



SANDY SPRINGS

GEORGIA

CITY COUNCIL

Rusty Paul, Mayor

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Melody Kelley – District 2

Melissa Mular – District 3

Jody Reichel – District 4

Tibby DeJulio – District 5

Andy Bauman – District 6

Tuesday, July 15, 2025

Work Session

Following PFA

The City Council Work Session will be held in the Studio Theatre at Sandy Springs City Hall
(1 Galambos Way, Sandy Springs, GA 30328).

Live-stream: www.SandySpringsGA.gov/stream

I. Staff Discussion Items

A. 2025-125 Development Code Updates

(Presented by Ginger Sottile, Director of Community Development)

II. Public Works

III. City Council Discussion Items

Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in a public meeting, or who have questions regarding the accessibility of the meeting or facilities should contact the City Clerk at 770-730-5600 promptly for assistance.

The City will make reasonable accommodations for those persons.
1 Galambos Way, Sandy Springs, Georgia 30328 • 770-730-5600 • SandySpringsGA.gov



TO: Eden Freeman, City Manager
FROM: Matthew Anspach, Senior Planner
DATE: March 28, 2025 Submission for the July 15, 2025 City Council Work Session
ITEM: Development Code Updates

Recommendation:

No action is requested from Mayor and Council at this time. If desired, staff will bring forward the proposed text amendments to an August Planning Commission and September City Council Regular Meeting.

Discussion:

At this time, staff is providing an update to Mayor and Council on the Development Code, which has been largely untouched since the last major update in December of 2023. The amendments proposed provide clarifications, enhancements, and items inadvertently omitted in the previous major code update. Some examples include text explaining the appeals process, and minor grammatical errors referred to as housekeeping items.

Financial Impact:

No budgetary impacts are anticipated.

Review:

Kristin Byars Smith, Assistant City Manager
Ginger Sottile, Director of Community Development
Kristin Byars Smith, Assistant City Manager
Toni Carlisle, Chief Financial Officer
Dan Lee, City Attorney
Eden Freeman, City Manager

Created/Initiated - 7/7/2025
Approved - 7/8/2025
Approved - 7/8/2025
Approved - 7/11/2025
Approved - 7/11/2025
Final Approval - 7/11/2025

Attachments:

1. TA-25-2 Presentation
2. TA-25-2 All Redlines

2025 Development Code Edits

Work Session

July 15, 2025



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- Substantive Edits
 - Appeal Edits
- Housekeeping Edits References

Article 1

Sec. 1.1.9.

“Conditions that Remain” (Left Out)

- **Left out of final 2023 Update draft**
 - Clerical error, as edit was included in all prior drafts

Sec. 1.1.9. Prior Approval Conditions

- A. The adoption of an Official Zoning Map implementing this Development Code will remove all prior conditions of rezoning, with the exception of:
1. Buffers or setbacks adjacent to Protected Neighborhoods that exceed the requirements in this Development Code;
 2. Any provision for preservation or donation of park or open space land; and
 3. Development of Regional Impact (DRI) transportation conditions that exceed the requirements imposed by this Development Code.
 4. Any conditions that restrict the provision of ballfield or playground lighting or sound amplification.
 5. Any provision in an approved condition or site plan that restricts vehicular access to or from a particular direction. This condition does not remain for property or properties in any Perimeter districts unless they directly abut a Protected Neighborhood, RU-, or RT- district.

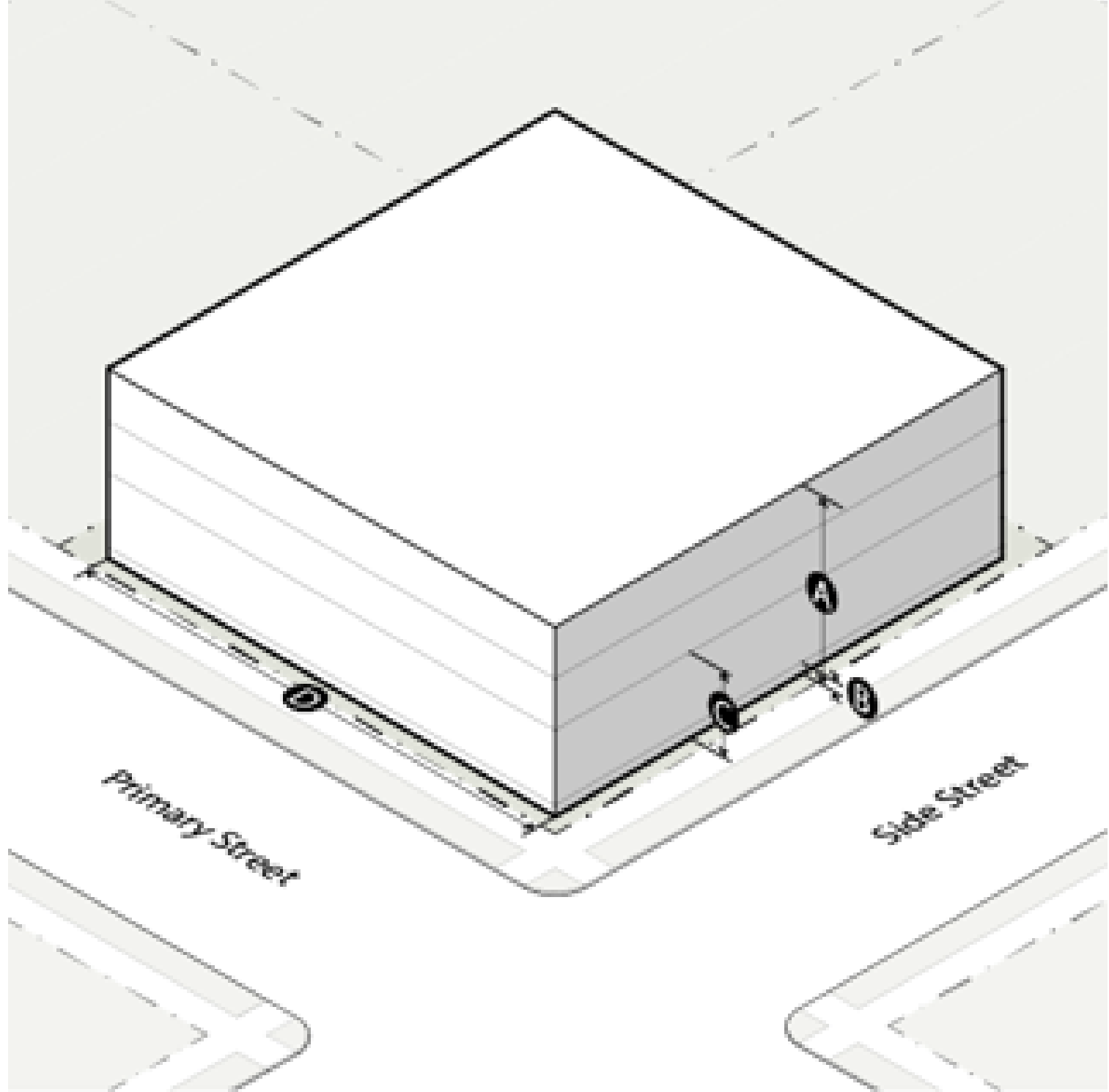
Article 4

Sec. 4.2.3.

Office Neighborhood Height & Mass (Left Out)

- **Elevation and height detail added**
 - The information proposed was added to all other commercial districts, and unintentionally left for the ON- district

Sec. 4.2.3. ON- Height and Mass

SEC. 4.2.3. ON- HEIGHT AND MASS		
		
Building Height		
A	Maximum height	
	ON-3	3 stories max/53' max
	Adjacent to RE- or RD-	3 stories max/42' max
	Within a transition area	2 stories/28' max
Story Height		
B	Ground floor elevation, residential	2' min/5' max
	Ground floor elevation, nonresidential	0' min/2' max
	Ground story, residential	12' min
C	Ground story, nonresidential	14' min
Building Mass		
D	Street-facing building length	200' max

Sec. 4.10.4.

NEX- Activation (Left Out)

- **Single unit requirement reduced**
 - The reduction was done for 4.10.11. (NEX- 5/10/12) but left out in error for 4.10.4. (NEX- 5/6)

Sec. 4.10.4. NEX- Activation

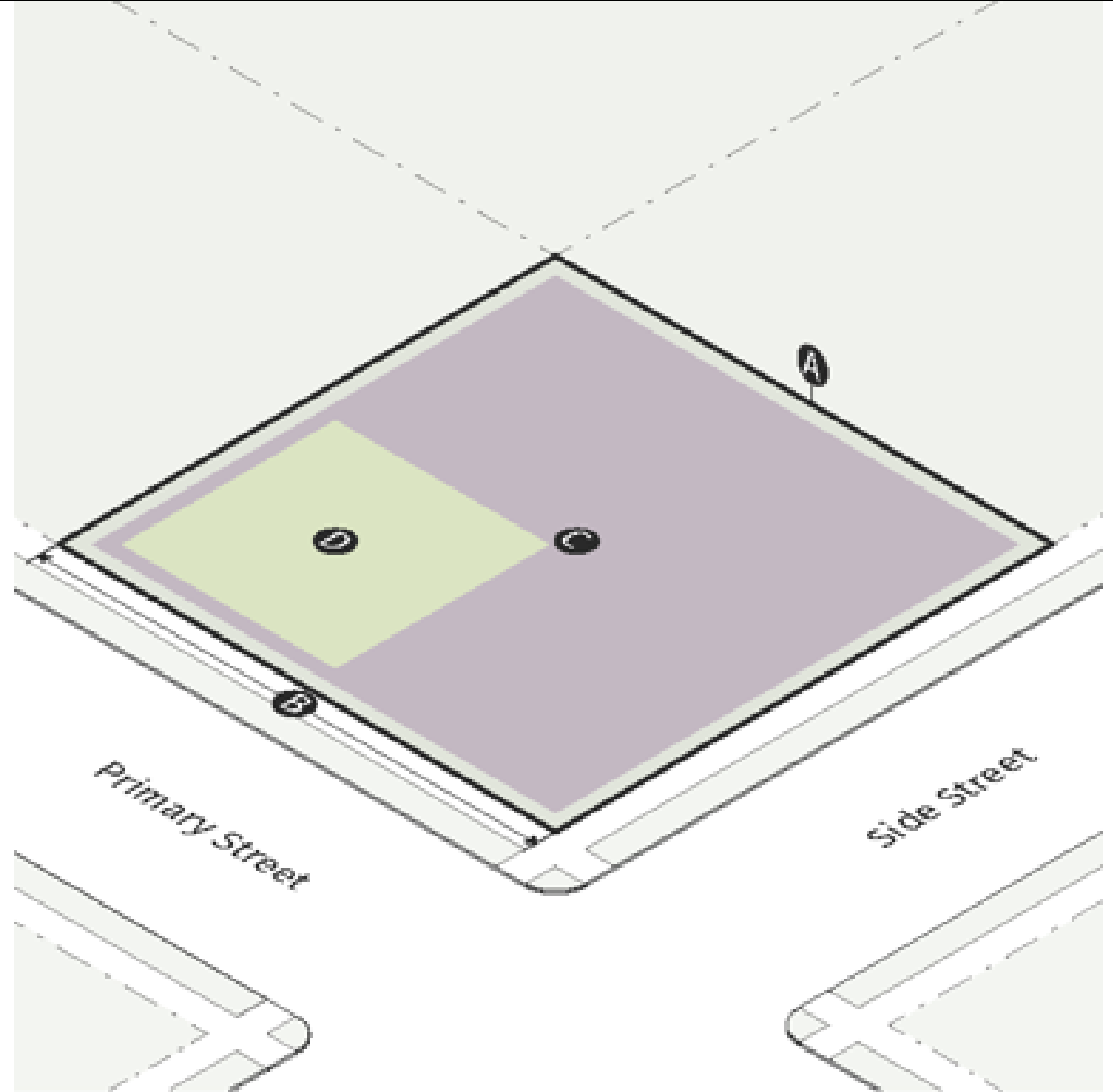
SEC. 4.10.4. NEX- ACTIVATION		
[Graphic not available]		
Transparency		
	Ground story, residential	30% min
	Ground story, commercial-ready	50% min
	Upper story	20% min
	Blank wall length	30' max
Pedestrian Access		
	Entrance facing street	Required
	Entrance spacing along primary or primary internal street	100' max
Residential Units Required		
	Single unit residential (% of total units)	205% min

Article 5

Sec. 5.5.1.

Perimeter Medical Lot Parameters (Left In)

- **“All uses” statement removed**
 - This statement was systematically removed from other sections based on improved detail for various uses minimum “Width(s)” and simply “left in” in error

SEC. 5.5.1. PM- LOT PARAMETERS		
		
Lot		
A	Area	
	Single unit attached	700 SF min
	Neighborhood unit	3,000 SF min
	All other allowed uses	7,500 SF min
B	Width (All uses other than as listed below)	
	Single unit attached	14' min
	Neighborhood unit	30' min
	All other allowed uses	75' min

Article 6

Sec. 6.1.1.I.

Outdoor Amenity Space Improvement Standards (OASIS)

(Clarification / Enhancements)

- Added descriptive titles to subsections
- Additional details to increase design intentionality for OASIS sites
 - Recalibrate percentage required to be publicly accessible
 - Limiting groundcover, encouraging landscape design, diverse types of seating

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2. **Standards**
- a. **Provision and Access** Required outdoor amenity space must be provided on the lot and at least 25% must be publicly accessible as outdoor space. The OASIS plan must be designed by a registered landscape architect or architect. A required buffer may not be used to meet the outdoor amenity space requirement; see paragraph h. below for exceptions.
 - b. **Use of Enclosed Space** Required outdoor amenity space may be enclosed on two sides or less by walls (with or without a solid roof cover) or enclosed on three sides by walls without a solid roof cover.
 - c. **Grade Location** Required outdoor amenity space may be located at or above grade. In RM-, RX- and CC- Districts, outdoor amenity space must be located at grade.
 - d. **Spatial Requirements** Required outdoor amenity space may be met in one contiguous outdoor area or in multiple outdoor areas on a lot and must have a minimum area of 100 square feet with no dimension less than 15 feet.
 - e. **Vehicular Restrictions** Required outdoor amenity space must not be parked or driven upon, except for emergency access and permitted temporary events.
 - f. **Groundcover** At least 50% and no more than 80% of the total amount of required outdoor amenity space at grade and 25% of required outdoor amenity space above grade must be planted with groundcover, shrubs or trees. For the purposes of this Section, turf grass is not considered groundcover.
 - g. **Seating** Seating must be provided at the rate of 1 seat for every ~~1~~400 square feet or fraction of ~~1~~400 square feet of required outdoor amenity space. Seats may be permanent or movable. Two linear feet of bench or seat wall equals one seat. Up to 50% of the required seating may consist of seat walls.
 - h. **Path** A path to the accessible OASIS area is required and must consist of pavers, concrete, or asphalt. Alternative materials may be considered with the approval of the Director. When a path is located in a natural setting (such as a state waters buffer) or other greenspace that cannot be used as amenity space in its entirety, the path may count towards the outdoor amenity space area calculation by using a width of 25 feet, multiplied by the length of the path.
 - i. **Pet Relief** A multi-unit development of 20 residential units or more must provide a pet relief station at a rate of 5 sq. ft. per unit, up to a maximum of 500 sq. ft. required. This is in addition to OASIS requirements. Consideration may be given for OASIS based on integration of design between the spaces at the discretion of the Director.
 - j. **Minimum Amenity Space** The table below provides the requirements for outdoor amenity space, based on lot size:

Total Lot Area	% of Lot as OASIS
Less than 1.0 acre	2%
1.0 to 1.9 acres	5%
2 acres and greater	15%
 - k. **Landmark Tree Credit** A reduction of 1% point from the requirements listed above for lots 1.0 acre and larger may be granted for every healthy landmark tree (as defined by Sec. 9.3.6) incorporated into the design of the outdoor amenity space.
 - l. **Additional Public Access Credit** A reduction of 1% point from the requirements listed above for lots 1.0 acre and larger may be granted for every 1,000 sq. ft. of outdoor amenity space accessible and usable by the public beyond the minimum required. The OASIS must be accessed directly from the public right-of-way and be open between 8:00 a.m. and 8:00 p.m. at a minimum.
 - m. **Credit Maximum** No reduction, based on paragraphs k. and l. above individually or combined, greater than 3% points for lots 1.0-1.9 acres and no greater than 5% points for lots of 2 acres and greater in size will be granted.

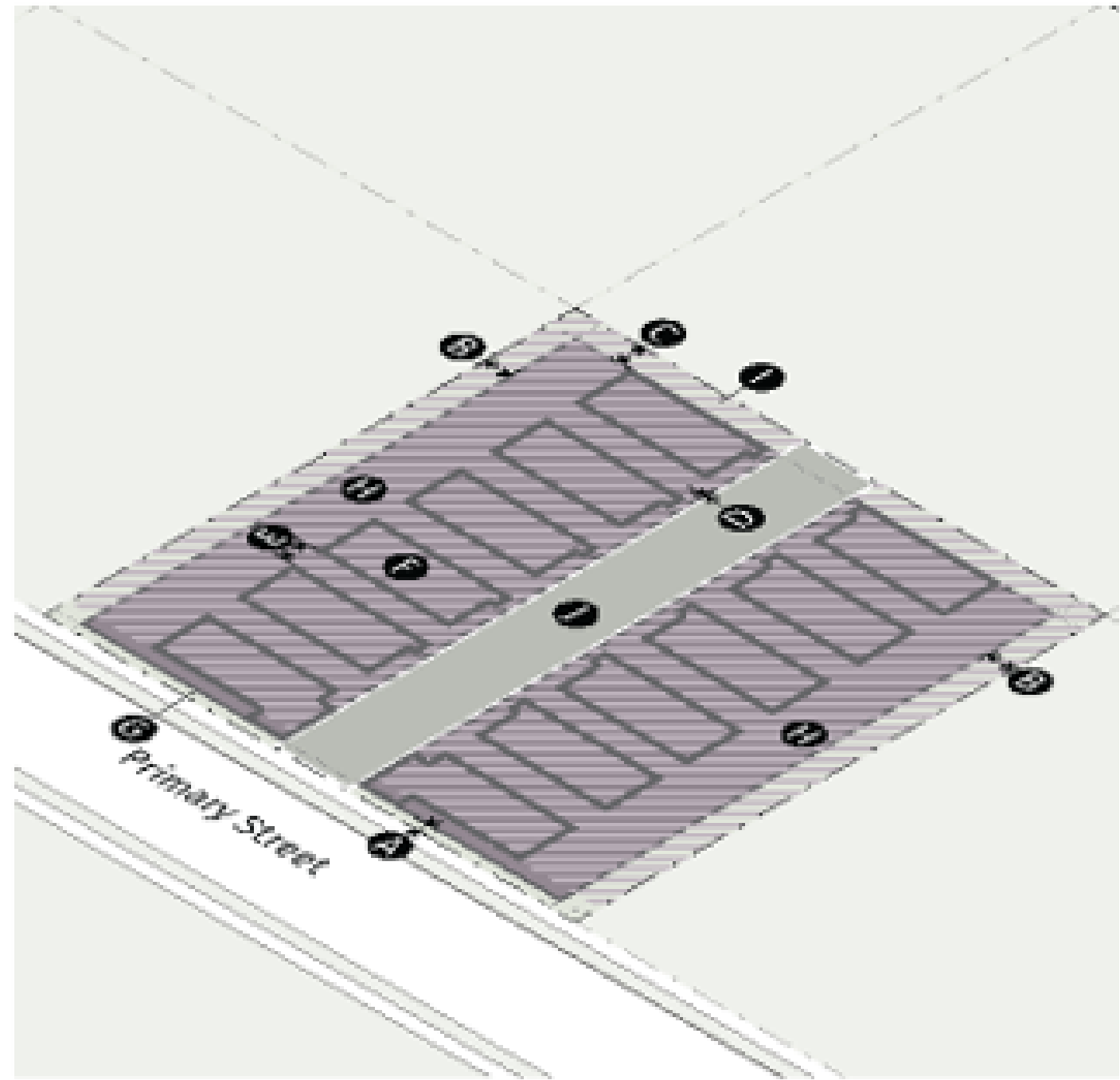
Sec. 6.3.2.D. (Shared Court) Building Placement (Enhancements)

- Enhance Shared Court standards
 - Shared Court Design Pattern was created to make single unit development more practical in urban environments. The primary street setback is larger than traditional townhouse development (10’).
 - This edit would align Shared Court with traditional townhouse limits on the primary street setback

6.3.2.D. Building Placement

D. Building Placement

D. BUILDING PLACEMENT



Building Setbacks and Unit Size		
A	Primary street	105' min
B	Site: side common lot line	10' min
C	Site: rear common lot line	10' min
D	Shared court	0' min

Parking Location		
G	Primary street yard	Not allowed
H	Site: side yard	Allowed
I	Site: rear yard	Allowed
J	Shared court	Not Allowed

Sec. 6.5.2.D., 6.5.3.A. Residential Parking (and Storage) (Enhancements)

- **Residential Storage**

- Add and enhance definitions for specialized vehicles and other outdoor items commonly stored in residential areas
- Helps Code Enforcement identify what is allowable or not

- **Enhance requirements for front-loaded townhouses alleys**

Sec. 6.5.2.D. Storage ~~Specialized Vehicles~~

1. Specialized Vehicles

Specialized vehicles such as recreational vehicles, campers, trailers, motor coaches, boats, and boat trailers, may be parked or stored in all residential zones under the following conditions:

- a. The vehicles must not be used as permanent living quarters.
- b. The location of the parking area must be in the buildable area of the lot and not in front of the principal structure. Also, the surface of the area must be constructed as a parking area as described in Sec. 6.5.2.C.5. above.
- c. Specialized vehicles must be screened from view of adjoining properties and rights-of-way with a minimum 6-foot tall fence or wall meeting the standards of Sec. 8.3.9. unless they are viewable for less than 48 consecutive hours as a visitor's means of transportation. Enhanced screening standards such as height, materials, or otherwise may be practically necessary to properly screen and may be requested at the discretion of the Director.
- d. For construction trailers, see Sec. 7.9.9.

2. All Other Items

- a. Items intended for indoor use such as upholstered furniture and household appliances may not be stored outside. Tools, equipment and supplies utilized for automobile repair or construction may not be stored outside. Other items may be approved at the discretion of the Director.

Sec. 6.5.3. Single Unit Attached Dwelling

For single unit attached dwellings, garage placement must meet the following standards.

A. Rear-Loaded

1. Garage must be placed entirely to the rear of the townhouse and be rear-accessed (loaded). Garage may be attached or detached.
2. Garage doors must face the rear alley or easement.



3. The garage door must be either:
 - a. Less than 6 feet from the edge of alley pavement; or
 - b. More than 20 feet from the edge of alley pavement.

4. On sites 3 acres or larger, the Director may allow up to 20% of the townhouses in the development to have front-loaded garages. The front-loaded garages must be located on streets internal to the site. Townhouses fronting on streets at the perimeter of the development site must be rear loaded.

Any street servicing a front-loaded unit must incorporate design found in Sec. 10.4.10.

Sec. 6.6.2.A., G.

Building Design

(Enhancements and Left Out)

- **Primary or fluorescent color use**

- Add primary and fluorescent color limits to canopies

- **Increase multi-unit standards**

- For multi-unit developments, adding three common minimum standards
- These standards were inadvertently left out of the 2017 Development Code rewrite

6.6.2. Building Design

- A. **Color** Primary or fluorescent colors are not permitted except on sign faces, awnings, canopies or as accent colors (not to exceed 10% of each building [or canopy](#) facade exclusive of window and door areas) on any side of the building.

G. Multi-Unit

1. **Defined** A lot containing two or more attached- dwelling units. Multi-unit includes structures -which are not designed and built to the Neighborhood Unit use standards.

2. **Basic Use Standards**

a. In addition to any storage space available within a particular residential unit, any multi-unit project with over 20 units must provide a minimum of 16 square feet of additional storage area, with a minimum height of 8 feet, for each residential unit. The storage space must be internal to the residential building or within an associated parking structure.

[b. Rooms in each unit shall have minimum nine-foot ceiling heights.](#)

[c. All stairs leading to upper levels shall be screened and not visible from any street.](#)

[d. All halls shall be internal.](#)

Sec. 6.7.2. Enhanced Community Benefit Matrix (Clarification/ Update)

- **Clarifications to Credit Chart**
 - Inadvertently left out a few floors/scenarios
 - Whether asking for more floors or less, the delineation is now rectified

Sec. 6.7.2. Enhanced Community Benefit Matrix

Stories	Percent of Site	30%	40%	50%	60%	70%
Credits Toward Reduction of Minimum Stories						
Under 4	Reduction	8 credits	10 credits	26 credits	50 credits	75 credits
Under 4 <u>Up to 1</u>	Reduction	8 credits	10 credits	26 credits	50 credits	75 credits
Under 3 <u>Up to 2</u>	Reduction	16 credits	20 credits	52 credits	70 credits	100 credits
Under 2 <u>Up to 3</u>	Reduction	24 credits	--	--	--	--
Credits Toward Bonus Stories						
Up to 3	By-right	--	--	--	--	--
<u>Up to 1</u>	Bonus	<u>8 credits</u>	<u>18 credits</u>	<u>28 credits</u>	<u>38 credits</u>	<u>48 credits</u>
<u>Up to 2</u>	Bonus	<u>16 credits</u>	<u>26 credits</u>	<u>36 credits</u>	<u>46 credits</u>	<u>56 credits</u>
<u>Up to 3</u>	Bonus	<u>23 credits</u>	<u>33 credits</u>	<u>43 credits</u>	<u>53 credits</u>	<u>63 credits</u>
Up to 4	Bonus	30 credits	40 credits	50 credits	60 credits	70 credits
Up to 5	Bonus	38 credits	50 credits	63 credits	75 credits	88 credits
Up to 6	Bonus	45 credits	60 credits	75 credits	90 credits	105 credits
Up to 7	Bonus	53 credits	70 credits	88 credits	105 credits	123 credits
Up to 8	Bonus	60 credits	80 credits	100 credits	120 credits	140 credits
Up to 9	Bonus	68 credits	90 credits	113 credits	135 credits	158 credits
Up to 10	Bonus	75 credits	100 credits	125 credits	150 credits	175 credits
Up to 11	Bonus	83 credits	110 credits	138 credits	165 credits	193 credits
Up to 12	Bonus	90 credits	120 credits	150 credits	180 credits	210 credits
Up to 13	Bonus	98 credits	130 credits	163 credits	195 credits	228 credits
Up to 14	Bonus	105 credits	140 credits	175 credits	210 credits	245 credits
Up to 15	Bonus	113 credits	150 credits	188 credits	225 credits	263 credits

Article 7

Sec. 7.3.1.G.3.d.

Ground Level Street Frontage Requirement

(Clarification / Update)

- **Clarity on wording and intent of mixed-use sites' minimum commercial, and agglomeration requirements**
 - Changes made to simplify understanding of commercial location and percentage requirements

d. The following districts require a minimum amount of [commercial-active space \(Sec. 6.6.2.E.\)](#) and commercial-ready space [\(Sec. 6.6.2.F.\)](#) for street-facing portions of the [Multi-unit](#) development. ~~The percentage determines the minimum amount of the street-facing building that must be constructed as commercial-ready space.~~ The commercial-ready space must be a minimum of 25' deep when measured from the building façade into the interior of the building. ~~When commercial-ready space is required, 20% must be used for a commercial use, or commercial-active space. The remaining 80% may have noncommercial uses in the commercial-ready space.~~ The Director may vary the requirement based on the balance of commercial uses surrounding the site. [Active Commercial requirements may agglomerate in centralized locations over a development and do not need to meet the standard at each building.](#)

Ground Level Street Frontage Use Requirement			
District	Must be active commercial	Must be commercial ready (up to half of which may be leasing and amenity)	Percent which may be residential only
CX	8 %	32 %	60 %
SX	10 %	40 %	50 %
TX	10 %	40 %	50 %
CS	10 %	40 %	50 %
IX	12 %	48 %	40 %
CC	10 %	40 %	50 %
PX	12 %	48 %	40 %
PM	8 %	32 %	60 %

~~Commercial-Ready~~ ~~Commercial-Active~~

i. ~~CX- districts: 40% min.~~ ~~8% min.~~

ii. ~~SX- districts: 50% min.~~ ~~10% min.~~

iii. ~~TX- districts: 50% min.~~ ~~10% min.~~

iv. ~~CS- districts: 50% min.~~ ~~10% min.~~

v. ~~IX- districts: 60% min.~~ ~~12% min.~~

vi. ~~CC- districts: 50% min.~~ ~~10% min.~~

vii. ~~PX- districts: 60% min.~~ ~~12% min.~~

viii. ~~PM- districts: 40% min.~~ ~~8% min.~~

Sec. 7.4.2.B.1.

Recreation and Open Space

(Enhancements)

- **Ancillary use augmentation**

- Funeral home on a cemetery campus is a related and complementary use

B. Cemetery/Mausoleum

1. **Defined** Any land or structure in the City dedicated to and used for interment of human or pet remains. It may be a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for storing urns containing human or pet remains, a traditional funeral home (that does not offer cremation options on-site), or a combination of 1 or more of the above.

Sec. 7.8.24.A.2., B.2.

Residential Accessory Structures

(Clarification Enhancements)

- **Clarifying Language**

- The language added to major and minor residential accessory structures clarifies how to identify appropriate areas for said structures in a residential yard by utilizing terms consistent with the code and more clearly understood generally
- For example, a structure can be in a primary street yard or a side street yard so long as it is not between the front wall plane of the principal structure and that yard

Minor

2. Basic Use Standards

- a. No minor residential accessory structures may be located between the front plane of the principal structure~~main building~~ and a ~~primary~~ street. In cases where site orientation is atypical, determination is at the director's discretion.
- b. Minor residential accessory structures may be located between the ~~main building~~principal structure and a ~~common~~interior side, side street, or rear lot line. Minor residential accessory structures must be a minimum of 10 feet or the required setback, from any property line, whichever is less restrictive. In cases where site orientation is atypical, determination is at the director's discretion.

Major

2. Basic Use Standards

- a. No major residential accessory structures may be located between the front plane of the principal structure~~main building~~ and a ~~primary~~ street. In cases where site orientation is atypical, determination is at the director's discretion.
- b. Major residential accessory structures may be located between the ~~main building~~principal structure and a ~~interior~~common side, side street, or rear lot line. In cases where site orientation is atypical, determination is at the director's discretion.

Article 8

Sec. 8.3.7.A.

District Boundary Buffers (Left Out)

- **Intended to be removed in the 2023 Update**

- This line was removed from the Protected Neighborhood version but never removed for the District Boundary Buffer. The standard is still a wall, but this edit allows for Director discretion in certain circumstances

A. **Buffer Standards**

1. Minimum buffer width of 20 feet.
2. Wall at least six-feet tall and no more than eight-feet tall that is located three feet from the property line ~~(no fence is allowed)~~. Openings of no more than four feet in width, closed off by an opaque gate of the same height as the wall, may be provided no less than 300 feet apart, for maintenance access. Outside of maintenance activities, the gates must be locked at all times.

Sec. 8.4.9.D.

Monument Signs (Clarification / Update)

- **Remove insufficient line of code**

- While it is true, monument signs are not allowed for any establishments within 40' of the street which is more wholly expressed in Sec. 8.4.3.

Sec. 8.4.9.D.

D. **Monument Signs**

1. One monument sign is allowed per 500 feet of street frontage of the subject lot. Where more than 1 monument sign is allowed, signs along the same street frontage of the subject lot must be spaced a minimum of 500 feet apart.
2. Monument signs may not be placed at the same driveway entrance where an entrance sign is located, and must be a minimum of 250 feet from an entrance sign.
- ~~3. Monument or other freestanding signs are not allowed where a principal structure's façade is located 10 feet or less from a right of way.~~

Article 9

Sec. 9.4.3.B.2.

Permits Required (Retaining Walls) (Clarification / Add Back)

- **Add back clarification on retaining wall requirements**
 - When retaining wall code was amended in 2020, this language was unintentionally removed. Only walls 6' and over or which support a surcharge will require an engineer certification

B. Permits and Other Requirements

1. **All** Retaining walls, whether in commercial or residential settings, regardless of height: Require a retaining wall permit and a professional engineer's certification of the design of the wall if they support a surcharge.
Surcharge is defined as any vertical load imposed on the retained soil that may impose a lateral force in addition to the lateral earth pressure of the retained soil. Examples of surcharges include:
 - a. Sloping retaining soil;
 - b. Structure footings supported by the retained soil;
 - c. Adjacent vehicle loads supported by the retained soil;
 - d. Tiered retaining wall systems.
2. **Permit Required** All retaining walls over four (4) feet in structure height require a retaining wall permit and walls six (6) feet and over require a professional engineer's certification of the design of the wall.

Article 10

Sec. 10.3.2.B., D.1.

Access Standards

(Fixes and Enhancements)

- **Eliminate one trigger from street requirement**
 - 25 residential units is not a viable way to determine when a new street should be constructed
 - For example, 25 units can be constructed on a half acre or less via a 3-story condo development or similar. A 45'-50' right of way on this size lot would make it undevelopable
 - "Gross square footage" and "lot size" as other criteria do a better job of creating a cohesive and logical street grid system
- One fix to the reference for Preliminary Plan Approval
- Refer directly to prescription for city alley

Sec. 10.3.2. Access Standards

- A. **Required Access Improvements** Every developer of lands within the jurisdiction of this Development Code must provide access improvements as required by this Development Code and other pertinent codes, ordinances, and regulations of the City. The improvements and associated lands must be provided at no cost to the City, and must be dedicated or otherwise transferred, as required, to the public in perpetuity and without covenant or reservation, except as otherwise provided in this Division.
- B. **Type of Improvements** If no new street is required per Sec. 10.3.1. Blocks, any development project of at least 3 acres in size, 100,000 sq. ft. in gross floor area, ~~or 25 residential units~~, whichever is less, or subject to Sec. 11.47.74. Preliminary Plan Approval must provide a street (and not a drive) through the site. The street type and frontage, if applicable, must be determined by the Director, based on the proposed use and layout.

-
- D. **Cross-Access Easement** In the RM- or RX- District, any Corridors & Nodes district or Perimeter Center district, the property owner must grant a cross-access easement as described in this Section to each adjoining property that is in the RM- or RX-District, any Corridors & Nodes district or Perimeter Center district. The purpose of the easement or inter-parcel access is to facilitate movement of residents and customers and their vehicles from location or establishment to another (lot to lot) without generating additional turning movements on a public street.

When required by this Section, cross-access easements must be recorded in the office of the Clerk of Superior Court, Fulton County, and reference to deed book and copy of the recorded easement provided to the Director.

1. Access Easement Provisions

- a. The cross-access easement must permit vehicle access from the adjoining property to driveways and parking areas intended for customer or tenant use.

At a minimum, the easement shall meet the requirements of an alley as described in Sec. 10.4.13.

Sec. 10.4.10.

Shared Street

(Fixes and Enhancements)

- **Make prescription consistent throughout code**
 - In Sec. 6.3.2.C.F., the minimum width for the Shared Court is 15'; right of way in the street prescription for "Shared Court" in Article 10 currently shows 24' as the minimum
 - Article 10 is now proposed correctly to read as "15'-36'"
- **Add prescription for what is in the Shared Court Right of Way**
 - Offset maintenance strip allowance
 - "Sidewalk" designation (ensure pedestrian access and use)

Sec. 10.4.10. Shared Street



Public Realm		
	Right-of-way, total	15 24 '-36'
	Right-of-way to centerline	7 12 ' _____ 6'-18'
	Maximum Length	<600'
	Maintenance strip	1' min (can be offset)
	Walkway width	N/A 6' (at street level)
	Bicycle facility (reserved)	N/A
	Street tree planting zone	Varies
	Curb and gutter	Flush/none
	On-street parking	Allowed
	Travel lane	8 9 '-10'
	Turn lane	N/A
	Paving Materials	Unit Pavers, Flamed Granite Slab or cobbles, Brick, Textured and/or Tinted (not stamped) Concrete

Article 11

Sec. 11.7.5.D.

(Fixes and Enhancements)

- Ease up on requirements for sign conformance
 - Encouraging paint up/fix up projects by decreasing requirements that increase project cost to an amount not commensurate with overall scope

Sec. 11.7.5. Nonconforming Sign

- A. Defined A sign that does not comply with the requirements of this Development Code.
- B. Maintained
 1. All nonconforming signs must be maintained in good repair.
 2. A nonconforming sign must not be replaced by another nonconforming sign, except that the substitution or interchange of poster panels, painted boards, or dismountable material on nonconforming signs is permitted, provided that the replacement does not constitute a material change to the sign.
- C. Repairs
 1. Minor repairs and maintenance of nonconforming signs are permitted; provided that no structural repairs or changes in the size or shape of a nonconforming sign are permitted except to make the sign comply with the standards of this Development Code.
 2. To the extent that any sign allowable under this Development Code is damaged or destroyed by Act of God or by other circumstances beyond control of the owner of the sign, then such sign may be repaired without regard to the restrictions of this paragraph B.
 3. The replacement of an existing sign face utilizing LED, plasma or similar technology is expressly prohibited.
- D. Continuance Nonconforming signs may stay in place until 1 of the following conditions occurs:
 - ~~1. The advertised business ceases at that location;~~
 - ~~12.~~ The façade of the associated principal building is modified;
 - ~~23.~~ The deterioration of the sign or damage to the sign makes it a hazard or renders it dilapidated, unsightly, or unkempt; OR
 - ~~34.~~ The sign has been damaged to such extent that more than minor repairs or a material change is required to restore the sign.
 - ~~45.~~ No structural repairs or change in shape or size are permitted except to make the sign comply with all standards of this Development Code.

Appeals Edits

Appeals Modifications

Sections 9.2.8., 9.3.8., 9.5.1., 9.5.2., 9.6.2., 9.7.8., and 9.8.2.
(Left Out)

- Corrections to appeals process for most BOA decisions, and administrative decisions

Housekeeping Edits

Housekeeping Items

(Minor Clarification, Grammatical, and Ordering Fixes)

- **Sec. 3.1.4.**
- **Sec. 4.1.8.**
- **Sec. 6.1.3.B.**
- **Div. 6.5.**
- **Div. 7.2.**
- **Sec. 8.1.1.**
- **Sec. 11.4.11. through 11.4.14.**
- **Sec. 11.5.1.K.3.b.**
- **Sec. 11.5.2.E.1.**
- **Sec. 11.1.1.**
- **Sec. 11.6.2.G.2.**

Substantive Edits

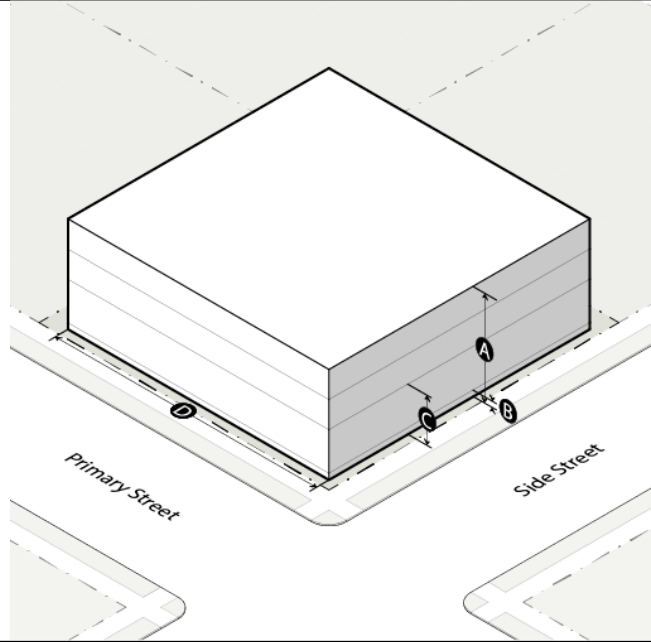
Article 1 Edits

Sec. 1.1.9. Prior Approval Conditions

- A. The adoption of an Official Zoning Map implementing this Development Code will remove all prior conditions of rezoning, with the exception of:
 - 1. Buffers or setbacks adjacent to Protected Neighborhoods that exceed the requirements in this Development Code;
 - 2. Any provision for preservation or donation of park or open space land; and
 - 3. Development of Regional Impact (DRI) transportation conditions that exceed the requirements imposed by this Development Code.
 - 4. Any conditions that restrict the provision of ballfield or playground lighting or sound amplification.
 - 5. Any provision in an approved condition or site plan that restricts vehicular access to or from a particular direction. This provision does not apply to sites located within Perimeter districts that do not directly abut Protected Neighborhood or RU- or RT- districts.
- B. Relief from any prior rezoning condition must be granted through the Planning Commission and City Council under the procedures for Legislative Review (see Div. 11.3.) as a Zoning Map Amendment.
- C. All conditions attached to previously approved Use Permits remain in effect. Relief from any prior use permit condition must be granted through the Planning Commission and City Council under the procedures for Legislative Review (see Div. 11.3.) as a Conditional Use Permit.
- D. For development sites in the CS-, CX-, and SX- districts which received a zoning approval between September 15, 2017 and prior to December 5, 2023, a conditional use permit is not required for any multi-unit housing component over three (3) stories.

Article 4 Edits

Sec. 4.2.3. ON- Height and Mass

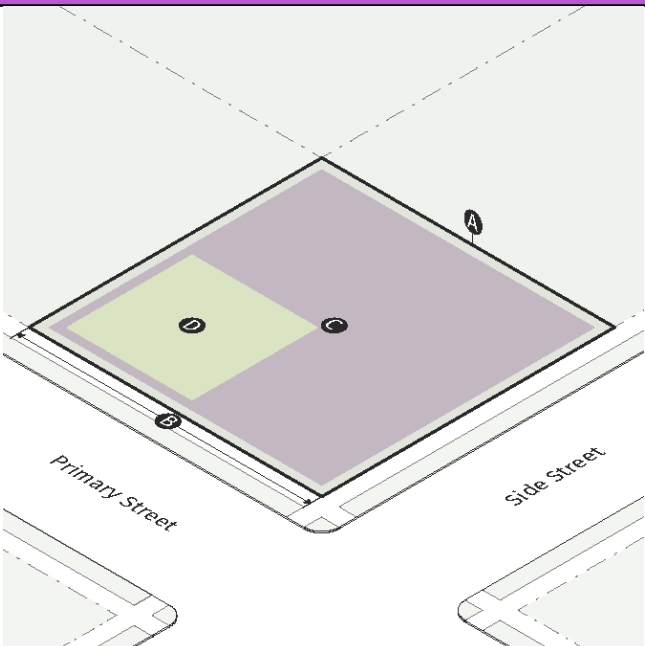
SEC. 4.2.3. ON- HEIGHT AND MASS		
		
Building Height		
A	Maximum height	
	ON-3	3 stories max/53' max
	Adjacent to RE- or RD-	3 stories max/42' max
	Within a transition area	2 stories/28' max
Story Height		
B	Ground floor elevation, <u>residential</u>	2' min/5' max
	Ground floor elevation, <u>nonresidential</u>	0' min/2' max
	Ground story, <u>residential</u>	12' min
C	Ground story, <u>nonresidential</u>	14' min
Building Mass		
D	Street-facing building length	200' max

Sec. 4.10.4. NEX- Activation

SEC. 4.10.4. NEX- ACTIVATION		
[Graphic not available]		
Transparency		
	Ground story, residential	30% min
	Ground story, commercial-ready	50% min
	Upper story	20% min
	Blank wall length	30' max
Pedestrian Access		
	Entrance facing street	Required
	Entrance spacing along primary or primary internal street	100' max
Residential Units Required		
	Single unit residential (% of total units)	205% min

Article 5 Edits

Sec. 5.5.1. PM- Lot Parameters

SEC. 5.5.1. PM- LOT PARAMETERS		
		
Lot		
A	Area	
	Single unit attached	700 SF min
	Neighborhood unit	3,000 SF min
	All other allowed uses	7,500 SF min
B	Width <i>(All uses other than as listed below)</i>	
	Single unit attached	14' min
	Neighborhood unit	30' min
	All other allowed uses	75' min
Coverage		
C	Lot coverage	85% max
D	Outdoor amenity space	Required
	Canopy coverage	
	Residential use	35% min
	All other uses	40% min

Article 6 Edits

Sec. 6.1.1.I.

I. Outdoor Amenity Space Improvement Standards (OASIS)

1. General

- a. Outdoor amenity space is common outdoor area provided in a development for use by all of its occupants for social and recreational activities. Outdoor amenity space may also be provided for use by the general public, in addition to patrons or occupants of the development.
- b. Examples of outdoor amenity space include swimming pools, playgrounds, sport courts, dog parks, gardens, community gardens, parks, greens, pavilions, seating areas, plazas, common balconies, rooftop decks or rooftop gardens.

2. Standards

- a. **Provision and Access** Required outdoor amenity space must be provided on the lot and at least 25% of the amenity space must be publicly accessible as outdoor space. The OASIS plan must be designed by a registered landscape architect or architect. A required buffer may not be used to meet the outdoor amenity space requirement; see paragraph h. below for exceptions.
- b. **Use of Enclosed Space** Required outdoor amenity space may be enclosed on two sides or less by walls (with or without a solid roof cover) or enclosed on three sides by walls without a solid roof cover.
- c. **Grade Location** Required outdoor amenity space may be located at or above grade. In RM-, RX- and CC- Districts, outdoor amenity space must be located at grade.
- d. **Spatial Requirements** Required outdoor amenity space may be met in one contiguous outdoor area or in multiple outdoor areas on a lot and must have a minimum area of 100 square feet with no dimension less than 15 feet.
- e. **Vehicular Restrictions** Required outdoor amenity space must not be parked or driven upon, except for emergency access and permitted temporary events.
- f. **Groundcover** At least 50% and no more than 80% of the total amount of required outdoor amenity space at grade and 25% of required outdoor amenity space above grade must be planted with groundcover, shrubs or trees. For the purposes of this Section, turf grass is not considered groundcover. Plazas and other common heavily hardscaped amenity spaces may require less groundcover at the approval of the Director.
- g. **Seating** Seating must be provided at the rate of 1 seat for every 1400 square feet or fraction of 1400 square feet of required outdoor amenity space. Seats may be permanent or movable. Two linear feet of bench or seat wall equals one seat. Up to 50% of the seating may be calculated from a seat wall.
- h. **Path** Access necessitates a demonstrable path to the location(s) on the site. The path may consist of pavers, concrete, or asphalt. Alternative materials may be considered with the approval of the Director. When a path is located in a natural setting (such as a state waters buffer) or other greenspace that cannot be used as amenity space in its entirety, the path may count towards the outdoor amenity space area calculation by using a width of 25 feet, multiplied by the length of the path.
- i. **Pet Relief** A multi-unit development of 20 residential units or more must provide a pet relief station at a rate of 5 sq. ft. per unit, up to a maximum of 500 sq. ft. required. This is in addition to OASIS requirements. Consideration may be given for OASIS based on integration of design between the spaces at the discretion of the Director.

- j. **Minimum Amenity Space** The table below provides the requirements for outdoor amenity space, based on lot size:

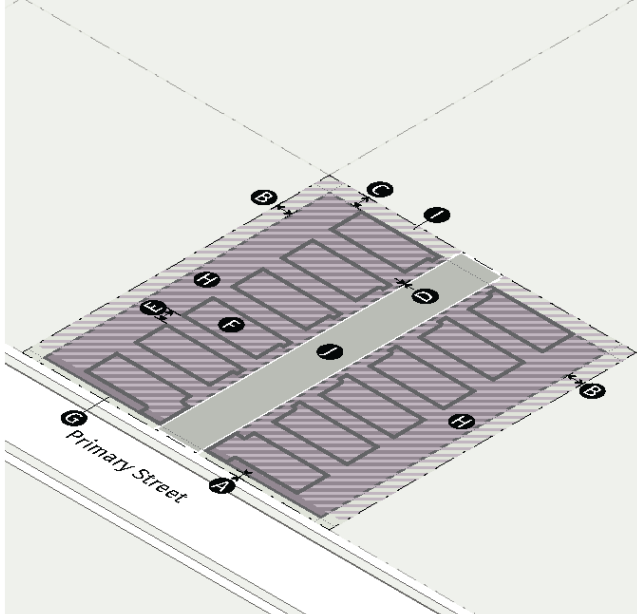
Total Lot Area	% of Lot as OASIS
Less than 1.0 acre	2%
1.0 to 1.9 acres	5%
2 acres and greater	15%

- k. **Landmark Tree Credit** A reduction of 1% point from the requirements listed above for lots 1.0 acre and larger may be granted for every healthy landmark tree (as defined by Sec. 9.3.6) incorporated into the design of the outdoor amenity space.
- l. **Additional Public Access Credit** A reduction of 1% point from the requirements listed above for lots 1.0 acre and larger may be granted for every 1,000 sq. ft. of outdoor amenity space accessible and usable by the public **beyond the minimum required**. The OASIS must be accessed directly from the public right-of-way and be open between 8:00 a.m. and 8:00 p.m. at a minimum.
- m. **Credit Maximum** No reduction, based on paragraphs k. and l. above individually or combined, greater than 3% points for lots 1.0-1.9 acres and no greater than 5% points for lots of 2 acres and greater in size will be granted.
- n. **Pedestrian Amenity Space Allowance**
- i. **General**
Pedestrian Amenity Space is a type of Outdoor Amenity Space intended to create a pedestrian-friendly environment, and therefore has more standards than other Outdoor Amenity Spaces. In addition to the standards below, Pedestrian Amenity Space is intended to be publicly accessible and located in close proximity to the public sidewalk. Examples include patios and plazas.
- ii. **Standards**
The Director may approve outdoor amenity space meeting the requirements of pedestrian amenity space to fulfill the outdoor amenity space requirement. Pedestrian amenity space requirements include:
- a) Each square foot of pedestrian amenity space counts as 2 square feet of the required outdoor amenity space.
 - b) Pedestrian amenity space must be accessible and usable by the public.
 - c) Pedestrian amenity space must have a minimum area of 400 square feet with no dimension less than 15 feet.
 - d) At least 25% of the pedestrian amenity space must abut and be directly accessible from the sidewalk of a primary street or side street.
 - e) Pedestrian amenity space cannot be separated from the sidewalk by any structure for more than 40% of the width of the amenity space.
 - f) The finished elevation of the pedestrian amenity space must be located at the same grade as the sidewalk or the ground story.

-
- g) All building facades abutting the pedestrian amenity space must meet the transparency and entrance requirements of the zoning district.
 - h) A minimum of 15% of the pedestrian amenity space must be a planted area with trees or groundcover and a minimum of 25% of the pedestrian amenity space must be hardscaped.
 - i) Pedestrian amenity space cannot be used for vehicle parking or access, except for emergency access or permitted temporary events.
 - j) Mechanical equipment cannot be located in a pedestrian amenity space or between the pedestrian amenity space and the building.

6.3.2.D. Building Placement

D. Building Placement

D. BUILDING PLACEMENT		
 The diagram shows a lot with a central shared court (D) and a primary street (G) on the left. Buildings are shown with setbacks from the street (A), side common lot lines (B), rear common lot lines (C), and the shared court (D). Parking locations are indicated by letters G, H, I, and J. G is the primary street yard, H is the side yard, I is the rear yard, and J is the shared court.		
Building Setbacks and Unit Size		
A	Primary street	105' min
B	Site: side common lot line	10' min
C	Site: rear common lot line	10' min
D	Shared court	0' min
Parking Location		
G	Primary street yard	Not allowed
H	Site: side yard	Allowed
I	Site: rear yard	Allowed
J	Shared court	Not Allowed

Sec. 6.5.2.D.

Storage ~~Specialized Vehicles~~

1. Specialized Vehicles

Specialized vehicles such as recreational vehicles, campers, trailers, motor coaches, boats, and boat trailers, may be parked or stored in all residential zones under the following conditions:

- a. The vehicles must not be used as permanent living quarters.
- b. The location of the parking area must be in the buildable area of the lot and not in front of the principal structure. Also, the surface of the area must be constructed as a parking area as described in Sec. 6.5.2.C.5. above.
- c. Specialized vehicles must be screened from view of adjoining properties and rights-of-way with a minimum 6-foot tall fence or wall meeting the standards of Sec. 8.3.9. unless they are viewable for less than 48 consecutive hours as a visitor's means of transportation. Enhanced screening standards such as height, materials, or otherwise may be practically necessary to properly screen and may be requested at the discretion of the Director.
- d. For construction trailers, see Sec. 7.9.9.

2. All Other Items

- a. Items intended for indoor use such as upholstered furniture and household appliances may not be stored outside. Tools, equipment and supplies utilized for automobile repair or construction may not be stored outside. Other items may be approved at the discretion of the Director.

6.6.2.A.

Building Design

- A. **Color** Primary or fluorescent colors are not permitted except on sign faces, awnings, canopies or as accent colors (not to exceed 10% of each building or canopy facade exclusive of window and door areas) on any side of the building.

Sec. 6.6.2.G.

Multi-Unit

1. **Defined** A lot containing two or more attached- dwelling units. Multi-unit includes structures -which are not designed and built to the Neighborhood Unit use standards.
2. **Basic Use Standards**
 - a. In addition to any storage space available within a particular residential unit, any multi-unit project with over 20 units must provide a minimum of 16 square feet of additional storage area, with a minimum height of 8 feet, for each residential unit. The storage space must be internal to the residential building or within an associated parking structure.
 - b. Rooms in each unit shall have minimum nine-foot ceiling heights.
 - c. All stairs leading to upper levels shall be screened and not visible from any street.
 - d. All halls shall be internal.

Sec. 6.7.2.

Enhanced Community Benefit Matrix

Stories	Percent of Site	30%	40%	50%	60%	70%
Credits Toward Reduction of Minimum Stories						
Under 4	Reduction	8 credits	10 credits	26 credits	50 credits	75 credits
Under 4 <u>Up to 1</u>	Reduction	8 credits	10 credits	26 credits	50 credits	75 credits
Under 3 <u>Up to 2</u>	Reduction	16 credits	20 credits	52 credits	70 credits	100 credits
Under 2 <u>Up to 3</u>	Reduction	24 credits	--	--	--	--
Credits Toward Bonus Stories						
Up to 3	By right	--	--	--	--	--
<u>Up to 1</u>	Bonus	8 credits	18 credits	28 credits	38 credits	48 credits
<u>Up to 2</u>	Bonus	16 credits	26 credits	36 credits	46 credits	56 credits
<u>Up to 3</u>	Bonus	23 credits	33 credits	43 credits	53 credits	63 credits
Up to 4	Bonus	30 credits	40 credits	50 credits	60 credits	70 credits
Up to 5	Bonus	38 credits	50 credits	63 credits	75 credits	88 credits
Up to 6	Bonus	45 credits	60 credits	75 credits	90 credits	105 credits
Up to 7	Bonus	53 credits	70 credits	88 credits	105 credits	123 credits
Up to 8	Bonus	60 credits	80 credits	100 credits	120 credits	140 credits
Up to 9	Bonus	68 credits	90 credits	113 credits	135 credits	158 credits
Up to 10	Bonus	75 credits	100 credits	125 credits	150 credits	175 credits
Up to 11	Bonus	83 credits	110 credits	138 credits	165 credits	193 credits
Up to 12	Bonus	90 credits	120 credits	150 credits	180 credits	210 credits
Up to 13	Bonus	98 credits	130 credits	163 credits	195 credits	228 credits
Up to 14	Bonus	105 credits	140 credits	175 credits	210 credits	245 credits
Up to 15	Bonus	113 credits	150 credits	188 credits	225 credits	263 credits

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(Supp. No. 4)

- a. The following districts require a minimum amount of commercial-active space (Sec. 6.6.2.E.) and commercial-ready space (Sec. 6.6.2.F.) for street-facing portions of the Multi-unit development. ~~The percentage determines the minimum amount of the street-facing building that must be constructed as commercial-ready space.~~ The commercial-ready space must be a minimum of 25' deep when measured from the building façade into the interior of the building. ~~When commercial-ready space is required, 20% must be used for a commercial use, or commercial-active space. The remaining 80% may have noncommercial uses in the commercial-ready space.~~ The Director may vary the requirement based on the balance of commercial uses surrounding the site. Active Commercial requirements may agglomerate in centralized locations over a development and do not need to meet the standard at each building.

<u>Ground Level Street Frontage Use Requirement</u>			
<u>District</u>	<u>Must be active commercial</u>	<u>Must be commercial ready (up to half of which may be leasing and amenity)</u>	<u>Percent which may be residential only</u>
<u>CX</u>	<u>8 %</u>	<u>32 %</u>	<u>60 %</u>
<u>SX</u>	<u>10 %</u>	<u>40 %</u>	<u>50 %</u>
<u>TX</u>	<u>10 %</u>	<u>40 %</u>	<u>50 %</u>
<u>CS</u>	<u>10 %</u>	<u>40 %</u>	<u>50 %</u>
<u>IX</u>	<u>12 %</u>	<u>48 %</u>	<u>40 %</u>
<u>CC</u>	<u>10 %</u>	<u>40 %</u>	<u>50 %</u>
<u>PX</u>	<u>12 %</u>	<u>48 %</u>	<u>40 %</u>
<u>PM</u>	<u>8 %</u>	<u>32 %</u>	<u>60 %</u>

- Commercial-Ready ————— Commercial-Active
- i. — CX — districts: 40% min. ————— 8% min.
 - ii. — SX — districts: 50% min. ————— 10% min.
 - iii. — TX — districts: 50% min. ————— 10% min.
 - iv. — CS — districts: 50% min. ————— 10% min.
 - v. — IX — districts: 60% min. ————— 12% min.
 - vi. — CC — districts: 50% min. ————— 10% min.
 - vii. — PX — districts: 60% min. ————— 12% min.
 - viii. — PM — districts: 40% min. ————— 8% min.

Article 7 Edits

Sec. 7.4.2.B.1.

Recreation and Open Space

A. **Defined** Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, and having few structures.

B. Cemetery/Mausoleum

1. **Defined** Any land or structure in the City dedicated to and used for interment of human or pet remains. It may be a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for storing urns containing human or pet remains, a traditional funeral home (that does not offer cremation options on-site), or a combination of 1 or more of the above.

Sec. 7.8.24.

Residential Accessory Structures

A. Residential accessory structures, minor

1. **Defined** Improvements typically associated with single unit residential uses that are not predominately intended for the shelter of humans or goods. Typically, minor residential accessory structures are smaller in size than major residential accessory structures, and are unenclosed on three or more sides. Examples include:
 - a. Gazebo
 - b. Outdoor fire place, fire pit
 - c. Play structure
 - d. Sport court
 - e. Outdoor kitchen
 - f. Tree house (unconditioned)
 - g. Swimming pool
2. **Basic Use Standards**
 - a. No minor residential accessory structures may be located between the front plane of the principal structure~~main building~~ and a ~~primary~~ street.
 - b. Minor residential accessory structures may be located between the ~~main building~~principal structure and a ~~common interior~~ side, side street, or rear lot line. Minor residential accessory structures must be a minimum of 10 feet or the required setback, from any property line, whichever is less restrictive.
 - c. A minor residential accessory structure may not exceed 24 feet in height. If located within the required building setbacks, a minor residential accessory structure may not exceed 15 feet in height.
 - d. All swimming pools must be completely surrounded by an enclosure that meets the requirements of the International Swimming Pool and Spa Code as well as the requirements in Sec. 8.3.10. The enclosure must be in place prior to pool completion. Materials and construction must comply with the regulations administered by the Fulton County Health Department.

B. Residential accessory structures, major

1. **Defined** Improvements typically associated with single unit residential uses that are predominately intended for the shelter of humans or goods. Typically, major residential accessory structures are enclosed on two or more sides. Examples include:
 - a. Cabana, pool house
 - b. Garage, detached
 - c. Shed
2. **Basic Use Standards**
 - a. No major residential accessory structures may be located between the front plane of the principal structure~~main building~~ and a ~~primary~~ street.

-
- b. Major residential accessory structures may be located between the ~~main building~~principal structure and an ~~interior common~~ side, side street, or rear lot line.
 - c. Major residential accessory structures must comply with applicable building setbacks if their footprint exceeds 500 square feet. Major residential accessory structures with a footprint of less than 500 square feet must be a minimum of 10 feet or the required setback, from any property line, whichever is less restrictive.
 - d. A major residential accessory structure may not exceed 24 feet in height. If located within the required building setbacks, a major residential accessory structure may not exceed 15 feet in height.
 - e. Guest houses are regulated under Sec. 7.8.6.
- C. **Height Calculation.** Each façade or element of the accessory structure must comply with the principal building maximum height. The height is measured from the average grade directly adjacent to said façade or element.

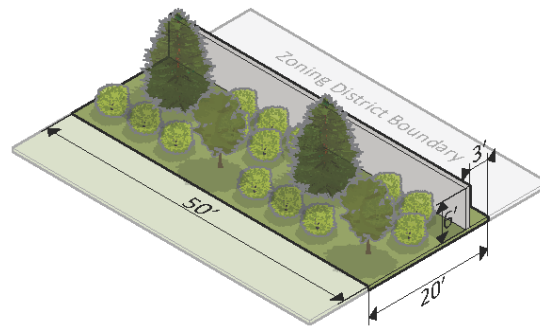
Article 8 Edits

Sec. 8.3.7. District Boundary Buffers

A district boundary buffer is required when any RM, RX, Corridor & Node district, or Perimeter Center district abuts an RT or RU zone. It is also required when an RU or RT district abuts a Protected Neighborhood. A district boundary buffer may also be required by a specific use standard in Article 7. The Director may waive the application of the district boundary buffer when the protected property is developed with a place of worship, school or similar civic use. The required buffer must include the following components:

A. Buffer Standards

1. Minimum buffer width of 20 feet.
2. Wall at least six-feet tall and no more than eight-feet tall that is located three feet from the property line ~~(no fence is allowed)~~. Openings of no more than four feet in width, closed off by an opaque gate of the same height as the wall, may be provided no less than 300 feet apart, for maintenance access. Outside of maintenance activities, the gates must be locked at all times.
3. At least four evergreen trees (each full to the ground and at least six-feet tall at the time of planting) per 100 linear feet of buffer.
4. At least four understory trees (each with a minimum caliper of two inches) per 100 linear feet of buffer.
5. At least 30 shrubs, each a minimum of three feet in height at the time of planting, per 100 linear feet of buffer.



Sec. 8.4.9.D.**D. Monument Signs**

1. One monument sign is allowed per 500 feet of street frontage of the subject lot. Where more than 1 monument sign is allowed, signs along the same street frontage of the subject lot must be spaced a minimum of 500 feet apart.
2. Monument signs may not be placed at the same driveway entrance where an entrance sign is located, and must be a minimum of 250 feet from an entrance sign.
3. ~~Monument or other freestanding signs are not allowed where a principal structure's façade is located 10 feet or less from a right-of-way.~~

Article 9 Edits

Sec. 9.4.3.B.2.

B. Permits and Other Requirements

1. **All** Retaining walls, whether in commercial or residential settings, regardless of height:
Require a retaining wall permit and a professional engineer's certification of the design of the wall if they support a surcharge.
Surcharge is defined as any vertical load imposed on the retained soil that may impose a lateral force in addition to the lateral earth pressure of the retained soil. Examples of surcharges include:
 - a. Sloping retaining soil;
 - b. Structure footings supported by the retained soil;
 - c. Adjacent vehicle loads supported by the retained soil;
 - d. Tiered retaining wall systems.
2. **Permit Required** All retaining walls over four (4) feet in structure height require a retaining wall permit and walls six (6) feet and over require a professional engineer's certification of the design of the wall.

Article 10 Edits

Sec. 10.3.2.B.**Access Standards**

- B. **Type of Improvements** If no new street is required per Sec. 10.3.1. Blocks, any development project of at least 3 acres in size, 100,000 sq. ft. in gross floor area, ~~or 25 residential units~~, whichever is less, or subject to Sec. 11. ~~47.74~~. Preliminary Plan Approval must provide a street (and not a drive) through the site. The street type and frontage, if applicable, must be determined by the Director, based on the proposed use and layout.

Sec. 10.3.2.D.1.a.

- D. **Cross-Access Easement** In the RM- or RX- District, any Corridors & Nodes district or Perimeter Center district, the property owner must grant a cross-access easement as described in this Section to each adjoining property that is in the RM- or RX-District, any Corridors & Nodes district or Perimeter Center district. The purpose of the easement or inter-parcel access is to facilitate movement of residents and customers and their vehicles from location or establishment to another (lot to lot) without generating additional turning movements on a public street.

When required by this Section, cross-access easements must be recorded in the office of the Clerk of Superior Court, Fulton County, and reference to deed book and copy of the recorded easement provided to the Director.

1. Access Easement Provisions

- a. The cross-access easement must permit vehicle access from the adjoining property to driveways and parking areas intended for customer or tenant use.

At a minimum, the easement shall meet the requirements of an alley as described in Sec. 10.4.13.

- b. On-site parking spaces may be restricted to use by the owner's customers and tenants only.
- c. Upon the availability of access to driveways and parking areas of the adjoining lot, the pavement or other surfacing of the owner's driveways and parking areas must be extended to the point of access on the property line.
- d. Where cross-access arrangements exist that predate the provisions of this Ordinance, this access may not be blocked by any party,

Sec. 10.4.10. Shared Street



Public Realm		
	Right-of-way, total	1524'-36'
	Right-of-way to centerline	712' 6"-18'
	Maximum Length	<600'
	Maintenance strip	1' min (can be offset)
	Walkway width	N/A 6' (at street level)
	Bicycle facility (reserved)	N/A
	Street tree planting zone	Varies
	Curb and gutter	Flush/none
	On-street parking	Allowed
	Travel lane	89'-10'
	Turn lane	N/A
	Paving Materials	Unit Pavers, Flamed Granite Slab or cobbles, Brick, Textured and/or Tinted (not stamped) Concrete

Article 11 Edits

Sec. 11.7.5. Nonconforming Sign

- A. **Defined** A sign that does not comply with the requirements of this Development Code.
- B. **Maintained**
1. All nonconforming signs must be maintained in good repair.
 2. A nonconforming sign must not be replaced by another nonconforming sign, except that the substitution or interchange of poster panels, painted boards, or dismountable material on nonconforming signs is permitted, provided that the replacement does not constitute a material change to the sign.
- C. **Repairs**
1. Minor repairs and maintenance of nonconforming signs are permitted; provided that no structural repairs or changes in the size or shape of a nonconforming sign are permitted except to make the sign comply with the standards of this Development Code.
 2. To the extent that any sign allowable under this Development Code is damaged or destroyed by Act of God or by other circumstances beyond control of the owner of the sign, then such sign may be repaired without regard to the restrictions of this paragraph B.
 3. The replacement of an existing sign face utilizing LED, plasma or similar technology is expressly prohibited.
- D. **Continuance** Nonconforming signs may stay in place until 1 of the following conditions occurs:
- ~~1. The advertised business ceases at that location;~~
 12. The façade of the associated principal building is modified;
 23. The deterioration of the sign or damage to the sign makes it a hazard or renders it dilapidated, unsightly, or unkempt; OR
 34. The sign has been damaged to such extent that more than minor repairs or a material change is required to restore the sign.
 45. No structural repairs or change in shape or size are permitted except to make the sign comply with all standards of this Development Code.

Appeals Edits

Sec. 9.2.8. Violations, Enforcement and Penalties

In addition to the provisions of Div. 11.8, the following provisions apply.

- A. **Violations** Any action or inaction which violates the provisions of this Division or the requirements of an approved site plan or permit may be subject to the enforcement actions outlined in this Section. Any such action or inaction that is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described in paragraph C. of this Section does not prevent such equitable relief.

B. **Notice of Violation**

1. If the City determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved site plan or the provisions of this Division, the Director will issue a written notice of violation to the applicant or other responsible person.
2. Where a person is engaged in activity covered by this Division without having first secured the appropriate permit for the work, the notice of violation is served on the owner or the responsible person in charge of the activity being conducted on the site.
3. The notice of violation must contain:
 - a. The name and address of the owner or the applicant or the responsible person;
 - b. The address or other description of the site upon which the violation is occurring;
 - c. A statement specifying the nature of the violation;
 - d. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the approved site plan or this Division and the date for the completion of such remedial action;
 - e. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
 - f. ~~A statement that the determination of violation may be appealed to the City by filing a written notice of appeal within 30 days after the notice of violation (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient).~~

C. **Penalties**

1. In the event the remedial measures described in the notice of violation have not been completed by the date set forth for completion in the notice of violation, any 1 or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed.
2. Before taking any of the following actions or imposing any of the following penalties, the City must first notify the applicant or other responsible person in writing of its intended action, and provide a reasonable opportunity, of not less than 10 days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient) to cure the violation.
3. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the City may take any 1 or more of the following actions or impose any 1 or more of the following penalties:
 - a. *Stop work order.* The Department may issue a stop work order that is served on the applicant or other responsible person. The stop work order will remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.

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- b. *Withhold certificate of occupancy.* The City may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
 - c. *Suspension, revocation or modification of permit.* The City may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the City may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
 - d. *Civil penalties.* In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within 10 days (or such greater period as the City deems appropriate) (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient) after the City has taken 1 or more of the actions described above, the City may impose a penalty not to exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
 - e. *Criminal penalties.* For intentional and flagrant violations of this Division, the City may issue a citation to the applicant or other responsible person, requiring such person to appear in (appropriate municipal, magistrate or recorder's) court to answer charges for such violation. Upon conviction, such person is guilty of a violation of this Code. Each act of violation and each day upon which any act of violation occurs constitutes a separate violation of this Code.

Sec. 9.3.8. Administration

- A. **Technical Manual** The Technical Manual was prepared in conjunction with this Article and, as it exists and may be amended from time to time, it is incorporated here, and a copy of it is maintained in the office of the City Clerk. If any term of the Technical Manual is deemed to conflict with the terms of this Article, the terms of this Article control.
- B. **Appeals**
1. Any applicant under this Article aggrieved by an action of the City Arborist, or any adjacent property owner directly impacted by a decision made under this Article, [may pursue an appeal to Fulton County Superior Court, within 30 calendar days of the decision.](#) ~~may appeal and be heard by the Board of Appeals in accordance with the rules and regulations as set forth by this Article and the Board. See Sec. 11.6.3.~~
 2. ~~Appeals may only be granted for errors of interpretation, application, or where the unique natural features of the site are such that it is impractical or impossible to apply the terms, conditions or standards of this Article, resulting in an undue hardship to the property owner.~~
- C. **Establishment of Tree Bank**
1. There is hereby established a Sandy Springs Tree Bank for the maintenance and disbursement of funds required to be paid pursuant to the terms of this Article.
 2. Where it is determined by the City Arborist that payment into the Sandy Springs Tree Bank is required by this Article, the required funds must be paid to the Sandy Springs Tree Bank prior to issuance of any related permit.
 3. Funds maintained in the Sandy Springs Tree Bank are administered by the Director pursuant to the rules and regulations regarding the funds as established by the Sandy Springs City Council for the purposes of replacing tree canopy or canopy preservation.
- D. **Cost Assignment**
1. For the purposes of calculation of required payment into the Sandy Springs Tree Bank, an assessed value of \$5,000.00 per 1,000 square feet of canopy will be used when canopy replacement cannot be achieved by replanting on the site.
 - a. Large Canopy Trees are calculated as 1,000 square feet credit.
 - b. Medium Canopy Trees are calculated as 500 square feet credit.
 - c. Small Canopy Trees are calculated as 250 square feet credit.
 2. When proposed construction causes the canopy to fall below the minimum canopy requirement, an assessed value of \$1,200.00 per 1,000 square feet of canopy is used to determine the payment for the deficient canopy.
 3. For any unauthorized tree removal, an assessed value of \$7,500.00 per 1,000 square feet of canopy removed will be used to determine payment into the Sandy Springs Tree Bank.
- E. **Potentially Damaged Trees—Escrow Fund**
1. Where the City Arborist determines that due to approved construction or land disturbance activity an applicant may remove a tree pursuant to the terms of this Article, and the applicant is required to pay for the lost tree canopy of the removed tree, the applicant may, at its election, propose alternative construction or site design methods to attempt to preserve the continued viability of the tree. Should the City Arborist determine that the proposed alternative construction or site design methods will reasonably result in the survival of the tree, that portion of the funds required to pay for the lost tree canopy of the tree pursuant to this Article must be paid into an escrow fund maintained by the City.

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2. After 3 years from the date of receiving a certificate of occupancy or certificate of completion, the applicant has the right to petition the City Arborist for the return of all escrow funds held for the protection of the tree. Within 30 days of the petition, the City Arborist will make a determination as to whether the tree has failed to survive or is in a state of irreversible decline due to the permitted activity. Should the City Arborist determine that the tree has survived and is not in a state of irreversible decline, the funds must be paid to the applicant. Should the City Arborist determine that the tree has failed to survive or is in a state of irreversible decline, the escrow must be transferred into the Sandy Springs Tree Bank.
 3. If funds are required to be paid into escrow pursuant to paragraph 1. above, at any time prior to a determination authorizing the return of the escrow funds to the applicant pursuant to paragraph 4. below, the property owner (petitioner) whose property contains the tree may petition the City Arborist for the payment of the escrow funds to be used for the removal and replacement of the tree on the grounds that the permitted activity has caused the tree to fail to survive or be in a state of irreversible decline.
 4. Upon receipt of such petition, notice of the petition is provided to the applicant hereunder at the address provided at the time of the tree removal permit application, or at any alternative address subsequently designated by the applicant to the City Arborist in writing, via first class and certified mail, within 30 days of mailing of the notice. The City Arborist will make a determination as to whether the tree has failed to survive or is in a state of irreversible decline due to the permitted activity. Notice of the decision is provided to the petitioner and the applicant by certified and first class mail as set forth in this paragraph. Either party may appeal the City Arborist's determination pursuant to this Article. Should the City Arborist determine that the tree failed to survive or is in a state of irreversible decline due to the permitted activity, and no appeal has been timely filed, or the applicant has fully exhausted his or her appellate rights, the escrow funds will be paid to the petitioner to offset any costs incurred in removal and replacement of the tree. The petitioner's rights pursuant to this Section may not be exercised more than once in any 18-month period.
 5. Any funds not collected by either an affected property owner or the applicant within a period of 6 years of the establishment of the escrow fund are deposited in the Sandy Springs Tree Bank.
 6. No party is entitled to receive interest on any escrow funds required pursuant to the provisions of this Article.

F. Enforcement

1. The Director will enforce the terms of this Article.
2. No certificate of occupancy may be issued on any property without compliance with the terms of this Article.
3. Examples of violations include, but are not limited to:
 - a. Land disturbance or building construction without a permit.
 - b. Improperly installed or maintained tree protection.
 - c. The removal of applicable trees prior to the issuance of a permit.
 - d. Non-approved encroachment of tree protection zones.
 - e. Other violations of the terms, provisions and standard of this Article.
4. The Director has the authority to issue a Notice of Violation, a Stop Work Order and a citation to enforce the provisions of this Article.
5. Where it is deemed necessary, the Director will require sureties to assure compliance to the terms, conditions and standards of this Article.

G. Fines and Penalties

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1. Any person, firm, corporation or other entity violating any of the provisions of this Article is guilty of a violation of this Development Code. Each act of violation and each day upon which any act of violation occurs constitutes a separate violation of this Development Code.
 2. Each owner of any property where a violation exists is jointly and severally responsible for the violation.
 3. Unauthorized removal of a tree protected under the terms of this Article without compliance with the terms of this Article will result in an assessment for payment into the Sandy Springs Tree Bank at a calculated rate of \$7,500.00 per 1,000 square feet of canopy removed.

Sec. 9.5.1. In General

- A. **Purpose** The purpose of this Division is to protect, maintain, and enhance the public health, safety, environment, and general welfare and to minimize public and private losses due to flood conditions in flood hazard areas, as well as to protect the beneficial uses of floodplain areas for water quality protection, streambank and stream corridor protection, wetland preservation, and ecological and environmental protection by provisions designed to:
1. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 2. Restrict or prohibit uses which are dangerous to health, safety and property due to flooding or erosion hazards, or which increase flood heights, velocities, or erosion;
 3. Control filling, grading, dredging, and other development which may increase flood damage or erosion;
 4. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands;
 5. Limit the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters; and
 6. Protect the stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation, and ecological functions of natural floodplain areas.
- (In Sec. 9.5.1 D. and following)
- B. **Applicability** This Division is applicable to all areas of special flood hazard within the City. For the purposes of defining and determining areas of special flood hazard, areas of future-conditions flood hazard, areas of shallow flooding, base flood elevations, floodplains, floodways, future-conditions floodplains, potential flood hazard or risk categories as shown on FIRM maps, and other such terms used in this Division, the following documents and sources may be used for such purposes and are adopted by reference thereto:
1. The flood insurance study (FIS) for the county, dated May 7, 2001, with accompanying maps and other supporting data and any revision thereto.
 2. Other studies which may be relied upon for the establishment of the base flood elevation or delineation of the base or 1% (100-year) floodplain and floodprone areas, including:
 3. Any flood or flood-related study conducted by the United States Corps of Engineers, the United States Geological Survey, or any other local, state or federal agency applicable to the City; and
 4. Any base flood study conducted by a licensed professional which has been prepared utilizing FEMA-approved methodology and approved by the Director.
 5. Other studies which may be relied upon for the establishment of the future-conditions flood elevation or delineation of the future-conditions floodplain and floodprone areas including:
 6. Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey, or any other local, state, or federal agency applicable to the City; and
 7. Any future-conditions flood study conducted by a licensed professional engineer which has been prepared by utilizing FEMA-approved methodology approved by the Director.
 8. The repository for public inspection of the FIS, accompanying maps and other supporting data is located at the City hall.
- C. **Compatibility with Other Regulations** This Division is not intended to modify or repeal any other chapter, rule, regulation, statute, easement, covenant, deed restriction or other provision of law. The requirements of this Division are in addition to the requirements of any other chapter, rule, regulation or other provision of law, and where any provision of this Division imposes restrictions different from those imposed by any other

chapter, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment must control.

- D. **Severability** If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance must be adjudged invalid by a court of competent jurisdiction, such judgment will not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.
- E. **Warning and Disclaimer of Liability** The degree of flood protection required by this Division is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by manmade or natural causes. This Division does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Division will not create liability on the part of the City or by any officer or employee thereof for any flood damages that result from reliance on this Division or any administrative decision lawfully made thereunder.
- F. **Violations, Enforcement, and Penalties** Any action or inaction which violates the provisions of this Division or the requirements of an approved stormwater management plan or permit may be subject to the enforcement actions outlined in this Section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief.
- G. **Notice of Violation** If the Department determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan, or the provisions of this Division, it must issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this Division without having first secured a permit therefor, the notice of violation is served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation must contain:
1. The name and address of the owner, the applicant, or the responsible person;
 2. The address or other description of the site upon which the violation is occurring;
 3. A statement specifying the nature of the violation;
 4. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan, or this Division and the date for the completion of such remedial action;
 5. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
 6. ~~A statement that the determination of violation may be appealed to the Department by filing a written notice of appeal within 30 days after the notice of violation.~~
- H. **Penalties** In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any 1 or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Department will first notify the applicant or other responsible person in writing of its intended action and will provide a reasonable opportunity, of not less than 10 days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient), to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Department may take any 1 or more of the following actions or impose any 1 or more of the following penalties:
1. **Stop Work Order** The Department may issue a stop work order which is served on the applicant or other responsible person. The stop work order will remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be

withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.

2. **Withhold Certificate of Occupancy** The City may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
3. **Suspension, Revocation or Modification of Permit** The City may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the Department may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
4. **Civil Penalties** In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within 10 days, or such greater period as the Department will deem appropriate (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient) after the Department has taken 1 or more of the actions described in Sec. 9.5.1 G, the Department may impose a penalty not to exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
5. **Criminal penalties** For intentional and flagrant violations of this Division, the Department may issue a citation to the applicant or other responsible person, requiring such person to appear in court to answer charges for such violation. Upon conviction, such person will be guilty of a violation of this Code.

Sec. 9.5.2. Administration and Enforcement

A. Designation of Administrator

1. **Appointed** The Director or his designee is hereby appointed to administer and implement the provisions of this Division.
2. **Duties and Responsibilities** Duties of the Director will include, but not be limited to:
 - a. Review all land development applications and permits to assure that the requirements of this Division have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding;
 - b. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1344;
 - c. Require the applicant to obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, when base flood elevation data or floodway data have not been provided, in order to meet the provisions of Sec. 9.8.4 and Sec. 9.8.5;
 - d. Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures;
 - e. Review and record the actual elevation, in relation to mean sea level to which any substantially improved structures have been flood proofed;
 - f. Obtain certification of design criteria from a registered professional engineer or architect when flood proofing is utilized for a structure;
 - g. Notify affected adjacent communities and the State Department of Natural Resources (DNR) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the federal Emergency Management Agency (FEMA);
 - h. Make the necessary interpretation where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions). Any person contesting the location of the boundary ~~is given a reasonable opportunity to pursue an~~ appeal ~~of~~ the interpretation ~~to~~ [Fulton County Superior Court](#), as provided ~~in this Division~~ [by any relevant state statute](#). Where floodplain elevations have been defined, the floodplain is determined based on flood elevations rather than the area graphically delineated on the floodplain maps.
 - i. Coordinate all Flood Insurance Rate Map (FIRM) revisions with the Georgia DNR and FEMA.
 - j. Review variance applications and make recommendations to the appointed board.
3. **Records**
 - a. All records pertaining to the provisions of this Division is maintained in the office of the Director, and is open for public inspection.
 - b. Lowest floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of adopted City building code.

B. Permit Requirements

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1. No owner or developer will perform any land development activities on a site where an area of special flood hazard or area of future-conditions flood hazard is located, without first meeting the requirements of this Division prior to commencing the proposed activity.
 2. No land development permit will be approved for any land development activities that do not meet the requirements, restrictions and criteria of this Division.

C. Additional Requirements

1. An application for a development project with any area of special flood hazard located on the site must include a floodplain management/flood damage prevention plan. This plan must include the following items:
2. Site plan drawn to scale, which includes but is not limited to:
 - a. Existing and proposed elevations of the area in question and the nature, location and dimensions of existing and/or proposed structures, earthen fill placement, amount and location of excavation material, and storage of materials or equipment;
 - b. For all proposed structures, spot ground elevations at building corners and 20-foot or smaller intervals along the foundation footprint, or 1-foot contour elevations throughout the building site;
 - c. Proposed locations of water supply, sanitary sewer, and utilities;
 - d. Proposed locations of drainage and stormwater management facilities;
 - e. Proposed grading plan;
 - f. Base flood elevations and future-conditions flood elevations;
 - g. Boundaries of the base flood floodplain and future-conditions floodplain;
 - h. If applicable, the location of the floodway; and
 - i. Certification of the information required in this subsection by a licensed professional engineer or surveyor.
3. Building and foundation design detail, including but not limited to:
 - a. Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
 - b. Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;
 - c. Certification that any proposed nonresidential floodproofed structure meets the criteria in Sec. 9.5.4 B.2;
 - d. For enclosures below the base flood elevation, location and total net area of flood openings as required in Sec. 9.5.4 A.5; and
 - e. Design plans certified by a licensed professional engineer or architect for all proposed structure(s).
4. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;
5. Hard copies and digital files of computer models, if any, copies of work maps, comparison of pre-development and post-development conditions base flood elevations, future-conditions flood elevations, flood protection elevations, special flood hazard areas and regulatory floodway, flood profiles and all other computations and other information similar to that presented in the FIS;

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- a. Copies of all applicable state and federal permits necessary for proposed development, including but not limited to permits required by Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334; and
 - b. All appropriate certifications required under this Division.
6. The approved floodplain management/flood damage prevention plan must contain certification by the applicant that all development activities will be done according to the plan or previously approved revisions. Any and all development permits and/or use and occupancy certificates or permits may be revoked at any time if the construction and development activities are not in strict accordance with approved plans.

D. Construction Stage Submittal Requirements

1. **New Construction and Substantial Improvements** For all new construction and substantial improvements on sites with a floodplain management/flood damage prevention plan, the permit holder must provide to the Director a certified as-built elevation certificate or floodproofing certificate for nonresidential construction, including the lowest floor elevation or floodproofing level immediately after the lowest floor or floodproofing is completed. A final elevation certificate is provided after completion of construction including final grading of the site. Any lowest floor certification made relative to mean sea level is prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. When floodproofing is utilized for nonresidential structures, said certification is prepared by or under the direct supervision of a professional engineer or architect and certified by same, using the FEMA floodproofing certificate. This certification must also include the design and operation/maintenance plan to assure continued viability of the floodproofing measures.
2. **Failure to Obtain a Permit or Certification** Any work undertaken prior to approval of these certifications is at the permit holder's risk. The Director will review the referenced certification data submitted. Deficiencies detected by such review are corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit certification or failure to make the corrections required hereby is cause to issue a stop work order for the project.

E. Appeals and Variances The following variance ~~and appeals~~ procedures will apply to an applicant who has been denied a permit for a development activity, or to an owner or developer who has not applied for a permit because it is clear that the proposed development activity would be inconsistent with the provisions of this Division.

1. The Board of Appeals will hear and decide requests for appeals or variances from the requirements of this Division. At a minimum, such procedures will include notice to all affected parties and the opportunity to be heard.
2. ~~The Board of Appeals will hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Director in the enforcement or administration of this Division. At a minimum, such procedures will include notice to all affected parties and the opportunity to be heard.~~
3. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance issued is the minimum necessary to preserve the historic character and design of the structure.
4. Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Division are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

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5. Variances will not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 6. In reviewing such requests, the Board of Appeals will consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this Division.
 7. Conditions for variances:
A variance is issued only when there is:
 - a. A finding of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or the creation of a nuisance.
 8. The provisions of this Division are minimum standards for flood loss reduction, therefore, any deviation from the standards must be weighed carefully. Variances will only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 9. Any applicant to whom a variance is granted is given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance resulting from the lowest floor elevation being placed below the base flood elevation will be commensurate with the increased risk to life and property, and that such costs may be as high as \$25.00 for each \$100.00 of insurance coverage provided.
 10. The Director will maintain the records of all variance actions, both granted and denied, and report them to the Georgia Department of Natural Resources and the Federal Emergency Management Agency upon request.
 11. Any person requesting a variance must, from the time of the request until the time the request is acted upon, submit such information and documentation as the Board of Appeals will deem necessary for the consideration of the request.
 12. Upon consideration of the factors listed in this Section and the purposes of this Division, the Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Division.
 13. Variances will not be issued "after the fact."

Sec. 9.6.2. Violations, Enforcement, Penalties

Any action or inaction which violates the provisions of this Division or the requirements of an approved stormwater management plan or permit may be subject to the enforcement actions outlined in this Section. Any such action or inaction that is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described in Sec. 9.6.2 B. will not prevent such equitable relief.

A. **Notice of Violation** If the Department determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this Division, it will issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this Division without having first secured a permit therefor, the notice of violation is served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation will contain:

1. The name and address of the owner or the applicant or the responsible person;
2. The address or other description of the site upon which the violation is occurring;
3. A statement specifying the nature of the violation;
4. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this Division and the date for the completion of such remedial action;
5. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
6. ~~A statement that the determination of violation may be appealed to the Department by filing a written notice of appeal within 30 days after the notice of violation (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice will be sufficient).~~

B. **Penalties** In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any 1 or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Department will first notify the applicant or other responsible person in writing of its intended action, and will provide a reasonable opportunity, of not less than 10 days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient), to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Department may take any 1 or more of the following actions or impose any 1 or more of the following penalties:

1. **Stop Work Order** The Department may issue a stop work order that is served on the applicant or other responsible person. The stop work order will remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.
2. **Withhold Certificate of Occupancy** The Department may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
3. **Suspension, Revocation or Modification of Permit** The Department may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set

forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the City may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

4. **Civil Penalties** In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within 10 days, or such greater period as the Department will deem appropriate (except that, in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient) after the City has taken 1 or more of the actions described above, the Department may impose a penalty not to exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
5. **Criminal Penalties** For intentional and flagrant violations of this Division, the Department may issue a citation to the applicant or other responsible person, requiring such person to appear in municipal court to answer charges for such violation. Upon conviction, such person will be guilty of a violation of this Code. Each act of violation and each day upon which any act of violation occurs will constitute a separate violation of this Code.

Sec. 9.7.8. ~~Administrative Appeal~~, Judicial Review

- A. ~~Administrative remedies~~**Judicial Review** Any person, aggrieved by a decision or order of the local issuing authority respecting ~~the suspension, revocation, modification or grant with condition of a permit by the local issuing authority upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance,~~ may pursue an appeal of the decision to the Superior Court of Fulton County, Georgia. ~~will entitle the person submitting the plan or holding the permit to a hearing before the Board of Appeals within 30 days after receipt by the local issuing authority of written notice of appeal.~~
- B. ~~Judicial Review~~ Any person, aggrieved by a decision or order of the local issuing authority, after exhausting his administrative remedies, will have the right to appeal denovo to the Superior Court of Fulton County, Georgia.

Sec. 9.8.2. Violations, Enforcement, Penalties

A. Violations

1. It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this Division. Any person who has violated or continues to violate the provisions of this Division may be subject to the enforcement actions outlined in this Section or may be restrained by injunction or otherwise abated in a manner provided by law.
2. In the event the violation constitutes an immediate danger to public health or public safety, the Department is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The Department is authorized to seek costs of the abatement as provided herein.

B. Notice of Violation

Whenever the Department finds that a violation of this Division has occurred, the Department may order compliance by written notice of violation.

1. The notice of violation shall contain:
 - a. The name and address of the alleged violator;
 - b. The address, when available, or a description of the building, structure or land upon which the violation is occurring, or has occurred;
 - c. A statement specifying the nature of the violation;
 - d. A description of the remedial measures necessary to restore compliance with this Division and a time schedule for the completion of such remedial action;
 - e. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and
 - f. A statement that the determination of violation may be appealed to [the Department by filing a written notice of appeal](#) [Fulton County Superior Court](#) within 30 days of service of notice of violation.
2. Such notice may require, without limitation:
 - a. The performance of monitoring, analyses, and reporting;
 - b. The elimination of illicit discharges and illegal connections;
 - c. That violating discharges, practices, or operations shall cease and desist;
 - d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - e. Payment of costs to cover administrative and abatement costs; and
 - f. The implementation of pollution prevention practices.

C. ~~Appeal of Notice~~

~~Any person receiving a notice of violation may appeal the determination of the Department. The notice of appeal must be received within 30 days from the date of the notice of violation. Hearing on the appeal before the Director or his designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the appropriate authority or designee is final.~~

D. ~~Enforcement Measures After Appeal~~

~~If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within 30 days of the decision of the appropriate authority upholding the decision of the Department, then representatives of the Department may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It is unlawful for any person, owner, agent or person in~~

possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth in this Section.

- ED. Costs of Abatement of Violation** Within 60 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the assessment or to the amount of the assessment within 30 days of such notice. If the amount due is not paid within 30 days after receipt of the notice, ~~or if an appeal is taken within 30 days after a decision on said appeal,~~ the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.
- FE. Civil Penalties** In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within 10 days, or such greater period as the Department shall deem appropriate, after the Department has taken 1 or more of the actions described in Sec. 9.8.2 E, the Department may impose a penalty not to exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
- GF. Criminal Penalties** For intentional and flagrant violations of this Division, the Department may issue a citation to the alleged violator requiring such person to appear in municipal court to answer charges for such violation. Upon conviction, such person shall be guilty of a violation of this Code. Each act of violation and each day upon which any act of violation shall occur shall constitute a separate violation of this Code.
- HG. Violations Deemed a Public Nuisance** In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Division is a threat to public health, safety, welfare, and environment and is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by law.
- IH. Remedies not Exclusive** The remedies listed in this Division are not exclusive of any other remedies available under any applicable federal, state or local law and the Department may seek cumulative remedies.
- JJ. Recovery of Fees and Costs** The Department may recover attorney's fees, court costs, and other expenses associated with enforcement of this Section, including sampling and monitoring expenses.

Housekeeping Edits

Sec. 3.1.4.**Residential Mixed Use (RX-)**

The Residential Mixed Use districts are intended for neighborhood-scale development including residential living in multi-unit residences with access to neighborhood-serving commercial uses on no less than 2% of the development's ground floor. The districts allows for limited commercial uses, as well as civic, open space and park uses, as well as townhouses. Where these districts abut Protected Neighborhood districts, a transition area is required. The districts include:

- A. **RX-3: Residential Mixed Use** 3 stories maximum height
- B. **RX-3/6: Residential Mixed Use** 3 stories maximum base height, up to 6 stories with bonus
- C. **RX-4: Residential Mixed Use** 4 stories maximum height
- D. **RX-5: Residential Mixed Use** 5 stories maximum height

Sec. 4.1.8.**Commercial Corridor (CC-)**

The Commercial Corridor districts are intended to provide for a variety of retail, service and commercial uses, including auto-oriented uses, as well as multi-unit residences. The districts also allow for civic, open space and park uses. Where these districts abut Protected Neighborhood districts, a transition area is required. The ~~CC-D~~ districts include:

- A. CC-3: Commercial Corridor, 3 stories maximum height

Sec. 6.1.3.B.

B. Minimum Height

1. Where a minimum height of two or more stories is required, each required story must contain habitable space for at least 50% of the floor. A mezzanine can be used in lieu of a second floor upon request at the director's discretion.
2. The Director may allow the following buildings to be exempt from minimum height requirements:
 - a. Buildings internal to a site not directly serviced by on-site parking or a drive-through, such as a jewel box building or kiosk, so long as it is integrated into the overall site plan.
 - b. Buildings with a footprint of 2,000 square feet or less.
 - d.c. Buildings with single unit detached, single unit attached, or neighborhood unit uses.

Div. 6.5.

Residential Parking & Storage

Div. 7.2.

Allowed Use Table

Allowed Use Table	Protected Neighborhood Districts				Urban Neighborhood Districts								Corridors & Nodes Districts								Perimeter Center Districts
Use Category: Specific Use	RE	RD	PK	CON	RU	RT	RM	RX	ON	OX	CX	SX	TX	CS	IX	CC	NEX	PR	PX	PM	Definition/ Standards
Residential Uses																					
Household Living																					Sec. 7.3.1
Single unit detached	P	P	—	—	P	P	P	—	P	P	P	P	P	P	P	P	P	P	L	L	Sec. 7.3.1. B.
Single unit attached	—	—	—	—	—	P	P	P	P	P	P	P	P	P	P	P	P	P	L	L	Sec. 7.3.1. C.
Accessory Dwelling, Guest House	P	P	—	—	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 7.3.1. D.2.
Neighborhood Unit	—	—	—	—	L	P	P	P	C	P	P	P	P	P	P	P	P	P	L	L	Sec. 7.3.1. ED.4.
Age-Restricted Unit	—	—	—	—	—	—	L	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 7.3.1. FE.
Multi-Unit																					Sec. 7.3.1. G.
Multi-unit up to 3 stories	—	—	—	—	—	—	L	P	C	L	L	L	L	L	L	L	P	P	L	L	Sec. 7.3.1. F.

Multi-unit above 3 stories	—	—	—	—	—	—	L	P	—	L	C	C	P	C	—	—	P	P	P	P	Sec. 7.3.1. F.
Live/Work	—	—	—	—	—	—	P	P	—	—	P	P	P	P	P	—	P	P	P	P	Sec. 7.3.1. HG.
Group Living																					
General group living	—	—	—	—	—	—	P	P	—	P	P	P	P	P	P	P	P	P	P	P	Sec. 7.3.2.
Personal care home, up to 3 residents	L	L	—	—	P	P	P	P	—	P	P	P	P	P	P	P	P	P	P	P	Sec. 7.3.2. E.
Personal care home, 4 or more residents	C	C	—	—	C	C	C	C	—	C	C	C	C	C	C	C	C	C	C	C	Sec. 7.3.2. E.
Rehabilitation or Treatment Facility	—	—	—	—	—	—	—	—	—	—	—	—	—	—	C	C	—	—	—	—	Sec. 7.3.4.

Div. 8.1.

General Provisions

Sec. 8.1.1. Applicability

A. Standards apply based on the type of activity proposed, as shown in the table below. For all zoning districts, the development standards apply as shown in the table below: <i>Development Activity</i>	6.36 Building Design Standards	8.21 Parking	8.32 Site Landscaping	8.33 Screening	8.43 Signage	10.2 Driveways and Cross-Access Connections	9.6.3 Stormwater Management	9.6.3 Water Quality	10.2 Driveways and Cross-Access Connections	10.4 Streetscape Improvements	All Standards	Additional References
Parking Area Expansion						-						
Minor: <1,000 sf		o	o	o	o	⊖		n	o			
Major: >1,000 sf		n	n	n	n	⊕	n	n	n	n		
Site Modification						-				-		
Remediation Due to Disaster (Fire, Flood, etc.)					n	-						
Re-occupation after Extended Vacancy (Greater than 180 days)			n	n	n	⊖			o			
Site Disturbance <1,000 sf of site				o	n	⊖		n	o			
Site Disturbance 1,000 sf-5,000 sf of site	o	o	o	n	n	⊖	n	n	o			
Site Disturbance ≥5,000 sf of site		o	n	n	n	⊖	n	n	o	o		
Building Renovation or Expansion						-						-
Renovation Due to Disaster (Fire, Flood, etc.)	o				n	-						
Re-occupation after Extended Vacancy (Greater than 180 days)	n	n	n	n	n	⊕			n			
Renovation without Expansion: <50% of FMV of building	o		o	n	n	-						
Minor Expansion: <25% of Total Floor Area	o	o	o	n	n	⊖			o	n		6.1.2

	Substantial Renovation without Expansion: >50% of FMV of Building	o	o	o	n	n	o			<u>o</u>			
	Partial Expansion 25%-<50% of Total Floor Area	o	n	o	n	n	n			<u>n</u>	n	n	6.1.2
	Major Expansion: >50% of Total Floor Area	n	n	n	n	n	n			<u>n</u>	n	n	6.1.2
	Façade Modification	n				n							
n	<i>Compliance with all applicable standards required</i>												
o	<i>Compliance required of only the expanded building or lot area only to the extent practical</i>												

- B. Where a section applies according to the table above, the project activity must meet all of the applicable requirements in that Section. Where a Section is listed as not applying, no requirements in that Section apply.
- C. The general applicability in this Section may be further modified by the detailed provisions of that Section.
- D. In multi-tenant structures such as retail centers and office buildings, standards apply to the activities of the building/property owner/operator and not to individual tenants unless such tenancy occupies the triggering condition of any Development Activity.

Sec. 11.4.11. – 11.4.14.

Sec. 11.4.11.

Validity of Preliminary Plan

- A. An approved preliminary plan~~nt~~ expires 2 years after the approval date, unless the applicant has filed a complete application for a final plat.
- B. An approved preliminary plan expires 2 years after the approval date, unless an LDP has been approved in accordance with the preliminary plan.
- C. For phased development, the preliminary plan expires 2 years after a certificate of occupancy is issued for a phase, unless an LDP has been approved in accordance with the preliminary plan for the following phase.

Sec. 11.4.12.

Preliminary Plan~~nt~~ Revisions

- A. Minor revisions to an approved Preliminary Plan~~nt~~ that reflect the same basic street and lot configurations as the original approval may be approved by the Director.
- B. Any request for a revision to an approved Preliminary Plan~~nt~~ that increases the number of building lots, decreases the amount of common open space, or alters a street or block pattern, must be initiated and processed as a new Preliminary Plan~~nt~~ application.

Sec. 11.4.13.

Preliminary Plan~~nt~~ Denial

If unsatisfied with the decision of the Director, the applicant may file an appeal within 30 calendar days of the decision (see Div. 11.6).

Sec. 11.4.14.A

Final Plat Approval

- A. **Approval by the Director**
 - 1. Before applying for Final Plat approval, the requirements of Sec. 11.4.8. must be met.
 - 2. Upon determination of a complete application, the Director will promptly distribute the application for review by internal City Departments and external agencies.
 - 3. If, after the internal and external review, the Director finds that the Final Plat does not meet all the applicable requirements of the Development Code or substantially conform with the Preliminary Plan~~nt~~, the Director will notify the applicant in writing of the specific provisions that have not been met and offer the applicant the opportunity to make changes to the Final Plat.
 - 4. If, after the internal and external review, the Director finds that the Final Plat meets all applicable requirements of this Development Code and substantially conforms with the Preliminary Plan~~nt~~, the application will be certified as complying with all applicable requirements of the Development Code.
 - 5. Where an approved final plat does not require public dedication, the applicant will record the Final Plat in the records of the Clerk of the Superior Court of Fulton County and file a copy with the Director.

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6. Where the approved final plat includes public dedication, the application will be scheduled for the next available City Council meeting. Upon certification by the Director that the application complies with all applicable requirements of the Development Code, no changes to the application are permitted prior to the City Council meeting.

B. Dedication Acceptance by the City Council

1. The City Council must accept or decline any dedication of land or public improvements. The Final Plat must be signed by the Mayor.
2. Decisions of the City Council are final. Any party not satisfied with a decision of the City Council may pursue appeals to Fulton County Superior Court within 30 calendar days of the decision.
3. Once a public dedication has been approved by the City Council, the applicant will record the Final Plat in the records of the Clerk of the Superior Court of Fulton County and file a copy with the Director.

Sec. 11.5.1.K.3.b.

3. **Qualifying Conditions** In every application for an extension of a land disturbance permit, the applicant shall provide an affidavit documenting at least 1 of the following:
- a. A delay resulting from court actions involving the land disturbance permit or a previous extension on the subject property for which an extension is sought. Extensions approved in connection with court action shall remain valid for 1 year beyond the granting of an order or the expiration of an appeal period before any court with jurisdiction;
 - b. Nonavailability of utilities resulting from government and/or private utility inaction. In those instances where wastewater and water facilities are available for a fraction of the desired capacity, or when capacity was available at some time during the one-year period, but not during the 60 days prior to expiration, the City Council may evaluate such case's qualifications for an extension on its individual merits considering any evidence that might indicate a diligent effort to proceed with development.

Sec. 11.5.2.E.1.**E. Single Family**

1. A building permit for a single family (single unit) residence may only be issued after the recording of a final plat or after the lot on which the building is to be located has otherwise become a buildable lot of record.

Sec. 11.1.1.

Summary of Review Authority

The following table summarizes the review, approval and appeal authority of the various review bodies and officials that implement and administer the Development Code.

APPROVAL PROCESS	APPROVAL AUTHORITY					PUBLIC NOTICE				
	Cross-reference	Director	Board of Appeals	Planning Commission	City Council	Community Meetings	Web	Posted	Mailed	Published
Legislative Review	Div. 11.3.									
Text Amendment		R	—	R-PH	D-PH	—	Y	—	—	Y
Character Area Map Amendment		R	—	R-PH	D-PH	Y	Y	Y	Y	Y
Zoning Map Amendment (Rezoning)		R	—	R-PH	D-PH	Y	Y	Y	Y	Y
Conditional Use Permit		R	—	R-PH	D-PH	Y	Y	Y	Y	Y
Subdivision Review	Div. 11.4									
Preliminary Plat		D	A-PH	—	—	—	—	—	—	—
Final Plat without dedication		D	A-PH	—	—	—	—	—	—	—
Final Plat with dedication		R	—	—	D-PH	—	—	—	—	—
Permit Review	Div. 11.5									
Land Disturbance Permit		D	A-PH	—	—	—	—	Y*	—	—
Building Permit		D	A-PH	—	—	—	—	Y*	—	—
Tree Removal Permit		D	A-PH	—	—	—	—	Y*	—	—
Temporary Use Permit		D	A-PH	—	—	—	—	—	—	—
Relief	Div. 11.6									
Administrative Variance		D	—	—	—	—	—	—	—	—
Variance		R	D-PH	—	—	—	Y	Y	Y	Y
Appeal of an Administrative Decision		R	D-PH	—	—	—	Y	—	—	Y

KEY: R = Review & Recommendation D = Final Decision A = Appeal PH = Public Hearing
Y = Required Y* = Plan box posted on site at time of application — = Not Required

Sec. 11.6.2.G.2.

2. Failure of an applicant to obtain a land disturbance permit, building or any other permit required by this Code shall not in and of itself constitute a justification for a variance absent a showing of the criteria listed under Section 1 above.