areas require the consent of owners of all lots shown in the original final plat.
2. Proposals for the subdivision, combination or recombination of lawful previously platted lots or parcels, or portions thereof, must comply with zoning district regulations.
3. If construction activity contemplated will result in the disturbance of an area of 5,000 square feet or more, a land disturbance permit must be approved along with any building permit before construction.
4. Where a proposed lot fronts an existing public street, the subdivider must improve the street along the lot's frontage to the applicable standards of this UDC and any standard details as determined by the Director.
5. All slope, drainage, and utility easements, as well as required right-of-way widths (as determined by the Director) on an existing public street, paved or unpaved, must be provided by the subdivider at no cost to the City.
6. Each proposed lot must comply with the requirements of the Fulton County Department of Health, whose certification of approval must accompany the submission of the final plat to the Director.
7. All final plats, replats and minor plats must state allowed maximum lot coverage and the requirement of as-built survey at time of completion of principal structure on the lot.
87. A minor plat proposal shall be exempt from traffic impact and drainage studies, when an analysis is submitted by an engineer and concludes that the development would have no negative impact on traffic or drainage.
98. No lot created under the provisions of a minor plat may subsequently be resubdivided pursuant to the provisions of a minor plat. Notwithstanding the foregoing prohibition, ~~if a re-subdivision of a lot does not create any lots with an area less than 3 acres,~~ the Director may approve a re-subdivision of a lot created through a ~~the~~ minor plat when the proposed re-subdivision:
  - a. (1) Does not create any additional lots; or  
(2) Does not result in any lots with an area less than three (3) acres; and
  - b. Is a division or re-subdivision(s) of land pursuant to the Agricultural Tract Exception;

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c. Provided that, in any case, the Director ~~determines~~finds the proposed re-subdivision to be consistent with the intent of this Article and in the best interest of the City.

109. For the division of land in agricultural districts adjacent to or with access to unpaved roads, the applicable provisions of Sec. 3.1.3 (AG-1 Dimensional Standards) apply.

#### 11. Agricultural Tract Exception

a. Notwithstanding the minimum lot area requirements of this Article or Article 3, a division or re-subdivision of an existing parcel by minor plat within an agricultural zoning district may create more than three (3) lots smaller than three (3) acres, but not less than one (1) acre, provided that:

i. At least one resulting parcel contains a minimum of ten (10) acres;

ii. The parcel meeting the ten (10) acre minimum retains frontage on, or primary access to, a public or private right-of-way;

iii. The parcel meeting the ten (10) acre minimum shall contain at least six (6) acres of unconstrained land;

iv. The parcel meeting the ten (10) acre minimum shall be subject to a recorded deed restriction prohibiting further subdivision that would reduce the parcel below ten (10) acres; and

v. The total number of lots created, including the ten (10) acre parcel, does not exceed the number of lots that would be permitted if the existing parcel were divided into three (3) acre lots. Lot yield shall be calculated by dividing the total acreage of the existing parcel by three (3) acres and rounding down to the nearest whole number.

vi. The Director determines that the division is consistent with the intent of preserving agricultural land and rural character.

b. Divisions and re-subdivisions of land approved pursuant to the Agricultural Tract Exception may be processed through the minor plat procedure established in this Article.

c. Lots created through the Agricultural Tract Exception must meet natural area buffer requirements of Article 3.

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### 12.6.3. Preliminary Plat Approval

#### A. Procedures

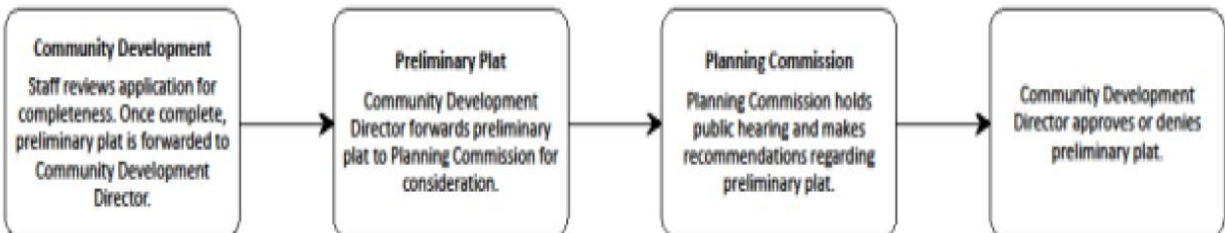
##### 1. Completeness

All preliminary plat applications must be reviewed by the Director for completeness. A preliminary plat application will be deemed to be complete if the application complies with all applicable City, County, State and federal regulations. If the Director determines that an application is not complete, the applicant will be notified of any deficiencies and provided the opportunity to revise the plat to correct the identified deficiencies without the need for the filing of a new application. If the Director determines that previously identified deficiencies remain in any corrected preliminary plat, staff may reject the application entirely or request that the applicant submit a new corrected preliminary plat.

##### 2. ~~Minor~~ All Plats

For preliminary plats where any lot (other than common areas) within the development is less than 3 acres after the Director determines that the application is complete and complies. The Director must forward the application to the Planning Commission for public hearing, review, comment, and recommendation. However, plats that only modify or reconfigure lot lines and don't result in the creation of any additional lots shall not require Planning Commission review.

#### PRELIMINARY PLAT REVIEW PROCESS



##### 3. ~~All Other~~ Minor Plats (3+ acre lots)

For ~~preliminary~~ plats where all lots (other than common areas) are greater than 3 acres and the Director has determined that the application is complete and complies with the requirements of this UDC, the Director will approve the minor plat and there is no requirement for a preliminary plat and without requiring the review of the Planning Commission.

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## **Unified Development Code 12.6.4. - Final Plat Approval**

### **A. Procedures**

#### **3. Before the final plat is approved, the following must be provided to the City:**

a. Cash assurance or payment of surety bonds in an amount equal to 125% of the cost of infrastructure improvements not yet in compliance. Said cash bond must be maintained until the improvements have been approved by the City;

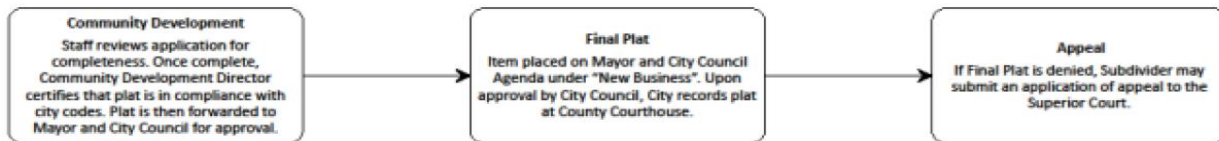
i. Cash bonds may be accepted only for projects under \$250k and expected to be completed within 18 months. All other bonds must be surety type bonds.

ii. If construction duration exceeds 18 months and a cash bond was utilized, it must be converted to a surety bond and include an updated amount based on estimate and approved by Director.

b. Maintenance bond to ensure the viability of infrastructure improvements for at least 18 months;

i. All maintenance bonds must be surety type bonds.

c. Drawings demonstrating the "as-built" conditions of the site based on the outstanding requirements of the land development permit, or cash assurance that such will be provided within 30 days;



d. An electronic format acceptable to the Public Works Department containing data about the sanitary sewer and water systems where available;

e. Signed release of the project by the development inspector; and

f. Recorded deed to the city for any dedicated space.

g. Drawings stating maximum allowed lot coverage on the final plat and requirement of as-built survey at time of completion of principal structure on the lot.

i. An as-built survey is required prior to issuance of a Certificate of Occupancy for any new main principal structure in a zoning district with maximum lot coverage requirement. The applicant shall submit an as-built survey prepared and sealed by a licensed land surveyor demonstrating compliance with applicable lot coverage requirements of this Code.

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**Code of Ordinances Sec. 10-93. - Inspections.**

(a) *Existing buildings.* Before issuing a permit, the building official may examine or cause to be examined any building, electrical, gas, mechanical, or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. He or she shall inspect all buildings, structures or electrical, gas, mechanical, and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He or she shall make a record of every such examination and inspection and of all violations of the construction codes.

(b) *Manufacturers and fabricators.* When deemed necessary by the building official, he or she shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the construction codes.

(c) *Service.* The building official may make, or cause to be made, the inspections required by subsection (f) of this section. He or she may accept reports of inspectors of recognized inspection services; provided that after investigation he or she is satisfied as to their qualifications and reliability. A certificate called for by any provision of the construction codes shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service.

(d) *Prior to issuance of certificate of occupancy or completion.* The building official shall inspect or cause to be inspected at various intervals all construction or work for which a permit is required, and a final inspection shall be made of every building, structure or electrical, gas, mechanical, or plumbing system upon completion, prior to the issuance of the certificate of occupancy or completion.

(e) *Posting of permit.* Work requiring a permit shall not commence until the permit holder or his or her agent posts the permit card in a conspicuous place on the premises. The permit shall be protected from the weather and located in such a position as to permit the building official or representative to conveniently make the required entries thereon. This permit card shall be maintained in such a position by the permit holder until the certificate of occupancy or completion is issued by the building official.

(f) *Required inspections.* The building official upon notification from the permit holder or his or her agent shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical code:

(1) *Building.*

- a. *Foundation and foundation wall.* To be made after trenches are excavated, the reinforcement is in place, and forms erected prior to the placing of concrete. A foundation survey shall be required to verify the location and footprint of the proposed principle structure prior to approval of the foundation inspection when any of the following conditions are present:

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i. The proposed lot coverage is within five (5) percentage points of the maximum permitted lot coverage applicable to the lot, as established by the zoning district, final plat, or conditions of zoning;

ii. Any portion of the foundation footprint is located within five (5) feet of any required setback line, easement line, or building separation requirement.

The foundation survey shall be prepared and sealed by a registered land surveyor and shall demonstrate compliance with all applicable setback and lot coverage requirements.

- b. *Framing.* To be made after the roof, all framing, fireblocking, bracing and fasteners are in place, all concealed wiring, all pipes, chimneys, ducts, and vents are complete.
- c. *Moisture barrier.* To be made prior to the installation of the exterior finishing materials.
- d. *Final.* To be made after the building is completed and ready for immediate occupancy.

(2) *Electrical.*

- a. *Underground.* To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.
- b. *Rough-in.* To be made after the roof, framing, fireblocking, and bracing is in place and prior to the installation of wall or ceiling membranes.
- c. *Final.* To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.

(3) *Plumbing.*

- a. *Underground.* To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
- b. *Rough-in.* To be made after the roof, framing, fireblocking, and bracing is in place and all soil, waste, and vent piping is complete, and prior to the installation of wall or ceiling membranes.
- c. *Final.* To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

Note—See section 311 of the International Plumbing Code for required tests.

(4) *Mechanical.*

- a. *Underground.* To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.

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- b. *Rough-in*. To be made after the roof, framing, fireblocking, and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.
  - c. *Final*. To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

(5) *Gas*.

- a. *Rough piping*. To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.
- b. *Final piping*. To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.
- c. *Final*. To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes in order to ensure compliance with all the requirements of the construction codes and to ensure that the installation and construction of the gas system is in accordance with reviewed plans.

(6) *Energy*.

- a. *Foundation*. To be made before slab concrete is poured in place. To verify that perimeter insulation has been installed correctly on any slab on grade foundations, if required.
- b. *Frame*. To be made before exterior wall insulation is concealed by wall board to check installation of exterior walls insulation and to inspect that all holes and cracks through the structure envelope have been sealed in an appropriate manner as to restrict air passage.
- c. *Final*. To be made after the building is completed and ready for occupancy. To verify the installation and R-value of ceiling and floor insulation. To verify correct SEER ratings on appliances.

(g) *Written release*. Work shall not be done on any part of a building, structure or electrical, gas, mechanical, or plumbing system beyond the point indicated in each successive inspection without first obtaining a written release from the building official. Such written release shall be given only after an inspection has been made of each successive step in the construction or installation as indicated by each of the foregoing three inspections.

(h) *Reinforcing steel, structural frames, insulation, plumbing, mechanical or electrical systems*. Reinforcing steel, structural frame, insulation, plumbing, work of any part of any building or structure shall not be covered or concealed without first obtaining a release from the building official.

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(i) *Plaster fire protection.* In all buildings where plaster is used for fire protection purposes, the permit holder or his or her agent shall notify the building official after all lathing and backing is in place. Plaster shall not be applied until the release from the building official has been received.

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## **Code of Ordinances Sec. 10-94. - Certificates.**

### **(a) Certificate of occupancy.**

(1) *Building occupancy.* A new building shall not be occupied or a change made in the occupancy, nature, or use of a building or part of a building until after the building official has issued a certificate of occupancy. Said certificate shall not be issued until all required electrical, gas, mechanical, plumbing, and fire protection systems have been inspected for compliance with the construction codes and other applicable laws and ordinances and released by the building official.

(2) Verification of lot coverage. Prior to the issuance of a certificate of occupancy for any principal structure subject to lot coverage under the zoning district, final plat, or conditions of zoning, the applicant shall submit an as-built survey prepared and sealed by a licensed land surveyor. The survey shall:

- a. Depict all impervious surfaces, improvements, and structures on the lot, including but not limited to the principal structure, accessory structures, driveways, patios, and other impervious areas;
- b. Provide calculations demonstrating compliance with the maximum permitted lot coverage applicable to the lot; and
- c. Confirm that all improvements are located in compliance with required setbacks and other applicable development standards.
- d. The as-built survey shall state the maximum allowed lot coverage area remaining for any future improvements.

(32) Issuance. The certificate of occupancy shall not be issued until the building official determines that the lot is in compliance with all applicable lot coverage requirements. Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical, and plumbing systems in accordance with the construction codes, reviewed plans and specifications, and after the final inspection, the building official shall issue a certificate of occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of the construction codes.

(43) Temporary/partial occupancy. A temporary/partial certificate of occupancy may be issued for a portion of a commercial building which, in the opinion of the building official, may safely be occupied prior to final completion of the building. The temporary/partial certificate of occupancy shall be forfeited if the certificate of occupancy is not issued within 90 days.

(54) Existing buildings. A certificate of occupancy for any existing building may be obtained by applying to the building official and supplying the information and data necessary to determine compliance with the construction codes for the occupancy intended. Where necessary, in the opinion of the building official, two sets of detailed drawings, or a general inspection, or both, may be required. When, upon

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examination and inspection, it is found that the building conforms to the provisions of the construction codes and other applicable laws and ordinances for such occupancy, a certificate of occupancy shall be issued.



## AGENDA STAFF MEMO

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**TO:** City of Milton Planning Commission  
**FROM:** Sara Leaders, PE, Community Development and Public Works Director  
**DATE:** Submitted on March 23, 2026, for March 24, 2026 CZIM and March 25, 2026 Planning Commission Meeting

**AGENDA ITEM: RZ26-03** – Consideration of a Text Amendment to the Unified Development Code regarding minor plats and AG-1 Standards to the following: Article 2 General Provisions; Article 3 Agricultural Districts; Article 6 Special Purpose Districts; Article 9 Site Development; Article 10 Streets and Improvements; Article 11 Environment; Article 12 Administration; and Article 13 Definitions.

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### **Background**

At a special called City Council meeting on January 9, 2026, the Council adopted a moratorium, with subsequent extensions approved on February 2 and February 9, 2026, to allow time to evaluate development trends and potential amendments to the Unified Development Code related to lot division and development intensity. This moratorium will terminate upon the earliest of (1) June 9, 2026 (2) approval by the City Council of an additional moratorium after a public hearing (3) the adoption of an amendment to the Unified Development Code relating to Art. XII, Section 12.6 and any other applicable sections of the Unified Development Code.

The moratorium was enacted following the direction of the City Council for the Community Development Department to undertake a more comprehensive analysis of small lot development and applicable regulations, with the goal of formulating proposed changes to policies, standards, guidelines, and requirements. At the conclusion of data collection, study, analysis, and public input, the City Council intends to consider potential amendments to the Unified Development Code to address the issues identified above.

In early February, staff conducted a survey of community stakeholders to gather input from individuals who experience these issues from different perspectives. Two public input forums were held on February 25 and March 11, with 11 and 5 attendees, respectively. These meetings were instrumental in further understanding public concerns related to small lot development within AG-1 and the broader vision for Milton's future as a unique community within the metro Atlanta region.

Based on public input, as well as staff's analysis and observations of historical development patterns, amendments to the Unified Development Code and Chapter 10 (Buildings and Building Regulations) of the City Code are presented for consideration. The proposed amendments are intended to better align subdivision patterns with development intensity, preserve Milton's rural character, and improve clarity and predictability for property owners and applicants.

This summary organizes the proposed amendments into primary, secondary, and general code cleanup categories, reflecting both the initial focus of the review and additional issues identified during the analysis and public input. The amendments address the following general areas:

### **Primary – Initial Focus Areas**

1. Lot Coverage
2. Building Area
3. Natural Area Buffer
4. Minor Plat Provisions

### **Secondary – Identified Through Analysis and Public Input**

5. As-Built Requirements
6. Agricultural Tract Exception

### **Code Cleanup – Minor Modifications Identified During Review**

7. Bonds
8. Lake Lots

## **1. Lot Coverage**

### Article 13 - Definitions

- **“Lot coverage”**
  - The definition of lot coverage has been revised to provide greater clarity and consistency regarding what is included and excluded.
  - Explicitly includes garages, covered porches, and decks.
  - Expanded to include all accessory buildings, including both enclosed and roofed structures.
  - Clarifies that pool surrounds, including pavers (permeable or non-permeable), decks, and other impervious surfaces associated with pools or hot tubs, are counted toward lot coverage.
  - Specifies that the actual water surface of pools and hot tubs is excluded from lot coverage calculations.
  - Clarifies that all vehicular surfaces (e.g., driveways and driving areas) are included in lot coverage.
  - Includes patios, pavers, and compacted gravel areas within the definition of lot coverage.
  - Clarifies that private streets and certain shared or access driveways (e.g., modified single-family residential or shared drives serving large lots) are excluded from total lot area when located within an individual lot.
- **“Lot coverage by building”**
  - Revised to ensure consistency with the updated lot coverage definition.

### Sec. 6.3.3 – Single Family Standards (Rural Milton Overlay District)

- D. Lot Coverage

1. Lot coverage for each individual lot zoned any agricultural district, R-1, R-2, or CUP must not exceed:
  - a. 25% for lots that front on private streets and do not have any property lines adjacent to a public street.
  - b. 20% for lots that have any property lines adjacent to a public street.
  - c. 25% for lots that are three (3) acres or greater in size.
  - d. 25% for lots created pursuant to the Agricultural Tract Exception (Section 12.6.2.H.11)
- D.2 Allows an increase of 5% additional lot coverage where at least 10% of the lot area is preserved as an agricultural use area.

Sec. 12.6.2.H.7 General Requirements (Administration)- New requirement

- All final plats, replats and minor plats must state allowed maximum lot coverage and the requirement of as-built survey at time of completion of the principal structure.

## **2. Building Area**

This amendment introduces new standards for buildable area and usable area to ensure that newly created lots can function as practical single family residential lots.

These standards address situations where lots may technically meet minimum requirements but are constrained by floodplain, buffers, setbacks, or irregular configurations that limit their usability.

### Article 13 – Definitions

- **Usable Area.** A contiguous portion of a lot that is of sufficient size, shape, dimension, and configuration to support the full functioning of the lot for residential use. Usable area shall include or accommodate the required buildable area and, where applicable, areas for septic and reserve systems, stormwater management facilities, access, and customary residential site improvements.
- In calculating usable area, any portion of a lot subject to limitations on use within required setbacks, including but not limited to rural viewshed requirements, natural area buffers, or similar restrictions, shall not be counted toward the minimum usable area requirement.

### Sec. 2.1.1 Lots

Additional detailed requirements when **creating a single family residential lot.**

- Each lot must contain a contiguous buildable area sufficient for a principal structure and associated residential improvements
- Each lot must contain a contiguous usable area that supports full residential use
- At least 50% of the lot area must be located outside of the floodplain

The **Buildable Area** shall require the following items.

- Sufficient size, shape, dimension, and configuration to accommodate:
  - Building envelope with a minimum of 35'x35'
  - Vehicular access to the single family residential lot

- Residential improvements directly associated with the principal structure
- Be located outside required setbacks, buffers and floodplain.
- Not consist of fragmented areas or narrow corridors

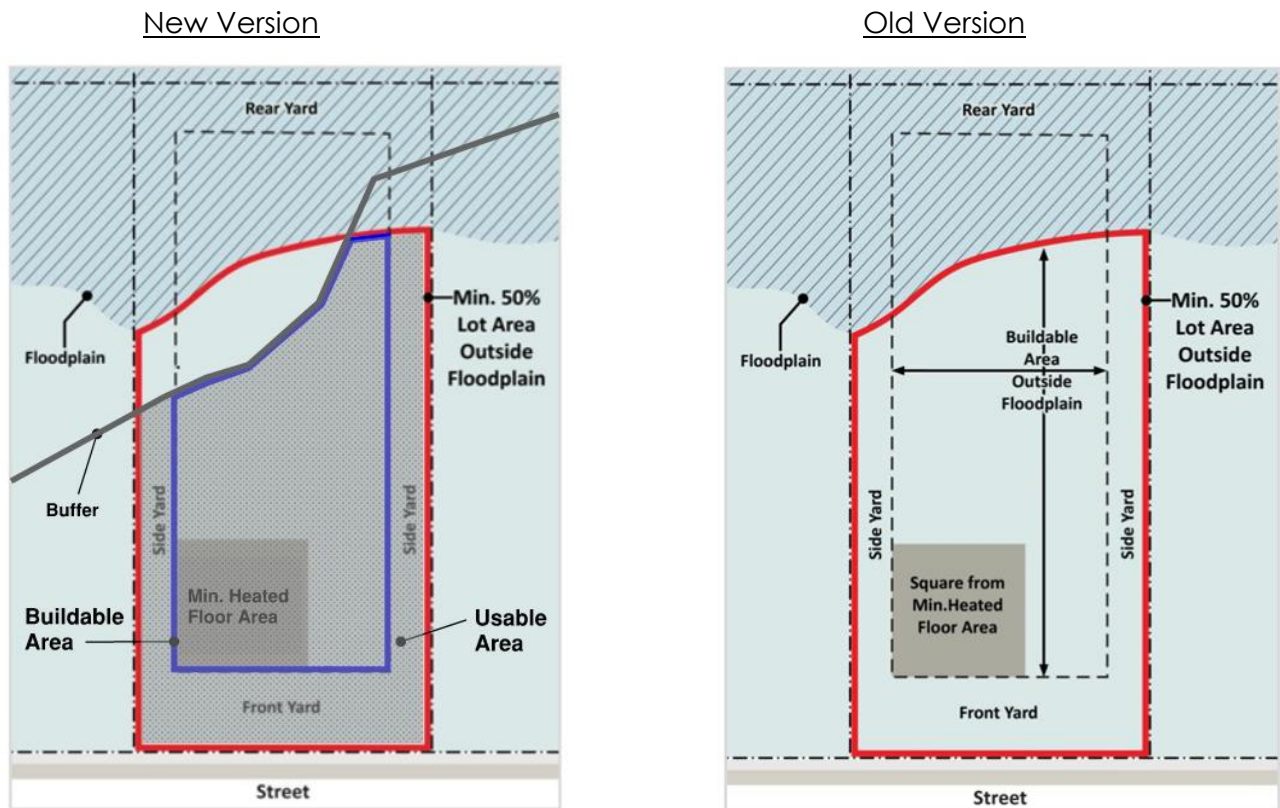
The **Usable Area** shall require the following items.

- Include or accommodate the required buildable area
- Contiguous and of sufficient size, shape, dimension, and configuration to support:
  - septic and reserve area
  - stormwater management facilities
  - access and circulation
  - customary residential use areas and site improvements
- Avoid fragmented or nonfunctional residual areas
- Support development consistent with the intent of the zoning district
- Lots that cannot meet these standards shall not be approved.

To ensure lots in the AG-1 zoning district function appropriately relative to their size, minimum usable area is required as follows:

- Lots < 3 acres
  - Maximum allowed lot coverage + 20% of lot area
  - (minimum of 20,000 square feet)
- Lots 3–5 acres
  - Maximum allowed lot coverage + 10% of lot area
- Lots > 5 acres
  - Maximum allowed lot coverage + 5% of lot area

Figure 2.1.1.A – Buildable and Usable Area



### **3. Natural Area Buffer**

A natural area buffer shall be required where new lots or structures are introduced in a manner that may impact adjacent properties, roadways, or transitions in lot size.

#### Article 13-Definitions

- **Natural Area Buffer.** A portion of a lot located along side and rear property lines, and along the property line adjacent to a right-of-way for lots created by minor plat, that shall remain in a natural, vegetated condition. The buffer is intended to preserve natural character, maintain tree canopy, and provide visual separation between adjacent properties and between the right-of-way and new construction.

#### Sec. 3.1.10 – Natural Buffer (AG-1 Agricultural District)

The “Natural Area Buffer” is a newly created section within the Unified Development Code (UDC) applicable to the AG-1 Zoning District.

- A natural area buffer shall be provided where the conditions listed below apply in conjunction with the construction of a single-family dwelling or the creation of new lots through subdivision or minor plat approval. Where more than one condition applies to the same lot, only the greatest buffer width shall be required along that boundary.
  - General Standards
  - Side-to-Rear Lot Condition
  - Lot Size Transition Buffer (Individual Lots)
  - Subdivision Edge Buffer
  - Minor Plat Road Frontage Buffer

### **4. Minor Plat Provisions**

Clarifies conditions where a minor plat may be replatted or resubdivided and access definitions related to minor plats.

#### Article 13-Definitions

Deletes definition of Driveway, detached single family residential, access or shared (private drive)

Modifies definition of Driveway, modified, single family residential, access or shared (private drive)

#### Article 12.6.2.H Compliance with City Procedures (Administration - Subdivisions)

9. No lot created under the provisions of a minor plat may subsequently be resubdivided ~~pursuant to the provisions of a minor plat.~~ Notwithstanding the foregoing prohibition, ~~if a re-subdivision of a lot does not create any lots with an area less than 3 acres,~~ the Director may approve a re-subdivision of a lot created through a ~~the~~ minor plat when the proposed re-subdivision:
  - (1) Does not create any additional lots; or
  - (2) Does not result in any lots with an area less than 3 acres; and
  - b. Is a division or re-subdivisions of land pursuant to the Agricultural Tract Exception;

d. Provided that, in any case, the Director determines finds the proposed re-subdivision to be consistent with the intent of this Article and in the best interest of the City.

e. Lots created through the minor plat process and fronting a public or private street may only be accessed by Driveway, modified, single-family residential, access or shared (private drive) or Driveway, detached single-family residential, access or shared (private drive).

#### Article 12.6.3.A Preliminary Plat Approval (Administration – Subdivisions)

2. ~~Minor~~ All Other Plats

For preliminary plats where any lot (other than common areas) within the development is less than 3 acres after the Director determines that the application is complete and complies. The Director must forward the application to the Planning Commission for public hearing, review, comment, and recommendation. However, plats that only modify or reconfigure lot lines and don't result in the creation of any additional lots shall not require Planning Commission review.

3. ~~All Other~~ Minor Plats

For ~~preliminary~~ plats where all lots (other than common areas) are greater than 3 acres and the Director has determined that the application is complete and complies with the requirements of this UDC, the Director will approve the minor plat and there is no requirement for a preliminary plat and without requiring the review of the Planning Commission.

### **5. As-Built Requirements**

Clarified to ensure compliance with approved lot coverage and development standards.

#### Article 12.6.2.H. – Compliance with City Procedures (Administration - Subdivisions)

7. All final plats, replats and minor plats must state maximum allowed lot coverage and the requirement of as-built survey at the time of completion of principal structure on the lot.

#### Article 12.6.4.A – Final Plats (Administration- Subdivisions)

g. Drawings stating maximum allowed lot coverage on the final plat and requirement of as-built survey at time of completion of principal structure on the lot.

i. An as-built survey is required prior to issuance of a Certificate of Occupancy for any new principal structure in a zoning district with maximum lot coverage requirement. The applicant shall submit an as-built survey prepared and sealed by a licensed land surveyor demonstrating compliance with applicable lot coverage requirements of this Code.

#### Code of Ordinances Sec. 10-93 – Inspections (Building and Building Regulation)

(1) *Building.*

- a. Foundation *and foundation wall*. To be made after trenches are excavated, the reinforcement is in place, and forms erected prior to the placing of concrete. A foundation survey shall be required to verify the location and footprint of the proposed principal structure prior to approval of the foundation inspection when any of the following conditions are present:
  - i. The proposed lot coverage is within five (5) percentage points of the maximum permitted lot coverage applicable to the lot, as established by the zoning district, final plat, or conditions of zoning;
  - ii. Any portion of the foundation footprint is located within five (5) feet of any required setback line, easement line, or building separation requirement.

The foundation survey shall be prepared and sealed by a registered land surveyor and shall demonstrate compliance with all applicable setback and lot coverage requirements.

### Code of Ordinances Sec. 10-94 – Certificates

(2) Verification of lot coverage. Prior to the issuance of a certificate of occupancy for any principal structure subject to lot coverage under the zoning district, final plat, or conditions of zoning, the applicant shall submit an as-built survey prepared and sealed by a licensed land surveyor. The survey shall:

- a. Depict all impervious surfaces, improvements, and structures on the lot, including but not limited to the principal structure, accessory structures, driveways, patios, and other impervious areas;
- b. Provide calculations demonstrating compliance with the maximum permitted lot coverage applicable to the lot; and
- c. Confirm that all improvements are located in compliance with required setbacks and other applicable development standards.
- d. The as-built survey shall state the maximum allowed lot coverage area remaining for any future improvements.

(3) Issuance. The certificate of occupancy shall not be issued until the building official determines that the lot is in compliance with all applicable lot coverage requirements.

## **6. Agricultural Tract Exception**

Creating a new alternate to preserve large tracts of land as legacy land while allowing subsequent divisions by minor plat.

### Article 13 - Definitions

- **Agricultural Tract Exception.** A provision that allows an existing parcel greater than eleven (11) acres in size to subdivide into:
  1. One large tract not less than ten (10) acres, intended to preserve agricultural use, open space, or conservation land, or to accommodate one (1) single-family residential lot that shall not be further subdivided
    - a. Tract is to be subject to a recorded deed restriction and prohibiting further subdivision except as expressly permitted by this Code

## 2. Additional tract(s) of at least one (1) acre in size

### Article 12.6.2.H Compliance with City Procedures (Administration - Subdivisions)

In certain instances, the division or redivision of land by minor plat within an AG-1 district may create lots smaller than 3 acres, but not less than 1 acre.

#### 11. Agricultural Tract Exception

- a. Notwithstanding the minimum lot area requirements of this Article or Article 3, a division or re-subdivision of an existing parcel by minor plat within an agricultural zoning district may create more than three (3) lots smaller than three (3) acres, but not less than one (1) acre, provided that:
  - i. At least one resulting parcel contains a minimum of ten (10) acres;
  - ii. The parcel meeting the ten (10) acre minimum retains frontage on, or primary access to, a public or private right-of-way;
  - iii. The parcel meeting the ten (10) acre minimum shall contain at least six (6) acres of unconstrained land;
  - iv. The parcel meeting the ten (10) acre minimum shall be subject to a recorded deed restriction prohibiting further subdivision that would reduce the parcel below ten (10) acres; and
  - v. The total number of lots created, including the ten (10) acre parcel, does not exceed the number of lots that would be permitted if the existing parcel were divided into three (3) acre lots. Lot yield shall be calculated by dividing the total acreage of the existing parcel by three (3) acres and rounding down to the nearest whole number.
  - vi. The Director determines that the division is consistent with the intent of preserving agricultural land and rural character.
- b. Divisions and re-subdivisions of land approved pursuant to the Agricultural Tract Exception may be processed through the minor plat procedure established in this Article.
- c. Lots created through the Agricultural Tract Exception must meet natural area buffer requirements of Article 3.

## **7. Cash Bonds**

- Sec 11.4.3.d. Permit Procedures and Requirements (Environment)
  - Added requirements for Cash bonds for projects under \$250K and completed within 18 months and all other bonds must be surety type bonds.
  - If construction duration exceeds 18 months a cash bond must be converted to a surety bond with an updated amount based on estimate and approved by Director.
- Sec. 12.6.4.A. Final Plat Procedures (Administration)
  - Same as above with requirement that all maintenance bonds must be surety type bonds.

## **8. Lake Lots**

- Sec. 10.3.5. Lots (Streets and Improvements)
- G. Subdivisions that result in lots adjacent to or surrounding an existing or proposed lake must extend such lot lines to either:
1. Where a lake is not designated as common area:
    - a. lot lines shall extend to the centerline of the lake; or
    - b. A single lot may encompass the entire lake, provided that such lot is configured to include all portions of the lake and complies with all applicable zoning and subdivision requirements.
  2. Where a lake is designated as common area, the lot lines shall extend to and terminate at the 100-year flood line as the boundary of the common area tract, which shall include the entire lake and be owned and maintained by a homeowner's association or other approved entity.

This item is scheduled to go to the **Planning Commission Hearing on March 25, 2026**, and to the **Mayor and City Council Zoning Agenda on April 13, 2026**.



## AGENDA STAFF MEMO

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**TO:** City of Milton Planning Commission  
**FROM:** Robyn MacDonald, Zoning Manager  
**DATE:** March 19, 2026, for April 22, 2016, Planning Commission Meeting (CZIM on March 24, 2026)

**AGENDA ITEMS: RZ26-04** – Consideration of a Text Amendment to Sec. 8.2 Use Tables, Sec. 8.5.5, Sec. 6.3 Table, 6.3.1.B Rural Milton Overlay Use Table, and Sec. 9.1.2.B Festival parking of the Unified Development Code to prohibit the use “Festivals, or Events, Outdoor/Indoor”.

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### **SUMMARY:**

**RZ26-04** – The purpose of this text amendment is to prohibit the use “Festivals, or Events, Outdoor/Indoor” in the future. Currently there are two approved “Festivals, or Events, Outdoor/Indoor” within the City. The first one is located at 13895 Hopewell Rd pursuant to U13-04/VC13-04 which was approved by the Mayor and City Council in January 2014 and a subsequent Zoning Modification pursuant to ZM15-01 in February 2015. This approved use has never commenced operating.

The second approved “Festivals, or Events, Outdoor/Indoor” is located at 850 Hickory Flat Road (Also known as Matilda’s) pursuant to U18-07/VC18-06 in June 2018 and a subsequent Zoning Modification pursuant to ZM19-01/VC19-02 in September 2019. This approved use is currently operating.

Based upon the proposed text amendment, any facility that has not begun operation is subject to termination, which would include U13-04/VC13-04 located on Hopewell Road.

Further, the proposed text amendment allows Matilda’s to continue operations as outlined within Sec. 8.5.5.C and Sec. 8.5.5. E.

The use is being deleted from all the applicable zoning districts shown in the Use Tables in Sec. 8.2. Also, the use is being deleted within the Rural Milton Overlay Use Table in Sec. 6.3 and finally within the required parking table in Sec. 9.1.2.B.

Staff notes in the definition for “Festivals, or Events, Outdoor/Indoor” includes “horse shows”. The prohibition of the subject use will not impact future “horse shows” since it is permitted within both “Agricultural Operations” (Sec. 8.7.1.B) and the “Agricultural Related Activities” Use Permit (Sec. 8.7.1.C) depending on the intensity and frequency of the horse shows.

This item is scheduled to go to the **Planning Commission Hearing on April 22, 2026**, and to the **Mayor and City Council Zoning Agenda on May 18, 2026**.

**B. Rural Milton Overlay Use Standards**

Table 6.3.1.B: Rural Milton Overlay Use Table identifies uses and their assigned categories. It is the intent that some types of uses must comply with certain development standards of the Rural Milton Overlay District. Accessory uses not listed below are also allowed when they are accessory to a listed permitted use. Uses are defined in Article 8.

**Table 6.3.1.B: Rural Milton Overlay Use Table**

Key: (P) = Permitted use allowed by-right. (U) = Use permit required.				
Commercial Type Uses	Agricultural Type Uses	Institutional Type Uses	Non-Single-Family Uses	Single-Family Uses
Amphitheater (U)	Agricultural related activities (U)	Cemetery and mausoleum (U)	Alternative senior housing (U)	Single-family (P)
Animal care (indoor) (P)	Barns or riding areas (P)	Church, temple, or other place of worship (including accessory daycare) (U)	Convalescent center/nursing home/hospice (U)	Senior housing (single-family only) (U)
Animal care (outdoor) (P)	Barns or riding areas that otherwise require a Use Permit (P)	Private library (P)	Duplex (U)	Temporary mobile home (U)
Artist studio (U)	Composting (U)	Private museum (U)	Group residence for 5—8 children (U)	
Bed and breakfast (U)	Greenhouses (P)	Schools, private/special (P) (including accessory daycare) (U)	Group residence for 9—15 children (U)	
Country inn (U)	Roadside produce stand (P)	Retreat, campground (U)	Multifamily dwellings (U)	
Driving range (P)	Rural or Agricultural event facility (U)		Personal Care Home, Assisted Living (U)	
Equine garment fabrication (U)	Farm winery, Georgia Farm Winery (U)		Senior housing (when not single-family) (U)	
Keeping of exotic or wild animals (U)			Townhouses (U)	
Festivals or events, outdoor/indoor (U)				
Greenhouses—Hydroponic, larger than 5,000 square feet (P)				
Landscape business (U)				
Race track (U)				
Recreational fields (U)				
Self storage (U)				
Skywalk (U)				
Stadium (private school) (U)				
Uses in C-1 or O-1 zoning districts (P)				

8.2.1. Use Table for All Districts, Except Form-Based Codes

Key: P=Permitted Use A=Administrative Permit U = Use Permit Empty Cell=Prohibited																				
Use Category	Zoning Districts (Excludes Form-Based Codes)																			
Specific Use	AG-1	R-1	R-2	R-2A	R-3	R-3A	R-4	R-4A	R-5	R-5A	R-6	TR	A	A-L	NUP	CUP	O-I	C1	MIX	Definition/Standards
<b>Commercial Uses</b>																				
All adult entertainment establishments, as listed below:																				Sec. 8.5.1
Adult bookstore																		U		Sec. 8.5.1.A
Adult entertainment establishments																		U		Sec. 8.5.1.B
All aircraft landing areas:	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	Sec. 8.5.2
All bars																				Sec. 8.5.3
All day care facilities	U	U	U	U	U	U	U	U	U	U	U	U	U		P	P	P	P		See 8.5.4
All festivals or events, outdoor/indoor	U																U	U	U	Sec. 8.5.5
All indoor recreation, except as listed below:																		P	P	Sec. 8.5.6
Assembly hall, event facility																		U	U	Sec. 8.5.6.B
Conference center																				Sec. 8.5.6.D
Convention center																				Sec. 8.5.6.E
Gym, health spa, or yoga studio																	P	P	P	Sec. 8.5.6.F
Pool hall																				Sec. 8.5.6.G
Theater																		P	P	Sec. 8.5.6.H
All lodging, as listed below:																				Sec. 8.5.7
Bed and breakfast inn	U										U	U								Sec. 8.5.7.B
Country inn	U																			Sec. 8.5.7.C
Hotel/motel																	P	P	P	Sec. 8.5.7.D
All medical, except as listed below:																	P	P	P	Sec. 8.5.8
Hospital																	P		P	Sec. 8.5.8.C
All nightclubs																				Sec. 8.5.9
All office, except as listed below:																	P	P	P	Sec. 8.5.10
Bail bondsman																				Sec. 8.5.10.B
Business, trade, arts school																	P	P	P	Sec. 8.5.10.C
Check cashing establishment																				Sec. 8.5.10.D
Data center																	P	P	P	Sec. 8.5.10.E
Escort and dating service																				Sec. 8.5.10.F

## 8.2.2. Use Table for Crabapple FBC

This table expands the categories of Table 7A.5.9 (Table 8A) and Sec. 7A.5.10 (Table 8B) to delegate specific permitted uses within Crabapple Form-Based Code Transect Zones.

Key: P=Permitted Use A=Administrative Permit W = Warrant U = Use Permit Empty Cell =Prohibited							
Use Category Specific Use	Crabapple Form-Based Code						Definition/Standards
	T2	T3	T4-R [1]	T4	T4-O [2]	T5	
<b>Commercial Uses</b>							
All adult entertainment establishments, as listed below:							Sec. 8.5.1
Adult bookstore							Sec. 8.5.1.A
Adult entertainment establishments							Sec. 8.5.1.B
All aircraft landing areas							Sec. 8.5.2
All bars							Sec. 8.5.2
All day care facilities	U	U		U	U	U	See 8.5.4
All festivals or events, outdoor/indoor	U	U		U	U	U	Sec. 8.5.5
All indoor recreation, except as listed below:					P	P	Sec. 8.5.6
Assembly hall, event facility					U	U	Sec. 8.5.6.B
Conference center					W	W	Sec. 8.5.6.D
Convention center							Sec. 8.5.6.E
Gym, health spa, or yoga studio					P	P	Sec. 8.5.6.F
Pool hall							Sec. 8.5.6.G
Theater					U	U	Sec. 8.5.6.H
All lodging, as listed below:							Sec. 8.5.7
Bed and breakfast inn	U	U		P	P	P	Sec. 8.5.7.B
Country inn							Sec. 8.5.7.C
Hotel/motel					P	P	Sec. 8.5.7.D
All medical, except as listed below:					P	P	Sec. 8.5.8
Hospital							Sec. 8.5.8.C
All nightclubs							Sec. 8.5.9
All office, except as listed below:				P	P	P	Sec. 8.5.10
Bail bondsman							Sec. 8.5.10.B
Business, trade, arts school					W	W	Sec. 8.5.10.C
Check cashing establishment							Sec. 8.5.10.D
Data center							Sec. 8.5.10.E
Escort and dating service							Sec. 8.5.10.F
Radio, TV station							Sec. 8.5.10.H
Recording studio							Sec. 8.5.10.I
All outdoor recreation, as listed below:					W	W	Sec. 8.5.11
Amphitheater	U						Sec. 8.5.11.B

### 8.2.3. Use Table for Deerfield FBC

This table expands the categories of Sec. 7B.5.12 (Table 9A) and Sec. 7B.5.13 (Table 9B) to delegate specific permitted uses within Deerfield Form-Based Code Transect Zones.

Key: P=Permitted Use A=Administrative Permit W=Warrant U = Use Permit Empty Cell =Prohibited								
Use Category Specific Use	Deerfield Form-Based Code							Definition/ Standards
	T2	T3	T4	T4-P [3]	T4-O	T5 [2]	T6	
<b>Commercial Uses</b>								
All adult entertainment establishments, as listed below:								Sec. 8.5.1
Adult bookstore								Sec. 8.5.1.A
Adult entertainment establishments								Sec. 8.5.1.B
All aircraft landing areas:								Sec. 8.5.2
All bars								Sec. 8.5.3
All day care facilities			U	U	P	P	P	See 8.5.4
All festivals or events, outdoor/indoor	U	U	U		U	U	U	Sec. 8.5.5
All indoor recreation, except as listed below:					P	P	P	Sec. 8.5.6
Assembly hall, event facility						U	U	Sec. 8.5.6.B
Conference center					W	W	P	Sec. 8.5.6.D
Convention center							P	Sec. 8.5.6.E
Gym, health spa, or yoga studio					P	P	P	Sec. 8.5.6.F
Pool hall								Sec. 8.5.6.G
Theater					P	P	P	Sec. 8.5.6.H
All lodging, as listed below:								Sec. 8.5.7
Bed and breakfast inn	U	U	P		P	P	P	Sec. 8.5.7.B
Country inn								Sec. 8.5.7.C
Hotel/motel					P	P	P	Sec. 8.5.7.D
All medical, except as listed below:				P	P	P	P	Sec. 8.5.8
Hospital						P	P	Sec. 8.5.8.C
All nightclubs								Sec. 8.5.9
All office, except as listed below:				P[4]	P	P	P	Sec. 8.5.10
Bail bondsman								Sec. 8.5.10.B
Business, trade, arts school					W	W	W	Sec. 8.5.10.C
Check cashing establishment								Sec. 8.5.10.D
Escort and dating service								Sec. 8.5.10.F
Data center						P	P	Sec. 8.5.10.E

## 8.5.5. Festivals or Events, Outdoor/Indoor

### A. Defined

A permanent facility for special events including, but not limited to, horse shows, carnivals, dog shows, arts and crafts shows, music festivals, etc. (See Chapter 34 Parks, Recreation, and Cultural Affairs for temporary special events.)

### B. Prohibition and Applicability

1. Prohibited Use. Effective TBD, the Festivals or Events, Outdoor/Indoor use is hereby prohibited within all zoning districts of the City.
2. Ineligible Applications. Any application submitted on or after TBD seeking to establish a Festivals or Events, Outdoor/Indoor use shall be ineligible and not accepted.

### C. Lawful Nonconforming Use Status

1. Continuation. A Festivals or Events, Outdoor/Indoor facility lawfully operating as of TBD may continue as a lawful nonconforming use, subject to continued compliance with all applicable federal, state, and local laws and regulations and the use standards set forth in this Section.
2. Limitations. Such lawful nonconforming use may continue utilizing the same acreage and operational intensity as existed on TBD, except as expressly authorized in Subsection E.

### D. Expiration of Approvals Not Acted Upon

Expiration. Any use permit, site plan approval, or other zoning authorization approving a Festivals or Events, Outdoor/Indoor use for which lawful operation had not commenced on or before TBD is subject to termination by the City.

### E. Maintenance and Modifications to Lawfully Operating Facilities

1. Maintenance and Similar Work Permitted. A lawful Festival or Events, Outdoor/Indoor facility qualifying under Subsection C may perform routine maintenance, repair, and interior remodeling and may apply for building or site permits for improvements, provided such work is consistent with, and does not deviate from, the City Council-approved use permit conditions and approved site plan and so long as all other requirements of Subsection C are observed.
2. Modifications Requiring City Council Approval. Any expansion in acreage, change in intensity, amendment, or other modification beyond the approved scope of the initial City Council authorization shall require prior approval by the City Council and shall comply with all applicable provisions of the Unified Development Code of the City of Milton, Georgia.

### **F. Use Standards**

1. Permitted curb cut access must not be from local streets.
2. Eight-foot-high 100% opaque fencing is required adjacent to residential districts or agricultural/T2 districts used for single-family dwellings.
3. Hours of operation are limited to 8:00 a.m. to 11:00 p.m. when adjacent to residential districts or agricultural/T2 districts used for single-family dwellings.
4. Activity areas, including parking, must be at least 100 feet from a residential district or agricultural/T2 districts used for single-family dwellings.
5. The festival or event must be limited to a three-year period from the date of the City Council's approval not to exceed a total of 180 consecutive days in a calendar year.

**Table 9.1.2.B. Vehicle Parking Requirements**

<b>Use</b>	<b>Vehicle Parking (min.) [1]</b>
<b>Commercial Uses</b>	
All adult entertainment establishments	10 per 1,000 sf.
All day care facilities	1.7 per 1,000 sf. + 1 per 4 employees on the largest shift
All festivals or events, outdoor/indoor	2 per 1,000 sf. of ground area identified for festivals and music festivals related seating
All indoor recreation, except as listed below:	5 per 1,000 sf.
Assembly hall, indoor auditorium, conference centers, convention centers, theater	1 per 4 seats in largest assembly area (with fixed seating), or 1 per 35 sf. in largest assembly area auditorium (with no fixed seating)
Bowling alley	5 per alley
All lodging (without restaurant)	1 per guestroom
All lodging (with restaurant)	1.25 per guestroom
All medical, except as listed below:	1 per four beds + 1 per 3 employees
Medical office	4 per 1,000 sf.
All office, except as listed below:	250,000 sf. or less: 2.8 per 1,000 sf., Over 250,000 sf.: 2.6 per 1,000 sf.
Business, music, or dance school	5 per 1,000 sf.
Data center	1 per 4,000 sf. + 2.8 per 1,000 for offices within the building
Financial establishments, including banks and savings and loan institutions.	5 per 1,000 sf.
All outdoor recreation, except as listed below:	1 per 4 seats in largest assembly area (with fixed seating), or 1 per 35 sf. in largest assembly area auditorium (with no fixed seating)
Driving range	2 per tee
Outdoor amusements (except mini golf)	1 per 4 fixed seats or 1 per 35 sf. of floor area used for moveable seats + 10 per 1,000 sf. of ground area identified for recreation and assembly
Outdoor amusements (mini golf)	20 per 18 miniature golf holes
Racetrack	1 per 4 fixed seats, or 1 per 35 sf. of floor area used for moveable seats + 10 per 1,000 sf. of other spectator area
Rural or agricultural event facility	1 per 2.5 attendees
All passenger terminals:	None
All personal service, except as listed below:	5 per 1,000 sf.
Funeral home	1 per 3 fixed seats + 1 per 25 sf. in the largest assembly room
All restaurants (indoor/outdoor seating):	10 per 1,000 sf.
All restaurants (carryout only):	5 per 1,000 sf.
All retail:	4 per 1,000 sf.
All vehicular, except as listed below:	5 per 1,000 sf.
Automobile and light truck sales/leasing	6.5 per 1,000 sf.
Parking	None